

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 23 2012

By _____ 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) ~~45-13973B~~, ~~45-13973C~~ & ~~45-13973D~~
) 45- 45 45
) STANDARD FORM 5
)
) STIPULATED ELEMENTS OF A
) WATER RIGHT

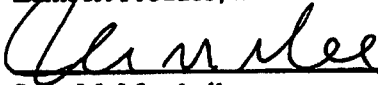
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

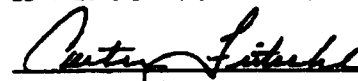
To resolve the objection, the whole of water right 45-13973 has been split and renumbered as water rights 45-13973A, 45-13973B, 45-13973C, and 45-13973D. The parties and IDWR agree and stipulate that the recommendation of water right 45-13973 remains disallowed. Water rights 45-13973A, 45-13973B, 45-13973C, 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

Date

Deputy Attorney General

Attorney for IDWR

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: 45-13973B

NAME AND ADDRESS: LAMBERT PRODUCE CO INC
PO BOX 561
BLACKFOOT ID 83221

SOURCE: WILLOW CREEK

TRIBUTARY: SINKS

QUANTITY: 8.400 CFS

Right Nos. 45-169, 45-695, 45-696, 45-701, 45-2053, 45-4258A, 45-13455, 45-13456, 45-13973B, 45-13973D and 45-13974 are limited to a total combined diversion rate of 33.48 cfs.

PRIORITY DATE: 03/15/1968

POINT OF DIVERSION:

T12S R23E S26 NESE Lot 2 Within CASSIA County

PURPOSE AND PERIOD OF USE:

PLACE OF USE:	PURPOSE OF USE		PERIOD OF USE		QUANTITY	
	IRRIGATION		03/15	11/15		8.400 CFS
IRRIGATION in CASSIA County	T12S R22E S24	NESE	40.00	T12S R22E S24	NWSE	32.00
	T12S R22E S24	SWSE	39.00	T12S R22E S24	SESE	41.00
	T12S R22E S25	NENE	41.00	T12S R22E S25	NWNE	39.00
	T12S R22E S25	SWNE	36.00	T12S R22E S25	SENE	31.00
	T12S R23E S15	NWNE	32.00	T12S R23E S15	SWNE	40.00
	T12S R23E S15	SENE	3.00	T12S R23E S15	NENW	34.00
	T12S R23E S15	SWNW	4.00	T12S R23E S15	SENW	34.00
	T12S R23E S15	NESW	3.00	T12S R23E S15	NWSW	35.00
	T12S R23E S15	SWSW	30.00	T12S R23E S15	SESW	2.00
	T12S R23E S15	NESE	36.00	T12S R23E S15	NWSE	38.00
	T12S R23E S15	SWSE	34.00	T12S R23E S15	SESE	32.00
	T12S R23E S16	NENE	32.00	T12S R23E S16	NWNE	34.00
	T12S R23E S16	SWNE	32.00	T12S R23E S16	SENE	38.00
	T12S R23E S16	NENW	41.00	T12S R23E S16	NWNW	41.00
	T12S R23E S16	SWNW	41.00	T12S R23E S16	SENW	40.00
	T12S R23E S16	NESW	41.00	T12S R23E S16	NWSW	41.00
	T12S R23E S16	SWSW	41.00	T12S R23E S16	SESW	41.00
	T12S R23E S16	NESE	40.00	T12S R23E S16	NWSE	22.00
	T12S R23E S16	SWSE	18.00	T12S R23E S16	SESE	37.00
	T12S R23E S17	NENE	41.00	T12S R23E S17	NWNE	41.00
	T12S R23E S17	SWNE	41.00	T12S R23E S17	SENE	41.00
	T12S R23E S17	NENW	41.00	T12S R23E S17	NWNW	41.00
	T12S R23E S17	SWNW	41.00	T12S R23E S17	SENW	41.00
	T12S R23E S17	NESW	41.00	T12S R23E S17	NWSW	41.00

