

1/8 acres
overlapped with
A36-02725

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: A36-07491
Date Received: 4/26/1990
Receipt No: 5012275
Received By:

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: JUL 31, 1974

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	1.640		480.00

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

8. Total consumptive use is 360.0 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	NE	SE		IRR	40.0
			SE	SE		IRR	11.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	51.0
		35	SW	NE	IRR	9.0
			NW	SW	IRR	8.0
			NW	SE	IRR	4.0
			SW	SE	IRR	33.0
			SE	SE	IRR	15.0
					Section Acres	69.0
					Total Acres	120.0

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:
A36-02206, -02725, P36-07492A

14. Remarks:

15. Basis of Claim: LICENSE

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., that I have signed the foregoing
Organization document in the space below as President of
Organization Sundance Ranch, Inc. 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

Water Right Number - 85-07491

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - 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 ***
SACCOMAN

WILLIAM J.

1 -

2 -

3 -

City-

State- Zip-

Phone -

SACCOMAN

PATTY

1 -

2 -

3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - +
07/31/1974+ - - Region - - - +
17+ - - Stage - - - +
PL - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

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

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	1.640	480.00

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
1.640	480.00			

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
08S	18E	34	NE SE		40.0	01	IRRIGATION	(53) JEROME
08S	18E	34	SE SE		11.0	01	IRRIGATION	(53) JEROME
08S	18E	35	SW NE		9.0	01	IRRIGATION	(53) JEROME
08S	18E	35	NW SW		8.0	01	IRRIGATION	(53) JEROME
08S	18E	35	NW SE		4.0	01	IRRIGATION	(53) JEROME
08S	18E	35	SW SE		33.0	01	IRRIGATION	(53) JEROME
08S	18E	35	SE SE		15.0	01	IRRIGATION	(53) JEROME

468 water/yr

7.2 inches

MICROFILMED

FEB 04 1993

Water right number - 36-07491 Adj. flag translation: Standard Water Right Number

+	Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County	+
---	----	-----	-----	-------	-----	-------	------	-------------	--------	---

Total Acres: 120.0

+ - - Diversion Means - WELL & PUMP.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-2206, 36-2725, 36-7492.

+	Remarks	+
No Remarks found.		

+	Conditions of Approval	+
R26 - This right when combined with all other rights shall provide no - more than 4.0 afa per acre for the lands above.		

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

+ - - Audit Fields - 03/26/85 05/28/88 CONVERT

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

Proof Due Date	- 08/01/1979	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 08/29/1974	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 01/01/1900	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 03/26/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 07/05/1983	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

Rangc 19 EBm

100

FILED

50
00
2
3

MS 950
T39

[illegible]



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

36-15056 - decreed
36-15057 - decreed

Please print or type
(see instructions on back of page)

RECEIVED

JUL 23 1997

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. (See attached Warranty Deeds)

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: 36-02725; 36-07492A; 36-02373; 36-15056; 36-15057; 36-7491

☒ Name and Address of Former Owner/Claimant(s)(Seller):
Don & Carol McFarland Sundance, Inc.
P.O. Box 825 P.O. Box 825

☒ New Owner/Claimant (Purchaser):
Eden, ID 83325 Eden, ID 83325
Walker Farms (Gene C. Walker)

☒ New Mailing Address: _____

☒ New Telephone Number: () _____

☒ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
36-02725 - 2.270 CFS; 36-07492A - .421 CFS; 36-15056 - .060 CFS; 36-15057 - .040 CFS
10/24/97 1/2: 0.11 CFS under 36-07491

☒ Attach proof of ownership, describe proof attached: Warranty Deeds & Quitclaim Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s): Gene C. Walker Date 7/23/97

☒ Signature of Former Owner/Claimant(s): Don McFarland Date 7/9/97
Carol McFarland Date 7/9/97

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho 1
Copies to Former Owner and Ne

Original and
Warranty deed
in 36-2725

YcW
mdm
Defer data
entry of
7491g
)

CLAIM NUMBERS 36-07491DATE 10/21/97AGENT JK

TRANSFER NUMBER

OBJECTION FILED

TOTAL ACRES FROM RECOMMENDATION 120GEOGRAPHIC INFO SYSTEM 170

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	08S	18E	34													40		11	51
RECOM			34													40		11	51
GIS			34													40.04		7.50	49.54
CLAIM	08S	18E	35			9						8				4	33	15	69
RECOM			35			9						8				4	33	15	69
GIS			35			7.41 14.58 18.99						39.89				8.69	36.84	15.21	119.62
CLAIM																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

claimed = 120

B36-DBPOU.DBF 617, 618, 619, 620, 621, 622

POLYGON CREATED ON 604 ()

ATTRIBUTES OF B36-POU.SHP (617), 618, 619, 620, 621, 622B36-DBPOD.DBF 588, 589, 590ATTRIBUTES OF B36-POD.SHP (588) NWSESE-34589 SWNESE-35590 SWNWSW-35

~~See Attached narrative discussing the
6 polygons and their relationships~~

~~Partial overlap with 36-2725 (polygon 617)
KKC 10-21-97~~

~~Change of ownership and re analysis of
system done 11-97 by KKC
P/D Polygons 620, 621, & 622 Unioned
& renumbered to 617, 618, & 619
P/D # 589 deleted based upon
chg ownership. See updated worksheet
dated 12-2-97 by KKC~~

P/U CONFLICT yes () no (✓)

P/D CONFLICT yes () no (✓)

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

CLAIM NUMBERS 36-7491DATE 12-2-97

TRANSFER NUMBER _____

OBJECTION FILED yesAGENT KKCTOTAL ACRES FROM RECOMMENDATION 120GEOGRAPHIC INFO SYSTEM 121

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	8S	18E	34													40			11
GIS																38			9.9
RECOM	8S	18E	35			9						8					4	33	15
GIS						9						8					4	37	15
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF 12-2-97

POLYGON CREATED ON 604 ()

B36-DBPOD.DBF 12-2-97

ATTRIBUTES OF B36-POU.SHP ()

ATTRIBUTES OF B36-POD.SHP (see below)

P/U Polygons $5\frac{1}{2}$ SE $\frac{1}{4}$ Sec 35 - 617 (OL with
 SWNE & NWSE Sec 35 - 618 (36-02725)
 $E\frac{1}{2}$ SE Sec 34; NWSW Sec 35 - 619

POD - Sec 34 # 588
 Sec 35 # 590

Settlement conf. held
 SFS mailed to
 claimant on 11-

P/U CONFLICT yes () no (X)

