

08/23/2005

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

RIGHT NUMBER: 27-73
NAME AND ADDRESS: LAKE FAMILY RANCHES, INC.
830 TABER ROAD
BLACKFOOT ID 83221

SOURCE: MEADOW CREEK TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.680 CFS

PRIORITY DATE: 07/01/1888

POINT OF DIVERSION:
T05S R42E S27 SWNE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 07/01	0.680 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T05S R42E S26	SWSW	11.0	T05S R42E S27	SESE	2.8
T05S R42E S27 Lot 2	SESE	3.1			

16.9 ACRES TOTAL

Place of use does not include federal public lands

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

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.

The remainder of this right was forfeited for non-use from 1984 to present.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SCANNED
JAN 20 2006

FILED

05/23/2005

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

RIGHT NUMBER: 27-73

NAME AND ADDRESS: LAKE FAMILY RANCHES, INC.
830 TABER ROAD
BLACKFOOT ID 83221

SOURCE: MEADOW CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.340 CFS

PRIORITY DATE: 07/01/1888

POINT OF DIVERSION:

T05S R42E S27 SWNE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 07/01

0.340 CFS

PLACE OF USE:

IRRIGATION Within CARIBOU County

T05S R42E S26 SWSW 11.0

T05S R42E S27

SESE

2.8

T05S R42E S27 Lot 2 SESE 3.1

16.9 ACRES TOTAL

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

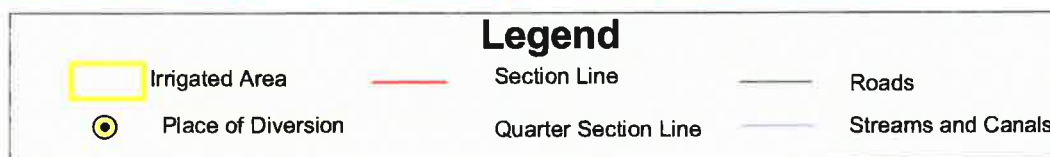
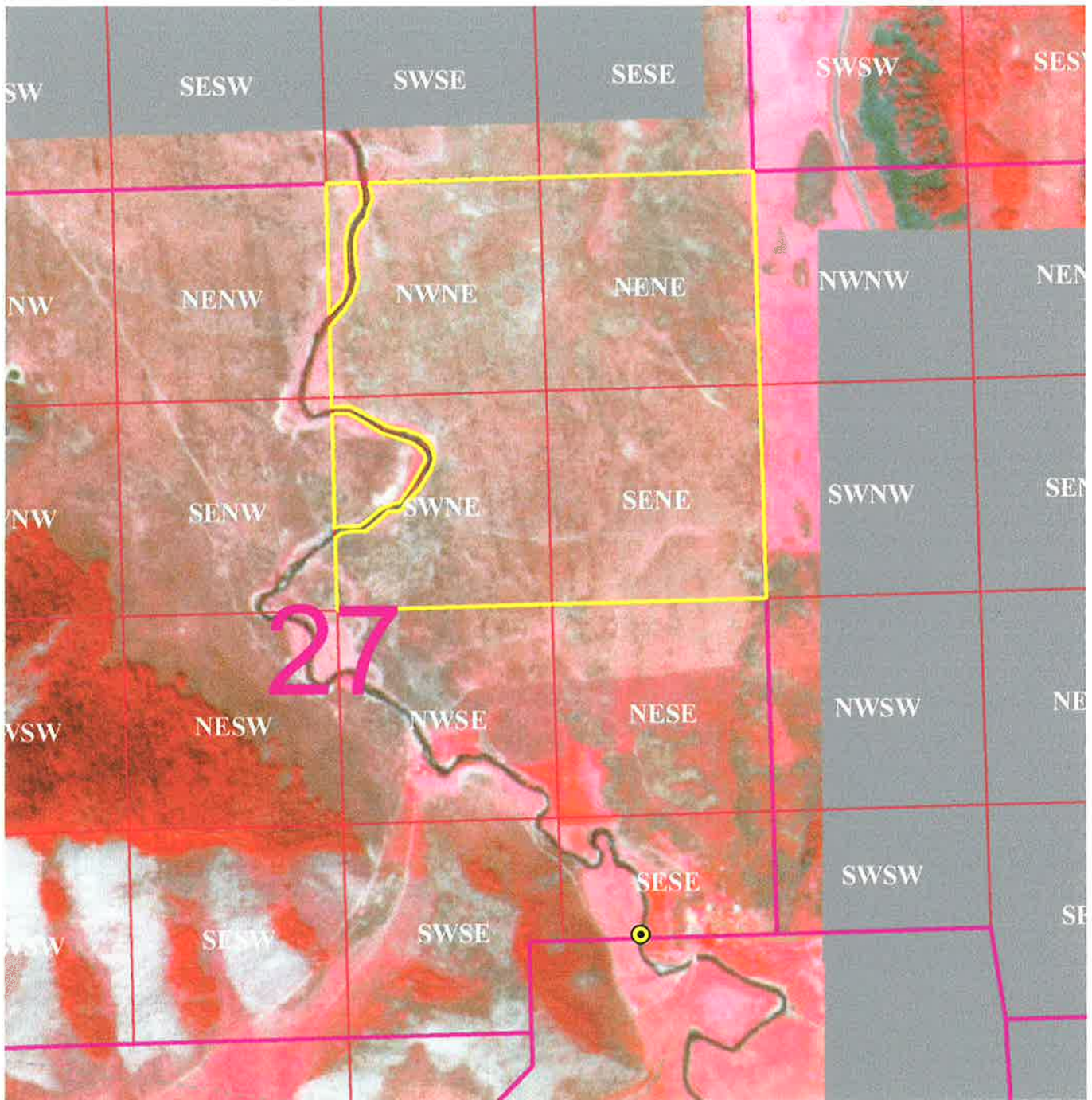
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The remainder of this right was forfeited for non-use from 1984 to present.

