



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 27, 2001

CONSTANTINO SOUSA
LORINE SOUSA
PO BOX 781
WENDELL ID 83355-0781

4-8-02
response
-ss

RECEIVED
MAY 08 2002
Department of Water Resources
Southern Region

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #36-2206, 36-2725A, 36-7491, 36-15058
Change of Address

Dear Water Right Holders:

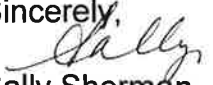
IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by January 18, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,


Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone No.

2000 FEB -4 PM 2:06

DISTRICT COURT - SREA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA
Case No. 39576

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS**

**Water Rights 36-02206, 36-02725A
and 36-07491**

<u>[-]</u>	Change of Address
<u>[X]</u>	Substitution of Party
<u>[-]</u>	I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 36-02206, 36-02725A and 36-07491

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
1/14/2000

36-02206, 36-02725A and 36-07491

From (Claimant/Seller):

Name of Claimant: SUNDANCE INC
Address: PO BOX 268
EDEN ID 83325

To (Claimant/Purchaser):

Name of Claimant: CONSTANTINO SOUSA
LORINE SOUSA
Address: 301 S 1000 E
JEROME ID 83338
Phone: (208) 825-5228

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

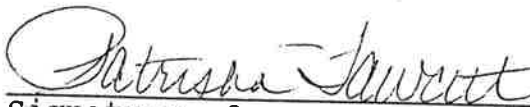
DATED: 1/31/00


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/4/2000 I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
SUNDANCE INC
PO BOX 268
EDEN ID 83325
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
CONSTANTINO SOUSA
LORINE SOUSA
301 S 1000 E
JEROME ID 83338
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
1/14/2000

36-02206, 36-02725A and 36-07491

PAGE 3

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-3-2000
PAGE: A-1

RIGHT NUMBER: 36-02206

NAME & ADDRESS: CONSTANTINO SOUSA
LORINE SOUSA
301 S 1000 E
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 0.88 CFS
188.0 AFY

PRIORITY DATE: 03/25/1953

POINT OF DIVERSION: T08S R18E S34 NWSESE Within JEROME County
S35 SWNWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03-15 11-15	0.88 CFS 188.0 AFY

PLACE OF USE: IRRIGATION Within JEROME County
T08S R18E S34 SESE 5
S35 SWSW 6
T09S R18E S03 Lot 1 (NENE)36
47 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 - DECREE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE: 36-02206, 36-02725A AND 36-07491.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-3-2000
PAGE: A-3

RIGHT NUMBER: 36-02725A

NAME & ADDRESS: CONSTANTINO A SOUSA
LORINE SOUSA
301 S 1000 E
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 1.33 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-07491 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 860 AF.

PRIORITY DATE: 03/13/1953

POINT OF DIVERSION: T08S R18E S34 NWSESE Within JEROME County
S35 SWNWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03-15 11-15	1.33 CFS

PLACE OF USE:	IRRIGATION	Within JEROME County			
	T08S R18E S35	SENE 26	NESE 40	SWSE 37	SESE 40
	143 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NO. 36-07491 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE
IRRIGATION SEASON.

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 - LICENSE
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSIONS
DESCRIBED ABOVE: 36-02725A, 36-02206, AND 36-07491.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-3-2000

PAGE: A-4

RIGHT NUMBER: 36-07491

NAME & ADDRESS: CONSTANTINO A SOUSA
LORINE SOUSA
301 S 1000 E
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 1.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02725A IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 860 AF.

PRIORITY DATE: 07/31/1974

POINT OF DIVERSION: T08S R18E S34 NWSESE Within JEROME County
S35 SWNWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03-15 11-15	1.64 CFS

PLACE OF USE:	IRRIGATION	Within JEROME County
	T08S R18E S34	NESE 40 SESE 11
	S35	SWNE 9 NWSW 8
		SESE 15 NWSE 4 SWSE 33
	120 ACRES TOTAL	

USE OF THIS RIGHT WITH RIGHT NO. 36-02725A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE
IRRIGATION SEASON.

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 - LICENSE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE: 36-07491, 36-02206 AND 36-02725A.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

February 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CONSTANTINO SOUSA
LORINE SOUSA
301 S 1000 E
JEROME ID 83338

RE: SRBA Claim(s) 36-02206, 36-02725A, 36-07491

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Sundance Inc.

RECEIVED

JUL 26 1999

Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right No(s): 36-02206; 36-02725A; 36-07491
Adjudication Claim No(s): A36-02206; A36-02725A; A36-07491; A36-15058 SRBA DECEED
2. The following REQUIRED information must be submitted with this form:
- [A.] A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
- OR
- [C.] For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant: SUNDANCE, INC.
PO BOX 268
EDEN ID 83325
4. New Owner/Claimant(s): CONSTANTINO A SOUSA AND/OR LORINE SOUSA
Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address: 301 SOUTH 1000 EAST
City, State and ZIP Code: JEROME ID 83338
New Telephone Number: (208) 825-5228
5. Date you acquired the property: 4/27/1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres you irrigate _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other Uses _____
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s): Constantino Sousa Lorraine Sousa
- (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

dc 10/8/99 et
✓ 1/10/00 DJ

For Value Received

Sundance Ranch, Inc.

a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant, bargain, sell and convey unto

Constantino A. Sousa, also shown of record as Constantino Sousa, and Lorine Sousa, husband and wife

Address: 301 S. 1000 E. Jerome, ID 83338

Hereinafter called the Grantee, the following described premises situated in Jerome County, Idaho, to-wit:

SLE EXHIBIT "A" attached hereto:

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to 160.00 shares of capital stock in North Side Canal Company, Ltd.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GRANTEE, and the successors and assigns of the GRANTEE forever, except as aforesaid.

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 and its corporate seal to be affixed by its Secretary this 27th day of April, 1999.

Dated: April 27, 1999

BY: Don McFarland
Don McFarland, PRESIDENT

ATTEST: Carol McFarland
Carol McFarland, SECRETARY

APR 28 1 56 PM '99
JEROME COUNTY, IDAHO
FEE \$18.00
NOTARY PUBLIC
Linda T. & Escrow, Inc.

992208

STATE OF IDAHO)

COUNTY OF JEROME)

On this 27th day of April, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Don McFarland and Carol McFarland, known or identified to me to be the President and Secretary of Sundance Ranch, Inc. and they executed the instrument of the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Notary Public
Residing at Jerome
My Commission expires 7-30-03

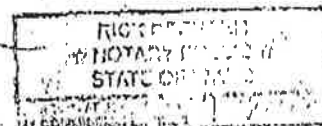


EXHIBIT "A"

Order Number: J-28057

TOWNSHIP 8 SOUTH, RANGE 18, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHOSection 25: SW $\frac{1}{4}$ SW $\frac{1}{4}$;Section 26: SE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$;Section 34: NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$;Section 35: E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$;
NW $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$;Section 36: W $\frac{1}{2}$;TOWNSHIP 9 SOUTH, RANGE 18, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 3: Lot 1;

EXCEPTING THEREFROM the following described parcel of land:

TOWNSHIP 8 SOUTH, RANGE 18, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

A parcel of land located in Section 25, 26, 35 and 36, described as follows:

Commencing at the South quarter corner of said Section 36;
 Thence North 0°04'18" East along the North-South center of section line of section 36 for
 a distance of 361.24 feet to the center of Lateral "F" of the Northside Canal Company and
 being THE TRUE POINT OF BEGINNING;
 Thence along the center of Lateral "F" on the following courses:
 North 87°18'40" West, 56.25 feet;
 South 83°34'56" West, 124.39 feet;
 North 82°03'17" West, 41.45 feet;
 North 62°52'07" West, 49.27 feet;
 North 54°33'45" West, 136.42 feet;
 North 47°56'00" West, 19.06 feet;
 North 37°08'39" West, 55.03 feet;
 North 22°06'56" West, 12.73 feet;
 North 03°56'45" East, 27.47 feet;
 North 25°13'19" East, 29.38 feet;

- Continued -

STATE OF IDAHO

COUNTY OF JEROME

On this 27th day of April, 1999, before me, the undersigned, a Notary Public in and for the said State, personally appeared David M. Farland and Candace Farland, known to me to be the President and Secretary of Sundance Ranch, Inc., and they executed the instrument of the persons who executed the instrument on behalf of said corporation, and I know of no other persons who executed the instrument.

EXHIBIT "A"

Order Number: J-28057

North 36°06'34" East, 40.25 feet;
North 34°18'31" East, 73.73 feet;
North 11°13'59" East, 26.71 feet to the intersection with the main lateral;
Thence along the center of the main lateral on the following courses:
South 88°25'19" East, 33.02 feet;
North 38°13'04" East, 24.03 feet;
North 03°14'47" East, 156.05 feet;
North 12°03'08" East, 84.82 feet;
North 03°13'17" West, 44.52 feet;
North 47°01'11" West, 34.88 feet;
North 67°07'50" West, 189.58 feet;
North 57°53'34" West, 34.75 feet;
North 36°33'36" West, 45.21 feet;
North 20°01'16" West, 39.23 feet;
North 01°37'44" East, 51.37 feet;
North 17°18'22" East, 50.72 feet;
North 36°53'44" East, 127.42 feet;
North 18°37'59" East, 50.57 feet;
North 16°19'07" West, 26.83 feet;
North 59°55'41" West, 30.63 feet;
North 86°06'21" West, 41.05 feet;
South 72°04'44" West, 59.77 feet;
North 87°56'55" West, 48.56 feet;
North 68°16'44" West, 49.27 feet;
North 65°51'34" West, 190.49 feet;
North 56°40'00" West, 115.32 feet;
North 42°16'44" West, 144.93 feet;
North 06°57'05" West, 27.18 feet;
North 31°20'29" East, 25.31 feet;
North 52°49'49" East, 29.09 feet;
North 67°38'38" East, 39.10 feet;
North 80°55'07" East, 56.00 feet;
North 89°15'19" East, 124.94 feet;
North 75°47'07" East, 35.61 feet;
North 56°37'14" East, 51.20 feet;
North 28°00'39" East, 31.89 feet;
North 02°28'20" East, 28.48 feet;
North 49°07'05" West, 25.23 feet;
South 86°13'58" West, 60.82 feet;
North 85°02'32" West, 166.67 feet;
South 85°35'56" West, 60.89 feet.

