

02/18/2003

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

RIGHT NUMBER: 29-4467
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: 08/07/1932
POINT OF DIVERSION:
T09S R38E S9 NWNESE Lot 6 Within BANNOCK County Source: PORTNEUF RIVER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	20.500 CFS
STOCKWATER	01/01 12/31	0.120 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: Beneficial Use

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

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STOCKWATER	01/01 12/31	0.120 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		

STOCKWATER same as IRRIGATION

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,
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DIVERSION DESCRIBED ABOVE: 29-47A, 29-48, 29-4467, 29-10816.

MAY 18 2001

X

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: A29-04467
Date Received: 3/28/1990
Receipt No: 5013111
Received By: ADN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

208-776-5628

A2904467



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	09/15	04/15	20.500		
STOCKWATER	09/15	04/15	0.120		

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

A29-04467

Page 1

Date: 04/12/90

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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	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	21	NW	NE		IRR	37.0
			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, A29-00048, A29-10816

14. Remarks:

THE CLAIMANTS ADD THE FOLLOWING REMARKS:

"Union Grain and Elevator vs. McCammon Ditch Co. decree recognized an irrigation season [of] 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, 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."

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

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 of

Organization _____ of
document in the space below as Secretary
Title

Lava Irrigation Co. Ltd. and that the statements contained in the foregoing document are true and correct.

Patricia Auey
Signature of Authorized Agent

Signature of Authorized Agent

Secretary - Lava Migration
Title and Organization Co. 144

April 12, 1990
Date

State of Idaho)
County of BOISE) SS.

Subscribed and sworn (or affirmed) before me this 12 day
of April 19 90
[Signature]
Notary Public

Notary Public

Seal

Residing at 1 Lomb St

My Commission Expires

A29-04467

Date: 04/12/90

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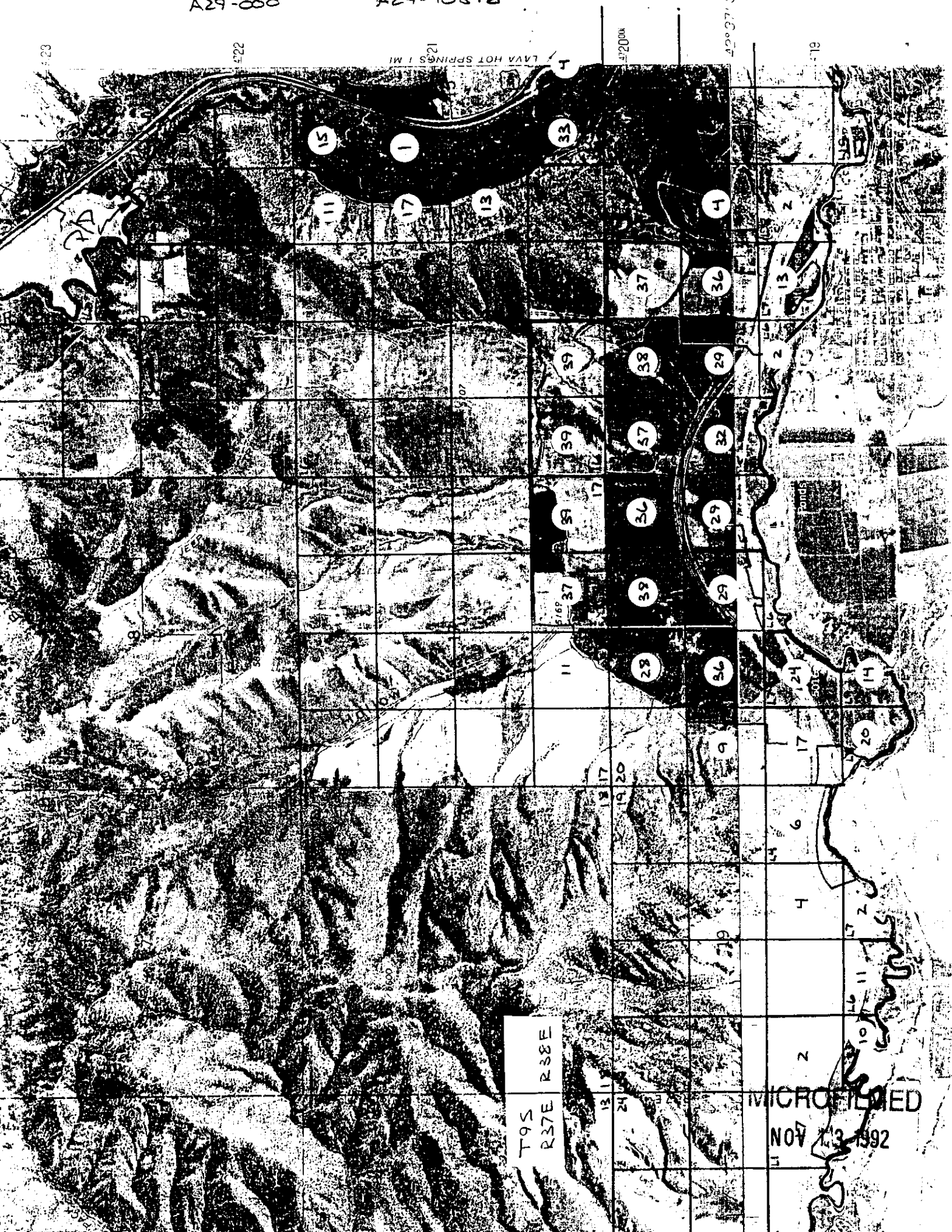
NOV 13 1992

