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DEC 07 2006

DEPARTMENT OF
WATER RESOURCES

December 4, 2006

State of Idaho Dept. of
Water Resources
% Craig Saxton
P.O. Box 83720
Boise, ID. 83720-0098

Craig Saxton

Thank you for your time Wednesday Nov. 29th, 2006 here in Council.

In looking further into the water rights we discussed I see where I was in error on my application not realizing Judy Ellis (Formerly part of the Yates property) who now owns 5 acres with a home on it next to me had not filed for change of ownership. I have now made Ms. Ellis aware of this and she is in the process of filing for a change in ownership.

In visiting further with the former owner of Water Right 67-385, 67-385B, 67-4244 Orin Lake the past owner of all the irrigated land that this water right was attached to from 1954 to 1981 is now owned by Orin Lake, Bret Armacost or Judy Ellis. Yates no longer owns any of this land since November of 2001 that was irrigated on the N.E. side of Hornet Ck.. How can Yates/Reinhold now be awarded a decree on (on water that to my understanding goes with the land) that historically has been attached to a different parcel of land?

To give you some history in the late 70's early 80's Orin & Gennese Lake sold most of their ranch to Clinton T. Yates, Jr. Also during this same time frame Clinton T. Yates, Jr. purchased an adjoining ranch on Hornet Ck. (just up stream of the Lake's ranch) from the Hornet Ck. Grazing Association, who had purchased from Vernie Harrington. Mr. Yates combined the two ranches forming the Flying Y, his son Mark and wife at the time Diane Yates ran the ranch. Each of the two ranches had land that were in T17N, R1W, SEC 23, NE, NE. parcel. Only the portion owned by the Lakes had any adjudicated 1883 water rights. If you'll look at the filing Orin & Genesee Lake done in 1977 this will confirm what I'm saying here (copy enclosed). At this point in time Yates/Flying Y/Reinhold does not own any portion of what was the Lake ranch on the N.E. side of Hornet that had any irrigated land from water right #67-385, 67-4244, 67-385B Point of Diversion Section 23 NWNE. When the Lake's sold they kept a small portion of the ranch in section 23 NENE that now has water right # 67-385A with it, which the Lakes still own today.

Looking through water right # 67-386, 67-14660, 67-14661, 67-404 & 405, 67-4244, 67-385, 67-14600 through 14604, 67-385B it appears that when Mr. Yates filed for change of ownership after purchasing the property he filed all on one application. Combining P.O.D. as well as Point of Use and a change in Point of Use. To my understanding

adjudicated water goes with the land, it can't be moved to another parcel of land correct? Only P.O.D. can be changed but the Point of Use stays with the land? To me it looks like #'s 67-4224, 67-385, go with the land that is now owned by Judy Ellis, Orrin Lake or Myself. Exception being #67-4244 Sec. 23 NESE 5 acres . & NWSE 3 acres which looking at the map I received from you people this is all dry rocky hillside having no history of irrigation. Again the original 1883 water right was only with the land that was owned by Orrin & Genesse Lake from 1954 to the late 70's early 80's. Shouldn't this water with a priority date of 1883 remain with the land it was with prior to Mr. Yates purchasing the two ranches side by side? Rather than be moved during the time Clinton T. Yates Jr. owned both ranches and/or the Snake River Basin Adjudication process. If it is going to be moved to another parcel of land please explain how this can be done?

Please amend my water right # 67-14604 to the original historical rate of flow of .71 CFS or .74 CFS less the amount which belongs with Judy Ellis's property which is approx 5 acres and a home. If Lynn Reinhold/Yates/Flying Y has any objection to this please let me know in a timely manner. Further if they do have any objection I hereby request at time of objection that they provide the IDWR and myself with historical proof on any of there objections dating back prior to when Clinton T. Yates Jr. purchased either of the two ranches. Including but not limited to aerial photos, any and all written maps, any and all written documentation to support there claim to this 1883 water right which was with the land owned by Orrin and Genesse Lake prior to selling the land to Clinton T. Yates.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bret Armacost", written in dark ink.

Bret Armacost

Sent certified mail # 7003 1680 0006 8618 0044



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

January 24, 1978

Re: Claim to a Water Right No. 67-4244

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DEC 27 2006

DEPARTMENT OF
WATER RESOURCES

Mr. & Mrs. E. Orrin Lake
Star Route
Council, ID 83612

Dear Mr. & Mrs. Lake:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

Enclosure

NOTED
JAN 25 1978
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DEPARTMENT OF
WATER RESOURCESIdentification No. 674244

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant E. ORRIN and/or. Genece H LAKE
 post office address STARBT. Council ID. 83612
2. The point of diversion is in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 23 Township 17N
 Range 2 W B.M. located on HORNET CREEK
(name of source)
 tributary to WEISER RIVER in ADAMS County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

- a. Date of priority claimed:

May 3 1883 amount: 2.4 c.f.s. or 120 acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 Total claimed _____ c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use IRRIGATION period of use from May 1 to Oct 31 (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Steel Headgate
and 24" Steel Pipe; length is 24 feet; height is _____ feet;
 width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known In April 1953
present headgate was installed replacing and
open diversion.

