



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

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**

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: Ken Wixom



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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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

February 26, 2004

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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" followed by a slanted line.

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 widow 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

Vic and Hi would take a wagon with six head of horses and go up Rawlins Creek to the place where it turned to the northwest into High Basin, and then they went to the east over a small Hog's Back into Poison Creek. They would snake out 8 to 11 green logs for a wagon load and pull them back to their homesteads. Lying awake at night in their green-log cabin, Lloyd could hear the worms chewing away under the bark of the logs, making their little tunnels. When the wood dried up, the worms did too.

sheep
Lloyd told me about the time his brother Irvin left on horseback to visit a sheep outfit lambing up the country someplace to see if he could get some bum lambs. He didn't come back by dark, and they were all very worried. Their dad was in the valley. Their mother, however, was able to keep calm. She said they would just go to bed but leave the lamp lit and the door open so Irvin could see the light shining to help him find his way. He told them--after he appeared some time later--that he had been fighting his horse all the time but finally remembered that horses knew their way home, and so he let him go.

Some years before the Frandsens came there, a man named William J. Rawlings fenced in a squatter's 80 acres north of their claim. He left his name to "Rawlins Creek." George Dunn later acquired that acreage. Poison Creek runs into Rawlins Creek there and on Frandsens' place (Horse Creek also joins Rawlins Creek. A mile or so down the Rawlins Creek Canyon, Brush Creek comes in from the east to join it and continues on to the river. This is such a pretty area, nature at its finest, with little fishing pools among the birch trees and willows with the black lava bluffs sprouting a few firs among the cedars, quakies and sage.

The 80-acre Rawlins-Dunn place was later owned by Rulie Ziegler and Lyle Lockyer. Lloyd said that cowboy Lyle milked cows and hauled cream to town. Later Ellis (Dad) Hall became the owner. Through the years he would stop overnight with his team at our home in Alridge on his way to the hills. Once he told us to come to his cabin the next day to help eat up the good food his wife Hattie had sent with him. I rode horseback with my brother Les up Cedar Creek and south on the shortcut trail while our folks drove around the long way. We had a good time with our good friend. Joe Oleson used the old homestead as a midway pasture between his ranch up by the reservoir and his home on Weeding Lane.

Cave
Merlin Frandsen was the one who stayed on the old homestead over the years, the one you saw going to or from the hills, and the one who was usually there to help people who got into trouble on the bad roads or needed a place to spend the night. Then five years ago it was Merlin who needed help. He had been spending the winters there on the ranch, mostly alone, feeding cattle. His wife Millie was with him that terrible winter when he was taken sick. Luckily Harvey Groth made regular trips to Trail Creek to feed cattle kept there and had a good snow machine. He, Lynn Arave and Lyndon Fielding, both married to Millie's daughters, and

Lyndon's brothers, Keith and Bryce Fielding, all made a combined effort to get the Frandsens back to the valley and Merlin to the hospital. He died there a few days later. His son Dennis is taking care of the ranch now.

The next place north of Frandsens was homesteaded by Parley Thompson and family. Parl and Roxie proved up on the place but then left because of the warm spring which furnished their drinking water. They didn't mind having to cool it, but as time went on they thought they were getting weaker and weaker and decided the cause was the water. The warm spring is still there, also some of the old house logs. This is on Poison Creek.

Several relatives from Lower Presto filed on land along Horse Creek and north of it. They were Bill and Alvin Just, sons of Jim Just, and Dora Just, Alvin's wife, and Frank Phillips, married to Jim's daughter Clarice. Some of that ground was later relinquished for homesteading to another Just brother, Charles (Chick) Just, and Bob Reid.

Continuing on the other tributaries to the river, we have the claim of Joe Jones where Trail Creek and Menassa head. Above, in High Basin, which is where Rawlins Creek comes from, was Joe Pratt's claim. After World War I, Jim and Jeanie Shay also homesteaded in High Basin. They made trips to the valley on skis, stopping for the night at Alridge and Presto. William Wilson had a claim on the headwaters of Poison Creek and Henry Johnson had one between Poison and Horse Creek. Coming back now to the Rawlins Creek Canyon--where Rawlins and Brush Creek meet was a claim filed by two soldiers back from the war--Jim Priest and Bud Stoddard.