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T12S R23E S17	SWSW	31.00	T12S R23E S17	SESW	41.00
T12S R23E S17	NESE	41.00	T12S R23E S17	NWSE	41.00
T12S R23E S17	SWSE	41.00	T12S R23E S17	SESE	41.00
T12S R23E S19	NENE	39.00	T12S R23E S19 Lot 1	NWNE	39.00
T12S R23E S19 Lot 2	SWNE	40.00	T12S R23E S19	SENE	39.00
T12S R23E S19	NESE	40.00	T12S R23E S19 Lot 3	NWSE	40.00
T12S R23E S19 Lot 4	SWSE	40.00	T12S R23E S19	SESE	40.00
T12S R23E S20	NENE	40.00	T12S R23E S20	NWNE	40.00
T12S R23E S20	SWNE	40.00	T12S R23E S20	SENE	40.00
T12S R23E S20	NENW	40.00	T12S R23E S20	NWNW	40.00
T12S R23E S20	SWNW	40.00	T12S R23E S20	SENW	35.00
T12S R23E S20	NESW	40.00	T12S R23E S20	NWSW	40.00
T12S R23E S20	SWSW	40.00	T12S R23E S20	SESW	40.00
T12S R23E S20	NESE	40.00	T12S R23E S20	NWSE	40.00
T12S R23E S20	SWSE	40.00	T12S R23E S20	SESE	40.00
T12S R23E S21	NENE	40.00	T12S R23E S21	NWNE	40.00
T12S R23E S21	SWNE	40.00	T12S R23E S21	SENE	40.00
T12S R23E S21	NENW	40.00	T12S R23E S21	NWNW	40.00
T12S R23E S21	SWNW	40.00	T12S R23E S21	SENW	40.00
T12S R23E S21	NESW	40.00	T12S R23E S21	NWSW	40.00
T12S R23E S21	SWSW	40.00	T12S R23E S21	SESW	40.00
T12S R23E S21	NESE	40.00	T12S R23E S21	NWSE	40.00
T12S R23E S21	SWSE	40.00	T12S R23E S21	SESE	40.00
T12S R23E S22	NENE	32.00	T12S R23E S22	NWNE	34.00
T12S R23E S22	SWNE	31.00	T12S R23E S22	SENE	32.00
T12S R23E S22	NENW	30.00	T12S R23E S22	NWNW	39.00
T12S R23E S22	SWNW	33.00	T12S R23E S22	SENW	39.00
T12S R23E S22	NESW	32.00	T12S R23E S22	NWSW	40.00
T12S R23E S22	SWSW	40.00	T12S R23E S22	SESW	33.00
T12S R23E S28	NENE	40.00	T12S R23E S28	NWNE	40.00
T12S R23E S28	SWNE	40.00	T12S R23E S28	SENE	40.00
T12S R23E S28	NENW	40.00	T12S R23E S28	NWNW	40.00
T12S R23E S28	SWNW	40.00	T12S R23E S28	SENW	40.00
T12S R23E S29	NENE	40.00	T12S R23E S29	NWNE	40.00
T12S R23E S29	SWNE	40.00	T12S R23E S29	SENE	40.00
T12S R23E S29	NENW	40.00	T12S R23E S29	NWNW	40.00
T12S R23E S29	SWNW	40.00	T12S R23E S29	SENW	40.00
T12S R23E S29	NESW	40.00	T12S R23E S29	NWSW	40.00
T12S R23E S29	SWSW	35.00	T12S R23E S29	SESW	38.00
T12S R23E S29	NESE	40.00	T12S R23E S29	NWSE	40.00
T12S R23E S29	SWSE	38.00	T12S R23E S29	SESE	38.00

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T12S R23E S30	NENE	40.00	T12S R23E S30 Lot 1 NWNE	40.00
T12S R23E S30 Lot 2 SWNE		33.00	T12S R23E S30	SENE 32.00

4983 ACRES TOTAL

Right Nos. 45-169, 45-13455 and 45-13973B are limited to the irrigation of 631.9 acres within the place of use described above in a single irrigation season.

Right nos. 45-169, 45-695, 45-696, 45-701, 45-2053, 45-4258A, 45-13455, 45-13973B and 45-13973D limited to the irrigation of 3742.9 acres within the place of use described above in a single irrigation season.

Right Nos. 45-169, 45-695, 45-696, 45-701, 45-2053, 45-4258A, 45-13455, 45-13973B, 45-13973D and 45-13974 are limited to the irrigation of 4147.9 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.

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

Right No. 45-13974 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

This right is renumbered from former claim 45-13973.

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