

11/14/2006

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: December 8, 2006

Water right number: 67-14658

PHYLLIS R YATES
2502 CEMETERY LN
COUNCIL ID 83612-5241
Telephone Number: (208) 253-6915

MARK C YATES
2502 CEMETERY LN
COUNCIL ID 83612
Telephone Number: (208) 253-6915

LYNN M REINHOLD
2502 CEMETERY LN
COUNCIL ID 83612
Telephone Number: (208) 253-6915

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-29-2006 SIGNATURE: Lynn M Reinhold
Please print your name: Lynn M Reinhold

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 11 2006

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

PURPOSE AND
PERIOD OF USE:

PLACE OF USE:	PURPOSE OF USE			PERIOD OF USE		QUANTITY
	IRRIGATION			03/15	11/15	0.440 CFS
	<u>IRRIGATION Within ADAMS County</u>					
	T17N R02W S14	SWSE	19.00	T17N R02W S14	SESE	6.00
	T17N R02W S23	NWNE	14.00	T17N R02W S23	SWNE	8.00
	47 ACRES TOTAL					

Right Nos. 67-14658 and 67-14660 are limited to the irrigation of a combined total of 47.0 acres in a single irrigation season.

This right is limited to the irrigation of 35.2 acres within the place of use described above in a single irrigation season.

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 - Decreed



Idaho Department of Water Resources

Adjudication Claim:

