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AUG 14 1995

AUG 18 1995

Department of Water Resources
Eastern District Office

Department of Water Resources

IN THE MATTER OF)
APPLICATION FOR TRANSFER)
NUMBER 4580)
IN THE NAME OF Neibaur)
Farm Enterprises)
_____)

WITHDRAWAL

I hereby withdraw Application for Transfer number 4580 / 29-070003
and ask that it be voided from the Idaho Department of Water
Resources records.

Signed this 9th day of August 1995.

Signature: Olaf B. Neibaur
Neibaur Farm Ent

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Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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AUG 31 1995

Department of Water Resources
Eastern District Office

IN THE MATTER OF TRANSFER NO.)
4580 IN THE NAME OF NEIBAUR)
FARM ENTERPRISES)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On June 30, 1995, the department approved Transfer No. 4580 filed in the name of Neibaur Farm Enterprises (right holder) in connection with water right no. 29-07000B changing the place of use of the water.

2. On August 14, 1995, the right holder advised the department that it did not plan to make the change authorized by the transfer and wanted the transfer removed from department records.

3. A condition of approval of the transfer stated that failure to comply with the conditions of approval of the transfer is cause for the director of the department to rescind approval of the transfer.

CONCLUSIONS OF LAW

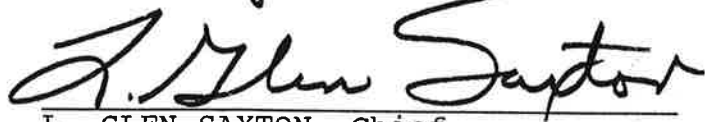
1. The right holder does not intend to comply with the conditions of approval of Transfer No. 4580.

2. The department should rescind approval of the transfer.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the department's approval of Transfer No. 4580 is RESCINDED and is of no further force nor effect.

Dated this 23rd day of August, 1995.



L. GLEN SAXTON, Chief
Water Allocation Bureau

4580

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED
JUL 07 1995

TRANSFER NO. 4580
WATER RIGHT NO. 29-07000B

Department of Water Resources
Eastern District Office

This is to certify that: **NEIBAUR FARM ENTERPRISES**
DBA GEM VALLEY FARMS
C/O CHAD NEIBAUR
1550 CENTRAL RD
BANCROFT ID 83217

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.41 CFS	897.0 AF

SOURCE

GROUNDWATER

Priority: 07/28/1967

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 13, Township 09S, Range 39E
CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	39E	13	SWNW 40.0	NWSW 40.0		80.0
		14	SWNE 34.0	SENE 40.0	SENE 32.5	
			NESW 32.5	NESE 40.0	NWSE 40.0	219.0
Total number of acres irrigated:						299.0

CONDITIONS/REMARKS:

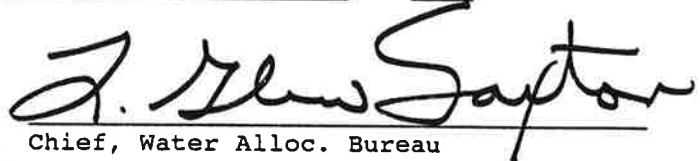
1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

TRANSFER NO. 4580
WATER RIGHT NO. 29-07000B

CONDITIONS/REMARKS:

4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 30th day of June, 1995


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NO. 29-07000B

FROM: PAM SKAGGS/^{PS}STATE OFFICE

SUBJECT: TRANSFER NO. 4580

DATE: June 8, 1995

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Transfer No. 4580 was filed to change the place of use, shifting acres to more efficiently use wells and pivot systems. The transfer is based on the right as recorded in the Bancroft-Lund Decree which has not been updated on the WR database at this time. The decreed right is labeled Part B which corresponds with Part A on the WR database.

The applicant is leasing 65 acres and rearranging the right to include this land. The lienholder's approval was conditional to the transfer being temporary and the applicant retaining all right to the water right. Correspondence was sent to explain that the transfer would be permanent in nature until changed under a subsequent transfer.

Diversion volume is recommend at the rate of 3.0 af/acre as recently decreed for the Bancroft-Lund area instead of the general standard of 3.5 af/acre for the larger surrounding area. Recommended transfer conditions include future measurement and reporting requirements, irrigation overlap, right-of-way and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4580**APPLICATION FOR TRANSFER OF WATER RIGHT****PART 1**Neibaur Farm Enterprises dbaName of applicant Gem Valley Farms Co Chad Neibaur Phone (208) 425-3632Post Office address 1550 Central Rd Bancroft, ID 83217**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes This is to better coordinate our
sprinkler-pivot systems with the existing wells.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|------------------|----------------------|-----------------------|-------------------|-----------------------------|
| <u>29-07000B</u> | <u>July 28, 1967</u> | <u>4.41</u> | <u>Irrigation</u> | <u>4-15</u> to <u>10-15</u> |
| <u>29-07000A</u> | <u>July 28, 1967</u> | <u>0.088</u> | <u>Irrigation</u> | <u>4-15</u> to <u>10-15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 4.498^{4.50} cubic feet per second and/or 4.41 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		~~SW~~	~~NE~~	~~14~~	<u>9S</u>	<u>39E</u>	<u>Caribou</u>	
		<u>NW</u>	<u>SW</u>	<u>13</u>	"	"	"	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>9S</u>	<u>39E</u>	<u>14</u>			<u>34</u>	<u>40</u>				<u>32.5</u>	<u>32.5</u>				<u>40</u>	<u>40</u>			<u>225-219</u>
		<u>13</u>							<u>40</u>			<u>40</u>							<u>80</u>

Total acres 305-299

PART 1

6. General Information:

a. Description of diversion system well pump to pivot + sprinklers.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Other water rights will be transferred to these properties.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

Old (D) Number -

+ - - - - - Address - - - - - +

City- MALAD State- ID Zip- 83252
Phone - 208-000-0000

+ - - Status - - - +

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

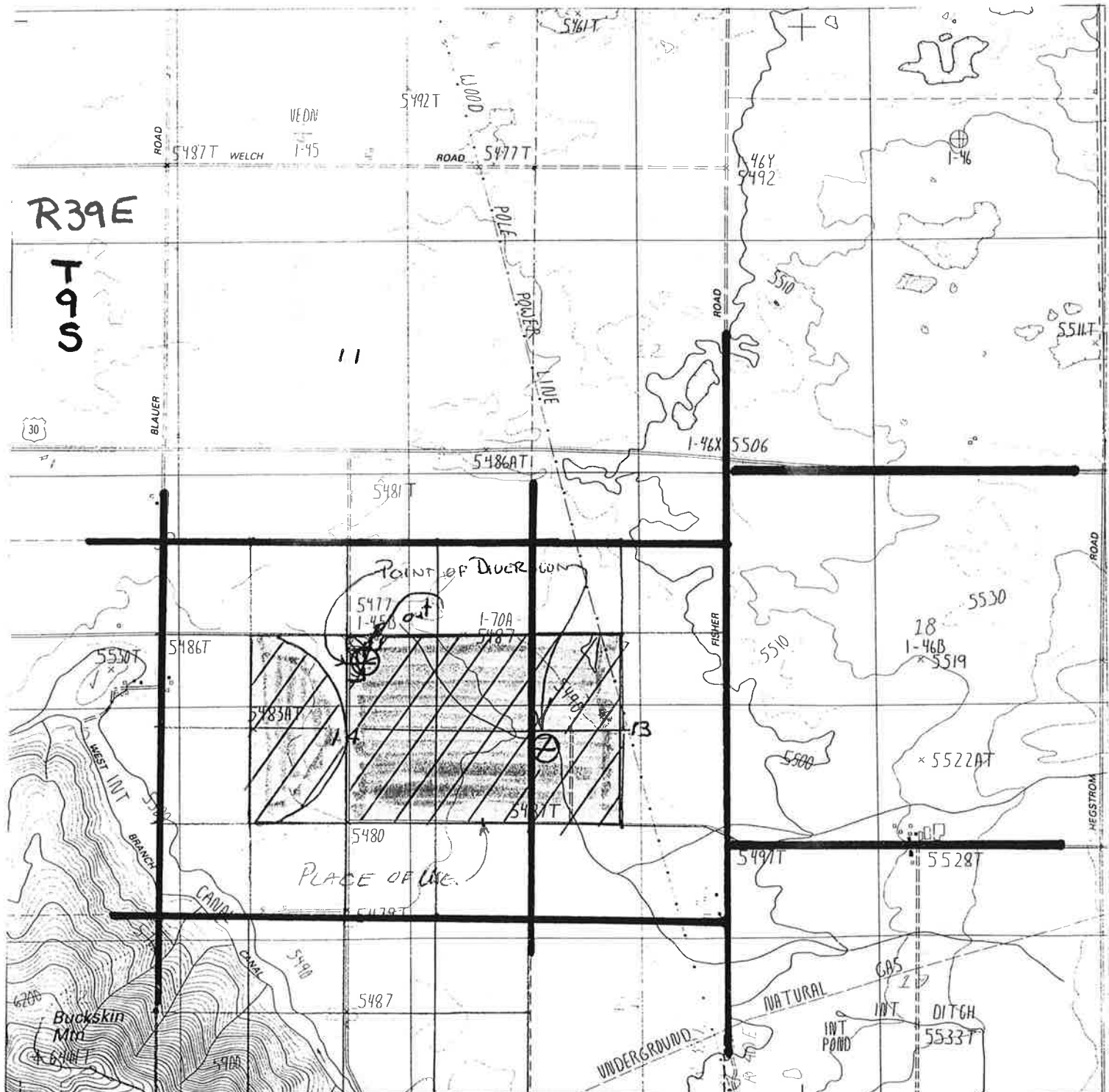
+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
4.410	897.00		747.5	

Total Acres: 299.0

+	Remarks	+
	No Remarks found.	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



SCALE: 2 inches equal 1 mile. Draw plan in ink.