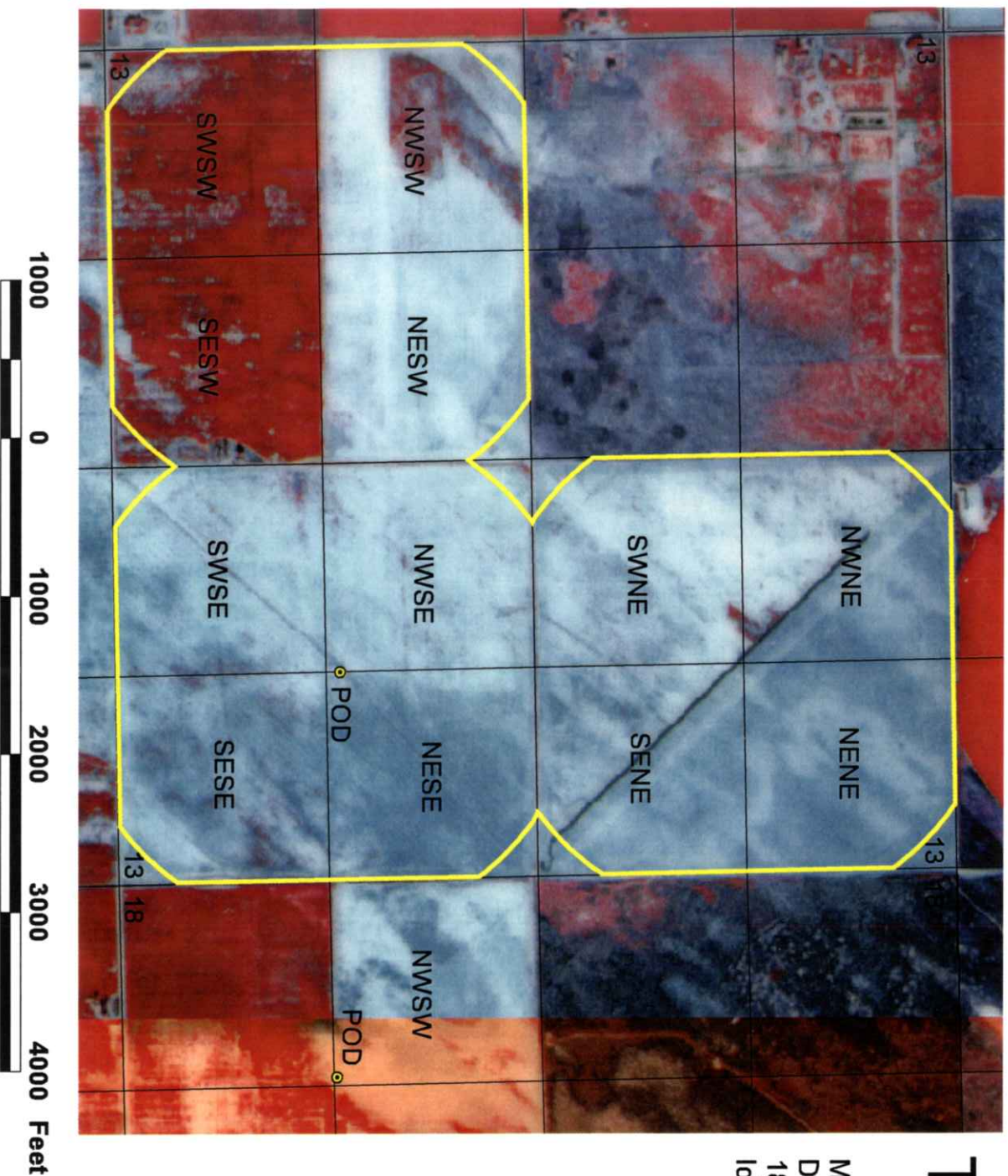


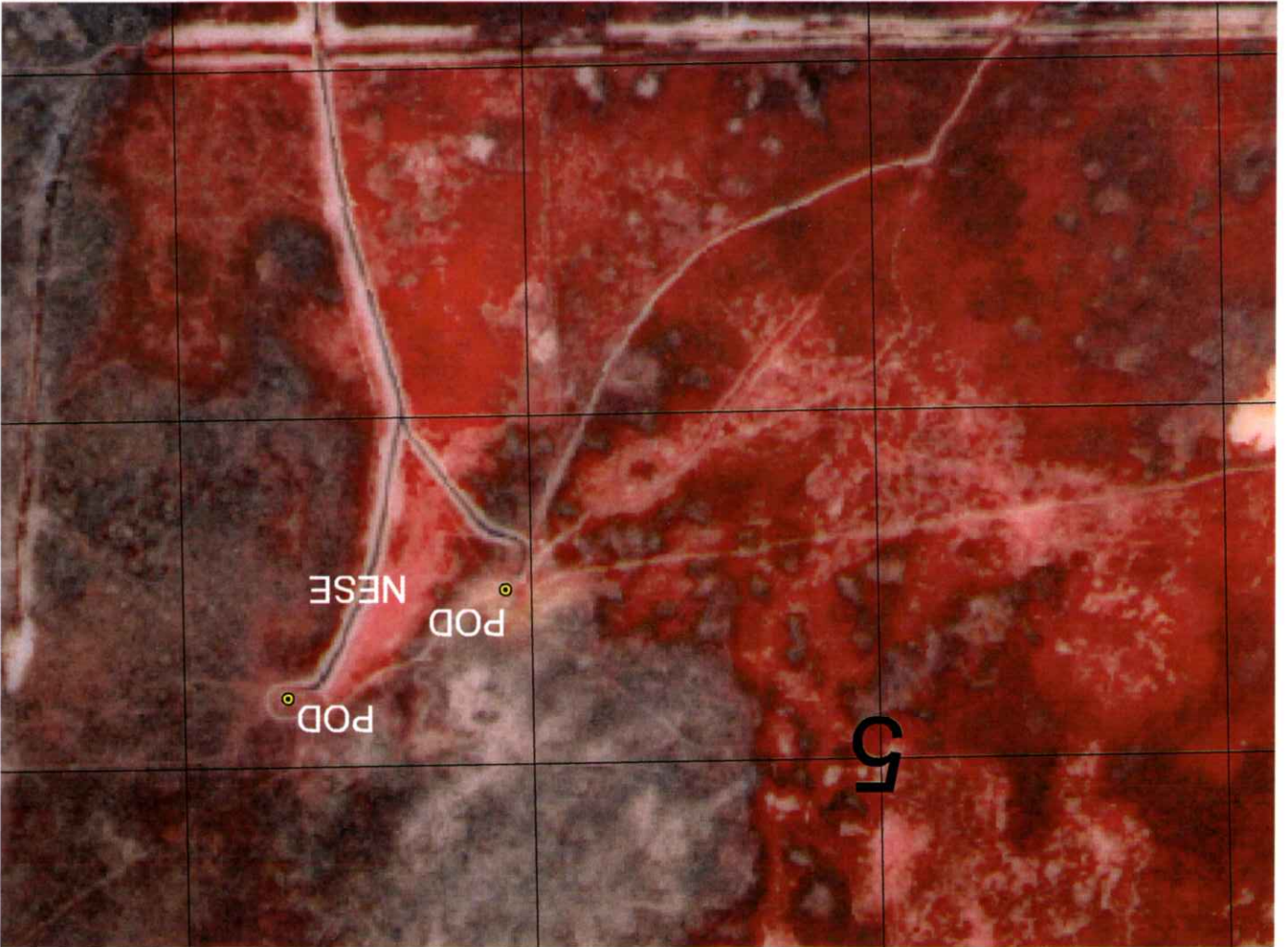
31-02299 & 31-02415

T07N R33E S13

Map prepared by: Carter Fritschle
Date prepared: 11/27/00
1897-1988 NAPP photography
Idaho Department of Water Resources



Section 5 Points of Diversion



600 0 600 1200 1800 Feet

T07N R34E S05



Map prepared by: Carter Fritschle
Date prepared: 11/27/00
1987-1988 NAPP photography
Idaho Department of Water Resources

Mitchell (Sauer) Wells on Joe Hartwell's Property

1930 - Sauve Decree decrees rights 31-00160 to Alexander Mitchell and 31-00161 to Mary Mitchell, both rights have a source of Spring Lake and a priority date of December 8, 1913.

1936 - Documentation supports that Spring Lake had dried up and the east well was drilled in T07N, R34E, S05 NESE by Tom Mitchell to replace the Spring Lake water.

1939 - Documentation supports that the west well was drilled in T07N, R34E, S05 NESE by Tom Mitchell.

