



☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is \_\_\_\_\_

My address is \_\_\_\_\_

My phone number is: Work \_\_\_\_\_ Home \_\_\_\_\_

I am an attorney representing Lambert Produce Co., Inc.

My name is John M. Marshall

My address is 601 W. Bannock, Boise, ID 83702

My phone number is 208-388-1200

### **MOTION TO FILE A LATE NOTICE OF CLAIM**

*A Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to use the water in the SRBA because:

The farm in question is served by a large and complicated irrigation system fed by  
multiple sources. The current owners of the farm purchased it in the mid 1980's and  
did not fully understand the history of water development on the farm at the time they  
filed original claims. During a recent water right audit of the farm in question, we  
determined that an enlargement claim had not been filed for historic use of surface  
water on the farm.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock water use. I desire to reinstate my Notice of Claim for domestic or stock water use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

The attached Notice of Claim includes a 1987 aerial photograph that shows the  
claimed area was irrigated at that time.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock water use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$\_\_\_\_\_.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 100.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on Tuesday, December 20, 2005 at 1:30 p.m.  
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

### **MOTION TO FILE AN AMENDED NOTICE OF CLAIM**

*A Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

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- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

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I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

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VERIFICATION (Must be completed)

State of Idaho )  
County of Ada ) ss.

John M. Marshall, being first duly sworn, upon oath, deposes and says:  
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

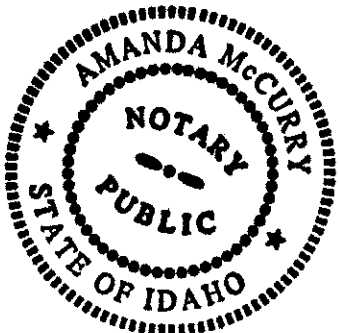
Signature of person filing motion

[Signature]

Attorney signing in representative capacity

Subscribed and sworn to before me on:

September 27, 2005  
(Insert Date)



Amanda McCurry

Notary Public for

Idaho

Residing at:

Star, Idaho

My Commission expires:

4/15/2011

## INSTRUCTIONS FOR MAILING

You must mail this form, including all attachment, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

## CERTIFICATE OF MAILING

I certify that on Sept. 27, 2005, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

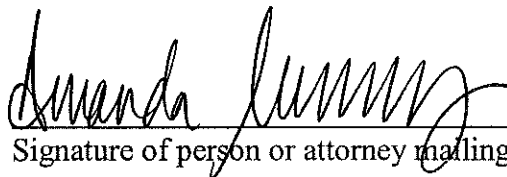
IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment & Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

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 RIGHT TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number \_\_\_\_\_

Date Received \_\_\_\_\_

Receipt Number \_\_\_\_\_

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

Please type or print clearly

1. Name of Claimant(s) Lambert Produce Co., Inc. Phone (208) 678-2668  
Mailing Address 203 E. 1100 S, Burley, ID Zip 83318
2. Date of Priority (only one (1) per claim) June 30, 1985
3. Source of water supply (a) Willow Creek (plus others, see Exhibit A)  
which is tributary to (b) Sinks
4. a. Location of existing point of diversion is: Township 12S Range 13E Section 26,  
SW 1/4 of NE 1/4 of SE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Cassia  
Additional points of diversion if any: Please see Exhibit A  
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 enlargement in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. \_\_\_\_\_  
Sources diverted to ponds that are pressurized through gravity and booster pumps and delivered to fields through  
an underground delivery system.

6. Water is claimed for the following purposes

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3/1 to 12/15 amount 23.36 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 23.36 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number Of livestock Etc.) None

10. Description of place of use: Please see Exhibit A.

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|-----|-----|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |     |     | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated 1,168

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 \_\_\_\_\_ No ☒ X

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 describe above.

