

SEP 23 2008

DEPARTMENT OF  
WATER RESOURCES

Laura E. Burri  
Adam S. Christenson  
Jeffrey R. Christenson  
David P. Claiborne  
S. Bryce Farris  
Jon C. Gould  
David Hamnerquist  
Charles L. Honsinger \*\*  
James P. Kaufman  
Jennifer Reid Mahoney  
James G. Reid \*  
Daniel V. Stearnson

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

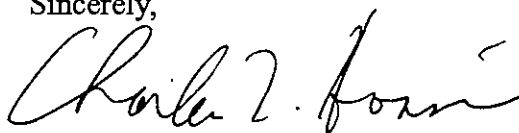
Dear Nick:

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 ROBERT ABBOTT COATES - Page 1

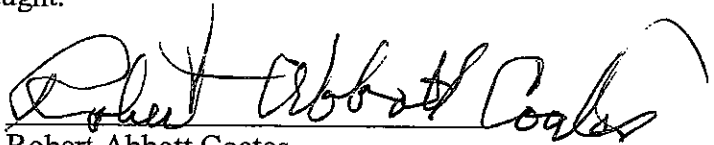
have previously made for this purpose.

3. I was born and grew up on the land which water right nos. 37-4392 and 4393 are located. My mother explained to me as part of the family history that she went to school in Bellevue, Idaho in 1910, and that she and her parents moved to the Fish Creek property on which water right 37-4392 is located in 1911 to homestead this property shortly after she finished grade school. My father explained to me that he homesteaded the Iron Mine Creek Property on which water right no. 37-4393 was used beginning in 1916. He told me he was granted a patent to the Iron Creek property the year I was born in 1921.

4. Because I grew up in that area, I am aware that the first thing that anybody would have done at that time when they moved on to a property was to irrigate immediately, so that they could raise hay for their livestock during the winter time and avoid starvation. It is my understanding from my long history with these water rights and the need to immediately irrigate property on which you lived at that time, that my grandfather irrigated the Fish Creek property as soon as he moved there in 1911, and that my father used beaver dams on Iron Mine Creek to irrigate his property from the time that he moved there in 1916.

5. I have reviewed Pete Cenarrusa's affidavit of today's date and find it to comport with my memory and understanding of the use and history of these water rights.

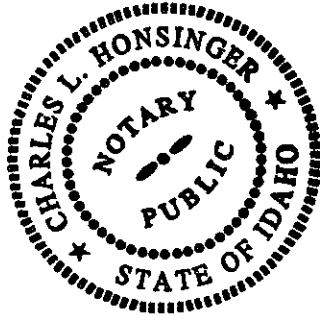
Further your affiant sayeth naught.

  
Robert Abbott Coates

STATE OF IDAHO                    )  
                                              )ss.  
County of Ada                    )

On this 19<sup>th</sup> day of September, 2008, before me, the undersigned, a notary public in and for said state, personally appeared ROBERT ABBOTT COATES, 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: 7/30/2015