

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70362

This is to certify that: GLENNA SASSER Or
LELAND SASSER
PO BOX 475
ORANGEVILLE UT 84537
(208)748-2626

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

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
35-2909E	WR/Decreed	07/05/1952	0.42 cfs	144 af		36.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-2909E	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-2909E	35-2909E	0.42 cfs	144 af	N/A	36.0		N/A	N/A	N/A	N/A
TOTALS		0.42 cfs	144 af	N/A	36.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 21 day of March, 2003

For 
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-2909E
As Modified by Transfer No. 70362

In accordance with the approval of Transfer No. 70362, Water Right No. 35-2909E is now described as follows.

Right Holder: LELAND SASSER Or
 GLENNA SASSER
 PO BOX 475
 ORANGEVILLE UT 84537

Priority Date: July 05, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.42 CFS	144.0 AF
		0.42 CFS	144.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESE Sec. 8 Twp 04S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S 33E 8																	36.0
Total Acres: 36																36.0	

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 70362, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
3. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WATER RIGHT NO. 35-2909E
As Modified by Transfer No. 70362

CONDITIONS OF APPROVAL

7. Use of this right is combined with water from Aberdeen Springfield Canal Co
8. 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.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21 day of March, 20 03


for Chief, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 12, 2003

LELAND SASSER
PO BOX 475
ORANGEVILLE UT 84537

RE: Application for Transfer No 70362
Water Right No(s) 35-2909E

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Morning News on February 20 and 27, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 12, 2003

Legal Notice Department
MORNING NEWS
PO BOX 70
BLACKFOOT ID 83221

RE: Transfer No. 70362
Water Right No(s). 35-2909E

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before March 10, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
2/12/03
sc*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70362

GLENNA SASSER or LELAND SASSER, PO BOX 475, ORANGEVILLE UT 84537, has filed Application No. 70362 for changes to the following water rights within BINGHAM County:

Right No. 35-2909E

Priority 7/5/1952

Source GROUND WATER

Use IRRIGATION (36 acres) 0.42 CFS 144.0 AFA

Total Amount 0.42 CFS 144.0 AFA

Point(s) of Diversion SESWSE S8 T04S R33E

Place of Use S8 T04S R33E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant has purchased the 36 acres under this right and wants to drill his own well on said property in the SESE SEC 36 T4S R33E.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before March 10, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on February 20 and 27, 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 24, 2003

LEWIS H ROUNDS
WATER DISTRICT 120
900 N SKYLINE DR
IDAHO FALLS, ID 83402

RE: Application for Transfer 70362
Water Right Number(s) 35-2909E

Dear Watermaster:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office as soon as possible.

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

Sincerely,


Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc

MEMORANDUM

Date: January 16, 2003
To: Transfer 70362
From: kwilson
Re: Evaluation

This transfer proposes to change the point of diversion of this water right. This transfer moves the point of diversion within the original 1/4 - 1/4 in the ESPA.

Authority to File:

Subject land is owned by Leland and Glenna Sasser as evidenced by the warranty deed from the original right holder Dale A. Bouma to Leland and Glenna Sasser.

Water Right Validity:

Validity of the right involved: The right involved was recently decreed in the SRBA with a date of partial decree 1/31/2002.. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

The proposed point of diversion is within the same cell in the ESPA Model Grid so a mitigation plan was not included with the application.

Enlargement of Use:

With only a change in the point of diversion there is no enlargement of use proposed by this transfer.

Local Public Interest:

No issue identified.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 43-222 Idaho Code preventing processing of this application.

Other issue:

No issue identified.

SCANNED
JAN 16 2003

Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161
Fax: (208) 525-7177

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 70362**

GLENNA SASSER or LELAND SASSER, P.O. Box 475, ORANGEVILLE, UTAH, 84537, has filed Application No. 70362 for changes to the following water rights within BINGHAM County:

Right No. 35-2909E

Priority: 7/5/1952

Source: GROUND WATER

Use: IRRIGATION (36 acres) 0.42 CFS 144.0 AFA

Total Amount: 0.42 CFS 144.0 AFA

Point(s) of Diversion: SESWSE, S8, T04S, R33E

Place of Use: S8 T04S, R33E.

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant has purchased the 36 acres under this right and wants to drill his own well on said property in the

SESE, Sec. 36, T4S, R33E.