BRUSH CREEK



Joyce and Gene Rishel (foreground)
bought old Heaton-Dunn ranch

There are narrow meadows along Brush Creek as we continue east to the foot of the big Brush Creek Hill and the old Heaton Ranch. The Heaton family went way back. One of them played the concertina for my grandmother Lizzie and her friends at the Cedar Creek dancing parties. They would stay in the hills all winter

and sometimes one of the boys would ski down to Alridge to send for supplies with the mailman. The ranch was later owned by George Dunn. The Walt Crofts homesteaded at the top of the hill but soon left to work for others in the hills. They stayed at the Dunn ranch some, taking care of the wild hay. Dunn never lived there but entrusted the cattle care to various cowboys like Frank Pratt, Joe Hall, and Frank Lockyer. Frank Pratt had a tent near the house while the Crofts were there. Lloyd Frandsen remembers seeing him diligently making his rounds day after day, checking on the Dunn cattle, going up one creek one day, the next day another.

Lloyd told me that Elmo Whiting filed on a claim up the creek from the Dunn ranch. When he had the cabin finished he locked it up and put a sign on the door: "GONE TO WAR." He came back, but he left the homestead. Now people wonder at the name of the "Whiting Spring."



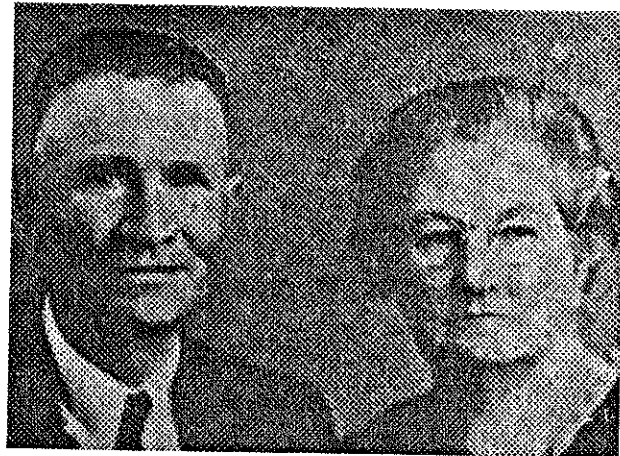
Walter, Maude Jones Crofts and family

Walt Crofts and his family followed the Freemans out that fall of 1918 after the threshing was finished and arrived at Alridge with their team of horses completely played out. Walt asked my father if he could put up at the old log schoolhouse there on the crossroads. "Sure, if you can clean it up," was the reply. Maude gave it a thorough scrubbing, and they spent several months there while the three children attended school in the new Alridge schoolhouse. Ellen Crofts Dye remembers well the day she and her sister were riding home from school on their black mare when it got out of control and ran so close to the barbed wire fence that Ellen's long underwear and leg both got badly torn. Ellen, Clara, and first-grader Charlie would walk up to the Jemmett Hollow every day and get a ten pound bucket of milk from my dad. "It really helped out."

LAND SOUTH OF TRAIL CREEK BRIDGE

We'll backtrack now to the forks of the road above the Trail Creek Bridge and go south, cross the river bridge and climb out of the canyon. There was no bridge on the Blackfoot when the land across the river

from Trail Creek started to be homesteaded, and just a poor excuse of a road. In 1915, Israel and Betsey Porter filed a claim on the bench above the river. Their children and those in the Freeman family on the claim on the north side of the river had a good time shouting to each other and fishing together even if they couldn't cross the river. After the bridge was built a few years later, the homesteaders would meet there to picnic and visit in the shade of the birch trees. Sam and Maude Kendall were summer neighbors, living directly south of the Porters. Between them and the eastern border of the Indian Reservation were: first the Stoddarts, Billy and Sarah and their nine children; then George Wintle, the Gregorys, and the Bellevilles. Billy Stoddart, a former jockey, came from Presto to the hills with a string of race horses. This love of racing was passed on. Farther along the river, big Danish Chris Thompson and his family had a cabin below the "Thompson Hill" and farmed above it.



