

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 37-4392
Date Received: 12/2/88
Receipt No:
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 94118

Phone: (415)922-5378

2. Date of Priority: 06/01/1913

3. Source: FISH CREEK MIDDLE FORK Trib. to: FISH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
03N	23E	33	SW NW	BLAINE
03N	23E	32	NE SE	BLAINE

5. Description of diverting works:

DITCH, PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.8	

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

8. Total consumptive use:

37-4392

12/19/2000

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres		
03N	23E	32	NW	SE		IRRIGATION	2		
			NE	SE		IRRIGATION	30		
			SE	SE		IRRIGATION	4		
			Section Acres						36
03N	23E	33	SW	NW		IRRIGATION	2		
			NW	SW		IRRIGATION	2		
			Section Acres						4
			Total Acres						40

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: Statutory Claim



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 that reads "Trish Fawcett".

Trish Fawcett
Technical Records Specialist

enc.

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

1. The name of the limited liability company is: LAVA LAKE LAND & LIVESTOCK, L.L.C.
2. 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
3. Is management of the limited liability company vested in a manager or managers?
☒ Yes ☐ No (check appropriate box)
4. 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:

Erian 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

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

Erian S. Bean
Kathleen T. Bean

IDAHO SECRETARY OF STATE
Secretary of State use only

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

1 @ 100.00 = 100.00 ORGAN LLC # 2

Standard Form 1001-1001 Revised 6/97

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.

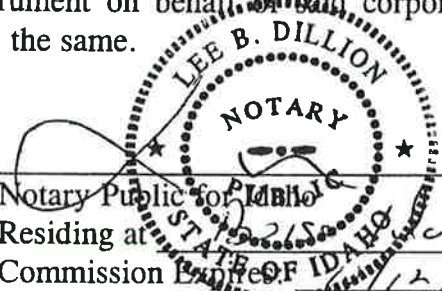
ATTEST:


Freda Cenarrusa, Secretary

By: 
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.


Notary Public for Idaho
Residing at 1215 S. 1st St.
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 05 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.

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.

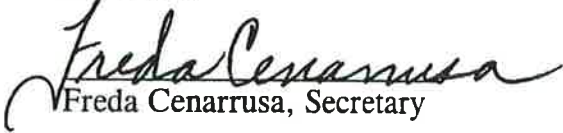
3. Certification of Authorization. The officer who signs this Deed certifies that the Deed and the transfer represented by the Deed were duly authorized by the Board of Directors in accordance with the Bylaws and Articles of the Grantor and the laws applicable to the Grantor.

GRANTOR

Dated: May 31, 2000

BISKAY LAND & LIVESTOCK CO.

ATTEST:

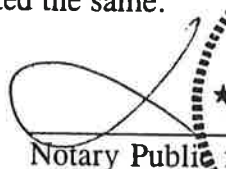

Freda Cenarrusa, Secretary

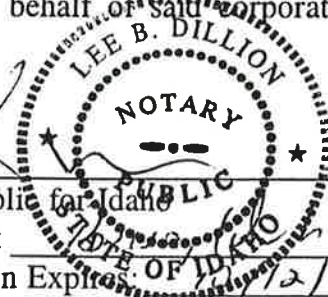
By: 
Pete T. Cenarrusa, President

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 12/12/03



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

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 Custer 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:

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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 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.

Lee B. Dillion
NOTARY
Notary Public for Idaho
Residing Idaho
Commission Expires 12/12/03

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: A37-04392

Date Received: 12/02/1988

Receipt No: C003731

Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUN 01, 1913

3. Source: FISH CREEK, MIDDLE FORK Trib. to: FISH CREEK

4. Point of Diversion:

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

5. Description of diverting works:
DITCH, PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01		0.800	

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	23E	32	NE	SE		IRR	30.0
			NW	SE		IRR	2.0

A37-04392

Page

1

Date: 12/02/88

COPY

MICROFILMED
FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	23E	32	SE	SE		IRR	4.0
						Section Acres	36.0
		33	SW	NW		IRR	2.0
			NW	SW		IRR	2.0
						Section Acres	4.0
						Total Acres	40.0

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: STATUTORY CLAIM

COPY

MICROFILMED
FEB 24 1993

(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.

02/88
MICROFILMED
FEB 24 1993

SEC 32

SEC 33

SW 1/4
NW 1/4
T3N
R2E

31

NE 1/4
SE 1/4

ALL
DIV
+ USE
NW 1/4
SW 1/4

SW 1/4 NE 1/4
Sec. 32
T3N R2E

32

POD

30

4

SW 1/4 NE 1/4
T3N R2E

NW 1/4

NE 1/4

SEC 32
R2E
T3N
BLM

Sec 6

NW 1/4

Sec 5



37-4392

Status Conf. 3-11-09

Charlie Housinger (ATT) Nick Spricer (IDWR)
Fm Sept 17, 2008 hearing

Sept 23, 08 Received Amended affidavits regarding priority date,
1911 for Middle F. Fish Cr per Coates. Claimed
priority is 1913. Claim would have to be amended
to recognize the 1911 date.

Dec 9-08 Mailed a tentative Recom for POD/POU shapes for
this right § 37-4393 to Charlie for comment.

3-11-09 Status Conf held met with Charlie & discussed POU
& will modify POU Boundary.
3-25-09 sent a modified Boundary to Charlie for his review.

4-9-09 Emailed a signed SF-5 back to Vicki
For 37.7 ac and .75 cfs

37-4392 Lava Lake Land and Livestock LLC
Hearing set for Sept 17, 2008 at 1:30 PM

The claimant wants the recommendation to reflect the claimed place of use. The claimant wants 3 additional acres in Sec 32 SESE. Where the additional 3 acres would be located is not clear in either the 1987 or the 1992 aerial photos. A total of 4 acres in that tract does not appear likely. The current recommendation boundary follows a road on the south and east and the tree covered area around the stream channel.

The claimant also wants 2 acres in Sec 33 SWNW (BLM ground). Again based upon the same photos, that entire tract appears to be uphill from the existing ditch.

