

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

75974

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

(208) 339-5891 [Cell]

Name of Applicant Sauer Farms Inc, c/o Neal W. Sauer Phone (208) 339-5891Mailing address 1305 Sauer Road, Montevieu, ID 83435 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 RepresentativeName of Representative Keith C. Wilson c/o Rocky Mountain Environmental Associates, Inc Phone (208) 524-2353 / Fax 524-1795Mailing 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.

Sauer Farms Inc
Neal Sauer Pres

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 that are currently irrigated will no longer be irrigated and applicant wishes to transfer the acres in the NW corner of the center pivot in the NWSW Sec 29, T09N, R34E to the SW corner of the center pivot SWSW Sec 25, T09N, R33E to ground that is more productive and easier to irrigate. No new system development required as the new place of use and new point of diversion proposed will use an existing system.



482 Constitution Way, Ste 303, Idaho Falls, ID 83402

SEP 23 2009

Department of Water Resources
Eastern Region

- 75974

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 ☐ ☒	32-2140E	0.12 cfs	Irrigation	04/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
Total authorized under rights		0.12	cfs and/or	ac-ft	

2. Total amount of water being transferred or changed 0.12 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	NW	SW	26	09N	33E	Clark	Ground water	Pivots #1 & #2

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	
09N	33E	25											6.0						6.0

Total Acres (for irrigation use) 6.0

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: The diversion system consist of a well mainline to two center pivots (Pivots #1 & #2) and laterals with sprinklers. The mainline then goes under the highway to the new place of use for irrigation of the corner of the SWSW Sec 25, T9N, R33E. A measuring device can be attached to the mainline and the electrical panel can be locked to provide for a the 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.

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: N/A

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:

The 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 diversion system for the new place of use is also used under water rights 32-7064, 32-7065 and 32-11241. The new place of use has no other water rights. The original Place of Use was irrigated under 32-2140E with P/D in the NESW Sec 29, T09N, R34E.

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: _____

75974

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

75 97 4

WATER RIGHT NO. 32-2140E**Owner Type Name and Address**

Current Owner DIANE SAUER

Security Interest THE BANK OF COMMERCE
C/O WESTERN AG CREDIT

Priority Date: 01/21/1957

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 4/01 11/01 3.04 CFS 532 AFA

Total Diversion 3.04 CFS

Location of Point(s) of Diversion:

GROUND WATER

NESW	Sec. 29	Township 09N	Range 34E	CLARK County
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Place of Use Legal Description: IRRIGATION CLARK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09N	34E	29		NESW	40		NWSW	40		SWSW	33		SESW	39

Total Acres: 152

Conditions of Approval:

- 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.
1. C18 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
 2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
 3. C05

Decreed Date: 10/27/2000

75 97 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 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: 32-2140E

1.	Amount	<u>0.12</u>	(cfs/acre-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 1/4 1/4 tract.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	34E	29										6.0							6.0

Total Acres 6.0

75 97 4

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid _____ Date _____ Received by Blase Receipt # E035362

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



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		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080		1. Mailing Address - Correct in this box if applicable SAUER FARMS, INC. NEAL W SAUER 1305 SAUER RD MONTEVIEW, ID 83435		NEAL SAUER 1305 SAUER RD MONTVIEW, ID 83435	
NO FILING FEE IF RECEIVED BY DUE DATE				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	Montevideo	Id.	83435
	Mr Mildred Sauer				
5. Organized Under the Laws of: IDAHO C 57306		6. Signature <i>Mildred Sauer</i> Date <i>10/17/08</i>			
Issued 10/01/2008		Name <i>Mildred Sauer</i> Title <i>Sec</i>			
Do Not Tape or Staple					
200812000440					

Authorization

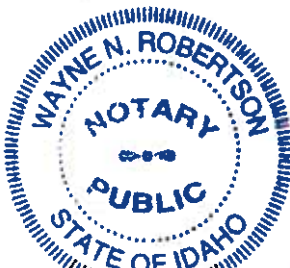
I Diane Sauer of 2104 Sauer Rd, Montevue, ID 83435, hereby authorize Neal W. Sauer of 1305 Sauer Rd, Montevue, ID 83435, to transfer up to 6 acres of water right 32-2127D from the SW corner of the SWNW Sec 29. T9N, R34E and up to 6 acres of water right 32-2140E from the NW corner of the NWSW Sec 29.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

Mail Property Tax Notice To:

DIANE SAUER
HC 63 Box 2104
Monteview, Idaho 83435

Microfilm No. **050703**
12 Day July 20 04
At 11:15 O'Clock A M
CONNIE S. OWEN
Clark Co. Recorder
Fee \$ 6-
Becky Nordstrom Deputy
Recorded at Request of
Anderson, Nelson, Hall
Smith

GRANT DEED
(Pursuant to Corporate Dissolution)

L & D Farms, Inc., an Idaho corporation existing under and by the virtue of the laws of the State of Idaho, and duly authorized to transact business in the State of Idaho, with its principal place of business in Clark County, State of Idaho, herein referred to as "Grantor," hereby grants and conveys the following-described property to DIANE SAUER, a single woman, whose mailing address is HC 63 Box 2104, Monteview, Idaho 83435, herein referred to as "Grantee." This conveyance is made pursuant to a plan of liquidation adopted concurrently herewith, which plan includes the liquidation and dissolution of the corporation with all assets distributed to Diane Sauer as the sole shareholder of L & D Farms, Inc.

WITNESSETH: That Grantor hereby grants, bargains and conveys unto Grantee and her heirs and assigns forever, all of the following described real property situated in Clark County, Idaho.

