

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 82158**FEB 12 2018**DEPT OF WATER RESOURCES
SOUTHERN REGION**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Lambert Produce, Inc.**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.**Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☒ ☐ #10 Other. Please describe: Deed showing ownership of new place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 12 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Lambert Produce, Inc. Phone 208-678-2668
Mailing address 203 E. 1100 S, Burley, ID 83318 Email N/A

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

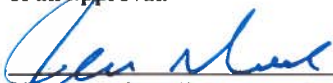
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative John Marshall Phone 208-991-2701
Mailing address 575 W Bannock, Ste B, Boise, Idaho 83702 Email john@jmarshalllaw.com

- ☒ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 Authorized Agent 2/5/2018
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
This transfer shifts a 38-acre portion of the shared place of use for the identified rights to newly acquired land.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	45-166A	1.6 cfs	Irrigation	3/15 to 11/15	Willow Creek / Sinks
☒ ☐	45-13631	0.165 cfs	Irrigation	3/15 to 11/15	Willow Creek / Sinks
☒ ☐	45-13632	0.42 cfs	Irrigation	3/15 to 11/15	Willow Creek / Sinks
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.185 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.185 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No		SW	NE	SE	26	12S	23E	Cassia	Willow Creek	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	23E	4															13	39	52
12S	23E	9	38	36															74
Total Acres (for irrigation use)																			126

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

No change to existing system, which is an intake out of Willow Creek into an existing pipe system that delivers the water to the place of use.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The 38 acres now irrigated under the rights included in this transfer application will no longer be irrigated using these rights.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Rights 45-166B, 45-13623, and 45-4264; however, these rights are being transferred off of the the land via a separate transfer application.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

A. DESCRIPTION OF RIGHT(S) AS RECORDED

Insert Part 2A reports into the application following Part 1.

☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

[illegible][illegible]

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 45-166A

Current Owner: LAMBERT PRODUCE INC

Priority Date: 11/23/1881

Origin: Water Right

Status: Active

Basis: Decreed

Source

WILLOW CREEK

Tributary

SINKS

Beneficial Use

IRRIGATION

From	To
------	----

03/15 to 11/15

Total Diversion

Diversion Rate

1.6 CFS

1.6 CFS

Annual Volume

Location of Point(s) of Diversion

WILLOW CREEK

SW1/4NE1/4SE1/4

Sec. 26, Twp 12S, Rge 23E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R23E S4	SWSE	13.00	T12S R23E S4	SESE	19.00
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T12S R23E S9	NENE	20.00	T12S R23E S9	NWNE	36.00
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T12S R23E S9	SENE	20.00	T12S R23E S9	NESE	18.00
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Total Acres: 126

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | E56 | USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 126 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-166A, 45-13631 & 45-13632. |
| 2. | P21 | THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-166. |
| 3. | | The amount of water diverted under the following water rights may not exceed 50% or one half of the stream flow of Willow Creek. Combined Right Nos.: 45-166A, 45-166B, 45-167A, 45-167B, 45-11928, 45-13421, 45-13623, 45-13631, & 45-13632. |
| 4. | D08 | The amount of water diverted under this water right and right numbers 45-13631 and 45-13632 may not exceed 12.5% or 1/8 of the stream flow of Willow Creek at the point of diversion described below at any given time. |
| 5. | C18 | 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. |
| 6. | K06 | THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. |

Page 7 of _____

Decreed Date: 5/16/2008

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 45-13631

Current Owner: LAMBERT PRODUCE INC

Priority Date: 3/15/1933

Origin: Water Right

Status: Active

Basis: Decreed

Source

WILLOW CREEK

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.165 CFS

Annual Volume

Total Diversion

0.165 CFS

Location of Point(s) of Diversion

WILLOW CREEK

SW1/4NE1/4SE1/4

Sec. 26, Twp 12S, Rge 23E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R23E S4	SWSE	13.00	T12S R23E S4	SESE	19.00
T12S R23E S9	NENE	20.00	T12S R23E S9	NWNE	36.00
T12S R23E S9	SENE	20.00	T12S R23E S9	NESE	18.00

