

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/29/2020

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 45-7665

Application Received Date: 10/24/89

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks:

Other Water Rights:

Time to Complete Works:

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

MEMO

FROM: Allen Merritt *AM*

DATE November 7, 2000

TO: Permit No:

- 45-07607
- 45-07665
- 45-07666
- 45-07667

- Lambert Produce Inc
- Lambert Produce Inc
- Lambert Produce Inc
- Lambert Produce Inc

Subject: Review and Recommendation

The above applications for permit have been filed for development of ground water in an established critical ground water area. In reviewing the history of why these applications were filed it appears that they were filed shortly after the Swan Falls agreement and the intention was to obtain the benefits of subordination of Idaho Powers' water rights to existing or proposed developments. In many but not all instances, the lands covered by the above filings were subsequently covered by expansion claims in the SRBA process.

This block of applications in critical ground water areas was identified in July of 2000. It appears that these applications cannot and will not ever be processed due to the critical ground water designation. In early August a letter was sent providing the applicants opportunity to withdraw their application and get a refund of the fees that have been paid. A few applications were withdrawn but the remaining applications listed above have not been withdrawn.

RECOMMENDATION

I recommend that the above listed applications be denied. Denial should be in the form of a preliminary order. The reason for denial is that they all propose ground water development in a critical ground water area which is not allowed.

45-07665

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Lambert Produce ^{Inc.} Company Phone 862-2480 ³³⁴⁶

Post office address Route 1, Box ^{44A} ~~440~~, Oakley, Idaho, 83346

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is NW ¼ of NW ¼ of NW ¼, Govt. Lot _____

Sec. 29 Township 12 S. Range 23 E B.M. Cassia County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 5 for irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 5 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump into pipeline to
sprinkler system

b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

c. Proposed well diameter is 24 inches; proposed depth of well is approx. 600 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is five (5) years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

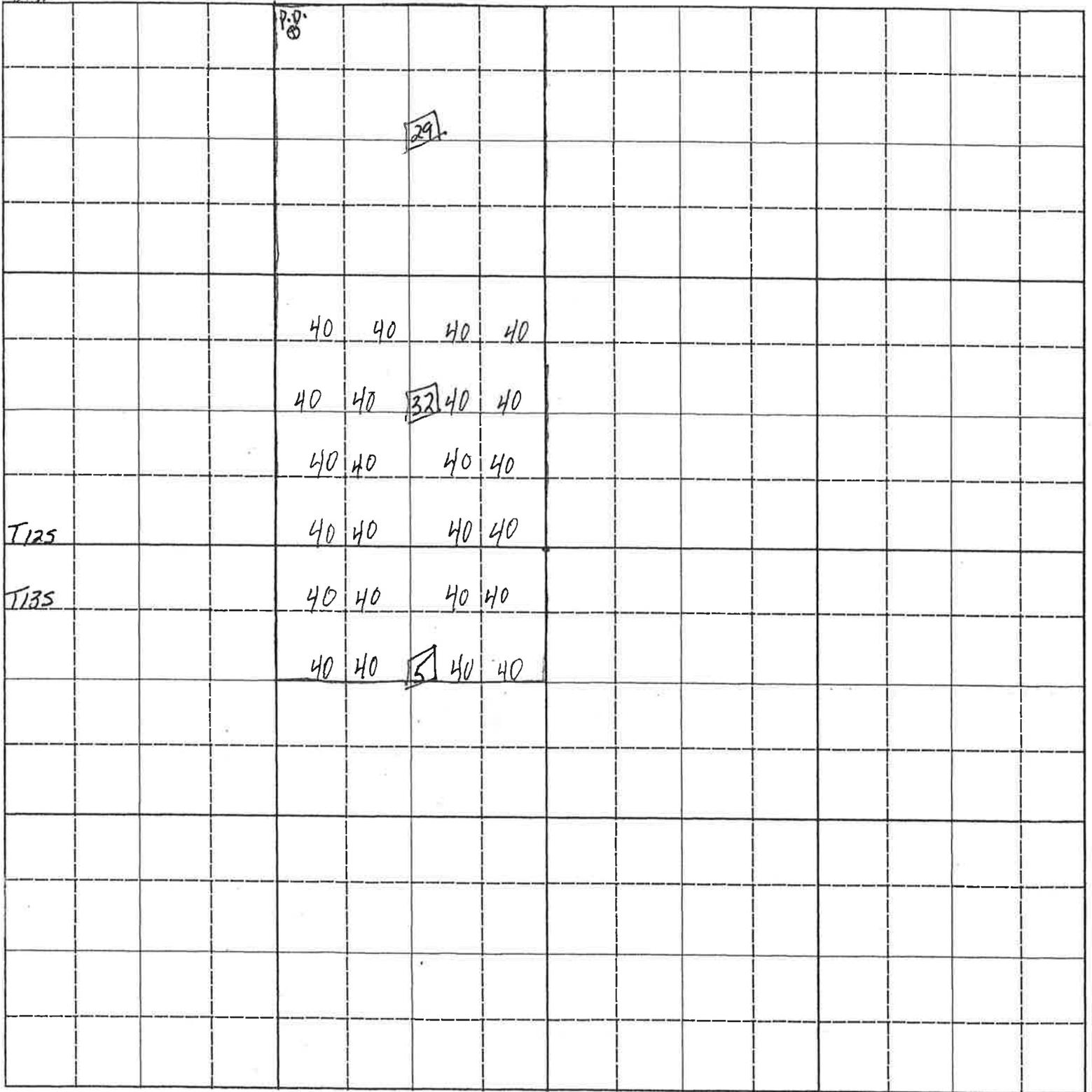
TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼													
12S	23E	32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
13S	23E	5	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320

Total number of acres to be irrigated 960

10. Describe any other water rights used for the same purposes as described above. None at present time, application has also been made for a well to be located in T13S, R23E, Sec. 5, SE¼NE¼, the water obtained to be used on same lands as described above.
11. a. Who owns the property at the point of diversion? Lambert Produce, Inc.
- b. Who owns the land to be irrigated or place of use? Gerald Marchant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Lambert Produce, Inc. is purchasing the dry land to be irrigated from the present owner Gerald Marchant.
12. Remarks: Name of proposed well driller: Bill Chesley
We understand this is a critical groundwater area, but still wish to file.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

P. 23E



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Robert Proctor, Inc.
 (Applicant)

Received by J.P. Stanton Date 10-24-89 Time 10:05 am Preliminary check by [Signature]
Fee \$ 125.00 Received by [Signature] # SO10275 Date 10-24-89
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
 - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
 - e. Other:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

RECEIVED

AUG -7 2000

Department of Water Resources
Southern Region

203 E. 1100 S.

RETURNED
TO
SENDER
NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

LAMBERT PRODUCE INC
RT 2 BOX 2430
BURLEY ID 83318



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 3, 2000

LAMBERT PRODUCE INC
203 E 1100 S
BURLEY ID 83318

RE: Applications for Permit in Critical Ground Water Area: No. 45-07607, 45-07665, 45-07666, 45-07667

Dear Applicant:

Our office was recently notified by the US Post Office of your address change. Changes have been made to our database to reflect the change. Unfortunately, the above referenced files do not clearly indicate that our correspondence of August 2, 2000 was re-sent to your new address; therefore, the Department is making another request as follows:

Please be advised that our office has initiated a review of applications for permits to appropriate the public waters of the State of Idaho that have been held without action for many years. One type of application being held is those which propose development of ground water within an established critical ground water area. Our records indicate you have filed four (4) such applications as referenced above.

Our office intends to dispose of all applications seeking ground water development in critical areas by denying the applications. Before initiating this action, our office intends to provide you opportunity to withdraw your applications and request a refund of the filing fees that have been paid.

Please review these matters by using the enclosed computer printouts describing your applications and if you wish to withdraw your applications, please complete the withdrawal forms also enclosed.

If our office does not receive a withdrawal by November 3, 2000 your applications will be forwarded to the IDWR State Office with a recommendation for them to be denied. Any denial will be in the form of a preliminary order which you may request reconsideration or judicial review pursuant to procedural rules.

If you have questions, please feel free to contact this office.

Yours truly,

Mary A. Baldwin
Administrative Assistant

mb
Enclosures

8/2000

REQUEST FOR WITHDRAWAL OF APPLICATION FOR PERMIT

To: State of Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, ID 83301-3380

Gentlemen:

I/We wish to withdraw Application for Permit to Appropriate the Public Waters of the State of Idaho, No. **45-07665**.

The application is filed in the name of Lambert Produce Inc.

I also request a refund of the initial filing fee.

Dated this _____ day of _____, 2000.

(Signature of Applicant)

(Title)

(Address)

MEMO

FROM: Allen Merritt 

DATE September 26, 2000

TO: Permit No:	43-07208	In the Name of:	Scott Knudsen
	43-07211		Kirtland Yates
	43-07212		Warr Brothers
	43-07299		Interstate Feeders Inc
	45-07576A		Conrad Land & Livestock
	45-07576B		Ida-Gold Farms
	45-07578		Cummins Farms Inc
	45-07579		Ron Hepworth / Hepworth Farms
	45-07607		Lambert Produce Inc
	45-07665		Lambert Produce Inc
	45-07666		Lambert Produce Inc
	45-07667		Lambert Produce Inc

See 10/3/00 correspondence

Subject: Review and Recommendation

The above applications for permit have been filed for development of ground water in an established critical ground water area. In reviewing the history of why these applications were filed it appears that they were filed shortly after the Swan Falls agreement and the intention was to obtain the benefits of subordination of Idaho Powers' water rights to existing or proposed developments. In many but not all instances, the lands covered by the above filings were subsequently covered by expansion claims in the SRBA process.

This block of applications in critical ground water areas was identified in July of 2000. It appears that these applications cannot and will not ever be processed due to the critical ground water designation. In early August a letter was sent providing the applicants opportunity to withdraw their application and get a refund of the fees that have been paid. A few applications were withdrawn but the remaining applications listed above have not been withdrawn.