Township 9 North, Range 34 East of the Boise Meridian, Clark County, Idaho

Section 29: SW1/4

EXCEPTING THEREFROM: Beginning at the Southwest Corner of Section 29, thence East along the South Section line 750 feet; thence North 100 feet; thence West 200 feet; thence N74°04'W a distance of 364 feet; thence West 200 feet, more or less, to the West Section line; thence South along the West section line 200 feet, more or less, to the point of beginning.

Subject to an easement appurtenant to and benefitting E 1/2 Section 19, Section 20, and W 1/2 Section 21, Township 9 North, Range 34 East of the Boise Meridian for ingress and egress over and across the West 20 feet of the SW1/4 of Section 29.

Section 31: Lots 1, 2, 3, and 4.
E 1/2 W 1/2
E 1/2.

EXCEPTING THEREFROM: Beginning at the Northeast Corner of said Section 31 and running thence South 500 feet; thence West 500 feet; thence North 500 feet; thence East 500 feet to the point of beginning.

GRANT DEED — PAGE 1

Attachment #2b (Page 2 of 3)

050703

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:

<u>LICENSE NO.</u>	<u>PRIORITY DATE</u>	<u>C.F.S.</u>
A32-02140AS	21JUN57	3.36
A32-02141S	13JUL55	11.84
A32-10138S	14DEC73	.666

SUBJECT TO taxes and assessments for the year 2004 and all subsequent years, to any and all existing easements, unpatented mining claims or exceptions in patents, rights-of-way, reservations, restrictions and encumbrances which are apparent or of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

Together with any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, water rights however evidenced, and rights-of-way in anywise appertaining to the property herein described.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 29 day of June, 2004.

L & D FARMS, INC., an Idaho corporation

By: Diane Sauer

DIANE SAUER, President

STATE OF IDAHO)

County of Bonneville) ss.

On this 29th day of June, 2004, before me the undersigned, a Notary Public for Idaho, personally appeared DIANE SAUER, known or identified to me to be the President of L & D FARMS, INC., the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Steven R. Parry
Notary Public for Idaho

Residing at: Idaho Falls, ID

My Commission Expires: 7/1/2005

L:\sp\55670\m\DLADFarmr.wpd

GRANT DEED — PAGE 2

Mail Property Tax Notice To:

SAUER FARMS, INC.
~~HC 63 Box 2137~~ 1345 Sauer Road
 Montevieu, Idaho 83435

Microfilm No. 052543
 ID Day SEPTEMBER 20 08
 At 9:05 O'Clock A M
LISA BLACK
 Clark Co. Recorder
 Fee \$ 3.00
 Recorded at Request of
ANDERSON, NEKUN, Hall, Smith

QUITCLAIM DEED
 (Like-Kind Exchange)

NEAL W. SAUER and MILDRED SAUER, husband and wife, Grantors, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby remise, release and forever quitclaim unto SAUER FARMS, INC., an Idaho corporation, Grantee, with its principal place of business at HC 63 Box 2137, Montevieu, Idaho 83435 and to Grantee's heirs and assigns forever all right, title and interest which Grantors now have or may hereafter acquire in the following described real property located in Clark County, Idaho:

Section 25, Township 9 North, Range 33 E.B.M., Clark County, Idaho.
 Subject to any and all encumbrances of record.

Together with any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights however evidenced in anywise appertaining to the property herein described.

This deed is executed pursuant to an Agreement for Direct Exchange of Property entered into by and between Grantors and Grantee and dated concurrently herewith.

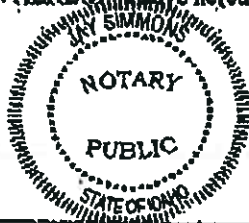
IN WITNESS WHEREOF, the Grantors have executed this instrument on this 15 day of March, 2008

Neal W. Sauer
 NEAL W. SAUER, Grantor
Mildred Sauer
 MILDRED SAUER, Grantor

STATE OF IDAHO)
 County of Jefferson) ss.

On this 29 day of Aug, 2008 before me the undersigned, a Notary Public for Idaho, personally appeared NEAL W. SAUER and MILDRED SAUER, known or identified to me to be the persons whose names are subscribed to the within 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 first above written.



Jay Simmons
 Notary Public for Idaho
 Residing at: Jefferson County, Idaho
 My Commission Expires: June 9 2013

052543

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 Lenburg



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

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

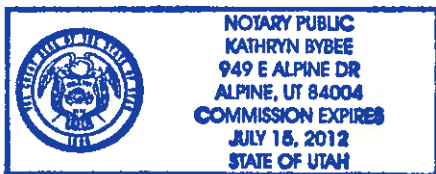
cc: Diane Sauer
Keith C. Wilson – Rocky Mountain Environmental

RECEIVED
JUN 29 2009
Department of Water Resources
Eastern Region

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION
January 22, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

THE BANK OF COMMERCE
C/O WESTERN AGCREDIT
10980 SOUTH JORDAN GATEWAY
PO BOX 95850
SOUTH JORDAN UT 84095-0850

RE: Security Interest in a Water Right 32-2127D, 35-2140B, 35-2140D
& 32-2140E

Dear Bank of Commerce:

The department acknowledges receipt of correspondence adding The Bank of Commerce as a security interest on the above referenced water rights. The department has modified its records to reflect the security interest and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Bobby Kern
Office Specialist II

Enclosure

cc: Diane Sauer

ESPA Ground Water Rights Transfer Spreadsheet Data Summary

TRANSFER NO:

