

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 23 2012	
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 No.: 45-13973
	)	(Formerly Disallowed; Now
	)	Recommended as 45-13973A,
Case No. 39576	)	~~37~~ -13973B, ~~37~~ -13973C & ~~37~~ -13973D)
	)	<i>45</i> <i>45</i> <i>45</i>
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

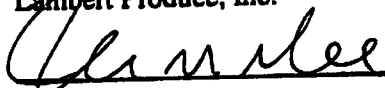
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

To resolve the objection, the whole of water right 45-13973 has been split and renumbered as water rights 45-13973A, 45-13973B, 45-13973C, and 45-13973D. The parties and IDWR agree and stipulate that the recommendation of water right 45-13973 remains disallowed. Water rights 45-13973A, 45-13973B, 45-13973C, and 45-13973D now supersede right 45-13973. The parties and IDWR agree and stipulate that the elements of these water rights should be described per the attached recommendations. The parties and IDWR have indicated their concurrence to these renumbered water rights by signing below and initialing each of the attached recommendation pages.

CLAIMANT/OBJECTOR:

Lambert Produce, Inc.



 John M. Marshall Date
 Attorney for Lambert Produce, Inc.

IDWR CONCURRENCE:

 8-22-12

 Carter Fritschle Date
 Manager, Adjudication Section

Standard Form 5 45-13973 (now 45-13973A, 45-13973B, 45-13973C, & 45-13973D)

IDWR CONCURRENCE:

Nick Spencer 8-22-12

Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

Date

CERTIFICATE OF SERVICE

I certify that on August 22, 2012, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☒ Hand-Delivered
☐ Facsimile

John M. Marshall
John Marshall Law, PLLC
575 W. Bannock, Ste B
Boise, ID 83702

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

John Marshall
Signature of person or attorney mailing the form

08/17/2012

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-13973A
NAME AND ADDRESS: LAMBERT PRODUCE CO INC
PO BOX 561
BLACKFOOT ID 83221
SOURCE: WILLOW CREEK TRIBUTARY: SINKS
QUANTITY: 5.480 CFS
PRIORITY DATE: 03/15/1970

POINT OF
DIVERSION: T12S R23E S26 NESE Lot 2 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	5.480 CFS
PLACE OF USE: IRRIGATION in CASSIA County		
T12S R23E S08 NENE	36.00	T12S R23E S08 NWNE 39.00
T12S R23E S08 SWNE	41.00	T12S R23E S08 SENE 39.00
T12S R23E S08 NENW	40.00	T12S R23E S08 NWNW 38.00
T12S R23E S08 SWNW	40.00	T12S R23E S08 SENW 41.00
T12S R23E S08 NESW	41.00	T12S R23E S08 NWSW 33.00
T12S R23E S08 SWSW	39.00	T12S R23E S08 SESE 40.00
T12S R23E S08 NESE	39.00	T12S R23E S08 NWSE 41.00
T12S R23E S08 SWSE	40.00	T12S R23E S08 SESE 37.00
T12S R23E S09 NENW	39.00	T12S R23E S09 NWNW 40.00
T12S R23E S09 SWNW	40.00	T12S R23E S09 SENW 40.00
T12S R23E S09 NESW	39.00	T12S R23E S09 NWSW 40.00
T12S R23E S09 SWSW	39.00	T12S R23E S09 SESE 38.00

939 ACRES TOTAL

Right Nos. 45-2519, 45-4048G, 45-13973A and 45-13973C are limited to the irrigation of a combined total of 939 acres in a single irrigation season.

This right is limited to the irrigation of 314 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: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is renumbered from former claim 45-13973.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

AF
JM
NBS