

02/18/2003

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

RIGHT NUMBER: 29-48

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

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 20.500 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: 02/11/1904

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
20.500 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.

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

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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	20.500 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 OF A COMBINED TOTAL OF 614.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-47A, 29-48, 29-4467,
29-10816.

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

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Water Right Claim Number A29-00048

08/01/2000

Townships , 9S38E, 9S37E



Legend

 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals

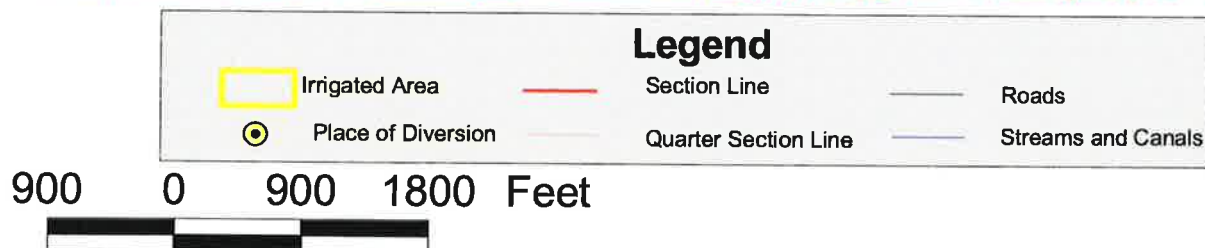
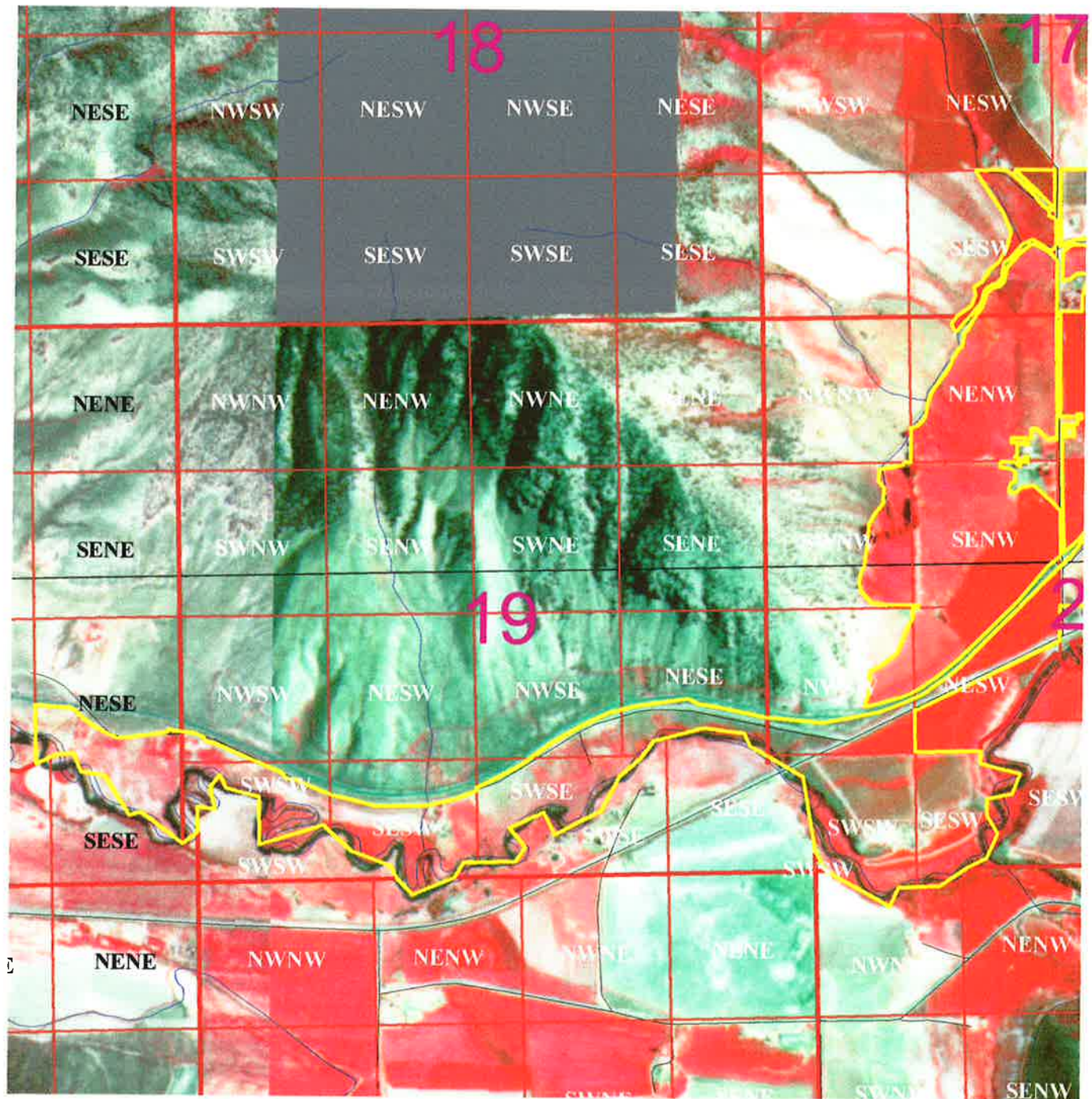
900 0 900 1800 Feet



