

02/18/2003

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

RIGHT NUMBER: 29-10816

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

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.260 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 22.26 CFS. COMBINED RIGHT NOS.: 29-47A,
29-48, 29-4467, 29-10816.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/07/1932

POINT OF DIVERSION:

T09S R38E S9 NWNSE 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	2.260 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 RIGHT NO. 29-47A IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON.

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

WATER IS DELIVERED THROUGH LAVA IRRIGATION CO. 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

02/12/2003

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

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MAY 18 2001

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: A29-10816

Date Received: 3/28/1990

Receipt No: EQ1311Received By: JDN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Kirk Trick 776-5365

1. Name: LAVA IRRIGATION CO. LTD.

Address: P.O. BOX 182

LAVA HOT SPRINGS, ID

83246

208-776-5628

2. Date of Priority: JUL 01, 1889

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	2.260		
STOCKWATER	09/15	04/15	0.120		

7. Total Quantity Appropriated is:

2.260 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

A29-10816

Page 1

Date: 04/12/90

*Amended &
Sent 3/12*

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NOV 16 1992

A2910816



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, A29-04467

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: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ 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.

Patricia Aveni
Signature of Authorized Agent

Secretary - Lava Irrigation
Title and Organization Co. Ltd.

April 12, 1990
Date

State of Idaho)
County of BOONEVILLE) SS.

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

[Signature]
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 7-12-94

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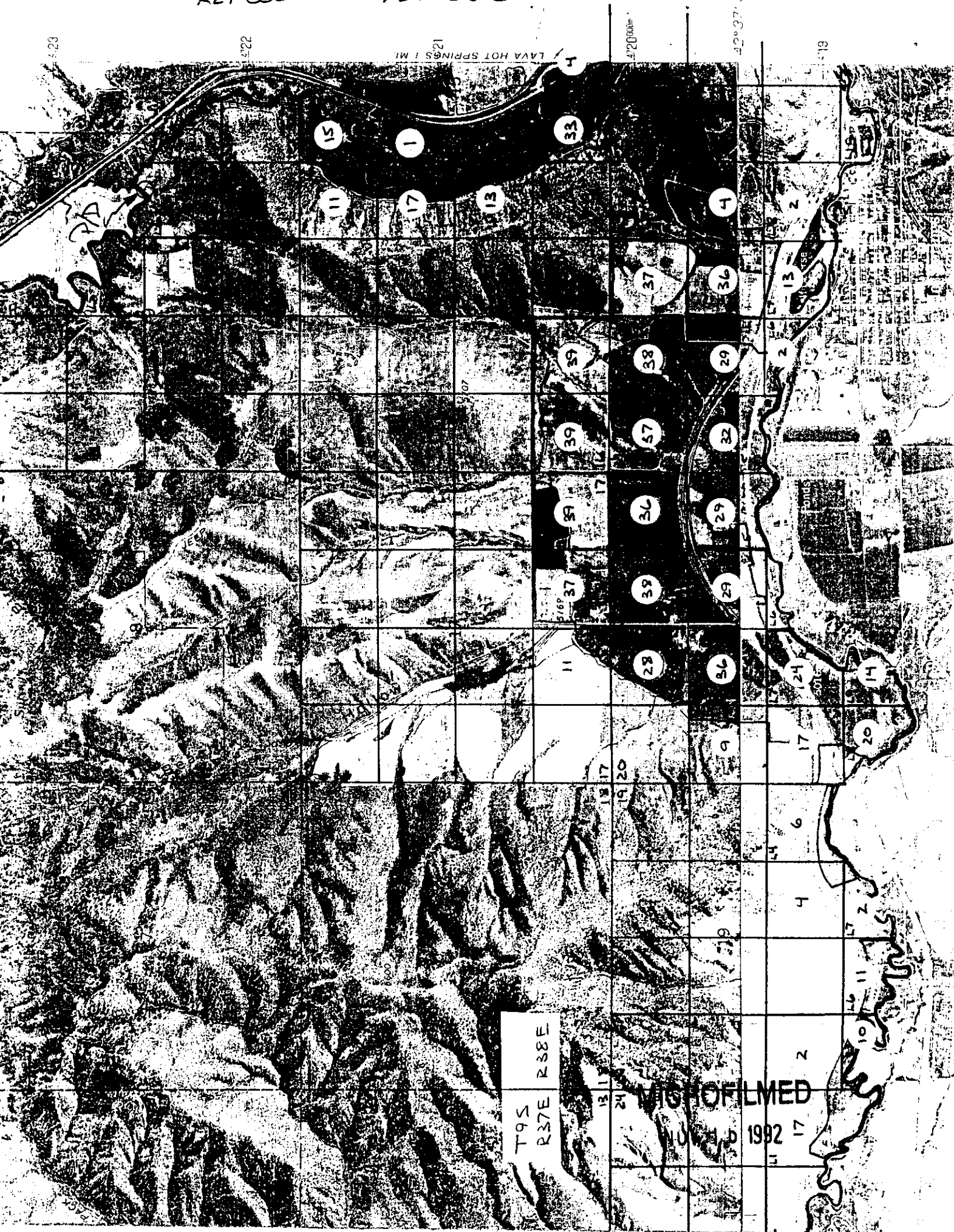
NOV 16 1992

