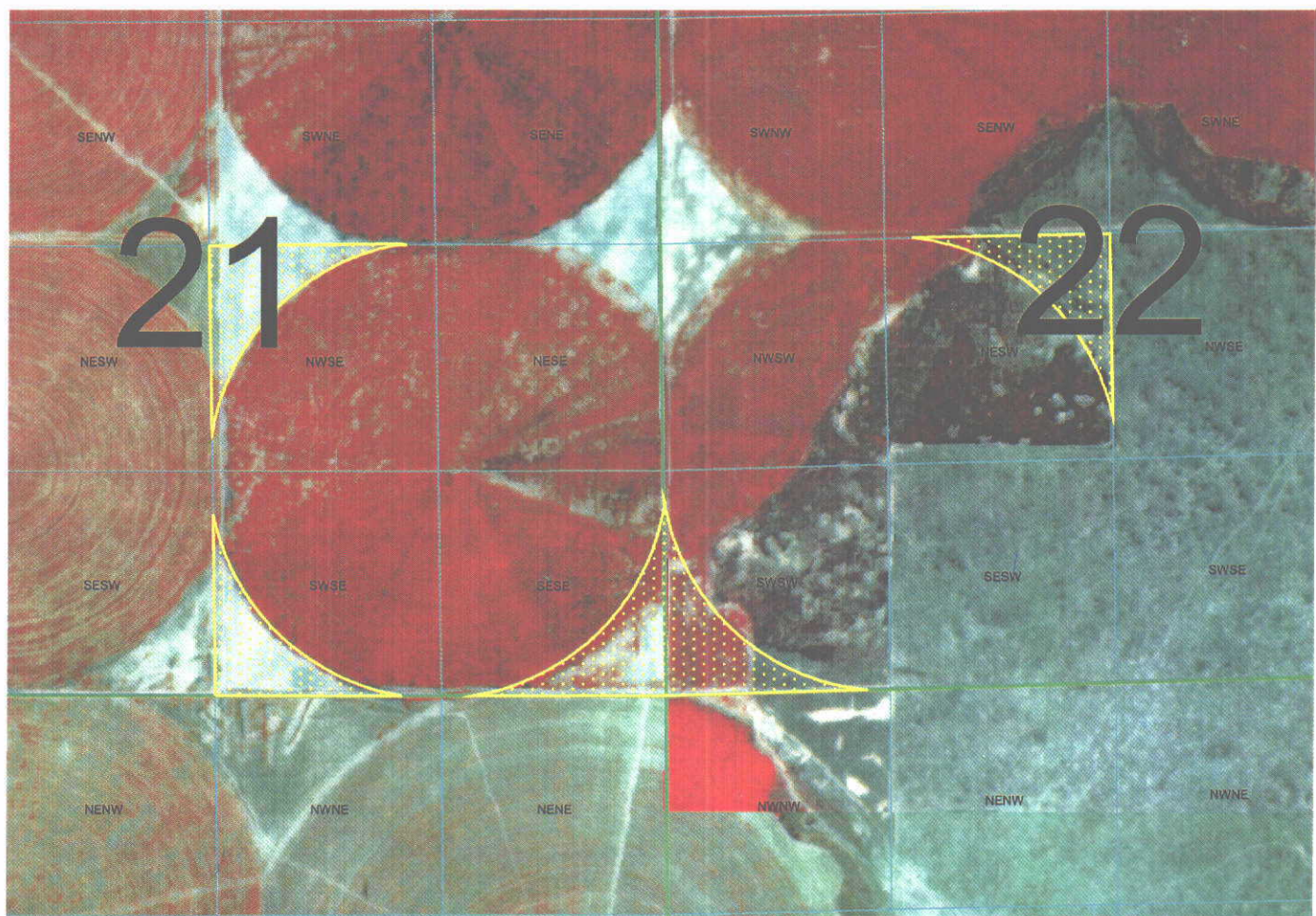


IDAHO DEPARTMENT OF WATER RESOURCES

Claim 32-11247



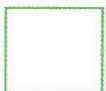
0 1320 2640 Feet



Point of Diversion



1/4 1/4 Section Lines

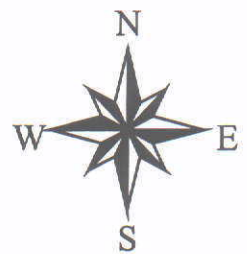


Section Lines



Place of Use Boundary

Township 9N Range 34E



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: Bryce A. Contor
Date: October, 1999

NOTICE OF ENLARGEMENT OF WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Clark County are shown to the nearest section - more specific locations are available upon request.

