

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

75975
75975

Name of Applicant Sauer Farms Inc, c/o Neal W. Sauer Phone (208) 339-5891 [Cell]
Mailing address 1305 Sauer Rd, Montevue, ID 83435 Email (208) 657-2221

- ☒ 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 Keith C. Wilson c/o Rocky Mountain Environmental Associates, Inc. Phone (208) 524-2353 / Fax 524-1795
Mailing address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Email kwilson@rockymountainenvironmental.com

☐ 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.

Neal Sauer
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

15 Sept 09
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change Point of Diversion ☐ Add diversion point(s) ☒ Change Place of use
☐ Change Nature of Use ☐ Change Period of Use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation used to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attached additional pages if necessary and label it **Part 1A.2**. Acres in the SW corner of the SWNW Sec 29, T09N, R34E that are currently irrigated will no longer be irrigated. The transfer moves 5 acres of water right but reduces the 5 acres to 3.1 acres. Only 0.06 cfs of the 0.07 cfs diversion rate that is associated with the original 5 acres will be transferred. The remaining 0.01 cfs not transferred will remain with the original right leaving the original remaining water right with 1.56 cfs for 112 acres instead of 1.55 cfs for 112 acres. No new system development required as the new place of use and new point of diversion proposed will use an existing system.

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SEP 23 2009

Department of Water Resources
Eastern Region

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHT(S) 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 ☐ ☒	32-2127D	0.06	Irrigation	04/01 to 11/01	Ground Water
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
Total authorized under rights		0.06	cfs and/or _____	ac-ft	

2. Total amount of water being transferred or changed 0.06 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4).
☒ Attach Eastern Snake Plain Aquifer analysis if this transfer proposed 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 #
No		SE	SE	NW	28	9N	34E	Jefferson	Ground Water	Pivots #39 & #44
								Clark		

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				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	34E	28			0.3				1.4	0.8						0.6			3.1

Total Acres (for irrigation use) 3.1

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Described 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: Well pump mainline to irrigation system. Mainline will accommodate a measuring device and the electrical panel can offer lockable controlling works. No new system development required as the new place of use and new point of diversion proposed will use an existing system that provides water to Pivot #39 and Pivot #44.

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? No, ☐
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: Bank of Commerce c/o Western Ag Credit

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgage, 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 affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Place of Use will no longer be irrigated.

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) of use: The original place of use in the SW corner of the SWNW Sec 29, T09N, R34E was irrigated with only 32-2127D, using two wells located in the NWNW Sec 29, and the NENE Sec 22, T09N, R34E. No water rights are appurtenant to the new place of use that will be irrigated by an existing system that provides water to Pivot #39 and Pivot #44.

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: _____

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 2A

75975

WATER RIGHT NO. 32-2127D

Owner Type Name and Address

Current Owner	DIANE SAUER	Security Interest	THE BANK OF COMMERCE
	2104 SAUER FARMS RD		C/O WESTERN AG CREDIT
	MONTEVIEW, ID 83435		10980 W SOUTH JORDAN GATEWAY
			PO BOX 95850
			SOUTH JORDAN, UT 84095-0850

Priority Date: 10/25/1966

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 4/01 11/01 1.62 CFS 351 AFA

Total Diversion 1.62 CFS

Location of Point(s) of Diversion:

GROUND WATER	NENENE	Sec. 22	Township 09N	Range 34E	CLARK County
GROUND WATER	NWNWNW	Sec. 29	Township 09N	Range 34E	CLARK County

Place of Use Legal Description: IRRIGATION CLARK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09N	34E	29		NENW	39		NWNW	39		SWNW	39			

Total Acres: 117

Conditions of Approval:

- USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 577 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS: 32-02127A, 32-02127B 32-02127C, 32-02140B.
- PLACE OF USE KNOWN AS PIVOT #27
- 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.
- THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION WELL 48 DESCRIBED ABOVE: 32-02127A, 32-02140B. RIGHT NUMBER 32-02140B IS ALSO DIVERTED THROUGH POINT OF DIVERSION WELL #27 DESCRIBED ABOVE.

Decreed Date: 10/27/2000

Water District Number: 110

Combined Acres Limit: 577

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

75975

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1 B.1. of the application, attach a Part 2A report obtained from any Department office or from the Department's website @ <http://idwr.idaho.gov/> , Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

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

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

Right Number: 32-2127D

1.	Amount	<u>0.06</u>	(cfs/ ~~ac-ft~~)	for	<u>Irrigation</u>	purposes from	<u>04/01</u>	to	<u>11/01</u>
	Amount	_____		for	_____	purposes from	_____	to	_____
	Amount	_____		for	_____	purposes from	_____	to	_____
	Amount	_____		for	_____	purposes from	_____	to	_____
	Amount	_____		for	_____	purposes from	_____	to	_____
	Amount	_____		for	_____	purposes from	_____	to	_____
	Amount	_____		for	_____	purposes from	_____	to	_____
	Amount	_____		for	_____	purposes from	_____	to	_____

2. Lands irrigated or place of use: (if irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	34E	29							5.0										5.0

Total Acres 5.0

75975

75 97 5

75 97 5



IDAHO SECRETARY OF STATE

Viewing Business Entity

Ben Ysursa, Secretary of State

SAUER FARMS, INC.

