

05/27/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-539

NAME AND ADDRESS: GEM VALLEY FARMS
C/O CHAD NEIBAUR
1550 CENTRAL ROAD
BANCROFT ID 83217

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.090 CFS
3.800 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1901

POINT OF DIVERSION:

T09S R40E S18 SESW Within CARIBOU County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.080 CFS 1.80 AFY
INDUSTRIAL	01/01 12/31	0.010 CFS 2.00 AFY

PLACE OF USE:

DOMESTIC Within CARIBOU County
T09S R40E S18 SESW
INDUSTRIAL Within CARIBOU County
T09S R40E S18 SESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-539 V1

WATER RIGHT NUMBER: 29-539 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEM VALLEY FARMS C/O CHAD NEIBAUR 1550 CENTRAL ROAD BANCROFT, ID 83217

Priority Date: 05/01/1901

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.080 CFS	1.80 AF
INDUSTRIAL	01/01 to 12/31	0.010 CFS	2.00 AF
	<u>Total Diversion:</u>	0.090 CFS	3.80 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 18, Twp 09S, Rge 40E, B.M.
CARIBOU County		

Place of UseDOMESTIC Within CARIBOU County

T09S R40E S18 SESW

INDUSTRIAL Within CARIBOU County

T09S R40E S18 SESW

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. n11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. n13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Remarks:Comments:



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 27, 2003

GEM VALLEY FARMS
C/O CHAD NEIBAUR
1550 CENTRAL ROAD
BANCROFT ID 83217

Re: Change of Ownership Form and Water Right Number 29-539.

Dear Mr. Neibaur,

Please find enclosed a new preliminary recommendation for a water right for the Snake River Basin Adjudication. Since this was a water right that was decreed in the Bancroft-Lund Decree, it has been recommended exactly as was previously decreed.

Please look this over and see if this appears to be in order. If you have any further questions in this regard, please feel free to call me at 525-7161.

Sincerely,

W. Roger Warner
Adjudication Agent

Enclosure: Preliminary recommendation for a water right 29-539.

PROFILED

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV-12-1991

PAGE: A-8

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
29-00535	DELMAR A. WHITNEY BANCROFT ID 83217	05/01/1901	STOCKWATER	01-01 12-31	.05 1.4 TOTAL QUANTITY: .18 1.4	CFS AFY CFS AFY BENEFICIAL USE
	NON-IRRIGATION-USES: STOCK, 100 RANGE POINT OF DIVERSION: T08S R39E S03 PLACE OF USE: STOCKWATER	SENE				
	T08S R39E S03	SENE				
29-00539	GEM VALLEY FARMS 264 WEST 700 NORTH MALAD ID 83252	05/01/1901	INDUSTRIAL DOMESTIC	01-01 12-31 01-01 12-31	.01 2.0 TOTAL QUANTITY: .08 1.8 3.8	CFS AFY CFS AFY CFS AFY BENEFICIAL USE
	NON-IRRIGATION-USES: INDUSTRIAL, POTATO COOLING; DOMESTIC, 2 HOMES POINT OF DIVERSION: T09S R40E S18 PLACE OF USE: INDUSTRIAL	SESW				
	T09S R40E S18 PLACE OF USE: DOMESTIC SAME AS OTHER USE	SESW				
29-00577	DATE G. YOST HC 72 BOX 7020 BANCROFT ID 83217	05/01/1901	DOMESTIC	01-01 12-31	.04 1.2 TOTAL QUANTITY: .04 1.2	CFS AFY CFS AFY BENEFICIAL USE
	NON-IRRIGATION-USES: DOMESTIC, 1 HOME POINT OF DIVERSION: T08S R39E S34 PLACE OF USE: DOMESTIC	SWNE				
	T08S R39E S34	SWNE				

PROTECTED

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SCANNED

29-0

29-

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 29-539
Date Received: 5/2/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A2900539



1. Name of Claimant(s)

GEM VALLEY FARMS Phone:

C/O CHAD NEIBAUR
1550 CENTRAL ROAD
BANCROFT ID USA 83217

2. Date of Priority: 05/01/1901

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	40E	18	SE SW	CARIBOU	

5. Description of diverting works:

PUMP 5HP-2IN PVC (1 1/2") 120,000-100,000,50,000,25,000 SACK CELLARS,
HUMIDIFIERS (5) 4 HUNDICELS. 1 LABOR HOUSE, BATHROOM AT ONE CELLAR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01	12/31	0.01	
DOMESTIC	01/01	12/31	0.08	1.8

7. Total Quantity Appropriated is:
0.09 C.F.S. and/or 3.8 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	SE	SW	DOMESTIC	
			SE	SW	INDUSTRIAL	

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:

1 DOMESTIC HOME, RESTROOM IN CELLAR, AND POTATO CELLAR (5)

15. Basis of Claim: Decreed

(Roger)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

29-539

4-18-03

E028686

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 18 2003

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Gem Valley Farms
96 Chad B. Neibaur Phone (208) 425-3632
Mailing Address 1550 Central Road, Bancroft, ID. Zip 832172. Date of Priority (Only one (1) per claim) 05/01/19013. Source of water supply (a) Ground Water
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 9S Range 40E Section 18,
_____ 1/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Caribou

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.pump 5Hp - 2in PVC (1 1/2"), 120,000 - 100,000,
50,000, 25,000 sack cellars, humidifiers (5), 4 humidifiers,
1 labor house, bathroom at one cellar

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.08 or 1.80

For Industrial purposes from 1/1 to 12/31 amount 0.01 or 2.0

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.09 (cfs) and/or (b) 3.80 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) domestic / home, Restroom in cellar, potato cellars (5)

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9S	40E	18												X					

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Caribou

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

Last Name Gem Valley Farms Ident No. 29-539

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Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows, totaling 256 squares. The pattern is uniform across the entire grid.

Germ Valley Farms

Ident No.

29-539

Copies: White-State, Yellow-Claimant

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White-State, Yellow-Clo

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number _____

Court 6th Jud. Court. Case Number 2919 Decree Date 11/8/1991

Plaintiff vs Defendant Bancroft-Lund decree.

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 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary

of Gem Valley Farms Title _____ that I have signed the foregoing

document in the space below as Secretary of Gem Valley Farms

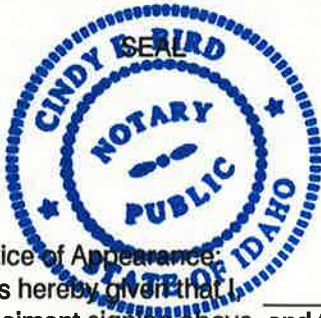
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Jacquelyn Steibauer

Title and Organization Gem Valley Farms Date Apr. 17-2003

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 17th day of April 19 2003



Notary Public Cindy E. Bird

Residing at Lava Hot Springs

My Commission Expires May 1, 2007

Please Print Name Cindy E. Bird

17. Notice of Appearance:

Notice is hereby given that _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Gem Valley Farms Ident. Number 29-539

SCANNED

DEC 08 2005

Copies White-State, Yellow-Claimant