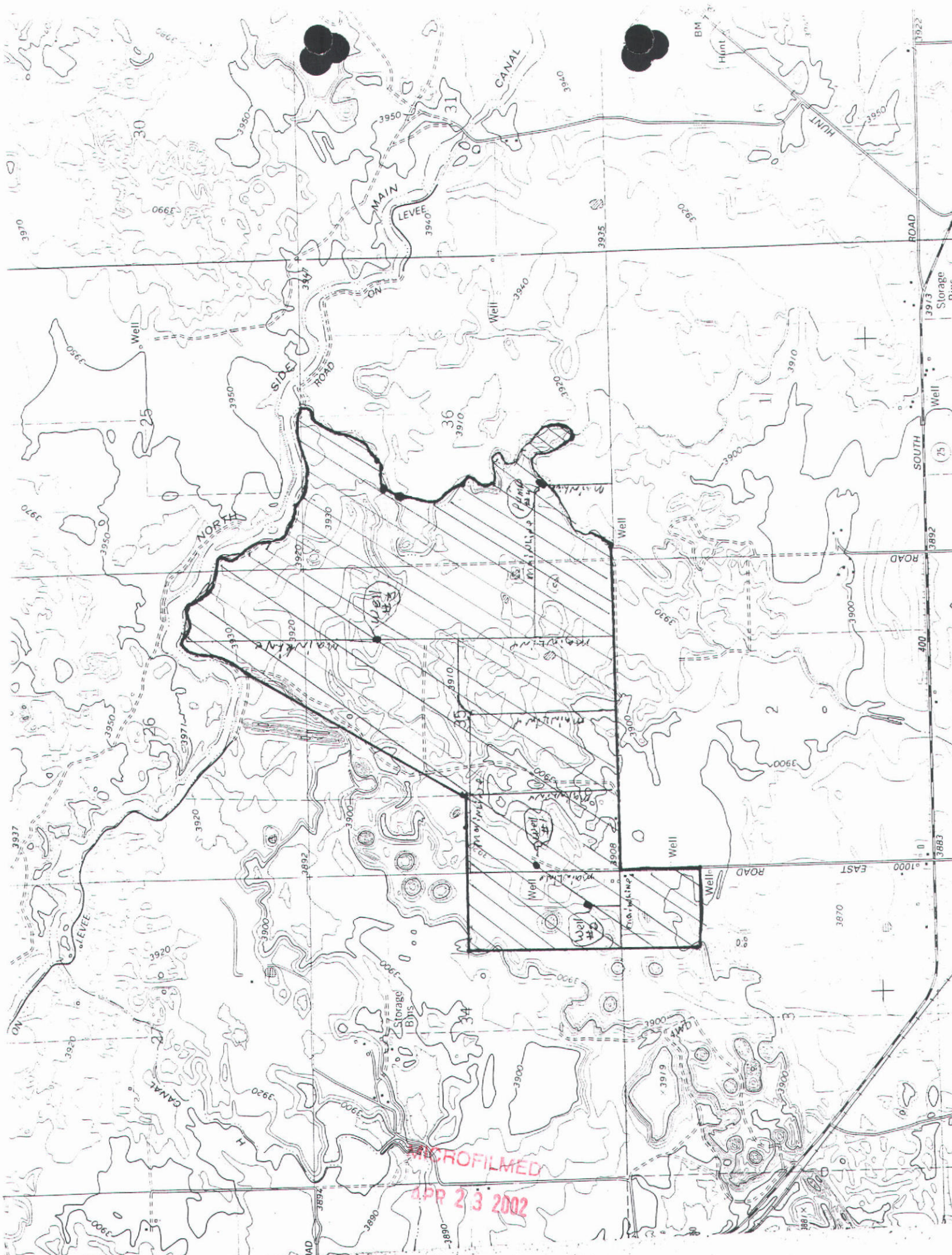




$P \in R_{M \times T}$

Acres under this

86674 0-9E

36-07491

ΣΕΛΕΝ - 95

70000 - 75

Section 26 of 10125

Section 34 Section 35

36 SET: 2012

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APR 23 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-15992

Priority: July 31, 1974

Maximum Diversion Rate: 0.42 CFS
Maximum Diversion Volume: 203.7 AF

It is hereby certified that SUNDANCE INC
PO BOX 268
EDEN ID 83325 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 31, 1974 has submitted
Proof of Beneficial Use on December 01, 1989. An examination indicates that the works have a
diversion capacity of 6.08 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	03/15 to 11/15	0.42 CFS	203.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 35, Twp 08S, Rge 18E, B.M.	JEROME County
GROUND WATER	SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 34, Twp 08S, Rge 18E, B.M.	JEROME 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	
08S	18E	36					38.0	40.0	16.0										94.0

Total Acres: 94

CONDITIONS OF APPROVAL

1. 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.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 376.0 af at the field headgate for the lands above.

