

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: A45-04011A
Date Received: 6/ 6/1989
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: MAR 1, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	23E	22	SW	SW	NE		CASSIA

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	10/31	1.000		

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

8. Total consumptive use is 2400.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	22E	24	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

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: A45-04011A
Date Received: 6/06/1989
Receipt No: S007604
Received By: SCV

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: MAR 01, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	23E	22	SW	SW	NE		CASSIA

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	10/31	1.000		

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

8. Total consumptive use is 2400.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12S	22E	24	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 160.0

A45-04011A

Page 1

Date: 07/20/89

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	22E	25	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
							Section Acres	160.0
	23E	19	NE		NE		IRR	40.0
			NW		NE	1	IRR	40.0
			SW		NE	2	IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE	3	IRR	40.0
			SW		SE	4	IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	320.0
		30	NE		NE		IRR	40.0
			NW		NE	1	IRR	40.0
			SW		NE	2	IRR	40.0
			SE		NE		IRR	40.0
							Section Acres	160.0
							Total Acres	800.0

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:
SEE REMARKS.

14. Remarks:

TRANS. 3451.

ATTACHED HERETO IS A COPY OF THE APPROVED APPLICATION FOR
TRANSFER OF P/D, 12-16-1988. P/U WAS NOT CHANGED.

45-04011 2 CFS IN JACK ALLRED.

>>>OTHER WATER RIGHTS:

A45-04008 A45-04009A A45-04013A A45-04014

A45-04007 A45-02254A A45-04258A

15. Basis of Claim: STATUTORY CLAIM

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
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
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 AY5-04011ADate Received 6-6-89Receipt 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) 862-3346
Mailing Address Route #1, Box 44-A, Oakley, ID Zip 83346

2. Date of Priority (Only one (1) per claim) MARCH 3-1-1950

3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 125 Range 23E Section 22,
SW 1/4 of SW 1/4 of NE 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. Well APPROX. 500 Ft. in depth

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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:

(both dates are inclusive)

(cfs)

(acre feet)

For IRrigation purposes from 3-15 to 11-15 amount 1.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2400 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	22E	24													40	40	40	40	160
		25	40	40	40	40													160
	23E	19	40	40	40	40									40	40	40	40	320
		30	40	40	40	40													160

Total number of acres irrigated 800

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.
45-4008, 4009, 4013, 4014, 4007, 2254A, 4258 or None ()

14. Remarks: Attached hereto is a copy of the approved application
For transfer of Point of Diversion - 12/16/88 - Place of
original use was not changed
45-4011 2 C.F.S. IN JACK ALLRED

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Last Name Lambert Ident No. _____

Copies: White -State, Yellow-Claimant

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

1125

[illegible]

MAR 10 1993

Last Name Lambert

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Bu. Official Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 45-4011A
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

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 Title _____
of Lambert Produce Inc Organization _____, that I have signed the foregoing
document in the space below as Farm Manager Title _____ of Lambert Produce Inc Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Cory L. McCoy
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, Larry 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 Larry B. Stone

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

Date 5/25/89

Last Name Lambert Ident. Number _____

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MAR 10 1993

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

28-Mar-1989

R. KEITH HIGGINSON
Director

Laird B. Stone
P.O. Box 83
Twin Falls, ID 83303-0083

RECEIVED
MAR 30 1989

Stephen, Kvanvig,
Greenwood & Stone

Re: Application for Transfer No. 45-4011A

Dear Mr. Stone:

The Department of Water Resources acknowledges receipt of the Application for Transfer on behalf of your client, Lambert Produce, Inc.

This office will be advertising the application in the South Idaho Press on 4/6 and 4/13/89. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

Enclosure

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Lambert Produce, Inc. Phone 862-3346

Post Office address Route 1, Box 44-A, Oakley, Idaho, 83346

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Changing the P/D will allow the whole farm to be irrigated by gravity, thus reducing power costs.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>45-4011A</u>	<u>3-1-1950</u>	<u>1.0</u>	<u>Irrigation</u>	<u>3-15</u> to <u>11-15</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>

2. Total amount of water being transferred 1.0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use: No Change

[illegible]

Total acres 800

PART 1

6. General Information:

a. Description of diversion system Well and pump to gravity irrigation system

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

No change

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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MAR 10 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 45-4011A on file with the Idaho Department of Water Resources.
- d. Transfer No. 3132 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 3-1-1950

5. Water is used for the following purpose:

amount 1.0 cfs for Irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		<u>SW</u>	<u>NE</u>	<u>25</u>	<u>12S</u>	<u>22E</u>	<u>Cassia</u>	
		<u>SE</u>	<u>NE</u>	<u>22</u>				<u>per phone conversation with Laird Stone, Atty</u>

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
<u>12S</u>	<u>22E</u>	<u>24</u>													<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>160</u>
		<u>25</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>													<u>160</u>
	<u>23E</u>	<u>19</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>									<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>320</u>
		<u>30</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>													<u>160</u>

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Total acres 800

9. Describe any other water rights used for the same purpose as described above

45-4008, 4009, 4013, 4014, 4007, 2254A, 4258

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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MAR 10 1993

Total acres _____

PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 16 day of December, 19 88.

