

01/10/2011

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

RIGHT NUMBER: 37-745

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

VERIFIED BY RKC
1-10-11

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 05/05/1909

POINT OF
DIVERSION:

T02N R22E S24 NENWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.400 CFS
PLACE OF USE: <u>IRRIGATION in BLAINE County</u>		
T02N R22E S24 SWNE ~~13~~ 16.00	T02N R22E S24 SENE	~~4.40~~ 4.90
T02N R22E S24 NESW ~~1.20~~ 1.70	T02N R22E S24 NESE	0.40
T02N R22E S24 NWSE ~~26.0~~ 22.00		
45 ACRES TOTAL		

This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 45 acres in a single irrigation season. Combined Right Nos.: 37-745 and 37-746.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

01/10/2011

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

RIGHT NUMBER: 37-746

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

VERIFIED BY **KKC**
1-10-11

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.500 CFS

PRIORITY DATE: 05/30/1911

POINT OF
DIVERSION:

T02N R22E S24 NENWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.500 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R22E S24 SWNE ~~13~~ 16.00	T02N R22E S24 SENE	~~4.40~~ 4.90
	T02N R22E S24 NESW ~~1.30~~ 1.70	T02N R22E S24 NESE	0.40
	T02N R22E S24 NWSE ~~26.0~~ 22.00		
	45 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 45 acres in a single irrigation season. Combined Right Nos.: 37-745 and 37-746.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, January 10, 2011 3:39 PM
To: 'Charlie Honsinger'
Subject: 37-745 746 SF-5s

Attached are the draft SF-5s and a layout for the two recommendations. I have included Vicki in the loop for her to prepare the SF-5s for signature. Please double check the SF-5 to make sure they comply with what we discussed today.

Vicki,

I am going on the assumption that the SF-5s are O.K., so could you prepare SF-5s for routing?



37-745 746 Lava Lake layout.do...



