

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 78265**

This is to certify that: SHYLA SAUER AND  
TONY SAUER  
891 E 2100 N  
TERRETON, ID 83450

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 31-160B            | WR/DECREED          | 4/1/1936             | 0.750 cfs             | 136.5 af                | 39.0              | 392.0              | GROUND WATER  |
| 31-161B            | WR/DECREED          | 4/1/1936             | 2.030 cfs             | 406.0 af                | 116.0             | 392.0              | GROUND WATER  |
| 31-2299            | WR/DECREED          | 1/4/1951             | 3.140 cfs             | 770.0 af                | 220.0             | 456.0              | GROUND WATER  |
| 31-2415            | WR/DECREED          | 12/26/1964           | 2.550 cfs             | N/A                     | N/A               | 456.0              | GROUND WATER  |
| 31-4011C           | WR/DECREED          | 9/1/1956             | 1.750 cfs             | 742.8 af                | N/A               | 392.0              | GROUND WATER  |
| 31-7131            | WR/DECREED          | 7/30/1974            | 4.820 cfs             | N/A                     | N/A               | 392.0              | GROUND WATER  |
| 31-7320            | WR/DECREED          | 12/18/1984           | 5.120 cfs             | 896.0 af                | N/A               | 256.0              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 31-160B               | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 31-161B               | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 31-2299               | NO           | YES        | YES        | YES            | NO                   | NO                   |
| 31-2415               | NO           | YES        | YES        | YES            | NO                   | NO                   |
| 31-4011C              | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 31-7131               | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 31-7320               | NO           | YES        | YES        | YES            | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 31-160B                | 31-160B                          | 0.750 cfs            | 136.5 af               | 39.0              | 1104.0             | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 31-161B                | 31-161B                          | 2.030 cfs            | 406.0 af               | 116.0             | 1104.0             | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 31-2299                | 31-2299                          | 3.140 cfs            | 770.0 af               | 220.0             | 1104.0             | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 31-2415                | 31-2415                          | 2.550 cfs            | 1082.0 af              | 456.0             | 1104.0             | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 31-4011C               | 31-4011C                         | 1.750 cfs            | 742.8 af               | 392.0             | 1104.0             | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 31-7131                | 31-7131                          | 4.820 cfs            | 1372.0 af              | 392.0             | 1104.0             | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 31-7320                | 31-7320                          | 5.120 cfs            | 896.0 af               | 256.0             | 1104.0             | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>15.980 cfs</b>    | <b>3864.0 af</b>       | <b>1104.0</b>     | <b>1104.0</b>      |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Transfer No. 78265

SUPPORT DATA

IN FILE # 31-160B

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 78265

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 18<sup>th</sup> day of March, 2013.

for   
Chief, Water Allocation Bureau



**WATER RIGHT NO. 31-160B****As Modified by Transfer No. 78265**

In accordance with the approval of Transfer No. 78265, Water Right No. 31-160B is now described as follows:

**Right Holder:** TONY SAUER AND  
SHYLA SAUER  
891 E 2100 N  
TERRETON, ID 83450

**Priority Date:** 4/1/1936

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.750 cfs             | 136.5 af                |
|                       |             |           | 0.750 cfs             | 136.5 af                |

**LOCATION OF POINT(S) OF DIVERSION**

|              |             |                                         |
|--------------|-------------|-----------------------------------------|
| GROUND WATER | L3 (SENWSW) | Sec 18 Twp 07N Rge 34E JEFFERSON County |
| GROUND WATER | SWNESE      | Sec 13 Twp 07N Rge 33E JEFFERSON County |
| GROUND WATER | NESE        | Sec 18 Twp 07N Rge 34E JEFFERSON County |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |      |      |      | NW |    |    |    | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|----|----|----|----|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 07N | 33E | 13  | 33.8 | 33.8 | 38.5 | 38.7 |    |    |    |    | 40.0 | 34.4 | 33.6 | 33.9 | 39   | 39.6 | 33.7 | 38   | 437.0  |
| 07N | 34E | 17  |      |      |      |      |    |    |    |    | 40.0 | 39.8 | 39.3 | 39.4 |      | 26.2 | 26.2 |      | 210.9  |
| 07N | 34E | 18  | 33.3 | 34.4 | 38.7 | 38.8 |    |    |    |    | 39.9 | 38.6 | 37.8 | 38   | 39.1 | 39   | 39.2 | 39.3 | 456.1  |

