

11/13/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 24-10051

NAME AND ADDRESS: ROBERT L HILD  
C/O HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS ID 83405-0130

SOURCE: COW CREEK

TRIBUTARY: STUMP CREEK

QUANTITY: 1.200 CFS  
12.300 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/27/1928

POINT OF DIVERSION:

T07S R46E S28 SENWNW Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| DIVERSION TO STORAGE  | 04/15 10/31          | 1.200 CFS       |
| RECREATION STORAGE    | 04/15 10/31          | 12.30 AFY       |
| STOCKWATER            | 04/15 10/31          | 0.020 CFS       |

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R46E S28 SWNE

RECREATION STORAGE in CARIBOU County

T07S R46E S28 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Stockwater use is for 250 range cows.

08/29/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 24-10051

NAME AND ADDRESS: ROBERT L HILD  
C/O HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS ID 83405-0130

**DISALLOWED**

SOURCE: COW CREEK

TRIBUTARY: STUMP CREEK

QUANTITY: 1.200 CFS  
12.300 AFY

PRIORITY DATE: 06/27/1928

POINT OF DIVERSION:

T07S R46E S28 SENWNW Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| RECREATION            | 04/15 10/31          | 1.200 CFS       |
| RECREATION STORAGE    | 04/15 10/31          | 12.30 AFY       |
| STOCKWATER            | 04/01 11/01          | 0.020 CFS       |

PLACE OF USE: STOCKWATER Within CARIBOU County

T07S R46E S28 SWNE

RECREATION Within CARIBOU County

T07S R46E S28 SWNE

RECREATION STORAGE Within CARIBOU County

T07S R46E S28 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

**No beneficial use found.**

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 24-10051  
Date Received: 3/1/1990  
Receipt No: E012197  
Received By:

**AMENDED NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

ROBERT L HILD Phone:

C/O HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS ID USA 83405-0130

2. Date of Priority: 06/27/1928

3. Source: COW CREEK Trib. to: STUMP CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 07S      | 46E   | 28      | NW NW                 | CARIBOU |      |

5. Description of diverting works:

DITCH TO LAKE TO IRR. DITCHES

6. Water is used for the following purposes:

| Purpose            | From  | To    | C.F.S. | (or) A.F.A |
|--------------------|-------|-------|--------|------------|
| STOCKWATER         | 04/01 | 11/01 | 0.02   |            |
| RECREATION         | 04/15 | 10/31 | 1.2    |            |
| RECREATION STORAGE | 04/15 | 10/31 |        | 12.3       |

7. Total Quantity Appropriated is:  
1.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use                | Acres |
|----------|-------|---------|-----|--------|-----|--------------------|-------|
| 07S      | 46E   | 28      | SW  | NE     |     | RECREATION         |       |
|          |       |         | SW  | NE     |     | RECREATION STORAGE |       |
|          |       |         | SW  | NE     |     | STOCKWATER         |       |

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CONFORMED ATTORNEY MAILING ADDRESS DMS CHANGE OF ADDRESS DONE 11/17/97 DMS

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 24-10051  
Date Received: 3/1/1990  
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Received By:

AMENDED NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT L HILD Phone:

C/O HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS ID USA 83405-0130

2. Date of Priority: 06/27/1928

3. Source: COW CREEK Trib. to: STUMP CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 07S      | 46E   | 28      | NW NW                 | CARIBOU |      |

5. Description of diverting works:

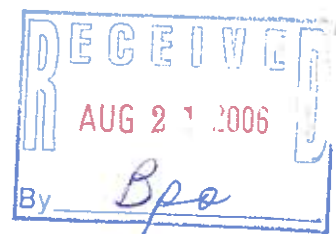
DITCH TO LAKE TO IRR. DITCHES

6. Water is used for the following purposes:

| Purpose            | From      | To          | C.F.S. | (or) A.F.A |
|--------------------|-----------|-------------|--------|------------|
| IRRIGATION         | 4/01      | 11/01       | 1.2    |            |
| RECREATION         | 4/15 1/01 | 10/31 12/31 | 1.2    |            |
| RECREATION STORAGE | 4/15      | 10/31       |        | 12.3       |
| STOCK WATER        | 4/01      | 11/1        | 0.02   |            |

7. Total Quantity Appropriated is:  
1.2 C.F.S.

8. Total consumptive use:



9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use                | Acres |
|---------------|-------|---------|------------|-----|--------------------|-------|
| 07S           | 46E   | 28      | SW         | NE  | IRRIGATION         | 10    |
|               |       |         | SE         | NE  | IRRIGATION         | 30    |
|               |       |         | NE         | NE  | IRRIGATION         | 10    |
|               |       |         | NE         | NW  | IRRIGATION         | 10    |
|               |       |         | SW         | NE  | RECREATION         |       |
|               |       |         | SW         | NE  | RECREATION STORAGE |       |
|               |       |         | SW         | NE  | STOCK WATER        |       |
| Section Acres |       |         |            |     |                    | 60 0  |
| Total Acres   |       |         |            |     |                    | 60 0  |

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CONFORMED ATTORNEY MAILING ADDRESS DMS CHANGE OF ADDRESS DONE 11/17/97 DMS

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_

Date: 8/18/06

Date: \_\_\_\_\_

State of Idaho )  
County of Bonneville ) ss.

Subscribed and sworn (or affirmed) before me this 18<sup>th</sup> day of August, 2006.



Kent W. Foster  
Notary Public

Residing at: IDAHO FALLS, ID

My Commission Expires: 11/20/2010

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 24-10051  
Date Received: 3/1/1990  
Receipt No: E012197  
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

ROBERT L HILD Phone: (208)225-3592

PO BOX 30427  
SANTA BARBARA CA USA 93130

2. Date of Priority: 06/27/1928

3. Source: COW CREEK Trib. to: STUMP CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 07S      | 46E   | 28      | NW NW                 | CARIBOU |      |

5. Description of diverting works:

DITCH TO LAKE TO IRR. DITCHES

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 11/01 | 1.2    |            |
| RECREATION | 1/01 | 12/31 | 1.2    |            |

7. Total Quantity Appropriated is:  
1.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 07S      | 46E   | 28      | SW         | NE  | IRRIGATION    | 10    |
|          |       |         | SE         | NE  | IRRIGATION    | 30    |
|          |       |         | NE         | NE  | IRRIGATION    | 10    |
|          |       |         | NE         | NW  | IRRIGATION    | 10    |
|          |       |         |            |     | Section Acres | 60    |
|          |       |         |            |     | Total Acres   | 60    |

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CONFORMED ATTORNEY MAILING ADDRESS DMS CHANGE OF ADDRESS DONE 11/17/97 DMS

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

SCANNED

AUG 8 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A24-10051  
Date Received: 2/14/1990  
Receipt No: E012197  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ROBERT L. HILD 805-682-8111  
Address: 4475 VIA ABRIGADA  
SANTA BARBARA, CA 93110

2. Date of Priority: JUN 27, 1928

3. Source: COW CREEK Trib. to: STUMP CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 07S      | 46E   | 28      | NW     | NW     |     |     | CARIBOU |

5. Description of diverting works:  
DITCH TO LAKE TO IRR. DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.200  |      |        |
| RECREATION | 01/01 | 12/31 | 1.200  |      |        |

7. Total Quantity Appropriated is:  
1.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/ UP TO 250 HEAD CATTLE R/ FISH POND

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 07S      | 46E   | 28      | NE     | NE  |     | IRR | 10.0  |
|          |       |         | SW     | NE  |     | IRR | 10.0  |

A24-10051

Page 1

Date: 03/26/90

A2410051



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10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 07S      | 46E   | 28      | SE  |    | NE  |     | IRR           | 30.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 10.0  |
|          |       |         |     |    |     |     | Section Acres | 60.0  |
|          |       |         |     |    |     |     | Total Acres   | 60.0  |

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

CIVIL CASE NUMBER: 39576  
Ident. Number A24-10051  
Date Received 3-1-90  
Receipt Number 6012197

RECEIVED

MAR 1 - 1990

Department of Water Resources  
Eastern District Office

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Department of Water Resources  
Eastern District Office

1. Name of Claimant(s) Robert L. Hild Phone (805) 682-8111  
Mailing Address 4475 Via Abrigada, Santa Barbara, CA Zip 93110
2. Date of Priority (Only (1) per claim) June 27, 1928
3. Source of water supply (a) Cow Creek  
which is tributary to (b) Stump Creek
- 4.a. Location of existing  
point of diversion is: Township 7S. Range 46E. Section 28,  
1/4 of NW 1/4 of NW, Govt. Lot, \_\_\_\_\_ B.M., County of Caribou  
Additional points of diversion if any: \_\_\_\_\_
- b. If instream flow, beginning point of claimed instream flow is:  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_  
ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of  
\_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. \_\_\_\_\_  
Gravity flow ditch from point of diversion to lakes; headgate from lake to irrigation ditches.

MODELING

NOV 06 1954

6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 1.2 or \_\_\_\_\_  
For Recreation purposes from 01/01 to 12/31 amount 1.2 or \_\_\_\_\_  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.2 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 210 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)  
Incidental stockwatering--250 head of cattle and horses; Recreation--the lake is sometimes stocked with fish for private enjoyment.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

| TWP:RNG:SEC:    | NE1/4 |     |     | :       | NW1/4 |     |     | :   | SW1/4 |     |     | :   | SE1/4 |     |     | :T1S |
|-----------------|-------|-----|-----|---------|-------|-----|-----|-----|-------|-----|-----|-----|-------|-----|-----|------|
| :               | :NE   | :NW | :SW | :SE     | :NE   | :NW | :SW | :SE | :NE   | :NW | :SW | :SE | :NE   | :NW | :SW | :SE  |
| 7S:46E: 28: 10' |       |     |     | 10' 30' | 10'   |     |     |     |       |     |     |     |       |     |     |      |
| :               | :     | :   | :   | :       | :     | :   | :   | :   | :     | :   | :   | :   | :     | :   | :   | :    |
| :               | :     | :   | :   | :       | :     | :   | :   | :   | :     | :   | :   | :   | :     | :   | :   | :    |
| :               | :     | :   | :   | :       | :     | :   | :   | :   | :     | :   | :   | :   | :     | :   | :   | :    |
| :               | :     | :   | :   | :       | :     | :   | :   | :   | :     | :   | :   | :   | :     | :   | :   | :    |
| :               | :     | :   | :   | :       | :     | :   | :   | :   | :     | :   | :   | :   | :     | :   | :   | :    |
| :               | :     | :   | :   | :       | :     | :   | :   | :   | :     | :   | :   | :   | :     | :   | :   | :    |

Total number of acres irrigated 60

11. In which county(ies) are lands listed above as place of use located?  
Caribou

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

\_\_\_\_\_ or None ( X )

14. Remarks:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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NOV 06 1992

Last Name Hild Ident. Number \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_  
 Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
 Plaintiff vs Defendant \_\_\_\_\_

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Robert L. Hild Date 3/13/90  
 Robert L. Hild \_\_\_\_\_ Date \_\_\_\_\_

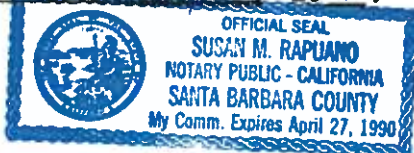
For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_ of \_\_\_\_\_, that I have signed the  
 Title \_\_\_\_\_ Organization \_\_\_\_\_

foregoing document in the space below as \_\_\_\_\_ Title \_\_\_\_\_  
 of \_\_\_\_\_ and that the statements contained in the  
 Organization \_\_\_\_\_  
 foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_  
 Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or CALIFORNIA )  
 County of SANTA BARBARA ) SS.

