



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

October 5, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PINNACLE ENGINEERS INC
ATTN MIKE SHEPPARD
12552 W EXECUTIVE DR SUITE B
BOISE ID 83713

***RE: APPLICATION FOR TRANSFER SUNDANCE INVESTMENTS
PARTNERSHIP FOR WATER RIGHT 63-31194***

Dear Mr. Sheppard:

I spoke with you a couple of weeks ago by telephone concerning the Sundance Investment LTD, Partnership transfer on water right 63-31194. I informed you at that time that processing would need to be delayed until we received additional information. The following information was requested:

- 1.) From the maps it appears that place of use described in the transfer is in the NENW and SENW of Section 21 Township 3N Range 1E. However, the legal description on the front of the transfer shows the place of use as the NENW and the SESW. We will need this discrepancy clarified.
- 2.) The purpose of the transfer (A1) on the front page of the transfer was not completed. We will need that information filled in.
- 3.) The water right lists 48.5 acres of land, and the map shows an 80-acre parcel. Our office would need to know exactly which acres will be irrigated or the transfer would need to be redone to reflect a permissible place of use for the 80 acres.
- 4.) We did not receive a map showing the location of the old well and lands that will be retired to move to the new location. We will need the well location and old place of use marked on a map.
- 5.) The transfer suggests that the new point of diversion or well already exists. Our office will need to know what water rights are attached to that well if any. If no water rights are attached to the well, we will need to know if the well was originally developed as a domestic well for a single-family household.

- 6.) This right is a primary water right or sole source of water for the lands where it is currently being used. An overlap analysis suggests that the new place of use may have canal shares associated with them. If this is the case, the water right will need to be conditioned so that the surface or canal water is used first when available before the ground water right is used. This could detract from the primary status of the ground water right. Please inform us if the lands where the water will be moved to have canal shares. If the water will be used on the same lands, then this point will be irrelevant.

Sundance has supplied the required ownership documentation; therefore, all of the ownership documentation has been supplied. Once the above information is received we can resume the processing of this application.

The Department will hold further processing of your application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.

If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a long horizontal flourish extending to the right.

Daniel A. Nelson
Sr. Water Right Agent