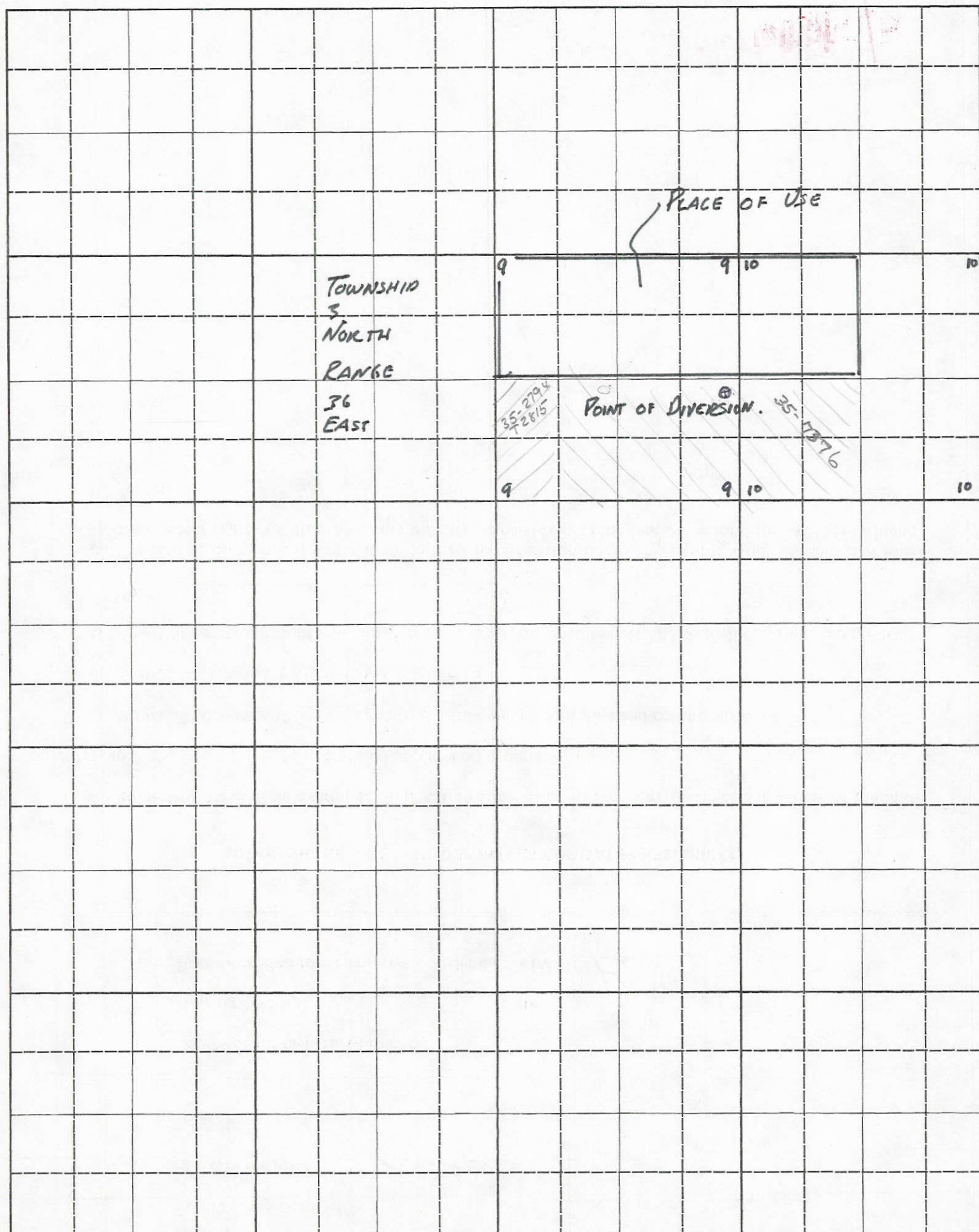


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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

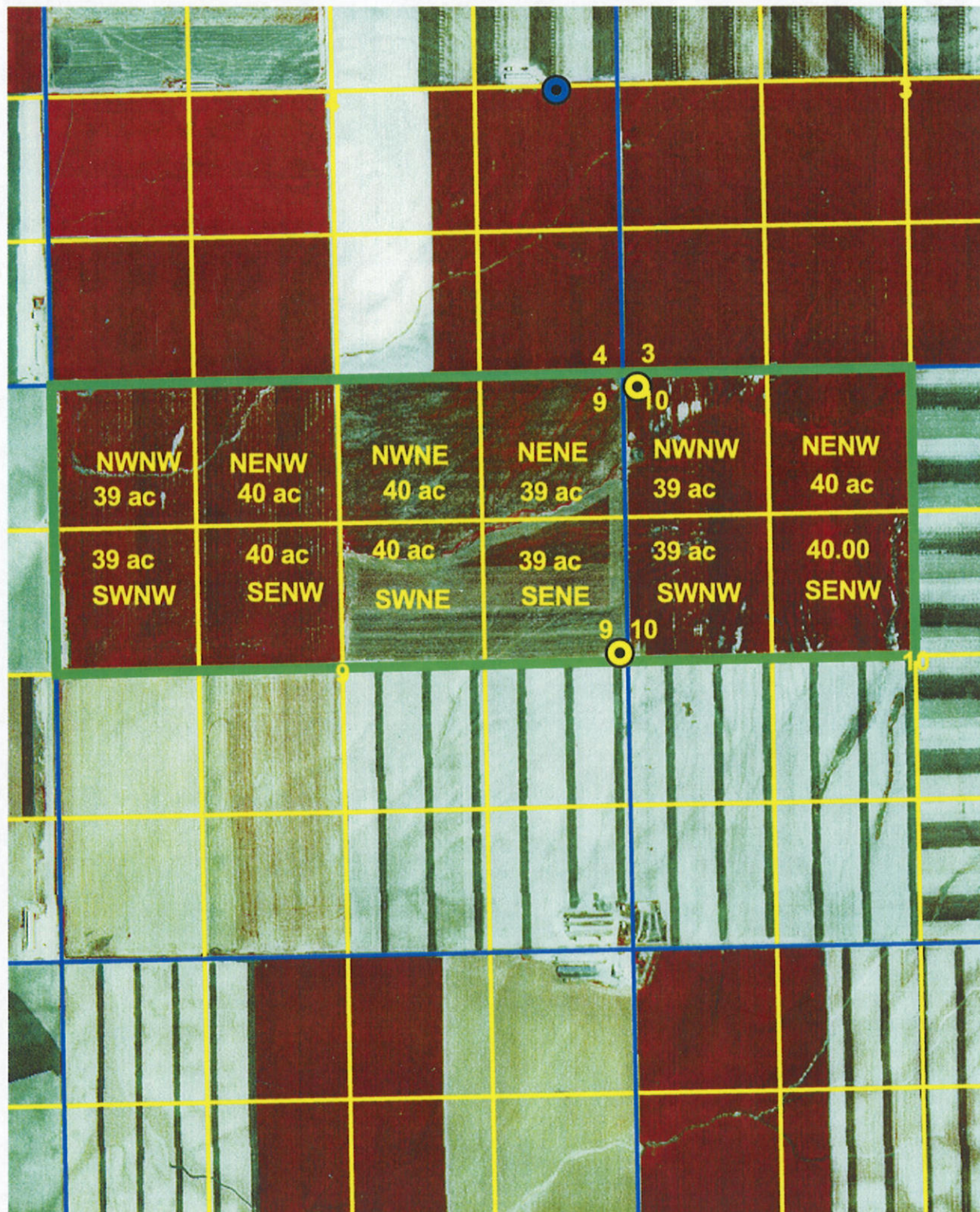
MICROFILMED

MAY 29 1990

Aldon Croft Pres. Lundgren Corp.
(Applicant)

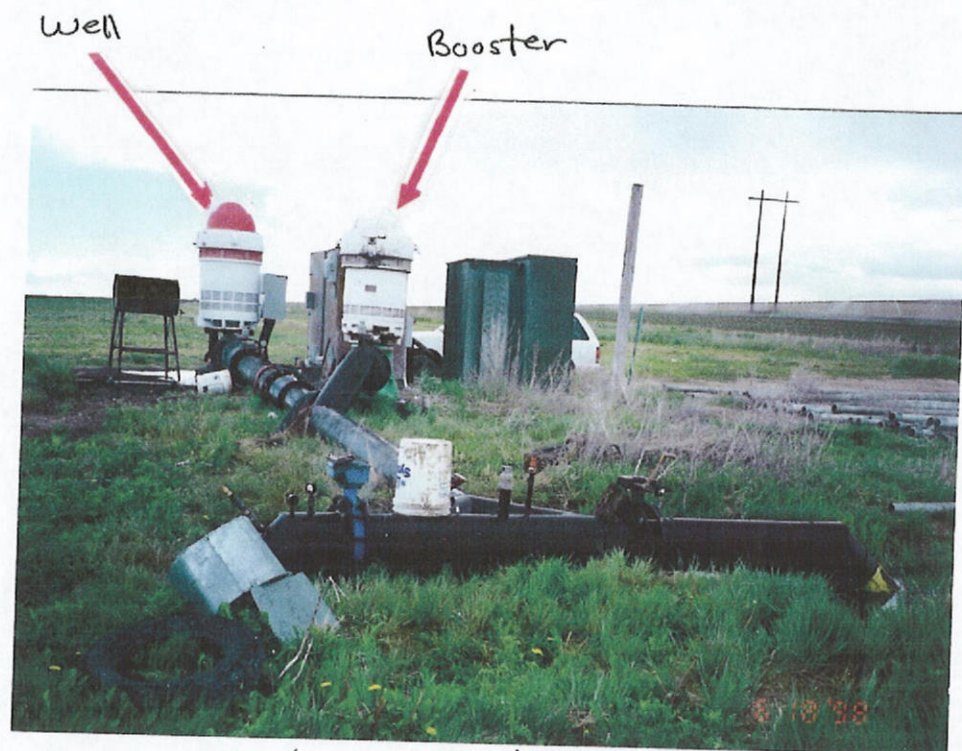
35-08103

T3N, R36E sec 9,10



MICROFILMED

FEB 25 2003



South Well

(VIEW NORTH)

South Well

MICROFILMED

FEB 25 2003

35-08103



(VIEW SOUTH)