Cory L. Smith, Farm Manager
(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires 10-5-92**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 0 attachmentsReceived by M. Baldwin Date DEC 20 1988Prelim. check by DRS Fee 50⁰⁰ R# 5004705Receipted by M. Baldwin Date DEC 20 1988Published in So. ID. PressPub. dates 4/6 & 4/13/89Watermaster recommendation requested on N/A

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

25-Jan-1993

R. KEITH HIGGINSON
Director

A45-04011A
LAIRD B. STONE
P.O. BOX 83
TWIN FALLS

ID 83301

RE: Evidence of Priority

RESPONSE DEADLINE

APRIL 1, 1993

Dear Claimant:

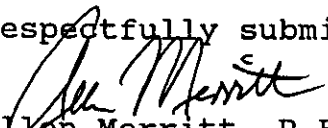
The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will at a later date conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

Please find enclosed a computer printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by April 1, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 10 1993

RECEIVED

MAR 30 1993

Department of Water Resources
Southern Region Office

RE: A45-04011A

I have looked at the Adjudication claim by Lambert Produce and I can certify that the land has been farmed since the 1950's. This land was watered originally by a point of diversion in section 25 by the Anderson family. They used the water for irrigation purposes.

I have been a resident of Cassia County living in the Oakley Idaho area for 66 years. I live directly south of the farm owned by Lambert. I watched the Anderson's develop the water and land for irrigation and have been able to see the improvements in irrigation systems for water conservation that Lambert Produce has established.

Dallan Elquist
Oakley, Idaho 83346
862-3457

STATE OF IDAHO)
County of CASSIA) ss.
PUBLIC

On the 28 day of March, 1993, before me the undersigned Notary Public in and for said State personally appeared Dallan Elquist,

known or identified to me to be the person who subscribed to the above statement and acknowledged to me that he executed the same.

In WITNESS WHEREOF, I have hereunto set my hand and affixes my official seal the day and year first above written.

[Signature]
Ray H. Koyle
Residing at Burley, Idaho
My Commission Expires 10-05-98

MICROFILMED
OCT 27 1994

TOTAL DIVERSION:	1.00 CFS
CONSUMPTIVE USE:	2400.0 AFA

Stage: STATUTORY CLAIM

CASSIA County

T	R	S	NE			NW			SW			SE			SUM			
			NENE	NUNE	SUNE	SENE	NENW	NUNW	SNW	SEW	NESW	NWSW	SSW	SESW		NESE	NUSE	SWSE
12S	22E	24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	160.0
12S	22E	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	160.0
12S	23E	19	40	01-40	02-40	40	40	40	40	40	40	40	40	40	40	40	40	320.0
12S	23E	30	40	01-40	02-40	40	40	40	40	40	40	40	40	40	40	40	40	160.0
TOTAL ACRES																		800.0

Other Rights: SEE REMARKS.

T01 - Approval of this transfer in no way confirms the right(s) claimed.

TRANS. 3451.
ATTACHED HEREETO IS A COPY OF THE APPROVED APPLICATION FOR
TRANSFER OF P/O, 12-16-1988. P/U WAS NOT CHANGED.
45-04011 2 CFS IN JACK ALLRED.
>>>OTHER WATER RIGHTS:
A45-04008 A45-04009A A45-04013A A45-04014
A45-04007 A45-02254A A45-04258A

Verified Date:

Field Inspection Flag:
Presumption Flag:

MICROFILMED
OCT 27 1994

IDAHO POWER COMPANY
ELECTRIC SERVICE AGREEMENT

DISTRICT Oakley DIVISION Southern SCHEDULE NO. 24

Connected Load:

125 HP. 440 Volts 3 Phase 3 Wire
HP. Volts Phase Wire
KW. Volts Phase Wire

Albert Anderson & Sons

herein called Customer, agrees to receive and pay for, and IDAHO POWER COMPANY, herein called Company, agrees to supply, electric service to the amount of 125 H. P., in the form of three phase alternating current at approximately 60 cycles per second and 440 volts, for Customer's Pumping operations, at or near Oakley, in Cassia County, State of Idaho for a term of five year(s) from and after May 15, 1953, in accordance with and subject to the Company's rules and regulations and Schedule No. 24, as now or hereafter in effect at the time of delivery of service. The point of delivery of power shall be where the Company's wires or apparatus are connected with those of the Customer at or near Oakley - SW 1/4 Sec. 25, T 12 S, R 22 E, B. M.

All payments shall be made at Company's office at Oakley, Idaho. The Customer agrees to pay, regardless of the amount of power actually consumed, the minimum charges as provided in the rate schedule, rules and regulations applicable to service hereunder. A copy of the rate schedule and the rules and regulations as now in effect are attached hereto as a part of this agreement.

Subject to the Company's ability to obtain the required labor, materials, equipment and satisfactory rights of way, service will be supplied by May 15, 1953.

In consideration of the special investment required to be made by the Company in additional special facilities necessary for Customer's service, Customer agrees to pay to Company an annual minimum billing for irrigation service in the amount of \$800.00 for the term of this contract, which annual minimum shall run with the land and pumping service herein referred to, and be payable by the Customer's successors or assigns as a condition of service during the term hereof.

Customer shall pay to Company the amount of the estimated non-salvage portion of the facilities required for Customer's service in the agreed amount of \$1500.00. Said amount of \$1500.00 shall be refundable, the Company will begin to refund said amount at the beginning of the second year of this contract term, such refund to be made as a credit in the amount of 1/4 of each subsequent monthly billing until but not after; (1) expiration of four years from beginning of refunds, or (2) termination of service by Customer, or (3) said amount of \$1500.00 shall have been refunded to Customer in full, without interest.

