

Show 40-acre subdivisions, townships, ranges and ditches.



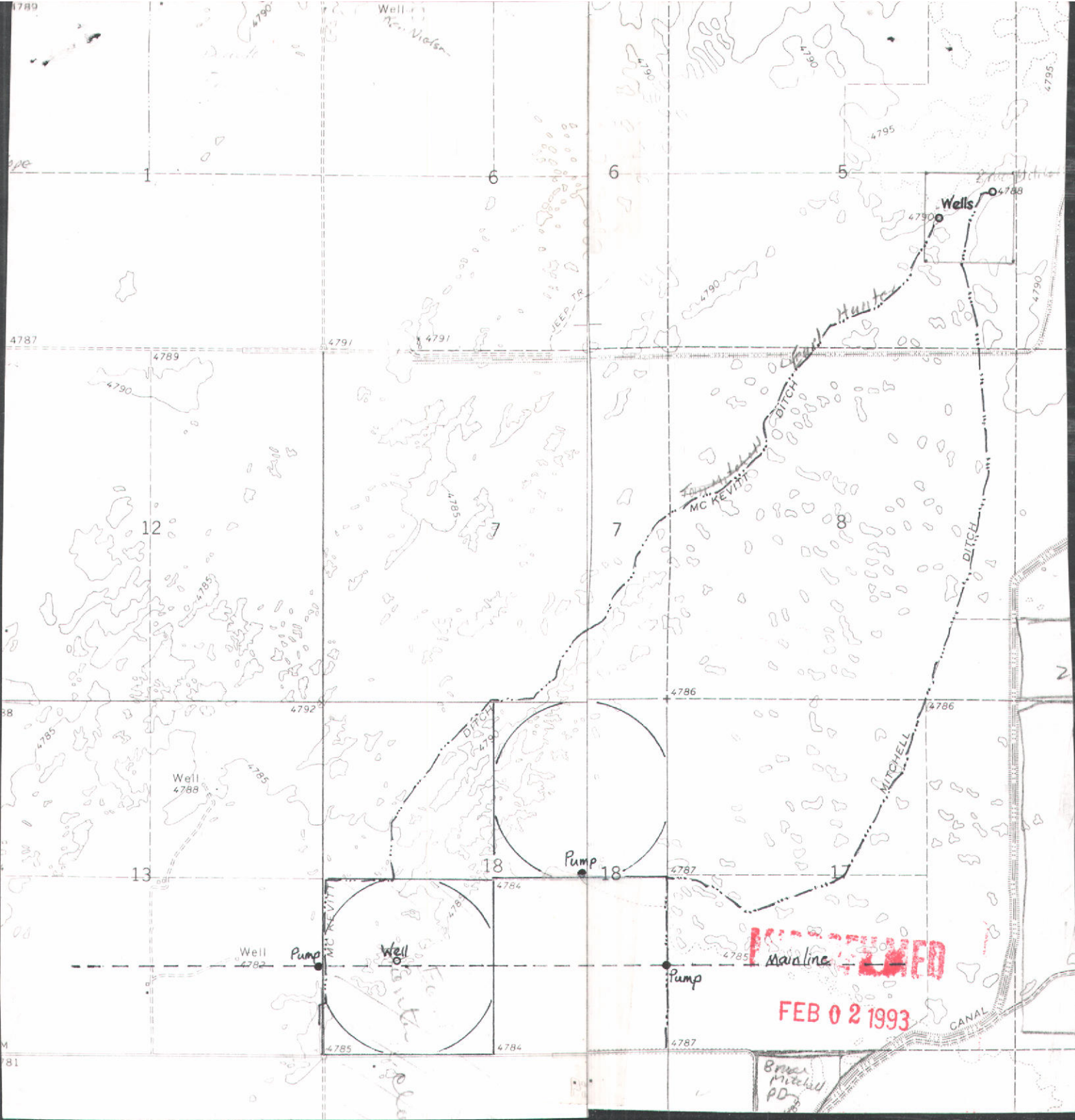
Signed at Idaho Falls, this 22 day of January, 19 85.
Neal Sauer
 (Signature)

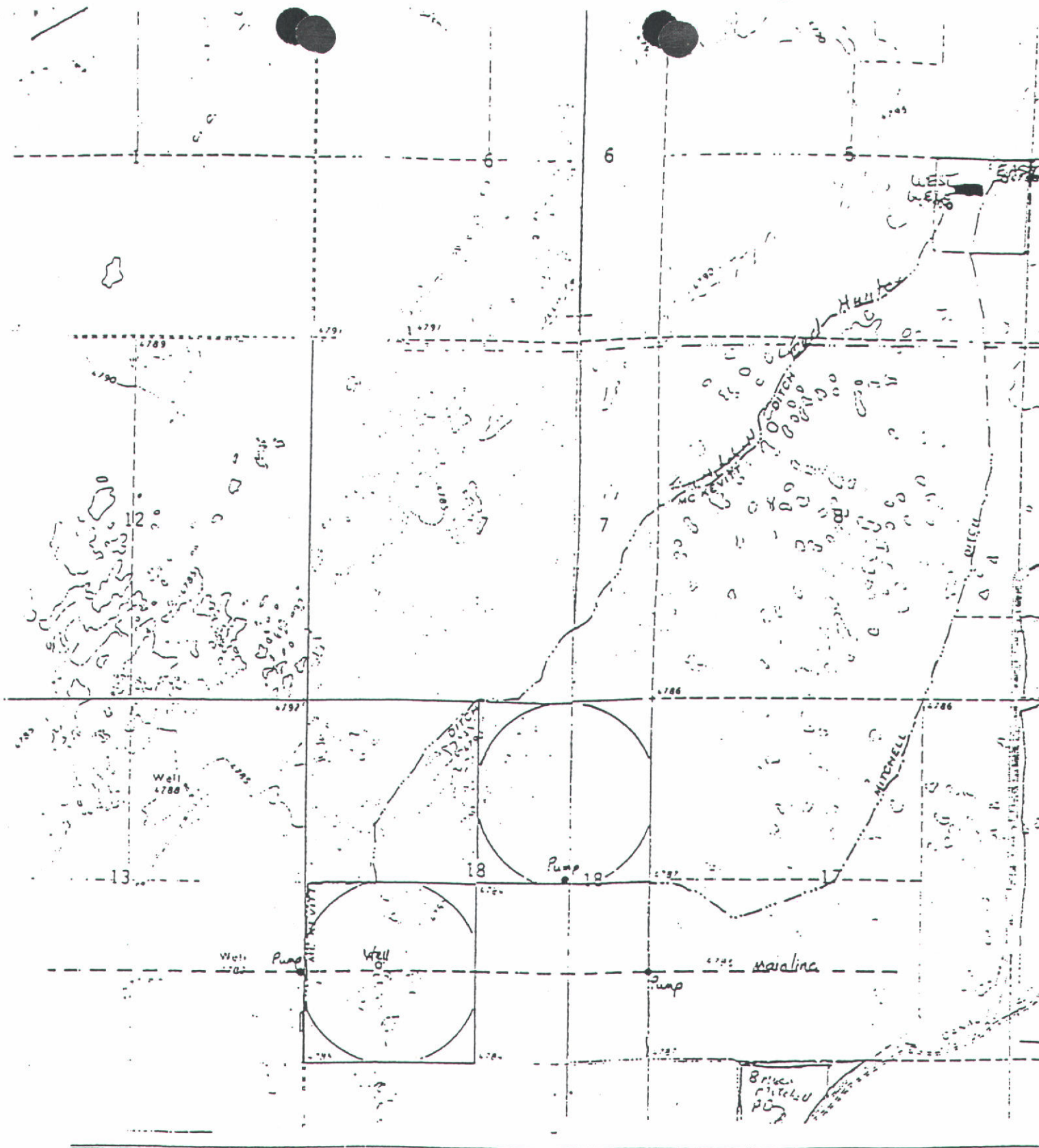
Preliminary check by EMC Fee = \$20.00 #34400
 Publication prepared by Bu Date 2-6-85
 Publication dates 2-21 & 2-28-85

Received by any Date 2-6-85
 Published in Jefferson Star

I, L. GLEN SAXTON, of the Department of Water Resources hereby
Approve the above referenced Amendment provided the conditions as set forth on
page 4 of Permit No. 31-7320 are met.

19 85
H. Glen Saxton
Chief, Operations Bureau





MICROFILMED
OCT 15 2002



WEST WELL

31-7320

RECEIVED

FEB 02 1993



EAST WELL

31-7320



PROPERTY MFD

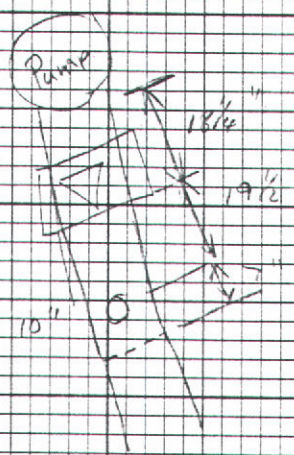
FEB 02 1993

31-7320

10. Other water rights on these lands _____
11. Other water right diverted from same p.d. _____
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.

#61

1



13. ☒ Photo of Diversion & System Attached

☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

MISSOURY DEP

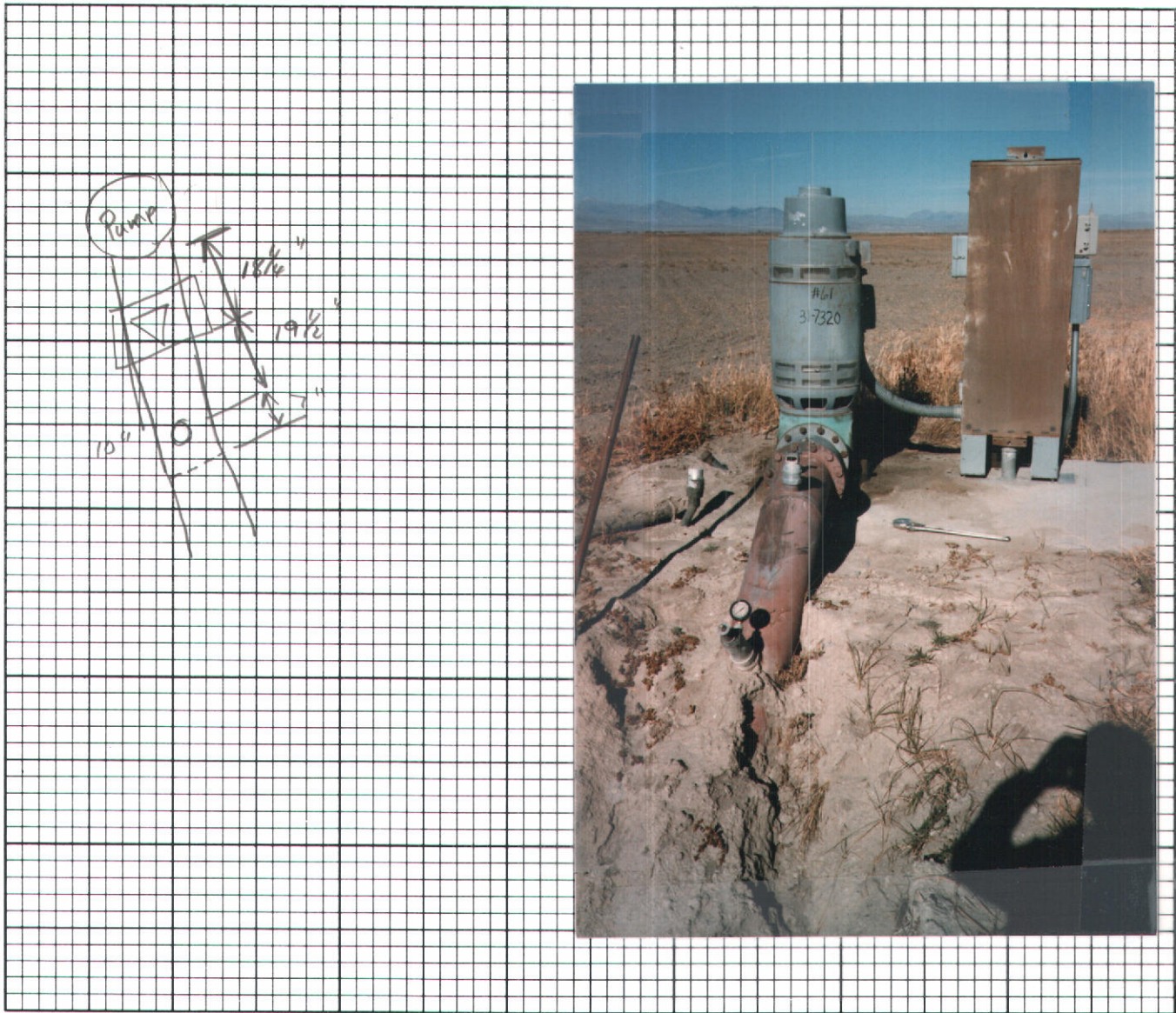
FEB 02 1993

15. Recommended Amendments

☐ _____ ☐ _____ ☐ _____

10. Other water rights on these lands _____
11. Other water right diverted from same p.d. _____
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.

#61



13. ☒ **Photo of Diversion & System Attached** ☐ **Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached**

14. Remarks _____

15. Recommended Amendments
- | | | |
|---|--|--------------------------------|
| ☐ Change P.D. as reflected above | ☐ Add P.D. as reflected above | ☐ None |
| ☐ Change P.U. as reflected above | ☐ Add P.U. as reflected above | ☐ Other |

16. Examiner's/Consultant's Signature Keith C. Wilson Date 28 Oct 1985

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

RECEIVED

FEB 02 1993

Copies of aerial photos from
ASCS office in Dubois, ID.
In 1984, the ASCS
determined there was 125.7 ac.
being irrigated in both the
NE 1/4 & SW 1/4 Sec 18 Twp. 7N.
R. 34E.

Neal Sauer

T7N
R34E

NE 1/4 Sec 18

#62

Brly
125.7

SW 1/4 Sec 18

#63

125.7

Brly

Brly
75.5A
#64

ACR
8.0

78.7

POOR QUALITY ORIGINAL

MICROFILMED

State of Idaho
Department of Water Resources

Amended

Water Right License

Amended

WATER RIGHT NO. 31-07320

Priority: December 18, 1984

Maximum Diversion Rate: 5.12 CFS

Maximum Diversion Volume: 896.0 AF

It is hereby certified that SAUER ENTERPRISES
C/O NEAL SAUER
HC 63 BOX 2137
MONTEVIEW ID 83435 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 5, 1979; and has
submitted Proof of Beneficial Use on December 18, 1984. An examination indicates that the works have
a diversion capacity of 21.21 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
4/15 to 10/15

DIVERSION RATE
5.12 CFS

**ANNUAL
DIVERSION VOLUME**
896.0 AF

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, Twp 07N, Rge 34E, B.M. JEFFERSON CountyGROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, Twp 07N, Rge 34E, B.M. JEFFERSON CountyGROUND WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, Twp 07N, Rge 34E, B.M. JEFFERSON County**PLACE OF USE:** IRRIGATION

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

Total Acres: 256

CONDITIONS OF APPROVAL

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED
OCT 15 2002

State of Idaho
Department of Water Resources

Amended

Water Right License

Amended

WATER RIGHT NO. 31-07320

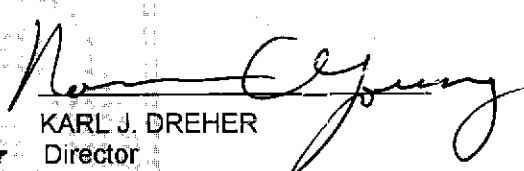
CONDITIONS OF APPROVAL continued

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
6. Unless modified by amendment of or replacement of the existing agreement dated October 24, 1985, by and between Joe Hartwell and Millie E. Hartwell, husband and wife, and Sauer Enterprises, an Idaho partnership, and a water right transfer or other official water right action subsequent to issuance of this license, the water contributed from the two wells in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, T7N, R34E, B.M., to the total combined diversion rate of this right and all other rights diverted from these same two wells is limited to 16.32 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 15TH day of OCTOBER, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED
OCT 15 2002

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PETITION TO)
AMEND WATER RIGHT LICENSE)
NO. 31-7320)
_____)

**PRELIMINARY ORDER
CORRECTING LICENSE**

This matter having come before the Department of Water Resources (Department) as a result of the filing of a petition to correct a water right license, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On August 30, 1979, the Department issued Permit 31-7320 (permit) to Earl Hunter for the diversion of 6.4 cfs from ground water in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, T7N, R34E, B. M., for the irrigation of 320 acres in Jefferson County.
2. On December 18, 1984, Earl Hunter assigned the permit to Sauer Enterprises.
3. On February 6, 1985, Sauer Enterprises applied to the Department to amend the permit (amendment) to add two additional points of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, T7N, R34E, B. M.
4. On October 24, 1985, Joe Hartwell and Millie Hartwell, husband and wife, who owned the land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, T7N, R34E, B. M., and Sauer Enterprises entered into an agreement for the construction of a ditch to convey "no more than 816 inches of water (16.32 cfs)" from the two wells located on the Hartwell property to the land to be irrigated by Sauer Enterprises under the permit.
5. On December 18, 1985, the Department approved the amendment.
6. In 1985 and 1990 Department field examiners conducted inspections to verify the extent of the beneficial use developed in accordance with the permit. The examiners determined the combined capacity of the two points of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, T7N, R34E, B. M., to be 13.09 cfs and the combined capacity of all three points of diversion to be 17.98 cfs.
7. The permit shares some or all of its three points of diversion with several other water rights, including Right 31-160A.
8. On December 15, 1988, Ray Sauer claimed the permit in the Snake River Basin Adjudication (SRBA).

9. On January 28, 1993, the Department issued Water Right License 31-7320 (license) to Sauer Enterprises. Condition of approval no. 6 on the license says:

The total combined rate of diversion under this right and all other rights from the same points of diversion shall not exceed 17.98 cfs.

10. On May 10, 2001, the Department submitted a Director's Report for the irrigation water rights in Administrative Basin 31, including Water Rights 31-7320 and 31-160A, to the SRBA court. In the Director's Report the Department recommended that the court decree the elements of Water Right 31-7320 as they were licensed with an additional approval condition that the diversion rate from the two wells in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, T7N, R34E, B. M., is limited to 12.00 cfs. The basis for the additional condition was a 1948 warranty deed conveying property from Sandy Mitchell and Dorothy Mitchell, husband and wife, to Joe Hartwell. The 1948 warranty deed reserved the right for Thomas Mitchell to drill a well or wells and convey water from the land acquired by Hartwell. Thomas Mitchell was a predecessor in interest to Sauer Enterprises.
11. On June 18, 2001, Neal Sauer filed formal objections to the Department's recommendations for some of his water rights, including Right 31-160A, with the SRBA court. In the objections, Neal Sauer asserted that the Department's recommendations are in error because the combined diversion rate limit from the two points of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, T7N, R34E, B. M., is too restrictive.
12. On August 22, 2002, Department staff met with Neal Sauer and Ray Sauer (Sauers) and their attorney, Jerry Rigby, to determine if the objections to Right 31-160A and the other rights could be resolved. At the meeting, the Sauers showed the Department information showing that the combined diversion capacity of the two wells located within NE $\frac{1}{4}$ SE $\frac{1}{4}$, S05, T07N, R34E exceeds 16.32 cfs.
13. On September 17, 2002, Jerry Rigby, filed a petition (petition) to amend the license. In the petition Mr. Rigby provides the following reasons why the administrative restrictions placed in condition of approval no. 6 on the license are erroneous:
- A. The restriction was based upon an agreement between the right holder and the subservient lands over which the ditch traverses, which agreement was modified to increase the flows on the subservient lands from a 12 cfs restriction up to 16.32 cfs.
 - B. The water measurements taken in the past and forming the basis for the license have been at times during the year when the wells in Section 5 were not producing at their full capacity.
 - C. Additional water rights have been transferred to the points of diversion in Section 5.

