

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: A45-00169
Date Received: 6/ 7/1989
Receipt No: S007604
Received By: *SD13448 Ad*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: LAMBERT PRODUCE, INC.
Address: RT. 2 BOX 2430
BURLEY, ID

83318

2. Date of Priority: NOV 23, 1881

3. Source: WILLOW CREEK

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	23E	26	NW	SE			CASSIA

5. Description of diverting works:
SPLITTER INTO PIPELINE, PIVOT, STORAGE POND & TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	12/15	1.060		
IRRIGATION STORAGE	12/15	03/01			8.00
STOCKWATER	01/01	12/31	0.440		

7. Total Quantity Appropriated is:
1.060 C.F.S. (and/or) 8.00 A.F.A.

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER/ 2000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	23E	22	NW	NE		IRR	40.0
			SW	NE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	23E	22	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			Section Acres				160.0
		30	NE	SE		STOCK	
			NW	SE	3	STOCK	
			SW	SE	4	STOCK	
			SE	SE		STOCK	
			Total Acres				160.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A45-00168

14. Remarks:

RT. IS FOR 1/6 THE FLOW OF WILLOW CREEK.
ATTACHED HERETO IS A COPY OF THE 03-17-1908 DECREE.
USED ON LAND NOT COVERED BY ORIGINAL DECREE/USE APPEARS ON 1956 &
1962 MAPS. THIS RIGHT TOGETHER W/ 45-0166 & 45-0168 REPRESENTS
75% OF THE TOTAL FLOW. (OF WILLOW CREEK)
STORAGE/RECHARGE PURSUANT TO 45-7607 ATTACHED. (APPLICATION FOR
PERMIT)

TOTAL OF 8000 HEAD OF RANGE CATTLE SERVED WHEN A45-00166C, 00168
& 00169 ARE COMBINED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/17/1908

JOHN W. THOMPSON ET AL
Decree Plaintiff

THOMAS POULTON ET AL
vs Decree Defendant

MICROFILMED

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *L. L. Stone* Date: 6/14/91
attly for Lambert Stone Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of June 19 91

[Signature]
Notary Public

Seal

Residing at Kimberly, Id
My Commission Expires 6/30/94

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MAR 07 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-00169
Date Received: 6/ 7/1989
Receipt No: S007604
Received By: _____

Address change DB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAMBERT PRODUCE, INC.
Address: RT. 2 BOX 2430
BURLEY, ID

83318

2. Date of Priority: NOV 23, 1881

3. Source: WILLOW CREEK

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	23E	26	NW	SE			CASSIA

5. Description of diverting works:
SPLITTER INTO PIPELINE, PIVOT, STORAGE POND.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	12/15	1.060		
IRRIGATION STORAGE	12/15	03/01			8.00

7. Total Quantity Appropriated is:
1.060 C.F.S. (and/or) 8.00 A.F.A.

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	23E	22	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

A45-00169

Page 1

Date: 03/26/91

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MAR 07 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-00169
Date Received: 6/06/1989
Receipt No: S007604
Received By: JCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAMBERT PRODUCE, INC. 208-862-3346
Address: RT. 1 BOX 44-A
OAKLEY, ID 83346
2. Date of Priority: NOV 23, 1881
3. Source: WILLOW CREEK Trib. to: SINKS
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 12S | 23E | 26 | NW | SE | | | CASSIA |
5. Description of diverting works:
SPLITTER INTO PIPELINE, PIVOT, STORAGE POND.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|--------------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/01 | 12/15 | 1.060 | | |
| IRRIGATION STORAGE | 12/15 | 03/01 | | | 8.00 |
7. Total Quantity Appropriated is:
1.060 C.F.S. (and/or) 8.00 A.F.A.
8. Total consumptive use is 480.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	23E	22	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SW	NW		IRR	40.0

A45-00169

Page 1

Date: 07/20/89

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MAR 07 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	23E	22	SE	NW		IRR	40.0
Section Acres							160.0
Total Acres							160.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A45-00168

14. Remarks:

RT. IS FOR 1/6 THE FLOW OF WILLOW CREEK.
ATTACHED HERETO IS A COPY OF THE 03-17-1908 DECREE.
USED ON LAND NOT COVERED BY ORIGINAL DECREE/USE APPEARS ON 1956 &
1962 MAPS. THIS RIGHT TOGETHER W/ 45-0166 & 45-0168 REPRESENTS
75% OF THE TOTAL FLOW. (OF WILLOW CREEK)
STORAGE/RECHARGE PURSUANT TO 45-7607 ATTACHED. (APPLICATION FOR
PERMIT)

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/17/1908

JOHN W. THOMPSON ET AL
Decree Plaintiff

vs

THOMAS POULTON ET AL
Decree 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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____ Title
Organization, that I have signed the foregoing
document in the space below as _____ of
_____ Title
Organization and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: 39356

Ident. Number 445-00169Date Received 10-6-89Receipt Number 5007604

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Lambert Produce, Inc. Phone (208) 862-3346Mailing Address Route #1, Box 44-A, Oakley, ID Zip 833462. Date of Priority (Only one (1) per claim) November 23-18813. Source of water supply (a) Willow Creek
which is tributary to (b) Sinks4. a. Location of existing point of diversion is: Township 125 Range 23E Section 26,
NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of CASSIA

Additional points of diversion if any: _____

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.

Splitter into Pipeline into Pivot System ~~and into Storage Pond~~
during off-season

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MAR 07 1993

Copies: White-State, Yellow-Claimant

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

For IRRIGATION purposes from 3-1 to 12-15 (both dates are inclusive) amount 1.06 (cfs) or 1/6 Flow of Willow Creek (acre feet)
For Storage/Recharge purposes from 12-15 to 3-1 amount or 8
For FOR IRRIGATION purposes from to amount or
For purposes from to amount or

7. Total quantity claimed (a) 1.06 (cfs) and/or (b) 1/6 Flow of Willow Creek (acre feet)

8. Total consumptive use claimed is 480 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give 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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
125	23E	22		40	40				40	40									160

Total number of acres irrigated 160

11. In which county (ies) are lands listed above as place of use located? CASSIA

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.

Overlaps with 45-0168

or None ()

14. Remarks:

RT IS FOR 1/6 Flow of Willow Creek: Attached hereto is
A copy of the 03-17-1908 Decree - 4th Judicial District,
CASSIA County, John H.W. Thompson et al v Thomas Paulsen
et al. Used on land not covered by original decree/Use appears on
1956+1962 maps. This right together w/ 45-0166 & 45-0168 represents
75% of the total flow. Storage/Recharge pursuant to
45-9607 - Attached

Last Name Lambert Ident No.

COPIES 12/11/93 BY [illegible] CLAIMANT

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MAR 07 1993

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Scale: 2 inches equals 1 mile

[illegible]

MAR 07 1993

Ident No.

Copies: White-State, Yellow-Claimant

Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐

If applicable provide IDWR Water Right Number 45-0169

Court 4th District Court

Case Number

Decree Date 03-17-1908

Plaintiff vs Defendant John H.W. Thompson, et al. v. Thomas Poulton, et al.

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 2

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 Farm Manager

of Lambert Produce Inc
Organization

Title

document in the space below as Farm Manager of Lambert Produce Inc.
Title Organization

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

Signature of Authorized Agent Cory Kiley

Title and Organization Farm Manager Lambert Produce Inc

Date 6-6-89

State of Idaho/or _____)

County of Twin Falls)

SS.

Subscribed and sworn (or affirmed) before me this 6th day of June 19 89

SEAL

Notary Public Denise Green

Residing at Twin Falls

My Commission Expires 1-2-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Laurd B Stone 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 Laurd B Stone

Address P.O. Box 83 Twin Falls, ID 83301

Date 5/25/89

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MAR 07 1993

Last Name Lambert Ident. Number _____

Copies White-State, Yellow-Claimant

QUITCLAIM DEED

FOR VALUE RECEIVED, ORLAND E. BATEMAN and MARY G. BATEMAN, husband and wife, hereby quitclaim unto FIRST SECURITY BANK OF IDAHO, N.A., whose address is c/o J. LaMar Giles, Post Office Box 7069, Boise, Idaho 83730, all right, title and interest in and to Water Right 45-0166, a copy of which is attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD unto First Security Bank of Idaho, N.A., its successors and assigns forever.

DATED this 8TH day of February, 1985.

Orland E. Bateman
Orland E. Bateman

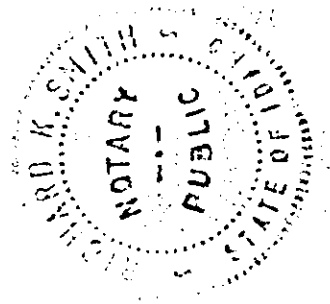
Mary G. Bateman
Mary G. Bateman

STATE OF IDAHO)
) ss.
County of)

On this 8TH day of February, 1985, before me, a notary public in and for said county and state, personally appeared ORLAND E. BATEMAN and MARY G. BATEMAN, husband and wife, known to me to be the persons whose names are subscribed to the within Quitclaim Deed, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for Idaho
Residing at



This day comes the plaintiff by his attorneys Messrs. Cobb, Lombard and Crawford and the defendant by his attorneys H. Heed and Messrs. Higbee and Smith and this cause was submitted to the court to be tried by counsel of parties in open court, given without the intervention of a jury, according to the stipulations filed theretofore, and it is considered adjudged and decreed by the court, by consent of parties that the plaintiff have none of the damages claimed in his complaint. That the plaintiff and defendant Marie Moon as between themselves shall be considered and held to be each the owner of the undivided half of all the water of Willow creek, and of the right to use the same being the water described in the pleadings herein.

That as between themselves neither shall have priority of right over the other, but each to be and shall be equal in the right to use said water. Their ownership as established by this decree as between themselves being joint, but their rights to the use of the same being several.

That by the waters of Willow Creek as used herein shall be included both the waters of the main channel and of the back channel. That the title to the right of each party to the use of one half of said waters, and the right to use such one half is hereby granted as against the other party and each party as against the other is hereby forever barred and enjoined and restrained from in any manner interfering with the title and right of the other as hereby fixed and granted. That is to say, from so interfering by reason of any facts existing at this date. That each party shall pay his own costs herein except the clerk's cost which shall be paid equally by them, and execution is hereby awarded and may be issued for said costs according to the terms aforesaid.

John T. Morgan

Judge 3rd. Dist. Court Ida-

no Ter.