EXPLANATORY MATERIAL: Decreed

Water Right Claim Number 27-00073
Township , 5S42E

11/29/2000



600 0 600 1200 Feet



SPATIAL
DYNAMICS



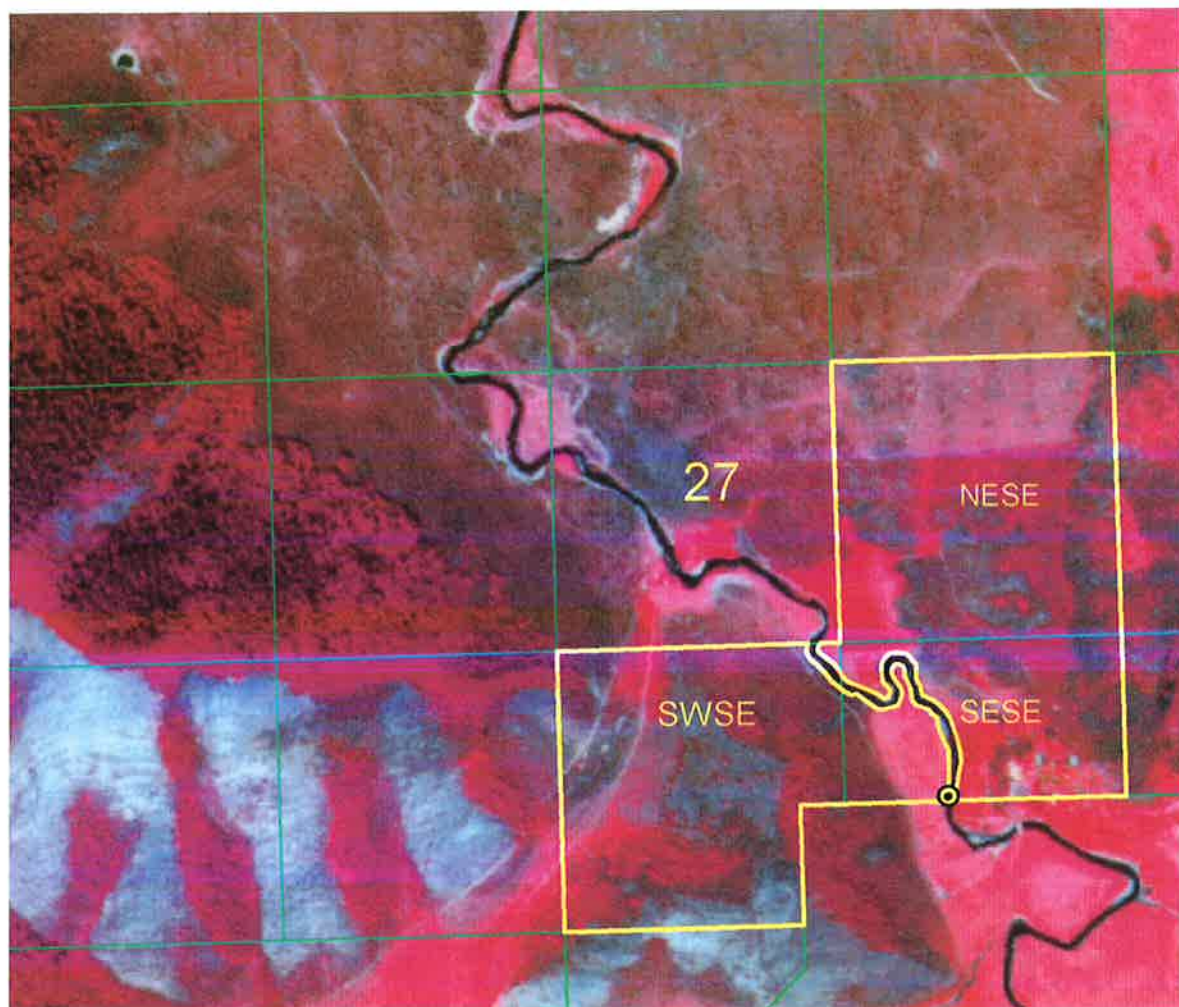
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-73



1000 0 1000 2000 Feet

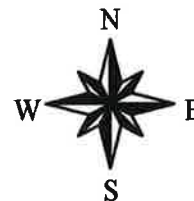
IRRIGATED ACRES 98.9

LEGEND

- ⊙ Point of Diversion
- Place of Use
- Townships
- Sections
- Quarter-Quarters

Place of Use: T5S, R42E:
(part of) Sec. 27, NESE, SESE, SWSE.

Point(s) of Diversion: T5S, R42E:
Sec. 27, SWSESE.



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: March 2005.

