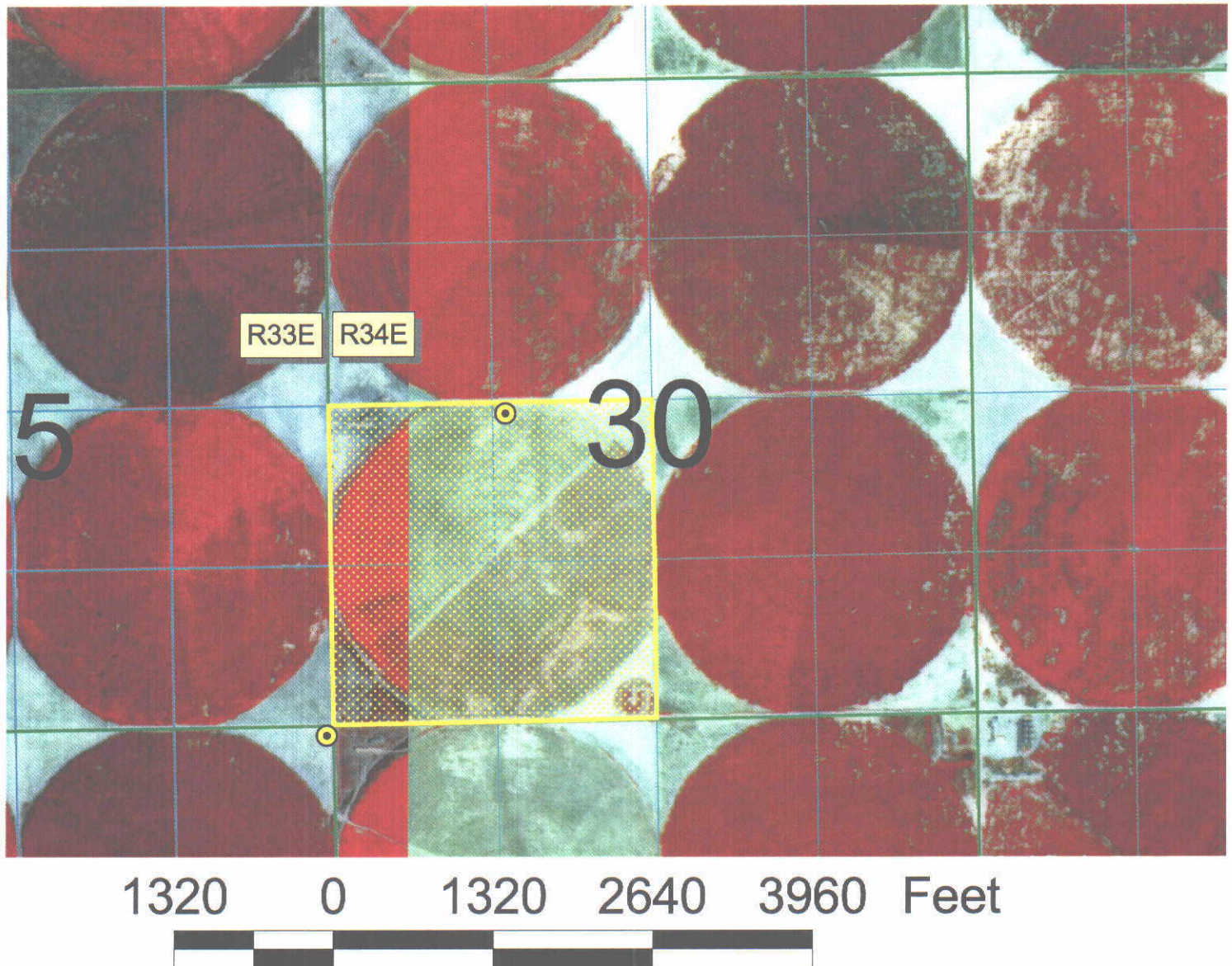


# IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right No. 32-07023F



Point of Diversion



1/4 1/4 Section Lines



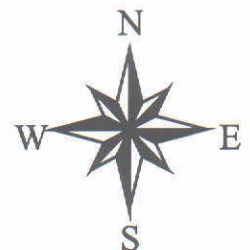
Section Lines



Place of Use Boundary

**Township 9N Ranges 33E & 34E**  
**Place of Use = 158 Acres**

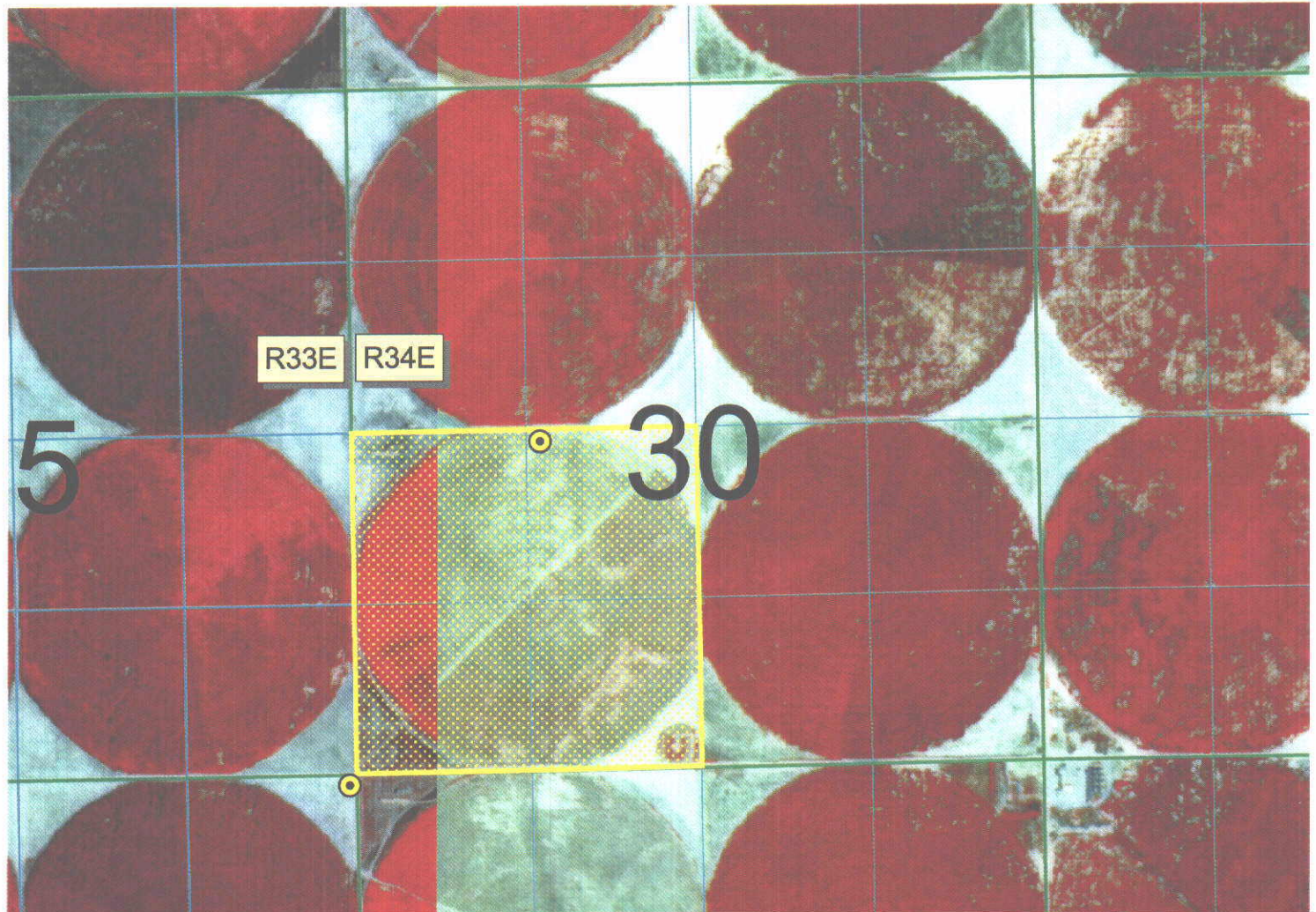
**Pivot Nos. 16**



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: Eric S. Verner  
Date: June, 1999

# IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right No. 32-07023F



1320 0 1320 2640 3960 Feet



 Point of Diversion

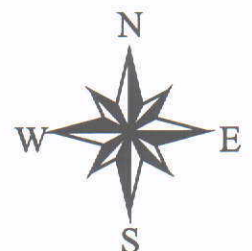
 1/4 1/4 Section Lines

 Section Lines

 Place of Use Boundary

**Township 9N Ranges 33E & 34E**  
**Place of Use = 158 Acres**

**Pivot Nos. 16**



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: Eric S. Verner  
Date: June, 1999

To: Sauer Farms AJ Files  
Fr: Bryce A. Contor  
Date: 9/9/1999

Re: Well #48

As part of the Notice of Error process, Neal Sauer came to the office and visited with me.

One of his concerns was that well #48 had been recommended to a different place of use than where he wishes to apply the water. This is addressed in two error memos in file A32-02140A and in the letter attached to the 9/9/99 memo.

This sheet referencing the memos is filed with the claims affected. They include:

A32-02127  
A32-07023A  
A32-07023B  
A32-07023C  
A32-07023D  
A32-07023E  
A32-07023F ✓  
A32-07023G  
A32-07023H  
A32-07023J  
A32-07023K  
A32-07023L

State of Idaho

A92-07023 F

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

September 9, 1999

Neal W. Sauer  
HC 63 Box 2137  
Montevue, Idaho 83435

Dear Mr. Sauer:

At our meeting the other day, you identified several concerns with the water right recommendations prepared for your farms. I've looked into these and have some answers for you. They aren't all encouraging.

The constitutional basis of an Idaho water right is appropriation and application to beneficial use. However, since 1963 a valid permit or transfer has been required by Idaho law to appropriate, change or enlarge beneficial usage of groundwater. For many years the state did not strictly enforce these laws, so under certain circumstances we can base a water right recommendation on unauthorized activity that occurred before 1987. In the Adjudication, we try our best to match recommendations to water users' current needs, but everything we do has to be based on permits, transfers, or actual usage before 1987.

With that background in mind, I've reviewed the concerns you brought up and the basis that agents used in recommending your water rights. Here's what I've found:

### Well #48

Well #48 is used to flood irrigate corners from a ditch. You stated that it was recommended for the wrong places of use. As I understand it, you want to irrigate the north corners of pivots 37 and 44 with this well, the southeast corner of pivot 13 (but not the southwest of 19), the east corners of pivot 14 (but not the west corners of 20), the east corners of pivot 15, the northeast corner of pivot 16, the west corners of pivot 21, and the northwest corner of pivot 22.

The north corners of pivots 37 and 44 are included on permit application 32-07164, which is on hold. The only option I can suggest is to wait for the permit to be approved.

The other corners are all covered by various parts of original permit 32-07023, which are "in process" right now. Once licenses are issued, you may file a transfer adding well #48 as a point of diversion for each of those water rights.

### Pivot Corners

The second issue was a number of pivot corners that you wish to irrigate, but which weren't recommended. This includes corners of pivots 1, 2, 4, 25, 26, 31, 34, 37, 38, 41, 42, and 46.

To: Sauer Farms AJ Files  
Fr: Bryce A. Contor  
Date: 9/9/1999

Re: Notice of Error

Mr. Sauer came to the office and expressed several concerns. I didn't have him fill out and sign the Notice Of Error forms. Two detailed memos are filed in A32-02140A. This list is filed with all Sauer AJ files, the cover sheet to the last error memo is filed where errors were reported.

Errors reported by Mr. Sauer:

A32-02140A  
A32-07013A  
A32-07013C  
A32-07013D  
A32-07032  
A32-07049C  
A32-07050C  
A32-07063  
A32-07064  
A32-07065  
A32-07066

**Contor, Bryce**

**To:** Keen, Shelley  
**Subject:** A32-7023F etc.

Shelley –

In response to our telephone conversation and your e-mailed spreadsheet:

- 1) Total of "A" records vs. total of permits vs. total of Licensing Recommendations.

The "A" records appear not to have been managed properly. In examining the files, it appears that claims A32-07023A and A32-07023B are original, signed claims representing a claim for the full permits. A32-07023C and A32-07023D are original, signed claims representing small portions of the original claims to slightly adjust POU. However, it appears the acres and cfs on the originals were never amended or adjusted to reflect these changes. A32-07023E is an original, signed claim for a portion of A32-07023A. However, "A" was never amended or adjusted to reflect the split.

There are no signed claims in the files for A32-07023F through A32-07023L. These appear to have been generated as part of the process to make the Adjudication Recommendations match the Licensing Recommendations. However, this was done at the "A" record level rather than the "R" record level, and the parent claims were never adjusted.

If you subtract out the original A32-07023A and A32-07023B from the spreadsheet list of claims, the sum of cfs and acres is more or less consistent with licensing recommendations.

- 2) Reconciliation of licensing recommendations with AJ recommendations.

Per meetings with claimant Mr. Sauer and Keith Wilson, if the licenses are issued prior to the director's report, I plan to recommend the rights exactly as licensed. Otherwise the rights will be recommended exactly per the original 32-07023A and 32-07023B permits.

- 3) Reconciliation of suffixes.

The licensing recommendations split the permits into small enough units to accommodate the proposed changes of ownership without further splits. I plan to number the recommendations exactly as licensed.

- 4) Other pending issues.

Mr. Sauer wishes to modify some of the rights to enable flood irrigation of corners from a common well not included on the recommendations. I have advised him to wait until the licenses and director's report are issued and then file a transfer, and he is content with that.

In reviewing the cfs recommendations, Mr. Sauer wishes the licenses were for more diversion rate. However when presented with the field exam data and the water measurement district data he appears willing to accept the licensing recommendations.

## Permit No. 32-07023F

Phone No. 657-2221

Current Address: HC 63 Box 2137, Montview Id 83435

2. Accompanied by: David Sauer

EXAM DATE: 20 July 1984

Address: Hc 63 Box 2136, Montevideo Id 83435

Phone No. 657-2221

Relationship to Permit Holder: Son / Operator

3. Source: GROUND WATER tributary to

1. Other water rights with the same place of use: **NONE**

2. Other water rights with the same point of diversion: **NONE**

**C. DIVERSION AND DELIVERY SYSTEM** | SYSTEM #16

**1. Point(s) of Diversion:**

**2. Place(s) of Use:**

Indicate Method of Determination **FSA Aerial**

[illegible]

## F. FLOW CALCULATIONS

✓ Additional Computation Sheets Attached

Measured Method:

$$Q_{\text{proportional capacity corner well}} = 0.36 \text{ cfs} \quad Q_{\text{well \#16}} = 1.65 \text{ cfs}$$

$$Q_{\text{Total}} = 0.36 \text{ cfs} + 1.65 \text{ cfs} = 2.01 \text{ cfs}$$

$$Q_{0.02 \text{ cfs/ac}} = 158 \text{ ac} \times 0.02 = 3.16 \text{ cfs} > 2.01 \text{ cfs}$$

$$Q_{\text{LIMITED TO CAPACITY}} = 2.01$$

## G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 158 (3.5) = 553$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.01 (183) 1.9835 = 729.6 \text{ afa}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 553$$

2. Volume Calculations for Other Uses:

## H. RECOMMENDATIONS

SYSTEM # 16

1. Recommended Amounts

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| IRRIGATION     | 4/15          | 10/15 | 2.01 cfs                     | 553 afa                  |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| Totals:        |               |       | 2.01 cfs                     | 553 afa                  |

2. Recommended Amendments

\_\_\_ Change P.D. as reflected above

✓ Add P.D. as reflected above

\_\_\_ None

\_\_\_ Change P.U. as reflected above

\_\_\_ Add P.U. as reflected above

\_\_\_ Other

## I. AUTHENTICATION

Field Examiner's Name

KEITH C. WILSON

Date 9 June 1999

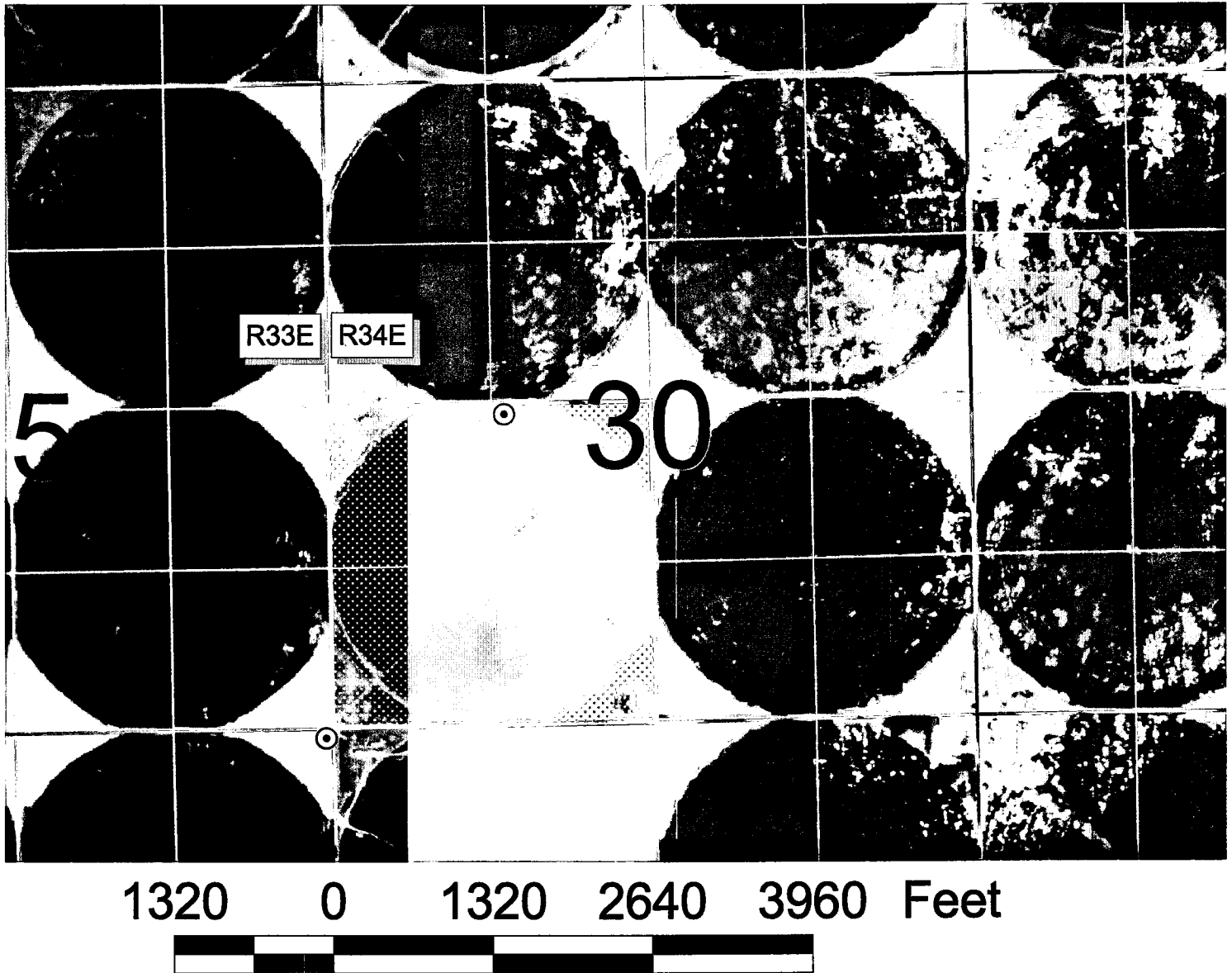
Reviewer

Date

SEAL

# IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right No. 32-07023F



⊙ Point of Diversion

□ 1/4 1/4 Section Lines

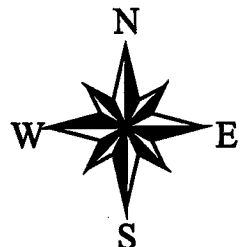
□ Section Lines

⚡ Place of Use Boundary

**Township 9N Ranges 33E & 34E**

**Place of Use = 158 Acres**

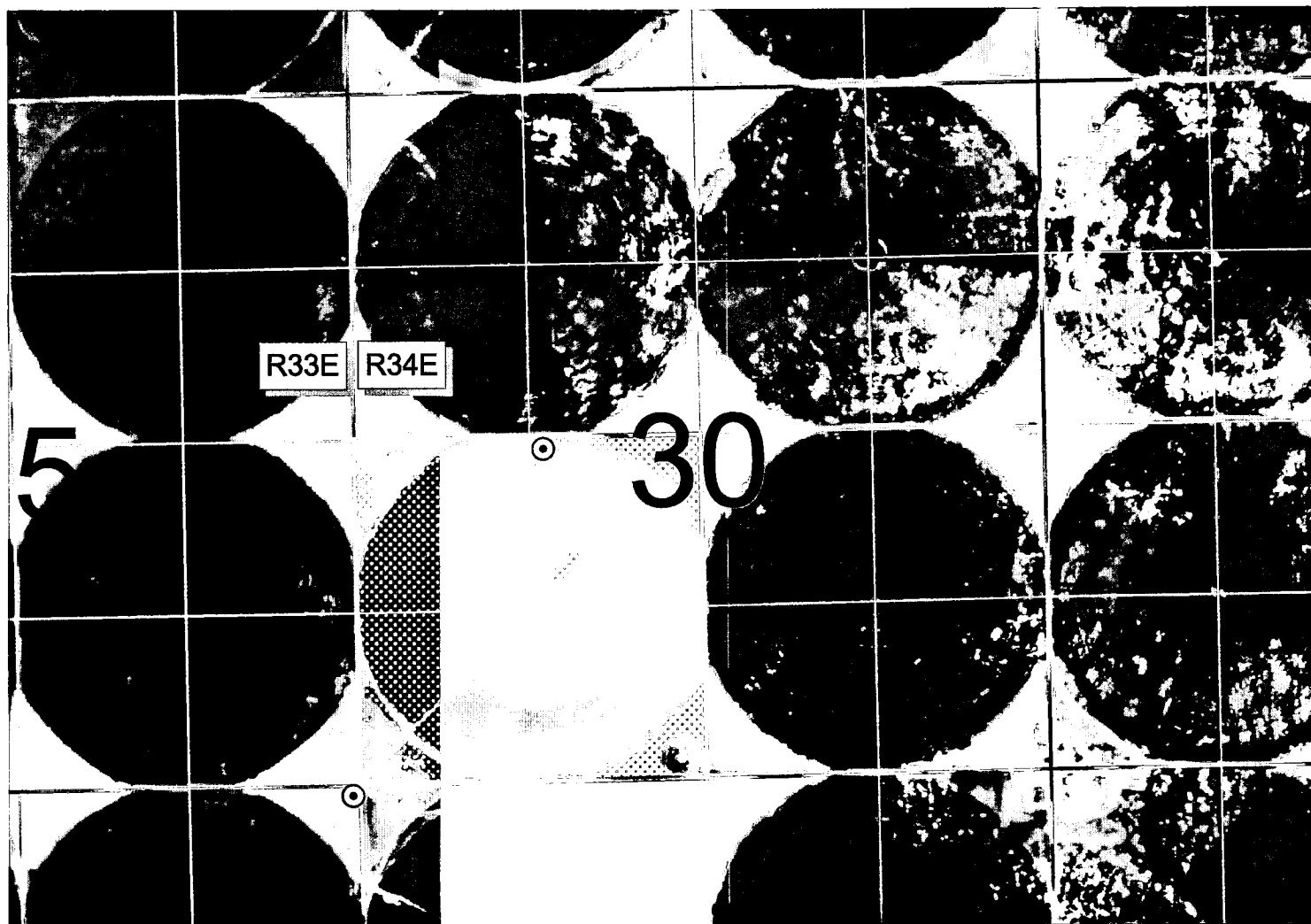
**Pivot Nos. 16**



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: Eric S. Verner  
Date: June, 1999

# IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right No. 32-07023F



1320 0 1320 2640 3960 Feet



Point of Diversion



1/4 1/4 Section Lines



Section Lines

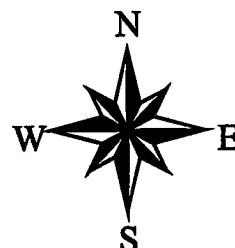


Place of Use Boundary

**Township 9N Ranges 33E & 34E**

**Place of Use = 158 Acres**

**Pivot Nos. 16**



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: Eric S. Verner  
Date: June, 1999

