

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: **A37-02045**
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: JUL 28, 1916

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

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	1.600		

7. Total Quantity Appropriated is:
1.600 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	10.0
			NE	SE		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	24E	30	SE	SE		IRR	35.0
Section Acres							80.0
Total Acres							80.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-02799

14. Remarks:

AMENDMENT CORRECTS ACTUAL USE OF THIS RIGHT.
OWNERSHIP CHANGE MADE 9/8/95 BY TLB.

2/22/99, DJ: CLAIM AMENDED TO DESCRIBE PLACE OF USE AS LICENSED,
POINTS OF DIVERSION OFF BLM LAND, 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
37-02799.

08/04/99, CHANGED OWNERSHIP: PICABO TO BEAN TEDROW AS PER FORM
1409(6) AND WARRANTY DEED. C.T.

1/4/2000 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: 12388



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

February 4, 2000

DIRK KEMPTHORNE
GOVERNOR

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,

Trish Fawcett
Technical Records Specialist

NCAP-12014-000

RECEIVED
DEC 29 1999
Department of Water Resources

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~~✓
NCA- ~~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

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

035310

NO.

RE

DEC 21 1999

ALL
BUTTE COUNTY RECORDS
Sayamre

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.

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

MARSHY ad. CLERK

Fee \$ 9.00

[Signature]
Notary Public for California 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

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

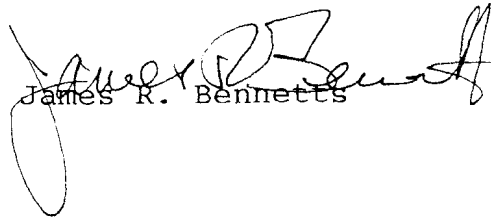
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

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

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.

RECEIVED

APR 09 1999

Department of Water Resources
Southern Region

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) 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
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.

34B
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 "Settlers" 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

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

BLAINE CO. REQUEST
OF: BLAINE COUNTY TITLE
DEED
APR 2 PM 12 57
MARSHA REEDMAN, CLERK
FEES \$ 902

425879

23

22

7327

7326

7328

p.s.

7329

2. 17. 1. 1.

TOPPING

5. M.T.

 $N^{12}Se$

US

26

swse

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

COVERED THEREBY.

TO ARCO 25.8 MI.

GUIDE

BOISE

BASE

LINE

36

31

6

20

26

93

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

336

337

338

339

340

341

342

343

344

345

346

347

348

349

350

351

352

353

354

355

356

357

358

359

360

361

362

363

364

365

366

367

368

369

370

371

372

373

374

375

376

377

378

379

380

381

382

383

384

385

386

387

388

389

390

391

392

393

394

395

396

397

398

399

400

401

402

403

404

405

406

407

408

409

410

411

412

413

414

415

416

417

418

419

420

421

422

423

424

425

426

427

428

429

430

431

432

433

434

435

436

437

438

439

440

441

442

443

444

445

446

447

448

449

450

451

452

453

454

455

456

457

458

459

460

461

462

463



034252

RECORDED

APR 02 1999

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

A.M. 8:25 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. Mader
Secretary

State of Idaho

SS.

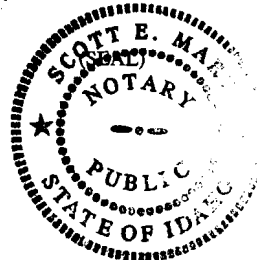
County of Blaine

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

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:

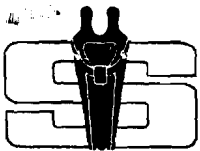
SECTION 19: SE1/4 NE1/4.

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



NO. 4252
RECORDED

APR 02 1999

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

A.M. 2:35 P.M.
BUTTE COUNTY RECORDER
Haymore

**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 APPUTENANCES.

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

TO HAVE AND TO HOLD the said premises, with their appurtanances 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. Mader* 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

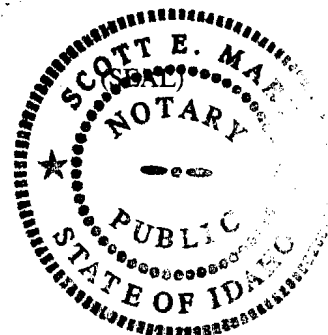
_____, known to me, or identified to me on the basis of satisfactory
evidence, to be the President
of the corporation that executed the instrument and that the foregoing instrument was signed on behalf of said corporation
by authority of a resolution of it's board of directors and acknowledged to me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

WITNESS MY HAND AND OFFICIAL SEAL.

Scott E. Mader
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 METERMAN, CLERK
FEES \$ 900

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: **A37-02045**

Date Received: 2/24/1989

Receipt No: C005570

Received By: *Cl: owner change*

**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 415-922-5378
Address: 3527 WASHINGTON ST
SAN FRANCISCO CA 94118

2. Date of Priority: JUL 28, 1916

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

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	1.600		

7. Total Quantity Appropriated is:
1.600 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	10.0
			NE	SE		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	24E	30	SE	SE		IRR	35.0
Section Acres							80.0
Total Acres							80.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-02799

14. Remarks:

AMENDMENT CORRECTS ACTUAL USE OF THIS RIGHT.
OWNERSHIP CHANGE MADE 9/8/95 BY TLB.

2/22/99, DJ: CLAIM AMENDED TO DESCRIBE PLACE OF USE AS LICENSED,
POINTS OF DIVERSION OFF BLM LAND, 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
37-02799.

✓ 08/04/99, CHANGED OWNERSHIP: PICABO TO BEAN TEDROW AS PER FORM
1409(6) AND WARRANTY DEED. C.T.

15. Basis of Claim: LICENSE

Water Right Number: 12388

RECEIVED

FEB 24 1999

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: A37-02045

Date Received: 2/24/1989

Receipt No: C005570

Received By: [Signature]

5021802
2/24/99

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: JUL 28, 1916

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	30		SE	NE		BLAINE
				NE	SE		BLAINE
				SW	SE		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	1.600		

7. Total Quantity Appropriated is:
1.600 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 of	Lot	Use	Acres
02N	24E	30	SE	NE		IRR	10.0
			NE	SE		IRR	35.0

COPY

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	24E	30	SE	SE	IRR	35.0
Section Acres						80.0
Total Acres						80.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-02799

14. Remarks:

AMENDMENT CORRECTS ACTUAL USE OF THIS RIGHT.

OWNERSHIP CHANGE MADE 9/8/95 BY TLB.

2/22/99, DJ: CLAIM AMENDED TO DESCRIBE PLACE OF USE AS LICENSED,
POINTS OF DIVERSION OFF BLM LAND, AND CHANGED SHEEP TO CATTLE.

15. Basis of Claim: LICENSE

Water Right Number: 12388

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: _____

COPY

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.

Leonard W. Rudy
Signature of Authorized Agent
Picabo Livestock Co. President
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 J. Rudy
Notary Public

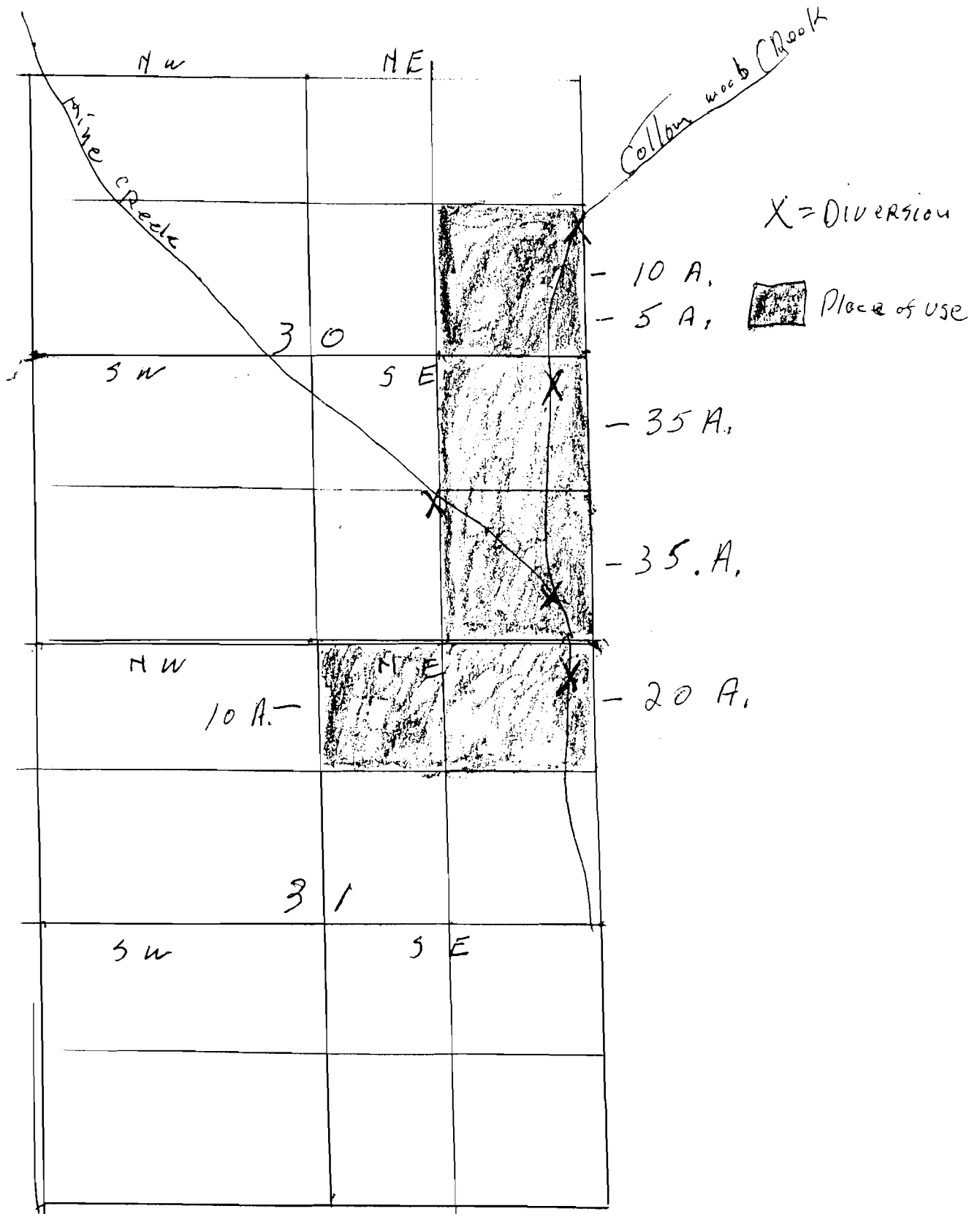
Seal

Residing at Buhl ID

My Commission Expires 8/8/2001

COPY

2N 24E
Cotton woods



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 Dana 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 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 NE 30 - the
overlap area. ^{Variable fees} totaling \$109 paid for
irrig. under both rights,

EXHIBIT "A"

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

4000 ~~SECTION 1:~~ Lots 3 and 4, S1/2 NW1/4, N1/2 SW1/4

4000 ~~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

4000 ~~SECTION 12:~~ SW1/4 NW1/4

4000 ~~SECTION 14:~~ NW1/4 NW1/4

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

~~SECTION 18:~~ 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

RECEIVED

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

Cotton ~~SECTION 6:~~ Lots 2, 5, 6 and 7; SW 1/4 NE1/4; and SE1/4 NW1/4

Woods ~~SECTION 7:~~ Lot 1; NE1/4 NW1/4; NE1/4; N1/2 SE1/4; SE1/4 SE1/4; and E 1/2 SW1/4

~~SECTION 18:~~ SE1/4 NE1/4

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

1000 ~~SECTION 25:~~ SE1/4; NE1/4 NE1/4; S1/2 NE1/4

~~SECTION 26:~~ SE1/4 SW1/4

~~SECTION 27:~~ SE1/4 SE1/4

1000 TOWNSHIP 2 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

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

1000 ~~SECTION 19:~~ SE1/4 SW1/4; SW1/4 SE1/4

~~SECTION 29:~~ N1/2NW1/4

~~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

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: **A37-02045**
Date Received: 2/24/1989
Receipt No: C005570
Received By: *OJC ALB*

**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: JUL 28, 1916

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	31	NE	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	1.600		

7. Total Quantity Appropriated is:
1.600 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 400-600 SHEEP

MICROFILMED

NOV 22 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	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:
37-02799

14. Remarks:
AMENDMENT CORRECTS ACTUAL USE OF THIS RIGHT.
OWNERSHIP CHANGE MADE 9/8/95 BY TLB.

15. Basis of Claim: LICENSE

Water Right Number: 12388

MICROFILMED
NOV 22 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

SEP 05 1995

DATE OF CLOSING: May 27, 1994

Department of Water Resources
Southern Region

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
- ☐ 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., Inc.* Date 6-20-95
2110 Broadway, Boise 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: 9/8/95 By: HLB

Claim Numbers of Split, if any:

MICROFILMED

NOV 22 1996

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



WARRANTY DEED

FOR VALUE RECEIVED, CHA 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.

CHA ENTERPRISES, INC.
a Nevada corporation

[Signature]
RONALD TAXE - President

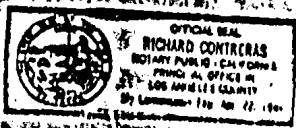


STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS

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 CHA 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 *[Signature]*



327337

STATE OF IDAHO)
COUNTY OF BLAINE)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT THE BLAINE COUNTY TITLE RECORDS BOOK 426 PAGE 191
AT 4:26 P.M. A.D. 1991
RECORDED IN BOOK 426 PAGE 191
OF 1991
BY *[Signature]* CLERK
FEE \$ 6.00

POOR ORIGINAL

MICROFILMED
NOV 22 1996

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

Jack

BLAINE CO. REQUEST

o BLAINE COUNTY TITLE

'93 FEB 9 PM 1 06

MARY ELI WREX

FEES \$6⁰⁰

POOR ORIGINAL

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 *[Signature]*



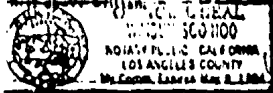
ATTEST:

[Signature]

ASSIT. 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 TSI, 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



Notary Public
Blaine County, Idaho

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

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

Ex-Officio Recorder

By _____ Deputy.

File &
Mail to

First American Title Company of Idaho

INSTRUMENT No.

MICROFILMED

NOV 22 1996

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 & 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.