Willow Creek - 100 - after

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR CASSIA COUNTY.

John H. W. Thompson, James M. Thompson,
and Hudson Butler,
Plaintiffs.

Vs.

Thomas Poulton, Hugh M. Moon,
William Poulton, and the Oakley State
Bank, a corporation, substituted for
J. H. Steward,
Defendants.

D E C R E E

3-17-01

This cause came on regularly to be heard upon the plaintiff's
second amended complaint, and the answer and cross-complaint of the
defendants, by mutual consent of the parties herein the cross-complaint
of the defendants was deemed as denied.

James W. Shields, Esq., appearing as counsel for the plain-
tiffs and J. C. Rogers, Esq., appearing as counsel for the defendants
herein, and the same being tried by the Court, and the finding
of fact and conclusions of law, and the decision thereon in writing
having been duly rendered by the Court, which are now on file in this
cause, wherein it is found, adjudged and decreed, that defendants,
Thomas Poulton, Hugh M. Moon, William Poulton, and the Oakley State
Bank, a corporation, as against all of the plaintiffs, John H. W.
Thompson, James M. Thompson and Hudson Butler are entitled to the use
and enjoyment of the whole of the entire flow of the waters of the
alleged Willow Creek, a stream situated in Cassia County, State of
Idaho, as prayed for in said defendants cross-complaint, for their
respective tracts of land alleged in their said cross-complaint, and
the said defendants as to each other are entitled to have, use and
enjoy the said flow of said stream in the following proportions, to-wit:
The said Thomas Poulton to have, use and enjoy one fourth of the flow
of said Willow Creek, the said William Poulton, to have, use and enjoy
one fourth of the flow of said Creek, and the said Hugh M. Moon, to

45 0166

45 0167

45 0168

Recorded March 4th, 1908.

Jos. Y. Haight, Clerk.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR CASSIA COUNTY.

John H. W. Thompson, et al. :
Plaintiffs. :

vs. :

Thomas Poulton, et al, :
Defendants. :

This cause came on regularly to be heard upon the Plaintiffs' second amended complaint and the answer and cross-complaint of the defendants and the replication to the defendants cross complaint by mutual consent of the parties herein being deemed as denied; James W. Shields Esq. appearing as counsel for the Plaintiffs and C.C. Rogers appearing as counsel for defendants; after hearing the testimony and proofs introduced by plaintiffs and defendants upon the issue raised by the pleadings herein and arguments of the respective counsel, and the cause having been submitted to the Court and the Court being fully advised in the premises, finds the following facts:

45-0165 That the defendant, H. M. Moon, his grantors and predecessors in interest, on the 23rd day of November, 1881, and from thence on down to the filing of the complaint in this action, were, have been, and said defendant now is, the owner, in the possession and entitled to the possession of that certain real estate situated in Cassia County, Idaho, and described as follows, to wit: The west half of the South west quarter of Section fifteen (15), the North half of the North east quarter of Section 22 and the east half of the south east quarter of Section sixteen (16) in township 12, south of Range 23 East of the Boise Meridian, and of the right to use

W 1/2 Sec 15
N 1/2 Sec 22
E 1/2 Sec 16
E 1/2 Sec 16

the irrigation of the same One Third (1/3) of the flow of the waters of that certain stream situated in said County and known as Willow Creek and the tributaries thereto.

That the defendant, William Poulton, his Grantors and predecessors in interest, in the 23rd day of November, 1931, and from thence down to the filing of the complaint in said action, were, have been, and said defendant now is, the owner, in possession and

entitled to the possession of that certain real estate situated in said Cassia County, Idaho, described as follows, to wit: The West half of the South east quarter, and the

South east quarter of the south east quarter and the south west quarter of the north east quarter of section nine (9), township 12 south of range 23 east of the Boise Meridian,

part of the right to use for the irrigation of the same One Fourth (1/4) of the flow of the

waters of said Willow Creek and the tributaries thereto.

That the defendant, Thomas Poulton, his Grantors and predecessors in interest, in this action, were, have been, and the said defendant now is, the owner, in possession

and entitled to the possession of that certain real estate situated in Cassia County, Idaho, described as follows, to wit: The north east quarter of the south east quarter, and

the east half of the north east quarter of section nineteen (19) and the south east quarter of the south east quarter of section four (4) in township 12 south of range 23 east of

Boise Meridian, and of the right to the use for the irrigation of the same of One Fourth (1/4) the flow of the waters of Willow Creek aforesaid and the tributaries thereto.

The court further finds that the defendant, J. H. Stothard, since the filing of

the said complaint in said action, sold and conveyed his interest in the lands then owned

by him and hereinafter described, and the water right appurtenant thereto to Oakley State

Bank, a corporation organized and existing under the laws of the State of Idaho and doing

business in the place of the said J. H. Stothard in said action and entitled to the judgment

entered in the place of the said J. H. Stothard. That on the 23rd day

of November, 1931, the said Oakley State Bank, its Grantors and predecessors in interest,

were, have been and said bank now is, the owner, in the possession and entitled to the

possession of that certain real estate situated in Cassia County, Idaho, described as

follows, to wit: the south half of the north west quarter and the west half of the north

east quarter of section twenty-two (22), township 12, south of range 23 east, Boise Meridian, and of the right to the use for the irrigation of the same of One Sixth (1/6) of the flow of the waters of that certain stream situated in said County and known as Willow Creek and the tributaries thereto.

The court further finds that said defendants herein, from the date of their appropriations beneficially used the said respective amounts of water upon their respective tracts of land herein above described for the irrigation thereof and that said water and that their said use upon said land in character and were valueless without said water and that the present

167339

RECORDED AT THE REQUEST OF

Wm H. Thompson

FILED 120

MAR 4 11 00 AM '85

CASSIA COUNTY, IDAHO
FRANK W. BEARNS
CLERK

FEE 230

RE: *Dw 839*

Davis, et al.

13701

The court further finds that said defendants herein, from the date of their appropriations beneficially used the said respective amounts of water upon their respective tracts of land herein above described for the irrigation thereof and that said were arid in character and were valueless without said water and that their said use upon said lands had been, was and is continuous from the dates of appropriation down to the present time.

That their appropriations of said amounts of said water comprise the entire and whole flow of the waters of said Willow Creek, and that the whole thereof was necessary to the proper irrigation of their said lands.

The court further finds that the plaintiffs, John H. W. Thompson, James M. Thompson and Hudson J. Miller are the owners of the tracts of land set forth and described in their amended complaint in this action; finds that the plaintiffs constructed ditches from said Willow Creek to and upon their respective tracts of land for the purpose of diverting water therefrom for the irrigation of said lands. That prior to the construction of said ditches they had been admonished by the defendants and put upon their guard that the waters of said stream and the whole thereof had been appropriated and used by defendants for a long period of time prior to the construction of said ditches and that there was no free and independent and unappropriated water in said stream.
Dated this 17th day of March, 1908.

Edward A. Walters,
District Judge.

AS CONCLUSIONS OF LAW, from the foregoing findings of fact the court finds that the defendants are entitled to the decree of this court awarding to them the entire flow of the waters of said stream and that said plaintiffs are not entitled to any portion thereof and the said defendants are entitled to their costs and disbursements in said action expended.
Dated this ___ day of March, A.D. 1908.

District Judge.

Recorded this 18th day of March, 1908.

Jos. Y. Halght,
Clerk.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR CASSIA COUNTY.

JOHN E. W. THOMPSON, et al,
Plaintiffs,

vs.

THOMAS POULTON, et al,
Defendants.

This cause came on regularly to be heard upon the plaintiffs' second amended complaint and the answer and cross-complaint of the defendants and the replication to defendants cross-complaint by mutual consent of the parties herein being deemed as denied; James V. Shields Esq. appearing as counsel for the plaintiffs and J.C. Rogers appearing as counsel for defendants; after hearing the testimony and proofs introduced by plaintiffs and defendants upon the issues raised by the pleadings herein and the arguments of the respective counsel, and the cause having been submitted to the court and the court being fully advised in the premises, finds the following facts:

That the defendant, L.H. Moon, his grantors and predecessors in interest, on the 23rd day of November, 1881, and from thence on down to the filing of the complaint in this action, were, have been, and said defendant now is, the owner, in the possession and entitled to the possession of that certain real estate situated in Cassia County, Idaho, and describe as follows, to wit: The west half of the north west quarter of section fifteen (15), the north half of the northeast quarter of section 22 and the east half of the southeast quarter of section sixteen (16) in township 12, south of range 23 east of the Boise Meridian, and of the right to use for the irrigation of the same One Third (1/3) of the flow of the waters of that certain stream situated in said county and known as Willow Creek and the tributaries

thereto.

That the defendant, William Poulton, his grantors and predecessors in interest, on the 23rd day of November, 1881, and from thence down to the filing of the complaint in said action, were, have been, and said defendant now is, the owner, in the possession and entitled to the possession of that certain real estate situated in said Cassia County, Idaho, described as follows, to wit: The west-half of the southeast quarter, and the southeast quarter of the southeast quarter and the southwest quarter of the northeast quarter of section nine (9), township 12 south range 23 east of the Boise Meridian, and of the right to use for the irrigation of the same

One Fourth (1/4)
of the flow of the waters of said Willow Creek and the tributaries thereto.

That the defendant, Thomas Pounton, his grantors and predecessors in interest, on the 23rd day of November, 1881, and from thence on down to the filing of the complaint in this action, were, have been, and the said defendant now is, the owner, in the possession and entitled to the possession of that certain real estate situated in Cassia County, Idaho, described as follows, to wit: The northeast quarter of the southeast, and the east half of the northeast quarter of section nineteen (19) and the southeast quarter of the southeast quarter of section four (4) in township 12 south of range 23 east of Boise Meridian, and of the right to the use for the irrigation of the same of

One Fourth (1/4)
the flow of the waters of Willow Creek aforesaid and the tributaries thereto.