Subscribed and sworn (or affirmed) before me this 13th day  
 of February, 1990.



Notary Public Susan M. Rapuano  
 Residing at 529 Amherst Dr COLETA, CA 931  
 My Commission Expires 4/27/90

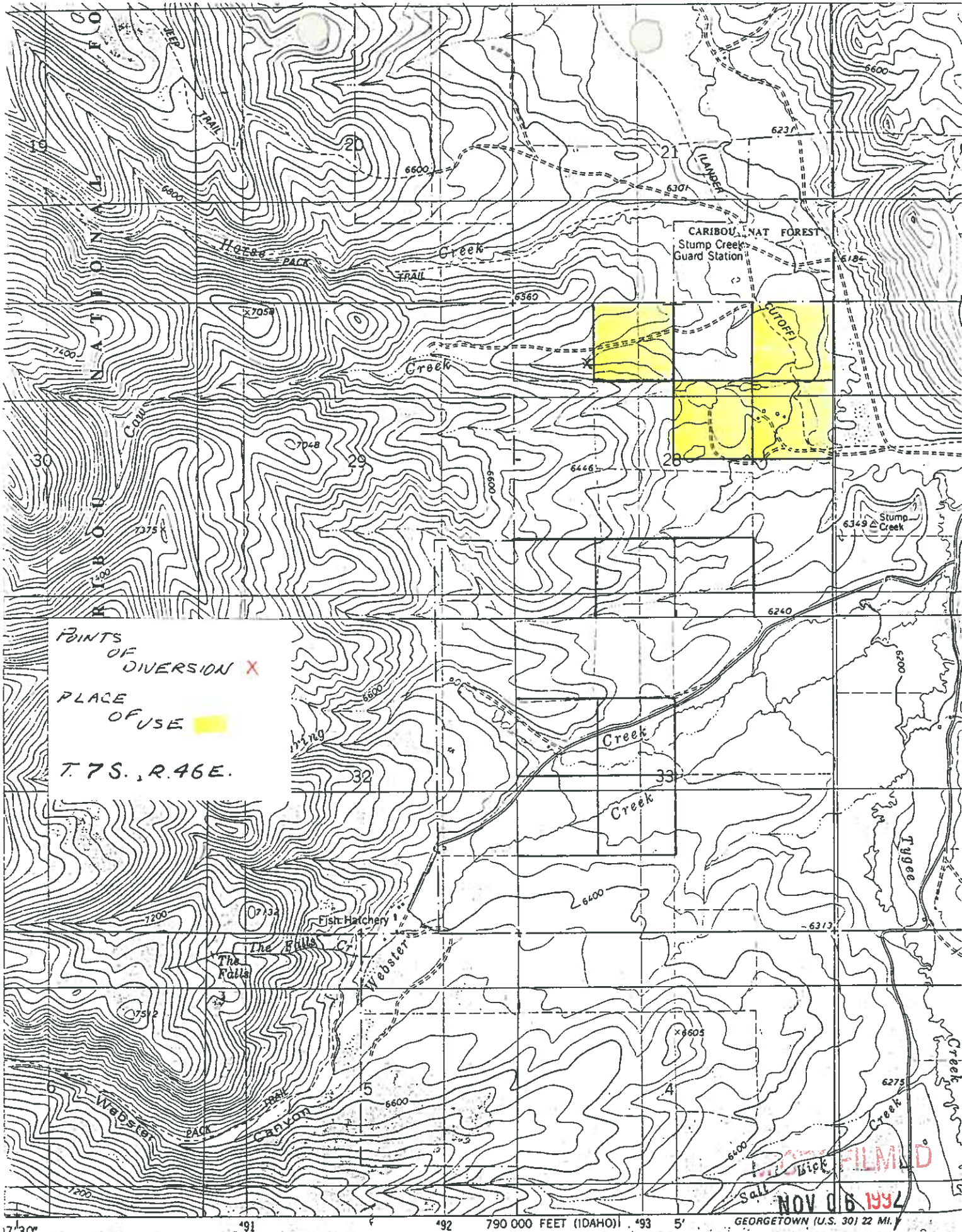
17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Kent W. Foster  
 Address P.O. Box 50130, Idaho Falls, Idaho 83405  
 Date 2/14/90

Last Name Hild Ident. Number \_\_\_\_\_

MICROFILMED  
 NOV 06 1992



7130' 491 492 790 000 FEET (IDAHO) 493 5'

Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs

NOV 06 1992  
1:50,000  
GEORGETOWN (U.S. 30) 22 MI.  
1000 0 1000 2000

Law Offices  
**HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.**

KENT W. FOSTER  
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DONALD L. HARRIS  
DALE W. STORER  
MARIE T. TYLER  
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KARL R. DECKER  
SHAN B. PERRY  
DeANNE CASPERSON\*\*  
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ROBERT L. HARRIS  
DEBORAH S. O'MALLEY

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P.O. BOX 50130  
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620  
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E-MAIL [KFOSTER@HOLDENLEGAL.COM](mailto:KFOSTER@HOLDENLEGAL.COM)

Arthur W. Holden  
(1877-1967)  
Robert B. Holden  
(1911-1971)  
Terry L. Crapo  
(1939-1982)  
William S. Holden  
(1907-1988)

Of Counsel  
Fred J. Hahn

\*\*Also Licensed in Missouri & Kansas

November 10, 2006

Cindy Bird  
Idaho Department of Water Resources  
15 W. Center St.  
Soda Springs, ID 83276

Re: SRBA Claim No. <sup>24</sup>~~34~~-10051 (Hild)

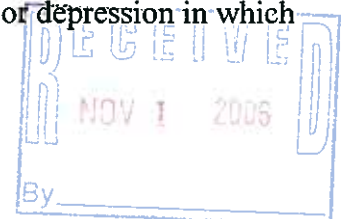
Dear Cindy:

I was able to reach Bob Hild to ask him more about the water from Cow Creek and the ponds. As I understood from him, the facts he knows are as follows:

It is doubtful Cow Creek has ever had 60 miner's inches in it, except from maybe an extraordinarily high run-off water event or a cloud burst. There is an old natural channel of sorts where Cow Creek once ran naturally to the east, but since the ditch was constructed from the south side of Cow Creek in the NENW, Sec. 28, around the contour of the hill to the larger of the two ponds, it has become the channel of Cow Creek. There is no headgate on Cow Creek; the ditch was constructed to intercept the entire flow. Except in the brief run-off period in the mid to late May time, there is no more than a trickle of maybe as much as 0.1 cfs in the ditch. Mr. Hild says he routinely walks the ditch and carries a shovel to fill gofer holes because a good sized gofer hole will take the entire flow of the ditch. The ditch is large enough to carry a great deal more water than it does, but to Mr. Hild's knowledge, no one has ever measured the flow of water in it, and to do so would hardly justify the expense.

There is no evidence of an old home or cabin, and Mr. Hild has never seen any. He has a vague understanding from talking with some older neighbors, and persons such as Mrs. Ada Hurd-Nelson, that her father built a home or cabin "up on Cow Creek", but he does not know where it was located and he knows of no evidence of any remains.

There is some indication of old ditches, which might have, at one time, irrigated some land between Cow Creek and the unnamed intermittent drainage or swale or depression in which



Cindy Bird  
Idaho Department of Water Resources  
November 10, 2006  
Page 2 of 2

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the ponds are located. There is also some evidence of ditches, probably for irrigation, southeast of the large pond and south of the small pond including some of the area where the buildings are now located. But Mr. Hild cannot estimate the acreage that may have once been irrigated. To his knowledge, the last owner (three or four before him) to do so, was one Floyd Bagley, now deceased.

There has been no irrigation of this land since Mr. Hild acquired it, and the upper or larger pond has been used only for recreation and watering of cattle. Although the meadow lands surrounding the ponds produces grass, it is hard to say whether this is from the groundwater that feeds the ponds or from the subbing out from the ponds themselves.

There is a berm, of sorts, perhaps up to three or four feet higher than the surrounding land surface, which is located around the eastern portion of the pond, with a metal culvert type headgate from which a small, usually unused, channel connects the upper larger pond to the lower smaller pond. Mr. Hild has never opened the metal slide in the headgate because the water level seldom even reaches the bottom of it. The pond may be as much as 12 to 14 feet deep near the center. There is generally no runoff from the canyon or draw to the west, even though the USGS map shows an intermittent stream emanating from that source, running to the large pond, then connecting the two ponds, and exiting the small pond. The ponds fill, to the extent they do, primarily from groundwater and the upper pond receives the small augmentation from the Cow Creek ditch. But there is virtually never any water to release from the upper larger pond to the lower small one.

If you think an affidavit from Mr. Hild to this effect is essential, please let us know and we will try to accomplish that. We thought perhaps you would like this information as soon as possible. You are of course welcome to go to the property to view any of these items at your convenience.

Yours very truly,



Kent W. Foster

c: Nick Spencer

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October 16, 2006

Nick Spencer  
Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83720-0098

COPY

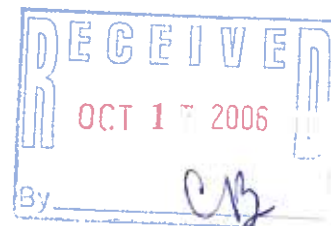
RE: SRBA Claim No. 34-10051 (Hild)

Dear Nick:

I apologize for the delay in responding to your letter of September 13, 2006, regarding the above matter. When we received the letter, we wrote to Mr. Hild to ask him to help us with a response. First Mr. Hild was out of town, and then I was out from September 25<sup>th</sup> through October 6<sup>th</sup>. Of course, when I returned, I spent a lot of time trying to put out brush fires.

Mr. Hild and I did talk last week and we desire to respond to your questions. It is true that the USGS Quad map shows an unnamed intermittent stream emanating from the small canyon or draw directly west of the ponds, which appears to flow through the ponds. Mr. Hild indicates there is rarely any water from this source, except on infrequent occasions when there is a substantial snow pack and there is sometimes a small amount of water that comes down this depression during spring runoff. It is never enough to fill the ponds. There is not even much of a channel from this draw, although there is a small channel connecting the ponds.

