



Meridian

NA

T

1
4.2

NHEL/W
2
29.1

T773
NHEL
NV

T774

NHEL

T775
NV
2
9.4

3
6

T1025
1
7.5

2
1.2

N/W

Idaho Department of Water Resources

T04N, R01E,
S31

Claim No: 63-04983
Prepared By: Kimberly Bro
Date: January 21, 2005



Place of Use



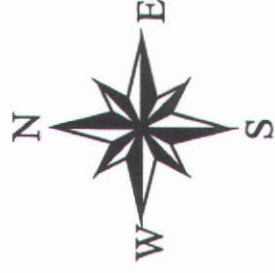
Section Lines



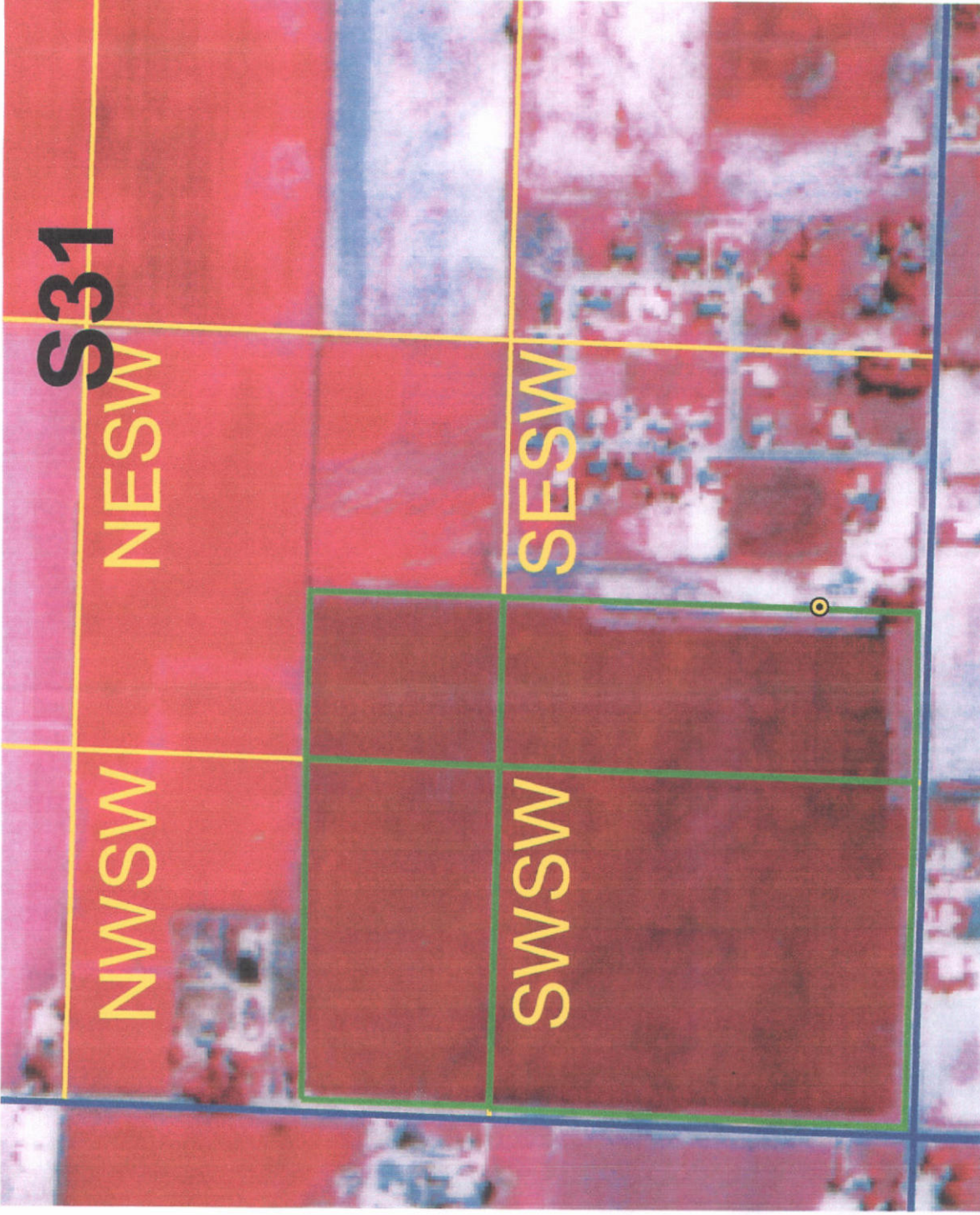
1/4 1/4



Point of Diversion



1987 NAPP



0.03 0 0.030.06 Miles



Idaho Department of Water Resources

T04N, R01E,
S31

Claim No: 63-04983

Prepared By: Kimberly Brown

Date: January 21, 2005



Place of Use



Section Lines



1/4 1/4



Point of Diversion

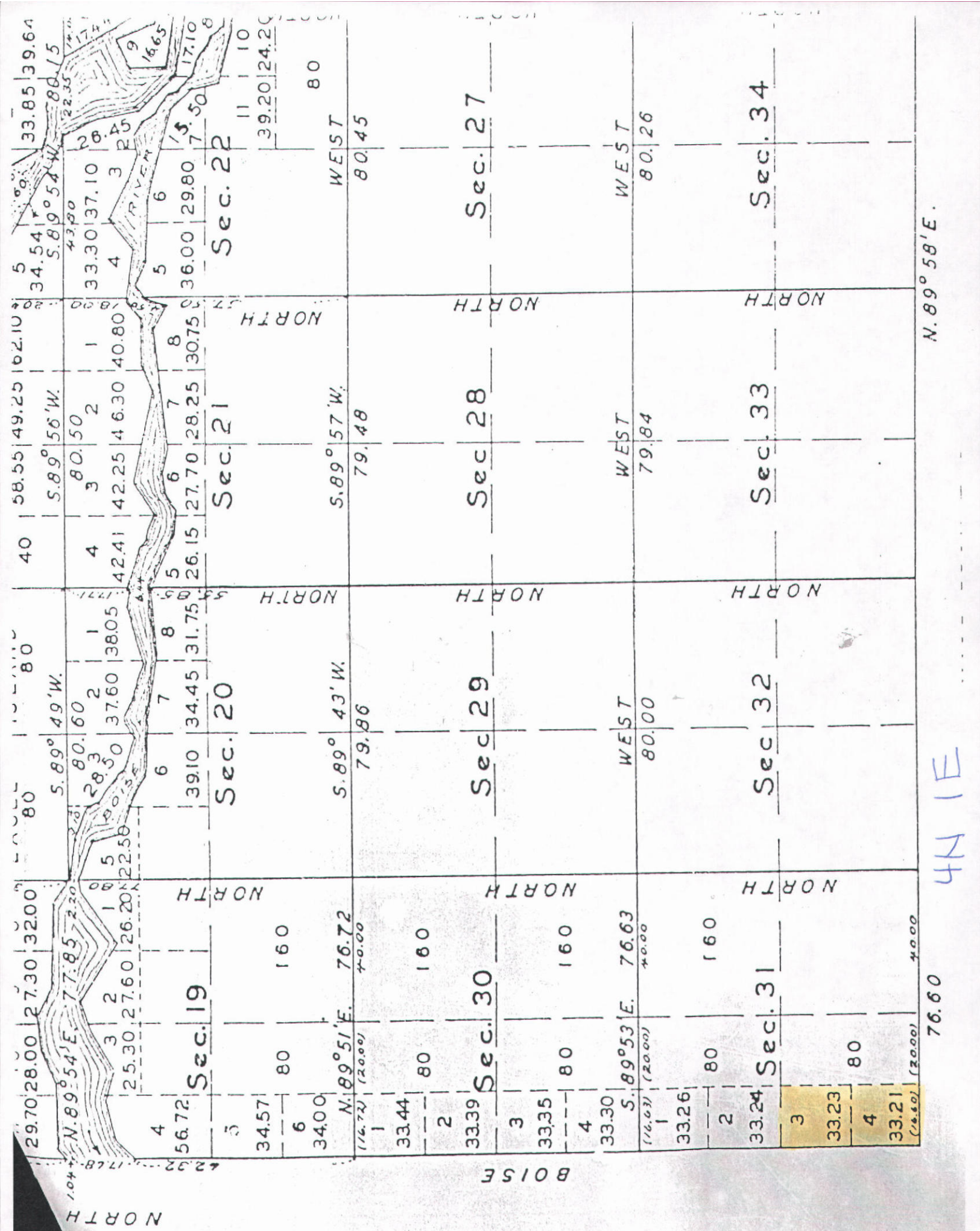
Acres Irrigated = 70.0



0.03 0 0.030.06 Miles



1987 NAPP



30 H

Date: 3/31/2004

← DISCHARGE PRESSURE NEEDED

Filename:IDWR Sundance.xls

Idaho Department of Water Resources

Claim Number: 63-04983
 Legal: T4N, R1E, S31
 Reviewed By:

● Point of Diversion



Place of Use

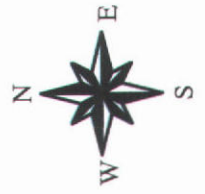


Section Lines



Quarter Quarter Lines

1987 Napp Photo





63-4983





63-4983



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-4983
Date Received: 7/12/1989
Receipt No: W003572
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SUNDANCE LIMITED COMPANY LLC
PO BOX 2044
IDAHO FALLS ID USA 83403

Phone: (208) 524-6000

2. Date of Priority: 12/01/1942

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	31	SE SW	ADA	

5. Description of diverting works:

5 HP PUMP, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.8	

7. Total Quantity Appropriated is:
0.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	01E	31	NE	SW		IRRIGATION	5
			NW	SW	3	IRRIGATION	15
			SW	SW	4	IRRIGATION	35
			SE	SW		IRRIGATION	15
						Section Acres	70
						Total Acres	70

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 7/8/2002

15. Basis of Claim: Statutory Claim

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JUL 01 2002

WATER RESOURCES
WESTERN REGION

*Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.*

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4983	39576	-			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. N/A
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) MCBIENEY PROPERTY TRUST
1162 BENT OAK LANE, SAN JOSE, CA 95129
4. New Owner/Claimant(s) SUNDANCE LIMITED COMPANY, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 2044
- City, State and ZIP Code IDAHO FALLS, ID 83403
- New Telephone Number (208) 524-6000
5. Date you acquired the property 6.12.2002

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Signature]
MANAGING MEMBERS SONDANCE LAND LLC

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by DH Date 7-1-02 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECORDED-REQUEST OF


 ADA COUNTY RECORDER
 J. DAVID NAVARRO
 BOISE, IDAHO

2002 JUN 12 PM 4:13

WARRANTY DEED

 FEE 6.00 DEPUTY Hugh
 102066741

FIRST AMERICAN

For Value Received

W. Robert McBirney, Jr., Trustee of The McBirney Property Trust

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Sundance Limited Company, LLC

hereinafter referred to as Grantee, whose current address is

 1908 Jennie Lee Drive
 Idaho Falls, ID 83404

the following described premises, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and that Grantor will warrant and defend the same from all claims whatsoever.

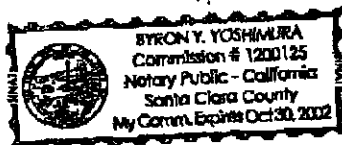
Dated: June 5, 2002.

