

02/18/2003

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

RIGHT NUMBER: 29 48
NAME AND ADDRESS: LAVA IRRIGATION CO INC
PO BOX 183
LAVA HOT SPRINGS ID 83246
SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 20.500 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 22.76 CFS. COMBINED RIGHT NOS.: 29-47A,
29-48, 29-4467, 29-10816.
PRIORITY DATE: 02/11/1904
POINT OF DIVERSION:
T09S R38E S9 NWNESE Lot 6 Within BANNOCK County Source: PORTNEUF RIVER
PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/15 9/15	20.500 CFS

PLACE OF USE:

Large Place of Use

614.8 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 614.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-47A, 29-48, 29-4467,
29-10816.

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 29.

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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH LAVA IRRIGATION CANAL.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-47A, 29-48, 29-4467, 29-10816.

02/12/2003

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

RIGHT NUMBER: 29-48

NAME AND ADDRESS: LAVA IRRIGATION CO INC
PO BOX 183
LAVA HOT SPRINGS ID 83246

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 20.500 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 22.76 CFS. COMBINED RIGHT NOS.: 29-47A,
29-48, 29-4467, 29-10816.

PRIORITY DATE: 02/11/1904

POINT OF DIVERSION:

T09S R38E S9 NWNESE Lot 6 Within BANNOCK County Source: PORTNEUF RIVER

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/15 9/15

QUANTITY
20.500 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R37E S24 Lot 1 NESE	14.0	T09S R37E S24 Lot 5 SESE	0.8
T09S R38E S15 Lot 4 NWNW	6.2	T09S R38E S15 Lot 5 SWSW	28.0
T09S R38E S15 Lot 6 SESW	0.1	T09S R38E S16 NENE	7.7
T09S R38E S16 SENE	10.0	T09S R38E S16 SWSW	35.0
T09S R38E S16 SESW	16.0	T09S R38E S16 NESE	12.0
T09S R38E S16 SESE	0.7	T09S R38E S17 SESW	6.7
T09S R38E S17 SWSE	33.0	T09S R38E S17 SESE	34.0
T09S R38E S19 NWSW	1.6	T09S R38E S19 Lot 3 SWSW	0.8
T09S R38E S19 Lot 5 SWSW	5.6	T09S R38E S19 Lot 6 SESW	12.0
T09S R38E S19 Lot 4 NESE	0.8	T09S R38E S19 NWSE	3.0
T09S R38E S19 Lot 7 SWSE	12.0	T09S R38E S20 NENE	36.0
T09S R38E S20 NWNE	37.0	T09S R38E S20 SWNE	26.0
T09S R38E S20 Lot 5 SENE	0.1	T09S R38E S20 NENW	30.0
T09S R38E S20 SWNW	10.0	T09S R38E S20 SENW	36.0
T09S R38E S20 Lot 7 NESW	24.0	T09S R38E S20 NWSW	7.2
T09S R38E S21 NWNE	2.9	T09S R38E S21 SWNE	28.0
T09S R38E S21 NENW	36.0	T09S R38E S21 NWNW	37.0
T09S R38E S21 Lot 5 SWNW	38.0	T09S R38E S21 SENW	26.0
T09S R38E S21 Lot 7 NWSE	0.6		

614.8 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 614.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-47A, 29-48, 29-4467,
29-10816.

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

02/12/2003

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 29.

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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH LAVA IRRIGATION CANAL.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-47A, 29 48, 29-4467, 29 10816.

JUN 08 2001

\$50.00

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: A29-00048
Date Received: 3/28/1990
Receipt No: EQ1311
Received By: JDM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAVA IRRIGATION CO. LTD. 208-776-5628
Address: P.O. BOX 182
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: FEB 11, 1904

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	9	NE	SE		6	BANNOCK

5. Description of diverting works:
CONCRETE HEADWORKS WITH WOODEN GATES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	20.500		

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

8. Total consumptive use is 2052.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	37E	24	NE	SE	1	IRR	17.0
Section Acres							17.0

A29-00048

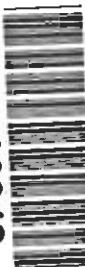
Page 1

Date: 03/29/90

MICROFILMED

NOV 13 1992

A2900048



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	15	NW	NW	4	IRR	15.0
			SW	SW	5	IRR	33.0
			SE	SW	6	IRR	4.0
			Section Acres				52.0
		16			1	IRR	1.0
			NE	NE		IRR	11.0
			SE	NE		IRR	17.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			NE	SE		IRR	13.0
			Section Acres				120.0
		17	SE	SW		IRR	11.0
			SW	SE		IRR	37.0
			SE	SE		IRR	39.0
			Section Acres				87.0
		19	NW	SW		IRR	2.0
			SW	SW	5	IRR	10.0
			SE	SW	6	IRR	11.0
			NE	SE	4	IRR	6.0
			NW	SE		IRR	4.0
			SW	SE	7	IRR	2.0
			Section Acres				35.0
		20	NE	NE		IRR	36.0
			NW	NE		IRR	38.0
			SW	NE		IRR	29.0
			SE	NE	5	IRR	29.0
			NE	NW		IRR	28.0
			SW	NW		IRR	9.0
			SE	NW		IRR	36.0
			NE	SW	7	IRR	24.0
			NW	SW		IRR	17.0
			SW	SW	8	IRR	20.0
			SE	SW	9	IRR	14.0
			Section Acres				280.0
		21	NW	NE		IRR	37.0

A29-00048

Page 2

Date: 03/29/90

MICROFILMED

NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	38E	21	SW NE		IRR	36.0
			SE NE		IRR	4.0
			NE NW		IRR	38.0
			NW NW		IRR	37.0
			SW NW	5	IRR	32.0
			SE NW		IRR	29.0
			NE SW	6	IRR	2.0
			NE SE	8	IRR	2.0
			NW SE	7	IRR	13.0
					Section Acres	230.0
					Total Acres	821.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-00047A, A29-04467, A29-10816

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 8/06/1932

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MC CAMMON DITCH CO.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ~~not~~ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary of
Title
Lava Irrigation Co. Ltd. that I have signed the foregoing
Organization
document in the space below as Secretary of
Title
Lava Irrigation Co. Ltd. and that the statements contained in the
Organization
foregoing document are true and correct.

Peterson Aasen
Signature of Authorized Agent
Secretary - Lava Irrigation Co.
Title and Organization

Date

State of Idaho)
County of TOWNE) SS.

Subscribed and sworn (or affirmed) before me this 12 day
of April 19 90

[Signature]
Notary Public

Seal

Residing at 1040 Paul
My Commission Expires 7-12-94

Water Right Number - 29-00048 Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
LAVA IRRIGATION CO.