67-14658 & 67-14660

Legend

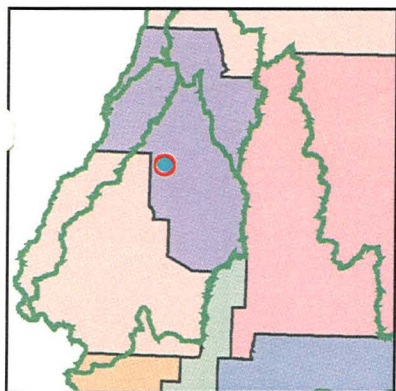
 **Point of Diversion**

 **Place of Use**

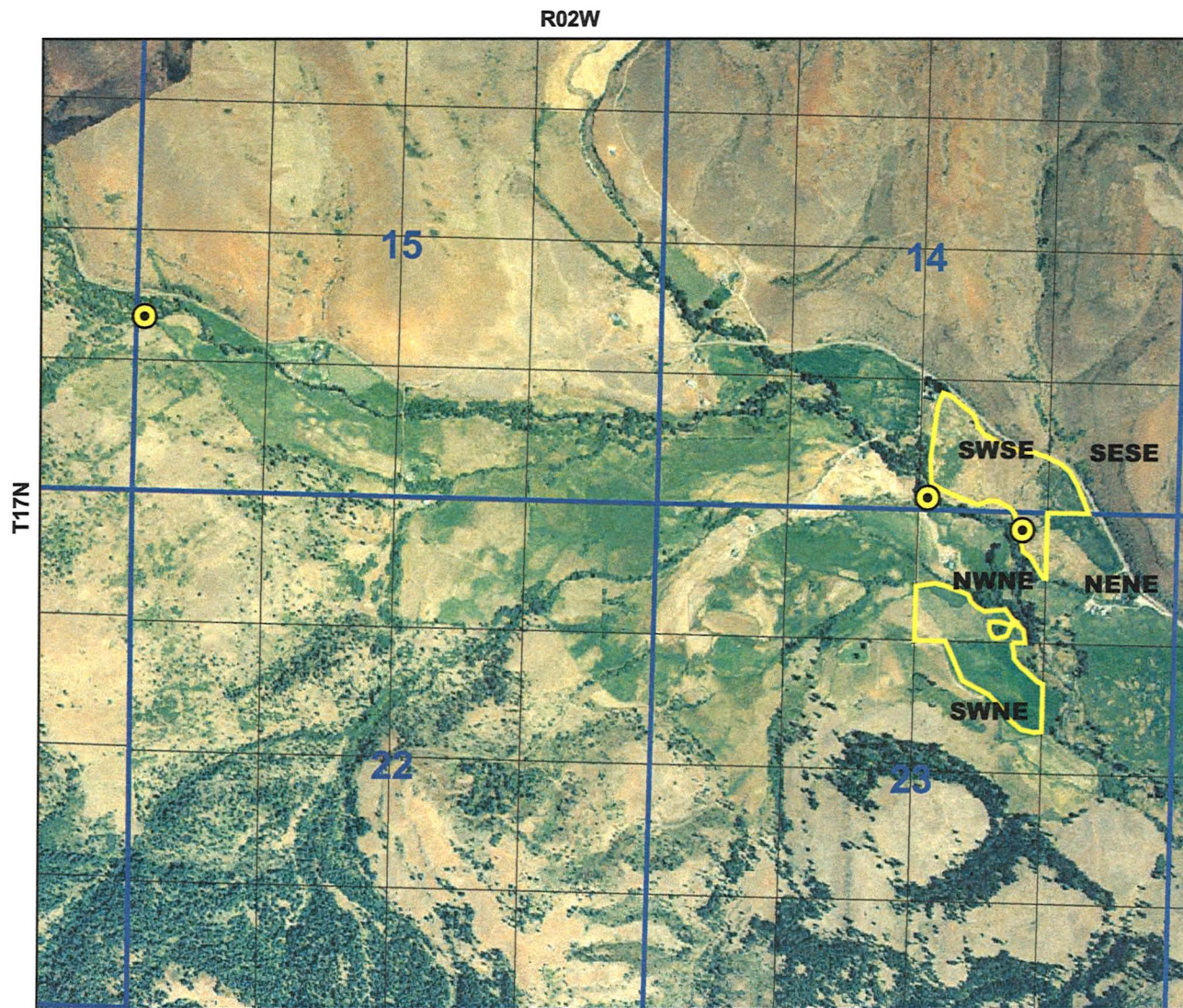
 **Townships**

 **PLS Sections**

 **Quarter Quarters**



Adams County
IDWR Basin 67



0 0.7 1.4 Miles

Prepared by C. Saxton
On Thursday, March 30, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14658 V1

WATER RIGHT NUMBER: 67-14658 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DOROTHY LAKEY
	, ID
Current Owner	PHYLLIS R YATES 2123 AIRPORT RD COUNCIL, ID 83612-5241 (208)253-6840
Original Owner	LYDIA BRAUER
	, ID
Current Owner	DIANE J YATES 4200 HELLS CANYON DAM RD OXBOW, OR 97840
Original Owner	OTTO BRAUER
	, ZZ
Current Owner	~~CLINTON T YATES 2123 AIRPORT RD COUNCIL, ID 83612-5241~~
Current Owner	MARK C YATES 4200 HELLS CANYON DAM RD OXBOW, OR 97840

Priority Date: 12/31/1899

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HORNET CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.440 CFS	
	<u>Total Diversion:</u>	0.440 CFS	

Location of Point(s) of Diversion

HORNET CREEK	NW1/4NE1/4	Sec. 23, Twp 17N, Rge 02W, B.M.
ADAMS County		
HORNET CREEK	SW1/4SE1/4	Sec. 14, Twp 17N, Rge 02W, B.M.
ADAMS County		
HORNET CREEK	NW1/4SW1/4	Sec. 15, Twp 17N, Rge 02W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp Rge Sec	NE		NW		SW		SE	
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14658 V1

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N 02W 14																19.0	6.0	25.0
17N 02W 23			14.0	8.0														22.0

Total Acres: 47

Conditions of Approval:

1. E55 Right Nos. 67-14658 and 67-14660 are limited to the irrigation of a combined total of 47.0 acres in a single irrigation season.
2. K06 This right is limited to the irrigation of 35.2 acres within the place of use described above in a single irrigation season.
3. 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:Comments:

1. csaxton 11/28/2005 POU and POD Updated
Comment: Updated shape for POU and POD as well as PLS information. Ready to recommend (csaxton 11/28/05).
2. csaxton 3/30/2006 TR 3234
Comment: Recommend per TR 3234
3. csaxton 3/30/2006 Copied From Claim (1)
Comment: This right is a split from former right 67-404.

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: S
 Owner Name Connector: AND
 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:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14658 V1

Contacts	3/30/2006 12:50:41 PM	csaxton	Active
Priority Date	3/30/2006 12:51:38 PM	csaxton	Active
POD	3/30/2006 12:51:48 PM	csaxton	Active
Source	3/30/2006 12:51:56 PM	csaxton	Active
POU	3/30/2006 12:52:05 PM	csaxton	Active
Use	3/30/2006 12:53:19 PM	csaxton	Active
Season	3/30/2006 12:54:02 PM	csaxton	Active
Quantity	3/30/2006 12:54:15 PM	csaxton	Active
Summary	03/30/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	3/30/2006 12:57:13 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	3/30/2006 12:51:38 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/30/2006 12:51:49 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14658 V1