27-73.apr

22 23
27 26

NWNE

NENE

SWNE

SENE

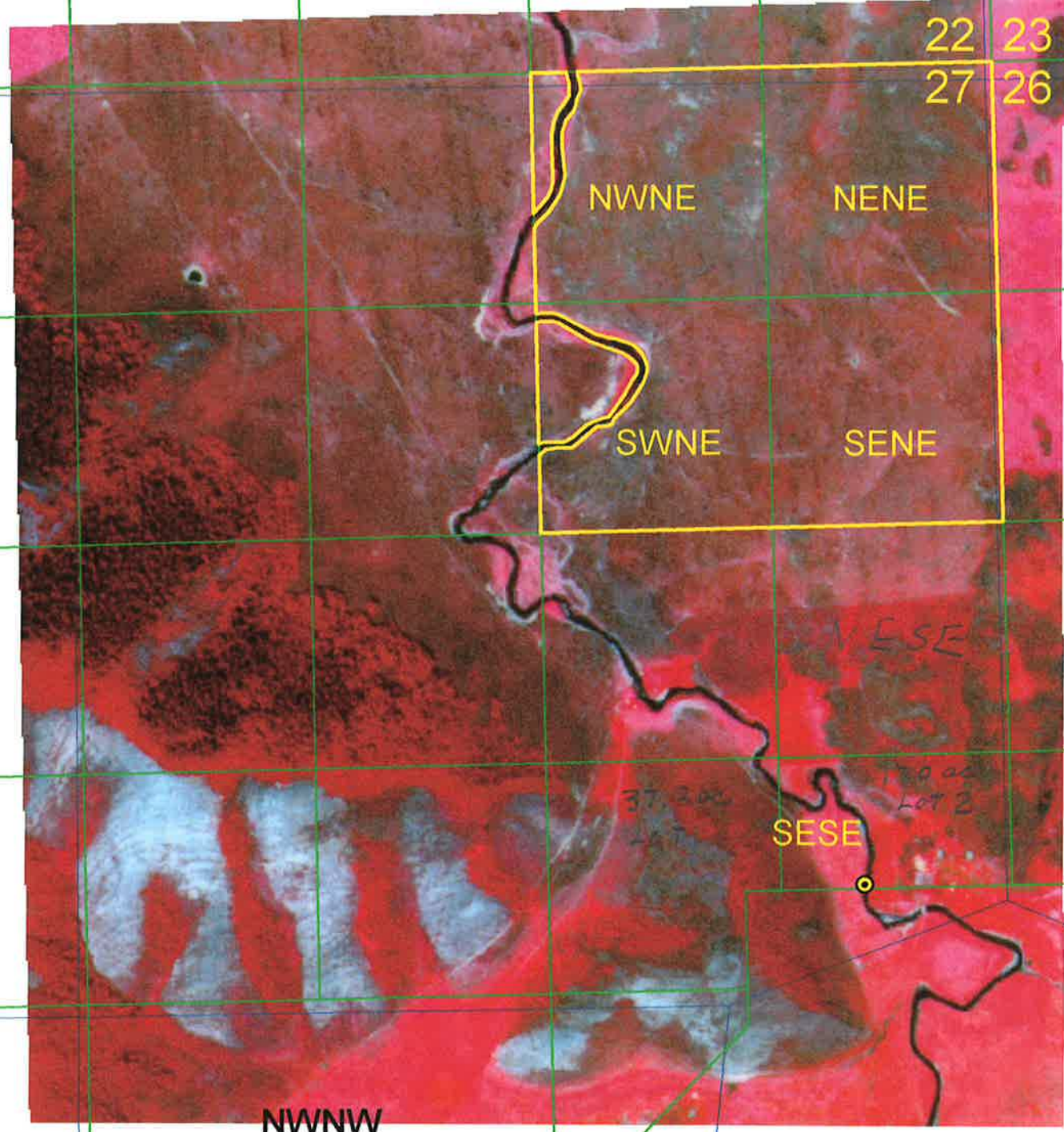
SESE

SESE

37.300
Lot 1

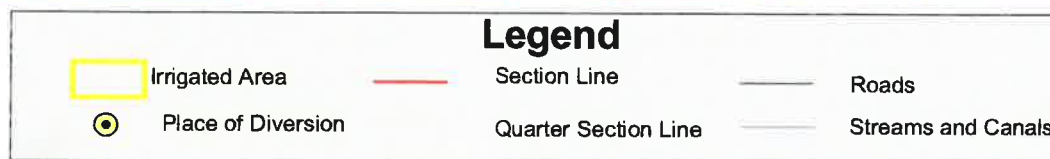
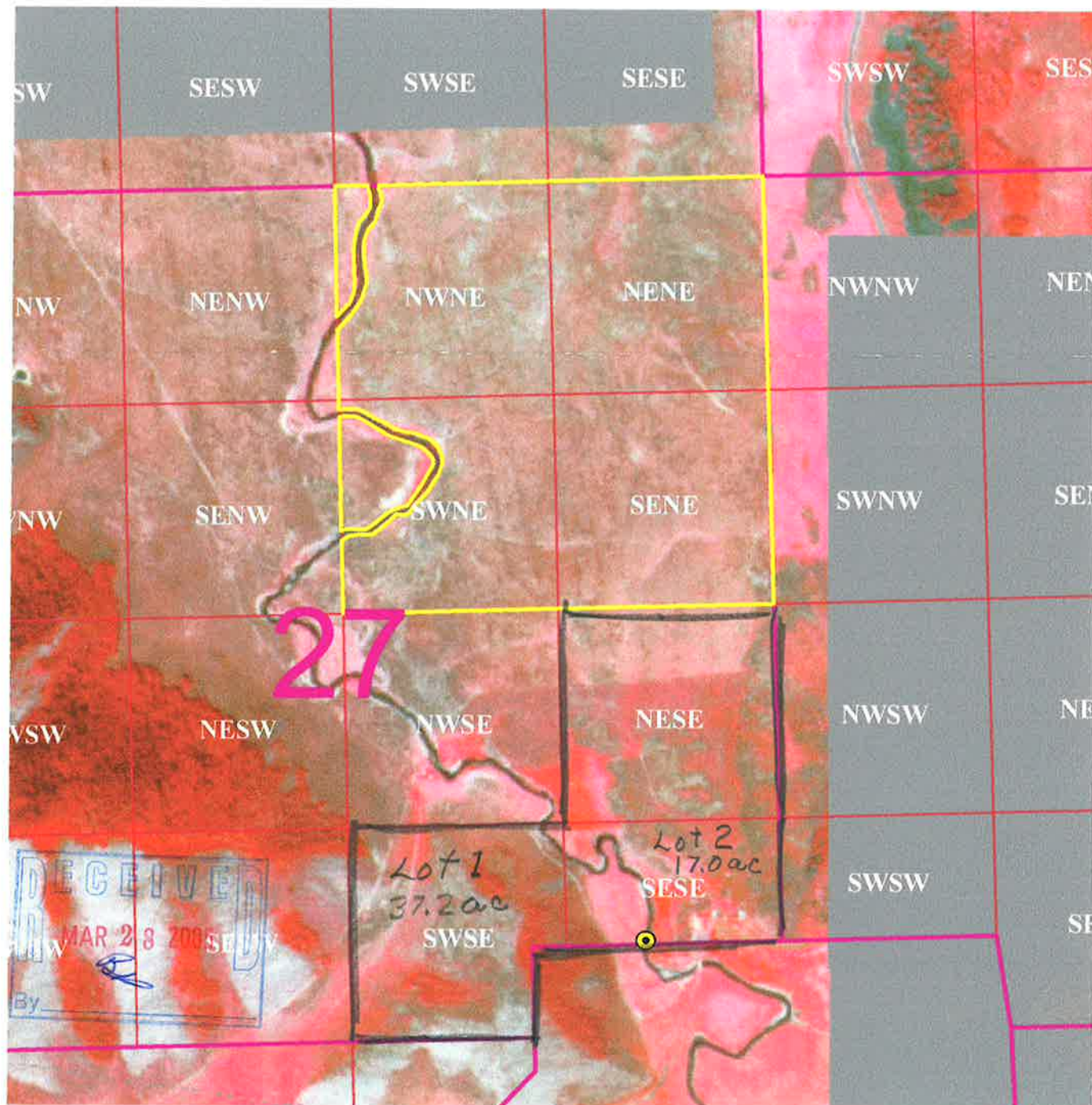
170 ac
Lot 2