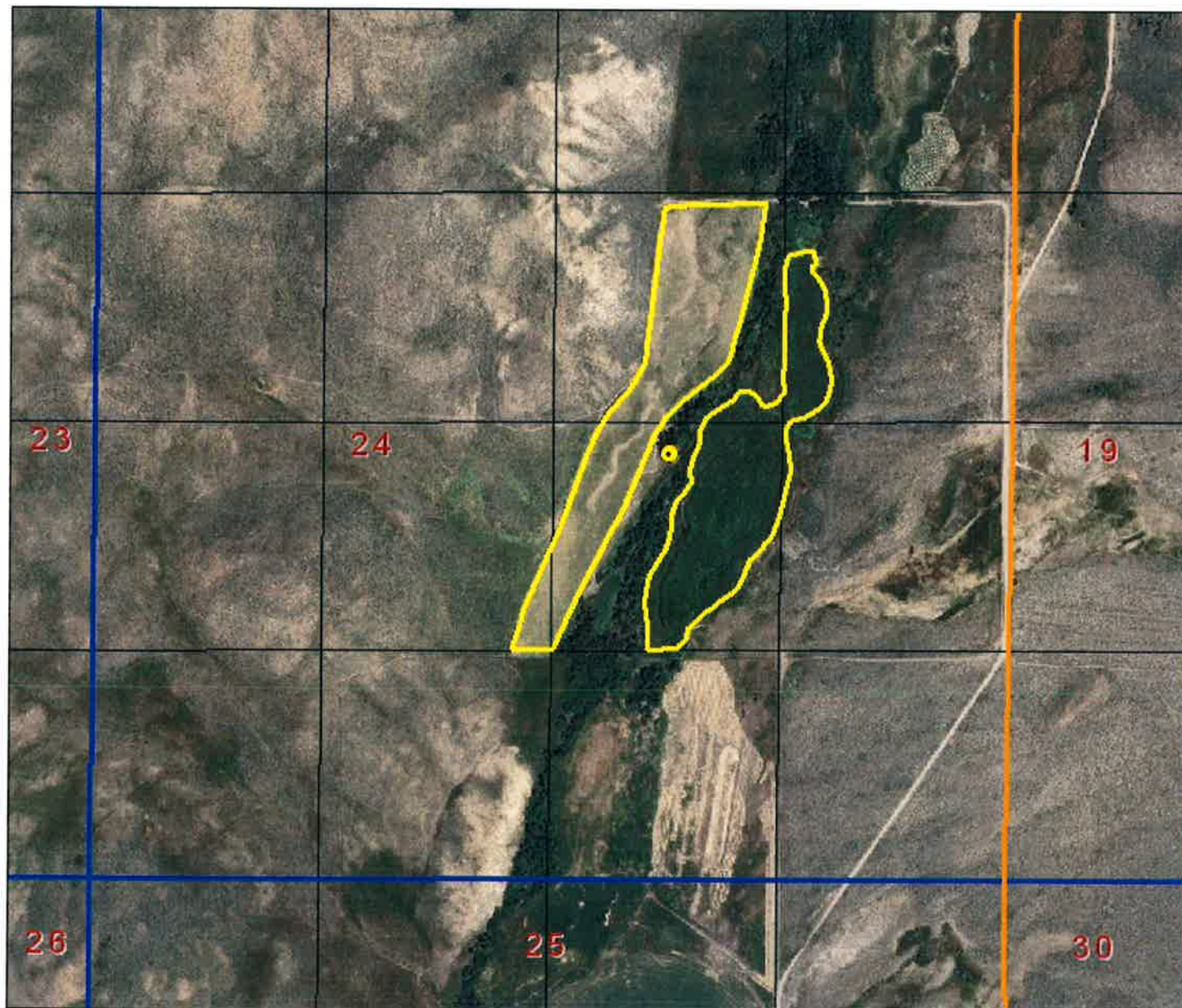
37-746 LAVA LAKE SF-5.docx



37-745 LAVA LAKE SF-5.docx

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

RECOMMENDED PLACE OF USE FOR 37-745 and 37-746



PLACE OF USE
TWP 02N, RNG 22E Sec 24
Data Entry on January 10, 2011

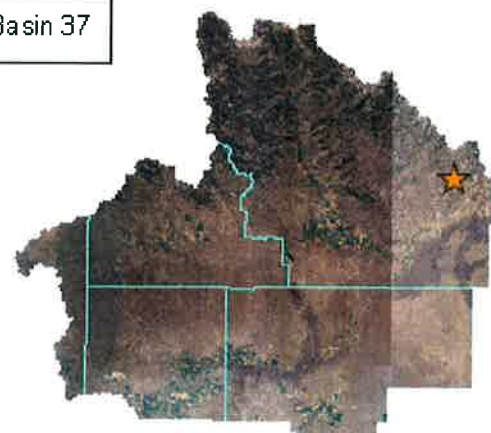
★ LOCATION IN BASIN

- Recommended point of diversion
- Recommended place of use
- Township lines
- Section lines
- Quarter/quarter lines

GIS PLACE OF USE PRESENTATION
2009 AERIAL PHOTOGRAPHY
BY KELLY K CHRISTENSEN



Basin 37



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

RIGHT NUMBER: 37-746

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

INITIAL
Dir Rpt

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.500 CFS

PRIORITY DATE: 05/30/1911

POINT OF

DIVERSION: T02N R22E S24 NENWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.500 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R22E S24	SWNE	13.00	T02N R22E S24	SENE	4.40
T02N R22E S24	NESW	1.20	T02N R22E S24	NESE	0.40
T02N R22E S24	NWSE	26.00			

45 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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IDAHO DEPARTMENT OF WATER RESOURCES
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NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
PO BOX 2249
HAILEY ID 83333

INITIAL
DIR Rpt.

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 05/05/1909

POINT OF

DIVERSION: T02N R22E S24 NENWSE Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/31

0.400 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R22E S24	SWNE	13.00	T02N R22E S24	SENE	4.40
T02N R22E S24	NESW	1.20	T02N R22E S24	NESE	0.40
T02N R22E S24	NWSE	26.00			

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Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

A portion of the purple outlined area appears irrigated but no claim or water right is associated with that property.