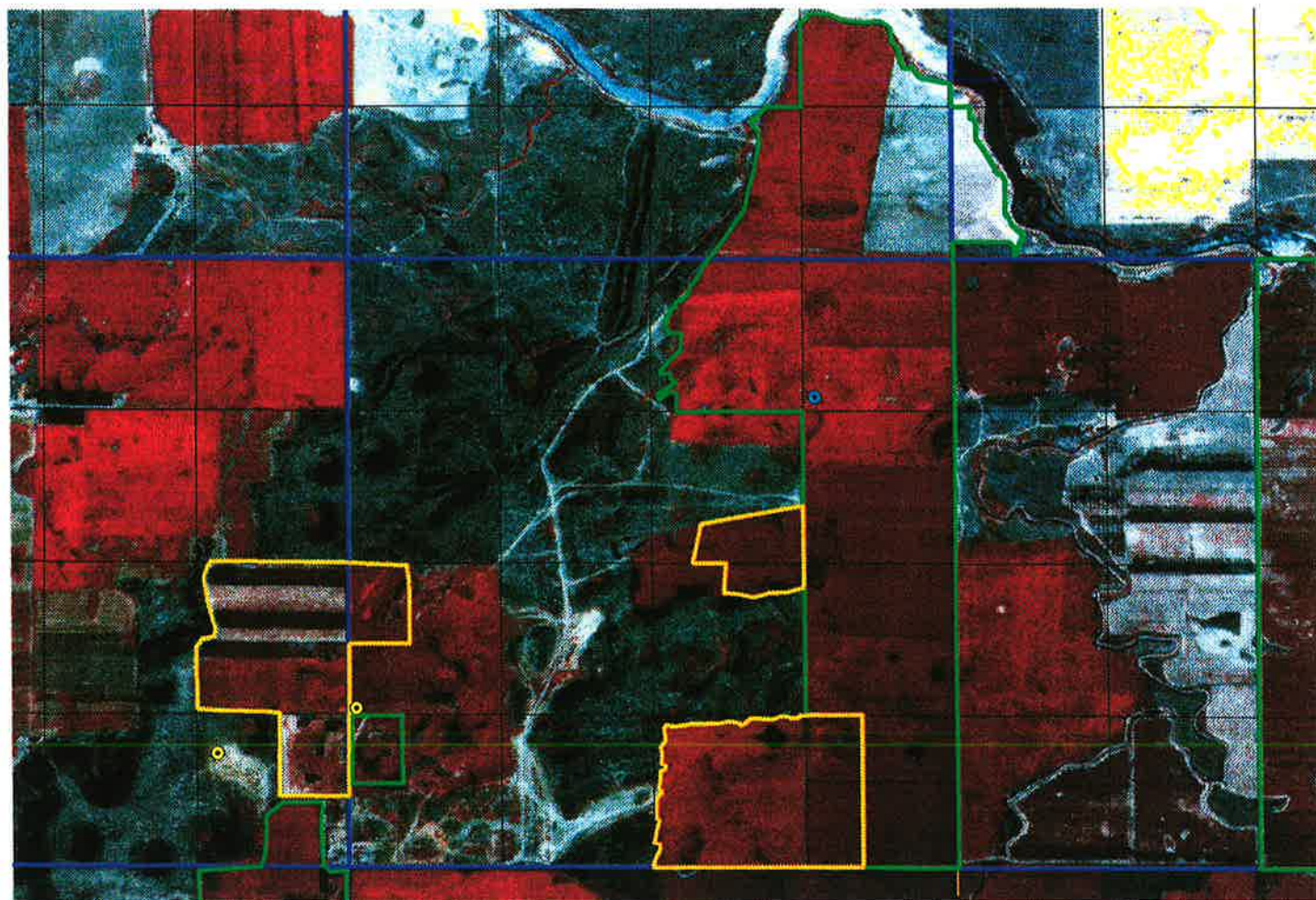
P/D CONFLICT yes () no (X)

READY FOR DECREE yes (X) no ()

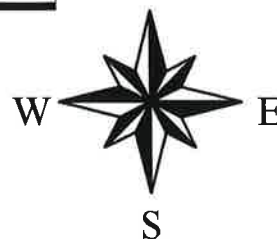
SENT FOR DECREE yes () no ()

IDAHO DEPARTMENT OF WATER RESOURCES

36-07491
SUNDANCE INC



TNS 8S, RNG 18E, SEC 34 E1/2SE1/4
TNS 8S, RNG 18E, SEC 35
SW1/4NE1/4, NW1/4SW1/4,
SE1/4 (EXCEPT NE1/4SE1/4)



⊙ Recommended Point of Diversion

□ Recommended Place of use

— Section lines

□ Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 21, 1997
BY KELLY K CHRISTENSEN

6/9/94

COMMUNICATION DOCUMENTATION

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.

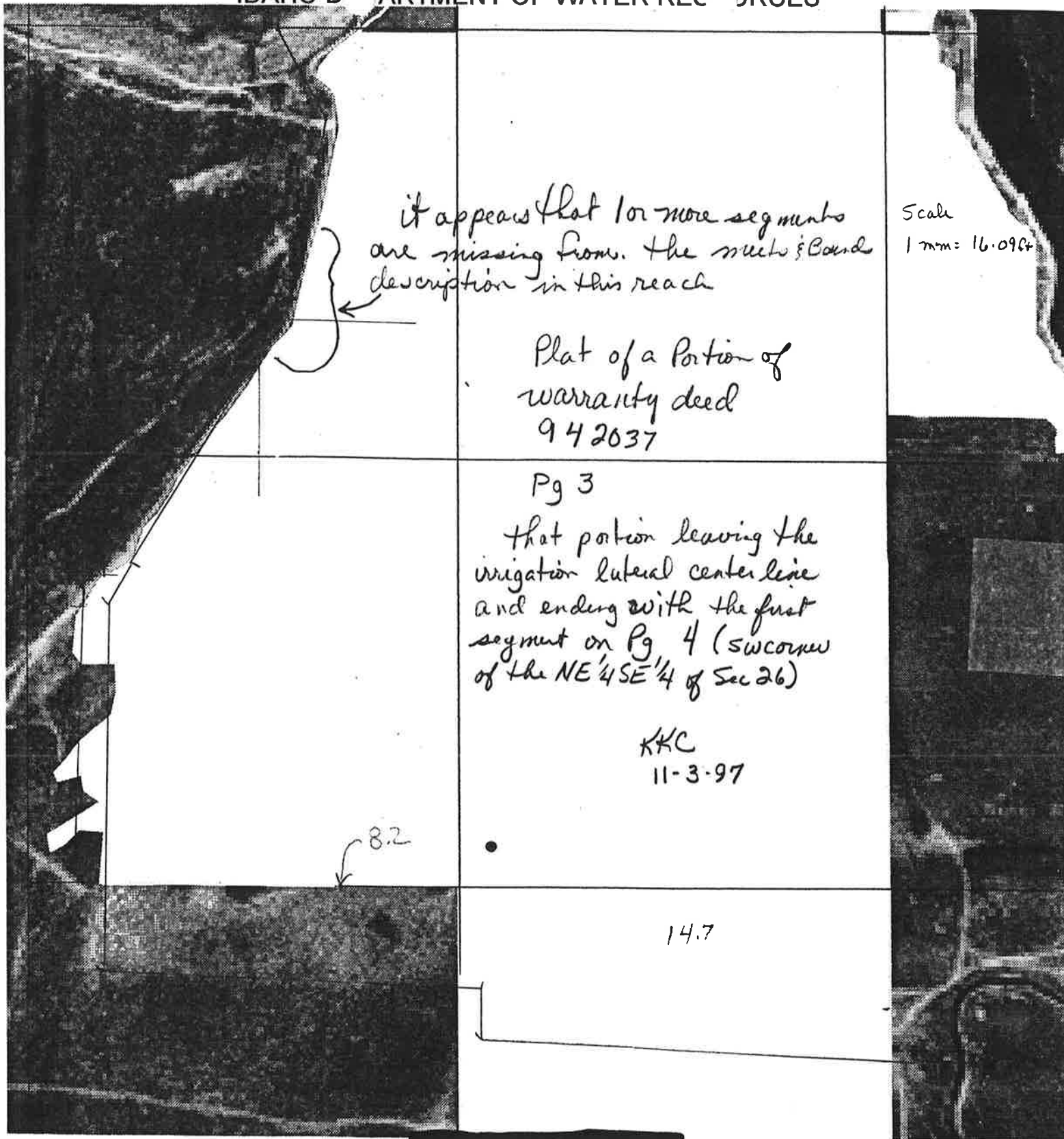
IDWR Employee/Agent Kelly K Christensen

CUSTOMER:
JOHN BUTLER

DATE: November 3, 1997 11:14 am

SUBJECT: STATUS OF SPLIT OF WALKER-SUNDANCE 36-02725 ET.AL
phone (X) walk-in()

I explained the conflict in the warranty deed description and the acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$ of sec 35. He indicated that he will check it out and then get back to me.