The court further finds that the defendant J.H. Stothard, since the filing of the said complaint in said action, sold and conveyed his interest in the lands then owned by him and hereinafter described, and the water right appurtenant thereto to Oakley State Bank, a corporation organized and existing under the laws of the state of Idaho and doing a banking business in the town of Oakly in said County, which is entitled to be substituted in place of the said J.H. Stothard in said action and entitled to the judgment and decree of this court in the place and instead of said Stothard. That on the 23rd day of November, 1881, the said Oakley State

Bank, its grantors and predecessors in interest, were, have been and said bank now is, the owner, in the possession and entitled to the possession of that certain real estate situated in Cassia County, Idaho, described as follows, to wit; the south half of the northwest quarter and the west half of the northeast quarter of section twenty-two (22), township 12, south of range 23 east, Boise Meridian, and of the right to the use for the irrigation of the same of One Sixth (1/6)

of the flow of the waters of that certain stream situated in said county and known as Willow Creek and the tributaries thereto.

The court further finds that said defendants herein, from the date of their appropriations beneficially used the said respective amounts of water upon their respective tracts of land herein above described for the irrigation thereof and that said were arid in character and were valueless without said water and that their said use upon said lands had been, was, and is continuous from the dates of appropriation down to the present time.

That their appropriations of said amounts of said water comprise the entire and whole flow of the waters of said Willow Creek; that said stream flowed about inches under a four inch pressure, and that the whole thereof was necessary to the proper irrigation of their said lands.

The court further finds that the plaintiffs, John H.W. Thompson, James M. Thompson and Hudson Butler are the owners of the tracts of land set forth and described in their amended complaint in this action; finds that the plaintiffs constructed ditches from said Willow Creek to and upon their respective tracts of land for the purpose of diverting water therefrom for the irrigation of said lands. That prior to the construction of said ditches they had been admonished by the defendants and put upon their guard that the waters of said stream and the whole thereof had been appropriated and used by ~~xxxxxxx~~ defendants for a long period of time prior to the construction of said ditches and that there was no free and independent and unappropriated water in said stream.

ated this 17th day of March 1908.

Edward A. Walker
District Judge.

STEPHAN, SLAVIN, KVANVIG & GREENWOOD
ATTORNEYS AT LAW

FRANK L. STEPHAN 1886-1952
DANIEL A. SLAVIN 1938-1987

TWIN FALLS BANK AND TRUST CO. BUILDING
TWIN FALLS, IDAHO 83303-0083
P. O. Box 83
TELEPHONE 208/733-2722

OFFICE ADMINISTRATOR
ESTHER BORP

ROBERT W. STEPHAN
RUSSELL G. KVANVIG
RICHARD D. GREENWOOD
LAIRD B. STONE

April 1, 1988

RECEIVED

APR 4 1988

Department of Water Resources
Southern Region Office

Mr. Jim Stanton
Department of Water Resources
2148 Fourth Avenue East
Twin Falls, Idaho 83301

Re: Lambert Produce, Inc.

Dear Jim:

In regards to right #45-7607 (application) for Lambert Produce, Inc. filed January 8, 1987, I would request that the dates for irrigation listed on the application be changed from June 15 through August 30 to March 15 through November 15. The dates for the ground water recharge should be changed to November 15 through March 15.

Very truly yours,

STEPHAN, SLAVIN, KVANVIG & GREENWOOD
DICTATED BY THE ATTORNEY
AND MAILED WITHOUT SIGNATURE
IN HIS ABSENCE TO AVOID DELAY.
Laird B. Stone

LBS:dmg

cc: Ray Koyle

SCANNED
AUG 11 2005

MICROFILMED

MAR 07 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Lambert Produce, Inc. Phone 678-0750

Post office address c/o Cory King, Rt. 2 Box 2434, Burley, ID 83318
Willow Creek Sinks

2. Source of water supply Groundwater which is a tributary of Groundwater:

3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Govt. Lot
Sec. 22 Township 12S Range 23E B.M. Cassia County; additional

points of diversion if any: Willow Cr; SE $\frac{1}{4}$ SE $\frac{1}{4}$ S. 22 T. 12S R. 23E

4. Water will be used for the following purposes:

GW: Amount 6.0cfs for Irrigation purposes from Jun 15 to Aug 30 (both dates inclusive)
(cfs or acre-feet per annum) Groundwater

Willow Cr: Amount 6.0 for Recharge purposes from Nov 1 to Apr 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 6.0 and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing diversion on Willow Creek.
to injection well
Ditch & pipeline to inject Willow Cr. water into the aquifer during Nov 1 - Apr 1.
Pump & pipeline from groundwater well to re-lift injected water into existing irrig.
system.

b. Height of storage dam feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet; period of year when water will be diverted to storage:
 to inclusive.

c. Proposed well diameter is 12 inches; proposed depth of well is 500 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

2 years (minimum 1 year).

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AUG 11 4 2005

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. 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 the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	22E	24													40	40	40	40	160
		25	40	40	40	40													160
	23E	19	40	Lt1 40	Lt2 40	40									40	Lt3 40	Lt4 40	40	320
		20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28	40	40	40	40	40	40	40	40									320
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		30	40	Lt1 40	Lt2 40	40													160

Total number of acres to be irrigated 3040

10. Describe any other water rights used for the same purposes as described above. 45-4014, 2053, 7189, 4008, 4009, 4013, 4007, 4048A, 2519, 2630, 7568, 2526, 2254B, 4258

11. a. Who owns the property at the point of diversion? Anderson Farms & Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. There is an easement into the P/D on Willow Cr.

12. Remarks: This water is needed to supplement existing rights during the dry summer months. We understand that the amount of groundwater available will be limited to what is injected during the recharge period. This development will also lessen flood damage done annually by Willow Cr; the old stream channel is now farmed, so water not used for irrigation runs uncontrolled over cropland.

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MAR 07 1993

[illegible]

SCANNED
AUG 14 2005

MICROFILMED

MAR 07 1993

(Applicant)

President

Received by JK Date 1-8-87 Time 12:45 pm Preliminary check by _____
Fee \$ 145 Received by M. Baldwin # 40642 Date 1/8/87
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

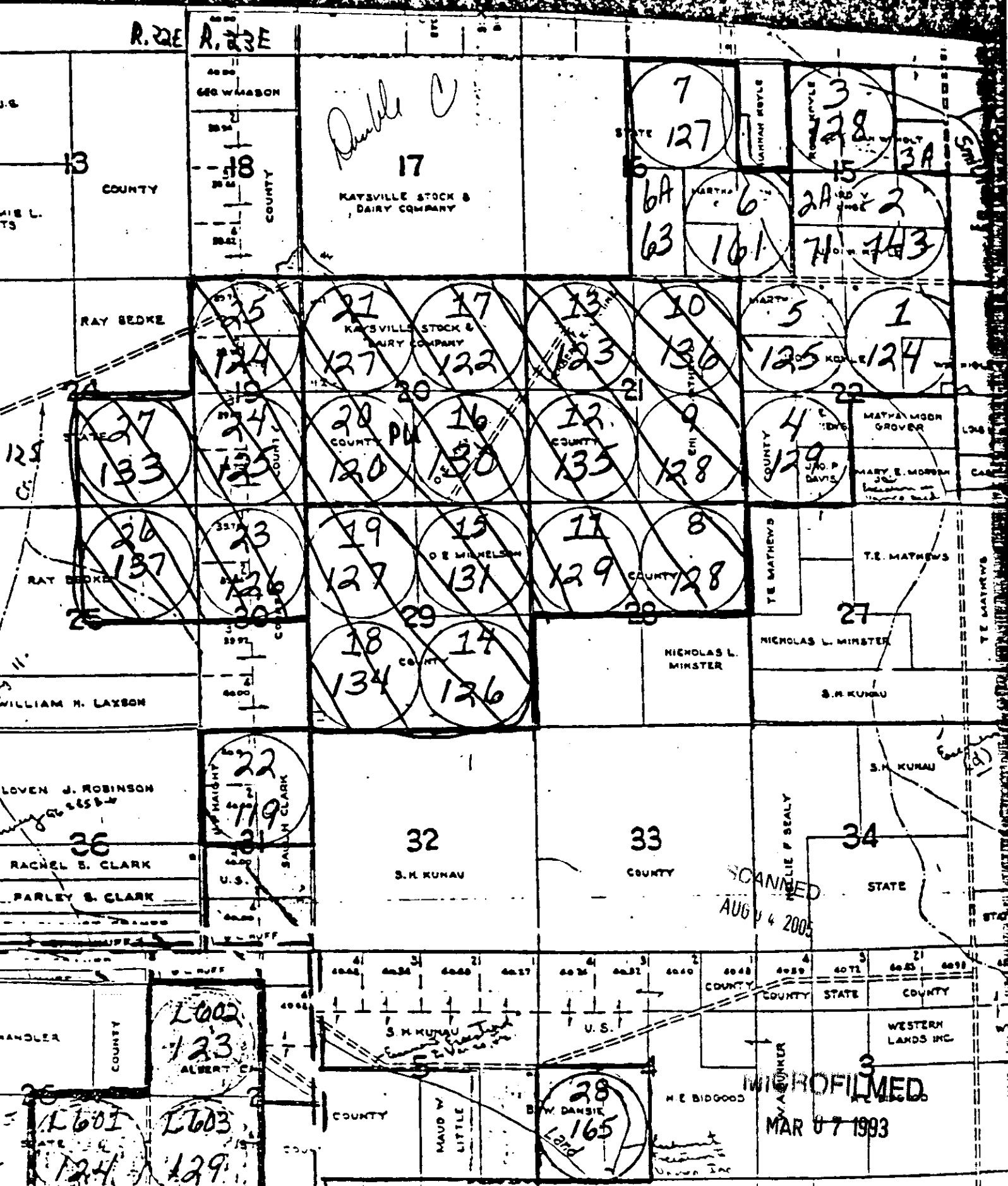
1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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AUG 04 2005

