

37-7072 / 37-7600 Enlargement

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-22469

Date Received 1-21-2010

Receipt Number C089928

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

RECEIVED
JAN 21 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRDA
TWIN FALLS CO., IDAHO
FILED
2009 OCT 20 PM 9 49

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) October 31, 1986
3. Source of water supply (a) Groundwater
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 1N Range 23E Section 21,
1/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of Blaine
Additional points of diversion if any: NWNE Section 21, T.1N., R.23E.
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. Two wells to irrigation system

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JAN 26 2010

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 3.99 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.99 (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:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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:

Claimed place of use is PPU established prior to SRBA commencement covering north and south of road.
Limited to 349.7 acres within the PPU. This right is an enlargement of 37-7072 and 37-7600 pursuant to I.C. 42-1426
based on physical connection of north and south water systems in 1986.

Last Name _____ Ident. No. _____

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JAN 26 2010

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

If applicable provide IDWR Water Right Number 37-7072, 37-7600

Court _____ 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

Of LAKE LAKE LAND & LIVESTOCK, LLC Title _____

Document in the space below as PRESIDENT Organization _____ of LAKE LAKE LAND & LIVESTOCK, LLC Title _____ Organization _____

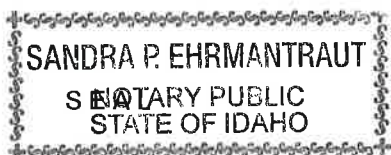
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization PRESIDENT, LAKE 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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JAN 26 2010

RECEIVED

JAN 21 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 20 2010

By _____ Clerk
Deputy Clerk

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

) Subcases: 37-22466, 37-22467,
) 37-22468, 37-22469 & 37-22470

) ORDER GRANTING MOTIONS TO FILE
) LATE NOTICE OF CLAIM
)

On October 20, 2009, Lava Lake Land & Livestock LLC, by and through counsel, Charles L. Honsinger, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on January 19, 2010. These *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated January 20, 2010.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

SCANNED
JAN 26 2010

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on January 20,
2010, with sufficient first-class postage to the following:

LAVA LAKE LAND & LIVESTOCK LLC

Represented by:

CHARLES L. HONSINGER

455 S THIRD ST

PO BOX 2773

BOISE, ID 83701-2773

Phone: 208-342-4591

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

SCANNED
JAN 26 2010

ORDER

Page 1 1/20/10

FILE COPY FOR 01829

Deputy Clerk

Julie Murphy

RECEIVED
OCT 20 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 37-22469
	)	
	)	
Case 38576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE LATE 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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OCT 21 2009

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 file a late Notice of Claim to the use of this water in the SRBA because:

Lava Lake did not realize until it was recently informed by its consultant of the need to either amend its claims or file late claims to reflect historical beneficial use of its water rights since it completely reconfigured its water right diversion and distribution system in 1986.

I have attached:

An amended Notice of Claim (available from IDWR).

Payment of the following additional fees required by IDWR:
\$50.00 claim filing fee plus \$50.00 late claim fee.

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:

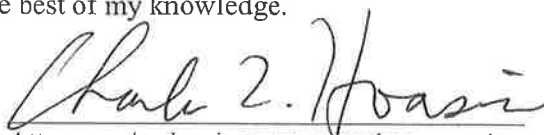
This motion will be heard on Tuesday, January 19, 2009, at 1:30 p.m. at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho. Lava Lake Land & Livestock, LLC hereby requests that because it is the sole party in this subcase, and if the Special Master deems it appropriate, that a decision on this motion be issued without a hearing.

VERIFICATION (Must be completed)

State of Idaho)
)
County of Ada)

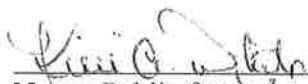
Charles L. Honsinger, being first duly sworn, upon oath, deposes and says:

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 October 19, 2009
(Insert Date)




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 01/01/10

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 19th 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.

Lava Lake Land & Livestock, LLC
P.O. Box 2249
Hailey, ID 83333



Signature of person or attorney mailing form

37-7072 / 37-7600 Enlargement

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-22469

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
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3. Source of water supply (a) Groundwater
which is tributary to (b) _____
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1/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of Blaine
Additional points of diversion if any: NWNE Section 21, T.1N., R.23E.
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. Two wells to irrigation system

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OCT 21 2001

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 3.99 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.99 (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:

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

Limited to 349.7 acres within the PPU. This right is an enlargement of 37-7072 and 37-7600 pursuant to I.C. 42-1426 based on physical connection of north and south water systems in 1986.

Last Name _____

Ident. No. _____

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OCT 21 2009

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

If applicable provide IDWR Water Right Number 37-7072, 37-7600

Court _____ 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 LAKE LAKE LAND & LIVESTOCK, LLC that I have signed the foregoing

Document in the space below as PRESIDENT of LAKE LAKE LAND & LIVESTOCK, LLC
Organization Title Organization

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

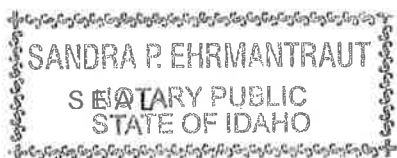
Signature of Authorized Agent [Signature]

Title and Organization PRESIDENT, LAKE 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 _____

SCANNED
OCT 21 2009

02/12/2010

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

RIGHT NUMBER: 37-22469

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

KKC
2-12-2010

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.370 CFS
608.100 AFY

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 3.99 cfs and to a total combined annual diversion volume of 1778.1 AF. Combined Right Nos.: 37-7072, 37-7600, and 37-22469.

PRIORITY DATE: 10/31/1986

POINT OF DIVERSION:

T01N R23E S21 NWNWNE Within BLAINE County

T01N R23E S21 SWNESE 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	2.370 CFS

PLACE OF USE: IRRIGATION in BLAINE County

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 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 349.7 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.

This right is based upon an enlargement of Right Nos. 37-7072 and 37-7600 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Claim No(s). 37-22469

Claim No(s). 37-22469

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 8, 2010

CHARLES L HONSINGER
RINGERT LAW CHTD
PO BOX 2773
BOISE ID 83701-2773

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #37-22466, 37-22467, 37-22468,
37-22469 and 37-22470

Your Client: Lava Lake Land & Livestock, LLC

Dear Mr. Honsinger:

The Notices of Claim to a Water Right you filed for your client referenced above were received from the SRBA Court recently. I have enclosed receipt #C089928 for the filing fees your firm paid.

Your client's Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Please notify us in writing if your client's address changes or if there is a change in ownership of their property and water rights.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region

Enclosure: Receipt Referenced Above

SCANNED

FEB - 4 2010