

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2352 V1

WATER RIGHT NUMBER: 29-2352 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEM VALLEY FARMS C/O CHAD NEIBAUR 1550 CENTRAL RD BANCROFT, ID 83217 (208)425-3632

Priority Date: 07/31/1954

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>
IRRIGATION	4/15 to 10/15	2.500 CFS	687.00 AF
	<u>Total Diversion:</u>	2.500 CFS	687.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 18, Twp 09S, Rge 40E, B.M.
CARIBOU County		
GROUND WATER	NE1/4NW1/4	Sec. 19, Twp 09S, Rge 40E, B.M.
CARIBOU County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	39E	13									30.0	30.0							60.0
											L 2	L 3							
09S	40E	18									30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	240.0
												L 3	L 4						
09S	40E	19					25.0	35.5											60.5
							L 1												

Total Acres: 360.5

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. R24 This right when combined with all other rights shall provide no more than 3.0 afa per acre for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES

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Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 13-02203B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.23 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1081.5 AF.
2. Quantity THIS RIGHT WHEN COMBINED WITH RIGHT NO. 13-02203B SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
3. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. rwarner 12/3/2002 transfer

Comment: This water right was combined with 13-02203B through transfer No. 5676

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/30/2002 4:55:07 PM	rwarner			Active
Priority Date	10/30/2002 4:56:17 PM	rwarner			Active
POD	10/31/2002 8:47:36 AM	rwarner			Active
POU	10/31/2002 8:47:38 AM	rwarner			Active
Source	10/31/2002 8:47:39 AM	rwarner			Active
Use	10/31/2002 8:47:40 AM	rwarner			Active
Quantity	10/31/2002 8:47:41 AM	rwarner			Active
Season	10/31/2002 8:47:41 AM	rwarner			Active
Summary			12/03/2002	rwarner	Active

Verification Log:

Element

Date Time Stamp

Reviewer

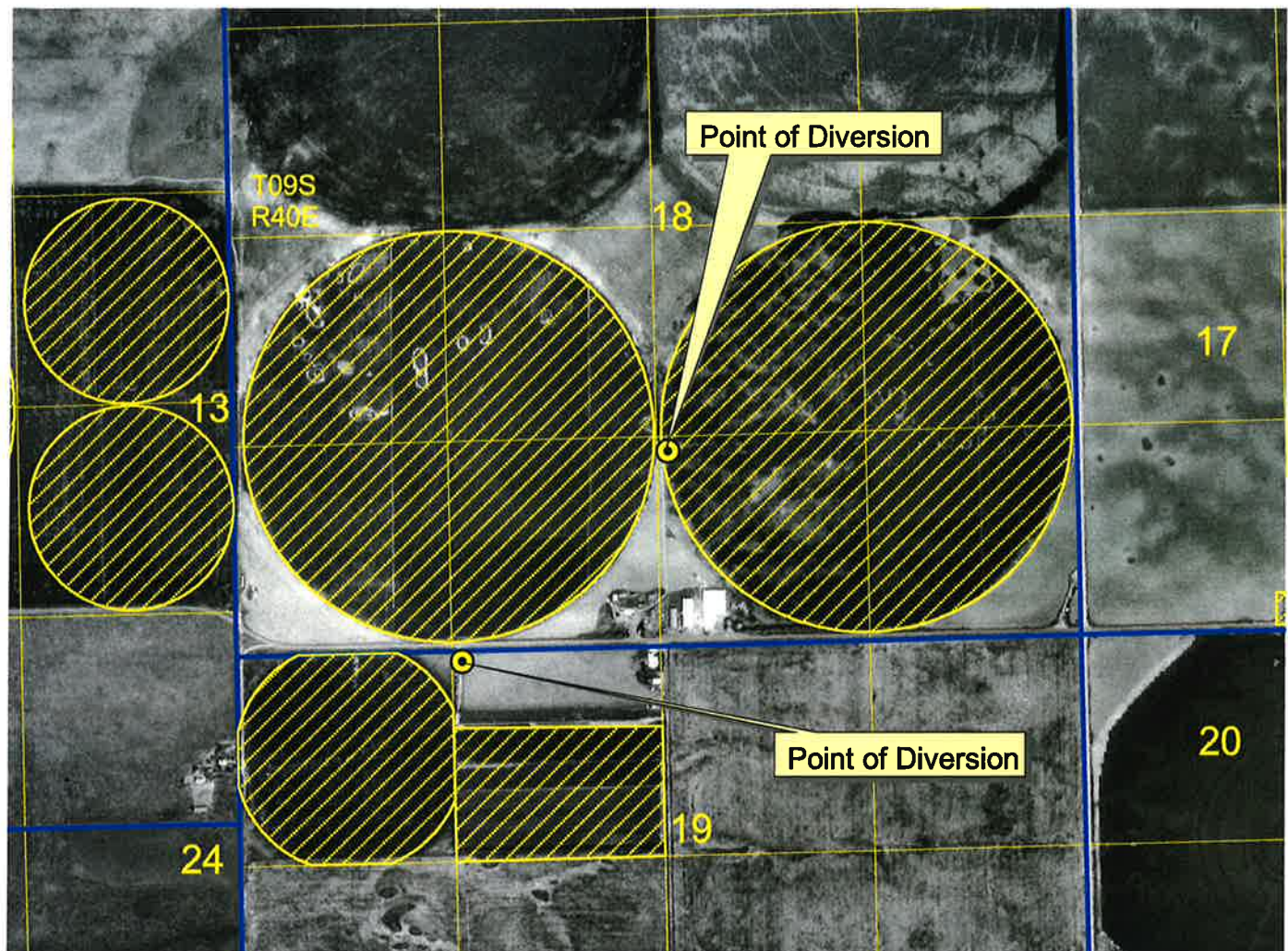
Log text

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Adjudication Recommendation Report 29-2352 V1