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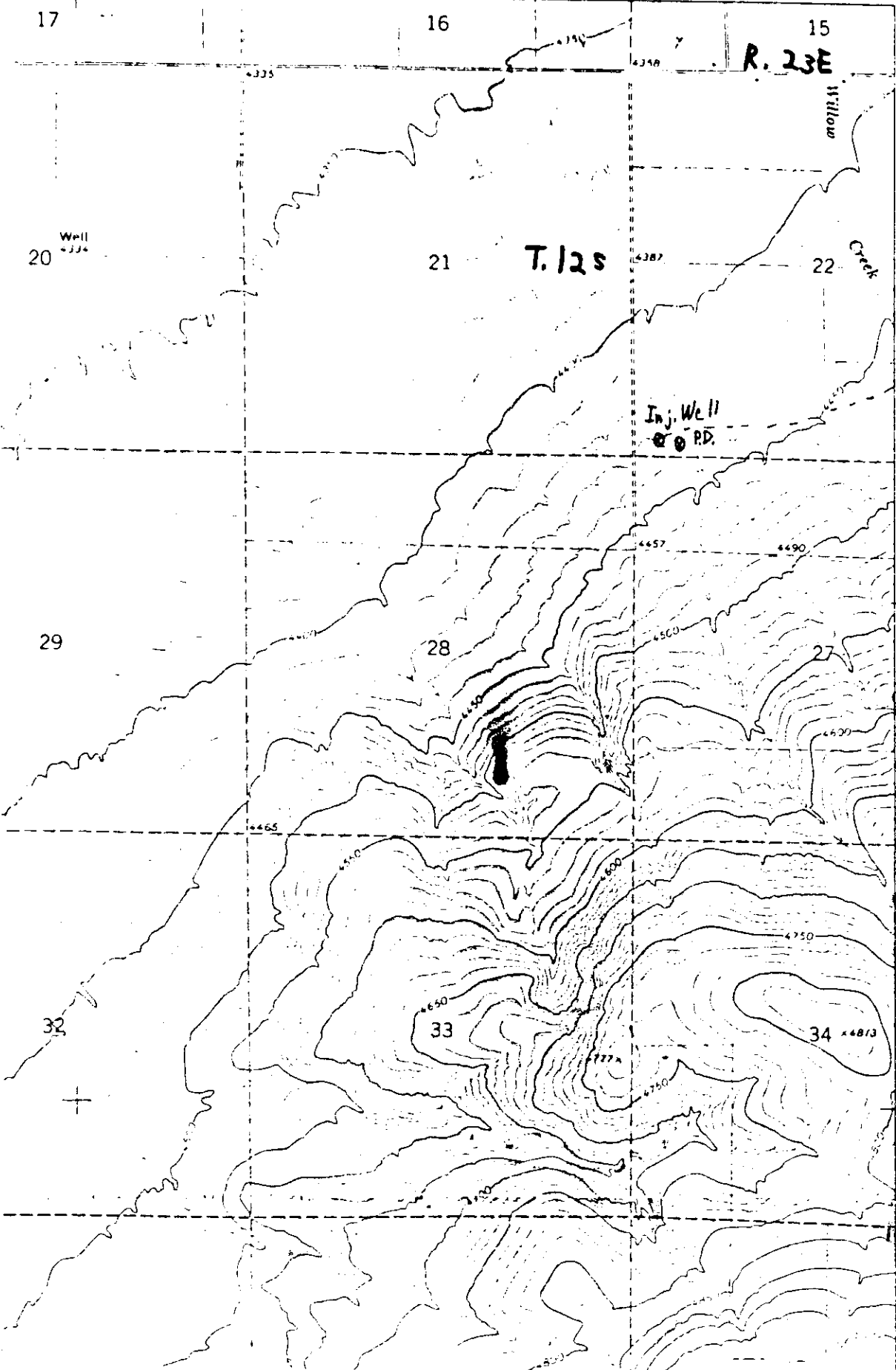
MAR 7 1993



MARION SE QUAD. ANGLE
IDAHO - CASSIA CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

3268' NW
(VIEW)

770 47'30" 771 560 000 FEET 772 773 113°45' 42°22'30"



SCANNED
AUG 04 2005

T 12 S
MICROFILMED
MAR 07 1993

2018/12/26
KENYON

113°45'

274000m f

275

276

D. 111 421308



MICROFILMED
MAR 07 1993

704000

Water Right Number - 45-00169 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
OAKLEY STATE BANK

1 -
2 -
3 -
City- State- Zip-
Phone -

*** P - PRESENT OWNER ***
LAMBERT PRODUCE, INC.

1 - ATTN: CHRIS DRAKOS
2 - P.O. BOX 793
3 -
City- BLACKFOOT State- ID Zip- 832210000
Phone -

+ - - Priority Date - - + + - - Region - - + + - - Stage - - + + - - Status - - - +
11/23/1881 D - DECREED

+ - - - - Source - - - - + + - - - - Tributary - - - - - SINKS
WILLOW CREEK

+ - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code)
Twn Rng Sec Tract Lot RFlg County

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume
Code

01 - IRRIGATION

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County |
|-----|-----|-----|-------|-----|-------|-------------------|-------------|-----------|
| 12S | 23E | 22 | NW NE | | | 01 | IRRIGATION | 31 CASSIA |
| 12S | 23E | 22 | SW NE | | | 01 | IRRIGATION | 31 CASSIA |
| 12S | 23E | 22 | SW NW | | | 01 | IRRIGATION | 31 CASSIA |
| 12S | 23E | 22 | SE NW | | | 01 | IRRIGATION | 31 CASSIA |

Total Acres:

- - - Diversion Means -
- - - Non-Irrigation Use -
- - - Other Rights for Same Use -

SCANNED
AUG 11 2005

MICROFILMED

MAR 07 1993

RT. IS FOR 1/6 THE FLOW OF WILLOW CREEK.
P. U. MAY BE IN ERROR; OVERLAPS WITH 45-0168.

SCANNED
AUG 04 2005

MICROFILMED
MAR 07 1993

VERIFIED BY *R 6/2/04*
06/02/2004

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

RIGHT NUMBER: 45-169

NAME AND ADDRESS: LAMBERT PRODUCE CO INC
C/O CORY KING
203 E 1100 S
BURLEY ID 83318

SOURCE: WILLOW CREEK

TRIBUTARY: SINKS

QUANTITY: 1.060 CFS

The amount of water diverted under this water right may not exceed 16.6% or 1/6 of the stream flow of Willow Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

PRIORITY DATE: 11/23/1881

POINT OF DIVERSION:

T12S R23E S26 NENWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
1.060 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

| | | | | | |
|---------------|------|------|---------------|------|------|
| T12S R22E S24 | NESE | 40.0 | T12S R22E S24 | NWSE | 32.0 |
| T12S R22E S24 | SWSE | 39.0 | T12S R22E S24 | SESE | 41.0 |
| T12S R22E S25 | NENE | 41.0 | T12S R22E S25 | NWNE | 39.0 |
| T12S R22E S25 | SWNE | 36.0 | T12S R22E S25 | SENE | 31.0 |
| T12S R23E S15 | NWNE | 32.0 | T12S R23E S15 | SWNE | 40.0 |
| T12S R23E S15 | SENE | 3.0 | T12S R23E S15 | NENW | 34.0 |
| T12S R23E S15 | SWNW | 4.0 | T12S R23E S15 | SENW | 34.0 |
| T12S R23E S15 | NESW | 3.0 | T12S R23E S15 | NWSW | 35.0 |
| T12S R23E S15 | SWSW | 30.0 | T12S R23E S15 | SESW | 2.0 |
| T12S R23E S15 | NESE | 36.0 | T12S R23E S15 | NWSE | 38.0 |
| T12S R23E S15 | SWSE | 34.0 | T12S R23E S15 | SESE | 32.0 |
| T12S R23E S16 | NENE | 32.0 | T12S R23E S16 | NWNE | 34.0 |
| T12S R23E S16 | SWNE | 32.0 | T12S R23E S16 | SENE | 38.0 |
| T12S R23E S16 | NENW | 41.0 | T12S R23E S16 | NWNW | 41.0 |
| T12S R23E S16 | SWNW | 41.0 | T12S R23E S16 | SENW | 40.0 |
| T12S R23E S16 | NESW | 41.0 | T12S R23E S16 | NWSW | 41.0 |
| T12S R23E S16 | SWSW | 41.0 | T12S R23E S16 | SESW | 41.0 |
| T12S R23E S16 | NESE | 40.0 | T12S R23E S16 | NWSE | 22.0 |
| T12S R23E S16 | SWSE | 18.0 | T12S R23E S16 | SESE | 37.0 |
| T12S R23E S17 | NENE | 41.0 | T12S R23E S17 | NWNE | 41.0 |
| T12S R23E S17 | SWNE | 41.0 | T12S R23E S17 | SENE | 41.0 |
| T12S R23E S17 | NENW | 41.0 | T12S R23E S17 | NWNW | 41.0 |
| T12S R23E S17 | SWNW | 41.0 | T12S R23E S17 | SENW | 41.0 |
| T12S R23E S17 | NESW | 41.0 | T12S R23E S17 | NWSW | 41.0 |
| T12S R23E S17 | SWSW | 31.0 | T12S R23E S17 | SESW | 41.0 |

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

06/02/2004

4983 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 45-168 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 353 ACRES IN A SINGLE IRRIGATION SEASON.

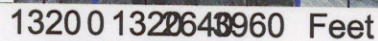
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4983 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-168, 45-169, 45-695, 45-696, 45-701, 45-2053, 45-2254A, 45-2520, 45-2526, 45-2579, 45-2630, 45-2657, 45-4009A, 45-4011A, 45-4013A, 45-4048F, 45-4258A, & 45-13777.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 154 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: Decreed

