

02/18/2003

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

RIGHT NUMBER: 29-47A

NAME AND ADDRESS: LAVA IRRIGATION CO INC
PO BOX 183
LAVA HOT SPRINGS ID 83246

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.260 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 22.76 CFS. COMBINED RIGHT NOS.: 29-47A,
29-48, 29-4467, 29-10816.

PRIORITY DATE: 07/01/1889

POINT OF DIVERSION:

T09S R38E S9 NWNESE Lot 6 Within BANNOCK County Source: PORTNEUF RIVER

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/15 9/15

QUANTITY
2.260 CFS

PLACE OF USE:

Large Place of Use

614.8 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 614.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-47A, 29-48, 29-4467,
29-10816.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 113 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 RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 29.

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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH LAVA IRRIGATION CANAL.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-47A, 29-48, 29-4467, 29-10816.

02/12/2003

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

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PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>		<u>QUANTITY</u>
IRRIGATION	4/15	9/15	2.260 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R37E S24 Lot 1 NESE	14.0	T09S R37E S24 Lot 5 SESE	0.8
T09S R38E S15 Lot 4 NWNW	6.2	T09S R38E S15 Lot 5 SWSW	28.0
T09S R38E S15 Lot 6 SESW	0.1	T09S R38E S16 NENE	7.7
T09S R38E S16 SENE	10.0	T09S R38E S16 SWSW	35.0
T09S R38E S16 SESW	16.0	T09S R38E S16 NESE	12.0
T09S R38E S16 SESE	0.7	T09S R38E S17 SESW	6.7
T09S R38E S17 SWSE	33.0	T09S R38E S17 SESE	34.0
T09S R38E S19 NWSW	1.6	T09S R38E S19 Lot 3 SWSW	0.8
T09S R38E S19 Lot 5 SWSW	5.6	T09S R38E S19 Lot 6 SESW	12.0
T09S R38E S19 Lot 4 NESE	0.8	T09S R38E S19 NWSE	3.0
T09S R38E S19 Lot 7 SWSE	12.0	T09S R38E S20 NENE	36.0
T09S R38E S20 NWNE	37.0	T09S R38E S20 SWNE	26.0
T09S R38E S20 Lot 5 SENE	0.1	T09S R38E S20 NENW	30.0
T09S R38E S20 SWNW	10.0	T09S R38E S20 SENW	36.0
T09S R38E S20 Lot 7 NESW	24.0	T09S R38E S20 NWSW	7.2
T09S R38E S21 NWNE	2.9	T09S R38E S21 SWNE	28.0
T09S R38E S21 NENW	36.0	T09S R38E S21 NWNW	37.0
T09S R38E S21 Lot 5 SWNW	38.0	T09S R38E S21 SENW	26.0
T09S R38E S21 Lot 7 NWSE	0.6		

614.8 ACRES TOTAL

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IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-47A, 29-48, 29-4467,
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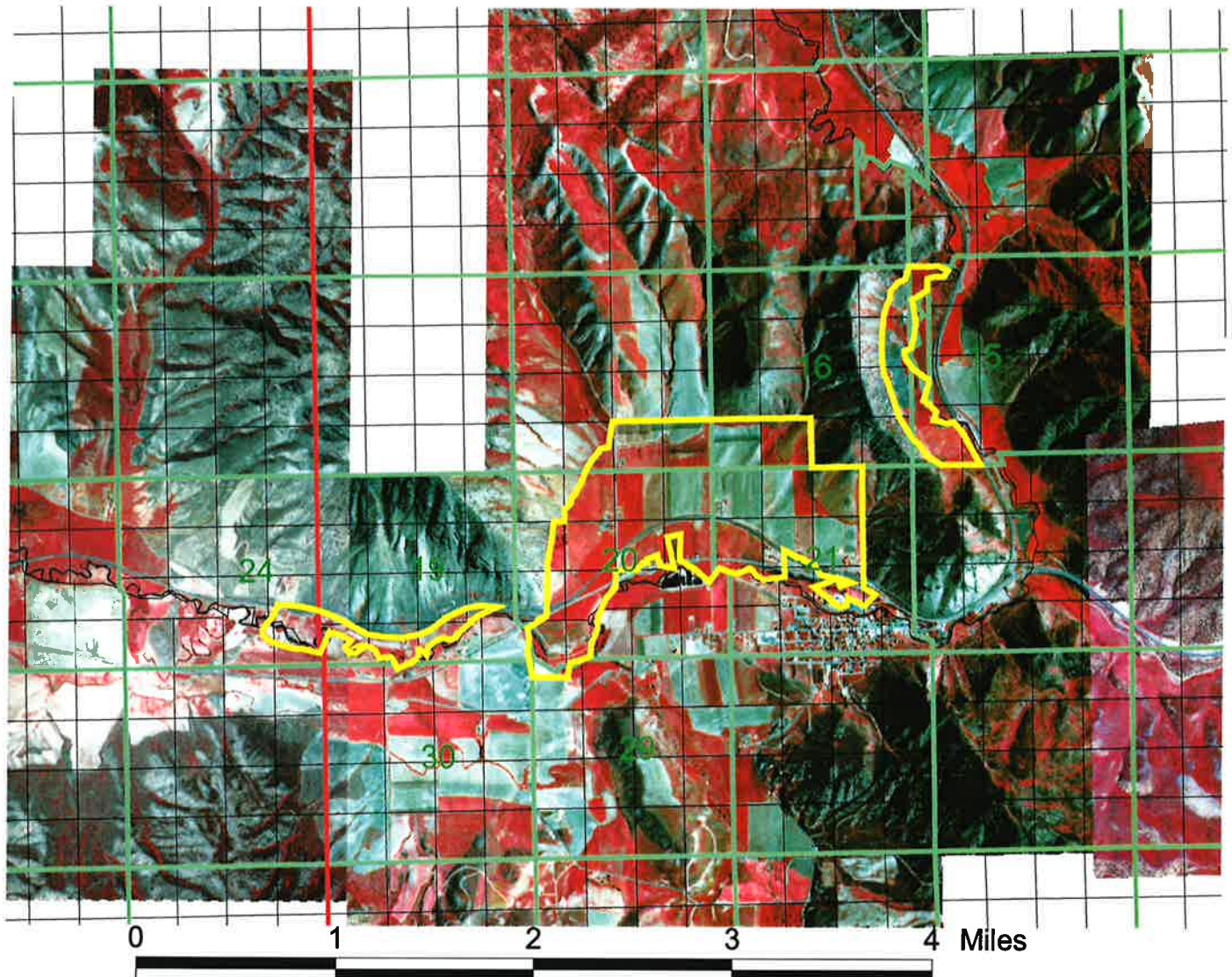


