

November 12, 1994

Norm Young  
Department of Water Resources

Re: Water right Number 75\*0009

From Myrthus Austin  
1029 Hwy 93 N.  
Salmon, ID. 83467

RECEIVED

NOV 17 1994

Department of Water Resources

Dear Norm, You might remember me, The Army Corps of Engineers was after me in 1978: You stood by me and the U.S. attorney finally backed off. They accused me of polluting the Salmon River with river gravel. Now Bob Blackadar is trying to prove that I have no water right from Jesse Creek so he can get trespass on me for maintaining my irrigation ditch. The opposite of this sheet is a letter I mailed to my County agent. I got a letter from Tim Luke dated August 2, 1994 Re: my water rights; in which he included a copy of his letter to you dated June 22, 1994 Re: the same. Tim requested me to "submit any and all documentation concerning your possessory interest in water right 75-0009!" I sent Tim a copy of the old decree which listed Gilmore & Pittsburg Railroad CO. LTD. as the current owner: Now that is being used to claim that I have no water right.

I should have listed (Silver Peak Ranch) as the current owner since said property has been recorded in that name in the Lemhi Court House since 1980. I stopped in the Idaho Falls Office some time ago and Dennis Dunn drew an outline of the land owned by Silver Peak Ranch, a copy of which is enclosed. I would like (Silver Peak Ranch) recorded as the (current owner) of (Water Right Number 75-00009) My sons and I have watered our land from Jesse Creek for the past fifty years with the understanding that we had a perfect right to do so, and that this decreed water right Number 75-00009 will substantiate us in that right.

We would also like (CLAIM TO A WATER RIGHT NO 75-4471) be changed to SILVER PEAK RANCH as CLAIMANT: This right pertains to the same land and John is one of the trustees. Please let me know if you need any more information and if there are any charges.

Any laws or information that would substantiate me in my rights would be greatly appreciated.

Thank you, Respectfully,

*Myrthus Austin*  
Myrthus Austin

Myrthus Austin  
1029 Hwy 93 N,  
Salmon, ID. 83467

November 10, 1994

Bob Loucks, Dear Sir,

Some time in the past I saw in the Recorder Herald this notice: If anyone has any question about their water rights and their claim to those rights ...for more information contact Bob Loucks...

I appreciate your service and hope you can solve my problem. I have a water right from Jesse Creek that was decreed to the land then owned by the Gilmore Pittsburg R.R.Co. Limited. (Date 1925) My Brother, Matthias) bought said land from said Co. in 1944. His Deed of transfer was signed: "The Gilmore and Pittsburg Railroad Company, Limited, By J.H. Poore vice President State of Minnesota County of Ramsey. (Dated The 15th day of August 1944. I was confused as to why said deed was signed in Minnesota when said Company was a corporation of Idaho? We do know that it is all of fifty years since their railway was taken out of Lemhi County; probably they ceased to be a corporation of the State at that time: What information might you have on that? Any way, it was argued that the Gilmore Pittsburg Railroad Company are still the owners of said water right because in their deed to my brother Matthias is this wording: None of the decreed waters of Jesse Creek are conveyed by this deed. Therefore, they claim that I have no water right even though Matthias conveyed to me the ditch and water rights pertaining to said land which I bought from him.

It is a recorded fact that said land has been watered from Jesse Creek for one hundred years, plus, and my neighbors know and will testify that I and my sons have watered our land from the same source for all of fifty years: It has been our understanding that we were within our legal and lawful right. We failed to have said decree (75-0009) lister in our name; but again I was told that that was not necessary for the decreed water is to the land unless sold or transfered. I know of noone else claiming said water right.

Is it not very absurd to say that the said decreed water right (75-0009) still belongs to the Gilmore Pittsburg railroad Company Limited?

Is it not true that continuous use of irrigation water and the payment of dues, establish ones right to said water?