1305 SAUER RD, MONTEVIEW, ID 83435

Type of Business: CORPORATION, GENERAL BUSINESS
Status: GOODSTANDING, ANREPT SENT 01 Oct 2008
State of Origin: IDAHO
Date of Origination/Authorization: 27 Dec 1977
Current Registered Agent: NEAL SAUER
 1305 SAUER RD
 MONTVIEW, ID 83435
Organizational ID / Filing Number: C57306
Number of Authorized Stock Shares: 1
Date of Last Annual Report: 20 Oct 2008

Original Filing:

Filed 27 Dec 1977 INCORPORATION

No. C 57306		Due no later than December 31, 2008	
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080		Annual Report Form	
NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address - Correct in this box, if applicable SAUER FARMS, INC. NEAL W SAUER 1305 SAUER RD MONTEVIEW, ID 83435	
		2. Registered Agent and Office NO PO BOX NEAL SAUER 1305 SAUER RD MONTVIEW, ID 83435	
		3. New Registered Agent Signature	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.			
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u> <u>State</u> <u>Zip</u>
	Neal Sauer Pres	1305 Sauer Road	Montevieu Id. 83435
	Dr Mildred Sauer		
5. Organized Under the Laws of: IDAHO C 57306		6. Signature <i>Mildred Sauer</i> Date 10/17/08	
Issued 10/01/2008		Name <i>Mildred Sauer</i> Title <i>Sec</i>	

Do Not Tape or Staple

200812000449

Authorization

I Diane Sauer of 2104 Sauer Rd, Montevieu, ID 83435, hereby authorize Neal W. Sauer of 1305 Sauer Rd, Montevieu, ID 83435, to transfer up to 6 acres of water right 32-2127D from the SW corner of the SWNW Sec 29. T9N, R34E and up to 6 acres of water right 32-2140E from the NW corner of the NWSW Sec 29. T9N, R34E, to be used upon lands owned by Neal W. Sauer.

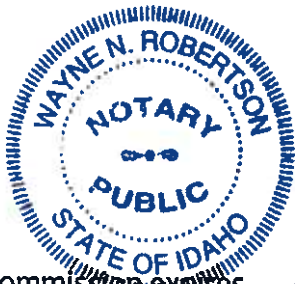
Diane Sauer
Diane Sauer

State of Idaho

County of Madison

On this 21st day of July, 2009, before me the undersigned Notary Public in and for said state, personally appeared Diane Sauer, known or identified to me to be the persons whose name is subscribed to the within and forgoing instrument, and acknowledged to me executed the same.

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



My commission expires 12-25-2009

Wayne N. Robertson
Notary Public for Idaho
Residing at Lesburg

Mail Property Tax Notice To:

Diane Sauer
HC 63 Box 2104
Montevieu, Idaho 83435

Microfilm No. 050464
23 Day Feb 20 04
At 10:04 O'Clock A M
Clark Co. Recorder
Fee \$ 3 -

Donny Nordstrom Deputy
Recorded at Request of
Anderson, Nelson, Hall & Smith

DEED OF DISTRIBUTION BY PERSONAL REPRESENTATIVE

THIS DEED is made by DIANE SAUER, as personal representative of the estate of LORIN REED SAUER (a/k/a LORIN SAUER), deceased, Grantor, to DIANE SAUER, Grantee, whose current address is HC 63 Box 2104, Montevieu, Idaho 83435.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. SP-03-03 in Clark County, Idaho;

AND WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

NOW, THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Clark County, Idaho:

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

Section 29: NW¼; E¼

Subject to an easement appurtenant to and benefitting E¼ Section 19, Section 20, and W¼ Section 21, Township 9 North, Range 34 E.B.M., for ingress and egress over and across the West 20 feet of the NW¼ of Section 29.

Together with all water rights of every kind and description appurtenant thereto, including well and water delivery rights and easements, and specifically including the following:

LICENSE NO.	PRIORITY DATE	C.E.S.
A32-02127S	25OCT66	2.000
A32-02140AS	21JUN57	6.72

Subject to unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof, and all reservations, restrictions, easements, road and road rights of way, ditch and ditch rights of way, zoning restrictions, governmental regulations and protective covenants of record and appearing on land.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way, and water rights anywise appertaining to the property herein described.

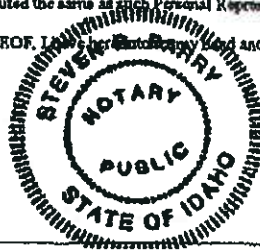
EXECUTED this 13 day of Jan, 2004.

Diane Sauer
DIANE SAUER, Personal Representative of the Estate of
Lorin Reed Sauer, deceased.

STATE OF IDAHO)
County of Bannock) ss.

On this 13 day of January, 2004, before me the undersigned, a Notary Public in and for said state, personally appeared DIANE SAUER, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Lorin Reed Sauer, deceased, and acknowledged to me that she executed the same as such Personal Representative.

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



Steven R. Rasmussen
Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: 7/1/2007

L:\wp53597D\Deed Parcel 1.rpd

Authorization

I Diane Sauer of 2104 Sauer Rd, Montevieu, ID 83435, hereby authorize Neal W. Sauer of 1305 Sauer Rd, Montevieu, ID 83435, to transfer up to 6 acres of water right 32-2127D from the SW corner of the SWNW Sec 29. T9N, R34E and up to 6 acres of water right 32-2140E from the NW corner of the NWSW Sec 29. T9N, R34E, to be used upon lands owned by Neal W. Sauer.