MICROFILMED

NOV 22 1996

BLAINE COUNTY REQUEST

BLAINE COUNTY TITLE

1991 MAY 27 A 10:56

366374

BLAINE COUNTY REQUEST

Doc 6

6.00

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 39576

Date Received _____

Receipt Number _____

RECEIVED

OCT 28 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) CNA Enterprises Phone (213) 476-2195Mailing Address 1035 Vestone Way Los Angeles CA Zip 900772. Date of Priority (Only one (1) per claim) Aug 12, 1916 for 37-2045 (Dec. 1913 for 37-2282)3. Source of water supply (a) North Fork of Big Cottonwood Springs
which is tributary to (b) Littewood River4. a. Location of existing point of diversion is: Township 2 NORTH Range 24 East Section 29,
SE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: _____

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

Township 2 NORTH Range 24 East Section 30, NE 1/4 of SE 1/4 of SE 1/4,Govt. Lot _____ B.M., County of Blaineending point is: Township 1 South Range 20 East Section 26, SE 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____ B.M., County of Blaine5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Conduit Ditch (lined)

MICROFILMED

FEB 23 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Industrial/Stock purposes from Jan. 1 to Dec. 31 amount 4.8 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For Stockwater purposes from Jan. 1 to Dec. 31 amount 1.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 305 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	24E	30													60				60
2N	24E	29				5													5
1N	20E	26												240					240

Total number of acres irrigated 305

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Includes Butte State Permits 37-2282 & 37-2045 or None ()

14. Remarks: Claim Filed Per RSW Instructions Based
on 2 State Water Permits
Now Numbered 37-2282 & 37-2045

MICROFILMED

Last Name CNA Enterprises Ident No. 39576

Copies: White - Side, Yellow - Back

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit X
Decree _____
If applicable provide IDWR Water Right Number 37-2282 + 37-2045
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date _____

CNA Enterprises

Date 10-26-88

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that 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 _____

Date _____

Last Name CNA Enterprises Ident. Number 39576

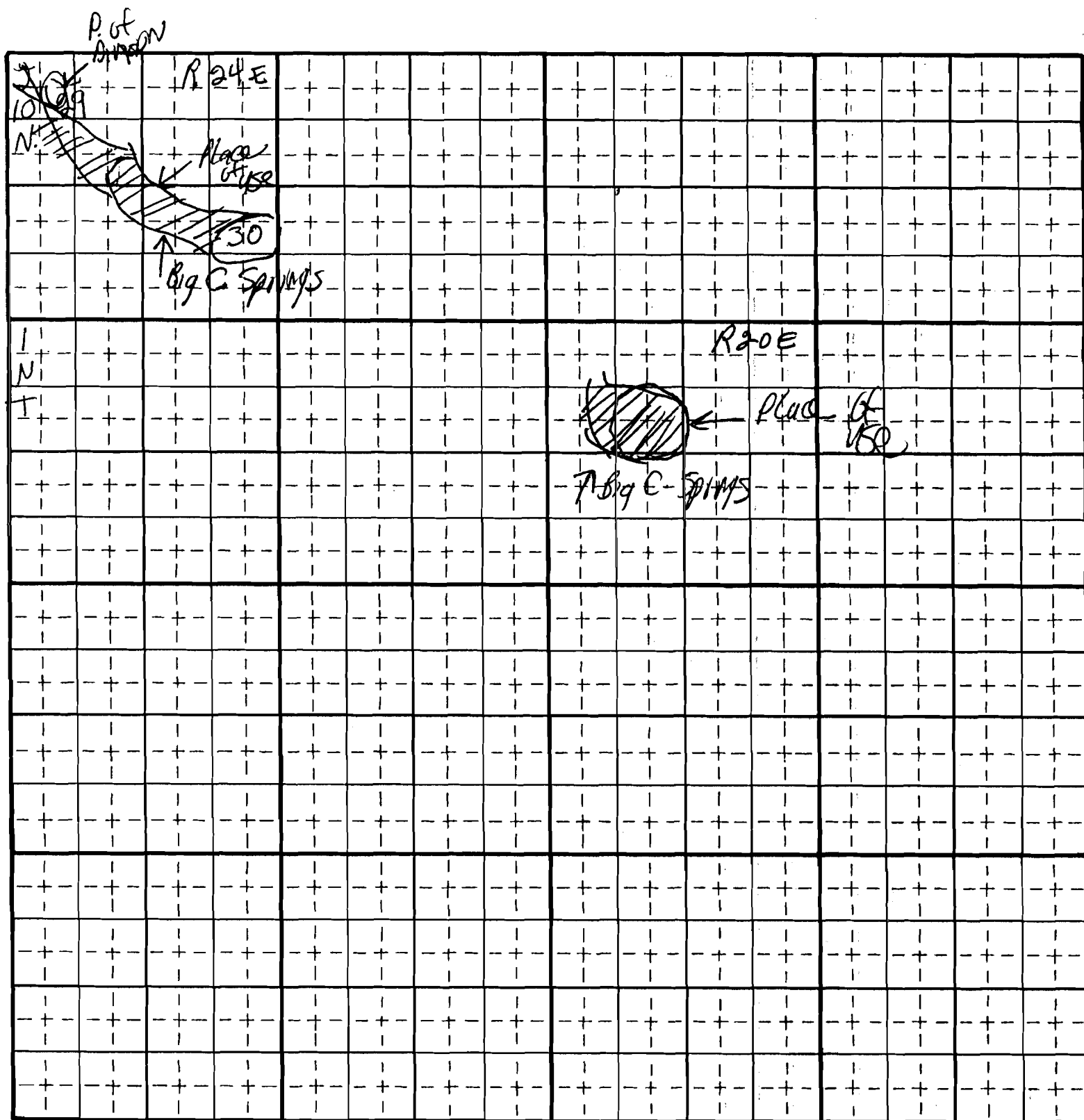
MICROFILMED

FEB 23 1993

Copies White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name

CNA Enterprises

Ident No.

39576

MICROFILMED
Copies: White-State, Yellow-Claimant
rev 23 1993

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

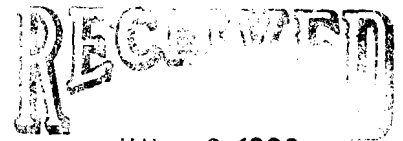
Ident. Number: A37-02045
Date Received: 7-2-90
Receipt No: C005570
Received By:

alt

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CNA ENTERPRISES
Address: 10535 VESTONE WAY
LOS ANGELES, CA

213-476-2195
90077



2. Date of Priority: JUL 28, 1916

3. Source: COTTONWOOD CREEK

Trib. to: SINKS

JUL 2 1990

4. Point of Diversion:

Department of Water Resources

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	24E	29	SW	NW	NW		BLAINE

Beginning Point of Minimum Instream Flow							
02N	24E	30	SE	NE	SE		BLAINE

Ending Point of Minimum Instream Flow							
02N	24E	30		SE	SE		BLAINE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.400		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

I/MINING OPERATION; S/400-600 SHEEP

A37-02045

Page 1

Date: 03/09/89

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	24E	29	SE		NE		INDUST	
			SE		NE		STOCK	
		30	NE		SE		INDUST	
			NE		SE		STOCK	

11. Place of use in counties: BUTTE, BLAINE

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

13. Other Water Rights Used:

BENEFICIAL USE, 1913 PRIORITY, SEPARATE CLAIM

14. Remarks:

WATER HAS BEEN USED FOR ABOVE PURPOSES SINCE 1916, WHEN PERMIT WAS ISSUED. BLM MANDATES SHEEP GRAZING ON PROPERTY THROUGH A LEASE WITH SHEEP OWNER.

15. Basis of Claim: LICENSE

Water Right Number: 12388

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

CNA ENTERPRISES, INC. _____, that I have signed the foregoing
Organization

document in the space below as _____ President _____ of _____
Title

CNA ENTERPRISES, INC. _____ and that the statements contained in the
Organization
foregoing document are true and correct.

Ronald Daye
Signature of Authorized Agent

President / CNA ENTERPRISES
Title and Organization

Date

State of California)
~~Idaho~~)
County of Los Angeles) SS.

Subscribed and sworn (or affirmed) before me this 21 day
of June 19 90

Richard Contreras
Notary Public

Seal



Residing at 1015 Gayley Los Angeles California
My Commission Expires April 22, 1994

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

Print Name _____

acting as attorney at law on behalf of the claimant signing above, and that 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 _____

Date _____

MICROFILMED
FEB 23 1993

Adjudication Claim Notes

Claim(s): 37-2045

Background Data

- Licensed for 1.6 cfs on 80 acres – licensed source is North Fork Cottonwood Creek tributary to Little Wood River
- Claimed for 1.6 cfs on 80 acres – claimed source is Cottonwood Creek tributary to Sinks

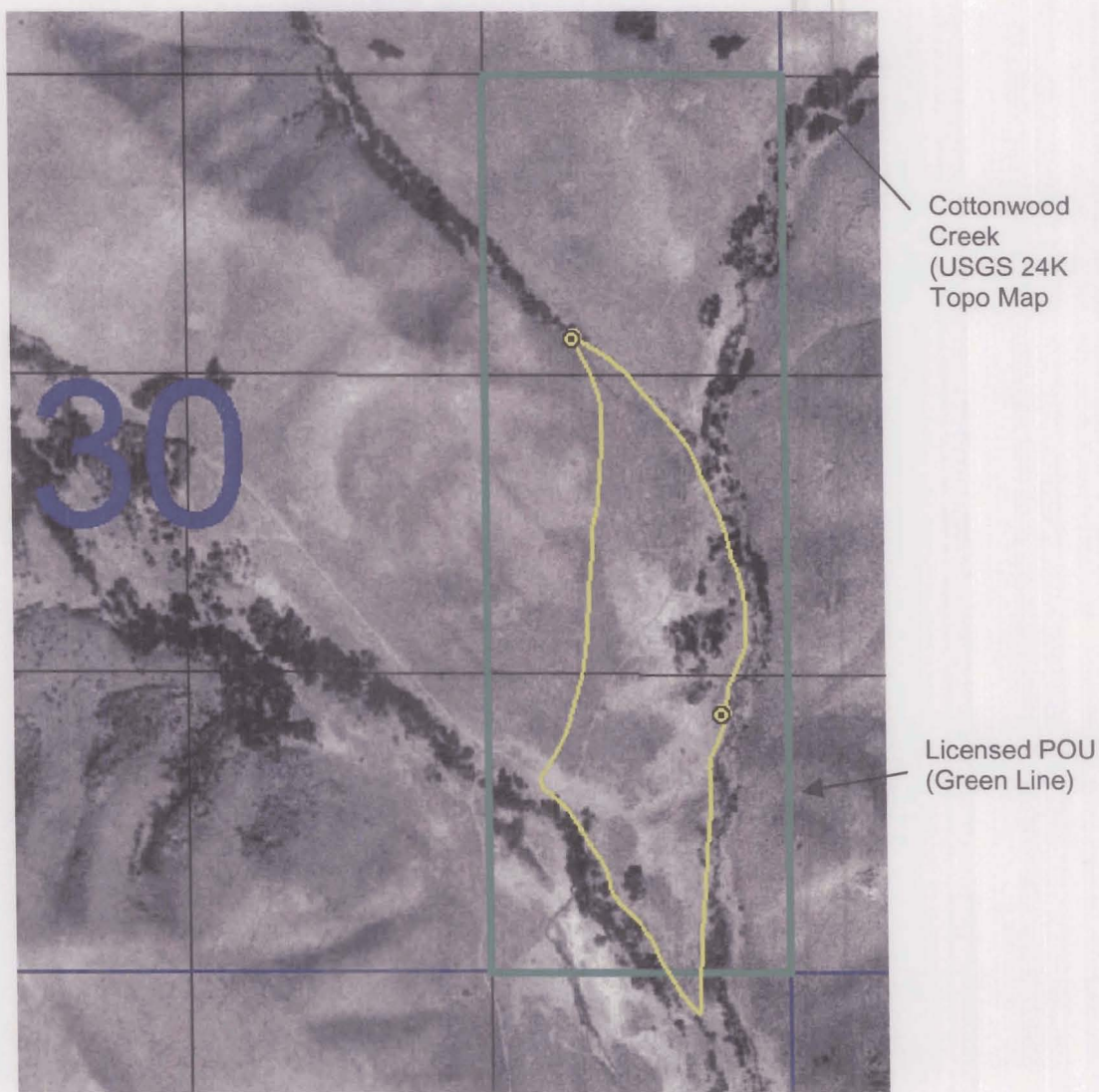
Place Of Use Data

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





Photograph of POD taken by Lee Peterson during field exam.
Location: 2529279 1363845
Plate: None
Photo #: 1060670



Photograph of POD taken by Lee Peterson during field exam.
Location: 2529475 1363339
Plate: None
Photo #: 1060671

Notes

T2N R24E Section 30

- Found 32 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, and 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
- Lee walked a portion of the ditch on the field exam and said it was breached at the north end, but otherwise it is usable.
- Sources are
 - Cottonwood Creek tributary to Sinks
 - Unnamed Stream tributary to Cottonwood Creek
- This right is licensed for 1.6 cfs on 80 acres. Given the location of the canal it seems unlikely that they were able to irrigate 80 acres in the licensed POU. The license documents include depositions stating that this land requires 1.25-1.5 inches/acre. Although unclear and somewhat unlikely, it seems possible that in order to not exceed 0.02 cfs/acre the acreage of the license was artificially increased to provide the additional water the owner wanted.
- Since there is a useable distribution system and the claimed POU is still within decreed POU, this appears to be the historical use of this right. I decided to recommend 1.6 cfs on the present POU of 32 acres.
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

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

Lava Lake Land & Livestock LLC
35 27 Washington St.