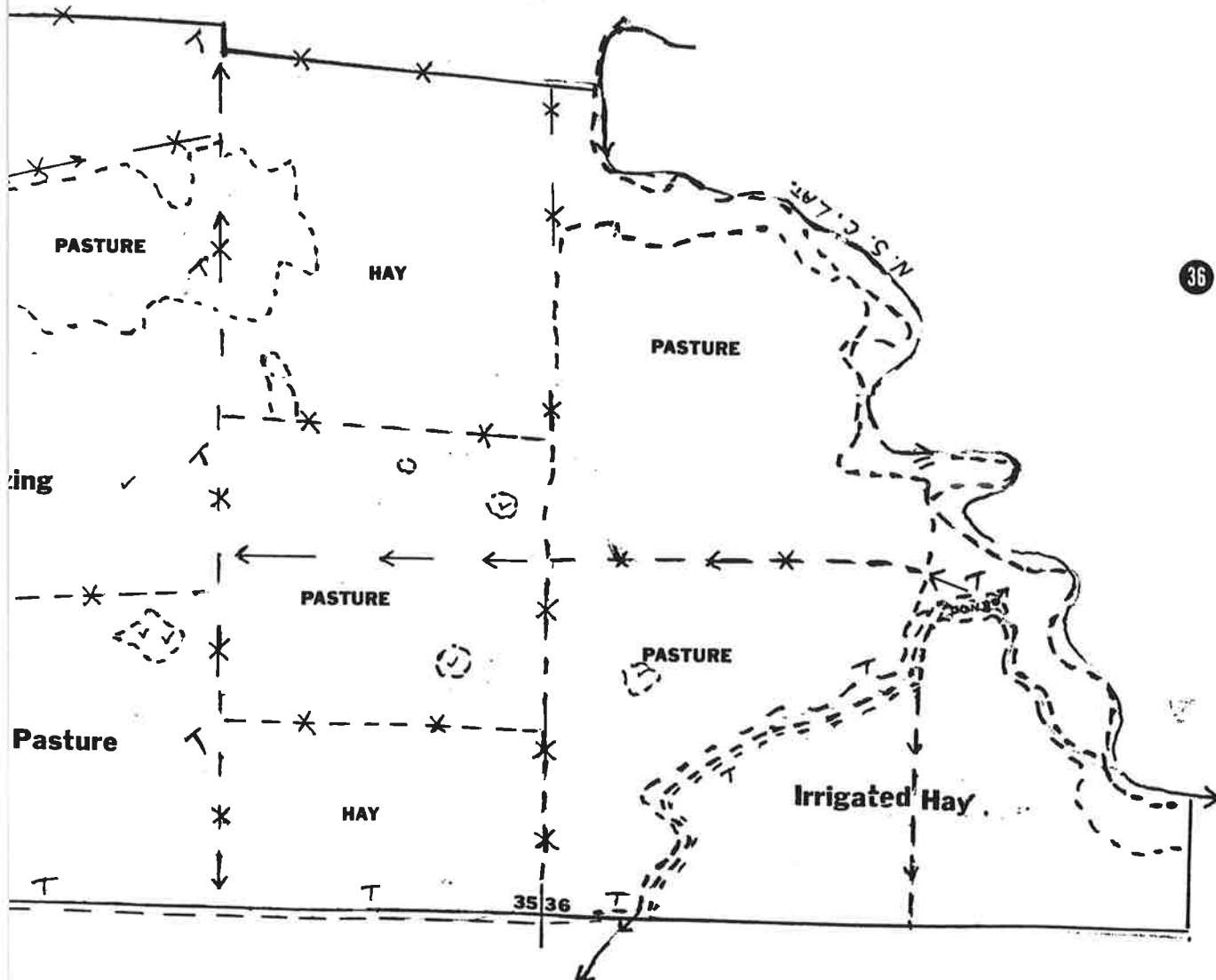
Scale: 1" = 660'

26
35 36

Subject Property

784.32 ACRES

JEROME CO.



Partial copy
of Original in
File 36-02725

KHC

Delivered to IDWR

11-10-97

Copy made of Original and
original retained by
Runner for Jack McCall.

LAW OFFICES
**BENOIT, ALEXANDER, SINCLAIR,
HARWOOD & HIGH, L.L.P.**

HARRY BENOIT 1893 - 1966

EDWARD L. BENOIT
OF COUNSEL

J. ROBERT ALEXANDER
J. WALTER SINCLAIR
ROBERT M. HARWOOD
THOMAS B. HIGH
FRITZ A. WONDERLICH
JACQUELINE WAKEFIELD
RICHARD J. WORST
JOHN K. BUTLER
STEPHANIE A. FASSETT

125 SECOND AVENUE NORTH
POST OFFICE BOX 366
TWIN FALLS, IDAHO 83303-0366
TELEPHONE (208) 733-5453
FACSIMILE No. (208) 734-1438

KETCHUM OFFICE

160 SECOND ST. E. SUITE 218
POST OFFICE BOX 2246
KETCHUM, ID 83340-2246
TELEPHONE (208) 726-4900

November 5, 1997

Mr. Kelly Christensen
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

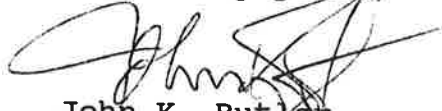
RECEIVED
NOV 06 1997
Department of Water Resources

RE: Walker/Sundance

Dear Mr. Christensen:

Enclosed please find a copy of the survey map regarding the above.

Very truly yours,


John K. Butler

JKB/ka
(Mc-17hh\Christen.ltr)

Enclosure

pc: William R. Hollifield w/enc.

Plat map placed
into file 36-02725
KHC
11-20-97



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

November 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM HOLLIFIELD
249 THIRD AVE E
PO BOX 66
TWIN FALLS ID 83303

RE: SPLIT ANALYSIS FOR 36-02735 AND CHANGE OF OWNERSHIP FOR
36-02373. SYSTEM ANALYSIS FOR 35-02206 AND 36-07491

Dear Mr Hollifield

Attached is a 3 page summary of the system split and how I arrived at my decision. Also attached is a GIS system map with the individual claimed place of use for each right identified which is based upon my analysis.

If this is acceptable or you have any questions please contact me or Nick Spencer (327-7930) so that we can complete the balance of the paperwork for the SRBA court.

Please note that additional work will have to be done before permit 36-07492A can be split. However, this does not have any affect on the adjudication process. The adjudication process must be resolved before the recommendation for that permit can be completed. I expect to work on the permit split with Dan Nelson (the agent that did the field exam for the permit) during the last week of November or the first part of December.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures
cc John Butler



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 10, 1997

JOHN BUTLER
PO BOX 366
TWIN FALLS ID 83303

RE: SPLIT ANALYSIS FOR 36-02735 AND CHANGE OF OWNERSHIP FOR
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Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures
cc William Hollifield

NARRATIVE FOR ALL FOUR RIGHTS

36-02725

This right was reduced by 3 acres through a settlement with BLM. The acres were not transferred. The right was then split through the change of ownership process with 167 acres going to Walker and 143 acres being retained by Sundance Inc. (The BLM acres were within the P/U going to Walker.)

The diversion rate split was based upon an agreement between the parties rather than a proportional split. The original right was licensed at ≈ 0.012 cfs/acre and the non-proportional division does not exceed an inch to the acre for either party.

