

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89313**

This is to certify that: **LAMBERT PRODUCE CO INC**
203 E 1100 S
BURLEY, ID 83318-5607

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-4229	WR/DECREED	1/1/1965	0.230 cfs	N/A	N/A	N/A	SPRINGS

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-4229	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-4229	45-4229	0.230 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.230 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 30th day of September, 2024.



Southern Region Manager

WATER RIGHT NO. 45-4229**As Modified by Transfer No. 89313**

In accordance with the approval of Transfer No. 89313, Water Right No. 45-4229 is now described as follows:

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

Priority Date: 1/1/1965

Source: SPRINGS
Source: SPRINGS

Tributary: BIG ROCKY CREEK
Tributary: LITTLE ROCKY CREEK

BENEFICIAL USE	From	To	Diversion Rate
DOMESTIC	1/01	to 12/31	0.040 cfs
STOCKWATER	1/01	to 12/31	0.230 cfs
			0.230 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRINGS	NENESE	Sec 13 Twp 12S Rge 23E	CASSIA County
SPRINGS	SWNESW	Sec 13 Twp 12S Rge 23E	CASSIA County
SPRINGS	SWSESW	Sec 13 Twp 12S Rge 23E	CASSIA County
SPRINGS	SENENW	Sec 24 Twp 12S Rge 23E	CASSIA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	23E	11																	X
12S	23E	23	X																

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	23E	2								X			X				X		
12S	23E	11													X			X	
12S	23E	13							X										
																			0
12S	23E	14	X	X															
12S	23E	23	X																

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. The quantity of water decreed for this water right is not a determination of historical beneficial use.

Transfer No. 89313

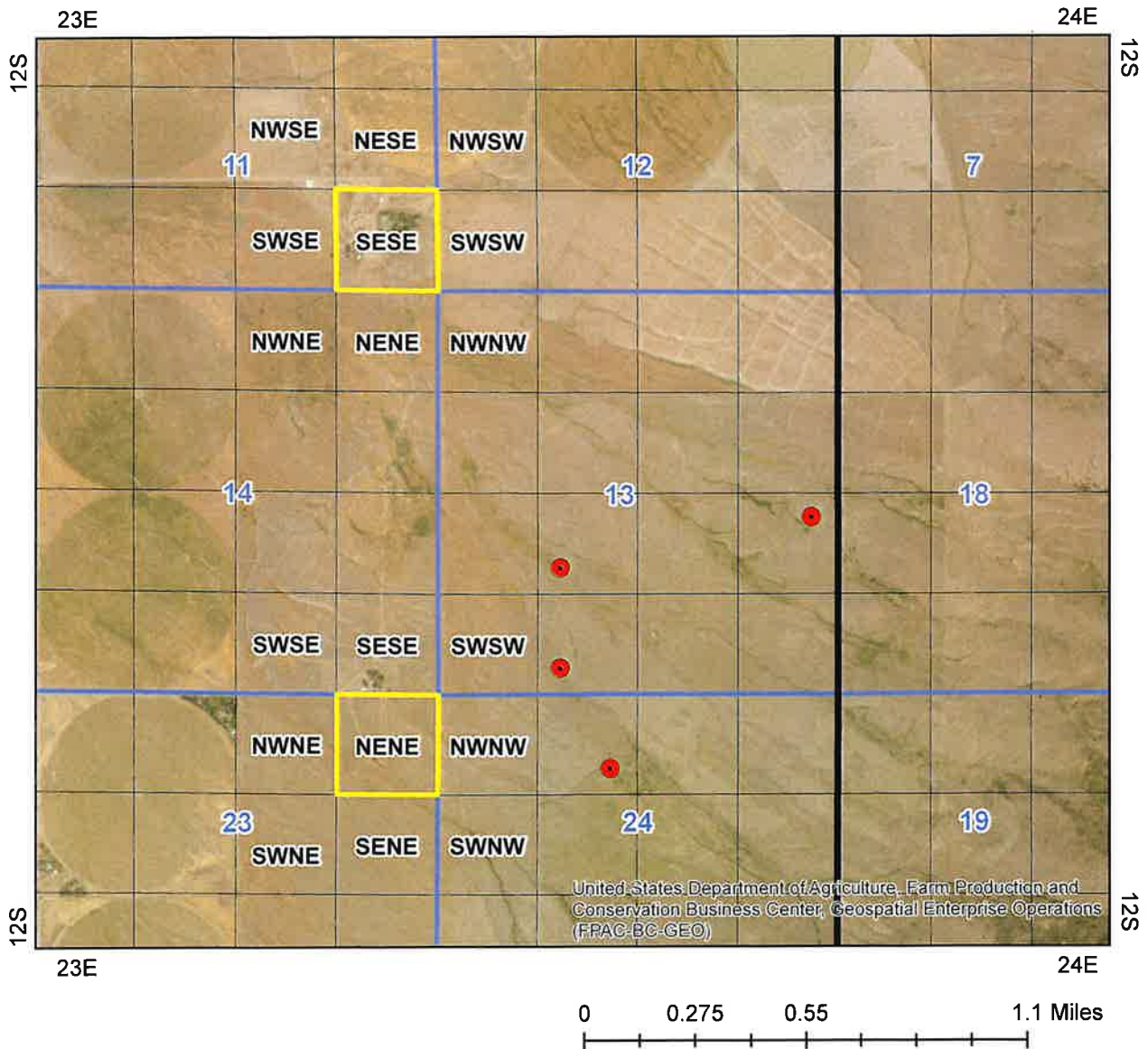
WATER RIGHT NO. 45-4229
As Modified by Transfer No. 89313

