

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: A37-11936
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, 1971

3. Source: PAYNE CREEK (GROVE CR.) Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	23E	21	NW	NW	NE	R	BLAINE
			NW	NE	NW		BLAINE

5. Description of diverting works:
CHECK DAM & DITCH TO WOODEN SUMP, RE-LIFT PUMP 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	2.130		

7. Total Quantity Appropriated is:
2.130 C.F.S. (and/or) 504.00 A.F.A.

8. Total consumptive use is 504.0 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	21	NE	NE		IRR	14.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	94.0
		22	SW	NW	IRR	34.0
			NW	SW	IRR	40.0
					Section Acres	74.0
					Total Acres	168.0

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:
CLAIMS A37-07072, 07600, 11916

14. Remarks:

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.

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.

1/4/1999 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-12014-010

RECEIVED
DEC 29 1999
Department of Water Resources
Salt Lake County

STATE OF IDAHO
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.

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.

New Mailing Address Name connector (Check one): [] AND, [] OR, [] AND/OR
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

(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.

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~~✓

NCAF ~~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
DEC 21 1999
J. B. All
BUTTE COUNTY RECORDER
Saylmore

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.

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

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

BLAINE CO. REQUEST

OF J.R. Bennetts Deed

1999 DEC 10 A 9:11

434307

MARSHA RICHMAN, CLERK ms

See \$ 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 Region

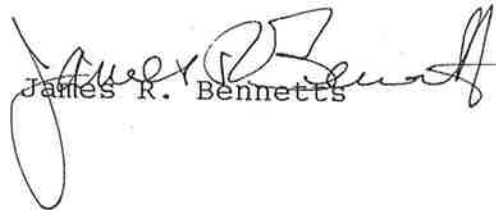
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

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: A37-11936

Date Received: 10/25/1988

Receipt No: S003232

Received By: *CF: owner 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, 1971

3. Source: PAYNE CREEK (GROVE CR.) Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	23E	21	NW	NW	NE	R	BLAINE
			NW	NE	NW		BLAINE

5. Description of diverting works:

CHECK DAM & DITCH TO WOODEN SUMP, RE-LIFT PUMP 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	2.130		

7. Total Quantity Appropriated is:

2.130 C.F.S. (and/or) 504.00 A.F.A.

8. Total consumptive use is 504.0 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	21	NE	NE		IRR	14.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	94.0
		22	SW	NW	IRR	34.0
			NW	SW	IRR	40.0
					Section Acres	74.0
					Total Acres	168.0

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:

CLAIMS A37-07072, 07600, 11916

14. Remarks:

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.

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

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
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.

WATER RIGHT NUMBERS FOR TRANSFER FROM

PICABO LIVESTOCK COMPANY, INC. TO

BSB
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

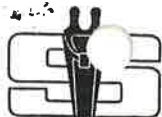
The trusts created in this instrument may be referred to collectively as the "BEAN-TEDROW FAMILY TRUST," and each separate trust created in this instrument may be referred to by adding the name of the beneficiary.

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



NO. 034252

RECORDED

APR 02 1999

Order No. 99008932
This form furnished by
Blaine County Title AssociatesA.M. 8:35 P.M.
BLAINE COUNTY RECORDER
*Hayden*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. Mader* 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.