02N, 22E Sec 24 (Rose outline shapes)



Rose outline acreage

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	22E	24	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					16.0	4.9					1.7				.4		22.0		45.0

Total Acres: 45

37-
745 = Lie P/4 = Sec 24 NESW

37746 Lic P/U = Sec 24 W 1/2 SW

Nov 17, 2010

37 745-746 Lava Lake

Should be ready to sign off on this one.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 37-745 V1

WATER RIGHT NUMBER: 37-745 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BISKAY LAND & LIVESTOCK CO 2400 CHERRY LN BOISE, ID 83705 (208)344-2443
Current Owner	LAVA LAKE LAND & LIVESTOCK LLC PO BOX 2249 HAILEY, ID 83333 (208) 788-1710

Priority Date: 05/05/1909
 Basis: Decreed
 Status: Active

<u>Source</u>	<u>Tributary</u>
FISH CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

FISH CREEK NE1/4NW1/4SE1/4 Sec. 24, Twp 02N, Rge 22E, B.M.
 BLAINE County

claim (NWNWSE)

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	22E	24	13.0	4.4	1.2	.4	26.0
			30	P/u = as claimed			45
							45.0

Total Acres: 45

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 45 acres in a single irrigation season. Combined Right Nos.: 37-745 and 37-746.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. K06 This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
5. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-745

WATER RIGHT NUMBER: 37-745

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BISKAY LAND & LIVESTOCK CO 2400 CHERRY LN BOISE, ID 83705 (208)344-2443
Current Owner	LAVA LAKE LAND & LIVESTOCK LLC PO BOX 2249 HAILEY, ID 83333 (208) 788-1710

Priority Date: 05/05/1909

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FISH CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.400 CFS	
<u>Total Diversion:</u>		0.400 CFS	

Location of Point(s) of Diversion

FISH CREEK	NW1/4NW1/4SE1/4	Sec. 24, Twp 02N, Rge 22E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	22E	24			30.0												15.0		45.0

Total Acres: 45

Conditions of Approval:

- 12/19/00 to, Ownership changed Biskay Land & Livestock to Lava Lake Land & Livestock per 1409(6) and warranty deed received 7/21/00.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-746 V1

WATER RIGHT NUMBER: 37-746 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAVA LAKE LAND & LIVESTOCK LLC PO BOX 2249 HAILEY, ID 83333 (208) 788-1710
Original Owner	BISKAY LAND & LIVESTOCK CO 2400 CHERRY LN BOISE, ID 83705 (208)344-2443

Priority Date: 05/30/1911

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FISH CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

FISH CREEK	NE1/4NW1/4SE1/4	Sec. 24, Twp 02N, Rge 22E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	22E	24			13.0	4.4					1.2					.4	26.0		45.0

Total Acres: 45

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1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
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3. E56 The rights listed below are limited to the irrigation of a combined total of 45 acres in a single irrigation season. Combined Right Nos.: 37-745 and 37-746.
4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-746

WATER RIGHT NUMBER: 37-746

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAVA LAKE LAND & LIVESTOCK LLC PO BOX 2249 HAILEY, ID 83333 (208) 788-1710
Original Owner	BISKAY LAND & LIVESTOCK CO 2400 CHERRY LN BOISE, ID 83705 (208)344-2443

Priority Date: 05/30/1911

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FISH CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

FISH CREEK	NW1/4NW1/4SE1/4	Sec. 24, Twp 02N, Rge 22E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	22E	24			30.0												15.0		45.0

Total Acres: 45

Conditions of Approval:

- 12/19/00 to, ownership changed Biskay Land & Livestock to Lava Lake Land & Livestock per 1409(6) and warranty deed received 7/21/00.

Remarks:Comments:

01/10/2011

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RIGHT NUMBER: 37-746

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

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.500 CFS

PRIORITY DATE: 05/30/1911

POINT OF
DIVERSION:

T02N R22E S24 NENWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.500 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R22E S24	SWNE	~~13.0~~ 16.00	T02N R22E S24	SENE	~~4.40~~ 4.90
T02N R22E S24	NESW	~~1.20~~ 1.70	T02N R22E S24	NESE	0.40
T02N R22E S24	NWSE	~~26.0~~ 22.00			

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, November 03, 2010 9:08 AM
To: 'Charlie Honsinger'; Kelly, Vicki; Spencer, Nick
Subject: 37-745 746 Lava Lake review

Attached is a short overview of a potential POU recommendation change. The modifications still total the claimed and recommended 45 acres. No change was made to the POD.