A29-00047A

A29-04467

A29-0004

A29-10816



T95 R37E R38E

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NOV 1992

17



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 10816
POD ID 204528
Quad Haystack Mountain
Claim Type L
Easting 663228
Northing 174400
GPSID A0012519

Diversion Description

CONCRETE HEADWORKS with new metal canal gate (24"). High water mark on 24" canal gate is half way up the 24" gate opening. Placed GPS ID tag on headworks near canal gate.

Assumptions

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

POD ID 204528_01.JPG

Photos

POD ID 204528_02.JPG

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0.785

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☒ Half full
☐ More than half full
☐ Full

Diameter 2

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☒ Continuity

Velocity

0.5

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

0

Channel Description

Concrete lined .016
Smooth earth .025
Earth .033
Rough bed, weeds on sides .04
Smooth natural stream .033
Rough natural stream .1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

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INTREPID
Engineering Services, Inc. (IES)
Enabling People and Solutions

Objection Issues:

- ① Q: Claims 2.26 Paris, Stockwater 0.12
Recommended as claims
- ② N11 AND N13 Remarks should be replaced
with N05 AND N08.
- ③ Priority Date: For Union Grain and Elevator DOCS
Aug 6, 1932. EARLIEST DATE can only be one day
after DOCS = Aug 7, 1932. So recommended.

Carlsen, Ernie

To:
Subject:

Shaun Dustin (E-mail)
PodID 204528 or 204525

Hello Shaun, I received a letter from Kirk Irick, President for Lava Irrigation Co. Mr. Irick states the GPS tag is on the wrong structure for PodID 204528 or 204525. He said the tag was put on the old diversion structure which they no longer use. The new structure is about 200 feet upstream from the old diversion. The new structure is at Longitude N42 39' 10" Latitude W112 0' 35". If you have already been to this POD you might want to double check it when you get back in the area. If you have not been there yet don't rely on the existing tag identifying the correct POD.
Ernie

10/30/01 Met w/ Shaun Irick, Lava Irrig Co. Board member. TOURED THE
POD - ACTUALLY SEEN, SOME SMALL CHANGES (SEE BIG MAP), VISITED
BOTH OLD AND NEW PODS. BOTH SAME OLD - NEW IS ABOUT
100yds upstream on RIVER BEND. GPS CONTRACTOR TAG # A0012519
ON NEW POD - OLD POD ALSO GPS TAGGED EVEN THOUGH IT DON'T
WORK (NO DISCHARGE GIDS) - DID NOT GET GPS TAG #

ABR

RECEIVED

SEP 24 2001

Idaho Department of Water Resources
Attention : Mr. Ernie Carlson

Department of Water Resources

RECEIVED

SEP 27 2001

Department of Water Resources
Eastern Region

I write you this letter in concern for how the diversion point for the Lava Irrigation Company was recorded by g.p.s. and a metal tag marking the location installed. I realize that this is being handled by a contractor whom is locating and logging this information for the Department of Water Resources. My concern is that when I was up to the diversion point the other day. There was a metal tag affixed to the old site at which we used to pull water from but I could not locate a metal tag affix at our new location. We had to rebuild our diversion at a new location as our old diversion site was becoming ineffective due to high water mark in the spring washing around it. This left us with no means of shut of at the river site. We contacted Mr. Harold Jones at your offices and he informed us that as long as we stayed in the same 1/4 by 1/4 where our diversion location was that we were allowed to maintain or rebuild our diversion point. This was done after we had contacted several other agencies which Mr. Jones suggested us to follow up on one for example was the Army Core of Engineers.

They returned a letter to us explaining that as we were not going to be digging or altering the river bed that they did not have to be involved. After this project was completed I got a g.p.s. reading and called Mr. Jones with this information which he has on record at your offices. We were concerned that if our location was not properly recorded by the contractor that it would cause confusion and unneeded problems later. We were informed that you have jurisdiction in this matter. Could you please look into this and send us some return information by letter as to the need or not to correct this problem. Thank you for your consideration and time during such a massive project. One question in closing is the information that is gathered on these water diversion points sent to your Idaho Falls offices for confirmation per the updated records at your offices for validity and accuracy? One of our board members had tried to contact you by telephone about our concern after he had talked with Mr. Jones. That is how we were given your name. Mr. Jones confirmed at that time of contact that he had all the g.p.s. information we had given him there. We gave that information by telephone to him a few years back which included both the old and new g.p.s. diversion point locations.

