

RECEIVED
DEC 06 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC - 5 2011	
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) Subcase Nos.: 37-02545A, 37-02688,
) 37-07072, 37-07600 & 37-11950
) (Lava Lake Land & Livestock LLC)
)
) ORDER SETTING ASIDE AND
) AMENDING PARTIAL DECREES

On September 21, 2006, a *Partial Decree* was issued for water right 37-11950. On September 29, 2006, *Partial Decrees* were issued for water rights 37-02545A and 37-02688. On December 11, 2002, *Partial Decrees* were issued for water rights 37-07072 and 37-07600. On September 11, 2008, the claimant, Lava Lake Land and Livestock LLC, by and through counsel, Charles L. Honsinger, filed a *Motion to Reopen Subcases* for the above-captioned water rights. The matter was referred to the Special Master for further proceedings. On October 26, 2011, the Special Master issued a *Special Master's Report and Recommendation* recommending that the *Partial Decrees* be set aside and *Amended Partial Decrees* be issued. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the *Partial Decrees* for the above-captioned water rights are hereby set aside and amended as set forth in the attached *Amended*

Partial Decrees Pursuant to I.R.C.P. 54(b). The previously issued ***Partial Decrees*** are replaced and superseded thereby.

DATED: December 5, 2011

A handwritten signature in black ink, appearing to read 'Eric J. Wildman', written over a horizontal line.

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-02545A

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

DEC - 5 2011

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

SOURCE: BARN CANYON CREEK TRIBUTARY: COPPER CREEK
COPPER CREEK TRIBUTARY: LAVA LAKE
PAYNE CREEK TRIBUTARY: COPPER CREEK

QUANTITY: 9.30 CFS

By _____ Clerk

Deputy Clerk

The rights listed below are limited to a total combined diversion rate of 9.3 cfs. Combined Right Nos.: 37-2545A and 37-22467.
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.

PRIORITY DATE: 05/29/1953

POINT OF DIVERSION: T01N R23E S16 NWNWNE Within Blaine County
S21 NWNWNE
S22 NWNWNE
SENESEW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	9.30 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T01N R23E S16	SWSE 14.0	
S21	NENE 15.0	NWNE 31.0
	SWNE 22.0	SENE 40.0
	NESE 40.0	NWSE 18.0
	SWSE 28.0	SESE 40.0
S22	SWNW 33.0	NWSW 40.0
	SWSW 40.0	SESW 11.0
S27	NENW 28.0	NWNW 37.0
	SWNW 30.0	
S28	NENE 41.0	NWNE 21.0
	SWNE 6.8	SENE 40.0
	NESE 12.0	NWSE 1.9
	589.7 Acres Total	

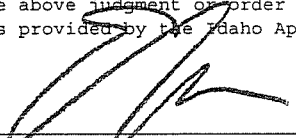
This right is limited to the irrigation of 465 acres within the place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a combined total of 589.7 acres in a single irrigation season.
Combined Right Nos.: 37-2545A, 37-22467, 37-2688, 37-11950, 37-22468, 37-1156, 37-22466, 37-2715, 37-11936, 37-7072, 37-7600, 37-22469.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-02688

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

DEC - 5 2011

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

SOURCE: LAVA LAKE TRIBUTARY: SINKS

QUANTITY: 3.30 CFS
729.00 AFY

By _____
Clerk
Deputy Clerk

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

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

PRIORITY DATE: 05/17/1963

POINT OF DIVERSION: T01N R23E S28 NENESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.30 CFS 729.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County			
	T01N R23E S16	SWSE 14.0			
	S21	NENE 15.0 NWNE 31.0 SENE 40.0 SWNE 22.0 NESE 40.0 NWSE 18.0 SWSE 28.0 SESE 40.0 S22	SWNW 33.0 NWSW 40.0 SWSW 40.0 SESW 11.0 S27	NENW 28.0 NWNW 37.0 SWNW 30.0 S28	NENE 41.0 NWNE 21.0 SWNE 6.8 SENE 40.0 NESE 12.0 NWSE 1.9
	589.7 Acres Total				

This right is limited to the irrigation of 242.7 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 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.

