

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-7070
Date Received: 6/2/92
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

GEM VALLEY FARMS Phone: (208)425-3623

C/O CHAD NEIBAUR
1550 CENTRAL RD
BANCROFT ID 83217

2. Date of Priority: 09/20/1971

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
09S	40E	18	NE NE	CARIBOU

5. Description of diverting works:

20" DIAM. WELL, 190' DEEP. S.W.L.-113 PUMP AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	4.68	918

7. Total Quantity Appropriated is:

4.68 C.F.S. and/or 918 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	40E	18	NE	SW	IRRIGATION	5.5
			NE	SE	IRRIGATION	10

NW	SE		IRRIGATION	5.5
SW	NW	2	IRRIGATION	31
SE	NW		IRRIGATION	35.5
NE	NE		IRRIGATION	31
SW	NE		IRRIGATION	36.5
SE	NE		IRRIGATION	40
NE	NW		IRRIGATION	40
NW	NW	1	IRRIGATION	31
NW	NE		IRRIGATION	40
Section Acres				306
Total Acres				306

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

pou changed transfer 5675
see transfer 5675 for remarks

15. Basis of Claim: License

16. Signature(s)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-07070

Date Received: 6/ 2/1992

Receipt No: E017418

Received By: Ed

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEM VALLEY FARMS
Address: C/O CHAD NEIBAUR
1550 CENTRAL RD
BANCROFT ID

208-425-3621

83217

2. Date of Priority: SEP 20, 1971

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	Count
09S	40E	18	NE	NE			CARIBOU

5. Description of diverting works:

20" DIAM. WELL, 190' DEEP. S.W.L.-113 PUMP AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	4.680		918.00

7. Total Quantity Appropriated is:

4.680 C.F.S. (and/or) 918.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	40E	18	NE	NE		IRR	36.0
			NW	NE		IRR	37.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	40E	18	NE	NW		IRR	37.0
			NW	NW	1	IRR	37.0
			SW	NW	2	IRR	40.0
			SE	NW		IRR	40.0

Section Acres 306.0

Total Acres 306.0

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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NOV 13 1992

For Organizations:

I do solemnly swear or affirm that I am General Partner of

Gem Valley Farms, that I have signed the foregoing
Organization

document in the space below as General Partner of
Title

Gem Valley Farms and that the statements contained in the
Organization

foregoing document are true and correct.

Chad B. Milburn
Signature of Authorized Agent
General Partner
Gem Valley Farms
Title and Organization

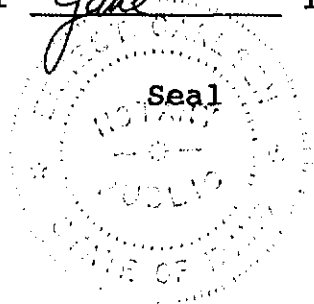
6-2-92
Date

State of Idaho)
County of Bonnaville) SS.

