

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: **A36-04178**

Date Received: 10/12/1989

Receipt No: C012178

Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: STEVE NEIBAUR FARMS INC 208-532-4554
Address: RT 1 BOX 1410
PAUL ID 83347

2. Date of Priority: JUN 1, 1959

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	24	NE		NW		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.
COMMERCIAL	09/15	04/15	0.010		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERCIAL, POTATO STORAGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	23E	24	NE	NW		COMMER	

11. Place of use in counties: MINIDOKA

MICROFILMED

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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FEB 01 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

04-Jun-1992

STEVE NEIBAUR
RT 1 BOX 1410
PAUL ID 83347

RE: CHANGE OF OWNERSHIP OF ADJUDICATION CLAIM A36-04178

Dear Mr Neibaur

Enclosed is a copy of adjudication claim A36-04178 and a Change of Ownership form. According to notes in the file, you spoke to Mike Harshbarger in August of 1991 and indicated you are the current owner of this right. If this is correct please complete and return the Change of Ownership form to this office within 15 days.

If you have any further questions please contact this office and someone here can assist you.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent

enclosures

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
OCT 13 1992

Department of Water Resources

DATE OF CLOSING: January 14, 1991

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: A36-04178

[] Name and Address of Former Owner/Claimant(s)(Seller): J.R. Simplot Company
P.O. Box 27
Boise, ID 83707

[] New Owner/Claimant (Purchaser): Steve Neibaur Farms, Inc.

[] New Mailing Address: Rt. 1 Box 1410
Paul, ID 83347

[] New Telephone Number: (208) 532 - 4554

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of Former Owner/Claimant(s): Ronald N. Graves Date 10/7/1992
Secretary, J.R. Simplot Company

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10/13/92

By: SW Keen

Further Action Needed:

None

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

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FEB 01 1993

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

October 7, 1992

RECEIVED

OCT 13 1992

Department of Water Resources

Shelley Walter Keen
Senior Water Resource Agent
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Sent via Certified Mail, Return Receipt Requested

Re: SRBA Claim No. A36-04178.

Dear Shelley:

I've enclosed the Notice of Change of Water Right Ownership for the above referenced SRBA Claim.

If you have any questions please don't hesitate to call.

Sincerely,

Vic Conrad
Associate, Simplot
Land and Development.

Encl: Change of Ownership Form.

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FEB 01 1993

Exhibit A

Legal Description for which SRBA Claim No. A36-04178 is appurtenant:

Approximately 5 acres within T.7S R.23E.B.M., N½ of Section 24.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

OCTOBER 03, 1990 R. KEITH HIGGINSON
Director

STEVE NEIBAUR
1125 N 600 W
NORLAND ID ~~89999~~
83350

*Returned as address
incorrect.*

RECEIVED

OCT 08 1991

Department of Water
Southern Region

RE: CHANGE IN OWNERSHIP

DEAR MR. NEIBAUR,

PLEASE FIND ENCLOSED A COPY OF ADJUDICATION CLAIM A36-04178 AND A FORM TO CHANGE THE OWNERSHIP OF SUCH. ACCORDING TO NOTES IN THE FILE, YOU SPOKE TO MIKE HARSHBARGER IN AUGUST AND INDICATED YOU ARE THE CURRENT OWNER OF THIS RIGHT. IF THIS IS CORRECT PLEASE COMPLETE AND RETURN THE CHANGE OF OWNERSHIP FORM TO OUR OFFICE WITHIN 15 DAYS.

IF YOU HAVE ANY FURTHER QUESTIONS PLEASE CONTACT OUR OFFICE.

SINCERELY,


STEVE CLELLAND
WATER RESOURCE AGENT

ENC:

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FEB 01 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

OCTOBER 03, 1990 R. KEITH HIGGINSON
Director

STEVE NEIBAUR
1125 N 600 W
NORLAND ID 89999

RE: CHANGE IN OWNERSHIP

DEAR MR. NEIBAUR,

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IF YOU HAVE ANY FURTHER QUESTIONS PLEASE CONTACT OUR OFFICE.

SINCERELY,


STEVE CLELLAND
WATER RESOURCE AGENT

ENC:

MICROFILMED
FEB 01 1993

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: A36-04178

Date Received: 10-12-89

Receipt No: 0012178

Received By: kat

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J.R. SIMPLOT CO.
Address: P.O. BOX 27
BOISE, ID

83701

RECEIVED
OCT 12 1989

2. Date of Priority: JUN 01, 1959

3. Source: GROUNDWATER

Trib. to:

Department of Water Resources

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	23E	24	NE	NE	NW		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.
COMMERCIAL	09/15	04/15	0.010		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/POTATO STORAGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	23E	24	NE	NW		COMMER	

11. Place of use in counties: MINIDOKA

A36-04178

Page 1

Date: 10/11/89

MICROFILMED
FEB 01 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: One Map

For Organizations:

I do solemnly swear or affirm that I am Secretary of

J. R. SIMPLOT COMPANY, that I have signed the foregoing
Organization
document in the space below as Secretary of

J. R. SIMPLOT COMPANY and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Secretary, J. R. SIMPLOT COMPANY
Title and Organization

10/12/89

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of October 19 89

[Signature]
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 10-13-92
Date: 10/11/89