1948 - Warranty deed from Sandy and Dorothy Mitchell to Joe Hartwell reserves the right for Thomas Mitchell to drill a new well or wells on property Mitchell's sell to Hartwell (includes T07N, R34E, S05, NESE.) The existing well and the new well or wells total diversion rate is limited to 600 inches (12.00 cfs).

1956 - Documentation supports the east well in Section 5 was enlarged. Claims 31-04011B and 31-04011C are for the enlarged use.

1974 - Application for Permit 31-07131 and statutory claim 31-04011 filed. Joe Hartwell protested the application for permit. Bruce Mitchell agreed not to increase the amount of water currently developed and abide by the 1948 warranty deed. Joe Hartwell and Bruce Mitchell signed a stipulation that was also a withdrawal of the protest. See memo from Ron Carlson in file 31-07131 dated December 17, 1974.

1975 - Statutory claim 31-04012 filed by Earl Hunter. Bruce Mitchell filed an exception to the claimed priority date of 1934 stating it should be 1939 or 1940.

1977 - The field exam for 31-07131 was conducted on September 2, 1977. The "capacity" of the east well was measured at 7.42 cfs.

1979 - Application for Permit 31-07320 filed by Sauer Enterprises with the Point of Diversion a well in Section 18.

1985 - Application for Permit 31-07320 amended by Sauer Enterprises to include the wells in Section 5. Amended application states an easement authorizes access to wells in Section 5. A copy of the easement is not furnished with the application, and it is assumed the document that authorizes the easement is the 1948 warranty deed reservation. Joe Hartwell files a protest to this amended application stating that an increase in flow from the wells in Section 5 will "create a trespass condition and disregard the terms under which I purchased the land on which the wells are located." Joe Hartwell later withdrew his protest.

1990 - A re-examination for 31-07320 is conducted to include the flows of both the east well and west well in Section 5. This field exam found the east well producing 5.71 cfs and the west well producing 7.38 cfs. This is a total of 13.09 cfs which is 1.09 cfs greater than the 12.00 cfs described in the 1948 warranty deed.

2000 - A check with Jefferson County Assessor shows Joe Hartwell as the owner of record for T07N, R34E, S05, NESE.

File Nos. 31-00160A, 31-00160B, 31-00161A, 31-00161B, 31-02299, 31-02415, 31-04011B, 31-04011C, 31-04012, 31-07131, 31-07320 and 31-10652.

CLF 11-30-00

RECEIVED
DEC 23 1974

6220-15

between the two involved and Jerry-Scott and Andy Mitchell and Dorothy Mitchell, his wife

WITNESSETH, That, the said part 129 of the first part, for and in consideration of the sum of

...and whereby he hath granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party

the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4) of the South Half of the Northeast quarter (NE 1/4) of section 16, T1N, R10E, and Lot One (1) of section 16, T1N, R10E, and the West Half of

subject to taxes and assessments for the year 1948 and thereafter, and in the light of

Excepting from this conveyance all water or water rights thereupon situated and all claims now constituted thereon; and the parties of the first part hereby reserve in

any taxes or assessment levied against said wells or pumping equipment shall be paid by

loss of the first part and

... ..

STATE OF IDAHO

to be the person whose name is subscribed by the within instrument, and acknowledged to me that

Respectfully,
J. Van L. Bloom
this 16th day of June

Transfer No. 3116
Water Right No. 31-2299

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant SAUER ENTERPRISES Phone 522-5179

Post Office address c/o Neal Sauer, Rt. #5, Box 160, Idaho Falls, ID 83402

DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____

dated in _____ in _____ county of _____ (Name of court)

b. License No. 31-2299 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired. The water right was acquired through the purchase of the licensed place of use.

3. Source of water groundwater tributary to _____
4. Date of priority January 4, 1951
5. Water is used for the following purposes:

amount _____ purposes from _____ to _____
amount _____ purposes from _____ to _____
amount _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. 3.14 cubic feet per second &/or
b. _____ acre feet per annum

7. Location of original point of diversion is SW _____ of NE _____ of Section 13 Township 7N Range 33E B.M. in Jefferson County
Additional points of diversion, if any _____

8. Lands irrigated or place of use: _____

TWP.	RANGE	SEC.	NE 1/4	SE 1/4	NW 1/4	SW 1/4	NE 1/4	SE 1/4	NW 1/4	SW 1/4	NE 1/4	SE 1/4	NW 1/4	SW 1/4	NE 1/4	SE 1/4	NW 1/4	SW 1/4	TOTALS
7N	33E	13																	220
			14																220

Total number of acres to be irrigated 220

9. Describe any other water rights used for the same purpose as described above 31-2415

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No
If yes, describe in item D, REMARKS.

