



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)
Claim(s): 27-11728, 27-11729 & 11730

Subject: **DISALLOW RECOMMENDATION**

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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". The signature is written in dark ink and includes a stylized flourish at the end.

Cindy E. Bird

CEB/bjp

in a sleigh to be buried. Frank told the children years later that the saddest thing he'd ever seen in his life was those five little faces pressed against the window pane as they drove away in the sleigh.

Two of Emma's sisters also died of the flu at that time. They were both mothers of young families and were both pregnant. Besides Beatrice, her sisters Bernice and Evelyn, and brother Neil are still living. Lorin Freeman didn't go back to the hills after that grim time, but his brother Rass went one more year.

TRAIL CREEK OR TRAILTON

Let's continue from Miner Creek across the little nearby Menassa Creek to climb the steep Miner Creek Hill. We drop down close to the river now and follow along the bluff to the forks of the road leading to the bridge on the river. For now we'll keep going on the road east until we come to Trail Creek. Imagine a log cabin there sitting just north and east of the crossing with a sign under the dirt roof which says "TRAILTON POST OFFICE." Joe and Annie Davis kept a store in their home too and it sometimes served extra duty as a church meeting house. Joe dammed off the little creek to get enough water for an irrigation on his alfalfa patch. There's evidence of that still. There were several families of Davises who had come from St. Anthony, and I understand that after they left the hills a lot of them settled in Basalt. Annie Davis's father, Jens Sorenson, and four other daughters claimed 640 acres to the south of Trail Creek, which turns west from the crossing. This land, which continues along the river between Trail Creek and the mouth of Brush Creek, is still known as the "Sorenson Flat." There was a son Oscar who had a claim across the river, but we'll get to that section later. The Sorenson home was situated between the post office and the river.



Wallace, son of Joe and Annie Davis, at Trailton Post Office

George Davis started farming the land across the road from the Sorenson Flat, then turned it over to his daughter and her husband, Leland Pope. Alf and Jennie Twitchell had a house just north of the Trailton Post Office. About a mile on up Trail Creek was the tempo-

rary home of a woman, Nell Thomas, and her seven children. She was related to the Davises and had come to the hills in 1914 with her father, E. H. Thompson, and her brothers Hobe and Parl--who homesteaded on Spring Creek and Poison Creek. Another Thompson daughter, Lizzie, married to Arvil Godfrey, was on a homestead somewhere close to the Lockyers on Cedar Creek.