NWNW



Water Right Claim Number 27-00073
Township , 5S42E

11/29/2000



600 0 600 1200 Feet





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)

PROFILE

SCANNED
JAN 20 2006

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

KNW
6/30

22 Aug 200.

27-73.

Telecon with Dennis Lake.

When Fort Hall diverts water thru Clarke 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 on his waters right before he amends claim.

Q= O.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.



Dennis M. Lake
President



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

28 March 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dennis M. Lake, President
Lake Family Ranches, Inc.
830 Taber Road
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)
Claim 27-73

Subject: AMENDING YOUR CLAIM

RESPONSE DATE: 11 April 2005

Dear Claimant(s):

Thank you for your recent letter advising the correct legal for the above referenced claim. In order for the place of use to be changed, you need to amend your claim. Therefore, I am enclosing an Amended Claim form. Please sign the form in front of a notary and return it to this office. There is no fee when making the change during the adjudication process.

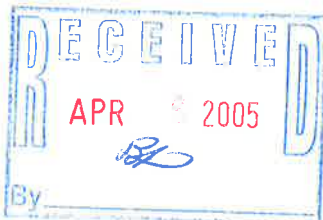
If you have any questions please feel free to contact me at 547-3993 in Soda Springs.

Respectfully,

Barbara J. Payne

Enclosure: Amended Claim

*See attached application
DMS
4-4-05*



March 20, 2005

Ms. Barbara Payne
Department of Water Resources
State of Idaho
15 West Center Street
Soda Springs, Idaho 83276

RE: SRBA Claim: 27-00073

Dear Barbara:

Thanks for the note the other day and our subsequent conversation. Needless to say, I was very surprised that the legal description which you have on your records for the location of the beneficial use of our water rights differ from the legal description of the land which we own.

The legal description which you have on your records, the Northeast one-fourth of Section 27, is land held by the Government of the United States for the benefit of Fort Hall Irrigation District. This land has never been under private ownership and has never been irrigated.

I can only assume that when a claim was made by the previous owners of the land, which we now own, that they made a mistake in identify where this water would be put to beneficial use.

We respectfully request that you change your records to reflect the location of the application of water under Claim # 27-00073 to match the legal description of our deeded land which is:

NE1/4 of SE1/4 of Section 27
Lot 1 of Section 27
Lot 2 of Section 27

Sincerely,

Dennis M Lake

Dennis M. Lake, President
Lake Family Ranches, Inc.
830 Taber Road
Blackfoot, Idaho 83221



Enclosure: Drawing

Notes

3-1-05 Dennis Lake called, said he sent us the ownership change in November. It's not in his file, so I sent him out a new one. AB

3/7/05 Dennis Lake called and he will send the signed ownership chg form and his warranty deed. I told him we could copy the Caribou Co. plat map. T5S R42E, CB.

3-8-05 Received ownership change & Deeds. BP

3-9-05 ~~Letter~~ to Claimant re POA. BP

3-16-05 Dennis called re POA. He is to send letter stating the claimed POA is incorrect & request a change to the correct POA. The claimed POA is Indian ground. BP

3-26-05 Letter from Claimant re correct POA. BP

4-6-05 " " " re amended claim. BP

4/12/05 Original POA is L-1 & 2 Sec. 26, Lots 1 & 2, NESE Sec. 27, T5S, R-E? No range listed on Irrigated POA. 98.9 acres @ 1"/ac. = 1.99 cts.
SOU 4/1 - 7/1

20 ac meadow north of house.

