

08/26/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-14097
NAME AND ADDRESS: LOMBARD LAND & LIVESTOCK LLC
3590 N BALLANTYNE LN
EAGLE ID 83616
SOURCE: UNNAMED STREAM TRIBUTARY: GRAYS LAKE OUTLET
QUANTITY: 1.480 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 10/31/1902
POINT OF DIVERSION:

T03S R43E S21 SESWNE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	1.480 CFS
STOCKWATER	01/01 12/31	0.070 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03S R43E S28	SWNE	2.1	T03S R43E S28	SENE	32.0
T03S R43E S28	NESW	39.0	T03S R43E S28 Lot 4	NWSW	27.0
T03S R43E S28 Lot 2	SESW	14.0	T03S R43E S28	NWSE	19.0
T03S R43E S28 Lot 1	SWSE	2.7	T03S R43E S29 Lot 1	NESE	18.0

STOCKWATER same as IRRIGATION

153.8 ACRES TOTAL

Use of this right with Right No. 25-229B is limited to the irrigation of a combined total of 153.8 acres in a single irrigation season.

This right is limited to the irrigation of 73.8 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

Source is known locally as Herman Creek and was referred to as Myers Creek in the case of Rexburg Irrigation et al versus Teton Irrigation et al.

Right No. 25-229B is also diverted through point of diversion described above.

Stockwater use is for 300 range cattle.

Water Right 25-14097

SCANNED

OCT 14 2004

FILED

08/26/2004

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-14097

LOMBARD LAND & LIVESTOCK LLC

3590 N BALLANTYNE LN

EAGLE ID 83616

Telephone Number: (208) 863-9777

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X

I AGREE with this proposed recommendation: no changes need to be made.

DATE:

11.22.04

SIGNATURE:

Ernest J. Lombard

Please print your name:

ERNEST J. LOMBARD

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

NOV 29 2004

Department of Water Resources
Eastern Region

PROFILED

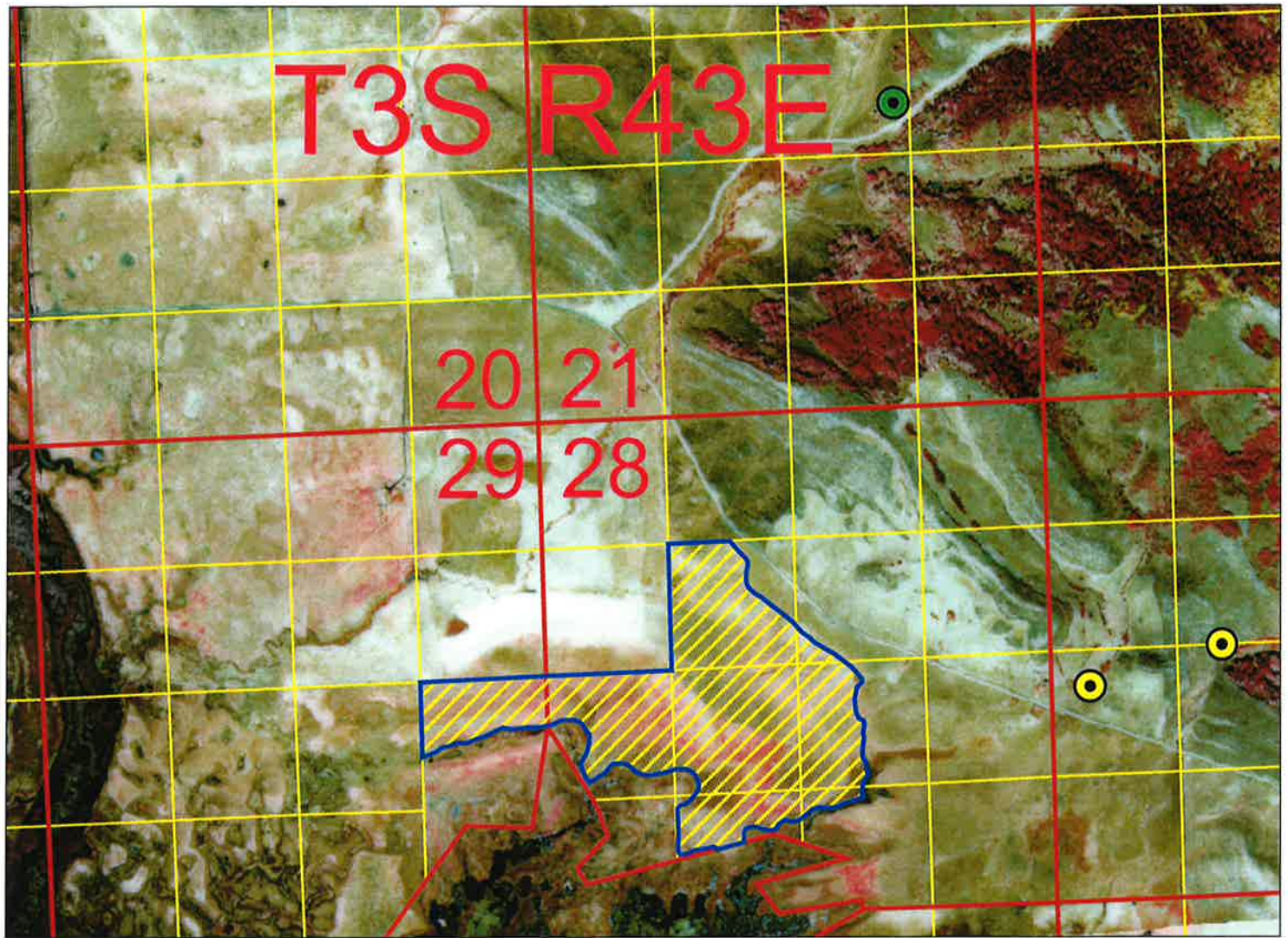
SCANNED

DEC 03 2004



Department of Water Resources

Claim No.: 25-14097



0 1 2 Miles

-  Point of diversion
-  Place of use
-  Sections
-  QQ

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OCT 1 2004

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GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: August 2004

Idaho Department Of Water Resources
Adjudication Bureau
Boise, Idaho 83720-9000

November 28, 2003

To Whom It May Concern:

I Tessie Lombard have lived in Idaho most of my life. I will be ninety-seven years old on Dec 12, 2003. When I married Ernest A. Lombard in 1939 I was introduced to the Grays Lake Valley. I have lived there during the summer since that time. Over the years my husband and I acquired a number of properties at the north end of Grays Lake. Namely the original Herman Wakeman Ranch, the Moses Wakeman Ranch and the John Madsen Ranch.

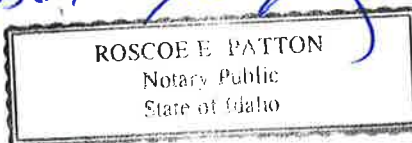
The one thing that I noted (saw) on my first visit to the valley in 1939 was how green it was and the irrigation-taking place on each of the above-mentioned properties.

I told my husband if we ever get a chance during our lifetime we should buy each of these ranches. We did just that buying from the original homesteaders heirs. I have had a good life mostly because of my love for Gray's Lake and the ranches around it. My property there is now in the hands of my children.

Tessie Lombard

Tessie Lombard

Witnessed by Roscoe E. Patton
11-28-03



My Commission expires
JULY 18, 2006

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OCT 14 2004

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Idaho Falls, Idaho
January 10th, 2004

Mr. Ernest J. Lombard
Eagle, Idaho 83616

Dear Mr. Lombard

In answer to your request for information on irrigation water use on the property you own at Grays Lake, see information below.

The Collins Livestock Company operated the ranch you own located at Herman, Idaho from 1913 to 1934, the original Homestead of Herman Wakeman, referred to locally as the 'Stillman Ranch'. During this time I saw my father irrigate the property with water from Herman creek.

I leased the above described property in 1951 and did the irrigation myself.

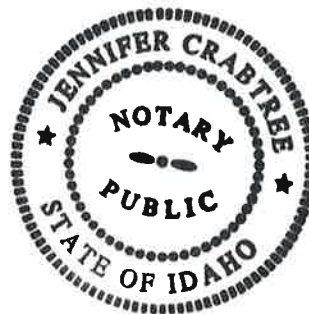
In 1952, my Brother and I leased a part of the original Mose Wakeman ranch owned by Ernest Lombard and John Handia and at that time I saw Handia irrigating the meadow land with water from a ditch leading to a stream diversion in Herman canyon.