- Continued -

CONTINUATION

EXHIBIT "A"

Order Number: J-28057

South 59°20'36" West, 69.00 feet;
South 67°57'16" West, 99.32 feet;
South 82°23'41" West, 41.03 feet;
North 85°11'15" West, 98.53 feet;
North 70°59'06" West, 109.28 feet;
North 26°59'19" West, 26.56 feet;
North 33°33'39" East, 119.50 feet;
North 16°47'25" East, 29.38 feet;
North 04°22'37" West, 123.94 feet;
North 20°50'24" West, 111.68 feet;
North 07°01'20" West, 46.24 feet;
North 18°35'15" East, 32.76 feet;
North 58°26'56" East, 33.91 feet;
North 73°50'57" East, 33.68 feet;
South 88°47'44" East, 36.93 feet;
South 81°18'31" East, 77.97 feet;
North 68°40'13" East, 28.42 feet;
North 29°47'42" East, 31.02 feet;
North 01°12'31" West, 31.10 feet;
North 37°00'43" West, 28.46 feet;
North 51°13'48" West, 103.84 feet;
North 40°16'39" West, 61.15 feet;
North 50°42'05" West, 64.10 feet;
North 43°54'14" West, 38.96 feet;
North 58°18'52" West, 98.99 feet;
North 45°50'22" West, 123.02 feet;
North 29°06'13" West, 50.86 feet;
North 12°05'06" West, 26.87 feet;
North 00°58'48" West, 58.15 feet;
North 35°04'22" West, 33.04 feet;
North 55°49'41" West, 33.33 feet;
North 70°46'04" West, 34.37 feet;
North 82°13'50" West, 131.17 feet;
South 80°52'49" West, 102.96 feet;
North 86°57'06" West, 42.31 feet;
North 69°31'30" West, 18.84 feet;
North 33°52'22" West, 87.28 feet;
North 50°41'03" West, 41.00 feet;
South 83°14'04" West, 38.71 feet;
South 42°28'53" West, 87.23 feet;
South 61°02'47" West, 29.75 feet;

- Continued -

CONTINUATION

EXHIBIT "A"

Order Number: J-28057

North 85°03'41" West, 31.96 feet;

North 68°53'13" West, 41.67 feet;

North 63°28'20" West, 68.16 feet;

North 55°13'59" West, 47.21 feet;

North 38°18'45" West, 58.93 feet;

North 30°30'44" West, 51.38 feet;

North 19°00'50" West, 31.59 feet;

North 07°29'19" West, 31.70 feet;

North 03°44'01" East, 33.01 feet;

North 13°52'02" East, 112.84 feet;

North 03°43'42" East, 39.06 feet;

North 10°46'54" West, 23.96 feet to the intersection with a fence line running Westerly;
Thence leaving the center of the irrigation lateral and following an existing fence line on
the following courses:

North 86°58'39" West, 224.80 feet;

North 87°10'19" West, 559.84 feet;

North 87°06'31" West, 773.22 feet;

North 00°11'49" East, 145.90 feet;

North 88°18'30" West, 610.45 feet;

North 88°43'32" West, 554.13 feet;

North 01°14'03" East, 1134.67 feet;

North 30°32'26" East, 148.33 feet;

North 36°06'36" East, 886.71 feet;

North 18°47'46" East, 190.75 feet;

North 09°08'15" East, 458.74 feet;

North 28°55'38" West, 315.38 feet to the intersection with the North boundary of the
SW¼SE¼ of Section 26;Thence South 89°52'36" East along the North boundary of the SW¼SE¼ of Section 26
for a distance of 551.33 feet to the Southwest corner of the NE¼SE¼ of Section 26;Thence North 0°10'07" West along the West boundary of the NE¼SE¼ for a distance of
1320.69 feet to the Northwest corner of the NE¼SE¼;Thence South 89°51'55" East along the North boundary of the NE¼SE¼ for a distance of
1320.22 feet to the East quarter corner of Section 26;Thence South 0°23'30" East along the East boundary of the SE¼ of Section 26 for a
distance of 1320.45 feet to the Northwest corner of the SW¼SW¼ of Section 25;Thence North 89°57'17" East along the North boundary of the SW¼SW¼ of Section 25
for a distance of 1321.48 feet to the Northeast corner of the SW¼SW¼;Thence South 0°16'58" East along the East boundary of the SW¼SW¼ for a distance of
1317.51 feet to the Southeast corner of the SW¼SW¼ of Section 25;Thence North 89°49'38" East along the South boundary of Section 25 for a distance of
1318.96 feet to the North quarter corner of Section 36;

- Continued -

CONTINUATION

EXHIBIT "A"

Order Number: J-28057

Thence South $0^{\circ}04'18''$ West along the North-South center Section line of Section 36 for a distance of 4934.20 feet to the intersection with the center of Lateral "F" and being THE TRUE POINT OF BEGINNING.

SUBJECT TO easements for Northside Canal Company Laterals and Canal.

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP****MAY 18 1999**

Please print or type. Attach pages with additional information. Instructions are on the back of this page. **Department of Water Resources**
Incomplete forms will be returned. Southern Region

1. Water Right No(s).: 36-07492-A, 36-02206, 36-02725A, 36-07491, 36-15058 (Domestic)
 Adjudication Claim No(s).: _____

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Sundance Ranch, Inc.
P.O. Box 5178 Twin Falls, ID 83301

4. New Owner/Claimant(s) Constantino A. and Lorine Sousa
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address 301 South 1000 East
 City, State and ZIP Code Jerome, ID 83338
 New Telephone Number (208) 825-5528

5. Date you acquired the property April 28, 1999

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Constantino A. Sousa Date 5-11-99
Lorine Sousa Date 5-11-99
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

CORPORATE WARRANTY DEED

RECEIVED

For Value Received

MAY 18 1999

Department of Water Resources
Southern Region

Sundance Ranch, Inc.

a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant, bargain, sell and convey unto

Constantino A. Sousa, also shown of record as Constantino Sousa, and Lorine Sousa,
husband and wife
Address: 301 S. 1000 E. Jerome, ID 83338

Hereinafter called the Grantee, the following described premises situated in Jerome County, Idaho, to-wit:

SEE EXHIBIT "A" attached hereto:

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to 160.00 shares of capital stock in North Side Canal Company, Ltd.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GRANTEE, and the successors and assigns of the GRANTEE forever, except as aforesaid.

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 and its corporate seal to be affixed by its Secretary this 27th day of April, 1999.

Dated: April 27, 1999

BY: Don McFarland
Don McFarland, PRESIDENT

ATTEST: Carol McFarland
Carol McFarland, SECRETARY

992208
RECORDED AT THE REQUEST
Lond Title & Escrow, Inc.
APR 28 1 56 PM '99
JEROME COUNTY, IDAHO
FEES 18.00 DEP MS

STATE OF IDAHO)
) ss.
COUNTY OF JEROME)

On this 27th day of April, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Don McFarland and Carol McFarland, known or identified to me to be the President and Secretary of Sundance Ranch, Inc. that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Rick Bernsen
Notary Public
Residing at: Jerome
My Commission expires: 7-30-03

RICK BERNSSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT JEROME, ID
MY COMMISSION EXPIRES 7-30-03

EXHIBIT "A"

Order Number: J-28057

**TOWNSHIP 8 SOUTH, RANGE 18, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

Section 25: SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 26: SE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 34: NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 35: E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$;
NW $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Section 36: W $\frac{1}{2}$;

**TOWNSHIP 9 SOUTH, RANGE 18, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

Section 3: Lot 1;

EXCEPTING THEREFROM the following described parcel of land:

**TOWNSHIP 8 SOUTH, RANGE 18, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

A parcel of land located in Section 25, 26, 35 and 36, described as follows:

Commencing at the South quarter corner of said Section 36;

Thence North 0°04'18" East along the North-South center of section line of section 36 for a distance of 361.24 feet to the center of Lateral "F" of the Northside Canal Company and being THE TRUE POINT OF BEGINNING;

Thence along the center of Lateral "F" on the following courses:

North 87°18'40" West, 56.25 feet;

South 83°34'56" West, 124.39 feet;

North 82°03'17" West, 41.45 feet;

North 62°52'07" West, 49.27 feet;

North 54°33'45" West, 136.42 feet;

North 47°56'00" West, 39.06 feet;

North 37°08'39" West, 55.03 feet;

North 22°06'56" West, 32.73 feet;

North 03°56'45" East, 27.47 feet;

North 25°13'19" East, 29.38 feet;

- Continued -

RECEIVED

MAY 18 1999

Department of Water Resources
Southern Region

CONTINUATION

EXHIBIT "A"

Order Number: J-28057

North 36°06'34" East, 40.25 feet;
North 34°18'31" East, 73.73 feet;
North 11°15'59" East, 26.71 feet to the intersection with the main lateral;
Thence along the center of the main lateral on the following courses:
South 88°25'19" East, 33.02 feet;
North 38°13'04" East, 24.03 feet;
North 03°14'47" East, 156.05 feet;
North 12°03'08" East, 84.82 feet;
North 03°13'17" West, 44.52 feet;
North 47°01'11" West, 34.88 feet;
North 67°07'50" West, 189.58 feet;
North 57°53'34" West, 34.75 feet;
North 36°33'36" West, 45.21 feet;
North 20°01'16" West, 39.23 feet;
North 01°37'44" East, 51.37 feet;
North 17°18'22" East, 50.72 feet;
North 36°53'44" East, 127.44 feet;
North 18°37'59" East, 50.57 feet;
North 16°19'07" West, 26.83 feet;
North 59°55'41" West, 30.63 feet;
North 86°06'21" West, 41.05 feet;
South 72°04'44" West, 59.77 feet;
North 87°56'55" West, 48.56 feet;
North 68°16'44" West, 49.27 feet;
North 65°51'34" West, 190.49 feet;
North 56°40'00" West, 115.32 feet;
North 42°16'44" West, 144.93 feet;
North 06°57'05" West, 27.18 feet;
North 31°20'29" East, 25.31 feet;
North 52°49'49" East, 29.09 feet;
North 67°38'38" East, 39.10 feet;
North 80°55'07" East, 56.00 feet;
North 89°15'19" East, 124.94 feet;
North 75°47'07" East, 35.61 feet;
North 56°37'14" East, 51.20 feet;
North 28°00'39" East, 31.89 feet;
North 02°28'20" East, 28.48 feet;
North 49°07'05" West, 25.23 feet;
South 86°13'58" West, 60.82 feet;
North 85°02'32" West, 166.67 feet;
South 85°35'56" West, 60.89 feet;

- Continued -

CONTINUATION

EXHIBIT "A"

Order Number: J-28057

South 59°20'36" West, 69.00 feet;
South 67°57'16" West, 99.32 feet;
South 82°23'41" West, 41.03 feet;
North 85°14'15" West, 98.53 feet;
North 70°59'06" West, 109.28 feet;
North 26°59'19" West, 26.56 feet;
North 33°33'39" East, 119.50 feet;
North 16°47'25" East, 29.38 feet;
North 04°22'37" West, 123.94 feet;
North 20°50'24" West, 111.68 feet;
North 07°01'20" West, 46.24 feet;
North 18°35'15" East, 32.76 feet;
North 58°26'56" East, 33.91 feet;
North 73°50'57" East, 33.68 feet;
South 88°47'44" East, 36.93 feet;
South 81°18'31" East, 77.97 feet;
North 68°40'13" East, 28.42 feet;
North 29°47'42" East, 31.02 feet;
North 01°12'31" West, 31.10 feet;
North 37°00'43" West, 28.46 feet;
North 51°13'48" West, 103.84 feet;
North 40°16'39" West, 61.15 feet;
North 50°42'05" West, 64.10 feet;
North 43°54'14" West, 38.96 feet;
North 58°18'52" West, 98.99 feet;
North 45°50'22" West, 123.02 feet;
North 29°06'13" West, 50.86 feet;
North 12°05'06" West, 26.87 feet;
North 00°58'48" West, 58.15 feet;
North 35°04'22" West, 33.04 feet;
North 55°49'41" West, 33.33 feet;
North 70°46'04" West, 34.37 feet;
North 82°13'50" West, 131.17 feet;
South 80°52'49" West, 102.96 feet;
North 86°57'06" West, 42.31 feet;
North 69°31'30" West, 38.84 feet;
North 33°32'22" West, 87.28 feet;
North 50°43'03" West, 41.00 feet;
South 83°14'04" West, 38.71 feet;
South 42°28'53" West, 87.23 feet;
South 62°02'47" West, 29.75 feet;

- Continued -

CONTINUATION

EXHIBIT "A"

Order Number: J-28057

North 85°03'41" West, 31.96 feet;
North 68°53'13" West, 41.67 feet;
North 63°28'20" West, 68.16 feet;
North 55°13'59" West, 47.21 feet;
North 38°18'45" West, 58.93 feet;
North 30°30'44" West, 51.38 feet;
North 19°00'50" West, 31.59 feet;
North 07°29'19" West, 31.70 feet;
North 03°44'01" East, 33.01 feet;
North 13°52'02" East, 112.84 feet;
North 03°43'42" East, 39.06 feet;
North 10°46'54" West, 23.96 feet to the intersection with a fence line running Westerly;
Thence leaving the center of the irrigation lateral and following an existing fence line on the following courses:
North 86°58'39" West, 224.80 feet;
North 87°10'19" West, 559.84 feet;
North 87°06'31" West, 773.22 feet;
North 00°11'49" East, 145.90 feet;
North 88°18'30" West, 610.45 feet;
North 88°43'32" West, 554.13 feet;
North 01°14'03" East, 1134.67 feet;
North 30°32'26" East, 148.33 feet;
North 36°06'36" East, 886.71 feet;
North 18°47'46" East, 190.75 feet;
North 09°08'15" East, 458.74 feet;
North 28°55'38" West, 315.38 feet to the intersection with the North boundary of the SW¼SE¼ of Section 26;
Thence South 89°52'36" East along the North boundary of the SW¼SE¼ of Section 26 for a distance of 551.33 feet to the Southwest corner of the NE¼SE¼ of Section 26;
Thence North 0°10'07" West along the West boundary of the NE¼SE¼ for a distance of 1320.69 feet to the Northwest corner of the NE¼SE¼;
Thence South 89°51'55" East along the North boundary of the NE¼SE¼ for a distance of 1320.22 feet to the East quarter corner of Section 26;
Thence South 0°23'30" East along the East boundary of the SE¼ of Section 26 for a distance of 1320.45 feet to the Northwest corner of the SW¼SW¼ of Section 25;
Thence North 89°57'17" East along the North boundary of the SW¼SW¼ of Section 25 for a distance of 1321.48 feet to the Northeast corner of the SW¼SW¼;
Thence South 0°16'58" East along the East boundary of the SW¼SW¼ for a distance of 1317.51 feet to the Southeast corner of the SW¼SW¼ of Section 25;
Thence North 89°49'38" East along the South boundary of Section 25 for a distance of 1318.96 feet to the North quarter corner of Section 36;

- Continued -

CONTINUATION

EXHIBIT "A"

Order Number: J-28057

Thence South $0^{\circ}04'18''$ West along the North-South center Section line of Section 36 for a distance of 4934.20 feet to the intersection with the center of Lateral "F" and being THE TRUE POINT OF BEGINNING.

SUBJECT TO easements for Northside Canal Company Laterals and Canal.

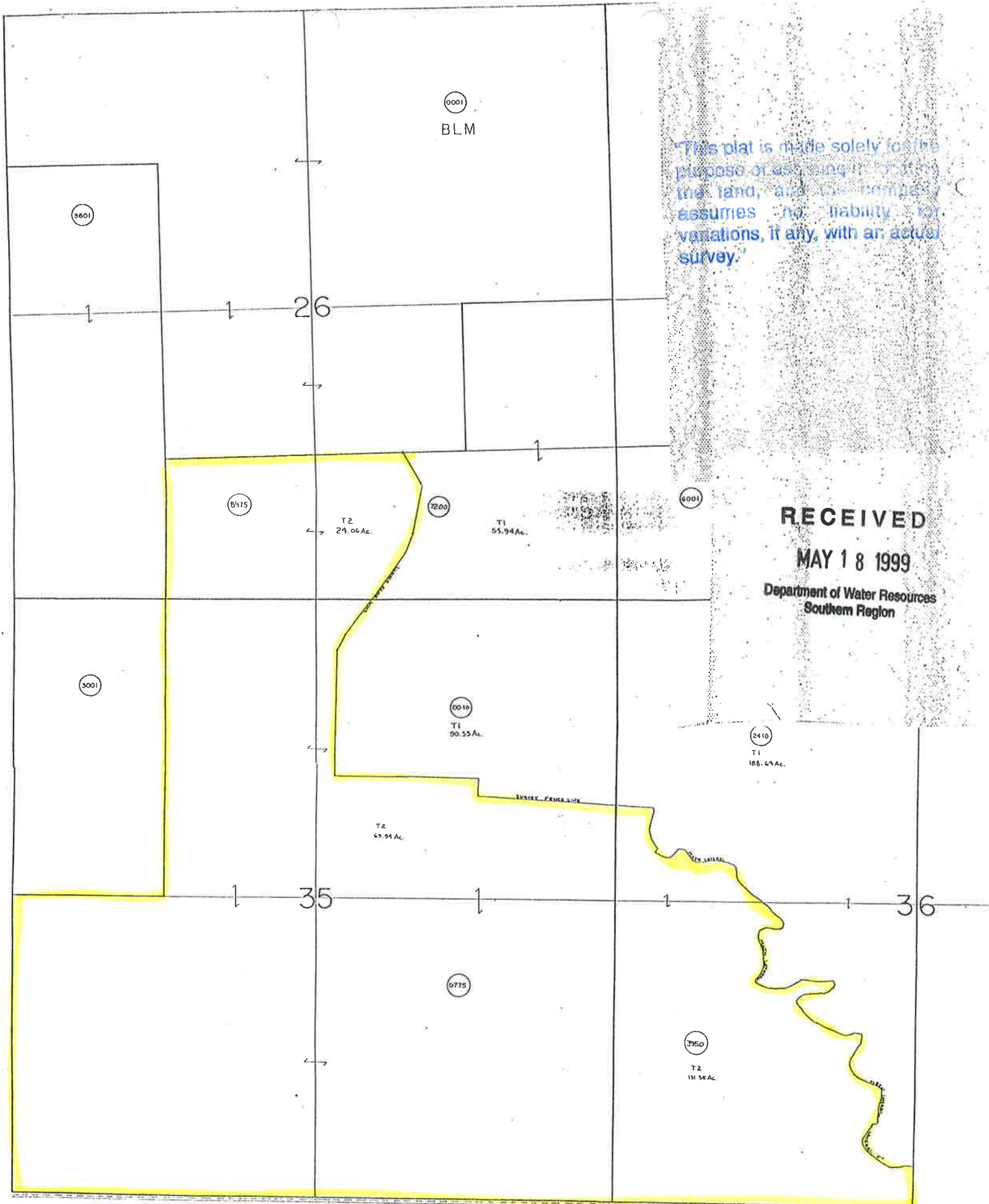
0001
BLM

This plat is made solely for the purpose of showing the location of the land, and the company assumes no liability for variations, if any, with an actual survey.

RECEIVED

MAY 18 1999

Department of Water Resources
Southern Region



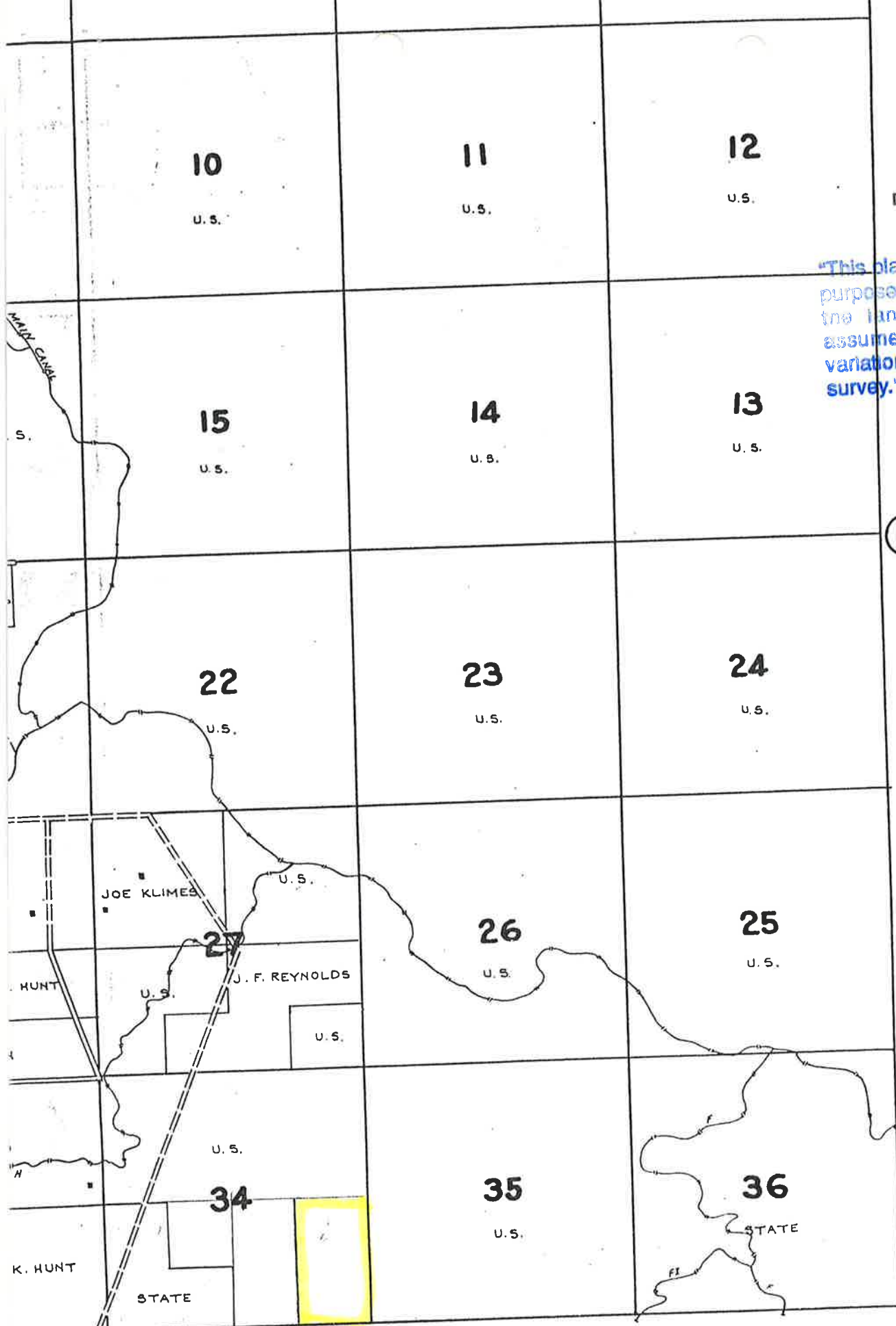
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MAY 18 1999