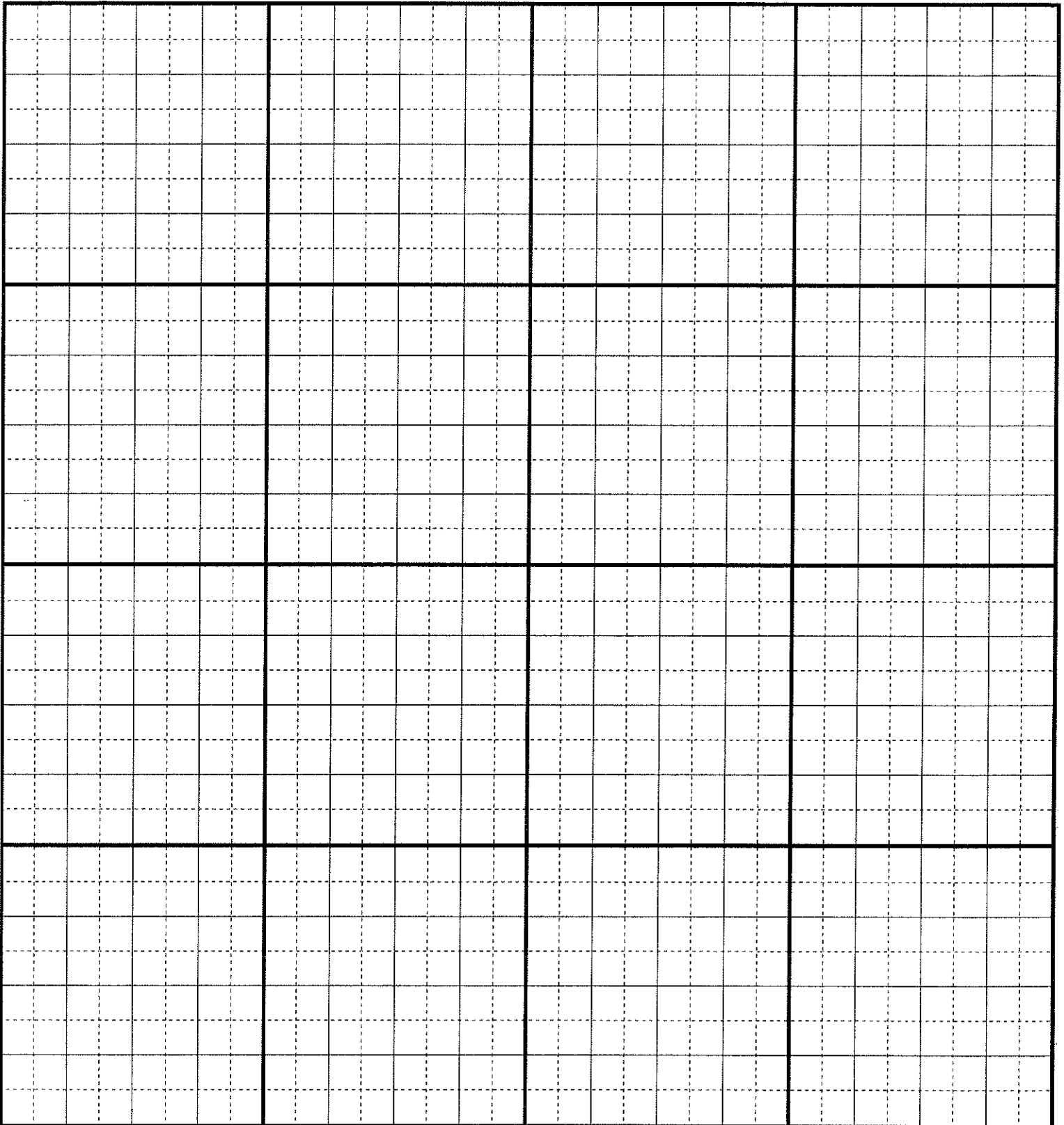
or None ( ☒ X )

14. Remarks: Please see Exhibit A

Last Name Lambert Produce, Inc. Ident. No. 45-13974

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile. Please see Exhibit C



Last Name Lambert Produce Co., Inc. Ident. No. 45-13974

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

If applicable provide IDWR Water Right Number 45-13974

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 ☒ X

wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 4

**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 Attorney Title \_\_\_\_\_

of Lambert Produce Co., Inc. , that I have signed the foregoing  
Organization

document in the space below as Attorney Title \_\_\_\_\_ of Lambert Produce Co., Inc.  
Organization

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

Signature of Authorized Agent [Signature]

Title and Organization Attorney, Lambert Produce Co., Inc. Date 9-27-05

State of Idaho/or \_\_\_\_\_

County of Ada

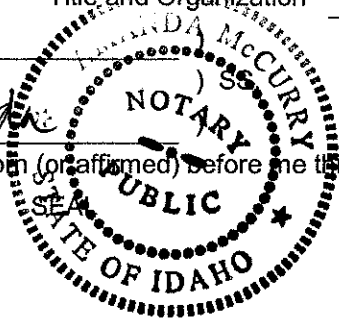
Subscribed and sworn (or affirmed) before me this