Subscribed and sworn (or affirmed) before me this 2 day

of June 19 92

Ernest Carlson
Notary Public

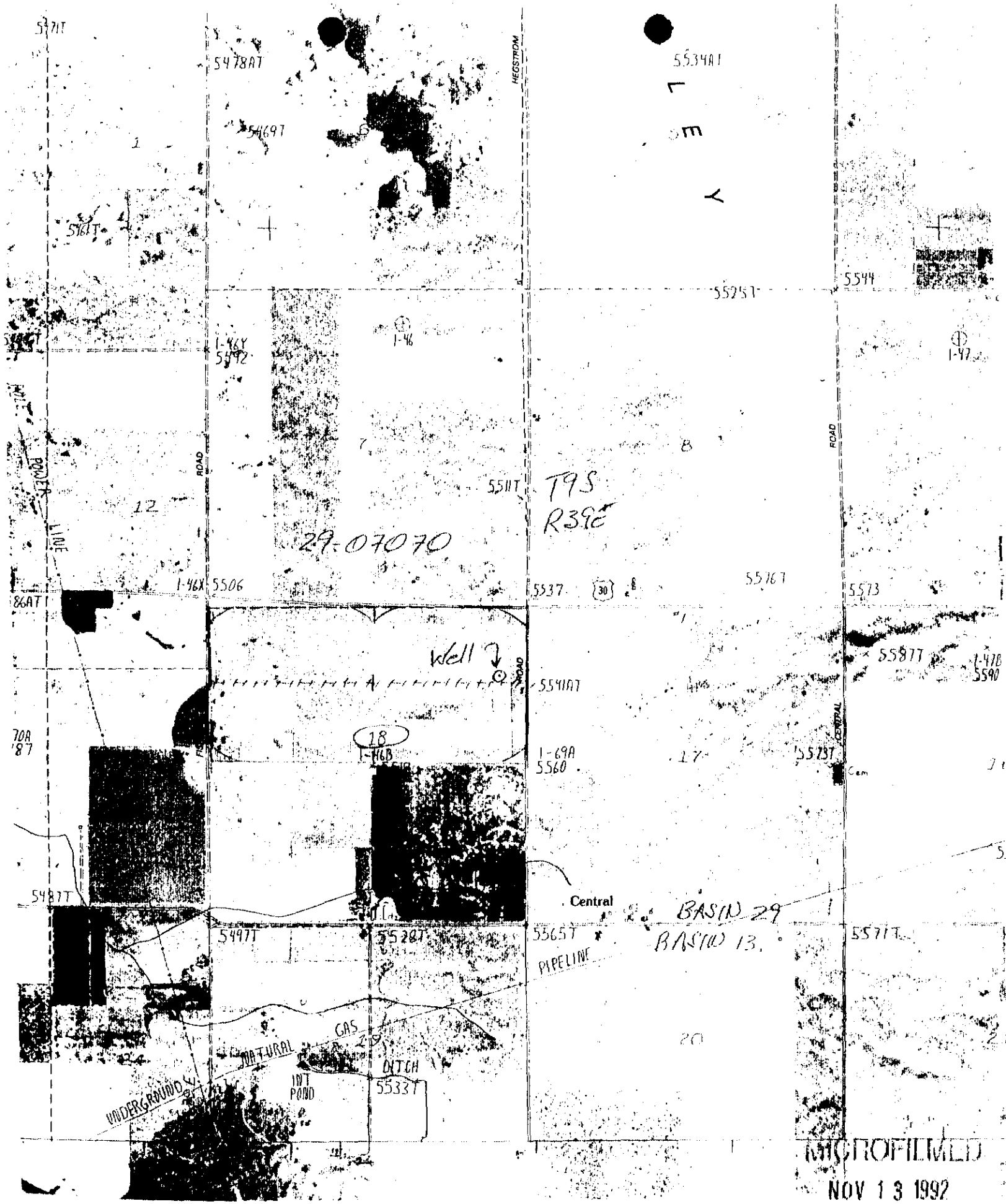


Residing at Idaho Falls

My Commission Expires 6-14-1994

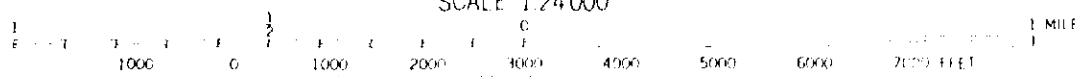
MICROFILMED

NOV 13 1992



MICROFILMED
NOV 13 1992

SCALE 1:24,000



Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5675
WATER RIGHT NO. 29-07070

RECEIVED

OCT 02 2000

Department of Water Resources
Eastern Region

This is to certify that: NEIBAUR FARM ENTERPRISES
DBA GEM VALLEY FARMS
C/O CHAD NEIBAUR
1550 CENTRAL RD
BANCROFT ID 83217

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.68 CFS	918.0 AF

SOURCE

GROUNDWATER

Priority: 09/20/1971

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 18, Township 09S, Range 40E
CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S 40E 18	NENE 31.0	NWNE 40.0	SWNE 36.5	
	SENE 40.0	NENW 40.0	NWNW 31.0	
	SWNW 31.0	SENE 35.5	NESW 5.5	
	NESE 10.0	NWSE 5.5		306.0
		Total number of acres irrigated:		306.0

CONDITIONS OF APPROVAL AND REMARKS

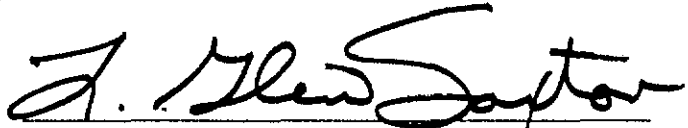
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 13T.
2. Upon specific notification, the right holder shall install a measuring device of a type approved by this Department for the use of the watermaster.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5675
WATER RIGHT NO. 29-07070

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) 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. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 28th day of September, 2000.