Dated 4-29-53, 19

Attest
Witness

Attest
Witness

Albert Anderson & Sons Co.
By Albert Anderson **MICROFILMED**
Customer

IDAHO POWER COMPANY **OCT 27 1994**

By Th. W. Carpenter

Its Per ing

OAKLEY

Acct. No.

1-1209-01

after April 21 1-28c

" April '56 056407

for 2 yr. Term to Begin

to be Billed Annually

Service Location SW¹NE¹ S25, T12S, R22 EBM

ER or WO No.

Town Oakley

ANNUAL GUARANTY					CUSTOMER'S ADVANCE		
Month	Service Billing	Cumulative Service Billing	Rate Schedule Charge	Cumulative Schedule Charge	Reference	Refunds	Balance
June 1953	20780	20780			5/6/53		
July	32715	53495			B.R.#4		1500.00
Aug	35815	89310					
Sept	23780	113090					
Oct	33770	151860					
Nov							
1954							
May	15200						
June	35470	50690			June	12670	137300
July	30230	80920			July	7555	129725
Aug	36825	117745			Aug	9205	120520
Sept	34550	152295			Sept.	8635	111885
Oct	29770	182065			Oct.	7440	104445
Nov	13400	195465			1955		
May	8135				May	2095	102450
June	34475	229940			June	8470	93980
July	34875	264815			July	8720	85260
Aug	36330	301145			Aug	9080	76180
Sept	33125	334270			Sept	8280	67900
Oct							
May	17240				May	4310	63800
June	37155	40595			June	9290	54610
July	38500	79095			July	9625	45085
August	31210	110305			August	7800	37285
Sept	34995	145300			Sept	8750	28535
October	33235	178535			October	8310	20225
November	8120	186655	200455		November	2030	18465
1957							
May	31042				May	7761	9884
June	24052	55094			June	6013	9281
July	33273	88367			July	3871	
August	36204	124571					
September	33549	158120					

06/02/2004

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

RIGHT NUMBER: 45-4011A
NAME AND ADDRESS: LAMBERT PRODUCE CO INC
C/O CORY KING
203 E 1100 S
BURLEY ID 83318

SOURCE: GROUND WATER
QUANTITY: 1.000 CFS
488.000 AFY

TRIBUTARY:

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 28.09 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 10,983 AF. COMBINED RIGHT NOS.: 45-2254A,
45-2520, 45-2526, 45-2579, 45-2630, 45-2657, 45-4009A, 45-4011A,
45-4013A, 45-4048F, & 45-13777.

PRIORITY DATE: 05/15/1953

POINT OF DIVERSION:

T12S R22E S26 SWSWSW Within CASSIA County
T12S R22E S35 SWSWNW Within CASSIA County
T12S R23E S15 SESWSW Within CASSIA County
T12S R23E S17 SWSWSW Within CASSIA County
T12S R23E S20 NENENW Within CASSIA County
T12S R23E S20 SWNWNW Within CASSIA County
T12S R23E S20 SWSWNW Within CASSIA County
T12S R23E S20 SWSWNW Within CASSIA County
T12S R23E S20 SWSWNW Within CASSIA County
T12S R23E S22 SWSWNE Within CASSIA County
T13S R23E S4 NESW Within CASSIA County
T13S R23E S5 SESENE Within CASSIA County
T13S R23E S8 SESESW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1.000 CFS 488.00 AFY

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

Water Right 45-4011A

06/02/2004

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

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
T12S R23E S17	NESE	41.0	T12S R23E S17	NWSE	41.0
T12S R23E S17	SWSE	41.0	T12S R23E S17	SESE	41.0
T12S R23E S19	NENE	39.0	T12S R23E S19 Lot 1	NWNE	39.0
T12S R23E S19 Lot 2	SWNE	40.0	T12S R23E S19	SENE	39.0
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	SENW	35.0
T12S R23E S20	NESW	40.0	T12S R23E S20	NWSW	40.0
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	SENW	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 S22	NENE	32.0	T12S R23E S22	NWNE	34.0
T12S R23E S22	SWNE	31.0	T12S R23E S22	SENE	32.0
T12S R23E S22	NENW	30.0	T12S R23E S22	NWNW	39.0
T12S R23E S22	SWNW	33.0	T12S R23E S22	SENW	39.0
T12S R23E S22	NESW	32.0	T12S R23E S22	NWSW	40.0
T12S R23E S22	SWSW	40.0	T12S R23E S22	SESW	33.0
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

06/02/2004

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

T12S R23E S28	SWNW	40.0	T12S R23E S28	SENW	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	SENW	40.0
T12S R23E S29	NESW	40.0	T12S R23E S29	NWSW	40.0
T12S R23E S29	SWSW	35.0	T12S R23E S29	SESW	38.0
T12S R23E S29	NESE	40.0	T12S R23E S29	NWSE	40.0
T12S R23E S29	SWSE	38.0	T12S R23E S29	SESE	38.0
T12S R23E S30	NENE	40.0	T12S R23E S30 Lot 1	NWNE	40.0
T12S R23E S30 Lot 2	SWNE	33.0	T12S R23E S30	SENE	32.0

4983 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 45-4009A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 636 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 572 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

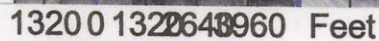
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Beneficial Use

RIGHT NO. 45-13777 IS AN EXPANSION OF THE FOLLOWING RIGHT NOS. PURSUANT TO SECTION 42-1416B, IDAHO CODE. COMBINED RIGHT NOS.: 45-2254A, 45-2520, 45-2526, 45-2579, 45-2630, 45-2657, 45-4009A, 45-4011A, 45-4013A, & 45-4048F.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-4011.

