

SEP 23 2008

DEPARTMENT OF
WATER RESOURCES

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September 19, 2008

Nick Spencer
Deputy Attorney General
Idaho Department of Water Resources
P.O. box 83720
Boise, ID 83720-0098

Re: SRBA Subcase nos. 37-4392 and 37-4393

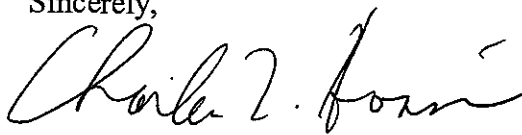
Dear Nick:

As discussed at the Initial Hearing in the above-referenced subcases, I recently met with Pete Cenarrusa and Bob Coates to work with them and create new affidavits that are more specific with respect to the priority dates claimed for Lava Lake Land and Livestock, LLC water right nos. 37-4392 and 37-4393. The enclosed affidavits are the result of that meeting. Please forward copies of these affidavits to Kelly Christensen.

It appears that the Affidavits substantiate the priority dates claimed for these water rights. Therefore, I believe that with this change to the water rights, along with the place of use changes we discussed at the Initial Hearing, Lava Lake Land and Livestock, LLC will be prepared to execute Standard Forms Five to settle the subcases. I look forward to receiving the same from you shortly.

Please contact me with any questions or concerns.

Sincerely,


Charles L. Honsinger

enclosures

cc: Mike Stevens (w/enclosures)

Attorneys for Claimant Lava Lake Land and Livestock, LLC

AFFIDAVIT OF PETE T. CENARRUSA - Page 1

previously submitted for the same purpose.

3. I lived with my family in Picabo, Idaho from 1922 through 1924, and moved to Bellevue in 1924. My father became friendly with Charlie Ralls at that time. Mr. Ralls owned property on Fish Creek at that time. So, as a child, I used to visit the Ralls property from 1924 onwards, and recall the irrigation of the Fish Creek property at that time.

4. Ira Eldridge was a local sheep owner in the Fish Creek area. I knew him from about 1924 onwards approximately 1936. I used to sit and speak with him about local history for many hours as we became friends. He told me that he was herding sheep in the Fish Creek area starting in 1905. He was known locally as "Boss" Eldridge. He explained to me that water was used on the Fish Creek property that these water rights are claimed on for irrigation at the time that he was first running sheep on the property in 1905.

5. My uncle, Pete Cenarrusa , purchased the Fish Creek property on which these water rights were used in 1945. My father, Joe Cenarrusa, purchased the Iron Mine Creek property in approximately 1946 from Robert Abbott Coates' father. My father conveyed the property to me in approximately 1956. Finally, I conveyed the property to Lava Lake Land and Livestock, LLC in approximately 2001. I spent almost 76 years (since 1924) visiting and irrigating the property, and as such am very familiar with the irrigation practices and irrigation history on the property.

5. I have reviewed Robert Abbot Coates made on the same day as this affidavit and find that it comports with my understanding and memory about the irrigation history on the properties on which these water rights are claimed.

Further your affiant sayeth naught.

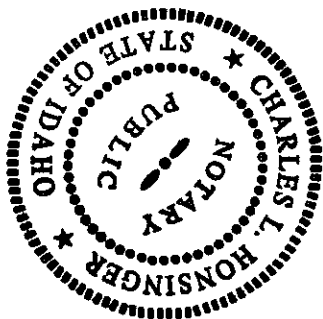
Pete T. Cenarrusa

Pete T. Cenarrusa

STATE OF IDAHO)
)ss.
County of Ada)

On this 19th day of September, 2008, before me, the undersigned, a notary public in and for said state, personally appeared PETE T. CENARRUSA, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

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



Charles L. Honsinger
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 7/30/2010