CONDITIONS OF APPROVAL

3. This right does not grant any right-of-way or easement across the land of another.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 89313
45-4229

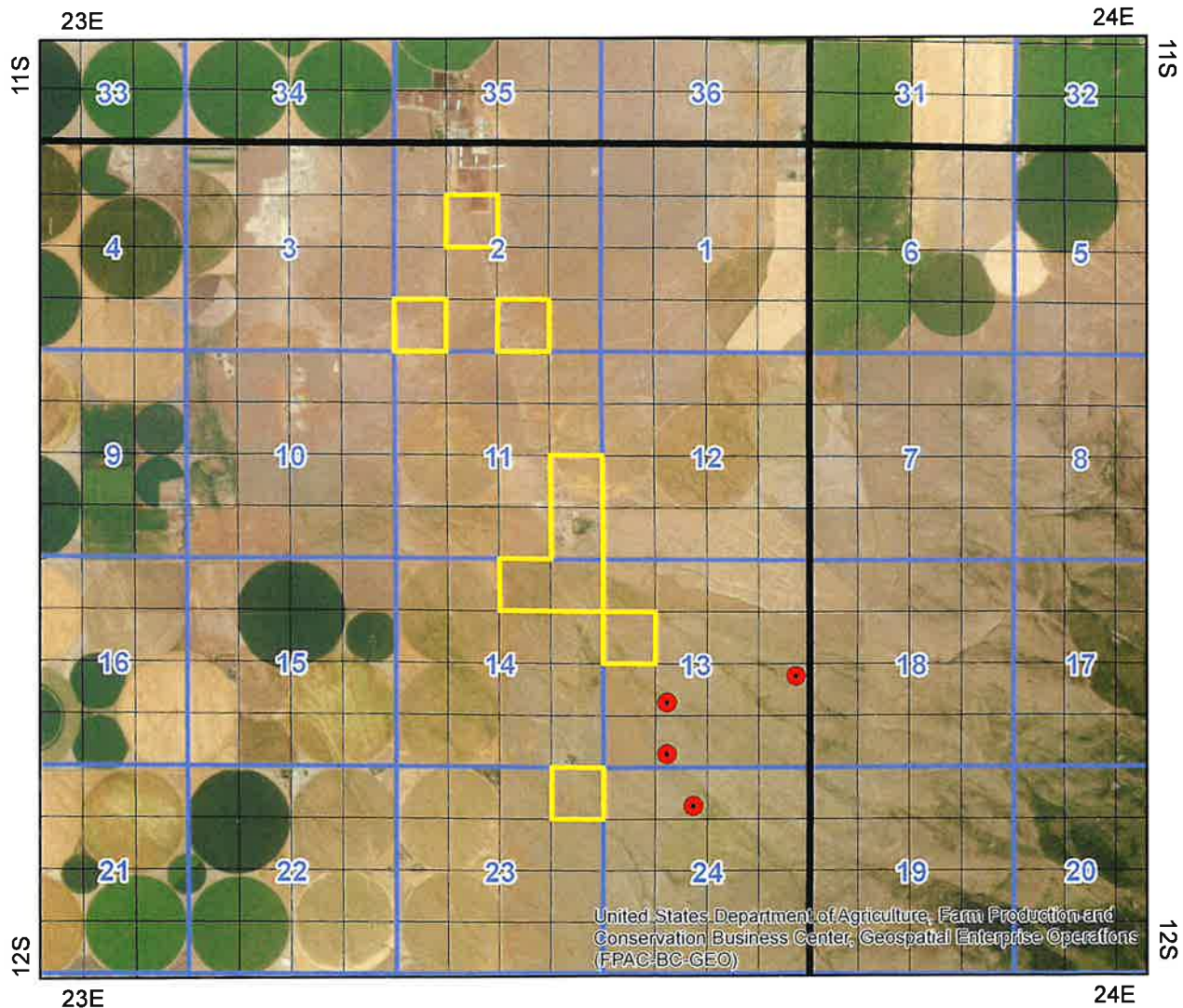
This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Place Of Use Boundary
- Point of Diversion
- Townships
- PLS Sections
- Quarter Quarters