- 1 -
- 2 -
- 3 -

State- Zip-

City-
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/11/1904 15 EASTERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
PORTNEUF RIVER SNAKE RIVER

+ - - - - - - - - - - - - - Point of Diversion - - - - - - - - - - - - - - - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

09S 38E 10 NW SW 3 (5) BANNOCK

+ - - - - - - - - - - - - - Water Use - - - - - - - - - - - - - - - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/15 09/15 20.500

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Div. Capacity - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
20.500 20.500 0.0

+ - - - - - - - - - - - - - Place of Use - - - - - - - - - - - - - - - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

| | | | | | | | | |
|-----|-----|----|-------|---|--|----|------------|--------------|
| 09S | 38E | 15 | NW NW | 4 | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 15 | SW SW | 5 | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 16 | NE NE | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 16 | SE NE | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 16 | SW SW | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 16 | SE SW | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 16 | NE SE | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 17 | SE SW | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 17 | SW SE | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 17 | SE SE | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 19 | SW SW | 5 | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 19 | SE SW | 6 | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 19 | NE SE | 4 | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 19 | NW SE | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 19 | SW SE | 7 | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 20 | NE NE | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 20 | NW NE | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 20 | SW NE | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 20 | SE NE | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 20 | NE NW | | | 01 | IRRIGATION | (5) BANNOCK |
| 09S | 38E | 20 | SW NW | | | 01 | IRRIGATION | (5) BANNOCK |

[illegible]

Ruberry, Allen

From: Luke, Tim
Sent: Friday, March 08, 2002 8:38 AM
To: Ruberry, Allen
Cc: Ball, Dayna M.
Subject: Lava Irrigation

Al,
Here are the electronic records that we data entered over the last ten years here in Boise. Just call me or Dayna Ball if you need additional years. I understand the need to look at pre-1987.
Tim



WD29-LavaIrr-Daily
div.xls

| | | |
|----------|-----------|-------|
| 13072150 | 5/6/1994 | 19.00 |
| 13072150 | 5/7/1994 | 19.00 |
| 13072150 | 5/8/1994 | 19.00 |
| 13072150 | 5/9/1994 | 20.00 |
| 13072150 | 5/10/1994 | 20.00 |
| 13072150 | 5/11/1994 | 20.00 |
| 13072150 | 5/12/1994 | 20.00 |
| 13072150 | 5/13/1994 | 20.00 |
| 13072150 | 5/14/1994 | 20.00 |
| 13072150 | 5/15/1994 | 20.00 |
| 13072150 | 5/16/1994 | 20.00 |
| 13072150 | 5/17/1994 | 20.00 |
| 13072150 | 5/18/1994 | 20.00 |
| 13072150 | 5/19/1994 | 20.00 |
| 13072150 | 5/20/1994 | 20.00 |
| 13072150 | 5/21/1994 | 20.00 |
| 13072150 | 5/22/1994 | 20.00 |
| 13072150 | 5/23/1994 | 9.00 |
| 13072150 | 5/24/1994 | 9.00 |
| 13072150 | 5/25/1994 | 3.00 |
| 13072150 | 5/26/1994 | 3.00 |
| 13072150 | 5/27/1994 | 3.00 |

Excerpt from 1994 Dist#29
Watermaster Report

3/8/02 TELECON w/ WAYNE AVOY.
He states that the only time
the 29-47A and 29-48 rts are
DELIVERED is when RON TILLOTSON
IRRIGATES - THIS LAND BEYOND THE
TUNNEL. WAYNE SAYS THE TUNNEL
WILL NOT HANDLE THE TOTAL 22.76 cfs.
But will HANDLE THE 20± OK.

29-00048 Decrood

I. CLAIMED AS DECROOD @ 20³cts, 02/11/1904 Priority, SOL,
EXCEPT PLACES OF USE CLAIMED AS 821² AC, DECROOD AS
CØ5 881⁹⁴ AC.

A. PPU OTHER RIGHTS ON 641⁸ AC CØ5

10/30/01, Met w/ Shane Erick, LARA Range BOARD MEMBER.

WE VISITED NEW POINT OF DIVERSION, FLOW CONTROL
GATE AND PARSHAW FLUMES, TUNNEL AND PLACES OF USE.
SEE GPS MAP OF FIELD EXAM

3/0/02 Wayne Avery CALLED. DISCUSSED EXT. SOL claim.

TOLD HIM ONE BH CLAIM WILL BE DISALLOWED - ADVISED THEY
AMEND ORDER TO CONFORM TO IDAR Stets w/ 1932 priority
HE WANTS TO TALK w/ BOARD - MAILED GPS MAPS

37. LAVA IRRIGATION 20.5 c.f.s.
19-0048 COMPANY
1904 February 11

Point citoo 381-94

Said water to be diverted through the Lava Irrigation Company's canal, which diverts water from the Portneuf River in Lot 3, Section 10, Township 9 South, Range 38 East; from the Southwest corner of Section 10, the point of diversion bears North 31 degrees East, 2130 feet, for the irrigation of land under the Company's canal, described as follows: 45.1 acres in Lot 5, Section 20; 12 acres in the Southwest quarter of the Northwest quarter Section 20; 36.92 acres in the Northeast quarter of the Northeast quarter, 40.16 acres in the Northeast quarter of the Northwest quarter, Section 20, and the Southeast quarter of the Southwest quarter of Section 17; 86.68 acres in Lot 7, and the Southeast quarter of the Northwest quarter, Section 20; 45.8 acres in Lots 8 and 9, Section 20; 50.75 acres in the Northwest quarter of the Northeast quarter, and the North half of the Southwest quarter of the Northeast quarter, Section 20; 39.85 acres in the South half of the Southwest quarter of the Northeast quarter and lot 6, Section 30; 71.2 acres in the North half of the Northwest quarter, Section 21; 50.48 acres in the South half of the Southeast quarter, Section 17; 12 acres in Lots 4 and 5, and the Northwest quarter of the Southeast quarter of Section 19; 31.2 acres in Lots 6 and 7, Section 19; 104.8 acres in Lots 4 and 5, Section 15; and the Northeast quarter of the Southeast quarter and the East half of the Northeast quarter of Section 16; 50 acres in Lots 7 and 8, Section 21; 17.2 acres in Lot 6, Section 21; 42.7 acres in Lot 5, Section 21; 3.9 acres in the Northwest quarter of the Northeast quarter of Section 21; 52.8 acres in the South half of the Northeast quarter and the Northeast quarter of the Northeast quarter of Section 21; 53.6 acres in the South half of the Southwest quarter, Section 16; 35.2 acres in the Southeast quarter of the Northwest quarter, Section 21; all in Township 9 South, Range 38 East.

38. FAIRCHILD, .60 c.f.s.
29-0049 Mrs. A. A.
1908 May 1.

Said water to be diverted by means of the Fairchild Pumping Plant. The Point of diversion of the said Fairchild Pumping Plant bears North 31 degrees 3 minutes East, 3125 feet, from the Northwest corner of Section 27, Township 9 South, Range 38 East, to be used for the development of power for the irrigation of certain land in Lot 4, Section 22, Township 9 South, Range 37 East.