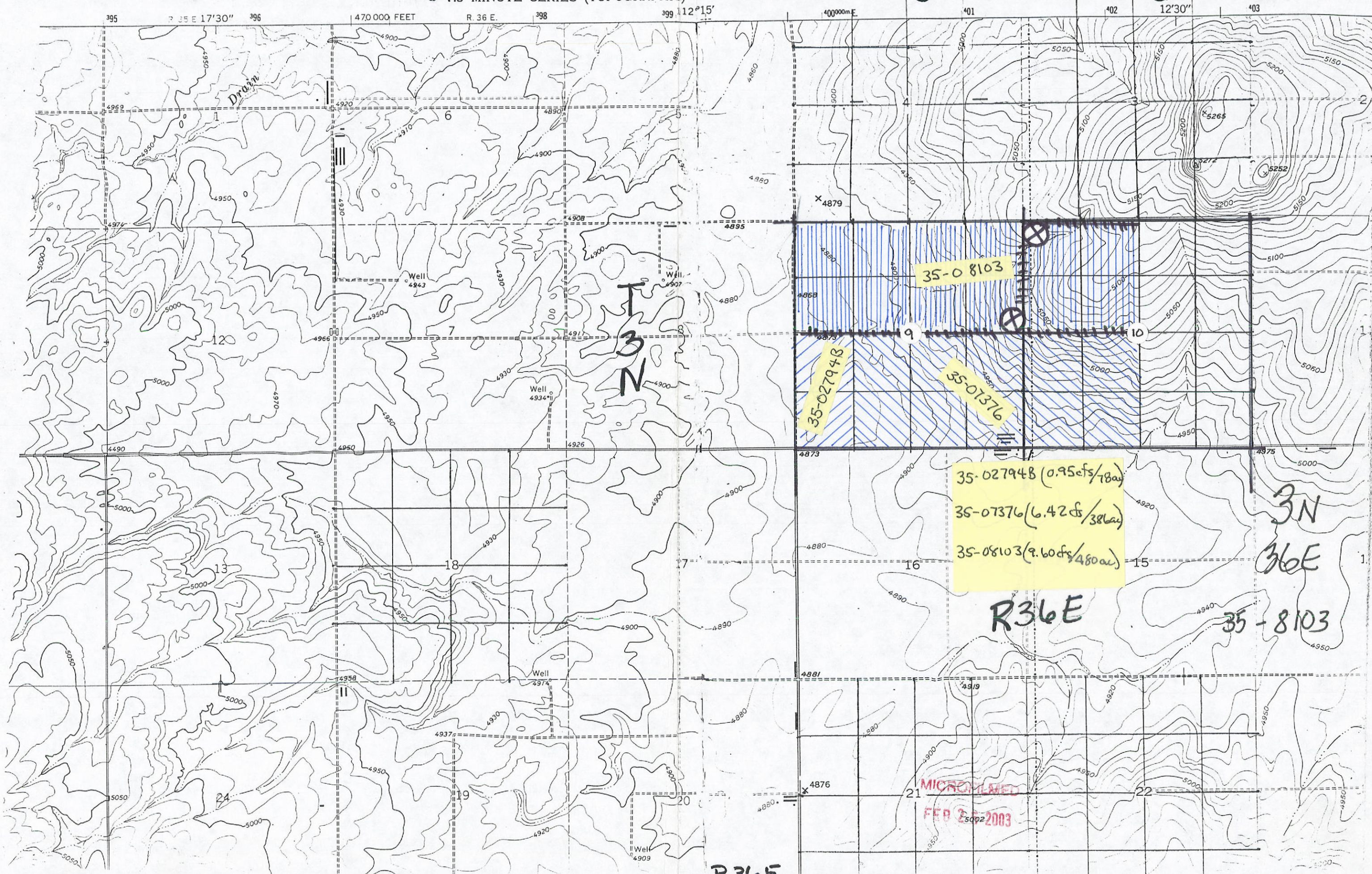
NORTH WELL

MICROFILMED
FEB 25 2003

35-08103

BUTTERFLY BUTTE QUADRANGLE
IDAHO-BONNEVILLE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08103

Priority: February 22, 1983

Maximum Diversion Rate: 7.00 CFS
Maximum Diversion Volume 1,900.0 AF

It is hereby certified that DEL RAY HOLM & SONS
401 ANNIS HWY
RIGBY ID 83442 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated February 22, 1983; and have
submitted Proof of Beneficial Use on May 21, 1993. An examination indicates that the works have a
diversion capacity of 13.2 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	7.00 CFS	1,900.0 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, Twp 03N, Rge 36E, B.M., BONNEVILLE County
GROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, Twp 03N, Rge 36E, B.M., BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 36E 9	39.0	40.0	40.0	39.0	40.0	39.0	39.0	40.0									316.0
03N 36E 10					40.0	39.0	39.0	40.0									158.0

Total Acres: 474

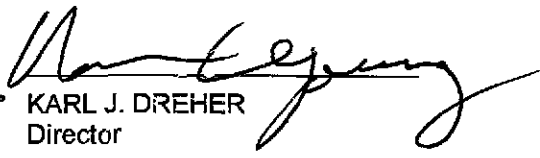
CONDITIONS OF APPROVAL

1. Rights 35-07376, 35-02794B and 35-08103 when combined shall not exceed a total diversion rate of 13.20 cfs.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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

Signed and sealed this 31st day of JANUARY, 2003.

MICROFILMED

Acting for 
KARL J. DREHER
Director

FEB 25 2003

RECEIVED

JAN 24 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

Department of Water Resources

(For Licensing Purposes)

WATER RIGHT NO. 35-08103

Date of Priority: February 22, 1983

Maximum Diversion Rate

7.00 CFS

Maximum Diversion Volume:

1,900.0 AF

Comes now DEL RAY HOLM & SONS
401 ANNIS HWY

RIGBY ID 83442 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 35-08103, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	7.00 CFS	1,900.0 AF

LOCATION OF POINTS OF DIVERSION:GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, Twp 03N, Rge 36E, B.M., BONNEVILLE CountyGROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, Twp 03N, Rge 36E, B.M., BONNEVILLE CountyPLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 36E 9	39.0	40.0	40.0	39.0	40.0	39.0	39.0	40.0									316.0
03N 36E 10					40.0	39.0	39.0	40.0									158.0

Total Acres: 474

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 21 day of January, 2003.


(Signature)

MICROFILMED

FEB 25 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 35-08103

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee \$50⁰⁰ Receipted by Ju # C067066 Date 1-24-23

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-08103 with the following:

CONDITIONS OF APPROVAL

1. Rights 35-07376, 35-02794B and 35-08103 when combined shall not exceed a total diversion rate of 13.20 cfs
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Witness my hand this 31st day of January, 2003.

Karl J. Dreher
Acting for KARL J. DREHER
Director

MICROFILMED

FEB 25 2003

11/99

For Office Use Only
\$25 filing fee ☒
Receipt # 5060055
Date 11-29-02 *pm*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

RECEIVED

NOV 29 2002

Department of Water Resources

I, Sundown Corp. Inc., hereby assign to Del Roy, Norman
of, 401 Annis Hwy Rigby, Id 83442 745 6612
(Full Address) (Phone)

All my right, title, and interest in and to Permit No 35-08103 to
appropriate the public waters of the State of Idaho

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

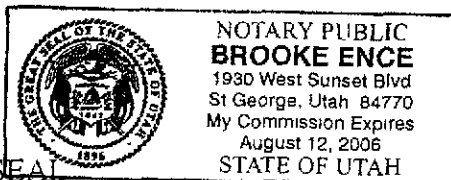
Made this 25th day of November, 2002.

Sundown Corp Inc
Gen. Manager CEO
Permit Holder(s)

State of ~~Utah~~ Utah)

County of Washington)ss

On this 25 day of November, 2002, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same



Brooke Ence
Notary Public residing at

My commission expires 08-12-06

MICROFILMED

FEB 25 2003

RECEIVED

MAY 21 1993

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 250.00
Date 5-21-93
Receipt No. C.022581
Receipt by CA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-8103 Telephone No. 524-2529
2. Name(s) of Permit Holder(s): Sundown Corp. Inc.
3. Mailing Address: 2024 N. 55 E. Idaho Falls, Id
4. Source of Water: groundwater

If GROUNDWATER, Well Driller's Name: Hill Plains Drilling Date Drilled: 4-8-93
Marcus Frandsen

OPTIONAL:

Pump horsepower: 450 Pressure (psi): 80 Dynamic pumping level (ft.): 580

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 480 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 7 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

OR

Flow Measurement Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

8. Fee Enclosed: \$ 250.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Darrol Gardner (208) 524 2529
Name Telephone No.

2024 N. 55 E Idaho Falls, Id 83401
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

RECEIVED

JUN 29 1993

5-18-93 Date Darrol Gardner Signature (and title, if on behalf of a company or organization) Vice Pres CEO

RECEIVED
FEB 28 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by 12
Date 2/28/91
Receipt # COL9719

REQUEST FOR EXTENSION OF TIME

Department of Water Resources

To provide additional time in which to submit proof
of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 35-08103

Name(s) of Permit Holder: Sundown Corp. Inc.

Post Office Address: 2024 N 55 E Idaho Falls, Idaho 83401

Telephone No. 208 524 2527

Date Proof is Due: 6-1-91

Describe what work has been completed toward the development of this water right: NONE
(This must be filled out! If no work has been completed, show "none".)

Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

See Attached Letter

Permit holder(s) request an extension to 6-1, 1993.
(1 yr. minimum)

(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

MICROFILMED

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MAR 18 1991

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 1993.

Signed this 7th day of March, 19 91.

J. Allen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08103

Proposed Priority: February 22, 1983 Maximum Diversion Rate: 9.60 CFS
This is to certify, that **SUNDOWN CORP. INC.**

2024 N. 55 E.
IDAHO FALLS, ID 83401

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	04/01 to 11/01	9.60 CFS
------------	----------------	----------

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	NESE Sec. 9, Township 03N, Range 36E BONNEVILLE County
---	--

PLACE OF USE: IRRIGATION

<u>TWN</u> <u>RGE</u> <u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 36E 9	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NENW 40	NWNW 40	
	SWNW 40	SESW 40		320
		Total number of acres irrigated:		480
10	NENW 40	NWNW 40	SWNW 40	
	SESW 40			160

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 1, 1991**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
5. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
7. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

MICROFILMED

MAY 29 1990

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 35-08103

CONDITIONS/REMARKS:

8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

21st day of May, 1990

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

MAY 29 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Sundown Corp. Inc. Phone 522-1119

Post office address Rt. #1, Box 41, Idaho Falls, ID 83401

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

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9 Township 3N

Range 36E B.M. Bonneville County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 9.60 cfs for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 9.60 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system

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

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

c. Proposed well diameter is 20 inches; proposed depth of well is 600 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

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

Range _____ B.M.

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

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

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

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

MICROFILMED

MAY 29 1990

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

[illegible]

Total number of acres to be irrigated 480

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use	Applicant
--	-----------

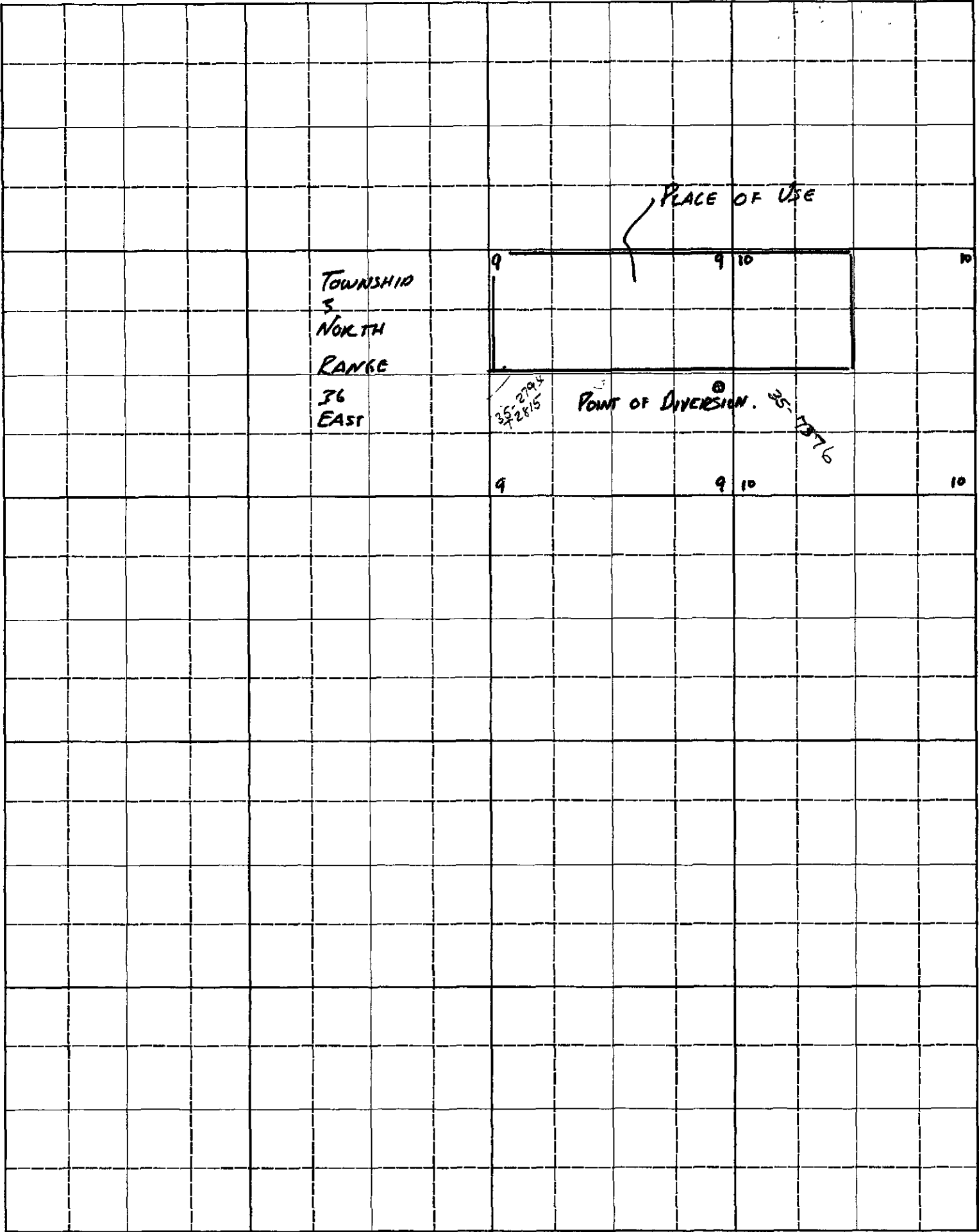
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

MICROFILMER

~~MAY 29 1990~~

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



Scale 2 inches equal 1 mile.

