

31-10652



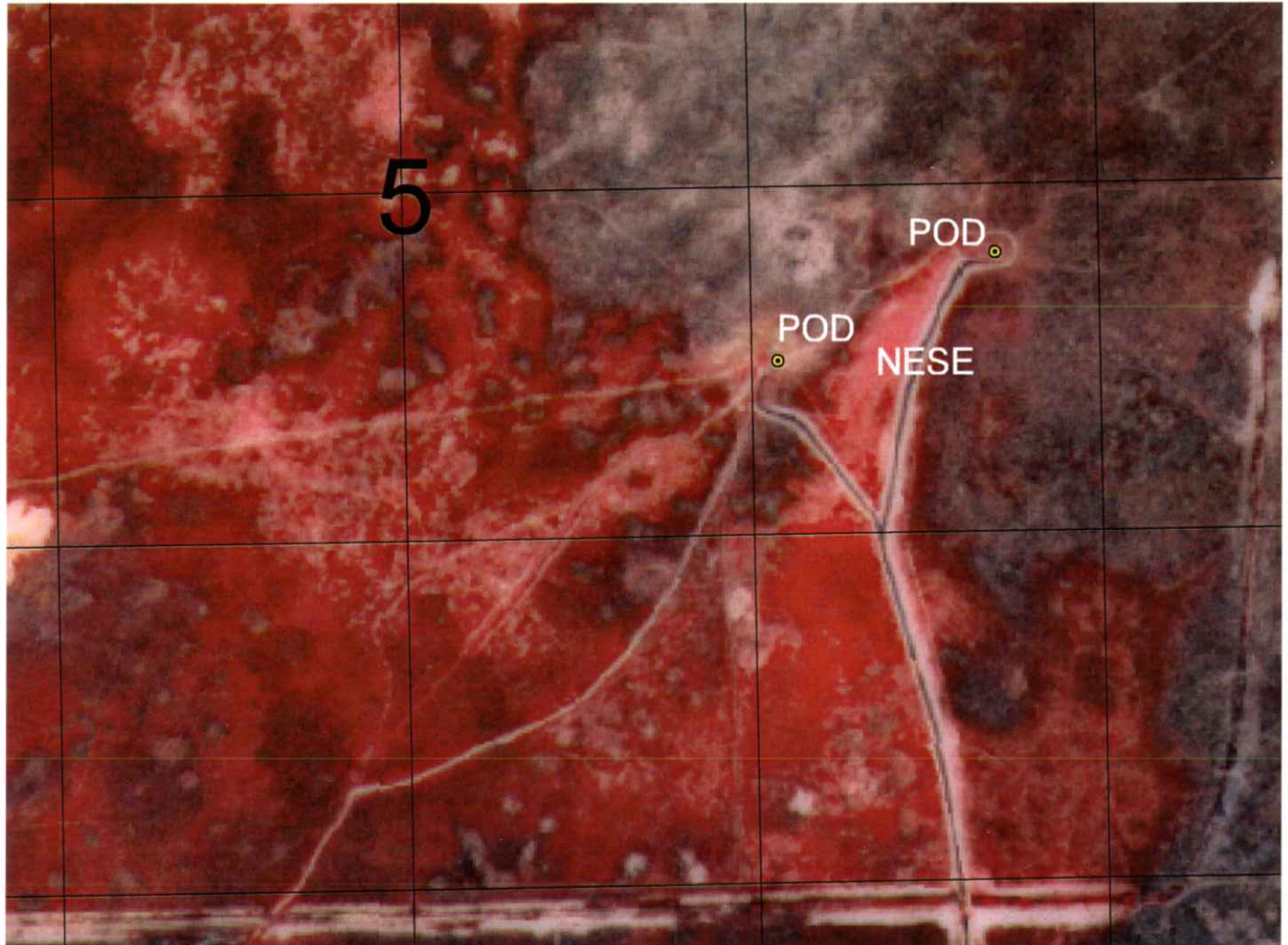
Map prepared by: Carter Fritschle
Date prepared: 11/30/00
1987-1988 NAPP photography
Idaho Department of Water Resources



T07N R33E S24 & T07N R34E S19

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



Talked to Mrs. Sauer 5-25-01 and left a message for Mr. Sauer to call me.

Fritschle, Carter

From: Contor, Bryce
Sent: Wednesday, May 23, 2001 5:02 PM
To: Fritschle, Carter
Subject: RE: Combined Diversion Rate of Sauer's Section 5 Wells

Oh yeah, and Hartwell is dead. His widow still runs the farm, I don't know if she worries about Sauer's wells or not.

-----Original Message-----

From: Fritschle, Carter
Sent: Wednesday, May 23, 2001 4:59 PM
To: Contor, Bryce
Subject: RE: Combined Diversion Rate of Sauer's Section 5 Wells

I will give him a call in the morning. Thanks!