Israel and Betsy Porter

I asked Irene Porter Whitworth to write down a story she told me one day, along with her many memories of the dry farm days, for this one tale typifies the struggle they all had during those years. This was before the bridge:



Glenn and Irene Porter Whitworth

"I remember one time our neighbor, Chris Thompson, had gone to bring a wagon load of seed grain from the valley. His wife and children had stayed with us while he was gone. We were all very worried as he had not returned before dark on the expected day. He had stopped on the other side of the river to wait for daylight to make the dangerous crossing.

"As soon as it was light he started his big team of horses across. The current was so strong that the wagon and team were swept downstream. The horses tried to swim but were both pulled under by the wagon. Chris climbed down on the wagon tongue and cut the tugs to release the horses. One of them finally made it to shore, but the other one was drowned. The wagon finally came to rest against a big rock or bush. Chris then tied a chain to the wagon and around himself and tried to swim to the bank. Although he was an excellent swimmer, he was unable to do it, and he finally pulled himself back to the wagon by the chain.

"My father was very worried about him, and as soon as it was light he went down to the point of the hill where he could see the fording place and the wagon out in the river. He took a long rope and hurried, on horseback, to help. He was able to throw one end of the rope out to Chris who tied it around himself. Then Dad wrapped the other end around a tree and was thus able to pull Chris to safety. I can't remember how they finally got the wagon out. They probably waited until the water went down before they tried."

Irene continued with a little about their home and life there:

"Father had built our temporary mountain home in a little grove of quaking-aspen trees near a small spring of water (near the head of Porter Canyon) made of rather crooked logs from the grove nearby. It had a dirt roof and floor and had a pole in the middle to prop up the roof against the heavy snows of winter. There was one window and one homemade door that opened by a latch. Later Father built a big dugout cellar room with a screen door and a window, which we used as an extra bedroom and a cool place for our milk products. It was nice there on hot summer days.

"We lived in this home for eight summers, coming up in March and staying until after the fall threshing, usually late November. Father raised wheat and Grimm Alfalfa seed and pastured cattle and other livestock. Our winter months were spent in our valley home where my sister and I could attend the Upper Presto School. Since our father was a former schoolteacher he helped us keep up the missed school work.

"At Trailton mail was delivered to us once a week, and we who were LDS held Sunday School and Sacrament meeting on Sunday. Many of us children, including my sister and I, were baptized in the Blackfoot River at the old fording place. It was a full day's drive with horse-drawn wagons or buggies to make the trip each way to the valley churches or stores."

Sometime after the bridge was built, the Sorensons and Davises, and probably the Christensens and Gregorys made up the J. C. Sorenson and Joe Davis

