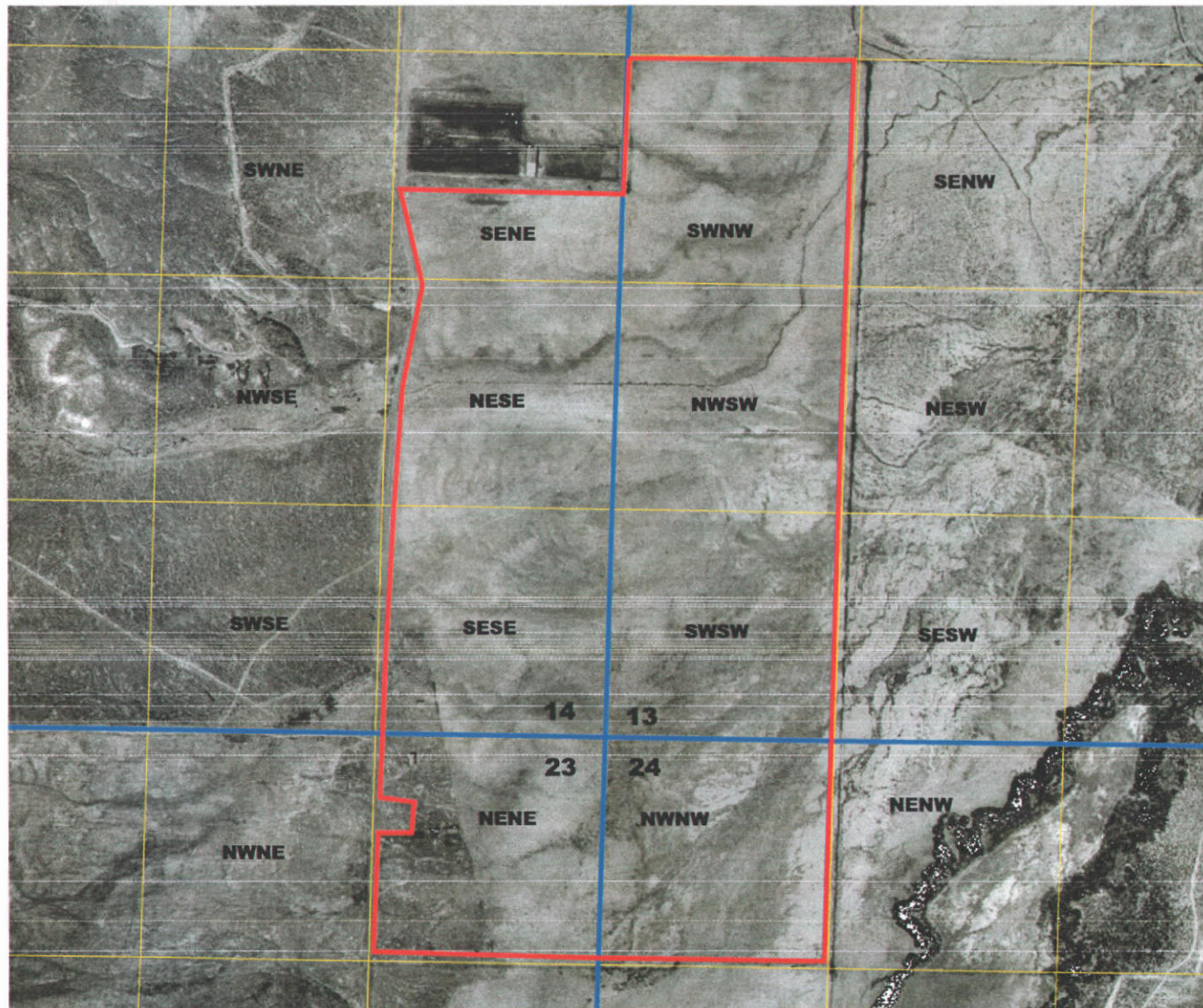


57-11667 - YANKE



- 57-11667.shp
- Sections
- QQ
- GCDB04S01E GCDB



0.5 0 0.5 Miles

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 57-11667

Priority: December 29, 1970

Maximum Diversion Rate. 5.84 CFS

It is hereby certified that RONALD C YANKE And/Or LINDA L YANKE
C/O RICHARD D HEATON ESQ
4414 S GEKELER LN
PO BOX 5405

BOISE ID 83705 have complied with the terms and conditions of the permit,
issued pursuant to Application for Permit dated July 30, 1969; and have submitted Proof of Beneficial Use
on October 4, 1974. An examination indicates that the works have a diversion capacity of 74 97 cfs of
water from.