Protests may be submitted based on the criteria of Sec. 42-222, Idaho Code. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N. Skyline Drive, Suite A, Idaho Falls, Idaho, 83402, together with a protest fee of \$25.00 for each application on or before March 10, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

(#399)

Pub.: 2/20, 27

Legals

AFFIDAVIT OF PUBLICATION

County of Bingham)

SS

State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said

newspaper 2 consecutive Weeks the first publication having been made on the 20th day of Feb 2003, and the last publication having been made on the 27th day of Feb 2003; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

Jacqueline Graham
On this 27th day of Feb, in the year of 2003, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that the executed the same.

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires
June 10, 2004
Affidavit Processing Fee.....\$5.00

Transfer No. 70362

70362

name of Applicant Leland or Glenna Sasser Phone 435-748-2626

st Office address P.O. Box 475 Orangeville, UT 84537

MAR 24 2003 DEC 23 2002

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

Department of Water Resources
Eastern Region

2. Describe the reason for the proposed changes I am purchasing this property
and want to change my well location.

NAME OF PARTY	ADDRESS	CITY AND STATE	DATE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | <u>Right Number</u> | <u>Priority</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|---------------------|-----------------|---------------------------|----------------------|----------------------|
| 35-2909 E | 7/05/1952 | 0.42 cfs | Irrigation | 4/01 to 10/31 |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 0.42 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground water tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use:

[illegible]

SCANNED

JAN 16 2003

Total Acres

36

170362

PART 1

i. General Information:

a. Description of diversion system well, pump & sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
NA. Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NA.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 APR 14 2003

page 3 of 6

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. 70362
Receipt No. _____

Current Water Right No. 35-2909E

Priority Date: 07/05/1952

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	0.42 CFS	144.0 AFA	
	Total Diversion		0.42 CFS	144.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESWSE 04S 33E 8 BINGHAM

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	
04S	33E	8																	36.0
																			36.0

Total Acres: 36

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.

MICROFILMED

APR 14 2003

SCANNED

JAN 16 2003

T70362

Page 4 of 6
Page 2

IDAHO DEPARTMENT OF WATER RESOURCES.
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. 70362
Receipt No. _____

Current Water Right No. 35-2909E

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

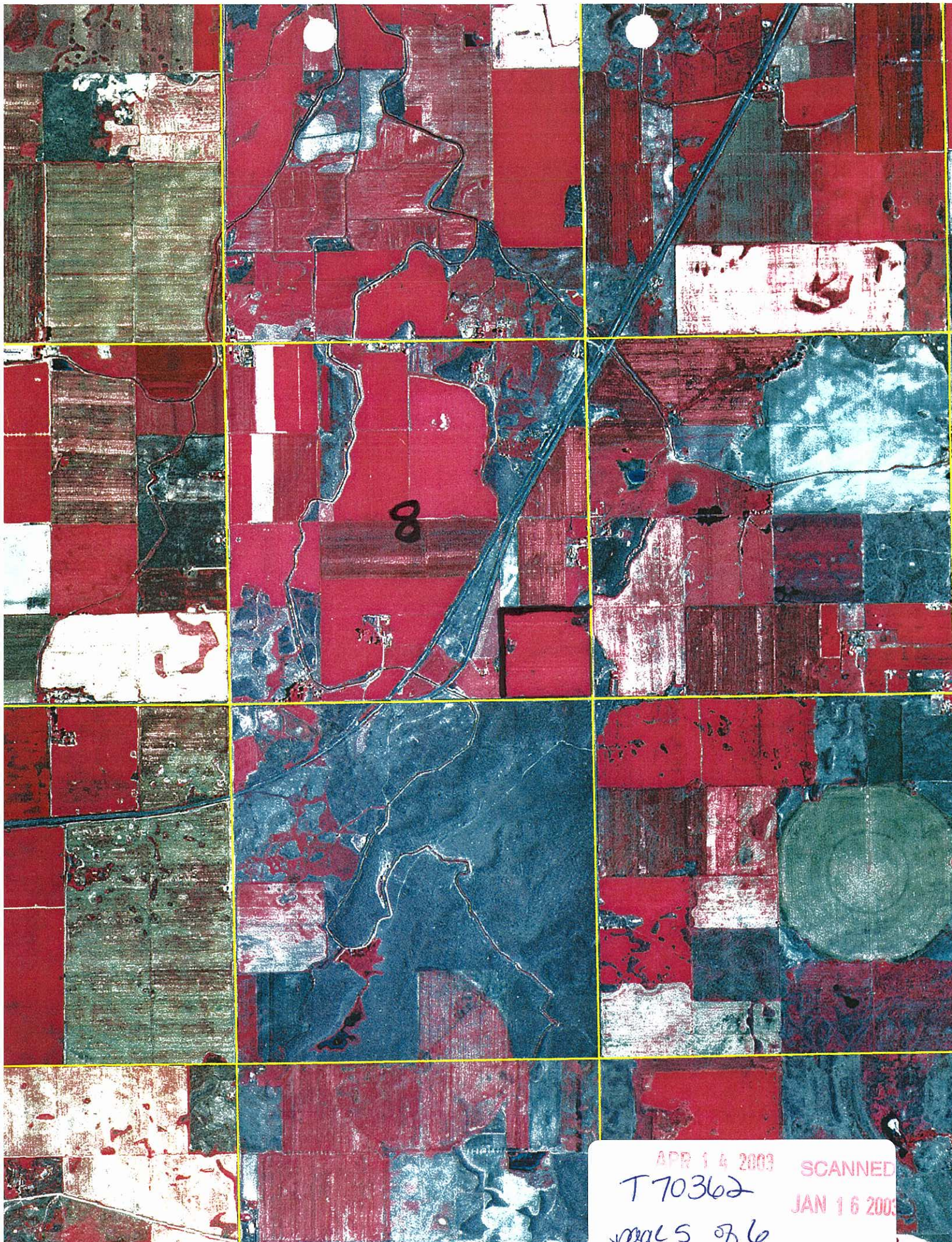
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JAN 16 2003

