

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 37-745
Date Received: 12/2/88
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO CA 94118

Phone: (415)922-5378

2. Date of Priority: 05/05/1909

3. Source: FISH CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
02N	22E	24	NW NW SE	BLAINE

5. Description of diverting works:

PUMP, PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.4	

7. Total Quantity Appropriated is:

0.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	22E	24	SW	NE	IRRIGATION	30
			NW	SE	IRRIGATION	15
					Section Acres	45
					Total Acres	45

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

12/19/00 tf; Ownership changed Biskay Land & Livestock to Lava Lake Land & Livestock per 1409(6) and warranty deed received 7/21/00.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

January 10, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO CA 94118

RE: SRBA Claim(s) A37-00745, A37-00746, A37-02123,
 A37-04392, A37-04393, A37-04394

Dear Claimants:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.

RECEIVED
JUL 21 2000
Department of Water Resources
Southern Region
is page.

Incomplete forms will be returned.

1. Water Right Number(s) A37-04394, together with all rights appurtenant to lands described on attached deed.
Adjudication Claim Number(s) _____

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED

99 JUN 10 AM 9:04

1. The name of the limited liability company is: LAVA LAKE LAND & LIVESTOCK, L.L.C.

STATE OF IDAHO

2. The address of the initial registered office is: 1231 Main Street

(not a PO Box)

Challis, Idaho 83226

and the name of the initial registered agent at that address is: James R. Bennetts

Signature of registered agent:

James R. Bennetts

3. Is management of the limited liability company vested in a manager or managers?

☒ Yes

☐ No

(check appropriate box)

4. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:

Address:

Erian S. Bean and Kathleen T.

3527 Washington Street

Bean, Trustees of the Bean-

San Francisco CA 94118

Tedrow Family Trust U/D/T

dated March 15, 1996

5. Signature of at least one person listed in #4 above:

Erian S. Bean
Kathleen T. Bean

IDAHO SECRETARY OF STATE
Secretary of State use only

06/10/1999 09:00
CR: 1949 CT: 116610 IN: 24375

1 0 100.00 = 100.00 GROSS LLC 0 2

W 8959

CORPORATE WARRANTY DEED

1. Conveyance of Real Property. For value received, **BISKAY LAND & LIVESTOCK CO.**, an Idaho corporation, by and through its President Pete T. Cenarrusa, with its principal office at 2400 Cherry Lane, Boise, Idaho ("Grantor") hereby **GRANTS, BARGAINS, SELLS, AND CONVEYS** to **LAVA LAKE LAND & LIVESTOCK, L.L.C.**, an Idaho limited liability company, with its principal office at 3527 Washington Street, San Francisco, California 94118 ("Grantee") the real property located in Blaine County, State of Idaho and further described on Exhibit A attached ("Real Property"), **TO HAVE AND TO HOLD** the Real Property and the appurtenances to the Real Property unto the Grantee and the Grantee's heirs and assigns forever.

2. Representations and Covenants of the Grantor. The Grantor represents to and covenants with the Grantee as follows:

- A. The Grantor is the owner in fee simple of the Real Property.
- B. The Real Property is free from all encumbrances, subject to and except for (i) the encumbrances described on Exhibit B attached, (ii) encumbrances made, suffered, or done by the Grantee, and (iii) general taxes and assessments (including irrigation and utility assessments, if any) for the current year which are not yet due and payable.
- C. The Grantor will warrant and defend the quiet enjoyment of the Real Property from all lawful claims, to the extent of the warranties contained in this Deed.
- D. The Grantor will give such assurances and perform such acts as may be necessary to perfect or confirm the title conveyed by this Deed.

3. Certification of Authorization. The officer who signs this Deed certifies that the Deed and the transfer represented by the Deed were duly authorized by the Board of Directors in accordance with the Bylaws and Articles of the Grantor and the laws applicable to the Grantor.

GRANTOR

Dated: May 31, 2000

BISKAY LAND & LIVESTOCK CO.

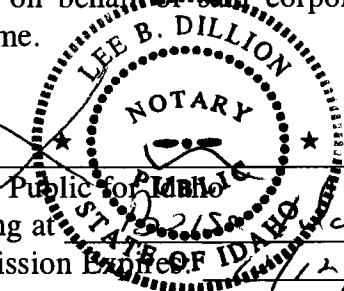
ATTEST:


Freda Cenarrusa, Secretary

By: 
Pete T. Cenarrusa, President

STATE OF IDAHO)
County of Adair) ss

On this 31st day of May, 2000, before me, a notary public in and for the State of Idaho, personally appeared Pete T. Cenarrusa and Freda Cenarrusa, known or identified to me to be the President and Secretary of Biskay Land & Livestock Co., the corporation that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.


Notary Public for Idaho
Residing at 1221 S. 21st St.
Commission Expires 12/03

SCHEDULE A

Order Number: 00009476

LEGAL DESCRIPTION

TOWNSHIP 2 NORTH, RANGE 22 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 24: S1/2N1/2, N1/2S1/2, SW1/4SW1/4, SE1/4SE1/4

SECTION 25: NE1/4NE1/4

TOWNSHIP 2 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 3: SE1/4, SE1/4SW1/4

SECTION 4: NW1/4NW1/4, S1/2NW1/4, SW1/4, W1/2SE1/4

SECTION 5: NE1/4NE1/4, W1/2E1/2, E1/2W1/2, W1/2SW1/4, NW1/4NW1/4

SECTION 6: E1/2SE1/4, NW1/4NE1/4, E1/2NE1/4, SW1/4NE1/4

EXCEPTING THEREFROM THE FOLLOWING TWO PARCELS:

PARCEL I:

TOWNSHIP 2 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTIONS 5 & 6: A parcel of land lying within said sections, more particularly described as follows:

BEGINNING at the Northwest corner of said Section 5, thence S. 29°32'35" E., 739.27 feet to the REAL POINT OF BEGINNING, said point also lies S. 74°6'52" W., 2,363.72 feet from the North quarter corner of Section 5; thence S. 21°44'44" E., 595.45 feet; thence S. 81°51'10" W., 591.09 feet; thence S. 57°35'00" W., 322.18 feet; thence N. 3°42'29" W., 494.31 feet; thence N. 69°9'28" E., 156.51 feet; thence N. 58°46'7" E., 247.78 feet; thence N. 68°39'8" E., 264.18 feet; thence N. 60°46'38" E., 73.67 feet to the REAL POINT OF BEGINNING.

PARCEL II:

SECTION 6: A parcel of land lying within said section, more particularly described as follows:

BEGINNING at a point on the North and South centerline of Section 6, Township 2 North, Range 23 E.B.M., S. 0°05'W., 1996.6 feet from the North 1/4 Corner of said Section. Running thence N. 31°21' E., 379.9 feet; thence N. 70°40' E., 431.9 feet; thence N. 39°16' E., 248.3 feet; thence N. 32°46' E., 38.9 feet more or less to the intersection of the North line of the SE1/4NE1/4 of Section 6; thence S. 89°57' W., 791.9 feet along said line to the centerline of said Section; thence S. 0°05' W., 682.6 feet along said centerline to the POINT OF BEGINNING. (Shown as Tax Lot 1135 on the Blaine County Assessor's tax rolls.)

Continued on next page

EXHIBIT 'A'

Continuation of Schedule A - Legal Description
Order Number: 00009476

(End of excepted property)

TOWNSHIP 2 NORTH RANGE 23 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTIONS 5 & 6: A parcel of land lying within said sections, more particularly described as follows:

BEGINNING at the Northwest corner of said Section 5, thence S. $29^{\circ}32'35''$ E., 739.27 feet to the REAL POINT OF BEGINNING, said point also lies S. $74^{\circ}6'52''$ W., 2,363.72 feet from the North quarter corner of Section 5; thence S. $21^{\circ}44'44''$ E., 595.45 feet; thence S. $81^{\circ}51'10''$ W., 591.09 feet; thence S. $57^{\circ}35'00''$ W., 322.18 feet; thence N. $3^{\circ}42'29''$ W., 494.31 feet; thence N. $69^{\circ}9'28''$ E., 156.51 feet; thence N. $58^{\circ}46'7''$ E., 247.78 feet; thence N. $68^{\circ}39'8''$ E., 264.18 feet; thence N. $60^{\circ}46'38''$ E., 73.67 feet to the REAL POINT OF BEGINNING.