Department of Water Resources

Claim No.: 29-47A, 29-4467
29-48, 29-10816

Twp 9S, Rge 37E

Twp 09S, Rge 38E

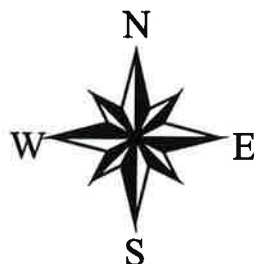


SCANNED
JUN 11 2004

Irrigated Acres = 614.8

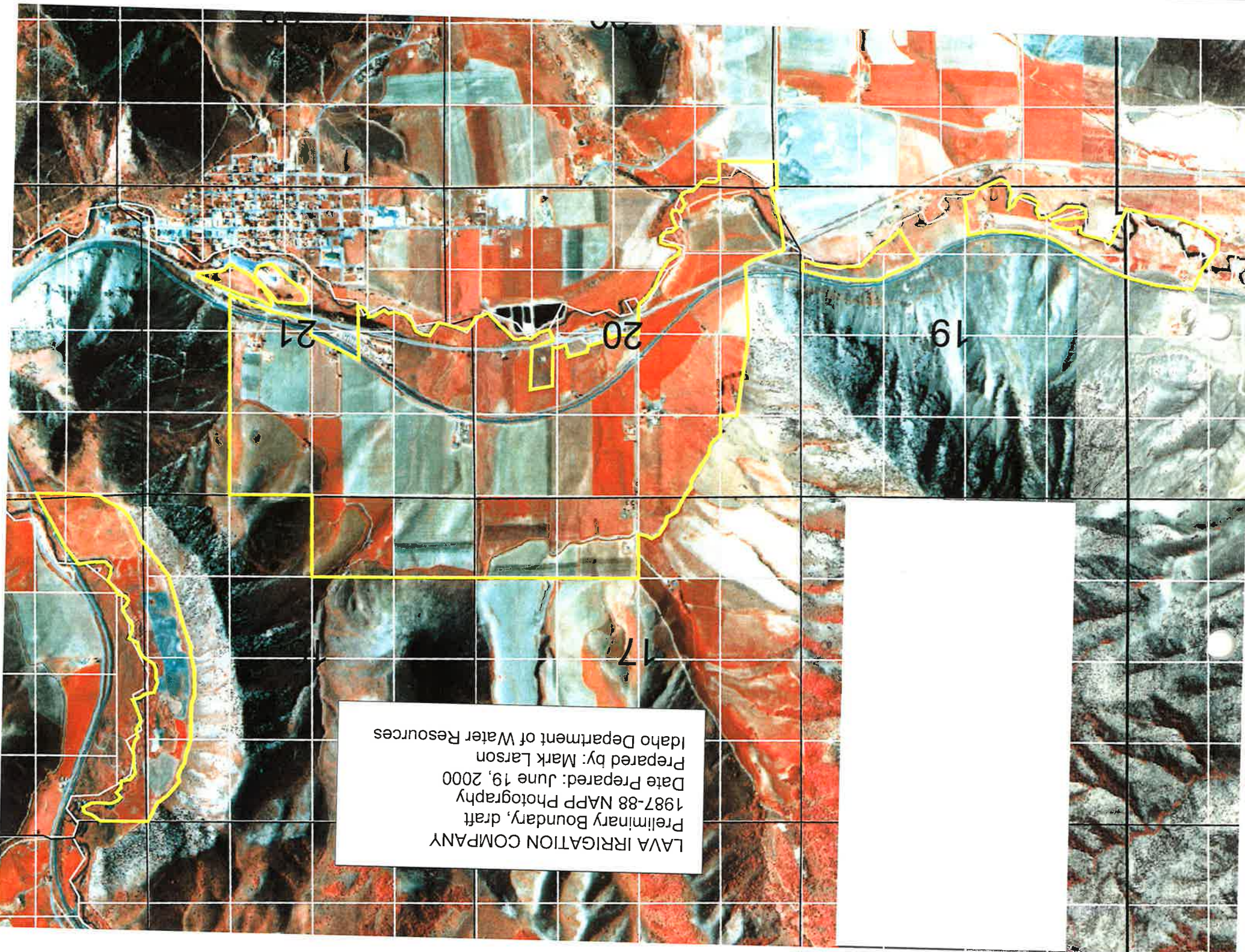
Place of Use Boundary

- Largepou-lava.shp
- Townships
- Sections
- QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: January 2003

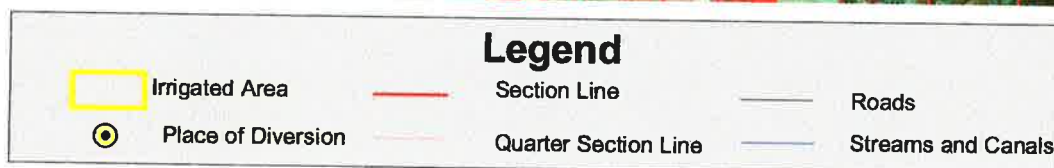
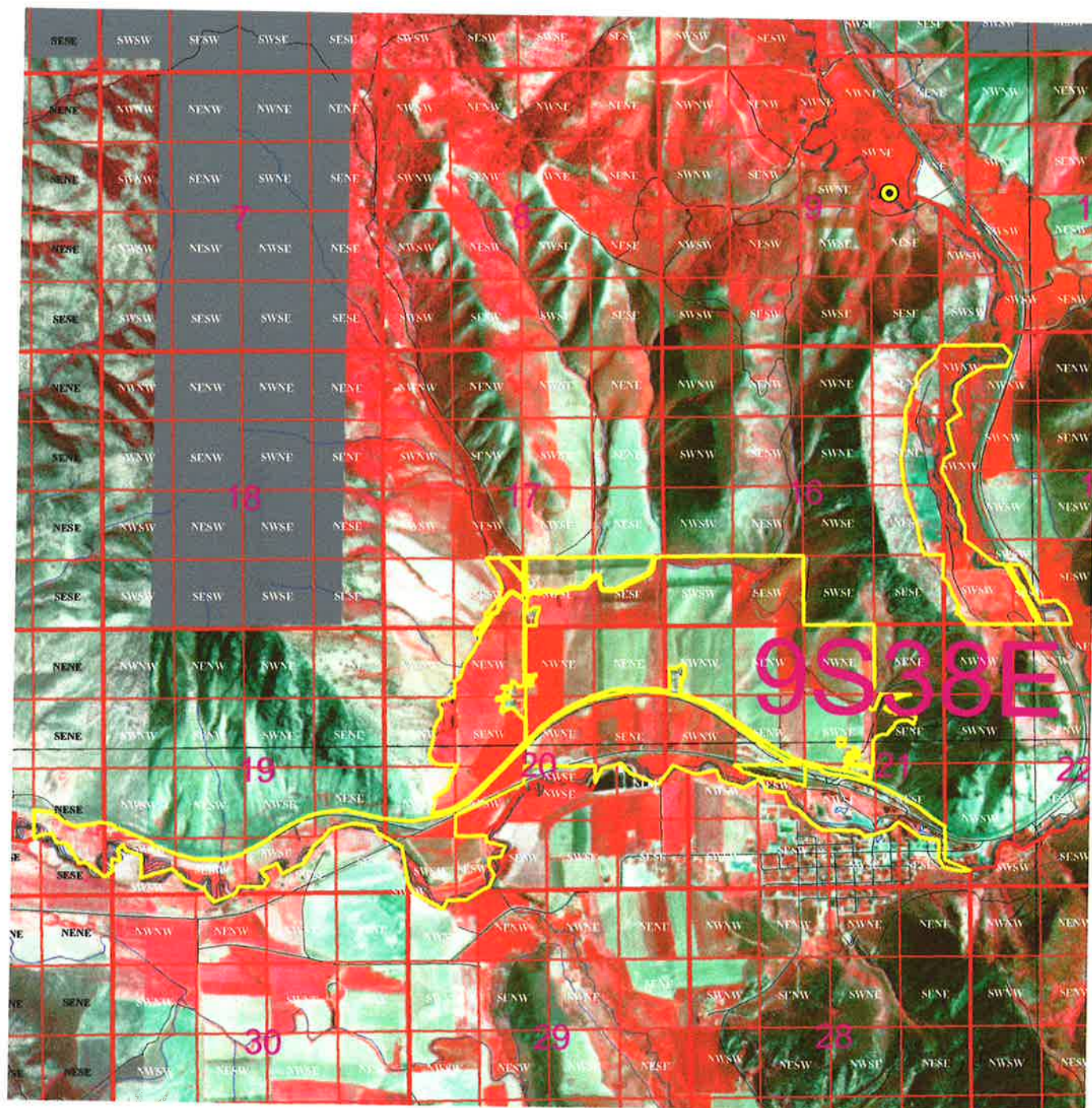
LAVA IRRIGATION COMPANY
Preliminary Boundary, draft
1987-88 NAPP Photography
Date Prepared: June 19, 2000
Prepared by: Mark Larson
Idaho Department of Water Resources