Once again thank you and Mr. Jones for your consideration.

Sincerely : Laya Irrigation Company President

Kirk Irick Kirk Irick

POD ID 204525 / 204528

MAY 18 2001

Log for claim A29-10816

Spatial Dynamics PJM

9/11/00

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	Indiscernible
09s37e	16		1	0	No quarter/quarter description
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	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	

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. Deane 4-10-90

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

NOTARY: RESIDING AT POCAHONTE

GANNON COUNTY

Gilbert R. Biersing II

MY COMMISSION EXPIRES

10-4-94

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NOV 16 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 until it ~~either~~
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 & hay field
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 16 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 M. Peterson
Notary Public

Love Hot Springs
Residing At

MICROFILMED

NOV 10 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 years
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 irrigate through
October 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.

MICROFILMED
Lester Waters
NOV 16 1992

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

PO Box 416
Greenleaf Idaho
83626-0416



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

March 30, 1990

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Golden and Vera Avery
P. O. Box 264
Lava Hot Springs, Idaho 83246

RE: Notices of Claim to a Water Right

Dear Mr. and Mrs. Avery,

Enclosed you will find two sets of copies of the Notices of Claim to a Water Right that Mrs. Avery and I worked on during her visit to this office, Wednesday, March 28, 1990. One set has been marked 'State Copies' and the other has been marked 'Personal Copies'.

Please check over each copy for any errors that may have been made. Then sign each of the 'State Copies' in front of a notary and return them to this office with your payment of \$110.00.

I have included extra signature pages for your domestic Notice of Claim from Stephens Springs for your convenience.

Please remember that the filing deadline for your area of Bannock County is May 1, 1990. Be sure to return your notarized 'State Copies' with your payment before then to avoid any late fees. The 'Personal Copies' are for your records.

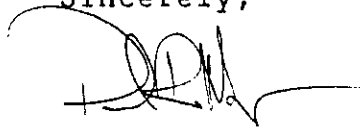
The fees have been calculated as follows:

Claim	Fee
A29-04228 (domestic springs)	\$ 60.00
A29-10816 (overlaps Lava Irr. Co.)	50.00
Total ==>	\$ 110.00 =====

Again, it would probably be best to return these 'State Copies' a few days after Lava Irrigation Co.'s Notices of Claim are returned to this office. Please be sure to return both yours and Lava Irrigation Co.'s claims before May 1, 1990.

If you have any questions, feel free to give me a call at this office. The phone number is 525-7161.

Sincerely,


Paul R. Meyer
WR Agent, Senior

enc.

MICROFILMED
NOV 16 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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REMARKS: Union Grain and Elevator vs McCammon 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.

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APPENDAGE TO THE FILING OF WATER RIGHT OF

LAVA IRRIGATION COMPANY

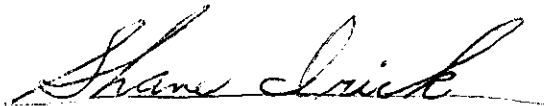
Portneuf River district #29 Lava Hot Springs, Idaho 83246

Our present decreed water rights are jeopardized by:

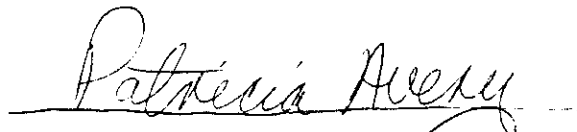
1. Illegal loss free transportation of storage water in the river channel. We ask the adjudication correct this situation by requiring the users of the storage water to stand the loss or require all the water users in the river district to share in the loss on a percentage basis according to the cubic 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.

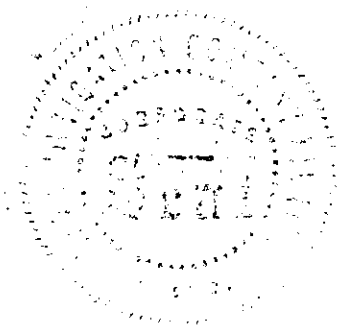
We have filed a claim of use #29-4467 claiming the right to use the water in this manner until November 15 each year. This application was not protested when advertised. We request this use right be recognized and established as a legitimate water right as of 1904 the same as our decreed right.



Shane Irick - President



Patricia Avery - Sec.