39. FAIRCHILD.

Said water to be diverted by means of the

JUN 08 2001

Log for claim A29-00048

Spatial Dynamics AMH

8/1/00

| TR | SEC | QQ | Acres
Claimed | Acres
Found | COMMENT |
|----------------|-----|------|------------------|----------------|--------------------------------|
| 09s37e | 24 | NESE | 17 | 18 | |
| 09s38e | 15 | NWNW | 15 | 23 | |
| 09s38e | 15 | SWSW | 33 | 45 | |
| 09s38e | 15 | SESW | 4 | 13 | Indiscernible |
| 09s38e | 16 | NENE | 11 | 13 | |
| 09s38e | 16 | | 1 | 0 | No quarter/quarter description |
| 09s38e | 16 | SENE | 17 | 22 | |
| 09s38e | 16 | SWSW | 39 | 40 | |
| 09s38e | 16 | SESW | 39 | 40 | |
| 09s38e | 16 | NESE | 13 | 16 | |
| 09s38e | 17 | SESW | 11 | 16 | |
| 09s38e | 17 | SWSE | 37 | 36 | |
| 09s38e | 17 | SESE | 39 | 38 | |
| 09s38e | 19 | NWSW | 2 | 2.4 | |
| 09s38e | 19 | SWSW | 10 | 13 | |
| 09s38e | 19 | SESW | 11 | 18 | |
| 09s38e | 19 | NESE | 6 | 9.1 | |
| 09s38e | 19 | NWSE | 4 | 4.6 | |
| 09s38e | 19 | SWSE | 2 | 18 | Permissible place of use? |
| 09s38e | 20 | NENE | 36 | 38 | |
| 09s38e | 20 | NWNE | 38 | 38 | |
| 09s38e | 20 | SWNE | 29 | 37 | |
| 09s38e | 20 | SENE | 29 | 45 | Indiscernible |
| 09s38e | 20 | NENW | 28 | 31 | |
| 09s38e | 20 | SWNW | 9 | 11 | |
| 09s38e | 20 | SENW | 36 | 36 | |
| 09s38e | 20 | NESW | 24 | 18 | |
| 09s38e | 20 | NWSW | 17 | 15 | |
| 09s38e | 20 | SWSW | 20 | 27 | |
| 09s38e | 20 | SESW | 14 | 18 | |
| 09s38e | 21 | NWNE | 37 | 40 | |
| 09s38e | 21 | SWNE | 36 | 37 | |
| 09s38e | 21 | SENE | 4 | 7.1 | |
| 09s38e | 21 | NENW | 38 | 40 | |
| 09s38e | 21 | NWNW | 37 | 37 | |
| 09s38e | 21 | SWNW | 32 | 43 | |
| 09s38e | 21 | SENW | 29 | 37 | |
| 09s38e | 21 | NESW | 2 | 8.6 | |
| 09s38e | 21 | NESE | 2 | 19 | Indiscernible |
| 09s38e | 21 | NWSE | 13 | 34 | Indiscernible |
| Totals: | | | 821 | 1001.8 | |

AJ5809NP
No. A29-00048

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 16

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|---|------------------|------------|-----------------------|-------------------|---------------------|
| C | LAVA IRRIGATION CO LTD
PO BOX 182
LAVA HOT SPRINGS ID 83246
(208) 776-5628 | 02/11/1904 | IRRIGATION | 04-15 09-15 | 20,500 CFS | 2052.50 AFA |
| | | | | TOTAL DIVERSION: | 20,500 CFS | |
| | | | | CONSUMPTIVE USE: | | |

Water Source: PORINEUF RIVER
Tributary to: SNAKE RIVER
Stage: DECREED
BANNOCK County

Point(s) of Diversion: 109S R38E S09 Lot06(NESE)

| Place of use Legal Description for: IRRIGATION | | | | | | | | | | | |
|--|----|----|----------|-------|-------|----------|-------|-------|----------------|-------------|-------|
| | | | NE | | | NW | | | SW | | |
| T | R | S | NE NE | NE NE | NE NE | NW NW | NW NW | NW NW | SW SW | SW SW | SW SW |
| | | | LT AC | LT AC | LT AC | LT AC | LT AC | LT AC | LT AC | LT AC | LT AC |
| 09S 37E 24 : | | | | | | | | | | | SUM |
| 09S 38E 15 : | | | | | | 04-15 | | | 05-33 06-04 | | 17.0 |
| 09S 38E 16 : | 11 | | | | | | | | 39 39 | 13 | 52.0 |
| 09S 38E 17 : | | | | | | | | | 11 11 | | 119.0 |
| 09S 38E 19 : | | | | | | | | | 02 05-10 06-11 | 04-06 | 87.0 |
| 09S 38E 20 : | 36 | 38 | 29 05-29 | | 28 | 37 05-32 | 29 | 07-24 | 17 08-20 09-14 | 08-02 07-13 | 37 39 |
| 09S 38E 21 : | | 37 | 36 04 | | 38 | | | 06-02 | | | 280.0 |
| TOTAL ACRES | | | | | | | | | | | 230.0 |
| | | | | | | | | | | | 821.0 |

Lots Without 1/4 1/4 Description: IRRIGATION
09S 38E 16 01-01 SUM 1.0

POJ County: BANNOCK

Non-Irrigation Uses: S/500 CATTLE.

Other Rights: A29-00047A, A29-04467, A29-10816

Other Water Rights With Same Point(s) of Diversion With Stage (Includes All Sources):
A29-00047A A29-04467 A29-10816

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00036 A29-00037 A29-00047A A29-00180 A29-02360 A29-02452 A29-04090 A29-04180 A29-04467 A29-10624
A29-10625 A29-10791 A29-10816 A29-10820 A29-11773 A29-12267

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 29 Field Inspection Flag: Presumption Flag:

Audit: 04/12/90 MEYER 04/01/94 THOMPSON 03/29/95 POST-STD

APPENDAGE TO THE FILING OF WATER RIGHT OF

LAVA IRRIGATION COMPANY

Portneuf River district #29 Lava Hot Springs, Idaho 83246

Our present decreed water rights are jeopardized by:

1. Illegal loss free transportation of storage water in the river channel. We ask the adjudication correct this situation by requiring the users of the storage water to stand the loss or require all the water users in the river district to share in the loss on a percentage basis according to the cubic feet of water they have decreed to them.
2. Many years after the established use rights and decreed rights many wells have been allowed in the upper basin area, draining the aquifer. We ask an in depth study be made to determine the affect these wells have on the river flow before a decision is made.

Historically the amount of our water has been cut down during the irrigation season because there is not enough water to fill all the rights. Of necessity we have used the water at any time during the non irrigation season in any amount needed, first come first served down the river.

We have filed a claim of use #29-4467 claiming the right to use the water in this manner until November 15 each year. This application was not protested when advertised. We request this use right be recognized and established as a legitimate water right as of 1904 the same as our decreed right.

Shane Irick

Shane Irick - President

Patricia Avery
Patricia Avery - Sec.

MICROFILMED

NOV 13 1992

Lava Irrigation Co.
Seal

State of Idaho)

County of Bannock)

On this 10th day of April 19 90, before me personally
appeared J. B. Smith to me known to be the
person(s) described in and who executed the foregoing instrument,
and acknowledged to me that he executed the same as his
free act and deed.

3-11-93
Term Expires

David M. Peterson
Notary Public

Love Hill Springs
Residing At

MICROFILMED

NOV 13 1992

Farm



Journal photo by Bob Jensen

Irrigation pipe has been put to use in parts of this area, as warm temperatures dry soil during the day. However, freezing temperature at night result in ice forming. Water will placed in many area canal systems this week as farmers begin watering their crops.

MICROFILMED

NOV 13 1992

Lava Hot

April 9, 19.

Idaho State Water
Resources Board:

I am writing this as a member
of The Lava Irrigation Co., or the
Sunny Side Ditch as it is commonly
known, and also as a member of
the Kidd family. We are the only
family to still own our original
homesteads. All the rest have changed
ownership times without number.
I am the oldest living person to have
known constantly about the
irrigation situation in this
community.