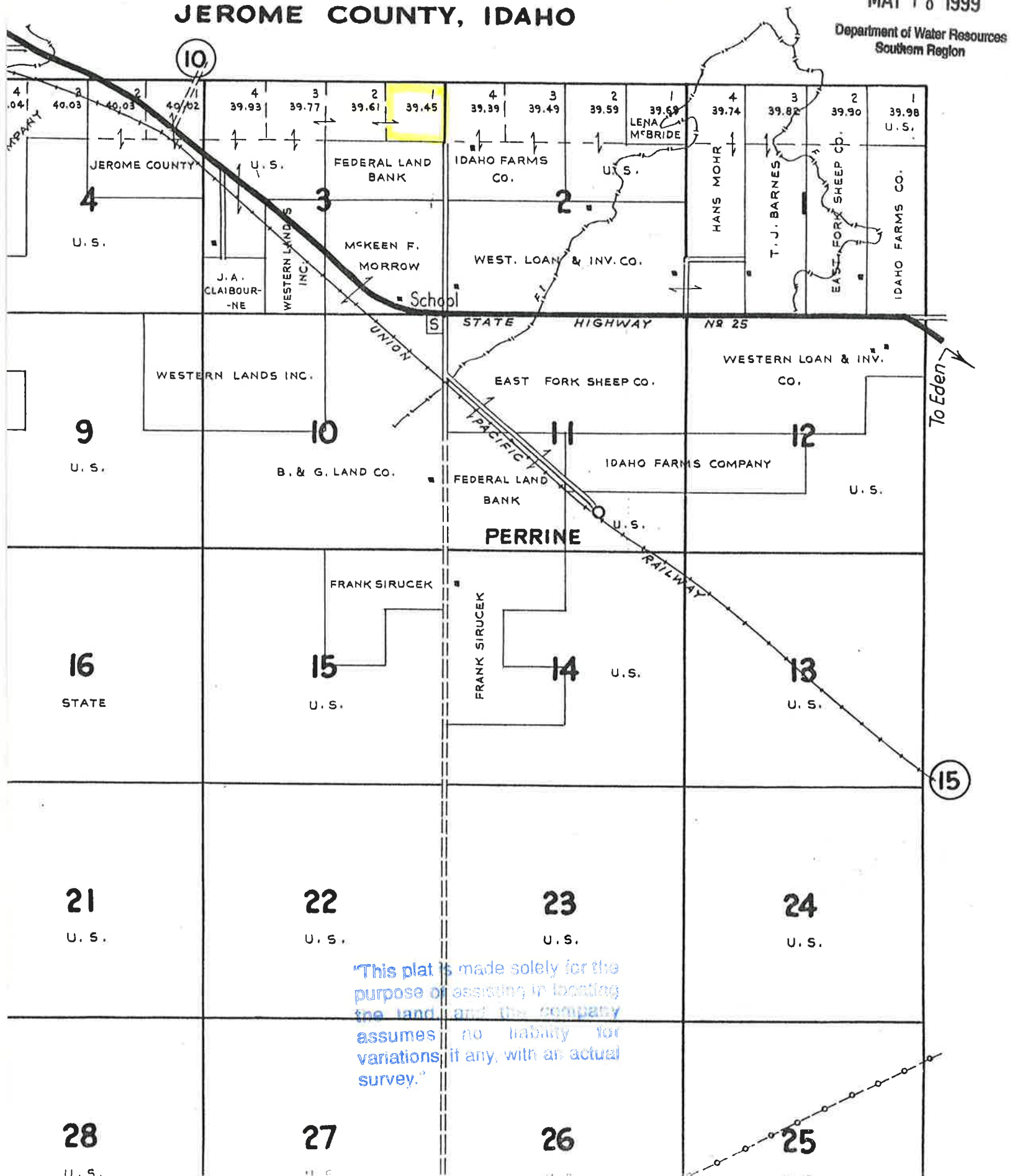
Department of Water Resources
Southern Region

"This plat is made solely for the purpose of assisting in locating the land, and the compiler assumes no liability for variations, if any, with an actual survey."



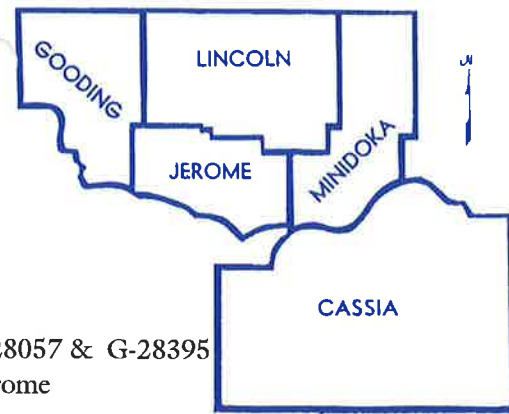
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Department of Water Resources
Southern Region



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: J-28057 & G-28395
OFFICE: Jerome

May 17, 1999

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

RECEIVED

MAY 18 1999

Department of Water Resources
Southern Region

RE: MILLER to BOER Transfer
SUNDANCE RANCH, INC. to SOUSA Transfer

To Whom It May Concern:

In connection with the above referenced file, enclosed herewith you will find the following:

1. *Original*, signed **Notice of Change of Water Right Ownership** on the Miller/Boer transaction.
2. *Copy of Warranty Deed* recorded May 3, 1999 as Instrument No. 180362 under Gooding County Records.
3. *Copy of Plat Map*.
4. *Original*, signed **Notice of Change of Water Right Ownership** on the Sundance Ranch, Inc./Sousa transaction, dated May 11, 1999.
5. *Copy of Corporate Warranty Deed* recorded May 3, 1999 as Instrument No. 992208 under Jerome County Records.
6. *Copy of Plat Map*.

Please transfer ownership on these water rights as indicated in the provided deeds. Should you have any questions regarding this matter, or feel that you need more information to process this transaction, do not hesitate to contact this office at 208-324-3357. Thank you!

Very truly yours,
LAND TITLE AND ESCROW, INC.


Jenni Stippich
Escrow Department

Enclosures

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

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: A36-02206
Date Received: 4/26/1990
Receipt No: 5012275
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SUNDANCE INC
Address: P.O. BOX 268
EDEN, ID

83325

2. Date of Priority: MAR 25, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	18E	34		SE	SE		JEROME
		35		NE	NE		JEROME
				NW	SW		JEROME

5. Description of diverting works:
WELLS, PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.880		

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

8. Total consumptive use is 141.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	18E	34	SE	SE		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
		35	SW	SW	IRR	6.0
					Section Acres	6.0
09S	18E	3	NE	NE	1 IRR	36.0
					Section Acres	36.0
					Total Acres	47.0

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
A36-07491, P36-07492A

14. Remarks:
TRANS. 2994.

15. Basis of Claim: LICENSE

Water Right Number: 23938

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: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Sundance Ranch, Inc. Title
Organization, that I have signed the foregoing
document in the space below as President of
Sundance Ranch, Inc. Title
Organization and that the statements contained in the
foregoing document are true and correct.

Don McDaniel
Signature of Authorized Agent

President - Sundance Ranch, Inc.
Title and Organization

5/7/90

Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of May 19 90

Christine L. Henton
Notary Public

Seal

Residing at Twin Falls

My Commission Expires 1-3-95

OK

Water Right Number - 36-02206 Adj. Flag Translation: Standard Water Right Number Old (D) Number - 23938

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SUNDANCE INC.
1 - P.O. BOX 268
2 -
3 -
City- EDEN State- ID Zip- 83325
Phone -

*** O - ORIGINAL OWNER ***
MILLER DONNIE
1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/25/1953 17 L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

Point of Diversion							Stream Index (Blank if no Index Code)
TwN	Rng	Sec	Tract	Lot	RFlg	County	
08S	18E	34	SE SE		(53)	JEROME	
08S	18E	35	NE NE		(53)	JEROME	
08S	18E	35	NW SW		(53)	JEROME	

Water Use		Diversion Rate		Diversion Volume	
Code	Description	Period From	Period To		
01	IRRIGATION			0.880	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.880

Place of Use									County
TwN	Rng	Sec	Tract	Lot	Acres	Code	Description		
08S	18E	34	SE SE		5.0	01	IRRIGATION	(53)	JEROME
08S	18E	35	SW SW		6.0	01	IRRIGATION	(53)	JEROME
09S	18E	3	NE NE	1	36.0	01	IRRIGATION	(53)	JEROME

Total Acres: 47.0

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

MICROFILMED
JAN 20 1993

4411/10
0.93 m/s
7.06

Water right number - 36-02206 Adj. flag translation: Standard Water Right Number

+ - - - - Remarks - - - - -
TRANS. 2994.

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

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

+ - - Audit Fields - 06/03/85 05/28/88 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
Start Work Date	- 00/00/0000	Verified Date	- 06/03/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 04/24/1979	Appl Received	- 00/00/0000	Transfer/Amended	- T
Decree Date	- 00/00/0000				

MICROFILMED

JAN 26 1993

Rang e 19 EBM

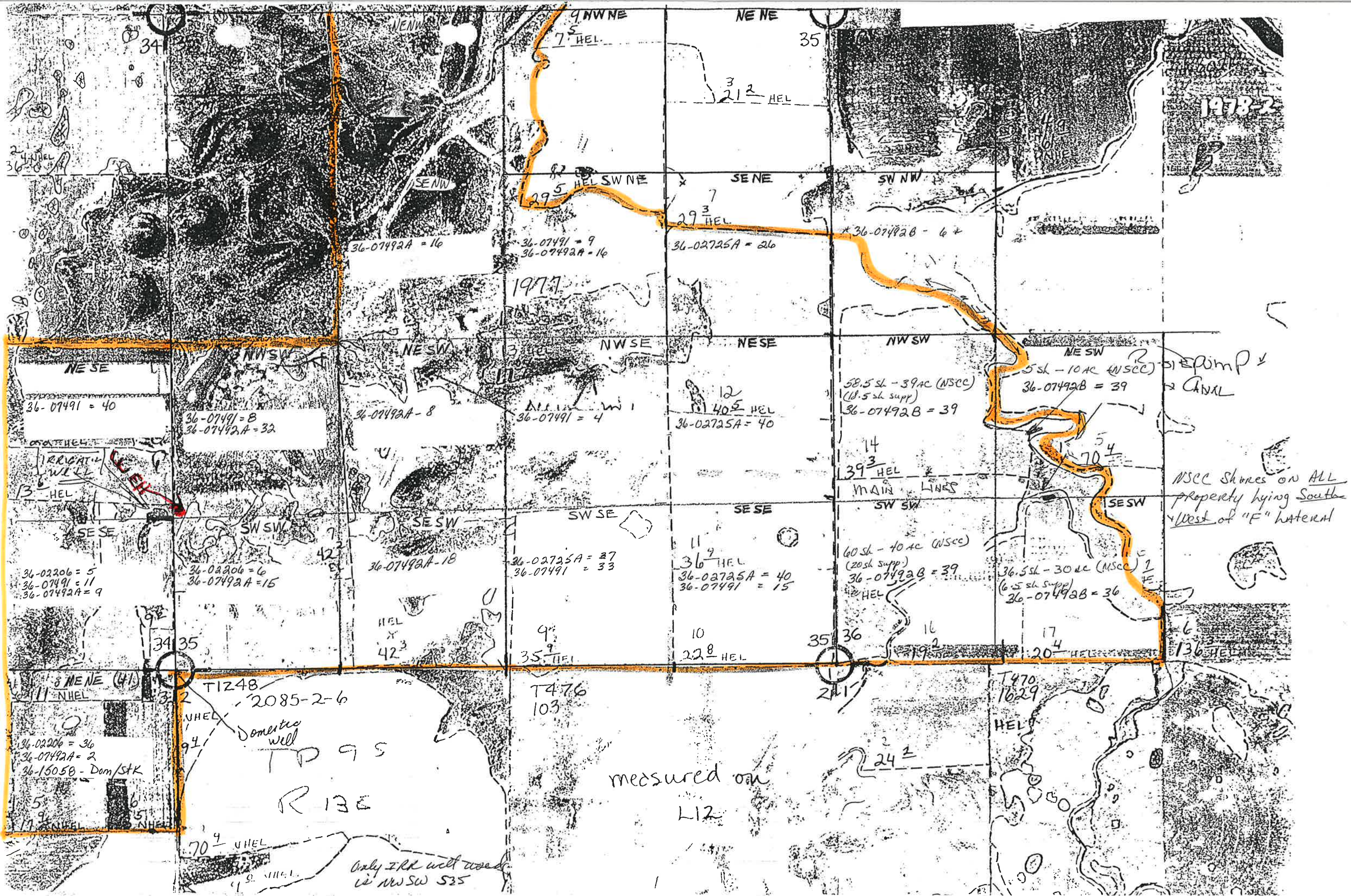
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JAN 20 1993

1 JAN 20 1993

$$\begin{array}{r} 50 \\ 00 \\ \hline 23 \end{array}$$

50
MS
T. 20

[illegible]



1978-2

1977

2 Deep Pump
Canal

NSCC Shores on ALL
property lying South
West of "F" lateral

measured on
L12

Only IRK well used
in NW SW S35

36-07491 = 40

36-07491 = 8
36-07492A = 32

36-07492A = 8

36-07491 = 4

36-02725A = 40

58.5 SL - 39 AC (NSCC)
(18.5 sh supp)
36-07492B = 39

5 SL - 10 AC (NSCC)
36-07492B = 39

36-02206 = 5
36-07491 = 11
36-07492A = 9

36-02206 = 6
36-07492A = 15

36-07492A = 18

36-02725A = 27
36-07491 = 33

36-02725A = 40
36-07491 = 15

60 SL - 40 AC (NSCC)
(20 sh supp)
36-07492B = 39

36.5 SL - 30 AC (NSCC)
(6.5 sh supp)
36-07492B = 36

36-02206 = 36
36-07492A = 2
36-15058 - Dom/StK

T1248
2085-2-6

Domestic well

TP 9 S

R13E

T476
103

T470
1629
HEL

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

Snake River Basin Adjudication
Office of the Attorney General
PO Box 4449
Boise ID 83711-4449

SOSA, CONSTANTINO
301 S 1000 E
JEROME ID 83338

SOUS301* 833382226 1101 10 11/29/01
FORM 3547
SOUSA
PO BOX 781
WENDELL ID 83355-0781

Carline

ADDRESS SERVICE
REQUESTED



36-2266
2725A
749
15038

Log for claim 36-02206

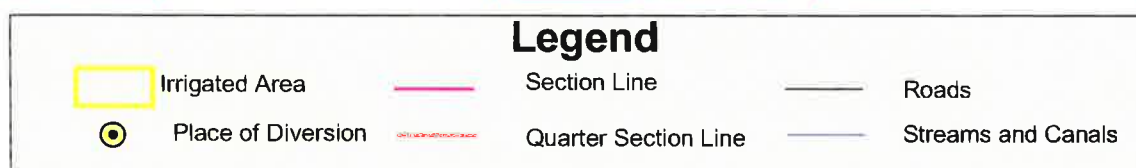
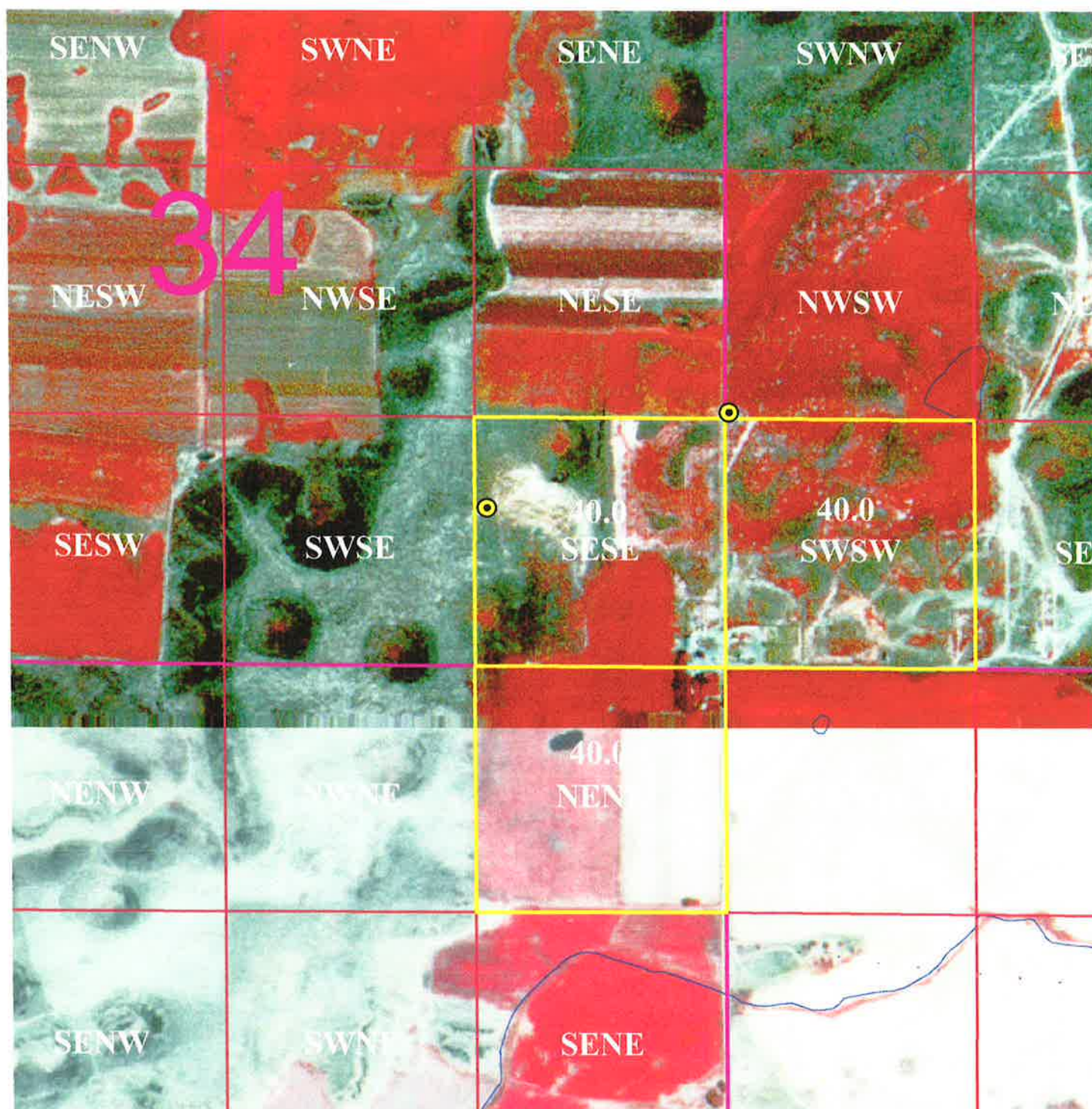
Spatial Dynamics BTD

10/16/01

TR	SEC	QQ	Acres Recommended	Acres Shaped	COMMENT
08s18e	34	SESE	5	40	Permissible place of use
08s18e	35	SWSW	6	40	
09s18e	3	NENE	36	40	
Totals:			47	120	

Water Right Number 36-02206
Townships , 8S18E, 9S18E

10/16/2001



600 0 600 1200 Feet



6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 36-02206 ET AL

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

January 8, 1997 12:43pm

NAME:
JACK MC CALL

RE:
36-02206, -02725, -07491,
-07492A, -07492B, AND
-15058.

TF 01-07-1997 AT 9:45 AM. CHECK STATUS IN SRBA OF THE ABOVE CLAIMS. EXPLAINED BASIN 36 TEST BASIN RECCOMENDED TO COURT. SAID AM NOT AN ATTORNEY. WANT EVIDENCE OF CLAIM/AS RECCOMENDED BY DEPT.

SCC HEARD ME TRYING TO FAX AND SHOWED ME MATERIAL SENT MONDAY 01-06-1997; SAME MATERIAL. FAX REQUEST FOR CLARIFICATION SINCE NO ANSWER BY LAND LINE. NO REPLY.

CALLED AT 2:00 PM-WANTS EVIDENCE OF RECCOMENDATION. SAID WOULD SEND WITH AJ PROFILES FOR COMPARISON. TIED UP REST OF 01-07 WITH AGENT DAY REQUESTS.

SENT FAX OF MATERIALS (12PGS-CHARGES \$2.75) TO MC CALL 12:38 PM. ALL PAGES SENT-SEE FILE COPY OF FAX).

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

January 6, 1997 2:58pm

NAME:

JACK MCCALL

CALLIN

RE:

REQUEST FOR COPIES BY FAX

HE ASKED FOR COPIES OF THESE RIGHTS:

36-02206 36-02725 36-07491 36-07492A 36-07492B 36-15058

FAX OVER THE WR & AJ COPIES OF EACH @ 734-0745.

RECEIVED

RECEIVED

DEC 26 1995

Department of Water Resources
Southern Region

Department of Water Resources

DEC 22 PM 2:46
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) Subcase Nos.: 36-02206, 36-02725
) and 36-07491
)

) **ORDER DENYING EMERGENCY**
) **MOTION**
) **and ORDER GRANTING MOTION TO**
) **FILE LATE OBJECTIONS**

On August 18, 1995, claimant Sundance, Inc., filed its *Motion to File Late Objections (Motion)* in the above three subcases. The affidavit attached to the *Motion* alleged that the claimant relied upon the IDWR Director to defend the Director's Report, particularly the General Provision concerning season of use. Since the legislature removed IDWR and its Director as parties to the SRBA, the claimant must file objections to adequately protect its claims to water rights. Objections were lodged in each subcase the same date.

The United States of America, Department of the Interior, Bureau of Land Management, is a party to Subcase No. 36-02725 having filed an objection in 1993. On December 18, 1995, the United States filed its *Emergency Motion for Extension of Time for Hearing on Motion to File Late Objection (Emergency Motion)*.

A hearing was held on December 20, 1995, at the SRBA Courthouse in Twin Falls, Idaho. John K. Butler appeared in person for the claimant and Brent R. King appeared in person for IDWR. Mr. Butler represented to the Court that he spoke with counsel for the United States, Daria J. Zane, before the hearing and learned that the United States does not oppose the *Motion*. Hence, the *Emergency Motion* is moot.

ORDER DENYING EMERGENCY MOTION
and ORDER GRANTING MOTION TO FILE LATE OBJECTIONS
12/22/95

MICROFILMED
DEC 03 1996

After considering the pleadings and hearing arguments of counsel, it is clear that the claimant has (1) timely filed its *Motion*, (2) shown good cause to file late objections, and (3) alleged facts which constitute a meritorious position.

Therefore, IT IS ORDERED that:

1. The United State's *Emergency Motion* is denied; and
2. The claimant's *Motion* is granted. Objections lodged with the *Motion* are deemed filed the date of this Order. Responses to the objections shall be filed no later than January 19, 1996.

IT IS SO ORDERED.

DATED December 22, 1995.



TERRENCE A. DOLAN

Special Master, Reporting Area 3
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING EMERGENCY MOTION and ORDER GRANTING MOTION TO FILE LATE OBJECTIONS was mailed on December 22, 1995, with sufficient first-class postage to the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

Daria Zane
The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

John K. Butler
126 2nd Avenue North
Twin Falls, ID 83301

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098



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

* * * * *

IN RE: SRBA

Case No. 39576,

)
)
)
)
)

MOTION TO FILE LATE OBJECTIONS
AS TO WATER RIGHT NUMBERS:
36-02206; 36-02725; 36-07491

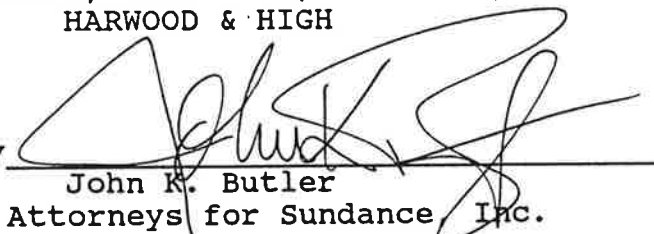
* * * * *

Sundance, Inc., by and through its counsel of record, Benoit, Alexander, Sinclair, Harwood & High, hereby move the Court for leave to file late objections to the Basin 36 Director's Report pursuant to the Court's Order of July 28, 1995 and/or I.R.C.P. Rule 55(c) on the grounds that there is good cause for the late objection and the moving parties named herein have a meritorious position to be asserted in the SRBA, as to Water Right Nos. 36-02206, 36-02725 AND 36-07491.

DATED this 18 day of August, 1995.

