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MAY 28 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78302

APPLICATION FOR TRANSFER OF WATER RIGHT – AMENDED 5/23/2013

PART 1

Name of applicant Lambert Produce Co. Inc., Chris Drakos and Cory King Phone 208-678-2668Post Office address c/o Cory King, 203 E 1100 S, Burley, ID 83318with copy to John Marshall, Givens Pursley LLP, 601 W Bannock, Boise, ID 83702

A. PURPOSE OF TRANSFER

John Marshall Law, 575 W Bannock St, Ste B
Boise, ID 83702 (208) 991-2701

1. ☒ Change in point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes This application proposes to amend the places of use and to recognize alternate points of diversion for decreed water rights that feed a common, interconnected delivery system. After the transfer all of the included water rights will share a common, permissible place of use, and all of the ground water rights will share the same 16 points of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature Of Use Period of Use
Please see Exhibit A _____
2. Total amount of water being transferred 83.65 cubic feet per second and/or 14,269 acre-feet per annum.
3. Source of water Multiple – See Exhibit A tributary to _____
4. Point(s) of Diversion: Please see Exhibit A

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

5. Lands irrigated or place of use: See Exhibit A.

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres 6,536 w/i a 7,844 ppu

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:

The place of use is irrigated via a connected, underground pipeline system fed by wells and surface diversions. The wells already have lockable devices and meters installed. Willow Creek is allocated via an existing splitting weir. Applicant can install weirs on Land Creek and Land Ranch Spring if required.

- b. Who owns the property at the point(s) of diversion? Applicant, except Land Ranch Spring and Land Creek diversions.

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

The points of diversion are recognized diversions in existing, decreed water rights held by applicant. The rights to access and maintain are prescriptive.

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

For rights identified in Exhibit D, the areas identified as available for transfer will no longer be irrigated after the transfer approval.

- e. 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:

Three stock water rights from Willow Creek: 45-11928, 45-13421 and 45-13456.

- f. 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:

6. General Information:

- a. Description of diversion system An integrated, piped delivery system supplied by 16 ground water wells and surface water from Land Creek, Land Springs Creek and Willow Creek.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, please provide a notarized statement from the holder of the Lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
None.
- d. Remarks: This transfer application does not seek to increase the diversion rate, diversion volume or authorized irrigated acreage for any water rights.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED Please see Exhibit A

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other document which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ 0.105 _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe _____

Total Acres (for irrigation use) 116

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: 45-2600A

1. amount <u>0.70</u>	(cfs/ac-ft) for	<u>Irrigation</u>	purposes from	<u>3/15</u>	to	<u>11/15</u>
amount	for		purposes from		to	
amount	for		purposes from		to	
amount	for		purposes from		to	
amount	for		purposes from		to	
amount	for		purposes from		to	
amount	for		purposes from		to	
amount	for		purposes from		to	
amount	for		purposes from		to	

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.) See Exhibit D

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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: 45-13469

1.	amount <u>0.02</u>	(cfs/ac-ft) for	<u>Irrigation</u>	purposes from	<u>3/15</u>	to	<u>11/15</u>
	amount	for		purposes from		to	
	amount	for		purposes from		to	
	amount	for		purposes from		to	
	amount	for		purposes from		to	
	amount	for		purposes from		to	
	amount	for		purposes from		to	
	amount	for		purposes from		to	
	amount	for		purposes from		to	

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.) See Exhibit D

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) 1

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: 45-2600B

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.) See Exhibit D

[illegible]Total Acres (for irrigation use) 27

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: 45-13470

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.) See Exhibit D

[illegible]

Total Acres (for irrigation use) 1

APPLICATION FOR TRANSFER OF WATER RIGHT

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number. See Exhibit B

[illegible]

SCALE: 2 inches equal 1 mile, Draw plan in ink.

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft)
- No change requested _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change: _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Subscribed and sworn to before me this 24th day of May, 20 13.



(Signature of Applicant)

Marcia Seibel
 (Notary Public)

My commission expires 12/21/17

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by DM Date 5.28.2013 Protest filed by _____

Prelim. check by CY Fee _____

Receipted by See Original Date _____

Published in *See below Copies of protest forwarded by _____

Pub. dates Dec. 19 & 26, 2013 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

*Published in Times News, Idaho Statesman, Lewiston Tribune & Post Register

EXHIBIT A (Revised 5/23/2013)