SECTION 9: N1/2NW1/4, W1/2NE1/4, NE1/4SE1/4

SECTION 10: NW1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, SW1/4

SECTION 15: N1/2NW1/4

SECTION 17: W1/2W1/2

SECTION 18: S1/2SE1/4

SECTION 19: E1/2, NE1/4NW1/4, E1/2SW1/4, Lot 3, Lot 4

SECTION 20: NW1/4NW1/4, SW1/4, W1/2SE1/4

SECTION 28: N1/2SW1/4, SE1/4SW1/4

SECTION 29: N1/2NW1/4

SECTION 30: N1/2NE1/4, NE1/4NW1/4, Lot 1

SECTION 33: NE1/4NW1/4

TOWNSHIP 3 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 27: SW1/4NW1/4, SW1/4

SECTION 28: S1/2N1/2, S1/2

SECTION 29: SW1/4, S1/2NW1/4, W1/2SE1/4, SW1/4NE1/4, SE1/4NE1/4, E1/2SE1/4

SECTION 30: SE1/4, SE1/4NE1/4

SECTION 31: ALL

Continued on next page

Continuation of Schedule A - Legal Description

Order Number: 00009476

SECTION 32: W1/2, W1/2SE1/4, NE1/4SE1/4, SE1/4NE1/4, NW1/4NE1/4, SE1/4SE1/4, NE1/4NE1/4

SECTION 33: SW1/4NW1/4, SW1/4SW1/4, NE1/4, E1/2NW1/4, NW1/4NW1/4

SECTION 34: NW1/4

TOWNSHIP 3 NORTH, RANGE 22 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO

SECTION 24: NW1/4SE1/4

TOWNSHIP 3 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO

SECTION 19: Lot 2, SE1/4NW1/4

TOWNSHIP 3 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

SECTION 23: NW1/4SE1/4

13. Exceptions and reservations in that certain Patent Deed from the UNITED STATES to ROY EUGENE BRYAN, recorded April 20, 1922 as Instrument No. 50232 in Book 99 of Patents, page 423, records of Blaine County, Idaho which states: "Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862)."
14. Exceptions and reservations in that certain Patent Deed from the UNITED STATES to LEVAUR P. COATES, recorded December 20, 1983 as Instrument No. 78147 in Book 129 of Patents, page 395, records of Blaine County, Idaho which states: "Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862)."
15. Exceptions and reservations in that certain Patent Deed from the UNITED STATES to FRANK B. VENABLE, recorded November 17, 1949 as Instrument No. 96442 in Book 129 of Patents, page 605, records of Blaine County, Idaho which states: "Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to centerline of power transmission lines in new subdivisions", recorded March 5, 1996, as Instrument No. 387653, records of Blaine County, Idaho.

EXHIBIT B

035924

CORPORATE WARRANTY DEED

JUN 05 2000

12:00
BUTTE COUNTY RECORDER
Doyle Womack

1. Conveyance of Real Property. For value received, **BISKAY LAND & LIVESTOCK CO.**, an Idaho corporation, by and through its President Pete T. Cenarrusa, with its principal office at 2400 Cherry Lane, Boise, Idaho ("Grantor") hereby **GRANTS, BARGAINS, SELLS, AND CONVEYS** to **LAVA LAKE LAND & LIVESTOCK, L.L.C.**, an Idaho limited liability company, with its principal office at 3527 Washington Street, San Francisco, California 94118 ("Grantee") the real property located in Butte County, State of Idaho and further described on Exhibit A attached ("Real Property"), **TO HAVE AND TO HOLD** the Real Property and the appurtenances to the Real Property unto the Grantee and the Grantee's heirs and assigns forever.

2. Representations and Covenants of the Grantor. The Grantor represents to and covenants with the Grantee as follows:

A. The Grantor is the owner in fee simple of the Real Property.

B. The Real Property is free from all encumbrances, subject to and except for (i) the encumbrances described on Exhibit B attached, (ii) encumbrances made, suffered, or done by the Grantee, and (iii) general taxes and assessments (including irrigation and utility assessments, if any) for the current year which are not yet due and payable.

C. The Grantor will warrant and defend the quiet enjoyment of the Real Property from all lawful claims, to the extent of the warranties contained in this Deed.

D. The Grantor will give such assurances and perform such acts as may be necessary to perfect or confirm the title conveyed by this Deed.

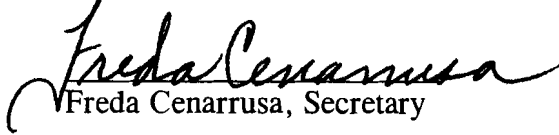
3. Certification of Authorization. The officer who signs this Deed certifies that the Deed and the transfer represented by the Deed were duly authorized by the Board of Directors in accordance with the Bylaws and Articles of the Grantor and the laws applicable to the Grantor.

GRANTOR

Dated: May 31, 2000

BISKAY LAND & LIVESTOCK CO.

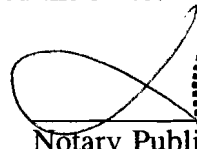
ATTEST:

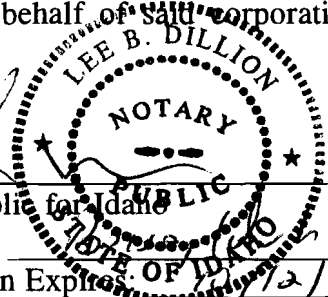

Freda Cenarrusa, Secretary

By: 
Pete T. Cenarrusa, President

STATE OF IDAHO)
County of Ad) ss

On this 31st day of May, 2000, before me, a notary public in and for the State of Idaho, personally appeared Pete T. Cenarrusa and Freda Cenarrusa, known or identified to me to be the President and Secretary of Biskay Land & Livestock Co., the corporation that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.


Notary Public for Idaho
Residing at _____
Commission Expires 12/12/03

LEE B. DILLION
NOTARY
PUBLIC
STATE OF IDAHO

TOWNSHIP 3 NORTH, RANGE 22 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO

SECTION 24: NW1/4SE1/4

TOWNSHIP 3 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO

SECTION 19: Lot 2, SE1/4NW1/4

EXHIBIT A

CORPORATE WARRANTY DEED

1. Conveyance of Real Property. For value received, **BISKAY LAND & LIVESTOCK CO.**, an Idaho corporation, by and through its President Pete T. Cenarrusa, with its principal office at 2400 Cherry Lane, Boise, Idaho ("Grantor") hereby **GRANTS, BARGAINS, SELLS, AND CONVEYS** to **LAVA LAKE LAND & LIVESTOCK, L.L.C.**, an Idaho limited liability company, with its principal office at 3527 Washington Street, San Francisco, California 94118 ("Grantee") the real property located in Custer County, State of Idaho and further described on Exhibit A attached ("Real Property"), **TO HAVE AND TO HOLD** the Real Property and the appurtenances to the Real Property unto the Grantee and the Grantee's heirs and assigns forever.

2. Representations and Covenants of the Grantor. The Grantor represents to and covenants with the Grantee as follows:

- A. The Grantor is the owner in fee simple of the Real Property.
- B. The Real Property is free from all encumbrances, subject to and except for (i) the encumbrances described on Exhibit B attached, (ii) encumbrances made, suffered, or done by the Grantee, and (iii) general taxes and assessments (including irrigation and utility assessments, if any) for the current year which are not yet due and payable.
- C. The Grantor will warrant and defend the quiet enjoyment of the Real Property from all lawful claims, to the extent of the warranties contained in this Deed.
- D. The Grantor will give such assurances and perform such acts as may be necessary to perfect or confirm the title conveyed by this Deed.

3. Certification of Authorization. The officer who signs this Deed certifies that the Deed and the transfer represented by the Deed were duly authorized by the Board of Directors in accordance with the Bylaws and Articles of the Grantor and the laws applicable to the Grantor.

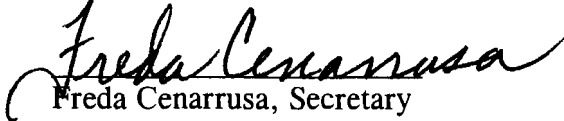
221094
Custer County Rec. of
Blaine County Title
Time 12:02 PM Date 6/5/00
Ethel M. Peck, Clerk
Janet Langis 12:00
Deputy

GRANTOR

Dated: May 31, 2000

BISKAY LAND & LIVESTOCK CO.

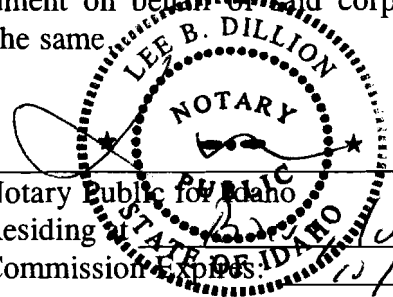
ATTEST:


Freda Cenarrusa, Secretary

By: 
Pete T. Cenarrusa, President

STATE OF IDAHO)
County of Ada) ss

On this 31st day of May, 2000, before me, a notary public in and for the State of Idaho, personally appeared Pete T. Cenarrusa and Freda Cenarrusa, known or identified to me to be the President and Secretary of Biskay Land & Livestock Co., the corporation that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.


Notary Public for Idaho
Residing at 2112 N. 1st St.
Commission Expires: 12/12/03

TOWNSHIP 3 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

SECTION 23: NW1/4SE1/4

EXHIBIT A

EXHIBIT B
ENCUMBRANCES

None

BLAINE COUNTY TITLE

July 20, 2000

IDAHO DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
JUL 21 2000
Department of Water Resources
Southern Region

Re: Order #00009476

Buyer: Lava Lake Land and Livestock
Seller: Biskay Land and Livestock

To Whom It May Concern:

Please find enclosed an ORIGINAL executed State of Idaho Department of Water Resources, Notice of Change of Water Right Ownership document.

