

02/18/2003

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

RIGHT NUMBER: 29-4467

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: 08/07/1932

POINT OF DIVERSION:

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

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 20.500 CFS      |
| STOCKWATER            | 01/01 12/31          | 0.120 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: Beneficial Use

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  
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PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 20.500 CFS      |
| STOCKWATER            | 01/01 12/31          | 0.120 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  |                          |      |

STOCKWATER same as IRRIGATION

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,  
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TO SECTION 42-1425, IDAHO CODE.

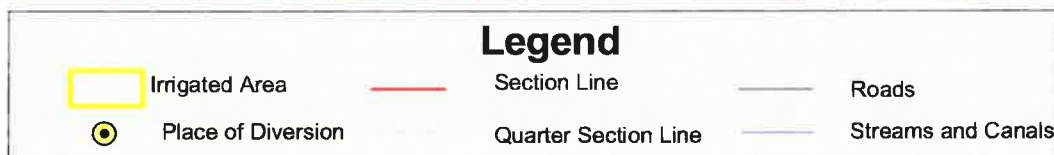
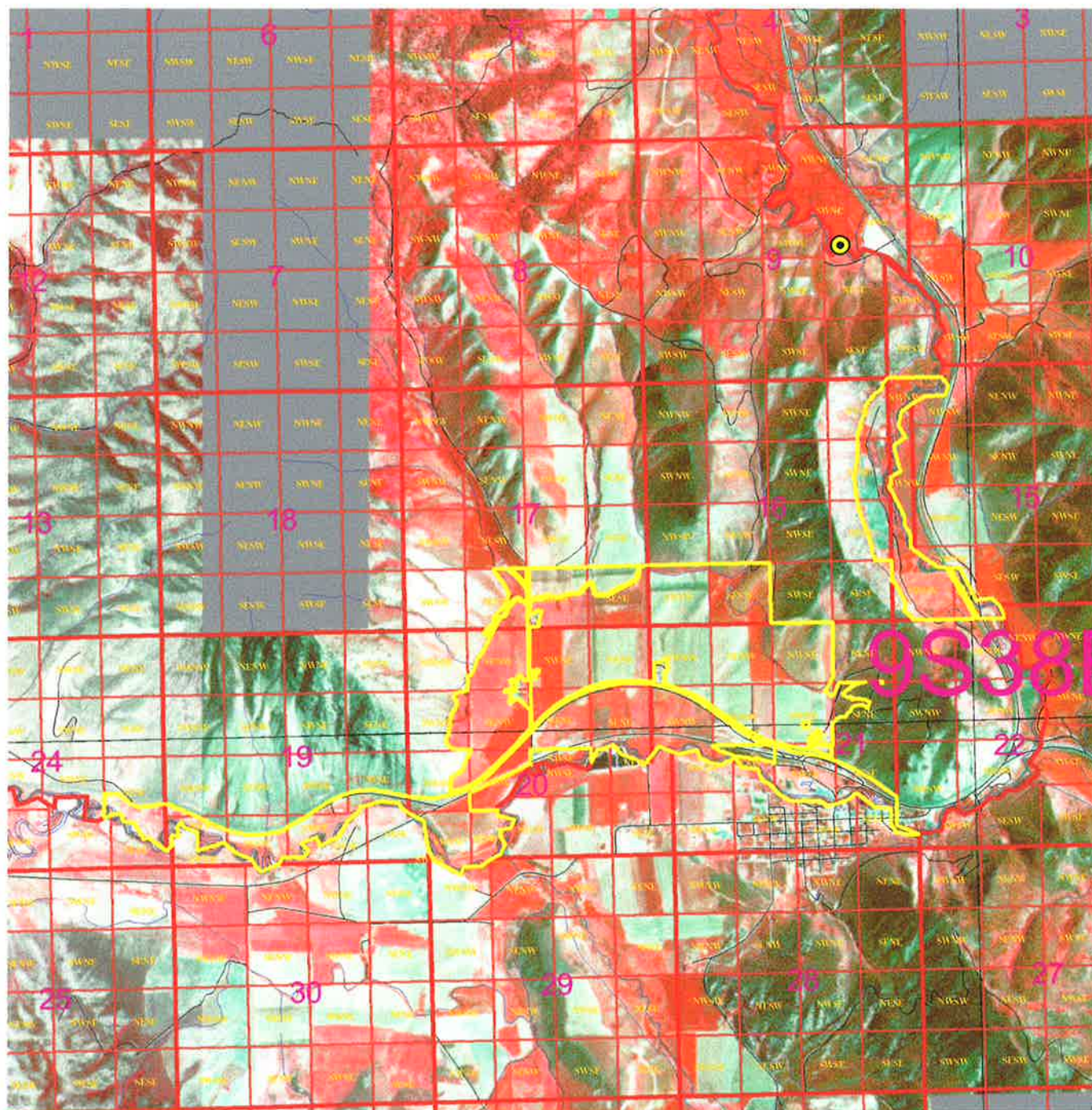
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THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 29-47A, 29-48, 29-4467, 29-10816.