A36-04178

Page

2

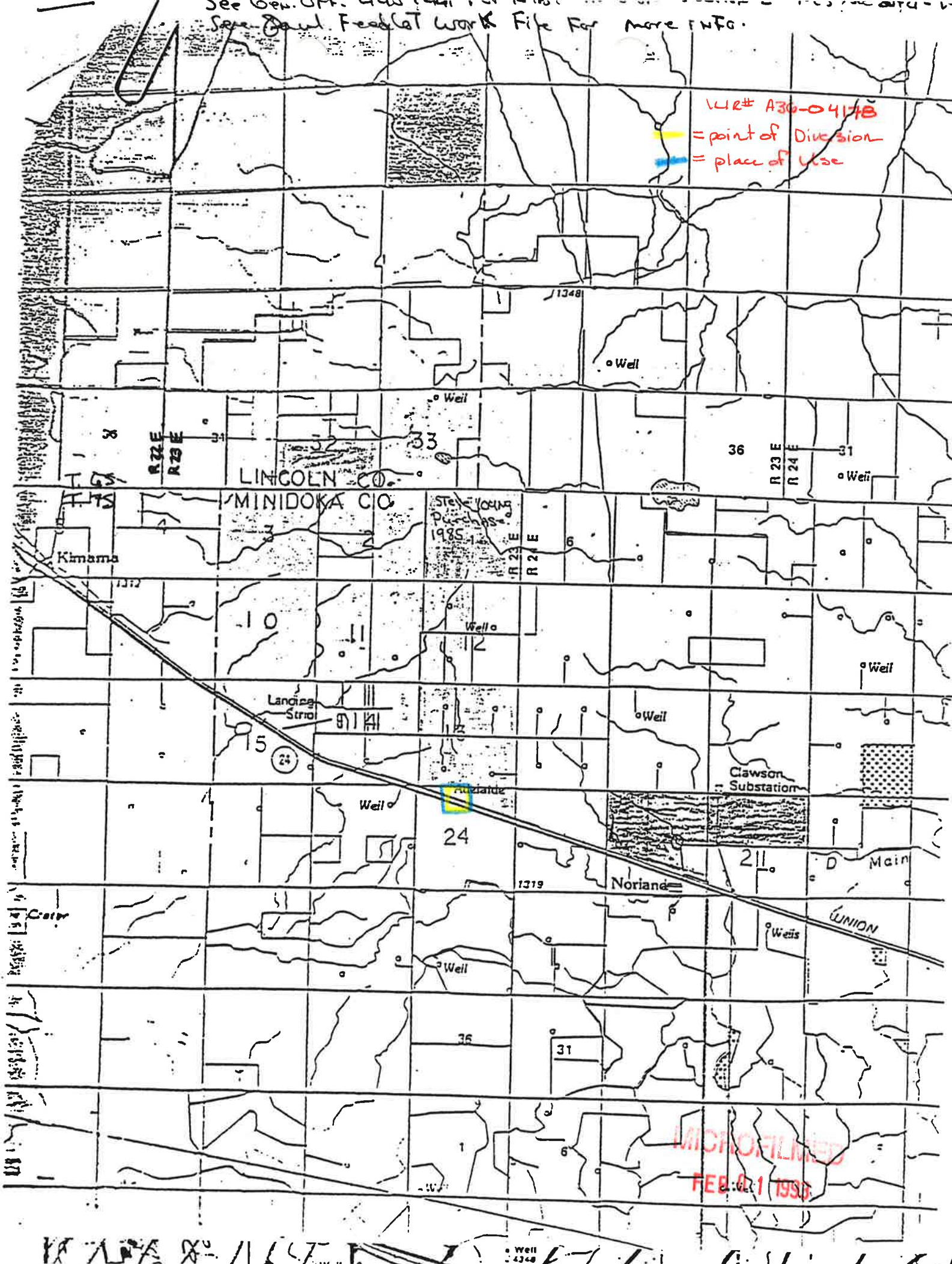
MICROFILMED
FEB 01 1993

See Gen. Off. 440 for more info.
See Paul Feedlot Work File for more info.

WLR# A30-0417B

= point of Division

= place of Use



See Gen. Off. 440 for more info.
See Paul Feedlot Work File for more info.

COPY TO FILE

C012178

RECEIVED

OCT 26 1989

Department of Water Resources
Southern Region Office

10/12/89
13:24:30

SIMPLOT COMPANY, J.R.

ADJUDICATION FEE
APPLICATION FOR PERMIT

0410162 9337 6490 \$4,912.00
0610199 1238 6390 \$45.00

\$4,957.00

CHECK 47890

WR/NO: A36-02648 A36-02729 A36-08154 A36-04182 A36-04181
A36-04180 A36-04178 A36-04179 A36-02542 A36-04256
A36-07636 A36-02620 A36-02619 A36-02213 A36-02208
A36-13320 A36-13319 A36-02212 A36-04006

Idaho Department of Water Resources

Region: STATE

Signature: _____

10/17/89 JP
AFTER CHANGE

MICROFILMED
FEB 01 1993

J. E. Simplot Company

A36-2648 - \$316

A36-2729 - \$106

A36-08154 - \$500

A36-04182 - \$57

A36-04181 - \$51

A36-04180 - \$51

A36-04178 - \$51

A36-04179 - \$685

A36-02542 - \$272

A36-04256 - \$99

A36-07636 - \$99

A36-02620 - \$150

A36-02619 - \$690

A36-02213 - \$50

A36-02208 - \$370

A36-13320 - \$600

A36-13319 - \$85

A36-02212 - \$50

A36-04006 - \$730

Application - \$45

4,957.00

CO12178

Came 11

Bar - U - Inc.

A36-13261 - \$25

A36-13258 - \$25

\$50

CO12179

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FEB 01 1993

INVOICE NO.	DESCRIPTION	ACCOUNT	CENTER	AMOUNT	PROJECT	DESC. II
	SNAKE RIVER ADJUDICATION			\$50.00		

No 47890

PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING.

J. R. SIMPLOT COMPANY - Boise, Idaho 83707

INVOICE NO.	DESCRIPTION	ACCOUNT	CENTER	AMOUNT	PROJECT	DESC. II
	SNAKE RIVER ADJUDICATION			\$4,957.00		

J.R. SIMPLOT CO

10-12-89

Jeff —

I receipted two checks for
Vic Conrad —\$50 for the 2 Bar U, Inc. ^{attached}\$4957⁰⁰ for 19 claims (attached)
1 app/permit ^(sent to) ~~(sent to)~~ ^(Simpson)He said he would bring the maps
next week.

Also, he did not bring the
list with fees for each
claim. Therefore, the receipt ~~is~~
does not break out the
claims. When he brings
the list back, receipt needs
to be corrected & have all
claims listed ^{of fees}.

Glen

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FEB 01 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 3, 1990

AG6-04178
J.R. SIMPLOT CO.
P.O. BOX 27

9019E

ID 93701

Dear Claimant(s):

In the past you submitted the claim(s) identified with the number(s) shown above your name and address at the top of this letter. You indicated on the claim(s) that the basis for establishing the water right(s) was Beneficial Use, meaning the water right was not previously confirmed by a decree, water right license or permit before you filed the claim(s).

The purpose of this letter is to request evidence supporting the priority date(s) you have claimed. The enclosed pamphlet describes what this means. While I encourage you to read all of the pamphlet, I direct your attention to the right-hand half of the pamphlet after you open it. There you will find two sections: What Kind of Evidence is Required, and Some Examples of Documents which May Be Evidence of the Priority Date. These sections tell you what must be submitted. The other sections tell you why the evidence is necessary and what the consequences of not submitting the evidence could be.

Please submit the requested evidence by November 1, 1990. When returning to the Department please reference all documents with the claim(s) identification number(s) listed above.

If you have questions not addressed by the pamphlet or need other technical assistance, please feel free to contact this office. For advice on your water right(s), please contact your attorney.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

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FEB 01 1993

RECEIVED

AFFIDAVIT OF PAUL L. HANSEN

FEB 28 1991

STATE OF IDAHO)
) ss.
County of Ada)

Department of Water Resources
Southern Region Office

The undersigned, being duly sworn upon his oath, hereby states and affirms as follows:

1. My name is **Paul L. Hansen**, and I reside at 1926 Spring Brook Lane, Boise, Idaho 83706.

2. I was employed by the J. R. Simplot Company, Food Division, from September 1951 until December 1988, when I retired.

3. In 1957 I held the position of Head of Field Operations for the Food Division of the J. R. Simplot Company and I monitored the various potato storage facilities as part of my duties. In 1958 I was transferred to Burley, Idaho, and became more familiar with the Adelaide Potato Storage Facility located in Section 24, Township 7 South, Range 23 East, Boise Meridian, in Minidoka County, Idaho.

4. After purchasing the Adelaide property described in Paragraph 3. above in July 1956, J. R. Simplot Company constructed a primitive, below-ground, dirt potato storage and hauled water from a location off the Adelaide property for "wetting down" the storage. During 1957 a second Adelaide potato storage was constructed above-ground and out of metal. The process of hauling water to the Adelaide site ended by 1959 since the most recently constructed Adelaide potato storage later employed a water well, possibly drilled by Ivan Bortz, now deceased, and the water from the well was utilized in the "wetting down" of the potato storages on the Adelaide site, together with culinary use of the water for drinking.

5. To the best of my recollection, the well was drilled and there is no question that water was applied to beneficial use at least as early as 1959, and possibly earlier. This use continued on a seasonal basis from that point forward until at least 1987.

Further the affiant sayeth not.

AFFIANT:

Paul L. Hansen
PAUL L. HANSEN

STATE OF IDAHO)
) ss.
County of Ada)

On this 24th day of January, 1991, before me, a Notary Public in and for said State, personally appeared **PAUL L. HANSEN**, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Vicki A. Lawer
Notary Public for Idaho
Residing at: Meridian
My Commission Expires: 11-01-1991

MICROFILMED
FEB 01 1993

9-7-62

RECEIVED

FEB 28 1991

Department of Water Resources
Southern Region Office

MICROFILMED
FEB 01 1993

300 W

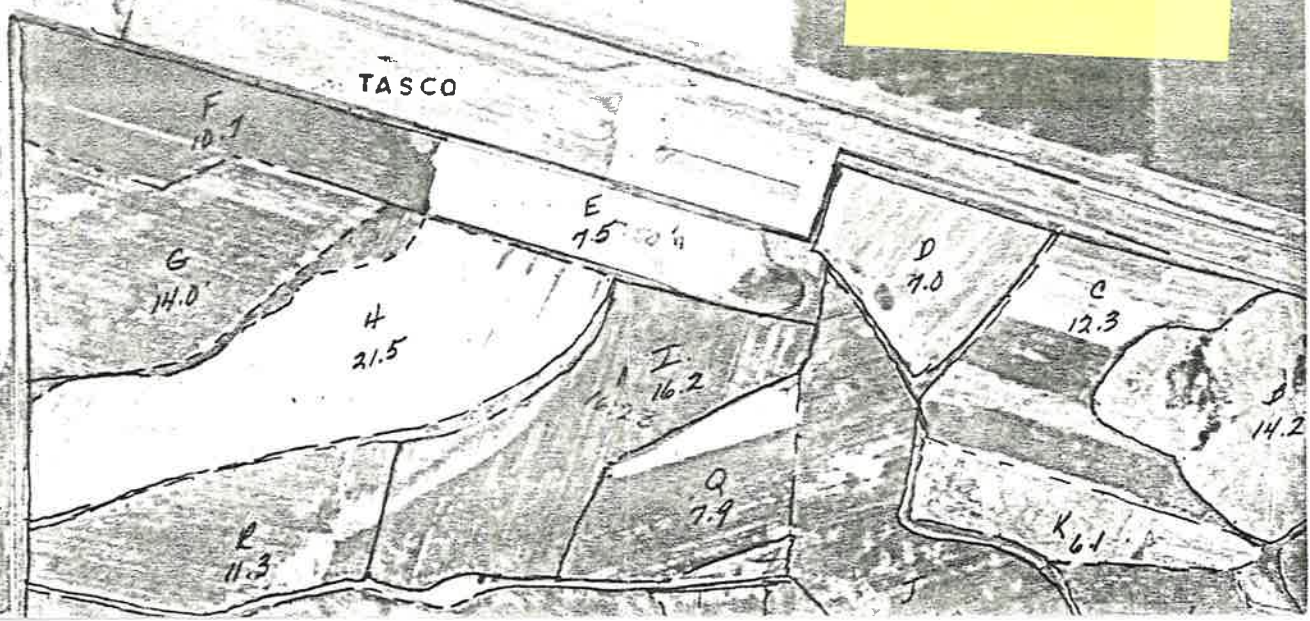
14.13
22.24

R23E

ADALAIDE
Potato Storage

MICROFILMED
FEB 01 1993

TASCO





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 8, 1991

J R SIMPLOT COMPANY
P O BOX 27
BOISE ID 83707

RE: Evidence of Priority - Snake River Basin Adjudication
Claim #A36-04006, A36-04178, & A36-04256

Dear Claimant(s):

Our records indicate that your claim(s) listed above, is based upon either a "Statutory Claim" or "Beneficial Use" of the water. For water rights of this type, the claimed "Priority Date" must be substantiated with supporting evidence. We previously requested this supporting evidence be submitted by November 1, 1990, and to date we have not received the requested documentation.

Before the Department can make a recommendation to the Court to decree the claim(s), some evidence of the priority date must be submitted. Again we are enclosing a brochure outlining the types of evidence you may submit, and a printout of your claim(s) for reference. We request that you submit your evidence of priority as soon as possible. If we do not receive the requested documentation, your claim(s) will be recommended for disallowal due to lack of evidence supporting any priority date.

Please submit the required evidence supporting the priority date(s) by April 23, 1991. Please reference the claim number on your correspondence. If you have questions or need other assistance please contact this office.

Sincerely,

for Anna Baunert
Allen Merritt, P.E.
Adjudication Section Supv.

Enclosure

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FEB 01 1993

1997 JUN 26 PM 2:39

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

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS**

SUB CASE NO. 36-04178

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Steve Neibaur Farms Inc
Rt 1 Box 1410
Paul ID 83347

Phone: 532-4554

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

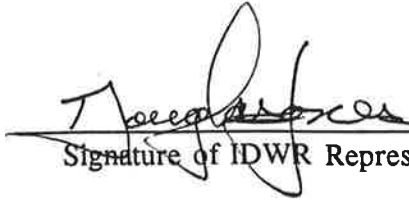
The Amalgamated Sugar Co
PO Box 1520
Ogden UT 84402

Phone: (801) 399-3431

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 6/24/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 0-26, 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
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. One Copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Steve Neibaur Farms Inc
Rt 1 Box 1410
Paul ID 83347

3. One Copy to:

Claimant/Purchaser for Substitution of Party or attorney of record:
Attn John Lemke
The Amalgamated Sugar Co
PO Box 1520
Ogden UT 84402

4. One Copy to:

Each party in the subcase or attorney of record:

5. One Copy 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

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

DATE: JUN-24-1997

PAGE: A-4

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-04178

NAME & ADDRESS: THE AMALGAMATED SUGAR CO
PO BOX 1520
OGDEN UT 84402

SOURCE: GROUNDWATER

QUANTITY: 0.01 CFS
2.0 AFY

PRIORITY DATE: 06/01/1959

POINT OF DIVERSION: T07S R23E S24 SENENW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL COMMERCIAL/POTATO STORA	09-15 04-15	0.01 CFS
			2.0 AFY

PLACE OF USE: COMMERCIAL Within MINIDOKA County
T07S R23E S24 NENW

CONSUMPTIVE USE: 2.0 AFY

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE



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

June 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN JOHN LEMKE
THE AMALGAMATED SUGAR CO
PO BOX 1520
OGDEN UT 84402

RE: SRBA Claim(s) 36-04178

Dear Claimant:

Please find the enclosed copy of the Notice of Completed 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.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: Steve Neibaur Farms

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

06/12/97 16:52:35
Page 1

Water Right Number - 36-04178

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
AMALGAMATED SUGAR CO

THE

1 - PO BOX 1520
2 -
3 -
City- OGDEN
Phone - 801-399-3431

State- UT Zip- 84402

*** D - DIR RPT OWNER ***
STEVE NEIBAUR FARMS INC

1 - RT 1 BOX 1410
2 -
3 -
City- PAUL
Phone - 208-532-4554

State- ID Zip- 83347

*** O - ORIGINAL OWNER ***
J R SIMPLOT COMPANY

1 - PO BOX 27
2 -
3 -
City- BOISE
Phone - 208-000-0000

State- ID Zip- 83707

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1959 17 SOUTHERN J - BENEFICIAL USE

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 23E 24 SE NE NW (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

10 - COMMERCIAL 09/15 04/15 0.010 2.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.010 2.00 2.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S 23E 24 NE NW 10 COMMERCIAL (67) MINIDOKA

Total Acres:

+ - - Diversion Means - WELL, PUMP

+ - - Non-Irrigation Use - COMMERCIAL/POTATO STORAGE HUMIDIFIER AT ADELAIDE

+ - - Other Rights for Same Use - NONE

"DO NOT FILM"

PARSONS, SMITH, STONE & FLETCHER, LLP

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

February 21, 1997

RECEIVED

FEB 24 1997

Department of Water Resources
1341 Fillmore Street - Suite 200
Twin Falls, Idaho 83301-3380

Department of Water Resources
Southern Region

Gentlemen:

Enclosed is a Notice of change of Water Right Ownership for The Amalgamated Sugar Company for property transferred from Steve Neibaur Farms, Inc. Also enclosed are copies of Warranty Deed and Special Warranty Deed, and a map.

If you have any questions please let me know.

Thank you.

Very truly yours,



William A. Parsons

WAP:rt
Enc.

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

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

FEB 24 1997

1. Water Right Number(s) 36-04178 Comm
Adjudication Claim Number(s) _____
2. The following REQUIRED information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Steve Neibaur Farms, Inc.
1125 North 600 West
Rupert, Idaho 83350
4. New Owner/Claimant(s) The Amalgamated Sugar Company
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address Box 1520
City, State and ZIP Code Ogden, Utah 84402
New Telephone Number (801) 399 - 3431
5. Date you acquired the property November 21, 1996
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) The Amalgamated Sugar Co. Date 12/31/96
by [Signature] Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

427735

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WARRANTY DEED

THIS INDENTURE, made this 21 day of Dec, 1996, between STEVE NEIBAUR FARMS, INC., an Idaho corporation, of 1125 North 600 West, Rupert, Idaho 83350 ("Grantor"), and VIRIDIAN FERTILIZERS, INC., a corporation, qualified to do business in Idaho, formerly Sherritt Fertilizer, Inc. whose address is 900 Washington, Suite 1020, Vancouver, Washington 98660, ("Grantee").

WITNESSETH:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, all of the following described real estate situated in the County of Minidoka, State of Idaho, to-wit:

That property described on Exhibit A attached hereto and made a part hereof by reference.

SUBJECT TO: Accruing taxes, levies and assessments, and that certain Easement for installation of utilities and right of way for ingress and egress over the West 25 feet of the real estate hereby conveyed as evidenced by a recorded easement August 10, 1956 in Book 36 of Deeds, pg. 158, Minidoka County Recorder's records.

Volume B

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PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

1 TOGETHER with all and singular the tenements,
2 hereditaments and appurtenances thereunto belonging or in
3 anyway appertaining, the reversion and reversions, remainder
4 and remainders, rents, issues and profits thereof, and all
5 estate, right, title and interest in and to said property as
6 well in law as in equity of the Grantor.

7 TO HAVE AND TO HOLD, all and singular the above-
8 mentioned and described premises, together with appurtenances
9 unto the Grantee and to the successors and assigns of Grantee
10 forever.

11 The Grantor shall and will warrant and by these
12 presents will forever defend the said premises in the quiet and
13 peaceable possession of the Grantee, and the successors and
14 assigns of Grantee against all and every person and persons
15 whomsoever lawfully claiming the same, except as aforesaid.

16 IN WITNESS WHEREOF, the Grantor has executed this
17 Deed the day and year first above written.

18 STEVE NEIBAUR FARMS, INC.

19 BY Steve Neibaur
20 President

21 ATTEST:

22 Larry Neibaur
23 Secretary
24
25
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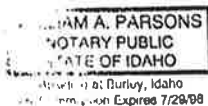
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PARSONS, SMITH, STONE & FLETCHER
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STATE OF IDAHO)
County of Cassia) ss

On this 24 day of December, in the year 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared STEVE NEIBAUR and PENNY NEIBAUR, known or identified to me to be the President and Secretary of STEVE NEIBAUR FARMS, INC., the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



William A. Parsons
Notary Public for Idaho
Residing at _____
My commission expires on _____

DISCLAIMER

Steve Neibaur and Penny Neibaur, husband and wife, disclaim any individual ownership of the real estate above described in the foregoing Deed. This disclaimer is executed because Steve Neibaur and Penny Neibaur executed a Mortgage of record in the office of the County Recorder, County of Minidoka, State of Idaho.

DATED this 27 day of December, 1996.

Steve Neibaur
Steve Neibaur
Penny Neibaur
Penny Neibaur

STATE OF IDAHO)
County of Cassia) ss

On this 24 day of December, in the year 1996,

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PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

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before me, the undersigned, a Notary Public in and for said State, personally appeared STEVE NEIBAUR and PENNY NEIBAUR, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

WILLIAM A. PARSONS
NOTARY PUBLIC
STATE OF IDAHO
Residing at Burley, Idaho
My Commission Expires 7/29/98

William A. Parsons
Notary Public for Idaho
Residing at _____
My commission expires on _____

EXHIBIT A

TOWNSHIP 7 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 24: Part of the N½, more particularly described as follows:

Commencing at the Northwest section corner; Thence South 00°03'30" East for 295.60 feet along the West section line to the Southerly right of way of State Highway 24; Thence South 73°23'02" East for 2185.82 feet (Recorded as South 73°21' East for 2230.7 feet and South 16°39' West for 150.00 feet from the intersection of the Railroad Centerline and the West section line) to a ½ inch rebar which shall be the True Point of Beginning;

Thence South 73°23'15" East (Recorded as South 73°21' East) for 725.00 feet along the Southerly right of way of State Highway 24 to a ½ inch rebar;

Thence South 16°36'45" West (Recorded as South 16°39' West) for 300.00 feet to a ½ inch rebar;

Thence North 73°23'15" West (Recorded as North 73°21' West) for 725.00 feet to a ½ inch rebar;

Thence North 16°36'45" East (Recorded as North 16°39' East) for 300.00 feet to the True Point of Beginning.

Exhibit A - Neibaur

RECORDED AT REQUEST OF
Land Title
FILM NO. —
97 JAN 9 12 25
IDAHO
15
RECORDED
PP

427735

427738

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made this 21 day of November, 1996, by VIRIDIAN FERTILIZERS, INC., formerly Sherritt Fertilizer, Inc., 900 Washington, Suite 1020, Vancouver, Washington 98660, ("Grantor"), and THE AMALGAMATED SUGAR COMPANY, a corporation, P. O. Box 1520, Ogden, Utah 84402 ("Grantee").

The Grantor, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto the Grantee all of the following real estate located in Minidoka County, Idaho:

Parcels 1, 2, 3, 4, and 5, more fully described on Exhibit A attached hereto and made a part hereof by reference.

Granting unto the Grantee all easements appurtenant to said properties and without limitation those particularly described in Instrument numbers 369711 and 369713, records of Minidoka County, Idaho, on December 22, 1986, as the same pertain to Parcels 3 and 4 described on Exhibit A attached hereto and made a part hereof by reference.

SUBJECT TO: Accruing taxes, levies and assessments, water assessments, easements and rights of way of record.

TOGETHER with all improvements, appurtenances, hereditaments, and water rights appurtenant thereto.

Grantor warrants to the Grantee, its successors in

1 title, the title to the above parcels during the period of time
2 that the Grantor has owned the said property and the Grantor
3 further warrants that it has not created nor permitted to be
4 created thereon any lien, charge, or encumbrance thereon.

5 Grantor covenants that it will defend the Premises to
6 the extent of the warranties made herein against lawful claims
7 of all persons.

8 Grantor hereby conveys and assigns to Grantee all
9 warranties of title made to the Grantor by its predecessors in
10 interest.

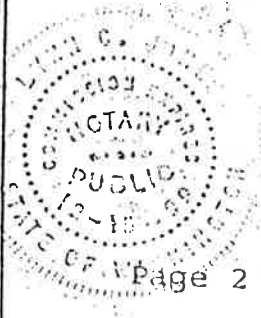
11 IN WITNESS WHEREOF, the Grantor has executed this
12 Special Warranty Deed this 21 day of November, 1996.

13 VIRIDIAN FERTILIZERS, INC.,
14 formerly Sherritt Fertilizer, Inc.

15 BY Dan Peeno
16 Title: PRESIDENT

17 STATE OF Washington)
18 County of Clark) ss

19 On this 21 day of November, in the year 1996,
20 before me, the undersigned, a Notary Public in and for said
21 State, personally appeared Dan Peeno
22 known or identified to me to be the President of
23 VIRIDIAN FERTILIZERS, INC., the corporation that executed the
24 instrument or the person who executed the instrument on behalf of
25 said corporation, and acknowledged to me that such corporation
26 executed the same.



24 Diana Jones
25 Notary Public for Washington State
26 Residing at Vancouver, WA
My commission expires on 12-15-99

PARCEL 1

TOWNSHIP 7 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 24:

Part of the N½, more particularly described as follows:

Commencing at the Northwest section corner; Thence South 00°03'30"
East for 295.60 feet along the West section line to a point on the
Southerly right of way of State Highway 24; Thence South 73°23'02"
East for 2910.82 feet along the Southerly right of way of State
Highway 24 to a ½ inch rebar which shall be the True Point of
Beginning;
Thence South 73°23'15" East for 790.28 feet along said right of way to
a ½ inch rebar;
Thence South 13°23'41" West for 584.07 feet to a ½ inch rebar;
Thence North 73°23'15" West for 1044.27 feet to a ½ inch rebar;
Thence along a curve to the left with a central angle of 45°56'10" radius
of 1397.00 feet, arc length of 1120.03 feet and chord length of 1090.27
feet with chord bearing of North 68°52'01" West to a ½ inch rebar;
Thence North 73°23'15" West for 162.69 feet to a point;
Thence North 89°58'17" East for 739.11 feet to an existing ½ inch rebar;
Thence South 73°22'17" East for 37.61 feet to an existing ½ inch rebar;
Thence South 16°36'45" West (Recorded as South 16°39' West) for 14.43
feet to an existing ½ inch rebar;
Thence South 73°23'15" East (Recorded as South 73°21' East) for 725.00
feet to an existing ½ inch rebar;
Thence North 16°36'45" East (Recorded as North 16°39' East) for 300.00
feet along said property line to the True Point of Beginning.

TOWNSHIP 7 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 24:

Part of the N½, more particularly described as follows:

Commencing at the Northwest section corner; Thence South 00°03'30" East for 295.60 feet along the West section line to the Southerly right of way of State Highway 24; Thence South 73°23'02" East for 2185.82 feet (Recorded as South 73°21' East for 2230.7 feet and South 16°39' West for 150.00 feet from the intersection of the Railroad Centerline and the West section line) to a ½ inch rebar which shall be the True Point of Beginning;

Thence South 73°23'15" East (Recorded as South 73°21' East) for 725.00 feet along the Southerly right of way of State Highway 24 to a ½ inch rebar;

Thence South 16°36'45" West (Recorded as South 16°39' West) for 300.00 feet to a ½ inch rebar;

Thence North 73°23'15" West (Recorded as North 73°21' West) for 725.00 feet to a ½ inch rebar;

Thence North 16°36'45" East (Recorded as North 16°39' East) for 300.00 feet to the True Point of Beginning.

PARCEL 3

TOWNSHIP 7 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 24: Part of the N½, more particularly described as follows:

Commencing at the Northwest section corner Thence South 00°03'30"
East for 593.08 feet (Recorded as South 00°03'00" East for 454.08 feet
from the intersection of the centerline of the Union Pacific Railroad
right of way and the West section line) to an existing ½ inch rebar;
Thence South 73°22'17" East for 774.41 feet (Recorded as South
73°21'00" East for 774.41 feet) to a ½ inch rebar which shall be the
True Point of Beginning;
Thence South 73°22'17" East for 1288.50 feet (Recorded as South
73°21'00" East for 1288.42 feet) to an existing ½ inch rebar;
Thence South 89°58'17" West (Recorded as South 89°58'25" West) for
739.11 feet to a Point;
Thence North 73°23'15" West for 904.73 feet to an existing ½ inch rebar;
Thence North 00°11'16" West (Recorded as North 00°12'00" West) for
50.92 feet to a ½ inch rebar;
Thence North 89°58'26" East for 371.68 feet (Recorded as North
89°59'31" East for 371.62 feet) to a point;
Thence North 00°03'01" West for 59.34 feet (Recorded as North
00°03'30" West for 59.35 feet) to the True Point of Beginning.

PARCEL 4

TOWNSHIP 7 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 24:

Part of the N½, more particularly described as follows:

Commencing at the Northwest section corner; Thence South 00°03'30" East for 593.08 feet (Recorded as South 00°03'30" East for 454.08 feet from the intersection of the Union Pacific Railroad centerline and the West section line) to an existing ½ inch rebar; Thence South 73°22'17" East (Recorded as South 73°21'00" East) for 380.46 feet to an existing ½ inch rebar on the centerline of a Railroad Track which shall be the True Point of Beginning;

Thence South 73°22'17" East (Recorded as South 73°21'00" East) for 393.95 feet to an existing ½ inch rebar;

Thence South 00°03'01" East for 59.34 feet (Recorded as South 00°03'30" East for 59.35 feet) to a Point;

Thence South 89°58'26" West for 371.68 feet (Recorded as South 89°59'31" West for 371.62 feet) to an existing ½ inch rebar on the centerline of a railroad track;

Thence North 00°11'16" West (Recorded as North 00°12'00" West) for 84.15 feet along said railroad track centerline to an existing ½ inch rebar;

Thence North 00°11'16" West (Recorded as North 00°12'00" West) for 14.96 feet along said railroad track centerline to a point;

Thence on a curve to the left with a central angle of 08°14'50" radius of 510.00 feet, arc length of 73.41 feet, chord length of 73.35 feet and chord bearing of North 04°19'04" West (Recorded as North 04°19'25" West) to the True Point of Beginning.

TOWNSHIP 7 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 24: That part of the N½, more particularly described as follows:

Commencing at the Northwest section corner; Thence South 00°03'30"
East for 541.05 feet along the West section line to a ½ inch rebar
which shall be the True Point of Beginning;
Thence continuing South 00°03'30" East for 52.03 feet along the West
section line to an existing ½ inch rebar;
Thence South 73°22'17" East (Rec. as South 73°21'00" East) for 380.46
feet to an existing ½ inch rebar;
Thence continuing South 73°22'17" East for 5.06 feet to a point;
Thence North 16°36'45" East for 49.95 feet (Rec. as North 16°39' East
for 50.00 feet) to a ½ inch rebar;
Thence North 73°23'15" West (Rec. as South 73°21' West) for 400.45 feet
to the True Point of Beginning.

RECORDED AT REQUEST OF
Land Title Policy
FILM NO.
97 JAN 9 12 28
MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE 21 DEPUTY JP

427738

THENCE SOUTH 73° 22' 17" EAST FOR 37.61 FEET TO AN EXISTING 1/2" REBAR;
 THENCE SOUTH 16° 36' 45" WEST (REC. AS NORTH 16° 39' WEST WITHIN
 DEED SIMPLOT TO NEIBAUR REC. 12-15-86, INST. NO. 369713) FOR 14.43 FEET TO AN
 EXISTING 1/2" REBAR;
 THENCE SOUTH 73° 23' 15" EAST (REC. AS SOUTH 73° 21' EAST) FOR 725.00
 FEET ALONG SAID NEBAUR BOUNDARY LINE TO AN EXISTING 1/2" REBAR;
 THENCE NORTH 16° 36' 45" EAST (REC. AS NORTH 16° 39' EAST) FOR 300.00
 FEET ALONG SAID PROPERTY LINE TO THE TRUE POINT OF BEGINNING.
 THIS PARCEL CONTAINS 15.63 ACRES.

PARCEL 2

TOWNSHIP SOUTH RANGE 22 EAST
 MERSE MEADOWS, MINNEAPOLIS COUNTY, MINN.

SECTION 24. THAT PART OF THE NORTH HALF, MERSE MEADOWS, AS FOLLOWS:

COMMENCING AT THE NORTHWEST SECTION CORNER, THENCE
 SOUTH 00° 03' 30" EAST FOR 59.30 FEET (REC. AS SOUTH 00° 03' 30"
 FOR 454.08 FEET FROM THE INTERSECTION OF THE CENTERLINE OF THE
 PACIFIC RAILROAD RIGHT OF WAY AND THE WEST SECTION LINE WITHIN
 CLAWSON FARMS TO STEVENSON DATED 12-15-86, INST. NO. 369713) TO
 EXISTING 1/2" REBAR; THENCE SOUTH 73° 22' 17" EAST FOR 774.41 FEET
 AS SOUTH 73° 21' 00" EAST FOR 774.41 FEET TO A 1/2" REBAR WHICH
 THE TRUE POINT OF BEGINNING.

THENCE SOUTH 73° 22' 17" EAST FOR 1288.50 FEET (REC. AS
 SOUTH 73° 21' 00" EAST FOR 1288.42 FEET) TO AN EXISTING 1/2" REBAR;

THENCE SOUTH 89° 58' 17" WEST (REC. AS SOUTH 89° 58' 28" WEST) FOR
 739.11 FEET TO A POINT.

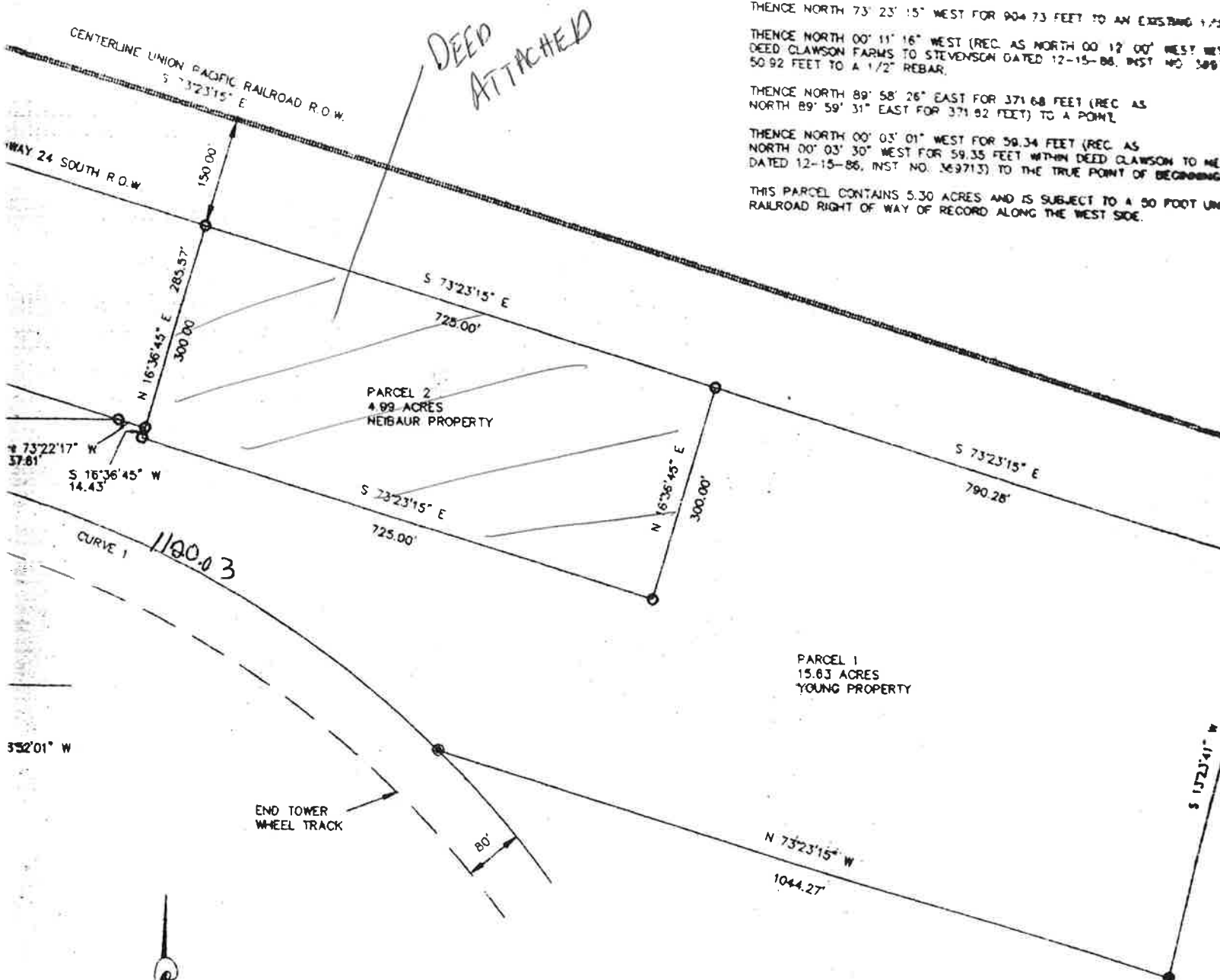
THENCE NORTH 73° 23' 15" WEST FOR 904.73 FEET TO AN EXISTING 1/2"

THENCE NORTH 00° 11' 16" WEST (REC. AS NORTH 00° 12' 00" WEST) FOR
 DEED CLAWSON FARMS TO STEVENSON DATED 12-15-86, INST. NO. 369713)
 50.92 FEET TO A 1/2" REBAR.

THENCE NORTH 89° 58' 26" EAST FOR 371.68 FEET (REC. AS
 NORTH 89° 59' 31" EAST FOR 371.82 FEET) TO A POINT.

THENCE NORTH 00° 03' 01" WEST FOR 59.34 FEET (REC. AS
 NORTH 00° 03' 30" WEST FOR 59.35 FEET WITHIN DEED CLAWSON TO ME
 DATED 12-15-86, INST. NO. 369713) TO THE TRUE POINT OF BEGINNING.

THIS PARCEL CONTAINS 5.30 ACRES AND IS SUBJECT TO A 50 FOOT UN
 RAILROAD RIGHT OF WAY OF RECORD ALONG THE WEST SIDE.



LEGEND

⊙ = 1/2" REBAR WITH L.S. CAP SET

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
FEB 01 1993

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STEVE NEIBAUR FARMS INC RT 1 BOX 1410 PAUL ID 83347 (208) 532-4554	06/01/1959	COMMERCIAL	09-15 04-15	0.01 CFS	2.0 AFA
				TOTAL DIVERSION:	0.01 CFS	2.0 AFA
				CONSUMPTIVE USE:		2.0 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R23E S24

SENEENW

MINIDOKA County

Place of use Legal Description for: COMMERCIAL

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
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07S	23E	24	:					:	C				:					:					:

POU County: MINIDOKA

Non-Irrigation Uses: COMMERCIAL/POTATO STORAGE HUMIDIFIER AT ADELAIDE

Other Rights: NONE

Dates: Exam Made Date: 08/14/1991 Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 08/16/1991 User-ID: SOUTH1 Subject: PUMP DATA
THE OWNER COULD NOT DESCRIBE THE DIVERSION WORKS, BUT THE
DIVERSION RATE OF 0.01 CFS IS A CORRECT NUMBER FOR THE
HUMIDIFICATION OF 250,000 SACKS OF POTATOES.

Date: 07/14/1992 User-ID: CHRISTEN Subject: OWNERSHIP OF CLAIM
THE FIELD EXAMINER FOUND THAT STEVE NEIBAUR IS THE CURRENT OWNER
OF THE STORAGE FACILITIES AND STEVE WAS NOTIFIED BY MAIL ON
6-04-92. NO RESPONSE HAS BEEN RECEIVED AS OF THIS DATE.
RECOMMEND CLAIM UNDER J R SIMPLOT LACKING FURTHER EVIDENCE OF
OWNERSHIP. KKC 7-14-92.

Date: 09/25/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/24/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 7/14/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 09/28/1992 User-ID: KEEN Subject: RESPONSE TO NOTICE OF ERROR
I SENT AN OWNERSHIP CHANGE FORM TO J.R. SIMPLOT CO. AND CHANGED
THE NOTICE OF ERROR FLAG TO "B" ON 9-28-1992.

OWNERSHIP CHANGE RECIEVED FROM J.R. SIMPLOT CO. ON 10/13/1992.
NEW OWNER IS STEVE NEIBAUR FARMS, INC. CHANGED NOE FLAG TO "E"

MICROFILMED
FEB 11 1993

ok
suker
10/13/92

AJ0749NP
No. R36-04178

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/13/92
PAGE: 2

=====

Comments: Date: 09/28/1992 User-ID: KEEN Subject: RESPONSE TO NOTICE OF ERROR
ON 10/13/1992. S.W. KEEN

Audit: 10/13/92 KEEN

MICROFILMED
FEB 01 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED

SEP 24 1992

Department of Water Resources

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

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: 36-04178

2. Name: J.R. Simplot Company

Address: P.O. Box 27
Boise, ID 83707

Weekday Telephone Number: (208) 336-2110

RECEIVED

OCT 01 1992

Department of Water Resources

Boise Region Office

FEB 01 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:

"Name & Address"

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

Name & Address should be changed to: Steve Neibaur Farms, Inc.
Route 1, Box 1410
Paul, ID 83347

5. Describe why you disagree with the proposed recommendation:

Property to which water right is appurtenant was sold from
J.R. Simplot Company to Steve Neibaur Farms, Inc.

6. Date: 9/24/1992

SIGNATURE



Ronald N. Graves
Secretary, J.R. Simplot Company



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 29, 1992

Ronald N. Graves
J.R. Simplot Company
P.O. Box 27
Boise, ID 83707

RECEIVED

OCT 01 1992

RE: Snake River Basin Adjudication (SRBA)
Minidoka County - Notice of Claim #A36-04178
Department of Water Resources
Southern Region Office

Dear Mr. Graves:

IDWR has received the Notice of Error you filed in response to our proposed recommendations for SRBA Notice of Claim #A36-04178. Your Notice of Error indicated that the ownership of this water right has changed.

Before IDWR can change its records to indicate a new owner for this water right, the enclosed Notice of Change of Ownership must be completed and returned. Either the previous owner or the current owner may submit the ownership change form. However, proof of ownership must be attached to the form if it is not signed by the claimant currently listed in IDWR's records. The ownership proof most commonly submitted is a copy of a deed with the legal description of the property on it.

Please submit your completed Change of Ownership form to IDWR by October 12, 1992, to ensure that the record is changed prior to submission of the Basin 36 Director's Report to the SRBA court. Please send your form and any attachments to:

Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

If you have any questions, please contact me at 327-7934 in Boise or our regional office staff at 736-3033 in Twin Falls.

Sincerely,

Shelley Walter Keen
Senior Water Resource Agent

SWK:region
Enclosures:
Ownership Change Form

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FEB 01 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R SIMPLOT COMPANY PO BOX 27 BOISE ID 83707	06/01/1959	COMMERCIAL	09-15 04-15	0.01 CFS	2.0 AFA
TOTAL DIVERSION:					0.01 CFS	2.0 AFA
CONSUMPTIVE USE:						2.0 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R23E S24

SENENW

MINIDOKA County

Place of use Legal Description for: COMMERCIAL

	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
07S	23E	24	:													
			:													

POU County: MINIDOKA

Non-Irrigation Uses: COMMERCIAL/POTATO STORAGE HUMIDIFIER AT ADELAIDE

Other Rights: NONE

Dates: Exam Made Date: 08/14/1991 Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 08/16/1991 User-ID: SOUTH1 Subject: PUMP DATA
THE OWNER COULD NOT DESCRIBE THE DIVERSION WORKS, BUT THE
DIVERSION RATE OF 0.01 CFS IS A CORRECT NUMBER FOR THE
HUMIDIFICATION OF 250,000 SACKS OF POTATOES.

Date: 07/14/1992 User-ID: CHRISTEN Subject: OWNERSHIP OF CLAIM
THE FIELD EXAMINER FOUND THAT STEVE NEIBAUR IS THE CURRENT OWNER
OF THE STORAGE FACILITIES AND STEVE WAS NOTIFIED BY MAIL ON
6-04-92. NO RESPONSE HAS BEEN RECEIVED AS OF THIS DATE.
RECOMMEND CLAIM UNDER J R SIMPLOT LACKING FURTHER EVIDENCE OF
OWNERSHIP. KKC 7-14-92.

Date: 09/25/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/24/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 7/14/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 09/28/1992 User-ID: KEEN Subject: RESPONSE TO NOTICE OF ERROR
I SENT AN OWNERSHIP CHANGE FORM TO J.R. SIMPLOT CO. AND CHANGED
THE NOTICE OF ERROR FLAG TO "B" ON 9-28-1992.

Audit: 09/28/92 KEEN

R PROOF



CVR



MAPS



PHOTOS



MISC

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R SIMPLOT COMPANY PO BOX 27 BOISE ID 83707	06/01/1959	COMMERCIAL	09-15 04-15	0.01 CFS	2.0 AFA
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.01 CFS	2.0 AFA 2.0 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R23E S24

SENENW

MINIDOKA County

Place of use Legal Description for: COMMERCIAL

				NE				NW				SW				SE											
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:					

07S 23E 24 :								C																			

POU County: MINIDOKA

Non-Irrigation Uses: COMMERCIAL/POTATO STORAGE HUMIDIFIER AT ADELAIDE

Other Rights: NONE

Dates: Exam Made Date: 08/14/1991 Verified Date: 07/14/1992

Misc: Water District Number: Field Inspection Flag:
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Audit: 07/14/92 CHRISTEN

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FILE NUMBER ----- 36-04178
REVIEWER ----- ADM 5/11/92

SPUD CELLAR HUMIDIFIER WORKSHEET

REQUIRED DATA

BASIS OF CALCULATION:

IF BASIS IS SACKS THEN 1; IF BASIS FT3 THEN 2 ENTER: 1

ENTER DATA NUMBER TO BE USED: 250000
OF SACKS OR CUBIC FEET OF FACILITY

ENTER NUMBER OF DAY/YEAR USED: 212.00 DAYS
(NORMALLY ABOUT 330 OR 11 MO. MAX.)

NUMBER OF CWT (SACK) OF SPUDS 250000 SACKS
VOLUME OF STORAGE FACILITY 104167 FT3

BASIS OF CALCULATIONS ARE FROM 09/2/1980 MEMO FROM BLAU FINDING:
1 SACK = CWT(100 LBS) = 2.4 CUBIC FEET
MAX DESIGN RATE OF DIV = 1 GALLON PER HOUR / 1000 SACKS
DIV VOL FOR YEAR = MAX RATE RUN FOR 12 HRS/DAY * DAYS/YEAR USE
DIV VOL IS EVAPORATED SO IS TOTALLY CONSUMED

CALCULATIONS FOR HUMIDIFICATION NEEDS

MAXIMUM REQUIRED RATE OF FLOW IN (GPM)---- 4.17
(CFS)---- 0.009

DIVERSION VOLUME IN (AFA) ----- 2.0 AFA
CONSUMPTIVE USE VOLUME IS SAME

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

PUMP DATA
PUMP HORSEPOWER (HP) -- 0.00
LIFT (FT) ----- 0
PRESSURE (PSI)----- 0
FRICTION LOSSES (FT) -- 0.0

CALCULATIONS FOR THEORETICAL PUMP FLOW

FLOW RATE (CFS) ----- 0.00 CFS
DIVERSION VOLUME (AFA) ----- 0.0 AFA

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.
* DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
DAY OF THE YEAR.

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CLAIM NO. A36-04178

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
FOR SMALL INDUSTRIAL AND COMMERCIAL CLAIMS IN PLACE OF A CVR

*form sent to
Nelson
10-3-91
54

No change of ownership
Found

1. ☒ No Change NAME:
☒ NEW OWNER: STEVE VEI BAUR
☒ No Change ADDRESS:
☒ NEW ADDRESS: ~~SEATTLE~~ ROBERT PAUL 1125 N 600 W
ANDLAND

☐ DATA ENTRY STANDARDS CHECKED?

2. ☒ No Change - DATE OF PRIORITY:
(EVIDENCE OF PRIORITY REQUIRED) ☒ Proof in File affidavit
Claimant Contact if Not

☒ ~~CHANGE~~ Priority date, per claimant, is 6/1/1959
(if the priority date, based on your exam, seems questionable,
explain in COMMENTS.)

3. ☒ No Change - SOURCE:
☐ CHANGE - Different Source found: _____

4. ☒ No Change - POINT OF DIVERSION:
Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, SE 1/4 _____ 1/4 _____ 1/4

Note: If the 10-acre tract is shown on the claim, then
verification of the 10-acre parcel is needed. Otherwise the
10-acre tract is not required, unless the source is a spring.

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Complete items missing, IF KNOWN.

HP of pump _____ Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS

H.P. = Total Brake Horsepower of pumping plant (including booster)

EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)

TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = depth to water in FEET from land surface to pumping
water level

PSI = pumping pressure measured in psi near pump
(if open discharge assume zero [0])

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$$Q = \frac{(8.8) (\dots\dots\dots) (0.70)}{[(\dots\dots\dots) + (\dots\dots\dots \times 2.31)]}$$

LIFT FROM:

measurement ()

owner ()

area estimate ()

well logs ()

Booster (Y) (N)

PSI FROM:

measurement ()

owner ()

estimate ()

owner gage ()

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS

.....
 DESCRIPTION OF USE: (Fully describe type, time & all aspects of Use)

THE OWNER COULD NOT DESCRIBE THE DIVERSION WORKS, BUT

THE DIVERSION RATE OF 0.01 CFS IS A CORRECT NUMBER FOR

THE HUMIDIFICATION OF 250,000 SACKS OF POTATOES.

CALCULATE VOLUMES: (time)X(rate)= Vol ^{8.6}

CONST. VOLUME = DIV. VOLUME = ~~6.7~~ AFA (11/12 MONTHS PER YEAR,
 (CONSTANT USE)

$$0.01 \text{ cfs} \times 1.98 \times 365 = 7.227 \times 11/12 = 6.625 \text{ AF}$$

$$0.01 \text{ cfs} \times 1.98 \times 212 = 4.20 \text{ AF}$$

9-15 to 4-15

(9-15 to 12-31) + (1-1 to 4-15)

107 + 105 days = 212 days

2.0
 See 6123
 program

6. ☒ No Change - **WATER USES:**
RECOMMENDED USES:

						div	cons
Use	_____	From	_____	To	_____	Amount	_____ cfs _____ af _____ af
Use	_____	From	_____	To	_____	Amount	_____ cfs _____ af _____ af

☐ DATA ENTRY STANDARDS CHECKED FOR ITEMS 6, 7, 8 AND 9.

10. ☒ No Change - **PLACE OF USE:** (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4, 1/4

_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

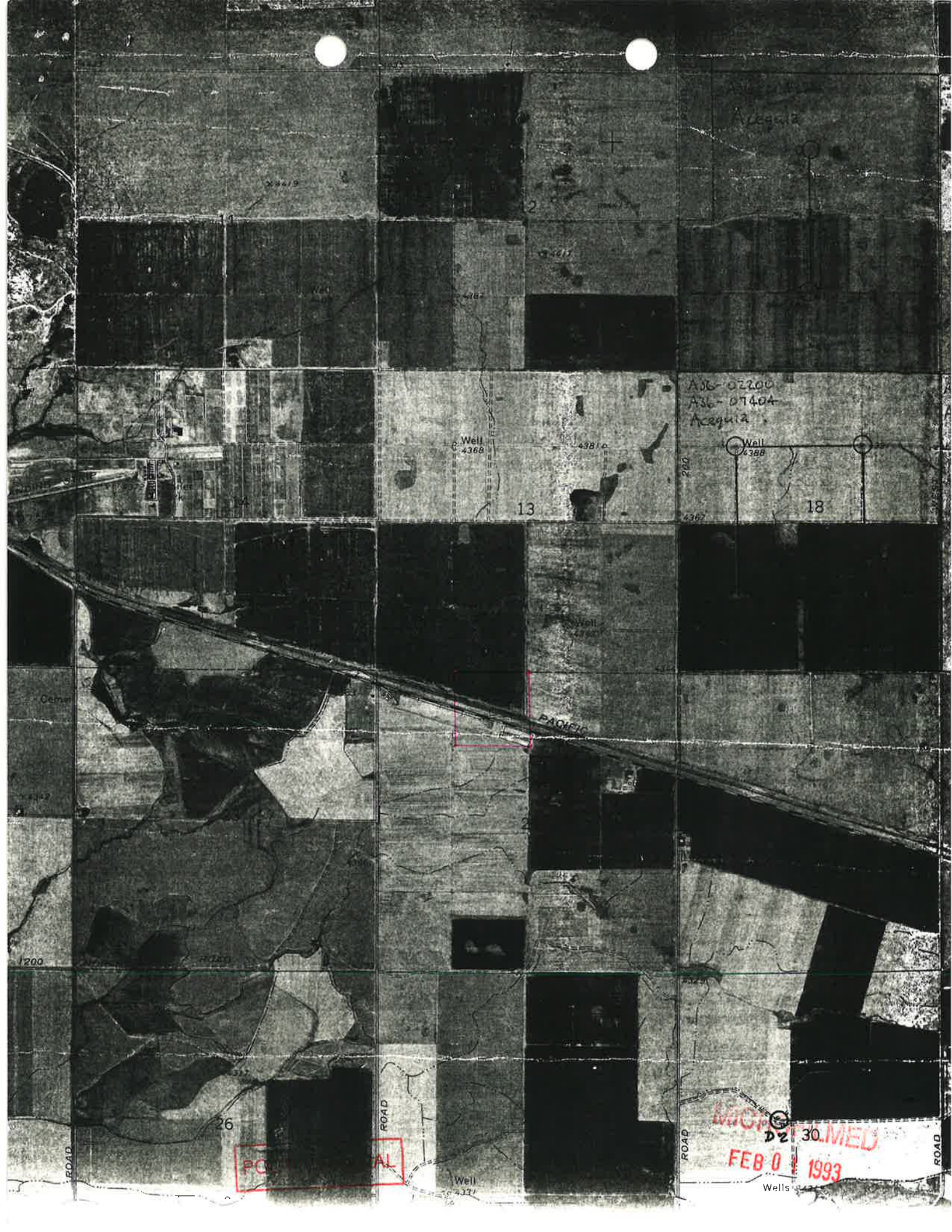
13. ☒ No change - **OTHER RIGHTS FOR SAME USE:**
CHANGE: _____

14. ☐ **REMARKS AND CONDITIONS**
(copy existing remarks to comments in "R")
☐ LIST STANDARD REMARKS FOR THE RECOMMENDATION: ☐ NONE

☐ LIST STANDARD CONDITIONS FOR THE RECOMMENDATION: ☐ NONE

15. ☒ **BASIS OF CLAIM VERIFIED AS:** D - L - P - ~~S~~ - J (circle one)
COMMENTS: (pertinent to field examination)

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ASG-02200
ASG-07404
Acquia

Well
4368

13

Well
4388

18

200

4367

Well
4381

PACIFIC

26

ROAD

PO AL

Well
4371

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Wells

5cc 10-3-91

RECEIVED

FEB 28 1991

Department of Water Resources
Southern Region Office

ESTIMATE
WELL TO BE
NEAR CELLAR
(SEWNE)

POOR ORIGINAL

MICROFILMED
FEB 11 1993

14 13
22 24

TASCO

ADALAIDE
Potato Storage

F 10.1

G 14.0

H 21.5

I 16.2

J 7.9

K 11.3

L 14.2

300 W