Source	3/30/2006 12:51:57 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	3/30/2006 12:52:06 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	3/30/2006 12:53:20 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	3/30/2006 12:54:02 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	3/30/2006 12:54:16 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
POD	11/28/2005 3:15:53 PM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14658 V1

Contacts	3/30/2006 12:50:42 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam by Melanie Vining 6-21-05.
POD	11/28/2005 3:14:51 PM	csaxton	Updated shape
POD	11/28/2005 3:15:14 PM	csaxton	Updated shape
POU	11/28/2005 3:16:34 PM	csaxton	Updated shape for Active POU

Water Supply Bank:

MEMORANDUM

Date: October 26, 2005

To: File

From: Craig L. Saxton

Re: Research for TR 3234

TR 3234 added a POD following rights and re-defined the acres.

67-385B

67-386

67-404

67-405

67-4244

The important thing with this transfer is that it did not make a permissible place of use out of all of the rights. 67-385B and 67-386 are treated as a PPU. 67-404 and 67-405 are treated as a PPU. But Statutory claim 67-4244 remains separate and does not overlap any of the ground covered by the decreed rights. What this means is that claim 67-4244 stands alone despite being included in TR 3234, and therefore requires evidence of priority for the entire POU claimed under TR 3234.

As of this date, sufficient EOP has not been provided. EOP provided supports only decreed water rights. Further research can be done regarding ditches mentioned in the backfile for 67-4244, however, if no further information is found, then claimant will have to provide additional evidence.

Another possibility of EOP could be in the establishment of Hornet Creek Water Users Association.

Split history for Decreed Right 67-404 & 405

WR History

67-404	Braur/Lahey	TR 3234	67-404	Yates
0.56	cfs			0.56
44.8	ac			60
0	af		Per acre =	0.0093333

Acreage calc at 5/8 " per acre

***Last updated 3-30-06 (csaxton)**

For digital copy of Excel spreadsheet file: See Craig L. Saxton

Claim History

67-404	Yates	67-14658	Yates
	0.56		0.44
	60		47
		67-14659	Reinhold
			0.12
			13

Sum CFS =	0.56
Sum Acre=	60
Sum AF =	n/a

Extra CFS =	0
Extra Acre =	0
Extra AFA =	n/a

Recommended

67-14658	Yates
	0.44
	47
67-14659	Reinhold
	0.12
	13

Sum CFS =	0.56
Sum Acre=	60
Sum AF =	n/a

Extra CFS =	0.00
Extra Acre =	0
Extra AFA =	n/a

WR History

67-405	Braur/Lahey	TR 3234	67-405	Yates
0.19	cfs			0.19
15.2	ac			60
0	af		Per acre =	0.0031667

Acreage calc at 5/8 " per acre

***Last updated 3-30-06 (csaxton)**

For digital copy of Excel spreadsheet file: See Craig L. Saxton

Claim History

67-405	Yates	67-14660	Yates
	0.19		0.15
	60		47
		67-14661	Reinhold
			0.04
			13

Sum CFS =	0.19
Sum Acre=	60
Sum AF =	n/a

Extra CFS =	0
Extra Acre =	0
Extra AFA =	n/a

Recommended

67-14660	Yates
	0.15
	47
67-14661	Reinhold
	0.04
	13

Sum CFS =	0.19
Sum Acre=	60
Sum AF =	n/a

Extra CFS =	0.00
Extra Acre =	0
Extra AFA =	n/a

Reinhold (Flying Partnership)
waiting on phone call for 4244 & 2077C

67-404+405- Info looks good

67-4244 - POU & PODs(2) confirmed/discussed
with claimant. See notes on
POD in Section 15. Need to ask
claimant when this was last
used - she thought it was after
1987, but ditch is currently
unusable & in need of repair.

67-2077C - needs POU & POD confirmed.

Lynn Reinhold was in process of
gathering info on it and am
awaiting phone call from her.

253-6915

Lynn

67-4244 (land out near cemetery)

Sec 14 POD - OK - behind house - current?

Sec. 15 POD - shared w Cole, etc

- when last used?

POU - 2 acres + 10 dryland ^{near O. house} - transferred,
but how long since irrigated?