The source of nearly all of the water for the ponds is a ditch from the south side of Cow Creek, which comes around the edge of the hill or mountain to the north and west of the larger pond. This is the ditch Mrs. Ada Hurd Nelson testified she helped her father dig after they moved to the Cow Creek property in about 1921 or 1922. According to Mrs. Nelson, the Cow Creek water which was brought through the ditch was used to irrigate some land to raise grain, alfalfa, potatoes and horse pasture, as well as to water livestock. For many years there has been no cultivation of any crops; the water in the ponds helps to keep the surrounding grass green and supplies water for the livestock. Mostly, the ponds are used for recreation for the Hild family, especially the grandchildren, and for livestock watering.



Nick Spencer  
Idaho Department of Water Resources  
October 16, 2006  
Page 2 of 2

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The best we know about the land developed by Mrs. Nelson's father is that it was near the pond, but we do not know how much or the specific location, and, as we say, it has not been cultivated for many years. The claim is only for the diversion of up to 1.2 cfs from Cow Creek for the filling of the ponds for recreation and stockwater use.

Thank you for your kind attention to this matter.

Yours very truly,



Kent W. Foster

c: ✓ Cindy Bird

## Notes

8/21/06 Received the Amended Claim - Made  
Changes in Computer Bpt

8/23/06 Looked at issues. There isn't any evidence  
to determine what was irrigated in 1928.  
- no evidence when the irrigation stopped  
and reclamation started.

8/28/06 Talked with Nick Spencer about the  
claim. He suggested sending a disallow  
letter with a date we will accept additional  
information.

9/29/06 Sent letter to Kent Foster. -  
Additional document October 20, 2006

9/7/06 Received response from Kent Foster on  
my request for more information.

The letter doesn't answer the questions asked.

9/11/06 faxed to Nick Spencer for review.

9/13/06 Nick Spencer sent a reply to Kent Foster. Copy of  
letter in the file.

11/9/06 Depth of the pond? Ant. lit height?

## Notes

10-20-04 Assessment Ops.

Robert L. Viero

PO Box 30427

Santa Barbara, Ca 93130

10-21-04 Letter to client re evidence of priority. Bx

11-10-04 Letter from Claimants attorney. ~~100~~

5-23-05 Put a copy of the plat, topo & ortho maps  
in the file PB. ~~5-23-05~~ 5-24-05

10 Oct 05 Please see A24-10049 for contact info, A24-02017  
for address. Bcc copy with  
date 10-18-

6-5-06. Robert Hild called, to make sure every-  
thing goes to his attorney's office. According to Mr  
Hild he doesn't sign anything unless the attorney  
has reviewed it first. He will be gone after October 30  
send everything to the attorney.

7/27/06 amended claim and sent copy to Holder  
Kidwell & Crapo for signature. CB

8/15/06 4:23pm left a message for Kent Foster.

**PHONE CALL**

FOR Condy DATE 8/16 TIME 10:25 AM

M Kent Foster

OF

PHONE/  
MOBILE 523-0620 FAX \_\_\_\_\_

MESSAGE A letter I received  
from you July 28-  
signature for Bob  
Robert Hild- He will be there  
on Friday morning to sign

SIGNED Bernita

☒ TELEPHONED  
☐ RETURNED YOUR CALL  
☐ PLEASE CALL  
☐ WILL CALL AGAIN  
☐ CAME TO SEE YOU  
☐ WANTS TO SEE YOU

1154

# Notes

24-10049

10-20-04 Assessments Ops.

Robert L. Hild

PO Box 30427

San Jose, California, CA 95130

11-21-04 Letter to claimant re evidence of priority, 1840

11-10-04 Letter from Claimants attorney, BP

5-23-05 Put a copy of the plat, topo & ortho maps in the file 18

19 July 05 805 682 8111 Bond Storage ? Enterprises Bac

20 July 05 523-0620 MS, w/ Rob Harris answering machine Bac (Rob is attorney @ Foster firm)

Rob Harris called back - does not have phone # - Will try to find Hired Man's name - Bac

28 July 05 Rob Harris called fr. Foster's law office. Bob Hild will be out of the country till mid August but wants to be present for field inspection. He can be reached at 208 225-3592 after 1:00 PM or 5:00 PM. Bac

8 Sept 05 225-3592 8 PM Busy

8:20 AM - 11 AM will be here Com'g fr.

Autumn - Smokey Canyon rd - cross state line

About 1 mile on right, sharp turn - just after turn - dirt road / cattle guard - Sharp Creek

Rd - right - fork - sign says private, no trespassing - hold to left. If I reach

Fish hatchery Rd, too far

9 Sept 05 met w/ Mr. Hild Bac

1 Oct 05 please see address in A24-02017 Bac copy added to file 10-18-05. BD

I assume this is the 'contact information' Bryce refers too. BP 10-24-05

24-10049

15 West Center Street  
Soda Springs, Idaho 83276  
(208) 547-3993  
(208) 547-3939 fax

Idaho Department of  
Water Resources

# Fax

To: Nick Spencer From: Cindy Bird  
Fax: 1-208-287-6701 Pages: 3  
Phone: 1-208-287-4813 Date: 9/11/06  
Re: 24-10051 CC:

☐ Urgent ☒ For Review ☒ Please Comment ☐ Please Reply ☐ Please Recycle

● Comments:

Hi Nick,  
Attached is Kent Foster's response to  
my letter that the claim was disallowed  
pending additional evidence required.

What do you think?

Cindy

**FAXED**  
10:40 AM  
9/11/06 CB



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

September 13, 2006

Kent W. Foster, Esq.  
Holden, Kidwell, Hahn & Crapo, P.L.L.C.  
1000 Riverwalk Drive, Suite 200  
P.O. Box 50130  
Idaho Falls, ID 83405

*RE. SRBA Claim No 24-10051 (Hild)*

Dear Kent:

Cindy Bird at IDWR's office in Soda Springs has forwarded your letter to her dated September 6, 2006. We have been working on the issues involved in this water right. It is anticipated that the Preliminary Director's Reports for Basin 24 will be sent out on September 15, 2006. Given the short time frame, and a number of questions involved with this claim, this water right will be recommended as disallowed. This is procedural only; it is not a final determination of disallowance. We will continue working through the issues involved in this claim during the Notice of Error process.

We need to do additional work on this end to determine whether any water users downstream on Stump Creek and below will be affected if IDWR recommends this right as claimed in the Amended Notice of Claim. Also, by reviewing the layout for this claim, it appears that there is an unnamed stream that runs through the ponds. Could you verify if this is indeed the fact with your client? We need to make certain that the correct source is being claimed. We also need to determine whether the unnamed stream is providing water to the pond. Additionally, we need to address further with you the location of the land Ms. Hurd is referring to in her affidavit as having been developed by her father.

We look forward to working with you in resolving the issues. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink that reads "Nick Spencer".

NICHOLAS B. SPENCER  
Deputy Attorney General, IDWR

cc: Cindy Bird



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(1907-1988)

Of Counsel  
Fred J. Hahn

\*\*Also Licensed in Missouri & Kansas

September 6, 2006

Cindy E. Bird  
Idaho Department of Water Resources  
15 W. Center St.  
Soda Springs, ID 83276

RE: SRBA Claim 24-10051 in the name of Robert L. Hild

Dear Ms. Bird:

We are writing at the request of Mr. Robert L. Hild to respond to your letter of August 29, 2006, regarding the above referenced SRBA Claim. As you know, the claim was amended about mid August of this year to eliminate the irrigation portion and substitute recreation and recreation storage instead. 1.2 cfs is undoubtedly more water than is diverted from Cow Creek most of the time, but there are no measurements available. And there is no evidence available to demonstrate how many acres were actually irrigated when land was being irrigated from this source.

The Hilds purchased this property in 1970. At that time, there was limited evidence of irrigation. The reservoir or pond was in existence, and there was, and still is, the remains of an old ditch from the reservoir through some of the adjoining land. But the Hilds never attempted to irrigate any land and, so as near as they could tell, that practice had ceased some time before they acquired the property. The Hilds have used the reservoir only for some recreation and for stockwatering since the time of their acquisition of the property.

The canal or ditch which diverts water from Cow Creek to the reservoir has effectively become the channel of Cow Creek and Mr. Hild says in most years, after the spring runoff is gone, the flow of water in the ditch would seldom exceed a few gallons per minute. The reservoir covers approximately 3 acres of land. It was created by placing a low earthen dike across the bottom end of a swale which held a smaller natural lake or pond, and then building the ditch from Cow Creek to bring the water to it. The reservoir is relatively shallow, averaging about four feet in depth.



Cindy E. Bird  
Idaho Department of Water Resources  
September 6, 2006  
Page 2 of 2

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The only information Mr. Hild has been able to obtain regarding construction of the ditch and reservoir is the letter from Mrs. Ada Hurd Nelson, on which her signature was notarized October 26, 1994. Mrs. Nelson is now deceased, and we know of no one who would have any personal knowledge of the previous irrigation besides her. She indicates her father raised grain, alfalfa, potatoes, horse pasture and a vegetable garden, but she does not indicate acreage or when her father sold the land. She did state that he homesteaded the property in the early 1920s. The patent is dated August 15, 1921, and appears to have been recorded March 23, 1928. We apparently used the date of June 27, 1928 as the claimed priority because Mr. Hild had previously understood the ditch was built by a Mr. Young in June of 1928. It appears from Mrs. Nelson's letter that the ditch was probably first built by her father previous to that time.

This is all of the information known to Mr. Hild at this time. Thank you for your continued attention to this matter.

Yours very truly,



Kent W. Foster



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

15 W. Center St. Soda Springs, Idaho 83276

Phone: (208) 547-3993 FAX: (208) 547-3939 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

**JAMES E. RISCH**  
Governor

**KARL J. DREHER**  
Director

August 29, 2006

Robert L. Hild  
C/O Kent Foster  
HOLDEN KIDWELL HAHN & CRAPO  
PO Box 50130  
Idaho Falls, ID 83405-0130

COPY

REF: Snake River Basin Adjudication (SRBA) Claim  
24-10051

Subject: Preliminary Director's Report

**RESPONSE DATE: OCTOBER 20, 2006**

Dear Mr. Hild:

The above referenced claim has been **disallowed** in the preliminary SRBA process. There is not sufficient evidence in the file to determine what land was irrigated in the beginning and is it the same land that is claimed in the SRBA? What it boils down to is that you're claimed the diversion of 60 inches of water into a recreational pond instead of irrigating 60 acres without any evidence that 60 acres was ever irrigated.