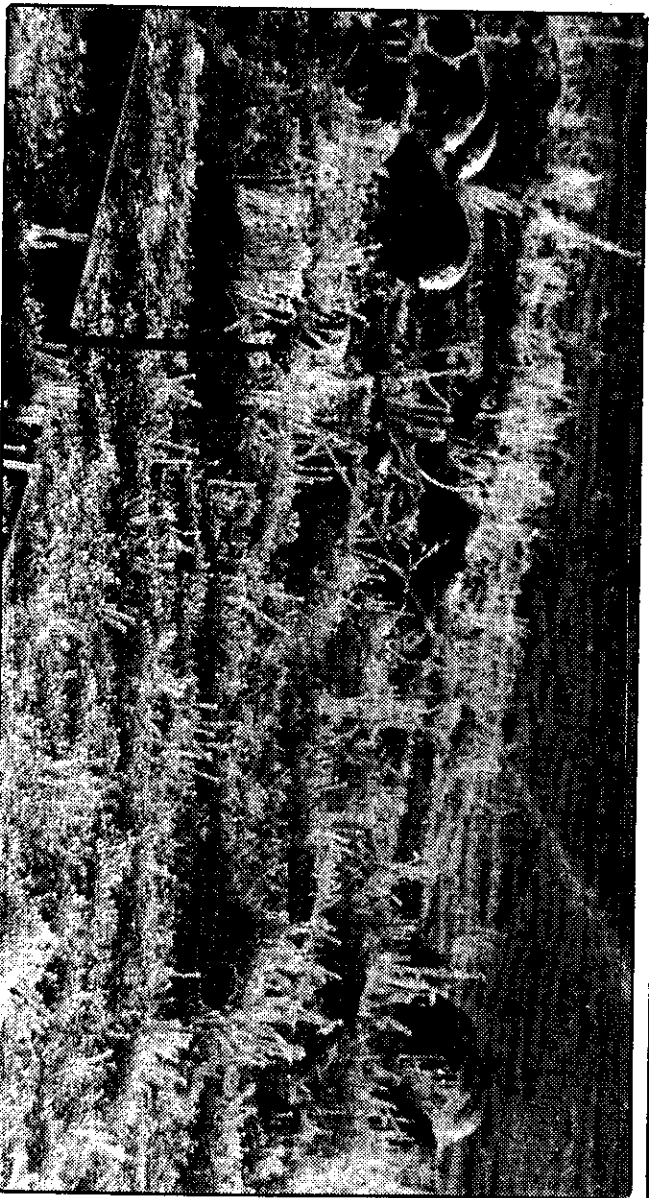
Lava Irrigation Co.
Seal

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PAGE 8 · SECTION D · IDAHO STATE JOURNAL · POCATELLO-CHUBBUCK, IDAHO, SUNDAY, APRIL 8, 1990

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 16 1992

April 9, 1930

Idaho State Water
Resource Board:

I am writing this as a member
of the State Irrigation Co., on the
Sunny Side District as it is commonly
known; and also as a member of
the Fredl family. We are the only
family to still own our original
homestead, 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 our hydrologist
and I believe his son is your
hydrologist now.

Our project is small **MICROFILMED**
more than a thousand acres in
the beginning, Higginson 30 was
NOV 16 1992

Taken away some of our land. 2
There was plenty of water, for
every one 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
from the sheep to drink.

They built the reservoir at
Chatterfield, they tried turning the
stored water down the Portneuf
River, which would not carry the
extra water. They paid damages
for several years to **MICROFILMED**
downstream for flooding the fields;
They then built the long outlet canal
to bypass the farmer. In the beginning
the canal would not carry the
NOV 16 1992

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

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

Ever since, our project has had less and less water, as 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 **MICROFILMED** inches of snow were **NOV 16 1932** around. We have done this all through my lifetime. Nobody has ever tried to stop us, and I feel that

4 we have established a right to do this.

Now, companies have plan to build hydropower plants in the river, and they intend to demand the entire river for when the irrigation season until the spring when the season begins again. Everything is shaping up, we will have scarcely any water at all. I should not be allowed to do this to us. The plans are needed at all, and the federal government should never have approved their building.

Sincerely
William Field
P. O. Box 137
Tava Hot Springs
Idaho, 83246

MICROFILME

NOV 16 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.

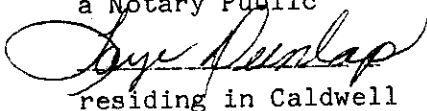
As the growing seasons became hotter, there was less water available to this Canal Company, and sometimes, we were cut down to three streams of about 50 inches of water each at the headgates.

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

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NOV 16 1992

STATE OF IDAHO, COUNTY OF BANNOCK

On this 9th day of APRIL, 1928, 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~~ executed the same.

