

AUGUST 4, 1994

IDAHO DEPARTMENT OF WATER RESOURCES

Mr. Tim Luke,  
Dear Sir.

In response of your letter of the 4th:

I am enclosing water records which show that land owned in 1915 by Gilmore Pittsburg R.R. CO. was being irrigated out of Jesse Creek; the same is true in 1920. In 1930 A.V. Miller is listed as the owner, however, he was only a renter. Enclosed you will find a copy of the DECREED water right 75-0009 with Gilmore Pittsburg R.R.CO. listed as the owner; the date of this decree is 1925. Miller continued to rent said place and pay the water bills up to and including 1939.

My Brother bought and paid for said land in 1940 from said Rail Road CO. with the understanding that the decreed water right 75-0009 went with the land. Matt. and/or I have used this water right continuously since that time. My brother, Matt, evidently supposed that this right had been recorded in the State record and I had failed to check; My Son, John, in checking the record discovered that it had not been recorded so he took care of that.

I have also included a copy of the 75-0003 Boomer right. In going over records, I see where Mr. Boomer sold land for a road rightofway. His land east of said, State highway, he sold to said Rail Road Co: That land I now own with what water goes with it. I have discovered that Mr. Boomer sold 20 inches of water to the city, which I did not know before; so that much of 75-0003 belongs to the city.

The above two water rights are recorded in the Lemhi County courthouse. I hope this puts your record straight.

Sincerely,

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Myrthus Austin

TITLE OF CASE

George G. Miller  
 Y.S.  
 Ernest Long et al  
 Defendants

Plaintiff  
 SOURCE Jesse Creek  
 WATER DIST. 75-A  
 JUDICIAL DIST. 6  
 DATE OF DECREE June 19, 1925  
 COUNTY Lemhi  
 JUDGE GEORGE  
 RECORDED IN BOOK NO. AT F

| PN. DN. | DECREED OWNER                | NAME | PRESENT OWNER | AMT. INCHES D. SEC. FT. D. | PRIORITY  | DIVERSION SUBDIV. SEC. TWR. RB. | REMARKS, LAND TO BE IRRIGATED, ET   |
|---------|------------------------------|------|---------------|----------------------------|-----------|---------------------------------|---|
| 75-0009 | Gilmore & Pittsburg R.R. Co. |      | <i>first</i>  | 75                         | 4-1-1894  | Jesse Creek                     | SE $\frac{1}{2}$ SE $\frac{1}{4}$ , Parts of NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ Lots 5, 6, 8 - Sec. 32, T22N, R22E; Part Lot 1 - Sec. 6, T21N, R22E |
| 75-0010 | Anthony Nichols              |      |               | 80                         | 9-14-1914 | Jesse Creek                     | S $\frac{1}{2}$ SW $\frac{1}{4}$ - Sec. 11, T21N, R21E  |
| 75-0011 | Frank Avare                  |      |               | 56                         | 9-14-1914 | Jesse Creek                     | E $\frac{1}{2}$ NE $\frac{1}{4}$ - Sec. 11, T21N, R21E  |
| 75-0012 | E. B. Randolph               |      |               | 80                         | 9-14-1914 | Jesse Creek                     | SW $\frac{1}{4}$ - Sec. 12, T21N, R21E  |
| 75-0013 | George G. Miller             |      |               | 30                         | 9-15-1914 | Jesse Creek                     | NE $\frac{1}{4}$ SW $\frac{1}{4}$ - Sec. 31, T22N, R22E   |

*This is the full length of my copy Machine*

*M.A.*