PREPARED

Rocky Mountain Environmental Associates -

BY:

Keith C. Wilson

TRANSFER

NAME:

Sauer - West

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	
Right No.	Priority Date	Right No.	Priority Date
32-2140E	01/21/1957		

Trans/Mit. Rights (group no.)	Acres to Dry Up (ac)	Beneficial Use (afa/yr)	Total (af/yr)
1	6.0	3.5	21.0

MODEL CELL LOCATIONS:

	TO WELL	FROM1 WELL	FROM2 WELL	FROM3 WELL
ROW	25	26	0	0
COLUMN	158	161	0	0

	Start Date		End Date		Water Use		Acres Authorized (acres)
	Season	Year	Season	Year	Annual (af/yr)	Trimester (af/trimester)	
TO Well (Projected Use)	SPRING	2010	WINTER	2106	21.0	7.0	6.0
FROM1 Well (With Transfer)	SPRING	1957	WINTER	2009	21	7.0	6.0
	SPRING	2010	WINTER	2106	0	0.0	0.0
FROM1 Well (W/O Transfer)	SPRING	1957	WINTER	2106	21	7.0	6.0
FROM2 Well (With Transfer)							
FROM2 Well (W/O Transfer)							
FROM3 Well (With Transfer)							
FROM3 Well (W/O Transfer)							

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	1957	TRANSFER NAME: SAUER - WEST			
SEASON	SPRING				
ENTER CELL LOCATIONS:					
	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL	
ROW	25	26	0	0	
COLUMN	158	161	0	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
SPR 1957	0	7.0	7.0	0	0
SUM 1957	0	7.0	7.0	0	0
WIN 1957	0	7.0	7.0	0	0
SPR 2008	0	7.0	7.0	0	0
SUM 2008	0	7.0	7.0	0	0
WIN 2008	0	7.0	7.0	0	0
SPR 2009	0	7.0	7.0	0	0
SUM 2009	0	7.0	7.0	0	0
WIN 2009	0	7.0	7.0	0	0
SPR 2010	7.0	0.0	7.0	0	0
SUM 2010	7.0	0.0	7.0	0	0
WIN 2010	7.0	0.0	7.0	0	0
SPR 2011	7.0	0.0	7.0	0	0
SUM 2011	7.0	0.0	7.0	0	0
WIN 2011	7.0	0.0	7.0	0	0
SPR 2012	7.0	0.0	7.0	0	0
SUM 2012	7.0	0.0	7.0	0	0
WIN 2012	7.0	0.0	7.0	0	0
SPR 2013	7.0	0.0	7.0	0	0
SUM 2013	7.0	0.0	7.0	0	0
WIN 2013	7.0	0.0	7.0	0	0
SPR 2106	7.0	0.0	7.0	0	0
SUM 2106	7.0	0.0	7.0	0	0
WIN 2106	7.0	0.0	7.0	0	0

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

Irrigation (04/01-10/31)

SPRING ($\frac{1}{3}$) = 7.0 ac-ft/triSUMMER ($\frac{1}{3}$) = 7.0 ac-ft/triWINTER ($\frac{1}{3}$) = 7.0 ac-ft/tri

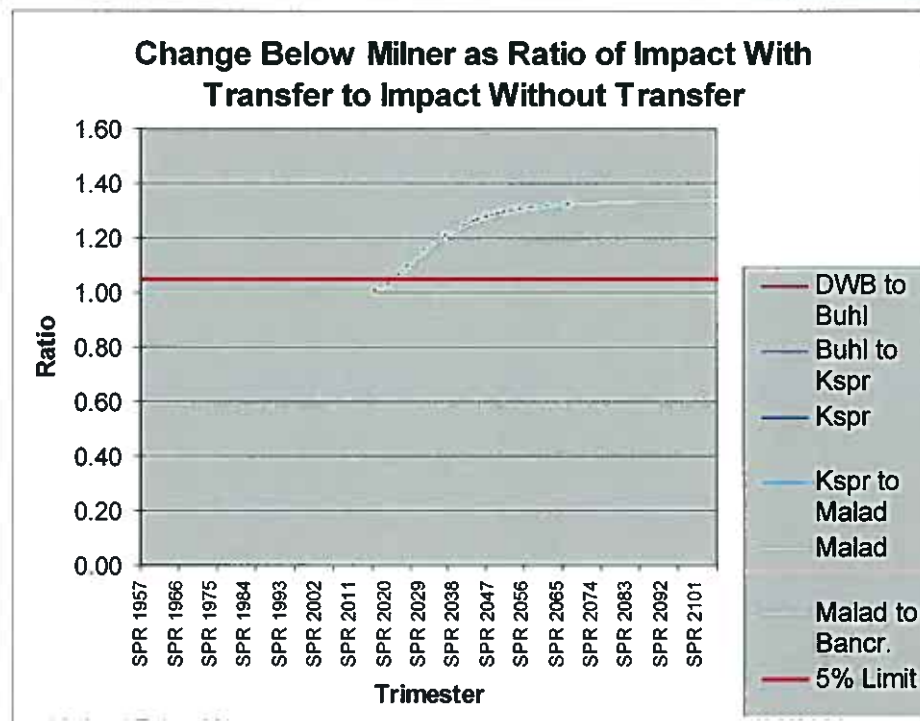
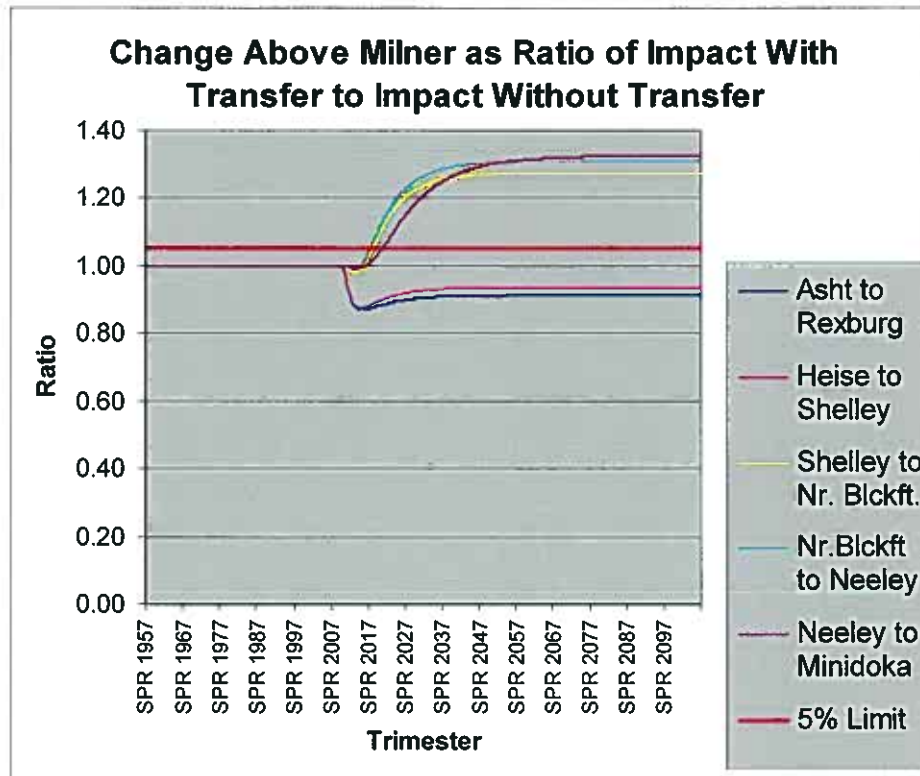
Change Ratio Table:

Change Ration of impact with and without transfer

Period	Asht to Rex	Heise to Shelley	Shelley to Nr. Bckft.	Nr.Bckft to Neeley	Neeley to Minidoka	DWB to Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancr.
SPR 2010	0.99	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%
SUM 2010	0.98	0.98	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%
WIN 2010	0.97	0.97	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%
SPR 2011	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%
SUM 2011	0.93	0.94	0.99	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%
WIN 2011	0.92	0.92	0.99	0.99	1.00	1.00	1.00	1.00	1.00	1.00	100.0%
SPR 2019	0.88	0.89	1.08	1.09	1.03	1.01	1.01	1.01	1.01	1.01	100.8%
SUM 2019	0.88	0.89	1.08	1.10	1.03	1.01	1.01	1.01	1.01	1.01	101.0%
WIN 2019	0.88	0.89	1.09	1.11	1.04	1.01	1.01	1.01	1.01	1.01	101.2%
SPR 2020	0.88	0.90	1.10	1.11	1.04	1.02	1.02	1.02	1.02	1.02	101.5%
SUM 2020	0.88	0.90	1.11	1.12	1.05	1.02	1.02	1.02	1.02	1.02	101.7%
SPR 2023	0.89	0.91	1.16	1.18	1.09	1.05	1.05	1.05	1.05	1.05	104.4%
SUM 2023	0.89	0.91	1.16	1.18	1.09	1.05	1.05	1.05	1.05	1.05	104.8%
WIN 2023	0.89	0.91	1.17	1.19	1.10	1.06	1.06	1.06	1.06	1.06	105.2%
SPR 2024	0.89	0.91	1.17	1.19	1.10	1.06	1.06	1.06	1.06	1.06	105.6%
SUM 2024	0.89	0.91	1.17	1.20	1.11	1.07	1.07	1.07	1.07	1.07	106.0%
SPR 2027	0.90	0.92	1.20	1.23	1.15	1.10	1.10	1.10	1.10	1.10	109.6%
SUM 2027	0.90	0.92	1.21	1.23	1.15	1.11	1.11	1.11	1.11	1.11	110.0%
WIN 2027	0.90	0.92	1.21	1.24	1.16	1.11	1.11	1.11	1.11	1.11	110.4%
SUM 2043	0.91	0.93	1.26	1.30	1.28	1.27	1.27	1.27	1.27	1.27	125.2%
WIN 2043	0.91	0.93	1.27	1.30	1.28	1.27	1.27	1.27	1.27	1.27	125.4%
WIN 2049	0.91	0.93	1.27	1.30	1.30	1.29	1.30	1.30	1.30	1.30	128.1%
SPR 2050	0.91	0.93	1.27	1.31	1.30	1.30	1.30	1.30	1.30	1.30	128.2%
SUM 2050	0.91	0.93	1.27	1.31	1.30	1.30	1.30	1.30	1.30	1.30	128.3%
SUM 2084	0.91	0.94	1.27	1.31	1.32	1.33	1.33	1.33	1.33	1.33	133.2%
WIN 2084	0.91	0.94	1.27	1.31	1.32	1.33	1.33	1.33	1.33	1.34	133.2%
SPR 2085	0.91	0.94	1.27	1.31	1.32	1.33	1.33	1.33	1.34	1.34	133.2%
SUM 2085	0.91	0.94	1.27	1.31	1.32	1.33	1.34	1.34	1.34	1.34	133.2%
WIN 2086	0.91	0.94	1.27	1.31	1.32	1.33	1.34	1.34	1.34	1.34	133.3%
SPR 2087	0.91	0.94	1.27	1.31	1.32	1.34	1.34	1.34	1.34	1.34	133.3%
WIN 2088	0.91	0.94	1.27	1.31	1.32	1.34	1.34	1.34	1.34	1.34	133.3%
SPR 2089	0.91	0.94	1.27	1.31	1.33	1.34	1.34	1.34	1.34	1.34	133.3%
SUM 2089	0.91	0.94	1.27	1.31	1.33	1.34	1.34	1.34	1.34	1.34	133.4%
SPR 2101	0.91	0.94	1.27	1.31	1.33	1.34	1.34	1.34	1.34	1.34	133.6%
SUM 2101	0.91	0.94	1.27	1.31	1.33	1.34	1.34	1.34	1.34	1.34	133.7%
SPR 2106	0.91	0.94	1.27	1.31	1.33	1.34	1.34	1.34	1.34	1.34	133.7%
SUM 2106	0.91	0.94	1.27	1.31	1.33	1.34	1.34	1.34	1.34	1.34	133.7%
WIN 2106	0.91	0.94	1.27	1.31	1.33	1.34	1.34	1.34	1.34	1.34	133.7%