I would appreciate your reference to any law or evidence that would substantiate my right to said water/or decree. (75-0009)

Thank you

Respectfully,

*Myrthus Austin*  
Myrthus Austin

OK 27

Noverber 12, 1994

Norm Young  
Department of Water Resources

Re: Water right Number 75\*0009

From Myrthus Austin  
1029 nwy 93 N.  
Salmon, ID. 83467

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Department of Water Resources

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We would also like (CLAIM TO A WATER RIGHT NO 75-4471) be changed to SILVER PEAK RANCH as CLAIMANT: This right pertains to the same land and John is one of the trustees. Please let me know if you need any more information and if there are any charges.

Any laws or information that would substantiate me in my rights would be greatly appreciated.

Thank you, Respectfully,

*Myrthus Austin*  
Myrthus Austin



Water right number - 75-00009

Prefix Translation: WATER RIGHT

+ - - - - Decree Plaintiff - - - +  
+ - - - - Decree Defendant - - - +  
+ - - - - Decree Date - - - +  
+ - - - - Decree Date 06/19/1925

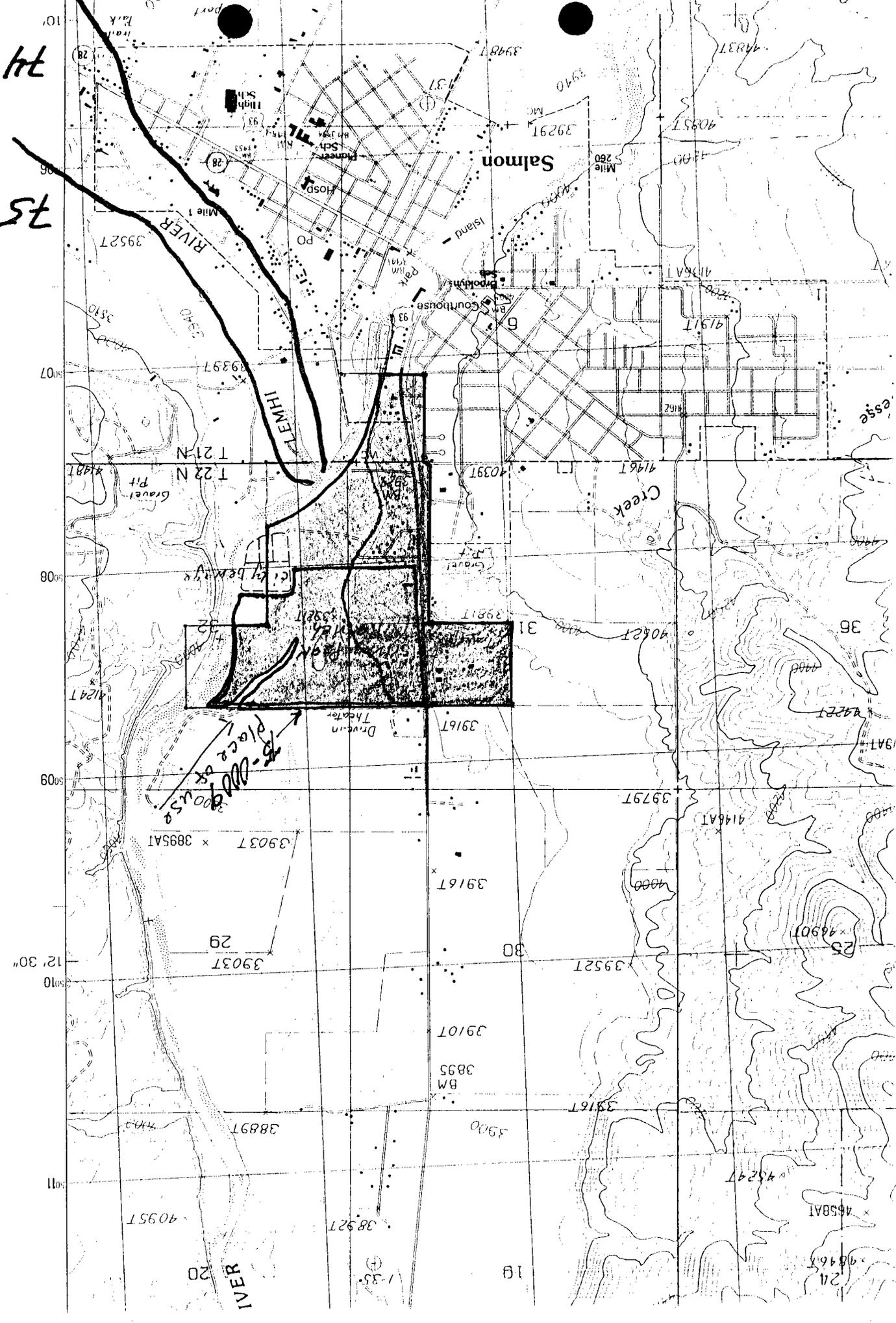
+ - - - - Conditions of Approval - - - - -  
+ - - - - No Conditions of Approval found.

