

RECEIVED

MAR 16 2011

WATER RESOURCES
WESTERN REGION

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

Indent. Number 37-02799

Date Received

Receipt Number

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

Please type or print clearly

1. Name of Claimant(s) Lava Lake Land & Livestock, LLC Phone: (208) 788-1710

Mailing Address P.O. Box 2249, Hailey, ID Zip 83333

2. Date of Priority only (1) per claim) 05/07/1948

3. Source of water supply (a) Cottonwood Creek

which is tributary to (b) Sinks

4. a. Location of existing point of diversion is: Township 02N Range 24E Section 30,

SW $\frac{1}{4}$ of NW $\frac{1}{4}$ SE $\frac{1}{4}$, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: T02N R24E Sec. 30, NESWSE, SWSESE, SWNWSE; T02N R24E

Sec. 31 NENENE

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$,

Govt. Lot _____ B.M., County _____

ending point is: Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of _____

_____ $\frac{1}{4}$, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works. Ditches, pipes from stream to flood irrigation

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)
For Irrigation purposes from 4/1 to 10/31 amount .70 cfs or _____

Last Name Lava Lake Land & Livestock, LLC Ident. Number 37-2799

- [illegible]

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No

13. Other water rights used:

14. Remarks: _____

- If applicable provide IDWR Water Right Number 37-02799
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

- For Individuals:** I do solemnly swear or affirm that the statements contained in the foregoing documents are true and correct.

For Organizations: I do solemnly swear or affirm that I am PRESIDENT Title
of Lava Lake Land & Livestock, LLC Organization, that I have signed the foregoing
document in the space below as President of Lava Lake Land & Livestock, LLC
Title Organization

Last Name Lava Lake Land & Livestock, LLC Ident. Number 37-2799

and that the statements contained in the foregoing document are true and correct.

Signed of Authorized Agent

Michael S. Smith

Title and Organization President, Lava Lake Land & Livestock, LLC

Date

3/15/2011

State of ~~Idaho~~

California

County of

San Francisco

) SS.

Subscribed and sworn (or affirmed) before me this

15th

day of

March

20 11

SEAL



Notary Public

[Signature]

Residing at

2269 Chestnut SF CA 94123

My Commission Expires

March 27, 2013

16. Notice of Appearance:

Notice is hereby given that I, Charles L. Honsinger will be acting as attorney at law on behalf of the claimant signing above, and all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Address Ringert Law, Chartered, P.O. Box 2773, Boise, ID 83701

Date March 2, 2011

Last Name Lava Lake Land & Livestock, LLC

Ident. Number 37-2799

March 16, 2011

Delivered by Hand

Mr. Kelly Christensen
Western Regional Offices
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Fax: (208) 334-2348

RECEIVED

MAR 16 2011

WATER RESOURCES
WESTERN REGION

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

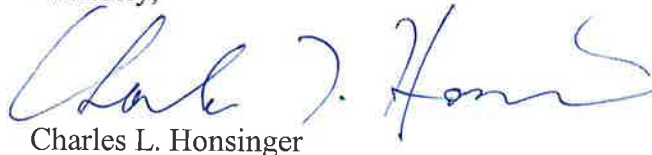
Re: Amended Claim to Water Right No. 37-2799

Dear Mr. Christensen:

Enclosed herewith please find the above referenced amended claim to a water right that I hereby submit on behalf of my client Lava Lake Land & Livestock, LLC. As we have previously discussed, this amended claim is submitted pursuant to the Special Master's recent Order, and is expected to be recommended by IDWR as claimed. It is our mutual expectation that the resolution of this amended claim will result in complete resolution of Lava Lake's claims filed in the SRBA.

Please contact me if my understanding of this matter is inaccurate or if you should have any questions or concerns. Thank you.

Sincerely,



Charles L. Honsinger

enclosure

cc: Mike Stevens
Nick Spencer

Status Conf.
Lava Lake

11950

745 746

37-2045, 2799, 2123

37-2525 CNA.

Mar 2, 2011

37-745-746

37- 2799 Amend claim to reconfigure P/U

& add a P/D. Deadline Mar 18 to dept.

Adr. Due APR 28

* Status Conf June 29 @ 11:30 Op5 May 20
Resp - June 10

37-2525- Nick withdraw objection

Charlie wants to double check with
client, Court to

Reset Status Conf Mar 9 @ 10:00 AM

~~Deadline Mar 18 for Amended.~~

ORIGINAL

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-2799 V1

WATER RIGHT NUMBER: 37-2799 V1

*due - status Conf
11-17-2010*

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAVA LAKE LAND & LIVESTOCK LLC PO BOX 2249 HAILEY, ID 83333 (208) 788-1710
Original Owner	PICABO LIVESTOCK CO INC PO BOX 748 PICABO, ID 83348 (208) 788-3530
Original Owner	BRIAN S BEAN 3527 WASHINGTON ST SAN FRANCISCO, CA 94118 (415) 922-5378
Original Owner	KATHLEEN T BEAN 3527 WASHINGTON ST SAN FRANCISCO, CA 94118 (415) 922-5378
Original Owner	BEAN TEDROW FAMILY TRUST 3527 WASHINGTON ST SAN FRANCISCO, CA 94118 (415) 922-5378

Priority Date: 05/07/1948

Basis: License

Status: Active

*Sec 30
NESE*

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	COTTONWOOD CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM BLAINE County	SW1/4SE1/4SE1/4	Sec. 30, Twp 02N, Rge 24E, B.M.
UNNAMED STREAM BLAINE County	SW1/4NW1/4SE1/4	Sec. 30, Twp 02N, Rge 24E, B.M.
UNNAMED STREAM BLAINE County	NE1/4SW1/4SE1/4	Sec. 30, Twp 02N, Rge 24E, B.M.
UNNAMED STREAM BLAINE County	NE1/4NE1/4NE1/4	Sec. 31, Twp 02N, Rge 24E, B.M.

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2799 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	24E	30															6.6	5.7	12.3
02N	24E	31	22.0			.7													22.7

Total Acres: 35

*Rec Pou*Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C18 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.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. C02 Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:SubCase:

SubCase Number: 37-2799
 Class: 1
 SF5 Filed Date:
 Special Master Recom Signed Date:
 Attorney Assigned:
 Adjudication Agent: manders
 Basis of Claim: License
 Date Filed: 11/14/2007 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-2799

WATER RIGHT NUMBER: 37-2799

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAVA LAKE LAND & LIVESTOCK LLC PO BOX 2249 HAILEY, ID 83333 (208) 788-1710
Original Owner	PICABO LIVESTOCK CO INC PO BOX 748 PICABO, ID 83348 (208) 788-3530
Original Owner	BRIAN S BEAN 3527 WASHINGTON ST SAN FRANCISCO, CA 94118 (415) 922-5378
Original Owner	KATHLEEN T BEAN 3527 WASHINGTON ST SAN FRANCISCO, CA 94118 (415) 922-5378
Original Owner	BEAN TEDROW FAMILY TRUST 3527 WASHINGTON ST SAN FRANCISCO, CA 94118 (415) 922-5378

Priority Date: 05/07/1948

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK BLAINE County	SW1/4SE1/4	Sec. 30, Twp 02N, Rge 24E, B.M.
COTTONWOOD CREEK BLAINE County	SE1/4NE1/4	Sec. 30, Twp 02N, Rge 24E, B.M.
COTTONWOOD CREEK BLAINE County	NE1/4SE1/4	Sec. 30, Twp 02N, Rge 24E, B.M.
COTTONWOOD CREEK BLAINE County	NE1/4NE1/4	Sec. 31, Twp 02N, Rge 24E, B.M.

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-2799

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	24E	30				5.0													5.0
02N	24E	31	20.0	10.0															30.0

Total Acres: 35

Conditions of Approval:

- OWNERSHIP CHANGE MADE 9/8/95 BY TLB.
***** 2/22/99, DJ: CLAIM AMENDED TO REFLECT LICENSE INFORMATION OF PLACE OF USE, POINT OF DIVERSION, AND CHANGED SHEEP TO CATTLE.
***** 08/03/99, CHANGED OWNERSHIP:
PICABO TO BEAN TEDROW FAMILY TRUST AS PER WARRANTY DEED AND FORM 1409(6) REC'D 04/09/99. C.T.
***** 1/4/1999 TF; OWNERSHIP CHANGED
BEAN-TEDROW FAMILY TRUST TO LAVA LAKE LAND & LIVESTOCK (BRIAN S BEAN AND KATHLEEN T BEAN, MANAGERS) PER 1409(6) AND WARRANTY DEED REC'D 12/29/1999.

Remarks:Comments:

SubCase:

SubCase Number: 37-2799
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: manders
Basis of Claim: License
Date Filed: 11/14/2007 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2799

WATER RIGHT NUMBER: 37-2799

Owner Type Name and Address
 Current Owner IRA ELDREDGE
 CAREY, ID

Priority Date: 05/07/1948

Basis: License

Status: Active

Source Tributary
 COTTONWOOD CREEK SINKS
 UNNAMED STREAM COTTONWOOD CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK BLAINE County	NE1/4SE1/4	Sec. 30, Twp 02N, Rge 24E, B.M.
COTTONWOOD CREEK BLAINE County	SE1/4NE1/4	Sec. 30, Twp 02N, Rge 24E, B.M.
UNNAMED STREAM BLAINE County	SW1/4SE1/4	Sec. 30, Twp 02N, Rge 24E, B.M.
COTTONWOOD CREEK BLAINE County	NE1/4NE1/4	Sec. 31, Twp 02N, Rge 24E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	24E	30				5.0													5.0
02N	24E	31	20.0	10.0															30.0

Total Acres: 35

Conditions of Approval:

1. UNNAMED STREAM TRIB. OF COTTONWOOD CREEK AND COTTONWOOD CREEK TRIB. OF SINKS.

04/27/2011

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

RIGHT NUMBER: 37-2799

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
PO BOX 2249
HAILEY ID 83333

SOURCE: COTTONWOOD CREEK
UNNAMED STREAM

TRIBUTARY: SINKS
TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 0.700 CFS

PRIORITY DATE: 05/07/1948

POINT OF
DIVERSION:

T02N R24E S30 SWNWSE Within BLAINE County
T02N R24E S30 NESWSE Within BLAINE County
T02N R24E S30 SWSESE Within BLAINE County
T02N R24E S31 NENENE Within BLAINE County
T02N R24E S31 SENENE Within BLAINE County

VERIFIED BY

KKC
4-27-11
ADR

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.700 CFS

PLACE OF USE: IRRIGATION in BLAINE County and BUTTE County

T02N R24E S30	SWSE	0.10	T02N R24E S30	SESE	4.90
T02N R24E S31	NENE	15.00	T02N R24E S31	SENE	13.00
T02N R24E S32	SWNW	2.00			

35 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

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 37-2799
Date Received: 2/24/1989
Receipt No: C005570
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LAVA LAKE LAND & LIVESTOCK LLC Phone: (208) 788-1710
PO BOX 2249
HAILEY ID USA 83333

2. Date of Priority: 05/07/1948

3. Source: COTTONWOOD CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	24E	30	SW SE SE 3	BLAINE	
02N	24E	30	SW NW SE 1	BLAINE	
02N	24E	30	NE SW SE 2	BLAINE	
02N	24E	30 31	SW SE NW NE SE NE 5	BLAINE	
02N	24E	31	NE NE NE 4	BLAINE	

5. Description of diverting works:

DITCH FROM STREAM TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	4/01 10/31	0.7	

7. Total Quantity Appropriated is:
0.7 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	24E	30	SW SE	IRRIGATION	0.1
			SE SE	IRRIGATION	4.9
				Section Acres	5
02N	24E	31	NE NE	IRRIGATION	15
			SE NE	IRRIGATION	13

					Section Acres	28
02N	24E	32	SW	NW	IRRIGATION	2
					Section Acres	2
					Total Acres	35

11. Place of use in counties: BLAINE, BUTTE
12. Do you own the property listed above as place of use? Yes
13. Other Water Rights Used:
14. Remarks:

OWNERSHIP CHANGE MADE 9/8/95 BY TLB.
 ***** 2/22/99, DJ: CLAIM AMENDED TO REFLECT LICENSE INFORMATION OF
 PLACE OF USE, POINT OF DIVERSION, AND CHANGED SHEEP TO CATTLE.
 ***** 08/03/99,
 CHANGED OWNERSHIP: PICABO TO BEAN TEDROW FAMILY TRUST AS PER WARRANTY DEED AND FORM
 1409(6) REC'D 04/09/99. C.T.
 ***** 1/4/1999 TF;
 OWNERSHIP CHANGED BEAN-TEDROW FAMILY TRUST TO LAVA LAKE LAND & LIVESTOCK (BRIAN S
 BEAN AND KATHLEEN T BEAN, MANAGERS) PER 1409(6) AND WARRANTY DEED REC'D 12/29/1999.

Amended claim received Mar 16, 2011. Change in PODs and POU.

15. Basis of Claim: License

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, March 16, 2011 8:36 AM
To: 'Charlie Honsinger'
Subject: 37-2799 Lava Lake

I was moving files around on my desk and crossed this one. I did not see the signed amended claim anywhere. Did you submit the amendment to the S.O.?

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR - 3 2011	
By _____	Clerk Deputy Clerk

**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	)	ORDER GRANTING MOTION TO
	)	FILE AMENDED CLAIM AND
Case No. 39576	)	SETTING SUBCASE DEADLINES
	)	
	)	SUBCASE NOS.: 37-745, 37-746, 37-2045,
	)	37-2123, 37-2545A, 37-2545B, 37-2688,
	)	37-2715, 37-2799, 37-4394, 37-7072, 37-
	)	7600, 37-11936, 37-11950, 37-22116, AND
	)	37-22117

I. PROCEDURAL BACKGROUND

A Status Conference was held on March 2, 2011. At the hearing, Lava Lake Land & Livestock made an oral *Motion to File Amended Notice of Claim* for water right 37-2799. There was no opposition to the *Motion*.

II. STANDARD OF REVIEW

The SRBA Court administrative rules establish that motions to amend claims "shall be freely given when justice so requires." *SRBA Administrative Order 1 (A01)* § 4d (2) (k)

III. FINDINGS

Lava Lake Land & Livestock explained that the claim needs to be amended to more accurately describe this water right. During a recent field exam conducted by the claimant, it was discovered that part of the place of use is within a ¼ ¼ section not claimed. In addition, it was discovered that a point of diversion was not included in the claim. Consequently, the claimant asked to file an amended claim. No parties to the SRBA opposed the *Motion*. Therefore, the *Motion to File Amended Notice of Claim* is **granted**, subject to a written amended claim being filed.

IT IS ORDERED that the following deadlines shall govern further proceedings for 37-2799:

March 18, 2011	5:00 pm	Deadline to File Written Amended Claim
April 28, 2011	5:00 pm	Deadline to File Amended Director's Report

May 20, 2011

5:00 pm

Deadline to File Objection

June 10, 2011

5:00 pm

Deadline to File Response

IT IS FURTHER ORDERED that the following date is set for all the above listed subcases:

June 29, 2011

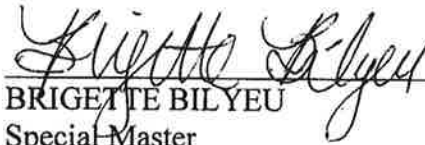
11:30 am

Status Conference

Location: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

Parties may participate by telephone for the Status Conference by dialing 1-215-446-0193 and when prompted enter participant code 926509. Any questions regarding telephone participation, please contact the clerk's office at (208)736-3011.

DATED: March 3, 2011.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

37-2045 AND 37-2799 PROPOSED SETTLEMENT ANALYSIS

37-2045; I have attempted to duplicate the shapes that your client submitted. Unfortunately this has created more problems than it has resolved. The shape that I have drawn for this claim is ≈ 15 acres. The original right was licensed at 1.60 cfs for 80 acres or 1" per acre. To recognize the same diversion rate for the 15 acre parcel would be recognizing this right at ≈ 5 " per acre. At first blush it would appear that this rate is excessive. The director's report recognized the right at 2.5" per acre. It also appears that three of the PODs identified would be associated with 37-2045. Not a big deal with those points of diversion as three were claimed and two were recommended. It does seem odd for PODs 8 and 9 to be that far away from the POU and not being consolidated into one POD.

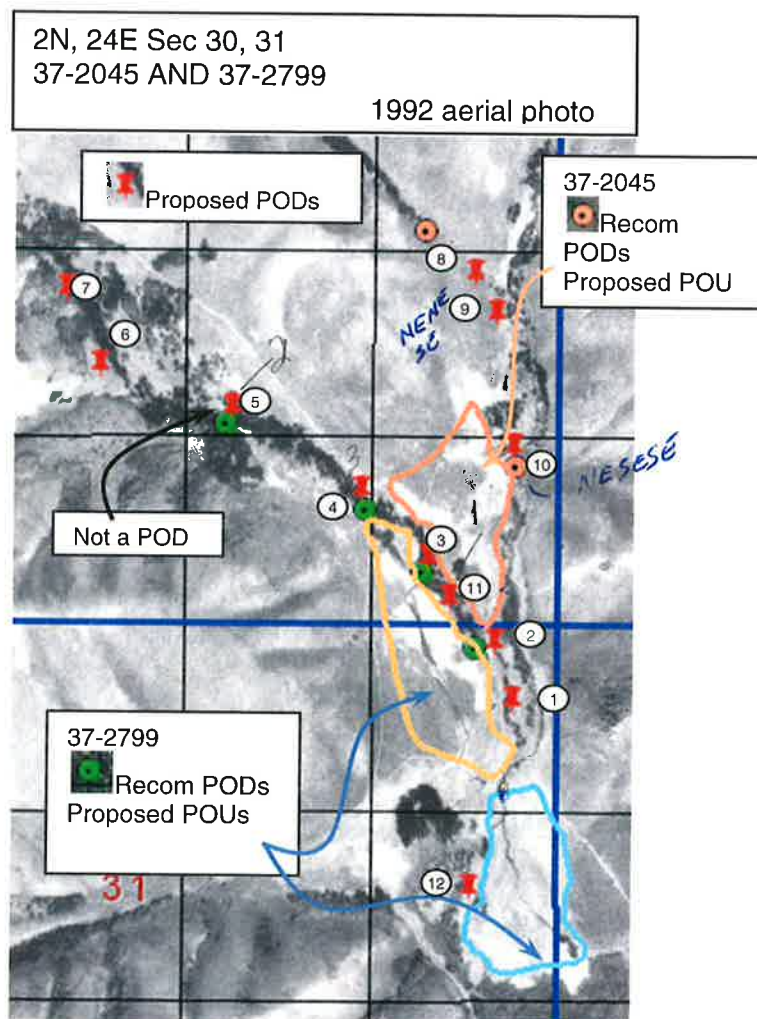
37-2799; There are more problems with the information submitted for this claim.

First, the information provided indicates ≈ 8 PODs. The original claim was for 4 PODs and 4 were recommended. POD # 5 was recommended but is now identified as NOT a POD. An amended claim would be needed to add PODs and their respective legal descriptions. Also PODs 7 and 8 appear to describe irrigation in the same 40-acre tract as those PODs and not actually associated with the current claim. It is possible that there may be a beneficial use associated with those PODs which would require a late claim.

Second, the 'new' POU includes ground east of Cottonwood Creek and extends into Sec 32. The combined acreage is ≈ 35 acres. This is the licensed and claimed acre total but in a different configuration. While an argument for an unrecorded transfer could be made, an amended claim would be necessary for that ground in section 32.

I do not recall discussing the area east of Cottonwood during our January 10 meeting and looking at the information provided it is not clear how the northern portion of that ground would be irrigated. POD # 12 does not appear to be able to carry water north as it is approximately 750 ft downstream from the north end of that parcel. POD # 1 also does not appear to be associated with that ground as it would have to cross Cottonwood Creek to reach the east side as outlined.

While I am not ruling out the possibility that this ground could be recognized, additional information regarding the irrigation system(s) and either amendments and/or late claims would be necessary.



January 25, 2011

Transmitted via U.S. Mail and Electronic Mail

Mr. Kelly Christensen
Western Regional Offices
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Fax: (208) 334-2348

Re: SRBA Subcase Nos. 37-2045 and 37-2799

Dear Kelly:

Enclosed herewith for your review are various aerial photos, maps and ground-level photos related to the points of diversion and places of use of Lava Lake Land & Livestock water right nos. 37-2045 and 37-2799. The on-the-ground photos are numbered and correlate with the hand-notated numbered points of diversion on the enclosed maps. The solid red lined areas on the aerial photos are those that can reasonably be irrigated from the points of diversion. The points of diversion that are usable include the hand-numbered locations denoted as 1, 2, 3, 4, 6, 7, 8, 9, 10, and 11 on both the attached aerial photos and maps.

We hope that this information helps you with your recommendations of these rights. I will contact you shortly to confirm your receipt of these items, and to address any questions or concerns you may have regarding the same.

I believe that resolution of these two subcases will complete all currently open subcases for Lava Lake Land & Livestock. If you desire to confer further with Mr. Stevens either over the telephone or in person, please let me know at that time. Thank you.

Sincerely,


Charles L. Honsinger

enclosures
cc: Mike Stevens

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



Cottonwood Water Diversions Descriptions
October, 2010

Point #1
Feature: Ditch diversion
Condition: In use
Photo #: 3100, 3101

COPY



Point #2
Feature: Ditch diversion
Condition: Usable
Photo #: 3102



Point #3
Feature: Ditch diversion
Condition: Usable
Photo #: 3103, 3104



Point #4
Feature: Ditch to right (faint)
Condition: Usable
Photo #: 3105, 3106



Point #5
Feature: Pipe over creek
Condition: Usable with work
Photo #: 3107

same pipe as #7
not a point of
diversion



Point #6
Feature: Pipe (Black poly pipe diversion)
Condition: In use
Photo #: 3108



Point #7

Feature: Pipe (top end of metal pipe)

Condition: Usable with some work

Photo #: 3109

point of diversion



Point #8
Feature: Ditch diversion (long)
Condition: Usable
Photo #: 3112, 3113



Point #9

Feature: Culvert to ditch (~25 years
old, blow out below gate in fence)

Condition: Usable with work

Photo #: 3114, 3115

pipe from
creek



Point #10

Feature: Earthen dam

Condition: Usable

Photo #: 3116



Point #11

Feature: Small ditch diversion

Condition: Usable (maybe)

Photo #: 3117



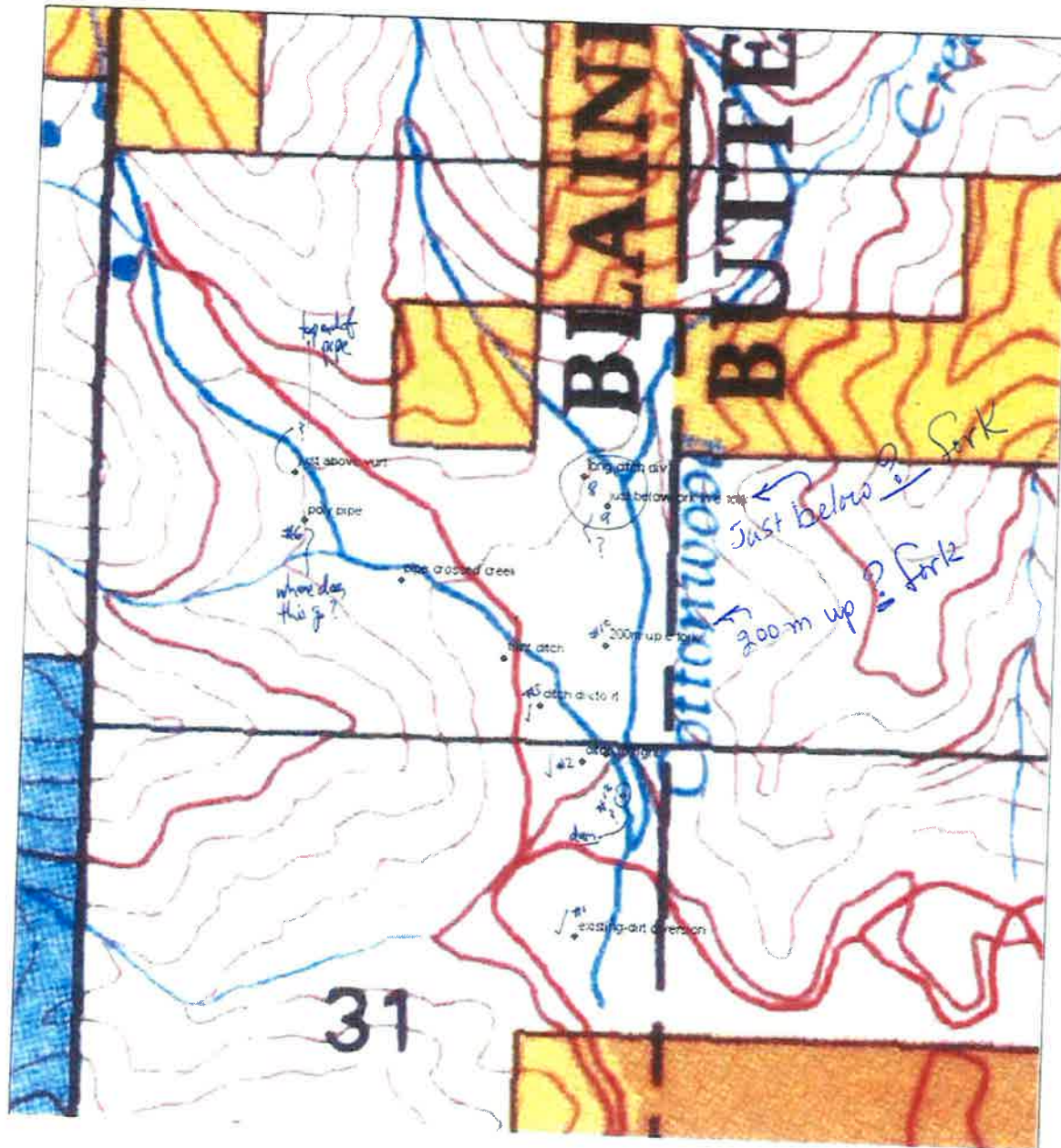
Point #12

Feature: Dam (remnants of dam)

Condition: Not clear whether used in the last 25 years



Photo #:
3118

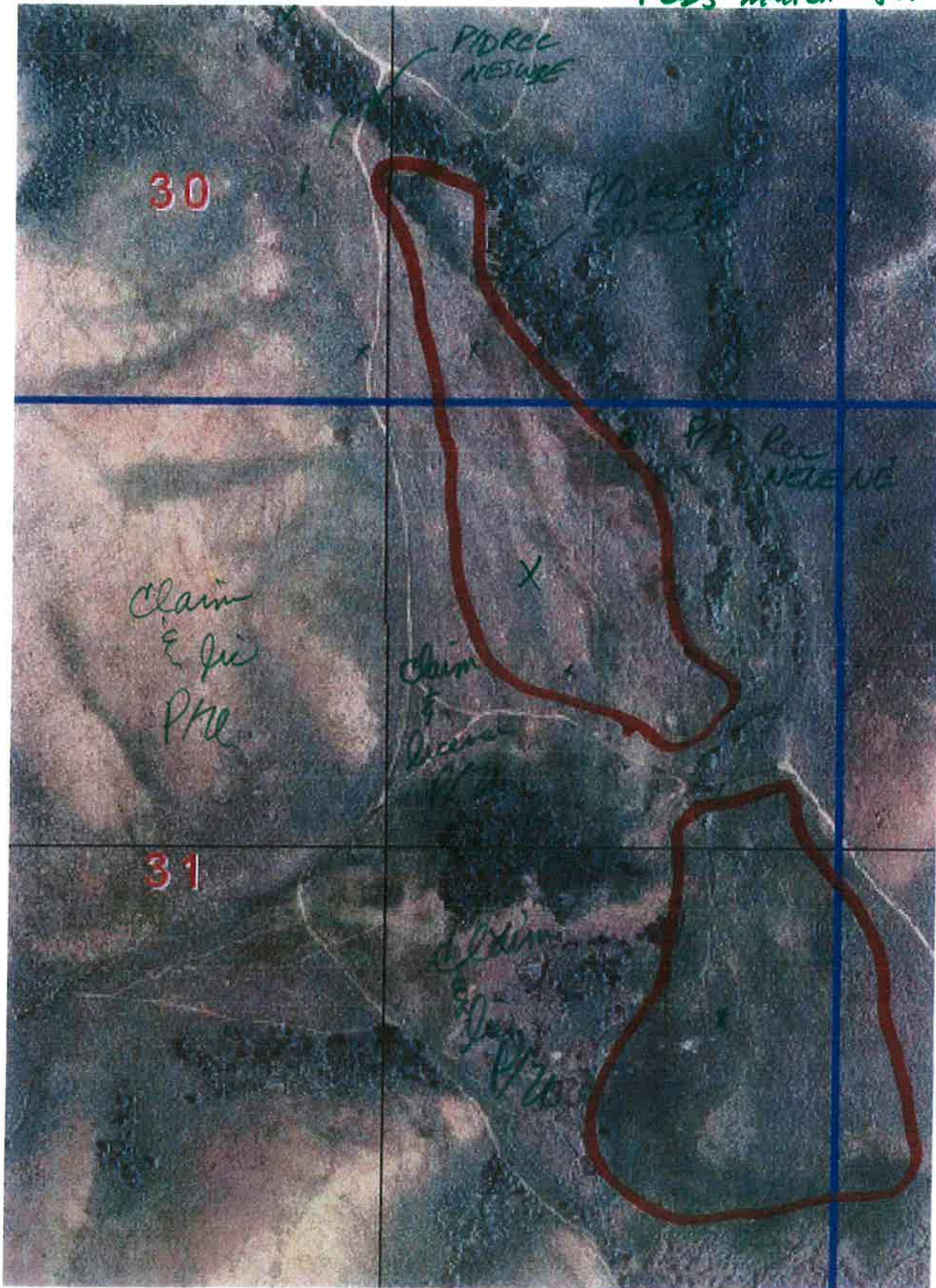


COPY

X SWNWSW P/D REC

2799

~~claim & rec legal~~
~~POD's match for 4 PODs~~



Claim P/Ds

Sec 30 SWSW
SENE
NESE

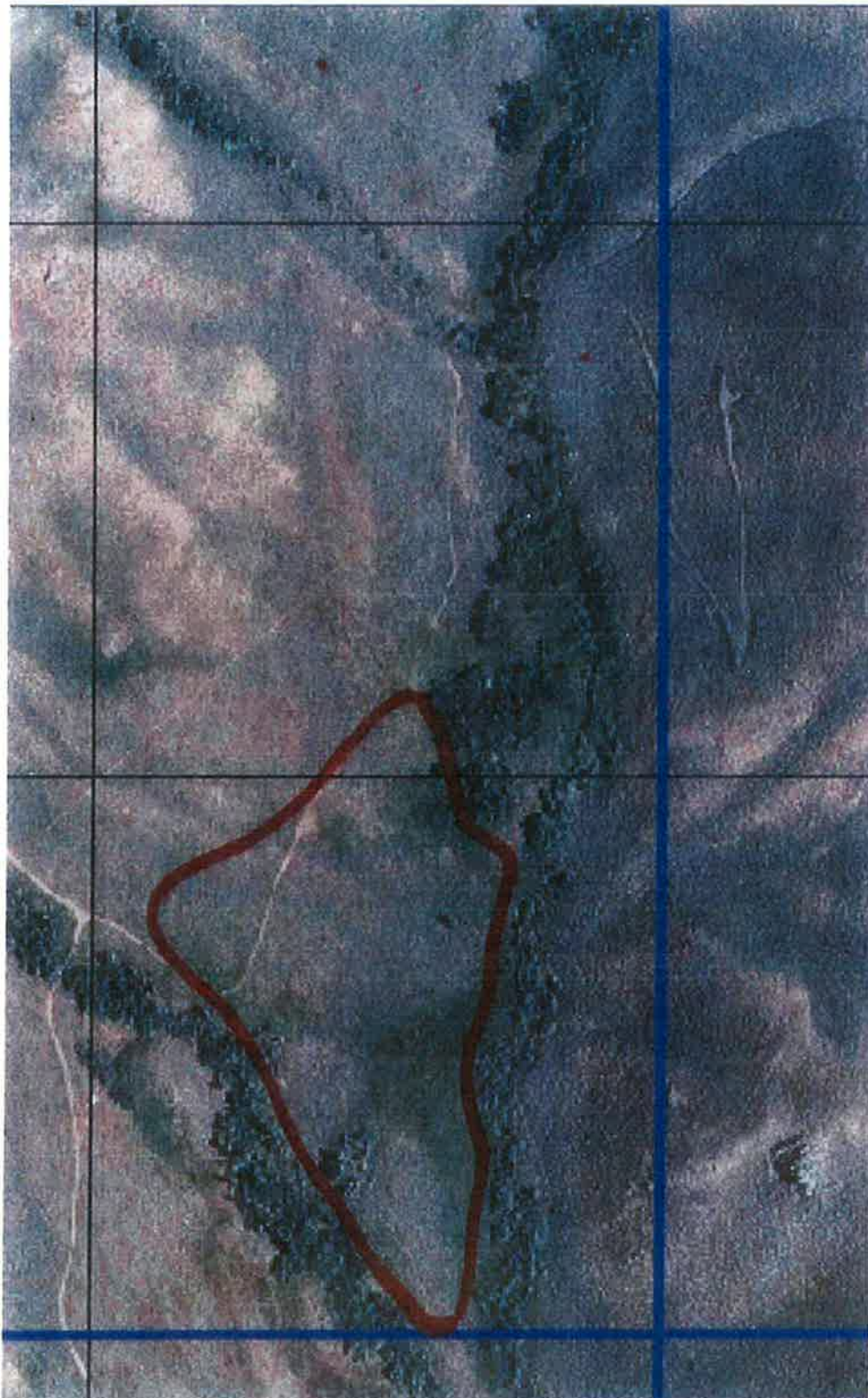
Sec 31 NENE

P/U.
Claimed
as licensed

COPY

COPY

37-2045



CLAIM NUMBERS Claim = 30ac

DATE _____ TRANSFER NUMBER _____

OBJECTION FILED

TOTAL ACRES FROM RECOMMENDATION

37-2045

AGENT _____ GEOGRAPHIC INFO SYSTEM _____

GEOGRAPHIC INFO SYSTEM

[illegible]

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF

ATTRIBUTES OF B36-POU.SHP ()

B36-DBPOD.DBF,

ATTRIBUTES OF B36-POD.SHP ()

37-2045 Sea 29 NW NW

2799 li P/D Sec 30 SENE, NESE SUTE
Sec 31 NENG

P/U CONFLICT yes () no ()

P/D CONFLICT yes () no ()

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

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

RIGHT NUMBER: 37-2799

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
PO BOX 2249
HAILEY ID 83333

Director's Report.

SOURCE: UNNAMED STREAM

TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 0.700 CFS

PRIORITY DATE: 05/07/1948

POINT OF

DIVERSION: T02N R24E S30 SWNWSE Within BLAINE County
T02N R24E S30 NESWSE Within BLAINE County
T02N R24E S30 SWSESE Within BLAINE County
T02N R24E S31 NENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.700 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R24E S30 SWSE 6.60	T02N R24E S30 SESE	5.70
	T02N R24E S31 NENE 22.00	T02N R24E S31 SENE	0.70

35 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

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

37-2045 and 37-2799 Lava Lake

This group is the one identified as needing additional work. I utilized 1992 aerial photography because this photo does provide some information regarding irrigation systems in the area of the two claims.

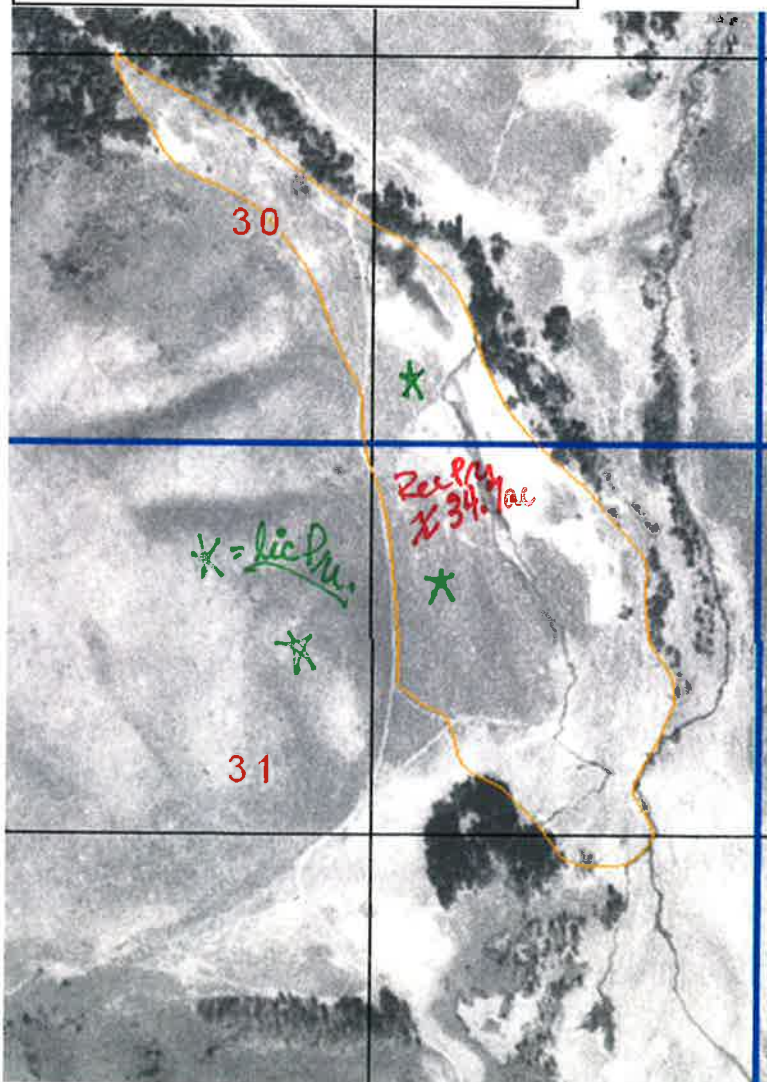
37-2045

In Lee Peterson's field exam notes he states, "This has been let go but plans for sprinkler in near future." Additional information needed to reach a resolution on this claim.

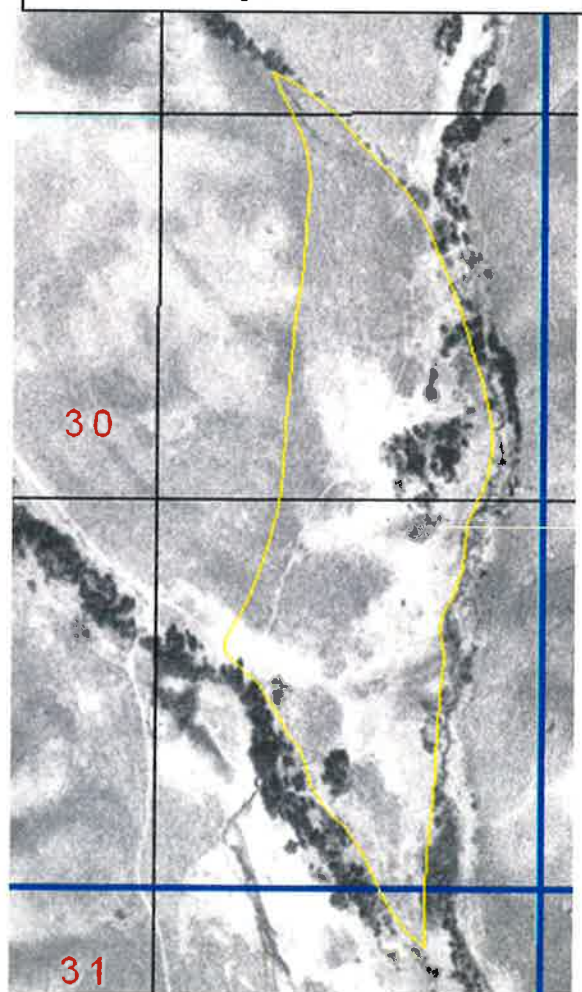
37-2799

This one also needs additional information. In 1990 Eric Verner conducted a field examination for 37-2525 and during that examination he created a map for found irrigation associated with 37-2799. Adjudication Backfile for 37-2525 page 76. The area he identified included the southern portion of the recommended POU in Sec 31 NENE and an additional 10+ acres in Sec 31 SENE. This quarter/quarter was not a part of the claimed POU. During Lee Peterson's field exam for this right he questions, "This area was started irrigation in late 80s & early 90s?"

37-2799 2N, 24E, Sec 30 & 31
1992 aerial photo
Orange outline = Original Recommended POU



37-2045 2N, 24E, Sec 30
1992 aerial photo
Yellow outline = Original Recommended POU



Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, November 03, 2010 2:14 PM
To: 'Charlie Honsinger'; Kelly, Vicki; Spencer, Nick
Subject: 37-2045 and 37-2799 Lava Lake notes

Attached is a brief summary of some of what I understand regarding these two rights. I have noted in the file that this group needs additional work. This should work for a beginning on working toward a resolution. This is as much to get Nick up to speed as anything.



37-2045 and
37-2799 Lava Lake...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Adjudication Claim Notes

Claim(s): 37-2799

Background Data

- Source is 4 small streams known as Cottonwood Creek
- Licensed for 0.7 cfs on 35 acres
- Claimed for 0.7 cfs on 35 acres

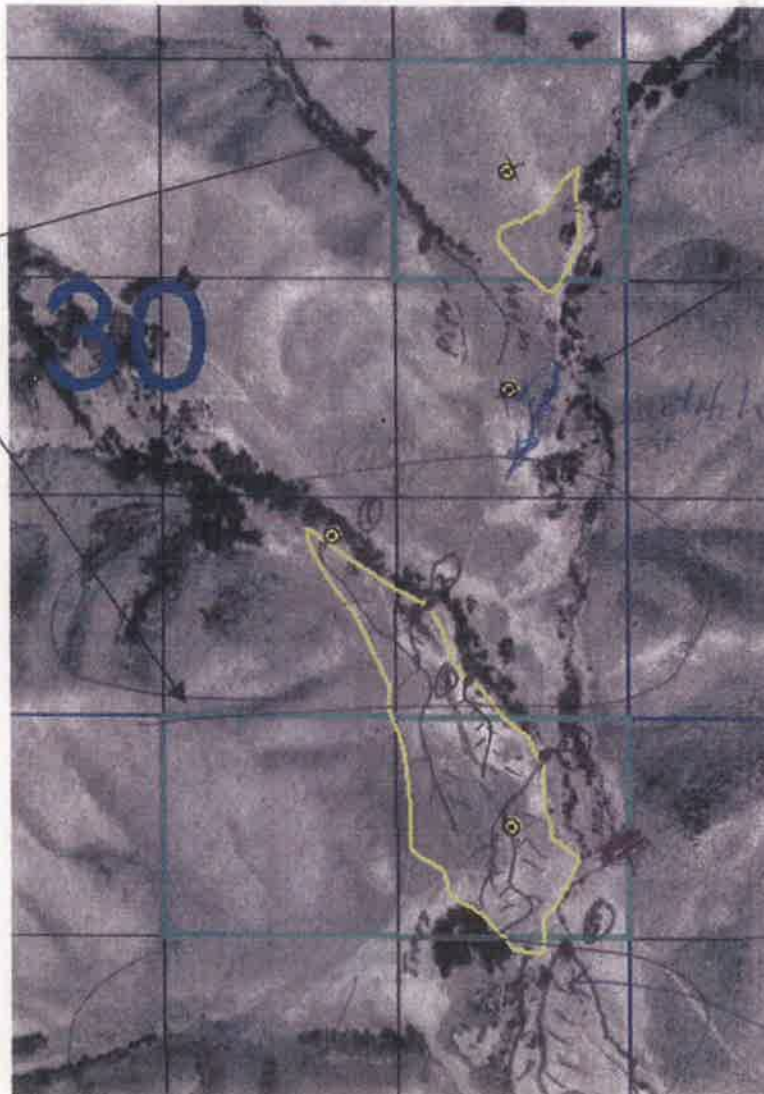
Place Of Use Data

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)

1992 Aerial Photo



Licensed POU
(Green Line)

Cottonwood
Creek
(USGS 24K
Topo Map)

No distribution
system - natural
flooding + sub

Elmridge

-ditch is
clean + used

slow water
- this land
ok POU

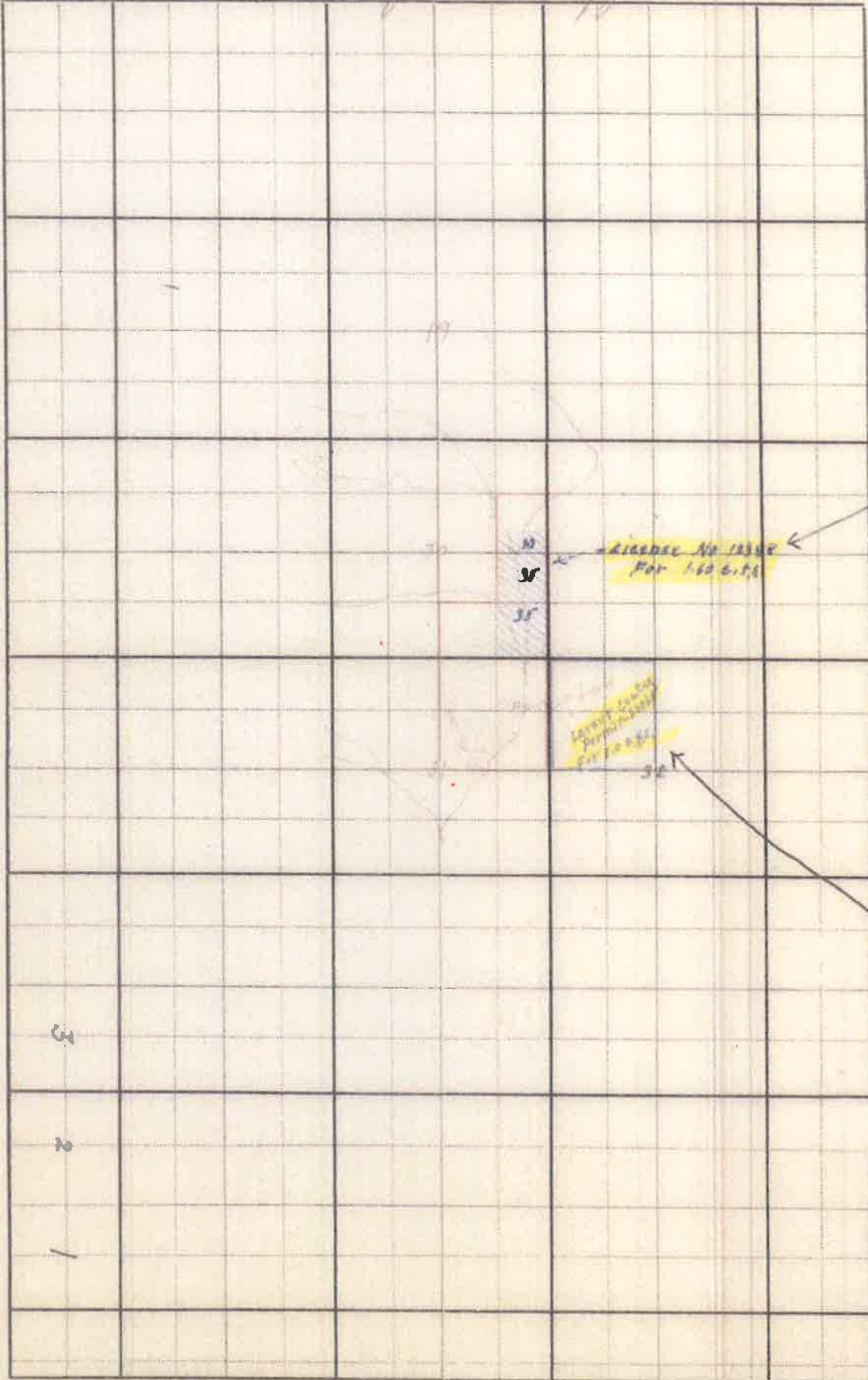
LaVe
1
2
3
4
5

This area was
started in irrigation
in the 80s + early 90s?

NAME OF APPLICANT

John J. Johnson, Jr. Land Office Plot

Form No. 0



37-2045
License Rec.
Indicate POC
is south of
stream
from west in
SENE section
30
-M O A
9/14/05

37-2799

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

20449

File No.
37-2799

Lava Lake Land & Livestock LLC
3527 Washington St.
San Francisco, Ca 94118

10/10/05

Local office; Hailey, Id

On Monday Cheryl (operations Mgr) called me and confirmed an apt. with their ranch foreman (ROY) to meet with him today and review this file and go up into the mountain and GPS their POD's. Roy looked at the area marked yellow for this right and said it does look close to the area used for this right, but there is more POD's than the photo shows, there are four POD's within this yellow area and one just below which is irrigated with water from this same cr. While walking around this area I do believe more than 1 inch per acre is needed for good grass growth, all this land was flood irrigated in past years as shown on black-white photo.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Lava Creek	LavaC 1	2528849	1363430	None	1070746 744
" "	" 2	2529149	1363243	"	747 750
" "	" 3	2529273	1363113	"	748 751
" "	" 4	2529388	1362950	"	749 752
" "	" 5	2529532	1362761	"	750 753

Not Recommended
KLC
11-3-2010

Lee R. Peterson

This POD for land south of POD for this right.

COMMUNICATION DOCUMENTATION

37-02045
 Claim No. 37-0289

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Doug Jones Date 2/22/99

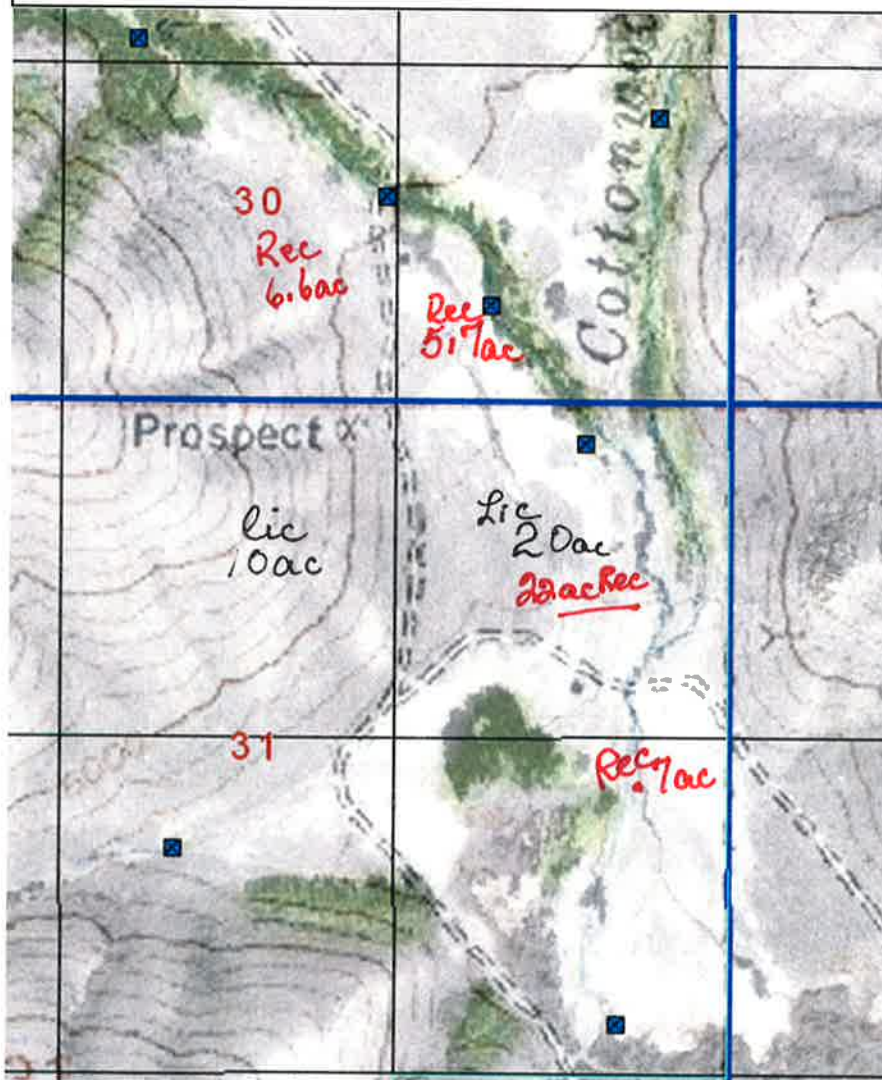
Contact Person(s) Leonard Purdy

Nature of Contact Amend Claims

Substance of Communication President of company/claimant
came in to amend claims to reflect information
as licensed, but redefining a pad to
their own land. Claimant indicated little
use in past years and is now on market.
Prospective buyer may wish to reestablish
use as licensed. During amendment
preparation Purdy said there is only
9-10 acres possible in SE 1/4E 30 - the
overlap area. ^{Variable Fees} ~~fees~~ totaling \$109 paid for
irrig. under both rights,

37-2799

1992 aerial



37-2799

Lic P/A

Sec 30 SENE 5ac

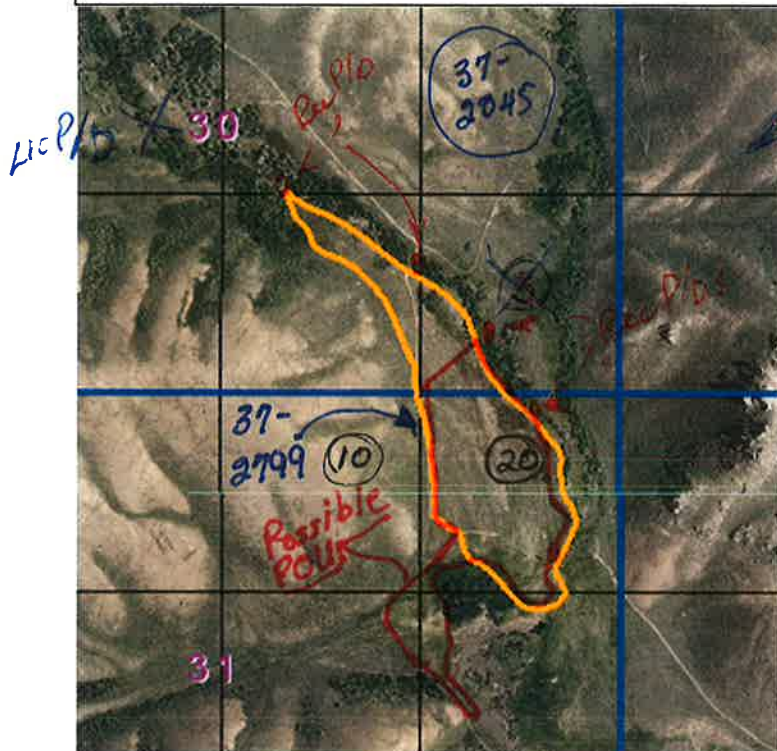
Sec 31 NENE 20
NWNE 10

35ac/ht

37-2799
2N, 24E SEC 30 & 31

lic. P/D
SENE
D/D
(5)

SENE
not
SESE



(XX) = licensed & Claimed POU. license = 35ac total
Possible P/u 6-24-10 = 29ac

need additional work
9-14-10
meeting

Christensen, Kelly

To: Charlie Honsinger
Subject: 37-2045 & 37-2799 NOTES

Attached is a brief compilation of information about the two claims. It does appear that irrigation was probably occurring around 1987 but the actual location of that activity is not really clear.



37-2045 & 37-2799
NOTES pre se...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

37-2045 & 37-2799 NOTES

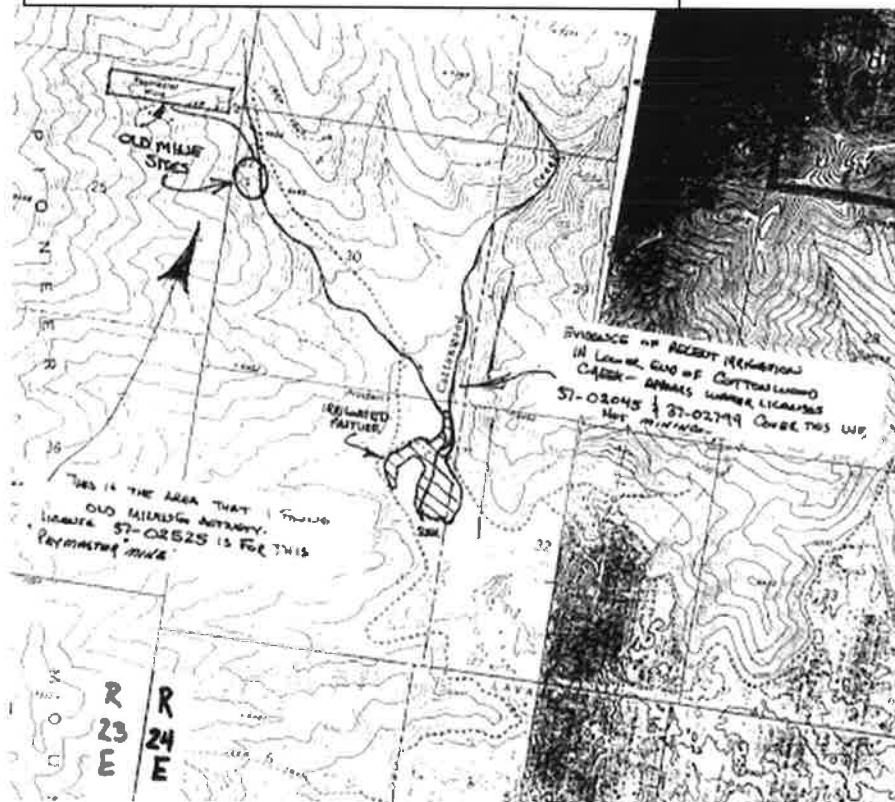
In 1990 Eric Verner, Sr Water Resource Agent from the Eastern Region office conducted a field visit for 37-2525 which included identifying some irrigation uses in the same general area. While the field work was more to determine what and how claims should be filed, the information gathered does provide some direction regarding potential recommendations for the associated adjudication claims. His notes can be found in the adjudication claim backfile 37-2525 as scanned documents.

The clip of the map provided to the claimant (see below, bk file pg 76) included an outline of an irrigated pasture which appears to be primarily associated with 37-2799. The irrigated ground identified by Eric differs substantially from the area identified by Lee Peterson (contractor for the department) based upon his 2005 field work. In trying to duplicate that shape in arc map, I found that there are potential problems with that shape and the characteristics of that area. The current recommended POU does not appear to be entirely correct either.

Additional information is needed to resolve this claim.

There is not enough information available to determine to what – if any - extent irrigation was occurring on the ground associated with 37-2045, as related to Eric's information.

Map clip from AJ backfile for 37-2525



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2799 V1

WATER RIGHT NUMBER: 37-2799 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAVA LAKE LAND & LIVESTOCK LLC PO BOX 2249 HAILEY, ID 83333 (208) 788-1710

Priority Date: 05/07/1948

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	COTTONWOOD CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4SE1/4SE1/4	Sec. 30, Twp 02N, Rge 24E, B.M.
UNNAMED STREAM	SW1/4NW1/4SE1/4	Sec. 30, Twp 02N, Rge 24E, B.M.
UNNAMED STREAM	NE1/4SW1/4SE1/4	Sec. 30, Twp 02N, Rge 24E, B.M.
UNNAMED STREAM	NE1/4NE1/4NE1/4	Sec. 31, Twp 02N, Rge 24E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	24E	30															6.6	5.7	12.3
02N	24E	31	22.0			.7													22.7

Total Acres: 35

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C18 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.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. C02 Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

November 21, 1990

Dennis W. Berrett
101 W. Inglenook Dr. #1906
Midvale, Ut. 84147

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: Snake River Basin Adjudication Claim for CNA Enterprises

Dear Mr. Berrett:

Our office is investigating the claims to water rights that were filed for water uses within the Big Lost River hydrological basin. One of the claims you filed on behalf of CNA Enterprises falls within this basin.

My investigation of this claim (A34-10921) has shown there may be some errors. The explanation of the problems is complex, but can be summarized this way:

- 1) It appears that the claimed place of use and point of diversion are incorrect.
- 2) It appears that the claim was incorrectly based on lapsed permit 37-02282.

I will try to describe the problems in more detail, but please feel free to call if you have any questions regarding my analysis.

On the enclosed photocopy of the USGS Quadrangle map I have highlighted in blue and pink the 40 acre tracts that you have claimed your water use to cover (upper right corner). Notice that this legal description falls within the boundary of Craters of The Moon National Monument. Moreover, it doesn't appear that Cottonwood Creek flows through this land. There is a stream just north and west of this location, Little Cottonwood Creek, with some mine sites (Martin Mine). However, in discussions with one of the Park Rangers, this site is also within the Monument Boundary and the Ranger was not aware of anyone using this water other than the Park itself. He did however show me a mine site on "Cottonwood Creek", to the west of the monument headquarters.

I have indicated this mine site in the upper left-hand corner of the map. The site is called the "Paymaster Mine" on the USGS map. I suspect this might be the site that CNA Enterprises owns. I visited the site and found remains of the old mine and out buildings but there wasn't any evidence of recent activity other than some "mining claim" location monuments. At the lower end of Cottonwood Creek there is an irrigated pasture that is watered from Cottonwood Creek.

37-2525
AT Back
File
Pg 74-
75

MICROFILMED

FEB 23 1993

BERRETT

PAGE 2

The second problem I found was with the water right the claim was based on. The remarks on the claim state that CNA's claim is based on "lapsed permit 37-02282". I'm not sure how we came up with this water right covering your claimed uses, but it was a permitted irrigation right from a slough that is tributary to Silver Creek. The use was to be irrigation of land near Picaboo, Idaho, which is several miles West of Craters of the Moon. It appears to me that 37-02282 may not have anything to do with property owned by CNA Enterprises(?).

I felt that you may have intended to file on the Paymaster Mine so I checked our records and found 3 water rights on Cottonwood Creek and its tributaries. I have enclosed copies of these rights for your reference. Licenses 37-02799 and 37-02045 are irrigation rights that appear to cover the pasture land that I visited at the lower end of the creek. License 37-02525 is a mining/domestic right licensed to Paymaster Inc., that I would guess covered the water use at Paymaster Mine.

37-2799
37-2045

I suggest you check this information over carefully, deciding if your initial claim was incorrect. If so, you need to initiate a correction. If CNA's intention was to file on water uses on or around the Paymaster Mine, it will be fairly simple to base the claim on license 37-02525. If, however, we are way off base and the mine owned by CNA isn't near Craters of the Moon National Monument, let me know and I will be glad to assist you in correcting the claim.

I can see from the file that there has been quite a bit of work done on this claim. I hope you don't become too discouraged by this. Our intention is to be sure your water rights are protected and that the record is as accurate as is possible. Your prompt attention to this matter is appreciated.

Sincerely,


Eric Verner
Sr. Water Agent

Enclosures

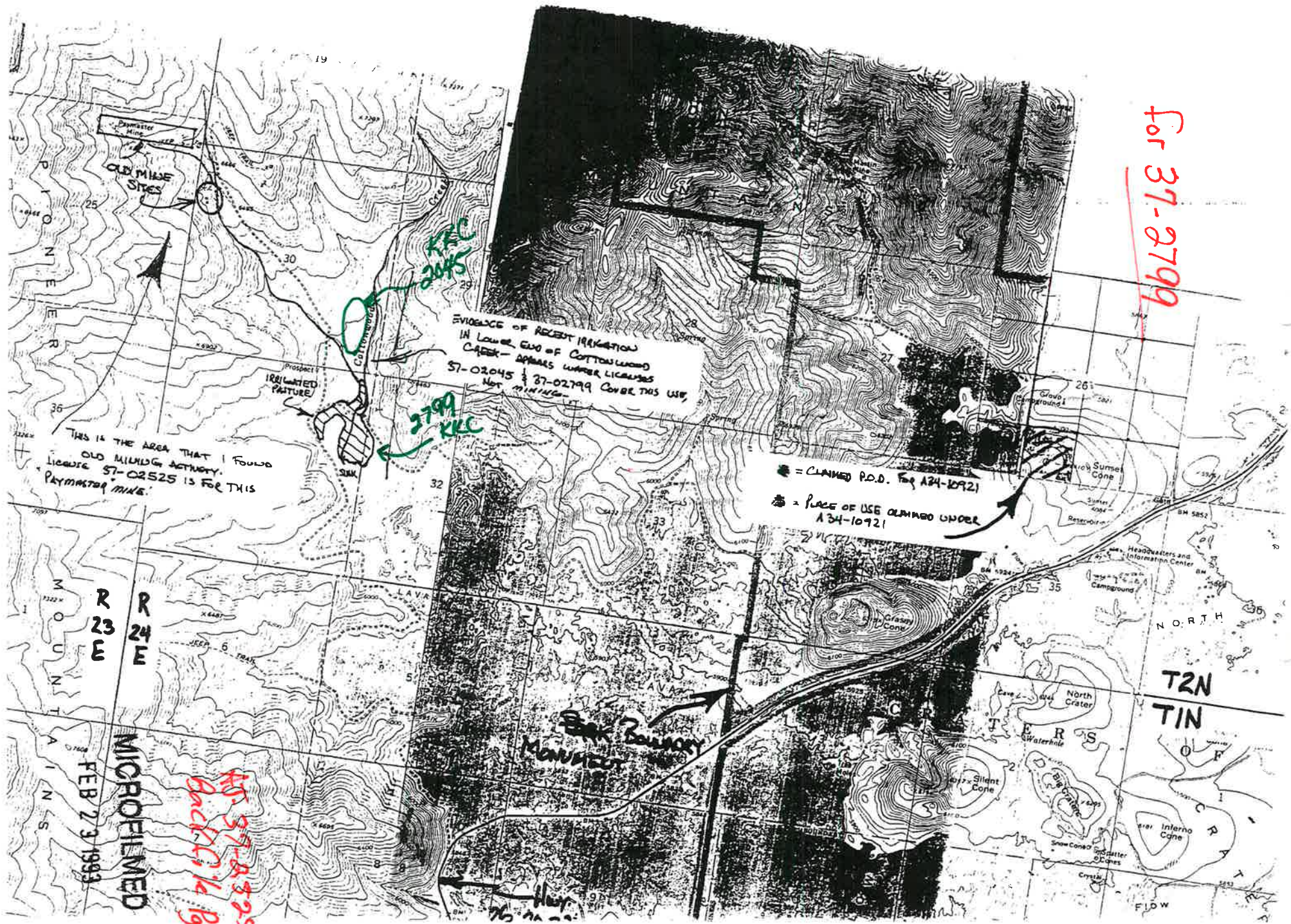
EV:gc, A34-10921

MICROFILMED

FEB 23 1992

- COPY -

for 37-2799



EVIDENCE OF RECENT IRRIGATION
IN LOWER END OF COTTONWOOD
CREEK - APPEARS UNDER LICENSES
37-02045 & 37-02799 COVER THIS USE,
NOT MINING.

● = CLAIMED P.O.D. For A34-10921
● = PLACE OF USE CLAIMED UNDER
A34-10921

THIS IS THE AREA THAT I FOUND
OLD MINING ACTIVITY.
LICENSE 37-02525 IS FOR THIS
PAYMASTER MINE.

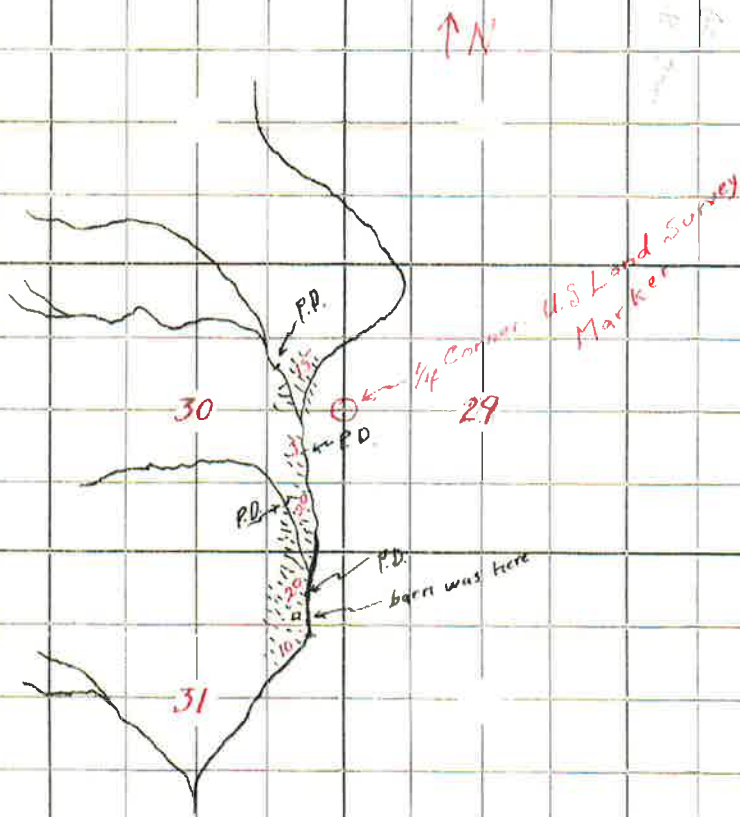
45 37-2799
Backfile 1976

MICROFILMED
FEB 23 1993

T2N
T1N

NORTH

FLOW



Aeres = 68

Points of diversion can
be put in almost any
place along stream

Field exam sketch
Back file Pg 3
for 37-2799

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: **A37-02799**
Date Received: 2/24/1989
Receipt No: C005570
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: LAVA LAKE LAND & LIVESTOCK LLC 415-922-5378
Address: 3527 WASHINGTON ST
SAN FRANCISCO CA 94118

2. Date of Priority: MAY 7, 1948

3. Source: COTTONWOOD CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	24E	30		SE	NE		BLAINE
				NE	SE		BLAINE
				SW	SE		BLAINE
		31		NE	NE		BLAINE

5. Description of diverting works:
DITCH FROM STREAM TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.700		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING OF 200 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	24E	30	SE	NE		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	5.0
		31	NE	NE		IRR	20.0
			NW	NE		IRR	10.0
						Section Acres	30.0
						Total Acres	35.0

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:
34-02045

14. Remarks:

OWNERSHIP CHANGE MADE 9/8/95 BY TLB.

2/22/99, DJ: CLAIM AMENDED TO REFLECT LICENSE INFORMATION OF
PLACE OF USE, POINT OF DIVERSION, AND CHANGED SHEEP TO CATTLE.

08/03/99, CHANGED OWNERSHIP: PICABO TO BEAN TEDROW FAMILY TRUST
AS PER WARRANTY DEED AND FORM 1409(6) REC'D 04/09/99. C.T.

1/4/1999 TF; OWNERSHIP CHANGED BEAN-TEDROW FAMILY TRUST TO
LAVA LAKE LAND & LIVESTOCK (BRIAN S BEAN AND KATHLEEN T BEAN,
MANAGERS) PER 1409(6) AND WARRANTY DEED REC'D 12/29/1999.

15. Basis of Claim: LICENSE

Water Right Number: 20449

NEAP-12014-003

RECEIVED
DEC 29 1999
Department of Water Resources
Snake River Basin

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) See attached list
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) BRIAN S. BEAN and KATHLEEN T. BEAN, Trustees of the
BEAN-TEDROW FAMILY TRUST U/D/T dated March 15, 1996
3527 Washington Street
San Francisco, California 94118
4. New Owner/Claimant(s) BRIAN S. BEAN and KATHLEEN T. BEAN, Managers
LAVA LAKE LAND & LIVESTOCK, L.L.C.
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 3527 Washington Street
City, State and ZIP Code San Francisco, California 94118
New Telephone Number (415) 922 - 5378
5. Date you acquired the property 6/10/99
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Brian S. Bean Date Dec 1, 1999
Kathleen T. Bean Date Dec 1, 1999
8. (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
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.

WATER RIGHT NUMBERS FOR TRANSFER FROM
BRIAN S. BEAN and KATHLEEN T. BEAN, Trustees of the BEAN-TEDROW
FAMILY TRUST U/D/T dated March 15, 1996 TO
BRIAN S. BEAN and KATHLEEN T. BEAN, Managers
LAVA LAKE LAND & LIVESTOCK, L.L.C.

A37-11916
A37-07072✓
A37-07600✓
A37-02715✓
A37-02688✓
A37-11936✓
A37-12014 ✓
A37-11950✓
A37-02545A✓
A37-02545B✓
A37-02045✓
A37-02799

All other water rights appurtenant to deeded lands.
See attached deed.

WARRANTY DEED

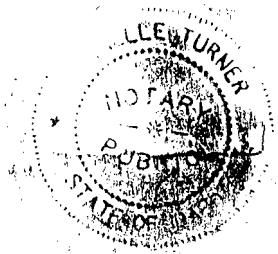
FOR VALUE RECEIVED, BRIAN S. BEAN and KATHLEEN T. BEAN, Trustees of the BEAN-TEDROW FAMILY TRUST U/D/T, dated March 15, 1996, Grantors, do hereby Grant, Bargain, Sell and Convey unto LAVA LAKE LAND & LIVESTOCK, L.L.C., an Idaho Limited Liability Company, Grantee, whose address is 3527 Washington Street, San Francisco, California 94118, all of Grantors' interest, in and to the following described premises, in Blaine County and Butte County, Idaho, to-wit:

See attached Exhibit "A".

Together with all easements, agreements, conditions and appurtenances whatever.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its successors, administrators and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Blaine County and Butte County, Idaho, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 10, 1999



NO. 035310
DEC 21 1999
BUTTE COUNTY RECORDER
L. E. Turner

BEAN-TEDROW FAMILY TRUST U/D/T
dated March 15, 1996

Brian S. Bean
Brian S. Bean, Trustee

Kathleen T. Bean
Kathleen T. Bean, Trustee

STATE OF ~~CALIFORNIA~~ IDAHO)
County of ~~San Francisco~~ BLAINE : ss.
On this 20th day of AUGUST, 1999, before me, a Notary Public, personally appeared BRIAN S. BEAN and KATHLEEN T. BEAN, Trustees of the BEAN-TEDROW FAMILY TRUST U/D/T, dated March 15, 1996, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same as such Trustees.

[Signature]
Notary Public for California
Residing at Ketchum, ID
Commission Expires 2003

STATE OF IDAHO, COUNTY OF BLAINE
I hereby certify that this instrument was filed for record at the request of _____

BLAINE CO. REQUEST

OF J.R. Bennetts

Deed

1999 DEC 10 A 9:11

434307

MAKSHIA not. pub. CLERK ms

See \$ 9.00

Mail to:
Residing at Ketchum, ID
Commission Expires 2003

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL I:

TOWNSHIP 1 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 1: LOTS 3 AND 4; S1/2 NW1/4; N1/2 SW1/4.

SECTION 2: LOTS 1,2 AND 3; S1/2 NE1/4; S1/2 NW1/4; S1/2.

SECTION 3: E1/2 SW1/4; SW1/4 SW1/4; SE1/4; S1/2 NE1/4.

SECTION 4: SE1/4 SE1/4.

SECTION 8: S1/2 NW1/4.

SECTION 9: NE1/4 NE1/4; S1/2 NE1/4; W1/2 SE1/4; SE1/4 SW1/4.

SECTION 10: NW1/4; W1/2 NE1/4.

SECTION 11: NE1/4; W1/2 SE1/4; NE1/4 SE1/4; SW1/4; E1/2 NW1/4.

SECTION 12: SW1/4 NW1/4.

SECTION 14: NW1/4 NW1/4.

SECTION 15: E1/2 E1/2; NW1/4 NE1/4; SW1/4 SE1/4.

SECTION 16: ALL.

SECTION 20: NE1/4 NE1/4.

SECTION 21: E1/2; N1/2 NW1/4; SE1/4 SW1/4.

SECTION 22: NE1/4; SW1/4; E1/2 NW1/4; SW1/4 NW1/4; NW1/4 SE1/4.

SECTION 27: N1/2 NW1/4; SW1/4 NW1/4.

SECTION 28: E1/2.

SECTION 33: NW1/4 NE1/4.

TOWNSHIP 1 NORTH RANGE 24 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

SECTION 19: SE1/4 NE1/4.

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

SECTION 26: SE1/4 SW1/4.

SECTION 27: SE1/4 SE1/4.

Continued on next page

Continuation of Exhibit "A", Legal Description

PARCEL II:

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: E1/2 SW1/4; SE1/4 NE1/4; N1/2 SE1/4 and SW1/4 SE1/4.

SECTION 7: SW1/4 SE1/4.

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

SECTION 25: SE1/4; NE1/4 NE1/4; S1/2 NE1/4.

TOWNSHIP 2 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 19: SE1/4 SW1/4; SW1/4 SE1/4.

SECTION 30: LOTS 1, 2, 3 and 4; E1/2 NW1/4; E1/2 SW1/4; SE1/4; NW1/4 NE1/4; and SE1/4 NE1/4.

SECTION 31: LOTS 1, 2, 3 and 4; E1/2 NW1/4; E1/2 SW1/4; W1/2 SE1/4; and NE1/4.

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: LOTS 2, 5, 6 & 7; SW1/4 NE1/4; and SE1/4 NW1/4.

SECTION 7: LOT 1; NE1/4 NW1/4; NE1/4; N1/2 SE1/4; SE1/4 SE1/4; and E1/2 SW1/4.

TOWNSHIP 2 NORTH, RANGE 24 E.B.M., BUTTE COUNTY, IDAHO

SECTION 20: S1/2SW1/4, SE1/4

SECTION 29: N1/2NW1/4

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: A37-02799

Date Received: 2/24/1989

Receipt No: C005570

Received By: *H. Sumner Chang*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: BEAN TEDROW FAMILY TRUST
Address: 3527 WASHINGTON ST
SAN FRANCISCO CA 94118
415-922-5378

2. Date of Priority: MAY 7, 1948

3. Source: COTTONWOOD CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	24E	30		SE	NE		BLAINE
				NE	SE		BLAINE
				SW	SE		BLAINE
		31		NE	NE		BLAINE

5. Description of diverting works:
DITCH FROM STREAM TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.700		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING OF 200 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	24E	30	SE	NE		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
		31	NE	NE	IRR	20.0
			NW	NE	IRR	10.0
					Section Acres	30.0
					Total Acres	35.0

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:
34-02045

14. Remarks:

OWNERSHIP CHANGE MADE 9/8/95 BY TLB.

2/22/99, DJ: CLAIM AMENDED TO REFLECT LICENSE INFORMATION OF
PLACE OF USE, POINT OF DIVERSION, AND CHANGED SHEEP TO CATTLE.

08/03/99, CHANGED OWNERSHIP: PICABO TO BEAN TEDROW FAMILY TRUST
AS PER WARRANTY DEED AND FORM 1409(6) REC'D 04/09/99. C.T.

15. Basis of Claim: LICENSE

Water Right Number: 20449

DATE: 08/04/99
PAGE: 1

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag: C

IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

APR 09 1999

1. Water Right Number(s) See attached list Department of Water Resources
Southern Region
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) PICABO LIVESTOCK COMPANY, INC.
P. O. Box 688, Picabo, ID 83348
4. New Owner/Claimant(s) BRIAN S. BEAN and KATHLEEN T. BEAN, Trustees of the
BEAN-TEDROW FAMILY TRUST U/D/T dated March 15, 1996
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 3527 Washington Street
City, State and ZIP Code San Francisco, California 94118
New Telephone Number (415) 922 - 5378
5. Date you acquired the property See attached deed
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
N/A
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Brian S. Bean Date 4/1/99
Kathleen T. Bean Date 4.1.99
Trustees
(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
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.

348
WATER RIGHT NUMBERS FOR TRANSFER FROM

PICABO LIVESTOCK COMPANY, INC. TO

BRIAN ~~T.~~^{S.} BEAN and KATHLEEN T. BEAN, Trustees of the BEAN-TEDROW
FAMILY TRUST U/D/T dated March 15, 1996

A37-11916

A37-07072

A37-07600

A37-02715

A37-02688

A37-11936

A37-12014

A37-11950

A37-02545A

A37-02545B

A37-02045

A37-02799

All other water rights appurtenant to deeded lands.
See attached deed.

BLAINE COUNTY TITLE

SCOTT E. MARY
PRESIDENT

DARYL J. FAUTH
VICE PRESIDENT

208 SPRUCE AVENUE NORTH
P.O. BOX 3176 - KETCHUM, IDAHO 83340
(208) 726-0700
(208) 726-8406 (FAX)
1-800-346-6879
(OUTSIDE OF IDAHO)

RECEIVED
APR 09 1999
Department of Water Resources
Southern Region

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

April 08, 1999

RE: Escrow No. 99008932 PICABO LIVESTOCK/BEAN

Dear SIRS

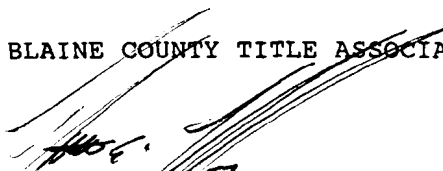
With regards to the above described real estate transaction, please find enclosed the following:

____ Title Commitment
____ Closing Statement
____ Deed of Trust - Instrument No. _____
____ Note
☒ Warranty Deed - Instrument No. 425879
____ Quitclaim Deed - Instrument No. _____
____ Escrow Instructions
____ Tax Notice
____ Insurance Binder
____ Lender's Documents
____ Cover Letter(s) - Copy
____ Owner's Policy No. _____
____ Mortgagee's Policy No. _____
____ Endorsements _____
____ Lot Book Report
____ Lien Affidavit
☒ Other: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
____ Other: _____
____ Check # _____ in the amount of \$ _____
____ Representing: _____

If you should have any questions, please do not hesitate to contact the undersigned.

Sincerely,

BLAINE COUNTY TITLE ASSOCIATES


SCOTT E. MARY
PRESIDENT

COPY

Original Document Held
For Safekeeping By
WILSON, SONSINI, GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, California 94304-1050

DECLARATION OF TRUST

BRIAN S. BEAN and KATHLEEN T. BEAN, called the "Settlors" or the "Trustees," depending on the context, and sometimes referred to as "Husband" and "Wife," respectively, declare that they have set aside and hold in trust the property described in Schedule A attached to this instrument.

* PREAMBLE

Husband and Wife have one (1) child now living, whose name and date of birth are:

PHOEBE SHANNON BEAN - September 21, 1993

Husband and Wife have no deceased children or other deceased issue.

As used in this instrument, all references to the children of Husband and Wife shall refer to and include the child named above and any child(ren) hereafter born to or adopted by Husband and Wife.

Husband and Wife have accumulated significant amounts of property during their marriage.

It is Husband's and Wife's desire, by this instrument, to create an inter vivos revocable trust in accordance with the laws of the State of California, whereby they will hold in trust their community property and their separate property and manage it for their benefit during their respective lives and provide for their issue upon the death of the last survivor of Husband and Wife.

As used in this instrument, the masculine, feminine or neuter gender, and the singular or plural number, shall each include the other(s) whenever the context so indicates.

ARTICLE II

NAME OF TRUST

The trusts created in this instrument may be referred to collectively as the "BEAN-TEDROW FAMILY TRUST," and each separate trust created in this instrument may be referred to by adding the name of the beneficiary.

ARTICLE III

SUCCESSOR TRUSTEES

A. If BRIAN S. BEAN shall for any reason cease to act as a Trustee, KATHLEEN T. BEAN shall act as sole Trustee. If KATHLEEN T. BEAN shall for any reason cease to act as a Trustee, BRIAN S. BEAN shall act as sole Trustee. If both BRIAN S. BEAN and KATHLEEN T. BEAN shall for any reason cease to act as Trustees, BRYAN BOWERS shall act as Trustee. If BRYAN BOWERS shall for any reason fail to qualify or cease to act as Trustee, MICHAEL BEAUMONT shall act as Trustee.

Notwithstanding the foregoing, the last person designated above who is eligible to serve as Trustee hereunder shall have the power, while acting as Trustee of any trust under this instrument, to designate such one or more successor Trustees to act when such Trustee shall for any reason cease to act as Trustee. All designations shall be exercised in writing and shall be effective on delivery to all



034252

RECORDED

APR 02 1999

Order No. 99008932
This form furnished by
Blaine County Title Associates

A.M. 9:35 P.M.
BUTTE COUNTY RECORDER

CORPORATION WARRANTY DEED

PICABO LIVESTOCK COMPANY, INC., an Idaho Corporation, a corporation
organized and existing under the laws of the State of Idaho, with its principal office at P.O. BOX
688, Picabo, Idaho 83348

grantor, hereby CONVEYS or GRANTS and WARRANTS TO BRIAN S. BEAN AND KATHLEEN T.
BEAN, TRUSTEES OF THE BEAN-TEDROW FAMILY TRUST U/D/T DATED MARCH 15, 1996

grantee

whose current address is: 3527 WASHINGTON STREET, SAN FRANCISCO, CA 94118

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN

TOGETHER WITH ALL WATER AND WATER RIGHTS, RIGHTS OF WAY AND APPURTENANCES.

"As part of an IRC 1031 tax-deferred exchange" "Relinquished Property"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 31st day of March, 1999, A.D.

PICABO LIVESTOCK COMPANY, INC., an
Idaho Corporation

(Corporate Name)

(Corporate Seal)

By Leonard N. Purdy President

Attest: Scott E. Madsen Secretary

State of Idaho

ss.

County of Blaine

On this 30th day of March, 1999, before me, the undersigned, a Notary Public, in and for said State, personally appeared LEONARD N. PURDY

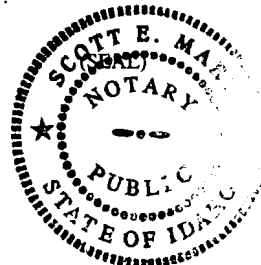
known to me, or identified to me on the basis of satisfactory evidence, to be the President of the corporation that executed the instrument and that the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its board of directors and acknowledged to me that such corporation executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public

Residing at: Blaine County, ID

Commission Expires: 1/26/04



SCHEDULE A

Order Number: 99008932

LEGAL DESCRIPTION

PARCEL I:

TOWNSHIP 1 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 1: LOTS 3 AND 4, S1/2 NW1/4, N1/2 SW1/4.

SECTION 2: LOTS 1,2 AND 3, S1/2 NE1/4, S1/2 NW1/4, S1/2.

SECTION 3: E1/2 SW1/4, SW1/4 SW1/4, SE1/4, S1/2 NE1/4.

SECTION 4: SE1/4 SE1/4.

SECTION 8: S1/2 NW1/4.

SECTION 9: NE1/4 NE1/4, S1/2 NE1/4, W1/2 SE1/4, SE1/4 SW1/4.

SECTION 10: NW1/4, W1/2 NE1/4.

SECTION 11: NE1/4, W1/2 SE1/4, NE1/4 SE1/4, SW1/4, E1/2 NW1/4.

SECTION 12: SW1/4 NW1/4.

SECTION 14: NW1/4 NW1/4.

SECTION 15: E1/2 E1/2, NW1/4 NE1/4, SW1/4 SE1/4.

SECTION 16: ALL.

SECTION 20: NE1/4 NE1/4.

SECTION 21: E1/2, N1/2 NW1/4, SE1/4 SW1/4.

SECTION 22: NE1/4, SW1/4, E1/2 NW1/4, SW1/4 NW1/4, NW1/4 SE1/4.

SECTION 27: N1/2 NW1/4, SW1/4 NW1/4.

SECTION 28: E1/2.

SECTION 33: NW1/4 NE1/4.

TOWNSHIP 1 NORTH RANGE 24 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

SECTION 19: SE1/4 NE1/4.

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

SECTION 26: SE1/4 SW1/4.

SECTION 27: SE1/4 SE1/4.

Continued on next page

Continuation of Schedule A - Legal Description
Order Number: 99008932

PARCEL II:

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: E1/2 SW1/4, SE1/4 NE1/4, N1/2 SE1/4 and SW1/4 SE1/4.

SECTION 7: SW1/4 SE1/4.

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

SECTION 25: SE1/4, NE1/4 NE1/4, S1/2 NE1/4.

TOWNSHIP 2 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 19: SE1/4 SW1/4, SW1/4 SE1/4.

SECTION 30: LOTS 1, 2, 3 and 4, E1/2 NW1/4, E1/2 SW1/4, SE1/4, NW1/4 NE1/4, and SE1/4 NE1/4.

SECTION 31: LOTS 1, 2, 3 and 4, E1/2 NW1/4, E1/2 SW1/4, W1/2 SE1/4, and NE1/4.

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: LOTS 2, 5, 6 & 7, SW1/4 NE1/4, and SE1/4 NW1/4.

SECTION 7: LOT 1, NE1/4 NW1/4, NE1/4, N1/2 SE1/4, SE1/4 SE1/4, and E1/2 SW1/4.

TOWNSHIP 2 NORTH, RANGE 24 E.B.M., BUTTE COUNTY, IDAHO

SECTION 20: S1/2SW1/4, SE1/4

SECTION 29: N1/2NW1/4

425879

BLAINE CO. REQUEST
OF: BLAINE COUNTY TITLE
DEED
'99 APR 2 PM 12 57
MARSHA STEPHAN, CLERK
FEES \$ 908

23

22

7327

7326

7328

p.s.

7329

2. EXT.

TOP SECRET

ET. S.

$$n^{1/2} se$$

26

swse

US

THIS MAP IS FURNISHED AS PART OF AN ENDORSEMENT AND DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREON. IT IS FURNISHED STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. THE DESCRIPTION FURNISHED IN SCHEDULE A OF THE POLICY SHOULD BE REFERRED TO FOR THE DESCRIPTION OF THE LAND COVERED THEREBY.

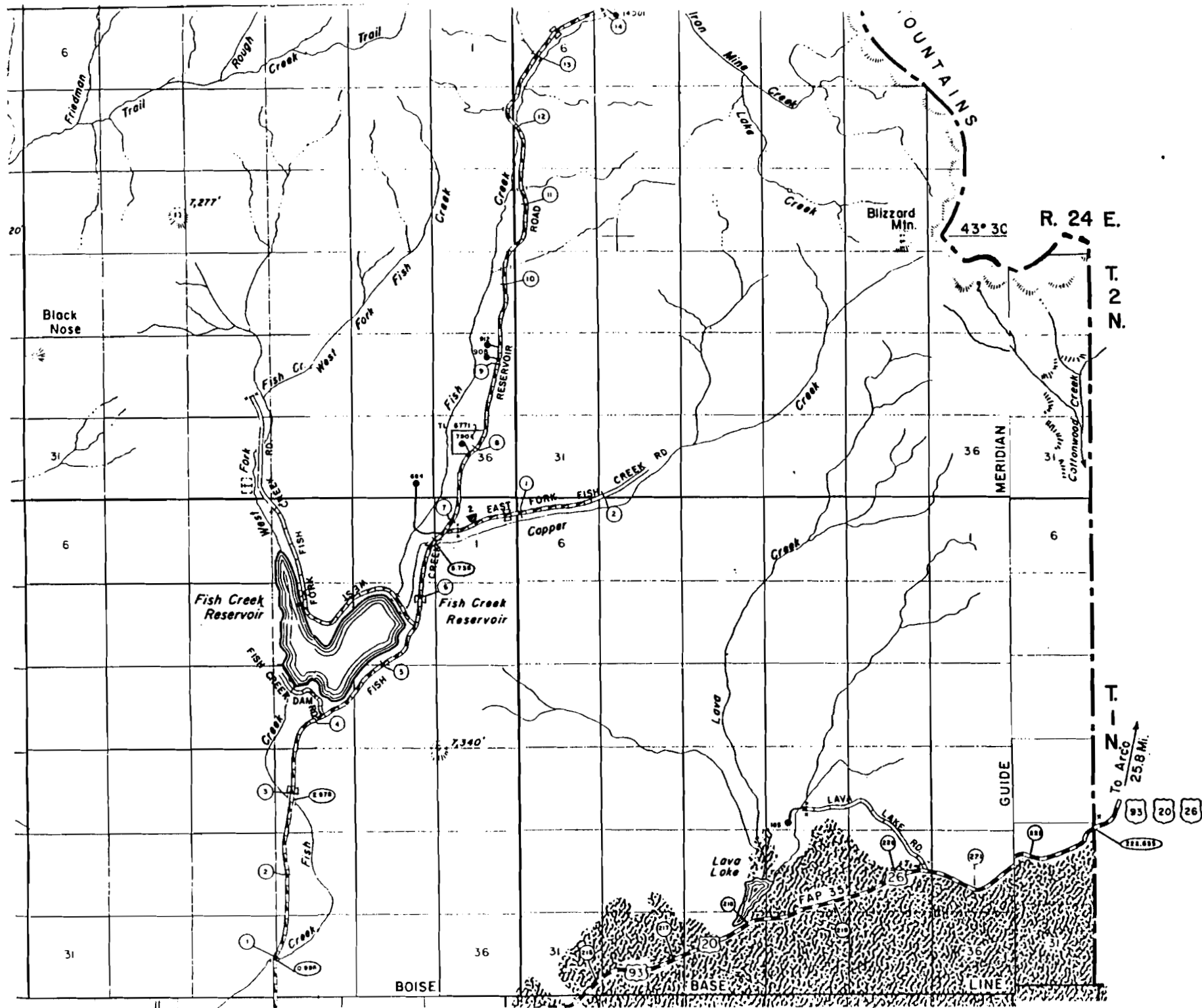
US

34

35

2

1



THIS MAP IS FURNISHED AS PART OF AN ENDORSEMENT AND DOES NOT REPRESENT A SURVEY OF THE LAND. NO WARRANTY IS MADE AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREON. IT IS FURNISHED STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. THE DESCRIPTION FURNISHED IN SCHEDULE A OF THE POLICY SHOULD BE REFERRED TO FOR THE DESCRIPTION OF THE LAND COVERED THEREBY.

RECEIVED

FEB 24 1989

Department of Water Resources
Southern Region

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: A37-02799

Date Received: 2/24/1989

Receipt No: C005570 5021802

Received By: [Signature] 2/24/89

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: PICABO LIVESTOCK CO 208-788-2516
Address: PO BOX 688
PICABO ID 83348

2. Date of Priority: MAY 7, 1948

3. Source: COTTONWOOD CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	24E	30		SE	NE		BLAINE
				NE	SE		BLAINE
				SW	SE		BLAINE
		31		NE	NE		BLAINE

5. Description of diverting works:
DITCH FROM STREAM TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.700		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING OF 200 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	24E	30	SE	NE		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	5.0
		31	NE	NE		IRR	20.0
			NW	NE		IRR	10.0
						Section Acres	30.0
						Total Acres	35.0

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:
34-02045

14. Remarks:

OWNERSHIP CHANGE MADE 9/8/95 BY TLB.

2/22/99, DJ: CLAIM AMENDED TO REFLECT LICENSE INFORMATION OF
PLACE OF USE, POINT OF DIVERSION, AND CHANGED SHEEP TO CATTLE.

15. Basis of Claim: LICENSE

Water Right Number: 20449

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 President of
Title
Picabo Livestock Co, that I have signed the foregoing
Organization
document in the space below as President of
Title
Picabo Livestock Co and that the statements contained in the
Organization
foregoing document are true and correct.

Leon O. Burdell
Signature of Authorized Agent
President Picabo Livestock Co
Title and Organization

2-22-99
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of Feb 19 99

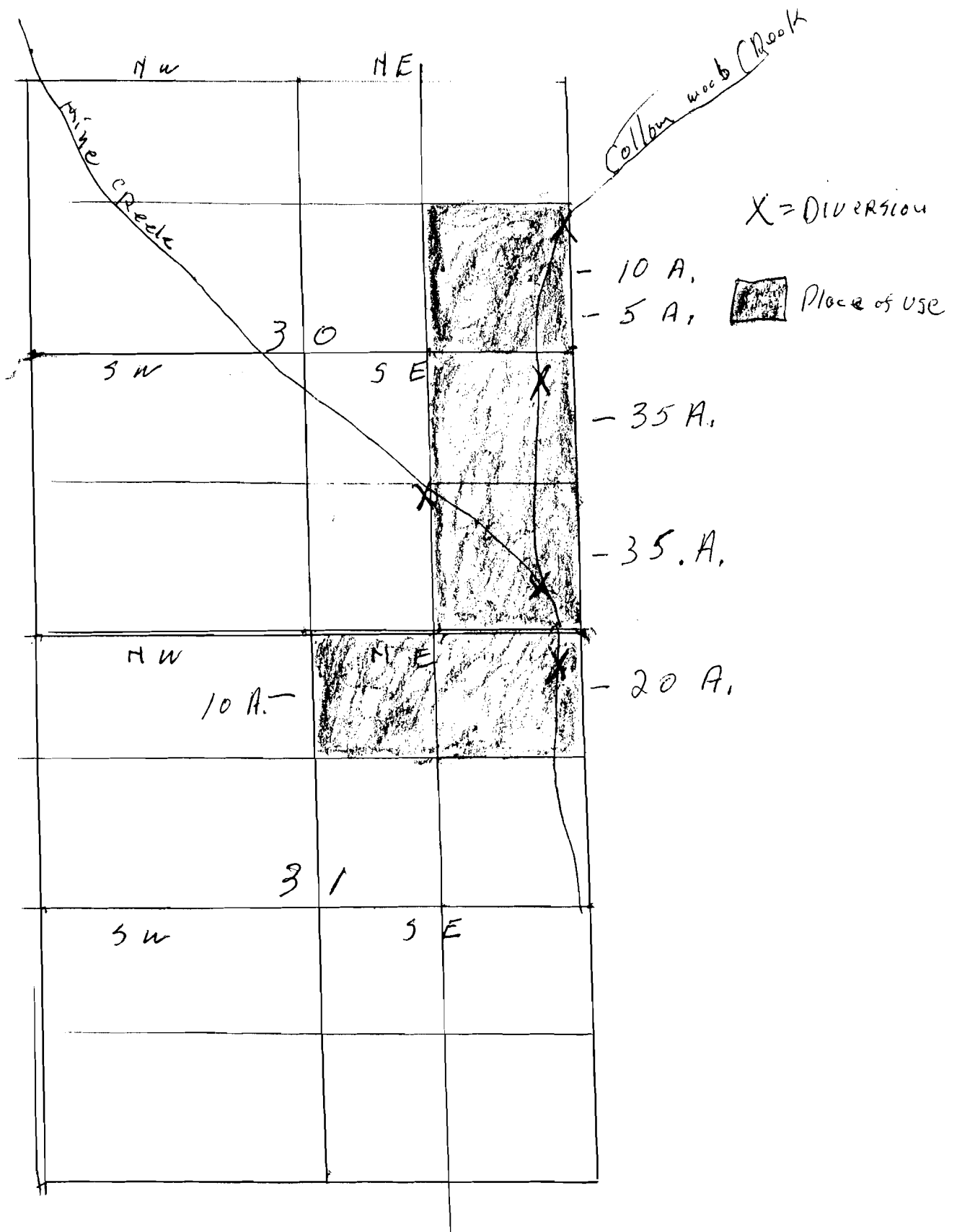
Douglas Jones
Notary Public

Seal

Residing at Ruhl ID

My Commission Expires 8/8/2001

2N 24E
Cotton woods



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: A37-02799

Date Received: 2/24/1989

Receipt No: C005570

Received By: *O/C HLB*

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

1. Name: PICABO LIVESTOCK CO

208-788-2516

Address:

PICABO ID

83348

2. Date of Priority: MAY 7, 1948

3. Source: COTTONWOOD CREEK

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	24E	31	NE	NE	NE		BLAINE
			SE	NE	NE		BLAINE

5. Description of diverting works:

DITCH FROM STREAM TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.700		

7. Total Quantity Appropriated is:

0.700 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

85.0 Acre Feet Per Annum.

9. Non-irrigation uses:

INCIDENTAL STOCKWATERING OF 400 TO 700 SHEEP

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	24E	31	NE	NE		IRR	9.0
			SE	NE		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	29.0
		32	SW	NW	IRR	5.0
					Section Acres	5.0
					Total Acres	34.0

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:
34-02045

14. Remarks:
OWNERSHIP CHANGE MADE 9/8/95 BY TLB.

15. Basis of Claim: LICENSE

Water Right Number: 20449



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: May 27, 1994

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet. see attached

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A37-02045, 2799
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): WST HOLDINGS, INC., A DELAWARE CORPORATION
260 TOWNSEND STREET, 7TH FLOOR SAN FRANCISCO, CA 94107
- ☐ New Owner/Claimant (Purchaser): PICABO LIVESTOCK CO., INC., AN IDAHO CORPORATION
PICABO LIVESTOCK CO., INC., AN IDAHO CORPORATION
- ☐ New Mailing Address: PICABO LIVESTOCK CO., INC., PICABO, IDAHO 83348
- ☐ New Telephone Number: () 788 - 2516
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes xx no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: CORPORATION WARRANTY DEED
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Picabo Livestock Co. Date 6-20-95
_____ Date _____
- ☐ Signature of Former Owner/Claimant(s) _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 11/1/95 By: ALB

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED
NOV 27 1996



WARRANTY DEED

FOR VALUE RECEIVED, CNA ENTERPRISES, INC., a Nevada corporation, the GRANTOR, does hereby grant, bargain, sell and convey unto PREMIER HOLDINGS, INC., a California corporation, the GRANTEE, whose current address is 336 N. Gaffey, San Pedro, California 90731, the following described tract of land in BLAINE and BUTTE County, State of Idaho, to-wit:

AS PER LEGAL DESCRIPTION DESIGNATED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its successors and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that they are free from all encumbrances except current nondelinquent property taxes and that it will warrant and defend the same from all lawful claims whatsoever.

This Warranty Deed is executed in two counterparts, each of which shall be deemed to be an original, but such counterparts shall together constitute but one and the same instrument.

Dated: January 17, 1991.

CNA ENTERPRISES, INC.
a Nevada corporation

By Ronald Taxe
RONALD TAXE - President



STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS

On this 18 day of January, 1991, before me the undersigned, a Notary Public in and for said State, personally appeared RONALD TAXE, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as President on behalf of CNA ENTERPRISES, INC., the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its bylaws or a resolution of its board of directors.

WITNESS my hand and official seal.

Signature Richard Contreras



327337

STATE OF IDAHO)
COUNTY OF BLAINE)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT THE REQUEST OF

BLAINE COUNTY TITLE

AT 4:01 O'CLOCK P.M.
A.D. 1991

RECORDED IN BOOK 1-29 ON PAGE 1

OF Blaine

BY Mary Green DEPUTY

FEES \$ 60

MICROFILMED

NOV 27 1996

STEWART TITLE
GUARANTY COMPANY

EXHIBIT A

BLAINE COUNTY

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 6: E 1/2 SW 1/4; SE 1/4 NE 1/4; N 1/2 SE 1/4; and SW 1/4 SE 1/4.

Section 7: SW 1/4 SE 1/4.

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

Section 25: SE 1/4; NE 1/4 NE 1/4; S 1/2 NE 1/4.

TOWNSHIP 2 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 19: SE 1/4 SW 1/4; SW 1/4 SE 1/4.

Section 30: Lots 1, 2, 3 and 4; E 1/2 NW 1/4; E 1/2 SW 1/4; SE 1/4; NW 1/4 NE 1/4; and SE 1/4 NE 1/4.

Section 31: Lots 1, 2, 3 and 4; E 1/2 NW 1/4; E 1/2 SW 1/4; W 1/2 SE 1/4; and NE 1/4.

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 6: Lots 2, 5, 6 and 7; SW 1/4 NE 1/4; and SE 1/4 NW 1/4.

Section 7: Lot 1; NE 1/4 NW 1/4; NE 1/4; N 1/2 SE 1/4; SE 1/4 SE 1/4; and E 1/2 SW 1/4.

BUTTE COUNTY

TOWNSHIP 2 NORTH, RANGE 24, EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

Section 20: S 1/2 SW 1/4 SE 1/4.

Section 29: N 1/2 NW 1/4.

POOR ORIGINAL

MICROFILMED
NOV 27 1996

STEWART TITLE
GUARANTY COMPANY

please mail recorded copy to:

Kai-Chih Tu
16119 S. Western Ave
Gardena, CA 90247

BCT 19934626

DEED



FOR VALUE RECEIVED,

PREMIER HOLDINGS, INC.

California

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto WST HOLDINGS, INC., a Delaware corporation grantee, the following described real estate, to-wit:

AS PER EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Executed in duplicate for recordation in Blaine County and in Butte County.

349804

Deed

BLAINE CO. REQUEST

BLAINE COUNTY TITLE

'93 FEB 9 PM 1 06

MARY SHELM CLERK

FEES \$6

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee its successors, heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 11th day of January, 1993.

PREMIER HOLDINGS, INC.,
a California corporation

By Kenneth Y. Chen

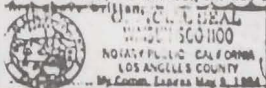


ATTEST:

Mary Shelton
ASSIST. SECRETARY.

STATE OF IDAHO, COUNTY OF LOS ANGELES
On this 11th day of January, 1993,
before me, a notary public in and for said State, personally
appeared KENNETH Y. CHEN and
AND FANTAY TSAI, known to me to
be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Residing at
County Expires

Notary Public

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at
the request of

At _____ minutes past _____ o'clock in
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

By-Office Recorder

By _____ Deputy.

