

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

October 7, 2010

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DEPARTMENT OF
WATER RESOURCES

Statement in support of Objection to water right claim #75-10547

The Objector, Ann M. Heltsley, has a historical water right (75-14531) to the water of an unnamed spring source with a priority date of May 1, 1887. The Objector does protest the use of water from the unnamed spring and to Mr. Murphy's claim for water from this source. I suggest that the IDWR force the claimant cease & desist the use of water from an unnamed spring, in which the claimant has no legal water right.

The Location is within Lemhi County, at Township 25 N; Range 21 E; Section 15; NESW; along the North Fork of the Salmon River and at the head of a free flowing unnamed spring (historically referred to as the Spring Ditch). The head of the spring rising begins its flow on the land of the Levy Jones Homestead and since sub-divided.

On **February 26, 2010**, at a trial being heard by Special Master Dolan, Mr. Murphy testified that he had a domestic well. Murphy further testified that the well was twelve (12) feet in depth and located at the head of the unnamed spring. Murphy said that the well was piped uphill to his house for domestic use.

Mr. Murphy, in fact, is making use of 'surface' water obtained directly from the unnamed spring rising by the use of a shallow man made diversion box and a submersible pump.

Mr. Murphy has not obtained a well drilling permit and has not drilled a well. By definition of the Department of Water Resources, in order to qualify as 'ground' water use, a well must be at the depth of at least eighteen (18) feet.

On **February 26, 2010**, at the same trial being heard by Special Master Dolan, Ms. Adele Crawford testified that she and Mr. Hanson built the man made diversion box, at the head of the unnamed spring. She stated that the box is only deep enough to hold water for a submersible pump. Ms. Crawford is the individual who built the house now owned by Patrick Murphy and lived on the same land for over twenty (20) years. Adele Crawford testified that a well was never drilled, at the diversion box, while she owned the land.

On **February 26, 2010**, Mr. Daryl Hull testified before Special Master Dolan, that he would often flood out the diversion box that Mr. Murphy calls his well.

On **February 26, 2010**, Ms. Monica Van Bussum and Mr. Garrick Baxter appeared at trial for the IDWR. They were both present in the court room during the testimony of Mr. Murphy and Mr. Hull and Ms. Crawford.

Ms. Van Bussum testified that she would be gravely concerned if a man made diversion box had been built, absent a permit. Although, Ms. Van Bussum made a site visit to the area of the spring, she admits did not visit the head of the unnamed spring where Mr. Murphy claims a 'ground' water right.

I feel that the Dept. of Water Resources has a legal obligation to request Mr. Murphy discontinue his illegal use of water, from a source in which he does not have a water right. Since the trail date of February 26, 2010, there has been no action taken to correct the allegations presented in the water right claim 75-10547.

In summary, Ann M. Heltsley has a historical water right (75-14531) to the spring water source with a priority date of May 1, 1887. I protest the use of water from the unnamed spring; and to Mr. Murphy's claim for water from this source.

A handwritten signature in cursive script, reading "Ann M. Heltsley", followed by a horizontal line.

Ann M. Heltsley

PO Box 4

North Fork, Idaho 83466

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Cc: IDWR in Boise
Chief, Natural Resources Division
US Dept of Justice, Environment & Natural Resource Division