Water Right Claim Number A29-00047A

08/01/2000

Townships , 9S38E, 9S37E



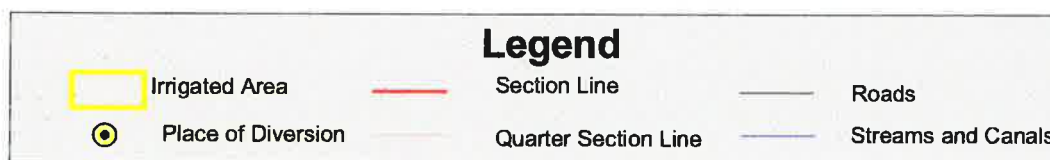
900 0 900 800 Feet



Water Right Claim Number A29-00047A

08/01/2000

Townships , 9S38E, 9S37E



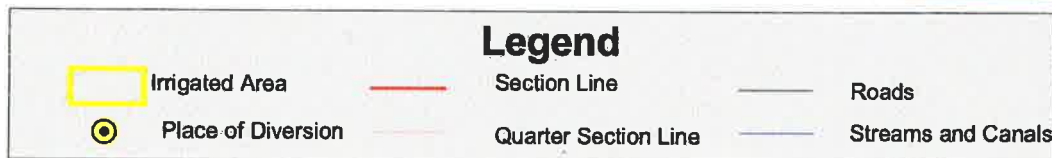
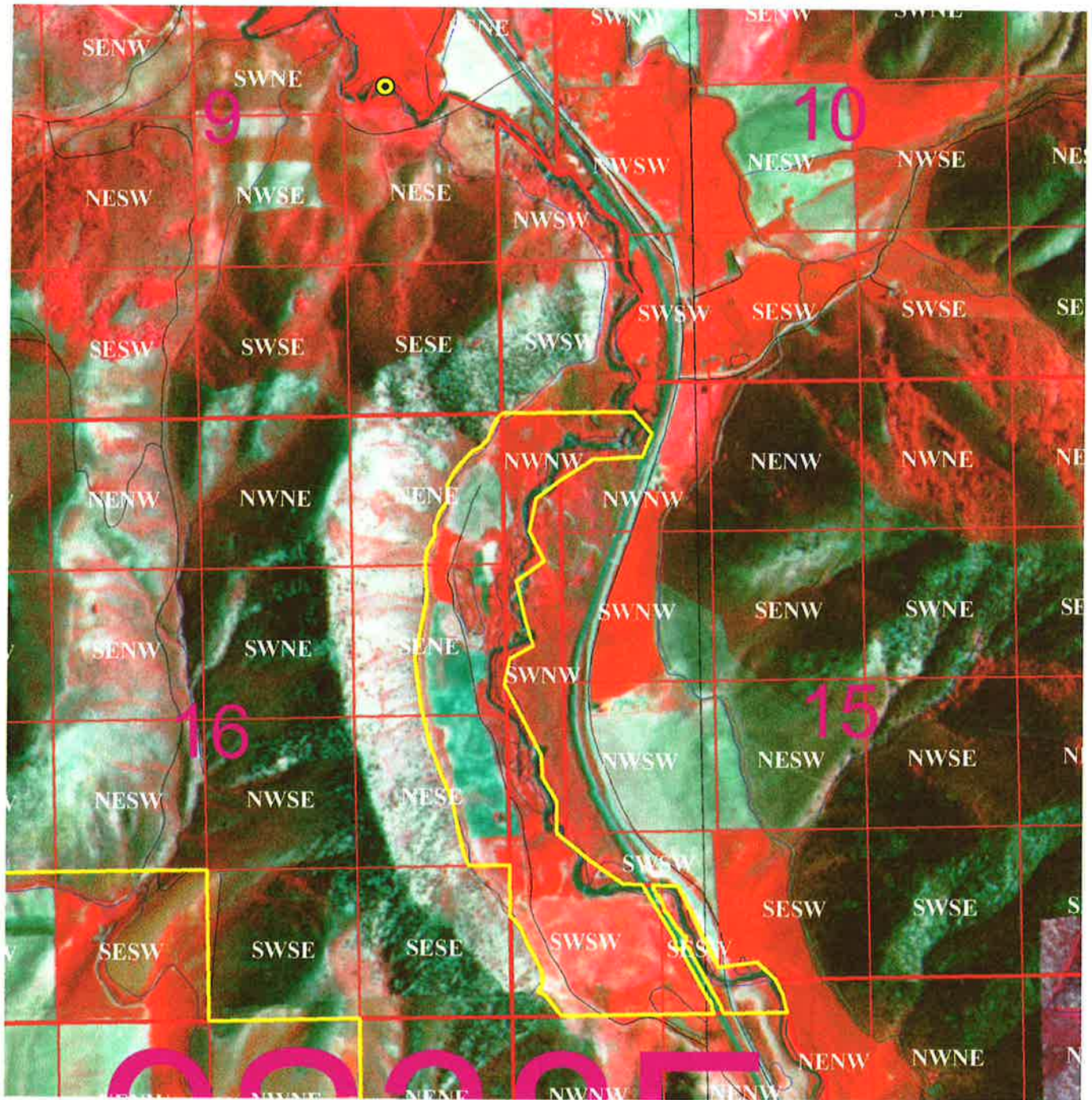
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Water Right Claim Number A29-00047A