While zoomed out I noted that just to the east of this recommendation there is an area that appears to be irrigated through a ditch system. A quick research indicated that there was no decreed, licensed, or claimed rights for this area. As I know nothing about this area I am just bringing it to your attention.



37-745 37-746
Lava Lake.docx

Status conf 11-17-2010

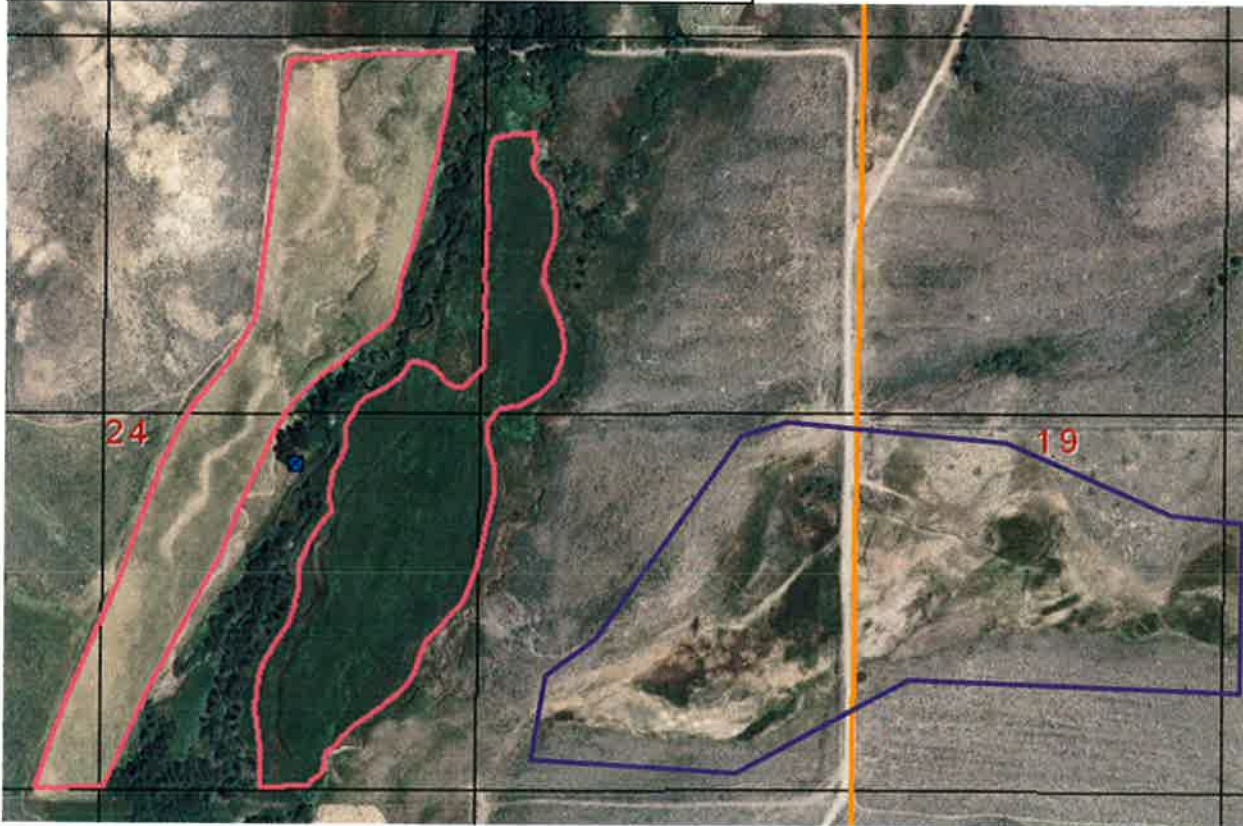
Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

37-745 37-746 Lava Lake

The two rose outline shapes represent a modification to the recommended POU. The combined shape acreage totals 45 acres (which is the total claimed acreage).

A portion of the purple outlined area appears irrigated but no claim or water right is associated with that property.

