

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: A36-02070K
Date Received: 9/08/1989
Receipt No: 500918
Received By: Adm

COPY
FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MACK NEUBAUR 208-532-4175
Address: RT. 1 BOX 1478
PAUL, ID 83347

2. Date of Priority: MAR 11, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	23E	34	NE	SE	SE		MINIDOKA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.220		

7. Total Quantity Appropriated is:
3.220 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 705.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	23E	34	NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			NE	SE		IRR	39.0

A36-02070K

Page 1

Date: 09/08/89

MICROFILMED
OCT 13 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	23E	34	NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	38.0

Section Acres 235.0

Total Acres 235.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
A36-07529B

14. Remarks:

THIS RT. WHEN COMBINED WITH RT. NO. 36-07529B SHALL NOT EXCEED
940.0 AF/ANNUM.
SEE TRANS. 3143.
PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): Mack W. Heibaw Date: Sept 9/8/89

Date: _____

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of Sept. 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, ID

My Commission Expires 6/30/99

RECEIVED

JAN 16 2001

Department of Water Resources
Southern Region

2001 JAN 08 PM 03:39
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) ORDER SETTING HEARING
)
)

) SUBCASE NOS: 36-02070J 36-02070K
36-07529A 36-07529B

Please be advised that Special Master TERRENCE A. DOLAN
has set for hearing the NOTICE OF COMPLETED ADMINISTRATIVE
PROCEEDING FILED WITH MULTIPLE ELEMENT CHANGES.

THURSDAY, FEBRUARY 15, 2001 at 02:30 PM

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

IT IS SO ORDERED.

Dated: JANUARY 08, 2001

/S/ TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 1/08/01



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 22, 1999

Mr. Mack W. Neibaur
511 W. 1200 N.
Paul, ID 83347

Re: Snake River Basin Adjudication (SRBA)
Objections to Seasons of Use for Water Right Nos. 36-07490, 36-07529A,
36-07529B, 36-02070J and 36-02070K

Dear Mr. Neibaur,

Enclosed you will find the standard forms required by the SRBA Court to change the seasons of use on the referenced water rights. Each "Standard Form 5" corrects the single water right shown as the Subcase No. on the document.

Please read and sign the documents, remembering to initial the attachments. William Neibaur will need to sign the document for 36-07490, unless you are authorized to do so by him. (In that case, please supply a copy of the Power of Attorney or other document that evidences this authorization.)

Return the documents in the enclosed, addressed, envelope; we will complete the process by filing the documents with the SRBA Court. Please feel free to contact me if there are any questions.

Sincerely,

A handwritten signature in cursive script that reads "Roxanne Brown".

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

rb:region

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

In Re SRBA

Case No. 39576

Subcase No.: 36-02070K

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR

CONCURRENCE

Mack W. Neibaur

date

APPROVED AS TO FORM

Nick Spender

10-22-99

Nicholas B. Spender

date

Deputy Attorney General

State of Idaho

Roxanne Brown

10/22/99
date

Roxanne Brown

Sr. Water Resource Agent

Idaho Dept. of Water Resources

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

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02070K

NAME AND ADDRESS: MACK NEIBAUR
511 W 1200 N
RT 1 BOX 147B
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 3.22 CFS
940.0 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 36-02070J, 36-07529A AND 36-07529B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.89 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2180 AF.

USE OF THIS RIGHT WITH RIGHT NO. 36-07529B IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 940 AF AT THE FIELD HEADGATE.

USE OF THIS RIGHT WITH RIGHT NO. 36-07529B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.17 CFS, AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 940 AF.

PRIORITY DATE: 03/11/1948

POINT OF DIVERSION: T07S R23E S34 NENE Within MINIDOKA County
~~NESESE~~
SESE

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		03-15 11-15	3.22 CFS
		04/01 10/31	940.0 AFY

RB

PLACE OF USE: IRRIGATION Within MINIDOKA County

T07S R23E S34	NENE 36	NWNE 39	SWNE 40	SENE 39
	NENW 39	NWNW 38	SWNW 39	SENW 40
	NESW 40	NWSW 39	NESE 39	NWSE 40
	SWSE 39	SESE 38		

545 ACRES TOTAL
233 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-07529B IS LIMITED TO THE

USE OF THIS RIGHT WITH RIGHT NO. 36-07529B IS LIMITED TO THE

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

DATE: OCT-22-1999

PAGE: A-2

36-02070K (CONT.)

IRRIGATION OF A COMBINED TOTAL OF 235 ACRES IN A SINGLE
IRRIGATION SEASON.THIS RIGHT IS LIMITED TO THE IRRIGATION OF 235 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
DEGREERIGHT NO. 36107329B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE. *RB*

CERTIFICATE OF MAILING

I certify that on _____, 1999, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile

Mack W. Neibaur
511 W. 1200 N.
Paul, ID 83347

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile

Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

Roxanne

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 7, 1999

Mr. Mack W. Neibaur
511 W. 1200 N.
Paul, ID 83347

RE: Objections to Seasons of Use for Water Rights Nos. ³⁻¹⁵¹¹⁻¹ 36-07490, [✓] 36-07529A,
[✓] 36-07529B, [✓] 36-02070J, and [✓] 36-02070K
_{41 10-31}

Dear Mr. Neibaur:

The purpose of this letter is to advise you that I have received your objections to our recommendations for the above-referenced water rights, and I have made distribution of the objections to the following entities as per standard requirements: SRBA Court (originals), IDWR Document Repository, Office of the Attorney General, and United States Department of Justice.