Contacts	10/30/2002 4:55:08 PM	rwarner	(No) 1. Do you want to schedule an appointment? Comment for 1: desktop review
Priority Date	10/30/2002 4:56:18 PM	rwarner	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	10/31/2002 8:47:38 AM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (No) 7. Can the change be verified as an accomplished transfer?
POU	10/31/2002 8:47:39 AM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License?
Source	10/31/2002 8:47:41 AM	rwarner	(Yes) 1. Is the basis of claim Decree or License?
Use	10/31/2002 8:47:42 AM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License?
Season	10/31/2002 8:47:42 AM	rwarner	(Yes) 1. Is the basis of claim Decree or License?
Quantity	10/31/2002 8:47:43 AM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License?
POD	12/3/2002 12:03:16 PM	rwarner	Edited point location
POD	12/3/2002 12:03:38 PM	rwarner	Edited point location
POU	12/3/2002 12:06:53 PM	rwarner	Edited shape boundary
POU	12/3/2002 12:09:24 PM	rwarner	Edited PLS
Summary	12/3/2002 1:21:52 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

WR No. 29-02352 & 13-02203B



0.2 0 0.2 0.4 Miles

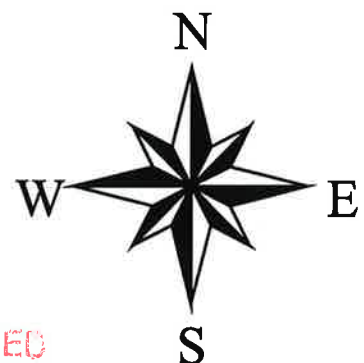
Total Irrigated acres = 360.5

- Well.shp
-  Place of use.shp
-  Sections
-  QQ

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JAN 27 2006





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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JAN 27 2006



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 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

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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

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JAN 27 2006

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 column to the east well but were still unable to get our water sufficiently to relieve the air and to pressurize properly. We then renozzled 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 east well to increase its ability to help pressurize etc. The pumping of air last season had completely destroyed 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 rethread 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 get 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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JAN 27 2006



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 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

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JAN 27 2006

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

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JAN 27 2006

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



SemVly Ltr to TLuke
060602.jpg...

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JUN - 7 2002

Department of Water Resources

June 6, 2002

To: Tim Luke

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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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 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