Water Right Claim Number A29-00048

08/01/2000

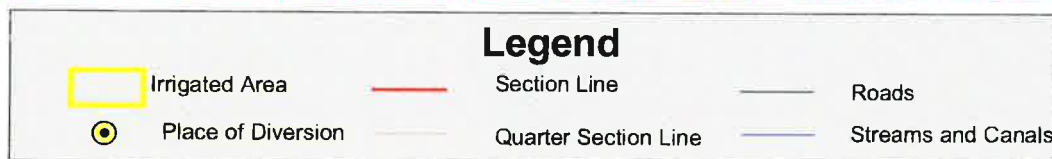
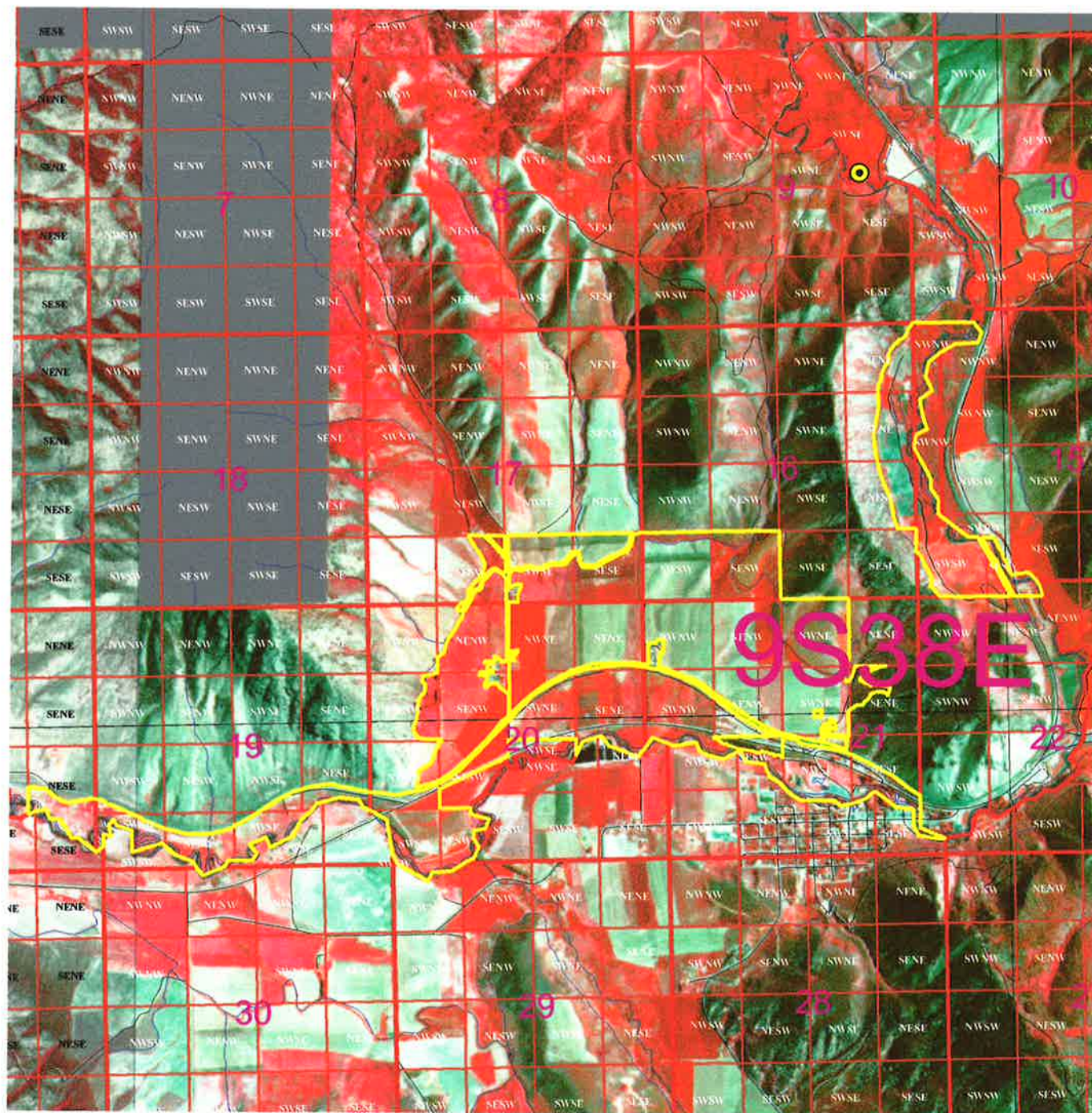
Townships , 9S38E, 9S37E



