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92 JUL 28 PM 1 56

CARIBOU COUNTY CLERK

STATE OF IDAHO }
County of Caribou } SS.

I hereby certify that this instrument was filed at the request
of Department of Water Resources
at 10:00 o'clock A in this 5th day of
August, 1992 in my office and duly
recorded in Microfilm Records
Rebecca Jenkins-Smith
Stephanie Lansberry nel
Ex-Officio Recorder Deputy

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CARIBOU

In the Matter of General	)	Civil No. 2919
Determination of the Rights to	)	
the Use of Surface and	)	
Groundwater in the Bancroft-Lund	)	FINAL DECREE
Area.	)	

R. Keith Higginson, Director of the Idaho Department of Water Resources, filed a Motion for Final Decree on July 1, 1992, 1992. The motion came on for hearing July 28, 1992.

Based on the motion and the argument presented at hearing, the court finds and concludes as follows:

The Director's Report for the Bancroft-Lund Area was filed November 15, 1992. The court entered an Order Amending Report, which amended Finding of Fact No. 14 and Conclusions of Law 16 and 18, and amended the List of Claims/Rights Not Recommended.

Last Chance Canal Company and Utah Power & Light Company filed objections to the report.

The adjudication statute provides for entry of partial decree of uncontested matters, entry of further partial decrees as

MAY 14 1996

MICROFILMED

APR 11 2001

necessary to resolve objections and final decree incorporating all partial decrees. Idaho Code §42-1412(8)(9)(10). A List of the Uncontested Portions of Director's Report has been filed with the court as required by Idaho Code §42-1412(9), and hearing on the partial decree of uncontested matters is set for July 28, 1992.

A Stipulation Resolving Objections of Utah Power & Light Company and Last Chance Canal Company has been filed with the court along with a motion seeking approval of the stipulation. Hearing on the motion was set for July 28, 1992, immediately preceding hearing on partial decree of uncontested matters. Upon entry of the order approving stipulation there were no contested matters remaining to be resolved. Therefore, no partial decrees are necessary and the court may proceed with entry of the final decree completing the Bancroft-Lund adjudication.

THEREFORE, IT IS HEREBY ADJUDGED AND DECREED that:

All rights to the use of surface and groundwater from the Bancroft-Lund Area are as described in the Director's Report, except that:

1. The Findings of Fact and Conclusions of Law attached hereto are substituted for the Findings of Fact and Conclusions of Law in the Director's Report.

2. List of Claims/Rights Not Recommended attached hereto are substituted for the List of Claims/Rights Not Recommended in the Director's Report.

DATED this 28th day of July, 1992.

151
DANIEL C. HURLBUTT
District Judge

MICROFILMED
MAY 14 1996
APR 11 2001

STATE OF IDAHO)
)
COUNTY OF CARIBOU) ss.

I, Rebecca A. Jenkins, Clerk of the District Court of the Sixth Judicial District of this State of Idaho, in and for the County of Caribou, do hereby certify the foregoing to be a full, true and correct copy of the Judgment duly made and entered on the minutes of the said District Court in the above entitled action, and that I have compared the same with the original, and the same in a correct transcript therefrom, and or the whole thereof.

ATTEST, my hand and the Seal of said District Court this 28th day of July 1992.

REBECCA JENKINS-SMITH, Clerk

by: Veda Masarinas
Deputy Clerk

RECORDED

MAY 14 1996

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

DATE: NOV-12-1991
PAGE: A-48

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
29-07000B	GEM VALLEY FARMS C/O ELDON CORBRIDGE 264 W. 400 N. MALAD ID 83252	07/28/1967	IRRIGATION	04-15 10-15	4.41 897.0	CFS AFY LICENSE
SOURCE: GROUNDWATER						
POINT OF DIVERSION: T09S R39E S13 PLACE OF USE: IRRIGATION						
T09S R39E S13 S14 299.0 ACRES TOTAL						
29-07001	DON C. RIGBY P.O. BOX 187 BANCROFT ID 83217	09/05/1967	IRRIGATION	04-15 10-15	5.97 1320.0	CFS AFY LICENSE
POINT OF DIVERSION: T08S R40E S21 PLACE OF USE: IRRIGATION						
T08S R40E S21 440.0 ACRES TOTAL						
29-00588	GERALD TOLMAN P.O. BOX 10 BANCROFT ID 83217	05/27/1968	DOMESTIC	01-01 12-31	.02 1.2	CFS AFY BENEFICIAL USE
NON-IRRIGATION-USES: DOMESTIC, 1 HOME						
POINT OF DIVERSION: T08S R39E S03 PLACE OF USE: DOMESTIC						
T08S R39E S03 Lot 2 (NONE)						

MAY 14 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LISTING OF RIGHTS

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
SOURCE: GROUNDWATER (CONT'D.)								
29-0542	PARLEY L. SCHENK & SONS FARMS BANCROFT ID 83217 REMARKS: SINGLE FAMILY DOMESTIC.	07-14-1967	DOMESTIC	01-01 12-31	1.20 AFA .04 CFS	LT01 S04 T09S R39E	LT01 (NENE) S04 T09S R39E	BENEFICIAL USE
29-7000	MCNEILL, BOYD NEWTON STAR ROUTE BANCROFT, ID 83217	07-28-1967	IRRIGATION	04-01 11-01	.09 CFS	SWNE S14 T09S R39E	SWNE(06) S14 T09S R39E	LICENSE
29-7001	RIGBY, DON C. BANCROFT, P/U: T08S R40E S21 SWNE(38) SWSW(30)	09-05-1967	IRRIGATION	04-01 11-01	5.97 CFS SENW(38) NWSE(38)	NESE S21 T08S R40E NESW(38) SWSE(37)	* 6 ACRES* NWSW(32) SESE(39)	LICENSE
29-0583	TOLMAN, GERALD BOX 10 BANCROFT REMARKS: SINGLE FAMILY DOMESTIC.	05-27-1968	DOMESTIC	01-01 12-31	1.20 AFA .02 CFS	NWNE S03 T08S R39E	LT02 (NWNE) S03 T08S R39E	BENEFICIAL USE
29-7004	TOLMAN, GERALD O. BOX 10 BANCROFT, REMARKS: WATER FOR UP TO 1000 HOGS.	05-27-1968	STOCKWATER	01-01 12-31	14.00 AFA .02 CFS	LT02 S03 T08S R39E	NWNE(02) S03 T08S R39E	LICENSE
29-0553	RINDLISBAKER, TERRY G. BANCROFT, ID 83217	12-17-1968	DOMESTIC	01-01 12-31	1.20 AFA .04 CFS	SESW S04 T09S R40E	SESW S04 T09S R40E	BENEFICIAL USE
13-7005	SMITH, EVERETT W. GRACE, P/U: T09S R40E S32 SWSW(16) T10S R40E S05 SENW(37) LT04 (NNWN)(40)	05-15-1969	IRRIGATION	04-01 11-01	3.74 CFS SESE(08) LT02 (NWNE)(34)	SESW S05 T10S R40E SENW(21) SWSE(21) LT01 (NENE)(33) SENE(18)	SENW(21) T10S R40E SWNE(28) LT03 (NENW)(40)	LICENSE
							* 352 ACRES*	

INDICATES TOTAL

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4580

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Neibaur Farm Enterprises dba

Department of Water Resources

Name of applicant Gem Valley Farms Co Chad NeibaurPhone (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 4.498750 cubic feet per second and/or 897 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>40</u>				<u>32.5</u> <u>32.5</u>					<u>40</u>	<u>40</u>			<u>225</u> <u>219</u>
		<u>13</u>							<u>40</u>			<u>40</u>							<u>80</u>

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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 _____



A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 29-07000B Per Bancroft-Lund Decree

JL:

STAGE: LICENSE

<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

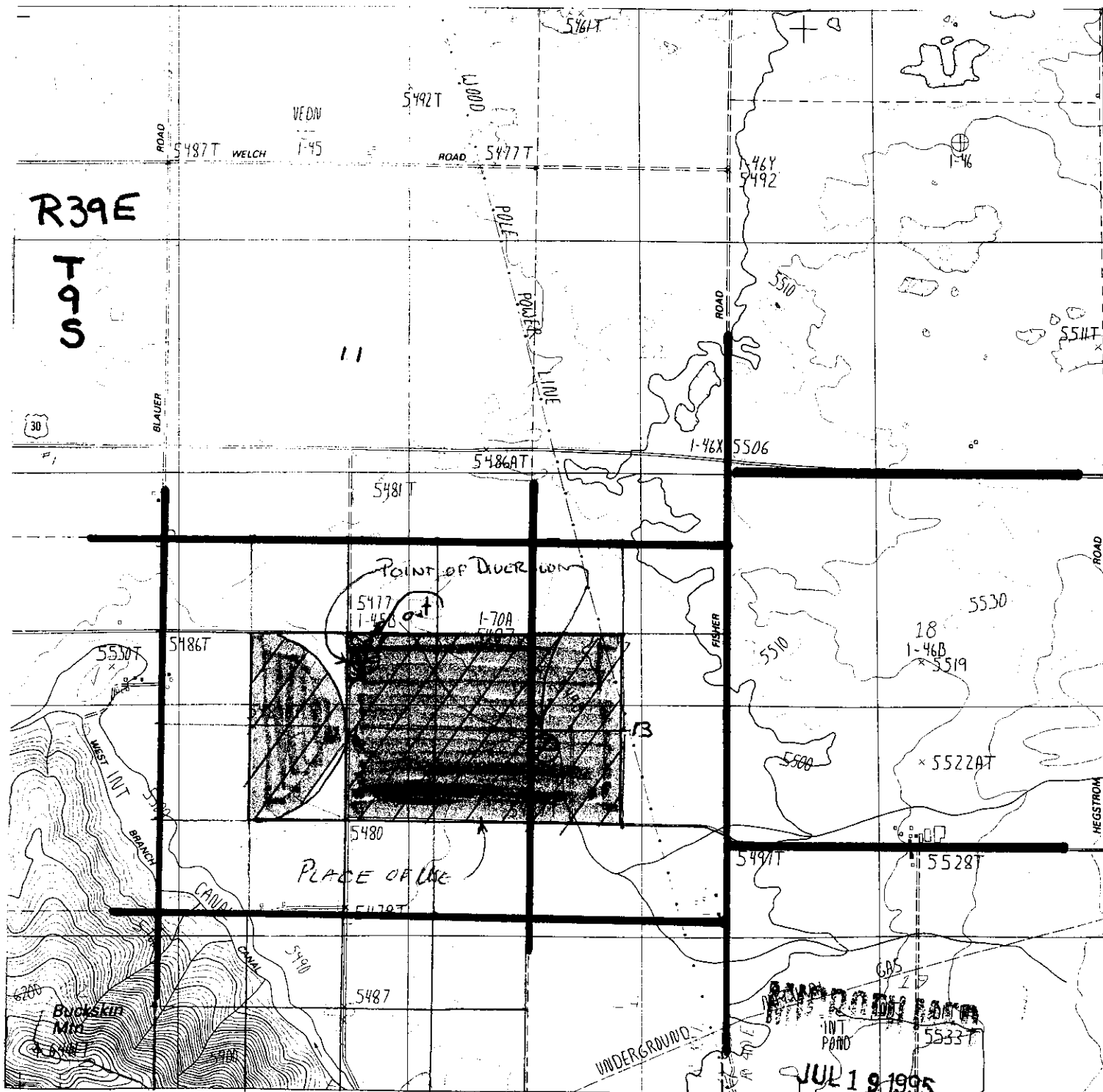
LOCATION OF POINT(S) OF DIVERSION:NWSW , Sec. 13, Township 09S, Range 39E
CARIBOU CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S 39E 13	SWNW 39✓	SENW 39✓	NESW 39✓	155
14	NWSW 38✓	SENE 39✓	NESE 39✓	144
	SWNE 28✓			
	NWSE 38✓			
		Total number of acres irrigated:		299

CONDITIONS/REMARKS:MICROFILMED
JUL 19 1995

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.



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby 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.

