

**ADJUDICATION
BACKFILE
SCANNED AS OF
JUNE 21, 2019**

Misty Pettis

08/20/2004

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

RIGHT NUMBER: 25-12923

NAME AND ADDRESS: LOMBARD LAND & LIVESTOCK LLC
3590 N BALLANTYNE LN
EAGLE ID 83616

SOURCE: WILLOW CREEK

TRIBUTARY: GRAYS LAKE

QUANTITY: 3.500 CFS

PRIORITY DATE: 10/31/1904

POINT OF DIVERSION:

T03S R43E S35 SWSWNW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
05/01 10/31

QUANTITY
3.500 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T03S R43E S33 Lot 1 NENE	22.0	T03S R43E S33 Lot 2 NWNE	3.5
T03S R43E S34 NWNE	5.8	T03S R43E S34 SWNE	37.0
T03S R43E S34 SENE	2.8	T03S R43E S34 NENW	0.5
T03S R43E S34 NWNW	32.0	T03S R43E S34 Lot 1 SWNW	16.0
T03S R43E S34 SENW	34.0	T03S R43E S34 Lot 2 NESW	19.0
T03S R43E S34 NWSE	2.0		

174.6 ACRES TOTAL

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: Beneficial Use

Water Right 25-12923

SCANNED

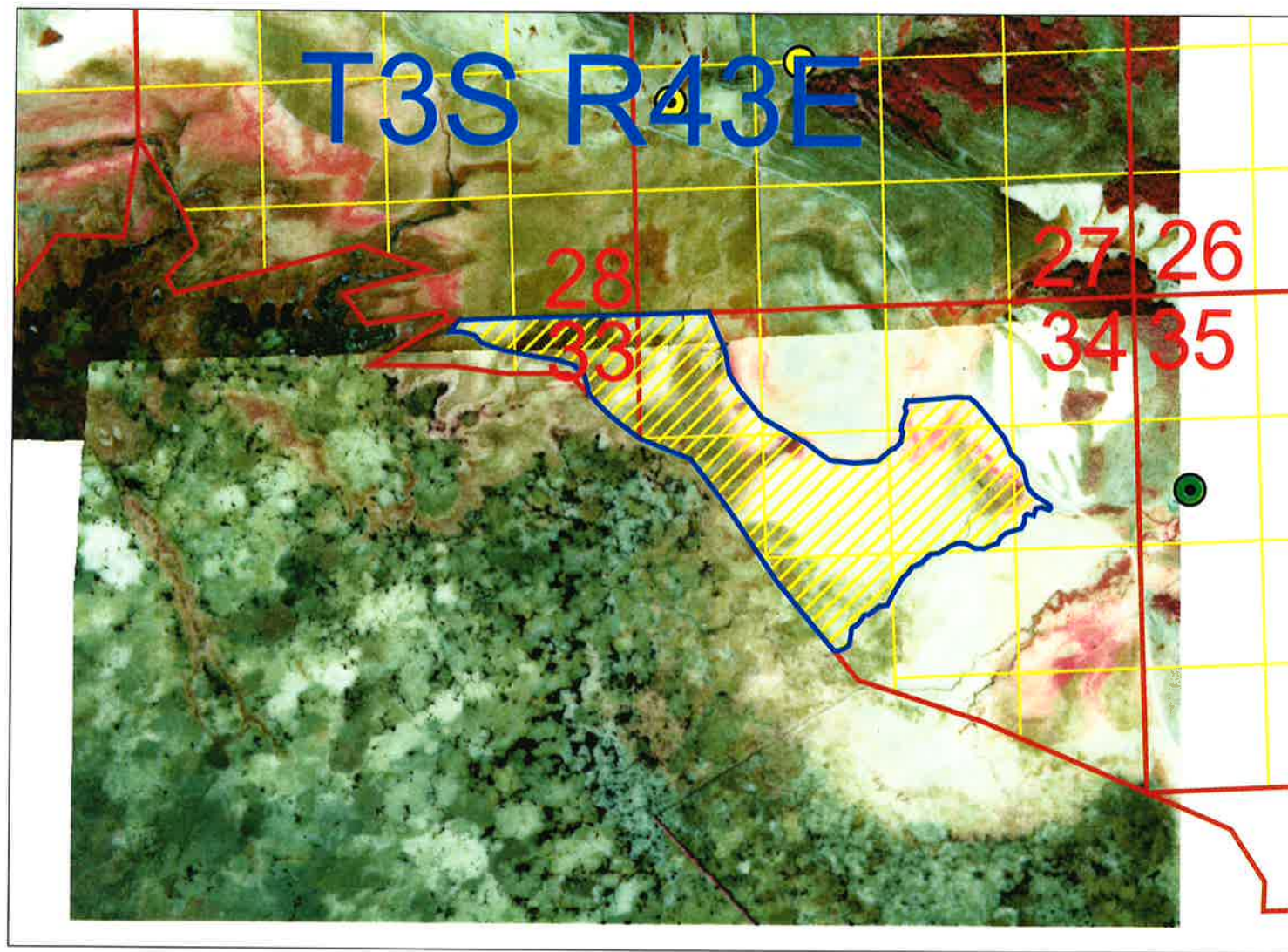
