

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 37-11950
Date Received: 10/25/1988
Receipt No: S003232
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LAVA LAKE LAND & LIVESTOCK LLC Phone: (208) 788-1710
PO BOX 2249
HAILEY ID USA 83333

2. Date of Priority: 05/01/1964

3. Source: LAVA LAKE Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	23E	28	NE SE	BLAINE	

5. Description of diverting works:

Pump from Lava Lake to irrigation.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.92	

7. Total Quantity Appropriated is:
0.92 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
01N	23E	16	SW SE	IRRIGATION	14
Section Acres					14

01N	23E	21	NE	NE	IRRIGATION	15
			NW	NE	IRRIGATION	31
			SW	NE	IRRIGATION	22
			SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	18
			SW	SE	IRRIGATION	28
			SE	SE	IRRIGATION	40
Section Acres						234
01N	23E	22	SW	NW	IRRIGATION	33
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	11
Section Acres						124
01N	23E	27	NE	NW	IRRIGATION	28
			NW	NW	IRRIGATION	37
			SW	NW	IRRIGATION	30
Section Acres						95
01N	23E	28	NE	NE	IRRIGATION	41
			NW	NE	IRRIGATION	21
			SW	NE	IRRIGATION	6.8
			SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	12
			NW	SE	IRRIGATION	1.9
Section Acres						122.7
Total Acres						589.7

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:

Amended claim has Temporary Status until accepted by SRBA District Court at which time this remark needs to be deleted (ss 10-26-09).

Amended claim data entered 11-9-2009. Water right should be a beneficial use right, not an enlargement right for 336.7 acres south of main road. Claimed place of use is PPU established prior to SRBA commencement for north and south of road. Claim is for 336.7 acres within the PPU representing the historically irrigated area south of the road. Claim set to active based upon SRBA order dated 3-17-2009. kkc

15. Basis of Claim: Beneficial Use

RECEIVED

OCT 15 2009

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	)	Subcase 37-11950
	)	
	)	
Case 38576	)	STANDARD FORM 4
	)	
	)	
	)	MOTION TO FILE AMENDED NOTICE OF
	)	CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

I am an attorney representing Lava Lake Land & Livestock, LLC.

My address is: RINGERT LAW, CHARTERED, P.O. Box 2773, Boise, Idaho 83701

My phone number is: 208/342-4591

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COPY

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

Lava Lake Land & Livestock, LLC must amend its Notice of Claim to the use of this water in the SRBA because:

This right is currently, and was historically beneficially used on the entire place of use owned by Lava Lake Land & Livestock prior to 1987 as is detailed in the Affidavits of Leonard N. Purdy, Chuck Brockway and Kelly K. Christensen in Support of Motion to Set Aside Subcases on file herein. Thus, the permissible place of use (though not the irrigated acreage) for this water right must be increased from that currently claimed to reflect actual, historical and current beneficial use.

I have attached:

An amended Notice of Claim (available from IDWR).

Payment of the following additional fees required by IDWR:
N/A

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time. (This motion has already been granted pending filing of this claim).
2. Fill in the following information:

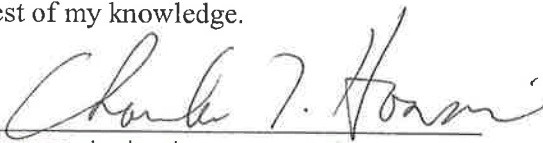
This motion will be heard on _____ at _____ m. at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho. Lava Lake Land & Livestock, LLC hereby requests that because it is the sole party in this subcase, and if the Special Master deems it appropriate, that a decision on this motion be issued without a hearing.

VERIFICATION (Must be completed)

State of Idaho)
)
County of Ada)

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

That I am an attorney for the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I. C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.


Attorney signing in representative capacity

Subscribed and sworn to before me on 10/14/09
(Insert Date)




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 04/10

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on this 14th day of October, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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. Copies to:

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

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

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.



Signature of person or attorney mailing form

AMENDEDIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-11950

Date Received

Receipt Number

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

Please type or print clearly

1. Name of Claimant (s) Lava Lake Land & Livestock, LLC Phone (208) 788-1710
Mailing Address P.O. Box 2249, Hailey, ID Zip 83333
2. Date of Priority (Only one (1) per claim) May 1, 1964
3. Source of water supply (a) Lava Lake
which is tributary to (b) Sinks
4. a. Location of existing point of diversion is: Township 1N Range 23E Section 28,
1/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of Blaine
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Pump from Lava Lake to irrigation.

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OCT 15 2009

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/15 to 10/31 amount 0.92 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.92 (cfs) and / or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	23E	16															14		14
1N	23E	21	15	31	22	40									40	18	28	40	234
1N	23E	22							33			40	40	11					124
1N	23E	28	41	21	6.8	40									12	1.9			122.7
1N	23E	27					28	37	30										95

Total number of acres irrigated 589.7 PPU

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ Or None ☐

14. Remarks:

Water right should be a beneficial use right, not an enlargement right, for 336.7 acres south of main road.

Claimed place of use is PPU established prior to SRBA commencement for north and south of road.

Claim is for 336.7 acres within the PPU, representing the historically irrigated area south of road.

Last Name _____ Ident. No. _____

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15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 37-11950

Court SRBA Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President Title _____

Of Lava Lake Land & Livestock, LLC that I have signed the foregoing

Document in the space below as President Organization _____ of Lava Lake Land & Livestock, LLC Title _____ Organization _____

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization President, Lava Lake Land & Livestock, LLC Date 9.15.09

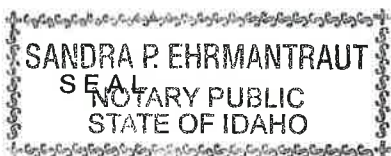
State of Idaho / or _____)
County of Blaine) ss.

Subscribed and sworn (or affirmed) before me this 15 day of September, 2009

Notary Public [Signature]

Residing at [Signature]

My Commission Expires 4.21.12



Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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OCT 15 2009

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: **A37-11950**
Date Received: 10/25/1988
Receipt No: S003232
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: LAVA LAKE LAND & LIVESTOCK LLC 415-922-5378
Address: 3527 WASHINGTON ST
SAN FRANCISCO CA 94118

2. Date of Priority: MAY 1, 1964

3. Source: LAVA LAKE Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	23E	28	NE	NE	SE		BLAINE

5. Description of diverting works:
WOODEN PUMP BOX, MOTOR, 125 HP PUMP, PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) 300.00 A.F.A.

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	23E	22	SW	SW		IRR	10.0
			SE	SW		IRR	13.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	23.5
		27	NE	NW	IRR	33.0
			NW	NW	IRR	11.0
			SW	NW	IRR	5.0
					Section Acres	49.0
		28	SE	NE	IRR	6.0
			NE	SE	IRR	14.0
			NW	SE	IRR	2.5
					Section Acres	22.5
					Total Acres	95.0

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:

CLAIM A37-02545B ON PART OF THIS LAND

14. Remarks:

CLAIM IS FOR ADDITIONAL LAND COVERED BY PUMP LICENSED UNDER 37-2688 FROM LAVA LAKE; PER SEC. 42-1416 IDAHO CODE. NOT TO EXCEED 429 AFA WHEN COMBINED WITH RT. 37-2688. ALL THE LAND UNDER THIS SYSTEM WAS IRRIGATED FROM THE TIME THE PUMP WAS INSTALLED.