SOURCE

CASTLE CREEK

Tributary: SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

5.84 CFS

LOCATION OF POINT OF DIVERSION:

CASTLE CREEK NW¼NE¼SE¼ Sec. 13, Twp 04S, Rge 01E, B M , OWYHEE County

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	
04S 01E 13							39.0			40.0	40.0						119.0
04S 01E 14				18.0									37.0			39.0	94.0
04S 01E 23	39.0																39.0
04S 01E 24						40.0											40.0

Total Acres. 292

CONDITIONS OF APPROVAL

- 1 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No 57-C.
- 2 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.
- 3 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1310.0 af at the field headgate for the lands above

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 57-11667

- 4 This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- 5 Rights 57-00135, 57-07034A, 57-11665 and 57-11666 are also diverted through the point of diversion described above

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources

Signed and sealed this 8th day of September, 2004.

For


KARL J. BREHER
Director

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 57-11667

RECEIVED
AUG 27 2004
DEPARTMENT OF
WATER RESOURCES

Date of Priority: December 29, 1970

Maximum Diversion Rate.

5.84 CFS

Comes now RONALD C YANKE And/Or LINDA L YANKE
C/O RICHARD D HEATON ESQ
4414 S GEKELER LN
PO BOX 5405

BOISE ID 83705 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No 57-11667, and requests that the permit be changed as follows:

Source: CASTLE CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

03/01 to 11/15

5.84 CFS

LOCATION OF POINT OF DIVERSION:

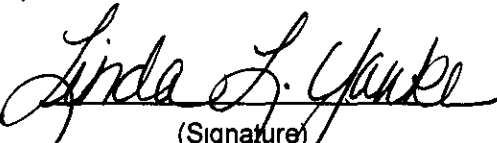
CASTLE CREEK NW¼NE¼SE¼ Sec 13, Twp 04S, Rge 01E, B.M., OWYHEE County

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	
04S 01E 13							39 0				40 0	40 0					119 0
04S 01E 14				18 0									37 0			39 0	94 0
04S 01E 23	39 0																39 0
04S 01E 24						40 0											40 0

Total Acres 292

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk Signed this 25th day of August, 2004


(Signature)
Linda L. Yanke

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 57-11667

FOR DEPARTMENT USE ONLY
Preliminary check by KEW Fee = \$50.00 Received by M # 074980 Date 8-27-04

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No 57-11667 with the following

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 57-C.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1310.0 af at the field headgate for the lands above.
4. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. Rights 57-00135, 57-07034A, 57-11665 and 57-11666 are also diverted through the point of diversion described above.

Witness my hand this 8th day of September, 2004

for

Karl J. Dreher

KARL J. DREHER
Director

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

RECEIVED

JUN 02 2004

Department of Water Resources

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
57-7034B					

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)

YT Farms
c/o Jay Hulet, HC 79, Box 2020, Murphy

4. New Owner/Claimant(s)

Ronald C. Yanke & /or Linda L. Yanke

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO c/o Richard Heaton, Attny.

City, State and ZIP Code

PO Box 5405, Boise, ID 83705

New Telephone Number

208 342-8901

5. Date you acquired the property

12/31/2003

- 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 <u>57-7034B</u>		
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	<u>5.84 cfs</u>	<u>292 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>5.84 cfs</u>	

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) Linda L. Yankee
(include title if applicable) Linda L. Yankee

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 <u>ML</u>	Date <u>6-2-04</u>	Fee <u>25.00</u>	
Receipted by <u>ML</u>	Date <u>6-2-04</u>	Receipt No. <u>C074060</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

SHERIFF'S DEED

THIS INDENTURE, made this 31st day of December, 2003 between GARY AMAN, Sheriff of Owyhee County, State of Idaho, and RONALD C. YANKE and LINDA L. YANKE, husband and wife, the purchasers.

