

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79441

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Ray Sauer Farms

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- Yes** **N/A** * Means the item is always required and must be included with the application.
- ☒ * Completed Application for Transfer of Water Right form, Part 1.
 - ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
 - ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
 - ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
 - ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
 - ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

JUN 30 2014
Department of Water Resources
Eastern Region

Name of Applicant(s) Ray Sauer Farms Phone 208-716-0758

Mailing address 945 East 2100 North, Terreton, ID 83450 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

RECEIVED

JUN 30 2014

Department of Water Resources
Eastern Region

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Ray Sauer Farms, Inc. Ray Sauer Pres. June 30, 2014
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Update ownership
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

This transfer proposes to define the place of use for a 7 cfs portion of water right 13-961. The proposed place of use reflects current and historical irrigation practices. Applicant has paid the assessments for and used 7 cfs of the water right since purchasing the property.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	13-961	7.00	Irrigation	4/20 to 9/30	Bear River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 7.00 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 5.20 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	40E	25							31.0	2.5		1.0							34.5
		26	40.0	40.0	23.0	39.0	40.0	13.0	17.0	38.0	4.5	3.5			1.5				259.5
Total Acres (for irrigation use)																			294.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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:
Water is delivered through Gentile Valley Canal. Canal headgate is measured and regulated by the watermaster for WD11. Applicant pays assessments to Gentile Valley Irrigation to convey water to property.

- b. Who owns the property at the point(s) of diversion? Gentile Valley Irrigation and Thatcher Irrigation
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
This water right has always been diverted through Gentile Valley system. Decree describes canal heading as the point of diversion.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The 7.00 cfs described in this transfer has been used on this property for many years. Applicant pays Thatcher Irrigation / Gentile Valley Irrigation an assessment to convey the water right to the proposed place of use. This transfer seeks to update water right to reflect historical practice.
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Shares in Gentile Valley Irrigation and storage water from Bear Lake are also used on the property.

- f. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 13-961

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____	Date _____	Preliminary check by _____	Date _____
Fee paid <u>925⁰⁰</u>	Date <u>7/11/14</u>	Received by <u>SL</u>	Receipt # <u>E040037</u>
Add'l fee paid _____	Date _____	Received by _____	Receipt # _____

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/25/2014

Water Right 13-961

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID BARTLOME
Current Owner	JUSTIN POND 35 LOIS LN HORSESHOE BEND, ID 83629 (208) 870-2232
Current Owner	L A POND

Priority Date: 4/18/1904
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BEAR RIVER	GREAT SALT LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/20	9/30	12.000 CFS	
	<u>Total Diversion</u>		12.000 CFS	

Source and Point(s) of Diversion

BEAR RIVER NWSW Sec. 21, Twp 10S, Rge 40E, CARIBOU County

Place Of Use

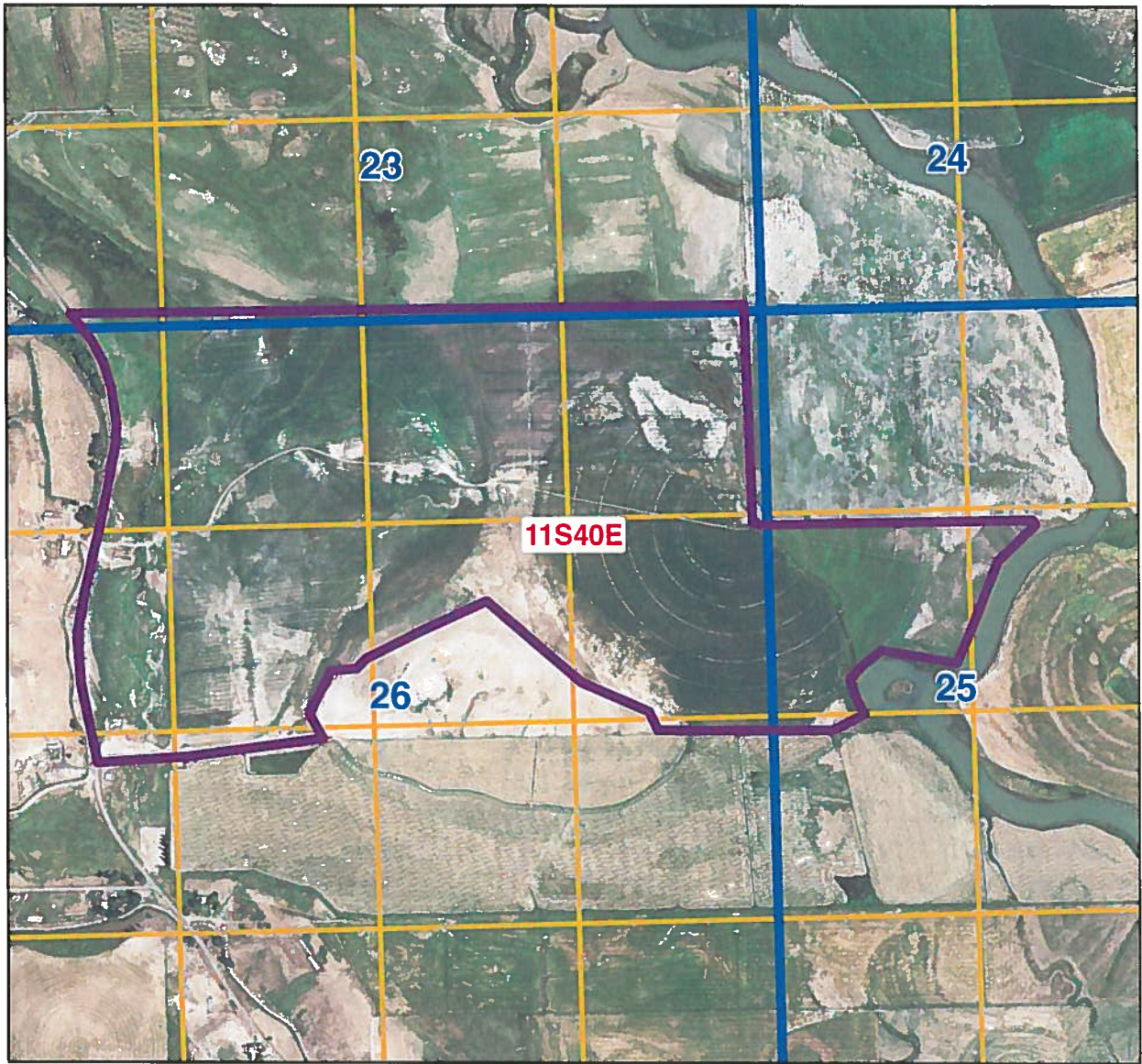
IRRIGATION within CARIBOU County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	40E	25							X	X	X	X	X	X					0.0
11S	40E	26		X							X	X		X	X	X	X	X	0.0
11S	40E	35	X	X	X	X	X								X	X	X	X	0.0
11S	40E	36						X	X		X								0.0
12S	40E	1						X											0.0
								L4											
12S	40E	2	X	X															0.0
			L1	L2															

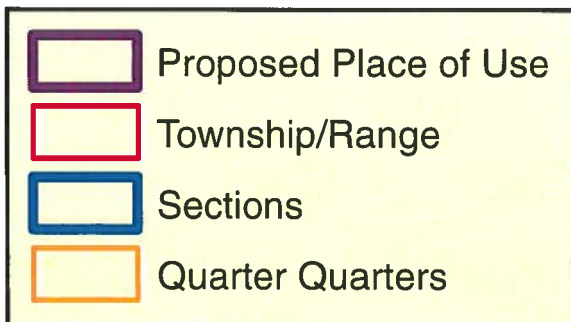
Conditions of Approval:

1. 1920 Bear River Decree lists POD as the Gentile Valley Canal in the SW1/4 of Section 21, T10S, R40E.
2. Place of use limited to 560 irrigated acres.
3. Number of acres associated with Blair and Sherri Mathews portion of this right is not known.

Ray Sauer Farms Transfer (13-961)



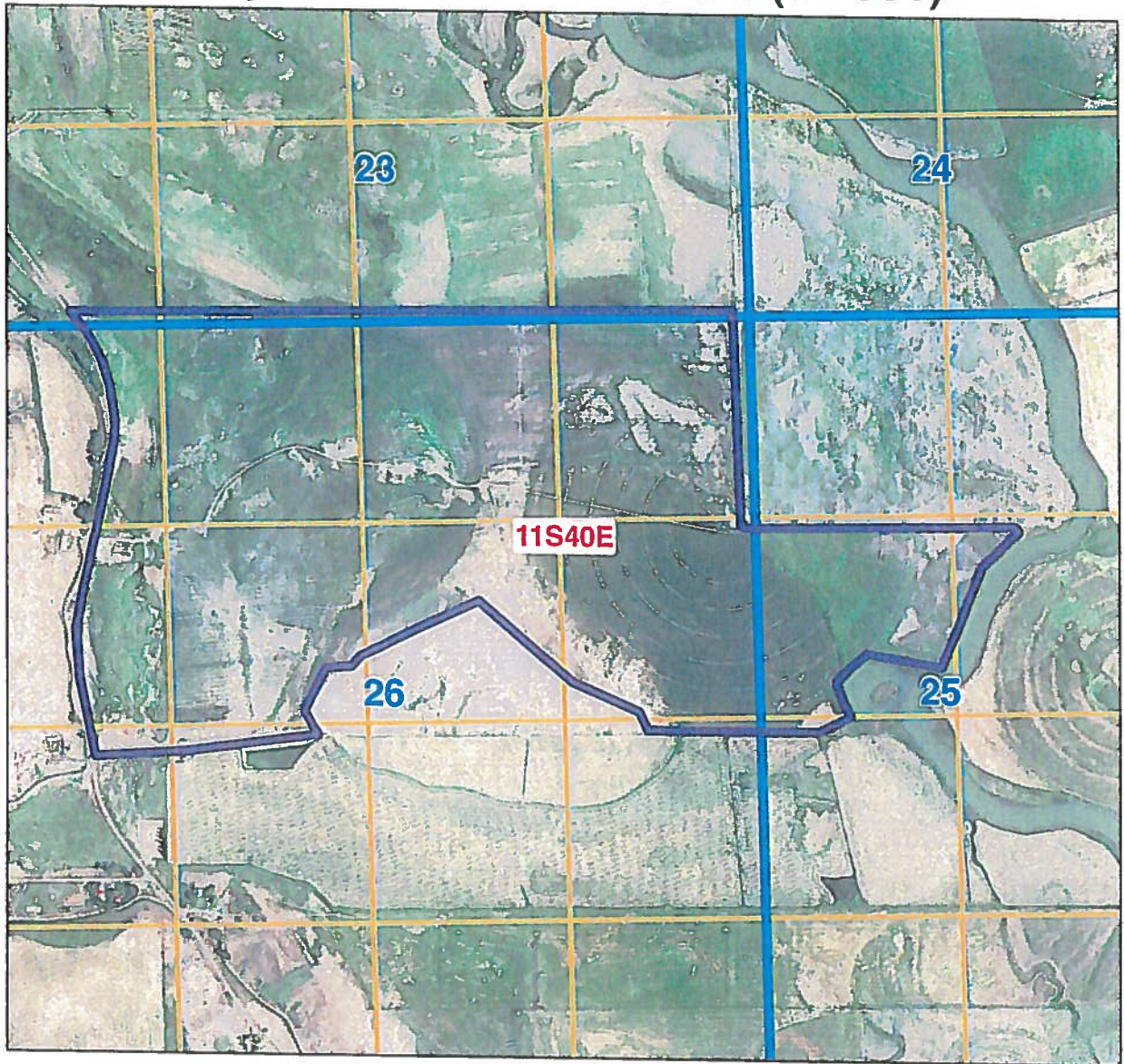
2013 Aerial Photo



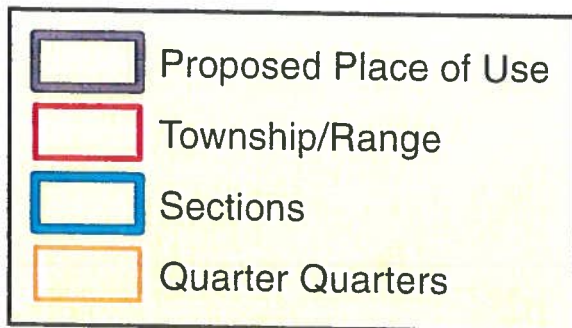
0 0.25 0.5 Miles



Ray Sauer Farms Transfer (13-961)



2013 Aerial Photo



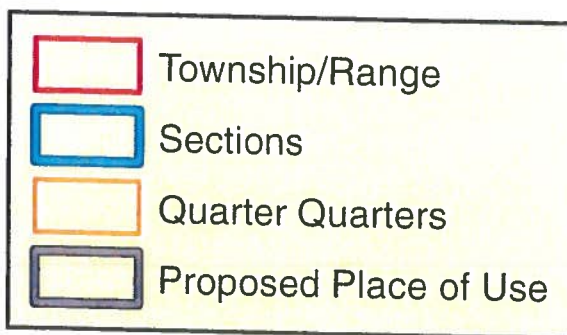
0 0.25 0.5 Miles



Barthlome Transfer



2011 Aerial Photography





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

7/21/2014

RE: Transfer Applications / Ownership Changes for Water Right 13-961

Dear Property Owner:

This letter is meant to notify you of two transfer applications and corresponding ownership changes which have recently been filed with the Idaho Department of Water Resources ("IDWR") involving water right 13-961 from the Bear River. Water right 13-961 was listed in the 1920 Bear River Decree and carries a priority date of April 18, 1904. The 1920 Decree listed three owners of the water right: J.T. Pond, L.A. Pond, and David Barthlome.

The 1920 Decree limited water right 13-961 to the irrigation of 560 acres. However, the decree only provided a large, general description for the place of use (over 880 acres large). Up to this point, IDWR has not had enough information to know where the 560 irrigated acres were actually located. Recently, David Barthlome and Ray Sauer Farms have contacted IDWR, asserting ownership of water right 13-961 (Barthlome asserts ownership of 5/12ths of the right, Sauer Farms asserts ownership of 7/12ths of the right). Barthlome and Sauer Farms have provided deeds tracing ownership of their respective properties back to J.T. Pond. They have also provided records showing that they have paid assessments to Gentile Valley Canal Co. to convey water right 13-961 from the Bear River to their properties.

If the transfers and ownership changes proposed by Barthlome and Sauer Farms are approved by IDWR, Barthlome would become owner of 5/12ths of water right 13-961; Sauer Farms would become owner of the remaining 7/12ths of the right. Please refer to the enclose maps for the proposed places of use.

Caribou and/or Franklin County taxlot records indicate that you own property within the large, general (880-acre) place of use description for water right 13-961. Therefore, I feel it is important to notify you of the proposed changes. If you believe you have a valid ownership interest in water right 13-961, please contact IDWR immediately. To demonstrate an interest in the water right, you must show that your property traces back to J.T. Pond, L.A. Pond or David Barthlome. Further, you must show that a portion of water right 13-961 has been consistently diverted from the Bear River and used on your property.

Please contact our office if you would like to discuss the proposed transfers in greater detail. If we do not receive a response from you by August 15, 2014, I will assume that you do not assert an interest in water right 13-961 and have no objection to the transfer applications and ownership changes proposed by David Barthlome and Sauer Farms.

Sincerely,

Cooper Fritz
Water Resources Agent
IDWR
(208) 525-7161

CERTIFICATE OF SERVICE

U.S. MAIL

RE: Water Right 13-961, Transfers 79427 and 79441

**Kimball Evans
850 Whipple Dr
Lehi, UT, 84043**

**Blair & Sherri Mathews
91 River Road
Grace, ID, 83241**

**Keith O. Brown Trust
1584 W 110 N
Pleasant Grove, UT, 84062**

**ZBES 1004130 LLC
PO Box 34
Thatcher, ID, 83238**

**Danny Forsgren
17535 No. Cleveland Rd
Grace, ID, 83241**

**Jack Leroy Forsgren
17365 North Cleveland Rd
Grace, ID, 83241**

**Ken Torgesen
2127 N Old Butte Hwy
Hamer, ID, 83425**

**Cooper Fritz
Water Resources Agent**