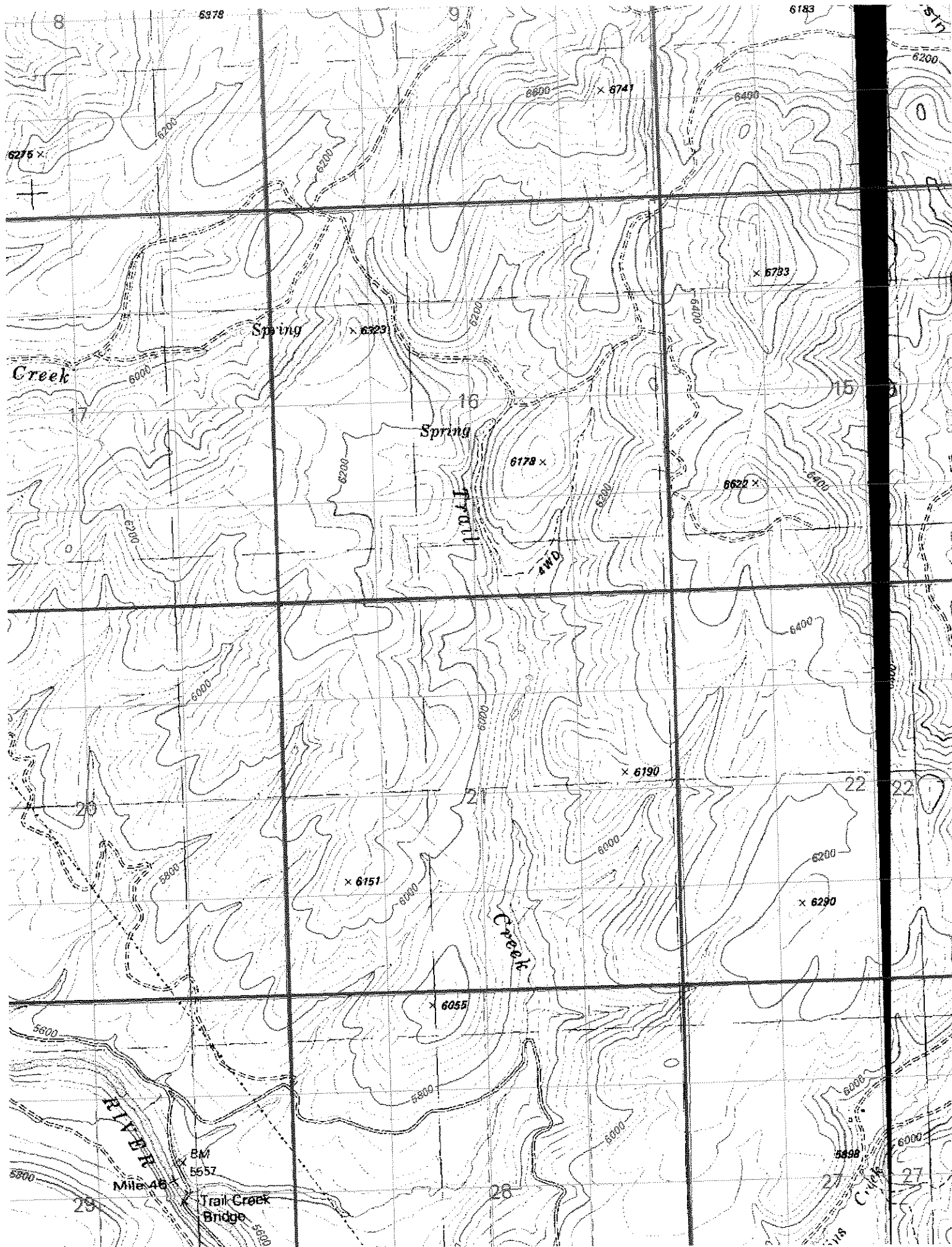
Gilberta Bolander told me that her mother, Kate Thomas, was Nell's oldest daughter, that she is still living, and that she remembers carrying the mail from Trailton to Alridge during the time Kate Lockyer kept the Alridge Post Office--at least two summers. Her mother Nell got the contract and went with her sometimes, but it was mostly up to the teenage daughter. The route they took was up Trail Creek, past the shearing corrals on the school section, across Miner Creek, and down Cedar Creek to the post office. Kate says she would stay with her Aunt Lizzie while her mail from Trailton was processed and the mail received from Firth that she would take back to Trailton. In the interval her hobbled horse would munch grass and be refreshed for the jaunt back across the hills. After her mother left the homestead, Kate stayed sometimes with the Joe Davises and became engaged to Oscar Sorenson. After the post office closed, unofficial carriers, like Jens Sorenson and Elijah Freeman, carried the mail from Firth to Trailton and back.

RAWLINS CREEK--HORSE CREEK-- POISON CREEK

Let's climb the hill from Trail Creek now, go past the dry farms and down the steep hill to reach Rawlins Creek. The main road turns down the canyon, but a branch goes up Rawlins Creek to the old Frandsen homestead. When Victor and Lewella Frandsen came to the hills they had their first four children--Lloyd, Vernon, Irma, and Irvin. Lloyd helped me with this article. He said that his dad, in 1916, worked with Hyrum Crofts to build a cabin for each of their families. Crofts' claim was nearest the main road.



Victor and Lewella Frandsen family and relatives
at homestead cabin





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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 #A27-11729

Subject: Source: Trail Creek
Points of Diversion: T3S, R39E, Sections 16, 21, 26
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 January 1, 1900. Also nothing substantiates 800 head of livestock utilizing the claimed water on the claimed priority date.

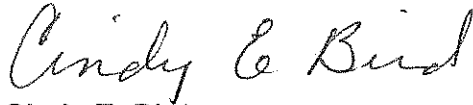
The claim lists the points of diversion to be in quarter-quarter corners in the above referenced sections. The description of the diverting works states that the "cattle drink from creek." The claim needs to be amended to state the location for each of the diverting works or to provide a beginning and ending point where the livestock have access to the claimed sources. For example, the beginning point for Trail Creek could be T3S, R39E, Section 16 NESE. The ending point could be T3S, R39E, Section 26 SWSE. 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.

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,

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

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
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KARL J. DREHER
Director

Brent Steffler
625 North 800 East
Firth, Idaho 83236

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: Thomas Christensen
Ken Wixom