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

MICROFILMED

MAY 29 1990

Alton Craft Pres. *Indocon Corp.*
(Applicant)

Received by S.M. Date 2-22-83 Time 2 30
Preliminary check by HWS Fee \$ 225⁰⁰
Receipted by OW Date 2-22-83 # 25760
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for (approval) denial by kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

INDEXED
FILMED
MAY 29 1990

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, ... Ted Delezene , first being duly sworn, depose and say: That I am the Foreman of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for 2 consecutive weeks, first publication having been made on the 4th day of April , 19.90 , last publication having been made on the 11th day of April , 19.90 , and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this .

13th

day of

Ted Delezene
April , 19.90
Cathy von Borstel
Notary Public

My commission expires

March 5 , 19.96

B10

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

35-08103

SUNDOWN CORP. INC.

2024 N 55 E

IDAHO FALLS, ID 83401

Source: GROUNDWATER

Diversion Pt. NESE Sec 9 T 03N R 36E

Use IRRIGATION (9,600 CFS)

Total Diversion (9,600 CFS)

Date Filed: 2/22/ 1983

In: T03N R36E S09 NENE NWNE SWNE

SENE NENW NWNW SWNW SENW

S10 NENW NWNW SWNW SENW

480.0 ACRES TOTAL

The permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 23, 1990.

R. Keith Higginson, Director

Published: April 4, 11, 1990

RECEIVED
APR 16 1990

Department of Water Resources

OK by 4-17-90

MAY 29 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 3, 2003

DEL RAY HOLM & SONS
401 ANNIS HWY
RIGBY ID 83442

RE: License No. 35-8103 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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FEB 25 2003

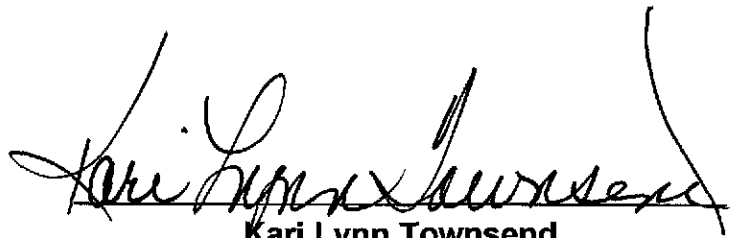
CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

35-8103

**DEL RAY HOLM & SONS
401 ANNIS HWY
RIGBY ID 83442**



**Kari Lynn Townsend
Secretary**

MICROFILMED

FEB 25 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when.

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
FEB 25 2003

MEMORANDUM

DATE: February 3, 2003

TO: Water Right File 35-8103

FROM: Shelley W. Keen *SLK*

RE: Licensed diversion rate

The field examiner recommended a diversion rate of 9.48 cfs, or 0.02 cfs per acre, for this license. The license is being drafted for a diversion rate of 7.00 cfs for two reasons. First, the right holder submitted proof of beneficial use for 7.00 cfs. Second, 7.00 cfs is 0.0147 cfs per acre, which is consistent with the overall system rate per acre of 0.014 cfs per acre over the 938 acres irrigated under water rights 35-8103, 35-2794B, and 35-7376.

The system capacity of 13.2 cfs was determined by adding the East Water Measurement District's measurement of 2193 gpm (4.89 cfs) from the well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9 (north well) to the field examiner's estimate of what the well in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9 (south well) would produce if the booster pump were in use. The East Water Measurement District measured the south well at 3024 gpm (6.74 cfs), but the 250 horsepower booster pump was not engaged during the measurement. In his Beneficial Use Field Report, the field examiner estimated that the south well could pump 8.31 cfs with the booster pump operating.

MICROFILMED

FEB 25 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 14, 2003

DEL RAY HOLM & SONS
C/O OTTO HOLM
2743 E 500 N
ROBERTS ID 83444

RE: Water Right Permit No. 35-08103

Dear Mr. Holm:

As we discussed on the telephone this morning, we were preparing to issue an "Order Voiding this Permit" for failure to submit the licensing amendment. This water right permit was originally in the name of Sundown Corp., Inc., and was assigned to Del Ray Holm & Sons on November 29, 2002. We have sent several notices out regarding the submittal of the licensing amendment but have never gotten a response. The permit was issued for use of a well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, S9, T3N, R36E. Our examiner found 2 wells being used, one in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, S9 and one in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, S10, T3N, R36E. We must have the amendment to change the permit to the location of the wells as found by our examiner. The enclosed Application for Amendment form depicts the elements of the water right, as they will appear on the license when it is issued. Please review the amendment form carefully. **If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 10 days.** If we don't receive the amendment form, or hear back from you, within this time period, we will proceed with our Order to Void this permit.

During our phone conversation you asked why we were only licensing 474 acres under this permit when you had purchased more land. I found that there are two decreed rights, Nos. 35-02794B and 35-07376, which covers another 464 acres. The decrees are still in the name of Sundown Corp., Inc. and should be changed over to your name. I have enclosed a "Notice of Change of Water Right Ownership" form for your use in this matter, along with copies of the decrees.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

MICROFILMED

FEB 25 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 13, 2002

DEL RAY HOLM & SONS
401 ANNIS HWY
RIGBY ID 83442

RE: Water Right Permit 35-08103

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed. I have not yet received the amendment. If I do not receive it within **10 days**, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Please note that there is a **\$50.00** filing fee for this amendment. A copy of the Application for Amendment is enclosed for your convenience.

If you have any questions regarding this matter, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

Otto Holm
2743 E 500N
Roberts 83444
MICROFILMED
FEB 25 2003

1-13-02
A got ahold of
Otto Holm this morning
regarding amendment.
He said mail had been
going to Radio address
but send to him & he
will sign & submit.

MEMORANDUM

TO: File 35-08103

FROM: KAY WALKER

RE: License Recommendations

Date: November 25, 2002

.....

Darrel Gardner called me this afternoon regarding my letter of November 21. Mr. Gardner does not understand why an amendment was needed for this permit. I told him it was to add the second well to the permit. He was told in Idaho Falls that there was nothing left to be done to this permit before licensing. He thinks he spoke with Keith Wilson in Idaho Falls but was not sure and all his notes are in Idaho Falls.

Mr. Gardner stated we had the wrong address for Del Ray Holm. He says it is:
401 Annis Hwy.
Rigby, ID

I told Mr. Gardner we had sent correspondence to that address and it was returned.

I told him we got our latest address from the County Assessor's office. He gave me phone numbers to contact Del Ray Holm: 208-745-6642 *disconnected 1/13/3*
Also, Jim Holm - business manager → 208-528-8718 ext. 123 (work)
not Jim Holm's 208-228-3359 (home) ← *no answer 9:15 am*
call taken @ 208-228-3611 - no answer

Mr. Gardner also gave me his phone number in Arizona - 435-656-3287 *1/13/3*
He stated he had mailed the assignment of permit form today. Also, he will be in *@ 9:10 am*
Idaho between December 15 and 30th if need to contact him.

MICROFILMED
FEB 23 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 21, 2002

DEL RAY HOLM & SONS
2725 E 500 N
ROBERTS ID 83444

RE: Permit No. 35-08103 in the name of Sundance Corp. Inc.

Gentlemen:

The Department of Water Resources is reviewing the above referenced permit prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. We have been advised that you now own the property under this permit. Enclosed, for your information, is a copy of the permit as recorded.

This permit is in the name of Sundance Corp. and we need to have an assignment of this permit from Mr. Gardner, to you, in order to change the name. In Idaho a permit is considered personal property and in order for us to change our records we require an "Assignment of Permit" form along with a **\$25.00** filing fee. Please submit the completed assignment form and filing fee within the next **14** days.

In review of the field examination conducted June 19, 1998, we find that the point of diversion has been changed and a second well added since the permit was issued. We will require that the permit be amended to change the point of diversion and add the second well that was not included in the permit. Enclosed is an amendment of permit form that will be used in issuing the license of this permit. Please sign the form and return it to my attention, with a **\$50.00** amendment fee, within the next **14** days.

If you have any questions regarding this matter, please call me at (208) 327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosures

cc: Sundance Corp Inc, c/o Darrol Gardner, 1225 N Dixie Rd #147, St. George, UT 84770

MICROFILMED

FEB 25 2003

Comment Report

35-8103

1. dcarlson 7/2/2002 field report narrative

Comment: two wells/pumps to 6 pivots and handlines in corners. this permit is for the north 480 acres, 35-02794B and 35-07376 is for the south 480 acres uses the same wells now. decreed wells for 2794b and 7376 are wrong.

south well 600 hp with 250 hp booster. north well 400 hp motor and 100 hp booster

2. kwalker 9/11/2002 Exam Fee

Comment: Upon review of the field exam for this permit, I found the exam fee limited this right to 7.0 cfs. I have sent correspondence to the permit holder requesting an increase in the exam fee so we can allow the 9.48 cfs the examiner has recommended.

3. kwalker 11/21/2002 Exam Fee

Comment: In discussing this right with Shelley, it was determined that we did not want to request an additional exam fee for this permit. The decreed rights for lands adjacent to this property were issued for 0.0158 cfs per acre. Once this right is licensed it will have 0.0147 cfs per acre. This amount is fairly consistent with the amount on other rights so we are recommending licensing for 7.0 cfs as proof was submitted for.

MICROFILMED
FEB 25 2003

EMD

POD Data

03N 36E 09 NESE

SENE
per GPS
by
Dave
Carlson

Legal Description	GPS Site ID	Diversion Name	Meas Option	POD
03N 36E 09 NESE	A0000341	SOUTH WELL		200149
Latitude 000:00:00.000	Longitude 000 00 00 000	GPS File M041022B	PCC (2)	
Comments				

PCC Data

Year	Total KWH	PCC Acre-Ft	Qualifier	PCC	PCC Date	Utility	Account Number	Service Number
2001	292800.00	288.7	1	1014.36	05/31/2001	UPL	63498786-001-004	728584681-001
Comments:						Tracking: N	Preferred ☒	Validated ☐
							Change Date: 7/2/2001	
1997	459360.00	442.67	2	1037.71	07/06/1998	UPL	63498786-001-002	728584681-001
Comments:						Tracking N	Preferred: ☒	Validated: ☐
							Change Date: 2/2/2001	
1998	633360.00	610.3	2	1037.7	07/06/1998	UPL	63498786-001-002	728584681-001
Comments						Tracking N	Preferred ☒	Validated ☐
							Change Date: 2/2/2001	
1999	791160.00	762.41	2	1037.71	07/06/1998	UPL	63498786-001-002	728584681-001
Comments						Tracking N	Preferred ☒	Validated ☐
							Change Date 2/2/2001	
2000	619680.00	597.16	2	1037.71	07/06/1998	UPL	63498786-001-004	728584681-001
Comments						Tracking: N	Preferred: ☒	Validated ☐
							Change Date 2/2/2001	

PCC Calibration

Date	PCC	Change Date
05/31/2001	1014.36	7/2/2001

Kilowatt-Hour Meter		Condition #1	KW	GPM	PCC	PSI	Percent
Utility	UPL	Condition #1	564.8	3024	1014.36	72	100
Pole No	728584681	Descrip	4 PIVOTS				
Meter Mfr	A	Condition #2	0	0		0	0
Meter S/N	1343463	Descrip					
Disk Const	1.8	Condition #3	0	0		0	0
Multiplier	120	Descrip					

Date	PCC	Change Date
07/06/1998	1037.71	2/2/2001

Legal Description	GPS Site ID	Diversion Name	Meas Option	POD
Kilowatt-Hour Meter Utility UPL Pole No Meter Mfgr A Meter S/N 1343463 Disk Const 1.8 Multiplier 120	Condition #1 KW 545.7 GPM 2856 PCC 1037.71 PSI 85 Percent 100 Descrip 1 PIVOT + 14 HL			
	Condition #2 KW 0 GPM 0 PCC PSI 0 Percent 0 Descrip			
	Condition #3 KW 0 GPM 0 PCC PSI 0 Percent 0 Descrip			

Alternate Data

Year alt_flow std_meter. 200149
 alt_volume std_confid
 dcfn_adj psi_gage
 psi_dschg
 psi_expln
 man_pcc_af kh
 disk_mult

Comments

Preferred ☐

Validated ☐

Change date

Site Visits

Site Visit Date	Site Examiner	Reason	Change Date
5/31/2001	Michael H.	PCC Calibration	7/2/2001
Notes:	EXAM COMPLETE. STANDARD CONFIDENCE GOOD. FOLLOW-UP 2004 BOOSTER NOT USED.		
7/6/1998	JDEANGELIS	PCC Calibration	2/2/2001
Notes	BOOSTER NOT USED; PIVOT & HL ONLY CONDITION		
3/31/1997	DSIMPKINS	Inventory	2/2/2001
Notes:	COMMON MAIN, SUNDOWN CORP-ELDON CROFT 522-1119 □ SYSTEM USES HAND LINES AND ONE PIVOT		

Legal Description	GPS Site ID	Diversion Name	Meas Option	POD
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System Data

Year System Type: Mods Flag

Pump Data		Main Pump	Booster Pump 1		Booster Pump 2		
HP.	700	Type V	HP.	250	Type: V	HP.	Type

Comments

EMD

POD Data

03N 36E 10 NWNWNW

Legal Description	GPS Site ID	Diversion Name	Meas Option	POD
03N 36E 10 NWNWNW	A0000342	NORTH WELL		200151
Latitude 000:00:00 000	Longitude 000 00 00 000	GPS File M041022C	PCC (2)	
Comments LEGAL DESCRIPTION CHANGED FROM NENESW AFTER MICHAEL'S GPS STUDIES.				