OCT 27 2004

PROFILED



Department of Water Resources

Claim No.: 25-12923

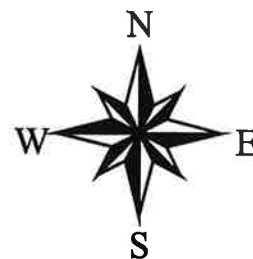


0 1 2 Miles

-  Place of Use
-  Point of diversion
-  Sections
-  QQ

SCANNED
OCT 27 2004

PROFILED

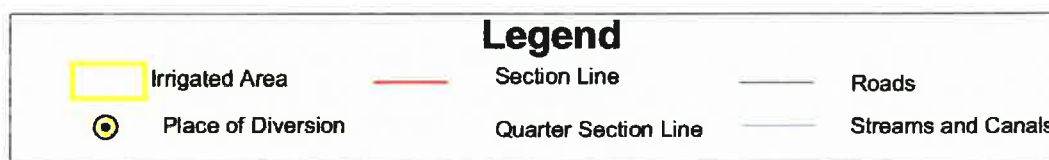
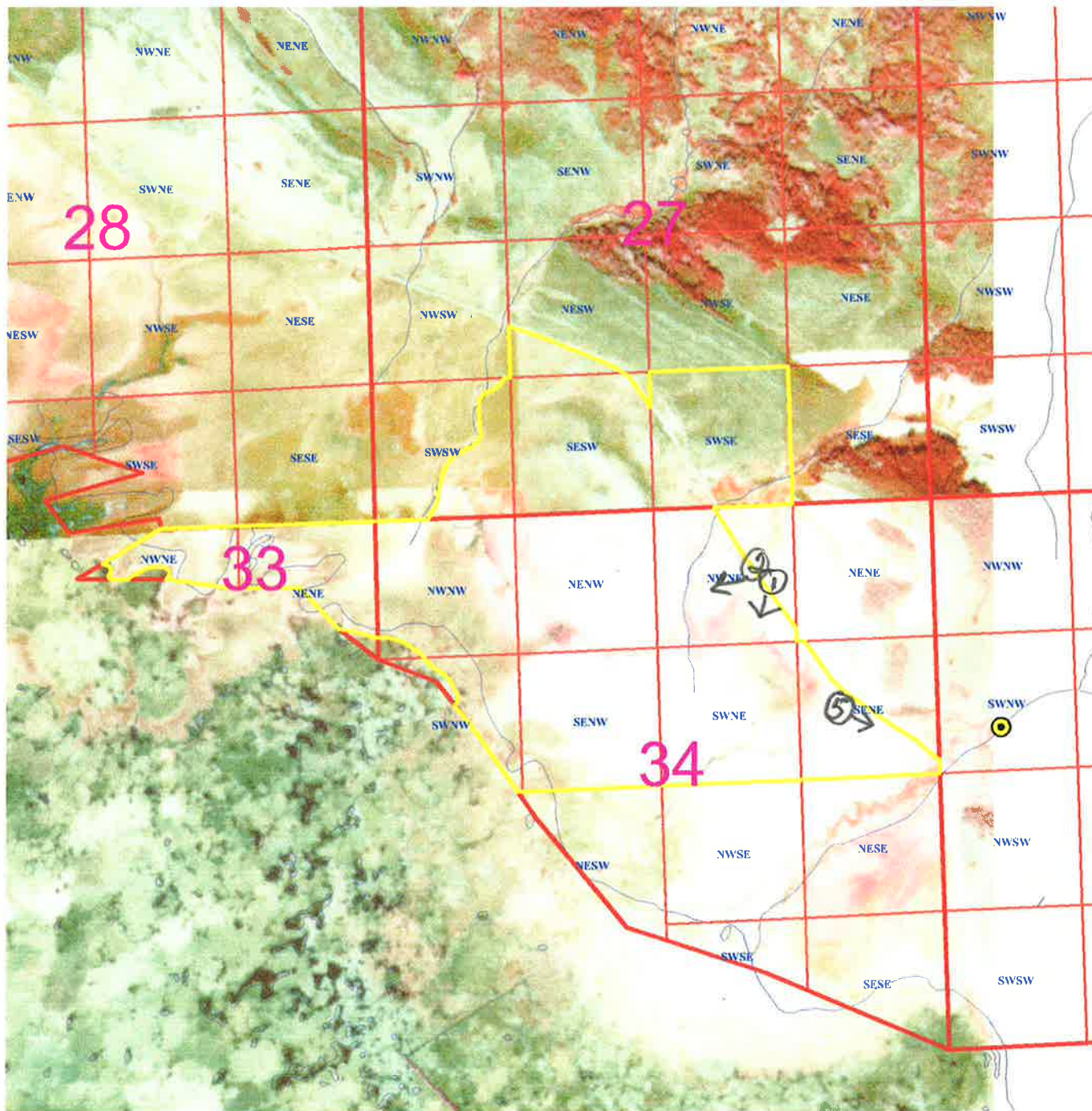


GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: June 2004

Water Right Claim Number 25-12923

Townships , 3S43E, 4S43E

11/10/2000



1000 0 1000 2000 3000 Feet

SPATIAL
DYNAMICS



2005 SEP 02 AM 09:34
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	NOTICE SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NO: 25-12923

The Initial Hearing for this subcase will be held before
Special Master BRIGETTE BILYEU

TUESDAY, SEPTEMBER 27, 2005 at 01:30 PM
BONNEVILLE COUNTY COURTHOUSE
605 NORTH CAPITAL AVE
IDAHO FALLS, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
SEPTEMBER 23, 2005 or hearing will not be vacated.