2077C

POU

POD

404 + 405: OK

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Hartley, Ellis, et al	0.94		67-0385
3234	Yates, Jr., Clinton J.	0.74		67-0385B
	Hartley, Ellis, et al	0.20		67-0385A

T
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E

MICROFILMED

Transfer No. 3234
 67-0385, 67-0386,
 Water Right No. 67-0404 67-0405, &
 67-4244

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
 To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Clinton T. Yates, Jr. Phone 253-6053
 Post Office address HC67, Box 2335, Council, ID 83612

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 67-0385, 67-0386
67-0404 & Decreed to Ellis Hartley & Otto Brauer & Lydie Brauer & Dorothy Lake
 67-0405 (Name)

in case of _____ vs _____

dated in 6-21-1921 in Seventh Judicial county of Adams
 (Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. 67-4244 on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired Purchase - See attached Tax Notices.

3. Source of water Hornet Creek tributary to Weiser River
67-0385 - 5/30/1883, 67-0386 - 12/31/1899,

4. Date of priority 67-0404 & 67-0405 - 12/31/1899, & 67-4244 - 5/3/1883

5. Water is used for the following purposes:
 67-0385 amount .94 cfs for irrigation purposes from 3/15 to 11/15
 67-0386 amount .25 cfs for irrigation purposes from 3/15 to 11/15
 67-0404 amount .56 cfs for irrigation purposes from 3/15 to 11/15
 67-0405 amount .19 cfs for irrigation purposes from 3/15 to 11/15
 67-4244 amount 2.40 cfs for irrigation purposes from 5/15 to 10/31
 (month/day - both dates inclusive)

6. Total amount of water under right: a. 4.34 cubic feet per second
 &/or
 b. _____ acre feet per annum

7. Location of original point of diversion is NW 1/4 of SW 1/4 of Section 15
 Township 17N Range 2W B.M. in Adams County
 Additional points of diversion, if any NW 1/4, Sec. 23, Twp. 17N, Rge. 2W.

8. Lands irrigated or place of use:

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	
67-0385 & 67-0386 /	17N	2W	23	21		✓													47
			24						30			13							43
67-0404 & 67-0405	17N	2W	14														19	6	25
			23		✓	✓													35
67-4244	17N	2W	23	13		✓	25	19		10				11	6				84
			24						20							16			36
Total number of acres to be irrigated																			275

9. Describe any other water rights used for the same purpose as described above

67-4280 - See part c, item no. 4.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

MICROFILMED

MICROFILM

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

- 67-0385 - .74 + 67-0386 - .25 = .99 cfs (based on 79 acres actually irrigated at 5/8ths inch/acre)
 67-0404 - .56 cfs, 67-0405 - .19 cfs = .75 cfs (based on 60 acres actually irrigated at 5/8ths "/ac)
 1. Amount of water: a. ~~67-4244 - 1.72 cubic feet per second~~ (1"/ac for 86 acres) &/or
 b. _____ acre feet per annum
 2. Point of diversion NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15 Township 17N
 Range 2W, B.M., Adams County
 Additional points NWNE, Sec. 23, Twp. 17N, Rge. 2W.

3. Place of use: _____

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
67-0385 & 17N	2W	23	10			26													36
		24							30				13						43
67-0404 & 17N	2W	14															19	6	25
		23			27	8													35
67-4244 17N	2W	23	10		20	19									11	6			.66
		24							20										20

Total number of acres to be irrigated 225

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 67-0385 - .74 cfs, 67-0386 - .25 cfs
 67-0404 - .56 cfs, 67-0405 - .19 cfs
 a. Amount of water to be diverted 67-4244 - .64 cfs &/or _____ acre feet
 b. Description of diverting works Headgates, ditches, flood irrigation.
 c. Describe the reasons for the proposed changes Applicant is developing a new ditch at a new point of diversion for lands in Sec. 23. The lands in Sec. 24 will be using the point of diversion in Sec. 23 as they always have. Also to correctly show lands irrigated and the correct number of acres in each quarter-quarter.

2. Change in point of diversion

Point of diversion SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14 Township 17N
 Range 2W, B.M., Adams County
 Additional points NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, Twp. 17N, Rge. 2W, NWSW, S. 15, T. 17N, R. 2W.

3. Change in place of use

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
 b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
The 2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24 and the 10 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, are the only changes in the place of use. The total no. of acres are not being increased. This transfer is showing the correct acres that have been irrigated for years and actually shows less acres than originally decreed & claimed.