36-02373

This right was transferred in its entirety to Walker. It was originally recommended for 346 acres @ 3.22 cfs. During the settlement conference held on 10-24-1997, the department agreed to stipulate to additional acres that lay between the northeast border of the recommended place of use and the canal. They were tentatively identified as 9 acres, however upon further review, these acres were calculated to be 10 acres. The recommendation now reflects 356 acres @ 3.22 cfs.

As this right was licensed for less than an inch to the acre and the increase in recommended acres from 346 acres to 356 acres still generates a diversion rate below an inch to the acre, the recommended diversion rate was not changed.

36-02206

This right was retained in its entirety by Sundance Inc. The licensed place of use by quarter/quarter (q/q) was not readily identifiable with the available documentation. I identified specific acre boundaries via GIS on a 'best fit' basis (see GIS layout). The effect on the other rights is primarily on the permit 36-07492A which is not included in the adjudication recommendation review.

37-07491

This right also has a place of use location within q/qs problem. The greatest concern was the physical location of the 9 acres within sec 35 SW $\frac{1}{4}$ NE $\frac{1}{4}$. Initial review placed it in the N $\frac{1}{2}$ of the quarter. If this were so, then this right would be required to be split. Upon further review, it appeared logical that those 9 acres would be congruent with the 4 acres licensed in sec 35 NW $\frac{1}{4}$ SW $\frac{1}{4}$ (again, see the GIS layout). This location is consistent with Walker & Sundance's original assessment.

There is an overlap issue with 36-02725 in sec 35, 33 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$. All overlapping acres are on ground retained by Sundance Inc.

The entire right is retained by Sundance Inc.

**SPLIT RIGHT AND OWNERSHIP CHANGE ANALYSIS FOR
SPLIT OF 36-02725 AND
OWNERSHIP IDENTIFICATION FOR 36-02206, 36-07491, 36-02373**

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
RECOMMENDED PLACE OF USE																				
36-02725	08S	18E	25										1	10						11
			26													17	2	15	40	74
			35	40	31		40									40		37	40	228
WALKER'S SHARE OF 36-02725																TOTAL				313
36-02725B	08S	18E	25										BLM	10						10
			26													17	BLM	15	40	72
			35	40	31		14													85
SUNDANCE'S SHARE OF 36-02725																TOTAL				167
36-02725A	08S	18E	35				26									40		37	40	143
TOTAL																				143

SUNDANCE INC TO WALKER FARMS

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36-02373	08S	19E	31							12	10	27	21							70
	08S	18E	36	16	34	40	36									40	40	40	40	286
																TOTAL				356

RETAINED BY SUNDANCE INC

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36-02206	08S	18E	34																5	5
			35											6						6
	09S	18E	3	36																36
																TOTAL				47
36-07491	08S	18E	34													40			11	51
			35			9							8				4	33	15	69
TOTAL																				120

Adjudication claim 36-07492B is appurtenant to a portion of the property shown but is not listed as it was sold to another entity and is expected to be withdrawn. It is not considered to be appurtenant to that ground and has not been included in the system analysis and recommendations for the two systems. 36-07492A is a permit outside of the adjudication and is also being split but by the IDWR allocations section. That split is not being addressed in this analysis.

SPLIT ANALYSIS FOR 36-02725

36-02725 was recommended for 3.60 cfs on 313 acres.

A stipulation was signed with the BLM to 'dry' up the three acres on BLM property.

Therefore, the proportional rate per acre based upon the stipulation is;

Recommendation	3.60 cfs	313 acres		
Less stipulation		<u>3 acres</u>	<u>3.60 cfs</u>	= a proportional rate of
Current recom.	3.60 cfs	310 acres	310 acres	<u>0.0116 cfs/acre</u>

Proportional share for:

Walker 0.0116 cfs/acre * 167 acres = 1.94 cfs

Sundance 0.0116 cfs/acre * 143 acres = 1.66 cfs

total 3.60 cfs

HOWEVER, the recommended diversion rate split, shown below, is the rate specified on the change of ownership form.

RECOMMENDATION

Walker	2.27 cfs
Sundance	<u>1.33 cfs</u>
total	3.60 cfs

RATE PER ACRE COMPARISON

2.27 cfs/167 acres = 0.0136 cfs/acre

1.33 cfs/143 acres = 0.0093 cfs/acre

WALKER SHARE SUMMARY

ACRES			ACRES	
TNS 8S, RNG 18E,	SEC 25	10		
	SEC 26	72		
	SEC 35	85		
	SEC 36	286	36-02725B	167
TNS 8S, RNG 19E,	SEC 31	<u>70</u>	36-02373	<u>356</u>
TOTAL		523 ACRES		523 ACRES

36-02725B 167 acres @ 2.27 cfs

36-02373 356 acres @ 3.22 cfs

SUNDANCE SHARE SUMMARY

ACRES			ACRES	
TNS 8S, RNG 18E,	SEC 34	56	36-02725A	143
	SEC 35	218	36-02206	47
TNS 9S, RNG 18E,	SEC 3	<u>36</u>	36-07491	<u>120</u>
TOTAL		310 ACRES		310 ACRES