PCC Data

Year	Total KWH	PCC Acre-Ft	Qualifier	PCC	PCC Date	Utility	Account Number	Service Number
2001	254080.00	213.4	1	1190.77	05/31/2001	UPL	65380666-002-001	668302468-001
Comments						Tracking: ☐ N	Preferred ☒	Validated ☐
							Change Date	7/2/2001
1997	723040.00	569.43	2	1269.76	08/27/1999	UPL	63502636-001-005	668302468-001
Comments						Tracking ☐ N	Preferred: ☒	Validated ☐
							Change Date:	2/2/2001
1998	670640.00	528.16	2	1269.76	08/27/1999	UPL	63502636-001-005	668302468-001
Comments						Tracking: ☐ N	Preferred ☒	Validated ☐
							Change Date:	2/2/2001
1999	524240.00	412.87	2	1269.76	08/27/1999	UPL	65380666-002-001	668302468-001
Comments:						Tracking: ☐ N	Preferred ☒	Validated: ☐
							Change Date	2/2/2001
2000	782160.00	615.99	2	1269.76	08/27/1999	UPL	65380666-002-001	668302468-001
Comments:						Tracking: ☐ N	Preferred: ☒	Validated: ☐
							Change Date	2/2/2001

PCC Calibration

Date	07/01/2002	PCC	1222.66	Change Date:	7/2/2002
Kilowatt-Hour Meter					
Utility	UPL				
Pole No	668302468				
Meter Mfr	G				
Meter S/N	90128093				
Disk Const	3.6				
Multiplier	80				
Condition #1 KW 493.7 GPM 2193 PCC 1222.66 PSI 94 Percent 70					
Descrip 3 PIVOTS					
Condition #2 KW 0 GPM 0 PCC PSI 0 Percent 30					
Descrip 2 PIVOTS + 2HL					
Condition #3 KW 0 GPM 0 PCC PSI 0 Percent 0					
Descrip					
Date	05/31/2001	PCC	1190.77	Change Date:	7/2/2001

Friday, November 08, 2002

MICROFILMED
FEB 25 2003

Page 1 of 4

Legal Description

GPS Site ID

Diversion Name

Meas
Option

POD

Kilowatt-Hour Meter Utility UPL Pole No 668302468 Meter Mfgr G Meter S/N 90128093 Disk Const 3.6 Multiplier 80	Condition #1 KW 394 GPM 1797 PCC 1190.77 PSI 78 Percent 100 Descrip 2 PIVOTS-BOOSTER OFF
	Condition #2 KW 0 GPM 0 PCC PSI 0 Percent 0 Descrip
	Condition #3 KW 0 GPM 0 PCC PSI 0 Percent 0 Descrip

Date PCC: Change Date

Kilowatt-Hour Meter Utility UPL Pole No Meter Mfgr G Meter S/N 90128093 Disk Const 3.6 Multiplier 80	Condition #1 KW 486.3 GPM 2080 PCC 1269.76 PSI 90 Percent 100 Descrip AUDIT. See site visit for additional info.
	Condition #2 KW 0 GPM 0 PCC PSI 0 Percent 0 Descrip
	Condition #3 KW 0 GPM 0 PCC PSI 0 Percent 0 Descrip

Date PCC Change Date

Kilowatt-Hour Meter Utility UPL Pole No Meter Mfgr G Meter S/N 90128093 Disk Const 3.6 Multiplier 80	Condition #1 KW 386.9 GPM 1607 PCC 1307.56 PSI 90 Percent 50 Descrip 12 HL, BOOSTER OFF
	Condition #2 KW 396.7 GPM 1774 PCC 1214.47 PSI 70 Percent 50 Descrip 14 HL, BOOSTER ON
	Condition #3 KW 0 GPM 0 PCC PSI 0 Percent 0 Descrip

Alternate Data

Year alt_flow: alt_volume: dcIn_adj man_pcc_af std_meter:

200151

std_confid: psi_gage: psi_dschg: psi_expln: kh: disk_mult

MICROFILMED

FEB 25 2003

Legal Description	GPS Site ID	Diversion Name	Meas Option	POD
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Comments Estimated volume using calculated PCC.

Preferred ☐ Validated ☐

Change date

Year 1997 alt_flow: std_meter: 200151

alt_volume: 990 std_confid:

dcln_adj psi_gage

psi_dschg:

psi_expln

man_pcc_af: kh

disk_mult

Comments Estimated volume using calculated PCC.

Preferred ☐ Validated ☐

Change date

Site Visits

Site Visit Date

Site Examiner

Reason

Change Date

7/1/2002

Michael H.

PCC Calibration

7/24/2002

Notes: EXAM COMPLETE. STANDARD CONFIDENCE GOOD.

OWNER USUALLY OPERATES @70-80 PSI

5/31/2001

Michael H.

PCC Calibration

7/2/2001

Notes: EXAM COMPLETE. STANDARD CONFIDENCE. FOLLOW-UP 2004. BOOSTER OFF AT TIME OF EXAM.

8/27/1999

CHODGES

Other

4/24/2000

Notes: AUDIT

Original PCC measured for two conditions, found no tracking required. I was only able to measure at condition 2 - booster on. Operator's system description did not match file description exactly, and there may be more acres under this well than represented. However, measured PCC values are very close.

This well is connected by mainline to another well (A0000341) which was not operating on day of audit. It was running on the day of the district measurements. Difficult to say if the two systems affect one another.

7/6/1998

JDEANGELIS

PCC Calibration

2/2/2001

Notes:

3/31/1997

DSIMPKINS

Inventory

2/2/2001

Notes: COMMON MAIN ☐ DEEP GROUND WATER SHOULD ALLOW PCC

Legal Description	GPS Site ID	Diversion Name	Meas Option	POD
-------------------	-------------	----------------	----------------	-----

System Data

Year System Type: Mods Flag

Pump Data		Main Pump		Booster Pump 1		Booster Pump 2	
HP.	450	Type	V	HP:	100	Type.	C
						HP.	0
						Type	

Comments

LICENSE REVIEW CHECKLIST

Permit No. 35-8103

Date 9-11-02 Reviewer: Kay Walker

Change/OK

Name/Address

Source

Point of Diversion:

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps Right(s)

File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion

Permitted rate 9.6 cfs

Fee Limit 7.0 cfs

Measured 29.31 cfs

Theoretical 13.20 cfs

Recommended Total Diversion Rate 7.0

Water Uses

Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 7.0 cfs 1900 af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total 7.0 cfs 1900 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

7 cfs x 1 9835 x 214 days = 2971.3 af (vs) 474 acres x 4.0 (FHR) = 1896 af / 1900.0
3.0(con)

Remarks R55, W35

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048)

GW Dist?

Water Msmt Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? NO

Adjust memo _____

Amend Letters _____

P87, S06

Second Amendment Notice P49

S06

11-20-02

9-11-02

Reviewer: Kay Walker

Change/OK

Name/Address

Source

Point of Diversion:

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

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Fire (077)

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Stockwater for US (R37)

Volume Determination

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3.0(con)

Remarks R55, W35

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048)

GW Dist?

Water Msmt Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? NO

Adjust memo _____

Amend Letters _____

P87, S06

Second Amendment Notice P49

S06

11-20-02

9-11-02

Reviewer: Kay Walker

Change/OK

Name/Address

Source

Point of Diversion:

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

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P/D & P/U amend (P37) Feds (P48)

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Water Uses

Change (P46)

Season of Use per new Standards

4-1 10-31

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Domestic _____ cfs _____ af

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_____ cfs _____ af

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supp. Gw (WB7/065/104)

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<1 acre (W31)

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Stockwater for US (R37)

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3.0(con)

Remarks R55, W35

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048)

GW Dist?

Water Msmt Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? NO

Adjust memo _____

Amend Letters _____

P87, S06

Second Amendment Notice P49

S06

11-20-02

9-11-02

Reviewer: Kay Walker

Change/OK

Name/Address

Source

Point of Diversion:

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps Right(s)

File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion

Permitted rate 9.6 cfs

Fee Limit 7.0 cfs

Measured 29.31 cfs

Theoretical 13.20 cfs

Recommended Total Diversion Rate 7.0

Water Uses

Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 7.0 cfs 1900 af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total 7.0 cfs 1900 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

7 cfs x 1 9835 x 214 days = 2971.3 af (vs) 474 acres x 4.0 (FHR) = 1896 af / 1900.0
3.0(con)

Remarks R55, W35

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048)

GW Dist?

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

DISTRICT COURT-SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 25 2002	
By _____	Clerk
_____	Deputy Clerk

In Re SRBA)
)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-02794B

NAME AND ADDRESS: SUNDOWN CORP INC
C/O DARROL GARDNER
PO BOX 583
IONA, ID 83427

SOURCE: GROUNDWATER

QUANTITY: 0.95 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-07376 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1856 AF.

PRIORITY DATE: 10/01/1965

POINT OF DIVERSION: T03N R36E S03 NENESE Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.95 CFS

PLACE OF USE:	Irrigation	Within Bonneville County
	T03N R36E S09	
	NESW 40.0	NWSW 39.0
	SWSW 38.0	SESW 39.0
	NESE 40.0	NWSE 40.0
	SWSE 38.0	SESE 33.0
	S10	NWSW 40.0
	SWSW 37 0	SESW 40.0
	464.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 35-07376 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 464 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 78 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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. I.C. SECTION 42-1412(5).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

FEB 25 2003

OF THE DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
FEB 25 2002
By _____ Clerk

Deputy Clerk

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-07376

MICROFILMED
FEB 25 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P O Box 83720
Boise, Idaho 83720-0098

Return Service Requested

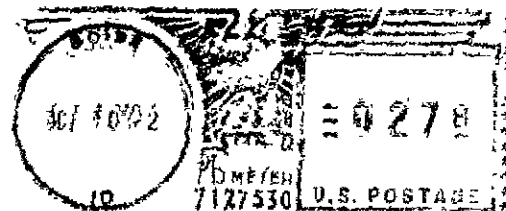
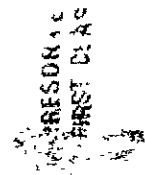
RECEIVED

OCT 21 2002

Department of Water Resources

Permit 35-08103-Mail
Permit of address change
form. Eric Lopez
10-18-02

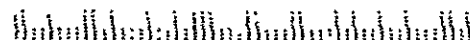
RETURN SERVICE
REQUESTED



DEL RAY HOLM & SONS
401 ANNIS HWY
RIGBY ID 83442-1217

HOLM401 834422005 1A02 04 10/17/02
RETURN TO SENDER
HOLM
2741 E 500 N
ROBERTS ID 83444-5119
RETURN TO SENDER

HAGCTH 83442



MICROFILMED

SEP 23 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Postage Service Requested

741

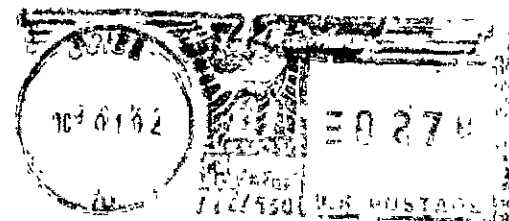
Permit #35-08103-Mail
reset on 10.10.02
Kari Lepen
10.9.02

RECEIVED

OCT - 9 2002

Department of Water Resources

PRECRIETEL
FIRST CLASS

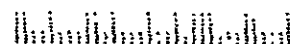


MICROFILMED

SEP 29 2002

HOLM741 834442008 1502 05 10/05/02
RETURN TO SENDER
HOLM
401 ANNIS HWY
RIGBY ID 83442-1217
RETURN TO SENDER

HAAGTMS 83444





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 1, 2002

DEL RAY HOLM & SONS
95 N 2300 E
ROBERTS ID 83444

RE: Permit No. 35-08103 – in the name of Sundown Corp (Darrol Gardner)

Gentlemen:

I have been in contact with Darrol Gardner and he notified me that you now own the property under this water right permit. I have sent Mr. Gardner an "Assignment of Permit" form so he can assign this permit to you. Enclosed, for your information is a copy of the permit. If you obtained other water rights from Mr. Gardner you should change the ownership to your name.

