

AMENDEDIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-22117

Date Received

Receipt Number

RECEIVED

OCT 14 2009

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

Please type or print clearly

1. Name of Claimant (s) Lava Lake Land & Livestock, LLC Phone (208) 788-1710
Mailing Address P.O. Box 2249, Hailey, ID Zip 83333
2. Date of Priority (Only one (1) per claim) 4/15/1938
3. Source of water supply (a) Springs
which is tributary to (b) Lava Lake
4. a. Location of existing point of diversion is: Township 1N Range 23E Section 22,
SE 1/4 of NE 1/4 of SW 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 _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. 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. On-stream storage reservoir to pipeline and pump serving irrigated
area.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation Storage purposes from 1/1 to 12/31 amount _____ or 20

For Irrigation From Storage purposes from 4/15 to 10/31 amount _____ or _____

For Stockwater Storage purposes from 1/1 to 12/31 amount _____ or 20

For Stockwater from Storage purposes from 1/1 to 12/31 amount _____ or _____

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

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

9. Non-irrigation uses; described fully (e.g. Domestic: list 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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	23E	22									Stor								
1N	23E	16															14		14
1N	23E	21	15	31	22	40									40	18	28	40	234
1N	23E	22							33			40	40	11					124
1N	23E	28	41	21	6.8	40									12	1.9			122.7
1N	23E	27					28	37	30										95

Total number of acres irrigated 589.7 PPU

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

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

_____ Or None ☐

14. Remarks:

Priority date substantiated by affidavit from Bud Purdy. Reservoir may be refilled multiple times during any one
season depending on water supply. Claimed place of use is PPU established prior to SRBA commencement.
Limited to 336.7 acres within PPU, representing historically irrigated area south of main road.

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 37-22117

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 _____

_____ Date _____

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

Of Lava Lake Land & Livestock, LLC _____, that I have signed the foregoing

Document in the space below as President _____ of Lava Lake Land & Livestock, LLC _____
Organization Title Organization

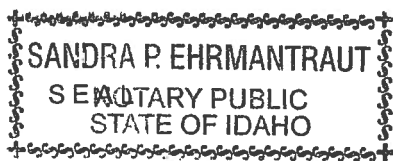
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] _____

Title and Organization President, Lava Lake Land & Livestock, LLC Date 9.15.09

State of Idaho / or _____)
County of Blaine) ss.
_____)

Subscribed and sworn (or affirmed) before me this 15 day of September, 2009.



Notary Public [Signature]

Residing at [Signature]

My Commission Expires 4.21.12

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 _____ Ident. Number _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-22117
Date Received: 1/12/2007
Receipt No: S029203
Received By: TDB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Lava Lake Land & Livestock, LLC Phone:

PO Box 2249
Hailey ID USA 83333

2. Date of Priority: 04/15/1938

3. Source: SPRINGS Trib. to: LAVA LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	23E	22	SE NE SW	BLAINE	

5. Description of diverting works:

On-stream storage reservoir to pipeline and pump serving irrigation under
37-2545B.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE			01/01 12/31	20

7. Total Quantity Appropriated is:
20 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	23E	22	NE	SW	IRRIGATION STORAGE	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

Priority date substantiated by affidavit from Bud Purdy

15. Basis of Claim: Beneficial Use

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.

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
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Date Received _____
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which is tributary to (b) Lava Lake
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SE 1/4 of NE 1/4 of SW 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 _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. 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. On-stream storage reservoir to pipeline and pump serving irrigation
under 37-2545B.

*filing
fee
\$106.00*

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation Storage purposes from 1/1 to 12/31 amount _____ or 20

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and / or (b) 20 (acre feet)

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

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	23E	22									Stor								

Total number of acres irrigated _____

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

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

_____ Or None ☐

14. Remarks:

Priority date substantiated by affidavit from Bud Purdy.

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

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 _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am PRESIDENT Title

Of LAVALAKE LAND & LIVESTOCK, LLC that I have signed the foregoing

Document in the space below as PRESIDENT of LAVALAKE LAND & LIVESTOCK, LLC
Organization Title Organization

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

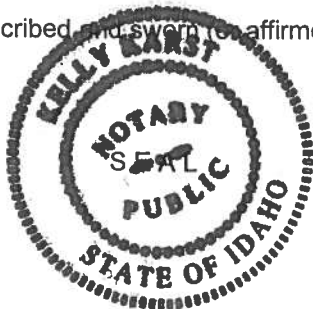
Signature of Authorized Agent Michael Stoen

Title and Organization President, Lavalake Land & Livestock, LLC Date 1/9/2007

State of Idaho / or _____)

County of Blaine) ss.