08/01/2000

Townships , 9S38E, 9S37E



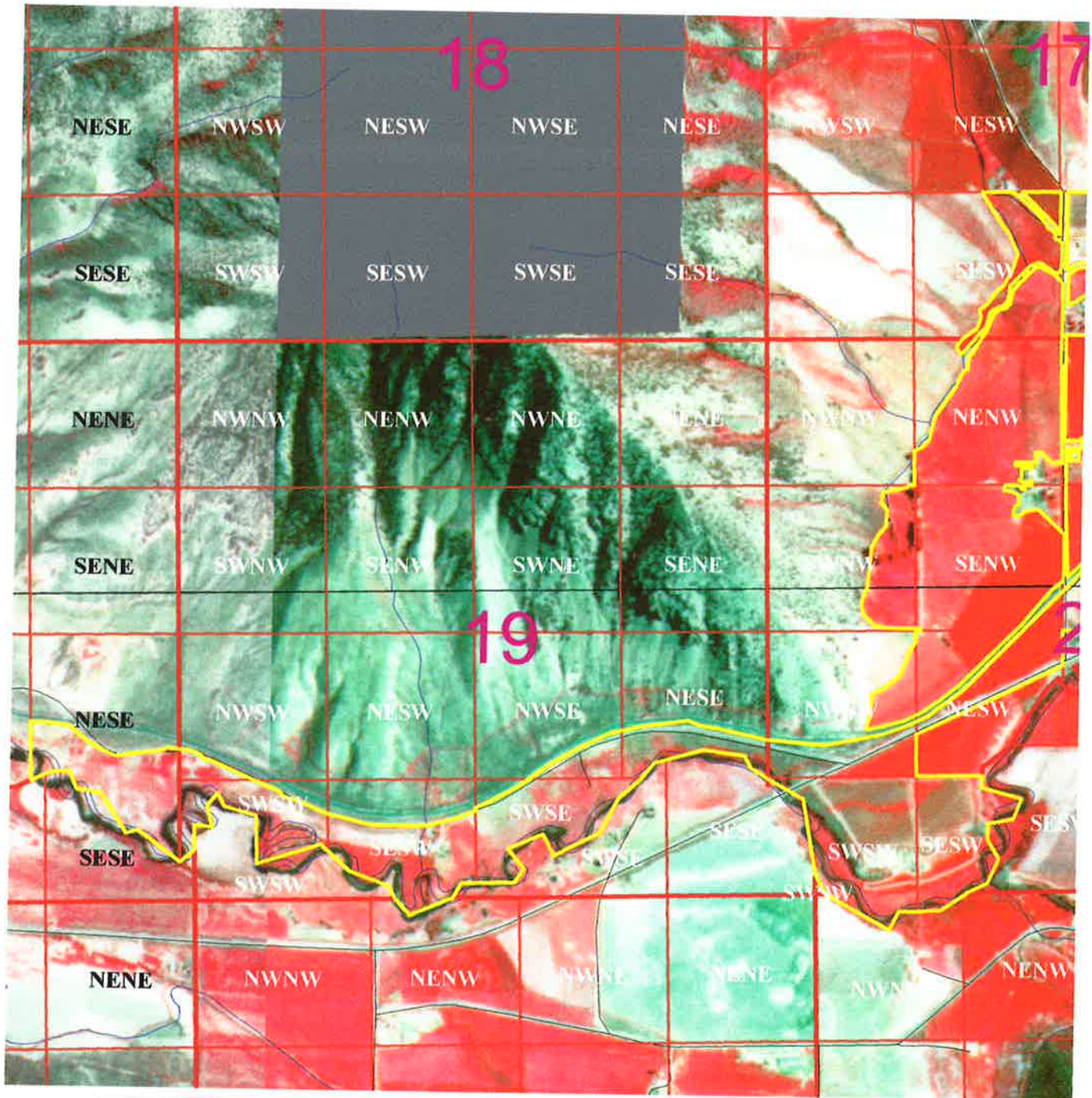
900 0 900 1800 Feet



Water Right Claim Number A29-00047A

08/01/2000

Townships , 9S38E, 9S37E



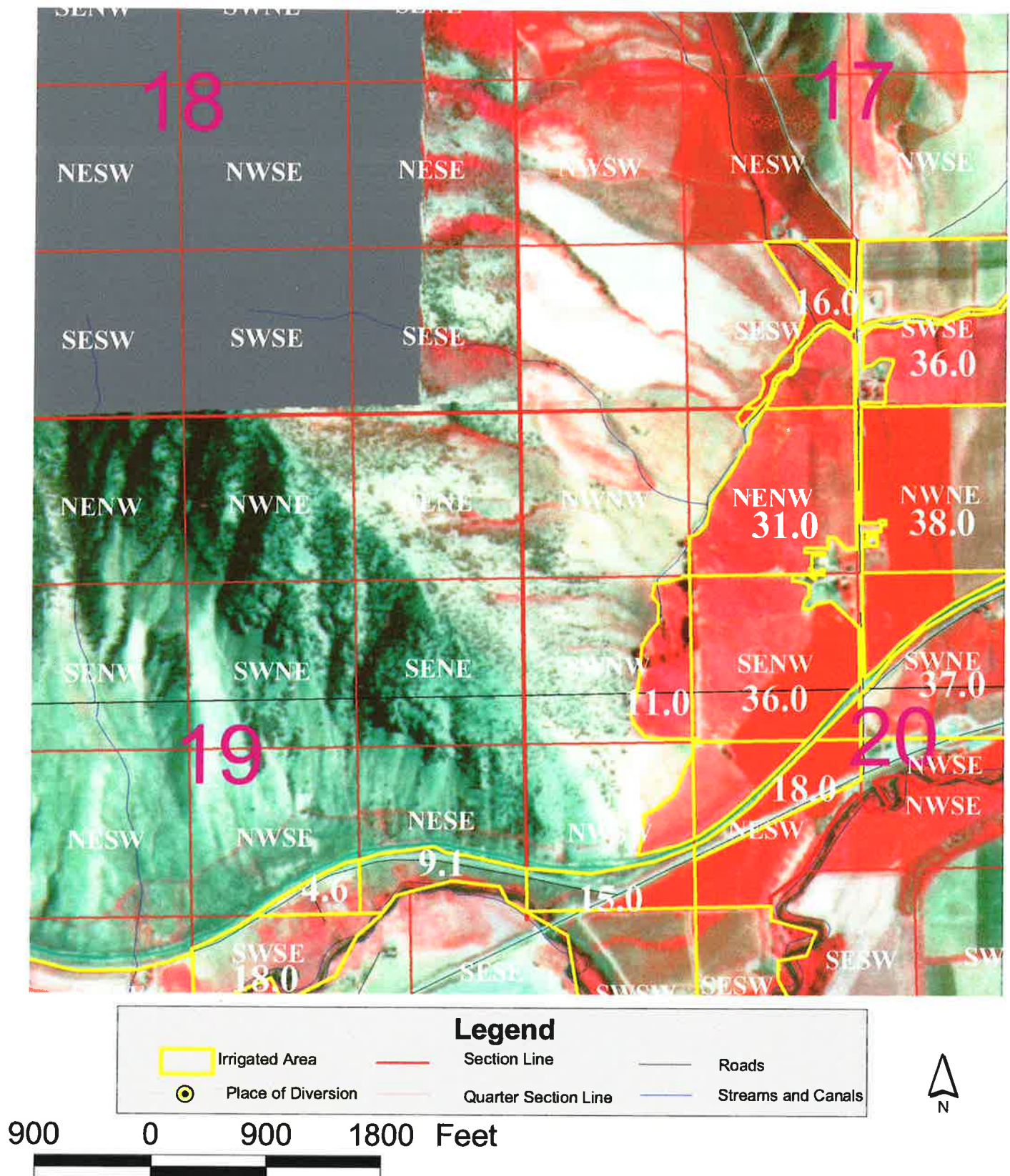
900 0 900 1800 Feet

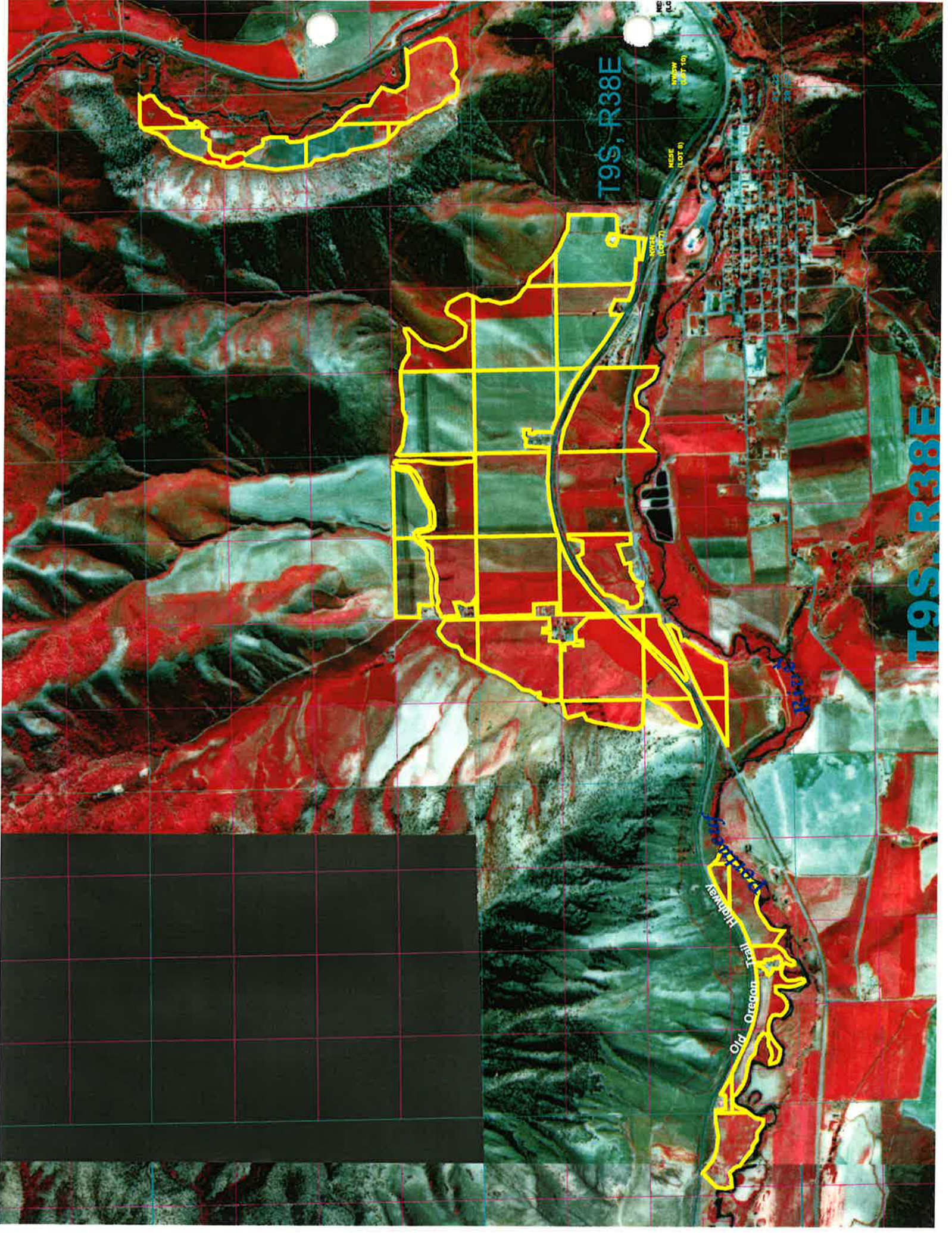


Water Right Claim Number A29-00047A

08/01/2000

Townships , 9S38E, 9S37E







State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 19, 2000

Lava Irrigation Company
Wayne Avery
P.O.BOX 182
Lava Hot Springs, ID 83246

Subject: Lava Irrigation Company Service Area

Dear Wayne;

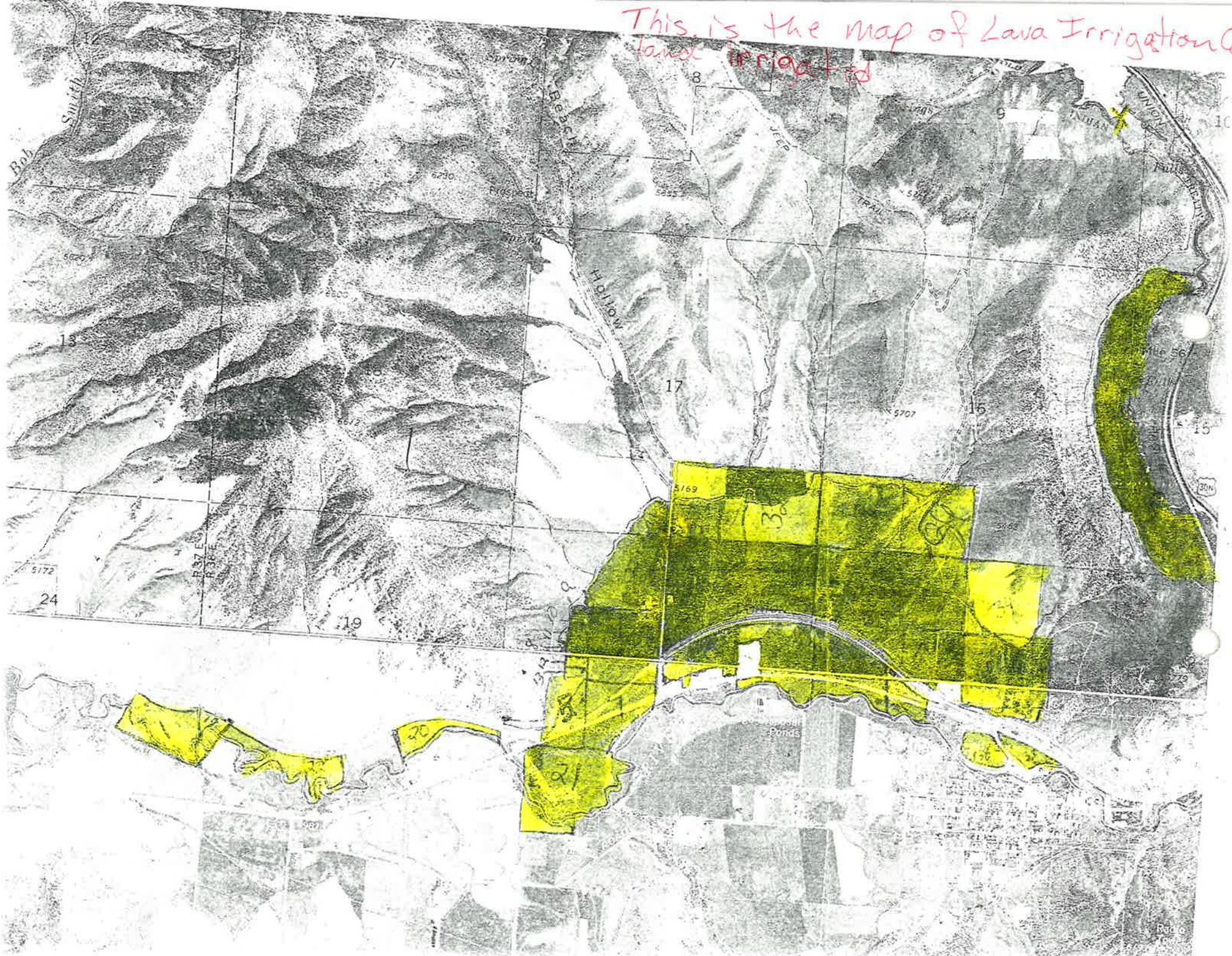
I received the map of your service area boundary. Please take a look at the new map enclosed. If this boundary is right, call me and let me know. If I still need to make adjustments, indicate them and send the map back to me. Thanks again for your cooperation.

If you have any questions, please don't hesitate to call me at (208) 327-7998.

Sincerely,

Mark Larson
GIS Specialist
Adjudication Technical Section

This is the map of Lava Irrigation Co
land irrigated



33. HALLINAN, Thomas 1.2 c.f.s.
29-0044 1889 May 1

34. REED, F. A. .4 c.f.s.
