

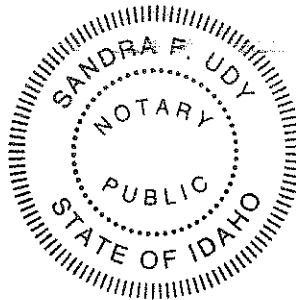
4-701

Water Right #7454 on Big Timber Creek was not called for or delivered since I have been Watermaster for water district 74-W. I have been Watermaster of 74-W since 1992.

On June 6, 2007, Leadore Land Partners called for the water and Water Resources instructed me to deliver it. It was delivered from 6/6/07 to 6/20/07.

Dan P. Smith

Dan P. Smith



RECEIVED
AUG 01 2007
DEPARTMENT OF
WATER RESOURCES

Notary: *Sandra F. Udy*
Leadore Land Partners
Exp. 09/18/2008

2007 JUL 31 AM 2 15
FILED
DISTRICT COURT - SRGA
TWIN FALLS CO., IDAHO

I am sending you this notarized statement
from the watermaster relating to water right
~~74-54~~

Alan Purcell for
Purcell Partnership



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

July 27, 2007

ERIC WILDMAN
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS ID 83303-2707

Re: Snake River Basin Adjudication (SRBA)
Subcase Nos. 32-7023C, 32-7023H

Dear Eric,

Each of these water rights had an amended partial decree issued in 2003 and 2004, respectively, in an attempt to get the partial decrees and the previously issued water right licenses consistent. Unfortunately, IDWR was informed this week following regulatory actions, the objective has not yet been achieved and the two current water rights decrees have an error in the respective places of use.

I have attached a copy of the water right licenses for your reference. I have also attached a copy of a revised recommendation with overstrike and underscore that shows how the water rights should be partially decreed.

I am sending a copy of this letter with the enclosures to the claimants for their information. If you have any questions concerning this matter, please contact me.

Sincerely,

Donald V. Shaff, MPA
Adjudication Bureau Chief

Enclosures

Cc: Neal Sauer
Sauer Farms
G. Baxter
K. Wilson

2007 JUL 31 AM 2:11
FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

07/24/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 32-7023C

NAME AND ADDRESS: SAUER FARMS INC
C/O NEAL W SAUER
1305 SAUER RD
MONTEVIEW ID 83435

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.090 CFS
560.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 12/14/1973

POINT OF DIVERSION:

T09N R33E S36 NENENE Within CLARK County

T09N R34E S19 NENWNW Lot 1 Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	2.090 CFS 560.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in CLARK County

T09N R34E S19	NENENW	40.00	T09N R34E S19 Lot 1 NWNW	40.00
T09N R34E S19 Lot 2 SWNW		40.00	T09N R34E S19	SENW 40.00

160 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

POINT OF DIVERSION AND PLACE OF USE KNOWN AS SYSTEM #13.
THE WELL LOCATED IN THE NENE, S36, T9N, R33E IS USED TO IRRIGATE ALL CORNERS ASSOCIATED WITH THE PIVOTS UNDER RIGHTS 32-07023C, 32-07023D, 32-07023E, 32-07023F, 32-07023G, 32-07023H, 32-07023J, 32-07023K, 32-07023L.

Water Right License

WATER RIGHT NO. 32-07023C

Priority: December 14, 1973

Maximum Diversion Rate:

2.09 CFS

Maximum Diversion Volume:

560.0 AF

This is to certify, that SAUER FARMS INC

C/O NEAL SAUER

HC 63 BOX 2137

MONTEVIEW ID 83435

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 14, 1973; and has submitted Proof of Beneficial Use on December 21, 1979. An examination indicates that the works have a diversion capacity of 6.790 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	2.09 CFS	560.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE, Sec. 36, Township 09N, Range 33E

Lot 1 (NWNW), Sec. 19, Township 09N, Range 34E

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N 34E 19	NENW 40	Lot 1 (NWNW) 40	Lot 2 (SWNW) 40	
	SENE 40			160

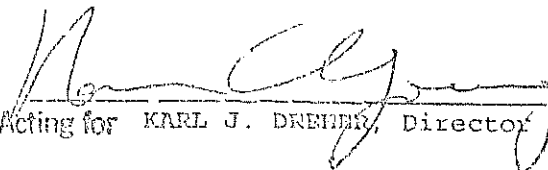
Total number of acres irrigated: 160

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. Point of diversion and place of use known as System #13.
3. The well located in the NENE, S36, T9N, R33E is used to irrigate all corners associated with the pivots under Rights 32-07023C, 32-07023D, 32-07023E, 32-07023F, 32-07023G, 32-07023H, 32-07023J, 32-07023K and 32-07023L.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 13TH day of

September, 1979.

Acting for  DIRECTOR

07/24/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 32-7023H

NAME AND ADDRESS: NEAL W SAUER
1305 SAUER RD
MONTEVIEW ID 83435

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.970 CFS
1,106.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 12/14/1973

POINT OF DIVERSION:

T09N R33E S25 SENENE Within CLARK County

T09N R33E S25 SWNWNE Within CLARK County

T09N R33E S36 NENENE Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	4.970 CFS 1,106.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in CLARK County

T09N R33E S25	NENE	39.00	T09N R33E S25	NWNE	40.00
T09N R33E S25	SWNE	40.00	T09N R33E S25	NENW	40.00
T09N R33E S25	NWNW	39.00	T09N R33E S25	SWNW	39.00
T09N R33E S25	SENW	40.00	T09N R33E S25	<u>SESENE</u>	39.00

316 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

POINT OF DIVERSION AND PLACE OF USE KNOWN AS SYSTEM #5 AND #9. THE WELL LOCATED IN THE NENE, S36, T9N, R33E IS USED TO IRRIGATE ALL CORNERS ASSOCIATED WITH THE PIVOTS UNDER RIGHTS 32-07023C, 32-07023D, 32-07023E, 32-07023F, 32-07023G, 32-07023H, 32-07023J, 32-07023K, 32-07023L.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 32-07023H

Priority: December 14, 1973

Maximum Diversion Rate:

4.97 CFS

Maximum Diversion Volume:

1106.0 AF

This is to certify, that SAUER FARMS INC

C/O NEAL SAUER

HC 63 BOX 2137

MONTEVIEW ID 83435

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 14, 1973; and has submitted Proof of Beneficial Use on December 21, 1979. An examination indicates that the works have a diversion capacity of 9.330 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.97 CFS	1106.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 25, Township 09N, Range 33E
NWNE , Sec. 25, Township 09N, Range 33E
NENE , Sec. 36, Township 09N, Range 33E
CLARK 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>
09N	33E	25	NENE 39	NWNE 40	SWNE 40	
			SENE 39	NENW 40	NWNW 39	
			SWNW 39	SENW 40		316

Total number of acres irrigated: 316

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. Points of diversion and place of use known as Systems #5 and #9. The well located in the NENE, S36, T9N, R33E is used to irrigate all corners associated with the pivots under Rights 32-07023C, 32-07023D, 32-07023E, 32-07023F, 32-07023G, 32-07023H, 32-07023J, 32-07023K and 32-07023L.

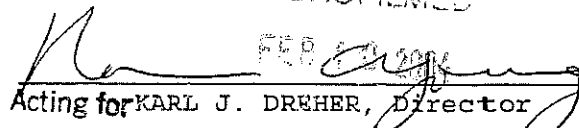
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 13th day of

September, 1999.

MICROFILMED

MICROFILMED

SEP 22 1999


Acting for KARL J. DREHER, Director