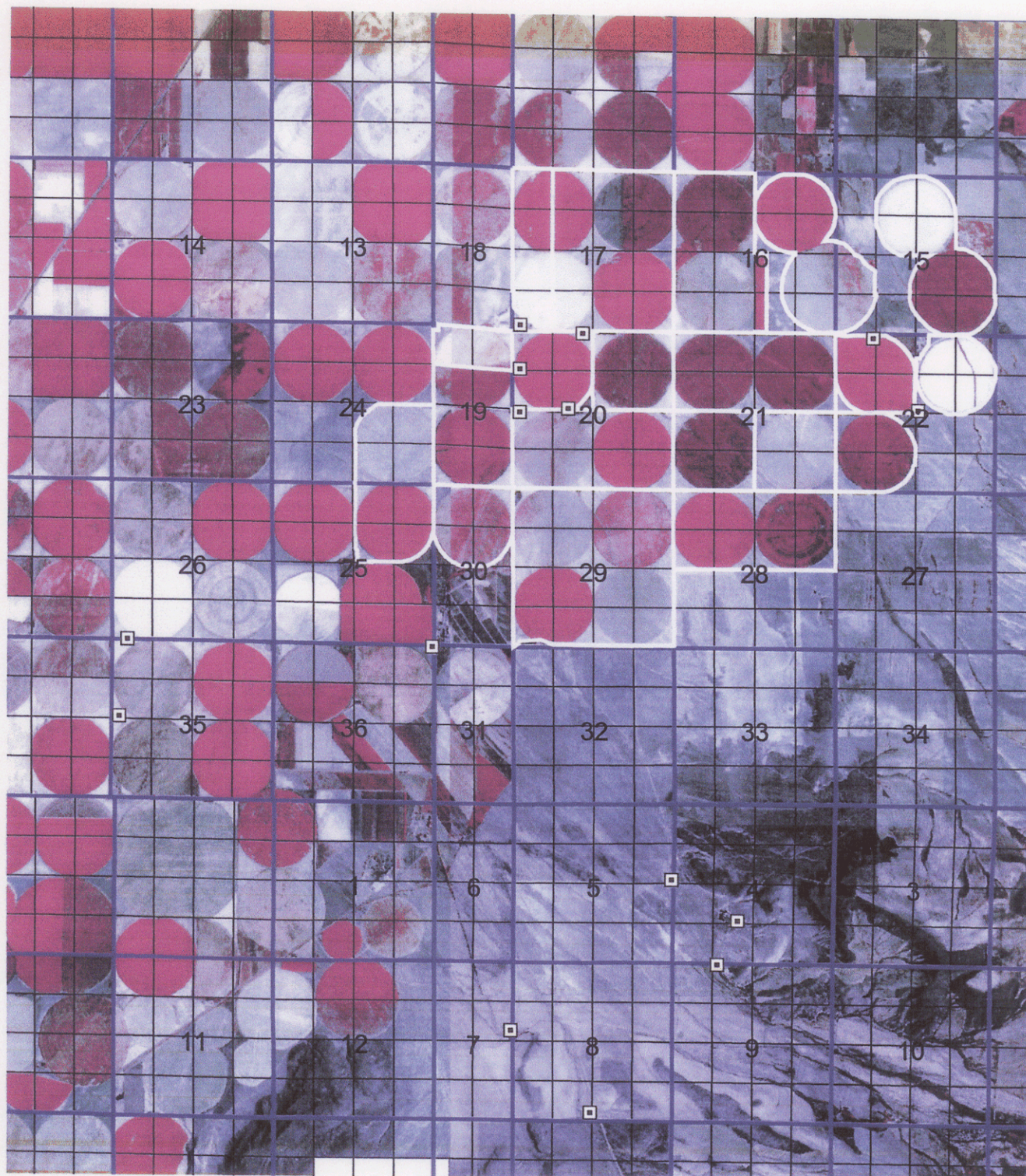


TWP 12S, RNG 23E, SEC. 15, 16, 17, 19, 20, 21, 22, 28, 29, & 30

-

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

LAMBERT PRODUCE



13200 1320643960 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 45-4011A V1

WATER RIGHT NUMBER: 45-4011A V1

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

Priority Date: 05/15/1953

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.000 CFS	488.00 AF
	<u>Total Diversion:</u>	1.000 CFS	488.00 AF

Location of Point(s) of Diversion

GROUND WATER CASSIA County	SW1/4SW1/4SW1/4	Sec. 26, Twp 12S, Rge 22E, B.M.
GROUND WATER CASSIA County	SW1/4SW1/4NW1/4	Sec. 35, Twp 12S, Rge 22E, B.M.
GROUND WATER CASSIA County	SE1/4SE1/4SW1/4	Sec. 8, Twp 13S, Rge 23E, B.M.
GROUND WATER CASSIA County	NE1/4SW1/4	Sec. 4, Twp 13S, Rge 23E, B.M.
GROUND WATER CASSIA County	SE1/4SE1/4NE1/4	Sec. 5, Twp 13S, Rge 23E, B.M.
GROUND WATER CASSIA County	SW1/4SW1/4NE1/4	Sec. 22, Twp 12S, Rge 23E, B.M.
GROUND WATER CASSIA County	SE1/4SW1/4SW1/4	Sec. 15, Twp 12S, Rge 23E, B.M.
GROUND WATER CASSIA County	SW1/4SW1/4SW1/4	Sec. 17, Twp 12S, Rge 23E, B.M.
GROUND WATER CASSIA County	NE1/4NE1/4NW1/4	Sec. 20, Twp 12S, Rge 23E, B.M.
GROUND WATER CASSIA County	SW1/4SE1/4NW1/4	Sec. 20, Twp 12S, Rge 23E, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-4011A V1

GROUND WATER SW1/4SW1/4NW1/4 Sec. 20, Twp 12S, Rge 23E, B.M.
CASSIA County

GROUND WATER SW1/4NW1/4NW1/4 Sec. 20, 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
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	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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-4011A V1

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 45-4009A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 636 ACRES IN A SINGLE IRRIGATION SEASON.
2. 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.
3. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 28.09 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 10,983 AF. COMBINED RIGHT NOS.: 45-2254A, 45-2520, 45-2526, 45-2579, 45-2630, 45-2657, 45-4009A, 45-4011A, 45-4013A, 45-4048F, & 45-13777.
4. Explanatory RIGHT NO. 45-13777 IS AN EXPANSION OF THE FOLLOWING RIGHT NOS. PURSUANT TO SECTION 42-1416B, IDAHO CODE. COMBINED RIGHT NOS.: 45-2254A, 45-2520, 45-2526, 45-2579, 45-2630, 45-2657, 45-4009A, 45-4011A, 45-4013A, & 45-4048F.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 572 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-4011.

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 572 acres, 636 acres when combined with 45-4009A. Changed the priority date to 5/15/1953 per an Idaho Power Electric Service Agreement provided as Evidence of Priority. Allowed additional volume of 488 AF, the amount for 1 cfs in a 246 day irrigation season. There are 12 interconnected wells and the legal descriptions of their locations have been clarified where possible with WMIS points. One of the claimed wells in the SESW of Section 8, T13S, R23E has been moved to the SESENE of Section 5, T13S, R23E per approved transfer #5038 in 1997. These two wells (Sections 5 & 8) and their diversion rates are also shared by Elquist Ranches. The well in Section 17 SWSWSW and two of the wells in Section 20 (SWNWNW and SWSWNW) are shared by Chris Drakos.



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,

A handwritten signature in cursive script, appearing to read 'Jeanie Robertson'.

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 28, 2004

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
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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

Log for claim A45-04011A

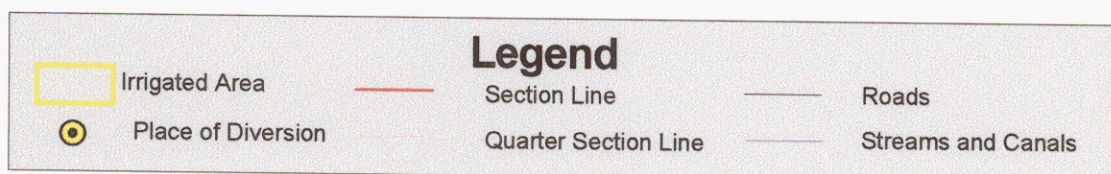
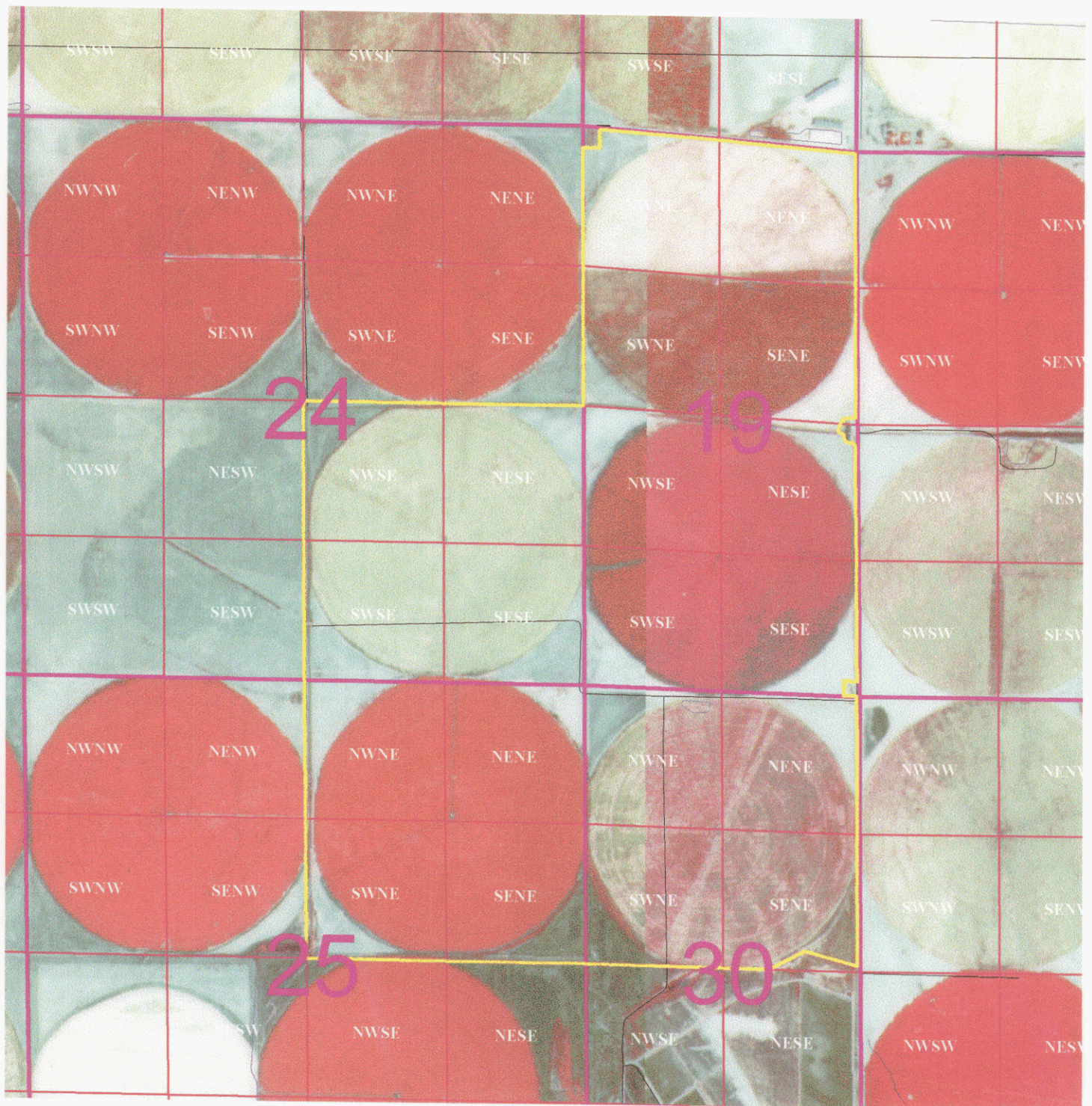
Spatial Dynamics LTD

