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JAN 21 2010

DEPARTMENT OF
WATER RESOURCES

Form No. 42-1409 (2) a 1/88

37-1156 EnlargementIN 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 37-22466

Date Received 1-21-2010

Receipt Number

SRZ
C089928**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

d.e. 2-2-10

2009 OCT 20 PM 9 48
FILED
DISTRICT COURT - 5th JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO

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) Payne Creek, Lava Lake
which is tributary to (b) Copper Creek, Sinks
4. a. Location of existing point of diversion is: Township 1N Range 23E Section 21,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of Blaine
Additional points of diversion if any: NESE Sec. 28, T. 1 N., R. 23 E.
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. Diversion from Payne Creek and Lava Lake to irrigation.

SCANNED
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 4.46 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.46 (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:

Limited to 366.7 acres within the PPU. This right is an enlargement of 37-1156 pursuant to I.C. 37-1426 based on physical connection of north and south water systems in 1986. See 37-1156 for additional information on establishment of this right and accomplished transfers prior to commence of the SRBA.

Last Name Lava Lake

Ident. No. 37-22466

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JAN 26 2010

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

If applicable provide IDWR Water Right Number 37-1156

Court 4th District Case Number _____ Decree Date April 2, 1904

Plaintiff vs Defendant Latham vs. Hunt.

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

Document in the space below as President of Lava 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, Lava Lake Land & Livestock, LLC Date 9.15.09

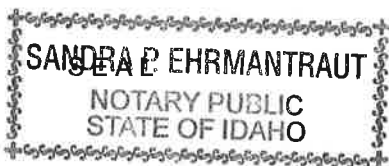
State of Idaho / or _____)
County of Blaine) ss.

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 Lava Lake Ident. Number 37-22466

SCANNED
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

10/20

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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 37-22466
	)	
	)	
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

SCANNED

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:

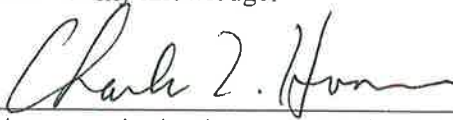
This motion will be heard on Tuesday, January 19, 2009, at 1:30 p.m. at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho. Lava Lake Land & Livestock, LLC hereby requests that because it is the sole party in this subcase, and if the Special Master deems it appropriate, that a decision on 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: 04/01/10

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:

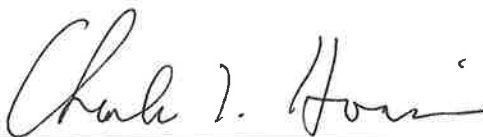
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

37-1156 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

37-22466

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) October 31, 1986
3. Source of water supply (a) Payne Creek, Lava Lake
which is tributary to (b) Copper Creek, Sinks
4. a. Location of existing point of diversion is: Township 1N Range 23E Section 21,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of Blaine
Additional points of diversion if any: NESE Sec. 28, T. 1 N., R. 23 E.
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. Diversion from Payne Creek and Lava Lake to irrigation.

SCANNED
OCT 21 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 4.46 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.46 (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:

Limited to 366.7 acres within the PPU. This right is an enlargement of 37-1156 pursuant to I.C. 37-1426 based on physical connection of north and south water systems in 1986. See 37-1156 for additional information on establishment of this right and accomplished transfers prior to commencement of the SRBA.

Last Name _____ Ident. No. _____

SCANNED
01-21-2009

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

If applicable provide IDWR Water Right Number 37-1156

Court 4th District Case Number _____ Decree Date April 2, 1904

Plaintiff vs Defendant Latham vs. Hunt.

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 of Lava 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, Lava Lake Land & Livestock, LLC Date 9.15.09

State of Idaho / or _____)

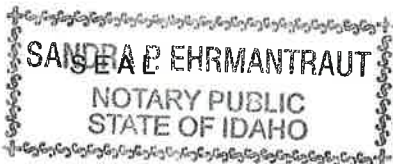
County of Blaine) ss.

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 _____

SCANNED
OCT 21 2009

SCANNED
OCT 21 2009

03/03/2010

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

RIGHT NUMBER: 37-22466

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

VERIFIED BY

KKC
3-3-10

SOURCE: PAYNE CREEK

TRIBUTARY: COPPER CREEK

QUANTITY: 2.890 CFS

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.

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: 10/31/1986

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	2.890 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 336.7 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. 37-1156, 37-2715, and 37-11936 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

ISSUE: CHANGE IN SOURCE FOR 37-2545A AND 37-1156
LAVA LAKE LAND AND LIVESTOCK

	Gnd wtr		Barn Can	Payne cr	Copper cr	Lava Lake	Springs			storage		Enlarge ment				
STORAGE RIGHTS	N	S					3 Spr	Payne Spring	Barn Spring	Cpr Cr	Barn Canyon			SF5	ADR	Late claim
37-22116										X			50 af 253 ac			X
37-22470										X		50 af 336.7 ac	Enlargement of 22116			X
37-22117											X		20 af 336.7 ac			X
37-2545A				X*	X*	X	*		X*				465 ac		X	
37-22467				X	X	X			X			124.7 ac	Enlargement of 2545A			X
37-2688						X*							242.7		X	
37-11950						X							0.92 cfs 336.7 ac – Bu claim		X	
37-22468						X						253 ac	Enlargement of 2688 & 11950			X
37-22466				X		X						366.7 ac	Enlargement of 1156			X
37-1156				X		X	*	*					193 ac			X
37-2715				X [⊙]									1.10 cfs 55 ac	X		
37-11936				X									336.7 ac	X		
37-7072 Gnd Wtr	X*	X											1.34 cfs 150 ac		X	
37-7600 Gnd Wtr	X	X*											2.65 cfs 240 ac		X	
37-22469 Gnd Wtr	X	X										349.7 ac	Enlargement of 7072 7600			X
* = Licensed or decreed source. [⊙] = Licensed source = Grove Creek now known as Payne Creek.																

Brief Overview

Historically the property has been operated as two irrigation systems. There is a road running east and west splitting the property along the north boarder of Sec 21 S½SE¼ and Sec 22 SW¼SW¼. The road then turns north at this point running along the eastern boarder of the northern system irrigated ground. This road identifies the difference between the north system and the south system. In the 1970s pipeline and sprinkler systems were beginning to be developed. In 1986 the south system was tied into the north system making a common delivery system that ties all existing sources/PODs into the common system.

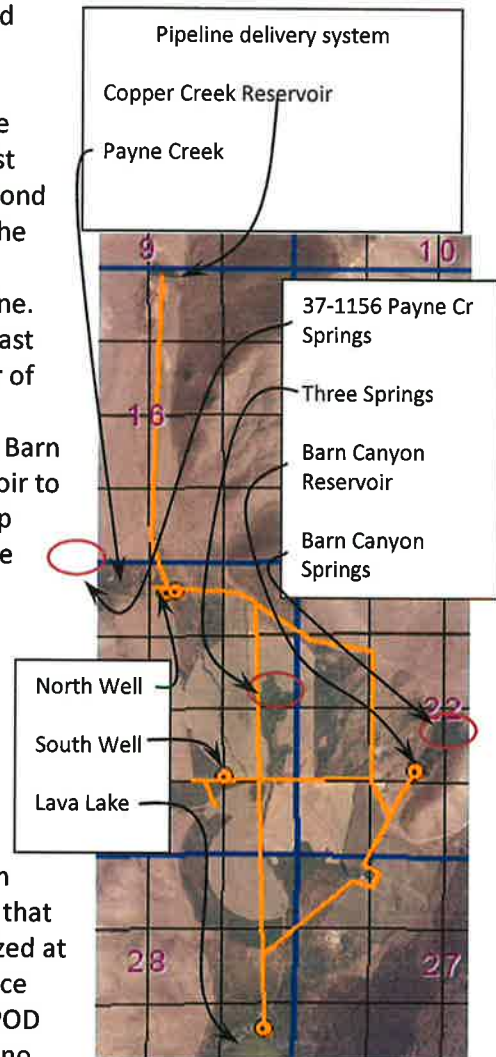
North system	= 253 ac
South system	= 336.7 ac
Total PPU	= 589.7 ac

CURRENT SYSTEM

Currently there are four surface water and two ground water diversion points.

The current system consists of several connected pipelines. From the north reservoir in Sec 16 NWNE a pipeline runs south to a main pipeline running east and west, being just north of Payne Creek in Sec 21 NWNE. A booster pump in a pond at the confluence of Payne Creek and Copper creek ties into the east-west mainline and is capable of pumping Copper Creek, Payne Creek and the northern most well water into the pipeline. The well discharge dumps into the pond. The mainline runs east along the northern border of the POU to the northeast corner of the POU. At that point, it turns south to eventually tie into a pipeline coming from the Barn Canyon stream/reservoir. The Barn Canyon pipeline runs southwesterly from Barn Canyon reservoir to eventually join the pipeline that runs from the Lava Lake pump north to the east-west pipeline. That juncture is roughly ¼ mile north of Lava Lake.

