

Nelson, Dan

From: John Marshall [john@jmarshalllaw.com]
Sent: Friday, October 01, 2010 11:50 AM
To: Nelson, Dan
Cc: Van Bussum, Monica
Subject: Re: Conclusions of My Re-Evaluation

Hi Dan,

We're not that far off in terms of numbers, but we probably need to take up Monica's offer to arrange a meeting to see if we can get on the same page. Your analogy that we are saying 52 acres in the 100-acre PPU example should be available for the bank shows we are resolving this via email. That is not at all what we are saying. I am available any time Monday, Tuesday or Wednesday next week. Let me know if you're available any of these days. I'll come over with my maps and spreadsheets, and we can sort this all out.

Thanks,

John

On Thu, Sep 30, 2010 at 8:41 AM, Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Hello John,

I know this does sound confusing, but the number we have to look at is the combined acre amount allowed, and not the permissible place of use. The permissible place of use is just a border like a canal company. There are other water rights within a canal company border, so we have determine just the amount of acres the canal company is irrigating within their border to determine whether or not they are within the limits of their water rights. It is much the same with a permissible place of use. Let me see if I can explain what I have to do in reviewing a permissible place of use. I will use an example to see if that helps.

The water right says that you can irrigate 50 acres within a 100 acre permissible place of use.

There are no other water rights within that permissible place of use.

Within that 100 acres, I find 48 acres being irrigated.

50 acres minus 48 acres = 2 acres available for the water bank.

Your consultant's approach is that since 52 acres are not being irrigated, then 52 acres are available for the water bank.

The water right is limited to 50 acres only. We can't allow 52 acres to be irrigated, because that would be considered an enlargement. If the resulting water bank rental results in more acres being irrigated when the water bank lease and the remaining acres are combined, then it is an enlargement of that water right. They are only entitled to irrigate 50 acres when the two rights are combined. It is the only way I can be looked at the situation. It is the same way we would look at the situation under a standard water right transfer. The difference between the water right transfer process and the water bank rental process is that we can lease water from another water right that is in the bank. Therefore, we can lease water from another water right if the water bank rental needs 52 acres to be whole. We can do the same thing in your case if needed.

Now in the case of rights we are looking at for your client, you have suggested that there are at least 33.2 acres that are covered by Southwest Irrigation District shares or some other water right, and I agree with that suggestion. If that is the case, then you will have adequate water to irrigate the 687 acres requested on the rental for 2009, but we need verification that the 33.2 acres do actually have water being delivered to them under a valid water right. This explains why I requested that you provide the Southwest Irrigation District water delivery records for that 80 acre parcel.

Anything that has happened prior to 2009 is resolved and the Department is satisfied with the irrigation requirements for 2005 through 2008. We are not going to pursue the consent order of other acres that may have been irrigated prior to 2009 any further, so going back beyond 2009 is really not necessary. Unless there is another Consent Order and Agreement out there that I am not aware that requires the additional water being requested.

The best I can do with what I have to process is to review specific details you disagree with for 2009 and 2010. In my last email, I agreed with your assessment on the acreage amounts in the W ½ of the SE ¼ of S16 T12S R23E, and once we get confirmation that there was water available for those 33.2 acres from Southwest Irrigation District, then we have everything we need to process these lease and rent the full 687 acres worth of water from the water bank. If there are no valid water rights for those acres, and you have other areas you would like me to review for the 2009 season, I would be happy to do so, but you will need to refer the specific areas you have questions about.

Please keep in mind that if a pivot goes outside of the boundaries of the water right into an area without another water right covering that land, and I don't count those as being part of these water rights then we will be right back in the same position we were in when the original NOV was issued. If I do count them as part of this water right, then I can justify that by saying the pending transfer will correct the place of use issues. It will save everyone a great deal of time and money to try resolve these issues as easily as possible. Attaining the Southwest Irrigation District seems to be the best course of action right now to move forward with these applications. If you like, we can also provide the additional water required for the rental from another water right in the water bank if one is available. However, the only reason that you want to do that is if there are no Southwest Irrigation District shares available for those 33.2 acres to ensure that you at least have a water right representing those acres in your pending water right transfer.

I hope this helps, and I didn't get too deeply into instructor mode. Dealing with a permissible place of use is confusing, but it is the only way reasonable way we have to ensure that an enlargement doesn't occur. You have to look at the acres

irrigated in a permissible place of use and not the acres not irrigated. If there are other areas you would like to me to review, please let me know where they are located. As with the 80 acres, I am willing to do what I can to get this application processed, and I am willing to listen to any proposal. I can't guarantee that I can get those proposals approved, but I am more than happy to forward them on to those that can make those decisions.

Thank you.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856

From: John Marshall [mailto:john@jmarshalllaw.com]
Sent: Wednesday, September 29, 2010 5:24 PM

To: Nelson, Dan
Cc: Van Bussum, Monica
Subject: Re: Conclusions of My Re-Evaluation

Dan,

I think we are approaching the issue from two different way, which is causing confusion. Our approach to determining how many acres we need to rent from the bank is different from the way you are calculating the acres available for the bank, the result of which is double counting against Double C.

Your approach determines that 540.9 acres are available for the bank under rights 45-2520 and 45-2254A, which are included in the set of rights that authorize the 4951-acre permissible place of use. If I understand correctly what you have done, you count all the acres within the boundary of the PPU as irrigated, even if they are not authorized by a water right. The 33.2 acres in the west 1/2 of the SE 1/4 of S16 are just an example. I believe there are about 140 acres that fall into this category.

Our approach to determining how many acres we need to rent, and how many acres are available to rent does not count the irrigated but unauthorized acres within the PPU. In other words, when we looked at how many acres within the PPU are available to send to the bank out of the PPU, we do not count the unauthorized acres. When we determine how many acres we need to rent from the bank, we then include the irrigated but unauthorized acres in the total.

If you combine the two approaches, which is what I think is happening, the irrigated but unauthorized acres within the PPU work against Double C in tallying how many acres are available for the bank, but then Double C has to turn around and rent water to cover these acres that have already been counted.

I see two ways to resolve this. One is reduce the amount of acres Double C needs to rent from the bank by agreeing that the acres within the PPU that are irrigated but unauthorized do not need coverage under the bank.

I don't think this is appropriate and is not the way we approached resolution under the NOV. The second way is to not count the irrigated but unauthorized acres in the PPU against the total Double C has available to lease to the bank under rights 45-2520 et al. In the S16 example we have been talking about, the 33.2 acres should not be counted as irrigated, and would therefore be added to the 540.9 acre total available to lease to the bank.

There are other similarly situated acres, but since we are dealing with a 24.1-acre difference between what you have found as available for the bank and what we seek to rent from the bank, we don't need to bother looking elsewhere.

See if this makes any sense to you. If no, we should probably talk on the phone or meet and see if we can get on the same page to push these applications through. The good news is that there are sufficient authorized acres available to rent/lease to cover's Double C's irrigated acreage.

Thank you,

John

On Tue, Sep 28, 2010 at 2:18 PM, Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Hello John,

I have just re-evaluated the area in question, Township 12S, Range 23 East, Section 16, in the W1/2 of the SE1/4. In my review I found that there were two mini pivots and portions of two larger pivot in these two tracts. In the NWSE of S16 I found 36.5 acres irrigated and in the SWSE of S16 I found 36.7 acres irrigated for a total of 73.2 acres. The water rights allow the irrigation of 18 acres and 22 acres for a total of 40 acres. There are no other water rights in the applicant's name in this 80 acre area. However, the borders of the Southwest Irrigation District do include this ground. If you can provide Southwest Irrigation District records that show that the applicant had canal shares for these two 40-acre tracts in 2009 and 2010, I can give you credit for at least 33.2 acres of additional land being retired. If there are no Southwest Irrigation District shares for the W1/2 of the SE1/4 of Section 16, Township 12 South, Range 23 East, then I would have to assume that they were either irrigated under this water right or without a valid water right.

My original review of the 2009 aerial photos show that the applicant had 540.9 acres under water rights 45-2520 and 45-2254A and an additional 122 acres under water right 45-2382 for a total of 662.9 acres. With the additional 33.2 acres for these two 40-acre tracts, the applicant would have adequately demonstrated that they have retired the 687 acres requested in the 2009 rental request. I would also be more confident with the 2010 rental proposal.

Once I receive the confirmation of canal shares from Southwest Irrigation District and the map of the 687 acres, I don't see any problem with moving forward on these applications. That should solve most of the remaining issues.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856

From: Nelson, Dan
Sent: Tuesday, September 28, 2010 9:51 AM
To: 'John Marshall'
Cc: Van Bussum, Monica
Subject: RE: Double C applications

John,

I will be working on the water bank files for the next few days, and I will review your information. My concern with the analysis SPF did was that they have not identified the acres that are actually being irrigated. That is the only way that I can look at a Permissible Place of Use. Unfortunately, I cannot just look at the acres not being irrigated.

I think we are satisfied that we have sufficiently covered the 549 acres for Consent Order and Agreement for 2005 through 2008. Therefore, I don't see any reason to review those years any further. The Department's main concern through 2005 through 2008 was to cover the Consent Order and Agreement's requirements. With your previous correspondence correcting the 2005 lease, I think we can move forward to the 2009 and 2010 rentals.

My only concern now is with the 2009 and 2010 water bank leases and rentals.

My first concern is that we have not received a map showing where the 687 acre will be used in 2009 and 2010. For 2005 through 2008 we had the 549 acres discussed in the Notice of Violation and Consent Order and Agreement, which was acceptable. However, the 2009 and 2010 rentals are not discussed in the Consent Order and Agreement, so we will need a map showing where the water will be used in 2009 and 2010.

Without the Consent Order and Agreement, my review changes to a one year at a time evaluation, instead of looking at multiple years like we did for 2005 through 2008. My assessment of the 2009 irrigation was made on the 2009 aerial photography and the 2009 LandSat Satellite photos. I will be happy to review those photos for irrigation using your email as reference. However, aerial photography from 2005 or any other year would be irrelevant to the 2009 season. Our office doesn't have 2005 photography, so I cannot review that information anyway. With the 2005 through 2008 issues resolved, we need to only address the 2009 and 2010 seasons.

If your clients could provide me with crop records or some other form in information that show the actual number of acres irrigated under the water rights in 2009 and 2010, it might be helpful in my re-evaluation. I would also be happy to evaluate anything that SPF would like to submit on the acres irrigated within the Permissible Place of Use for the 2009 and 2010 seasons. We don't have any aerial photography yet for the 2010 season, so we will trust that your client has retired the adequate amount of ground during this irrigation season. Once we receive the 2010 LandSat satellite photos we may review those, but for now we have no way to evaluate 2010. Therefore, I will only be re-evaluating the 2009 irrigation season.

I did try to limit my review of the acres being irrigated to the borders of the water rights, unless a field or pivot went outside of the borders of the water right. If the pivot or field went outside the borders of the water rights, and there were no other water rights covering those acres, I did include those acres to avoid other possible issues.

As soon as I perform my re-evaluation, I will send you my findings. If we need to discuss this further, I would be willing to set up a meeting with you and we can go over the information, and see if we can come to an agreement. I hope this works for you. If not, please let me know.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856

From: John Marshall [mailto:john@jmarshalllaw.com]
Sent: Monday, September 27, 2010 6:17 PM
To: Nelson, Dan
Cc: Van Bussum, Monica
Subject: Re: Double C applications

Dan,

I've had a chance to go over past applications, maps etc. in some detail, and along with a review of summary of acres found from your GIS review, I have a better understanding how this all fits together.

For starters, Double C et al. will need to rent water sufficient to irrigate the 687 acres for 2009 and 2010. I think the total is actually slightly lower for these years, but for sake of efficiency, we'll stick with the prior acreage tally and apply to rent 687.

When it comes to determining how many acres are available to lease to the bank, we approached the mapping different than you did. We (SPF did the GIS work) took the water right place of use shapefile and overlaid it on an aerial to determine the acres that were authorized but not irrigated. We tallied these up to determine the acreage available to lease to the bank. I believe SPF used 2005 photography. For the 4983-acre PPU, we came up with a total of 589.7 non-irrigated acres available to lease. Accordingly, we applied to lease rights 45-2520 (480 acres) and an 85-acre portion of 45-2254, for a total of 565 acres. We also applied to lease 122 acres from right 45-2520, bringing the total leased to the 687 acres.