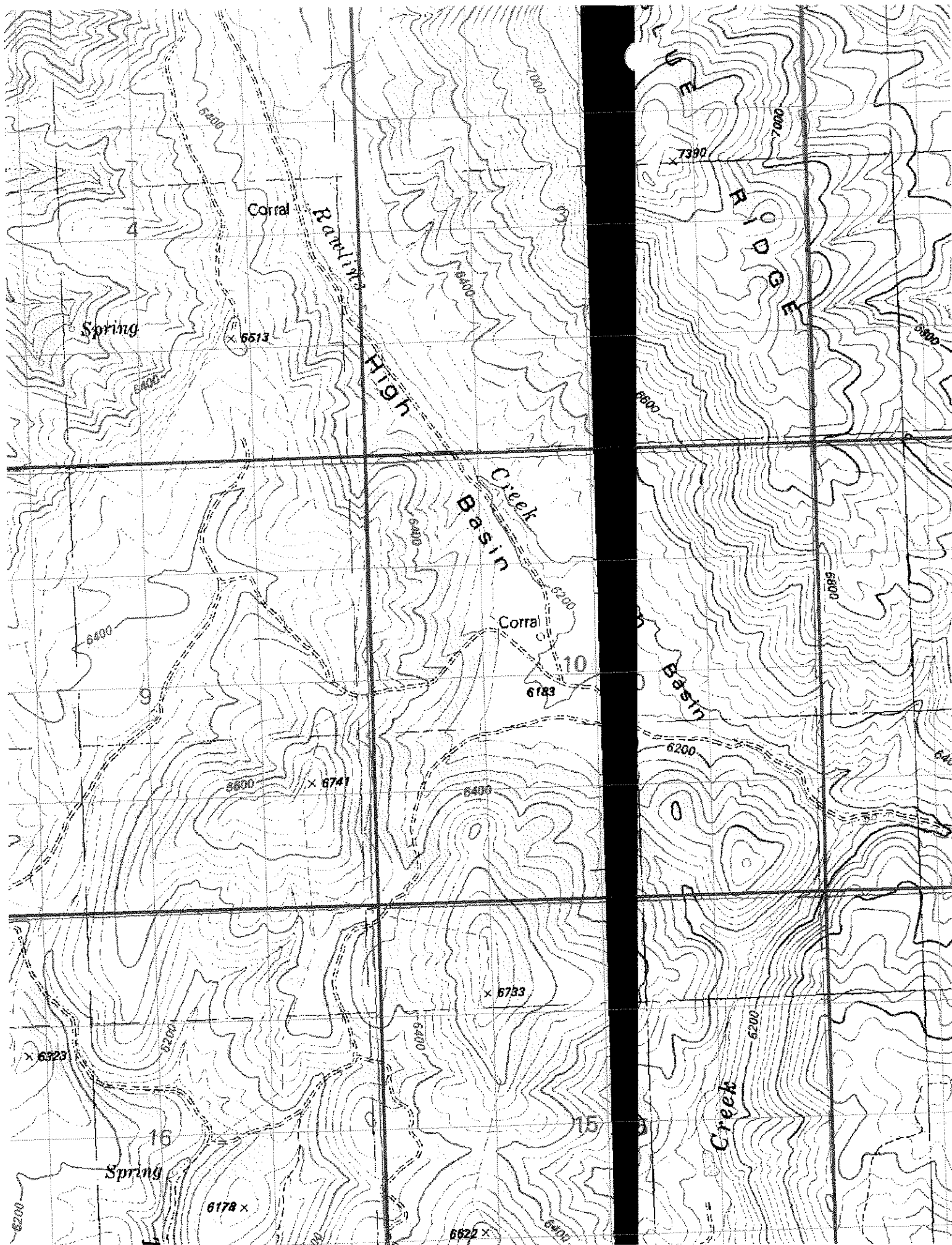
Company to buy a steam engine and threshing machine. Christensens may have had the threshing machine or got it later, but this is what happened to the steam engine: Thompson and Gregory brought it up from the valley and got along all right until they reached the top of the river bluff. Even now the narrow dugway going down the hill to the river is somewhat hazardous. Then, of course, it was worse. The machine got away from them, part way down, rolling off the side of the road and on down the hill. Chris got a broken leg, but Gregory wasn't hurt as he snuggled up to the fire box and rolled along with it. The broken engine stayed where it landed. Some years later it was cut up for scrap iron and hauled away.

Adjoining the Thompson farm was that of his cousin Oscar Sorenson, already mentioned. Oscar stayed in the hills during the winter for a year or two so he could feed pigs. Then he drove them on foot out to market. I've told you that he became engaged to the Trailton mail carrier, Kate Thomas. This was in 1917. He was inducted into the army that fall. Kate was in the hills when he was due to arrive home two years later. She came down to meet the train, driving a buggy. They were married six days later. Oscar had lost his homestead while he was gone, but he and Kate still went back to the hills. They lived at Trailton off and on for ten years so Oscar could farm the Sorenson Flat the rest of his family had homesteaded. During that time their three children were born. Gilberta remembers the flocks of bluebirds she saw each year. They found a nesting place in the front of the tractor. She said she worried that the eggs wouldn't be hatched out before the tractor was needed. Those were happy years for her; but during the depression there was no money there at all, and they had to leave.



Oscar Sorenson driving pigs

On from Oscar Sorenson's claim was the homestead of Liddy Little and her five children. Her cabin sat next to a quakie grove on the hillside. A little stream runs down from a spring there--known as Mrs. Little Creek--with a rocky creek bed going across the road and down towards Cedar Ford. This ford on the river is used by the Reids when crossing cattle to and from Association ground and their Beaver Creek field, formerly owned by several homesteaders mentioned here. From above the





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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 #A27-117230
Subject: Source: Rawlins Creek
Points of Diversion: T3S, R39E, Sections 3, 4, 10, 15
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 Rawlins Creek could be T3S, R39E, Section 16 NENE. The ending point could be T3S, R39E, Section 15 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,

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
Governor

KARL J. DREHER
Director

Ken Wixom
260 West 300 North
Blackfoot, Idaho 83221

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.
.....