02N, 22E Sec 24 (Rose outline shapes)



Rose outline acreage

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	22E	24			16.0	4.9				1.7					.4		22.0		45.0

Total Acres: 45

Christensen, Kelly

From: Christensen, Kelly
Sent: Thursday, June 17, 2010 10:59 AM
To: 'Charlie Honsinger'; Kelly, Vicki; Spencer, Nick
Subject: 37-745 746 Lava Lake

Status conference set for Wed June 23, 2010 at 10:00

This set appears to have slipped off the radar. In looking forward I noticed this one had never been discussed. My initial thoughts are that this one should be relatively easy to resolve as the objection was to the distribution of acres within the 40-acre tracts and not the number of acres. Also the season of use was objected to but the recommendation was for the standard irrigation season that has been recommended through other settlement agreements in this area for Lava Lake.

I am attaching two aerial photos showing the area of concern. In viewing all available aerial photography available I could not discern any obvious irrigation boundary for much of the ground. At this point I am assuming that the recommendation does not accurately recognize the appropriate POU shape, however, neither would the claimed acre distribution.

I also included a third aerial photo clip with an alternative shape. I hesitated to include this shape as I do not have personal knowledge of the property but I based the outlines on some physical characteristics of the available aerial photos. Again, this is not necessarily a proposal, rather I did it partly in an attempt to see what an alternative shape acreage would be. Surprisingly, those shapes roughly total 45 acres. As the available information indicates that a pumping system and hand lines have been used since around the commencement date the boundaries were drawn roughly in a straight line.

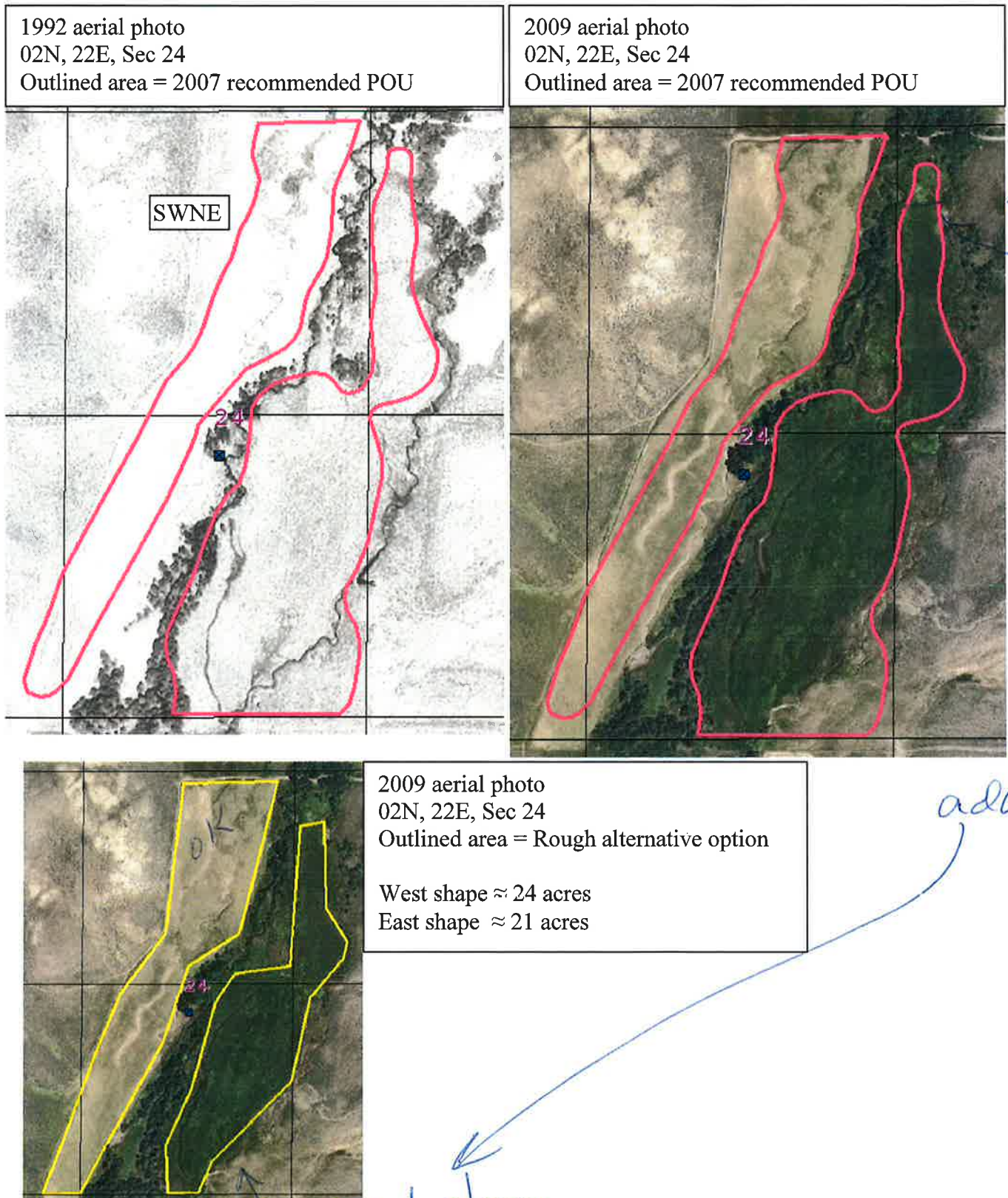
I don't really expect to have a resolution before next Wednesday's status conference but this should give us some talking points and evidence of working toward a solution for this group.