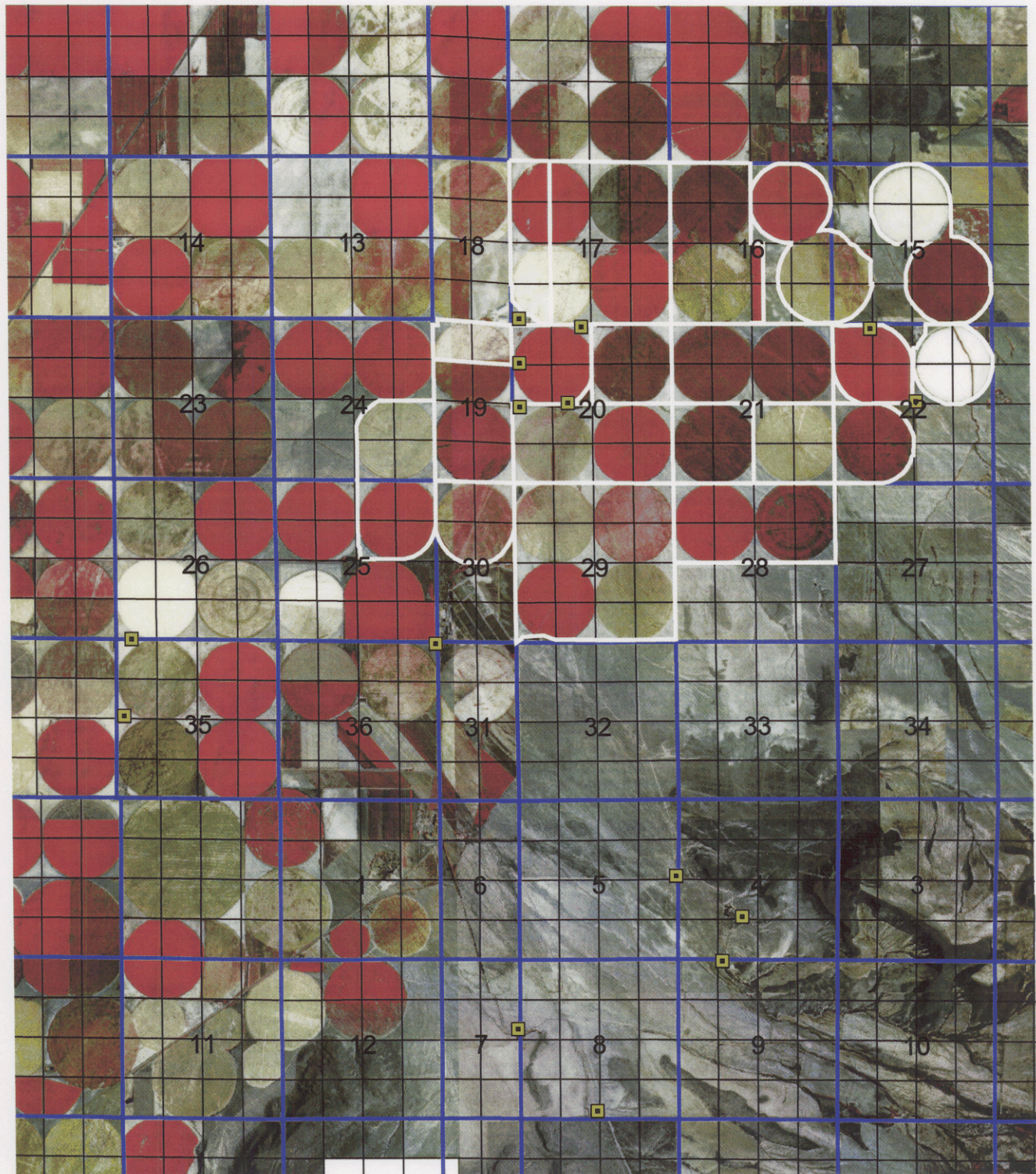


TWP 12S, RNG 23E, SEC. 15, 16, 17, 19, 20, 21, 22, 28, 29, & 30

-

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

LAMBERT PRODUCE



1320 0 1320 2640 3960 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON JULY 13, 2004



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-169 V1

WATER RIGHT NUMBER: 45-169 V1

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|--|
| Current Owner | LAMBERT PRODUCE CO INC
C/O CORY KING
203 E 1100 S
BURLEY, ID 83318
(208)678-2668 |
| Attorney | STEPHAN, KVANVIG, STONE & TRAINOR
PO BOX 83
TWIN FALLS, ID 83301
(208)862-3346 |

Priority Date: 11/23/1881

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| WILLOW CREEK | SINKS |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION | 03/15 to 11/15 | 1.060 CFS | |
| | <u>Total Diversion:</u> | 1.060 CFS | |

Location of Point(s) of Diversion

| | | |
|---------------|-----------------|---------------------------------|
| WILLOW CREEK | NE1/4NW1/4SE1/4 | Sec. 26, Twp 12S, Rge 23E, B.M. |
| CASSIA County | | |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 12S | 22E | 24 | | | | | | | | | | | | | 40.0 | 32.0 | 39.0 | 41.0 | 152.0 |
| 12S | 22E | 25 | 41.0 | 39.0 | 36.0 | 31.0 | | | | | | | | | | | | | 147.0 |
| 12S | 23E | 15 | | 32.0 | 40.0 | 3.0 | 34.0 | | 4.0 | 34.0 | 3.0 | 35.0 | 30.0 | 2.0 | 36.0 | 38.0 | 34.0 | 32.0 | 357.0 |
| 12S | 23E | 16 | 32.0 | 34.0 | 32.0 | 38.0 | 41.0 | 41.0 | 41.0 | 40.0 | 41.0 | 41.0 | 41.0 | 41.0 | 40.0 | 22.0 | 18.0 | 37.0 | 580.0 |
| 12S | 23E | 17 | 41.0 | 41.0 | 41.0 | 41.0 | 41.0 | 41.0 | 41.0 | 41.0 | 41.0 | 41.0 | 31.0 | 41.0 | 41.0 | 41.0 | 41.0 | 41.0 | 646.0 |
| 12S | 23E | 19 | 39.0 | 39.0 | 40.0 | 39.0 | | | | | | | | | 40.0 | 40.0 | 40.0 | 40.0 | 317.0 |
| | | | | L 1 | L 2 | | | | | | | | | | | L 3 | L 4 | | |
| 12S | 23E | 20 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 35.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 635.0 |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-169 V1

| | | | | | | | | | | | | | | | | | | |
|------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| 12S 23E 21 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 640.0 |
| 12S 23E 22 | 32.0 | 34.0 | 31.0 | 32.0 | 30.0 | 39.0 | 33.0 | 39.0 | 32.0 | 40.0 | 40.0 | 33.0 | | | | | | 415.0 |
| 12S 23E 28 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | | | | | | | | | | 320.0 |
| 12S 23E 29 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 35.0 | 38.0 | 40.0 | 40.0 | 38.0 | 38.0 | | 629.0 |
| 12S 23E 30 | 40.0 | 40.0 | 33.0 | 32.0 | | | | | | | | | | | | | | 145.0 |
| | | L 1 | L 2 | | | | | | | | | | | | | | | |

Total Acres: 4983

Conditions of Approval:

1. C18 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.

Remarks:

1. Quantity The amount of water diverted under this water right may not exceed 16.6% or 1/6 of the stream flow of Willow Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 45-168 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 353 ACRES IN A SINGLE IRRIGATION SEASON.
3. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4983 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-168, 45-169, 45-695, 45-696, 45-701, 45-2053, 45-2254A, 45-2520, 45-2526, 45-2579, 45-2630, 45-2657, 45-4009A, 45-4011A, 45-4013A, 45-4048F, 45-4258A, & 45-13777.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 154 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. jroberts 5/29/2004 Basis of Recommendation

Comment: Recommended in a 4,983 ac ppu with many licenses, several beneficial use claims, surface water decrees, and an expansion claim of 1,991 acres. This right is limited to 154 acres, 353 when combined with 45-168.



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 4, 2004

LAIRD B STONE
STEPHAN, KVANVIG, STONE & TRAINOR
PO BOX 83
TWIN FALLS ID 83303-0083

RE: Lambert Produce Preliminary Recommendations

Dear Mr. Stone,

I am enclosing preliminary recommendations for you to review for all of the Lambert rights. I doubt if there will be time to fix things during Notice of Error at this point, but at least you can see what the Director's Report will be at this point.

The receipt for the new expansion claim is also enclosed along with a colored map showing the place of use and points of diversion.

Sincerely,

Jeannie Robertson
Sr. Water Resource Agent



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

April 28, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LAIRD B STONE
STEPHAN KVANVIG STONE & TRAINOR
PO BOX 83
TWIN FALLS ID 83303-0083

RE: Lambert Produce

Dear Mr. Stone,

Enclosed are copies of claims 45-2520, 45-4000, & 45-4048F, which were purchased from C & T Farms by Lambert in 1998.

I have also researched right 45-166 and found that it was originally **decreed incorrectly** to part of **Section 19**, T12S, R23E to Thomas Poulton for $\frac{1}{4}$ of the flow of Willow Creek. In 1983, Robert and Ruth Moncur filed transfer #2852 to correct this apparent error and changed the place of use to **Section 9**. The quitclaim from the Batemans to First Security Bank, which Lambert used as the basis for its claim, was probably for land in Section 19, although it doesn't say, and was dated 1985. I believe this right is now correctly claimed and recommended to parts A & B for lands in Section 9 and that Lambert's claim should be disallowed.

As I mentioned in my letter of April 12, 2004, an expansion claim for 1,992 acres is needed to cover acres not irrigated by 1962. These acres are basically located in the SWNE and the SE $\frac{1}{4}$ of Section 15, the NE $\frac{1}{4}$ and East $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 22, the NE $\frac{1}{4}$ of Section 20, the South $\frac{1}{2}$ of Section 21, the North $\frac{1}{2}$ of Section 28, and the entire Section 29, all in T12S, R23E. (I usually file these types of claims as covering the entire place of use, in this case 4,984 acres, and limit the expansion to the 1,992 acres within.) Of these 1,992 acres there are 304 acres, which I found irrigated but not previously claimed. These acres are 40 in the SWNE of Section 15, 64 in the East $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 22, and 200 in the NE $\frac{1}{4}$ of the SENW of Section 28, all T 12S, R23E. The fee for the expansion claim is \$50.00 filing fee plus \$304.00 acre fee or \$354.00.

My deadline for completing recommendations for the Director's Report is fast approaching, so if you wish all of the irrigated acres to be recommended, I must have this claim by May 14, 2004, sooner if possible. Please call for another appointment if necessary or send the claim to my attention.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 12, 2004

Laird B Stone
Stephan, Kvanig, Stone & Trainor
PO BOX 83
TWIN FALLS ID 83303-0083

RE: Lambert Produce

Dear Mr. Stone,

I have completed my initial review of the Lambert Produce Adjudication Claims and have drawn some conclusions. There are 4,984 irrigated acres, of which 1,996 are covered by licenses and another 996 acres recognized as beneficial use acres, leaving 1,992 expansion acres. (There were 304 acres that were not previously claimed.) An expansion claim will be needed with a \$50.00 filing fee plus \$304.00 for the unclaimed acres.

