

FACSIMILE TRANSMISSION

To: Chad Neibaur, Gem Valley Farms

From: Tim Luke
Idaho Department of Water Resources
1301 N Orchard St
Boise, ID 83706
208-327-7864 (direct) • 208-327-7866 (fax)
E-mail: tluke@idwr.state.id.us

Date: June 14, 2002

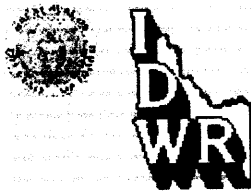
Re: Water District 13T – Gem Valley Farms Fax Dated June 11, 2002

Chad,

I spoke with the watermaster last evening about our last fax to you and instructions to him concerning the Hansen and Deep wells. I explained those instructions to him and ask that he obtain the same fax that I sent to you yesterday. He will be visiting our field office between 4 and 4:30 pm today to get a copy of that fax and the directive contained within the fax. He plans to visit the wells this evening at around 5 to 5:30 p.m. He will check the wells and close the valve between the wells. He will also attempt to lock the valve if he has the proper devices to do so. I will advise him to try and call you before arriving at the well. It may be helpful to advise him about the current status of the Hansen wells since your phone message to me last night advised that Golden West was doing some work there.

I understand you spoke with Norm Young last evening and that he explained the reasoning for this latest decision and instructions to the watermaster.

CC: Craig Shuler, Watermaster
Cindy Bird, IDWR



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From: Tim Luke

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1301 N Orchard St

Boise, ID 83706

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E-mail: tluke@idwr.state.id.us

Date: June 13, 2002

Re: Water District 13T – Gem Valley Farms Fax Dated June 11, 2002

Chad,

Thank you for promptly replying to my last fax that asked you to explain the current situation with the Deep and Hansen wells. It seems rather clear from your statement that the Deep well is indeed being used to assist in irrigating the Hansen pivots and that you wish to continue this practice at least until the Hansen pumps are repaired and perhaps after the Hansen pump repairs if the repairs do not result in a satisfactory resolution of the problem.

Your latest fax appears to make a case, if not a request that the Department allow you to continue the connection between the Deep and Hansen wells. Unfortunately, the Department cannot consciously ignore the limitations of the water rights nor its own administrative orders and decisions that affect these rights. Moreover, you agreed in January of 2000 to sever the connection between these wells and limit the Deep well to 309 acres in order to resolve the protests of water right transfer no. 5545. The Department therefore cannot authorize the use of the Deep well on the Hansen pivots or even allow the connection of the two wells.

IDWR requests that you cease from further diversion of water from the Deep well located in the SWSW of Section 20, T9S, R40E for irrigation of land in the NE quarter of Section 20 and the SE quarter of Section 16, T 9S R 40E. IDWR further requests that you disconnect the Deep well located in the SWSW of Section 20 from the Hansen wells located in the

NENW of Section 20, T9S R40E. This may be done by either a physical interruption in the piping system or by a locked valve.

IDWR will instruct the watermaster to inspect the connecting pipe and valve between the Hansen and Deep wells after 12 p.m. on June 14, 2002. The watermaster will be instructed to close the valve on the 4-inch pipe connecting the Deep and Hansen wells if the pipe is not already disconnected or the valve is not already locked. IDWR will also instruct the watermaster to place a locking device on the valve to prevent further use of the Deep well on the Hansen pivots. The watermaster shall be instructed to leave the valve closed and locked until further instructed by IDWR.

Removal of any locking device after the watermaster has installed such device on the valve by someone other than the watermaster or an employee of IDWR and/or continued use of water from the Deep well on the Hansen pivots may be considered an illegal diversion of water pursuant to Section 42-351, Idaho Code and may result in the issuance of a written notice of violation in accordance with the provisions of Section 42-1701B, Idaho Code. Under this latter statute, violations of Section 42-351, Idaho Code may be liable of a civil penalty not to exceed three hundred dollars (\$300) annually for each acre irrigated, in whole or in part, by the illegal use or diversion.