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State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-15992

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Rights 36-2206, 36-2725A, 36-2725B and 36-7491 are also diverted through the points of diversion described above.

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 16th day of April, 2002.

Acting for


KARL J. DREHER
Director

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APR 23 2002

RECEIVED

JUL 28 1999

07/94

RECEIVED

JUL 26 1999

Department of Water Resources
Southern Region

Department of Water Resources

For Office Use Only

\$25.00 Filing Fee

Receipt# 5022401

Date 7/27/99

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

SUNDANCE RANCH, INC.

I, DON MCFARLAND, PRESIDENT
(Permit Holder)hereby assign to CONSTANTINO A. SOUSA &/OR
LORINE SOUSAof 301 SOUTH 1000 EAST, JEROME, ID 83338
(Full address and phone number)All my right, title, and interest in and to Permit No. _____
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
Permit No. 36-07492A to appropriate the public waters of the State of Idaho.SPLIT INTO RIGHTS 36-15992 & 36-15993 at licensing
Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second. 116 AC = 0.52 CFST.08S., R.18E., S34 -- 9 ac. SESES35 -- (16 ac.SWNE; 8 ac NESW; 32 ac.NWSW;POD IS: T08S R18E S35NWSW (well)16 SENW; 15 ac.SWSW; 18 ac.SESW) = 105 acresT.09S., R.18E. S03 -- 2 ac LT 2 (NENE)Made this 1st day of JULY 19 99Don McFarland, president
SUNDANCE RANCH, INC. Permit Holder(s) DON MCFARLAND, PRESIDENT

State of Idaho)

ss

County of Twin Falls)

On this 1st day of JULY, 1999, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.ROBERT JONES

Notary Public

SEAL

MICROFILMED

Robert Jones
SignatureMy Commission Expires: 12-20-00

APR 23 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

April 17, 2002

SUNDANCE INC
PO BOX 268
EDEN ID 83325

RE: License No. 36-15992 - 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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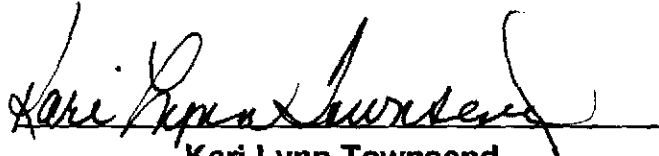
APR 23 2002

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2002 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. 36-15992

**SUNDANCE INC
PO BOX 268
EDEN ID 83325**


**Kari Lynn Townsend
Secretary**

MICROFILMED

APR 23 2002

**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).

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APR 23 2002

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.

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JUN 23 2002

MEMORANDUM

To: Files 36-15992 and 36-15993

From: Sharla

Date: April 15, 2002

Re: Licensing

Right 36-7492A was split by assignment at time of licensing; the two new rights created by the split are 36-15992 and 36-15993.

The field examiner found a total of 210 acres irrigated from a total of 3 wells with a combined total capacity of 8.96 cfs. The licenses will be issued as follows:

Rt. Number	Rate	Acres	Well Nos.
36-15992	0.42 cfs	94	2 & 3
36-15993	0.52 cfs	116	1
Totals	0.94 cfs	210	

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APR 23 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 11 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-07492A

1. Owner: Sundance Inc. Phone No. (208) 734-0004

Current Address: 350 Falls Ave. Twin Falls, Idaho 83301

2. Accompanied by: Jack McCall (Clear Creek Land & Mortgage) EXAM DATE : 8/1/96

Address: 501 Gulch Lane, Twin Falls, Idaho 83301 Phone No. (208) 734-6622

Relationship to Permit Holder: Land Manager

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 36-02206, 36-07491, 36-02725, & 36-07492B

2. Other water rights with the same point of diversion: 36-02206, 36-07491, & 36-02725

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
WELL #1		S W	N W	S W	35	08S	18E	JEROME	VISUAL AND ASCS MAPS
WELL #2		N W	S E	S E	34	08S	18E	JEROME	SEE ABOVE
WELL #3		S W	N E	N E	35	08S	18E	JEROME	SEE ABOVE

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	
08S	18E	34																9	9 AC
08S	18E	35			16					16	8	32	15	18					105 AC
08S	18E	36					38	40	16										94 AC
09S	18E	03	2																2 AC

TOTAL ACRES = 210 acres

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APR 23 2002

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

SEE ATTACHED SHEET

YES Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (required).