A Change Ratio of 1.00 reflects no change or depletion with a Change Ratio greater than 1.00 representing depletion and a value less than 1.00 representing a net positive effect as a reduction in depletion.

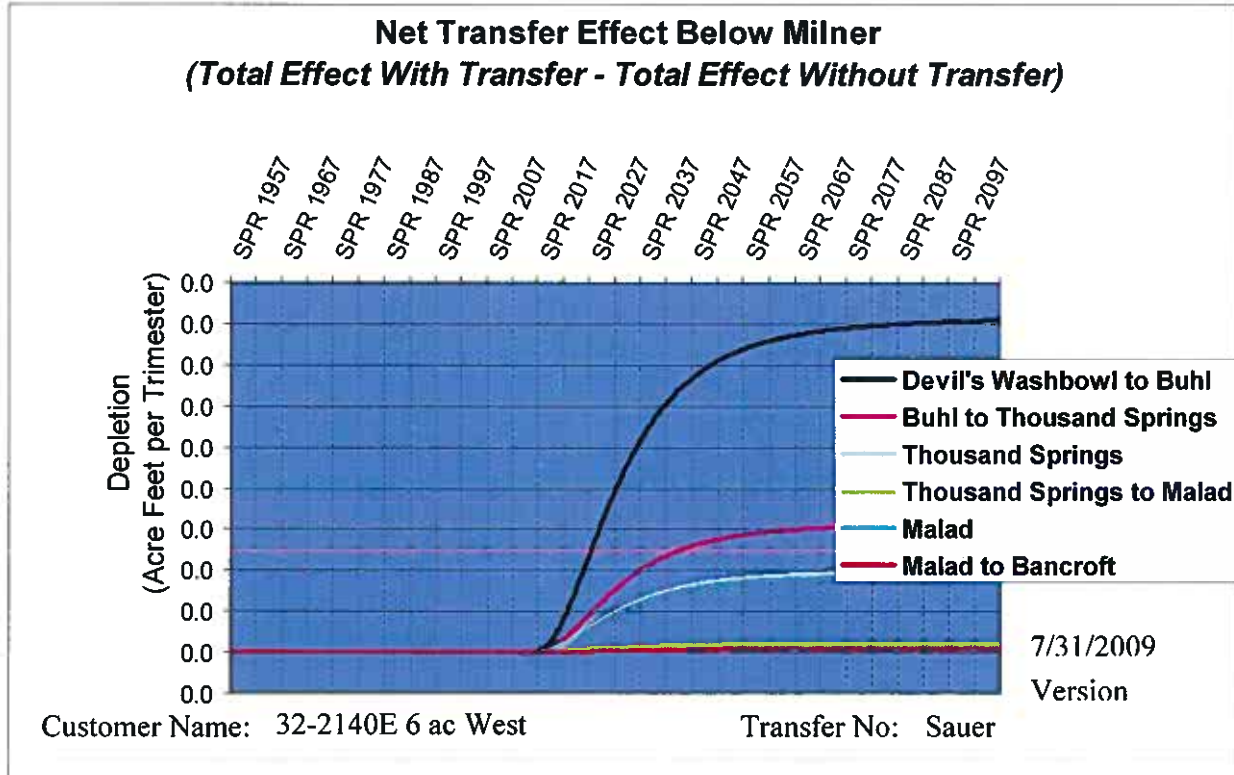
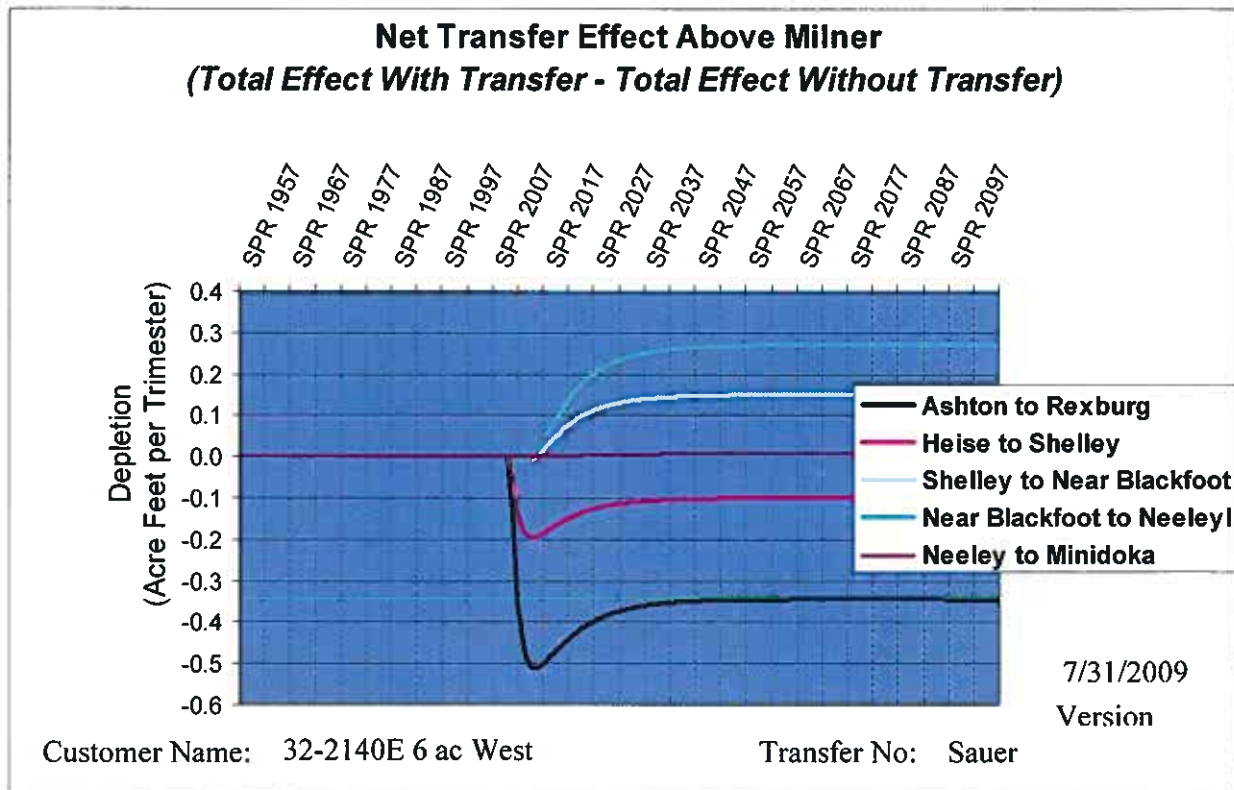
Change Ratio Charts:



Calculated Effects Table:**Net Transfer Effect (AF/four months)**

Period	Asht to Rex	Heise to Shelley	Shelley to Nr. Blckft.	Nr. Blckft to Neeley	Neeley to Minidoka	DWB to Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancr.
SPR 2010	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2010	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2010	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2011	-0.2	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2011	-0.3	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2011	-0.3	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2019	-0.5	-0.2	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2019	-0.5	-0.2	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2019	-0.5	-0.2	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2020	-0.5	-0.2	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2020	-0.5	-0.2	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2020	-0.5	-0.2	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2023	-0.4	-0.1	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2023	-0.4	-0.1	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2023	-0.4	-0.1	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2024	-0.4	-0.1	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2024	-0.4	-0.1	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2024	-0.4	-0.1	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2026	-0.4	-0.1	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2026	-0.4	-0.1	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2026	-0.4	-0.1	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2027	-0.4	-0.1	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2027	-0.4	-0.1	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2027	-0.4	-0.1	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2101	-0.3	-0.1	0.2	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2101	-0.3	-0.1	0.2	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2101	-0.3	-0.1	0.2	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2106	-0.3	-0.1	0.2	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2106	-0.3	-0.1	0.2	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2106	-0.3	-0.1	0.2	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Most affected reaches Shelley to Near Blackfoot @ 0.2 ac-ft/tri & Blackfoot to Neeley @ 0.3 ac-ft/trimester

Net Transfer Effect Charts:

Summary:

The transfer proposes to transfer 6 acres of 32-2140E from the NW¼SW¼ Sec 29, T09N, R34E to a new point of diversion in the SE¼NW¼SW¼ Sec 26, T09N, R33E for the irrigation of the SW¼SW¼ Sec 25, T09N, R33E, all within the Eastern Snake Plain Aquifer.

The analysis results in the Change Ratio exceeding the allowable depletion of 10% (1.10) with depletions that range from 27% (1.27) to 34% (1.34) for reaches of the Snake River. Even with the Change Ratio exceeding the allowable 10% depletion, the Net Effects for the most affected reaches of Shelley to Near Blackfoot (@ 0.2 ac-ft/trimester) & Blackfoot to Neeley (@ 0.3 ac-ft/trimester) do not exceed 2.0 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
1-800-824-8198
Administrative Fax (801) 571-9481
Accounting Fax (801) 571-1641

 **COPY**

June 24, 2009

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,

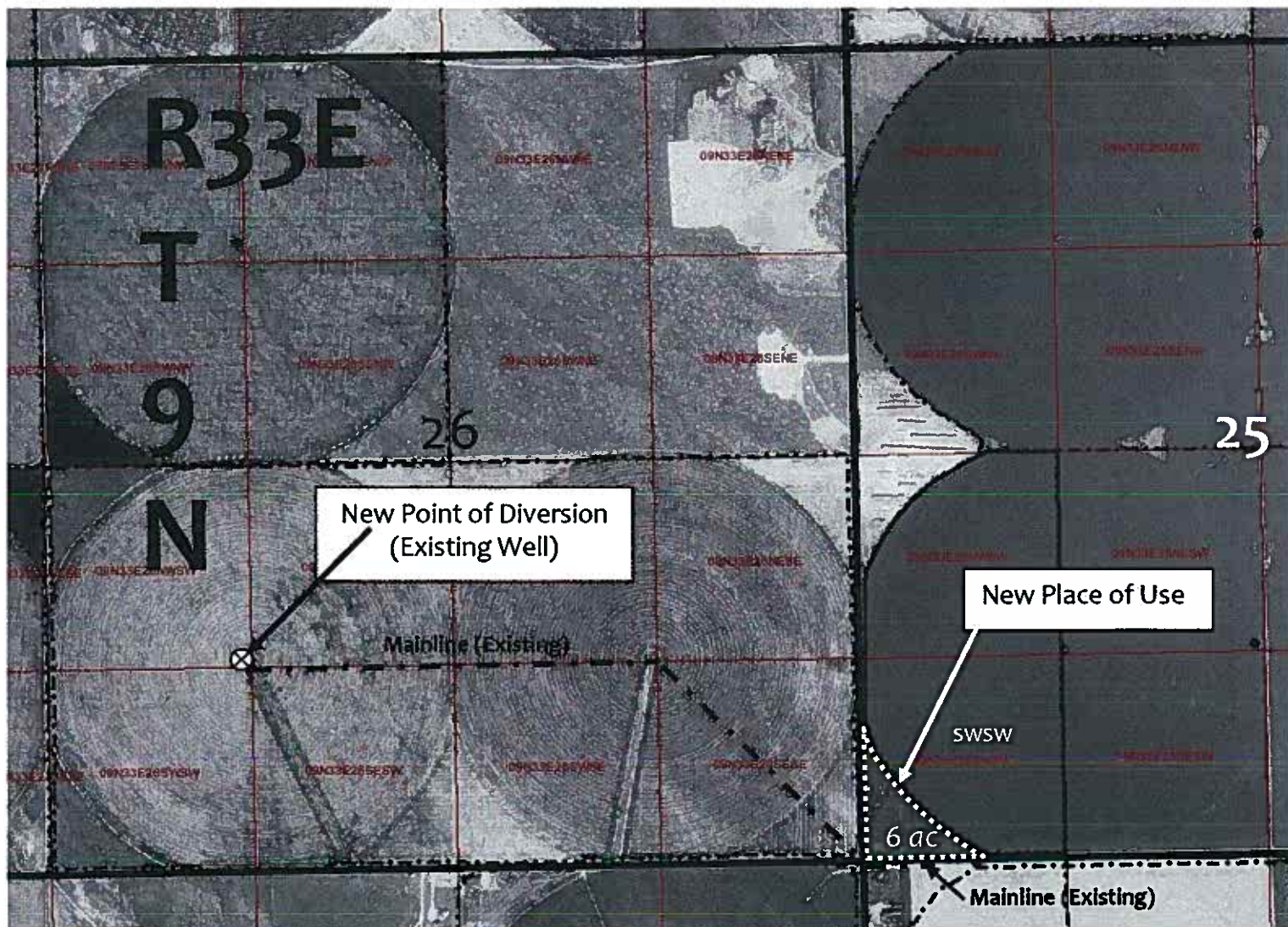
The Bank of Commerce
c/o Western AgCredit, FLCA, Servicing Agent

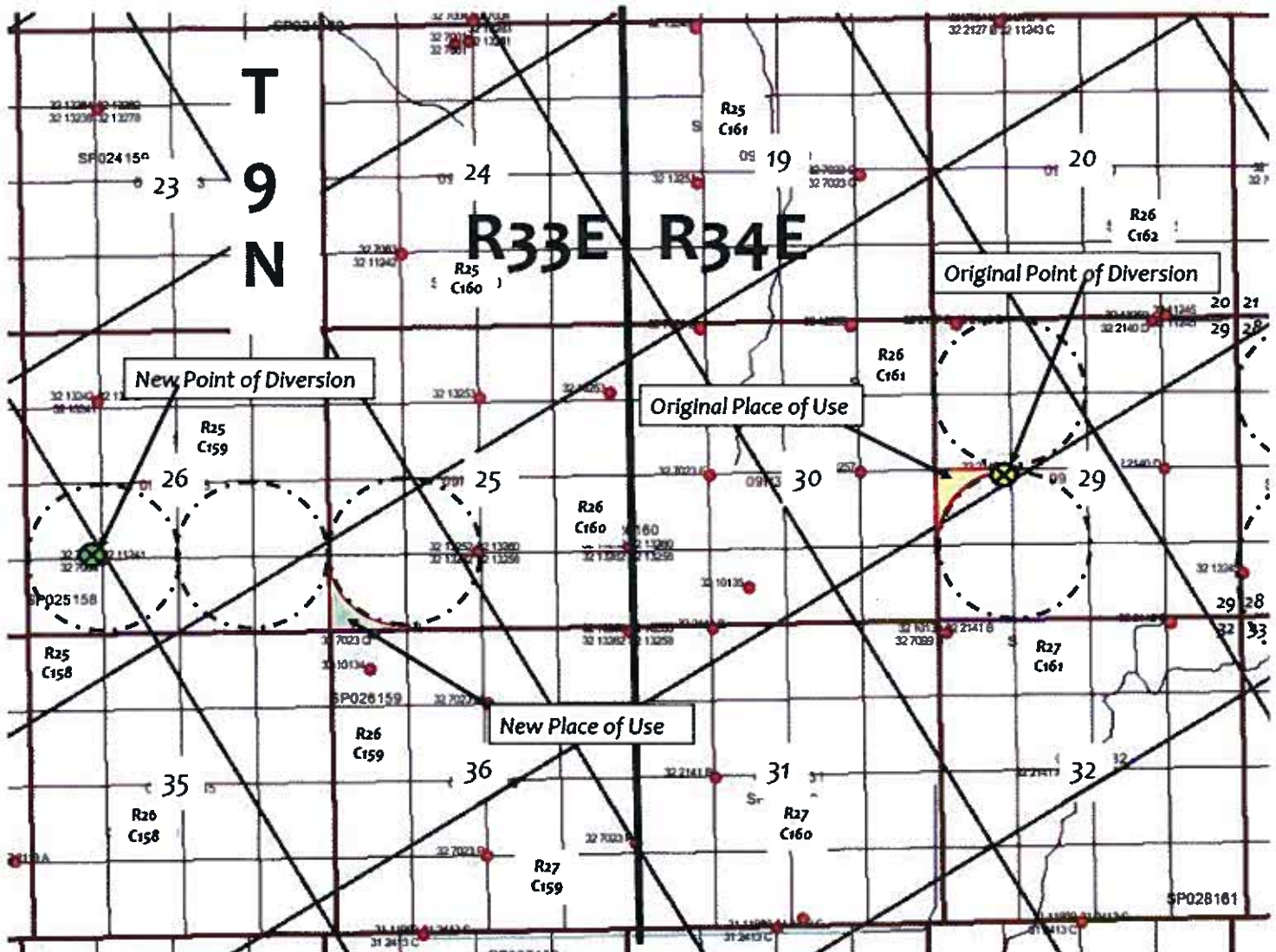
A handwritten signature in black ink, appearing to read "David G. Brown", written over a horizontal line.