EXT Secy
Jon 29-48

Arrow stock 1/1/1431
Secy = 4/1 to 10/31
Imig

A29-000047A
A29-000

A29-04467
A29-10816



MAY 18 2001

Log for claim A29-04467

Spatial Dynamics AMH

8/11/00

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	
09s38e	16	NENE	11	13	
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	
09s38e	20	NENE	36	38	
09s38e	20	NWNE	38	38	
09s38e	20	SWNE	29	37	
09s38e	20	SENE	29	45	
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	
09s38e	21	NWSE	13	34	
Totals:			820	1001.8	

AJ5809NP
No. A29-04467

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 159

OWNER
CODE NAME & ADDRESS
C LAVA IRRIGATION CO LTD
PO BOX 182
LAVA HOT SPRINGS ID 83246
(208) 776-5628

PRIORITY
DATE 02/11/1904

WATER USE
IRRIGATION
STOCKWATER

USE PERIOD
FROM 09-15 04-15
TO 09-15 04-15

DIVERSION
RATE 20,500 CFS
0.120 CFS

DIVERSION
VOLUME

TOTAL DIVERSION:
CONSUMPTIVE USE: 20,500 CFS

2052.50 AFA

Water Source: PORTENEUF RIVER

Tributary to: SNAKE RIVER

Point(s) of Diversion:

T09S R38E S09 Lot06(NESE)

Stage: STATUTORY CLAIM

Place of use Legal Description for: IRRIGATION

BANNOCK County

T	R	S	MENE		SENE		NENE		MNE		SW		SE		SUM
			NAME	NAME	NAME	NAME	NAME	NAME	NAME	NAME	NAME	NAME	NAME	NAME	
09S	37E	24	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	17.0
09S	38E	15	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	52.0
09S	38E	16	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	119.0
09S	38E	17	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	87.0
09S	38E	19	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	35.0
09S	38E	20	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	280.0
09S	38E	21	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	230.0
															TOTAL ACRES
															821.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Lots Without 1/4 1/4 Description: IRRIGATION

SUM
1.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: S/500 CATTLE.

Other Rights: A29-00047A, A29-00048, A29-10816

Other Water Rights With Same Points(s) of Diversion with Stage (Includes All Sources):
A29-00047A A29-00048 A29-10816

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00036 A29-00037 A29-00047A A29-00048 A29-00180 A29-02360 A29-02452 A29-04090 A29-04180 A29-10624
A29-10625 A29-10791 A29-10816 A29-10820 A29-11773 A29-12267

Remarks: GEN THE CLAIMANTS ADD THE FOLLOWING REMARKS:
Union Grain and Elevator vs. McCammon Ditch Co. decree
recognized an irrigation season [of] April 15, to Sept 15,
the actual irrigation practice of Lava Irrigation
historically has been to use the water any time needed

Remarks:

during the non irrigation, 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."

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 29

Field Inspection Flag: D
Presumption Flag:

Audit:

04/12/90 MEYER 07/25/94 THOMPSON 03/29/95 POST-STD

To whom it may come in:-

My parents moved into Lava Hot Springs the year of 1919 Purchased a farm on Dempsey Creek. I was 9 years 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. Dees 4-10-90

On 4-10-90, before me, Gilbert R. Birdsong II,
a notary public of the State of Idaho, appeared CALVIN A. ROWELL

NOTARY RESIDING AT Pocatello

BANNOCK COUNTY

Gilbert R. Birdsong II

My commission expires 10-4-94

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NOV 13 1992

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

Shirley D. Peterson
Notary Public

Lava Hot Springs
Residing At

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 Portneuf River untill it either swells 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.

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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 Bergendoff
NOTARY PUBLIC

Residing at LAWA HOT SPRINGS, Idaho

Commission Expires LIFETIME

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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.

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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

Harold D. Reed
Notary Public

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.

Later in the summer we would
have to take turns not was
able to irrigate through
October and as I remember
we would have about three
hundred inches then would
have water for the stock
until it froze up in
the canal.

Lester Waters

Nancy O'Brien
Notary: Grange Co-Op Fed. C.U.
Ex. 10-14-94

PO Box 416
Greenleaf Idaho
83626-0416

MICROFILMED

NOV 13 1992

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 Lave 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.

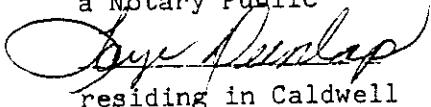
As the growing seasons became hotter, there was less water available to this Canal Company, and sometimes, we were cut down to three streams of about 50 inches of water each at the headgates.

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 20th, and had the job until I quit, September 25th, to take another job. At that time, my 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 E. 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.

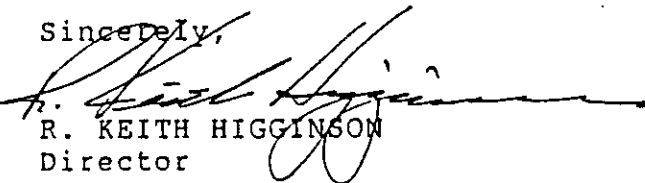
The historical practice on the Portneuf is for the watermaster to stop delivering water rights under the decree on September 15. After that date it has been the practice of the waterusers to divert water as needed irrespective of the priorities under the decree.