Dated: SEPTEMBER 02, 2005

/S/ JANET CONNELL
Deputy Clerk
Snake River Basin Adjudication

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

Page 1 9/02/05

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING SUBCASE(S) FOR INITIAL HEARING was mailed on SEPTEMBER 02, 2005, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

LOMBARD LAND & LIVESTOCK LLC
3590 N BALLANTYNE LN
EAGLE, ID 83616

RECEIVED

JUN 24 2005

DEPARTMENT OF
WATER RESOURCES

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)

A. Subcase 25-12923

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING

Address: 911 NE 11TH AVE
PORTLAND, OR 97232-4181

Daytime Phone: (503) 231-6251

Name & Address of Attorney, if any:

JAMES DUBOIS,
U.S. DEPARTMENT OF JUSTICE
999 18 STREET - N TOWER
DENVER, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: LOMBARD LAND & LIVESTOCK LLC
Address: 3590 N. BALLANTYNE LN
EAGLE, ID 83616

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 3.45 CFS
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____

9. ☒ **Place of Use**
Should be: IRRIGATION Within BONNEVILLE County

T03S R43E S33 Lot 1 NENE	22.0	T03S R43E S33 Lot 2 NWNE	3.5
T03S R43E S34 NWNE	5.8	T03S R43E S34 SWNE	37.0
T03S R43E S34 SENE	2.8	T03S R43E S34 NENW	0.5
T03S R43E S34 NWNW	32.0	T03S R43E S34 Lot 1 SWNW	16.0
T03S R43E S34 SENW	34.0	T03S R43E S34 Lot 2 NESW	19.0
<u>172.6 ACRES TOTAL</u>			

- 10 ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): Quantity: The Director's Report awarded a total of 174.6 acres under this claim. The total acres associated with this claim should be 172.6 acres. At the standard rate of 0.02 cfs per acre, the allowable rate should be 3.45 cfs. Place of Use: The Place of Use awarded in the DR includes 2 acres of land currently owned by the U.S. Fish and Wildlife Service. The 2 acres owned by U.S. Fish and Wildlife Service, located in T03S R43E S34 NWSE, should be excluded from the claim. See attached map. These acres are not irrigated as part of claim 25-12923, but are irrigated under claim 25-14096. These lands have been fenced off for use by the refuge. See attached map.

F.

VERIFICATION

State of Colorado)

County of Denver)

ss.

James J. DuBois, duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

KELLY A. JOHNSON
Acting Assistant Attorney General

By:

James J. DuBois
JAMES J. DUBOIS, #13206
U.S. Department of Justice
Environment and Natural
Resources Division
General Litigation Section
999 18th Street, Suite 945
Denver, Colorado 80202
(303) 312-7341

ATTORNEY FOR THE
UNITED STATES OF AMERICA

Subscribed and sworn to before me on :

June 21, 2005



My Commission Expires 8/23/2008

Eileen G Rutherford
Notary Public for State of Colorado
Residing at: 1255 Keota Lane, Superior Co 80027
My Commission Expires: 8/23/2008

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June 21, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID 83301