McBirney Property Trust

 BY: W. Robert McBirney, Jr., Trustee
 W. Robert McBirney, Jr., Trustee

 STATE OF California)
 COUNTY OF Santa Clara) ss.

On This 11 day of June, in the year 2002, before me, a Notary Public in and for said State, personally appeared W. Robert McBirney, Jr., known or identified to me to be the person whose name is subscribed to the within instrument as the Trustee of the McBirney Property Trust, and acknowledged to me that he executed the same as such Trustee.


Byron Y. Yoshimura
 Notary Public
 Residing at San Jose
 Commission expires: Oct 30, 2002

First American Title Company of Idaho

EXHIBIT "A"

FA-134697

A parcel of real property being a part of the Southwest Quarter of Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, described as follows:

Commencing at the Southwest corner of Section 31, Township 4 North, Range 1 East of Boise Meridian; running thence North 89°58' East, 24.908 chains to a point on the South line of said Section 31; thence North 29.08 chains to a point; thence South 89°58' West, 24.918 chains to the West line of said Section 31; thence South 29.08 chains to a Place of Beginning; being a part of the Southwest Quarter of said Section 31, Township 4 North, Range 1 East of Boise Meridian.

EXCEPTING:

That portion previously conveyed to the Ada County Highway District by Deed recorded as Instrument No. 8135880, records of Ada County, Idaho, such parcel described as follows:

A triangular parcel of land for public right of way located in the Southwest Quarter of the Southwest Quarter of Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 31, Township 4 North, Range 1 East, Boise Meridian; thence East along the Section line common to Section 6, Township 3 North, Range 1 East, and Section 31, Township 4 North, Range 1 East, a distance of 45.00 feet to a point; thence North, a distance of 25.00 feet to a point, said POINT BEING THE REAL POINT OF BEGINNING; thence West along the Northerly right of way line of Ustick Road, a distance of 20.00 feet to a point; thence North along the Easterly right of way line of North Meridian Road, a distance of 20.00 feet to a point; thence Southeasterly, a distance of 28.28 feet to the REAL POINT OF BEGINNING.

AND FURTHER EXCEPTING therefrom any portion lying within Meridian Road and Ustick Road.

FA 152762



ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO
CORPORATE WARRANTY DEED
2002 JN 12 PM 4:13

RECORDED - REQUEST OF

6⁰⁰ DEPUTY *H. Key*
102066743

FOR VALUE RECEIVED,

FIRST AMERICAN

G. L. Voigt Development Co., an Idaho Corporation

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto

Sundance Limited Company, LLC

whose address is: 1908 Jennie Lee Drive, Idaho Falls, Idaho 83404
grantee, the following described real estate, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision restrictions and U.S. patent reservations.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in a fee simple of said premises; that they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President this 5th day of June, 2002.

G.L. Voigt Development Co.

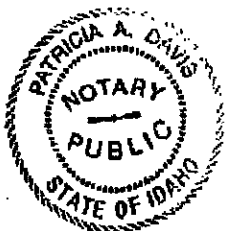
BY:

G. L. Voigt
Gary L. Voigt, President

STATE OF IDAHO)

COUNTY OF BONNEVILLE)

On this 11th day of June, in the year 2002, before me, a Notary Public in and for said State, personally appeared Gary L. Voigt, known or identified to me to be the President of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.



Patricia A. Davis
Notary Public of Idaho

Residing at IDAHO FALLSCommission expires: 11-18-04

First American Title Company of Idaho

EXHIBIT "A"

FA-152762

PARCEL I:

A parcel of land being a portion of the Southwest Quarter of Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, the REAL POINT OF BEGINNING of this description; thence

South 89°49'38" East 2400.30 feet (formerly 2416.26) to the Northeast corner of the Southwest Quarter; thence

South 0°42'08" West 1024.91 feet (formerly 1015 feet) along the East line of the Southwest Quarter to a point on the South side of a fence corner as described in Instrument No. 8207560; thence

North 79°44'16" West 298.16 feet (formerly 301 feet) to a point; thence

North 33°21'39" West 280.71 feet to a point on the South side of a fence corner as described in Instrument No. 8207560; thence

North 89°35'39" West 1350.71 feet to a point; thence

North 00°50'16" East 335.00 feet to a point; thence

North 89°35'39" West 600.00 feet to a point on the West line of the Southwest Quarter; thence

North 00°50'16" East 395.76 feet to the REAL POINT OF BEGINNING of this description.

NA

Méridien

NHELV.
29.1

NHELV.
H

T-104

NHELV.

T-105

T-1025

7.8

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-04983**
Date Received: 7/12/1989
Receipt No: W003572
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: MC BIRNEY PROPERTY TRUST 408-253-9350
Address: 1162 BENTOAK LN
SAN JOSE CA 95129

2. Date of Priority: DEC 1, 1942

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01E	31		SE	SW		ADA

5. Description of diverting works:
5 HP PUMP, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 245.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

MICROFILMED

AUG 20 1992

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	31	NE	SW		IRR	5.0
			NW	SW	3	IRR	15.0
			SW	SW	4	IRR	35.0
			SE	SW		IRR	15.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	70.0
					Total Acres	70.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

SETTLERS IRRIGATION DIST., NAMPA-MERIDIAN IRRIGATION DIST.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
AUG 20 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number ~~AB3-10286~~
Date Received 7-12-89
Receipt Number W003572

AB3-04983

RECEIVED
JUL 12 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) McBIRNEY PROPERTY TRUST Phone (408) 253-9350
Mailing Address 1162 BENTON LANE, SAN JOSE, CA Zip 95129

2. Date of Priority (Only one (1) per claim) DECEMBER 1, 1942

3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 4 N Range 1 E Section 31,
SE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of ADA

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 5 HP PUMP, GRAVITY

WITH SYPHON TUBES

MICROFILMED

AUG 20 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from MAR 15 to NOV 15 amount 0.80 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.80 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is ~~245~~ 245 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1E	31									5	43	64	15					70

Total number of acres irrigated 70

11. In which county (ies) are lands listed above as place of use located? ADA

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
SETTLERS IRRIGATION DIST-ACCT # 147 for 40 ACRES (17 MINERS or None ()
INCHES)

14. Remarks:
ITEM 13 (CONTINUED)
NAMPA & MERIDIAN IRRIGATION DISTRICT ASSESSMENT # 54.3
BEGIN SW COR SW QTR SEC 31 4N 1E, TH E 1643.9 FT,
TH N 1320 ft, TH W 1643.9 ft, TH S 1320 ft to BEGIN

MICROFILMED

AUG 20 1992

Last Name McBIRNEY PROPERTY TRUST Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 63-4983

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled

"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not _____

wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) William Robert M. Birney Date June 27, 1989

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

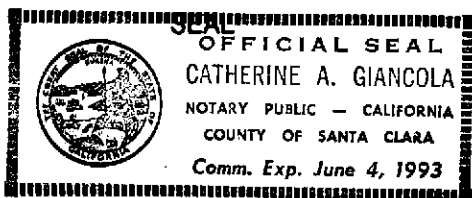
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of ~~Idaho~~/or California SS.

County of Santa Clara

Subscribed and sworn (or affirmed) before me this 27th day of June 1989



Notary Public Catherine A. Giancola

Residing at San Jose, California

My Commission Expires June 4, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

AUG 20 1992

Last Name MLBIRNEY PROPERTY TRUST Ident. Number _____

Copies White-State, Yellow-Claimant

+	-	-	-	Diversion Means - PUMP & DITCHES	+
+	-	-	-	Non-Irrigation Use -	
+	-	-	-	Other Rights for Same Use -	
+	-	-	-		Remarks -
					No Remarks found.
+	-	-	-		
					Old Water Right Numbers
					No Old Water Right Numbers found.
+	-	-	-		
					Conditions of Approval
					No Conditions of Approval found.

MICROFILMED
AUG 20 1992

+ - - -	- Decree Plaintiff	- - - +	+ - - -	- Decree Defendant	- - - +	+ - Decree Date	-
						00/00/0000	

-Comments-

No Comments Found

+ - - Audit Fields - 04/25/83 05/01/88 CONVERT

+ + + + + Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

AUG 20 1992

12/01/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-4983

NAME AND ADDRESS: SUNDANCE LIMITED CO LLC
PO BOX 2044
IDAHO FALLS ID 83403

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.800 CFS
315.000 AFY

PRIORITY DATE: 03/01/1942

POINT OF DIVERSION:

T04N R01E S31 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.800 CFS
315.00 AFY

PLACE OF USE: IRRIGATION Within ADA County

T04N R01E S31 NESW 8.0

T04N R01E S31 Lot 3 NWSW 15.0

T04N R01E S31 Lot 4 SWSW 32.0

T04N R01E S31 SESW 15.0

70 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROPERTY IS ALSO KNOWN AS SUNDANCE SUBDIVISION.

Use of this right is combined with water from Nampa Meridian Irrigation District.

Use of this right is combined with water from Settlers Irrigation District.

MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-4983
Notice of Error Reply**

November 30, 2005

Based on the *Notice of Error Reply* received from Eric Guanell and the attached Estimated Pumping Rate Computer Flow Analysis performed by Scott King of SPF Engineering, LLC (in addition to the 11/29/05 email received from Scott King and the attached pump curve and estimated pumping rate calculation), I changed the recommended diversion rate of 0.7 cfs to the claimed diversion rate of 0.8 cfs [see file].

Kimberly Brown
Senior Water Resource Agent
Western Region

Brown, Kimberly

From: Scott King [SKing@spfwater.com]
Sent: Tuesday, November 29, 2005 9:53 AM
To: Brown, Kimberly
Subject: Pump Curve for 63-4983

Hi Kimberly,

I called Steve at Caron Pump, and he sent me the attached pump curve. This curve should offer additional support for the claimed 0.8 cfs quantity for 63-4983.

Also attached are theoretical calculations for a 5-hp pump, operating with a pump efficiency of 64% (this is per the efficiency curve at 0.8 cfs on the attached pump curve). The calculations indicate the 5-hp pump is capable of delivering 0.8 cfs with 35 feet of Total Dynamic Head, and these calculations are supported by the provided curve.

Please let me know if you have any questions.