WHEREAS, under and by that certain Decree of Foreclosure rendered by the District Court of the Third Judicial District of the State of Idaho, in and for the County of Owyhee, dated October 31, 2002 and filed on November 4, 2002 in a certain action then pending in said court, wherein RONALD C. YANKE and LINDA L. YANKE, husband and wife, were plaintiffs, and MARK A. COMSTOCK AND SHAUNA B. COMSTOCK, husband and wife, d.b.a. CASTLE CREEK DAIRY; CASTLE BUTTE FARMS LLC, an Idaho limited liability company; THE DEPARTMENT OF AGRICULTURE of the STATE OF IDAHO; KARL D. STEINER, an individual; JAY H. HULET, an individual; and the INTERNAL REVENUE SERVICE of the TREASURY DEPARTMENT of the UNITED STATES OF AMERICA were defendants, and of which said Decree, a copy, with an Order of Sale thereon filed November 13, 2002, was delivered to said Sheriff, for execution, it was, among other things, ordered, adjudged and decreed, that all and singular the mortgaged premises described in the complaint in said action, and specifically described in said Decree, be sold at public auction by said Sheriff, in the manner required by law, and according to the course and practice of said court; that any of the parties to said action might become the purchaser at such sale; and that said Sheriff execute the usual certificates and deeds to the purchaser, as required by law;

AND WHEREAS, said Sheriff did, at the hour of 3:00 p.m., on December 19, 2002, after due public notice had been given, as required by the laws of this state, and the course and practice of said court, duly sell at public auction, in front of the courthouse in the County of Owyhee, Idaho, pursuant to said Decree, and the provisions of law, the premises in said Decree mentioned; at which sale the premises in said Decree, and hereinafter described, were fairly struck off to said RONALD C. YANKE and LINDA L. YANKE, husband and wife, for a judgment credit bid in the sum of \$67,476.18 plus Sheriff fees and costs of sale in the amount of \$369.07 for a total bid of \$67,845.25, they being the highest bidder, and that being the highest sum bidden for the same;

AND WHEREAS, said RONALD C. YANKE and LINDA L. YANKE, husband and wife, have paid to said Sheriff the Sheriff fees and costs of sale in the amount of \$369.07;

AND WHEREAS, said Sheriff thereupon made and issued the usual certificate, in duplicate, of said sale, in due form of law, and delivered one thereof to said purchaser,

and caused the other to be filed and recorded in the Recorder's office of the County of Owyhee, Idaho, on the 24th day of December, 2002, as Instrument No. 242022.

AND WHEREAS, more than one (1) year has elapsed since the date of said sale, and no redemption has been made of the premises so sold, as aforesaid, by or on behalf of said defendants, or by or on behalf of any other person;

NOW, said Gary Aman, Sheriff, in order to carry into effect the sale so made by him as aforesaid, in pursuance of said Decree of Foreclosure and in conformity to the statute in such case made and provided, and also, in consideration of the premises and the judgment credit bid in the sum of \$67,845.25, including Sheriff fees and costs of sale in the amount of \$369.07, so bidden by said purchasers, said RONALD C. YANKE and LINDA L. YANKE, husband and wife, and the receipt of which Sheriff fees are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto said purchasers, and to their successors and assigns forever, the following described real property situate in the County of Owyhee, State of Idaho:

In Township 4 South, Range 1 East, B.M., Owyhee County, Idaho:

Section 13: SW1/4 NW1/4, W1/2 SW1/4

Section 14: SE1/4 SE1/4, NE1/4 SE1/4 lying East of Wees Road. A portion of S1/2 SE1/4 NE1/4 lying East of Wees Road described as follows: Beginning at the Southwest corner of SE1/4 NE 1/4; thence North along the West boundary of SE1/4 NE1/4 a distance of 469 feet to a point; thence Easterly along a line that lies parallel to the South boundary line of the SE1/4 NE1/4 to a point on the Section line between Sections 13 and 14; thence South along Section line a distance of approximately 469 feet to the Southeast corner of SE1/4 NE1/4; thence West along the South boundary line to the Point of Beginning.

Section 23: NE1/4 NE1/4

Section 24: NW1/4 NW1/4

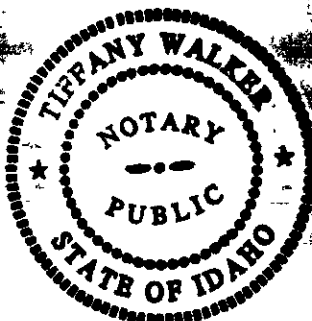
Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the premises above mentioned and described, and hereby conveyed, or intended so to be, together with the appurtenances, to said RONALD C. YANKE and LINDA L. YANKE, husband and wife, their successors and assigns forever.