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

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NOV 13 1992

APPENDAGE TO THE FILING OF WATER RIGHT OF

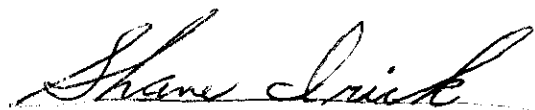
LAVA IRRIGATION COMPANY

Portneuf River district #29 Lava Hot Springs, Idaho 83246

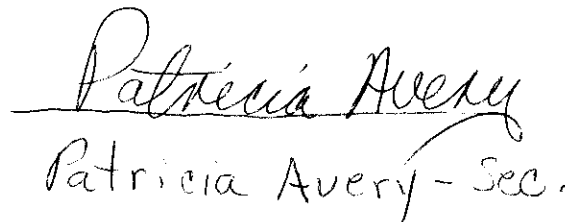
Our present decreed water rights are jeopardized by:

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.



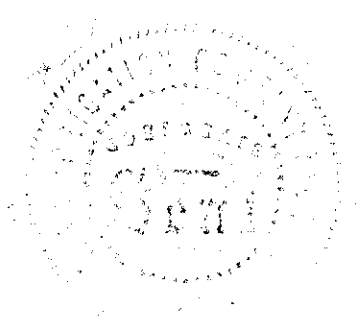
Shane Irick - President



Patricia Avery - Sec.

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Lava Irrigation Co.
Seal

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

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Taken away some of our land. 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. Sheep men 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 Portneuf 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

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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

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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 William Kidd
Lava Hot Springs
Idaho, 83246

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Lava Irrigation Company, Inc.
(Name of Claimant)
P.O. Box 183, Lava Hot Springs, ID 83246 Telephone No. 776-5274
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 2-11-1904

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Portneuf River tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Both dates inclusive)	(Mo., Day)
Quantity	<u>20.5 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>9/15</u>	To <u>11/15</u>	
Quantity	<u>.04 cfs</u>	Use <u>Stockwater</u>	Period of Use From	To	
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	

(4) 20.5 TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 6 NE 4 SW 4, Sec. 9 Twp. 9S Rge. 38E B.M., County of Bannock
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Concrete headworks with wooden gates.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	38E																		
		20	37	40	40	45	32		12	40	33		27	19		12			337
		17												8			25	26	59
		21	7	4	37	9	31	40	43	35					38	12			256
		19										5	15	5	2	17			44
		15						20						40					60
		16	11			18						35	18	15					97

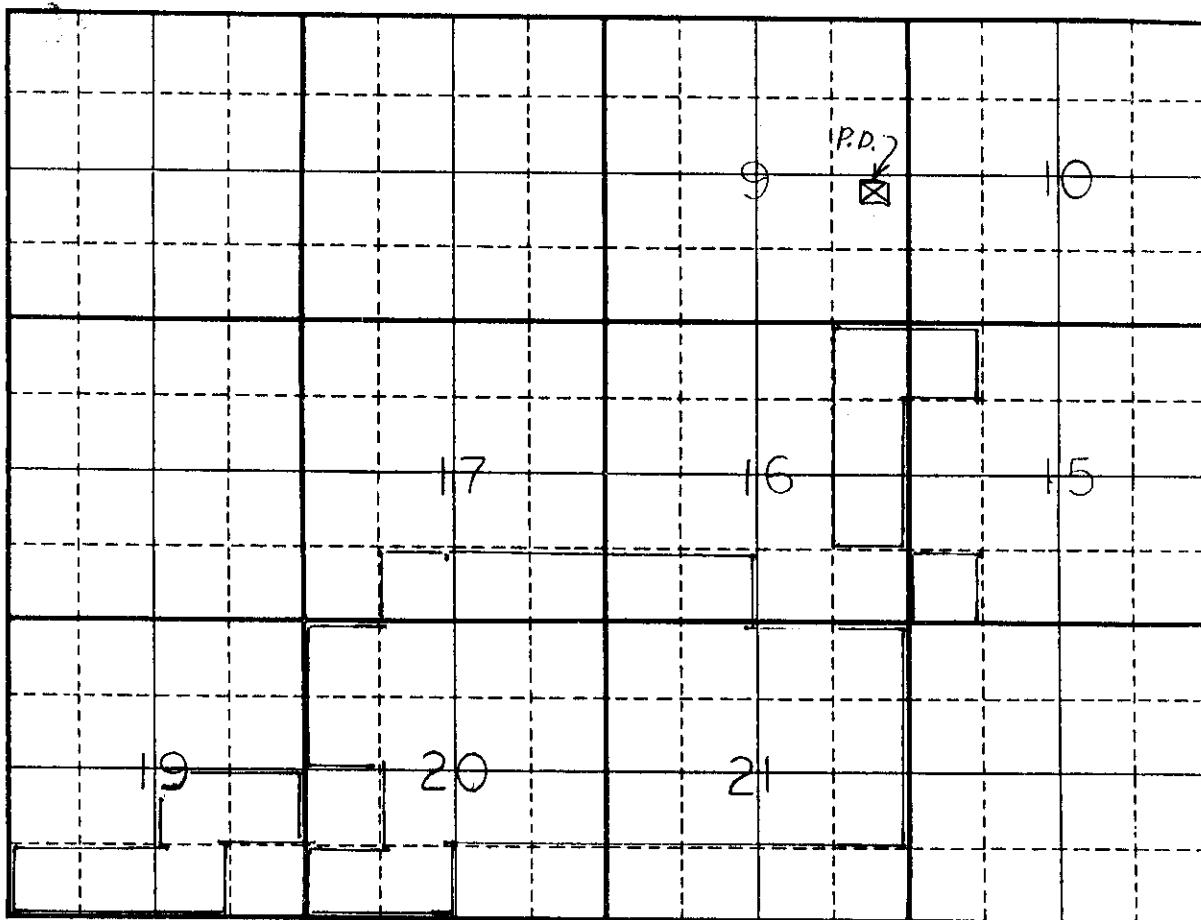
No. of acres 853

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Drinking water for livestock

