

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78265
78160**AMENDED****APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1****AMENDED**Name of Applicant(s) Tony and Shyla SauerPhone 208-716-1458Mailing address 891 East 2100 North, Terreton, ID 83450 (shyla.sauer@gmail.com)Email tony.sauerTS@gmail.com

- ☐ 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**.

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.

Signature of Applicant or Authorized Representative Tony Sauer

Print Name and Title if applicable _____

Date 10-15-12Signature of Applicant or Authorized Representative Shyla Sauer

Print Name and Title if applicable _____

Date 10/15/12**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 _____

RECEIVED**OCT 15 2012**Department of Water Resources
Eastern Region

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 create a single combined place of use for seven water rights. Most of the water rights already list the three points of diversion in common, all right PODs will be updated. This transfer will rearrange the place of use to cover the acres currently irrigated. Unused PODs will be removed from rights

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

AMENDED

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					
☒ ☐	31-160B	0.75/136.5 af	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	31-161B	2.03/ 406 af	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	31-2299	3.14/ 770 af	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	31-2415	2.55	Irrigation	4/1 to 11/1	Ground Water
☒ ☐	31-4011C	1.75/ 742.8	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	31-7131	4.82	Irrigation	4/1 to 11/1	Ground Water
☒ ☐	31-7320	5.12/896 af	Irrigation	4/15 to 10/15	Ground Water
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 15.98 cfs and/or 3864 ac-ft

2. Total amount of water proposed to be transferred or changed 0.60 cubic feet per second and/or 145.3 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 #
		SW	NE	SE	13	07N	33E	Jefferson	Ground Water	A0005886
	3	SE	NW	SW	18	07N	34E	Jefferson	Ground Water	A0006136
			NE	SE	18	07N	34E	Jefferson	Ground Water	A0016301

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	
07N	33E	13	33.8	33.8	38.5	38.7					40	34.4	33.6	33.9	39	39.6	33.7	38	437
07N	34E	17									40	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

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Total Acres (for irrigation use) 1104

OCT 15 2012

Department of Water Resources
Eastern Region

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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: _____
Wells are already measured and regulated by Water District 110 (WMIS Numbers 300162, 300865, and 300141). Points of diversion to the north on the Hartwell property will be dropped from the water rights.

- 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. 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 No water is being moved off of the property.

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:
This transfer addresses a potential violation letter. Place of use is being rearranged to cover the acres currently irrigated. All other acres will be dried up.

- 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:
All water rights on the property are included in this transfer.

- 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: _____

At least 1104 acres have been irrigated on the property since the water rights were decreed in 2003.

Part 2A

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08/22/2012

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-160B

WATER RIGHT NUMBER: 31-160B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TONY SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458
Current Owner	SHYLA SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458

Priority Date: 04/01/1936

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.750 CFS	136.50 AF
	<u>Total Diversion:</u>	0.750 CFS	136.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SE1/4	Sec. 5, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	L3 (SE1/4NW1/4SW1/4)	Sec. 18, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 13, Twp 07N, Rge 33E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4	Sec. 18, Twp 07N, Rge 34E, B.M.
JEFFERSON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	17									40.0	40.0	39.0	40.0		38.0	35.0		232.0
07N	34E	18													40.0	40.0	40.0	40.0	160.0

Total Acres: 392

31-160B

Conditions of Approval:

1. X27 Right 31-160B is limited to the irrigation of 39.0 acres within the place of use described above in a single irrigation season.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this 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. Diversion of water from the two (2) wells located in NESE, S5, T7N, R34E shall not exceed a total diversion rate of 16.32 cfs.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T02 The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred points of diversion.
7. WB4 The total instantaneous diversion of water from all points of diversion under Rights 31-160B, 31-161B, 31-4011C and 31-7131 shall not exceed 5.17 cfs, nor total combined annual volume of 1372.0 af for the irrigation of 392.0 total acres.
8. X35 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.
9. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
10. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
11. T19 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.
12. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-161B

WATER RIGHT NUMBER: 31-161B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TONY SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458
Current Owner	SHYLA SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458

Priority Date: 04/01/1936

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>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.030 CFS	406.00 AF
	<u>Total Diversion:</u>	2.030 CFS	406.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SE1/4	Sec. 5, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	L3 (SE1/4NW1/4SW1/4)	Sec. 18, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 13, Twp 07N, Rge 33E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4	Sec. 18, Twp 07N, Rge 34E, B.M.
JEFFERSON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	17									40.0	40.0	39.0	40.0		38.0	35.0		232.0
07N	34E	18													40.0	40.0	40.0	40.0	160.0