As I interpret your spreadsheet, you used a different approach and tallied up all the irrigated acres in the PPU and subtracted this from the total authorized acreage within the PPU of 4951.9 acres. For 2008, this methodology came up with 4404.8 irrigated, leaving 547.1 available for lease, or an 18-acre deficit from the 565 acres in the lease applications. In 2005, your analysis showed only 349.1 acres available, a substantial difference from the 589.7 we found. I believe a large part of the difference can be accounted for by recognizing that your acreage tally includes acres within the boundary of the PPU but that are not authorized for irrigation. For example, your analysis counts 38.1 acres irrigated in the SWSE of 12S 23E although only 18 acres are authorized, a 20.1-acre difference. These 20.1 acres, and other irrigated areas in the same situation, are included in the unauthorized irrigation the water bank applications are designed to resolve. If I am correct about this, then I believe unauthorized acres that must be covered by rentals are also being deducted from the total available to lease to the bank, which double counts these acres against Double C. I believe the irrigated acres within the PPU boundary that are not covered by a currently valid right should not be counted against the total available to lease to the bank. I tally approximately 138 acres that fall into this category. If I am right about all of this, then for 2009 and 2010 (assuming the irrigation patterns are the same as for 2008, which I understand is the case), the total available for lease from the PPU is $547.1 + 138 = 685.1$, or more than enough to cover the 565 acres Double C applied to lease to the bank. Please review and see what you think and then contact me to discuss. Thank you,

John

On Fri, Sep 17, 2010 at 5:14 PM, John Marshall <john@jmarshalllaw.com> wrote:

Dan,

For 2009 and 2010, let me do a little map work early next week to confirm which acres we need to cover. I'm pretty sure it will be in the 687 range because of an additional pivot that needs coverage. If so, we'll need to compare notes on my earlier calculation that 687 are available compared to your 662. The applicant has other rights with decreed acreage available to put in the bank if we need to add another right to the mix.

Thanks,

John

On Fri, Sep 17, 2010 at 9:38 AM, Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Hello John,

The 2009 and 2010 water bank rental application requests 687 acres. The Notice of Violation (NOV) stated that 549 acres were being irrigated without a water right. The letter you sent will adequately deal with the NOV issues. However, the 2009 and 2010 leases are not tied to or discussed in the NOV. Therefore, if you are planning on irrigating the 549 acres associated with the NOV, plus additional lands. I will need a map showing where those additional lands are located. We can use the mapping for the NOV to determine the 549 acres. If you just want to cover the 549 acres, we can leave the remaining acres associated with the lease in the water bank for others to use.

I have reviewed the 2009 aerial photos and found that 662.9 acres are available from 2009. If you are only looking at irrigating just the 549 acres, then you would have $662.9 - 549 = 113.9$ acres available in the bank for others to use. Whereas 2010 irrigation is currently under way, we will not be able review the acres retired until we receive the Landsat photos later on in the year, but we will be required to review them to ensure the entire 687 acres were retired. However, we can rent the entire 687 acres, but we will need to deal with the fall out later if enough acres were not retired for 2010.

If you are only planning to cover the 549 acres associated with the NOV, then it might be cleaner if you send me an email or letter stating that you would like to limit the 2009 and 2010 water bank rental to 549 acres. Unless they started irrigating fields in 2010 that they were not irrigating in 2009, I believe there will be more than enough water for the 549 acres in 2010. The size of this farm makes things a bit more difficult.

If you have any questions please give me a call.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856

From: John Marshall [<mailto:john@jmarshalllaw.com>]
Sent: Thursday, September 16, 2010 5:16 PM
To: Van Bussum, Monica
Cc: Nelson, Dan; Skaggs, Pam
Subject: Double C applications

. . . .

Monica,

Please see attached letter addressing the Double C and Lambert applications.

Thank you,

John

Nelson, Dan

From: Nelson, Dan
Sent: Friday, September 17, 2010 9:38 AM
To: 'John Marshall'
Cc: Van Bussum, Monica
Subject: RE: Double C applications

Hello John,

The 2009 and 2010 water bank rental application requests 687 acres. The Notice of Violation (NOV) stated that 549 acres were being irrigated without a water right. The letter you sent will adequately deal with the NOV issues.

However, the 2009 and 2010 leases are not tied to or discussed in the NOV. Therefore, if you are planning on irrigating the 549 acres associated with the NOV, plus additional lands. I will need a map showing where those additional lands are located. We can use the mapping for the NOV to determine the 549 acres. If you just want to cover the 549 acres, we can leave the remaining acres associated with the lease in the water bank for others to use.

I have reviewed the 2009 aerial photos and found that 662.9 acres are available from 2009. If you are only looking at irrigating just the 549 acres, then you would have $662.9 - 549 = 113.9$ acres available in the bank for others to use. Whereas 2010 irrigation is currently under way, we will not be able review the acres retired until we receive the Landsat photos later on in the year, but we will be required to review them to ensure the entire 687 acres were retired. However, we can rent the entire 687 acres, but we will need to deal with the fall out later if enough acres were not retired for 2010.

If you are only planning to cover the 549 acres associated with the NOV, then it might be cleaner if you send me an email or letter stating that you would like to limit the 2009 and 2010 water bank rental to 549 acres. Unless they started irrigating fields in 2010 that they were not irrigating in 2009, I believe there will be more than enough water for the 549 acres in 2010. The size of this farm makes things a bit more difficult.

If you have any questions please give me a call.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856

From: John Marshall [mailto:john@jmarshalllaw.com]
Sent: Thursday, September 16, 2010 5:16 PM
To: Van Bussum, Monica
Cc: Nelson, Dan; Skaggs, Pam
Subject: Double C applications

Monica,

Please see attached letter addressing the Double C and Lambert applications.

Thank you,

John

Marshall, Aaron

From: Yenter, Cindy
Sent: Friday, April 03, 2009 2:39 PM
To: Ball, Diana; Marshall, Aaron
Cc: 'John M Marshall'; Homan, John
Subject: RE: Double C / Lambert Produce 2009 Rental Application

Aaron - this application needs to be held without action because we have still have unresolved compliance issues with Double C / Lambert. By copy of this message I am also informing the water user's counsel that a Consent Order must be entered into with IDWR before I will sign off on water bank rentals. If irrigation occurs this season without a fully executed rental, I will also recommend that Double C / Lambert receive additional Notices of Violation.

Cindy Yenter
Watermaster, Water District 140
Twin Falls, ID
cindy.yenter@idwr.idaho.gov
208-736-3033

From: Ball, Diana
Sent: Friday, April 03, 2009 2:21 PM
To: Marshall, Aaron
Cc: Yenter, Cindy
Subject: Double C / Lambert Produce 2009 Rental Application

Aaron,

We received another rental application from Givens Pursley on behalf of Double C / Lambert Produce. A conformed copy was returned to them on 4/03/2009 per the attorney's request. I'm attaching a scanned copy of the letter and 2009 rental application for your review and comments.

Thanks.
Diana

<< File: Double C Lambert Produce 2009 letter from attorney re rental apps.pdf >> << File: 4032009 WSB - Rental Application.pdf >>

Marshall, Aaron

From: Yenter, Cindy
Sent: Friday, February 27, 2009 11:54 AM
To: Marshall, Aaron
Subject: RE: Double C / Lambert Produce 2008 Rental Application

funny, I have been thinking about this lately and just today went and found the last attorney message I had from last April - almost 1 year ago! Unfortunately no, there has been no progress. I am not sure of my timeline at this point.

From: Marshall, Aaron
Sent: Friday, February 27, 2009 10:13 AM
To: Yenter, Cindy
Cc: Homan, John; Ball, Diana
Subject: RE: Double C / Lambert Produce 2008 Rental Application

Cindy,

Has a consent resolution been reached yet with Double C / Lambert Produce? Just checking on the status. Thanks.

Aaron

From: Yenter, Cindy
Sent: Monday, May 12, 2008 1:08 PM
To: Ball, Diana; Marshall, Aaron
Cc: Homan, John
Subject: RE: Double C / Lambert Produce 2008 Rental Application

Yes, I have the copies from 06 and 07. We are getting closer to a consent resolution, and when we get there we will likely need to process all WSB apps at once, including 08.

Thanks for keeping track of these. Just hang on to them for now, and we'll keep you posted.

Cindy

From: Ball, Diana
Sent: Monday, May 12, 2008 1:04 PM
To: Yenter, Cindy; Marshall, Aaron
Cc: Homan, John
Subject: RE: Double C / Lambert Produce 2008 Rental Application

Cindy,

We have not processed any agreements for them yet. I had emailed you the copies of docs from 2006 and 2007 back in October 2007 for review. I don't think anything has been done since then.

Diana
x4954

From: Yenter, Cindy
Sent: Monday, May 12, 2008 9:44 AM
To: Marshall, Aaron
Cc: Ball, Diana; Homan, John
Subject: Double C / Lambert Produce 2008 Rental Application

Aaron - I received copy of this application. John Homan and I have still been unable to reach a consent order with these folks. Did we ever process the 2007 or prior applications?

Cindy

Marshall, Aaron

From: Yenter, Cindy
Sent: Tuesday, February 09, 2010 8:37 AM
To: Marshall, Aaron
Subject: RE: Lambert Produce / Double C Water bank filings

Thanks, Aaron. Lambert's attorney had contacted me about the transfers still on hold, and that made me remember about the water bank obligations. This should come as no surprise to them, but it probably will anyway. They can use the \$20K we just refunded them for flow meters, to pay their bank fees!
cindy

From: Marshall, Aaron
Sent: Tuesday, February 09, 2010 8:27 AM
To: Yenter, Cindy
Subject: RE: Lambert Produce / Double C Water bank filings

Hi Cindy,

I apologize for the delay in my response. Tim and I have discussed this issue and I have a copy of the consent order with the Bank applications. I have not yet processed the applications but I think this will be near the top of the priority list due to the potential significant revenue for IDWR. I'll be in contact with you if I have any questions when preparing the rental agreement.

Aaron

From: Yenter, Cindy
Sent: Monday, February 01, 2010 3:29 PM
To: Marshall, Aaron
Subject: Lambert Produce / Double C Water bank filings

Hi Aaron – We finally did settle with Lambert and got a signed consent order which included a provision that Lambert pay water bank rental fees associated with those 3 or 4 years of applications on file pursuant to the original NOV. Did Tim contact you about that, and/or were the applications ever processed?

cindy

MEMORANDUM

TO: Water Right Files 45-2520, 45-2254A, and 45-2382
FROM: Dan Nelson
DATE: October 10, 2010
SUBJECT: Lambert Produce Co. Inc, Chris Drakos, and Double C. Farms Water Supply Bank Rental Application

SUMMARY

This review memo relates to several water bank filings from 2005 through 2010. These filings involve Lambert Produce Company, Double C. Farms, and Chris Drakos.

A water bank lease on water right 45-2520 was received in 2005 to lease 280.5 acres, and the appurtenant water to the water bank. The 2005 lease had an accompanying rental application to rent the appurtenant water for the 280.5 acres from the water bank. A second lease was filed in 2006 on water rights 45-2254A, 45-2382, and 45-2520 to lease the water appurtenant to 687 acres to the water bank during the years of 2006, 2007, and 2008. A one year water bank rental was filed in 2006 to rent water made available in the 2006 lease. Subsequent rental requests were made in 2007 and 2008 to rent the necessary water for each of those years.

The main reason for these water bank leases and rentals were to comply with a Consent Order and Agreement that was signed By Mr. Drakos and the Idaho Department of Water Resources on May 4, 2009. This agreement required that water bank water be made available for approximately 549 acres from 2005 through 2008. Whereas, the agreement was signed in 2009, it did not mention water bank lease or rental requirements for 2009.

In 2009, a rental request was submitted to the water bank for the water made available in the 2006 lease agreement. Unfortunately, the lease agreement made in 2006 only held the water available from the three water rights in the bank until December 31, 1008. Department staff contacted John Marshal, the Attorney representing these companies, and he made a formal request to extend the lease until the 2009 and 2010 irrigation seasons, and a water bank rental was submitted for the 2010 irrigation season. A water right transfer is currently being held in the southern region office, and is pending review of a couple of late adjudication claims. Staff is currently working to bring the claims and the water right transfer to completion.

Water right 45-4048F and water right 45-2520 each have a diversion rate of 5.92 cfs, and when combined they are limited to maximum rate of diversion of 5.92 cfs. Therefore, the senior water right, 45-2520, if removed from the system would take its full share out of the combined rate when it left. Fortunately, the water being rented is going to be diverted from the same points of diversion, so this shouldn't be an issue. However, if this rental expires and the lease remains in the bank is rented and moved to a different location, then 45-4048F will need to be reduced by the amount of water leased to the water bank under 45-2520.