I went to college with Elmo
Higginson, in Pocatello in 1929 and
1930. He was your hydrologist
and I believe his son is your
hydrologist now.

Our project is small, only slightly
more than a thousand acres in
the beginning. Highway 30 has

MICROFILMED

NOV 13 1992

Taken away some of our lands. There was plenty of water, for everyone in the beginning. They turned what water they needed into our canal and turned it back into the river when they were through using it. They always tried to keep some water in the canal through the winters for livestock. Sheepmen would buy hay from the farmers and feed the sheep in the fields and have canal water for the sheep to drink.

They built the reservoir at Chesterfield, they tried turning the stored water down the Potomac River, which would not carry the extra water. They paid damages for several years to farmers downstream for flooding the fields. They then built the long outlet canal to bypass the farms. In the beginning the canal would not carry the

MICROFILMED

NOV 13 1992

water, but the canal eroded until we have the bad situation we have today.

The McCammon Mill sued to get its water, and they won the lawsuit, and a decree was handed down about the various water rights. Since then, the McCammon Mill sold its water right, I believe to either the McCammon Canal Co., or to some of its members.

Ever since, our project has had less and less water, so we have tried to get water into our canal before the irrigation season began, and also after the irrigation season had ended, to soak up our fields for the next season. I personally have watered fields when several inches of snow were on the ground. We have done this all through my life time. Nobody has ever tried to stop us, and I feel that

MICROFILMED

NOV 13 1992

we have established a right to do this.

Now, companies have planned to build hydropower plants in the river, and they intend to demand the entire river flow when the irrigation season ends until the spring when the season begins again. The way things are shaping up, we will have scarcely any water at all. They should not be allowed to do this to us. The plants are not needed at all, and the Federal Government should never have approved their building.

Sincerely

P.O. Box 137 Wilhelm Kidd
Lava Hot Springs
Idaho, 83246

MICROFILMED

NOV 13 1992

STATE OF IDAHO, COUNTY OF BANNOCK

On this 9th day of APRIL, 1990, before me, a notary public in
and for said State, personally appeared

WILLIAM KIDD

Known to me to be the person whose name ~~is~~ subscribed to the within
instrument, and acknowledged to me that ~~he~~ ^{HE} executed the same.

Robert D. Bergendoff
NOTARY PUBLIC

Residing at LAWA HOT SPRINGS, Idaho

Commission Expires LIFETIME

MICROFILMED

NOV 13 1992

TO WHOM IT MAY CONCERN:

I, Fred G. Walker, would like to say, I was born and raised on the Walker Ranch located near Lava Hot Springs, Idaho, and lived there until February 1953. I was also the Ditch Checker for one summer while living there. There was plenty of water for all of the ranches in the area before the Chesterfield Dam was constructed, no one in the area had any water problem until after the construction of that Dam. Then the situation seemed to change a very great deal. The Sunnyside Ditch Company had plenty of water for all users at the beginning as well as at the ending of the season. They all irrigated and used the water all season until it froze up in the winter. We had all the water for all the ranchers in the area all season long. Everyone had all the water needed to irrigate their land from early in the spring until it all froze up with the winter. My folks before me had plenty and I had plenty for the same acres and the same farm from early spring until it froze up with the winter.

Signed Fred G. Walker
Fred G. Walker

Subscribed and sworn to before me this 4th day of April 1990, at
Cokeville, Lincoln County, State of Wyoming.

My Commission expires: Dec. 1, 1993

David D. Reed
Notary Public

MICROFILMED

NOV 13 1992

To whom it may concern:-

My parents moved into Lava Hot Springs
the year of 1919 Purchased a farm on Dumpy
creek. I was 9 yrs old then. The Lava Irrigation
Company was a established canal then
operating with a full water right established
in 1904. I purchased a farm under the
Lava Irrigation system in 1940.

We have had water in that canal every
year that I have owned ranch 1940 to 1990
Water is in early April until Nov. Water
regulated according to Water Decree.

Sincerely
Calvin A. Rowell
Calvin A. Rowell

Witness: B. J. Oeder 4-10-90

On 4-10-90, before me, Gilbert E. Birdsong II,
a notary public of the State of Idaho, appeared Calvin A. Rowell

NOTARY RESIDING AT PRITCHETT

BANNOCK COUNTY

Gilbert E. Birdsong II

MY COMMISSION EXPIRES

10-4-94

MICROFILMED

NOV 13 1992

April 10 - 1990

In regards to using water before and after the normal irrigation season begins and ends.

I moved here in 1948, Feb 28 we always use canal water from the Portney River until it either snows or freezes up. Our decreed water right is usually cut off in early summer, if we didn't use water as late as possible, we wouldn't keep our pasture + hayfield from drying out. Also that water is our main source of livestock water as our spring water is insufficient for our household use + livestock both.

I'm, ——— J. B. Irick, a member of the Lava Irrigation Company.

MICROFILMED

NOV 13 1992

Greenleaf Id.
4-3-90

to whom it may concern

In Regards to conditions of
the Sunnyside Canal near
Lava Hot Springs Idaho

In the years of 1947-48-49 and 50
I lived on the farm now owned
and operated by Walter and Vera
Avery and family.

I was a Board Member and for 2 year
Chairman of the Board
in the spring we turned the
water in as soon as the canal
was ready.

After in the summer we would
have to take turns and was
able to dig through
mud and as I remember
we would have about three
hundred inches then would
have water for live stock
until it froze up in
the canal.

Letter Water

MICROFILMED

George D. Brown
Notary - George Co-Op Fed. C. U.

Ex. 10-14-94

PO Box 416 NOV 13 1992
Greenleaf Idaho
83626-0416

April 3, 1990

TO WHOM IT MAY CONCERN:

This is a statement concerning the Water Rights and the water that was available at the time we farmed at Sunnyside, near Lava Hot Springs, Idaho.

The land we farmed from the Spring of 1947 through 1950, is presently owned and farmed by Golden and Vera Avery and their family.

The water in the Sunnyside Canal, was available in the spring, whenever the share holders decided it was needed or as soon as the Canal could be cleaned and made ready.

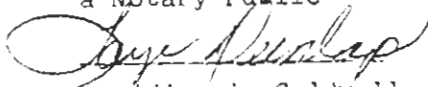
As the growing seasons became hotter, there was less water available to this Canal Company, and sometimes, we were cut down to three streams of about 50 inches of water each at the headgates.

In the fall, after the heavy demand for water was over, the water was kept in the canal as long as anyone wanted it, or until it was frozen.

The summer of 1950, I was hired by the Canal Company as Ditch Rider. I started as soon as I got out of school, about May 25th, and had the job until I quit, September 25th, to take another job. At that time, Mr. Dad took the job for the rest of the season.

The information in this letter is as close as I can remember.

Signed & Subscribed
before me this day 4-3-90
a Notary Public


residing in Caldwell



Lester L. Waters
2202 Big Sky St.
Caldwell, Idaho 83605

MICROFILMED

NOV 13 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 16, 1988

Lyndon Green
105 E 16th Street
McCammon, ID 83250

Re: Water District 29, Portneuf River

Dear Mr. Green:

In your telephone call of September 14, 1988, you stated that the irrigation season in Water District 29 under the Portneuf River decree ends on September 15. You asked me what action, if any, should be taken by the watermaster after that date.