Branch office
Hailey Idaho

8/4/05

San Francisco, Ca

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

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

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

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

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

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

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

See photo

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

Lee R. Peterson

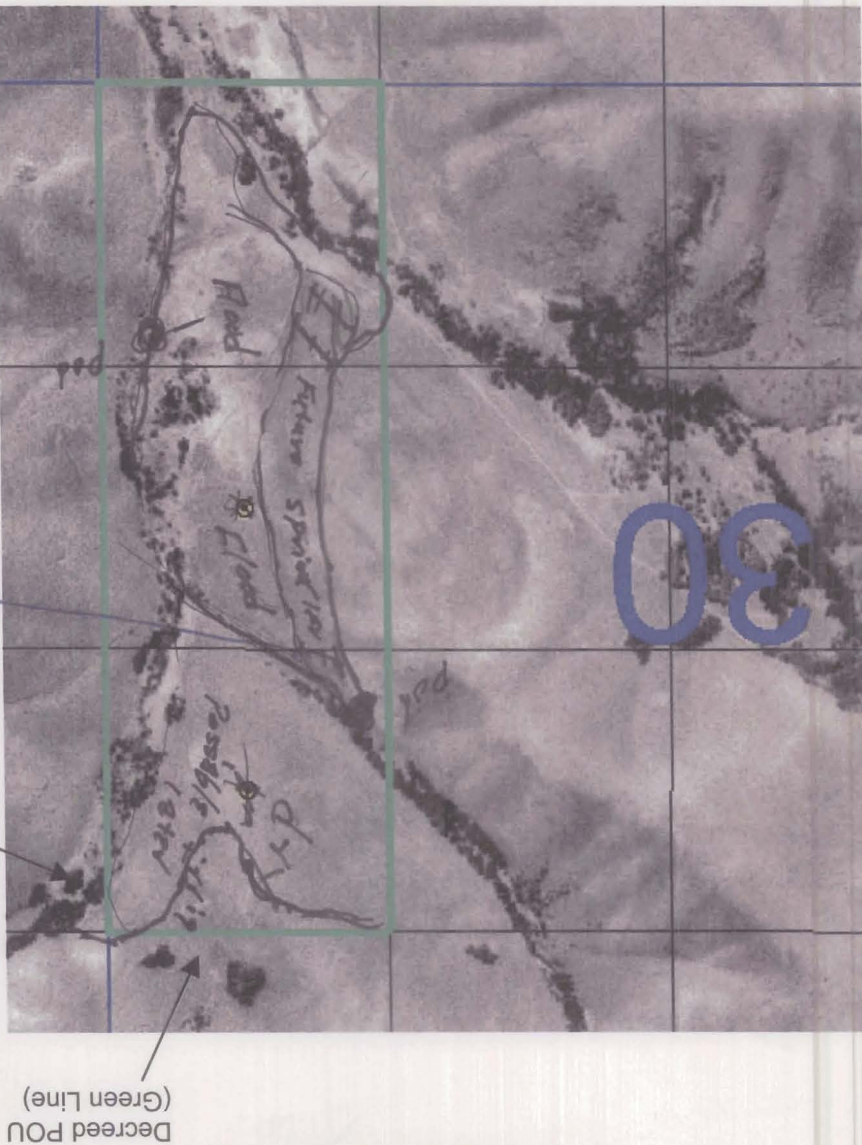
Background Data

- Source is Cottonwood Creek tributary to Little Wood River
- Licensed for 1.6 cfs on 80 acres
- Claimed for 1.6 cfs on 80 acres

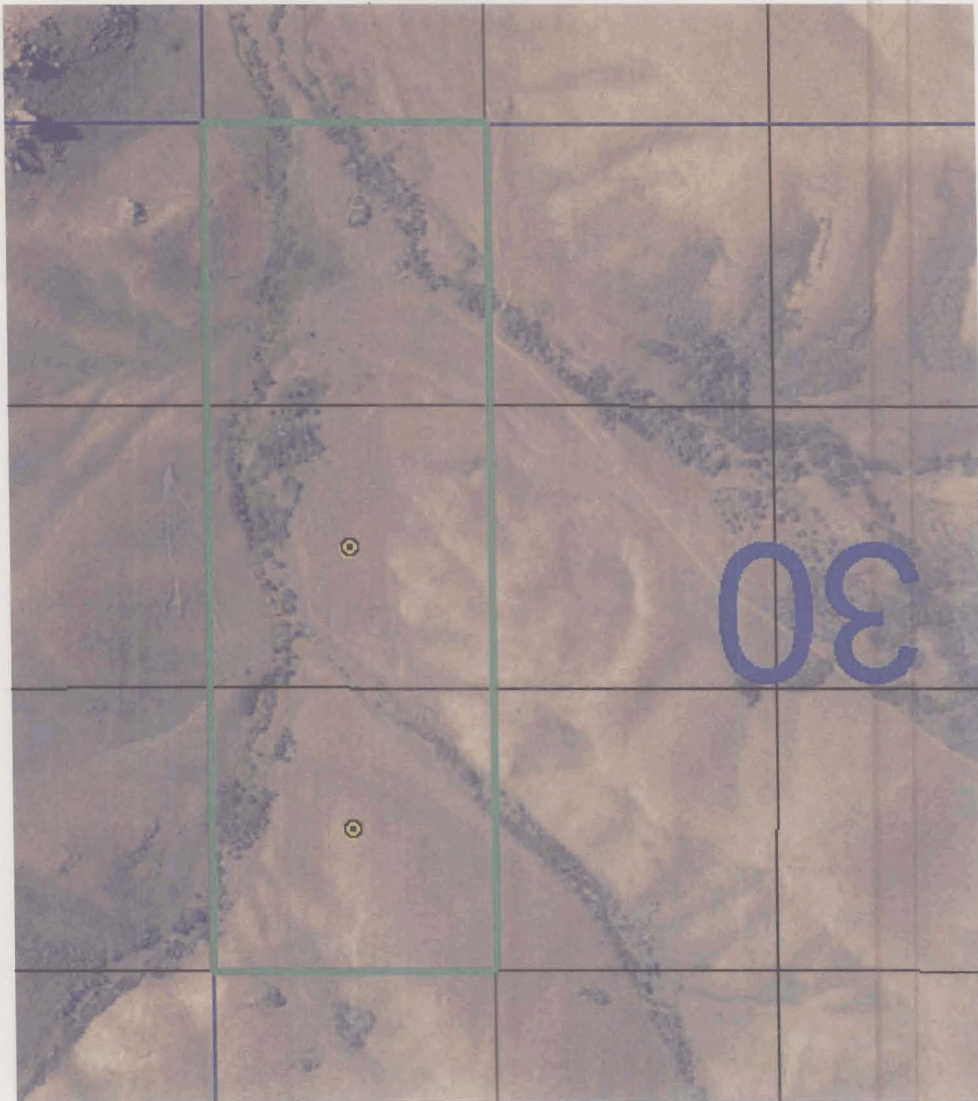
Place Of Use Data

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



2004 Aerial Photo



Notes

T2N R24E Section 30

- There is no obvious irrigation occurring. This has been 16+90 but plans for Sprinkler
- Contact owner to determine status of land and this right. If they are, do a field exam. in near future
- Will need evidence of priority to recommend this right. coming?
- Possibly disallow.

NO
Lee

State of Idaho
License and Certificate of Water Right

Water License No. 12388
 Water District No. 27-B

Amount 1.6 sec. ft.
 Priority 7-28-16

THIS IS TO CERTIFY that Ira Eldredge,
 of Carey, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated July 28, 1916; that Permit No. 12388
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on September 9, 1919, showing that said works
 were completed on the 8th day of August, 1919; and that on the 1st
 day of August, 1921,

Ira Eldredge,

of Carey, State of Idaho, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of No. 16 of
Cottonwood Creek, a tributary of Little Wood River, for the purpose of Irrigation
 , under Use Permit No. 12388 of the State Engineer
 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 Commissioner of Reclamation of Idaho and entered of record in
 Volume 5 of Licenses, at page 2803, on the 13th day of August, 1921;

The right hereby confirmed dates from July 28, 1916;

The Point of Diversion is located at the SW Corner of
~~in the~~ NW 1/4 NW 1/4, Sec. 29, Tp. 2 N., R. 24 E., B. M.
County of Blaine

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 1.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N	24 E	30	SW 1/4 NE 1/4	10	--
			SE 1/4 NE 1/4	10	10
			NE 1/4 SE 1/4	20	35
			SE 1/4 SE 1/4	40	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 Commissioner of Reclamation, affixed at Boise, Idaho,
 this 13th day of August, 1921.

W. G. SWENDSEN

Commissioner of Reclamation.

(SEAL)

37 2045

NAME OF APPLICANT *Lara Elhedy Poirier* 2388.

- Indicates POU is South
of West Fork
- MDA 9/14/05

Twp. 2 North. Range 24 East. B. M.

SEC. SEC. SEC. 24 SEC. 19 SEC. 20 SEC.

SEC. SEC. SEC. 25 SEC. 30 SEC. 29 SEC.

SEC. SEC. SEC. 36 SEC. 31 SEC. 32 SEC.

Point of Diversion

West Fork

Ditch

North Fork Big Cottonwood Creek

*Land in Cultivation
80 acres*

*10
35
35*

Lava Beds.

Valley of the Moon

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

12358

Name of Applicant

W. C. Ledge, Carey, Idaho

SEC.

SEC.

SEC.

T 2 N R 24 E B 3 m

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

310

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

Legend

a point of Division
B. source of supply
c ditch
land to be irrigated

NE 1/4 Sec 310

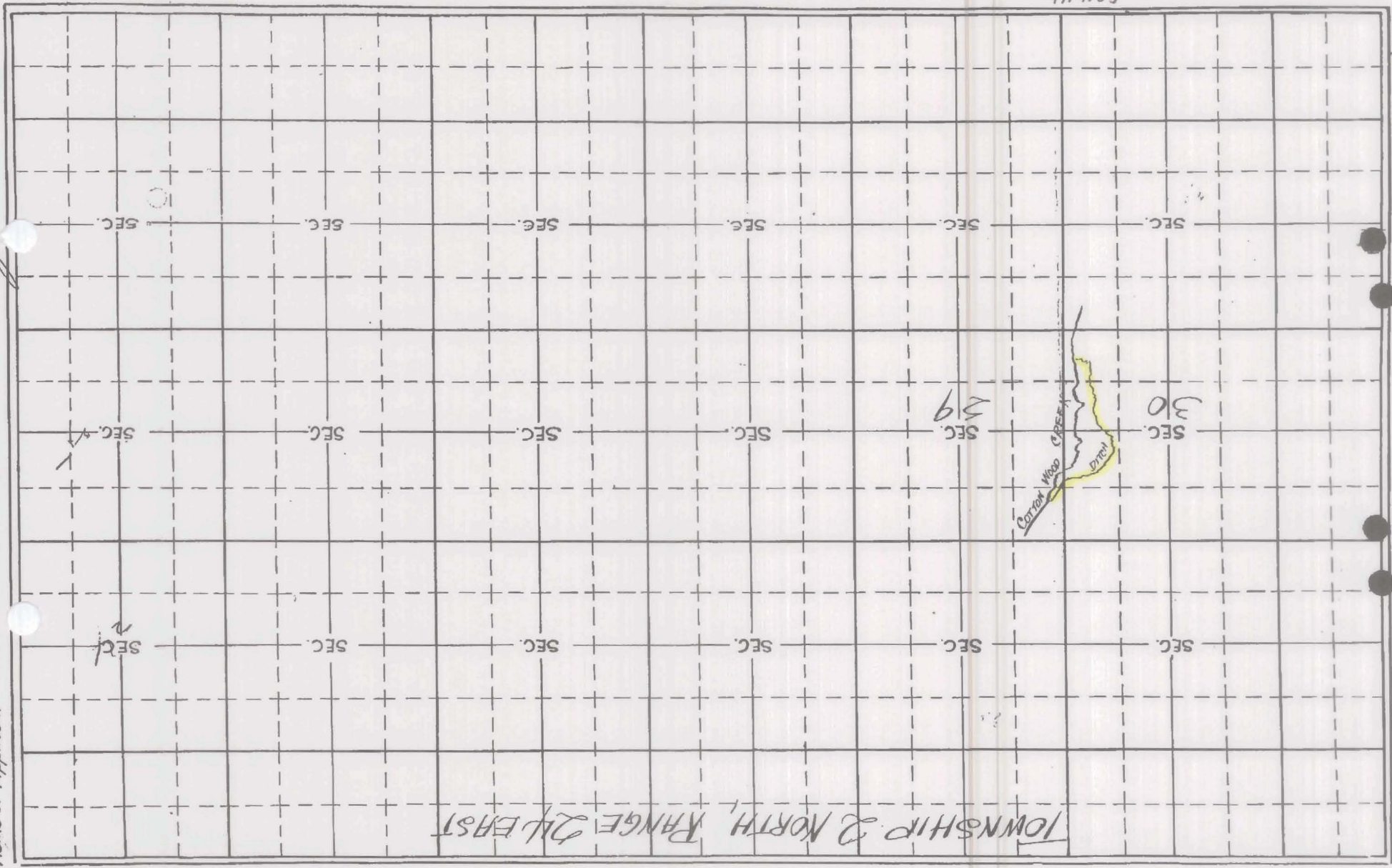
c

a

v

Name of Applicant: *James Caldwell*

TOWNSHIP 2 NORTH, RANGE 24 EAST



- Appears road crosses west Fork
in SE NE Section 30 & dumps into
unnamed stream from west in
SE SE Section 30
- MDA 9/14/05

1 2 3 8 8

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

From 37-2799

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

From 37-2799

AJ0749NP
No. A37-02045

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/04/99
PAGE: 1

```
=====
OWNER      NAME & ADDRESS      PRIORITY  WATER USE      USE PERIOD  DIVERSION  DIVERSION
CODE      DATE      IRRIGATION  FROM  TO      RATE      VOLUME
-----
C BEAN TEDROW FAMILY TRUST      07/28/1916  IRRIGATION  04-01 10-31  1.600 CFS
  3527 WASHINGTON ST
  SAN FRANCISCO CA 94118
  (415) 922-5378
                                     TOTAL DIVERSION:  1.600 CFS

Water Source: COTTONWOOD CREEK      Tributary to: SINKS      Stage: LICENSE

Point(s) of Diversion:      TO2N R24E S30      SENE      NESE      SWSE      BLAINE County

Place of use Legal Description for: IRRIGATION
      NE      NW      SW      SE
      NENE  NWNE  SWNE  SENE  :  NENW  NWNW  SWNW  SENW  :  NESW  NWSW  SWSW  SESW  :  NESE  NWSE  SWSE  SESE  :
T   R   S   :  Lt Ac  Lt Ac  Lt Ac  Lt Ac  :  Lt Ac  Lt Ac  Lt Ac  Lt Ac  :  Lt Ac  Lt Ac  Lt Ac  Lt Ac  :  SUM
-----
02N 24E 30 :      10 :      :      :      :      :      :      :      :      :      :      :
                                     TOTAL ACRES      80.0
=====
```

POU County: BLAINE

Non-Irrigation Uses: INCIDENTAL STOCKWATERING OF 200 BEEF CATTLE

Other Rights: 37-02799

Remarks: GEN AMENDMENT CORRECTS ACTUAL USE OF THIS RIGHT.
OWNERSHIP CHANGE MADE 9/8/95 BY TLB.

2/22/99, DJ: CLAIM AMENDED TO DESCRIBE PLACE OF USE AS LICENSED,
POINTS OF DIVERSION OFF BLM LAND, 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
37-02799.