PART 1.B.1: DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs)	Amount (ac-ft)	Nature of Use	Season of Use	Acres Irrigated	Point of Diversion (T12S R23E, Cassia County unless noted)	Source
45-13455	11/23/1881	1.81	-	Irrigation	3/15-11/15	201.9	S26 SWNESE	Willow Creek
45-169	11/23/1881	1.06	-	Irrigation	3/15-11/15	154	S26 SWNESE	Willow Creek
45-13973A	3/15/1970	5.48		Irrigation	3/15-11/15	314	S26 SWNESE	Willow Creek
45-13973B	03/15/1968	8.4	-	Irrigation	3/15-11/15	663	S26 SWNESE	Willow Creek
45-695	4/1/1890	3.2	-	Irrigation	3/1-12/15	160	S29 SWSW; T13S R23ES09 NENW	Land Creek
45-696	4/1/1907	1.6	-	Irrigation	3/1-12/15	80	S29 SWSW; T13S R23E S09 NENW	Land Creek
45-2053	2/4/1909	3.2	-	Irrigation	3/15-11/15	160	S29 SWSW; T13S R23E S09 NENW	Land Creek
45-4258A	1/1/1961	4.2	-	Irrigation	3/15-11/15	210	S29 SWSW; T13S R23E S09 NENW	Land Creek
45-13973C	03/15/1970	6.49	-	Irrigation	3/15-11/15	939	S29 SWSW; T13S R23E S09 NENW	Land Creek
45-13973D	03/15/1968	8.15	-	Irrigation	3/15-11/15	2479	S29 SWSW; T13S R23E S09 NENW	Land Creek
45-701	4/1/1870	1.567	-	Irrigation	3/1-12/15	80	T13S R23E S07 SESENE	Land Ranch Spring
45-13974	3/15/1987	3.24	-	Irrigation	3/15-11/15	400	S26 SWNESE; S29 SWSW; T13S R23E S09 NENW	Willow Creek, Land Creek and Land Ranch Spring
45-2519	3/28/1956	5.65	1140	Irrigation	3/15-11/15	285	See list below	Ground water
45-4048G	9/1/1961	1.24	800	Irrigation	3/15-11/15	200	See list below	Ground water
45-2254A	4/12/1948	2.6	880	Irrigation	3/15-11/15	220	See list below	Ground water
45-2520	3/28/1956	5.92	1920	Irrigation	3/15-11/15	480	See list below	Ground water
45-2526	10/15/1956	4.55	1280	Irrigation	3/15-11/15	320	See list below	Ground water
45-2579	5/20/1959	2.58	1148	Irrigation	3/15-11/15	287	See list below	Ground water
45-2630	10/7/1960	2.4	1280	Irrigation	3/15-11/15	320	See list below	Ground water
45-2657	6/14/1961	2.96	1476	Irrigation	3/15-11/15	369	See list below	Ground water
45-4009A	5/15/1955	3.16	1542	Irrigation	3/15-11/15	636	See list below	Ground water
45-4011A	5/15/1953	1	488	Irrigation	3/15-11/15	572	See list below	Ground water
45-4013A	4/10/1948	2.92	-	Irrigation	3/15-11/15	320	See list below	Ground water
45-4048F	9/1/1961	5.92	969	Irrigation	3/15-11/15	360	See list below	Ground water
45-13777	6/30/1985	11.22	-	Irrigation	3/15-11/15	1991	See list below	Ground water
45-2254B	4/12/1948	1.71	600	Irrigation	3/15-11/15	150	See list below	Ground water

45-11239	6/30/1985	1.46	-	Irrigation	3/15-11/15	918	See list below	Ground water
45-2382	6/14/1951	1.96	464	Irrigation	3/15-11/15	116	See list below	Ground water
45-2600A	1/21/1960	0.70	174	Irrigation	3/15-11/15	44	See list below	Ground water
45-13469	6/30/1985	0.02	--	Irrigation	3/15-11/15	1	See list below	Ground water
45-2600B	1/21/1960	0.43	108	Irrigation	3/15-11/15	27	See list below	Ground water
45-13470	6/30/1985	0.02	--	Irrigation	3/15-11/15	1	See list below	Ground water

For land list and maps depicted acres to be transferred for the five rights above, see Exhibit D.

PART 1.B.4: Point(s) of Diversion

Lot ¼ ¼ ¼ Sec. Twp. Rge. County Local Name for diversion

SW	SW	NE	22	12S	23E	Cassia	Well # 1
SE	NW	SE	26	12S	23E	Cassia	Feedlot Well
SE	SW	SW	15	12S	23E	Cassia	Willow Creek Well
SW	SW	NW	21	12S	23E	Cassia	Well 13
SW	SW	NW	20	12S	23E	Cassia	Anderson # 1
SW	NW	NW	20	12S	23E	Cassia	Anderson # 2
SW	SW	SW	17	12S	23E	Cassia	Anderson # 3
SW	SE	NW	20	12S	23E	Cassia	Mathews Pond Well
NE	NE	NW	20	12S	23E	Cassia	Mathews Well
SW	SW	NE	25	12S	22E	Cassia	Olive Tree Well
NE	NE	NE	31	12S	23E	Cassia	Shenks Well
SW	SW	SW	26	12S	22E	Cassia	West Well
SW	SW	NW	35	12S	22E	Cassia	Far West Well
SE	NE	SW	4	13S	23E	Cassia	Goat Ranch
SE	SE	SW	8	13S	23E	Cassia	Big Well (Ehlquist)
SE	SE	SW	8	13S	23E	Cassia	Small Well (Ehlquist)

PART 1.B.5: Lands Irrigated or place of use

TOWNSHIP	RANGE	SEC	QQ	LOT	ACRES
12S	22E	24	NESE	0	41.0
12S	22E	24	NWSE	0	41.0
12S	22E	24	SESE	0	41.0
12S	22E	24	SWSE	0	41.0
12S	22E	25	NENE	0	41.0
12S	22E	25	NWNE	0	41.0
12S	22E	25	SENE	0	40.9
12S	22E	25	SWNE	0	40.9
12S	23E	14	NWSW	0	3.1
12S	23E	14	SWNW	0	3.1
12S	23E	14	SWSW	0	1.0

12S	23E	15	NENW	0	40.3
12S	23E	15	NESE	0	40.3
12S	23E	15	NESW	0	40.3
12S	23E	15	NWNE	0	40.3
12S	23E	15	NWSE	0	40.3
12S	23E	15	NWSW	0	40.3
12S	23E	15	SENE	0	40.3
12S	23E	15	SENE	0	40.3
12S	23E	15	SESE	0	40.3
12S	23E	15	SESW	0	40.3
12S	23E	15	SWNE	0	40.3
12S	23E	15	SWNW	0	3.1