OWNER CODE C SAUER FARMS INC  
NAME & ADDRESS  
PRIORITY DATE 12/14/1973  
WATER USE IRRIGATION  
USE PERIOD FROM 04-15 TO 10-15  
DIVERSION RATE 2.010 CFS  
DIVERSION VOLUME 553.00 AFA  
TOTAL DIVERSION: 2.010 CFS 553.00 AFA

Water Source: GROUNDWATER  
Tributary to: NENENE  
Point(s) of Diversion: T09N R33E S36  
R34E S30  
Stage: LICENSE  
CLARK County  
CLARK County

Place of use Legal Description for: IRRIGATION  
NENE NWNE SENE : NENW NWNW SWNW SENW : NENW NWSW SWSW SESE :  
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : SUM  
09N 34E 30 : : : 40 03-40 04-39 39 : : : 158.0  
TOTAL ACRES : 158.0

POU County: CLARK

Non-Irrigation Uses: NONE

Other Rights: NONE

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.

Remarks: USE  
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.

EXP 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.

Dates: Exam Made Date: 07/20/1984 Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

Water Right Number - R32-07023F

Prefix Translation: RESEARCH

Old (D) Number - 317096

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
SAUER FARMS INC

1 - HC 63 BOX 2137  
2 -  
3 -  
City- MONTEVIEW  
Phone - 208-522-5179

State- ID Zip- 83435

\*\*\* O - ORIGINAL OWNER \*\*\*  
JA TERTELING & SONS INC

1 -  
2 -  
3 -  
City- N/A  
Phone - 208-000-0000

State- ID Zip- 00000

JACK R

1 -  
2 -  
3 -  
City- N/A  
Phone - 208-000-0000

State- ID Zip- 00000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
12/14/1973 ERROR IN REGION L - LICENSE

+ - - Source - - - - - + + - - - - Tributary - - - - - +  
GROUNDWATER

+ - - - - - - - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Diversion Name

09N 33E 36 NE NE NE (33) CLARK CORNER WELL  
34E 30 NW NE SW (33) CLARK #16

+ - - - - - - - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/15 10/15 2.010 553.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
2.010 553.00 553.00 0.0

+ - - - - - - - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County

09N 34E 30 NE SW 40.0 01 IRRIGATION (33) CLARK  
09N 34E 30 NW SW 40.0 01 IRRIGATION (33) CLARK  
09N 34E 30 SW SW 39.0 01 IRRIGATION (33) CLARK  
09N 34E 30 SE SW 39.0 01 IRRIGATION (33) CLARK

Total Acres: 158.0

+ - - Diversion Means - WELL AND PUMP TO CENTER PIVOT AND LATERAL HAND LINES (#16)

+ - - Non-Irrigation Use - NONE

[illegible]

Point of diversion and place of use known as System #16. 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, 32-07023I, 32-07023J, 32-07023K, 32-07023L.

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

+ - - Audit Fields - 06/10/99 EVERNER 06/14/99 EVERNER 07/21/99 BCONTOR 07/22/99 BCONTOR 10/08/99 BCONTOR

| Date       | User Id | Subject                                                        | License Exam     | Comments                                                       |
|------------|---------|----------------------------------------------------------------|------------------|----------------------------------------------------------------|
| 07/22/1999 | BCONTOR | THIS RECORD WAS PREPARED PER LICENSE EXAM.                     | GIVEN "Z" STATUS | BECAUSE LICENSE WILL NOT BE ISSUED PRIOR TO DIRECTOR'S REPORT. |
|            |         | SEE R32-07023A AND B FOR DIRECTOR'S REPORT RECOMMENDATIONS FOR |                  | THIS RIGHT. BAC 7/22/1999.                                     |

| Adjudication Rights Dates and Flags Area |              |                       |              |                         |         |
|------------------------------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing                      | - 00/00/0000 | Field Inspection Made | - 07/20/1984 | 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                      | - 12/15/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
| Proof Due Date                           | - 00/00/0000 | Proof Made Date       | - 00/00/0000 | Water District          | -       |
| Licensed Date                            | - 00/00/0000 | Receipt Number        | - E005229    | Federal/State Indicator | - S     |
|                                          |              | POU Ownership Flag    | - Y          | Presumption Flag        | -       |
|                                          |              | Name Connector        | - OR         | Notice of Error Flag    | -       |