

July 28, 2005

Re: Claim # 75-04078B

State of Idaho
Department of Water Resources
PO BOX 83720
Boise, ID 83707-9815

In response to your letter of June 29, 2005 the following information is submitted in support of the Beneficial Use claim for irrigation purposes with priority date of 05/11/1893. Unfortunately, since I currently reside temporarily in Southern Utah, I do not have immediate access to either the records and legal documents stored at my home in Salmon (which I still own), nor to the Lemhi County Courthouse records. **I hereby request an extension of at least 60 days to complete this letter of response and obtain the necessary collaborating documentation.**

The claim is based on physical evidence still clearly visible on the property. Our lot, Lot 20, Chinook Subdivision was once part of the original Shoup Ranch. It was later part of what is now known as the Sims Ranch. To the best of my knowledge, the Sims Ranch was subdivided in the late 1970s or early 1980s. The ditch, known locally as the Fife Ditch (or more recently the Edwards Ditch) remained and has diverted water from the Salmon River on a continuous basis since 1893 for irrigation purposes, primarily on the Fife property to the north of the Williams Creek Road.

This claim pertains to only about 7 acres of the total 8.5 acres of the property. A old lateral ditch off the Fife Ditch (from which the diversion structure was removed prior to my ownership of the property) was used for many years until the diversion structure was removed to irrigate the lower part of my property (and crosses under the Williams Creek Road to irrigation a portion of the Fife Ranch property, now operated under a lease arrangement by Paul Edwards). That ditch is still clearly visible above the lower 7 acres of my property and capable of carrying water.

I do not know the date that the original diversion structure was removed, but Rex Tollman (deceased), former owner of the adjacent Tollman Ranch, told me when I bought the property in 1988 that flood irrigation of the lower 7 acres of my property had continued uninterrupted from the Fife Ditch after that, using another diversion structure (a culvert blocked by plywood) about 100 yards below the former diversion structure. Mr. Tollman himself irrigated the lower 7 acres of my property on a regular basis from 1988 to about 1995, in exchange for the hay it produced. My wife Nancy and I have grazed llamas and horses on that part of our lot since 1988, and we continued to irrigate the property every year until 2003, when the culvert structure we used as a point of diversion was removed from the Fife Ditch by Paul Edwards (without the permission of the owner of the property that is was located within-another lot owner in the Chinook Subdivision). At about the same time, we moved to Utah, rented the property, and have

as yet been unable to re-establish a point of diversion in the ditch (thought we plan to do so when we return to Idaho in 2006).

Therefore-to the best of my knowledge, the lower 7 acres of my property (below the old lateral ditch) has been continuously irrigated from the Fife Ditch until 2003, and should share the priority date established by the Water Court for that ditch under this adjudication (which I believe to be 1893).

It is also requested that the Court note that only portions of three lots in the Chinook Subdivision share this distinction (those below the old lateral ditch).

Evidence exists that the remainder of the subdivision, including the upper 1 and 1/12 acres of my lot, was historically flood (and later sprinkler) irrigated mostly by wastewater (and spring water) from the Tollman Ranch, which originates in Perreau Creek (and perhaps some from Williams Creek)-not from the Fife Ditch. Therefore, this claim should NOT be construed to pertain to that upper bench (the vast majority) of the Chinook Subdivision-nor should any finding pertaining to claims in that area be extrapolated to include the lower 7 acres of my property below the old lateral ditch.

I would appreciate your early acknowledgement of my request for additional time to research this claim further and provide additional evidence for the adjudication. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Russell". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Russell".

ROBERT A RUSSELL