12S	23E	15	SWSE	0	40.3
12S	23E	15	SWSW	0	40.3
12S	23E	16	NENE	0	40.4
12S	23E	16	NENW	0	40.6
12S	23E	16	NESE	0	40.4
12S	23E	16	NESW	0	40.6
12S	23E	16	NWNE	0	40.5
12S	23E	16	NWNW	0	40.6
12S	23E	16	NWSE	0	40.5
12S	23E	16	NWSW	0	40.6
12S	23E	16	SENE	0	40.4
12S	23E	16	SENW	0	40.5
12S	23E	16	SESE	0	40.4
12S	23E	16	SESW	0	40.6
12S	23E	16	SWNE	0	40.4
12S	23E	16	SWNW	0	40.7
12S	23E	16	SWSE	0	40.5
12S	23E	16	SWSW	0	40.7
12S	23E	17	NENE	0	40.9
12S	23E	17	NENW	0	41.2
12S	23E	17	NESE	0	40.8
12S	23E	17	NESW	0	41.3
12S	23E	17	NWNE	0	41.1
12S	23E	17	NWNW	0	41.4
12S	23E	17	NWSE	0	41.1
12S	23E	17	NWSW	0	41.5
12S	23E	17	SENE	0	40.8
12S	23E	17	SENW	0	41.2
12S	23E	17	SESE	0	40.9
12S	23E	17	SESW	0	41.3
12S	23E	17	SWNE	0	41.0
12S	23E	17	SWNW	0	41.5
12S	23E	17	SWSE	0	41.1
12S	23E	17	SWSW	0	41.5
12S	23E	19	NENE	0	39.5
12S	23E	19	NESE	0	39.6
12S	23E	19	NWNE	1	39.7
12S	23E	19	NWSE	3	39.8
12S	23E	19	SENE	0	39.5
12S	23E	19	SESE	0	39.7
12S	23E	19	SWNE	2	39.8
12S	23E	19	SWSE	4	39.8
12S	23E	20	NENE	0	40.2
12S	23E	20	NENW	0	40.0
12S	23E	20	NESE	0	40.2
12S	23E	20	NESW	0	40.0
12S	23E	20	NWNE	0	40.1
12S	23E	20	NWNW	0	39.9
12S	23E	20	NWSE	0	40.0
12S	23E	20	NWSW	0	39.9

12S	23E	20	SENE	0	40.2
12S	23E	20	SENW	0	40.0
12S	23E	20	SESE	0	40.1
12S	23E	20	SESW	0	39.9
12S	23E	20	SWNE	0	40.1
12S	23E	20	SWNW	0	39.9
12S	23E	20	SWSE	0	40.1
12S	23E	20	SWSW	0	39.8
12S	23E	21	NENE	0	40.3
12S	23E	21	NENW	0	40.3
12S	23E	21	NESE	0	40.4
12S	23E	21	NESW	0	40.3
12S	23E	21	NWNE	0	40.3
12S	23E	21	NWNW	0	40.3
12S	23E	21	NWSE	0	40.3
12S	23E	21	NWSW	0	40.3
12S	23E	21	SENE	0	40.3
12S	23E	21	SENW	0	40.3
12S	23E	21	SESE	0	40.3
12S	23E	21	SESW	0	40.3
12S	23E	21	SWNE	0	40.3
12S	23E	21	SWNW	0	40.3
12S	23E	21	SWSE	0	40.3
12S	23E	21	SWSW	0	40.3
12S	23E	22	NENE	0	40.2
12S	23E	22	NENW	0	40.2
12S	23E	22	NESE	0	40.1
12S	23E	22	NESW	0	40.1
12S	23E	22	NWNE	0	40.2
12S	23E	22	NWNW	0	40.2
12S	23E	22	NWSE	0	40.1
12S	23E	22	NWSW	0	40.2
12S	23E	22	SENE	0	40.2
12S	23E	22	SENW	0	40.2
12S	23E	22	SESE	0	40.1
12S	23E	22	SESW	0	40.1
12S	23E	22	SWNE	0	40.2
12S	23E	22	SWNW	0	40.2
12S	23E	22	SWSE	0	40.1
12S	23E	22	SWSW	0	40.1
12S	23E	23	NENW	0	40.0
12S	23E	23	NESW	0	40.0
12S	23E	23	NWNW	0	40.0
12S	23E	23	NWSE	0	0.6
12S	23E	23	NWSW	0	40.0
12S	23E	23	SENW	0	40.0
12S	23E	23	SESW	0	40.0
12S	23E	23	SWNW	0	40.0
12S	23E	23	SWSE	0	0.7
12S	23E	23	SWSW	0	40.0

12S	23E	26	NENW	0	0.4
12S	23E	26	NWNW	0	0.4
12S	23E	27	NENE	0	40.0
12S	23E	27	NENW	0	40.0
12S	23E	27	NESE	0	0.5
12S	23E	27	NESW	0	2.3
12S	23E	27	NWNE	0	40.0
12S	23E	27	NWNW	0	40.0
12S	23E	27	NWSE	0	0.5
12S	23E	27	NWSW	0	2.6
12S	23E	27	SENE	0	40.0
12S	23E	27	SENW	0	40.0
12S	23E	27	SWNE	0	40.0
12S	23E	27	SWNW	0	40.0
12S	23E	28	NENE	0	40.3
12S	23E	28	NENW	0	40.2
12S	23E	28	NESE	0	2.2
12S	23E	28	NESW	0	2.4
12S	23E	28	NWNE	0	40.3
12S	23E	28	NWNW	0	40.2
12S	23E	28	NWSE	0	2.5
12S	23E	28	NWSW	0	2.3
12S	23E	28	SENE	0	40.2
12S	23E	28	SENW	0	40.2
12S	23E	28	SWNE	0	40.2
12S	23E	28	SWNW	0	40.3
12S	23E	29	NENE	0	40.1
12S	23E	29	NENW	0	40.2
12S	23E	29	NESE	0	40.2
12S	23E	29	NESW	0	40.2
12S	23E	29	NWNE	0	40.2
12S	23E	29	NWNW	0	40.3
12S	23E	29	NWSE	0	40.2
12S	23E	29	NWSW	0	40.3
12S	23E	29	SENE	0	40.1
12S	23E	29	SENW	0	40.2
12S	23E	29	SESE	0	40.1
12S	23E	29	SESW	0	40.3
12S	23E	29	SWNE	0	40.2
12S	23E	29	SWNW	0	40.3
12S	23E	29	SWSE	0	40.2
12S	23E	29	SWSW	0	40.3
12S	23E	30	NENE	0	40.0
12S	23E	30	NWNE	1	40.0
12S	23E	30	SENE	0	40.0
12S	23E	30	SWNE	2	40.0
12S	23E	31	NENE	0	39.6
12S	23E	31	NESE	0	39.9
12S	23E	31	NWNE	1	39.7
12S	23E	31	SENE	0	39.8