We will consider during the Notice of Error process any evidence you might have demonstrating what specific land Cow Creek originally irrigated and that the land claimed in the Adjudication process is one in the same. When did the change in nature of use occur? When did the irrigation stop and the recreation started?

Also, the pond is located in the channel of an unnamed stream. Does the unnamed stream contribute water to the pond? If so, how much?

We will need evidence of the number of acres that were originally irrigated and that the irrigation had been used continuously until it was changed to recreation.

We will consider any additional information submitted to us before **October 20<sup>th</sup>, 2006**. If you have any questions please don't hesitate to give me a call at (208) 547-3993 or you can reach Nick Spencer at (208) 287-4813.

Respectfully,

Cindy E. Bird  
Adjudication Bureau

Enclosure(s):

CC: Nicholas B. Spencer  
Deputy Attorney General, IDWR

COPY

8/23/06

claim 24-10051

- Priority date:

affidavit from Ada Nelson.

Paragraph 2 - Built a large one room house over the hill north of the lakes, where we lived in the summer.

\* Here he cultivated the ground and planted grain.

Paragraph 3 - dad dug a ditch around the hill from cow creek into the lake for irrigation of grain, alfalfa, potatoes, horse pasture.

Patent: Frank Devenberg. 6-10-1921.

SW : W  $\frac{1}{2}$  of the SE Sec. 28 T7S, R46E.

— Mahonri Hurd 8-15-1922.

NW, E  $\frac{1}{2}$  NE, SWNE Sec. 28 T7S, R46E.

- ISSUES: when did it change from irrigation to recreation?

— What was historically irrigated?

— Was 60 acres historically irrigated that 60 miles of water can now go into a recreation pond?

8/28/06 We would need some additional information on what specifically was irrigated.

- When did it change?

- Did they intend to use the pond for recreation.

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August 18, 2006

Cindy E. Bird  
Idaho Department of Water Resources  
15 W. Center St.  
Soda Springs, ID 83276

Re: Robert L. Hild - Amended Claim No. 24-10051

Dear Ms. Bird:

Enclosed with this letter is the completed Amended Notice of Claim for Mr. Robert L. Hild. Thank you for your patience in this matter.

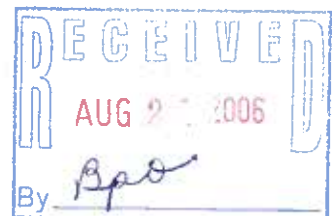
Yours very truly,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\7704 Hild, Robert\Cindy Bird ltr 081806.wpd:cdv





**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

15 W. Center St. Soda Springs, Idaho 83276

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**JAMES E. RISCH**  
Governor

**KARL J. DREHER**  
Director

July 27, 2006

**ROBERT L. HILD**  
C/O HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS, ID USA 83405

REF: 24-10051

Subject: Amended claim

**RESPONSE DATE: AUGUST 14, 2006**

COPY

Dear Mr. Foster,

I amended the above referenced Notice of Claim to a Water Right to include the recreation storage and stock water found during the field examination with Bryce Contor on 9-9-05 with Mr. Hild. Please have Mr. Hild sign and return the amended claim by the above response date. If you have any questions please don't hesitate to give me a call at 547-3993.

Respectfully,

Cindy E. Bird  
Adjudication Bureau

Enclosure(s): Amended Notice of Claim 24-10051

## Contacts Data Entry Form

② 208-225-3592

| Owner Type | Full Name | Address | City | State | Zip | Phone |
|------------|-----------|---------|------|-------|-----|-------|
|------------|-----------|---------|------|-------|-----|-------|

Current Owner

Name connector: and

or

and/or

Current Owner

Current Owner

Representing Attorney:

Phone Number:

Accompanied By:

Phone Number:

Relationship to Claimant:

Date of Field Exam:

Time:

Directions to Property (if different from above) and/or update owner information:

Reviewer:

Date:

Contacts Data Entry Form

## Priority Date Data Entry Form

Claim Number: A 24-10051

Water Right Priority Date: \_\_\_\_\_ Water Right Basis: \_\_\_\_\_

Claimed Priority Date: \_\_\_\_\_ Claimed Basis: \_\_\_\_\_

Recommended Priority Date: \_\_\_\_\_ Recommended Basis: \_\_\_\_\_

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

See affidavit from Ada Hurd Nelson. She  
apparently was about 10 yrs old in 1920. She  
helped her father dig the ditch "as a girl"  
therefore probably before she was 18 yrs old  
in about 1928. DAC 1 Oct 05

- What was irrigated originally?

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

Priority Date Data Entry Form

# Point of Diversion and Source Data Entry Form

Claim Number: A24-10051

Water Right Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec.\_\_\_\_, County:\_\_\_\_\_

Source:\_\_\_\_\_ Tributary:\_\_\_\_\_

Claimed Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec.\_\_\_\_, County:\_\_\_\_\_

Source:\_\_\_\_\_ Tributary:\_\_\_\_\_

Recommended Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec.\_\_\_\_, County:\_\_\_\_\_

Source:\_\_\_\_\_ Tributary:\_\_\_\_\_

\_\_\_\_ Use Claimed POD and Source as Recommended POD and Source

| Twp                              | Rge | Sec | Gov Lot | QQ of QQ of Q           | County  | Source    |
|----------------------------------|-----|-----|---------|-------------------------|---------|-----------|
| 7S                               | 46E | 28  |         | SE NW NW                | Caribou | Cow Creek |
| GPS Coordinates: <u>2738067E</u> |     |     |         | <u>1291728N FOTM 83</u> |         |           |

GPS Coordinates: \_\_\_\_\_

GPS Coordinates: \_\_\_\_\_

GPS Coordinates: \_\_\_\_\_

GPS Coordinates: \_\_\_\_\_

GPS Coordinates: \_\_\_\_\_

GPS Coordinates: \_\_\_\_\_

Other rights from this POD? None

Document how the POD and Source were verified and/or Pump and Motor data:

GPS, field inspection. Bac 1 Oct 05

Transfers Changing POD \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

# Point of Diversion and Source Data Entry Form

## Purpose of Use Data Entry Form

Claim Number: 24-10051

\_\_\_\_ Use Claimed Purpose of Use as Recommended Purpose of Use

## Water Right Purpose of Use

| Water Use | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|-----------|-----------------|-----------------|------------|-----------------|
|           |                 |                 |            |                 |
|           |                 |                 |            |                 |
|           |                 |                 |            |                 |

## Claimed Purpose of Use

| Water Use | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|-----------|-----------------|-----------------|------------|-----------------|
|           |                 |                 |            |                 |
|           |                 |                 |            |                 |
|           |                 |                 |            |                 |

## Recommended Purpose of Use

| Water Use          | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|--------------------|-----------------|-----------------|------------|-----------------|
| recreation         |                 |                 |            |                 |
| Stockwater         |                 |                 |            |                 |
| recreation storage |                 |                 |            |                 |

## Document how the Purpose of Use was verified:

Per Mr. Hild, no irrigation has been practiced for many years. Pond is used for recreation & stock do drink from pond. We didn't drive to the pond but it is apparent on 1987 and 2004 aerial photos and on USGS topo maps. BAC 1 Oct 05.

Transfers Changing Purpose of Use \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

## Place Of Use Data Entry Form

Claim Number: 24-10051☐ Use Claimed POU as Recommended POU

## Claimed Place of Use

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|---|--------|---------|-------|----------------|
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |

Total Acres \_\_\_\_\_

## Recommended Place of Use

| Twp | Rge | Sec | QQ | Q  | County  | Lot Num | Acres | Purpose of Use     |
|-----|-----|-----|----|----|---------|---------|-------|--------------------|
| 75  | 46E | 28  | SW | NE | Caribou |         |       | stockwater         |
|     |     |     |    |    |         |         |       | recreation         |
|     |     |     |    |    |         |         |       | recreation storage |
|     |     |     |    |    |         |         |       |                    |
|     |     |     |    |    |         |         |       |                    |
|     |     |     |    |    |         |         |       |                    |

Total Acres \_\_\_\_\_

Document how the POU was verified:

Aerial photo. Pond is about 3.7 acres in extent. I forgot to ask about depth. Assuming 10ft depth, 333ft average depth (cone geometric formula). Volume ~ 12.3 acrefeet  
Boe 10/05

Transfers Changing POU \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

## Period of Use and Quantity Data Entry Form

Claim Number: 24-10051☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

## Water Right Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|-----------|-------|-----|------|--------|
|           |       |     |      |        |
|           |       |     |      |        |
|           |       |     |      |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

## Claimed Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|-----------|-------|-----|------|--------|
|           |       |     |      |        |
|           |       |     |      |        |
|           |       |     |      |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

## Recommended Period of Use and Diversion Rate

| Water Use          | Start | End  | Rate | Volume |
|--------------------|-------|------|------|--------|
| recreation         | 4/1   | 11/1 | 1.2  |        |
| recreation storage | 4/1   | 11/1 | 8    | 12.3   |
| stockwater         | 4/1   | 11/1 | 0.04 |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume 1.2

Document how the Period of Use and/or Diversion Rate were verified:

From visual inspection of ditch, 1.2 cfs seems reasonable to satisfy ditch leakage & fill pond  
 $1.2 \text{ cfs} \times 1.9835 \approx 2.4 \text{ acre ft/day} \approx$   
 filling of pond could occur in about a week.  
 Bae 100405

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

# Summary Data Entry Form

Claim No.: \_\_\_\_\_

Remarks and Conditions (Include Type, Category and Code if applicable):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

Split or Combined Right Analysis:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attached Field Notes or Other Documents:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

aim No.: A24-10051

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**CHANGE IN ADDRESS**

This form can be used to notify the Department of a change in  
address of the owners of record for the listed water rights.  
(Please print or type)

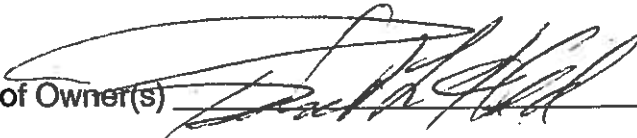
[ ] Water Right Number(s): A24-02017, A24-10049,  
A24-10050, A24-10051

[ ] Name(s): Robert L Hild

[ ] Old Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] New Mailing Address: PO Box 160  
Auburn WY 83111  
PO Box 30427  
Santa Barbara CA 93130

Telephone Number: (208) 225 - 3592

[ ] Signature(s) of Owner(s) 

(Include your title if on behalf of company or organization)

Date: \_\_\_\_\_

| Waypoint | Lon          | Lat         | Claim     | Site tag | Feature | Collect by | Instrument      | Comment                        |
|----------|--------------|-------------|-----------|----------|---------|------------|-----------------|--------------------------------|
| 14       | -111.0818833 | 42.79056667 | A24-10051 | none     | other   | B. Contor  | Garmin Geko 201 | photo taken from this location |
| 15       | -111.0892667 | 42.78908333 | A24-10051 | none     | POD     | B. Contor  | Garmin Geko 201 |                                |