Diane Sauer
Diane Sauer

State of Idaho
County of Madison

On this 21st day of July, 2009, before me the undersigned Notary Public in and for said state, personally appeared Diane Sauer, known or identified to me to be the persons whose name is subscribed to the within and forgoing instrument, and acknowledged to me executed the same.

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



My commission expires 12-25-2009

Wayne N. Robertson
Notary Public for Idaho
Residing at Lesburg

ESPA Ground Water Rights Transfer Spreadsheet Data Summary							
TRANSFER NO:				PREPARED BY: Rocky Mountain Environmental Associates - Keith C. Wilson			
TRANSFER NAME:		Sauer - East		DATE:		August 13, 2009	
				Transfer Tool Version		Version 3.1	
WATER RIGHTS INVOLVED:				HISTORIC BENEFICIAL USE:			
Group 1 Transfer Rights		Group 2 Add. Mitigation Rights		Trans/Mit. Rights	Acres to	Beneficial Use	Total
Right No.	Priority Date	Right No.	Priority Date	(group no.)	Dry Up (ac)	(afa/yr)	(af/yr)
32-2127D	10/25/1966			1	5.0	3.0	15.0
MODEL CELL LOCATIONS:							
	TO WELL	FROM1 WELL	FROM2 WELL	FROM3 WELL			
ROW	27	26	27	0			
COLUMN	162	161	164	0			
				$\frac{2}{3}$ Total - Well #1 (NWNW Sec 29, T09N, R34E) $\frac{1}{3}$ Total - Well #2 (NENE Sec 22, T09N, R34E)			
	Start Date		End Date		Water Use		Acres Authorized
	Season	Year	Season	Year	Annual (af/yr)	Trimester (af/trimester)	(acres)
TO Well (Projected Use)	SPRING	2010	SPRING	2116	9.3	3.1	3.1
FROM1 Well (With Transfer)	SUMMER	1966	WINTER	2009	6.2	2.067	2.067
	SPRING	2010	WINTER	2116	0.0	0.0	0.0
FROM1 Well (W/O Transfer)	SUMMER	1966	WINTER	2116	6.2	2.067	2.067
FROM2 Well (With Transfer)	SUMMER	1966	WINTER	2009	3.1	1.033	1.033
	SPRING	2010	WINTER	2113	0.0	0.0	0.0
FROM2 Well (W/O Transfer)	SUMMER	1966	WINTER	2116	3.1	1.033	1.033
FROM3 Well (With Transfer)							
FROM3 Well (W/O Transfer)							

Transfer proposes to transfer 5 acres of water right 32-2127D, but reduce the transferred acres to 3.1 ac. Only 0.06 cfs of the 0.07 cfs diversion rate that is associated with the original 5 acres will be transferred. The remaining 0.01 cfs not transferred will remain with the original right leaving the original water right with 1.56 cfs for 112 acres instead of 1.55 cfs for 112 acres.

Total Transferred = 9.3 afa Well #1 (NWNW Sec 29, T09N, R34E) to provide $\frac{2}{3}$ of 9.3 afa = 6.2 afa = 2.067 ac-ft/tri
 Well #2 (NENE Sec 22, T09N, R34E) to provide $\frac{1}{3}$ of 9.3 afa = 3.1 afa = 1.033 ac-ft/tri