RECORDED

APPROVED

431-02299

omit part B).

- b. _____ &/or _____ acre feet per annum

- Range _____, B.M., _____ County _____

Total number of acres to be irrigated -

1. General information

- and licensed place of use will be irrigated from 4 wells.

- Additional points NE₂SE₂, Sec. 5 (two wells), NW₂SW₂, Sec. 18, T. 7N,

- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer the lien, deed of trust, mortgage or contract agreeing to the proposed change.

31-2415. Some land in the S³SW³ & W³SE³ will be dewatered and cease to be irrigated.

C.

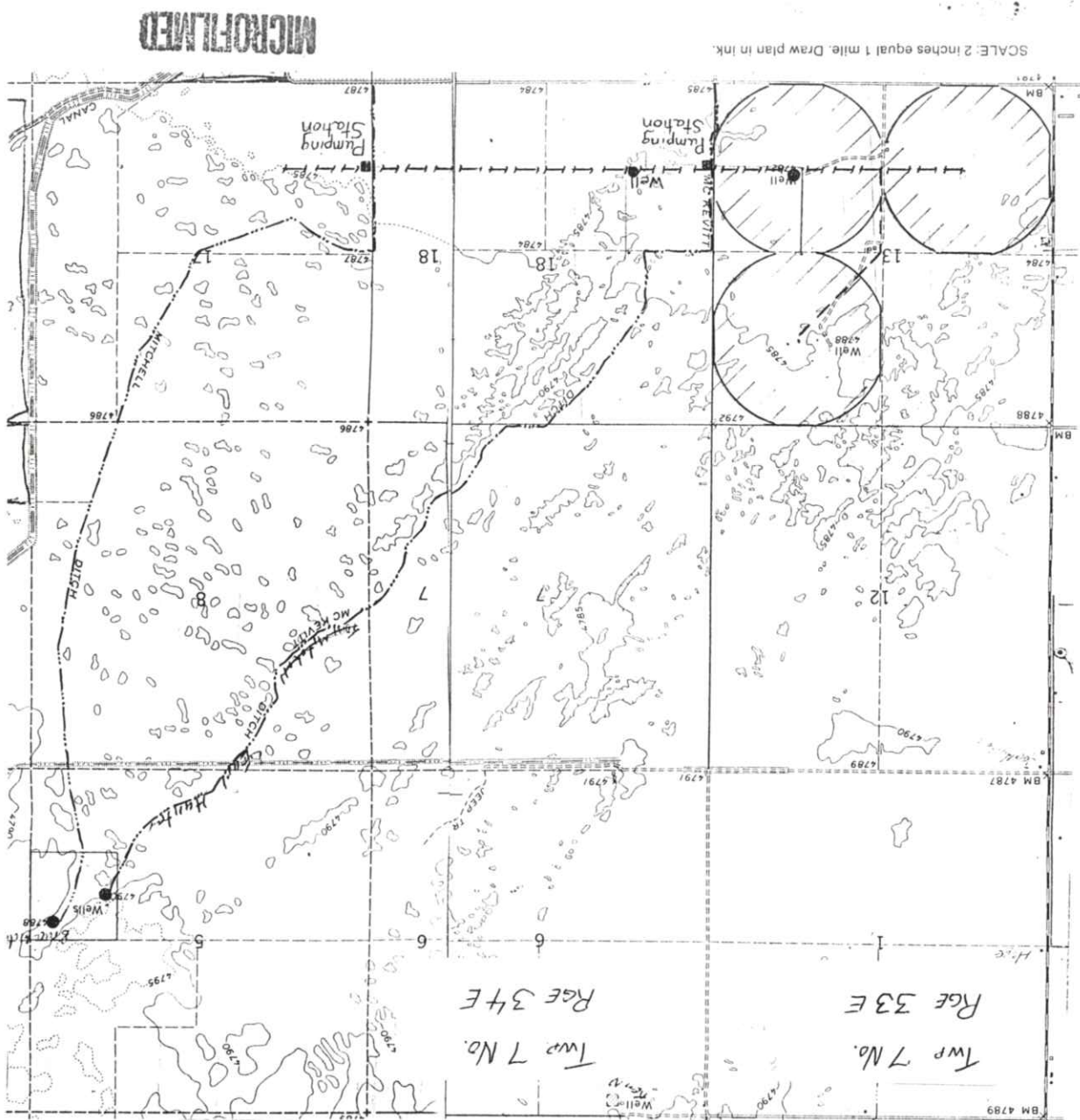
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	33E	13	18	18	18	18					19	18	18	18	19	19	18	18	220
									</										

Total number of acres to be irrigated 220

4. Describe any other water rights used for the same purpose as described above. 31-2415

5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the

land involved by section, township and range number.



MICROFILMED

D. REMARKS

Application changes the points of diversion and place of use. See Attachment A for explanation.

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 misrepresentation made in this application may result in voiding its approval.

Subscribed and sworn to before me this 22 day of January, 19 85
Steve Engstrom
Notary Public
Alvise (gmp)
(Notary Public)

My commission expires March 22, 1988

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES
This is to certify that I have examined Application for Transfer of Water Rights No. 31-2299
and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 2nd day of December, 19 85
A. Allen Saylor
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY
Received by EMC Date 2-6-85 Prelim. check by EMC Fee 50.00 #94400
Received by my Date 2-6-85
Published in Alvise (gmp) Pub. dates 2-21 & 2-28-85
Watermaster recommendation requested on _____
Recommended for _____ by me Jim
Hearing held by _____ Date _____
Copies of protest forwarded by all
Protest filed by for protest with reason

State of Idaho
License and Certificate of Water Right

Amount 3.71 c.f.s.

Priority January 4, 1951

Water License No. 21852

Water District No.

A. J. RICHINS

THIS IS TO CERTIFY that

of Terreton, Idaho , made application for a permit to appropriate the

public waters of the State of Idaho, dated January 4, 1951; that Permit No. 21852

3. The second feet, was issued thereunder on August 25, 1961, showing that said works

were completed on the 6th day of December, 19 55; and that on the 6th

day of December, 1955,

A. J. RICHINS

of Terrellton, State of Idaho, made proof to the satisfaction of the

State Reclamation Engineer

... a tributary of subterranean flow, for the purpose of irrigation

21852 of the Department of Reclamation, under Use Permit No.

and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume _____ and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,

11 of Licenses at page 7219, on the 25 day of August, 1961;

The right hereby confirmed dates from
January 4
1951 :

The Point of Diversion is located

in the SW 1/4 NE 1/4, Sec. 13, Twp. 7N, R. 33E., B. M. County Jefferson

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall

not exceed 3.74 cubic feet per second.

Description and location of use:

Twp.	7 N.	33 E.	13	Sec.	Forty-acre Tract	SW ₄ NE ₄ NE ₄ SE ₄ NW ₄ SE ₄ SW ₄ SE ₄ SW ₄ NE ₄ NE ₄ SW ₄ NW ₄ SW ₄ NE ₄ SW ₄ SW ₄ SW ₄ SE ₄ SW ₄	Total number of acres to be irrigated:	220
No. Acres	No. Acres	No. Acres	No. Acres	No. Acres	No. Acres	No. Acres	No. Acres	No. Acres
Described in Permit	Actually Irrigated							

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

25th day of August '61

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21852

This proof is for completion of works & beneficial use In Water District No.

1. Name of applicant Alma J. Richins, Terreton, Idaho

2. Source of water supply: Subterranean from a well

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13

T. 7 N. R. 33 E. County of Jefferson

4. Describe works as they exist, giving dimensions and capacities of same: Well is 275' deep by 16" diameter, cased 175', H=35', Lift=90' estimated. 40 hp G. E. Motor, serial No. OKJ 209014. Peerless Turbine pump, serial No. 89228. Delivery through 10" by 20' pipe to the South into a large open pond. Ditch is 4' wide in the bottom to the fields by gravity.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ Section 13;

Twp. 7 North, Range 33 East, B. M.

See the map.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Crops are hay, grain, pasture and row crops.

This examination was made on the

25

day of

(Signed) E. N. Humphrey

1956

Examiner.

21852

