Rec'd 4-18-2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
31-160B	Yes ☐	31-7131	Yes ☐		Yes ☐
31-161B	Yes ☐	31-7320	Yes ☐		Yes ☐
31-2299	Yes ☐		Yes ☐		Yes ☐
31-2415	Yes ☐		Yes ☐		Yes ☐
31-4011C	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Ray Sauer
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Tony Sauer
   Name of each new owner as listed on the conveyance document
   Shyla Sauer
   New owner continued Name connector ☐ and ☑ or ☐ and/or
   891 East 2100 North
   Mailing address
   Terreton | ID | 83450
   City | State | ZIP
   208-716-1458 | shyla.sauer@yahoo.com
   Telephone | Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
   ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
   ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: February 2, 2012.

6. This form must be signed and submitted with the following **REQUIRED** items:
   - A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   - Filing fee (see instructions for further explanation):
     - $25 per *undivided* water right.
     - $100 per *split* water right.
     - No fee is required for pending adjudication claims.

7. Signature: Tony Sauer — Signature of new owner/claimant | owner — Title, if applicable | 4-18-12 — Date
   Signature: Shyla Sauer — Signature of new owner/claimant | — Title, if applicable | 4-18-12 — Date

For IDWR Office Use Only:
Receipted by [illegible] Date 4/18/2012 Receipt No. E037501 Receipt Amt. $175.00
Approved by [illegible] Processed by [illegible] Date 4/17/2012

Form 42-248/42-1409(6) Rev. 07/10

SUPPORT DATA
21 11.02

FIRST AMERICAN TITLE
394396-RT

AFTER RECORDING RETURN TO:

Gregory P. Meacham
Meacham & Dustin, PLLC.
2058 Jennie Lee
Idaho Falls, ID 8340r
(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.

FIRST AMERICAN TITLE
394396-RT

AFTER RECORDING RETURN TO:

Gregory P. Meacham
Meacham & Dustin, PLLC.
2058 Jennie Lee
Idaho Falls, ID 8340r
(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.

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: NE¼SW¼; NW¼SE¼ & W½NE¼)

8. Easement granted to Utah Power & Light Company, a corporation, recorded September 11, 1953, in Book 154 of Miscellaneous, page 214.
(affects Sec. 13: W½SW¼)

9. Reservations in United States Patent, recorded October 30, 1973, as Instrument No. 168043.
(affects Sec. 17: NW¼SE¼)

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

Ray Sauer

Clarice Sauer

Clarice Sauer

STATE OF IDAHO)
: ss.
County of Jefferson)

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.

JAY SIMMONS NOTARY (SEAL) PUBLIC STATE OF IDAHO

Jay Simmons

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

Tony Sauer Farms
891 E. 2100 N.
Terreton, ID 83450
208-657-2379 | 208-657-2388 | shyla.sauer@yahoo.com

fax

TO:	James Cefalo	FROM:	Shyla Sauer
FAX:	208-525-7177	PAGES:	2
PHONE:	208-525-7161	DATE:	5/22/2012
RE:	Deed for Wayne	CC:	

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments: Here is what we found for the Warranty Deed for Wayne Sauer. Please email or call me if you need more information.

Thanks,

Shyla Sauer

For Value Received

Hathaway Custom Homes, Inc.
a corporation duly organized and existing under the laws of the State of Idaho, Grantor, does hereby Grant, Bargain, Sell and convey unto
Wayne Sauer and Lyssa Sauer, Husband and Wife
whose current address is: 945 E. 2100 N.
Terreton, ID 83445

the following described real estate, to-wit:

Section 18, Township 7 North, Range 34 East of the Boise Meridian, Jefferson County, Idaho. Beginning at the Southeast corner of the Southwest Quarter of said Section 18 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: Beginning at the Southeast corner of the Southwest Quarter of said Section 18 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.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee(s), that it is the owner of said premises; that they are free from all encumbrances EXCEPT: current year taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this September 3, 2009.

Hathaway Custom Homes Inc. by:

State of Idaho }
}ss.
County of Jefferson }

On this 3 day of September, 20 09, before me, a Notary Public in and for said state, personally appeared Wade Hathaway known to me to be the Vice President of the Corporation and acknowledged to me that pursuant to a Resolution of the Board of Directors, he/she executed the foregoing in said Corporation name.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

STACY BURGIE NOTARY PUBLIC STATE OF IDAHO

Notary Public for State of
Residing at: Residing in Jefferson County
Commission Expires: Commission Expires: 12-17-14

State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

June 19, 2012

C. L. "BUTCH" OTTER
Governor
GARY SPACKMAN
Interim Director

Tony Sauer
Shyla Sauer
891 E 2100 N
Terreton ID 83450

RE: Change in Ownership Water Right No. 31-160B, 31-161B, 31-2299, 31-2415, 31-4011C, 31-7131 & 31-7320

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Thank you for your prompt response to our letter dated June 11, 2012.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

**** **Evidence of Water Right Ownership**: On June 15, 2012 the department received a copy of the conveyance deed from Hathaway Custom Homes Inc to Wayne and Lyssa Sauer however the deed did not specifically withhold the water rights. In order for the department to complete your ownership change without a split, the department will require documentation indicating the water right was specifically withheld from Wayne and Lyssa Sauer's property. Please provide the department with one of the following:

1. A QuitClaim Deed from Wayne and Lyssa Sauer to Tony and Shyla Sauer for the portion of the water rights on their property.

Or

2. A letter from Wayne Sauer confirming that the water rights were not included with the sale of his property.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions.

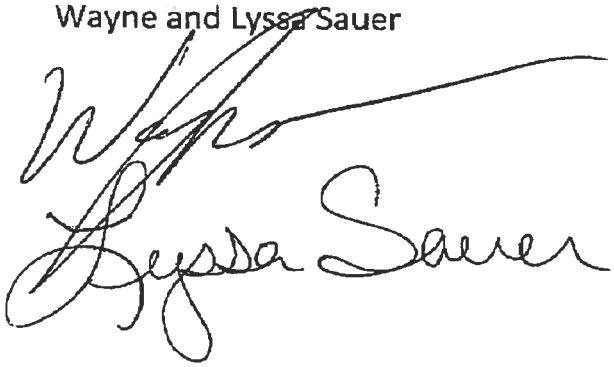
Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

Dear Department of Water Resources, July 11,2012

We would like to acknowledge the fact we have received and reviewed the letter sent to Tony and Shyla Sauer regarding the water rights. When the land in question was deeded to us the water rights were not included with the land. Therefore we are sending this letter of acknowledgement that we do not own the farm water rights to this property. Thanks. If you do have any questions please feel free to give Wayne or I a call at 541-639-4102.

Regards,

Wayne and Lyssa Sauer