5/17/00

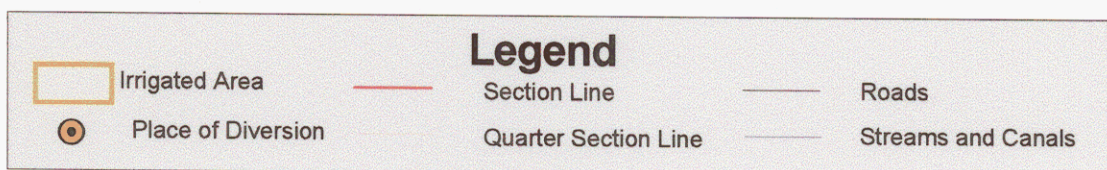
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s23e	19	NENE	40	39	
12s23e	19	NWNE	40	39	
12s23e	19	SWNE	40	40	
12s23e	19	SENE	40	39	
12s23e	19	NESE	40	38	
12s23e	19	NWSE	40	40	
12s23e	19	SWSE	40	40	
12s23e	19	SESE	40	39	
12s23e	30	NENE	40	39	
12s23e	30	NWNE	40	40	
12s23e	30	SWNE	40	40	
12s23e	30	SENE	40	37	
12s22e	24	NESE	40	41	
12s22e	24	NWSE	40	41	
12s22e	24	SWSE	40	41	
12s22e	24	SESE	40	41	
12s22e	25	NENE	40	41	
12s22e	25	NWNE	40	41	
12s22e	25	SWNE	40	41	
12s22e	25	SENE	40	41	
Totals:			800	798	

Limited to 572 Ac
(636 Ac. - when comb. w/ -4009A)

Townships , 12S22E, 12S23E



Townships , 12S22E, 12S23E



900 0 900 1800 Feet



*Transfer to measuring device
installation 9/15/66 L.E.*

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

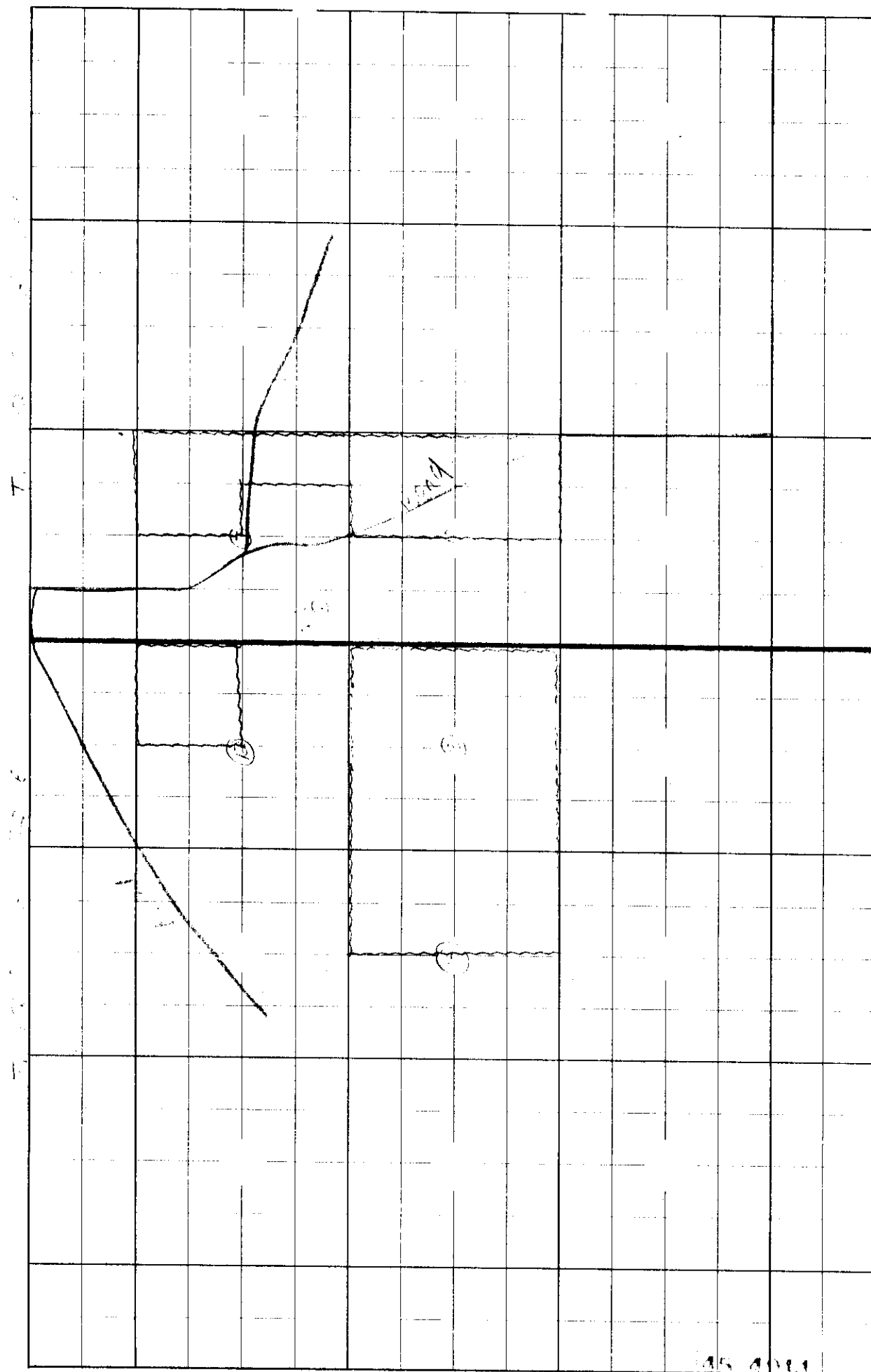
Transfer No. 1562

~~XXXXXXXX~~

Identification No. 45-4011

REPORT ON PROOF OF measuring device

45 4011



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

There was no measuring device
installed 9/15/70 J.S.D.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Transfer No. 1562
Identification No. 45-4011
ASCS
SCS
Burley
Burley

Examination for measuring device

County Cassia

Section 25 T. 12S R. 22E - licensed
Sec. 7 T. 12 S, R. 23 E - changed to
Quantity: (licensed) 3.0 (changed to) 2.0

Source: ground water

P.D.: SW $\frac{1}{4}$ NE $\frac{1}{4}$ - licensed
SW $\frac{1}{4}$ SW $\frac{1}{4}$ - changed to

Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights:

Filed:

Due:

45 4011

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

~~11111111~~ Transfer No. 1562, Ident. No. 45-4011

This proof is for measuring device In Water District No. _____

1. Name of applicant Albert Anderson & Sons Co., Oakley, Idaho

2. Source of water supply: ground water (licensed) SW $\frac{1}{4}$ NE $\frac{1}{4}$ 25

3. Location of point of diversion: Is in the (changed to) SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7
12 S 22 E

T. 12 S. R. 23 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same:

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

(licensed) - T. 12 S., R. 22 E.,	Sec. 12	NE $\frac{1}{4}$	160 acres
	24	SE $\frac{1}{4}$	160
	25	NE $\frac{1}{4}$	160
23 E	7	N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	240
	18	all	320
	19	all	320
	30	N $\frac{1}{2}$	320
			1680 TOTAL
(changed to) - T. 12S, R. 22E	Sec. 14	E $\frac{1}{2}$	320 acres
	12	NE $\frac{1}{4}$	160
	13	all	640
23E	7	NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$	240
	18	E $\frac{1}{2}$	320

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: special exam for measuring device

No measuring device installed

This examination was made on the 15 day of Sept, 1970

(Signed) [Signature]
Examiner.

PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Cory L. Smith, Farm Manager
(Signature of Applicant)

Subscribed and sworn to before me this 16 day of December, 19 88.

[Signature]
(Notary Public)

My commission expires 10.5.92

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 0 attachments

Received by M. Baldwin Date DEC 20 1988 Protest filed by _____

Prelim. check by DRJ Fee 50.00 R# 5004705

Received by M. Baldwin Date DEC 20 1988

Published in So. ID. Press Copies of protest forwarded by _____

Pub. dates 4/6 & 4/13/89 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by JA Sim Borg

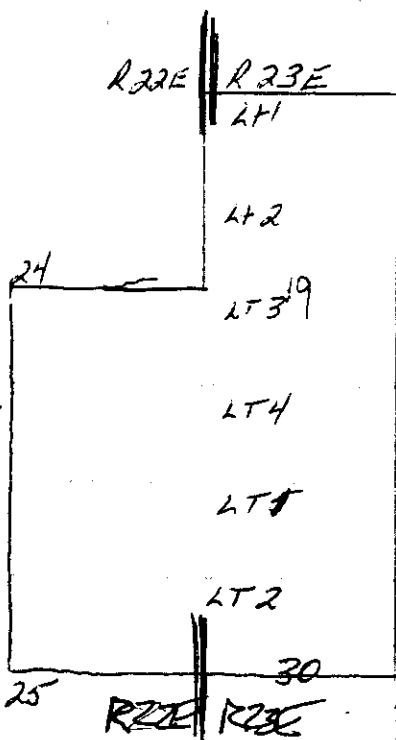
Copy of transfer sent to lien holder _____

