



# FACSIMILE TRANSMISSION

To: Chad Neibaur, Gem Valley Farms

From: Tim Luke *TJL*  
Idaho Department of Water Resources  
1301 N Orchard St  
Boise, ID 83706  
208-327-7864 (direct) • 208-327-7866 (fax)  
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Date: June 11, 2002

Re: Water District 13T – Gem Valley Farms Fax Dated June 6, 2002

Chad,

I'm not certain but your last fax to me seems to be asking for permission to use the Deep well on the Hansen well pivots. Is my understanding correct? Has the Hansen well(s) been repaired and the condition relieved? As you know, the temporary transfer that you filed last year for the connection of the wells was denied. IDWR sent you a Notice of Violation after the transfer was denied and after the connection was made but did not issue any penalties against you for proceeding with the denied temporary transfer. Your water rights still do not authorize use of the Deep well on the Hansen well pivots. There has been no declaration of a drought emergency in your county and thus there is no opportunity at this time to file or obtain approval of a temporary transfer application. Unless you have some authorization that I am not aware of, you should cease from further diversion of water from the Deep well for use on the Hansen pivots. Additionally, unless authorization is obtained, the Deep and Hansen wells should be disconnected either by a physical interruption in the piping system or by a locked valve.

**The Department requests that you advise us by facsimile or phone call no later than noon, Thursday, June 13, 2002** as to whether or not the Hansen wells have been repaired, whether the Hansen and Deep wells are still connected and/or if there is a potential to use

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the Deep well on the Hansen pivots. Please advise what if any authority you feel you may have for any continued connection and/or use of the Deep well on the Hansen pivots.

The Department will instruct the watermaster to monitor use of the Hansen and Deep wells and report to the Department after noon (12 p.m.) on June 13. The Department may provide further instructions to the watermaster depending on your response on or before this time. Please be aware that the Department may issue a Notice of Violation (NOV) and/or provide instructions to the watermaster to disconnect or curtail the wells.

CC: Craig Shuler, Watermaster  
Harold Jones, IDWR  
Cindy Bird, IDWR