During the crop year of 1951 Robert and Charles Collins harvested the hay crop on the John Madsen ranch in partnership with Joe Johnson and Dortha Madsen Johnson (widow of John Madsen). I saw Johnson irrigating the hay meadows using water from ditches.

Very truly yours,

Robert A. Collins
2680 Homestead Lane
Idaho Falls, Idaho 83404

Jennifer Crabtree
notary public
9/23/09



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OCT 14 2004

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THIS INDENTURE, made this 1st day of September in the year of our Lord, One Thousand Nine Hundred and Fifty-four

GRACE POWELL, a widow, State of California
County of Los Angeles
the part of the first part, and ERNEST LOMBARD AND TESSIE LOMBARD, his wife, and
JEAN HANDL, a single person,
Pasadena

County of _____, State of _____
of _____, State of _____
the part of the second part:
WITNESSETH: That the said part of the first part, for and in consideration of the sum of _____ DOLLARS,
THIRTY-FIVE THOUSAND AND NO/100 _____ in hand paid by the said part of the
lawful money of the United States of America, to her in hand paid by the said part of the
second part, the receipt whereof is hereby acknowledged do as by these presents, Grant, Bar-
gain, Sell and Convey and Confirm unto said part of the second part, and to their heirs
and assigns forever: All that certain lot or parcel or parcels of land situate, lying and
being in the County of Bonneville
State of Idaho, bounded and more particularly
described as follows, to-wit:

The E $\frac{1}{2}$ of the E $\frac{1}{2}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 3 South
Range 43 East of the Boise Meridian.

The NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 24, Township 3 South
Range 43 East of the Boise Meridian.

The S $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 27, Township
3 South, Range 43 East of the Boise Meridian.

The NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the E $\frac{1}{2}$
of the SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and Lots 1, 2, 3, 4 of Section
28 Township 3 South Range 43 East of the Boise Meridian.

Lot 1, Section 29, Township 3 South, Range 43 East of the Boise Meridian.

Together with all ditch, water, and water rights.

SUBJECT to taxes for the year 1954 and all subsequent years and all
liens created by the Purchasers and acts of the purchasers.

SUBJECT to right of way over the following described property, dated July 5, 1945, by
and between Grace I. Powell, a widow, and the United States of America, recorded Novem-
ber 20, 1945, in Book 52 of Deeds, at page 69, records of Bonneville County, Idaho.

Situated in _____ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 24, and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sect 21, Tp. 3 S. R. 43 E. B.M.
Together with all and singular, the tenements, hereditaments and appurtenances thereunto belong-
ing or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and
privileges thereunto incident unto the said part of the second part, and to their heirs and
assigns forever and the said part of the first part, and their heirs and assigns
warrant the said premises in the quiet and peaceable possession of the said part of the second part,
their heirs and assigns against the said part of the first part, and their heirs and assigns and
against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and
will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part of the first part has hereunto set her hand
and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Grace Powell, [SEAL]
[SEAL]
[SEAL]
[SEAL]



Bushrod Wilson
TO
Moses H. Wakeman

This Indenture, made the 30th day of December in the year of our Lord one thousand nine hundred and two (1902) between

Bushrod Wilson of the County of Bingham and State of Idaho the part Y of the first part, and Moses H. Wakeman of the County of Bingham and State of Idaho the part Y of the second part,

Witnesseth, That the said part Y of the first part, for and in consideration of the sum of Nine hundred DOLLARS, lawful money of the United States of America, to him in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, sell, bargain and convey and confirm unto the said part Y of the second part, and to his heirs and assigns forever, all the certain lot, piece or parcel of land situate, lying and being in the County of Bingham, and State of Idaho, and bounded and described as follows, to-wit

The Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of section twenty eight (28) of township three (3) south, of range forty three (43) east of the Boise Meridian, and one Half of all the water flowing in what is known as Mayers Creek and now used upon said land, and the Northeast quarter (NE $\frac{1}{4}$) and the southwest quarter (SW $\frac{1}{4}$) and lots two (2) three (3) and four (4) of section twenty eight (28) and lot one (1) of section twenty nine (29) in township three (3) south of range forty three (43) east of the Boise Meridian, in all two hundred acres (200) more or less.