29-0045 1889 July 1
POD: E BANK Portneuf Riv. @
Lot 3 Sec. 4 9SR38E
POU: Lot 6 Sec. 4 9SR38E

35. BYINGTON, Jas.H. .40 c.f.s.
29-0046 1902 July 14

36. REESE, Noah 2.26 c.f.s.
29-0047 1889 July 1 (113 inches)
Tr. 620

River and the U.S.L.R.R. Company's right of way in Lot 4, Section 4, Township 9 South, Range 38 East.

Said water to be diverted through the Duffee Ditch, having its intake near the Northwest corner, Lot 1, Section 9, Township 9 South, Range 38 East, for the irrigation of land in Lots 2 and 3, Section 9 same Township and Range.

Said water to be diverted through a ditch having its intake on the East bank of the Portneuf River, in Lot 3, Section 4, Township 9 South, Range 38 East, for the irrigation of land in Lot 6, Section 4, Township 9 South, Range 38 East. Crosses River?

Said water to be diverted through a ditch having its intake on the West side of the Portneuf River, which point bears North thirty degrees and thirty minutes East, 2110 feet, from the Southwest corner of Section 28, Township 8 South, Range 38 East, for the irrigation of 20 acres in the West half of the West half of Section 4, Township 9 South, Range 38 East.