Subscribed and sworn to (affirmed) before me this 9 day of Jan, 2007.



Notary Public Kelly Karst

Residing at 314 N. Main Hall

My Commission Expires 5/24/2010

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 _____ Ident. Number _____

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE USAGE OF WATER FOR
STORAGE AND STOCKWATER PURPOSES ON
THE RANCH KNOWN AS LAVA LAKE

) COMMENTS AND
) EVIDENCE OF
) LEONARD N. PURDY
)

COMES NOW, Leonard N. Purdy, and provides the following comments and evidence in this matter:

1. I have lived in the Picabo and Carey area for most of my life and have firsthand knowledge of irrigation and water usage operations on the Lava Lake property located primarily in Section 16, 21, 22, 26, and 27, T. 1 N, R. 23 E.
2. I have firsthand knowledge of said water operations because my family or an entity owned by family members owned and operated the ranch from approximately _____ through _____. Prior to that, I was the ranch manager for the ranch owners, the Kilpatrick Brothers, during the 1950s.
3. I have reviewed the attached water right claims for storage volume in two reservoirs known as Copper Reservoir and Barn Canyon Reservoir.
4. Copper Reservoir was constructed and began storing water on or before _____.
5. Barn Canyon Reservoir was constructed and began storing water on or before _____.
6. Water from Copper Creek Reservoir and Barn Canyon Reservoir has been diverted as needed for stockwater purposes since the time they were constructed.
7. Water from the two groundwater wells on the ranch has been used as needed for stockwater purposes since the time they were drilled.

DATED this _____ day of _____, 20____.

Leonard N. Purdy

SUBSCRIBED and SWORN to before me this _____ day of _____,
20____.

NOTARY PUBLIC

Residing at : _____

My Commission Expires: _____

Lava Lake Land & Livestock



Copper Creek Reservoir looking west. Photo date approx. May 2006.



Concrete headwall on outlet works of Copper Creek Reservoir showing date
Photo date 10/19/06

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG - 9 2010

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)

A. Subcase 37-22117

(Insert water right no.)

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

_____)
Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Lava Lake Land & Livestock, LLC

Address: PO Box 2249
Hailey ID 83333

Daytime Phone: Attorney's Phone (208) 342-4591

Name & Address of Attorney, if any:

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

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: Lava Lake Land & Livestock, LLC

Address: PO Box 2249
Hailey ID 83333

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: There should be no volumetric limitation for the "Irrigation from Storage" purpose of use
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

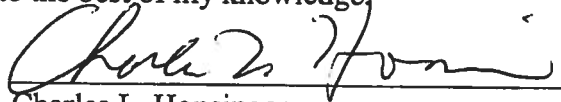
E. REASONS SUPPORTING OBJECTION (S): The recommendation states that the "reservoir may be refilled multiple times in a single year," but the volumetric limitation on the Irrigation from Storage component prevents any refilling and use.

F. VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

Charles L. Honsinger, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


Charles L. Honsinger

Subscribed and sworn to before me on: August 6, 2010

Notary Public for _____
Residing at: _____
My Commission Expires: _____

22117.

July 13, 2011

37-22116 Lava Lake.

Manager Tim Bennett.

reasonable fills = (4).

Phone conversation with
Chuck Brockway Jr

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-22098 V1

WATER RIGHT NUMBER: 37-22098 V1

*Withdraw
When 37-22117
is Recommended
Recom - unobjected to right.*

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

Priority Date: 07/01/1885 *← No reservoir in 1885.*

Basis: Beneficial Use

Status: Active

Source *claimed source = B.C. reservoir*
BARN CANYON RESERVOIR *data entry BC. Creek.*

Tributary *37-22099 recommended as an instream flow right that includes stream channel around and through reservoir*
BARN CANYON CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31		14.60 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		14.60 AF
<u>Total Diversion:</u>			14.60 AF

Location of Point(s) of Diversion

BARN CANYON RESERVOIR SE1/4NE1/4SW1/4 Sec. 22, Twp 01N, Rge 23E, B.M.
BLAINE County