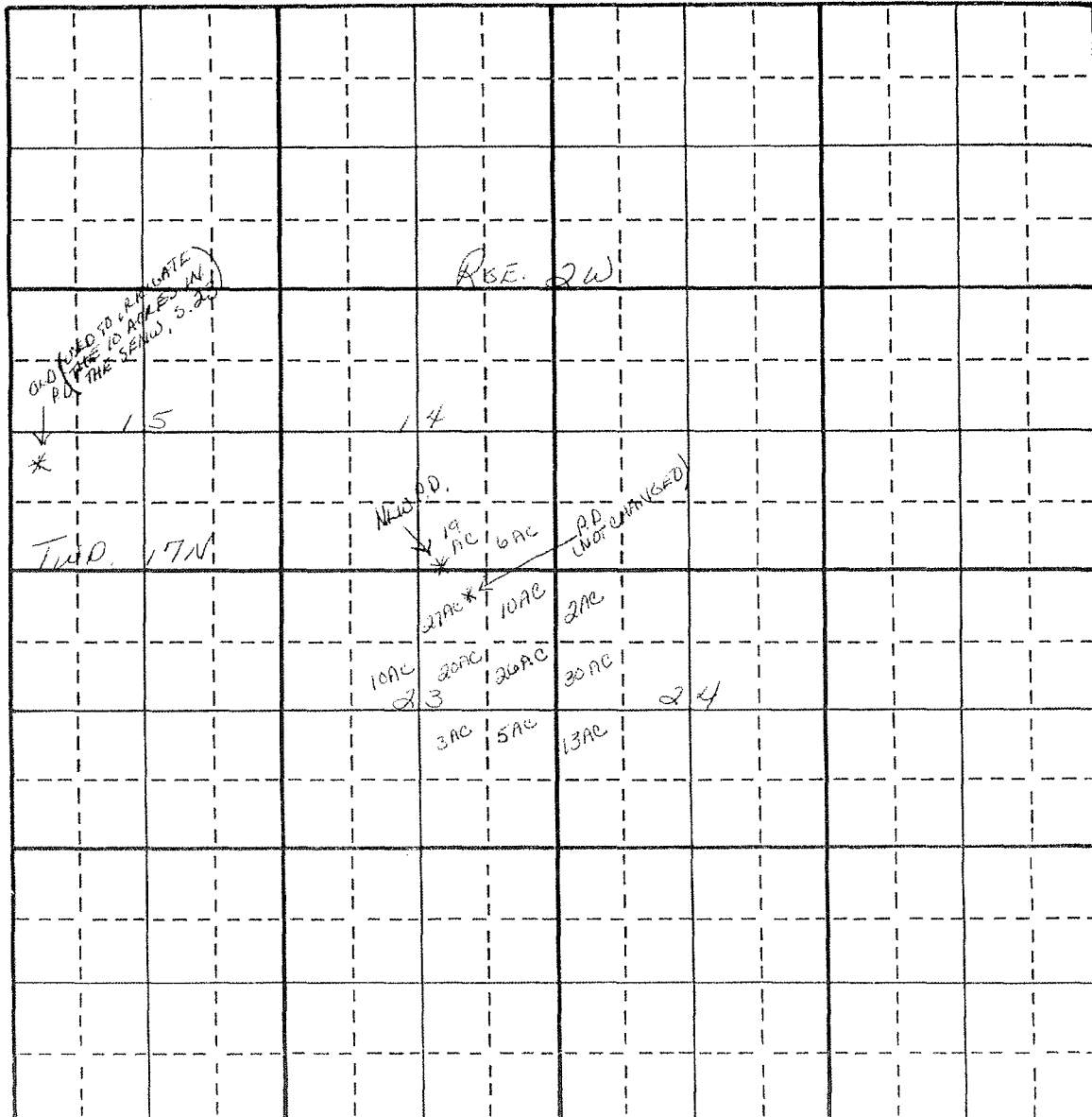
c. Describe the lands and place of use to which the right will be transferred.

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	
67-0385 & 17N	2W	23	10			26													36
		24						30			13								43
67-0404 & 17N	2W	14													19	6			25
		23		27	8														35
67-4244 & 17N	2W	23			12				10					5	3				30
		24						2											2

(FT)
79
60
32

Total number of acres to be irrigated 171

- Describe any other water rights used for the same purpose as described above. 67-4280 is for lands in Sec. 24 - not more than 1"/acre. Diversion pt. - nwne, Sec. 23.
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



NOT TO SCALE

J-170

US

NEW
P.D.

19 AC

6 AC

14 13
23 24

132
AC

3 AC

10

NOT OWNED
BY APPLICANT

104
AC

OUT

NOT OWNED
BY APPLICANT

B-29
O. LAKE

10 AC

20 AC

9 AC

13 AC

OUT

C
9.8 AC

17 AC

2 AC
25 AC

8 AC

3 AC

5 AC

2 AC
5 AC

2 AC
1 AC

OUT

NOT OWNED
BY APPLICANT

B-29
O. LAKE

E
71

23 24
26 25

MICROFILM

← CRO P.D. IN SEC. 15 - NOT SHOWN ON THIS MAP

MICROFILMED

D. REMARKS

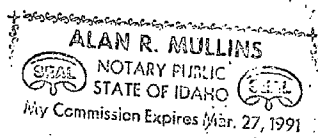
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Clinton T. [Signature]

(Signature of Applicant)

Subscribed and sworn to before me this 23rd day of October, 1985



[Signature]

(Notary Public)

My commission expires 27 Mar, 1991

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

67-0385B/0386/

This is to certify that I have examined Application for Transfer of Water Rights No. 0404/0405/4244

and said application is hereby APPROVED, subject to the following limitations and conditions:

1. Approval of this transfer does not confirm the right claimed under 67-4244

nor shall the watermaster deliver water under the claim. 2. A measuring device and lockable controlling works of a type acceptable to the Department shall be

permanently installed and maintained as part of the diverting works. 3. Use of water under these rights is subject to control by the watermaster of State Water District No. 67, Weiser River.

Witness my hand this 11th day of March, 1986

A. Glen Saylor

Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 10/11/85 Protest filed by _____

Prelim. check by ELS Fee \$50.00

Received by [Signature] Date 10/11/85 #36167

Published in Adams County Leader Copies of protest forwarded by _____

Pub. dates 11/26 & 12/3/85 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for _____ approval _____ denial _____

_____ rec'd. _____ by Jim



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 25, 2005

MARK AND DIANE YATES
4200 HELLS CANYON DAM RD
OXBOW OR 97840

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #67-14658 and 67-14660

Dear Claimants:

Enclosed are copies of the Notices of Claim referenced above.

As a result of selling a portion of your property and water rights to Charles and Lynn Reinhold, the identification numbers to your water rights have been changed as follows:

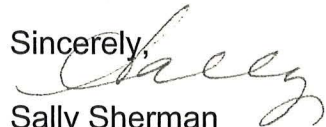
<u>From</u>	<u>To</u>
67-404	67-14658
67-405	67-14660

Please use the new numbers in future inquiries or correspondence you may have with our Department.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claims.

Thank you for your patience and cooperation. We have had several water right changes to process. Please call me at 1/800-451-4129 if you have any questions or concerns.

Sincerely,


Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures:

Copies of Notices of Claim Referenced Above

SCANNED

NOV 25 2005



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November 25, 2005

CLINTON AND PHYLLIS YATES
2123 AIRPORT RD
COUNCIL ID 83612-5241

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #67-14658 and 67-14660

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Sally Sherman
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NOV 25 2005

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 67-14658
Date Received: 11/23/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

PHYLLIS R YATES Phone: (208) 253-6915

2502 CEMETERY LN
COUNCIL ID USA 83612-5241

MARK C YATES Phone: (208) 253-6915

2502 CEMETERY LN
COUNCIL ID USA 83612

LYNN M REINHOLD Phone: (208) 253-6915

2502 CEMETERY LN
COUNCIL ID USA 83612

2. Date of Priority: 12/31/1899

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	02W	23	NW NE	ADAMS	
17N	02W	14	SW SE	ADAMS	
17N	02W	15	NW SW	ADAMS	

5. Description of diverting works:

DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.44	

7. Total Quantity Appropriated is:
0.44 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
17N	02W	14	SW	SE	IRRIGATION	19
			SE	SE	IRRIGATION	6
					Section Acres	25
17N	02W	23	SW	NE	IRRIGATION	8
			NW	NE	IRRIGATION	14
					Section Acres	22
					Total Acres	47

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 3234.

This right is a split from former right 67-404 .

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.

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 67-14658
Date Received: 11/23/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

PHYLLIS R YATES Phone: (208)253-6053

2123 AIRPORT RD
COUNCIL ID USA 83612-5241

DIANE J YATES Phone:

4200 HELLS CANYON DAM RD
OXBOW OR USA 97840

CLINTON T YATES Phone:

2123 AIRPORT RD
COUNCIL ID USA 83612-5241

MARK C YATES Phone:

4200 HELLS CANYON DAM RD
OXBOW OR USA 97840

2. Date of Priority: 12/31/1899

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