

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12142
NAME AND ADDRESS: DENNIS M LAKE
830 TABER RD
BLACKFOOT ID 83221
SOURCE: Source: Tributary:
LITTLE BLACKFOOT RIVER BLACKFOOT RIVER
QUANTITY: 0.580 CFS ~~0.650 CFS~~
PRIORITY DATE: 04/15/1954
POINT OF DIVERSION: T06S R42E S10 NWSWSW Within CARIBOU County ~~Within Bingham County~~
PURPOSE AND Purpose of use Period of use: Quantity:
PERIOD OF USE: IRRIGATION 4/15 07/01 0.580 CFS
~~0.650 CFS~~
PLACE OF USE: IRRIGATION within CARIBOU County ~~within Bingham County~~
~~T06S R42E S09 NESE 2.2~~ T06S R42E S09 SESE 29.0
~~T06S R42E S16 NENE 1.6~~
29 ACRES TOTAL ~~32.8 ACRES TOTAL~~

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Created By:

Denise Kidman:

Date: 9-16-09

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Created By:

Denise Kidman:

Date: 3-11-09



Idaho Department of Water Resources

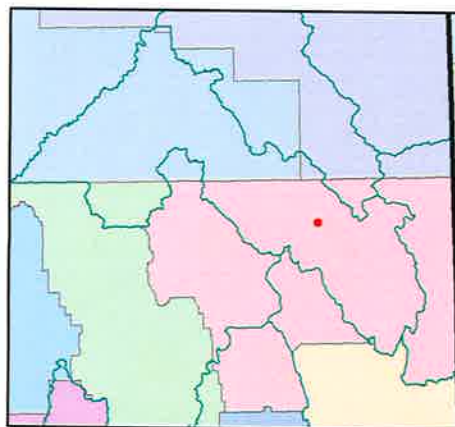
SRBA Recommendation

27-12142

(IRRIGATION)

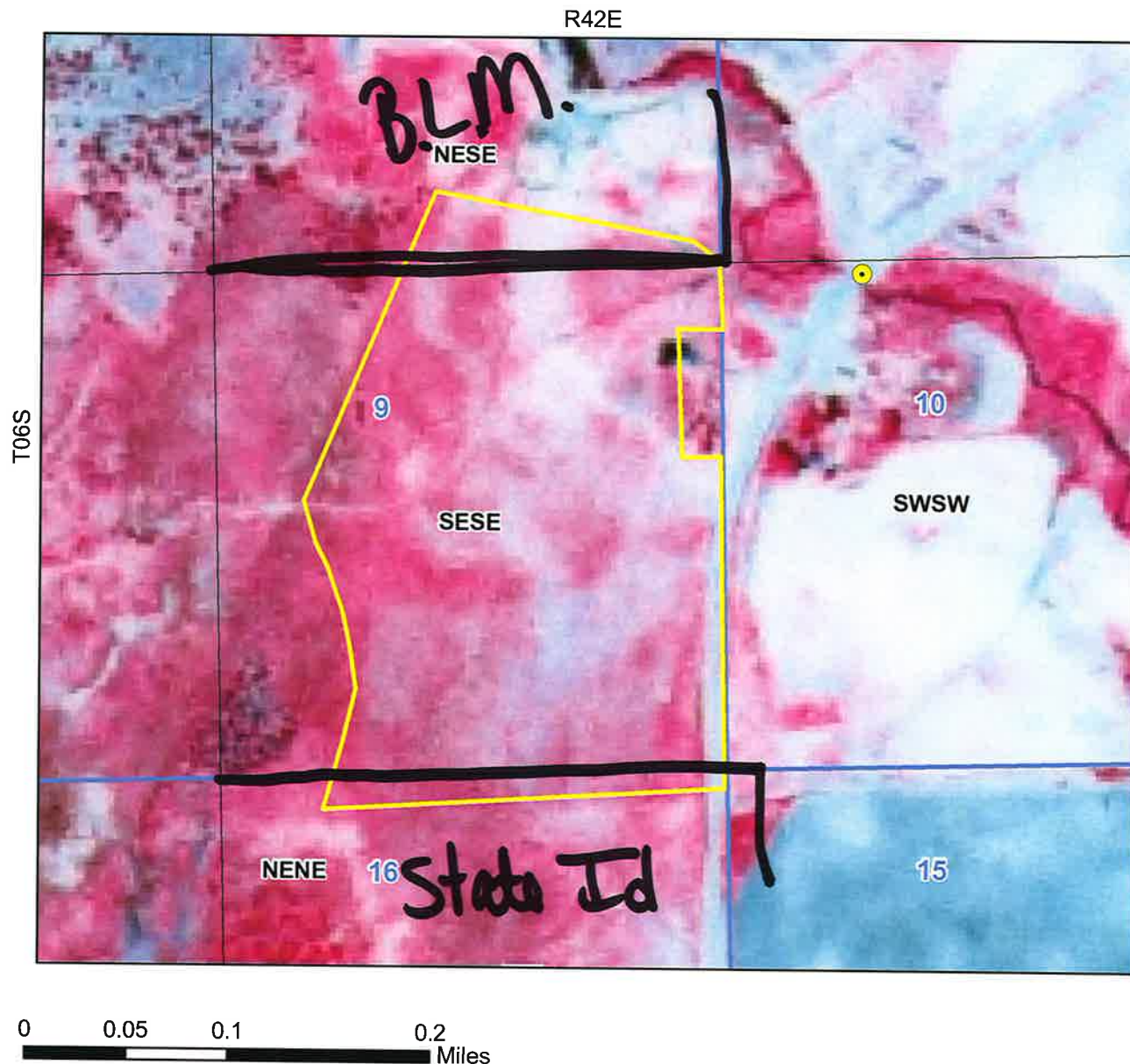
Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Caribou County
IDWR Basin 27

Prepared by Denise Kidman
On October 17, 2008
2004 Aerial Photography



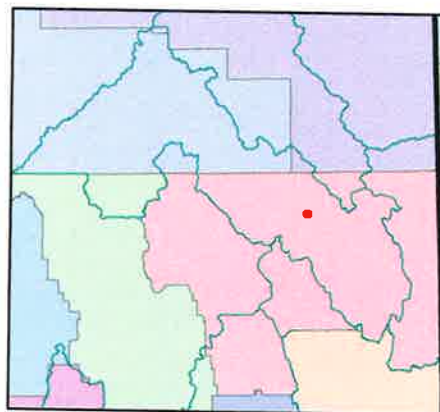


SRBA Recommendation
27-12142
(IRRIGATION)