2. One copy to the claimant of the water right at the following address:

Lombard Land & Livestock LLC
3590 N. Ballantyne Ln.
Eagle, ID 83616

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

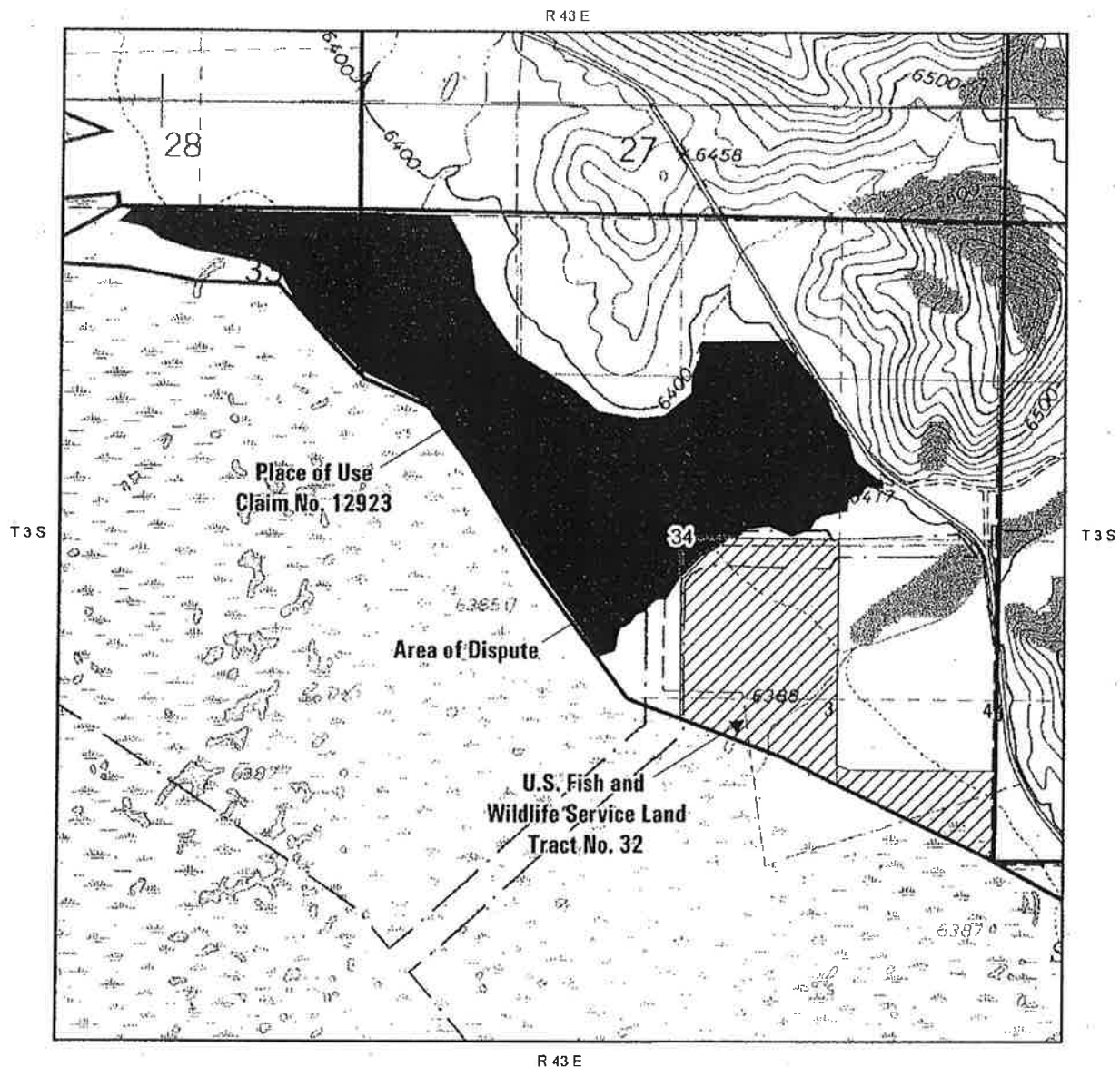


Signature of attorney mailing on
Objector's behalf



U.S. Fish & Wildlife Service
Grays Lake National Wildlife Refuge
Bonneville County, Idaho

U.S. Fish and Wildlife Service's Objection to Claim Number 25-12923



THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

Claim25-12923_Objection.MXD, 5/30/05

0 0.1 0.2 Miles
0 0.1 0.2 Kilometers
1:15,000 BOISE MERIDIAN

Water Resources Branch
R1 Division of Engineering
911 NE 11th Avenue
Portland, OR 97232-4191
503-231-6261



06/30/2004

**NOTICE OF ERROR
REPLY**

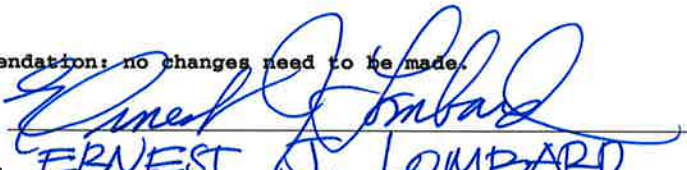
Please type or print clearly, fill out this form completely and mail.

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: 25-12923
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: 11.04.22 SIGNATURE: 
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

SCANNED

DEC 03 2004

PROFILED

THE UNITED STATES OF AMERICA.

To all to whom these Presents shall come, Greeting:

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho

whereby it appears that, pursuant to the Act of Congress approved April, May, 1862, "To secure Homesteads to actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

Alvin W. Brown

has been established and duly consummated, in conformity to law, for the South half of the North-East quarter, the South-East quarter of the North-West quarter, and the lot numbered two of section thirty four in township three South of Range forty-three East of Base Meridian in Idaho containing one hundred and forty-eight acres and thirty hundredths of an acre.

According to the Official Map of the Survey of said Land, returned to the General Land Office by the Engineer General

Now know ye that there is, therefore, granted by the United States unto the said Alvin W. Brown

the tract of Land above described. To have and to hold the said tract of Land with the appurtenances thereof, unto the said Alvin W. Brown, heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be necessary and acknowledged by the land owners, heirs, and devisees of mine, and also subject to the right of the proprietor of a mine or hole to extend and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted as provided by law, and there is reserved from the lands hereby granted a right of way therein for ditches or canals, constructed by the authority of the United States.

In testimony whereof, Theodore Roosevelt President of the United States of America, have caused these letters to be made Patent, and this seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the fifteenth day of December, in the year of our Lord one thousand nine hundred and two



Independence of the United States, the one hundred and thirty-second

By the President, J. Roosevelt

J. M. Dwyer
C. H. Bush

Secretary

Recorder of the General Land Office

12/15/1902

THE UNITED STATES OF AMERICA

Be all to whom these Presents shall come, Greeting:

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot Idaho

dated 27th May, 1862, "To secure Homesteads to actual Settlers on the Public Domain," and the acts supplemental thereto, the name of John P. Madden

has been established and duly consummated, in conformity to law, for the Lots numbered one and two of Section thirty-three and the Lot numbered one and the North half of the North West quarter of Section thirty-four in Township three South of Range forty-three East of 13th Meridian in Idaho, containing one hundred and thirty-four acres and ninety-five hundredths of an acre.

according to the Official Plot of the Survey of said Land returned to the General Land Office by the Survey General.

Now know ye that there is, therefore, granted by the United States unto the said

John P. Madden

the said of Land above described. To have and to hold the said part of Land with the appurtenances thereto, unto the said

John P. Madden

and to his

heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the possessor of a vein or lode to extract and remove the ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof, I Abraham Lincoln (President of the United States of America, have caused these letters to be signed "Abraham Lincoln" and the seal of the General Land Office to be hereunto affixed.



Given under my hand at the City of Washington, the first day of March, in the year of our said one thousand nine hundred and seventy, and of the Independence of the United States the one hundred and thirty eighth.

