

Yenter, Cindy

From: Jones, Doug
Sent: Friday, November 12, 2010 1:47 PM
To: Yenter, Cindy
Subject: FW: Double C/Lambert Produce adjudication claims

Fyi

I haven't heard back

From: Jones, Doug
Sent: Friday, November 12, 2010 11:15 AM
To: 'John Marshall'; Peppersack, Jeff
Cc: Van Bussum, Monica; Nelson, Dan; Merritt, Allen
Subject: RE: Double C/Lambert Produce adjudication claims

Mr. Marshall,

Thank you for the update regarding Lambert and your request to move late claims 45-13973 and 45-13974 forward. I have opened these several times over the last couple of years and ultimately have become overwhelmed in the analysis (6100 acres over 4 decades!). This past month I have had the claims opened for review along with 3 dozen others because IDWR is preparing a Supplemental Director's Report of Late Claims that is planned to go out next week (list for compiling report is due today).

My present understanding of the claims can be summarized as follows:

- A. Willow Creek, Land Creek and Land Ranch Spring (3 prior decreed sources) are fully commingled and 99 cfs (45-13973) is available as of 1968 for use on 5000 acres.
- B. 45-13974 is an enlargement of 45-13973, as of 1985, for use on an additional 1100 acres.

I offer you your choice of ways to move forward. 1) IDWR could defer reporting until a proposed Spring 2011 SDR to allow the claimants to address issues with respect to evidence of priority, ownership, diversion and distribution system specifics, extent of beneficial use, sufficiency of source to provide claimed flow rate, interconnection with ground water rights, etc; or 2) IDWR could recommend these disallowed in this Director's report and address these and other issues in future correspondence and settlement (the default option).

I look forward to hearing back from you today with which direction Lambert would like to proceed.

Douglas Jones

From: John Marshall [<mailto:john@jmarshalllaw.com>]
Sent: Wednesday, November 10, 2010 5:12 PM
To: Peppersack, Jeff; Jones, Doug
Cc: Van Bussum, Monica; Nelson, Dan
Subject: Double C/Lambert Produce adjudication claims

Jeff and Doug,

I write to request processing of adjudication claims 45-13973 and 45-13974. Lambert submitted these claims in October 2005 via a motion to file late claims that the SRBA Court approved in February 2006. Lambert also

filed a transfer application in October 2005 seeking to consolidate its numerous ground and surface water rights into a permissible place of use that would address irrigation of acres not recognized in the SRBA decrees for Lambert's rights. IDWR has not processed the transfer application because the new claims, if decreed, would be included in the transfer application, and it would be inefficient to process the transfer before the SRBA process determined the elements of the new claims.

Lambert just cut a check for nearly \$20,000 to cover the administrative fee for water bank rentals for 2005 to 2010 that cover the unrecognized acres. IDWR has indicated that it does not want to continue processing future water bank rentals. Lambert agrees that this interim solution is unsustainable and would like to achieve a permanent solution. To do this, I believe the first step is for IDWR to make its recommendations on the late claims and submit them to the court in a late claims report.

Please contact me with questions or comments.

Thank you,

John