Idaho Department of Water Resources

Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Caribou County
IDWR Basin 27

Prepared by Denise Kidman
On February 13, 2009
2004 Aerial Photography



27-12142



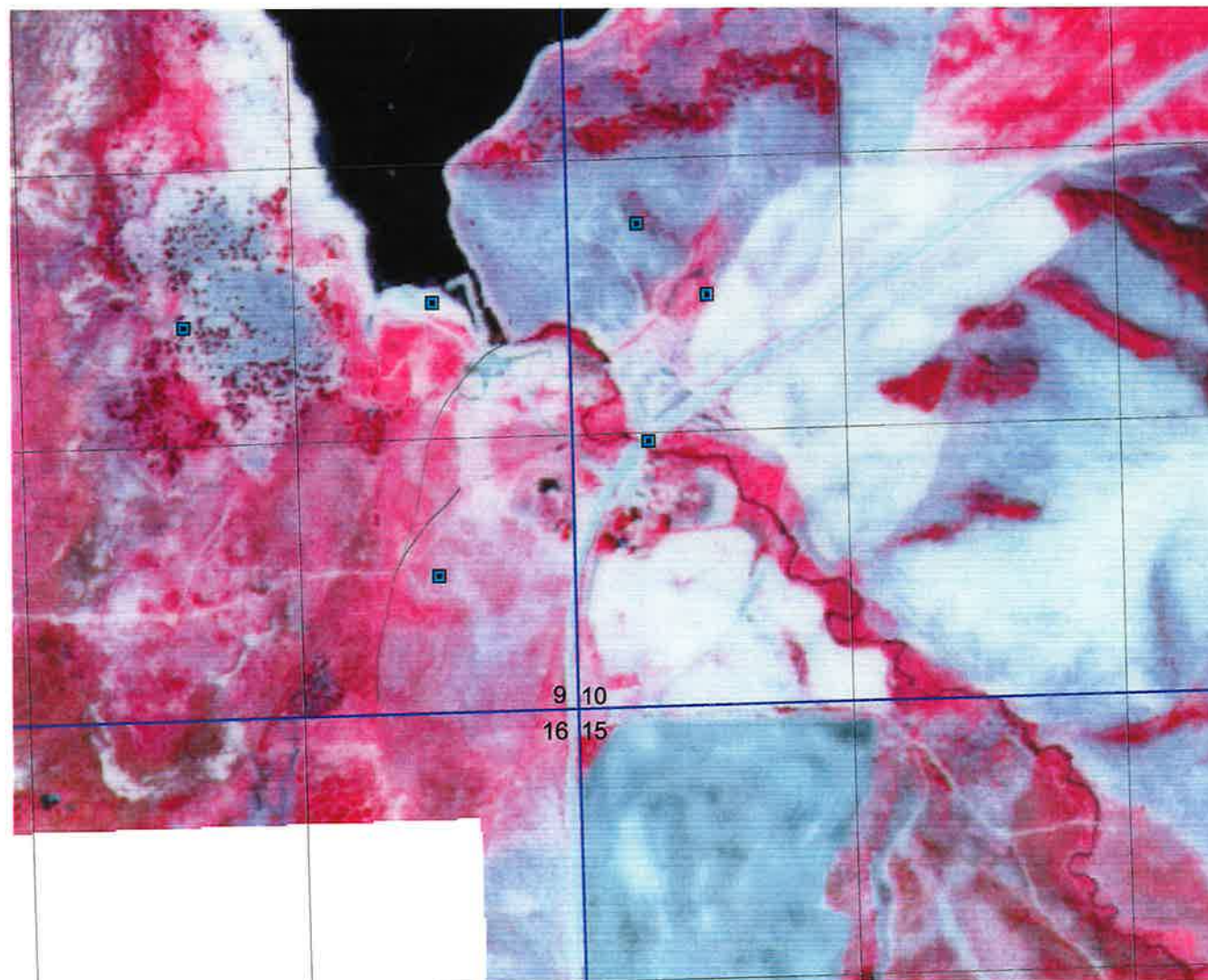
0.2 0 0.2 0.4 Miles

A scale bar with alternating black and white segments, representing distances in miles.

Sections
 GCDB06S42E GCDB
 Claim POD

Prepared by: CBird
Oct 15, 2007
2006 imagery

27-12142



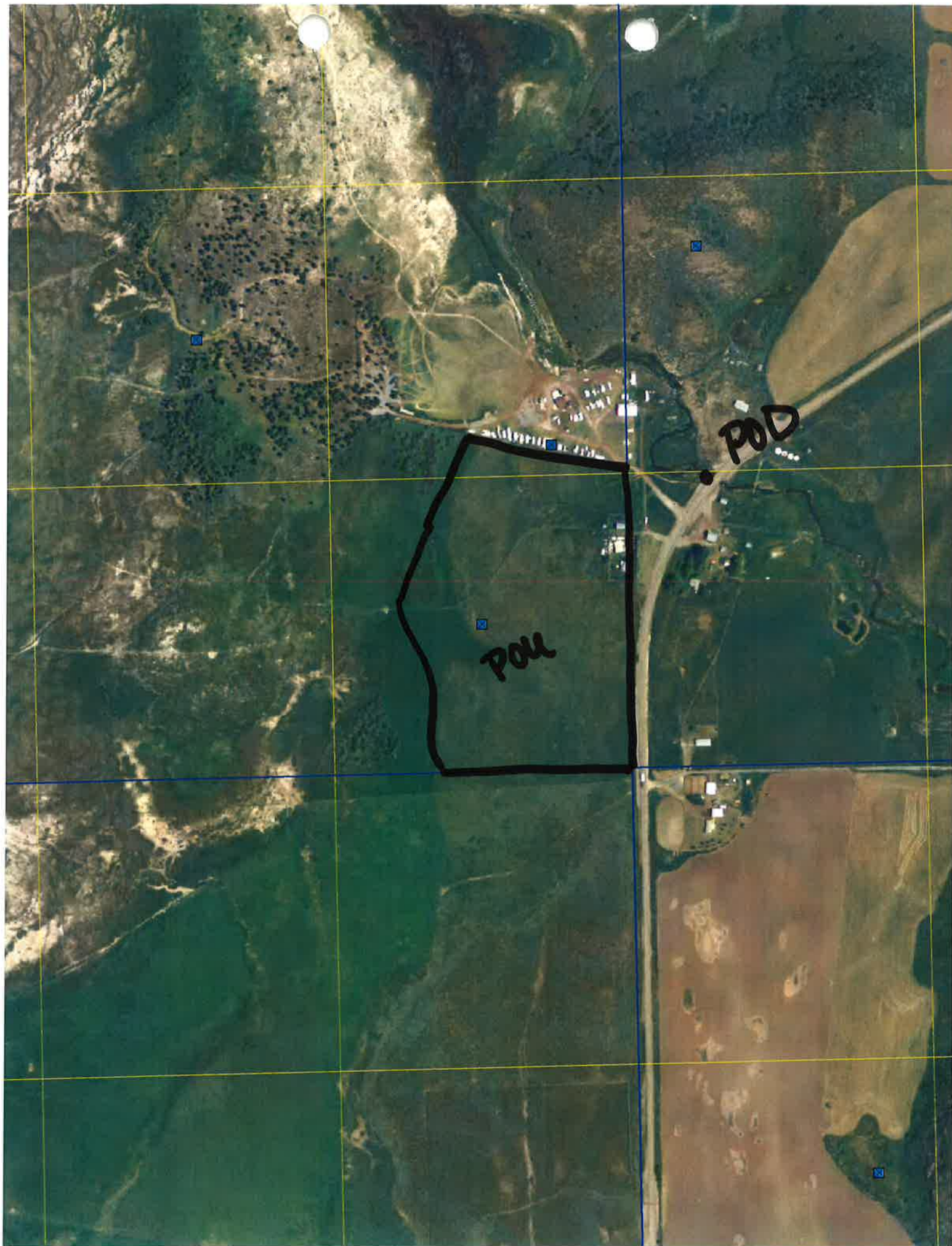
- Sections
- GCDB06S42E GCDB
- Claim POD