NOTE: Include here the type and number of stock watered: 200 beef cattle

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks This claim is for water historically diverted by the claimant
after the decreed period of use ends on September 15.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 7th day of June

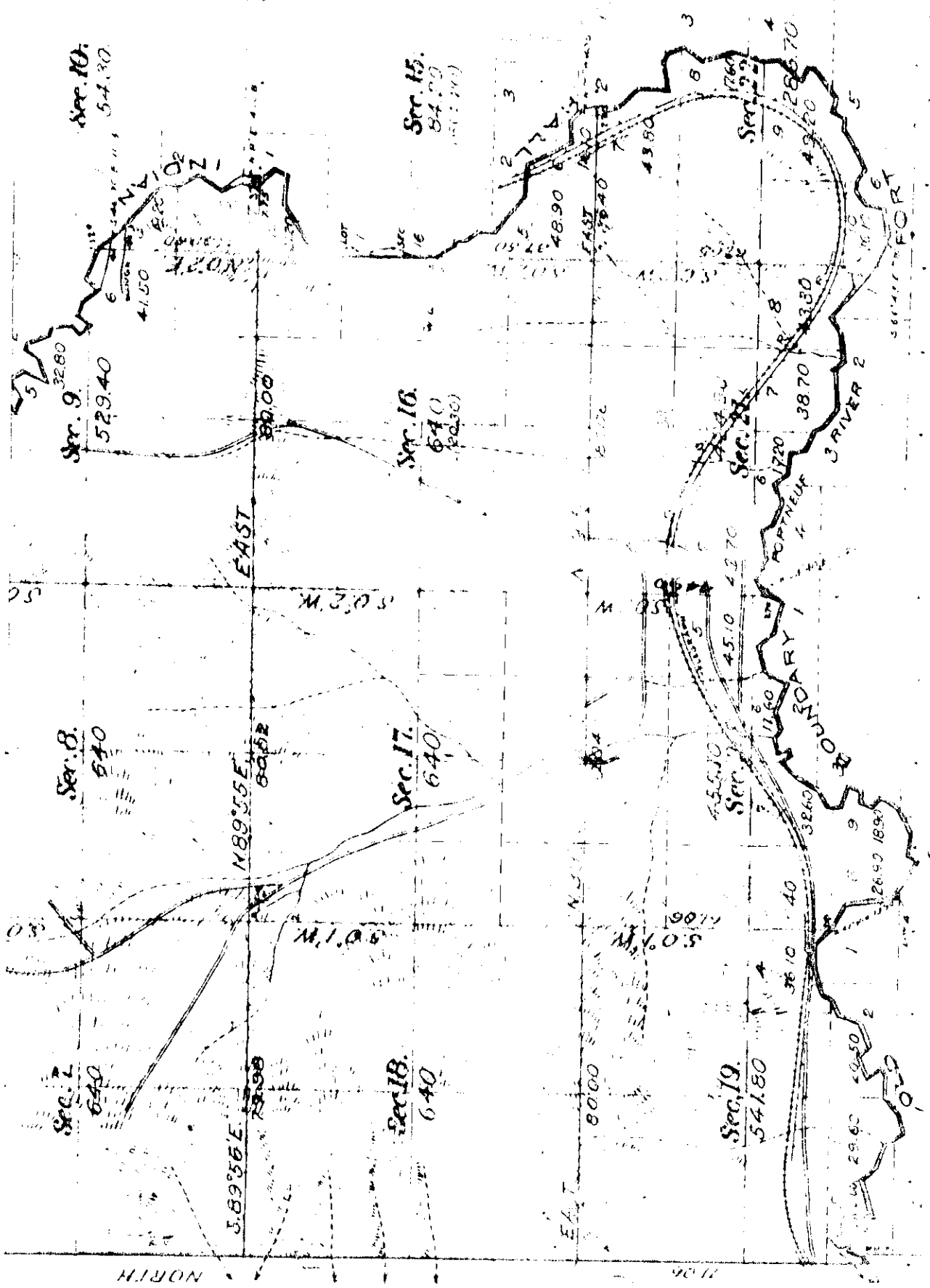
Calvin A. Rowell
(Claimant)
Vice Chairman
19 84