Said water to be diverted through the Reese ditch. The point of diversion of the said Reese ditch bears South 83 degrees East, 1225 feet, from the Northeast corner of Section 16, Township 9 South, Range 38 East for the irrigation of 10 acres, of land in Lot 1; 10.2 acres in the Southwest quarter of the Northwest quarter, 30 acres in the North half of the Southwest quarter, 4.5 acres in Lot 2, all in Section 15, Township 9 South, Range 38 East; 20.3 acres in Lot 1 Section 16, Township 9 South, Range 38 East.

SCANNED

MAY 27 2005

FILED

29-00047A DOCKED

I. THERE IS NO B, C, D, ... PORTION(S) FILED. WHY THIS IS CLAIMED AS "A" IS UNKNOWN.

A. 29-00047A CLAIMS; 2.26 cfs, July 01, 1889, PORTWENT RIVER - BASICALLY CLAIMS THIS RT. AS DOCKED EXCEPT CLAIMED AS PDU w/ OTHER SRBA CLAIMS.

B. TX[#]620 CHANGES POD FROM 75° AC (AS DOCKED) CFS ⇒ CLAIMS 821° AC TO 883°⁰⁴ AC, SAME 7/1/1889 PRIORITY, SAME 2.26 cfs - NEW OWNER OR LAVA TRAIL CO. CANAL. TX[#]620 ALSO CHANGES POD TO LICC (OLD HEADING), DOES NOT CITE SEASON OR USE. DOCKED AS April 15 to Sept. 15 (AS CLAIMED).

II. CLAIMS 821 AC - GDS SHOWS 614⁰ - SO RECOMM.

SCANNED

JUN 11 2004

JUN 08 2001

Log for claim A29-00047A

Spatial Dynamics AMH

8/1/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	0		1	0	No quarter-quarter description
09s37e	24	NESE	17	18	
09s38e	15	NWNW	15	23	
09s38e	15	SWSW	33	45	
09s38e	15	SESW	4	13	Indiscernible
09s38e	16	NENE	11	13	
09s38e	16	SENE	17	22	
09s38e	16	SWSW	39	40	
09s38e	16	SESW	39	40	
09s38e	16	NESE	13	16	
09s38e	17	SESW	11	16	
09s38e	17	SWSE	37	36	
09s38e	17	SESE	39	38	
09s38e	19	NWSW	2	2.4	
09s38e	19	SWSW	10	13	
09s38e	19	SESW	11	18	
09s38e	19	NESE	6	9.1	
09s38e	19	NWSE	4	4.6	
09s38e	19	SWSE	2	18	Indiscernible
09s38e	20	NENE	36	38	
09s38e	20	NWNE	38	38	
09s38e	20	SWNE	29	37	
09s38e	20	SENE	29	45	Indiscernible
09s38e	20	NENW	28	31	
09s38e	20	SWNW	9	11	
09s38e	20	SENW	36	36	
09s38e	20	NESW	24	18	
09s38e	20	NWSW	17	15	
09s38e	20	SWSW	20	27	
09s38e	20	SESW	14	18	
09s38e	21	NWNE	37	40	
09s38e	21	SWNE	36	37	
09s38e	21	SENE	4	7.1	
09s38e	21	NENW	38	40	
09s38e	21	NWNW	37	37	
09s38e	21	SWNW	32	43	
09s38e	21	SENW	29	37	
09s38e	21	NESW	2	8.6	Indiscernible
09s38e	21	NESE	2	19	
09s38e	21	NWSE	13	34	Indiscernible
Totals:			821	1001.8	

APPENDAGE TO THE FILING OF WATER RIGHT OF

LAVA IRRIGATION COMPANY

Portneuf River district #29 Lava Hot Springs, Idaho 83246

Our present decreed water rights are jeopardized by:

1. Illegal loss free transportation of storage water in the river channel. We ask the adjudication correct this situation by requiring the users of the storage water to stand the loss or require all the water users in the river district to share in the loss on a percentage basis according to the cubic feet of water they have decreed to them.
2. Many years after the established use rights and decreed rights many wells have been allowed in the upper basin area, draining the aquifer. We ask an in depth study be made to determine the affect these wells have on the river flow before a decision is made.

Historically the amount of our water has been cut down during the irrigation season because there is not enough water to fill all the rights. Of necessity we have used the water at any time during the non irrigation season in any amount needed, first come first served down the river.

We have filed a claim of use #29-4467 claiming the right to use the water in this manner until November 15 each year. This application was not protested when advertised. We request this use right be recognized and established as a legitimate water right as of 1904 the same as our decreed right.



Shane Irick - President



Patricia Avery - Sec.



Lava Irrigation Co.
Seal

MICROFILMED
NOV 13 1992

State of Idaho)

County of Bannock)

On this 10th day of April 19 90, before me personally
appeared J. B. Smith to me known to be the
person(s) described in and who executed the foregoing instrument,
and acknowledged to me that he executed the same as his
free act and deed.

3-11-93
Term Expires

Shirley D. Deaton
Notary Public

Lava Hot Springs
Residing At

MICROFILMED

NOV 13 1992

Farm



Journal photo by Bob Jensen

Irrigation pipe has been put to use in parts of this area, as warm temperatures dry soil during the day. However, freezing temperature at night result in ice forming. Water will placed in many area canal systems this week as farmers begin watering their crops.

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Lava 242

April 9, 19.

Idaho State Water
Resources Board:

I am writing this as a member of The Lava Irrigation Co., on the Sunny Side Ditch as it is commonly known; and also as a member of the Kidd family. We are the only family to still own our original homesteads, all the rest have changed ownership times without number. I am the oldest living person to have known constantly about the irrigation situation in this community.

I went to college with Elmo Higginson, in Pocatello in 1929 and 1930. He was your hydrologist and I believe his son is your hydrologist now.

Our project is small, only slightly more than a thousand acres in the beginning, Highway 30 has

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Take away some of our land.
There was plenty of water, for
every one in the beginning. They
turned what water they needed
into our canal and turned it
back into the river when they were
through using it. They always tried
to keep some water in the canal
through the winter for livestock.
Sheep men would buy hay from the
farmers and feed the sheep in the
fields and have canal water
from the sheep to drink.
They built the reservoir at
Chatterfield, they tried turning the
stored water down the Portway
River, which would not carry the
extra water. They paid damages
for several years to farmers
downstream for flooding the fields.
They then built the long outlet canal
to bypass the farms. In the beginning
the canal would not carry the

3
water, but the canal eroded until we have the bad situation we have today.

The McCammon Mill sued to get its water, and they won the lawsuit, and a decree was handed down about the various water rights. Since then, the McCammon Mill sold its water right, I believe to either the McCammon Canal Co., or to some of its members.

Ever since, our project has had less and less water, so we have tried to get water into our canal before the irrigation season began, and also after the irrigation season had ended, to soak up our fields for the next season. I personally have watered fields when several inches of snow were on the ground. We have done this all through my life time. Nobody has ever tried to stop us, and I feel that

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4

we have established a right to do this.

Now, companies have planned to build hydropower plants in the river, and they intend to demand the entire river-flow when the irrigation season ends until the spring when the season begins again. The way things are shaping up, we will have scarcely any water at all. They should not be allowed to do this to us. The plants are not needed at all, and the Federal Government should never have approved their building.

Sincerely

P.O. Box 137 William Kidd
Tara Hot Springs
Idaho, 83246

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NOV 13 1992

STATE OF IDAHO, COUNTY OF BANNOCK

On this 9th day of APRIL, 1990, before me, a notary public in
and for said State, personally appeared

WILLIAM KIDD

Known to me to be the person whose name ~~is~~ ^{HE} subscribed to the within
instrument, and acknowledged to me that ~~HE~~ executed the same.

Robert Bergendorf
NOTARY PUBLIC

Residing at LAUA HOT SPRINGS, Idaho

Commission Expires LIFETIME.