0.2 0 0.2 0.4 Miles

A scale bar showing distances in miles. It is marked with 0.2, 0, 0.2, and 0.4 miles.

Prepared by: CBird
Oct 15, 2007







RECEIVED

JAN 20 2012

Department of Water Resources
Eastern Region

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

January 13, 2012

Idaho Department of Water Resources
Attn: Denise Kidman
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: 27-12142 (Lake)

Dear Denise:

I am enclosing an SF5 for the above-referenced water right. Please sign, initial and return the SF5 to me. I will file it with the SRBA Court.

Thanks.

Sincerely,

A handwritten signature in blue ink that reads "Ray".

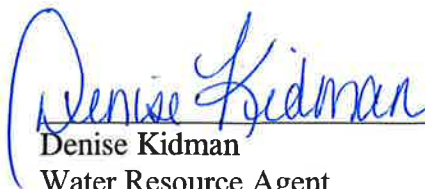
Ray Williams
Paralegal

Enclosure

In Re SRBA	)	Subcase No. 27-12142
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

1

IDWR Concurrence:

 1-20-12
Denise Kidman Date
Water Resource Agent

 1/4/12
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

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PRIORITY DATE: 04/15/1954

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on _____, 2012, 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
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

DENNIS M. LAKE
Represented by:
DWIGHT E. BAKER
266 WEST BRIDGE
BLACKFOOT, ID 83221

SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N. ARTHUR
POCATELLO, ID 83202

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney



Idaho Department of Water Resources

MEMORANDUM

File: 27-12142 Late Claim
Date: 9-16-08
Subject: Field Exam

James Cefelo and I were scheduled to meet Dennis Lake at 10 am to conduct a field exam on 9-16-2008. We were running late and phoned him (604-1786) at 8:44 am to inform him of our delay. There was no answer, so I left a message on his voice mail.

We arrived at the POU about 10:30 am but Dennis Lake was not there. The cell phone couldn't get a signal so we couldn't phone him again. The exam lasted roughly one hour and Dennis Lake never showed up.

During the exam, the POD was located at GPS N 42° 54.479' W 111° 31.760' in T06S R42E SEC 10 NWSWSW, B.M. The Department of Transportation recently worked on the bridge east of the POD and placed rocks on the side of the road that slide down onto the POD culvert. The weight of the rocks collapsed the culvert, restricting water flow to a small trickle which stopped 50 ft southeast of the POD. During the rock slide, some rocks had also fallen into the irrigation ditch but had been removed and placed on the banks of the ditch. James Cefelo referred to a previous conversation where Dennis Lake stated that he would have to dig the culvert out and replace it in order to resume irrigation.

Knowing the culvert condition we were prepared to take measurements for the Manning equation to determine the flow. After viewing the delivery system, it was determined that the Manning equation would not work due to the variations of the ditch. The ditch meandered enough that we could not establish a straight reach to take readings to determine the slope. The wetted perimeter was difficult to determine due to the removal of the fallen rocks from the bridge work. Different parts of the ditch had been deepened and/or widened, altering the wetted perimeter markings.

The slope of the ditch where it runs under the road leading to an RV park looked questionable, so we checked it by taking several measurements. It was unsure if the water could be delivered to the POU due to the ditch deepening downstream of the road. The slope from the upstream side of the road to 140 ft from the downstream side of road was calculated to be 0.0062.

From the desk of Denise Kidman

Description of Culvert under Road:

Upstream of the road, there is an 18" aluminum corrugated culvert and downstream it switched to a 12" black PVC pipe. The road to the RV Park was 29.3 feet wide, so there was approximately 20 feet of the 18" pipe connected to approximately 10 feet of 12" pipe. It was indeterminable how the two pipes were connected under the road. Prior to the 18" aluminum pipe, the ditch was 2.5 ft W x 1 ft D, and reduced to 1.5 ft W. The ditch downstream of the road tapered from 3 ft W x 2 ft D to 4 ft W x 2.5 ft D and back to 3 ft. W x 2 ft D.

The ditch continues through a wire fence and splits north and south to deliver water across the 32.8 acres. The exact deliver system was difficult to determine since there has been no water taken through the system this year. It was my intentions to ask Dennis Lake to explain the system.

The flow could not be measured due to the damaged culvert, so the measurement from Water District 1 on June 18, 2007 of 0.65 cfs will be used. Since the claimed cfs and WD01 measurement was the same, 0.65 cfs will be recommended. The topographic map shows an elevation of 6140 ft east of the POD and drops to 6120 ft which confirms the ability to irrigate the POU. By using the data from the 1987 and 2008 exams, the topographic map, and aerial photography it can be concluded that the delivery system is possible, when the collapsed culvert is replaced, and has been used in the past.

I am recommending water right 27-12142 of 0.65 cfs on 32.8 acres.

$$32.8 \times 0.02 = 0.65 \text{ cfs}$$

$$0.02 \text{ (1 inch/acre)}$$

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Blackfoot, Idaho,**
has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant
William Winschell
according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale
of desert lands in certain States and Territories," as amended by the Act of March 3, 1891, **for the south
half of the southeast quarter and the south half of the southwest quarter**
of Section nine in Township six south of Range forty-two east of the Boise
Meridian, Idaho, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General;

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, therunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Warren G. Harding,**

President of the United States of America, have caused these letters to be made:

Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **SIXTH**

(SEAL)

day of **JANUARY** In the year of our Lord one thousand

nine hundred and **TWENTY-TWO** and of the Independence of the

United States the one hundred and **FORTY-SIXTH.**

By the President

By

Warren G. Harding
Viola P. Pugh
W. P. LeRoy

SECRET

Recorder of the General Land Office

841388

RECORD OF PATENTS: Patent Number

Accession/Serial #: 841388 **BLM Serial #:** IDBL 0025891**Names****Patentee:** WILLIAM WINSHELL**Survey****State:** IDAHO**Acres:** 160**Metes/Bounds:** No**Title Transfer****Issue Date:** 1/6/1922**Land Office:** Blackfoot**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** No**Authority:** March 3 1877: Desert Land Act (19 Stat. 377)**Document Numbers****Document Nr.:** 025891**Accession/Serial Nr.:** 841388**BLM Serial Nr.:** IDBL 0025891

<u>Aliquot</u> <u>Parts</u>	<u>Sec./</u> <u>Block</u>	<u>Township</u>	<u>Range</u>	<u>Fract.</u> <u>Section</u>	<u>Meridian</u>	<u>State</u>	<u>Counties</u>	<u>Survey</u> <u>Nr.</u>
S½S½	9/	6-S	42-E	No	Boise	ID	Caribou	

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12142
NAME AND ADDRESS: DENNIS M LAKE
830 TABER RD
BLACKFOOT ID 83221
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QUANTITY: 0.580 CFS 0.650 CFS
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29 ACRES TOTAL 32.8 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

In Re SRBA	)	Subcase No. 27-12142
	)	
Case No. 39576	)	
	)	STIPULATION TO RESOLVE
	)	OBJECTION
	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The claimant and IDWR agree and stipulate that the elements of this water right should be described per the attached and that this stipulation resolves the claimant's objection to the Director's Report. The parties and IDWR acknowledge that the objections to the Director's Report filed by the Shoshone-Bannock Tribe and the Bureau of Indian Affairs objections concerning an annual irrigation diversion volume are still outstanding, as well as Mr. Lake's objection to the priority date. The parties and IDWR have further indicated their concurrence by initialing the attached page.

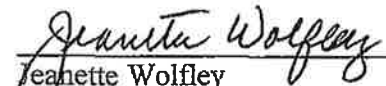
CLAIMANT/OBJECTOR:

Dennis M. Lake

 7-20-09
Dwight E. Baker Date
Attorney for Claimant/Objector

OBJECTORS:

 9/9/09
Peter C. Monson, USDOJ Date
Attorney for BIA

 8/10/09
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

IDWR Concurrence:

 9-24-09
Denise Kidman Date
Water Resource Agent
Ernest Carlson

 9/29/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on _____, 2009, 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
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

SHOSHONE-BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N. ARTHUR
POCATELLO, ID 83202

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

DENNIS M. LAKE
Represented by:
DWIGHT E. BAKER
266 WEST BRIDGE
BLACKFOOT, ID 83221

Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 27-12142 V1

WATER RIGHT NUMBER: 27-12142 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DENNIS M LAKE 830 TABER RD BLACKFOOT, ID 83221 (208) 684-4967
Attorney	BAKER & HARRIS 266 W BRIDGE BLACKFOOT, ID 83221 (208)785-2310

Priority Date: 04/15/1954
 Basis: Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE BLACKFOOT RIVER	BLACKFOOT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 07/01	~~0.650 CFS~~ 0.58	
	<u>Total Diversion:</u>	~~0.650 CFS~~ 0.58	

Location of Point(s) of Diversion

LITTLE BLACKFOOT RIVER NW 1/4SW 1/4SW 1/4 Sec. 10, Twp 06S, Rge 42E, B.M.
 BINGHAM County Caribou City

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	42E	9													2.2			29.0	31.2
06S	42E	16	1.6																1.6

Total Acres: 32.8

Conditions of Approval

1. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
2. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 27-12142 V1

Comments:

1. dkidman 10/14/2008 Recommendation

Comment: Field exam for Late Claim. Measurement could not be taken due to damaged culvert. Dennis Lake plans on replacing culvert. Using topography maps, aerial photography and data collected on field exam it was determined that the delivery system is possible and has been used in the past. Water District 01 took a measurement in 6-18-2007 of 0.65 cfs. Recommendation will be for 32.8 acres at 1 inch to the acre which comes to 0.65 cfs.

2. dkidman 10/15/2008 Priority

Comment: Changing priority date. Claimant provided three affidavits with dates from 1954-1960. New priority will be 4-15-1954.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

August 22, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

BAKER & HARRIS
PO BOX 577
BLACKFOOT ID 83221

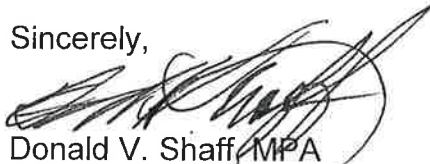
RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #27-12142
Your Client: Dennis M. Lake

The Notice of Claim to a Water Right filed by your client, Dennis M. Lake, was received from the SRBA Court recently.

This Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4921 if you have any questions.

Please notify us in writing if your client's address changes or if there is a change in ownership of their property and water right.

Sincerely,


Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:region

C: Dennis M. Lake w/Receipt #C081971

PROFILED

SCANNED

AUG 22 2006

RECEIVED

MAY 10 2006

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Subcase 27-12142
(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ 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 604-4967

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.)

2- Affidavits stating Ditch has been there along time.
Letter describing circumstances 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

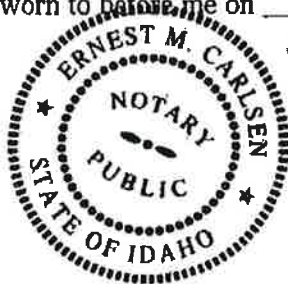
Dennis M Lake, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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. Loh

Signature of person or attorney mailing the form

PROFILED

SCANNED

MAY 10 2006

AFFIDAVIT

I, Jimmy 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 1954

Signed: Jimmy B. Christensen

Address: 577 main Box 254

Date: 2-3-06

Witness: Lila Joy Jones

Address: 19 Grays Lake Rd. Wayan, Id. 83288

Date: 2-3-06

Witness: Lew M. Law

Address: 23 Trap Lake Rd wayan

Date: 2-3-06

SCANNED

MAY 10 2006

PROFILED

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: 344 Long Valley Rd Soda Springs,

Date: 3/6/06

Witness: Lewis Nelson

Address: 23 Grays Lake Rd
Wayan, Id. 83285

Date: 3/6/06

Witness: Ellen Nelson

Address: 23 Grays Lake Rd
Wayan, ID 83285

Date: 3/06/06

PROFILED

SCANNED

MAY 10 2006

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 H. Drey

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

Date: 2-19-06

Witness: Rebecca R. Drey

Address: P.O. Box 1024, Faith NC 2804

Date: 2-19-06

PROFILED

SCANNED
MAY 10 2006

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12142

NAME AND ADDRESS: DENNIS M LAKE
830 TABER RD
BLACKFOOT ID 83221

SOURCE: Source: LITTLE BLACKFOOT RIVER
Tributary: BLACKFOOT RIVER

QUANTITY: 0.580 CFS 0.650 CFS

PRIORITY DATE: 04/15/1954

POINT OF DIVERSION: T06S R42E S10 NWSWSW Within CARIBOU County
Within Bingham County

PURPOSE AND PERIOD OF USE: Purpose of use IRRIGATION0
Period of use: 4/15 07/01
Quantity: 0.580 CFS
0.650 CFS

PLACE OF USE: IRRIGATION within CARIBOU County within Bingham County

T06S R42E S09 NESE 2.2 T06S R42E S09 SESE 29.0
T06S R42E S16 NENE 1.6

29 ACRES TOTAL 32.8 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Wait for response period (ends 3/19)
to pass before SFS can
be filed.
Ray Williams
2/13/09
Applicant Signed
9/24/09



Idaho Department of Water Resources

MEMORANDUM

File: 27-12142 Late Claim
Date: 9-16-08
Subject: Field Exam

James Cefelo and I were scheduled to meet Dennis Lake at 10 am to conduct a field exam on 9-16-2008. We were running late and phoned him (604-1786) at 8:44 am to inform him of our delay. There was no answer, so I left a message on his voice mail.

We arrived at the POU about 10:30 am but Dennis Lake was not there. The cell phone couldn't get a signal so we couldn't phone him again. The exam lasted roughly one hour and Dennis Lake never showed up.

During the exam, the POD was located at GPS N 42° 54.479' W 111° 31.760' in T06S R42E SEC 10 NWSWSW, B.M. The Department of Transportation recently worked on the bridge east of the POD and placed rocks on the side of the road that slide down onto the POD culvert. The weight of the rocks collapsed the culvert, restricting water flow to a small trickle which stopped 50 ft southeast of the POD. During the rock slide, some rocks had also fallen into the irrigation ditch but had been removed and placed on the banks of the ditch. James Cefelo referred to a previous conversation where Dennis Lake stated that he would have to dig the culvert out and replace it in order to resume irrigation.

Knowing the culvert condition we were prepared to take measurements for the Manning equation to determine the flow. After viewing the delivery system, it was determined that the Manning equation would not work due to the variations of the ditch. The ditch meandered enough that we could not establish a straight reach to take readings to determine the slope. The wetted perimeter was difficult to determine due to the removal of the fallen rocks from the bridge work. Different parts of the ditch had been deepened and/or widened, altering the wetted perimeter markings.

The slope of the ditch where it runs under the road leading to an RV park looked questionable, so we checked it by taking several measurements. It was unsure if the water could be delivered to the POU due to the ditch deepening downstream of the road. The slope from the upstream side of the road to 140 ft from the downstream side of road was calculated to be 0.0062.

Description of Culvert under Road:

Upstream of the road, there is an 18" aluminum corrugated culvert and downstream it switched to a 12" black PVC pipe. The road to the RV Park was 29.3 feet wide, so there was approximately 20 feet of the 18" pipe connected to approximately 10 feet of 12" pipe. It was indeterminable how the two pipes were connected under the road. Prior to the 18" aluminum pipe, the ditch was 2.5 ft W x 1 ft D, and reduced to 1.5 ft W. The ditch downstream of the road tapered from 3 ft W x 2 ft D to 4 ft W x 2.5 ft D and back to 3 ft. W x 2 ft D.

The ditch continues through a wire fence and splits north and south to deliver water across the 32.8 acres. The exact deliver system was difficult to determine since there has been no water taken through the system this year. It was my intentions to ask Dennis Lake to explain the system.

The flow could not be measured due to the damaged culvert, so the measurement from Water District 1 on June 18, 2007 of 0.65 cfs will be used. Since the claimed cfs and WD01 measurement was the same, 0.65 cfs will be recommended. The topographic map shows an elevation of 6140 ft east of the POD and drops to 6120 ft which confirms the ability to irrigate the POU. By using the data from 9-16-2008 exam, the topographic map, and aerial photography it can be concluded that the delivery system is possible, when the collapsed culvert is replaced, and has been used in the past.

I am recommending water right 27-12142 of 0.65 cfs on 32.8 acres.
 $32.8 \times .02 \text{ cfs (1 inch to 1 acre)} = 0.65 \text{ cfs}$

Priority was 4/15/1918 in late claim. There were three affidavits stating the priority was around 1954-1960. Checked the BLM Land Patents but was unable to find anything. From the proof of priority provided by claimant, the priority will be changed to 4-15-1954.

2-13-09

Acres were recommended that belonged to BLM and State of Idaho. After removal of those acres, 29 acres will remain. $29 \times 0.02 \text{ cfs} = 0.58 \text{ cfs}$

SF5 created to help resolve objection by Lake, Bureau of Indian Affairs, and Shoshone-Bannock Tribes.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

WR No: 27-12142

Exam Date: 9-16-2008

1. Current Owner: Dennis M Lake
830 Taber Rd
Blackfoot, Idaho 83221
(208) 684-4367

Attorney: Baker & Harris
266 W Bridge
Blackfoot, Idaho 83224

2. Accompanied by: Dennis Lake never showed up for exam.

Phone No: Cell 604-1786

Address:

Relationship to Permit Holder:

3. **SOURCE**

LITTLE BLACKFOOT RIVER

TRIBUTARY

BLACKFOOT RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: N/A
2. Other water rights with the same point of diversion: N/A

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

LITTLE BLACKFOOT RIVER

NW 1/4SW 1/4SW 1/4

Sec. 10, Twp 06S, Rge 42E, B.M.

BINGHAM County

Method of Determination: USGA Map, Topography Map, and onsite visit.

2.

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	42E	9													2.2			29.0	31.2
06S	42E	16	1.6																1.6

Total Acres: 32.8

Method of Determination: Onsite Field Exam

3. ☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☒ Photo of Diversion and System Attached

4.

<u>Well or Diversion ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge Size</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

<u>Measurement Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

2. Measurements: Damaged culvert so measurement couldn't be done. On 6-18-2007, Water District 01 measured 0.65 cfs, so that will be used. See attached Discharge Measurement Notes.

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: See Above

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses:

G. NARRATIVE/REMARKS/COMMENTS

The slope of the ditch where it runs under the road leading to an RV park looked questionable, so we checked it by taking several measurements. It was unsure if the water could be delivered to the POU due to the ditch deepening downstream of the road. The slope from the upstream side of the road to 140 ft from the downstream side of road was calculated to be 0.0062.

The ditch continues through a wire fence and splits north and south to deliver water across the 32.8 acres. The exact deliver system was difficult to determine since there has been no water taken through the system this year. It was my intentions to ask Dennis Lake to explain the system.

The flow could not be measured due to the damaged culvert, so the measurement from Water District 1 on June 18, 2007 of 0.65 cfs will be used. Since the claimed cfs and WD01 measurement was the same, 0.65 cfs will be recommended. The topographic map shows an elevation of 6140 ft east of the POD and drops to 6120 ft which confirms the ability to irrigate the POU. By using the data from the 1987 and 2008 exams, the topographic map, and aerial photography it can be concluded that the delivery system is possible, when the collapsed culvert is replaced, and has been used in the past.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 07/01	0.650 CFS	
<u>Totals:</u>		0.650 CFS	

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Denise Kidman Date 10-14-08

Reviewer _____ Date _____



Photo #1 - Rock Dam to divert water to head of ditch.



Photo 2 - Shows the flow of water towards POD



Photo 3 - Shows POD. Head gate Pulled all the way up.
 (12" pipe). GPS N 42° 54.479' W 111° 31.760'
 Tole S R42E Sec 10 NWSWSW B.m.



Photo 4: Shows the rock slide that crushed or collapsed
 pipe. Claimant plans on digging the pipe out & replacing
 it so he can resume irrigation.

Photo 6: Downstream end of the POD pipe.



Photo 5: Buried pipe allowing a small amount of water through. Water levels for approx. 100 ft. above stops.



Photo 8: 1-2 inches of water flowing approx. 100 ft + then stopped. There is not enough flow to move farther. Looking downstream.



Photo 7: Another view of POD current.



Photo 10: Upstream end of culvert (1 1/2 ft) going under road to KO Park.



Photo 9: Path of the ditch, flowing upstream.



Photo 12: Culvert downstream end. From top opening of culvert, the ditch is approx. 20 inches deep.



Photo 11: Downstream end of culvert (1 ft.) coming from under road. Went from 1 1/2 ft to 1 ft pipe.

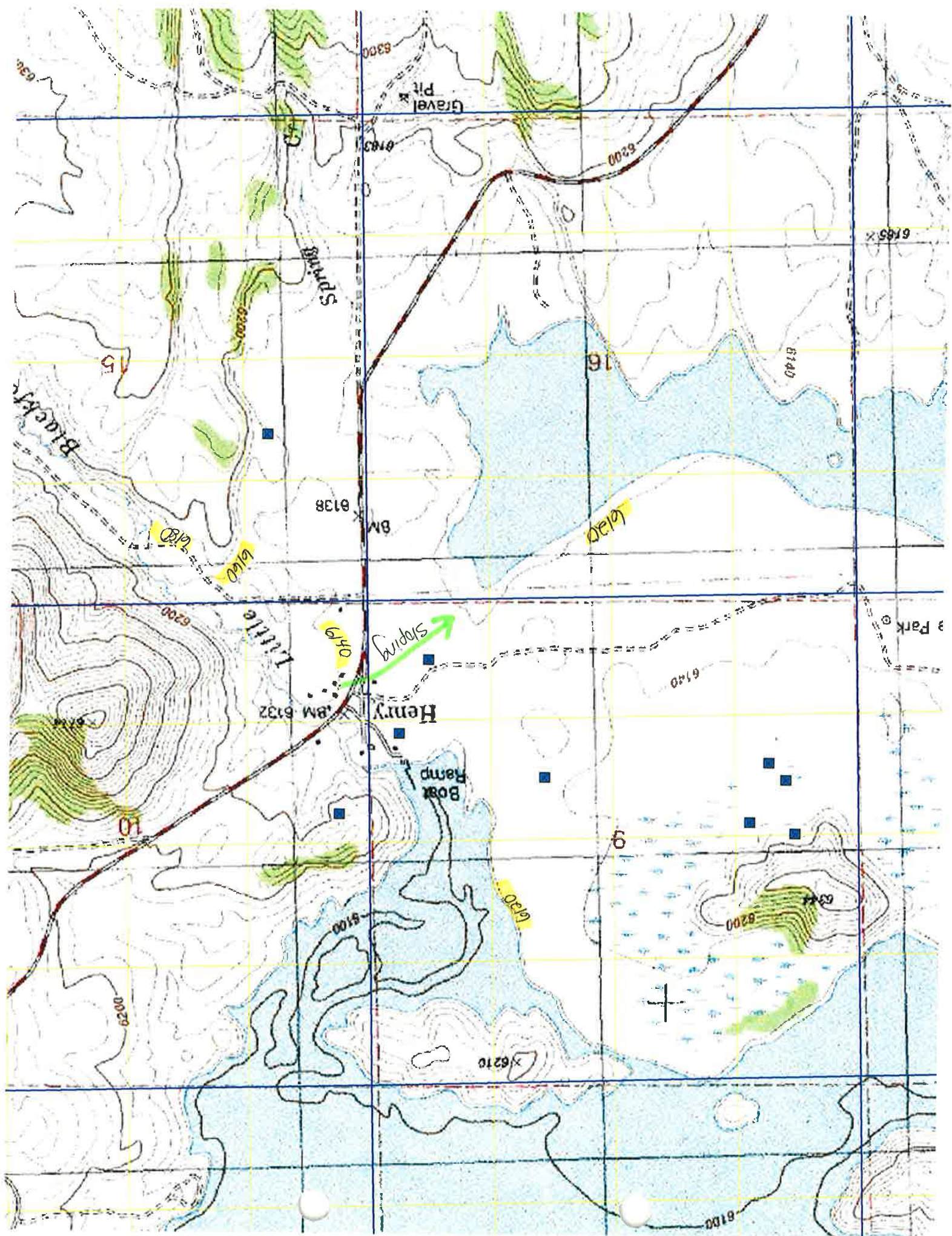




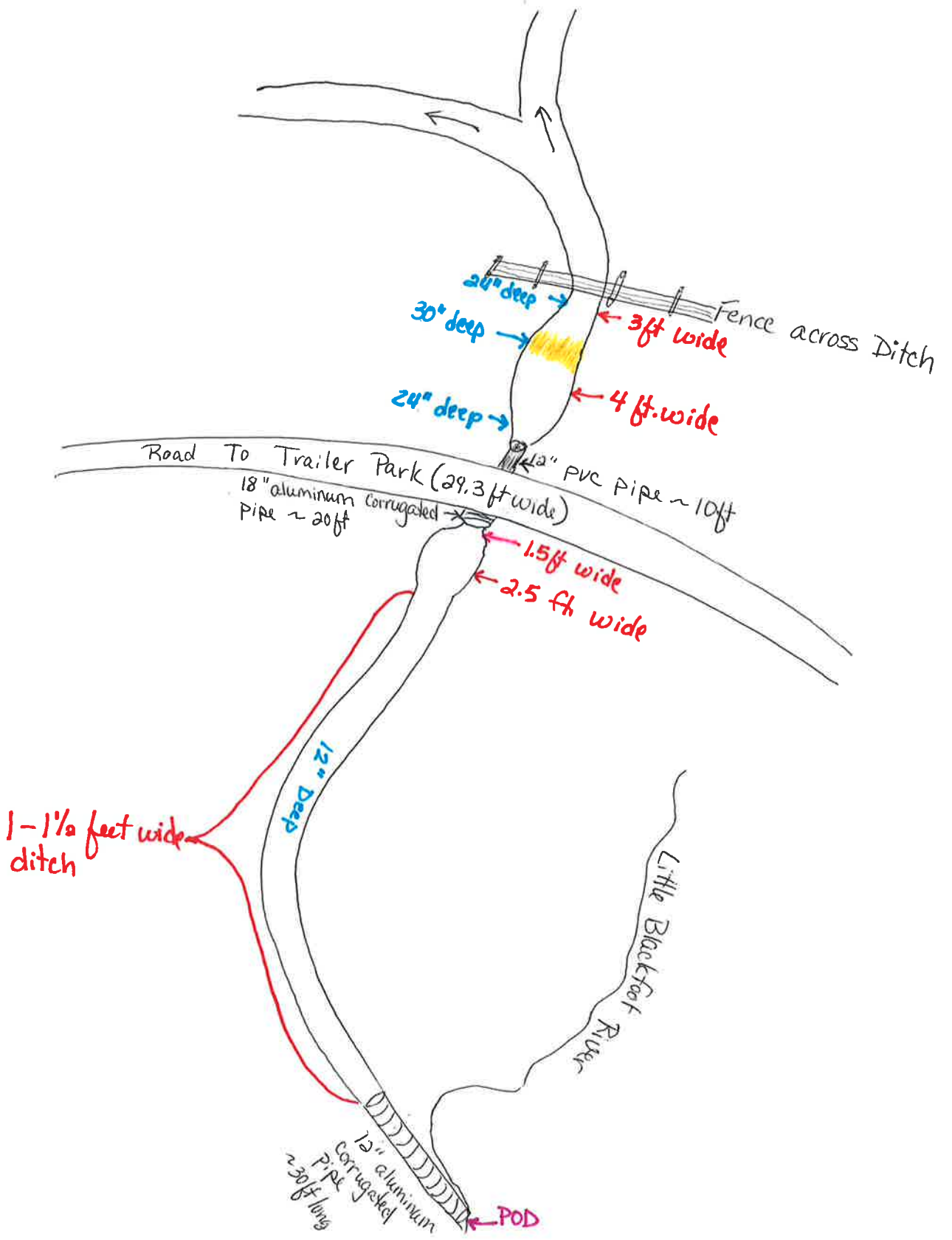
Photo 13 : Shows the way the ditches are designed.



Photo 14 : Panorama view of POU, facing west.



width of ditch
depth of ditch



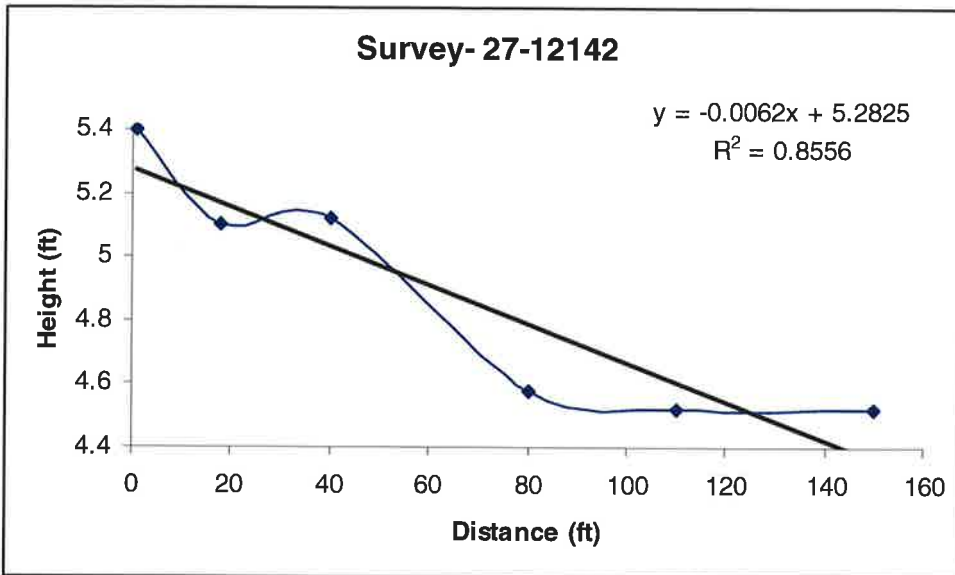


Figure 1: Graph showing the slope of the ditch from the upstream culvert running under road to the downstream end of culvert, through the fence, and out into the irrigated field. (slope = 0.0062)