Right Acre Limit: 39.0  
POU Total Acres: 1104.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 39.0 acres within the authorized place of use in a single irrigation season.
2. Rights 31-160B, 31-161B, 31-4011C and 31-7131 when combined with Rights 31-160A, 31-161A, 31-4011B, 31-4012 and 31-10652 shall not exceed a total diversion rate of 16.32 cfs.
3. Rights 31-160B, 31-161B, 31-4011C and 31-7131 when combined shall not exceed a total diversion rate of 5.17 cfs, a total annual maximum diversion volume of 1372.0 af at the field headgate, and the irrigation of 392.0 acres.
4. Rights 31-160B, 31-161B, 31-4011C, 31-7131, 31-2299, 31-2415 and 31-7320 when combined shall not exceed a total diversion rate of 15.98 cfs, a total annual maximum diversion volume of 3864.0 af at the field headgate and the irrigation of 1104.0 acres.

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**WATER RIGHT NO. 31-160B**  
**As Modified by Transfer No. 78265**

**CONDITIONS OF APPROVAL**

5. Rights 31-160B, 31-161B, 31-4011C, 31-7131, 31-160A, 31-161A, 31-4011B, 31-4012 and 31-10652 when combined shall not exceed a total diversion rate of 26.90 cfs and a total annual maximum diversion volume of 7350.0 af at the field headgate.
6. A priority date of 9-18-2001 shall be applied relative to any injury to nearby wells due to the diversion of water from the wells located in SWNESE, S13, T7N, 33E, and the NESE and SENWSW, S18, T7N, R34E in excess of a total annual diversion volume of 1148.2 af.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
8. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
9. Prior to the diversion and use of water under Transfer approval 78265, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 31-161B**  
**As Modified by Transfer No. 78265**

In accordance with the approval of Transfer No. 78265, Water Right No. 31-161B is now described as follows:

**Right Holder:** TONY SAUER AND  
 SHYLA SAUER  
 891 E 2100 N  
 TERRETON, ID 83450

**Priority Date:** 4/1/1936

**Source:** GROUND WATER

|                              |                    |                  |                              |                                |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
| IRRIGATION                   | 04/01              | to 10/31         | 2.030 cfs                    | 406.0 af                       |
|                              |                    |                  | 2.030 cfs                    | 406.0 af                       |

**LOCATION OF POINT(S) OF DIVERSION**

|              |             |                                         |
|--------------|-------------|-----------------------------------------|
| GROUND WATER | L3 (SENWSW) | Sec 18 Twp 07N Rge 34E JEFFERSON County |
| GROUND WATER | SWNESE      | Sec 13 Twp 07N Rge 33E JEFFERSON County |
| GROUND WATER | NESE        | Sec 18 Twp 07N Rge 34E JEFFERSON County |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |      |      |      | NW |    |    |    | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|----|----|----|----|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 07N | 33E | 13  | 33.8 | 33.8 | 38.5 | 38.7 |    |    |    |    | 40.0 | 34.4 | 33.6 | 33.9 | 39   | 39.6 | 33.7 | 38   | 437.0  |
| 07N | 34E | 17  |      |      |      |      |    |    |    |    | 40.0 | 39.8 | 39.3 | 39.4 |      | 26.2 | 26.2 |      | 210.9  |
| 07N | 34E | 18  | 33.3 | 34.4 | 38.7 | 38.8 |    |    |    |    | 39.9 | 38.6 | 37.8 | 38   | 39.1 | 39   | 39.2 | 39.3 | 456.1  |

Right Acre Limit: 116.0  
 POU Total Acres: 1104.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 116.0 acres within the place of use described above in a single irrigation season.
2. Rights 31-160B, 31-161B, 31-4011C and 31-7131 when combined with Rights 31-160A, 31-161A, 31-4011B, 31-4012 and 31-10652 shall not exceed a total diversion rate of 16.32 cfs.
3. Rights 31-160B, 31-161B, 31-4011C, 31-7131, 31-2299, 31-2415 and 31-7320 when combined shall not exceed a total diversion rate of 15.98 cfs, a total annual maximum diversion volume of 3864.0 af at the field headgates and the irrigation of 1104.0 acres.