Total Acres: 392

31-161B

Conditions of Approval:

1. X35 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.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. X27 Right 31-161B is limited to the irrigation of 116.0 acres within the place of use described above in a single irrigation season.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
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. Diversion of water from the two (2) wells located in NESE, S5, T7N, R34E shall not exceed a total diversion rate of 16.32 cfs.
6. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. 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.
9. T19 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.
10. WB4 The total instantaneous diversion of water from all points of diversion under Rights 31-160B, 31-161B, 31-4011C and 31-7131 shall not exceed 5.17 cfs, nor total combined annual volume of 1372.0 af for the irrigation of 392.0 total acres.
11. T02 The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred points of diversion.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-2299

WATER RIGHT NUMBER: 31-2299

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TONY SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458
Current Owner	SHYLA SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458

Priority Date: 01/04/1951

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>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.140 CFS	770.00 AF
	<u>Total Diversion:</u>	3.140 CFS	770.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 5, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 13, Twp 07N, Rge 33E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 5, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	L3 (SE1/4NW1/4SW1/4)	Sec. 18, Twp 07N, Rge 34E, B.M.
JEFFERSON County		

Place of Use

IRRIGATION

Twp	Rge	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	38.0	38.0	38.0	38.0					38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	456.0

Total Acres: 456

31-2299

Conditions of Approval:

1. THE TOTAL COMBINED RATE OF DIVERSION FOR THE TWO WELLS LOCATED IN T07N, R34E, S05, NESE IS LIMITED TO 16.32 CFS.
2. E55 USE OF THIS RIGHT WITH RIGHT NO. 31-02415 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 456 ACRES IN A SINGLE IRRIGATION SEASON.
3. 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.
4. RIGHT NOS. 31-00160A, 31-00160B, 31-00161A, 31-00161B, 31-02299, 31-02415, 31-04011B, 31-04011C, 31-04012, 31-07131, 31-07320 AND 31-10652 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 26.90 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7350 AF.
5. RIGHT NOS. 31-00160A, 31-00161A, 31-02299, 31-02415, 31-04011C, 31-04012, 31-07320 AND 31-10652 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 21.73 CFS.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 220 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. E53 USE OF THIS RIGHT WITH RIGHT NO. 31-02415 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1596 AF.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-2415

WATER RIGHT NUMBER: 31-2415

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TONY SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458
Current Owner	SHYLA SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458

Priority Date: 12/26/1964

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.550 CFS	
	<u>Total Diversion:</u>	2.550 CFS	

Location of Point(s) of Diversion

GROUND WATER	L3 (SE1/4NW1/4SW1/4)	Sec. 18, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 5, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4	Sec. 5, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 13, Twp 07N, Rge 33E, B.M.
JEFFERSON County		

Place of Use

IRRIGATION

Twp	Rge	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	38.0	38.0	38.0	38.0					38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	456.0

Total Acres: 456

31-2415

Conditions of Approval:

1. RIGHT NOS. 31-00160A, 31-00161A, 31-02299, 31-02415, 31-04011C, 31-04012, 31-07320 AND 31-10652 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 21.73 CFS.
2. E55 USE OF THIS RIGHT WITH RIGHT NO. 31-02299 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 456 ACRES IN A SINGLE IRRIGATION SEASON.
3. RIGHT NOS. 31-00160A, 31-00160B, 31-00161A, 31-00161B, 31-02299, 31-02415, 31-04011B, 31-04011C, 31-04012, 31-07131, 31-07320 AND 31-10652 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 26.90 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7350 AF.
4. E53 USE OF THIS RIGHT WITH RIGHT NO. 31-02299 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1596 AF.
5. 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.
6. THE TOTAL COMBINED RATE OF DIVERSION FOR THE TWO WELLS LOCATED IN T07N, R34E, S05, NESE IS LIMITED TO 16.32 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-4011C

WATER RIGHT NUMBER: 31-4011C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TONY SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458
Current Owner	SHYLA SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458

Priority Date: 09/01/1956

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.750 CFS	742.80 AF
	<u>Total Diversion:</u>	1.750 CFS	742.80 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SE1/4	Sec. 5, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4	Sec. 5, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	L3 (SE1/4NW1/4SW1/4)	Sec. 18, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 13, Twp 07N, Rge 33E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4	Sec. 18, Twp 07N, Rge 34E, B.M.
JEFFERSON County		