AUTHORITY TO FILE

The Idaho Secretary of State Business Search shows that Lambert Produce Company Inc. forfeited its incorporation in 1974, and re-filed as Lambert Produce Inc. in 1974. Chris Drakos is the president or partner for Lambert Produce Company Inc., Double C. Farms, and Lambert Produce Inc. Mr. Drakos and Cory King for Double C. Farms signed a Power of Attorney over to John Marshall, an attorney for Givens Pursley LLP, to co-ordinate all of the water bank leases and rentals. It appears as though Mr. Marshall has signed all of the water bank documents.

SUFFICIENCY OF SUPPLY

During my review of the water rights, I found a discrepancy in the amount of acres that were supposed to be retired when compared to the yearly Landsat aerial photography. Please see the attached spreadsheets showing the acres that were actually found to be retired on the perspective water rights from 2005 through 2008. It appears as though the reason for the discrepancy, in part, was created by the subtraction of the acres not irrigated within the borders of the permissible place of use from the acre amount allowed to be irrigated within that permissible place of use border. They should have determined number of acres actually being irrigated, and then subtracted amount from acres allowed within the permissible place of use borders. The difference between the acres that are allowed to be irrigated and the borders of the permissible place of use is significantly different. This is probably the reason for the discrepancy of the number of acres available. Except for 2005, this created a difference of approximately 100 acres from what I found being irrigated.

The acre amounts were compared to the 549 acres required under the 2009 Consent Order and Agreement mentioned above. An average was used to ensure the amount of acres needed to comply with the consent order would be reached during this time period. Over the period between 2005 and 2008, the amount lands that were retired from water rights 45-2254A, 45-2382, and 45-2520 were short of complying with the Consent Order and Agreement by 29.7 acres. However, there were adequate acres not being irrigated in 2005 to more than cover the 29.7 acres. The applicant's attorney filed a request to increase the 2005 rental and lease to cover the 29.7 acre shortage. Therefore, there are now enough acres required for lease and rental to provide the needed compensation for the 2009 Consent Order and Agreement. A meeting with the Attorney General's office and administration, confirmed that all that was needed was to provide adequate compensation for the 2009 Consent Order and Agreement in 2005 through 2008.

It has been determined that there was adequate acres not irrigated in 2009 to adequately cover the 2009 lease and rental.

INJURY

The purpose of these leases and agreements are to compensate for any injury that may have been caused by a Notice of Violation that was filed on July 12, 2005. Therefore, I can find no reason to prevent these rentals from moving forward. The lands involved with these applications are within the Eastern Snake Plain Aquifer Model Boundary, but no analysis was done for this application. Aaron Marshal instructed me to not worry about this analysis on for these applications, since the water will be moved within borders of a single farm.

ENLARGEMENT

The original rental agreements, did miscalculate the number of acres retired in the lease and rental agreements. Therefore, they should be reduced to the actual amount of land that was retired to prevent enlargement of the water rights. The 2009 lease appears to have been adequately done, and no enlargement was found in 2009.

BENEFICIAL USE

It appears as though this use of water will be put to beneficial use.

LOCAL PUBLIC INTEREST

By correcting the July 12, 2005 Notice of Violation, these lease are in the public interest.

WATER DISTRICT

This proposal is within Water District 140.

RECOMMENDATION

With increase in the 2005 Water Bank lease and rental, I recommend that it be approved for 310.2 acres leased at a diversion rate of 3.83 cfs and an annual volume of 1240.8 acre feet. Therefore, the lease from 2005 through 2008 should be as follows:

2005 - 45-2520 = 310.2 acres leased at a diversion rate of 3.83 cfs and an annual volume of 1240.8 af.

2006 - 45-2520 = 268.7 acres leased at a diversion rate of 3.31 cfs and an annual volume of 1074.8 af.

45-2254A = 220 acres leased at a diversion rate of 2.60 cfs and an annual volume of 880 af.

45-2382 = 122 acres leased at a diversion rate of 1.96 cfs and an annual volume of 488 af

This would allow a combined total of for a total of 610.7 acres, 9.74 cfs, and 2442.8 afa when all three rights are combined. The rental for 2006 should be reduced to match the adjusted 2006 lease.

2007 - 45-2520 = 264 acres leased at a diversion rate of 3.26 cfs and an annual volume of 1056 af.

45-2254A = 220 acres leased at a diversion rate of 2.60 cfs and an annual volume of 880 af.

45-2382 = 122 acres leased at a diversion rate of 1.96 cfs and an annual volume of 488 af

This would allow a combined total of for a total of 606 acres, 7.82 cfs, and 2424 afa when all three rights are combined. The rental for 2007 should be reduced to match the adjusted 2007 lease.

2008 - 45-2520 = 327.1 acres leased at a diversion rate of 4.03 cfs and an annual volume of 1308.4 af.

45-2254A = 220 acres leased at a diversion rate of 2.60 cfs and an annual volume of 880 af.

45-2382 = 122 acres leased at a diversion rate of 1.96 cfs and an annual volume of 488 af

This would allow a combined total of for a total of ^{667.1 (MVB)}~~606~~ acres, 7.82 cfs, and 2676.4 afa when all three rights are combined. The rental for 2008 should be reduced to match the adjusted 2008 lease.

There is a combined condition with water right 45-2520 and water right 45-4048F for a combined total of 5.92 cfs when the two rights are combined. For each of these years the use from 45-4048F will need to be reduced by the rate approved by the water bank under water right 45-2520. Therefore, the diversion rate allowed under water right 45-4084F in 2005 is 2.09 cfs; in 2006 is 2.61 cfs; in 2007 is 2.66 cfs, and in 2008 is 1.89 cfs.

I recommend that the leases for 2009 and 2010 be corrected to 345 acres, 4.25 cfs, and 1380 afa from water right 45-2520; 122 acres, 1.96 cfs, 488 afa from water right 45-2382; and 220 acres, 2.60 cfs, and 880 afa from water right 45-2254A for a total of 687 acres, 8.81 cfs, and 2748 afa when all three rights are combined. The rentals for 2009 and 2010 should be allowed for the rates mentioned above.

On the water bank lease water right No. 45-2520 has a combined condition with 45-4048F that will need to be carried forward. The water bank lease and the water bank rental will use the same irrigation system, so separation of the amount being removed from combination is not necessary. The combined limitation for 45-2025 and 45-4048F can be addressed as follows:

- 1.) When the portion of water right 45-2520 being leased to the water bank and the portion of water right 45-2520 not being leased to the water bank are combined with water right 45-4048F they will be limited to a total combined diversion rate of 5.92 cfs.
- 2.) If portion of water right 45-2520 leased to the water bank is rented to a location that utilizes a separate irrigation system, then water right 45-4048F will need to be leased to the water bank and included in the rental, or the rental will need to be denied.

The water bank leases and rental remove a portion of the water rights from a combined group of water rights. This removal makes these water rights virtually stand alone rights, so the combined portions of the remaining water rights will need to be reduced. Therefore, the changes would need to be altered for the water bank leases and the remaining portion as follows.

Leases:

- 1.) E56 Use of the rights listed below is limited to the irrigation of a combined total of 565 acres and 6.85 cfs in a single irrigation season. Combined Right Nos.: 45-2254A and 45-2520.

Remaining Water Rights:

- 2.) E56 Use of the rights listed below is limited to the irrigation of a combined total of 4386.9 acres in a single irrigation season. Combined Right Nos.: 45-13455, 45-169, 45-695, 45-696, 45-701, 45-2053, 45-2254A, 45-2520, 45-2526, 45-2579, 45-2630, 45-2657, 45-4009A, 45-4011A, 45-4013A, 45-4048F, 45-4258A, & 45-13777.
- 2.) E61 Use of the rights listed below is limited to a total combined diversion rate of 21.24 cfs and to a total combined annual diversion volume of 10,983 af. Combined Right Nos.: 45-2254A, 45-2520, 45-2526, 45-2579, 45-2630, 45-2657, 45-4009A, 45-4011A, 45-4013A, 45-4048F, & 45-13777.

By following the above recommendations, the 2009 Consent Order and Agreement requirements should be fulfilled, and the needed 687 acres of irrigation rentals for 2009 and 2010 can be fulfilled. It appears as though all of the issues have been resolved, and we can move forward in issuing the water bank rentals and leases. We have passed onto the applicant's attorney that we cannot continue to rental water from the water bank for these lands, but a water right transfer has been on hold in our Southern Region office. We may have to allow another lease/rental for 2011, but we will need to wait until we find if the Southern Region office can complete the work needed to process this transfer.

No. C 48218	Due no later than Sep 30, 2010 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			CHRIS DRAKOS 405 N. E. MAIN BLACKFOOT ID 83221			
	1. Mailing Address: Correct in this box if needed. LAMBERT PRODUCE, INC. CHRIS DRAKOS BOX 793 BLACKFOOT ID 83221		3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors and(optional) Treasurer.						
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:		6. Annual Report must be signed.*				
ID C 48218		Signature: Chris Drakos		Date: 07/09/2010		
		Name (type or print): Chris Drakos		Title: President		
Processed 07/09/2010		* Electronically provided signatures are accepted as original signatures.				

FILED EFFECTIVE



CERTIFICATE OF ASSUMED BUSINESS NAME

Pursuant to Section 53-504, Idaho Code, the undersigned submits for filing a certificate of Assumed Business Name.

Please type or print legibly.

NOTE: See instructions on reverse before filing.

07 JUL -9 PM 4:21

SECRETARY OF STATE
STATE OF IDAHO

1. The assumed business name which the undersigned use(s) in the transaction of business is:

Double C Farms

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name:

Name

Complete Address

Cory L. King

203 E. 1100 S., Burley, ID 83318

Vicky King

203 W. 1100 S., Burley, ID 83318

Chris Drakos

PO Box 793, Blackfoot, ID 83221

3. The general type of business transacted under the assumed business name is:

- | | |
|--|--|
| ☐ Retail Trade | ☐ Transportation and Public Utilities |
| ☐ Wholesale Trade | ☐ Construction |
| ☐ Services | ☒ Agriculture |
| ☐ Manufacturing | ☐ Mining |
| ☐ Finance, Insurance, and Real Estate | |

4. The name and address to which future correspondence should be addressed:

203 E. 1100 S., Burley, ID 83318

Submit Certificate of
Assumed Business
Name and \$25.00 fee to:

Secretary of State
700 West Jefferson
Basement West
PO Box 83720
Boise ID 83720-0080
208 334-2301

5. Name and address for this acknowledgment copy is (if other than # 4 above):

Givens Pursley LLP

PO Box 2720

Boise, ID 83701-2720

Phone number (optional):

208-388-1200

Signature:

Printed Name:

J. Will Varin

Capacity/Title:

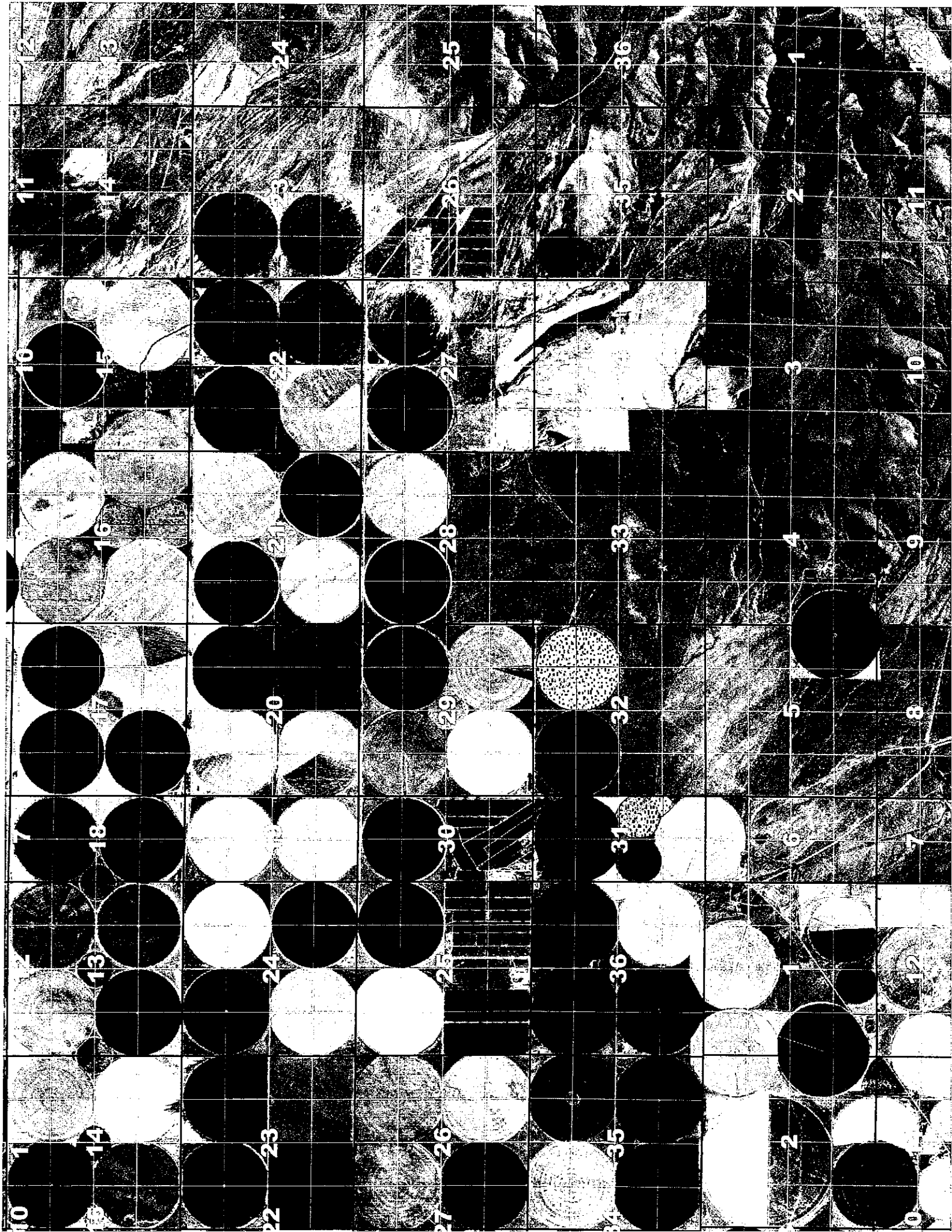
Attorney for Double C Farms

(see instruction # 8 on back of form)