You will also find attached a copy of the Articles of Organization for Lava Lake Land and Livestock as well as copies of all Warranty Deeds associated with the purchase and sale of this property. Three (3) deeds total were recorded in Custer, Butte and Blaine Counties.

An aerial photo will be provided under separate cover.

Should you have any questions or need assistance transferring these rights, please feel free to contact me.

Sincerely,

BLAINE COUNTY TITLE ASSOCIATES



Kathy Seal
Escrow Officer

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: A37-00745
Date Received: 12/02/1988
Receipt No: 6003731
Received By: JK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BISKAY LAND & LIVESTOCK CO. 208-344-2443
Address: 2400 CHERRY LANE
BOISE, ID 83705

2. Date of Priority: MAY 05, 1909

3. Source: FISH CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	22E	24	NW	NW	SE		BLAINE

5. Description of diverting works:
PUMP, PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 112.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	22E	24	SW	NE		IRR	30.0
			NW	SE		IRR	15.0
Section Acres							45.0

A37-00745

Page 1

Date: 12/02/88

COPY MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Total Acres 45.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

37-00746, CAREY VALLEY RESERVOIR WATER

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

POTTER, ET. AL.

Decree Plaintiff

vs

PATTERSON, ET. AL.

Decree Defendant

COPY

(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.

For Organizations:

State of Idaho)
) SS.
County of ADA)

Jeff Pappas
Notary Public

Residing at BOISE, IDAHO
My Commission Expires 11/8/1994

Y2

CROOKS 2 NE QUADRANGLE
IDAHO
7.5 MINUTE SERIES (ORTHOPHOTOQUAD)

473

474

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475

660 000 FEET 476

477

48 45

48 30



489

488

660 000
FEET

487



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 12, 2006

Mike Stevens, President
Lava Lake Land & Livestock
P.O. Box 2249
Hailey, ID 83333

RE: Snake River Basin Adjudication claims

Dear Mr. Stevens,

Attached is the amended Snake River Basin Adjudication (SRBA) water right claim 37-2123 that you requested at our meeting last week in Sun Valley. The only change I made to the claim is to add an additional point of diversion. Please review the claim and if you feel it correctly represents your water use, please sign it, have it notarized, and return it to me. Please note that this amended claim is not valid until I receive it signed and notarized.

Several of Lava Lake Land & Livestock's SRBA claims have already been partially decreed. Attached are copies of the partial decrees for 37-2545A, 37-2545B, 37-2688, 37-7072, 37-7600, 37-11950, and 37-12014. If you feel there are errors in the partial decrees, give me a call and we can discuss your options for these claims.

I have attached copies of Steve Clelland's draft recommendations for SRBA claims 37-2715, 37-11916, and 37-11936. These recommendations have not been submitted to the SRBA Court, so you still have time to comment on them. You will receive the official preliminary recommendations and Notice of Error in the mail next week.

As you requested, I have attached a map showing the licensed place of use, claimed place of use, and claimed point of diversion for 37-2525.

Lastly, you expressed interest in getting the GIS data for your water rights. Anytime you want those data, let me know and I'll send them to you.

If you have questions, feel free to contact me at (208) 287-4937.

Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

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 37-2123
Date Received: 12/2/1988
Receipt No: C003731
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO CA USA 94118

Phone: (415)922-5378

2. Date of Priority: 12/29/1908

3. Source: UNNAMED STREAM , UNNAMED STREAM Trib. to: FISH CREEK , FISH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	23E	32	SE NW SW	BLAINE	
03N	23E	31	SE NE SE	BLAINE	

5. Description of diverting works:

PIPELINE AND GRAVITY SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1	

7. Total Quantity Appropriated is:
1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
02N	23E	6	NE NE	IRRIGATION	20
Section Acres					20

03N	23E	31	SE	SE	IRRIGATION	25
					Section Acres	25
03N	23E	32	SW	SW	IRRIGATION	5
					Section Acres	5
					Total Acres	50

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

12/19/00 tf; ownership changed Biskay Land & Livestock to Lava Lake Land & Livestock per 1409(6) and warranty deed received 7/21/00.

12/5/06 - Claimant requested amended claimn to add POD.

15. Basis of Claim: License

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 _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 37-02545A

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO, CA 94118

SOURCE: COPPER CREEK TRIBUTARY: LAVA LAKE

QUANTITY: 5.06 CFS

PRIORITY DATE: 05/29/1953

POINT OF DIVERSION: T01N R23E S16 NWNWNE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	5.06 CFS

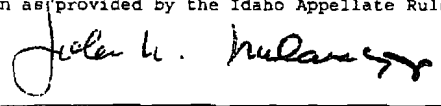
PLACE OF USE:	Irrigation	Within Blaine County
T01N R23E S16	SWSE 14.0	
S21	NENE 15.0	NWNE 31.0
	SWNE 22.0	SENE 40.0
	NESE 40.0	NWSE 18.0
S22	SNNW 33.0	NWSW 40.0
253.0 Acres Total		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2006 SEP 29 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 37-02545B

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO, CA 94118

SOURCE: SPRINGS TRIBUTARY: LAVA LAKE

QUANTITY: 1.00 CFS

PRIORITY DATE: 05/29/1953

POINT OF DIVERSION: T01N R23E S22 SENESW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.00 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Irrigation Within Blaine County
T01N R23E S22 SWSW 11.0 SESW 11.0
S27 NENW 28.0 NWNW 13.0
SWNW 0.9
63.9 Acres Total

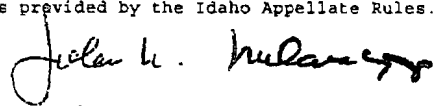
Domestic Within Blaine County
T01N R23E S27 NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2006 SEP 29 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 37-02688

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO, CA 94118

SOURCE: LAVA LAKE TRIBUTARY: SINKS

QUANTITY: 3.30 CFS
729.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-11950 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.3 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 729 AF.

PRIORITY DATE: 05/17/1963

POINT OF DIVERSION: T01N R23E S28 NENESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.30 CFS 729.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R23E S21	SWSE 28.0 SESE 40.0
	S22	SWSW 40.0 SESW 11.0
	S27	NENW 28.0 NWNW 37.0
		SWNW 30.0
	S28	NENE 41.0 NWNE 21.0
		SWNE 6.8 SENE 40.0
		NESE 12.0 NWSE 1.9
	336.7 Acres Total	

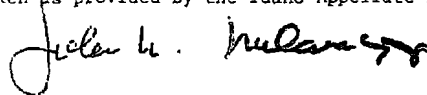
This right is limited to the irrigation of 243 acres within the
place of use described above in a single irrigation season.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 336.7 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-11950 & 37-2545B.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 37-07072

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO, CA 94118

SOURCE: GROUND WATER

QUANTITY: 1.34 CFS
450.00 AFY

PRIORITY DATE: 06/23/1970

POINT OF DIVERSION: T01N R23E S21 NWNWNE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-30	1.34 CFS 450.00 AFY

PLACE OF USE:	Irrigation		Within Blaine County
	T01N R23E S21	NENE 14.0	NWNE 15.0
		SWNE 23.0	SENE 40.0
		NESE 40.0	NWSE 18.0
	S22	SWNW 33.0	NWSW 40.0
	223.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 37-7600 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 223 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-07600

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO, CA 94118

SOURCE: GROUND WATER

QUANTITY: 2.65 CFS
669.00 AFY

PRIORITY DATE: 05/31/1977

POINT OF DIVERSION: T01N R23E S21 SWNESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.65 CFS 669.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County	
	T01N R23E S21	NENE 14.0 NWNE 15.0 SWNE 23.0 SENE 40.0 NESE 40.0 NWSE 18.0 S22 S22 S22 223.0 Acres Total	NWNE 15.0 SENE 40.0 NWSE 18.0 NWSW 40.0

USE OF THIS RIGHT WITH RIGHT NO. 37-7072 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 223 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-11950

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO, CA 94118

SOURCE: LAVA LAKE TRIBUTARY: SINKS

QUANTITY: 0.92 CFS

USE OF THIS RIGHT WITH RIGHT NO. 37-2688 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.3 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 729 AF.

PRIORITY DATE: 05/01/1964

POINT OF DIVERSION: T01N R23E S28 NENESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.92 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R23E S21	SWSE 28.0 SESE 40.0
	S22	SWSW 40.0 SESW 11.0
	S27	NENW 28.0 NWNW 37.0
		SWNW 30.0
	S28	NENE 41.0 NWNE 21.0
		SWNE 6.8 SENE 40.0
		NESE 12.0 NWSE 1.9
	336.7 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 336.7 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-2688 & 37-2545B.

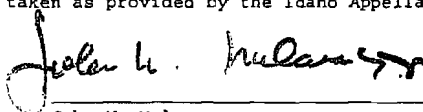
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 37-2688
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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. I.C. SECTION 42-1412(6).

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With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

A handwritten signature in dark ink, appearing to read "John M. Melanson", is written over a horizontal line.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

MAY 22 2000

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

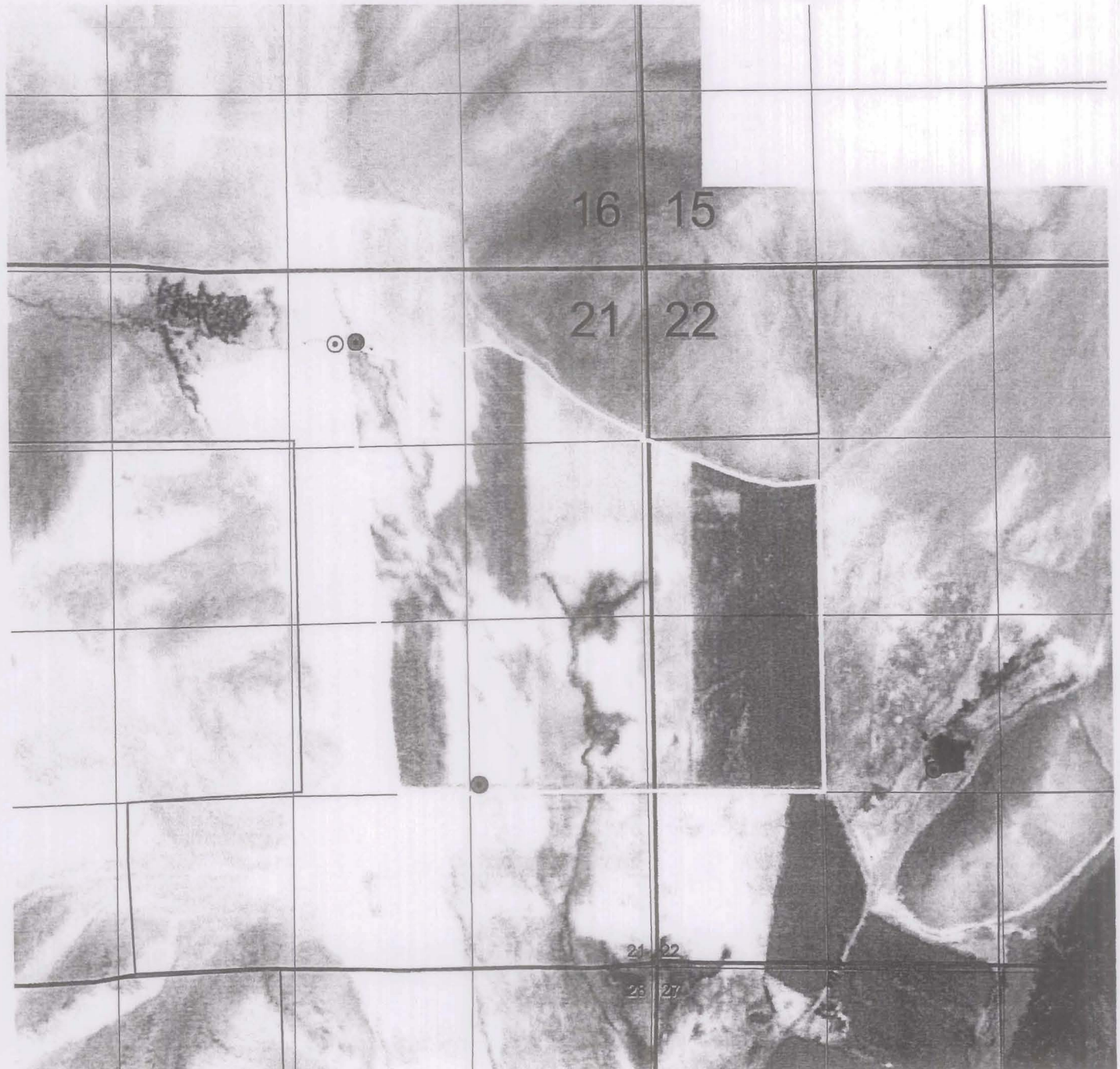
2000 MAY 19 AM 10: 24

FILED

PAGE 1
Mar-28-2000

IDAHO DEPT OF WATER RESOURCES

37-2715 & 37-11936



1320 0 1320 Feet

- ⊙ Basin 37 part 1-POD
- Ownership FED-Private
- ~ Streams
- Section Lines
- Quarter - Quarter lines

TWN: 1N
 RNG: 23E
 SEC. 21 & 22



GIS Place of Use Presentation
 NAPP Aerial Photo 1987/1988
 By Steve Clelland

Date: MAY 19, 2005

05/19/2005

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

RIGHT NUMBER: 37-2715

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO CA 94118

SOURCE: PAYNE CREEK

TRIBUTARY: COPPER CREEK

QUANTITY: 1.100 CFS
165.000 AFY

Use of this right with Right No. 37-11936 is limited to a total combined diversion rate of 2.13 cfs.

PRIORITY DATE: 09/30/1965

POINT OF DIVERSION:

T01N R23E S21 NWNWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.100 CFS 165.00 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T01N R23E S21	NENE	14.0	T01N R23E S21	NWNE	15.0
T01N R23E S21	SWNE	23.0	T01N R23E S21	SENE	40.0
T01N R23E S21	NESE	40.0	T01N R23E S21	NWSE	18.0
T01N R23E S22	SWNW	33.0	T01N R23E S22	NWSW	40.0

223 ACRES TOTAL

This right is limited to the irrigation of 55 acres within the place of use described above in a single irrigation season.

Use of this right with the rights listed below is limited to the irrigation of a combined total of 223 acres in a single irrigation season. Combined Right Nos.: 37-7072, 37-7600 & 37-11936.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR 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.

EXPLANATORY MATERIAL: License

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

05/19/2005

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

RIGHT NUMBER: 37-11916 **DISALLOW**

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO CA 94118

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: CFS
AFY

PRIORITY DATE:

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
-----------------------	----------------------	-----------------

PLACE OF USE: IRRIGATION Within BLAINE County

ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
Recommended as Right Nos. 37-7072 & 37-7600.

EXPLANATORY MATERIAL: Beneficial Use

05/19/2005

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

RIGHT NUMBER: 37-11936

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO CA 94118

SOURCE: PAYNE CREEK

TRIBUTARY: COPPER CREEK

QUANTITY: 2.130 CFS

Use of this right with Right No. 37-2715 is limited to a total combined diversion rate of 2.13 cfs.

PRIORITY DATE: 05/01/1971

POINT OF DIVERSION:

T01N R23E S21 NWNWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
2.130 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01N R23E S21	NENE	14.0	T01N R23E S21	NWNE	15.0
T01N R23E S21	SWNE	23.0	T01N R23E S21	SENE	40.0
T01N R23E S21	NESE	40.0	T01N R23E S21	NWSE	18.0
T01N R23E S22	SWNW	33.0	T01N R23E S22	NWSW	40.0

223 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 223 acres in a single irrigation season. Combined Right Nos.: 37-7072, 37-7600 & 37-2715.

This right is limited to the irrigation of 168 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

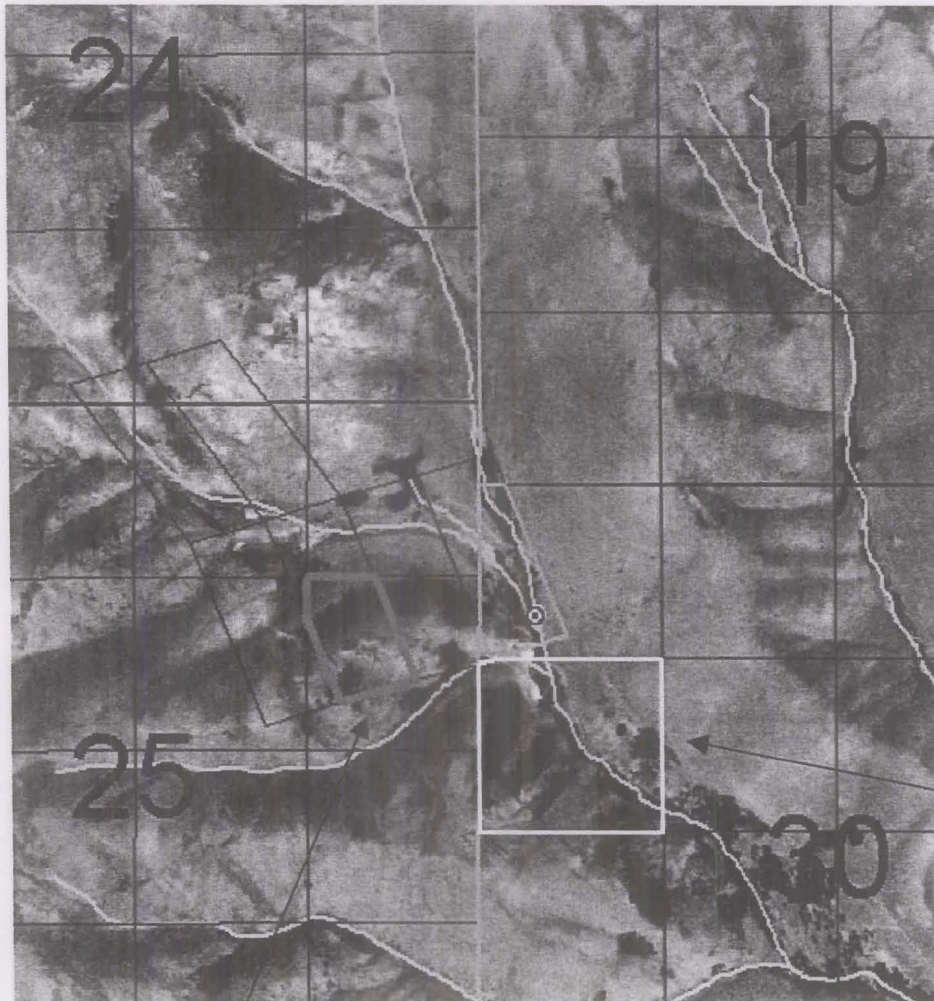
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Claim Data – 37-2525

1992 Aerial Photo



Licensed POU
(Green Line)

Claimed POU
(Yellow Line)

Anders, Matthew

From: Anders, Matthew
Sent: Tuesday, November 28, 2006 9:17 AM
To: 'Cheryl Bennett'
Subject: RE: stockwater_rights.xls

Cheryl,

I am working on the Lava Lake Land & Livestock water right claims again. You sent me a spreadsheet listing your stockwater use. Do you want to file water right claims for your stockwater use? You still have time to file claim in the SRBA if you want.

If you decide to file claims for your stockwater use, I can prepare the claims, but I will need the following information.

- 1) When the water use started.
- 2) Source of water (spring, in-stream, etc.)
- 3) Place of use (use attached maps)
- 4) Diversion rate (amount of water)
- 5) Filing Fee (this can be settled later after we determine what the claims will be)

Attached is a Word document with the sections outlined that you listed as being used for stockwater use. You can use it to indicate locations of springs and the areas of stream that use to water your livestock. Print it out, make it up with a pen, and send it back to me

We are pushing pretty hard to finish reviewing claims in this area, so you have about 1 month to get the claims filed.

Give me a call if you have questions.

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

-----Original Message-----

From: Cheryl Bennett [mailto:cheryl@lavalake.net]
Sent: Monday, June 19, 2006 11:06 AM
To: Anders, Matthew
Subject: stockwater_rights.xls

Hi Matt,

11/28/2006

Here is the spreadsheet for the areas we believe we should have stockwater rights. Please review and let me know what action we should take next.

Thanks for the help!

Cheryl

Anders, Matthew

To: Cheryl Bennett

Subject: RE: stockwater_rights.xls

Cheryl,

All of the stockwater rights you listed in the spreadsheet are all in the Big Wood/Little Wood areas of Basin 37. We are focusing on finishing the Camas Prairie area of Basin 37 right now and plan to resume working on the Big Wood/Little Wood area later this summer. I'm going to put this with the rest of your water right claims and work on it when I finish them.

Feel free to call if you have any questions.

Thanks!

Matt

-----Original Message-----

From: Cheryl Bennett [mailto:cheryl@lavalake.net]

Sent: Monday, June 19, 2006 11:06 AM

To: Anders, Matthew

Subject: stockwater_rights.xls

Hi Matt,

Here is the spreadsheet for the areas we believe we should have stockwater rights. Please review and let me know what action we should take next.

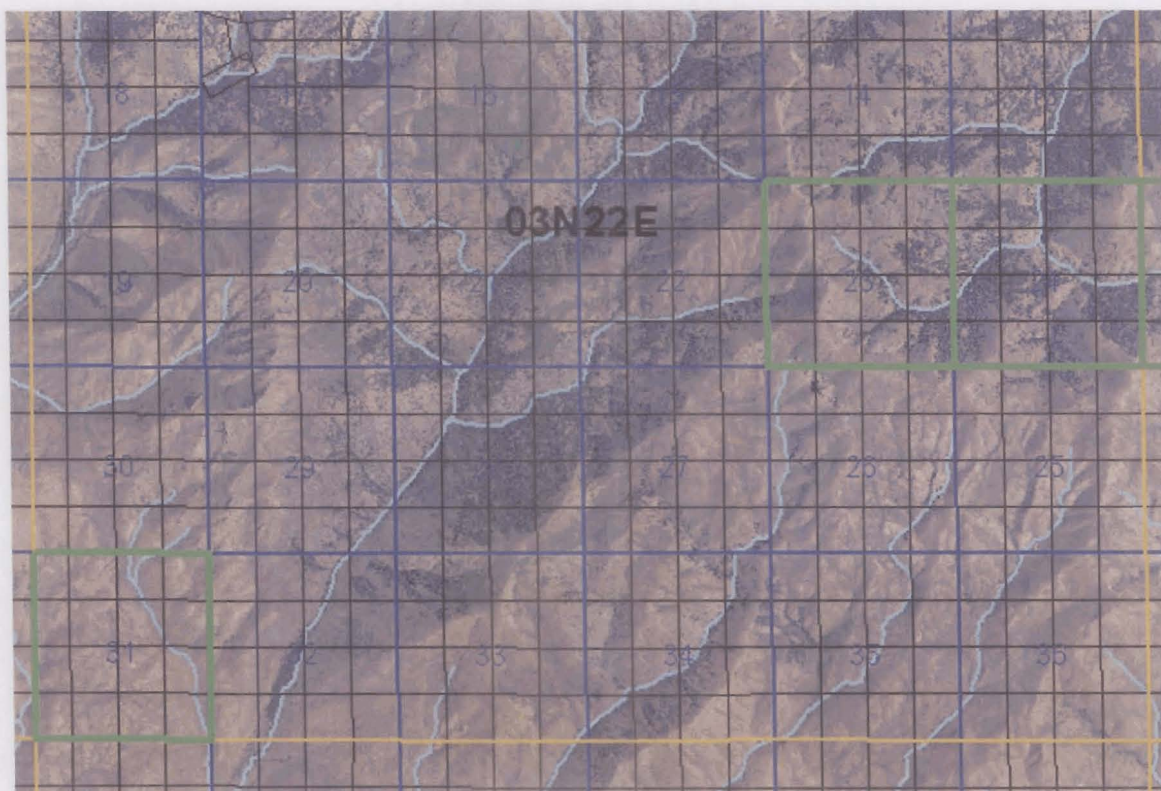
Thanks for the help!

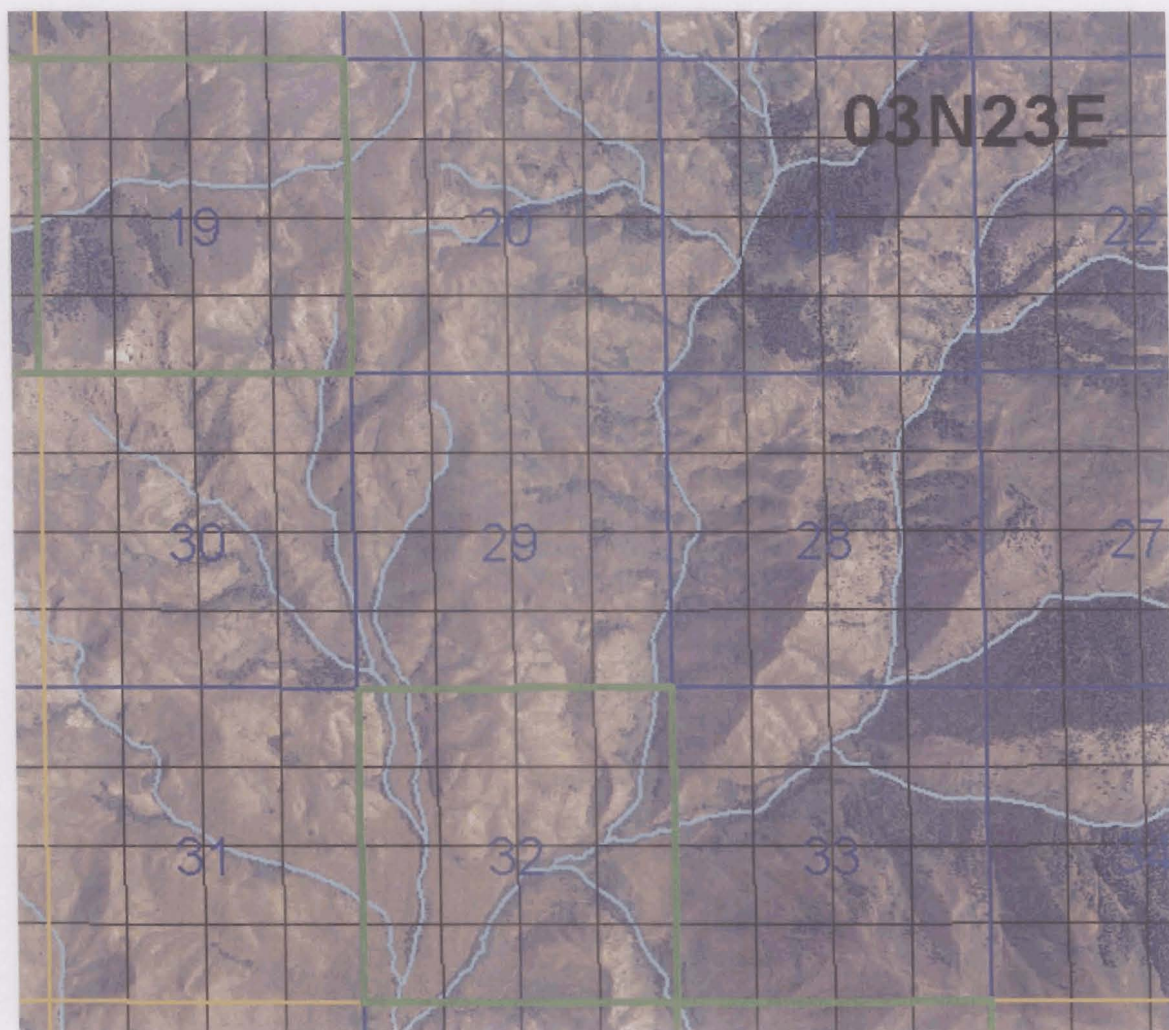
Cheryl

6/26/2006

Property owner	Map #	Code	Location	Water sources	T R S	Dates of use	# of animals supported annually
Lava Lake Land & Livestock - Biskay	1	A	North Fork	North Fork of East Fork Fish Creek	T2N R23E S28 [✓]	5/1-11/15	1,200 sheep
		B	Lower Biskay	Fish Creek	T2N R22E S24 [✓]	5/1-11/15	1,200 sheep
		C		Pole Creek	T2N R23E S19 [✓]		
		D		Spring 1	T2N R22E S25 [✓]		
		E		Spring 2	T2N R23E S19 [✓]		
		G	Upper Biskay	Fish Creek	T3N R23E S32 [✓]	5/1-11/15	2,400 sheep
		H		Iron Mine	T2N R23E S4 [✓]		
		I		Long Canyon	T3N R23E S32 [✓]		
		J		Walton	T3N R 23E S32 [✓]		
		K		Riley	T3N R22E S31 [✓]		
			Sandy Meadows		T3N R23E S19 [✓]	7/1-9/19	1,200 sheep
		L		Trail Creek	T3N R22 S23 & [✓] 24		
Lava Lake Land and Livestock - West Fork	1	M	West Fork	West Fork Fish Creek	T2N R22E S23 [✓]	5/1-11/15	2,400 sheep
		N		Bradsfield	T2N R22E S21 [✓]		
		O		Spring 4	T2N R22E S20 [✓]		
		P		Spring 5	T2N R22E S20 [✓]		
Muldoon Grazing Association	2	A	Muldoon	Thompson Creek	T3N R21E S34 [✓]	5/1-11/15	3,600 sheep; 300 cows
		B		Muldoon Creek	T3N R21E S35 [✓]		
		C		Copper Creek	T3N R21E S26 [✓]		
		D		Spring	T3N R21E S28 [✓]		

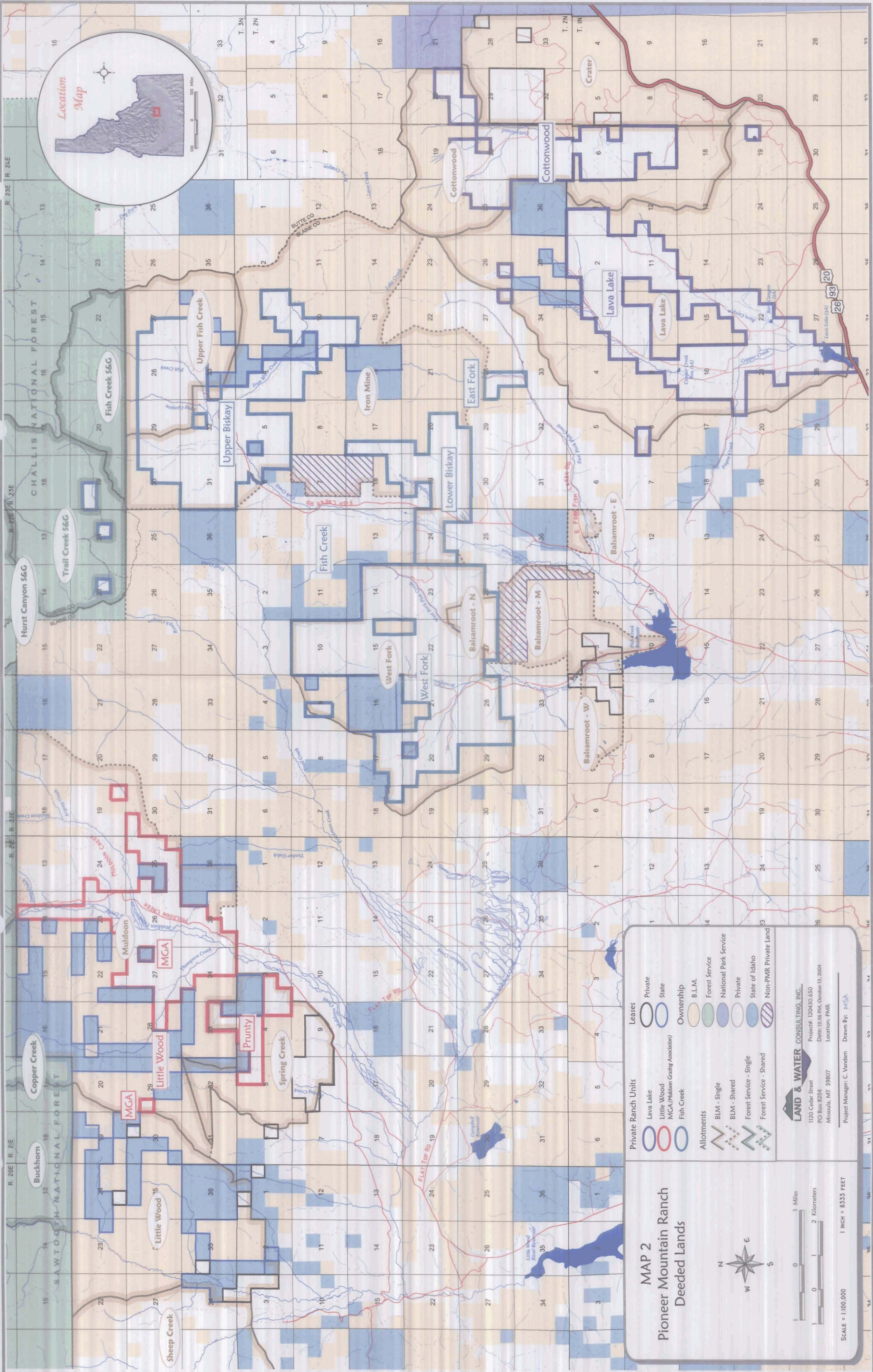




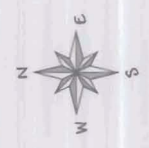








MAP 2
Pioneer Mountain Ranch
Deeded Lands



SCALE = 1:100,000
1 INCH = 8333 FEET

- | | |
|-----------------------------------|-----------------------|
| Private Ranch Units | Leases |
| Lava Lake | Private |
| Little Wood | State |
| MGA (Muldoon Grazing Association) | |
| Fish Creek | |
| Allotments | Ownership |
| BLM - Single | B.L.M. |
| BLM - Shared | Forest Service |
| Forest Service - Single | National Park Service |
| Forest Service - Shared | Private |
| | State of Idaho |
| | Non-PMR Private Land |

LAND & WATER CONSULTING, INC.
1120 Cedar Street
PO Box 8254
Missoula, MT 59807
Project#: 120430.650
Date: 12-16-PM, October 13, 2004
Location: PMR
Project Manager: C. Vandum
Drawn By: MSA

Adjudication Claim Notes

Claim(s): 37-745, 37-746

Background Data

37-745

- Source is Fish Creek tributary to Little Wood River
- Decreed for 0.4 cfs on 1 QQ
- Claimed 0.4 cfs on 45 acres

37-746

- Source is Fish Creek tributary to Little Wood River
- Decreed for 0.5 cfs on 2 QQ
- Claimed 0.5 cfs on 45 acres

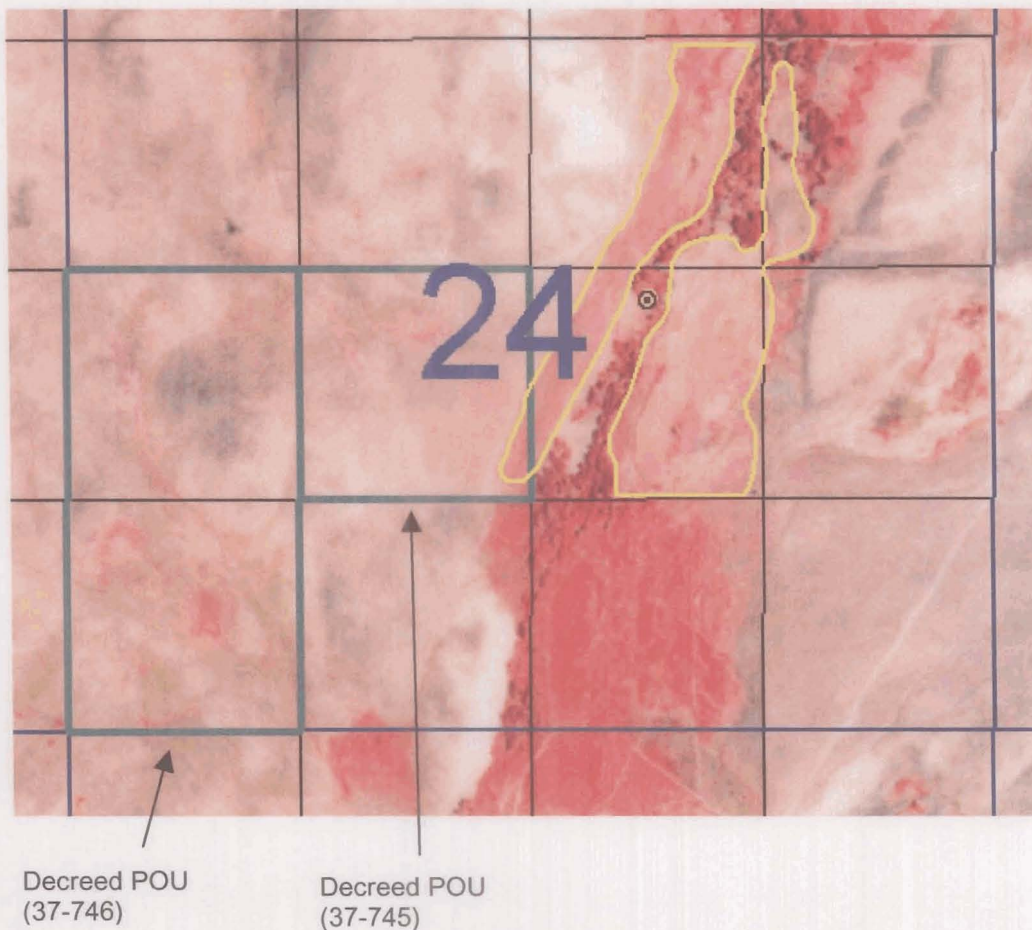
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo





Photograph of POD taken by Lee Peterson during field exam

Location: 2517710 1365528

Plate: A0016278

Photo #: 1060669

Notes

T2N R22E Section 24

- Found 45 acres based on claim map and field exam notes.
- The legal description in the decree appears to be incorrect because that land is on the mountain side and would be very difficult to irrigate with a gravity system
- This land was historically irrigated with flood irrigation. At some time in the past, a hand-line sprinkler system was installed with a portable pump. Lee did not see evidence of a ditch system. The timing of this change is unclear and the land changed ownership in 2000.
- Lee GPS'd the portable pump that is currently be used. Since the timing of the change to a portable pump is unknown, I assumed that the change occurred prior to 1987 and used the POD for the portable pump.
- Recommendations:
 - 37-745
 - 0.4 cfs for Irrigation of 40 acres within 45-acre PPU
 - assuming accomplished transfer for POU and POD
 - 37-746
 - 0.5 cfs for Irrigation of 45
 - assuming accomplished transfer for POU and POD
- Date used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-745

WATER RIGHT NUMBER: 37-745

Owner Type Name and Address

Current Owner DAVID T DAVIS

, ID

Priority Date: 05/05/1909

Basis: Decreed

Status: Active

Source

FISH CREEK

Tributary

LITTLE WOOD RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

0.400 CFS

Annual VolumeTotal Diversion:

0.400 CFS

Location of Point(s) of Diversion

FISH CREEK

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	22E	24									X								

Conditions of Approval:

1. AC. IRRIG. NOT SPECIFIED. FARM = 40 AC.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-745

Licensed Date:
Decreed Date: 12/16/1914
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37U
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Joseph R Patterson, et al
Decree Plaintiff: Adelbert L Potter, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

File No.
A37-02045=4392=4393=4394=2123=745=746

Lava Lake Land & Livestock LLC
35 27 Washington St.

Branch office
Hailey Idaho

8/4/05

San Francisco, Ca

I met with Mike and Cheryl and briefly reviewed the files for Lava Lake and She approved meeting me this morning with their field foreman and ranch foreman to go out to the field to observe the field and POD's for each water right.

W.R.2045= this right was as I seen it could have been for a possible 80 acres give or take in the past , and as their foreman said their plans might be for more but unknown at this date but there is a lot of possible irrigated land here in this ranch if under sprinkler irrigation system. One POD is Cottonwood Cr the other is west of cottonwood , see photo

W.R.4392= the POD's are Fish cr. and Iron mine cr. The land close to # 1 diversion is planned for irrigation sprinkler with a portable pump of approximately 15 to 20 acres . The foreman said the area marked in yellow is a good estimate of their land now flood irrigated with POD 1 . See photo for # 2 which is flood irrigated but may be sprinkled later. This area is listed as 40 acres but is and will be more. Letter or priority will be coming.

W.R.4393= This POD is on Iron Mine Cr as per photo and as the foreman said this yellow area is approx. OK for the area of this right, but the POD is in the wrong place . The creeks marked Fish Cr. And Iron mine is OK , and the yellow area is flood irrigated, this area is probably about 33 acres.

W.R.4394= See photo red and brown # POD is flood irrigation but is planned for sprinkler , see ditch and proposed pipe. Looking at this land I would estimate it as more than 20 acres as soon as they get it under sprinkler.

W.R.2123= POD's 4-5 the yellow area is short , see photo of flood irrigation and proposed sprinkler irrigation. Area now is flood under # 5 and \$ is underground pipe for sprinkler, I believe this will be a lot more than 50 acres.

W.R. 745-746= All this land is proposed for sprinkler irrigation asap , it has in the past been flooded and what ever possible, this spring the old systems were washed out . I think there are many more than 44 acres as shown. There is new plans for POD'S to replace the ones washed out. There are many acres on west side planned for sprinkler irrigation.

See photo

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Lava Lake Land	Lava 1	2521679	1372152	A0016273	1060664
" " "	" 2	2521119	1371711	274	665
" " "	" 3	2520259	1371981	275	666
" " "	" 4	2519776	1371792	276	667
" " "	" 5	2520073	1372211	277	668
" " "	" 6	2517710	1365528	278	669
" " "	" 7	2529279	1363845	None	670
" " "	" 8	2529475	1363339	"	671

Lee R. Peterson

Background Data

37-745

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37-746

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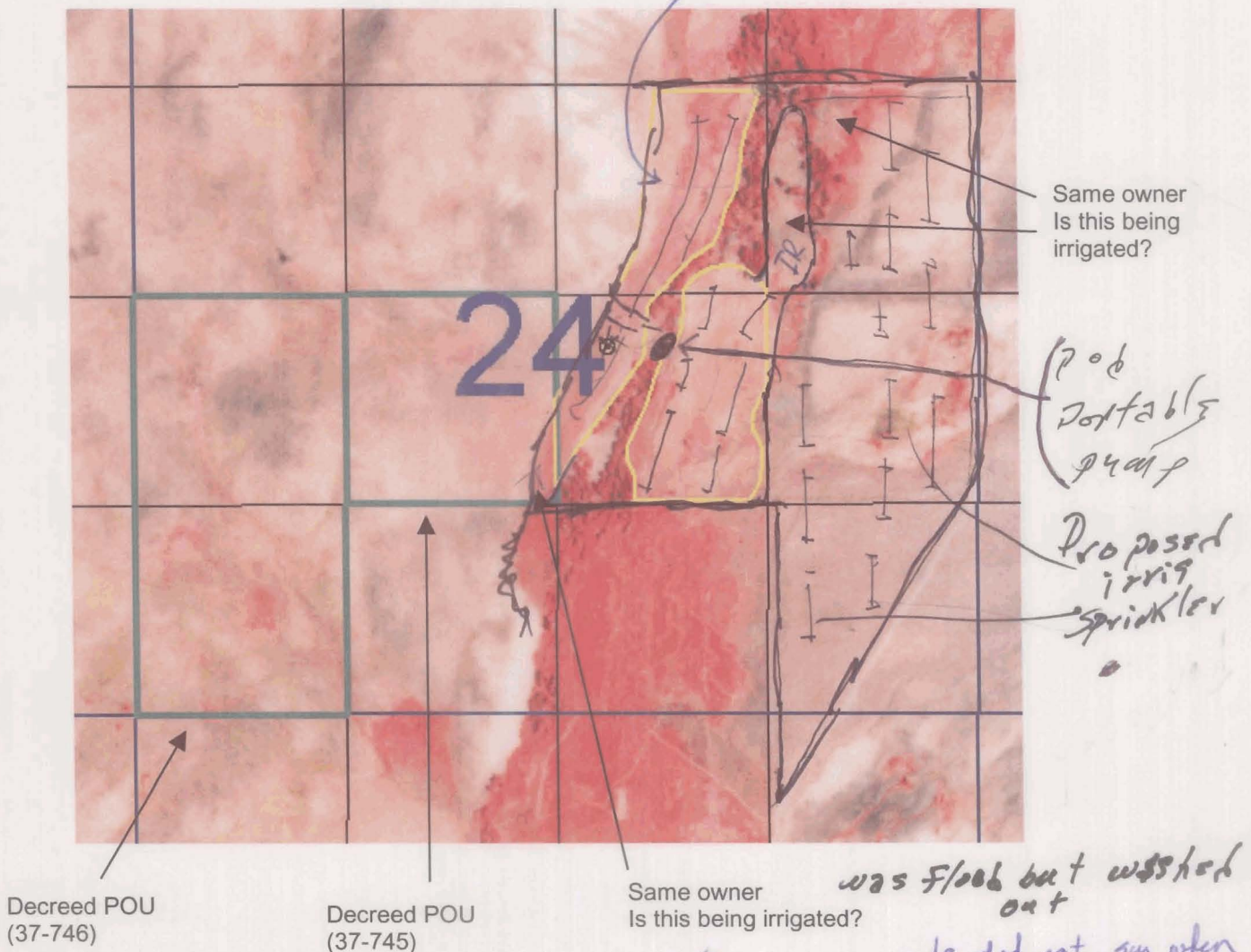
Place Of Use Data