Water Right Claim Number A29-00048

08/01/2000

Townships , 9S38E, 9S37E



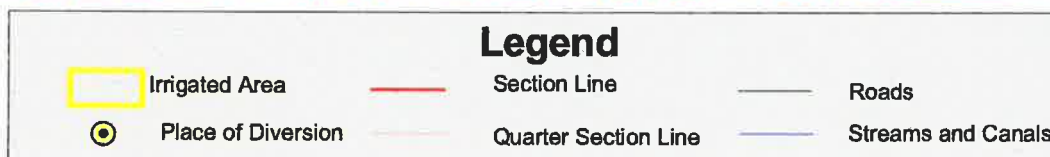
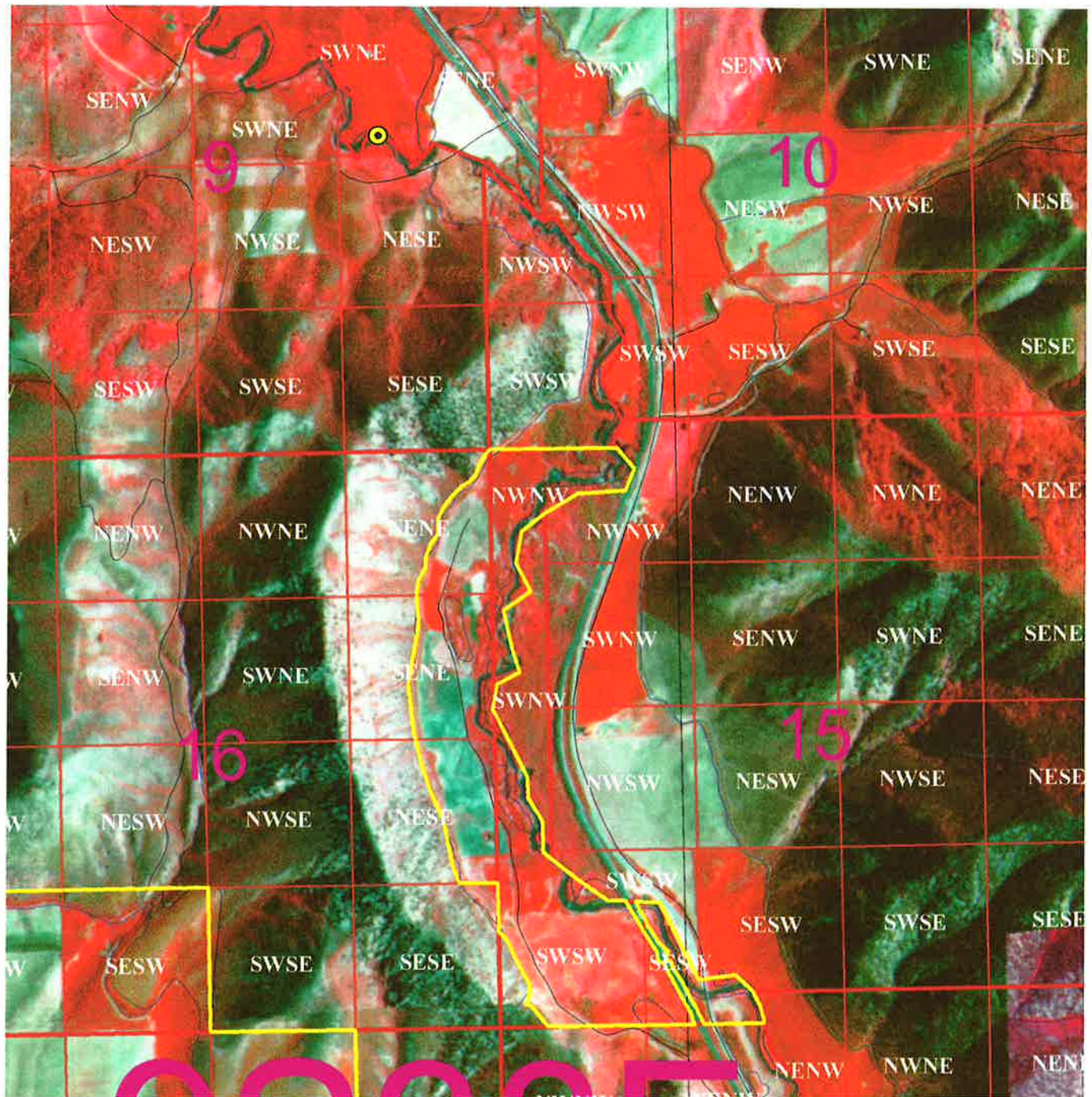
900 0 900800 Feet



Water Right Claim Number A29-00048

08/01/2000

Townships , 9S38E, 9S37E



900 0 900 1800 Feet



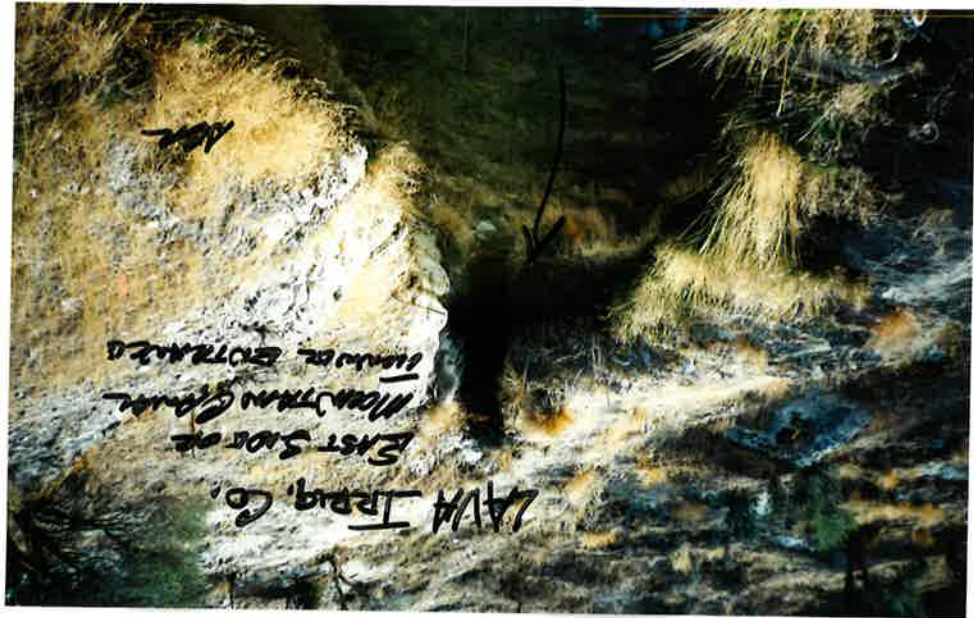


Photo: 10/30/01 ABR

JUN 11 2004

SCANNED

TENNIS THOUGHT MOUNTAIN

Gates used to SET FLOW RATE OF THE CANAL AND THE LANSANA FLUMES.