Sam Valley Farms by Lyda A. Spilauer
(Signature of Applicant)

Subscribed and sworn to before me this 13th day of March, 19 95.

Carol Voweller

(Notary Public)

My commission expires 4-14-98

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by WM Date 3/14/95 Protest filed by _____

Prelim. check by _____ Fee \$100.00 B020785

Receipted by HWT Date 3-16-95

Published in Caribou County Sun Copies of protest forwarded by _____

Pub. dates April 6 & 13-95 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

MICROFILMED

JUL 1 9 1995

CARIBOU COUNTY 1994 PROPERTY TAX NOTICE
CODE AREA 17

PARCEL NUMBER
RL 29640

MAKE CHECK PAYABLE TO:
DIANE C. MEADS, TAX COLLECTOR
P.O. BOX 507
SODA SPRINGS, ID 83276
(208) 547-3726

MARKET VALUE	HOMESTEAD	NET VALUE
97,415	0	97,415

NEIBAUR, CLYDE A. - et al
1300 NEIBAUR MTN. RD.
BANCROFT, ID 83217

TAXING DISTRICT	**RATE*	**AMOUNT*
COUNTY	.5230994%	509.5
SCHOOL DIST#149	.5658665%	551.2
LUND CEM.	.0172966%	16.8

NW1/4SW1/4, SW1/4NW1/4, LOTS 2-3
162 AC, SEC 13, T9S R39E

TOTAL TAX/SPECIALS	1.1062625%	1,077.6
-CIRCUIT BREAKER		
-PREPAYMENT ON		
NET TAX/SPEC DUE		1,077.6

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

1ST	TAX	538.83	2ND	TAX	538.83	FULL	TAX	1,077.66
HALF	PEN		HALF	PEN			PEN	
	INT			INT			INT	
	COST			COST			COST	
	TOT			TOT			TOT	

RECEIPTS WILL BE GIVEN ONLY UPON REQUEST

CARIBOU COUNTY 1994 PROPERTY TAX NOTICE

MAKE CHECK PAYABLE TO:
 DIANE C. MEADS, TAX COLLECTOR
 P.O. BOX 507
 SODA SPRINGS, ID 83276
 (208) 547-3726

CODE AREA 17

PARCEL NUMBER
 RL 29660

MARKET VALUE	HOMESTEAD	NET VALUE
96,318	0	96,318

NEIBAUR, CLYDE A. - et al
 1300 NEIBAUR MTN. RD.
 BANCROFT, ID 83217

TAXING DISTRICT	RATE*	**AMOUN
COUNTY	5250994%	503
SCHOOL DIST#149	5658665%	545
LUND CEM.	0172966%	16

TR S1/2NE1/4,N1/2SE1/4,148 AC
 SEC 14, T9S R39E

TOTAL TAX/SPECIALS	1.1062625%	1,065.
-CIRCUIT BREAKER		
-PREPAYMENT ON		
NET TAX/SPEC DUE		1,065.

*** IMPORTANT ***
 PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

1ST	TAX	332.77	2ND	TAX	332.77	FULL	TAX	1,065.54
HALF	PEN		HALF	PEN			PEN	
	INT			INT			INT	
	COST			COST			COST	
	TOT			TOT			TOT	

RECEIPTS WILL BE GIVEN ONLY UPON REQUEST

CARIBOU COUNTY 1994 PROPERTY TAX NOTICE

MAKE CHECK PAYABLE TO:
 DIANE C. MEADS, TAX COLLECTOR
 P.O. BOX 507
 SODA SPRINGS, ID 83276
 (208) 547-3726

CODE AREA 14

PARCEL NUMBER
 RL 34660

MARKET VALUE	HOMESTEAD	NET VALUE
482,431	0	482,431

NEIBAUR, CLYDE A. - et al
 1300 NEIBAUR MTN. RD.
 BANCROFT, ID 83217

TAXING DISTRICT	*RATE*	*AMOUNT*
COUNTY	.5230994%	2523.
SCHOOL DIST#148	.5726819%	2762.
CENTRAL CEM.	.0285981%	137.
GRACE LIBRARY	.0479513%	231.
TV TRANSLATOR		15.
LANDFILL		50.

ALL OF SEC, 643.82 AC
 LESS 13.97 AC HW
 SEC 18, T9S R40E

TOTAL TAX/SPECIALS	1.1723307%	5,720.
-CIRCUIT BREAKER		
-PREPAYMENT ON		
NET TAX/SPEC DUE		5,720.

*** IMPORTANT ***
 PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

1ST TAX	2,860.33	2ND TAX	2,860.34	FULL TAX	5,720.69
HALF PEN		HALF PEN		PEN	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

RECEIPTS WILL BE GIVEN ONLY UPON REQUEST

CARIBOU COUNTY 1994 PROPERTY TAX NOTICE

MAKE CHECK PAYABLE TO:
 DIANE C. MEADS, TAX COLLECTOR
 P.O. BOX 507
 SODA SPRINGS, ID 83276
 (208) 547-3726

CODE AREA 14

PARCEL NUMBER
 RL 3471A

MARKET VALUE	HOMESTEAD	NET VALUE
38,774	0	38,774

NEIBAUR, CLYDE A. - et al
 1300 NEIBAUR MTN. RD.
 BANCROFT, ID 83217

TAXING DISTRICT	**RATE*	**AMOUNT**
COUNTY	.5230994%	202.81
SCHOOL DIST#148	.572681%	222.05
CENTRAL CEM.	.0285981%	11.09
GRACE LIBRARY	.0479513%	18.59

LOT 1, TR NE1/4NW1/4, 68 AC.
 SEC 19, T9S R40E

TOTAL TAX/SPECIALS	1.1723307%	454.54
-CIRCUIT BREAKER		
-PREPAYMENT ON		
NET TAX/SPEC DUE		454.54

*** IMPORTANT ***
 PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
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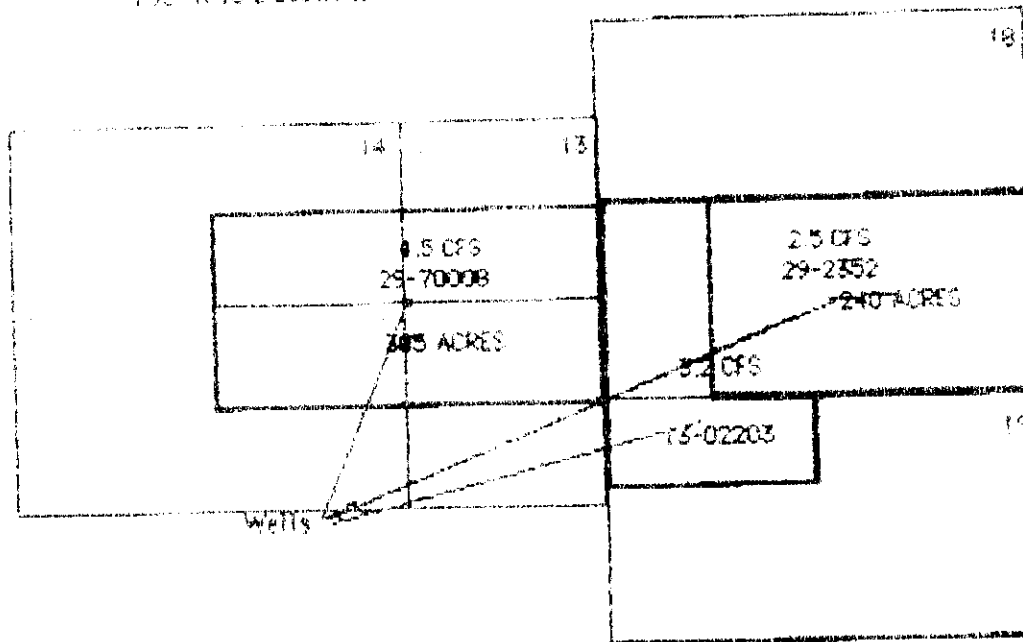
1ST	TAX	227.27	2ND	TAX	227.27	FULL	TAX	454.54
HALF	PEN		HALF	PEN			PEN	
	INT			INT			INT	
	COST			COST			COST	
	TOT			TOT			TOT	

RECEIPTS WILL BE GIVEN ONLY UPON REQUEST

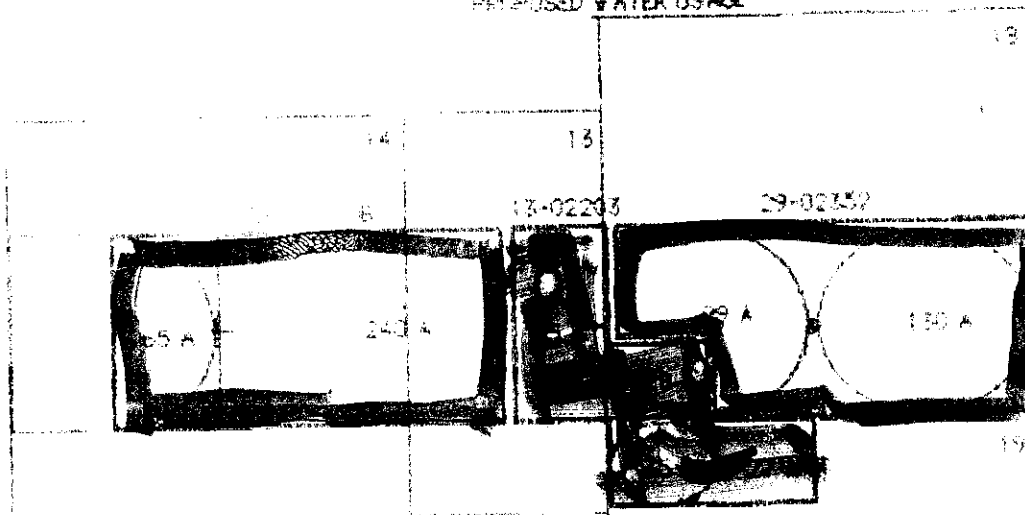
JUL 19 1995

Chad Neibaur
Gem Valley Farms
1550 Central Rd
Bancroft Idaho 83211
648-7113
648-7110 Fax
T93-R39L Sections 13 & 14
T93-R40 E Sections 18 & 19

CURRENT WATER USAGE



PROPOSED WATER USAGE



Chad Neibaur

I've been looking a lot of water transfer plans by a water transfer plan. I was wondering if maybe a transfer plan would be easier in the future. For now I wonder about doing a transfer in three applications.

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JUL 19 1995

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4580

Notice is hereby given that Neibaur Farm Enterprises DBA Gem Valley Farms C/O Chad Neibaur, 1550 Central Rd, Bancroft, ID has applied to the Department of Water Resources to change place of use of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

No.: 29-07000B Source: groundwater
Amount: 4.41 Priority: 07/28/1967
Point(s) of Diversion: NWSW, SEC 13, T09S, R39E, Caribou County
The water is used for irrigation of 299 acres from 04/15 to 10/15 within the S1/2NW, N1/2SW, SEC 13, S1/2NE, N1/2SE, SEC 14, T09S, R39E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be used to irrigate 299 acres within the SWNW, NWSW, SEC 13, S1/2NE, SENW, NESW, N1/2SE, SEC 14, T09S, R39E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before April 24, 1995. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

Published in the Caribou County Sun on April 6 & 13, 1995

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JUL 19 1995

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

6th day of
April, 1995

The date of the last publication
being the 13th day of

April, 1995

On this 5th day of May

in the year of 1995 before
me, a Notary Public, personally
appeared

Mark Steele
known or identified to me to be the
person whose name subscribed to
the within instrument, and being
by me first duly sworn, declared
that the statements therein are
true, and acknowledged to me that
he executed the same.

Notary Public for Idaho
residing at Soda Springs, Idaho
My commission expires:

March 11, 2000

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF A WATER

RIGHT

NO. 4580

Notice is hereby given that
Neibaur Farm Enterprises DBA
Gem Valley Farms, C/O Chad
Neibaur, 1550 Central Road,
Bancroft, Idaho has applied to the
Department of Water Resources to
change place of use of the waters of
a groundwater source. The right
sought to be changed is evidenced
by a license and recorded as
follows:

No.: 29-07000B

Source: groundwater

Amount: 4.41

Priority: 07/28/1967

Point(s) of Diversion: NWSW,
SEC 13, T09S, R39E, Caribou
County

The water is used for irrigation
of 299 acres from 04/15 to 10/15
within the S 1/2 NW, N 1/2 SW,
SEC 13, S 1/2 NE, N 1/2 SE, SEC
14, T09S, R39E, B.M.