I discussed the issues related to your objections with our SRBA Attorney assigned to Basin 36, Mr. Nick Spencer, and he concurs in the solution that we discussed whereby under the circumstances in these cases IDWR will agree to modification of the irrigation seasons to result in seasons of 3/15 to 11/15. The Senior Agent who will be working on this matter with you is Ms. Roxanne Brown. She will initiate our preparation "Standard Form 5" agreements soon, and will contact you accordingly.

Please advise if you have any questions in this matter.

Sincerely,

David R. Tuthill, Jr., P.E.
Chief, Adjudication Bureau

Cf: William G. Niebaur

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

In Re SRBA)

Case No. 39576)

A. Subcase 36-02070 J

STANDARD FORM 1a

OBJECTION TO IRRIGATION SEASON
AND/OR CONJUNCTIVE MANAGEMENT
GENERAL PROVISIONS

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Mack W. Neibaur

Name & address of attorney, if any:

Address: 511 W 1200 N

PAUL - ID 83347

Daytime Phone: (208) 532 4175

C. CLAIMANT OF WATER RIGHT AS LISTED IN
SUPPLEMENTAL DIRECTOR'S REPORT

Name: MACK W. NEIBAUR

511 W. 1200 N.

PAUL, ID 83347

Address: _____

D. ELEMENTS OBJECTED TO:

8. Period (Irrigation Season) of Use

Should be: 3/15 to 11/15

12. General Provision

Number: _____ Reported in Basin: _____

Comments: _____

E. REASONS SUPPORTING OBJECTION: (if you have additional reasons, please attach to this form)

This standard form is for the sole purpose of objecting to the Director's supplemental recommendations on irrigation season of use and general provisions. This form may not be used to object to any other elements of your water right.

If you have evidence that the recommendations on irrigation season of use and/or conjunctive management adversely affect other elements of your water right, please contact the Snake River Basin Adjudication at 208-736-3011. A deputy clerk of the court will inform you of how to proceed.

F. VERIFICATION (Must be Completed)

State of Idaho)

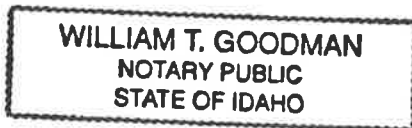
County of Minidoka)ss.

Mack W. Neibaur, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Mack W. Neibaur
(Signature of person filing objection)

(Attorney signing in representative capacity)



Subscribed and sworn to before me on: 8-11-99

William T. Goodman
Notary Public
for Idaho

Residing at: Boise, Idaho

My Commission Expires: 12/24/04

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on September 8, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: _____

Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Janis M. Smith
Signature of Objector or attorney

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

DATE: SEP-10-1999

PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02070J

NAME AND ADDRESS: MACK NEIBAUR
511 W 1200 N
RT 1 BOX 147B
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 4.29 CFS
1240.0 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 36-02070K, 36-07529A AND
36-07529B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.89
CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2180 AF.

USE OF THIS RIGHT WITH RIGHT NO. 36-07529A IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1240 AF AT THE FIELD
HEADGATE.

USE OF THIS RIGHT WITH RIGHT NO. 36-07529A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.19 CFS, AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1240 AF.

PRIORITY DATE: 03/11/1948

POINT OF DIVERSION: T07S R23E S34 NENE Within MINIDOKA County
~~SENE~~
SESEPURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	4.29 CFS
	04/01 10/31	1240.0 AFY

PLACE OF USE: IRRIGATION Within MINIDOKA County

T07S R23E S34

NENE 36

NENE 39

SWNE 40

SENE 39

NENW 39

NWNW 38

SWNW 39

SENE 40

NESE 40

NWSW 39

NESE 39

NWSE 40

SWSE 39

SESE 38

545 ACRES TOTAL

310 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-07529A IS LIMITED TO THE

USE OF THIS RIGHT WITH RIGHT NO. 36-07529A IS LIMITED TO THE

36-02070J (CONT.)

IRRIGATION OF A COMBINED TOTAL OF 310 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 310 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
DEGREE

RIGHT NO. 36107329A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

RECEIVED

SEP 17 1999

Department of Water Resources
Southern Region

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

In Re SRBA)

Case No. 39576)

A. Subcase 36-02070K
STANDARD FORM 1a
OBJECTION TO IRRIGATION SEASON
AND/OR CONJUNCTIVE MANAGEMENT
GENERAL PROVISIONS

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Mack W. Neibaur

Name & address of attorney, if any:

Address: 511 W 1200 N
PAUL Idaho 83347

Daytime Phone: (208) 532 4175

C. CLAIMANT OF WATER RIGHT AS LISTED IN
SUPPLEMENTAL DIRECTOR'S REPORT

Name: Same as Above

Address: _____

D. ELEMENTS OBJECTED TO:

8. Period (Irrigation Season) of Use

Should be: 3/15 to 11/15

12. General Provision

Number: _____ Reported in Basin: _____

Comments: _____

E. REASONS SUPPORTING OBJECTION: (if you have additional reasons, please attach to this form)

This standard form is for the sole purpose of objecting to the Director's supplemental recommendations on irrigation season of use and general provisions. This form may not be used to object to any other elements of your water right.

If you have evidence that the recommendations on irrigation season of use and/or conjunctive management adversely affect other elements of your water right, please contact the Snake River Basin Adjudication at 208-736-3011. A deputy clerk of the court will inform you of how to proceed.



1997 SEP 19 PM 2:16

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILEDIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Water Rights: 36-02070J, 36-02070K,
36-07529A, 36-07529BNOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer 5012

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than:
September 15, 1998.