# Water Right Claim Number A29-04467

08/11/2000

Townships , 9S38E, 9S37E



2000 0 2000 4000 Feet



Townships , 9S38E, 9S37E



**Legend**

 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals



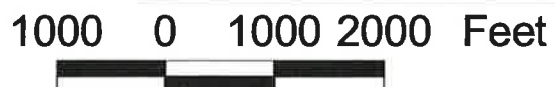
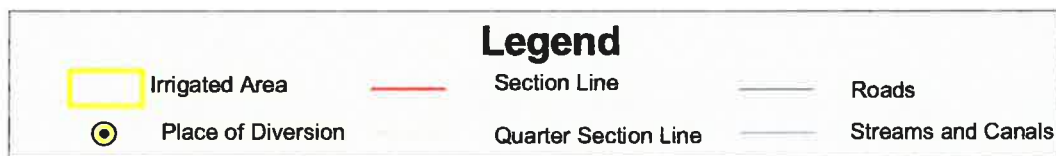
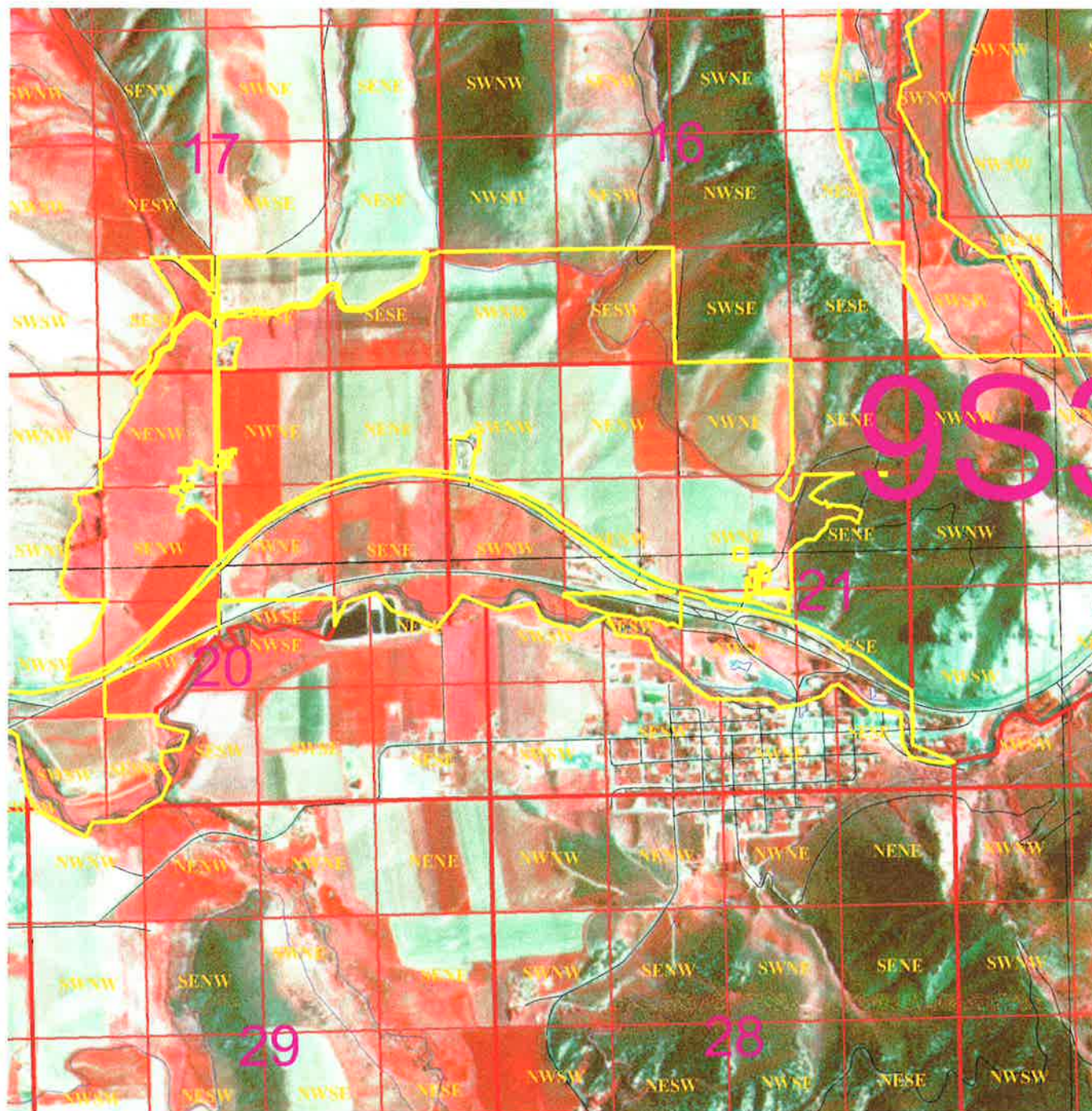
1000 0 1000 2000 Feet