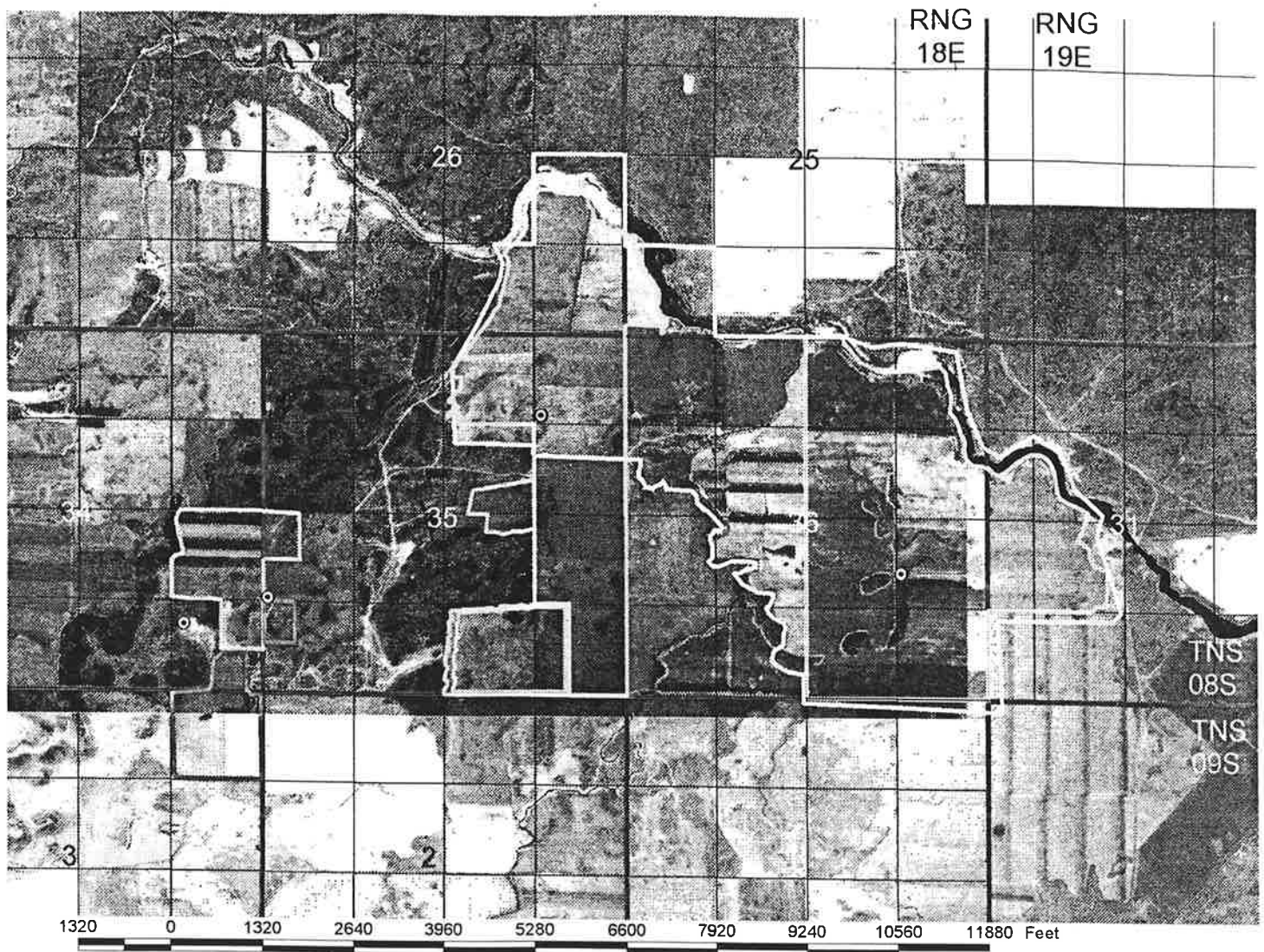
36-02725A 143 acres @ 1.33 cfs

36-02206 47 acres @ 0.88 cfs

36-07491 120 acres @ 1.64 cfs

IDAHO DEPARTMENT OF WATER RESOURCES

SUNDANCE - WALKER SPLIT ANALYSIS 36-02725, 36-02373, 36-02206, & 36-07491



TNS 08S, RNG 18E, SEC 25, 26, 34, 35, & 36
TNS 09S, RNG 19E, SEC 3
TNS 08S, RNG 19E, SEC 31



- IN
 WHITE Walker place of use outline
- 36-2206
 - 36-7491
 - 36-2725
 - 36-2373
 - Point of diversions
 - Section Lines
 - Quarter/Quarter lines

GIS PLACE OF USE PRESENTATION
 1987 and/or 1988 NAPP PHOTOGRAPHY
 DATA ENTRY OCTOBER 27, 1997
 BY KELLY K CHRISTENSEN

Analysis of 36-02725 & 36-07491
GIS project.

GIS for 36-02725 was found to be relatively close to the recommended P/u. It was however split into 2 separate polygons because there was a partial overlap with 36-07491. The overlap is on acres found in Sec 35 S $\frac{1}{2}$ SE $\frac{1}{4}$ (polygon # 617)

GIS For 36-7491 was complicated as the physical features identifiable in the NAPP photo do not match the recommended P/u. Also there is a physical break between recommended parcels. To allow identification of acres by Q/Q this right was created in GIS as 6 separate polygons.

NOTES Per Polygon & General Location.

- 617 - the common P/u overlap with 36-2725 Sec 35 S $\frac{1}{2}$ SE $\frac{1}{4}$
- 618 & 619 Both in Sec 35 SWNE - Recom = 9 acres; the Polygon are for 7.4 acres & 11.5 acres respectively or 19.4 total which is 10 acres more than recom.
- 620 in Sec 35 NWSE Claimed & Rec. @ 4 acres found 8.7 acres.
- 621 in Sec 35 NWSW - entire Q/Q appears to be irrigated however only 8 acres were claimed & Rec.
- 622 ~~For~~ in Sec 34 E $\frac{1}{2}$ SE $\frac{1}{4}$. Found in GIS, Roughly the same as Recom. However additional acres are irrigated in ^{the SESE} ~~that~~ Quarter also.

10-21-97
analysis by Kelly K. Christensen



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

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

November 26, 1997

WILLIAM HOLLIFIELD
249 THIRD AVE E
PO BOX 66
TWIN FALLS ID 83303

RE: SF5 FOR 36-02725, 36-02725A, 36-02725B, 36-07157B, 36-07491 &
36-02373

Dear Mr Hollifield

Enclosed are the recommended rights reports in strike over format for your review and the SF5 forms for your signature.

If they are satisfactory please forward them to John Butler for his signature. He can then review them and file them with the court when he is satisfied.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

**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

Subcase No.: 36-07491

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: 11-26-97

John Butler, Atty for Sundance, Inc.

Kelly K. Christensen
IDWR Concurrence

Approved as to form:
Attorney for IDWR

Nick Spencer

COPY

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

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

CERTIFICATE OF MAILING

I certify that on _____, 199____, I mailed the original and copies of this form, 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. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

John Butler
Benoit Alexander
PO Box 366
Twin Falls, ID 83303-0366

COPY

Signature of person or attorney mailing the form

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

DATE: NOV-26-1997

PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07491

NAME AND ADDRESS: SUNDANCE INC
PO BOX 268
EDEN ID 83325

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
~~T08S R18E S35~~ ~~SWNWSW~~

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season
08/01 10/31

QUANTITY
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:

USE OF THIS RIGHT WITH RIGHT NO. 36/02725 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1340 AF, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 1193 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 383 ACRES IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36/02206 AND 36/02723.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINTS OF

COPY

440

56NP

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

DATE: NOV-26-1997
PAGE: A-2

36-07491 (CONT.)

DIVERSION DESCRIBED ABOVE: 36-07491, 36-02206 AND 36-02725A.

COPY

KKC

2000 FEB -4 PM 2:06

DISTRICT COURT - SRBA
 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

Change of Address

$ \bar{X} $	Substitution of Party
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100	100

I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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

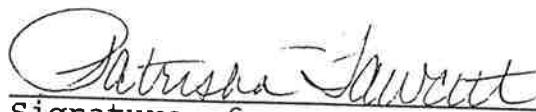
CERTIFICATE OF MAILING

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
S35 SWNWSW

Within JEROME County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
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 NWSE 4 SWSE 33
		SESE 15
	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.

NEED NCAP 21 APR 1997
all but 15058

RECEIVED

JUL 26 1999

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region

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.

Water Right No(s): 36-02206; R 36-02725A; 36-07491
Adjudication Claim No(s): A36-02206; R A36-02725A; R A36-07491; SRBA DECEED A36-15058

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.

Name and Address of Former Owner/Claimant: SUNDANCE, INC.
PO BOX 268
EDEN ID 83325
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
Date you acquired the property: 4/27/1999

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.

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.)

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 ID

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:

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

APR 28 1 56 PM '99
JEROME COUNTY, IDAHO
FEE \$18.00 SEP 1999
TODD J. McFARLAND, Notary Public
TODD J. McFARLAND, 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. who 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 7-10-03

NOTARY PUBLIC
STATE OF IDAHO
TODD J. McFARLAND, Inc.

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 $\frac{1}{4}$; SE $\frac{1}{4}$ 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 2: 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, 116.42 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, 1989, before me, the undersigned, a Notary Public in and for the said State of Idaho, personally appeared Don G. Farland and Candie McFarland, known to me to be the President and Secretary of Sunday, a Private Limited Liability Company, the first named party, the person who executed the foregoing instrument on behalf of said company, and acknowledged to me that such execution was for the purposes stated in the foregoing 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°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°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°41'25" 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 55°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, 48.84 feet;
North 33°32'22" West, 87.28 feet;
North 50°41'03" West, 41.00 feet;
South 84°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 "I" and being THE TRUE POINT OF BEGINNING.

SUBJECT TO easements for Northside Canal Company Laterals and Canal.