27th day of September 2005

Notary Public of Idaho

Residing at Star, Idaho

My Commission Expires 4/15/2011



17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, John M. Marshall 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 [Signature]

Address 601 W. Bannock Street, Boise, Idaho 83701

Date 9/27/05

Last Name Lambert Produce Co., Inc. Ident. Number 45-13974

## EXHIBIT A

### Additional sources and points of diversion

| Source            | Point of Diversion                               |
|-------------------|--------------------------------------------------|
| Land Creek        | T13S, R23E, S09 NWNENW<br>T12S, R22E, S36 NENENE |
| Land Ranch Spring | T13S, R23E, S07 SESENE                           |

### Place of Use

| Township | Range | Section | Lot  | Tract | Acres  | Lot | Tract  | Acres | Lot  | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|------|-------|--------|-----|--------|-------|------|-------|-------|-----|-------|-------|
| 12S      | 22E   | 24      | NESE | 40    | NWSE   | 32  | SWSE   | 39    | SESE | 41    |       |     |       |       |
|          |       | 25      | NENE | 41    | NWNE   | 39  | SWNE   | 36    | SENE | 31    |       |     |       |       |
| 12S      | 23E   | 8       | NENE | 36    | NWNE   | 39  | SWNE   | 41    | SENE | 39    |       |     |       |       |
|          |       |         | NENW | 40    | NWNW   | 38  | SWNW   | 40    | SENE | 41    |       |     |       |       |
|          |       |         | NESW | 41    | NWSW   | 33  | SWSW   | 39    | SESE | 40    |       |     |       |       |
|          |       |         | NESE | 39    | NWSE   | 41  | SWSE   | 40    | SESE | 37    |       |     |       |       |
|          |       | 9       | NENW | 39    | NWNW   | 40  | SWNW   | 40    | SENE | 40    |       |     |       |       |
|          |       |         | NESW | 39    | NWSW   | 40  | SWSW   | 39    | SESE | 38    |       |     |       |       |
|          |       | 15      | NWNE | 32    | SWNE   | 40  | SENE   | 3     |      |       |       |     |       |       |
|          |       |         | NENW | 34    | SWNW   | 4   | SENE   | 34    |      |       |       |     |       |       |
|          |       |         | NESW | 3     | NWSW   | 35  | SWSW   | 30    | SESE | 2     |       |     |       |       |
|          |       |         | NESE | 36    | NWSE   | 38  | SWSE   | 34    | SESE | 32    |       |     |       |       |
|          |       | 16      | NENE | 32    | NWNE   | 34  | SWNE   | 32    | SENE | 38    |       |     |       |       |
|          |       |         | NENW | 41    | NWNW   | 41  | SWNW   | 41    | SENE | 40    |       |     |       |       |
|          |       |         | NESW | 41    | NWSW   | 41  | SWSW   | 41    | SESE | 41    |       |     |       |       |
|          |       |         | NESE | 40    | NWSE   | 22  | SWSE   | 18    | SESE | 37    |       |     |       |       |
|          |       | 17      | NENE | 41    | NWNE   | 41  | SWNE   | 41    | SENE | 41    |       |     |       |       |
|          |       |         | NENW | 41    | NWNW   | 41  | SWNW   | 41    | SENE | 41    |       |     |       |       |
|          |       |         | NESW | 41    | NWSW   | 41  | SWSW   | 31    | SESE | 41    |       |     |       |       |
|          |       |         | NESE | 41    | NWSE   | 41  | SWSE   | 41    | SESE | 41    |       |     |       |       |
|          |       | 19      | NENE | 39    | 1 NWNE | 39  | 2 SWNE | 40    | SENE | 39    |       |     |       |       |
|          |       |         | NESE | 40    | 3 NWSE | 40  | 4 SWSE | 40    | SESE | 40    |       |     |       |       |
|          |       | 20      | NENE | 40    | NWNE   | 40  | SWNE   | 40    | SENE | 40    |       |     |       |       |
|          |       |         | NENW | 40    | NWNW   | 40  | SWNW   | 40    | SENE | 35    |       |     |       |       |
|          |       |         | NESW | 40    | NWSW   | 40  | SWSW   | 40    | SESE | 40    |       |     |       |       |
|          |       |         | NESE | 40    | NWSE   | 40  | SWSE   | 40    | SESE | 40    |       |     |       |       |
|          |       | 21      | NENE | 40    | NWNE   | 40  | SWNE   | 40    | SENE | 40    |       |     |       |       |
|          |       |         | NENW | 40    | NWNW   | 40  | SWNW   | 40    | SENE | 40    |       |     |       |       |
|          |       |         | NESW | 40    | NWSW   | 40  | SWSW   | 40    | SESE | 40    |       |     |       |       |
|          |       |         | NESE | 40    | NWSE   | 40  | SWSE   | 40    | SESE | 40    |       |     |       |       |
|          |       | 22      | NENE | 32    | NWNE   | 34  | SWNE   | 31    | SENE | 32    |       |     |       |       |

