

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

Case No. 39576

Subcase No.: 45-13973
(Formerly Disallowed; Now
Recommended as 45-13973A,
~~45~~-13973B, ~~45~~-13973C & ~~45~~-13973D)
STANDARD FORM 5
STIPULATED ELEMENTS OF A
WATER RIGHT

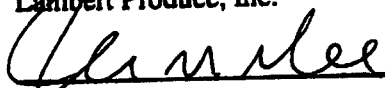
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

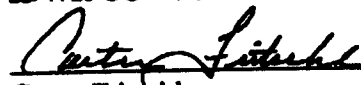
To resolve the objection, the whole of water right 45-13973 has been split and renumbered as water rights 45-13973A, 45-13973B, 45-13973C, and 45-13973D. The parties and IDWR agree and stipulate that the recommendation of water right 45-13973 remains disallowed. Water rights 45-13973A, 45-13973B, 45-13973C, 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: 45-13973C
NAME AND ADDRESS: LAMBERT PRODUCE CO INC
PO BOX 561
BLACKFOOT ID 83221
SOURCE: LAND CREEK TRIBUTARY: SINKS
QUANTITY: 6.490 CFS
PRIORITY DATE: 03/15/1970
POINT OF DIVERSION: T12S R23E S9 NENW Within CASSIA County
T12S R23E S9 NENW Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	6.490 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	SESW	40.00
T12S R23E S08	NESW	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	SESW	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.

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 point of diversion pursuant to Section 42-1425, Idaho Code.

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

This right is renumbered from former claim 45-13973.

Handwritten initials: NBS