08/04/99, CHANGED OWNERSHIP: PICABO TO BEAN TEDROW AS PER FORM
1409(6) AND WARRANTY DEED. C.T.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Water Right Number - A37-02045

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number - 12388

+ - - - - 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 ***

ELDREDGE

IRA

1 -

2 -

3 -

City- CAREY

State- ID Zip- 83320

Phone - 208-000-0000

CNA ENTERPRISES

1 - 10535 VESTONE WAY

2 -

3 -

City- LOS ANGELES

State- CA Zip- 90077

Phone - 213-476-2195

BERRETT

DENNIS W

1 - 101 W INGLENOOK DRIVE

2 - #1906

3 -

City- MIDVALE

State- UT Zip- 84147

Phone - 801-255-1018

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/28/1916 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+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 1.600+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.600 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
02N 24E 30 SE NE 10.0 01 IRRIGATION (13) BLAINE
02N 24E 30 NE SE 35.0 01 IRRIGATION (13) BLAINE
02N 24E 30 SE SE 35.0 01 IRRIGATION (13) BLAINE

Total Acres: 80.0

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 - 37-02799

[illegible]

GEN AMENDMENT CORRECTS ACTUAL USE OF THIS RIGHT.
OWNERSHIP CHANGE MADE 9/8/95 BY TLB.

2/22/99, DJ: CLAIM AMENDED TO DESCRIBE PLACE OF USE AS LICENSED, POINTS OF DIVERSION OFF BLM LAND, 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
37-02799.

[illegible]

+ - - - - 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	-	

From: DWR03::FRAZEE 15-JUN-1990 16:13:00.38
To: DWR70::THOMPSON
CC: FRAZEE
Subj:

Blaine Co.

JO, I JUST REC'D A PH. CALL FROM DENNIS BARRETT OF SALT LAKE CITY. HE TOLD ME WHOEVER CALLED HIM (IN L.A.) LAST WEEK, HAD HIS/HER NAME CUT OF THE ANSWERING MACHINE. HE CALLED HERE, AND I'VE ASKED AROUND, BUT NO ONE OWNS UP TO CALLING MR. BARRETT.\

HIS PROPERTY IS MOON CRATER MEADOWS IN ARCO. WOULD YOU PLS ASK AROUND AND SEE IF ANY OF YOUR FOLKS PLACED THE CALL? HIS CALLBACK NUMBER NEXT WEEK, IN SALT LAKE INSTEAD OF L.A., IS 801/255-1018. THANKS!...SAL

6-15-90
Here. I've asked all my friends who was going to Blaine place but you??

6-18-90 Tele. Conf. with Berrett: Land owner in L.A. He has not met with Ron Tye to discuss matters.
cc & letter to Dennis Berrett
101 West Inglenook, Ste 1906
Midvale UT E4047

- mailed copy of our 3-14 letter to Berrett to him @ above address w/ copy of claims on 6-19-90.

MICROFILMED
FEB 23 1993

Old (D) Number - 12388

State- ID Zip- 83320

SCANNED
JUN 25 2010

Water right number - 37-02045

Adj. flag translation: Standard Water Right Number

+ - - Microfilm Rolls -

+ - - Audit Fields - 06/03/85

05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 06/03/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 01
Licensed Date	- 05/08/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED
FEB 23 1993

SCANNED
JUN 25 2010

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

01/04/89 0
Pag

ght number - 37-02045 Adj. flag translation: Standard Water Right Number
crofilm Rolls -
dit Fields - 06/03/85 05/28/88 CONVERT

- - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 06/03/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 01
Licensed Date	- 05/08/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 17, 1989

CNA Enterprises
1035 Vestone Way
Los Angeles, CA 90077

RE: Snake River Basin Adjudication

Dear Sir:

Enclosed is a Notice of Claims to a Water Right for Blaine County which was filed with the Department in October, 1988, along with check #0783 for \$355.00. We are unable to accept this claim as presently completed. There are several items which must be corrected before we can begin processing the claim.

1. Item 2. Only one priority date may be claimed in this item. Two different priority dates means that there are two separate water rights which must be claimed on separate forms.
2. You have based your claim on two "Permits". According to our files, License 37-02045 is a valid water right. However, the second number you listed, 37-02282, is a canceled permit. The permit was canceled because proof of beneficial use was never submitted (It was due in 1921). If the water was put to beneficial use and a priority date can be established for the actual beginning of use, you can claim a beneficial use right rather than basing a claim on the canceled permit.

Our files show correspondence from a Hailey attorney for a Mr. H. M. Lough stating that Mr. Lough was prepared to submit proof of beneficial use, however he needed the forms. That is the last correspondence in this matter. That letter was dated November 16, 1921. The forms were sent on November 17, 1921.

4. You need to complete Item 9, describing the uses listed in Item 6. Specifically, describe the type of industrial use and number and kind of livestock.
5. In Item 10, you listed acres, although you have not listed irrigation as a purpose in Item 6. This needs to be clarified.

MICROFILMED

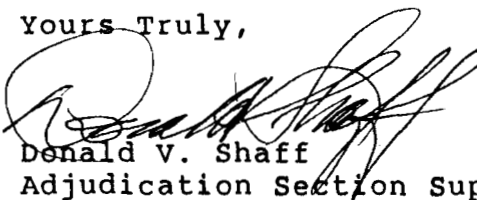
FEB 23 1993

CNA Enterprises
January 17, 1989
Page 2

6. The claimant listed in Item 1 is CNA Enterprises. The signature on the last page, therefore, must be under the organizational block, with all items completed (and legible).

Please return the documents to this office at my attention. If you will make these corrections before February 16, 1989, you will not be assessed a late filing fee. Please do not hesitate to contact this office if you have any questions or concerns.

Yours Truly,



Donald V. Shaff
Adjudication Section Supervisor

DVS:db

Enclosures

Check #0783, \$355.00
Long Form Completed
Long Form w/Instructions (2)

*Dennis Berrett
Marketing Dir.
CNA REP.
called today w/ questions
on 2/17/89 &
talked to db.*

MICROFILMED

FEB 23 1993

FROM

ERIC VERNER

TO

STEVE CLELLAND, SOUTHERN

SUBJECT

CNA ENTERPRISES.

RECEIVED

DATE

8/12/91

AUG 13 1991

Department of Water Resources
Southern Region Office

FOR OUR PHONE CALL, FIND ENCLOSED OUR ORIGINAL FILE
OF A34-10921 / Now A37-02525 FOR CNA
ENTERPRISES.

AS YOU WILL NOTICE, ON MY CORRESPONDENCE OF 8/12,
MR. BERRETT SHOULD BE SENDING YOU SIGNED NOTICES
A37-02525, A37-02045 AND A37-02799 —
IF YOU HAVE QUESTIONS ABOUT THE
FILE LET ME KNOW! TX ERIC

MICROFILMED

FEB 23 1993

SIGNATURE

8/12/91

ENTERPRISES

order @ 34/37

Silver Creek?

legal

045

570

no #s

MICROFILMED
FEB 23 1993be numbered into
2-3 claims form
Verner

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST 2

CLAIMANT'S NAME

CNA

CLAIM IDENT. NO.

A37-02045

DATE RECEIVED

7-2-90

CK #

AMOUNT \$

YES

NO

Require Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
Is the period of use included? ☒ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ *
Is the consumptive use correct? ☒ YES ☐ NO ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ *

Claim checked by: lat

Date: 7-2-90

Claim must be returned to claimant: ☐ (Yes) ☒ (No)

Claimant must be notified of modifications: ☐ (Yes) ☒ (No)

Receipt Prepared by: _____
Claim data entered by: _____
Sent to claimant by: _____

Date: _____
Date: _____
Date: _____

Checked by:

MICROFILMED

Comments:

FEB 23 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 14, 1989

APR 14 1989

Mr. Dennis W. Berrett
CNA Enterprises
10535 Vestone Way
Los Angeles, California 90077

RE: Snake River Basin Adjudication
Blaine County

Dear Mr. Berrett:

As you discussed on the phone with Helen Harrington, we are returning the enclosed claims to allow you an opportunity to modify or withdraw these claims. Any changes must be returned by April 14, 1989, to avoid any assessed late fees (see instructions).

We have made several changes as discussed and developed optional claims which you may resubmit in place of your original handwritten copy if you desire; feel free to make changes on the typed version, initialing any changes. Items which you should pay particular attention to are:

- a. Item #3 - information in our files states that the license incorrectly describes the source as North Fork, Cottonwood Creek, tributary to Little Wood River. According to our files, the correct source is Cottonwood Creek, tributary to sinks. We have corrected that item. Please verify that it is correct.
- b. Please complete Item #5. This also is related to Items #4 and #6. In Item #4, you listed a beginning and ending points for instream stockwater use as well as a single point of diversion. Please verify this information. If it is indeed instream stockwater use, please note that in Remarks; if not, strike that information in Item #4.

MICROFILMED

FEB 23 1993

Mr. Dennis W. Berrett
March 14, 1989
Page 2

You list Industrial Storage in Item #6, however, you listed a rate of diversion rather than a volume amount. Please clarify. If water is diverted to off stream storage, stored, and then used, each of these should be listed in Item 6 as follows:

Diversion to storage	(cfs)
Storage	(acre feet)
Industrial from storage	(acre feet)

If on stream:

Storage for industrial	(acre feet)
Industrial from storage	(acre feet)

We are unable to calculate the correct fees without knowing this information.

- c. Item #6, Stockwater amount has been changed to .03 cfs as discussed on the phone. This is the suggested amount of water for the number of stock you listed on your claim (400 - 600 sheep). Note that the original license has a total diversion rate of 1.6 cfs; with your original claimed amount of industrial use (.40 cfs) and the change to .03 cfs on stockwater, the total amount claimed is now .43 cfs. You may wish to modify the industrial water used if the capacity of the system and the actual water used is 1.6 cfs.

On the second claim, rather than base the claim on a lapsed permit, you might consider the enclosed prepared claim based on beneficial use. We have prepared this claim; however, you will need to verify and perhaps modify it based on the items noted above. We have also modified the stockwater amount. Please verify all information.

Use the instructions to establish the correct fees if changes are made. These claims are based on industrial (no storage) and the suggested stockwater amounts. Using these assumptions, the fees are:

MICROFILMED

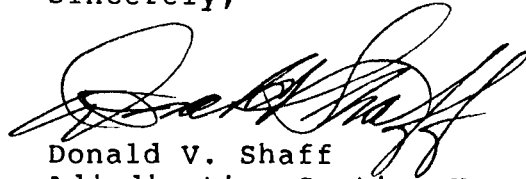
FEB 23 1993

Mr. Dennis W. Berrett
March 14, 1989
Page 3

A37-02045	flat fee	\$ 50.00
	industrial	40.00
	TOTAL	<u>\$ 90.00</u>
Beneficial Use	flat fee	\$ 50.00
	industrial	240.00
	TOTAL	<u>\$ 290.00</u>
TOTAL FEES		\$ 380.00
On account		<u>355.00</u>
Amount Due		\$ 25.00

If you need assistance or would like to discuss any of this, please don't hesitate to call Ms. Harrington at (208) 327-7900. Please be sure to have notarized signatures on whatever claim forms are submitted.

Sincerely,



Donald V. Shaff
Adjudication Section Manager

DVS:HH:db
Enclosures
-A37-02045
Long Form Completed - 3
Receipt #C005570

MICROFILMED
FEB 23 1993



Dennis Berrett

RECEIVED
JUL 2 1990

June 21, 1990

Helen Harrington,
Donald Shaff
Idaho Dept. of Water Resources:

Department of Water Resources

Dear Helen, Donald:

I am sending back the completed Claim Form and other agreement of your revisions on one of our two Claims, as per the material you sent to Los Angeles indicated. The person I spoke with sent a copy of what I assume to be the other Received and approved Claim Form.

With this material and the enclosed check, I assume we have now completed all the materials your Department needs to process both Water Claims through the Adjudication processes. If there are any other things needed, please let us know. The forms and information are very complex, and since both sources of water both begin and end on our Subject Property, we would naturally like to make sure everything is successful in approving the two Water Claims. This makes it consistent with the Land Title Policies which have based on rights to the Water Claims as well. Let me know if you need further information by calling or writing to me here in Salt Lake City. Thanks for your assistance.

Sincerely,

Dennis W. Berrett

cc: Ronald Taxe

Dennis W. Berrett
101 W. Inglenook Drive #1906
Midvale, UT 84147
(801) 255-1018

MICROFILMED
FEB 23 1993

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 0017510

Date: 07/02/90
Time: 16:09:44

Received
From: TAXE, RONALD

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$25.00

Total

\$25.00

CHECK 399

Idaho Department of Water Resources

Region: STATE

Signature: J. Dawson

MICROFILMED
FEB 23 1993

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

JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226-0036

TELEPHONE

(208) 879-4488

FAX

(208) 879-4248

January 21, 1999

RECEIVED

JAN 26 1999

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

Department of Water Resources
Southern Region

RE: Water Right Nos. 37-07072^X, A37-11950^X, A37-07072^X,
A37-11916^X, 37-02545^X, A37-02545B^X, A37-02545A^X,
A37-07600^X, A37-02715^X, A37-02688^X, A37-11936^X,
37-02799^X, A37-02045^X, A37-02799^X

Dear Sirs:

I represent Brian Bean who is a prospective purchaser of lands in Blaine County. The description of the lands is attached.

First, I have reviewed printouts from your Department dated 06/25/97. I would appreciate updated printouts along with any information in your files regarding amendments, objections or other matters regarding these rights. If there are rights which are appurtenant to the lands in addition to the above, I would also like printouts on those rights.

Second, if domestic or stockwater rights exist on the lands separate from the above, I would appreciate printouts on those.

Third, other deeded lands lie within the same watershed (more specifically within Sections 28, 29, 32 and 33, Township 2 North, Range 24 East, Boise Meridian and the W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 5, Township 1 North, Range 24 East, Boise Meridian in Butte County, Idaho). We would also like to review any irrigation, domestic or stockwater rights connected with these lands.

We appreciate your assistance very much.

Very truly yours,


James R. Bennetts

JRB:k

Enclosure

cc: Brian Bean

Status Conf.
Lawa Lake
11950

745 746
37-2045, 2799, 2123
37-2525 CNA.

Mar 2, 2011

37-745-746

37-2799 Amend claim to re configure 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.~~

COPY

37-2045 lava lake

2N 24E Sec 31

initial hearing 3-4-09

status conf 8-26-09

status conf. 6-23-10

Status conf 11-17-2010 2:00 P.M.

info in BK file 37-2525
that is found

37-2799 lava Lake

2N-24E Sec 30-31

tied to above - status Conf

info in BK file 37-2525
that is found.

37-2123

3N 24E Sec 31-32

tied to above status Conf

(claim file not scanned)

37-4394

3N-24E Sec 32

tied to above status Conf.

37-2525 CNA Enterprises

2N-24E Sec 30

tied to above status Conf.