LAVA Irrig. Co.
This is the New Head-gate to the system. The old one is about 200-300 feet - same Q.Q.

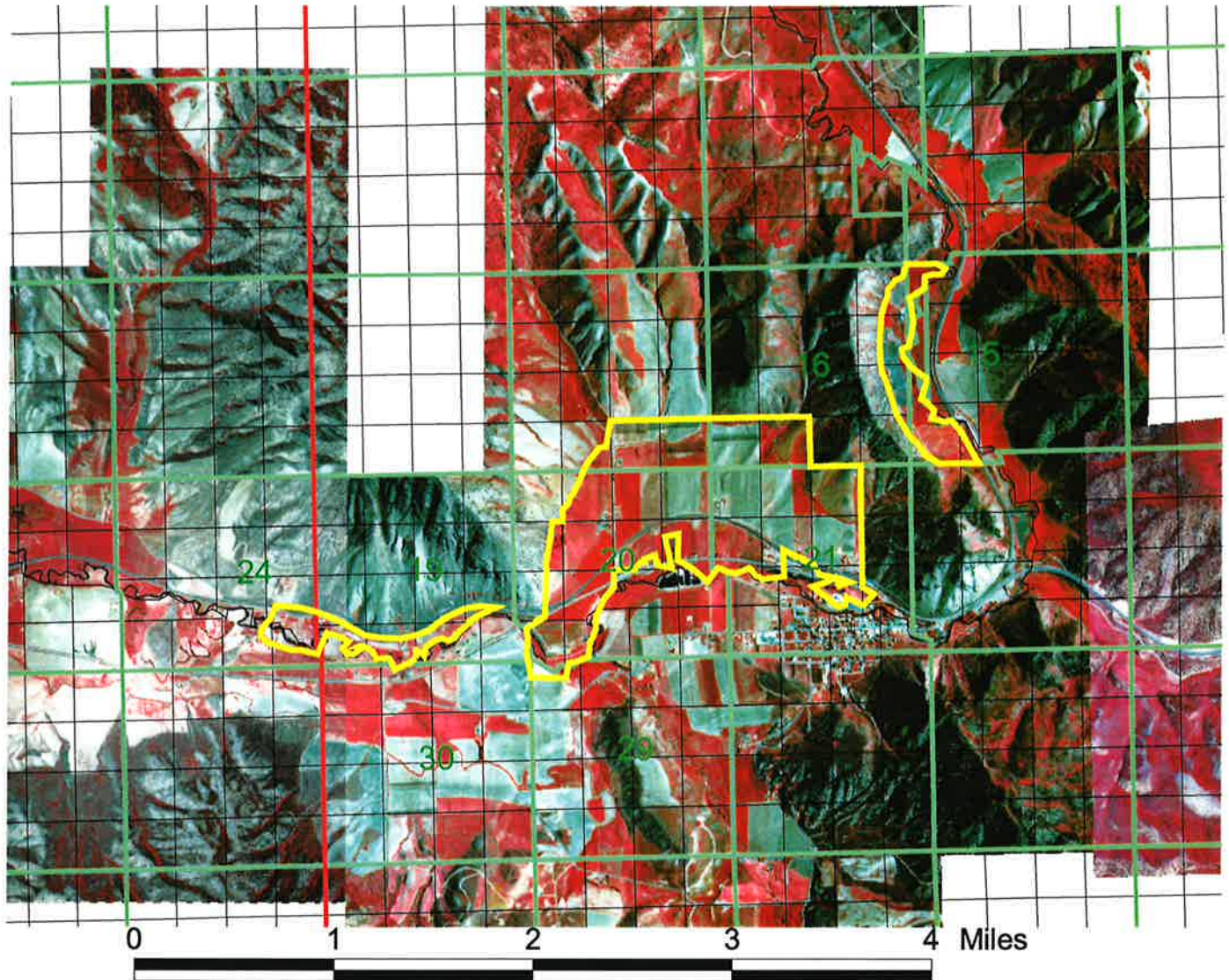


Department of Water Resources

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

Twp 9S, Rge 37E

Twp 09S, Rge 38E

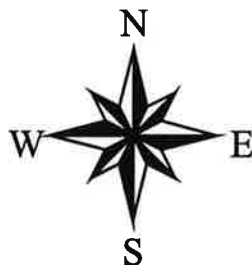


Irrigated Acres = 614.8

Place of Use Boundary

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

SCANNED
JUN 11 2004

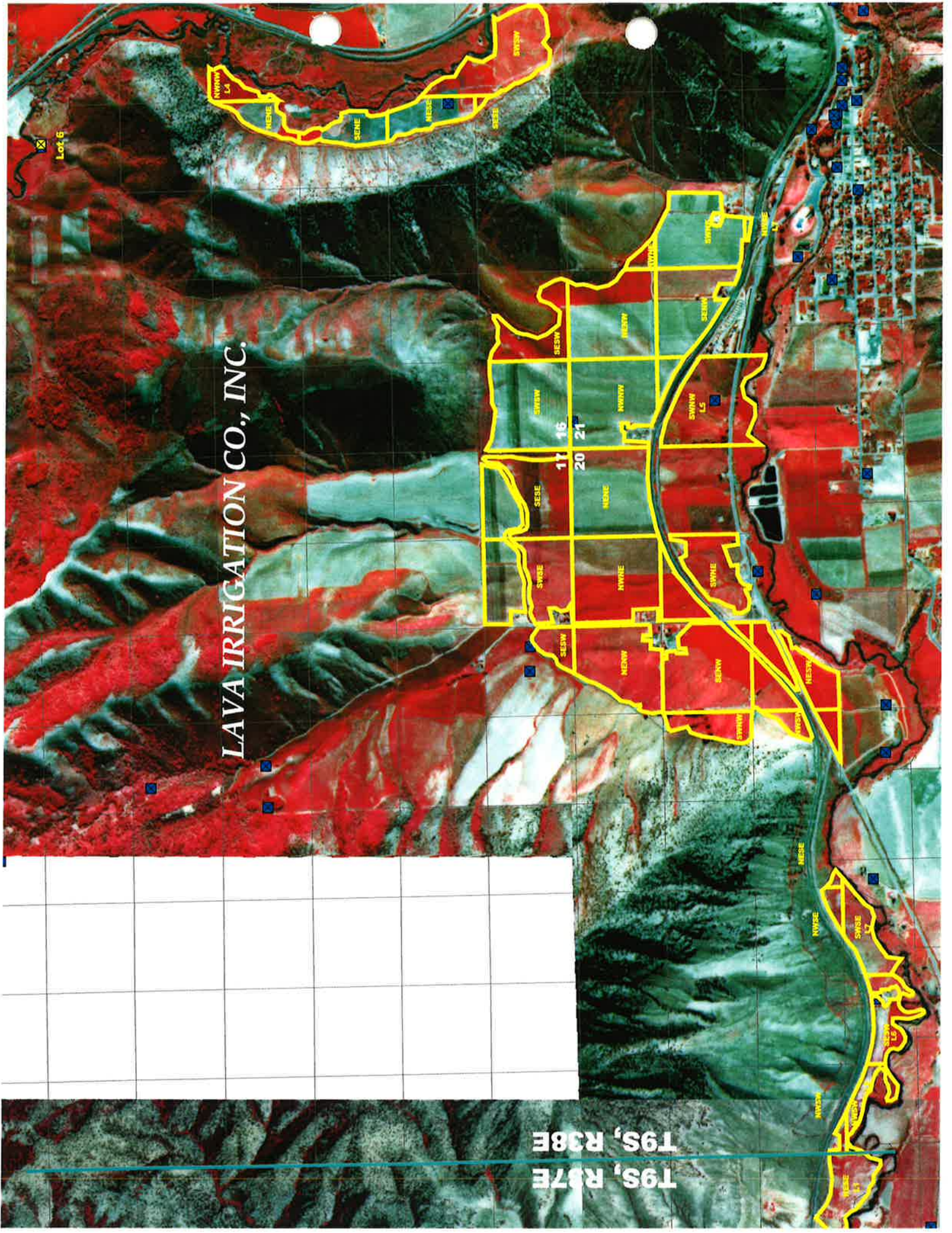


GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: January 2003

PROFILED

LAVA IRRIGATION CO., INC.

T9S, R37E
T9S, R38E



WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/03/01 13:22:14

Page 1

Water Right Number - 29-00048

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
LAVA IRRIGATION CO.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
02/11/1904 15 EASTERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
PORTNEUF RIVER SNAKE RIVER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
09S 38E 10 NW SW 3 (5) BANNOCK

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 09/15 20.500

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
20.500 0.0

+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 38E 15 NW NW 4 01 IRRIGATION (5) BANNOCK
09S 38E 15 SW SW 5 01 IRRIGATION (5) BANNOCK
09S 38E 16 NE NE 01 IRRIGATION (5) BANNOCK
09S 38E 16 SE NE 01 IRRIGATION (5) BANNOCK
09S 38E 16 SW SW 01 IRRIGATION (5) BANNOCK
09S 38E 16 SE SW 01 IRRIGATION (5) BANNOCK
09S 38E 16 NE SE 01 IRRIGATION (5) BANNOCK
09S 38E 17 SE SW 01 IRRIGATION (5) BANNOCK
09S 38E 17 SW SE 01 IRRIGATION (5) BANNOCK
09S 38E 17 SE SE 01 IRRIGATION (5) BANNOCK
09S 38E 19 SW SW 5 01 IRRIGATION (5) BANNOCK
09S 38E 19 SE SW 6 01 IRRIGATION (5) BANNOCK
09S 38E 19 NE SE 4 01 IRRIGATION (5) BANNOCK
09S 38E 19 NW SE 01 IRRIGATION (5) BANNOCK
09S 38E 19 SW SE 7 01 IRRIGATION (5) BANNOCK
09S 38E 20 NE NE 01 IRRIGATION (5) BANNOCK
09S 38E 20 NW NE 01 IRRIGATION (5) BANNOCK
09S 38E 20 SW NE 01 IRRIGATION (5) BANNOCK
09S 38E 20 SE NE 01 IRRIGATION (5) BANNOCK
09S 38E 20 NE NW 01 IRRIGATION (5) BANNOCK
09S 38E 20 SW NW 01 IRRIGATION (5) BANNOCK

Prefix Translation: WATER RIGHT

| | | | | | |
|-------------------|--------------|-----------------|--------------|------------------|------|
| 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 |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - 05/06/1986 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - 29 |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

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Page 3

Water right number - 29-00048

Prefix Translation: WATER RIGHT

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

Presumption Flag -
SRBA Decreed Flag -

Name Connector -

POU Ownership Flag-

Ruberry, Allen

From: Luke, Tim
Sent: Friday, March 08, 2002 8:38 AM
To: Ruberry, Allen
Cc: Ball, Dayna M.
Subject: Lava Irrigation

Al,
Here are the electronic records that we data entered over the last ten years here in Boise. Just call me or Dayna Ball if you need additional years. I understand the need to look at pre-1987.
Tim



WD29-LavaIrr-Daily
div.xls

| | | |
|----------|-----------|-------|
| 13072150 | 5/6/1994 | 19.00 |
| 13072150 | 5/7/1994 | 19.00 |
| 13072150 | 5/8/1994 | 19.00 |
| 13072150 | 5/9/1994 | 20.00 |
| 13072150 | 5/10/1994 | 20.00 |
| 13072150 | 5/11/1994 | 20.00 |
| 13072150 | 5/12/1994 | 20.00 |
| 13072150 | 5/13/1994 | 20.00 |
| 13072150 | 5/14/1994 | 20.00 |
| 13072150 | 5/15/1994 | 20.00 |
| 13072150 | 5/16/1994 | 20.00 |
| 13072150 | 5/17/1994 | 20.00 |
| 13072150 | 5/18/1994 | 20.00 |
| 13072150 | 5/19/1994 | 20.00 |
| 13072150 | 5/20/1994 | 20.00 |
| 13072150 | 5/21/1994 | 20.00 |
| 13072150 | 5/22/1994 | 20.00 |
| 13072150 | 5/23/1994 | 9.00 |
| 13072150 | 5/24/1994 | 9.00 |
| 13072150 | 5/25/1994 | 3.00 |
| 13072150 | 5/26/1994 | 3.00 |
| 13072150 | 5/27/1994 | 3.00 |

**Excerpt from 1994 Dist#29
Watermaster Report**

3/8/02 TELECON w/ WAYNE AVOY.
He states that the only time
the 29-47A and 29-48 rts are
DELIVERED is when Ron Tillotson
irrigates - This LAND BEYOND THE
TUNNEL. WAYNE SAYS THE TUNNEL
WILL NOT HANDLE THE TOTAL 22.76 cfs.
But will HANDLE THE 20.5 cfs.

29.00048 Decided

I. Claimed as Decided @ 20⁵ cfs, 02/11/1904 Priority, SON,
EXCEPT Area of Use Claimed as 821⁰ ac, Decided as
cfs 88194 ac.

A. PPA other rights on 641⁸ ac cfs

10/30/01, Met w/ Shreve Dick, Lam Dang, Board members.
We visited New Point of Division, Flow Control
Gate and Fanshan Flumes, Tunnel and Area of Use.
See GDS map of Field Exam

3/8/02 Nguyen Avery came. Discussed Ext. 501 claim.
Told him our Bill claim will be Disallowed - Advised they
Amend order to conform to Drainage w/ 1932 priority
He wants to talk w/ Board - Memo GTS maps

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

Poll cited 881 ⁹⁴ ac

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 Northeast quarter of the Northwest quarter, Section 20, and the Southeast quarter of the Southwest quarter of Section 17; 86.68 acres in Lot 7, and the Southeast quarter of the Northwest quarter, Section 20; 45.8 acres in Lots 8 and 9, Section 20; 50.75 acres in the Northwest quarter of the Northeast quarter, and the North half of the Southwest quarter of the Northeast quarter, Section 20; 39.85 acres in the South half of the Southwest quarter of the Northeast quarter and lot 6, Section 30; 71.2 acres in the North half of the Northwest quarter, Section 21; 50.48 acres in the South half of the Southeast quarter, Section 17; 12 acres in Lots 4 and 5, and the Northwest quarter of the Southeast quarter of Section 19; 31.1 acres in Lots 6 and 7, Section 19; 104.8 acres in Lots 4 and 5, Section 15; and the Northeast quarter of the Southeast quarter and the East half of the Northeast quarter of 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 Northwest quarter of the Northeast quarter of Section 21; 52.8 acres in the South half of the Northeast quarter and the Northeast quarter of the Northeast quarter of Section 21; 53.6 acres in the South half of the Southwest quarter, Section 16; 35.1 acres in the Southeast quarter of the Northwest quarter, Section 21; all in Township 9 South, Range 38 East.

38. FAIRCHILD, .60 c.f.s.
29-0049 Mrs. A. A.
1908 May 1.

Said water to be diverted by means of the Fairchild Pumping Plant. The Point of diversion of the said Fairchild Pumping Plant bears North 31 degrees 3 minutes East, 3125 feet, from the Northwest corner of Section 27, Township 9 South, Range 38 East, to be used for the development of power for the irrigation of certain land in Lot 4, Section 22, Township 9 South, Range 37 East.