Permit 35-08103 is currently being reviewed for licensing. The Department's field examiner recommended licensing this water right with a diversion rate of 9.48 cubic feet per second (cfs) for irrigation use. However, because Mr. Gardner only paid an examination fee for 7.0 cfs when he submitted Proof of Beneficial Use, the license will be limited to 7.0 cfs.

If you want this water right license to reflect the 9.48 cfs recommended by the examiner, you must submit an additional examination fee of \$75.00, plus a late payment penalty of \$25.00, within 30 days. If we don't receive the additional examination fee/late fee of \$100.00 within 30 days from the date of this letter, we will assume you are not interested in the additional 2.48 cfs of water and we will license the permit for 7.0 cfs.

The examiner has also found that the point of diversion is located differently than what was permitted. After we receive notice that you will or will not increase your examination fee, we will request a \$50.00 licensing amendment fee to correct the point of diversion location and add the north well to this right. I just wanted to let you know that we will be sending further correspondence, after you respond to this letter, so you wouldn't be confused by our next step towards licensing this permit.

If you have any questions, please feel free to contact me at (208) 327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

OCT 1 2 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 1, 2002

DARROL GARDNER
1225 N DIXIE RD #147
ST GEORGE UT 84770

RE: Permit No. 35-08103

Dear Mr. Gardner:

Pursuant to our telephone conversation on September 27, enclosed is an "Assignment of Permit" form that can be used to change the ownership of Permit No. 35-08103 to Mr. Holm and Sons. Once we receive the completed assignment form and \$25.00 filing fee, we can change the ownership. In Idaho, permits are considered personal property and only the permit holder of record can assign the permit to another party.

If you have any questions regarding this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,


KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

*New 30 day
call-up
period, please.
Thanks!
Kay
9-30*

MICROFILMED

FEB 25 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720

Boise, Idaho 83720-0098

Return Service Requested

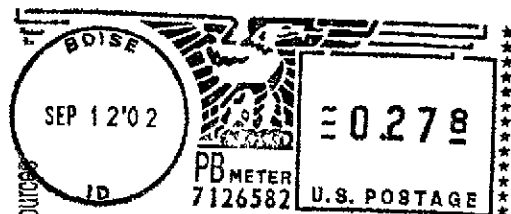
RETURNED
TO
SENDER
NO MAIL
RECEPTACLE

Handwritten signature

PRESORTED
RECEIVED FIRST CLASS

SEP 24 2002

Department of Water Resources



MICROFILMED
FEB 25 2003





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

September 12, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SUNDANCE CORP INC
C/O DARROL GARDNER
2024 N 55 E
IDAHO FALLS ID 83401

RE: Permit No. 35-08103

Dear Permit Holders:

Permit 35-08103 is currently being reviewed for licensing. The Department's field examiner recommended licensing your water right with a diversion rate of 9.48 cubic feet per second (cfs) for your irrigation use. However, because you only paid an examination fee for 7.0 cfs when you submitted your Proof of Beneficial Use, the license will be limited to 7.0 cfs.

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If you have any questions, please feel free to contact me at (208) 327-7944.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

KW:k

MICROFILMED
FEB 25 2003

Darrol Gardner
1225 N Dixie
Downs Rd.
#147

St George UT
(winter address) 84770
send assignment

current address
PO Box 683
Iona, 83427
sold to Delray Annis Holm & Sons
401 Rigby 83442
per phone con. 9/27/02
KW



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

September 12, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SUNDANCE CORP INC
C/O DARROL GARDNER
2024 N 55 E
IDAHO FALLS ID 83401

RE: Permit No. 35-08103

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If you have any questions, please feel free to contact me at (208) 327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k

MICROFILMED
SEP 25 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 10 2002

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08103

1. Owner: Sundown Corp Inc % Darrel Gardner Phone No. 524-2529

Current Address: 2024 N 55E Idaho Falls Id 83401

2. Accompanied by: Otto Holm / Tom Holm EXAM DATE: 6-19-1998

Address: 2740 E 500N Roberts Id 83444 Phone No. 228 2444

Relationship to Permit Holder: Lease 520-3763

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: 35-7376, 35-2794B

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
North		NW	NW	NW	10	3N	36E	Bonneville	USGS Map / FSA Aerial / on site
South			SE	NE	9	3N	36E	Bonneville	USGS MAP / FSA Aerial / on site / GPS

2. Place(s) of Use:

Indicate Method of Determination

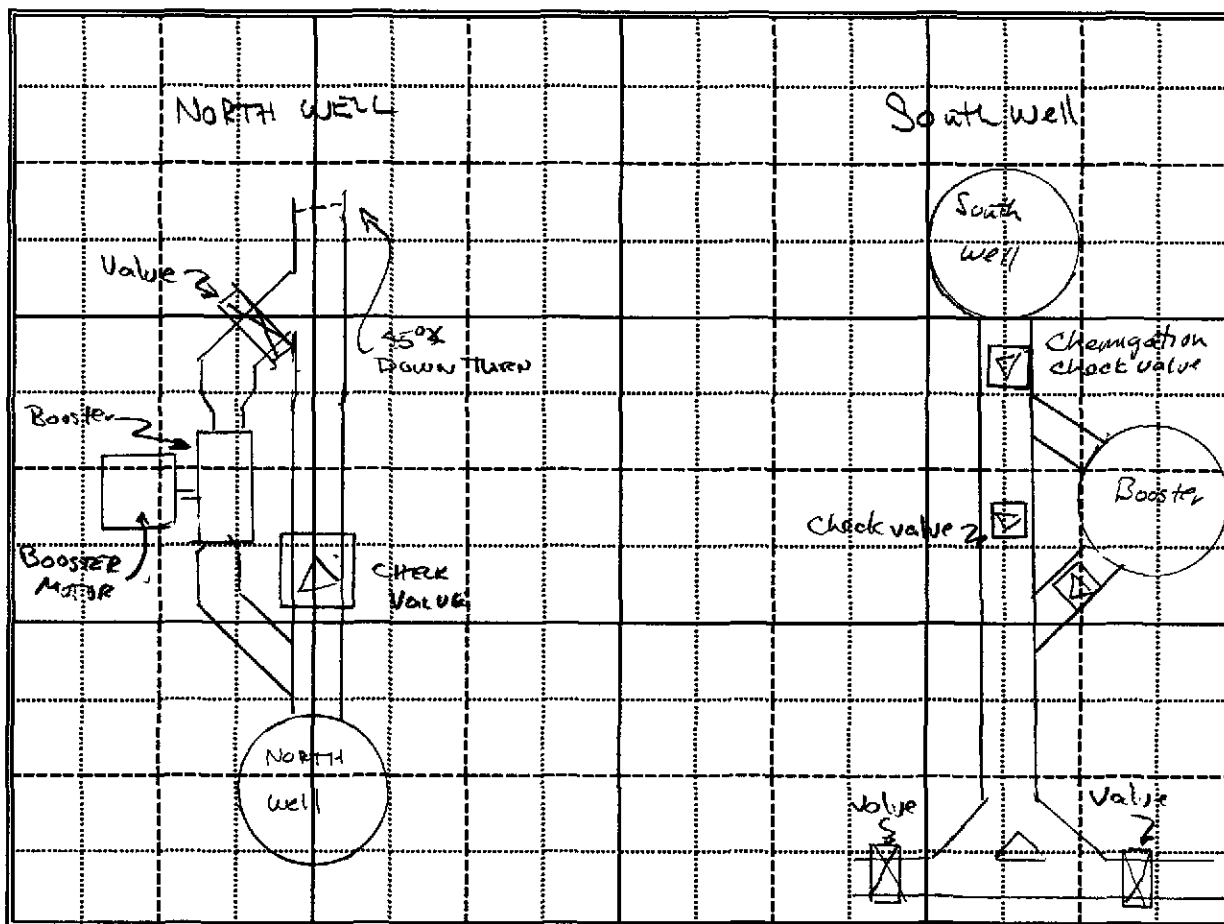
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	36E	9	39	40	40	39	40	39	39	40									316
																			±
3N	36E	10					40	39	39	40									158

MICROFILMED

FEB 25 2003

474
Ac

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



Scale: 1" = _____

_____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required)

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
NORTH Well	US Motors	400hp	SPECIAL FEATURE NRA 500/EHT	Vertiline	12"
North Booster	US Electric Motor	100	4016W03V353R074M	Aurora	93-DE057
SOUTH Well	US Electric Motor	600	Y067-50-W07W109R026M-1	Goulds	12"
South Booster	US Electric Motor	250	DR70089603	Johnston	OF14850

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
SONIC	SONIC	Polysonics	DET-708R	32736		

2. Measurements: FLOW MEASUREMENT
Total Q = 13156.04 gpm = 29.31 cfs (Excessive)

35-8107 MICROFILMED

FEB 25 2003

E. NARRATIVE/REMARKS/COMMENTS

North Well: East Water Measurement District $Q = 2193 \text{ gpm} = 4.89 \text{ cfs}$

(Booster was on) (hp = 500) psi = 70 - 80 psi

using Hp equation @ 70 psi, 4.89 cfs, lift 595 eff = 84%

(Booster off) $Q = 1797 \text{ gpm} = 4.00 \text{ cfs}$ (hp = 400)

using Hp equation @ 70 psi, 4.00 cfs, lift 595 eff = 86%

South Well: East Water Measurement District $Q = 3024 \text{ gpm} = 6.74 \text{ cfs}$

(Booster not on) (hp = 600) psi = 70 - 80 psi Lift @ 535

using Hp equation @ 70 psi, 6.74 cfs, lift 535 eff = 89%

@ 60 psi

eff = 86%

ANALYSIS:

With the north well (Booster on) @ 500 hp producing 4.89 cfs, and assuming that both systems operate in a similar manner then the south well (Booster on) @ 850 hp should be able to produce $\approx 8.31 \text{ cfs}$

South well:

using Hp formula Hp = 850 psi = 70, Lift 535 $Q = 8.31$ efficiency = ?

@ efficiency @ 77.3% $Q = 8.31 \text{ cfs}$

efficiency @ 70% $Q = 7.53 \text{ cfs}$

using $Q = AV$ Velocity @ 8.31 cfs $V = 10.2 \text{ ft/sec}$

Velocity @ 7.53 cfs $V = 9.2 \text{ ft/sec}$

With the South well operating in the 89% efficiency without the Booster reducing the efficiency in the hp equation to 77.3% does not appear to be excessive when the booster is used. Recommend $Q = 8.31 \text{ cfs}$

Recommend Total $Q = 4.89 \text{ cfs} + 8.31 \text{ cfs} = 13.20 \text{ cfs}$

Note well in 35-2794B, 35-7376 is listed as NENE SE sec 9. Should be SENE sec 9.