CC: Craig Shuler, Watermaster
Ron Carlson, IDWR
Norm Young, IDWR
Harold Jones, IDWR
Cindy Bird, IDWR

To: Tim Luke
From: Chad Neibaur
Re: June 11, 2002 Fax response

Tim,

Let me clarify the work that has been done on the Hansen well and the current status of the repairs. Last summer we started the season running the Hansen system adequately but found that into June the pressure decreased and the bowls started picking up air. We then had Golden West Irrigation come in and add 60 feet of colunne to the east well but were still unable to get our water sufficiently to releave the air and to pressurize properly. We then renozized the Rosdahl pivot down to 500 gpm and when that didn't solve our problem we asked for help from the IDWR and connected with our junior well to add a couple of hundred gpm through a 4" line. During this past winter we had Golden West pull both pumps in that location. Dale Petersen (employee of G.W.) suggested that we try to improve the pumping ability of the east hole by taking the 125 hp motor from the west well and placing it over the east hole and then taking the 100 hp motor and using it on the west well thus allowing the bowls down the west well and so we had to replace that entire set (this is about the 3rd or 4th set we have replaced in that well). They also made repairs to the other set of bowls. Golden West then reinstalled the pumps down the holes and Caribou Motor Rewind came and reconnected the motors with the panels. Golden West clutched up the west well about a week ago but had problems with a nut on the east hole and took it back to Idaho Falls to redthread it. As of today they have not gotten that pump clutched up to run. The irrigation companies have been very busy and our valley tends to get the last attention and so the complete system has not been tried to see if we have improved ourselves or not. The sprinkler package on the one pivot to the east that we reduce to 500 gpm has been left that way for now until we at least have opportunity to fire up both pumps. We have pumped the old well at about 700 gpm (running the 500 gpm pivot and the mini (180 gpm) and find that it is sucking air unless assisted by the 4" connection.

What I was referring to with the last fax is that we got the system repairs completed and operational and see if it will allow sufficient water to irrigate its acres without putting more damage to the now new bowls. That we also allow the season to unfold and see if the natural season draw down will allow us to operate without exposing the bowls and system to excess air. Also that the 4" connection line be left intact to open when warranted to minimize bowl and crop damage.

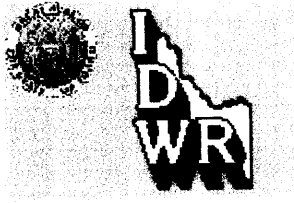
In our little area here in Central, I have three wells that are senior to all but Keith Lloyd's and two of them are senior to his earliest well. These three wells of ours are early in relative terms. The Hansen well is one of those three wells. I have never asked the Water Department to curtail any of the junior wells in the valley in order to help me and have spent numerous dollars trying to help myself rather than go that course. The 4 inch line is insignificant to anyone but me but it does allow me to put enough pressure down the system to close the drains and operate. I don't know that it is the entire answer but it is an answer for now. Where it is only operated (at any one time) in conjunction with two pivots (or less) from the deep well, and with their combined flow of approximately 1750 gpm plus 200 gpm (4.33 cfs), it does not even approach the allowable cfs of the deep well (5.12 cfs). In addition the shortfall out of the Hansen well right and with the reduction to 500 gpm on the one pivot, we are conserving water as well as being more efficient with the water used and power consumed. For efficiency, for crops, for every other good reason, I believe that the Water Department should see a permanent combination of these wells as a good thing and should recommend it highly.

One more argument from a conservation point of view, when the crops under the deep well call for only one pivot to run out of the three that are there, we find it a tendency to over water the grain rather than squeeze the system down because it creates so much pressure in back of the valve and the power is being expended anyway. If it could be managed in connection with the other pivots under the Hansen system, we would find a tendency to manage the grain crops more closely to their actual requirements. Likewise from a power consumption stand point; at times a year ago because of the IDWR restrictions, we were forced to run three wells in order to water two pivots, when we could just as well have run one pump and one well and thus conserved a great deal of power. Additionally, at the later part of the season when the grain is through, we could have disconnected and stopped power demand on several of our pumps if we were allowed to operate efficiently by the IDWR. I truly believe that in nearly every incident in which we can combine systems, we would help our crops, we would increase water conservation, power utilization, and equipment preservation. I would like to know how to proceed to accomplish that.

I hope that this fax will clarify a bit as to what we are looking at here.

