

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: **A22-02042B**
Date Received: 7/11/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RANDY NEIBAUR 208-458-4680
Address: BOX 235
NEWDALE ID 83436

AND

Name: PHIL NEIBAUR 208-458-4680
Address: BOX 235
NEWDALE ID 83436

2. Date of Priority: FEB 11, 1909

3. Source: WRIGHTS CREEK Trib. to: CANYON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	43E	31	NE	SW			MADISON

5. Description of diverting works:
16" CULVERT W/ SCREW GATE FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.500		139.90

7. Total Quantity Appropriated is:
1.500 C.F.S. (and/or) 193.90 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
06N	43E	31	NW	NW	1	IRR	18.0

A2202042B



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	43E	31	SW	NW	2	IRR	17.5
			NW	SW	3	IRR	19.9
Section Acres							55.4
Total Acres							55.4

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

THIS IS THE ONLY IRRIGATION RIGHT DIVERTED FROM WRIGHT'S CREEK.

**THIS RIGHT SPLIT BY CHANGE OF OWNERSHIP, FILED 11-14-96, AS:

A22-02042A 0.08 CFS COMMERCIAL - E. PARK

A22-02042B 1.50 CFS FOR 55.4 AC -R. NEIBAUR

1.50 CFS 55.4 AC CLAIMED IN-FULL
11-14-96,ABR

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: _____

For Individuals:

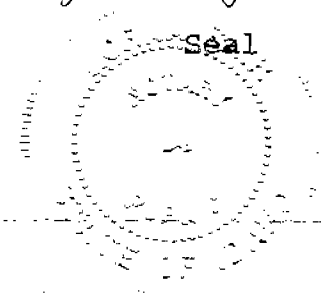
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Randy Neibaur Date: 1-2-97

Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 2 day
of January 19 97 Lorna Bair
Notary Public



Residing at A. Anthony
My Commission Expires 1-16-2001

Eastern AS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5003
WATER RIGHT NO. 22-02042B

RECEIVED
AUG 22 1997
Department of Water Resources
Eastern Region

This is to certify that: **RANDY NEIBAUER**
PHIL NEIBAUER
PO BOX 235
NEWDALE ID 83436

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	*1.50 CFS	193.9 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
WRIGHT CREEK	CANYON CREEK

Priority: 02/11/1909

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 31, Township 06N, Range 43E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	43E	31	Lot 1(NWNW) 18	Lot 2(SWNW) 17.5	Lot 3(NWSW) 19.9	55.4
Total number of acres irrigated:						55.4

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 5003
WATER RIGHT NO. 22-02042B

CONDITIONS OF APPROVAL AND REMARKS

6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- *8. Right No. 22-02042B shall not exceed a diversion rate of 0.02 cfs per acre at the field headgate, an annual diversion volume of 193.9 af, nor the irrigation of 55.4 acres.
- *9. 0.39 cfs of Right No. 22-02042B is the portion of the right used for conveyance purposes.

Dated this 19th day of August, 1997.

J. Glen Saylor
Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE NO. 22-02042

FROM: PAM SKAGGS/²²STATE OFFICE

SUBJECT: TRANSFER NO. 5003

DATE: August 19, 1997 *OK*

=====

Transfer No. 5003 changes the point of diversion under the irrigation portion of Right No. 22-02042, splitting the right into parts A and B. The transfer reflects a change of ownership for the irrigation portion of the right and conversion to a gravity flow system.

Season of use was adjusted to current department standards. Recommended conditions include measuring device, watermaster control (Water District No. 01), irrigation overlap, right-of-way, limits, conveyance portion and standard transfer conditions.

Log for claim 22-02042B

Spatial Dynamics BTD

7/27/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n43e	31	NWNW	18	12	POD placement?
06n43e	31	SWNW	17.5	11	
06n43e	31	NWSW	19.9	15	
Totals:			55.4	38	



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

NOVEMBER 15, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDY NEIBAUR
BOX 235
NEWDALE ID 83436

RE: CHANGE IN OWNERSHIP FOR A22-02042

Dear Mr. Neibaur:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with new Notice(s) being generated to reflect you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the rights were split as follows:

A22-02042A, 0.08 CFS COMMERCIAL, E. PARK
A22-02042B, 1.50 CFS 55.4 ACRES, R. NEIBAUR

Because the acreage was amended on your Notice of Claim, it is necessary for you to sign it in the presence of a Notary and return it to me promptly. You may want to make a copy for your records.