KEITH L WILSON 8-29-2002

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

35-8103

MICROFILMED

FEB 25 2003

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$Q_{TOTAL MEASURED} = 29.31 \text{ cfs (Excessive flow \& Velocity)}$$

$$THEORETICAL Q = Q_{NORTH WELL} + Q_{SOUTH WELL} = 4.89 \text{ cfs} + 8.31 \text{ cfs} = 13.20 \text{ cfs}$$

$$474 \times 0.02/A = 9.48 \text{ CFS this permit}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 474 \times 4 = 1896 \text{ AF/A}$$

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

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

2. Volume Calculations for Other Uses:

total combined use with 35-2794B, 35-7376

MAX CFS 13.20 CFS 938 AC - 3752 AF/A

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRR	4/01	10/31	9.48 CFS	1896 AF/A
Totals:			9.48 CFS	1896 AF/A

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name

Scott C. Wilson

Date

6-19-1998

Reviewer

DAVE CARLSON

Date

8/30/2002

SEAL

MICROFILMED
FEB 25 2003

South well

NORTH well

Pipe
Material = CARBON
OD = 12.450 inches
WT = 0.112 inches
ID = 12.226 inches
Sound Vel. = 10597 FPS
Roughness = 0 Ft

Liner
Material = NONE
Thickness = 0.000 inches
Sound Vel. = 0 FPS
Roughness = 0 Ft

Fluid
Type = WATER
Sound Vel. = 4863 FPS
Viscosity = 1.13

Transducer
Type = S
Mounting = U

Flow
Scale Fact = 0.9700
Offset = 0.00 GPM
Damping = 30 secs
Max Range = 9000.00 GPM
Min Range = -100.00 GPM

Cutoff
Low Flow = 0.00
Low Signal = 0.00 %

SigStr = 100.0%
Margin = 107%

Flow = 6224.32 GPM
Vel = 17.01 FPS

Flow = 6401.37 GPM
Pos = 17.49 FPS

Flow = 6075.35 GPM
Pos = 514 x16al

Flow = 6602.41 GPM
Pos = 1541 x16al

SigStr = 100.0%
Margin = 105%

Flow = 6641.94 GPM
Nes = 0 x16al

Flow = 6992.90 GPM
Nes = 0 x16al

Flow = 7228.13 GPM
Nes = 0 x16al

Flow = 7401.91 GPM
Nes = 0 x16al

SigStr = 100.0%
Margin = 102%

Flow = 6327.77 GPM
Vel = 17.29 FPS

Net 18405 x16al
Pos 18405 x16al
Nes 0 x16al

SigStr = 100.0%
Cutoff = 0.0%
Reynolds = 1361339
Factor = 0.947000
SigStr = 100.0%
Margin = 106%
Delta = 1689.88 ns
SSpeed = 4851.28 FPS
4-20mA = 20.00 mA

SigStr = 100.0%
Margin = 103%

Pipe
Material = CARBON
OD = 12.150 inches
WT = 0.114 inches
ID = 11.922 inches
Sound Vel. = 10597 FPS
Roughness = 0 Ft

Liner
Material = NONE
Thickness = 0.000 inches
Sound Vel. = 0 FPS
Roughness = 0 Ft

Fluid
Type = WATER
Sound Vel. = 4863 FPS
Viscosity = 1.13

Transducer
Type = S
Mounting = U

Flow
Scale Fact = 0.9700
Offset = 0.00 GPM
Damping = 30 secs
Max Range = 11134.19 GPM
Min Range = -11134.19 GPM

Cutoff
Low Flow = 0.00
Low Signal = 0.00 %

SigStr = 100.0%
Margin = 82%

Flow = 5316.64 GPM
Vel = 15.28 FPS

Flow = 5248.68 GPM
Vel = 15.08 FPS

Flow = 4595.47 GPM
Vel = 13.21 FPS

Net 80290 x16al
Pos 80872 x16al
Nes 582 x16al

SigStr = 100.0%
Cutoff = 0.0%
Reynolds = 1013855
Factor = 0.947000
SigStr = 100.0%
Margin = 81%
Delta = 1796.44 ns
SSpeed = 4734.50 FPS
4-20mA = 20.00 mA
Flow = 5754.13 GPM
Nes 0 x16al

FLOW MEASUREMENT
TAPES

35-08103

Velocity High

$$Q_{TOTAL} = Q_{SOUTH WELL} + Q_{NORTH WELL}$$

$$= 7401.91 \text{ gpm} + 5754.13$$

$$= 13156.04 \text{ gpm} = 29.31 \text{ cfs} * \text{EXCESSIVE}$$

35-08103

MICRO. 11.1.20

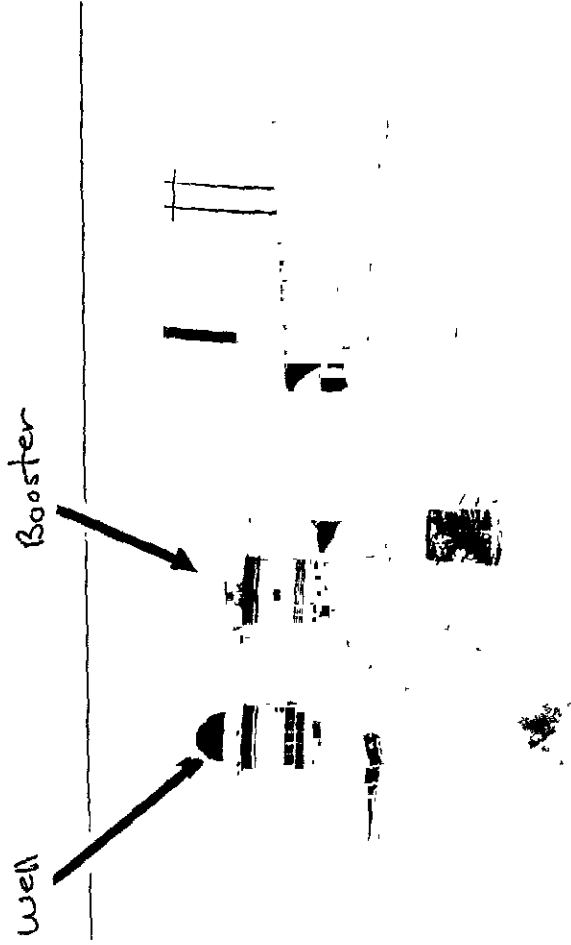
FEB 25 2003

35-08103

T3N, R36E sec 9,10



MICROFILMED
FEB 25 2003



South Well

(VIEW NORTH)
South Well

35-08103

MICROFILM

FEB 25 2003



NORTH WELL

Booster

(VIEW SOUTH)

NORTH WELL

MICROFILMED
FEB 25 2003

35-08103

PCC EXAM

NORTH/EAST DISTRICT

EXAM DATE: 5/31/01 EXAMINER'S SIGNATURE M. HOLLIDAY
 OWNER: SUNDOWN CORP SITE TAG# A0000341 RECORD # 200149 ✓

EXAM COMPLETE: Y/N STANDARD CONFIDENCE: E G F P FOLLOW-UP 2004

KILO-WATT HOUR METER LEGAL: 60
 UTILITY: UPL KW-A 564.8 GPM 3024 PCC 1014 PSI 72 % 100
 POLE NO. 728584681 DESCRIPTION COND #1
 METER MFG# ABB 4 PIVOTS
 METER S/N 1343463
 DISK CONST (KH) 1.8
 MULTIPLIER 120

PCC AF_QAL KW-B GPM PCC PSI %
 DESCRIPTION COND #2

- 2 ZERO PUMPAGE
 1 SIMPLE, NO TRACKING
 2 COMPLEX, NO TRACKING REQUIRED.
 3 TRACKING REQUIRED & PROVIDED
 4 TRACKING REQUIRED, BUT NOT PROVIDED
 5 COMPLEX, EXAM INCOMPLETE
 6 KNOWN DATA PROBLEM
 7 PCC MEASURED @ Q-METER VERIF.
 8 LOW PCC WHERE Q-METER IS REQUIRED BUT NOT INSTALLED
 9 CALCULATED OR ESTIMATED PCC

N NO PCC

Q OTHER, SEE EXAM NOTES

CHANGES TO SYSTEM Y N
 SITE VISIT NOTES:

BOOSTER NOT USED

107

12.

South well

KW-C GPM PCC PSI %
 DESCRIPTION COND #3

KILOWATTS OF ENERGY CONSUMED COND #1

N= 30 (No. of Disc Rev) Time (sec): (41.3)+(41.3)+(41.3) / 3=Avg

3.6 x 1.8 (Kh) x 120 (Mult) x 30 (N) / 41.3 (T) = 564.8 KW

PCC COND#1 = 564.8 (KW) X 5431 / 3024 GPM = 1014 (KWh/ac.ft)

KILOWATTS OF ENERGY CONSUMED COND #2

N= (No. of Disc Rev) Time (sec): ()+()+() / 3=Avg

3.6 x (Kh) x (Mult) x (N) / (T) = KW

PCC COND#2 = (KW) X 5431 / GPM = (KWh/ac.ft)

KILOWATTS OF ENERGY CONSUMED COND #3

N= (No. of Disc Rev) Time (sec): ()+()+() / 3=Avg

3.6 x (Kh) x (Mult) x (N) / (T) = KW

PCC COND#3 = (KW) X 5431 / GPM = (KWh/ac.ft)

3.17' cu

700 7.600 + 250 HP
 ✓ 4.83 x 120 DEMAND
 29298 KWH

TPCC MICHIGAN 35-8103

APR 27 2004

PCC EXAM

NORTH/EAST DISTRICT

EXAM DATE: 5/31/01
OWNER: SUNDOWN CORP

EXAMINER'S SIGNATURE M. HOLLIDAY
SITE TAG# A0000342 RECORD # 200151

EXAM COMPLETE: (Y) N

STANDARD CONFIDENCE: E (G) F P FOLLOW-UP 2004

KILO-WATT HOUR METER		LEGAL	
UTILITY	<u>UPL</u>	KW-A	<u>394</u> GPM <u>1797</u> PCC <u>1191</u> PSI <u>78</u> % <u>100</u>
POLE NO.	<u>668302468</u>	DESCRIPTION COND #1	
METER MFR	<u>GE</u>	<u>2 VIVOTS</u>	
METER S/N	<u>90128093</u>		
DISK CONST (KH)	<u>3.6</u>		
MULTIPLIER	<u>80</u>		

- PCC AF QAL
- 1 ZERO PUMPAGE
 - 2 SIMPLE, NO TRACKING
 - 3 COMPLEX, NO TRACKING REQUIRED.
 - 4 TRACKING REQUIRED & PROVIDED
 - 5 TRACKING REQUIRED, BUT NOT PROVIDED
 - 6 COMPLEX, EXAM INCOMPLETE
 - 7 KNOWN DATA PROBLEM
 - 8 PCC MEASURED @ Q-METER VERIF.
 - 9 LOW PCC WHERE Q-METER IS REQUIRED BUT NOT INSTALLED
 - 10 CALCULATED OR ESTIMATED PCC

KW-B	GPM	PCC	PSI	%
DESCRIPTION COND #2				
KW C	GPM	PCC	PSI	%
DESCRIPTION COND #3				

KILOWATTS OF ENERGY CONSUMED COND #1

N= 16 (No. of Disc Rev) Time (sec): (42.1)+(42.1)+(42.1)/3=Avg

3.6 x 3.6 (Kh) x 80 (Mult) x 16 (N)/ 42.1 (T)= 394 KW

PCC COND#1= 394 (KW) X 5431 / 1797 GPM= 1191 (KWh/ac.ft)

KILOWATTS OF ENERGY CONSUMED COND #2

N= (No. of Disc Rev) Time (sec): ()+()+() / 3=Avg

3.6 x (Kh) x (Mult) x (N)/ (T)= KW

PCC COND#2 = (KW) X 5431 / GPM= (KWh/ac.ft)

KILOWATTS OF ENERGY CONSUMED COND #3

N= (No. of Disc Rev) Time (sec): ()+()+() / 3=Avg

3.6 x (Kh) x (Mult) x (N)/ (T)= KW

PCC COND#3 = (KW) X 5431 / GPM= (KWh/ac.ft)

N NO PCC
Q OTHER, SEE EXAM NOTES
CHANGES TO SYSTEM Y (N)
SITE VISIT NOTES:

ROOSTER OFF AT TIME OF EXAM

NORTH WELL

66495 KWH
✓ 5,076 DEMAND
400 + 100 HP
TRCC = 1241 ✓
PWL ~ 500
35-8103

PCC EXAM

NORTH / EAST DISTRICT

EXAM DATE: 7/1/2005

EXAMINER'S SIGNATURE M. HOLLIDAY

OWNER: SUNDOWN

SITE TAG# A0000342

RECORD # 200151

EXAM COMPLETE: Y/N

STANDARD CONFIDENCE: E G F P FOLLOW-UP 6/1/2005

KILO-WATT HOUR METER

LEGAL

UTILITY

KW-A

GPM

PCC

PSI

POLL NO.