STATE OF IDAHO)
) ss.
County of Owyhee)

IN WITNESS WHERE, I have hereunto set my hand this 31st day of December 2003:



Notary Public For State of Idaho
Residing at Murphy Idaho
My Commission expires 5/1/0

Water Right Report 57-7034B

DRAFT

Twp	Rge	Sec	NE				NW				SW				SE				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
04S	01E	1			9.7		39.0 L 3	13.0 L 4	14.0	38.0	31.0	1.6	17.0	23.0		16.0	4.7		207.0
04S	01E	2		29.0 L 2	40.0		36.0 L 3		27.0	40.0	40.0	28.0	40.0	36.0		40.0	37.0	6.1	399.1
04S	01E	11	39.0	37.0	38.0	32.0	40.0								26.0	18.0	1.6	34.0	265.6
04S	01E	12	13.0	5.3	4.7	15.0	36.0	41.0	40.0	39.0	35.0	31.0	31.0	30.0		1.7	15.0	11.0	348.7
04S	01E	13	11.0	36.0			38.0	37.0	39.0			40.0	40.0						241.0
04S	01E	14	40.0	12.0		38.0									37.0			39.0	166.0

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-7034B

04S 01E 23	39 0	38 0	1	40 0	40 0	40 0	39 0	40 0	40 0	39 0	34 0	389 1
04S 01E 24				40 0								40 0

Total Acres: 2056 5

Conditions of Approval

- 1 A01 THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS

Remarks

- 1 Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT

Comments

1 WERNER 7/17/1992 LICENSE DELAYED

Comment THIS CLAIM HAS BEEN DELAYED FOR LICENSING UNTIL THE LAND LISTED ON THE PERMIT COMES OFF OF CRP

2 RBROWN 5/12/1997 COPIED FROM REMARKS

Comment: REINSTATED 11-25-1974 THIS PERMIT IS SUPPLEMENTAL TO PERMIT NO. 02-07046 SPECIAL MASTERS RECOMMENDATION PREPARED THIS DATE OBJECTION WAS WITHDRAWN

3 jpeppers 2/24/2004 4 35 58 PM Water Right

Comment This water right record was updated by decree record from old RightID 371295 to new RightID 421472

4 kwalker 3/2/2004 Status

Comment A partial decree was issued on a portion of 57-7034 57-7034 is still a permit and needs license review Status of partial decree has been changed to show this right as a draft license until we can finalize licensing of permit

5 kwalker 3/29/2004 Place of Use

Comment While preparing a GIS shape for the lands under this permit I found some BLM land had been included in the examiners recommendation. In discussion with Mike Ihli on March 17th, he intended to contact BLM and obtain a land use agreement. However, in phone conversation this morning he would now like all the BLM lands removed from the proposed license which I told him I would do

6 kwalker 6/18/2004 Priority Date

Comment Priority date was advanced due to late exam fee See Order dated 1/15/1992.

7 Ownership Change 6/18/2004 10 10 51 AM Split Right

Comment Split into 57-11665 and 57-11666 and 57-11667

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-7034B

Dates and Other Information

Licensed Date
Decreed Date 2/20/2003
Water Supply Bank Enrollment Accepted
Water Supply Bank Enrollment Removed
Enlargement Use Priority Date
Enlargement Statute Priority Date
State or Federal S
Owner Name Connector
Water District Number
Generic Max Rate Per Acre 0 02
Generic Max Volume Per Acre 4 5
Decree Defendant
Decree Plaintiff
Civil Case Number 39576
Judicial District FIFTH
Swan Falls Trust or Nontrust
Swan Falls Dismissed
DLE Act Number
Carey Act Number
Mitigation Plan False

Combined Use Limits



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 9, 2004

RONALD C YANKE
LINDA L YANKE
C/O RICHARD D HEATON ESQ
PO BOX 5405
BOISE ID 83705

RE: License No. 57-11667 Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

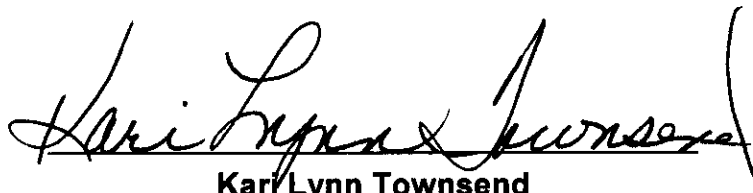
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 57-11667

