

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: A36-11893
Date Received: 9/08/1989
Receipt No: 5009118
Received By: ADm

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: MAY 01, 1980

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	26	NE	SE	NE		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	0.180		

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

8. Total consumptive use is 27.0 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	26	NE	NE		IRR	9.0
Section Acres							9.0

10. Place of Use: Continued

Total Acres 9.0

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:
NONE

14. Remarks:
THIS IS AN EXPANSION OF A36-02070H AND A36-07529H.
THE WELL SUPPLYING THIS SYSTEM IS SHARED WITH JOHN STEVENSON.

15. Basis of Claim: BENEFICIAL USE

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. Weibaur 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 Kelley Id.
My Commission Expires 6/30/94



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

A36-11893
MACK NEUBAUER
RT. 1 BOX 1478

PAUL

ID 88347

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

MICROFILMED
FEB 08 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

April 8, 1991

MR MACK NEIBAUR
RT 1 BOX 1478
PAUL ID 83347

RE: Evidence of Priority - Snake River Basin Adjudication
Claim #A36-11893

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 Baun
Allen Merritt, P.E.
Adjudication Section Supv.

Enclosure

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FEB 08 1993

RECEIVED

APR 16 1991

Department of Water Resources
Southern Region Office

April 15, 1991
Paul, Idaho

State of Idaho
Department of Water Resources

Dear Sirs: *Allen Merritt*

Re: Claim # A36-11893 Evidence of Priority.

As I explained over the phone the 9 acres was high ground under the original application that used furrow irrigation. When we finally went to sprinklers then we were able to put water on this 9 acres.

It has been watered but due to the ASCS regulations, it has been used mostly as set-aside and non-producing land except when we are not in the program which has not been often.

There is not any one left around here that witnessed the irrigation except my relatives and partner. I wasn't sure you would take their word for usage of the water on this ground, so I have not asked for affidavites from them unless you want them.

Sincerely

Mack W. Neibaur

Mack W. Neibaur
Rt 1 Box 1478
Paul, Idaho 83347

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 16
To <i>Burke Scholer</i>	From <i>Anna Adrian</i>	
Co.	Co. <i>Southern</i>	
Dept.	Phone #	
Fax #	Fax #	

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FEB 08 1993

Land in
A 36 - 11893

NOT TO SCALE

22 23
27 26

23 24
26 25

~~T1833~~ T1952
385 2015

HEL
1
118.9

NOT HEL
2
35.0

~~T1832~~ T1950

HEL
4
116.5
~~305.6~~

NOT HEL
2
39.3

T561
1748

TRACT - Not HEL

1
312.6

26 27
34 35

26 27
35 36

T563
1750

RECEIVED
APR 16 1991
Department of Water Resources
Southern Region Office

RECEIVED
FEB 06 1993

APR 16 1991



Division of Layne & Bowler, Inc.

Box 640, Twin Falls, Idaho 83301
Phone No. 733-3284

Department of Water Resources
Southern Region Office

DEALER

PUMP ESTIMATE AND ORDER

DATE 1/26/1981

CUSTOMER

Clawson Farms
No Paul.

Route _____ Date Desired _____

PUMPING CONDITIONS

Inside Dia. of Well 20"
Depth of Well 350
Static Water Level 267'
Drawdown 5'-7'-0"

Lift in Well. 275
 Lift Above. 215' lbs. 95#
 Column Friction. +
 Total Dynm. Head. 495'

Capacity 2400 GPM
Speed of Pump 1750 RPM
HP Required 375
Allowable Shaft HP _____

TF-127

Quoted By G.M. Thompson

Tri-Matic Service, Inc.1067 EAST MAIN BURLEY, IDAHO 83318
AREA CODE 208 — PHONE 678-3811

Payable at Burley, Idaho 83318

Railroad Company's Receipt for Merchandise in good order constitutes delivery, after which our responsibility ceases. All claims for shortages or deduction must be made within five days after receipt of goods. No allowances for exchange or express charges. GOODS MUST NOT BE RETURNED, and will not be received or credited unless we are advised previously, the reason stated, and our consent given.

DATE ENTERED 11/18/80	FROM 0033 Bent & Mack Verbal	CUSTOMER'S ORDER NO.	APPROX. SHIPMENT	VIA	PPD.	COL.	F.O.B.
DATE INVOICED 4/16/80	DATE SHIPPED Dec 80			VIA Our trucks	B/L NUMBER	TERMS	
SOLD TO Clauson Farms Inc				SHIPPED TO			

RECEIVED

APR 16 1991

Department of Water Resources

Southern Region Office

QUANTITY ORDERED	SIZE	DESCRIPTION	UNIT PRICE	EXTENSION	AMOUNT
1	7"	26 wheel Unit 320 set T.M. Mobile Solid Set System Used w/ 26-2X50 & 234 1 1/2 x 40 trails w/ 4 sets trail stabilizers w/o motor			\$1500.00
New Parts used —>					
26		A70 Belt			
52		A136 Belt			
25		1" Thrust Bearing			
2		Female Shaft			
3		Male Shaft			
500		1 1/2 x 5/16 Bolts w/ nuts			
30		744 Nelson Head-			
208		Stabilizer wheel			
140	miles	w/ truck & trailers moving			
90	hrs	Manning & installing			
240	miles	w/ pickup installing			
2		Gate Valve			
50		3/16 x 1 Drive Pin			
		Used System paid for CR#			
		2311 TOTAL \$3700.00			
		TOTAL			

also copy of other
Tri-Matic is in
shc.MICROFILMED
FEB 08 1993

This contract contains the entire agreement between the parties hereto with respect to the subject matter hereof and no promises, agreements or warranties, written or verbal, with respect thereto shall have any force or effect unless embodied herein.
This contract shall not be binding on either party until approved by an authorized individual of the Tri-Matic Service, Inc.
The title to the property listed herein shall remain in the name of Tri-Matic Service, Inc. until fully paid for.

NO MERCHANDISE IS TO BE RETURNED
WITHOUT AUTHORIZATION FROM THIS
OFFICE. CLAIMS FOR SHORTAGE MUST
BE MADE WITHIN 10 DAYS

FINANCE CHARGE computed at a periodic rate of 1-1/2% per month, or an annual percentage rate of 18%, will be applied to any invoice, including accrued finance charges, which remain unpaid for more than one month after the invoice date.

Tri-Matic Service, Inc.

067 EAST MAIN BURLEY, IDAHO 83318

PHONE (208) 678-3811

Payable at Burley, Idaho 83318

No 0033

DATE ENTERED 11/18/80	FROM	CUSTOMER'S ORDER NO.	APPROX. SHIPMENT 11/18/80	VIA TM Trucks	COL.	F.O.B.
DATE INVOICED	DATE SHIPPED	VIA	B/L NUMBER	TERMS DUE IN FULL DEC. 9, 1980		

SHIPPED TO: Same SOLD TO: CLAWSON FARMS INC

SALES ORDER

QUANTITY ORDERED	SIZE	DESCRIPTION	UNIT PRICE	AMOUNT
1	7"	Used 26" Wheel Unit 3205A TRI-MATIC Mobile Solid Set System Repaired AS Needed INSTALLED ON your Property w/ 26-2"x50' TRAIL LINES & 234-1/2" x 40' TRAIL LINES w 4 sets STABILIZER wheels per line - Sissor JOINTS & VALVE OPERATOR TRAILS ARE FOR 400' sets WITHOUT ENGINE PAYMENT IN FULL by Dec 9, 1980 Required		\$15,000.00 15,000.00

Receipt is hereby acknowledged of the above items, and I agree (unless such are incorporated in a Purchase Money Security Agreement, in which event I will be bound by its terms) to pay a **finance charge** (service charge) computed at a **periodic rate** of 1 1/2% per month, or an **annual percentage rate** of 18% applied to any balance of my account, including accrued **finance charges**, which remains unpaid 15 days or more past the billing date thereof. The billing date is the 25th of each month for all charges incurred during the month to that date. I agree that the entire above balance is due within 15 days following the billing date therefor.

- ☒ The property which I have purchased here will be used by me directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, or for farming, or
- ☐ To repair equipment or machinery which is being directly and primarily used in the process of producing tangible personal property by the means stated above and which would be exempt from application of sales tax were it being purchased, or
- ☐ That I am a retailer of tangible personal property.

The goods sold shall be located and remain for the term of the sale agreement on the following described property located in _____ county, state of _____

(Note: Use exact legal description — e.g. SE1/4 NE1/4 Sec. 8, TWP 3N, _____ M.)

Note: All of the terms, conditions and provisions on the reverse side of this Sales Order & Installation Contract, and any continuation sheets attached hereto form a part of this agreement.

Approved: Larry Calhoun Title: mgr
Date Signed: 11/18/80

Signature of Purchaser: Mark W. Hickman
Date Signed: _____

TRI-MATIC SERVICE CO., INC.

INSTALLATION CONTRACT

INSTALLATION CHARGES

FREIGHT

TOTAL

Receipt is hereby acknowledged of the above items, and I agree (unless such are incorporated in a Purchase Money Security Agreement, in which event I will be bound by its terms) to pay a **finance charge** (service charge) computed at a **periodic rate** of 1 1/2% per month, or an **annual percentage rate** of 18% applied to any balance of my account, including accrued **finance charges**, which remains unpaid 15 days or more past the billing date thereof. The billing date is the 25th of each month for all charges incurred during the month to that date. I agree that the entire above balance is due within 15 days following the billing date therefor.

Note: All of the terms, conditions and provisions on the reverse side of this Sales Order and Installation contract, and any continuation sheets attached hereto form a part of this agreement.

Approved: _____ Title: _____

Signature of Purchaser: _____

TRI-MATIC SERVICE CO., INC.

Date Signed: _____

Date Signed: _____

No Merchandise is to be returned without authorization from this office. Claims for shortage must be made within 10 days.

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FEB 08 1983

ORDER & INSTALLATION CONTRACT

Tri-Matic Service, Inc.

067 EAST MAIN BURLEY, IDAHO 83318
PHONE (208) 678-3811

Payable at Burley, Idaho 83318

No 0031

DATE INVOICED 1/2/80	FROM quote #3159-4026	CUSTOMER'S ORDER NO.	APPROX. SHIPMENT ASAP	VIA Our trucks	COL.	F.O.B.
DATE SHIPPED	DATE SHIPPED	VIA	B/L NUMBER	TERMS		

SHIPPED TO: Same **RECEIVED** SOLD TO: CLAWSON FARMS

APR 16 1991

SALES ORDER

QUANTITY ORDERED	SIZE	DESCRIPTION	UNIT PRICE	AMOUNT
11	10X10X3	Tee w/3" FIPT	54.62	600.82
4	12X12X6	Tee w/6" FIPT	115.58	446.32
5	10X10X6	Tee w/6" FIPT	85.72	428.85
24	4"X3"	VALVE STL w/3" FIPT	23.87	572.88
2	4"	WELDON VALVE	12.01	24.02
5		Sets of PLUMBING FOR AIR & SURG VALVES	41.06	205.30
9	6"	GALV PIPE PLUG -	17.50	157.50
3	3"	AIR VALVE	16.83	84.15
5	2"	SURG VALVE	39.03	195.15
TOTAL				2714.99

Receipt is hereby acknowledged of the above items, and I agree (unless such are incorporated in a Purchase Money Security Agreement, in which event I will be bound by its terms) to pay a finance charge (service charge) computed at a periodic rate of 1 1/2% per month, or an annual percentage rate of 18% applied to any balance of my account, including accrued finance charges, which remains unpaid 15 days or more past the billing date thereof. The billing date is the 25th of each month for all charges incurred during the month to that date. I agree that the entire above balance is due within 15 days following the billing date thereof.

- ☒ The property which I have purchased here will be used by me directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, or for farming, or
- ☐ To repair equipment or machinery which is being directly and primarily used in the process of producing tangible personal property by the means stated above and which would be exempt from application of sales tax were it being purchased, or
- ☐ That I am a retailer of tangible personal property.

The goods sold shall be located and remain for the term of the sale agreement on the following described property located in _____ county, state of _____.

(Note: Use exact legal description — e.g. SE1/4 NE1/4 Sec. 8, TWP 3N, _____.)

Note: All of the terms, conditions and provisions on the reverse side of this Sales Order & Installation Contract, and any continuation sheets attached hereto form a part of this agreement.

Approved Larry Cabe Title Mgr.
TRI-MATIC SERVICE CO., INC. Date Signed 9/24/80

Signature of Purchaser Julian Clawson Farms
Date Signed 9/24/80

INSTALLATION CONTRACT

INSTALLATION CHARGES	#1 = 2714.99	1090-348968
	#2 = 2889.88	DUE 10/10/80
	#3 = 3302.00	BALANCE DUE ON
FREIGHT	34,896.87	Completion of INSTALLATION
		of 1 mile TOTAL

Receipt is hereby acknowledged of the above items, and I agree (unless such are incorporated in a Purchase Money Security Agreement, in which event I will be bound by its terms) to pay a finance charge (service charge) computed at a periodic rate of 1 1/2% per month, or an annual percentage rate of 18% applied to any balance of my account, including accrued finance charges, which remains unpaid 15 days or more past the billing date thereof. The billing date is the 25th of each month for all charges incurred during the month to that date. I agree that the entire above balance is due within 15 days following the billing date thereof.

Note: All of the terms, conditions and provisions on the reverse side of this Sales Order and Installation contract, and any continuation sheets attached hereto form a part of this agreement.

Approved Larry Cabe Title Mgr.
TRI-MATIC SERVICE CO., INC. Date Signed 9/24/80

Signature of Purchaser Julian Clawson Farms
Date Signed 9/24/80

No Merchandise is to be returned without authorization from this office. Claims for shortage must be made within 10 days.

Tri-Matic Service, Inc.

10 EAST MAIN BURLEY, IDAHO 83318
PHONE (208) 678-3811

Payable at Burley, Idaho 83318

No 0032

DATE INVOICED 12/80	QUOTE 3959 + 4020	CUSTOMER'S ORDER NO.	APPROX. SHIPMENT ASAP	VIA Rex truck	COL.	F.O.B.
DATE SHIPPED		VIA		B/L NUMBER		TERMS

SHIPPED TO: Same

SOLD TO: GLANSON FARMS
Paul Idaho

SALES ORDER Item #2

QUANTITY ORDERED	SIZE		UNIT PRICE	AMOUNT
1	10"	Gooseneck w/ Air Sur 94 End Plug	342 ¹²	342 ¹²
1	12"	Gooseneck w/ Air Sur 29	309 ³²	309 ³²
19	3" X 36"	Poly Risers	9 ²²	175 ¹⁸
5	3" X 30"	Poly Risers	8 ⁸³	44 ¹⁵
1	12 X 10	Reducer	102 ¹⁸	102 ¹⁸
3,740'	10"	125# IPS PVC Gasketed	3.74 ¹⁵	13987 ⁶⁰
2,600'	12"	125# IPS PVC Gasketed	5.24 ¹⁵	13,754 ⁰⁰
2		THRUST BLOCK	50 ⁰⁰	100 ⁰⁰
2	6"	WELDON VALVE	32 ⁶⁵	65 ³⁰
TOTAL				28,879 ⁸⁸

Receipt is hereby acknowledged of the above items, and I agree (unless such are incorporated in a Purchase Money Security Agreement, in which event I will be bound by its terms) to pay a finance charge (service charge) computed at a periodic rate of 1 1/4% per month, or an annual percentage rate of 18% applied to any balance of my account, including accrued finance charges, which remains unpaid 15 days or more past the billing date thereof. The billing date is the 25th of each month for all charges incurred during the month to that date. I agree that the entire above balance is due within 15 days following the billing date thereafter.

- ☒ The property which I have purchased here will be used by me directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, or for farming, or
- ☐ To repair equipment or machinery which is being directly and primarily used in the process of producing tangible personal property by the means stated above and which would be exempt from application of sales tax were it being purchased, or
- ☐ That I am a retailer of tangible personal property.

The goods sold shall be located and remain for the term of the sale agreement on the following described property located in _____ county, state of _____.

(Note: Use exact legal description - e.g. SE1/4 NE1/4 Sec. 8, TWP 3N, R. 1M.)

Note: All of the terms, conditions and provisions on the reverse side of this Sales Order & Installation Contract, and any continuation sheets attached hereto form a part of this agreement.

Approved: Larry Cole Title: Mgr
Date Signed: 9/24/80
TRI-MATIC SERVICE CO., INC.

Signature of Purchaser: Paul Glanson Farms
Date Signed: 9/24/80

INSTALLATION CONTRACT Item #3

INSTALLATION CHARGES				
5200'	Trenching - NO ROCK WORK - NO BACK FILLING	.26		1352 ⁰⁰
2600'	10" STRING & LAY PVC	.35		910 ⁰⁰
2600'	12" STRING & LAY PVC	.40		1040 ⁰⁰
TOTAL				3,302 ⁰⁰

Receipt is hereby acknowledged of the above items, and I agree (unless such are incorporated in a Purchase Money Security Agreement, in which event I will be bound by its terms) to pay a finance charge (service charge) computed at a periodic rate of 1 1/4% per month, or an annual percentage rate of 18% applied to any balance of my account, including accrued finance charges, which remains unpaid 15 days or more past the billing date thereof. The billing date is the 25th of each month for all charges incurred during the month to that date. I agree that the entire above balance is due within 15 days following the billing date thereafter.

Note: All of the terms, conditions and provisions on the reverse side of this Sales Order and Installation contract, and any continuation sheets attached hereto form a part of this agreement.

Approved: Larry Cole Title: Mgr
Date Signed: 9/24/80
TRI-MATIC SERVICE CO., INC.

Signature of Purchaser: Paul Glanson Farms
Date Signed: 9/24/80

No Merchandise is to be returned without authorization from this office. Claims for shortage must be made within 10 days.

Tri-Matic Service, Inc.

1067 EAST MAIN BURLEY, IDAHO 83318
AREA CODE 208 — PHONE 678-3811

Payable at Burley, Idaho 83318

Railroad Company's Receipt for Merchandise in good order constitutes delivery, after which our responsibility ceases. All claims for shortages or deduction must be made within five days after receipt of goods. No allowances for exchange or express charges. **GOODS MUST NOT BE RETURNED**, and will not be received or credited unless we are advised previously, the reason stated, and our consent given.

DATE ENTERED 9/2/80	FROM Sct# 31+32 Mack Neihauzverhal	CUSTOMER'S ORDER NO.	APPROX. SHIPMENT VIA	PRD APR 16 1991	COL F.O.B.
DATE INVOICED 11/18/80	DATE SHIPPED	VIA	B/L NUMBER Department of Water Resources Southern Region Office		

SOLD TO Clauson Farms Inc. SHIPPED TO Same

Paul Idaho

Machine + fittings

QUANTITY ORDERED	SIZE	DESCRIPTION	UNIT PRICE	EXTENSION	AMOUNT
2	10"	600S neck w/Air-Surg-End Plug	342 ¹²		684 ²⁴
1	12"	600S neck w/Air + Surg	309 ³⁵		309 ³⁵
19	3" X 36"	Poly Risers	9 ²²		175 ¹⁸
5	3" X 30"	Poly Risers	8 ⁸³		44 ¹⁵
1	12" X 10"	Reducer Green	102 ¹⁸		102 ¹⁸
3,740'	10"	125# IPS PVC Gasketed	3 ⁷⁴		13,987 ⁶⁰
2,600'	12"	125# IPS PVC Gasketed	5 ²⁹		13,754 ⁰⁰
3		Thrust Block	50 ⁰⁰		150 ⁰⁰
3	6"	Weld on Valve Stul	32 ⁶⁵		97 ⁹⁵
1	10"	600S neck w/STARTER ONLY	156 ⁰⁰		156 ⁰⁰
11	10X10X3	Green Tee FIPT	54 ⁶²		600 ⁸²
4	12X12X6	Green Tee FIPT	115 ⁵⁸		462 ³²
5	10X10X6	Green Tee FIPT	85 ⁷⁷		428 ⁸⁵
24	4X3	Valve Stul w 3" FIPT	23 ⁸¹		571 ⁴⁴
3	4"	Weld on Valve Stul	12 ⁰¹		36 ⁰³
5		Sets of Plumbing for Air + Surg	41 ⁰⁶		205 ³⁰
9	6"	GAIV Plug IPT	24 ⁰⁰		216 ⁰⁰
7	2"	Air Valve	16 ⁸³		117 ⁸¹
7	3"	Surg Valve	39 ⁰³		273 ²¹
					32,372 ⁴³

This contract contains the entire agreement between the parties hereto with respect to the subject matter hereof and no promises, agreements or warranties, written or verbal, with respect thereto shall have any force or effect unless embodied herein.

This contract shall not be binding on either party until approved by an authorized individual of the **Tri-Matic Service, Inc.**

The title to the property listed herein shall remain in the name of **Tri-Matic Service, Inc.** until fully paid for.

NO MERCHANDISE IS TO BE RETURNED
WITHOUT AUTHORIZATION FROM THIS
OFFICE. CLAIMS FOR SHORTAGE MUST
BE MADE WITHIN 10 DAYS.

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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: A36-11893
Date Received: 9/08/1989
Receipt No: 5009118
Received By: Tom

RECEIVED

APR 16 1991

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

208-532-4175

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

83347

2. Date of Priority: MAY 01, 1980

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	<u>26</u>	NE	SE	NE		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	0.180		

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

A.F.A.

8. Total consumptive use is

27.0 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	26	NE	NE		IRR	9.0
Section Acres							<u>9.0</u>

A36-11893

Page

1

Date: 09/08/89

MICROFILMED
FEB 08 1993

10. Place of Use: Continued

Total Acres 9.0

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:
NONE

14. Remarks:
THIS IS AN EXPANSION OF A36-02070H AND A36-07529H.
THE WELL SUPPLYING THIS SYSTEM IS SHARED WITH JOHN STEVENSON.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
FEB 08 1993

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. Weibaur 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
Al D. Menter
Notary Public

Seal

Residing at Kilberly Id.
My Commission Expires 6/30/94

MICROFILMED
FEB 08 1993

RECEIVED

APR 16 1991

State of Idaho
Department of Water Resources

Department of Water Resources
Southern Region Office
License of Water Right No. 36-7529D

WATER RIGHT LICENSE

Priority March 28, 1975 Amount 1.38 cfs
THIS IS TO CERTIFY, that Julion Clawson Farms, Inc. & Connecticut Mutual
of Paul, Idaho Life Insurance Co.
No. 36-7529D issued pursuant to Application for Permit dated March 28, 1975,
and has submitted proof to the Department of Water Resources on January 4, 1984,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.40 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	at 1.38 cfs and	*
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.38 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
* _____ acre feet per year, said waters to be diverted within the SE 1/4 NE 1/4 Section 26,
Twp 7S, Rge 23E in the County of Minidoka

Description and location of place of use:

Twp.	Range	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	26	30	40	40	39	40	39	39	40									307

Total number of acres irrigated 307

FEB 08 1993

CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

*This right when combined with Right No. 36-2070C shall not exceed 1228.0 acre feet per annum.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30TH day of AUGUST, 19 85.

Acting for the Director

Roman C. Young

MICROFILMED
FEB 08 1993

17

IDAHO POWER COMPANY
IRRIGATION ELECTRIC SERVICE AGREEMENT
IN IDAHO

DISTRICT Rupert RATE SCHEDULE No. 24

ACCT. No. 1856-00-2179-0

Connected Load: 350 H.P. 480 Volts 3 Phase 4 Wire
 H.P. Volts Phase Wire

Julian Clawson Farms, Inc. (Name) (Neibaur & Stevenson) (Mailing Address)

herein called Customer, agrees to receive and pay for, and IDAHO POWER COMPANY, herein called Company, agrees to supply electric service to the amount of 350 H.P., in the form of 3 phase alternating current at approximately 60 cycles per second and approximately 480 volts, within a range of plus five and eight tenths percent (5.8%) to minus eight percent (8.0%) at sustained voltage level (voltage level may vary in excess of this range due to switching operations, motor starting, etc.), for Customer's Pumping & Irr. operations, at or near 1175 N 300 W., in Minidoka County, State of Idaho for a term of 7 year(s) from and after the beginning of the irrigation season, 1981, in accordance with and subject to the Company's rules and regulations and Schedule No. 24, as now or hereafter in effect at the time of delivery of service. The point of delivery of power shall be where the Company's wires or apparatus are connected with those of the Customer at or near S. NE 1/4 of Section 26 T. 7 S. R. 23 E., 8. M.

All payments shall be made at Company's office at Rupert, Idaho. The Customer agrees to pay, regardless of the amount of power actually consumed, the minimum charges as provided in the rate schedule, rules and regulations applicable to service hereunder. A copy of the rate schedule and the rules and regulations as now in effect are attached hereto as part of this agreement.

It is understood and agreed that the initial date of delivery of power and energy under this agreement is subject to the Company's ability to obtain required labor, materials, equipment, satisfactory rights-of-way and comply with governmental regulations.

In consideration of the special investment to be made by the Company in extending its lines and facilities to supply the Customer's pumping power service requirements, Customer guarantees a minimum annual* payment in the amount of \$ 2497.00 to the Company during the term of this contract, such annual minimum to run with the land and pumping power service hereinabove referred to and to be payable by the Customer's successors or assigns as a condition of service during the term of this agreement.

*The annual period hereunder shall be the twelve month period beginning March 1 of each year.

R E C E I V E D

APR 16 1991

Department of Water Resources
Southern Region Office

Dated October 29, 1980.

Attest Witness } Judy W. Neibaur

Attest Witness } Paul Jensen

XXXXXXXXXXXX
Date Service Desired _____

Acreage _____ Supplement _____ New _____

Lift _____

Darin Neibaur - Pres.
Mark W. Neibaur Customer.

IDAHO POWER COMPANY
By [Signature]
Its _____ DIVISION MANAGER

W.O. No. 42-763-779
(7492)

MICROFILMED
FEB 08 1993
NO. 133

Water Right Number - A36-11893

Adj. Flag Translation: Adjudication Temporary Work Area

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

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1980 17 J - BENEFICIAL USE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - -
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

07S 23E 26 NE SE NE (67) MINIDOKA

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

01 - IRRIGATION

03/15

11/15

0.180

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.180 27.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

07S

23E

26

NE NE

9.0

01

IRRIGATION

(67) MINIDOKA

Total Acres: 9.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
THIS IS AN EXPANSION OF A36-02070H AND A36-07529H.
THE WELL SUPPLYING THIS SYSTEM IS SHARED WITH JOHN STEVENSON.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)08/23/91 11:32:21
Page 1

Water Right Number - R36-11893 ✓

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

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/23/1985 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 23E 26 NE SE NE (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.180+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.180 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 23E 26 NE NE 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NW NE 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NE NW 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NW NW 39.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 158.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02070H, 36-07529H

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

THIS RIGHT IS AN EXPANSION OF RIGHT NOS.36-02070H AND 36-07529H
PURSUANT TO IDAHO CODE 42-1416(2).USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.7 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 634 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 474 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL

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

Water right number - R36-11893

Prefix Translation: RESEARCH

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

OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NOS.:36-02070H, 36-07529H

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-02070H, 36-07529H, 36-02070Q AND
36-07529Q.

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

No Old Water Right Numbers Found

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

No Conditions of Approval found.

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

00/00/0000

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

Date: 08/23/1991 User Id: SCHOLER Subject: COPIED FROM REMARKS

THIS IS AN EXPANSION OF A36-02070H AND A36-07529H.

THE WELL SUPPLYING THIS SYSTEM IS SHARED WITH JOHN STEVENSON.

+ - - Audit Fields - - +

08/23/91 SCHOLER

+ - - - - - 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	- 08/23/1991	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	- E
				Notice of Error Flag	-

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: A36-11893
Date Received: 9/08/1989
Receipt No: 5009118
Received By: ADM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MACK NEIBAUR 208-532-4175
Address: RT. 1 BOX 1478
PAUL, ID 83347
2. Date of Priority: MAY 01, 1980
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|----------|
| 07S | 23E | 26 | NE | SE | NE | | 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 | 0.180 | | |
7. Total Quantity Appropriated is:
0.180 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 27.0 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	26	NE	NE		IRR	9.0
Section Acres							9.0

10. Place of Use: Continued

Total Acres 9.0

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:
NONE

14. Remarks:

THIS IS AN EXPANSION OF A36-02070H AND A36-07529H.
THE WELL SUPPLYING THIS SYSTEM IS SHARED WITH JOHN STEVENSON.

15. Basis of Claim: BENEFICIAL USE

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: Ø

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. Weibaur 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
Al D. Mente
Notary Public

Seal

Residing at Kilbuckly Id.
My Commission Expires 6/30/92

WELL. N¹/₂ SEC 26

WELL DRILLED MAY 1980

STARTED PUMPIN ~~MAY~~ 1981
APR

THIS WELL DRILLED AS A RESULT OF
TRANSFER P.O.D FROM SEC 23
WHEN THAT WELL WAS ABANDONED

IDAHO POWER RAN PUMP TEST STA #305
IN MID 80S - FOR FLOW



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

A36-11893
MACK NEIBAUER
RT. 1 BOX 1478

PAUL

ID 82247

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,

A handwritten signature in cursive script, appearing to read 'Allen Merritt'.

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

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 36-11893
(Insert Water Right Number)

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.

Date: 11-3-97

Mack W. Heibaur
(Claimant)

(Objector)

Jamie Robertson
IDWR Concurrence
APPROVED AS TO FORM
Nick Spencer
Attorney for IDWR

COPY SERVED ON
LEGAL COUNSEL FOR
CLAIMANT 11-3-97
Nick Spencer

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-31-1997
PAGE: A-13

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-11893

NAME AND ADDRESS: MACK NEIBAUR
RT 1 BOX 1478
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 0.15 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 36-02070H AND 36-07529H
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.7 CFS AND A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 634 AF.

PRIORITY DATE: 07/23/1985

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T07S R23E S26 NESENE Within MINIDOKA County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
IRRIGATIONPERIOD OF USE
Irrigation Season
04/01 10/31QUANTITY
0.15 CFS

PLACE OF USE:

IRRIGATION

Within MINIDOKA County

T07S R23E S26
158 ACRES TOTAL

NENE 39

NWNE 40

NENW 40

NNW 39

USE OF THIS RIGHT WITH RIGHT NOS. 36-02070H AND 36-07529H
IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN
A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NOS. 36-02070H AND 36-07529H PURSUANT TO SECTION 42-1426, IDAHO
CODE.

THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 36-02070H AND 36-07529H
PURSUANT TO IDAHO CODE 42-1410(2)(1).



36-11893 (CONT.)

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.7 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 634 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 474 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-02070H, 36-07529H

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-02070H, 36-07529H, 36-02070Q AND 36-07529Q.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

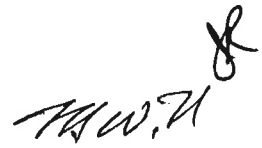
RIGHT NOS.: 36-02070H, 36-07529H, 36-02070Q AND 36-07529Q ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

RECOMMENDATION

NOV 3 1997



SPECIAL MASTER



*objection filed
expansion claim*

D. OF CLAIMS IN POLYGON 3

CLAIM NUMBERS A36-020704 A36-075294 DATE 5/20/97
A36-11893 AGENT J

TOTAL ACRES
 FROM RECOMMENDATION 158
 GEOGRAPHIC INFO SYSTEM 157.8

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	07S	23E	26	39	40			40	39										158
GIS				38.9	39.9			39.9	39.1										157.8
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

B36-DEPOU.DBF (46) 5/20/97 ^{UPDATED} ATTRIBUTES OF B36-POU.SHP (46) 5/20/97 ^{# UPDATED}
 B36-DEPOD.DBF (44) " ATTRIBUTES OF B36-POD.SHP (44) "

* *objection filed (period of use & cons. use)*
 * *has expansion claim*

SUBCASE NO. 36-11893 *

	CLAIM	AMENDED CLAIM	RECOMMENDATION #1 - 1992 #2 - Amended Director's Report - 9/18/97	OBJECTION
NAME	Mack Neibaur	N/A	#1 - Mack Neibaur #2 - Mack Neibaur	Mack Neibaur
BASIS OF CLAIM	Beneficial Use		#1 - Beneficial Use #2 - Beneficial Use	
SOURCE	Groundwater		# 1 - Groundwater #2 - Groundwater	
QUANTITY	0.180 cfs		#1 - 0.15 cfs #2 - 0.15 cfs	
PRIORITY DATE	5/1/1980		#1 - 7/23/1985 #2 - 7/23/1985	
PURPOSE OF USE	Irrigation		#1 - Irrigation #2 - Irrigation	
PERIOD OF USE	3/15 - 11/15		#1 - 4/1 - 10/31 #2 - Irrigation Season	XX - requests the period of use as licensed: 3/15 - 11/15.
POINT OF DIVERSION	T07S R23E S26		#1 - T07S R23E S26 #2 - T07S R23E S26	
PLACE OF USE	T07S R23E S26 9.0 acres		#1 - T07S R23E S26 158.0 acres #2 - T07S R23E S26 158.0 acres Use of this right with right nos. 36-02070H and 36-07529H is limited to the irrigation of a combined total of 158 acres in a single irrigation season.	

remarks	"This is an expansion of A36-02070H and A36-07529H. The well supplying this system is shared with John Stevenson."		#1 - "This right is an expansion of right nos. 36-02070H and 36-07529H pursuant to Idaho Code 42-1416(2). Use of this right with rights listed below is limited to a total combined diversion rate of 2.7 cfs, a total combined annual diversion volume of 634 af, a total combined annual consumptive use volume of 474 af, and to the irrigation of a combined total of 158 acres in a single irrigation season. Combined right nos.: 36-02070H, 36-07529H. This right is limited to the irrigation of 9 acres within the place of use described above in a single irrigation season. The following rights are also diverted through point of diversion described above: 36-02070H, 36-07529H, 36-02070Q and 36-36-07529Q." #2 - "This right is based upon an enlargement of right nos. 36-02070H and 36-07529H pursuant to Section 42-1426, Idaho Code."	
Other			#2 - Explanatory Material: Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code. Right nos.: 36-02070H, 36-07529H, 36-02070Q and 36-07529Q are also diverted through point of diversion above."	

The other element that was objected to was consumptive use.

* This water right was included in the Amended Director's Report for the Type 2 expansions. To date, no objection has been filed to the Amended Director's Report (as of 10/27/97).

36-11893 continued

Water Right Number - R36-11893

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

+ - - Priority Date - - +
07/23/1985

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

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

+ - - - - Tributary - - - - - +

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

07S 23E 26 NE SE NE (67) MINIDOKA

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31		0.150	

Total Div. Rate - +	Total Div. Volume - +	Total Consumptive Use - +	KW Usage - +
0.150		0.0	

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	23E	26	NE NE		39.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	26	NW NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	26	NE NW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	26	NW NW		39.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 158.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02070H, 36-07529H

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

QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.7 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 634 AF. COMBINED RIGHT NOS.: 36-02070H,
36-07529H

POU1 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE

"DO NOT FILM"

Prefix Translation: RESEARCH

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

IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-02070H, 36-07529H
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-02070H, 36-07529H, 36-02070Q AND
36-07529Q.
THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 36-02070H & 36-07529H
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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

No Old Water Right Numbers Found

+ Conditions of Approval +

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

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

+ - - - - - Comments - +

Date: 08/23/1991 User Id: SCHOLER Subject: COPIED FROM REMARKS
THIS IS AN EXPANSION OF A36-02070H AND A36-07529H. THE WELL SUPPLYING THIS SYSTEM IS SHARED WITH JOHN STEVENSON.
Date: 08/03/1992 User Id: WHITE Subject: DATA ENTRY
CHANGE MADE TO MAXIMUM QUANTITY AND TOTAL QUANTITY, PER LKH.
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. M. STERLING

+ - - Audit Fields - - +
06/19/97 JROBERTS

+ 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	-	E
						Notice of Error Flag	-	B

NOT FILM

Water Right Number - 36-11893

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

Phone - 208-532-4175

State- ID Zip- 83347

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/23/1985 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

07S 23E 26 NE SE NE (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.150+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.150 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 23E 26 NE NE 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NW NE 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NE NW 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NW NW 39.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 158.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02070H, 36-07529H

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

EXP K12 GEN
QNT (E04 & E08)
POU1 (E14)THIS RIGHT IS AN EXPANSION OF RIGHT NOS.36-02070H AND 36-07529H
PURSUANT TO IDAHO CODE 42-1416(2).
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.7 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 634 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 474 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT

"DO NOT FILM"

Water right number - 36-11893

Prefix Translation: WATER RIGHT

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

NOS.: 36-02070H, 36-07529H
POU1 (KØ6)
EXP (FØ6)
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-02070H, 36-07529H, 36-02070Q AND
36-07529Q.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

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

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

+ - - Audit Fields - 06/11/91 SCHOLER 06/12/91 SCHOLER 08/23/91 SCHOLER 06/15/92 MERRITT 07/21/92 POST-STD
08/03/92 WHITE 08/28/92 PR-PRODM 09/17/92 SCHULTZ 10/08/92 SOUTH1 11/02/92 CPSHAW
12/05/92 ADT-SHAW 06/10/93 CM1-SEIF 08/25/93 UPD-SCHU 03/29/95 POST-STD

+ - - Certified Numbers & Date Mailed - 257839 08/24/92

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

Date: 08/23/1991 User Id: SCHOLER Subject: COPIED FROM REMARKS
THIS IS AN EXPANSION OF A36-02070H AND A36-07529H. THE WELL SUPPLYING THIS SYSTEM IS SHARED WITH JOHN STEVENSON.
Date: 08/03/1992 User Id: WHITE Subject: DATA ENTRY
CHANGE MADE TO MAXIMUM QUANTITY AND TOTAL QUANTITY, PER LKH.
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. 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	- E
		Name Connector	-	Notice of Error Flag	- B

"DO NOT FILM"

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 28 1964

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. 36-11893 -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: ROUTE 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: This is a beneficial use right recommended pursuant to Idaho Code Sec. 42-1416(2) as an expansion of a licensed right. 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: 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 a consumptive use volume of 3 AFY per acre, the same per acre consumptive use volume that was 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. A36-11893

3

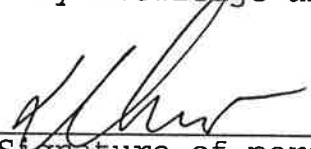
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

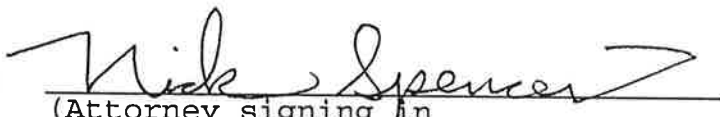
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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: ROUTE 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: A36-11893
Date Received: 9/08/1989
Receipt No: 5009118
Received By: ADm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: MAY 01, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	23E	26	NE	SE	NE		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	0.180		

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

8. Total consumptive use is 27.0 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	26	NE	NE		IRR	9.0
Section Acres							9.0

10. Place of Use: Continued

Total Acres 9.0

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:
NONE

14. Remarks:
THIS IS AN EXPANSION OF A36-02070H AND A36-07529H.
THE WELL SUPPLYING THIS SYSTEM IS SHARED WITH JOHN STEVENSON.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
OCT 20 1994
FEB 08 1993

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: Ø

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. Weibauer 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 Alfred J. Mentz
Notary Public

Seal

Residing at Kilbervly, ID
My Commission Expires 6/30/92

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

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

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.

Case No. 36-11893
(You must insert the
water right number you
are objecting to)

OBJECTION

36-11893 -0001/
93-04-0425

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

MICROFILMED

OCT 20 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: MACk W. NEiBAUR
Address: RT1 Box 1478
Paul - Ida 83347

Briefly describe your interest in this water right:

This water right is assigned
to land I own

2. Owner of the water right:

Name: MACk W. NEiBAUR
Address: RT1 Box 1478
Paul, Idaho 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.

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 dates of usage should
be 3/15 through 11/15

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

(Name of person filing objection), being first duly 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. Neibauer

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:

MARK W. NEIBAUER

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

Mark W. Neibauer

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.

MICROFILMED

OCT 20 1994

YOUR WATER RIGHT AS RECOMMENDED IN THE SNAKE RIVER BASIN ADJUDICATION

NOV-2-1992

7830

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
36-11893	MACK NEIBAUR RT 1 BOX 1478 PAUL ID 83347	07/23/1985	IRRIGATION	04-01 10-31	0.15 CFS	BENEFICIAL USE

TOTAL QUANTITY: 0.15 CFS

SOURCE: GROUNDWATER

TRIBUTARY:

POINT OF DIVERSION:

T07S R23E S26

NESENE

PLACE OF USE: IRRIGATION

T07S R23E S26

NENE 39.0

NWNE 40.0

NENW 40.0

NWNW 39.0

158.0 ACRES TOTAL

THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 36-02070H AND 36-07529H
PURSUANT TO IDAHO CODE 42-1416(2).

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.7 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 634 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 474 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NOS. ~~36-02070H~~, 36-07529H

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-02070H, 36-07529H, 36-02070Q AND

36-07529Q.

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
FEB 08 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED

SEP 14 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: *36-11893* ✓ *Expansion of Right #s*
36-02070 H ✓
36-07529 H ✓
2. Name: **MACK W. NEIBAUR**
RT. 1 BOX 1478
Address: **PAUL, IDAHO 83347**

MICROFILMED

FEB 08 1993

Weekday Telephone Number: *208 532 4175*

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:

The Period of use should remain
3/15 to 11/15 - not 4/1 to 10/31

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

Restate Period of use to original
license

5. Describe why you disagree with the proposed recommendation:

There are some periods when you
need to pump before 4/1 and after
10/31

6. Date:

Sept 5, 1992

SIGNATURE

Mark W. Weinbaum

MACK W. NEIBAUR

Department of Water Resources

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) 334-1931

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

RECEIVED
FEB 08 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)

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FEB 08 1993

Water Right Number - R36-11893

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

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
07/23/1985 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 23E 26 NE SE NE (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.150+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.150 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 23E 26 NE NE 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NW NE 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NE NW 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NW NW 39.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 158.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02070H, 36-07529H

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

THIS RIGHT IS AN EXPANSION OF RIGHT NOS.36-02070H AND 36-07529H
PURSUANT TO IDAHO CODE 42-1416(2).
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.7 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 634 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 474 AF, AND TO THE IRRIGATION OF A COMBINED TOTALMICROFILMED
FEB 08 1993

Water right number - R36-11893

Prefix Translation: RESEARCH

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

OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NOS.:36-02070H, 36-07529HTHIS RIGHT IS LIMITED TO THE IRRIGATION OF 9 ACRES WITHIN THE
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DIVERSION DESCRIBED ABOVE: 36-02070H, 36-07529H, 36-02070Q AND
36-07529Q.

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

No Old Water Right Numbers Found

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

No Conditions of Approval found.

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

00/00/0000

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

Date: 08/23/1991 User Id: SCHOLER Subject: COPIED FROM REMARKS

THIS IS AN EXPANSION OF A36-02070H AND A36-07529H.

THE WELL SUPPLYING THIS SYSTEM IS SHARED WITH JOHN STEVENSON.

Date: 08/03/1992 User Id: WHITE Subject: DATA ENTRY

CHANGE MADE TO MAXIMUM QUANTITY AND TOTAL QUANTITY, PER LKH.

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. 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	- E
				Notice of Error Flag	- B

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FEB 08 1993

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED
FEB 08 1993

Water Right Number - R36-11893 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

+ - - Priority Date - - +
07/23/1985+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

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

07S 23E 26 NE SE NE (67) MINIDOKA

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

01 - IRRIGATION

04/01

10/31

0.180

+ - Total Div. Rate - + + - Total Div. Volume - +
0.180+ - Total Consumptive Use - + + - KW Usage - +
0.0+ - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S	23E	26	NE NE		39.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	26	NW NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	26	NE NW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	26	NW NW		39.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 158.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02070H, 36-07529H

+ - - Remarks - - - - - +

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USE VOLUME OF 474 AF, AND TO THE IRRIGATION OF A COMBINED TOTALVERIFIED ADM
MICROFILMED
FEB 08 1993

Water right number - R36-11893

Prefix Translation: RESEARCH

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

OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
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36-07529Q.

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

No Old Water Right Numbers Found

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

No Conditions of Approval found.

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

00/00/0000

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

Date: 08/23/1991 User Id: SCHOLER Subject: COPIED FROM REMARKS
THIS IS AN EXPANSION OF A36-02070H AND A36-07529H.

THE WELL SUPPLYING THIS SYSTEM IS SHARED WITH JOHN STEVENSON.

+ - - Audit Fields - - +

06/15/92 MERRITT

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

Court Report Filing - 00/00/0000
Objection Filed Date - 00/00/0000
Response Filed Date - 00/00/0000
Claim Received Date - 09/08/1989

Field Inspection Made - 00/00/0000
Field Inspection Flag -
Verified Date - 06/15/1992
Last Amended Date - 00/00/0000
Receipt Number - S009118
POU Ownership Flag - Y
Name Connector -

Civil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District -
Federal/State Indicator - S
Presumption Flag - E
Notice of Error Flag -

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FEB 08 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:40:17
06/07/91

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-11893

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 5-15-91 46-7-91	N ✓	6	BHS 6-10-91	BHS 6-10-91	BHS 8-23-91
POINT OF DIV	Y ✓			N ✓	5, 6			
SOURCE	Y ✓				5, 6			
PLACE OF USE	Y ✓				5, 6 2, 4, 5, 6			
DIV. AMOUNT CFS/VOLUME	Y ✓		5-15-91 6-10-91					
CONSUMPTIVE USE	-							
PURPOSES	Y ✓							
PERIOD OF USE	Y ✓							
BASIS OF CLAIM	Y ✓							
REMARKS	Y ✓							

"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.

THIS IS AN EXPANSION CLAIM TO WR NO'S A36-020704 & A36-0752PM

RECEIVED
FEB 08 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:40:17
06/07/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-11893

EXPANSION

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 IS AN EXPANSION OF A36-02070H AND A36-07529H.
THE WELL SUPPLYING THIS SYSTEM IS SHARED WITH JOHN STEVENSON.

FIELD EXAMINATION INFORMATION

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:

NOTED
FEB 08 1993

A. AJ CLAIM: # A36-11893 PRIORITY DATE: 05-01-1980 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

Y

FIELD
EXAMINER

BHS

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

REMARKS: MR. NEIBAUER HAS SUBMITTED EVIDENCE TO SUPPORT PRIORITY DATE WHICH INDICATES THE IRRIGATION SYSTEM WAS INSTALLED LATE 1980 AND WAS PROBABLY COMPLETE IN SPRING OF 1981. HOWEVER IN REVIEWING THE WATER RIGHTS FILE FOR 36-2070C AND 36-7529D, THERE IS NOTHING MENTIONED ABOUT THIS LAND BEING IRRIGATED. FURTHER REVIEW OF THE CLAIMS INVESTIGATION MANUAL PAGE 36 H.I.B. STATES "PRIORITY TO BE RECOMMENDED FOR AN EXPANSION CLAIM MAY NOT BE THE SAME AS OR EARLIER THAN: (b) THE EFFECTIVE DATE OF THE MOST RECENT APPROVED TRANSFER." THE MOST RECENT APPROVED TRANSFER WAS DATED JULY 22, 1985 THEREFORE THE PRIORITY DATE RECOMMENDED CANNOT BE EARLIER THAN JULY 23, 1985.

BHS 6-7-91

RECOMMENDED PRIORITY DATE:

1-23-1985

REVIEWED BY

BHS

DATE

6-7-91

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FEB 18 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-11893	07S	23E	26	NE ✓	SE ✓	NE ✓		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A36-07529H Q

A36-02070H ✓

A36-02070H Q

A36-07529H ✓

NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-07529D

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)

DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE

Y OK

Q OK

FIELD EXAMINER

BHS

BHS

REMARKS:

THIS IS AN EXPANSION OF WATER RIGHT ^{A36-02070H} ~~A36-02070H~~ & A36-07529H

WATER RIGHTS A36-02070H, A36-07529H, A36-02070Q, & A36-07529Q ARE ALSO FROM
THIS POINT OF DIVERSION. TOTAL Q = 5.4 CFS.

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FEB 08 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>7S</u>	<u>23E</u>	<u>26</u>	<u>NE</u>	<u>SE</u>	<u>NE</u>	<u> </u>	<u>MINIDOKA</u>

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: BHS

DATE: 7-10-91

MINIDOKA
FEB 08 1993

A. ROOT WATER RIGHT NUMBERS: A36-11893

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	23E	26	NE	NE		NEIBAUR, MACK	A36-11893 / 9.0	- /	40.0		9.0
			NE	NE		NEIBAUR, MACK	A36-02070H / 23.0	- /			
			NE	NE		NEIBAUR, MACK	A36-07529H / 30.0	- /			
			NE	NE		JULION CLAWSON FARMS INC.		36-02070C / 20.0			
			NE	NE		JULION CLAWSON FARMS INC.		36-07529D / 30.0			
TOTAL ACRES							A36-11893	9.00 OK	40.00		9.0 OK

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

Y

FIELD
EXAMINER

BHS

PRESUMPTION FLAG: E

REMARKS:

39 ACRES IRRIGATED FOUND IN NEDE — THIS EXPANSION CLAIM WILL BRING TO A TOTAL OF 39 AC
FROM 07529H.

RECOMMENDATIONS:

TOTAL ACRES: 9.0

REVIEWED BY: BHS

DATE: 6-10-91

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-11893 IRRIGATION	FROM 03-15 TO 11-15	.180 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.180 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
IRRIGATION	3-15 to 11-15	.18 CFS

PRESUMPTION FLAG: E

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N() Explain in remarks, below.

REMARKS:

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FEB 18 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.180 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 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?

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

FIELD
DATABASE EXAMINER
BN *BHD*

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: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-11893	GROUNDWATER	NEIBAUR , MACK	0.180	0.020		
A36-02070H	GROUNDWATER	NEIBAUR , MACK	2.010	0.014		
A36-07529H	GROUNDWATER	NEIBAUR , MACK	0.690	0.004		
NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION			<u>2.70</u>	<u>CFS</u>		

7529H LICENSE ISSUED 8-30-85 HAS MAXIMUM DIVERSION QUANTITY OF THIS WELL AT 5.4 CFS
FROM FIELD EXAM. 5.4 CFS IS SPLIT W/ 2070 Q + 7529 Q
Q ON THIS THIS EXPANSION CLAIM WILL NOT INCREASE.

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FEB 08 1993

MICROFILMED
FEB 08 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

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

1b. CALCULATIONS

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 = 27.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

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

THIS WILL HAVE A PERMISSABLE PLACE OF USE INCLUDED WITH 07529 H + 02070 H
DIVERSION VOLUME & CONS. USE VOL. WILL BE SHOWN IN REMARKS-AS A TOTAL

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 11-15</u>	<u>.18 BHS</u>	<u>BHS</u>	<u>BHS</u>
TOTAL FOR THIS RIGHT				

REVIEWED BY: BHS DATE: 6-10-91

SEE REMARKS PREVIOUS PAGE

MICROFILMED
FEB 08 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: 36-11893

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

2.7 CFS

BHS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A36-11893

0.180

-

-

TOTAL CFS

0.180

INCLUDED w/in WR of 2.7 CFS

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

YES

FIELD
EXAMINER

BHS

REMARKS:

AUTHENTICATION:

SIGNATURE:

Burke H. Scholer

DATE:

6-10-91

NAME OF FIELD EXAMINER:

BURKE H. SCHOLER

TITLE:

WATER RESOURCE AGENT

MICROFILMED
FEB 08 1993

NOT TO SCALE

22 23
27 26

~~T1853~~
~~385~~

T1952
2015

26 25

HEL
4
118.9

NOT HEL
2
35.0

~~T1852~~ T1950

HEL
4
305.6

1
116.5

NOT HEL
2
39.3

T561
1748

TRACT-Not HEL

312.6

26
34 35

T563
1750

26 25
35 36

RECEIVED
FEB 08 1993

CLAIM IDENTIFICATION NO. A36-02070HA36-07529HA36-11893

PLACE OF USE OVERLAP REVIEW

CLAIM NO.	TWN	RNG	SEC	NE				NW				SW				SE				TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
A36-02070H	7S	23E	26	23	40			40	39											
A36-07529H	↓	↓	↓	30	40			40	39											
A36-11893	↓	↓	↓	9																
"Found"				39	40			40	39											158
36-02070C	7S	23E	26	20	40	40	40	40	40	40	40									
36-07529D	7S	23E	26	30	40	40	39	40	39	39	40									
"Found"	7S	23E	26	39	40	40	39	40	39	39	40									
" "				39	40			40	39											158 N 1/2
" "						40	39			39	40									158 S 1/2
36-02070C	SPLIT TO 2070H & 2070I																			
36-7529D	SPLIT TO 7529H & 7529I																			

MICROFILMED
FEB 08 1993

RECEIVED

APR 16 1991

Department of Water Resources
Southern Region Office

April 15, 1991
Paul, Idaho

State of Idaho
Department of Water Resources

Dear Sirs: *Allen Merritt*

Re: Claim # ~~11889~~ 11889 Evidence of Priority.

As I explained over the phone the 9 acres was high ground under the original application that used furrow irrigation. When we finally went to sprinklers then we were able to put water on this 9 acres.

It has been watered but due to the ASCS regulations, it has been used mostly as set-aside and non-producing land except when we are not in the program which has not been often.

There is not any one left around here that witnessed the irrigation except my relatives and partner. I wasn't sure you would take their word for usage of the water on this ground, so I have not asked for affidavites from them unless you want them.

Sincerely

Mack W. Neibaur

Mack W. Neibaur
Rt 1 Box 1478
Paul, Idaho 83347

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To <i>Burke Schaller</i>	From <i>Anna Adrian</i>	
Co.	Cu. <i>Southern</i>	
Dept.	Phone #	
Fax #	Fax #	

MICROFILMED
FEB 08 1993

NOT TO SCALE

23

26

23

26

100

100

065

105-6

T561

1748

Trac - No 1

026

26

35

26

35

MICROFILMED

FEB 0 8 1992

RECEIVED

APR 16 1991



LAYNE PUMPS
Division of Layne & Bowler, Inc.
Box 640, Twin Falls, Idaho 83301
Phone No. 733-3284

Department of Water Resources
Southern Region Office

DEALER

PUMP ESTIMATE
AND ORDER

DATE 7/26/1981

CUSTOMER

Chamson Farms
No Paul

Route _____ Date Desired _____

Inside Dia. of Well <u>20"</u>	PUMPING CONDITIONS	Capacity <u>2400</u> GPM
Depth of Well <u>350</u>	Lift in Well <u>275'</u>	Speed of Pump <u>1770</u> RPM
Static Water Level <u>267'</u>	Lift Above <u>215'</u> lbs. <u>95#</u>	HP Required <u>375</u>
Drawdown <u>5'-7'-0"</u>	Column Friction <u>+</u>	Allowable Shaft HP _____
	Total Dynm. Head <u>495'</u>	

Number	DESCRIPTION	LIST PRICE	NET PRICE
1	<u>350</u> HP MOTOR <u>3</u> Phase <u>460</u> Volt <u>GE</u> Make <u>1800</u> RPM		8989
	<u>Without</u> Ratchet <u>BD 20"</u> <u>BX1 1 7/16"</u> <u>175%</u> <u>2 thrust</u>		
	HP STARTER { Across Line } <u>460</u> Volt <u>Custom</u> Make		
	AMP SAFETY SWITCH _____ Volt _____ Phase _____ Make		
	GEAR DRIVE _____ Ratio { With } _____ Ratchet _____ Make		
	WT _____ SPICER SHAFT _____ " Long		
	W _____ DRIVE FLANGE _____ Bore _____ Key _____		
	W _____ ENGINE FLANGE _____ Bore _____ Key _____		
1	<u>10" M18</u> HEAD <u>10"</u> Outlet <u>10"</u> { <u>Wash</u> } <u>10" Std. Pump</u>	1445	
1	<u>16gal</u> OILER _____ Volt Solenoid <u>Stand. Oil, Barn</u>	180	
1	<u>1-0</u> "X <u>10"</u> "DISCHARGE NIPPLE { TOE } _____	61	
	<u>300</u> SETTING OF <u>10"</u> X <u>3"</u> "X <u>1 7/16"</u> in <u>20'-0"</u> length		11,018
1	<u>14"</u> "BOWLS <u>THC</u> Type <u>2</u> Stage { Open } Ports { <u>Bronze</u> } Wear Rings	5285	
	{ <u>Bronze</u> } Impellers { <u>Oversize</u> } Shaft Fitted _____ X _____ X _____	61	
1	<u>1-0</u> "X <u>10"</u> SUCTION { TOE } <u>Cone Milled on</u> _____ Couplings	109	
	<u>10"</u> "STRAINER { <u>Bronze</u> } { <u>Sealed</u> } { <u>Bottom</u> }	7141	
			4999
	<i>Installation of Pump</i>		
	<i>Pump</i>		
			750
			25756
	TOTAL		

MICROFILMED
FEB 08 1993

Quoted By W.M. Thompson

Tri-Matic Service, Inc.

1067 EAST MAIN BURLEY, IDAHO 83318

AREA CODE 208 — PHONE 678-3811

Payable at Burley, Idaho 83318

Railroad Company's Receipt for Merchandise in good order constitutes delivery, after which our responsibility ceases. All claims for shortages or deduction must be made within five days after receipt of goods. No allowances for exchange or express charges. GOODS MUST NOT BE RETURNED, and will not be received or credited unless we are advised previously, the reason stated, and our consent given.

DATE ENTERED 11/18/80	FROM 0033 Bent & Mark Verbal	APPROX. SHIPMENT DEC 80	VIA our trucks	PPG.	COL	P.O.D.
DATE INVOICED 1/16/81	DATE SHIPPED	VIA	B/L NUMBER	TERMS		
SOLD TO Clauson Farms Inc			SHIPPED TO		RECEIVED	

Paul Idaho

APR 16 1991

Department of Water Resources

Southern Region Office

QUANTITY ORDERED	SIZE	DESCRIPTION	UNIT PRICE	AMOUNT
1	7"	26 wheel Unit 320 sq TM. Mobile Solid Set System Used w/ 26-2X50 & 234 1 1/2 x 40 trails w/ 4 sets trail stabilizers w/o motor		\$1500.00
New parts used —>				
26		A70 Belt		
53		A136 Belt		
25		1" Thrust Bearing		
2		Female Shaft		
3		Male Shaft		
500		1 1/2 x 9/16 Bolt w/ nuts		
30		744 Nelson Head-		
208		Stabilizer wheel		
140	Miles	w/ truck & trailer moving		
90	hrs	manning & installing		
240	Miles	w/ pickup installing		
2		Gate Valve		
50		3/4 x 1 Drive Pin		
Used System Paid for CR#				
2311 TOTAL \$3700.00				

also copy of other
Tri-Matic is in
file.

MICROFILMED
FEB 18 1993

This contract contains the entire agreement between the parties hereto with respect to the subject matter hereof and no promises, agreements or warranties, written or verbal, with respect thereto shall have any force or effect unless embodied herein.
This contract shall not be binding on either party until approved by an authorized individual of the Tri-Matic Service, Inc.
The title to the property listed herein shall remain in the name of Tri-Matic Service, Inc. until fully paid for.

NO MERCHANDISE IS TO BE RETURNED WITHOUT AUTHORIZATION FROM THIS OFFICE. CLAIMS FOR SHORTAGE MUST BE MADE WITHIN 10 DAYS.

FINANCE CHARGE computed at a periodic rate of 1-1/2% per month, or an annual percentage rate of 18%, will be applied to any invoice, including accrued finance charges, which remain unpaid for more than one month after the invoice date.

SALES ORDER & INSTALLATION CONTRACT

Tri-Matic Service, Inc.

1067 EAST MAIN

BURLEY, IDAHO 83318

PHONE (208) 678-3811

Payable at Burley, Idaho 83318

No 0033

DATE ENTERED 11/18/80	FROM	CUSTOMER'S ORDER NO.	APPROX. SHIPMENT 11/18/80	VIA TM trucks	COL.	F.O.B.
DATE INVOICED	DATE SHIPPED	VIA	B/L NUMBER	DUBIN FA DEC 9, 1980		

SHIPPED TO: Same SOLD TO: CLAWSON FARMS INC

SALES ORDER

QUANTITY ORDERED	SIZE	UNIT PRICE	AMOUNT
1	7"	Used 26" Wheel Unit 320 SA TRI-MATIC Mobile Solid Set System Repaired AS Needed Installed on your Property w/ 26-2" X 50' TRAIL LINES & 2.34-1/2" X 40' TRAIL LINES w/ 4 sets STABILIZER wheels per line - SUSP. JOINTS & VALVE CHANGERS TRAILS ARE FOR 400' SETS WITHOUT ENGINE	\$15,000.00
		PAYMENT IN FULL by Dec. 9, 1980 Required	15,000.00

Receipt is hereby acknowledged of the above items, and I agree (unless such are incorporated in a Purchase Money Security Agreement, in which event I will be bound by its terms) to pay a finance charge (service charge) computed at a periodic rate of 1 1/4% per month, or an annual percentage rate of 18% applied to any balance of my account, including accrued finance charges, which remains unpaid 15 days or more past the billing date thereof. The billing date is the 25th of each month for all charges incurred during the month to that date. I agree that the entire above balance is due within 15 days following the billing date therefor.

- ☒ The property which I have purchased here will be used by me directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, or for farming, or
- ☐ To repair equipment or machinery which is being directly and primarily used in the process of producing tangible personal property by the means stated above and which would be exempt from application of sales tax were it being purchased, or
- ☐ That I am a retailer of tangible personal property.

The goods sold shall be located and remain for the term of the sale agreement on the following described property located at _____ county, state of _____.

(Note: Use exact legal description -- e.g. SE1/4 NE1/4 Sec 8 TWP 3N, R. 1E1)

Note: All of the terms, conditions and provisions on the reverse side of this Sales Order & Installation Contract, and any continuation sheets attached hereto form a part of this agreement.

Approved Larry CaseTitle mgrSignature of Purchaser Mark W. Hoibauer

TRI-MATIC SERVICE CO., INC.

Date Signed 11/18/80

Date Signed _____

INSTALLATION CONTRACT

INSTALLATION CHARGES

FREIGHT

TOTAL

Receipt is hereby acknowledged of the above items, and I agree (unless such are incorporated in a Purchase Money Security Agreement, in which event I will be bound by its terms) to pay a finance charge (service charge) computed at a periodic rate of 1 1/4% per month, or an annual percentage rate of 18% applied to any balance of my account, including accrued finance charges, which remains unpaid 15 days or more past the billing date thereof. The billing date is the 25th of each month for all charges incurred during the month to that date. I agree that the entire above balance is due within 15 days following the billing date therefor.

Note: All of the terms, conditions and provisions on the reverse side of this Sales Order and Installation contract, and any continuation sheets attached hereto form a part of this agreement.

Approved _____

Title _____

Signature of Purchaser _____

TRI-MATIC SERVICE CO., INC.

Date Signed _____

Date Signed _____

MICROFILMED
FEB 08 1993

No Merchandise is to be returned without authorization from this office. Claims for shortage must be made within 10 days.

ORDER & INSTALLATION CONTRACT

Tri-Matic Service, Inc.

1067 EAST MAIN BURLEY, IDAHO 83311

PHONE (208) 678-3811

Payable at Burley, Idaho 83318

No 0031

DATE INVOICED 12/80	FROM Quote 3159-14026	CUSTOMER'S ORDER NO.	APPROX. SHIPMENT ASAP	VIA Our truck	COL.	F.O.B.
DATE SHIPPED	VIA	B/L NUMBER	TERMS			

SHIPPED TO: Same SOLD TO: CLAWSON FARMS

APR 16 1991

SALES ORDER		Item #	Department of Water Resources Southern Region Office	UNIT PRICE	AMOUNT
QUANTITY ORDERED	SIZE				
11	10X10X3	Tee w/ 3" FIPT		3462	600 82
4	12X12X4	Tee w/ 6" FIPT		115 58	446 32
5	10X10X6	Tee w/ 6" FIPT		85 72	428 80
24	4" X 3"	VALVE STUL w/ 3" FIPT		23 81	572 84
2	4"	WELDON VALVE		12 01	24 02
5		Sets of Plumbing for AIR & SURG VALVES		41 00	205 00
9	6"	Galv. Pipe Plug -		17 50	157 50
5	2"	AIR VALVE		16 83	84 15
5	2"	SURG VALVE		39 03	195 15
TOTAL					2714 99

Receipt is hereby acknowledged of the above items, and I agree (unless such are incorporated in a Purchase Money Security Agreement, in which event I will be bound by its terms) to pay a finance charge (service charge) computed at a periodic rate of 1 1/2% per month, or an annual percentage rate of 18% applied to any balance of my account, including accrued finance charges, which remains unpaid 15 days or more past the billing date thereof. The billing date is the 25th of each month for all charges incurred during the month to that date. I agree that the entire above balance is due within 15 days following the billing date thereof.

- ☒ The property which I have purchased here will be used by me directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, or for farming, or
- ☐ To repair equipment or machinery which is being directly and primarily used in the process of producing tangible personal property by the means stated above and which would be exempt from application of sales tax were it being purchased, or
- ☐ That I am a retailer of tangible personal property.

The goods sold shall be located and remain for the term of the sale agreement on the following described property located in _____ county, state of _____.

(Note: Use exact legal description -- e.g. SE1/4 NE1/4 Sec. 8, TWP 3N, R. 1E)

Note: All of the terms, conditions and provisions on the reverse side of this Sales Order & Installation Contract, and any continuation sheets attached hereto form a part of this agreement.

Approved: Ray Calhoun Title: MAN. Signature of Purchaser: Julian Clawson Farms
 TRI-MATIC SERVICE CO., INC. Date Signed: 9/24/80 Date Signed: 9/24/80

INSTALLATION CONTRACT		TOTALS
INSTALLATION CHARGES	#1 = 2714.99	10% = 3489.68
	#2 = 2889.88	DUE 10/10/80
	#3 = 3302.00	BALANCE DUE ON
FREIGHT	34,896.87	Completion of Installation & IMPL.
		TOTAL

Receipt is hereby acknowledged of the above items, and I agree (unless such are incorporated in a Purchase Money Security Agreement, in which event I will be bound by its terms) to pay a finance charge (service charge) computed at a periodic rate of 1 1/2% per month, or an annual percentage rate of 18% applied to any balance of my account, including accrued finance charges, which remains unpaid 15 days or more past the billing date thereof. The billing date is the 25th of each month for all charges incurred during the month to that date. I agree that the entire above balance is due within 15 days following the billing date thereof.

Note: All of the terms, conditions and provisions on the reverse side of this Sales Order and Installation contract, and any continuation sheets attached hereto form a part of this agreement.

Approved: Ray Calhoun Title: MAN. Signature of Purchaser: Julian Clawson Farms
 TRI-MATIC SERVICE CO., INC. Date Signed: 9/24/80 Date Signed: 9/24/80

No Merchandise is to be returned without authorization from this office. Claims for shortage must be made within 10 days.

ORDER & INSTALLATION CONTRACT

Tri-Matic Service, Inc.

1067 EAST MAIN

BURLEY, IDAHO 83318

PHONE (208) 678-3811

Payable at Burley, Idaho 83318

No 0032

DATE 7/1/90	QUOTE 3959 + 4026	CUSTOMER'S ORDER NO.	APPROX SHIPMENT ASAP	VIA Rory Tucker	COL.	F.O.B.
DATE INVOICED	DATE SHIPPED	VIA	B/L NUMBER	TERMS		

SHIPPED TO:

Same

SOLD TO:

CLAWSON FARMS
Paul Idaho

SALES ORDER Item # 2

QUANTITY ORDERED	SIZE		UNIT PRICE	AMOUNT
1	10"	Gooseneck w/ Airtight SURF & END Plug	342.12	342.12
1	12"	Gooseneck w/ Airtight SURF	309.35	309.35
19	3" x 36"	Poly Risers	9.22	175.18
5	3" x 30"	Poly Risers	9.83	49.15
1	12 x 10	Reducer	102.18	102.18
3,740'	10"	125# IPS PVC Gasketed	3.7415	13987.60
2,600'	12"	125# IPS PVC Gasketed	5.296	13,754.00
12		THRUST BLOCK	50.00	100.00
2	6"	WELDON VALVE	32.65	65.30
TOTAL				28,879.88

Receipt is hereby acknowledged of the above items, and I agree (unless such are incorporated in a Purchase Money Security Agreement, in which event I will be bound by its terms) to pay a finance charge (service charge) computed at a periodic rate of 1 1/4% per month, or an annual percentage rate of 18% applied to any balance of my account, including accrued finance charges, which remains unpaid 15 days or more past the billing date thereof. The billing date is the 25th of each month for all charges incurred during the month to that date. I agree that the entire above balance is due within 15 days following the billing date thereafter.

- ☒ The property which I have purchased here will be used by me directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, or for farming, or
- ☐ To repair equipment or machinery which is being directly and primarily used in the process of producing tangible personal property by the means stated above and which would be exempt from application of sales tax were it being purchased, or
- ☐ That I am a retailer of tangible personal property.

The goods sold shall be located and remain for the term of the sale agreement on the following described property located in _____ county, state of _____.

(Note: Use exact legal description - e.g. SE1/4 NE1/4 Sec 8, TWP 3N, R. 10E, M. 1)

Note: All of the terms, conditions and provisions on the reverse side of this Sales Order & Installation Contract, and any continuation sheets attached hereto form a part of this agreement.

Approved

Larry Calhoun Title: Mgr

Signature of Purchaser

Julian Clawson Farms
By Mark W. Whitaker

TRI-MATIC SERVICE CO., INC.

Date Signed 7/24/90

Date Signed 7/24/90

INSTALLATION CONTRACT Item # 3

INSTALLATION CHARGES

5200'	Trenching - No Rock Work - No Backfilling	.26	1352.00
2600'	10" STRING & LAY PVC	.35	910.00
REDUCER 2600'	12" STRING & LAY PVC	.40	1040.00
TOTAL			3,302.00

Receipt is hereby acknowledged of the above items, and I agree (unless such are incorporated in a Purchase Money Security Agreement, in which event I will be bound by its terms) to pay a finance charge (service charge) computed at a periodic rate of 1 1/4% per month, or an annual percentage rate of 18% applied to any balance of my account, including accrued finance charges, which remains unpaid 15 days or more past the billing date thereof. The billing date is the 25th of each month for all charges incurred during the month to that date. I agree that the entire above balance is due within 15 days following the billing date thereafter.

Note: All of the terms, conditions and provisions on the reverse side of this Sales Order and Installation contract, and any continuation sheets attached hereto form a part of this agreement.

Approved

Larry Calhoun Title: Mgr

Signature of Purchaser

Julian Clawson Farms
By Mark W. Whitaker

TRI-MATIC SERVICE CO., INC.

Date Signed 9/24/90

Date Signed 9/24/90

No Merchandise is to be returned without authorization from this office. Claims for shortage must be made within 10 days.

INVOICE

No 2191

Tri-Matic Service, Inc.

1067 EAST MAIN BURLEY, IDAHO 83318

AREA CODE 208 — PHONE 678-3811

Payable at Burley, Idaho 83318

Railroad Company's Receipt for Merchandise in good order constitutes delivery, after which our responsibility ceases. All claims for shortages or deduction must be made within five days after receipt of goods. No allowances for exchange or express charges. GOODS MUST NOT BE RETURNED, and will not be received or credited unless we are advised previously, the reason stated, and our consent given.

DATE ENTERED 3/2/90	FROM Sot 31+32 Mack Neihauer LAL	CUSTOMER'S ORDER NO.	APPROX. SHIPMENT LAL	VIA	APR 16 1991	F.O.B.
DATE INVOICED 3/18/90	DATE SHIPPED	VIA		Department of Water Resources Southern Region Office		

SOLD TO C. Clauson Farms Inc.SHIPPED TO SamePaul IdahoMachinery & fittings

QUANTITY ORDERED	SIZE	DESCRIPTION	UNIT PRICE	EXTENSION	AMOUNT
2	10"	600 Seneck w/Air - Surg-End Plug	342 ¹²		684 ²⁴
1	12"	600 Seneck w/Air + Surg	309 ²⁵		309 ²⁵
19	3" X 36"	Poly Risers	9 ²²		175 ¹⁸
5	3" X 30"	Poly Risers	8 ⁸³		44 ¹⁵
1	12" X 10"	Reducer Green	102 ¹⁸		102 ¹⁸
3740'	10"	125# IPS PVC Gasketed	3 ⁷⁴		13987 ⁶⁰
2600'	12"	125# IPS PVC Gasketed	5 ²⁹		13754 ⁰⁰
3		Thrust Blocks	50 ⁰⁰		150 ⁰⁰
3	6"	Weld on Valve Stub	32 ⁶⁵		97 ⁹⁵
1	10"	600 Seneck w/STARTER ONLY	156 ⁰⁰		156 ⁰⁰
11	10X10X3	Green Tee FIPT	54 ⁶³		600 ⁸²
4	12X12X6	Green Tee FIPT	115 ⁵³		462 ³²
5	10X10X6	Green Tee FIPT	85 ⁷⁷		428 ⁸⁵
24	4X3	Valve Stub w 3" FIPT	23 ⁸¹		571 ⁴⁴
3	4"	Weld on Valve Stub	12 ⁰¹		36 ⁰³
5		Sets of Plumbing for Air + Surg	41 ⁰⁶		205 ³⁰
9	6"	9AIR Plug IPT	24 ⁰⁰		216 ⁰⁰
7	2"	Air Valve	16 ⁸³		117 ⁸¹
7	2"	Surg Valve	39 ⁰³		273 ²¹
				TOTAL	32372 ⁴

This contract contains the entire agreement between the parties hereto with respect to the subject matter hereof and no promises, agreements or warranties, written or verbal, with respect thereto shall have any force or effect unless embodied herein. This contract shall not be binding on either party until approved by an authorized individual of the Tri-Matic Service, Inc. The title to the property listed herein shall remain in the name of Tri-Matic Service, Inc. until fully paid for.

NO MERCHANDISE IS TO BE RETURNED WITHOUT AUTHORIZATION FROM THIS OFFICE. CLAIMS FOR SHORTAGE MUST BE MADE WITHIN 10 DAYS.

FINANCE CHARGE computed at a periodic rate of 1-1/2% per month, or an annual percentage rate of 18%, will be applied to any invoice, including accrued finance charges, which remain unpaid for more than one month after the invoice date.

FEB 08 1993

orm 238-7
/78STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESUSE TYPEWRITER OR
BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Julion Clawson Farms IncAddress RR 1 Paul, Id

Owner's Permit No. _____

7. WATER LEVEL

Static water level 267 feet below land surface.Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ °F. Quality _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M. Pumping Level Hours Pumped

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
2.50 inches	20 inches	1 feet	24 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ NoWas a pecker or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 24 Material used in seal: ☐ Cement grout☐ Pudding clay ☒ Well cuttingsSealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld

☐ Cemented between strataDescribe access port 1 1/2" p. 2e

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
20	0	24	top soil & clay		x
	24	52	Gray Basalt		
	52	60	Brown Basalt		
	60	78	Gray Basalt		
	78	100	Brown Basalt		
	100	146	Gray Basalt		
	146	162	Red Basalt		
	162	189	Brown Basalt		
	189	202	Gray Basalt		
	202	225	Brown Basalt		
	225	265	Gray Basalt		x
	265	279	Brown Basalt	x	
	279	300	Gray Basalt		x
	300	321	Brown Basalt	x	
	321	350	Red Basalt & cinders		

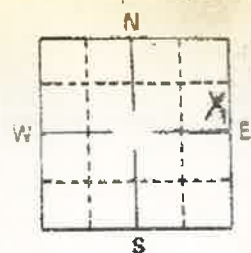
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Department of Water Resources
Southern Region Office

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County _____

10.

Work started Oct 20 80 finished Dec 12 80

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name Harry King Drilling Firm No. 88Address RT 3 Rupert Date 12-12-80Signed by (Firm Official) Harry Kingand Harry King
(Operator)

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: A36-11893
Date Received: 9/08/1989
Receipt No: 5009118
Received By: ADW

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Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

208-532-4175

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

83347

2. Date of Priority: MAY 01, 1980

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	<u>26</u>	NE	SE	NE		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	0.180		

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

A.F.A.

8. Total consumptive use is

27.0 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	26	NE	NE		IRR	9.0
Section Acres							<u>9.0</u>

A36-11893

Page

1

Date: 09/08/89

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10. Place of Use: Continued

Total Acres 9.0

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:
NONE

14. Remarks:
THIS IS AN EXPANSION OF A36-02070H AND A36-07529H.
THE WELL SUPPLYING THIS SYSTEM IS SHARED WITH JOHN STEVENSON.

15. Basis of Claim: BENEFICIAL USE

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. Weibauer Date: 9/8/89

Date: _____

State of Idaho)
County of Theriot Falls) ss.

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

Al D. Mente
Notary Public

Seal

Residing at Kimberly ID
My Commission Expires 6/30/92

CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

*This right when combined with Right No. 36-2070C shall not exceed 1228.0 acre feet per annum.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30TH day of AUGUST, 19 85.

Acting for the Director

Roman C. Young
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IDAHO POWER COMPANY
IRRIGATION ELECTRIC SERVICE AGREEMENT
IN IDAHO

DISTRICT Rupert RATE SCHEDULE No. 24 ACCT. No. 1856-0051790

Connected Load: 350 H.P. 400 Volts 3 Phase 4 Wire
H.P. Volts Phase Wire

Julian Clawson Farms, Inc. (Name) (Neibaur & Stevenson) (Mailing Address)

herein called Customer, agrees to receive and pay for, and IDAHO POWER COMPANY, herein called Company, agrees to supply electric service to the amount of 350 H.P. in the form of 3 phase alternating current at approximately 80 cycles per second and approximately 480 volts, within a range of plus five and eight tenths percent (5.8%) to minus eight percent (8.0%) at sustained voltage level (voltage level may vary in excess of this range due to switching operations, motor starting, etc.), for Customer's Pumping & Irr. operations, at or near 1175 N 300 W. in Minidoka County, State of Idaho for a term of 7 year(s) from and after the beginning of the irrigation season, 1980, in accordance with and subject to the Company's rules and regulations and Schedule No. 24, as now or hereafter in effect at the time of delivery of service. The point of delivery of power shall be where the Company's wires or apparatus are connected with those of the Customer at or near SENE of Section 26 T. 7 S. R. 23 E. U. 8 M.

All payments shall be made at Company's office at Rupert, Idaho. The Customer agrees to pay, regardless of the amount of power actually consumed, the minimum charges as provided in the rate schedule, rules and regulations applicable to service hereunder. A copy of the rate schedule and the rules and regulations as now in effect are attached hereto as part of this agreement.

It is understood and agreed that the initial date of delivery of power and energy under this agreement is subject to the Company's ability to obtain required labor, materials, equipment, satisfactory rights-of-way and comply with governmental regulations.

In consideration of the special investment to be made by the Company in extending its lines and facilities to supply the Customer's pumping power service requirements, Customer guarantees a minimum annual* payment in the amount of \$ 2427.00 to the Company during the term of this contract, such annual minimum to run with the land and pumping power service hereinabove referred to and to be payable by the Customer's successors or assigns as a condition of service during the term of this agreement.

*The annual period hereunder shall be the twelve month period beginning March 1 of each year.

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Department of Water Resources
Southern Region Office

Darin Neibaur - Pres.
Mark W. Neibaur - Pres.
Customer.

Dated October 29 1980
Attest Witness Judy J. Neibaur
Attest Witness Darin Neibaur

IDAHO POWER COMPANY
By [Signature]
Its DIVISION MANAGER

~~Best Service Demand~~
Acreage _____ Supplement _____ New _____
Lift _____

W.O. No. 42-760-779
(7492)

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**IDAHO POWER COMPANY
IRRIGATION ELECTRIC SERVICE AGREEMENT
IN IDAHO**

DISTRICT Rupert RATE SCHEDULE No. 24ACCT. No. 18-56-34-2179-0

Connected Load: 350 H.P. 400 Volts 3 Phase 4 Wire
 H.P. Volts Phase Wire

Julian Clawson Farms, Inc. (Neibaur & Stevenson)
 (Name) (Mailing Address)

herein called Customer, agrees to receive and pay for, and IDAHO POWER COMPANY, herein called Company, agrees to supply electric service to the amount of 350 H.P. in the form of 3 phase alternating current at approximately 60 cycles per second and approximately 480 volts, within a range of plus five and eight tenths percent (5.8%) to minus eight percent (8.0%) at sustained voltage level (voltage level may vary in excess of this range due to switching operations, motor starting, etc., for Customer's Pumping 2.4 cc. operations, at or near 1175 N 300 W. in Yinkola County, State of Idaho for a term of 7 year(s) from and after the beginning of the irrigation season, 1991 in accordance with and subject to the Company's rules and regulations and Schedule No. 24, as now or hereafter in effect at the time of delivery of service. The point of delivery of power shall be where the Company's wires or apparatus are connected with those of the Customer at or near LINE of Section 26 T. 7 N. R. 21 E. B. M.

All payments shall be made at Company's office at Rupert, Idaho. The Customer agrees to pay, regardless of the amount of power actually consumed, the minimum charges as provided in the rate schedule, rules and regulations applicable to service hereunder. A copy of the rate schedule and the rules and regulations as now in effect are attached hereto as part of this agreement.

It is understood and agreed that the initial date of delivery of power and energy under this agreement is subject to the Company's ability to obtain required labor, materials, equipment, satisfactory rights-of-way and comply with governmental regulations.

In consideration of the special investment to be made by the Company in extending its lines and facilities to supply the Customer's pumping power service requirements, Customer guarantees a minimum annual* payment in the amount of \$ 2427.00 to the Company during the term of this contract, such annual minimum to run with the land and pumping power service hereinabove referred to and to be payable by the Customer's successors or assigns as a condition of service during the term of this agreement.

*The annual period hereunder shall be the twelve month period beginning March 1 of each year.

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Department of Water Resources
Southern Region Office

Dated Attest Witness Attest Witness Date of next billing Acreage Supplement New Life

Darin Neibaur - Pres.
Mark W. Neibaur - Customer.

IDAHO POWER COMPANY
 By
 Its DIVISION MANAGER

W.O. No. 42-760-779
(7492)

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#0305

IDAHO POWER COMPANY
IRRIGATION ELECTRIC SERVICE AGREEMENT
IN IDAHO

DISTRICT Rupert RATE SCHEDULE No. 24

ACCT. No. 1856-002179

Connected Load: 350 H.P. 480 Volts 3 Phase 4 Wire
H.P. Volts Phase Wire

Julian Clawson Farms, Inc. (Neibaur & Stevenson)
(Name) (Mailing Address)

herein called Customer, agrees to receive and pay for, and IDAHO POWER COMPANY, herein called Company, agrees to supply electric service to the amount of 350 H.P., in the form of 3 phase alternating current at approximately 60 cycles per second and approximately 480 volts, within a range of plus five and eight tenths percent (5.8%) to minus eight percent (8.0%) at sustained voltage level (voltage level may vary in excess of this range due to switching operations, motor starting, etc.), for Customer's Pumping & Irr. operations, at or near 1175 N 300 W., in Minidoka County, State of Idaho for a term of 7 1 year(s) from and after the beginning of the irrigation season, 1981 in accordance with and subject to the Company's rules and regulations and Schedule No. 24, as now or hereafter in effect at the time of delivery of service. The point of delivery of power shall be where the Company's wires or apparatus are connected with those of the Customer at or near SE 1/4 NE 1/4 of Section 26 T. 7 S. R. 23 E. B. M.

All payments shall be made at Company's office at Rupert, Idaho. The Customer agrees to pay, regardless of the amount of power actually consumed, the minimum charges as provided in the rate schedule, rules and regulations applicable to service hereunder. A copy of the rate schedule and the rules and regulations as now in effect are attached hereto as part of this agreement.

It is understood and agreed that the initial date of delivery of power and energy under this agreement is subject to the Company's ability to obtain required labor, materials, equipment, satisfactory rights-of-way and comply with governmental regulations.

In consideration of the special investment to be made by the Company in extending its lines and facilities to supply the Customer's pumping power service requirements, Customer guarantees a minimum annual* payment in the amount of \$ 2497.00 to the Company during the term of this contract, such annual minimum to run with the land and pumping power service hereinabove referred to and to be payable by the Customer's successors or assigns as a condition of service during the term of this agreement.

*The annual period hereunder shall be the twelve month period beginning March 1 of each year.

Mack -
we are in
the last year
of this contract
-jh

COPY

Dated October 29, 1980.

Attest } John W. Neibaur
Witness

Attest } Paul Stevenson
Witness

~~EXHIBIT~~ ~~EXHIBIT~~ ~~EXHIBIT~~

Acreage _____ Supplement _____ New _____

Lift _____

Darwin Neibaur - Pres.
Mack W. Neibaur V Pres
Customer.

IDAHO POWER COMPANY
By [Signature]
Its DIVISION MANAGER

W.O. No. 42-768-779
(7492)

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Julion Clawson Farms Inc.
Rupert, Idaho

Idaho Power Co.
Rupert, Idaho

Nov. 20, 1980

Subject: Abandoned well site (Clawson # 4)

This is to inform you that Julion Clawson Farms has
abandoned our well site # 4 located NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26 7S
R23E, also known as 1100 N 375 W and Idaho Power station
9.

Darwin Neibaur
Pres. Darwin Neibaur
Mack Neibaur
Sec. Treasurer Mack Neibaur

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FEB 08 1993