Notes

10-18-04 Carbon County Assessor's office said the owner is:

Lake & Ellis, Inc

Dennis Lake

Delwyn Ellis

830 Tabor Rd

904 W 200 N

Blackfoot, Id 83221

Blackfoot, Id 83221

208+684-4967

208+684-4936 BT

10-18-04 Letter to claimant re ownership change + evidence of priority. BP

11-23-04 Sent two line disallow letter to claimant. PB

11-29-04. Dennis Lake called about the disallow letter. They had a name change ~~from~~ within the company and he is going to have the name change recorded for this land and will get me the ownership change before Christmas. I don't see that we have any competing claims on 27-73. I don't think the evidence is necessary for this right. Irrigation may be another issue. The 1987 imagery doesn't show a lot of irrigation. Discuss with Mr. Lake the irrigation system. CB.

* Ownership Change form due. 12-23-04 CB.

12-23-05. Left message on his machine to call re ownership change. BP



DENNIS M. LAKE

BLACKFOOT CATTLE CO.

P.O. Box 284

Blackfoot, Idaho 83221



Re Letter 10-18-04

claim 27-73

will call later

Phone (208) 684-4967

Claim Number: A 27-00073

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:

Success

Reviewer: CB

Date: 11/29/04

Priority Date Data Entry Form

Priority DateClaim No. 27-73

1. Should this water use have been included in a later court decree of the water rights from this source? Yes ☐ No ☒
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes ☐ No ☐
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes ☐ No ☐
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes ☒ No ☐
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes ☒ No ☐
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes ☒ No ☐
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes ☐ No ☐
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes ☐ No ☐
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes ☐ No ☐
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes ☐ No ☐
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes ☐ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes ☐ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes ☐ No ☐
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes ☒ No ☐
If Yes, go to 16
If No, Enter the appropriate basis of claim. *decree*
16. Is a Priority Date remark and/or condition required? Yes ☐ No ☒
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.

Priority Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
27-73					

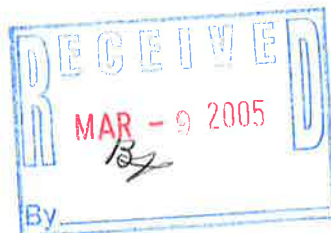
2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. **Name and Address of Former Owner/Claimant(s)** Don & Carol Allen
HC 70 Box 5090, Soda Springs, ID 83276
4. **New Owner/Claimant(s)** LAKE FAMILY RANCHES, Inc.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address** 830 Taber Rd
- City, State and ZIP Code** Blackfoot Idaho 83221
- New Telephone Number** (208) 684-4967
5. **Date you acquired the property** July 1991



6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) LAKE FAMILY Ranches, Inc.
(include title if applicable) Dennis M. Lake, Pres.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

QUITCLAIM DEED

12-5.09

FOR VALUE RECEIVED, **Lake & Ellis, Inc.**, an Idaho corporation, Grantor, does hereby convey, release, remise and forever quitclaim unto its successor **Lake Family Ranches, Inc.**, an Idaho corporation, Grantee, whose address is 830 Tabor Road, Blackfoot, ID 83221, the following described premises situated in Caribou County, Idaho, to-wit:

Tract I:

Township 5 South, Range 42 E.B.M., Caribou County, Idaho

Section 26: Lots 1 and 2

Section 27: Lots 1 and 2, NE ¼ SE ¼

Section 34: Lots 1, 2, and 3.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining to the described property.

The above described real property is subject to and does not include the following described:

a) Cleggs tract of land, b) Cleggs right to use water and c) Cleggs non-exclusive easement and right-of-way which are owned by Vaughn T. Clegg and Joyce B. Clegg ("Cleggs"):

a) Cleggs Tract of Land Not Included:

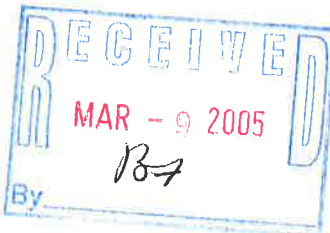
Beginning at a point 20 feet West and 200 feet South of a point which is 2,300 feet East and 330 feet North of the Southwest corner of Section 26, Township 5 South, Range 42 E.B.M.; thence North 200 feet; thence West to Idaho State Highway 34 approximately 465 feet; thence Southerly along the Easterly right of way of Idaho State Highway 34 approximately 465 feet; thence Southerly along the Easterly right of way of Idaho State Highway 34 approximately 200 feet to a point on said highway directly West of the point of beginning of this description; thence East to the point of beginning.

b) Cleggs Right to use Water not Included:

A right to use water from a well located 20 feet East of the Northeast corner of the property described above which is owned by Cleggs and for irrigation of property customarily used around the residence in connection with the residence. Cleggs have agreed to pay their proportionate share of repairs, upkeep and costs of pumping associated with the use of said water.

c) Cleggs Non-Exclusive Easement and Right-of-Way Not Included:

A one-rod non-exclusive easement and right-of-way from a well located 20 feet East of the Northeast corner of the property described above which is owned by the Cleggs, to the Northeast corner of said property, for the purpose of ingress to and egress from the well, together with the right to convey and carry water from the well to said property.





4-10-1990

NOTICE OF SALE

NOTICE IS HEREBY GIVEN THAT Bayne J. Clark and Nola H. Clark, husband and wife, of P.O. Box 472, Blackfoot, Idaho, have sold under an Agreement of Sale the following-described real property to Lake and Ellis, Inc., formerly known as Blackfoot Livestock Commission Company, c/o Dennis Lake, 830 Tabor Road, Blackfoot, Idaho 83221.

This document is notice of and also deemed to be a fixture filing as between the above-named Vendor and Purchasers, and is to be recorded in the Real Estate Records of Caribou County.

Land situate in Caribou County, Idaho:

Tract I:

Township 5 South, Range 42 East of the Boise Meridian:

Section 26: Lots 1 and 2.
Section 27: Lots 1 and 2, NE1/4SE1/4,
Section 34: Lots 1, 2 and 3.

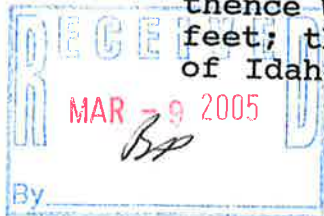
Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.

The above described real property is subject to and does not include the following described: (a) Cleggs tract of land, (b) Cleggs right to use water and (c) Cleggs non-exclusive easement and right-of-way which are owned by Vaughn T. Clegg and Joyce B. Clegg ("Cleggs"):

(a) Cleggs Tract of Land Not Included:

Beginning at a point 20 feet West and 200 feet South of a point which is 2,300 feet East and 330 feet North of the Southwest corner of Section 26, Township 5 South, Range 42 East, Boise Meridian, thence North 200 feet; thence West to Idaho State Highway 34 approximately 465 feet; thence Southerly along the Easterly right of way of Idaho State Highway 34 approximately 200 feet to a



point on said highway directly West of the point of beginning of this description; thence East to the point of beginning.

(b) Cleggs Right to use Water Not Included:

A right to use water from a well located 20 feet East of the Northeast corner of the property described above which is owned by Cleggs and for irrigation of property customarily used around the residence in connection with the residence. Cleggs have agreed to pay their proportionate share of repairs, upkeep and costs of pumping associated with the use of said water.

(c) Cleggs Non-Exclusive Easement and Right-of-Way Not Included:

A one-rod, non-exclusive easement and right-of-way from a well located 20 feet East of the Northeast corner of the property described above which is owned by the Cleggs, to the Northeast corner of said property, for the purpose of ingress to and egress from the well, together with the right to convey and carry water from the well to said property.

That said Agreement of Sale is dated the 10th day of April, 1990.

THIS NOTICE is dated the 10th day of April, 1990.

STATE OF IDAHO
County of Caribou 138799
Date: April 23, 1990
Time: 4:25 P.
Microfilm Records
Recorder: Rebecca A. Jenkins
Deputy: Rebecca A. Jenkins
Fee: 9.00 CT

Bayne J. Clark
Bayne J. Clark
Nola H. Clark
Nola H. Clark

STATE OF IDAHO)
County of Bingham) ss:

On this 10th day of April, 1990, before me, Dwight
E. Baker, the undersigned, a Notary Public in and for the
State of Idaho, personally appeared Bayne J. Clark and Nola H.
Clark, husband and wife, known to me to be the persons whose names
are subscribed to the within instrument, and acknowledged to me
that they executed the same.



NOTICE OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

The undersigned **DON T. ALLEN, CAROL S. ALLEN, RICHARD T. ALLEN,** and **DUANE ALLEN** Trustees as Sellers, hereby give notice:

That we have sold the property hereinafter described pursuant to the terms of an Agreement dated April 10, 1990 WHEREIN DON T. ALLEN, CAROL S. ALLEN, RICHARD T. ALLEN and DUANE ALLEN, Trustees appear as Sellers and **Bayne J. Clark** and **Nola H. Clark** appear as Buyers and to which reference is hereby made for the complete terms and conditions of sale. Said Agreement is made with respect to certain real property located in Caribou County, State of Idaho, particularly described in Exhibit "A" attached hereto and by this reference made a part hereof.

DATED this 10 day of April, 1990.