DESCRIPTION COND #1

METER MFG

METER S/N

DISK CONST

(KH)

MULTIPLIER

PCC AF QAI

- Z ZERO PUMPAGE
- 1 SIMPLE, NO TRACKING
- (2) COMPLEX, NO TRACKING REQUIRED.
- 3 TRACKING REQUIRED & PROVIDED
- 4 TRACKING REQUIRED, BUT NOT PROVIDED
- 5 COMPLEX, EXAM INCOMPLETE
- 6 KNOWN DATA PROBLEM
- 7 PCC MEASURED @ Q-METER VERIF.
- 8 LOW PCC WHERE Q-METER IS REQUIRED BUT NOT INSTALLED
- 9 CALCULATED OR ESTIMATED PCC

N NO PCC

Q OTHER, SEE EXAM NOTES

CHANGES TO SYSTEM Y/N

SITE VISIT NOTES:

SWEEP USUALLY

OPERATES @ 70-80 PSI

PCC COND#1

KW B

GPM

PCC

PSI

%

DESCRIPTION COND #2

2 PUMP & 2 AL

KW-C

GPM

PCC

PSI

%

DESCRIPTION COND #3

KILOWATTS OF ENERGY CONSUMED COND #1

N= 20 (No. of Disc Rev) Time (sec): (42)+(42)+(42.1)/3=Avg

3.6 x 3.6 (Kh) x 80 (Mult) x 20 (N)/ 42 (T)= KW

PCC COND#1= 413.7 (KW) X 5431 / 2193 GPM= 1223 (KWh/ac.ft)

KILOWATTS OF ENERGY CONSUMED COND#2

N= (No. of Disc Rev) Time (sec): ()+()+() / 3=Avg

3.6 x (Kh) x (Mult) x (N)/ (T)= KW

PCC COND#2 = (KW) X 5431 / GPM= (KWh/ac.ft)

KILOWATTS OF ENERGY CONSUMED COND#3

N= (No. of Disc Rev) Time (sec): ()+()+() / 3=Avg

3.6 x (Kh) x (Mult) x (N)/ (T)= KW

PCC COND#3 = (KW) X 5431 / GPM= (KWh/ac.ft)

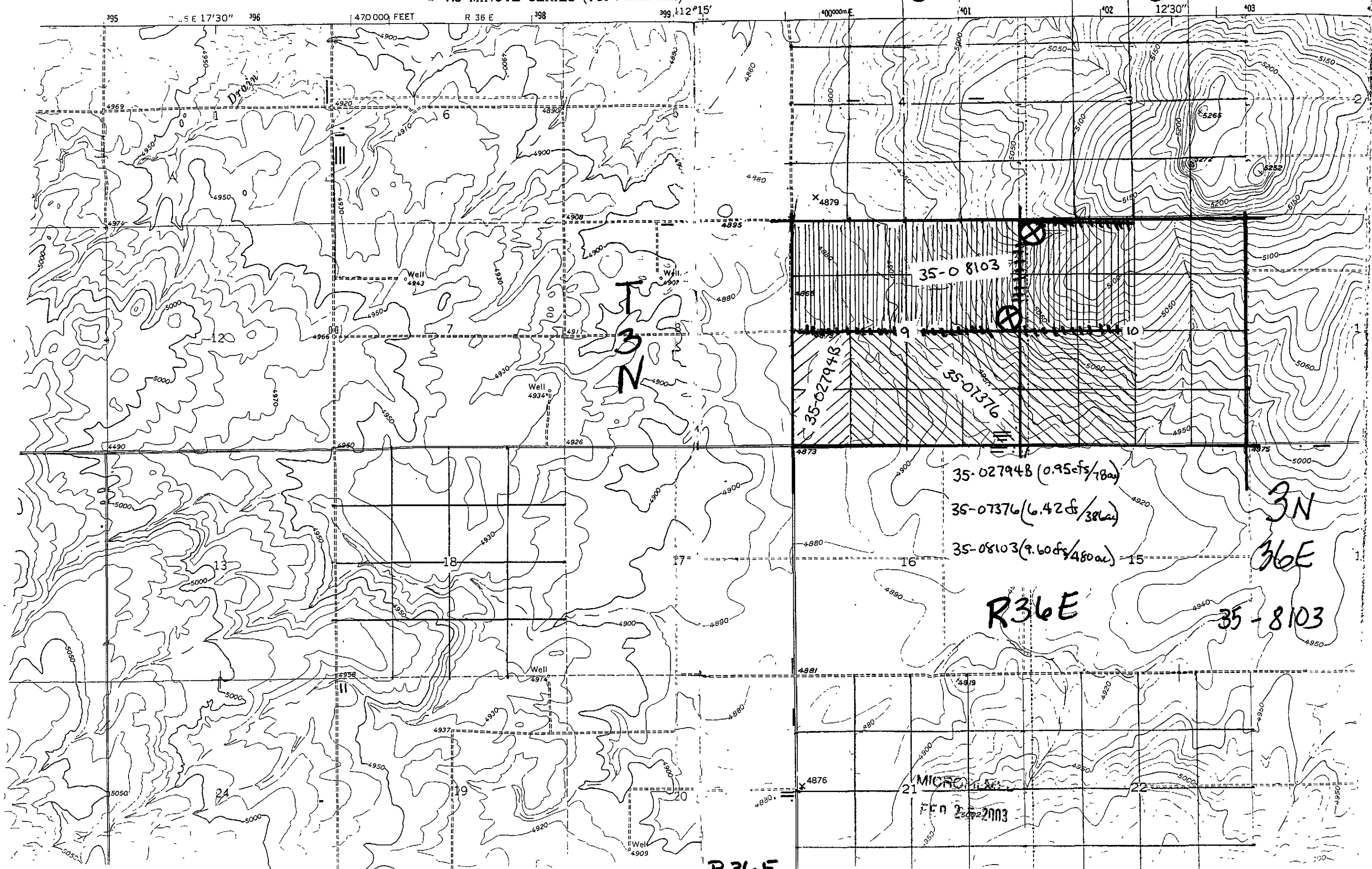
RWA 72264

DEMAND 6.244

34-8103

BUTTERFLY BUTTE QUADRANGLE
IDAHO-BONNEVILLE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Parcel Gardner - Sundbom Corp
Address 2024 N 55E Idaho Falls, Id.
Drilling Permit No 35-93-E-023
Water Right Permit No 35-08103

7. WATER LEVEL

Static water level 535 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 45 °F. Quality good
Describe artesian or temperature zones below

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Auger ☐ Reverse rotary
☒ Cable ☐ Mud ☐ Other _____
(backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____
Thickness _____ Diameter _____ From _____ To _____
250 inches 20 inches + 1 feet 38 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☒ Yes ☐ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☒ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches
Number _____ From _____ To _____
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
Well screen installed? ☐ Yes ☒ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 38' Material used in seal: ☒ Cement grout
☐ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used ☐ Slurry pit
☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded
☐ Solvent Weld ☐ Cemented between strata
Describe access port 2" pipe 45°

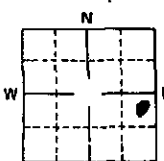
9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
20"	0	4	clay		X
	4	38	loose black scoria		X
	38	83	hard black + brown scoria		X
	83	103	loose red + black scoria		X
	103	112	hard brown scoria		X
	112	115	loose red black + brown scoria		X
	115	117	hard brown + black scoria		X
	117	119	loose red black + brown scoria		X
	119	123	hard brown + black scoria		X
	123	125	loose red black + brown scoria		X
	125	137	hard brown + black scoria		X
	137	180	red scoria layers of loose + hard		X
	180	272	red + black scoria " " "		X
	272	286	hard red scoria		X
	286	450	brown scoria loose + hard layers		X
	450	465	black scoria		X
	465	490	hard black basalt		X
	490	540	hard brown + black scoria		X
	540	548	hard black basalt		X
	548	555	hard black basalt with crass	X	
	555	565	hard black basalt		X
	565	582	hard black sandstone		X
	582	596	loose red black scoria black	X	
			and lost most of cuttings		
	596	510	hard black sandstone		X
	510	640	hard black basalt		X
	640	660	hard black + brown scoria		X
			with crass	X	
	660	675	hard black basalt		X
	675	683	hard black basalt with crass	X	
	683	705	red + black scoria no cuttings	X	
			water seal clean		

10.

Work started 9-14-92 finished 4-8-93

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name _____
Lot No. _____ Block No. _____
County Bonanza
Address of Well Site _____
(give at least name of road)
NE 1/4 SE 1/4 Sec. 9, T. 3, R. 36
N ☒ or S ☐
E ☒ or W ☐

11. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
Firm Name High Plains Firm No 299
Address Rexburg, Idaho Date 4-10-93
Signed by Drilling Supervisor Marvin Frank
and
(Operator) Danny Frank
(If different than the Drilling Supervisor)

May 28, 1993

SUNDOWN CORP. INC.
2024 N. 55 E.
IDAHO FALLS ID 83401

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08103

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
JUN 29 1993

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 35-08103 Reviewed by Klg Date 5/21/93

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?
Yes Address same as permit?
Yes Proof timely received? Correct Uses? Yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source

Yes Drilling permit required?
data copy Copy in the file? Drilling Permit No. 35-93-E-0023-000
200 Amount paid for permit Yes Correct?
data copy Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

Yes Required?
250 Amount Submitted
Yes Correct?

Yes Required?
Yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due -
No. of days late =
Priority Date +
New Priority Date

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address

Proof Made 5/21/93
5/28/93

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	COUNTY
35-93-E-0023-000	O	SUNDOWN CORP 2024 N 55 E IDAHO FALLS, ID 83402 (208) 524-2529	03N	36E	09	NE SE		BONNEVILLE

Subdivision Location and Description:

Subdivision Name:
Well Site Address:
City, State.Lot(s):
Block(s):

Geographic Location:

Accuracy Code:
Lat: : : N
Long: : : W

Proposed Use of Well: Irrigation

Proposed Casing Diameter: 20 In.

Proposed Depth: 700 Ft.

Well Use Comments:

Driller License No: 0299

Firm Name: HIGH PLAINS DRILLING INC
Official: MARCUS FRANDSEN

Permit Status: Permit

Verbal Issue Date:

Date Received: 04/12/1993

Date Approved: 04/12/1993

Proposed Start Date: 09/14/1992

Extension Date:

Extension Expiration:

Receipt No.

E018433

Receipt Date

04/12/1993

Fee

\$ 200.00

Specific Conditions:

Permit Remarks:

WELL DRILLER'S LOG REPORT

Drilling Permit No: 35-93-E-0023-000

Water Right No: 35-08103

Injection Permit No:

Nature of Work: NEW WELL

Construction Method. CABLE

Number of Monitor Wells:

Casing Diameter: 1 In.

Depth of Casing: 38 Ft.

Total Depth: 705 Ft.

Screen Installed? No

Static Water Level: 535 Ft.

Temperature: 45 F.

Production Rate: GPM

Actual Start Date: 09/14/1992

Well Finish Date: 04/08/1993

Log Received Date: 04/12/1993

Certification Date: 04/10/1993

Field Inspection Date:

Inspector:

Well Log Remarks:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 13, 1993

Sundown Corp Inc
2024 N 55 E
Idaho Falls, ID 83401

Re: Permit No. 35-08103

Dear Permit Holder:

The Department is in receipt of your letter stating that you intend to divert the water authorized by the above referenced permit by June 1, 1993.

However, it is still necessary for you to submit the proof of beneficial use form and appropriate fee on or before June 1, 1993. If you fail to do so, the Department will lapse the permit. I have enclosed another proof of beneficial use form and instruction sheet for your convenience.

If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karen L. Gustafson".

Karen L. Gustafson
Secretary/Records Manager

Enclosure

RECEIVED

JUN 29 1993

RECEIVED

APR 13 1993

Phone
(208) 522-1119

SUNDOWN RANCH INC.

President
Eldon Croft

RECEIVED

APR 06 1993

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

Dear Sir:

In regard to Permit # 35-08103, we have drilled the well and we will install the pump by May 10, 1993. We plan to divert water by June 1, 1993.

Sincerely,


Darrol D. Gardner
Vice President CEO
208 524-2529

RECEIVED

JUN 29 1993

March 31, 1993

SUNDOWN CORP. INC.
2024 N. 55 E.
IDAHO FALLS ID 83401

PROOF DUE NOTICE

RE: PERMIT NO. 35-08103

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL

NO. 139989

JUN 29 1993

March 7, 1991

SUNDOWN CORP. INC.
2024 N 55 E
IDAHO FALLS ID 83401

Gentlemen:

Re: Permit No. 35-8103

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to June 1, 1993.

Note that the department has granted this extension based on litigation. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

NOT REFILED

MAR 18 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 35-8103

Reviewed by [Signature]

Date 3-6-91

BASIC INFORMATION

4 Date stamp received
4 Extension received timely (not too early not too late)
4 Fee received and receipted
4 Name and signature same as permit
N Address change

BASIS FOR EXTENSION REQUEST

4 Has adequate work been completed to demonstrate due diligence?
4 Has the cost incurred been adequate to demonstrate an intent to complete the project?
4 Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

_____ Is delay by a government agency?
 _____ Is supporting documentation needed to complete the file?
 Requested? _____

ACTION TAKEN *Recommend approval issued on S.F. litigation. allow two years*

4 Reinstatement Date extension received _____ = _____
 Proof due date _____ = _____
 No. of days late _____ = _____
 Priority date _____ = + _____
 ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

4 Change proof due date _____ Address change
 _____ Priority date change

Phone
(208) 522-1119

SUNDOWN RANCH INC.