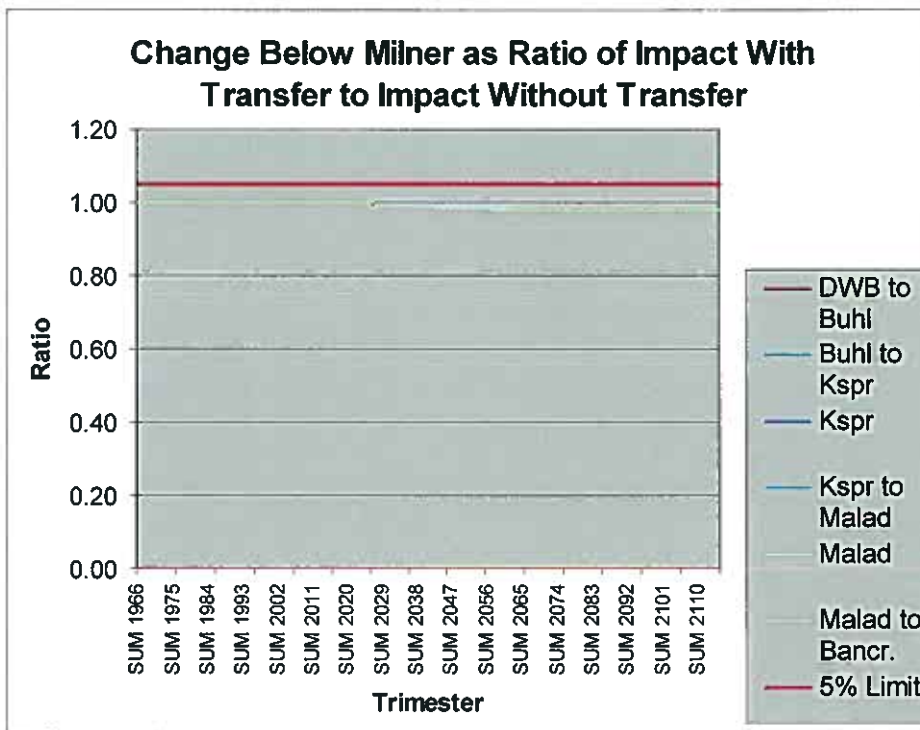
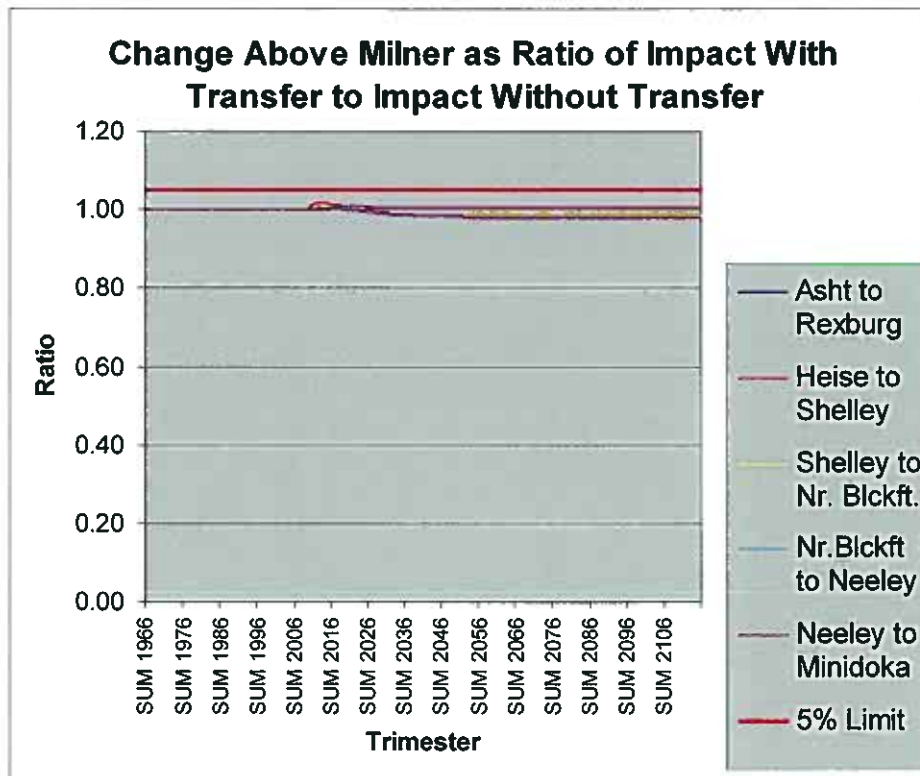
Data Entry Sheet:

ENHANCED GROUND-WATER RIGHTS TRANSFER SPREADSHEET					
UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE					
IDAHO DEPARTMENT OF WATER RESOURCES					
ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON		TRANSFER NO:			
YEAR	1966	TRANSFER NAME: Sauer - EAST			
SEASON	SUMMER				
ENTER CELL LOCATIONS:		(NWNW Sec 29)	(NENE Sec 22)		
	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL	
ROW	27	26	27	0	
COLUMN	162	161	164	0	
TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL	
	Projected Use	With Transfer	With w/o Transfer	With Transfer	Without Transfer
	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER
SUM 1966	0	2.067	2.067	1.033	1.033
WIN 1966	0	2.067	2.067	1.033	1.033
	0	2.067	2.067	1.033	1.033
SPR 2008	0	2.067	2.067	1.033	1.033
SUM 2008	0	2.067	2.067	1.033	1.033
WIN 2008	0	2.067	2.067	1.033	1.033
SPR 2009	0	2.067	2.067	1.033	1.033
SUM 2009	0	2.067	2.067	1.033	1.033
WIN 2009	0	2.067	2.067	1.033	1.033
SPR 2010	3.1	0	2.067	0	1.033
SUM 2010	3.1	0	2.067	0	1.033
WIN 2010	3.1	0	2.067	0	1.033
SPR 2011	3.1	0	2.067	0	1.033
SUM 2011	3.1	0	2.067	0	1.033
WIN 2011	3.1	0	2.067	0	1.033
SPR 2012	3.1	0	2.067	0	1.033
SUM 2012	3.1	0	2.067	0	1.033
WIN 2012	3.1	0	2.067	0	1.033
SPR 2013	3.1	0	2.067	0	1.033
SUM 2013	3.1	0	2.067	0	1.033
WIN 2013	3.1	0	0	0	0
SPR 2104	3.1	0	2.067	0	1.033
SUM 2104	3.1	0	2.067	0	1.033
WIN 2104	3.1	0	2.067	0	1.033

Spring, Summer and Winter trimester values were calculated as follows:

Irrigation (04/01-11/01)