Log for claim 36-07491

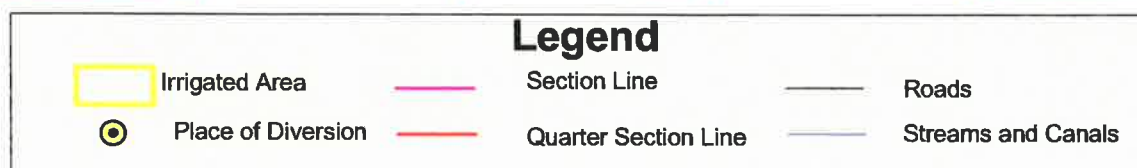
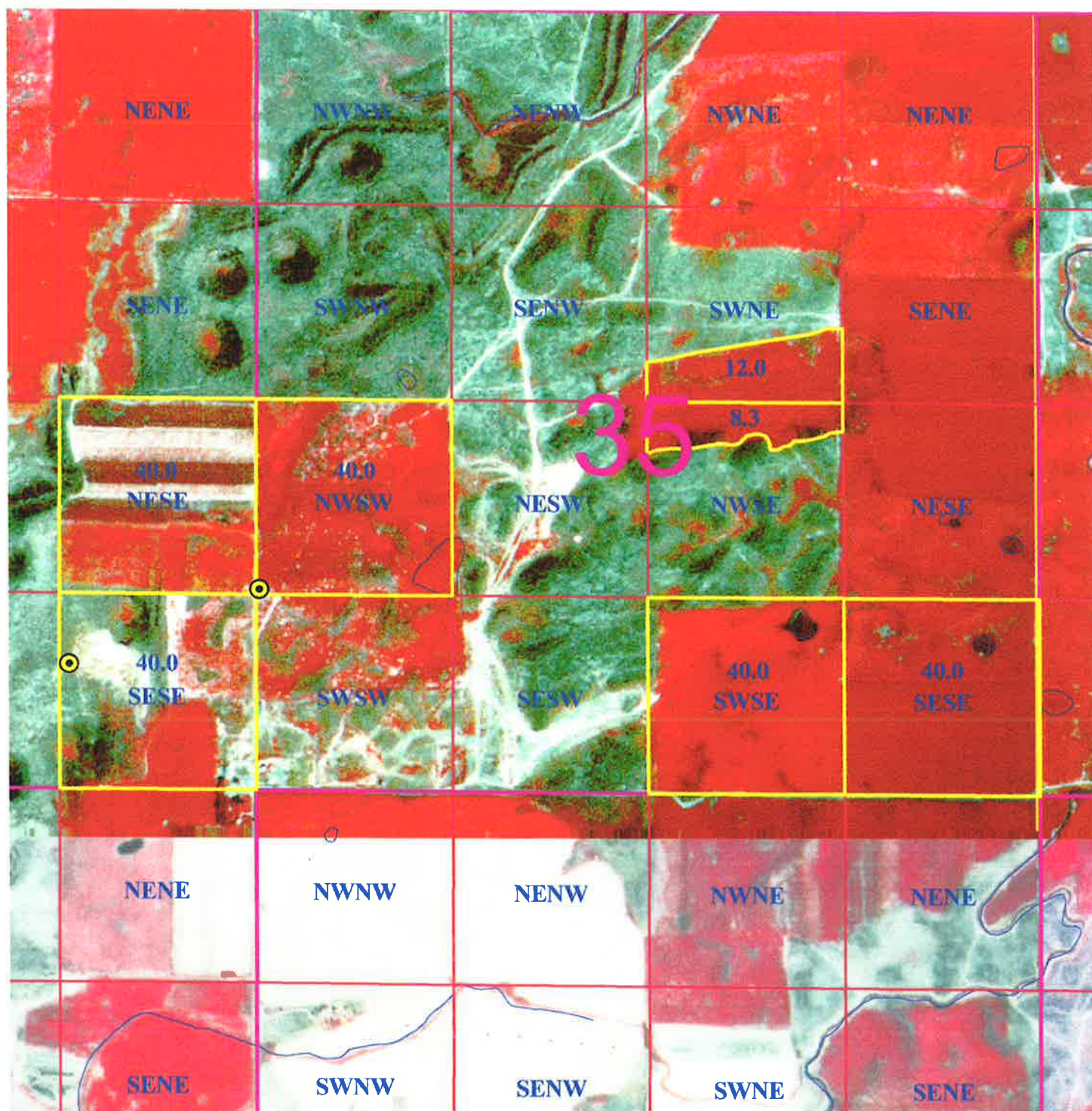
Spatial Dynamics LTD

9/17/01

TR	SEC	QQ	Acres Recommended	Acres Shaped	COMMENT
08s18e	34	NESE	40	40	
08s18e	34	SESE	11	40	
08s18e	35	SWNE	9	12	
08s18e	35	NWSW	8	40	
08s18e	35	NWSE	4	8.3	
08s18e	35	SWSE	33	40	Permissible place of use
08s18e	35	SESE	15	40	Permissible place of use
Totals:			120	220.3	

Water Right Number 36-07491
Townships , 8S18E, 9S18E

09/17/2001



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
JAN 08 1996

Department of Water Resources
Southern Region

RECEIVED

DEC 26 1995

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	)	Subcase Nos.: 36-02206, 36-02725
	)	and 36-07491
Case No. 39576	)	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.

MICROFILMED
DEC 5 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

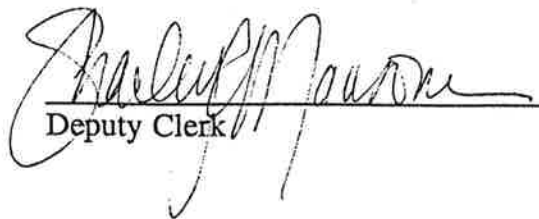
I certify that a true and correct copy of the ORDER DENYING EMERGENCY MOTION and ORDER GRANTING MOTION TO FILE LATE OBJECTIONS was mailed on December 22, 1995, with sufficient first-class postage to the following:

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


Deputy Clerk

RECEIVED

AUG 22 1995

Department of Water Resources
Adjudication Bureau

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
)

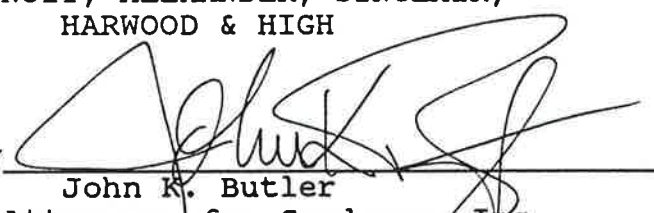
* * * * *

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

JAN 08 1996

Department of Water Resources
Southern Region

MOTION TO FILE LATE OBJECTIONS - 1

MICROFILMED

DEC 5 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 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

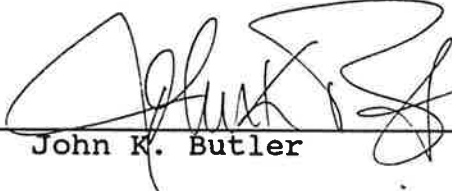
Hand Delivered _____
U.S. Mail X
Fax _____
Fed. Express _____

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 5 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 5 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: Twin Falls, Idaho
My Commission Expires: 4-3-2000

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 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\Affidav.1)

AFFIDAVIT OF JOHN K. BUTLER - 4

MICROFILMED
DEC 5 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 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.)

Water Right No. 36-07491

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

STANDARD FORM 1

OBJECTION

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.

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

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.

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.

See Exhibit "A" attached

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.

See Exhibit "A" attached

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. _____

VERIFICATION (Must be Completed)

State of IDAHO

County of Twin Falls

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

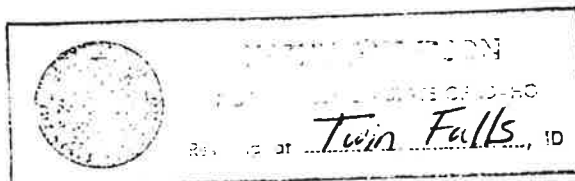
That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant Objecting"), as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of party/claimant filing objection

By: [Signature]
(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

EXHIBIT "A"

REASONS SUPPORTING EACH BOX CHECKED

- (8) Historically, this water right has had a period of use of March 15th to November 15th.
- (10) Historically, the annual volume of consumptive use has been 360 AFY.

CHANGES TO THE DIRECTOR'S REPORT

The party hereto requests that the Director's Report be changed so as to allow a period of use 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. Further, that the Director's Report be changed so as to allow an annual volume of consumptive use of 360 AFY.

MICROFILMED

DEC 5 1996

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

X
—

X
—

X
—

MICROFILMED

FEB 04 1995

Water Right Number - R36-07491

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - 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 INC1 - PO BOX 268
2 -
3 -
City- EDEN
Phone - 208-000-0000

State- ID Zip- 83325

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/31/1974 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County08S 18E 34 NW SE SE (53) JEROME
35 SW NE NE (53) JEROME
SW NW SW (53) JEROME+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 1.640+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.640 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County08S 18E 34 NE SE 40.0 01 IRRIGATION (53) JEROME
08S 18E 34 SE SE 11.0 01 IRRIGATION (53) JEROME
08S 18E 35 SW NE 9.0 01 IRRIGATION (53) JEROME
08S 18E 35 NW SW 8.0 01 IRRIGATION (53) JEROME
08S 18E 35 NW SE 4.0 01 IRRIGATION (53) JEROME
08S 18E 35 SW SE 33.0 01 IRRIGATION (53) JEROME
08S 18E 35 SE SE 15.0 01 IRRIGATION (53) JEROME

Total Acres: 120.0

+ - - Diversion Means - 3 WELLS AND PUMPS TO MAINLINE, SPRINKLERS

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FEB 04 1993

Water right number - R36-07491

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02725

+ - - - - - Remarks - - - - - +
USE OF THIS RIGHT WITH RIGHT NO. 36-02725 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1540 AF, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 1155 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 385 ACRES IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-02206 AND 36-02725.

+ - - - - - 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: 01/03/1991 User Id: BEDKE Subject: ADM-STAFF REVIEW
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 8/7/91. 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

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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.

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FEB 04 1993

PAGE 2

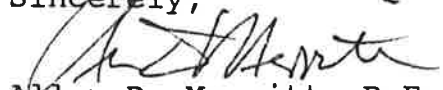
Oct 13, 1992

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

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FEB 04 1993

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: 36-07491

2. Name: Sundance, Inc.

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

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.

Reduction in AFY

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

AFY back as originally filed.

Period of Use back to 3/15 - 11/15 per right 36-07491.

5. Describe why you disagree with the proposed recommendation:

See attached.

6. Date:

SIGNATURE

Don McDaniel

RECEIVED

OCT 04 1992

Department of Water Resources
Southern Region Office

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FEB 04 1993

LAW OFFICES

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

HARRY BENOIT 1893-1966

EDWARD L. BENOIT
OF COUNSEL

J. ROBERT ALEXANDER
J. WALTER SINCLAIR

JOHN A. DOERR

ROBERT M. HARWOOD

THOMAS B. HIGH

FRITZ A. WONDERLICH

JACQUELINE WAKEFIELD

ROGER B. HARRIS

126 SECOND AVENUE NORTH

POST OFFICE BOX 366

TWIN FALLS, IDAHO 83303-0366

TELEPHONE (208) 733-5463

FACSIMILE No. (208) 734-1438

KETCHUM OFFICE

160 SECOND ST. E., SUITE 209

POST OFFICE BOX 2246

KETCHUM, ID 83340-2246

TELEPHONE (208) 726-4900

FACSIMILE (208) 726-3101

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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FEB 04 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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FEB 04 1993

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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FEB 04 1993

Idaho Department of Water Resources
Page Five
September 22, 1992

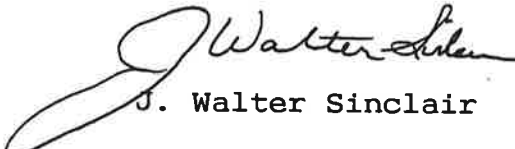
decide to plant potatoes, thus leaving the rock out-croppings unused for that season, without worry that the water won't be available for subsequent plans for pasture or grains. These decisions should be made by the holders of the water rights in the manner traditionally applied. They are not issues 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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FEB 04 1993

R PROOF

CVR

MAPS

PHOTOS

MISC

INDEXED

FEB 04 1993

Water Right Number - R36-07491

Prefix Translation: RESEARCH

Old (D) Number -

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

+ - First Name - - +

+ - - - - Address - - - - -

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

1 - P.O. BOX 268
2 -
3 -
City- EDEN
Phone - 208-000-0000

State- ID Zip- 83325

+ - - Priority Date - - +
07/31/1974

+ - - 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
08S	18E	35	SW NE NE		(53)	JEROME
08S	18E	35	SW NW SW		(53)	JEROME

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		1.640	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.640 0.0

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08S	18E	34	NE SE		40.0	01	IRRIGATION	(53) JEROME
08S	18E	34	SE SE		11.0	01	IRRIGATION	(53) JEROME
08S	18E	35	SW NE		9.0	01	IRRIGATION	(53) JEROME
08S	18E	35	NW SW		8.0	01	IRRIGATION	(53) JEROME
08S	18E	35	NW SE		4.0	01	IRRIGATION	(53) JEROME
08S	18E	35	SW SE		33.0	01	IRRIGATION	(53) JEROME
08S	18E	35	SE SE		15.0	01	IRRIGATION	(53) JEROME

Total Acres: 120.0

+ - - Diversion Means - 3 WELLS AND PUMPS TO MAINLINE, SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02725

VERIFIED ADM

FEB 04 1992

Water right number - R36-07491

Prefix Translation: RESEARCH

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

USE OF THIS RIGHT WITH RIGHT NO. 36-02725 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1540 AF, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 1155 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 385 ACRES IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-02206 AND 36-02725.

+ - - - - - 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: 01/03/1991 User Id: BEDKE Subject: ADM-STAFF REVIEW

+ - - Audit Fields - - +

08/07/91 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	- 08/07/1991	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	-

NOTIFIED

FEB 04 1993

A. ROOT WATER RIGHT NUMBERS: A36-07491
R36-07491

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08S	18E	34	NE	SE		SUNDANCE INC.	A36-07491 /40.0	36-07491 /40.0	38.0		
			NE	SE		SUNDANCE INC.	R36-07491 /40.0	- /			
08S	18E	34	SE	SE		SUNDANCE INC.	A36-07491 /11.0	36-07491 /11.0	35.0		
			SE	SE		SUNDANCE INC.	A36-02206 / 5.0	36-02206 / 5.0			
			SE	SE		SUNDANCE INC.	R36-02206 / 5.0	- /			
			SE	SE		SUNDANCE INC.	R36-07491 /11.0	- /			
08S	18E	35	SW	NE		SUNDANCE INC.	A36-07491 / 9.0	36-07491 / 9.0	7.0		
			SW	NE		SUNDANCE INC.	R36-07491 / 9.0	- /			
08S	18E	35	NW	SW		SUNDANCE INC.	A36-07491 / 8.0	36-07491 / 8.0	32.0		
			NW	SW		SUNDANCE INC.	R36-07491 / 8.0	- /			
			NW	SW		SUNDANCE INC.		36-07492A /32.0			
08S	18E	35	NW	SE		SUNDANCE INC.	A36-07491 / 4.0	36-07491 / 4.0	5.0		
			NW	SE		SUNDANCE INC.	R36-07491 / 4.0	- /			
08S	18E	35	SE	SE		SUNDANCE INC.	A36-07491 /15.0	36-07491 /15.0	40.0		
			SE	SE		SUNDANCE INC.	A36-02725 /40.0	36-02725 /40.0			
			SE	SE		SUNDANCE INC.	R36-02725 /40.0	- /			
			SE	SE		SUNDANCE INC.	R36-07491 /15.0	- /			
08S	18E	35	SW	SE		SUNDANCE INC.	A36-07491 /33.0	36-07491 /33.0	39.0		
			SW	SE		SUNDANCE INC.	A36-02725 /40.0	36-02725 /40.0			
			SW	SE		SUNDANCE INC.	R36-02725 /37.0	- /			
			SW	SE		SUNDANCE INC.	R36-07491 /33.0	- /			
TOTAL ACRES							A36-07491	120.00	120.00	196.00	

