

25-4032

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December 11, 2006

James J. DuBois
Natural Resources Section
1961 Stout St., Ste. 800
Denver, CO 80294

COPY

RE:

Dear Mr. DuBois:

We have now had an opportunity to review your letter of October 20, 2006, with the attached Stipulation and Exhibit No. 1 attached thereto. Perhaps we misunderstand, but there are statements in the Stipulation with which Mr. O'Brien does not agree. On the other hand, the Exhibit No. 1 attached appears to be identical to the most recent recommendation by IDWR with which we do not disagree.

In the meantime, Mr. O'Brien has received another affidavit from Mr. Ewart G. Muir, the oldest son of Ewart and Luella Muir. A copy is enclosed with this letter.

We will look forward to hearing from you when it is convenient.

Yours very truly,



Kent W. Foster

Enclosure

c: Ken O'Brien - OW Ranches, Inc.
✓Ernie Carlsen

RECEIVED

DEC 12 2006

Department of Water Resources
Eastern Region

Affidavit of Ewart G. Muir (Jody)

I am writing this letter in regards to the history of a stock water Dam, and a ditch that goes from South to North on the property line of my family ranch and OW Ranch that caught waste water and diverted Water from Bridge Creek.

I am the oldest son of the late Ewart Muir & Luella Muir.

In the early 60's Jay Somson built a large stock pond for my father on a drainage that goes from East to West though the Charles Tingey Ranch (now OW Ranch). It caught waste water from Bridge Creek & Eagle Creek.

The year after my father built the Dam he built a ditch that goes from South to North on the property line of Charles Tingey Ranch (now OW Ranch) and our ranch (essentially along the line separating the W $\frac{1}{2}$ W $\frac{1}{2}$ of said Section 25 from the E $\frac{1}{2}$ W $\frac{1}{2}$ of said Section). It caught waste water from the Charles Tingey Ranch (now OW Ranch) and we diverted water from Bridge Creek if Bridge Creek had any water in it.

Our immediate family was the only ones that ever diverted water from Bridge Creek on that ditch. That ditch was built in the early to mid 60's.

The Charles Tingey Ranch which is now the OW Ranch Inc. was the only ranch that irrigated out of Bridge Creek.

My father irrigated from Waste Water from Bridge Creek & Eagle Creek that came off from Charles Tingey Ranch (now OW Ranch). All others below done the same plus the Eagle Creek Ditch that James Sibbitt Sr. built.

Ewart G. Muir
Ewart G. Muir

Leslie Wingate 12/6/06

