

MAI 22 2009

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

Subcase No.: 37-22100

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER RIGHT

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Lava Lake Land & Livestock LLC

Charles W. Hovis 05/13/06

Charles L. Honsinger Date
Attorney for Lava Lake Land & Livestock LLC

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Dante 5/15/09

David L. Negri *DLN* Date _____
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Kelly K. Christensen 3-4-09
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer 3-4-09
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

12/10/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-22100

Name and Address: LAVA LAKE LAND & LIVESTOCK LLC
PO BOX 2249
HAILEY, ID 83333

Source: LAVA LAKE Tributary: SINKS

Quantity: ~~14.60~~ AFY 0.02 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

Priority Date: 07-01-1885

Diversion Point: ~~T01N R23E S28~~ ~~NENESE Within Blaine County~~

T01N R23E S28 SENESE Begin of Stream Flow Within BLAINE County

T01N R23E S28 SENESE Begin of Stream Flow Within BLAINE County

T01N R23E S28 SWSESE End of Stream Flow Within BLAINE County

T01N R23E S33 NENWNE End of Stream Flow Within BLAINE County

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Stockwater Storage~~	~~01-01 TO 12-31~~	~~14.60 AFY~~
	~~Stockwater from Storage~~	~~01-01 TO 12-31~~	~~14.60 AFY~~
	Stockwater	01/01 to 12/31	0.020 Cfs

Place of Use: Stockwater Storage Within Blaine County

~~T01N R23E S27~~	~~NWSW~~		
T01N R23E S28	NESE	T01N R23E S28	NWSE
T01N R23E S28	SWSE	T01N R23E S28	SESE
~~T01N R23E S33~~	~~NENE~~	T01N R23E S33	NWNE

~~Stockwater from Storage~~ Within Blaine County

~~T01N R23E S27~~	~~NWSW~~		
T01N R23E S28	NESE	T01N R23E S28	NWSE
T01N R23E S28	SWSE	T01N R23E S28	SESE
~~T01N R23E S33~~	~~NENE~~	T01N R23E S33	NWNE

Other Provisions Necessary for Definition / Administration of this Water Right:

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: Basis of Claim - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on 05-21, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

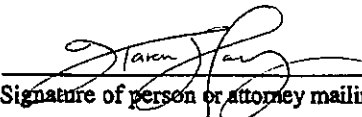
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Charles L. Honsinger
Ringert Law Chartered
P.O. Box 2773
Boise, ID 83701-2773

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form