

RECEIVED

FEB 23 2006
DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
DEPARTMENT OF
WATER RESOURCES
FEB 22 2006
By _____ Clerk
Deputy Clerk

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

In Re SRBA

Subcase: 45-13973 & 45-13974

Case No. 39576

ORDER GRANTING MOTIONS TO FILE
LATE NOTICE OF CLAIM

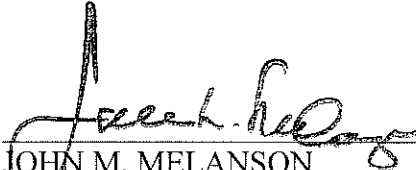
On September 28, 2005, Lambert Produce Co., Inc., by and through its counsel, John M. Marshall, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on February 21, 2006. These *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for water rights 45-13973 & 45-13974 are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated February 22, 2006.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on February
22, 2006, with sufficient first-class postage to the following:

LAMBERT PRODUCE CO INC

Represented by:
JOHN M. MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first and last names being clearly legible despite the cursive style.

(Interneal,

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 45-13974

Date Received 2-23-06

Receipt Number

DISTRICT COURT-SRBA

Fifth Judicial District

County of Twin Falls - State of Idaho

SEP 28 2005

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

By

Clerk

Deputy Clerk

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		amount		or
For		purposes from		amount		or
For		purposes from		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.

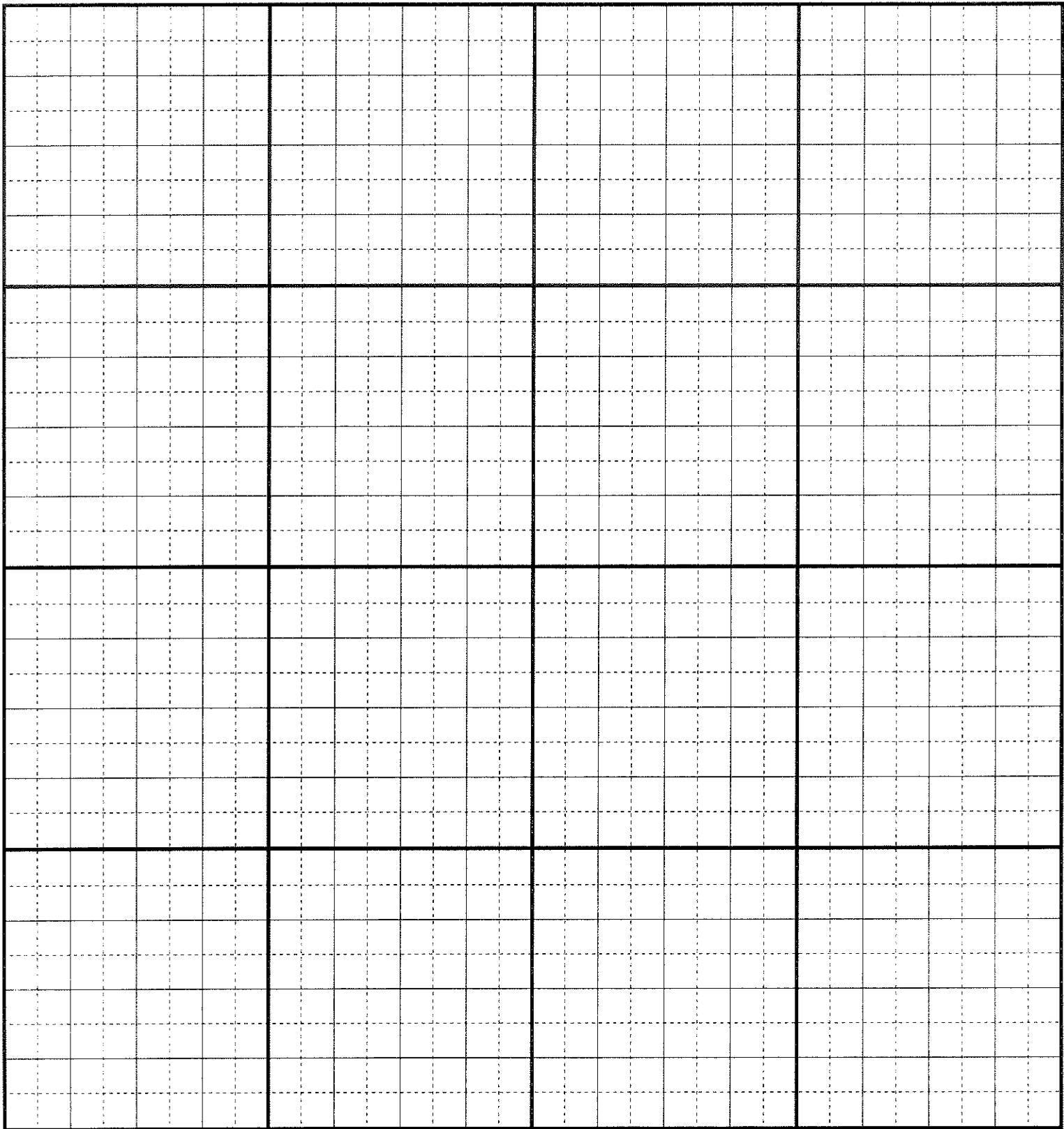
or None (X)

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

Plaintiff vs Defendant

Number of attachments 4

Date _____

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

Additional sources and points of diversion

Source	Point of Diversion
Land Creek	T13S, R23E, S09 NWNENW 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	1NWNE	39	2SWNE	40	SENE	39				
			NESE	40	3NWSE	40	4SWSE	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				

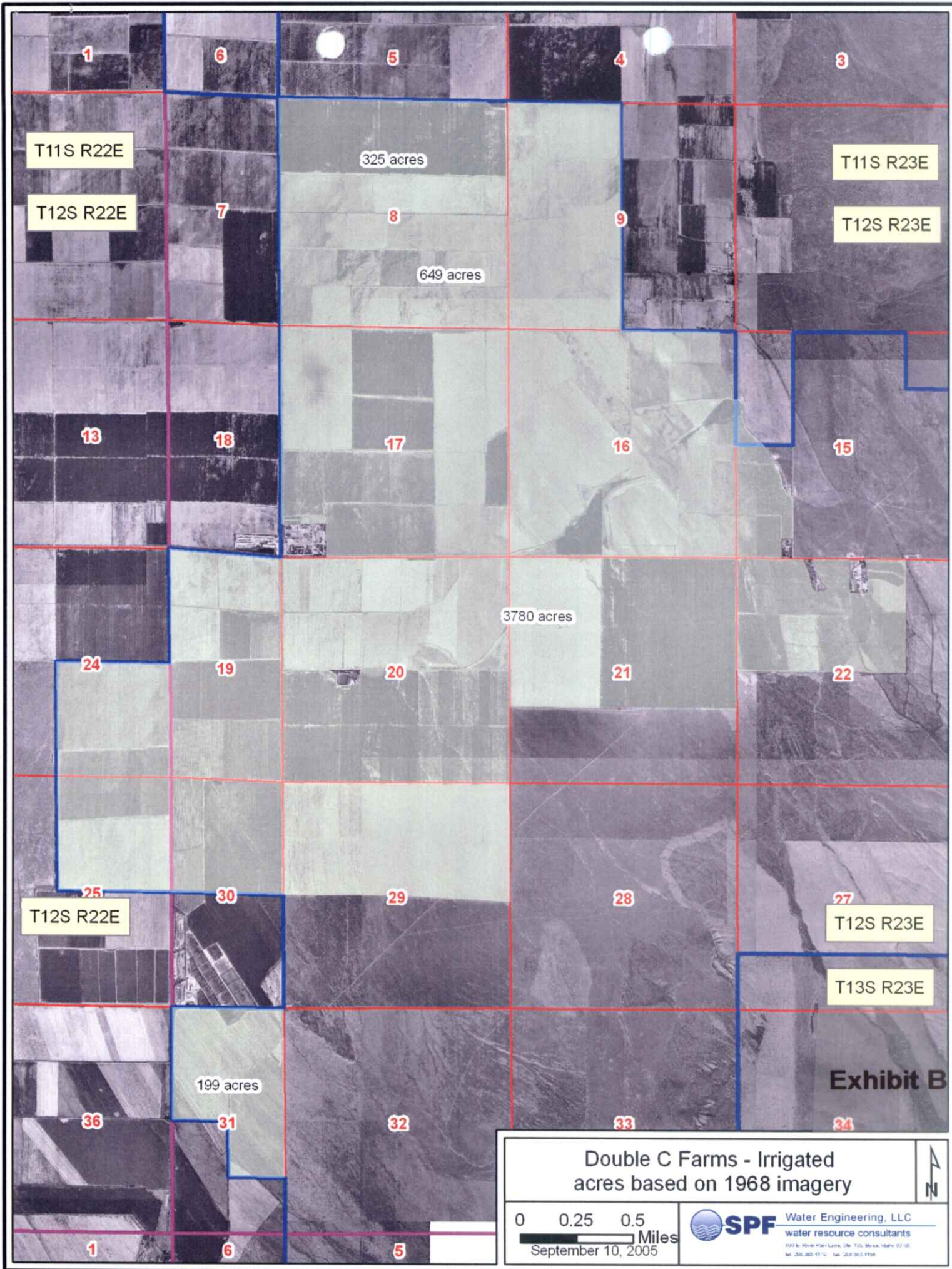
	NENW	30	NWNW	39	SWNW	33	SENW	39
	NESW	32	NWSW	40	SWSW	40	SESW	33
28	NENE	40	NWNE	40	SWNE	40	SENE	40
	NENW	40	NWNW	40	SWNW	40	SENW	40
29	NENE	40	NWNE	40	SWNE	40	SENE	40
	NENW	40	NWNW	40	SWNW	40	SENW	40
	NESW	40	NWSW	40	SWSW	35	SESW	38
	NESE	40	NWSE	40	SWSE	38	SESE	38
30	NENE	40	1 NWNE	40	2 SWNE	33	SENE	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.

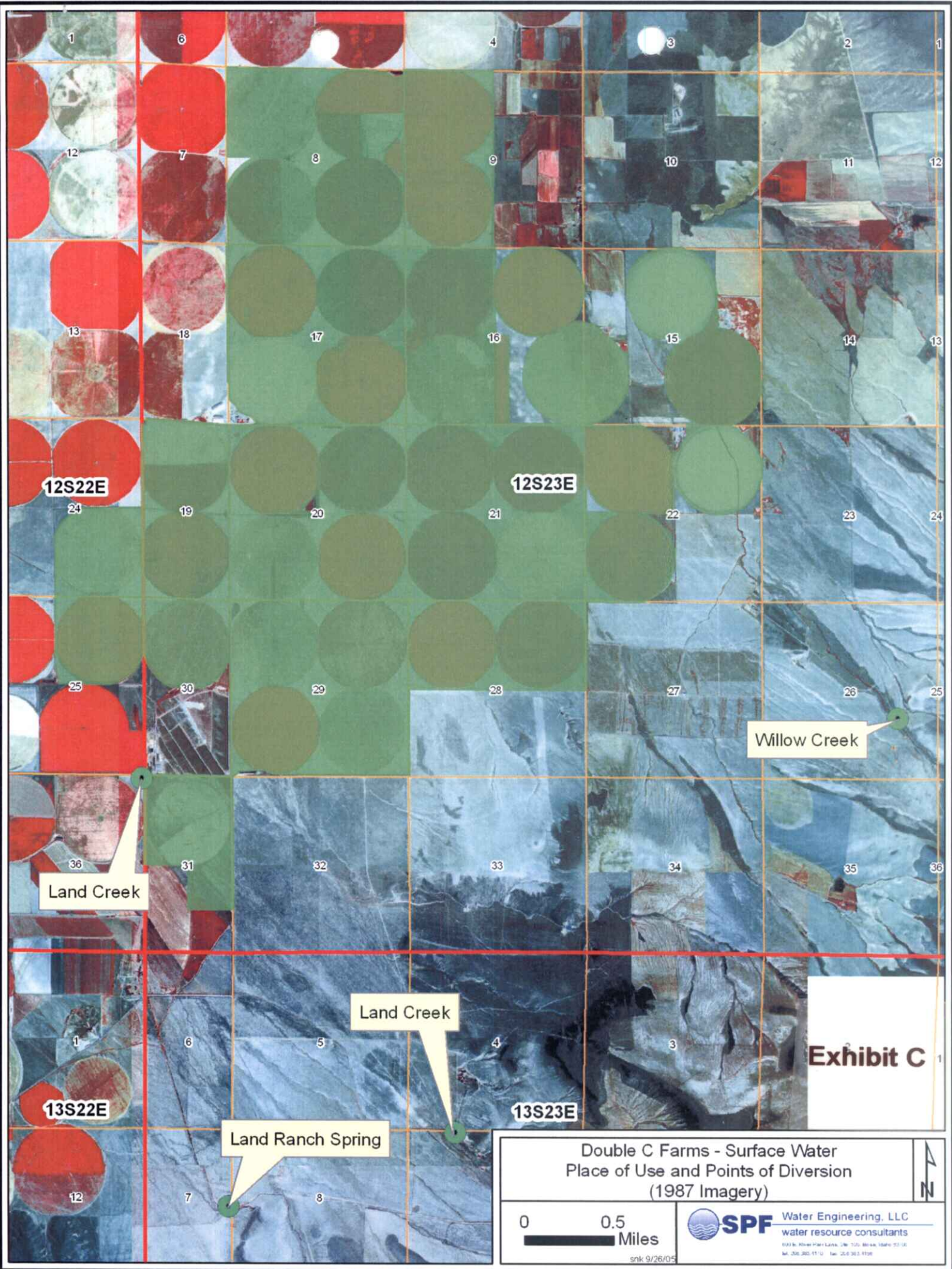


Double C Farms - Irrigated
acres based on 1968 imagery

0 0.25 0.5
Miles
September 10, 2005

 **SPF** Water Engineering, LLC
water resource consultants
1000 N. 10th Street, Suite 100, Lincoln, NE 68502-1100
Tel: 402.363.1111 Fax: 402.363.1190

Exhibit B



12S22E

12S23E

Land Creek

Willow Creek

Land Creek

13S22E

13S23E

Land Ranch Spring

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

0 0.5
Miles



Water Engineering, LLC
water resource consultants

10110 River Park Lane, Ste 110, Boise, Idaho 83714
Tel: 208.385.1110 Fax: 208.385.1100

snk 9/26/05

Exhibit C

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.

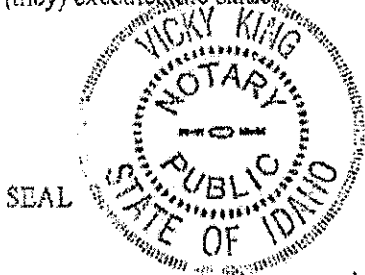
Dated this 8-18-05 day of August 2005

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.



Vicky King
Notary Public residing at

237 E. 1100 S. Burley, Id 83318

My commission expires: 11/12/2011