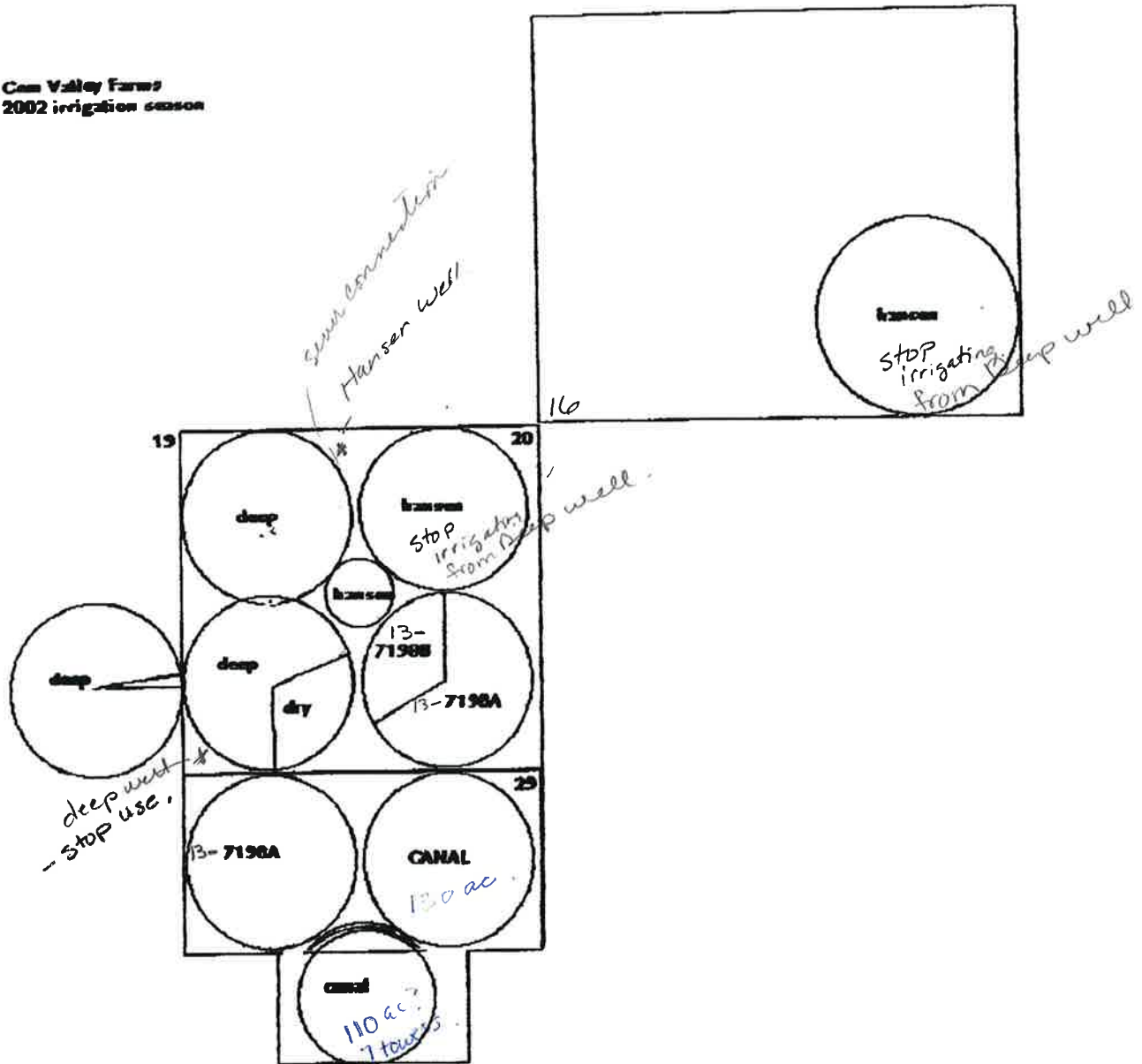
Cindy Bird, IDWR

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JAN 27 2006

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 Jan meeting but neither you or the water master were there. We are just starting up. Thanks Chad

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JUN - 6 2002

Department of Water Resources

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<u>Basin</u>	<u>Sequence</u>	<u>Split</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Diversion</u>	<u>Source List</u>	<u>Water Use List</u>	<u>Owner List</u>
29	2352		License	Active	7/31/1954	2.50	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
29	7000 B		License	Active	7/28/1967	4.41	GROUND WATER	IRRIGATION	NEIBAUR FARM ENTERPRISE
29	7070		License	Active	9/20/1971	4.68	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
13	2203		License	Active	9/9/1959	3.14	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
13	2259		License	Active	8/5/1963	2.10	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
29	539		Beneficial Use	Active	5/1/1901	0.09	GROUND WATER	DOMESTIC, INDUSTRIAL	GEM VALLEY FARMS (Current
29	2352		License	Active	7/31/1954	2.50	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
29	7000 B		License	Active	7/28/1967	4.41	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
29	7070		License	Active	9/20/1971	4.68	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
13	2202		License	Active	8/18/1959	0.20	SPRING	COMMERCIAL, DOMESTIC	GEM VALLEY SWISS CHEESE
13	2203 A		License	Active	9/9/1959	0.22	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
13	2203 B		License	Active	9/9/1959	2.88	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
13	2259		License	Active	8/5/1963	2.10	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
13	7165		License	Active	4/6/1977	3.12	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
13	7198 A		License	Active	6/20/1977	2.93	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
13	7198 B		License	Active	6/20/1977	0.64	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
13	7198 C		License	Active	6/20/1977	1.66	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
13	7261		License	Active	9/10/1979	2.00	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
29	539		Decreed	Active	5/1/1901	0.09	GROUND WATER	DOMESTIC, INDUSTRIAL	GEM VALLEY FARMS (Current
29	2352		License	Active	7/31/1954	2.50	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current
29	7070		Decreed	Active	9/20/1971	4.68	GROUND WATER	IRRIGATION	GEM VALLEY FARMS (Current

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SCANNED

JAN 27 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 24, 2001

A29-2352, A29-7000B, A29-7070
Neibaur Farm Enterprises
% Chad Neibaur
1550 Central Road
Bancroft, ID 83217

REF: Snake River Basin Adjudication (SRBA)

SUBJECT: CRP Contract

Dear Claimant(s);

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label has been filed in the Snake River Basin Adjudication (SRBA).

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. A field examination to verify items in the Notice will be conducted by Department personnel as soon as the weather permits. I was able to visit some of you this year before the snow arrived. While waiting for the weather to cooperate again I would like to collect some of the necessary documentation needed to recommend your claim to the SRBA court. The statute (42-104) requires the water be put to beneficial use to have a valid water right. One exception to the statute is if the land has been put into CRP. But evidence must be submitted to the Department of Water Resources to retain the water right otherwise the water right will not be recommended to the SRBA court.

If you have previously irrigated land that has been put into CRP, I would appreciate it if you could send me a copy of the contract when the land was put into CRP for my records, **by March 1, 2002. If you do not have any land in CRP please disregard this notice.** With no response from you, we will assume that you do not have any land in CRP. You may contact either the Farm Service Agency (FSA) or Natural Resource Conservation Service (NRCS) in Soda Springs at 547-4396 for a copy of the contract.

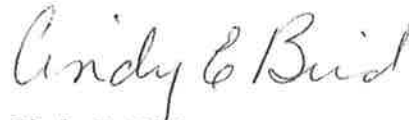
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JAN 27 2006

Please feel free to contact me in Soda at (208) 547-3993 if you have any additional questions. Have a safe and happy holiday.

Sincerely;

A handwritten signature in cursive script that reads "Cindy E. Bird".