Secretary of State use only

IDAHO SECRETARY OF STATE
07/09/2007 05:00
CK: 58838 CT: 1626 BH: 1854742
1 @ 25.00 = 25.00 ASSUM NAME # 2

D 113138



2009 Acre Review

TOWNSHIP	RANGE	SEC	QQ	GOVT. LOT #	LEGAL ACRES	GIS ACRES	WATER RIGHT ACRES	WATER RIGHT VS. GIS DIFFERENCE
12S	23E	15	NENW	0	40	27.8	34	6.2
12S	23E	15	NESE	0	40	36.2	36	-0.2
12S	23E	15	NESW	0	40	2.6	3	0.4
12S	23E	15	NWNE	0	40	27.1	32	4.9
12S	23E	15	NWSE	0	40	37.2	38	0.8
12S	23E	15	NWSW	0	40	31.7	35	3.3
12S	23E	15	SENE	0	40	2.3	3	0.7
12S	23E	15	SENW	0	40	33.7	34	0.3
12S	23E	15	SESE	0	40	34.3	32	-2.3
12S	23E	15	SESW	0	40	2.3	2	-0.3
12S	23E	15	SWNE	0	40	35.5	40	4.5
12S	23E	15	SWNW	0	40	1.3	4	2.7
12S	23E	15	SWSE	0	40	32.2	34	1.8
12S	23E	15	SWSW	0	40	39.1	30	-9.1
12S	23E	16	NENE	0	40	27	32	5
12S	23E	16	NENW	0	40	24.8	41	16.2
12S	23E	16	NESE	0	40	40	40	0
12S	23E	16	NESW	0	40	32.6	41	8.4
12S	23E	16	NWNE	0	40	29.2	34	4.8
12S	23E	16	NWNW	0	40	31.4	41	9.6
12S	23E	16	NWSE	0	40	21.6	22	0.4
12S	23E	16	NWSW	0	40	35.4	41	5.6
12S	23E	16	SENE	0	40	33.5	38	4.5
12S	23E	16	SENW	0	40	32	40	8
12S	23E	16	SESE	0	40	38.9	37	-1.9
12S	23E	16	SESW	0	40	37	41	4
12S	23E	16	SWNE	0	40	32.8	32	-0.8
12S	23E	16	SWNW	0	40	38.5	41	2.5
12S	23E	16	SWSE	0	40	18	18	0
12S	23E	16	SWSW	0	40	39	41	2
12S	23E	17	NENE	0	40	30	41	11
12S	23E	17	NENW	0	40	30.2	41	10.8
12S	23E	17	NESE	0	40	34.4	41	6.6
12S	23E	17	NESW	0	40	35.4	41	5.6
12S	23E	17	NWNE	0	40	30.2	41	10.8
12S	23E	17	NWNW	0	40	30.8	41	10.2
12S	23E	17	NWSE	0	40	35.1	41	5.9
12S	23E	17	NWSW	0	40	37.3	41	3.7
12S	23E	17	SENE	0	40	37.3	41	3.7
12S	23E	17	SENW	0	40	38.2	41	2.8
12S	23E	17	SESE	0	40	38.6	41	2.4
12S	23E	17	SESW	0	40	38.5	41	2.5

2009 Acre Review

TOWNSHIP	RANGE	SEC	QQ	GOVT. LOT #	LEGAL ACRES	GIS ACRES	WATER RIGHT ACRES	WATER RIGHT VS. GIS DIFFERENCE
12S	23E	17	SWNE	0	40	38.5	41	2.5
12S	23E	17	SWNW	0	40	38	41	3
12S	23E	17	SWSE	0	40	39.8	41	1.2
12S	23E	17	SWSW	0	40	34.5	31	-3.5
12S	23E	19	NENE	0	40	29.4	39	9.6
12S	23E	19	NESE	0	40	27.4	40	12.6
12S	23E	19	NWNE	1	39.76	30	39	9
12S	23E	19	NWSE	3	39.72	29.6	40	10.4
12S	23E	19	SENE	0	40	33.5	39	5.5
12S	23E	19	SESE	0	40	31.6	40	8.4
12S	23E	19	SWNE	2	39.74	35	40	5
12S	23E	19	SWSE	4	39.7	34.5	40	5.5
12S	23E	20	NENE	0	40	37.7	40	2.3
12S	23E	20	NENW	0	40	36.9	40	3.1
12S	23E	20	NESE	0	40	30.6	40	9.4
12S	23E	20	NESW	0	40	29.6	40	10.4
12S	23E	20	NWNE	0	40	36.1	40	3.9
12S	23E	20	NWNW	0	40	28.2	40	11.8
12S	23E	20	NWSE	0	40	32	40	8
12S	23E	20	NWSW	0	40	30.2	40	9.8
12S	23E	20	SENE	0	40	33.9	40	6.1
12S	23E	20	SENW	0	40	36.1	35	-1.1
12S	23E	20	SESE	0	40	33.6	40	6.4
12S	23E	20	SESW	0	40	33.9	40	6.1
12S	23E	20	SWNE	0	40	36.3	40	3.7
12S	23E	20	SWNW	0	40	34.1	40	5.9
12S	23E	20	SWSE	0	40	35.5	40	4.5
12S	23E	20	SWSW	0	40	35	40	5
12S	23E	21	NENE	0	40	29.5	40	10.5
12S	23E	21	NENW	0	40	25.6	40	14.4
12S	23E	21	NESE	0	40	36.1	40	3.9
12S	23E	21	NESW	0	40	37.3	40	2.7
12S	23E	21	NWNE	0	40	32.4	40	7.6
12S	23E	21	NWNW	0	40	37.1	40	2.9
12S	23E	21	NWSE	0	40	34.8	40	5.2
12S	23E	21	NWSW	0	40	28.9	40	11.1
12S	23E	21	SENE	0	40	38.3	40	1.7
12S	23E	21	SENW	0	40	38	40	2
12S	23E	21	SESE	0	40	32.9	40	7.1
12S	23E	21	SESW	0	40	35.6	40	4.4
12S	23E	21	SWNE	0	40	40.1	40	-0.1
12S	23E	21	SWNW	0	40	36.1	40	3.9

2009 Acre Review

TOWNSHIP	RANGE	SEC	QQ	GOVT. LOT #	LEGAL ACRES	GIS ACRES	WATER RIGHT ACRES	WATER RIGHT VS. GIS DIFFERENCE
12S	23E	21	SWSE	0	40	33.3	40	6.7
12S	23E	21	SWSW	0	40	35.1	40	4.9
12S	23E	22	NENE	0	40	29.3	32	2.7
12S	23E	22	NENW	0	40	28.6	30	1.4
12S	23E	22	NESW	0	40	29.2	32	2.8
12S	23E	22	NWNE	0	40	30.5	34	3.5
12S	23E	22	NWNW	0	40	38.1	39	0.9
12S	23E	22	NWSW	0	40	36.8	40	3.2
12S	23E	22	SENE	0	40	32	32	0
12S	23E	22	SENW	0	40	33.3	39	5.7
12S	23E	22	SESW	0	40	33.7	33	-0.7
12S	23E	22	SWNE	0	40	34.1	31	-3.1
12S	23E	22	SWNW	0	40	34.7	33	-1.7
12S	23E	22	SWSW	0	40	35.8	40	4.2
12S	22E	24	NESE	0	40	30.8	40	9.2
12S	22E	24	NWSE	0	40	30.2	32	1.8
12S	22E	24	SESE	0	40	31.3	41	9.7
12S	22E	24	SWSE	0	40	31.9	39	7.1
12S	22E	25	NENE	0	40	37.6	41	3.4
12S	22E	25	NWNE	0	40	36.6	39	2.4
12S	22E	25	SENE	0	40	37.5	31	-6.5
12S	22E	25	SWNE	0	40	36.5	36	-0.5
12S	23E	28	NENE	0	40	29.2	40	10.8
12S	23E	28	NENW	0	40	28.5	40	11.5
12S	23E	28	NESE	0	40	0	0	0
12S	23E	28	NESW	0	40	0	0	0
12S	23E	28	NWNE	0	40	29.5	40	10.5
12S	23E	28	NWNW	0	40	28.6	40	11.4
12S	23E	28	NWSE	0	40	0	0	0
12S	23E	28	NWSW	0	40	0	0	0
12S	23E	28	SENE	0	40	34.1	40	5.9
12S	23E	28	SENW	0	40	33.1	40	6.9
12S	23E	28	SWNE	0	40	34.4	40	5.6
12S	23E	28	SWNW	0	40	33.7	40	6.3
12S	23E	29	NENE	0	40	28.1	40	11.9
12S	23E	29	NENW	0	40	31.5	40	8.5
12S	23E	29	NESE	0	40	31.6	40	8.4
12S	23E	29	NESW	0	40	39.3	40	0.7
12S	23E	29	NWNE	0	40	30	40	10
12S	23E	29	NWNW	0	40	31.6	40	8.4
12S	23E	29	NWSE	0	40	39	40	1
12S	23E	29	NWSW	0	40	40.2	40	-0.2

2009 Acre Review

TOWNSHIP	RANGE	SEC	QQ	GOVT. LOT #	LEGAL ACRES	GIS ACRES	WATER RIGHT ACRES	WATER RIGHT VS. GIS DIFFERENCE
12S	23E	29	SENE	0	40	31.4	40	8.6
12S	23E	29	SENW	0	40	38.4	40	1.6
12S	23E	29	SESE	0	40	32.7	38	5.3
12S	23E	29	SESW	0	40	33.3	38	4.7
12S	23E	29	SWNE	0	40	39.1	40	0.9
12S	23E	29	SWNW	0	40	40.3	40	-0.3
12S	23E	29	SWSE	0	40	34.4	38	3.6
12S	23E	29	SWSW	0	40	32.7	35	2.3
12S	23E	30	NENE	0	40	27.4	40	12.6
12S	23E	30	NWNE	1	39.76	35.1	40	4.9
12S	23E	30	SENE	0	40	30.2	32	1.8
12S	23E	30	SWNE	2	39.84	36.1	33	-3.1
TOTAL					5519	4366	4983	617

PLEASE NOTE: The water right allows 4,951.9 acres within the permissible place of use of 4,983 acres described above. I found 4,411 acres irrigated in 2009, however, I discovered that 45 of these acres are going to be covered by the water bank rental. I have highlighted those areas and removed the water bank rental acres from that 40 acre tract total. Therefore, we will need to use an adjusted total of irrigated acres of 4,366 acres. The actual total lands available for the water bank lease is 4,951.9 - 4,366 = 585.9 acres. The 122 acres retired under water right 45-2382 seems reasonable and matches the landsat photos. The total amount of land available for the water bank lease is 707.9 acres. Only 687 acres are being requested to lease to the bank, so there should be no issues with allowing the entire 687 acres.