Thanks,
Scott

Scott N. King, P.E.
SPF Water Engineering, LLC
600 East River Park Lane, Suite 105
Boise, Idaho 83706
phone: 208-383-4140 x209
fax: 208-383-4156
email: sking@spfwater.com
web page: www.spfwater.com

ed 1/6/2000

Estimated Pumping Rate Computer

Flow Analysis Performed by: **Scott King**

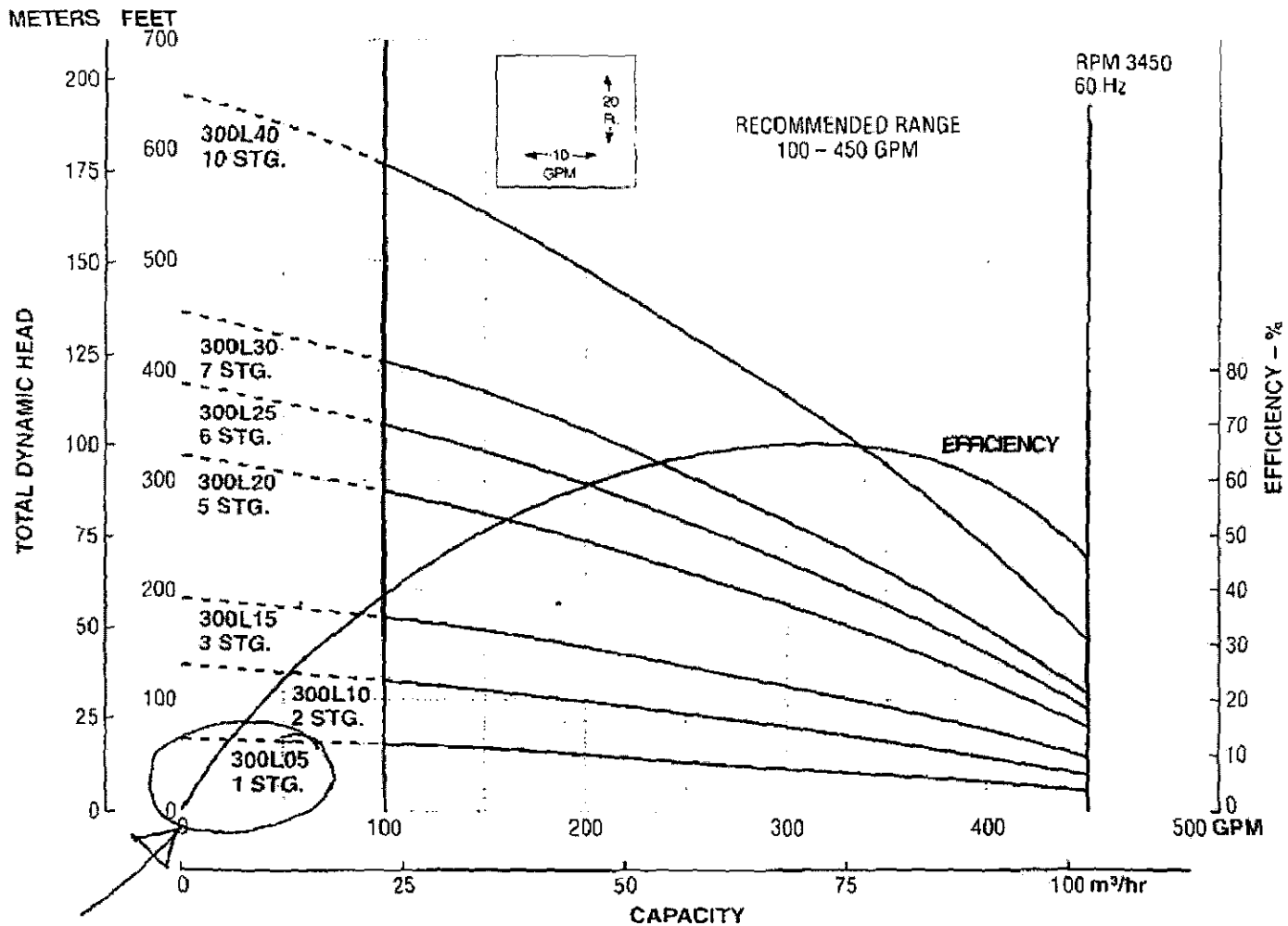
Date: **11/29/2005**

Record ID		Measured Flow:	
Water Right No. 63-4983		Designed Flow:	
Name Sundance, LLC		HP/Eff Flow: 0.81 cfs	
pod		Sprinkler Flow:	
year:		Pivot/System Flow:	
Flow Measurement:	gpm	=	
Curve/Pump Design:	gpm	=	
Horsepower / Efficiency Method			
Horsepower	5 hp		
PWL	35 ft		
Disch Psi	0 psi		
PUMP Eff Estimate	0.64 %		
TDH	35 ft		
OHP	3.2 hp		
Flow	362 gpm	=	0.81 cfs
System Method:			
No Lines		Nozzle Equation: $Q=C*A*\sqrt{(2*g*h)} / \sqrt{(1-r^4)}$	
Birds per line		C=	1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	0	r=	0.0000 ft Nozzle radius
Nozzle size	in	A=	0.00000 ft^2 Nozzle area
Nozzle pressure	psi	h=	0 ft Head
Flow per nozzle	0.00 gpm	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	0 gpm	Q=	0.000 cfs Flow per nozzle
Percent Leaks	%	=	0.000 gpm Flow per nozzle
Total Flow	0 gpm		
Pivot / System rating	gpm	=	

Comments / Data Supplied:

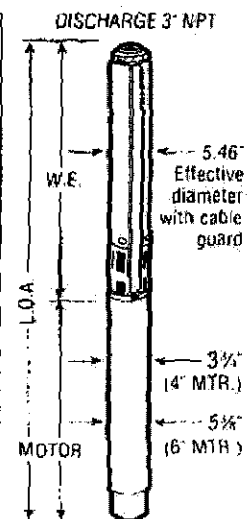
Model 300L

GOULDS PUMPS



DIMENSIONS AND WEIGHTS

HP	Stages	W.E. Order No.	Motor Order No.	PH	Motor Volts	Motor Length	W.E. Length	L.O.A.	Wt. (lbs.)
5	1	300L05	S10940	1	230	29.5	23.5	53.0	74
			S10978	3	200				
			S10970	3	230	23.5	23.5	47.0	74
			S10975	3	460				
10	2	300L10	S10979	3	575				
			S12970	1	230	30.6	28.0	58.6	165
			S12978	3	200				
			S12971	3	230	25.5	28.0	53.5	135
15	3	300L15	S12972	3	460				
			S12979	3	575				
			S13970	1	230	33.1	32.5	65.6	181
			S13978	3	200				
20	5	300L20	S13971	3	230	28.0	32.5	60.5	155
			S13972	3	460				
			S13979	3	575				
			S14978	3	200				
25	6	300L25	S14971	3	230	30.6	41.6	72.2	181
			S14972	3	460				
			S14979	3	575				
			S15978	3	200				
30	7	300L30	S15971	3	230	33.2	45.8	79.0	200
			S15972	3	460				
			S15979	3	575				
			S16978	3	200				
40	10	300L40	S16971	3	230	35.7	50.1	85.8	219
			S16972	3	460				
			S16979	3	575				
			S17972	3	460	40.8	63.4	104.2	269
			S17979	3	575				



(All dimensions are in inches and weights in lbs. Do not use for construction purposes.)

*Non-stock motors have a six (6) week lead time.

Water end and motor must be ordered separately and are packaged separately.

05/31/2005 RECEIVED

NOTICE OF ERROR
REPLY

JUL 13 2005

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-4983

SUNDANCE LIMITED CO LLC
PO BOX 2044
IDAHO FALLS ID 83403
Telephone Number: (208)524-6000

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

I disagree with the recommended quantity of 0.70 cfs.

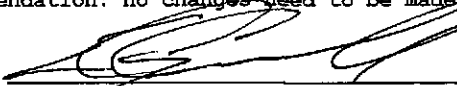
2. Describe the changes you wish to make in the proposed recommendation:

The quantity for this right should be 0.80 cfs, as claimed.

3. Give a brief explanation as to why you disagree with these portions:

The recommended quantity of 0.70 is based on a theoretical calculation of pumping capacity using reasonable assumptions. Other reasonable assumptions yield an estimate of capacity exceeding the claimed amount of 0.80 cfs. These assumptions include using a pump efficiency of 0.73% instead of 0.70% (which is reasonably attainable for a 5-hp pump), and 25 ft lift instead of 30 ft. (see attached calculations)

DATE: 7/11/05

SIGNATURE: 

Please print your name: ERIC C. GUAVELL

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

ed 1/6/2000

Estimated Pumping Rate Computer

Flow Analysis Performed by: Scott King

Date: 6/23/2005

Page 1 of 1

Record ID		Measured Flow:	
Water Right No. 63-4983		Designed Flow:	
Name Sundance, LLC		HP/Eff Flow:	0.83 cfs <<--Max
pod		Sprinkler Flow:	
year:		Pivot/System Flow:	
Flow Measurement:	gpm	=	
Curve/Pump Design:	gpm	=	
Horsepower / Efficiency Method			
Horsepower	5 hp		
PWL	25 ft		
Disch Psi	6 psi		
PUMP Eff Estimate	0.73 %		
TDH	39 ft		
OHP	3.65 hp		
Flow	372 gpm	=	0.83 cfs
System Method:			
No Lines		Nozzle Equation: $Q = C \cdot A \cdot \sqrt{2 \cdot g \cdot h} / \sqrt{1 - r^4}$	
Birds per line		C =	1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	0	r =	0.0000 ft Nozzle radius
Nozzle size	in	A =	0.00000 ft ² Nozzle area
Nozzle pressure	psi	h =	0 ft Head
Flow per nozzle	0.00 gpm	g =	32.2 ft/sec ² Gravitational constant
Sprinkler Flow	0 gpm	Q =	0.000 cfs Flow per nozzle
Percent Leaks	%	=	0.000 gpm Flow per nozzle
Total Flow	0 gpm		
Pivot / System rating	gpm	=	

Comments / Data Supplied:

05/31/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-4983

NAME AND ADDRESS: SUNDANCE LIMITED CO LLC
PO BOX 2044
IDAHO FALLS ID 83403

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.700 CFS
315.00 AFY

PRIORITY DATE: 03/01/1942

POINT OF DIVERSION:
T04N R01E S31 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.700 CFS 315.00 AFY

PLACE OF USE: IRRIGATION Within ADA County

T04N R01E S31	NESW	8.0	T04N R01E S31 Lot 3 NWSW	15.0
T04N R01E S31 Lot 4 SWSW	32.0	T04N R01E S31	SESW	15.0

70 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROPERTY IS ALSO KNOWN AS SUNDANCE SUBDIVISION.

Use of this right is combined with water from Nampa Meridian Irrigation District.

Use of this right is combined with water from Settlers Irrigation District.