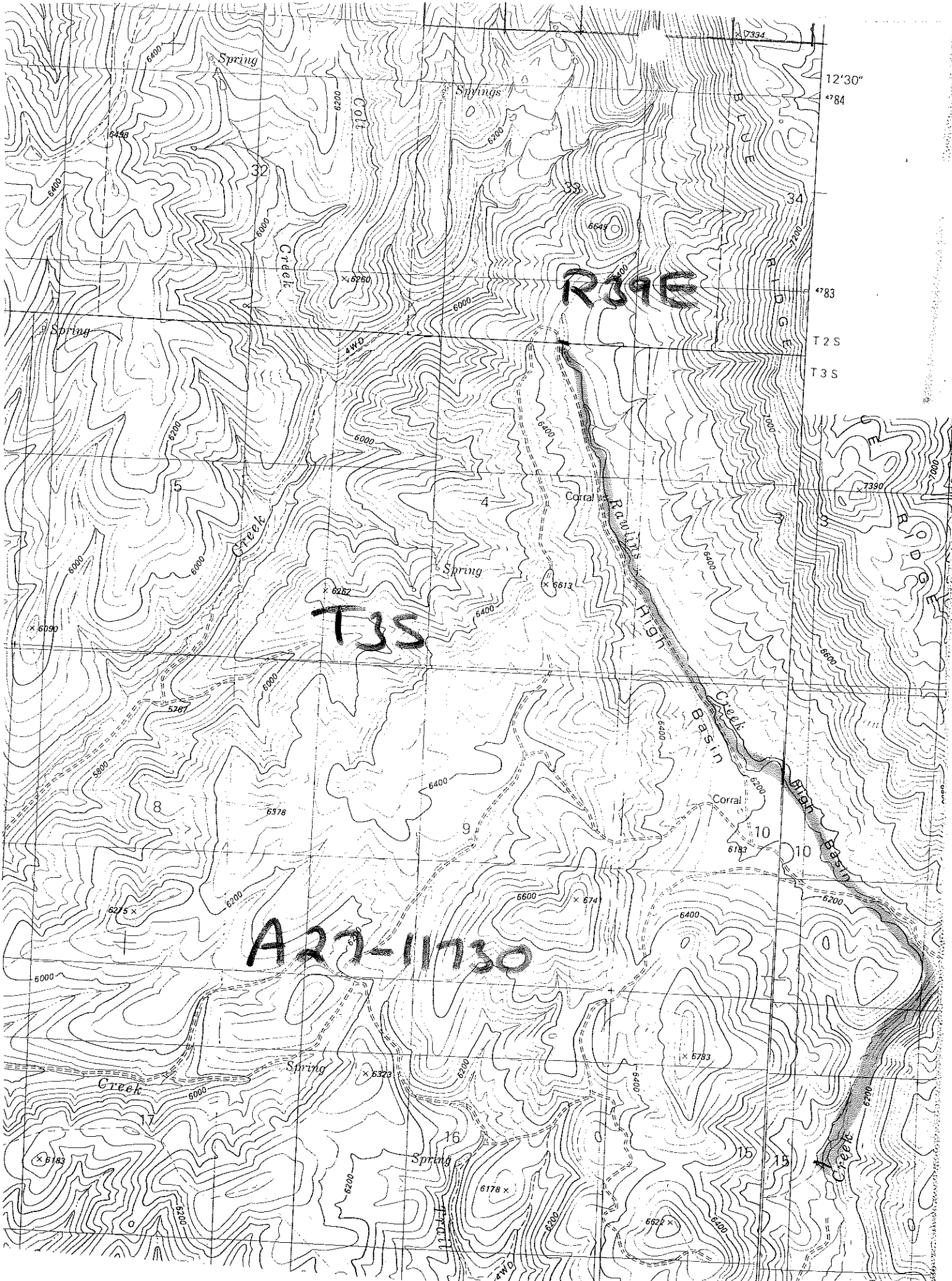
Please submit the documentation supporting the priority date by June 30, 2003, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

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

cc: Thomas Christensen
Brent Steffler



12'30"
4784
4783
T2S
T3S

A27-11730

R39E

T3S