



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 12, 2003

HAROLD C LAMBERT
RT 1 BOX 6
MACKAY ID 83251

RE: Transfer No.: 70510 - Water Right 34-4034 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED

JUN 13 2003

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camila S Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

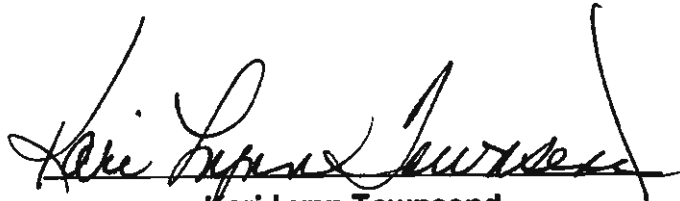
MICROFILMED
AUG 20 2003

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70510 - WATER RIGHT 34-4034

**HAROLD C LAMBERT
RT 1 BOX 6
MACKAY ID 83251**



**Kari Lynn Townsend
Secretary**

MICROFILMED

2006 2 11 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

AUG 20 2003

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

M E M O R A N D U M

Date: April 07, 2003
To: Transfer 70510
From: dcarlson
Re: transfer evaluation

This transfer proposes to add a second well to irrigate the POU.

Authority to File:
Applicant provided tax notices and is the SRBA owner of record

Water Right Validity:
This water right was recently partially decree-2001
Forfeiture is not an issue

Injury to Other Water Rights:
No injury issues identified. Not in the ESPA area.

Enlargement of Use:
There is no evidence of enlargement of use.

Local Public Interest:
No issues identified.

Beneficial Use / Conservation of Water Resources:
No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222
Idaho Code preventing processing of this application.

The application will be advertised to determine if there are any protests.

1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 70570

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant HAROLD C LAMBERT Phone (208) 588-2673

Office address Box 1, Box 6, Mackay ID 83251

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 the reason for the proposed changes APPLICANT WISHES TO ADD A POINT OF DIVERSION TO EXISTING RIGHT.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
34-4034	5-1-1958	1.00 CFS	IRRIGATION	4-15 to 10-15
		0.03 CFS	STEAMWATER	4-20 to 11-1

Total amount of water being transferred 1.03 cubic feet per second and/or _____ acre-feet per annum.

Source of water GROUND WATER tributary to _____

Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SE	SE	SE	18	7N	26E	BUTTE	* NEW (ADDITIONAL) WELL
	SE	SE	SE	18	7N	26E	BUTTE	* EXISTING WELL

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	26E	18															15	20	35
		19	40	40	37	40													157
			1-1	1-7	1-9	1-10													

* THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES Total Acres 192
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE

2 of 6

PART 1

Transfer No. 70510

General Information:

a. Description of diversion system WELLS (2) AND PIPELINES FOR IRRIGATION

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, 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:

NO CHANGE

d. Remarks:

STOCKWATER, 100 CATTLE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

For the Director

page 3 of 6

Page 1

Transfer No. 70510
Receipt No. _____

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

Current Water Right No. 34-4034

Priority Date: 05/01/1958
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source: GROUND WATER

Tributary to:

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	4/01	10/31	1.00 CFS	350.0 AFA	
STOCKWATER	4/20	11/01	0.03 CFS		
Total Diversion			1.03 CFS	350.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESESE 07N 26E 18 BUTTE

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 26E 18															15.0	20.0	35.0
07N 26E 19	40.0	40.0	37.0	40.0													157.0

Total Acres: 192

Conditions/Remarks:

1. STOCKWATER, 100 CATTLE
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. 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. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
5. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

70510

page 4 of 6

Page 2

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

Transfer No. 70510
Receipt No. _____

Current Water Right No. 34-4034

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

NO CHANGE

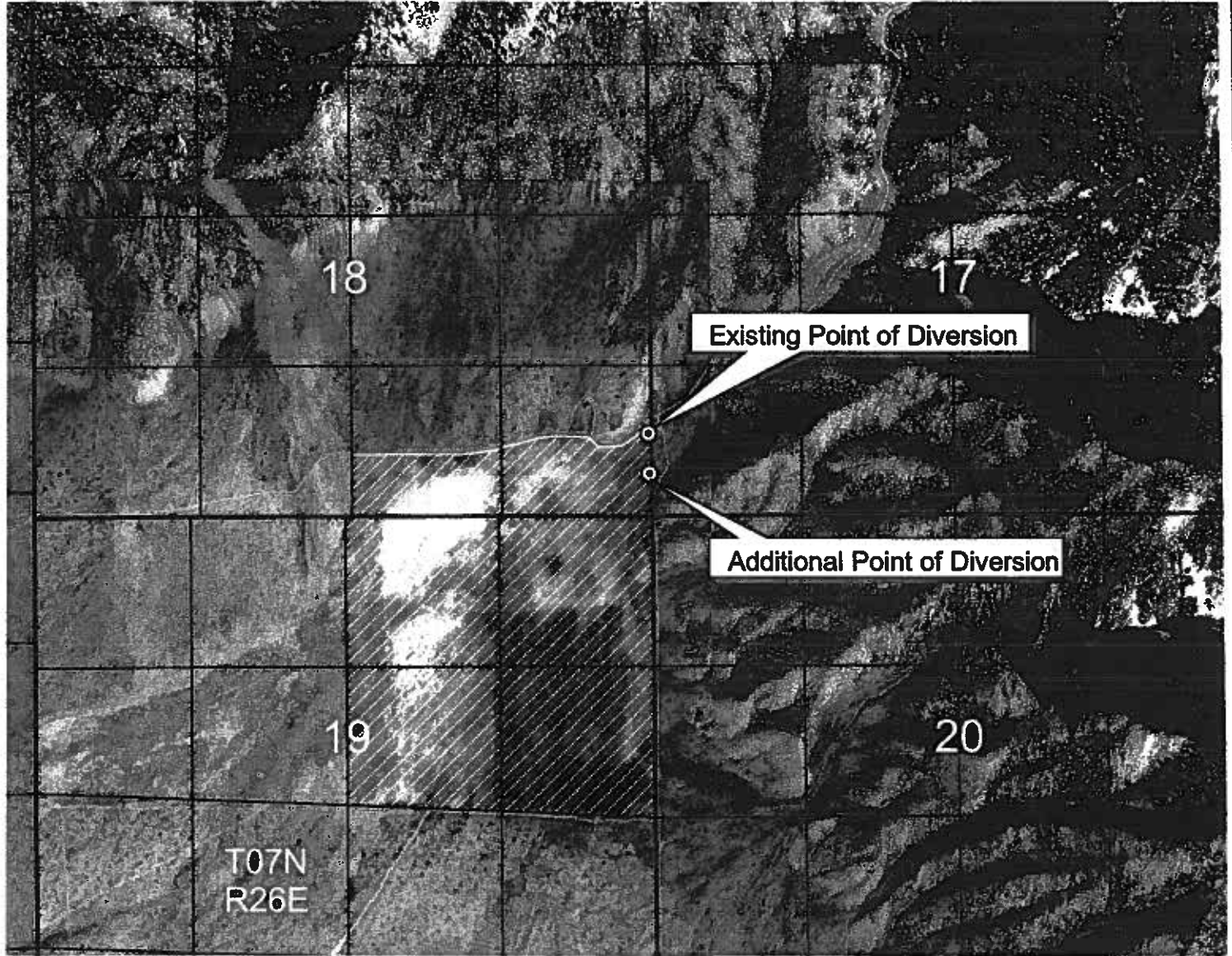
To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

T70510



State of Idaho
Department of Water Resources
Eastern Region
Transfer 34-4034 -- Lambert, Harold C.



- ⊙ Point(s) of Diversion
- Place of Use
- ▬ Section Lines
- ▬ Quarter Quarter Lines

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: March 2003

PART 3

T 70510

CHANGES IN NATURE OF USE

New Nature of UseAmount(cfs/af-ft)Hours/days/yearPeriod of Use

to

to

Quantity and quality of return flows and location of discharge:

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.