14. In the petition, the petitioners ask the department to amend the license by modifying condition of approval no. 6 to say:

The total combined rate of diversion under this right and all other rights from the two points of diversion located within NESE, S05, T07N, R34E shall not exceed 16.32 cfs.

CONCLUSIONS OF LAW

1. The license does not accurately portray the water use developed by the right holder in accordance with Permit 31-7320.
2. Under Section 42-219, *Idaho Code*, the Department has a statutory obligation to issue a water right license that accurately portrays the water right developed in accordance with the permit.
3. The Department should modify approval condition no. 6 on the license as proposed in the petition.

ORDER

IT IS HEREBY ORDERED that approval condition no. 6 on Water Right License 31-7320 is **CORRECTED** to say:

Unless modified by amendment of or replacement of the existing agreement dated October 24, 1985, by and between Joe Hartwell and Millie E. Hartwell, husband and wife, and Sauer Enterprises, an Idaho partnership, and a water right transfer or other official water right action subsequent to issuance of this license, the water contributed from the two wells in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, T7N, R34E, B.M., to the total combined diversion rate of this right and all other rights diverted from these same two wells is limited to 16.32 cfs.

IT IS FURTHER HEREBY ORDERED that the Department shall issue an Amended Water Right License issued in conjunction with this order.

Dated this 15TH day of OCTOBER, 2002.


NORMAN C. YOUNG
Administrator, Water Management Division

WATER RIGHT SPLIT
SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Permit~~	~~31-7320~~	~~Earl Hunter~~	~~6.4 cfs~~
Full Assignment	31-7320	Sauer Enterprises	6.4 cfs

01/28/2010 10:00 AM



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 28, 1993

SAUER ENTERPRISES
C/O NEAL SAUER
HC 63 BOX 2137
MONTEVIEW ID 83435

RE: WATER RIGHT NO. 31-07320

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure



FEB 02 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 31-07320

Priority: December 18, 1984

Maximum Diversion Rate:

5.12 CFS

Maximum Diversion Volume:

896.0 AF

This is to certify, that SAUER ENTERPRISES

C/O NEAL SAUER

HC 63 BOX 2137

MONTEVIEW ID 834350000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 5, 1979; and has submitted Proof of Beneficial Use on December 18, 1984. An examination indicates that the works have a diversion capacity of 17.980 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	5.12 CFS	896.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 5, Township 07N, Range 34E
NWSW , Sec. 18, Township 07N, Range 34E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	34E	18	NENE 32	NWNE 32	SWNE 32	
			SENE 32	NESW 32	NWSW 32	
			SWSW 32	SESW 32		256

Total number of acres irrigated: 256

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

MICROFILMED

FEB 02 1993

State of Idaho
Department of Water Resources

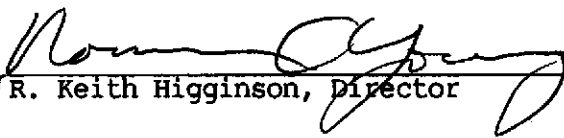
WATER RIGHT LICENSE

WATER RIGHT NO. 31-07320

CONDITIONS/REMARKS:

6. The total combined rate of diversion under this right and all other rights from the same points of diversion shall not exceed 17.98 cfs.
7. Two points of diversion are located within NESE, S05, T07N, R34E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 28TH day of JANUARY, 1993.

Acting for  R. Keith Higginson, Director

FEB 02 1993

STATE OF IDAHO

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use

APPROVED

Comes now Sauer Enterprises Phone 522-5179

of (address) c/o Neal Sauer, Rt. #5, Box 160, Idaho Falls, ID 83402 and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 31-7320, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW ¼ SW ¼, Section 18, Township 7N, Range 34E, B.M., County of Jefferson. Other points of diversion: 2 wells in NE¼SE¼, Sec. 5, T. 7N, R. 34E (see attached map and explanation of diversion works)

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 6.40 cfs for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
Amount for purposes from to (both dates inclusive)
Amount for purposes from to (both dates inclusive)
Amount for purposes from to (both dates inclusive)

3. Place of use or land to be irrigated:

NO CHANGE

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	34E	18	40	40	40	40					40	40	40	40					320

Total number of acres to be irrigated = 320

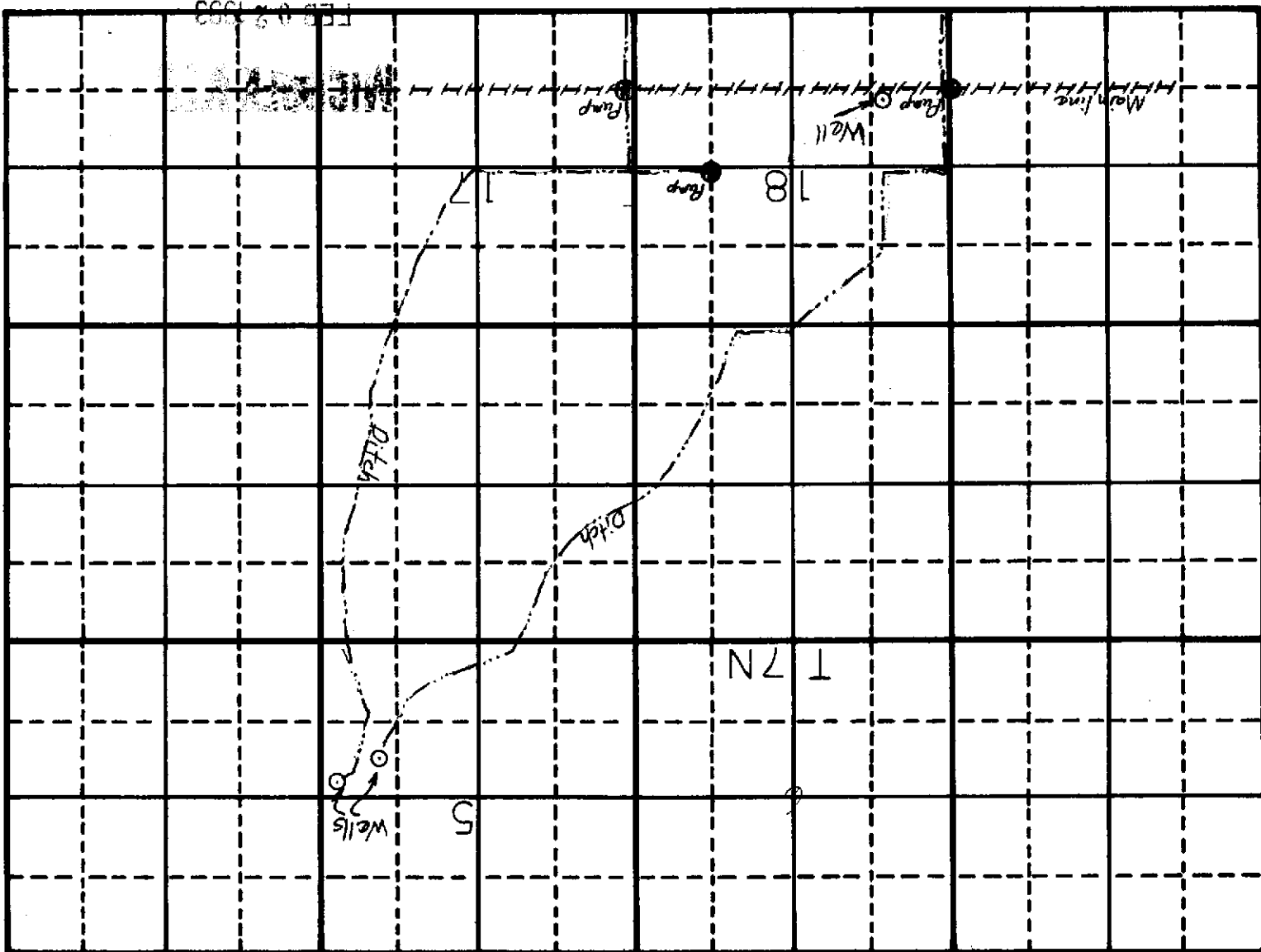
4. a. Who owns the property at the point of diversion? Applicant & Joe Hartwell
b. Who owns the land to be irrigated or the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Applicant has an easement authorizing access to wells in Sec. 5 and their respective ditches

FEB 02 1993

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

R 34E



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Chicago Falls

day of 22 this

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by

Fee = \$20.00 #34400

Received by

Date 1/11/20

58-9-7

Publication prepared by

Date _____

58-9-2

Published in

Publication dates

58-88-0 3 18-0

ACTION OF THE DEPARTMENT OF WATER RESOURCES

L. GLEN SAXTON

of the Department of Water Resources hereby

Approve the above referenced Amendment provided the conditions as set forth on

page 4 of Permit No. 31-7320 are met.

Witness my hand this

day of

81

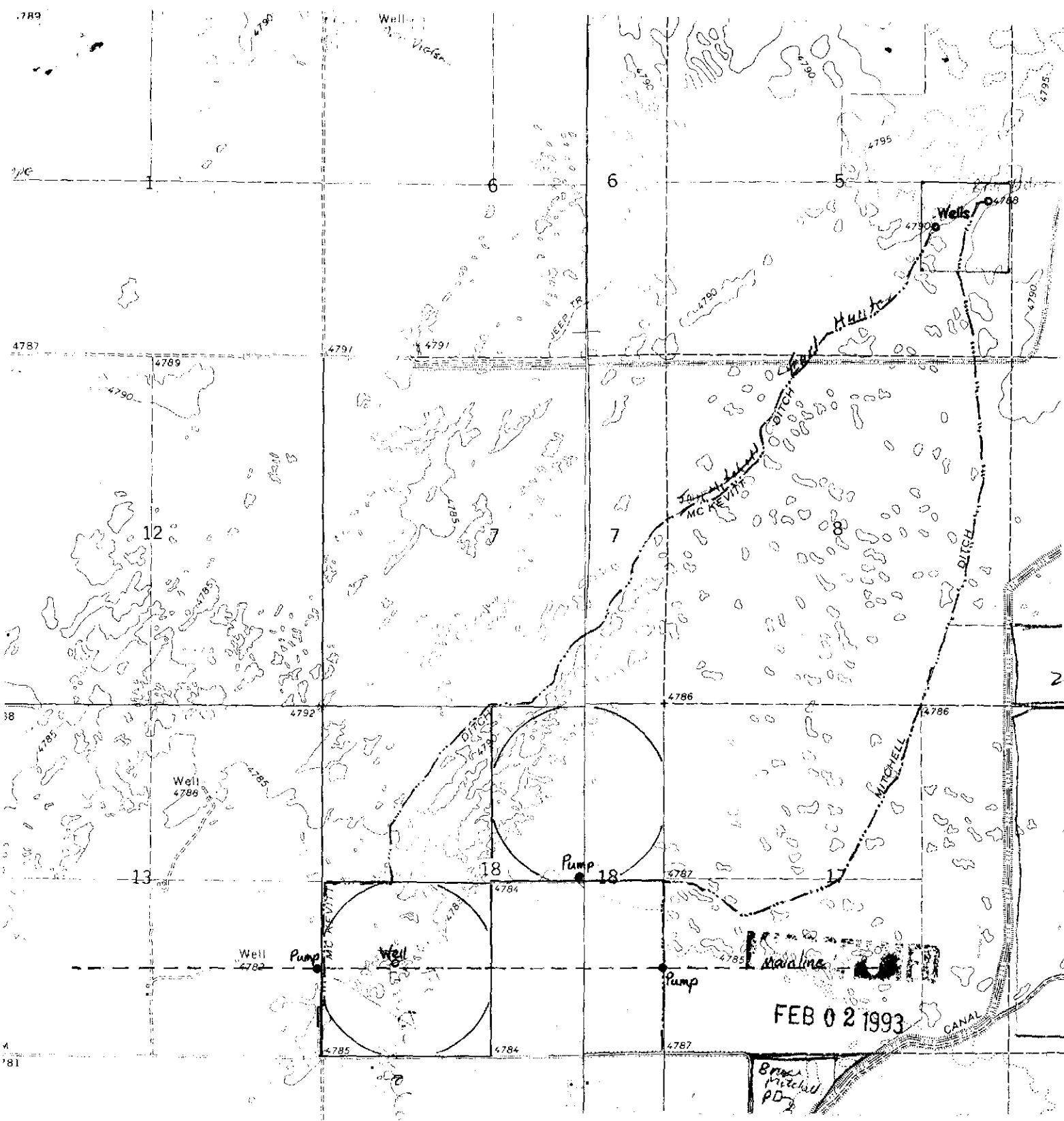
December

58 19

Chief, Operations Bureau

19
J. Allen Boyton
Chief, Operations Bureau

1993 02 20



FEB 02 1993

Brown Mitchell
PD

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Jefferson } ss

I, Terry Weatherston,
being first duly sworn, depose and say, that I am
the printer of THE JEFFERSON STAR, a weekly
newspaper printed and published weekly at
Rigby, Jefferson County, Idaho; and I do
solemnly swear that the

Notice Of Proposed Amending Of Water Right

a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for 2
consecutive issues, the first publication hav-

ing been made on February 21, 1985
and the last publication having been made

on February 28, 1985.

Further, that said newspaper is one of general
circulation in said county; that it is a legal
newspaper, conforming to legal specifications
under the Idaho Statutes; that it has at least two
hundred bona fide subscribers living within the
county of publication; and that it has been
continuously and uninterruptedly published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

Terry Weatherston



Subscribed to and sworn to before me
this March 1, 1985

Jeri L. Lamm
Notary Public.

(SEAL)

My commission expires life

NOTICE OF PROPOSED AMENDING OF WATER RIGHT 31-7320

Notice is hereby given that Permit No. 31-
7320 in the name of Sauer Enterprises was
issued for the diversion of 6.4 cfs of water
from a groundwater source with the point of
diversion within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T.
7N, R. 34E, B.M., Jefferson County; to be
used for the irrigation of 320 acres from Apr.
1 to Nov. 1 within the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 18,
T. 7N, R. 34E, B.M.

The permit holder now proposes to amend
Permit No. 31-7320 changing the point of
diversion to the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18,
NE $\frac{1}{4}$ SE $\frac{1}{4}$, (2 points) Sec. 5, T. 7N, R. 34E,
B.M.

Any protest to the proposed amending of
the permit must be filed with the Idaho
Department of Water Resources, 150
Shoup, Suite 15, Idaho Falls, ID 83402 on or
before March 11, 1985.

A. KENNETH DUNN
Director

Publ. Feb. 21 and 28, 1985RS

RECEIVED 2-28-85

FEB 22 1985

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
NO. 31-7320 IN THE NAME OF	)	
SAUER ENTERPRISES	)	ORDER OF REINSTATEMENT

WHEREAS, on July 5, 1979 Earl Hunter filed Application for Permit No. 31-7320; and,

WHEREAS, on August 30, 1979, the Director of the Department of Water Resources issued Permit No. 31-7320 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before August 1, 1984; and,

WHEREAS, on May 31, 1984, the Department sent a proof due notice to the permit holder; and,

WHEREAS, on August 24, 1984, the Department sent a lapse notice to the permit holder since neither proof of beneficial use nor a request for extension of time had been received from the permit holder; and,

WHEREAS, on December 18, 1984, proof of beneficial use was submitted by the permit holder along with an assignment of permit assigning all said right to Sauer Enterprises; and,

WHEREAS, amendments to Section 42-218A, Idaho Code, effective April 8, 1983, provide that the Director may reinstate a permit upon which proof has been submitted subsequent to the sixty day period after the notice of lapsing; and,

WHEREAS, permit holder has shown adequate cause that the permit can be reinstated;

MICROFILMED

IT IS, THEREFORE, HEREBY ORDERED that permit No. 31-7320 be reinstated;
and It Is Further ordered that the priority be advanced to December 18, 1984.

Dated this 10th day of April, 1985.


L. GLEN SAXTON
Chief, Operations Bureau

D27

RECEIVED
APR 11 1985

RECEIVED

DEC 26 1984

State of Idaho

Department of Water Resources

RECEIVED

DEC 18 1984

ASSIGNMENT OF PERMIT

Department of Water Resources

Department of Water Resources
Eastern District Office

I, Earl Hunter, hereby assign to Sauer Enterprises
of c/o Neal Sauer, Route 5 Box 160, Idaho Falls, ID 83402
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 31-7320
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 18 day of December, 1984.

Earl Hunter
Permit Holder

Hester A. Hunter
Spouse of Permit Holder

State of Idaho)
County of Bonneville) ss.