+ - - - - Comments - - - - -  
+ - - - - No Comments Found

+ - - - - Audit Fields - 07/23/85 05/23/88 CONVERT 06/29/89 CURTIS

+ - - - - Water Rights Dates and Flags Area - - - - -  
+ - - - - Proof Due Date - 00/00/0000  
+ - - - - Approved/Denied - 00/00/0000  
+ - - - - Proof Made Date - 00/00/0000  
+ - - - - Exam to S.O. Date - 00/00/0000  
+ - - - - Order Show Cause - 00/00/0000  
+ - - - - Licensed Date - 00/00/0000  
+ - - - - Decree Date - 06/19/1925  
+ - - - - Presumption Flag -  
+ - - - - Field Exam Made - 00/00/0000  
+ - - - - Protested Date - 00/00/0000  
+ - - - - Hearing Date - 00/00/0000  
+ - - - - Verified Date - 07/23/1985  
+ - - - - Receipt Number -  
+ - - - - Appl Received - 00/00/0000  
+ - - - - Name Connector -  
+ - - - - Field Exam Fee -  
+ - - - - Swan Falls -  
+ - - - - Temporary Right - P  
+ - - - - DLE/Carey Act -  
+ - - - - Water District - 75A  
+ - - - - Transfer/Amended -  
+ - - - - POU Ownership Flag -

74  
75



Water Right Number - 75-04471

Adj. Flap Translation: Standard Water Right Number

Old (D) Number -

1029 Hwy 93 N, SE corner Id. 83467

Last Name - +  
\*\*\* C - CURRENT OWNER \*\*\*  
AUSTIN

JOHN

(Silver Peak Ranch)

1 - 1035 N. HWY 93  
2 -  
3 -

City- SALMON  
Phone - 756-3368

State- ID zip- 83467

Priority Date - +  
04/01/1941

Region - +  
15

Stage - +  
S - STATUTORY CLAIM

Status - +

Source - +  
JESSEE CREEK

Tributary - +  
SALMON RIVER

Twn Rng Sec Tract Lot RFlg County Point of Diversion

Stream Index (Blank if no Index Code)

21N 22E 1 SW NW (59) LEMHI

Code Description Period From Period To Water Use

01 - IRRIGATION 04/01 11/01

Diversion Rate Diversion Volume

+ Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - + Total Consumptive Use - + KW Usage - +

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
22N	22E	31	SE NE		40.0	01	IRRIGATION	(59) LEMHI
22N	22E	31	NE SE		40.0	01	IRRIGATION	(59) LEMHI