By the President,

(Signature)

John P. Madden

Secretary

John P. Madden

Register of the General Land Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	25-229	☐			☐
	25-2092	☐			☐
	25-12923	☐			☐
		☐			☐
		☐			☐

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Tessie Lombard

4. New Owner/Claimant(s)

Rt 1 Eden, ID 83325

Lombard Land & Livestock LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

3590 N Ballantyne Ln

City, State and ZIP Code

Eagle ID 83616

New Telephone Number

() _____

5. Date you acquired the property

FILED

SCANNED

OCT 27 2004

done
8C
5/23/03

MAKE CHECK PAYABLE TO:
BONNEVILLE COUNTY
MARK HANSEN TAX COLLECTOR
605 N CAPITAL AV
IDAHO FALLS ID 83402

2002 TAX BILL/RECEIPT

BILL# 48485 CODE AREA 62-00 L

PARCEL NUMBER
RP03S43E343601A
7,018

1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV	7,018
TAX 35.74	TAX 35.74	TAX 71.48		
LATE	LATE	LATE		
INT	INT	INT		
COST	COST	COST		
TOT	TOT	TOT	WAC	16.750
			TOT ACS	28.300

LOMBARD LAND & LIVESTOCK LLC
3590 N BALLANTINE LN
EAGLE ID 83616

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.004346074	30.50
GEN SCHOOL	.000000000	
# 150 SCHOOL	.005839811	40.98
AMOUNT DUE	.010185885	71.48

LOTS 1-2,
SEC 34, T 3S, R 43 (BG)

PROFILED
SCANNED

OCT 27 2004

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

BONNEVILLE COUNTY

MAKE CHECK PAYABLE TO:
BONNEVILLE COUNTY
MARK HANSEN TAX COLLECTOR
605 N CAPITAL AV
IDAHO FALLS ID 83402

2002 TAX BILL/RECEIPT

BILL# 48484 CODE AREA 62-00

PARCEL NUMBER
RP03S43E340601A
42,560
1,870

1ST HALF DUE		2ND HALF DUE	
TAX	226.28	TAX	226.28
LATE		LATE	
INT		INT	
COST		COST	
TOT		TOT	

FULL DUE	
TAX	452.56
LATE	
INT	
COST	
TOT	

TOT MV	44,430
WAC	2.400
TOT ACS	215.600

LOMBARD LAND & LIVESTOCK LLC
3590 N BALLANTINE LN
EAGLE ID 83616

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.004346074	193.10
GEN SCHOOL	.000000000	
# 150 SCHOOL	.005839811	259.46
AMOUNT DUE	.010185885	452.56

W1/2 NE1/4,
SE1/4 NE1/4 S ROAD,
E1/2 NW1/4, NW1/4 NW1/4,
SEC 34, T 3S, R 43 (BG) (BG05)

PROFILED

SCANNED

OCT 27 2004

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

BONNEVILLE COUNTY

25-12923

1/13/2004

In June of 1935 I personally observed the irrigation of the land described as the Madsen Ranch. The land being irrigated was on both sides of Willow Creek and is comprised of most of section 34 and a portion of sections 27 and 33 of T03S R43E. This land belonged to John P. Madsen and Leonard Madsen. I was harvesting hay for John at the time.

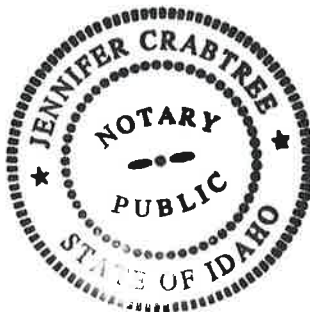
Robert A. Collins

Robert A. Collins

1-13-04

The above person appeared
before me on 1-13-04.
Jennifer Crabtree

Jennifer Crabtree
notary public
expires 9/23/09



SCANNED

OCT 27 2004

PROFILED

25-12923

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 Patton
11-28-03

ROSCOE E. PATTON
Notary Public
State of Idaho

*my Commission expires
JULY 18, 2006*

SCANNED

OCT 27 2004

PROFILED

A25-12923 Summary 11/11/03

General Comments Please see A25-00229 for comments general to all Lombard claims.

This is a beneficial use right that is acknowledged by neighbors Gary Mann and Reed Humphries. Mann does not claim a water right from this source. Humphries claims A25-

Ownership Appears to be correct.

POB Waypoint 23, 712,418E 227,246N IDTM. Layout seems to have POB too far east.

POU Claim does not show quite as much area as my sketch (area "B2" on map in A25-00229). The tax notices do not appear to include the extra area I sketched but my sketch was based on what the claimant showed me. This may relate to the disputed property line between claimant and USFWS.

A25-12923 Summary p2 11/11/03

Staff regarding property, like inviting amended claim it appropriate.

Overlap West end may overlap w/ A25-00229. See overlap notes in that summary.

Conflict No conflict w/ Humphries. Humphries asserted they share water on an equal-priority basis (though Lombard has higher Q) and Lombard confirmed this. I don't know what conflict may appear w/ USFWS claims.

Priority No evidence in file. Claimant plans to send affidavits from his mother Tessie Lombard, Mr. Humphries, and a Mr. Collins. It will be important to recommend equal priority w/ Humphries.

Quantity Humphries acknowledges relative Q of his right and this right. Manning's calculation gave unreasonable results but culvert calculation confirms capacity for claimed Q. Acreage appears adequate for claimed Q.

PROFILED

A25-12923 Summary p 3 11/11/03

Water use As claimed.

List of Photos

A25-12923-1.jpg . POC from point ① on layout, looking SW

A25-12923-2.jpg POC from same point as photo 1, looking NW

A25-12923-3.jpg POC from another location, I think south of #152. Looking generally west from the road.

A25-12923-4.jpg POC. Culvert carries water to the stream bed, the ditch goes to the right.