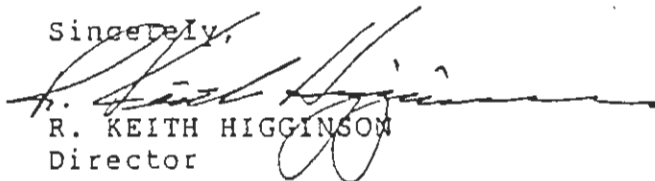
The historical practice on the Portneuf is for the watermaster to stop delivering water rights under the decree on September 15. After that date it has been the practice of the waterusers to divert water as needed irrespective of the priorities under the decree.

It is the normal duty of a watermaster to delivery water rights on a stream in accordance with the terms of the applicable decrees. Consistent with court decree, it has been the long-standing practice on the Portneuf for the formal irrigation season to end on September 15 and for the watermaster to discontinue delivering irrigation water rights after that date. I do not find it appropriate to order the watermaster to alter that longstanding practice this year.

Waterusers who have historically diverted water and put it to beneficial use after September 15 each year may have established legal rights to continue that practice. The extent of any such rights will be determined in the pending Snake River basin water rights adjudication.

I hope this letter has adequately answered your question.

Sincerely,


R. KEITH HIGGINSON
Director

cc: Eastern Region
Tom Bloxham

MICROFILMED

NOV 13 1988

REMARKS: Union Gra. and Elevator vs McGammon Litch Co. decree recognized an irrigation season April 15, to Sept. 15, the actual irrigation practice of Lava Irrigation historically has been to use the water any time needed during the non irrigation season, first come first serve down the river.
The purpose of this claim is to establish this historical practice as a legitimate water right as used, dated back to the beginning of our decreed water rights.

Refer to appendage and affidavits.

MICROFILMED
NOV 13 1992

Water Right Claim Number A29-00048

08/01/2000

Townships , 9S38E, 9S37E



Legend

Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals



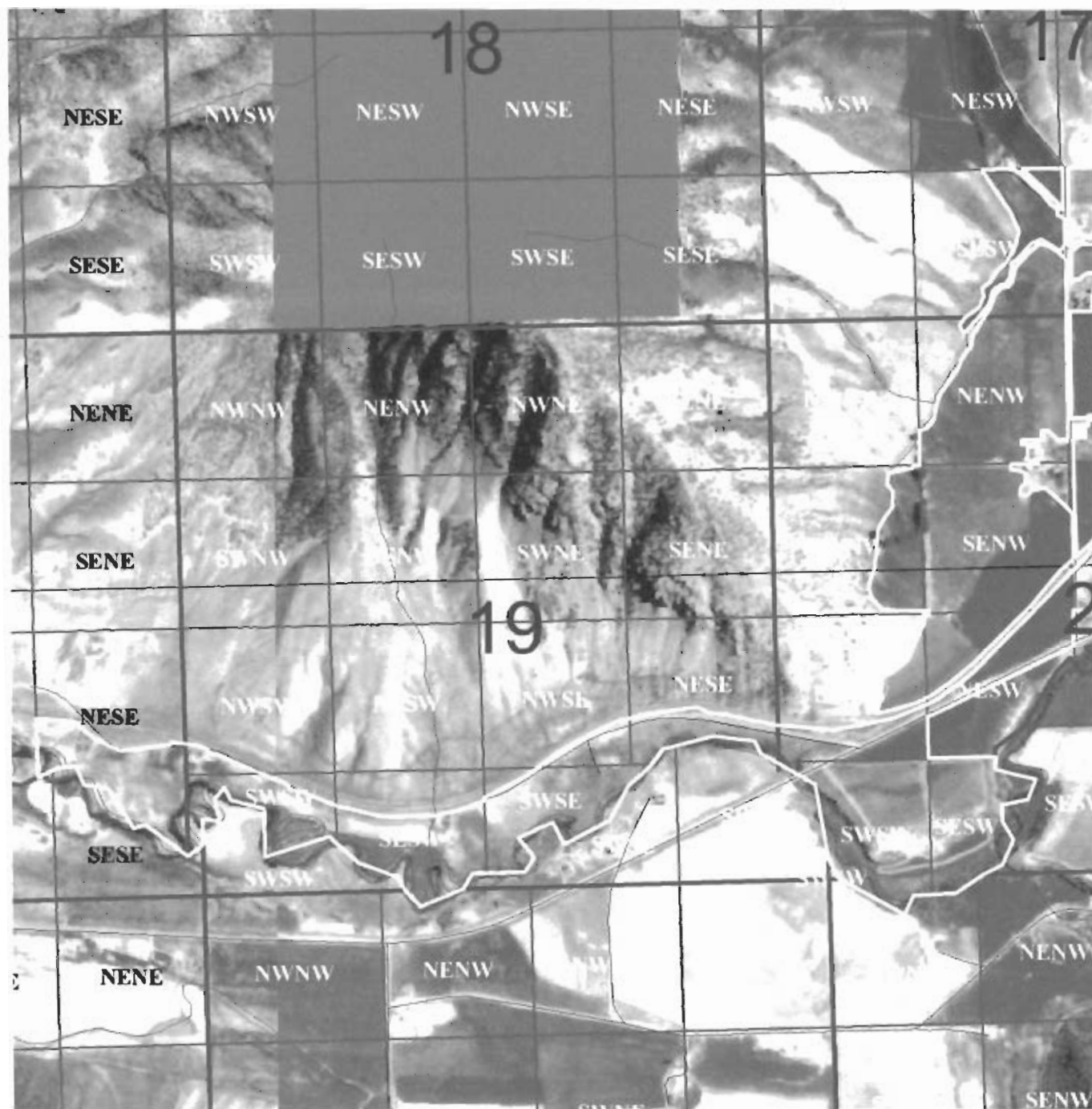
900 0 900 1800 Feet



Water Right Claim Number A29-00048

08/01/2000

Townships , 9S38E, 9S37E



Legend

- | | | |
|--------------------|----------------------|--------------------|
| Irrigated Area | Section Line | Roads |
| Place of Diversion | Quarter Section Line | Streams and Canals |