BENOIT, ALEXANDER, SINCLAIR,
HARWOOD & HIGH

By


John K. Butler

Attorneys for Sundance, Inc.

RECEIVED

AUG 22 1995

Department of Water Resources
Adjudication Bureau

RECEIVED

JAN 08 1996

Department of Water Resources
Adjudication Bureau

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 126 Second Avenue North, Twin Falls, Idaho, certifies that on the 18th day of August, 1995, he caused a true and correct copy of the MOTION TO FILE LATE OBJECTIONS to be forwarded with all required charges prepared, by the method(s) indicated below, to the following:

Don and Carol McFarland
P.O. Box 268
Eden, ID 83325-02268

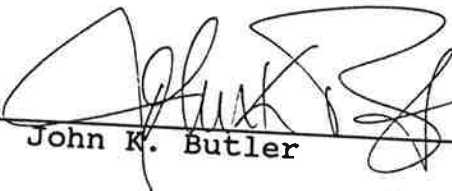
Hand Delivered _____
U.S. Mail X
Fax _____
Fed. Express _____

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 38711-4449

Hand Delivered _____
U.S. Mail X
Fax _____
Fed. Express _____

United States Department of Justice
Environment and Natural
Resource Division
550 West Fort Street, Box 33
Boise, ID 83734

Hand Delivered _____
U.S. Mail X
Fax _____
Fed. Express _____



John K. Butler

(Mc-17u\Motion.1)

MOTION TO FILE LATE OBJECTIONS - 2

MICROFILMED
DEC 03 1996

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

* * * * *

IN RE: SRBA

Case No. 39576,

)
)
)
)
)
)

AFFIDAVIT OF JOHN K. BUTLER

* * * * *

STATE OF IDAHO)

County of Twin Falls)

ss.

John K. Butler, being first duly sworn on oath, deposes and
says:

1. I am the attorney for Sundance, Inc.

2. Sundance, Inc. seeks to have this Court allow the filing
of late objections as to the Basin 36 Director's Report on the
grounds that since the Director's Report was first issued, there
have been or may have been changes made to the Director's
Recommendations, that were a factor on which Sundance, Inc. relied
in not objecting to said Report.

3. The primary and overriding concern of Sundance, Inc. was
that the Director was recommending that the period of use from
March 15th to November 15th of their water rights described herein,
be changed to April 1st to October 31st. Prior to the issuance of
said Report, Sundance, Inc. had attempted to have the Department of
Water Resource change their recommended period of use.

4. Historically, Sundance, Inc. has had a period of use with
respect to the water rights described herein from March 15th to

AFFIDAVIT OF JOHN K. BUTLER - 1

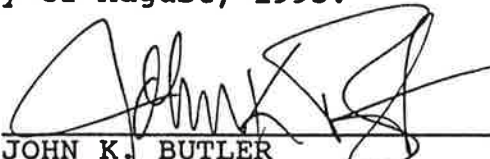
MICROFILMED
DEC 6 1996

November 15th. When the Director's Report was initially issued, it provided in General Provision 12(b), a mechanism by which the Department could or would permit an extended period of use by allowing early or late diversion of irrigation water. Since the issuance of that Report, this Court, in or about May, 1995, deleted such provision which adversely affects the interests and rights of Sundance, Inc.'s water rights described herein, and Sundance, Inc., now wishes the opportunity to participate in the SRBA proceedings and assert its rights which would have otherwise been protected by General Provision 12(b).

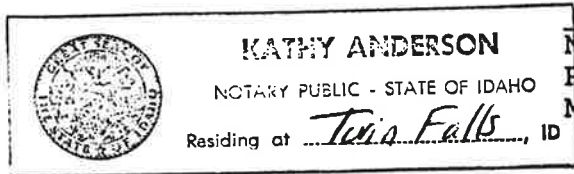
5. If the Director's Report had not provided a recommendation by which the mechanism would be put in place, as described above, so as to allow for an extended period of use, Sundance, Inc. would have timely objected to said report, without the necessity of filing a late objection.

6. It is respectfully submitted, that Sundance, Inc., has good cause for filing the late objection, and have a meritorious position to be asserted in the SRBA proceedings, and it is therefore respectfully requested, that this court grant leave to Sundance, Inc., so as to allow and permit the filing of their late objections, which have been filed concurrently herewith.

DATED this 18 day of August, 1995.


JOHN K. BUTLER

SUBSCRIBED AND SWORN to before me this 18th day of August, 1995.




NOTARY PUBLIC
Residing at: Teria Falls, Idaho
My Commission Expires: 4-3-2000

MICROFILMED
DEC 03 1996

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 126 Second Avenue North, Twin Falls, Idaho, certifies that on the 18th day of August, 1995, he caused a true and correct copy of the AFFIDAVIT OF JOHN K. BUTLER to be forwarded with all required charges prepared, by the method(s) indicated below, to the following:

Don and Carol McFarland
P.O. Box 268
Eden, ID 83325-02268

Hand Delivered _____
U.S. Mail _____
Fax _____
Fed. Express _____

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 38711-4449

Hand Delivered _____
U.S. Mail _____
Fax _____
Fed. Express _____

United States Department of Justice
Environment and Natural
Resource Division
550 West Fort Street, Box 33
Boise, ID 83734

Hand Delivered _____
U.S. Mail _____
Fax _____
Fed. Express _____



John K. Butler

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

In Re the General Adjudication of Rights)
to the Use of Water from the Snake River)
Basin Water System)

The State of Idaho, ex rel. R. Keith)
Higginson in his official capacity as)
Director of the Idaho Department of)
Water Resources,)

Petitioner,)

vs.)

The United States; the State of Idaho; and)
all Claimants to the Use of Water from the)
Snake River Basin Water System,)

Respondents.)

AUG 21 1995

OFFICE OF THE
ATTORNEY GENERAL

Water Right No. 36-02206

(The water right number you are objecting to must be inserted here)

STANDARD FORM 1

OBJECTION

RECEIVED

JAN 03 1996

Department of Water Resources
Southern Region

INSTRUCTIONS

This form must be used to file an objection to a water right recommended in the director's report. *Only one party/claimant may object to one water right per objection form.* To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you do, the text must be on the front and back of each page exactly as it appears here. The objection must be received by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this objection (Page 6) or the court will not accept it for filing. This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 or more objections must make an appointment with the Clerk of the SRBA Court.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

MICROFILMED

DEC 03 1996

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: Sundance, Inc.

Address: P.O. Box 268

Eden, ID 83325-0268

Phone: Work: 825-5258 Home:

Briefly describe your interest in this water right: This party is the
owner of the subject water right in question

If this objection is *filed by an attorney*:

Attorney Name: John K. Butler

Attorney Address: Benoit, Alexander, Sinclair, Harwood & High

P.O. Box 366
Twin Falls ID 83303-0366

Attorney Phone No.: 733-5463

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. *Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:*

Name: Sundance, Inc.

Address: P.O. Box 268

Eden, ID 83325-0268

MICROFILMED
DEC 03 1996

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ *Name and Address*: I object to the name and/or address of the owner of the water right.
2. ☐ *Source*: I object to the source of water.
3. ☐ *Quantity*: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ *Priority Date*: I object to the priority date.
5. ☐ *Points of Diversion*: I object to the legal description of the point(s) of diversion.
6. ☐ *Instream Flow*: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ *Purpose(s) of Use*: I object to the purpose(s) of use.
8. ☒ *Period of Year*: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ *Place of Use*: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ *Consumptive Use*: I object to the annual volume of consumptive use.
11. ☐ *Remarks*: I object to the "remarks" listed with the water right.
12. ☐ *Water Right Recommendation*: I object to:
 - a. ☐ this water right being recommended at all; or
 - b. ☐ this water right not being recommended.

MICROFILMED
DEC 03 1996

13. ☐ *Description of Reservation*: I object to the legal description of the reservation.

14. ☐ *Other*. I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

(8) This water right has historically had a period use of March 15th
through November 15th.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The party hereto requests that the Director's Report be changed so as to
allow a period of March 15th to November 15th or, alternatively, a
mechanism be in place so as to allow the owner to divert early or
late season irrigation water.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

MICROFILMED

DEC 8 3 1996

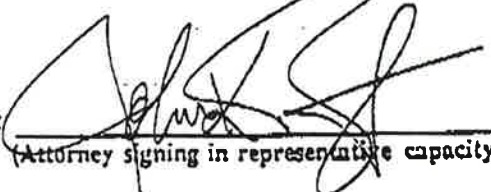
VERIFICATION (Must be Completed)

State of IDAHOCounty of Twin Falls

John K. Butler, being first duly sworn, upon oath, deposes and says:
(Name of party/claimant filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant Objecting"), as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

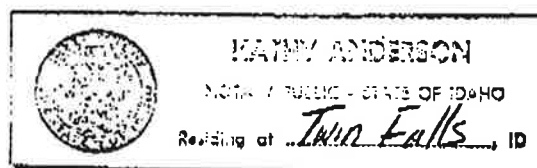
Signature of party/claimant filing objection

By: 

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 18 1995

(Insert Date)



Kathy Anderson
Notary Public for Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 4/3/2000

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to all of the parties listed below in the Certificate of Mailing.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on August 18, 1995, I mailed the original and copies of this objection, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

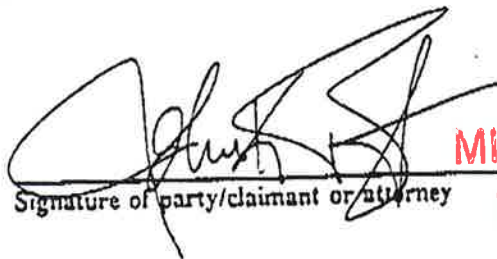
Owner name: Sundance, Inc.
Owner's address: P.O. Box 268
Eden, ID 83325-0268

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of party/claimant or attorney

MICROFILMED
DEC 03 1996

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



MICROFILMED

JAN 20 1993

Water Right Number - R36-02206

Prefix Translation:

RESEARCH

Old (D) Number - 23938

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** A - ATTORNEY ***
SINCLAIR

J WALTER

1 - PO BOX 366

2 -

3 -

City- TWIN FALLS

Phone - 208-733-5463

State- ID Zip- 833030366

*** C - CURRENT OWNER ***
SUNDANCE INC

1 - PO BOX 268

2 -

3 -

City- EDEN

Phone - 208-000-0000

State- ID Zip- 83325

+ - - Priority Date - - +
03/25/1953+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

08S	18E	34	NW SE SE		(53)	JEROME
		35	SW NE NE		(53)	JEROME
			SW NW SW		(53)	JEROME

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.880	188.00

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.880	188.00	141.0	

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08S	18E	34	SE SE		5.0	01	IRRIGATION	(53) JEROME
08S	18E	35	SW SW		6.0	01	IRRIGATION	(53) JEROME
09S	18E	3	NE NE	1	36.0	01	IRRIGATION	(53) JEROME

Total Acres: 47.0

+ - - Diversion Means - 3 WELLS AND PUMPS TO MAIN LINE AND SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

MICROFILMED
JAN 20 1993

Water right number - R36-02206

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-02725 AND 36-07491.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

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

+ - - - - - Comments - - - - - +

Date: 08/02/1991 User Id: WELLS Subject: COPIED FROM REMARKS
TRANS. 2994.

Date: 09/28/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A.

CLAIM VERIFIED 8/2/91. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/13/1992 User Id: MERRITT Subject: RESPONDED TO NOE
LETTER SENT 10/13. ADDED ATTORNEY SINCLAIR.