File &
Mail to

First American Title Company of Idaho

INSTRUMENT No.

EXHIBIT A

BLAINE COUNTY

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 6: E 1/2 SW 1/4; SE 1/4 NE 1/4; N 1/2 SE 1/4; and SW 1/4 SE 1/4.

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Section 25: SE 1/4; NE 1/4 NE 1/4; S 1/2 NE 1/4.

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Section 19: SE 1/4 SW 1/4; SW 1/4 SE 1/4.

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Section 6: Lots 2, 3, 6 and 7; SW 1/4 NE 1/4; and SE 1/4 NW 1/4.

Section 7: Lot 1; NE 1/4 NW 1/4; NE 1/4; N 1/2 SE 1/4; SE 1/4 SE 1/4; and E 1/2 SW 1/4.

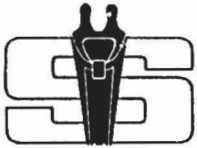
BUTTE COUNTY

TOWNSHIP 2 NORTH, RANGE 24, EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

Section 20: S 1/2 SW 1/4; SE 1/4.

Section 29: N 1/2 NW 1/4.

KSC



CORPORATION WARRANTY DEED

WST HOLDINGS, INC., A DELAWARE CORPORATION, , a corporation
organized and existing under the laws of the State of , with its principal office at 260
TOWNSEND STREET, 7TH FLOOR, SAN FRANCISCO, CA 94107

grantor, hereby CONVEYS or GRANTS and WARRANTS TO PICABO LIVESTOCK CO. INC., AN
IDAHO CORPORATION

grantee

whose current address is: PICABO LIVESTOCK CO., INC., PICABO, IDAHO 83348

the following described premises, to-wit:
SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
INCORPORATED HEREIN.

NO. 028040
FILED

MAY 27 1994

9:15 A.M. P.M.
BUTTE COUNTY RECORDER
[Signature]

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 19th day of May, 1994, A.D.

WST HOLDINGS, INC., A DELAWARE
CORPORATION,

(Corporate Name)

(Corporate Seal)

By *[Signature]* President

Attest: *[Signature]* Secretary

State of CALIFORNIA

County of *X San Francisco* SS.

On this *X 23rd* day of *May*, 1994, before me, the undersigned, a Notary Public, in and for said State, personally appeared JOHN H. ROBINSON

_____, known to me, or identified to me on the basis of satisfactory evidence, to be the **PRESIDENT** of the corporation that executed the instrument and that the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its board of directors and acknowledged to me that such corporation executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)

X [Signature]
Notary Public
Residing at: *X 75 Folsom St. #1400 - San Francisco CA*
Commission Expires: *X JAN 2, 1998* 94105
Comm # 1012835

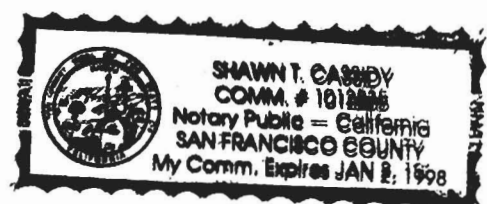


EXHIBIT "A"

BLAINE COUNTY:

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: E 1/2 SW1/4; SE1/4 NE1/4; N 1/2 SE 1/4 and SW 1/4 SE1/4.

SECTION 7: SW 1/4 SE 1/4.

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

SECTION 25: SE 1/4; NE 1/4 NE 1/4; S 1/2 NE 1/4.

TOWNSHIP 2 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 19: SE 1/4 SW 1/4; SW 1/4 SE 1/4.

SECTION 30: LOTS 1, 2, 3 and 4; E 1/2 NW 1/4; E 1/2 SW 1/4; SE 1/4; NW 1/4 NE 1/4; and SE 1/4 NE 1/4.

SECTION 31: LOTS 1, 2, 3 and 4; E 1/2 NW 1/4; E 1/2 SW 1/4; W 1/2 SE 1/4; and NE 1/4.

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: LOTS 2, 5, 6 & 7; SW 1/4 NE 1/4; and SE 1/4 NW 1/4.

SECTION 7: LOT 1; NE 1/4 NW 1/4; NE 1/4; N 1/2 SE 1/4; SE 1/4 SE 1/4; and E 1/2 SW 1/4.

BUTTE COUNTY:

TOWNSHIP 2 NORTH, RANGE 24, EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

SECTION 20: S 1/2 SW 1/4; SE 1/4.

SECTION 29: N 1/2 NW 1/4.

WILLIAM BLUEST

WILLIAM BLUEST

NOV 27 A 10:56

366374

Geel

6.00

12-27-85

EXHIBIT "A"

BLAINE COUNTY:

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: E 1/2 SW 1/4; SE 1/4 NE 1/4; N 1/2 SE 1/4 and SW 1/4 SE 1/4.

SECTION 7: SW 1/4 SE 1/4.

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TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: LOTS 2, 5, 6 & 7; SW 1/4 NE 1/4; and SE 1/4 NW 1/4.

SECTION 7: LOT 1; NE 1/4 NW 1/4; NE 1/4; N 1/2 SE 1/4; SE 1/4 SE 1/4; and E 1/2 SW 1/4.

BUTTE COUNTY:

TOWNSHIP 2 NORTH, RANGE 24, EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

SECTION 20: S 1/2 SW 1/4; SE 1/4.

SECTION 29: N 1/2 NW 1/4.

BLAINE CO. REQUEST

OF BLAINE COUNTY TITLE

1991 MAY 27 A 10:56

366374

MARY GREEN, CLERK *ms*

deed

FEES \$ 6.00

MICROFILMED
NOV 27 1996

Adjudication Claim Notes

Claim(s): 37-2799

Background Data

- Licensed source is 4 small streams known as Cottonwood Creek
- Licensed for 0.7 cfs on 35 acres
- Claimed for 0.7 cfs on 35 acres

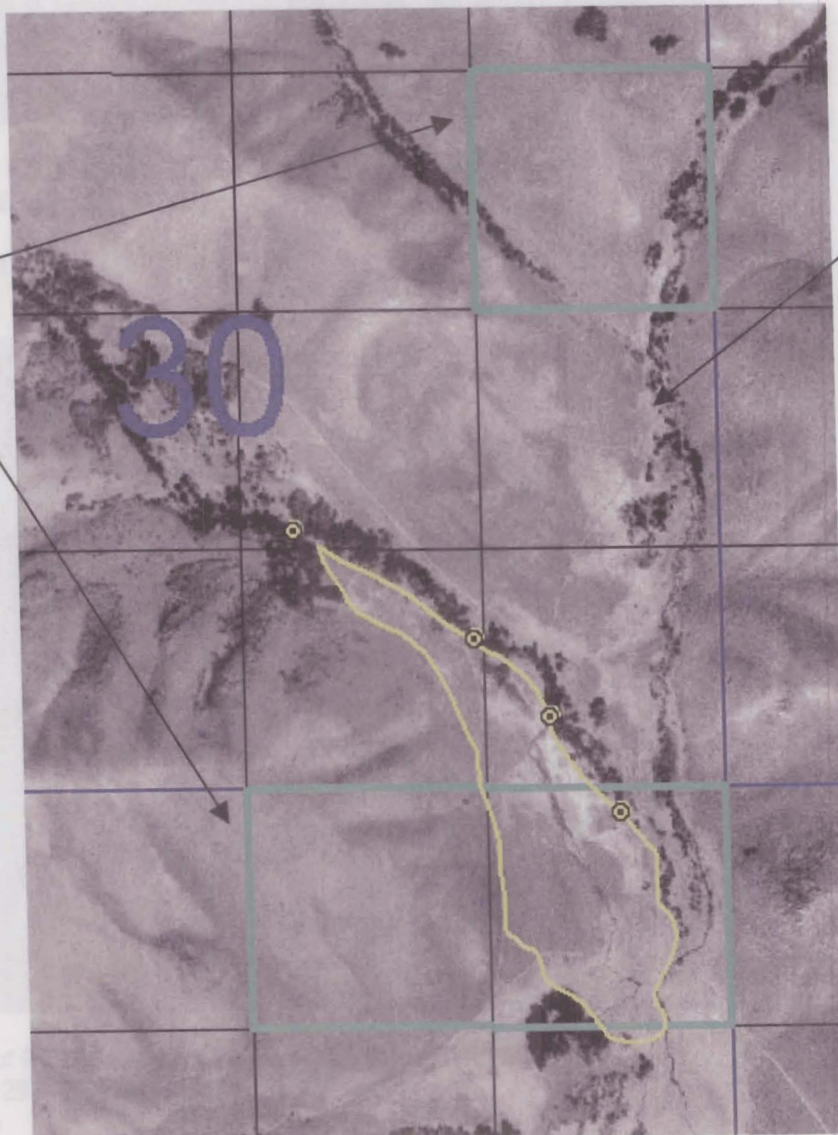
Place Of Use Data

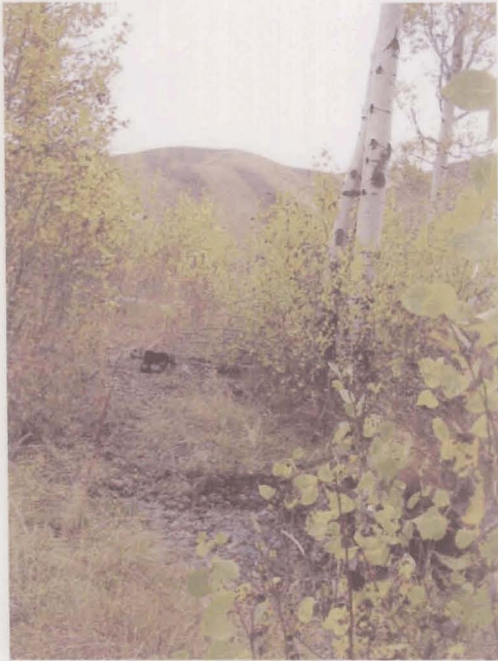
Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1992 Aerial Photo

Licensed POU
(Green Line)

Cottonwood
Creek
(USGS 24K
Topo Map)





Photograph of POD taken by Lee Peterson during field exam.
Location: 2529273 1363113
Plate: None
Photo #: 1070751



Photograph of POD taken by Lee Peterson during field exam.
Location: 2529388 1362950
Plate: None
Photo #: 1070752

Notes

T2N R24E Sections 30 & 31

- Found 35 acres for Irrigation
- The license documents for 37-2045 and 37-2799 suggest:
 - A) the POU for 37-2045 was on the west side of Cottonwood Creek, south of the unnamed stream from the west in SENE Section 30, and north of the unnamed stream from the west in SESE Section 30
 - B) the POU for 37-2799 was west of Cottonwood Creek, north of the unnamed stream from the west in SENE Section 30, and south of the unnamed stream from the west in SESE Section 30
- The license documents include a statement by owner that this land requires 2.0 inches/acre
- To the south of the POU is ~15 acres of land that started being irrigated some after the permit for 37-2799 was issued, possibly the late 1980s or early 1990s.
- The pipe in Photo # 1070749 is from near the mine to the NE of the POU. The pipe runs SW from near the mine to the NW end of the POU for 37-2799 and is connected to sprinklers. Unsure then this irrigation began, but assumed to have begun prior to 1987.
- Source is Unnamed Stream tributary to Cottonwood Creek.
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.
37-2799

Lava Lake Land & Livestock LLC
3527 Washington St.
San Francisco, Ca 94118

10/10/05

Local office; Hailey, Id

On Monday Cheryl [operations Mgr] called me and confirmed an apt. with their ranch foreman [ROY] to meet with him today and review this file and go up into the mountain and GPS their POD's. Roy looked at the area marked yellow for this right and said it does look close to the area used for this right, but there is more POD's than the photo shows, there are four POD's within this yellow area and one just below which is irrigated with water from this same cr. While walking around this area I do believe more than 1 inch per acre is needed for good grass growth, all this land was flood irrigated in past years as shown on black-white photo.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Lava Creek	LavaC 1	2528849	1363430	None	1070746 744
" "	" 2	2529149	1363243	"	747 750
" "	" 3	2529273	1363113	"	748 751
" "	" 4	2529388	1362950	"	749 752
" "	" 5	2529532	1362761	"	750 753

Lee R. Peterson

This POD for land south of POV for this right.

Adjudication Claim Notes

Claim(s): 37-2799

Background Data

- Source is 4 small streams known as Cottonwood Creek
- Licensed for 0.7 cfs on 35 acres
- Claimed for 0.7 cfs on 35 acres

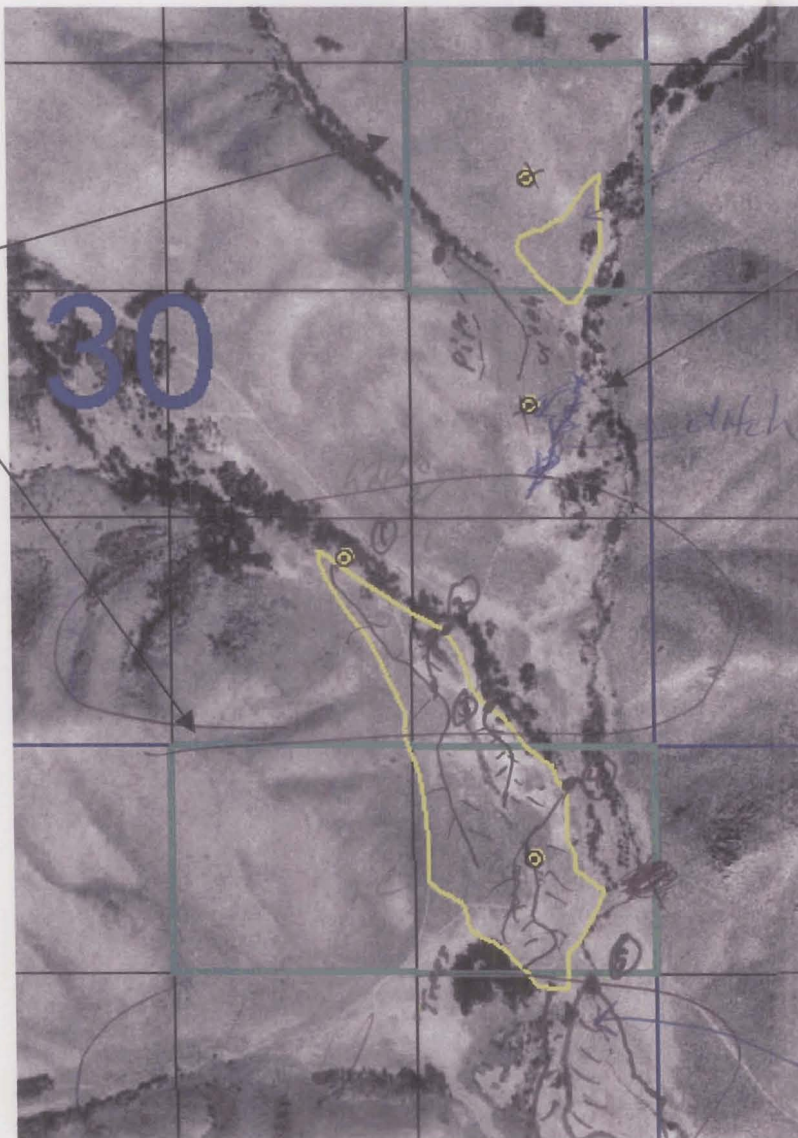
Place Of Use Data

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)

1992 Aerial Photo



Licensed POU
(Green Line)

Cottonwood
Creek
(USGS 24K
Topo Map)

State of Idaho

License and Certificate of Water Right

Water License No. 20449

Amount 0.7 second foot

Water District No. _____

Priority May 7, 1948

THIS IS TO CERTIFY that IRA ELDRIDGE
of Carey, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 7, 1948; that Permit No. 20449
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.7 second foot, was issued thereunder on July 15, 1949, showing that said works
were completed on the 23rd day of June, 1949; and that on the 6th
day of September, 1949,

IRA ELDRIDGE

of Carey, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of four small
streams known collectively as Cottonwood Creeks for the purpose of irrigation
under Use Permit No. 20449 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at Page 4587, on the 12th day of January, 1951;
The right hereby confirmed dates from May 7, 1948;
The Point of Diversion located in the SE 1/4, NE 1/4, and SW 1/4 Section 30, and
SW 1/4 NE 1/4 Sec. 31, T. 2 N., R. 24 E., B. M. Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.7 cubic feet per second

Description and location of use:

Trp	Range	Sec.	Portions Tract	No. Acres Described in Permit	No. Acres Actually Irrigated		
R. 5.	24 E.	30	SE 1/4 NE 1/4	40	5		
			NE 1/4 SE 1/4	40			
			SW 1/4 SE 1/4	40			
			SE 1/4 SE 1/4	40			
		31	NE 1/4 NE 1/4	40	20		
			NW 1/4 NE 1/4	40		10	
			SW 1/4 NE 1/4	40			
			SE 1/4 NE 1/4	40			
			Number of Acres Actually Irrigated -				- - - 35.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

12th day of January, 1951.