T70362



APR 14 2003

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SCANNED

JAN 16 2003

CHANGES IN NATURE OF USE

New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
			to
			to

Quantity and quality of return flows and location of discharge:

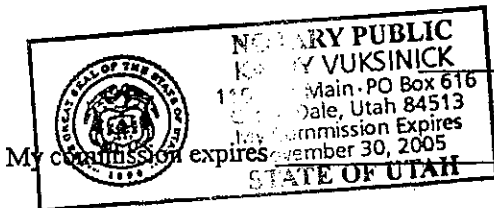
Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Glenn Larson
(Signature of Applicant)

Subscribed and sworn to before me this 18th day of December, 20 02.



Kathy Vukosinick
(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains 16 pages and 2 attachments

Received by HWT Date 12-23-02 Protest filed by _____

Prelim. Check by _____ Fee 250.00

Received by HWT #E028402 Date 12-23-02

Published in Morning News Copies of protest forwarded by _____

Pub. Dates Feb 20 & 27, 2002 Hearing held by _____ Date _____

Watermaster recommendations requested on 1/24/03 Recommended for ☒ approval ☐ denial

_____ received 1/24/03 by SL

Copy of transfer sent to lien holder _____

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APR 14 2003

SCANNED

JAN 16 2003

517563

WARRANTY DEED

Claims Department
171 North Clark Street
BLACKFOOT, IDAHO

FEE 3.00 DEP 0

Order No.:3020003313-L

2002 OCT -1 AM 9:55

FOR VALUE RECEIVED

RECORDED AT THE REQUEST OF

Dale A. Bouma, an unmarried person
also shown of record as Dale Bouma

Alliance Title & Escrow Corp.

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Leland D. Sasser and Glenna Sasser, Husband and Wife

whose current address is

P.O. Box 475 Orangeville, UT 84537

the grantee(s), the following described premises, in Bingham County, Idaho, TO WIT:

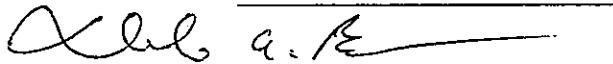
The SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 4 South, Range 33 East, Boise Meridian, Bingham County,
Idaho

EXCEPTING THEREFROM: The North 295 feet of the East 295 feet.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple 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.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 9/09/2002


Dale A. Bouma

State of Idaho

County of Bingham

On this 9/13/02
appeared Dale A. Bouma and Bernadette S. Nickol

}
} ss.
}

before me, a Notary Public in and for said state, personally

MICROFILMED

APR 14 2003

SCANNED

JAN 16 2003

ATTACHMENT 1 OF 2

T 70362

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHOFEE 3.00 DEP 0

517562

2002 OCT -1 AM 9:55

3020003313-L

RECORDED AT THE REQUEST OF
Alliance Title & Escrow Corp.QUITCLAIM DEED

FOR VALUE RECEIVED, Bernadette Nickol, Grantor, does hereby convey, release, remise and an unmarried person forever quitclaim unto Dale Bouma, whose address is 220 4th St. SW Choteau, MT 59422, the following an unmarried person described premises, to-wit:

The SE1/4 SE1/4 of Section 8, Township 4 South, Range 33 East, Boise Meridian, Bingham County, Idaho, Excepting Therefrom the North 295 Feet of the East 295 Feet.