12S	23E	31	SESE	0	3.1
12S	23E	31	SWNE	2	39.8
12S	23E	32	NENE	0	40.1
12S	23E	32	NENW	0	40.1
12S	23E	32	NESE	0	0.4
12S	23E	32	NWNE	0	40.1
12S	23E	32	NWNW	0	40.1
12S	23E	32	NWSE	0	0.4
12S	23E	32	SENE	0	40.1
12S	23E	32	SENW	0	40.0
12S	23E	32	SWNE	0	40.1
12S	23E	32	SWNW	0	40.1
12S	23E	8	NENE	0	40.7
12S	23E	8	NENW	0	40.8
12S	23E	8	NESE	0	40.7
12S	23E	8	NESW	0	40.8
12S	23E	8	NWNE	0	40.8
12S	23E	8	NWNW	0	40.9
12S	23E	8	NWSE	0	40.7
12S	23E	8	NWSW	0	40.8
12S	23E	8	SENE	0	40.7
12S	23E	8	SENW	0	40.8
12S	23E	8	SESE	0	40.6
12S	23E	8	SESW	0	40.8
12S	23E	8	SWNE	0	40.7
12S	23E	8	SWNW	0	40.9
12S	23E	8	SWSE	0	40.7
12S	23E	8	SWSW	0	40.9
12S	23E	9	NENW	0	40.5
12S	23E	9	NESW	0	40.5
12S	23E	9	NWNW	0	40.5
12S	23E	9	NWSW	0	40.5
12S	23E	9	SENW	0	40.5
12S	23E	9	SESW	0	40.5
12S	23E	9	SWNW	0	40.5
12S	23E	9	SWSW	0	40.5
13S	23E	4	NWSW	0	26.9
13S	23E	4	SWSW	0	28.5
13S	23E	5	NESE	0	38.2
13S	23E	5	NWSE	0	5.8
13S	23E	5	SENE	0	1.0
13S	23E	5	SESE	0	38.5
13S	23E	5	SWSE	0	6.1
13S	23E	8	NENE	0	2.0
13S	23E	9	NWNW	0	0.5
Total Acres:					7844.1

PART 2.A.1: DESCRIPTION OF RIGHT(S) AS RECORDED. Each of the rights included in this transfer application are decreed to in the case *In re SRBA*, Case No. 39576, Twin Falls County.

PART 2.A.2: Ownership. The water rights included in this transfer are decreed to Lambert Produce, Inc., Chris Drakos and Cory King. Appurtenant lands are owned by Lambert Produce Co. Inc., Montana Brand Produce and Chris Drakos. The Power of Attorney attached as Exhibit E authorizes John Marshall to sign for all of these entities on matters related to water rights.

PART 2.A.3-7: DESCRIPTION OF RIGHT(S) AS RECORDED. The descriptions of the rights below are grouped according to their places of use, which match the color-coded map attached as Exhibit C.

Right Number	Priority	Amount (cfs)	Amount (ac-ft)	Nature of Use	Season of Use	Acres Irrigated	Point of Diversion (T12S R23E, Cassia County unless noted)	Source
Green – 4,983-acre permissible place of use								
45-13455	11/23/1881	1.81	-	Irrigation	3/15-11/15	201.9	S26 SWNESE	Willow Creek
45-169	11/23/1881	1.06	-	Irrigation	3/15-11/15	154	S26 SWNESE	Willow Creek
45-13973B	03/15/1968	8.4	-	Irrigation	3/15-11/15	663	S26 SWNESE	Willow Creek
45-695	4/1/1890	3.2	-	Irrigation	3/1-12/15	160	T13S R23E S09 NWNENW	Land Creek
45-696	4/1/1907	1.6	-	Irrigation	3/1-12/15	80	T13S R23E S09 NWNENW	Land Creek
45-2053	2/4/1909	3.2	-	Irrigation	3/15-11/15	160	S36 NENENE	Land Creek
45-4258A	1/1/1961	4.2	-	Irrigation	3/15-11/15	210	T13S R23E S09 NWNENW	Land Creek
45-13973D	03/15/1968	8.15	-	Irrigation	3/15-11/15	2479	T13S R23E S09 NENW, NENW	Land Creek
45-701	4/1/1870	1.567	-	Irrigation	3/1-12/15	80	T13S R23E S07 SESENE	Land Ranch Spring
45-2254A	4/12/1948	2.6	880	Irrigation	3/15-11/15	220	See list below	Ground water
45-2520	3/28/1956	5.92	1920	Irrigation	3/15-11/15	480	See list below	Ground water
45-2526	10/15/1956	4.55	1280	Irrigation	3/15-11/15	320	See list below	Ground water
45-2579	5/20/1959	2.58	1148	Irrigation	3/15-11/15	287	See list below	Ground water
45-2630	10/7/1960	2.4	1280	Irrigation	3/15-11/15	320	See list below	Ground water
45-2657	6/14/1961	2.96	1476	Irrigation	3/15-11/15	369	See list below	Ground water
45-4009A	5/15/1955	3.16	1542	Irrigation	3/15-11/15	636	See list below	Ground water
45-4011A	5/15/1953	1	488	Irrigation	3/15-11/15	572	See list below	Ground water
45-4013A	4/10/1948	2.92	-	Irrigation	3/15-11/15	320	See list below	Ground water
45-4048F	9/1/1961	5.92	969	Irrigation	3/15-11/15	360	See list below	Ground water
45-13777	6/30/1985	11.22	-	Irrigation	3/15-11/15	1991	See list below	Ground water
45-13974	3/15/1987	3.24	-	Irrigation	3/15-11/15	400	S26 NESE Lt2; S36 NENE; T13S R23E S09 NENW; S7 SENE	Land Creek, Willow Creek, Land Ranch Spring