Groundwater rights:

Licenses

| | | | | |
|----------|------------|----------|---------|-----------|
| 45-2254A | 4/12/1948 | 2.6 cfs | 880 AF | 220 acres |
| 45-2520 | 3/28/1956 | 5.92 cfs | 1920 AF | 480 acres |
| 45-2526 | 10/15/1956 | 4.55 cfs | 1280 AF | 320 acres |
| 45-2579 | 5/20/1958 | 2.58 cfs | 1148 AF | 287 acres |
| 45-2630 | 10/7/1960 | 2.4 cfs | 1280 AF | 320 acres |
| 45-2657 | 6/14/1961 | 2.96 cfs | 1476 AF | 369 acres |

Totals: **21.01 cfs** **7984 AF** **1996 acres**

Beneficial Use:

| | | | | |
|----------|-----------|----------|---------|------------------|
| 45-4009A | 5/9/1953 | 3.16 cfs | 2554 AF | 636 acres |
| 45-4011A | 4/14/1953 | 1 cfs | ----- | (same as -4009A) |
| 45-4013A | 4/10/1948 | 2.92 cfs | ----- | (same as -2630) |
| 45-4048F | 9/1/1959 | 0 | 1440 AF | 360 acres |

Totals: **7.08 cfs** **3984 AF** **996 acres**

A grand total of groundwater diversion rates will be limited to 28.09 cfs and a total combined volume of 11,968 AF.

I am not recognizing any additional diversion rate for 45-4048D and F because the wells of the original statutory claim (45-4048) were field examined for licenses in 1957 and 1962. Any additional diversion rate for these wells would need proof that system upgrades were completed before the area was closed in January of 1962. (I will allow volume of 1440 AF for the 360 acres irrigated by 1962 under part F.)

Besides the rights we discussed previously regarding disallowal (45-166C, 45-2066, 45-2109, and 45-4256), I also intend to disallow the wastewater claims 45-4000, 45-4007, 45-4008, and 45-4014. More information would be needed as to whether these rights are still used and if wastewater is still available.

45-4258A will need to be reduced to reflect the Quitclaim of .6 cfs of 45-4258 for Land Creek to Robert and Fredona Schenk executed in 1986 and now claimed as 45-4258B.

Please give me a call as soon as possible so we can schedule another meeting to file the expansion claim and I can proceed with the recommendations for the rest of the claims.

Sincerely,



Jeanie Robertson
Sr. Water Resource Agent

06/21/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-169

WATER RIGHT NUMBER: 45-169

| | |
|-------------------|-------------------------|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner | OAKLEY STATE BANK |
| | , ID |
| Present Owner | LAMBERT PRODUCE CO INC |
| | ATTN: CHRIS DRAKOS |
| | PO BOX 793 |
| | BLACKFOOT, ID 83221 |

Priority Date: 11/23/1881

Basis: Decreed

Status: Active

| | |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| WILLOW CREEK | SINKS |

| | | | |
|-----------------------|-----------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION | / to / | | |

Total Diversion:Location of Point(s) of Diversion

WILLOW CREEK

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 12S | 23E | 22 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| | | | | X | X | | | | X | X | | | | | | | | | |

Conditions of Approval:Remarks:

- General RT. IS FOR 1/6 THE FLOW OF WILLOW CREEK.
P. U. MAY BE IN ERROR; OVERLAPS WITH 45-0168.

Comments:Dates and Other Information:

Water Application Requirements 2007

Owner Type

Name and Address

Current Owner

LAMBERT PRODUCE CO INC
C/O CORY KING
203 E 1100 S
BURLEY, ID 83318
(208)678-2668

Priority Date: 01/08/1987

Basis:

Status:

Source

Tributary

GROUND WATER
WILLOW CREEK

SINKS

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

6/15 to 8/30

6.000 CFS

GROUND WATER RECHARGE

11/01 to 4/01

6.000 CFS

Total Diversion:

6.000 CFS

Location of Point(s) of Diversion

WILLOW CREEK

SE1/4SE1/4

Sec. 22, Twp 12S, Rge 23E, B.M.

CASSIA County

GROUND WATER

SW1/4SW1/4

Sec. 22, Twp 12S, Rge 23E, B.M.

CASSIA County

Place of Use

IRRIGATION

[illegible]

06/26/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 45-7607

| | | | | | | | | | | | | | | | | | | | |
|------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| 12S 23E 29 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 640.0 |
| 12S 23E 30 | 40.0 | 40.0 | 40.0 | 40.0 | | | | | | | | | | | | | | | 160.0 |
| | | L 1 | L 2 | | | | | | | | | | | | | | | | |

Total Acres: 3040

GROUND WATER RECHARGE same as IRRIGATIONConditions of Approval:Remarks:

1. General ALSO WATER RIGHTS 45-2254B,45-4258

Comments:Dates and Other Information:

Application Received Date: 7/16/2001
 Application Denied Date:
 Last Date of Beneficial Use:
 Extension End Date:
 Protest Deadline Date:
 Number of Protests: 0
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Application Type: New Appropriation
 Applicant Remarks:
 Other Water Rights:
 Time to Complete Works: 2
 Transfer Affected Description:
 Transfer Affected Contracts:
 Old Transfer Number:
 Transfer Reason:
 Transfer Return Flows:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 45-7607

WATER RIGHT NUMBER: 45-7607

| | |
|-------------------|--|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner | LAMBERT PRODUCE CO INC
C/O CORY KING
203 E 1100 S
BURLEY, ID 83318
(208)678-2668 |

Priority Date: 01/08/1987

Basis:

Status: **Denied**

| | |
|------------------------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER
WILLOW CREEK | SINKS |

| | | | |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION | 6/15 to 8/30 | 6.000 CFS | |
| GROUND WATER RECHARGE | 11/01 to 4/01 | 6.000 CFS | |
| | <u>Total Diversion:</u> | 6.000 CFS | |

Location of Point(s) of Diversion

| | | |
|-------------------------------|------------|---------------------------------|
| WILLOW CREEK
CASSIA County | SE1/4SE1/4 | Sec. 22, Twp 12S, Rge 23E, B.M. |
| GROUND WATER
CASSIA County | SW1/4SW1/4 | Sec. 22, Twp 12S, Rge 23E, B.M. |

Place of UseIRRIGATION Within CASSIA County

| | | | | | |
|---------------------|------|------|---------------------|------|------|
| T12S R22E S24 | NESE | 40.0 | T12S R22E S24 | NWSE | 40.0 |
| T12S R22E S24 | SWSE | 40.0 | T12S R22E S24 | SESE | 40.0 |
| T12S R22E S25 | NENE | 40.0 | T12S R22E S25 | NWNE | 40.0 |
| T12S R22E S25 | SWNE | 40.0 | T12S R22E S25 | SENE | 40.0 |
| T12S R23E S19 | NENE | 40.0 | T12S R23E S19 Lot 1 | NWNE | 40.0 |
| T12S R23E S19 Lot 2 | SWNE | 40.0 | T12S R23E S19 | SENE | 40.0 |
| T12S R23E S19 | NESE | 40.0 | T12S R23E S19 Lot 3 | NWSE | 40.0 |
| T12S R23E S19 Lot 4 | SWSE | 40.0 | T12S R23E S19 | SESE | 40.0 |
| T12S R23E S20 | NENE | 40.0 | T12S R23E S20 | NWNE | 40.0 |
| T12S R23E S20 | SWNE | 40.0 | T12S R23E S20 | SENE | 40.0 |
| T12S R23E S20 | NENW | 40.0 | T12S R23E S20 | NWNW | 40.0 |
| T12S R23E S20 | SWNW | 40.0 | T12S R23E S20 | SENE | 40.0 |
| T12S R23E S20 | NESW | 40.0 | T12S R23E S20 | NWSW | 40.0 |

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 45-7607

| | | | | | |
|---------------------|------|------|---------------------|------|------|
| T12S R23E S20 | SWSW | 40.0 | T12S R23E S20 | SESW | 40.0 |
| T12S R23E S20 | NESE | 40.0 | T12S R23E S20 | NWSE | 40.0 |
| T12S R23E S20 | SWSE | 40.0 | T12S R23E S20 | SESE | 40.0 |
| T12S R23E S21 | NENE | 40.0 | T12S R23E S21 | NWNE | 40.0 |
| T12S R23E S21 | SWNE | 40.0 | T12S R23E S21 | SENE | 40.0 |
| T12S R23E S21 | NENW | 40.0 | T12S R23E S21 | NWNW | 40.0 |
| T12S R23E S21 | SWNW | 40.0 | T12S R23E S21 | SENE | 40.0 |
| T12S R23E S21 | NESW | 40.0 | T12S R23E S21 | NWSW | 40.0 |
| T12S R23E S21 | SWSW | 40.0 | T12S R23E S21 | SESW | 40.0 |
| T12S R23E S21 | NESE | 40.0 | T12S R23E S21 | NWSE | 40.0 |
| T12S R23E S21 | SWSE | 40.0 | T12S R23E S21 | SESE | 40.0 |
| T12S R23E S28 | NENE | 40.0 | T12S R23E S28 | NWNE | 40.0 |
| T12S R23E S28 | SWNE | 40.0 | T12S R23E S28 | SENE | 40.0 |
| T12S R23E S28 | NENW | 40.0 | T12S R23E S28 | NWNW | 40.0 |
| T12S R23E S28 | SWNW | 40.0 | T12S R23E S28 | SENE | 40.0 |
| T12S R23E S29 | NENE | 40.0 | T12S R23E S29 | NWNE | 40.0 |
| T12S R23E S29 | SWNE | 40.0 | T12S R23E S29 | SENE | 40.0 |
| T12S R23E S29 | NENW | 40.0 | T12S R23E S29 | NWNW | 40.0 |
| T12S R23E S29 | SWNW | 40.0 | T12S R23E S29 | SENE | 40.0 |
| T12S R23E S29 | NESW | 40.0 | T12S R23E S29 | NWSW | 40.0 |
| T12S R23E S29 | SWSW | 40.0 | T12S R23E S29 | SESW | 40.0 |
| T12S R23E S29 | NESE | 40.0 | T12S R23E S29 | NWSE | 40.0 |
| T12S R23E S29 | SWSE | 40.0 | T12S R23E S29 | SESE | 40.0 |
| T12S R23E S30 | NENE | 40.0 | T12S R23E S30 Lot 1 | NWNE | 40.0 |
| T12S R23E S30 Lot 2 | SWNE | 40.0 | T12S R23E S30 | SENE | 40.0 |

Total Acres: 3040

GROUND WATER RECHARGE same as IRRIGATIONConditions of Approval:Remarks:

1. General ALSO WATER RIGHTS 45-2254B,45-4258

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 45-7607

Dates and Other Information:

Application Received Date: 7/16/2001
 Application Denied Date:
 Last Date of Beneficial Use:
 Extension End Date:
 Protest Deadline Date:
 Number of Protests: 0
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Application Type: New Appropriation
 Applicant Remarks:
 Other Water Rights:
 Time to Complete Works: 2
 Transfer Affected Description:
 Transfer Affected Contracts:
 Old Transfer Number:
 Transfer Reason:
 Transfer Return Flows:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

Log for claim A45-00169

Spatial Dynamics LRR

3/14/00

| TR | SEC | QQ | Acres
Claimed | Acres
Found | COMMENT |
|---------|-----|------|------------------|------------------|--------------------|
| 12s23e | 22 | NWNE | 40 | 34 33 | # overlaps w/ -168 |
| 12s23e | 22 | SWNE | 40 | 40 40 | |
| 12s23e | 22 | SWNW | 40 | 40 40 | |
| 12s23e | 22 | SENW | 40 | 40 40 | |
| Totals: | | | 160 | 154 | 153 |

orig. only 1/6 flow of Willow Cr. (16.6%)

G/S = 154 Ac. (34 Ac. overlap w/ 45-168)

both limited to 353 when combined

AJ5809NP
No. A45-00169

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/25/00
PAGE: 77

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|---|------------------|--|---|----------------------------|---------------------|
| C | LAMBERT PRODUCE INC
RT 2 BOX 2430
BURLEY ID 83318 | 11/23/1881 | IRRIGATION
IRRIGATION STORAGE
STOCKWATER | 03-01 12-15
12-15 03-01
01-01 12-31 | 1.060 CFS

0.440 CFS |

8.00 AFA |
| TOTAL DIVERSION: | | | | | 1.060 CFS | 8.00 AFA |
| CONSUMPTIVE USE: | | | | | | 480.00 AFA |

Water Source: WILLOW CREEK

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion:

T12S R23E S26

NWSE

CASSIA County

Place of use Legal Description for: IRRIGATION

| NE | | | | NW | | | | SW | | | | SE | | | | | | | | |
|-----|-----|----|---------------------------|-------|------|------|------|------|---|------|------|------|------|---|------|------|------|------|-------------|-------|
| T | R | S | : Lt Ac Lt Ac Lt Ac Lt Ac | : | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : | SUM |
| 12S | 23E | 22 | : | 40 40 | : | | | | : | | | | | : | | | | | : | |
| | | | | | | | | | | | | | | | | | | | TOTAL ACRES | 160.0 |

Place of use Legal Description for: STOCKWATER

| NE | | | | NW | | | | SW | | | | SE | | | | | | | | | | | | |
|-----|-----|----|---------------------------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|------|------|---|---|--|
| T | R | S | : Lt Ac Lt Ac Lt Ac Lt Ac | : | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : | | | | | |
| 12S | 23E | 30 | : | | : | | | | : | | | | | : | | | | | : | | | | | |
| | | | | | | | | | | | | | | | | | | | S | 03-S | 04-S | S | : | |

POU County: CASSIA

Non-Irrigation Uses: STOCKWATER/ 2000 RANGE CATTLE

Other Rights: A45-00168

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A45-00166A A45-00166B A45-00166C A45-00167B A45-00168

Other Water Rights Listing Overlapping Place(s) of Use:
A45-00166C A45-00168 A45-02254A A45-04258

Remarks: GEN RT. IS FOR 1/6 THE FLOW OF WILLOW CREEK.
ATTACHED HERETO IS A COPY OF THE 03-17-1908 DECREE.
USED ON LAND NOT COVERED BY ORIGINAL DECREE/USE APPEARS ON 1956 &
1962 MAPS. THIS RIGHT TOGETHER W/ 45-0166 & 45-0168 REPRESENTS
75% OF THE TOTAL FLOW. (OF WILLOW CREEK)
STORAGE/RECHARGE PURSUANT TO 45-7607 ATTACHED. (APPLICATION FOR
PERMIT)

TOTAL OF 8000 HEAD OF RANGE CATTLE SERVED WHEN A45-00166C, 00168
& 00169 ARE COMBINED.

AJ5809NP

No. A45-00169

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/25/00

PAGE: 78

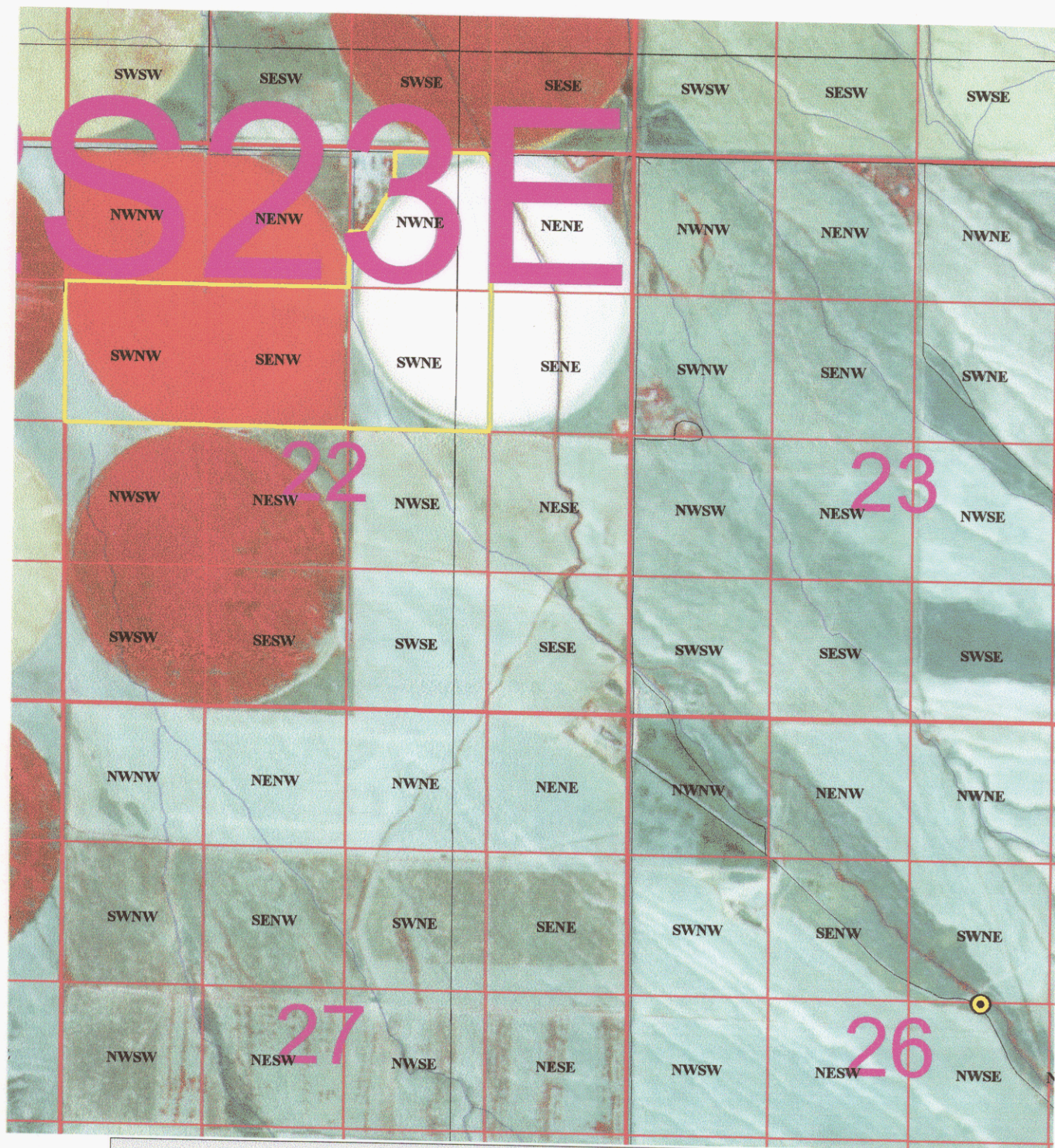
=====

| | | | |
|--------|-----------------|----------------|-----------------------|
| Dates: | Exam Made Date: | Verified Date: | Objection Filed Date: |
|--------|-----------------|----------------|-----------------------|

| | | |
|-------|------------------------|------------------------|
| Misc: | Water District Number: | Field Inspection Flag: |
| | | Presumption Flag: D |