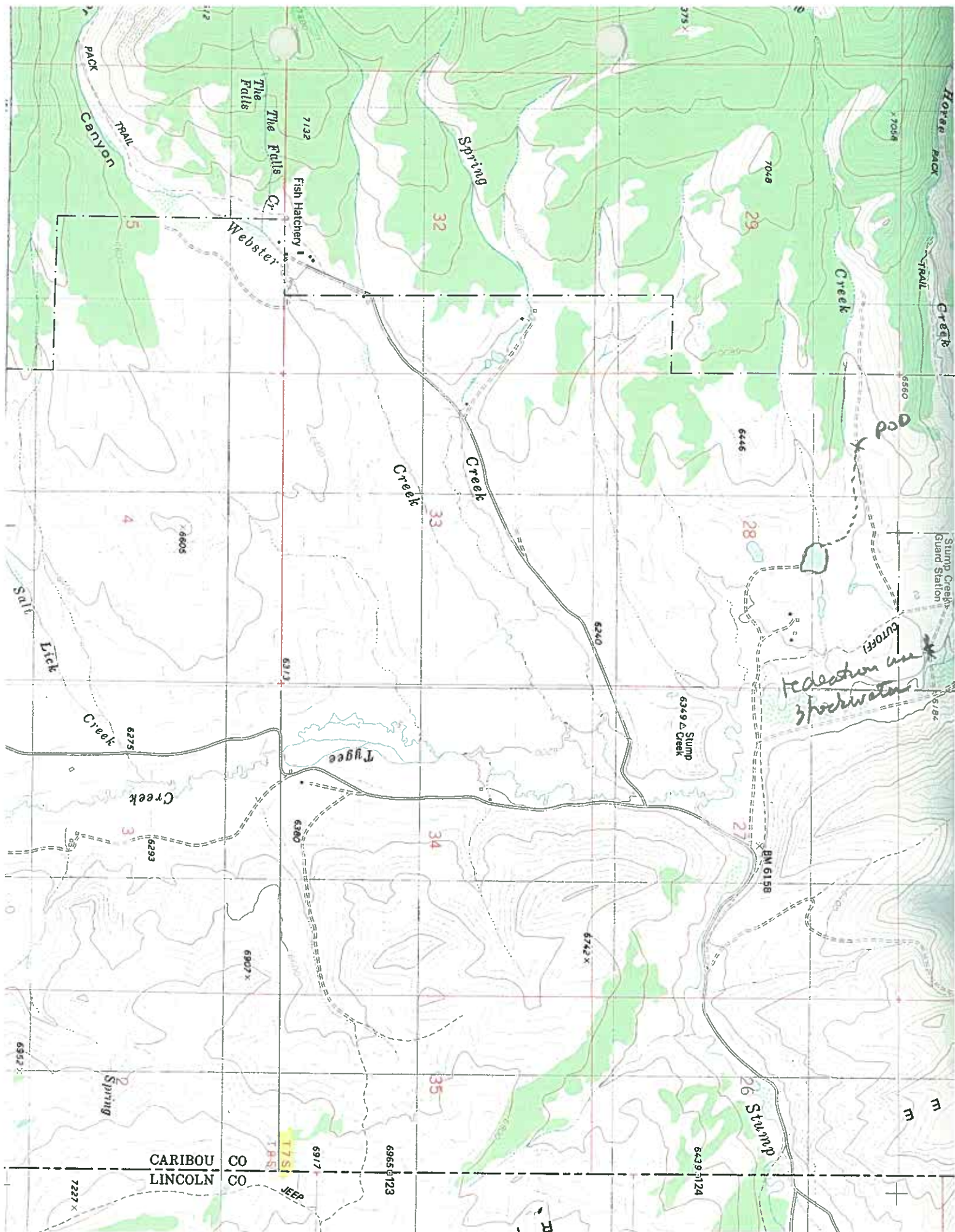
①

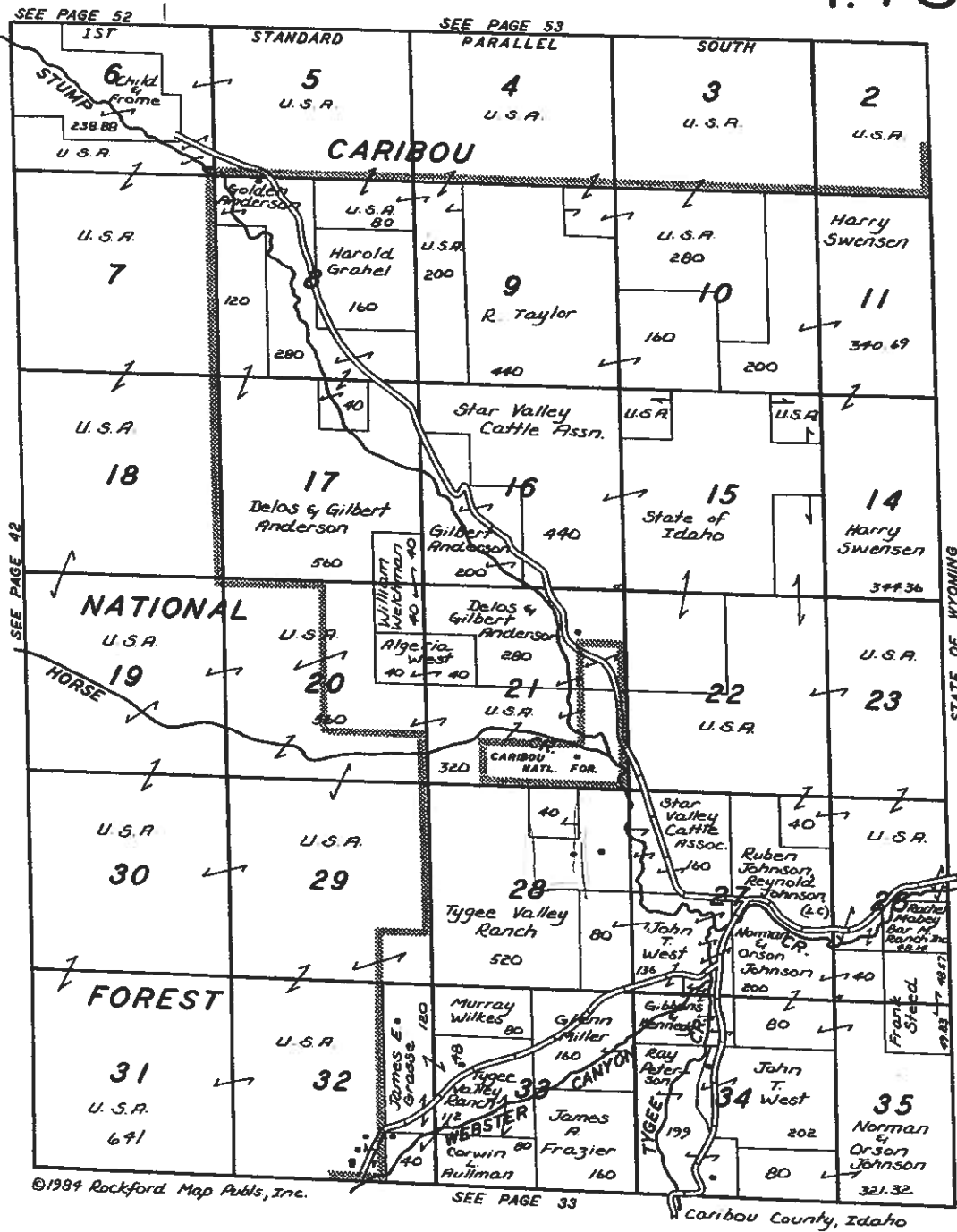
POD. Ditch bends off to right, creek bed is between camera and pickup. Waypoint 15 looking ENE. 9 Sept 05-



②

Looking SW at ditch on far hillside. Taken from waypoint 14 9 Sept 05. POD is just out of photo to the right about 1/4 mile ahead. BAC





Law Offices  
**HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.**

KENT W. FOSTER  
ROBERT E. FARNAM  
WILLIAM D. FALER  
CHARLES A. HOMER  
GARY L. MEIKLE  
DONALD L. HARRIS  
DALE W. STORER  
MARIE T. TYLER  
ROBERT M. FOLLETT  
FREDERICK J. HAHN, III  
KARL R. DECKER  
THEL W. CASPER\*  
SHAN B. PERRY  
AMELIA A. SHEETS  
DeANNE CASPERSON\*\*  
ROBERT L. HARRIS

1000 RIVERWALK DRIVE, SUITE 200  
P.O. BOX 50130  
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620  
FACSIMILE (208) 523-9518  
E-MAIL [KFOSTER@HOLDENLEGAL.COM](mailto:KFOSTER@HOLDENLEGAL.COM)

Arthur W. Holden  
(1877-1967)  
Robert B. Holden  
(1911-1971)  
Terry L. Crapo  
(1939-1982)  
William S. Holden  
(1907-1988)

Of Counsel  
Fred J. Hahn

\*Also Licensed in Utah and Arizona  
\*\*Also Licensed in Missouri & Kansas

November 5, 2004

Ms. Barbara Payne  
Idaho Department of Water Resources  
15 W. Center St.  
Soda Springs, ID 83467

Re: Snake River Basin Adjudication Claims 24-10049, 24-10050, and 24-10051  
Re: Evidence of Priority

Dear Ms. Payne:

We have been asked by Mr. Robert L. Hild, the owner of Tygee Valley Ranch, to respond to your letter of October 21, 2004, regarding evidence of priority for claims numbers 24-10049, 24-10050 and 24-10051.

We are enclosing an affidavit of Mrs. Ada Hurd Nelson and copies of two patents which we submitted in response to a similar request by Mr. Dave Carlson of the Idaho Falls office of the Department of Water Resources back in 1994.

We are also enclosing a second affidavit of Mr. Robert L. Hild, recently executed, with respect to the history of the use of the water pursuant to these three claims since he acquired the property in 1971. We have also enclosed a map prepared by Mr. Hild with respect to claim number 24-10051.

We will be happy to discuss any of these items with you at your convenience.

Yours very truly,



Kent W. Foster

Enclosures

In the early 1920's my father Mahorni Hurd homesteaded the property now owned by Robert Hild, it was on Cow Creek and over the hill where the lakes are. I was ten years old and remember riding from Grover, where we lived, in the back of a lumber wagon with our legs hanging over the end of the wagon. It seemed to take us for ever to reach the Cow Creek house.

I remember when I was 10 or 11 it took my father all summer to build a large one room house over the hill north of the lakes, where we lived in the summer. Here he cultivated the ground and planted grain. We also had a garden with a three wire fence around it to keep out the livestock. My Sisters and I had lots of fun trying to keep the squirrels from getting into the garden and eating the vegetables.