DATED:

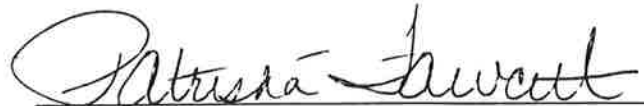
9/18/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9-19, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant or attorney of record:
Mack Neibaur
511 W 1200 N
Paul ID 83347
3. One copy to:
Each party in the subcase, or attorney of record
4. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

September 19, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MACK NEIBAUR
511 W 1200 N
PAUL ID 83347

RE: SRBA Claim(s) 36-02070J 36-02070K, 36-07529A, 36-07529B

Dear Claimant:

Please find the enclosed copy of the Notice of Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Enc

of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5012

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Myck Neibaur Phone 582-4175

Post Office address 511 W 1200 N, Pdu, ID 83347

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 Create PP4
2. Describe the reason for the proposed changes Tie 2 wells together for more efficient operation

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

1. Right Number	Priority	Amount (cfs/r)	Nature of Use	Period of Use
<u>36-02070J</u>	<u>3-11-1948</u>	<u>4.29 cfs</u>	<u>Irrig.</u>	<u>4-1</u> to <u>10-31</u>
<u>36-02070K</u>	<u>"</u>	<u>3.22 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>36-07529A</u>	<u>3-28-1975</u>	<u>0.90 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>36-07529B</u>	<u>"</u>	<u>1.48 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>

2. Total amount of water being transferred 9.89 cubic feet per second and/or 2180 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
	SE	NE	NE	34	7S	23E	Minidoka	
	NE	SE	SE	"	"	"	"	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	23E	34	36	39	40	39	39	38	39	40	40	39			39	40	39	38	545

Total acres 545

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

RECEIVED
SEP 25 1997
Department of Water Resources
Southern Region

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

September 24, 1997

Mr. Douglas Jones
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: Notices of Administrative Proceeding
Water Rights: 36-02070J, 36-02070K, 36-07529A, 36-07529B

Dear Mr. Jones,

Enclosed please find four Notices of Administrative Proceeding corresponding to the above water right numbers. The Court is returning these to you as a Partial Decree has previously been issued for each of these water rights.

If you should have any questions on this matter, please do not hesitate to call.

Best regards,

Ami Alberdi
Deputy Clerk
Snake River Basin Adjudication

47
RECEIVED

SEP 25 1997

Department of Water Resources
Southern Region

1997 SEP 19 PM 2:16
DISTRICT COURT SRBA
TWIN FALLS, IDAHO
FILED

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

In Re SRBA) Water Rights: 36-02070J, 36-02070K,
Case No. 39576) 36-07529A, 36-07529B
) NOTICE OF ADMINISTRATIVE
) PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

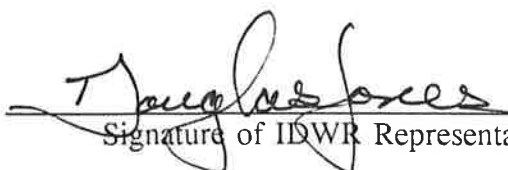
☒ I.C. § 42-222 transfer 5012

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than:
September 15, 1998.

DATED: 9/18/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9-19, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant or attorney of record:
Mack Neibaur
511 W 1200 N
Paul ID 83347
3. One copy to:
Each party in the subcase, or attorney of record
4. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

- objection filed
- pending transfer

OF CLAIMS IN POLYGON 2

CLAIM NUMBERS 36-00070/K 36-07529B DATE 5/20/97
AGENT [Signature]

TOTAL ACRES
FROM RECOMMENDATION 235
GEOGRAPHIC INFO SYSTEM 234.4

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	075	23E	34									40	39			39	40	39	38
GIS												39.8	39-			39.2	39.6	39	38
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

B36-DBPOU.DBF (45) 5/20/97 ^{UPDATED}
B36-DBPOD.DBF (43) " ^{UPDATED}
ATTRIBUTES OF B36-POU.SHP (45) 5/20/97 [#]
ATTRIBUTES OF B36-POD.SHP (43) 5/20/97 [#]
NESESE

* objection filed - (period of use & cons. use)
* pending transfer

Water Right Number - R36-02070K

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
NEIBAUR

MACK

1 - RT 1 BOX 1478
2 -
3 -
City- PAUL
Phone - 208-532-4175

State- ID Zip- 83347

*** O - ORIGINAL OWNER ***
JULION CLAWSON FARMS INC

1 -
2 -
3 -
City- XXXXX
Phone - 208-000-0000

State- ID Zip- XXXXXX

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/11/1948 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	23E	34	NE SE SE		(67)	MINIDOKA

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	3.220	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.220 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	23E	34	NE SW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	34	NW SW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	34	NE SE		39.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	34	NW SE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	34	SW SE		39.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	34	SE SE		38.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 235.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS

"DO NOT FILM"

Water right number - R36-02070K

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +

QNT USE OF THIS RIGHT WITH RIGHT NO. 36-07529B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.7 CFS, AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 940 AF.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 36-07529B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 235 ACRES IN A SINGLE
IRRIGATION SEASON.

EXP RIGHT NO. 36-07529B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

+ - - - - Old Water Right Numbers - - - - - +
3602070

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

Date: 05/01/1991 User Id: SCHOLER Subject: REVIEW - BHS

Date: 05/01/1991 User Id: SCHOLER Subject: SPLIT RIGHT

THIS RIGHT HAS BEEN SPLIT FROM 36-02070C

Date: 05/01/1991 User Id: SCHOLER Subject: COPIED FROM REMARKS

THIS RT. WHEN COMBINED WITH RT. NO. 36-07529B SHALL NOT EXCEED
SEE TRANS. 3143.

