

DEC 20 2006

DEC 20 2006

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-2123
Date Received: 12/2/1988
Receipt No: C003731
Received By:

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

1. Name of Claimant(s)

LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO CA USA 94118

Phone: (415)922-5378

2. Date of Priority: 12/29/1908

3. Source: UNNAMED STREAM , UNNAMED STREAM Trib. to: FISH CREEK , FISH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	23E	32	SE NW SW	BLAINE	
03N	23E	31	SE NE SE	BLAINE	

5. Description of diverting works:

PIPELINE AND GRAVITY SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1	

7. Total Quantity Appropriated is:
1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
02N	23E	6	NE NE	IRRIGATION	20
Section Acres					20

COPY

03N	23E	31	SE	SE	IRRIGATION	25
					Section Acres	25
03N	23E	32	SW	SW	IRRIGATION	5
					Section Acres	5
					Total Acres	50

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

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

12/5/06 - Claimant requested amended claimn to add POD.

15. Basis of Claim: License

COPY

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am PRESIDENT of
Title
LAVALAKE LAND & LIVESTOCK, LLC, that I have signed the foregoing
Organization
document in the space below as PRESIDENT of
Title
LAVALAKE LAND & LIVESTOCK, LLC and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

PRESIDENT, LAVALAKE LAND & LIVESTOCK, LLC
Title and Organization

12/19/2006
Date

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 19th
of December 2006

Pam Williams

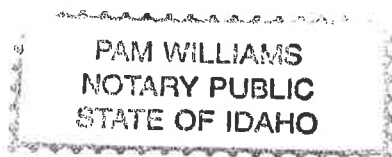
Notary Public

Residing at

Shoshone Idaho

My commission Expires

May 9, 2012



COPY

Lava Lake Land & Livestock, L.L.C.

P.O. Box 2249
Hailey, Idaho 83333
Tel : 208-788-1710
Fax : 208-788-1264

December 19, 2006

Matt Anders
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720

DEC 20 2006
RECEIVED
DEC 20, 2006
DEPARTMENT OF
WATER RESOURCES

Dear Matt:

I have enclosed a signed and notarized amendment for water right claim 37-2123 on behalf of Lava Lake Land & Livestock.

In addition, I have enclosed documentation for stockwater right claims for Lava Lake Land & Livestock, LLC and for Muldoon Grazing Association, Inc.

Please call me at 208-788-1710 if you have any questions or comments.

Thank you for your assistance on these matters.

Sincerely,



Michael S. Stevens
President
Lava Lake Land & Livestock

President
Muldoon Grazing Association, Inc.

SCANNED

DEC 21 2006

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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1. Name of Claimant(s)

LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO CA 94118

Phone: (415)922-5378

2. Date of Priority: 12/29/1908

3. Source: UNNAMED STREAM Trib. to: FISH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
03N	23E	32	SE NW SW	BLAINE

5. Description of diverting works:

PIPELINE AND GRAVITY SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1	

7. Total Quantity Appropriated is:
1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	23E	6	NE	NE	IRRIGATION	20
					Section Acres	20
03N	23E	31	SE	SE	IRRIGATION	25
					Section Acres	25
03N	23E	32	SW	SW	IRRIGATION	5
					Section Acres	5
					Total Acres	50

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

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

15. Basis of Claim: License

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
JUL 21 2000
Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

37-00745, 37-00746, 37-02123, 37-04392, 37-04393, 37-04394,
A37-00745, A37-00746, A37-02123, A37-04392, A37-04393,

1. Water Right Number(s) A37-04394, together with all rights appurtenant to lands
described on attached deed.

Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Biskay Land & Livestock Co. Inc.

2400 Cherry Lane, Boise, ID 83705

4. New Owner/Claimant(s) Lava Lake Land & Livestock, L.L.C.

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

New Mailing Address 3527 Washington Street

City, State and ZIP Code San Francisco, CA 94118

New Telephone Number (415) 922 - 5378

5. Date you acquired the property May 31, 2000

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Lava Lake Land & Livestock, L.L.C., by:

7. Signature of New Owner/Claimant(s) X/ Dennis Bean, Trustee Date 6-2-2000

X/ Kathleen Bean, Trustee Date 6-2-2000

Trustees of the Bean-Tedrow Family Trust U/D/T Dated March 15, 1996,
as Managers
(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED

99 JUN 10 AM 9:04
STATE OF IDAHO

- The name of the limited liability company is: LAVA LAKE LAND & LIVESTOCK, L.L.C.
- The address of the initial registered office is: 1231 Main Street
(not a PO Box)
Challis, Idaho 83226 and the name of the initial registered agent at that address is: James R. Bennetts
Signature of registered agent: *James R. Bennetts*
- Is management of the limited liability company vested in a manager or managers?
☒ Yes ☐ No (check appropriate box)
- If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:

Address:

Brian S. Bean and Kathleen T.

3527 Washington Street

Bean, Trustees of the Bean-

San Francisco CA 94118

Tedrow Family Trust U/D/T

dated March 15, 1996

- Signature of at least one person listed in #4 above:

Brian S. Bean

Kathleen T. Bean

IDAHO SECRETARY OF STATE
Secretary of State use only

06/10/1999 09:00
CR: 1949 CT: 116618 DR: 224375

100.00 - 100.00 ORGAN LLC 02

W 8959

CORPORATE WARRANTY DEED

1. Conveyance of Real Property. For value received, **BISKAY LAND & LIVESTOCK CO.**, an Idaho corporation, by and through its President Pete T. Cenarrusa, with its principal office at 2400 Cherry Lane, Boise, Idaho ("Grantor") hereby **GRANTS, BARGAINS, SELLS, AND CONVEYS** to **LAVA LAKE LAND & LIVESTOCK, L.L.C.**, an Idaho limited liability company, with its principal office at 3527 Washington Street, San Francisco, California 94118 ("Grantee") the real property located in Blaine County, State of Idaho and further described on Exhibit A attached ("Real Property"), **TO HAVE AND TO HOLD** the Real Property and the appurtenances to the Real Property unto the Grantee and the Grantee's heirs and assigns forever.

2. Representations and Covenants of the Grantor. The Grantor represents to and covenants with the Grantee as follows:

- A. The Grantor is the owner in fee simple of the Real Property.
- B. The Real Property is free from all encumbrances, subject to and except for (i) the encumbrances described on Exhibit B attached, (ii) encumbrances made, suffered, or done by the Grantee, and (iii) general taxes and assessments (including irrigation and utility assessments, if any) for the current year which are not yet due and payable.
- C. The Grantor will warrant and defend the quiet enjoyment of the Real Property from all lawful claims, to the extent of the warranties contained in this Deed.
- D. The Grantor will give such assurances and perform such acts as may be necessary to perfect or confirm the title conveyed by this Deed.

3. Certification of Authorization. The officer who signs this Deed certifies that the Deed and the transfer represented by the Deed were duly authorized by the Board of Directors in accordance with the Bylaws and Articles of the Grantor and the laws applicable to the Grantor.

GRANTOR

Dated: May 31, 2000

BISKAY LAND & LIVESTOCK CO.

ATTEST:

Freda Cenarrusa
Freda Cenarrusa, Secretary

By: Pete T. Cenarrusa
Pete T. Cenarrusa, President

STATE OF IDAHO)

County of Adair) ss

On this 31st day of May, 2000, before me, a notary public in and for the State of Idaho, personally appeared Pete T. Cenarrusa and Freda Cenarrusa, known or identified to me to be the President and Secretary of Biskay Land & Livestock Co., the corporation that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

LEE B. DILLON
NOTARY
Notary Public for Idaho
Residing at 22150
Commission Expires 12/03

SCHEDULE A

Order Number: 00009476

LEGAL DESCRIPTION

TOWNSHIP 2 NORTH, RANGE 22 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 24: S1/2N1/2, N1/2S1/2, SW1/4SW1/4, SE1/4SE1/4

SECTION 25: NE1/4NE1/4

TOWNSHIP 2 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 3: SE1/4, SE1/4SW1/4

SECTION 4: NW1/4NW1/4, S1/2NW1/4, SW1/4, W1/2SE1/4

SECTION 5: NE1/4NE1/4, W1/2E1/2, E1/2W1/2, W1/2SW1/4, NW1/4NW1/4

SECTION 6: E1/2SE1/4, NW1/4NE1/4, E1/2NE1/4, SW1/4NE1/4

EXCEPTING THEREFROM THE FOLLOWING TWO PARCELS:

PARCEL I:

TOWNSHIP 2 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTIONS 5 & 6: A parcel of land lying within said sections, more particularly described as follows:

BEGINNING at the Northwest corner of said Section 5, thence S. 29°32'35" E., 739.27 feet to the REAL POINT OF BEGINNING, said point also lies S. 74°6'52" W., 2,363.72 feet from the North quarter corner of Section 5; thence S. 21°44'44" E., 595.45 feet; thence S. 81°51'10" W., 591.09 feet; thence S. 57°35'00" W., 322.18 feet; thence N. 3°42'29" W., 494.31 feet; thence N. 69°9'28" E., 156.51 feet; thence N. 58°46'7" E., 247.78 feet; thence N. 68°39'8" E., 264.18 feet; thence N. 60°46'38" E., 73.67 feet to the REAL POINT OF BEGINNING.

PARCEL II:

SECTION 6: A parcel of land lying within said section, more particularly described as follows:

BEGINNING at a point on the North and South centerline of Section 6, Township 2 North, Range 23 E.B.M., S. 0°05'W., 1996.6 feet from the North 1/4 Corner of said Section. Running thence N. 31°21' E., 379.9 feet; thence N. 70°40' E., 431.9 feet; thence N. 39°16' E., 248.3 feet; thence N. 32°46' E., 38.9 feet more or less to the intersection of the North line of the SE1/4NE1/4 of Section 6; thence S. 89°57' W., 791.9 feet along said line to the centerline of said Section; thence S. 0°05' W., 682.6 feet along said centerline to the POINT OF BEGINNING. (Shown as Tax Lot 1135 on the Blaine County Assessor's tax rolls.)

Continued on next page

EXHIBIT 'A'

(End of excepted property)

TOWNSHIP 2 NORTH RANGE 23 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTIONS 5 & 6: A parcel of land lying within said sections, more particularly described as follows:

BEGINNING at the Northwest corner of said Section 5, thence S. 29°32'35" E., 739.27 feet to the REAL POINT OF BEGINNING, said point also lies S. 74°6'52" W., 2,363.72 feet from the North quarter corner of Section 5; thence S. 21°44'44" E., 595.45 feet; thence S. 81°51'10" W., 591.09 feet; thence S. 57°35'00" W., 322.18 feet; thence N. 3°42'29" W., 494.31 feet; thence N. 69°9'28" E., 156.51 feet; thence N. 58°46'7" E., 247.78 feet; thence N. 68°39'8" E., 264.18 feet; thence N. 60°46'38" E., 73.67 feet to the REAL POINT OF BEGINNING.