**Comparison of Acres Found Irrigated and the Water Bank Lease to
Fulfill the Requirements of the May 4th, 2009 Consent Order and
Agreement**

Year	Application Acres Requested	GIS Acres Allowed	Acres Allowed to be Applied to Project	Consent Order Acre Requirement	Balance
2005	280.5	349.1	280.5	549.0	-268.5
2006	687.0	610.7	610.7	549.0	-206.8
2007	687.0	606.0	606.0	549.0	-149.8
2008	687.0	669.1	669.1	549.0	-29.7

These water bank leases were filed to comply with the Consent Order and Agreement (COA) signed by Lambert Produce Inc. on May 4th, 2009 for a Notice of Violation that was issued to Lambert Produce Inc. on July 12th, 2005. In the COA, Lambert Produce Inc. agreed to file water bank leases to adequately cover 72 acres for Double C Farms, and 477 acres for Lambert Produce Inc. for a total of 549 acres from 2005 through 2008. As you can see above, the actual allowable acres are going to be short by 29.1 acres. However, there were more than enough acres that were found that were not irrigated in 2005 to cover this deficit. It may be prudent to allow the applicant adequate coverage for the acres required in the COA.

Please note that water right 45-2520 was the only water right used for the 2005 season. Water rights 45-25250, 45-2254A, and 45-2382 were leased to the water bank from 2006 through 2008.

2005 Acre Review

TOWNSHIP	RANGE	SEC	QQ	GOVT. LOT #	LEGAL ACRES	GIS ACRES	WATER RIGHT ACRES	WATER RIGHT VS. GIS DIFFERENCE
12S	23E	14	NWSW	0	40.0	1	0	-1
12S	23E	14	SWSW	0	40.0	0.6	0	-0.6
12S	23E	15	NENW	0	40.0	30.6	34	3.4
12S	23E	15	NESE	0	40.0	37.1	36	-1.1
12S	23E	15	NESW	0	40.0	4.2	3	-1.2
12S	23E	15	NWNE	0	40.0	29.2	32	2.8
12S	23E	15	NWNW	0	40.0	0.3	0	-0.3
12S	23E	15	NWSE	0	40.0	38.5	38	-0.5
12S	23E	15	NWSW	0	40.0	32.3	35	2.7
12S	23E	15	SENE	0	40.0	2.3	3	0.7
12S	23E	15	SENW	0	40.0	35.3	34	-1.3
12S	23E	15	SESE	0	40.0	34.3	32	-2.3
12S	23E	15	SESW	0	40.0	2.3	2	-0.3
12S	23E	15	SWNE	0	40.0	37	40	3
12S	23E	15	SWNW	0	40.0	0.2	4	3.8
12S	23E	15	SWSE	0	40.0	32.2	34	1.8
12S	23E	15	SWSW	0	40.0	39.3	30	-9.3
12S	23E	16	NENE	0	40.0	29.1	32	2.9
12S	23E	16	NENW	0	40.0	35.9	41	5.1
12S	23E	16	NESE	0	40.0	40.1	40	-0.1
12S	23E	16	NESW	0	40.0	40.3	41	0.7
12S	23E	16	NWNE	0	40.0	36.4	34	-2.4
12S	23E	16	NWNW	0	40.0	35.4	41	5.6
12S	23E	16	NWSE	0	40.0	36	22	-14
12S	23E	16	NWSW	0	40.0	40.4	41	0.6
12S	23E	16	SENE	0	40.0	36.6	38	1.4
12S	23E	16	SENW	0	40.0	40.3	40	-0.3
12S	23E	16	SESE	0	40.0	40.2	37	-3.2
12S	23E	16	SESW	0	40.0	40.1	41	0.9
12S	23E	16	SWNE	0	40.0	40.4	32	-8.4
12S	23E	16	SWNW	0	40.0	40	41	1
12S	23E	16	SWSE	0	40.0	38.1	18	-20.1
12S	23E	16	SWSW	0	40.0	40.4	41	0.6
12S	23E	17	NENE	0	40.0	34.3	41	6.7
12S	23E	17	NENW	0	40.0	33.3	41	7.7
12S	23E	17	NESE	0	40.0	38.1	41	2.9
12S	23E	17	NESW	0	40.0	37.4	41	3.6
12S	23E	17	NWNE	0	40.0	34.2	41	6.8
12S	23E	17	NWNW	0	40.0	33.6	41	7.4
12S	23E	17	NWSE	0	40.0	38.7	41	2.3
12S	23E	17	NWSW	0	40.0	40.4	41	0.6

12S	23E	17	SENE	0	40.0	39.8	41	1.2
12S	23E	17	SENW	0	40.0	39.5	41	1.5
12S	23E	17	SESE	0	40.0	40.4	41	0.6
12S	23E	17	SESW	0	40.0	40.6	41	0.4
12S	23E	17	SWNE	0	40.0	40	41	1
12S	23E	17	SWNW	0	40.0	40	41	1
12S	23E	17	SWSE	0	40.0	40.5	41	0.5
12S	23E	17	SWSW	0	40.0	35.7	31	-4.7
12S	23E	19	NENE	0	40.0	29.4	39	9.6
12S	23E	19	NESE	0	40.0	29.9	40	10.1
12S	23E	19	NWNE	1	39.8	30	39	9
12S	23E	19	NWSE	3	39.7	31.5	40	8.5
12S	23E	19	SENE	0	40.0	33.5	39	5.5
12S	23E	19	SESE	0	40.0	32.4	40	7.6
12S	23E	19	SWNE	2	39.7	35	40	5
12S	23E	19	SWSE	4	39.7	35.5	40	4.5
12S	23E	20	NENE	0	40.0	38.5	40	1.5
12S	23E	20	NENW	0	40.0	37.9	40	2.1
12S	23E	20	NESE	0	40.0	31.3	40	8.7
12S	23E	20	NESW	0	40.0	30.3	40	9.7
12S	23E	20	NWNE	0	40.0	38.7	40	1.3
12S	23E	20	NWNW	0	40.0	29.2	40	10.8
12S	23E	20	NWSE	0	40.0	32.6	40	7.4
12S	23E	20	NWSW	0	40.0	30.7	40	9.3
12S	23E	20	SENE	0	40.0	34.5	40	5.5
12S	23E	20	SENW	0	40.0	36	35	-1
12S	23E	20	SESE	0	40.0	34.8	40	5.2
12S	23E	20	SESW	0	40.0	34.1	40	5.9
12S	23E	20	SWNE	0	40.0	36.4	40	3.6
12S	23E	20	SWNW	0	40.0	33.8	40	6.2
12S	23E	20	SWSE	0	40.0	35.5	40	4.5
12S	23E	20	SWSW	0	40.0	33.9	40	6.1
12S	23E	21	NENE	0	40.0	38.2	40	1.8
12S	23E	21	NENW	0	40.0	38.6	40	1.4
12S	23E	21	NESE	0	40.0	37.6	40	2.4
12S	23E	21	NESW	0	40.0	38.6	40	1.4
12S	23E	21	NWNE	0	40.0	38.9	40	1.1
12S	23E	21	NWNW	0	40.0	38.8	40	1.2
12S	23E	21	NWSE	0	40.0	37.8	40	2.2
12S	23E	21	NWSW	0	40.0	29.9	40	10.1
12S	23E	21	SENE	0	40.0	38.5	40	1.5
12S	23E	21	SENW	0	40.0	38.9	40	1.1
12S	23E	21	SESE	0	40.0	33.7	40	6.3
12S	23E	21	SESW	0	40.0	35.8	40	4.2
12S	23E	21	SWNE	0	40.0	40.2	40	-0.2
12S	23E	21	SWNW	0	40.0	37.4	40	2.6
12S	23E	21	SWSE	0	40.0	35.1	40	4.9

12S	23E	21	SWSW	0	40.0	35.1	40	4.9
12S	23E	22	NENE	0	40.0	29.4	32	2.6
12S	23E	22	NENW	0	40.0	28.6	30	1.4
12S	23E	22	NESW	0	40.0	38.8	32	-6.8
12S	23E	22	NWNE	0	40.0	31.1	34	2.9
12S	23E	22	NWNW	0	40.0	38.7	39	0.3
12S	23E	22	NWSW	0	40.0	36.8	40	3.2
12S	23E	22	SENE	0	40.0	32.9	32	-0.9
12S	23E	22	SENW	0	40.0	39.2	39	-0.2
12S	23E	22	SESW	0	40.0	33.7	33	-0.7
12S	23E	22	SWNE	0	40.0	34.1	31	-3.1
12S	23E	22	SWNW	0	40.0	39.2	33	-6.2
12S	23E	22	SWSW	0	40.0	35.8	40	4.2
12S	22E	24	NESE	0	40.0	32.7	40	7.3
12S	22E	24	NWSE	0	40.0	32.2	32	-0.2
12S	22E	24	SESE	0	40.0	32.8	41	8.2
12S	22E	24	SWSE	0	40.0	33	39	6
12S	22E	25	NENE	0	40.0	33.9	41	7.1
12S	22E	25	NWNE	0	40.0	32.9	39	6.1
12S	22E	25	SENE	0	40.0	32.2	31	-1.2
12S	22E	25	SWNE	0	40.0	32.7	36	3.3
12S	23E	28	NENE	0	40.0	30.6	40	9.4
12S	23E	28	NENW	0	40.0	31	40	9
12S	23E	28	NESE	0	40.0	1	0	-1
12S	23E	28	NESW	0	40.0	1.5	0	-1.5
12S	23E	28	NWNE	0	40.0	30.9	40	9.1
12S	23E	28	NWNW	0	40.0	30.1	40	9.9
12S	23E	28	NWSE	0	40.0	1	0	-1
12S	23E	28	NWSW	0	40.0	1.5	0	-1.5
12S	23E	28	SENE	0	40.0	34.1	40	5.9
12S	23E	28	SENW	0	40.0	35.7	40	4.3
12S	23E	28	SWNE	0	40.0	34.7	40	5.3
12S	23E	28	SWNW	0	40.0	35.3	40	4.7
12S	23E	29	NENE	0	40.0	30.8	40	9.2
12S	23E	29	NENW	0	40.0	31.5	40	8.5
12S	23E	29	NESE	0	40.0	31.6	40	8.4
12S	23E	29	NESW	0	40.0	37.9	40	2.1
12S	23E	29	NWNE	0	40.0	32.3	40	7.7
12S	23E	29	NWNW	0	40.0	31.7	40	8.3
12S	23E	29	NWSE	0	40.0	37.3	40	2.7
12S	23E	29	NWSW	0	40.0	40.4	40	-0.4
12S	23E	29	SENE	0	40.0	33.8	40	6.2
12S	23E	29	SENW	0	40.0	38.4	40	1.6
12S	23E	29	SESE	0	40.0	32.7	38	5.3
12S	23E	29	SESW	0	40.0	32.1	38	5.9
12S	23E	29	SWNE	0	40.0	39.1	40	0.9
12S	23E	29	SWNW	0	40.0	40.3	40	-0.3

12S	23E	29	SWSE	0	40.0	34.3	38	3.7
12S	23E	29	SWSW	0	40.0	35.4	35	-0.4
12S	23E	30	NENE	0	40.0	27.7	40	12.3
12S	23E	30	NWNE	1	39.8	28.7	40	11.3
12S	23E	30	SENE	0	40.0	34.8	32	-2.8
12S	23E	30	SWNE	2	39.8	32.5	33	0.5
					5638.5	4602.8	4983	380.2

PLEASE NOTE: The water right allows 4,951.9 acres within the permissible place of use of 4,983 acres described above. I found 4,602.8 acres irrigated in 2005. The actual total lands available for the water bank lease is $4,951.9 - 4602.8 = 349.1$ acres.

The applicant is requesting to retire 280.5 acres of the 4,951.9 acres. The 280.5 acres are well within the the 349.1 acres I found retired. The 122 acres retired under water right 45-2382 seems reasonable and matches the landsat photos.

2006 Acre Review

TOWNSHIP	RANGE	SEC	QQ	GOVT. LOT #	LEGAL ACRES	GIS ACRES	WATER RIGHT ACRES	WATER RIGHT VS. GIS DIFFERENCE
12S	23E	15	NENW	0	40	27.8	34	6.2
12S	23E	15	NESE	0	40	36.2	36	-0.2
12S	23E	15	NESW	0	40	2.6	3	0.4
12S	23E	15	NWNE	0	40	27.1	32	4.9
12S	23E	15	NWSE	0	40	37.2	38	0.8
12S	23E	15	NWSW	0	40	32.3	35	2.7
12S	23E	15	SENE	0	40	2.3	3	0.7
12S	23E	15	SENW	0	40	33.7	34	0.3
12S	23E	15	SESE	0	40	34.3	32	-2.3
12S	23E	15	SESW	0	40	2.3	2	-0.3
12S	23E	15	SWNE	0	40	35.5	40	4.5
12S	23E	15	SWNW	0	40	2.1	4	1.9
12S	23E	15	SWSE	0	40	32.2	34	1.8
12S	23E	15	SWSW	0	40	39.3	30	-9.3
12S	23E	16	NENE	0	40	29	32	3
12S	23E	16	NENW	0	40	35.9	41	5.1
12S	23E	16	NESE	0	40	40.1	40	-0.1
12S	23E	16	NESW	0	40	35.4	41	5.6
12S	23E	16	NWNE	0	40	35.8	34	-1.8
12S	23E	16	NWNW	0	40	35.4	41	5.6
12S	23E	16	NWSE	0	40	36.5	22	-14.5
12S	23E	16	NWSW	0	40	40.4	41	0.6
12S	23E	16	SENE	0	40	36	38	2
12S	23E	16	SENW	0	40	34.6	40	5.4
12S	23E	16	SESE	0	40	40.2	37	-3.2
12S	23E	16	SESW	0	40	39.9	41	1.1
12S	23E	16	SWNE	0	40	37.4	32	-5.4
12S	23E	16	SWNW	0	40	40.4	41	0.6
12S	23E	16	SWSE	0	40	38.8	18	-20.8
12S	23E	16	SWSW	0	40	40.4	41	0.6
12S	23E	17	NENE	0	40	31.4	41	9.6
12S	23E	17	NENW	0	40	30.2	41	10.8
12S	23E	17	NESE	0	40	34.5	41	6.5
12S	23E	17	NESW	0	40	35.4	41	5.6
12S	23E	17	NWNE	0	40	30.2	41	10.8
12S	23E	17	NWNW	0	40	30.8	41	10.2
12S	23E	17	NWSE	0	40	35.1	41	5.9
12S	23E	17	NWSW	0	40	37.3	41	3.7
12S	23E	17	SENE	0	40	37.9	41	3.1
12S	23E	17	SENW	0	40	38.2	41	2.8
12S	23E	17	SESE	0	40	36.2	41	4.8

12S	23E	17	SESW	0	40	38.5	41	2.5
12S	23E	17	SWNE	0	40	38.5	41	2.5
12S	23E	17	SWNW	0	40	38	41	3
12S	23E	17	SWSE	0	40	39.8	41	1.2
12S	23E	17	SWSW	0	40	34.5	31	-3.5
12S	23E	19	NENE	0	40	29.4	39	9.6
12S	23E	19	NESE	0	40	29.9	40	10.1
12S	23E	19	NWNE	1	39.76	30	39	9
12S	23E	19	NWSE	3	39.72	31.5	40	8.5
12S	23E	19	SENE	0	40	33.5	39	5.5
12S	23E	19	SESE	0	40	32.9	40	7.1
12S	23E	19	SWNE	2	39.74	35	40	5
12S	23E	19	SWSE	4	39.7	35.5	40	4.5
12S	23E	20	NENE	0	40	36.6	40	3.4
12S	23E	20	NENW	0	40	35.8	40	4.2
12S	23E	20	NESE	0	40	28.5	40	11.5
12S	23E	20	NESW	0	40	27.6	40	12.4
12S	23E	20	NWNE	0	40	37.2	40	2.8
12S	23E	20	NWNW	0	40	25.8	40	14.2
12S	23E	20	NWSE	0	40	29.9	40	10.1
12S	23E	20	NWSW	0	40	28.3	40	11.7
12S	23E	20	SENE	0	40	34.1	40	5.9
12S	23E	20	SENW	0	40	34.7	35	0.3
12S	23E	20	SESE	0	40	31.9	40	8.1
12S	23E	20	SESW	0	40	32.3	40	7.7
12S	23E	20	SWNE	0	40	36.3	40	3.7
12S	23E	20	SWNW	0	40	33	40	7
12S	23E	20	SWSE	0	40	34.1	40	5.9
12S	23E	20	SWSW	0	40	33.8	40	6.2
12S	23E	21	NENE	0	40	38.2	40	1.8
12S	23E	21	NENW	0	40	38.6	40	1.4
12S	23E	21	NESE	0	40	36.1	40	3.9
12S	23E	21	NESW	0	40	37.3	40	2.7
12S	23E	21	NWNE	0	40	38.9	40	1.1
12S	23E	21	NWNW	0	40	31.4	40	8.6
12S	23E	21	NWSE	0	40	34.8	40	5.2
12S	23E	21	NWSW	0	40	28.9	40	11.1
12S	23E	21	SENE	0	40	38.3	40	1.7
12S	23E	21	SENW	0	40	38	40	2
12S	23E	21	SESE	0	40	32.8	40	7.2
12S	23E	21	SESW	0	40	35.6	40	4.4
12S	23E	21	SWNE	0	40	40.1	40	-0.1
12S	23E	21	SWNW	0	40	36.1	40	3.9
12S	23E	21	SWSE	0	40	32.9	40	7.1
12S	23E	21	SWSW	0	40	35.1	40	4.9
12S	23E	22	NENE	0	40	31.5	32	0.5
12S	23E	22	NENW	0	40	29.4	30	0.6

12S	23E	22	NESW	0	40	29.3	32	2.7
12S	23E	22	NWNE	0	40	31	34	3
12S	23E	22	NWNW	0	40	38.5	39	0.5
12S	23E	22	NWSW	0	40	36.8	40	3.2
12S	23E	22	SENE	0	40	34	32	-2
12S	23E	22	SENW	0	40	34.7	39	4.3
12S	23E	22	SESW	0	40	33.7	33	-0.7
12S	23E	22	SWNE	0	40	34.1	31	-3.1
12S	23E	22	SWNW	0	40	39.2	33	-6.2
12S	23E	22	SWSW	0	40	35.8	40	4.2
12S	22E	24	NESE	0	40	32.6	40	7.4
12S	22E	24	NWSE	0	40	32.2	32	-0.2
12S	22E	24	SESE	0	40	32.8	41	8.2
12S	22E	24	SWSE	0	40	33	39	6
12S	22E	25	NENE	0	40	33.9	41	7.1
12S	22E	25	NWNE	0	40	32.9	39	6.1
12S	22E	25	SENE	0	40	32.2	31	-1.2
12S	22E	25	SWNE	0	40	32.7	36	3.3
12S	23E	28	NENE	0	40	29.8	40	10.2
12S	23E	28	NENW	0	40	28.5	40	11.5
12S	23E	28	NESE	0	40	1	0	39
12S	23E	28	NESW	0	40	0.7	0	-0.7
12S	23E	28	NWNE	0	40	29.5	40	10.5
12S	23E	28	NWNW	0	40	35.8	40	4.2
12S	23E	28	NWSE	0	40	1	0	-1
12S	23E	28	NWSW	0	40	0.7	0	-0.7
12S	23E	28	SENE	0	40	34.1	40	5.9
12S	23E	28	SENW	0	40	33.1	40	6.9
12S	23E	28	SWNE	0	40	34.4	40	5.6
12S	23E	28	SWNW	0	40	38.8	40	1.2
12S	23E	29	NENE	0	40	34.4	40	5.6
12S	23E	29	NENW	0	40	31.3	40	8.7
12S	23E	29	NESE	0	40	34.6	40	5.4
12S	23E	29	NESW	0	40	37.3	40	2.7
12S	23E	29	NWNE	0	40	29.7	40	10.3
12S	23E	29	NWNW	0	40	31.6	40	8.4
12S	23E	29	NWSE	0	40	38.5	40	1.5
12S	23E	29	NWSW	0	40	30.8	40	9.2
12S	23E	29	SENE	0	40	38.1	40	1.9
12S	23E	29	SENW	0	40	38.4	40	1.6
12S	23E	29	SESE	0	40	32.7	38	5.3
12S	23E	29	SESW	0	40	30.1	38	7.9
12S	23E	29	SWNE	0	40	39.1	40	0.9
12S	23E	29	SWNW	0	40	34	40	6
12S	23E	29	SWSE	0	40	34.3	38	3.7
12S	23E	29	SWSW	0	40	33.2	35	1.8
12S	23E	30	NENE	0	40	27.7	40	12.3

12S	23E	30	NWNE	1	39.76	28.7	40	11.3
12S	23E	30	SENE	0	40	30.2	32	1.8
12S	23E	30	SWNE	2	39.84	32.5	33	0.5
SUB TOTAL						4463.2	4983	559.8

PLEASE NOTE: The water right allows 4,951.9 acres within the permissible place of use 5,023 acres described above. I found 4,463.2 acres irrigated in 2006. The actual total lands available for the water bank lease is $4,951.9 - 4463.2 = 488.7$ acres. Please note, that the permissible place of use acres minus the acres irrigated is less than 30 acres different than the lands reported to be retired by the leasor. Therefore, the application used the permissible place of use acres instead of the acres allowed within that permissible place of use.

I did find an additional 47.3 acres that were not irrigated after July 22, 2006, so that could that could increase the total acres retired to $488.7 \text{ acres} + 47.3 \text{ acres} = 536 \text{ acres}$. This amount still does not match the 589.7 acres claimed to be retired by the applicant under water rights 45-2254A and 45-2520. The 122 acres retired under water right 45-2382 seems reasonable and matches the landsat photos.

2007 Acre Review

TOWNSHIP	RANGE	SEC	QQ	GOVT LOT #	LEGAL ACRES	GIS ACRES	WATER RIGHT ACRES	WATER RIGHT VS. GIS DIFFERENCE
12S	23E	15	NENW	0	40.0	27.8	34	6.2
12S	23E	15	NESE	0	40.0	36.2	36	-0.2
12S	23E	15	NESW	0	40.0	2.6	3	0.4
12S	23E	15	NWNE	0	40.0	27.1	32	4.9
12S	23E	15	NWSE	0	40.0	37.2	38	0.8
12S	23E	15	NWSW	0	40.0	32.3	35	2.7
12S	23E	15	SENE	0	40.0	2.3	3	0.7
12S	23E	15	SENW	0	40.0	33.7	34	0.3
12S	23E	15	SESE	0	40.0	34.3	32	-2.3
12S	23E	15	SESW	0	40.0	2.3	2	-0.3
12S	23E	15	SWNE	0	40.0	35.5	40	4.5
12S	23E	15	SWNW	0	40.0	2.1	4	1.9
12S	23E	15	SWSE	0	40.0	32.2	34	1.8
12S	23E	15	SWSW	0	40.0	39.3	30	-9.3
12S	23E	16	NENE	0	40.0	29	32	3
12S	23E	16	NENW	0	40.0	27.7	41	13.3
12S	23E	16	NESE	0	40.0	40.1	40	-0.1
12S	23E	16	NESW	0	40.0	35.4	41	5.6
12S	23E	16	NWNE	0	40.0	30.3	34	3.7
12S	23E	16	NWNW	0	40.0	33.5	41	7.5
12S	23E	16	NWSE	0	40.0	36.5	22	-14.5
12S	23E	16	NWSW	0	40.0	38.4	41	2.6
12S	23E	16	SENE	0	40.0	36	38	2
12S	23E	16	SENW	0	40.0	34.6	40	5.4
12S	23E	16	SESE	0	40.0	38.9	37	-1.9
12S	23E	16	SESW	0	40.0	38.3	41	2.7
12S	23E	16	SWNE	0	40.0	37.4	32	-5.4
12S	23E	16	SWNW	0	40.0	39.8	41	1.2
12S	23E	16	SWSE	0	40.0	36.7	18	-18.7
12S	23E	16	SWSW	0	40.0	38.7	41	2.3
12S	23E	17	NENE	0	40.0	30.5	41	10.5
12S	23E	17	NENW	0	40.0	30.2	41	10.8
12S	23E	17	NESE	0	40.0	34.5	41	6.5
12S	23E	17	NESW	0	40.0	35.4	41	5.6
12S	23E	17	NWNE	0	40.0	30.2	41	10.8
12S	23E	17	NWNW	0	40.0	30.8	41	10.2
12S	23E	17	NWSE	0	40.0	35.1	41	5.9
12S	23E	17	NWSW	0	40.0	37.3	41	3.7
12S	23E	17	SENE	0	40.0	37.6	41	3.4
12S	23E	17	SENW	0	40.0	38.2	41	2.8
12S	23E	17	SESE	0	40.0	36.2	41	4.8
12S	23E	17	SESW	0	40.0	38.5	41	2.5
12S	23E	17	SWNE	0	40.0	38.5	41	2.5