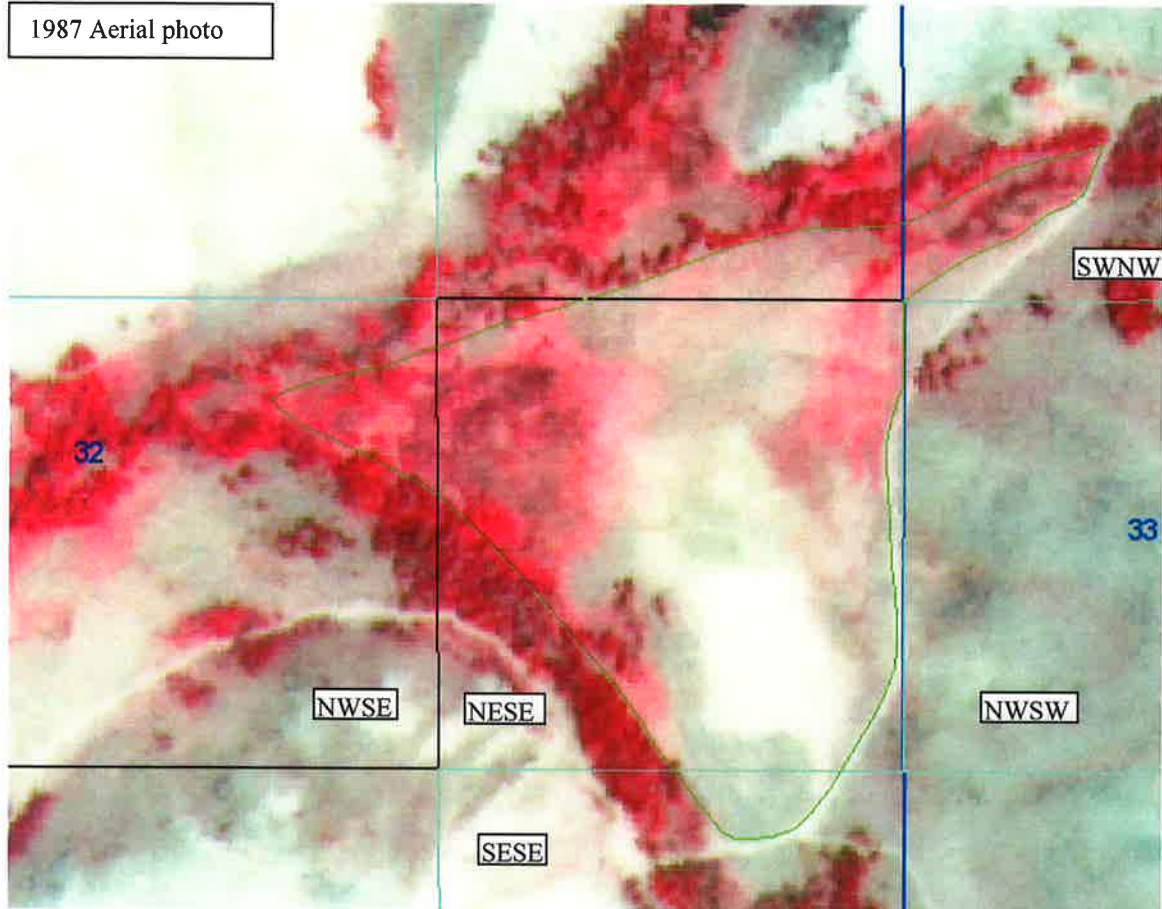
Standard season of use is

4-15 ; 10-31

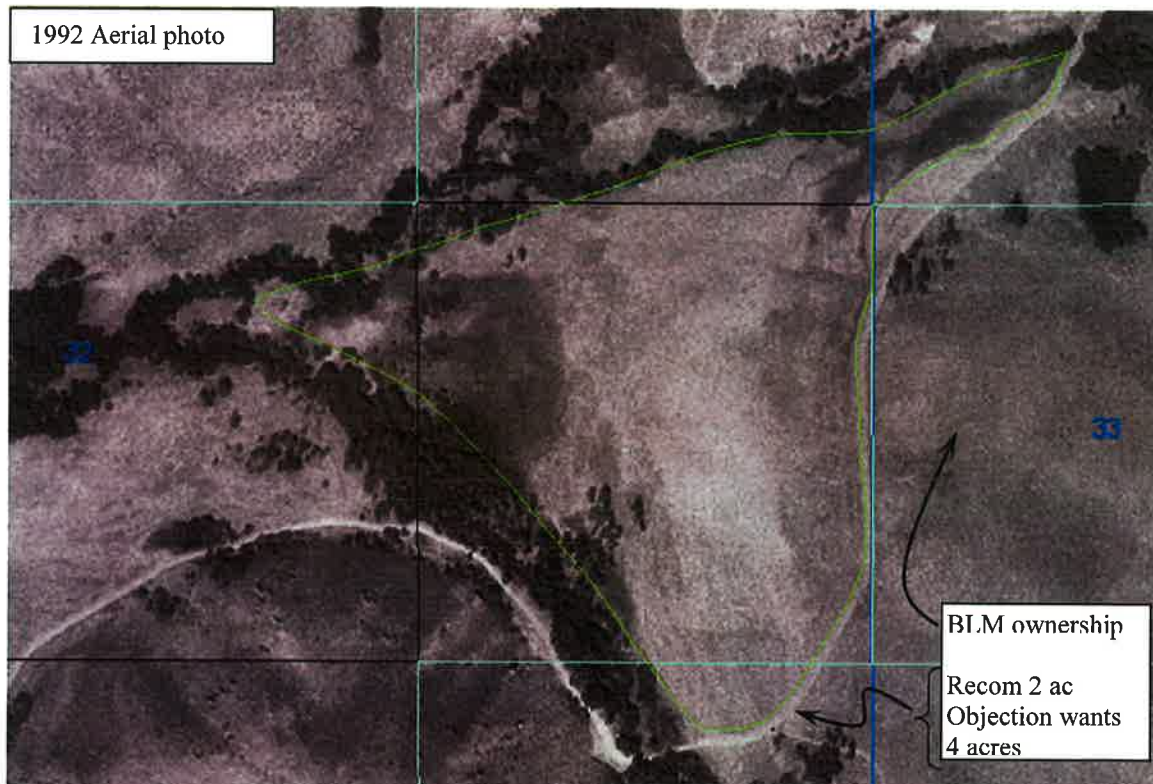
*Second P/O (must be pump) location unknown
if it actually exists.*

37-4392 Lava Lake Land and Livestock LLC

1987 Aerial photo



1992 Aerial photo



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4392 V1

WATER RIGHT NUMBER: 37-4392 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: 12/31/1926

Basis: Beneficial Use

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	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

FISH CREEK	SW1/4SW1/4NW1/4	Sec. 33, 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	
03N	23E	32				2.8									32.0	2.0		1.0	37.8
03N	23E	33							2.2										2.2

Total Acres: 40

*Objection wants P/U same as claimed.
Sec 33 NWSW is BLM ground.*

Conditions of Approval:

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.

Remarks:

**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 37-4392
(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

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: Middle Fork Fish Creek - Tributary: Fish Creek
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: June 1, 1913
5. ☒ **Point(s) of Diversion**
Should be: T3N R23E S32 SWNW ; T3N R23E S33 NESE
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 T3N R23E S32 NESE; 2 acres in T3N R23E S32 NWSE; 4 acres in T3N R23E S32 SESE; 2 acres in T3N R23E S33 SWNW; 2 acres in T3N R23E S33 NWSW; 40 Acres total
Handwritten notes: NESE 30, S33 NWSW 2, SWNW 2, SESE 4, NWSE 2, SEC 32
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.

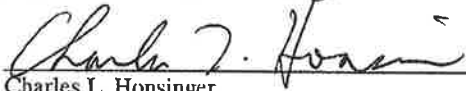
F.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

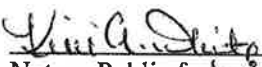
Charles L. Honsinger, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


Charles L. Honsinger

Subscribed and sworn to before me on: November 14, 2007




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 11/11/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 14, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

Name: Lava Lakes Land & Livestock, LLC

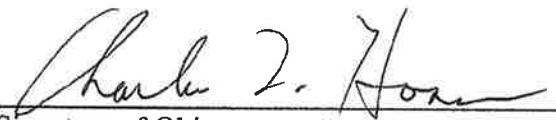
Address: PO Box 2249
Hailey ID 83333

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED
JAN 18 2008
DEPARTMENT OF
WATER RESOURCES

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 37-04392
(Insert water right number)

Case No. 39576)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Lava Lake Land & Livestock, LLC
Address: P.O. Box 2249; Hailey, Idaho 83333
Name: Charles L. Honsinger (attorney for objector)
Address: P.O. Box 2773; Boise, Idaho 83701
Name:
Address: ;

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use See attached.

11. **Recommendation:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING RESPONSE:

Claimant's objection seeks to add a place of use on federal public land in trespass that was neither claimed nor recommended (2 ac, NWSW, S33, T03N, R23E). Claim should not include federal public land.

E.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing response)

Casey R. O'Brien
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Jan 08

December 15, 2008

Casey R. O'Brien



Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

RECEIVED

JUN 30 1961

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

(Name of Claimant)

83705

Telephone No. 344-2443

(Mailing Address)

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) 1913

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

(cfs, of)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo., Day)

Quantity .8 Use irrigation Period of Use From May 1 To Oct. 15

Quantity	Use	Period of Use From	To
----------	-----	--------------------	----

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

(4) TOTAL QUANTITY USED.

(c18, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

Tip of SW ¼ NW ¼, Sec. 33 Twp. 3N Rge. 23E B.M., County of Blaine

Additional points of diversion: out of main stream by sprinkler pump

NE 1/4 SE 1/4 Sec 32 Twp. 3N Rge. 23E

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.

(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.

[illegible]

No. of acres 40

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
stock watering out of stream

NOTE: Include here the type and number of stock watered: 2000 sheep, 200 cattle

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

Remarks



State of Idaho)
County of BLAINE) ss.

the matters and facts therein are true to the best of the

John J. Conners
(Claimant) (president)