Cindy E. Bird
Adjudication Bureau

WR5809NP
No. 29-02352

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/23/01
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DBA GEM VALLEY FARMS	07/31/1954	IRRIGATION	04/15 10/15	2.500 CFS	672.00 AFA
C	NEIBAUR FARM ENTERPRISES					
TOTAL DIVERSION:					2.500 CFS	672.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T09S R40E S18
S19

SWSE
NENW

CARIBOU County
CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
09S	39E	13	:					:				02-30	:	03-30				:					:	60.0
09S	40E	18	:					:					:	30	30	30	30	:	30	30	30	30	:	240.0
09S	40E	19	:					:	25	01-35			:					:					:	60.5
TOTAL ACRES																							360.5	

Pou County: CARIBOU

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
13-02203A 13-02203B

Other Water Rights Listing Overlapping Place(s) of use:
13-02203A 13-02203B 13-02314 X29-07070

Conditions of Approval:

- R62 - 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.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.
- T17 - Prior to diversion of water under this approval, the right holder
- shall provide a means of measurement acceptable to the Department
- from all authorized points of diversion which will allow
- determination of the total rate of diversion.

Remarks: GEN The total instantaneous diversion of water from all points of
diversion under Transfer 5676 shall not exceed 5.23 cfs,
This approval authorizes a transfer of water to not more than
360.5 acres.
The use of water under this approval is not authorized until the
right holder identifies for the Department and the watermaster
the specific 12.5 acres which is not authorized for irrigation

WR5809NP
No. 29-02352

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/23/01
PAGE: 7

Remarks: under this transfer. Upon written approval of the Department, the right holder can proceed with the changes authorized by this transfer. (Right holder identified acres & written approval was sent by the Department on 06-20-2000. Acres removed were as follows: 5 acres in Lot 2 & 5 acres in Lot 3, S13, T9S, R39E and 1.5 acres in Lot 1(NWNW) & 1.0 acre in NENW, S19, T9S, R40E.) nor total combined annual volume of 1081.5 af. 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 July 8, 1992.

Dates: App. Received: Priority Date: 07/31/1954
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 03/07/2000 User-ID: SCOX Subject: TRANSFER NO. 5676
I WANT TO RE-ARRANGE MY ACRES IN THE S 1/2 OF SEC 18 AND N 1/2 NW
1/4 OF SEC 18 TO FIT PIVOTS AND MINI PIVOTS.

Date: 06/22/2000 User-ID: PSKAGGS Subject: APPROVED BY ORDER DATED 05-24-2000.
APPROVED BY ORDER DATED 05-24-2000.

Audit: 03/26/85 05/22/88 CONVERT 03/12/96 PRODMGR 03/15/96 SCURTIS
03/07/00 SCOX 06/22/00 PSKAGGS 06/22/00 PSKAGGS 09/23/00 PSKAGGS

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-2352

WATER RIGHT NUMBER: 29-2352

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GEM VALLEY FARMS 264 WEST 700 NORTH MALAD CITY, ID 83252
Current Owner	NEIBAUR FARM ENTERPRISES C/O CHAD NEIBAUR 1550 CENTRAL RD BANCROFT, ID 83217 (208)648-7113
Current Owner	DBA GEM VALLEY FARMS , ID

Priority Date: 07/31/1954

Basis: License

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>
IRRIGATION	4/15 to 10/15	2.500 CFS	672.00 AF
	<u>Total Diversion:</u>	2.500 CFS	672.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 18, Twp 09S, Rge 40E, B.M.
CARIBOU County		
GROUND WATER	NE1/4NW1/4	Sec. 19, Twp 09S, Rge 40E, B.M.
CARIBOU County		

Place of UseIRRIGATION Within CARIBOU County

T09S R39E S13 Lot 2 SENW 30.0	T09S R39E S13 Lot 3 NESW 30.0
T09S R40E S18 NESW 30.0	T09S R40E S18 NWSW 30.0
T09S R40E S18 SWSW 30.0	T09S R40E S18 SESW 30.0
T09S R40E S18 NESE 30.0	T09S R40E S18 NWSE 30.0
T09S R40E S18 SWSE 30.0	T09S R40E S18 SESE 30.0
T09S R40E S19 NENW 25.0	T09S R40E S19 Lot 1 NWNW 35.5

Total Acres: 360.5

Conditions of Approval:

1. R62 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.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-2352

4. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:

1. General The total instantaneous diversion of water from all points of diversion under Transfer 5676 shall not exceed 5.23 cfs, This approval authorizes a transfer of water to not more than 360.5 acres.^^ The use of water under this approval is not authorized until the right holder identifies for the Department and the watermaster the specific 12.5 acres which is not authorized for irrigation under this transfer. Upon written approval of the Department, the right holder can proceed with the changes authorized by this transfer. (Right holder identified acres & written approval was sent by the Department on 06-20-2000. Acres removed were as follows: 5 acres in Lot 2 & 5 acres in Lot 3, S13, T9S, R39E and 1.5 acres in Lot 1(NWNW) & 1.0 acre in NENW, S19, T9S, R40E.) nor total combined annual volume of 1081.5 af.^^ 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 July 8, 1992.^^

Comments:

1. SCOX 3/7/2000 TRANSFER NO. 5676

Comment: I WANT TO RE-ARRANGE MY ACRES IN THE S 1/2 OF SEC 18 AND N 1/2 NW 1/4 OF SEC 18 TO FIT PIVOTS AND MINI PIVOTS.

2. PSKAGGS 6/22/2000 APPROVED BY ORDER DATED 05-24-2000.

Comment: APPROVED BY ORDER DATED 05-24-2000.