State of Idaho
Department of Water Resources
Attachment to Transfer # 89313
45-4229

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



United States Department of Agriculture, Farm Production and
Conservation Business Center, Geospatial Enterprise Operations
(FPAC-BC-GEO)



-  Place Of Use Boundary
-  Point of Diversion
-  Townships
-  PLS Sections
-  Quarter Quarters



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 89313

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

SEP 17 2024

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

Name of Applicant(s) LAMBERT PRODUCE CO INC

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A *Means the item is always required and must be included with the application.

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 17 2024

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant LAMBERT PRODUCE CO INC

Phone (208) 678-2668

Mailing Address 203 E 1100 S, BURLEY ID 83318-5607

Email wcrfms@gmail.com

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

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

☒ No Representative

Name of Representative _____ Phone _____

Mailing Address _____ Email _____

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

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

Chris Drakos
Signature of Applicant or Authorized Representative

CHRIS DRAKOS
Print Name and Title if applicable

9-12-24
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	45-4229	No	No	Yes	No	No	No

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Application filed to add a new location for domestic and stock water use and to correctly identify actual location of domestic use(s). SRBA decree incorrectly identified domestic use at every stock water location.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
45-4229	0.230 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS									
	0.230 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.23 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 45-4229

Current Water Right Owner
LAMBERT PRODUCE CO
INC
203 E 1100 S
BURLEY, ID 83318-5607

Priority Date: 1/1/1965

Origin: Water Right

Basis: Decreed

Status Active

Source: SPRINGS **Tributary:** BIG ROCKY CREEK

Source: SPRINGS **Tributary:** LITTLE ROCKY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.040 CFS	
STOCK WATER	1/01	12/31	0.230 CFS	
Total Diversion			0.230 CFS	

Source and Point(s) of Diversion:

SPRINGS	NENESE	Sec. 13 Twp 12S Rge 23E CASSIA County
SPRINGS	SWNESW	Sec. 13 Twp 12S Rge 23E CASSIA County
SPRINGS	SWSESW	Sec. 13 Twp 12S Rge 23E CASSIA County
SPRINGS	SENENW	Sec. 24 Twp 12S Rge 23E CASSIA County

Describe the proposed diversion system

PIPE LINE FROM SPRINGS TO STOCK TROUGHS AND SPRINGS.
PIPE LINE FROM SPRINGS TO STOCK TROUGHS AND SPRINGS.
PIPE LINE FROM SPRINGS TO STOCK TROUGHS AND SPRINGS.
PIPE LINE FROM SPRINGS TO STOCK TROUGHS AND SPRINGS.

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	23E	11																X	
12S	23E	23	X																

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	23E	2								X			X				X		
12S	23E	11													X			X	
12S	23E	13							X										
12S	23E	14	X	X															
12S	23E	23	X																

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

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

Interconnected pipeline from multiple springs to multiple cattle troughs and two homes

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

applicant

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

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

No, ☒ If Yes, ☐

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

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

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

application will correctly describe actual locations of use and add a new location to be developed.

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

n/a

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

Yes

No

☐
☐
☐
☐

☒
☒
☒
☒

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

If yes, describe:

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

Current Water Right No. 45-4229

Current Water Right Owner
LAMBERT PRODUCE INC
PO BOX 793
BLACKFOOT, ID
83221-0793

Priority Date: 1/1/1965

Origin: Water Right

Basis: Decreed

Status: Active

Source: SPRINGS **Tributary:** BIG ROCKY CREEK

Source: SPRINGS **Tributary:** LITTLE ROCKY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.040 CFS	
STOCKWATER	1/01	12/31	0.230 CFS	
Total Diversion			0.230 CFS	

Source and Point(s) of Diversion:

SPRINGS	SWNESW	Sec. 13 Twp 12S Rge 23E CASSIA County
SPRINGS	SWSESW	Sec. 13 Twp 12S Rge 23E CASSIA County
SPRINGS	NENESE	Sec. 13 Twp 12S Rge 23E CASSIA County
SPRINGS	SENENW	Sec. 24 Twp 12S Rge 23E CASSIA County

Describe the proposed diversion system

PIPE LINE FROM SPRINGS TO STOCK TROUGHS AND SPRINGS.
PIPE LINE FROM SPRINGS TO STOCK TROUGHS AND SPRINGS.
PIPE LINE FROM SPRINGS TO STOCK TROUGHS AND SPRINGS.
PIPE LINE FROM SPRINGS TO STOCK TROUGHS AND SPRINGS.