Idaho Department of Water Resources

T04N, R01E, S31

Claim No: 63-04983
 Prepared By: Kimberly Bro
 Date: January 21, 2005



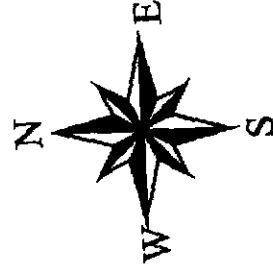
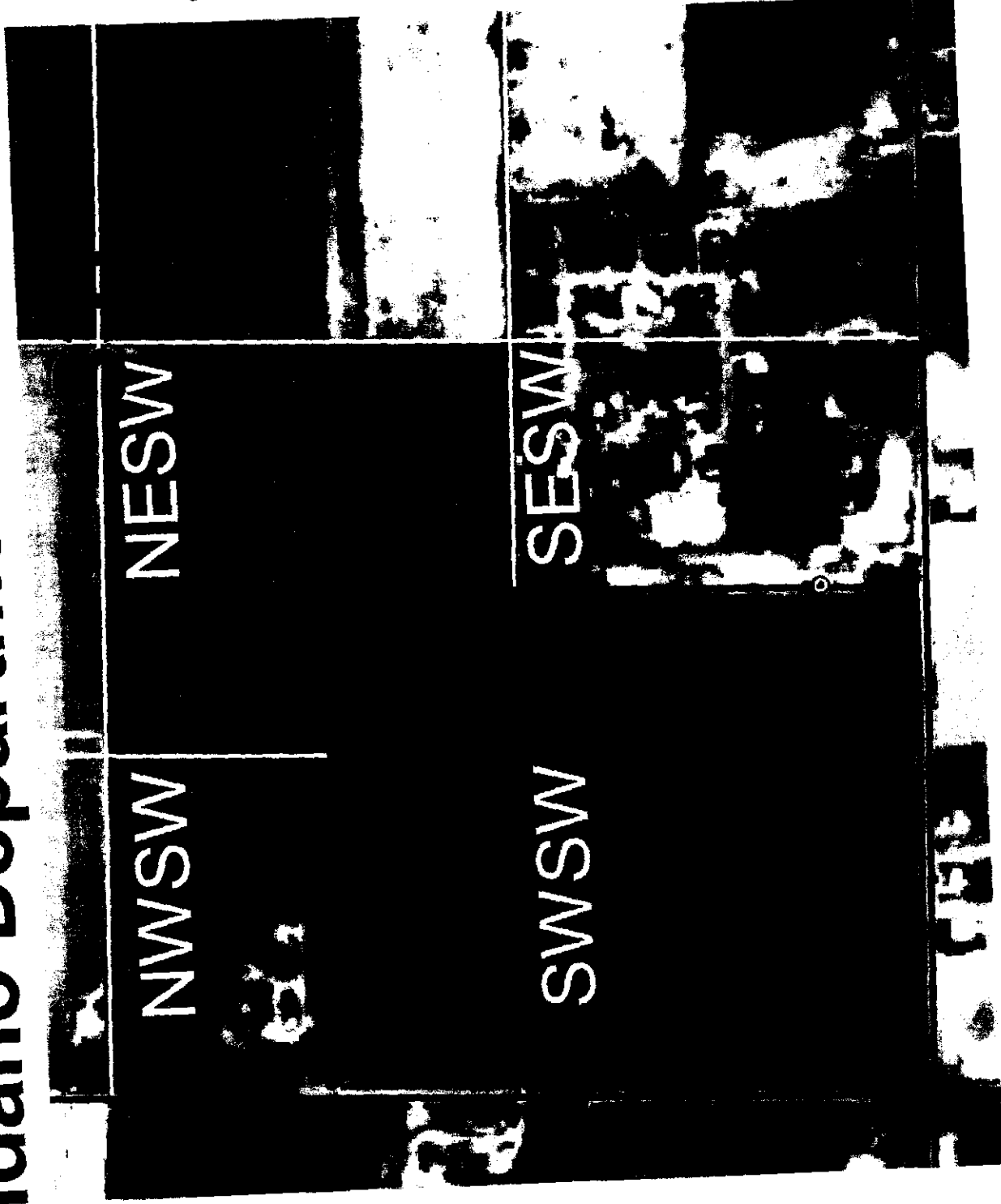
Place of Use



Section Lines

1/4 1/4

⊙ Point of Diversion



1987 NAPP

0.03 0 0.030.06 Miles



12/01/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-4983

NAME AND ADDRESS: SUNDANCE LIMITED CO LLC
PO BOX 2044
IDAHO FALLS ID 83403

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.700 CFS
315.000 AFY

PRIORITY DATE: 03/01/1942

POINT OF DIVERSION:

T04N R01E S31 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.700 CFS 315.00 AFY

PLACE OF USE: IRRIGATION Within ADA County

T04N R01E S31	NESW	8.0	T04N R01E S31 Lot 3 NWSW	15.0
T04N R01E S31 Lot 4 SWSW	32.0	T04N R01E S31	SESW	15.0

70 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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Use of this right is combined with water from Nampa Meridian Irrigation District.

Use of this right is combined with water from Settlers Irrigation District.

Idaho Department of Water Resources

T04N, R01E,

S31

Claim No: 63-04983

Prepared By: Kimberly Brown

Date: January 21, 2005



Place of Use

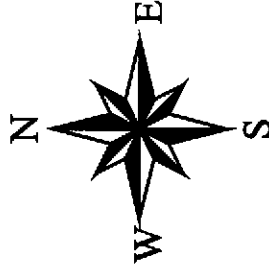


Section Lines

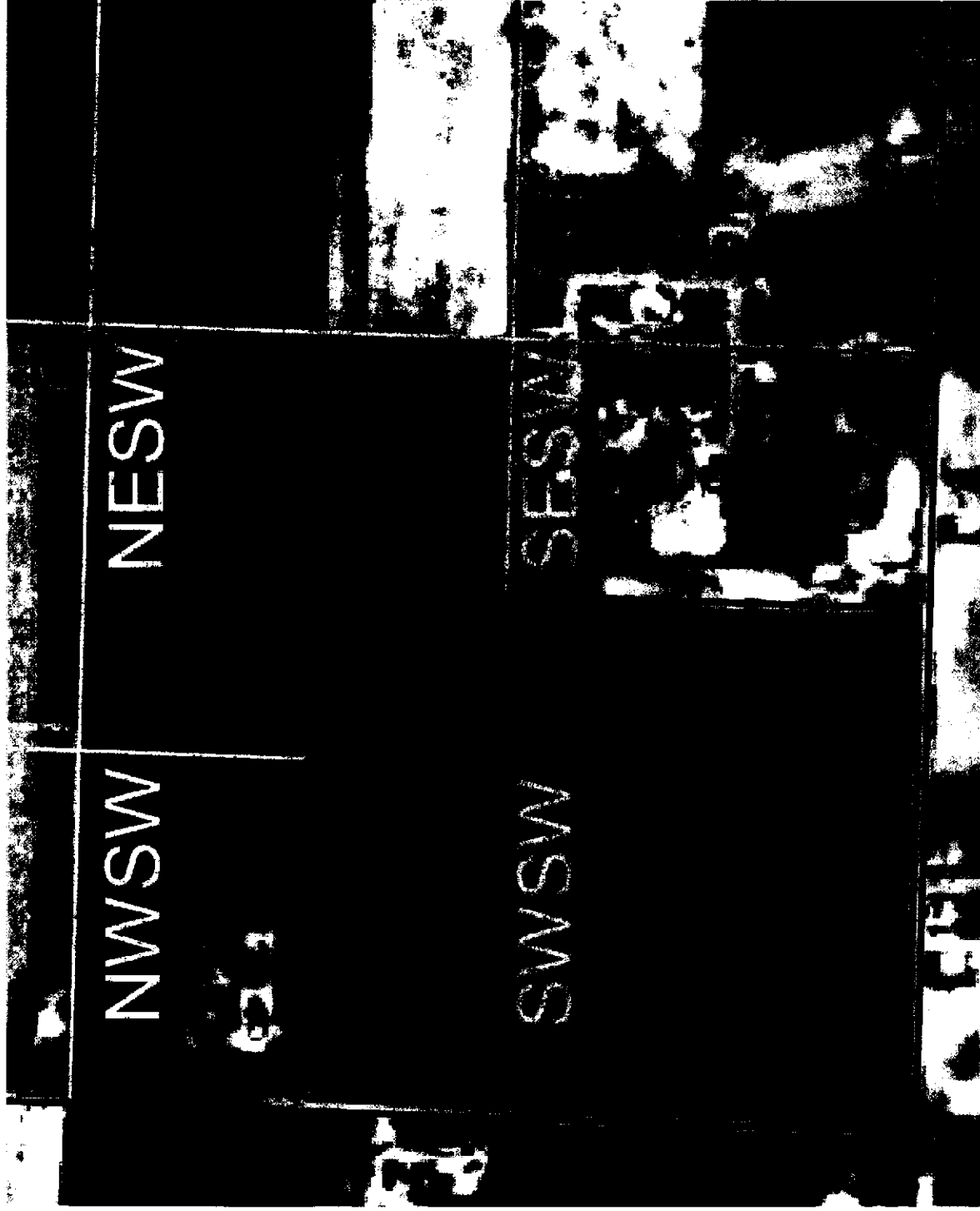
1/4 1/4

☉ Point of Diversion

Acres Irrigated = 70.0



1987 NAPP



0.03 0 0.030.06 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4983

WATER RIGHT NUMBER: 63-4983 ✓

Owner Type Name and Address

Original Owner ROBERT MC BIRNEY ✓
9138 COVEY HILL CT
BOISE, ID 83709

Original Owner MC BIRNEY PROPERTY TRUST
C/O W ROBERT MC BIRNEY JR
1162 BENTOAK LN
SAN JOSE, CA 95129
(408)253-9350

Current Owner SUNDANCE LIMITED CO LLC ✓
PO BOX 2044
IDAHO FALLS, ID 83403
(208)524-6000

Priority Date: ^{change to 3/01} ~~12/01/1942~~ ✓Basis: ~~Statutory Claim~~ ✓ Beneficial Use

Status: Active

Source Tributary

GROUND WATER ✓

Beneficial Use From To Diversion Rate Annual Volume

IRRIGATION ✓ ^{change to 3/01} 3/15 to 11/15 ✓ 0.7 ~~0.800~~ CFS ✓ 315.0 AFA

Total Diversion: ~~0.800~~ CFS ✓ 0.7 315.0 AFA

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4 ✓

Sec. 31, Twp 04N, Rge 01E, B.M. ✓

ADA 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	
✓ 04N	01E	31									5.0	15.0	35.0	15.0					70.0
											8.0		32.0						

Total Acres: 70 ✓

Conditions of Approval:

ADD W 51 - Use is combined with Nampa Meridian Irr. District water.

Remarks:

1. General Ownership changed by DH 7/8/2002

ADD W 54 - Use is combined with Settlers Irr. District water.

ADD JO1 - Place of use is also known as Sundance Subdivision.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4983

Comments:

Dates and Other Information:

Claim Received Date: 7/12/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

(in office review)

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$120.00 (\$50.00 filing fee + 70 acres irrigation)
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information Evt. lots 3 & 4
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☒ Evidence of Priority - if none, talk with claimant

CLAIMANT INFORMATION - verify contact information is completeClaim No(s) A 63-4983Owner: Sundance limited Co, LLC Phone No. (208) 524-6000Current Address: P.O. Box 2044, Idaho Falls 83403

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: N/A**PRIORITY DATE**

- ☒ No change - Complete evidence submitted or not necessary
- ☐ Incomplete - Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

An affidavit, signed by William Robert McFarney Jr., was submitted on 9/17/03.

Priority date, per claimant, is: 12/01/1942

(If priority date, based on your exam, seems questionable, explain below.)

Per my supervisor, Jim Shurte, the month and day of the priority date should reflect the beginning of the area's season of use for irrigation purposes → 3/1/1942.

Source: Ground water Tributary to _____

- ☒ No Change - SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See Field Report.

OVERLAP REVIEW

Other water rights with the same point of diversion:

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

Season of use is 3/1 to 11/15.

