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DEPARTMENT OF
WATER RESOURCES

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.: 37-22470
	)	Uncontested Overlap to
Case No. 39576	)	Right 37-22116
	)	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 8/2/11
Charles L. Honsinger Date
Attorney for Lava Lake Land & Livestock

IDWR CONCURRENCE:

Kelly K. Christensen 7-28-11
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer 7-29-11
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

COPY

07/15/2011

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

RIGHT NUMBER: 37-22470

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

SOURCE: COPPER CREEK

TRIBUTARY: LAVA LAKE

QUANTITY: 200.00 50-00 AFY

The capacity of the storage reservoir is 50 AF. The reservoir may be refilled multiple times in a single year.

PRIORITY DATE: 10/31/1986

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T01N R23E S16 NWNWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	50.00 AFY
IRRIGATION FROM STORAGE	04/15 10/31	<u>200.00</u> 50-00 AFY

KKC
C. L. B. NBS

PLACE OF USE: IRRIGATION STORAGE in BLAINE County

T01N R23E S09	SWSE	T01N R23E S16	NWNE
<u>IRRIGATION FROM STORAGE in BLAINE County</u>			
T01N R23E S16	SWSE	14.00	T01N R23E S21 NENE 15.00
T01N R23E S21	NWNE	31.00	T01N R23E S21 SWNE 22.00
T01N R23E S21	SENE	40.00	T01N R23E S21 NESE 40.00
T01N R23E S21	NWSE	18.00	T01N R23E S21 SWSE 28.00
T01N R23E S21	SESE	40.00	T01N R23E S22 SWNW 33.00
T01N R23E S22	NWSW	40.00	T01N R23E S22 SWSW 40.00
T01N R23E S22	SESW	11.00	T01N R23E S27 NENW 28.00
T01N R23E S27	NWNW	37.00	T01N R23E S27 SWNW 30.00
T01N R23E S28	NENE	41.00	T01N R23E S28 NWNE 21.00
T01N R23E S28	SWNE	6.80	T01N R23E S28 SENE 40.00
T01N R23E S28	NESE	12.00	T01N R23E S28 NWSE 1.90

589.7 ACRES TOTAL

This right is limited to the irrigation of 336.7 acres within the place of use described above in a single irrigation season.

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

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

07/15/2011

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

This right is based upon an enlargement of Right No. 37-22116 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

KKC
NBS
C.L.H.

CERTIFICATE OF SERVICE

I certify that on August 2, 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

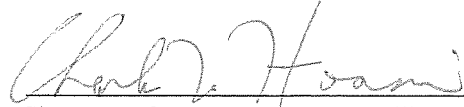
2. Copies to:

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