



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 23, 2005

Dennis Lake
Lake Family Ranches Inc
830 Taber Road
Blackfoot ID 83221

RE: Notice of Error Reply 27-73

Dear Dennis:

Enclosed for your review is a new Preliminary Director's Report for water right 27-73.

In response the comments you provided during our telephone conversation this day the quantity of water has been increased to 0.68 cfs. This is equivalent to 2 miners inches per acre. As we discussed earlier today you still have the opportunity to file an objection to the Director's Report if you feel this quantity is not sufficient to irrigate the place of use.

Respectfully Submitted,

Ernest Carlsen
Water Rights Supervisor

Enclosure (1)

05/23/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 27-73

LAKE FAMILY RANCHES, INC.
830 TABER ROAD
BLACKFOOT ID 83221

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The Allowed CFS (.34) is substantially lower than the present decreed CFS of 3.2

2. Describe the changes you wish to make in the proposed recommendation:

Allow The Full 3.2 CFS previously decreed

3. Give a brief explanation as to why you disagree with these portions:

See Attached explanation

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-18-05

SIGNATURE:

Dennis M Lake

Please print your name:

Dennis M. Lake

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

changed quantity
to .68 cfs -
see Ernie's notes
beneath

RECEIVED

JUN 29 2005

Department of Water Resources
Eastern Region

KML
6/30

22 Aug 2001.

27-73.

Telcon with Dennis Lake.

When Fort Hall divert's water thru Clark's cut water
floods over the bank for north parcel. ~~For~~ Property
East of house is also flood irrigated during high water.
This land is lower than creek so water sinks. -
Has not measured the water.

Water diverted for lower piece also irrigates
B-LA ground in Goose Lake. - I suggested to
Dennis that talk with Tribe about claiming
their land as his water right. before he awards claim.

Q = 0.68 cfs.

Ernie Carlsen

June 18, 2005

RESPONSE TO PROPOSED CHANGES IN WATER RIGHT # 27-73

The map showing the historical area of use on private land is reasonably accurate and represents the private area that can be irrigated by flood irrigation using the existing point of diversion.

There are several problems with the allowed amount of water.

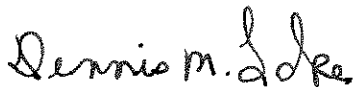
1. The proposed .34 CFS is not enough water to transport it from the point of diversion to the point of beneficial application. Transmission loss in this area is extreme due to the lava rock nature of the terrain. These losses return to the stream channel that parallels the ditch or to the aquifer which is very shallow in this area. While we do not expect to use the 400 acre feet allowed in the present water right on the designated private land, we do believe it will require the full 3.2 CFS to provide proper irrigation.

2. In reducing the allow right it is claimed that it has not been used since 1984. I cannot speak for the time frame from 1984-1991, but from 1992 to the present (while we have been in possession) we agree that we have not used the historic point of diversion, but definitely have used the full water right on high water at different points of diversion to irrigate both private and BIA lands. Hindsight would say this was the wrong thing to do and that we should have used the recorded point of diversion. From a water management standpoint, it seemed like the appropriate thing to do at the time.

3. We have always paid our water assessments indicating that we were using, and intended to maintain the water right associated with this property.

4. This is an old (1888), but early season (4-1 to 7-1) water right. It has withstood the test of time. It seems prudent to leave it connected to the property it is presently associated with.

Lake Family Ranches, Inc.

A handwritten signature in black ink that reads "Dennis M. Lake". The signature is written in a cursive, slightly slanted style.

Dennis M. Lake
President