There was an old salt house down close to Stump Creek where we crossed to get up around the lakes and over the hill to our house on Cow Creek. My father used to take off his shoes socks and wade in the black mud to scrap up the salt, with a pitchfork, to feed the cattle. I, being the oldest of three girls, had to help dad dig a ditch around the hill from Cow Creek into the lake for irrigation of grain, alfalfa, potatoes, horse pasture and to water the live stock.

Those were wonderful years we spent up Stump Creek. Because of the distance from Grover to Cow Creek my father sold the homestead. After we moved to Auburn, father wished he still owned the Cow Creek property. The property has been sold several time since. In the early 1950's they started irrigating some of the lower land along Stump Creek with water pumped from Stump Creek. Then around 1965 they started using sprinklers. I have always had a fondness for this Cow Creek property since my father homesteaded it.

In the early 1920's, south of my fathers homestead, was the Devenberg homestead. (Frank and Lola) They built a cabin just below what we referred to in later years as the Devenberg Spring. Their cabin was located close to the spring. They had a small ditch that ran from the spring, by their cabin and on down into the meadow. They used the spring for their own personal use and to water their livestock and garden. The Devenberg's had quite a few cattle and horses that ranged on their land. Other than the garden and small crops the Devenbergs grew, this land has been used for cattle grazing, as it is today.

I have lived in Star Valley since 1911. Taught school in a one room school house, that is still standing, up Tygee Valley not far from my father's and the Devenberg homesteads. My husband, Max Nelson was a trapper for the state of Idaho for a number of years from 1940.

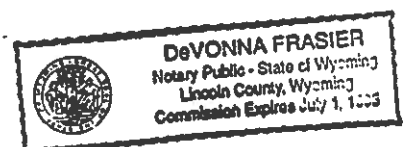
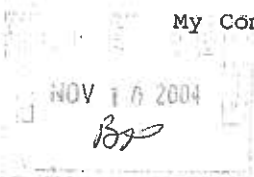
*Ada Hurd Nelson*  
Ada (Hurd) Nelson  
Auburn, Wyoming

NOTARY

SUBSCRIBED AND SWORN to before me this 26<sup>th</sup> day of October, 1994.

*Devonna Frasier*  
NOTARY PUBLIC

My Commission Expires: 7/1/95



PATENT

THE UNITED STATES OF AMERICA,  
By the President: Warren G. Harding,  
By: M. P. LeRoy, Secretary,  
By: L. Q. C. LaMar, Recorder of the  
General Land Office,  
(Seal affixed),

Dated: June 10, 1921.  
Filed: March 26, 1923, at 11:34 A.M.  
Recorded: Book 1 of Patents, at page 446,  
records of Caribou County, Idaho.  
Instrument No. 4765.

Grantor,

to

Frank Devenberg,

Grantee.

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Frank Devenberg has been established and duly consummated, in conformity to law, for the southwest quarter and the west half of the southeast quarter of Section twenty-eight, in Township seven south of Range forty-six east of the Boise Meridian, Idaho, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General.

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

SW, W 1/2 SE Sec. 28

RECEIVED

NOV 10 2004

134

CARIBOU TITLE COMPANY

Soda Springs, Idaho

SHEET  
NO.

-12-

PATENT

THE UNITED STATES OF AMERICA,  
By the President: Warren G. Harding,  
By: Ada Braddock, Assistant Secretary,  
By: John O'Connell, Acting Recorder  
of the General Land Office,  
(Seal affixed),

Dated: August 15, 1922.  
Filed: May 23, 1928, at 4:55 P.M.  
Recorded: Book 1 of Patents, at page 570,  
records of Caribou County, Idaho.

Instrument No. 9245.

Consideration: --

Witnesses: --

Acknowledged: --

Grantor,

to

Mahonri K. Hurd,

Grantee.

WHEREAS, A Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Mahonri K. Hurd has been established and duly consummated, in conformity to law, for the northwest quarter, the east half of the northeast quarter and the Southwest quarter of the northeast quarter of Section twenty-eight in Township seven south of Range forty-six east of the Boise Meridian; Idaho, containing two hundred eighty acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE, by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

T7S, R46E

NW, E $\frac{1}{2}$  NE, SW NE, S. 28.

NOV 12 2004

BT



November 2, 2004

I Robert L. Hild and my wife Adell Hild purchased the property known as Tygee Valley Ranch on which the SRBA claims, 24-10049, 24-10050 and 24-0051 are located, from I.E. Wernick in 1971. The primary use of this land has been for livestock grazing and feed since Mohonri Hurd homesteaded it in the early 1920's. Today, this is still what we use it for. We submitted in 1994 an affidavit by the daughter of Mohonri Hurd, Ada Hurd Nelson, who is now deceased, who lived on the land in the 1920's. She was born and lived in the valley all her life, dying less than a mile from said property in 1999.

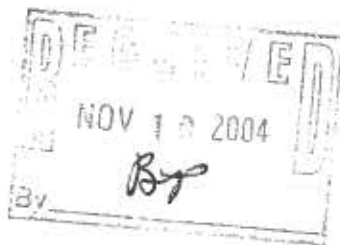
SRBA 24-10049: Known as Devenberg Spring as referred to in Ada Hurd Nelson's affidavit, fifth paragraph, "They used the spring for their own personal use and to water their livestock and garden ----- this land has been used for cattle grazing, as it is today."

SRBA 24-10050: Stump Cr. Irrigation. Water has been pumped for irrigation since the early 1950's as attested to in Ada Hurd Nelson's affidavit, fifth paragraph. We still use this source for irrigation. We buried the main line in 1976.

SBRA 24-10051: Cow Cr. Ditch. This ditch was constructed in the 1920's as indicated in Ada Hurd Nelson's affidavit in paragraph three, "helped dad dig a ditch around the hill from Cow Cr. into the lake for irrigation ---- and to water the livestock". It has been maintained ever since. The lake has served as a source of water for livestock, waterfowl and fish. The flow from the lake sinks in a flat area below the lake where livestock graze. Only during the early Spring run off does any of its water reach Stump Cr.

The above is accurate to the best of my knowledge.

Robert L. Hild

  
Adell Hild

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of

Santa Barbara } ss.

On

November 3, 2004

before me

Tanya Z. Valenzuela

Date

Name and Title of Officer (e.g., Judge, Notary Public)

personally appeared

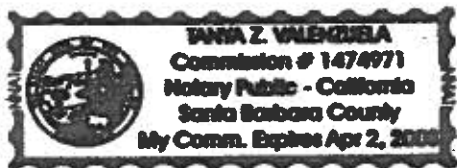
Robert L. Hild and Adell Hild

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Tanya Z. Valenzuela  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney-in-Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

NOV 10 2004

BP

SRBA 24-10051

Cow Cr.

Diversion  
Point

Ditch

Ditch

Lake

RECEIVED  
NOV 10 2004  
*Ba*

1991 inc. corp.



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

21 October 2004

Robert L. Hild  
P. O. Box 30427  
Santa Barbara, CA 93130

COPY

Re: Snake River Basin Adjudication (SRBA)  
Claims 24-10049, 24-10050, 24-10051

Subject: EVIDENCE OF PRIORITY

Response Date: 21 November 2004

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 24. 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 the above noted response date, 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,



**Barbara Payne**

Enclosure: Brochure on “*Evidence of Priority*”  
Notice of Claim to a Water Right

10-20-04

7,46  
~~+5510~~ 33,28  
~~+5520~~  
~~+5530~~  
~~+5540~~  
~~+5640~~  
~~+5660~~  
~~+5670~~  
~~+5720~~

Robert L. Neal

Parcel T.R.S

15640 7,46,28

Dry Grazing 73 E  $\frac{1}{2}$  SE,  
 Waste 7

~~15660~~

15660 7,46,28

Dry Grazing 200

15670 7,46,28

" " 311

}

Waste 9

15720 7,46,33

Dry Grazing 9.9

I don't know if I copied the meadow ground  
 info. B+

SCANNED

11/9 0 2001

Log for claim 24-10051

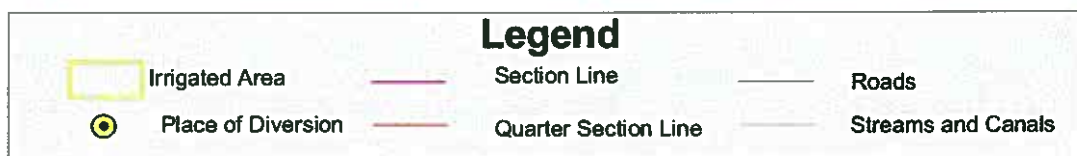
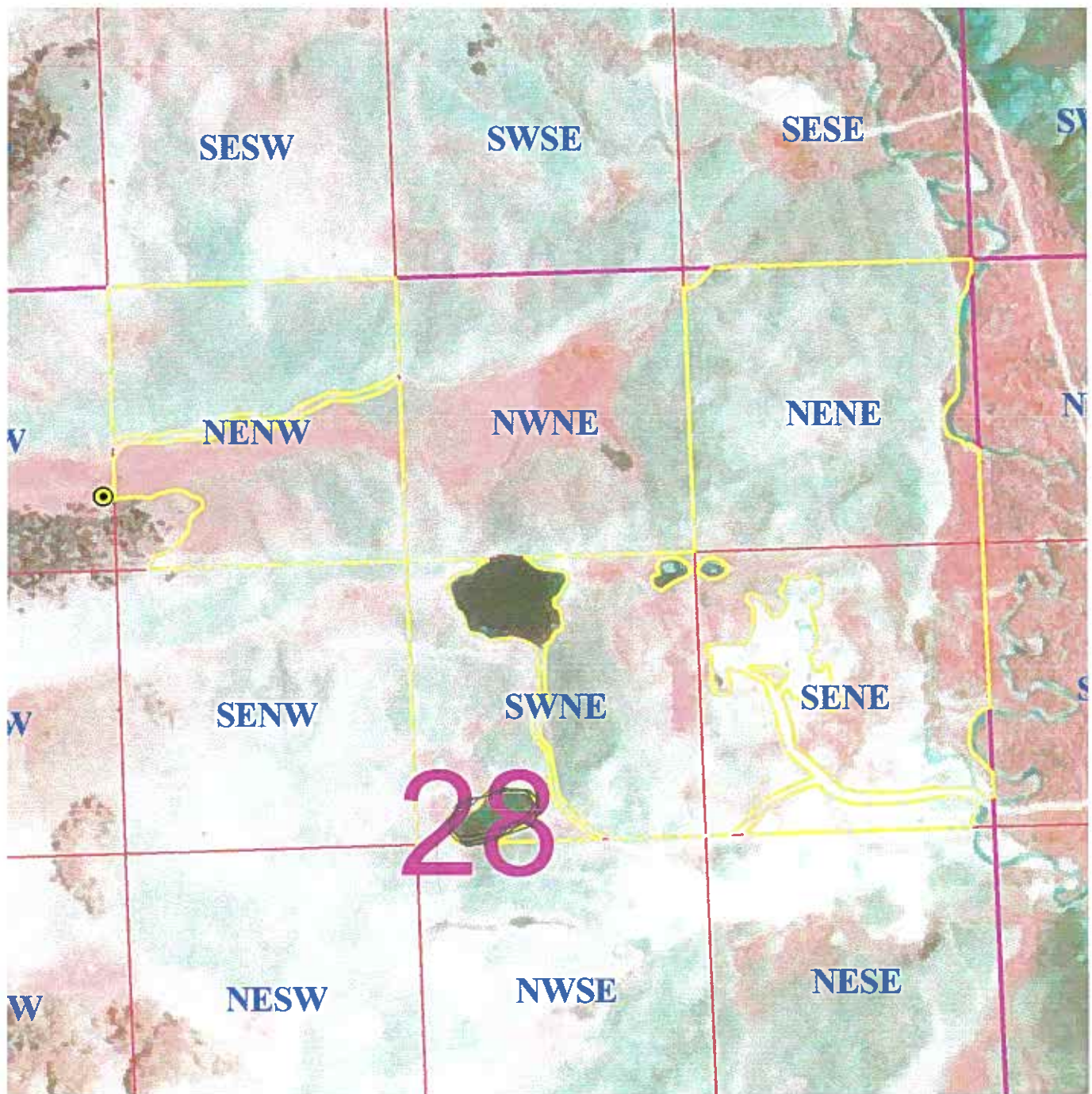
Spatial Dynamics LTD