37-745 37-746
Lava Lake POU ov...

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

37-745, 37-746 Lava Lake
POU comparison of recommendation as associated with
the 1992 and 2009 aerial photographs



trim

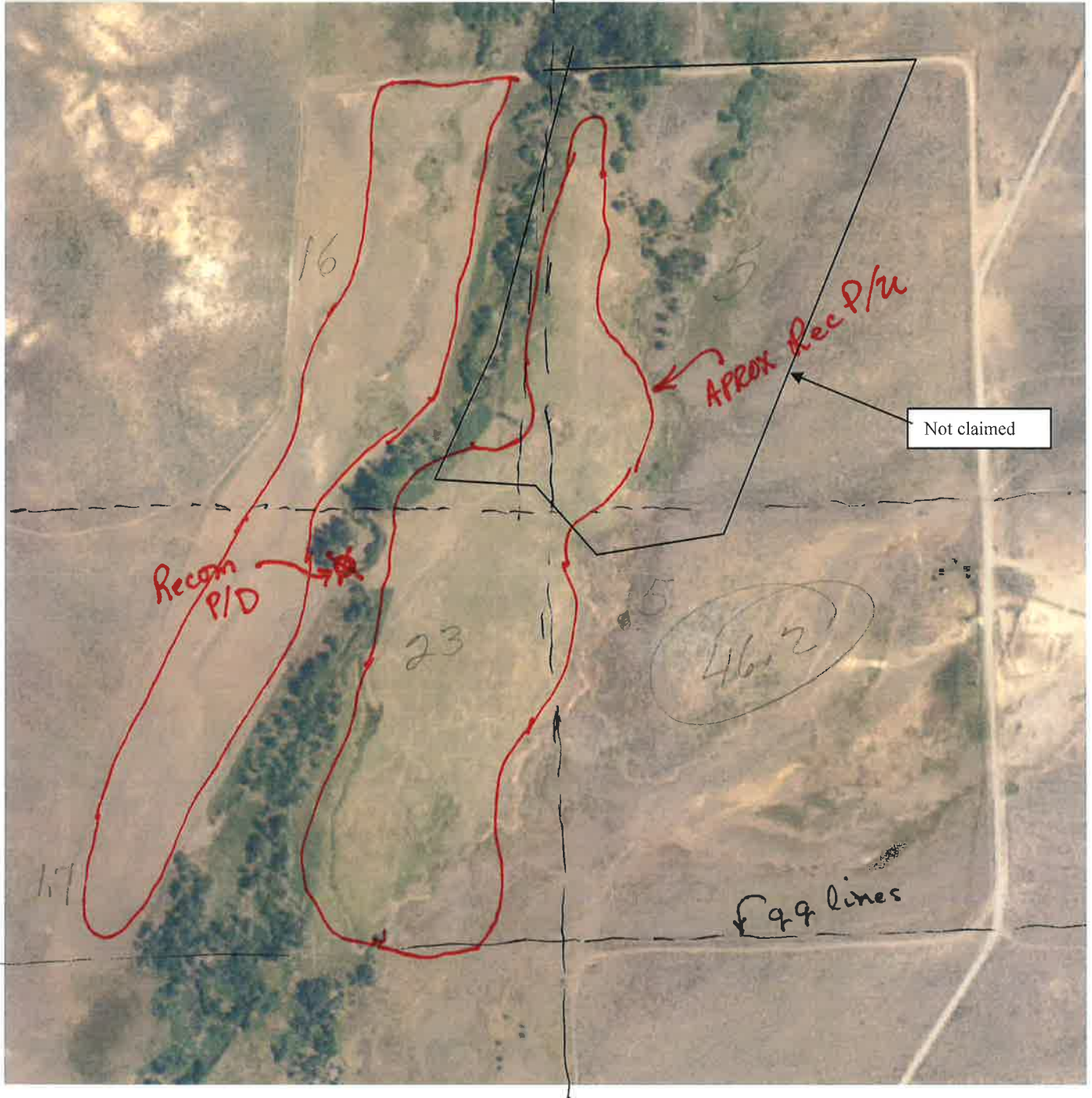
add

include to stream

Place Of Use Data

Need historical place of use before the sprinkler system.

2004 aerial photo



Outline irrigated property and historical ditch routes. Contrast the historical irrigated ground vs the ground irrigated via sprinkler system.

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, March 03, 2009 9:43 AM
To: Spencer, Nick
Cc: Kelly, Vicki
Subject: 37-745 Wed initial hearing at 3:30 etal

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Tied to 111

The list can be broken down into 3 basic groups.

Gp 1; 37-745 and 37-746 Fish Creek as a source (share a PPU)

In reviewing the available aerial photos I cannot make a clear determination on what should be the actual POU. Probably room for revision both to add and subtract acres.

Gp 2; 37-2045, 37-2799 Cottonwood Cr, Unnamed stream (independent POUs but nest to each other)

In reviewing the available aerial photos I cannot make a clear determination on what should be the actual POU. Probably room for revision both to add and subtract acres.

Gp 3; 37-2123, 37-4394 Unnamed Stream trib to Fish Cr (upstream from Gp 1 by about 4 miles) two rights have independent POUs next to each other

In reviewing the available aerial photos I cannot make a clear determination on what should be the actual POU. Probably room for revision both to add and subtract acres. [This is next door to the claims we worked on earlier, 37-4392, 37-4393.](#)

Gp 4: 37-2715, 37-11936, 37-2525 (Claims associated with property at the actual Lava Lake area.)

Associated with the other scheduled group at the same time to have the Partial decrees set-a-side. Assuming the partials are set aside then the overlapping issues will have to be revisited. Nothing really to be discussed tomorrow.