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: A37-02045
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: JUL 28, 1916
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

SESE

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	1.600		

7. Total Quantity Appropriated is:
1.600 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	10.0
			NE	SE		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	24E	30	SE	SE		IRR	35.0
Section Acres							80.0
Total Acres							80.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-02799

14. Remarks:

AMENDMENT CORRECTS ACTUAL USE OF THIS RIGHT.
OWNERSHIP CHANGE MADE 9/8/95 BY TLB.

2/22/99, DJ: CLAIM AMENDED TO DESCRIBE PLACE OF USE AS LICENSED,
POINTS OF DIVERSION OFF BLM LAND, 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
37-02799.

08/04/99, CHANGED OWNERSHIP: PICABO TO BEAN TEDROW AS PER FORM
1409(6) AND WARRANTY DEED. C.T.

1/4/2000 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: 12388

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: A37-02045

Date Received: 7-2-90

Receipt No: C005570

Received By:

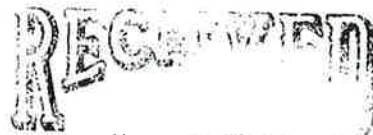
alt

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CNA ENTERPRISES
Address: 10535 VESTONE WAY
LOS ANGELES, CA

90077

213-476-2195



2. Date of Priority: JUL 28, 1916

3. Source: COTTONWOOD CREEK

Trib. to: SINKS

2 1990

4. Point of Diversion:

Department of Water Resources

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	24E	29	SW	NW	NW		BLAINE
Beginning Point of Minimum Instream Flow							
02N	24E	30	SE	NE	SE		BLAINE
Ending Point of Minimum Instream Flow							
02N	24E	30	SE	SE	SE		BLAINE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.400		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

I/MINING OPERATION; S/400-600 SHEEP

A37-02045

Page

1

Date: 03/09/89

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	24E	29	SE		NE		INDUST	
			SE		NE		STOCK	
		30	NE		SE		INDUST	
			NE		SE		STOCK	

11. Place of use in counties: BUTTE, BLAINE

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

13. Other Water Rights Used:

BENEFICIAL USE, 1913 PRIORITY, SEPARATE CLAIM

14. Remarks:

WATER HAS BEEN USED FOR ABOVE PURPOSES SINCE 1916, WHEN PERMIT WAS ISSUED. BLM MANDATES SHEEP GRAZING ON PROPERTY THROUGH A LEASE WITH SHEEP OWNER.

15. Basis of Claim: LICENSE

Water Right Number: 12388

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

CNA Enterprises, Inc. _____, that I have signed the foregoing
Organization
document in the space below as _____ President _____ of _____
Title

CNA Enterprises, Inc. _____ and that the statements contained in the
Organization
foregoing document are true and correct.

Ronald Chyle
Signature of Authorized Agent

President / CNA Enterprises
Title and Organization

Date

State of California)
~~Idaho~~)
County of Los Angeles) SS.

Subscribed and sworn (or affirmed) before me this 21 day
of June 19 90

Richard Contreras
Notary Public

Seal



Residing at 1015 Gayley Los Angeles California
My Commission Expires April 22, 1994

37-2045 go with new shape @ 2.5"/Ac
go with 9 & 10 P/Ds.

37-2045 trim off blue grid east of sec line
add a P/D SE/ENE line to go both east & west
of stream

use P/Ds 4, 3, 2, 1 and a new P/D south
Keep #5

Do an amendment to add #6
and across across section line.

4394 - should be ok to go.

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

In Re SRBA

Case No. 39576

) Subcase No.: 37-2045
)
)
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

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

CLAIMANT / OBJECTOR:

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

IDWR CONCURRENCE:

Kelly K. Christensen June 3, 2011

Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

02/25/2011

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

RIGHT NUMBER: 37-2045

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: ~~1.60~~ 0.740 CFS

PRIORITY DATE: 07/28/1916

POINT OF
DIVERSION:

T02N R24E S30 ~~SWSENE~~ NESE Within BLAINE County
T02N R24E S30 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

~~1.60~~ 0.740 CFS

PLACE OF USE: IRRIGATION in BUTTE County

~~T02N R24E S30~~	~~SENE~~	~~0.60~~	T02N R24E S30	NESE	~~15.0~~ <u>0.90</u>
T02N R24E S30	SESE	~~16.0~~ <u>14.00</u>	~~T02N R24E S31~~	~~SENE~~	~~0.40~~

32-14.9 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.

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

CERTIFICATE OF SERVICE

I certify that on _____, 2011, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

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

2. Copies to:

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

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

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

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

Signature of person or attorney mailing the form

02/25/2011

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

RIGHT NUMBER: 37-2045

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

VERIFIED BY *KKC*
2-25-11

SOURCE: COTTONWOOD CREEK
~~UNNAMED STREAM~~ TRIBUTARY: SINKS
TRIBUTARY: ~~COTTONWOOD CREEK~~

QUANTITY: ~~1-60~~ 0.740 CFS

PRIORITY DATE: 07/28/1916

POINT OF
DIVERSION:

T02N R24E S30 ~~SWSENE~~ NENESE Within BLAINE County
T02N R24E S30 NESESE 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	~~1-60~~ 0.740 CFS
PLACE OF USE:	<u>IRRIGATION in BUTTE County</u>		
	~~T02N R24E S30~~ ~~SENE~~ ~~0.60~~	T02N R24E S30	NESE 15.0 0.90
	T02N R24E S30	SESE 16.0 14.00	~~T02N R24E S31~~ ~~SENE~~ ~~0.40~~
	32-14.9 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.

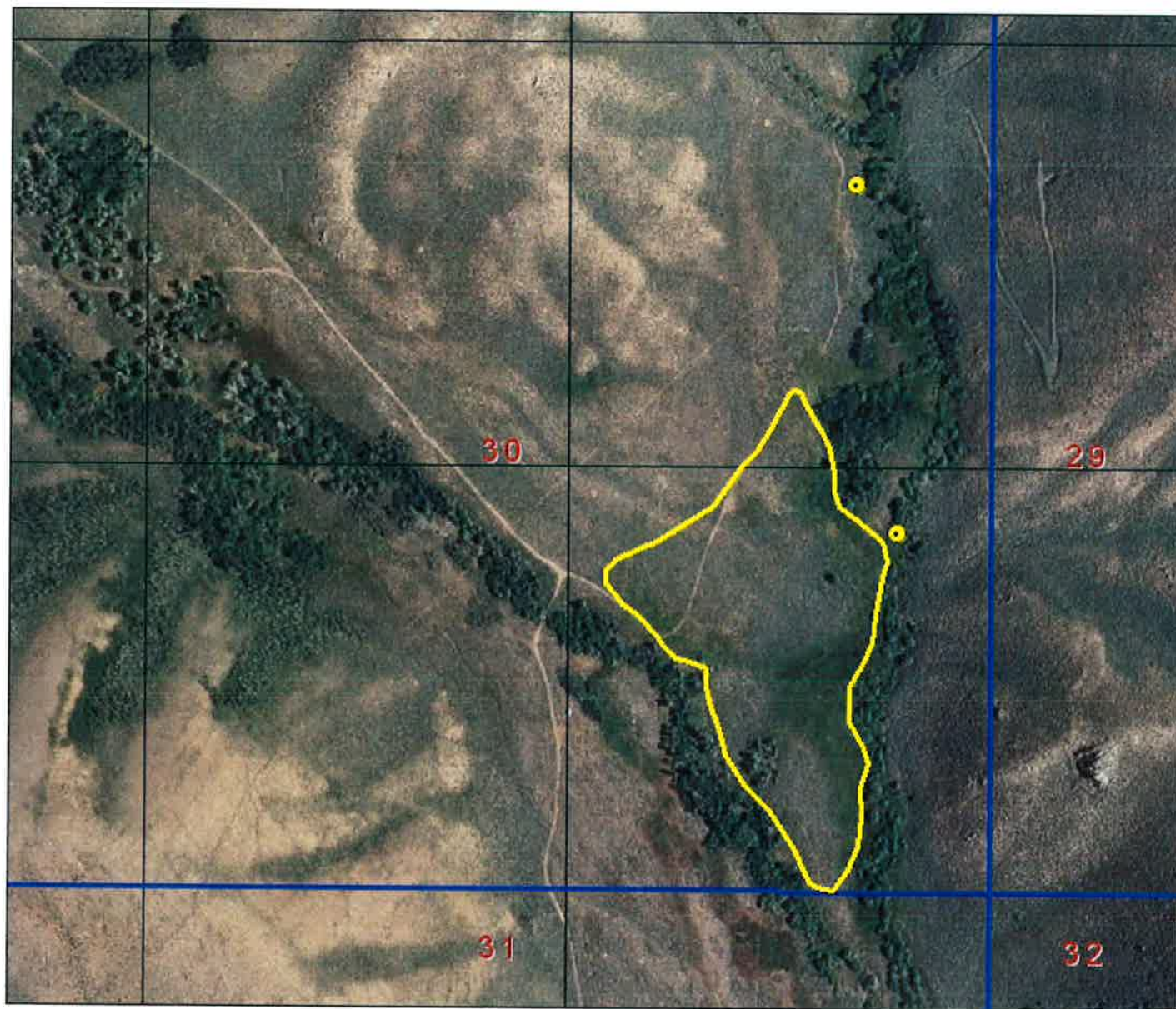
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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.

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

RECOMMENDED PLACE OF USE FOR 37-2045



PLACE OF USE
TWP 02N, RNG 24E Sec 30
Data Entry on February 25, 2011

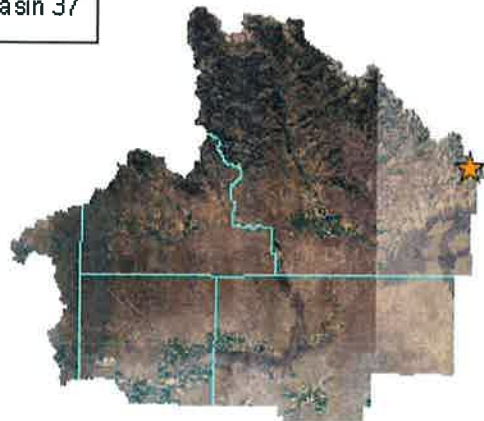
★ LOCATION IN BASIN

- Recommended point of diversion
- Recommended place of use
- Township lines
- Section lines
- Quarter/quarter lines

GIS PLACE OF USE PRESENTATION
2009 AERIAL PHOTOGRAPHY
BY KELLY K CHRISTENSEN



Basin 37



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

RIGHT NUMBER: 37-2045

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

Director's
Report

SOURCE: COTTONWOOD CREEK
UNNAMED STREAM

TRIBUTARY: SINKS
TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 1.600 CFS

PRIORITY DATE: 07/28/1916

POINT OF

DIVERSION: T02N R24E S30 SWSENE Within BLAINE County
T02N R24E S30 NESESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/31

1.600 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R24E S30

SENE

0.60

T02N R24E S30

NESE

15.00

T02N R24E S30

SESE

16.00

T02N R24E S31

NENE

0.40

32 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 source pursuant to Section 42-1425, Idaho Code.

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.

