

I thought it might be helpful to the Court,
and the other parties if I listed my reasons for
protesting the water rights listed below

RECEIVED

JUN 07 2007

DEPARTMENT OF
WATER RESOURCES

Water Right No. 74-0040 1.2 CFS

This water right has always been delivered
to the place of use out of Little Timber Cre-
not Big Timber Creek. The county white map
clearly shows that there wasn't any ditch to
convey water anywhere in the 1946 map.

For comparison the 1989 county map shows a
ditch had been constructed after 1946 to convey
high water to the Kermit Purcell property. The
property now is owned by Karl Tyler.

A check of the green book will verify the
high water decree by Kermit Purcell in 1953:

3.2 CFS

6.61 CFS 3.72 C.

Water Rights 74-0054 and 74.0035

These are old rights filed under the Cury Act
and were abandon by the parties that filed on
them in the 1920's.

They were allowed to be reinstated by the Department of Water Resources although they had been abandoned for 50 or 60 years.

I asked the Department of Water Resource the status of these Carey Act rights 50 yrs ago.

They assured me at that time that they had been abandoned or forfeited except for a few that had been used continuously.

To allow these rights to be reinstated will affect every later right on Timber Creek.

If the Department of Water Resources is going to allow these rights the priority date should be as of the date they were recorded in the Green Book not a priority date of 1909 or 1910.

WATER RIGHT 0054 AS
NEAR AS I CAN
RESEARCH HAS NEVER
PAID A WATER TAX
IN 87 YEARS. HOW IT
CAN BE REINSTATED
IN THE GREEN BOOK IS
BEYOND ME. WHEN
IT WAS REINSTATED JUNE
1ST, IT TOOK OUR WATER.

Allen Russell for
Russell Ranch Partnership

Page 440 Green Books

Decreed rights not claimed or abandoned

74-0044 Tom Keating Timber Creek

74-0045 " " " "

74 0052 Solomon & Denny Timber Creek

74.0052 E. H. Denny

74.0053 Timber Creek

old Carey Act filings Abandoned Declared
forfeited by State Department of
Water Resources

ASSESSMENT BOOK OF THE PROPERTY OF

1891

ASSESSED TO THE OWNER WHEN KNOWN,

		DESCRIPTION OF PROPERTY.							Number of Acres.	School, Road, or other District in which Located.	Value of Real Estate other than City and Town Lots.	Value of Improvements Thereon.	Value of City and Town Lots.	Value of Improvements Thereon.
TAX PAYER'S NAME	RESIDENCE	REAL ESTATE OTHER THAN CITY OR TOWN LOTS.				CITY OR TOWN LOTS.								
		Subdivision of Section.	Section.	Township N. or S.	Range E. or W.	Fraction.	LOT.	Block.						
9 Pat Barney	Morse								212		\$ 7776	\$ 9650	\$ 4855	\$ 672
4 H. C. C. Kiran	Morse									11		200		
6 G. W. Bottom	Junction	3.403 Sec 3. 1.40 Sec 4 Tp 16. R 15	344	16	28				160	4	320	450		
9 J. P. Clough	Junction		19x20	16	26	Lease E 25th + NW 1/4 Sec 4 + E 25th + and NE 1/4 of Sec 19. 8th + NW 1/4 of Sec 20. and S 1/2 Sec 4 and S 1/2 Sec 18 + NW 1/4 of Sec 16 of R No 26 East Boise Mo containing 480 Acres			480	3	960	1100		
13 J. M. Cold	Nicholia													
16 E. V. Collins	Kamias	SE 1/4 and S 1/2 of NW 1/4 Sec 25. Tp 11 NR 34 E							240		720	175		2
20 Alex Cruikshank	Junction													
15 Harry Court	Salmon City									1		100		
34 O. H. Clark	Salmon City											75		
10 Geo Clark	Junction													
2 W. R. Hartwright	Junction											100		
Andrew Clark	Junction											75		
7 William Crawford	Salmon City													
7 M. A. Chandler	Salmon City													
John Cheney	Salmon City													
11 G. Croghan	Gibbonsville													
12 H. F. Carl	Gibbonsville													
James Whisholm	Shoup													
7 Edward Bulver	Salmon City	S 1/2 SW 1/4 SW 1/4 of SE 1/4 S + NE 1/4 NW 1/4 Sec 9 Tp 21 NR 22 E 13 Mo Homestead 160 acres							160		640	300		35.
11 P. Conly	Salmon City											330		50

STATE OF IDAHO
COUNTY OF LEMHI
I, MARY ANN HEISER, TREASURER OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI, DO HEREBY CERTIFY THAT THE COPY IS A TRUE, AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE. IN WITNESS WHEREOF I HAVE HERE UNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 11TH DAY OF APRIL YEAR 2007.