A25-12923-5.jpg Mannings location looking upstream, ⑤ on layout

Joyce A. Carter

10 9 8 7 6 5 4 3 2 1

12923-725A



Right edge water

* Claimant says in the spring the ditch runs absolutely bare full but this does not seem sustainable so I have assumed ≈ 0.34 ft freeboard which seems to match the sphil bar's full at (D).

SCANNED
OCT 27 2004

Right edge bank full

PROFITED

Water Resources
Field Services
208 663 4667

A25-12923 Manning's p2 11/11/03

$$A \quad \frac{(3.77 - 3.74) + (3.90 - 3.74)}{2} \times (10 - 9) = 0.095 \text{ ft}^2$$

$$B \quad \frac{(3.90 - 3.74) + (4.54 - 3.74)}{2} \times (9 - 8) = 0.480$$

$$C \quad \frac{(4.54 - 3.74) + (4.59 - 3.74)}{2} \times (8 - 7.7) = 0.413$$

$$D \quad \frac{(4.59 - 3.74) + (5.03 - 3.74)}{2} \times (7.7 - 7.5) = \cancel{0.535} \quad 0.214$$

$$E \quad \frac{(5.03 - 3.74) + (5.14 - 3.74)}{2} \times (7.5 - 7.0) = 0.673$$

$$F \quad \frac{(5.14 - 3.74) + (5.81 - 3.74)}{2} \times (7.0 - 6.5) = 0.868$$

$$G \quad \frac{(5.81 - 3.74) + (5.86 - 3.74)}{2} \times (6.5 - 6.0) = 1.0475$$

$$H \quad \frac{(5.86 - 3.74) + (6.05 - 3.74)}{2} \times (6.0 - 5.5) = 1.108$$

$$I \quad \frac{(6.05 - 3.74) + (5.88 - 3.74)}{2} \times (5.5 - 5.0) = 1.113$$

$$J \quad \frac{(5.88 - 3.74) + (5.89 - 3.74)}{2} \times (5.0 - 4.5) = 1.073$$

$$K \quad \frac{(5.89 - 3.74) + (5.52 - 3.74)}{2} \times (4.5 - 4.0) = 0.983$$

PROFILE

Water Resources
Field Services
208 663 4667

SCANNED

OCT 27 2004

PROFILED

OCT 27 2004

SCANNED

A	1'
B	1.1 ft
C	0.3 ft
D	0.5 ft
E	0.5 ft
F	0.8 ft

G	0.5 ft
H	0.55 ft
I	0.6 ft
J	0.5 ft
K	0.6 ft
L	0.5 ft
M	0.55 ft

N	0.40
O	0.28 ft
P	0.40 ft
Q	0.60 ft
R	0.42 ft
S	0.60 ft
Z	10.7 ft

Method: Perimeter measured w/ ruler

$$\Sigma = 11.17 \text{ ft}$$

$$0.063$$

$$0.119$$

$$0.350$$

$$0.197$$

$$0.239$$

$$0.423$$

$$0.825$$

$$0.885 \text{ ft}$$

$$S = \frac{(3.99 - 3.74)^2}{(1.5 - 1.0)} =$$

$$R = \frac{(4.28 - 3.74)^2}{1.8} + \frac{(3.99 - 3.74)^2}{1.5} =$$

$$Q = \frac{(4.60 - 3.74)^2}{1.8} + \frac{(4.28 - 3.74)^2}{1.8} =$$

$$P = \frac{(4.85 - 3.74)^2}{2.3} + \frac{(4.60 - 3.74)^2}{2.3} =$$

$$O = \frac{(5.02 - 3.74)^2}{2.7} + \frac{(4.85 - 3.74)^2}{2.7} =$$

$$N = \frac{(5.28 - 3.74)^2}{3.0} + \frac{(5.02 - 3.74)^2}{3.0} =$$

$$M = \frac{(5.50 - 3.74)^2}{3.5} + \frac{(5.28 - 3.74)^2}{3.5} =$$

$$L = \frac{(5.62 - 3.74)^2}{4.0} + \frac{(5.50 - 3.74)^2}{4.0} =$$

A25-12923 Mannings p 3 11/11/03

A25-12923 Manning's Calc p 4

11/11/03

$$\text{Area} = 11.17 \text{ ft}^2$$

$$\text{WP} = 10.7 \text{ ft}$$

$$\text{HR} = \text{Area} / \text{WP} = 11.17 \text{ ft} / 10.7 \text{ ft} = 1.044 \text{ ft}$$

Slope



$$\frac{(0.20 + 0.15) - 0.26}{26} = 0.0035$$

Manning's n from Perry Civil Engineering 1959

earth, some weeds 0.025 - 0.030

earth, dense weeds 0.030 0.040

earth, cobble bottom 0.030 0.040

rock, jagged 0.040 0.045

0.035 seems a reasonable mid range.

A25-12923 Manning's Calc. p5 11/11/03

$$Q = \frac{1.486}{n} A R^{2/3} S^{1/2} \quad (\text{Bureau Rec.})$$

Water Meas. manual
p 170

$$Q = \frac{1.486}{0.035} (11.17) (1.044)^{2/3} (0.0035)^{1/2}$$

$$= 29 \text{ cfs.}$$

This is unreasonable high. The water comes under the road in what appears to be a 24" culvert. There is some washing but not much, 3 feet/second is a likely velocity $Q = AV = \pi(1^2)(3 \text{ ft/s}) = 9.4 \text{ ft}^3/\text{s}$

Water Resources
Field Services
208 663 4667

Water Resources
Field Services
208 663 4667

PROFILED

SCANNED
OCT 27 2004

LEFT BANK FULL
(up stream)
(down stream)

Hessie Lombard Mannings Equation

(Field notes 10/22/03)

elevation

Right Edge - bank full

1.5

1.8

2.3

2.5

RT EDGE WATER 2.7

3.0

3.5

4.0

4.5

5.0

5.5

6.0

6.5

7.0

LEFT EDGE WATER 7.5

7.7

8.0

8.5

9.0

10.0

11.0

width

3.74

3.99

4.28

4.60

4.85

5.02

5.28

5.50

5.52

5.10 1/2"

6'-5"

5.10 3/4"

5.14

5.03

4.59

4.54

4.32

3.99

3.77

3.43

0.15

0.26

26 FT DISTANCE

stick

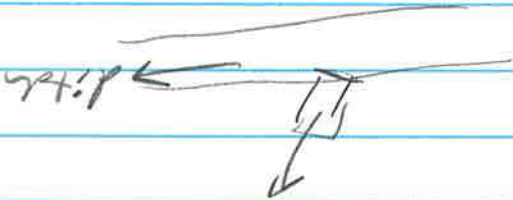
WATER

PROFILED

OCT 27 2004

SCANNED

See note in A25-02092 re: Mr. Lombard
confirming Reed Humphries shut about
5 head priority.



Crack over flow

1 photo

GPS waypoint 23 712,418 E 227,296 N

Pod in Mags' Canal

2² Photos - culvert, pool,

A25-12923 Field 10/23/03

25-12923

1/13/2004

In June of 1935 I personally observed the irrigation of the land described as the Madsen Ranch. The land being irrigated was on both sides of Willow Creek and is comprised of most of section 34 and a portion of sections 27 and 33 of T03S R43E. This land belonged to John P. Madsen and Leonard Madsen. I was harvesting hay for John at the time.

Robert A. Collins

Robert A. Collins

1-13-04

The above person appeared
before me on 1-13-04.
Jennifer Crabtree

Jennifer Crabtree
notary public
expires 9/23/09



25-12923

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 Patton
11-28-03

ROSCOE E. PATTON
Notary Public
State of Idaho

my Commission expires
JULY 18, 2006

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	25-229				
	25-2092				
	25-12923				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Tessie Lombard
Rt 1 Eden, ID 83325

4. New Owner/Claimant(s)

Lombard Land & Livestock LLC
Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

3590 N Ballantyne Ln

City, State and ZIP Code

Eagle ID 83616

New Telephone Number

() _____

5. Date you acquired the property

*Done
JC
5/18/03*

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Handwritten Signature]

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Log for claim 25-12923

Spatial Dynamics CAT

11/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s43e	27	NESW	2	6.6	INDISCERNIBLE
03s43e	27	SWSW	20	14	INDISCERNIBLE
03s43e	27	SESW	33	39	
03s43e	27	SWSE	2	40	Indiscernible
03s43e	33	NENE	26	24	
03s43e	33	NWNE	16	12	
03s43e	34	NWNE	23	29	
03s43e	34	SWNE	40	40	
03s43e	34	SENE	13	21	INDISCERNIBLE
03s43e	34	NENW	40	40	
03s43e	34	NWNW	40	39	
03s43e	34	SWNW	18	14	
03s43e	34	SENW	40	40	
Totals:			313	358.6	

 SPATIAL
DYNAMICS

A25-12923

2827
33 34

1285
71708

①
WB-1

Ditch

Ditch

30.5

②
30.5

③
4.5

④

Ditch

1294
T1724

MAR-18

NOT TO SCALE

NOV 11 1992

From: DWR70::CARLSEN 7-JUN-1991 09:09:24.25
To: THOMPSON
CC:
Subj: please attach a copy of this message to the notice.

From: DWR03::SMITH 7-JUN-1991 09:07:21.91
To: DWR70::CARLSEN
CC:
Subj: A25-12923

A MR. LOMBURG CALLED ON 6/6/91 AND STATED HE HAD BEEN TO SEE HIS 90 SOME YEAR OLD MOTHER LAST WEEKEND IN IDAHO FALLS AND FOUND YOUR LETTER REGARDING "EVIDENCE OF PRIORITY" ON THE ABOVE CLAIM. HE APPARENTLY CALLED THE HOTLINE THE FIRST PART OF THE WEEK AND SOMEONE WAS SUPPOSED TO HAVE CALLED HIM BACK BUT DIDN'T. KNOW IDEA WHO HE TALKED TO... ANYWAY, I SENT HIM FISHING FOR THE INFORMATION, HE IS HERE IN BOISE AND THOUGHT HE COULD EITHER FIND A NEIGHBOR OR A LOCAL HISTORIAN TO BACK UP THE 1886 PRIORITY DATE. TOLD HIM I WOULD SEND YOU THIS MESSAGE AND YOU WOULD PUT A COPY IN THE FILE. HE WILL BE SENDING SOMETHING ON THE PRIORITY DATE BY THE END OF NEXT WEEK (6/14).

IF FOR SOME REASON THIS IS NOT ACCEPTABLE OR HE GETS SIDE TRACKED AND IS LATER BEFORE DISALLOWING THE CLAIM, PLEASE CALL HIM AT 345-6677.

THANKS.

DANNI

MICROFILMED
NOV 11 1992

May 2, 1991

Tessie Lombard
Rt. 1
Eden, ID 83325

RE: **Evidence of Priority**

Dear Tessie Lombard:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

MICROFILMED
NOV 11 1992

Tessie Lombard

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-12923
TESSIE LOMBARD
RT. 1

EDEN

ID 83325

MICROFILMED
NOV 11 1992

AUG 03 2001

359²

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: A25-12923
Date Received: 9/11/1989
Receipt No: 6010443
Received By: EE

RECEIVED

SEP 14 1989

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TESSIE LOMBARD
Address: RT. 1
EDEN, ID

208-825-5265

83325

2. Date of Priority: JUN 01, 1886

3. Source: WILLOW CREEK

Trib. to: GRAYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	43E	35	SW	SW	NW		BONNEVILLE

5. Description of diverting works:
767.5 Acre Feet IN STREAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.140		

7. Total Quantity Appropriated is:
6.140 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 767.5 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	43E	27	NE	SW		IRR	2.0
			SW	SW		IRR	20.0
			SE	SW		IRR	33.0

A25-12923

Page 1

Date: 09/11/89

A2512923



MICROFILMED

NOV 11 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	43E	27	SW	SE		IRR	2.0
						Section Acres	57.0
		33	NE	NE	1	IRR	25.0
			NW	NE	2	IRR	14.0
						Section Acres	39.0
		34	NW	NE		IRR	23.0
			SW	NE		IRR	40.0
			SE	NE		IRR	13.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW	1	IRR	17.0
			SE	NW		IRR	40.0
						Section Acres	213.0
						Total Acres	309.0

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 X do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: /

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Jessie Lombard Date: Sep 11/89
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of Sept. 19 89

Leena Read
Notary Public

Seal

Residing at Boise, Idaho
My Commission Expires 3/4/93

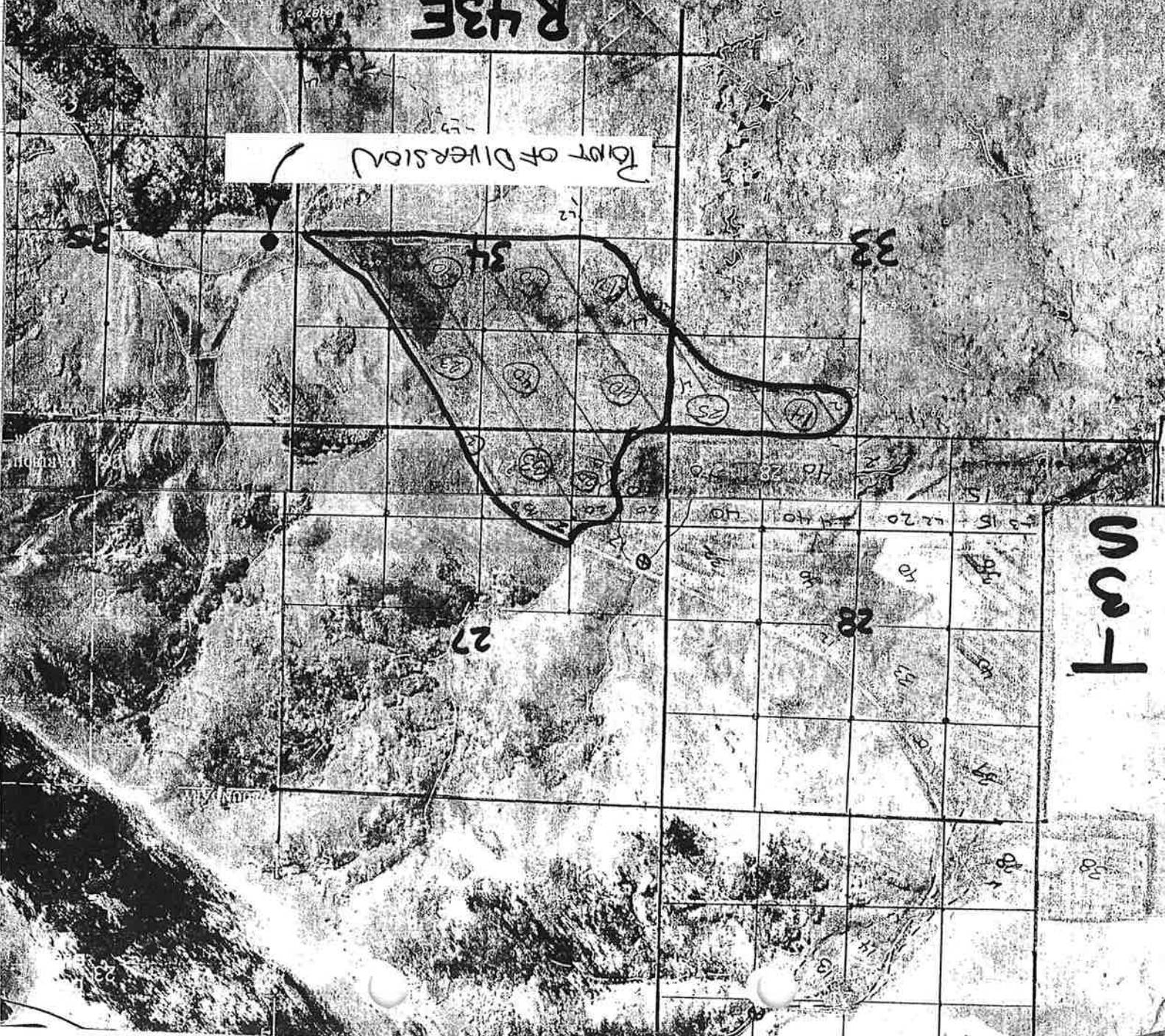
MICROFILMED
NOV 11 1992

A25-12923

R 43E

POINT OF DIVERSION

50-1



A25-12923



DEFILED