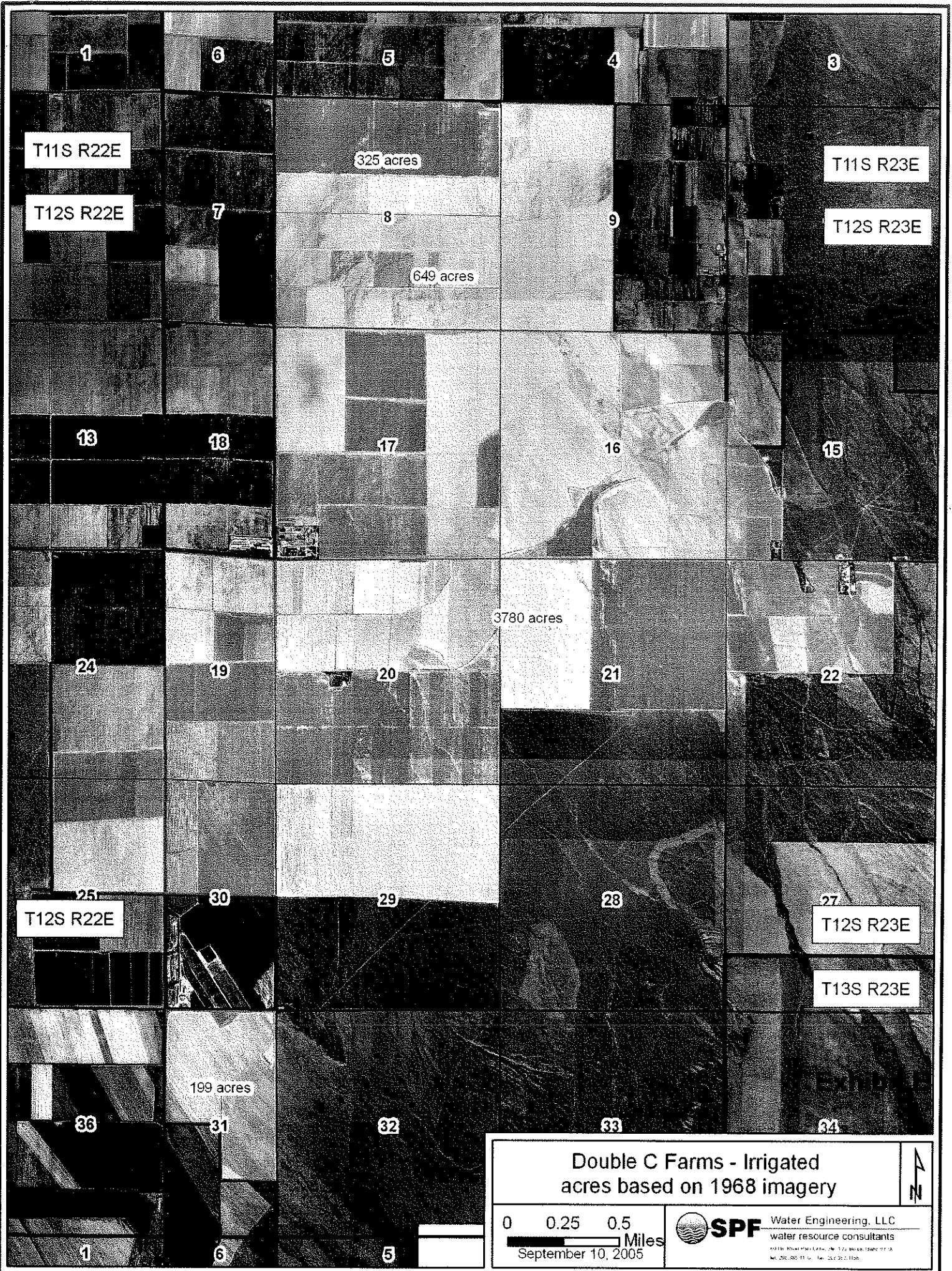
|    |      |    |        |    |        |    |      |                   |
|----|------|----|--------|----|--------|----|------|-------------------|
|    | NENW | 30 | NWNW   | 39 | SWNW   | 33 | SENW | 39                |
|    | NESW | 32 | NWSW   | 40 | SWSW   | 40 | SESW | 33                |
| 28 | NENE | 40 | NWNE   | 40 | SWNE   | 40 | SENE | 40                |
|    | NENW | 40 | NWNW   | 40 | SWNW   | 40 | SENW | 40                |
| 29 | NENE | 40 | NWNE   | 40 | SWNE   | 40 | SENE | 40                |
|    | NENW | 40 | NWNW   | 40 | SWNW   | 40 | SENW | 40                |
|    | NESW | 40 | NWSW   | 40 | SWSW   | 35 | SESW | 38                |
|    | NESE | 40 | NWSE   | 40 | SWSE   | 38 | SESE | 38                |
| 30 | NENE | 40 | 1 NWNE | 40 | 2 SWNE | 33 | SENE | 32                |
| 31 | NENE | 40 | NWNE   | 40 | SWNE   | 40 | SENE | 40                |
|    | NESE | 39 |        |    |        |    |      |                   |
|    |      |    |        |    |        |    |      | Total Acres: 6121 |

This right is limited 4,953 acres within the place of use described above.

**Remarks:**

This claim is an enlargement of water right 63-13973. The photograph attached as Exhibit B shows the area irrigated by the claimed surface water sources as of 1968, which totaled 4,953 acres. This area is claimed under water right no. 63-13973. The photograph attached as Exhibit C shows the enlarged area irrigated by these same sources prior to 1987, which totals 6,121-acres. This enlargement claim requests a water right for this 1,168-acre enlargement (6121 acres – 4953 acres). The priority date for this claim matches the priority of water right 45-13777, the decreed ground water enlargement for the same farm.

Lambert Produce Co., Inc., Montana Brand Produce, Inc., Double C Farms and Chris Drakos own the lands described as the place of use in this claim. The Power of Attorney attached as Exhibit D authorizes John Marshall to execute this Notice of Claim on behalf of all these parties.



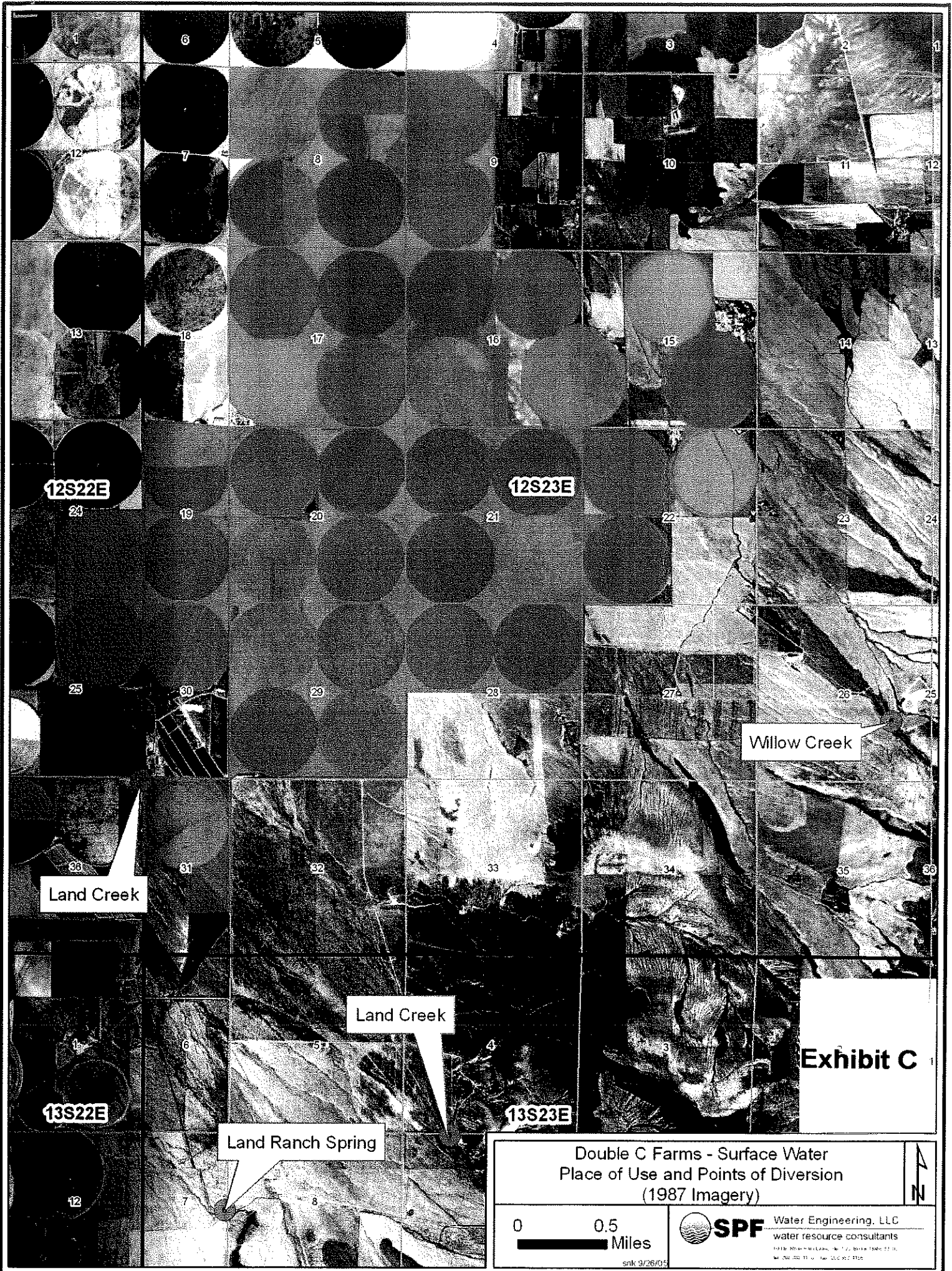
Double C Farms - Irrigated  
acres based on 1968 imagery

0 0.25 0.5  
Miles  
September 10, 2005



Water Engineering, LLC  
water resource consultants

10110 10th Street, Suite 100, Fort Collins, CO 80526  
Tel: 970.225.1100 Fax: 970.225.1101



12S22E

12S23E

Land Creek

Willow Creek

Land Creek

13S22E

13S23E

Land Ranch Spring

Exhibit C

Double C Farms - Surface Water  
Place of Use and Points of Diversion  