12S	23E	17	SWNW	0	40.0	38	41	3
12S	23E	17	SWSE	0	40.0	39.8	41	1.2
12S	23E	17	SWSW	0	40.0	34.5	31	-3.5
12S	23E	19	NENE	0	40.0	29.4	39	9.6
12S	23E	19	NESE	0	40.0	29.9	40	10.1
12S	23E	19	NWNE	1	39.8	30	39	9
12S	23E	19	NWSE	3	39.7	31.5	40	8.5
12S	23E	19	SENE	0	40.0	33.5	39	5.5
12S	23E	19	SESE	0	40.0	32.9	40	7.1
12S	23E	19	SWNE	2	39.7	35	40	5
12S	23E	19	SWSE	4	39.7	35.5	40	4.5
12S	23E	20	NENE	0	40.0	37.5	40	2.5
12S	23E	20	NENW	0	40.0	37.4	40	2.6
12S	23E	20	NESE	0	40.0	30.6	40	9.4
12S	23E	20	NESW	0	40.0	29.6	40	10.4
12S	23E	20	NWNE	0	40.0	37.8	40	2.2
12S	23E	20	NWNW	0	40.0	28.2	40	11.8
12S	23E	20	NWSE	0	40.0	32	40	8
12S	23E	20	NWSW	0	40.0	30.2	40	9.8
12S	23E	20	SENE	0	40.0	33.9	40	6.1
12S	23E	20	SENW	0	40.0	36.1	35	-1.1
12S	23E	20	SESE	0	40.0	33.6	40	6.4
12S	23E	20	SESW	0	40.0	33.9	40	6.1
12S	23E	20	SWNE	0	40.0	36.3	40	3.7
12S	23E	20	SWNW	0	40.0	34.1	40	5.9
12S	23E	20	SWSE	0	40.0	35.5	40	4.5
12S	23E	20	SWSW	0	40.0	35	40	5
12S	23E	21	NENE	0	40.0	36.9	40	3.1
12S	23E	21	NENW	0	40.0	36.7	40	3.3
12S	23E	21	NESE	0	40.0	36.1	40	3.9
12S	23E	21	NESW	0	40.0	37.3	40	2.7
12S	23E	21	NWNE	0	40.0	37.9	40	2.1
12S	23E	21	NWNW	0	40.0	37.4	40	2.6
12S	23E	21	NWSE	0	40.0	34.8	40	5.2
12S	23E	21	NWSW	0	40.0	28.9	40	11.1
12S	23E	21	SENE	0	40.0	38.3	40	1.7
12S	23E	21	SENW	0	40.0	38	40	2
12S	23E	21	SESE	0	40.0	32.8	40	7.2
12S	23E	21	SESW	0	40.0	35.6	40	4.4
12S	23E	21	SWNE	0	40.0	40.1	40	-0.1
12S	23E	21	SWNW	0	40.0	36.1	40	3.9
12S	23E	21	SWSE	0	40.0	32.9	40	7.1
12S	23E	21	SWSW	0	40.0	35.1	40	4.9
12S	23E	22	NENE	0	40.0	31.5	32	0.5
12S	23E	22	NENW	0	40.0	29.4	30	0.6
12S	23E	22	NESW	0	40.0	29.3	32	2.7
12S	23E	22	NWNE	0	40.0	31	34	3

12S	23E	22	NWNW	0	40.0	38.5	39	0.5
12S	23E	22	NWSW	0	40.0	36.8	40	3.2
12S	23E	22	SENE	0	40.0	34	32	-2
12S	23E	22	SENW	0	40.0	34.7	39	4.3
12S	23E	22	SESW	0	40.0	33.7	33	-0.7
12S	23E	22	SWNE	0	40.0	34.1	31	-3.1
12S	23E	22	SWNW	0	40.0	39.2	33	-6.2
12S	23E	22	SWSW	0	40.0	35.8	40	4.2
12S	22E	24	NESE	0	40.0	30.7	40	9.3
12S	22E	24	NWSE	0	40.0	30.2	32	1.8
12S	22E	24	SESE	0	40.0	31	41	10
12S	22E	24	SWSE	0	40.0	31.4	39	7.6
12S	22E	25	NENE	0	40.0	31.8	41	9.2
12S	22E	25	NWNE	0	40.0	31	39	8
12S	22E	25	SENE	0	40.0	30.5	31	0.5
12S	22E	25	SWNE	0	40.0	31	36	5
12S	23E	28	NENE	0	40.0	29.8	40	10.2
12S	23E	28	NENW	0	40.0	28.5	40	11.5
12S	23E	28	NESE	0	40.0	1	0	-1
12S	23E	28	NESW	0	40.0	0.7	0	-0.7
12S	23E	28	NWNE	0	40.0	29.5	40	10.5
12S	23E	28	NWNW	0	40.0	35.8	40	4.2
12S	23E	28	NWSE	0	40.0	1	0	-1
12S	23E	28	NWSW	0	40.0	0.7	0	-0.7
12S	23E	28	SENE	0	40.0	34.1	40	5.9
12S	23E	28	SENW	0	40.0	33.1	40	6.9
12S	23E	28	SWNE	0	40.0	34.4	40	5.6
12S	23E	28	SWNW	0	40.0	38.8	40	1.2
12S	23E	29	NENE	0	40.0	34.8	40	5.2
12S	23E	29	NENW	0	40.0	31.5	40	8.5
12S	23E	29	NESE	0	40.0	34.6	40	5.4
12S	23E	29	NESW	0	40.0	39.3	40	0.7
12S	23E	29	NWNE	0	40.0	30	40	10
12S	23E	29	NWNW	0	40.0	31.6	40	8.4
12S	23E	29	NWSE	0	40.0	39	40	1
12S	23E	29	NWSW	0	40.0	40.2	40	-0.2
12S	23E	29	SENE	0	40.0	38.1	40	1.9
12S	23E	29	SENW	0	40.0	38.4	40	1.6
12S	23E	29	SESE	0	40.0	32.7	38	5.3
12S	23E	29	SESW	0	40.0	33.3	38	4.7
12S	23E	29	SWNE	0	40.0	39.1	40	0.9
12S	23E	29	SWNW	0	40.0	40.3	40	-0.3
12S	23E	29	SWSE	0	40.0	34.4	38	3.6
12S	23E	29	SWSW	0	40.0	32.7	35	2.3
12S	23E	30	NENE	0	40.0	27.7	40	12.3
12S	23E	30	NWNE	1	39.8	28.7	40	11.3
12S	23E	30	SENE	0	40.0	30.2	32	1.8

12S	23E	30	SWNE	2	39.8	32.5	33	0.5
Totals					5518.5	4467.9	4983	515.1

PLEASE NOTE: The water right allows 4,951.9 acres within the permissible place of use of 4,983 acres described above. I found 4,467.9 acres irrigated in 2007. The actual total lands available for the water bank lease is $4,951.9 - 4467.9 = 484$ acres.

The applicant is requesting to retire 589 acres of the 4,951.9 acres. 589 acres minus the 484 acres found retired under this water right leaves 105 acres short of what is required in 2007. The 122 acres retired under water right 45-2382 seems reasonable and matches the landsat photos.

2008 Acre Review

TOWNSHIP	RANGE	SEC	QQ	GOVT LOT #	LEGAL ACRES	GIS ACRES	WATER RIGHT ACRES	WATER RIGHT VS. GIS DIFFERENCE
12S	23E	15	NENW	0	40	27.8	34	6.2
12S	23E	15	NESE	0	40	36.2	36	-0.2
12S	23E	15	NESW	0	40	2.6	3	0.4
12S	23E	15	NWNE	0	40	27.1	32	4.9
12S	23E	15	NWSE	0	40	37.2	38	0.8
12S	23E	15	NWSW	0	40	31.7	35	3.3
12S	23E	15	SENE	0	40	2.3	3	0.7
12S	23E	15	SENW	0	40	33.7	34	0.3
12S	23E	15	SESE	0	40	34.3	32	-2.3
12S	23E	15	SESW	0	40	2.3	2	-0.3
12S	23E	15	SWNE	0	40	35.5	40	4.5
12S	23E	15	SWNW	0	40	1.3	4	2.7
12S	23E	15	SWSE	0	40	32.2	34	1.8
12S	23E	15	SWSW	0	40	39.1	30	-9.1
12S	23E	16	NENE	0	40	27	32	5
12S	23E	16	NENW	0	40	30.3	41	10.7
12S	23E	16	NESE	0	40	40	40	0
12S	23E	16	NESW	0	40	32.6	41	8.4
12S	23E	16	NWNE	0	40	29.2	34	4.8
12S	23E	16	NWNW	0	40	31.4	41	9.6
12S	23E	16	NWSE	0	40	36.5	22	-14.5
12S	23E	16	NWSW	0	40	35.4	41	5.6
12S	23E	16	SENE	0	40	33.5	38	4.5
12S	23E	16	SENW	0	40	32	40	8
12S	23E	16	SESE	0	40	38.9	37	-1.9
12S	23E	16	SESW	0	40	37	41	4
12S	23E	16	SWNE	0	40	36.7	32	-4.7
12S	23E	16	SWNW	0	40	38.5	41	2.5
12S	23E	16	SWSE	0	40	36.7	18	-18.7
12S	23E	16	SWSW	0	40	39	41	2
12S	23E	17	NENE	0	40	30	41	11
12S	23E	17	NENW	0	40	30.2	41	10.8
12S	23E	17	NESE	0	40	34.4	41	6.6
12S	23E	17	NESW	0	40	35.4	41	5.6
12S	23E	17	NWNE	0	40	30.2	41	10.8
12S	23E	17	NWNW	0	40	30.8	41	10.2
12S	23E	17	NWSE	0	40	35.1	41	5.9
12S	23E	17	NWSW	0	40	37.3	41	3.7
12S	23E	17	SENE	0	40	37.3	41	3.7
12S	23E	17	SENW	0	40	38.2	41	2.8
12S	23E	17	SESE	0	40	38.6	41	2.4
12S	23E	17	SESW	0	40	38.5	41	2.5

12S	23E	17	SWNE	0	40	38.5	41	2.5
12S	23E	17	SWNW	0	40	38	41	3
12S	23E	17	SWSE	0	40	39.8	41	1.2
12S	23E	17	SWSW	0	40	34.5	31	-3.5
12S	23E	19	NENE	0	40	29.4	39	9.6
12S	23E	19	NESE	0	40	27.4	40	12.6
12S	23E	19	NWNE	1	39.76	30	39	9
12S	23E	19	NWSE	3	39.72	29.6	40	10.4
12S	23E	19	SENE	0	40	33.5	39	5.5
12S	23E	19	SESE	0	40	31.6	40	8.4
12S	23E	19	SWNE	2	39.74	35	40	5
12S	23E	19	SWSE	4	39.7	34.7	40	5.3
12S	23E	20	NENE	0	40	37.7	40	2.3
12S	23E	20	NENW	0	40	36.9	40	3.1
12S	23E	20	NESE	0	40	30.6	40	9.4
12S	23E	20	NESW	0	40	29.6	40	10.4
12S	23E	20	NWNE	0	40	36.1	40	3.9
12S	23E	20	NWNW	0	40	28.2	40	11.8
12S	23E	20	NWSE	0	40	32	40	8
12S	23E	20	NWSW	0	40	30.2	40	9.8
12S	23E	20	SENE	0	40	33.9	40	6.1
12S	23E	20	SENW	0	40	36.1	35	-1.1
12S	23E	20	SESE	0	40	33.6	40	6.4
12S	23E	20	SESW	0	40	33.9	40	6.1
12S	23E	20	SWNE	0	40	36.3	40	3.7
12S	23E	20	SWNW	0	40	34.1	40	5.9
12S	23E	20	SWSE	0	40	35.5	40	4.5
12S	23E	20	SWSW	0	40	35	40	5
12S	23E	21	NENE	0	40	36.9	40	3.1
12S	23E	21	NENW	0	40	35.9	40	4.1
12S	23E	21	NESE	0	40	36.1	40	3.9
12S	23E	21	NESW	0	40	37.3	40	2.7
12S	23E	21	NWNE	0	40	37.8	40	2.2
12S	23E	21	NWNW	0	40	37.1	40	2.9
12S	23E	21	NWSE	0	40	34.8	40	5.2
12S	23E	21	NWSW	0	40	28.9	40	11.1
12S	23E	21	SENE	0	40	38.3	40	1.7
12S	23E	21	SENW	0	40	38	40	2
12S	23E	21	SESE	0	40	32.9	40	7.1
12S	23E	21	SESW	0	40	35.6	40	4.4
12S	23E	21	SWNE	0	40	40.1	40	-0.1
12S	23E	21	SWNW	0	40	36.1	40	3.9
12S	23E	21	SWSE	0	40	33.3	40	6.7
12S	23E	21	SWSW	0	40	35.1	40	4.9
12S	23E	22	NENE	0	40	29.3	32	2.7
12S	23E	22	NENW	0	40	28.6	30	1.4
12S	23E	22	NESW	0	40	29.2	32	2.8