Notary Public
Residing at BOISE IDAHO

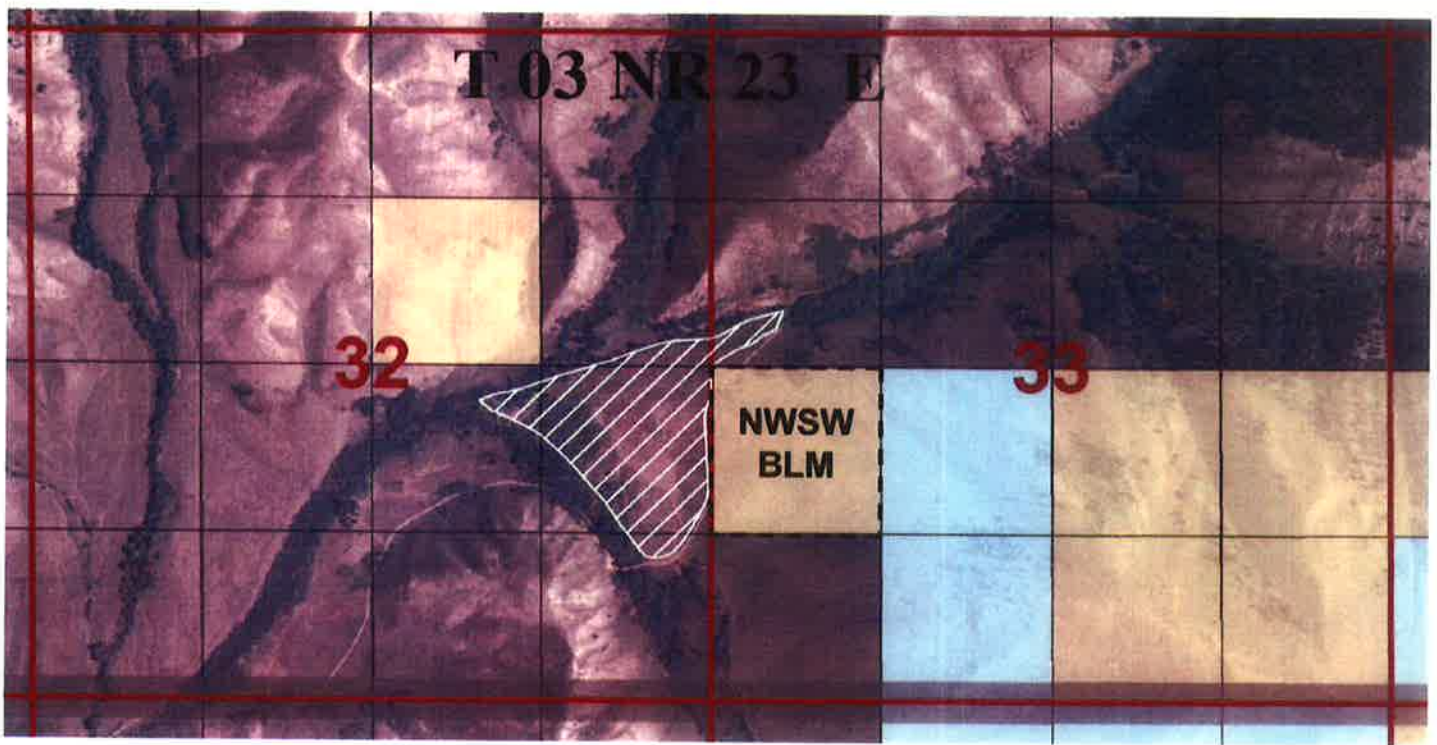
6-30-83
FOR DEPARTMENT USE ONLY

Received by <u>Jim</u>	Date <u>6-28-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Jim</u>	Date <u>6-28-83</u>		claimant by:	
\$30.00 fee received by <u>T</u>	Date <u>29/3 2</u>			
Published in <u>Local news Journal</u>				
Dates <u>7/1 & 7/8/83</u>				

37-04392
Lava Lake Land & Livestock LLC

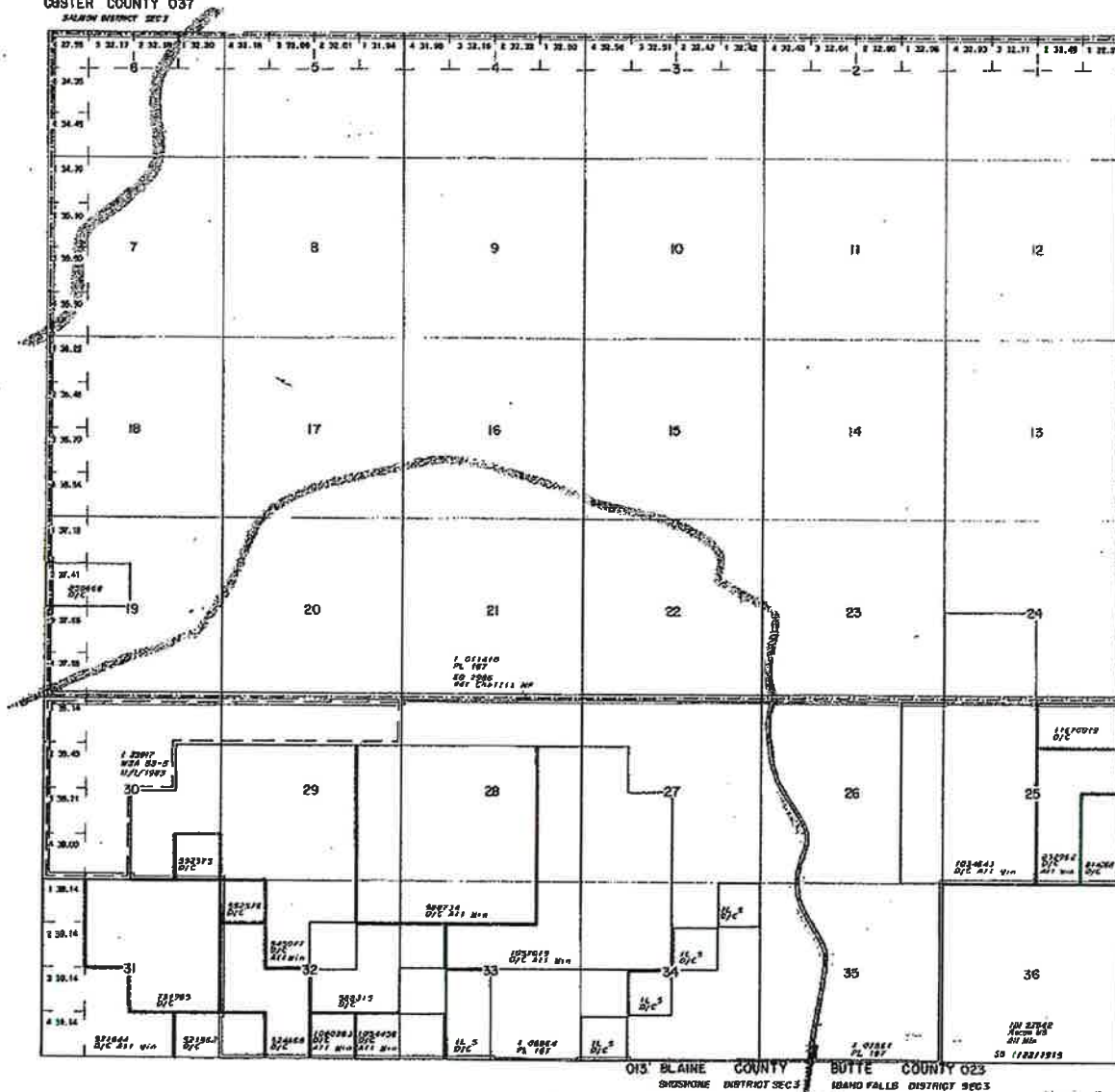
POU on BLM:

-Claimants objection seeks to add place of use location T03N R23 S33 NWSW 2.00 acres which is BLM land and is not authorized.



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

CUSTER COUNTY 037
SALMON DISTRICT SEC 2



SCALE in Miles

WARNING: READING!

This plot is the Bureau's Record of Title, and should be used only as a general display of the remarkable history of the Bureau. It is not intended to be used as a source of information for the Bureau's work, and should not be used for any other purpose. It is not intended to be used for any other purpose.

THE ROTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

6239 Mer
 T. 3N
 R. 23E

IDWR CONCURRENCE:

Kelly K. Christensen 4-9-09
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

03/31/2009

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

RIGHT NUMBER: 37-4392

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

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: ~~80~~ 0.750 CFS

PRIORITY DATE: 06/01/1913 ~~12-31-1926~~

POINT OF
DIVERSION:

T03N R23E S33 SWSWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

~~80~~ 0.750 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R23E S32	SENE	<u>2.60</u> ~~2.80~~	T03N R23E S32	NESE	<u>31.00</u> ~~32~~
T03N R23E S32	NWSE	<u>1.10</u> ~~2~~	T03N R23E S32	SESE	<u>1.50</u> ~~4~~
T03N R23E S33	SWNW	<u>1.50</u> ~~2.2~~			
<u>37.7</u> ~~40~~ 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 - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on _____, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

03/31/2009

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

RIGHT NUMBER: 37-4392

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

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: ~~.80~~ 0.750 CFS

PRIORITY DATE: 06/01/1913 ~~12-31-1926~~

POINT OF
DIVERSION:

T03N R23E S33 SWSWNW 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	~~.80~~ 0.750 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R23E S32	SENE	2.60 ~~2.80~~	T03N R23E S32	NESE	31.00 ~~32~~
T03N R23E S32	NWSE	1.10 ~~2~~	T03N R23E S32	SESE	1.50 ~~1~~
T03N R23E S33	SWNW	1.50 ~~2.2~~			