☐ No change

☐ Different Uses

Use Irrigation From 3/1 To 11/15 Amount 0.7 CFS 315.0 AFA numbered-up

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

70 acres x 4.5 af/acre = 315.0 af/annum (v) 0.7 cfs x 1.9835 x 260 days = 360.9 af/annum

TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, Amount _____ CFS 315.0 AFA

☒ Changes found, the new total is, Amount 0.7 CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☐ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:

☐ No Change

☒ Changes shown below:

35 acres of irrigation were claimed in the SWSW 1/4 S. 31; but only 33.21 acres exist in this government lot (#4).
I find 31.7 acres of irrigation in the SWSW when Ustick Rd. & Meridian Rd. are subtracted from the acreage.

1987 NAPP shows 70 acres of irrigation, so that is what is being recommended. The 2002 Ada County Tax lot information shows that the land is being subdivided into multiple lots.

Changes found:
(based on ArcView calculations)

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	still
4N	1E	31									8.0		32.0						70.0 ac

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative:

See Field Report.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

See Field Report (3/22/04).

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

Use is combined with Nampa Meridian Irrigation District water.

Use is combined with Settlers Irrigation water.

Place of use is also known as Sundance Subdivision.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 1.21.05 (in office review)

FIELD EXAMINER: Kimberly Brown

overlap review -

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4983**

01/21/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
~~63-4983~~	~~Claim~~	~~04N~~	~~01E~~	~~31~~	~~SE~~	~~SW~~		~~GROUND WATER~~	~~SUNDANCE LIMITED CO LLC~~
63-18314	Claim	04N	01E	31	SE	SW	B/W	GROUND WATER 1900 Dom/Inv.	WILLIAM F SNIDER 840 E 1st Ave
63-21798	Claim	04N	01E	31	SE	SW	Decreed	GROUND WATER 1974 Dom.	DWAYNE SKOGSBERG 505 31 346806
63-17788	Claim	04N	01E	31	SE	SW	Decreed	GROUND WATER 1976 Dom.	THOMAS E OGLE
63-19129	Claim	04N	01E	31	SE	SW	Decreed	GROUND WATER 1974 Dom.	KATHY J MILLER
63-19267	Claim	04N	01E	31	SE	SW	Decreed	GROUND WATER 1975 Dom.	THOMAS L MURRI
63-22942	Claim	04N	01E	31	SE	SW	Decreed	GROUND WATER 1900 Dom.	VERNON L BLADES
63-22439	Claim	04N	01E	31	SE	SW	Decreed	GROUND WATER 1973 Dom.	FLORENCE A BANSE
~~63-4983~~	~~Water Right~~	~~04N~~	~~01E~~	~~31~~	~~SE~~	~~SW~~		~~GROUND WATER~~	~~ROBERT MC BIRNEY~~
63-21798	Water Right	04N	01E	31	SE	SW	Decreed	GROUND WATER 1974 Dom.	DWAYNE SKOGSBERG
63-22695	Water Right	04N	01E	31	SE	SW	Decreed	GROUND WATER 1970 Dom.	TERRY S MICHAUD
63-17788	Water Right	04N	01E	31	SE	SW	Decreed	GROUND WATER 1976 Dom.	THOMAS E OGLE
63-19129	Water Right	04N	01E	31	SE	SW	Decreed	GROUND WATER 1974 Dom.	KATHY J MILLER
63-19267	Water Right	04N	01E	31	SE	SW	Decreed	GROUND WATER 1975 Dom.	THOMAS L MURRI
63-22942	Water Right	04N	01E	31	SE	SW		GROUND WATER	VERNON L BLADES
63-22439	Water Right	04N	01E	31	SE	SW		GROUND WATER	FLORENCE A BANSE

Separate PODs -
no overlap

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION CLAIM POU REVIEW REPORT ADJUDICATION CLAIM NUMBER: 63-4983

01/21/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
124F	Claim	04N	01E	31	NE	SW		IRRIGATION	20/20 Boise R.	DAVID N BAYLESS
198A	Claim	04N	01E	31	NE	SW	Dom #	IRRIGATION	Boise R. 20/34 1877	DAVID N BAYLESS
~~4983~~	~~Claim~~	~~04N~~	~~01E~~	~~31~~	~~NE~~	~~SW~~		~~IRRIGATION~~	~~GW 5/70~~	~~SUNDANCE LIMITED CO LLC~~
8513	Claim	04N	01E	31	NE	SW		IRRIGATION	GW 22/92 NE SW	PODDAVID N BAYLESS
~~198A~~	~~Water Right~~	~~04N~~	~~01E~~	~~31~~	~~NE~~	~~SW~~		~~IRRIGATION~~		~~NELLIE B WHITAKER~~
2040	Water Right	04N	01E	31	NE	SW		IRRIGATION	Unamed Stream	L K DECK
2101	Water Right	04N	01E	31	NE	SW		IRRIGATION	4/72 Patch Slough	FLOYD TOLLETH
~~4983~~	~~Water Right~~	~~04N~~	~~01E~~	~~31~~	~~NE~~	~~SW~~		~~IRRIGATION~~	~~5/70~~	~~ROBERT MC BIRNEY~~
~~8513~~	~~Water Right~~	~~04N~~	~~01E~~	~~31~~	~~NE~~	~~SW~~		~~IRRIGATION~~	~~22/92~~	~~EUNICE BAYLESS~~
1614B	Claim	04N	01E	31	NE	SW		IRRIGATION FROM STORAGE	20/10964.2	SETTLERS IRRIGATION DISTRICT
1618B	Claim	04N	01E	31	NE	SW		IRRIGATION FROM STORAGE	20/10964.2	SETTLERS IRRIGATION DISTRICT
1262B	Claim	04N	01E	31	NE	SW		IRRIGATION FROM STORAGE	20/10964.2	SETTLERS IRRIGATION DISTRICT
~~124F~~	~~Water Right~~	~~04N~~	~~01E~~	~~31~~	~~NW~~	~~SW~~		~~IRRIGATION~~	~~20/20~~	~~C E WHITE~~
~~2040~~	~~Water Right~~	~~04N~~	~~01E~~	~~31~~	~~NW~~	~~SW~~		~~IRRIGATION~~		~~L K DECK~~
2101	Water Right	04N	01E	31	NW	SW	License	IRRIGATION	Patch Slough 18/72 1909	FLOYD TOLLETH
1614B	Claim	04N	01E	31	NW	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
1618B	Claim	04N	01E	31	NW	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
1262B	Claim	04N	01E	31	NW	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
~~4983~~	~~Claim~~	~~04N~~	~~01E~~	~~31~~	~~NW~~	~~SW~~	~~3~~	~~IRRIGATION~~	~~15/70~~	~~SUNDANCE LIMITED CO LLC~~
~~8513~~	~~Claim~~	~~04N~~	~~01E~~	~~31~~	~~NW~~	~~SW~~	~~3~~	~~IRRIGATION~~	~~14/92~~	~~DAVID N BAYLESS~~
~~4983~~	~~Water Right~~	~~04N~~	~~01E~~	~~31~~	~~NW~~	~~SW~~	~~3~~	~~IRRIGATION~~	~~15/70~~	~~ROBERT MC BIRNEY~~
8513	Water Right	04N	01E	31	NW	SW	3	IRRIGATION	14/92	EUNICE BAYLESS
~~2101~~	~~Water Right~~	~~04N~~	~~01E~~	~~31~~	~~SW~~	~~SW~~		~~IRRIGATION~~	~~40/72~~	~~FLOYD TOLLETH~~
1614B	Claim	04N	01E	31	SW	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
1618B	Claim	04N	01E	31	SW	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
1262B	Claim	04N	01E	31	SW	SW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
~~4983~~	~~Claim~~	~~04N~~	~~01E~~	~~31~~	~~SW~~	~~SW~~	~~4~~	~~IRRIGATION~~	~~35/70~~	~~SUNDANCE LIMITED CO LLC~~
~~4983~~	~~Water Right~~	~~04N~~	~~01E~~	~~31~~	~~SW~~	~~SW~~	~~4~~	~~IRRIGATION~~	~~35/70~~	~~ROBERT MC BIRNEY~~

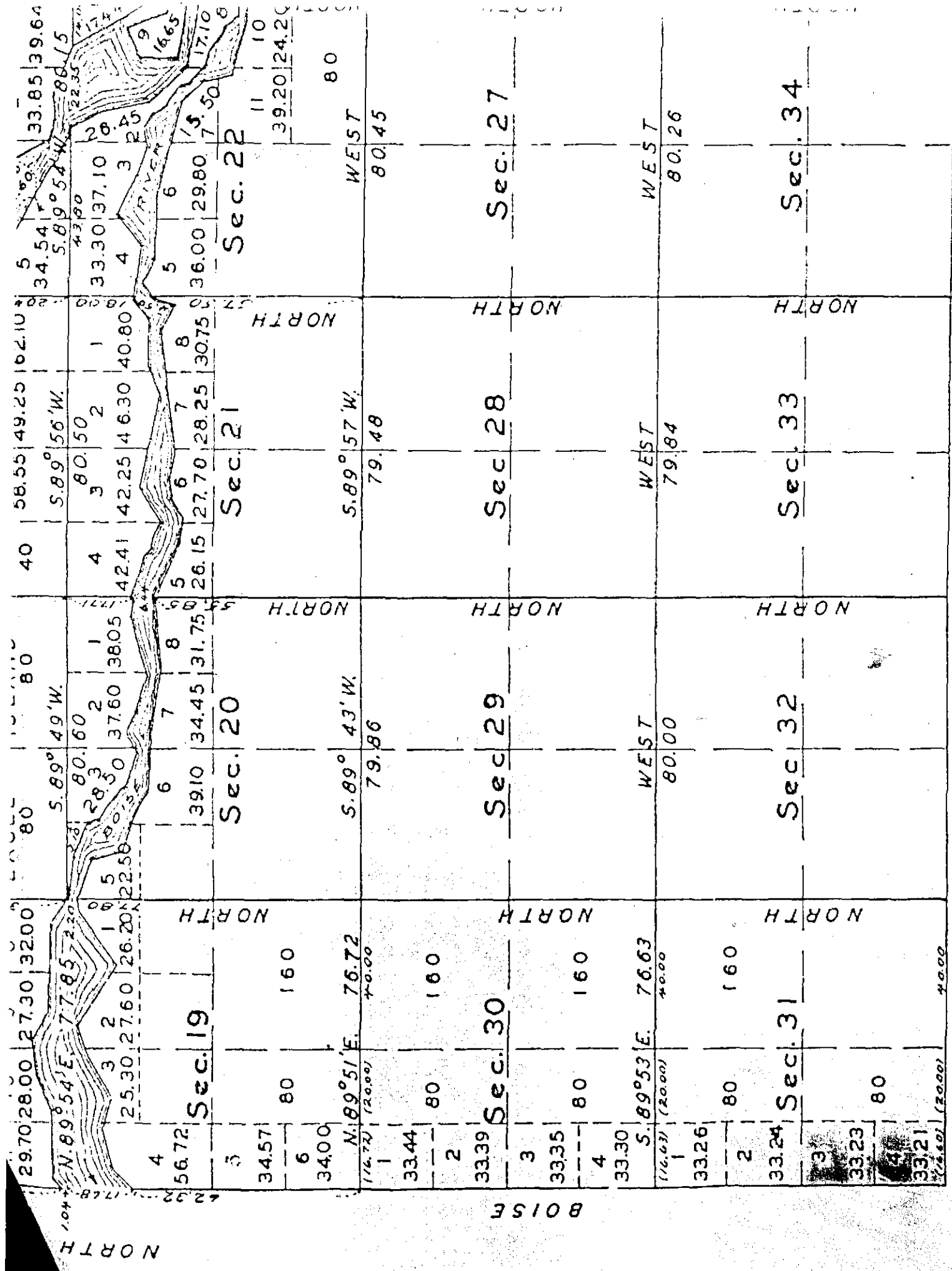
Separate POUs -
no overlap.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4983