# Water Right Claim Number A29-04467

08/11/2000

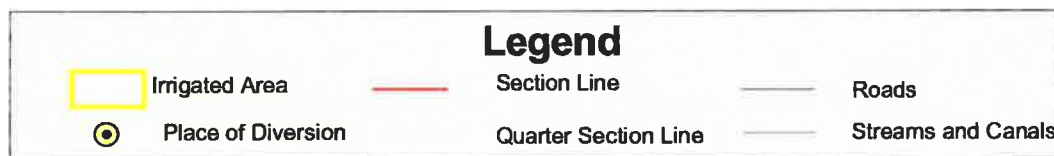
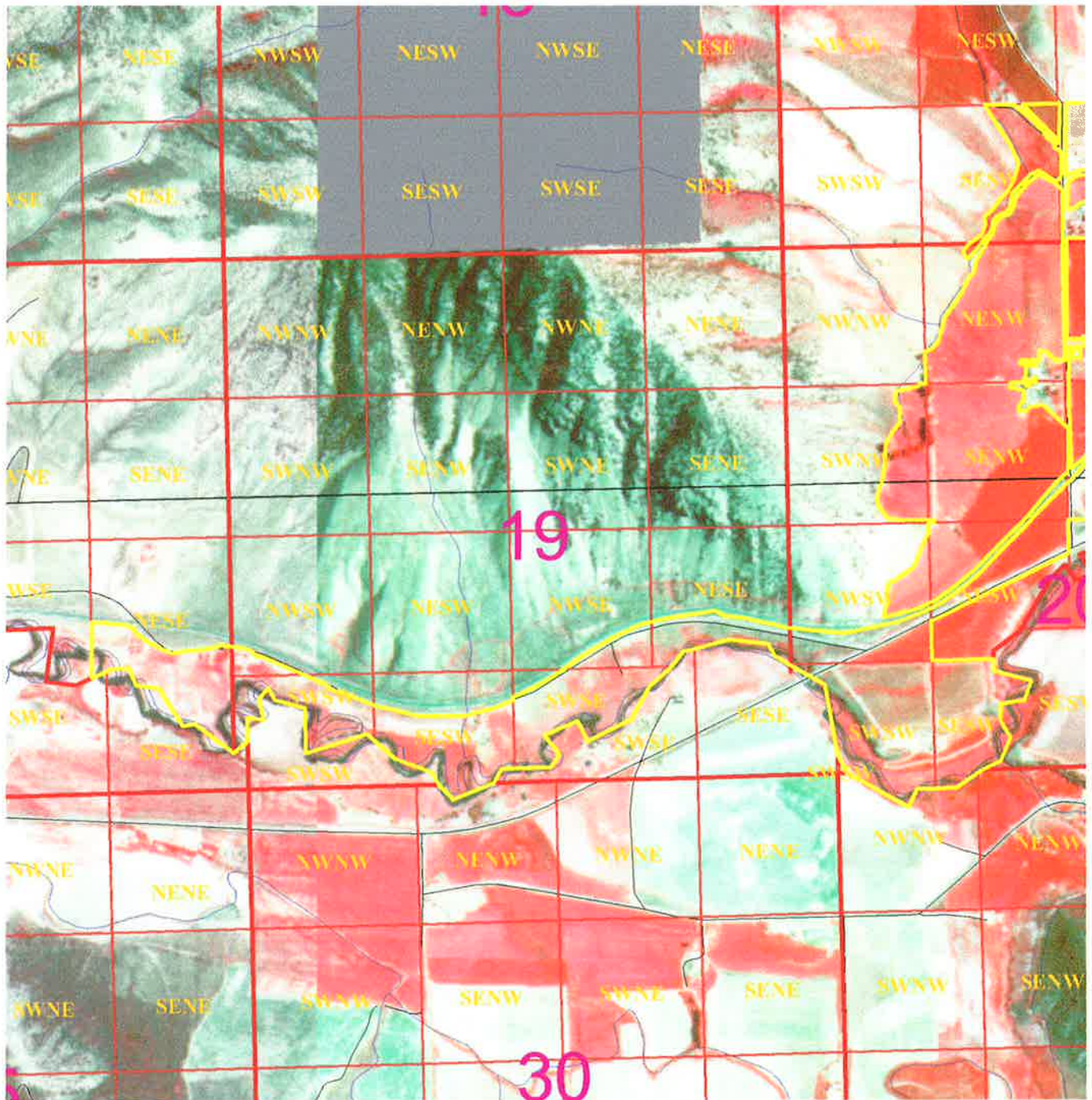
Townships , 9S38E, 9S37E