Total Acres: 80.0

+ - - - Diversion Means - HEADGATE & DITCH

+ - - - Non-Irrigation Use -

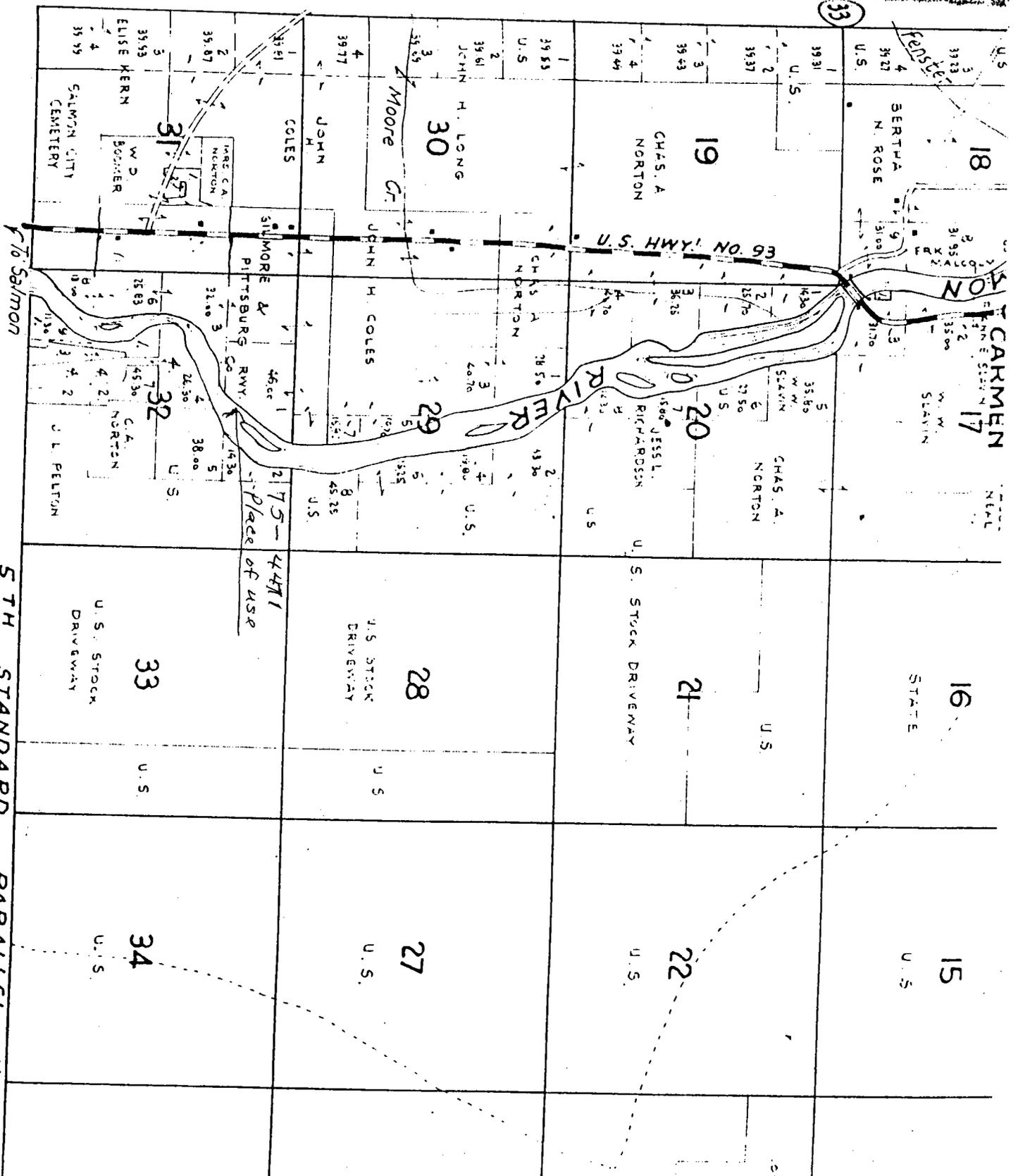
+ - - - Other Rights for Same Use -

Remarks -  
No Remarks found.

Conditions of Approval -  
No Conditions of Approval found.