Blue – 315-acre place of use

45-2519	3/28/1956	5.65	1140	Irrigation	3/15-11/15	285	S17 SWSWSW S20 SWNWNW S20 SWSWNW	Ground water
45-13973A	3/15/1970	5.48	—	Irrigation	3/15-11/15	939	S26 NESE Lt 2	Willow Creek
45-13973C	3/15/1970	6.49	—	Irrigation	3/15-11/15	939	T13S R23E S09 NENW, NENW	Land Creek

Pink – 625-permissible place of use

45-4048G	9/1/1961	1.24	800	Irrigation	3/15-11/15	200	S17 SWSWSW S20 SWNWNW S20 SWSWNW	Ground water
45-13973A	See above							
45-139743C	See above							

Purple – 1068-acre permissible place of use

45-2254B	4/12/1948	1.71	600	Irrigation	3/15-11/15	150	S22 SENESE S26 SENWSE	Ground water
45-11239	6/30/1985	1.46	600	Irrigation	3/15-11/15	918	S22 SENESE S26 SENWSE	Ground water

List of points of diversion for ground water rights in the 4,983-acre permissible place of use.

SWSWSW	Sec. 26	Township 12S	Range 22E	CASSIA County
SWSWNW	Sec. 35	Township 12S	Range 22E	CASSIA County
SWSWSW	Sec. 17	Township 12S	Range 23E	CASSIA County
NENENW	Sec. 20	Township 12S	Range 23E	CASSIA County
SWNWNW	Sec. 20	Township 12S	Range 23E	CASSIA County
SWSENW	Sec. 20	Township 12S	Range 23E	CASSIA County
SWNWSW	Sec. 20	Township 12S	Range 23E	CASSIA County
SWSWNE	Sec. 22	Township 12S	Range 23E	CASSIA County
SESWSW	Sec. 22	Township 12S	Range 23E	CASSIA County
NESW	Sec. 04	Township 13S	Range 23E	CASSIA County
SESENE	Sec. 05	Township 13S	Range 23E	CASSIA County
SESESW	Sec. 08	Township 13S	Range 23E	CASSIA County

The decree for water right 45-4048F includes these same 12 wells plus two additional wells in the SESENE of section 5 and the SESESW of Section 8, T13S, R23E.

PART 2.A.3-7: DESCRIPTION OF RIGHT(S) AS RECORDED (cont'd). The descriptions of the rights below correspond to the maps attached as Exhibit D.

Right Number	Priority	Amount (cfs)	Amount (ac-ft)	Nature of Use	Season of Use	Acres Irrigated	Point of Diversion	Source
45-2382	6/14/1951	10.3	2560	Irrigation	3/15-11/15	640	T11S R23E S33 SWNE, SWNW, SWSW	Ground water
45-2600A	1/21/1960	5.12	1232	Irrigation	3/15-11/15	308	T12S R22E S11 SWSWNE; S12 SWSWNW	Ground water
45-13469	6/30/1985	0.16	--	Irrigation	3/15-11/15	10	T12S R22E S11 SWSWNE; S12 SWSWNW	Ground water
45-2600B	1/21/1960	2.99	720	Irrigation	3/15-11/15	180	T12S R22E S11 SWNE; S12 SWNW	Ground water
45-13470	6/30/1985	0.1	--	Irrigation	3/15-11/15	6	T12S R22E S11 SWSWNE; S12 SWSWNW	Ground water

PART 2.A.8: Lands Irrigated or Place of Use. The descriptions of the places of use below are grouped according to shared places of use, which match the color coded map attached as Exhibit C

Green – 4,983-acre permissible place of use

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12S	22E	24	NESE	40	NWSE	32	SWSE	39	SESE	41				
		25	NENE	41	NWNE	39	SWNE	36	SENE	31				
	23E	15	NWNE	32	SWNE	40	SENE	3						
			NENW	34	SWNW	4	SENE	34						
			NESW	3	NWSW	35	SWSW	30	SESW	2				
			NESE	36	NWSE	38	SWSE	34	SESE	32				
		16	NENE	32	NWNE	34	SWNE	32	SENE	38				
			NENW	41	NWNW	41	SWNW	41	SENE	40				
			NESW	41	NWSW	41	SWSW	41	SESW	41				
			NESE	40	NWSE	22	SWSE	18	SESE	37				
		17	NENE	41	NWNE	41	SWNE	41	SENE	41				
			NENW	41	NWNW	41	SWNW	41	SENE	41				
			NESW	41	NWSW	41	SWSW	31	SESW	41				
			NESE	41	NWSE	41	SWSE	41	SESE	41				
		19	NENE	39	1 NWNE	39	2 SWNE	40	SENE	39				
			NESE	40	3 NWSE	40	4 SWSE	40	SESE	40				
		20	NENE	40	NWNE	40	SWNE	40	SENE	40				
			NENW	40	NWNW	40	SWNW	40	SENE	35				
			NESW	40	NWSW	40	SWSW	40	SESW	40				
			NESE	40	NWSE	40	SWSE	40	SESE	40				
		21	NENE	40	NWNE	40	SWNE	40	SENE	40				
			NENW	40	NWNW	40	SWNW	40	SENE	40				
			NESW	40	NWSW	40	SWSW	40	SESW	40				
			NESE	40	NWSE	40	SWSE	40	SESE	40				
		22	NENE	32	NWNE	34	SWNE	31	SENE	32				
			NENW	30	NWNW	39	SWNW	33	SENE	39				
			NESW	32	NWSW	40	SWSW	40	SESW	33				
		28	NENE	40	NWNE	40	SWNE	40	SENE	40				
			NENW	40	NWNW	40	SWNW	40	SENE	40				
		29	NENE	40	NWNE	40	SWNE	40	SENE	40				
			NENW	40	NWNW	40	SWNW	40	SENE	40				
			NESW	40	NWSW	40	SWSW	35	SESW	38				
			NESE	40	NWSE	40	SWSE	38	SESE	38				
		30	NENE	40	1 NWNE	40	2 SWNE	33	SENE	32				
12S	23E	8	NENE	36	NWNE	39	SWNE	41	SENE	39				
			NENW	40	NWNW	38	SWNW	40	SENE	41				
12S	23E	8	NESW	41	NWSW	33	SWSW	39	SESW	40				
			NESE	39	NWSE	41	SWSE	40	SESE	37				
		9	NENW	39	NWNW	40	SWNW	40	SENE	40				
			NESW	39	NWSW	40	SWSW	39	SESW	38				
														Total Acres: 4,983

