

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	29-08055	Merritt Neibaur & Sons	4.96
Full Assignment	29-08055	Merritt Neibaur & Sons Northwest Farm Credit Services ACA	4.96

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FEB 22 1994

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JUN 27 1994

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 29-08055 Telephone No. 458-4454
2. Name(s) of Permit Holder(s): Merritt Neilson & Sons, Inc.
3. Post Office Address: P.O. Box 235 Newdale, Id. 83436
4. Source of Water: Ground water
 - a. If ground water, well driller's name: Vollmer Well Drilling Date drilled: _____
 - b. Pump horsepower: 250 Pressure (psi): 90 Dynamic pumping level (ft.): 250
5. Extent of Use:

Domestic _____ (No. of households)	Irrigation <u>248</u> (No. of acres)
Stockwater _____ (No. and type of stock)	Other _____

6. Total rate and/or volume for which proof is submitted 4.96 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device:	Required? <u>Yes</u> ☒ No	Installed? <u>Yes</u> ☒ No
OR		
Flow Measurement Port:	Required? ☒ Yes <u>No</u>	Installed? ☒ Yes <u>No</u>

8. Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

<u>Randy Neilson</u>	<u>458-4454</u>
Name	Telephone No.
<u>Box 235 Newdale Id. 83436</u>	
Address	

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

6-12-94
Date

Randy Neilson President
Signature (and title if on behalf of a company or organization)

State of Idaho
DEPARTMENT OF WATER RESOURCES

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JAN 20 1994

Department of Water Resources

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Merritt Neibaur & Sons, Inc., hereby assign to Merritt Neibaur & Sons, Inc. and
(Permit Holder) Northwest Farm Credit Services, ACA
 Of P.O. box 235, Newdale, Id. 83436 & P.O. Box 157, Rexburg Id. 83440
(Full Address)

All my right, title, and interest in and to Permit No. 29-08055
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
 Permit No. N/A to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 14 day of December, 19 93.

Merritt Neibaur & Sons, Inc.

By: Randall Neibaur -President
 Permit Holder(s)

State of Idaho)
) ss
 County of Madison)

On this 10 day of January, 1994, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

SEAL

Lerna Bair
 Notary Public

Lerna Bair
 Signature

My commission expires: 02/16/95

FEB 22 1994

database updated 1/21/94 czg.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-08055

Proposed Priority: February 11, 1991 Maximum Diversion Rate: 4.96 CFS
This is to certify, that **MERRITT NEIBAUER & SONS**

P.O. BOX 235
NEWDALE, ID 83436

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	4.96 CFS

LOCATION OF POINT(S) OF DIVERSION: NENE Sec. 30, Township 07S, Range 32E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	32E	19	SESE 20			20
		20	NESW 16	NWSW 12	SWSW 14	
			SESW 7			49
		30	NENE 25	SENE 28	SESW 6	
			NESE 34	NWSE 3	SWSE 32	
			SESE 3			131
		31	NWNE 35	SWNE 7	NENW 6	48

Total number of acres irrigated: 248

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1994.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, laches or customary preference.

MICROFILMED

JUL 10 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 29-08055

CONDITIONS/REMARKS:

7. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

25th day of June, 1991.

R. Keith Higginson
R. Keith Higginson, Director

for

MICROFILMED

JUL 10 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Merritt Neibaur & Sons Phone 458-4454
 Post office address P.O. Box 235, Newdale, Id 83436
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ ¼ of NE ¼ of NE ¼, Govt. Lot _____
 Sec. 30 Township 7S Range 32E B.M. Power County; additional
 points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 4.96 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 4.96 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. well, pump mainline to laterals
with sprinklers
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
 reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
 _____ to _____ inclusive.
 - c. Proposed well diameter is 20 inches; proposed depth of well is 350 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
3 yrs years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	32E	19																20	20
		20									16	12	14	7					49
		30	25			28								6	34	3	32	3	131
		31		35	7		6												48