# Water Right Claim Number A29-04467

08/11/2000

Townships , 9S38E, 9S37E

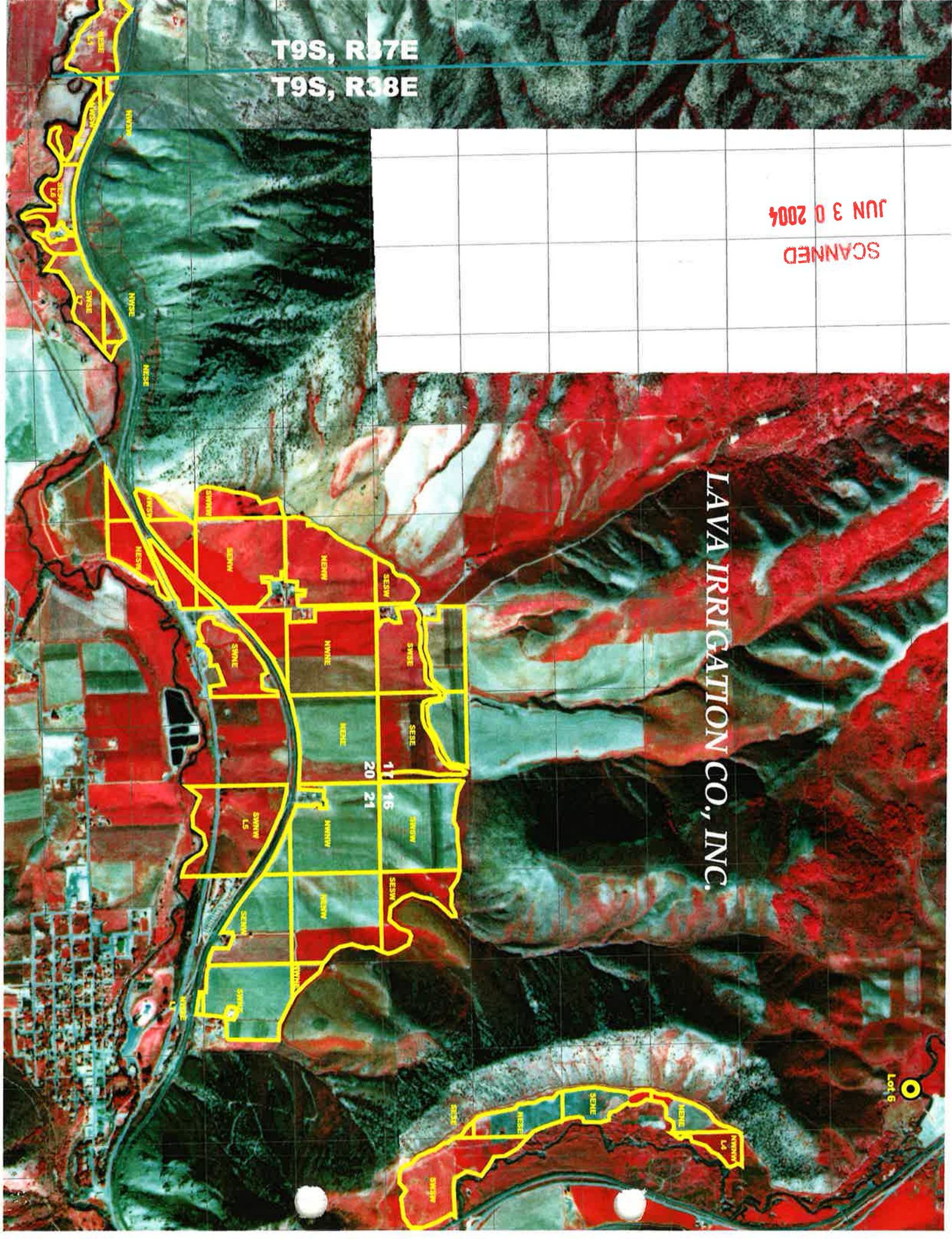


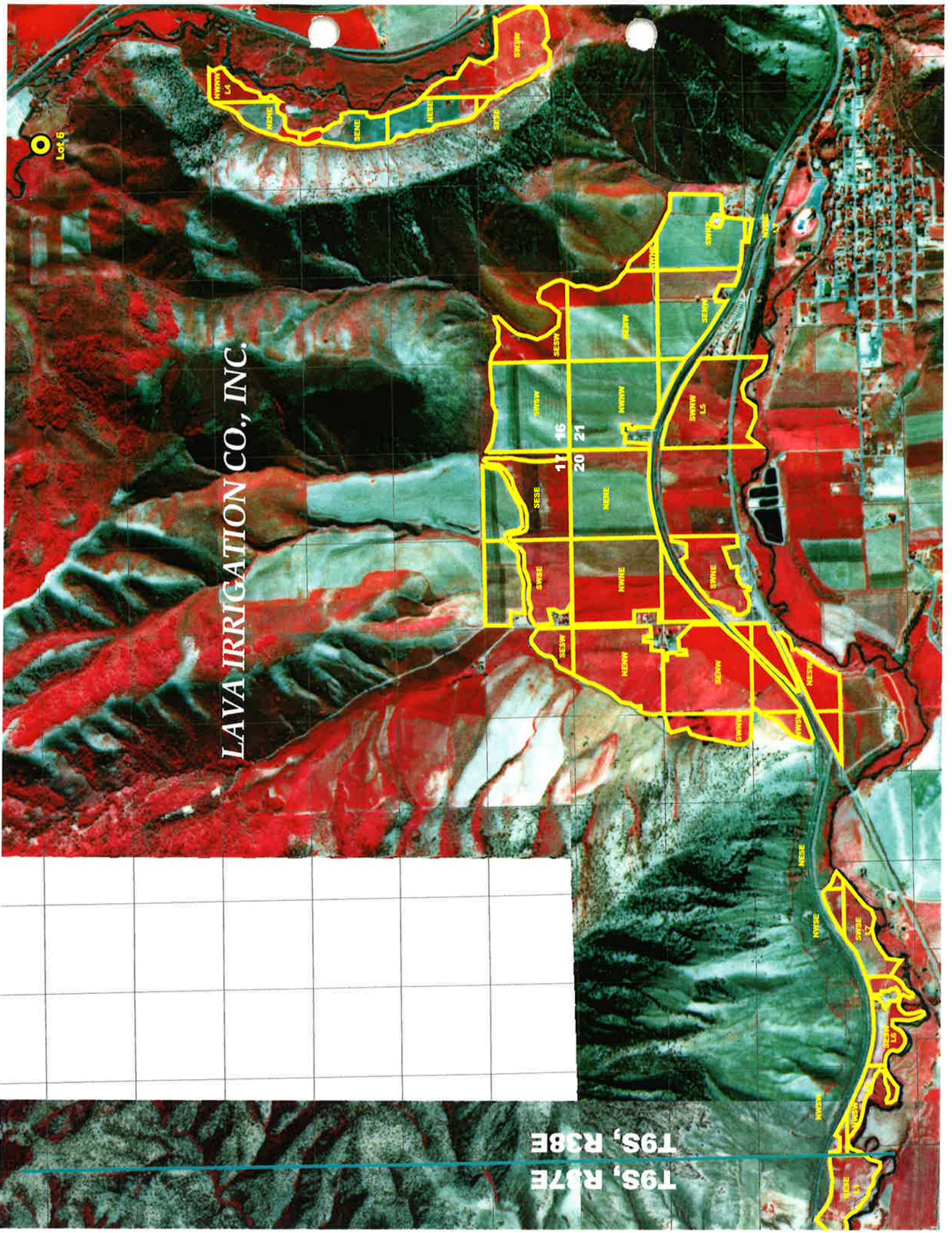
T9S, R37E  
T9S, R38E

SCANNED  
JUN 3 0 2004

LAVA IRRIGATION CO., INC.