NOV 13 1992

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TO WHOM IT MAY CONCERN:

I, Fred G. Walker, would like to say, I was born and raised on the Walker Ranch located near Lava Hot Springs, Idaho, and lived there until February 1953. I was also the Ditch Checker for one summer while living there. There was plenty of water for all of the ranches in the area before the Chesterfield Dam was constructed, no one in the area had any water problem until after the construction of that Dam. Then the situation seemed to change a very great deal. The Sunnyside Ditch Company had plenty of water for all users at the beginning as well as at the ending of the season. They all irrigated and used the water all season until it froze up in the winter. We had all the water for all the ranchers in the area all season long. Everyone had all the water needed to irrigate their land from early in the spring until it all froze up with the winter. My folks before me had plenty and I had plenty for the same acres and the same farm from early spring until it froze up with the winter.

Signed Fred G. Walker
Fred G. Walker

Subscribed and sworn to before me this 4th day of April 1990, at
Cokeville, Lincoln County, State of Wyoming.

Marvin D. Reed
Notary Public

My Commission expires: Dec. 1, 1993

NOV 13 1992

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To whom it may concern:-

My parents moved into Lava Hot Springs
the year of 1919 Purchased a farm on Dempsey
Creek. I was 9 yrs old then. The Lava Irrigation
Company was a established canal then
operating with a full water right established
in 1904. I purchased a farm under the
Lava Irrigation system in 1940.

We have had water in that canal every
year that I have owned ranch 1940 to 1990
Water is in early April until Nov. Water
regulated according to Water Decees.

Sincerely
Calvin A. Rowell
Calvin A. Rowell

Witness: B. J. Owens 4-10-90

On 4-10-90, before me, Gilbert L. Birkensong II,
a notary public of the State of Idaho, appeared CALVIN A. ROWELL

NOTARY: RESIDING AT Pocatello

BANNOCK COUNTY

Gilbert L. Birkensong II

MY COMMISSION EXPIRES

10-4-94

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NOV 13 1992

April 10 - 1990

In regards to using water before and after the normal irrigation season begins and ends.

I moved here in 1948, Feb 28. We always use canal water from the Portney River until it either snows or freezes up. Our decreed water right is usually cut off in early summer, if we didn't use water as late as possible, we wouldn't keep our pasture + hay field from drying out. Also that water is our main source of livestock water, as our spring water is insufficient for our household use + livestock both.

I'm, — J. B. Irick, a member of the Lava Irrigation Company.

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NOV 13 1992

Greenleaf 120.
4-3-90

to whom it may concern

In Response to conditions of
the domestic canal near
Lake Hot Springs 1200

In the years of 1947-48-49 and 50
I lived on the farm near and
and operated by Halden and Wena
Arroyo and family.

I was a Board member and for 2 years
Chairman of the Board
in the spring we turned the
water in at town at the canal
was ready.

After in the summer we would
have to take turn out with
able to dig through
darker and or 1 person
we would have about three
thousand inches from water
from water for live stock
until it froze up in
the canal.

Hot Springs 1200

NOV 13 1992

PO Box 416
Greenleaf 1200
83626-0416
Nov 10-14-94
Ex. 10-14-94
Yellow Springs Co. Op. Fed. C.U.

April 3, 1990

TO WHOM IT MAY CONCERN:

This is a statement concerning the Water Rights and the water that was available at the time we farmed at Sunnyside, near Lave Hot Springs, Idaho.

The land we farmed from the Spring of 1947 through 1950, is presently owned and farmed by Golden and Vera Avery and their family.

The water in the Sunnyside Canal, was available in the spring, whenever the share holders decided it was needed or as soon as the Canal could be cleaned and made ready.

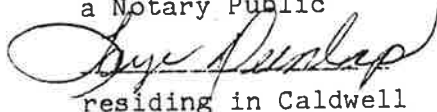
As the growing seasons became hotter, there was less water available to this Canal Company, and sometimes, we were cut down to three streams of about 50 inches of water each at the headgates.

In the fall, after the heavy demand for water was over, the water was kept in the canal as long as anyone wanted it, or until it was frozen.

The summer of 1950, I was hired by the Canal Company as Ditch Rider. I started as soon as I got out of school, about May 20th, and had the job until I quit, September 25th, to take another job. At that time, my Dad took the job for the rest of the season.

The information in this letter is as close as I can remember.

Signed & Subscribed
before me this day 4-3-90
a Notary Public


residing in Caldwell



Lester E. Waters
2202 Big Sky St.
Caldwell, Idaho 83605

MICROFILMED

NOV 13 1992



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

September 16, 1988

Lyndon Green
105 E 16th Street
McCammon, ID 83250

Re: Water District 29, Portneuf River

Dear Mr. Green:

In your telephone call of September 14, 1988, you stated that the irrigation season in Water District 29 under the Portneuf River decree ends on September 15. You asked me what action, if any, should be taken by the watermaster after that date.

The historical practice on the Portneuf is for the watermaster to stop delivering water rights under the decree on September 15. After that date it has been the practice of the waterusers to divert water as needed irrespective of the priorities under the decree.

It is the normal duty of a watermaster to delivery water rights on a stream in accordance with the terms of the applicable decrees. Consistent with court decree, it has been the long-standing practice on the Portneuf for the formal irrigation season to end on September 15 and for the watermaster to discontinue delivering irrigation water rights after that date. I do not find it appropriate to order the watermaster to alter that longstanding practice this year.

Waterusers who have historically diverted water and put it to beneficial use after September 15 each year may have established legal rights to continue that practice. The extent of any such rights will be determined in the pending Snake River basin water rights adjudication.

I hope this letter has adequately answered your question.

Sincerely,


R. KEITH HIGGINSON
Director

cc: Eastern Region
Tom Bloxham

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REMARKS: Union Grain and Elevator vs McCammon Ditch Co. decree recognized an irrigation season April 15, to Sept. 15, the actual irrigation practice of Lava Irrigation historically has been to use the water any time needed during the non irrigation season, first come first serve down the river. The purpose of this claim is to establish this historical practice as a legitimate water right as used, dated back to the beginning of our decreed water rights.

Refer to appendage and affidavits.

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
TRANSFERRED RIGHT NO. 620

THIS IS TO CERTIFY That Lava Irrigation Company, Ltd., of Lava Hot Springs, County of Bannock, State of Idaho, has a right to the use of the waters described as 2.26 cubic feet per second, dated July 1, 1889 of the waters of PORTNEUF RIVER, decreed to Noah Reese, by Judge O. R. Baum, of the United States District Court, District of Idaho, Eastern Division, in the case of

UNION GRAIN AND ELEVATOR COMPANY

vs.

MCCALMON HITCH COMPANY, ET AL,
Dated, December 4, 1922.

being appurtenant to the 10 acres in Lot 1; 10.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 30 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 4.5 acres in Lot 2, all in Section 15, Township 9 South, Range 38 East, B. M.; 20.3 acres in Lot 1, Section 16, Township 9 South, Range 38 East, B. M., situate, lying and being in Bannock County, Idaho. 75² ac

THAT SAID DECREE HAS BEEN ENTERED IN THE RECORDS OF THE Department of Reclamation of the State of Idaho, in Book 4 of Decrees at Page 292.