BARN CANYON RESERVOIR SE1/4NE1/4SW1/4 Sec. 22, Twp 01N, Rge 23E, B.M.
BLAINE County

Place of Use

STOCKWATER STORAGE

I don't understand the 2 P/O's the 2 P/O's represent where two different channels reach the reservoir but not where water diverted ← Location of reservoir

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	23E	22									X								

STOCKWATER FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	23E	22									X								

Conditions of Approval:

1. 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.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

**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.: 37-22117

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 *7-28-11*

Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

07/13/2011

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

RIGHT NUMBER: 37-22117

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

SOURCE: BARN CANYON CREEK TRIBUTARY: COPPER CREEK

QUANTITY: ~~9.8~~ 39.20 AFY

The capacity of the storage reservoir is 9.8 AF. The reservoir may be refilled multiple times in a single year.

PRIORITY DATE: 04/15/1938

POINT OF
DIVERSION:

T01N R23E S22 SENESW 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	9.80 AFY
IRRIGATION FROM STORAGE	04/15 10/31	~~9.8~~ 39.20 AFY
STOCKWATER STORAGE	01/01 12/31	9.80 AFY
STOCKWATER FROM STORAGE	01/01 12/31	~~9.8~~ 39.20 AFY

PLACE OF USE: IRRIGATION STORAGE in BLAINE County

T01N R23E S22 NESW

IRRIGATION FROM STORAGE in BLAINE County

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

STOCKWATER STORAGE in BLAINE County

T01N R23E S22 NESW

STOCKWATER FROM STORAGE in BLAINE County

T01N R23E S22 NESW

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.

07/13/2011

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

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

KKC

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, March 03, 2010 1:52 PM
To: Fritschle, Carter
Subject: RE: 37-22116 and 37-22470

Thanks

I'll do it that way. With that and my last communication with Brockway I think I can present a completed package for the Lava Lake group and hopefully they will go with it.

I guess if they don't like it then they can provide additional information.

kkc

From: Fritschle, Carter
Sent: Wednesday, March 03, 2010 1:48 PM
To: Christensen, Kelly
Subject: RE: 37-22116 and 37-22470

Kelly,

I used the 5 acre feet per acre for the golf course because they were converting a lot of direct flow irrigation rights to diversion to storage. If the water rights and source cannot support that number, then by all means don't use it.

So yes, use the remark to allow multiple refills without specifying a total volume that can be stored. Also, limit the total volume, irrigation storage and irrigation from storage to 50 AF for each claim. They have not given us any information to go beyond that amount.

Carter

From: Christensen, Kelly
Sent: Tuesday, March 02, 2010 1:41 PM
To: Fritschle, Carter
Subject: 37-22116 and 37-22470

The two claims are for a 50 af on stream reservoir with the north 253 acres recognized through 22116 and the southern 336.7 ac being claimed as an enlargement right with a 1986 priority date.

Both claimed as irrigation storage 50 af
 Irrigation from storage volume blank

Another right for live flow exists.

At 5 af per acre the two rights would be identified for 1265 af North and 1683.5 af south for a total of 2948.5 af. At this volume the reservoir would have to fill and empty approximately every 3 1/2 days throughout the irrigation season.

They want the remark stating multiple refills per year. Can I use that remark and not put in an irrigation from storage volume?

Deals like this really bother me as the maximum volumes at 5 af per acre are way out of reason with respect to reality. Normally the stream is either greatly reduced or is dry by mid to late summer based upon the information in the files. If

you feel that because this is an isolated system with no competing claimants for the water that we should just go with the 5 af, I'll run with it.

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

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, July 13, 2011 11:35 AM
To: Charlie Honsinger; Kelly, Vicki; Spencer, Nick
Subject: 37-22117 and 37-22098 Lava Lake

If acceptable 37-22117 could move forward independent of 37-22116.

Going back through my notes I noticed that it was my understanding that 37-22098 (currently an uncontested right) would be withdrawn subject to the approval and recommendation of 37-22117 as it represents the same reservoir.

37-22098 was a stockwater storage right for 14.6 ac ft with a 1885 priority date. The reservoir was not in existence at that time and the volume was overstated. The stockwater storage is now recognized through 37-22117.

Just double checking to make sure we are on the same page.

kkc

07/13/2011

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

RIGHT NUMBER: 37-22117

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

SOURCE: BARN CANYON CREEK

TRIBUTARY: COPPER CREEK

QUANTITY: ~~9.8~~ 39.20 AFY

The capacity of the storage reservoir is 9.8 AF. The reservoir may be refilled multiple times in a single year.