Water Right: 32-10127
NAME & ADDRESS:
BIRCH CREEK RANCHES LLC
52033 S 11TH E
IDAHO FALLS ID 83404
SOURCE: GROUNDWATER
PRIORITY DATE: 12/26/1973
POINT OF DIVERSION: T09N R32E 36 SWNWSW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T08N R32E 01 Lot 1 (NENE) Lot 2 (NWNW) SWNE SENE Lot 3 (NENW) SENW
T09N R32E 36 SWNW SENW NESW NWSW Lot 4 (SWSW) Lot 3 (SESW)
The right is for an enlargement of 90 acres within the total 405 acres recommended.

Water Right: 32-10146
NAME & ADDRESS:
REED RICKS
ROBERT R RICKS
PO BOX 2102
MONTEVIEW ID 83435
SOURCE: CROOKED CREEK
PRIORITY DATE: 04/01/1987
POINT OF DIVERSION: T10N R32E 03 SWNWSE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T10N R32E 02 SWSW
T10N R32E 11 NWNE SWNE NENW NWNW SWNW SENW NESW NESE NWSE SWSE SESE
T10N R32E 13 NWNW SWNW SENW NESW NWSW SESW
T10N R32E 14 NENE SENE
This right is for an enlargement of 71 acres within the total 406 acres recommended.

Water Right: 32-11219
NAME & ADDRESS:
WAHOO & BHA INC
3930 E 2000 N
SUGAR CITY ID 83448
SOURCE: INDIAN CREEK
PRIORITY DATE: 04/01/1987
POINT OF DIVERSION: T12N R34E 36 Lot 03 (SESW)
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T11N R34E 12 NENE NWNE SWNE SENE NENW SENW NESW SESW NESE NWSE SWSE SESE
T11N R34E 13 NENE NWNE SWNE SENE SESW NESE NWSE SWSE SESE
T11N R34E 24 NENW SENW NESW
T11N R35E 07 NENE NWNE SWNE SENE NENW Lot 1 (NWNW) Lot 2 (SWNW) SENW NESW Lot 3 (NWSW) Lot 4 (SWSW) SENW NESE NWSE SWSE SESE
T11N R35E 18 NENW Lot 1 (NWNW) Lot 2 (SWNW) SENW NESW Lot 3 (NWSW) Lot 4 (SWSW) SESW NESE NWSE SWSE SESE
T11N R 35E 19 NENE NWNE SWNE SENE
This right is for an enlargement of 1811 acres within the total 1935 acres recommended.

Water Right: 32-11241
NAME & ADDRESS:
SAUER FARMS INC
HC 63 BOX 2137
MONTEVIEW ID 83435
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1986
POINT OF DIVERSION: T09N R33E S26 SENWSW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T09N R33E 26 NESW NWSW SWSW SESW NESE NWSE SWSE SESE
This right is for an enlargement of 50 acres within the total 306 acres recommended.

Water Right: 32-11242
NAME & ADDRESS:
SAUER FARMS INC
HC 63 BOX 2137
MONTEVIEW ID 83435
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1986
POINT OF DIVERSION: T09N R33E 24 NWSESW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T09N R33E 24 NESW NWSW SWSW SESW
This right is for an enlargement of 22 acres within the total 150 acres recommended.

Water Right: 32-11243B
NAME & ADDRESS:
DAVID W & MAGDALENE SAUER
HC 63 BOX 2163
MONTEVIEW ID 83435
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1986
POINT OF DIVERSION: T09N R34 20 NENWNW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T09N R34E 20 NENW NWNW SWNW SENW
This right is for an enlargement of 28 acres.

Water Right: 32-11243C
NAME & ADDRESS:
DAVID SAUER FARMS INC
HC 63 BOX 2163
MONTEVIEW ID 83435
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1986
POINT OF DIVERSION: T09N R34E 20 NENWNW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T09N R34E 20 NWNW SWNW NESW
This right is for an enlargement of 21 acres.

Water Right: 32-11244
NAME & ADDRESS:
DAVID SAUER FARMS INC
HC 63 BOX 2163
MONTEVIEW ID 83435
SOURCE: GROUNDWATER

RECEIVED
MAR 13 2000

PRIORITY DATE: 04/01/1986
POINT OF DIVERSION: T09N R34E 21 NENWSW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T09N R34E 21 NENW NWNW SWNW SENW NESW NWSW SESW
This right is for an enlargement of 56 acres.

Water Right: 32-11245
NAME & ADDRESS:
DAVID W & MAGDALENE SAUER
HC 63 BOX 2163
MONTEVIEW ID 83435
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1986
POINT OF DIVERSION: T09N R34E 20 SWSESE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T09N R34E 20 NENE NWNE SWNE SENE NESE NWSE
This right is for an enlargement of 42 acres.

Water Right: 32-11246
NAME & ADDRESS:
NEAL W SAUER
HC 63 BOX 2137
MONTEVIEW ID 83435
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1987
POINT OF DIVERSION: T09N R34E 27 NWSWSE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T09N R34E 21 NENE NWNE SWNE SENE
This right is for an enlargement of 24 acres within the total 157 acres recommended.

Water Right: 32-11247
NAME & ADDRESS:
NEAL W & MILDRED SAUER
HC 63 BOX 2137
MONTEVIEW ID 83435
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1987
POINT OF DIVERSION: T09N R34E 27 NWSWSE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T09N R34E 21 NESE NWSE SWSE SESE
T09N R34E 22 NESW NWSW SWSW
This right is for an enlargement of 45 acres within the total 280 acres recommended.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402-3653 on or before June 29, 2000.
Published: February 24, March 2, 2000

RECEIVED

MAR 13 2000

Proof of Publication

The Post Register

State of Idaho
County of Bonneville

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

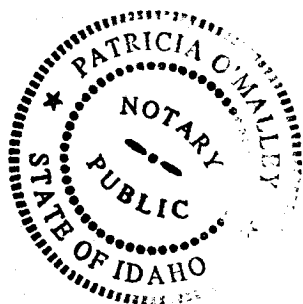
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 24th day of February, 2000, last publication having been made on the 2nd day of March, 2000, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Robert Park

Subscribed and sworn to before me, this 3rd day of March, 2000

Patricia O'Malley
Notary Public

My commission expires January 3, 2003





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

February 16, 2000

Post Register
Attn: Cathy Von Borstel
PO Box 1800
Idaho Falls ID 83403

Dear Cathy:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We request the publication dates be February 24, 2000 and March 2, 2000. If you cannot publish the notice on the proposed dates, please contact me immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Yours truly,

Danni M. Smith
SRBA Sr. Secretary

Enclosure

ORIGINAL TO FOLLOW.

This right is for an enlargement of 24 acres within the total 157 acres recommended.

Water Right: 32-11247

NAME & ADDRESS: NEAL W & MILDRED SAUER
HC 63 BOX 2137
MONTEVIEW ID 83435

SOURCE: GROUNDWATER

PRIORITY DATE: 04/01/1987

POINT OF DIVERSION: T09N R34E 27 NWSENW

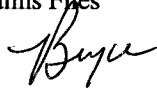
PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09N R34E 21 NESE NWSE SWSE SESE
T09N R34E 22 NESW NWSW SWSW

This right is for an enlargement of 45 acres within the total 280 acres recommended.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402-3653 on or before June 29, 2000.

To: Sauer Farms Enlargement Claims Files
Fr: Bryce A. Contor
Date: 10/9/1999



Re: 32-11241, 32-11242, 32-11243B, 32-11243C, 32-11244, 32-11245, 32-11246, 32-11247

As part of the Notice of Error process, Neal W. Sauer notified me that a number of corners were not recommended which had historically been irrigated. He presented as evidence maps from Farm Service Agency which showed the lands were enrolled in the government crop programs in 1986 and 1987. Lands cannot be enrolled unless a "base" has been established by irrigated crop production.

The original recommendations were based on licenses &/or transfers. For the most part, these were issued in 1989 through 1990, based on field work done 1984 through 1986. It appears that the corners were not licensed because at the time of the exams the corners were fallow, being enrolled in "set aside" programs. Sauer wished to pursue enlargement claims rather than pursue amendment of the licenses.

After checking with FSA and Keith Wilson, the licensing examiner, I prepared enlargement claims for the corners which had documentation of crop production. Mr. Sauer had also presented documentation for changes of ownership for many of the original claims, resulting in splits of many of them. I based the enlargement claims on ownership, and erred by including adjacent non-overlapped water rights on some of the claims. Originally I prepared claims 32-11241, 32-11242, 32-11243, 32-11244, and 32-11246. After reviewing the distribution systems, places of use, water rights, and ownership with Ernie Carlsen, Adjudication Supervisor, I prepared claims 32-11245 and 32-11247. These overlap 32-11244 and 32-11247, but allow each recommendation to relate to only one parent right.

The final recommendations re-align the location of POU of claims 32-11243 and 32-11244, but total acres are within the original claimed amounts. Splitting 32-11243 into portions "B" and "C," based on splits "B" and "C" of original claim 32-02127, avoided the creation of yet another new claim. No "A" split was created from 32-11243 because the "A" portion of 32-02127 was not enlarged.

I also erred by including on the claims the POD's the claimants wish to use, rather than licensed POD's. The recommendations correct this. Claimants may eventually wish to file transfers to reflect their intended use of the delivery system.

This memo will appear in all the above files. The copy in file 32-11243B will have sketched maps attached showing the location of the parent rights, original enlargement claims, and recommendations.

To: File A32-11247
Fr: Bryce A. Contor
Date: 10/8/1999

Re: Documentation

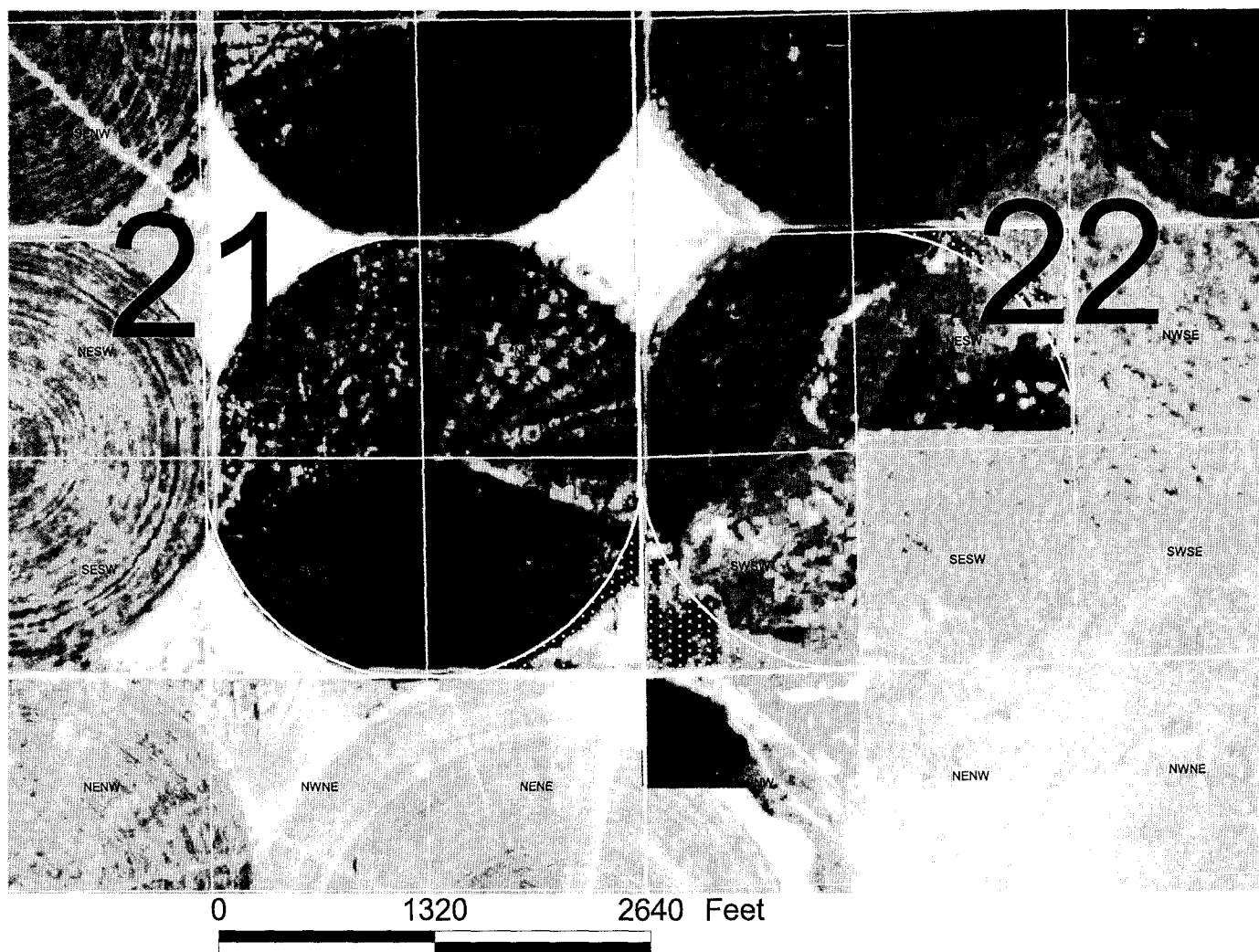
This claim is prepared to cover acres I improperly had included in claim A32-11246. See file A32-11246 for documentation of place of use and priority for this claim.