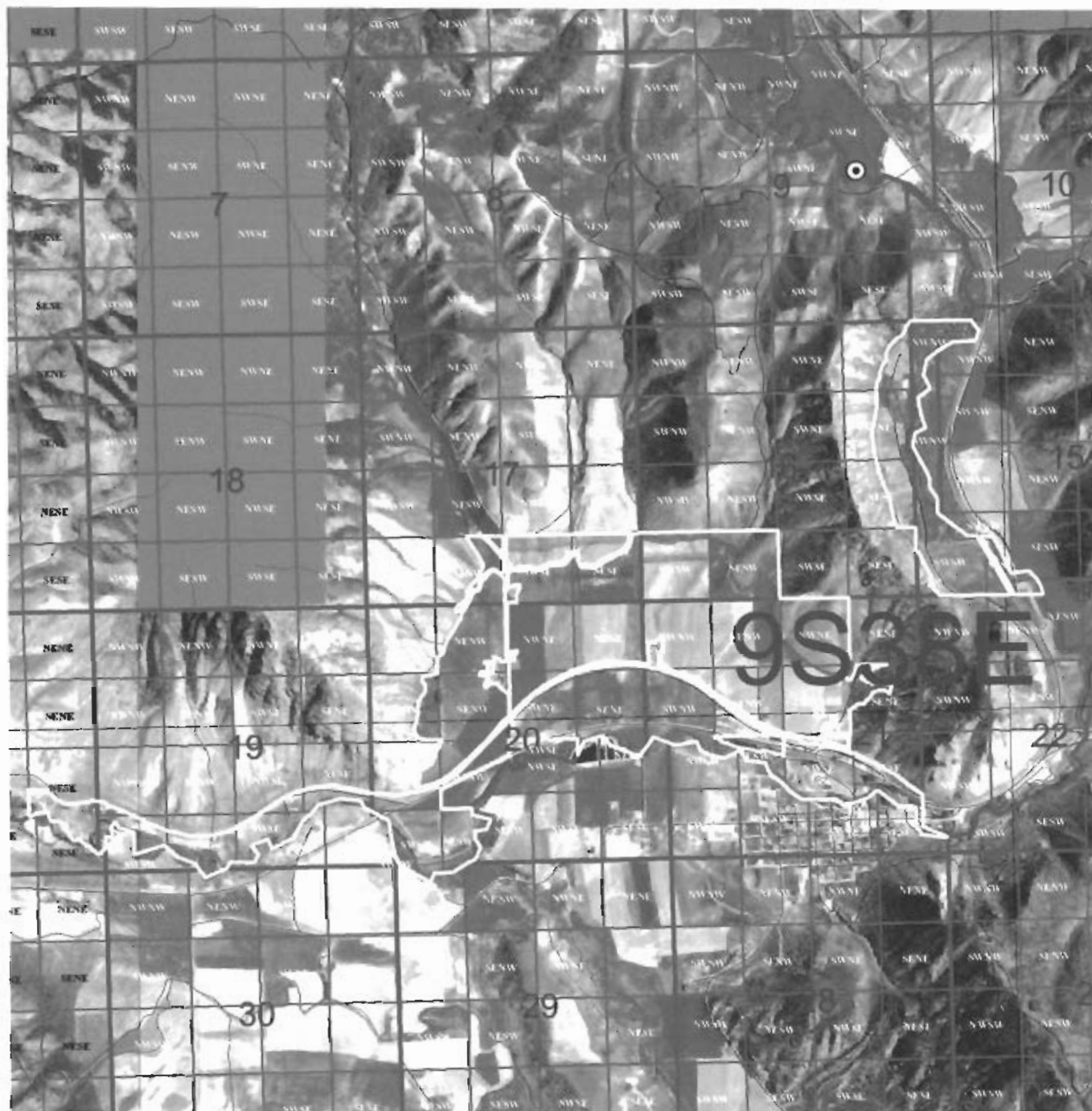
900 0 900 1800 Feet



Water Right Claim Number A29-00048

08/01/2000

Townships , 9S38E, 9S37E



Legend

- | | | |
|--------------------|----------------------|--------------------|
| Irrigated Area | Section Line | Roads |
| Place of Diversion | Quarter Section Line | Streams and Canals |



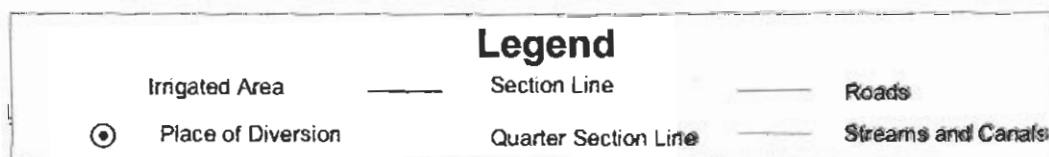
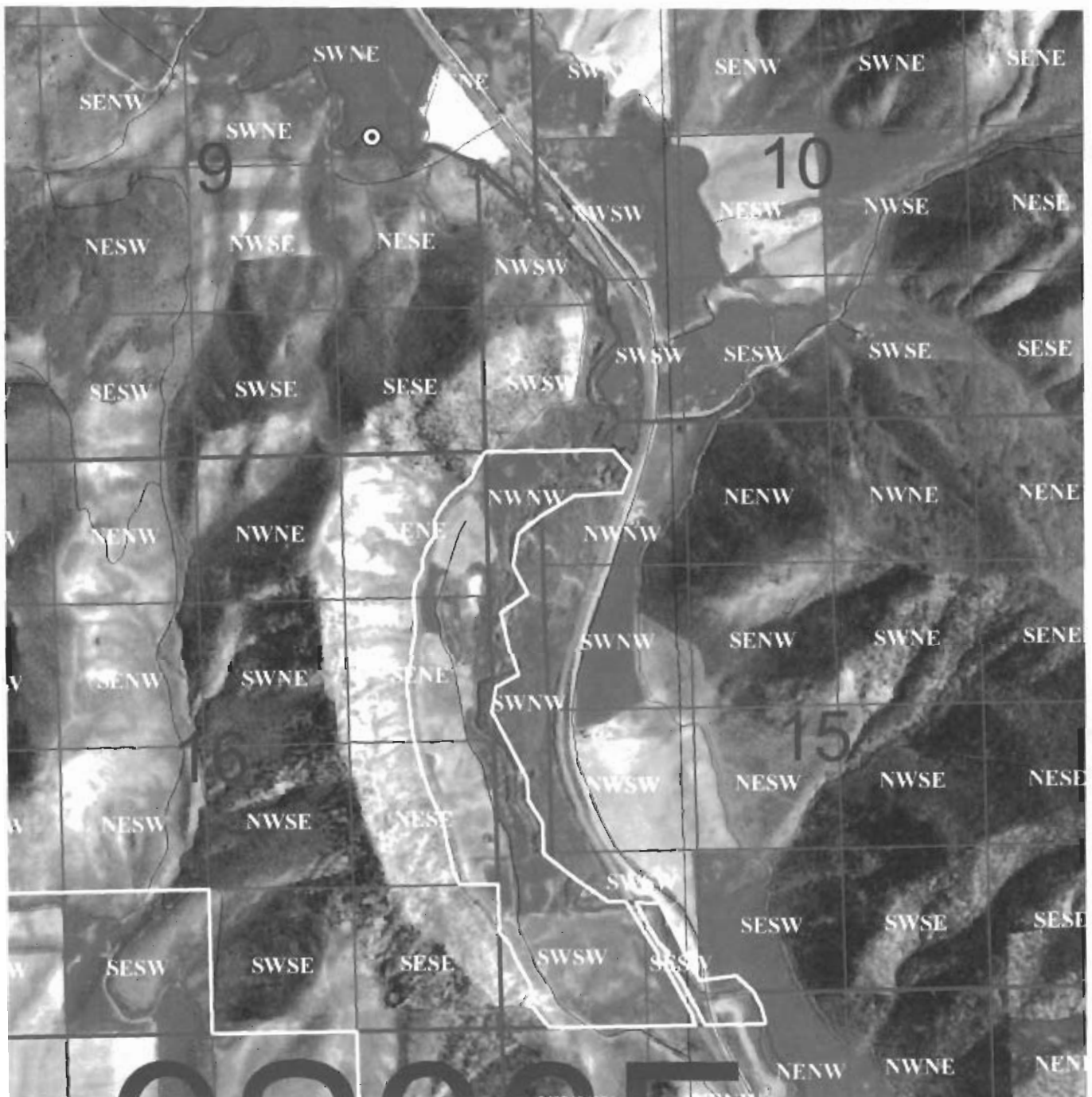
900 0 900 800 Feet



Water Right Claim Number A29-00048

08/01/2000

Townships , 9S38E, 9S37E



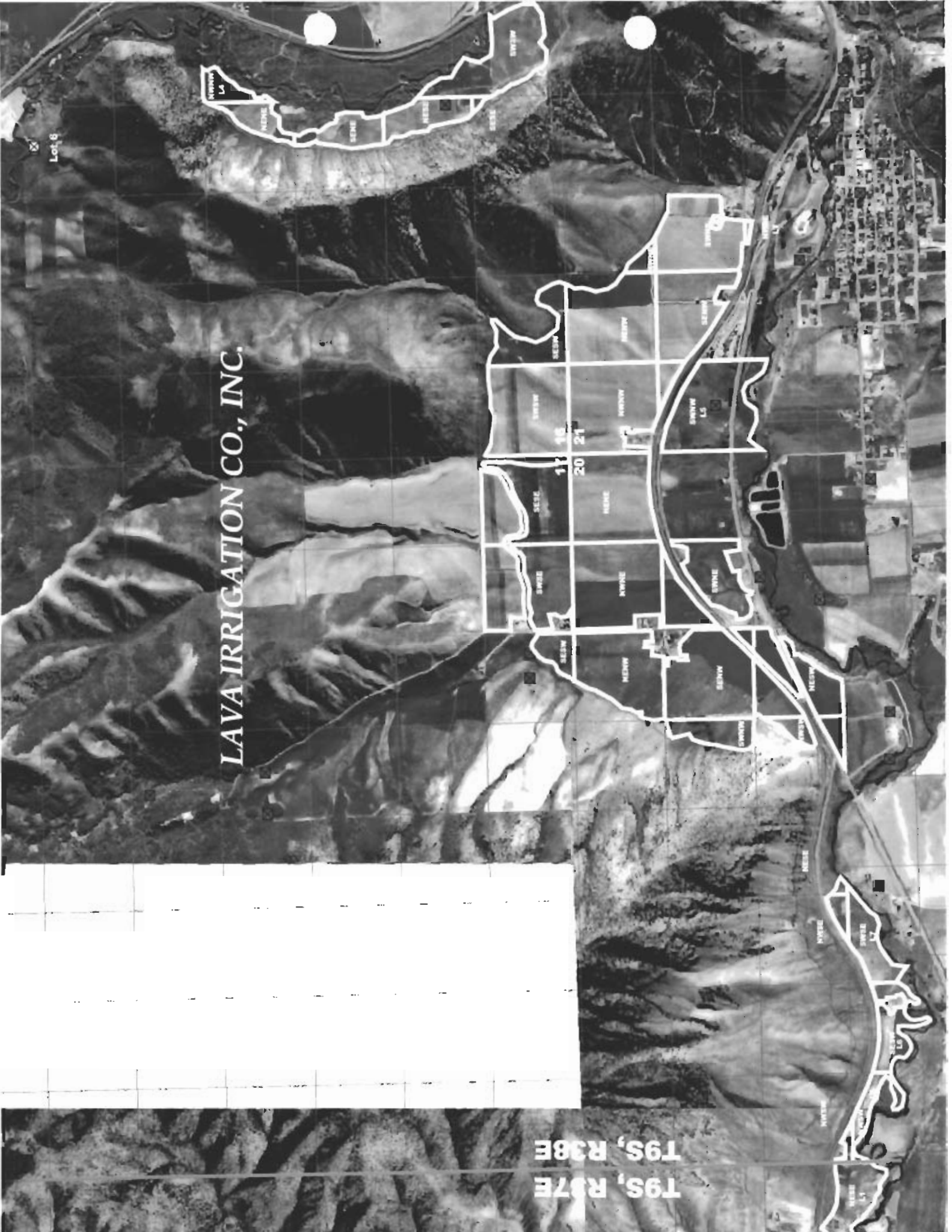
900 0 900 1800 Feet



LAVA IRRIGATION CO., INC.