 08/03/99, CHANGED OWNERSHIP: PICABO TO BEAN TEDROW FAMILY TRUST AS PER WARRANTY DEED AND FORM 1409(6) REC'D 04/09/99. C.T.

 1/4/2000 TF; OWNERSHIP CHANGED BEAN-TEDROW FAMILY TRUST TO LAVA LAKE LAND & LIVESTOCK (BRIAN S BEAN AND KATHLEEN T BEAN, MANAGERS) PER 1409(6) AND WARRANTY DEED REC'D 12/29/1999.

15. Basis of Claim: BENEFICIAL USE



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

February 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: SRBA Claim(s) A37-12014, A37-11916, A37-07072, A37-07600,
A37-02715, A37-02688, A37-11936, A37-11950,
A37-02545A, A37-02545B, A37-02045, A37-02799

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding claim A37-12014. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Enclosed you will also find copies of all other claims which now reflect Lava Lake Land & Livestock LLC as current owner. Check these records over carefully and should you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

NCAP-12014-085

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

RECEIVED
DEC 29 1999
Department of Water Resources
Bozeman, Montana

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) See attached list
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) BRIAN S. BEAN and KATHLEEN T. BEAN, Trustees of the
BEAN-TEDROW FAMILY TRUST U/D/T dated March 15, 1996
3527 Washington Street
San Francisco, California 94118
4. New Owner/Claimant(s) BRIAN S. BEAN and KATHLEEN T. BEAN, Managers
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, California 94118
New Telephone Number (415) 922 - 5378
5. Date you acquired the property 6/10/99
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.
7. Signature of New Owner/Claimant(s) Brian S. Bean Date Dec 1, 1999
Kathleen T. Bean Date Dec 1, 1999
8. (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
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.

WATER RIGHT NUMBERS FOR TRANSFER FROM
BRIAN S. BEAN and KATHLEEN T. BEAN, Trustees of the BEAN-TEDROW
FAMILY TRUST U/D/T dated March 15, 1996 TO
BRIAN S. BEAN and KATHLEEN T. BEAN, Managers
LAVA LAKE LAND & LIVESTOCK, L.L.C.

~~A37-11916~~
~~A37-07072~~✓
~~A37-07600~~✓
~~A37-02715~~✓
✓A37-02688✓
✓A37-11936✓
NCA# ~~A37-12014~~ ✓
~~A37-11950~~✓
✓A37-02545A✓
✓A37-02545B✓
A37-02045✓
A37-02799

All other water rights appurtenant to deeded lands.
See attached deed.

WARRANTY DEED

FOR VALUE RECEIVED, BRIAN S. BEAN and KATHLEEN T. BEAN, Trustees of the BEAN-TEDROW FAMILY TRUST U/D/T, dated March 15, 1996, Grantors, do hereby Grant, Bargain, Sell and Convey unto LAVA LAKE LAND & LIVESTOCK, L.L.C., an Idaho Limited Liability Company, Grantee, whose address is 3527 Washington Street, San Francisco, California 94118, all of Grantors' interest, in and to the following described premises, in Blaine County and Butte County, Idaho, to-wit:

See attached Exhibit "A".

Together with all easements, agreements, conditions and appurtenances whatever.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its successors, administrators and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Blaine County and Butte County, Idaho, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 10, 1999



NO. 035310
RECORDED
DEC 21 1999
J. B. AN
BLAINE COUNTY RECORDER
Sagamore

BEAN-TEDROW FAMILY TRUST U/D/T
dated March 15, 1996

Brian S. Bean
Brian S. Bean, Trustee

Kathleen T. Bean
Kathleen T. Bean, Trustee

STATE OF ~~CALIFORNIA~~ IDAHO)
County of ~~San Francisco~~ BLAINE : ss.
On this 20th day of AUGUST, 1999, before me, a Notary Public, personally appeared BRIAN S. BEAN and KATHLEEN T. BEAN, Trustees of the BEAN-TEDROW FAMILY TRUST U/D/T, dated March 15, 1996, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same as such Trustees.

STATE OF IDAHO, COUNTY OF BLAINE
I hereby certify that this instrument was filed for record at the request of _____

[Signature]
Notary Public for California Mail to:
Residing at Ketchum, ID
Commission Expires 2003

BLAINE CO. REQUEST

OF JR Bennett Deed

1999 DEC 10 A 9:11

434307

MARSHA REIMANN, CLERK ms

Fee \$ 9.00

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL I:

TOWNSHIP 1 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 1: LOTS 3 AND 4; S1/2 NW1/4; N1/2 SW1/4.

SECTION 2: LOTS 1, 2 AND 3; S1/2 NE1/4; S1/2 NW1/4; S1/2.

SECTION 3: E1/2 SW1/4; SW1/4 SW1/4; SE1/4; S1/2 NE1/4.

SECTION 4: SE1/4 SE1/4.

SECTION 8: S1/2 NW1/4.

SECTION 9: NE1/4 NE1/4; S1/2 NE1/4; W1/2 SE1/4; SE1/4 SW1/4.

SECTION 10: NW1/4; W1/2 NE1/4.

SECTION 11: NE1/4; W1/2 SE1/4; NE1/4 SE1/4; SW1/4; E1/2 NW1/4.

SECTION 12: SW1/4 NW1/4.

SECTION 14: NW1/4 NW1/4.

SECTION 15: E1/2 E1/2; NW1/4 NE1/4; SW1/4 SE1/4.

SECTION 16: ALL.

SECTION 20: NE1/4 NE1/4.

SECTION 21: E1/2; N1/2 NW1/4; SE1/4 SW1/4.

SECTION 22: NE1/4; SW1/4; E1/2 NW1/4; SW1/4 NW1/4; NW1/4 SE1/4.

SECTION 27: N1/2 NW1/4; SW1/4 NW1/4.

SECTION 28: E1/2.

SECTION 33: NW1/4 NE1/4.

TOWNSHIP 1 NORTH RANGE 24 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

SECTION 19: SE1/4 NE1/4.

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

SECTION 26: SE1/4 SW1/4.

SECTION 27: SE1/4 SE1/4.

Continued on next page

Continuation of Exhibit "A", Legal Description

PARCEL II:

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: E1/2 SW1/4; SE1/4 NE1/4; N1/2 SE1/4 and SW1/4 SE1/4.

SECTION 7: SW1/4 SE1/4.

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

SECTION 25: SE1/4; NE1/4 NE1/4; S1/2 NE1/4.

TOWNSHIP 2 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 19: SE1/4 SW1/4, SW1/4 SE1/4.

SECTION 30: LOTS 1, 2, 3 and 4; E1/2 NW1/4; E1/2 SW1/4; SE1/4; NW1/4 NE1/4; and SE1/4 NE1/4.

SECTION 31: LOTS 1, 2, 3 and 4; E1/2 NW1/4; E1/2 SW1/4; W1/2 SE1/4; and NE1/4.

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: LOTS 2, 5, 6 & 7; SW1/4 NE1/4; and SE1/4 NW1/4.

SECTION 7: LOT 1; NE1/4 NW1/4; NE1/4; N1/2 SE1/4; SE1/4 SE1/4; and E1/2 SW1/4.

TOWNSHIP 2 NORTH, RANGE 24 E.B.M., BUTTE COUNTY, IDAHO

SECTION 20: S1/2SW1/4, SE1/4

SECTION 29: N1/2NW1/4

TELEPHONE
(208) 879-4488

JAMES R. BENNETTS
ATTORNEY AT LAW
P.O. Box 36
CHALLIS, IDAHO 83226-0036

FAX
(208) 879-4248

November 30, 1999

RECEIVED
DEC 29 1999
Department of Water Resources
Southern Bank

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

RE: Change of Water Right Ownership

Dear Sirs:

Enclosed please find the Notice of Change of Water Right Ownership for the Bean-Tedrow Family Trust. Assignment has been made to Lava Lake Land & Livestock, L.L.C.

Very truly yours,


James R. Bennetts

JRB:k
Enclosure
cc: Brian and Kathleen Bean
Steve Popelar

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: A37-11950

Date Received: 10/25/1988

Receipt No: S003232

Received By: *H. Sumner Change*

~~COPY FOR~~
~~YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

~~COPY FOR~~
~~YOUR FILES~~

1. Name: BEAN TEDROW FAMILY TRUST 415-922-5378
Address: 3527 WASHINGTON ST
SAN FRANCISCO CA 94118

2. Date of Priority: MAY 1, 1964

3. Source: LAVA LAKE Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	23E	28	NE	NE	SE		BLAINE

5. Description of diverting works:
WOODEN PUMP BOX, MOTOR, 125 HP PUMP, PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) 300.00 A.F.A.

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	23E	22	SW	SW		IRR	10.0
			SE	SW		IRR	13.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	23.5
		27	NE	NW	IRR	33.0
			NW	NW	IRR	11.0
			SW	NW	IRR	5.0
					Section Acres	49.0
		28	SE	NE	IRR	6.0
			NE	SE	IRR	14.0
			NW	SE	IRR	2.5
					Section Acres	22.5
					Total Acres	95.0

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:

CLAIM A37-02545B ON PART OF THIS LAND

14. Remarks:

CLAIM IS FOR ADDITIONAL LAND COVERED BY PUMP LICENSED UNDER 37-2688 FROM LAVA LAKE; PER SEC. 42-1416 IDAHO CODE. NOT TO EXCEED 429 AFA WHEN COMBINED WITH RT. 37-2688. ALL THE LAND UNDER THIS SYSTEM WAS IRRIGATED FROM THE TIME THE PUMP WAS INSTALLED.

 08/03/99, CHANGED OWNERSHIP: PICABO TO BEAN TEDROW FAMILY TRUST
 AS PER WARRANTY DEED AND FORM 1409(6) REC'D 04/09/99. C.T.

15. Basis of Claim: BENEFICIAL USE

AJ0749NP
No. A37-11950

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/04/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEAN TEDROW FAMILY TRUST 3527 WASHINGTON ST SAN FRANCISCO CA 94118 (415) 922-5378	05/01/1964	IRRIGATION	05-01 11-01	2.000 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					2.000 CFS	300.00 AFA 300.00 AFA

Water Source: LAVA LAKE

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T01N R23E S28 NENESE

BLAINE County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
01N	23E 22											10	13					23.5
01N	23E 27					33	11	05										49.0
01N	23E 28				06									14	02			22.5
TOTAL ACRES																	95.0	

POU County: BLAINE

Other Rights: CLAIM A37-02545B ON PART OF THIS LAND

Remarks: GEN CLAIM IS FOR ADDITIONAL LAND COVERED BY PUMP LICENSED UNDER 37-2688 FROM LAVA LAKE; PER SEC. 42-1416 IDAHO CODE. NOT TO EXCEED 429 AFA WHEN COMBINED WITH RT. 37-2688. ALL THE LAND UNDER THIS SYSTEM WAS IRRIGATED FROM THE TIME THE PUMP WAS INSTALLED.

08/03/99, CHANGED OWNERSHIP: PICABO TO BEAN TEDROW FAMILY TRUST
AS PER WARRANTY DEED AND FORM 1409(6) REC'D 04/09/99. C.T.

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

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



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

August 25, 1999

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**BRIAN S BEAN
KATHLEEN T BEAN
BEAN TEDROW FAMILY TRUST
3527 WASHINGTON ST
SAN FRANCISCO CA 94118**

**RE: SRBA Claim(s) A37-11916; A37-02688; A37-11936; A37-11950;
A37-02545A; A37-02545B; A37-02045; A37-02799; A37-07072;
A37-07600; A37-02715; A37-12014**

Dear Claimant(S):

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership of the above referenced claims to you.

Please find the enclosed copies of the computer record of the claims noting the change in claimant. Review these records and if there is an error, please contact this office.

Sincerely,

**Cheryl E. Timm
Records Clerk, SRBA**

Enc.: Claim to a Water Right(S) referenced above

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

APR 09 1999

Department of Water Resources
Southern Region

1. Water Right Number(s) See attached list
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) PICABO LIVESTOCK COMPANY, INC.
P. O. Box 688, Picabo, ID 83348
4. New Owner/Claimant(s) BRIAN S. BEAN and KATHLEEN T. BEAN, Trustees of the
BEAN-TEDROW FAMILY TRUST U/D/T dated March 15, 1996
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 3527 Washington Street
City, State and ZIP Code San Francisco, California 94118
New Telephone Number (415) 922 - 5378
5. Date you acquired the property See attached deed
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.
N/A
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.
7. Signature of New Owner/Claimant(s) Brian S. Bean Date 4/1/99
Kathleen T. Bean Date 4.1.99
Trustees
(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.

BSB
WATER RIGHT NUMBERS FOR TRANSFER FROM
PICABO LIVESTOCK COMPANY, INC. TO
BRIAN T. BEAN and KATHLEEN T. BEAN, Trustees of the BEAN-TEDROW
FAMILY TRUST U/D/T dated March 15, 1996

A37-11916
A37-07072
A37-07600
A37-02715
A37-02688
A37-11936
A37-12014
A37-11950
A37-02545A
A37-02545B
A37-02045
A37-02799

All other water rights appurtenant to deeded lands.
See attached deed.

BLAINE COUNTY TITLE

SCOTT E. MARY
PRESIDENT

DARYL J. FAUTH
VICE PRESIDENT

208 SPRUCE AVENUE NORTH
P.O. BOX 3176 - KETCHUM, IDAHO 83340
(208) 726-0700
(208) 726-8406 (FAX)
1-800-346-6879
(OUTSIDE OF IDAHO)

RECEIVED
APR 09 1999
Department of Water Resources
Southern Region

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

April 08, 1999

RE: Escrow No. 99008932 PICABO LIVESTOCK/BEAN

Dear SIRS

With regards to the above described real estate transaction, please find enclosed the following:

____ Title Commitment
____ Closing Statement
____ Deed of Trust - Instrument No. _____
____ Note
XX Warranty Deed - Instrument No. 425879
____ Quitclaim Deed - Instrument No. _____
____ Escrow Instructions
____ Tax Notice
____ Insurance Binder
____ Lender's Documents
____ Cover Letter(s) - Copy
____ Owner's Policy No. _____
____ Mortgagee's Policy No. _____
____ Endorsements _____
____ Lot Book Report
____ Lien Affidavit
XX Other: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
____ Other: _____
____ Check # _____ in the amount of \$ _____
____ Representing: _____

If you should have any questions, please do not hesitate to contact the undersigned.

Sincerely,

BLAINE COUNTY TITLE ASSOCIATES


SCOTT E. MARY
PRESIDENT

COPY

Original Document Held
For Safekeeping By
WILSON, SONSINI, GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, California 94304-1050

DECLARATION OF TRUST

BRIAN S. BEAN and KATHLEEN T. BEAN, called the "Settlors" or the "Trustees," depending on the context, and sometimes referred to as "Husband" and "Wife," respectively, declare that they have set aside and hold in trust the property described in Schedule A attached to this instrument.

* PREAMBLE

Husband and Wife have one (1) child now living, whose name and date of birth are:

· PHOEBE SHANNON BEAN - September 21, 1993

Husband and Wife have no deceased children or other deceased issue.

As used in this instrument, all references to the children of Husband and Wife shall refer to and include the child named above and any child(ren) hereafter born to or adopted by Husband and Wife.

Husband and Wife have accumulated significant amounts of property during their marriage.

It is Husband's and Wife's desire, by this instrument, to create an inter vivos revocable trust in accordance with the laws of the State of California, whereby they will hold in trust their community property and their separate property and manage it for their benefit during their respective lives and provide for their issue upon the death of the last survivor of Husband and Wife.

As used in this instrument, the masculine, feminine or neuter gender, and the singular or plural number, shall each include the other(s) whenever the context so indicates.

ARTICLE II

NAME OF TRUST

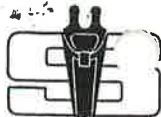
The trusts created in this instrument may be referred to collectively as the "BEAN-TEDROW FAMILY TRUST," and each separate trust created in this instrument may be referred to by adding the name of the beneficiary.

ARTICLE III

SUCCESSOR TRUSTEES

A. If BRIAN S. BEAN shall for any reason cease to act as a Trustee, KATHLEEN T. BEAN shall act as sole Trustee. If KATHLEEN T. BEAN shall for any reason cease to act as a Trustee, BRIAN S. BEAN shall act as sole Trustee. If both BRIAN S. BEAN and KATHLEEN T. BEAN shall for any reason cease to act as Trustees, BRYAN BOWERS shall act as Trustee. If BRYAN BOWERS shall for any reason fail to qualify or cease to act as Trustee, MICHAEL BEAUMONT shall act as Trustee.

Notwithstanding the foregoing, the last person designated above who is eligible to serve as Trustee hereunder shall have the power, while acting as Trustee of any trust under this instrument, to designate such one or more successor Trustees to act when such Trustee shall for any reason cease to act as Trustee. All designations shall be exercised in writing and shall be effective on delivery to all



034252

RECORDED

APR 02 1999

Order No. 99008932
This form furnished by
Blaine County Title Associates

AM. 2:35 PM
BLAINE COUNTY RECORDER
Signature

CORPORATION WARRANTY DEED

PICABO LIVESTOCK COMPANY, INC., an Idaho Corporation, a corporation
organized and existing under the laws of the State of Idaho, with its principal office at P.O. BOX
688, Picabo, Idaho 83348

grantor, hereby CONVEYS or GRANTS and WARRANTS TO BRIAN S. BEAN AND KATHLEEN T.
BEAN, TRUSTEES OF THE BEAN-TEDROW FAMILY TRUST U/D/T DATED MARCH 15, 1996

grantee

whose current address is: 3527 WASHINGTON STREET, SAN FRANCISCO, CA 94118

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN

TOGETHER WITH ALL WATER AND WATER RIGHTS, RIGHTS OF WAY AND APPURTENANCES.

"As part of an IRC 1031 tax-deferred exchange" "Relinquished Property"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 31st day of March, 1999, A.D.

PICABO LIVESTOCK COMPANY, INC., an
Idaho Corporation

(Corporate Name)

(Corporate Seal)

By *Leonard N. Purdy* President

Attest: *Scott E. Mar* Secretary

State of Idaho

ss.

County of Blaine

On this 30th day of March, 1999, before me, the undersigned, a Notary Public, in and for said State, personally appeared LEONARD N. PURDY

known to me, or identified to me on the basis of satisfactory evidence, to be the President of the corporation that executed the instrument and that the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its board of directors and acknowledged to me that such corporation executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Signature
Notary Public

Residing at: Blaine County, ID
Commission Expires: 1/26/04



SCHEDULE A

Order Number: 99008932

LEGAL DESCRIPTION

PARCEL I:

TOWNSHIP 1 NORTH, RANGE 23 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 1: LOTS 3 AND 4; S1/2 NW1/4, N1/2 SW1/4.

SECTION 2: LOTS 1,2 AND 3; S1/2 NE1/4, S1/2 NW1/4, S1/2.

SECTION 3: E1/2 SW1/4, SW1/4 SW1/4, SE1/4, S1/2 NE1/4.

SECTION 4: SE1/4 SE1/4.

SECTION 8: S1/2 NW1/4.

SECTION 9: NE1/4 NE1/4; S1/2 NE1/4, W1/2 SE1/4, SE1/4 SW1/4.

SECTION 10: NW1/4, W1/2 NE1/4.

SECTION 11: NE1/4, W1/2 SE1/4, NE1/4 SE1/4, SW1/4, E1/2 NW1/4.

SECTION 12: SW1/4 NW1/4.

SECTION 14: NW1/4 NW1/4.

SECTION 15: E1/2 E1/2, NW1/4 NE1/4, SW1/4 SE1/4.

SECTION 16: ALL.

SECTION 20: NE1/4 NE1/4.

SECTION 21: E1/2, N1/2 NW1/4, SE1/4 SW1/4.

SECTION 22: NE1/4, SW1/4, E1/2 NW1/4, SW1/4 NW1/4, NW1/4 SE1/4.

SECTION 27: N1/2 NW1/4, SW1/4 NW1/4.

SECTION 28: E1/2.

SECTION 33: NW1/4 NE1/4.

TOWNSHIP 1 NORTH RANGE 24 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

SECTION 19: SE1/4 NE1/4.

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

SECTION 26: SE1/4 SW1/4.

SECTION 27: SE1/4 SE1/4.

Continued on next page

PARCEL II:

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: E1/2 SW1/4, SE1/4 NE1/4, N1/2 SE1/4 and SW1/4 SE1/4.

SECTION 7: SW1/4 SE1/4.

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

SECTION 25: SE1/4, NE1/4 NE1/4, S1/2 NE1/4.

TOWNSHIP 2 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 19: SE1/4 SW1/4, SW1/4 SE1/4.

SECTION 30: LOTS 1, 2, 3 and 4, E1/2 NW1/4, E1/2 SW1/4, SE1/4, NW1/4 NE1/4, and SE1/4 NE1/4.

SECTION 31: LOTS 1, 2, 3 and 4, E1/2 NW1/4, E1/2 SW1/4, W1/2 SE1/4, and NE1/4.

TOWNSHIP 1 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: LOTS 2, 5, 6 & 7, SW1/4 NE1/4, and SE1/4 NW1/4.

SECTION 7: LOT 1, NE1/4 NW1/4, NE1/4, N1/2 SE1/4, SE1/4 SE1/4, and E1/2 SW1/4.

TOWNSHIP 2 NORTH, RANGE 24 E.B.M., BUTTE COUNTY, IDAHO

SECTION 20: S1/2SW1/4, SE1/4

SECTION 29: N1/2NW1/4

425879

BLAINE CO. REQUEST
OF: BLAINE COUNTY TITLE

DEED

'99 APR 2 PM 12 57

MARSHIA KIRBY, CLERK
FEES \$ 900

US

23

US

26

US

US

35

THIS MAP IS FURNISHED AS PART OF AN ENDORSEMENT AND DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREON. IT IS FURNISHED STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. THE DESCRIPTION FURNISHED IN SCHEDULE A OF THE POLICY SHOULD BE REFERRED TO FOR THE DESCRIPTION OF THE LAND COVERED THEREBY.

22

7327

7326

7328

7329

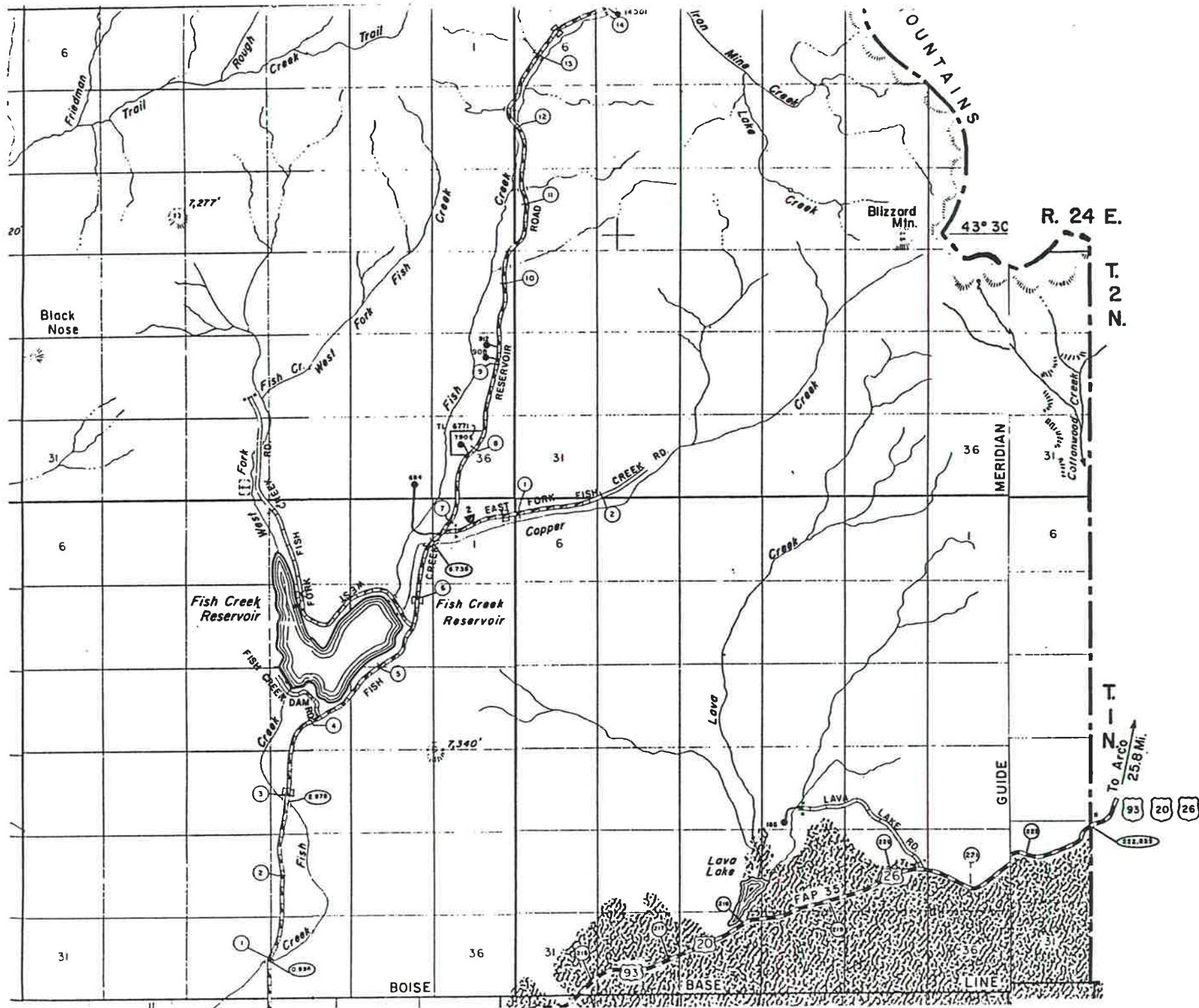
N'1/2 SE

swse

34

2

1



THIS MAP IS FURNISHED AS PART OF AN ENDORSEMENT AND DOES NOT REPRESENT A SURVEY OF THE LAND. IT IS FURNISHED STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. THE DESCRIPTION FURNISHED IN SCHEDULE A OF THE POLICY SHOULD BE REFERRED TO FOR THE DESCRIPTION OF THE LAND COVERED THEREBY.

RECEIVED

FEB 08 1999

Department of Water Resources
Southern Region

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: A37-11950

Date Received: 10/25/1988

Receipt No: S003232

Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: PICABO LIVESTOCK CO INC 208-788-2516
Address: P O BOX 688
PICABO ID 83348

2. Date of Priority: MAY 1, 1964

3. Source: LAVA LAKE Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	23E	28	NE	NE	SE		BLAINE

5. Description of diverting works:
WOODEN PUMP BOX, MOTOR, 125 HP PUMP, PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	11/01	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) 300.00 A.F.A.

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	23E	22	SW	SW		IRR	10.0
			SE	SW		IRR	13.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	23.5
		27	NE	NW	IRR	33.0
			NW	NW	IRR	11.0
			SW	NW	IRR	5.0
					Section Acres	49.0
		28	SE	NE	IRR	6.0
			NE	SE	IRR	14.0
			NW	SE	IRR	2.5
					Section Acres	22.5
					Total Acres	95.0

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:

CLAIM A37-02545B ON PART OF THIS LAND

14. Remarks:

CLAIM IS FOR ADDITIONAL LAND COVERED BY PUMP LICENSED UNDER 37-2688 FROM LAVA LAKE; PER SEC. 42-1416 IDAHO CODE. NOT TO EXCEED 429 AFA WHEN COMBINED WITH RT. 37-2688. ALL THE LAND UNDER THIS SYSTEM WAS IRRIGATED FROM THE TIME THE PUMP WAS INSTALLED.

15. Basis of Claim: BENEFICIAL USE

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
Picabo Livestock Co., that I have signed the foregoing
Organization document in the space below as President of
Picabo Livestock Co. and that the statements contained in the
Organization foregoing document are true and correct.

Leonard W. Bundy
Signature of Authorized Agent
Pres. Picabo Livestock Co.
Title and Organization

2-8-99
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of Feb. 19 99

Douglas Jones
Notary Public

Seal

Residing at Buhl ID
My Commission Expires 8/8/2001

COMMUNICATION DOCUMENTATION

Claim No. A37-11950
A37-02545B

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Doug Jones Date 2/08/98
Contact Person(s) Leonard PurdyNature of Contact Amend claims.Substance of Communication Changed place of use
to remove BLH & ground owned
by another person. He explained
the areas may be green, but
water hits area incidentally
and not on purpose.

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee**DATE**

February 1, 1999 3:06pm

CUSTOMER

Bennetts, James R.

SUBJECT: A37-02045,-02545,-02545A,-02545B,-02688,-02715,-02799,-07072,-07600,-11916,-11936,-11950,-12014

phone call (.) walk-in (.) other (x)

Requested all the above profile reports, with D/S claims existing on the same land appurtenant to above claims, and any updated information, i.e. amendments, objections per all claims, and other deeded lands lying within the same watershed...got the broom in an advantageous spot while doing all the research. Sent claims to Bennetts @ PO Box 36, Challis 83226

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: A37-11950
Date Received: 10/24/1988
Receipt No: 5003232
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PICABO LIVESTOCK CO., INC. 208-788-2516
Address: P. O. BOX 688
PICABO, ID 83348

2. Date of Priority: MAY 01, 1964

3. Source: LAVA LAKE Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	23E	28	NE	NE	SE		BLAINE

5. Description of diverting works:
WOODEN PUMP BOX, MOTOR, 125 HP PUMP, PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	11/01	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) 300.00 A.F.A.

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	23E	22	SW	SW		IRR	10.0
			SE	SW		IRR	13.5
			SW	SE		IRR	0.5
Section Acres							24.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	23E	27	NW		NE		IRR	0.5
			NE		NW		IRR	33.0
			NW		NW		IRR	11.0
			SW		NW		IRR	5.0
			SE		NW		IRR	2.5
			NW		SW		IRR	3.0
			Section Acres					55.0
		28	SE		NE		IRR	6.0
			NE		SE		IRR	14.0
			NW		SE		IRR	2.5
			Section Acres					22.5
			Total Acres					101.5

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:

CLAIM A37-02545B ON PART OF THIS LAND

14. Remarks:

CLAIM IS FOR ADDITIONAL LAND COVERED BY PUMP LICENSED UNDER 37-2688 FROM LAVA LAKE; PER SEC. 42-1416 IDAHO CODE. NOT TO EXCEED 429 AFA WHEN COMBINED WITH RT. 37-2688. ALL THE LAND UNDER THIS SYSTEM WAS IRRIGATED FROM THE TIME THE PUMP WAS INSTALLED.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
FEB 25 1993

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am President of Protestant Lovers, that I have signed the foregoing document in the space below as President of _____ and that the statements contained in the foregoing document are true and correct.

J. H. Perry
Signature of Authorized Agent

President
Title and Organization

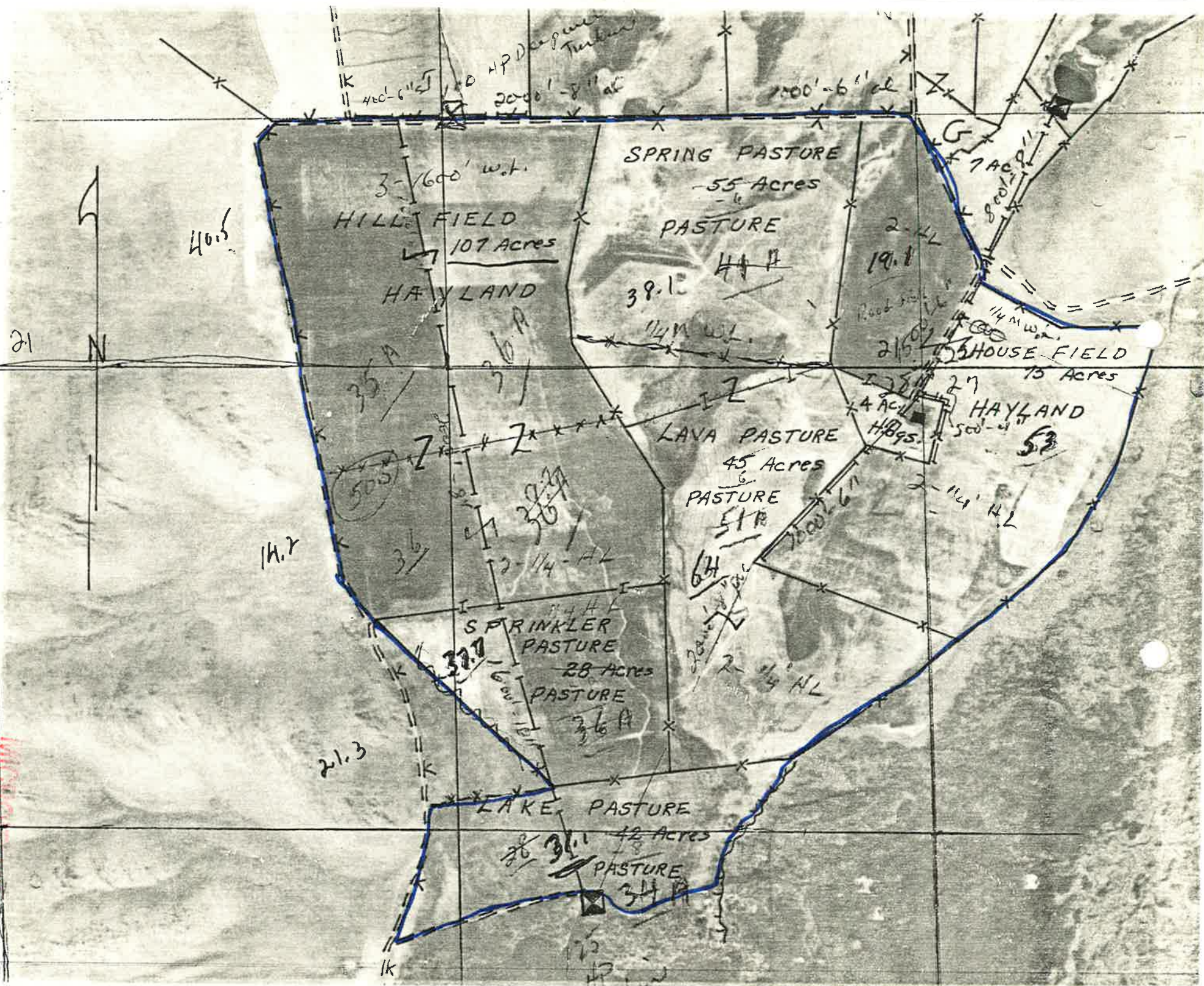
10-25-88
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of Oct. 19 88
[Signature]
Notary Public

Seal

Residing at Kimberly, ID
My Commission Expires 6/30/92



21
FEB 25 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-11950
Date Received: 10/25/1988
Receipt No: S003232
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: BEAN TEDROW FAMILY TRUST
Address: 3527 WASHINGTON ST
SAN FRANCISCO CA 94118
415-922-5378

2. Date of Priority: MAY 1, 1964

3. Source: LAVA LAKE Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	23E	28	NE	NE	SE		BLAINE

5. Description of diverting works:
WOODEN PUMP BOX, MOTOR, 125 HP PUMP, PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) 300.00 A.F.A.

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	23E	22	SW	SW		IRR	10.0
			SE	SW		IRR	13.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	23.5
		27	NE	NW	IRR	33.0
			NW	NW	IRR	11.0
			SW	NW	IRR	5.0
					Section Acres	49.0
		28	SE	NE	IRR	6.0
			NE	SE	IRR	14.0
			NW	SE	IRR	2.5
					Section Acres	22.5
					Total Acres	95.0

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:

CLAIM A37-02545B ON PART OF THIS LAND

14. Remarks:

CLAIM IS FOR ADDITIONAL LAND COVERED BY PUMP LICENSED UNDER 37-2688 FROM LAVA LAKE; PER SEC. 42-1416 IDAHO CODE. NOT TO EXCEED 429 AFA WHEN COMBINED WITH RT. 37-2688. ALL THE LAND UNDER THIS SYSTEM WAS IRRIGATED FROM THE TIME THE PUMP WAS INSTALLED. OWNERSHIP CHANGE MADE 9/8/95 BY TLB.

2/22/99, DJ: CLAIM AMENDED TO REFLECT LICENSE INFORMATION OF PLACE OF USE, POINT OF DIVERSION, AND CHANGED SHEEP TO CATTLE.

2/24/99, DJ: AMENDED CLAIM AND FEE RECEIVED AND RECEIPTED UNDER R# S021802. TOTAL ACREAGE LIMITED TO 110 AC. UNDER THIS RIGHT AND 37-02045.

LAND WAS IRRIGATED AT THE TIME OF LICENSING RT. 37-2715; THE LAND NOT COVERED BY THE LICENSE IS CLAIMED UNDER SEC. 42-1416 IDAHO CODE. AMOUNT CLAIMED IS WHAT WAS MEASURED DURING LICENSING EXAM FOR 37-2715; THIS AMOUNT IS ONLY AVAILABLE IN EARLY SPRING OF A GOOD YEAR.

LAND CLAIMED WAS DEVELOPED UNDER RT. 37-7072, BUT THE TOTAL LAND IRRIGATED EXCEEDED THE 150 AC. UNDER THE PERMIT. EXPANSION IS CLAIMED UNDER SEC. 42-1416 IDAHO CODE. ALSO SEE CLAIM A37-07072. SECOND WELL WAS ADDED IN 1980 TO SUPPLEMENT THE ORIGINAL WELL,

14. Remarks: Continued

WHICH PUMPS LESS & LESS WATER AS THE SEASON PROGRESSES. THE SECOND WELL IS COVERED BY LIC. 37-7600.

SYSTEM COVERS 223 ACRES ALTOGETHER.

08/03/99, CHANGED OWNERSHIP: PICABO TO BEAN TEDROW FAMILY TRUST
AS PER WARRANTY DEED AND FORM 1409(6) REC'D 04/09/99. C.T.

15. Basis of Claim: BENEFICIAL USE

04/30/2010

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

RIGHT NUMBER: 37-11950

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

VERIFIED BY KKC
ADR 4-30-10

SOURCE: LAVA LAKE

TRIBUTARY: SINKS

QUANTITY: 0.920 CFS

The rights listed below are limited to a total combined diversion rate of 3.30 cfs. Combined Right Nos.: 37-2688, 37-11950, and 37-22468.

The rights listed below are limited to a total combined diversion rate of 11.79 cfs. Combined Right Nos.: Combined Right Nos.: 37-2545A, 37-22467, 37-2688, 37-11950, 37-22468, 37-1156, 37-22466, 37-2715, 37-11936, 37-7072, 37-7600, 37-22469.

PRIORITY DATE: 05/01/1964

POINT OF
DIVERSION:

T01N R23E S28 NENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.920 CFS
PLACE OF USE: <u>IRRIGATION in BLAINE County</u>		
T01N R23E S16 SWSE 14.00	T01N R23E S21 NENE 15.00	
T01N R23E S21 NWNE 31.00	T01N R23E S21 SWNE 22.00	
T01N R23E S21 SENE 40.00	T01N R23E S21 NESE 40.00	
T01N R23E S21 NWSE 18.00	T01N R23E S21 SWSE 28.00	
T01N R23E S21 SESE 40.00	T01N R23E S22 SWNW 33.00	
T01N R23E S22 NWSW 40.00	T01N R23E S22 SWSW 40.00	
T01N R23E S22 SESW 11.00	T01N R23E S27 NENW 28.00	
T01N R23E S27 NWNW 37.00	T01N R23E S27 SWNW 30.00	
T01N R23E S28 NENE 41.00	T01N R23E S28 NWNE 21.00	
T01N R23E S28 SWNE 6.80	T01N R23E S28 SENE 40.00	
T01N R23E S28 NESE 12.00	T01N R23E S28 NWSE 1.90	

589.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 336.7 acres in a single irrigation season. Combined Right Nos.: 37-2688 and 37-11950.

The rights listed below are limited to the irrigation of a combined total of 589.7 acres in a single irrigation season. Combined Right Nos.: 37-2545A, 37-22467, 37-2688, 37-11950, 37-22468, 37-1156, 37-22466, 37-2715, 37-11936, 37-7072, 37-7600, 37-22469.

This right is limited to the irrigation of 94 acres within the place of use described above in a single irrigation season.

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

Right No. 37-22468 is an enlargement of the rights listed below pursuant to Section 42-1426, Idaho Code. Rights 37-2688 and 37-11950.

04/19/2005

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

RIGHT NUMBER: 37-11950

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

SOURCE: LAVA LAKE

TRIBUTARY: SINKS

QUANTITY: 0.920 CFS

USE OF THIS RIGHT WITH RIGHT NO. 37-2688 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.3 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 729 AF.

PRIORITY DATE: 05/01/1964

POINT OF DIVERSION:

T01N R23E S28 NENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.920 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01N R23E S21	SWSE	28.0	T01N R23E S21	SESE	40.0
T01N R23E S22	SWSW	40.0	T01N R23E S22	SESW	11.0
T01N R23E S27	NENW	28.0	T01N R23E S27	NWNW	37.0
T01N R23E S27	SWNW	30.0	T01N R23E S28	NENE	41.0
T01N R23E S28	NWNE	21.0	T01N R23E S28	SWNE	6.8
T01N R23E S28	SENE	40.0	T01N R23E S28	NESE	12.0
T01N R23E S28	NWSE	1.9			

336.7 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 336.7 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-2688 & 37-2545B.

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.

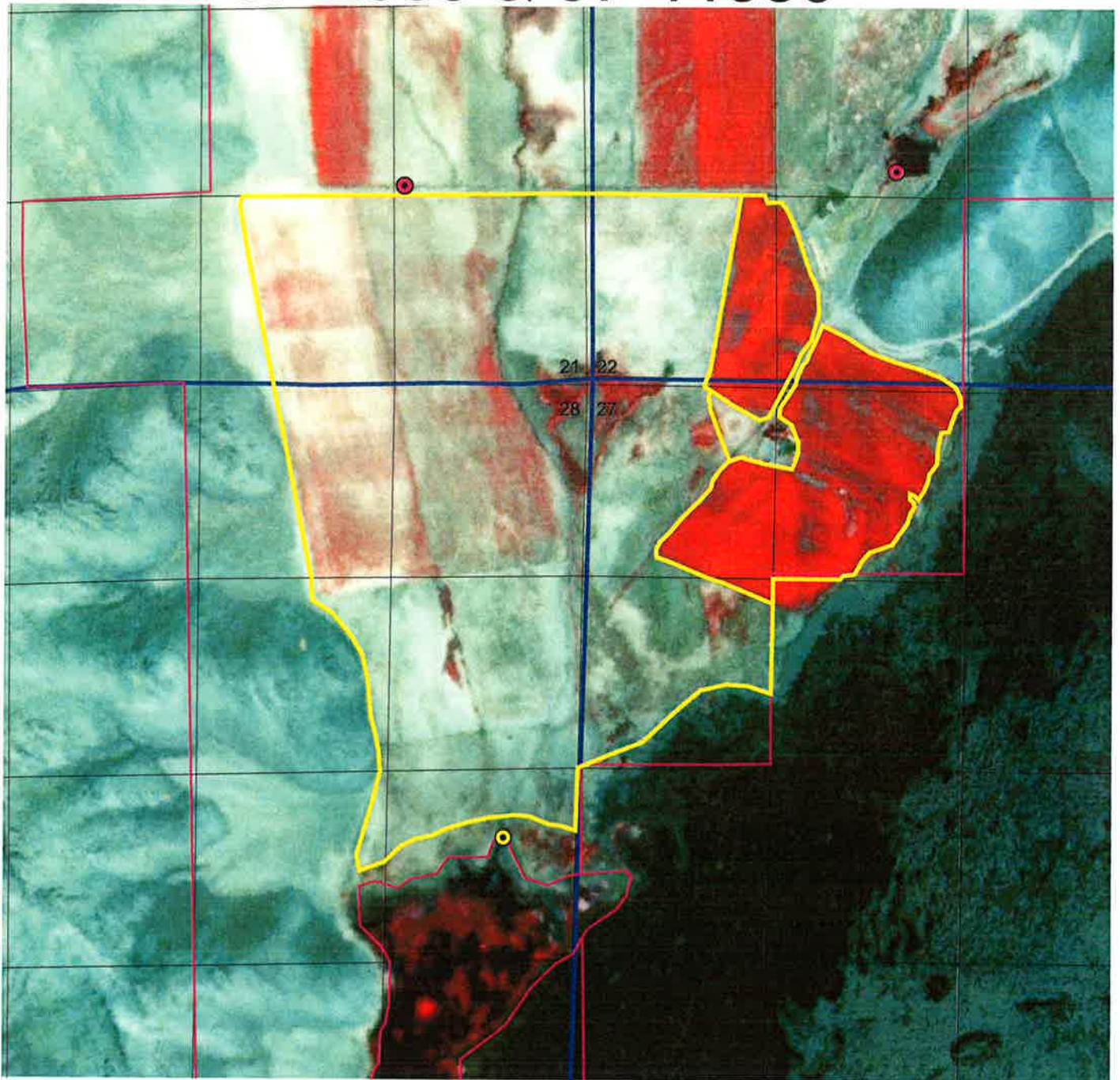
THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 37-2688
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 93.7 ACRES WITHIN THE PLACE
OF USE DESCRIBED FOR THIS RIGHT.

IDAHO DEPT OF WATER RESOURCES

37-2688 & 37-11950



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 1N
RNG: 23E
SEC. 21, 22, 27, 28



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: APRIL 19, 2005

TELEPHONE
(208) 879-4488

JAMES R. BENNETTS
ATTORNEY AT LAW
P.O. Box 36
CHALLIS, IDAHO 83226-0036

RECEIVED
JUN 17 2003
Department of Water Resources

FAX
(208) 879-4248

June 13, 2003

State of Idaho
Department of Water Resources
Attn: Steve Clelland
PO Box 83720
Boise, Idaho 83720-0098

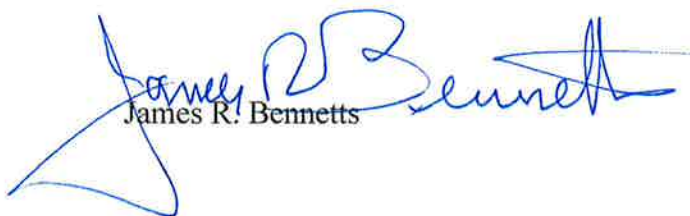
RE: Water Right 37-11950/Evidence of Priority Date for SRBA Claim

Dear Mr. Clelland:

Please find the enclosed Affidavit of Nick Purdy in response to your request for proof re: water right # 37-11950 (see your attached letter).

If additional proof or evidence is required, please advise me.

Very truly yours,


James R. Bennetts

JRB:m
Enclosures
Cc: Mike Stevens
Ann Madsen

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

AFFIDAVIT OF NICK PURDY
Water Use
Water Right 37-11950

STATE OF IDAHO)
 ss:
County of Blaine)

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

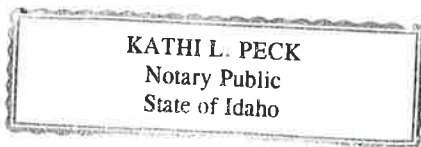
1. I am of the age of majority and I have sound recollection. Also, I can state that I have reviewed the above water claim or right as presently filed.
2. I have lived in the Picabo area for the greater part of my lifetime and the above referenced water right or claim was filed on behalf of my family or an entity owned by family members.
3. This right was originally from the creek that feeds into Lava Lake. Prior to 1964, we would dam the creek up and flood irrigate the fields, which at that time were in wild meadow hay.
4. In 1964, right after I got out of college, I put a propane pump in Lava Lake and pumped back onto the ground. This was the original system used to divert the water from the present point of diversion. At that time, we rotated the field production and started putting in grain, keeping some of the fields in wild meadow hay production. I bought the propane pump, mainline and big gun sprinklers from my uncle, Bob Struthers. I bought the handline pipe from Newcomb, who was an irrigation dealer out of Twin Falls. Handline and big gun sprinkling was the method used to apply water to the lands until the 80's when we converted the method of application to a pivot system.
5. I did the installation of the system in 1964, as I was then starting the process of developing an irrigation equipment sales and service business.
6. I swear that the foregoing is accurate and correct to the best of my knowledge, recollection and belief.

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

Dated: 6-11-03Nick Purdy
Nick Purdy

On this 12 day of June, 2003, before me, a Notary Public in and for said State, personally appeared NICK PURDY, known 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.



Kathi Peck
Notary Public
My Commission Expires on 8/31/07

**State of Idaho****DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 20, 2003

37-11950
LAVA LAKE LAND & LIVESTOCK LLC
3527 WASHINGTON ST
SAN FRANCISCO CA 94118

RESPONSE DEADLINE
JUNE 20, 2003

Re: Evidence of Priority Date for SRBA Claim

Dear Claimant:

The Notice of Claim identified with the number shown above 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, at a later date, 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 recommended 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 will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice number. If you have questions not covered by this letter or the enclosed pamphlet, please contact the office listed above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland', is written over a horizontal line.

Steve Clelland
Water Resource Agent, Sr.

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 20, 2003

37-11950

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

RESPONSE DEADLINE
JUNE 20, 2003

Re: Evidence of Priority Date for SRBA Claim

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Sincerely,

Steve Clelland
Water Resource Agent, Sr.

Enclosures