5/2/01

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT       |
|---------|-----|------|------------------|----------------|---------------|
| 07s46e  | 28  | SWNE | 10               | 33             | Indiscernible |
| 07s46e  | 28  | NENW | 10               | 36             | Indiscernible |
| 07s46e  | 28  | NENE | 10               | 38             | Indiscernible |
| 07s46e  | 28  | SENE | 30               | 33             | Indiscernible |
| Totals: |     |      | 60               | 140            |               |

Water Right Claim Number 24-10051  
Township , 7S46E

05/02/2001



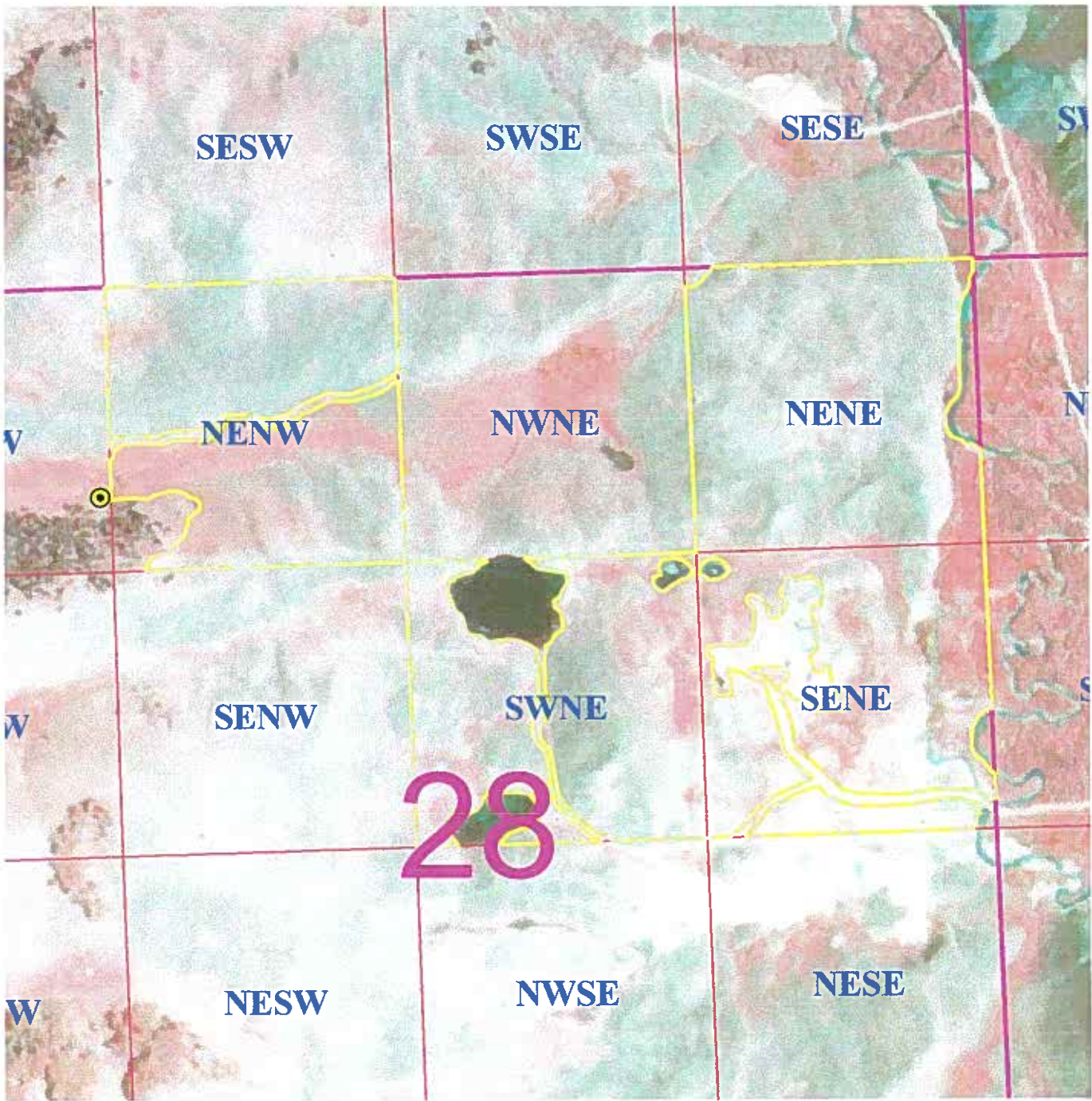
500 0 500 1000 Feet



SPATIAL  
DYNAMICS

Water Right Claim Number 24-10051  
Township , 7S46E

05/02/2001



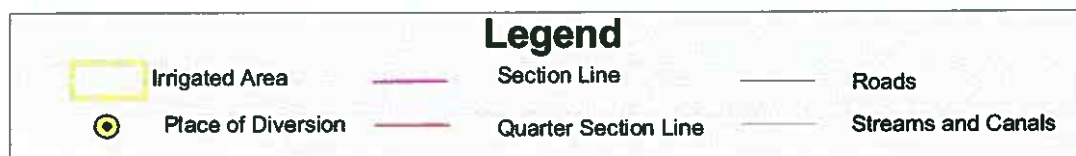
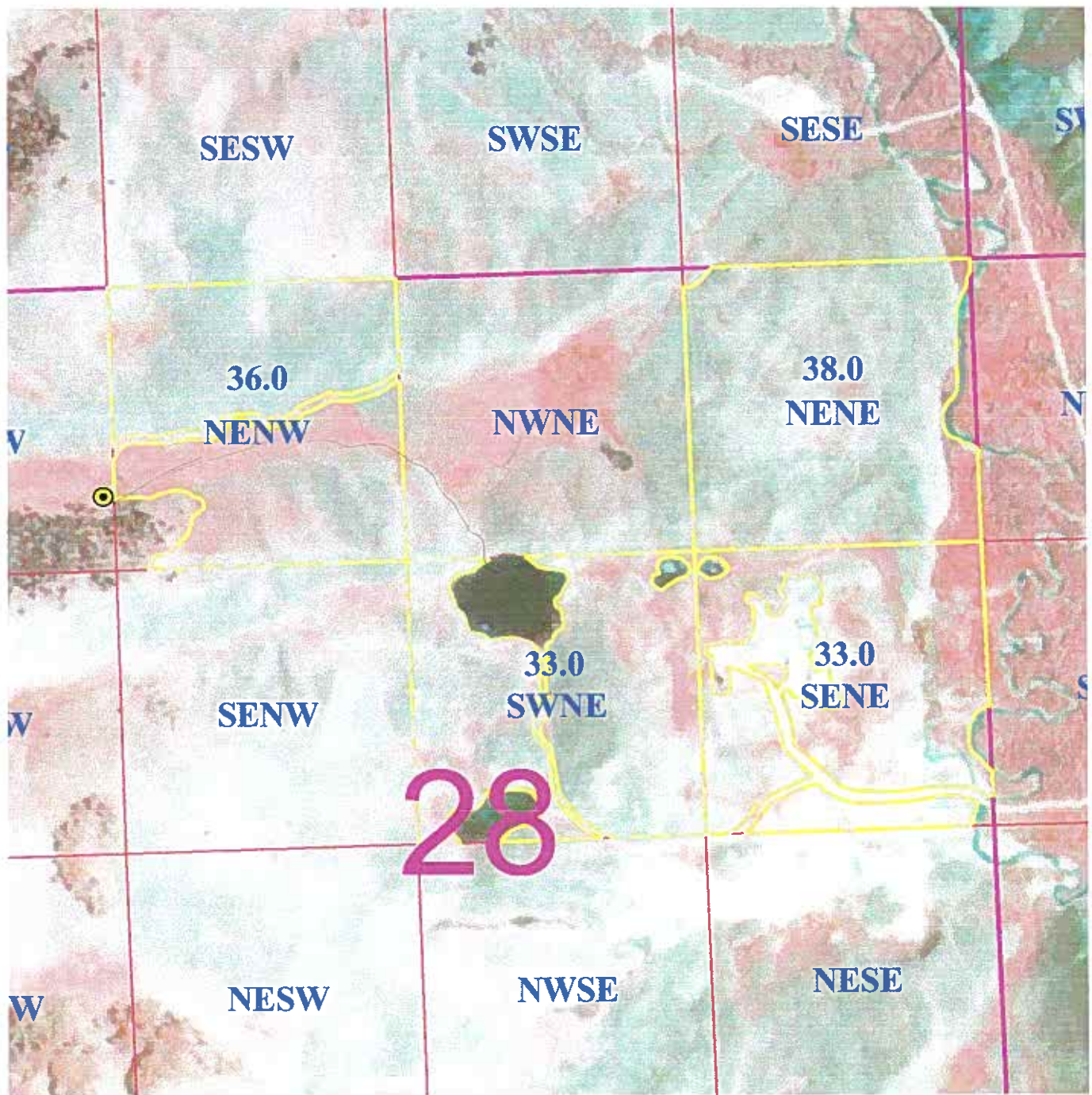
**Legend**

|                    |                      |                    |
|--------------------|----------------------|--------------------|
| Irrigated Area     | Section Line         | Roads              |
| Place of Diversion | Quarter Section Line | Streams and Canals |



Water Right Claim Number 24-10051  
Township , 7S46E

05/02/2001





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 7, 1997

RECEIVED

PHILIP E. BATT  
GOVERNOR

OCT 20 1997

KARL J. DREHER  
DIRECTOR

ROBERT L HILD  
PO BOX 30427  
SANTA BARBARA CA 93130

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)  
Water Right No. A24-02017, A24-10047, A24-10048, A24-10049, A24-10050,  
& A24-10051  
Change of Address

Dear Water Right Holder:

IDWR has been notified the address presently on our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office postmarked by October 22, 1997. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

**If your mail delivery address changes in any form, please contact us in writing so we can update our records.**

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office toll-free at 1-800-451-4129 to obtain a form to make this required change to the water right records.