Blue – 285-acre place of use

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12S	23E	8		NENE	36		NWNE	39		SWNE	41		SENE	39
				NENW	40		NWNW	38		SWNW	40		SENE	41
														Total Acres: 314

Pink – 625- permissible place of use

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12S	23E	8		NESW	41		NWSW	33		SWSW	39		SESW	40
				NESE	39		NWSE	41		SWSE	40		SESE	37
		9		NENW	39		NWNW	40		SWNW	40		SENE	40
				NESW	39		NWSW	40		SWSW	39		SESW	38
														Total Acres: 625

Purple – 1068-acre permissible place of use

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12S	23E	22		NESE	32		NWSE	39		SWSE	40		SESE	35
		23		NENW	35		NWNW	39		SWNW	32		SENE	40
				NESW	40		NWSW	40		SWSW	39		SESW	40
		26		SWNW	32									
				NESW	40		NWSW	40						
				NWSE	31									
		27		NENE	34		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40						
				NESE	40		NWSE	40						
														Total Acres: 1068

PART 2.A.8: Lands Irrigated or Place of Use (cont'd). The descriptions of the places of use below are grouped according to shared places of use, which match the color coded map attached as Exhibit D

Right 45-2382

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
11S	23E	33		NENE	40		NWNE	40		SWNE	41		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENE	41
				NESW	41		NWSW	40		SWSW	40		SESW	40
				NESE	36		NWSE	41		SWSE	40		SESE	40
														Total Acres: 640

Right 45-2600A and 45-13469

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12S	22E	1		NESW	40		NWSW	38		SWSW	40		SESW	40
		12		NENW	41		NWNW	41		SWNW	39		SENE	39
														Total Acres: 318

Right 45-2600B and 45-13470

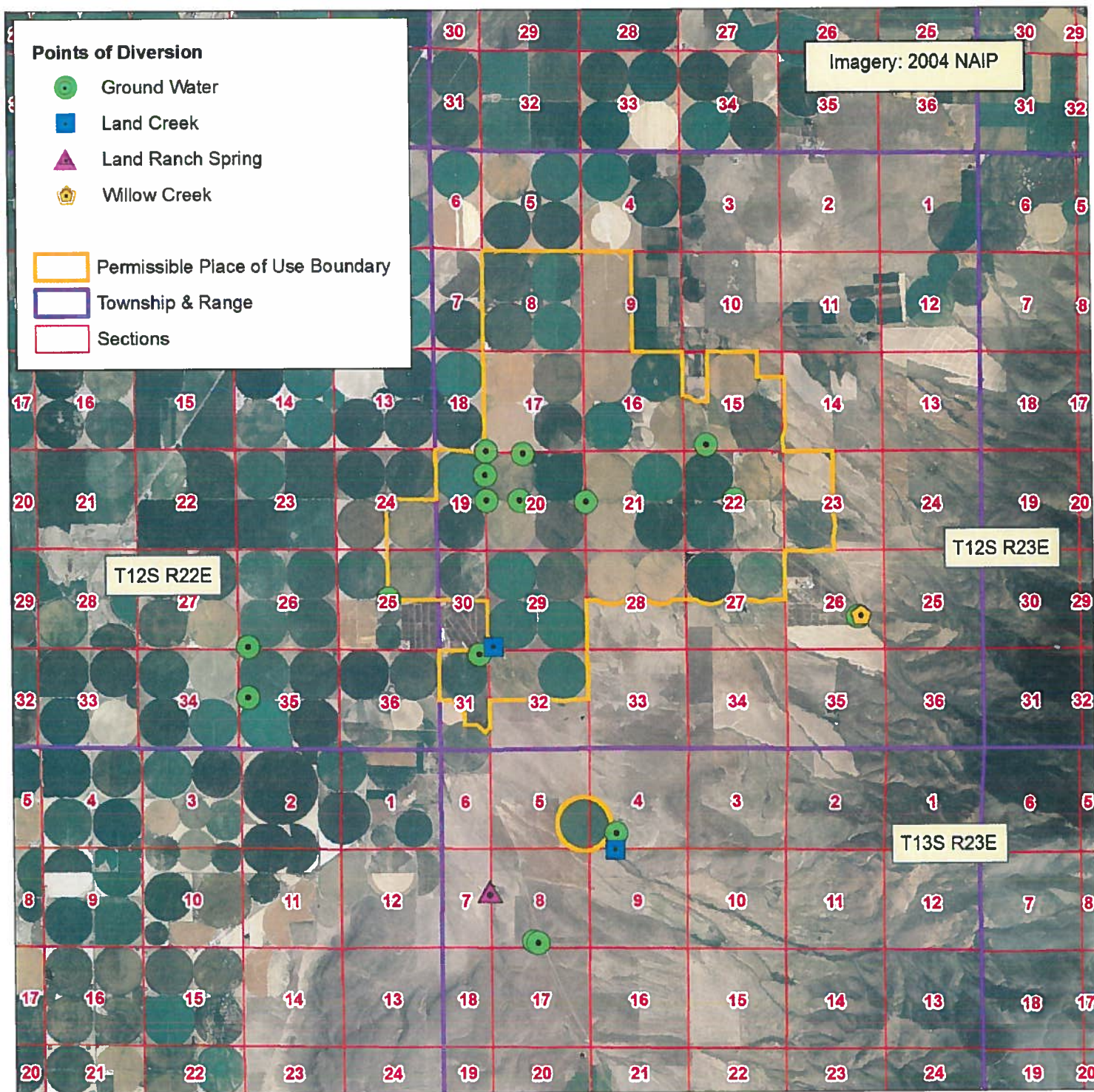
<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12S	22E	2		NESE	5		NWSE			SWSE			SESE	28
		11		NENE	40		NWNE	37		SWNE	37		SENE	39
														Total Acres: 186

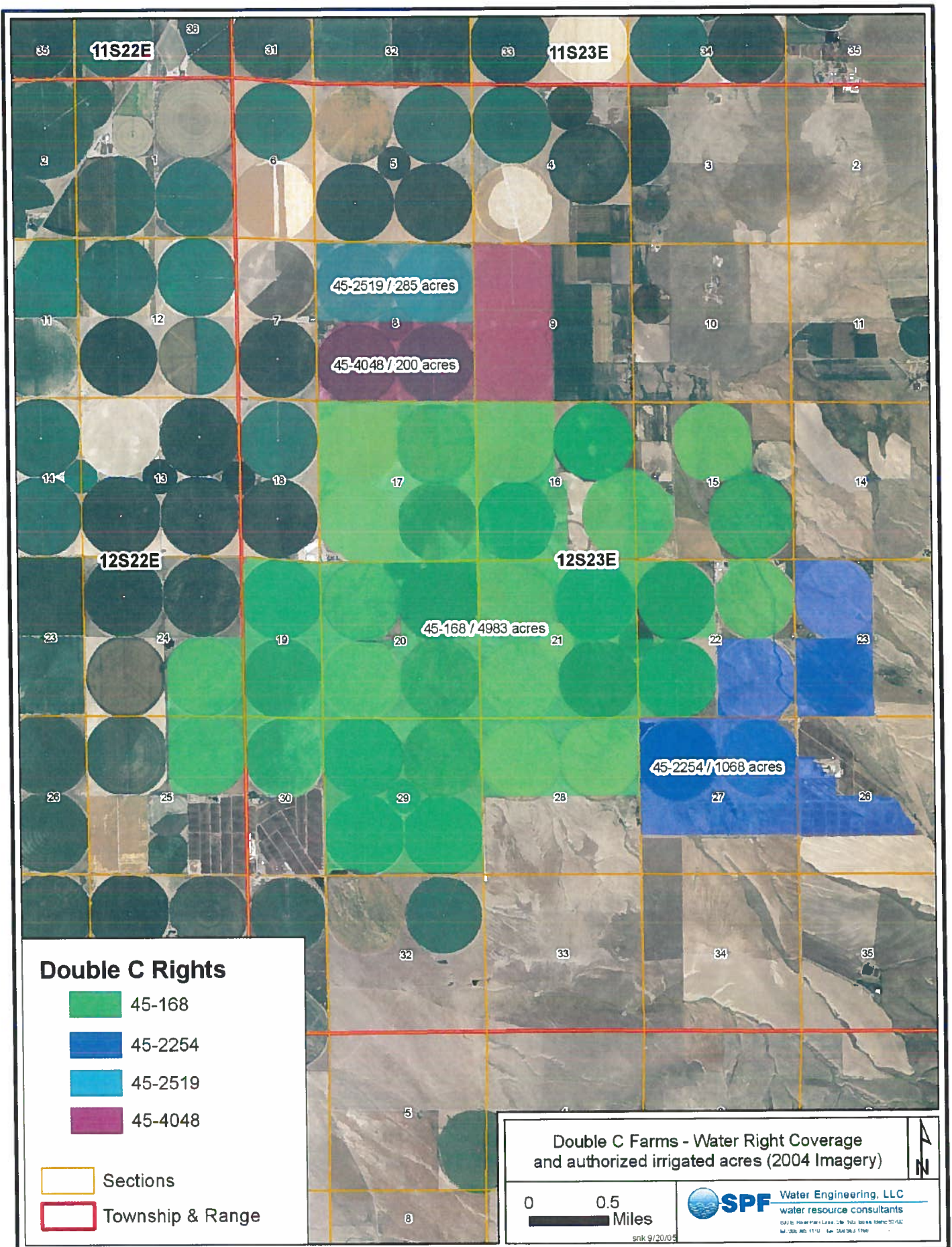
PART 2.A.9: Describe any other water rights used for the same purpose as described above. See Part 2.A.3-7 for list of all water rights used for irrigation on the farm.

PART 2.A.10: Forfeiture. All water rights included in the transfer were decreed in May 2005 and pending in this transfer since 2006, in the State water bank since 2005 (right 45-2382) or irrigated in the past 5 years (rights 45-2600A and B, 45-13469 and 45-13470).



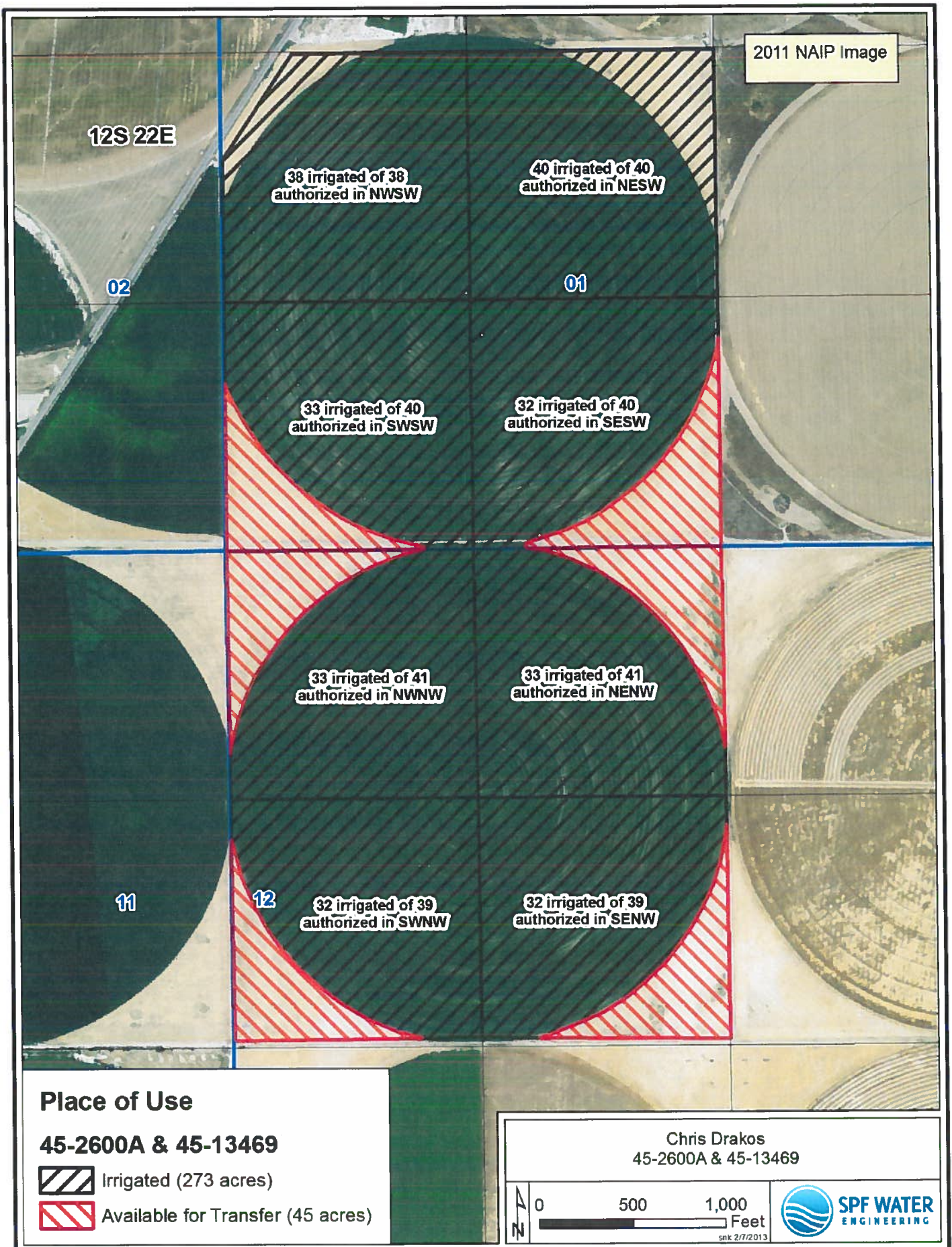
TRANSFER 78302





TRANSFER 78302

EXHIBIT C



TRANSFER 78302

EXHIBIT D1

Water Rights: 45-2600A & 45-13469

Township	Range	Section	NE				NW				SW				SE				TOTALS	Status
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12S	22E	1									40	38	33	32					143	Irrigated
											40	38	40	40					158	Authorized
											0	0	7	8					15	Transfer
		12					33	33	32	32									130	Irrigated
							41	41	39	39									160	Authorized
							8	8	7	7									30	Available for Transfer
																			273	Irrigated
																			318	Authorized
																			45	Transfer
Totals																				



Water Rights: 45-2600B & 45-13470

Township	Range	Section	NE				NW				SW				SE				TOTALS	Status
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12S	22E	2									5			24	5			24	29	Irrigated
											5			28	0			4	33	Authorized
																			4	Transfer
		11	33	33	31	32													129	Irrigated
			40	37	37	39													153	Authorized
			7	4	6	7													24	Transfer
																			158	Irrigated
																			186	Authorized
																			28	Transfer
Totals																				

2011 NAIP Image

29

28

27

11S 23E

31.8 Irrigated of 40
authorized in NWNW

32.9 Irrigated of 40
authorized in NENW

31.8 Irrigated of 40
authorized in NWNE

32 Irrigated of 40
authorized in NENE

33.2 Irrigated of 40
authorized in SWNW

33.5 Irrigated of 41
authorized in SENW

33.5 Irrigated of 41
authorized in SWNE

32.5 Irrigated of 40
authorized in SENE

32

33

34

32.2 Irrigated of 40
authorized in NWSW

33.5 Irrigated of 41
authorized in NESW

32.7 Irrigated of 41
authorized in NWSE

32.5 Irrigated of 36
authorized in NESE

33.5 Irrigated of 40
authorized in SWSW

33.6 Irrigated of 40
authorized in SESW

33.2 Irrigated of 40
authorized in SWSE

32 Irrigated of 40
authorized in SESE

04

03

Place of Use

45-2382



Irrigated (524.4 acres)



Available for Rental (115.6 acres)

Chris Drakos
45-2382



0 500 1,000
Feet



SPF WATER
ENGINEERING

snk 2/12/2013

Water Right: 45-2382

Township	Range	Section	NE				NW				SW				SE				TOTALS	Status
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
11S	23E	33	32	32	34	33	33	32	33	34	34	32	34	34	33	33	33	32	524	Irrigated
			40	40	41	40	40	40	40	41	41	40	40	40	36	41	40	40	640	Authorized
			8	8	8	8	7	8	7	8	8	8	7	6	4	8	7	8	116	Available for Transfer
Totals																			524	Irrigated
																			640	Authorized
																			116	Available for Transfer

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)
County of Cassia)ss

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.

Christy King

237 E 1100 S

Notary Public residing at

Burley, ID 83318

SEAL

My commission expires: 11/12/2016