$$3.45 / 280 = 0.0123$$

$$0.0123 \times 45 = 0.55$$

IDAHO DEPARTMENT OF WATER RESOURCES

Claim 32-11247



OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME

C NEAL W SAUER 04/01/1987 IRRIGATION 04-01 10-31 0.550 CFS

C MILDRED SAUER

TOTAL DIVERSION: 0.550 CFS

Water Source: GROUNDWATER Tributary to: CLARK County

Point(s) of Diversion: T09N R34E S27 NWSENW

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	
NENE NWNE SENE	NE	NW	SW	SE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
09N 34E 21					160.0
09N 34E 22					120.0
					280.0

POU County: CLARK

- Conditions of Approval:
- C18 - 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.
 - C11 - THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

- Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 32-07032 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.45 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 840 AF.
- POU1 USE OF THIS RIGHT WITH RIGHT NO. 32-07032 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE IRRIGATION SEASON.
- GEN THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 32-07032 PURSUANT TO SECTION 42-1426, IDAHO CODE.
- EXP THIS RIGHT IS FOR AN ENLARGEMENT OF 45 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 32-07013A, 32-07032, 32-11246.

AJ0749NP
No. R32-11247

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/12/99
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag: E

+ - - Other Rights for Same Use -

Water right number - R32-11247

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

QNT

USE OF THIS RIGHT WITH RIGHT NO. 32-07032 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.45 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 980 AF.

POU1

USE OF THIS RIGHT WITH RIGHT NO. 32-07023 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE
IRRIGATION SEASON.

GEN

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 32-07032 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXP

THIS RIGHT IS FOR AN ENLARGEMENT OF 45 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 32-07013A, 32-07032, 32-11246.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

- C18 - 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.
- C11 - THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
- PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
- AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
- BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
- 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
- RIGHT.

+ - - - - - Decree Plaintiff - - - + - - - - - Decree Defendant - - - + - - - Decree Date - - +
00/00/0000

+ - - - - - Comments - - - - - No Comments Found

+ - - - - - Audit Fields - - +
10/12/99 BCONTOR

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-	39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-	
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-	
Claim Received Date	- 10/08/1999	Last Amended Date	- 00/00/0000	Temporary Right	- T	
		Receipt Number	-	Water District	-	
		POU Ownership Flag	- Y	Federal/State Indicator	- S	
		Name Connector	- AND/OR	Presumption Flag	- E	
				Notice of Error Flag	-	

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A32-11247
Date Received: 10/ 8/1999
Receipt No: 5025367
Received By: Buc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NEAL W SAUER 208-657-2221
Address: HC 63 BOX 2137
MONTEVIEW ID 83435

AND/OR

Name: MILDRED SAUER 208-657-2221
Address: HC 63 BOX 2137
MONTEVIEW ID 83435

2. Date of Priority: APR 1, 1986

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	34E	27	NW	SE	NW		CLARK

5. Description of diverting works:
WELL #41, PIVOTS & HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.550		157.50

7. Total Quantity Appropriated is:
0.550 C.F.S. (and/or) 157.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	34E	21	NW	SE		IRR	9.0



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	34E	21	SW	SE		IRR	9.0
			SE	SE		IRR	9.0
			Section Acres				27.0
		22	NE	SW		IRR	9.0
			SW	SW		IRR	9.0
			Section Acres				18.0
			Total Acres				45.0

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 32-07032 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.45 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 980 AF.

USE OF THIS RIGHT WITH RIGHT NO. 32-07023 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 32-07032 PURSUANT TO SECTION 14-1426, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 32-07013D, 32-07032

THIS RIGHT IS FOR AN ENLARGEMENT OF 45 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Neal W Sauer Date: 11 Oct 99

Date: _____

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 11 day
of Oct 19 99 Jason Simmons
Notary Public

Seal

Residing at Jefferson County, Id.
My Commission Expires June 9 2001