Place of Use: DOMESTIC

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	23E	2								X			X				X		0.0
12S	23E	11													X			X	0.0
12S	23E	13							X										0.0
12S	23E	14	X	X															0.0

Conditions/Remarks:

1. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NOS. 12S23E020750, 12S23E021350, 12S23E11000, 12S23E119000, 12S23E133600, 12S23E140000, 12S23E140600 STOCKWATER, 1000 RANGE

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:



0005414182

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0005414182

Date Filed: 9/29/2023 11:27:35 AM

Entity Name and Mailing Address:

Entity Name: LAMBERT PRODUCE, INC.
The file number of this entity on the records of the Idaho
Secretary of State is: 0000156423
Address: PO BOX 793
BLACKFOOT, ID 83221-0793

Entity Details:

Entity Status: Active-Good Standing
This entity is organized under the laws of: IDAHO
If applicable, the old file number of this entity on the records of
the Idaho Secretary of State was: C48218

The registered agent on record is:

Registered Agent: CHRIS DRAKOS
Registered Agent
Physical Address
405 N. E. MAIN
BLACKFOOT, ID 83221
Mailing Address

Corporate Officers and Directors:

Name	Title	Business Address
Chris Drakos	President	405 NE MAIN BLACKFOOT, ID 83221

The annual report must be signed by an authorized signer of the entity.

