

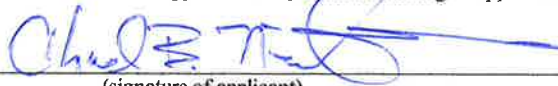
2001

TWP RGE SEC			NE				NW				SW				SE				TOTALS	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
9S	40E	29					30	30	30	30									120	
9S	40E	20														30	30	30	30	120
																	Total acres	240		

6. General Information:

- a. Who owns the water right to be changed? Gem Valley Farms (applicant)
- b. Describe the arrangement allowing use of the right. _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application: No change just a switch in waters used to water each parcel.
- d. Has the water right sought to be transferred been used this year? Yes/No explain: Yes on right 7198 A, however it will be a switch with acres that are currently being watered from the canal, so a switch of irrigated for irrigated. No on right 7198 B water from this right has not been used this year.
- e. Absent the changes, how would the right be used for the remainder of the year? If the change was not made, we would not be able to finish out the potato crop
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: We would appreciate it if you would allow this temporary transfer. With the current drought condition, we will be unable to finish our potato crop unless we can make this change. Thank you.

I hereby assume all risk in accordance with House Bill No. 4 and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.


(signature of applicant)

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 6-14-01 Fee \$50
Received HWS 6-14-01 # ED26819 Recommend: ☒ approved ☐ deny
Watermaster recommendation Approve

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

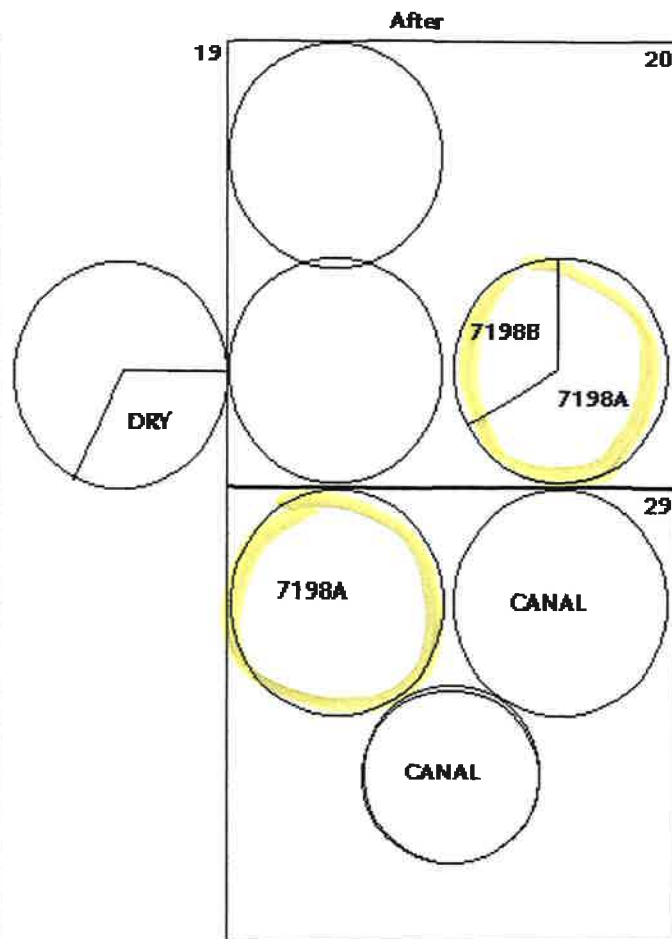
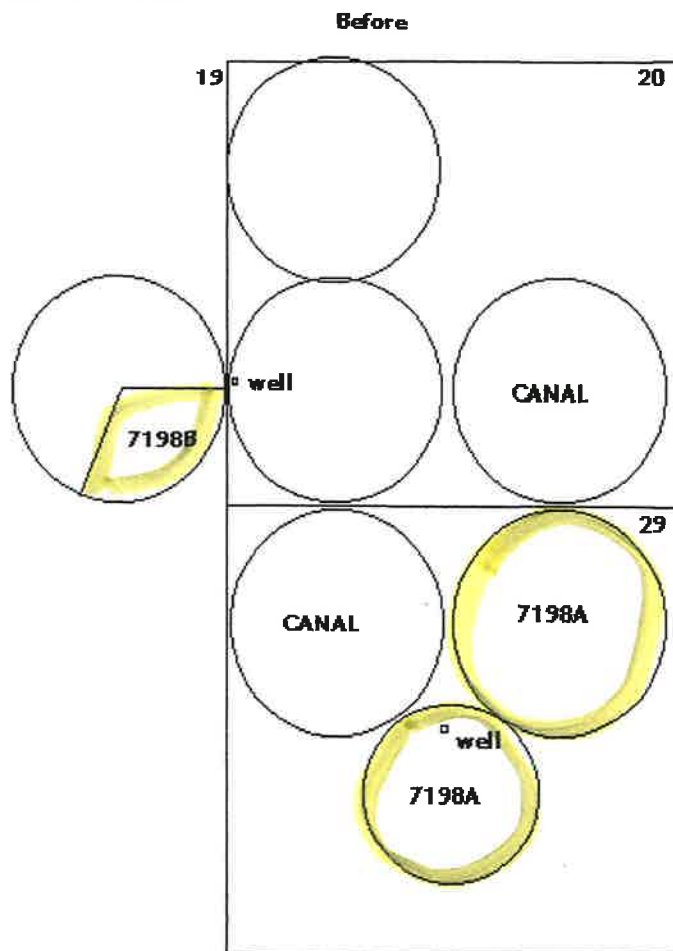
This is to certify that I have examined Temporary Change Application No. TC-13-01
And said application is hereby APPROVED, subject to the following limitations and conditions:

1. This approval expires November 1, 2001 and thereafter the right reverts to the use existing prior to the temporary change.

Witness my hand this 19th day of June, 2001.



Chad Neibaur: Gem Valley Farms
1550 Central Road
Bancroft, Idaho 83217



06/08/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 13-7198A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEM VALLEY FARMS C/O CHAD NEIBAUR 1550 CENTRAL RD BANCROFT, ID 83217 (208)425-3632
Original Owner	DWAIN K CHRISTENSEN
Priority Date:	06/20/1977
Basis:	License
Status:	Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15	10/15	2.93 CFS		
Total Diversion			2.93 CFS		

Location of Point(s) of Diversion:

GROUND WATER	SENE	Sec. 29	Township 09S	Range 40E	CARIBOU County
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IRRIGATION Use:
Acre Limit: 193

Place(s) of use:

Place of Use Legal Description: IRRIGATION	CARIBOU County
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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09S	40E	29		NENE	29		NWNE	30		SWNE	37		SENE	29
				SENE	7									
				NESW	31									
				NWSE	30									

Total Acres: 193

Conditions of Approval:

1. 068 This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 13T.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

1. General It is hereby ordered that Application for Transfer Nos. 4703,4704 and 4705 are approved subject to the following conditions: 1.
Irrigation from the well located in the SWSW, S20, T09S, R40E, B.M. (center well) is limited to 309 acres located within two circular pivots in the S1/2 of S20, T09S, R40E, B.M. and one circular pivot located in the SE1/4 of Section 19, T09S, R40E, B.M. The acreage proposed for irrigation in the SE, S19, T09S, R40E, B.M. must be reduced by 42 acres.

Irrigation from the center well of land located in the SWSE, S19, T09S, R40E, B.M. is limited to 15 acres. No land in the SESE, S19, T09S, R40E, B.M. may be irrigated with groundwater or with surface water unless authorized pursuant to a valid water right. This condition will no longer be effective, however, if conditions 14 through 18 are fully satisfied.

2.

Combined Right Nos. 13-02559 and 13-07198C shall not exceed a total combined rate of diversion of 3.76 cfs, a total combined annual diversion volume of 792 af, nor the total combined annual irrigation of 264 acres.

3.

Combined Right Nos. 13-07165, 13-07261 and 13-07198B shall not exceed a total combined rate of diversion of 5.12 cfs, a total combined annual diversion volume of 927 af, nor the total combined irrigation 309 acres.

6.

Prior to diverting water under these transferred water rights, totalizing measuring device and lockable controlling works of a type approved by this Department shall be maintained on each of the diverting works in a manner that will provide the watermaster suitable control of the diversion.

7.

Surface water shall not be commingled with groundwater unless the groundwater and surface water diversions are measured separately as approved by the Department.

8.

These rights when combined with all other rights shall provide no more than 0.02 cfs per acre and not more than 3.0 af per acre for the lands above.

11. Approval of this transfer does not authorize use of canal water on the circular system located in the NW1/4 of S29, T09S, R40E, B.M. or on any other lands that are the subject of these transfers.

12. The rate of flow diverted from the well located in the SWSW, S20, T09S, R40E, B.M. shall not exceed 5.12 cfs.

13. None of these transfers shall be implemented midway through an irrigation season if implementation results in the irrigation of a combined total acreage during the irrigation season in excess of the irrigated acreage authorized pursuant to the transferred water rights.

It is further ordered that, as an alternative, 351 acres described by the applications for transfer in the S1/2 of S20, and the SE1/4 of S19, T09S, R40E, B.M. may be irrigated by the well located in the SWSW, S20, T09S, R40E, B.M. only after satisfaction of the following conditions within one year of final approval of these transfers: 14. A well interference test is conducted for the well located in the SWSW, S20, T09S, R40E, B.M., and for the well located in the SENW, S29, T09S, R40E, B.M. The effect on wells owned by Warren LLoyd, Keith LLoyd and Phil Yost must be determined for each well test. The effect caused by pumping from the well located in the SWSW, S20, T09S, R40E, B.M. cannot have a greater effect on the protestants' wells than pumping from the well located in the SENW, S29, T09S, R40E, B.M.

15. A plan for the well test must be submitted to the Department and approved prior to the tests being conducted.

16. The well test must be conducted by a professional engineer, professional geologist or by a person who can demonstrate sufficient qualifications to conduct the test.

17. Written results of the well test must be distributed to the Department and to the protestants for review.

18. The Department will issue another decision following submittal of the written report documenting the well test. The parties may request a hearing as provided by Idaho Code 42- 1701A.

19. If conditions 14-18 are satisfied, condition no. 3 will no longer be effective, and combined Right Nos. 13-07165, 13-07261 and 13-07198B shall not exceed a total combined rate of diversion of 5.12 cfs, a total combined annual diversion volume of 1056 acre feet, not the total combined annual irrigation of 352 acres.

It is further ordered that Gem Valley may only irrigate lands authorized for irrigation by water Right Nos. 13-07198, 13-02259, 13-07165 and 13-07261 from groundwater as described by the water rights prior to filing of the applications for transfer, unless and until Gem Valley submits a plan of implementation for the transfers and the plan is approved by the department. The plan of implementation must insure that: (a) The total number of acres irrigated in 1996, derived by summing all of the acres irrigated from ground water at any time during 1996, is limited to 808 acres; and (b) The total number of acres irrigated in 1996 from the center well located in the SWSW, S20, T09S, R40E, B.M., derived by summing all the acres irrigated from the center well at any time during 1996, is limited to 309 acres or 352 acres if conditions 14 through 18 are fully satisfied. (Condition Nos. 4, 5, 9 & 10 standard conditions; 4=068 5=R04 9=T07 & 10=T08. See approval form.)

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
RBODELL	8/31/1995	TRANSFER NOS. 4703, 4704 & 4705	These transfers proposed to change the place of use and points of diversion describing individual water rights. The approval by Final Order was for all three transfers describing systems. See conditions of approval and Final Order in files.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 13-7198B

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

Original Owner DWAIN K CHRISTENSEN

Priority Date: 06/20/1977
Basis: License
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15	10/15	0.64 CFS		
Total Diversion			0.64 CFS		

Location of Point(s) of Diversion:

GROUND WATER SWSW Sec. 20 Township 09S Range 40E CARIBOU County

IRRIGATION Use:
Acre Limit: 42

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09S	40E	19		SWSE	15		SESE	27						

Total Acres: 42

Conditions of Approval:

1. 068 This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 13T.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

1. General It is hereby ordered that Application for Transfer Nos. 4703,4704 and 4705 are approved subject to the following conditions: 1.
Irrigation from the well located in the SWSW, S20, T09S, R40E, B.M. (center well) is limited to 309 acres located within two circular pivots in the S1/2 of S20, T09S, R40E, B.M. and one circular pivot located in the SE1/4 of Section 19, T09S, R40E, B.M. The acreage proposed for irrigation in the SE, S19, T09S, R40E, B.M. must be reduced by 42 acres. Irrigation from the center well of land located in the SWSE, S19, T09S, R40E, B.M. is limited to 15 acres. No land in the SESE, S19, T09S, R40E, B.M. may be irrigated with groundwater or with surface water unless authorized pursuant to a valid water right. This condition will no longer be effective, however, if conditions

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12. The rate of flow diverted from the well located in the SWSW, S20, T09S, R40E, B.M. shall not exceed 5.12 cfs.

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It is further ordered that, as an alternative, 351 acres described by the applications for transfer in the S1/2 of S20, and the SE1/4 of S19, T09S, R40E, B.M. may be irrigated by the well located in the SWSW, S20, T09S, R40E, B.M. only after satisfaction of the following conditions within one year of final approval of these transfers: 14. A well interference test is conducted for the well located in the SWSW, S20, T09S, R40E, B.M., and for the well located in the SENW, S29, T09S, R40E, B.M. The effect on wells owned by Warren LLOYD, Keith LLOYD and Phil Yost must be determined for each well test. The effect caused by pumping from the well located in the SWSW, S20, T09S, R40E, B.M. cannot have a greater effect on the protestants' wells than pumping from the well located in the SENW, S29, T09S, R40E, B.M.

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Comments:

Author	Date	Subject	Comment
RBODELL	8/31/1995	TRANSFER NOS. 4703, 4704 & 4705	These transfers proposed to change the place of use and points of diversion describing individual water rights. The approval by Final Order was for all three transfers describing systems. See conditions of approval and Final Order in files.

Dates:

Licensed Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

Receipt Number(s): E021437
State or Federal:
Owner Name Connector:
Water District Number: 13T
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False