Total Acres: 126

Conditions of Approval:

1. The amount of water diverted under the following water rights may not exceed 50% or one half of the stream flow of Willow Creek. Combined Right Nos.: 45-166A, 45-166B, 45-167A, 45-167B, 45-11928, 45-13421, 45-13623, 45-13631, & 45-13632.
2. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 126 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-166A, 45-13631 & 45-13632.
3. C18 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.
4. D08 The amount of water diverted under this water right and right numbers 45-166A and 45-13632 may not exceed 12.5% or 1/8 of the stream flow of Willow Creek at the point of diversion described below at any given time.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 13 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 5/16/2008

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 45-13632

Current Owner: LAMBERT PRODUCE INC
Priority Date: 3/15/1980
Origin: Water Right
Status: Active
Basis: Decreed

Source

WILLOW CREEK

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.42 CFS

Annual Volume

Total Diversion

0.42 CFS

Location of Point(s) of Diversion

WILLOW CREEK

SW1/4NE1/4SE1/4

Sec. 26, Twp 12S, Rge 23E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R23E S4	SWSE	13.00	T12S R23E S4	SESE	19.00
T12S R23E S9	NENE	20.00	T12S R23E S9	NWNE	36.00
T12S R23E S9	SENE	20.00	T12S R23E S9	NESE	18.00

Total Acres: 126

Conditions of Approval:

1. C18 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.
2. The amount of water diverted under the following water rights may not exceed 50% or one half of the stream flow of Willow Creek. Combined Right Nos.: 45-166A, 45-166B, 45-167A, 45-167B, 45-11928, 45-13421, 45-13623, 45-13631, & 45-13632.
3. K02 THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 45-166A PURSUANT TO SECTION 42-1426, IDAHO CODE.
4. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
5. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 126 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-166A, 45-13631 & 45-13632.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 33 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. D08 The amount of water diverted under this water right and right numbers 45-166A and 45-13631 may not exceed 12.5% or 1/8 of the stream flow of Willow Creek at the point of diversion described below at any given time.

Decreed Date: 5/16/2008

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2B

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

[illegible][illegible]

Total Acres (for irrigation use) 38

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 45-13632

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) 38

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POWER OF ATTORNEY

The undersigned hereby nominate John M. Marshall, whose address is 575 W. Bannock, Suite B, Boise, Idaho 83702 as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all matters related to water right applications pertaining to the undersigned's farming operation and feedlot located in Cassia County, Idaho. Such acts shall include, but not be limited to, the filing of applications, receiving of all notices, the signing and filing of applications for extension of time and for amendments of said applications.

Dated this 8 day of July 2012 August 2012

Chris Drakos
Chris Drakos, on behalf of himself, Lambert Produce Co. Inc., Montana Brand Produce Co. Inc. and Double C Farms

Cory King
Cory King, on behalf of himself and Double C Farms

STATE OF IDAHO)
)ss
County of Cassia)

On this 9 day of August 2012, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

237 E 1100 S
Notary Public residing at

SEAL

Burley, ID 83318

My commission expires: 11/12/2016

ATTACHMENT 4

TRANSFER 82158



RECEIVED

MAR 04 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

CASSIA COUNTY
RECORDED FOR:
TITLEONE - BURLEY
03:39:04 PM 09-27-2017
2017-003823
NO. PAGES: 2 FEE: \$15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: CVELASQUEZ
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Order Number: 17298993

WARRANTY DEED

For Value Received,

Lambert Produce, Inc., an Idaho corporation, the Grantor, does hereby grant, bargain sell and convey unto, Brent H. Koyle and Michelle Koyle, husband and wife, as community property with right of survivorship, whose current address is 169 East 900 South, Burley, ID 83318, the Grantee, the following described premises, in Cassia County, Idaho, To Wit:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 9: W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$

Reserving unto the Grantor all Idaho Department of Water Resources water rights appurtenant to the above described real property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: 09/20/2017

Lambert Produce, Inc.