T9S, R37E
T9S, R38E

Lot 8



A29-00047A
A29-0001

A29-04467
A29-10816



T95 R37E R38E

MON

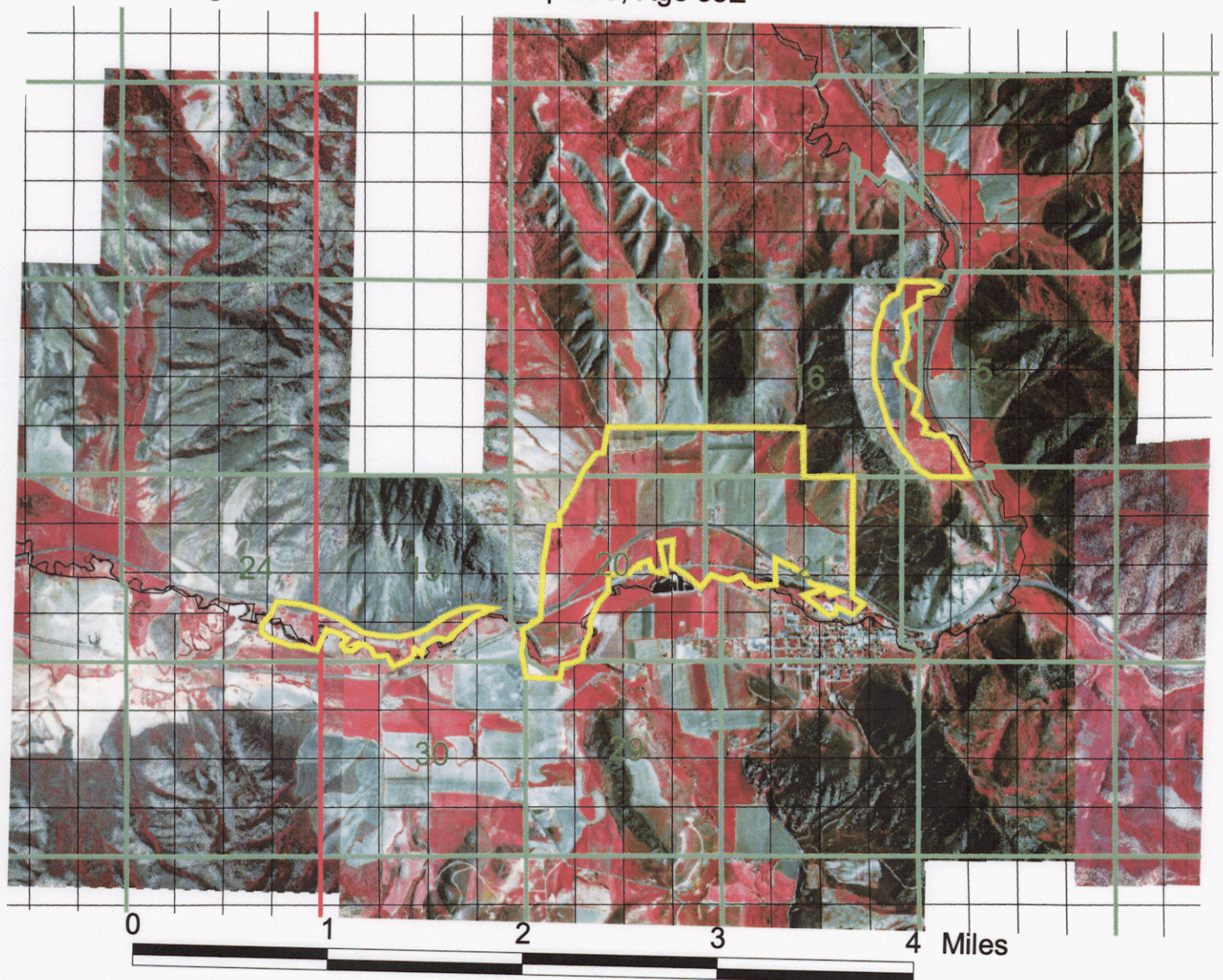


Department of Water Resources

Claim No.: 29-47A, 29-4467
29-48, 29-10816

Twp 9S, Rge 37E

Twp 09S, Rge 38E



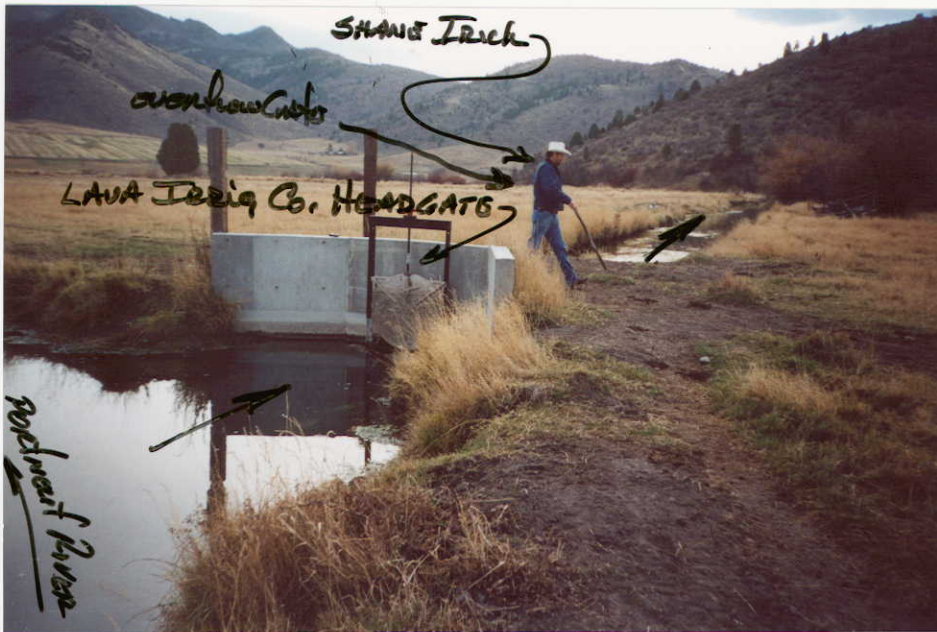
Irrigated Acres = 614.8

Place of Use Boundary

- Largepou-lava.shp
- Townships
- Sections
- QQ

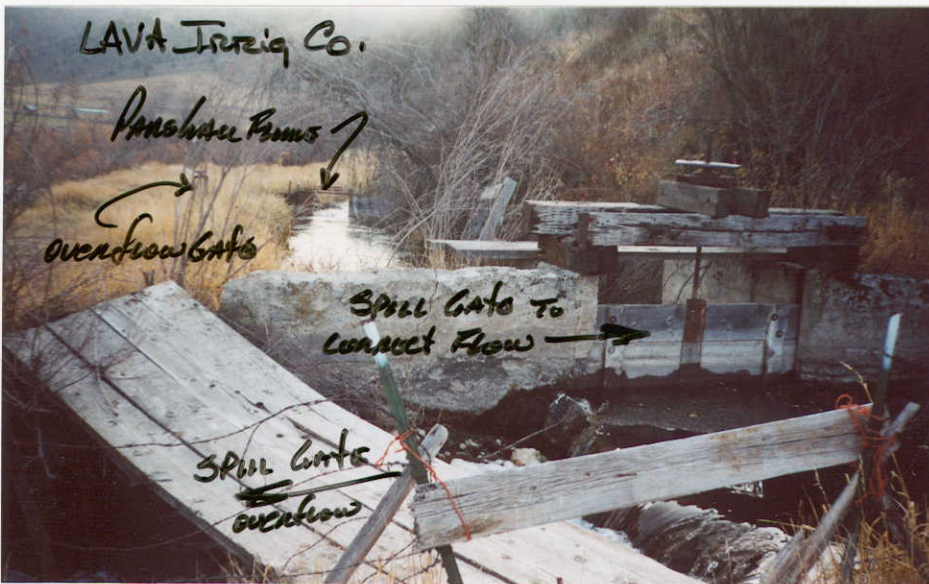


GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: January 2003

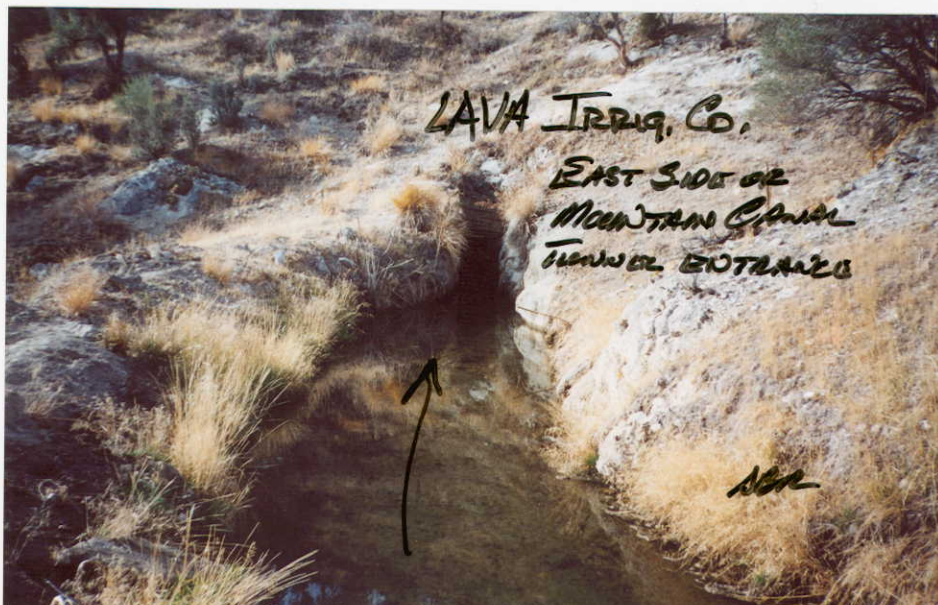


LAVA Irrig Co.

THIS IS THE NEW HEAD-
GATE TO THE SYSTEM. THE
OLD ONE IS DOWNSTREAM
ABOUT 200-300 FEET -
SAME Q.Q.



GATES USED TO
SET FLOW RATES OF
THE CANAL AND
THE PANSALL FLUMES.



TUNNEL THROUGH
MOUNTAIN —

Photo: 10/30/01 ABR