



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

75-A

RECEIVED

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 2, 1994

AUG - 5 1994

Myrthus Austin
John W. Austin
1029 Hwy 93 North
Salmon, ID 83467

Department of Water Resources
Eastern District Office

Re: Water Right Numbers 75-0003 & 75-0009

Gentlemen:

In 1992 Department staff assisted the Jesse Creek watermaster in compiling a water right delivery list for water district 75A, Jesse Creek and tributaries. This list indicates that you own water right numbers 75-0003 and 75-0009. Both rights have the same priority date, 4/1/1894, and were claimed in the Snake River Basin Adjudication (SRBA) as combined rights under claim number A75-10475 with a total combined diversion rate of 1.94 cfs. Our list shows that both rights are diverted from Jesse Creek at the head of the Farmer's Ditch. Right 75-0003 was originally decreed for 1.44 cfs. Right 75-0009 was originally decreed for 1.5 cfs.

In response to recent inquiries and information requests regarding these rights and Jesse Creek water district records, we find that our records do not show that you have had any interest and/or use of water right 75-0009 prior to 1992. Your SRBA claim and water district records from 1992 are the only documents in our records which show your possessory interest in right 75-0009. Your name is linked with right 75-0009 in the 1992 records probably as the result of our delivery list given to the watermaster in that year. The watermaster's daily log books do not indicate that more than 1.5 cfs was delivered under your name in that year. Subsequent water district records do not make any specific reference to your ownership of right 75-0009. Similarly, water district records which we reviewed from the 1970's through 1991 do not make any specific reference to your ownership of right 75-0009. Attached to this letter is a summary of a review of rights 75-0009 and 75-0003 and Jesse Creek water district records.

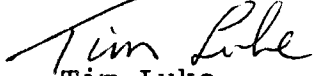
The purpose of this letter is to ask that you submit any and all documentation which you have concerning your possessory interest in water right 75-0009. If you can not submit sufficient documentation concerning your ownership of right 75-0009, then the Department will revise its 1992 water right delivery list to be consistent with information and evidence found in the water district records prior to 1992.

Please submit the requested information at your earliest convenience. Since water rights 75-0003 and 75-0009 are not likely

deliverable for the remainder of this year, our revision of the listing is not critical at this time. However, we do wish to revise the list in respect to this matter prior to the ensuing irrigation season.

Please contact me directly at 327-7864 if you have questions concerning this matter.

Sincerely,



Tim Luke

Water Allocations

cc: Eastern Region
Mickey Berbeck, Watermaster