Together With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the rents, issues and profits thereof.

To Have and to Hold, All and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said part Y of the second part, and to his heirs and assigns forever, and the said part Y of the first part and his heirs, and the said premises in a quiet and peaceable possession of the said part Y of the second part, his heirs and assigns, against the said part Y of the first part and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

In Witness Whereof, The said part Y of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of
J. Ed Smith
C. Keplinger
Bushrod Wilson
SEAL
SEAL
SEAL
SEAL

STATE OF IDAHO }
COUNTY OF BINGHAM } ss.

I do hereby certify that: On this 30th day of December in the year of 1902, before me A. V. Scott, a Notary Public in and for said County and State, personally appeared Bushrod Wilson known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal at Idaho Falls, Idaho the day and year first above written.

A. V. Scott,
Notary Public

Seal.
My commission expires June 14, 1903

Recorded at request of G. C. Gray February 27th 1904 at 9:08 a. m.
Recorder's fees, \$ By Geo. F. Gagon
F. D. Hilliard
Deputy Recorder.

(From Book Three of Deeds, Page 99)

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 RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 25-14097
Date Received: 7/28/2004
Receipt No: E030084
Received By: MWH

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

1. Name of Claimant(s)

LOMBARD LAND & LIVESTOCK LLC Phone: (208) 863-9777
3590 N BALLANTYNE LN
EAGLE ID USA 83616

2. Date of Priority: 07/01/1886

3. Source: HERMAN CREEK Trib. to: GRAYS LAKE OUTLET

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	43E	21	SE SW NE	BONNEVILLE	

5. Description of diverting works:

ROCK DAM IN CREEK TO DITCH FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	12.08	
STOCKWATER	01/01	12/31	0.07	

7. Total Quantity Appropriated is:
12.15 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03S	43E	20	SE SE	IRRIGATION	38

Section Acres 38 **SCANNED**
OCT 14 2004

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03S	43E	21	NE	SW		IRRIGATION	14
			SW	SW		IRRIGATION	28
			SE	SW		IRRIGATION	1
			NW	SE		IRRIGATION	13
					Section Acres		56
03S	43E	27	NW	SW		IRRIGATION	17
			SW	SW		IRRIGATION	20
					Section Acres		37
03S	43E	28	NE	NW		IRRIGATION	10
			NW	NW		IRRIGATION	39
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	33
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	38
			SW	SW	3	IRRIGATION	15
			SE	SW	2	IRRIGATION	20
			NE	SE		IRRIGATION	32
			NW	SE		IRRIGATION	40
			SW	SE	4	IRRIGATION	40
			SE	SE		IRRIGATION	40
					Section Acres		387
03S	43E	29	NE	NE		IRRIGATION	40
			NE	SE	1	IRRIGATION	40
			SE	SE	1	IRRIGATION	6
					Section Acres		86
					Total Acres		604

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Stockwater use is for 300 range cattle.

15. Basis of Claim: Beneficial Use

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

Number of attachments: 4

For Organizations:

I do solemnly swear or affirm that I am OWNER/DIRECTOR of

LOMBARD LAND & LIVESTOCK LLC Title

Organization that I have signed the foregoing document in the space below as OWNER/DIRECTOR of

LOMBARD LAND & LIVESTOCK LLC Title

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

[Signature]
Signature of Authorized Agent

OWNER/DIRECTOR
Title and Organization

7.28.04
Date

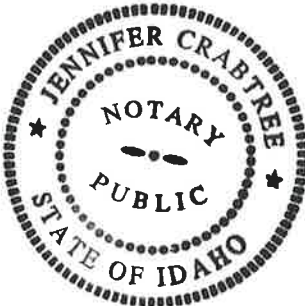
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28
of July 2004

Jennifer Crabtree
Notary Public

Residing at Idaho Falls, ID

My commission Expires 9/23/09



SCANNED

OCT 14 2004

FILED