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 31-4011C

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	17									40.0	40.0	39.0	40.0		38.0	35.0		232.0
07N	34E	18													40.0	40.0	40.0	40.0	160.0

Total Acres: 392

Conditions of Approval:

1. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. X35 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. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. WB4 The total instantaneous diversion of water from all points of diversion under Rights 31-160B, 31-161B, 31-4011C and 31-7131 shall not exceed 5.17 cfs, nor total combined annual volume of 1372.0 af for the irrigation of 392.0 total acres.
6. T19 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.
7. T02 The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred points of diversion.
8. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. 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. Diversion of water from the two (2) wells located in NESE, S5, T7N, R34E shall not exceed a total diversion rate of 16.32 cfs.
10. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
11. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-7131

WATER RIGHT NUMBER: 31-7131

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TONY SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458
Current Owner	SHYLA SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458

Priority Date: 07/30/1974

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>Annual Volume</u>
IRRIGATION	04/01 to 11/01	4.820 CFS	
	<u>Total Diversion:</u>	4.820 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4	Sec. 13, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4	Sec. 18, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	L3 (SE1/4NW1/4SW1/4)	Sec. 18, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 5, Twp 07N, Rge 34E, B.M.
JEFFERSON County		

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 31-7131

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	17									40.0	40.0	39.0	40.0		38.0	35.0		232.0
07N	34E	18													40.0	40.0	40.0	40.0	160.0

Total Acres: 392

Conditions of Approval:

1. WB4 The total instantaneous diversion of water from all points of diversion under Rights 31-160B, 31-161B, 31-4011C and 31-7131 shall not exceed 5.17 cfs, nor total combined annual volume of 1372.0 af for the irrigation of 392.0 total acres.
2. X35 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. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. 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. Diversion of water from the two (2) wells located in NESE, S5, T7N, R34E shall not exceed a total diversion rate of 16.32 cfs.
8. T02 The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred points of diversion.
9. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. T19 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-7320

WATER RIGHT NUMBER: 31-7320

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TONY SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458
Current Owner	SHYLA SAUER 891 E 2100 N TERRETON, ID 83450 (208)716-1458

Priority Date: 12/18/1984

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>Annual Volume</u>
IRRIGATION	04/15 to 10/15	5.120 CFS	896.00 AF
	<u>Total Diversion:</u>	5.120 CFS	896.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 5, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	L3 (SE1/4NW1/4SW1/4)	Sec. 18, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 5, Twp 07N, Rge 34E, B.M.
JEFFERSON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	18	32.0	32.0	32.0	32.0					32.0	32.0	32.0	32.0					256.0
												L 3	L 4						

