

04/01/2004

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

RIGHT NUMBER: 25-258B
NAME AND ADDRESS: ROGER A SAUER
340 N 3400 E
LEWISVILLE ID 83431
SOURCE: SPRING CREEK
QUANTITY: 2.160 CFS
TRIBUTARY: SNAKE RIVER
USE OF THIS RIGHT WITH RIGHT NO. 25-14051 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.00 CFS.
PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T05N R37E S25 NWSESE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.160 CFS

PLACE OF USE:

IRRIGATION Within JEFFERSON County

T05N R37E S25	SWSE	34.0	T05N R37E S25	SESE	12.0
T05N R37E S36	NWNE	15.0	T05N R37E S36	NENW	39.0

100 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 25-14051 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 100 ACRES IN A SINGLE
IRRIGATION SEASON.

This right is limited to the irrigation of 72 acres within the place of use
described above in a single irrigation season.

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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 25-14051 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

SCANNED

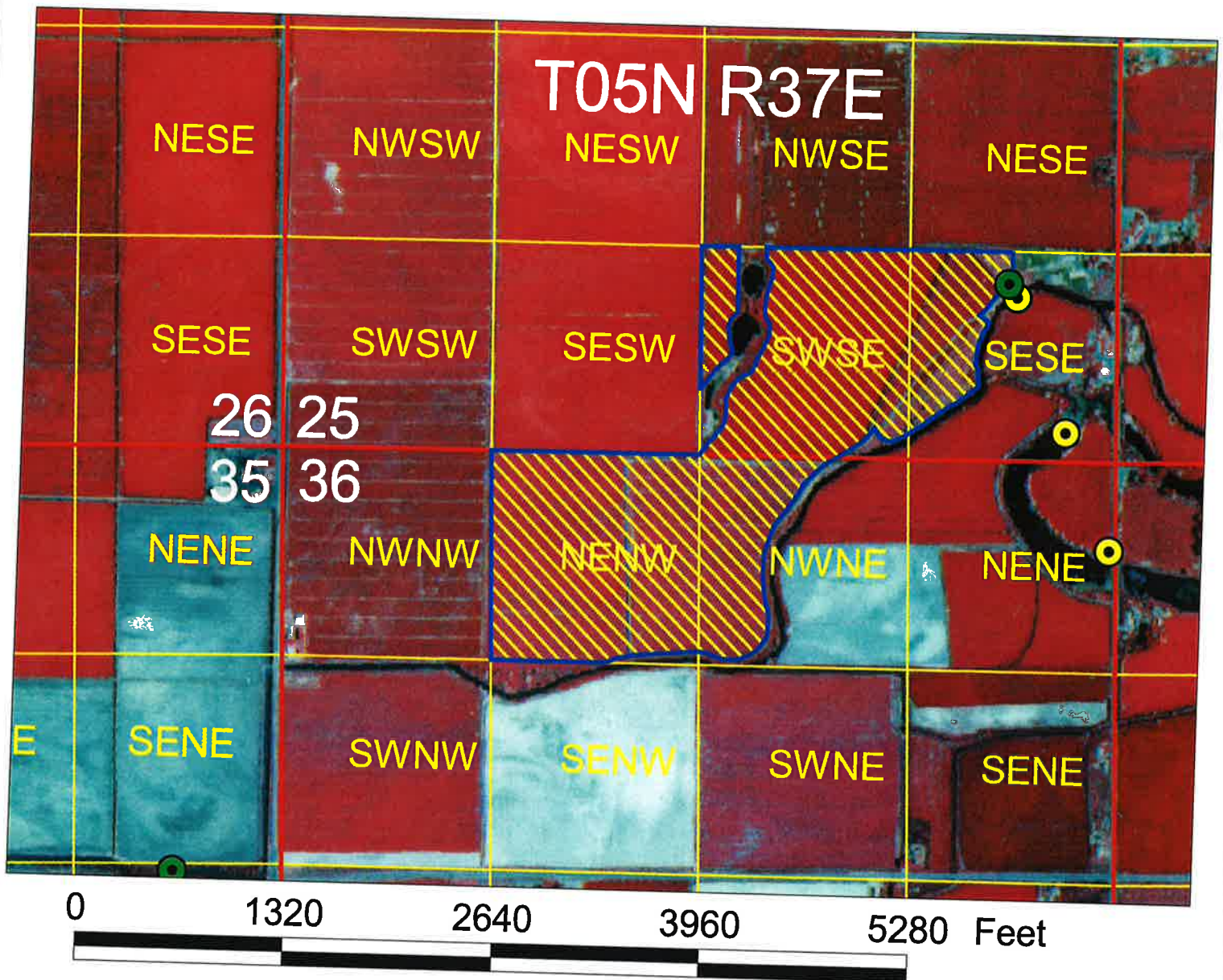
SEP 10 2004

FILED



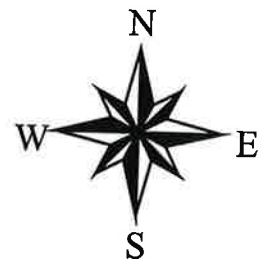
Department of Water Resources

Claim No.: 25-00258B



- Point of diversion
- ▨ Place of Use
- Sections
- QQ

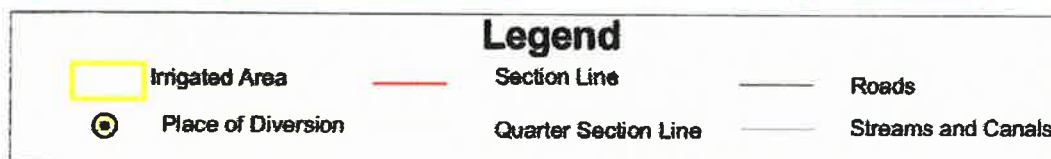
SCANNED
SEP 10 2004
PROFILED



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: April 2004

Water Right Claim Number 25-00258B
Township , 5N37E

12/18/2000

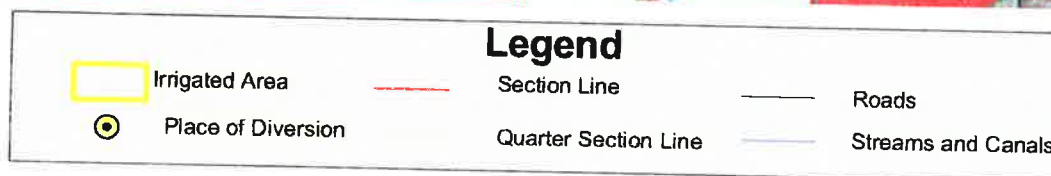
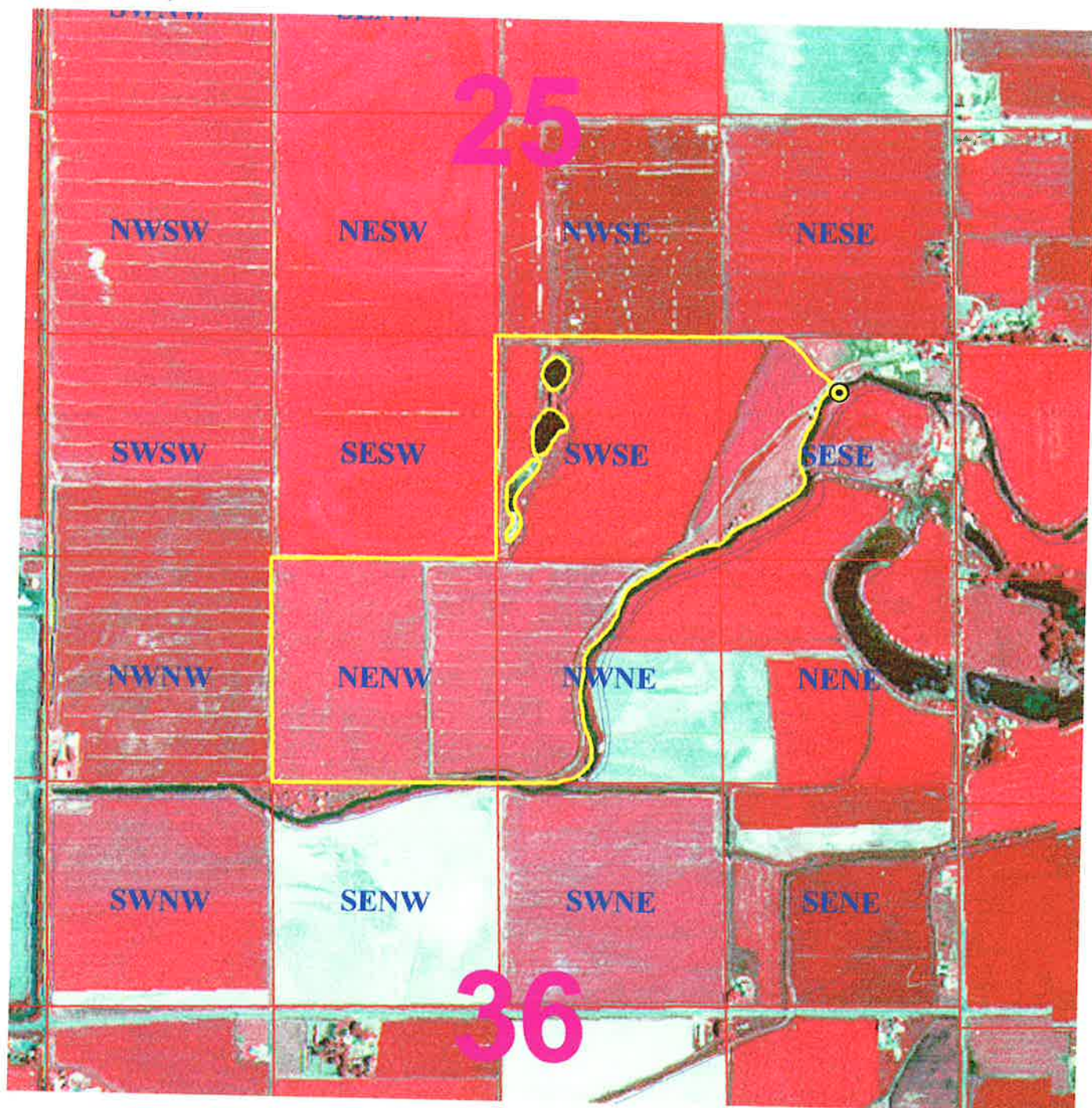


SPATIAL
DYNAMICS



Water Right Claim Number 25-00258B
Township , 5N37E

12/18/2000

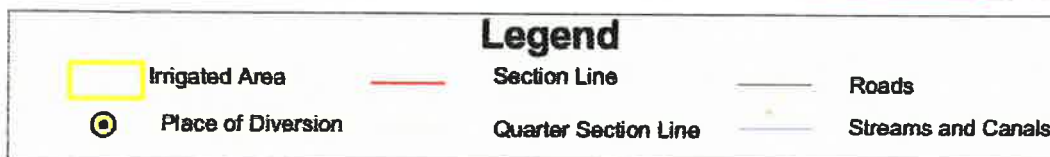
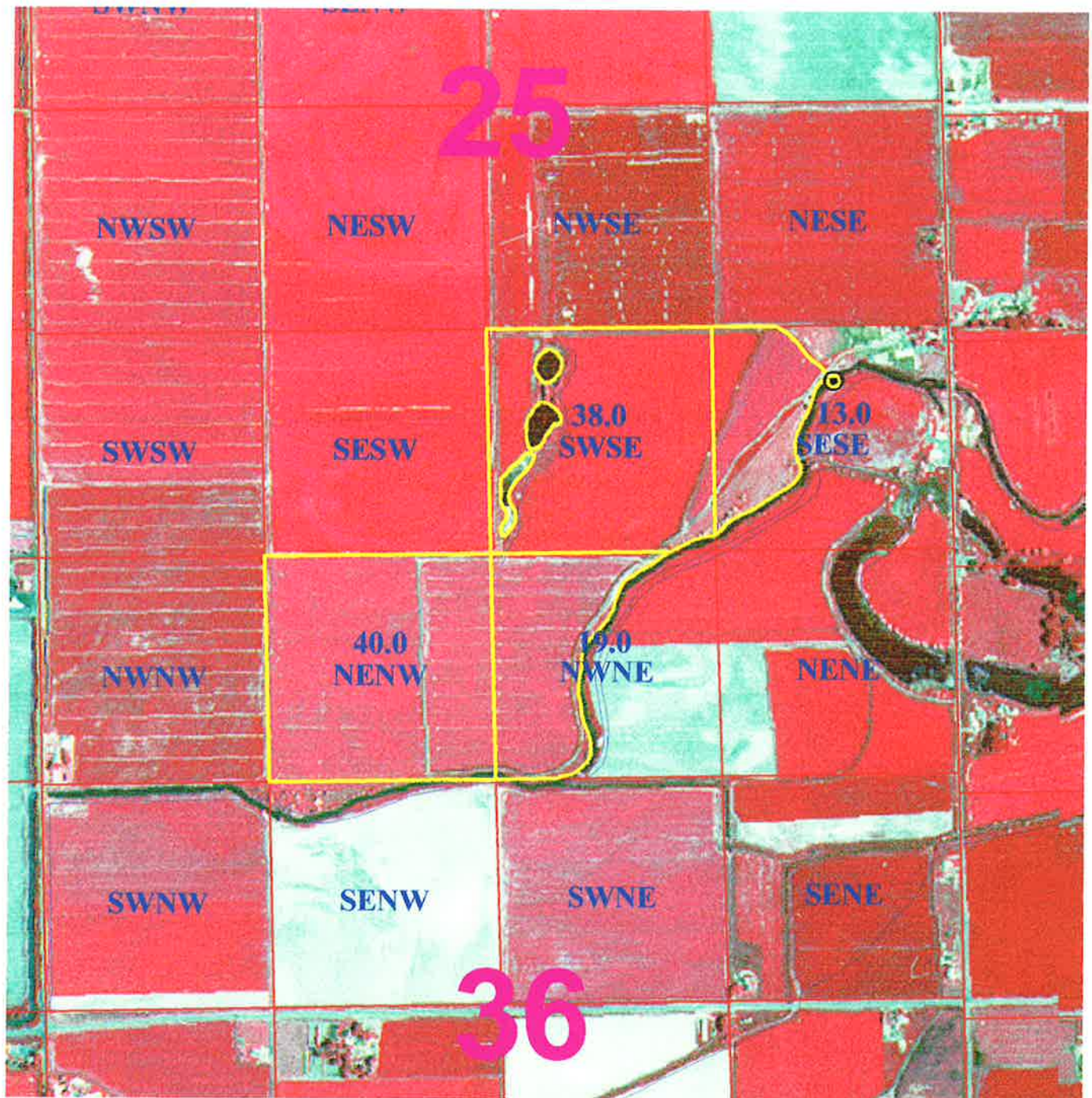


SPATIAL
DYNAMICS



Water Right Claim Number 25-00258B
Township , 5N37E

12/18/2000



SPATIAL
DYNAMICS



RECEIVED

SEP 08 2004

04/01/2004

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-258B

ROGER A SAUER

340 N 3400 E

LEWISVILLE ID 83431

Telephone Number: (208)754-8803

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

9-8-04

SIGNATURE:

Roger A. Sauer

Please print your name:

Roger A Sauer

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED

PROCESSED

SEP 10 2004

M E M O R A N D U M

DATE: October 5, 2005

TO: Files 25-258B, 25-14051

FROM: Jennifer Crabtree, Technical Records Specialist

RE: Address Change

Changed address per phone request from claimant Roger Sauer: 1400 E. Par Tee Ln., Idaho Falls, ID 83401

9/11/2003

25-258B

Roger Sauer brought ground from
Joe + Genevieve Halley in 1982.

129

A0006154 P/D

E 657452

N 294065

Roger thinks that this ground has been
irrigated for at least 40 or 50 yrs.
He is planning of gathering info
on when it was originally irrigated
and coming in to office to file a
beneficial use claim.

Claimant wanted POL map.

Photo taken of P/D. (#1 on camera).

Claimant says ground is irrigated
exclusively from Spring Creek.

SCANNED

SEP 10 2004

PROFILED

25-258 B

FROM WMIS :

A0006154

P/D N 294073.10
E 657372.20

ON 7/27/2000, I MEASURED
2085 GPM ON THIS OPEN
DISCHARGE SYSTEM

PROFILED

SCANNED

SEP 10 2004

25-258 A

RHODEHOUSE, CLIFTON

0.24 cfs
8 ac

sec 25 SESE w/in orig POU

25-258 B

SAUER, ROGER

3.60 cfs

sec 25 (SWSE-32 ac) (SESE-9 ac) w/in orig. POU

sec 36 54 ac (NWNE-14 ac) (NENW-40 ac) x not in orig POU

25-258

H.C. YEARSLEY

4.80 cfs

6/1/1890

SPRING CR

N 37E

25 S 1/2 of SE 1/4

35 S 1/2 of SW 1/4

25-258 C

STONE, ROYINE

2.40 cfs

sec 35 (SWSW-23 ac) (SESW-35 ac) w/in orig POU

25-258 E

ANDERSON! MAYDIA

0.10 cfs

25-258 D

ANDERSON, MAYDIA

2.40 cfs

sec 35 (S 1/2 of SE 1/4 - 80 ac)

25-258 F

LANCE, JACK

2.30 cfs

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SEP 10 2004

PROFILED



PROFILED

SCANNED

SEP 10 2004

A000 6154

25-258B



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2003

Dear Claimant in the Snake River Basin Adjudication (SRBA):

About 13 years ago you or your predecessor filed with the Idaho Department of Water Resources a claim to water right in the Snake River Basin. The investigation phase of this process is now focused on your area, Basin 25.

You are invited to attend a **public meeting to be held on March 10 at 7:00 p.m. in the West Coast/Red Lion Hotel, 475 River Parkway, Idaho Falls, Targhee and Bonneville Rooms.** The purpose of this meeting is for (1) the Department to update you on how the adjudication process works, and (2) for you, the claimant, to express concerns or discuss problems relating to water delivery in your area. This will help us to understand from an historical perspective the use and delivery of your water right.

Throughout this summer our adjudication staff, primarily from our Eastern Regional Office but also at times from Boise, will be contacting various water users in Basin 25. We ask for your cooperation in this process – the better we understand your water rights the better chance of you receiving an accurate decree from the SRBA Court that fully describes your water rights.

This investigation effort is being conducted by an experienced and successful staff. During recent years, this staff has accurately investigated and reported water rights in neighboring basins including the Big Lost River, the Little Lost River, Birch Creek, Camas Creek and the Portneuf River.

Please contact the Idaho Falls Office with any questions.

Sincerely,

Ernest Carlsen
Adjudication Supervisor, Eastern Region

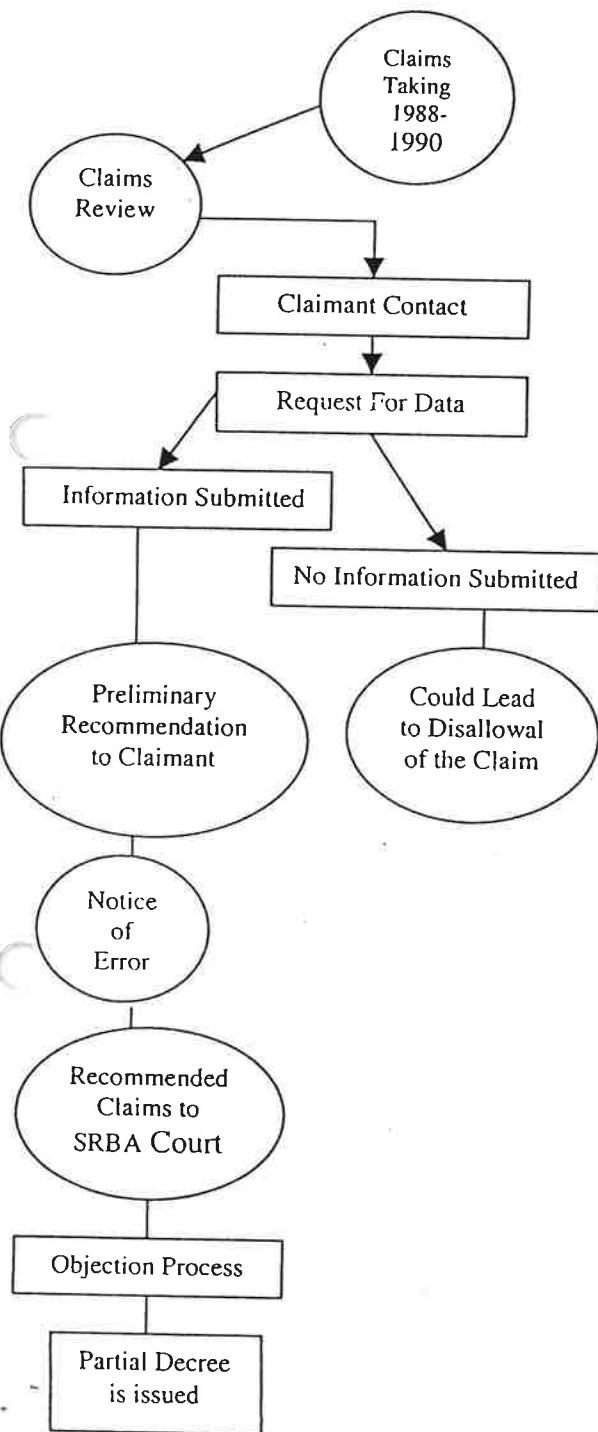
Enclosure: Information Brochure



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SEP 10 2004

PROFILED



Questions and Answers:

Q: Why now? I adjudicated my water rights in 1989.

A. You filed your claims in 1989. Now we are investigating those claims to make accurate recommendations to the Fifth District Court.

Q: If I furnish more information will you take away my water right?

A. The State does not want your water right. We ask for additional information so that we may make accurate recommendations of Beneficial Uses of the water rights. Our schedule is very tight – we need the info ASAP.

Q: How much more money do you want?

A. You paid for your claim in 1989, or so. There might be additional fees only in extenuating circumstances, such as additional acres or new claims.

Q: How come you want me to file another claim?

A. If we suggest you file additional claims it means we have found

additional uses of water to which you may be entitled, or we have identified additional acres.

Q: What about my Domestic well and Stockwater?

A. There is no statutory requirement to file either; but IDWR accepts your Domestic and/or Stockwater claims.

The Tools We Use:

In the evaluation of water right claims and preparation of recommendations the adjudication staff utilize:

- State-of-the-art computer technology.
- High resolution 1987 NAPP photography to identify the place of use.
- Global Positioning System (GPS) used to pin-point points of diversion or detail significant features.
- Prior decrees, licenses and transfers.
- Water measurements for claims based on beneficial use.
- Watermaster records
- Historical records
- Claimant input and participation

SCANNED

Log for claim 25-00258B

JUL 23 2001

Spatial Dynamics CAT

12/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n37e	25	SESE	9	13	
05n37e	25	SWSE	32	38	
05n37e	36	NWNE	14	19	
05n37e	36	NENW	40	40	
Totals:			95	110	

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E003109

Date: 10/13/1988
Time:

Received
From: SAUER, ROGER A.

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	410162 9337 6490	195.00
CHECK 818		
	Total	\$195.00

Water Right Numbers
A25-00258B A25-10524 A25-10525

Region: EASTERN

Signature: _____

*Renumbered
from A25-10523*

CA 3-19-91

MICROFILMED
NOV 10 1992

to as SELLER, and ROGER SAUER and VICKY SAUER husband and wife, whose address is Route 1, Box 106-F, Rigby, County of Jefferson, State of Idaho, hereinafter referred to as BUYER.

II

2.1 For and in consideration of the mutual covenants and agreements herein contained, to be kept and performed by the parties hereto,

IT IS MUTUALLY AGREED AS FOLLOWS:

2.2 Seller hereby agrees to sell to Buyer, by Warranty Deed, and Buyer covenants and agrees to purchase from Seller, the following described real property situate in the County of Jefferson, State of Idaho, to-wit:

As described in Exhibit "A" attached hereto and by reference incorporated herein as though fully set forth herein.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, INCLUDING, BUT NOT LIMITED TO ALL water rights and ditch rights for the irrigation thereof; such water right includes 180 miners inches in Spring Creek with an 1890 decree. SUBJECT HOWEVER, to all easements and rights of way appearing on such premises or of record, reservations in favor of the United States or the State of Idaho. Buyer is buying the real property described in this Contract "in gross" and not by the acre.

2.3 It is agreed by and between the parties that the purchase price of the subject property described in this Contract is the sum of Seventy-Eight Thousand Four Hundred Dollars

MICROFILMED

NOV 10 1992

AR5-00258

undersigned parties on February 1981,
WHEREAS, the legal description of the property conveyed pursuant to such Contract was not accurate, and

WHEREAS, the parties desire to correct such legal description,

NOW, THEREFORE, it is hereby acknowledged and agreed that the real property conveyed by such Contract of Sale dated February 25, 1981, by the undersigned parties, is described as follows:

Township 5 North Range 37 East of the Boise Meridian, Jefferson County, Idaho:

Section 25: That portion of the S1/2 SE1/4 which is North and West of Spring Creek, but excepting therefrom a parcel of property beginning at the Northeast Corner of the S1/2 SE1/4 of Section 25; thence West 192'; thence South to the Southern boundary of an existing roadway; thence easterly along the Southern edge of said roadway to the Eastern boundary of said section line; thence North to the point of beginning.