To Be Changed as Follows:

The water will be used to irrigate
299 acres within the SWNW,
NWSW, SEC 13, S 1/2 NE, SENW,
NESW, N 1/2 SE, SEC 14, T09S,
R39E, B.M.

Any protests against approval of
the proposed change must be filed
with the Idaho Department of
Water Resources, 900 North
Skyline Drive, Idaho Falls, Idaho
83402, together with a protest fee
of \$25 on or before April 24, 1995.
The protestant must also send a
copy of the protest to the applicant.

(s) R. KEITH HIGGINSON
Director

Published in the Caribou County
Sun on April 6 and 13, 1995.

Notary Public for Idaho
residing at Soda Springs, Idaho
My commission expires:
March 11, 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

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

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 RGE 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.

RECORDED
JUL 19 1995

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

J. Glen Saylor
Chief, Water Alloc. Bureau

MICROFILMED
JUL 19 1995

RECEIVED

RECEIVED

AUG 14 1995

AUG 18 1995

Department of Water Resources

Department of Water Resources
Western District Office

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: Chad B. Neibaur
Neibaur Farm Ent

RECEIVED

SEP 14 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

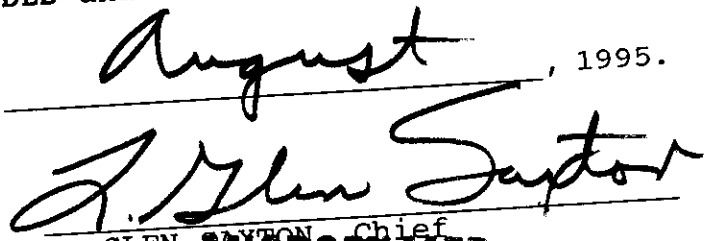
1. The right holder does not intend to comply with the conditions of approval of Transfer No. 4580.

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 SAXON, Chief
Water Allocation Bureau

SEP 14 1995

Transfer No. 5674

T# 67094

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED
PART 1

JUL 03 2000

Name of Applicant GEM VALLEY FARMS % CHAO NEIBAUH Phone 208-648-7113

Post Office address 1550 Central Rd Bancroft, ID 83217

Department of Water Resources

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 I'm putting pivots on our ground and need to re-arrange the acres. Also my pivot goes over the 6 acres under 29-07000A + the owner has agreed to change the point of diversion to my well.

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

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
29-07000B	7-28-1967	4.41 cfs	Irrigation	4/15 to 10/15
29-07000A	7-28-1967	0.09	" "	" to "
				to

2. Total amount of water being transferred 4.50 cubic feet per second and/or _____ 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
		NW	SW	13	9S	39E	Caribou	

5. Lands irrigated or place of use:

5. Lands irrigated or place of use:

[illegible]

APR 11 2001

Total Acres 305

T5674/a7094

PART 2

TRANS NO. 5674

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 29-07000B

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
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 CountyPLACE OF USE:

IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
09S	39E	13	:					:			39	39	:	39	38			:						:	
09S	39E	14	:			28	39	:					:					:	39	38				:	155.0
																							TOTAL ACRES	299.0	

CONDITIONS/REMARKS:

Describe any other water rights used for the same purpose as described above:

Acres in Sec. 13 were watered from Last Chance Canal system but that water is being routed to another parcel.To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice☐ Warranty Deed☐ Other

MICROFILMED

APR 11 2001

PART 2

TRANS NO. 5674

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 29-07000A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.09 CFS	18.0 AF

SOURCE

GROUNDWATER

Priority: 07/28/1967

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 14, Township 09S, Range 39E
CARIBOU County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:	---
09S	39E	14 :					06													:	6.0
																				TOTAL ACRES	6.0

CONDITIONS/REMARKS:

Describe any other water rights used for the same purpose as described above:
No

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, describe:

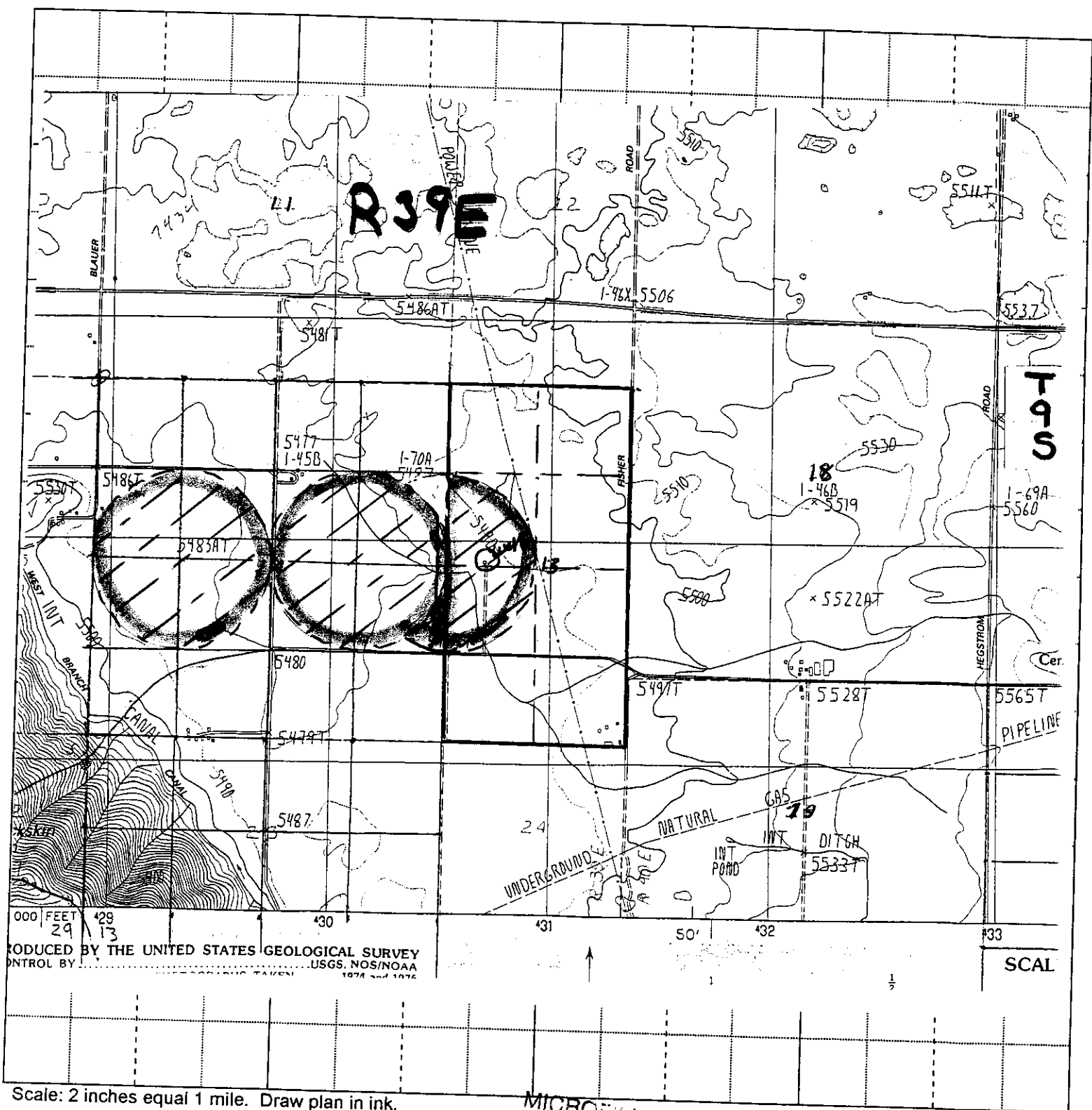
Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed

MICROFILMED
APR 11 2001

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 the rights described in part 1. Clearly depict the land by section, township and range number.



PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY USGS, NOS/NOAA
1974 and 1976

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

MICROFILMED
APR 11 2001

PART 3

B. CHANGES IN NATURE OF USE

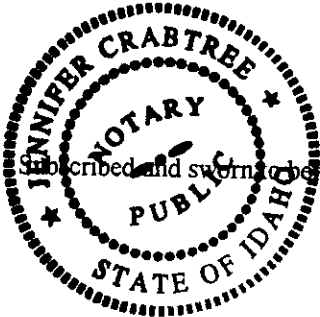
1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby 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.



Chad B. Mc...
 (Signature of Applicant)

Subscribed and sworn to before me this 18th day of March, 20 00.

Jennifer Crabtree
 (Notary Public)

My commission expires 9/23/03

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments
 Received by JKC Date 3-1-00 Protest filed by _____
 Prelim. Check by _____ Fee _____
 Receipted by JKC Date 3-1-00 E627634
 Published in Caribou County Sun Copies of protest forwarded by _____
 Pub. Dates 3-15 & 3-22-2000 Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial
 _____ received _____ by RAC

Copy of transfer sent to lien holder _____

MICROFILMED
 APR 11 2001

PRESTON PHELPS
CARIBOU COUNTY ASSESSOR
CARIBOU COUNTY COURTHOUSE
139 S. MAIN
SODA SPRINGS, ID. 83276

IMPORTANT NOTICE-PLEASE READ

29640

ADDRESS	SERVICE REQUESTED	TAX CODE 17	MARKET VALUE
19	CATEGORY DESCRIPTION	LOTS/ACRES	
01	WASTE	3.00	
	IRRIGATED AG	159.00	97,415

1998

TAXPAYER'S
VALUATION

ASSESSMENT NOTICE
TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENT

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

TOTAL 162.00 97,415

JUN 22, 1998

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PARCEL NUMBER

Mail To:

NW1/4SW1/4, SW1/4NW1/4, LOTS 2-3
162 AC, SEC 13, T9S R39E

NEIBAUR, CLYDE A. - et al
1300 NEIBAUR MTN. RD.
BANCROFT, ID 83217

PRESTON PHELPS
CARIBOU COUNTY ASSESSOR
CARIBOU COUNTY COURTHOUSE
139 S. MAIN
SODA SPRINGS, ID. 83276

IMPORTANT NOTICE-PLEASE READ

35240

ADDRESS	SERVICE REQUESTED	TAX CODE 14	MARKET VALUE
03	CATEGORY DESCRIPTION	LOTS/ACRES	
19	NON-IRRIGATED A	132.00	
01	WASTE	20.00	23,740
	IRRIGATED AG	240.00	120,385

1998

TAXPAYER'S
VALUATION

ASSESSMENT NOTICE
TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENT

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

TOTAL 392.00 144,125

JUN 22, 1998

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PARCEL NUMBER

Mail To:

N1/2 LESS 4.48 AC, NE1/4SW1/4
TR W1/2SE1/4 392.82 AC.
SEC 29 T9S R40E

NEIBAUR FARM ENTERPRISES
1550 CENTRAL RD
BANCROFT, ID 83217

MICROFILMED

APR 11 2001

PRESTON PHELPS
CARIBOU COUNTY ASSESSOR
CARIBOU COUNTY COURTHOUSE
159 S. MAIN
SODA SPRINGS, ID. 83276

IMPORTANT NOTICE-PLEASE READ

34660

ADDRESS SERVICE REQUESTED

TAX CODE 14

LOTS/ACRES

MARKET VALUE

	CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
31	IMP ON CAT 10		24,444
10	HOMESITE VALUE		4,800
19	WASTE	34.00	
32	NONRESIDENTIAL		533,605
01	IRRIGATED AG	595.00	280,107

1998

TAXPAYER'S

VALUATION

ASSESSMENT NOTICE

TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENTIF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

TOTAL 629.00

842,956

JUN 22, 1998

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDSPROPERTY ADDRESS
PARCEL NUMBER

ALL OF SEC, 643.82 AC
LESS 13.97 AC HW
SEC 18, T9S R40E

Mail To:

NEIBAUR, CLYDE A. - et al

1300 NEIBAUR MTN. RD.

BANCROFT, ID 83217

PRESTON PHELPS
CARIBOU COUNTY ASSESSOR
CARIBOU COUNTY COURTHOUSE
159 S. MAIN
SODA SPRINGS, ID. 83276

IMPORTANT NOTICE-PLEASE READ

29660

ADDRESS SERVICE REQUESTED

TAX CODE 17

LOTS/ACRES

MARKET VALUE

	CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
01	IRRIGATED AG	148.00	96,318

1998

TAXPAYER'S

VALUATION

ASSESSMENT NOTICE

TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENTIF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

TOTAL 148.00

96,318

JUN 22, 1998

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDSPROPERTY ADDRESS
PARCEL NUMBER

TR S1/2NE1/4,N1/2SE1/4,148 AC
SEC 14, T9S R39E

Mail To:

NEIBAUR, CLYDE A. - et al

1300 NEIBAUR MTN. RD.

BANCROFT, ID 83217

MICROFILMED

APR 11 2001

CARIBOU COUNTY 1999 PROPERTY TAX NOTICE

MAKE CHECK PAYABLE TO:
 DIANE C. MEAIS, TAX COLLECTOR
 P.O. BOX 507
 SODA SPRINGS, ID 83276
 (208) 547-3766

CODE AREA 17

PARCEL NUMBER
 RL 29640

MARKET VALUE	HOMESTEAD	NET VALUE
97,415	0	97,415

NEIBAU, CLYDE A. - et al
 1300 NEIBAUR MTN. RD.
 BANCROFT, ID 83217

--TAXING DISTRICT--	*-RATE*	*-AMOUNT--
COUNTY	.5714222X	556.61
SCHOOL DIST 149	.5149438X	501.61
LUND CEM	.0181682X	17.71

NW1/4SW1/4, S11/4NW1/4, LOTS 2-3
 162 AC, SEC 13, T9S R39E

TOTAL TAX/SPECIALS	1.1045342X	1,075.9
-CIRCUIT BREAKER		
-PREPAYMENT ON		
NET TAX/SPEC DUE		1,075.9

IMPORTANT
 PLEASE READ BOTH FRONT AND BACK

*** MONTHLY-PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

	1st Half	2nd Half	Full
TAX	537.99	537.99	1,075.98
LATE			
SUBTOT			
INT			
COST			
TOT			

IF YOU SHOW A DELINQUENCY, CALL US FOR THE PAYOFF
 AMOUNT. PRIOR YEARS MUST BE PAID FIRST. THANK YOU.

MICROFILMED
 APR 11 2001

T 5674
 ATTACHMENT 1 OF 4

Mar. 02 2000 06:06PM P9
PHONE NO. : 208 648 7110
FAX : Chad Neibaur:Gem Valley

CARIBOU COUNTY 1999 PROPERTY TAX NOTICE
CODE AREA 17

MAKE CHECK PAYABLE TO:
DIANE C. MEADS, TAX COLLECTOR
P.O. BOX 507
SODA SPRINGS, ID 83276
(208) 547-3726

PARCEL NUMBER
RL 29660

MARKET VALUE	HOMESTEAD	NET VALUE
88,800	0	88,800

NEIBAUR, CLYDE A - etal
1300 NEIBAUR MTN RD
BANCROFT, ID 83217

--TAXING DISTRICT--	*--RATE*	*--AMOUNT--
COUNTY	.5714222%	507.41
SCHOOL DIST 149	.5149438%	457.21
LUND CEM	.0181682%	16.12

TR S1/2NE1/4,N1/2SE1/4,148 AC
SEC 14, T9S R39E

TOTAL TAX/SPECIALS	1.1045342%	980.82
-CIRCUIT BREAKER		
-PREPAYMENT ON		
NET TAX/SPEC DUE		980.82

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK

★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

	1st Half	2nd Half	Full
TAX	490.41	490.41	980.82
LATE			
SUBTOT			
INT			
COST			
TOT			

IF YOU SHOW A DELINQUENCY, CALL US FOR THE PAYOFF
AMOUNT. PRIOR YEARS MUST BE PAID FIRST. THANK YOU.

MICROFILMED

T 3674
APR 11 2001
ATTACHMENT 2 OF 4

Mail Tax Notice to:
Chad B. Neibaur
1239 LUNDGREN CANYON ROAD
BANCROFT, ID 83217

STATE OF IDAHO } ss 160293
County of Caribou }
I hereby certify that this instrument was filed at the request
of Caribou Title
at 10:30 o'clock A m this 12 day of
November, 1999 in my office and duly
recorded official Records
Recorder Edie Izatt
Deanne Hanley Deputy 600
Signature

WARRANTY DEED

For Value Received **WILLIAM MAX JENKINS AND KATHY JENKINS,**
husband and wife, the grantors of McCammon, Bannock County, Idaho,
do hereby grant, bargain, sell and convey unto **CHAD B. NEIBAUR AND**
JAQUELYN M. NEIBAUR, husband and wife, of Bancroft, Caribou County,
Idaho, the grantees, the following described premises located in
Caribou County, Idaho, to-wit:

Township 9 South, Range 39 East of the Boise Meridian:

Section 14: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT THEREFROM, Beginning at a point
1000 feet South of the Northwest corner of the S $\frac{1}{2}$ NW $\frac{1}{4}$
of said Section 14, and running
thence North 1000 feet, more or less, to the South
line of Central Road;
thence East 1000 feet, more or less, along the South
line of Central Road to a point;
thence Southwesterly along a curve in a counterclock-
wise direction having a delta angle of 63°00'59"
left and an arc distance of 1488.091 feet, a radius
of 1353.0 feet, and a chord bearing South 45°00'00"
West a distance of 1414.214 feet,
to the point of beginning.

Together with all water and water rights appurtenant thereto,
including, but not limited to 390 shares of Last Chance Canal
Company stock, 390 shares of stock of North Extension Canal Co.,
585 shares of stock of West Branch Canal Co., and a 50 horsepower
electrical irrigation pump, 1/2 mile underground mainline.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and with the
said Grantees, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances and
that they will warrant and defend the same from all lawful claims
whatsoever.

Dated: November 5, 1999.

William Max Jenkins
WILLIAM MAX JENKINS
Kathy Jenkins
KATHY JENKINS

MICROFILMED

APR 11 2001

T 5674
ATTACHMENT 3 OF 4

> <

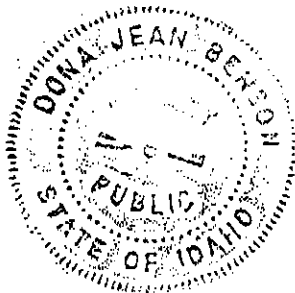
160299

STATE OF IDAHO

County of Caribou

)
: ss.
)

On this 5th day of November, 1999, before me the undersigned, a notary public in and for said County and State, personally appeared **WILLIAM MAX JENKINS AND KATHY JENKINS, husband and wife**, known or identified to me to be the persons who name are subscribed to the within instrument, and acknowledged to me that they executed the same.



Donna Jean Benson
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: Soda Spriaho
My commission expires: 8/15/2003

MICROFILMED

APR 11 2001

T 5674
ATTACHMENT 4 OF 4

Mail Tax Notice to:
Chad B. Neibaur
1239 LUNDGREN CANYON ROAD
BANCROFT, ID 83217

STATE OF IDAHO } ss 160293
County of Caribou
I hereby certify that this instrument was filed at the request
of Caribou Title at 10:30 o'clock A m this 12 day of
November, 1999 in my office and duly
recorded official Records
Recorder Edie Izatt
Denise Hawley Deputy
Signature

WARRANTY DEED

For Value Received WILLIAM MAX JENKINS AND KATHY JENKINS,
husband and wife, the grantors of McCammon, Bannock County, Idaho,
do hereby grant, bargain, sell and convey unto CHAD B. NEIBAUR AND
JAQUELYN M. NEIBAUR, husband and wife, of Bancroft, Caribou County,
Idaho, the grantees, the following described premises located in
Caribou County, Idaho, to-wit:

Township 9 South, Range 39 East of the Boise Meridian:

Section 14: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT THEREFROM, Beginning at a point
1000 feet South of the Northwest corner of the S $\frac{1}{2}$ NW $\frac{1}{4}$
of said Section 14, and running
thence North 1000 feet, more or less, to the South
line of Central Road;
thence East 1000 feet, more or less, along the South
line of Central Road to a point;
thence Southwesterly along a curve in a counterclock-
wise direction having a delta angle of 63°00'59"
left and an arc distance of 1488.091 feet, a radius
of 1353.0 feet, and a chord bearing South 45°00'00"
West a distance of 1414.214 feet,
to the point of beginning.

Together with all water and water rights appurtenant thereto,
including, but not limited to 390 shares of Last Chance Canal
Company stock, 390 shares of stock of North Extension Canal Co.,
585 shares of stock of West Branch Canal Co., and a 50 horsepower
electrical irrigation pump, 1/2 mile underground mainline.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and with the
said Grantees, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances and
that they will warrant and defend the same from all lawful claims
whatsoever.

Dated: November 5, 1999.

William Max Jenkins
WILLIAM MAX JENKINS

Kathy Jenkins
KATHY JENKINS

MICROFILMED

APR 11 2001

T 5674
ATTACHMENT 3 OF 4

Affidavit of Publication

County of Caribou
State of Idaho ss.

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the

16th day of March, 2000

The date of the last publication being the 23rd day of March, 2000

On this 5th day of April in the year of 2000, before me, a Notary Public, personally appeared

[Signature]
known or identified to me to be the person whose name subscribed to the within instrument, and being duly sworn, declared that the statements therein are true and acknowledge to me that he executed the same.

[Signature]
Notary Public for Idaho

Residing at Soda Springs, Idaho
My commission expires:

March 11, 2006

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5674

Notice is hereby given that Gem Valley Farms, c/o Chad Neibaur, 1550 Central Road, Bancroft, ID 83217, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of ground-water sources. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No. 29-07000B

Source: Groundwater

Amount: 4.41 cfs

Priority: 7/28/1967

Point(s) of Diversion: NWSW SEC 13 T09S R39E, CARIBOU COUNTY

The water is used for irrigation of 299 acres within SEC 13 and 14 T09S R39E, B.M.

Decree No. 29-07000A

Source: Groundwater

Amount: 0.00 cfs

Priority: 7/28/1967

Point(s) of Diversion: SWNE SEC 14 T09S R39E, CARIBOU COUNTY

The water is used for irrigation of 6.0 acres within SEC 14 T09S R39E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant is re-arranging his acres in SEC 13 and 14 T09S R39E to better fit his pivots. He will also water his neighbors 6 acres in the SWNE SEC 14 T09S R39E from his well in the NWSW SEC 13 T09S R39E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 North Skyline Drive, Idaho Falls, Idaho 83402, together with a protest fee of \$25 on or before April 3, 2000. The protestant must also send a copy of the protest to the applicant.

(s) KARL J. DREHER

MICROFILMED

Published in the Caribou County

on March 16 and 23, 2000.

RECEIVED

APR 17 2000

Department of Water Resources
Eastern Region

3/96

Receipt # E025712

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

APR 03 2000

Department of Water Resources
Eastern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being

protested Notice of Proposed Change of a Water Right, No. T5674

2. Name of protestant

Carl Jorgensen

3. Protestant's representative for service (If different than protestant)

A. Bruce Larson, Attorney at Law

4. Service mailing address

P.O. Box 608, Soda Springs, ID 83276

5. Service telephone no.

(208) 547-2186

6. Basis of protest (including statement of facts and law upon which the protest is based)

The change of the place of use of the water will result in the diversion of more water than originally permitted, or the amount of water actually used under the permit. As a result, the existing water rights of the Protestant in the same basin and water district will be adversely affected. Protestant also believes that the proposed change will result in more acreage than permitted under the original permits being irrigated from the ground water source.

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest?

Denial of the application or restriction to irrigation of the same
acreage as allowed in the permit and limitation of the amount of water
diverted to the amount which has actually been diverted under the
original permit.

MICROFILMED

APR 11 2001

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly

scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 31st day of March, ~~19~~ 2000.

Carl J. [Signature]
PROTESTANT

A. Bruce [Signature]
PROTESTANT'S REPRESENTATIVE

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

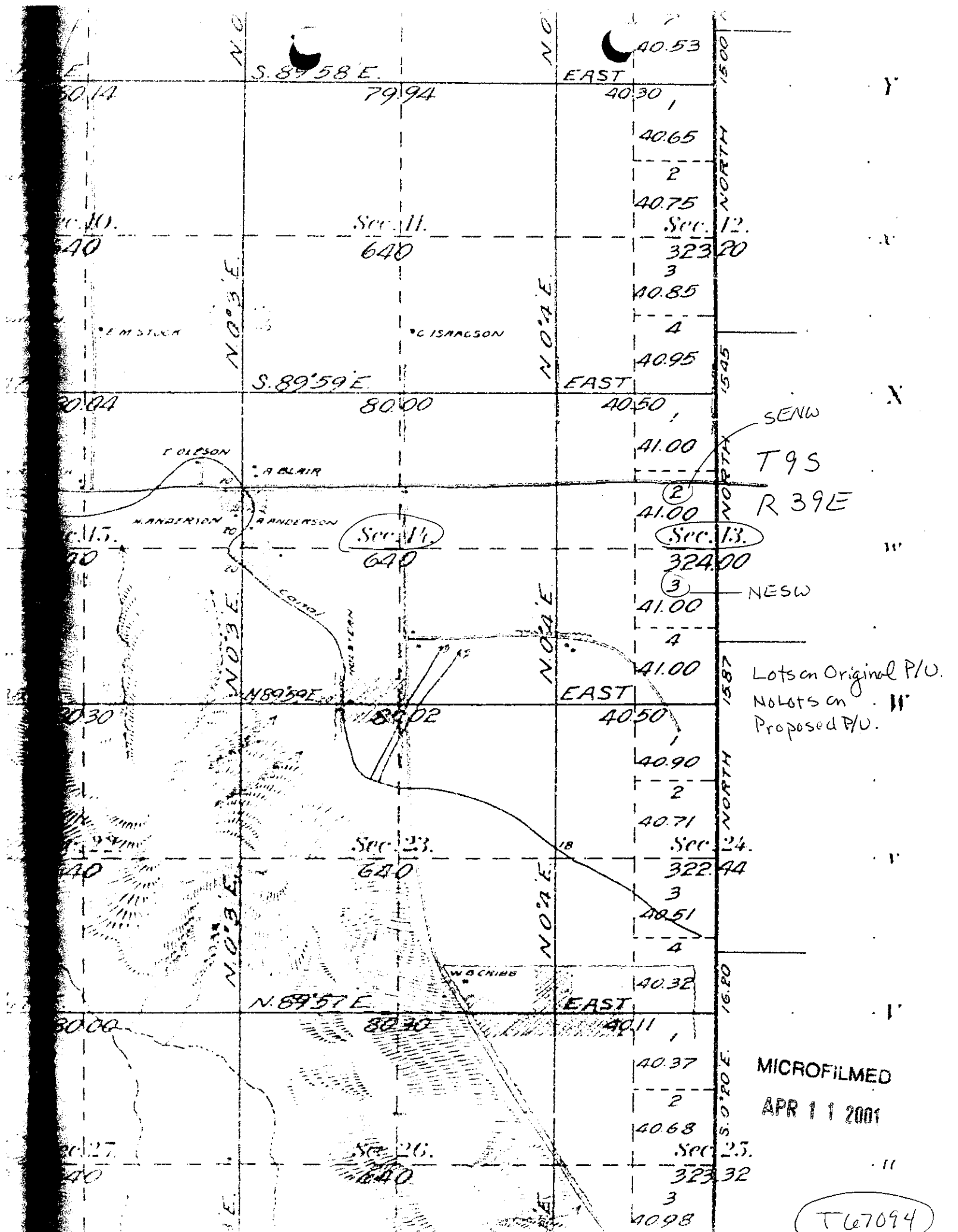
1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

MICROFILMED
FOR DEPARTMENT USE ONLY
APR 11 2001

Received by _____ Date _____ Time _____

\$25.00 fee Receipted by _____ # _____ Date _____

MICROFILMED
APR 11 2001



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 67094

SCANNED

JUN 05 2001

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

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
29-7000A	AJC/License	07/28/1967	0.088 cfs	18 af	6.0	6.0	GROUND WATER
29-7000B	AJC/License	07/28/1967	4.41 cfs	897 af	299.0	299.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

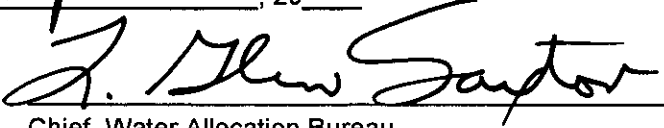
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
29-7000A	NO	YES	YES	NO	NO	NO
29-7000B	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
29-7000A	29-7000A	0.09 cfs	18 af	6.0	305.0		N/A	N/A	N/A	N/A
29-7000B	29-7000B	4.41 cfs	897 af	299.0	305.0		N/A	N/A	N/A	N/A
TOTALS		4.50 cfs	915 af	305.0	305.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 9th day of April, 2001


Chief, Water Allocation Bureau

MICROFILMED

APR 11 2001

WATER RIGHT NO. 29-7000A
As Modified by Transfer No. 67094

In accordance with the approval of Transfer No. 67094, Water Right No. 29-7000A is now described as follows.

Right Holder: JOSEPH K CAMPBELL And
 STACEY R CAMPBELL
 1528 CENTRAL RD
 BANCROFT ID 83217

Priority Date: 07/28/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to 10/15	0.09 CFS	18.0 AF
		0.09 CFS	18.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSW Sec. 13 Twp 09S Rge 39E CARIBOU County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 39E 13							30.0				30.0						60.0
09S 39E 14			30.0	30.0			30.0	30.0	30.0	30.0			35.0	30.0			245.0

Total Acres: 305.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 13T, Bancroft-Lund.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

APR 11 2001

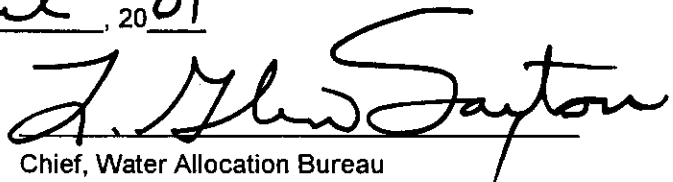
WATER RIGHT NO. 29-7000A
As Modified by Transfer No. 67094

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 9th day of April, 2001


Chief, Water Allocation Bureau

MICROFILMED

APR 11 2001

WATER RIGHT NO. 29-7000B
As Modified by Transfer No. 67094

In accordance with the approval of Transfer No. 67094, Water Right No. 29-7000B is now described as follows.

Right Holder: NEIBAUR FARM ENTERPRISES
 C/O CHAD NEIBAUR
 1550 CENTRAL RD
 BANCROFT ID 83217

Priority Date: 07/28/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to 10/15	4.41 CFS	897.0 AF
		4.41 CFS	897.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSW Sec. 13 Twp 09S Rge 39E CARIBOU County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 39E 13							30.0				30.0						60.0
09S 39E 14			30.0	30.0			30.0	30.0	30.0	30.0			35.0	30.0			245.0

Total Acres: 305.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 299.0 acres within the place of use described above in a single irrigation season.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 13T, Bancroft-Lund.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

APR 11 2001

WATER RIGHT NO. 29-7000B
As Modified by Transfer No. 67094

CONDITIONS OF APPROVAL

5. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 9th day of April, 2001


Chief, Water Allocation Bureau

MICROFILMED
APR 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 10, 2001

GEM VALLEY FARMS
C/O CHAD NEIBAUR
1550 CENTRAL RD
BANCROFT ID 83217

&

JOSEPH K CAMPBELL
STACEY R CAMPBELL
1528 CENTRAL RD
BANCROFT ID 83217

RE: Water Rights 29-7000A / 29-7000B (Transfer 67094)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 67094). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Samela L. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

SCANNED
JUN 05 2001

MICROFILMED
APR 11 2001

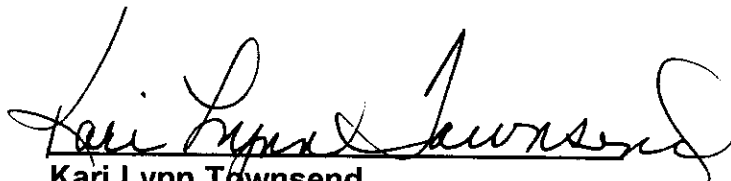
CERTIFICATE OF MAILING

I hereby certify that on the 10th day of **April, 2001** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 29-7000A / 29-7000B (Transfer 67094)

**GEM VALLEY FARMS
C/O CHAD NEIBAUR
1550 CENTRAL RD
BANCROFT ID 83217**

**JOSEPH K CAMPBELL
STACEY R CAMPBELL
1528 CENTRAL RD
BANCROFT ID 83217**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
APR 11 2001**

To: Tim Luke; Idaho Dept. of Water Resources

208 327-7866

From: Chad Neibaur; Gem Valley Farms 208 648 7110

Re: Water Placement on the Hansen and Deep Wells for the 2001 season

Tim,

I am sending you a place of use map for the 2001 season as you requested. Our water master was not to our meeting yesterday and so I will mail a copy to him as well. Hope everything is going well for you there.

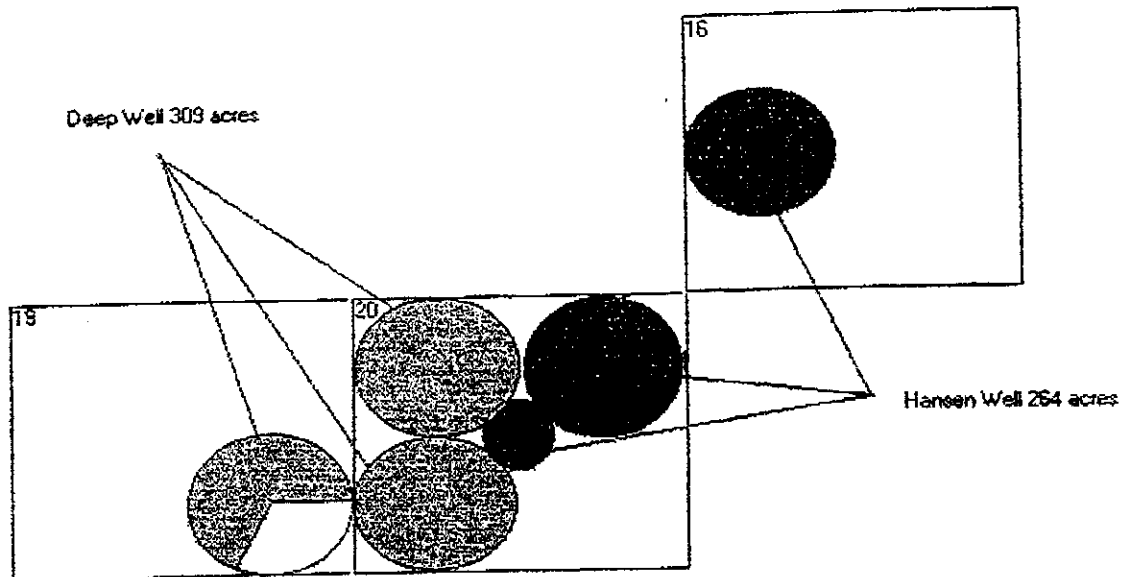
Sincerely,

Chad Neibaur

MICROFILMED

APR 11 2001

Chad Neibaur: Gem Valley Farms
Irrigation Set up for 2001
Hansen & Deep Wells



MICROFILMED

APR 11 2001

INTER-DEPARTMENT MEMO

RECEIVED

TO: TRSC74

SUBJECT: _____

FROM: HWJ

JUL 03 2000

DATE: 6-29-00

Department of Water Resources

Glen Saxton has asked that I flag this transfer. He had questions about this move and if it caused questions related to previously used surface water from Last Chance Canal on this ground. I believe the shares were moved to another piece of ground in anticipation of this transfer.

☒ For your information☐ Response required


signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

June 28, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CARL JORGENSEN
C/O A BRUCE LARSON
ATTORNEY AT LAW
PO BOX 608
SODA SPRINGS ID 83276

RE: Withdrawal of protest on Application for Transfer No.: 5674 and 5675

Dear Protestants:

This Department has received your withdrawal of protest against the application of Gem Valley Farms. We will continue to process this application.

If you have any questions, please call our office.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ/sc

MICROFILMED

APR 11 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

June 28, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GEM VALLEY FARMS
C/O CHAD NEIBAUR
1550 CENTRAL RD
BANCROFT ID 83217

RE: Withdrawal of protest on Application for Transfer No. 5674 and 5675

Dear Sir:

This Department has received a withdrawal of protest from Carl Jorgensen.

Our office will continue to process your application.

If you have any questions, please call our office.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ/sc

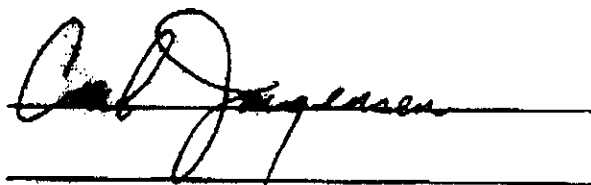
MICROFILMED

APR 11 2001

WITHDRAWAL OF PROTEST

I/WE THE UNDERSIGNED AGREE TO WITHDRAW THE PROTEST OF APPLICATION FOR TRANSFER #5674 AND 5675 SO THAT PROCESSING OF SAID APPLICATION CAN CONTINUE. THESE APPLICATIONS ARE IN THE NAME OF GEM VALLEY FARMS.

SINCERELY,

A handwritten signature, appearing to be "Carl J. Engle", is written over two horizontal lines.

MICROFILMED

APR 11 2001

525-7177

Carl Jorgensen
1699 Lloyd Road
Bancroft, Idaho 83217
Telephone 208-425-3953, FAX 208-425-3505

TRANSMITTAL COVER SHEET
FAX NUMBER (208) 425-3505

DATE: June 20 - 2000

TO: Harold Jones

FROM: Carl

skip

DOCUMENT DESCRIPTION: _____

Cover sheet + 1 pages

Contact: _____ if you do not receive all the pages

Thank you,

Carl Jorgensen

MICROFILMED

APR 11 2001

Memorandum

To: File 29-07000
From: Tim Luke
Date: June 5, 2000
Re: Gem Valley Farms Transfer No.s 5674

Burke Scholer was in Grace last week and checked the wells and places of use associated with several transfers recently filed by Gem Valley, including 5674. Gem Valley has already implemented transfer 5674 even though the transfer has not been approved. The transfer is on hold at the regional office pending a protest withdrawal by Carl Jorgensen.

On this date I called Skip Jones at the regional office and learned that Jorgensen had agreed to immediately withdraw his protest after Gem Valley withdrew their protest of a Jorgensen transfer application. Gem Valley withdrew their protest of Jorgensen's application earlier this year and Jorgensen's transfer has already been approved. Jorgensen has not reciprocated in withdrawal of his protest. The failure to withdraw the protest has caused a delay in processing the application. Skip said that he would contact Jorgensen's attorney and remind him about the agreement and the need to immediately withdraw the protest to transfer 5674.

It is likely that transfer 5674 may have been approved by June 1 had Jorgensen immediately withdrew his ^{protest} transfer. There is no need to pursue any enforcement action against Gem Valley since the delay was no fault of Gem Valley.

MICROFILMED

APR 11 2001

**Farm Credit Services**

10 West Judicial
P.O. Box 10
Blackfoot, Idaho 83221-0010
208/785-0820 FAX 208/785-0878

May 2, 2000

RECEIVED**MAY 02 2000**

Department of Water Resources
Eastern Region

Harold Jones
Idaho Department of Water Resources

Re: Chad Neibaur

Dear Mr. Jones:

I am writing in reference to the following water rights:

License/Adjudication Claim Nos: A29-7000B; A29-7070; A29-2352; 13-2203; 13-2259;
13-7261; 13-7165; 13-7198A; 13-7198B; 13-7198C

Farm Credit Services holds a mortgage on the land that is irrigated by these water rights. Chad Neibaur desires to change the irrigation patterns on this property, and he has our consent to do so. If you have any questions, please feel free to give me a call.

Sincerely,

W. Gordon Wankier
Senior Credit Officer

MICROFILMED**APR 11 2001**

Meyers, Thomsen & Larson, PLLP
Attorneys at Law

M. Jay Meyers Steven A. Thomsen A. Bruce Larson

Pocatello Office

300 North Seventh Avenue
P.O. Box 4747
Pocatello, ID 83205
Telephone: (208) 233-4121
Facsimile (208) 233-4174

A. Bruce Larson

April 21, 2000

****Soda Springs Office****

241 South Main Street
P.O. Box 608
Soda Springs, ID 83276
Telephone: (208) 547-2186
Facsimile (208) 547-2297

COPY

L. Glen Saxton
Chief, Water Allocation Bureau
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED

APR 24 2000

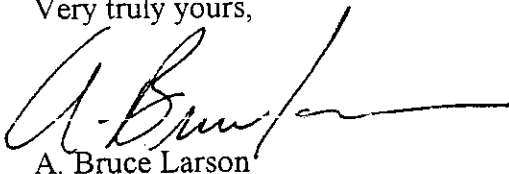
Department of Water Resources
Eastern Region

RE: Application for Transfer No. 4842

Dear Mr. Saxton:

This letter is to advise you that due to Neibaur Farm Enterprises withdrawal of their protest of the above referenced transfer, a copy of the letter sent to Harold Jones by Neibaur Farm Enterprises is attached. The letter effectually resolves the protest. However, in the event the letter does not resolve the protest please schedule the matter for hearing per the Order Granting Petition for Reconsideration.

Very truly yours,



A. Bruce Larson
Attorney for Jorgensen Brothers

pc

c: Harold Jones ✓

MICROFILMED

APR 11 2001

March 31, 2000

Idaho Dept. of Water Resources

RECEIVED

APR 24 2000

Department of Water Resources
Eastern Region

RECEIVED

APR 11 2000

Department of Water Resources
Eastern Region

RE: Jorgensen Trans no. 4842

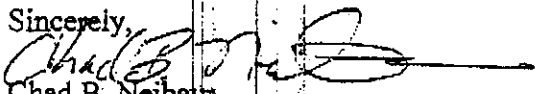
Dear Sirs:

I was recently contacted by the Jorgensens concerning their pending water transfer (4842). We (Neibaur Farm Enterprises) protested the transfer when it was originally advertised because of the following concerns:

1. Our wells are located in a short water area (see attached map) and we felt that relocating their well to their requested site would put further pressure on our area.
2. We have a neighbor who is already threatening to call for his water (see map Warren Lloyd). We were concerned that relocating the Jorgensen well would put further stress on the Lloyd well and further exacerbate the situation. A call for water by the Lloyds if sanctioned by the IDWR could affect us directly because of our proximity.
3. We were concerned about a cross-basin transfer (Basin 13 to Basin 29) and what that may imply for the future of our basin 29 wells.

The above are still our concerns. However, we understand the desire of the Jorgensens to place some of their prime real estate into potato production and we also recognize their difficulty in the current location of obtaining their full water right. We also do not wish them difficulties of any sort. Therefore, we shall ~~herewith withdraw our protest of~~ transfer No. 4842 but would request by so doing that should any of the above concerns be manifest in future years that calls against our junior wells never be considered.

Sincerely,


Chad B. Neibaur

Neibaur Farm Enterprises

MICROFILMED

APR 11 2001

TRANSFER 4842



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 9, 2001

Craig Shuler, Watermaster
Water District 13-T
255 W 4 South St
Soda Springs, ID 83276

Re: Water Right Place of Use Question near Stanton Well – Gem Valley Farms
2001 Place of Use from Hansen and Deep Wells

Dear Craig,

I believe that when we visited last November I had agreed to provide you with some information regarding whether or not Gem Valley Farms had any water rights for the several pivot corners that you investigated with Burke Scholer last summer. Burke and I did review the water rights for this area but I don't think either of us got back to you on this matter. We confirmed there are pivot corners located in the SENE and NESE of Section 14, T9S, R39E that are not covered by any water rights.

Enclosed is a memo that Burke and Jane Tallman prepared regarding their investigation of the matter. You should review this summary and retain with your files. You may wish to include reference to this investigation in the 2000 summary report that I had asked you to complete for the district. I encourage you to monitor this place of use and situation again this year. I think I did not wish to pursue any violation associated with this matter because it seemed to be limited to a one time occurrence that may have been related to moving a pivot across the area to get it to the proper starting point. It is my understanding that there was no repeat occurrence of this situation. Mr. Neibaur should be aware of this concern so that the incident is not repeated again this year.

Please be aware also that the transfer involving the Stanton well and rights 29-07000A and 29-07000B has still not been approved by IDWR. The Department has experienced a backlog in processing transfer applications. I have asked the appropriate IDWR staff to try and expedite the approval of this transfer prior to this irrigation season.

Also enclosed with this letter is a copy of a map that Mr. Neibaur submitted showing the 2001 place of use locations from the Hansen and Deep Wells. Note that there is idled acreage this year within the pivot located in Section 19. Please retain this map in your files and use it as a reference in your monitoring of water rights place of use this year. Please contact me if you have questions regarding any of this information.

Sincerely,

Tim Luke
Section Manager, Water Distribution

Cc: Chad Neibaur, Gem Valley Farms
Pam Skaggs, IDWR

D:\Data\MS Word 97\WtrDistricts\WD13T_Shuler3.doc

MICROFILMED

APR 11 2001

MEMORANDUM

December 27, 2000

TO: File

FROM: Burke H. Scholer
Jane Tallman

SUBJECT: Place of Use Violation

RE: Gem Valley Farms, Chad Neibaur, Owner - Transfer # 5674

On July 10, 2000, we investigated a possible place of use (POU) violation at Gem Valley Farms in the Bancroft-Lund Water District. The alleged violation became known when Warren Lloyd notified Craig Shuler, the watermaster, that some additional acreage was being irrigated in T9S R39E Section 14 SE $\frac{1}{4}$ NE $\frac{1}{4}$. Craig notified Tim Luke of his observation and subsequently Tim requested the investigation.

The SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14 could be irrigated by two overlapping pivots (see attached sketch), one in the east half of Section 14 and one centered on the section line between Sections 13 and 14. But the latter is only to irrigate the half circle in Section 13 (60 acres) and 5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14 on the south leg of the pivot.

Upon investigation, we found that the water user had also irrigated approximately 5 acres on the north leg of the pivot (SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14). This is the area where the violation has occurred. The SE $\frac{1}{4}$ NE $\frac{1}{4}$ has authorized only 30 acres for irrigation, which can be irrigated by the pivot in Section 14.

Mr. Neibaur of Gem Valley Farms admitted to this encroachment and stated that due to some management problems, it was better to run the pivot around into Section 14 to get to the south leg to start irrigation.

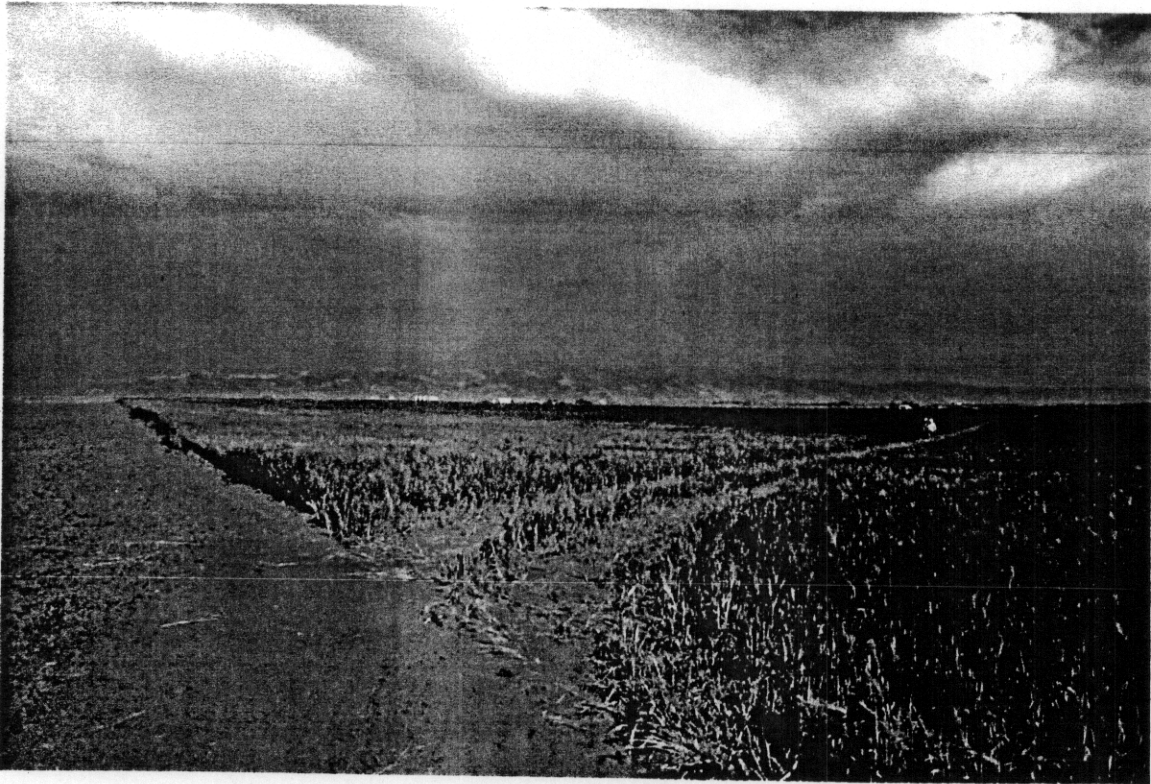
We discussed our findings with Mr. Lloyd. He didn't seem very upset over this but restated his general complaint that each of Neibaur's pivots irrigate 121.2 acres instead of the 120 acres as claimed. We found that Neibaur was not using end guns on his pivots but we could not prove nor disprove the complaint as it is unfeasible to determine the exact boundary of irrigated land. Lloyd stated that "as long as we all have adequate water, everybody should be happy" (paraphrased).

Attached to this memo are photos taken of the POU at the time of investigation and a scale drawing of the pivot area used to calculate the POU violation.

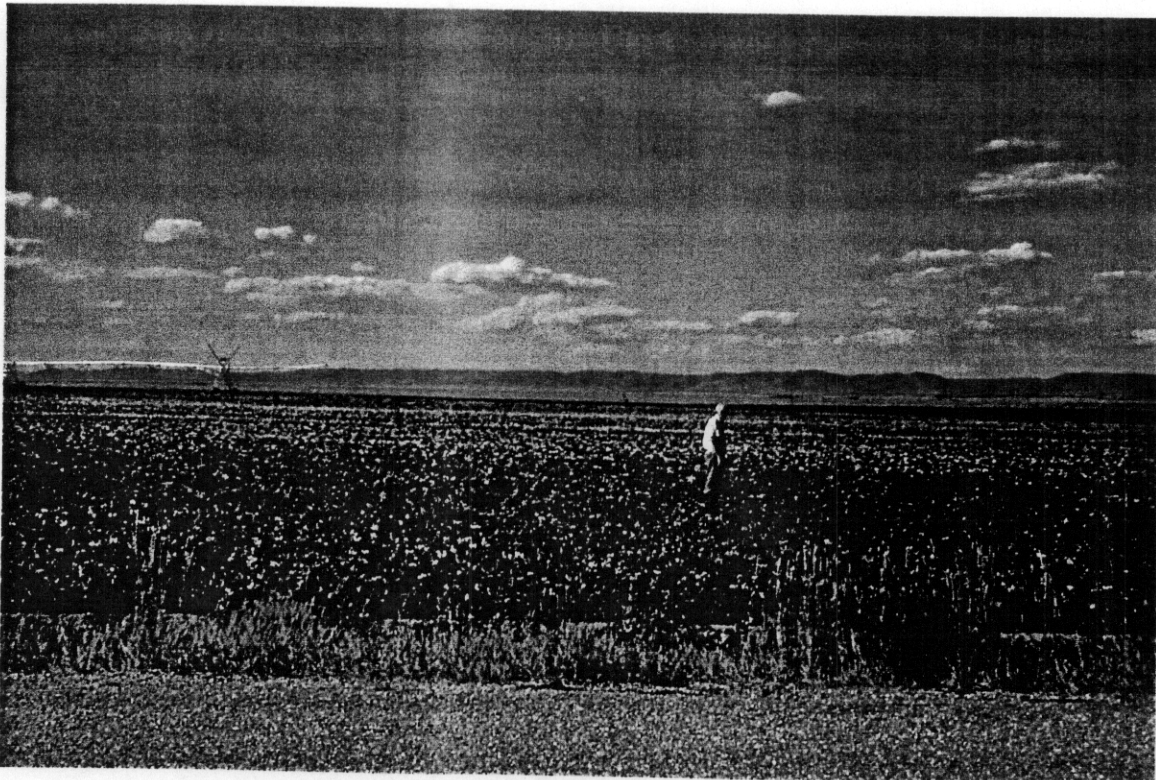
MICROFILMED

APR 11 2001

7/10/00



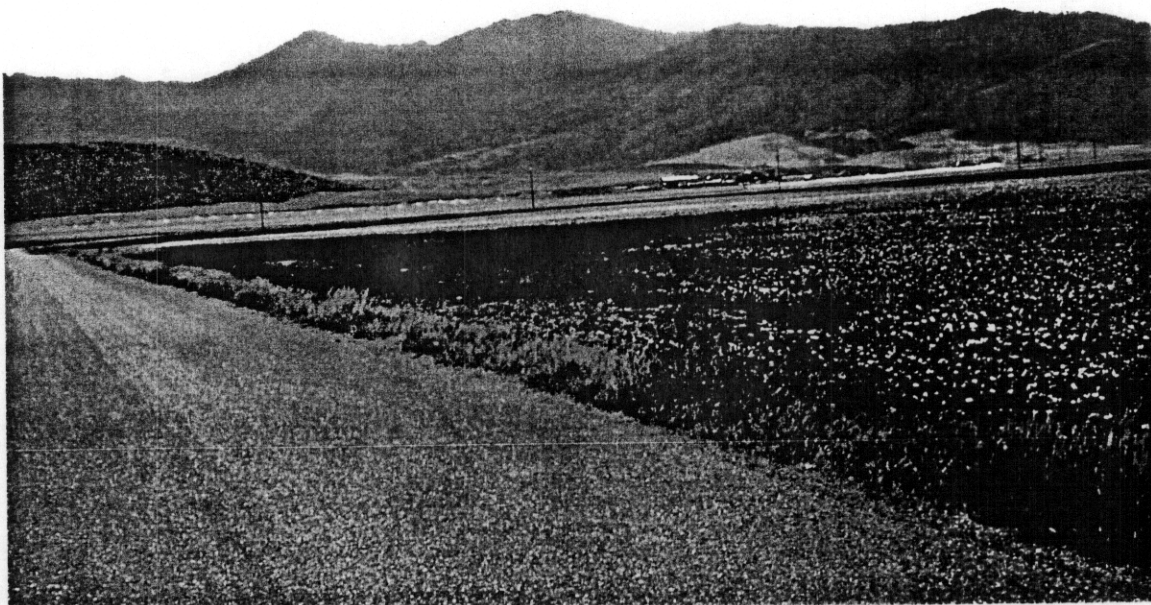
Looking east at Gem Valley Farms corner (dry land, north edge of pivot), T9S R39E Sec14 SE¼ NE¼.



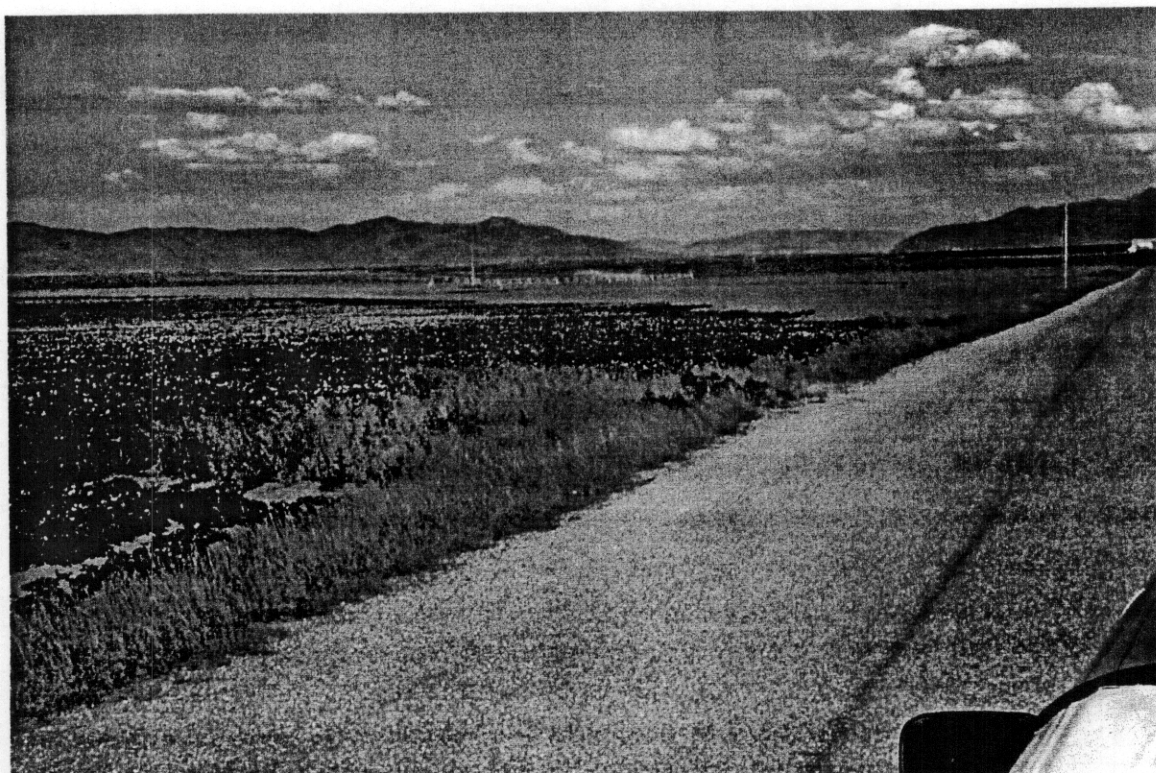
Looking north at Gem Valley Farms overlapping pivot, T9S R39E Sec13 N½ SW¼.

APR 11 2001

7/10/00



Looking west at Gem Valley Farms corner, T9S R39E Sec14 N½ SE¼.



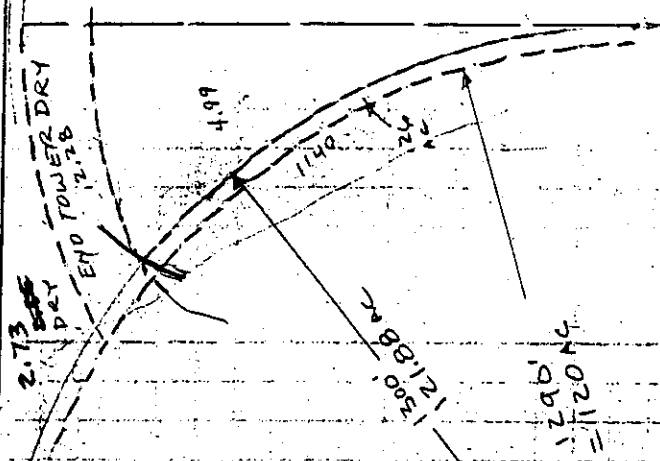
Looking east at Gem Valley Farms corner, T9S R39E Sec14 N½ SE¼.

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APR 11 2001

85
20
87
 $198 = 7.27 AC$
136 = 4.99

SCALE = 1" / 400' x 400' = 160,000 sq ft
1" = 3.67 AC / 100' EACH DOT = .0367 AC

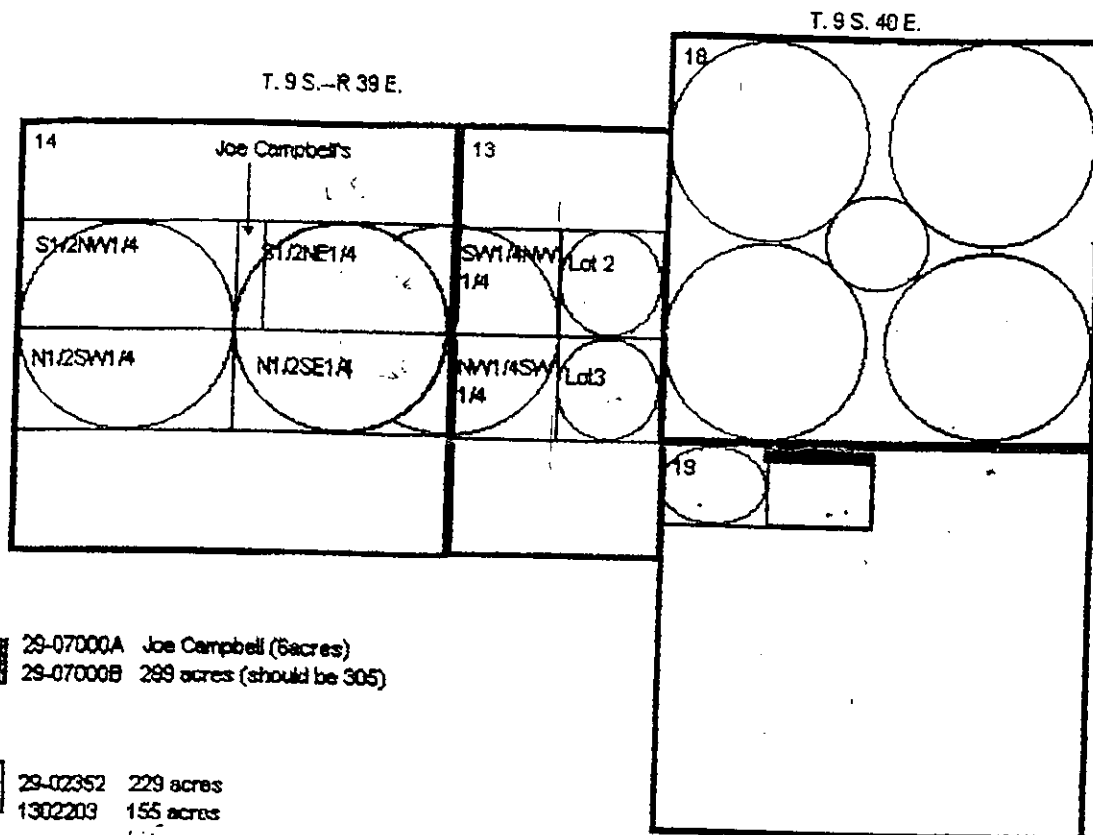


MICROFILMED

APR 5 1984



22-141 50 SHEETS
22-142 100 SHEETS
22-143 150 SHEETS
22-144 200 SHEETS



29-07000A Joe Campbell (6 acres)
29-07000B 289 acres (should be 305)

29-02352 229 acres
1302203 155 acres

29-07070 306 acres

Dear Tim,

This is a drawing of Gem Valley Farms. The yellow portion isn't supposed to be watered. However, it appears to me that it is. I've walked out in this area & found the wheel tracks are compacted with the bar type tread molded in the soil. If the pivot was going over waterless, there should be dust not perfect imprints of the tires so hard the compacted soil makes hard dirt clods. I think when you come in July we should look at this

Craig Shuler

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APR 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 7, 2000

CRAIG SHULER
WATERMASTER #13-T
255 W 4TH SOUTH
SODA SPRINGS ID 83276

RE: Applications for Transfer #5674, 5675 and 5676

Dear Pete:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by April 3, 2000.

If you have any questions, please feel free to contact us.
Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

MICROFILMED
APR 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 7, 2000

GEM VALLEY FARMS
C/O CHAD NEIBAUR
1550 CENTRAL RD
BANCROFT ID 83217

RE: Applications for Transfer #5674, 5675 and 5676

Dear Applicant:

This office is currently in the process of advertising the application in the Caribou County Sun on March 15 and 22, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

APR 11 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 7, 2000

CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS ID 83276

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before April 3, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.

*Mailed
3/7/2000
sc*

MICROFILMED

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5674**

Notice is hereby given that Gem Valley Farms, C/O Chad Neibaur, 1550 Central Rd, Bancroft ID 83217, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of groundwater sources. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.: 29-07000B Source: Groundwater
Amount: 4.41 cfs Priority: 07/28/1967
Point(s) of Diversion: NWSW SEC 13 T09S R39E, CARIBOU COUNTY
The water is used for irrigation of 299 acres within SEC 13 and 14 T09S R39E, B.M.

Decree No.: 29-07000A Source: Groundwater
Amount: 0.09 cfs Priority: 07/28/1967
Point(s) of Diversion: SWNE SEC 14 T09S R39E, CARIBOU COUNTY
The water is used for irrigation of 6.0 acres within SEC 14 T09S R39E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant is re-arranging his acres in SEC 13 and 14 T09S R39E to better fit his pivots. He will also water his neighbors 6 acres in the SWNE SEC 14 T09S R39E from his well in the NWSW SEC 13 T09S R39E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before April 3, 2000. The protestant must also send a copy of the protest to the applicant.

**KARL J. DREHER
Director**

Published in the Caribou County Sun on March 15 and 22, 2000.

MICROFILMED
APR 11 2001

To: Harold Jones

525- 7177

From: Chad Neibaur

RE: Campbell Water Right

Harold,

Joe Campbell sent me this note. Hope
this will do.

Chad

MICROFILMED

APR 11 2001

3-6-2000

TO WHOM IT MAY CONCERN;

WE HAVE GIVEN CHAD NEIBAUR
PERMISSION TO TRANSFER MY WATER RIGHT
ON 6 ACRES UNTIL FURTHER NOTICE BY
US.

Joseph K Campbell
Stacy K Campbell

MICROFILMED

APR 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

AUGUST 25, 1995

NEIBAUR FARM ENTERPRISES
DBA GEM VALLEY FARMS
C/O CHAD NEIBAUR
1550 CENTRAL RD
BANCROFT ID 83217

RE: PRELIMINARY ORDER RESCINDING TRANSFER NO. 4580

Dear Mr. Neibaur:

The Department wishes to acknowledge the receipt of your withdrawal of Application for Transfer No. 4580 of Water Right 29-07000B, and the processing thereof.

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

SEP 14 1995

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

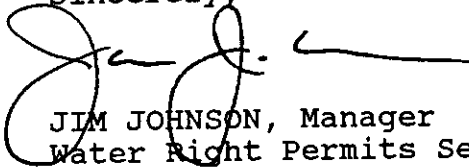
MINORITY

SEP 14 1985

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

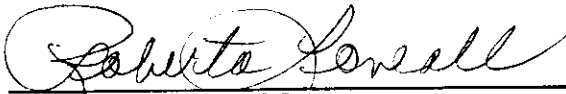
Enclosure

RECEIVED
SEP 14 1995

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of August, 1995, I mailed a true and correct copy, postage prepaid, of PRELIMINARY ORDER RESCINDING APPROVAL OF TRANSFER to the person(s) listed below:

NEIBAUR FARM ENTERPRISES
DBA GEM VALLEY FARMS
C/O CHAD NEIBAUR
1550 CENTRAL RD
BANCROFT ID 83217



Roberta Loveall
Clerical Specialist

Microfilm
SEP 14 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JUNE 30, 1995

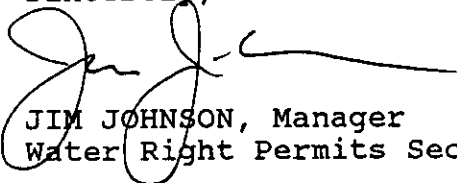
NEIBAUR FARM ENTERPRISES
DBA GEM VALLEY FARMS
C/O CHAD NEIBAUR
1550 CENTRAL RD
BANCROFT ID 83217

Transfer of Water Right No. 29-07000B

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4580). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

MICROFILMED
JUL 19 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

June 8, 1995

Ray Buttars
Farm Credit Services
P.O. Box 386
Preston, ID 83263

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Chad Neibaur, dba Neibaur Farm Enterprises
Transfer No. 4580 for Water Right No. 29-07000B

Dear Mr. Buttars:

The above referenced transfer is presently under final review at our state office. While reviewing the information in the file, I found your letter of 02-23-95 approving the transfer as the current lienholder. Your approval is conditioned on the basis that the transfer is temporary and not a permanent transfer.

The Department can under Section 42-222A, Idaho Code, allow temporary, single season, transfers in drought or crisis situations. The Neibaur transfer application does not qualify under these special conditions. The transfer approval will be final until such time as another transfer is filed to subsequently change the place of use either back to the original place of use or to some other place of use. How the water right is secured is a matter outside the Department's responsibility and solely between the parties involved in this plan for temporary use of the water rights.

I will withhold the transfer from further processing for 15 days from the date of this letter to allow for any objections from you regarding this matter. If no response or objection is received, I will proceed with approval of the transfer and assume you have made acceptable arrangements to secure the water right with the owner of the leased land.

I hope I have answered all your questions regarding this matter. If you require any further assistance, please contact me directly at 327-7943 and I will be happy to help you.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS
Water Resource Agent

cc: Chad Neibaur, dba Neibaur Farm Enterprises

MINNEAPOLIS
JUL 19 1995

MEMORANDUM

TO: FILE NO. 29-07000B
FROM: PAM SKAGGS/^{PS}STATE OFFICE
SUBJECT: TRANSFER NO. 4580
DATE: June 8, 1995

=====

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.

DISPROCESSED

JUL 19 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

March 28, 1995

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS ID 83276

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before April 24, 1995.

Yours truly,

Rita Bodell
Rita Bodell
Secretary

Enc.

MAILED

JUL 19 1995



Farm Credit Services

100 North State
P.O. Box 386
Preston, Idaho 83260
208/862-2145

Date: February 23, 1995

To: Idaho Department of Water Resources

From: Farm Credit Services
Ray Butters, Sr. Credit Officer

RE: Gem Valley Farms / Chad Neibaur request for change in place of use / point of diversion for water right identified as 29-07000B, 2902352, and 13-02203.

Farm Credit Services has a secured interest in real property owned / operated by Chad Neibaur and related entities. The water rights noted above are appurtenant to a portion of that real property.

Mr. Neibaur has presented a plan to slightly modify the place of use of the water under these rights (copy attached). Such a change will enhance the productive capacity of his operation, and is to be done within the parameters of these water rights.

It is our understanding:

- 1) that a portion of the water will be used (temporarily) on 65 acres of leased land (Jenkins property).
- 2) that the use of water under these rights on the Jenkins property is not a permanent nor an irrevocable transfer,
- 3) that there will be no reduction in the volume, period of use, total quantity or quality of these water rights, neither with this change nor over the foreseeable future, nor in the event that the Jenkins land lease is terminated, and,
- 4) that Mr. Neibaur, along with his heirs and real or implied, will not lose any benefit, of these water rights.

SE NW, NESW, Sec 14, T9S R39E

Subject to the above conditions, and the concurrence and approval of the IDWR, Farm Credit Services has no objection to the proposed modification.

cc: Chad Neibaur

MICROFILMED

JUL 19 1995