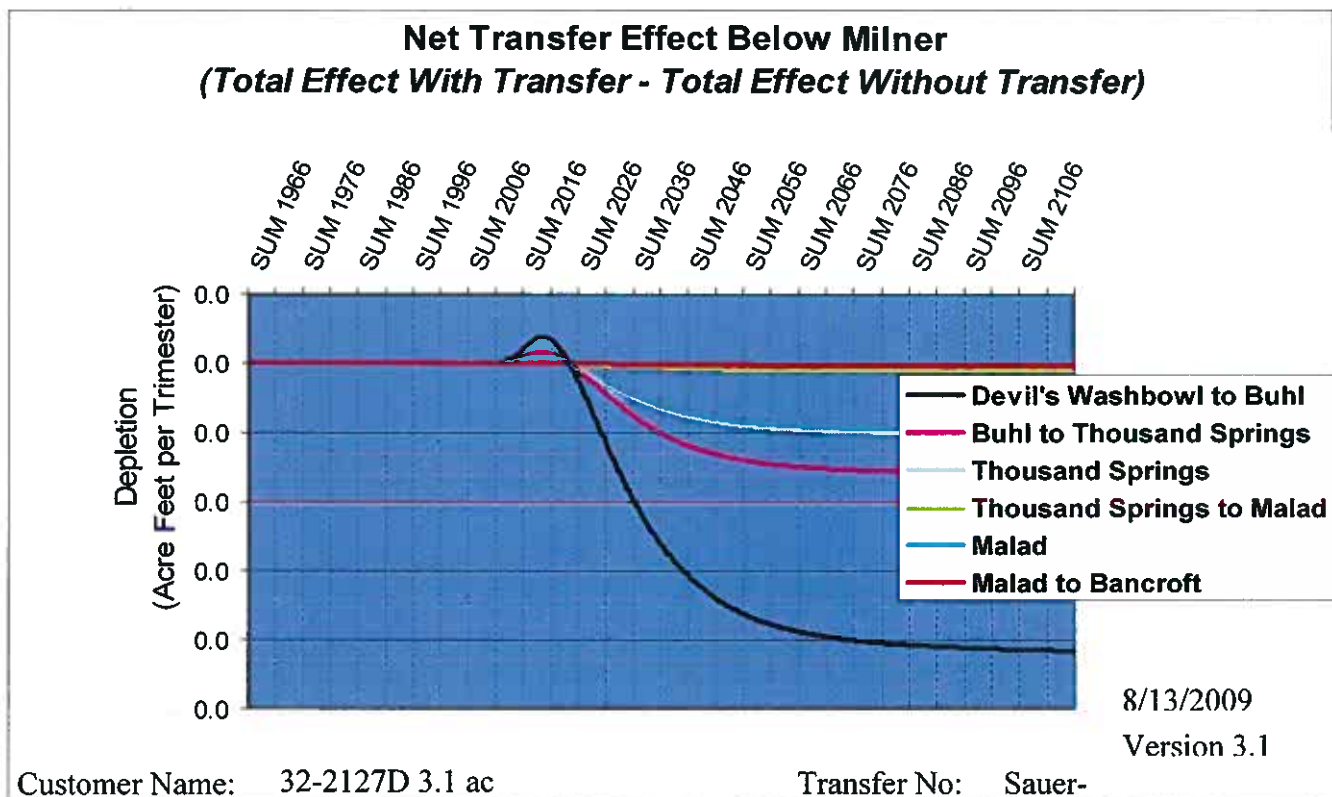
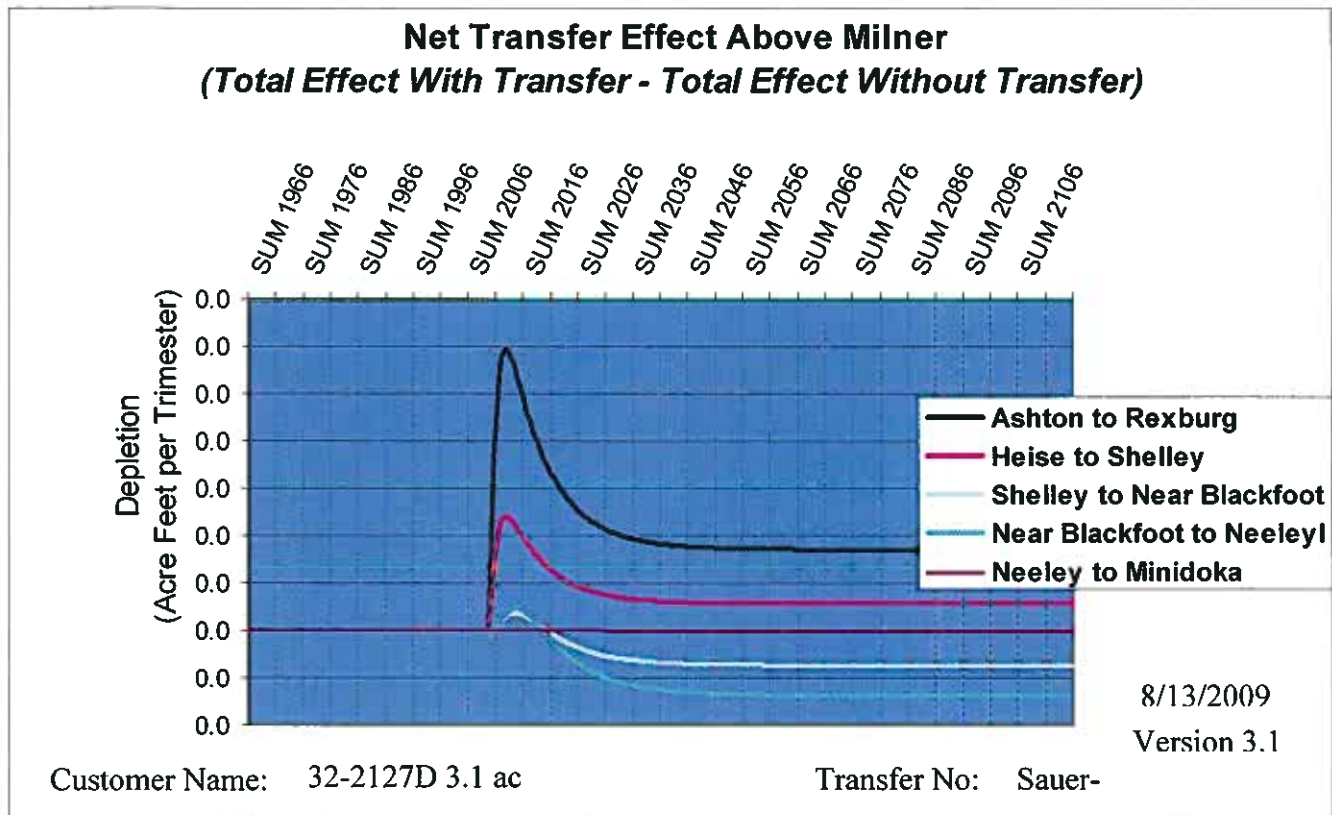
Total Transferred = 9.3 afa Well#1 was considered to provide $\frac{2}{3}$ of 9.3 afa = 6.2 afa = 2.067 ac-ft/triWell#2 was considered to provide $\frac{1}{3}$ of 9.3 afa = 3.1 afa = 1.033 ac-ft/tri