Don T. Allen
DON T. ALLEN, Trustee

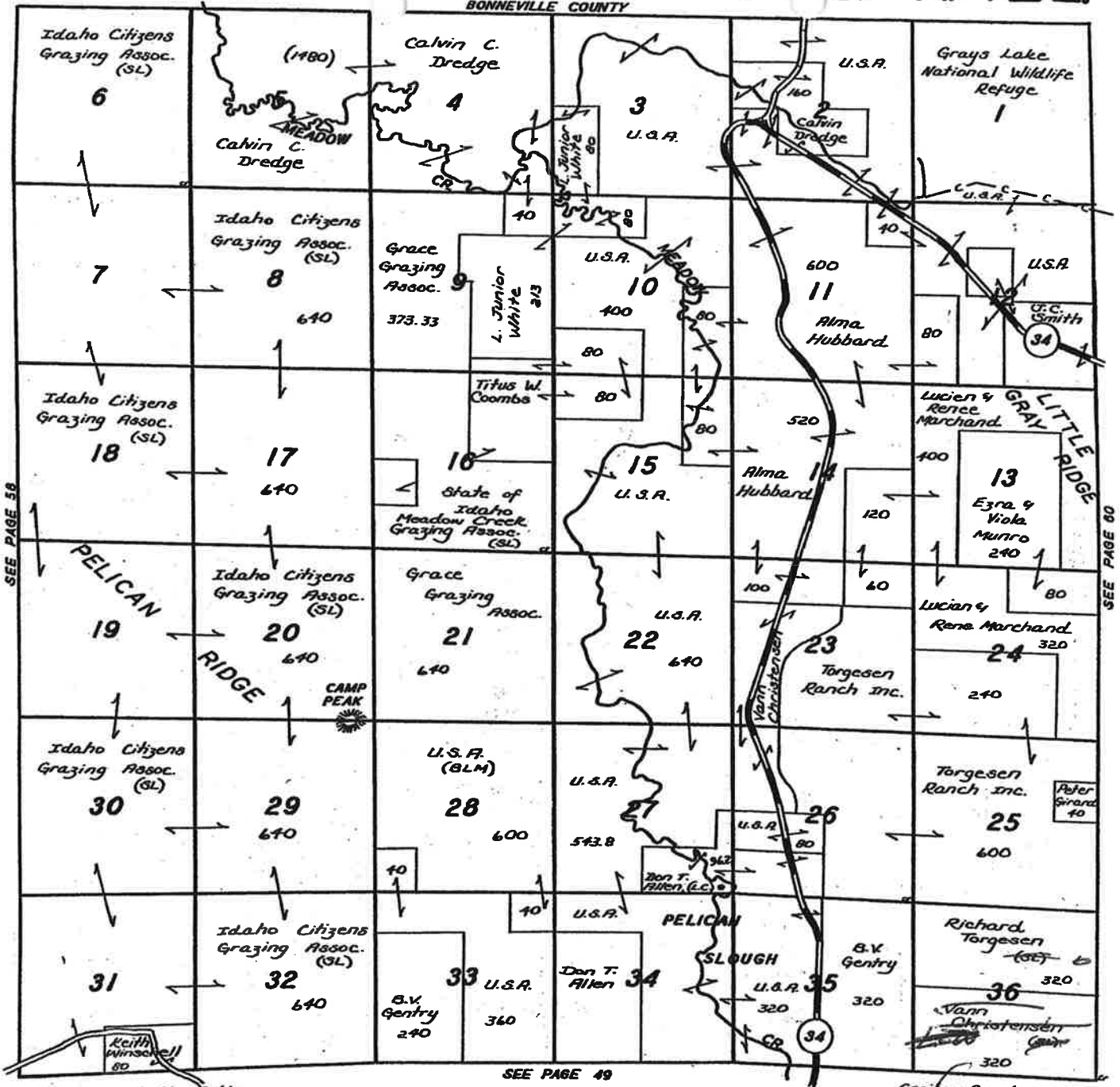
Carol S. Allen
CAROL S. ALLEN, Trustee

Richard T. Allen
RICHARD T. ALLEN, Trustee

Duane Allen
DUANE ALLEN, Trustee



BONNEVILLE COUNTY



Long & Dredge



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

8 March 2005

copy

Lake Family Ranches, Inc.
% Dennis Lake
830 Tabor Road
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)
Claim: 27-00073

Subject: Place of Use (POU)

Response Date: 18 March 2005

Dear Claimant(s):

Thank you for returning the signed Ownership change form and the accompanying documents. However, the documents submitted do not support the claimed POU. I am enclosing a copy of a drawing that outlines the claimed POU. I have penciled in the area that these documents cover, which is south of the claimed POU.

Unless we receive the proper documents supporting this claim we will need to recommend to the Court that this claim be disallowed.

Respectfully,

Barbara Payne

Enclosure: Drawing



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director



Lake & Ellis, Inc.
% Dennis Lake
830 Tabor Road
Blackfoot, ID 83221

March 1, 2005

Re: Snake River Basin Adjudication (SRBA)
Claim: 27-00073

Subject: Ownership Change

Response Date: March 14, 2005

Dear Claimant(s):

Please find enclosed the change in ownership form as we discussed. Before we can modify our records to reflect your ownership of the property, we need form 42-248/42-1409(6) completed, signed and returned to us.

In the adjudication review process there is no filing fee. However, we will need a copy of the plat, survey map or aerial photo with the appropriate area marked and a copy of your warranty deed.

Respectfully,

Pauline Bassett

*See Form 42-248
attached.
2011/2/24
3-7-05*

enclosure: form 42-248/42-1409(6) "Change in Water Right Ownership"



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

18 October 2004

COPY

% Dennis Lake
Lake & Ellis, Inc.
830 Tabor Road
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)
Claim 27-73

Subject: CHANGE IN OWNERSHIP & EVIDENCE OF PRIORITY

Response Date: 3 November 2004

Dear Claimant(s),

We have been advised that you are the current owner of the property and water right referenced above. Before we can modify our records to reflect your ownership of the property, we need Form 42-248/42-1409(6) completed, signed and returned. I have enclosed the form for your convenience.

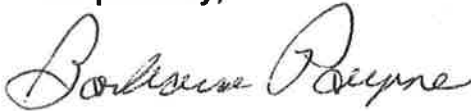
In the adjudication review process there is no filing fee. However, we will need a copy of the plat, survey map or aerial photo with the appropriate area marked and a copy of the warranty deed.

For your reference, I have enclosed the brochure entitled "Evidence of Priority". The brochure 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".

Please submit the documentation by the above response date referencing all

documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed brochure, please feel free to contact me at 547-3993.

Respectfully,

A handwritten signature in cursive script, appearing to read "Barbara Payne".

Barbara Payne

Enclosure:

Notice of Claim to A Water Right

Form 42-248/42-1409(6) "Change in Water Right Ownership"

Evidence of Priority brochure



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Lake & Ellis, Inc.
% Dennis Lake
830 Tabor Road
Blackfoot, ID 83221

November 23, 2004

Re: Snake River Basin Adjudication (SRBA)
Claim: 27-00073

Subject: CLAIM RECOMMENDATION - DISALLOW

Dear Claimant(s):

Please be advised that since we have had no response from you, we will recommend to the Court that the above referenced claim be disallowed.