Chief, Water Allocation Bureau

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant GEM VALLEY FARMS % Chad Neibaur Phone 208-648-7113Post Office address 1550 Central Rd Bancroft, ID 83217

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes I want to rearrange my acres in the
N 1/2 Sec 18 to accomodate pivots.

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

1. Right Number 29-07070 Priority 9-20-1971 Amount (cfs/ac-ft) 4.68 cfs Nature of Use Irrigation Period of Use 4/15 to 10/15
 _____ to _____
 _____ to _____
 _____ to _____

2. Total amount of water being transferred 4.68 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NE	18	9S	40E	Caribou	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	40E	18	31	40	36.5	40	40	31	31	35.5	5.5				10	5.5			306

Total Acres 306

6. General Information:

- a. Description of diversion system well + pump to pivots
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☒ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 20_____

For the Director

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 29-07070

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.68 CFS	918.0 AF

SOURCE

GROUNDWATER

Priority: 09/20/1971

LOCATION OF POINT(S) OF DIVERSION:NENE , Sec. 18, Township 09S, Range 40E
CARIBOU CountyPLACE OF USE:

IRRIGATION

NE				NW				SW				SE																																																			
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE																																	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM																																
-----																																-----				-----				-----				-----				-----				-----											
09S 40E 18 :																																36	37	40	39	:	37	01	37	02	40	40	:													:					:	306.0	
																																												:													:	TOTAL ACRES				:	306.0

CONDITIONS/REMARKS:

Describe any other water rights used for the same purpose as described above:

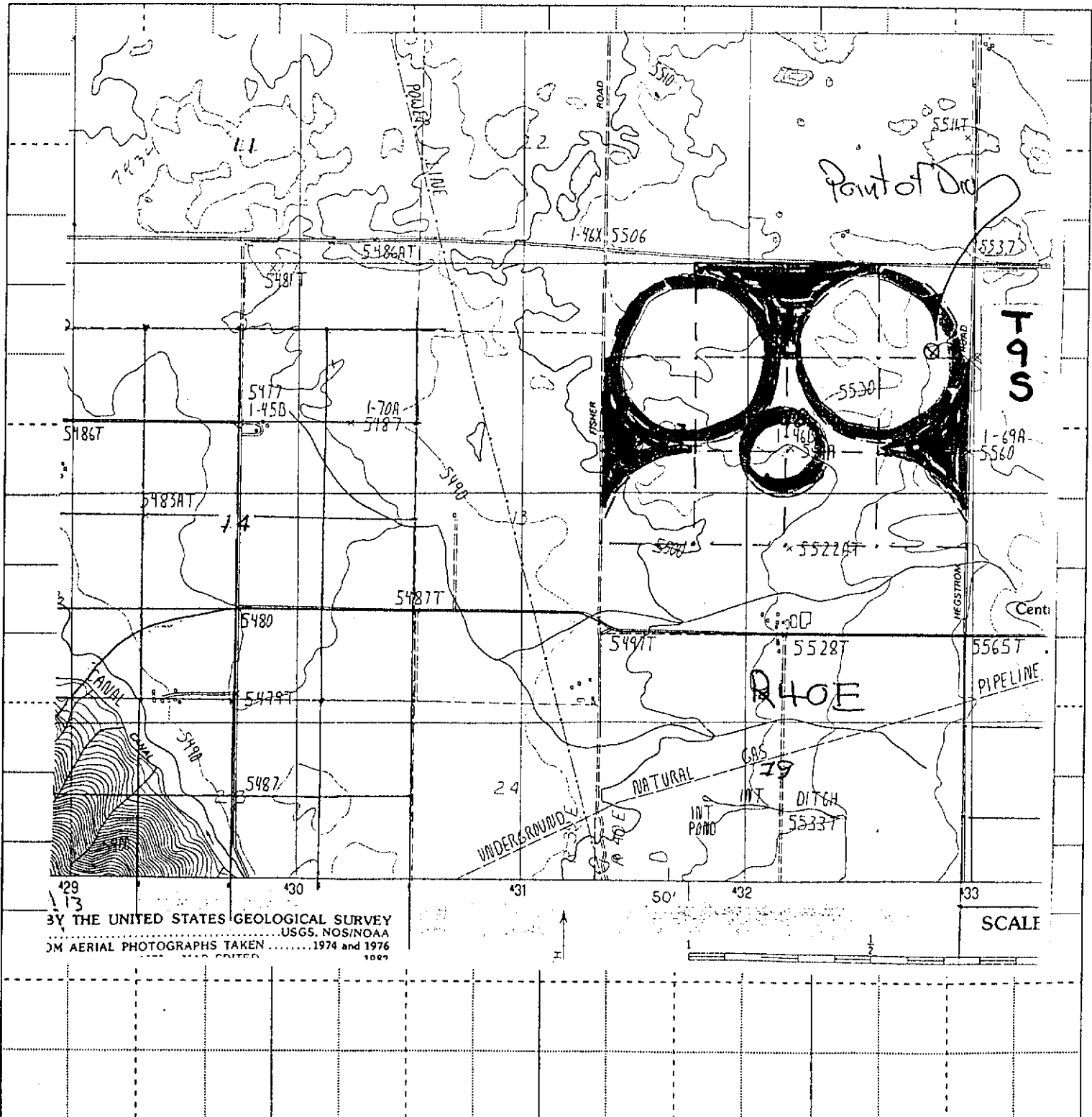
To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