PRIORITY DATE: 04/15/1938

POINT OF
DIVERSION:

T01N R23E S22 SENESW 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	9.80 AFY
IRRIGATION FROM STORAGE	04/15 10/31	~~9.8~~ 39.20 AFY
STOCKWATER STORAGE	01/01 12/31	9.80 AFY
STOCKWATER FROM STORAGE	01/01 12/31	~~9.8~~ 39.20 AFY

PLACE OF USE: IRRIGATION STORAGE in BLAINE County

T01N R23E S22 NESW

IRRIGATION FROM STORAGE in BLAINE County

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

STOCKWATER STORAGE in BLAINE County

T01N R23E S22 NESW

STOCKWATER FROM STORAGE in BLAINE County

T01N R23E S22 NESW

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

03/04/2010

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

RIGHT NUMBER: 37-22117

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

VERIFIED BY KKC
3-4-10

SOURCE: BARN CANYON CREEK

TRIBUTARY: COPPER CREEK

QUANTITY: 9.800 AFY

The capacity of the storage reservoir is 9.8 AF. The reservoir may be refilled multiple times in a single year.

PRIORITY DATE: 04/15/1938

POINT OF DIVERSION:

T01N R23E S22 SENESW 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	9.80 AFY
IRRIGATION FROM STORAGE	04/15 10/31	9.80 AFY
STOCKWATER STORAGE	01/01 12/31	9.80 AFY
STOCKWATER FROM STORAGE	01/01 12/31	9.80 AFY

PLACE OF USE: IRRIGATION STORAGE in BLAINE County
T01N R23E S22 NESW

IRRIGATION FROM STORAGE in BLAINE County

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

STOCKWATER STORAGE in BLAINE County

T01N R23E S22 NESW

STOCKWATER FROM STORAGE in BLAINE County

T01N R23E S22 NESW

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Christensen, Kelly

From: Charles G. Brockway [charles.g.brockway@brockwayeng.com]
Sent: Friday, February 26, 2010 2:39 PM
To: Christensen, Kelly
Subject: Lava Lake survey points
Attachments: LL_Survey_pts.pdf

Kelly,

Here are the survey points on Lava Lake. North is up, and you can see three points related to Barn Canyon in the lower right.

WS BARN RES is the water surface in the pond, 5258.8 feet
TOP CONC OUT is the top of the concrete outlet structure, about even with the top of the embankment, 5260.6 feet
WS STREAM is the outlet stream elevation coinciding with the downstream toe of the embankment, 5247.3 feet

When the surveyor did his work, the pond was essentially full, so the maximum depth from water surface to toe is about $58.8 - 47.3 = 11.5$ feet.

If you took the average depth to be about half of this, or 5.75 feet, the pond volume would be $1.7 \text{ ac} \times 5.75 \text{ feet} = 9.8 \text{ ac-ft}$.

Hope this helps,

Chuck

Charles G. Brockway, Ph.D., P.E.