01/21/2005

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~198A~~	~~Claim~~	~~04N~~	~~01E~~	~~31~~	~~SE~~	~~SW~~		~~IRRIGATION~~	~~14/34~~	~~DAVID N BAYLESS~~
~~4983~~	~~Claim~~	~~04N~~	~~01E~~	~~31~~	~~SE~~	~~SW~~		~~IRRIGATION~~	~~15/70~~	~~SUNDANCE LIMITED CO LLC~~
18314	Claim	04N	01E	31	SE	SW	Bill	IRRIGATION 1900	1/2 Dem/Inv.	WILLIAM F SNIDER 840E Vestick
~~198A~~	~~Water Right~~	~~04N~~	~~01E~~	~~31~~	~~SE~~	~~SW~~		~~IRRIGATION~~		~~NELLIE B WHITAKER~~
~~2101~~	~~Water Right~~	~~04N~~	~~01E~~	~~31~~	~~SE~~	~~SW~~		~~IRRIGATION~~	~~10/72~~	~~FLOYD TOLLETH~~
~~4983~~	~~Water Right~~	~~04N~~	~~01E~~	~~31~~	~~SE~~	~~SW~~		~~IRRIGATION~~	~~15/70~~	~~ROBERT MC BIRNEY~~



N. 89° 58' E.

4N 1E

76.60

30

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 09/26/03
Time: 12:42:01

Rec/No - W003572 AR/No -
From: - MC BIRNEY, WILLIAM ROBERT

Receipt Type - CK Doc/No - 268
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 07/12/1989

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION CLAIM FEE	9337		410162	6490		120.00

Total Due - 120.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A6304983	120.00				

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Permit No. 63-4983

Current Address: P.O. Box 2044 ID. Falls ID 83403

Address: BOISE Phone No. 938-0980

Relationship to Permit Holder: CONTRACT ENGINEER

8. Source: GROUND WATER tributary to _____

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

SITETAG
M A0002460

1. Point(s) of Diversion:

GPS

2307412
1384306

414

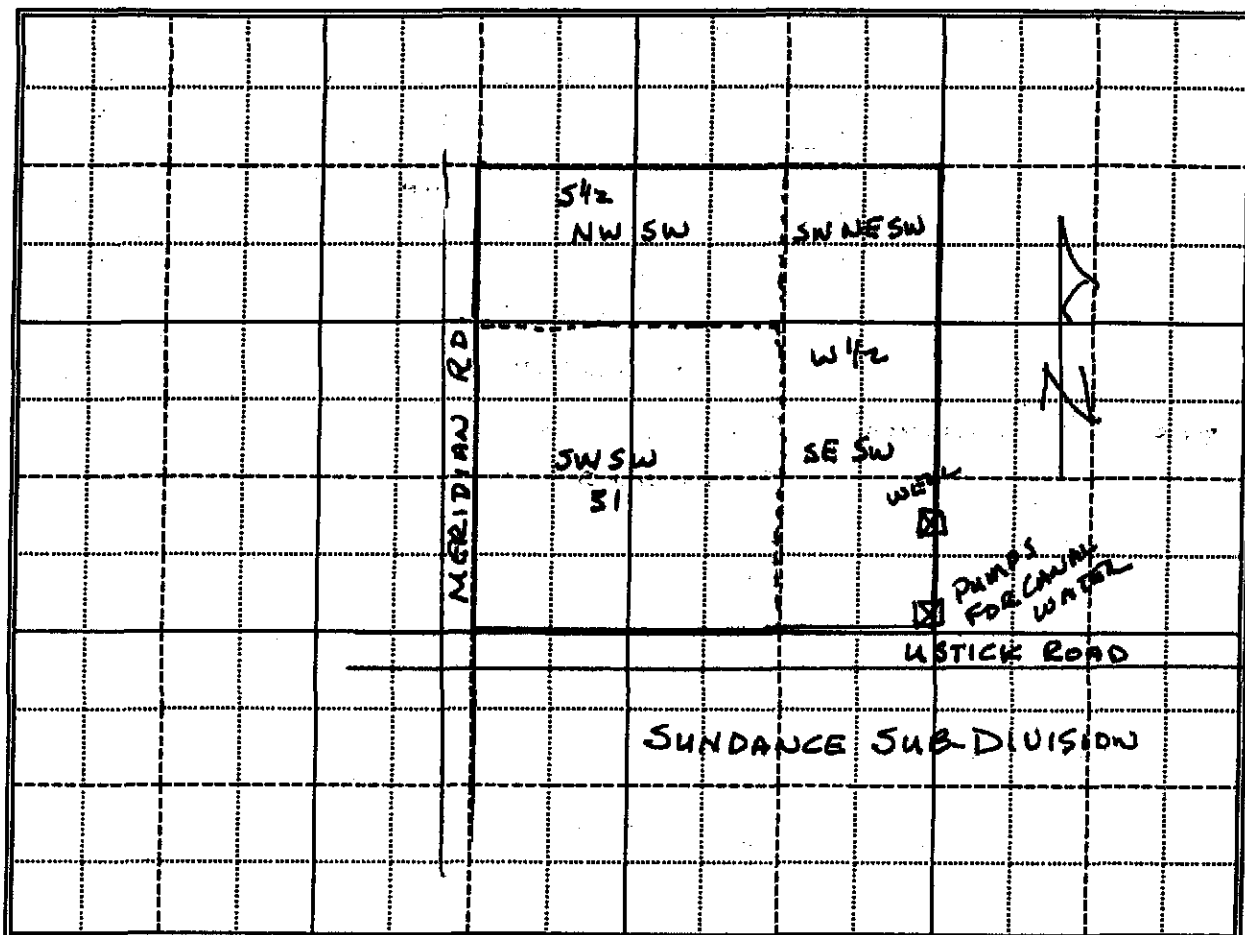
517 Points

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = NTS

____ Copy of USGS 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)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	MODEL Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	FRANKLIN ELECT	5	282113910	STA-RITE	4"
	SF 1.15 KW= 37				
	230 V				
	23.0 AMPS - 27.5 MAX W/SF		RPM=3450		

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

IDAHO POWER MTR# 03 971 869 ABB

$K_h = 7.2$

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: STATIC WATER LEVEL = 15.42' FROM M.P. (APPROX 30" FROM GROUND LEVEL)

E. NARRATIVE/REMARKS/COMMENTS

ON 3/22/04 I CONTACTED SUNDANCE LIMITED LLC @ IDAHO FALLS AND TALKED
TO DAVE LEWIS. MR LEWIS HAD ME CALL ERIC QUANELL WHO IS IN CHARGE OF
THE BOISE AREA. I CALLED MR QUANELL AND HE HAD ME CONTACT BECKY
MCKAY @ ENGINEERING SOLUTIONS. THIS ENGINEERING FIRM IS IN CHARGE OF
THE CONSTRUCTION OF "SUNDANCE" SUBDIVISION, WHERE THE WELL IS LOCATED.
MS MCKAY WAS VERY COOPERATIVE AND TOLD ME ABOUT THE USE OF THE WELL.
THIS WELL HAS BEEN USED TO SUPPLEMENT IRRIGATION WATER FROM NAMPA-
MERIDIAN I.D. WHILE IRRIGATING THE FARMLAND. THE FARM IS NOW BEING
DEVELOPED FOR A HOUSING SUB-DIVISION. THE SUB-DIVISION WILL HAVE A
PRESSURIZED IRRIGATION SYSTEM. IT, LIKE THE FARM IRRIGATION SYSTEM
WILL PROVIDE IRRIGATION FOR EACH INDIVIDUAL HOUSE LOT. ^{LOCATION WITHIN THE SAME ROW} THE SYSTEM
WILL HAVE TWO PUMPS TO PROVIDE PRESSURE FOR THE NAMPA-MERIDIAN
I.D. WATER. THIS LITTLE WELL WILL BE STRICTLY A BACKUP FOR THE
CANAL WATER. THEY HAVE INSTALLED A NEW SUBMERSIBLE PUMP IN THE
WELL AND HAVE IT PLUMBED INTO THE MAIN IRRIGATION SYSTEM.
I GPS'D THE WELL LOCATION. I BELIEVE THE ACTUAL LOCATION IS SOUTH OF
THE ONE SHOWN ON THE NAPP PHOTO. I PLACED A SITE TAG ON THE PUMP SERVICE
POLE AND MEASURED THE DEPTH TO STATIC WATER LEVEL (15.42' FROM
MEASURING POINT) (M.P.). SEE ATTACHED PHOTO.

3/31/04 - ON 3/26/04 I CALLED BECKY MCKAY @ ENGINEERING SOLUTIONS TO
ASK HOW THE NEW WELL PUMP WAS PLUMBED INTO CANAL WATER PUMPS.
SHE HAD ME CALL STAN MC HUTCHINSON @ BRIGGS ENGINEERING WHO DESIGNED
THE IRRIGATION SYSTEM. STAN SAID THE PUMP LINE TO NAMPA-MERIDIAN IS
AN OPEN DISCHARGE INTO BOX @ PUMPS. THIS SHOULD MAKE THE P.W.L. APPROX.
30' MAX. THE HEADLOSS FROM THE WELL PUMP TO THE CANAL WATER
PUMP STATION IS ABOUT 16' @ 301 GPM. THE MAX AMOUNT OF WATER
WHICH CAN BE PUMPED W/ A 5HP PUMP @ 70% EFF. IS 301 GPM OR .67 CFS.
I INFORMED STAN MC HUTCHINSON OF THIS FINDING.

Have conditions of permit approval been met? ☐ yes ☐ no

BHS

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

LIFT = 30'

H_L = 76

T.D.H. = 46

WELL CASING = 10"

DISCHARGE PIPE = 4"

100 PSI IPS = 4.28 ID

SWL = 15.42'

PWL = EST @ 25-30'

PUMP = SHP

$$GPM = \frac{(5)(7)(3960)}{46} = 301 \text{ GPM OR } .67 \text{ CFS}$$

G. VOLUME CALCULATIONS

1. Volume

V_{LR} =

V_{D.R.} =

V =

$$Q = 8.8 \times 5 \times 1.73$$

$$= 0.698 \text{ cfs}$$

THIS WILL BE A SUB-DIVISION W/ STREETS AND HOUSES. ACTUAL IRRIGATED ACREAGE IS UNKNOWN.

$$\text{Requirement} = (70)(4.5) = 315 \text{ AF}$$

$$\text{Irrigation Season} \times 1.9835 = (.67)(246) 1.9835 = 327 \text{ AF}$$

$$315 \text{ AF}$$

2. Volume

$$= 0.7 \text{ cfs}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	3/15	11/15	.67	288
Totals:				

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

I. AUTHENTICATION

Field Examiner's Name Duke A. Solon Date 3/31/04

Reviewer _____ Date _____

SEAL

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

LIFT = 30'

HL = 16

T.D.H. = 46

WELL CASING = 10"

DISCHARGE PIPE = 4"

100 PSI IPS = 4.28 ID

SWL = 15.42'

PWL = EST @ 25-30'

PUMP = SHD

$$GPM = \frac{(5)(7)(3960)}{46} = 301 \text{ GPM OR } .67 \text{ CFS}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

THIS WILL BE A SUB-DIVISION W/ STREETS AND HOUSES. ACTUAL IRRIGATED ACREAGE IS UNKNOWN.