SECTION 9: N1/2NW1/4, W1/2NE1/4, NE1/4SE1/4

SECTION 10: NW1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, SW1/4

SECTION 15: N1/2NW1/4

SECTION 17: W1/2W1/2

SECTION 18: S1/2SE1/4

SECTION 19: E1/2, NE1/4NW1/4, E1/2SW1/4, Lot 3, Lot 4

SECTION 20: NW1/4NW1/4, SW1/4, W1/2SE1/4

SECTION 28: N1/2SW1/4, SE1/4SW1/4

SECTION 29: N1/2NW1/4

SECTION 30: N1/2NE1/4, NE1/4NW1/4, Lot 1

SECTION 33: NE1/4NW1/4

TOWNSHIP 3 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 27: SW1/4NW1/4, SW1/4

SECTION 28: S1/2N1/2, S1/2

SECTION 29: SW1/4, S1/2NW1/4, W1/2SE1/4, SW1/4NE1/4, SE1/4NE1/4, E1/2SE1/4

SECTION 30: SE1/4, SE1/4NE1/4

SECTION 31: ALL

Continued on next page

Continuation of Schedule A - Legal Description
Order Number: 00009476

SECTION 32: W1/2, W1/2SE1/4, NE1/4SE1/4, SE1/4NE1/4, NW1/4NE1/4, SE1/4SE1/4, NE1/4NE1/4

SECTION 33: SW1/4NW1/4, SW1/4SW1/4, NE1/4, E1/2NW1/4, NW1/4NW1/4

SECTION 34: NW1/4

TOWNSHIP 3 NORTH, RANGE 22 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO

SECTION 24: NW1/4SE1/4

TOWNSHIP 3 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO

SECTION 19: Lot 2, SE1/4NW1/4

TOWNSHIP 3 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

SECTION 23: NW1/4SE1/4

13. Exceptions and reservations in that certain Patent Deed from the UNITED STATES to ROY EUGENE BRYAN, recorded April 20, 1922 as Instrument No. 50232 in Book 99 of Patents, page 423, records of Blaine County, Idaho which states: "Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862)."
14. Exceptions and reservations in that certain Patent Deed from the UNITED STATES to LEVAUR P. COATES, recorded December 20, 1983 as Instrument No. 78147 in Book 129 of Patents, page 395, records of Blaine County, Idaho which states: "Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862)."
15. Exceptions and reservations in that certain Patent Deed from the UNITED STATES to FRANK B. VENABLE, recorded November 17, 1949 as Instrument No. 96442 in Book 129 of Patents, page 605, records of Blaine County, Idaho which states: "Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to centerline of power transmission lines in new subdivisions", recorded March 5, 1996, as Instrument No. 387653, records of Blaine County, Idaho.

EXHIBIT B

035924

CORPORATE WARRANTY DEED

JUN 5 2000

12:00
BUTTE COUNTY RECORDER
Dayla Womack

1. Conveyance of Real Property. For value received, **BISKAY LAND & LIVESTOCK CO.**, an Idaho corporation, by and through its President Pete T. Cenarrusa, with its principal office at 2400 Cherry Lane, Boise, Idaho ("Grantor") hereby **GRANTS, BARGAINS, SELLS, AND CONVEYS** to **LAVA LAKE LAND & LIVESTOCK, L.L.C.**, an Idaho limited liability company, with its principal office at 3527 Washington Street, San Francisco, California 94118 ("Grantee") the real property located in Butte County, State of Idaho and further described on Exhibit A attached ("Real Property"), **TO HAVE AND TO HOLD** the Real Property and the appurtenances to the Real Property unto the Grantee and the Grantee's heirs and assigns forever.

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- B. The Real Property is free from all encumbrances, subject to and except for (i) the encumbrances described on Exhibit B attached, (ii) encumbrances made, suffered, or done by the Grantee, and (iii) general taxes and assessments (including irrigation and utility assessments, if any) for the current year which are not yet due and payable.
- C. The Grantor will warrant and defend the quiet enjoyment of the Real Property from all lawful claims, to the extent of the warranties contained in this Deed.
- D. The Grantor will give such assurances and perform such acts as may be necessary to perfect or confirm the title conveyed by this Deed.

3. Certification of Authorization. The officer who signs this Deed certifies that the Deed and the transfer represented by the Deed were duly authorized by the Board of Directors in accordance with the Bylaws and Articles of the Grantor and the laws applicable to the Grantor.

GRANTOR

Dated: May 31, 2000

BISKAY LAND & LIVESTOCK CO.

ATTEST:

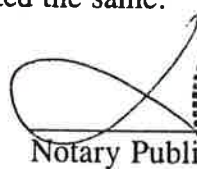

Freda Cenarrusa, Secretary

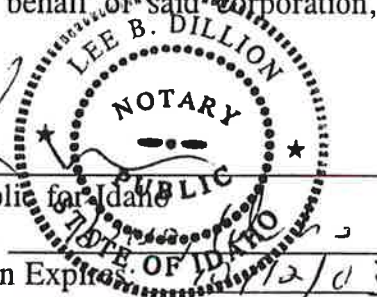
By: 
Pete T. Cenarrusa, President

STATE OF IDAHO)

County of Ad) ss

On this 31st day of May, 2000, before me, a notary public in and for the State of Idaho, personally appeared Pete T. Cenarrusa and Freda Cenarrusa, known or identified to me to be the President and Secretary of Biskay Land & Livestock Co., the corporation that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.


Notary Public for Idaho
Residing at _____
Commission Expires 12/13

LEE B. DILLION
NOTARY
PUBLIC
STATE OF IDAHO

CORPORATE WARRANTY DEED - 2

May 30, 2000

TOWNSHIP 3 NORTH, RANGE 22 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO

SECTION 24: NW1/4SE1/4

TOWNSHIP 3 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO

SECTION 19: Lot 2, SE1/4NW1/4

EXHIBIT A

CORPORATE WARRANTY DEED

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- C. The Grantor will warrant and defend the quiet enjoyment of the Real Property from all lawful claims, to the extent of the warranties contained in this Deed.
- D. The Grantor will give such assurances and perform such acts as may be necessary to perfect or confirm the title conveyed by this Deed.

3. Certification of Authorization. The officer who signs this Deed certifies that the Deed and the transfer represented by the Deed were duly authorized by the Board of Directors in accordance with the Bylaws and Articles of the Grantor and the laws applicable to the Grantor.

221094
Custer County Rec. of Blaine County Title
Time 12:02 PM Date 6/5/00
Ethel M. Peck, Clerk
Janet Mangis 12:00
Deputy

GRANTOR

Dated: May 31, 2000

BISKAY LAND & LIVESTOCK CO.

ATTEST:

Freda Cenarrusa
Freda Cenarrusa, Secretary

By: Pete T. Cenarrusa
Pete T. Cenarrusa, President

STATE OF IDAHO)

County of Ada) ss

On this 31st day of May, 2000, before me, a notary public in and for the State of Idaho, personally appeared Pete T. Cenarrusa and Freda Cenarrusa, known or identified to me to be the President and Secretary of Biskay Land & Livestock Co., the corporation that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

LEE B. DILLION
NOTARY
Notary Public for Idaho
Residing in Idaho
Commission Expires 12/12/03

CORPORATE WARRANTY DEED - 2

May 30, 2000

TOWNSHIP 3 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

SECTION 23: NW1/4SE1/4

EXHIBIT A

EXHIBIT B
ENCUMBRANCES

None

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: A37-02123

Date Received: ~~10/06/1988~~ 12/2/88

Receipt No: 6003731

Received By: qf

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BISKAY LAND & LIVESTOCK 208-344-2443
Address: 2400 CHERRY LANE
BOISE, ID 83705

2. Date of Priority: DEC 29, 1908

3. Source: UNNAMED STREAM Trib. to: FISH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	23E	32	SE	NW	SW		BLAINE

5. Description of diverting works:
PIPELINE AND GRAVITY SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	23E	6	NE	NE		IRR	20.0
Section Acres							20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	23E	31	SE	SE		IRR	25.0
						Section Acres	25.0
		32	SW	SW		IRR	5.0
						Section Acres	5.0
						Total Acres	50.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 4259

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

MICROFILMED
FEB 23 1993

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

In Re SRBA

Case No. 39576

) **Subcase No.: 37-2123**
)
)
) **STANDARD FORM 5**
)
) **STIPULATED ELEMENTS OF A**
) **WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:

Charles L. Honsinger Date
Attorney for Lava Lake Land & Livestock

IDWR CONCURRENCE:

Kelly K. Christensen 6-23-11

Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

04/27/2011

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

RIGHT NUMBER: 37-2123

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

SOURCE: ~~UNNAMED STREAM RILEY CANYON CREEK~~ TRIBUTARY: ~~FISH CREEK WALTON CANYON CREEK~~

QUANTITY: 1.000 CFS

PRIORITY DATE: 12/29/1908

POINT OF
DIVERSION:

T03N R23E S31 SENESE Within BLAINE County
~~T03N R23E S32 NWSWN 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	1.000 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R23E S05	NWNW	~~3.0~~ <u>4.60</u>	T02N R23E S06	NENE	~~3.0~~ <u>5.80</u>
~~T03N R23E S31~~	~~SENE~~	~~1.60~~	T03N R23E S31	SESE	~~6.6~~ <u>9.10</u>
~~T03N R23E S32~~	~~SWNW~~	~~5.00~~	T03N R23E S32	NWSW	~~17.0~~ <u>0.20</u>
T03N R23E S32	SWSW	~~13.0~~ <u>12.00</u>			
50-31.7 ACRES TOTAL					

KKC

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 - License

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

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

04/27/2011

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

RIGHT NUMBER: 37-2123

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

VERIFIED BY: *KSC*
4-27-11

SOURCE: ~~UNNAMED STREAM~~ RILEY CANYON CREEK

TRIBUTARY: ~~FISH CREEK~~ WALTON CANYON CREEK

QUANTITY: 1.000 CFS

PRIORITY DATE: 12/29/1908

POINT OF
DIVERSION:

T03N R23E S31 SENESE Within BLAINE County
~~T03N R23E S32 NWSNW 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	1.000 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R23E S05 NWNW 3.0 4.60	T02N R23E S06 NENE 3.0 5.80	
	~~T03N R23E S31 SENE 1.60~~	T03N R23E S31 SESE 6.6 9.10	
	~~T03N R23E S32 SWNW 5.80~~	T03N R23E S32 NWSW 17.0 0.20	
	T03N R23E S32 SWSW 13.0 12.00		
	50-31.7 ACRES TOTAL		