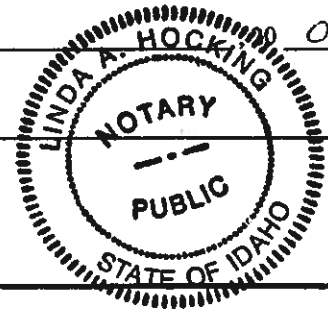
I understand that any willful misrepresentations made in this application may result in voiding its approval.

X Harold R. Lambert
(Signature of Applicant)

Subscribed and sworn to before me this 31st day of March

Linda A. Hocking
(Notary Public)

My commission expires 2-18-2006



FOR DEPARTMENT USE ONLY

Transfer contains 76 pages and 1 attachments

Received by DC Date 4/1/2003 Protest filed by _____

Prelim. Check by DC Fee 250 EO 28630

Received by DC Date 4/1/2003

Published in Arco Advertiser Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

T 70510

TAX RECORDS 34-04034

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

LAMBERT, HAROLD C

2002
3141

2ND HALF

AMOUNT DUE

19.65

BUTTE COUNTY
RP07N26E196000A
6-00

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2003

DATE PAID
PAID BY

CHECK #
CASH

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

LAMBERT, HAROLD

2002
3142

2ND HALF

AMOUNT DUE

96.14

BUTTE COUNTY
RP07N26E190149A
6-00

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2003

DATE PAID
PAID BY

CHECK #
CASH

ATTACHMENT T 70510
1 OF 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
April 30, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

HAROLD C LAMBERT
RT 1 BOX 6
MACKAY ID 83251

RE: Application for Transfer No 70510
Water Right No(s) 34-4034

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Arco Advertiser on May 8 and 15, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".

Harold W Jones
Water Right Supervisor

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 30, 2003

Legal Notice Department
ARCO ADVERTISER
PO BOX C
ARCO ID 83213

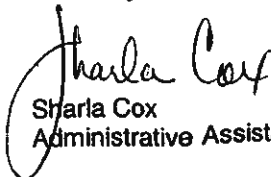
RE: Transfer No. 70510
Water Right No(s). 34-4034

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 May 27, 2003. Your cooperation is appreciated.

Sincerely


Sharla Cox
Administrative Assistant

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70510

HAROLD C LAMBERT, RT 1 BOX 6, MACKAY ID 83251, has filed Application No. 70510 for changes to the following water rights within BUTTE County:

Right No. 34-4034

Priority 5/1/1958

Source GROUND WATER

Use IRRIGATION (192 acres) 1.00 CFS 350.0 AFA
STOCKWATER

Total Amount 1.03 CFS 350.0 AFA

Point(s) of Diversion SESESE S18 T07N R26E

Place of Use S18 T07N R26E
S19 T07N R26E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant is adding a second well in the SESESE SEC 18 T7N R18E.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before May 27, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 8 and 15, 2003

AFFIDAVIT OF PUBLICATION

I, Vickie Christensen
of The Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for

2 consecutive weeks, commencing with

the issue dated May 8, 2003

and ending with the issue dated _____

May 15, 2003

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 15th day of May

in the year of 2003, before me, a Notary

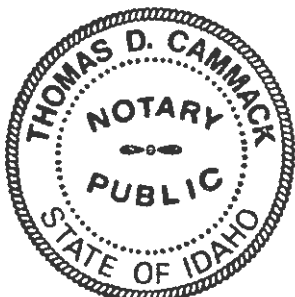
Public, personally appeared

Vickie Christensen
known or identified to me to be the person, whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Thomas D. Cammack
Notary Public for Idaho

Residing at Arco Id

My commission expires: 1-23-2004



PUBLIC NOTICE

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

TRANSFER NO. 70510

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STOCKWATER

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KARL J. DREHER, Director

(Published on May 8 and 15, 2003)

RECEIVED
MAY 02 2003
Department of Water Resources
Eastern Region