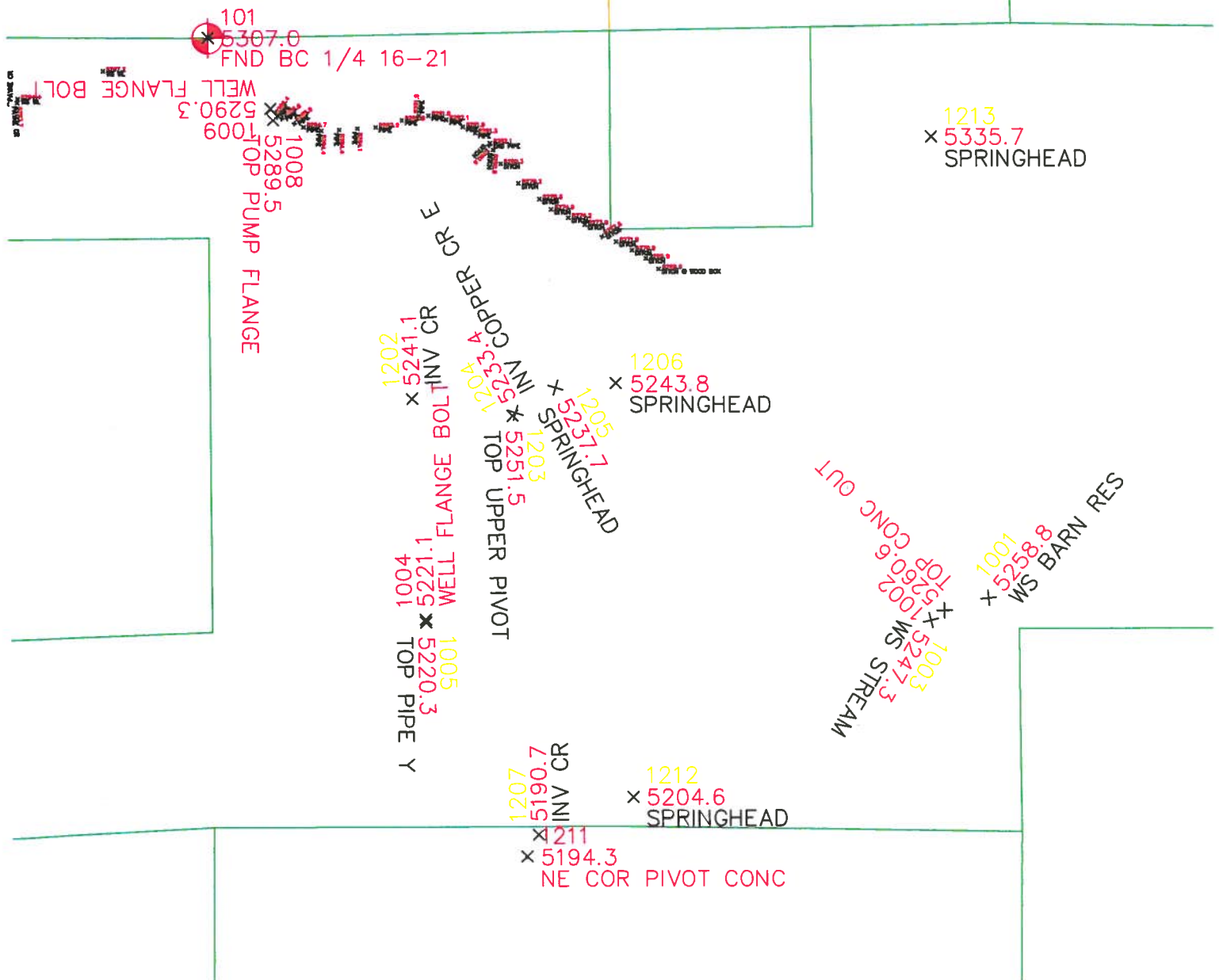
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

2-26-2010 e-mail attachment
2:39PM

Barn Canyon
Survey By Brockway Engineering

1214
x 5390.9
SPRING



BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE USAGE OF WATER FOR
STORAGE AND STOCKWATER PURPOSES ON
THE RANCH KNOWN AS LAVA LAKE

) COMMENTS AND
) EVIDENCE OF
) LEONARD N. PURDY
)

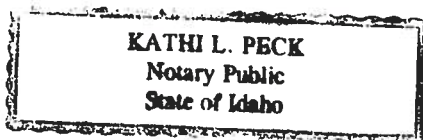
COMES NOW, Leonard N. Purdy, and provides the following comments and evidence in this matter:

1. I have lived in the Picabo and Carey area for most of my life and have firsthand knowledge of irrigation and water usage operations on the Lava Lake property located primarily in Section 16, 21, 22, 26, and 27, T. 1 N, R. 23 E.
2. I worked on the ranch beginning in 1938, and became the ranch manager in 1943. I purchased the ranch in 1955 and owned it until the mid-1990s.
3. The reservoir located in NW1/4 NE1/4 Section 16, T. 1 N., R. 23 E., known as Copper Creek Reservoir, was constructed and began storing water in 1954.
4. The reservoir located in NE1/4 SW1/4, Section 22, T. 1 N., R. 23 E., known as Barn Canyon Reservoir, was constructed and began storing water in 1938 at the latest. The reservoir was in existence at the time I began working on the ranch.

DATED this 11 day of January, 2009.

Leonard N. Purdy
Leonard N. Purdy

SUBSCRIBED and SWORN to before me this 11th day of January, 2009.



Kathi L. Peck
NOTARY PUBLIC

Residing at : Carey ID

My Commission Expires: 8/31/17

RECEIVED

FEB 26 2010

WATER RESOURCES
WESTERN REGION

NOTE: The notice which they sent in
and which was published called for three
unnamed streams, but the permit and also
the proofs describe four.