Reserving Easement to Grantor for the East 40 Feet for Existing Utilities.

Subject To: All existing patent reservations, easements, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

Together with the appurtenances, this property is located in Bingham County, also known as 1633 West Highway 39, Pingree, Idaho 83262.

This deed is intended to convey to the Grantee all right, title and interest of the Grantor in and to said property, now owned or hereafter acquired.

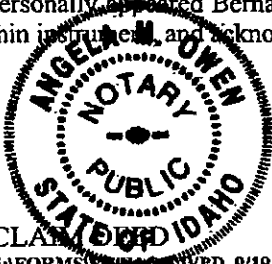
Dated this 26th day of September, 2002.

Bernadette Nickol
Bernadette Nickol

STATE OF IDAHO)
): ss.
County of Ada Canyon

517562

On this 26 day of September, 2002, before me, the undersigned, a Notary Public in and for said state, personally appeared Bernadette Nickol, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Angela Owen
NOTARY PUBLIC for Idaho
Residing at Emmett
My Commission Expires: 4/18/07

QUITCLAIM DEED
SWW/ H:\FORMS\SWW\CSWPD 9/19/02

MICROFILMED

SCANNED

APR 14 2003

FEB 03 2003

T 70362
ATTACHMENT 2 OF 2



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 21, 2003

LELAND SASSER
GLENN SASSER
PO BOX 475
ORANGEVILLE UT 84537

RE: Transfer No.: 70362 - Water Right 35-2909E - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

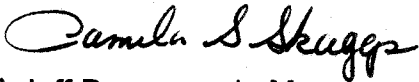
MICROFILMED

APR 14 2003

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,



for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

MICROFILMED

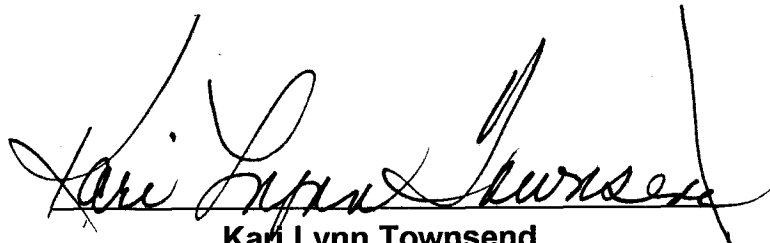
APR 14 2003

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70362 - WATER RIGHT 35-2909E

**LELAND SASSER
GLENN SASSER
PO BOX 475
ORANGEVILLE UT 84537**



**Karl Lynn Townsend
Secretary**

MICROFILMED

APR 14 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

12-24-02
T 70362

Rec'd
3-24-03
at S.O.

INITIAL REVIEW BY: HWT

1. Right number 35-290913 Applicant Sasser

2. Type of right: ☒ Decree ☐ License ☐ Claim ☐ SRBA Recommendation

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s)
☐ Change place of use ☐ Other _____

4. Check:

a. ☐ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☐ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☐ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. Map for remainder of right? ☐ Yes ☐ No

d. ☒ Check description of point(s) of diversion.

e. ☒ Check description of place of use

f. ☒ Check map (shows p.d. and p.u. after transfer).

g. ☒ Check for correct signature, notarization, and fee.

h. ☒ Check proof of ownership of right &/or land from which water is transferred.

i. ☐ Check for expansion in use of right. Comments _____

j. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

k. ☒ Is use within a Watermaster District? ☒ Yes ☒ No

If yes, what district? 120 GWMD #

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☐ Yes ☐ No

3. Is transfer published correctly? ☐ Yes ☐ No

4. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By RDC Date 2/3/03

70362

AFFIDAVIT OF PUBLICATION

County of Bingham)

SS

State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said

newspaper 2 consecutive weeks the first publication having been made on the 20th day of Feb 2003, and the last publication having been made on the 27th day of Feb 2003; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

On this 27th day of Feb, in the year of 2003, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that the executed the same

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires
June 19, 2004
Affidavit Processing Fee\$5.00

Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161
Fax: (208) 525-7177

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 70362

GLENN SASSER or LELAND SASSER, P.O. Box 475, ORANGEVILLE, UTAH, 84537, has filed Application No. 70362 for changes to the following water rights within BINGHAM County:

Right No. 35-2909E

Priority: 7/5/1952

Source: GROUND WATER

Use: IRRIGATION (36 acres) 0.42 CFS 144.0 AFA

Total Amount: 0.42 CFS 144.0 AFA

Point(s) of Diversion: SESWSE, S8, T04S, R33E

Place of Use: S8 T04S, R33E.