By: 
Chris Drakos, President



CASSIA COUNTY
RECORDED FOR:
TITLEONE - BURLEY
03:39:09 PM 09-27-2017
2017-003824
NO. PAGES: 2 FEE: \$15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: CVELASQUEZ
Electronically Recorded by Simplifile

Order Number: 17298995

WARRANTY DEED

For Value Received,

Brent H. Koyle and Michelle Koyle, husband and wife, the Grantor, does hereby grant, bargain sell and convey unto, Lambert Produce, Inc. an Idaho corporation, whose current address is P.O. Box 793, Blackfoot, ID 83221, the Grantee, the following described premises, in Cassia County, Idaho, To Wit:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

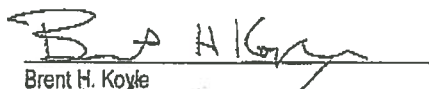
Section 4: E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

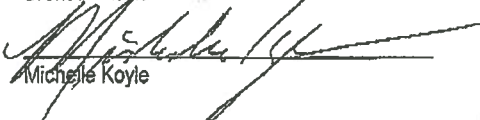
Section 9: E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$

Reserving unto the Grantor all Idaho Department of Water Resources water rights appurtenant to the above described real property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: 09/20/2017


Brent H. Koyle

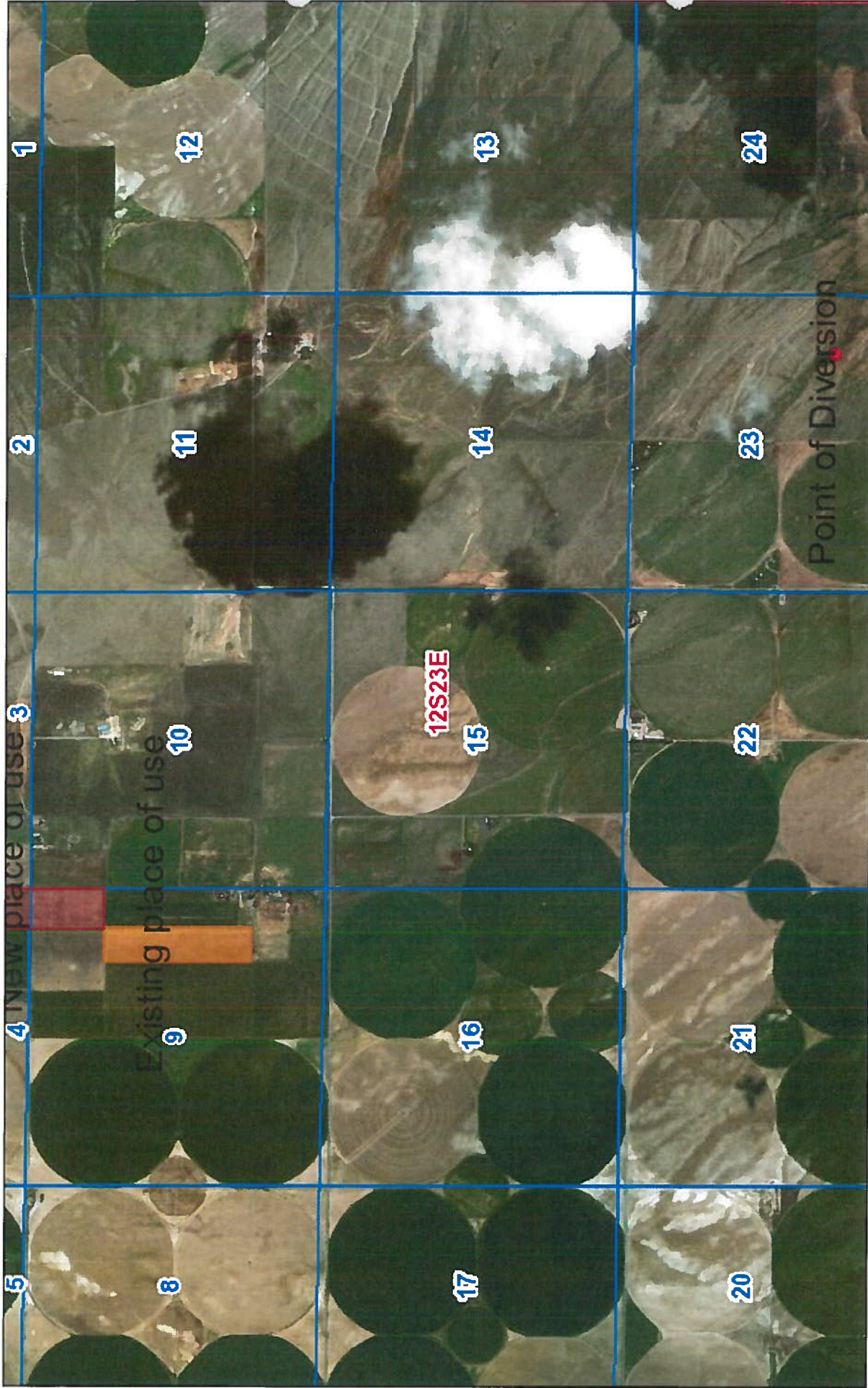

Michelle Koyle

Warranty Deed
Page 1 of 2

ATTACHMENT 10

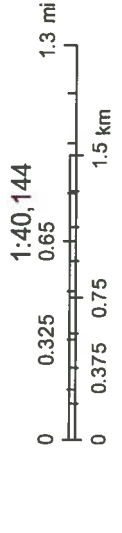
TRANSFER 82158

Application for Transfer Water Right



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ATTACHMENT 7A



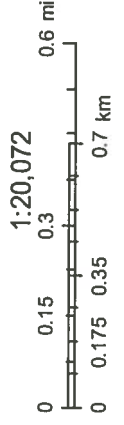
Created by NRCs from 1:24,000 scale USGS topographic maps.
