



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

August 12, 1999

Gem Valley Farms  
C/o Chad Neibaur  
1550 Bancroft Rd  
Bancroft, ID 83217

RECEIVED

AUG 16 1999

Department of Water Resources  
Eastern Region

Re: Agreement and Consent Order

Dear Mr. Niebaur,

I returned to the office on August 12 and received your message regarding the filing of a transfer application that was required by the Agreement and Consent Order. I called our Idaho Falls office and confirmed, as you stated, that you had worked with Keith Wilson on completing a transfer application. Mr. Wilson forwarded me a copy of the transfer he had prepared for you. He confirmed that you had worked with him well before the July 30 deadline. I believe therefore that you acted diligently in complying with the order. Please disregard my correspondence of August 4, 1999 concerning your failure to timely submit the transfer.

I sincerely apologize for the confusion regarding the transfer and the inconvenience this caused you. I did contact our Idaho Falls office on August 3 and was advised that no transfer had been filed. I spoke with Mr. Wilson's supervisor, Harold Jones, who was unaware that Mr. Wilson had assisted you on this matter and had agreed to complete a transfer for you. I take full responsibility for the breakdown in communications with you as well as within the department.

I have noted from review of the proposed transfer that the place of use descriptions for some of the quarter-quarter sections may be less than the total number of acres irrigated. As a result, some of your corners in sections 19 and 20 may not be completely represented or covered under the transfer's place of use description. Please review this part of the transfer to make sure that all irrigated acres are properly identified.

I have also noted that my August 4 correspondence to you contained an error. The last sentence of the first paragraph asked you to take precautions on the Dwaine Christensen well "to assure that surface water or ground water does flow back into the well column." The sentence should correctly state "...to assure that surface water or ground water does **not** flow back into the well column."

Again, please accept my apologies regarding the misunderstanding about the transfer application.

Respectfully,

A handwritten signature in cursive script, appearing to read "Tim Luke".

Tim Luke

Cc: Craig Shuler, Watermaster  
Harold Jones, Eastern Region