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

MICROFILMED
FEB 04 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:20:28
09/08/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07491

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			OB	
POINT OF DIV	Y			Y				
SOURCE				N				
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE	-			N				
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM				N				
REMARKS								

"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.

FEB 04 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:20:28
09/08/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07491

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

FIRST: WILLIAM J.
STATE: ID ZIP: 00000

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

FIRST: PATTY
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?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

MICROFILMED
FEB 04 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 McCall 12/26/90 to discuss crew
invigilated,

RECEIVED
FEB 04 1993

A. AJ CLAIM: # A36-07491 PRIORITY DATE: 07-31-1974 STAGE: L
B. WR RECORD: # 36-07491 PRIORITY DATE: 07-31-1974 STAGE: L

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD
N EXAMINER

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
07-31-1974

REVIEWED BY

DATE

RECORDED
FEB 04 1991

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07491	08S	18E	35	SW SW NW	NE	NE		JEROME
A36-07491	08S	18E	35		NW	SW		JEROME
A36-07491	08S	18E	34		SE	SE		JEROME

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-07492B	NONE
A36-02206	
A36-02725	

WR RECORDS IN SAME 40 ACRE TRACT

36-02206
36-02725
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
36-07491	08S	18E	35		NE	NE		JEROME
36-07491	08S	18E	35		NW	SW		JEROME
36-07491	08S	18E	34		SE	SE		JEROME

OTHER WR RECORDS WITH SAME WR POD

36-02206
36-02725
36-07492A
36-07492B

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A36-07492B	NONE
A36-02206	
A36-02725	

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD EXAMINER

MICROFILMED
FEB 04 1993

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

Change 20 Marked page 4

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

Adm

DATE:

1/2/91

MICROFILMED

FEB 04 1993

A. ROOT WATER RIGHT NUMBERS: A36-07491

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES	
08S	18E	34	NE	SE		SUNDANCE INC.	A36-07491 /40.0	36-07491 /40.0	38.0	38	40	
08S	18E	34	SE	SE		SUNDANCE INC.	A36-07491 /11.0	36-07491 /11.0	35.0	25	11	
						SUNDANCE INC.	A36-02206 /5.0	36-02206 /5.0				
08S	18E	35	SW	NE		SUNDANCE INC.	A36-07491 /9.0	36-07491 /9.0	7.0	25	9	*
08S	18E	35	NW	SW		SUNDANCE INC.	A36-07491 /8.0	36-07491 /8.0	32.0	40	8	*
						SUNDANCE INC.		36-07492A /32.0				
08S	18E	35	NW	SE		SUNDANCE INC.	A36-07491 /4.0	36-07491 /4.0	5.0	8	4	*
08S	18E	35	SE	SE		SUNDANCE INC.	A36-07491 /15.0	36-07491 /15.0	40.0	39	15	
						SUNDANCE INC.	A36-02725 /40.0	36-02725 /40.0				
08S	18E	35	SW	SE		SUNDANCE INC.	A36-07491 /33.0	36-07491 /33.0	39.0	37	33	
						SUNDANCE INC.	A36-02725 /40.0	36-02725 /40.0				
TOTAL ACRES							A36-07491	120.00	120.00	196.00	212	120

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:

Overlap

* other zeros to be
licensed under
36-07492A

RECOMMENDATIONS:

TOTAL ACRES: 120

REVIEWED BY: ADm

DATE: 1/2/91

FEB 04 1991

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY	
A36-07491 IRRIGATION	FROM 03-15 TO 11-15	1.640 CFS	480.00 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.640 CFS	

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY	
36-07491 IRRIGATION	FROM 03-15 TO 11-15	1.640 CFS	480.00 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.640 CFS	480.00 AF/A

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)	N	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N(☐) Explain in remarks, below.

REMARKS:

RECORDED
FEB 04 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 1.640 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.640 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?

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

FIELD
DATABASE EXAMINER
Y ☒

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: ~~A36-02206~~^{A36}, -02725, ~~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
A36-07491	GROUNDWATER	SUNDANCE INC.	1.640	0.013		
A36-02206	GROUNDWATER	SUNDANCE INC.	0.880	0.018		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

RECEIVED
FEB 04 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 120 x 0.02 CFS/ACRE = 2.40 CFS
(Taken from p/u review)

1b. CALCULATIONS

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 = 360.0 AF/A

ACRES 120 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =
TOTAL CONSUMPTIVE USE 360 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 120 x DIVERSION VOL. AF/A FOR AREA 4.0 =
TOTAL DIVERSION VOLUME 480 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

Overlap with ~~AKA KAKA~~ A36-02725

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 1.640 EXAMINER ✓	DATABASE 480.00 EXAMINER ✓	DATABASE 360.0 EXAMINER ✓
TOTAL FOR THIS RIGHT		1.640		360.0

REVIEWED BY: ADm

DATE: 1/2/90

F06

RECORDED
FEB 14

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: 36-07491

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.640

EXAMINER

CFS

N/A

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A36-07491

1.640

-

36-07491

1.640

TOTAL CFS

1.640

1.640

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:

[Signature]

DATE:

1/2/91

NAME OF FIELD EXAMINER:

TITLE:

Water Right Number - A36-07491

Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

+ - - - - 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

*** O - ORIGINAL OWNER ***
SACCOMAN

WILLIAM J.

1 -

2 -

3 -

City- X

State- ID Zip- 00000

Phone - 208-000-0000

SACCOMAN

PATTY

1 -

2 -

3 -

City- X

State- ID Zip- 00000

Phone - 208-000-0000

+ - - Priority Date - - +
07/31/1974

+ - - Region - - - +
17

+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

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

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		1.640	480.00

+ - Total Div. Rate - + 1.640 + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + 360.0 + - KW Usage - +

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08S	18E	34	NE SE		40.0	01	IRRIGATION	(53) JEROME
08S	18E	34	SE SE		11.0	01	IRRIGATION	(53) JEROME
08S	18E	35	SW NE		9.0	01	IRRIGATION	(53) JEROME
08S	18E	35	NW SW		8.0	01	IRRIGATION	(53) JEROME
08S	18E	35	NW SE		4.0	01	IRRIGATION	(53) JEROME
08S	18E	35	SW SE		33.0	01	IRRIGATION	(53) JEROME
08S	18E	35	SE SE		15.0	01	IRRIGATION	(53) JEROME

Total Acres: 120.0

MICROFILMED
FEB 04 1993

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	- 03/26/1985	Old Judicial District	-
Claim Received Date	- 05/09/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Claims Tape Error Flg	-	Receipt Number	- S012275	Water District	-
Fee Exempt Flag	-	POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-