
Lava Lake Land & Livestock, L.L.C.

P.O. Box 2249
Hailey, Idaho 83333
Tel : 208-788-1710
Fax : 208-788-1264

TO: Kelly Christensen DATE: July 15, 2005
FROM: Cheryl Bennett  RE: Priority Water Right
Dates

Please find enclosed affidavits from Mr. Nick Purdy, Mr. Pete Cenarrusa, Mr. Bob Coates, and Mr. Jim Peterson, Sr., regarding priority water right dates for water rights now listed for Lava Lake Land & Livestock, LLC and Muldoon Grazing Association. If you have any questions or comments, please call me at 208-788-1710. Thank you.

RECEIVED
JUL 19 2005
Department of Water Resources
Southern Region

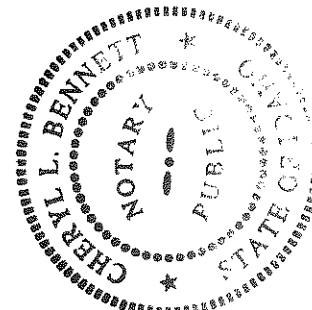
JAMES R. BENNETTS
Attorney at Law
PO Box 36
Challis, Idaho 83226
Phone: 208-879-4488
Fax: 208-879-4248

RECEIVED

JUL 19 2005

Department of Water Resources
Southern Region

AFFIDAVIT OF PETE CENARRUSA
Water Use
Water Right 37-4392



STATE OF IDAHO)
 ss:
County of Blaine)

First being sworn and deposed, the undersigned states as follows:

1. I am of the age of majority and I have sound recollection. Also, I can state that I have reviewed the above water claim or right as presently filed.
2. The land this water right is located on was originally homesteaded by Mr. Lee Abbott in 1911 and was bought by my uncle in 1945, later purchased by my father, and ultimately owned by me. We also owned lands surrounding the Abbott place.
3. This particular water right was for irrigation and stock water. The water from this diversion is located adjacent to the crossing of the Middle Fork of Fish Creek, just 50 to 100 feet South of what is called the Upper Corral or Old Pete's Place. It was first used by the Abbott's on their homestead. I personally remember as early as 1932 that there was alfalfa grown and the meadows grazed. The fields and meadows were well established and had been this way for quite some time. I also remember discussions with the herders regarding the grazing of the meadows as it was always used for the sheep operation. Based on my recollection and my knowledge of the history of the area I believe the priority date claimed would be accurate based solely on my observation and the fact the water was in use prior to 1932 and that the use has been consistent to this date.
4. The grandson of Abbott, Robert Abbott Coates, and I grew up together and spent much of our childhood in this area. Mr. Coates is now living in Nampa, Idaho and he can attest to this information as well.
5. The notice of claim to this water right is attached.

IN WITNESS WHEREOF, the party hereto has hereunto set his hand and seal the day and year first above written.

Dated: 07-06-05

Pete Cenarrusa
Pete Cenarrusa

On this 6th day of July, 2005, before me, a Notary Public in and for said State, personally appeared PETE CENARRUSA, know to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Charles R. Bennett
Notary Public

My Commission Expires on September 07, 2005

JAMES R. BENNETTS
Attorney at Law
PO Box 36
Challis, Idaho 83226
Phone: 208-879-4488
Fax: 208-879-4248

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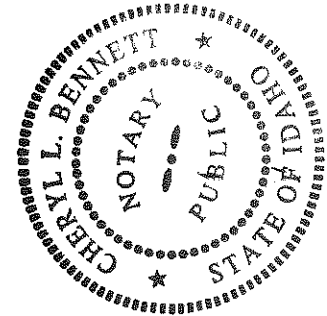
Department of Water Resources
Southern Region

AFFIDAVIT OF ROBERT ABBOTT COATES
Water Use
Water Right 37-4392

STATE OF IDAHO)

ss:

County of Blaine)



First being sworn and deposed, the undersigned states as follows:

1. I am of the age of majority and I have sound recollection. Also, I can state that I have reviewed the above water claim or right as presently filed.
2. The land this water right is located on was originally homesteaded by my grandfather Mr. Lee Abbott. My mother went to school in Bellevue, Idaho in 1910 and the family moved out to Fish Creek and homesteaded this property in 1911. My grandfather started irrigating the meadows shortly after he homesteaded the property. I was born in 1921 and remember going to the fields with him as a small boy. As early as I can remember this property was irrigated for hay and the water was also used for stock water.
3. I grew up with Mr. Pete Cenarrusa and I have read his affidavit regarding this water right and agree with his description of the water right and the dates associated with the filing. Mr. Cenarrusa and I both share the same recollection of the use of the water for irrigation and stock water use.

IN WITNESS WHEREOF, the party hereto has hereunto set his hand and seal the day and year first above written.

Dated: July 13 2005

Robert Abbott Coates
Robert Abbott Coates

On this 13th day of July, 2005, before me, a Notary Public in and for said State, personally appeared ROBERT ABBOTT COATES, know to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Cheryl L. Bennett
Notary Public
My Commission Expires on Sept 09, 2008