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

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



PART 3

B. CHANGES IN NATURE OF USE

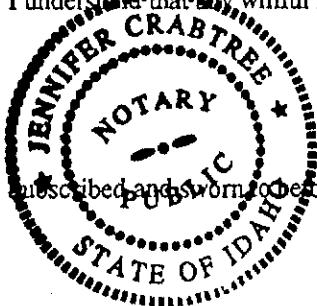
1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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



[Signature]
 (Signature of Applicant)

Subscribed and sworn to before me this 18th day of March, 2000.

Jennifer Crabtree
 (Notary Public)

My commission expires 9/23/03

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 3 attachments
 Received by JKC Date 3-1-00 Protest filed by _____
 Prelim. Check by _____ Fee _____
 Received by JKC Date 3-1-00 E02563A
 Published in Caribou County Sun Copies of protest forwarded by _____
 Pub. Dates 3-15 & 3-22-2000 Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
 _____ received _____ by _____

Copy of transfer sent to lien holder _____

Water Right Number - 29-07070

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
GEM VALLEY FARMS

1 - 264 W 700 N

2 -

3 -

City- MALAD

State- ID Zip- 83252

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
09/20/1971 15 EASTERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

09S 40E 18 NE NE (29) CARIBOU

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/15 10/15 4.680 918.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
4.680 918.00 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

09S	40E	18	NE NE		36.0	01	IRRIGATION	(29) CARIBOU
09S	40E	18	NW NE		37.0	01	IRRIGATION	(29) CARIBOU
09S	40E	18	SW NE		40.0	01	IRRIGATION	(29) CARIBOU
09S	40E	18	SE NE		39.0	01	IRRIGATION	(29) CARIBOU
09S	40E	18	NE NW		37.0	01	IRRIGATION	(29) CARIBOU
09S	40E	18	NW NW	1	37.0	01	IRRIGATION	(29) CARIBOU
09S	40E	18	SW NW	2	40.0	01	IRRIGATION	(29) CARIBOU
09S	40E	18	SE NW		40.0	01	IRRIGATION	(29) CARIBOU

Total Acres: 306.0

+ - - Diversion Means - 20" DIAM. WELL, 190' DEEP. S.W.L.-113 PUMP AND SPRINKLER SYSTEM.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

Water right number - 29-07070

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

STATE OF IDAHO GERALD J. ACKERMAN, ET AL 07/28/1992

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 03/26/85 05/22/88 CONVERT 03/12/96 PRODMGR 03/15/96 SCURTIS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - X999999	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Presumption Flag -	Name Connector -	POU Ownership Flag- Y
SRBA Decreed Flag -		

CONVERSATION MEMORANDUM

DATE 6-2-92FILE 29-02352NAME OF PARTY CHAD NEIBAUER

29-07000B

EMPLOYEE ERNE CARLSEN

29-02070

RE: Mr. Neibauer met with Dept. staff at the ~~Basin 29~~ Caribou Co. Mobile Office during the initial claims taking period. The men used to ~~originate~~ the boundary between Basin 29 & 13. On the map at that office the boundary between Basins 29 & 13 ran east & west along Highway 30. Consequently he was told there was no need to file since his property appeared to be in Basin 13. ~~It was the~~ later discovery the boundary line ~~was~~ is actually 1 mile south on the old Central Highway putting his property in Basin 29.

Since he initially intended to file but due to a Dept. mistake was advised not to, Dave Shan agreed to ~~write~~ be telecon with me this day to give the late file for the three notices filed by Mr. Neibauer in the name of Ben Waller-Jensen.

MICROFILMED

NOV 13 1992