-----Original Message-----

From: Contor, Bryce
Sent: Wednesday, May 23, 2001 4:56 PM
To: Fritschle, Carter
Subject: RE: Combined Diversion Rate of Sauer's Section 5 Wells

Will you call Mr. Sauer please? 657 2221

He has a copy of a ditch agreement with Hartwell that approves a ditch of capacity 816 miners inches. Date approx 1984? Don't know if there's room in all the beneficial use claims for an accomplished transfer of more Q to those wells, apparently no quarrel over total Q? Not too much danger of objection 'cause Hartwells competing well is abandoned and disallowed.

All the Sauer PDs are still in use, but since the claims were filed the property has been split and the extra wells are under different ownership and physically are no longer connected to the POU.

Next week my annual leave is a groundwater mathematics shortcourse, then after that the annual pick-up-Joshua-on-the-school-steps-trip.

Thanks, Bryce

-----Original Message-----

From: Fritschle, Carter
Sent: Wednesday, May 23, 2001 4:46 PM
To: Contor, Bryce
Subject: Combined Diversion Rate of Sauer's Section 5 Wells

Hi Bryce,

Sauer's access to the Section 5 wells is through a 1948 warranty deed between Sandy Mitchell and Joe Hartwell. The deed states a maximum of 600 inches can be developed from the wells in Section 5. This agreement is referenced in amended permit 31-07320, which was protested by Joe Hartwell stating Sauers did not have a right to increase the flow from the Section 5 wells. Hartwell withdrew the protest after the hearing was scheduled. No information was in the file as to what the agreement was that prompted Hartwell to withdraw his protest. However, with the deed stating a maximum of 12.00 cfs can be diverted from the wells in Section 5, I did not want to recommend more than 12.00 cfs without a document stating more water could be diverted.

Concerning the extra PODs for 31-10652, what was recommended matches what was claimed. Erik Norquest did the field work for these, so I don't know for sure if all the PODs claimed were actually being used. I am thinking a transfer might be the best way to sort this out.

I will contact Mr. Sauer, but the conditions on license 31-07230 will probably prevent him from getting more than an additional 1.09 cfs from the Section 5 wells. Perhaps a transfer and an agreement with Hartwell showing more than 12.00 cfs can be diverted will solve that problem as well.

I hope you have something fun planned for your annual leave.

Thanks, Carter

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 Mitchells 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

WARRANTY DEED

Department of Water Resources
Eastern District Office
85030

County of Jefferson
I hereby certify that the above and
foregoing is a true and correct
copy of the original (on file)
(of record)
Dated Dec 10 1974
Otis P. Bloem
Clerk of the Court in the year of our Lord
Ex-Officio Auditor & Recorder

31-10652

This Indenture, Made this 11th day of June
between Sandy Mitchell and Dorothy Mitchell, his wife
of the County of Jefferson and State of Idaho
and State of Idaho
the part 1es of the first part, and
the part y of the second part.

WITNESSETH, That, the said part 1es of the first part, for and in consideration of the sum of
\$10.00 (Ten and no/100ths. - (\$10.00) ----- DOLLARS.

the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof is
granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part y

his heirs and assigns, forever, all the following described real estate, situated in
Jefferson County, State of Idaho, to-wit:
The West Half of the Southwest Quarter (E1SW1/4) the Southeast Quarter (SE1/4) the South Half
of the Northeast Quarter (S1NE1/4) and Lot One (1) of Section Five (5) and the West Half of
the East Half of Section Four (4) Township Seven (7) North, Range Thirty four (34) East
of the Meridian.

Subject to taxes and assessments for the year 1948 and thereafter, and to the right of
Thomas Mitchell to drill a well or wells on said premises in addition to the well now
owned by him, and to construct the necessary pumping equipment and ditches, sufficient
to produce an aggregate of 600 inches of water, including the water now produced by him.

Excepting from this conveyance all water or water rights thereupon situated and all
ditches now constructed thereon; and the parties of the first part hereby reserve in
themselves the right to enter upon said premises at all and any times to drill wells and
develop waters on said premises and to maintain and construct wells, pumps and ditches and the
the party of the second part agrees not to drill a well thereon, excepting he shall have
the right to drill a small well for domestic and culinary purposes. The parties of the
first part hereby agree that no water will be developed thereon in such a manner that such
water works or ditches will interfere with or become dangerous to livestock.

Any taxes or a assessment levied against said wells or pumping equipment shall be paid by
the parties of the first part, their successors or assigns.