Date: 09/17/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/14/92. CHANGED NOE FLAG FROM BLANK TO A.

Date: 10/08/1992 User Id: SOUTH1 Subject: NOE - RESPONSE

NO CHANGE MADE TO STANDARD SEASON OF USE. LETTER SENT 10/8/92.

940.0 AF/ANNUM.

PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.

CLAIM VERIFIED 6/15/92. DID NOT REVERIFY ANY PART OF CLAIM.

M. STERLING

+ - - Audit Fields - - +
00/00/00

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/08/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S009118	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- B

"MILITARY OD"

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/18/97 09:11:51
Page 1

Water Right Number - 36-02070K

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
NEIBAUR

MACK

1 - RT 1 BOX 1478

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-532-4175

*** O - ORIGINAL OWNER ***
JULION CLAWSON FARMS INC

1 -

2 -

3 -

City- XXXXX

State- ID Zip- XXXXXX

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
03/11/1948 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
+ - - - - +
Tw n Rng Sec Tract Lot RFlg County Diversion Name
07S 23E 34 NE SE SE (67) MINIDOKA

+ - - - - Water Use - - - - - +
+ - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 3.220

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
3.220 0.0

+ - - - - Place of Use - - - - - +
+ - - - - +
Tw n Rng Sec Tract Lot Acres Code Description County
07S 23E 34 NE SW 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 NW SW 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 NE SE 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 NW SE 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 SW SE 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 SE SE 38.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 235.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS

Water right number - 36-02070K

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +

GEN USE OF THIS RIGHT WITH RIGHT NO. 36-07529B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.7 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 940 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 705 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 36-07529B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

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

3602070

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 05/01/91 SCHOLER 08/27/91 SCHOLER 06/15/92 MERRITT 07/18/92 POST-STD 08/28/92 PR-PRODM
09/17/92 SCHULTZ 10/08/92 SOUTH1 11/02/92 CPSHAW 12/05/92 ADT-SHAW 06/16/93 CMDATFIX
08/25/93 UPD-SCHU 03/29/95 POST-STD

+ - - Certified Numbers & Date Mailed - 257639 08/24/92

+ - - - - Comments - - - - - +

Date: 05/01/1991 User Id: SCHOLER Subject: REVIEW - BHS
Date: 05/01/1991 User Id: SCHOLER Subject: SPLIT RIGHT
THIS RIGHT HAS BEEN SPLIT FROM 36-02070C
Date: 05/01/1991 User Id: SCHOLER Subject: COPIED FROM REMARKS
THIS RT. WHEN COMBINED WITH RT. NO. 36-07529B SHALL NOT EXCEED 940.0 AF/ANNUM.
SEE TRANS. 3143. PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.
Date: 09/17/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/14/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 6/15/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/08/1992 User Id: SOUTH1 Subject: NOE - RESPONSE
NO CHANGE MADE TO STANDARD SEASON OF USE. LETTER SENT 10/8/92. M. STERLING

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 04/27/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 08/16/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/08/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S009118	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	- B

COPY

1997 MAR 14 PM 3:44

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

Water Rights: 36-02070J,
36-02070K, 36-07529A, 36-07529B

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above
water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated
below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

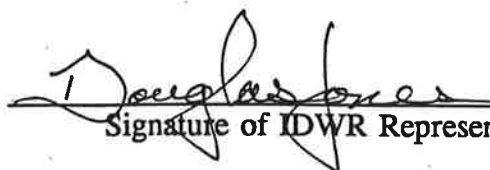
☒ I.C. § 42-222 Transfer No. 5012:

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than:
February 28, 1998.

DATED: 3/12/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3-14, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Mack Neibaur
511 W 1200 N
Paul ID 83347
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

March 14, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MACK NEIBAUR
511 W 1200 N
PAUL ID 83347

RE: SRBA Claim(s) 36-02070J, 36-02070K, 36-07529A, 36-07529B

Dear Claimant:

Please find the enclosed copy of the Notice of Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Enc

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5012

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Myck Neibaur Phone 532-4175
Post Office address 511 W 1200 N, Poul, ID 83347

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 Create PP4
2. Describe the reason for the proposed changes Tie 2 wells together for more efficient operation

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>36-02070 J</u>	<u>3-11-1948</u>	<u>4.29 cfs</u>	<u>Irrig.</u>	<u>4-1</u> to <u>10-31</u>
<u>36-02070 K</u>	<u>"</u>	<u>3.22 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>36-07529 A</u>	<u>3-28-1975</u>	<u>0.90 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>36-07529 B</u>	<u>"</u>	<u>1.48 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>

2. Total amount of water being transferred 9.89 cubic feet per second and/or 2180 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
	SE	NE	NE	34	7S	23E	Minidoka	
	NE	SE	SE	"	"	"	"	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
75	23E	34	36	39	40	39	39	38	39	40	40	39			39	40	39	38	545

Total acres 545

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 13 1994

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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 36-02070K -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: MACK W NEIBAUR
Address: RT 1 BOX 1478
PAUL ID 83347

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR's irrigation season of use standards have evolved over time as better technical information has become available. A necessary consequence of this is that, depending on when a particular license was issued, water rights in the same area have been licensed inconsistently, some licenses being issued with different lengths of season listed and some being issued with no season of use listed. To remedy this problem IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree

fahrenheit frost. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. The director's report does not prohibit pre-season or post-season irrigation; subject to the conditions set forth in general provision 12b of the director's report, water may be used for irrigation outside the standard season of use.