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

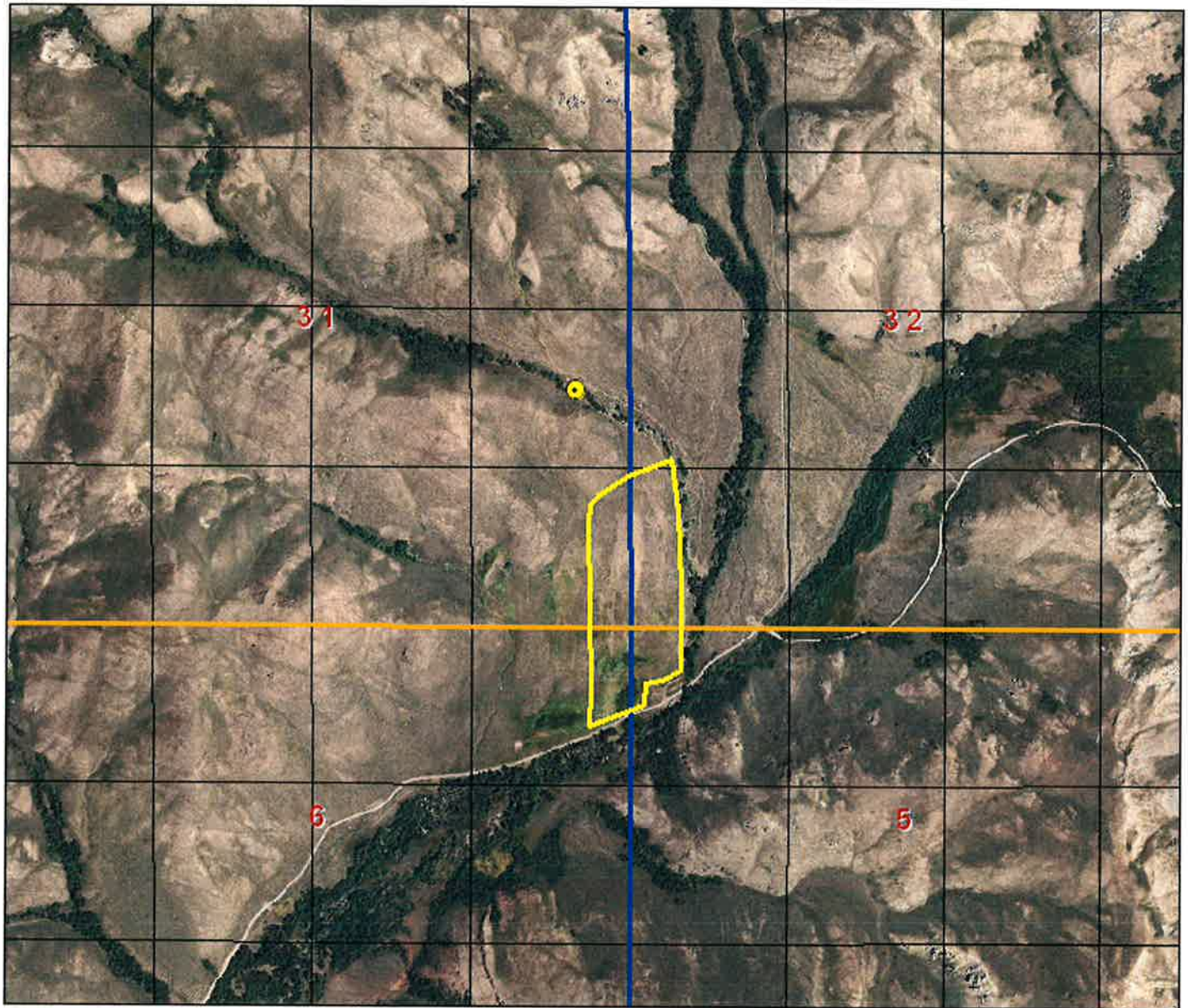
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

RECOMMENDED PLACE OF USE FOR 37-2123



PLACE OF USE
TWP 02N, RNG 23E Sec 5 & 6
TWP 03N, RNG 23E Sec 31 & 32
Data Entry on April 27, 2011

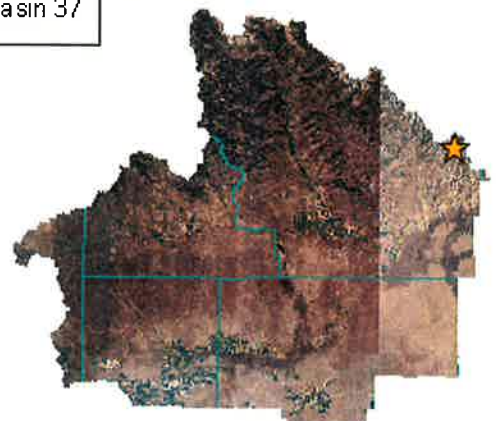
★ LOCATION IN BASIN

- 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: 37-2123

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

Director's Report

SOURCE: UNNAMED STREAM

TRIBUTARY: FISH CREEK

QUANTITY: 1.000 CFS

PRIORITY DATE: 12/29/1908

POINT OF

DIVERSION:

T03N R23E S31 SENESE Within BLAINE County

T03N R23E S32 NWSWN Within BLAINE County

*for P/u So of Riley Can.
for P/u So of Watten Can.*

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/31

1.000 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R23E S05

NWNW

3.00

4.6

T02N R23E S06

NENE

3.00

5.8

T03N R23E S31

NESE

1.60

T03N R23E S31

SESE

6.60

9.1

T03N R23E S32

SWNW

5.80

12

T03N R23E S32

NWSW

17.00

(2 ac)

T03N R23E S32

SWSW

13.00

13

(12.8)

2

50 ACRES TOTAL 29.2ac

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 - License

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: Thursday, March 03, 2011 3:06 PM
To: 'Charlie Honsinger'; Spencer, Nick; Kelly, Vicki
Subject: 37-2123 Lava Lake

My notes regarding this claim is minimal and I want to double check with you that my notes are complete and satisfactory. The attached document runs through the changes proposed and are hopefully complete.

Please let me know if anything else needs to be addressed.



37-2123 Lava Lake
POU discussi...

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

37-2123 Lava Lake POU discussion

The two red shapes shown represent the director's report POU containing 50 acres. From a previous meeting the current POU was described as the yellow shape south of Riley Canyon. The delivery system was described as a pipeline coming from the POD shown in Sec 31 NESE running south along the stream channel with hand lines extending west across the POU.

Table 1 below gives an acreage breakdown by quarter/quarter for the yellow outlined shape.

Rate calculation:

$$31.7 \text{ ac} * 0.02 \text{ cfs/ac} \approx 0.64 \text{ cfs}$$

The recommendation would be for the one POU shown and the source would be identified as Riley Canyon.

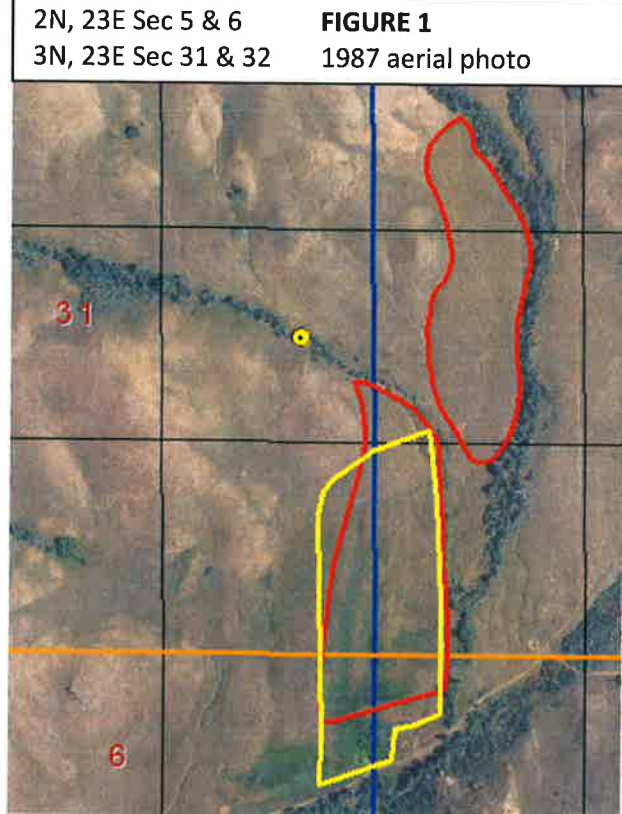


TABLE 1

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	23E	5						4.6											4.6
02N	23E	6	5.8																5.8
03N	23E	31															9.1		9.1
03N	23E	32									.2	12.0							12.2

Total Acres: 31.7

Director's Report

50 ACRES TOTAL

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.

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

37- 2123

lie on 3 tracts; 50ac @ 1.00ctb.

Rec on 7 tracts (Both Sides of Riley Can.)

chg.

Source = Riley Can.

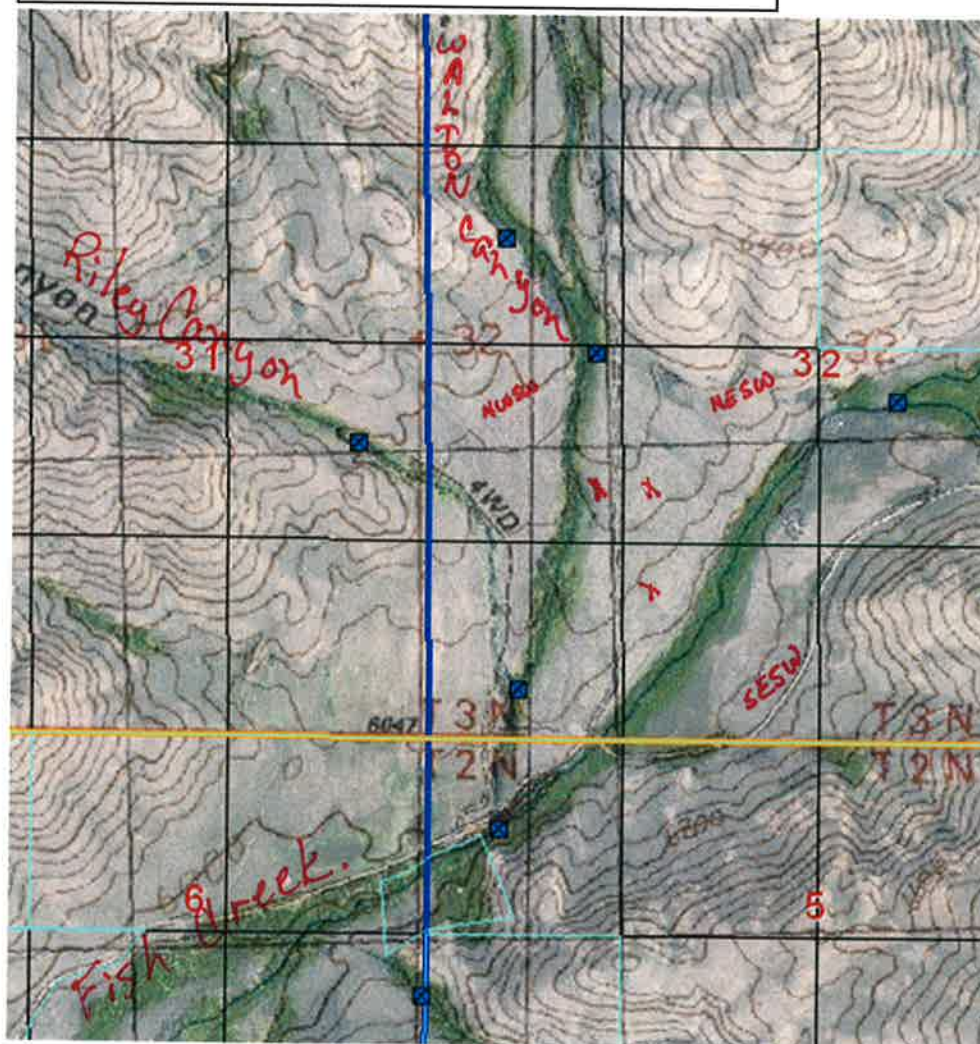
Actual use South of Riley Can only? No in
North of Riley & West of Walton