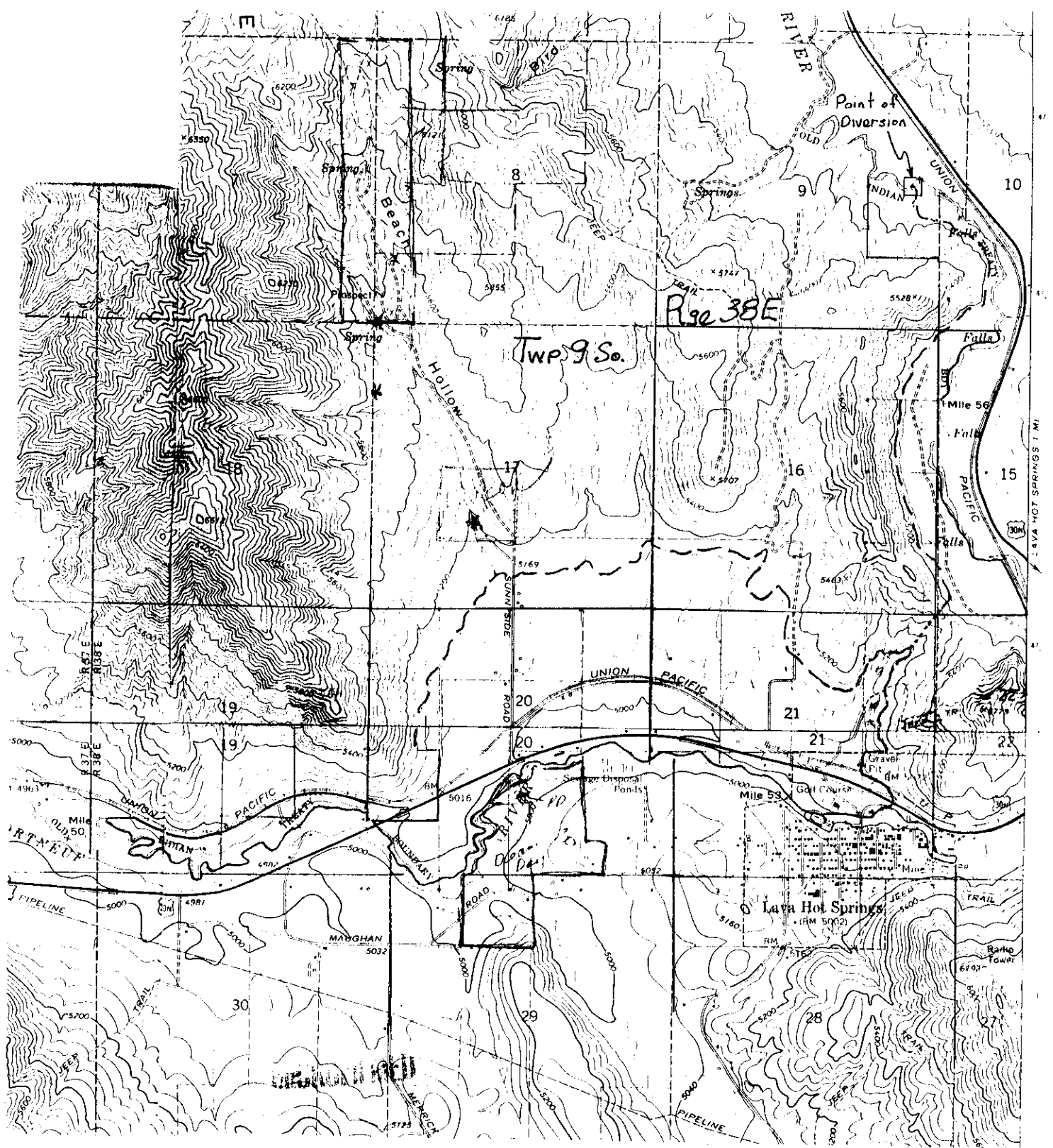
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by EMC Date 6/7/84 Exception filed by: _____ Date _____
Prelim. check by NWS Date 6/9/84 Forwarded to claimant by: _____ Date _____
Fee received by CP Date 6-7-84 33576
Published in Statewide Journal
Dates June 21 & 28, 1984