Change Ratio Chart:

Net transfer Effect (AF/four months)

Any depletion less than or equal to 2.0 ac-ft/trimester is considered insignificant

Net Transfer Effect Charts:



Summary:

The transfer proposes to transfer 3.1 acres of 32-2127D from the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 29, T09N, R34E to a point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 28, T09N, R34E within the Eastern Snake Plain Aquifer.

The analysis results in the Change Ratio that does not exceed the allowable depletion of 10% (1.10) with the maximum Change Ratio of 2% (1.02) occurred in the Ashton to Rexburg and Heise to Shelley reaches.

The Net Effects (ac-ft/ trimester) for the most affected reaches of Ashton to Rexburg, Heise to Shelley, Shelley to Near Blackfoot & Near Blackfoot to Neeley do not have values greater than 0.0 ac-ft/trimester.

Increases in depletion to hydraulically-connected reaches of the Snake River in the amount of two acre-feet or less per trimester is considered insignificant and will not require mitigation for the proposed transfer to be approvable.



10980 South Jordan Gateway
P.O. Box 95850
South Jordan, UT 84095
(801) 571-9200
1-800-824-9198
Administrative Fax (801) 571-9481
Accounting Fax (801) 571-1641

June 24, 2009

 **COPY**

STATE OF IDAHO
Department of Water Resources
Attn: Bobby Kern
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

RE: Notice of Partial Release of Water Rights for Diane Sauer
The Bank of Commerce Loan No. 4100833-851

Dear Ms. Kern:

Please be advised that **The Bank of Commerce** hereby releases a partial security interest in the below described water rights currently owned by Diane Sauer:

6 acres of water rights from Water Right Number: 32-2127D
6 acres of water rights from Water Right Number: 32-2140E

The Bank of Commerce hereby confirms and retains a lien on the remaining portion of the water rights to secure the indebtedness associated with the loan number referenced above. Please accept and retain this letter as evidence that the **water right portions** described above are hereby released from the lien of record in favor of The Bank of Commerce.

If you have any questions or concerns regarding this matter, please contact the undersigned at (800)824-9198. Your assistance in this matter is appreciated.

Sincerely,

The Bank of Commerce
c/o Western AgCredit, FLCA, Servicing Agent

David G. Brown
Vice President - Credit Services

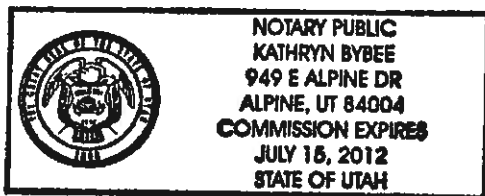
cc: Diane Sauer
Keith C. Wilson – Rocky Mountain Environmental



Notary Acknowledgment:

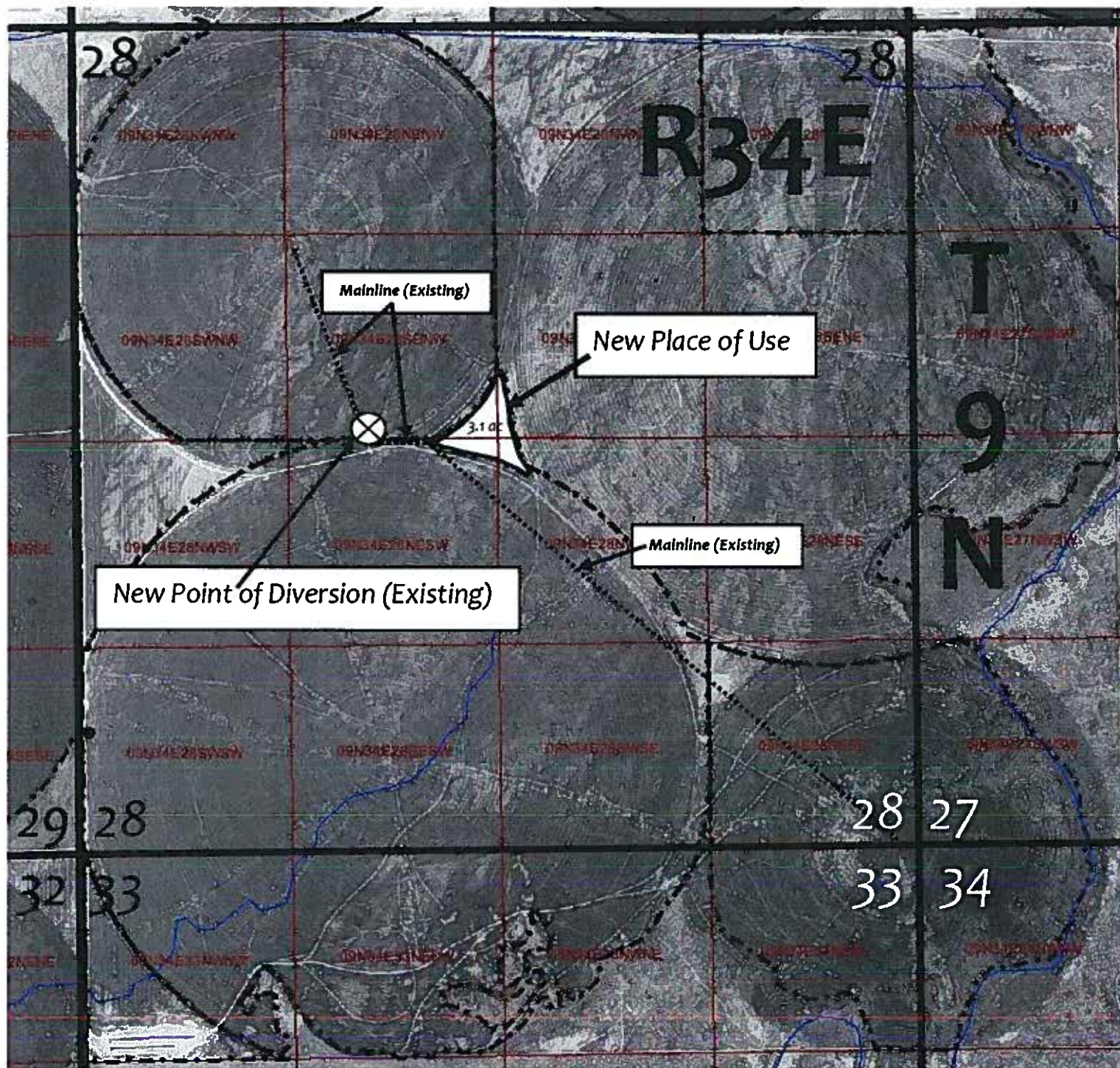
STATE OF UTAH)
)
) ss.
COUNTY OF SALT LAKE)

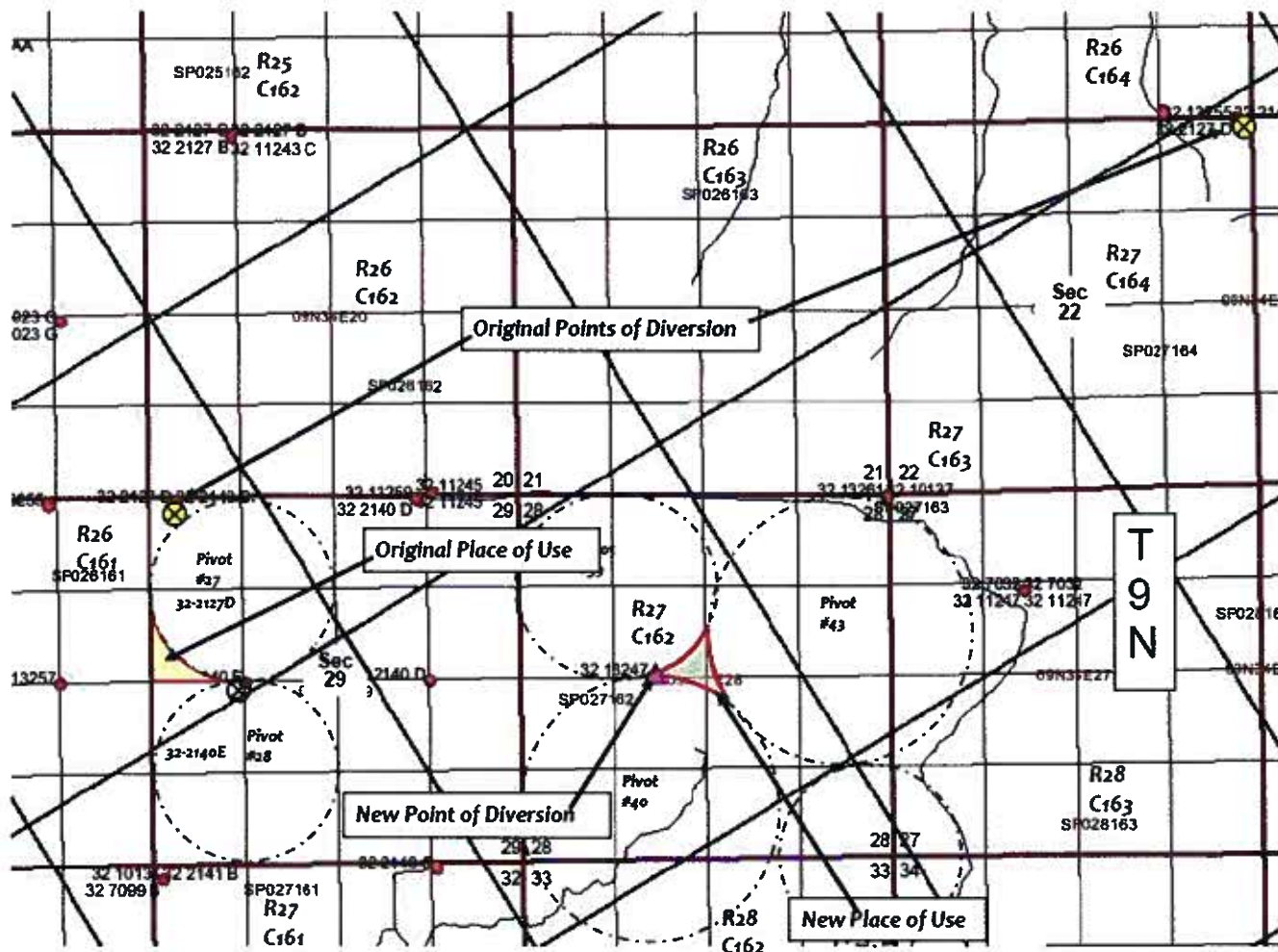
On this 26 day of June, 2009, before me, the undersigned Notary Public in and for said County and State, personally appeared DAVID G. BROWN, personally known to me to be the person who executed the within instrument as VICE PRESIDENT – CREDIT SERVICES of WESTERN AGCREDIT, FLCA, which is the SERVICING AGENT for THE BANK OF COMMERCE, or on behalf of the corporation therein named, and acknowledged to me that the corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.