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 KEEGAN, CLERK
FEES \$ 900

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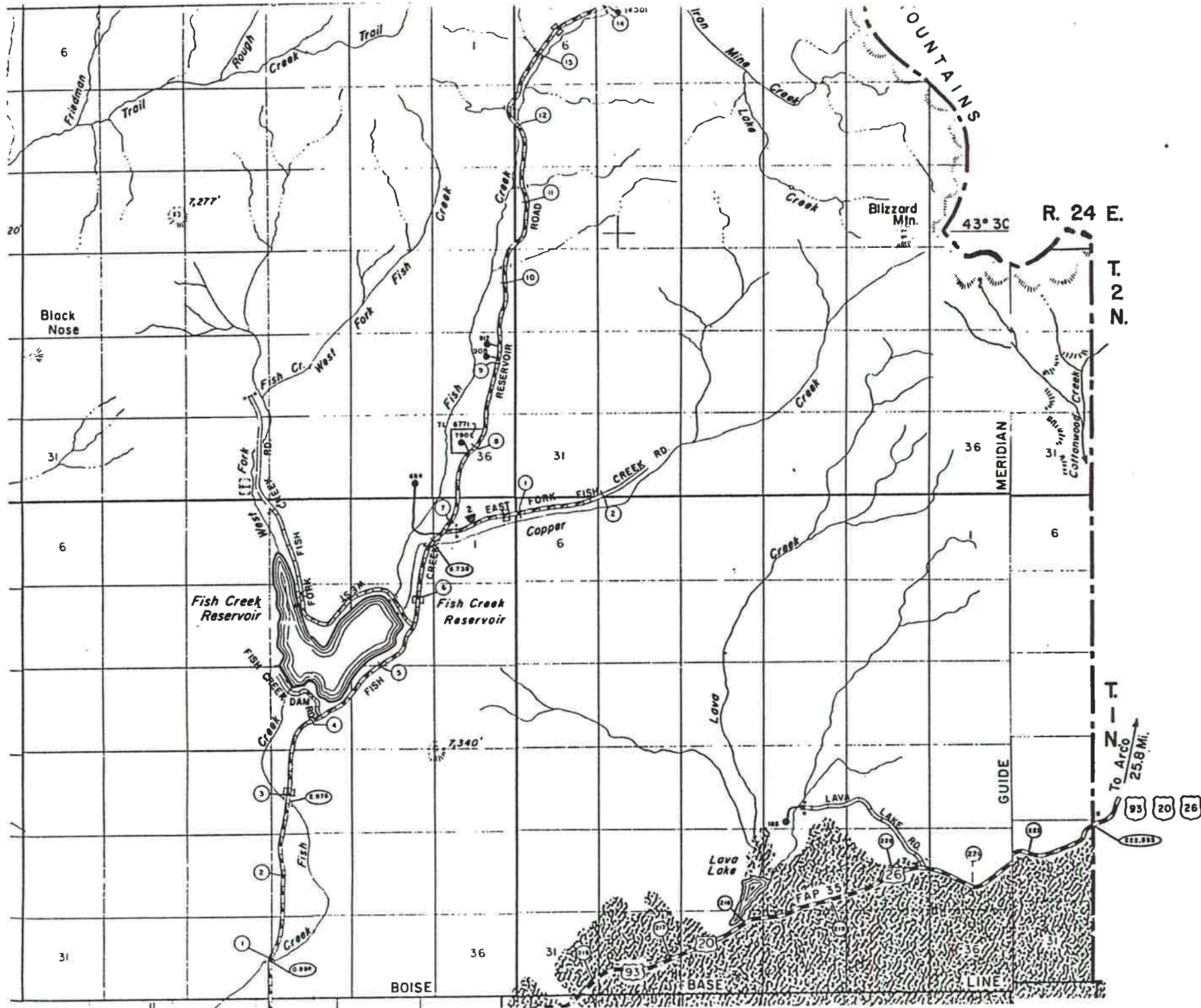
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THIS MAP IS FURNISHED AS PART OF AN ENDORSEMENT AND DOES NOT REPRESENT A SURVEY OF THE LAND. IT IS RELATED TO THE LAND SHOWN THEREON. IT IS FURNISHED STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. THE DESCRIPTION FURNISHED IN SCHEDULE A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

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: A37-11936
Date Received: 10/24/1988
Receipt No: 5063232
Received By: JS

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, 1971

3. Source: PAYNE CREEK (GROVE CR.) Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	23E	21	NW	NE	NE	R	BLAINE
			NW	NE	NW		BLAINE

5. Description of diverting works:
CHECK DAM & DITCH TO WOODEN SUMP, RE-LIFT PUMP 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	2.130		

7. Total Quantity Appropriated is:
2.130 C.F.S. (and/or) 504.00 A.F.A.

8. Total consumptive use is 504.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	23E	21	NE	NE		IRR	14.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
						Section Acres	94.0

A37-11936

Page 1

Date: 10/24/88

COPY 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: _____

For Organizations:

I do solemnly swear or affirm that I am President of Quito Lumber Co., 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.

[Signature]
Signature of Authorized Agent
Bush
Title and Organization
10-25-88
Date

State of Idaho)
County of Trin Ferry) 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 10/30/92

COPY

MICROFILMED
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 SRBA

Case No. 39576

) Subcase No.: 37-11936
)
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

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

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

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

CLAIMANT / OBJECTOR:

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

IDWR CONCURRENCE:

Kelly K. Christensen *6-3-11*

Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

04/30/2010

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

RIGHT NUMBER: 37-11936

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

SOURCE: PAYNE CREEK

TRIBUTARY: COPPER CREEK

QUANTITY: ~~2.13~~ 0.900 CFS

The rights listed below are limited to a total combined diversion rate of 11.79 cfs. 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.

The rights listed below are limited to a total combined diversion rate of 5.06 cfs. Combined Right Nos.: 37-1156, 37-2715, 37-11936, and 37-22466.

Use of this right with Right No. 37-2715 is limited to a total combined diversion rate of 2.13 cfs.

PRIORITY DATE: 05/01/1971

POINT OF
DIVERSION:

T01N R23E S21 NWNWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	~~2.13~~ 0.900 CFS

PLACE OF USE: IRRIGATION in BLAINE County

<u>T01N R23E S16</u>	<u>SWSE</u>	<u>14.00</u>	<u>T01N R23E S21</u>	<u>NENE</u>	<u>14 15.00</u>
<u>T01N R23E S21</u>	<u>NWNE</u>	<u>15 31.00</u>	<u>T01N R23E S21</u>	<u>SWNE</u>	<u>23 22.00</u>
<u>T01N R23E S21</u>	<u>SENE</u>	<u>40.00</u>	<u>T01N R23E S21</u>	<u>NESE</u>	<u>40.00</u>
<u>T01N R23E S21</u>	<u>NWSE</u>	<u>18.00</u>	<u>T01N R23E S21</u>	<u>SWSE</u>	<u>28.00</u>
<u>T01N R23E S21</u>	<u>SESE</u>	<u>40.00</u>	<u>T01N R23E S22</u>	<u>SWNW</u>	<u>33.00</u>
<u>T01N R23E S22</u>	<u>NWSW</u>	<u>40.00</u>	<u>T01N R23E S22</u>	<u>SWSW</u>	<u>40.00</u>
<u>T01N R23E S22</u>	<u>SESW</u>	<u>11.00</u>	<u>T01N R23E S27</u>	<u>NENW</u>	<u>28.00</u>
<u>T01N R23E S27</u>	<u>NWNW</u>	<u>37.00</u>	<u>T01N R23E S27</u>	<u>SWNW</u>	<u>30.00</u>
<u>T01N R23E S28</u>	<u>NENE</u>	<u>41.00</u>	<u>T01N R23E S28</u>	<u>NWNE</u>	<u>21.00</u>
<u>T01N R23E S28</u>	<u>SWNE</u>	<u>6.80</u>	<u>T01N R23E S28</u>	<u>SENE</u>	<u>40.00</u>
<u>T01N R23E S28</u>	<u>NESE</u>	<u>12.00</u>	<u>T01N R23E S28</u>	<u>NWSE</u>	<u>1.90</u>

223-589.7 ACRES TOTAL

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 168 45 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 253 acres in a single irrigation season. Combined Right Nos.: 37-1156, 37-2715, and 37-11936.

04/30/2010

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

~~Use of this right with the rights listed below is limited to the irrigation of a combined total of 223 acres in a single irrigation season. Combined Rights Nos.: 37-7072, 37-7600 & 37-2715.~~

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. 37-22466 is an enlargement of the following rights pursuant to Section 42-1426, Idaho Code. Rights 37-1156, 37-2715, and 37-11936.

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

KKC

CERTIFICATE OF SERVICE

I certify that on _____, 2011, 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
P.O. Box 2773
Boise, ID 83701-2773

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

Signature of person or attorney mailing the form

04/30/2010

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

RIGHT NUMBER: 37-11936

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

VERIFIED BY KKC
6-2-11

SOURCE: PAYNE CREEK

TRIBUTARY: COPPER CREEK

QUANTITY: ~~2.13~~ 0.900 CFS

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.

The rights listed below are limited to a total combined diversion rate of 5.06 cfs. Combined Right Nos.: 37-1156, 37-2715, 37-11936, and 37-22466.

Use of this right with Right No. 37-11936 is limited to a total combined diversion rate of ~~2.13 cfs.~~ 2715

PRIORITY DATE: 05/01/1971

POINT OF
DIVERSION:

T01N R23E S21 NWNWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	~~2.13~~ 0.900 CFS
PLACE OF USE: IRRIGATION in BLAINE County		
T01N R23E S16 SWSE 14.00	T01N R23E S21 NENE 14 15.00	
T01N R23E S21 NWNE 15 31.00	T01N R23E S21 SWNE 23 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	

223-589.7 ACRES TOTAL

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 ~~168~~ 45 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 253 acres in a single irrigation season. Combined Right Nos.: 37-1156, 37-2715, and 37-11936. 7072 7600

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. 37-22466 is an enlargement of the following rights pursuant to Section 42-1426, Idaho Code. Rights 37-1156, 37-2715, and 37-11936.

*Put in & take out
accomplish chg*

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

02/20/2007

Director's Rpt

RIGHT NUMBER: 37-11936

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

SOURCE: PAYNE CREEK

TRIBUTARY: COPPER CREEK

QUANTITY: 2.130 CFS

Use of this right with Right No. 37-2715 is limited to a total combined diversion rate of 2.13 cfs.

PRIORITY DATE: 05/01/1971

POINT OF

DIVERSION: T01N R23E S21 NWNWNE Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

2.130 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R23E S21	NENE	14.00	T01N R23E S21	NWNE	15.00
T01N R23E S21	SWNE	23.00	T01N R23E S21	SENE	40.00
T01N R23E S21	NESE	40.00	T01N R23E S21	NWSE	18.00
T01N R23E S22	SWNW	33.00	T01N R23E S22	NWSW	40.00

223 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 223 acres in a single irrigation season. Combined Right Nos.: 37-7072, 37-7600 & 37-2715.

This right is limited to the irrigation of 168 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 includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

DEPARTMENT OF
WATER RESOURCES

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____

9. ☒ **Place of Use**

Should be: 589.7 acres combined place of use. In addition to the recommended places of use, the following 336.7 acres should be recommended as places of use:

T01N R23E S21 SWSE	28
SESE	40
S22 SWSW	40
SESW	11
S27 NWNW	37
NENW	28
SWNW	30
S28 NWNE	21
NENE	41
SWNE	6.8
SENE	40
NWSE	1.9
NESE	12

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):** Places of use should be recommended as an accomplished transfer pursuant to I.C. §42-1425

F. **VERIFICATION** (must be completed)

State of Idaho)
) ss.
County of Ada)

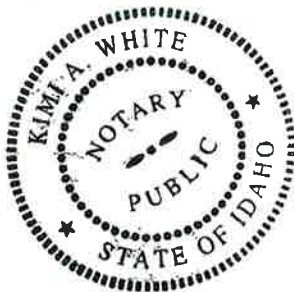
Charles L. Honsinger, duly sworn, upon oath, deposes and says:

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.

(Signature of person filing objection)

Charles L. Honsinger
Charles L. Honsinger

Subscribed and sworn to before me on: November 8, 2007



Kim A. White
Notary Public for Idaho
Residing at: Basin, Idaho
My Commission Expires: 2/1/2010

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no 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 8, 200 7, 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 LAKE LAND & LIVESTOCK, LLC

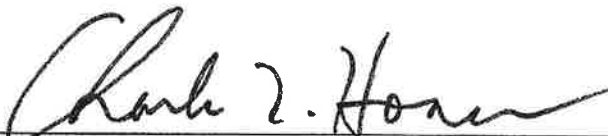
Address: P.O. Box 2249
Hailey, Idaho 83333

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

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 NICK PURDY
Water Use
Water Right 37-11936



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/Carey for the greater part of my lifetime and the above referenced water right or claimed was filed on behalf of my family or an entity owned by family members.
3. This right was originally from Payne Creek at the springs which fed Payne Creek. The two creeks ran together. I personally dug out and dredged the springs and the ditch delivery system to the diversion in 1971. I did this work in conjunction with the booster pump installation referenced as water right #37-11916. The ditch has a high bank which is evidence of the backhoe work done in 1971. All the water ran together to a sump and irrigated out of a 2 foot culvert.
4. I know it was 1971 when the ditch and diversion work was completed as it was the year before I started my own irrigation business, Silver Creek Irrigation, which I started in 1972.
5. I swear the foregoing to be 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: 7-1-05

Nick Purdy
Nick Purdy

On this 1st day of July, 2005, before me, a Notary Public in and for said State, personally appeared NICK PURDY, 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. 07 2005

05/19/2005

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

RIGHT NUMBER: 37-11936

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

SOURCE: PAYNE CREEK

TRIBUTARY: COPPER CREEK

QUANTITY: 2.130 CFS

Use of this right with Right No. 37-2715 is limited to a total combined diversion rate of 2.13 cfs.

PRIORITY DATE: 05/01/1971

POINT OF DIVERSION:

T01N R23E S21 NWNWNE 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	2.130 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01N R23E S21	NENE	14.0	T01N R23E S21	NWNE	15.0
T01N R23E S21	SWNE	23.0	T01N R23E S21	SENE	40.0
T01N R23E S21	NESE	40.0	T01N R23E S21	NWSE	18.0
T01N R23E S22	SWNW	33.0	T01N R23E S22	NWSW	40.0

223 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 223 acres in a single irrigation season. Combined Right Nos.: 37-7072, 37-7600 & 37-2715.

This right is limited to the irrigation of 168 acres within the place of use described above in a single irrigation season.

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

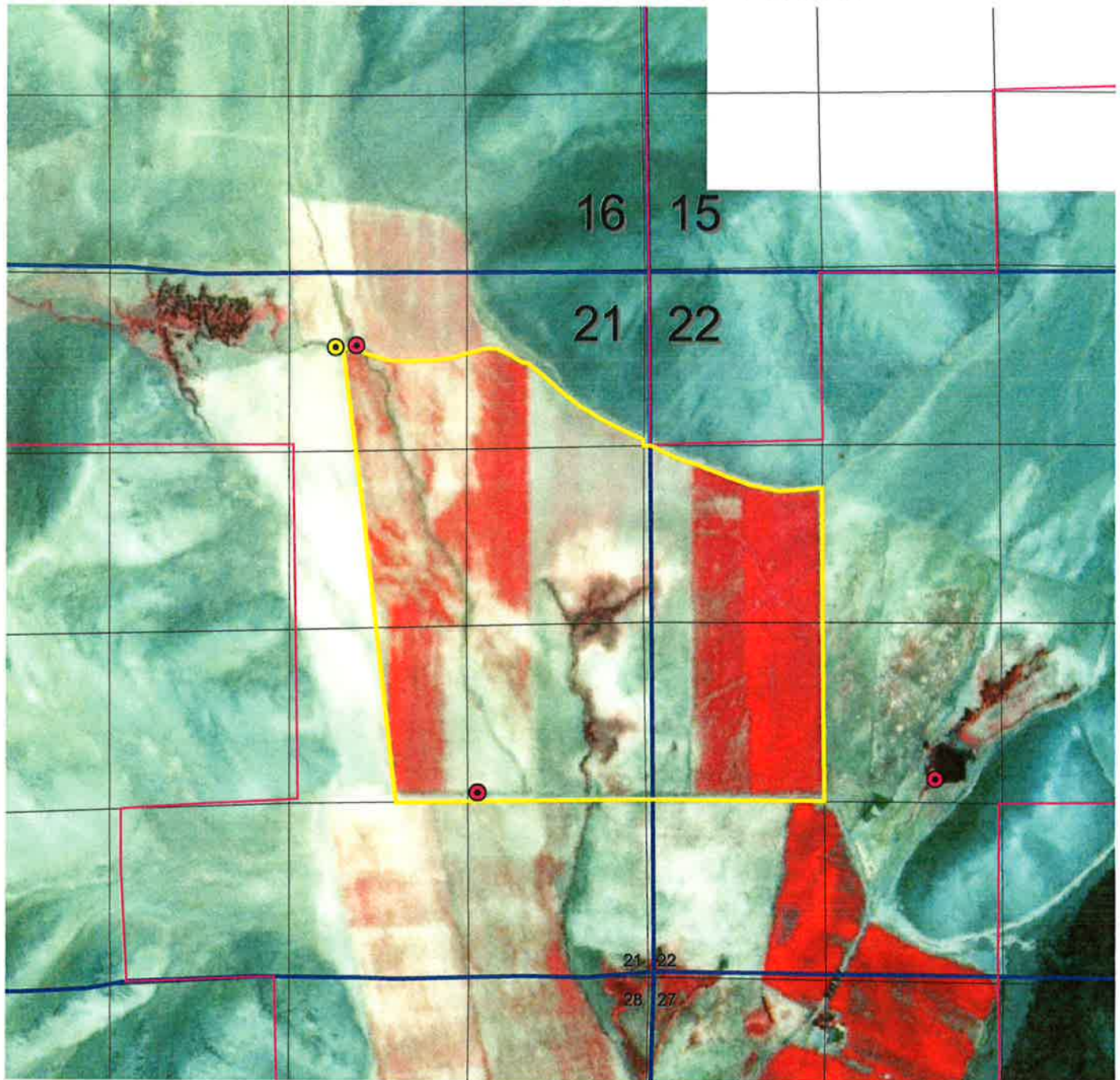
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

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

IDAHO DEPT OF WATER RESOURCES

37-2715 & 37-11936



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



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

Date: MAY 19, 2005

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32544/37-2715 Priority Sept. 30, 1965 Amount 1.10 cfs

THIS IS TO CERTIFY, that PICABO LIVESTOCK CO.

of Picabo, Idaho, has complied with the terms and conditions of Permit No. 32544/37-2715 issued pursuant to Application for Permit dated September 30, 1965, and has submitted proof to the Department of Water Administration on June 16, 1970,

that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity of 2.13 cfs, and that the water has in fact been applied to a

beneficial use; a right to the use of water from Grove Creek tributary of Copper Creek, is hereby confirmed in the following amounts:

Amount 1.10 cfs for Irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.10 cfs of water be diverted at any one time, said waters to be diverted within the _____

NW 1/4 NE 1/4 Sec. 21, Twp. 1 N, Rge. 23 E, B. M.

in the county of Blaine; and that the amount of water so diverted and to which such right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can actually be beneficially used and shall not exceed 165 acre feet per year or 3.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	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	
1 N	23 E	21		15	22											18			55

Total number of acres irrigated 55

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 9th day of

July, 19 73.


Director
32544/37-2715

Extra water
was being
diverted for
the irrigation
of the extra
acres

acres were
found to
be irrigated
at time of
proof being
filed.

Recommended
Right 37-11936
as separate
B.U. right.
5/19/05
SCC



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

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