In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, IDWR responds as follows: The license upon which the claimant's claim is based does not set an annual volume of consumptive use for this water right. Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. IDWR has developed uniform standards of consumptive use for various climatic areas throughout the state, based upon the definition of consumptive use contained in Idaho Code Sec. 42-1401A(2), which is the maximum volume of water consumed by "the most water consumptive crop that can be grown in the area during the period of year when water is used for irrigation." The consumptive use recommended for this water right is based upon the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the irrigation season. Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code." Therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings, and not as a limitation on the quantity of water that the claimant may divert pursuant to this recommended right. In further response to this objection item, IDWR responds that it recommended this element of the water right as claimed.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

(Over)

No. of
Pages

Notice of Claim No. A36-02070K

3

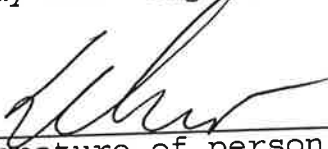
VERIFICATION (Must be Completed)

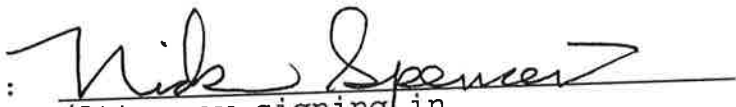
State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing response

By: 
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16th day of August,
1993.


Notary Public for Idaho
Residing at: _____
My Commission expires: _____

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 16TH day of AUGUST, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: MACK W NEIBAUR
Address: RT 1 BOX 1478
PAUL ID 83347

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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: A36-02070K

Date Received: 9/08/1989

Receipt No: 500918

Received By: Ad

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MACK NEIBAUR
Address: RT. 1 BOX 1478
PAUL, ID 83347
208-532-4175

2. Date of Priority: MAR 11, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	23E	34	NE	SE	SE		MINIDOKA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.220		

7. Total Quantity Appropriated is:
3.220 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 705.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	23E	34	NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			NE	SE		IRR	39.0

A36-02070K

Page 1

Date: 09/08/89

MICROFILMED

JAN 25 1993

OCT 13 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	23E	34	NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	38.0

Section Acres 235.0

Total Acres 235.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
A36-07529B

14. Remarks:

THIS RT. WHEN COMBINED WITH RT. NO. 36-07529B SHALL NOT EXCEED
940.0 AF/ANNUM.
SEE TRANS. 3143.
PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): Mack W. Heibaw Date: May 9/8/89

Date: _____

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of Sept. 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, ID

My Commission Expires 6/30/94

RECEIVED

APR 29 1993

Department of Water Resources
Adjudication Bureau

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

Case No. 36-02070 K
(You must insert the
water right number you
are objecting to)

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

36-02070K -0001/
93-04-0151

Respondents.

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

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OCT 13 1994

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name:

MAC K W. NEIBAU R

Address:

RT 1 Box 1478

PAUL, ID 83347

Briefly describe your interest in this water right:

water right is on hand
down

2. Owner of the water right:

Name:

MAC K W. NEIBAU R

Address:

RT 1 Box 1478

Paul, Id 83347

3. If this objection is filed by an attorney:

Attorney Name:

Attorney Address:

Attorney Phone No.:

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☐ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

(Over)

12. ☐ Water Right Recommendation: I object to:
- a. ☐ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

The Period of use on original right was from 3/15 to 11/15 and the Dept. arbitrarily changed it to 4/01 to 10/31 and the original license should stand.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

Attached

VERIFICATION (Must be Completed)

State of Idaho

County of Minidoka

MAck W. NEIBAUER, being first duly
(Name of person filing objection)

sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Mack W. Neibaur

Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 22nd day of April,
1993.

Anna the Rock
Notary Public for State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 8-4-93



INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name:

Mack W. Neibaur

Owner's address:

RT 1 Box 1478
PAUL Idaho 83347

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Mack W. Neibaur
Signature of Objector or attorney
mailing on Objector's behalf

Reasons to support the Boxes checked.

8 The original license gave the usage date as 3/15 through 11/15 annually. The director has changed this to 4/01 through 10/31 without really considering local factors that apply to water applications but has used area factors that have many variable conditions in a span of a few miles.

We cannot afford to pump water indiscriminately because of costs. We also would pay a heavy loss on those very few years when early application was needed and more loss if the soil was too dry to harvest row crops.

I therefore wish for the period of usage to remain as the original license was issued, 3/15 through 11/15.

#10. The cropping practices used will dictate the amount of water used and as such the original Acre Feet per Year is requested. The same reasoning applies as the period of usage. Farmers will not pump water indiscriminately because of many reasons other than prohibitive costs, such as souring your soil, being able to work your soil with proper soil tilth. The list can go on and on and one of the most dangerous at this time may be the wet land provisions as interpreted by the Feds.

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OCT 13 1994

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: A36-02070K
Date Received: 9/08/1989
Receipt No: 500918
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MACK NEIBAUR
Address: RT. 1 BOX 1478
PAUL, ID

83347

208-532-4175

2. Date of Priority: MAR 11, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	23E	34	NE	SE	SE		MINIDOKA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.220		

7. Total Quantity Appropriated is:
3.220 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 705.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	23E	34	NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			NE	SE		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	23E	34	NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	38.0
						Section Acres	235.0
						Total Acres	235.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
A36-07529B

14. Remarks:

THIS RT. WHEN COMBINED WITH RT. NO. 36-07529B SHALL NOT EXCEED
940.0 AF/ANNUM.
SEE TRANS. 3143.
PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): Mack W. Heibaw Date: 9/8/89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of Sept. 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94