YES Aerial Photo attached (required for irrigation of 10+ acres).

YES 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
WELL #1	US ELECTRIC	150 Hp	R-6350-D6-122 R2146178H	LAYNE BOWLER	UNKNOWN
WELL #2	US MOTORS	30 Hp	UNKNOWN	DEMMING	15 STAGE RL BOWL
WELL #3	US MOTORS	200 Hp	C521227 84- 04104-366	VERTILINE	V74-04582
PUMP #4	GENERAL ELECTRIC	100 Hp	BPJ201359	VERTILINE	V75-70440

*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
Polysonic Portable Flow Meter	Tyme Flyte	149744	TF*P	N7H5506		April 1996

2. Measurements: SEE ATTACHED SHEET

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E. NARRATIVE/REMARKS/COMMENTS

The water from this well comes from four points of diversion. Three of these points of diversion are groundwater wells and the other is a diversion from a canal belonging to the Northside Canal Company (pump #4). Well #1 is located in the SW 1/4 - NW 1/4 - SW 1/4 of section 35 - township 08S - range 18E. Well #2 is located in the NW 1/4 - SE 1/4 - SE 1/4 of section 34 - township 08S - range 18E. Well #3 is located in the SW 1/4 - NE 1/4 - NE 1/4 of section 35 - township 08S - range 18E. Pump #4 located in the NW 1/4 - SE 1/4 - SW 1/4 of section 36 - township 08S - range 18E.

The water from well #2 is diverted into a mainline that traveled due south for approximately 1/8 of a mile. This mainline intersects a mainline traveling east and west. This mainline is used to irrigate the pasture in section 3 of 40 acres. This mainline runs for a 1/4 of mile from the eastern border of section 3. At the eastern border of section 3 this mainline intersects a north south mainline. This mainline travels due north for just over a half of a mile. Approximately 3/8's of a mile up this mainline is where well #1 diverts into this diversion works. At the northern end of this mainline (1/2 north of section 3 - section 35 corner) it turns due west for 1/8 of a mile. From this point the mainline Y's to two directions. The first leg of the Y travels due south for a 1/2 of a mile to the end of the property. The second leg of the travels Northeast for approximately 1/8 of a mile and then turns west for another 3/8's of a mile where it intersects a north south mainline. This north south mainline runs from the southern boundary of the farm 1 1/2 miles to the northern section of this farm. This mainline is intersected in three places. The first intersection is located 1/4 of a mile from the southern boundary. This intersection runs mainline 9/16 of a mile to the east where it connects to pump #4. Pump #4 diverts 5.94 cfs (see attached theoretical sheet) of water from a pond that is fed by Northside Canal Company water. The second intersection of this north and south mainline is the one I described above located 5/8 of a mile from the southern border. The third intersection is the mainline from well #3 located 3/4 of a mile from the southern border. The mainline then continues on north to the end of the system at the northern border of the farm.

All of these lands are irrigated with either hand lines or wheel lines. Mostly hand lines are used due the rough topography of the farm. This farm also uses some of the irrigated ground for pasture for livestock and the rest is used to grow row crops.

The measurements of these wells were done in three stages. I measured well #1 with a polysonic portable flow meter. Unfortunately well #2 had been taken out for repairs and well #3 was not being used at the time of the exam. Gary Funderburg had measured well #3 on an earlier field exam and a theoretical measurement was performed on well #2 and pump #4.

Have conditions of permit approval been met? X yes no

RECORDED
23 2002

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

WELL #1

Polysonic - 1291 gpm / 448.8 = 2.88 cfs (see attached reading sheet)

WELL #2

Theoretical - .55 cfs (see attached theoretical sheet)

WELL #3

Gary Funderburg's reading - 5.53 cfs (see attached copy of reading sheet)

TOTAL CFS = 8.96 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 210 \times 4.0 = 840 \text{ afa}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .94 \times 214 \times 1.9835 = 399 \text{ afa}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 399 \text{ afa}$

B

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>APRIL 01</u>	<u>OCT. 31</u>	<u>.94 cfs</u>	<u>399 afa</u>

Totals: .94 cfs 399 afa

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 Daniel A. Nelson Date 9-25-90