Sincerely,
Chad

CC: Norm Young, Harold Jones, Ron Carlson



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To: Chad Neibaur, Gem Valley Farms

From: Tim Luke

Idaho Department of Water Resources

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Boise, ID 83706

208-327-7864 (direct) • 208-327-7866 (fax)

E-mail: tluke@idwr.state.id.us

Date: June 11, 2002

Re: Water District 13T – Gem Valley Farms Fax Dated June 6, 2002

Chad,

I'm not certain but your last fax to me seems to be asking for permission to use the Deep well on the Hansen well pivots. Is my understanding correct? Has the Hansen well(s) been repaired and the condition relieved? As you know, the temporary transfer that you filed last year for the connection of the wells was denied. IDWR sent you a Notice of Violation after the transfer was denied and after the connection was made but did not issue any penalties against you for proceeding with the denied temporary transfer. Your water rights still do not authorize use of the Deep well on the Hansen well pivots. There has been no declaration of a drought emergency in your county and thus there is no opportunity at this time to file or obtain approval of a temporary transfer application. Unless you have some authorization that I am not aware of, you should cease from further diversion of water from the Deep well for use on the Hansen pivots. Additionally, unless authorization is obtained, the Deep and Hansen wells should be disconnected either by a physical interruption in the piping system or by a locked valve.

The Department requests that you advise us by facsimile or phone call no later than noon, Thursday, June 13, 2002 as to whether or not the Hansen wells have been repaired, whether the Hansen and Deep wells are still connected and/or if there is a potential to use the

June 13, 2002

Deep well on the Hansen pivots. Please advise what if any authority you feel you may have for any continued connection and/or use of the Deep well on the Hansen pivots.

The Department will instruct the watermaster to monitor use of the Hansen and Deep wells and report to the Department after noon (12 p.m.) on June 13. The Department may provide further instructions to the watermaster depending on your response on or before this time. Please be aware that the Department may issue a Notice of Violation (NOV) and/or provide instructions to the watermaster to disconnect or curtail the wells.

CC: Craig Shuler, Watermaster
Harold Jones, IDWR
Cindy Bird, IDWR

Bird, Cindy

From: Luke, Tim
Sent: Monday, June 10, 2002 4:11 PM
To: Bird, Cindy; Jones, Harold (Skip)
Subject: Fax from Chad Neibaur

Skip and Cindy,

I received this 2nd fax from Chad Neibaur late last week. Cindy, please give this to Craig Shuler when he picks up the other stuff. The fax is a little cryptic but it seems to indicate that he is watering the Hansen pivots with the Deep well. If so, then this is in violation of his water rights

Skip,

Craig Shuler told Cindy late last week that he did finally speak with Chad and Chad told him he had no intention of disconnecting the Deep and Hansen wells. He told Craig that this was not really discussed at your compliance conference last year and I believe Chad told Craig that he was not under the impression he needed to disconnect. I need to know from you or Ron what was represented to him at last year's meeting. I can't see from Ron's Memorandum that he was advised to disconnect the wells although I assume that Chad knew the transfer expired at the end of the year as that was a condition of approval. Chad may be in violation of his rights if the two wells are connected.

Tim



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June 6, 2002

JUN - 7 2002

To: Tim Luke

Department of Water Resources

From: Chad Neibaur

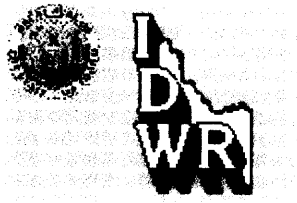
Tim:

We have started irrigating here and Golden West is suppose to be here today to clutch up the Hansen well. During the early spring, we pulled both pumps there and switched motors and replaced the one set of bowls (the sucking of air had completely ruined them) and repaired the other. I've left the one pivot (the one to the east) nozzled at 500 gpm and I've planted fall wheat on the one half of it as well as the mini pivot in hopes to have that crop pretty much along before the potatoes need much water. I hope you'll give me a few days to see if by making these changes it will have releaved the condition of that system.

Thanks

Chad

CC: Harold Jones, IDWR



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Date: June 6, 2002

Re: Water District 13T – Gem Valley Farms Map of 2002 Irrigation Place of Use

Chad, thanks for map showing this year's irrigated place of use for the wells in sections 20 and 29 (Deep, Hansen, and Christensen wells). The watermaster and the department need to know if the Deep and Hansen wells are still connected as they were last year when you filed the temporary transfer. Please call or fax this information to me as soon as possible. I would also like to request that the watermaster visit with you in the field to review this issue. It is my understanding that the wells should not be connected unless you again file for and receive a temporary transfer. Caribou County has not been declared a drought emergency so IDWR cannot yet receive or process emergency temporary transfers in your area.

P.S.: Cindy Bird, who works in our field office in Soda Springs, attended the water district meeting in January. You may give the map to Cindy at future annual district meetings if she is in attendance.