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	27 2069	WILLIAM	WARM SPRING	06S42E9											40	40			40		120
Right	27 2075	WILLIAM	SPRINGS	06S42E9											40						40
Right	22 12142	LEANA C	GROUND WATER	06S42E9													X			X	0
Claim	27 2069	DENNIS	WARM SPRING	06S42E9											40	40			40		120
Claim	27 2075	DENNIS	SPRINGS	06S42E9									2.5	14							16.5
Right	27 11565	UNITED	GROUND WATER	06S42E9													X				0
Right	27 11565	UNITED	GROUND WATER	06S42E9													X				0
Claim	27 11893	W L THOMAS	GROUND WATER	06S42E9																	0
Rec	27 11893	JOANNE	GROUND WATER	06S42E9																X	0
Claim	27 12142	DENNIS	LITTLE BLACK	06S42E9																X	0
Rec	27 12142	DENNIS	LITTLE BLACK	06S42E9													2.2			29	31.2
Rec	27 12142	DENNIS	LITTLE BLACK	06S42E9													2.2			29	31.2
Rec	27 2069	DENNIS	WARM SPRING	06S42E9									16			32	2.7	12	38	10	10.7
Rec	27 2075	DENNIS	SPRINGS	06S42E9									2.5	14							16.5

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12142

NAME AND ADDRESS: DENNIS M LAKE
830 TABER RD
BLACKFOOT ID 83221

SOURCE: LITTLE BLACKFOOT RIVER TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.650 CFS

PRIORITY DATE: 04/15/1954

POINT OF
DIVERSION:

T06S R42E S10 NWSWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 07/01	0.650 CFS
PLACE OF USE:	<u>IRRIGATION in CARIBOU County</u>		
	T06S R42E S09 NESE 2.20	T06S R42E S09 SESE	29.00
	T06S R42E S16 NENE 1.60		

32.8 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).



(208) 574-2208

547-4629 or 547-3626

Type	WR #	Owner	Source	TRS	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	27 2075	DENNIS M LAKE,	SPRINGS	06S42E9			40						40
Claim	27 11893	W L THOMPSON, RITA THOMPSON,	GROUND WATER	06S42E9								X	0
Claim	27 2069	DENNIS M LAKE,	WARM SPRING	06S42E9			40	40			40		120
Claim	27 12142	DENNIS M LAKE,	LITTLE BLACKFOOT RIVER	06S42E9					2.2			29	31.2
Rec	27 2075	DENNIS M LAKE,	SPRINGS	06S42E9		40							40
Rec	27 2069	DENNIS M LAKE,	WARM SPRING	06S42E9			39.8	39.8			39.8		119.4
Rec	27 11893	JOANNE DURSTELER, DALE RAY DURSTELER,	GROUND WATER	06S42E9								X	0
Right	27 2075	WILLIAM W WINSHELL,	SPRINGS	06S42E9			40						40
Right	27 2069	WILLIAM W WINSHELL,	WARM SPRING	06S42E9			40	40			40		120
Right	27 11565	UNITED STATES OF AMERICA ACTING THROUGH,	GROUND WATER	06S42E9					X				0
Right	27 11565	UNITED STATES OF AMERICA ACTING THROUGH,	GROUND WATER	06S42E9					X				0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water District 01
DISCHARGE MEASUREMENT NOTES

Comp. by DSK

Checked by _____

Sta. No. Deming Lake Little Black-foot
Date June 18, 2007 Party Doty
Width _____ Area _____ Vel. _____ G.H. _____ Disch. 650
Method _____ No. secs. _____ G.H. change _____ in _____ hrs. Susp. _____
Method coef. _____ Hor. angle coef. _____ Susp. coef. _____ Meter No. 842

[illegible]

Type of meter AA

Date rated _____ for rod, other.

Meter _____ ft. above bottom of weight.

Spin before meas. _____ after _____

Wading, cable, ice, boat, upstr., downstr., side
bridge _____ feet, mile, above, below
gage, and _____

Check-bar, found _____

changed to _____ at _____

Correct _____

Levels obtained _____

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section _____

Flow _____ Weather _____

Other _____ Air _____ °F @ _____

Gage _____ Water _____ °F @ _____

Record removed Intake flushed U

Observer _____

Control _____

Remarks _____

[illegible]

Claim No(s). 27-12142

Claim No(s). 27-12142

[illegible]

Kate 50
Fee 50.00
Average 32.80
132.80

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

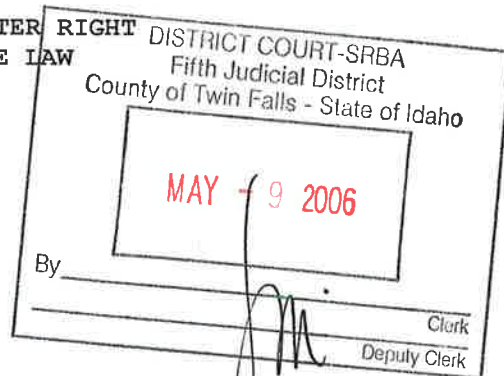
Ident. Number 27-12142

Date Received: 1/5/2006

Receipt No: C081971

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	
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

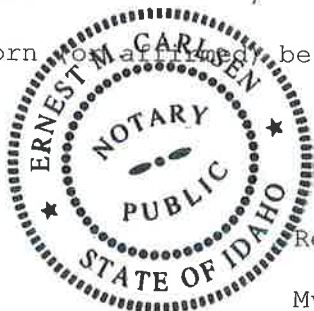
For Individuals:

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. La Date: 1-6-06

State of Idaho)
) SS.
County of Bonneville)

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.

SCANNED

AUG 21 2006

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 17 2006

By _____ Clerk
_____ Deputy Clerk

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

In Re SRBA

Subcase: 27-12142

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On May 9, 2006, Dennis M. Lake filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on August 15, 2006. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated August 17, 2006.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

ORDER

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FILE COPY FOR 00632

Deputy Clerk

Julie Murphy

SCANNED

AUG 21 2006