

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

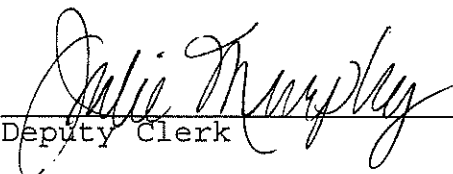
ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on August 17, 2006, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DENNIS M LAKE
830 TABER RD
BLACKFOOT, ID 83221
Phone: 208-604-1786

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

Kate 50⁰⁰
Fee 50⁰⁰
Acrange 32⁸⁰
132⁸⁰

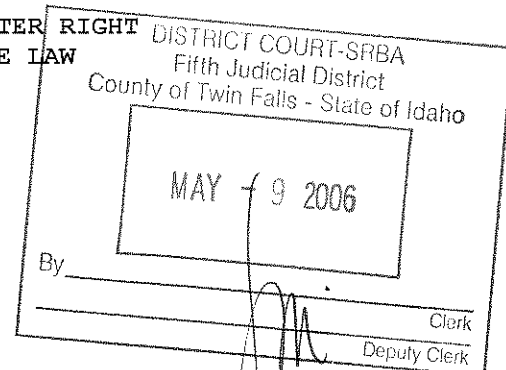
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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: *6081971*
 Received By: *EMC KAW*

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
			Total Acres				32.8
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

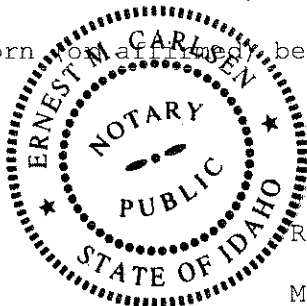
For Individuals:

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: 1-16-06

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn before me this 5 of January 2006.



Ernest M. Carlsen.

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.