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Application for Transfer Water Right



1/16/2018, 1:40:01 PM

ATTACHMENT 7B



Created by NRCS from 1:24,000 scale USGS topographic maps.
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No. C 48218	Due no later than Sep 30, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)		
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. LAMBERT PRODUCE, INC. CHRIS DRAKOS BOX 793 BLACKFOOT ID 83221		CHRIS DRAKOS 405 N. E. MAIN BLACKFOOT ID 83221		
			3. <u>New</u> Registered Agent Signature:*		
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).					
Office Held	Name	Street or PO Address	City	State	Country Postal Code
PRESIDENT	CHRIS DRAKOS	PO BOX 793	BLACKFOOT	ID	USA 83221
5. Organized Under the Laws of: ID C 48218		6. Annual Report must be signed.* Signature: CHRIS DRAKOS Name (type or print): CHRIS DRAKOS Date: 07/27/2017 Title: PRESIDENT			
Processed 07/27/2017		* Electronically provided signatures are accepted as original signatures.			

TRANSFER 82158

Maline, Denise

From: Maline, Denise
Sent: Friday, March 30, 2018 9:15 AM
To: Brian Higgs (WD 140)
Subject: Comment Letters - Lambert Produce & Koyle
Attachments: Transfer 82159 (Koyle).pdf; Transfer 82158 (Lambert Produce).pdf; Comment letter to WD140 for 82158 & 82159.docx

Hi Brian,

Attached are (2) applications for transfer currently being processed within your district. Please review the information and provide any necessary comments within 21 days.