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Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

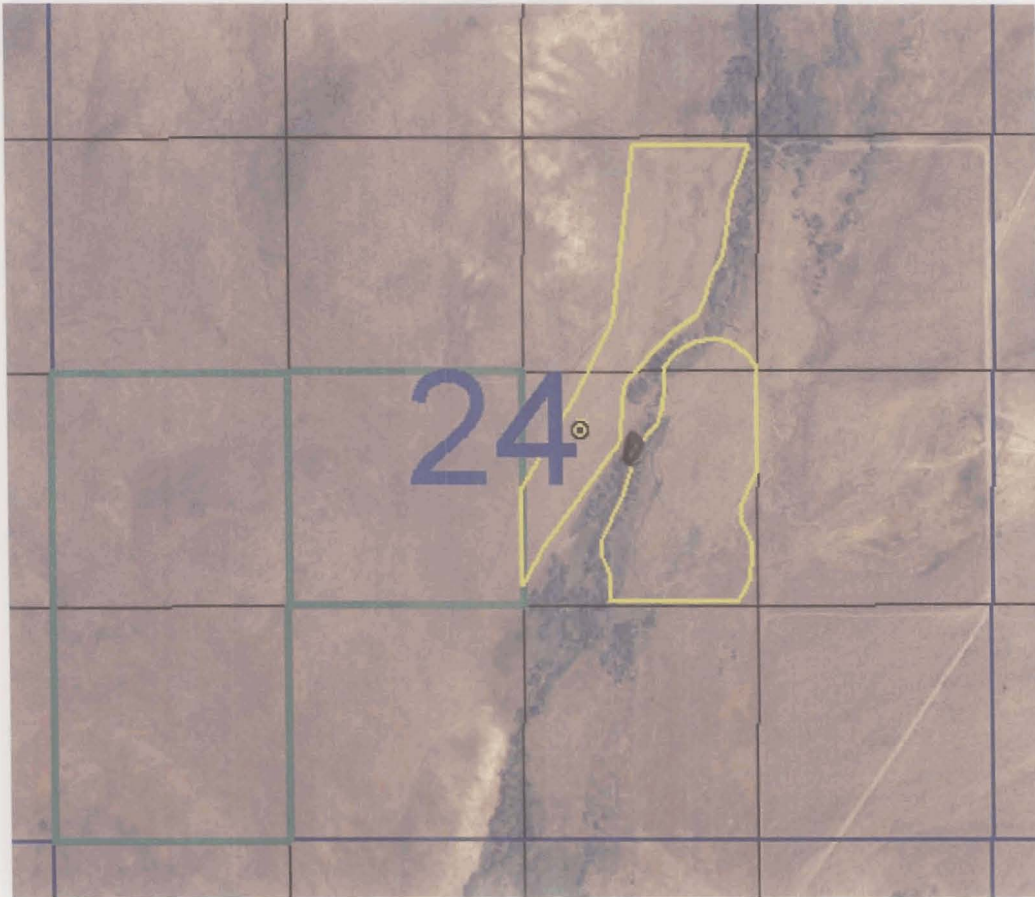
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Field Exam By
Lee Peterson

2004 Aerial Photo



Notes

T2N R22E Section 24

- Found 44 acres. The map submitted with the claim does not appear to outline the correct POU.
- Appears that the legal description in the decree is incorrect?
- Is there additional land being irrigated near the SW and NE corners (also owned by Lava Lake Land & Livestock) *YES*
- There is land upstream of the POD. Are there additional PODs? *was & will be*
- What was the historical distribution system and irrigated land before the installation of sprinklers?

*There are delivery systems from creeks
past and washed out - new ones since some
up stream and some new ones planned for
replacement*

Anders, Matt

From: Cheryl Bennett [cheryl@lavalake.net]
Sent: Monday, December 05, 2005 10:34 AM
To: Anders, Matt
Subject: RE: water rights

Matt,

I am sorry I haven't gotten back with you on some of your questions, I looked at the two places you needed to confirm the place of use on (37-2123 and 37-4394). I am faxing what I believe to be the place of use on both of them....this is based on my hand written notes while in the field with Lee. These are areas that can be watered with the existing system when there is sufficient water to irrigate with. If you have any questions after you see the faxes, let me know.

We are checking into the mining issue on 37-2525. Can you send me the information on the mine and what date the CNA Enterprises priority date is? Our lawyer is checking into this right for me. If you can provide all the supporting documentation you have on that right, this would be helpful (I already have a map that you send, so I won't need that).

Also, if you can provide an information sheet for all the claims Guy Peterson is claiming on Muldoon Grazing Association property, we may have to deal with some of the issues on it with Guy directly. (37-12390 and 37-12393).

Thanks so much for all of your help....sorry to delay so much.

Also, when you get a chance, I have a personal question on a water right near my home where the creek catches the corner of my property. There are several people above me who have dammed up the creek. We want to know 1) is that legal, particularly if they do not have water rights? 2) one gentleman even altered the creek way above us which I'm sure is probably not legal, but maybe so 3) Since the creek does run through our property, can we get stock water rights? We have lived there 8 years and our horses have drank from the creek the entire time, until it got dammed up. Let me know your thoughts on this and I can give you legal information on the property when we talk.

Give me a call if you have questions or comments on any of these.
Thanks.

Cheryl L. Bennett
Operations Manager
Lava Lake Land & Livestock
PO Box 2249
Hailey, ID 83333

208-788-1710 (office)
208-720-9058 (mobile)
208-788-1264 (fax)
cheryl@lavalake.net
www.lavalakelamb.com

"The mission of Lava Lake is to effect the restoration and long-term conservation of native ecosystems at a landscape scale and to build an economically-viable and environmentally-sound business."

Anders, Matt

From: Anders, Matt
Sent: Tuesday, November 08, 2005 1:40 PM
To: Cheryl Bennett (E-mail)
Subject: water rights

Cheryl,

I am getting ready to make my final recommendations for water right claims on Fish and Muldoon Creeks for the Snake River Basin Adjudication (SRBA). The following items remain to be resolved:

Lava Lake Land & Livestock claims:

- 1) I need to confirm the Place of Use for 37-2123 and 37-4394. I sent you an email 9/14/05 with a word document that had portions of aerial photographs of these areas. Please correct the Place of Use on each map and send it back to me. If you are uncertain about the place of use, let me know and I will send Lee Peterson out there again.
- 2) Our records indicate water right 37-2525 has been claimed by CNA Enterprises. However, the Blaine County tax records indicate that Lava Lake Land & Livestock now owns the mine. If you plan to claim this water right, you will need to contact the IDWR office in Twin Falls to complete a change of ownership. Also, let me know so I can make sure the claim is included with your other claims.

Muldoon Grazing Association claims:

- 1) Guy Peterson is claiming a private water right on Muldoon Grazing Association land in claims 37-12390 and 37-12393. Let me know if Lava Lake Land & Livestock objects to this, otherwise I will recommend these rights as claimed on Muldoon Grazing Association land.
- 2) Right 37-2751 is licensed for 5.33 cfs, but I plan to only recommend 1.64 cfs (see letter dated 7/22/2005). Let me know if you feel I do not have the correct Place of Use, otherwise I will complete the recommendation for 1.64 cfs.

Feel free to contact me at 208-287-4937 if you have questions.

Thanks!

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

Lava Lake Land + Livestock + Molokai Grazing Assoc 9/26/05

Talked w/ Cheryl Benner about:

- 1) spreadsheets of ^{status of} Lava Lake Land + Livestock rights + claims
+ Molokai Grazing Assoc. rights + claims
- 2) July 22, 2005 letter for 37-2751 & 37-11418 that
showed the draft POVs + POVs I planned to
recommend
- 3) 37-2123 & 37-4934: Draft of POV I emailed her
& asked her to outline the POV → she included
proposed irrigation so POV was too large
- 4) 37-12390, 37-12393, & claim to be submitted: Guy Peterson
is claiming private water rights on Molokai Grazing
Assoc. land
- she will get back to me about this
- 5) 37-2799: she will be coming out for a field exam
- 6) she asked me to let her know about any problems
with their claims

I emailed her:

- 1) 37-2751 + 37-11418 : Re July 22 letter
- 2) 37-2799 : draft POV + PODs on 1987 photo
- 3) Moloon Grazing Assoc rights + claims as a spreadsheet