MADE R. KULP

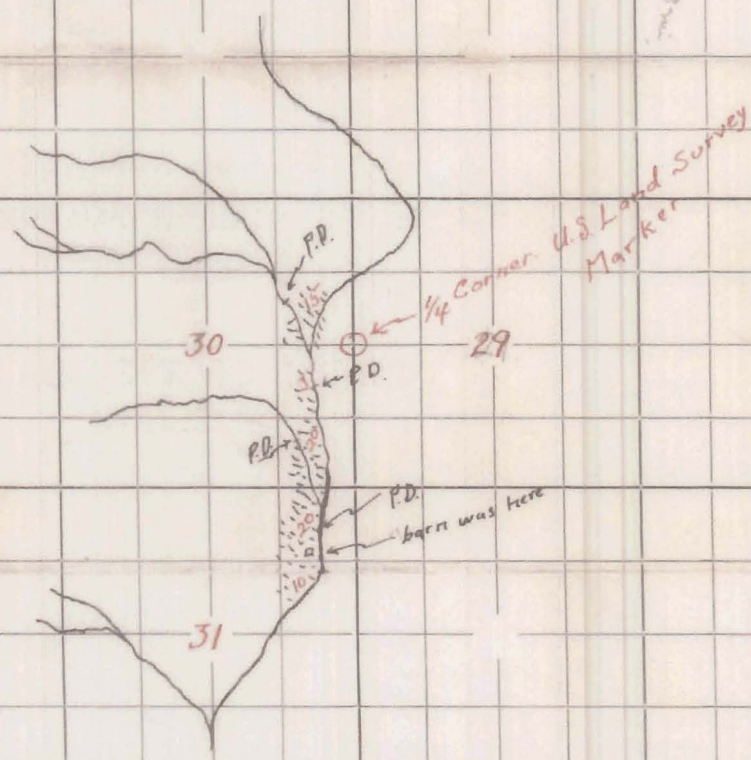
State Reclamation Engineer

(SEAL)

37 2789

From water north to
point to building back 5 mi.

↑ N



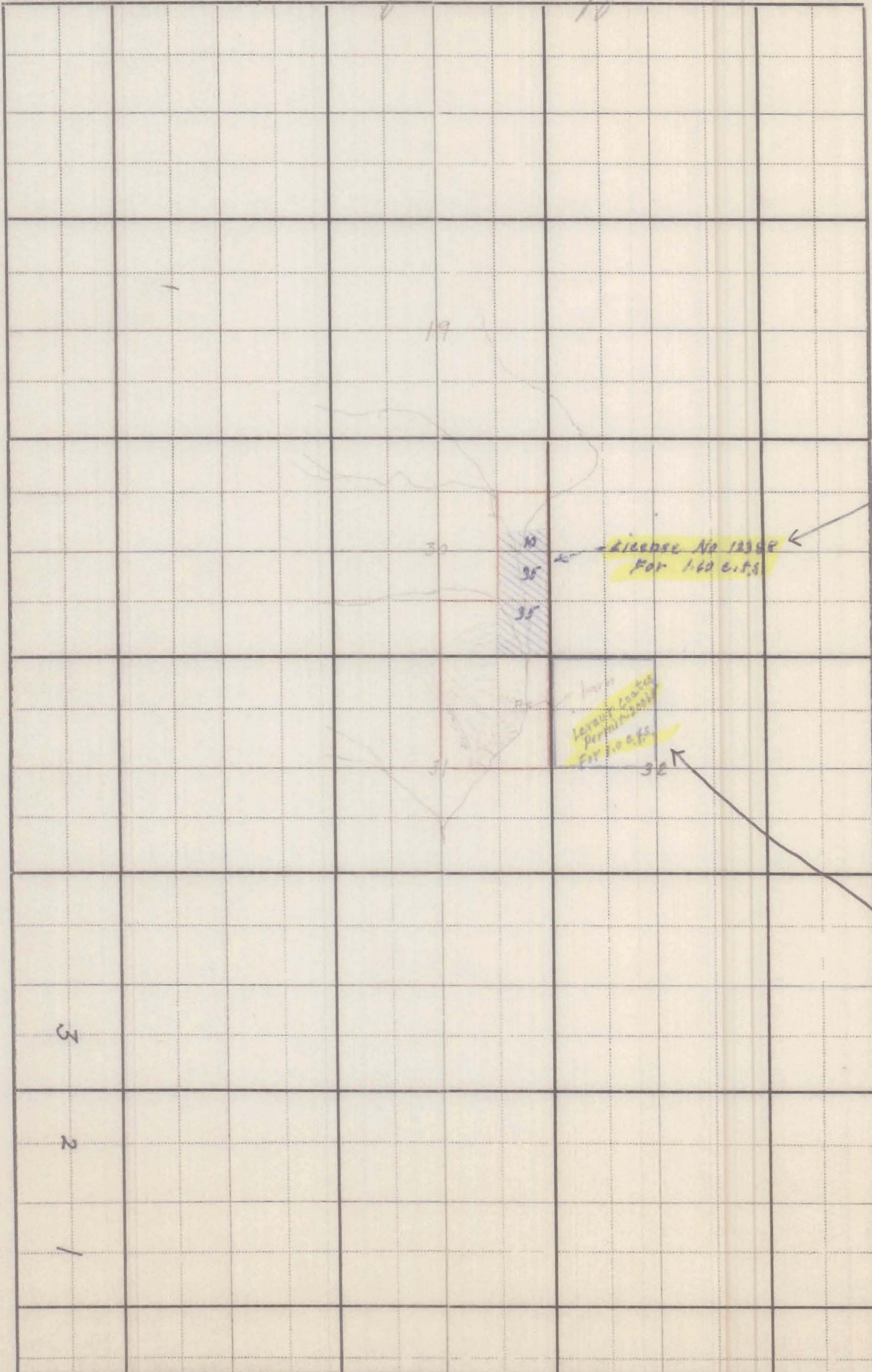
Acres = 68

Points of diversion can
be put in almost any
place along stream.

NAME OF APPLICANT

Map Taken from Land Office Plat

Form No. 0



37-2045

License Doc.
indicate POB
is south of
stream
from west in
SENE section
30

- m d A
9/14/05

37-2799

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

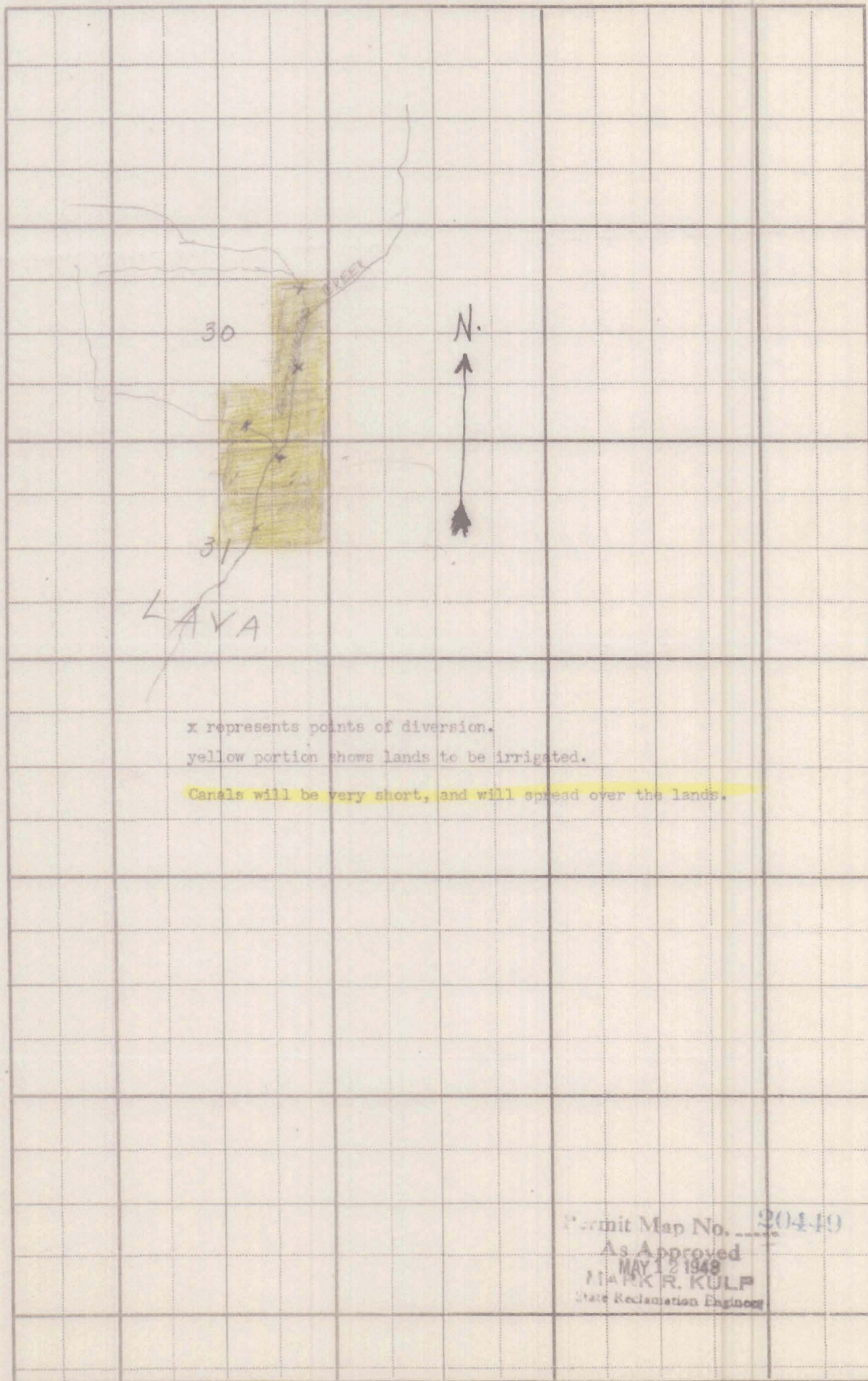
20449

T. 21 R. 24 EBM.

NAME OF APPLICANT

Ira Eldredge

FORM No. O



x represents points of diversion.

yellow portion shows lands to be irrigated.

Canals will be very short, and will spread over the lands.

Permit Map No. 20449
As Approved
MAY 12 1948
MARK R. KULP
State Reclamation Engineer

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

20449

✓
January 13, 1951

Re: Permit No. 20449

Mr. Ira Eldredge
Carey, Idaho

Dear Mr. Eldredge:

We enclose License and Certificate of Water Right issued under Permit No. 20449, confirming your right to the use of 0.7 of a second foot of water from four small streams known as Cottonwood Creeks, with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, Township 2 North, Range 24 East, B.M.; priority May 7, 1948, for irrigation of 35 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, and E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 31, Township 2 North, Range 24 East, B.M.

License No. 12388 gives you the use of 1.6 second feet of water, or 80 inches, with priority of July 28, 1916, for use on 10 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 35 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 35 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 2 North, Range 24 East, B.M.

The total amount in Licenses Nos. 12388 and 20449 is 1.6 c.f.s. plus 0.7 c.f.s., or 2.3 cubic feet per second, which should be ample to take care of heavier application on the NE $\frac{1}{4}$ of Section 31.

We also enclose Departmental Receipt No. 22991 for the \$6.00 fee paid in connection with Beneficial Use Proof under Permit No. 20449.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh
Enc.

20449

RECEIVED
JAN 10 1951

Department of Reclamation

Carly Idaho
Jan 8-1951

Mark R. Kulp
State Reclamation Engineer
Boise Idaho
Dear Mr Kulp:

I am inclosing a
check for \$64.00 the amount
you requested for the

License to be issued
for 35 inches of water
from the Cottonwood stream
under permit No 20449.

Yours Truly

W E Cledge

P.S.

The twenty acres in the N.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$ and
ten acres in the S.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$ in sec. 31-2 N-24E
there is considerable of shale
mixed with the soil and requires
more than an inch to the acre
for sufficient irrigation. Probly two
inches to the acre. Yours respec

W E

20449



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

**DIRK KEMPTHORNE
GOVERNOR**

February 4, 2000

**KARL J. DREHER
DIRECTOR**

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

RE: SRBA Claim(s) A37-12014, A37-11916, A37-07072, A37-07600,
A37-02715, A37-02688, A37-11936, A37-11950,
A37-02545A, A37-02545B, A37-02045, A37-02799

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding claim A37-12014. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Enclosed you will also find copies of all other claims which now reflect Lava Lake Land & Livestock LLC as current owner. Check these records over carefully and should you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink that reads 'Trish Fawcett'. The signature is written in a cursive, flowing style.

Trish Fawcett
Technical Records Specialist

JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226-0036

TELEPHONE
(208) 879-4488

FAX
(208) 879-4248

November 30, 1999

RECEIVED
DEC 29 1999
Department of Water Resources
Boise, Idaho

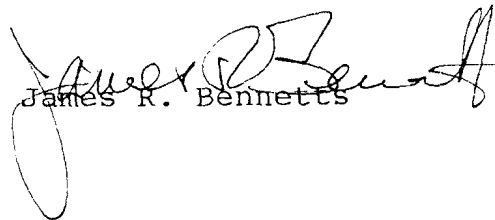
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: Change of Water Right Ownership

Dear Sirs:

Enclosed please find the Notice of Change of Water Right Ownership for the Bean-Tedrow Family Trust. Assignment has been made to Lava Lake Land & Livestock, L.L.C.

Very truly yours,


James R. Bennetts

JRB:k
Enclosure
cc: Brian and Kathleen Bean
Steve Popelar



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

August 25, 1999

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**BRIAN S BEAN
KATHLEEN T BEAN
BEAN TEDROW FAMILY TRUST
3527 WASHINGTON ST
SAN FRANCISCO CA 94118**

**RE: SRBA Claim(s) A37-11916; A37-02688; A37-11936; A37-11950;
A37-02545A; A37-02545B; A37-02045; A37-02799; A37-07072;
A37-07600; A37-02715; A37-12014**

Dear Claimant(S):

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership of the above referenced claims to you.

Please find the enclosed copies of the computer record of the claims noting the change in claimant. Review these records and if there is an error, please contact this office.

Sincerely,

**Cheryl E. Timm
Records Clerk, SRBA**

Enc.: Claim to a Water Right(S) referenced above

COMMUNICATION DOCUMENTATION

37-02045
 Claim No. 37-0289

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Doug Jones Date 2/22/99

Contact Person(s) Leonard Purdy

Nature of Contact Amend Claims

Substance of Communication President of company/claimant
came in to amend claims to reflect information
as licensed, but redrawing a pool to
their own land. Claimant indicated little
use in past years and is now on market.
Prospective buyer may wish to reestablish
use as licensed. During amendment
preparation Purdy said there is only
9-10 acres possible in SE 1/4 SE 30 - the
overlap area. ^{Variable fees} ~~fees~~ totaling \$109 paid for
irrig. under both rights,

Water Right Number - A37-02799

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number - 20449

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
PICABO LIVESTOCK CO

1 - PO BOX 688
2 -
3 -
City- PICABO State- ID Zip- 83348
Phone - 208-788-2516

*** O - ORIGINAL OWNER ***
CNA ENTERPRISES

1 - 10535 VESTTONE WAY
2 -
3 -
City- LOS ANGELES State- CA Zip- 90077
Phone - 208-476-2195

BERRETT

DENNIS W

1 - 101 W INGLENOOK DRIVE
2 - #1906
3 -

City- MIDVALE State- UT Zip- 84147
Phone - 801-255-1018

ELDREDGE

IRA

1 -
2 -
3 -
City- CAREY State- ID Zip- 83320
Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/07/1948 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
COTTONWOOD CREEK SINKS

Point of Diversion						
Twn	Rng	Sec	Tract	Lot	RFlg	County
02N	24E	30	SE NE		(13)	BLAINE
			NE SE		(13)	BLAINE
			SW SE		(13)	BLAINE
		31	NE NE		(13)	BLAINE

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.700	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.700 0.0

Place of Use							
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description
02N	24E	30	SE NE		5.0	01	IRRIGATION
02N	24E	31	NE NE		20.0	01	IRRIGATION
02N	24E	31	NW NE		10.0	01	IRRIGATION

(13) BLAINE
(13) BLAINE
(13) BLAINE

02/24/99 14:08:16
Page 2

Prefix Translation: ADJUDICATION CLAIM

+ - - Diversion Means - DITCH FROM STREAM TO FLOOD IRRIGATION

+ - - Non-Irrigation Use - INCIDENTAL STOCKWATERING OF 200 BEEF CATTLE

+ - - Other Rights for Same Use - 34-02045

+ Remarks +	
---------------------------------	--

GEN OWNERSHIP CHANGE MADE 9/8/95 BY TLB.

2/22/99, DJ: CLAIM AMENDED TO REFLECT LICENSE INFORMATION OF PLACE OF USE, POINT OF DIVERSION, AND CHANGED SHEEP TO CATTLE.

2/24/99, DJ: AMENDED CLAIM AND FEE RECEIVED AND RECEIPTED UNDER
R# S021802. TOTAL ACREAGE LIMITED TO 110 AC. UNDER THIS RIGHT
AND 37-02045.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +	+ - - - Decree Defendant - - - +	+ - Decree Date - + 00/00/0000
----------------------------------	----------------------------------	-----------------------------------

+ Comments +

No Comments Found

+ - - Audit Fields - - +

02/24/99 DJONES

+ Adjudication Rights Dates and Flags Area +

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	02/24/1989	Last Amended Date	-	02/22/1999	Temporary Right	-	P
			Receipt Number	-	C005570	Water District	-	01
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-		Presumption Flag	-	C
						Notice of Error Flag	-	

Total Acres: 35.0

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

February 1, 1999 3:06pm

CUSTOMER

Bennetts, James R.

SUBJECT: A37-02045,-02545,-02545A,-02545B,-02688,-02715,-02799,
-07072,-07600,-11916,-11936,-11950,-12014

phone call (.) walk-in (.) other (x)

Requested all the above profile reports, with D/S claims existing on the same land appurtenant to above claims, and any updated information, i.e. amendments, objections per all claims, and other deeded lands lying within the same watershed...got the broom in an advantageous spot while doing all the research. Sent claims to Bennetts @ PO Box 36, Challis 83226



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 8, 1995

PICABO LIVESTOCK CO
PICABO, ID 83348

RE: SRBA CLAIMS A37-02799 & A37-02045
CNA ENTERPRISES

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM. WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THE OFFICE.

SINCERELY,

A handwritten signature in cursive script that reads "Tara L. Backlund".

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES