

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 21 2018

UNIT(S) OF DIVERSION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☒ Ownership change ☐ Ownership split

1. **APPLICANT(S)** MONTEVIEW FARM LLC Phone (208)520-1984
 2. **MAILING ADDRESS** 1352 SAUER RD City MONTEVIEW
 State ID Zip 83435 Email davidsauer@mudlake.net

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☒ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 32-7022A

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 3.75 cubic feet per second and/or 1078.0 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

[illegible]

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

This diversion is two quarter mile pivots and one 500 foot Pivot. I will put the flow meter next to the pump . There is a place to lock the power supply off at the power supply panel.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐☒

undergone a period of five or more consecutive years of non-use,

☐☒

currently used in a mitigation plan limiting the use of water under the right(s), or

☐☒

currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

☐

If yes and there are multiple owners, attach a [Lessor Designation](#) form.

☐

If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).

(Disregard if these items are on file and ownership has not changed.)

7. MAP – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. SIGNATURE – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

David Sam
Signature of applicant or authorized agent

David Sauer member
Print name and title if applicable

2/20/18
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$ 740 Date 2-21-2018 Received by JS Receipt # E043736

Preliminary review by 25. Ownership Change Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/16/2018

WATER RIGHT NO. 32-7022A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NEAL W SAUER 1305 SAUER RD MONTEVIEW, ID 83435
Current Owner	MILDRED SAUER 2137 SAUER FARMS RD MONTEVIEW, ID 83435 2086572221
Original Owner	J A TERTELING & SONS INC 877 MAIN ST STE 600 PO BOX 1428 BOISE, ID 83701
Original Owner	SAUER ENTERPRISES C/O NEAL SAUER HC 63 BOX 2137 MONTEVIEW, ID 83435 2086572221
Original Owner	JACK R BOND SOUTH SLOPE FARMS MONTEVIEW, ID 83435

Priority Date: 12/14/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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IRRIGATION	4/15	10/15	3.75 CFS	1078 AFA
Total Diversion			3.75 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWSESE|Sec. 15|Township 09N|Range 34E|CLARK County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CLARK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09N	34E	22		NENE	39		NWNE	39		SWNE	40		SENE	32
				NENW	39		NWNW	39		SWNW	40		SENW	40

Total Acres: 308

Conditions of Approval:

1. 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.
2. 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 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.

Dates:

Licensed Date:

Decreed Date: 10/27/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

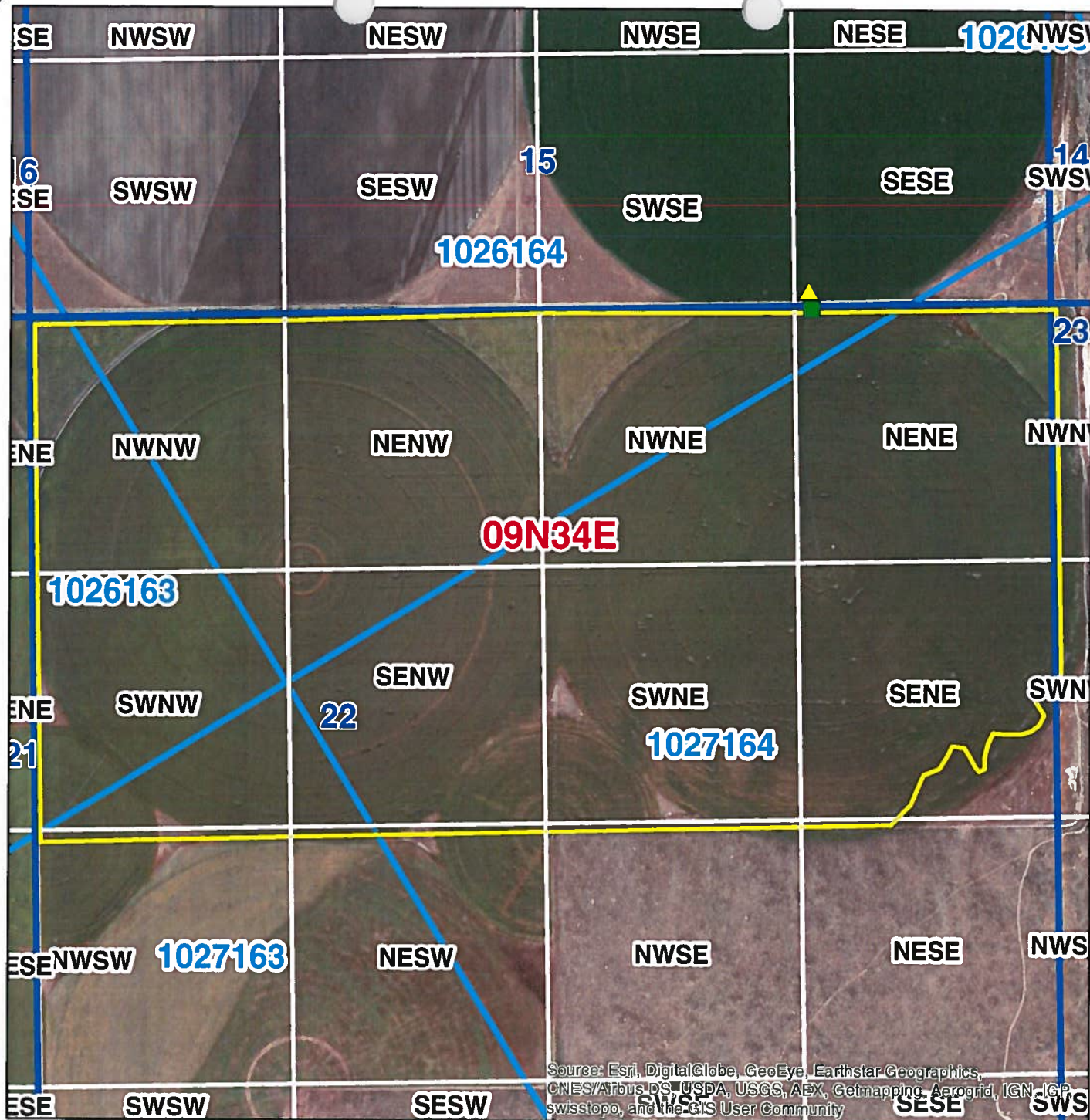
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Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector: AND
Water District Number: 110
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

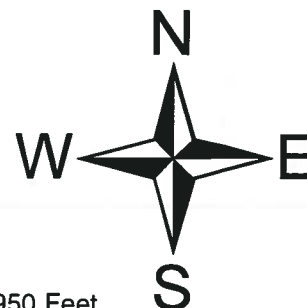
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Legend

- Current_Point_of_Diversion_32-7022A
- Proposed Point of Diversion 32-7022A
- Place_of_Use_32-7022A
- Township/Range
- Sections
- QQ



0 487.5 975 1,950 Feet

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1 inch = 765 feet

No. W 107695	Due no later than Oct 31, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed.		MILDRED SAUER 1352 SAUER RD MONTEVIEW ID 83435
	MONTEVIEW FARM, LLC DAVID SAUER 1352 SAUER RD MONTEVIEW ID 83435		3. <u>New</u> Registered Agent Signature:*
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.			
Office Held	Name	Street or PO Address	City State Country Postal Code
MEMBER	DAVID SAUER	1352 SAUER RD	MONTEVIEW ID USA 83435
5. Organized Under the Laws of:	6. Annual Report must be signed.*		
ID W 107695	Signature: David Sauer		Date: 09/25/2017
	Name (type or print): David Sauer		Title: member
Processed 09/25/2017		* Electronically provided signatures are accepted as original signatures.	

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GRANT DEED

(Funding Limited Liability Company)

MILDRED SAUER, both individually and as personal representative of the estate of Neal W. Sauer (Clark County Probate No. CV-2010-08), Grantor, hereby grants and conveys to MONTEVIEW FARM, LLC, an Idaho limited liability company, Grantee, whose mailing address is 1305 Sauer Road, Montevue, Idaho 83435, for good and valuable consideration, the following described real property located in Clark County, Idaho:

The property sometimes referred to commonly as the "Montevue Property," which is more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

SUBJECT TO taxes and assessments for the year 2011 and all subsequent years, to any and all existing easements, rights-of-way, reservations, restrictions and encumbrances which are apparent or of record, to any existing tenancies, to any existing access restrictions, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

Together with any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, water rights however evidenced, and rights-of-way in anywise appertaining to the property herein described.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 1st day of November, 2011.

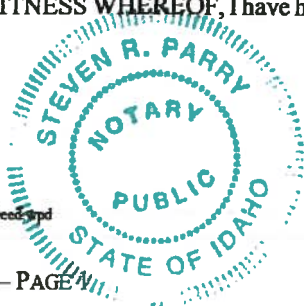
Mildred Sauer

MILDRED SAUER, Individually and as Personal Representative of the Estate of Neal W. Sauer

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 1st day of November, 2011, before me the undersigned, a Notary Public for Idaho, personally appeared MILDRED SAUER, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same both in her individual capacity and as Personal Representative of the Estate of Neal W. Sauer.

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



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GRANT DEED - PAGE 1

Steven R. Parry
Notary Public for Idaho

Residing at: *Salida, Idaho*

My Commission Expires: *7/1/2015*

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Exhibit "A" to GRANT DEED
(Funding Limited Liability Company)

(Conveyance from MILDRED SAUER individually and as trustee to MONTEVIEW FARM, LLC)

TRACT 1 640.19 acres (more or less) in Clark County

Township 9 North, Range 34, E.B.M., Clark County, Idaho

Section 30: All; Excepting therefrom, Beginning at the SE Corner of the SW1/4 of
Section 30 and running thence North 300 feet; thence West 300 feet; thence South 300
feet; thence East 300 feet, to the point of beginning.

TRACT 2 760 acres (more or less) in Clark County

Township 9 North, Range 34, E.B.M., Clark County, Idaho

Section 21: E1/2

Section 22: N1/2, W1/2SW1/4, NE1/4SW1/4