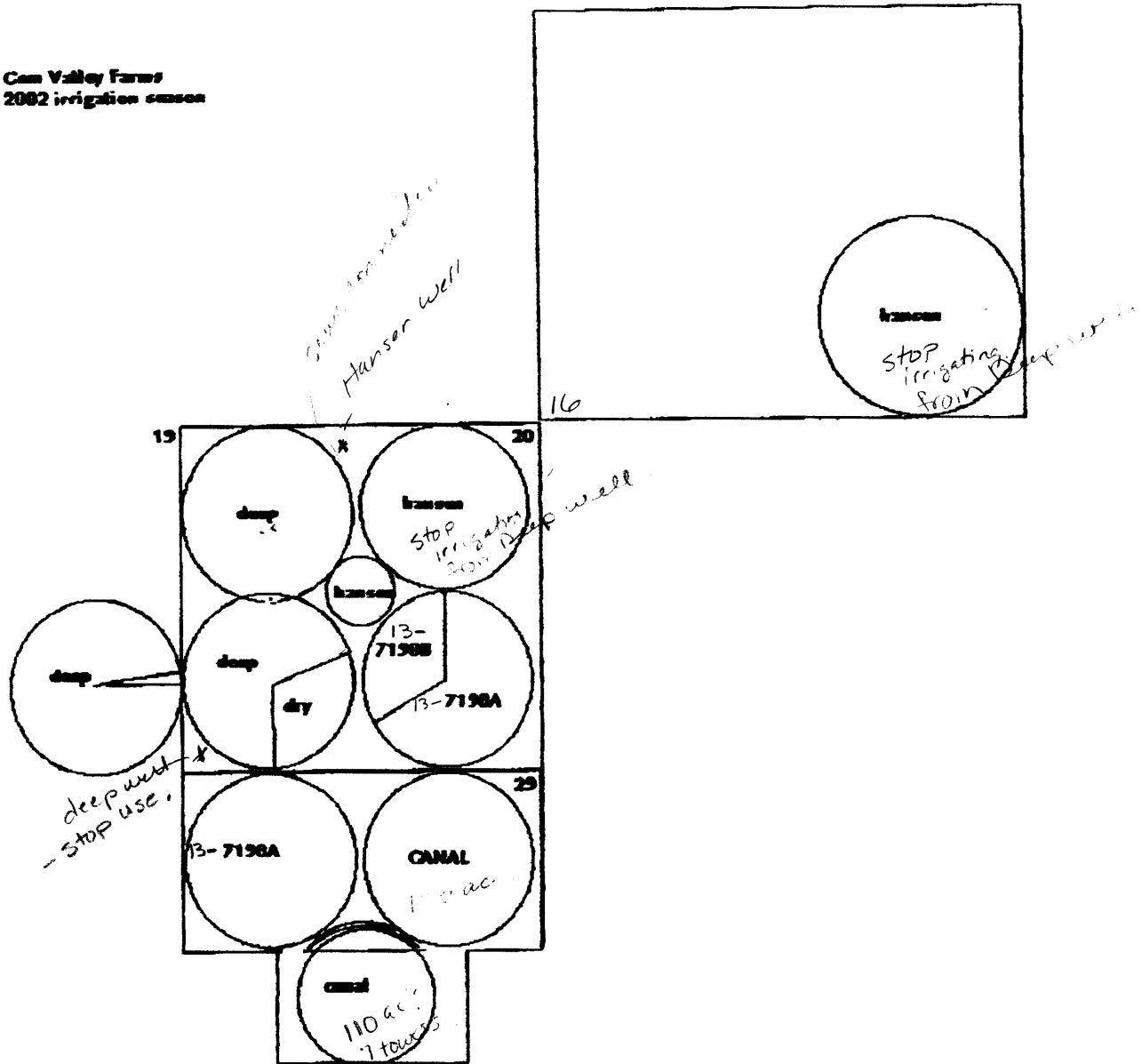
CC: Craig Shuler, Watermaster

Harold Jones, IDWR

Cindy Bird, IDWR

To: Tim Luke
 from: Chad Neibaur

Gem Valley Farms
 2002 irrigation season



Tim: Here is the map for the 2002 irrigation. I brought it to the jw meeting but neither you or the water master were there. We are just starting up. Thanks Chad

RECEIVED

JUN - 6 2002

Department of Water Resources