Respectfully,

Pauline Bassett

COPY

21 January 2004

Memo to File:

Claim 27-73 Don T. Allen

Searching the Stevens Decree I found the following:

Decree Owner	Lars Hansen
Priority Date	1 July 1888
Amount of water	160 inches
Description of Land:	T5S, R East Boise Meridian <i>as stated in decree</i> Section 26, Lots 1 and 2 Section 27, Lots 1 and 2 and NE ¼ of SE ¼

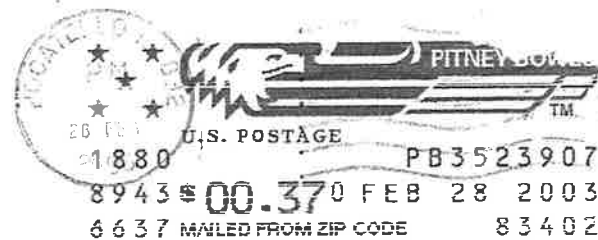
Barbara

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES
☐ Insufficient postage
☐ Invalid postage meter
☐ Unpostable
☐ Attempted return
☐ No such person
☐ No such address
☐ No such business
☐ No such apartment
☐ Box Closed-No Order
☐ Returned For Better Address
☐ Postage Due

NDA
DON T ALLEN
CAROL ALLEN
HC 70 BOX 5090
SODA SPRINGS ID 83276



SCANNED

JUL 16 2001

Log for claim 27-00073

Spatial Dynamics LTD

11/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05s42e	27	NENE	40	40	
05s42e	27	NWNE	40	39	
05s42e	27	SWNE	40	38	
05s42e	27	SENE	40	40	
Totals:			160	157	

AJ5809NP
No. A27-00073

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/00
PAGE: 25

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON T ALLEN	07/01/1888	IRRIGATION	04-01 07-01	3.200 CFS	
C	CAROL ALLEN					
	HC 70 BOX 5090					
	SODA SPRINGS ID 83276					
				TOTAL DIVERSION:	3.200 CFS	
				CONSUMPTIVE USE:		400.00 AFA

Water Source: MEADOW CREEK

Tributary to: BLACKFOOT RIVER

Stage: DECREED

Point(s) of Diversion:

T05S R42E S27

SESESE

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
05S	42E	27	:	40		40		40		40				:											:	160.0
																							TOTAL ACRES		160.0	

POU County: CARIBOU

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 27

Field Inspection Flag:
Presumption Flag:

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 27-73
Date Received: 2/8/1990
Receipt No: E011993
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

~~CAROL ALLEN~~ Phone: LAKE FAMILY RANCHES, INC. 785-4967

~~HC 70 BOX 5090~~ 830 TABER ROAD
~~SODA SPRINGS ID USA 83276~~ BLACKFOOT, ID 83221

~~DON T ALLEN~~ Phone:

~~HC 70 BOX 5090~~
~~SODA SPRINGS ID USA 83276~~

2. Date of Priority: 07/01/1888

3. Source: MEADOW CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	42E	27	SE SE SE <u>2</u>	CARIBOU	

5. Description of diverting works:

HEADGATE, DITCH, FLOOD IRRIGATION

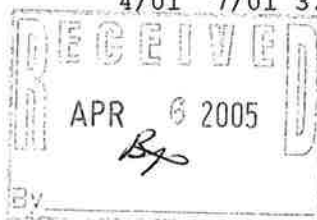
6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
4/01 7/01 3.2

(or) A.F.A

7. Total Quantity Appropriated is:
3.2 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	
05S	42E	27	NE	NE	IRRIGATION	40	
			NW	NE	IRRIGATION	40	
			SW	NE	IRRIGATION	40	
			SE	NE	IRRIGATION	40	
			NE	SE	IRRIGATION	40	
			SE	SE	2	IRRIGATION	21.5
			SW	SE	1	IRRIGATION	37.4

Section Acres ~~160~~ 98.9

Total Acres ~~160~~ 98.9

11. Place of use in counties: CARIBOU

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

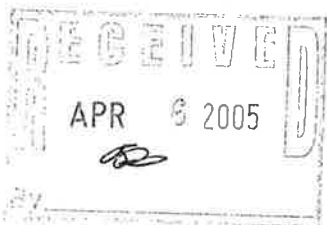
13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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): LAKE Family Ranches, Inc Date: _____
by: Dennis M. Lee Pres. Date: 4-4-05

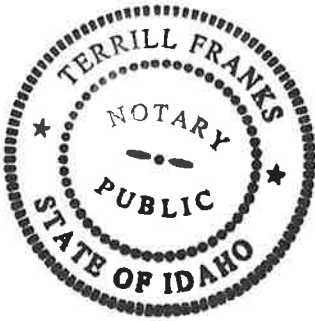
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of April 2005 Terrill Franks

Notary Public

Residing at Boise, Idaho

My commission Expires 8-28-10



\$210 X

SCANNED

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: A27-00073
Date Received: 2/28/1990
Receipt No: E011993
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

FEB - 1990

Department of Water Resources
Eastern District Office

1. Name: DON T. ALLEN
Address: HC 70, BOX 5090
SODA SPRINGS, ID

83276

OR

Name: CAROL ALLEN
Address: HC 70, BOX 5090
SODA SPRINGS, ID

83276

2. Date of Priority: JUL 01, 1888

3. Source: MEADOW CREEK

Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	42E	27	SE	SE	SE		CARIBOU

A2700073

5. Description of diverting works:
HEADGATE, DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	07/01	3.200		

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

A.F.A.

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A27-00073

Page 1

Date: 01/24/90

MICROFILMED

NOV 12 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	42E	27	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
							Section Acres	160.0
							Total Acres	160.0

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: DECREED
Case Number:
Court :
Decree date:

FRED S. STEVENS, ET AL.
Decree Plaintiff

vs

EASTERN IDAHO WATER CO., ET AL
Decree 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 ☒ 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):

Don J. Allen
Carol S. Allen

Date: Feb 5, 1990

Date: 2/5/90

State of ~~Idaho~~ Nevada)

) SS.

County of Clark)

Subscribed and sworn (or affirmed) before me this 5th day

of February 19 90

Mary Jo Cole
Notary Public

Seal



NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARY JO COLE

My Appointment Expires Jan. 14, 1991

Residing at Overton NV

My Commission Expires 1.14.91

69
TH