+ - - Audit Fields - - +
10/13/92 MERRITT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/13/1992	Old Judicial District	-
Claim Received Date	- 05/09/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S012275	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- E

MICROFILMED
JAN 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

13-Oct-1992

J. Walter Sinclair
PO Box 366
Twin Falls, ID 83303-0366

RE: Proposed Recommendation for Sundance Inc.
Nos: 36-02206, 36-02725 & 36-07491

Dear Mr. Sinclair:

This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claim(s) listed above.

Your NOE indicates that you would like the recommendation to show a longer season of use for irrigation. For the reasons states below, the season of use that will be recommended in the Director's Report will remain as proposed. The proposed recommendation is based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost. In addition, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for irrigation outside the irrigation season under certain conditions. The conditions are that the water is beneficially used, as determined by the director; that all water rights with a period of use outside the irrigation season regardless of priority, are satisfied; and that the use does not conflict with the public interest as determined by the director. This proposed general provision will be included in the Director's Report.

Your NOE also indicated that there was a loss in AFY and acres. The IDWR's recommendations which report AFY include two specific elements of the water right and both are dependant upon the number of acres irrigated. The first element is the Diversion Volume which represents the volume of water allowed to be diverted at the point of diversion in a season. For this area the Director has determined it to be 4.0 AFY. The second element is the Consumptive Use which represents the amount of water removed from the hydrologic basin. For irrigation uses it represents water loss due to evaporation and water tied up in crop matter. For this area the Director has determined it to be 3.0 AFY. The number of acres recommended were based on the original licenses of the rights and no reduction of total acres irrigated from the original license was recommended.

RECEIVED
JAN 26 1993

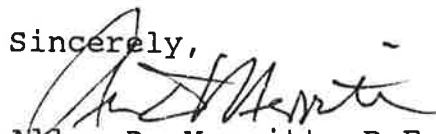
PAGE 2
Oct 13, 1992

There was an overlap of 48 acres between 36-02725 and 36-07491 so the total acres of these two rights is 385 acres instead of 120 + 313. For these reasons the AFY and acres recommended will remain the same.

Based on your letter we have added you as attorney for these rights since you already represent Mr. McFarland for his other claims. No other changes are being made to the recommendations.

If you still disagree with IDWR's recommendations you will have an opportunity to file an objection to the Director's report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Sincerely,



Allen D. Merritt, P.E.
Water Rights Supervisor

CC: Don McFarland
PO Box 268
Eden, ID 83325

PHOTOFILMED

OCT 20 1992

RECEIVED

SEP 25 1992

NOTICE OF ERROR FORM

Department of Water Resources

August 24, 1992

Please type or print clearly, fill out completely, and return to:
Idaho Department of Water Resources
Statehouse Mail

Boise, Idaho 83720-9000

The notice of error must be received at IDWR by the deadline date printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:

September 24, 1992

1. Water right number: 36-02206

RECEIVED

2. Name: Sundance, Inc.

OCT 01 1992

Address: P.O. Box 268
Eden, ID 83325

Department of Water Resources
Southern Region Office

Weekday Telephone Number: 825-5258

3. Describe the portion of proposed recommendation with which you disagree:

Period of Use.

This is a taking without compensation.

4. Describe the changes you wish to have made in the proposed recommendation:

Period of Use back to 3/15 - 11/15 per water right.

5. Describe why you disagree with the proposed recommendation:

See attached and 3 above.

6. Date:

SIGNATURE

Don McDaniel

MICROFILMED
JAN 20 1993

LAW OFFICES

**BENOIT, ALEXANDER, SINCLAIR,
DOERR, HARWOOD & HIGH**

HARRY BENOIT 1893-1966

EDWARD L. BENOIT
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September 22, 1992

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

RE: LETTER TO IDWR ACCOMPANYING NOTICE OF ERROR

Dear Sirs:

We have agreed to represent Mr. Don McFarland and Sundance, Inc. in the current adjudication of water rights for Basin 36. Pursuant to the recent IDWR recommendations to the District Court, and in accordance with the Notice of Error, regarding the same and attached hereto, it is our conclusion that whereas, the recommendations are lacking any underlying basis or rationale, their effect would be only to inflict undue interference on the existing appropriations of our clients. The water rights of both McFarland and Sundance should therefore be left unchanged per licensed permit right. Additionally, we believe the recommended actions of the IDWR should be classified as a taking by the State for which compensation must be provided.

CLASSIFICATION OF OBJECTIONS

There are essentially three aspects of the IDWR proposals which are offensive to Don McFarland and Sundance, Inc. The reduced period of use is of primary concern. According to the IDWR recommendations, the pumps may not be utilized until the 1st day of April each year and must be turned off by the 31st day of October of the same year. This proposed period of use is approximately two months shorter than the established period of use in prior years and by licensed permit right. Such a reduction in utilization of water translates directly into significant consequential damages to crop yield, livestock, and general income producing activities of our clients, in addition to depreciation in property value due to the water rights being appurtenant to the land.

Secondly, the IDWR has recommended a reduction of acreage

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JAN 20 1993

allegedly because, in certain areas the water was not diverted to a beneficial use. This inappropriate reduction in acreage allegedly justified the IDWR to then reduce the existing water right in terms of CFS and AFY. Under the IDWR recommendations, the existing CFS would be retained, however must be reduced due to loss of acreage. Thus, on this particular plot the recommended changes would, as above, directly result in consequential damages to crop yields, profits, and ultimately to decreased value of the relevant properties held by McFarland and Sundance, Inc.

Thirdly, the Board has reclassified certain stockwater rights as domestic rights; specifically right 36-15056. This proposed reclassification of the right would serve no practical purpose other than to detrimentally effect an existing water right which, when classified as stockwater, best serves the critical interest of maintaining water quantities for livestock watering purposes. This proposal was clearly made in an arbitrary manner. The water rights should remain as originally classified.

THE PROPOSALS WERE MADE ARBITRARILY

It is clear from the IDWR proposals generally that they were formulated in an arbitrary fashion. In consideration of the detrimental nature of the IDWR's proposed actions to the interests of Don McFarland and Sundance, Inc., it is imperative that some explanation of the underlying rationale be provided. As in this case, where such explanation is lacking, the proposals should fail by reason of that they are an arbitrary and unwarranted infringement on both McFarland's and Sundance's prior appropriations which have not been and are not now unreasonable or unduly burdensome on the water supply generally or to any aspect thereof.

The arbitrary nature of the IDWR recommendations is further exemplified by the reclassification of certain water rights of McFarland from Stockwater to Domestic. Although the practical effect of classifying the right as Domestic versus Stockwater may be insignificant, we believe the existing water rights should be left unchanged.

Additionally, we are advised that the proposed reduction of acreage was based on aerial photographs taken during a year in which the land in question may have been used to grow potatoes. The IDWR proposes to reduce the acreage accordingly because the rock out-croppings (blow-outs), and certain pivot-covered areas

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were not considered a "beneficial uses" of the water. In regards to the blow-out areas, when potatoes are grown, this observation may be correct. However, the IDWR failed to consider this particular land has been and will continue to be used additionally for grains and pasture in future growing seasons. In the event that either grain or pasture is planned, the blow-outs will in fact, be planted and irrigated, thus serving as a beneficial use of the water.

Additionally, in certain growing seasons the areas covered by the pivots have been and will continue to be watered by either handline or solid set, then planted and harvested, thus putting those areas to beneficial use as well. Therefore, the acreage should not be reduced by any amount because the water will in fact, be applied to beneficial uses. Furthermore, the decision was arbitrarily based on aerial photographs taken during a season in which potatoes may have happened to be the preferred crop or pivots may have been covering certain areas.

WATER RIGHTS CAN BE CONDEMNED, BUT MUST BE COMPENSATED FOR

The proposed actions of the IDWR are a "taking" of property rights by the State of Idaho, for which, under Art. I, Section 14 of the Idaho Constitution, compensation must be provided. In relevant part, the Idaho Constitution states that "private property may be taken for public use but not before compensation is paid therefore." Water rights are property rights which, if taken or infringed upon by the State, can be the subject of a condemnation proceeding. This contention is supported by 26 Am.Jur.2d Eminent Domain Section 194 where it is stated that:

In states in which the doctrine of prior appropriation has been adopted, the right of a prior appropriator to the use of the waters of a stream cannot be taken without compensation. (citations omitted).

It is further stated in 26 Am.Jur.2d Eminent Domain Section 85 that:

condemnation may be made of water rights, apart from the land to which they are appurtenant, for purposes of water supply, or of irrigation, or for the improvement of rivers. (citations omitted).

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JAN 20 1993

Idaho Department of Water Resources
Page Four
September 22, 1992

Idaho is a state in which the doctrine of prior appropriation has been adopted. See Idaho Code Sections 42-101 to 42-114. Admittedly, this case involves ground water in addition to stream or flowing water. The issue however, remains the same. If the IDWR, an executive department of the State of Idaho, interferes with McFarland's and Sundance's water rights by reducing the period in which the rights may be exercised, causing loss of CFS and AFY, and by reducing the acreage which may be irrigated; the action should be classified as a "taking" by the State for which compensation must be provided.

In cases like this one, where a taking has occurred but a formal condemnation proceeding has not yet been commenced by the State, an inverse condemnation proceeding may appropriately be initiated by the land owner. See Reisenauer v. State, Dept. of Highways, 120 Idaho 36, ___, 813 P.2d 375, 378 (Idaho App. 1991) and Rueth v. State, 100 Idaho 203, ___, 596 P.2d 75, ___, appeal after remand 103 Idaho 74, 644 P.2d 1333 (1982). Inverse condemnation is essentially the same as an eminent domain proceeding, only, in this case it would be initiated by Don McFarland and Sundance, Inc. The State is clearly attempting to take or damage, for public use, the prior established rights of our clients. Therefore, inverse condemnation may serve as an appropriate means by which they could force the State to provide compensation for the consequential damages resulting from its actions.

WE BELIEVE THE GOALS OF THE IDWR HAVE NOT BEEN MET

Specifically, recommendations to shorten the period of use, reduce the CFS and AFY, and to reduce the acreage to be irrigated are issues to be considered by the owner of the water right, not the IDWR. It is our understanding that recommendations to reduce period of use are typically based on whether the existing period poses a risk greater than 75% of temperatures dropping below freezing during that time. In instances where the risk of freezing is in fact, 75% or greater, the pump turn-on dates are moved back in the spring, and turn-off dates moved forward in the fall. If this standard was indeed utilized in the IDWR's determination of the rights of McFarland and Sundance, the recommendation should be struck down. Freezing temperatures are a risk to be born solely by the holder of the right, and should not be considered by the IDWR in determining whether to infringe upon pre-existing water rights.

Additionally, our client's decisions regarding what crop to plant in a given year should not be governed by whether they will risk losing valuable water rights. They should be able to

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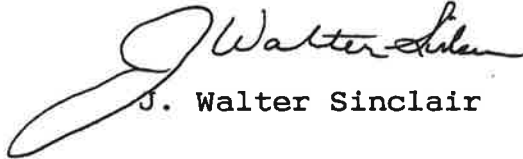
decide to plant potatoes, thus leaving the rock out-croppings unused for that season, without worry that the water won't be available for subsequent plans for pasture or grains. These decisions should be made by the holders of the water rights in the manner traditionally applied. They are not issues to be considered by the IDWR for purposes of altering pre-existing water rights.

CONCLUSION

It is our conclusion that due to the inherent arbitrary nature of the IDWR proposed actions to reduce period of use, reduce acreage, and reclassify stockwater as domestic, the recommendations should be struck down, leaving all existing water rights of Don McFarland and Sundance, Inc. as they were originally filed and licensed.

Further, it is our firm belief that in the event the recommendations are made effective, they should be considered as "takings" by the State, for which compensation must be provided to Don McFarland and Sundance, Inc.