President
Eldon Croft

February 26, 1991

RECEIVED
FEB 28 1991

State of Idaho
Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Dear Mr. Higginson:

We have applied for a request for extension of time, on the enclosed form, for the following reasons:

1. We first attempted to get this resolved in 1976, and since this time we have been delayed do to the Court Lawsuit. Many years during this period we were in the financial condition to proceed with construction, but we were held up pending the permit process. We know of others who just went ahead and developed their projects without a permit.
2. Last year our permit was approved, but too late to develop this project last year.
3. We planned to begin development this year, but with \$2.00 wheat and UP&L planning a 15% power rate increase and only an average potatoe price; we are not in the financial position to develop this project at this time.

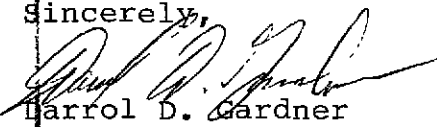
I am aware that the form indicates that finances are not reason to ask for an extention, however, several years out of past ten years we could have developed the project, but could not get a permit. We are now asking for an extension of only two years, and we hope that when the war is over our politicians can turn their attention to domestic problems.

Thanks for your help in this matter.

MICROFILMED

MAR 18 1991

Sincerely,


Darrol D. Gardner
Vice President
524-2529

January 29, 1991

DORROL GARDNER, MANAGER
SUNDOWN CORP. INC.
2024 N 55 E
IDAHO FALLS ID 83401

Gentlemen:

Re: Permit No. 35-8103

Pursuant to your letter of January 15, 1991, enclosed is a request for extension of time form and instruction sheet. For the department to take action on your request, please submit the request along with the \$15 filing fee.

If you have any questions, contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

RECEIVED

MAR 18 1991

Phone
(208) 522-1119

SUNDOWN RANCH INC.

President
Eldon Croft

January 15, 1991

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

RECEIVED
JAN 17 1991
Department of Water Resources

Dear Sir:

We have received approved permit number p35-08103, however, we are experiencing some problems with development at this time. We would like to maintain the permit, because it is our intent to drill this new well to increase the irrigated acreage.

We are asking your agency to grant us a one year extention on the permit to June 1, 1992.

Sincerely,



Darrol Gardner, Manager
2024 N 55 E
Idaho Falls, Idaho 83401

MICROFILMED

MAR 18 1991

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
May 22, 1990

SUNDOWN CORP. INC.
2024 N. 55 E.
IDAHO FALLS, ID 83401

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P35-08103

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

MICROFILMED

MAY 29 1990

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MILWAUKEE

MAY 29 1990

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: AWJ APPLICATION NUMBER: 35 8103

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____
☐ Yes ☐ No* In form for advertising.
Final date for protests: _____
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 01-P05
2-22-83 Date of priority recommended.
Special conditions of approval or cover letter. _____

Trust Water App.

By: _____ Date: _____

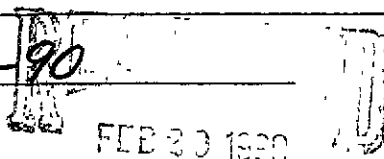
STATE OFFICE REVIEW:

P05, P23, P03, P16

46 51 52 53 01G

- ☐ See attached sheet for more information.

By: KW Date: 5-15-90



MEMORANDUM

TO: FILE/APPLICATION NO. 35-8103

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING
ACCOUNTING OF TRUST ACRES AND RULE 4,5. REQUIREMENTS

DATE: 3-29-90

=====

The applicant has returned the trust water questionnaire and has indicated that lands under this application have been irrigated prior to 1984 in conjunction with another right for adjacent lands. The applicant further indicates that through rotation, 160 acres are annually left out of production. Historically therefore, 160 acres under the application have not been irrigated and should be counted as trust acres.

Review of the 1982 field exam for license no. 35-7376 confirms that 160 fallow acres were annually rotated and that more land was being irrigated than what was originally permitted. The field examiner at that time advised the land owner to file a new application to cover the additional ground.

Based on the information above, I recommend that the Department count only 160 acres under this filing as trust acres. There is evidence that the remaining acreage was developed prior to 1984. Since there are only 160 trust acres under this application, the information required under rule 4,5,3. should be waived.

Microfilmed

MAY 29 1990

DATE OF EXAM 6/19/80

ACREAGE
Found 866 Ac Approx
Recommended 386 Ac.

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q= 6.42 c.f.s. V= 1351 AF/Ann. from April 1 to Nov. 1
Domestic Q= c.f.s. V= AF/Ann. from to
Livestock Q= c.f.s. V= AF/Ann. from to

Is water co-mingled? yes no X

Name source: N/A
twp N/S, Rge E/W, B.M., Sec. 1/4, Sub. 1/4 County

Exchange? yes no X

Name source exchanged with: N/A
twp N/S, Rge E/W, B.M., Sec. 1/4, Sub. 1/4 County

Point of injection: N/A
twp N/S, Rge E/W, B.M., Sec. 1/4, Sub. 1/4 County

Point of exchange: N/A
twp N/S, Rge E/W, B.M., Sec. 1/4, Sub. 1/4 County

Total Q measured 6.42 cfs Method of measurement Pitot Tube ✓

Total Q recommended 6.42 cfs Meter No. 12" Type Annubar Condition Std

Total V recommended 1351 AF/Ann

Recommended Amendments:

P.D. NESE Sec 9 T3N R36E BM.

Place of Use

Other

None

MEASUREMENT CALCULATION:

$(\text{pipe ID})^2 \times \text{C} \times \text{inches of HCH} =$

$(12)^2 \times 3.14 \times 37 = 2880 \text{ gpm } (6.42 \text{ cfs}) \text{ capacity}$

$386 \text{ Ac} \times 3.5 \text{ Ac Ft/Ac} = 1351 \text{ AF/Ann}$ $(6.42 \text{ cfs} \times 1.9835 \text{ cfs AF/dy} \times 214 \text{ dys} = 2725 \text{ AF/Ann})$

SYSTEM DESCRIPTION:

Water is diverted by a X & Reservoir by Winston Carter 700hp 3 phase
Gen B YR111800P with a Johnston vertical turbine pump class 50 BM, a U.S.
Electric Mfg. High Thrust 250 hp 3 phase. In # DC-208963 with a Johnston
vertical pump Ser # 6F14850, 1 1/4 miles of 12" mainline

REMARKS:

An assessment found a trouble that originally applied for
but in October 1979 using a program of "surfaces" following
the 1980s each 4/1000000 creating 1000 water to date to ground
from grass release when the potatoes seed moisture
Recommended to file another app. System described by down 740m

Examiner's Signature John D. Carlson

Date June **MICROFILMED**

Checked by K. G. Gilson

Date 31 Jan 83 **MAY 29 1990**

Approved by [Signature]

Date 2-2-83

110 Overlapping rights

PLACE OF USE 1/4 1/4 OVERLAP REPORT

03/27/90

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE				NW				SW				SE				SUM
							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3508103																							
3502794B	SUNDOWN CORP. INC.	L	GROUNDWATER	03N 36E	9						:				:	40	38		:				
3507376	SUNDOWN CORP. INC.	L	GROUNDWATER	03N 36E	9						:				:	40			39	:	39 40 39 34		
3508103	SUNDOWN CORP. INC.	A	GROUNDWATER	03N 36E	9	40	40	40	40	40	:	40	40	40	40	:				:			
	1986 MAPPING DATA	---	COUNTY 19 QUAD X	91 03N 36E	9	39	40	38	39	39	:	40	39	40	40	:	39	41	41	38	:	38 39 37 40	
3508103																							
3507062	GRAY	L	GROUNDWATER	03N 36E	10	40	40	40	40	40	:				:				:	40 40 40 40	320		
3507376	SUNDOWN CORP. INC.	L	GROUNDWATER	03N 36E	10						:				:	40	39	37	39	:	155		
3508103	SUNDOWN CORP. INC.	A	GROUNDWATER	03N 36E	10						:	40	40	40	40	:			:	160			
	1986 MAPPING DATA	---	COUNTY 19 QUAD X	91 03N 36E	10	38	39	40	39	39	:	37	36	37	39	:	39	37	36	39	:	39 40 39 40	

MAY 29 1990

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MARCH 27, 1990

Post Register
P.O. Box 1800
Idaho Falls, ID 83401

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 23, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

MICROFILMED

MAY 29 1990

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

35-08103

SUNDOWN CORP. INC.
2024 N. 55 E.
IDAHO FALLS, ID 83401

Source: GROUNDWATER

Diversion Pt: NESE Sec 9 T 03N R 36E

Use: IRRIGATION (9.600 CFS)
Total Diversion: (9.600 CFS)

Date Filed: 2/22/ 1983

In: T03N R36E S09	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SENW
S10	NENW	NWNW	SWNW	SENW

480.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 23, 1990.

R. Keith Higginson, Director

Published 4/ 4/1990 & 4/11/1990

MICROFILMED

MAY 29 1990

RECEIVED
MAR 27 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE Department of Water Resources

Application No. 35-8103

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes xx No

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes xx No

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

73762794 well used since 1974 800 acres irrigated 160 left out/ this application to drill new well to water 160

3. Please state the number of acres you have irrigated under this application since October 1, 1984. 800

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete.

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

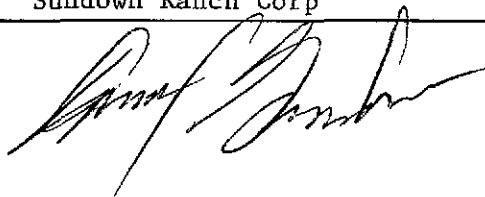
73762794

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Sundown Ranch Corp

Date 3-26-90



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MAY 29 1990

IDAHO DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

5. REMARKS/COMMENTS:

It is difficult to answer question 2a because we thought the application
was to drill a new well to provide enough water for the entire farm.

In 1974, we drilled a well and use it on this farm, but we have to leave
160 acres out because of insufficient water. We have rotated the 160 set aside
so it is not the same piece left out each year. We still want to proceed with
the application.

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MAY 29 1990

INTER-DEPARTMENT MEMO — 1

FROM *TD.*

DATE *3-26-80*

TO *Fich 35-8103*

SUBJECT

*Permit holder called today & will send des. ASHP. As per ^{applicant} ~~permitter~~
 ~~land~~ & under this app. have been using prior to '84 but were
 in violation w/ other adjacent rights. This app filed for new
 well & thus there would be a new appropriation since ~~permitter~~
 intends to irrigate more acreage than he has historically.*

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MAY 29 1990

SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 26, 1990

Sundown Corp. Inc.
Rt. 1, Box 41
Idaho Falls, ID 83401

Re: Application for Permit No. 35-8103

Dear Applicant(s):

NOTICE OF PENDING ORDER VOIDING APPLICATION

On February 22, 1983, you filed with the Department of Water Resources (Department) Application for Permit No. 35-8103 which proposed the diversion of 9.6 cubic feet per second from groundwater for the irrigation of 480 acres.

The Department mailed a letter and questionnaire to you on February 22, 1990 in connection with the application. The letter provided notice that the Department was reviewing the application in connection with development which was not complete prior to October 1, 1984.

This letter also requested that you return the Department's questionnaire concerning your present possessory interest in the place of use, any prior development under the application and/or your plans for pursuing completion of the proposed project. The letter notified you that failure to complete and return the questionnaire within thirty (30) days of the date of the letter was cause for the Department to void the application.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order voiding the application pursuant to Water Appropriation Rule 4,5,1.

If no development has been completed as proposed by the application, and you are no longer interested in pursuing the development, please complete and return the enclosed withdrawal form. Please note, if you are using water without an approved permit, the Department may issue an order requiring you to cease diverting the water.

Please feel free to contact me if you have any questions concerning this matter.

MICROFILMED

MAY 29 1990

Sincerely,

TIM LUKE

Sr. Water Resource Agent

Enclosure
cc: Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 22, 1990

RE: APPLICATION FOR PERMIT NO. 35-8103

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (in particular, Rules 4,5,3. thru 4,5,3,5, apply to your project if it is more than 200 acres).

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MAY 28 1990

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILMED

MAY 29 1990

35-8103-

SUNDOWN CORP. INC.

RT. 1, BOX 41, IDAHO FALLS, ID 83401

Source: GROUNDWATER

Date Filed: 02/22/1983

Diversion Pt: NESE Sec 09 T 03N R 36E

Use: IRRIGATION (9.60 CFS)

In: NENE NWNE SWNE SENE NENW NWNW SWNW SENW Sec 09 T 03N R 36E NENW NWNW SWNW
SENW Sec 10 T 03N R 36E FOR 480 ACRES

MICROFILMED

MAY 29 1990