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 24428This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Kilpatrick Brothers, Pocatello, Idaho (L.N. Purdy, Ranch Manager)2. Source of water supply: Copper Creek, and three adjacent un-named streams3. Location of point of diversion: Is in the (See below) of Section _____

T. _____ R. _____ County of _____

4. Describe works as they exist, giving dimensions and capacities of same: Works at Point of Diversion
#1. Consists of a plank head box 3' by 3' by 3' with turf banks and another 3' by 3' by 3'
head box in the ditch to East. Ditch is 4' wide in bottom by 11 to 14' deep. Diversion
#2. Plank head box with a side gate to South. 3' by 3' by 8' long. Side delivery is 6'
long. Side gate leads to main stream. Diversion #3. Rock and earth diversion from
Copper Creek into a ditch 4' wide. Diversion #4. Diversion is washed out but has
been used in years past. There is a large long ditch leading to fields from
diversion. Diversion #5. Earth dam with a ditch carrying water to the fields.
Diversion # 6. Small pond approximately 4' deep with a surface area of less than 1
acre. 4' square wooden structure for outlet. #7. Dirt diversion with ditches to the
fields. (Cont. under Q. 7)
5. Water is used for: Irrigation and domestic purposes.

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number
of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other
than irrigation):

E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21;SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22;E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 28;NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 27;All in Twp. 1 North, Range 23 East, B.M.See the map.(Question 4 con't)

At present there is no other use of these waters and this filing has been made for
the purpose of protecting the rights of this farm, the only one in the area,
against future users.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Points of diversion are described as follows:From Copper Creek: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9; SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16; NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21; Twp. 1 N., Rge. 23 E., B.M.From Stream # 1: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21; From Stream # 2: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21; From Stream # 3: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22; From Stream # 4: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27; All in Twp. 1 N., Rge. 23 E., B.M.Irrigation is all by gravity. Ditches are ample.This examination was made on the 3rd day of August, 1927.(Signed) E. M. Humphrey Examiner.24428Backfile
37-2545PC Docs
Pg 19

Analysis of 37-22116 & 37-22117 Late claims

37-22117 claimed for irrigation storage from springs for 20 AF and with a 1938 priority date. No irrigation from storage was claimed. *amended to add irr/stock from 1941.*

The licensing field examination for 37-2545 identifies a point of diversion within the same 40-acre tract as is claimed on this right. The examination identifies that location as point of diversion # 6 and describes a "small pond approximately 4' deep with a surface area of less than 1 acre. 4' square wooden structure for outlet". The field exam date was August 3, 1954.

not under review
37-22098 was claimed for stockwater from Barn Canyon Reservoir tributary to sinks at 0.02 cfs. It was recommended for stockwater storage and stockwater from storage at 14.6 af from Barn Canyon Reservoir. In remarks it is also limited to 13,000 gpd. Recommended priority date was the claimed date of 07-01-1885. Currently the right is un-objected to. The claimed POD was listed as Sec 22, 1N, 23E. The claim was received 1-8-2007.

37-22099 was claimed for stockwater from Barn Canyon Creek tributary to Lava Lake at 0.02 cfs. It was recommended for stockwater at 0.02 cfs from Barn Canyon Creek and multiple unnamed streams tributary to Copper Creek and Barn Canyon Creek respectively. The claimed POD was listed as Sec 11, 1N, 23E. The claim was received 1-8-2007.

NOTE: The notice which they sent in
and which was published called for three
unnamed streams, but the permit and also
the proofs describe four.

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

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T. _____ R. _____ County of _____

4. Describe works as they exist, giving dimensions and capacities of same: Works at Point of Diversion
#1. Consists of a plank head box 3' by 3' by 3' with turf banks and another 3' by 3' by 3'
head box in the ditch to East. Ditch is 4' wide in bottom by 1' to 1 1/2' deep. Diversion
#2. Plank head box with a side gate to South. 3' by 3' by 8' long. Side delivery is 6'
long. Side gate leads to main stream. Diversion #3. Rock and earth diversion from
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6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number
of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other
than irrigation):