Very truly yours,



J. Walter Sinclair

JWS:RJW:pab
(mc-17u\water.ltr)

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JAN 20 1993

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED
JAN 20 1983

VERIFIED BY

Water Right Number - R36-02206

Prefix Translation: RESEARCH

Old (D) Number - 23938

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SUNDANCE INC.

1 - P.O. BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/25/1953 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

08S 18E 34 NW SE SE (53) JEROME

08S 18E 35 SW NE NE (53) JEROME

08S 18E 35 SW NW SW (53) JEROME

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

03/15

11/15

0.880

188.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.880 188.00 141.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

08S 18E 34 SE SE 5.0 01 IRRIGATION (53) JEROME

08S 18E 35 SW SW 6.0 01 IRRIGATION (53) JEROME

09S 18E 3 NE NE 1 36.0 01 IRRIGATION (53) JEROME

Total Acres: 47.0

+ - - Diversion Means - 3 WELLS AND PUMPS TO MAIN LINE AND SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-02725 AND 36-07491.MICROFILMED
JAN 20 1993

Water right number - R36-02206

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

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

+ - - - - Comments - - - - - +
Date: 08/02/1991 User Id: WELLS Subject: COPIED FROM REMARKS
TRANS. 2994.

+ - - Audit Fields - - +
08/02/91 WELLS

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/02/1991	Old Judicial District	-
Claim Received Date	- 05/09/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S012275	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-

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JAN 26 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:20:28
09/08/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02206

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			AD~	N			UB	
POINT OF DIV	Y			Y	1,5			
SOURCE				N				
PLACE OF USE	Y			N	1,5,9			
DIV. AMOUNT CFS/VOLUME				Y				
CONSUMPTIVE USE	-			N				
PURPOSES				N				
PERIOD OF USE	Y			N	6			
BASIS OF CLAIM				N				
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED
JAN 26 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:20:28
09/08/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02206

~~LAST: MILLER~~
~~ADDRESS:~~
~~CITY: X~~
~~PHONE NUMBER: 208-000-0000~~
~~OWNER CODE: O~~

FIRST: DONNIE
STATE: ID ZIP: 00000

LAST: SUNDANCE INC.
ADDRESS: P.O. BOX 268
CITY: EDEN
PHONE NUMBER: 208-000-0000

FIRST:
STATE: ID ZIP: 83325

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: TRANS. 2994.

DATABASE
Y

FIELD
EXAMINER

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JAN 26 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 1/2/91

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: None

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Meeting with Jack McCell regarding lender to be licensed
under 36-07492A on 12/26/90.

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JAN 26 1993

A. AJ CLAIM: # A36-02206 PRIORITY DATE: 03-25-1953 STAGE: L

B. WR RECORD: # 36-02206 PRIORITY DATE: 03-25-1953 STAGE: L

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	N	

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
03-25-1953

REVIEWED BY

DATE

RECEIVED
JAN 28 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02206	08S	18E	34	NW SW SW	SE	SE		JEROME
A36-02206	08S	18E	35		NE	NE		JEROME
A36-02206	08S	18E	35		NW	SW		JEROME

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-07491	NONE
A36-02725	
A36-07492B	

WR RECORDS IN SAME 40 ACRE TRACT

36-02725
36-07491
36-07492A
36-07492B

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-02206	08S	18E	34		SE	SE		JEROME
36-02206	08S	18E	35		NE	NE		JEROME
36-02206	08S	18E	35		NW	SW		JEROME

OTHER WR RECORDS WITH SAME WR POD

36-02725
36-07491
36-07492A
36-07492B

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A36-07491	NONE
A36-02725	
A36-07492B	

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)
DUE TO SOURCE DISCREPANCY?	(Y/N)

DATABASE
Y
N

FIELD
EXAMINER

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JAN 26 1993

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

Change 23 marked page 4

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

DATE:

1/2/91

RECORDED

JAN 26 1993

A. ROOT WATER RIGHT NUMBERS: A36-02206

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	18E	3	NE	NE	1	SUNDANCE INC.	A36-02206 /36.0	36-02206 /36.0	41.0	38	36
08S	18E	35	SW	SW		SUNDANCE INC. SUNDANCE INC.	A36-02206 / 6.0	36-02206 / 6.0 36-07492A /31.0	38.0	25 21	6
08S	18E	34	SE	SE		SUNDANCE INC. SUNDANCE INC.	A36-02206 / 5.0 A36-07491 /11.0	36-02206 / 5.0 36-07491 /11.0	35.0	25	5
TOTAL ACRES							A36-02206	47.00	47.00	114.00	47

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(X)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG: ~~6~~

REMARKS:

* other tracts recommended
to be licensed under
36-07492A or recommended
under A36-07491

RECOMMENDATIONS:

TOTAL ACRES: 47

REVIEWED BY: ADm

DATE: 1/2/91

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-02206 IRRIGATION	FROM 03-15 TO 11-15	.880 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.880 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-02206 IRRIGATION	FROM TO	.880 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.880 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	_____
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N(☐) Explain in remarks, below.

REMARKS:

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JAN 26 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.880 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.880 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

Y

N

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JAN 20 1984

B.

FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☒) N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: ~~A36-07491~~, ~~P36-07492A~~ delete

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-02206	GROUNDWATER	SUNDANCE INC.	0.880	0.018		
A36-07491	GROUNDWATER	SUNDANCE INC.	1.640	0.013		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 47 x 0.02 CFS/ACRE = 0.94 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 141.0 AF/A
ACRES 47 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =
TOTAL CONSUMPTIVE USE 141 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A
ACRES 47 x DIVERSION VOL. AF/A FOR AREA 4.0 =
TOTAL DIVERSION VOLUME 188 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

No overlap

1b. CALCULATIONS

$$\frac{0.88}{47} = 0.0187$$

RECORDED
INDEXED
JAN 20 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE EXAMINER 0.880	DATABASE EXAMINER 188	DATABASE EXAMINER 141.0
TOTAL FOR THIS RIGHT		0.880		141.0

REVIEWED BY:

DATE:

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JAN 20 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
()	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02206

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.880

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-02206	0.880	-		36-02206	0.880
TOTAL CFS		0.880				0.880

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: *Deanna*

DATE: 1/2/91

NAME OF FIELD EXAMINER: _____ TITLE: _____

MICROFILMED
JAN 20 1993

12/17/90
AD

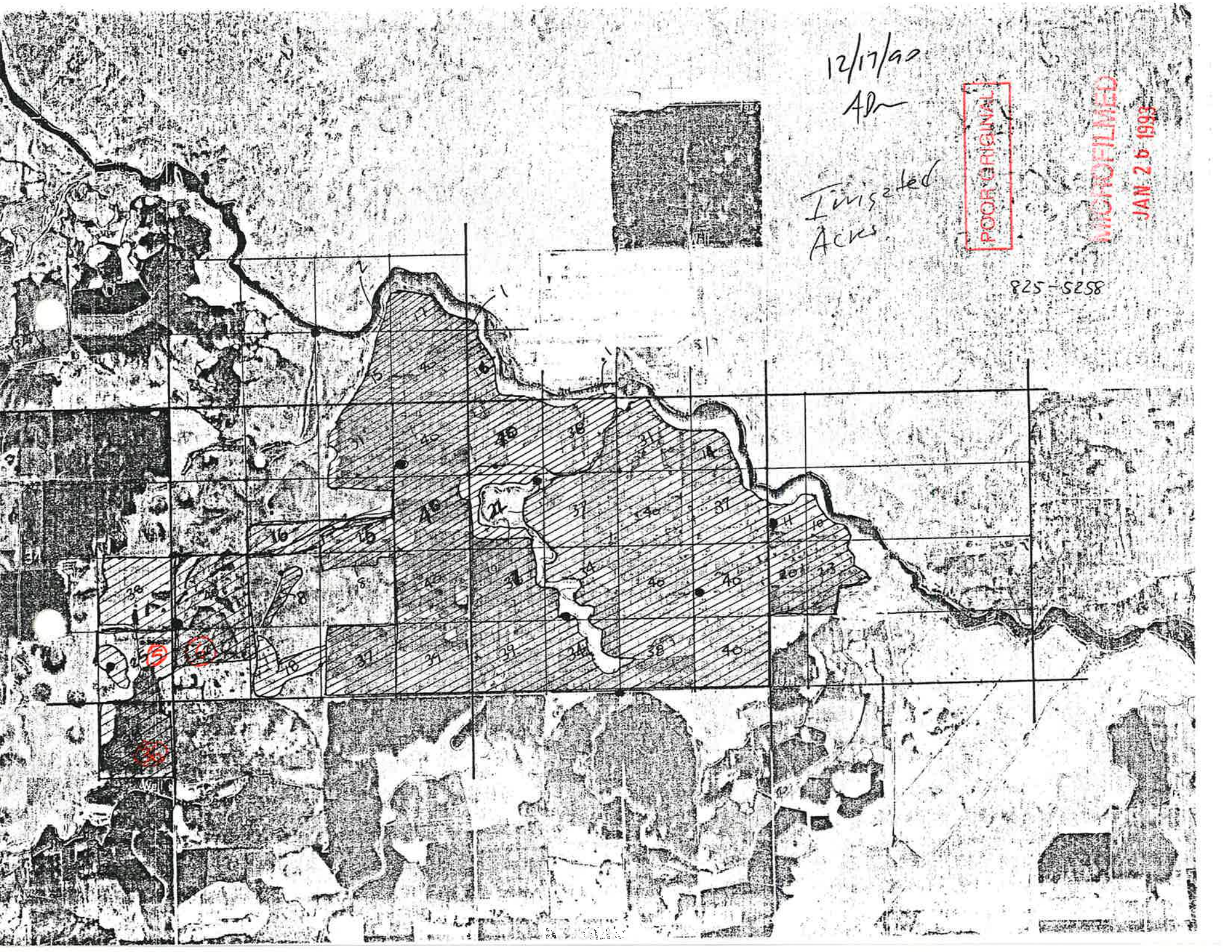
Trivisited
Acks

POOR ORIGINAL

MICROFILMED

JAN 26 1993

825-5258



A. ROOT WATER RIGHT NUMBERS: A36-02206
R36-02206

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	18E	3	NE	NE	1	SUNDANCE INC.	A36-02206 /36.0	36-02206 /36.0	41.0		
			NE	NE	1	SUNDANCE INC.	R36-02206 /36.0	- /			
			NE	NE		SUNDANCE RANCH	A36-15058 /	- /			
			NE	NE		SUNDANCE RANCH	R36-15058 /	- /			
08S	18E	35	SW	SW		SUNDANCE INC.	A36-02206 / 6.0	36-02206 / 6.0	38.0		
			SW	SW		SUNDANCE INC.	R36-02206 / 6.0	- /			
			SW	SW		SUNDANCE INC.		36-07492A /31.0			
08S	18E	34	SE	SE		SUNDANCE INC.	A36-02206 / 5.0	36-02206 / 5.0	35.0		
			SE	SE		SUNDANCE INC.	A36-07491 /11.0	36-07491 /11.0			
			SE	SE		SUNDANCE INC.	R36-02206 / 5.0	- /			
			SE	SE		SUNDANCE INC.	R36-07491 /11.0	- /			
TOTAL ACRES							A36-02206	47.00	47.00	114.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

MICROFILMED
JAN 20 1999

12/17/90
Adm

AD~

Twisted
Aces.

825-5258

POOR ORIGINAL

Pump from
 canal

From c2421

from
crust

well

↑
wel

well

7

0

R18E

R19E

Permit
36-07492A

A36-02373 $\triangle$

436-
PROFORMED

JAN 20 1993

TSS

T9S