Total Acres: 256

78265

SCANNED
DEC 12 2012

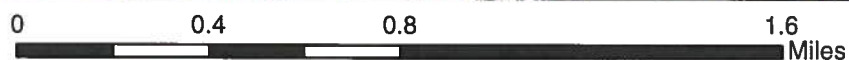
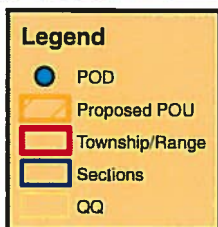
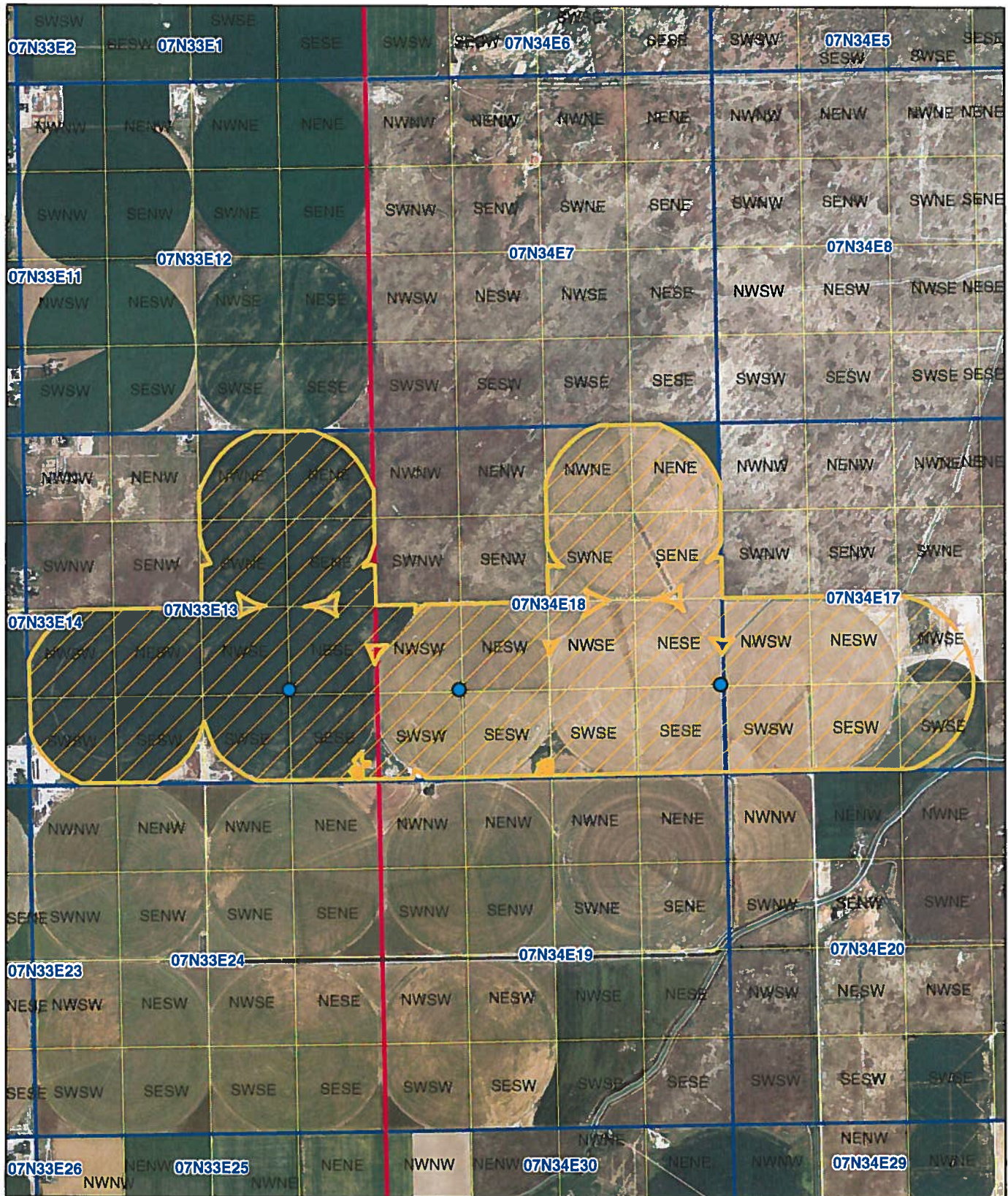
31-7320

Conditions of Approval:

1. S38 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. RIGHT NOS. 31-00160A, 31-00160B, 31-00161A, 31-00161B, 31-02299, 31-02415, 31-04011B, 31-04011C, 31-04012, 31-07131, 31-07320 AND 31-10652 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 26.90 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7350 AF.
3. SF1 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.
4. Unless modified by amendment of or replacement of the existing agreement dated October 24, 1985, by and between Joe Hartwell and Millie E. Hartwell, husband and wife, and Sauer Enterprises, an Idaho partnership, and a water right transfer or other official water right action subsequent to issuance of this license, the water contributed from the two wells in T07N, R34E, S05, NESE, to the total combined diversion rate of this right and all other rights diverted from these same two wells is limited to 16.32 cfs.
5. 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.
6. RIGHT NOS. 31-00160A, 31-00161A, 31-02299, 31-02415, 31-04011C, 31-04012, 31-07320 AND 31-10652 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 21.73 CFS.

DEC 12 2002

Proposed POU for Transfer 78160- Sauer

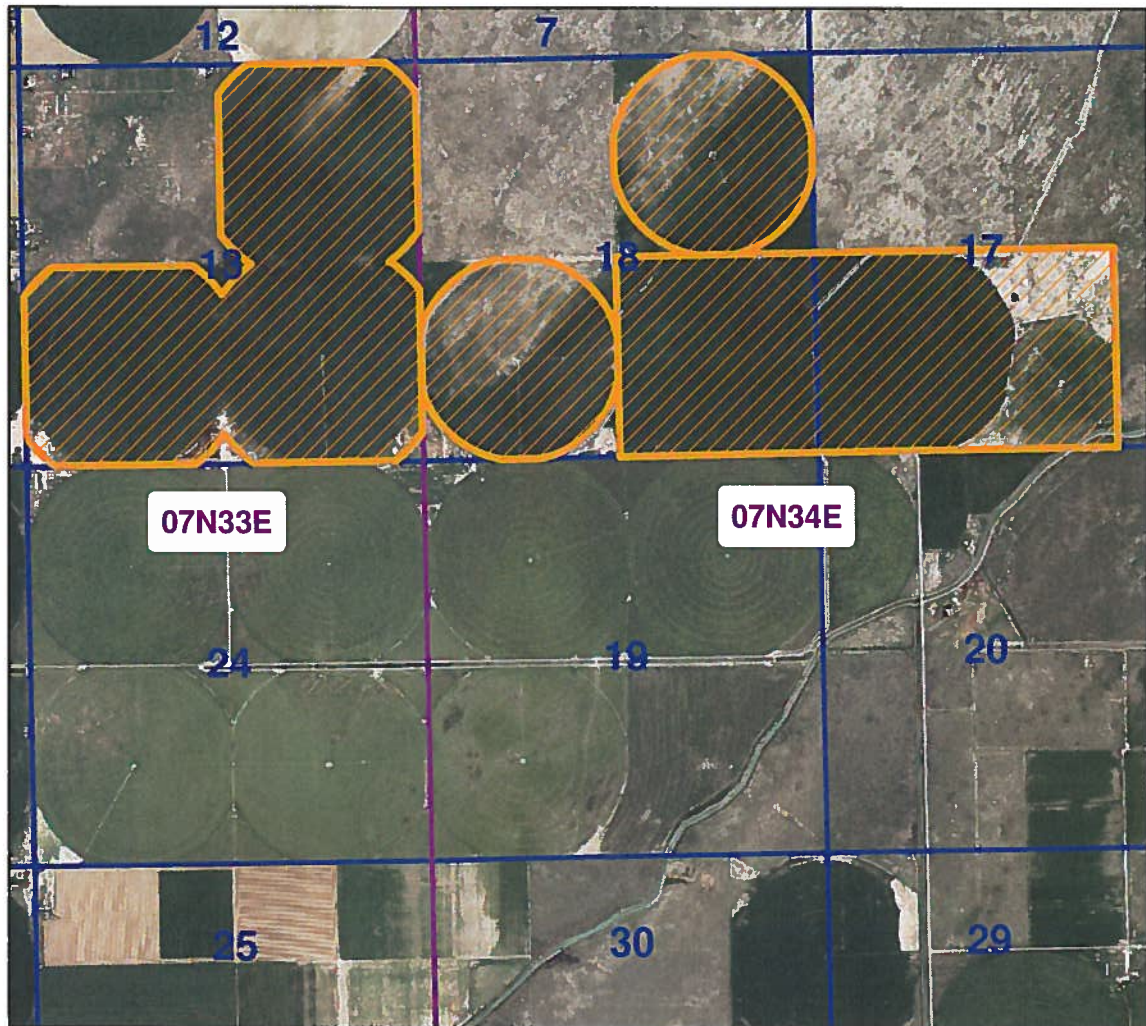


Prepared on October 18, 2012
By Denise Kidman
2011 Aerial Photography

78265

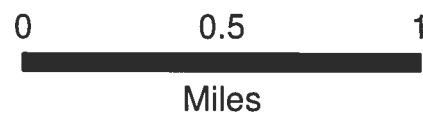


Sauer Transfer Map 2



Legend

	Township/Range
	Sections
	Water Right POU



2011 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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 <http://www.idwr.idaho.gov/>.

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 transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 <http://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**

Transfer No. _____

78160

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

Name of Applicant(s) Tony and Shyla SauerPhone 208-716-1458Mailing address 891 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**AUG 22 2012**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.

Tony Sauer
Signature of Applicant or Authorized Representative

Tony Sauer
Print Name and Title if applicable

8-10-12
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER*(Remove)*

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

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 create a single combined place of use for seven water rights. The water rights already list the three points of diversion in common. This transfer will rearrange the place of use to cover the acres currently irrigated. Unused PODs will be dropped from the rights.

78265

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					
☒ ☐	31-160B	0.75/136.5 af	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	31-161B	2.03/ 406 af	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	31-2299	3.14/ 770 af	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	31-2415	2.55	Irrigation	4/1 to 11/1	Ground Water
☒ ☐	31-4011C	1.75/ 742.8	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	31-7131	4.82	Irrigation	4/1 to 11/1	Ground Water
☒ ☐	31-7320	5.12/896 af	Irrigation	4/15 to 10/15	Ground Water
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 15.98 cfs and/or 3864 ac-ft

2. Total amount of water proposed to be transferred or changed 0.60 cubic feet per second and/or 145.3 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 #
		SW	NE	SE	13	07N	33E	Jefferson	Ground Water	A0005886
	3	SE	NW	SW	18	07N	34E	Jefferson	Ground Water	A0006136
			NE	SE	18	07N	34E	Jefferson	Ground Water	A0016301

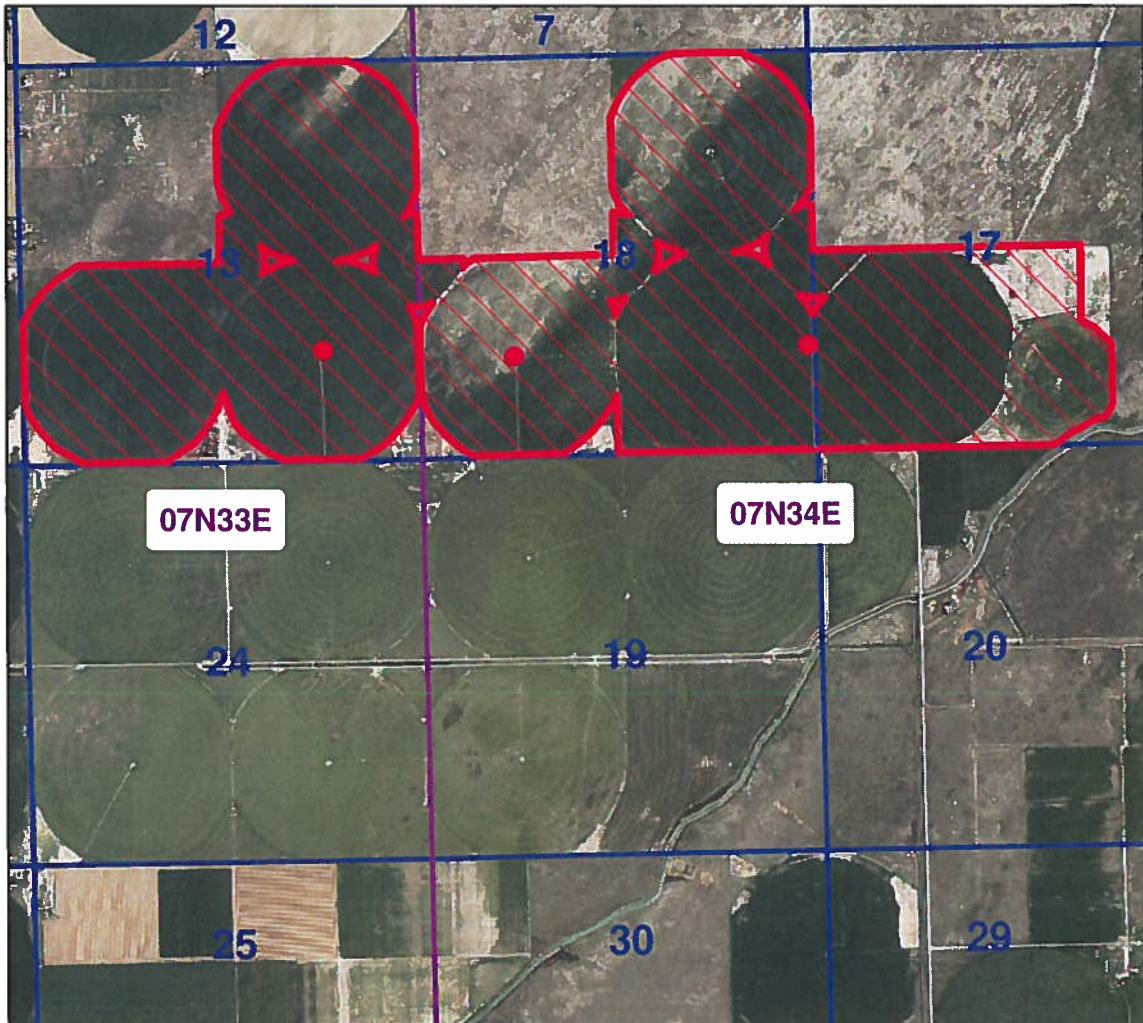
4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ 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	
07N	33E	13	33.8	33.8	38.5	38.7					40	34.4	33.6	33.9	38.8	39.6	33.7	32.7	431.5
07N	34E	17									40	39.8	40	40		31.9	31.9		223.6
07N	34E	18	33.3	34.4	38.7	38.8					40	38.4	33.5	33.8	39	39	40	40	448.9

Total Acres (for irrigation use) 1104

Sauer Transfer Map 1



Legend

-  Township/Range
-  Sections
-  Proposed POU
-  Proposed POD

0 0.5 1
Miles



2011 Aerial Photography

FIRST AMERICAN TITLE

394396-RT

AFTER RECORDING RETURN TO:

Gregory P. Meacham
Meacham & Dustin, PLLC.
2058 Jennie Lee
Idaho Falls, ID 83401
(208)522-0022

Instrument # 395993

RIGBY, JEFFERSON, IDAHO
02-08-2012 04:28:38 PM No. of Pages: 4
Recorded for: FIRST AMERICAN TITLE - RIGBY
CHRISTINE BOULTER Fee: \$19.00
Ex-Officio Recorder Deputy: LK
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

WARRANTY DEED

WARRANTY DEED made this 1st day of February, 2012, between Ray Sauer and Clarice Sauer, husband and wife, whose mailing address is 945 East 2100 North, Terreton, Idaho 83450, herein referred to as Grantors, and Tony Sauer and Shyla Sauer, husband and wife, whose mailing address is 891 East 2100 North, Terreton, Idaho 83450, herein referred to as Grantees, *Grantees taking as community property with right of survivorship*, witnesseth:

That Grantor, for and in consideration of the sum of TEN Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and does, by these presents, grant, bargain, sell, convey, and confirm unto Grantee and to his heirs and assigns forever, *as community property with right of survivorship as provided in Idaho Code § 5-6-401*, all the following described real estate located in the County of Jefferson County, State of Idaho:

TOWNSHIP 7 NORTH, RANGE 33 E.B.M., JEFFERSON COUNTY, IDAHO
SECTION 13: E½; SW¼.

EXCEPTING THEREFROM:

BEGINNING AT A POINT WHICH IS 700 FEET NORTH ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 7 NORTH, RANGE 33 E.B.M., JEFFERSON COUNTY, IDAHO; THENCE SOUTH ALONG THE SECTION LINE 700 FEET TO THE SOUTHEAST CORNER OF SAID SECTION; THENCE WEST ALONG THE SOUTH SECTION LINE 700 FEET; THENCE NORTH EASTERLY (APPROXIMATELY N. 45° E.) 989.98 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

TOWNSHIP 7 NORTH, RANGE 34 E.B.M., JEFFERSON COUNTY, IDAHO

SECTION 17: SW¼; NW¼SE¼ AND THAT PORTION OF THE SW¼SE¼ LYING NORTH AND WEST OF THE JEFFERSON IRRIGATION COMPANY CANAL.

SECTION 18: E½; SW¼.

WARRANTY DEED

Page

FIRST AMERICAN TITLE
394396-RT

AFTER RECORDING RETURN TO:

Gregory P. Meacham
Meacham & Dustin, PLLC.
2038 Jennie Lee
Idaho Falls, ID 83401
(208)522-0022

Recorded Electronically	
ID	395993
County	Jefferson
Date	2-8-12
Time	4:28
Simplifile.com 800.460.5657	

WARRANTY DEED

WARRANTY DEED made this 1st day of February, 2012, between Ray Sauer and Clarice Sauer, husband and wife, whose mailing address is 945 East 2100 North, Terreton, Idaho 83450, herein referred to as Grantors, and Tony Sauer and Shyla Sauer, husband and wife, whose mailing address is 891 East 2100 North, Terreton, Idaho 83450,, herein referred to as Grantees, *Grantees taking as community property with right of survivorship*, witnesseth:

That Grantor, for and in consideration of the sum of TEN Dollars (\$10.00) and other – good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and does, by these presents, grant, bargain, sell, convey, and confirm unto Grantee and to his heirs and assigns forever, *as community property with right of survivorship as provided in Idaho Code § 5-6-401*, all the following described real estate located in the County of Jefferson County, State of Idaho:

TOWNSHIP 7 NORTH, RANGE 33 E.B.M., JEFFERSON COUNTY, IDAHO
SECTION 13: E½; SW¼.

EXCEPTING THEREFROM:
BEGINNING AT A POINT WHICH IS 700 FEET NORTH ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 7 NORTH, RANGE 33 E.B.M., JEFFERSON COUNTY, IDAHO; THENCE SOUTH ALONG THE SECTION LINE 700 FEET TO THE SOUTHEAST CORNER OF SAID SECTION; THENCE WEST ALONG THE SOUTH SECTION LINE 700 FEET; THENCE NORTH EASTERLY (APPROXIMATELY N. 45° E.) 989.98 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

TOWNSHIP 7 NORTH, RANGE 34 E.B.M., JEFFERSON COUNTY, IDAHO

SECTION 17: SW¼; NW¼SE¼ AND THAT PORTION OF THE SW¼SE¼ LYING NORTH AND WEST OF THE JEFFERSON IRRIGATION COMPANY CANAL.

SECTION 18: E½; SW¼.

WARRANTY DEED

Page

EXCEPTING THEREFROM:

BEGINNING AT THE SOUTHEAST CORNER OF THE SW¼ OF SAID SECTION 18, TOWNSHIP 7 NORTH, RANGE 34 E.B.M., JEFFERSON COUNTY, IDAHO AND RUNNING THENCE NORTH 700 FEET THENCE SOUTHWESTERLY TO A POINT THAT IS 700 FEET WEST OF THE POINT OF BEGINNING; THENCE EAST 700 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

BEGINNING AT THE SOUTHEAST CORNER OF THE SW¼ OF SAID SECTION 18, TOWNSHIP 7 NORTH, RANGE 34 E.B.M., JEFFERSON COUNTY, IDAHO AND RUNNING THENCE NORTH 700 FEET; THENCE SOUTHEASTERLY TO A POINT THAT IS 700 FEET EAST OF THE POINT OF BEGINNING; THENCE WEST 700 FEET TO THE POINT OF BEGINNING.

SUBJECT TO:

1. Taxes and assessments for the year 2012 and all subsequent years.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. hhUnpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof.
4. All reservations, restrictions, easements, use restrictions, road and road rights of way, power line easements, canals and ditch rights of way, zoning restrictions, governmental regulations and protective covenants of record.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.

6. Easement granted to Utah Power & Light Company, a corporation, recorded September 23, 1940, in Book 112 of Miscellaneous, page 613.
(affects Sec. 13)
7. Easement granted to Utah Power & Light Company, a corporation, recorded August 22, 1953, in Book 154 of Miscellaneous, page 203.
(affects Sec. 13: NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$ & W $\frac{1}{2}$ NE $\frac{1}{4}$)
8. Easement granted to Utah Power & Light Company, a corporation, recorded September 11, 1953, in Book 154 of Miscellaneous, page 214.
(affects Sec. 13: W $\frac{1}{2}$ SW $\frac{1}{4}$)
9. Reservations in United States Patent, recorded October 30, 1973, as Instrument No. 168043.
(affects Sec. 17: NW $\frac{1}{4}$ SE $\frac{1}{4}$)
10. Provisions in Quitclaim Deed recorded May 28, 1979, as Instrument No. 197194.
(affects Sec. 18 & add'l land)
11. Agreement and Easement upon the terms, conditions and provisions contained therein:
Parties: Joe Hartwell and Millie E. Hartwell, husband and wife and Sauer Enterprises, an Idaho partnership
Recorded: November 18, 1985, Instrument No. 235450.
12. Common Irrigation Well Pumping and Water Delivery Agreement and Easement upon the terms, conditions and provisions contained therein:
Parties: Neal W. Sauer, Mildred Sauer, Ray N. Sauer and Clarice Sauer
Recorded: April 2, 1998, Instrument No. 290279

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, specifically including the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity.

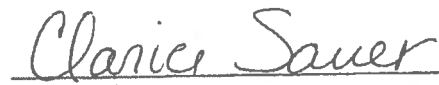
TO HAVE AND TO HOLD, all and singular the above-described premises together with the appurtenances unto grantee and to his heirs and assigns forever.

And Grantors and their heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantees and their heirs and assigns

against Grantors and Grantors' heirs and against all and every person and persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, Grantors' hands are set on the day and year first above written.

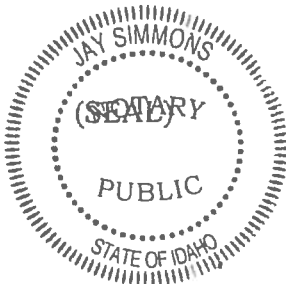

Ray Sauer


Clarice Sauer

STATE OF IDAHO)
County of Jefferson) ss.

On this 1st day of February, 2012 before me the undersigned, a Notary Public in and for the State of Idaho, personally appeared Ray Sauer and Clarice Sauer, husband and wife, known or proved to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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




Notary Public for the State of Idaho
Residing at: Jefferson County, ID.
My Commission expires: June 9 2013