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

*9-15-09 order granting motion to file amended claim
RE 37-2545A, 37-7072, & 37-7600 deadline APR. 30
Status Conf June 23, 2010 @ 10:00AM.*

01/10/2011

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

RIGHT NUMBER: 37-745

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

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 05/05/1909

POINT OF
DIVERSION:

T02N R22E S24 NENWSE Within BLAINE County

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PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.400 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R22E S24	SWNE	~~13.0~~ <u>16.00</u>	T02N R22E S24	SENE	~~4.40~~ <u>4.90</u>
T02N R22E S24	NESW	~~1.20~~ <u>1.70</u>	T02N R22E S24	NESE	0.40
T02N R22E S24	NWSE	~~26.0~~ <u>22.00</u>			

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Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

RECEIVED

NOV 15 2007

Department of Water Resources
Judication Bureau

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

In Re SRBA)

A. Subcase 37-745

(Insert water right no.)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Lava Lake Land & Livestock, LLC

Address: PO Box 2249
Hailey ID 83333

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

Name & Address of Attorney, if any:

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

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

Name: Lava Lake Land & Livestock, LLC

Address: PO Box 2249
Hailey ID 83333

COPY

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: 4/1 through 11/1
9. ☒ **Place of Use**
Should be: 30 acres in T2N R22E S24 SWNE; 15 acres in T2N R22E S24 NWSE;
45 Acres total
10. ☐ **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION (S): This water right has been beneficially used as stated above.