

DEPARTMENT OF
WATER RESOURCES

☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Dennis M Lake

My address is 830 Tabern Rd
Blackfoot Idaho 83221

My phone number is: Work 604-1786 Home 684-4967

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Assumed it had been Filed by Previous owner

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

3- Affidavits STATING Ditch has been There Along Time
Letter describing Circumstance For Late Filing
Map of Area

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 132.80.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on August 15, 2006 @ 1:30 PM.
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

VERIFICATION (Must be completed)

State of Idaho

County of CARIBOU

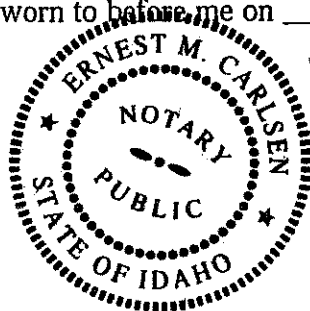
DENNIS M LAKE, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Dennis M Lake
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on January 5, 2006
(Insert Date)



Ernest M Carlsen
Notary Public for SPDR
Residing at: Idaho Falls, ID
My Commission expires: 8-21-2006

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on May 7, ²⁰⁰⁶~~199~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Dennis M. Loe
Signature of person or attorney mailing the form

Kate 50
 Fee 50⁰⁰
 Accege 32⁸⁰
 132⁸⁰

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 27-12142
 Date Received: 1/5/2006
 Receipt No:
 Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DENNIS M LAKE Phone: (208) 684-4967
 830 TABER RD
 BLACKFOOT ID USA 83221

2. Date of Priority: 04/15/1918

3. Source: LITTLE BLACKFOOT RIVER Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	42E	10	NW SW SW	CARIBOU	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	07/01	0.65	

7. Total Quantity Appropriated is:
0.64 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
06S	42E	9	NE	SE	IRRIGATION	2.2
			SE	SE	IRRIGATION	29
			Section Acres		31.2	
06S	42E	16	NE	NE	IRRIGATION	1.6
			Section Acres		1.6	
			Total Acres		32.8	

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:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 5

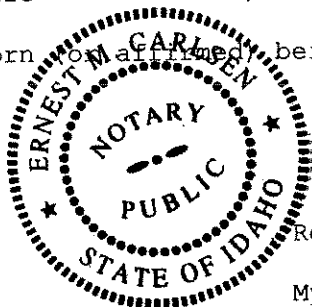
For Individuals:

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

Signature of Claimant(s): Dennis M. L. L. Date: 1-6-06

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn to before me this 5 of January 2006.



Ernest M. Carlson.

Notary Public

Residing at Idaho Falls, ID.

My commission Expires 8-21-2009



May 1, 2006

STATEMENT REGARDING PROPOSED WATER RIGHT

1. Although we have not found historical documentation, it is believed that this ditch had been in existence since approximately 1870 when Henry was a viable community serving the Caribou mines. The water was used to irrigate the area behind the then existing livery stable which was used for pasture and was located just west of present highway 34. Since the ditch ran through the town site, I suspect it was also used by a number of people for a variety of purposes.

2. When the State Highway Department rebuilt the bridge over the Little Blackfoot River in the early 1970's, they provided for the diversion into this ditch. The previous head gate was located immediately west of the old bridge. The state provided for a diversion under the new bridge.

3. The lack of a water right for this ditch became known this past winter when the new Blackfoot River Water Master was matching the water rights with the water assessments. We have paid a water assessment annually for this diversion. In fact, over the past 30 years we have had several discussions with the previous water masters regarding this diversion concerning volume, sealing the head gate and season of use. Certainly, those in authority assumed this ditch had an early water right.

4. The attached affidavits can only testify as to the existence of this ditch back to 1950 because no one is old enough to remember earlier than that. The simple fact is that no one can remember when the ditch was not there.

When the Marina was built in the early 1960's, a culvert was provided in the ditch so that they could get access to the BIA land for the marina.

AFFIDAVIT

I, J. C. Smith, of my own personal recollection, remember the ditch coming out of the Little Blackfoot River, across from the old Henry Store in Henry, Caribou County, Idaho, and running behind the now Dale Dursteler property, as being there since at least 1960.

Signed: J. C. Smith

Address: 4060 Grays Lake Rd.

Date: 2/19/06

Witness: Gordon A. Drey

Address: P.O. 1024 FAITH, N.C. 2804

Date: 2-19-06

Witness: Rebecca R. Drey

Address: PO Box 1024, Faith NC 28041

Date: 2-19-06

AFFIDAVIT

I, Jiny B. Christensen, of my own personal recollection, remember the ditch coming out of the Little Blackfoot River, across from the old Henry Store in Henry, Caribou County, Idaho, and running behind the now Dale Dursteler property, as being there since at least fifty five years ago

Signed: Jiny B. Christensen

Address: 577 main Box 254

Date: 2-3-06

Witness: Lila Joy Jones

Address: 19 Grays Lake Rd. Wayan, Id. 8328

Date: 2-3-06

Witness: Lew Nelson

Address: 23 Grays Lake Rd wayan

Date: 2-3-06

AFFIDAVIT

I, Sid Thompson, of my own personal recollection, remember the ditch coming out of the Little Blackfoot River, across from the old Henry Store in Henry, Caribou County, Idaho, and running behind the now Dale Dursteler property, as being there since at least 1954.

Signed: Sidney S Thompson

Address: 3441 Long Valley Rd Soda Springs, Id.

Date: 3/6/06

Witness: Lewis Nelson

Address: 23 Grays Lake Rd
Wayan, Id. 83285

Date: 3/6/06

Witness: Allen Nelson

Address: 23 Grays Lake Rd
Wayan, ID 83285

Date: 3/06/06