THAT NOW UPON the application of Lava Irrigation Company, Ltd., of Lava Hot Springs, Idaho, for a transfer of 2.26 cubic feet per second of water right made before the Commissioner of Reclamation of the State of Idaho, from the above described lands and the said application having been granted, the right to the use of 2.26 cubic feet per second of the waters of PORTNEUF RIVER upon the above described lands is hereby abandoned and the lands to be irrigated hereafter under the above mentioned right of 2.26 cubic feet per second, hereby confirmed by this Certificate for the production and irrigation of diversified crops, are hereby described as follows:

45.1 acres in Lot 5, Section 20; 12 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20; 36.72 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40.16 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 20; and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17; 86.68 acres in Lot 7 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20; 45.8 acres in Lots 8 and 9, Section 20; 50.75 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20; 39.85 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and Lot 6, Section 20; 71.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21; 50.48 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17; 12 acres in Lots 4 and 5, and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19; 51.8 acres in Lots 6 and 7, Section 19; 104.8 acres in Lots 4 and 5, Section 15; and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, and the E $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16; 50 acres in Lots 7 and 8, Section 21; 17.2 acres in Lot 6, Section 21; 42.7 acres in Lot 5, Section 21; 3.9 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21; 52.8 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21; 53.6 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16; 35.3 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21; all in Township 9 South, Range 38 E.B.M. 88304

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THAT THE WATER has heretofore been conveyed to the place of use through Reese Ditch, having its point of diversion in 1225' South, 83° East of NW corner of Section 16, Township 9 South, Range 38 East, E. M. and will hereafter be diverted through the Lava Irrigation Company Canal, diverting in 2130' North 30° East of the SW corner of Section 10, Township 9 South, Range 38 East, E. M.

THAT THE SAID WATER right is to be limited at any given time to an amount actually needed and used for beneficial purposes and shall not exceed the following amount:

2.26 cubic feet per second
Dated July 1, 1889.

THAT THE RIGHT to the water aforesaid, hereby confirmed, is restricted to the lands and place of use last above described as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed at Boise, Idaho, this 18th day of April, 1941.

E. V. BERG
Commissioner of Reclamation

R. E. Powell
By: R. E. POWELL
Supervisor of Water Distribution

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32. WARNER, Cordelia 1.50 c.f.s.
29-0043 1890 April 1

pany's right of way.

Said water to be diverted through a ditch having its intake about 20 rods South of the North line of Section 4, and from the East bank of the Portneuf River in Section 4, Township 9 South, Range 38 East, for the irrigation of lands lying between the River and the O.S.L.R.R. Company's right of way in Lot 4, Section 4, Township 9 South, Range 38 East.

33. HALLINAN, Thomas 1.2 c.f.s.
29-0044 1889 May 1

Said water to be diverted through the Duffee Ditch, having its intake near the Northwest corner, Lot 1, Section 9, Township 9 South, Range 38 East, for the irrigation of land in Lots 2 and 3, Section 9 same Township and Range.

34. REED, F. A. .4 c.f.s.
29-0045 1889 July 1

Said water to be diverted through a ditch having its intake on the East bank of the Portneuf River, in Lot 3, Section 4, Township 9 South, Range 38 East, for the irrigation of land in Lot 6, Section 4, Township 9 South, Range 38 East.

35. BYINGTON, Jas.H. .40 c.f.s.
29-0046 1902 July 14

Said water to be diverted through a ditch having its intake on the West side of the Portneuf River, which point bears North thirty degrees and thirty minutes East, 2110 feet, from the Southwest corner of Section 28, Township 8 South, Range 38 East, for the irrigation of 20 acres in the West half of the West half of Section 4, Township 9 South, Range 38 East.

36. REESE, Noah 2.26 c.f.s.
29-0047 1889 July 1 (113 inches)
Tr. 620

Said water to be diverted through the Reese ditch. The point of diversion of the said Reese ditch bears South 83 degrees East, 1225 feet, from the Northeast corner of Section 16, Township 9 South, Range 38 East for the irrigation of 10 acres, of land in Lot 1; 10.2 acres in the Southwest quarter of the Northwest quarter, 30 acres in the North half of the Southwest quarter, 4.5 acres in Lot 2, all in Section 15, Township 9 South, Range 38 East; 20.3 acres in Lot 1 Section 16, Township 9 South, Range 38 East.

37. LAVA IRRIGATION 20.5 c.f.s.
29-0048 COMPANY
1904 February 11

Said water to be diverted through the Lava Irrigation Company's canal, which diverts water from the Portneuf River in Lot 3, Section 10, Township 9 South, Range 38 East; from the Southwest corner of Section 10, the point of diversion bears North 3 degrees East, 2130 feet, for the irrigation of land under the Company's canal, described as follows: 45.1 acres in Lot 5, Section 20; 12 acres in the Southwest quarter of the Northwest quarter Section 20; 36.92 acres in the Northeast quarter of the Northeast quarter, 40.16 acres in the Nor-

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UNANNED
JUN 08 2001

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: A29-00047A

Date Received: 3/28/1990

Receipt No: 5013111

Received By: JDM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAVA IRRIGATION CO. LTD. 208-776-5628
Address: P.O. BOX 182
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: JUL 01, 1889

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	9	NE	SE		6	BANNOCK

5. Description of diverting works:
CONCRETE HEADWORKS WITH WOODEN GATES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	2.260		

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

8. Total consumptive use is 2052.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	37E	24	NE	SE	1	IRR	17.0
Section Acres							17.0

A29-00047A

Page 1

Date: 03/29/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
09S	38E	15	NW	NW	4	IRR	15.0	
			SW	SW	5	IRR	33.0	
			SE	SW	6	IRR	4.0	
							Section Acres	52.0
		16				1	IRR	1.0
			NE	NE			IRR	11.0
			SE	NE			IRR	17.0
			SW	SW			IRR	39.0
			SE	SW			IRR	39.0
			NE	SE			IRR	13.0
							Section Acres	120.0
		17	SE	SW			IRR	11.0
			SW	SE			IRR	37.0
			SE	SE			IRR	39.0
							Section Acres	87.0
19	NW	SW			IRR	2.0		
	SW	SW	5		IRR	10.0		
	SE	SW	6		IRR	11.0		
	NE	SE	4		IRR	6.0		
	NW	SE			IRR	4.0		
	SW	SE	7		IRR	2.0		
					Section Acres	35.0		
20	NE	NE			IRR	36.0		
	NW	NE			IRR	38.0		
	SW	NE			IRR	29.0		
	SE	NE	5		IRR	29.0		
	NE	NW			IRR	28.0		
	SW	NW			IRR	9.0		
	SE	NW			IRR	36.0		
	NE	SW	7		IRR	24.0		
	NW	SW			IRR	17.0		
	SW	SW	8		IRR	20.0		
	SE	SW	9		IRR	14.0		
					Section Acres	280.0		
21	NW	NE			IRR	37.0		

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	21	SW	NE		IRR	36.0
			SE	NE		IRR	4.0
			NE	NW		IRR	38.0
			NW	NW		IRR	37.0
			SW	NW	5	IRR	32.0
			SE	NW		IRR	29.0
			NE	SW	6	IRR	2.0
			NE	SE	8	IRR	2.0
			NW	SE	7	IRR	13.0
						Section Acres	230.0
						Total Acres	821.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-04467, A29-00048, A29-10816

14. Remarks:
THIS WATER RIGHT WAS NOT ENTERED IN THE WATER RIGHT DATABASE.
SEE ATTACHED COPY OF PAGE FROM UNION GRAIN & ELEVATOR CO. VS.
MC CAMMON DITCH CO. DECREE. ALSO ATTACHED IS COPY OF TRANSFER
#620.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 8/06/1932

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MC CAMMON DITCH CO.
Decree 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~~ do not X 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 Secretary of
Title
Lava Irrigation Co. Ltd. that I have signed the foregoing
Organization
document in the space below as Secretary of
Title
Lava Irrigation Co. Ltd. and that the statements contained in the
Organization
foregoing document are true and correct.

Patricia Aveny
Signature of Authorized Agent
Secretary - Lava Irrigation Co.
Title and Organization
April 12, 1990
Date

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 12 day
of April 19 90

[Signature]
Notary Public

Seal

Residing at 10400 Fair
My Commission Expires 7-12-94

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/03/01 13:21:58
Page 3

Water right number - 29-00047A

Prefix Translation: WATER RIGHT

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

NO RECORD WAS FOUND FOR 2900047A

A24-00047A
A29-10816
A24-04467
A29-10824