On this 18th day of December, 1984, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Glenn Allingworth
Notary Public residing at
10 Falls ID

My commission expires:

permanent

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Earl Hunter Phone 538-7971

Post office address P.O. Box 310, Ririe, ID 83443

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18 Township 7N

Range 34E B.M. Jefferson County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 6.4 for Irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 6.4 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump & sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 525 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	34E	18	40	40	40	40					40	40	40	40					320

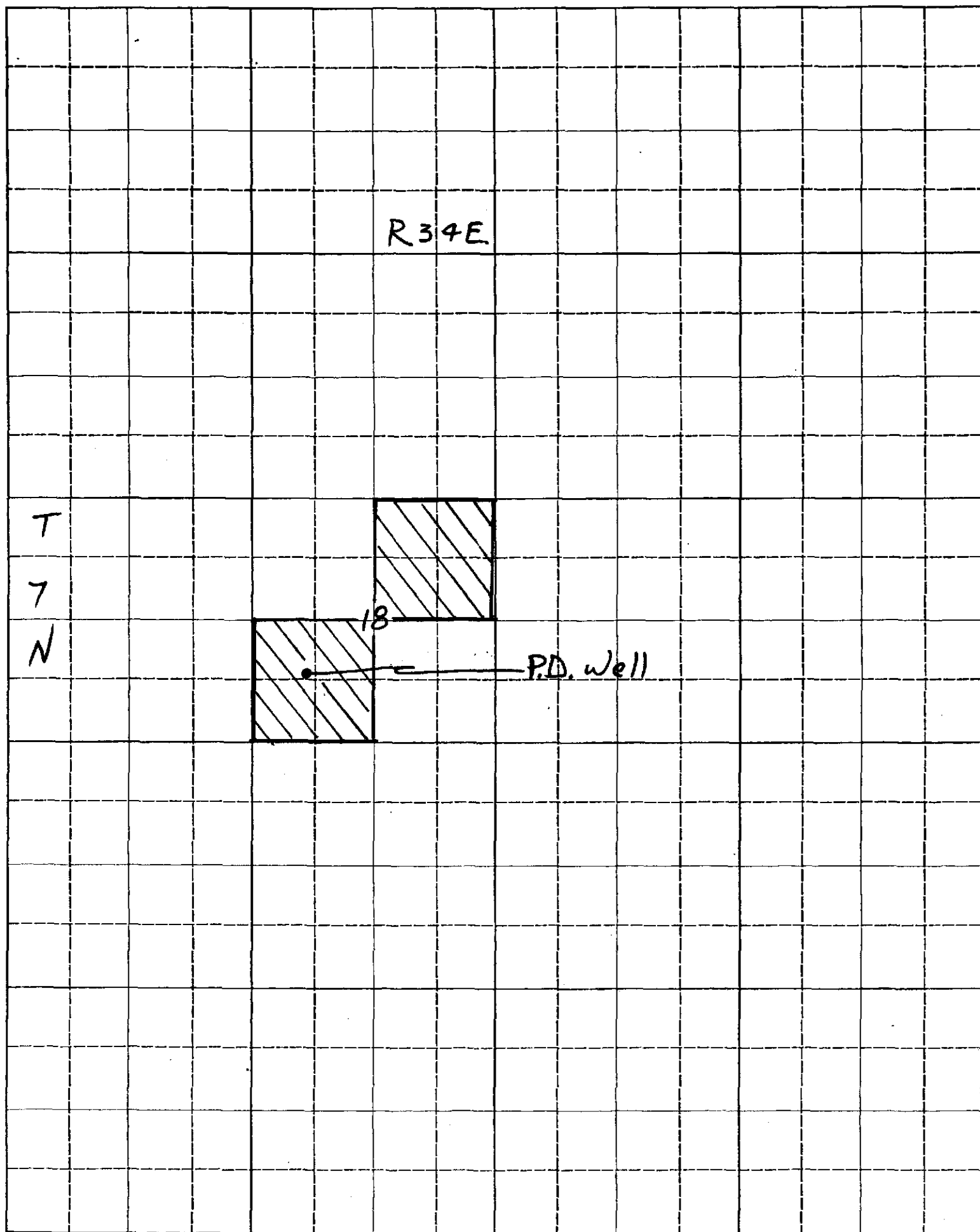
Total number of acres to be irrigated 320

c. Describe any other water rights used for the same purposes as described above. Claim No. 31-4012 includes SW¼, Sec. 18, T. 7N, R. 34E.

9. a. Who owns the property at the point of diversion Applicant
- b. Who owns the land to be irrigated or place of use Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Earl Hunter
(Applicant)

Proposed Priority 7/5/79

Received by DH Date 7-5-79 Time noon

Preliminary check by [signature] Fee \$95.00

Receipted by DH Date 7-5-79 #11987

Publication prepared by dh Date 7-13-79

Published in Rigby Star

Publication dates July 18 & 25, 1979

Publication approved 90 Date 8/21/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC SS.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 31-7320, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 30th day of August, 19 79.

[Signature]
Chief, Operations Bureau

**NOTICE OF APPLICATION
FOR WATER RIGHT**

NOTICE IS HEREBY GIVEN that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho:

01-7032

Hal D. and/or Merlyn Clark,
Route 4, Box 279, Rigby, Id. 83442.
Source: Snake River, South Fork
tributary to Columbia River.
Date filed: 7-3-1979.
Amount 2.20 CFS.
Diversion Point: NENW Sec. 29 T
04N R 40E, Jefferson Co.
Use: Irrigation (2.20 CFS) from
4-1 to 11-1.
Place of Use: SWNE, SWNW,
SENV, Sec. 28 T 04N R 39E for 110
acres.
Diversion Means: Headworks of
Rudy Canal.

25-7175

Parkwood Acres Water Company,
Inc., c/o Sandy Stacey, 140
Parkwood Drive, Rigby, Id. 83442.
Source: Groundwater.
Date Filed: 7-3-1979.
Amount: 0.50 CFS
Diversion Point: SESE Sec. 26 T
04N R 38E, Jefferson Co.
Use: Domestic (0.50 CFS) from
1-01 to 12-31.
Place of Use: SESE, Sec. 26 T 04N
R 38E.
Diversion Means: Well, pump
and pipeline.

25-7176

Jefferson County, Box 275, Rigby,
Id. 83442.
Source: Groundwater.
Date Filed: 6-27-1979.
Amount: 0.04 CFS.
Diversion Point: NENE, Sec. 07 T
04N R 39E, Jefferson Co.
Use: Domestic (0.04 CFS) from
1-01 to 12-31.
Place of Use: NENE Sec. 07 T 04N
R 39E.
Diversion Means: Well and
pump.

31-7319

Rene and/or Lella Shurtliff,
Hamer, Id. 83425.
Source: Groundwater.
Date Filed: 6-28-1979.
Amount: 4.00 CFS.
Diversion Point: SESE, SWSE,
Sec. 22 T 07N R 36E, Jefferson Co.
Use: Irrigation (4.00 CFS) from
04-01 to 11-01.
Place of Use: NESW, SESW,
NESE, NWSE, SWSE, SESE, Sec.
22 T 07N R 36E for 181 acres.
Diversion Means: Well, pump
and open ditches.

31-7320

Earl Hunter, P.O. Box 310, Ririe,
Id. 83443.
Source: Groundwater.
Date Filed: 7-5-1979.
Amount: 6.40 CFS.
Diversion Point: NWSE Sec. 18 T
07N R 34E, Jefferson Co.
Use: Irrigation (6.40 CFS) from
04-01 to 11-01.
Place of Use: NENE, NWNE,
SWNE, SENE, NESW, NWSW,
SWSW, SESW, Sec. 18 T 07N R 34E
for 320 acres.
Diversion Means: Well, pump
and sprinkler system.

If issued, the permits will be
subject to all prior water rights.
Protests against the granting of any
permit must be filed with the
Director of the Idaho Department of
Water Resources, 1515 Lincoln
Road, Idaho Falls, Idaho 83401 on or
before August 6, 1979.

/s/ C. Stephen Allred
Director

Published July 18 and 25, 1979.

Affidavit of Publication

THE RIGBY STAR

RECEIVED

AUG 14 1979

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Jefferson

ss

I, Karl Hanosky, do solemnly swear that I am the
Publisher of THE RIGBY STAR, a weekly
newspaper as defined by Idaho Codes Annotated Section 58-106 as
amended, and that said newspaper is a weekly newspaper, printed and
published at Rigby, Jefferson County, Idaho, having a general circulation in
said county, and that said newspaper has been printed and published as a
weekly newspaper, in said county for more than 78 consecutive weeks prior
to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said
publication as per clipping attached, was published in said newspaper in the
regular and entire issue thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first publication having been made on the

Eighteenth day of July, 1979

and the last publication on the

Twenty-Fifth day of July, 1979

And affiant further says that at the times herein mentioned said
newspaper was made up of at least four pages of at least five columns each
printed from type matter of at least seventeen and three-fourths inches
depth; and that there are at least two hundred bonafide subscribers in
Jefferson County.

Karl Hanosky
Publisher

Subscribed in my presence and sworn to before me this Twenty-Fifth
day of July, 1979.

[SEAL]

Evelyn M. Flagler
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Life, 19

Publication Fee: \$ 72.54

90

REPRODUCED



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

October 16, 2002

SAUER ENTERPRISES
C/O NEAL SAUER
HC 63 BOX 2137
MONTEVIEW ID 83435

RE: Water Right License 31-7320

Dear Water Right Holder:

The Department of Water Resources (IDWR) has issued the enclosed order amending the Water Right License for Water Right 31-7320. The order is a **preliminary order** issued by the Department pursuant to §67-5243, *Idaho Code*. The water right license issued in connection with the order supersedes the license issued on January 28, 1993. **The preliminary order can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.**

If you have questions, please contact me at (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosure

cc: Jerry Rigby
Carter Fritschle, IDWR Adjudication Bureau

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OCT 16 2002

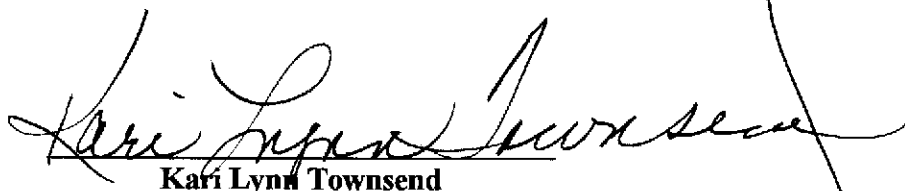
CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of **October, 2002**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 31-7320

SAUER ENTERPRISES
C/O NEAL SAUER
HC 63 BOX 2137
MONTEVIEW ID 83435

JERRY R RIGBY
RIGBY THATCHER ANDRUS RIGBY KAM & MOELLER CHTD
PO BOX 250
REXBURG ID 83440


Kari Lynn Townsend
Secretary

MICROFILMED
OCT 15 2002

**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).

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.

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OCT 15 2002

Keen, Shelley

From: Jerry Rigby [jrigby@rigby-thatcher.com]
Sent: Thursday, October 03, 2002 2:09 PM
To: Keen, Shelley
Subject: RE: Amended License for Sauer

Dear Ms Keen,
Preliminarily, I don't see any problem with your suggested change, I have sent a copy of it to my clients for review and will contact you only if there is a problem which they want addressed. Thanks you for your help.
Jerry Rigby

-----Original Message-----

From: Keen, Shelley [mailto:SKEEN@idwr.state.id.us]
Sent: Wednesday, October 02, 2002 5:10 PM
To: Rigby, Jerry (IWRB Member)
Subject: Amended License for Sauer

Mr. Rigby,

I am assisting Norm Young and Carter Fritschle with the preparation of the amended water right license (31-7320) for Neal and Ray Sauer. We believe the revised approval condition that we initially suggested and you proposed in your "Request to Amend License" may have some shortcomings. The proposed condition says:

The total combined rate of diversion under this right and all other rights from the two points of diversion located within NE $\frac{1}{4}$ SE $\frac{1}{4}$, S05, T07N, R34E shall not exceed 16.32 cfs.

We are concerned that this condition could be misconstrued by someone to mean that all the rights which happen to have those two wells as points of diversion are limited to a combined diversion rate of 16.32 cfs, regardless of the point of diversion actually used. We are also concerned that this condition may preclude the possibility of a change in the 10/24/1985 agreement and a water right transfer adding another water right to the group diverted from those two wells. Therefore, we propose the following condition, which we think addresses these concerns.

Unless modified by amendment of or replacement of the existing agreement dated October 24, 1985, by and between Joe Hartwell and Millie E. Hartwell, husband and wife, and Sauer Enterprises, an Idaho partnership, and a water right transfer or other official water right action subsequent to issuance of this license, the water contributed from the two wells in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, T7N, R34E, B.M., to the total combined diversion rate of this right and all other rights diverted from these same two wells is limited to 16.32 cfs.

Please review this suggested condition and let me know if you agree with our approach. If I have not heard from you by Monday, October 7, 2002, I will prepare the amended license with the new condition beginning "Unless modified by amendment"

Sincerely,

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946

MICROFILMED
OCT 15 2002

skeen@idwr.state.id.us

MICROFILMED
OCT 15 2002

Keen, Shelley

To: Rigby, Jerry (IWRB Member)
Subject: Amended License for Sauer

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Please review this suggested condition and let me know if you agree with our approach. If I have not heard from you by Monday, October 7, 2002, I will prepare the amended license with the new condition beginning "Unless modified by amendment"

Sincerely,

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

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OCT 15 2002

RECEIVED
DEC 23 1974

WARRANTY DEED

Department of Water Resources
Eastern District Office
86030

STATE OF IDAHO
County of Jefferson

I hereby certify that the above
foregoing is a full and correct
copy of the original, (on file
(of record) in the office of the

Dated: Dec 10, 1974

Otto Rahmstrom
Clerk of the District Court
Ex-Officio Auditor & Recorder

in the year of our Lord
the part ies of the first part, and

Dorothy Mitchell
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Shelley K. —

ncg

Amending License 31-7320

Current remark in License 31-7320 that prevents IDWR from recommending the quantities that were agreed upon at the settlement conference held on August 22, 2002:

The total combined rate of diversion under this right and all other rights from the same points of diversion shall not exceed 17.98 cfs.

Possible modification of the remark that will allow us to recommend the quantities agreed upon at the settlement conference:

The total combined rate of diversion under this right and all other rights from the two points of diversion located within NESE, S05, T07N, R34E shall not exceed 16.32 cfs.

Norm,

Jerry said this would work for him. I also sent this to you in an e-mail that was cc'd to Jerry. When we get the SF5's signed, we will need to revisit the approved transfer.

Pat

9-16-02

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OCT 15 2002

Section 13	1999	4.26 cfs
Section 18	1990	4.89 cfs
Section 5 - East Well	2001	8.99 cfs
Section 5 - West Well	1998	8.33 cfs

Total		26.47 cfs*
-------	--	------------

* Exceeds 16.32 cfs from the Section 5 Wells by 1.00 cfs

License Number	Diversion Rate	
31-2299	3.14 cfs	
31-2415	2.55 cfs	
31-7320	5.12 cfs	
Total	10.81 cfs	
Pre 1985 rights from Sec. 5	12.00 cfs	Limited by 1948 warranty deed
Combined limit	22.81 cfs	Does not include the 17.98 cfs limit
Combined limit	22.24 cfs	Includes the 17.98 cfs limit

From WR Supervisor Carter Fritschel's notes.
10/1/2002

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OCT 15 2002

Sauer's Revised Diversion Rate Limits

A settlement conference was held on August 22, 2002 at the SRBA Courthouse in Twin Falls. The combined diversion rate remarks in the recommendations to Neal Sauer's and Ray Sauer's water rights will be changed as follows:

RIGHT NOS. 31-00160A, 31-00160B, 31-00161A, 31-00161B, 31-04011B, 31-04011C, 31-04012, 31-07131 AND 31-10652 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 16.32 CFS.

RIGHT NOS. 31-00160A, 31-00160B, 31-00161A, 31-00161B, 31-02299, 31-02415, 31-04011B, 31-04011C, 31-04012, 31-07131, 31-07320 AND 31-10652 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 26.90 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7350 AF.

THE TOTAL COMBINED RATE OF DIVERSION FOR THE TWO WELLS LOCATED IN T07N, R34E, S05, NESE IS LIMITED TO 16.32 CFS.

RIGHT NOS. 31-00160B, 31-00161B, 31-04011C AND 31-07131 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.17 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1372 AF.

RIGHT NOS. 31-00160A, 31-00161A, 31-02299, 31-02415, 31-04011C, 31-04012, 31-07320 AND 31-10652 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 21.73 CFS.

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OCT 15 2002

Sauer Enterprises Revised Recommendations

1951 - Application for Permit 31-2299 filed by A. J. Richins to divert 9.6 cfs of Ground Water from a well in the SWNE of Sec. 13, T07N, R33E, on 480 acres in Section 13, because the water from Spring Lake is no longer reliable.

1956 - Field exam for 31-2299 found 3.14 cfs being diverted on 220 acres in Section 13.

1964 - Application for Permit 31-2415 filed by Bill K. Yearsley to divert 6.46 cfs of Ground Water from a well in the center of the SE 1/4 of Sec. 13, T07N, R33E, on 480 acres in Section 13, including the 220 acres licensed for 31-2415.

1970 - Field exam for 31-2415 found 2.55 cfs being diverted on 456 acres.

1979 - Application for Permit 31-7320 filed by Earl Hunter for 6.4 cfs of Ground Water from a well in the NWSW of Sec. 18, T07N R34E, on 320 acres in Section 18,

1985 - Transfer No. 3116 filed by Sauer Enterprises on 31-2299 to delete the original POD and add four "new" PODs. Transfer No. 3117 filed by Sauer Enterprises on 31-2415 to add three "new" PODs to the original POD. Both transfers result in having the same four PODs for the lands covered by licenses 31-2299 and 31-2415. The four PODs are described as follows:

T07N, R33E, Sec. 13, NESE

T07N, R34E, Sec. 05, NESE (two wells)

T07N, R34E, Sec. 18, NWSW

Application for Permit 31-7320 amended by Sauer Enterprises to add the two wells in Section 5 as PODs. Joe Hartwell protested the transfers and the amendment of the permit stating any increase in flow from the wells in Section 5 could create a trespass condition and disregard the terms under which he purchased the land.

A new agreement between Sauer Enterprises and Joe Hartwell allows for the diversion of 16.32 cfs from the Section 5 wells. For the analysis based on the original agreement, see the memo Mitchell (Sauer) Wells on Joe Hartwell's Property dated 11-30-00.

1990 - Field exam for 31-7320 found 17.98 cfs being diverted from the Section 5 wells and the Section 18 well. The exam also found 256 acres being irrigated in Section 18. The 1990 field exam is actually a re-examination of Permit 31-7320 since an examination of the Section 18 well had been conducted in 1985. However, the 1985 exam did not include the Section 5 wells that were added by amending the permit.

1993 - License 31-7320 is issued limiting the total combined diversion rate under that right and all other rights from the same points of diversion to 17.98 cfs. The points of diversion are:

T07N, R34E, Sec. 05, NESE (two wells)

T07N, R34E, Sec. 18, NWSW

Summary:

Of the four wells supplying water to Sauer Enterprises' land, only the water diverted from the well in T07N, R33E, Sec. 13, NESE was not included in the 17.98 cfs limit. The Section 13 well had a measured capacity of 2.55 cfs in 1970. However, in 1999 the water measurement district found this well was producing 4.26 cfs¹. The Sauers represented this well actually produces 6.27 cfs, and has been capable of this diversion rate since shortly after they purchased this land in 1983.

¹ The 21.15 cfs diversion rate limit was based on limiting the Section 5 wells to 12.00 cfs, adding the 1990 measured capacity of the Section 18 well (4.89 cfs) to the 1999 measurement of the Section 13 well (4.26 cfs). (12.00 cfs + 4.89 cfs + 4.26 cfs = 21.15 cfs)

Therefore, if one construes Transfer No. 3116 as moving the 3.14 cfs from 31-2299 into the Section 13 well, then this amount plus the 2.55 cfs from license 31-2415 gives a total diversion rate of 5.69 cfs from the Section 13 well. Since this 5.69 cfs not under the 17.98 cfs limit, a total combined diversion rate limit for all the rights from the four wells could be changed to 23.67 cfs. (17.98 cfs + 5.69 cfs = 23.67 cfs). However, it was agreed that if Sauer's request that License 31-7230 be amended to remove the total combined diversion rate limit of 17.98 cfs, the license will be amended without a combined diversion rate limit for the three wells.

Without the 17.98 cfs limit on the Section 18 well and the two Section 5 wells, the total combined diversion rate of all of the Sauer's rights is calculated as follows:

Section 13 well	5.69 cfs
Section 18 well	4.89 cfs
Section 5 wells	<u>16.32 cfs</u>
Total	26.90 cfs

See also Sauer's Revised Diversion Rate Limits memo.

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OCT 15 2002

Mitchell (Sauer) Wells on Joe Hartwell's Property

1930 - Sauve Decree decrees rights 31-00160 to Alexander Mitchell and 31-00161 to Mary Mitchell, both rights have a source of Spring Lake and a priority date of December 8, 1913.

1936 - Documentation supports that Spring Lake had dried up and the east well was drilled in T07N, R34E, S05 NESE by Tom Mitchell to replace the Spring Lake water.

1939 - Documentation supports that the west well was drilled in T07N, R34E, S05 NESE by Tom Mitchell.

1948 - Warranty deed from Sandy and Dorothy Mitchell to Joe Hartwell reserves the right for Thomas Mitchell to drill a new well or wells on property Mitchells sell to Hartwell (includes T07N, R34E, S05, NESE.) The existing well and the new well or wells total diversion rate is limited to 600 inches (12.00 cfs).

1956 - Documentation supports the east well in Section 5 was enlarged. Claims 31-04011B and 31-04011C are for the enlarged use.

1974 - Application for Permit 31-07131 and statutory claim 31-04011 filed. Joe Hartwell protested the application for permit. Bruce Mitchell agreed not to increase the amount of water currently developed and abide by the 1948 warranty deed. Joe Hartwell and Bruce Mitchell signed a stipulation that was also a withdrawal of the protest. See memo from Ron Carlson in file 31-07131 dated December 17, 1974.

1975 - Statutory claim 31-04012 filed by Earl Hunter. Bruce Mitchell filed an exception to the claimed priority date of 1934 stating it should be 1939 or 1940.

1977 - The field exam for 31-07131 was conducted on September 2, 1977. The "capacity" of the east well was measured at 7.42 cfs.

1979 - Application for Permit 31-07320 filed by Sauer Enterprises with the Point of Diversion a well in Section 18.

1985 - Application for Permit 31-07320 amended by Sauer Enterprises to include the wells in Section 5. Amended application states an easement authorizes access to wells in Section 5. A copy of the easement is not furnished with the application, and it is assumed the document that authorizes the easement is the 1948 warranty deed reservation. Joe Hartwell files a protest to this amended application stating that an increase in flow from the wells in Section 5 will "create a trespass condition and disregard the terms under which I purchased the land on which the wells are located." Joe Hartwell later withdrew his protest.

1990 - A re-examination for 31-07320 is conducted to include the flows of both the east well and west well in Section 5. This field exam found the east well producing 5.71 cfs and the west well producing 7.38 cfs. This is a total of 13.09 cfs which is 1.09 cfs greater than the 12.00 cfs described in the 1948 warranty deed.

2000 - A check with Jefferson County Assessor shows Joe Hartwell as the owner of record for T07N, R34E, S05, NESE.

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File Nos. 31-00160A, 31-00160B, 31-00161A, 31-00161B, 31-02299, 31-02415, 31-04011B, 31-04011C, 31-04012, 31-07131, 31-07320 and 31-10652. CLF 11-30-00

Rights Developed from the Wells in Section 5 Prior to 1985 Agreement

Right Number	Priority Date	Amount	Comment
31-160	1936	2.54 cfs	Supersedes 31-2135 - 15 HP Pump
31-161	1936	4.80 cfs	Supersedes 31-2136 - 15 HP Pump
31-4011	1956	3.39 cfs	East Well improvement in 1956 - 40 HP Pump
31-4012	1939	6.24 cfs	West Well 1939 - 60 HP Pump in 1979?
31-10652	1960	6.22 cfs	Additional acres in 1960
31-7131	1974	4.82 cfs	Stipulation that it does not violate 1948 deed

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AGREEMENT AND EASEMENT

THIS AGREEMENT, made and entered into this th 24 day
of October, 1985, by and between JOE HARTWELL and
MILLIE E. HARTWELL, husband and wife, of Jefferson County,
Idaho, hereinafter referred to as "Hartwell" and SAUER
ENTERPRISES, an Idaho partnership having as a general partner
Neal Sauer, hereinafter referred to as "Sauer",

WITNESSETH:

WHEREAS, Hartwell is the owner of real property situate in
Section 5, 8 and 17 of Township 7 North, Range 34 E.B.M. in the
County of Jefferson, State of Idaho.

WHEREAS Sauer owns certain real property situate in the
County of Jefferson, State of Idaho, which real property is
within Section 13 of Township 7 North, Range 33 East Boise
Meridian and within Section 18 of Township 7 North, Range 34
East Boise Meridian.

WHEREAS Sauer's predecessors in interest have drilled two
(2) irrigation wells in the Northeast Quarter of the Southeast
Quarter, Section 5, Township 7 North, Range 34 East Boise
Meridian, which property is owned by Hartwell, and have used
water from those wells for irrigating the land now owned by
Sauer, which wells are shown on the map attached hereto as
Exhibit "A" and incorporated herein by reference.

WHEREAS Sauer and his predecessors in interest have
transported the irrigation water from the above described wells
through two ditches commonly referred to as the McKeivitt Ditch
and the Mitchell Ditch, which ditches are shown on Exhibit "A"
attached hereto.

WHEREAS Sauer now desires to connect the two wells
described above by a new irrigation ditch and use the Mitchell
Ditch as the sole means of delivering water to the lands owned
and irrigated by Sauer.

WHEREAS the parties desire to enter this Agreement to
govern the use of the two irrigation wells, the Mitchell Ditch
and to define the easement accompanying the Mitchell Ditch.

NOW, THEREFORE, it is mutually agreed that for and in
consideration of the sum of Ten Dollars (\$10.00) and other good
and valuable consideration, paid to each of the parties by the

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OCT 15 2002

other parties, the receipt whereof is hereby acknowledged, and in further consideration of the mutual covenants and agreements hereafter contained, the parties do hereby agree as follows:

1. Hartwell does hereby grant to Sauer, its heirs and assigns, the perpetual right and privilege to draw water, subject to the ditch flow limitation described below, from the two existing irrigation wells located in the Northeast Quarter of the Southeast Quarter, Section 5, Township 7 North, Range 34 East Boise Meridian, Jefferson County, Idaho, which two wells are shown on the attached map and are designated as the West Well and East Well.

2. Hartwell further grants to Sauer, its heirs and assigns, an easement 40 feet in width between the East Well and West Well for the construction, use and maintenance of a new irrigation ditch through which water flowing from the West Well will be transferred to the head of the Mitchell Ditch located at the West Well, and Hartwell further grants to Sauer permission to construct said ditch along the most direct practical route between the two wells. When so constructed, the ditch shall serve as the center line for the 40 foot wide easement described herein.

3. Hartwell further grants to Sauer, its heirs and assigns, an easement 40 feet in width having as its center line that portion of the existing Mitchell Ditch lying in Sections 5, 8 and 17 of Township 7 North, Range 34 East Boise Meridian. The easement in the Mitchell Ditch as described herein shall be subject to the limitation that no more than 816 inches of water (16.32 cfs) may be taken from the two wells described in paragraph 1 above and transported through the Mitchell Ditch to the Sauer property. The parties further agree that the use of the easement for the delivery of any water in excess of the amount stated above shall be an excessive burden upon the easement and is prohibited by this agreement.

4. Sauer shall have the right to use and enter upon the easements described above for the purpose of maintaining, repairing or replacing the ditches, pumps, motors, or other equipment. All such maintenance, replacements or repairs shall be at Sauer's sole expense, and Sauer hereby indemnifies and holds harmless Hartwell, his heirs and assigns from any and all labor or material liens which may arise for maintenance or construction operations conducted on Hartwell's property. Sauer shall have the right to construct a road along the Mitchell Ditch and the new ditch to be constructed between the East and West wells, so long as those roads lie within the easements granted to Sauer herein.

5. Hartwell and Sauer hereby agree that Sauer may continue to use both the Mitchell and the McKevitt Ditches for the 1985 irrigation season. After the 1985 irrigation season, all delivery of water from the two wells described in paragraph 1 above to the Sauer property shall be made through the Mitchell Ditch, and Sauer hereby abandons all right, title and interest, if any, which they may have in the McKevitt Ditch.

6. This agreement is intended to fully define the rights of Sauer in the real property owned by Hartwell. As such, it supersedes any and all prior agreements, whether oral or written, easements, prescriptive easement, or any other documents between the parties hereto or their predecessors in interest.

DATED this 24th day of October, 1985.

Joe Hartwell
Joe Hartwell

Millie E. Hartwell
Millie E. Hartwell

SAUER ENTERPRISES

Sauer Enterprises
BY: Neal Sauer
General Partner

We, the undersigned, have read the foregoing Easement Agreement, consent to it and agree that the Agreement shall be binding upon us.

Earl Hunter
Earl Hunter

HETTIE Hunter
HETTIE Hunter

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 24th day of October, in the year of 1985,
before me, the undersigned, a Notary Public, in and for the
State of Idaho, personally appeared JOE HARTWELL and MILLIE E.
HARTWELL, husband and wife, 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 in this certificate
first above written.

(seal)

Shirley C. Bush Monterey, Id.
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 1/20/87

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 20th day of September, in the year of 1985,
before me the undersigned, a Notary Public in and for said
State, personally appeared EARL HUNTER and HETTIE
HUNTER, husband and wife, known or identified to me to be the
partners in the partnership of SAUER ENTERPRISES, an Idaho
Partnership, and the partners who subscribed said partnership
name to the foregoing instrument, and acknowledged to me that
they executed the same in said partnership name.

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

Val L. Bush
Notary Public for Idaho
Residing at: Boise, Idaho
My commission expires: life

5229c/rs

Law Offices

RECEIVED

SEP 27 2002

**RIGBY, THATCHER, ANDRUS
RIGBY, KAM & MOELLER, Chartered**

Department of Water Resources

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Facsimile: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com

FAX Transmission Sheet

Date: September 27, 2002

To: NORM YOUNG
IDWR

Fax No: (208) 327-7866

From: Jerry R. Rigby

Sent By: Jana

Subject: Sauer Water Rights

You should receive ~~X~~ page(s) including this cover sheet.**COMMENTS:**

Norm, Jerry asked me to ask you if the fax we last sent on Sept. 17, 2002, is all that is required or do you need an original letter from us. Please let us know.

Thank you - Jana

Called Jana
on 9/30/02
Told her original
is not needed.
JCR

F:\WP6\SB\SAUER.FAX

If transmission was incomplete or not legible, please call the sender at 208-356-3633.

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the US Postal Service. Thank you.

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OCT 15 2002

*Law Offices***RIGBY, THATCHER, ANDRUS
RIGBY, KAM & MOELLER, Chartered**

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Facsimile: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com

Department of Water Resources

**RECEIVED
SEP 17 2002****FAX Transmission Sheet**

Date: September 17, 2002

To: NORM YOUNG
IDWR

Fax No: (208) 327-7866

From: Jerry R. Rigby

Sent By: Jana

Subject:

You should receive 4 page(s) including this cover sheet.

COMMENTS:

Norm, After receiving Carter's e-mail, does the attached request now meet with what you had envisioned? Please let me know today if you believe we should make any further changes.

Thanks - Jerry

FAWP65B\SAUER.FAX

If transmission was incomplete or not legible, please call the sender at 208-356-3633.

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the US Postal Service. Thank you.

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OCT 15 2002

Jerry R. Rigby
of RIGBY, THATCHER, ANDRUS
RIGBY, KAM & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

Attorneys for Neil Sauer and Ray Sauer

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

In Re: Neil Sauer and Ray Sauer

Water Right No. 31-07320

REQUEST TO AMEND LICENSE

COMES NOW Neal Sauer and Ray Sauer in the above entitled matter, by and through Counsel of record, Rigby, Thatcher, Andrus, Rigby, Kam & Moeller, Chartered, and pursuant to the general terms of a settlement conference held on August 22, 2002, hereby requests that the Idaho Department of Water Resources amend Water License Number 31-07320 so as to modify the restrictive remarks set forth therein as follows:

PRESENT REMARK: The total combined rate of diversion under this right and all other rights from the same points of diversion shall not exceed 17.98 cfs.

REQUEST TO AMEND LICENSE - Page 1 of 3
FAWP6SBSAUERJ.REQ

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OCT 15 2002

REQUESTED MODIFICATION OF THE REMARK: The total combined rate of diversion under this right and all other rights from the two points of diversion located within NESE, S05, T07N, R34E shall not exceed 16.32 cfs.

This request is made pursuant said Settlement Conference between the Idaho Department of Water Resources and Claimants wherein Claimants evidenced the administrative restrictions placed upon the above described license were unnecessary and erroneous for the following reasons:

1. The administrative restriction of 12 c.f.s for wells located in Section 5, Township 7 North, Range 43 East, Boise Meridian, Jefferson County, Idaho, were too restrictive for two reasons:
 - a. The restriction is based upon an erroneous assumption that there was only one ditch carrying water from Section 5 to Claimants place of use, when in fact there were two ditches.
 - b. The restriction was based upon an agreement between the Claimants and the subservient lands over which the ditch traverses, which agreement was modified to increase the flows on the subservient lands from a 12 c.f.s. restriction up to 16.32 c.f.s.
2. The water measurements taken in the past have been at times during the year where the wells in said Section 5 have not be producing at their full capacity.
3. The number of water rights which have been transferred to said Section 5, without the restrictions placed thereon, are sufficient to equal the request made by Claimants herein.

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OCT 15 2002

4. The requested modification would remove the well located in Section 18 from the limiting language and also recognizes the "new" agreement between the subservient lands (Hartwell) and Claimants.

Respectfully submitted this 13th day of September, 2002.



Jerry Rigby
Attorney for Claimants
Neal Sauer and Ray Sauer

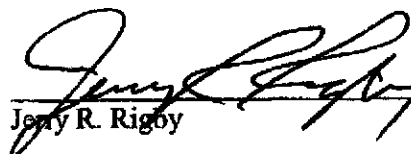
CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 17th day of September, 2002, a true and accurate copy of the foregoing was sent by U.S. Mail, postage prepaid to the following:

Deputy Attorney General
Candice McHugh
P.O. Box 83720
Boise, ID 83720-0098

Norm Young
IDWR
P.O. Box 83720
Boise, ID 83720-0098

Neal Sauer
Ray Sauer
c/o Jerry R. Rigby
P.O. Box 250
Rexburg, ID 83440



Jerry R. Rigby

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street
Boise, Idaho 83706-2237



FORWARDING ORDER EXPIRED

1/14/93

Per assessors office:

HC 63

Box 2437

MONTEVIEW ID 83435

updated 1/15/93 cz

Department of Water Resources

RECEIVED
JAN 11 1993

FEB 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 5, 1993

SAUER ENTERPRISES
C/O NEAL SAUER
RT 5 BOX 160
IDAHO FALLS ID 834020000

RE: WATER RIGHT NO. 31-07320

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Skaggs".

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

WATER RIGHT NO. 31-07320

Priority: December 18, 1984

Maximum Diversion Rate:

5.12 CFS

Maximum Diversion Volume:

896.0 AF

This is to certify, that SAUER ENTERPRISES

C/O NEAL SAUER

RT 5 BOX 160

IDAHO FALLS ID 834020000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 5, 1979; and has submitted Proof of Beneficial Use on December 18, 1984. An examination indicates that the works have a diversion capacity of 17.980 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	5.12 CFS	896.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 5, Township 07N, Range 34E

NWSW , Sec. 18, Township 07N, Range 34E

JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	34E	18	NENE 32	NWNE 32	SWNE 32	
			SENE 32	NESW 32	NWSW 32	
			SWSW 32	SESW 32		256

Total number of acres irrigated: 256

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

WATER RIGHT NO. 31-07320

CONDITIONS/REMARKS:

6. The total combined rate of diversion under this right and all other rights from the same points of diversion shall not exceed 17.98 cfs.
7. Two points of diversion are located within NESE, S05, T07N, R34E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this _____ day of _____, 19____.

R. Keith Higginson, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 5, 1993

SAUER ENTERPRISES
C/O NEAL SAUER
RT 5 BOX 160
IDAHO FALLS ID 834020000

RE: WATER RIGHT NO. 31-07320

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

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FEB 02 1993

LICENSE REVIEW CHECKLIST

Permit # 31-07320

Date 12-29-92 CS

	Yes	No	
NAME	☐	☒	Address Change?
PRIORITY DATE	☐	☒	Advance? _____
	☐	☒	Memo to Advance _____
	☐	☒	Order to Reinstate Needed? <u>DONE</u>
TOTAL CFS	☐	☒	Exam date (original) <u>10-29-85</u>
	☒	☐	Incorrect Fee for rate recommended?
	☒	☐	Disagree with Actual Measurement?
	☒	☐	<u>256 x .02 = 5.12 cfs (IRR)</u>
	☒	☐	Disagree with Theoretical? _____
	☒	☐	Limited by Capacity? <u>17.98 cfs</u>
TOTAL VOLUME			Rate/ac <u>3.5</u> AFA Irr. Season <u>B</u>
			<u>4-15 to 10-15</u> Standard Irr. Season
			<u>Same/Reduced f/Permit</u> Season Recommended
	☒	☐	Disagree with Examiner's Calculations?
	☒	☐	<u>256 x 3.5 = 896 cfs (IRR)</u>
	☒	☐	Limited by Flow? <u>5.12 x 184 x 1.9835 = 1868.6</u>
SOURCE	☒	☐	Changes? Clarification of <u>Originally</u>
	☒	☐	<u>Intended source</u>
	☒	☐	Notice of Intent to Void.
P/D	☒	☐	Verify with Map
	☒	☐	Amendment Needed? _____
	☒	☐	Is Overlap Analysis a Consideration?
P/U	☒	☐	Verify with Map
	☒	☐	Amendment Needed? _____
	☒	☐	Is Overlap Analysis a Consideration?
USES	☒	☐	Change(s) in Nature of Use? _____
	☒	☐	Amendment Needed? _____
REMARKS	☒	☐	Multiple P/Ds in 1/4 1/4? <u>2/NESE, SS</u>
	☒	☐	Non-Irr. Uses _____
	☒	☐	<u>WB1</u> Special Overlap Condition <u>31-2299/2415/4011/</u>
	☒	☐	Other <u>All other cfs. same P/U 012/4088/7131</u>
CONDITIONS	☒	☐	Measuring Device
	☒	☐	DATES/MISC
	☒	☐	W/Master Control
	☒	☐	Water Dist.
	☒	☐	Overlap
	☒	☐	App Rec'd
	☒	☐	Water Quality
	☒	☐	Exam Made

COMMENTS/MEMOS NEEDED: Reduced Acres, rate

License 10-Day ☒ 15-Day ☐ Special Correspondence ☐

WR-NUMBER	SOURCE	NE				NW				SE				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
L3107320	T07N R34E S18	GROUNDWATER																			256	
		32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	256	
3100161	SPRING LAK	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A3100161	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	100	
3102136	SPRINGS	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	120	
3102162	MUD LAKE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	112	
3104011	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	160	
A3104011A	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	158	
3104012	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	160	
3107131	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	40	
A3107131	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	60	
3107320	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	320	
A3107320	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	316	
--86 MAP--	C51Q-W 38	30	42	41	32	10	42	40	39	04	38	39	41	37	41	37	41	37	41	37	40	400
NO QTRS	MAPPING	Lot02-11 Lot03-38 Lot04-40																				

NO QTRS MAPPING Lot02-11 Lot03-38 Lot04-40

WR-NUMBER: 31-02299 CURRENT OWNER: SAUER ENTERPRISES PRIORITY DATE: 01/04/1951 STAGE: LICENSE

COUNTY: JEFFERSON
SOURCE: GROUNDWATER
WATER USE: IRRIGATION
DIVERSION RATE: 3.140
DIVERSION VOLUME: 3.140
PERIOD FROM: PERIOD TO:

POINT OF DIVERSION: Twp 07N Rge 33E Sec 13 Lot NE SE
34E 05 NE SE
18 NW SW

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

		NE		NW		SW		SE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07N	33E	13	18	18	19	18	18	18	19	18	220.0
										TOTAL ACRES	220.0

REMARKS: TRANS. 3116. 2 P/D IN NESE, S5, T7N, R34E.