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

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

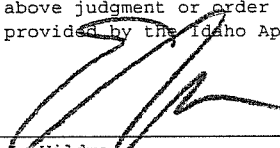
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

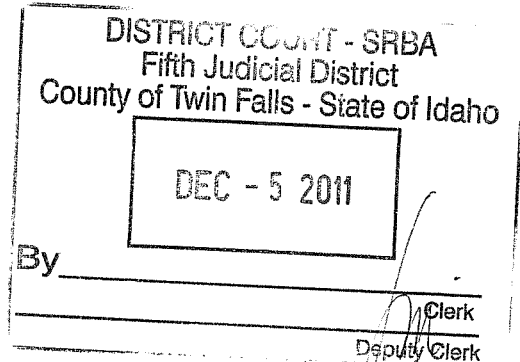


Eric A. Wildman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-07072



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

SOURCE: GROUND WATER

QUANTITY: 1.34 CFS
450.00 AFY

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 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: 06/23/1970

POINT OF DIVERSION: T01N R23E S21 NWNWNE Within Blaine County
SWNESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-30	1.34 CFS 450.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
T01N R23E S16	SWSE 14.0	
S21	NENE 15.0	NWNE 31.0
	SWNE 22.0	SENE 40.0
	NESE 40.0	NWSE 18.0
	SWSE 28.0	SESE 40.0
S22	SWNW 33.0	NWSW 40.0
	SWSW 40.0	SESW 11.0
S27	NENW 28.0	NWNW 37.0
	SWNW 30.0	
S28	NENE 41.0	NWNE 21.0
	SWNE 6.8	SENE 40.0
	NESE 12.0	NWSE 1.9
	589.7 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 240 acres in a single irrigation season. Combined Right Nos.: 37-7072 and 37-7600.
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 150 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

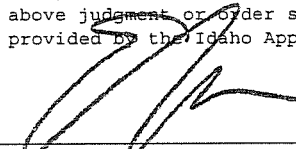
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

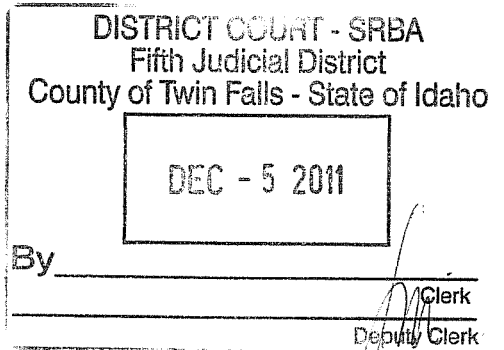


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-07600



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

SOURCE: GROUND WATER

QUANTITY: 2.65 CFS
720.00 AFY

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.

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.

PRIORITY DATE: 05/31/1977

POINT OF DIVERSION: T01N R23E S21 NWNWNE Within Blaine County
SWNESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.65 CFS 720.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
T01N R23E S16	SWSE 14.0	
S21	NENE 15.0	NWNE 31.0
	SWNE 22.0	SENE 40.0
	NESE 40.0	NWSE 18.0
	SWSE 28.0	SESE 40.0
S22	SWNW 33.0	NWSW 40.0
	SWSW 40.0	SESW 11.0
S27	NENW 28.0	NWNW 37.0
	SWNW 30.0	
S28	NENE 41.0	NWNE 21.0
	SWNE 6.8	SENE 40.0
	NESE 12.0	NWSE 1.9
589.7 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 240 acres in a single irrigation season. Combined Right Nos.: 37-7072 and 37-7600.

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 240 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

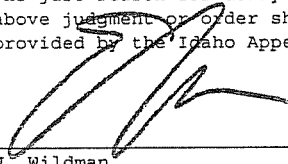
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-11950

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

DEC - 5 2011

By

Clerk

Deputy Clerk

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

SOURCE: LAVA LAKE TRIBUTARY: SINKS

QUANTITY: 0.92 CFS

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

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

PRIORITY DATE: 05/01/1964

POINT OF DIVERSION: T01N R23E S28 NENESE Within Blaine County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.92 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R23E S16	SWSE 14.0
	S21	NENE 15.0
		SWNE 22.0
		NESE 40.0
		SWSE 28.0
	S22	SWNW 33.0
		SWSW 40.0
		SESE 40.0
	S27	NWNW 37.0
		NENE 28.0
		SWNE 6.8
	S28	NESE 12.0
		NWNE 21.0
		SENE 40.0
		NWSE 1.9
	589.7 Acres Total	

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

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

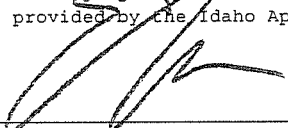
This right is limited to the irrigation of 94 acres within the
place of use described above in a single irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE AND AMENDING PARTIAL DECREES was mailed on December 05,
2011, 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

STATE OF IDAHO

Represented by:
DAVID J. BARBER
DEPUTY ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".