Lot 6





LAVA IRRIGATION CO., INC.

T9S, R37E  
T9S, R38E

MAY 18 2001

Log for claim A29-04467

Spatial Dynamics AMH

8/11/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 09s37e         | 24  | NESE | 17               | 18             |         |
| 09s38e         | 15  | NWNW | 15               | 23             |         |
| 09s38e         | 15  | SWSW | 33               | 45             |         |
| 09s38e         | 15  | SESW | 4                | 13             |         |
| 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             |         |
| 09s38e         | 20  | NENE | 36               | 38             |         |
| 09s38e         | 20  | NWNE | 38               | 38             |         |
| 09s38e         | 20  | SWNE | 29               | 37             |         |
| 09s38e         | 20  | SENE | 29               | 45             |         |
| 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             |         |
| 09s38e         | 21  | NWSE | 13               | 34             |         |
| <b>Totals:</b> |     |      | 820              | 1001.8         |         |

SCANNED

JUN 30 2004

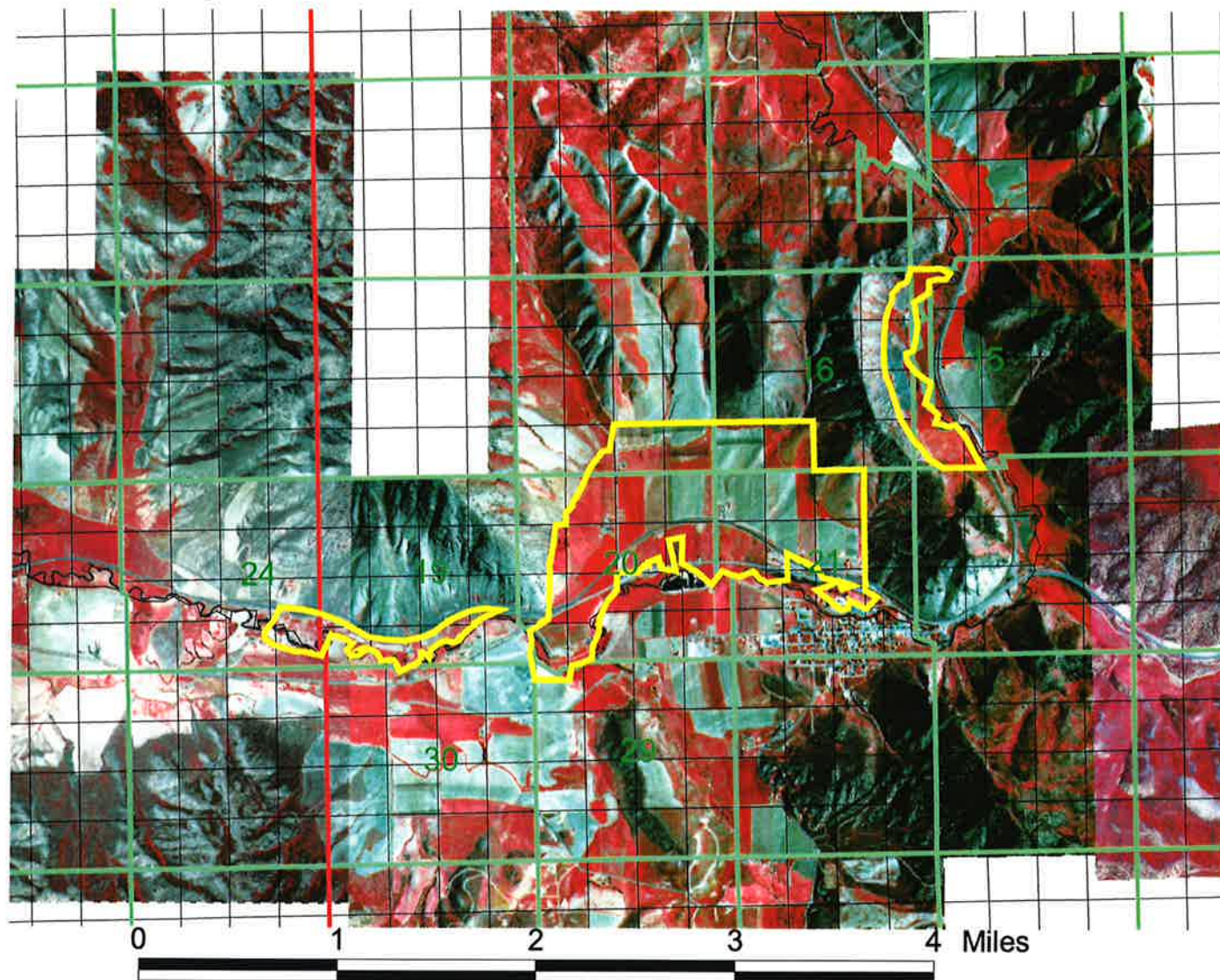


# Department of Water Resources

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

Twp 9S, Rge 37E

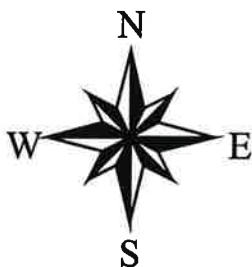
Twp 09S, Rge 38E



Irrigated Acres = 614.8

## Place of Use Boundary

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



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

| OWNER CODE       | NAME & ADDRESS                                                                      | PRIORITY DATE | WATER USE                | USE PERIOD FROM TO         | DIVERSION RATE          | DIVERSION VOLUME |
|------------------|-------------------------------------------------------------------------------------|---------------|--------------------------|----------------------------|-------------------------|------------------|
| C                | LAVA IRRIGATION CO LTD<br>PO BOX 182<br>LAVA HOT SPRINGS ID 83246<br>(208) 776-5628 | 02/11/1904    | IRRIGATION<br>STOCKWATER | 09-15 04-15<br>09-15 04-15 | 20.500 CFS<br>0.120 CFS |                  |
| TOTAL DIVERSION: |                                                                                     |               |                          |                            | 20.500 CFS              |                  |
| CONSUMPTIVE USE: |                                                                                     |               |                          |                            |                         | 2052.50 AFA      |