1- 10- 11.

need to confirm gnd West of Walton
& North of Riley

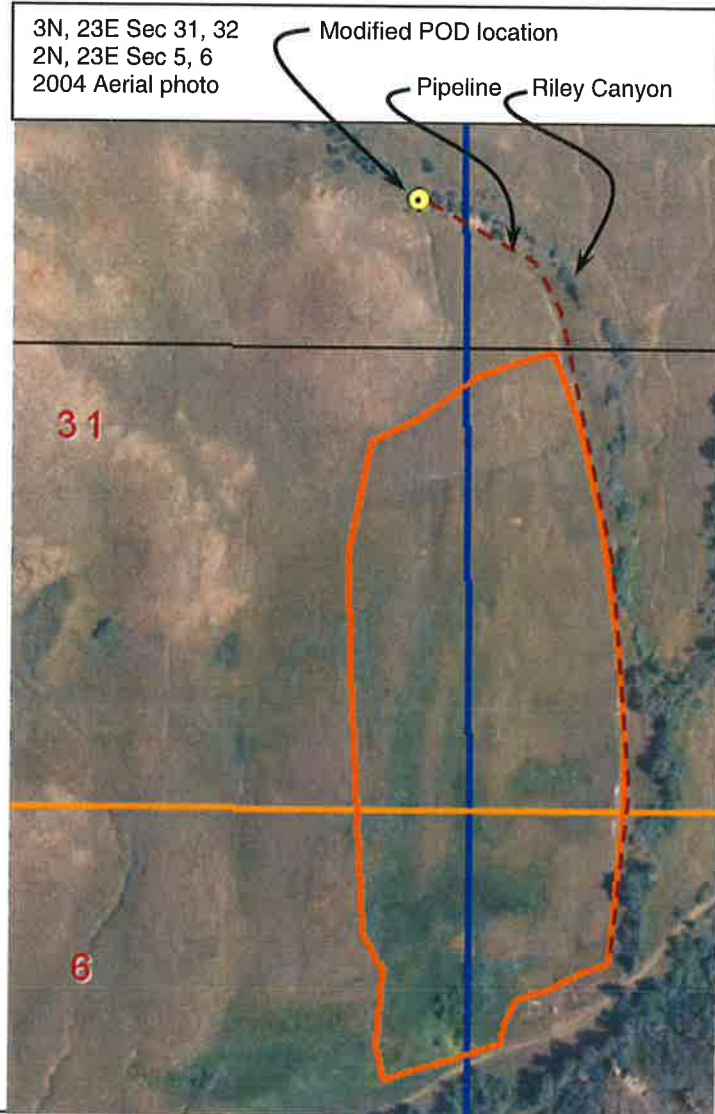
37-4394

2009 aerial photo



The Identified POD is within the same 40-acre tract but is slightly downstream from the recommended location.

Based upon a sprinkler system the recommended diversion rate (at one inch per acre) would be, $29.3 \text{ ac} * 0.02 \text{ cfs/ac} \approx \underline{0.59 \text{ cfs.}}$



Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
02N	23E	5						5.2											5.2
02N	23E	6	4.8																4.8
03N	23E	31																8.3	8.3
03N	23E	32										11.0							11.0

Total Acres: 29.3

Christensen, Kelly

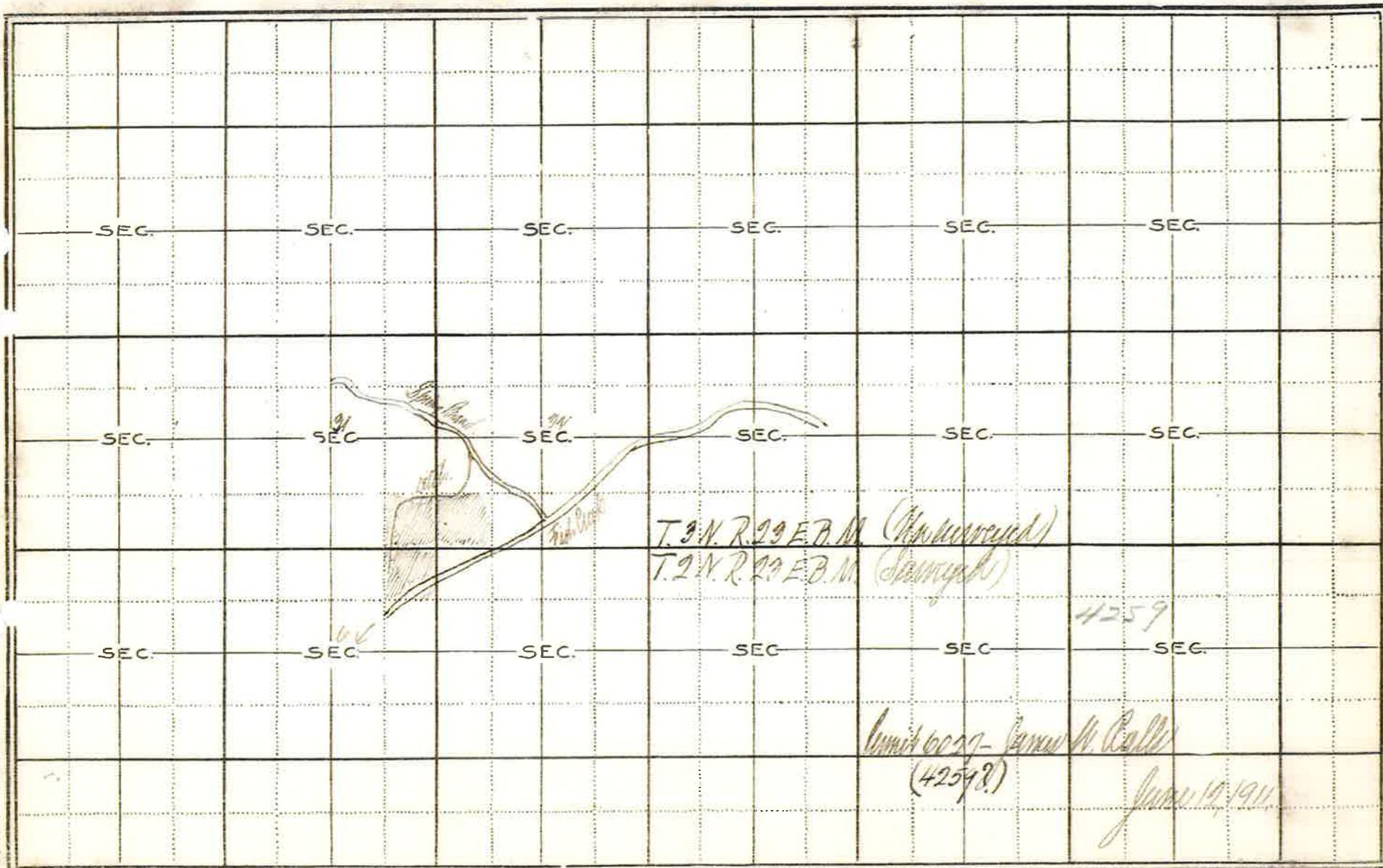
From: Christensen, Kelly
Sent: Wednesday, November 03, 2010 11:42 AM
To: 'Charlie Honsinger'; Kelly, Vicki; Spencer, Nick
Subject: 37-2123 Lava Lake info

Again, attached is a document outlining the information I have on hand at this time. Please review this and let me know what you think.



37-2123 Lava
Lake.docx

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



WR# - 37-2123
Backfile Pg 1

Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, July 19, 2010 12:08 PM
To: 'Charlie Honsinger'; Kelly, Vicki; Spencer, Nick
Subject: 37-2123 Lava Lake

Attached is my initial analysis of the claim and objection. Probably the biggest issue I see is that the recommendation would recognize an unrecorded transfer of a source. Problem there.

In the 2004 and 2009 aerial photos there are what appear to be features that could be a part of an irrigation system especially with the southern POU. As no available aerial photo really shows any evidence of actual irrigation it is hard to determine what the historic POU boundary should be. It would be helpful for the claimant to provide documentation of the irrigation practices (for the file) around the commencement of the SRBA to explain the lack of visible irrigation in the aerial photos.

Although it accessible from our web site I am also attaching the backfile for the license (as it is small) so that you can view the field exam map as I did.



37-2123 Lava Lake pou aerial.d...



f

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

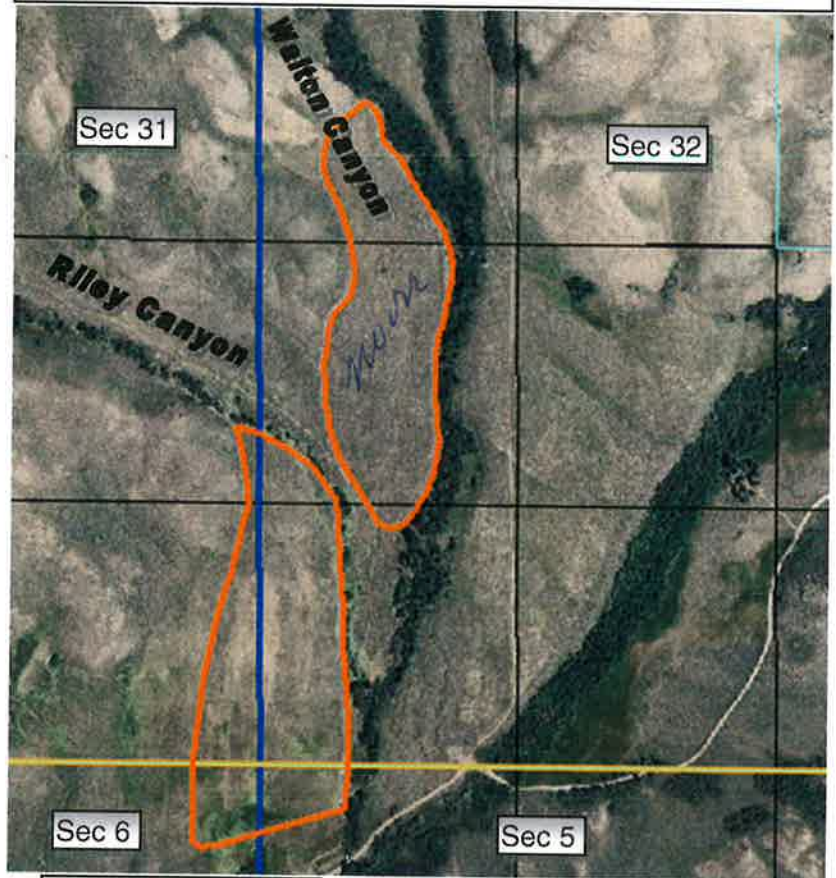
37-2123 OBJECTION REVIEW

In reviewing the license field examination map it appears that the licensed source now known as Riley Canyon. The licensing field examination shows the irrigated ground to be south of Riley Canyon and nothing from Walton Canyon or north of Riley Canyon..

The POD claimed and recommended in Sec 31 SENESE appears to correspond with the licensed POD recorded as Sec 32 NWSW. This determination is primarily based upon a comparison with the licensing field examination map. The claim was amended to add second point of diversion in Sec 32 SENWSW. That point of diversion was ultimately recommended in Sec 32 NWSWNW.

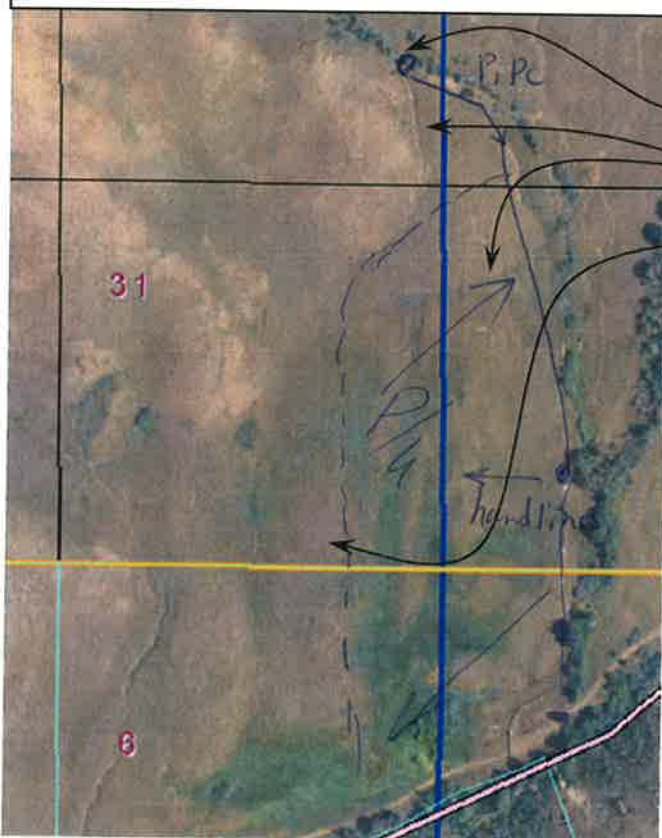
Based upon the currently available information for the northern parcel recommended to be valid, the department

37-2123	02N	23E	5	Recommended POU
	02N	23E	6	
	03N	23E	31	
	03N	23E	32	2009 aerial photo



37-2123

2004 aerial photo



POD?

Ditches?

Unirrigated ridge?

would have to recognize a change in source from Riley Canyon to Walton Canyon and a change in POU for a portion of the right. The exam map

does not show any irrigation north

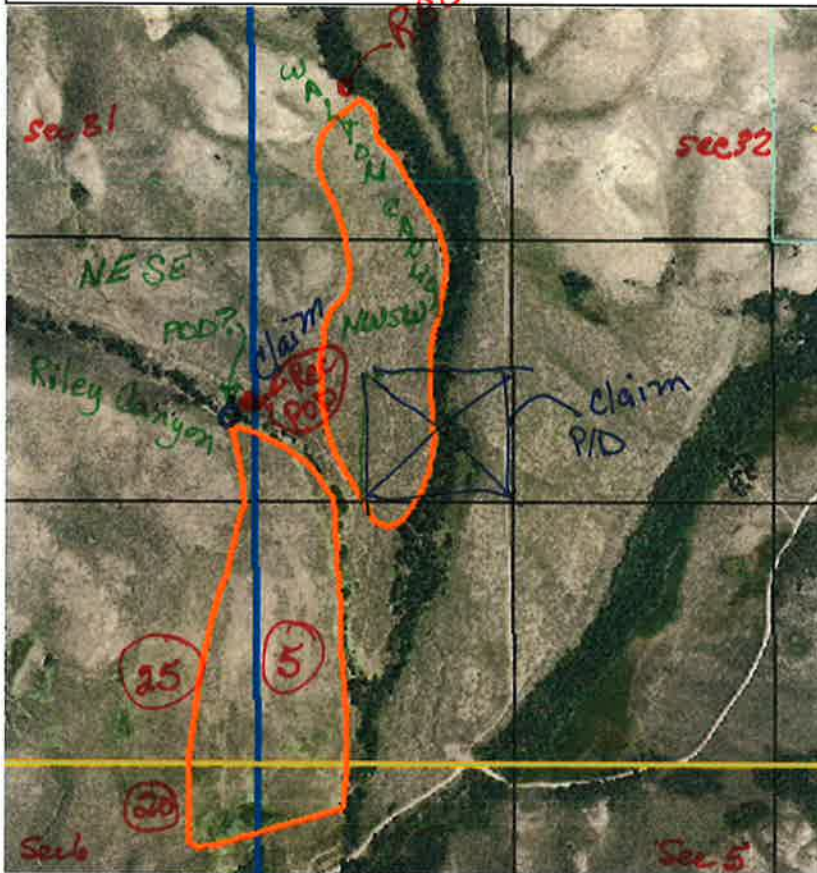
of Riley Canyon.

None of the available aerial photos show good evidence of any irrigation for any of the ground. However, there does appear to be some indication of ditches especially for the southern portion of the recommended POU. The southernmost part of the POU appears to be a spring seep area.

now a pipe & risers P/D NESE Sec 31

37-2123

02N	23E	5
02N	23E	6
03N	23E	31
03N	23E	32



⊗ = licensed P/U = 50ac
Claimed P/U = license

Report of Engineer

1. State name of applicant and number of permit: James Ralls, #4259
2. State source of water supply: Spring Branch
3. Location of point of diversion: 1/4 Sec. 32 T. 5 N. R. 23 E. B. M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Fully Completed
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: 15"
 - (b) Width at water line: 3'
 - (c) Depth of water: 12"
 - (d) Grade per mile: 100'
6. State whether or not water has been turned into works of diversion and if so, to what extent: Full extent
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: NEH NEH Sec 6 T2 N R 22 E B M. SEH SEH Sec 91 SWH SWH Sec 92 T2 N R 22 E B M. (Unsurveyed)
20 acres under cultivation: NEH NEH Sec 6 T2 N R 22 E B M.
25 " " " SEH SEH Sec 91 T2 N R 22 E B M.
5 " " " SWH SWH Sec 92 T2 N R 22 E B M.
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: Deficiency exists in number of permit - James W. Ralls
papers give permit N° 6027 whereas my papers call for
Permit N° 4259

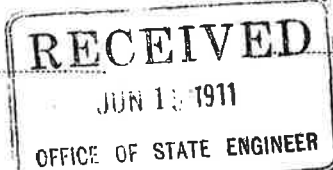
James W. Ralls
 Water Commissioner 2nd Div.

STATE OF IDAHO, }
 County of _____ } ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

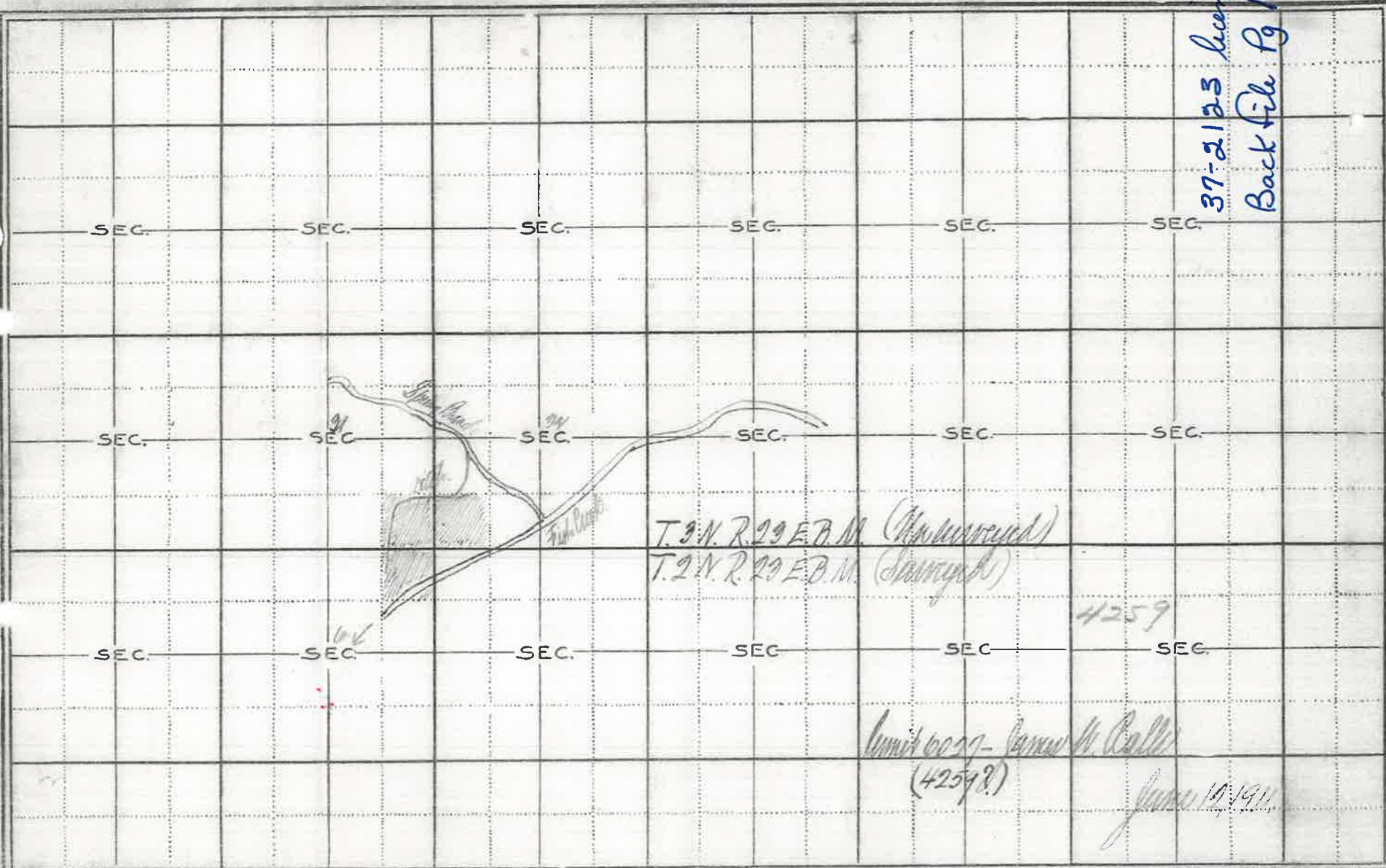
Subscribed and sworn to before me this _____ day of _____ 191_____