E 1/2 NE 1/4, E 1/2 SE 1/4 Section 21;SW 1/4 NW 1/4, NW 1/4 SW 1/4, S 1/2 SW 1/4 Section 22;E 1/2 NE 1/4 Section 26;NE 1/4 NW 1/4, W 1/2 NW 1/4 Section 27;All in Twp. 1 North, Range 23 East, B.M.See the map.(Question 4 con't)

At present there is no other use of these waters and this filing has been made for
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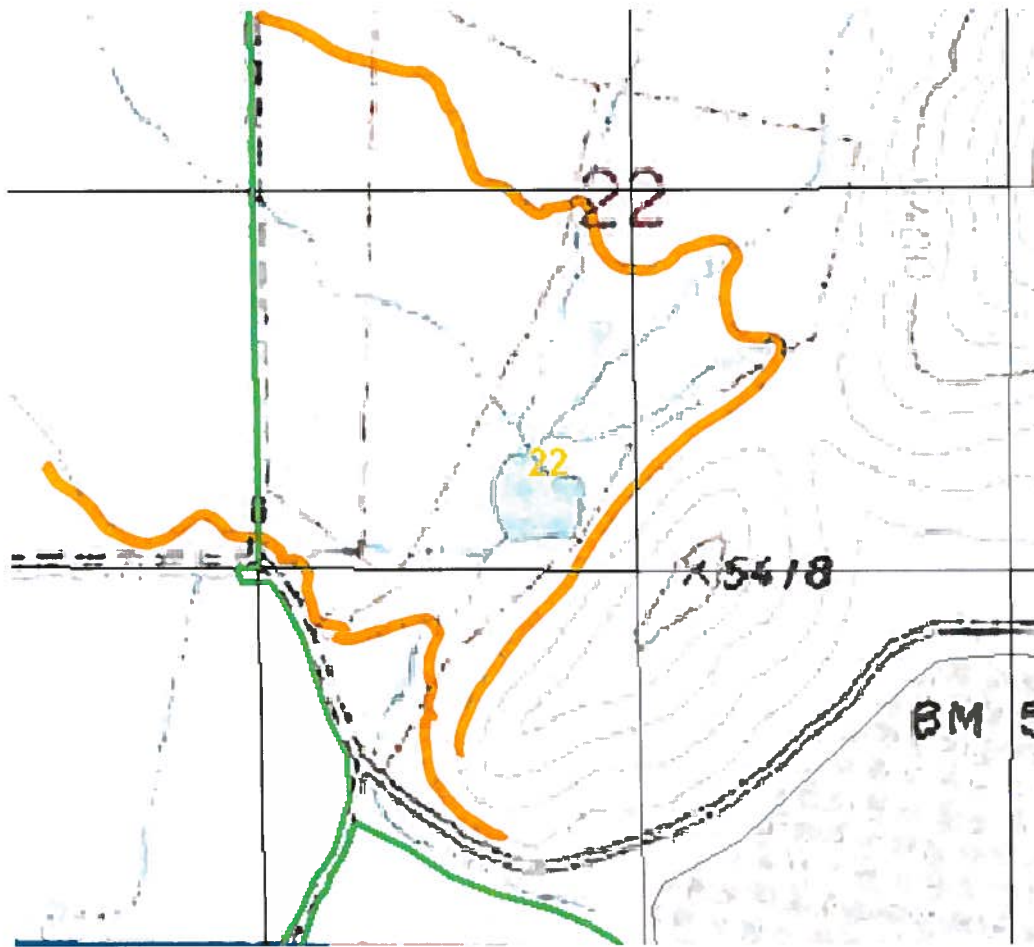
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Remarks: Points of diversion are described as follows:From Copper Creek: SW 1/4 SE 1/4 Sec. 9; SE 1/4 SW 1/4 Sec. 16; NE 1/4 NW 1/4 Sec. 21; Twp. 1 N., Rge. 23 E., B.M.From Stream # 1: NW 1/4 NW 1/4 Sec. 21; From Stream # 2: NE 1/4 SE 1/4 Sec. 21; From Stream # 3: NE 1/4 SW 1/4Sec. 22; From Stream # 4: NW 1/4 NW 1/4 Sec. 27; All in Twp. 1 N., Rge. 23 E., B.M.Irrigation is all by gravity. Ditches are ample.This examination was made on the 3rd day of August, 1924.(Signed) E. M. Humphrey Examiner.

24428

37-2545
Pdocs PgP/D #6-5a7
Pond as
Claimed
37-22117

Lava Lake Land



40' intervals

1.7 a/surface area