Thank you & have a good weekend,

Denise @ IDWR

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 30, 2018

WATER DISTRICT #140
BRIAN HIGGS
355 W 500 S
BURLEY ID 83318

via e-mail

RE: Transfer No. 82158
Water Right No(s): 45-13631, 45-13632, 45-166A

RE: Transfer No. 82159
Water Right No(s): 45-13623, 45-166B, 45-4264

Dear Brian:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 29, 2018

LAMBERT PRODUCE CO INC
203 E 1100 S
BURLEY, ID 83318-5607

RE: Transfer No. 82158
Water Right No(s). 45-13631, 45-13632, 45-166A

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 4/5/2018 and 4/12/2018**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **April 23, 2018**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc:

JOHN MARSHALL
JOHN MARSHALL LAW PLLC
575 W BANNOCK ST STE B
BOISE ID 83702-5917

LAMBERT PRODUCE CO INC
PO BOX 793
BLACKFOOT ID 83221

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 29, 2018 12:05 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.doc

Attached please find (1) legal notice being submitted for publication on April 5th & 12th, 2018. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise

Denise Maline

Administrative Assistant

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 29, 2018

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 82158
Water Right No(s): 45-13631, 45-13632, 45-166A

RE: Transfer No. 82159
Water Right No(s): 45-13623, 45-166B, 45-4264

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before April 23, 2018. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82158**

LAMBERT PRODUCE CO INC, 203 E 1100 S, BURLEY, ID 83318-5607; has filed Application No. 82158 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13631, 45-13632, 45-166A. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to modify a portion of the place of use for three Willow Creek water rights totaling 2.185 cfs that currently irrigate 126 acres located approximately 9.2 to 10.2 miles south and 1.0 to 1.4 miles east of the center of Burley (intersection of Main Street and Overland Ave). The new proposed place of use is located approximately 9.0 to 10.2 miles south and 1.4 to 1.7 miles east of the center of Burley.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82159**

BRENT KOYLE and MICHELLE KOYLE, 168 E 900 S, BURLEY, ID 83318; has filed Application No. 82159 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13623, 45-166B, 45-4264. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to modify a portion of the place of use for two Willow Creek water rights and one Waste Water right totaling 4.66 cfs that currently irrigate 240 acres located approximately 9.0 to 10.2 miles south and 1.4 to 1.7 miles east of the center of Burley (intersection of Main Street and Overland Ave). The new proposed place of use is located approximately 9.2 to 10.2 miles south and 1.0 to 1.4 miles east of the center of Burley.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **April 23, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on April 5th & 12th, 2018

MEMORANDUM

TO: Transfer #82158 File

FROM: Benny Walker

DATE: March 29, 2018

SUBJECT: Filing Fee

The filing fee of, \$660.00, for this transfer is based on the amount of water proposed to be transferred or changed, 2.185 cfs. The transfer fee schedule for a transfer involving 2.01-3.00 cfs indicates that the filing fee is \$660.00. The applicant's representative submitted a fee of \$660.00 for this transfer. (Receipt S036580). However since only a 38 acre portion is only being transferred. The filing fee will be based only on the 38 acre portion proposing to be changed, or 1.345 cfs which equates to a \$580.00. Therefore a refund of \$80.00 will be sent to the applicant upon approval of this transfer.

TRANSFER SYNOPSIS

Date: March 28, 2018
To: Transfer #82158, Lambert Produce, Inc. Transfer file.
From: Benny Walker
Re: Summary of transfer

Application filed to modify a portion of the place of use for three Willow Creek water rights totaling 2.185 cfs that currently irrigate 126 acres located approximately 9.2 to 10.2 miles south and 1.0 to 1.4 miles east of the center of Burley (intersection of Main Street and Overland Ave). The new proposed place of use is located approximately 9.0 to 10.2 miles south and 1.4 to 1.7 miles east of the center of Burley.

This transfer application is a companion to transfer #82159 which moves the POU of rights 45-166B, 45-13623, and 45-4264 to the POU of 45-166A, 45-13631, and 45-13632. The purpose of the transfer is to shift a 38 acre portion to neighboring lands.

The place of use involved with the application is located within Water District 140 so watermaster comments will be solicited.