Transfer No. 78265

**WATER RIGHT NO. 31-161B**  
**As Modified by Transfer No. 78265**

**CONDITIONS OF APPROVAL**

4. Rights 31-160B, 31-161B, 31-4011C, 31-7131, 31-160A, 31-161A, 31-4011B, 31-4012 and 31-10652 when combined with Rights 31-2299, 31-2415 and 31-7320 shall not exceed a total diversion rate of 26.90 cfs and a total annual maximum diversion volume of 7350.0 af at the field headgate.
5. Rights 31-160B, 31-161B, 31-4011C and 31-7131 when combined shall not exceed a total diversion rate of 5.17 cfs, a total annual maximum diversion volume of 1372.0 af at the field headgate, and the irrigation of 392.0 acres.
6. A priority date of 9-18-2001 shall be applied relative to any injury to nearby wells due to the diversion of water from the wells located in SWNESE, S13, T7N, 33E, and the NESE and SENWSW, S18, T7N, R34E in excess of a total annual diversion volume of 1148.2 af.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
8. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
9. Prior to the diversion and use of water under Transfer approval 78265, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 31-4011C**  
**As Modified by Transfer No. 78265**

In accordance with the approval of Transfer No. 78265, Water Right No. 31-4011C is now described as follows:

**Right Holder:** TONY SAUER AND  
SHYLA SAUER  
891 E 2100 N  
TERRETON, ID 83450

**Priority Date:** 9/1/1956

**Source:** GROUND WATER

|                              |                    |                  |                              |                                |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
| IRRIGATION                   | 04/01              | to 10/31         | 1.750 cfs                    | 742.8 af                       |
|                              |                    |                  | 1.750 cfs                    | 742.8 af                       |

**LOCATION OF POINT(S) OF DIVERSION**

|              |             |                                         |
|--------------|-------------|-----------------------------------------|
| GROUND WATER | L3 (SENWSW) | Sec 18 Twp 07N Rge 34E JEFFERSON County |
| GROUND WATER | SWNESE      | Sec 13 Twp 07N Rge 33E JEFFERSON County |
| GROUND WATER | NESE        | Sec 18 Twp 07N Rge 34E JEFFERSON County |

**PLACE OF USE: IRRIGATION**

|     |     |     | NE   |      |      |      | NW |    |    |    | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|----|----|----|----|------|------|------|------|------|------|------|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 07N | 33E | 13  | 33.8 | 33.8 | 38.5 | 38.7 |    |    |    |    | 40.0 | 34.4 | 33.6 | 33.9 | 39   | 39.6 | 33.7 | 38   | 437.0  |
| 07N | 34E | 17  |      |      |      |      |    |    |    |    | 40.0 | 39.8 | 39.3 | 39.4 |      | 26.2 | 26.2 |      | 210.9  |
| 07N | 34E | 18  | 33.3 | 34.4 | 38.7 | 38.8 |    |    |    |    | 39.9 | 38.6 | 37.8 | 38   | 39.1 | 39   | 39.2 | 39.3 | 456.1  |

Right Acre Limit: 392.0  
POU Total Acres: 1104.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 392.0 acres within the authorized place of use in a single irrigation season.
2. Rights 31-160B, 31-161B, 31-4011C, 31-7131, 31-2299, 31-2415 and 31-7320 when combined shall not exceed a total diversion rate of 15.98 cfs, a total annual maximum diversion volume of 3864.0 af at the field headgate and the irrigation of 1104.0 acres.
3. Rights 31-160B, 31-161B, 31-4011C and 31-7131 when combined with Rights 31-160A, 31-161A, 31-4011B, 31-4012 and 31-10652 shall not exceed a total diversion rate of 16.32 cfs.
4. Rights 31-160B, 31-161B, 31-4011C and 31-7131 when combined shall not exceed a total diversion rate of 5.17 cfs, a total annual maximum diversion volume of 1372.0 af at the field headgate, and the irrigation of 392.0 acres.

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**WATER RIGHT NO. 31-4011C**  
**As Modified by Transfer No. 78265**

**CONDITIONS OF APPROVAL**

5. Rights 31-160B, 31-161B, 31-4011C, 31-7131, 31-160A, 31-161A, 31-4011B, 31-4012 and 31-10652 when combined with rights 31-2299, 31-2415 and 31-7320 shall not exceed a total diversion rate of 26.90 cfs and a total annual maximum diversion volume of 7350.0 af at the field headgate.
6. A priority date of 9-18-2001 shall be applied relative to any injury to nearby wells due to the diversion of water from the wells located in SWNESE, S13, T7N, 33E, and the NESE and SENWSW, S18, T7N, R34E in excess of a total annual diversion volume of 1148.2 af.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
8. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
9. Prior to the diversion and use of water under Transfer approval 78265, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 31-7131****As Modified by Transfer No. 78265**

In accordance with the approval of Transfer No. 78265, Water Right No. 31-7131 is now described as follows:

**Right Holder:** TONY SAUER AND  
SHYLA SAUER  
891 E 2100 N  
TERRETON, ID 83450

**Priority Date:** 7/30/1974

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/01       | to 11/01  | 4.820 cfs             | 1372 af                 |
|                       |             |           | 4.820 cfs             | 1372.0 af               |

**LOCATION OF POINT(S) OF DIVERSION**

|              |             |                                         |
|--------------|-------------|-----------------------------------------|
| GROUND WATER | L3 (SENWSW) | Sec 18 Twp 07N Rge 34E JEFFERSON County |
| GROUND WATER | SWNESE      | Sec 13 Twp 07N Rge 33E JEFFERSON County |
| GROUND WATER | NESE        | Sec 18 Twp 07N Rge 34E JEFFERSON County |

**PLACE OF USE: IRRIGATION**

|     |     |     | NE   |      |      |      | NW |    |    |    | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|----|----|----|----|------|------|------|------|------|------|------|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 07N | 33E | 13  | 33.8 | 33.8 | 38.5 | 38.7 |    |    |    |    | 40.0 | 34.4 | 33.6 | 33.9 | 39   | 39.6 | 33.7 | 38   | 437.0  |
| 07N | 34E | 17  |      |      |      |      |    |    |    |    | 40.0 | 39.8 | 39.3 | 39.4 |      | 26.2 | 26.2 |      | 210.9  |
| 07N | 34E | 18  | 33.3 | 34.4 | 38.7 | 38.8 |    |    |    |    | 39.9 | 38.6 | 37.8 | 38   | 39.1 | 39   | 39.2 | 39.3 | 456.1  |

Right Acre Limit: 392.0

POU Total Acres: 1104.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 392.0 acres within the authorized place of use in a single irrigation season.
2. Rights 31-160B, 31-161B, 31-4011C, 31-7131, 31-2299, 31-2415 and 31-7320 when combined shall not exceed a total diversion rate of 15.98 cfs, a total annual maximum diversion volume of 3864.0 af at the field headgate and the irrigation of 1104.0 acres.
3. Rights 31-160B, 31-161B, 31-4011C and 31-7131 when combined with Rights 31-160A, 31-161A, 31-4011B, 31-4012 and 31-10652 shall not exceed a total diversion rate of 16.32 cfs.

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**WATER RIGHT NO. 31-7131**

**As Modified by Transfer No. 78265**

**CONDITIONS OF APPROVAL**

4. Rights 31-160B, 31-161B, 31-4011C, 31-7131, 31-160A, 31-161A, 31-4011B, 31-4012 and 31-10652 when combined with Rights 31-2299, 31-2415 and 31-7320 shall not exceed a total diversion rate of 26.90 cfs and a total annual maximum diversion volume of 7350.0 af at the field headgate.
5. Rights 31-160B, 31-161B, 31-4011C and 31-7131 when combined shall not exceed a total diversion rate of 5.17 cfs, a total annual maximum diversion volume of 1372.0 af at the field headgate, and the irrigation of 392.0 acres.
6. A priority date of 9-18-2001 shall be applied relative to any injury to nearby wells due to the diversion of water from the wells located in SWNESE, S13, T7N, 33E, and the NESE and SENWSW, S18, T7N, R34E in excess of a total annual diversion volume of 1148.2 af.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
8. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
9. Prior to the diversion and use of water under Transfer approval 78265, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

## WATER RIGHT NO. 31-7320

### As Modified by Transfer No. 78265

In accordance with the approval of Transfer No. 78265, Water Right No. 31-7320 is now described as follows:

**Right Holder:** TONY SAUER AND  
SHYLA SAUER  
891 E 2100 N  
TERRETON, ID 83450

**Priority Date:** 12/18/1984

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/15       | to 10/15  | 5.120 cfs             | 896.0 af                |
|                       |             |           | 5.120 cfs             | 896.0 af                |

#### LOCATION OF POINT(S) OF DIVERSION

|              |             |                                         |
|--------------|-------------|-----------------------------------------|
| GROUND WATER | L3 (SENWSW) | Sec 18 Twp 07N Rge 34E JEFFERSON County |
| GROUND WATER | SWNESE      | Sec 13 Twp 07N Rge 33E JEFFERSON County |
| GROUND WATER | NESE        | Sec 18 Twp 07N Rge 34E JEFFERSON County |

#### PLACE OF USE: IRRIGATION

|     |     |     | NE   |      |      |      | NW |    |    |    | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|----|----|----|----|------|------|------|------|------|------|------|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 07N | 33E | 13  | 33.8 | 33.8 | 38.5 | 38.7 |    |    |    |    | 40.0 | 34.4 | 33.6 | 33.9 | 39   | 39.6 | 33.7 | 38   | 437.0  |
| 07N | 34E | 17  |      |      |      |      |    |    |    |    | 40.0 | 39.8 | 39.3 | 39.4 |      | 26.2 | 26.2 |      | 210.9  |
| 07N | 34E | 18  | 33.3 | 34.4 | 38.7 | 38.8 |    |    |    |    | 39.9 | 38.6 | 37.8 | 38   | 39.1 | 39   | 39.2 | 39.3 | 456.1  |

Right Acre Limit: 256.0  
POU Total Acres: 1104.0

#### CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 256.0 acres within the authorized place of use in a single irrigation season.
2. Rights 31-160B, 31-161B, 31-4011C, 31-7131, 31-2299, 31-2415 and 31-7320 when combined shall not exceed a total diversion rate of 15.98 cfs, a total annual maximum diversion volume of 3864.0 af at the field headgate and the irrigation of 1104.0 acres.
3. Rights 31-160A, 31-161A, 31-2299, 31-2415, 31-4011C, 31-4012, 31-7320 and 31-10652 when combined shall not exceed a total diversion rate of 21.73 cfs.

Transfer No. 78265

**WATER RIGHT NO. 31-7320**

**As Modified by Transfer No. 78265**

**CONDITIONS OF APPROVAL**

4. Rights 31-160B, 31-161B, 31-4011C, 31-7131, 31-160A, 31-161A, 31-4011B, 31-4012 and 31-10652 when combined with Rights 31-2299, 31-2415 and 31-7320 shall not exceed a total diversion rate of 26.90 cfs and a total annual maximum diversion volume of 7350.0 af at the field headgate.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 78265, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. This water right enjoys the benefit of unqualified subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02, 02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37, 02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026.
11. 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 May 9, 2003.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 31-2299****As Modified by Transfer No. 78265**

In accordance with the approval of Transfer No. 78265, Water Right No. 31-2299 is now described as follows:

**Right Holder:** TONY SAUER AND  
SHYLA SAUER  
891 E 2100 N  
TERRETON, ID 83450

**Priority Date:** 1/4/1951

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From** 04/01 to **To** 10/31

**Diversion Rate**  
3.140 cfs  
3.140 cfs

**Diversion Volume**  
770.0 af  
770.0 af

**LOCATION OF POINT(S) OF DIVERSION**

|              |             |                                         |
|--------------|-------------|-----------------------------------------|
| GROUND WATER | L3 (SENWSW) | Sec 18 Twp 07N Rge 34E JEFFERSON County |
| GROUND WATER | SWNESE      | Sec 13 Twp 07N Rge 33E JEFFERSON County |
| GROUND WATER | NESE        | Sec 18 Twp 07N Rge 34E JEFFERSON County |

**PLACE OF USE: IRRIGATION**

|     |     |     | NE   |      |      |      | NW |    |    |    | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|----|----|----|----|------|------|------|------|------|------|------|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 07N | 33E | 13  | 33.8 | 33.8 | 38.5 | 38.7 |    |    |    |    | 40.0 | 34.4 | 33.6 | 33.9 | 39   | 39.6 | 33.7 | 38   | 437.0  |
| 07N | 34E | 17  |      |      |      |      |    |    |    |    | 40.0 | 39.8 | 39.3 | 39.4 |      | 26.2 | 26.2 |      | 210.9  |
| 07N | 34E | 18  | 33.3 | 34.4 | 38.7 | 38.8 |    |    |    |    | 39.9 | 38.6 | 37.8 | 38   | 39.1 | 39   | 39.2 | 39.3 | 456.1  |

Right Acre Limit: 220.0  
POU Total Acres: 1104.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 220.0 acres within the place of use described above in a single irrigation season.
2. Rights 31-2299 and 31-2415 when combined shall not exceed a total annual maximum diversion volume of 1596.0 af at the field headgate and the irrigation of 456.0 acres.
3. Rights 31-160B, 31-161B, 31-4011C, 31-7131, 31-7320, 31-2299 and 31-2415 when combined shall not exceed a total diversion rate of 15.98 cfs, a total annual maximum diversion volume of 3864.0 af at the field headgate, and the irrigation of 1104.0 acres.
4. Rights 31-160A, 31-161A, 31-2299, 31-2415, 31-4011C, 31-4012, 31-7320 and 31-10652 when combined shall not exceed a total diversion rate of 21.73 cfs.

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**WATER RIGHT NO. 31-2299**

**As Modified by Transfer No. 78265**

**CONDITIONS OF APPROVAL**

5. Rights 31-160B, 31-161B, 31-4011C, 31-7131, 31-160A, 31-161A, 31-4011B, 31-4012 and 31-10652 when combined with Rights 31-2299, 31-2415 and 31-7320 shall not exceed a total diversion rate of 26.90 cfs and a total annual maximum diversion volume of 7350.0 af at the field headgate.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. Prior to the diversion and use of water under Transfer approval 78265, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 31-2415****As Modified by Transfer No. 78265**

In accordance with the approval of Transfer No. 78265, Water Right No. 31-2415 is now described as follows:

**Right Holder:** TONY SAUER AND  
SHYLA SAUER  
891 E 2100 N  
TERRETON, ID 83450

**Priority Date:** 12/26/1964

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 4/01        | to 11/01  | 2.550 cfs             | 1082.0 af               |
|                       |             |           | 2.550 cfs             | 1082.0 af               |

**LOCATION OF POINT(S) OF DIVERSION**

|              |             |                                         |
|--------------|-------------|-----------------------------------------|
| GROUND WATER | L3 (SENWSW) | Sec 18 Twp 07N Rge 34E JEFFERSON County |
| GROUND WATER | SWNESE      | Sec 13 Twp 07N Rge 33E JEFFERSON County |
| GROUND WATER | NESE        | Sec 18 Twp 07N Rge 34E JEFFERSON County |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |      |      |      | NW |    |    |    | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|----|----|----|----|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 07N | 33E | 13  | 33.8 | 33.8 | 38.5 | 38.7 |    |    |    |    | 40.0 | 34.4 | 33.6 | 33.9 | 39   | 39.6 | 33.7 | 38   | 437.0  |
| 07N | 34E | 17  |      |      |      |      |    |    |    |    | 40.0 | 39.8 | 39.3 | 39.4 |      | 26.2 | 26.2 |      | 210.9  |
| 07N | 34E | 18  | 33.3 | 34.4 | 38.7 | 38.8 |    |    |    |    | 39.9 | 38.6 | 37.8 | 38   | 39.1 | 39   | 39.2 | 39.3 | 456.1  |

Right Acre Limit: 456.0

POU Total Acres: 1104.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 456.0 acres within the authorized place of use in a single irrigation season.
2. Rights 31-2299 and 31-2415 when combined shall not exceed a total annual maximum diversion volume of 1596.0 af at field headgate and the irrigation of 456.0 acres.
3. Rights 31-160B, 31-161B, 31-4011C, 31-7131, 31-7320, 31-2299 and 31-2415 when combined shall not exceed a total diversion rate of 15.98 cfs, a total annual maximum diversion volume of 3864.0 af at the field headgate and the irrigation of 1104.0 acres.
4. Rights 31-160A, 31-161S, 31-2299, 31-2415, 31-4011C, 31-4012, 31-7320 and 31-10652 when combined shall not exceed a total diversion rate of 21.73 cfs.

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**WATER RIGHT NO. 31-2415**

**As Modified by Transfer No. 78265**

**CONDITIONS OF APPROVAL**

5. Rights 31-160A, 31-160B, 31-161B, 31-2299, 31-2415, 31-4011B, 31-4011C, 31-4012, 31-7131, 31-7320 and 31-10652 when combined shall not exceed a total diversion rate of 26.90 cfs and a total annual maximum diversion volume of 7350.0 af at the field headgate.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. Prior to the diversion and use of water under Transfer approval 78265, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.