Reviewer _____ Date _____

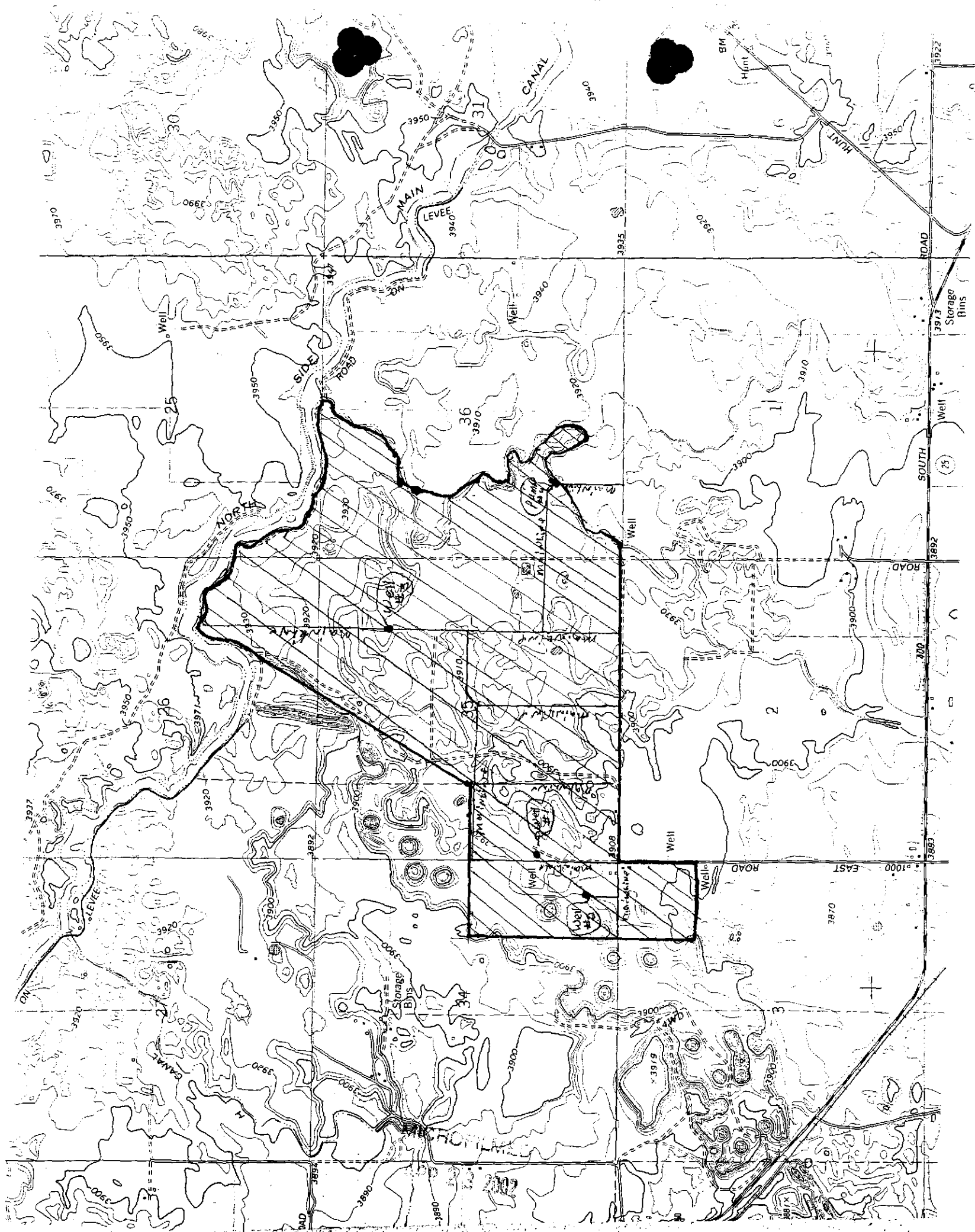
SEAL

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APR 23 2002

I RECOMMEND THAT THIS BE LICENSED UNDER THE FOLLOWING CONDITIONS:

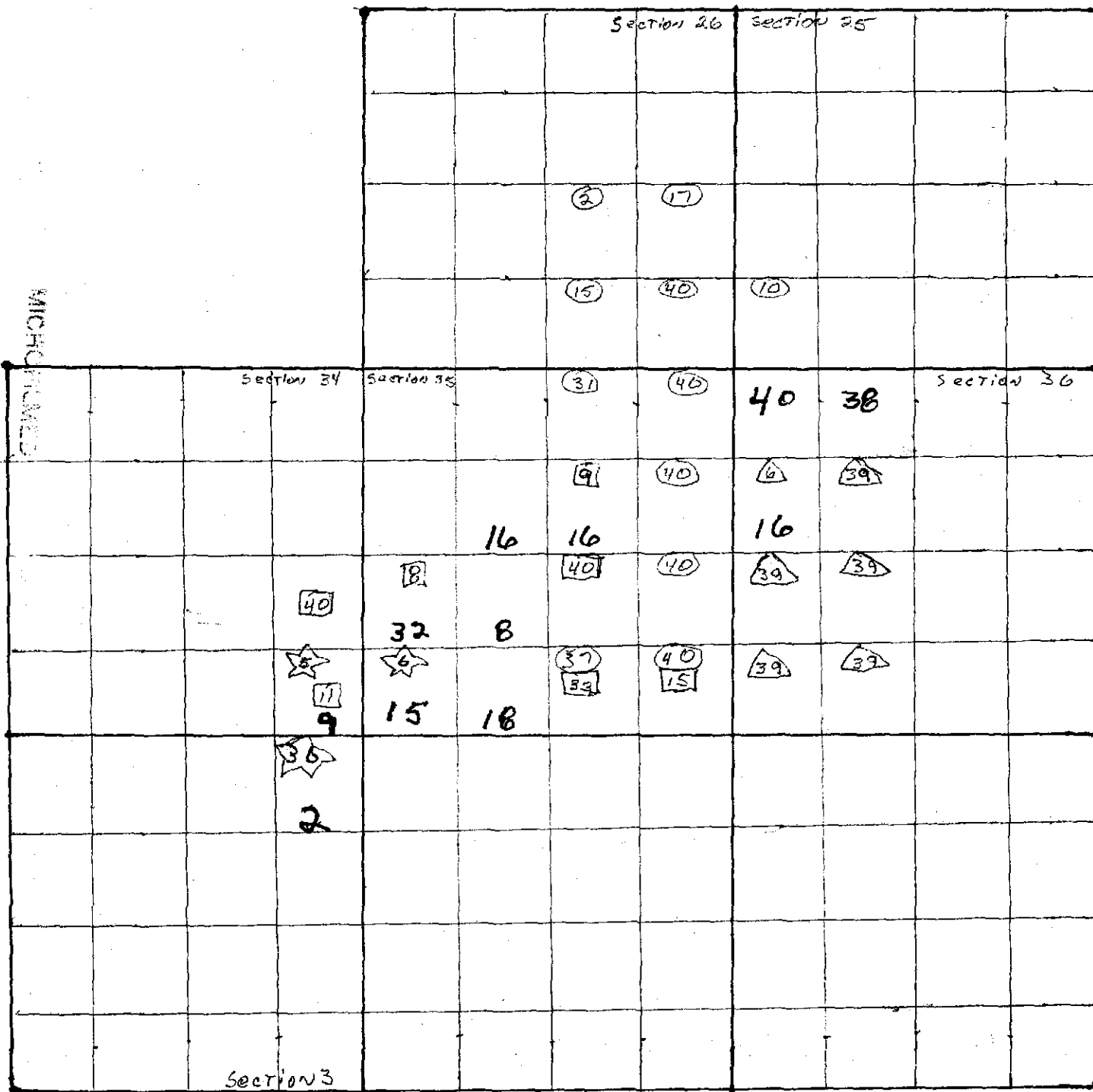
1. That this right be licensed for 210 acres which are the acres not covered by water rights 36-02206, 36-02725, 36-07491, and 36-07492B.
2. That this water right be limited to .94 cfs and a maximum diversion rate of 7.06 cfs when combined with water rights numbers 36-02206, 36-02725, and 36-07491. The 7.06 cfs diversion rate is well under the 8.96 cfs capacity of the well. Therefore Sundance Inc. will have to manage their three wells to maintain the 7.06 cfs diversion rate described by their licenses.
3. That this water be used as a primary water right due to when both the canal shares and the wells are combined only .016 cfs per acre can be applied.
4. That when this right and any other rights are combined that the diversion rate does not exceed .02 cfs per acre.

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APR 23 2002



APR 23 2012

MICHIGAN



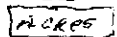
36-02206



36-02725



36-07491



36-07492B



Acres under this
Permit

#36-07492A

TOTAL ACRE 210