Yours truly,

Danni M. Smith  
SRBA Sr. Secretary

\*\*\*\*\*

The address is correct as shown above or as otherwise changed.

Signature of water right claimant

RECEIVED OCT 09 1997

Law Offices  
**HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.**

FRED J. HAHN  
KENT W. FOSTER  
ROBERT E. FARNAM  
WILLIAM D. FALER  
STEPHEN E. MARTIN  
CHARLES A. HOMER  
GARY L. MEIKLE  
GAYLE A. SORENSON, P.A.  
DONALD L. HARRIS, P.A.  
DALE W. STORER  
MARIE T. TYLER  
JOHN G. SIMMONS, P.A.  
ROBERT M. FOLLETT  
FREDERICK J. HAHN, III  
JAMES K. SLAVENS

WEST ONE BANK BLDG.  
330 SHOUP AVENUE, THIRD FLOOR  
P.O. BOX 50130  
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620  
TELEFAX (208) 523-9518

Arthur W. Holden  
(1877-1967)  
Robert B. Holden  
(1911-1971)  
Terry L. Crapo  
(1939-1982)  
William S. Holden  
(1907-1988)

November 8, 1994

Dave Carlson, Water Right Agent  
DEPARTMENT OF WATER RESOURCES  
900 N. Skyline Drive  
Idaho Falls, Idaho 83402-1718

**RECEIVED**

NOV 09 1994

Department of Water Resources  
Eastern District Office

Re: *Adjudication Claims Nos. A24-10050 and A24-10051 in the name of Robert L. Hild*

Dear Mr. Carlson:

Mr. Hild has been able to obtain an affidavit and some additional information that should be of assistance with respect to determining the priority date for the above numbered claims. We are enclosing with this letter copies of the abstract documents of the patents and an affidavit from Mrs. Ada Hurd Nelson. If we can be of any further assistance, please feel free to call at your convenience.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\SANDRA\KWFLETTE\00HILD01.LTR:sjw

MICROFILMED

NOV 07 1996

COPY

PATENT

THE UNITED STATES OF AMERICA,  
By the President: Warren G. Harding,  
By: M. P. LeRoy, Secretary,  
By: L. Q. C. LaMar, Recorder of the  
General Land Office,  
(Seal affixed),

Dated: June 10, 1921.  
Filed: March 26, 1923, at 11:34 A.M.  
Recorded: Book 1 of Patents, at page 446,  
records of Caribou County, Idaho.  
Instrument No. 4765.

Grantor,

to

Frank Devenberg,

Grantee.

RECEIVED

NOV 09 1924

Department of Water Resources  
Eastern District Office

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Frank Devenberg has been established and duly consummated, in conformity to law, for the southwest quarter and the west half of the southeast quarter of Section twenty-eight, in Township seven south of Range forty-six east of the Boise Meridian, Idaho, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General.

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

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NOV 01 1950

CARIBOU TITLE COMPANY

Soda Springs, Idaho

SHEET  
NO.

-12-

COPY

PATENT

THE UNITED STATES OF AMERICA,  
By the President: Warren G. Harding,  
By: Ada Braddock, Assistant Secretary,  
By: John O'Connell, Acting Recorder  
of the General Land Office,  
(Seal affixed),

Dated: August 15, 1922.  
Filed: May 23, 1928, at 4:55 P.M.  
Recorded: Book 1 of Patents, at page 570,  
records of Caribou County, Idaho.

Instrument No. 9245.  
Consideration: --  
Witnesses: --  
Acknowledged: --

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NOV 09 1924

Department of Water Resources  
Eastern District Office

Grantor,

to

Mahonri K. Hurd,

Grantee.

WHEREAS, A Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Mahonri K. Hurd has been established and duly consummated, in conformity to law, for the northwest quarter, the east half of the northeast quarter and the Southwest quarter of the northeast quarter of Section twenty-eight in Township seven south of Range forty-six east of the Boise Meridian, Idaho, containing two hundred eighty acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE, by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

MICROFILMED  
NOV 01 1930

LAW OFFICES  
HOLDEN, KIDWELL, HAHN & CRAPO

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ROBERT E. FARNAM  
WILLIAM D. FALER  
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CHARLES A. HOMER  
GARY L. MEIKLE  
MICHAEL D. CRAPO  
GAYLE A. SORENSON  
DONALD L. HARRIS  
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WEST ONE BANK BUILDING  
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IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620  
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ARTHUR W. HOLDEN (1877-1967)  
ROBERT B. HOLDEN (1911-1971)  
TERRY L. CRAPO (1939-1982)  
WILLIAM S. HOLDEN (1907-1988)

R. VERN KIDWELL, OF COUNSEL

February 28, 1990

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MAR 1 - 1990

Department of Water Resources  
Eastern District Office

Tony Olenichak, Water Right Agent  
IDAHO DEPARTMENT OF WATER RESOURCES  
150 Shoup Avenue, #15  
Idaho Falls, Idaho 83402

RE: Robert L. Hild's Notices of Water Right

Dear Tony:

After you and I visited by telephone, my secretary advises me that she already put the correct pages back in and laid them back on my desk without telling me so I apologize for sounding confused, but theoretically all of them should be together properly now.

Also with respect to Cow Creek and Stump Creek it is our understanding that the entire 10 acres listed in the SW1/4 of the NE1/4 of Section 28 of the Stump Creek notice are the identical same 10 acres listed on the Cow Creek notice and that the entire 25 acres listed in the SE1/4 of the NE1/4 of Section 28 on the Stump Creek notice are included within the 30 acres listed in the same 40 acre tract on the Cow Creek notice.

Yours very truly,



Kent W. Foster

#7704.00/srr

Enclosure

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NOV 06 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

Date: February 15, 1990

Kent W. Foster  
P.O. Box 50130  
Idaho Falls, ID 83405

RE: Robert L. Hild's Notices of Water Right ..

Dear Mr. Foster:

The Idaho Department of Water Resources (IDWR) is returning check #0001820 (\$540.00) and Robert L. Hild's Notices of Claim to a Water Right because of insufficient information and/or fees. All items on the notices must be correctly completed and fees submitted before the IDWR can process the claims.

Please correct the items identified below and return the forms to the IDWR within 30 days of the date of this letter. Failure to return the corrected notices within the 30-day period may result in an assessment of an additional \$50.00 late-fee for each notice.

- The page listing the purposes, amounts, and place of use (Items #6 through #14) was omitted for the Devenberg Spring Notice of Claim.
- Please indicate the number of irrigated acres (listed on the Cow Creek and Stump Creek Notices of Claim) which overlap each other. For example, are the ten acres listed in the SW 1/4 of NE 1/4, Section 28, of the Stump Creek notice the same ten acres listed on the Cow Creek notice? Are the entire 25 acres listed in the SE 1/4 of NE 1/4, Section 28, of the Stump Creek notice included within the 30 acres listed in the same 40-acre tract on the Cow Creek notice?

If you have any questions, please call Tony Olenichak, Water Right Agent, at 525-7161.

Sincerely,

Ernest Carlsen  
Adjudication Supervisor

Enclosure

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NOV 6 1992

LAW OFFICES  
HOLDEN, KIDWELL, HAHN & CRAPO

FRED J. HAHN  
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WILLIAM S. HOLDEN (1907-1988)

R. VERN KIDWELL, OF COUNSEL

February 14, 1990

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FEB 14 1990

Department of Water Resources  
Eastern District Office

Idaho Department of Water Resources  
150 Shoup Avenue, #15  
Idaho Falls, Idaho 83402

RE: Robert L. Hild SRBA Claims

Gentlemen:

Enclosed for filing are six Notices of Claim in Caribou County, Idaho. We have also enclosed Mr. Torgesen's check in the amount of \$540.00 for the filing fees.

Please direct any questions you may have regarding these claims to our office. Thank you for your assistance with this matter.

Yours very truly,



Kent W. Foster

#7704.00/srr

Enclosure

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NOV 10 1990

CLAIMANT'S NAME HildCLAIM 0 NT. NO. A24-10051

DATE RECEIVED \_\_\_\_\_

CK # \_\_\_\_\_

AMOUNT \$ \_\_\_\_\_

YES

NO

Required Info?

1. Is the name and address complete with zip code? . . . . .
2. Is a priority date entered? . . . . .  
Is the priority date acceptable in view of mandatory filing dates?  
See Adjudication Memos #1 and #4 to determine if a Permit is required.
3. (a) Is a source entered? . . . . .  
(b) Is a tributary to entered? (if required) . . . . . N/A
4. Is the legal description of the p.d. sufficient? . . . . .
5. Is there a description of the diverting works? . . . . .
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. . . . .  
Is the period of use included? . . . . .  
Is a quantity claimed for each use? . . . . .
7. Is a total quantity claimed entered? . . . . .
8. If required is a consumptive use entered? . . . . . N/A  
Is the consumptive use correct? . . . . . N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. . . . . N/A
10. Is (are) the place(s) of use and purpose(s) indicated? . . . . .
11. Is (are) the county(ies) entered? . . . . .
12. Is the ownership of p.u. checked? . . . . .
13. Are other water rights listed or "none" indicated? . . . . .
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) . . . . . N/A
15. Is the basis of the claim indicated? . . . . .
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) . . . . . N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. . . . .
18. Has the claim been signed, sealed, and dated by a notary? . . . . .
19. Was this claim filed on time, or was an extension granted? . . . . .
20. Is the fee enclosed correct? . . . . . Exempt
21. If this claim is based on an existing water right, has the identification number been entered? . . . . . N/A
22. Should this claim be data entered? . . . . .

Claim checked by: DCDate: 3/26/90

Claim must be returned to claimant: \_\_\_\_\_

(Yes) X (No)

Claimant must be notified of modifications: \_\_\_\_\_

(Yes) X (No)

Receipt Prepared by: \_\_\_\_\_

Claim data entered by: DC

Sent to claimant by: \_\_\_\_\_

Date: \_\_\_\_\_

Date: 3/26/90

Checked by: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

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NOV 06 1992