MICROFILMED

AUG 4 1989

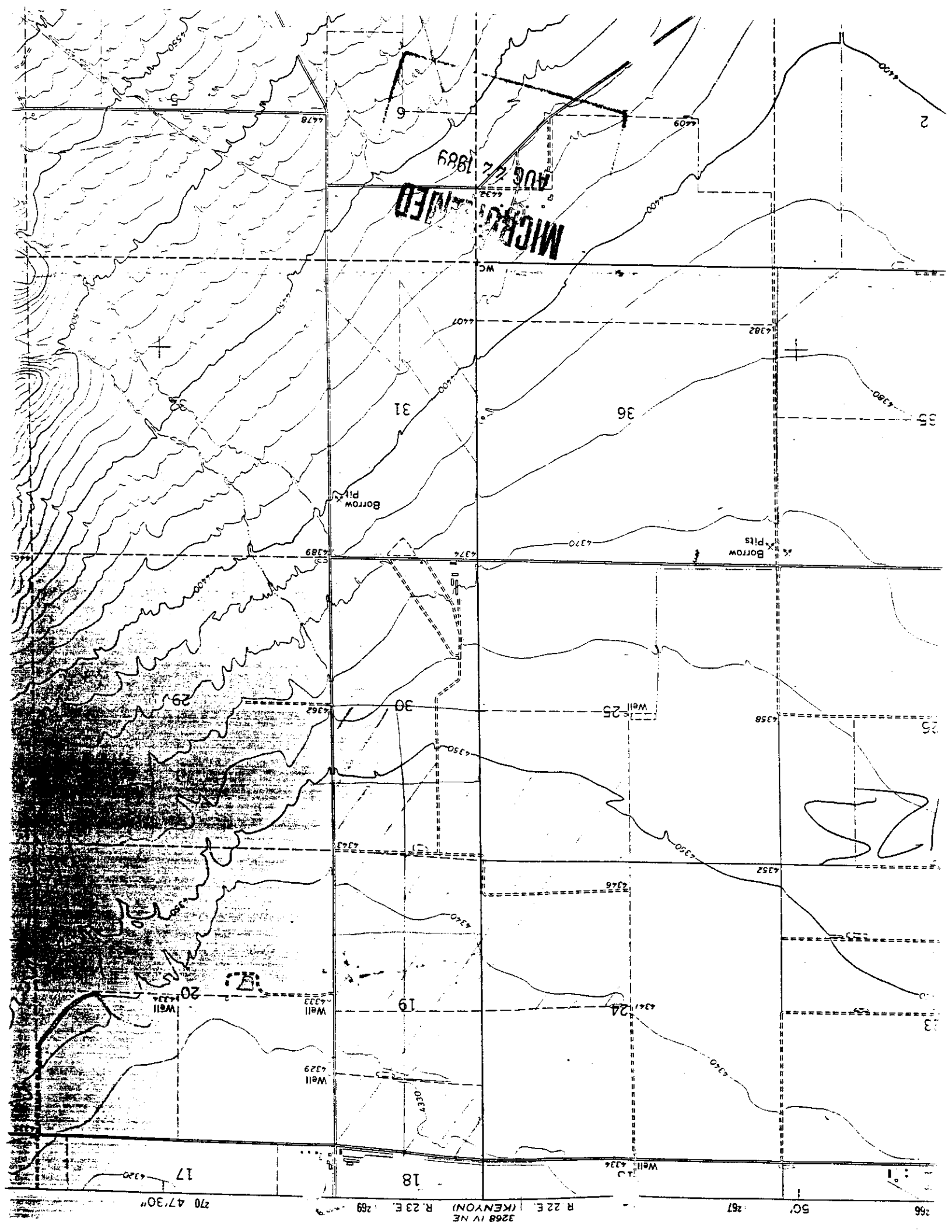
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



MICROFILMED

AUG 22 1989



PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED**AUG 22 1989**

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____

in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. 45-4011A on file with the Idaho Department of Water Resources.

d. Transfer No. 3132 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 3-1-1950

5. Water is used for the following purpose:

amount 1.0 cfs for Irrigation purposes from _____ to _____

(cfs/ac-ft) _____

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft) _____

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft) _____

6. Total amount of water under right 1.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	25	12S	22E	Cassia	
		SE	NE	22				per phone conversation with Laird Stone, attorney

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
12S	22E	24													40	40	40	40	160
		25	40	40	40	40													160
	23E	19	40	40	40	40								40	40	40	40		320
		30	40	40	40	40													160

Total acres 800

9. Describe any other water rights used for the same purpose as described above

45-4008, 4009, 4013, 014, 4007, 2254A, 4258

PART 1

6. General Information:

- a. Description of diversion system Well and pump to gravity irrigation system
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No change
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 45-4011A
And said application is hereby APPROVED, subject to the following limitations and conditions:
Approval of this transfer in no way confirms the right claimed.

MICROFILMED

AUG 22 1989

Witness my hand this

13th

day of

July

, 19 89

J. Glen Saylor
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3532APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 1

APPROVED

Name of applicant Lambert Produce, Inc. Phone 862-3346Post Office address Route 1, Box 44-A, Oakley, Idaho, 83346

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Changing the P/D will allow the whole farm to be irrigated by gravity, thus reducing power costs.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
45-4011A 3-1-1950 1.0 Irrigation 3-15 to 11-15 ^{OKS}
2. Total amount of water being transferred 1.0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	NE	22	12S	23E	Cassia	

5. Lands irrigated or place of use: No Change

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

MICROFILMED
AUG 22 1989Total acres 800 ^{OKS}