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (70)(4.5) = 315 \text{ AF.}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (.67)(246) 1.9835 = 327 \text{ AF}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 315 \text{ AF}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	3/15	11/15	.67	288
Totals:				

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

I. AUTHENTICATION

Field Examiner's Name Brian A. Scholten Date 3/31/04

Reviewer _____ Date _____

SEAL

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Date: 3/31/2004

Hazen-Williams C Factor		Pipeline Hydraulics Program										
Material	C Factor											
Steel old	100	Name: Sundance Limited Co. Location: Ustick and McMillan Date: 3/31/04										
Steel new	120											
Alum	120											
PVC	150											
Station	C Factor	Pipe ID In	Flow Rate gpm	Velocity Ft/sec	Dist. (ft)	Loss 1000ft (ft)	Loss/ Sect. (ft)	Elev. HGL (ft)	Elev. Grnd (ft)	Avail Head (ft)	Avail psi	Req'd psi
0								113.167	100	13.167	5.7	5.7
	150	4.28	301	6.71	500	31.93	15.96					
500								97.20	97	0.20362	0.08815	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0
0	0	0	0	0.00	0	0.00	0.00					
0	0	0	0	0.00	0	0.00	0.00	0.00	0	0	0	0

← DISCHARGE PRESSURE NEEDED

Notes and Calculations:

08/04/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4983

WATER RIGHT NUMBER: 63-4983

Owner TypeName and Address

Original Owner

ROBERT MC BIRNEY
9138 COVEY HILL CT
BOISE, ID 83709

Original Owner

MC BIRNEY PROPERTY TRUST
C/O W ROBERT MC BIRNEY JR
1162 BENTON LN
SAN JOSE, CA 95129
(408)253-9350

Current Owner

SUNDANCE LIMITED CO LLC
PO BOX 2044
IDAHO FALLS, ID 83403
(208)524-6000

Dave Lewis of Boyd Development

Priority Date: 12/01/1942

Basis: Statutory Claim

Status: Active

Source

GROUND WATER

Tributary

ENGINEERING SOLUTIONS
DEEY HUCKAY
938-0980 ✓

BRIGGS
STAN MCHUTCHISON
344 9700

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.800 CFS

Annual VolumeTotal Diversion:

0.800 CFS

Location of Point(s) of Diversion

GROUND WATER

ADA County

SE1/4SW1/4

Sec. 31, Twp 04N, Rge 01E, B.M.

NEW PUMP THIS YEAR.

no
pump

5 HP pump > Gravity with siphon tubes.

Place of Use

IRRIGATION

PRESSURIZED AND CONNECTS TO SUB-DIVISION PUMPS
FOR IRRIGATION OF LOTS. PRIMARY PUMPS PRESSURIZE WATER
FROM NAMPA. MERIDIAN ZONE.

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01E	31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											5.0	15.0	35.0	15.0					70.0
											L3	L4							

Total Acres: 70

Conditions of Approval:Remarks:

- General Ownership changed by DH 7/8/2002

Burke — please verify that water
from Settlers & Nampa-Meridian
Irrigation Districts are also
used.

— verify that POD on attached map
is correct.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4983

Comments:

Dates and Other Information:

Claim Received Date: 7/12/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Idaho Department of Water Resources

Claim Number: 63-04983
Legal: T4N, R1E, S31
Reviewed By:

⊙ Point of Diversion



Place of Use



Section Lines

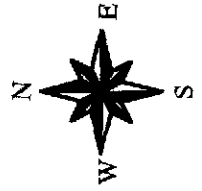


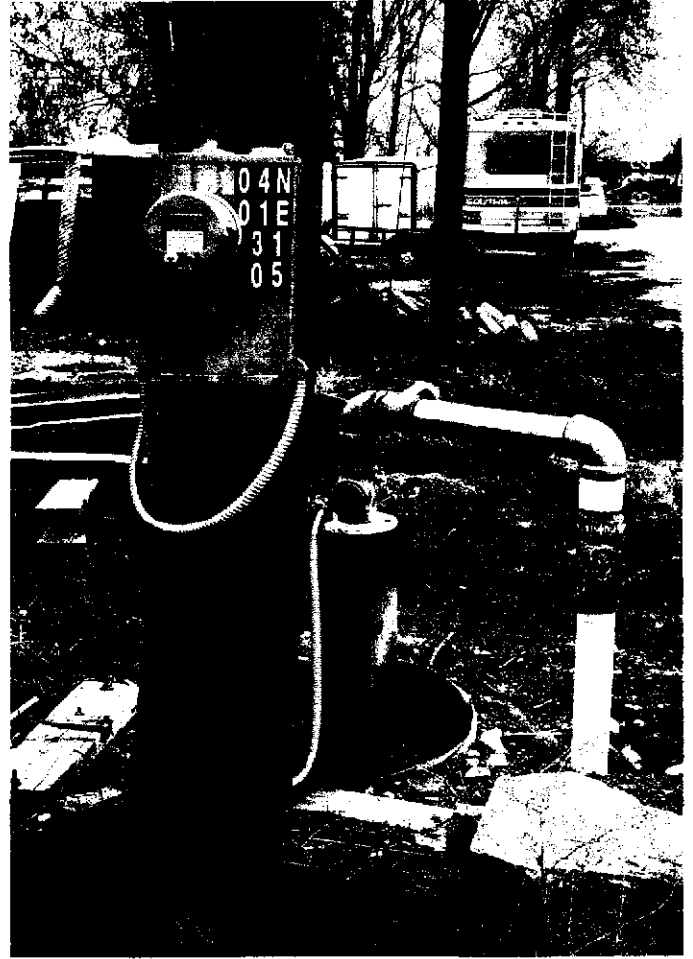
Quarter Quarter Lines

1987 Napp Photo



0 0.25 0.5 0.75 1 Miles





63-4983





63-4983





P.O. Box 2044, Idaho Falls, Idaho 83403, (208) 524-6000

RECEIVED

SEP 17 2003

WATER RESOURCES
WESTERN REGION

Kimberly L. Brown
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

September 12, 2003

Dear Kimberly,

First I would like to thank you for your assistance in helping me with this priority date issue.

Enclosed is the original affidavit from Bob McBirney regarding the water rights on the property in Claim Number A63-04983. Please provide verification of the resolution of this issue to me.

Please let me know if I can be of any further assistance! Thanks again.

Best regards,

A handwritten signature in black ink, appearing to read "Dave Lewis", with a large, looping flourish extending from the end.

Dave Lewis
Development Services

September 8, 2003

G.L. Voigt Development

Attention: Dave Lewis

P.O. Box 3432

Idaho Falls, Idaho 83403

RECEIVED

SEP 17 2003

WATER RESOURCES
WESTERN REGION

Re: Request from State of Idaho Department of Water Resources.

Dear Dave:

My father, William Robert McBirney purchased the 67 acre farm land located on the North East corner of the intersection of Ustick Road and Meridian Road in Meridian Idaho in 1942 when I was 8 years old and in grade school at Cloverdale School located at the intersection of Cloverdale Road and Hiway 30.

The farm was already planted with Italian prunes and my father operated it as a prune orchard along with several other parcels in the area planted in apples and prunes.

The irrigation well was in existence at the time my father acquired the property and was being used to supplement the irrigation water delivered by Settlers Irrigation District and by Nampa Meridian Irrigation District.

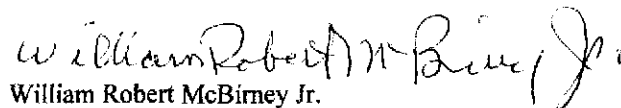
I can recall one instance while I was still in grade school that the well stopped working. My father pulled the pump and the suction pipe and found a frog had become jammed in the check valve at the bottom of the pipe.

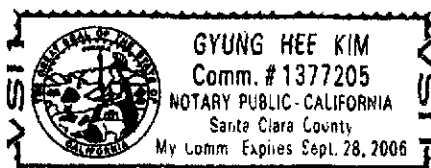
My father died in 1984 and the property became part of the McBirney Property Trust, which is held equally by myself, my wife Jacqueline and my two daughters, Malia and Maile.

Sometime before my father's death, the prune trees were pulled and the farmland was used for various crops including corn and mint. During most of this period, my father rented the property to a local farmer who continued to operate the property with the various crops. This mode of operation continued after it became a part of the Property Trust and was operated as such up until the property was acquired by G. L. Voight Development Company. The well was in continuous use all during those years.

The information above is to the very best of my memory.

Sincerely,


William Robert McBirney Jr.



State of California

County of Santa Clara

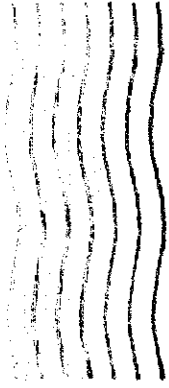
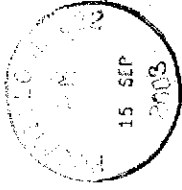
Subscribed and sworn (or affirmed) to before
me this 8th day of Sept, 2003


(Signature of Notary)

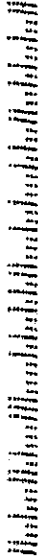
**G.L. VOIGT
DEVELOPMENT CO.**

P.O. Box 2044, Idaho Falls, Idaho 83403

Kimberly L. Brown
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082



83705+5082



CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. A63-04983

August 28, 2003

A woman from Engineering Services called regarding Sundance Limited's claim and the requested evidence of priority. Engineering Services is having difficulty finding any evidence and are, therefore, requesting an additional 30 days from the September 15, 2003 deadline; which gives them until October 13, 2003.

October 12, 2003

Dave Lewis, of Boyd Development, called to let me know that they have a notarized statement from the previous owner. He will fax the affidavit today (to make sure it is sufficient) and then send the original in the mail. I told Mr. Lewis that if the faxed document is sufficient, I will send him an amended claim to have notarized and signed.

Kimberly Brown
Senior Water Resource Agent
Western Region



G.L. VOIGT

DEVELOPMENT CO.

Phone 208-524-6000 FAX 208-524-6493

Fax

To: KIMBERLY From: DAVE LEWIS
Fax: _____ Pages: 1 OF 2
Phone: _____ Date: 9.12.03
Re: _____ CC: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply

• Comments: Evidence of Priority Affidavit

I HOPE THIS WORKS. I WILL CALL YOU IN A BIT.

THANKS!