Audit: 07/20/89 CLELLAND 03/26/91 BEDKE 06/14/91 MERRITT 03/30/95 POST-STD

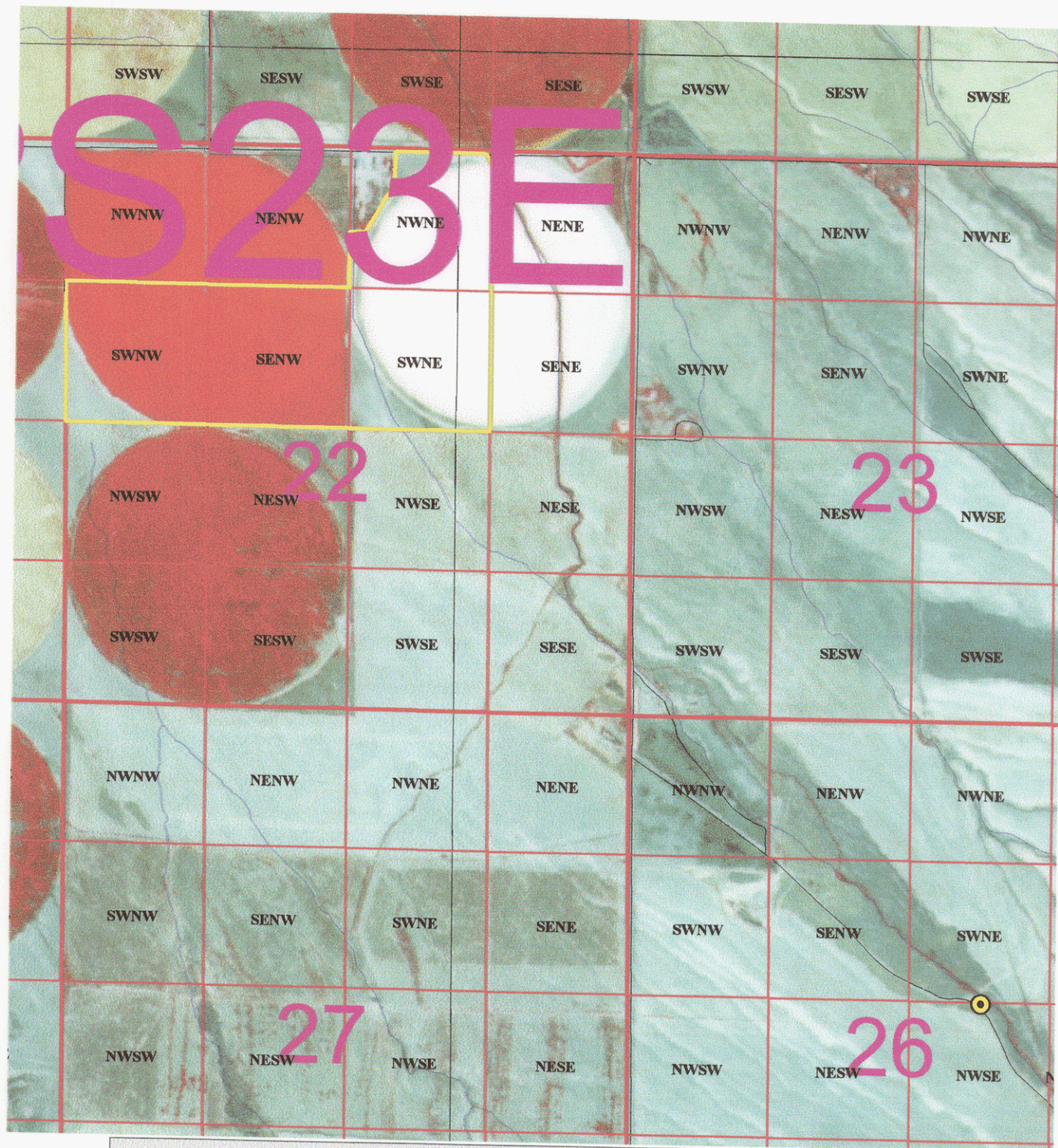
Township , 12S23E



| Legend | | | | | |
|--------|--------------------|--|----------------------|--|--------------------|
| | Irrigated Area | | Section line | | Roads |
| | Place of Diversion | | Quarter Section Line | | Streams and canals |



Township , 12S23E



Irrigated Area

Place of Diversion

Legend

Section line

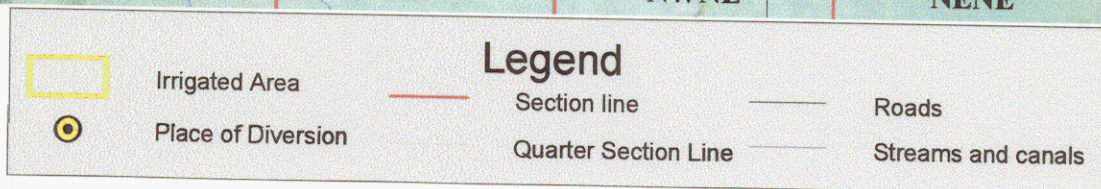
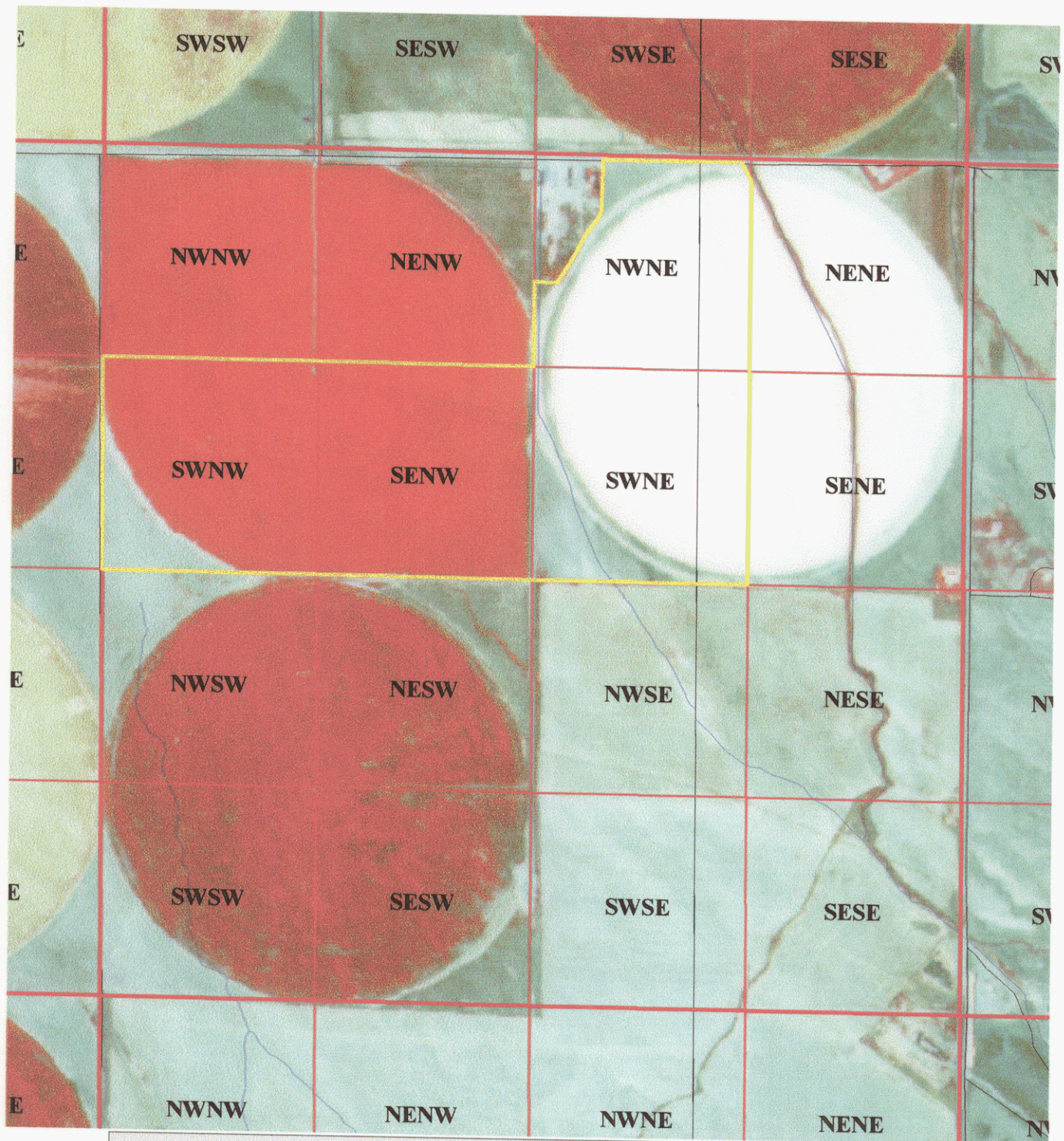
Quarter Section Line

Roads

Streams and canals



Township , 12S23E



Township , 12S23E



Irrigated Area

Section line

Quarter Section Line

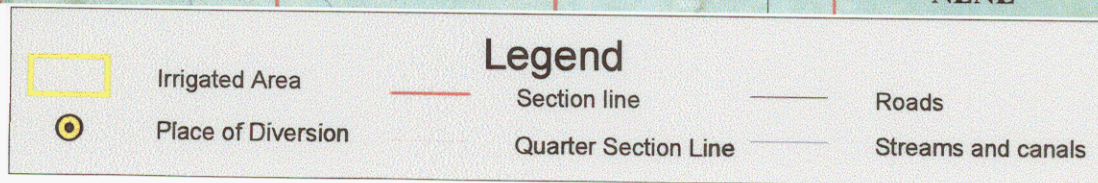
Roads

Streams and canals

Place of Diversion



Township , 12S23E



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
No. A45-00169

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|---------------------|------------------|--|---|------------------------|---------------------|
| C | LAMBERT PRODUCE INC | 11/23/1881 | IRRIGATION
IRRIGATION STORAGE
STOCKWATER | 03-01 12-15
12-15 03-01
01-01 12-31 | 1.060 CFS
0.440 CFS | 8.00 AFA |
| TOTAL DIVERSION: | | | | 1.060 CFS | 8.00 AFA | |
| CONSUMPTIVE USE: | | | | | 480.00 AFA | |

Stage: DECREE
CASSIA County

Tributary to: SINKS

Water Source: WILLOW CREEK

Point(s) of Diversion: T12S R23E S26 NWSE

Place of use Legal Description for: IRRIGATION

| NE | | NW | | SW | | SE | | |
|------|------|------|------|-------------|------|------|------|-------|
| NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SESW | SESE |
| Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt |
| T | R | S | : | Lt | Ac | Lt | Ac | Lt |
| 12S | 23E | 22 | : | 40 | 40 | 40 | 40 | : |
| | | | | TOTAL ACRES | | | | 160.0 |

Place of use Legal Description for: STOCKWATER

| NE | | NW | | SW | | SE | | |
|------|------|------|------|-------------|---|------|----------------|-------|
| NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SESW | SESE |
| Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt |
| T | R | S | : | Lt | Ac <td>Lt</td> <td>Ac <td>Lt</td> </td> | Lt | Ac <td>Lt</td> | Lt |
| 12S | 23E | 30 | : | | | | | : |
| | | | | TOTAL ACRES | | | | 160.0 |

POU County: CASSIA

Non-Irrigation Uses: STOCKWATER/ 2000 RANGE CATTLE

Other Rights: A45-00168

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A45-00166A A45-00166B A45-00166C A45-00167B A45-00168

Other Water Rights Listing Overlapping Place(s) of Use:
A45-00166C A45-00168 A45-02254A A45-04258

Remarks: GEN RT. IS FOR 1/6 THE FLOW OF WILLOW CREEK.
ATTACHED HERETO IS A COPY OF THE 03-17-1908 DECREE.
USED ON LAND NOT COVERED BY ORIGINAL DECREE/USE APPEARS ON 1956 &
1962 MAPS. THIS RIGHT TOGETHER W/ 45-0166 & 45-0168 REPRESENTS
75% OF THE TOTAL FLOW. (OF WILLOW CREEK)
STORAGE/RECHARGE PURSUANT TO 45-7607 ATTACHED. (APPLICATION FOR
PERMIT)

TOTAL OF 8000 HEAD OF RANGE CATTLE SERVED WHEN A45-00166C, 00168
& 00169 ARE COMBINED.

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Objection Filed Date:

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag: D
Presumption Flag:

Audit: 07/20/89 CLELLAND 03/26/91 BEDKE 06/14/91 MERRITT 03/30/95 POST-STD