

JUL 20 2011

By \_\_\_\_\_

Clerk

Deputy Clerk

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

In Re SRBA

Subcase No.: 37-11936

Case No. 39576

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 07/14/2011

Charles L. Honsinger

Date

Attorney for Lava Lake Land & Livestock

IDWR CONCURRENCE:

Kelly K. Christensen 6-3-11

Kelly K. Christensen

Date

Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer 6-9-11

Nicholas B. Spencer

Date

Deputy Attorney General  
Attorney for IDWR

04/30/2010

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

RIGHT NUMBER: 37-11936

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

SOURCE: PAYNE CREEK

TRIBUTARY: COPPER CREEK

QUANTITY: ~~2.13~~ 0.900 CFS

The rights listed below are limited to a total combined diversion rate of 11.79 cfs. Combined Right Nos.: 37-2545A, 37-22467, 37-2688, 37-11950, 37-22468, 37-1156, 37-22466, 37-2715, 37-11936, 37-7072, 37-7600, 37-22469.

The rights listed below are limited to a total combined diversion rate of 5.06 cfs. Combined Right Nos.: 37-1156, 37-2715, 37-11936, and 37-22466.

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

PRIORITY DATE: 05/01/1971

POINT OF  
DIVERSION:

T01N R23E S21 NWNWNE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>           |
|-----------------------|----------------------|---------------------------|
| IRRIGATION            | 04/15 10/31          | <del>2.13</del> 0.900 CFS |

PLACE OF USE: IRRIGATION in BLAINE County

|                      |             |                 |                      |             |                 |
|----------------------|-------------|-----------------|----------------------|-------------|-----------------|
| <u>T01N R23E S16</u> | <u>SWSE</u> | <u>14.00</u>    | <u>T01N R23E S21</u> | <u>NENE</u> | <u>14 15.00</u> |
| <u>T01N R23E S21</u> | <u>NWNE</u> | <u>15 31.00</u> | <u>T01N R23E S21</u> | <u>SWNE</u> | <u>23 22.00</u> |
| <u>T01N R23E S21</u> | <u>SENE</u> | <u>40.00</u>    | <u>T01N R23E S21</u> | <u>NESE</u> | <u>40.00</u>    |
| <u>T01N R23E S21</u> | <u>NWSE</u> | <u>18.00</u>    | <u>T01N R23E S21</u> | <u>SWSE</u> | <u>28.00</u>    |
| <u>T01N R23E S21</u> | <u>SESE</u> | <u>40.00</u>    | <u>T01N R23E S22</u> | <u>SWNW</u> | <u>33.00</u>    |
| <u>T01N R23E S22</u> | <u>NWSW</u> | <u>40.00</u>    | <u>T01N R23E S22</u> | <u>SWSW</u> | <u>40.00</u>    |
| <u>T01N R23E S22</u> | <u>SESW</u> | <u>11.00</u>    | <u>T01N R23E S27</u> | <u>NENW</u> | <u>28.00</u>    |
| <u>T01N R23E S27</u> | <u>NWNW</u> | <u>37.00</u>    | <u>T01N R23E S27</u> | <u>SWNW</u> | <u>30.00</u>    |
| <u>T01N R23E S28</u> | <u>NENE</u> | <u>41.00</u>    | <u>T01N R23E S28</u> | <u>NWNE</u> | <u>21.00</u>    |
| <u>T01N R23E S28</u> | <u>SWNE</u> | <u>6.80</u>     | <u>T01N R23E S28</u> | <u>SENE</u> | <u>40.00</u>    |
| <u>T01N R23E S28</u> | <u>NESE</u> | <u>12.00</u>    | <u>T01N R23E S28</u> | <u>NWSE</u> | <u>1.90</u>     |

223-589.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 589.7 acres in a single irrigation season. Combined Right Nos.: 37-2545A, 37-22467, 37-2688, 37-11950, 37-22468, 37-1156, 37-22466, 37-2715, 37-11936, 37-7072, 37-7600, 37-22469.

This right is limited to the irrigation of ~~168~~ 45 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 253 acres in a single irrigation season. Combined Right Nos.: 37-1156, 37-2715, and 37-11936.

KKC  
NBS  
C.L.H.

04/30/2010

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

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

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 - Beneficial Use

Right No. 37-22466 is an enlargement of the following rights pursuant to Section 42-1426, Idaho Code. Rights 37-1156, 37-2715, and 37-11936.

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

KKC  
NBS  
CLH

## CERTIFICATE OF SERVICE

I certify that on July 19, 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

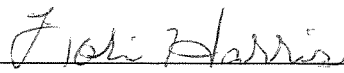
2. Copies to:

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