IDAHO DEPARTMENT OF RESOURCES
 RECOMMENDED WATER RIGHTS ACQU. UNDER STATE LAW

DATE: NOV-12-1991

PAGE: A-38

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
29-02352	GEM VALLEY FARMS 264 WEST 700 NORTH MALAD, ID 83252	07/31/1954	IRRIGATION	04-15 10-15	2.5 687.0	CFS AFY LICENSE
				TOTAL QUANTITY:	2.5 687.0	CFS AFY
				CONSUMPTIVE USE:	572.5	AFY
	POINT OF DIVERSION: T09S R40E S18		SWSE			
	PLACE OF USE: IRRIGATION					
	T09S R40E S18	NESW 40.0 SWSE 36.0	SESW 34.0 SESE 39.0	NESE 40.0	NWSE 40.0	
	229.0 ACRES TOTAL					
13-00513	LEONARD O. THOMAS 1538 TURNER RD. GRACE ID 83241	11/02/1954	DOMESTIC	01-01 12-31	.04 1.8	CFS AFY BENEFICIAL USE
				TOTAL QUANTITY:	.06 1.8	CFS AFY
	NON-IRRIGATION-USES: DOMESTIC, 2 HOMES					
	POINT OF DIVERSION: T10S R40E S06		SESW			
	PLACE OF USE: DOMESTIC					
	T10S R40E S06	SESW				
13-00472	TURNER CEMETARY DIST. C/O IONA THOMAS 1574 TURNER RD. GRACE ID 83241	03/21/1955	IRRIGATION	04-15 10-15	.04 6.0	CFS AFY BENEFICIAL USE
				TOTAL QUANTITY:	.04 6.0	CFS AFY
				CONSUMPTIVE USE:	5.0	AFY
	POINT OF DIVERSION: T10S R39E S12		SWSE			
	PLACE OF USE: IRRIGATION					
	T10S R39E S12	SWSE 2.0				
	2.0 ACRES TOTAL					

(7558)

*अन्यथापि तद्विषयः, तद्विषयः, तद्विषयः

17. Mark B. Rubin

• 150 •

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The right to the use of the water aboveby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, attested at Boise, Idaho, this

[illegible]

Description and location of use:

in the SW 1/4 Sec. 18, T. 9 S., R. 60 E., S. M.
County Carbon

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
afore said, is limited to an amount actually needed and lawfully used for said purposes, and shall

not exceed 2.5 cubic feet per second.

The Point of Diversion is located

The fight hereby continued date from

Legals, State of Utah, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well or tributary of subterranean water for the purpose of irrigation of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 10 of Licenses at page 664, on the 26th day of July, 1957.

of
Capt., Idaho
made application for a permit to appropriate the
public waters of the State of Idaho, dated
July 31, 1935; that Form No. 8-55971
was issued under said application; that Certificate of Completion of work, with a carrying capacity of
2.5 second foot, was issued thereunder on
July 26, 1937, showing that said work
was completed on the 22nd day of
November, 1935; and that on the 22nd
day of November, 1935, JAMES W. CHRISTENSEN

THE UNIVERSITY OF CHICAGO PRESS

Ref: 100-100000-100000

258.8.8.

Water License No. 5574

Licenses and Certificate of Water Rights

संदेश १०

James

89-2357

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5676
WATER RIGHT NO(S). 13-02203B/29-02352

RECEIVED

JUL 03 2000

Department of Water Resources
Eastern Region

This is to certify that: NEIBAUR FARM ENTERPRISES
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>
Right No. 13-02203B :			
IRRIGATION	04/15 to 10/15	2.88 CFS	409.5 AF
Priority: 09/09/1959			
Right No. 29-02352 :			
IRRIGATION	04/15 to 10/15	2.50 CFS	672.0 AF
Priority: 07/31/1954			
TOTAL:		5.23 CFS	1081.5 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 18, Township 09S, Range 40E
NENW , Sec. 19, Township 09S, Range 40E
CARIBOU 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>
09S	39E	13	Lot 2 (SENW) 30.0	Lot 3 (NESW) 30.0		60.0
	40E	18	NESW 30.0	NWSW 30.0	SWSW 30.0	
			SESW 30.0	NESE 30.0	NWSE 30.0	
			SWSE 30.0	SESE 30.0		240.0
		19	NENW 25.0	Lot 1 (NWNW) 35.5		60.5
				Total number of acres irrigated:		360.5

TRANSFER NO. 5676
WATER RIGHT NO(S). 13-02203B/29-02352

CONDITIONS OF APPROVAL AND REMARKS

Rights 23-02203B and 29-02352 are subject to the conditions of the Preliminary Order dated 05-24-2000 which has become final in the matter of Application For Transfer 5676.

Dated this 23rd day of June, 2000.


Chief, Water Allocation Bureau

MAY 4 2001

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 29-2352 ✓
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)425-3632

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

2. Date of Priority: 07/31/1954 ✓

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 ✓	SW ✓ SE ✓	CARIBOU
09S	40E	19	NE NW	CARIBOU

5. Description of diverting works:

2---WELL, PUMP MOTOR 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	2.5 ✓	672

7. Total Quantity Appropriated is:
2.5 C.F.S. and/or 672 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	13	SE	NW	2	IRRIGATION	30
			NE	SW	3	IRRIGATION	30
						Section Acres	60
09S	40E	18 ✓	NW	SW		IRRIGATION	30
			SW	SW		IRRIGATION	30
			NE ✓	SW ✓		IRRIGATION	30 - 40
			SE ✓	SW ✓		IRRIGATION	30 - 34
			NE ✓	SE ✓		IRRIGATION	30 - 40
			NW ✓	SE ✓		IRRIGATION	30 - 40
			SW ✓	SE ✓		IRRIGATION	30 - 36
			SE ✓	SE ✓		IRRIGATION	30 - 39
						Section Acres	240 - 229
09S	40E	19	NW	NW	1	IRRIGATION	35.5
			NE	NW		IRRIGATION	25
						Section Acres	60.5
						Total Acres	360.5