RECOMMENDATION

I recommend that the above listed applications be denied. Denial should be in the form of a preliminary order. The reason for denial is that they all propose ground water development in a critical ground water area which is not allowed.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 2, 2000

LAMBERT PRODUCE INC
RT 2 BOX 2430
BURLEY ID 83318

RE: Application for Permit in Critical Ground Water Area

Dear Applicant:

Our office has initiated a review of applications for permits to appropriate the public waters of the State of Idaho that have been held without action for many years. One type of application being held is those which propose development of ground water within an established critical ground water area. Our records indicate you have filed such an application. (Please find attached a computer printout describing your application)

Our office intends to dispose of all applications seeking ground water development in critical areas by denying the applications. Before initiating this action our office intends to provide you opportunity to withdraw your application and request a refund of the filing fees that have been paid.

Please review this matter and if you wish to withdraw your application please complete the enclosed form. If our office does not receive a withdrawal by September 1st, 2000 your application will be forwarded to the IDWR State Office with a recommendation it be denied. Any denial will be in the form of a preliminary order which you may request reconsideration or judicial review pursuant to procedural rules.

If you have questions, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allen Merritt', is written over the typed name.

Allen Merritt, PE
Southern Region Manager

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY B. Surfarby DATE 10/26/89 APPLICATION NUMBER 45-0766

REQUIRED INFORMATION

- Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- Address
- Source (See USGS Quad for names of water sources)
- Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- County
- Quantity (flow and/or volume)
- Period of Use
- Nature of proposed use (Include description of use.)
- Description of diverting works
- Time required for beneficial use of water
- Place of use or acres irrigated
- Map
- Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- Fee
- Yes No* In form to receipt

ADDITIONAL INFORMATION

- Overlapping place of use (Describe source & relationship to present application on the back.) See Item 10
- Overlapping point of diversion
 - Yes No Field check required
 - Field check by _____
 - Yes No Field report attached
 - Yes No Critical groundwater area
 - Yes No Groundwater management area
 - Yes No Send dam safety information
 - Yes No Send power requirement letter
 - Yes No Send fish farm requirement letter
 - Yes No Power residency affidavit
 - Yes No Power efficiency form
 - Yes No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
 - Yes No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
 - See reverse side for additional information

REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

Name's of Director of Corp

_____ Date Requested _____

LOCAL PUBLIC INTEREST

Comments received from:

- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> City | <input type="checkbox"/> Idaho Fish & Game | <input type="checkbox"/> Irrigation District |
| <input type="checkbox"/> County | <input type="checkbox"/> Idaho Health & Welfare | <input type="checkbox"/> Canal Company |
| <input type="checkbox"/> Reservations | <input type="checkbox"/> Division of Environment | <input type="checkbox"/> Other _____ |

Project impacts/implications report

COMMENTS



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

03-Apr-1991

R. KEITH HIGGINSON
Director

Lambert Produce Inc.
Rt. 1 Box 44A
Oakley, ID 83346

Re: Applications for permit 45-0765, 45-0766, 45-0767

07665 07666 07667

Gentlemen:

On October 29, 1989, you filed the above referenced applications to appropriate groundwater.

As you are undoubtedly aware, the area in which diversion is proposed is within the Oakley-Kenyon Critical Groundwater Area. This designation was ordered by the director in 1963 based on a finding that the area met the definition set forth in Section 42-233a of the IDAHO CODE in that available groundwater in the basin is insufficient to provide a reasonably safe supply at current rates of withdrawal.

Section 42-233a further provides that the director may deny applications to appropriate groundwater within a critical groundwater area.

This office is forwarding the applications for the director's action with a recommendation that they be denied due to insufficient availability of groundwater for appropriation.

You will have the right to appeal the director's decision to the district court as provided for in section 42-237e of the IDAHO CODE.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Loren O. Holmes', written in dark ink.

Loren O. Holmes, P. E.
Southern Region Manager

c: Laird Stone

RECEIVED

JAN 29 1990

Department of Water Resources
Southern Region Office

January 24, 1990

Cory L. King
Lambert Produce
Rt. 1, Box 44A
Oakley, ID 83346

RE: WATER RIGHTS IN THE NAME OF LAMBERT PRODUCE

Dear Mr. King:

This letter is a follow-up to your letter dated January 4, 1990 and your and Ray Coyle's visit with Norm Young and me on January 18, 1990 in connection with the above referenced water rights.

Based on our conversation on January 18, my understanding is that the main purpose of your January 4 letter was to inquire whether there might be drought relief of some nature available this year since the water supply so far is below normal. As we indicated, drought relief in the form of allowing additional wells to be drilled in a critical ground water area is highly improbable.

Since you indicated you may visit our Twin Falls office in connection with the water rights of Lambert Produce, I have forwarded a brief memo to that office which highlights our discussion.

Please feel free to contact the department if we can be of further assistance or if you have additional questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