Section 36: The NE1/4 NW1/4; and that portion North and West of Spring Creek in the N1/2 N1/2 of the NE1/4, beginning at the Northwest corner of the S1/2 N1/2 of the NE1/4 of said Section 36; then running thence East 460' to the center of Spring Creek; thence down Spring Creek in a Southwesterly direction following the meanderings of said center line of Spring Creek to a point of intersection with the West boundary of said S1/2 N1/2 of the NE1/4 of said Section 36, and running thence North 340' more or less to the point of beginning, above property being all of that portion of said S1/2 N1/2 NE1/4 lying West of the said Spring Creek.

Together with a permanent easement and right of way along an existing roadway which is adjacent to and South of Seller's personal residence, and adjacent to and North of the parcel of property between Spring Creek and Seller's personal residence, for purposes of access by the Buyer and his heirs and assigns, to the real property purchased herein by Buyer.

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NOV 10 1992

A25-00258

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROGER A SAUER 340 N 3400 E RIGBY ID 83442 (208) 754-8803	06/01/1890	IRRIGATION	04-01 11-01	3.600 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					3.600 CFS	237.50

Water Source: SPRING CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T05N R37E S25

NESESE

JEFFERSON County

Place of use Legal Description for: IRRIGATION
NE

[illegible]

POU County: JEFFERSON

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
25-10524 A25-00258A A25-10524

Other Water Rights Listing Overlapping Place(s) of Use:
A01-001096 A01-001105 A01-001106

A01-00109G A01-00110E A01-00111E A01-00112E A01-00113E A01-00114C A01-00115S A01-00317 A25-00258A A25-00259

Remarks: GEN THIS CLAIM IS FOR A PORTION OF 25-0258.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 03/19/91 FRITSCHL 03/29/95 POST-STD

SCANNED

SEP 10 2004

PROFILE

no CO1

JUL 27 2001

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: A25-00258B
Date Received: 10/13/1988
Receipt No: E003109
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROGER A. SAUER
Address: 340 N. 3400 E.
RIGBY, ID 83442
208-754-8803
2. Date of Priority: JUN 1, 1890
3. Source: SPRING CREEK
Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	37E	25	NE	SE	SE		JEFFERSON
5. Description of diverting works:
PUMP - 15 H.P. TO FLOOD IRRIGATION
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.600		
7. Total Quantity Appropriated is:
3.600 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 237.5 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	37E	25	SW	SE		IRR	32.0
			SE	SE		IRR	9.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	41.0
		36	NW	NE	IRR	14.0
			NE	NW	IRR	40.0
					Section Acres	54.0
					Total Acres	95.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS FOR A PORTION OF 25-0258.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. ET AL
Decree Plaintiff

vs TETON IRR. ET AL
Decree Defendant

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): _____ Date: _____

_____ Date: _____

State of Idaho)

County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

Renumbered: A25-00258B
Ident. Number: ~~A25-10523~~
Date Received: 10/13/1988
Receipt No: E003109
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROGER A. SAUER
Address: 340 N. 3400 E.
RIGBY, ID 83442 208-754-8803

2. Date of Priority: JUN 01, 1890

3. Source: SPRING CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	37E	25	NE	SE	SE		JEFFERSON

5. Description of diverting works:
PUMP - 15 H.P. TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.600		

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

8. Total consumptive use is 237.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	37E	25	SW	SE		IRR	32.0
			SE	SE		IRR	9.0
Section Acres							41.0

A25-10523

Page 1

Date: 10/13/88

MICROFILMED

NOV 10 1992

A2500258B



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	37E	36	NW	NE		IRR	14.0
			NE	NW		IRR	40.0
						Section Acres	54.0
						Total Acres	95.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS FOR A PORTION OF 25-0258.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. ET AL
Decree Plaintiff

vs

TETON IRR. ET AL
Decree Defendant

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: 3

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): Roger A. Sauer Date: 10-13-88
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 13th day

of October 19 88

Anthony S. Olembek
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 7/12/1994

R. 38 E.