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:

transfer 5676 changed the pod/pou
combined the well in sec 18 with a well in sec 19 which is in basin 13!
see the conditions and remarks on transfer 5676

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: A29-02352
Date Received: 6/ 2/1992
Receipt No: E017418
Received By: EMC

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

208-425-3632

83217

2. Date of Priority: JUL 31, 1954

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL, PUMP MOTOR 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	2.500		687.00

7. Total Quantity Appropriated is:
2.500 C.F.S. (and/or) 687.00 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	Lot	Use	Acres
09S	40E	18	NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			SW	SW		IRR	38.0
			SE	SW		IRR	34.0



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	40E	18	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	36.0
			SE	SE		IRR	39.0
						Section Acres	306.0
		19	NE	NW		IRR	39.0
			NW	NW		IRR	38.0
						Section Acres	77.0
						Total Acres	383.0

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:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 229 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE PLACE OF USE SHOWN ABOVE IS ALSO IRRIGATED UNDER RIGHT 13-02203.

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: _____

MICROFILMED
NOV 13 1992

For Organizations:

I do solemnly swear or affirm that I am General Partner of
Title General Manager
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.

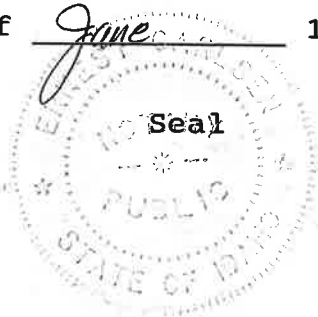
Chad B. Newell
Signature of Authorized Agent
General Partner
Gem Valley Farms
Title and Organization

6-2-92
Date

State of Idaho)
County of Bonneville) 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 6-14-1997

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant Gem Valley Farms Co. Chad Nebaur Phone 208-648-7113
Post 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 S 1/2 of sec 18 + N 1/2 NW 1/4 of sec 18 to fit pivots + mini-pivots

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>13-02203 B</u>	<u>9/9/1959</u>	<u>2.88 cfs</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
<u>29-02352</u>	<u>7/31/1954</u>	<u>2.50 cfs</u>	<u>" "</u>	<u>"</u> to <u>"</u>

2. Total amount of water being transferred 5.38 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
		SW	SE	18	9S	40E	Caribou	
		NE	NW	19	"	"	"	

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	39E	13								35	35								70
										L-2	L-3								
9S	40E	18									30	30	30	30	30	30	30	30	240
		19						26	37										63

* Rt 13-02203B Limited to 144 acres

* Rt 29-02352 Limited to 229 acres

* Total Acres 373
Permissible P.O.U.
(TS676)

6. General Information:

a. Description of diversion system

2 interconnected wells 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

PART 2

TRANS NO. 5674

A. DESCRIPTION OF RIGHT AS RECORDED:

"Split right"

Claim No. 13-02203

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	3.10 CFS	465.0 AF

SOURCE

GROUNDWATER

Priority: 09/09/1959

LOCATION OF POINT(S) OF DIVERSION:NENW, Sec. 19, 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	:	SUM
09S	40E	18	:					:					:					:						:		
09S	40E	19	:					:	37	01-39			:	03-40	04-39			:						:	79.0	
			:					:					:					:						:	76.0	
																							TOTAL ACRES	155.0		

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 _____

10. 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 _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

"B"

1. amount 2.88 for Irrigation purposes from 4/15 to 6/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NW	19	9S	40E	Caribou	

3. 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	19					26	39											65
								L-1											
		18										40	39						79
												L-3	L-4						

Total Acres 144

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.22 cfs for Irrigation purposes from 4/15 to 10/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

"A"

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NW	19	9S	40E	Caribou	

3. Lands irrigated or place of use:

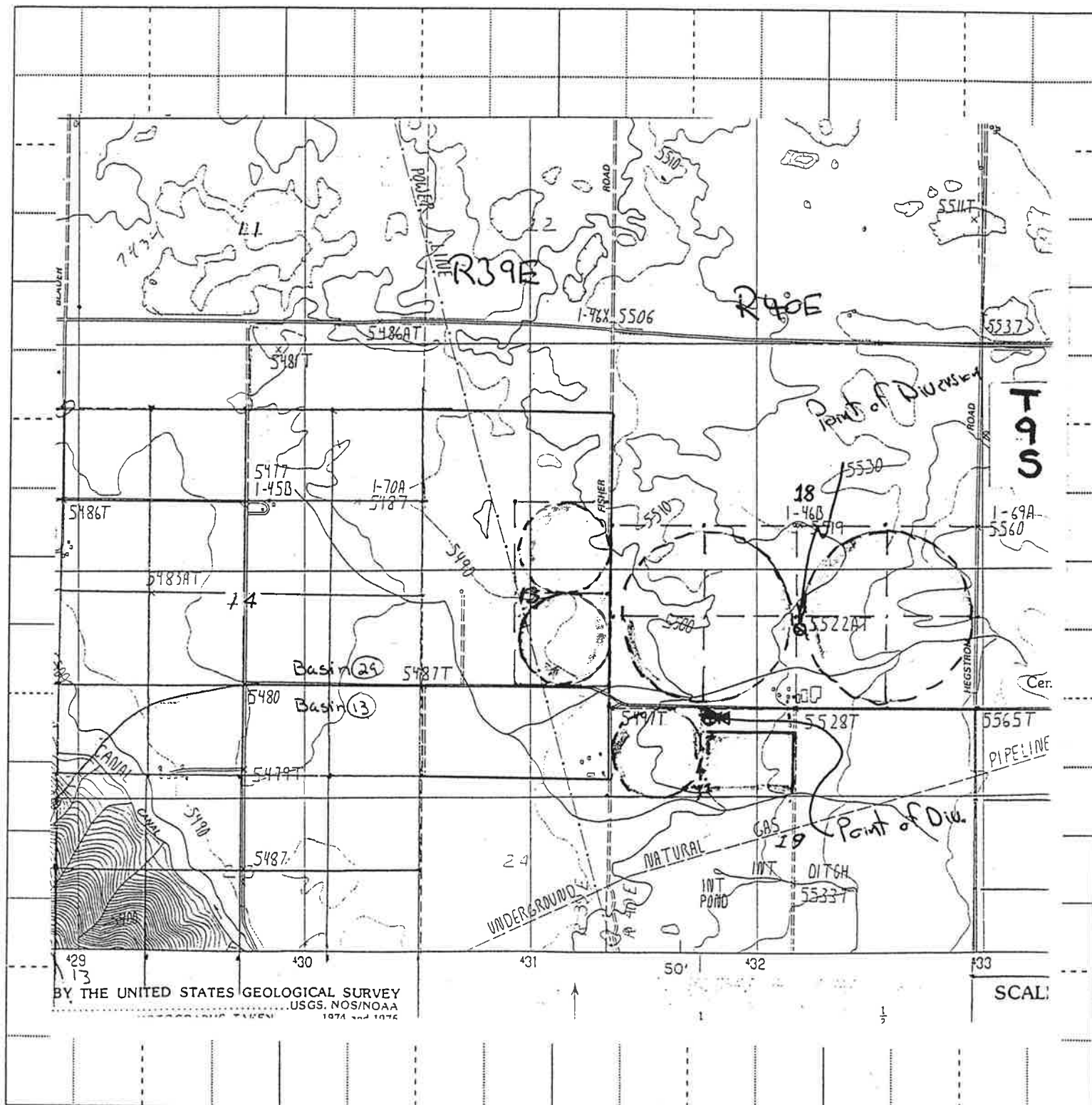
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	40E	19					11												11

Total Acres 11

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCEAPPLICATION 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

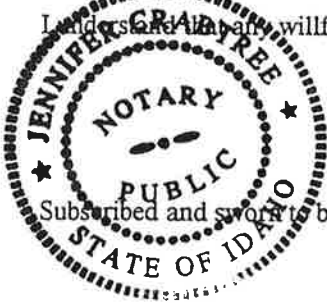
1.

<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.



Chat B. Dicks

(Signature of Applicant)

Subscribed and sworn to before me this 1st day of March, 20 00.

Jennifer Crabtree

(Notary Public)

My commission expires 9/23/03

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 4 attachments
 Received by JKC Date 3-1-00 Protest filed by Warren P Lloyd 3/8/2000
 Prelim. Check by _____ Fee _____
 Receipted by JKC Date 3-1-00 E0293A
 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 _____

CONVERSATION MEMORANDUM

DATE 6-2-92FILE 29-02352NAME OF PARTY CHAD NEIBAUER29-070003EMPLOYEE ERNIE CARLSEN29-07070

RE: Mr. Neibauer met with Dept. staff at the ~~Basin 29~~ Caribou Cty Mobile Office during the initial claims taking period. The map used to designate 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~~ He later discovered 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 Shaw agreed to ~~waive~~ by telecon with me this day to waive the late fee for the three notices filed by Mr. Neibauer in the name of Green Valley Farms.

MICROFILMED

NOV 13 1992

MAKE CHECK PAYABLE TO:
 DIANE C. MEADS, TAX COLLECTOR
 P.O. BOX 507
 SODA SPRINGS, ID 83276
 (208) 547-3726

CARIBOU COUNTY 1999 PROPERTY TAX NOTICE
 CODE AREA 14

PARCEL NUMBER
 RL 34670

MARKET VALUE	HOMESTEAD	NET VALUE
38,300	0	38,300

CENTRAL SCALE INC
 % NEIBAUR, CHAD ET AL
 1550 CENTRAL RD
 BANCROFT, ID 83217

--TAXING DISTRICT--	*--RATE*	*--AMOUNT--
COUNTY	.5714222%	218.8
SCHOOL DIST 148	.5840788%	223.7
CENTRAL CEM	.0355114%	13.6
GRACE LIBRARY	.0533624%	20.4

TR SE1/4SE1/4, SEC. 18, T9S,
 R40E

TOTAL TAX/SPECIALS	1.2443748%	476.61
-CIRCUIT BREAKER		
-PREPAYMENT ON		
NET TAX/SPEC DUE		476.61

IMPORTANT
 PLEASE READ BOTH FRONT AND BACK

*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

	1st Half	2nd Half	Full
TAX	238.31	238.30	476.61
LATE			
SUBTOT			
INT			
COST			
TOT			

IF YOU SHOW A DELINQUENCY, CALL US FOR THE PAYOFF
 AMOUNT. PRIOR YEARS MUST BE PAID FIRST. THANK YOU.

T 5676
 ATTACHMENT 1 OF 4

Mar. 02 2000 06:05PM P7

PHONE NO. : 208 648 7110

FROM : Chad Neibaur:Gem Valley

CARIBOU COUNTY 1999 PROPERTY TAX NOTICE

CODE AREA 14

PARCEL NUMBER

RL 3466A

MAKE CHECK PAYABLE TO:
DIANE C. MEADS, TAX COLLECTOR
P.O. BOX 507
SODA SPRINGS, ID 83276
(208) 547-3726

MARKET VALUE	HOMESTEAD	NET VALUE
49,268	0	49,268

NEIBAUR, CLYDE A ETAL
1300 NEIBAUR MOUNTAIN RD
BANCROFT, ID 83217

--TAXING DISTRICT--	*-RATE*	*-AMOUNT-
COUNTY	.5714222%	281.5
SCHOOL DIST 148	.5840788%	287.7
CENTRAL CEM	.0355114%	17.5
GRACE LIBRARY	.0533624%	26.2

TR.SW1/4SE1/4SEC 18 T9S-R40E.2
3AC

TOTAL TAX/SPECIALS	1.2443748%	613.0
-CIRCUIT BREAKER		
-PREPAYMENT ON		
NET TAX/SPEC DUE		613.0

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK

★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

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SUBJECT TO BANK CLEARANCE.

	1st Half	2nd Half	Full
TAX	306.55	306.54	613.09
LATE			
SUBTOT			
INT			
COST			
TOT			

IF YOU SHOW A DELINQUENCY, CALL US FOR THE PAYOFF
AMOUNT. PRIOR YEARS MUST BE PAID FIRST. THANK YOU.

T 5676
ATTACHMENT 2 OF 4

MAKE CHECK PAYABLE TO
 DIANE C. MEADS, TAX COLLECTOR
 P.O. BOX 507
 SODA SPRINGS, ID 83216
 (208) 547-3726

CARIBOU COUNTY 1999 PROPERTY TAX NOTICE
 CODE AREA 14

PARCEL NUMBER
 RL 34660

MARKET VALUE	HOMESTEAD	NET VALUE
842,956	0	842,956

NEIBAUER, CLYDE A. - et al
 1300 NEIBAUER MTN. RD.
 BANCROFT, ID 83217

--TAXING DISTRICT--	*--RATE*	*--AMOUNT--
COUNTY	.5714222%	4816.8
SCHOOL DIST 148	.5840788%	4923.5
CENTRAL CEM	.0355114%	299.3
GRACE LIBRARY	.0533624%	449.8
TV TRANSLATOR		30.0
LANDFILL		65.0

ALL OF SEC, 643.82 AC
 LESS 13.9 AC HW
 SEC 18, T1S R40E

TOTAL TAX/SPECIALS	1.2443748%	10,584.5
-CIRCUIT BREAKER		
-PREPAYMENT ON		
NET TAX/SPEC DUE		10,584.5

★ ★ ★ IMPORTANT ★ ★ ★
 PLEASE READ BOTH FRONT AND BACK

★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE

	1st Half	2nd Half	Full
TAX	5,292.27	5,292.27	10,584.54
LATE			
SUBTOT			
INT			
COST			
TOT			

IF YOU SHOW A DELINQUENCY, CALL US FOR THE PAYOFF
 AMOUNT. PRIOR YEARS MUST BE PAID FIRST. THANK YOU.

T 52676
 ATTACHMENT 3 OF 4

MAKE CHECK PAYABLE TO:
 DIANE C. MEADS, TAX COLLECTOR
 P.O. BOX 507
 SODA SPRINGS, ID 83173
 (208) 547-3726

CARIBOU COUNTY 1999 PROPERTY TAX NOTICE
 CODE AREA 14

PARCEL NUMBER
 RL 3471A

MARKET VALUE	HOMESTEAD	NET VALUE
38,774	0	38,774

NEIBAUR, CLYDE A. - et al
 1300 NEIBAUR M'N. RD.
 BANCROFT, ID 81217

--TAXING DISTRICT--	*-RATE*	*-AMOUNT--*
COUNTY	.5714222%	221.51
SCHOOL DIST 148	.5840788%	226.41
CENTRAL CEM	.0355114%	13.71
GRACE LIBRARY	.0533624%	20.61

LOT 1, TR NE1/4NW1/4 68 AC.
 SEC 19, T9S R40E

TOTAL TAX/SPECIALS	1.2443748%	482.5
-CIRCUIT BREAKER		
-PREPAYMEN ON		
NET TAX/SPIC DUE		482.5

★ ★ ★ IMPORTANT ★ ★ ★
 PLEASE READ BOTH FRONT AND BACK
 ★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR
 TO AVOID LATE CHARGE, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.
 KEEP TOP PORTION FOR YOUR RECORDS.
 PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

	1st Half	2nd Half	Full
TAX	241.26	241.25	482.51
LATE			
SUBTOT			
INT			
COST			
TOT			

IF YOU SHOW A DELINQUENCY, CALL US FOR THE PAYOFF
 AMOUNT PRIOR YEARS MUST BE PAID FIRST. THANK YOU.

T 5674
 ATTACHMENT 4 OF 4