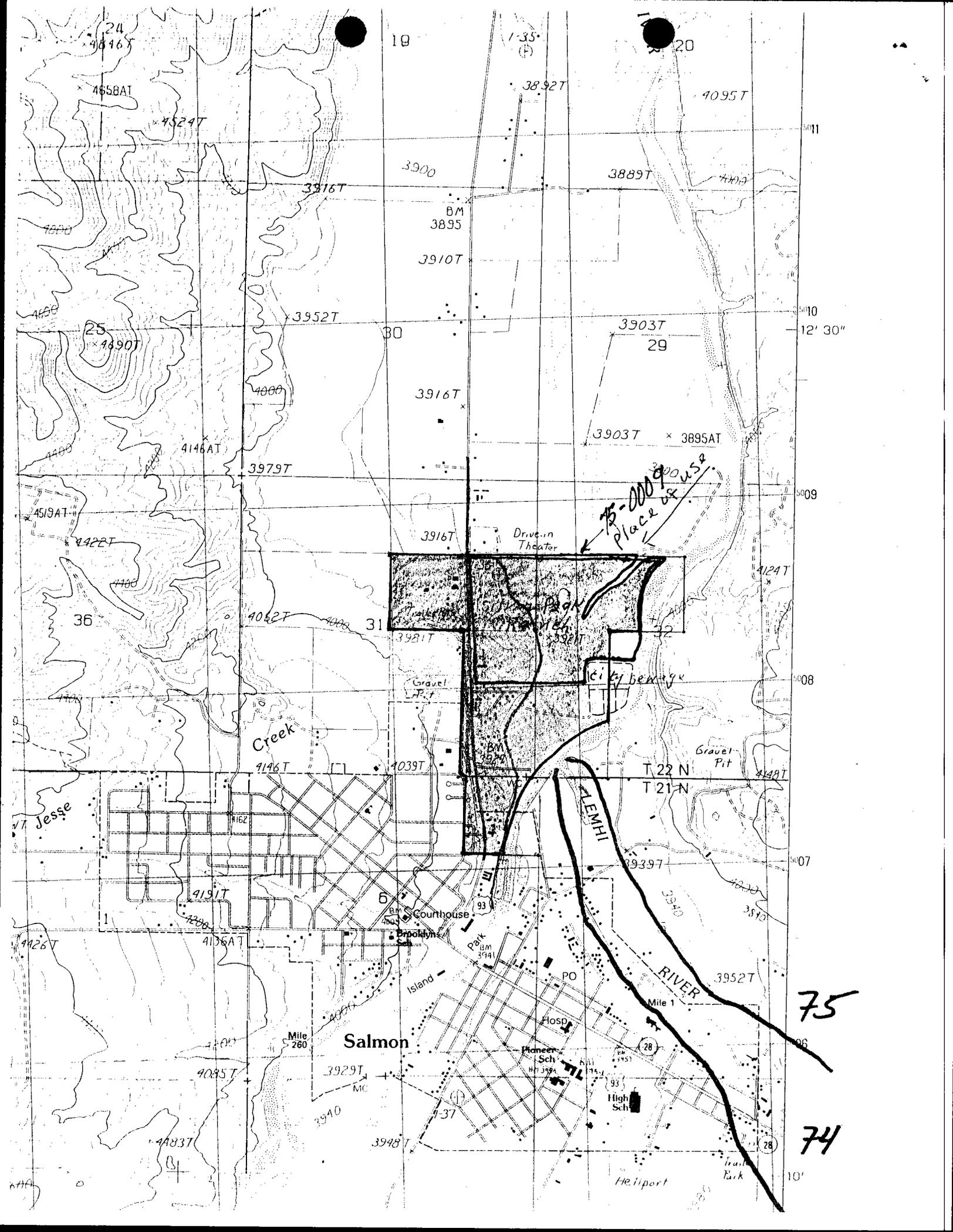
+ - - - Decree Plaintiff - - - +  
+ - - - Decree Defendant - - - +  
+ - - - Decree Date - - - +  
00/00/0000

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5TH STANDARD PARALLEL NORTH

44



19

20

24  
4016T

1-35  
(F)

4658AT

3892T

4095T

4524T

3900

3889T

3916T

BM  
3895

3910T

5011

3952T

30

3903T

5010

12' 30"

25  
4690T

4000

3916T

29

3903T

3895AT

4146AT

3979T

3916T

Drive-in  
Theater

75-0009 USF  
Place of Use

5009

36

4052T

31

3921T

3921T

4124T

Creek

9146T

4039T

T 22 N

T 21 N

5008

Jesse

9191T

Courthouse

2939T

5007

4426T

4136AT

Brooklyn Sch

Park

PO

3939T

3940

3870

Salmon

Hosp

Mile 1

75

4035T

3929T

MC

Pioneer Sch

High Sch

93

74

3940

37

93

High Sch

28

74

3943T

Airport

Trail Park

10'