

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 78399

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Gem Valley Farms c/o Chad Neibaur Phone 208 648 7113Mailing address 1550 Central Road, Bancroft, Idaho 83217 Email cneibaur@aol.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

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Eastern Region

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Chad B Neibaur
Signature of Applicant or Authorized Representative

Chad B Neibaur
Print Name and Title if applicable

1/2/2013
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. We propose shifting place of use of a portion of water right 29-7070 to an adjoining field to accommodate a pivot irrigation system. Point of diversion shall remain the same.

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Rev. 07/11

Page _____ of _____

JAN 31 2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region**AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT**
PART 1 Continued**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	29-7070	4.68 CFS	IRRIGATION	4/15 to 10/15	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.68 cfs and/or _____ ac-ft2. Total amount of water proposed to be transferred or changed 4.68 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	40E	18	30	30	35.9	30	31	31	29	35.1	5					5			262
09S	39E	12											3.3	3.5					6.8
09S	39E	13					18.9	18.3											37.2

Total Acres (for irrigation use) 306

Chad B Neibauer - 
 Jan 30, 2013

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☐	29-7070	4.68 cfs	irrigation	4/15 to 10/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights _____ cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
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Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	40E	18	30	30	35.5	30	30	30	35.5	5.5					5.5				262
09S	39E	13					14	23											37
09S	39E	12											4	3					7

Total Acres (for irrigation use) _____ 306

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: _____

Buried mainline will be installed extending out onto the adjoining property. A small pivot (44acre) will be move onto that property to irrigate the new parcel.

- b. Who owns the property at the point(s) of diversion? The applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☒ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Farm Credit Services (Blackfoot, Idaho) holds the morgage on both parcels

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The current irrigated land (corners with hand lines) will become dryland farmed.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-7070

Current Owner: GEM VALLEY FARMS
Priority Date: 9/20/1971
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	4.68 CFS	918 AF
	<u>Total Diversion</u>	4.68 CFS	918 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4 Sec. 18, Twp 09S, Rge 40E B.M.
CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T09S R40E S18	NENE	31.00	T09S R40E S18	NWNE	40.00
T09S R40E S18	SWNE	35.50	T09S R40E S18	SENE	40.00
T09S R40E S18	NENW	40.00	T09S R40E S18	NWNW	31.00
T09S R40E S18	SWNW	31.00	T09S R40E S18	SENE	36.50
T09S R40E S18	NESW	5.50	T09S R40E S18	NESE	10.00
T09S R40E S18	NWSE	5.50			

Total Acres: 306

Aerial Map



map center: 42° 38' 33.09, 111° 50' 24.79
scale: 9819

13-9S-39E
Caribou County
Idaho

Maps provided by:



©AgriData, Inc. 2013
www.AgrIDataInc.com



1/3/2013

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

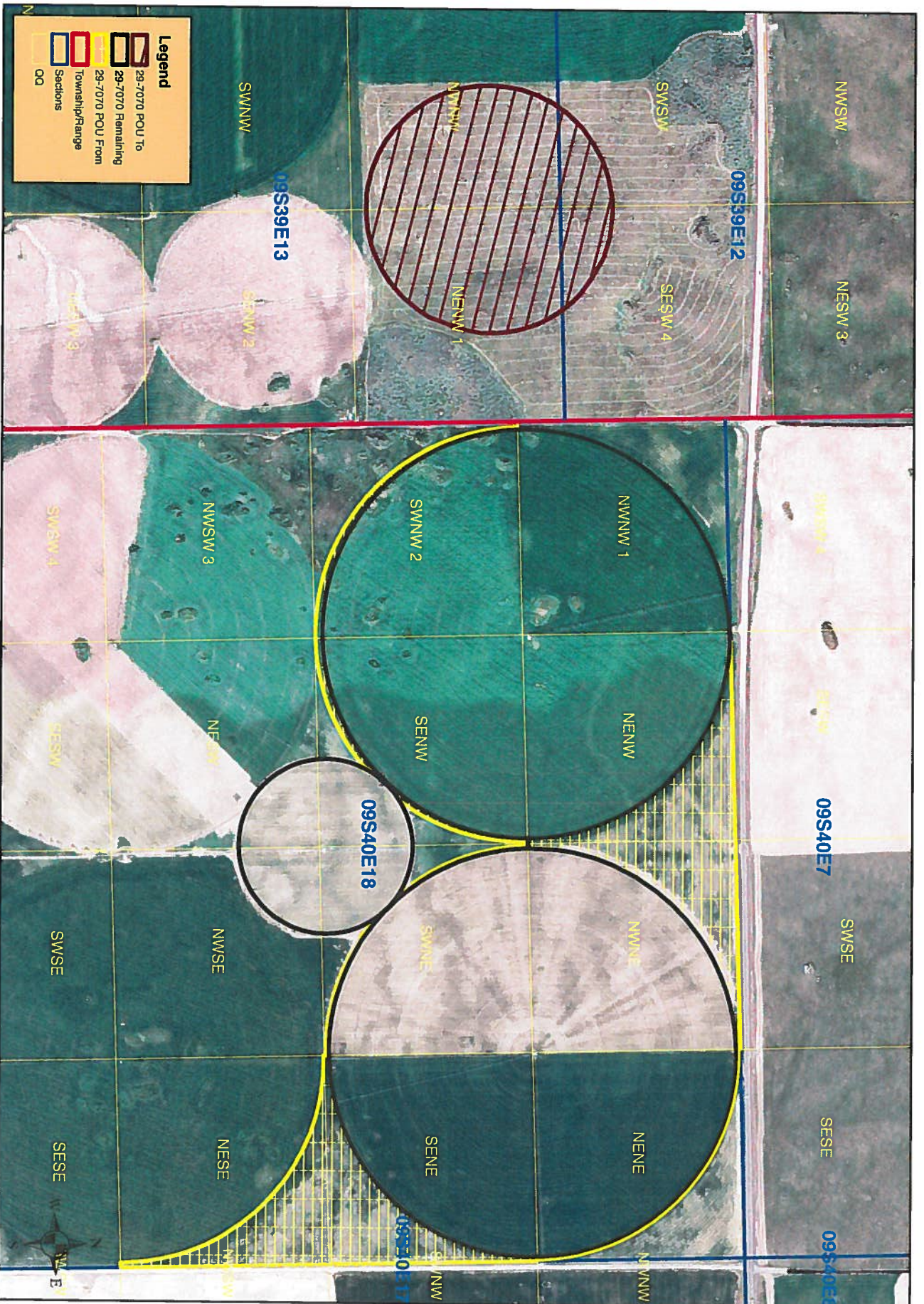
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Conditions of Approval:

1. S41 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. R29 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 irrigation of the lands above.
3. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works for the use of the watermaster
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. 005 Use of water under this right is subject to control by the watermaster of State Water District No. 13T

Decreed Date: 3/22/2004

Water Right 29-7070 Proposed Transfer



56 3050
375

[illegible]

Caribou County, Idaho

78399



370 N. Meridian, Suite A
Blackfoot, ID 83221
Voice: 208.782.3800 Fax: 208.782.3805

Attachment #6

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JAN 04 2013

Department of Water Resources
Eastern Region

January 4, 2013

State of Idaho Department of Water Resources
Eastern Regional Office
900 N. Skyline, Suite A
Idaho Falls, ID 83402-1718

RE: Gem Valley Farms c/o Chad Neibaur - Transfer of Water Right: 29-7070

Dear Sirs:

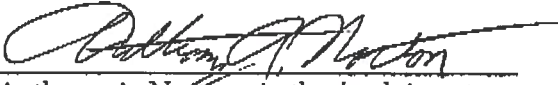
Northwest Farm Credit Services, FLCA (Lienholder) agrees to the request of Chad Neibaur to shift the place of use of a portion of Water Right 29-7070 to an adjoining field to accommodate a pivot irrigation system. There will be no change in the Point of Diversion.

The existing water right provides for 4.68 CFS for 306 acres in Section 18, Township 9 South, Range 40 East, Caribou County. The shift in place of use will allow for 262 acres to remain in Section 18 while 37 acres will be shifted to Section 13 (T9S, R39E, Caribou County) and 7 acres will be shifted to Section 12 (T9S, R39E, Caribou County). Further location detail is provided in the corresponding Application For Transfer Of Water Right.

If you have any questions please contact us at (208) 782-3800.

Sincerely,

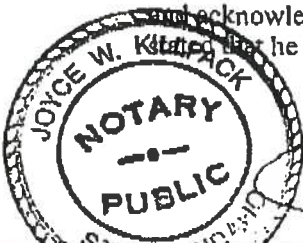
Northwest Farm Credit Services, FLCA

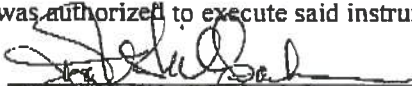
By: 
Anthony A. Norton, Authorized Agent

STATE OF IDAHO

County of Bingham

On this 4th day of January 2013, before me personally appeared Anthony A. Norton, known to me to be an authorized agent of the Northwest Farm Credit Services, FLCA that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath



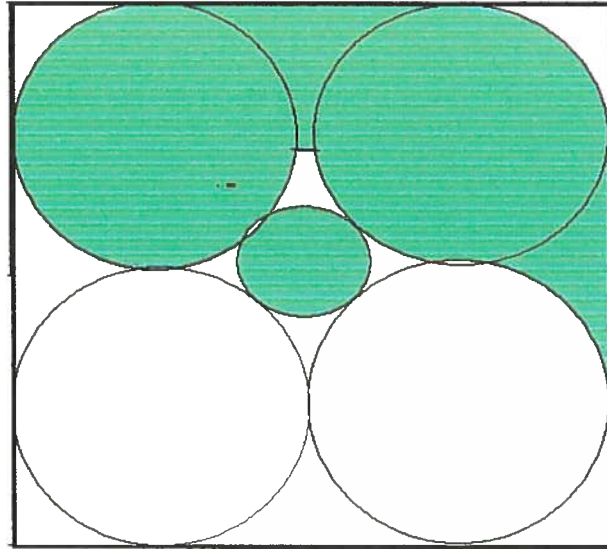

Printed Name: Joyce W. Killpack
Notary Public for the State of Idaho
Residing at Shelley
My commission expires May 30, 2014

GEM VALLEY FARMS
C/O CHAD NEUBAUER

WR. 29-7070

18

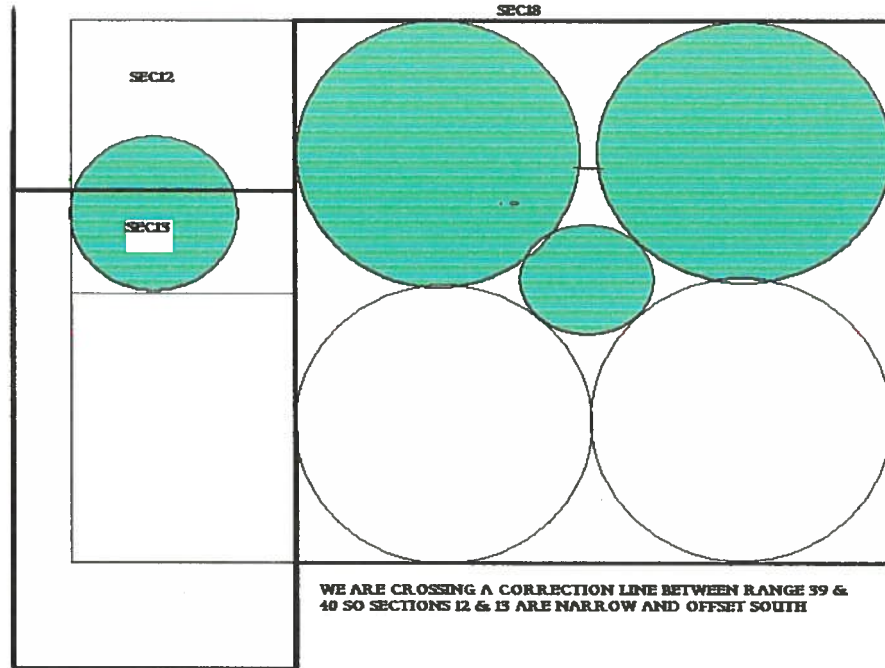
CURRENTLY



WR. 29-7070

SECB

PROPOSED





Golden West Irrigation, LLC
291 E Stanley St.
P.O. Box 51096
Idaho Falls, ID 83405
(208) 524-3203 Fax: (208) 524-3204



Performance. Period.

Fax

To: CHAD NEIBAUR
From: DALE PETERSEN
Fax: CHNEBAUR@ADL.COM
Date: JAN 21, 2013
Phone: 1-408-547-7113
Pages: 3
Re: Pivot Length of Pivot purchases in 1986

Urgent

☒ For Review

Please Reply

CHAD, OUR RECORDS SHOW YOUR TWO ORIGINAL VALLEY PIVOT BOTH CAME WITH SIX SPANS OF 147 FT AND THREE SPANS OF 126 FT. THE DESIGN BOOK SHOWS THE OVERHANG LENGTHS AVAILABLE FOR THESE MODELS TO BE 16 FT, 26 FT, OR 84 FT. YOUR FIELD LENGTH WILL ONLY ALLOW FOR A 26 FT LENGTH. OF COURSE, YOU COULD GET SPRAY BEYOND THE TOTAL LENGTH OF THE PIVOT, HOWEVER, IT WOULD NOT BE CONSISTENT BECAUSE OF WIND INTERFERENCE. IT APPEARS FROM THE RECORDS THAT BOTH THESE PIVOT HAVE A TOTAL LENGTH OF 1293 FEET EACH. EXPECTED ACREAGE UNDER THE PIVOT IRRIG WOULD BE 120.57 ACRES. PLEASE LET ME KNOW OF ANY QUESTIONS.

RESPECTFULLY,

Dale Petersen

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Department of Water Resources
Eastern Region

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VALLEY CENTER PIVOTS
THUNDERBIRD
SIDE ROLL LINES

Sub Total	106,338.00
35,490 Trade-in	38,110.00
Cash Paid With Order	
Sales Tax	
Balance	

1986 Valley Design Book

MODEL NO. 4971

F.O.D. VALLBY, NEBRASKA

TOTAL LENGTH	# OF		# OF		OVER-		STANDARD	HI- SPD DU
	147 SPANS	126 SPANS	126 DU	126 DU	HANG LENGTH	LENGTH		
1288	7	2	9	9	--	--	28,995	5
1289	3	6	9	9	84	84	29,525	5
1293	6	3	9	9	26	26	29,235	5
1304	7	2	9	9	16	16	29,265	5
1309	8	1	9	9	--	--	29,065	5
1310	4	5	9	9	84	84	29,595	5
1314	7	2	9	9	26	26	29,305	5
1325	8	1	9	9	16	16	29,335	5
1330	9	--	9	9	--	--	29,135	5
1331	5	4	9	9	84	84	29,665	5
1335	8	1	9	9	26	26	29,375	5
1346	9	--	9	9	16	16	29,405	5
1351	6	3	9	9	84	84	29,735	5
1356	9	--	9	9	26	26	29,445	5
1372	7	2	9	9	84	84	29,805	5
1393	8	1	9	9	84	84	29,875	5
1414	9	--	9	9	84	84	29,945	5
1419	6	4	10	10	26	26	32,180	6
1430	7	3	10	10	16	16	32,210	6
1435	8	2	10	10	--	--	32,010	6
1436	4	6	10	10	84	84	32,540	6
1440	7	3	10	10	26	26	32,250	6
1451	8	2	10	10	16	16	32,280	6
1457	9	1	10	10	--	--	32,080	6
1458	5	5	10	10	84	84	32,610	6
1461	8	2	10	10	26	26	32,320	6
1472	9	1	10	10	16	16	32,350	6
1477	6	4	10	10	84	84	32,680	6
1478	10	--	10	10	--	--	32,150	6
1482	9	1	10	10	26	26	32,390	6
1493	10	--	10	10	16	16	32,420	6

TOTAL LENGTH 1293

PRICES SUBJECT TO CHANGE WITHOUT NOTICE
SYSTEMS OVER 1500 FT. MUST BE MANUALLY CALCULATED

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JAN 23 2013

Department of Water Resources
Eastern Region