Walker, Benny

From: John Marshall <john@jmarshalllaw.com>
Sent: Thursday, March 08, 2018 1:54 PM
To: Walker, Benny
Subject: Re: Brent Koyle 7 Lambert Produce Transfers

Benny, I've confirmed that Lambert prefers to use the listed address on the transfer application for this transaction. If you have additional questions, let me know. *

Thanks,

John

On Sun, Mar 4, 2018 at 3:26 PM, John Marshall <john@jmarshalllaw.com> wrote:

Benny, I've attached the missing deed. Either address will work, but I'll find out for certain which one Lambert prefers for the transfer and let you know. Thank you,

John

On Wed, Feb 28, 2018 at 12:01 PM, JM Work <johnmarshall@jmarshalllaw.com> wrote:

Benny, thanks for your email and voicemail. Sorry I haven't gotten back to you before now. I'll be back in the office tomorrow and will be able to address the deed and address issues then.

Sent from my iPhone

On Feb 28, 2018, at 7:18 AM, Walker, Benny <Benny.Walker@idwr.idaho.gov> wrote:

Mr. Marshall,

During my preliminary review and processing of the Brent & Michelle Koyle transfer and the Lambert Produce transfer, it has been discovered that a deed from Lambert Produce to Brent Koyle was not included with Mr. Koyle's transfer. Also I need to verify the Lambert Produce mailing address. According to a recently filed change in address notification on February 5th 2018 their address is PO Box 793, Blackfoot, ID 83221. This differs from the address listed on the Lambert Produce application. If you could please send the appropriate deed for Brent Koyle and verify the correct mailing address for Lambert Produce to allow for the processing of these two transfers. If you have any questions please feel free to contact me.

Sincerely,

Benny Walker

Walker, Benny

From: John Marshall <john@jmarshalllaw.com>
Sent: Sunday, March 04, 2018 3:27 PM
To: Walker, Benny
Subject: Re: Brent Koyle 7 Lambert Produce Transfers
Attachments: Deed - Lambert to Koyle.pdf

Benny, I've attached the missing deed. Either address will work, but I'll find out for certain which one Lambert prefers for the transfer and let you know. Thank you,

John

On Wed, Feb 28, 2018 at 12:01 PM, JM Work <johnmarshall@jmarshalllaw.com> wrote:
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Sincerely,

Benny Walker

Water Resource Agent

Idaho Dept of Water Resources

Southern Regional Office

John Marshall Law PLLC

575 W Bannock, Suite B
Boise, ID 83702

phone 208-991-2701
fax 208-906-8043
john@jmarshalllaw.com

February 7, 2018

Idaho Department of Water Resources
650 Addison Ave W Ste 500
Twin Falls, ID 83301-5858

RECEIVED

FEB 12 2018

**DEPT OF WATER RESOURCES
SOUTHERN REGION**

Re: Lambert Produce, Inc. and Koyle Transfer Applications

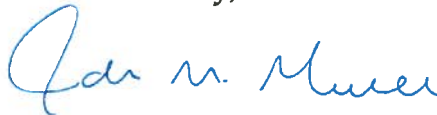
Dear Department:

Enclosed please find two applications for transfer, one by Lambert Produce, Inc., and the other by Brent and Michelle Koyle, along with the application fees for both. The applicants own contiguous farms and recently exchanged 40-acre parcels to square up their respective farms. Both applicants retained the appurtenant water rights, and now, by the enclosed applications, seek to move their retained water rights onto their newly acquired parcels.

Both applications involve multiple rights with a permissible place of use. Because the transferred rights will remain parts of the same systems, we have identified the entire rights as being transferred. However, for each application, only those portions of the rights involved in the land swap, 38 and 39 acres respectively, are actually being moved. Accordingly, part 2B on each application identifies the specific places of use being transferred. We have paid application fees based on the full diversion rate of the rights involved. However, if possible under the circumstances, we request a refund of a portion of the fees if the Department views the applications as involving only the 38 and 39 acres.

Please file the two applications for processing and contact me if you have any questions.

Sincerely,



John M. Marshall