YOUR WATER RIGHT AS RECOMMENDED IN THE SNAKE RIVER BASIN ADJUDICATION

NOV-2-1992

7036

MICROFILMED

OCT 13 1994

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
-02070K	MACK NEIBAUR RT 1 BOX 1478 PAUL ID 83347	03/11/1948	IRRIGATION	04-01 10-31	3.22 CFS	LICENSE
					TOTAL QUANTITY:	3.22 CFS
SOURCE: GROUNDWATER		TRIBUTARY:				
POINT OF DIVERSION:						
T07S R23E S34		NESESE				
PLACE OF USE: IRRIGATION						
T07S R23E S34		NESW 40.0	NWSW 39.0	NESE 39.0	NWSE 40.0	SWSE 39.0
SESE 38.0						

235.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-075298 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.7 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 940 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 705 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NO. 36-075298 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Sec 34

NOTICE OF ERROR



RESPONSE



CORRECTED R PROOF



MICROFILMED

JAN 25 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

SEP 14 1992

Department of Water Resources

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: 36-02070K ✓

2. Name: MACK W. NEIBAUR
RT. 1 BOX 1478
Address: PAUL, IDAHO 83347

Weekday Telephone Number: 208-531-4173

MICROFILMED

JAN 25 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:

Period of use changed from
3/15 thru 11/15 to 4/1 thru 10/31

4. Describe the changes you wish to have made in the proposed recommendation:

return period of use back to
3/11 thru 11/15

5. Describe why you disagree with the proposed recommendation:

Some years extra period is
needed for production & harvest

6. Date: 9/15/92

SIGNATURE

Mack W. Weibauer

MACK W. NEIBAUR

Department of Water Resources

d St., Statehouse Mail, Boise, Idaho 83720

RECEIVED

SEP 14 1992

Department of Water Resources

Rt. 1, Box 1478
Paul, Idaho 83347
Phone 532-4175

DAVID B. SHAW
ADJUDICATIONS BUREAU CHIEF
(208) 384-4931

327 7931

Dave,

I hate to be a Turd but we don't hardly ever use the early or late dates that have be changed. When we do need to use them it is critical that we can. In 41 years here there has only been 2 years prior to April 1 but harvest comes some more often - 8 or 10 years after 10/31 - and loss of crop could result if not for available sprinkling.

I understand A + B Irrigation is wanting the later dates but they also are in areas of better rainfall patterns -

Thanks
Mack W. Neibaur

MICROFILMED

JAN 25 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

08-Oct-1992

Mack W Neibaur
Rt 1 Box 1478
Paul ID 83347

RE: Proposed Recommendation for Water Right Nos: 36-02070F,
36-02070H, 36-02070J, 36-02070K, 36-07529A, & 36-07529B,
36-07529H, & 36-11893

Dear Mr. Neibaur:

This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claims listed above. Your NOE indicates that you would like the recommendation to show a longer season of use for irrigation. For the reasons states below, the season of use that will be recommended in the Director's Report will remain as proposed.

The proposed recommendation is based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost.

In addition, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for irrigation outside the irrigation season under certain conditions. The conditions are that the water is beneficially used, as determined by the director; that all water rights with a period of use outside the irrigation season regardless of priority, are satisfied; and that the use does not conflict with the public interest as determined by the director. This proposed general provision will be included in the Director's Report.

If you still disagree with IDWR's recommendations you will have an opportuntiy to file an objection to the Director's report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Sincerely,

Marci Sterling

Marci Sterling
Engineering Specialist (EIT)

MICROFILMED

JAN 25 1993

Water Right Number - R36-02070K

Prefix Translation:

RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
NEIBAUR

MACK

1 - RT 1 BOX 1478

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-532-4175

*** O - ORIGINAL OWNER ***
JULION CLAWSON FARMS INC

1 -

2 -

3 -

City- XXXXX

State- ID Zip- XXXXXX

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/11/1948 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
07S 23E 34 NE SE SE (67) MINIDOKA+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 3.220+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.220 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 23E 34 NE SW 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 NW SW 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 NE SE 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 NW SE 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 SW SE 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 SE SE 38.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 235.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS

MICROFILMED

JAN 25 1993

Water right number - R36-02070K

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

USE OF THIS RIGHT WITH RIGHT NO. 36-07529B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.7 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 940 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 705 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 36-07529B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

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

3602070

+ - - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

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

00/00/0000

+ - - - - - Comments - - - - - +

Date: 05/01/1991 User Id: SCHOLER Subject: COPIED FROM REMARKS
THIS RT. WHEN COMBINED WITH RT. NO. 36-07529B SHALL NOT EXCEED
SEE TRANS. 3143.

940.0 AF/ANNUM.

PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.

Date: 05/01/1991 User Id: SCHOLER Subject: REVIEW - BHS

Date: 05/01/1991 User Id: SCHOLER Subject: SPLIT RIGHT

THIS RIGHT HAS BEEN SPLIT FROM 36-02070C

Date: 09/17/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/14/92. CHANGED NOE FLAG FROM BLANK TO A.

CLAIM VERIFIED 6/15/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/08/1992 User Id: SOUTH1 Subject: NOE - RESPONSE

NO CHANGE MADE TO STANDARD SEASON OF USE. LETTER SENT 10/8/92. M. STERLING

+ - - Audit Fields - - +

10/08/92 SOUTH1

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/08/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S009118	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- B

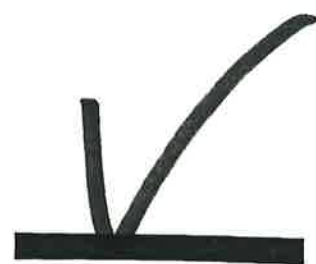
MICROFILMED

JAN 25 1993

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED

LAN 2 5 1981

Water Right Number - R36-02070K

Prefix Translation:

RESEARCH

Old (D) Number -

VERIFIED ADM

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

*** C - CURRENT OWNER ***
NEIBAUR

MACK

1 - RT. 1 BOX 1478

2 -

3 -

City- PAUL

Phone - 208-532-4175

State- ID Zip- 83347

*** O - ORIGINAL OWNER ***
JULION CLAWSON FARMS INC.

1 -

2 -

3 -

City- XXXXX

Phone - 208-000-0000

State- ID Zip- XXXXXX

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
03/11/1948 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 23E 34 NE SE SE (67) MINIDOKA

+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 3.220+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.220 0.0+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 23E 34 NE SW 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 NW SW 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 NE SE 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 NW SE 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 SW SE 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 34 SE SE 38.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 235.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS

MICROFILMED

JAN 25 1993

Water right number - R36-02070K

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

USE OF THIS RIGHT WITH RIGHT NO. 36-07529B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.7 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 940 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 705 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NO. 36-07529B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

+ - - - - - Old Water Right Numbers - - - - - +
3602070+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +

Date: 05/01/1991 User Id: SCHOLER Subject: COPIED FROM REMARKS

THIS RT. WHEN COMBINED WITH RT. NO. 36-07529B SHALL NOT EXCEED 940.0 AF/ANNUM.
SEE TRANS. 3143.

PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.

Date: 05/01/1991 User Id: SCHOLER Subject: REVIEW - BHS

Date: 05/01/1991 User Id: SCHOLER Subject: SPLIT RIGHT
THIS RIGHT HAS BEEN SPLIT FROM 36-02070C

+ - - Audit Fields - - +
06/15/92 MERRITT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 06/15/1992 | Old Judicial District | - |
| Claim Received Date | - 09/08/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S009118 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

MICROFILMED

JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:04:10
08/17/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02070K

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | ~~Y~~ | | BHS
5-1-91 | N | 6 | BHS
5-1-91 | BHS
5-1-91 | BHS
8-27-91 |
| POINT OF DIV | ~~Y~~ | | | N | 6 | | | |
| SOURCE | ~~Y~~ | | | N | 6 | | | |
| PLACE OF USE | ~~Y~~ | | | N | 1,2,4,6 | | | |
| DIV. AMOUNT
CFS/VOLUME | ~~Y~~ | | | N | 6 | | | |
| CONSUMPTIVE USE | ~~Y~~ | | | N | 6 | | | |
| PURPOSES | ~~Y~~ | | | N | 6 | | | |
| PERIOD OF USE | ~~Y~~ | | | N | 6 | | | |
| BASIS OF CLAIM | ~~Y~~ | | | N | 6 | | | |
| REMARKS | ~~Y~~ | | | N | 6 | | | |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

UNCONTROLLED

JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:04:10
08/17/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02070K

LAST: JULION CLAWSON FARMS INC.
ADDRESS:
CITY: XXXXX
PHONE NUMBER: 208-000-0000

FIRST:
STATE: ID ZIP: XXXXXX

OWNER CODE: O

LAST: NEIBAUR
ADDRESS: RT. 1 BOX 1478
CITY: PAUL
PHONE NUMBER: 208-532-4175

FIRST: MACK
STATE: ID ZIP: 83347

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THIS RT. WHEN COMBINED WITH RT. NO. 36-07529B SHALL NOT EXCEED
940.0 AF/ANNUM.
SEE TRANS. 3143.
PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.

MICROFILMED

JAN 25 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED

JAN 25 1993

A. AJ CLAIM: # A36-02070K PRIORITY DATE: 03-11-1948 ✓ STAGE: L

B. WR RECORD: # 36-02070 PRIORITY DATE: - - STAGE:

C. FIELD EXAM REQUIRED?

| | DATABASE | FIELD EXAMINER |
|---|----------|----------------|
| DUE TO PRIORITY DATE DISCREPANCY? (Y/N) | Y | _____ |

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(✓)
IF YES EXPLAIN.

REMARKS: _____

SEE 36-02070 C

===== RECOMMENDED PRIORITY DATE: _____

3-11-1948

REVIEWED BY BHL

DATE 5-1-91

MICROFILMED

JAN 25 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|------------|------|------|-----------|-----------|-----------|-----------|-----|----------|
| A36-02070K | 07S | 23E | <u>34</u> | <u>NE</u> | <u>SE</u> | <u>SE</u> | | MINIDOKA |

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-07529B NONE

WR RECORDS IN SAME 40 ACRE TRACT
36-07529B

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

3602070 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
~~Y~~ N OR
~~Y~~ N OR

FIELD
EXAMINER
BHS
BHS

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | COUNTY |
|------------|------------|-----------|-----------|-----------|-----------|-----|-----------------|
| <u>07S</u> | <u>23E</u> | <u>34</u> | <u>NE</u> | <u>SE</u> | <u>SE</u> | | <u>MINIDOKA</u> |