Mary Ann Heiser
MARY ANN HEISER

COUNTY TREASURER
MARY ANN HEISER
SEAL
TREAS

STATE OF IDAHO
COUNTY OF LEMHI
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MARY ANN HEISER

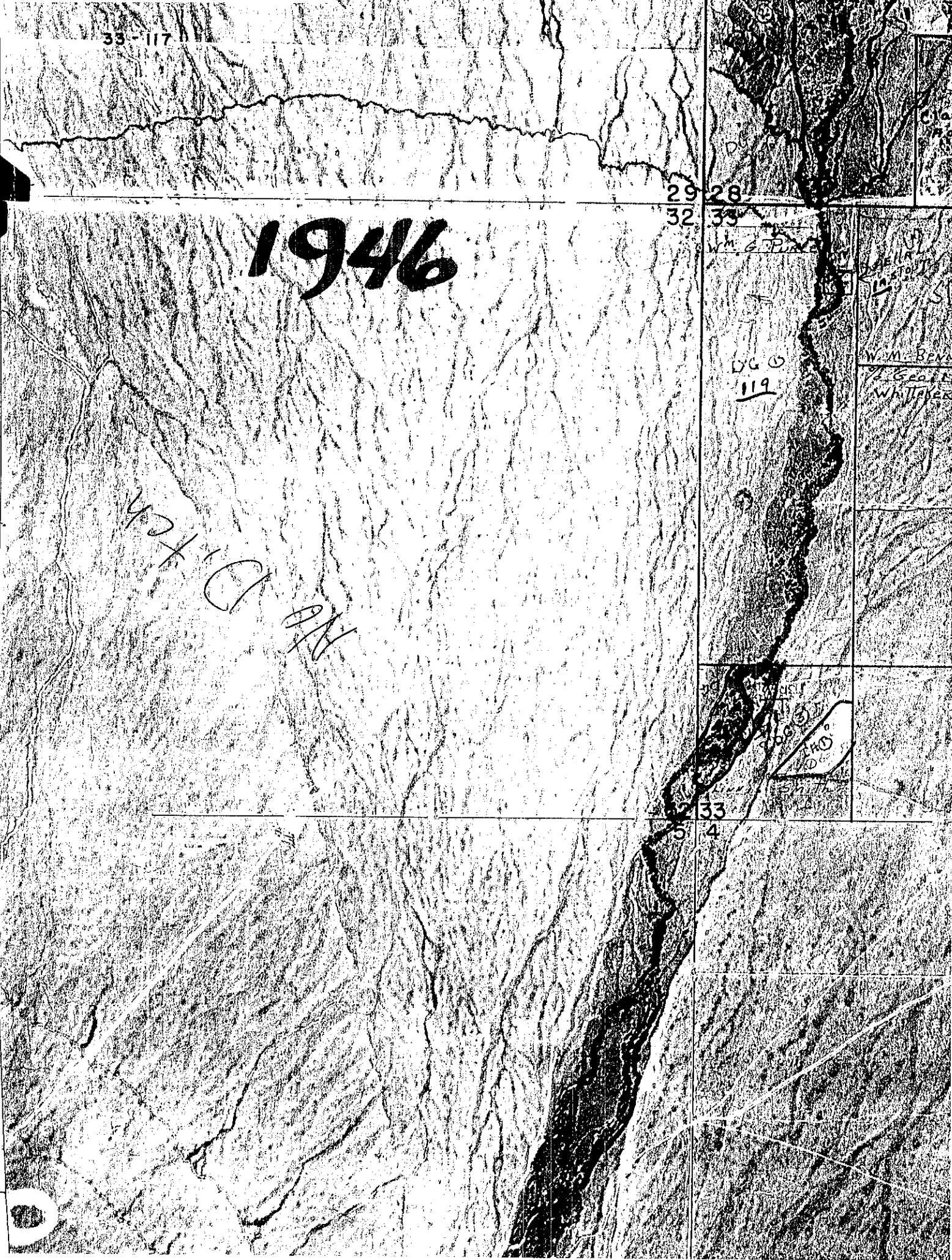


NO Ditch 1946

Lemhi County Assessor
will verify that
maps came from
Lemhi County files
Assessor
RJ Smith
Phone 1-208-756-3116
Ext 3

1946

No Ditch



30 29

31 32

PDA

1989

31 32

6 5

Ditch 1987