(1987 Imagery)

0 0.5  
Miles



**SPF** Water Engineering, LLC  
water resource consultants

14110 90th Ave. NE, Suite 100, Bothell, WA 98011  
Ph: (206) 485-1100 Fax: (206) 485-1105

snk 9/26/05

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

POWER OF ATTORNEY

The undersigned hereby nominate John M. Marshall of the law firm of Givens Pursley LLP whose address is 601 W. Bannock, Boise, Idaho 83702 as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all matters related to water right applications pertaining to a farming operation and feedlot located in Cassia County, Idaho, the boundaries of which are identified in black on the attached map. Such acts shall include, but not be limited to, the filing of applications, receiving of all notices, the signing and filing of applications for extension of time and for amendments of said applications.

Dated this 8-18-05 day of August 2005

Chris Drakos

Chris Drakos, on behalf of himself, Lambert Produce Co. Inc., Montana Brand Produce Co. Inc. and Double C Farms

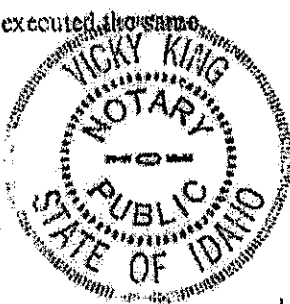
Cory King

Cory King, on behalf of himself and Double C Farms

STATE OF IDAHO )  
County of Cassia )ss

On this 18 day of August, 20 05, personally appeared  
before me the signer(s) of the above instrument, who duly acknowledged to me that he (she)  
(they) executed the same.

SEAL



Vicky King  
Notary Public residing at

237 E. 1100 S. Burley, ID 83318

My commission expires: 11/12/2011