



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Ken J. Wixom
260 West 300 North
Blackfoot, ID 83221

February 26, 2004

Re: Snake River Basin Adjudication (SRBA)
Claim(s): 27-11728, 27-11729 & 11730

Subject: **DISALLOW RECOMMENDATION**

Response Date: March 19, 2004

COPY

Dear Claimant(s),

The above referenced claims need to be amended to in-stream stock watering with a point of beginning and a point of ending. Either you, Mr. Wixom or Mr. Christensen need to make an appointment with my office to amend the claim.

If these three claims are not amended by the above referenced response date, then they will be recommended to the Court to be disallowed.

Please feel free to contact this office at 547-3993, if you have any questions regarding the matter.

Respectfully,

Cindy E. Bird
Adjudication Bureau

CEB/pb

cc: Brent Steffler



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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Brent Steffler
625 North 800 East
Firth, ID 83236

February 26, 2004

Re: Snake River Basin Adjudication (SRBA)
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Subject: **DISALLOW RECOMMENDATION**

Response Date: March 19, 2004

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cc: Ken Wixom



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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

23 February 2004

COPY

Renn Christensen
909 East 1000 North
Shelley, ID 83274

Re: Snake River Basin Adjudication (SRBA)
Claim 27-11728, 27-11729 & 27-11730

Subject: **CLAIM RECOMMENDATION - DISALLOW**

RESPONSE DATE: 1 MARCH 2004

Dear Claimant(s):

The above referenced claims need to be amended to in-instream stockwatering with points of beginning and point of ending. We have attempted to contact you on numerous occasions but have not been successful. If we do not hear from you by the above response date these claims will be recommended to the Court to be disallowed.

Very truly yours,

A handwritten signature in cursive script that reads "Cindy E. Bird".

Cindy E. Bird

CEB/bjp

RECEIVED
By 1-2003

1722

THE TERRITORY OF IDAHO, MAY 3, 1886

INCORPORATED UNDER THE LAWS OF

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Eastern Idaho Water Company

Capital Stock \$3,000.00

THIS CERTIFIES THAT High Basin Cattle Company is the owner of
22 Shares of 10 Dollars each of the Capital Stock of

EASTERN IDAHO WATER COMPANY

transferable only on the books of the Corporation by the holder
hereof in person or by Attorney upon surrender of this Certificate
properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be
signed by its duly authorized officers and to be sealed with the Seal of the Corporation

this 28 day of May 1886 A.D. 1886

Secretary

President

\$10.00

SHARES

EACH

By CB rev'd 7-1-03

December 19 69 Revised

LICENSE PERMIT	NAME	AMT. c.f.s.	Date of Filing or Priority	Point of Diversion		PLACE OF USE, REM.
				Subdiv.	Sec. Twp. Rgs.	
27-2026	Patterson, Peter C. Goodhart Cr.	2.0	8-7-14	NW1/4NW1/4	4 9S 44E	Lot 1 & 2, S1NE1/4, S. 3.
27-2029	Toolie Lake & Woodall Spring Finch, Henry L. & Lydia Williamsburg Cr.	5.3	8-11-14	corner	27-34 7S 42E	W1/2NE1/4, NE1/2SE1/4, S. 3. R. 42E, B.M.
27-2032	Kunz, John Jr. Williamsburg Cr.	1.0	8-19-14	SE1/4NE1/4	31 5S 44E	Lot 3, S. 12, T. 5S, R. 44E T. 6S, R. 44E, B.M.
27-2038	Kunz, William J. Lowlander Cr.	2.2	9-24-14	SE1/4NE1/4	2 6S 44E	SE1/4NE1/4, SE1/4SE1/4, S.
27-2039	Chester, Colin A. Unnamed spring Little B. Cr.	0.5	11-27-14	NW1/4SW1/4	10 6S 42E	SW1/4SW1/4, S. 10, T. 6S, R.
27-2033	Staats, Frieda Unnamed lakes or springs	0.8	12-22-14	SE1/4NE1/4	33 7S 42E	Lot 6 & 7, S. 33, T. 7S.
27-2040	Enders, William Wood Canyon Cr.	2.0	1-27-15	NE1/4NW1/4	8 6S 43E	SE1/4SW1/4, Lot 7, S. 6, T. 6 R. 42E, B.M.
27-2043	Anderson, Abraham C. Angus Cr. & Blackfoot R.	0.56	3-19-15	SES, NWSE WNW, SENW	27 35 43E	E1/4SW1/4, SW1/4SW1/4, S. 26; NE1/4
27-2044	Stocking, John J. Unnamed stream	1.2	8-16-15	NW1/4 NE1/4SW1/4	8 7S 44E	S1NW1/4, NE1/4SW1/4, NW1/4SE1/4, S.
27-2045	Price, Hazel C. Trail Cr.	2.4	5-3-15	SE1/4SW1/4	17 6S 44E	S1SE1/4, S. 17; E1/4NE1/4, S. 20.
27-2046	Davis, Joseph L. & Annie E. L.D. Co. S. Fork Xiner Cr.	0.6	5-17-15	NW1/4NE1/4 SW1/4NE1/4	28 3S 39E	W1/2NE1/4, S1NW1/4, NE1/4SW1/4, W1/4 R. 39E, B.M.
27-2048	Davis, May L. Rawlings Cr. & Horse Cr.	0.4	5-29-15	SE1/4NW1/4	17 3S 39E	NE1/4NW1/4, S. 18, T. 3S, R.
27-2049	Fransden, Levella Trail Cr.	2.4	6-18-15	NE1/4SE1/4 NW1/4NW1/4	22 26 39E	N1/2NE1/4, SW1/4NE1/4, SE1/4, S.
27-2052	Smith, Ernest H. <i>David Beckstead</i> Angus Cr.	3.0	7-12-15	SE1/4SE1/4 SW1/4SW1/4	17 16 43E	E1/4NE1/4, E1/4SE1/4, S. 17, T.
27-2047	Stocking, Elizabeth L. Williamsburg Cr.	1.2	8-24-15	NW1/4NW1/4	8 7S 44E	W1/2NE1/4, N1/2NW1/4, S. 8, T.
27-2028	Wood, Joseph W. Dunn's Basin Cr.	3.1	10-1-15	SE1/4NW1/4	31 5S 44E	Lot 4, S. 32, Lot 7, S.
27-2061	Belville, Alva N. Fork Brush Cr.	0.8	4-10-16	NW1/4NW1/4	6 4S 39E	SE1/4NE1/4, E1/4SE1/4, S. 1, T. 4S T. 4S, R. 39E, B.M.
27-2059	Thompson, Edmund H. Dip Cr.	0.5	4-24-16	NE1/4NE1/4	15 3S 39E	W1/4SE1/4, S. 15, T. 3S, R.
27-2063	Stocking, John J. Toele Lake	0.9	2-19-17	NE1/4SW1/4	16 7S 44E	SW1/4NE1/4, S1NW1/4, S. 17, T.
27-2030	Barnard, Minnie L.	2.79	5-26-17	NE1/4SE1/4	33 7S 42E	Lot 4, SW1/4NW1/4, NW1/4SW1/4, S.

EASTERN IDAHO WATER COMPANY STOCKHOLDERS AS OF 2-12-85

<u>NAME AND ADDRESS</u>	<u>CERT. #</u>	<u>NO OF SH</u>
ARCHIBALD, DOUGLAS Route 3, Box 139 (611 W. 300 S.) Blackfoot, ID 83221	1628	1/66
BALL, ANNA P., P.O.Box 384, Blackfoot, ID 83221	1453 1507	2 52/33 1 1/2
BERGEMAN, RODNEY E. & MARY Route 3, Box 83 (423 W, Riverton Road), Blackfoot, ID	1506 1565	1 25/33
BERRETT, CAROLYN GARDNER P.O.Box 463, Blackfoot, ID 83221	1550	1/33
JANE F. BODY (Mrs. Nathan Smith)	1630	1/33
BUTLER, WOODROW W. Route 6, Box 417 (126 E. Rich Lane), blackfoot, ID	1444 1524	1 1/2 3 1/2
CARSON, GEORGE, c/o Dene Carson P.O.Box 157, Bkft. ID Route 3, Box 90, Blackfoot, ID 83221	1448 1516	8/33 1/8
CASPER, ARTHUR R. 9145 N. Hamlin, Portland, Oregon 97217	1521	20/33
CHRISTENSEN, LLOYD 265 West Francis, Blackfoot, ID 83221	1594	4/33
COX ENTERPRISES Route 2, Box 102, Shelley, ID 83221	1607 1608	1 8/33 5/33
COX, LEONARD Route 2, Box 17, Shelley, ID 83221	1458	22/33
CURTIS, WILLIAM Rte 3, Box 140A (607 W. 300 S.) Blackfoot, ID 83221	1629	3/66
DAUN, ROBERT, Rte 6, Box 367 (89 E. 100 N.) Blackfoot, ID 83221	1576	31/33
O. H. Durrant, Mr. & Mrs. P.O.Box, 691, Blackfoot, ID 83221	1574	1 12/33
ELISON, BERNELL H. Rte 3, Box 141, Blackfoot, ID 83221	1561	5/33
GAMBLES, HARRY Rte 3, Box 488, Blackfoot, ID 83221	1588	1/33
HADLEY, DOUGLAS W. Route 3, Box 406, Blackfoot, ID 83221	1548	2/33
HATCH, D. H. Rte 6, Box 426, Blackfoot, ID 83221	1512 1522	1 1/2 13/40



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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

15 August 2003

Thomas Christensen
845 East 1000 North
Shelley, ID 83274

Re: Water Rights Claim #A27-11728

Subject: Source: Minor Creek, Menassa Creek, Bull Creek
Points of Diversion: T3S, R39E, Sections 6, 7, 17, 18
Purpose: Stockwater for 800 head

Dear Claimant(s):

We have reviewed the documents you have submitted as evidence for the above referenced claim. These documents include pages 148-152 from the Bingham County History book published by the Bingham County Historical Society; a recap of Permits & Rights on the Blackfoot River Tributaries as of December 1969; a list of Stockholders of the Eastern Idaho Water Company as of February 12, 1985; and a copy of the Eastern Idaho Water Company's Stock Certificate No. 1722 for 22 shares issued to High Basin Cattle Company % Brent Steffler.

This documentation does not support the claimed priority date of May 29, 1915. Also nothing substantiates 800 head of livestock utilizing the claimed water on the claimed priority date.

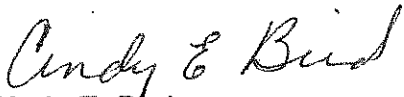
The claim lists the points of diversion to be in quarter-quarter corners in the above referenced sections. The description of the diverting works states that the "cattle drink directly from creek." The claim needs to be amended to state the location for each of the diverting works or to provide a beginning and ending point where the livestock have access to the claimed sources. For example, the beginning point for Bull Creek could be T3S, R39E, Section 6 NWNE. The ending point could be T3S, R39E, Section 7 NESE. These are only examples. We do not know from the information submitted where along the stream the livestock first have access to the water nor the last place they have access to the same stream of water.

Please contact our office to amend the claim and provide documentation supporting a priority date and when 800 head of livestock first started using the water. The issue of the diversion point locations or beginning and ending use of the water also need to be corrected.

If you have any questions, please feel free to call my office at 547-3993. Please respond by September 15, 2003, otherwise the claim will be disallowed.

Thank you.

Sincerely,


Cindy E. Bird
Adjudication Agent

CEB/bjp

Cc: Brent Steffler
625 North 800 East
Firth, ID 83236

Ken J. Wixom
260 West 300 North
Blackfoot, ID 83221



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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Thomas F. Christensen
845 East 1000 North
Shelley, Idaho 83274

May 15, 2003

Re: Evidence of Priority

Claim No.(s) A27-11728, A27-11729 & A27-11730

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by June 30, 2003, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Adjudication Claim Report

cc: Ken Wixom
Brent Steffler