\$6.05 in U.S.R.O. Attached and cancelled.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion
and reversions, remainder and remainders, rents, issues and profit thereof, and all estate, right, title and interest in and to the said property, as well
in law as in equity, of the said part 1es of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances unto the said
part y of the second part, to his heirs and assigns forever. And the

said part 1es of the first part and their heirs, the said premises in the quiet and peaceable possession of the said party
of the second part, his heirs and assigns, against the said parties of the first part, and their heirs,
and against all and every person and persons whosoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever
defend.

IN WITNESS WHEREOF, the said part 1es of the first part have hereunto set their hands and seals, the day and
year first above written.

Signed, Sealed and Delivered in the Presence of

Sandy Mitchell (SEAL)
Dorothy Mitchell (SEAL)
(SEAL)

STATE OF IDAHO,

County of Bonneville }
On this 11th day of June, in the year 1974, before me,
the undersigned a Notary Public in and for said County and State,
personally appeared Sandy Mitchell and Dorothy Mitchell, his wife.

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

My Commission Expires November 9, 1951 John L. Bloem, Notary Public
Residing at Idaho Falls, Idaho.

Recorded at the request of John L. Bloem this 16th day of June

10 minutes past 1 o'clock P.M.

March 5, 1993

Department of Water Resources

Water right numbers

A31-10652

This well was put in by Sandy Mitchell. Sandy is deceased. The farm has had several owners over the years, Earl Hunter purchased the farm. He is deceased. Sauer Enterprise purchased the farm ^{from} Earl Hunter.

The map from the power company shows that the line was constructed to Sandy Mitchells well in 1936.

The big line is 60 feet poles and the pine poles that were put into Sandy Mitchell's well 30 feet poles put in in 1936.

I don't understand why the priority date wouldn't be earlier.

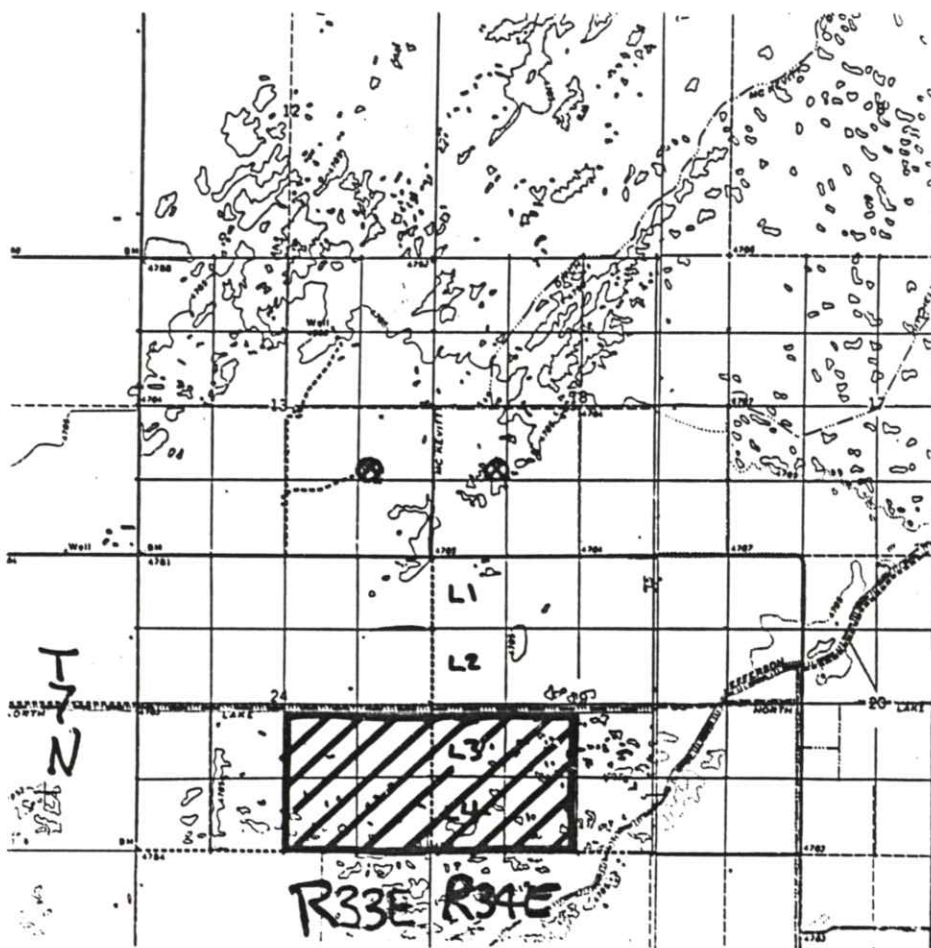
Phone# 657-2221

Sauer Enterprise
HC 63 Box 2137
Montevue, Idaho 83435

Neal Sauer

MICROFILMED
APR 15 1994

0000 0000 09 17



A31-10652

25x1

32x1

Sauer
513 well

PCC Data

(ALL DISTRICTS)

SAUER, LOREN

GPS Site ID Tag

A0005886

Legal Description

07N 33E 13 SWNESE

PCC Calculations

Date 06/24/1999

PCC: 384.9 KWHrs/AF

Recalc PCC

Change Dat

Kilowatt-Hour Meter

Utility UPL

Pole No

Meter Mfrgr A

Meter S/N 1123856

Disk Const 1.8

Multiplier 40

Condition #1 KW 135.5 GPM 1912 PCC PSI 42 Perce

KW-A

Descrip

Condition #2 KW 0 GPM 0 PCC PSI Perce

KW-B

Descrip

Condition #3 KW 0 GPM 0 PCC PSI Perce

KW-C

Descrip

New Record

Site Visit

POD

4.26 cfs

PCC Data

(ALL DISTRICTS)

SAUER, LOREN

GPS Site ID Tag

A0005886

Legal Description

07N 33E 13 SWNESE

Power Usage Records

Year	Total KWH	PCC Acre-Ft	Qualifie	PCC	PCC Date	Utility	Account Number	Servi Numt
1998	134160.00	348.6	1	384.9	06/24/1999	UPL	65561476-004-01	664153670-0
Comments:						Tracking: Y	Preferred: ☒	Validated:
						Change Date:		
1999	198240.00	515	1	384.9	06/24/1999	UPL	65561476-004-01	664153670-0
Comments:						Tracking: Y	Preferred: ☒	Validated:
						Change Date:		

New Record

Re-Calculate

Site Visit

POD

POD

Site Visits

(ALL DISTRICTS)

SAUER, LOREN

GPS Site ID Tag

A0005886

Legal Description

07N 33E 13 SWNESE

Site Visit
Date

6/24/1999

Site
Examiner

BCONTOR

Reason

PCC Calibration

Notes:

NO Q-METER PRESENT. PER RAY SAUER ALL 3 PIVOTS ALWAYS OPERATE TOGETHER. AS LONG AS THIS IS THE CASE NO Q-METER WILL BE NEEDED. NOTE SITE "A" GPM SEEMS LOW, BUT PIVOT LOOKED SHORT OF WATER VISUALLY. See sketch in file. 6/99 BAC.

Change

New Record

POD

Sauer
518 well

PCC Data		(ALL DISTRICTS)	SAUER, LOREN	
GPS Site ID Tag	Legal Description			
A0006136	07N 34E 18 SENWSW			
PCC Calculations				
Date	06/24/1999	PCC:	504.08	KWHrs/AF
		Recalc PCC		Change Dat 2
Kilowatt-Hour Meter		Condition #1	KW	158.9
Utility	UPL		GPM	1712
Pole No			PCC	504.08
Meter Mfr	S	KW-A	PSI	22
Meter S/N	76403136	Descrip 22 PSI @ 1ST PVT - kw meter broken-kw calculated from dem		
Disk Const	3.6	Condition #2	KW	0
Multiplier	60		GPM	0
			PCC	
		KW-B	PSI	
		Descrip		
		Condition #3	KW	0
			GPM	0
			PCC	
		KW-C	PSI	
		Descrip		
New Record				
Site Visit				
POD				

100%

3.81 cfs

PCC Data

(ALL DISTRICTS)

SAUER, LOREN

GPS Site ID Tag

A0006136

Legal Description

07N 34E 18 SENWSW

Power Usage Records

Year	Total KWH	PCC Acre-Ft	Qualifie	PCC	PCC Date	Utility	Account Number	Servi Num
1998	146280.00	290.19	6	504.08	06/24/1999	UPL	65561476-004-00	183748711-0
Comments:						Tracking: N	Preferred: ☒	Validated:
							Change Date: 2/9/2000	
1999	138880.00	275.5	6	504.08	06/24/1999	UPL	65561476-004-00	183748711-0
Comments:						Tracking: N	Preferred: ☒	Validated:
							Change Date:	

New Record

Re-Calculate

Site Visit

POD

POD

Site Visits

(ALL DISTRICTS)

SAUER, LOREN

GPS Site ID Tag

A0006136

Legal Description

07N 34E 18 SENWSW

Site Visit
Date

6/24/1999

Site
Examiner

BCONTOR

Reason

PCC Calibration

Notes:

6/24/99 BAC: NO Q-METER PRESENT. MEASURED 1712 GPM W/22PSI @ 1" PIVOT. KWH METER
BROKEN, CALCULATE PCC = 504 FROM 1998 DEMAND.
PER RAY SAUER, COND 1 IS FULL FLOW & TYPICAL OPERATING CONDITION. THIS WELL RUNS 61, 66 &
MINI ONLY-62 LIFTS OUT OF DITCH.

Change

New Record

POD