Robert D. Sargent
NOTARY PUBLIC

Residing at LAUA HOT SPRINGS, Idaho

Commission Expires LIFETIME

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

Marcel D. Reed
Notary Public

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NOV 16 1992

APPROVAL CONDITION

- M03 PCD A TOTALIZING MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
- M04 PCD A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO IDWR SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS A PART OF THE DIVERTING WORKS.
- M05 PCD A LOCKABLE MEASURING DEVICE OF A TYPE ACCEPTABLE TO IDWR SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS PART OF THE DIVERTING WORKS.
- M10 PCD MEASURING DEVICES OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AT THE POINT OF DIVERSION AND POINT OF EFFLUENT DISCHARGE.
- M11 PCD A MEASURING DEVICE OR ACCESS PORT FOR INSTALLATION OF A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS PART OF THE DIVERTING WORKS.
- N01 QNT THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.
- N03 QNT THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED FOR DOMESTIC PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.
- N05 QNT THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N06 QNT THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500 GALLONS PER DAY.
- N07 CON THE CONSUMPTIVE USE VOLUME IS ONLY FOR THE IRRIGATION PORTION OF THIS WATER RIGHT.
- N08 GEN THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N09 GEN THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N10 GEN THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

HHH HH3

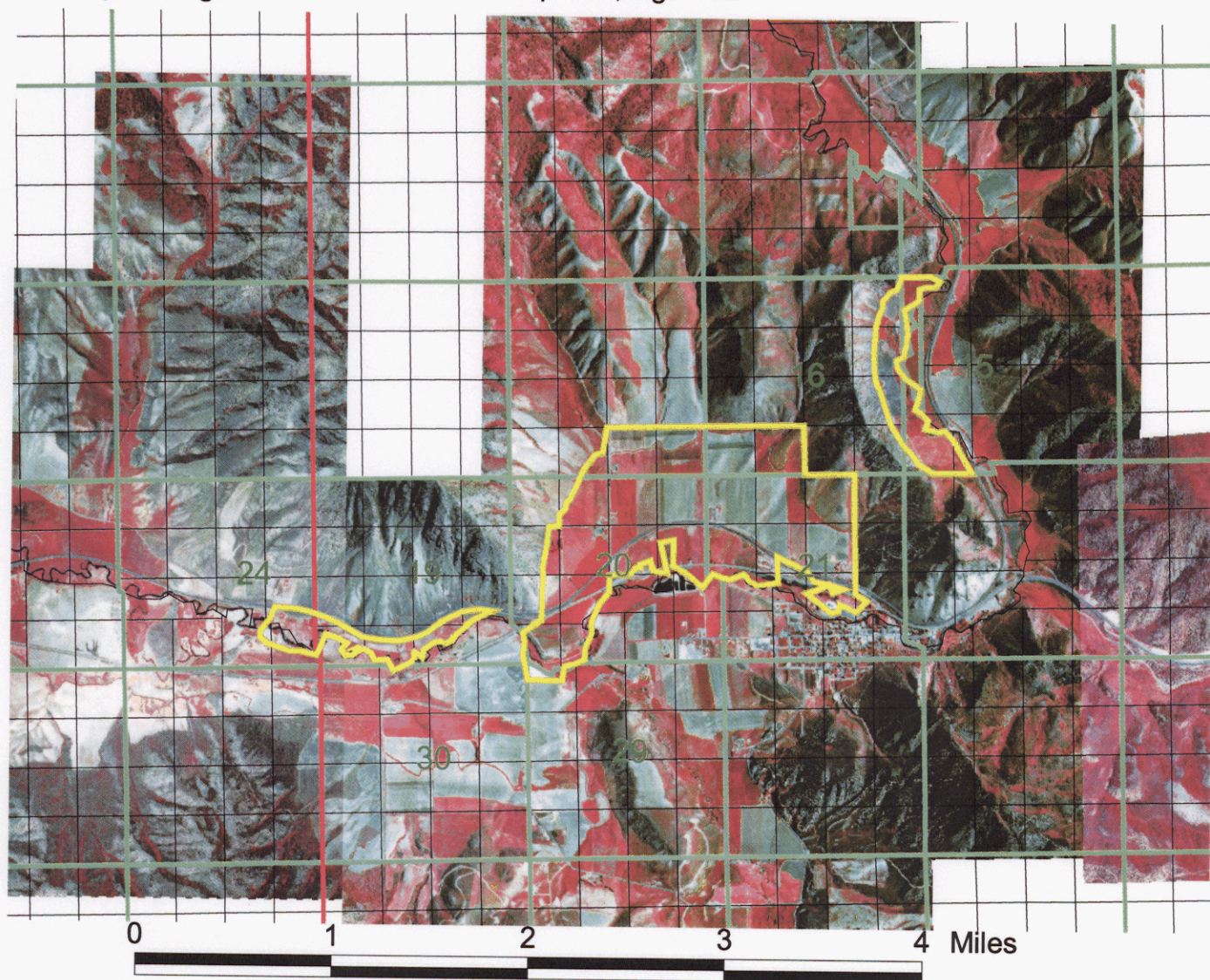


Department of Water Resources

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

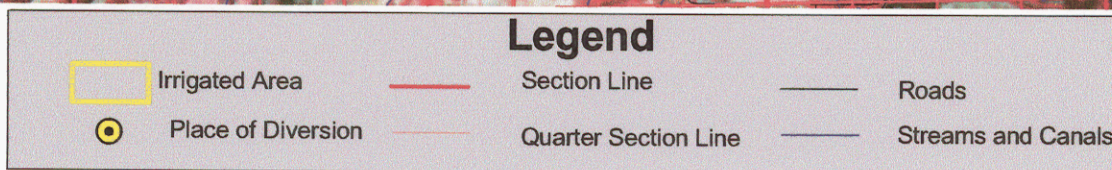
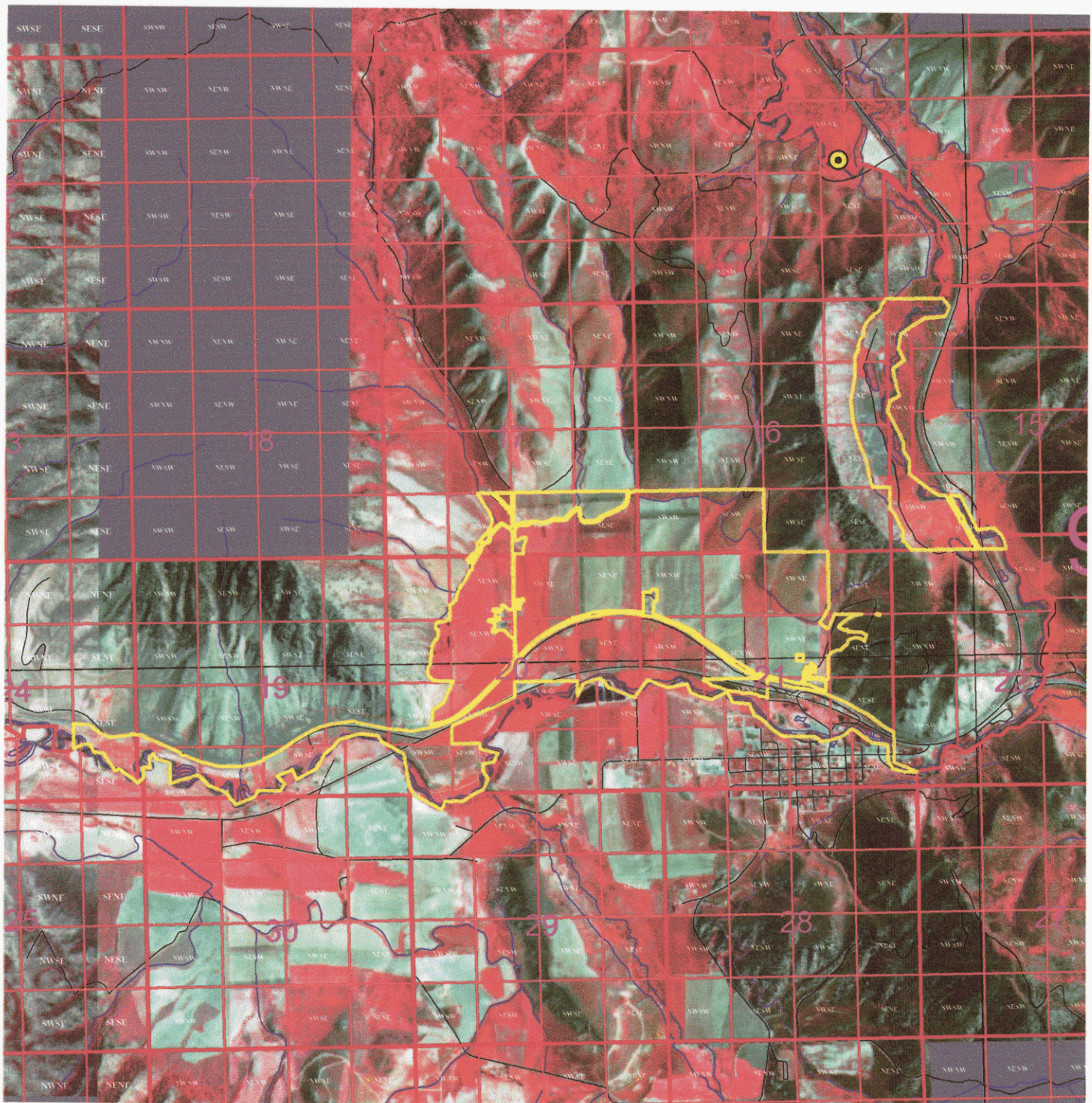


GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: January 2003

Water Right Claim Number A29-10816

Townships , 9S38E, 9S37E

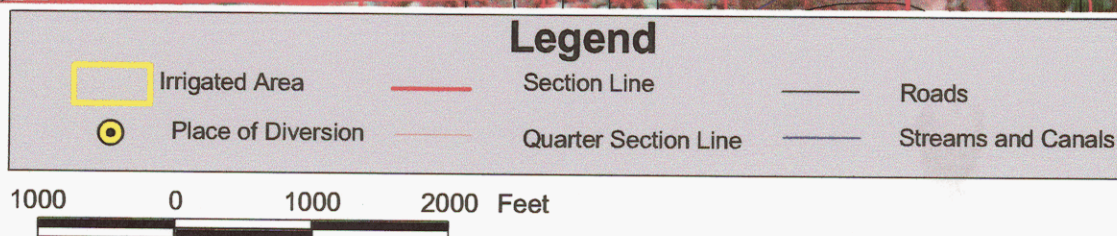
09/11/2000



1000 0 1000 2000 Feet



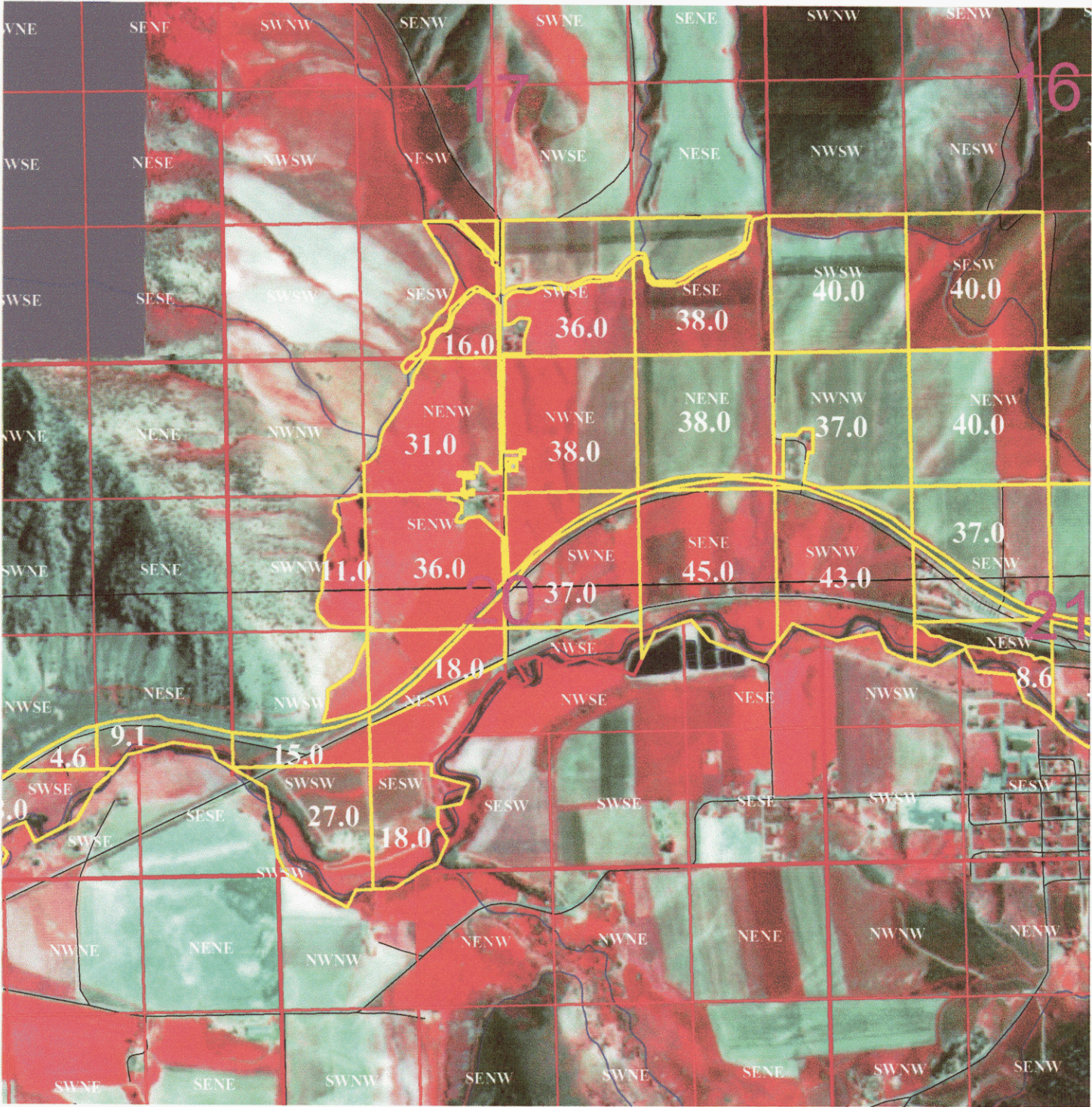
09/11/2000



Water Right Claim Number A29-10816

09/11/2000