WR-NUMBER: 31-02415 CURRENT OWNER: SAUER ENTERPRISES PRIORITY DATE: 12/26/1964 STAGE: LICENSE

COUNTY: JEFFERSON
SOURCE: GROUNDWATER
WATER USE: IRRIGATION
DIVERSION RATE: 2.550
DIVERSION VOLUME: 1082.00
PERIOD FROM: 04/01 PERIOD TO: 11/01

POINT OF DIVERSION: Twp 07N Rge 33E Sec 13 Lot NE SE
34E 05 NE SE
18 NW SW

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

		NE		NW		SW		SE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07N	33E	13	38	38	38	38	38	38	38	38	456.0
										TOTAL ACRES	456.0

CONDITIONS: 016 - See remarks for additional conditions of approval.

REMARKS: TRANS. 3117. 2 P/D IN NESE, S5, T7N, R34E. THIS RT. WHEN COMBINED WITH RT. 31-2299 SHALL NOT EXCEED IRRIG. OF 456 AC.

WR-NUMBER: 31-04011 CURRENT OWNER: BRUCE MITCHELL PRIORITY DATE: 09/01/1956 STAGE: STATUTORY CLAIM
COUNTY: JEFFERSON WATER-DIST: 31

WR-NUMBER: 31-04011 (cont'd) TRIBUTARY: DIVERSION VOLUME: PERIOD FROM: 04/01 PERIOD TO: 11/01
SOURCE: GROUNDWATER DIVERSION RATE: 5.100
WATER USE: IRRIGATION TOTAL: 5.100

POINT OF DIVERSION: Twp 07N Rge 34E Sec 05 Tract NE SE Lot

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

T	R	NE				NW				SW				SE				SUM
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
07N 34E 17	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07N 34E 18	:	40	40	40	40	:	:	:	:	40	40	40	40	:	:	:	:	240.0
07N 34E 19	:	40	40	40	40	:	:	:	:	:	:	:	:	40	40	40	40	160.0
07N 34E 20	:	:	:	:	:	40	40	40	40	:	:	:	:	40	40	40	40	320.0
																		TOTAL ACRES
																		840.0

WR-NUMBER: 31-04012 CURRENT OWNER: EARL HUNTER PRIORITY DATE: 08/21/1934 STAGE: STATUTORY CLAIM
COUNTY: JEFFERSON WATER-DIST: 31

SOURCE: GROUNDWATER DIVERSION RATE: 6.400 PERIOD FROM: 04/01 PERIOD TO: 11/01
WATER USE: IRRIGATION TOTAL: 6.400

POINT OF DIVERSION: Twp 07N Rge 34E Sec 05 Tract NE SE Lot

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

T	R	NE				NW				SW				SE				SUM
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
07N 34E 18	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07N 34E 19	:	:	:	:	:	:	:	:	:	40	40	40	40	:	:	:	:	160.0
																		TOTAL ACRES
																		320.0

REMARKS: BASED ON CANCELLED PERMIT 31-2257.

WR-NUMBER: 31-04085 CURRENT OWNER: JOE HARTWELL PRIORITY DATE: 08/01/1957 STAGE: STATUTORY CLAIM
COUNTY: JEFFERSON

SOURCE: GROUNDWATER DIVERSION RATE: 0.120 PERIOD FROM: 01/01 PERIOD TO: 12/31
WATER USE: STOCKWATER TOTAL: 0.120

POINT OF DIVERSION: Twp 07N Rge 34E Sec 05 Tract NE SE Lot

WR-NUMBER: 31-04085 (cont'd)

PLACE OF USE LEGAL DESCRIPTION FOR: STOCKWATER

		NE				NW				SW				SE						
		NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
07N	34E	5	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

WR-NUMBER: 31-07131
CURRENT OWNER: BRUCE MITCHELL
COUNTY: JEFFERSON
SOURCE: GROUNDWATER
WATER USE: IRRIGATION
PRIORITY DATE: 07/30/1974
STAGE: LICENSE

TRIBUTARY: DIVERSION RATE: 4.820
DIVERSION VOLUME: 723.00
PERIOD FROM: 04/01
PERIOD TO: 11/01

POINT OF DIVERSION: Twp 07N Rge 34E Sec 05 Tract NE SE Lot

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

		NE				NW				SW				SE						
		NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
07N	34E	17	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
07N	34E	18	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
																40	40	:	201.0	
																20	20	:	40.0	
																TOTAL ACRES		:	241.0	

CONDITIONS: 016 - See remarks for additional conditions of approval.

REMARKS: THIS RT. WHEN COMBINED WITH RTS. 31-2135 & 31-2136 SHALL NOT EXCEED 723 AF/YR.

END OF REPORT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

Partial Exam
31-7320

Permit No.

ESV 1/8/87

See Kew's note inside

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index Kaw 0 8 APR 87 (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☐ Other: 31-2299/2415/4011/4012/4015/7131

Check of P/U index Kaw 0 8 APR 87 (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☐ Other: 31-4012/0161/2162

Aerial Photo

Required? ☒ yes ☐ no If yes: ☒ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed KCWilco 7/12/89 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent Kuf 10-20-92 (Initial and date)

Exam Reviewed by Manager of Regional Office _____ (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 26 1992

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 31-7320

1. Owner: Sauer Enterprises

Phone No. 522-5179

Current Address: 90 Neal Sauer Rt. 5 Box 160 Idaho Falls, ID 83402

2. Accompanied by: David Sauer

EXAM. DATE: Oct. 29, 1985 + 1990

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: No overlap of adj. claims on file

☐ Copies Attached

2. Other water rights with same point of diversion: A31-04011A, A31-04012, A31-02299

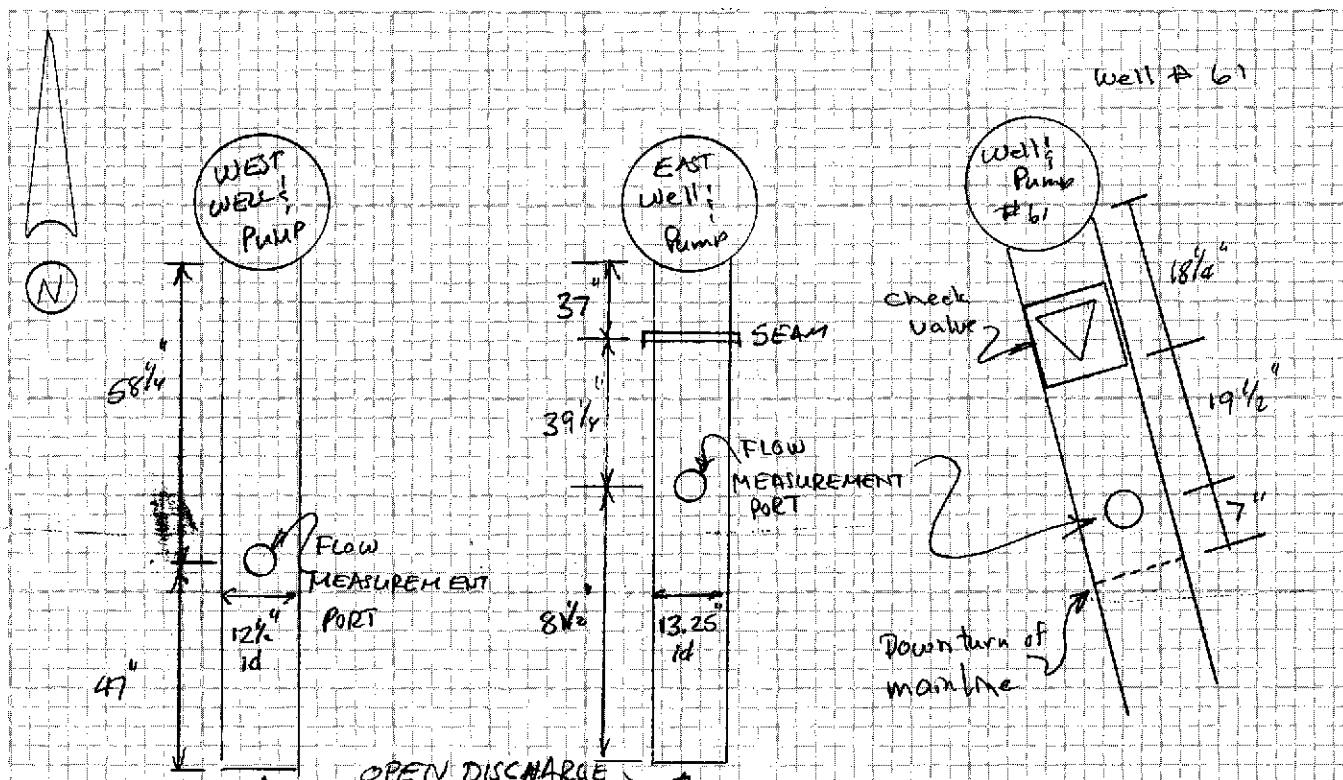
A31-10652, etc (see attached sheets)

☒ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Aerial Photo Attached

(required for irrigation of 10 acres or more)

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.)

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System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

3 wells; one (#61) at pivot site. The other two wells are in the NE 1/4 SE 1/4 Sec. 5, T7N R34E. They pump water into the Mitchell Ditch which brings water to Pivot (2) site.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#61	G.E.	200	DNJ427105	Pearless	89928
West Well	U.S. Motors	60	3955831	Johnston	14"
East Well	U.S. Motors	40	736200	Aurora	V77-71311

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#61			NWSW		18	7N	34E	Clark	As USGS Quad Map / on site
West			NESE		5	7N	34E	Clark	"
East			NESE		5	7N	34E	Clark	"
									"

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	34E	18	32	32	32	32					32	32	32	32					256

Do not use this space

FEB 02 1993

LEB 0 2 1983

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

#61
East
West

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Manometer - Annubar	Annubar	Dietrich	757-316-SS	191147	10.02"	
" "	" "	" "		191166	13.2"	
" "	" "	" "		191157	12.0"	

2. Measurements:

See attached sheets

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

$$Q = 5.71 \text{ cfs} + 7.38 \text{ cfs} + 4.89 \text{ cfs} = 17.98 \text{ cfs}$$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 256 \text{ acres} \times 3.5 \text{ cfs} = 896 \text{ a/c}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 5.12 \text{ cfs} \times 210 \text{ days} \times 1.9835 = 2163 \text{ a/c}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 896 \text{ a/c}$$

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

Total capacity of all 3 wells was 17.98 cfs. Adj. claims for the same p.d. far exceed capacity. License holder to be conditioned that this license when used in conjunction with other licenses / claims shall not exceed 17.98 cfs.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-1	10-31	5.12	896
Totals:			5.12 cfs	896 afa

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name

KEITH C WILSON / Paul P. Meyer

Signature

Keith C Wilson / [Signature]

Certification Date

CONSULTANT SEAL

Field Report Preparation Date

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROSOFT

FEB 02 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Keith Wilson Date 1990
Owner: Sauer Enterprises Permit No. 31-7320

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

East Well - NE SE Sect. 5 T7N R34E

(Also west well + #61)

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = _____

T = Pipe Thickness in Inches = _____

ID = $2 [(0.1592 \times \text{CIR}) - T] = \dots\dots\dots 13.25$

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 13.2

State ID No. 191166

Select C based on size from table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.99

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = 31.7

Low Reading = 18.3

High - Low = H = 13.4

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$

$$Q = \frac{(13.25)^2 \cdot (\sqrt{13.4}) \cdot (3.99)}{448.8} = 5.71 \text{ cfs}$$

SKETCH (If not shown on Field Report)

MICROEV 1177

FEB 02 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Ruth Wilson Date 1990
Owner: Sauer Enterprises Permit No. 31-7320

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

West well - NESE Sec 5 T7N R24E
(Also Eastwell #61)

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = _____

T = Pipe Thickness in Inches = _____

ID = $2 [(0.1592 \times \text{CIR}) - T] = \dots\dots\dots 12.5''$

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 12.0''

State ID No. 191157

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	<u>3.99</u>
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.99

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = 39.4

Low Reading = 11.2

High - Low = H = 28.2

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$

$$Q = \frac{(12.5)^2 \cdot (\sqrt{28.2}) \cdot (3.99)}{448.8} = 7.38 \text{ CFS}$$

SKETCH (If not shown on Field Report)

MAINTAINED
FEB 02 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Keith Wilson Date Oct. 29, 1985
Owner: Sauer Enterprises Permit No. 31-7320

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

Well # 61 - (there are also 2 other p.d.'s)
NW 1/4 Sec 18 T7N R34E

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = _____
T = Pipe Thickness in Inches = _____
ID = $2 [(0.1592 \times \text{CIR}) - T] = \dots\dots\dots$ 9.85

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 10.02
State ID No. 191147

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	<u>3.94</u>
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.94

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

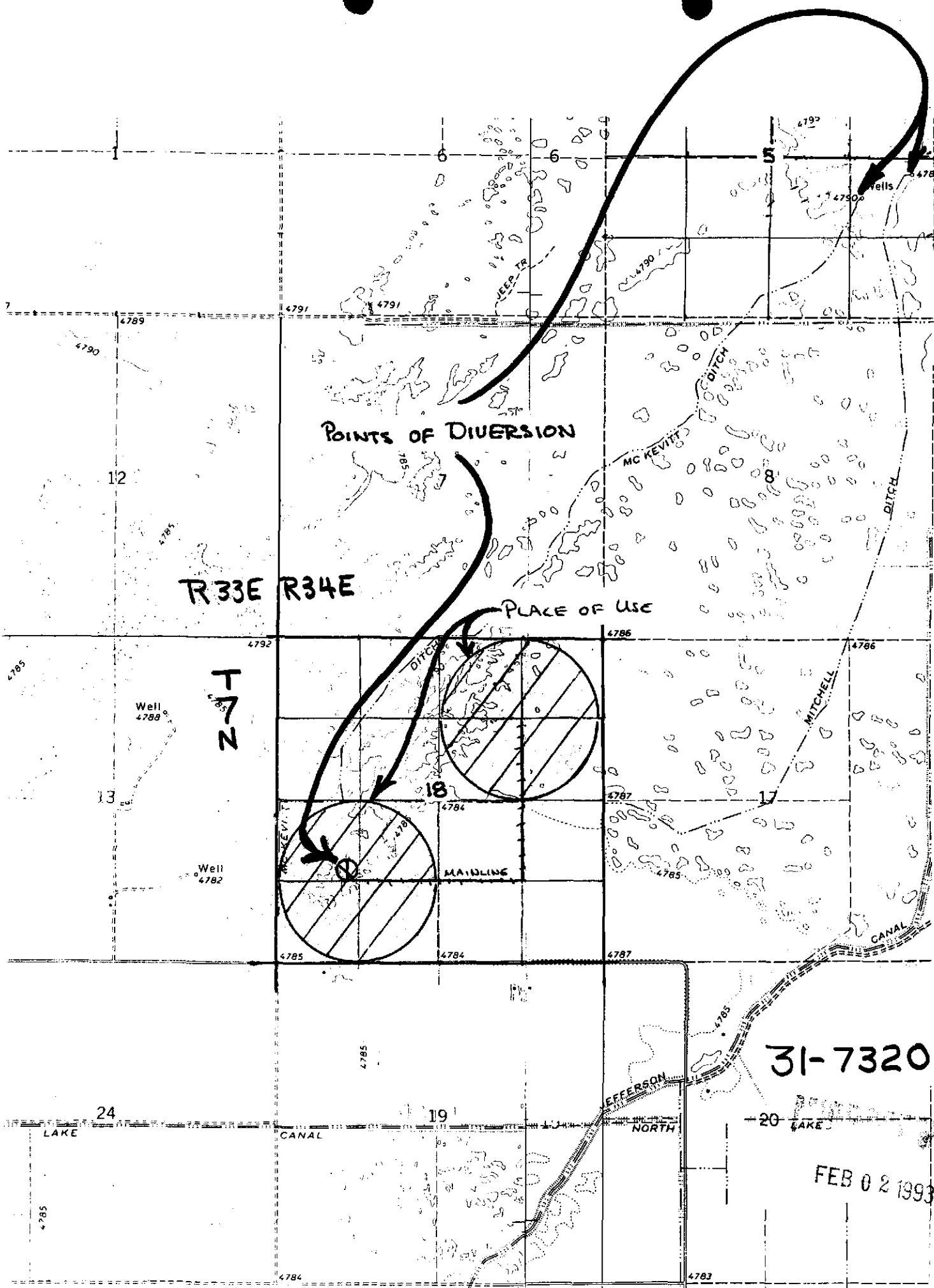
High Reading = 37
Low Reading = 4
High - Low = H = 33

CALCULATION OF DISCHARGE IN CFS (Q)

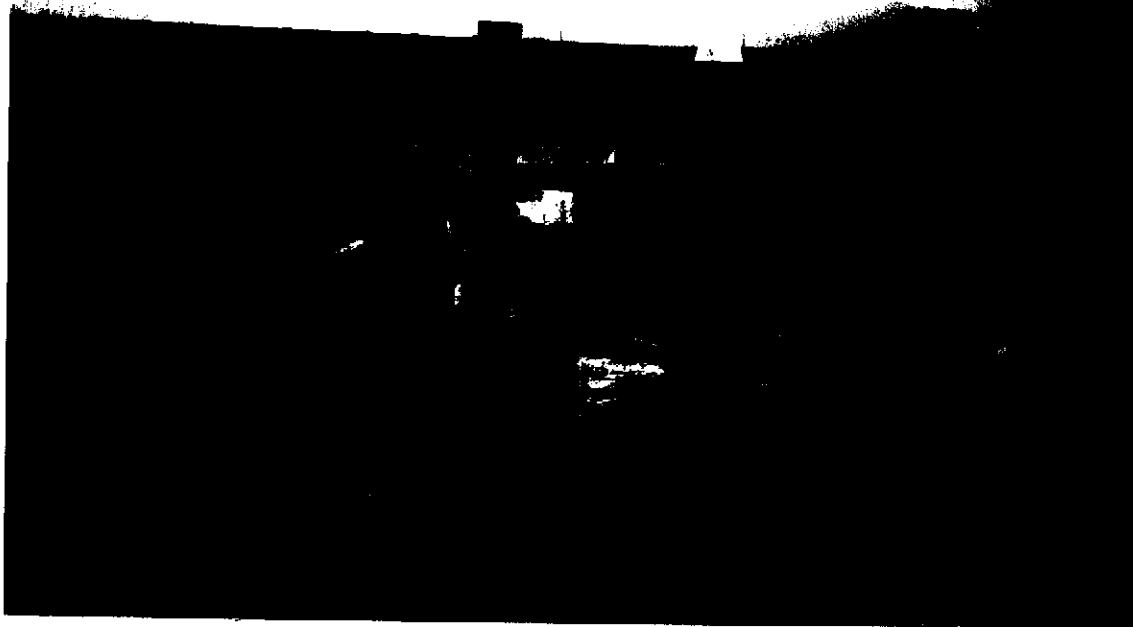
$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$
$$Q = \frac{(9.85)^2 \cdot (\sqrt{33}) \cdot (3.94)}{448.8} = 4.89 \text{ cfs}$$

SKETCH (If not shown on Field Report)

RECORDED
FEB 02 1993



31-7320



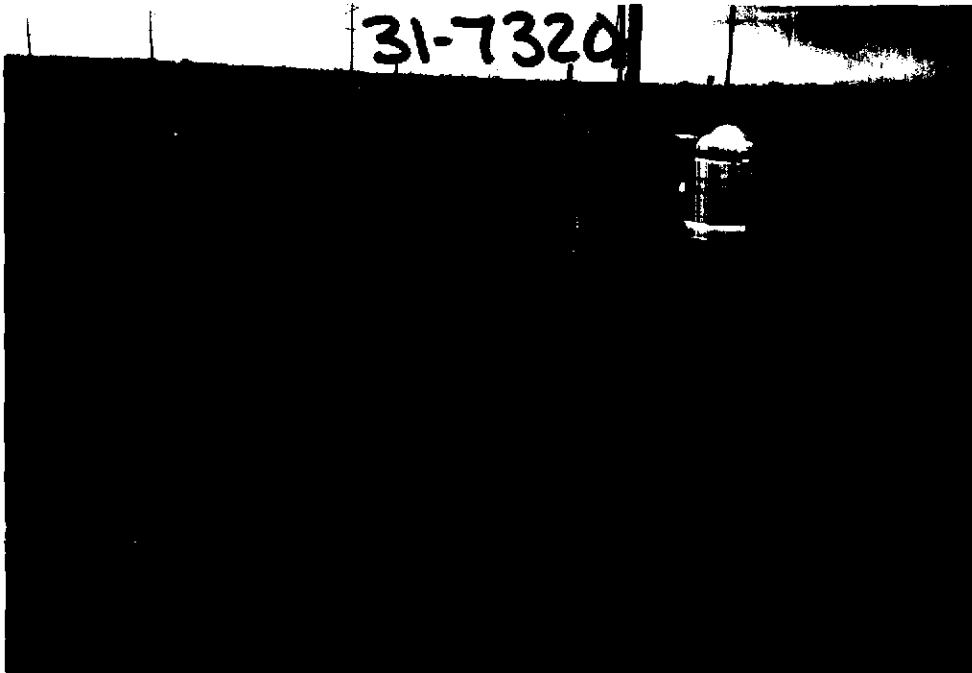
WEST WELL

31-7320

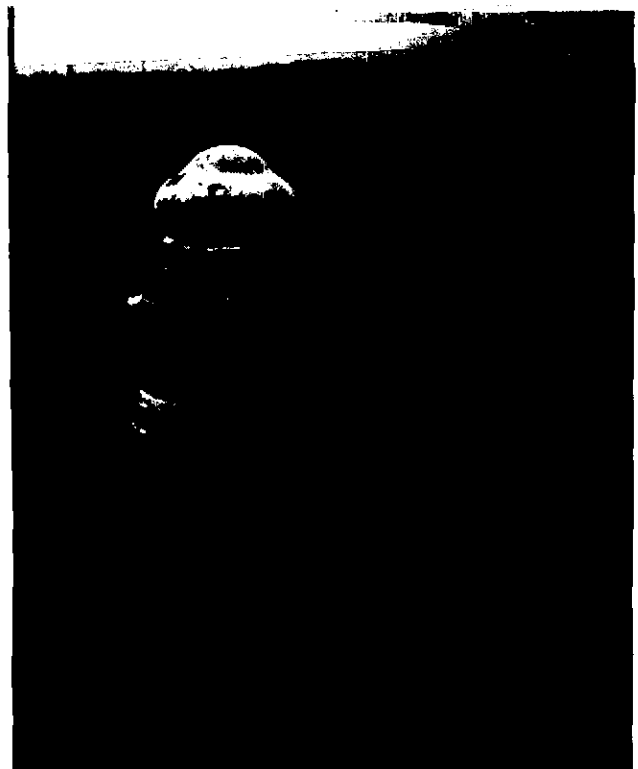
RECEIVED

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31-7320



EAST WELL



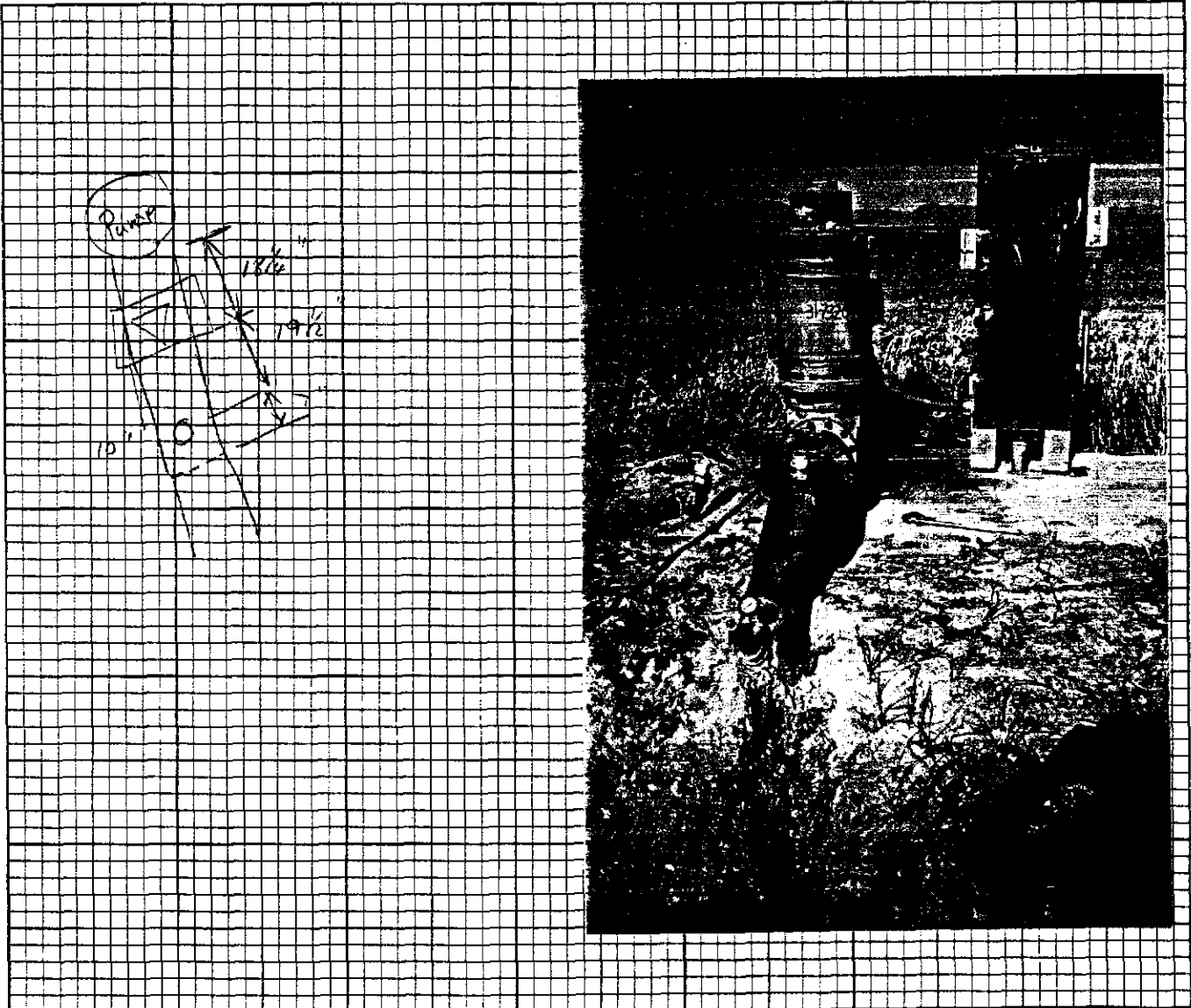
31-7320

FEB 02 1993

31-7320

10. Other water rights on these lands _____
11. Other water right diverted from same p.d. _____
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.

#61



13. ☒ Photo of Diversion & System Attached

☐ Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached

14. Remarks _____

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15. Recommended Amendments

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Permit No. 31-7320

Phone No. 522-5179

1. Owner: Sauer Enterprises

Current Address: % Neal Sauer Rt 5 Box 160 Idaho Falls Ia 83402

2. Accompanied by: David Sauer

EXAM. DATE: 29 Oct 1985

Address: _____ **Phone No.** _____

Relationship to Permit Holder:

3. Source: GROUNDWATER

tributary to

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
# 61	GE	200	DNJ427105	Johnston	10"

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. **System Description** (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

#61 well, pump, to two center pivots with end guns

6.	Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
	Flow Meter, Station	Annubar	Dickrich	757-316-SS	191147	10.02	
	Manometer						

7. Measurements *9.851 id* ☐ Additional data/computation sheets attached

#61 (37 - 4 inches)

8. Point(s) of Diversion:	Indicate Method of Determination
---------------------------	----------------------------------

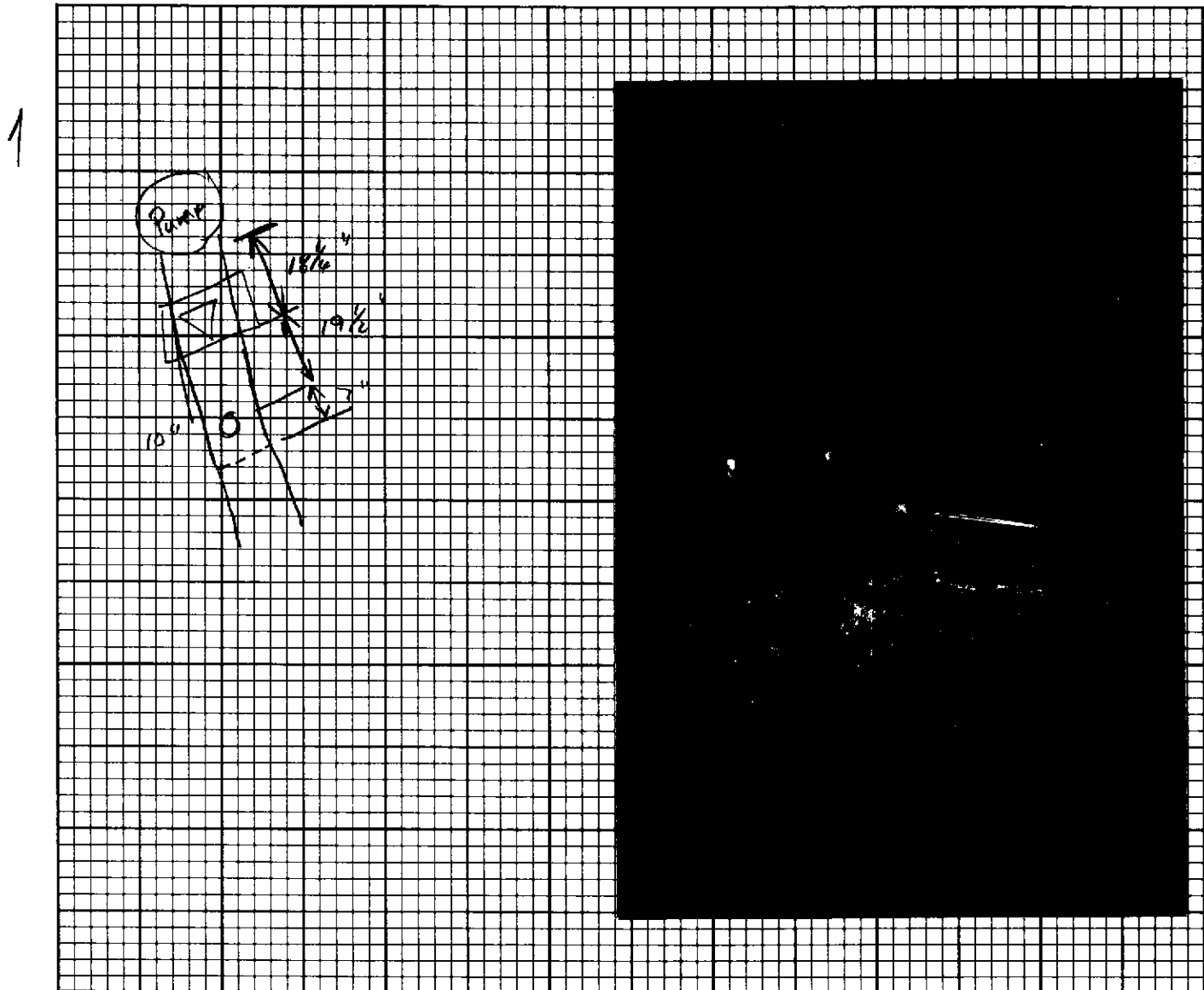
[illegible]

9.	Place(s) of Use:	Irrigation - give acres served by system at time of exam. Indicate Method of Determination _____
----	------------------	---

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	34E	18	32	32	32	32					32	32	32	32					256
Total Acres																			256

10. Other water rights on these lands _____
11. Other water right diverted from same p.d. _____
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.

#61



13. ☒ **Photo of Diversion & System Attached**
- ☐ **Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached**

14. Remarks _____

15. Recommended Amendments
- ☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None
- ☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

16. Examiner's/Consultant's Signature Keith C. Wilson Date 28 Oct 1985

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

72 1985



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 27, 1987

Jeffrey C. Fereday
Givens, McDevitt, Pursley,
Webb & Buser
P.O. Box 2720
Boise, ID 83701

Dear Jeff:

This correspondence is to inform you of items still necessary to complete the application for transfer of the water rights originally identified on the draft transfer application.

There were four (4) permits identified on the transfer:

Permit 31-7064 requires an amendment of permit before a license can be issued. The permit holder of record is Jack R. Bond, South Slope Farms, Montevue, ID. He would be required to sign the amendment or assign the permit to someone else.

Permit 31-7069 also requires an amendment prior to licensing. The name of the permit holder is the same as permit 31-7064.

Permit 31-7096 has been split into five (5) parts. Parts C, D, and E require amendments of permit prior to licensing. Parts G and F are ready to license. The permit holder of record is Sauer Farms Inc., Rt. 5, Box 160, Idaho Falls, ID. A signature of a representative of Sauer Farms Inc. is required on the amendment.

Permit 31-7320 is not yet ready for licensing. The field exam is in the regional office. The exam has been completed except for measurement of the points of diversion added to the permit by an amendment submitted during the period that the right was being examined. It is our understanding that the wells identified are used only for back-up. Therefore, it is difficult to determine when a measurement can be accomplished.

Two of the three licenses (Nos. 31-2299 and 31-2415) are acceptable to identify on a transfer application as they are, however, license 31-7131

Microfilm

FEB 02 1993

Page 2

overlaps with a decreed right 31-0160 and claim 31-4011. In order to use right 31-7131 on a transfer application, all of the rights appurtenant to the land have to be included. No prior mention has been made of decree 31-0160.

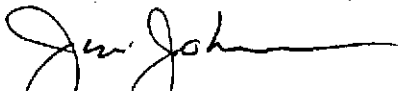
Finally, there is claim 31-4011. As you are aware, the Department requires that a full exam be conducted prior to an approval of a transfer that contains a claim. The field exam was made on September 30, 1987. There was no diversion being made at the time of the exam by the point of diversion identified on the claim, nor had it appeared that any diversion had occurred during the 1987 irrigation season. Most of the land under the claim was irrigated using Jefferson Canal Co. water rights with exception of 4 40-acre tract areas that were under a non-irrigation set-aside program.

Therefore, if the claim is to be used on a transfer application, then all of the water rights used to irrigate this land must also be included to assure that lands are not irrigated on the original lands after the transfer is approved.

In summary, if you desire to continue with submitting the transfer application, you must arrange for the authority to act on behalf of the permits which require amendments; otherwise, they will be forwarded to the permit holder(s) of record. The delay in licensing of permit 31-7320 must be resolved. The water rights that overlap with claim 31-4011 and license 31-7131 must be included on the transfer application.

We will delay the mailing of the permits needing amendments for 15 days to allow you to make arrangements for transferring ownership. If you have any questions, please let us know.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:sc


FEB 02 1993

KIENH Wilson

IS

sending field exam
for this right.

Jim

9-23-87

RECEIVED

FEB 02 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 18, 1987

RE: Blaine Larsen Transfer Application

Jeffrey C. Fereday
Givens, McDevitt, Pursley,
Webb & Buser
P.O. Box 2720
Boise, ID 83701

Dear Mr. Fereday:

I have reviewed the application for transfer of water rights submitted for Blaine Larsen Farms and have the following comments.

1. More than one transfer application is required

The proposed place of use location identified on the transfer application (attachment #2) indicates 15 different pumps which appear to supply water to separate and non-interconnected center pivot systems. The transfer application as proposed will apportion the 8 rights identified to the 15 circular systems. The quantities appurtenant to each of the circular systems is not identified.

A separate transfer application is required for each non-interconnected circular system. This is consistent with the fact that each circular system has its own application for permit.

2. Permits cannot be included on a transfer application

The transfer application identified eight different water rights; four of the water rights are still in the permit stage. A review of our files show that field exams have been completed on these permits. An application for transfer cannot include those rights until the permits are licensed.

If you intend to transfer the use under the permits for the 1988 irrigation season, the Department will expedite issuance

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FEB 02 1993

of the licenses. In some cases, the amount of flow, acres irrigated and annual volume of the rights when licensed will be substantially less than identified in attachment #1.

3. A claim to a water right on a transfer application must be verified prior to approving the transfer application

Since a claim to a water right has not undergone any prior verification, water use under the claims to water rights must be field inspected prior to transfer approval. The transfer will be limited to the extent of use verified under the claim.

In conclusion, we are returning the enclosed Application for Transfer. You will need to prepare a transfer for each of the circular systems, the transfers cannot include water right permits, and a transfer application which includes a claim will require additional time to process because the Department must schedule an examination to determine the validity of the claim.

I am sure you will have many questions and the Department will need to put priority of processing the identified permits toward licensing if you still intend to pursue the transferring of these water rights. Therefore, if you feel that you need any further assistance, please let us know.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

cc: Eastern Region
Phil Rassier

RECEIVED

FEB 19 1980

LAW OFFICES

GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

RAYMOND D. GIVENS
CHAS. F. McDEVITT
KENNETH L. PURSLEY
JAY L. WEBB
PAUL J. BUSER
LEO EDWARD MILLER
CHRISTOPHER J. BEESON
CELESTE KIM VERNETTI
TERRY L. MYERS
KENNETH R. McCLURE
JEFFREY C. FEREDAY
JUDITH K. HOLCOMBE
CONLEY WARD
PATRICK J. MILLER
JAMES D. HANSEN

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

AUG 12 1987

Department of Water Resources

August 11, 1987

VIA HAND DELIVERY

Mr. Norman C. Young
Acting Director
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Re: Blaine Larsen transfer applications

Dear Norm:

By letter of August 6, 1987 to Ron Carlson, we informed the Department that Blaine Larsen intends to lease water to cover his 1987 depletions and therefore will not pursue the 1987 transfer applications that we submitted to you on July 31. However, Mr. Larsen does intend to submit transfer applications involving these same waters for 1988, presuming that is necessary. In order to inform us about any further information that you might need if these or similar applications are to be processed for 1988, we would appreciate your reviewing these and providing us with any comments you might have.

Thanks for your help in this matter.

Very truly yours,

Jeff Fereday

Jeffrey C. Fereday

JCF:gc

cc: Mr. Blaine Larsen
Phillip J. Rassier, Esq.
Mr. Gary Spackman

FEB 02 1993



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

JIM JONES
ATTORNEY GENERAL

DEPARTMENT OF WATER RESOURCES
STATEHOUSE, BOISE, IDAHO 83720
TELEPHONE: (208) 334-4448

August 5, 1987

Jeffrey C. Fereday, Esq.
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
P. O. Box 2720
Boise, Idaho 83701

Re: Blaine Larsen Transfer Applications

Dear Jeff:

In further response to your letter of July 22, 1978, I would like to confirm the statements I made in our telephone conversation of July 30, 1987.

Your letter states your understanding that counsel were in agreement that it would be consistent with the recent stipulation for Mr. Larsen to proceed with supplying 1987 make-up water by filing applications for transfer from the Sauer land for the 1987 irrigation season. The applications were filed with the department on July 31, 1987.

As I indicated in our telephone conversation, I agree that we discussed during the course of the negotiations the filing of applications for transfer from the Sauer land for the 1987 irrigation season. I do not recall, however, any agreement that such filings could satisfy Mr. Larsen's obligation to supply 1987 make-up water. I did not discuss such filings with department administrators.

The stipulation does not anticipate Mr. Larsen satisfying the 1987 make-up water requirement by retroactively transferring water rights from lands which were not irrigated in 1987. I did not expect that Mr. Larsen would be filing such applications.

Consistent with paragraph 13 of the stipulation, it was my understanding that the applications for transfer to be filed by Mr. Larsen were to be for the 1988 irrigation season and that the

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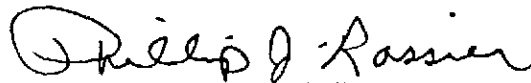
FEB 02 1993

Jeffrey C. Fereday, Esq.
August 4, 1987
Page 2

Director agreed to the expedited processing of such applications. It was further my understanding, consistent with paragraph 12(c) of the stipulation, that if Water Supply Bank water became available to Mr. Larsen during 1987 he would purchase such water. I also believe that following through with this course of action would be in Mr. Larsen's best long-term interests.

As you and Mr. Larsen are aware from Ron Carlson's letter of July 30, the Committee of Nine met on July 29, and authorized Ron to make water available for lease to people needing replacement water. Ron's letter further states that he will not be able to guarantee that water will be available past August 15. I believe that Mr. Larsen has an obligation consistent with the stipulation to purchase 1987 make-up water from the Water Supply Bank at this time.

Sincerely,



PHILLIP J. RASSIER
Deputy Attorney General
Department of Water Resources

/PJR

cc: Thomas G. Nelson, Esq.

FEB 02 1993

LAW OFFICES

GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

RAYMOND D. GIVENS
 CHAS. F. McDEVITT
 KENNETH L. PURSLEY
 JAY L. WEBB
 PAUL J. BUSER
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SUITE 200, PARK PLACE
 277 NO. 6TH STREET
 POST OFFICE BOX 2720
 BOISE, IDAHO 83701

TELEPHONE
 (208) 342-6571

JUL 31 1987

Department of Water Resources

TELECOPIER
 (208) 343-9492

July 31, 1987

Mr. Norman Young
 Acting Director
 Department of Water Resources
 Statehouse
 Boise, ID 83720

Re: 1987 transfer of water rights from Neil Sauer to
 Blaine Larsen

Dear Norm:

Pursuant to the terms of the Stipulation and Order entered into recently between the Department, Blaine Larsen and Idaho Power Company, we are hereby submitting for your immediate consideration Mr. Larsen's application to transfer to his use water rights held by Mr. Neil Sauer, who is not exercising them this year and has agreed to lease them to Mr. Larsen. This water is intended to cover all but a small portion of the 1987 depletions enumerated in the Stipulation and Order. Mr. Sauer's water is diverted from the Snake Plain Aquifer, the same source from which Mr. Larsen has been pumping water in 1987.

You will notice in attachments 1 and 2 to the application that the amount of water that can be supplied under Mr. Sauer's rights through this proposed transfer is slightly more than what Mr. Larsen needs to cover his 1987 depletions from these lands, both those which have occurred so far and those which will occur during the remainder of the season. These lands are covered by 15 applications for ground water diversions which Mr. Larsen filed last winter and which are still pending before the Department. The remainder of his applications represent lands which either have not been developed in 1987 or are covered by Water Bank rental agreements and interim approvals.

Filing this application to cover 15 wells comes very close to covering all of Mr. Larsen's 1987 depletions for which there is not substitute rental water or other approval, that is, the depletions that were in dispute between Mr. Larsen and the Department. However, Mr. Sauer's water falls about 360 acres

FEB 02 1993

Mr. Norman Young
July 31, 1987
Page 2

short of being adequate to cover the 1987 depletions. Accordingly, we have selected one of Mr. Larsen's applications, No. 31-7470 for well No. 112, for separate treatment outside of this transfer program. We expect that we will seek to rent Water Bank water to cover that well's 1987 depletions; we understand that additional rental water has become available recently. Incidentally, although application No. 31-7470 seeks water sufficient to irrigate 360 acres, the lands involved actually total only 200 acres irrigated by means of pump No. 112. Therefore, we expect that any application we make to rent water will reflect this situation.

In the transfer application and the attached exhibits, we have indicated that the acreages irrigated by Mr. Larsen are equivalent to those acreages listed in his water right applications on file. This is correct as a general matter. However, the actual acreages being irrigated this season actually are less than the number of acres applied for. The reason for this is that, in most cases, the acres applied for were calculated on the basis of 40-acre square sections, while the lands irrigated are smaller, circular tracts. In the minority of cases, the lands being irrigated by pivot are greater than the acreages applied for, but this situation still does not change the net result: the acreages applied for are greater than the acreages irrigated. In other words, although Mr. Larsen is seeking to transfer water for 2,600 acres -- which he intends to supply with water Mr. Sauer has used to irrigate 2,674 acres -- he actually has been irrigating less than 2,600 acres.

Part 2 of the application involves eight separate forms with their attachments; each form represents a separate water right which Mr. Sauer will lease to Mr. Larsen. The attachments consist of the applications, licenses, permits, claims, beneficial use reports and other documentation supplied to us by the Department. The attachments indicate that the Department has treated Mr. Sauer and Sauer Enterprises as the owner of all of the water rights to be transferred. We assume this is sufficient indicia of ownership on the part of the transferer to satisfy the Department. If not, please let us know immediately.

With respect to Permit Nos. 32-7064 and 32-7069, we find no indication in the files we received that the record owner, Mr. Jack Bond, assigned his interest to Mr. Sauer as he had done with some of the other water rights. However, in 1984 the Department completed a Beneficial Use Field Report for both of these water rights which indicates that Sauer Enterprises and Neil Sauer are the owners. If necessary, we will prepare a

FEB 02 1993

Mr. Norman Young
July 31, 1987
Page 3

formal Assignment between Mr. Bond and Mr. Sauer as to these two permits, but we trust that the Field Reports are sufficient to indicate that such an assignment already has occurred. Incidentally, we have not yet prepared a lease or other instrument formalizing the agreement between Sauer and Larsen, but we will be doing so in the near future. We thought it most important at this juncture to present you with applications that you could react to at the earliest opportunity.

Instead of attaching 8 separate maps showing the places of use and points of diversion of Mr. Sauer's water rights to be transferred and 15 separate maps for each of the places of use and points of diversion of Mr. Larsen's use, we are attaching one large map which indicates all such locations. We believe that this will be more efficient, and hope that it meets your approval. Please let us know if you need different or further maps.

As agreed between Mr. Larsen, the Department and Idaho Power Company, we expect the Department to expedite the processing of these transfer applications to ensure that they are disposed of in sufficient time for Mr. Larsen to make alternative plans if some or all of the transfers are not approved. We thank you for your cooperation and look forward to working closely with you and your staff in processing these applications.

Very truly yours,



Jeffrey C. Fereday

JDH:gc

cc (w/encls.): Phillip J. Rassier, Esq.
Thomas G. Nelson, Esq.
Mr. Blaine Larsen

RECEIVED
FEB 6 2 1993



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn

31-7320
SAUER ENTERPRISES
C/O NEAL SAUER
RT. 5 BOX 160
IDAHO FALLS, ID 83402

Field Exam Date
Aug 1, 1985

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 16, 1986

138745

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water

FEB 02 1993
MED

right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Sincerely,

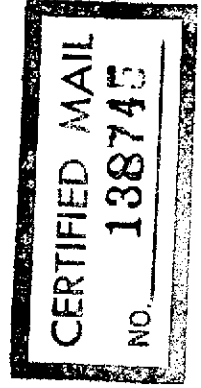
Ron D. Carlson
RONALD D. CARLSON
Regional Manager

Enclosure

RECEIVED

FEB 02 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720



FEB 02 1993



CASH CHECK
NO.
271714

CHECK

DATE

10/17/81

1ST NOTICE

2ND NOTICE

RETURN

Delivered from
PS Form 3800-A
Oct. 1980



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

A. Kenneth Dunn

31-7320
SAUER ENTERPRISES
C/O NEAL SAUER
RT. 5 BOX 160
IDAHO FALLS, ID 83402

June 16, 1986

138745

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

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As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

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FEB 02 1993

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If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

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FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Sincerely,

Ron D. Carlson
RONALD D. CARLSON
Regional Manager

Enclosure

RECEIVED

FEB 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

December 19, 1985

RE: Permit No. 31-7320

Sauer Enterprises
c/o Neal Sauer
Rt. 5, Box 160
Idaho Falls, 83402

Dear Mr. Sauer:

Enclosed is a copy of the approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this matter, please contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MAILED

FEB 02 1993

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET
G. F. RAMSEY

INITIAL REVIEW BY: FEB 6 1985

Right Number 31-7320

Applicant SAVER ENTERPRISES

Purpose of Amendment: ☐ Change point of diversion. ☒ Add diversion point(s).

☐ Increase amount. ☐ Change place of use. ☐ Other _____

CHECK:

☒ Description of amended point(s) of diversion. - 2 P/O's in NESE S.5

☒ Amount, nature and period of use. ~~If increased, delay date of priority.~~

☒ Description of amended places of use. ~~If expanded, delay date of priority.~~

☒ Ownership of point of diversion and place of use.

☒ Map.

☒ Signature (must be permit holder).

☒ Fee.

☒ Existing water rights from the same source, amended place of use. NO

☒ Right number(s) _____

☒ Yes ☐ No Should amendment be advertised?

☐ Yes ☒ No ~~Should date of priority be delayed? If yes, to what date?~~ _____

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received.

☒ Amendment published correctly.

☒ Protests processed. - with drawn

☒ Approve.

☐ Deny.

Conditions _____

By Ernest Carlson Date Nov. 5, 1985

STATE OFFICE PROCESSING:

☒ Amendment correct and complete. By Jim Date 12-18-85

☐ Approved copy sent to applicant and to Region. By _____

RECEIVED

NOV 18 1985

Department of Water Resources

November 5, 1985

RE: Application for Amendment No. 31-7320
Applications for Transfer Nos. 31-2515 & 31-2299

Sauer Enterprises
c/o Neal Sauer
Rt. 5, Box 160
Idaho Falls, ID 83402

Dear Mr. Sauer:

This letter is to inform you that Joe Hartwell has withdrawn his protest against the above referenced applications. The Department has now resumed the processing of these applications.

If you have any questions, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

RECEIVED

FEB 02 1986

November 5, 1985

RE: Amended Application for Permit No. 31-7320 SAUER
Applications for Transfers Nos. 31-2415 & 31-2299 SAUER

Mr. Joe Hartwell
HC 63, Box 2415
Montevieu, Idaho 83435

Dear Mr. Hartwell:

This letter is to acknowledge receipt of your withdrawal of protest against the above referenced applications. The Department has now resumed processing of these applications.

If you have any questions, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:CW

FEB 02 1986

Montevideo, Idaho
October 24, 1985

State of Idaho
Water Resources Board
Mr. Ron Carlson

To Whom It May Concern:

I, Joe Hartwell, hereby
withdraw my protest
against Sauer enterprises
concerning their irrigation
wells on my property.

Signed,

Joe Hartwell

RECEIVED
OCT 25 1985

Department of Water Resources
Eastern District Office



OCT 28 1985

June 11, 1985

RE: Applications for Transfers Nos. 31-2415 & 31-2299
Application for Amendment No. 31-7320

Mr. Joe Hartwell
Box 2415
Montevideo, ID 83435

Dear Mr. Hartwell:

The hearing scheduled for May 23, 1985 in Rexburg to consider protest against the above referenced applications was cancelled at the request of the applicant. If an agreement is not reached by the parties involved, another hearing will be scheduled by the Department.

If you have any questions concerning this matter, please feel free to contact me.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

cc: Neal Sauer

RECEIVED
FEB 02 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST)
APPROVAL OF THE AMENDMENT OF WATER)
RIGHT PERMIT NO. 31-7320 IN THE NAME)
OF SAUER ENTERPRISES)

NOTICE OF HEARING
AND/OR CONFERENCE

On February 6, 1985, Sauer Enterprises of Idaho Falls, Idaho filed with the Department of Water Resources an application to amend permit No. 31-7320. On March 11, 1985, the Department received a protest against approval of said application from Joe Hartwell.

The Department has set the matter of protest for hearing for Thursday, May 23, 1985 at 9:00 a.m. in the Commissioners Room, Madison County Courthouse, Rexburg, Idaho. The hearing will be held in accordance with provisions of Chapter 2 and 17, Title 42 and Chapter 52, Title 67 of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

Dated this 9th day of May, 1985.

Ernest Carlson

ERNEST CARLSEN

Assistant Regional Supervisor

RECEIVED

FEB 02 1993

March 20, 1985

RE: Application for Amendment No. 31-7320 SAUER

Mr. Joe Hartwell
HC 63, Box 2415
Montevue, ID 83435

Dear Mr. Hartwell:

This is to acknowledge receipt of the protest to issuance of the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for amendment:

1. Will the proposed change result in the diversion and use of more water than originally permitted?
2. Will the rights of others be adversely effected by the proposed change?

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matter of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

FEB 22 1985

March 20, 1985

RE: Application for Amendment No. 31-7320

Sauer Enterprises
c/o Neal Sauer
Rt. #5, Box 160
Idaho Falls, ID 83402

Dear Mr. Sauer:

Enclosed please find a copy of the protest filed against the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for amendment:

1. Will the proposed change result in the diversion and use of more water than originally permitted?
2. Will the rights of others be adversely effected by the proposed change?

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matter of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

FEB 23 1985

RECEIVED

MAR 11 1985

Department of Water Resources
Emmett District Office

Box 2415
Monteview, Idaho 83435
March 11, 1985

Mr. Ron Carlson
Idaho Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, Idaho 83402

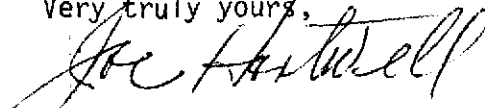
Subject: Application for transfer of water right no. 31-2299
Application for transfer of water right no. 31-2415
Application for amendment of permit no. 31-7320
All three applications dated January 22, 1985
and submitted by Sauer Enterprises.

Dear Sir:

I am a landowner adjacent to Mr. Sauer's farm and own the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 5, T7N, R34EBM on which are located two of the wells that are involved in all three of the above applications.

I have no objection to changing the place of use of the water on the land Mr. Sauer owns. My objection is to any increase in flow from the two wells in Section 5 in excess of flow allowed under existing legal claim(s) and or license(s). Water Resources personnel have informed me that the effect of Mr. Sauer's applications would be to allow an increase in flow from the wells in section 5 should the wells in section 13 and 18 decrease in flow. An increase in flow from the wells in section 5 could create a trespass condition and disregard the terms under which I purchased the land on which the wells are located. The applications make no mention of these potential problems, and on a basis including but not limited to these problems, I hereby file a formal protest against all three applications.

Very truly yours,



Joe Hartwell

RECEIVED

FEB 02 1993

M E M O

TO: File
FROM: Ernie Carlsen *ENC*
RE: File 31-7320
DATE: December 18, 1984

This amendment will add the two wells in Sec. 5, T. 7N, R. 34E, as points of diversion for permit 31-7320. Water from these wells is discharged into open ditches which convey the water to two redirection points on the section lines between Sections 13 and 18 and 18 and 17. Pumps at these two sites then divert the water into a mainline common to Sections 13, 18, and 17. Water supplied through this mainline and the well in Sec. 18 provide irrigation water for the SW $\frac{1}{4}$ of Sec. 18. The NE $\frac{1}{4}$, Sec. 18 is supplied water by a pump which diverts water from the ditch system connected to one of the wells in Sec. 5, T. 7N, R. 34E.

RECEIVED

FEB 02 1993

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

31-7320

Notice is hereby given that Permit No. 31-7320 in the name of Sauer Enterprises was issued for the diversion of 6.4 cfs of water from a groundwater source with the point of diversion within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T. 7N, R. 34E, B.M., Jefferson County; to be used for the irrigation of 320 acres from Apr. 1 to Nov. 1 within the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 18, T. 7N, R. 34E, B.M.

The permit holder now proposes to amend Permit No. 31-7320 changing the point of diversion to the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, NE $\frac{1}{4}$ SE $\frac{1}{4}$, (2 points) Sec. 5, T. 7N, R. 34E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID 83402, on or before March 11, 1985.

A. KENNETH DUNN

Director

Published in the Jefferson Star, Rigby, ID on 2/21 & 2/28/85.

**NOTICE OF PROPOSED
AMENDING OF WATER RIGHT
31-7320**

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A. KENNETH DUNN
Director

Publ. Feb. 21 and 28, 1985RS

FEB 02 1985



DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

RECEIVED

FEB 02 1986

May 31, 1985

RE: Permit No. 31-7320

Sauer Enterprises
c/o Neal Sauer
Rt. 5, Box 160
Idaho Falls, ID 83402

Gentlemen:

We acknowledge receipt of the statement of beneficial use postcard and the supporting documentation for reinstating the above referenced permit. Enclosed is a copy of the Order of Reinstatement. Please note that the priority date has been advanced to December 18, 1984.

Before a license can be issued, a field examination will be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you or a representative may show him the system.

If you have any questions regarding this matter, please contact this office or our Eastern Regional Office at 525-7161.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc
Enclosure

MICROFILMED

REINSTATEMENT REVIEW

Jim 3-19-85

PROOF DUE DATE: Aug 1, 1984

PROOF RECEIVED: Dec 18, 1984

DATE LAPSE LETTER SENT: AUG 24, 1984

PROOF WAS NOT RECEIVED BEFORE 60 DAY REINSTATEMENT PERIOD WAS UP.

REVIEW OF EVIDENCE SHOWING PROOF THAT USE WAS MADE DURING PERMIT PERIOD:

1. AERIAL PHOTO TAKEN BY ASCS TAKEN IN 1984 PROBABLY SHOWS THAT LAND WAS IRRIGATED HOWEVER QUALITY OF AERIAL PHOTO IS VERY POOR.

2. Power Bill print out shows power use for meter # 4085 (SHORT coming of printout is that there is no evidence that shows location of meter)

3. Permit under item 8.c. states that claim No. 31-4012 includes SW 1/4 S. 18 T. 7N R. 34E.

A review of this claim shows that the SW 1/4 S. 18 was claimed to be irrigated along with the NW 1/4 S. 18 since 1934. There was an exception filed against the claimed priority date which questioned the date that the claimant had the well drilled. The well may have not been drilled until 1939 or 1940.

4. MOUNTAIN AG, Inc. stated that center pivots ^{and operated} had been installed on said lands in 1984.

RECOMMEND REINSTATEMENT - ADVANCE PRIORITY DATE TO 12-18-84

MICROFILMED

RECEIVED
FEB 11 1985

January 24, 1985

Department of Water Resources

Dear Mr. Johnson:

Sauer Enterprises has been operating the land under permit 31-7320 with a lease/purchase agreement since 1983. The permit remained in the name of Earl Hunter during this period, and we were operating with the understanding that proof of beneficial use had been timely filed. Obviously, Mr. Hunter overlooked filing proof, even though the land had been irrigated for several years before the permit was canceled.

Sauer Enterprises is now purchasing the property under permit 31-7320, and Mr. Hunter has subsequently assigned the permit to us. Therefore we are taking the necessary steps to reinstate the permit.

Also attached are the power bills for 1984, which have been paid by Lorin Sauer, a partner in Sauer Enterprises. Also attached are some aerial photographs from the ASC Office showing the acres and crops.

If you need and further information please do not hesitate to contact us.

Sincerely,

Neal Sauer

Neal Sauer
Sauer Enterprises

RECEIVED

This is a printout of the power bill for the well in the NW 1/4 SW 1/4 Sec 18
Twp. 7N Rge 34E, starting in June 1983.

INQUIRY FORMAT	ORDERS	EMP# 11878 SEC-CD 105	61000000
METER # D025Y34085	REV 04 RATE 039	1256890 128907350 002 5	VODIS N
LAST READ 08OCT84	21058 DIALS 5	00000	MONTI
PREV READ 07SEP84	RV 21058 PHASE 3	SAUER LORIN	
CON 60.0000 UNTS	1 LOC FL		BSC SDC
KON 60.0000 SCL	9.6000MRI		CON 06JUL84
METER # TP4044	REV 00 RATE 000		DIS 08NOV84
LAST READ 08OCT84	DIALS 5		E-P 6900
PREV READ	PHASE 3		BUY
CON 1.0000 UNTS	0 LOC FL		BILLS 1
KON 0.0000 SCL	0.0000		CR-CODE 2

DATE	RDCD	KW	KWH	DAY	KWHDAY	ID	CODE	AMOUNT	BALANCE
17JAN85	17JA	0	0	0	0	4044	METR	0.00	0.00
17JAN85	17JA	0	0	0	0	4085	METR	0.00	0.00
17DEC84	17DE	0	0	0	0	4044	METR	0.00	0.00
17DEC84	17DE	0	0	0	0	4085	METR	0.00	0.00
12NOV84	27NO	0	0	0	0	00000	M01	1.07-	0.00
08OCT84	27NO	0	0	31	0	4085	M13	107.18-	1.07
									23JAN85 1524

INQUIRY FORMAT	ORDERS	EMP# 11878 SEC-CD 105	61000000						
		1256890 128907350 002 5	VODIS N						
		00000	MONTI						
		SAUER LORIN							
DATE	RDCD	KW	KWH	DAY	KWHDAY	ID	CODE	AMOUNT	BALANCE
14NOV84	14NO	0	0	0	0	4044	METR	0.00	108.25
14NOV84	14NO	0	0	0	0	4085	METR	0.00	108.25
12NOV84	14NO	0	0	0	0	00000	RIN	1.07	108.25
08OCT84	08NO	0	0	1	0	4044	B22	0.00	107.18
08OCT84	16OC	RE	0	0	0	4044	METR	0.00	107.18
08OCT84	16OC	0	0	31	0	4085	METR	107.18	107.18
12OCT84	12OC	1	90				PYMT	795.03-	0.00
17SEP84	17SE	0	0	0	0	4044	METR	0.00	795.03
07SEP84	17SE	RV 160	13320	29	459	4085	METR	1171.11	795.03
07SEP84	17SE	RV	13320	29	459	4085	RNW	376.08-	376.08-
07SEP84	07SE	57	92				PYMT	1031.60-	0.00
20AUG84	20AU	0	0	0	0	4044	METR	0.00	1031.60
09AUG84	20AU	160	48000	30	1600	4085	METR	2421.15	1031.60
09AUG84	20AU	0	48000	30	1600	4085	RNW	1389.55-	1389.55-
10AUG84	10AU	14	90				PYMT	145.47-	0.00
10JUL84	17JL	171	7560	4	1890	4085	METR	364.32	145.47
10JUL84	17JL	0	7560	4	1890	4085	RNW	218.85-	218.85-
									23JAN85 1524

INQUIRY FORMAT	ORDERS	EMP# 11878 SEC-CD 105	61000000						
		1256890 128907350 002 5	VODIS N						
		00000	MONTI						
		SAUER LORIN							
DATE	RDCD	KW	KWH	DAY	KWHDAY	ID	CODE	AMOUNT	BALANCE
09SEP83	17JL	0	0	0	0	4044	METR	0.00	0.00
15JUN84	15JU	0	0	0	0	4044	METR	0.00	0.00
15JUN84	15JU	0	0	0	0	4085	METR	0.00	0.00
17MAY84	17MY	0	0	0	0	4044	METR	0.00	0.00
17MAY84	17MY	0	0	0	0	4085	METR	0.00	0.00
17APR84	17AP	0	0	0	0	4044	METR	0.00	0.00
17APR84	17AP	0	0	0	0	4085	METR	0.00	0.00
19MAR84	19MA	0	0	0	0	4044	METR	0.00	0.00
19MAR84	19MA	0	0	0	0	4085	METR	0.00	0.00
16FEB84	16FE	0	0	0	0	4044	METR	0.00	0.00
16FEB84	16FE	0	0	0	0	4085	METR	0.00	0.00
18JAN84	18JA	0	0	0	0	4044	METR	0.00	0.00
18JAN84	18JA	0	0	0	0	4085	METR	0.00	0.00
16DEC83	16DE	0	0	0	0	4044	METR	0.00	0.00
16DEC83	16DE	0	0	0	0	4085	METR	0.00	0.00
16NOV83	16NO	0	0	0	0	4044	METR	0.00	0.00
16NOV83	16NO	0	0	0	0	4085	METR	0.00	0.00
									23JAN85 1524

INQUIRY FORMAT	ORDERS	EMP# 11878 SEC-CD 105	61000000						
		1256890 128907350 002 5	VODIS N						
		00000	MONTI						
		SAUER LORIN							
DATE	RDCD	KW	KWH	DAY	KWHDAY	ID	CODE	AMOUNT	BALANCE
17OCT83	17OC	0	0	0	0	4044	METR	0.00	0.00
17OCT83	17OC	0	0	0	0	4085	METR	0.00	0.00
07OCT83	07OC	54	90				PYMT	1637.55-	0.00
16SEP83	16SE	0	0	0	0	4085	METR	0.00	1637.55
18AUG83	12SE	0	9600	7	1371	4085	DNW	228.93-	1637.55
18AUG83	12SE	164	9600	7	1371	4085	DDM	494.73	1866.48
18AUG83	12SE	0	0	0	0	4044	DKM	0.00	1371.75
11AUG83	17AU	170	75420	30	2514	4085	METR	3170.29	1371.75
11AUG83	17AU	0	75420	30	2514	4085	RNW	1798.54-	1798.54-
11AUG83	11AU	5	90				PYMT	1430.18-	0.00
12JUL83	19JL	170	64440	33	1953	4085	METR	2840.21	1430.18
12JUL83	19JL	0	64440	33	1953	4085	RNW	1410.03-	1410.03-
11JUL83	11JL	59	92				PYMT	167.33-	0.00
09JUN83	16JU	170	8280	3	2760	4085	METR	339.21	
09JUN83	16JU	0	8280	3	2760	4085	RNW	171.88-	
									23JAN85 1524

Copies of aerial photos from
ASCS office in Dubois, ID.
In 1984, the ASCS
determined there was 125.7 ac.
being irrigated in both the
NE 1/4 & SW 1/4 Sec 18 Twp. 7N.
R. 34E.

Neal Sauer

T7N
R34E

NE 1/4 Sec 18

POOR QUALITY ORIGINAL

MICROFILMED

Brly

75.5A

#642

ACR
410

Brly

#63

125.7

787

#62

Brly

125.7

SW 1/4 Sec 18



MOUNTAIN AG., INC.

P.O. BOX 905 • BLACKFOOT, IDAHO 83221 • PHONE (208) 785-6500

RECEIVED

DEC 21 1984

Department of Water Resources
Eastern District Office

December 26, 1984

Ernie M. Carlsen
Department of Water Resources
150 Shoup
Idaho Falls, Idaho 83401

Dear Sirs;

Enclosed is our copy of the invoice to Neal Sauer of machines going on the ground where Water Rights are in question. (T 7 N R.34 E. Section 18 NE 1/4 & SW 1/4). The shipping dates of machines were 10/10/83 and 9/10/83 and installation followed within a week or two of delivery.

Those systems on the land in question did operate in the 84' irrigation season. Prior to our installation of the pivots that ground was irrigated by hand line irrigation systems.

THANK YOU.

Russ Stewart - Vice President & Secretary
Mountain Ag, Inc.

MICROFILMED

RECEIVED

FEB 6 1985

Department of Water Resources



MOUNTAIN AG., INC.

P.O. BOX 905 BLACKFOOT, IDAHO 83221

PAGE 1 OF 1

MODEL NO. 2265	SERIAL NO. SEE BELOW	INVOICE DATE 10/25/83	DUE DATE 15% Now 85% 1-10-84	SALES ORDER NO.
-------------------	-------------------------	--------------------------	---------------------------------	-----------------

SOLD TO
Sauer Enterprises
Rt 5 Box 160
Idaho Falls, Idaho 83401

SHIP TO

F.O.B. POINT Montevideo	PPD.	COL.	SHIPPED VIA: Lockwood	ROA ☐	CASH ☐	CHARGE A	CREDIT ☐	CUST. P.O. NO. 0279	SALESMAN	DATE SHIP 10/10/83
----------------------------	------	------	--------------------------	---------------------------------	----------------------------------	-------------	------------------------------------	------------------------	----------	-----------------------

ITEM NO.	QTY. ORD.	PART NO.	UOM	DESCRIPTION	EXTENDED COST	QTY. SHP.	LIST PRICE	TOTAL PRICE
2		Lockwood	ea	Model 2265 G		2	29,229.00	58,458.00
		# 15 16		Tower Roots with				
2		Lockwood	ea	14.9 x 24 Tires		2	1400.00	2800.00
		3N# 833175 AA		6" Gearboxes - 30:1				
		833176 AA		Gearboxes Extra				
				Light - Low Pressure				
				Low Temperature				
				Shutdown - Auto End				
				Gun Shutoff And				
				PC100 End Gun				
				Pat - Pad - Wired				
2		Nelson	ea	beaptubes - Press		2	1,000.00	2,000.00
				Regulators				

TOTAL FROM CONTINUATION PAGES

DISCOUNT DETAIL						TRADE-IN DESCRIPTION		SUBTOTAL	
PARTS	CHAIN	WHOLEGOODS							
						DISCOUNT			
TRADE IN	USED TAG NO.	YEAR	MAKE	CONDITION	USED EQUIP. VALUE 717701	S			
					OVER ALLOW. 180301	S			
	GENERAL DESCRIPTION:			RECONDITIONING REQUIRED:			RELIEF ACCOUNTS		
							1. _____		
							3. _____		
						4. _____			
						5. _____			
ESTIMATED SELLING PRICE			ESTIMATED RECONDITION COST			FREIGHT			
INVOICE NO. No 5552			RECEIVED BY:			SALES TAX			
			MICROFILMED			TOTAL			63,258.00



MOUNTAIN AG., INC.

P.O. BOX 905 BLACKFOOT, IDAHO 83221

PAGE _____ OF _____

MODEL NO. 2265	SERIAL NO. See Below	INVOICE DATE 10-25-83	DUE DATE 15% NOW - 85% 12-10-83	SALES ORDER NO.
-------------------	-------------------------	--------------------------	------------------------------------	-----------------

S *Canner Enterprise*
O *Rt # 5 Box 160*
L *Idaho Falls, Id. 83401*
D
T
O

S
H
I
P
T
O

F.O.B. POINT <i>Montevideo</i>	PPD.	COL.	SHIPPED VIA: <i>Lockwood</i>	ROA ☐	CASH ☐	CHARGE ☒	CREDIT ☐	CUST. P.O. NO. <i>0279</i>	SALESMAN	DATE SHIP <i>9-10-83</i>
-----------------------------------	------	------	---------------------------------	---------------------------------	----------------------------------	---	------------------------------------	-------------------------------	----------	-----------------------------

ITEM NO.	QTY. ORD.	PART NO.	UOM	DESCRIPTION	EXTENDED COST	QTY. SHP.	LIST PRICE	TOTAL PRICE
	2	Lockwood	ea	Model 2265 9		2	29229.00	58,458.00
		#12 + #14		tower - Pivots with				
	2	Lockwood	ea	14.9x24 tires -		2	1400.00	2800.00
		S# 833141 AA		6" gearbox - 30:1 center				
		833152 AA		gearbox - Extra light -				
				low pressure - low				
				temperature shut				
				down - Auto End				
				gun shut off &				
				PC100 End gun -				
				fet - Pzd - wired				
	2	Nelson	ea	Drop Tubes - Press		2	1,000.00	2,000.00
				Regulators				

TOTAL FROM CONTINUATION PAGES

DISCOUNT DETAIL						TRADE-IN DESCRIPTION	SUBTOTAL	
PARTS	CHAIN	WHOLEGOODS						
						DISCOUNT		
TRADE IN	USED TAG NO.	YEAR	MAKE	CONDITION	USED EQUIP. VALUE 717701	\$		
					OVER ALLOW. 180301	\$		
	GENERAL DESCRIPTION:			RECONDITIONING REQUIRED:				RELIEF ACCOUNTS
								1. _____ 3. _____ 4. _____ 5. _____
ESTIMATED SELLING PRICE			ESTIMATED RECONDITION COST			FREIGHT		
INVOICE NO. No 5553			RECEIVED BY:			SALES TAX		
						TOTAL	62,258.00	

CHART INDUSTRIES

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 31-7320

Name(s) of Permit Holder: Earl Hunter

Post Office Address: P.O. Box 310
Ririe, ID 83443

Tel. No. _____

Source of Water: Groundwater

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 320 (acres)
☐ Other _____

Department of Water Resources

Measuring Device Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

12-18-84

Date

MICROFILMED

Earl Hunter
Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE



RECEIVED

DEC 26 1984

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

MICROFILMED

Permit No. 31-7320

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. a. Full Assign?
b/ Partial Assign?
4. "No assignment" condition on permit? *NO*
5. Commencement of works received? *proof submitted - attached*
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of Residency required? *NO*

1. Type Permit Summary Sheet ✓
2. Coding Sheet ✓
3. Acknowledgement letter type *Bita - please acknowledge w/ proof correspondence.*
4. Copy to region ✓

Date: 1/2/85
Employee: H. Walker

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

HUNTER, EARL
P. O. BOX 310
RIRIE, ID 83443

LAPSE NOTICE

AUGUST 08, 1984

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 31-7320 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED MAY 31, 1984.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

CERTIFICATION OF MAILING

I hereby certify that on 8-24-1984
a copy of this document was
deposited in the United States mail,
postage provided addressed to the
individual(s) named above.

Rita Link

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138755

HUNTER, EARL
P. O. BOX 310
RIRIE, ID 83443

PROOF DUE NOTICE

MAY 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 31-7320 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE AUGUST 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Storehouse
Boise, Idaho 83720
(208) 384-2215

August 31, 1979

Earl Hunter
P.O. Box 310
Ririe, Idaho 83443

Dear Mr. Hunter

RE: Permit No. 31-7320

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Please note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

Enclosures

RECEIVED
OCT 1 1979
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

JULY 13, 1979

The Risby Star
P. O. Box 37
Risby, Idaho 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before AUGUST 6, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

31-Z320-

HUNTER, EARL

P. O. BOX 310, RIRIE, ID 83443

Source: GROUNDWATER

Date Filed: 07/05/1979

Amount: 6.40 CFS

Diversion Point: NWSE Sec 18 T 07N R 34E, JEFFERSON Co.

Use: IRRIGATION (6.40 CFS) from 04/01 to 11/01

Place of Use: NENE NWNE SWNE SENE NESW NWSW SWSW SESW Sec 18 T 07N R 34E
FOR 320 ACRES

Diversion Means: WELL, PUMP & SPRINKLER SYSTEM

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before AUGUST 6, 1979.

C. STEPHEN ALLRED

Director

Published 7/19 & 7/26/79.

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

Ernest Hunter

INITIAL REVIEW BY: S.M.

APPLICATION NUMBER: _____

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☒ Yes ☐ No Platted by: S.M. Map No. Basin 31 T. 7N R. 34E
☒ Yes ☐ No Other rights on same place of use. CLAIM 31-4612 T. 7 PERMIT 31-7050 (LAPSED)
☒ Yes ☐ No* In form for advertising.
☐ Yes ☒ No Final date for protests: AUGUST 6, 1979
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: AUGUST 14, 1979
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ 7/5/79 Date of priority recommended.
Special conditions of approval or cover letter. _____

Send Snake River Tributary Letter.

By: Ernest Carlson.

Date: 8/24/79

STATE OFFICE REVIEW:

OIC -

- ☐ See attached sheet for more information.

By: Jamie

Date: 8/29/79