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
 capacity of pump is _____ g.p.m.; name and address of well driller is _____

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attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is 3500 feet; width of ditch at top is 4 feet; width of bottom of ditch is 3 feet; depth of water is 5 feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is earth; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.
- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

- d. If water is stored: name of reservoir _____; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>17N</u>	<u>2W</u>	<u>33</u>	<u>13</u>		<u>25</u>	<u>19</u>			<u>10</u>						<u>11</u>	<u>6</u>			<u>84</u>
<u>17N</u>	<u>3W</u>	<u>34</u>							<u>30</u>							<u>16</u>			<u>36</u>

Total number of acres to be irrigated 120

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? yes If yes, give the name of the ditch Lake-Herrington-Gladders. The other users and their respective interests in the ditch are (if known) Everett Harrington + Fred Bloomer also have a priority right in same ditch.

6. Where water is used for stock watering, give number of each kind of stock watered 150 head
Cows + Calves

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Second ditch used with this claim is as follows.
point of Diversion NW 1/4 SW 1/4 Sec. 15. T. 17 N. R. 2 W
Headgate and pipe are 24" Di. Steel, 24 ft long.
length of ditch is 13,000 ft. Ditch is also used by
Lee Cole, Clarence King, Kenneth Ingers + Elmer Beas,
Hornet Creek Blazing assn. In 1970 with a cost sharing
agreement with the AS.CS. 3,800 ft. of ditch located in
Sec 22 + 23. T. 17 N. R. 2 W. was converted to a Cement
construction. Cement portion of ditch is 18" the
balance of the ditch is earth, 4 ft wide 3 ft
deep, drops 2 ft per 1000 ft.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

Dec. 14, 1977
(Date)

E. Orrin Lake
(Signature of Claimant)

State of Idaho

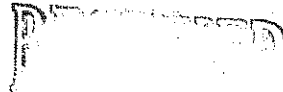
County of Adams } ss.

On this 14th day of December 1977, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Edwin D. Lester
Notary Public residing at Council, Idaho

My commission expires Nov. 30, 1978

For Department Use Only			
Received by <u>RWH</u> Date <u>12-19-77</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>RWH</u> Date <u>12-27-77</u>	_____	_____	_____
Fee received by <u>RWH</u> Date <u>12-28-77</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>RWH</u>	_____	_____	_____
Published in <u>Adams County Leader</u> Date <u>Jan 5</u>	_____	_____	_____



DEC 1971

Department of Reclamation
Western Regional Office

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: If you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	_____	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	_____	acre feet
		Total claimed:	1.2 c.f.s. or	_____	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Claim to a

No. 67-4244

as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated January 5, 1978

and the last in the issue dated January 12, 1978 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said "Notice," as aforesaid.

Subscribed and sworn to before me this

day of

1-12-78

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A
WATER RIGHT
NO. 67-4244
Notice is hereby given that E. Orrin and/or George H. Lange Star Route, Council, Idaho 83022 has filed a claim to a water right established by diversion and application to beneficial use of 2.4 cubic feet per second from Hornet Creek at the point of diversion in the NW 1/4, Sec. 23, T 17N, R 2W, B 1E, Adams County. The water is claimed to be used from May 1 to Oct. 31 for the irrigation of 100 acres with a priority date of May 2, 1968; the place of use is within the NE 1/4, NW 1/4, SW 1/4, NW 1/4, NW 1/4, Sec. 23, T 17N, R 2W, SW 1/4, NW 1/4, NW 1/4, Sec. 24, T 17N, R 2W, B 1E. Any exception to this claim of water right may be filed with the Director of the Idaho Department of Water Resources, 22 South Cole Road, Boise, Idaho 83705.
C. STEPHEN ALLRED
Director
Published in the Adams County Leader on January 5 and January 12, 1978.

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JAN 13 1978

Department of Water Resources
Western Regional Office

OK
1-19-78
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INTER-DEPARTMENT MEMO — 1

DATE 3/11/86

FROM Sharla

TO Files 67-0386/0404/0405/4244

SUBJECT Trans. No. 3234

See file 67-0385 for all correspondence regarding the above referenced transfer.

UNRECORDED

SIGNATURE