Total number of acres to be irrigated 248

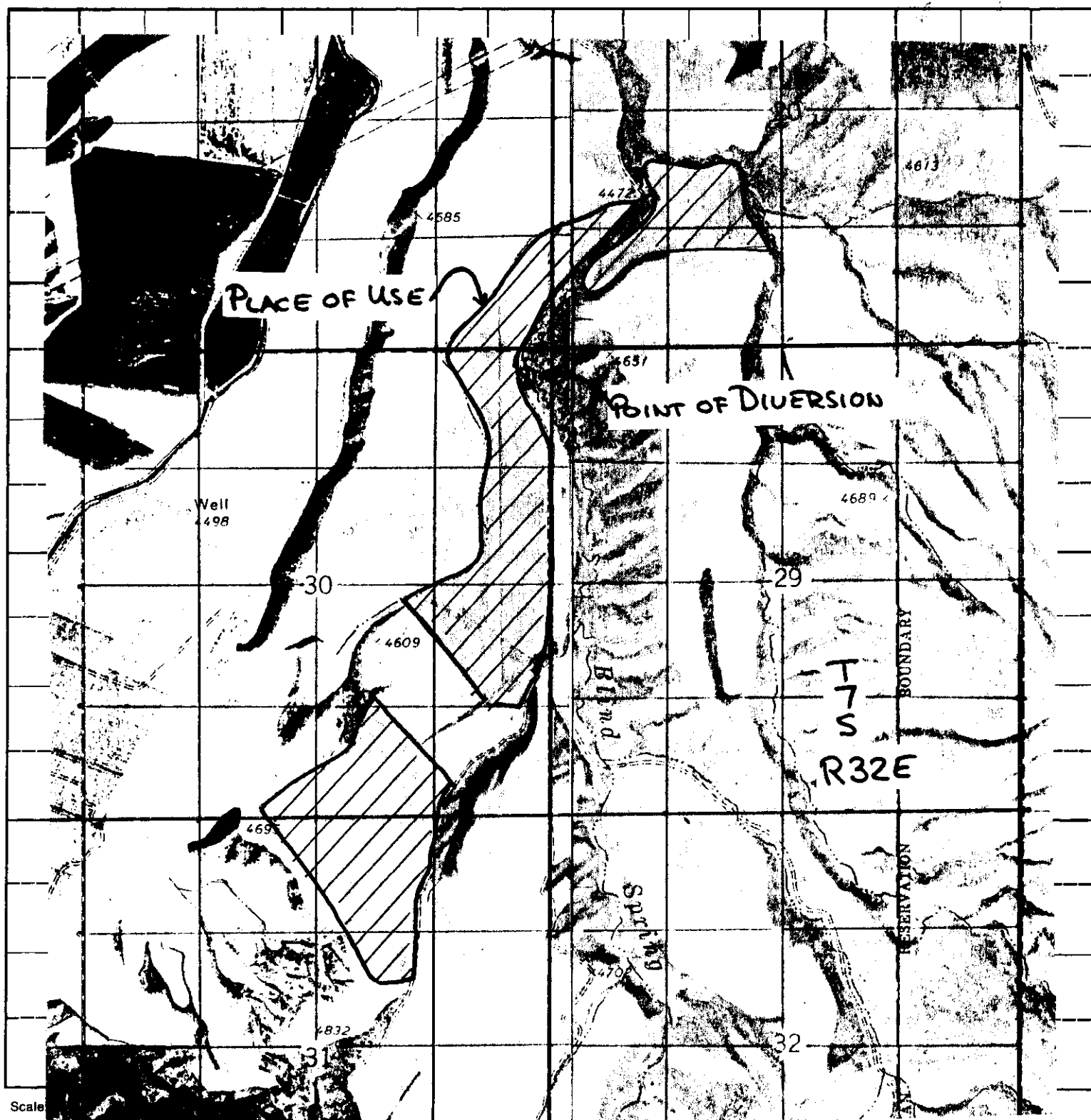
10. Describe any other water rights used for the same purposes as described above. NONE

- Who owns the property at the point of diversion? Applicants
- Who owns the land to be irrigated or place of use? "
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Randy Neibaur - Pres
Merritt Neibaur - V-P.
Maurine Neibaur - Sec.

JUL 10 1991

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Randy Neibaur 10/10/91 President
(Applicant)

Assisted By Kcw 11 Feb 1991

Received by Kcw Date 11 Feb 1991 Time 1600 Preliminary check by _____

Fee \$ 125⁰⁰ Receipted by Kcw # E 015673 Date 11 Feb 1991

Publication prepared by RB Date 4-4-91 Published in Lower City Press

Publication approved aw Date 4-26-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

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JUL 10 1991

Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls 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 or advertisement 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 3RD day of APRIL 1991 and the date of last publication being the 10TH day of APRIL 1991.

(Signed)

Erma Crompton

State of Idaho

County of Power

On this 10TH day of APRIL in the year of 1991, before me, a Notary Public, personally appeared Erma Crompton, 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 she executed the same.

Brett Crompton

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

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APR 12 1991

Department of Water Resources
Eastern District Office

Application for
water right

Published in The Power County Press,
April 3, 10, 1991.

29-08055

MERRITT NEIBAUER & SONS
P.O. BOX 235
NEWDALE, ID 83436

Source: GROUNDWATER
Diversion Pt: NENE Sec 30 T 07S R
32E

Use: IRRIGATION (4.960 CFS)
Total Diversion: (4.960 CFS)

Date Filed: 2/11/1991

In: T07S R32E S19 SESE
S20 NESW NWSW SWSW
SESW
S30 NENE SENE SESW NESE
NWSE SWSE SESE
S31 NWNE SWNE NENW

248.0 ACRES TOTAL

29-08057
WINDMILL LAND & STOCK
5935 W. 16800 N.
GARLAND, UT 84312

Source: SPRINGS Tributary: SINKS

Diversion Pt: SESESE Sec 14 T 11S R
32E

Use: STOCKWATER (.030 CFS)
Total Diversion: (.030 CFS)

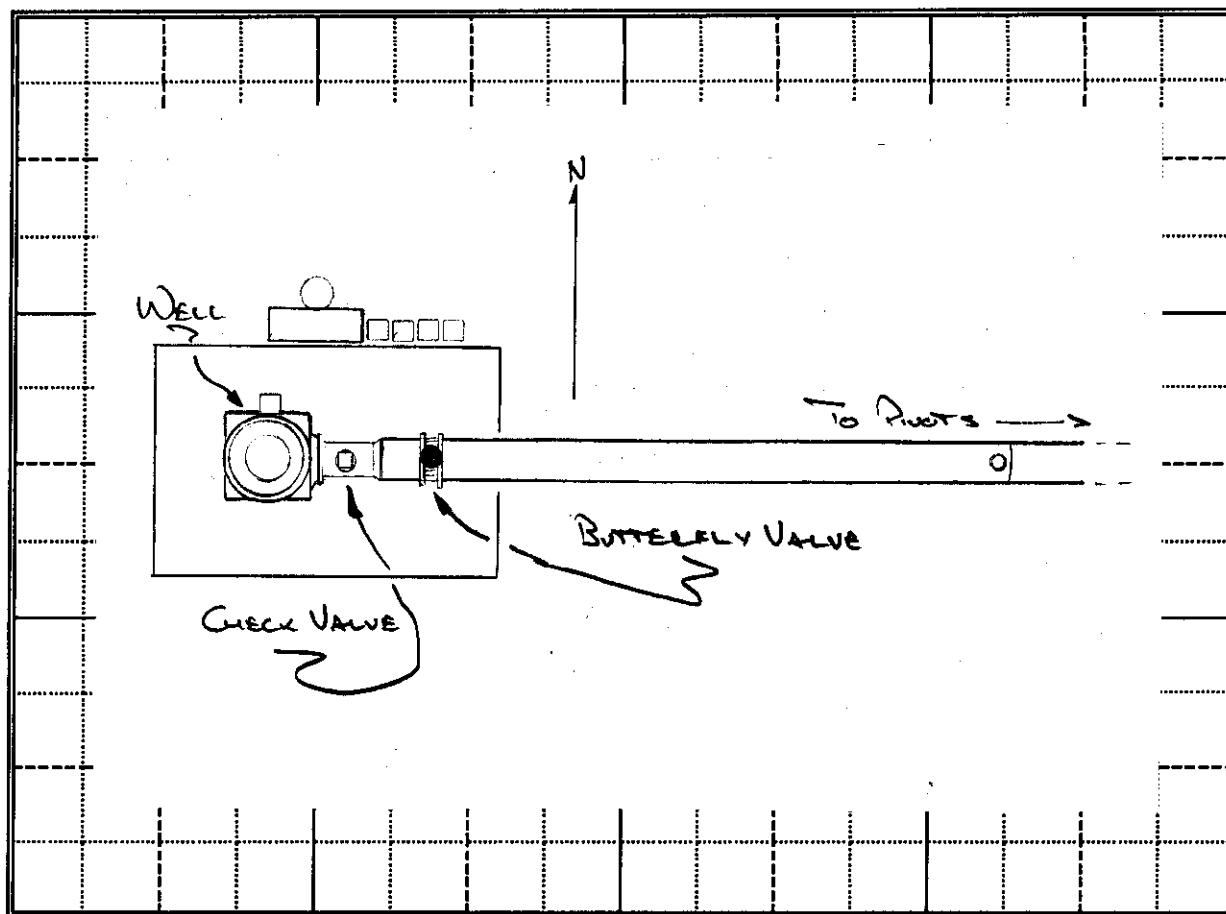
Date Filed: 3/6/1991

In: T 11S R32E S24 SENW

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203 C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before APRIL 22, 1991.

R. Keith Higginson, Director

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	U.S. Motors	250	7258/ X01W35520912-5	—	# 4116K17100A

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
ULTRASONIC						

2. Measurements: $Q = 2195 \text{ GPM}$ $2195 \text{ GPM} / 448.8 = 4.89 \text{ CFS}$

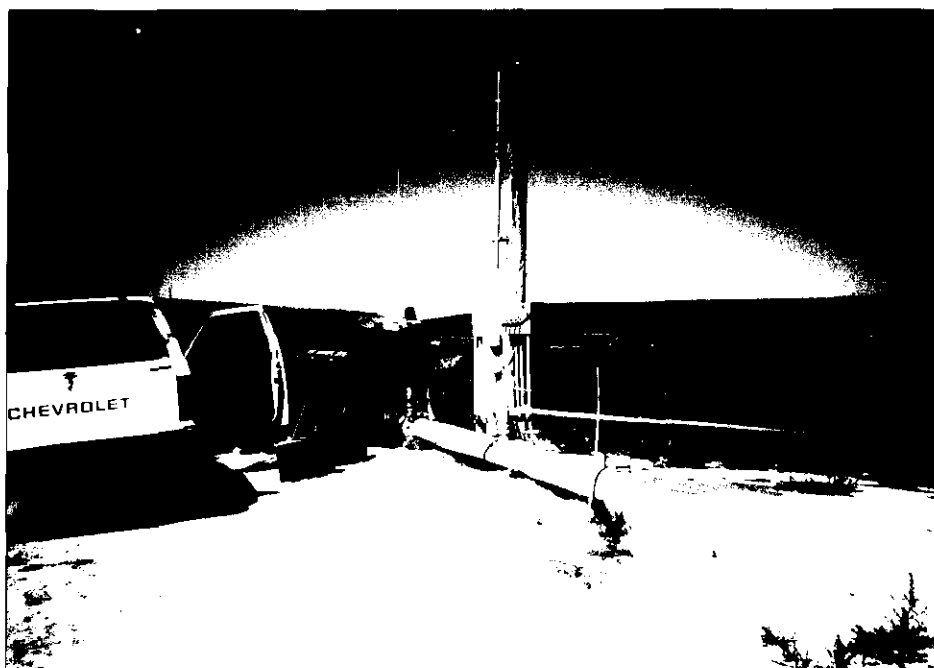


Plate 1 - Point of diversion.

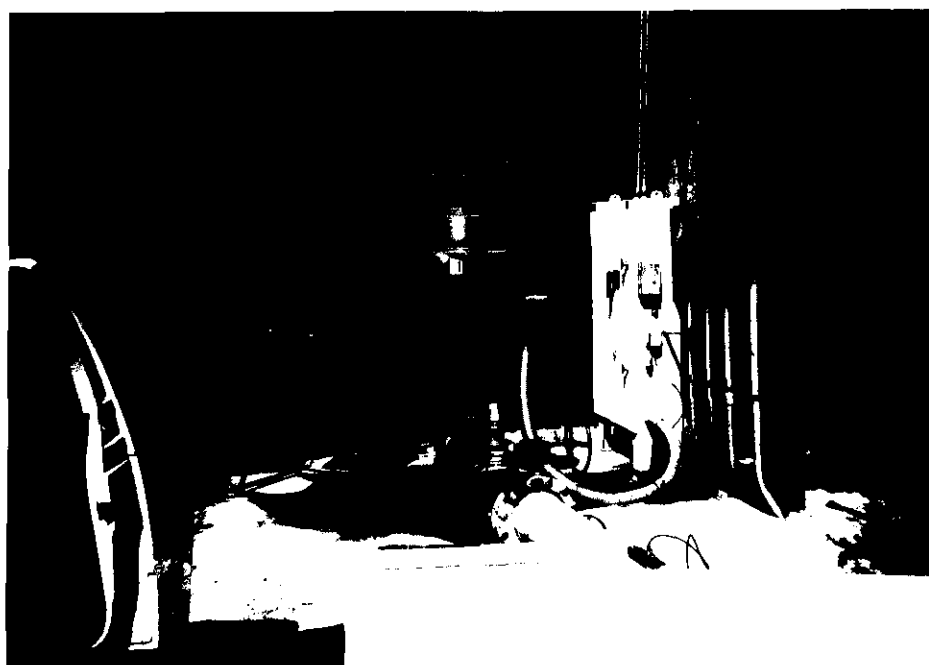


Plate 2 - Point of diversion: Second view.

08-16 11:0700 *R
+003.00 % AI2

0369.3 MMSEC
099.74 % T0

OUTER DIAMETER
10.0000 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1000 IN

SOUND VELOCITY
1460 M/S-

SPACING
7.372 IN U

08-16 11:1400 *R
+ 2.026E 3GPM

08-16 11:1400 *R
+ 2.021E 3GPM

08-16 11:1400 *R
+ 2.026E 3GPM

08-16 11:1400 *R
+ 2.055E 3GPM

08-16 11:1500 *R
+ 2.074E 3GPM

08-16 11:2500 *R
+ 2.193E 3GPM

08-16 11:2500 *R
+ 2.195E 3GPM

08-16 11:2700 *R
+ 2.192E 3GPM

08-16 11:2900
+003.00 % AI2

0369.3 MMSEC
099.74 % T0

OUTER DIAMETER
10.0000 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1000 IN

INNER LINING
? NO LING.

SOUND VELOCITY
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08-16 11:0700 *R
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0369.3 MMSEC
099.74 % T0

OUTER DIAMETER
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PIPE MATERIAL
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WALL THICKNESS
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SOUND VELOCITY
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+ 2.026E 3GPM

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+ 2.026E 3GPM

08-16 11:1400 *R
+ 2.055E 3GPM

08-16 11:1500 *R
+ 2.074E 3GPM

08-16 11:2500 *R
+ 2.193E 3GPM

08-16 11:2500 *R
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08-16 11:2900
+003.00 % AI2

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WALL THICKNESS
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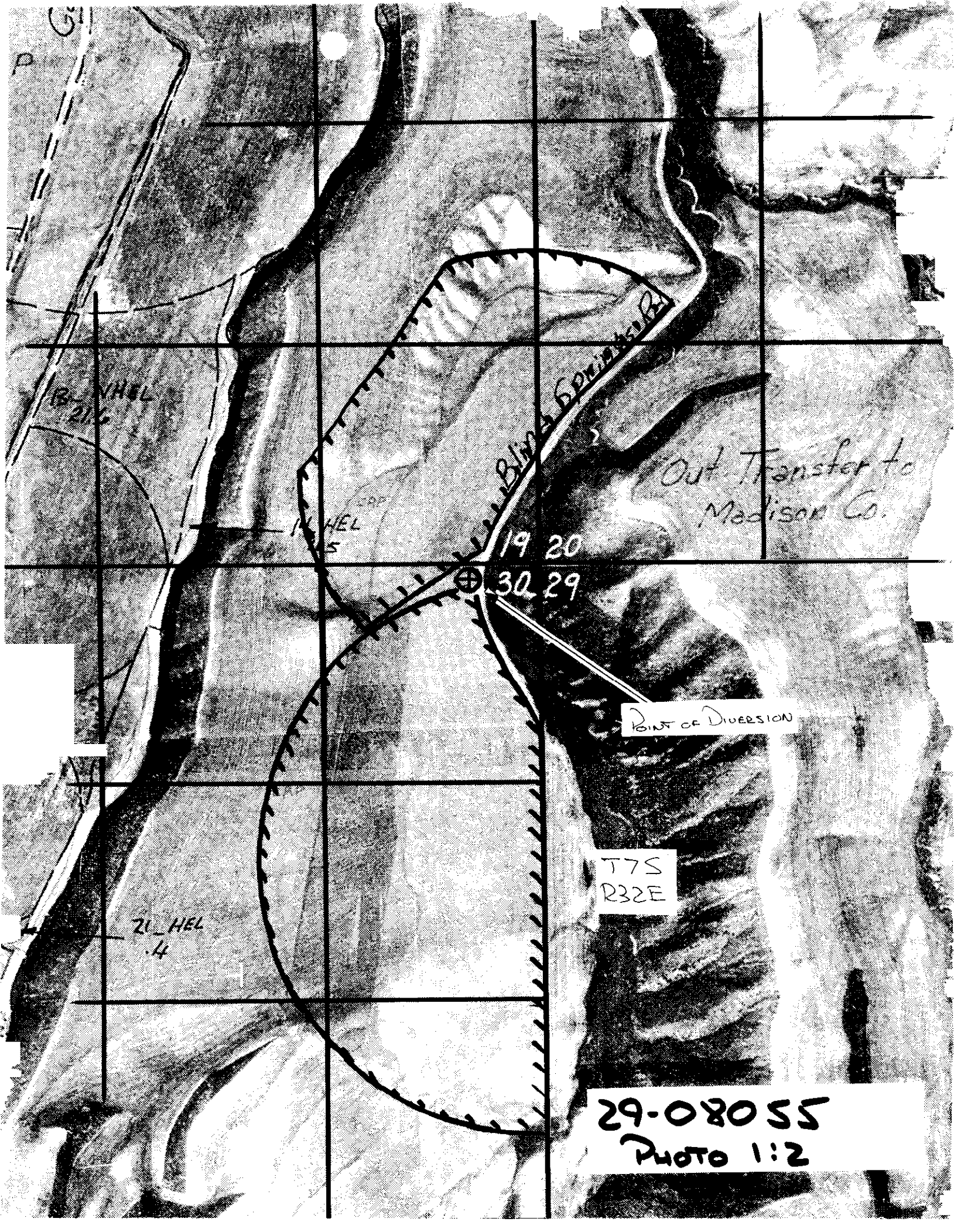
SOUND VELOCITY
1460 M/S-

SPACING
7.372 IN U

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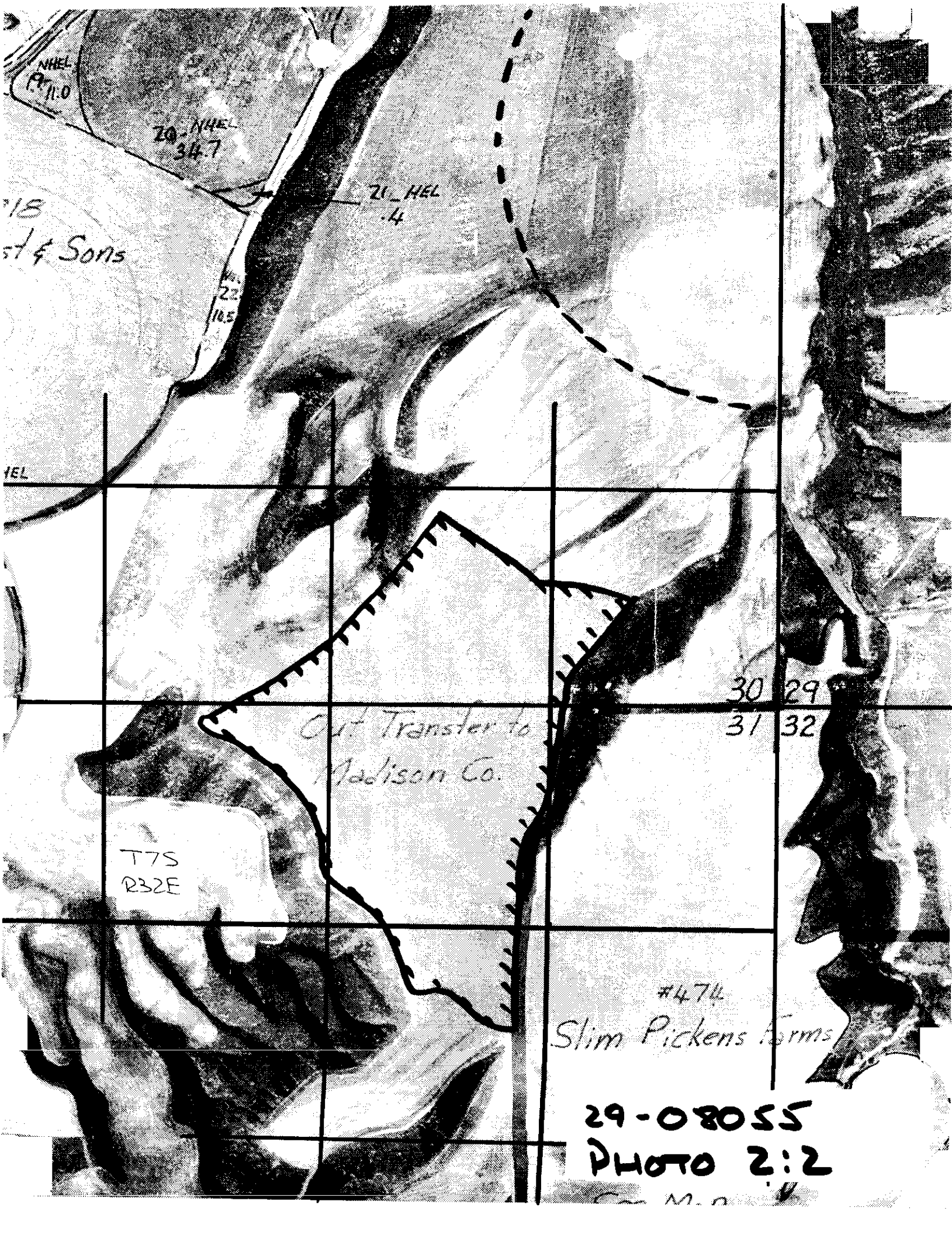
19 20
30 29

Out Transfer to
Madison Co.

POINT OF DIVERSION

T7S
R32E

29-08055
PHOTO 1:2



NH
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21-NHEL
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st & Sons

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HEL

30 29
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Out Transfer to
Madison Co.

T7S
R32E

#474
Slim Pickens Farms

29-08055
PHOTO 2:2

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JUN 27 1994

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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JUL - 7 1994

PROOF OF BENEFICIAL USE

Department of Water Resources
Eastern District Office

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Irrigation 248 (No. of acres)

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Other _____

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OR

Flow Measurement Port: Required? ☒ Yes ☒ No ☒ Installed? ☒ Yes ☒ No ☒

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Name

458-4454
Telephone No.

Box 235 Newdale Id. 83436
Address

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6-12-94
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Randy Neilson President
Signature (and title if on behalf of a company or organization)

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Eastern District Office

State of Idaho
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By: Randall Neilbaur -President
Permit Holder(s)

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) ss
 County of Madison)

On this 10 day of January, 199 4, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

SEAL

Lerna Bair
 Notary Public

Lerna Bair
 Signature

My commission expires: 02/16/95

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State of Idaho
Department of Water Resources

JUL 12 1991

Permit To Appropriate Water

Department of Water Resources
Eastern District Office

NO. 29-08055

Proposed Priority: February 11, 1991 Maximum Diversion Rate: 4.96 CFS

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P.O. BOX 235

NEWDALE, ID 83436

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and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

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03/15 to 11/15

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State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 29-08055

CONDITIONS/REMARKS:

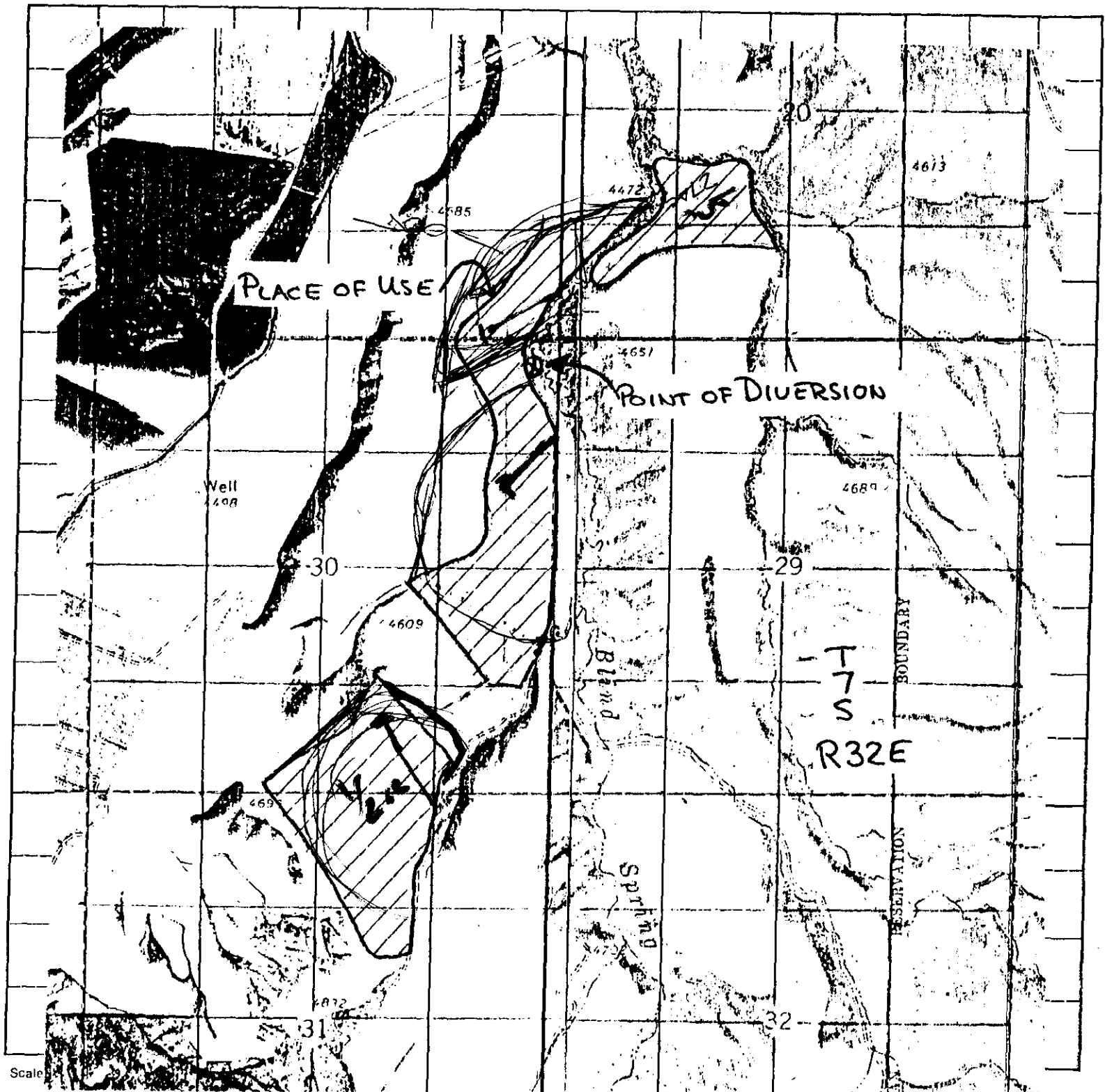
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This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

25th day of June, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Randy Heibauer President
(Applicant)

U.S. Motors

7258 / X01W35520912-5

Unknown Pump

H16K17100A

Acc BY Dean West

E. NARRATIVE/REMARKS/COMMENTS

- * WELL, PUMP AND PIPELINES TO 3 $\frac{1}{2}$ CIRCLE PIVOTS WITH VARIOUS HANDLINES FOR IRRIGATION OF CROPLAND.
- * NO OVERLAP.
- * NO RECENT AERIAL PHOTOGRAPHY AVAILABLE
- * AMEND AS SHOWN.
- * FROM WELL LOG (ATTACHED): STATIC WATER AT 160'
- * ESTIMATED OPERATING PRESSURE: 55 PSI
- * ESTIMATE 64% EFFICIENCY.

Have conditions of permit approval been met? ☐ yes ☐ no

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$Q_{MEAS} = \frac{250 \text{ HP} (8.811) 0.64 \text{ EFF}}{160' \text{ LIFT} + (55 \text{ PSI} * 2.308)} = 4.91 \text{ cfs}$$

$$Q_{MEAS} = 4.89 \text{ cfs} \text{ — RECOMMEND AS MEASURED: } \underline{\underline{4.89 \text{ cfs}}}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 248 * 4.0 = 992 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 4.89 (214) 1.9835 = 2076 \text{ AFA}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\underline{992 \text{ AFA}}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>4-1</u>	<u>10-31</u>	<u>4.89 cfs</u>	<u>992.0</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>4.89</u>	<u>992.0</u>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name DRU Date 11-25-97

Reviewer _____ Date _____

SEAL

July 5, 1994

MERRITT NEIBAUR & SONS
NORTHWEST FARM CREDIT SERVICES ACA
PO BOX 235
NEWDALE ID 834360235

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-08055

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

April 30, 1994

MERRITT NEIBAUR & SONS
NORTHWEST FARM CREDIT SERVICES ACA
PO BOX 235
NEWDALE ID 834360235

PROOF DUE NOTICE

RE: PERMIT NO. 29-08055

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

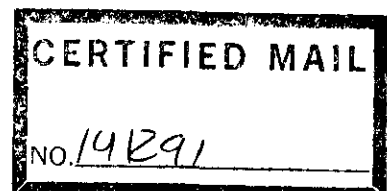
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 25, 1994

MERRITT NEIBAUR & SONS INC AND
NORTHWEST FARM CREDIT SERVICES ACA
PO BOX 157
REXBURG ID 83436

Re: Permit No. 29-08055

Dear Water Right Holders:

We acknowledge receipt of the correspondence assigning the ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

c: Merritt Neibaur & Sons, Inc.

RECEIVED

FEB 22 1994



Farm Credit Services

RECEIVED
JAN 20 1994
Department of Water Resources

217 North Second East
P.O. Box 157
Rexburg, Idaho 83440
208/356-4442

January 13, 1994

Department of Water Resources
900 North Skyline
Idaho Falls, Idaho 83402

RECEIVED
JAN 14 1994

Department of Water Resources
Eastern District Office

Dear Office Staff:

Enclosed you will find an Assignment of Water Permit No.29-08055. Please file this assignment and send a letter of acknowledgment back to this office.

Northwest Farm Credit Services, ACA has made a loan to Merritt D. Neibaur & Sons, Inc. and has taken Assignment of this permit as security. Please send copies of all notices and correspondence to our office. If you have any questions, feel free to call me at: 1-800-464-6812. Thank you for your assistance in this matter.

Respectfully,

Lorna Bair
Customer Service Representative

Enclosure

RECEIVED

FEB 22 1994



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 3, 1991

MERRITT NEIBAUR & SONS
P.O. BOX 235
NEWDALE, ID 83436

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08055

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well

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JUL 10 1991

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

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APPLICATION FOR PERMIT REVIEW

Application #: 29-8055

Reviewer:

Pam Skaggs

Date: 6-24-91

Existing:

✓ No

Complete in 1 year - 26A-P17
P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

✓ GT. 0.2 cfs - 01G-P03 01C-P03(existing well)

LT. 0.2 cfs - N/A

Drilling Permit:

Approved w/permit - P99

✓ Not included - 046-P23 (All GW, even existing wells)

Location:

✓ Water Districts - WD No. 01
Surface water - 005, 005-01H-P01(LT.2 w/pump)
005-01J-P08(GT.2)

✓ Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓ Swan Falls Flag - 1 (1, Blank or Other)

Trust - 051-052-053-P74 (Cons.), 041(DCMI, w/Irr

✓ Non Trust - 048-049 or Irr & Dom)

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A or 010, 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

✓ Beneficial Use Due Date: - 07-01-1994
Other Conditions Recommended

MAILED

JUL 10 1991

[Handwritten signature]

Form No. 202a
/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

✓ Disc.
Submitted for advertising 3-8-91
7-14-91

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWS DATE 3-12-91 APPLICATION NUMBER 29 8055

REQUIRED INFORMATION Merritt Heibauer & Sons

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion
☐ Yes ☒ No Field check required
☐ Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Need Rule 4-5-3 data OK

Date Requested

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JUN 04 1991

Department of Water Resources

PROCESSING ☒ Yes ☒ No form for advertising
☒ Yes ☒ No Statewide advertising
☒ Yes ☒ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 4-22-91
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☒ Yes ☐ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

See below for additional information
Date of priority recommended Feb 11, 1991
By HWT Date 5-31-91

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

Conditions: OIG

LOCAL PUBLIC INTEREST

Comments received from:

____ City	____ Idaho Fish & Game	____ Irrigation District
____ County	____ Idaho Health & Welfare	____ Canal Company
____ Reservations	____ Division of Environment	____ Other _____

Project impacts/implications report

COMMENTS

4,5,3,1,2.

No wells in a half mile radius. See map.

4,5,3,1,3.

Every effort will be made to utilize the water efficiently. Steps will be taken to ~~stop~~ runoff, thus saving rain and snow for the crop. We plan to sprinkle, which will save water, and will schedule our irrigations to only fill the soil reservoir where the roots are, to keep leaching to a minimum. We also plan on attending irrigation schools and seminars to help keep us informed of the best and proper irrigation methods. We plan on keeping our equipment in good working order to allow for the best use of the water.

4,5,3,2,1.

We plan on converting part of our dry farm to irrigation which will include raising hay, potatoes, grain, sugar beets, etc. We plan on using this water through the irrigation season, from about May through October, with the peak coming in July. We will have approximately 11 lines putting out 170 gallon per minute or 4.16 CFS during the peak use. The volume to be diverted per year will be approximately 880 acre feet. The consumptive use will be approximately 24" per acre per year.

Possibly
Plants

4,5,3,2,2.

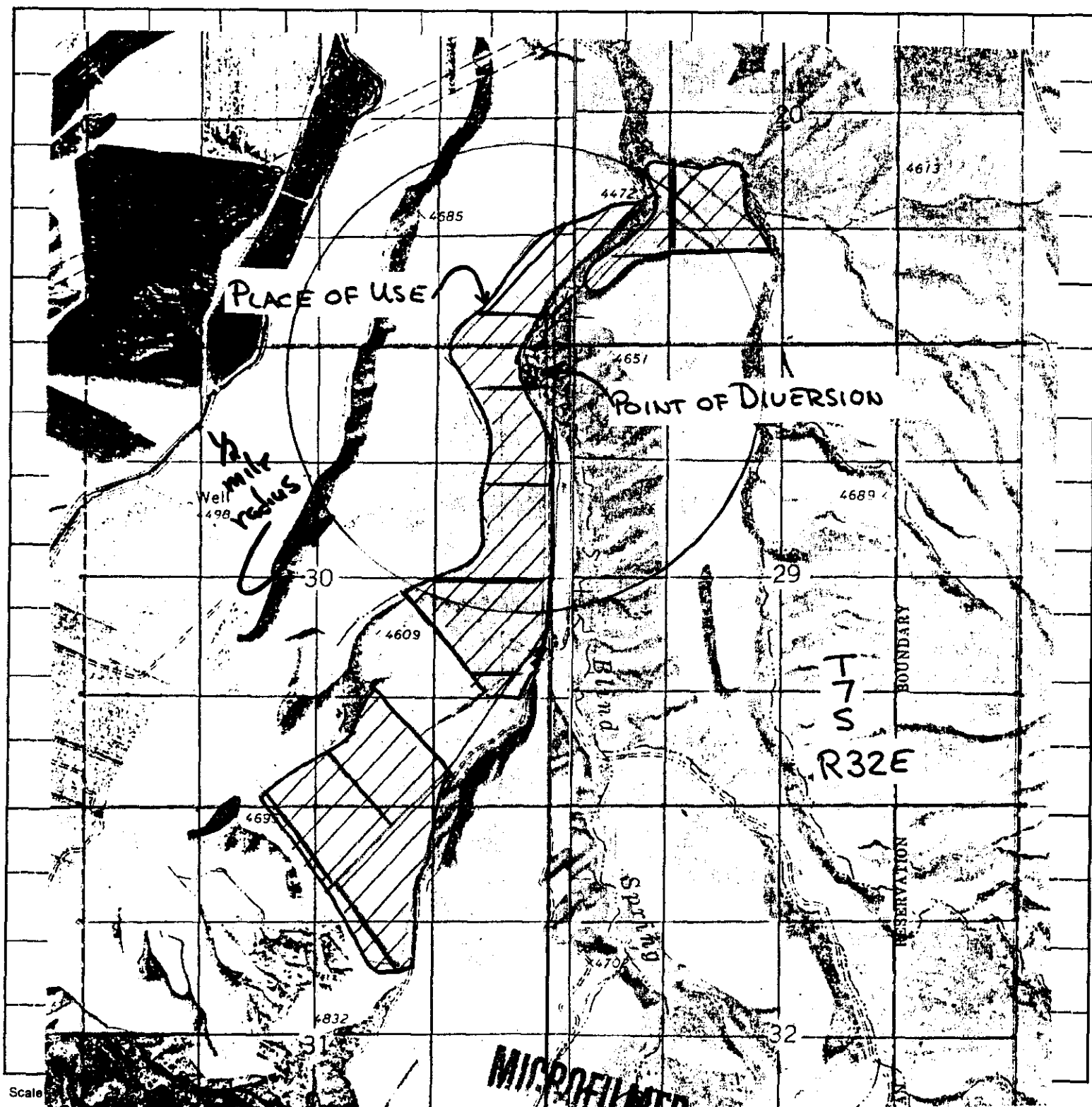
The aquifer is probably made up of sand and gravel with lava crevices and cinders. Water is usually about 200' to 450' deep. There seems to be adequate water so far.

4,5,3,4,2.

See map. The cost will be approximately \$400 per acre or about \$88,000 for pump, mainline, and handlines.

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JUL 10 1991

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes Application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
JUL 10 1991

Randy Heibauer President
(Applicant)



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

MAY 3, 1991

MERRITT NEIBAUR
PO BOX 235
NEWDALE, ID 83436

DEAR MR. NEIBAUR:

WE ARE CURRENTLY PROCESSING YOUR APPLICATION 29-08055 FOR A WATER RIGHT. FOR ANY APPLICATION OR PERMIT WHICH EXCEEDS 200 ACRES OR 5.00 CFS THE INFORMATION ON THE ATTACHED SHEETS ARE REQUIRED BEFORE ANY FURTHER PROCESSING CAN TAKE PLACE. PLEASE TRY TO ANSWER THE HIGHLIGHTED QUESTIONS TO THE BEST OF YOUR ABILITY. IF YOU NEED ADDITIONAL CLARIFICATION PLEASE GIVE ME A CALL AT 525-7161. IF YOU ARE NO LONGER INTERESTED IN DEVELOPING THIS PERMIT PLEASE ADVISE ME.

I WILL NEED YOU TO RESPOND WITHIN 30 DAYS WITH THE INFORMATION REQUESTED.

SINCERELY,

HAROLD W. JONES
WATER RESOURCE SUPERVISOR

MICROFILMED
JUL 10 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 26, 1991

THE POWER COUNTY PRESS
P.O. BOX 547
AMERICAN FALLS, ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) 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 22, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

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JUL 10 1991

29-08055

MERRITT NEIBAUR & SONS
P.O. BOX 235
NEWDALE, ID 83436

Source: GROUNDWATER

Diversion Pt: NENE Sec 30 T 07S R 32E

Use: IRRIGATION (4.960 CFS)
Total Diversion: (4.960 CFS)

Date Filed: 2/11/ 1991

In: T07S R32E S19	SESE			
S20	NESW	NWSW	SWSW	SESW
S30	NENE	SENE	SESW	NESE
	NWSE	SWSE	SESE	
S31	NWNE	SWNE	NENW	

248.0 ACRES TOTAL

MICROFILMED

JUL 10 1991

27-Feb-1991

MERRITT NEIBAUR & SONS
PO BOX 235
NEWDALE ID 83436

RE: Application No. 29-08055

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in POWER COUNTY PRESS on April 4 & 11, 1991. The advertisement will be published 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.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED

JUL 10 1991