JAN 27 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

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

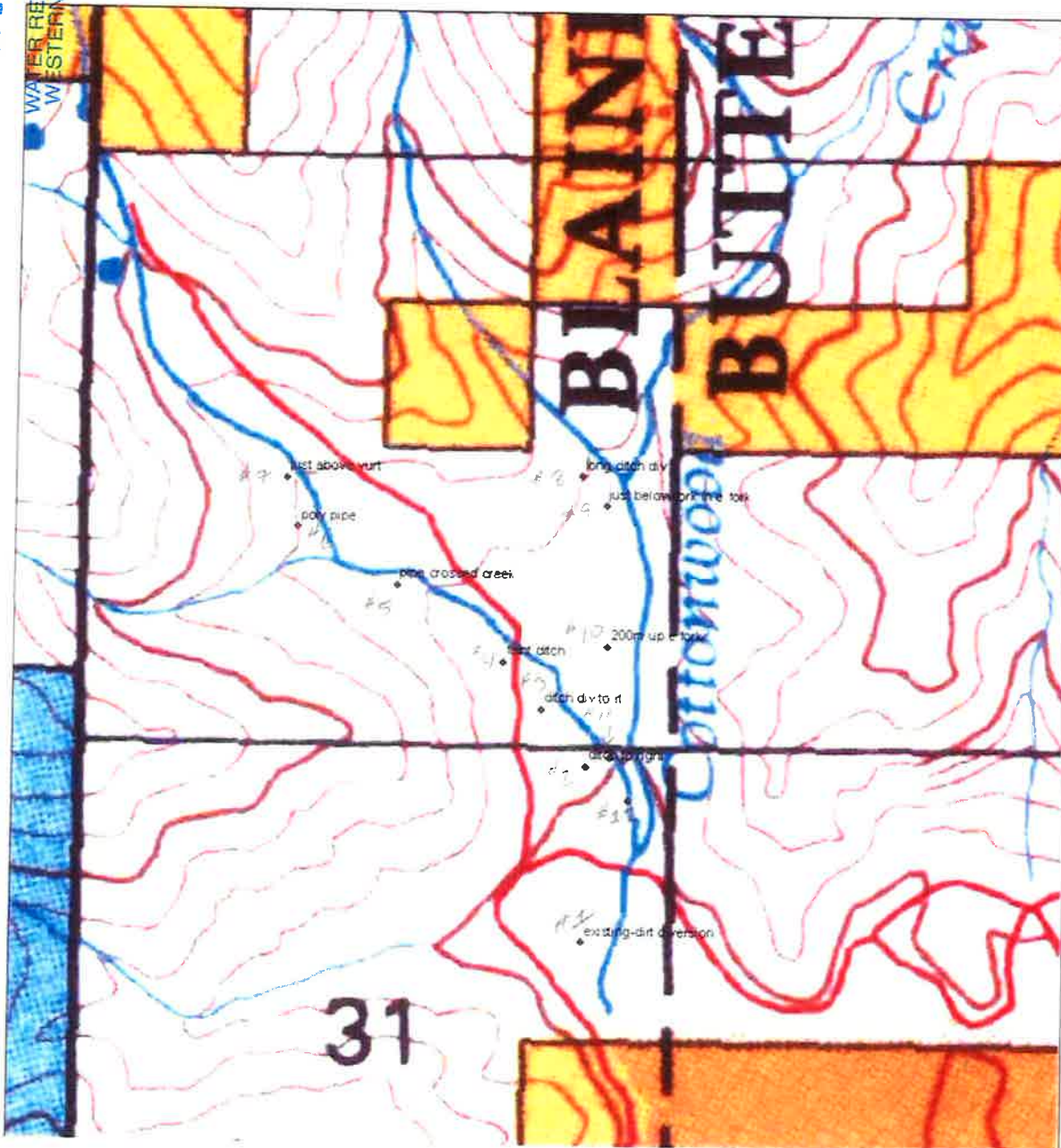
enclosures

cc: Mike Stevens

1-19-2011

RECEIVED

JAN 27 2011

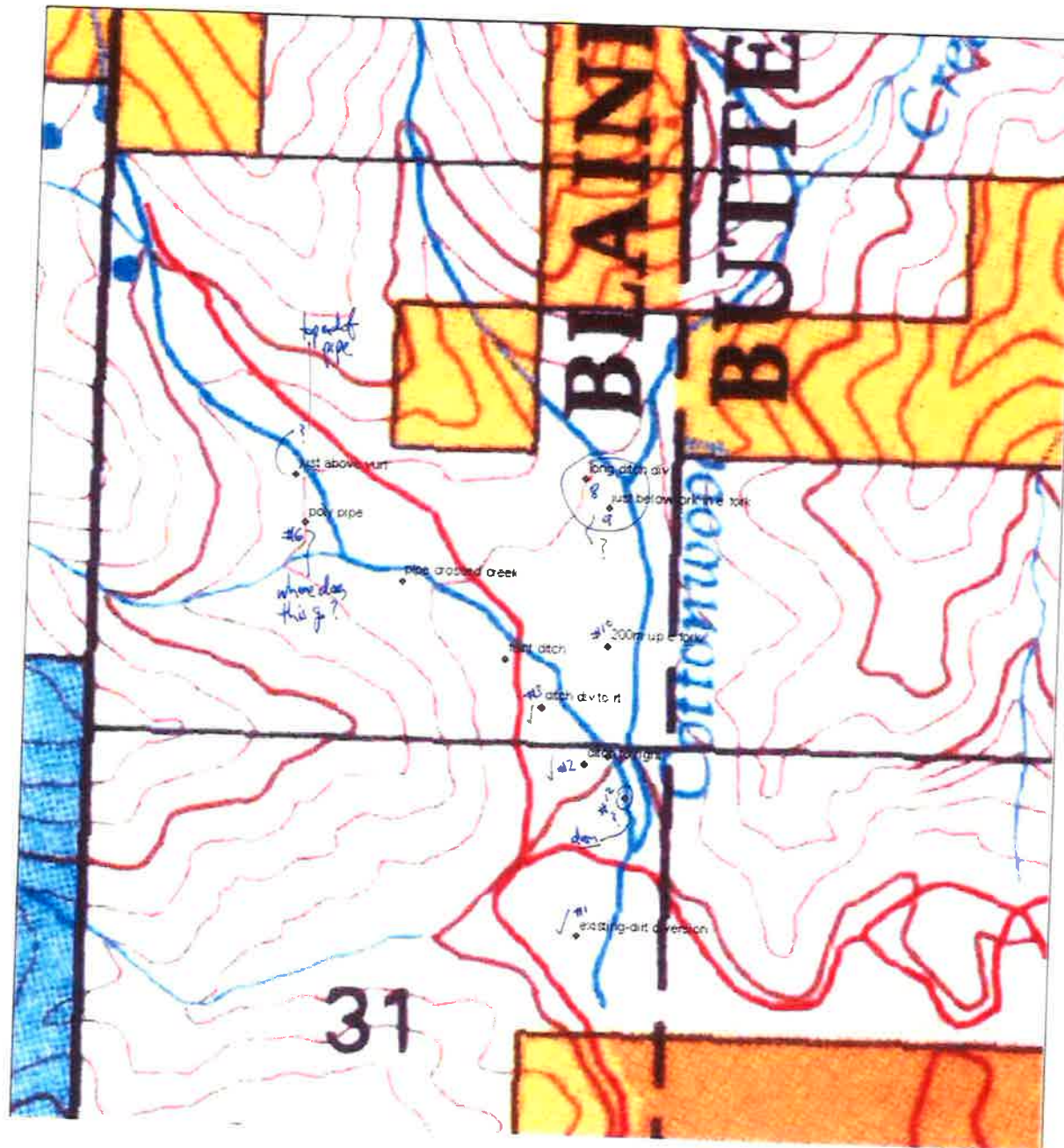


- 1 - SEAMS IN USE
- 2 - VERY USABLE
- 3 - USED FOR W/VERY LITTLE WORK
- 4 - NEEDS SOME WORK
- 5 - NEED TO CHECK CONDITION OF PIPE
- 6 - POLY PIPE SEAMS IN USE
- 7 - EXTEND PIPE & SMALL DIVERSION
- 8 + 9 - SIGNIFICANT DIRT WORK NEEDED
- 10 - EARTHEN DAM COULD FUNCTION WITH LITTLE WORK
- 11 - SMALL, MAY BE INSIGNIFICANT
- 12 - EXTENSIVE DIRT WORK TO DAM E FORK

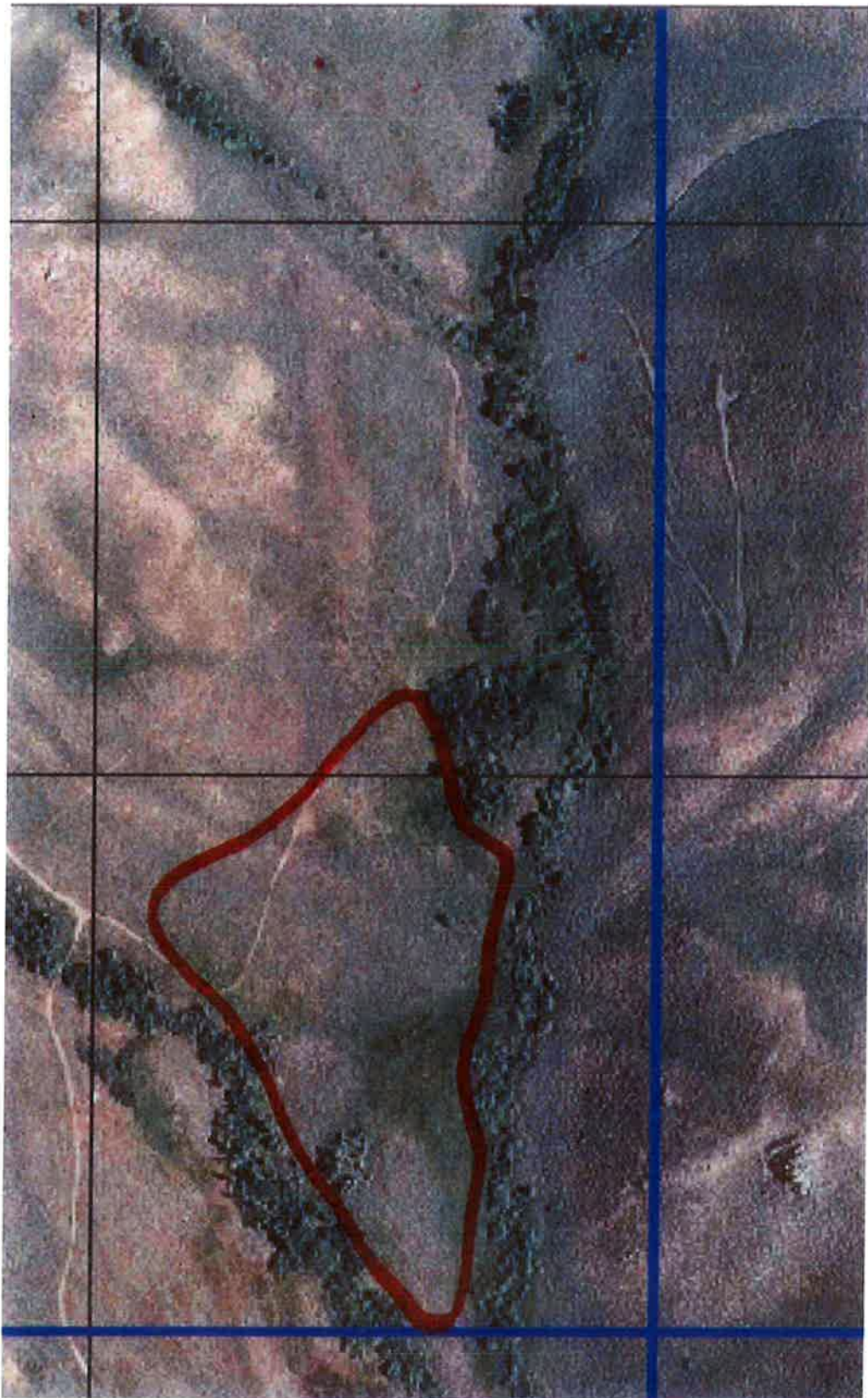
MARK

LET ME KNOW IF THIS IS WHAT YOU WANTED

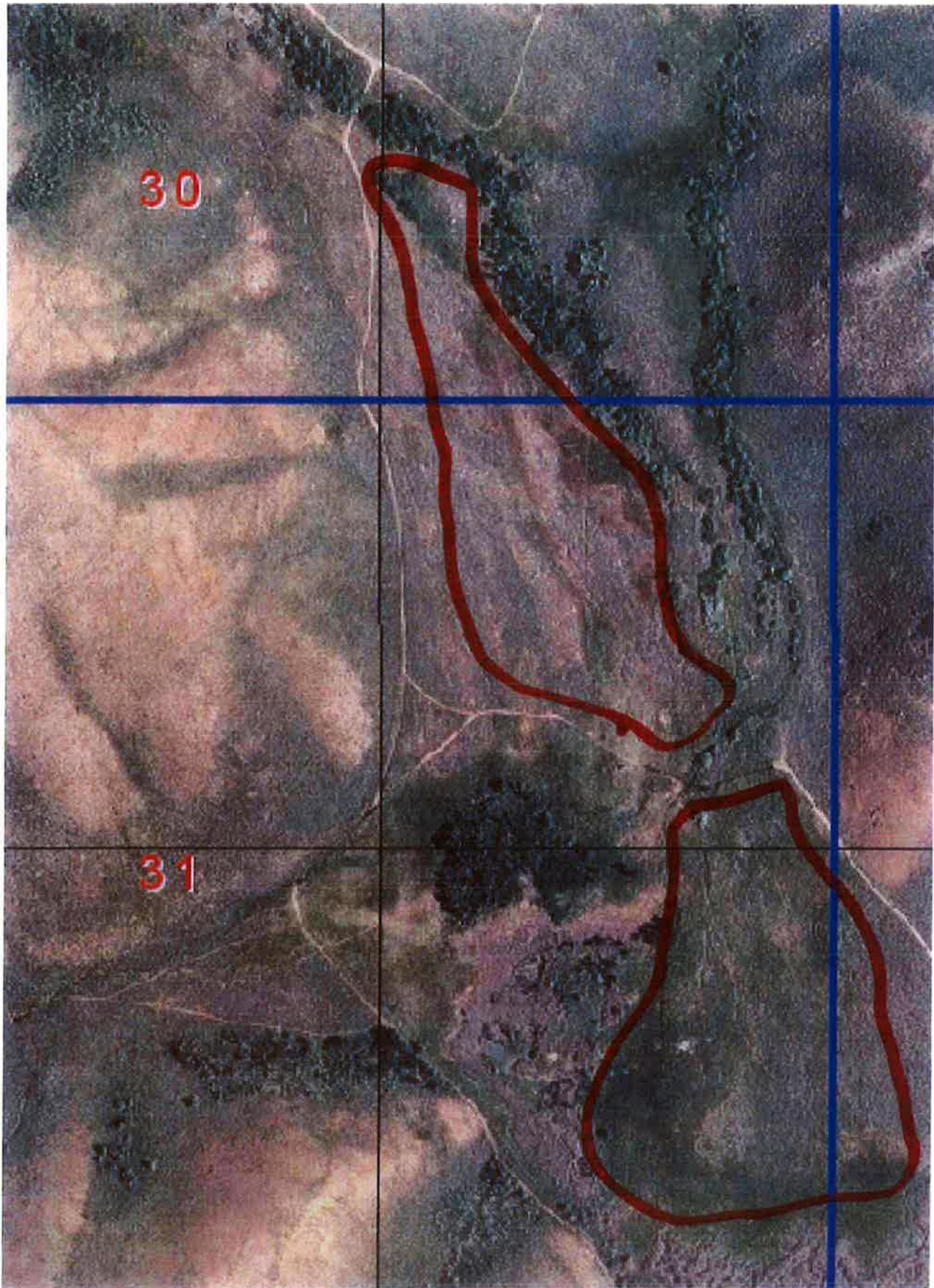
- TUSTIN



37-2045



2799



Cottonwood Water Diversions Descriptions
October, 2010

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



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

37-2045

State of Idaho
License and Certificate of Water Right

Water License No. 12388
 Water District No. 27-B

Amount 1.6 sec. ft.
 Priority 7-29-16

THIS IS TO CERTIFY that **Ira Eldredge**,
 of **Carey, Idaho**, made application for a permit to appropriate the
 public waters of the State of Idaho, dated **July 28**, 1916; that Permit No. **12388**
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on **September 9**, 1919, showing that said works
 were completed on the **8th** day of **August**, 1919; and that on the **1st**
 day of **August**, 1921,

Ira Eldredge,

of **Carey**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of **No. Pk. of**
Cottonwood Creek, a tributary of **Little Wood River**, for the purpose of **Irrigation**
 , under Use Permit No. **12388** of the **State Engineer**
 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 Commissioner of Reclamation of Idaho and entered of record in
 Volume **5** of Licenses, at page **2803**, on the **13th** day of **August**, 1921;

The right hereby confirmed dates from **July 28**, 1916;

The Point of Diversion is located at the **SW Corner of**
~~in the~~ **NW 1/4 NW 1/4, Sec. 29, Tp. 2 N., R. 24 E., B. M.**
County of Blaine

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 **1.6** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N	24 E	30	SW 1/4 NE 1/4	10	--
			SE 1/4 NE 1/4	10	10
			NE 1/4 SE 1/4	20	35
			SE 1/4 SE 1/4	40	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 Commissioner of Reclamation, affixed at Boise, Idaho,
 this **13th** day of **August**, 1921.

W. G. SWENDSEN

Commissioner of Reclamation.

(SEAL)

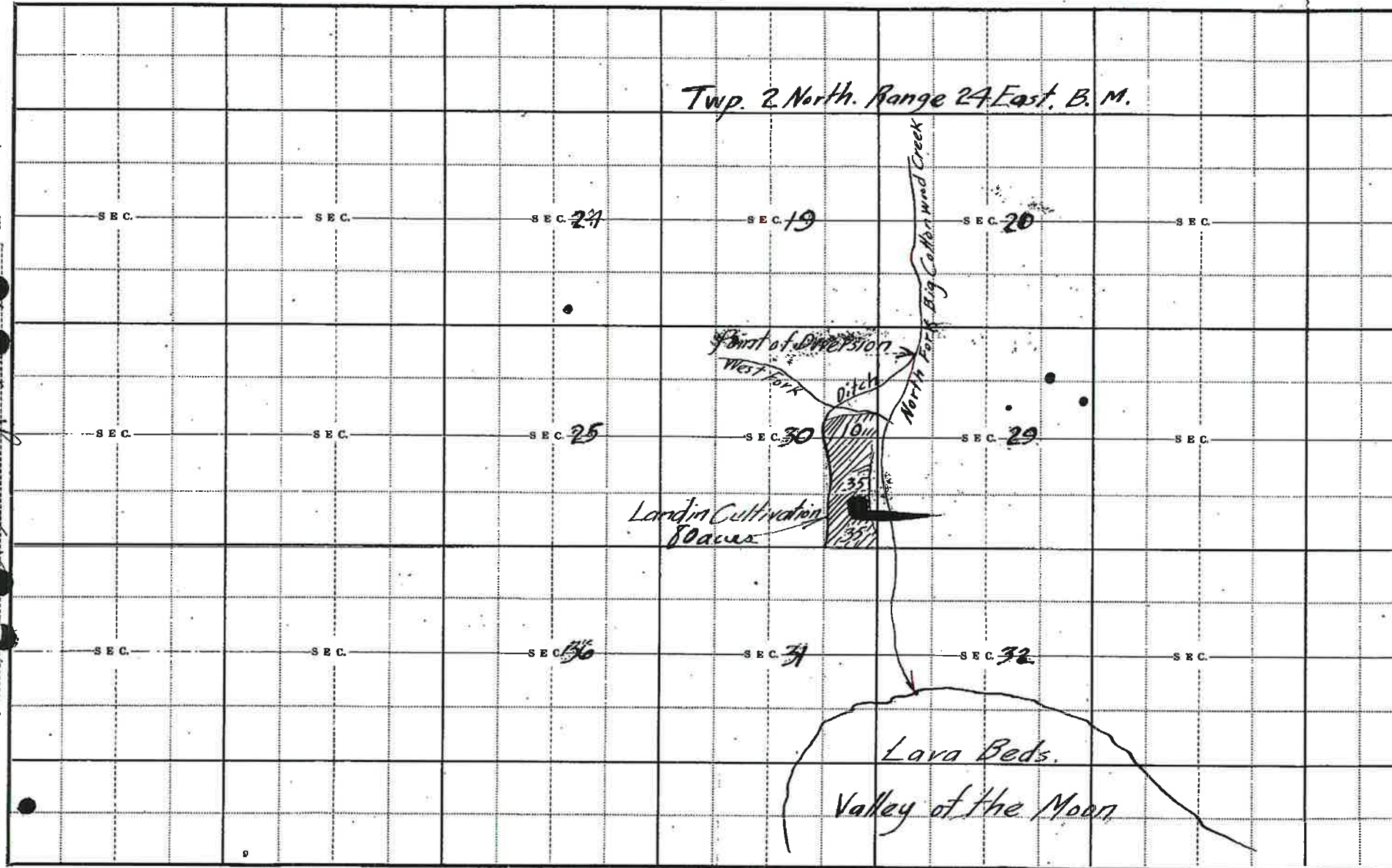
37 2045

NAME OF APPLICANT

W. A. E. Bridges Section 2388

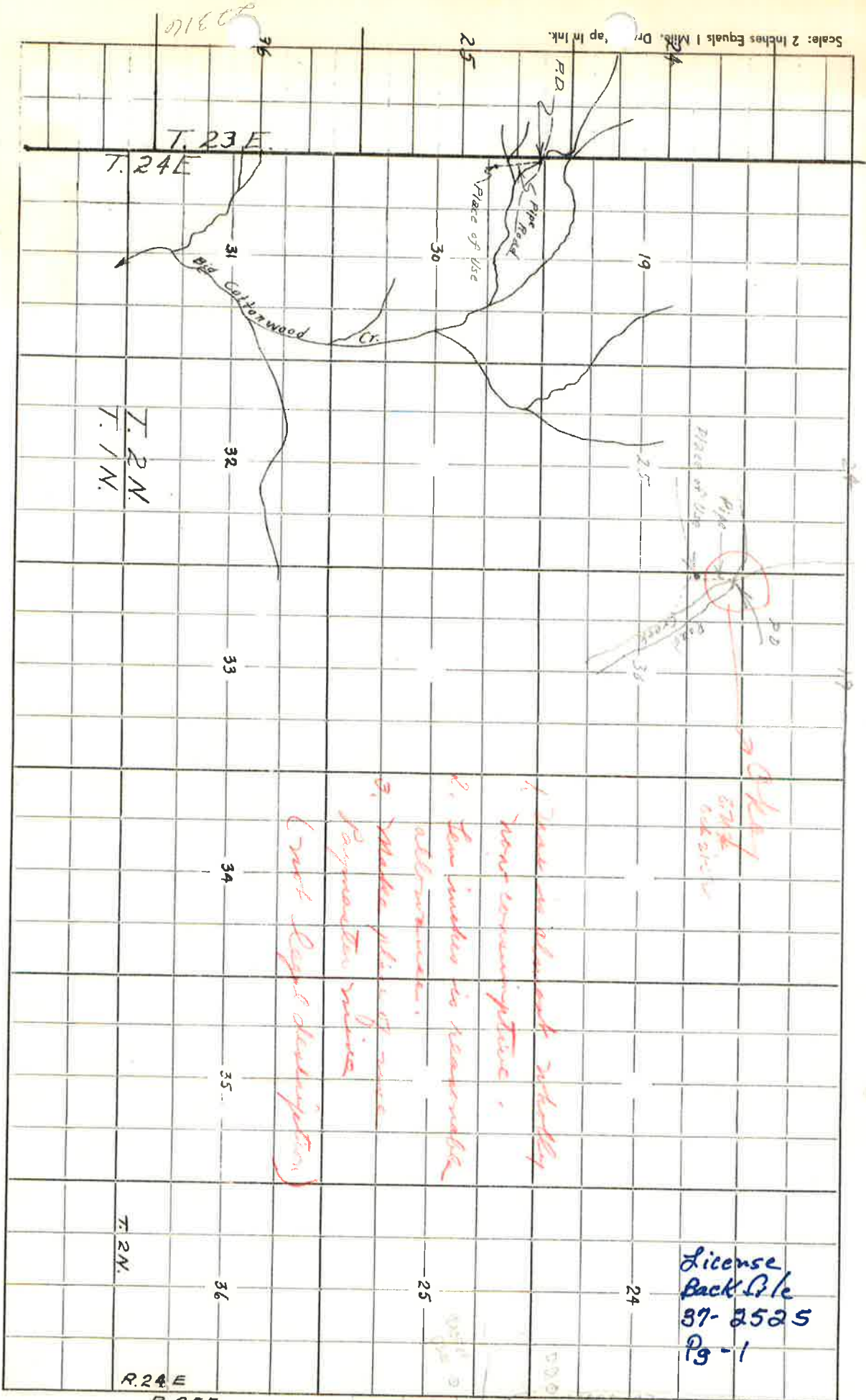
Survey
F/E
Pg 25
BK file

Twp. 2 North. Range 24 East. B. M.



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

12368



1. There is also an old quarry
near the quarry
2. The quarry is near the
abandoned
3. The quarry is near the
abandoned mine
(not legs destroyed)

License
Back B/c
37-2525
Pg-1

R. 24 E.
R. 25 E.
Sec. 31

Sec. 30

37-2045 and 37-2799 Lava Lake

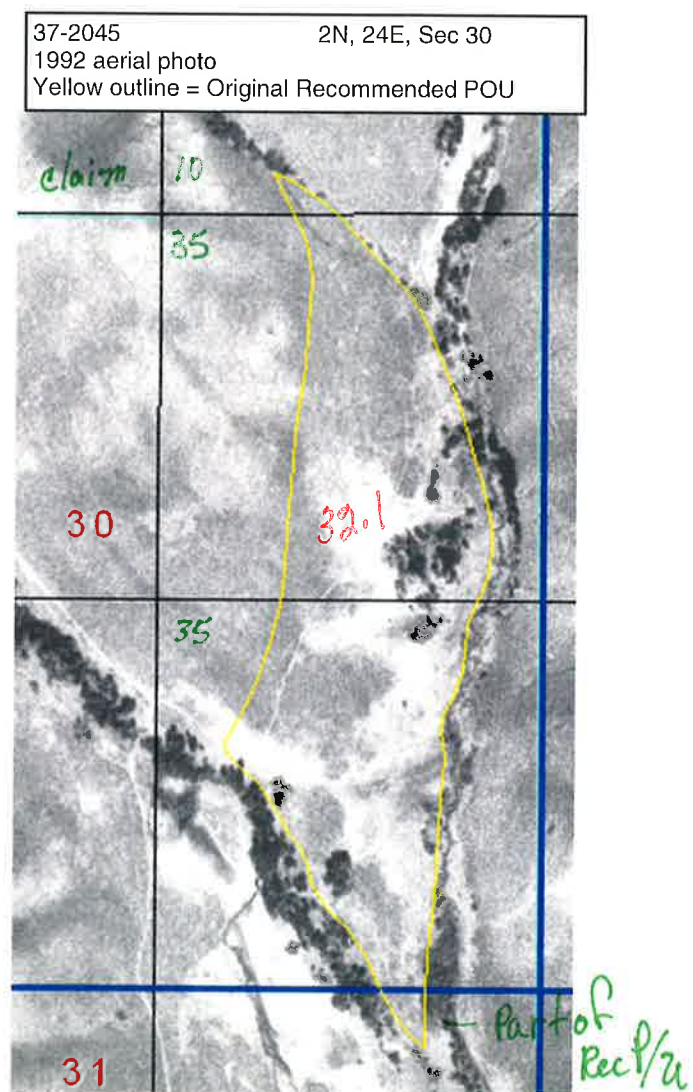
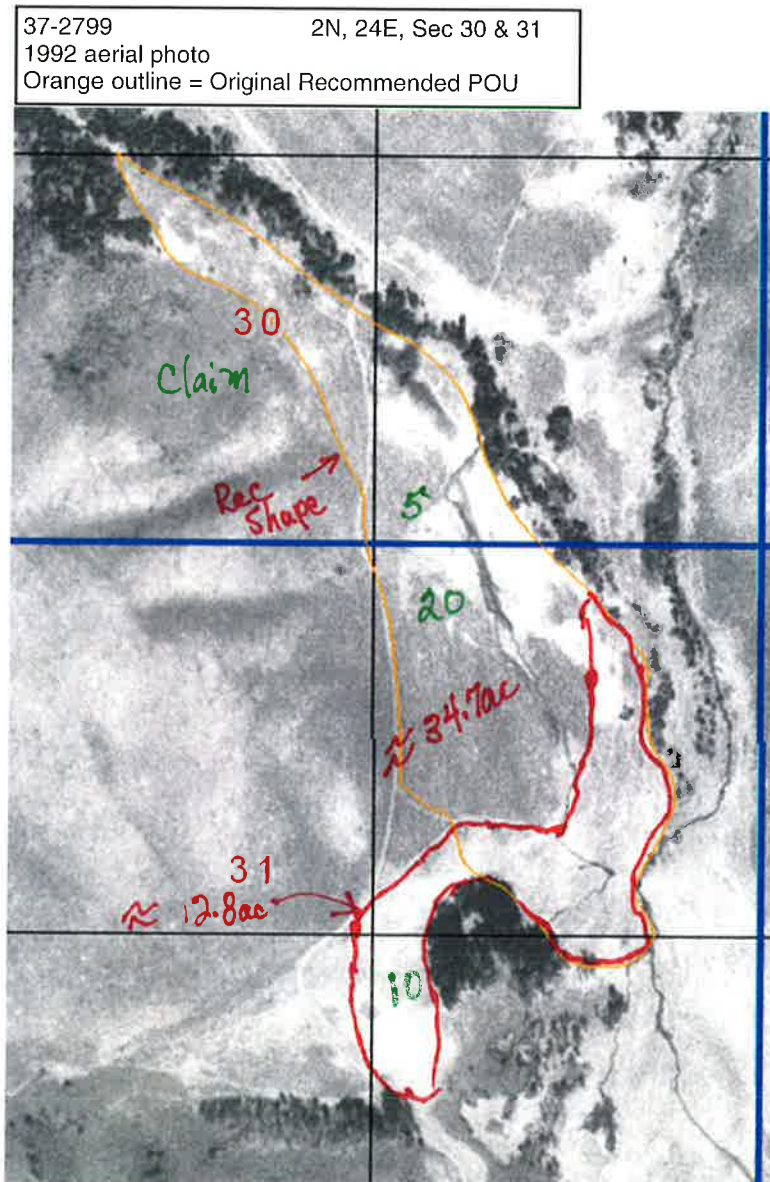
This group is the one identified as needing additional work. I utilized 1992 aerial photography because this photo does provide some information regarding irrigation systems in the area of the two claims.

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?"



- Indicates POB is South of West Fork

-m dA
9/14/05

AJ
37-2045
Backfile
Pg 53

Twp. 2 North. Range 24 East. B. M.

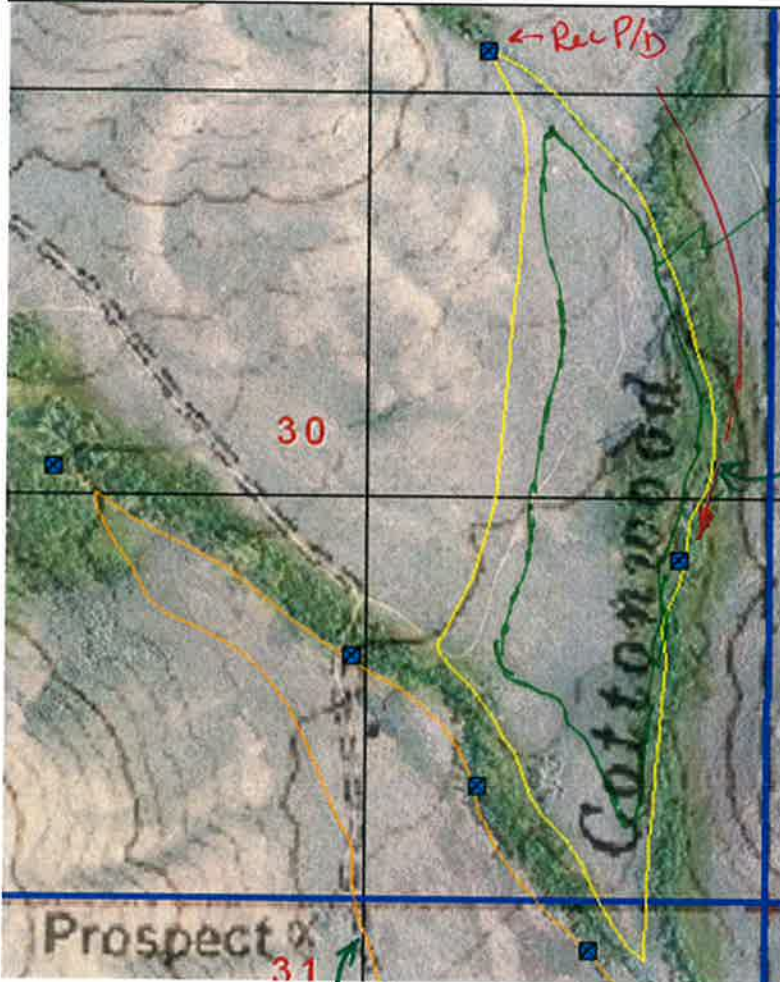
2388.