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant has purchased the 36 acres under this right and wants to drill his own well on said property in the

SESE, Sec. 36, T4S, R33E.

Protests may be submitted based on the criteria of Sec. 42-222, Idaho Code. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N. Skyline Drive, Suite A, Idaho Falls, Idaho, 83402, together with a protest fee of \$25.00 for each application on or before March 10, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

(#399)

Pub.: 2/20, 27

SCANNED

MAR 18 2003

MICROFILMED

State of Idaho
~~Department of Water Resources~~
Transfer of Water Right(s)

RECOMMENDATION OF WATERMASTER

Transfer Application No: 70362 Water Right No(s): 35-2909E
Transfer Applicant's Name: GLENNA SASSER LELAND SASSER

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
b) ☐ I do not oppose approval of this application if it is conditioned as follows:

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this 24th day of JANUARY, 2003.

Water District No: 120



Watermaster's Signature

MICROFILMED

APR 14 2003

SCANNED

FEB 03 2003

TRANSFER REVIEW SHEET

Kaw

Trans # 70362

Date Reviewed 1/14/2003

Right No(s). * 35-29096

Split? Y XN Y N Y N Y N Y N Y N

AREA OF CONCERN: No/Yes Bingham GWD

EASTERN Snake Plain

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period Change p/u
Add p/d Change nature of use

RightID's of From & To records correct? Y N (resolve with State Office personnel)

Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U Y

Lien Holder Release N/A

GROUNDWATER:

DRILLING PERMIT

All wells

DP upgrade req'd Y N (contact GW personnel)

WMD

≤ 0.24 cfs/5 acres

> 0.24 cfs/5 acres

- North/East/West

- No MD

- 067

WMD

≤ 0.24 cfs/5 acres

> 0.24 cfs/5 acres

- No MD

- 01M or 01Q

SUPPLEMENTAL (irr = only use)

SUPPLEMENTAL (irr + other uses)

- 100-105

SURFACE WATER:

WD

≤ 0.20 cfs/others

> 0.20 cfs

005-000 #

WM comments rec'd

- R02, 01P or No MD

- R43

WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres

> 0.24 cfs/5 acres

- No MD

- 01M or 01Q

STANDARD SEASON

4/1

to 10/31

(use X61 if extended season)

STANDARD VOLUME

4.0 af/ac

CONSUMPTIVE USE VOLUME

af/ac

USES:

STORAGE

- 18C-R02-01P-18B-NA

IRR ≤ 5 ac

- R66/R67/R68/R69 (0.03 cfs/ac)

> 5 ac

- R62/R63/R64/R65 (0.02 cfs/ac)

STOCKWATER

- R37 (all BLM/USFS)

MINING

- 054-106

FISH PROP

- 029(70'S only)-007-122-106

HEAT/COOL

- R07 (injection well)

FIRE PROT.

- 077

DAIRY

- 082 (zoning if a concern)-106-WD8

USES:

POWER

- 17H-17K (+uses)-025-106

MUNICIPAL

Restricted area

- 022-075

RAFN - 007-109-X64

Irr., GW supp to SW

- 102

DOMESTIC

Surface water

- WB5 (Big Wood or Boise above Star Bridge)

- 27A (Payette River)

>1 in restricted area

- 070-071-075 (no parks/common areas, etc)

Irr use listed separate

- WB5

MISC CONDITIONS/REMARKS:

1 yr to develop

1 comply or rescind

T17 - measure all p/d's (used with WB4)

T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19

Water Quality - 106-R07

X27 - Number of acres/season in ppu

X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)

X51 - 2+ yrs to develop

X53 - Use ltd to orig. source availability

X54 - forfeited ac/rate (used rarely)

X55 - (transfer shrinks total water to less ac)

004 - no right-of-way

X58 - pending claim (statutory or AJ b/u claim)

X61 - extended irr season

X62 - replaces N11 and N13

X63 - replaces C12

WB4 - + p/ds, cfs & afa (used with T17)

WD8 - land application of waste water

01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01m)

Apply one to chg'd & unchg'd

rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt or Recomm yet)

005 replaces C18

(if at Recommendation or Partial Decree stage)

T20 - use only on unchg'd rts not subject to SRBA

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated _____ Approval form printed _____ Shape files created _____

Special Mailing Instructions (cc's, etc) _____

Final database update after approval _____ *Comment to WR No(s). _____