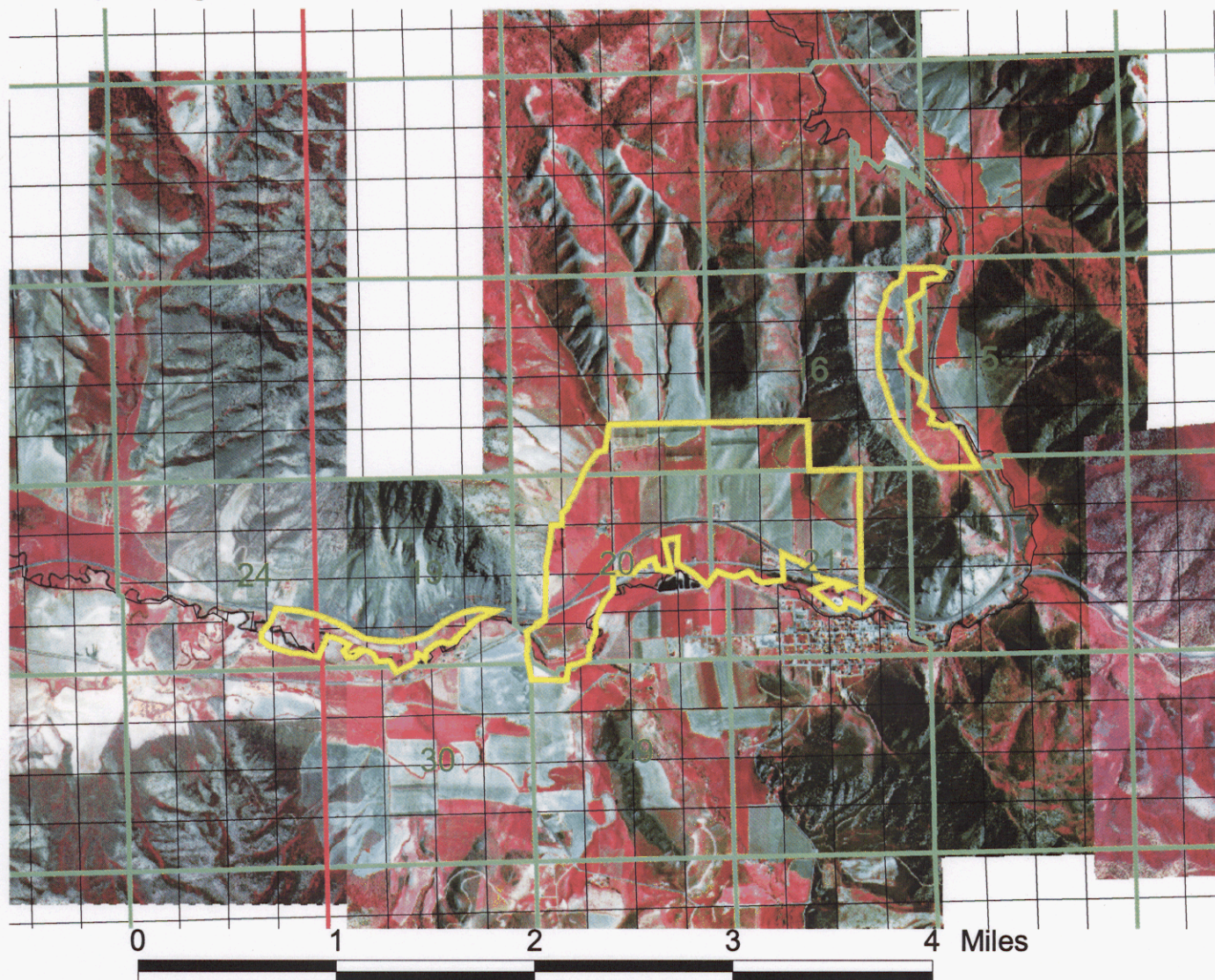


Department of Water Resources

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

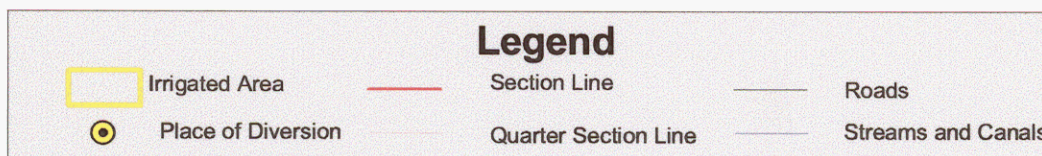
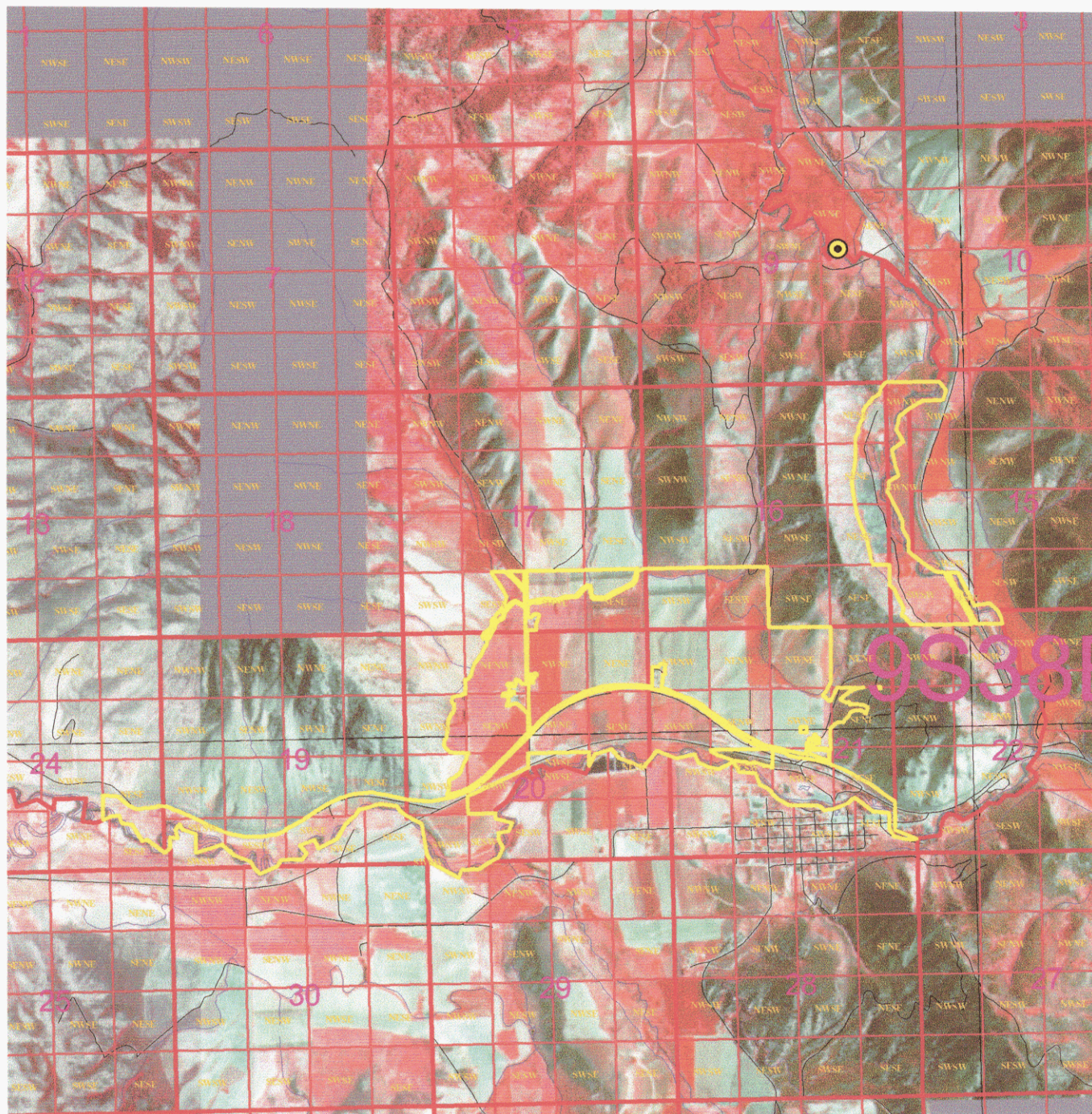


GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: January 2003

Water Right Claim Number A29-04467

08/11/2000

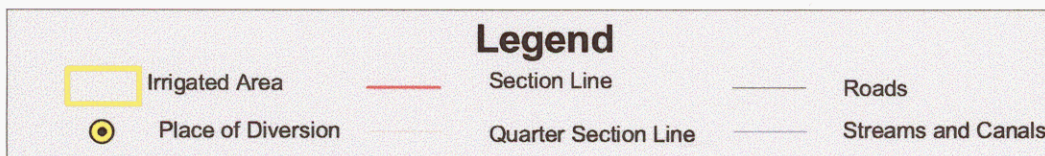
Townships , 9S38E, 9S37E



Water Right Claim Number A29-04467

08/11/2000

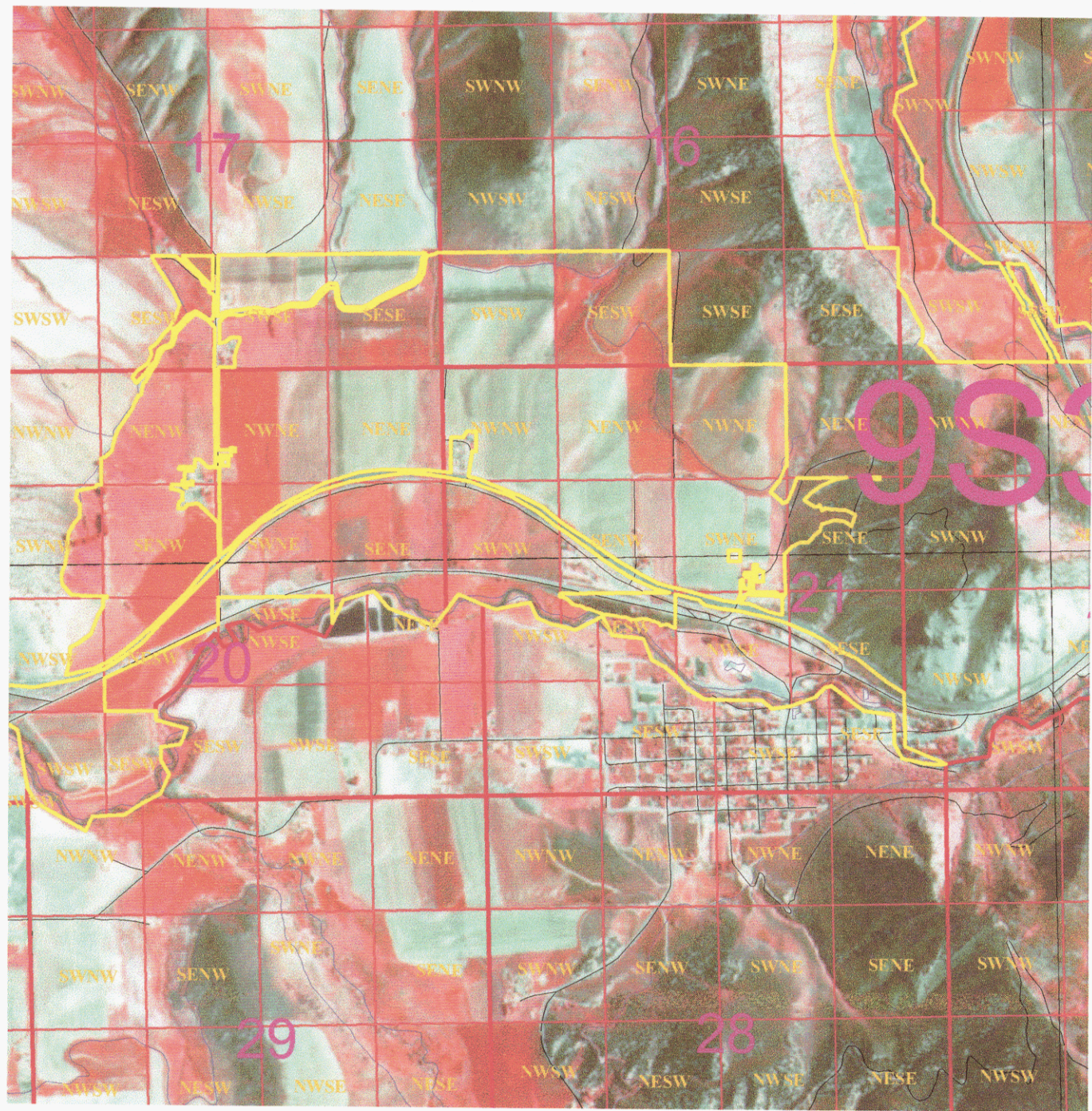
Townships , 9S38E, 9S37E



Water Right Claim Number A29-04467

08/11/2000

Townships , 9S38E, 9S37E



 Irrigated Area

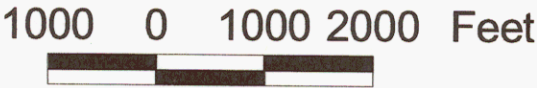