**LINDA L YANKE
RONALD C YANKE
C/O RICHARD D HEATON ESQ
PO BOX 5405
BOISE ID 83705**


**Karl Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01 01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

August 6, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RONALD C AND/OR LINDA L YANKE
C/O RICHARD D HEATON ESQ
4414 S GEKELER LN
PO BOX 5405
BOISE ID 83705

RE: Water Right No 57-11667

Dear Mr. Heaton:

The Department is reviewing the above referenced permit prior to issuing a water right license. We find that this right has been partially decreed in the Snake River Basin Adjudication (SRBA), however, pursuant to Section 42-1421, Idaho Code, we must complete the statutory licensing procedure in accordance with Section 42-219, Idaho Code. Once the license has been issued the Department will reflect the completion of the licensing process in its water rights database. By issuing a license on this permit, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point of diversion is in a location other than what was described on the permit. Therefore, before a license can be issued, your permit must be amended to depict this water right as it was actually developed. We have included a layout showing the lands that will be covered under this license. Please review the layout and make sure all the lands you irrigate under this right are included on the layout.

The enclosed Application for Amendment form depicts the place of use and other information, as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented please sign the form and return it with the \$50.00 filing fee within 30 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur with the field examiner's findings, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7944.

Sincerely,

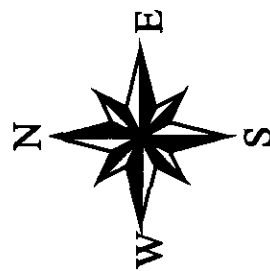
KAY WALKER
Sr. Water Resource Agent

Enclosures

57-11667 - YANKE



- ☐ 57-11667.shp
- ☐ Sections
- ☐ QQ
- ☐ GCDB04S01E GCDB



LICENSE REVIEW CHECKLIST

Permit No 57-11667 Date 6-22-04 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion change

Does change clarify original intended source? If no, void permit

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps. Right(s) 02-7046A

File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion

Permitted rate 51.2 cfs

Fee Limit 51.2 cfs

Measured 74.97 cfs

Theoretical cfs

Recommended Total Diversion Rate 5.84

Water Uses OK

Change (P46)

Season of Use per new Standards

3/1 -> 11/15

Irrigation 5.84 cfs 1310. af

Stockwater cfs af

Domestic cfs af

 cfs af

 cfs af

Total 5.84 cfs 1310. af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

5.84 cfs x 1 9835 x 260 days = 3011.7 af (vs) 292 acres x 4.5 (FHR) = 1314.0 af

Remarks when rounded to 3 significant digits -

Additional Conditions 57C

Watermaster Control

 GW Measurement/Measuring Device

 Other

Trust R55 - remove 051)

Non-trust (048)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? yes

partially decreed w/ "A01"

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice P49

S06



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 25, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RICHARD HEATON, ATTORNEY
PO BOX 5405
BOISE ID 83705

RE. Water Right Permit 57-7034B & Lands owned by Yanke

Dear Mr Heaton

We are in the process of trying to license the above referenced permit that is currently in the name of Y T Farms and find we need to know if your clients are interested in obtaining a portion of this right for the lands they own in this area. In discussing this permit with Mike Ihli it was determined that Ron and Linda Yanke own a portion of the lands and should file a Notice of Change in Water Right Ownership for their portion. Mr Ihli told me to get in contact with you regarding this matter.

The lands in question are located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W1/2SW $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, all within Twp 4S, Rge 1E. In order to make sure we issue the license for these lands to the current owners, we need to have the enclosed Notice of Change of Water Right Ownership form submitted along with a copy of a deed showing that the Yanke's actually own this property, and a \$25.00 change in ownership fee. If there are other lands, under this permit, owned by Yanke's that I have not included please submit a copy of the deed for that land also.

I am enclosing a water right report of 57-7034B that will be split between Castle Dairy, LLC, HFM Castlevew, LLC and Yanke's if supporting documents are submitted. Please note that the amount of water shown is the amount permitted under 57-7034 and will be proportionally split between the property owners under this system. The rate of 51.20 cfs was permitted for the irrigation of 2,560 acres, which is equivalent to an inch of water per acre.

Please submit the Notice of Change in Water Right Ownership form, copy of a deed for the lands owned, and \$25.00 filing fee to this office within the next 30 days so we can go forward with the licensing of this system. If you have any questions in regard to this matter, please do not hesitate to contact me at 327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW k
Enclosures

Cc Mike Ihli
11854 W Flintlock Dr
Boise ID 83713