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

DATE: 5-1-91

P.O.D. VERIFIED
5-14-91
BHS OK

MICROFILMED

JAN 25 1993

A. ROOT WATER RIGHT NUMBERS: A36-02070E
A36-02070A
A36-02070F
A36-02070G
A36-02070H
A36-02070I
A36-02070J
A36-02070K

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|-----|-----|-----|-----|-----|----------------------------------|--------------------------------------|----------------------------|-----------------|----------------|------------------|
| 07S | 23E | 34 | NE | SW | | NEIBAUR , MACK
NEIBAUR , MACK | A36-02070K /40.0
A36-07529B /40.0 | - /38.0
36-07529B /40.0 | 40.0 | | 40 |
| 07S | 23E | 34 | NW | SW | | NEIBAUR , MACK
NEIBAUR , MACK | A36-02070K /39.0
A36-07529B /39.0 | - /38.0
36-07529B /39.0 | 38.0 | | 39 |
| 07S | 23E | 34 | NE | SE | | NEIBAUR , MACK
NEIBAUR , MACK | A36-02070K /39.0
A36-07529B /39.0 | - /38.0
36-07529B /39.0 | 41.0 | | 39 |
| 07S | 23E | 34 | NW | SE | | NEIBAUR , MACK
NEIBAUR , MACK | A36-02070K /40.0
A36-07529B /40.0 | - /38.0
36-07529B /40.0 | 40.0 | | 40 |
| 07S | 23E | 34 | SW | SE | | NEIBAUR , MACK
NEIBAUR , MACK | A36-02070K /39.0
A36-07529B /39.0 | - /38.0
36-07529B /39.0 | 39.0 | | 39 |
| 07S | 23E | 34 | SE | SE | | NEIBAUR , MACK
NEIBAUR , MACK | A36-02070K /38.0
A36-07529B /38.0 | - /38.0
36-07529B /38.0 | 40.0 | | 38 |
| TOTAL ACRES | | | | | | | A36-02070K | 235.00 | 228.00 | 238.00 | 235 |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE

FIELD
EXAMINER

Y-N

BHS

MICROFILMED

JAN 25 1993

PRESUMPTION FLAG: C

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 235

REVIEWED BY: BHS

DATE: 5-1-91

MICROFILMED

JAN 25 1993

A. AJ CLAIMED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A36-02070K IRRIGATION ✓ | FROM 03-15 TO 11-15 | 3.220 CFS ✓ |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | 3.220 CFS ✓ |

B. WR RECORDED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|-----------|--------------------|
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | |

PRESUMPTION FLAG: C

C. FIELD EXAM REQUIRED?

| | DATABASE | FIELD EXAMINER |
|--|-----------------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N) | ~~N~~ OK | BHS |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | ~~N~~ OK | BHS |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | Y OK | BHS |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N() Explain in remarks, below.

REMARKS:

MICROFILMED
JAN 25 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 3.220 ✓ CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.22 ✓ CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

✓ N BHS

MICROFILMED

JAN 25 1993

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☒) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A36-07529B

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|-------------|---------------|-----------|----------------|-----------|----------------|
| A36-02070K | GROUNDWATER | NEIBAUR, MACK | 3.220 ✓ | 0.013 ✓ | | |
| A36-07529B | GROUNDWATER | NEIBAUR, MACK | 1.480 | 0.0063 | | |
| | | | 4.70 | 0.020 ✓ | | |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

EDI
FOS

4.7 CFS TOTAL
940 AF Div Vol
705 AF Cons. Use Vol
235 AC TOTAL

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 235 x 0.02 CFS/ACRE = 4.7 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 705.0 AF/A

ACRES 235 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 705 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 235 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 940 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(☒)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

MICROFILMED
JAN 25 1993

RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD
FROM TO | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|-------------------|------------------------|----------------------|-----------------------|-------------------|
| | | DATABASE EXAMINER | DATABASE EXAMINER | DATABASE EXAMINER |
| <u>IRRIGATION</u> | <u>3-15 1145</u> | <u>3.22 BHS</u> | <u>940 BHS</u> | <u>705 BHS</u> |
| | | <u>3.22 BHS</u> | <u>940 BHS</u> | <u>705 BHS</u> |

TOTAL FOR THIS RIGHT

REVIEWED BY: BHS DATE: 5-1-91

MICROFILMED

JAN 25 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

| | ACCEPTED
AS CLAIMED | NEEDS
REVIEW |
|------------------------------|------------------------|-----------------|
| OWNERSHIP _____ | () | () |
| FORFEIT/ABANDON _____ | () | () |
| ADDITIONAL DIV. AMOUNT _____ | () | () |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02070

| TOTAL DIVERSION RATE OF WR SPLITS | DATABASE
136.440 | EXAMINER
_____ | CFS |
|-----------------------------------|---------------------|-------------------|-----|
|-----------------------------------|---------------------|-------------------|-----|

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|--------------------|
| A36-02070C | A36-02070E | 13.940 | - | | 36-02070C | 42.980 |
| A36-02070 | A36-02070A | 4.000 | - | | 36-02070 | |
| A36-02070 | A36-02070F | 4.960 | - | | 36-02070 | |
| A36-02070 | A36-02070G | 12.550 | - | | 36-02070 | |
| A36-02070C | A36-02070H | 2.010 | - | | 36-02070C | 42.980 |
| A36-02070C | A36-02070I | 2.010 | - | | 36-02070C | 42.980 |
| A36-02070 | A36-02070J | 4.290 | - | | 36-02070 | |
| A36-02070 | A36-02070K | 3.220 | - | | 36-02070 | |
| - | - | - | - | | 36-02070A | 4.000 |
| - | - | - | - | | 36-02070B | |
| - | - | - | - | | 36-02070D | 3.500 |
| TOTAL CFS | | 46.980 | | | | ~~136.440~~ |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N-Y

FIELD
EXAMINER
BHS

50.48 OK
02070C

REMARKS:

MICROFILMED
JAN 25 1993

AUTHENTICATION:

SIGNATURE: Burke H. Scholer

DATE: 5-1-91

NAME OF FIELD EXAMINER: BURKE H. SCHOLER

TITLE: WATER RESOURCE AGENT

UNPROCESSED

JAN 25 1993