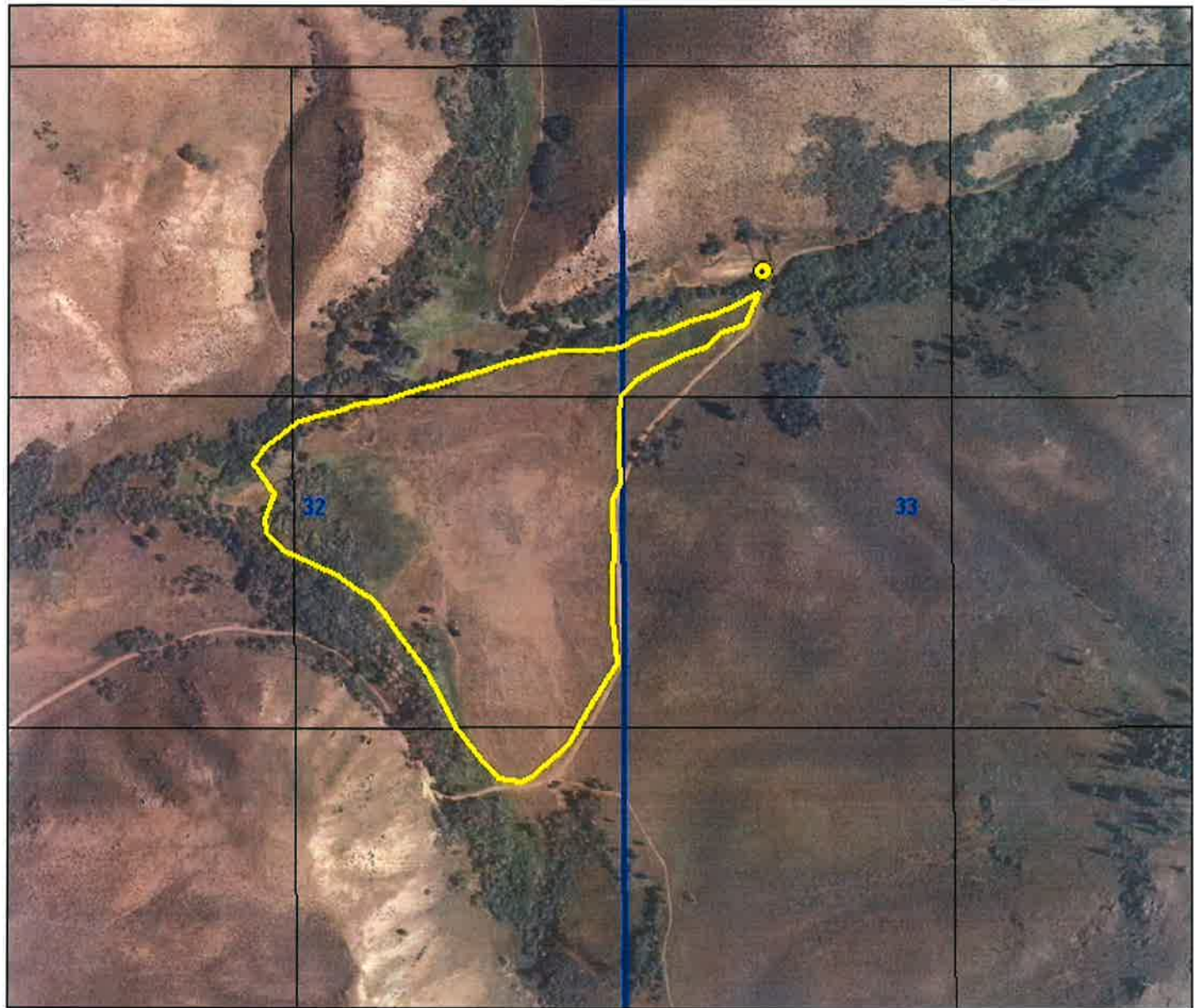
37.7 ~~40~~ ACRES TOTAL

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 - Beneficial Use

RECOMMENDED PLACE OF USE FOR 37-4392



PLACE OF USE
TWP 03N, RNG 23E, SEC 22
Data Entry on March 31, 2009

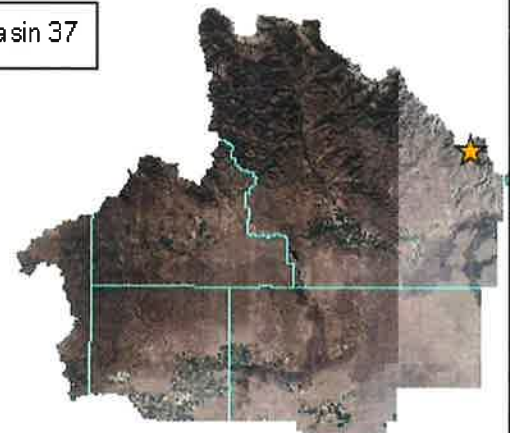
★ LOCATION IN BASIN

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

GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
BY KELLY K CHRISTENSEN



Basin 37



**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.: 37-4392
)
)
)
)
)
)

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:

Lava Lake Land & Livestock LLC

RESPONDENT:

United States on behalf of the
Bureau of Land Management

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

David L. Negri Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

*Superseded
3-31-09
KCC*

IDWR CONCURRENCE:

Kelly K. Christensen 3-4-09
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer 3-4-09
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

Superseded
3-31-09

01/26/2009

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

RIGHT NUMBER: 37-4392

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

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: ~~0-80~~ 0.700 CFS

PRIORITY DATE: ~~12/31/1926~~ 06/01/1913

POINT OF DIVERSION:

T03N R23E S33 SWSWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

~~0-80~~ 0.700 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R23E S32	SENE	2.10-2-8	T03N R23E S32	NESE	29.00 32
T03N R23E S32	NWSE	1 2.00	T03N R23E S32	SESE	1.30 1-00
T03N R23E S33	SWNW	1.50 2-20			

34.2 40 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 - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on _____, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
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☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, March 25, 2009 9:19 AM
To: 'Charlie Honsinger'
Cc: Kelly, Vicki
Subject: Modified shape for 37-4392 Lava Lake

Attachments: Modified shape for 37-4392 Lava Lake.doc

Attached is the modified shape and acreage by Q/Q. Please review the information and if it is acceptable, let me know and I will work with Vicki to correct the SF-5 for this claim.

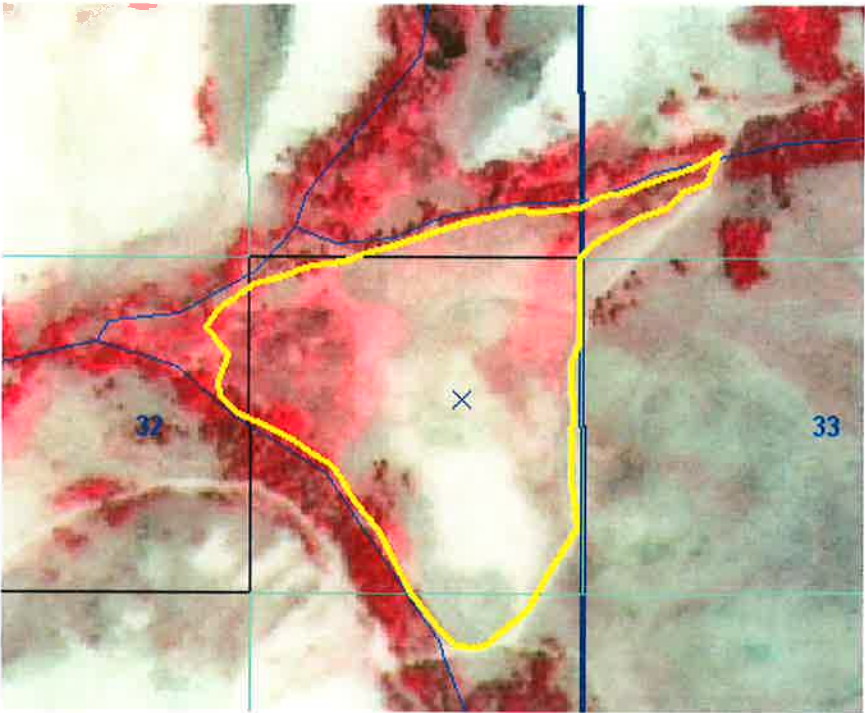


Modified shape for
37-4392 Lav...

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

Modified shape for 37-4392 Lava Lake
 By Kelly K Christensen

March 25, 2009



Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	23E	32				2.6									31.0	1.1		1.5	36.2
03N	23E	33							1.5										1.5

Total Acres: 37.7

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, December 09, 2008 10:29 AM
To: 'Charlie Honsinger'
Cc: Spencer, Nick; Kelly, Vicki
Subject: 37-4392 and 37-4393 Lava Lake claims

Attachments: 37-4392 AND 37-4393 TENTATIVE POU V2 RECOM.doc

As hard as it may be to believe, I am now actively working on some of the Lava Lake objections again.

Attached is a clip of the shapes I have generated for the two rights and the pod locations. I decided to send this to you to preview before drafting any SF-5 recommendations. I have really struggled at finalizing the actual line as there is virtually no features showing much in the way of irrigation or delivery systems in any available photos. Please review the shapes and pod locations and provide any comments you may wish.

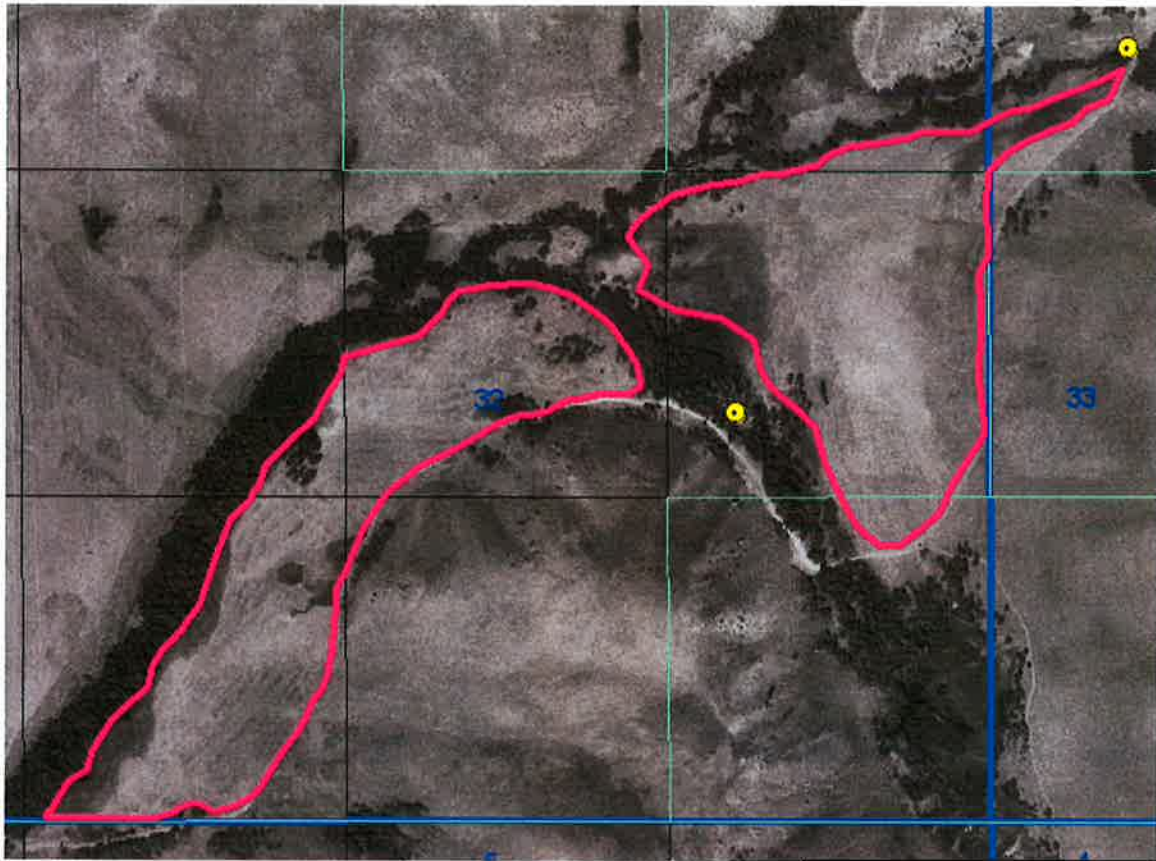
Based upon the affidavits submitted, I am planning on recommending 37-4392 with a 1911 priority date and 37-4393 with a 1916 priority date.

Hopefully no crisis will come up before you reply as I would like to wrap this group up as soon as possible.



37-4392 AND
37-4393 TENTATIVE .

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



1992 AERIAL PHOTO

Laura E. Burri
Adam S. Christenson
Jeffrey R. Christenson
David P. Claiborne
S. Bryce Faris
Jon C. Gould
David Hammerquist
Charles L. Honsinger **
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid *
Daniel V. Steenson

September 19, 2008

Nick Spencer
Deputy Attorney General
Idaho Department of Water Resources
P.O. box 83720
Boise, ID 83720-0098

*Ex. Priority Cor
Lava Lake*

Re: SRBA Subcase nos. 37-4392 and 37-4393

Dear Nick:

As discussed at the Initial Hearing in the above-referenced subcases, I recently met with Pete Cenarrusa and Bob Coates to work with them and create new affidavits that are more specific with respect to the priority dates claimed for Lava Lake Land and Livestock, LLC water right nos. 37-4392 and 37-4393. The enclosed affidavits are the result of that meeting. Please forward copies of these affidavits to Kelly Christensen.

It appears that the Affidavits substantiate the priority dates claimed for these water rights. Therefore, I believe that with this change to the water rights, along with the place of use changes we discussed at the Initial Hearing, Lava Lake Land and Livestock, LLC will be prepared to execute Standard Forms Five to settle the subcases. I look forward to receiving the same from you shortly.

Please contact me with any questions or concerns.

Sincerely,

Charles L. Honsinger

enclosures

cc: Mike Stevens (w/enclosures)

CHARLES L. HONSINGER(ISB #5240)
JON GOULD (ISB #6709)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Claimant Lava Lake Land and Livestock, LLC

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 38576

SUBCASE NUMBERS 37-4392, 37-4393

AFFIDAVIT OF PETE T. CENARRUSA

STATE OF IDAHO

COUNTY OF ADA

) ss

Pete T. Cenarrusa, being first duly sworn upon his oath, deposes and says that:

1. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
2. I am making this affidavit to set forth my memory and understanding of the priority dates for water right no. 37-4392 diverted from Fish Creek and water right no. 37-4393 diverted from Iron Mine Creek in Blaine County, Idaho, and to supplement affidavits I have

previously submitted for the same purpose.

3. I lived with my family in Picabo, Idaho from 1922 through 1924, and moved to Bellevue in 1924. My father became friendly with Charlie Ralls at that time. Mr. Ralls owned property on Fish Creek at that time. So, as a child, I used to visit the Ralls property from 1924 onwards, and recall the irrigation of the Fish Creek property at that time.

4. Ira Eldridge was a local sheep owner in the Fish Creek area. I knew him from about 1924 onwards approximately 1936. I used to sit and speak with him about local history for many hours as we became friends. He told me that he was herding sheep in the Fish Creek area starting in 1905. He was known locally as "Boss" Eldridge. He explained to me that water was used on the Fish Creek property that these water rights are claimed on for irrigation at the time that he was first running sheep on the property in 1905.

5. My uncle, Pete Cenarrusa, purchased the Fish Creek property on which these water rights were used in 1945. My father, Joe Cenarrusa, purchased the Iron Mine Creek property in approximately 1946 from Robert Abbott Coates' father. My father conveyed the property to me in approximately 1956. Finally, I conveyed the property to Lava Lake Land and Livestock, LLC in approximately 2001. I spent almost 76 years (since 1924) visiting and irrigating the property, and as such am very familiar with the irrigation practices and irrigation history on the property.

5. I have reviewed Robert Abbot Coates made on the same day as this affidavit and find that it comports with my understanding and memory about the irrigation history on the properties on which these water rights are claimed.

Further your affiant sayeth naught.

Pete T. Cenarrusa

Pete T. Cenarrusa

STATE OF IDAHO)
)ss.
County of Ada)

On this 19th day of September, 2008, before me, the undersigned, a notary public in and for said state, personally appeared PETE T. CENARRUSA, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Charles L. Honsinger
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 7/30/2010

CHARLES L. HONSINGER (ISB #5240)
JON GOULD (ISB #6709)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Claimant Lava Lake Land and Livestock, LLC

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 38576

SUBCASE NUMBERS 37-4392, 37-4393

AFFIDAVIT OF ROBERT ABBOTT
COATES

STATE OF IDAHO

COUNTY OF ADA

) ss

Robert Abbott Coates, being first duly sworn upon his oath, deposes and says that:

1. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
2. I am making this affidavit to set forth my memory and understanding of the priority dates for water right no. 37-4392 diverted from Fish Creek and water right no. 37-4393 diverted from Iron Mine Creek in Blaine County, Idaho, and to supplement an affidavit I

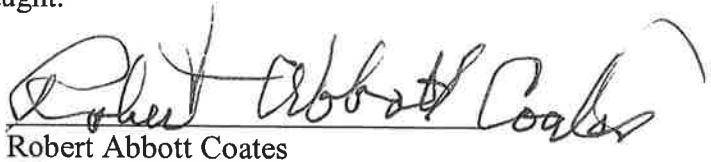
have previously made for this purpose.

3. I was born and grew up on the land which water right nos. 37-4392 and 4393 are located. My mother explained to me as part of the family history that she went to school in Bellevue, Idaho in 1910, and that she and her parents moved to the Fish Creek property on which water right 37-4392 is located in 1911 to homestead this property shortly after she finished grade school. My father explained to me that he homesteaded the Iron Mine Creek Property on which water right no. 37-4393 was used beginning in 1916. He told me he was granted a patent to the Iron Creek property the year I was born in 1921.

4. Because I grew up in that area, I am aware that the first thing that anybody would have done at that time when they moved on to a property was to irrigate immediately, so that they could raise hay for their livestock during the winter time and avoid starvation. It is my understanding from my long history with these water rights and the need to immediately irrigate property on which you lived at that time, that my grandfather irrigated the Fish Creek property as soon as he moved there in 1911, and that my father used beaver dams on Iron Mine Creek to irrigate his property from the time that he moved there in 1916.

5. I have reviewed Pete Cenarrusa's affidavit of today's date and find it to comport with my memory and understanding of the use and history of these water rights.

Further your affiant sayeth naught.


Robert Abbott Coates

STATE OF IDAHO)
)ss.
County of Ada)

On this 19th day of September, 2008, before me, the undersigned, a notary public in and for said state, personally appeared ROBERT ABBOTT COATES, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Charles L. Honsinger
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 7/30/2010

Adjudication Claim Notes

Claim(s): 37-4392

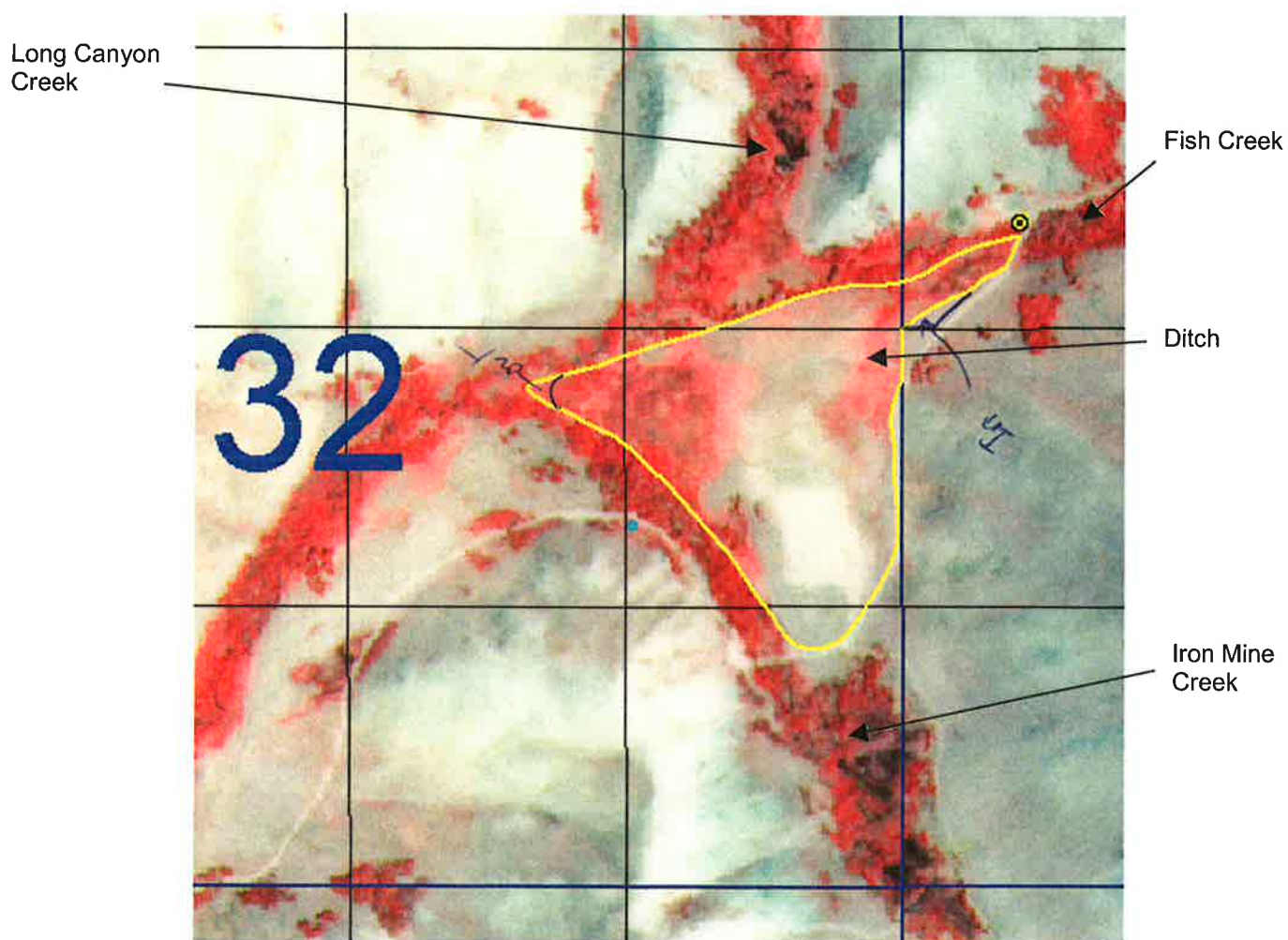
Background Data

- Statutory Claim
- Source claimed as Middle Fork Fish Creek tributary to Fish Creek
- Claimed for 0.8 cfs on 40 acres with priority date of 6/1/1913

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 taken by Lee Peterson during field exam.
 Location: 2521679 1372152
 Plate: A0016273
 Photo #: 1060664

Notes

T3N R23E Section 32

- Found 40 acres for Irrigation
- Source is Fish Creek tributary to Little Wood River.
- The major decree on Fish Creek and its tributaries was Petterson vs. Potter Dec 16, 1916. The latest priority date in this decree is June 1, 1910. Lee Abbot, Charles Ralls, and McClure, owners mentioned in the evidence of priority affidavits are not included in this decree.
- Evidence of Priority: Pete Cenarussa submitted an affidavit stating he remembers the land being irrigated in 1932. Robert Coates submitted affidavit stating he was born in 1921 and remembers going to the fields as a young boy with his father. In his affidavit for 37-4394 Robert Coates stated he lived at the homestead until 1926, so I'm assuming that was the time he was referring to. Recommend 12/31/1926.
- 11/06 unable to conduct field exam to measure diversion rate because of too much snow.
- Based on 1987 aerial photo that indicates some irrigation of POU, evidence of priority submitted, and a ditch distribution system observed on during 2005 field exam, I decided to recommend claim at 0.02 cfs/acre as claimed.
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Fish Creek
Priority Dates

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(ac)</u>	<u>Source</u>
37	733		Decreed	1883-03-30	0.23		FISH CREEK
37	735		Decreed	1883-03-30	0.23		FISH CREEK
37	737 A		Decreed	1883-03-30	0.7		FISH CREEK
37	737 B		Decreed	1883-03-30	0.7		FISH CREEK
37	738		Decreed	1883-03-30	2		FISH CREEK
37	749 A		Decreed	1883-03-30	2.4		FISH CREEK
37	749 B		Decreed	1883-03-30	0.8		FISH CREEK
37	752		Decreed	1883-03-30	0.23		FISH CREEK
37	756		Decreed	1883-03-30	0.23		FISH CREEK
37	769		Decreed	1883-03-30	3.2		FISH CREEK
37	770 A		Decreed	1883-03-30	1.3		FISH CREEK
37	770 B		Decreed	1883-03-30	1.2		FISH CREEK
37	772		Decreed	1883-03-30	3.2		FISH CREEK
37	780 A		Decreed	1883-03-30	1.6		FISH CREEK
37	780 B		Decreed	1883-03-30	0.8		FISH CREEK
37	781		Decreed	1883-03-30	3.2		FISH CREEK
37	758		Decreed	1884-06-01	2		FISH CREEK EAST F
37	759		Decreed	1884-06-01	0.5		FISH CREEK EAST F
37	1214		Decreed	1884-06-01	0.5		FISH CREEK
37	12192		Decreed	1885-05-01	0.02		FISH CREEK SPRING
37	760		Decreed	1885-06-01	0.8		FISH CREEK
37	761		Decreed	1885-06-01	1		FISH CREEK EAST F
37	1215		Decreed	1885-06-01	1.6		FISH CREEK
37	763		Decreed	1887-06-01	0.8		FISH CREEK
37	764		Decreed	1890-06-01	0.6		FISH CREEK EAST F
37	771		Decreed	1898-06-01	0.1		FISH CREEK
37	777		Decreed	1899-06-30	3.1		FISH CREEK
37	1194		Decreed		15		FISH CREEK
37	1195		Decreed		2		FISH CREEK EAST F
37	1196		Decreed		3		FISH CREEK
37	762		Decreed	6/1/1902	0.4		FISH CREEK EAST F
37	768		Decreed	4/30/1903	2.6		FISH CREEK
37	742		Decreed	5/15/1903	1.6		FISH CREEK
37	767		Decreed	4/30/1904	1		FISH CREEK
37	755		Decreed	5/15/1904	0.4		FISH CREEK
37	782		Decreed	5/18/1904	1.2		FISH CREEK
37	786		Decreed	8/23/1904	1.4		FISH CREEK
37	2009		License	8/30/1904	2.2		FISH CREEK WEST F
37	766		Decreed	4/10/1905	0.8		FISH CREEK WEST F
37	779		Decreed	4/21/1905	1.06		FISH CREEK WEST F
37	783		Decreed	5/15/1905	1.6		FISH CREEK
37	739		Decreed	8/18/1905	2		FISH CREEK
37	740		Decreed	8/18/1905	2.4		FISH CREEK
37	748		Decreed	8/18/1905	1.6		FISH CREEK
37	753		Decreed	8/18/1905	1.8		FISH CREEK
37	773		Decreed	8/18/1905	3.2		FISH CREEK
37	774		Decreed	8/18/1905	2.6		FISH CREEK
37	775		Decreed	8/18/1905	5		FISH CREEK
37	776		Decreed	8/18/1905	5.8		FISH CREEK
37	744		Decreed	9/15/1905	2.6		FISH CREEK
37	741		Decreed	5/15/1906	2		FISH CREEK

37	750	Decreed	6/15/1906	0.8	FISH CREEK
37	751	Decreed	5/1/1907	0.5	FISH CREEK
37	778	Decreed	6/15/1907	2.2	FISH CREEK
37	1178	Decreed	7/25/1907	0.8	FISH CREEK
37	2113	License	5/8/1908	0.8	FISH CREEK
37	754	Decreed	5/15/1908	1	FISH CREEK
37	765	Decreed	5/15/1908	0.2	FISH CREEK
37	747	Decreed	6/1/1908	2.6	FISH CREEK
37	743	Decreed	1/16/1909	3.2	FISH CREEK
37	757	Decreed	1/16/1909	4	FISH CREEK
37	1179	Decreed	1/16/1909	4	FISH CREEK
37	745	Decreed	5/5/1909	0.4	FISH CREEK
37	734	Decreed	4/15/1910	1	FISH CREEK
37	736	Decreed	5/23/1910	2	FISH CREEK
37	1180	Decreed	5/23/1910	1	FISH CREEK
37	1181	Decreed	6/10/1910	1.1	FISH CREEK
37	2195	License	11/13/1910	1.7	FISH CREEK
37	746	Decreed	5/30/1911	0.5	FISH CREEK
37	4392	Statutory C	6/1/1913	0.8	FISH CREEK MIDDLE
37	2272	License	8/14/1913	1.2	FISH CREEK WEST F
37	2371	License	2/14/1918	0.1	FISH CREEK
37	1162	Decreed	11/2/1922		14411 FISH CREEK
37	2768	License	7/3/1924		450 LITTLE FISH CREEK
37	2421	License	7/5/1924	1	LITTLE FISH CREEK
37	2772	License	5/14/1930		400 LITTLE FISH CREEK
37	1163	Decreed	5/1/1933	1.56	FISH CREEK
37	15939	Decreed	6/28/1934	0.02	LITTLE FISH CREEK
37	15952	Decreed	6/28/1934	0.02	LITTLE FISH CREEK
37	15953	Decreed	6/28/1934	0.02	LITTLE FISH CREEK
37	15954	Decreed	6/28/1934	0.02	LITTLE FISH CREEK
37	15955	Decreed	6/28/1934	0.02	LITTLE FISH CREEK
37	15956	Decreed	6/28/1934	0.02	LITTLE FISH CREEK
37	16088	Decreed	6/28/1934	0.02	FISH CREEK WEST F
37	16091	Decreed	6/28/1934	0.02	FISH CREEK WEST F
37	16128	Decreed	6/28/1934	0.02	FISH CREEK WEST F
37	16240	Decreed	6/28/1934	0.02	FISH CREEK
37	16252	Decreed	6/28/1934	0.02	FISH CREEK
37	16914	Decreed	6/28/1934	0.02	FISH CREEK
37	16915	Decreed	6/28/1934	0.02	FISH CREEK
37	17173	Decreed	6/28/1934	0.02	FISH CREEK EAST F
37	17174	Decreed	6/28/1934	0.02	FISH CREEK
37	17179	Decreed	6/28/1934	0.02	FISH CREEK
37	17181	Decreed	6/28/1934	0.02	FISH CREEK
37	10810	Decreed	6/1/1948	0.03	FISH CREEK

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

- Statutory Claim
- Source claimed as Middle Fork Fish Creek tributary to Fish Creek. The USGS Topo calls it Fish Creek.
- Claimed for 0.8 cfs on 40 acres

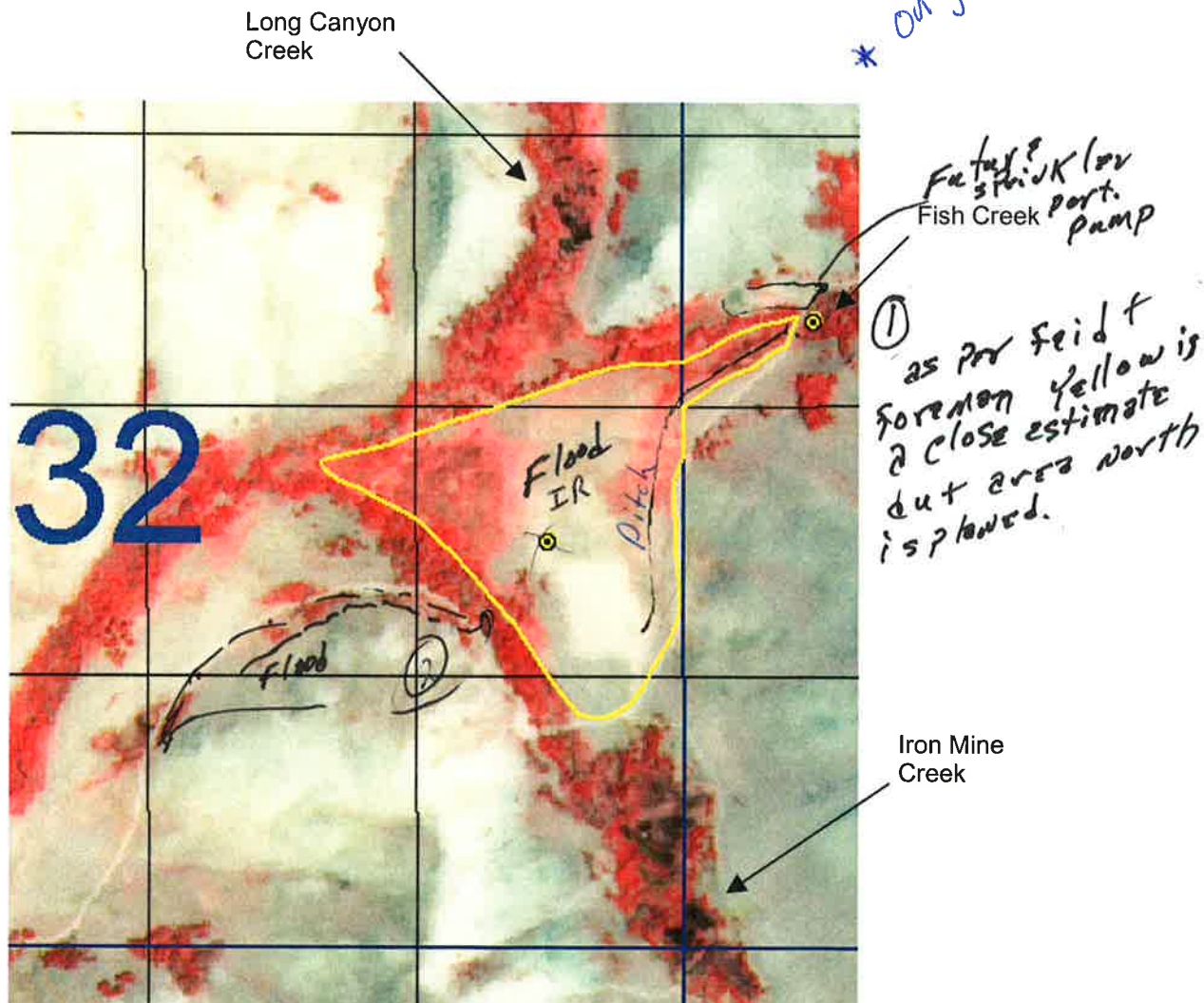
Place Of Use Data

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



Field Exam by
Lee Peterson

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

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

TO: Kelly Christensen DATE: July 15, 2005
FROM: Cheryl Bennett  RE: Priority Water Right
Dates

Please find enclosed affidavits from Mr. Nick Purdy, Mr. Pete Cenarrusa, Mr. Bob Coates, and Mr. Jim Peterson, Sr., regarding priority water right dates for water rights now listed for Lava Lake Land & Livestock, LLC and Muldoon Grazing Association. If you have any questions or comments, please call me at 208-788-1710. Thank you.

RECEIVED
JUL 19 2005
Department of Water Resources
Southern Region

SCANNED
SEP 13 2005

JAMES R. BENNETTS
Attorney at Law
PO Box 36
Challis, Idaho 83226
Phone: 208-879-4488
Fax: 208-879-4248

RECEIVED

JUL 19 2005

Department of Water Resources
Southern Region

AFFIDAVIT OF PETE CENARRUSA
Water Use
Water Right 37-4392



STATE OF IDAHO)
 ss:
County of Blaine)

First being sworn and deposed, the undersigned states as follows:

1. I am of the age of majority and I have sound recollection. Also, I can state that I have reviewed the above water claim or right as presently filed.
2. The land this water right is located on was originally homesteaded by Mr. Lee Abbott in 1911 and was bought by my uncle in 1945, later purchased by my father, and ultimately owned by me. We also owned lands surrounding the Abbott place.
3. This particular water right was for irrigation and stock water. The water from this diversion is located adjacent to the crossing of the Middle Fork of Fish Creek, just 50 to 100 feet South of what is called the Upper Corral or Old Pete's Place. It was first used by the Abbott's on their homestead. I personally remember as early as 1932 that there was alfalfa grown and the meadows grazed. The fields and meadows were well established and had been this way for quite some time. I also remember discussions with the herders regarding the grazing of the meadows as it was always used for the sheep operation. Based on my recollection and my knowledge of the history of the area I believe the priority date claimed would be accurate based solely on my observation and the fact the water was in use prior to 1932 and that the use has been consistent to this date.
4. The grandson of Abbott, Robert Abbott Coates, and I grew up together and spent much of our childhood in this area. Mr. Coates is now living in Nampa, Idaho and he can attest to this information as well.
5. The notice of claim to this water right is attached.

IN WITNESS WHEREOF, the party hereto has hereunto set his hand and seal the day and year first above written.

Dated: 07-06-05

Pete Cenarrusa

SCANNED

SEP 13 2005

On this 6th day of July, 2005, before me, a Notary Public in and for said State, personally appeared PETE CENARRUSA, know to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Cheryl A. Bennett
Notary Public

My Commission Expires on September 07, 2005

SCANNED

SEP 13 2005

JAMES R. BENNETTS
Attorney at Law
PO Box 36
Challis, Idaho 83226
Phone: 208-879-4488
Fax: 208-879-4248

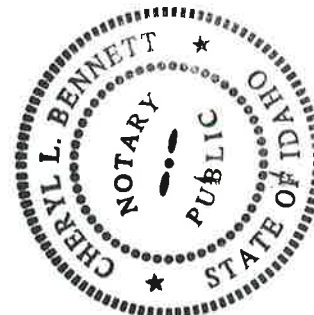
RECEIVED

JUL 19 2005

Department of Water Resources
Southern Region

AFFIDAVIT OF ROBERT ABBOTT COATES
Water Use
Water Right 37-4392

STATE OF IDAHO)
ss:
County of Blaine)



First being sworn and deposed, the undersigned states as follows:

1. I am of the age of majority and I have sound recollection. Also, I can state that I have reviewed the above water claim or right as presently filed.
2. The land this water right is located on was originally homesteaded by my grandfather Mr. Lee Abbott. My mother went to school in Bellevue, Idaho in 1910 and the family moved out to Fish Creek and homesteaded this property in 1911. My grandfather started irrigating the meadows shortly after he homesteaded the property. I was born in 1921 and remember going to the fields with him as a small boy. As early as I can remember this property was irrigated for hay and the water was also used for stock water.
3. I grew up with Mr. Pete Cenarrusa and I have read his affidavit regarding this water right and agree with his description of the water right and the dates associated with the filing. Mr. Cenarrusa and I both share the same recollection of the use of the water for irrigation and stock water use.

IN WITNESS WHEREOF, the party hereto has hereunto set his hand and seal the day and year first above written.

Dated: July 13 2005

Robert Abbott Coates
Robert Abbott Coates

On this 13th day of July, 2005, before me, a Notary Public in and for said State, personally appeared ROBERT ABBOTT COATES, know to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Cheryl L. Bennett
Notary Public
My Commission Expires on Sept 09, 2008

SCANNED

SEP 13 2005

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

720
9058

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

3485 Sacramento Street
San Francisco, California 94118
Tel : 415-292-1764
Fax : 415-292-1766

Facsimile Transmission

To: <u>Kelly Christensen</u>	From: <u>Cheryl Beaslett</u>
Of: <u>IDWR</u>	Pages: <u>2 (including cover)</u>
Fax: <u>736-30337</u>	Date: <u>6/14/05</u>
Re: <u>Extension</u>	CC:

Kelly,
Please sign and fax back. We are in the
process of getting the info together

Sorry for the delay.

Cheryl

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

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

June 14, 2005

Kelly Christensen
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RE: Request for Extension

Dear Kelly:

Per my phone conversation with Amanda of your office earlier today, Lava Lake Land & Livestock and Muldoon Grazing Association would like to request a 15 day extension to provide evidence of priority for the following claims:

Lava Lake Land & Livestock:	37-4392
	37-4393
	37-4394
	37-11916
	37-11936
Muldoon Grazing Association:	37-11418

Please fax back this letter to 208-788-1264 with your signature and date approving the extension for our records.

15 day extension approved by:

Kelly Christensen

Date: _____

If you have any questions or comments, please contact me at 208-788-1710. As I discussed with Amanda, when we submit the required information will also provide a new mailing address in Idaho to prevent any future delays.

Thank you in advance for your attention to this matter.

Sincerely,

Cheryl L. Bennett
Operations Manager

Cc: Jim Bennetts

RECEIVED

JUN 23 2005

Department of Water Resources

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

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

3485 Sacramento Street
San Francisco, California 94118
Tel : 415-292-1764
Fax : 415-292-1766

Facsimile Transmission

To:	<i>Kelly Christensen</i>	From:	<i>Cheryl Bennett</i>
Of:	<i>TOWR</i>	Pages:	<i>2 (including cover)</i>
Fax:	<i>736-30337</i>	Date:	<i>6/14/05</i>
Re:	<i>Extension</i>	CC:	

Kelly,

*Please sign and fax back. We are in the
process of getting the info together*

Sorry for the delay.

Cheryl

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

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

June 14, 2005

Kelly Christensen
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RE: Request for Extension

Dear Kelly:

Per my phone conversation with Amanda of your office earlier today, Lava Lake Land & Livestock and Muldoon Grazing Association would like to request a 15 day extension to provide evidence of priority for the following claims:

Lava Lake Land & Livestock:	37-4392
	37-4393
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Muldoon Grazing Association:	37-11418

Please fax back this letter to 208-788-1264 with your signature and date approving the extension for our records.

15 day extension approved by:


Kelly Christensen

Date:

6-15-2005

If you have any questions or comments, please contact me at 208-788-1710. As I discussed with Amanda, when we submit the required information will also provide a new mailing address in Idaho to prevent any future delays.

Thank you in advance for your attention to this matter.

Sincerely,

Cheryl L. Bennett
Operations Manager

Cc: Jim Bennetts

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

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

Facsimile Transmission

To:	Kelly Christensen	From:	Cheryl Bennett
Of:	<i>FWR</i>	Pages:	1 (including cover)
Fax:	<i>736-3037</i>	Date:	7/1/05
Re:	Priority Water Dates	CC:	

Kelly,

I have just about rounded up all of the affidavits. I have signed affidavits from Nick Purdy and I am waiting for the return of several from Jim Peterson, Pete Cenarrusa and Robert Coates. Mr. Coates has been recovering from surgery and is still in a rehab center. Pete has been assisting me in getting a signed affidavit from him.

I will be out of the office on the 4th and 5th and will hopefully get everything to you on Wednesday. I will fax a copy of the originals and put the originals in the mail to you.

If you have any questions, please call me on Wednesday at 788-1710.

Thank you.

Cheryl



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

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

Facsimile Transmission

To:	Kelly Christensen	From:	Cheryl Bennett
Of:	IDWA	Pages:	1 (including cover)
Fax:	208-738-3037	Date:	7/6/05
Re:	Priority Dates	CC:	

Kelly,

Per our phone conversation today, I am confirming you were agreeable to the delay in providing the signed affidavits for Lava Lake Land & Livestock and Muldoon Grazing Association priority water right dates.

Two of the individuals providing affidavits are in Boise, with one of them in a convalescence home. I should be able to get all the affidavits to you by the end of next week. As we discussed, I will fax you copies and follow up with the originals through the mail.

If you have any questions or comments, please don't hesitate to contact me at 208-788-1710.

Thank you.

Cheryl 



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

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.

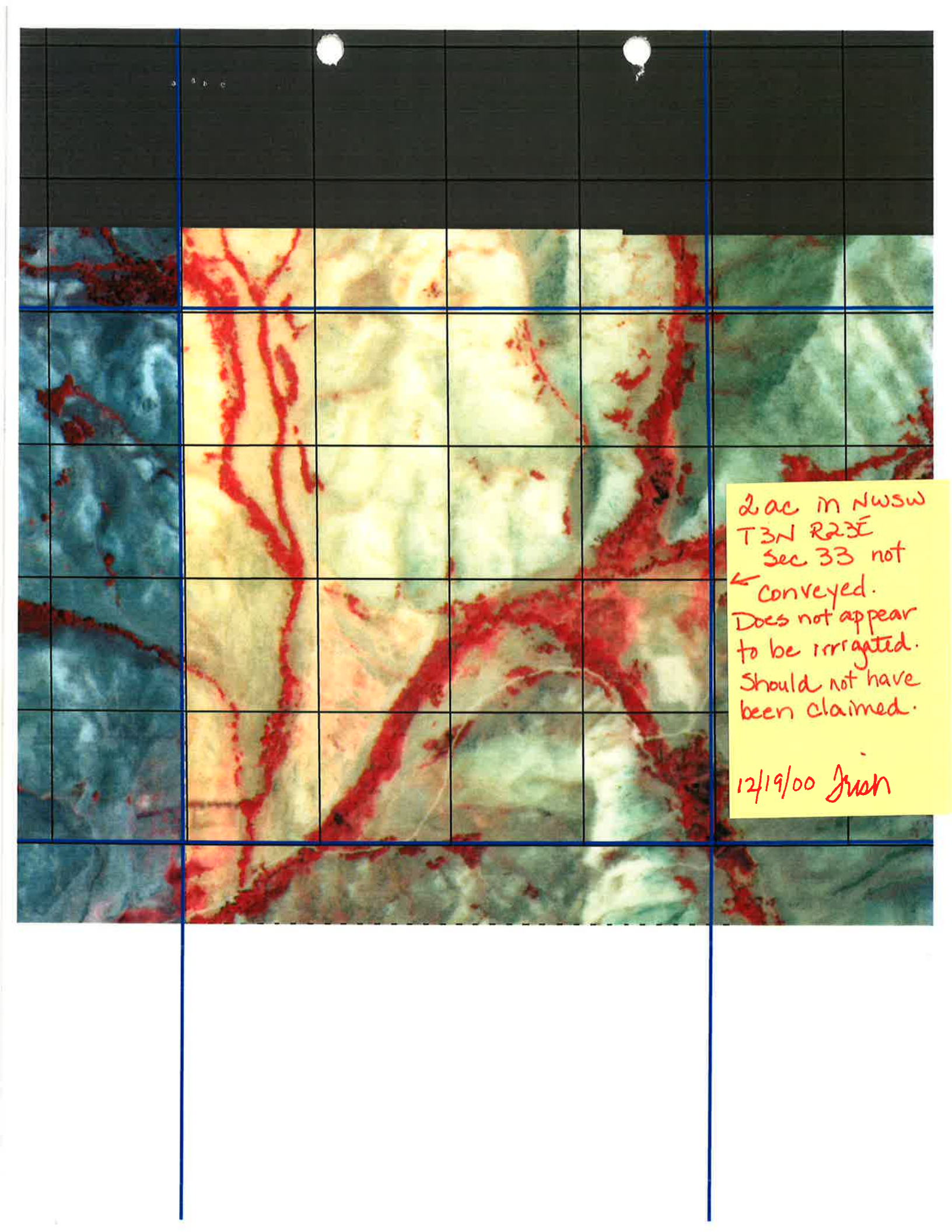
Should you have any questions or need assistance transferring these rights, please feel free to contact me.

Sincerely,

BLAINE COUNTY TITLE ASSOCIATES



Kathy Seal
Escrow Officer



2 ac in NWSW
T3N R23E
Sec 33 not
← conveyed.
Does not appear
to be irrigated.
Should not have
been claimed.

12/19/00 Josh