My Commission Expires _____



Notary Public.

4259



37-2123 license
Back file Pg 1

Unit 6027 - James H. Call
(42598)

June 10, 1911

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2123 V1

WATER RIGHT NUMBER: 37-2123 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

*Single party
obj.*

Priority Date: 12/29/1908

Basis: License

Status: Active

Source

UNNAMED STREAM

Tributary

FISH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15	to 10/31	1.000 CFS	
<u>Total Diversion:</u>			1.000 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NW1/4SW1/4NW1/4	Sec. 32, Twp 03N, Rge 23E, B.M.
UNNAMED STREAM	SE1/4NE1/4SE1/4	Sec. 31, Twp 03N, Rge 23E, B.M.

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	23E	5						3.0											3.0
02N	23E	6	3.0																3.0
03N	23E	31													1.6			6.6	8.2
03N	23E	32						5.8			17.0	13.0							35.8

Total Acres: 50

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C03 Right includes accomplished change in point of diversion 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-2123

WATER RIGHT NUMBER: 37-2123

<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: 12/29/1908

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	FISH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	SE1/4NW1/4SW1/4	Sec. 32, Twp 03N, Rge 23E, B.M.
UNNAMED STREAM	SE1/4NE1/4SE1/4	Sec. 31, Twp 03N, Rge 23E, B.M.

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	23E	6	20.0																20.0
03N	23E	31																25.0	25.0
03N	23E	32											5.0						5.0

Total Acres: 50

Conditions of Approval:

- 12/19/00 tf; ownership changed Biskay Land & Livestock to Lava Lake Land & Livestock per 1409(6) and warranty deed received 7/21/00.
- 12/5/06 - Claimant requested amended claim to add POD.
- 12/21/06 - Received amended claim to add POD.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-2123

WATER RIGHT NUMBER: 37-2123

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES W RALLS
	BELLEVUE, ID 83313

Priority Date: 12/29/1908

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	FISH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	1.000 CFS	
DOMESTIC	/ 0	to / 0		
DOMESTIC	/ 0	to / 0		
<u>Total Diversion:</u>			1.000 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NW1/4SW1/4	Sec. 32, Twp 03N, Rge 23E, 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	23E	6	20.0																20.0
03N	23E	31																25.0	25.0
03N	23E	32											5.0						5.0

Total Acres: 50

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

RECEIVED

NOV 15 2007

Department of Water Resources
Adjudication 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

Case No. 39576

A. Subcase 37-2123

(Insert water right no.)

**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

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: T3N R23E S31 SENESE; T3N R23E S32 SENWSW
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: 20 acres in T2N R23E S6 NENE; 25 acres in T3N R23E S31 SESE; 5 acres in T3N R23E S32 SWSW; 50 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.

01/10/2007

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

RIGHT NUMBER: 37-2123

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO CA 94118

SOURCE: UNNAMED STREAM

TRIBUTARY: FISH CREEK

QUANTITY: 1.000 CFS

PRIORITY DATE: 12/29/1908

POINT OF DIVERSION:

T03N R23E S31 SENESE Within BLAINE County

T03N R23E S32 NWSWN Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.000 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R23E S05	NWNW	3.00	T02N R23E S06	NENE	3.00
T03N R23E S31	NESE	1.60	T03N R23E S31	SESE	6.60
T03N R23E S32	SWNW	5.80	T03N R23E S32	NWSW	17.00
T03N R23E S32	SWSW	13.00			

50 ACRES TOTAL

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 - License

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.



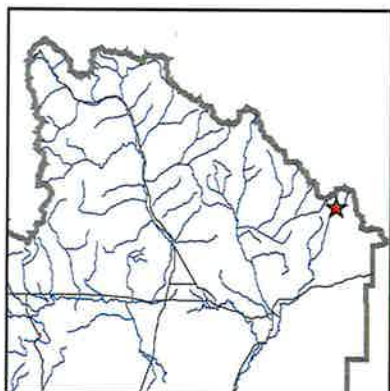
Idaho Department of Water Resources

SRBA Recommendation:

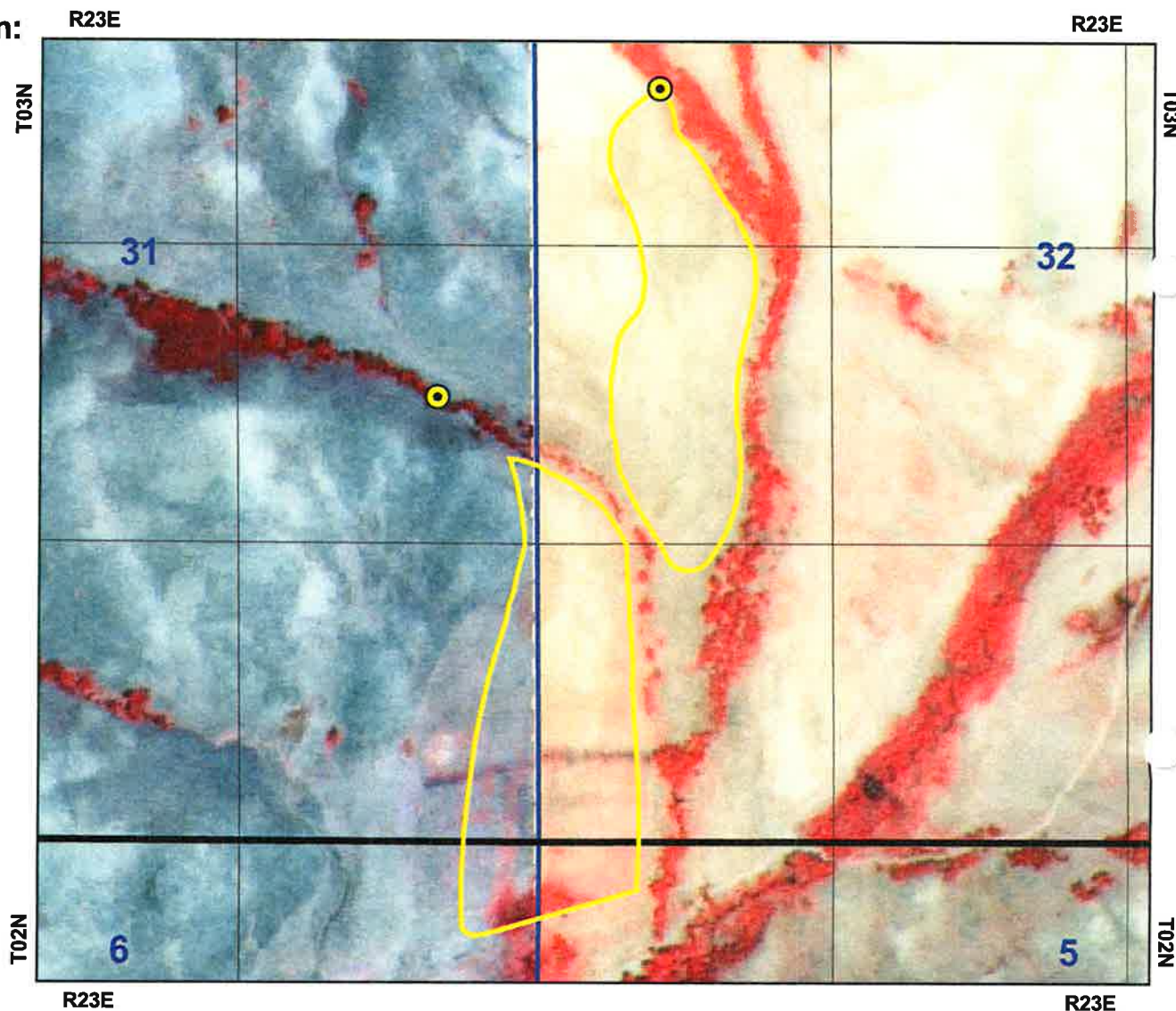
37-2123

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.25 0.5 Miles

Prepared by M. Anders
On Wednesday, January 10, 2007
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-2123

Background Data

- Source is Unnamed Stream tributary to Fish Creek
- Licensed for 1.0 cfs on 50 acres
- Claimed for 1.0 cfs on 50 acres

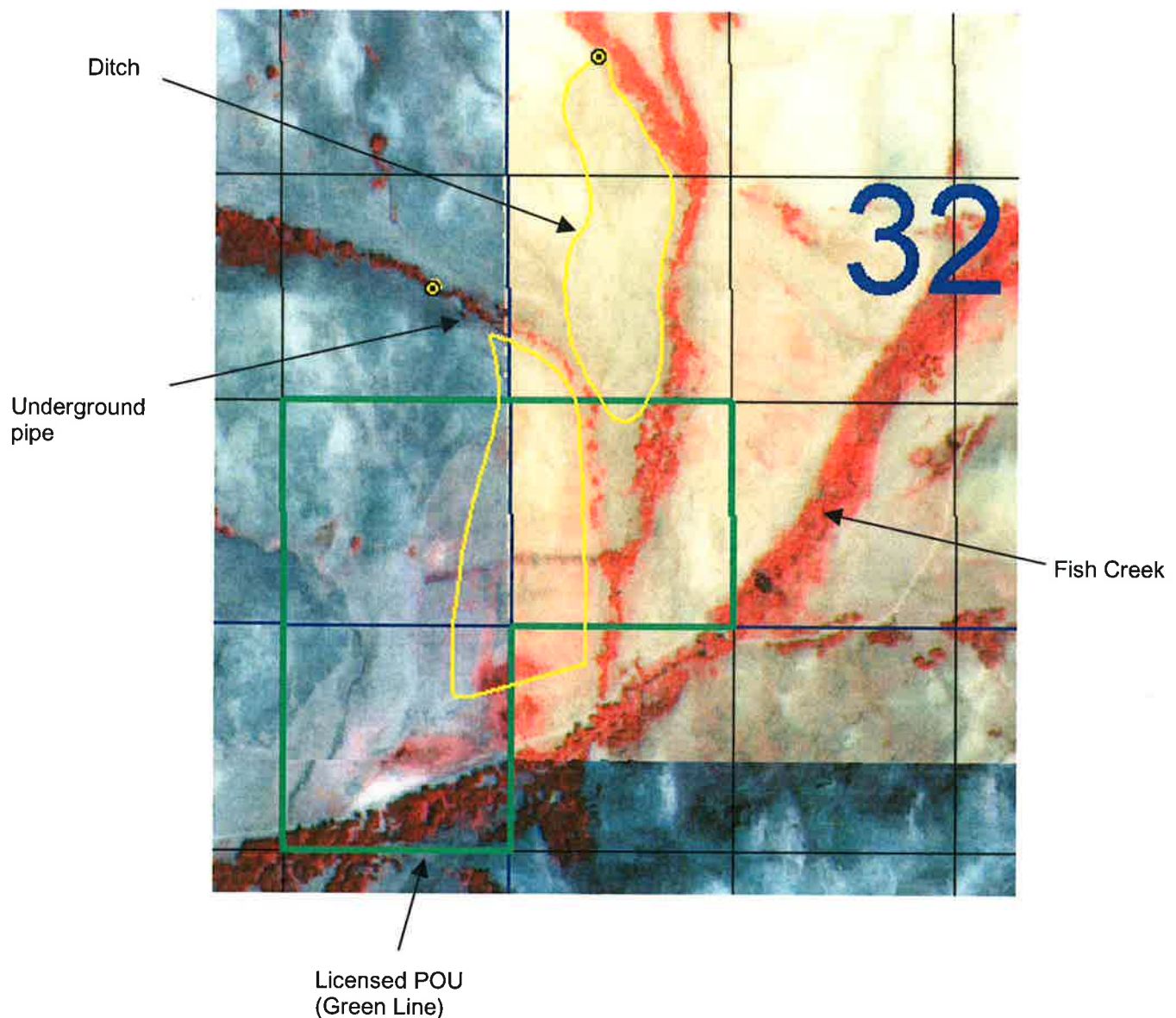
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo





Photograph of POD in SWNW Section 32 taken by Lee Peterson during field exam.
Location: 2520073 1372211
Plate: A0016277
Photo #: 1060668



Photograph of POD in NESE Section 31 taken by Lee Peterson during field exam.
Location: 2519776 1371792
Plate: A0016276
Photo #: 1060667

Notes

T2N R23E Sections 5 & 6; T3N R23E Sections 31 & 32

- Found 50 acres for Irrigation.
- POU determined primarily from 1992 and 2004 photos because a portion of the 1987 photo is shifted east in the POU
- The distribution system is a ditch for flood irrigation running south from the POD in SWNW Section 32, and an underground pipe running east to gravity sprinklers from the west POD NESE Section 31.
- Only one POD claimed, but two GPS'd during 2005 field exam.
- 1987 & 1992 aerial photo indicate some irrigation of POU as well as the ditch and pipe distribution system observed on during 2005 field exam. Recommended claim as licensed because a usable distribution system is evident and at least some irrigation was occurring in 1987 and 1992.
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.
A37-02045=4392=4393=4394=2123=745=746

Lava Lake Land & Livestock LLC
35 27 Washington St.

Branch office
Hailey Idaho

8/4/05

San Francisco, Ca

I met with Mike and Cheryl and briefly reviewed the files for Lava Lake and She approved meeting me this morning with their field foreman and ranch foreman to go out to the field to observe the field and POD's for each water right.

W.R.2045= this right was as I seen it could have been for a possible 80 acres give or take in the past , and as their foreman said their plans might be for more but unknown at this date but there is a lot of possible irrigated land here in this ranch if under sprinkler irrigation system. One POD is Cottonwood Cr the other is west of cottonwood , see photo

W.R.4392= the POD's are Fish cr. and Iron mine cr. The land close to # 1 diversion is planned for irrigation sprinkler with a portable pump of approximately 15 to 20 acres . The foreman said the area marked in yellow is a good estimate of their land now flood irrigated with POD 1 . See photo for # 2 which is flood irrigated but may be sprinkled later. This area is listed as 40 acres but is and will be more. Letter or priority will be coming.

W.R.4393= This POD is on Iron Mine Cr as per photo and as the foreman said this yellow area is approx. OK for the area of this right, but the POD is in the wrong place . The creeks marked Fish Cr. And Iron mine is OK , and the yellow area is flood irrigated, this area is probably about 33 acres.

W.R.4394= See photo red and brown # POD is flood irrigation but is planned for sprinkler , see ditch and proposed pipe. Looking at this land I would estimate it as more than 20 acres as soon as they get it under sprinkler.

W.R.2123= POD's 4-5 the yellow area is short , see photo of flood irrigation and proposed sprinkler irrigation. Area now is flood under # 5 and \$ is underground pipe for sprinkler, I believe this will be a lot more than 50 acres.

W.R. 745-746= All this land is proposed for sprinkler irrigation asap , it has in the past been flooded and what ever possible, this spring the old systems were washed out . I think there are many more than 44 acres as shown. There is new plans for POD'S to replace the ones washed out. There are many acres on west side planned for sprinkler irrigation.

See photo

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Lava Lake Land	Lava 1	2521679	1372152	A0016273	1060664
" " "	" 2	2521119	1371711	274	665
" " "	" 3	2520259	1371981	275	666
" " "	" 4	2519776	1371792	276	667
" " "	" 5	2520073	1372211	277	668
" " "	" 6	2517710	1365528	278	669
" " "	" 7	2529279	1363845	None	670
" " "	" 8	2529475	1363339	"	671

Lee R. Peterson

Background Data

- Source is Unnamed Stream tributary to Fish Creek
- Licensed for 1.0 cfs on 50 acres
- Claimed for 1.0 cfs on 50 acres

Place Of Use Data

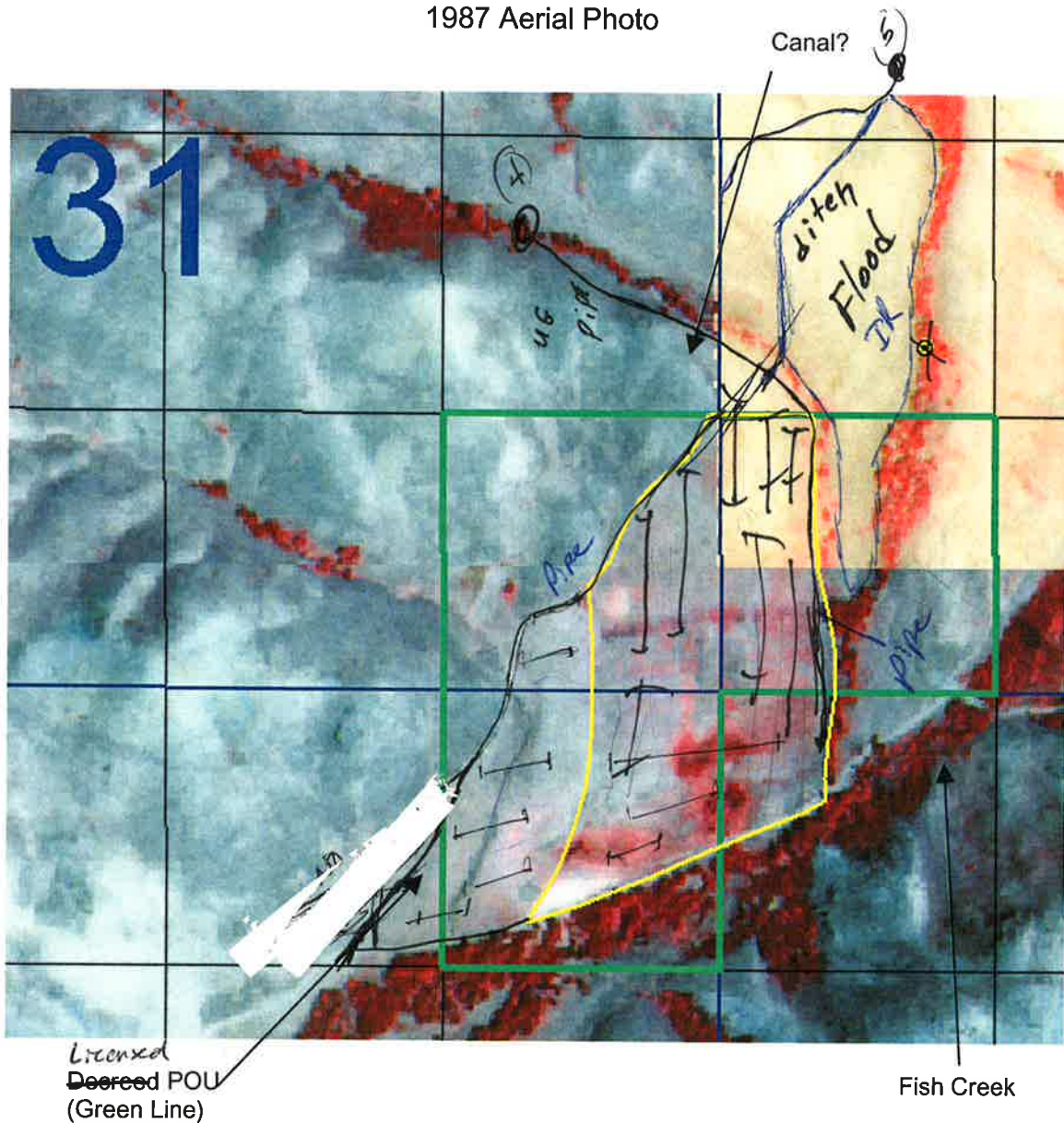
Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

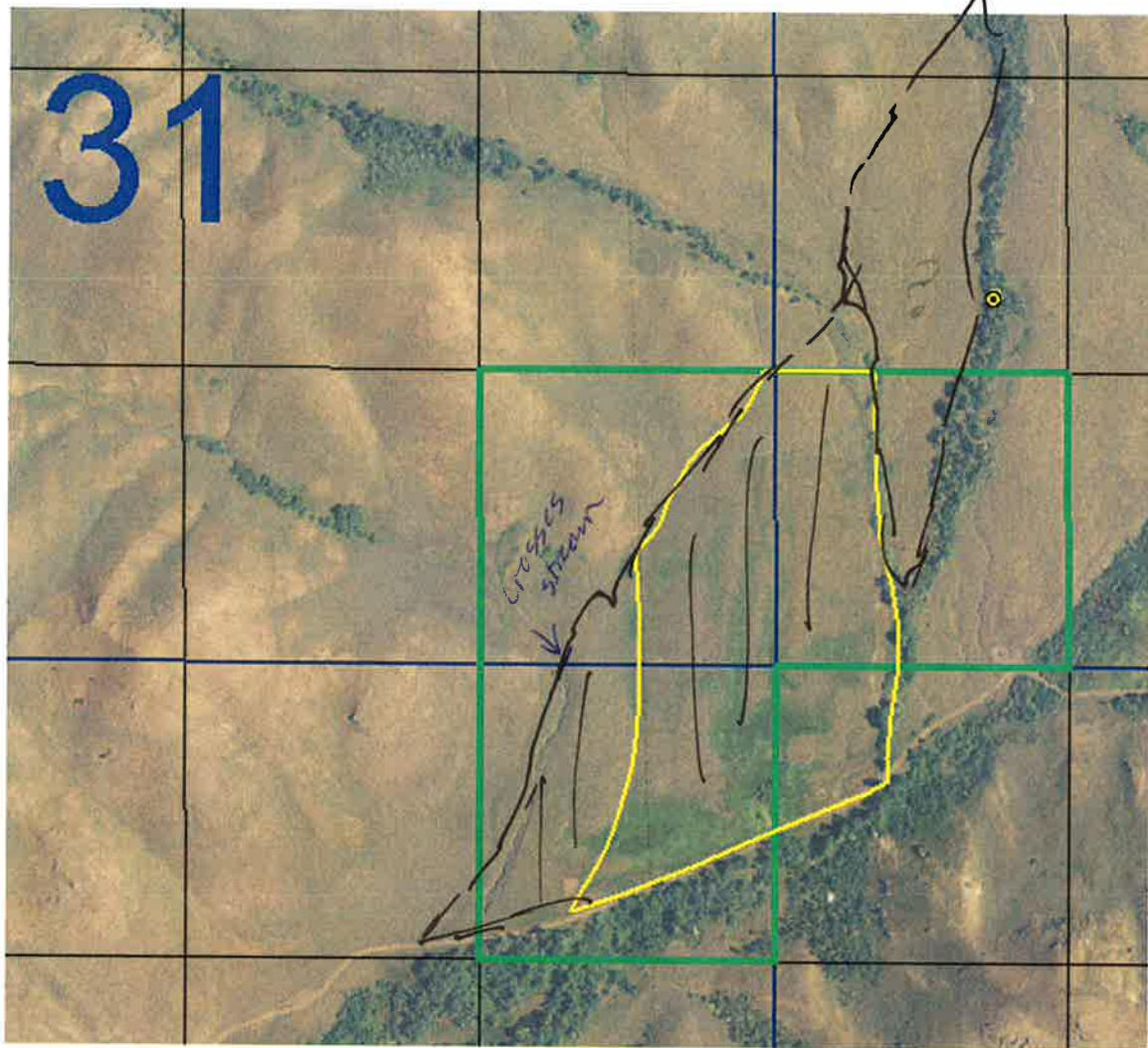
UG = underground pipe

1987 Aerial Photo



2004 Aerial Photo

- unsure when sprinklers were installed



Notes

T2N R23E Section 6; T3N R23E Sections 31 & 32

- Decreed for irrigation and domestic, but only claimed for irrigation. *irrig.*
- The distribution system spears to be a canal that diverts water from the unnamed stream.
- Is the claimed POD correct? *no* The canal appears to divert from the stream to the west in SESE Section 31.

 Blaine County *
 Trib. of Fish Creek *
 1 cubic foot per second *
 Irrigation and domestic *
 Priority 12-29-1908 *

S T A T E O F I D A H O

WATER LICENSE NO. 4259

WHEREAS, On the 29th day of December, A. D. 1908, JAMES W. RALLS, of Bellevue, County of Blaine, State of Idaho, duly made application (No. 6027) to me for a permit to use 2.4 cubic feet of the waters of Spring branch tributary of Fish Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 2nd day of January, A. D. 1909, Permit No. 4259 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 2nd day of January, A. D. 1911, and for the application to beneficial use of said water on or before the 2nd day of January, A. D. 1911, and,

WHEREAS, On the 23rd day of December, A. D. 1910, JAMES W. RALLS, the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.4 cubic feet per second of said waters, as evidenced by my Certificate No. 4259 dated July 25, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.4 cubic feet per second of water, with date of priority of December 29, 1908, and,

WHEREAS, On the 23rd day of December, A. D. 1910, JAMES W. RALLS, the holder of said permit duly made proof of the application to beneficial use of one cubic foot per second of said water;

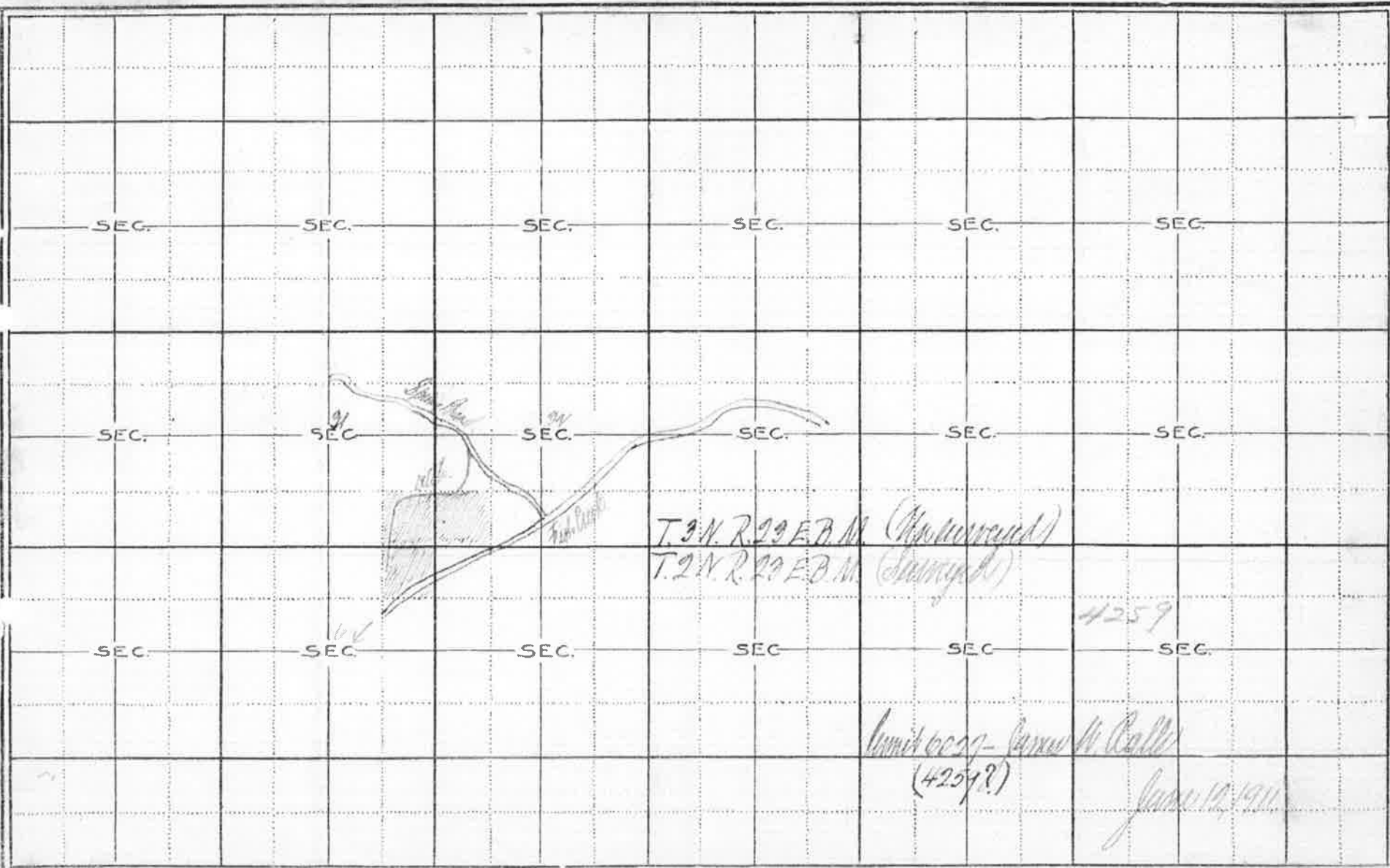
NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JAMES W. RALLS, of Bellevue, County of Blaine, State of Idaho, the holder and owner of said Permit No. 4259, a perpetual right, dating from December 29, 1908, to the use of one cubic foot per second of waters ^{of a tributary of Fish Creek} in the County of Blaine, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Northwest quarter of the Southwest quarter, Section 32, Township 3 North, Range 23, East of Boise Meridian, and conducted to and upon 50 acres divided as follows: (20 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, Tp. 2 N., 25 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, and 5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, Tp. 3 N., R. 23, E. B. M., for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of July, A. D. Nineteen hundred and eleven.

A. E. Robinson,
 State Engineer

(SEAL)

37 2123





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

January 10, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO CA 94118

RE: SRBA Claim(s) A37-00745, A37-00746, A37-02123,
 A37-04392, A37-04393, A37-04394

Dear Claimants:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.

BLAINE COUNTY TITLE

July 20, 2000

IDAHO DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
JUL 21 2000
Department of Water Resources
Southern Region

Re: Order #00009476

Buyer: Lava Lake Land and Livestock
Seller: Biskay Land and Livestock

To Whom It May Concern:

Please find enclosed an ORIGINAL executed State of Idaho Department of Water Resources, Notice of Change of Water Right Ownership document.

You will also find attached a copy of the Articles of Organization for Lava Lake Land and Livestock as well as copies of all Warranty Deeds associated with the purchase and sale of this property. Three (3) deeds total were recorded in Custer, Butte and Blaine Counties.

An aerial photo will be provided under separate cover.

Should you have any questions or need assistance transferring these rights, please feel free to contact me.

Sincerely,

BLAINE COUNTY TITLE ASSOCIATES



Kathy Seal
Escrow Officer