39. FAIRCHILD.

Said water to be diverted by means of the

JUN 08 2001

Log for claim A29-00048

Spatial Dynamics AMH

8/1/00

| TR | SEC | QQ | Acres
Claimed | Acres
Found | COMMENT |
|----------------|-----|------|------------------|----------------|--------------------------------|
| 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 | | 1 | 0 | No quarter/quarter description |
| 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 | Permissible place of use? |
| 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 | |
| 09s38e | 21 | NESE | 2 | 19 | Indiscernible |
| 09s38e | 21 | NWSE | 13 | 34 | Indiscernible |
| Totals: | | | 821 | 1001.8 | |

AJ5809NP
No. A29-00048

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 16

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|---|------------------|------------|-----------------------|--------------------------------------|---------------------------|
| C | LAVA IRRIGATION CO LTD
PO BOX 182
LAVA HOT SPRINGS ID 83246
(208) 776-5628 | 02/11/1904 | IRRIGATION | 04-15 09-15 | 20.500 CFS | |
| | | | | | TOTAL DIVERSION:
CONSUMPTIVE USE: | 20.500 CFS
2052.50 AFA |

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T09S R38E S09 Lot06(NESE)

BANNOCK County

Place of use Legal Description for: IRRIGATION

| | | | | NE | | | | NW | | | | SW | | | | SE | | | | | | | | | | | | | |
|-----|-----|----|---|----|----|----|-------|----|----|----|-------|----|----|-------|----|-------|-------|----|-------------|---|-------|--|--|--|--|--|--|--|-------|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM | | | | | | | | |
| 09S | 37E | 24 | : | | | | | | | | | | | | | | | | | : | 17.0 | | | | | | | | |
| 09S | 38E | 15 | : | | | | | | | | | | | | | | | | | : | 52.0 | | | | | | | | |
| 09S | 38E | 16 | : | 11 | | | | 17 | | | | | | | | | | | | : | 119.0 | | | | | | | | |
| 09S | 38E | 17 | : | | | | | | | | | | | | | | | | | : | 87.0 | | | | | | | | |
| 09S | 38E | 19 | : | | | | | | | | | | | | | | | | | : | 35.0 | | | | | | | | |
| 09S | 38E | 20 | : | 36 | 38 | 29 | 05-29 | | 28 | | 09 | 36 | | 07-24 | 17 | 08-20 | 09-14 | | | : | 280.0 | | | | | | | | |
| 09S | 38E | 21 | : | | 37 | 36 | 04 | | 38 | 37 | 05-32 | 29 | | 06-02 | | | | | | : | 230.0 | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | TOTAL ACRES | | | | | | | | | | 821.0 |

Lots Without 1/4 1/4 Description: IRRIGATION
09S 38E 16 01-01

SUM
1.0

POU County: BANNOCK

Non-Irrigation Uses: S/500 CATTLE.

Other Rights: A29-00047A, A29-04467, A29-10816

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00047A A29-04467 A29-10816

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00036 A29-00037 A29-00047A A29-00180 A29-02360 A29-02452 A29-04090 A29-04180 A29-04467 A29-10624
A29-10625 A29-10791 A29-10816 A29-10820 A29-11773 A29-12267

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

Misc: Water District Number: 29 Field Inspection Flag:
Presumption Flag:

Audit: 04/12/90 MEYER 04/01/94 THOMPSON 03/29/95 POST-STD

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:

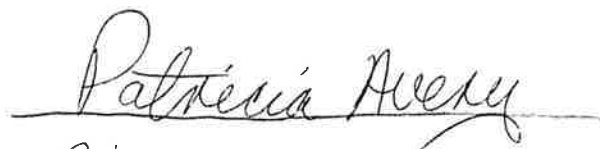
1. Illegal loss free transportation of storage water in the river channel. We ask the adjudication correct this situation by requiring the users of the storage water to stand the loss or require all the water users in the river district to share in the loss on a percentage basis according to the cubic 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.

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Lava Irrigation Co.
Seal

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. Peterson
Notary Public
Lava Hot Springs
Residing At

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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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San Jose
April 9, 19
Idaho State Water
Resource Board

I am writing this as a member

of the San Joaquin Delta, on the
Sunny Side Delta as it is commonly
known; and also as a member of
the Fidd family. We are the only
family to still own our original
homestead, all the rest have changed
ownership time 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
Hegman, in Pocatello in 1929 and
1930. He was your hydrologist
and believe has and is your
hydrologist now.

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

Taken away some of our land.
There was plenty of water, for
everyone 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 winters for livestock.
Sheepmen would buy hay from the
farmers and feed the sheep in the
fields and have canal water
for the sheep to drink.

They built the reservoir at
Chesterfield, they tried turning the
stored water down the Portneuf
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

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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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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 Wilhem Kidd
Lava Hot Springs
Idaho, 83246

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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 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

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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.

Marcel D. Reed
Notary Public

My Commission expires: Dec. 1, 1993

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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 Decree.

Sincerely
Calvin A. Rowell
Calvin A. Rowell

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

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

NOTARY: RESIDING AT PECAULLE

GANNON COUNTY

Gilbert E. Birdsong 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 untill it ~~either~~
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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Greenleaf 70.
4-3-90

to whom it may concern

In Response to conditions of
the township's canal near
Lake Hot Springs Idaho

In the years of 1947-48-49 and 50
I lived on the farm road and
and operated by Adam and Doris
Quarry and family.

I was a Board member and for 2 years
Chairman of the Board

in the spring we turned the
water in at noon at the canal
was ready.

After in the summer we would
have to take turn out with
able to dig through
October and or 2 members
we would have about three
thousand inches from water
have water for live stock
until it froze up in
the canal.