12S	23E	22	NWNE	0	40	30.5	34	3.5
12S	23E	22	NWNW	0	40	38.1	39	0.9
12S	23E	22	NWSW	0	40	36.8	40	3.2
12S	23E	22	SENE	0	40	32	32	0
12S	23E	22	SENW	0	40	33.3	39	5.7
12S	23E	22	SESW	0	40	33.7	33	-0.7
12S	23E	22	SWNE	0	40	34.1	31	-3.1
12S	23E	22	SWNW	0	40	39.2	33	-6.2
12S	23E	22	SWSW	0	40	35.8	40	4.2
12S	22E	24	NESE	0	40	30.7	40	9.3
12S	22E	24	NWSE	0	40	30.2	32	1.8
12S	22E	24	SESE	0	40	31	41	10
12S	22E	24	SWSE	0	40	31.4	39	7.6
12S	22E	25	NENE	0	40	31.8	41	9.2
12S	22E	25	NWNE	0	40	31	39	8
12S	22E	25	SENE	0	40	30.5	31	0.5
12S	22E	25	SWNE	0	40	31	36	5
12S	23E	28	NENE	0	40	29.2	40	10.8
12S	23E	28	NENW	0	40	28.5	40	11.5
12S	23E	28	NESE	0	40	1	0	-1
12S	23E	28	NESW	0	40	0.7	0	-0.7
12S	23E	28	NWNE	0	40	29.5	40	10.5
12S	23E	28	NWNW	0	40	28.6	40	11.4
12S	23E	28	NWSE	0	40	1	0	-1
12S	23E	28	NWSW	0	40	0.7	0	-0.7
12S	23E	28	SENE	0	40	34.1	40	5.9
12S	23E	28	SENW	0	40	33.1	40	6.9
12S	23E	28	SWNE	0	40	34.4	40	5.6
12S	23E	28	SWNW	0	40	33.7	40	6.3
12S	23E	29	NENE	0	40	28.1	40	11.9
12S	23E	29	NENW	0	40	31.5	40	8.5
12S	23E	29	NESE	0	40	31.6	40	8.4
12S	23E	29	NESW	0	40	39.3	40	0.7
12S	23E	29	NWNE	0	40	30	40	10
12S	23E	29	NWNW	0	40	31.6	40	8.4
12S	23E	29	NWSE	0	40	39	40	1
12S	23E	29	NWSW	0	40	40.2	40	-0.2
12S	23E	29	SENE	0	40	31.4	40	8.6
12S	23E	29	SENW	0	40	38.4	40	1.6
12S	23E	29	SESE	0	40	32.7	38	5.3
12S	23E	29	SESW	0	40	33.3	38	4.7
12S	23E	29	SWNE	0	40	39.1	40	0.9
12S	23E	29	SWNW	0	40	40.3	40	-0.3
12S	23E	29	SWSE	0	40	34.4	38	3.6
12S	23E	29	SWSW	0	40	32.7	35	2.3
12S	23E	30	NENE	0	40	27.4	40	12.6
12S	23E	30	NWNE	1	39.76	28.5	40	11.5

12S	23E	30	SENE	0	40	30.2	32	1.8
12S	23E	30	SWNE	2	39.84	32.5	33	0.5
TOTAL					5518.5	4404.8	4983.0	578.2

PLEASE NOTE: The water right allows 4,951.9 acres within the permissible place of use of 4,983 acres described above. I found 4,404.8 acres irrigated in 20087. The actual total lands available for the water bank lease is 4,951.9 - 4404.8 = 547.1 acres.

The applicant is requesting to retire 589 acres of the 4,951.9 acres. 589 acres minus the 547.1 acres found retired under this water right leaves 41.9 acres short of what is required in 2007. The 122 acres retired under water right 45-2382 seems reasonable and matches the landsat photos.



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

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LAMBERT PRODUCE COMPANY, INC.

Type of Business: CORPORATION, GENERAL BUSINESS

Status: FORFEITED, FORFEITED 30 Nov 1974

State of Origin: IDAHO

Date of 21 Oct 1971

Origination/Authorization:

Registered Agent:

Organizational ID / Filing C44454

Number:

Number of Authorized Stock

Shares:

Date of Last Annual Report:

Original Filing:

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Filed 21 Oct 1971 INCORPORATION

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Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov



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APR 03 2009

DEPARTMENT OF
WATER RESOURCES

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FACSIMILE: 208 388-1300
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JOHN M. MARSHALL
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Peter G. Barton	Debora K. Kristensen	Kelsey J. Nunez
Christopher J. Beeson	Anne C. Kunkel	W. Hugh O'Riordan, LL.M.
Clint R. Bolinder	Jeremy G. Ladle	Angela M. Reed
Erik J. Bolinder	Michael P. Lawrence	Justin A. Steiner
Jeremy C. Chou	Franklin G. Lee	Scott A. Tschirgi, LL.M.
William C. Cole	David R. Lombardi	J. Will Varin
Michael C. Creamer	John M. Marshall	Conley E. Ward
Amber N. Dina	Kenneth R. McClure	Robert B. White
Elizabeth M. Donick	Kelly Greene McConnell	
Kristin Bjorkman Dunn	Cynthia A. Melillo	
Thomas E. Dvorak	Christopher H. Meyer	RETIRED
Jeffrey C. Fereday	L. Edward Miller	Kenneth L. Pursley
Justin C. Fredin	Patrick J. Miller	James A. McClure
Martin C. Hendrickson	Judson B. Montgomery	Raymond D. Givens (1917-2008)

April 2, 2009

Aaron Marshall
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Double C / Lambert Produce
GP File No. 7761-1

Dear Aaron:

On behalf of Lambert Produce Co., Inc. and Double C Farms, I am enclosing an Application to Rent Water from the Water Supply Bank for the 2009 irrigation season. This application is consistent with the rental applications we have filed the past several years. It works in conjunction with three Applications to Sell or Lease Water Right to the Water Supply Bank for water rights 45-2520, 45-2382 and 45-2254A that I submitted via letter dated May 14, 2007. I do not believe IDWR ever formally processed these applications.

If you have any questions, please call.

Sincerely,

John M. Marshall

Enclosure

cc: Cory King
Cindy Yenter

APR 30 2008

DEPARTMENT OF
WATER RESOURCES

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April 28, 2008

Aaron Marshall
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P.O. Box 83720
Boise, ID 83720-0098

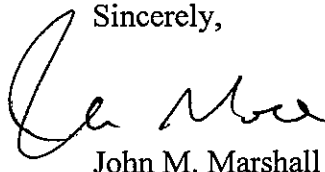
Re: Double C / Lambert Produce
GP File No. 7761-1

Dear Aaron:

On behalf of Lambert Produce Co., Inc. and Double C Farms, I am enclosing an Application to Rent Water from the Water Supply Bank for the 2008 irrigation season. This application is consistent with the rental application we have filed the past several years. It works in conjunction with three Applications to Sell or Lease Water Right to the Water Supply Bank for water rights 45-2520, 45-2382 and 45-2254A that I submitted last year via letter dated May 14, 2007. I do not believe IDWR ever formally processed these applications.

If you have any questions, please call.

Sincerely,



John M. Marshall

Enclosure

cc: Cory King
Cindy Yenter

S:\CLIENTS\7761\JUM ltr to Marshall re 08 rental app.DOC



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

June 5, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

JOHN M MARSHALL
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701

**RE: APPLICATIONS TO THE WATER SUPPLY BANK. WATER RIGHT
NO(S) 45-2254A, 45-2382, 45-2520**

Dear Mr. Marshall:

The Idaho Department of Water Resources (department) acknowledges receipt of the lease / rental application(s) on behalf of your client(s) Double C / Lambert Produce and Chris Drakos. During 2006 staff resources at the department were focused on the completion of the Snake River Basin Adjudication (SRBA). As a result, other department functions have not been fully operational, including processing of water supply bank applications.

Please note staff resources are being directed primarily towards addressing the backlog of applications for transfer and new water right permits. In order to avoid duplicating work efforts, the department may limit processing of applications to rent water for the same use as an application for permit or transfer that is currently before the department. Consideration will be based on the status of the transfer and the proposed use.

A preliminary review of your clients' application(s) has been completed to determine if additional information is required to proceed with processing as described above. Based on this initial review, additional information does not appear to be required at this time though supplementary information may be requested upon further review.

Please contact me at (208) 287-4954 if you have any questions regarding this matter.

Sincerely,

Diana L. Ball
Water Allocations

c: Allen Merritt – IDWR Southern Regional Office

GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

JOHN M. MARSHALL
DIRECT DIAL: (208) 388-1270
EMAIL: johnmarshall@givenspursley.com

Gary G. Allen
Kelly T. Barbour
Peter G. Barton
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Jeffrey C. Fereday
Martin C. Hendrickson
Steven J. Hippler
Debora K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
Michael P. Lawrence

Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.
Angela M. Reed

Scott A. Tschirgi, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White
Terri R. Yost

RETIRED
Kenneth L. Pursley
Raymond D. Givens
James A. McClure

RECEIVED

MAY 15 2007

DEPARTMENT OF
WATER RESOURCES

May 14, 2007

Aaron Marshall
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

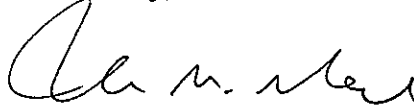
Re: Double C / Lambert Produce
GP File No. 7761-1

Dear Aaron:

On behalf of Lambert Produce Co., Inc. and Double C Farms, I am enclosing an Application to Rent Water from the Water Supply Bank and Applications to Sell or Lease Water Right to the Water Supply Bank. I have also enclosed a Power of Attorney authorizing me to sign the applications on behalf of the Applicants.

If you have any questions, please call.

Sincerely,



John M. Marshall

JMM:ka

cc: Cory King

S:\CLIENTS\7761\JMM ltr to Marshall re 07 water bank apps.DOC

RECEIVED

MAY 15 2007

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POWER OF ATTORNEY

The undersigned hereby nominate John M. Marshall of the law firm of Givens Pursley LLP whose address is 601 W. Bannock, 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 a farming operation and feedlot located in Cassia County, Idaho, the boundaries of which are identified in black on the attached map. 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 8-18-05 day of August 2005

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 18 day of August, 20 05, personally appeared
before me the signer(s) of the above instrument, who duly acknowledged to me that he (she)
(they) executed the same.

SEAL



Vicky King
Notary Public residing at

237 E. 1100 S. Burley, ID 83318

My commission expires: 11/12/2011

GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
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JOHN M. MARSHALL
DIRECT DIAL: (208) 388-1270
EMAIL: johnmarshall@givenspursley.com

RECEIVED
JUL 12 2006
DEPARTMENT OF
WATER RESOURCES

Gary G. Allen
Kristen A. Atwood
Kelly T. Barbour
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
Martin C. Hendrickson
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JUL 07 2006
DEPARTMENT OF
WATER RESOURCES

W. Hugh O'Riordan, LL.M.
Bradley V. Sneed
H. Barton Thomas, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White
Terri R. Yost

RETIRED
Kenneth L. Pursley
Raymond D. Givens
James A. McClure

Resubmitted
July 12, 2006
July 6, 2006

Cynthia Bridge Clark
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

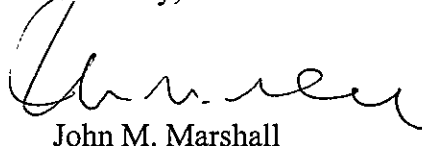
Re: Grindstone Butte Water Rights
GP File No. 7761-1

Dear Cynthia:

On behalf of Lambert Produce Co., Inc. and Double C Farms, I am enclosing an Application to Rent Water from the Water Supply Bank and Applications to Sell or Lease Water Right to the Water Supply Bank.

If you have any questions, please call.

Sincerely,



John M. Marshall

JMM:amm

cc: Cory King

S:\CLIENTS\7761\JMM to Bridge-Clark with 2006 water bank applications.DOC

GIVENS PURSLEY LLP

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601 W. Bannock Street
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J. Will Varin
Conley E. Ward
Robert B. White

Raymond D. Givens
RETIRED

James A. McClure
RETIRED
*Licensed in California

C.B. CLARK
RECEIVED
AUG 15 2005
DEPARTMENT OF
WATER RESOURCES

August 15, 2005

Via Hand Delivery

Cynthia Bridge Clark
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Grindstone Butte Water Rights
GP File No. 7761-1

Dear Cynthia:

On behalf of Lambert Produce Co., Inc. and Double C Farms, I am enclosing an Application to Rent Water from the Water Supply Bank and an Application to Sell or Lease Water Right to the Water Supply Bank. The applications are filed in conjunction with one another with the intent of providing water right coverage to irrigated acres that currently do not have a water right associated with them.

If you have any questions, please call.

Sincerely,



John M. Marshall

JMM/tmw

cc: Cory King
David Tuthill
Allen Merritt

CLIENTS\7761\1\UM to IDWR re Water Bank Apps.DOC requesting withdraw of water bank lease