Job Title: President

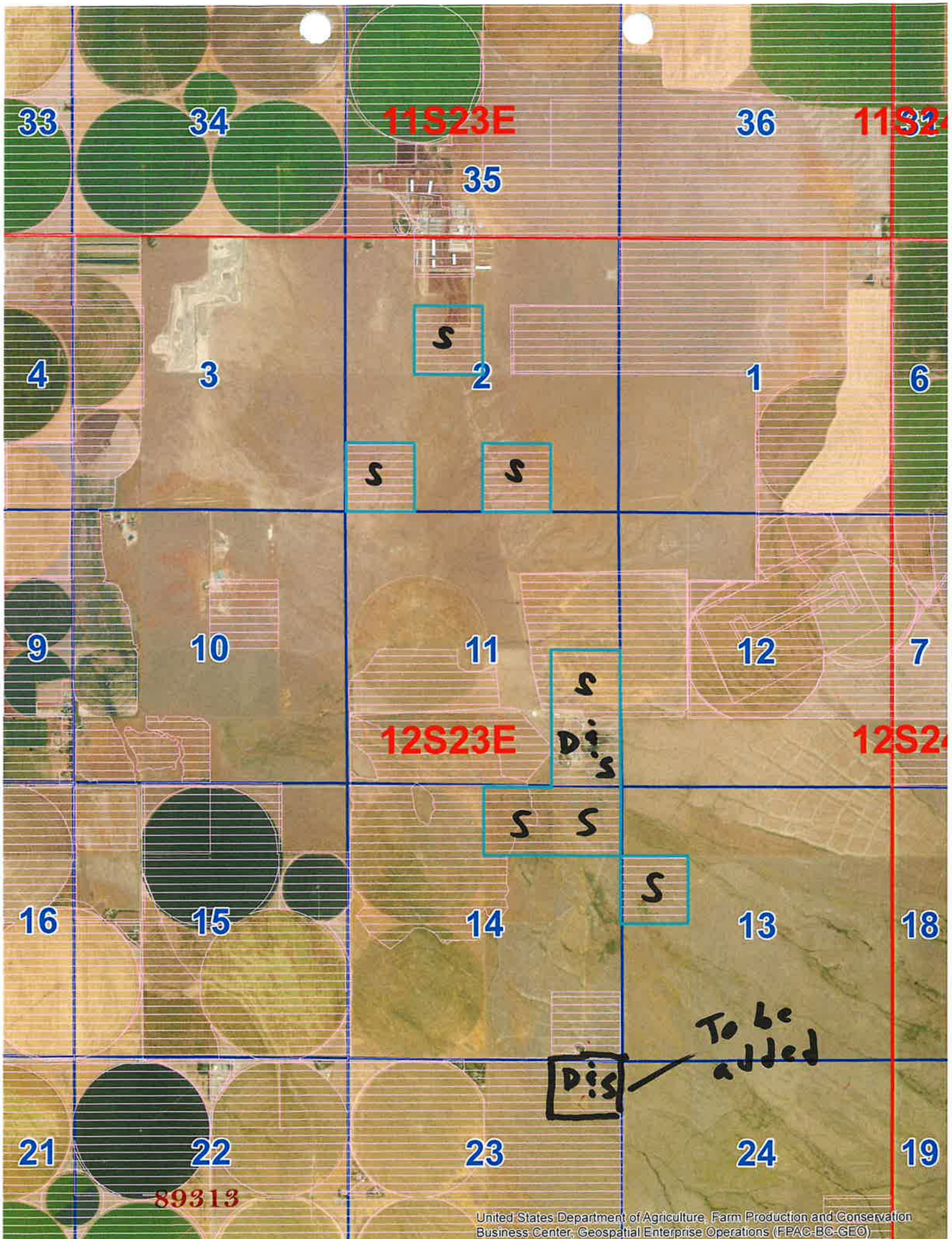
Chris Drakos

Sign Here

09/29/2023

Date

DUPLICATE RECEIVED BY OFFICE OF THE IDAHO SECRETARY OF STATE





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 2, 2024

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

Re: Transfer No: 89313
Water Right No(s): 45-4229

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 home page 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.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner", with a stylized, cursive script.

Corey Skinner
Southern Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2024 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 89313
Water Right No(s): 45-4229

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



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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).

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 service date 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.

MEMORANDUM

Date: September 26, 2024
To: Transfer #89313, Lambert Produce Co, INC
From: Tyler Wallace
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to add a new location for domestic and stockwater use to contiguous lands for an existing water right with domestic and stockwater uses. Transfer will also correctly identify the actual place of use for the domestic use due to the SRBA decree incorrectly identifying the domestic use at every stock water location.

The location of the existing point of diversion and place of use is located approximately 9.5 to 12 miles north and 7 to 9.5 miles east of the main intersection in Oakley.

The water right involved in this transfer is excluded from a water district, so Watermaster comments will not be solicited. Advertising will not be necessary because transfer is to correct the actual place of use for existing infrastructure and add an additional place of use to contiguous lands.

- **Authority to File:**

The Department's database indicates that water right 45-4229 is owned by Lambert Produce Inc. The application was signed by Chris Drakos, who is listed as the president of Lambert Produce Inc. on the State of Idaho's Office of the Secretary of State's business summary.

- **Water Right Validity:**

Water right 45-4229 was decreed in the SRBA and is currently listed as active. Validation of recent use for said water right was confirmed using available aerial photography of the place of use.

- **Injury to Other Water Rights:**

None anticipated. Transfer proposes to correct the POU for domestic and stockwater uses as well as add a new place of use to contiguous land.

- **Enlargement of Use:**

None anticipated. Transfer proposes no increase in the flow rate or volume of water used.

- **Local Public Interest:**

No issues anticipated.

- **Beneficial Use/Conservation of Water Resources:**

Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**

None Anticipated

- **Effect of the Agricultural Base of the Area:**

None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Legal Notice Not Required

Date: September 20, 2024
To: Transfer #89313, Lambert Produce Co, INC
From: Tyler Wallace
Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

FEE MEMORANDUM

Date: September 20, 2024
To: Transfer #89313, Lambert Produce Co, INC
From: Tyler Wallace
Re: Receipting of fees paid

This transfer was filed on September 17, 2024. The intent of this transfer is to correct the place of use for an existing water right with domestic and stockwater uses as well as add an additional place of use to contiguous lands. The fee was based on the combined diversion rate of 0.23 CFS, resulting in a fee of \$500.

The \$500 filing fee was paid for by Dustin King at the time of filing with check number 274. The IDWR receipt number is S040362.

TRANSFER Summary

Date: September 20, 2024
To: Transfer #89313, Lambert Produce Co, INC
From: Tyler Wallace
Re: Summary of Transfer

Application for transfer proposes to add a new location for domestic and stockwater use to contiguous lands for an existing water right with domestic and stockwater uses. Transfer will also correctly identify the actual place of use for the domestic use due to the SRBA decree incorrectly identifying the domestic use at every stock water location.

The location of the existing point of diversion and place of use is located approximately 9.5 to 12 miles north and 7 to 9.5 miles east of the main intersection in Oakley.

The water right involved in this transfer is excluded from a water district, so Watermaster comments will not be solicited. Advertising will not be necessary because transfer is to correct the actual place of use for existing infrastructure and add an additional place of use to contiguous lands.