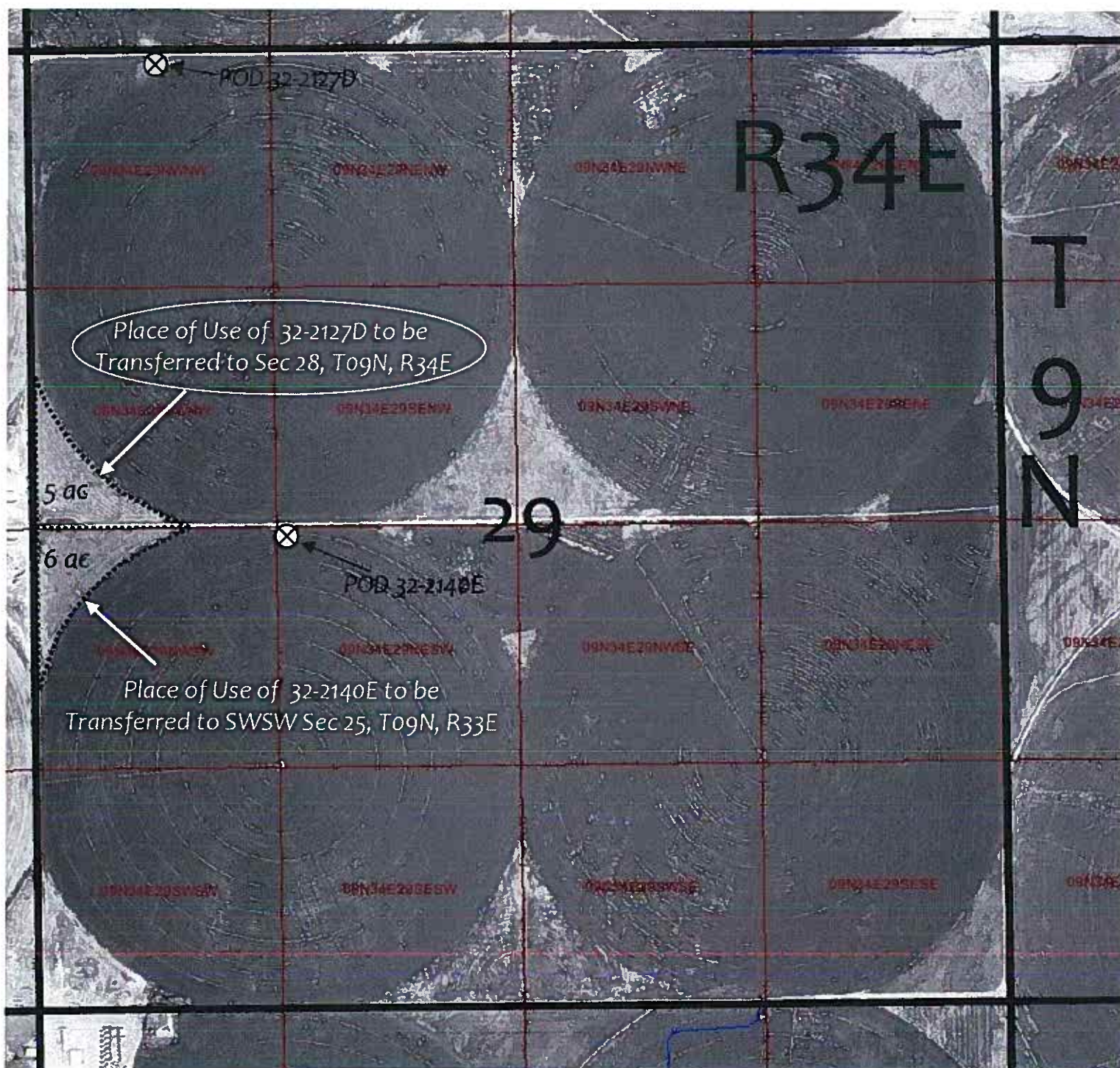
WITNESS my hand and official seal

Kathryn Bybee
Notary Public in and for said County and State





R34E



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.
- ☒ ☐ #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).
- ☒ ☐ #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/water/rights/>.
- ☒ ☐ #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.)
- ☐ ☒ #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: _____

RECEIVED

SEP 23 2009

Department of Water Resources
Eastern Region

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