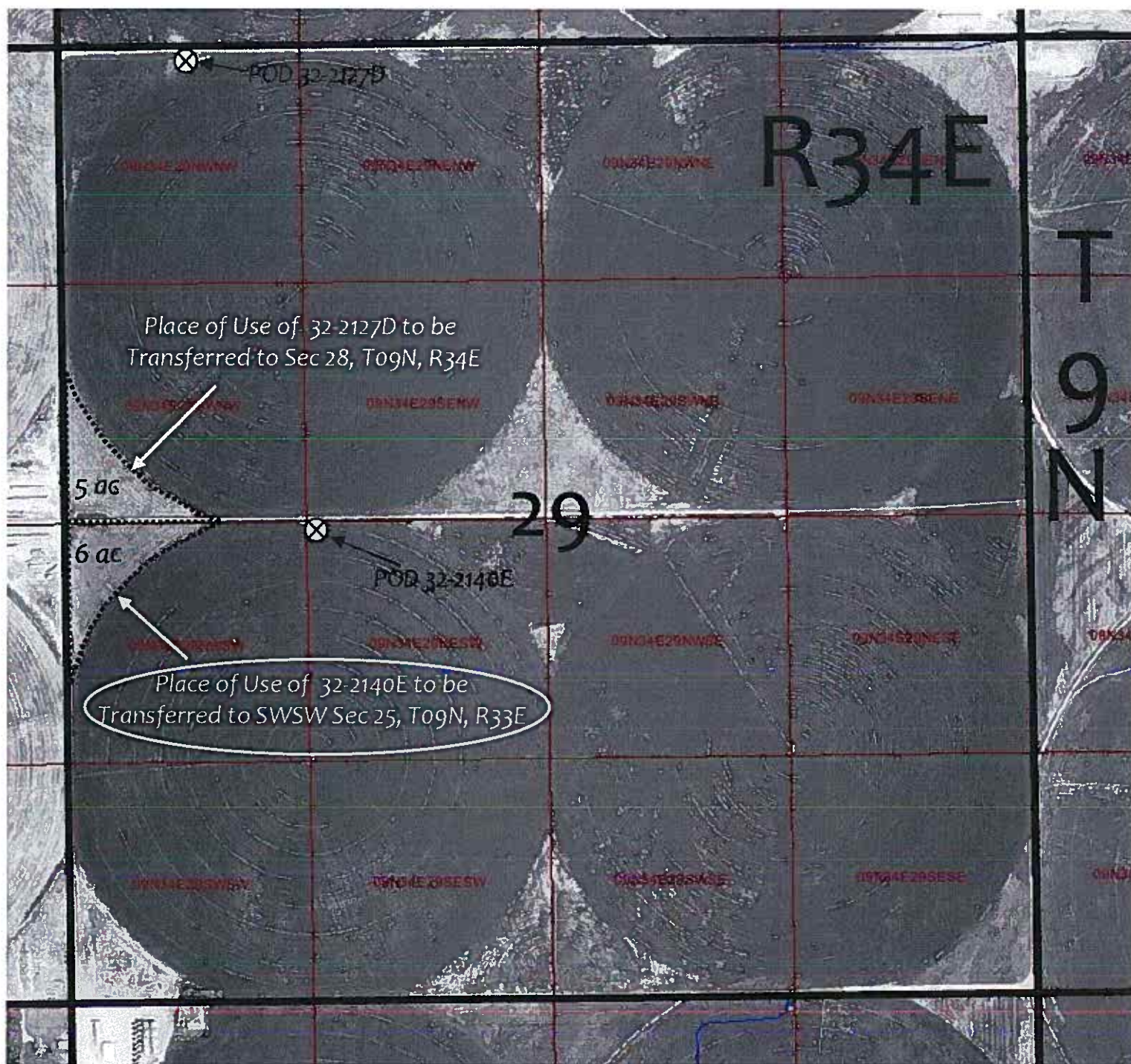
David G. Brown
Vice President - Credit Services

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









Sauer-West - 32-2140E (PART)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75974**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

75074