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T09S R38E S09 Lot06( NESE)

BANNOCK County

Place of use Legal Description for: IRRIGATION

|             |     |    | NE   |      |      |       | NW   |      |       |      | SW    |      |          |       | SE    |          |      |      | SUM   |
|-------------|-----|----|------|------|------|-------|------|------|-------|------|-------|------|----------|-------|-------|----------|------|------|-------|
| T           | R   | S  | NENE | NWNE | SWNE | SENE  | NENW | NWNW | SWNW  | SENW | NESW  | NWSW | SWSW     | SESW  | NESE  | NWSE     | SWSE | SESE |       |
|             |     |    | Lt   | Ac   | Lt   | Ac    | Lt   | Ac   | Lt    | Ac   | Lt    | Ac   | Lt       | Ac    | Lt    | Ac       | Lt   | Ac   |       |
| 09S         | 37E | 24 |      |      |      |       |      |      |       |      |       |      |          |       | 01-17 |          |      |      | 17.0  |
| 09S         | 38E | 15 |      |      |      |       |      |      | 04-15 |      |       |      | 05-33    | 06-04 |       |          |      |      | 52.0  |
| 09S         | 38E | 16 | 11   |      |      |       |      |      |       |      |       |      | 39       | 39    | 13    |          |      |      | 119.0 |
| 09S         | 38E | 17 |      |      |      |       |      |      |       |      |       |      |          |       | 11    |          |      |      | 87.0  |
| 09S         | 38E | 19 |      |      |      |       |      |      |       |      |       |      | 02-05-10 | 06-11 | 04-06 | 04-07-02 | 37   | 39   | 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 |      |          |       | 08-02 | 07-13    |      |      | 230.0 |
| TOTAL ACRES |     |    |      |      |      |       |      |      |       |      |       |      |          |       |       |          |      |      | 821.0 |

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

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

SUM  
1.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: S/500 CATTLE.

Other Rights: A29-00047A, A29-00048, A29-10816

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A29-00047A A29-00048 A29-10816

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

A29-00036 A29-00037 A29-00047A A29-00048 A29-00180 A29-02360 A29-02452 A29-04090 A29-04180 A29-10624  
A29-10625 A29-10791 A29-10816 A29-10820 A29-11773 A29-12267

Remarks: GEN THE CLAIMANTS ADD THE FOLLOWING REMARKS:  
"Union Grain and Elevator vs. McCammon Ditch Co. decree  
recognized an irrigation season [of] April 15, to Sept 15,  
the actual irrigation practice of Lava Irrigation  
historically has been to use the water any time needed

AJ5809NP  
No. A29-04467

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00  
PAGE: 160

Remarks: during the non irrigation, 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."

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

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

Audit: 04/12/90 MEYER 07/25/94 THOMPSON 03/29/95 POST-STD

To whom it may come n:-

My parents moved into Lava Hot Springs  
the year of 1919 Purchased a farm on Dempsey  
Creek. I was 9 years 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 R. Birdsong II,  
a notary public of the State of Idaho, appeared CALVIN A. ROWELL

NOTARY: RESIDING AT POCAHONTO

BANNOCK COUNTY

Gilbert R. Birdsong II

MY COMMISSION EXPIRES 10-4-94

MICROFILMED

NOV 13 1992

State of Idaho )

County of Bannock )

On this 10<sup>th</sup> 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

Philip D. Burton  
Notary Public  
Love Hill Springs  
Residing At

MICROFILMED

NOV 13 1992

April 10 - 1990

In regards to using water before and after the north of Kangaroo down begins and ends.

I moved here in 1948, Feb 28

As always we could water from the Central River until it ~~ended~~

either ends or changes we can

desert water right is usually cut

off in early summer, if not about

the water as late as possible, we

usually keep our produce + vegetables

from drying out. Also that water is

our main source of livestock water

as our spring water is insufficient

for our household use + livestock

water

As I said, a member of the Kangaroo Company.

MICROFILMED

NOV 13 1992

STATE OF IDAHO, COUNTY OF BANNOCK

On this 9<sup>th</sup> 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 D. Bergendorf  
NOTARY PUBLIC

Residing at LAUA HOT SPRINGS, Idaho

Commission Expires LIFETIME

NOV 13 1992

MICROFILMED

## 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.

MICROFILMED  
NOV 13 1992

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 4<sup>th</sup> day of April 1990, at Cokeville, Lincoln County, State of Wyoming.

My Commission expires: Feb. 1, 1993

Marvin D. Reed  
Notary Public

MICROFILMED  
NOV 13 1992

Greenleaf 10.  
4-3-90

to whom it may concern

In Response to condition of  
the Vermont State Canal near  
Lake Hot Springs State

In the year of 1947-48-49 and 50  
I lived on the farm near and  
operated by Helen and Vera  
Berry and family.

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

After in the summer we would  
have to take turn with  
able to dig through  
water and at 7 members  
we would have about three  
thousand inches of water  
have water for live stock  
until it froze up in  
the canal.

John Watson

James Brown  
Holley: George Co. Op. Fed. C.U.  
Ex. 10-14-94  
83626-0416  
NOV 13 1992  
MICROFILMED  
PO Box 416  
Greenleaf 10.  
83626-0416

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.

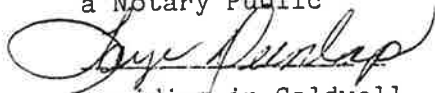
As the growing seasons became hotter, there was less water available to this Canal Company, and sometimes, we were cut down to three streams of about 50 inches of water each at the headgates.

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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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

Lava, Id.

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  
Heggerson, 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 for the sheep to drink. They built the reservoir at Chalford, 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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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. Every thing 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 Field

Lower Hot Springs  
Idaho, 83246

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Lava Irrigation Company, Inc.

(Name of Claimant)

P.O. Box 183, Lava Hot Springs, ID 83246

(Mailing Address)

(Zip Code)

Telephone No. 776-5274

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 2-11-1904

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
Portneuf River tributary to Snake River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| (cfs, af) |     | (Domestic, Irrigation, Stock, Etc.) | (Both dates Inclusive) |            |
|-----------|-----|-------------------------------------|------------------------|------------|
| Quantity  |     | Use                                 | (Mo., Day)             | (Mo., Day) |
| 20.5 cfs  | Use | Irrigation                          | 9/15                   | 11/15      |
| .04 cfs   | Use | Stockwater                          | "                      | "          |
|           | Use |                                     |                        |            |
|           | Use |                                     |                        |            |
|           | Use |                                     |                        |            |
|           | Use |                                     |                        |            |

- (4) 20.5 TOTAL QUANTITY USED.  
(cfs, af)
- (5) A) Point of diversion: (Location of point where water is diverted from its source)  
Lot 6 NE 4 SW 4, Sec. 9 Twp. 9S Rge. 38E B.M., County of Bannock  
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Concrete headworks with wooden gates.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

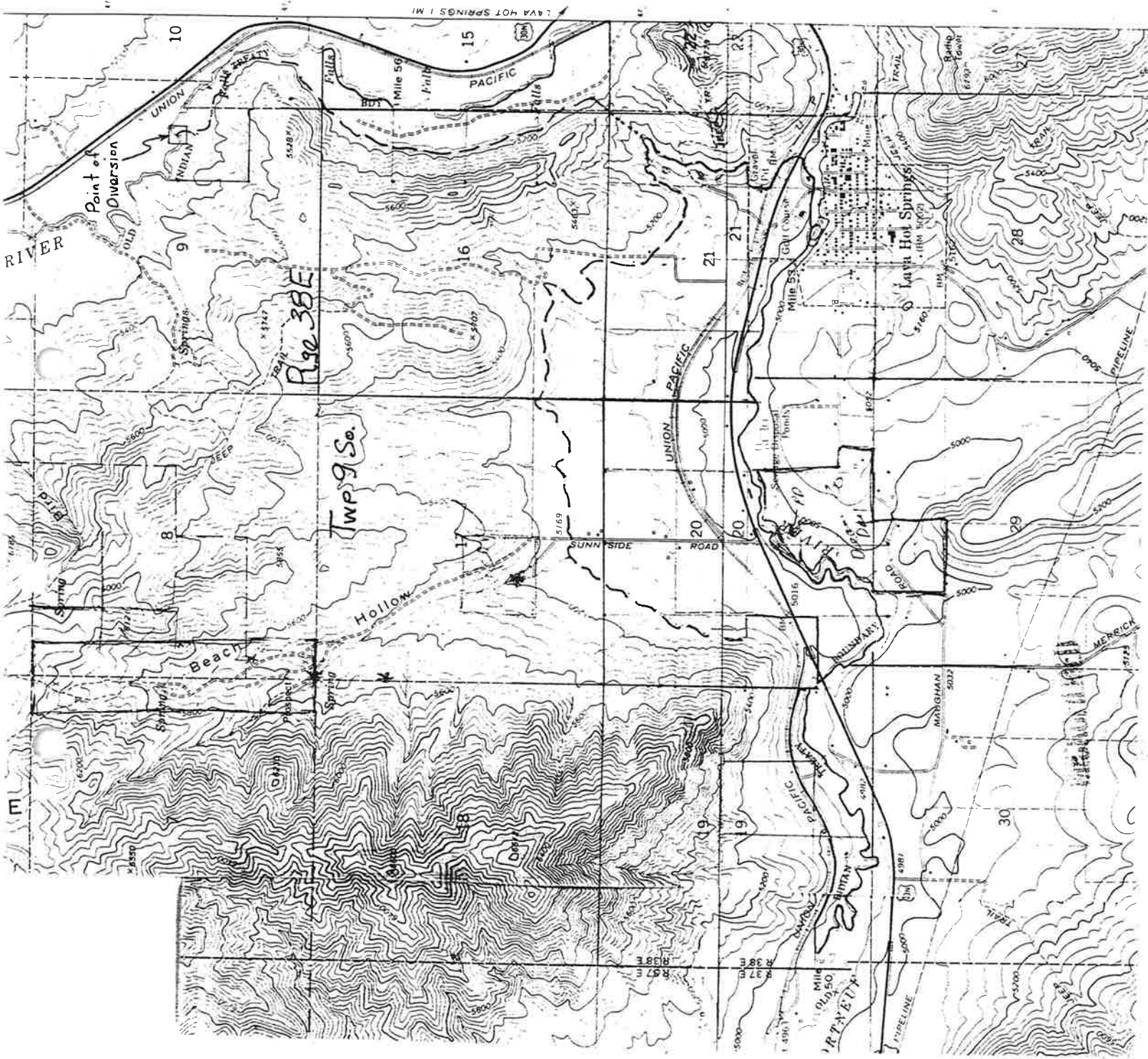
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No. of acres 853

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Drinking water for livestock

NOTE: Include here the type and number of stock watered: 200 beef cattle

- (7) If you are claiming water as a member of an organization, list name of organization:



MAY 18 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: A29-04467  
Date Received: 3/28/1990  
Receipt No: 5013111  
Received By: ADN

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 | 09/15 | 04/15 | 20.500 |      |        |
| STOCKWATER | 09/15 | 04/15 | 0.120  |      |        |

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  |

A29-04467

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Date: 04/12/90

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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 |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 09S      | 38E   | 21      | NW     | NE  |     | IRR           | 37.0  |
|          |       |         | 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, A29-00048, A29-10816

14. Remarks:

THE CLAIMANTS ADD THE FOLLOWING REMARKS:  
"Union Grain and Elevator vs. McCammon Ditch Co. decree recognized an irrigation season [of] 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, 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."

15. Basis of Claim: STATUTORY CLAIM

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 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  
Organization  
document in the space below as Secretary of \_\_\_\_\_

Lava Irrigation Co. Ltd. and that the statements contained in the  
Organization  
foregoing document are true and correct.

Patricia Avery  
Signature of Authorized Agent

Secretary - Lava Irrigation Co. Ltd.  
Title and Organization

April 12, 1990  
Date

State of Idaho )  
County of BOONEVILLE ) SS.

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

[Signature]  
Notary Public

Seal

Residing at Idaho Falls  
My Commission Expires 7-12-91

A29-04467

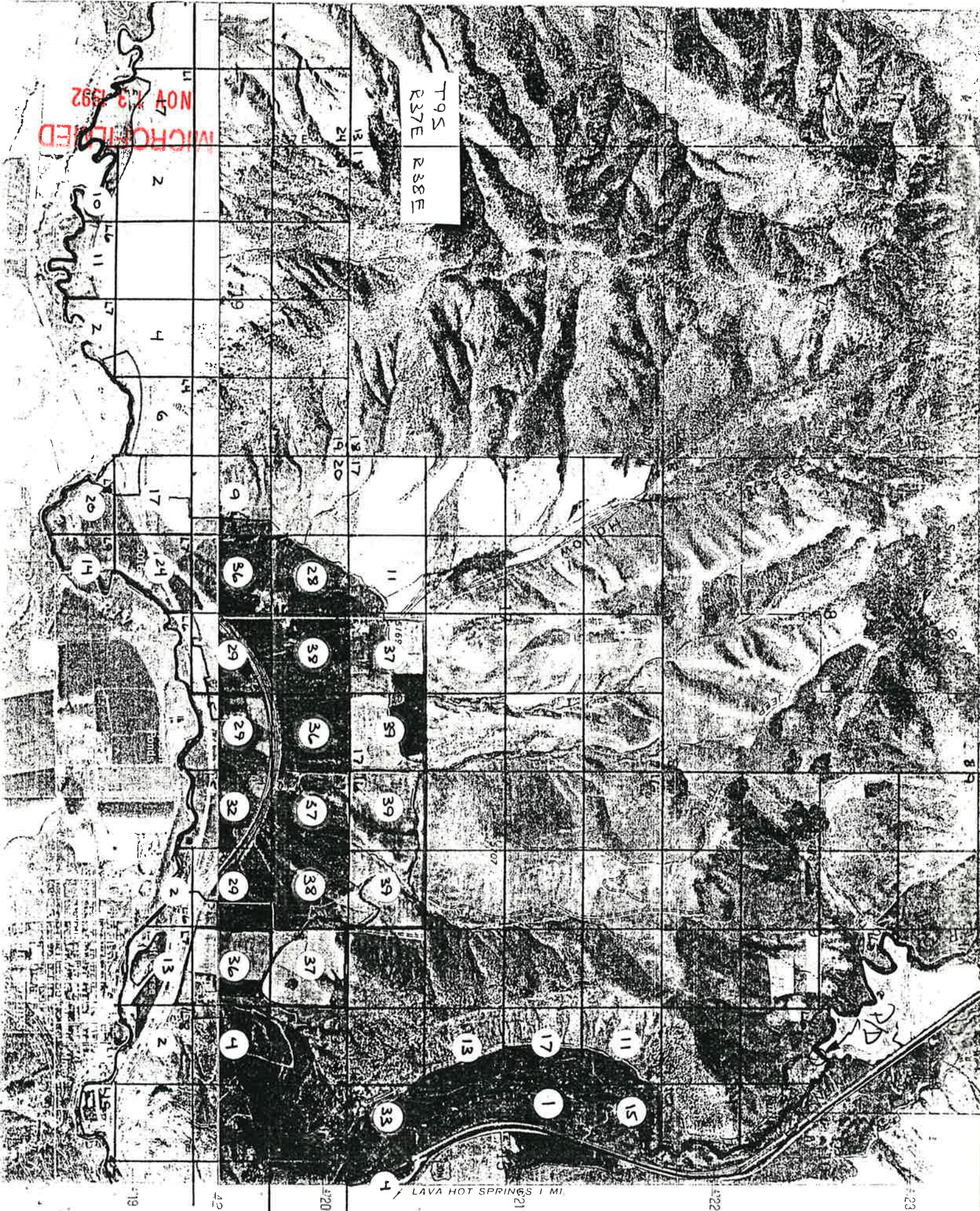
EXT Secy  
Jon  
29-48  
Arrow Stock 1/1/14/2  
Secy = 4/1 to 10/31  
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Date: 04/12/90

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A29-10816

A29-0004/A