 Section Line

 Roads

 Place of Diversion

 Quarter Section Line

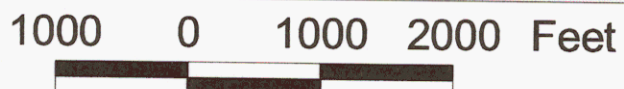
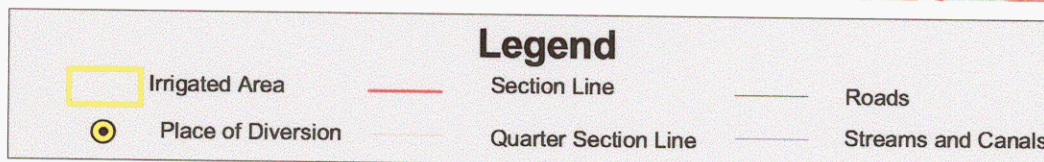
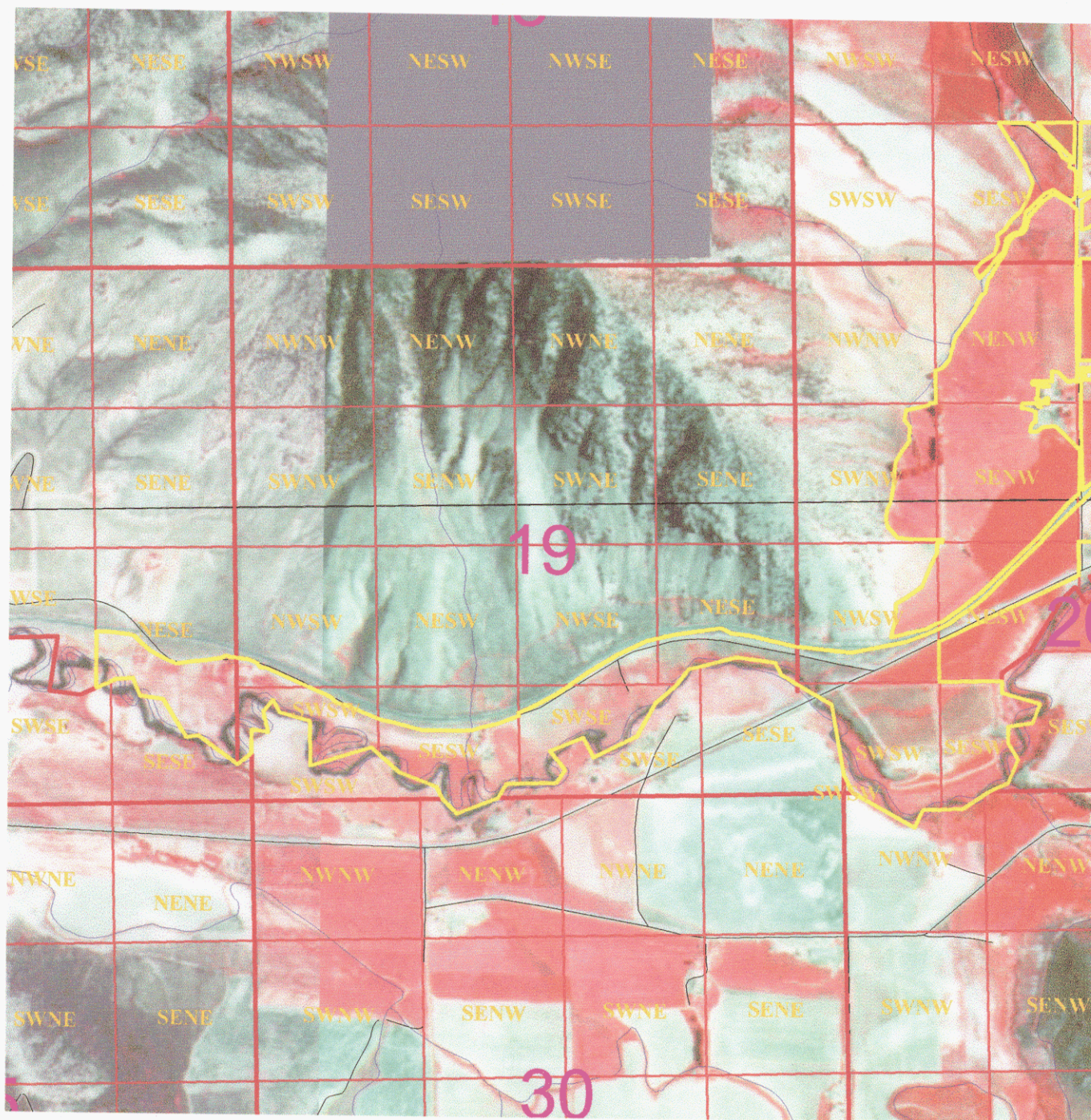
 Streams and Canals



Water Right Claim Number A29-04467

08/11/2000

Townships , 9S38E, 9S37E



T9S, R37E
T9S, R38E

T9S, R38E

LAVA IRRIGATION CO., INC.

Lot 6

Lot 6

T9S, R37E
T9S, R38E

T9S, R37E
T9S, R38E

Lot 6