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Form No. 42-1409 (2) b 7/06

DEPARTMENT OF
WATER RESOURCESIN 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 FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-22100Date Received: 1-8-07Receipt No: 10 82 976Received By: d.e. 1-11-07 gk

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) Lava Lake Land & Livestock LLC Phone () 208 788-1710Mailing Address P.O. Box 2249, Hailey Idaho Zip 833332. Date of Priority: (Only one per claim) 7/1/1885 Month/Day/Year3. Source of water supply (Check one) Ground Water () or Other (x) a) Lava Lake
which is tributary to (b) sinks4. Location of Point of Diversion is: Township 1N, Range 23E, Section 28,
1/4 of _____, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of Blaine

Additional points of diversion if any: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Stockwater purposes from 1/1 Month/Day to 12/31 Month/Day amount 0.02 (cfs)

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed 0.02 (cfs)8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) Stockwater for up to 6,000 cattle or 6,500 sheep or a combination of sheep and cattle with use not to exceed 13,000 gallons/day.

COPY

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JAN 10 2007

10. Location of Place of Use is: Township 1N, Range 23 E, Section 28 + 33,
 _____, 1/4 of _____, 1/4, Govt. Lot _____, BM.

for (Circle One) Domestic Stock Domestic and Stock
 Additional places of use, if any _____

11. 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 (☒) No ()
 If the 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.

None () _____

14. Remarks:

See map "LLR-Lava Lake"

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
 Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

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: 1

For Individuals: I/We 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

Title

of LAVA LAKE LAND & LIVESTOCK, LLC Organization

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

Signature of Authorized Agent Michael S. Starn Date 1/5/2007

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

State of Idaho } SS.

County of Blaine

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 5 day of Jan 20 07

Notary Public Kelly Karst

Residing at 314 N. Main Hailey

My commission Expires 5/24/2010

Seal



Last Name

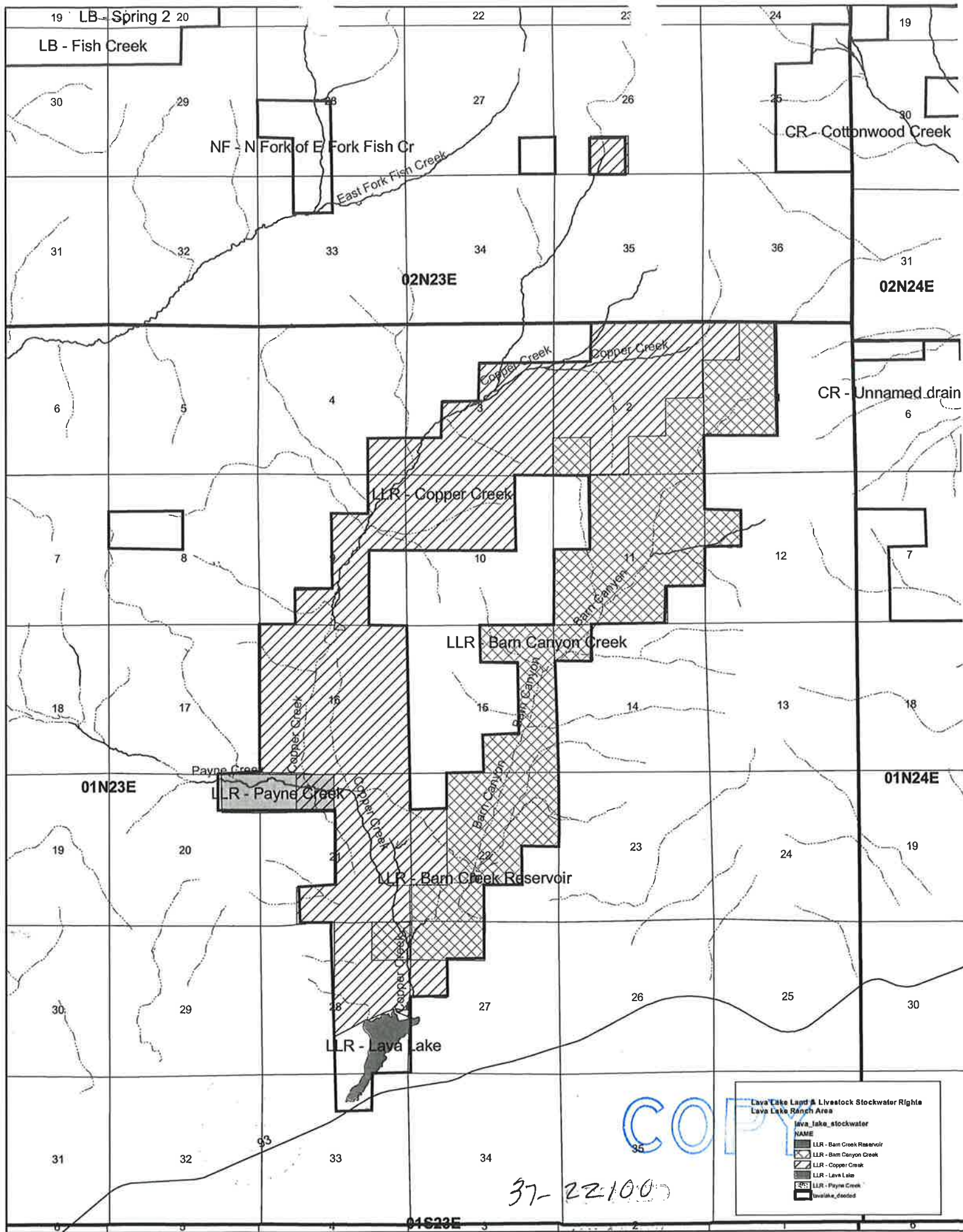
Lava Lake

Identification No.

37-22100

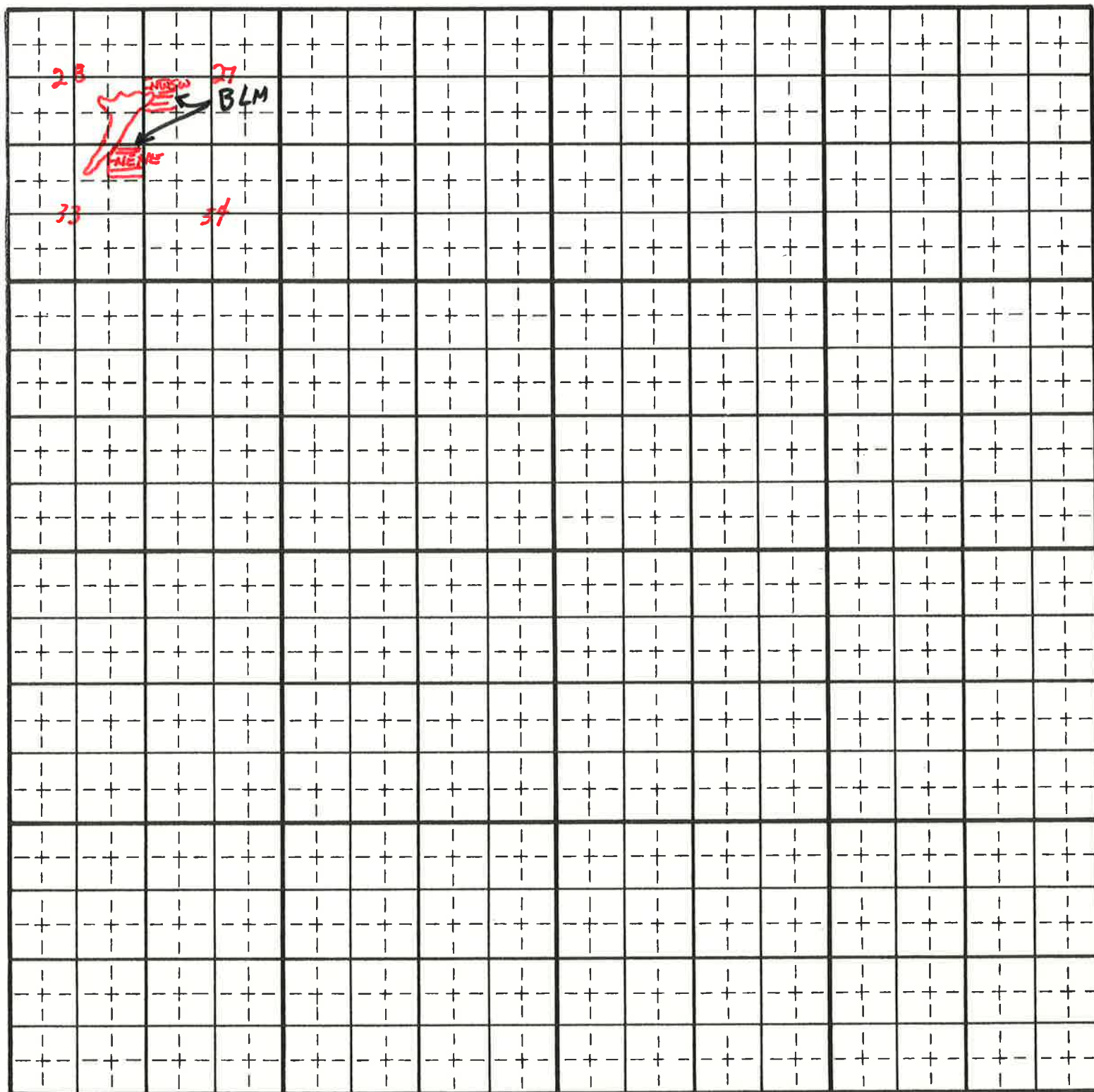
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JAN 13 2007



Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

**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 No.: 37-22100
	)	
Case No. 39576	)	
	)	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:

Lava Lake Land & Livestock LLC

OBJECTOR:

United States on behalf of the
Bureau of Land Management

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

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

IDWR CONCURRENCE:

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

IDWR CONCURRENCE:

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

12/10/2008

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

RIGHT NUMBER: 37-22100

Name and Address: LAVA LAKE LAND & LIVESTOCK LLC
PO BOX 2249
HAILEY, ID 83333

Source: LAVA LAKE Tributary: SINKS

Quantity: ~~14.60~~ APY 0.02 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

Priority Date: 07-01-1885

Diversion Point: ~~T01N R23E S28~~ NENESE Within Blaine County~~T01N R23E S28~~ SENESE Begin of Stream Flow Within BLAINE County~~T01N R23E S28~~ SENESE Begin of Stream Flow Within BLAINE County~~T01N R23E S28~~ SENESE End of Stream Flow Within BLAINE County~~T01N R23E S33~~ NENESE End of Stream Flow Within BLAINE CountyPurpose and
Period of Use:

Purpose of Use	Period of Use	Quantity
~~Stockwater Storage~~	~~01-01 TO 12-31~~	~~14.60 APY~~
~~Stockwater from Storage~~	~~01-01 TO 12-31~~	~~14.60 APY~~
<u>Stockwater</u>	<u>01/01 to 12/31</u>	<u>0.020 Cfs</u>

Place of Use:

Stockwater Storage Within Blaine County

~~T01N R23E S27~~ NWSW

T01N R23E S28 NESE T01N R23E S28 NWSE

T01N R23E S28 SWSE T01N R23E S28 SESE

~~T01N R23E S33~~ NENE T01N R23E S33 NWNE

Stockwater from Storage Within Blaine County

~~T01N R23E S27~~ NWSW

T01N R23E S28 NESE T01N R23E S28 NWSE

T01N R23E S28 SWSE T01N R23E S28 SESE

~~T01N R23E S33~~ NENE T01N R23E S33 NWNE

Other Provisions Necessary for Definition / 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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

Explanatory Material: Basis of Claim - Beneficial Use

CERTIFICATE OF SERVICE

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

1. Original to:

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

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

2. Copies to:

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

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

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

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

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

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

Signature of person or attorney mailing the form

12/10/2008

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

RIGHT NUMBER: 37-22100

Name and Address: LAVA LAKE LAND & LIVESTOCK LLC
PO BOX 2249
HAILEY, ID 83333

Source: LAVA LAKE Tributary: SINKS

Quantity: ~~14.60~~ AFY 0.02 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

Priority Date: 07-01-1885

Diversion Point: ~~T01N R23E S28~~ ~~NENESE Within Blaine County~~

T01N R23E S28 SENESE Begin of Stream Flow Within BLAINE County

T01N R23E S28 SENESE Begin of Stream Flow Within BLAINE County

T01N R23E S28 SWSESE End of Stream Flow Within BLAINE County

T01N R23E S33 NENWNE End of Stream Flow Within BLAINE County

Purpose and
Period of Use:

Purpose of Use	Period of Use	Quantity
~~Stockwater Storage~~	~~01-01 TO 12-21~~	~~14.60 AFY~~
~~Stockwater from Storage~~	~~01-01 TO 12-31~~	~~14.60 AFY~~
<u>Stockwater</u>	<u>01/01 to 12/31</u>	<u>0.020 Cfs</u>

Place of Use: Stockwater Storage Within Blaine County

~~T01N R23E S27~~	~~NWSW~~	
T01N R23E S28	NESE	T01N R23E S28 NWSE
T01N R23E S28	SWSE	T01N R23E S28 SESE
~~T01N R23E S33~~	~~NENE~~	~~T01N R23E S33 NWNE~~

~~Stockwater from Storage~~ ~~Within Blaine County~~

~~T01N R23E S27~~	~~NWSW~~	
~~T01N R23E S28~~	~~NESE~~	~~T01N R23E S28 NWSE~~
~~T01N R23E S28~~	~~SWSE~~	~~T01N R23E S28 SESE~~
~~T01N R23E S33~~	~~NENE~~	~~T01N R23E S33 NWNE~~

Other Provisions Necessary for Definition / 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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

Explanatory Material: Basis of Claim - Beneficial Use

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, December 10, 2008 9:17 AM
To: Kelly, Vicki; Spencer, Nick
Subject: 37-22100 Lava lake

Attachments: 37-22100 LAVA LAKE LAND V-2 layout.doc; 37-22100 Lava Lake dir rpt V-2.doc

Attached is a layout and version 2 recommendation for this one. I have never done an in-stream stockwater right from a lake where there is no outflow so I creatively identified the reaches between the segments created by the BLM overlapping Q/Qs.

One other issue was the priority date that was objected to by the BLM. In trying to reconstruct my memory I came up with the theory that if we removed the BLM POUs from the recommendation then they would not care about the priority date. What do you remember? Anyway, in this version of the director's report I have not changed the priority date.

I think that this one should be ready for settlement. What do you think?



37-22100 LAVA LAKE LAND V-2 la... 37-22100 Lava Lake dir rpt V-2...

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

12/10/2008

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

RIGHT NUMBER: 37-22100

Name and Address: LAVA LAKE LAND & LIVESTOCK LLC
PO BOX 2249
HAILEY, ID 83333

Source: LAVA LAKE Tributary: SINKS

Quantity: ~~14.60~~ AFY 0.02 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

Priority Date: 07-01-1885

Diversion Point: ~~T01N R23E S28~~ ~~NENESE Within Blaine County~~

~~T01N R23E S28 SENESE Begin of Stream Flow Within BLAINE County~~

~~T01N R23E S28 SENESE Begin of Stream Flow Within BLAINE County~~

~~T01N R23E S28 SWSESE End of Stream Flow Within BLAINE County~~

~~T01N R23E S33 NENWNE End of Stream Flow Within BLAINE County~~

Purpose and
Period of Use:

Purpose of Use	Period of Use	Quantity
~~Stockwater Storage~~	~~01-01 TO 12-21~~	~~14.60 AFY~~
~~Stockwater from Storage~~	~~01-01 TO 12-31~~	~~14.60 AFY~~
<u>Stockwater</u>	<u>01/01 to 12/31</u>	<u>0.020 Cfs</u>

Place of Use:

Stockwater Storage	Within Blaine County
T01N R23E S27	NWSW
S28	NESE NWSE
	SWSE SESE
S33	NENE NWNE

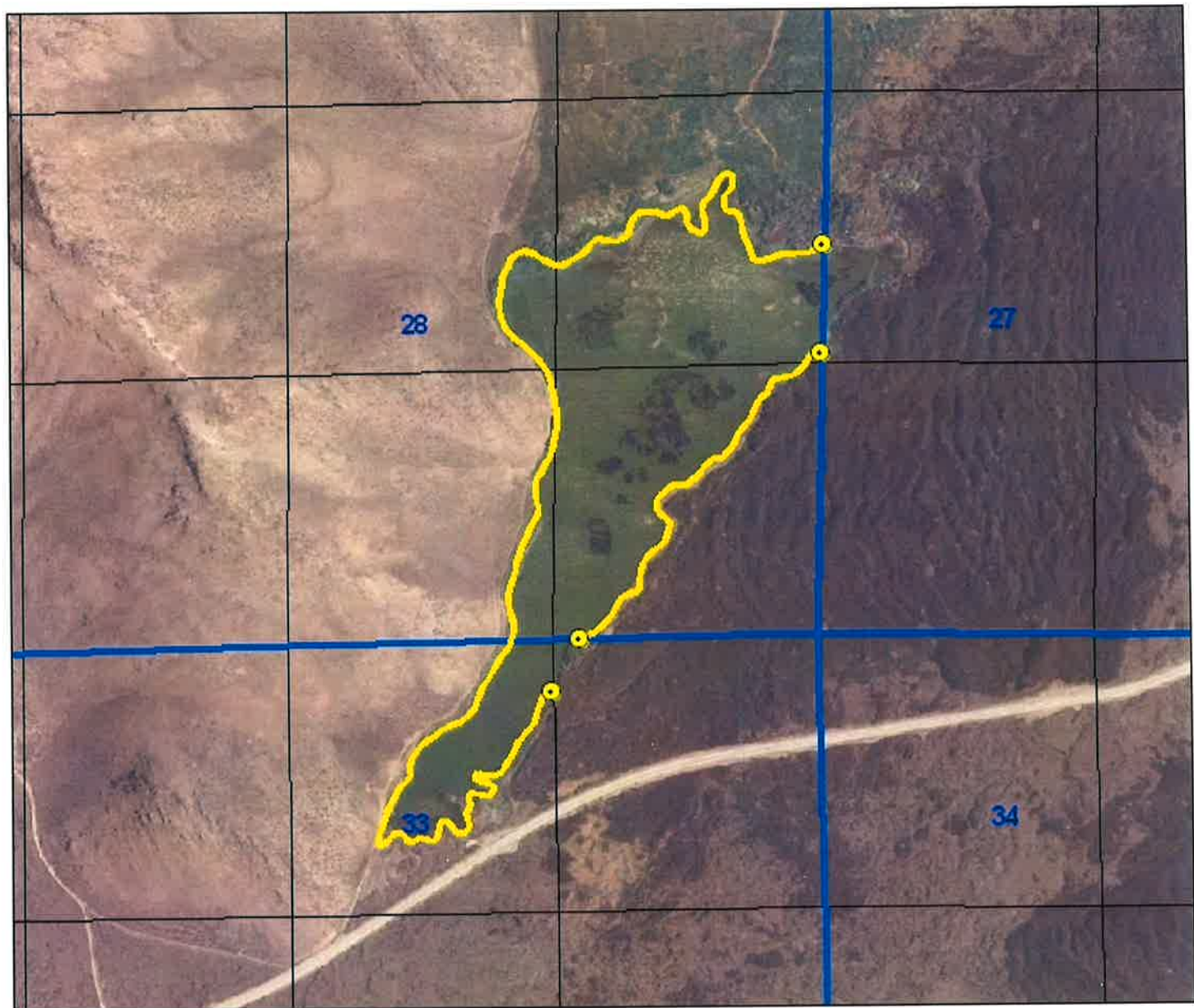
Stockwater from Storage	Within Blaine County
T01N R23E S27	NWSW
S28	NESE NWSE
	SWSE SESE
S33	NENE NWNE

Other Provisions Necessary for Definition / Administration of this Water Right:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

Explanatory Material: Basis of Claim - Beneficial Use

RECOMMENDED PLACE OF USE FOR 37-22100



PLACE OF USE
TWP 01N, RNG 23E, SEC 28
Data Entry on December 5, 2008

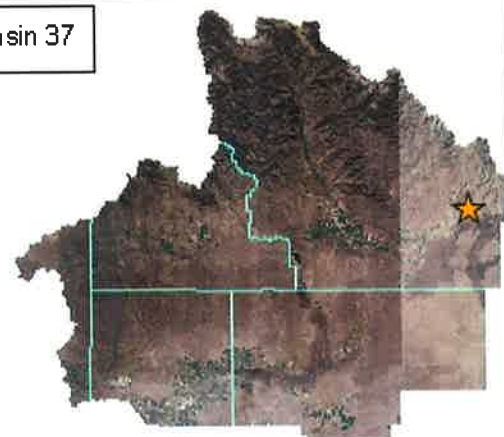
★ LOCATION IN BASIN

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

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



Basin 37



12/05/2008

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

RIGHT NUMBER: 37-22100

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

SOURCE: LAVA LAKE

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/01/1885

POINT OF
DIVERSION:

T01N R23E S28 SENESE Begin of Stream Flow Within BLAINE County
T01N R23E S28 SENESE Begin of Stream Flow Within BLAINE County
T01N R23E S28 SWSESE End of Stream Flow Within BLAINE County
T01N R23E S33 NENWNE End of Stream Flow Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in BLAINE County

T01N R23E S28	NESE	T01N R23E S28	NWSE
T01N R23E S28	SWSE	T01N R23E S28	SESE
T01N R23E S33	NWNE		

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Christensen, Kelly

From: Charlie Honsinger [clh@ringertlaw.com]
Sent: Wednesday, October 15, 2008 9:34 AM
To: Spencer, Nick; David Negri; Christensen, Kelly
Cc: Mike Stevens
Subject: Lava Lake Land & Livestock SRBA claim nos. , 63-22097, 63-22100

Gentlemen:

With respect to the above referenced water rights, my client has investigated the places of use to which the BLM objected, and agrees that they should not be included in the water right. Additionally, with respect to water right no. 63-22100, after analysis, we agree with Kelly's proposal to change the right from a storage right to instream use. If IDWR prepares the Standard Forms Five by removing the inaccurate places of use and changing the purpose of use for water right no. 63-22100, I believe that we are prepared to sign the same.

As always, please feel free to contact me with questions and concerns.

Charlie Honsinger
Ringert Law Chartered Lawyers
P.O. Box 2773
Boise, ID 83701
Tel:(208)342-4591
Fax:(208)342-4657
clh@ringertlaw.com

12/5/2008

Christensen, Kelly

To: Chuck Brockway Jr (E-mail)
Subject: 37-22100 stockwater Lava Lake

In stacking up the files I noted that there was this right that was objected to by the BLM. It was claimed as in-stream stockwater but recommended as a storage right. Probably this should be recommended as in-stream as claimed. The claim listed sections only as the place of use and was recommended and the recommendation listed the place of use as the 40-acre tracts associated with the Lake boundary. The recommended POU included 2 40-acre tracts held by the BLM (sec 27 nws and sec 33 nene). Probably they should be excluded.

I do not have Charlie's e-mail and probably he is the one to deal with this. Let me know what you think.

Kelly K Christensen
Sr Water Resource Agt
Twin Falls
(208)-736-3033

01/23/2007

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

RIGHT NUMBER: 37-22100

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

SOURCE: LAVA LAKE

TRIBUTARY: SINKS

QUANTITY: 14.600 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/01/1885

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>
STOCKWATER STORAGE	01/01 12/21	14.60 AFY
STOCKWATER FROM STORAGE	01/01 12/31	14.60 AFY

PLACE OF USE: STOCKWATER STORAGE in BLAINE County

T01N R23E S27	NWSW	T01N R23E S28	NESE
T01N R23E S28	NWSE	T01N R23E S28	SWSE
T01N R23E S28	SESE	T01N R23E S33	NENE
T01N R23E S33	NWNE		

STOCKWATER FROM STORAGE in BLAINE County

T01N R23E S27	NWSW	T01N R23E S28	NESE
T01N R23E S28	NWSE	T01N R23E S28	SWSE
T01N R23E S28	SESE	T01N R23E S33	NENE
T01N R23E S33	NWNE		

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use