Townships , 9S38E, 9S37E



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals

1000

0

1000

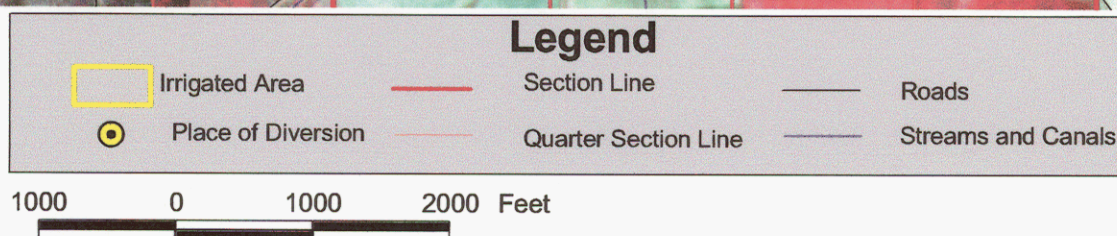
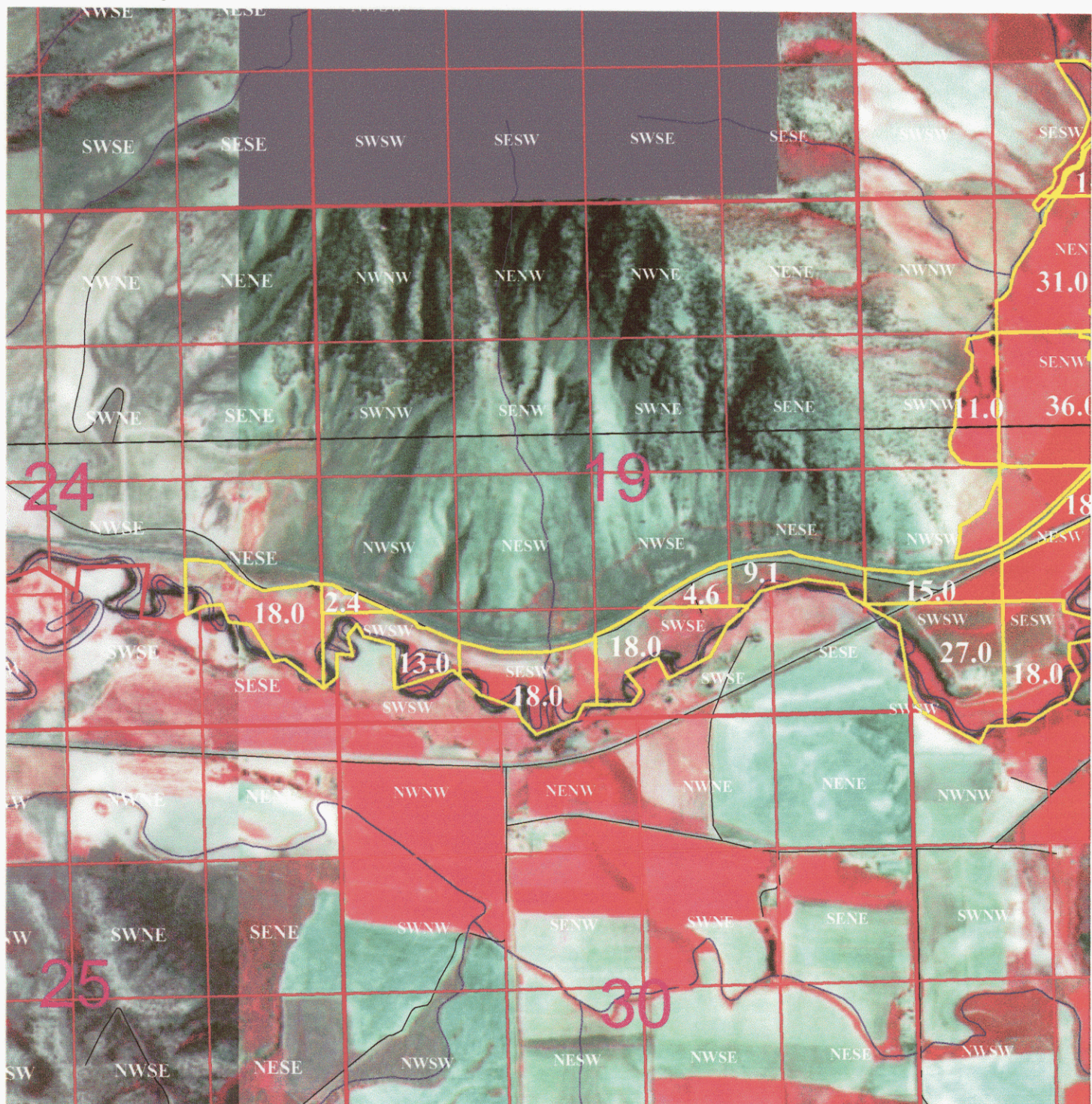
2000

Feet

Water Right Claim Number A29-10816

09/11/2000

Townships , 9S38E, 9S37E



LAVA IRRIGATION CO., INC.

T9S, R37E
T9S, R38E

Lot 6