NAME OF APPLICANT:

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

10
 11
 12
 13
 14

02N, 24E, Sec 30 and 31
Partial transparent quad map overlay
2004 aerial photo



Probably closer to
actual historical inv.
KKC 7-28-10

37-2045

37-2799

need more work
9-14-10 meeting

Christensen, Kelly

From: Christensen, Kelly
Sent: Thursday, July 29, 2010 3:39 PM
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

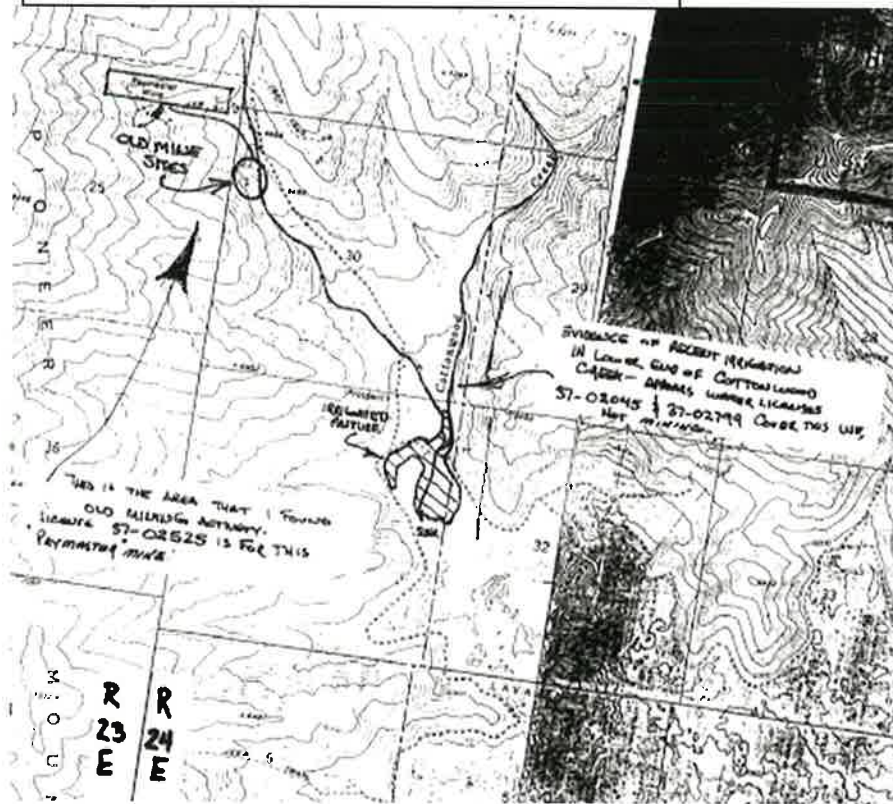
In 1990 Eric Verner, Sr Water Resource Agent from the Eastern Region office conducted a field visit for 37-2525 which included identifying some irrigation uses in the same general area. While the field work was more to determine what and how claims should be filed, the information gathered does provide 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 37-2045 V1

WATER RIGHT NUMBER: 37-2045 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: 07/28/1916

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK UNNAMED STREAM	SINKS 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	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

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

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									15.0			16.0	31.6
02N	24E	31	.4																.4

Total Acres: 32

Conditions of Approval:

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

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2045

WATER RIGHT NUMBER: 37-2045

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IRA ELDREDGE
	CAREY, ID

Priority Date: 07/28/1916

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	/	to /	1.600 CFS	
	<u>Total Diversion:</u>		1.600 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NW1/4NW1/4	Sec. 29, Twp 02N, Rge 24E, B.M.
BLAINE County		

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				10.0									35.0				35.0	80.0

Total Acres: 80

Conditions of Approval:

1. LIC. INCORRECTLY DESCRIBES SOURCE AS NORTH FK. COTTONWOOD CK. TRIB. TO LITTLE WOOD RIVER.

Remarks:Comments:



Photograph of POD taken by Lee Peterson during field exam. *SW*
 Location: 2529279 1363845 *in 2N 24E Sec 30/SENE*
 Plate: None *on unnamed Stream*
 Photo #: 1060670



Photograph of POD taken by Lee Peterson during field exam.
 Location: 2529475 1363339 *in 2N 24E Sec 30 NE SESE*
 Plate: None *on Cottonwood Cr —*
 Photo #: 1060671

Notes

T2N R24E Section 30

- Found 32 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, and 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
- Lee walked a portion of the ditch on the field exam and said it was breached at the north end, but otherwise it is usable.
- Sources are
 - Cottonwood Creek tributary to Sinks
 - Unnamed Stream tributary to Cottonwood Creek
- This right is licensed for 1.6 cfs on 80 acres. Given the location of the canal it seems unlikely that they were able to irrigate 80 acres in the licensed POU. The license documents include depositions stating that this land requires 1.25-1.5 inches/acre. Although unclear and somewhat unlikely, it seems possible that in order to not exceed 0.02 cfs/acre the acreage of the license was artificially increased to provide the additional water the owner wanted.
- Since there is a useable distribution system and the claimed POU is still within decreed POU, this appears to be the historical use of this right. I decided to recommend 1.6 cfs on the present POU of 32 acres.
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

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

Lava Lake Land & Livestock LLC
35 27 Washington St.

Branch office
Hailey Idaho

8/4/05

San Francisco, Ca

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

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

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

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

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

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

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

See photo

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

37-2045 N.P/D
37-2045-S P/D

Lee R. Peterson

Background Data

- Source is Cottonwood Creek tributary to Little Wood River
- Licensed for 1.6 cfs on 80 acres
- Claimed for 1.6 cfs on 80 acres

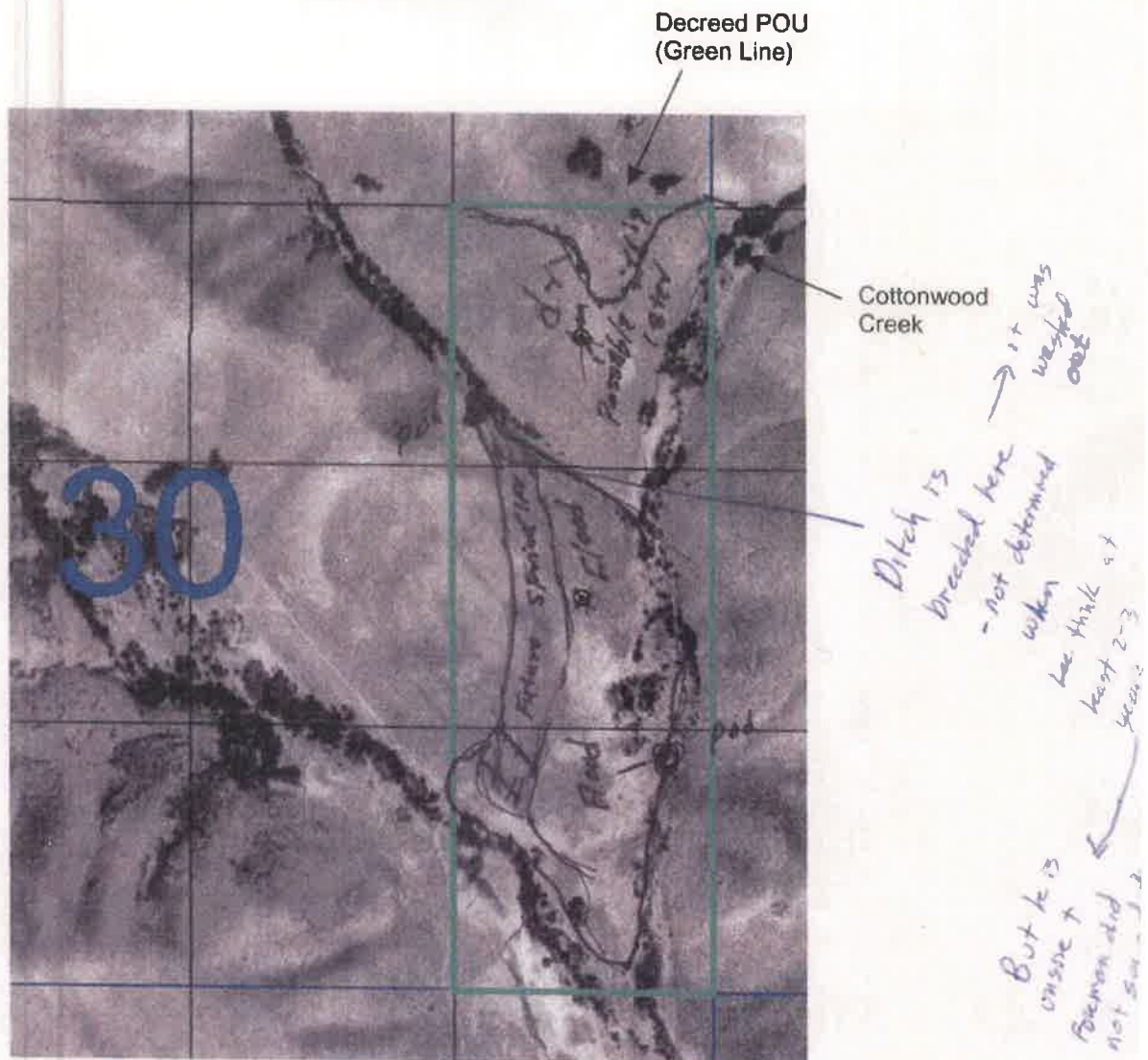
Place Of Use Data

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



2004 Aerial Photo



Notes

T2N R24E Section 30

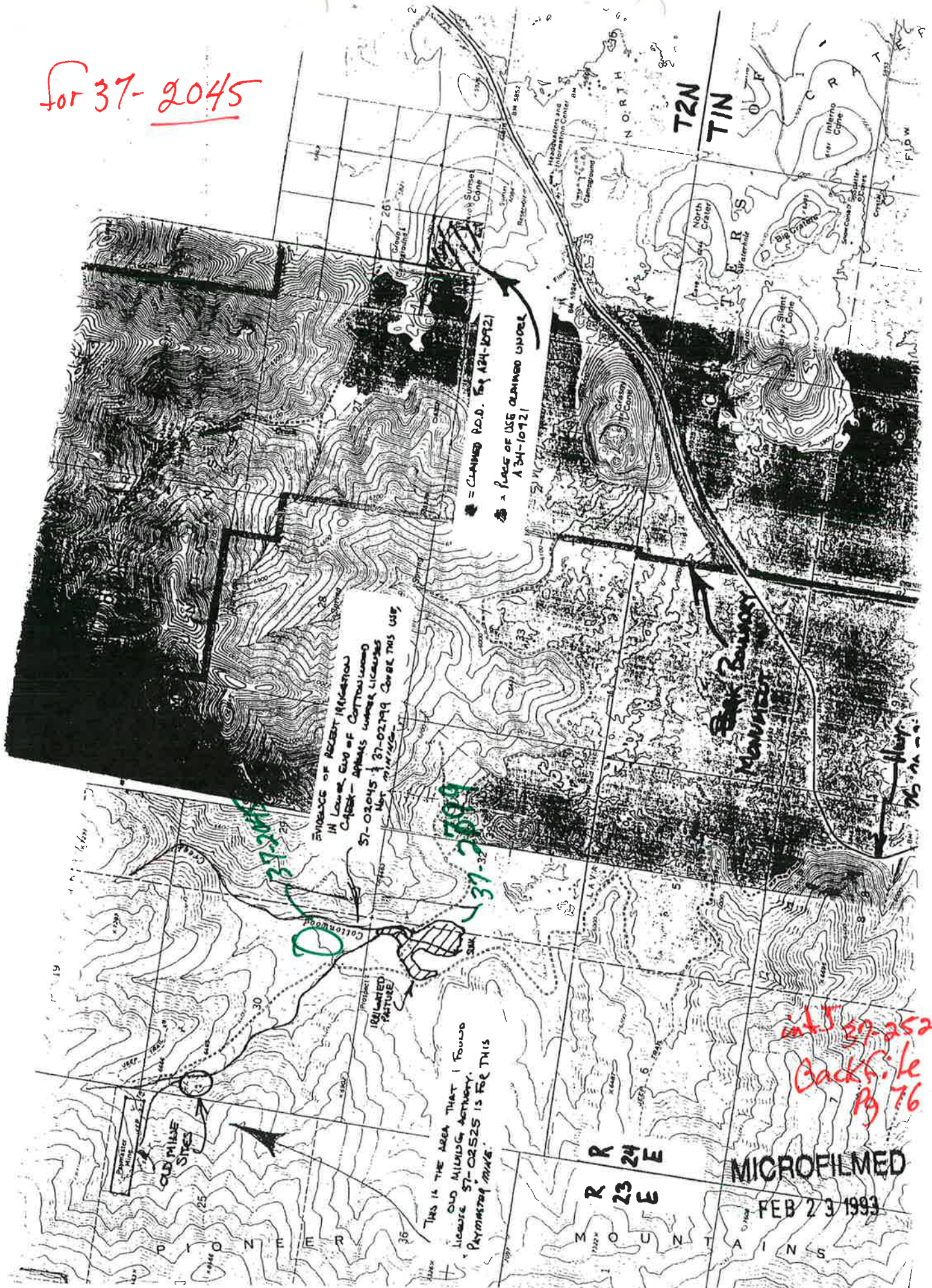
- There is no obvious irrigation occurring. *This has been let go but plans for sprinkler*
- Contact owner to determine status of land and this right. If they are, do a field exam. *in near future*
- Will need evidence of priority to recommend this right. *coming*
- Possibly disallow. *NO R*

↗
lee

*Back file
Pg 51*

for 37-2045

COPY-



int 37-2525
Backfile
Pg 76