The system sketched by Chuck Brockway Jr. relating to Sec 21 NWNE shows a dam in Copper Creek that creates a pond that captures both Payne and Copper Creek and that backs water primarily up into Payne Creek. The well licensed through 37-7072 also dumps into that pond. A pump in the pond then lifts that water into the pipeline system that can reach the entire PPU. The licensing field exam for 37-2715 basically describes the same system but indicates that Payne Creek dries up and the Copper Creek water is then utilized at that time. 37-2715 was licensed with Payne Creek as the source and the POD being in Sec 21 NWNE. The claim identifies the POD in Sec 21 NWNENW with a redirection point in Sec 21 NWNE (no injection point claimed).



Enlargement Rights

The priority date for all enlargement rights is 10-31-1986 which is associated with the completion of the total pipeline delivery system. This tied the POU north of the center road with the POU south of the road allowing water from all sources to reach all areas of the irrigated ground, a 589.7 acre PPU.

Spring Water Source

There are three groups of springs identified as sources. The springs in Sec 21 NENW flow into Payne Creek and then Payne Creek is diverted at the Booster pump in Sec 21 NWNE. The springs in Sec 21 SENE flow into Copper Creek which eventually reaches Lava Lake. The springs in Sections 21 are no longer being diverted. The third set of springs flow into Barn Canyon in Sec 22 N½SW¼.

There is some question regarding the springs associated with the Barn Canyon reservoir. It is not clear if the springs reach Barn Canyon prior to a reservoir on the Barn Canyon Channel, or if they flow directly into the reservoir. Either way the headwaters of the springs are not developed, rather at best, one could argue that one or more of the sources could be considered an unnamed stream; however Barn Canyon probably best describes the source and POD location. To the best of my knowledge all of the springs head approximately ¼ mile upstream from the reservoir.

Storage Rights

37-22116 & 37-22470. There are two storage rights for the Copper Creek reservoir, one beneficial use right and an enlargement right. The beneficial use right was historically for the ground north of the center road. The enlargement right is based upon the completed pipeline system and is for the acreage south of the road.

37-22117 The Barn Canyon reservoir claim was filed for 20 af with a 1938 priority date. The licensing field exam for 37-2545 conducted on August 3, 1954 identified the reservoir as being 'approximately 4' deep with a surface area of less than 1 acre'. In reviewing the available aerial photography and including the quad map, it appears that the surface area is at best 1.7 ac.

Ground Water Rights

There are two licensed ground water rights and one associated enlargement right. The two licensed rights were historically from different wells but basically for the same POU. As the wells were combined into a common system prior to 1987 both wells are recognized on each licensed right as a change in POD. 37-7072 was licensed for 1.34 cfs on 240 acres and 37-7600 was licensed for 2.65 cfs on 150 acres. When combined the total diversion rate is less than one inch per acre. 37-22469 is the enlargement right and is an enlargement of the two rights (wells) when combined. The system capacity establishes the volume limit for the three combined rights.

37-7072	245 days	450.0 af	System capacity	3.99 cfs * 215 days * 1.98 =	1698.5 af
37-7600	215 days	720.0 af		1.34 cfs * 30 days * 1.98 =	79.6 af
37-22469	200 days	<u>608.1 af</u>		Total	<u>1778.1 af</u>
Total		1778.1 af	Maximum requirement	589.7 af * 3.5 af/ac =	2064 af

Rate calculation for 37-22469; $3.99 \text{ cfs} / 589.7 \text{ ac} * 349.7 = \underline{2.37 \text{ cfs}}$

Payne Creek source rights 37-1156, 37-2715, 37-2545, 37-11936

There are overlap issues between 37-1156 and 37-11936.

There have been several different naming conventions regarding the streams in this area. Payne Creek has also been identified as Grove Creek in 37-2715 and alternatively as West Canyon in the 37-1156 decree. Copper Creek has been identified as Lava Creek in the field exam for 37-2715.

37-2545 was originally under claimed as 37-2545A and 37-2545B. Eventually 37-2545A was amended to recognize the entire licensed right with the expectation that 37-2545B would be disallowed. That right was licensed for 465 acres and 9.30 cfs (one in/ acre). The licensed sources were identified as Copper Creek and four adjacent streams and they are currently identified as Payne Creek, Copper Creek, the springs in Sec 21 SENE and the springs near Barn Canyon reservoir in Sec 22. The claimed PODs are associated with Copper Creek at the reservoir in Sec 16, Payne Creek/Copper Creek in Sec 21, Barn Canyon (referred to as springs) in Sec 22, and Lava Lake in Sec 28. It is not entirely clear just what

STAFF TIME LOG

LATE CLAIMS

Claim No(s). 37-22466

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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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