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

Enclosure:

cc: Elmer Park/copy letter/copy claim

ABR
11-14-96

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 22-02042
Adjudication Claim Number(s) A22-02042

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

✓ 3. Name and Address of Former Owner/Claimant(s) Elmer + Merlene Park 745-6965

4276 E. 265N Rigby Id. 83442

✓ 4. New Owner/Claimant(s) Randy and Phil Neibaur

Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR

New Mailing Address Box 235

City, State and ZIP Code Newdale Ida. 83436

New Telephone Number (208) 458-4680

✓ 5. Date you acquired the property Oct. 6, 1989

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 54 55.4 ~~AAA~~ 11-14-96 Number and type of stock _____

Diversion rate in CFS 1.50 cubic feet per second Number of homes _____ Other uses irrigation

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

✓ 7. Signature of New Owner/Claimant(s) Randy Neibaur Date 10-20-96

Date _____

8. (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Shoshone Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

WARRANTY DEED

For Value Received

Elmer J. Park

the grantor , does hereby grant, bargain, sell and convey unto

Randall M. and Jeralee Neibaur, husband and wife, and Phil and Kathleen Neibaur,
husband and wife

the grantee , the following described premises, in.....Madison.....County Idaho, to wit:

See attached Schedule A.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee ,
heirs and assigns forever. And the said Grantor do hereby covenant to and
with the said Grantee , that he the owner in fee simple of said premises; that they are free
from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: October 6, 1989

Elmer J. Park
Elmer J. Park

STATE OF IDAHO, COUNTY OF

On this 6th day of October , 1989 ,
before me, a notary public in and for said State, personally
appeared Elmer J. Park

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that he executed the same.

Dean Mayfield
Notary Public

Residing at *Redding*, Idaho

Comm. Expires *11-7-94*

24

Beginning at the Northeast Corner of Lot 1 of Section 31, Township 6 North, Range 43 East, Boise Meridian, Madison County Idaho; Thence South 0°20'10" East 1154.65 feet; Thence North 44°06'00" West 726.68; feet Thence North 18°45'40" East 474.50 feet to the Center line of the Wright Creek Road; Thence North 65°37'15" West 423.60 feet along said Center line to the Center line of the Canyon Creek Road; thence North along said Canyon Creek Road 10.92 feet more or less to the North line of said Section 31; thence North 89°49'23" 732.00 feet along the Section line to the Point of Beginning.

That portion of the Northwest Quarter of the Southeast Quarter lying South of Wright Creek Canyon, described as follows: Beginning at the Southwest Corner of said Northwest Quarter of the Southeast Quarter of Section 31, Township 6 North, Range 43 East, Boise Meridian, Madison County, Idaho (said point is a 5/8" steel rod witnessed by a steel fence post); thence North 0°17'53" West 225.0 feet to the canyon edge; thence along said canyon edge the next six calls North 63°13'47" East 172.38 feet; thence North 61°58'47" East 262.0 feet; thence South 59°54'35" East 307.08 feet; thence South 63°03'07" East 242.27 feet; thence South 74°32'40" East 322.75 feet; thence South 53°17'50" East 125.6 feet to the South line of the Northwest Quarter of the Southeast Quarter; thence South 89°57'33" West 1277.45 feet, more or less, to the Point of Beginning.

BILL OF SALE

This Bill of Sale from Elmer J. Park or Marie C. Park to Randall M. and Jeralee Neibaur, Phil and Kathleen Neibaur to transfer all rights, title and interest of Water Stock # A 22-02042 as it pertains to the Wright's Creek tributary to Canyon Creek, with the following legal description:

Township 6 N, Range 43 E, Section 31, NE 1/4 of NE 1/4 of SW 1/4 of Madison County

to transfer 1.50 c.f.s.

~~POINT OF DIVERSION~~

DATED October 6, 1989

Elmer J. Park
Elmer J. Park

Subscribed and sworn to before me

this 10th day of October 19 89

Deane Mayfield
Notary Public

Residing at Rehburg