~~John Watson~~
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NOV 13 1992

PO Box 416
Greenleaf Idaho
83626-0416

James O'Brien
Notary: Corange Co. Op. Fed. C.U.

Ex. 10-14-94

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.

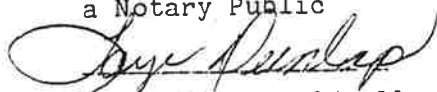
As the growing seasons became hotter, there was less water available to this Canal Company, and sometimes, we were cut down to three streams of about 50 inches of water each at the headgates.

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

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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 Gra. and Elevator vs McGammon Litch 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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JUN 08 2001

\$50.00

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: A29-00048
Date Received: 3/28/1990
Receipt No: 501311
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: FEB 11, 1904

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 | 20.500 | | |

7. Total Quantity Appropriated is:
20.500 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 |

A29-00048

Page 1

Date: 03/29/90

A2900048



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NOV 13 1992

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 |

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:
A29-00047A, A29-04467, A29-10816

14. Remarks:

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 ~~not~~ 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 Lava Irrigation Co. Ltd. that I have signed the foregoing document in the space below as Secretary of Lava Irrigation Co. Ltd. and that the statements contained in the foregoing document are true and correct.

Patricia Avery
Signature of Authorized Agent
Secretary - Lava Irrigation Co. Ltd.
Title and Organization

Date

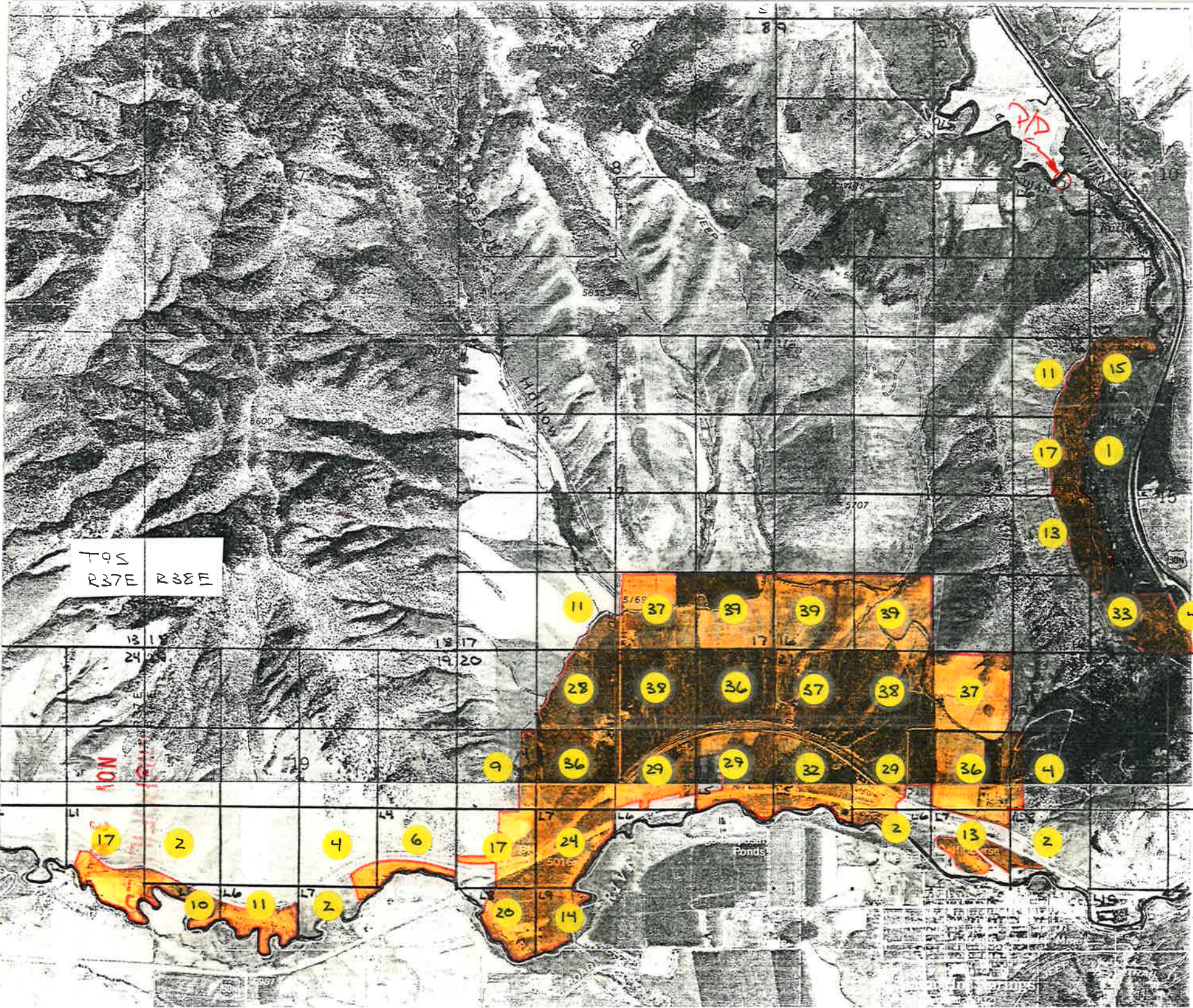
State of Idaho)
County of BOISE) SS.

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

[Signature]
Notary Public

Seal

Residing at 1040 Falls
My Commission Expires 2-12-94



T9S
R37E R38E

A29-00047A
A29-00010
A29-04467
A29-10816

42° 37' 30"