-DAVE

This fax is for the intended recipient only. Use by other than the intended recipient in whole or in part is prohibited. If you have received this fax in error, please notify us at the above number and dispose of this fax.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 18, 2003

G.L. VOIGT DEVELOPMENT CO.
C/O DAVE LEWIS
PO BOX 2044
IDAHO FALLS, ID 83403

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-04983

Dear Mr. Lewis,

Thank you for your letter and copies of your Notices of Claim to a Water Right. Unfortunately, the Notices you do not constitute evidence of priority.

Please refer to the enclosed pamphlet entitled "**Evidence of Priority.**" The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

The required evidence supporting the priority date requested needs to be submitted by September 15, 2003. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above. In addition, please contact me at the Western Region office as soon as possible to set up a field exam.

Respectfully Submitted,

Kimberly L. Brown

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet



P.O. Box 2044, Idaho Falls, Idaho 83403, (208) 524-6000

RECEIVED

AUG 18 2003

WATER RESOURCES
WESTERN REGION

Department of Water Resources
Attn: Kimberly Brown
2735 Airport Way
Boise, Idaho 83705-5082

August 12, 2003

Dear Kimberly,

Thank you for your letter of August 5, 2003 regarding the evidence of priority of our water right on Claim No. A63-04983. Please find attached to this letter a copy of all documents in our possession regarding our water right priority. If you require further information on this issue, please feel free to contact me.

Best regards,

A handwritten signature in black ink, appearing to read "Dave Lewis", with a stylized flourish at the end.

Dave Lewis
G.L. Voigt Development

Sundance Limited Company

Form No. 42-1409 (2) & 1/88

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident Number

Date Received

Receipt Number

RECEIVED

AUG 18 2003

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Mailed
7-10-09
\$120.00
#268

Please type or print clearly

1. Name of Claimant (s) McBIRNEY PROPERTY TRUST Phone (408) 253-9350Mailing Address 1162 BENTON LANE, SAN JOSE, CA Zip 951292. Date of Priority (Only one (1) per claim) DECEMBER 1, 19423. Source of water supply (a) GROUNDWATER

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 4N Range 1E Section 31SE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of ADA

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),

including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 5 HP PUMP, GRAVITYWITH SYPHON TUBES

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from MAR 15 to NOV 15 amount 0.80 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.80 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 245 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	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	
4N	1E	31									5	13	64	15					70

Total number of acres irrigated

70

11. In which county (ies) are lands listed above as place of use located? ADA

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
SETTLERS IRRIGATION DIST-ACCT # 147 for 40 ACRES (17 MINERS or None()
(INCHES)

14. Remarks:
ITEM 13 (CONTINUED)

NOMPO & MERIDIAN IRRIGATION DISTRICT ASSESSMENT # 543

BEGIN SW COR SW QTR SEC 31 4N 1E, TH E 1643.9 FT,

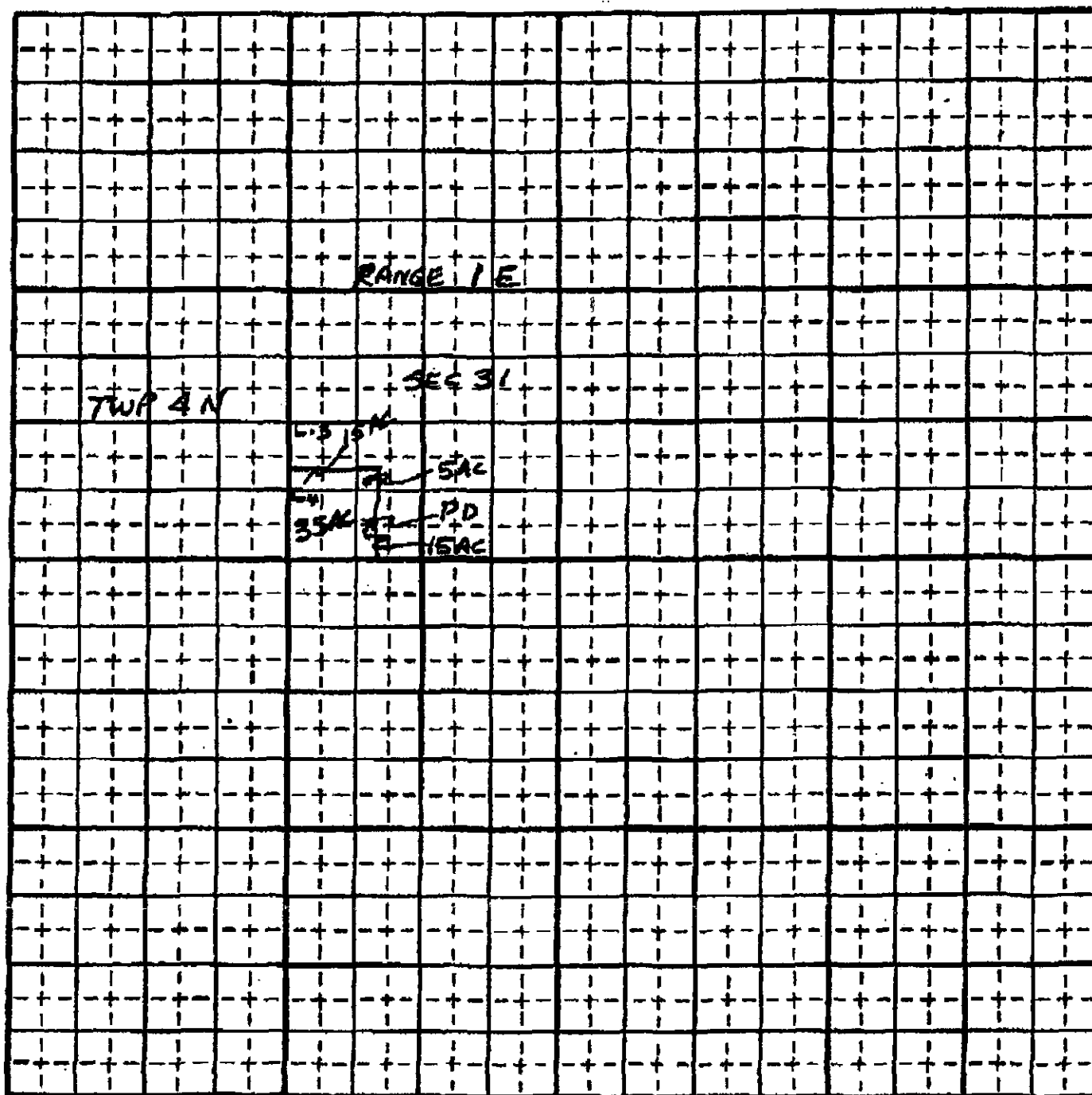
TH N 1320 ft, TH W 1643.9 ft, TH S 1320 ft to BEGIN

Last Name McBURNET PROPERTY TRUST Ident No. _____

Copies: White - State, Yellow - Client

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

Scale: 2 inches equals 1 mile



Last Name McBIRNEY PROPERTY TRUST Ident No. _____

Copies: White-Sale, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 63-4983

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) William Robert McBurney Date June 27, 1989

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization _____

document in the space below as _____ of _____

Title _____

Organization _____

and that the statements contained in the foregoing document are true and correct.

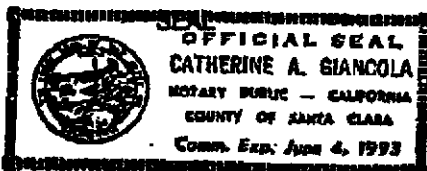
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or California SS.

County of Santa Clara

Subscribed and sworn (or affirmed) before me this 27th day of June 1989



Notary Public Catherine A. Giancola

Residing at San Jose, California

My Commission Expires June 4, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

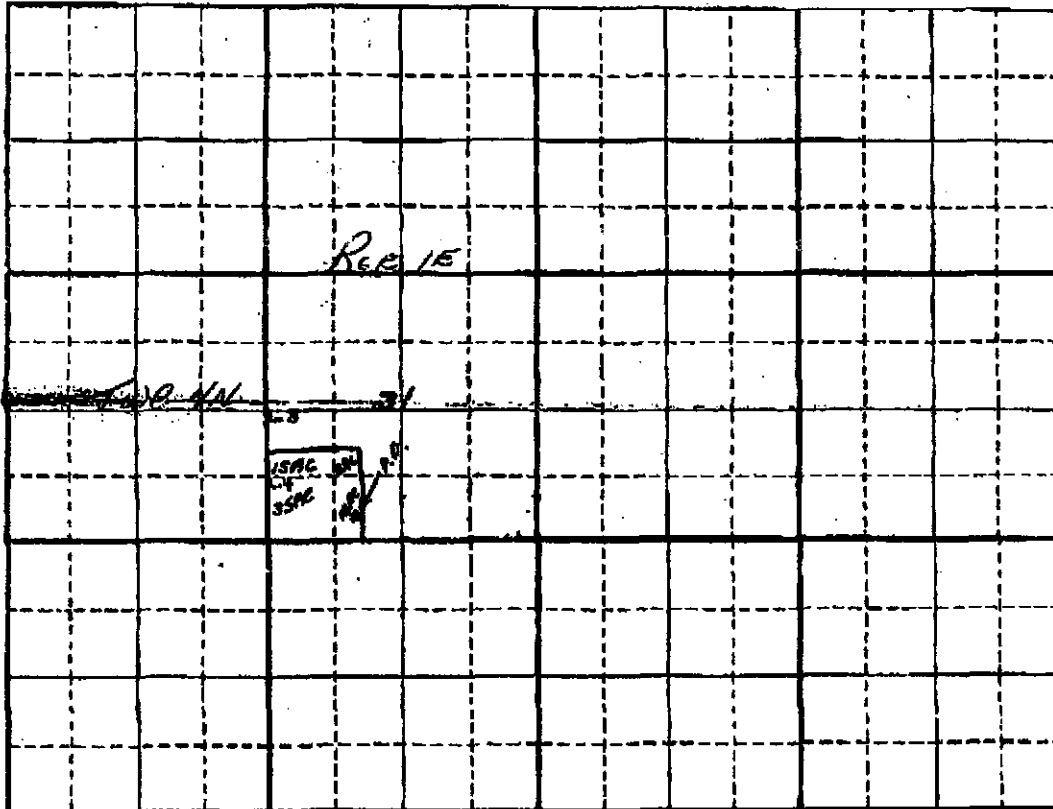
Address _____

Date _____

Last Name McBURNAY Robert McBurney

Copies: White-State, Yellow-Claimant

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho _____

County of Ada _____

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Robert M. Briney
(Claimant)

Sworn to before me this 23 day of March, 1983.

James M. Newberry
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by JS Date 3/25/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by GLS Date 4/11/83 Filed by: _____
\$30.00 fee received by JS Date 3/25/83 87870
Published in The Idaho Statesman
Dated 3/28 & 5/5/83



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 5, 2003

SUNDANCE LIMITED COMPANY LLC
PO BOX 2044
IDAHO FALLS ID 83403

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-04983

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement.

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future. Since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area.

The required evidence supporting the priority date(s) requested needs to be submitted by September 5, 2003. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above. In addition, please contact me at the Western Region office as soon as possible to set up a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Respectfully Submitted,

Kimberly L. Brown

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-04983



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 8, 2002

SUNDANCE LIMITED COMPANY LLC
PO BOX 2044
IDAHO FALLS ID 83703

Re: Notice of Claim to a Water Right No. 63-4983

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure