

Should questions arise during the processing of this application please contact:
David Shaw - ERO Resources Corp. (208) 365-7684

RECEIVED

FEB 20 2014

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant(s) Hoot Nanney Farms, Inc. Phone (208) 484-5528
Name connector (check one) ☐ and ☐ or ☐ and/or
Mailing address C/o Michael L Dixon, 8542 W Floating Feather Rd City Eagle
State ID _____ Zip 83616 Email: _____

2. Source of water supply Ground Water which is a tributary of _____

3. Location of point of diversion is:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
4N	1W	3	4		NW	NW	Ada	Ground Water	
			4		NW	NW	Ada	Ground Water	D29401
			4		NW	NW	Ada	Ground Water	

4. Water will be used for the following purposes:

Amount 2.40 cfs for Irrigation purposes from 3-1 to 11-15 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 2.40 cubic feet per second and/or (b) 0 acre feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Two existing 16" wells in Lot 4 plus one new 16" well to be drilled in Lot 4.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is 16 inches; proposed depth of well is 200 feet.

d. Is ground water with a temperature of greater than 85° F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? ≈ 1953 & 2003; drilling firm Unknown & Riverside, Inc;
Well was drilled for (well owner) Applicant; Drilling Permit No. 87-65-54-800346

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity if kW _____

b. Stockwatering; list number and kind of livestock _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider _____

d. Domestic; show number of households _____

e. Other; describe fully _____

8. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	3						Lt4 39	40			40							119
		4	Lt1 41			40									40				121

Total number of acres to be irrigated: 240

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? 63-2958 & 63-31988

10. 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: _____
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Water rights 63-2958 and 63-31988 provide for irrigation of 240 acres with 1,080 ac-ft of water but do not provide sufficient diversion rate to irrigate with pivots installed on the property. This application is for the sole purpose of increasing the diversion rate from the two existing wells and by constructing a 3rd well. The net effect should be reduced ground water diversion due to increased efficiency.
12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Michael L. Dixon
Signature of Applicant

Signature of Applicant

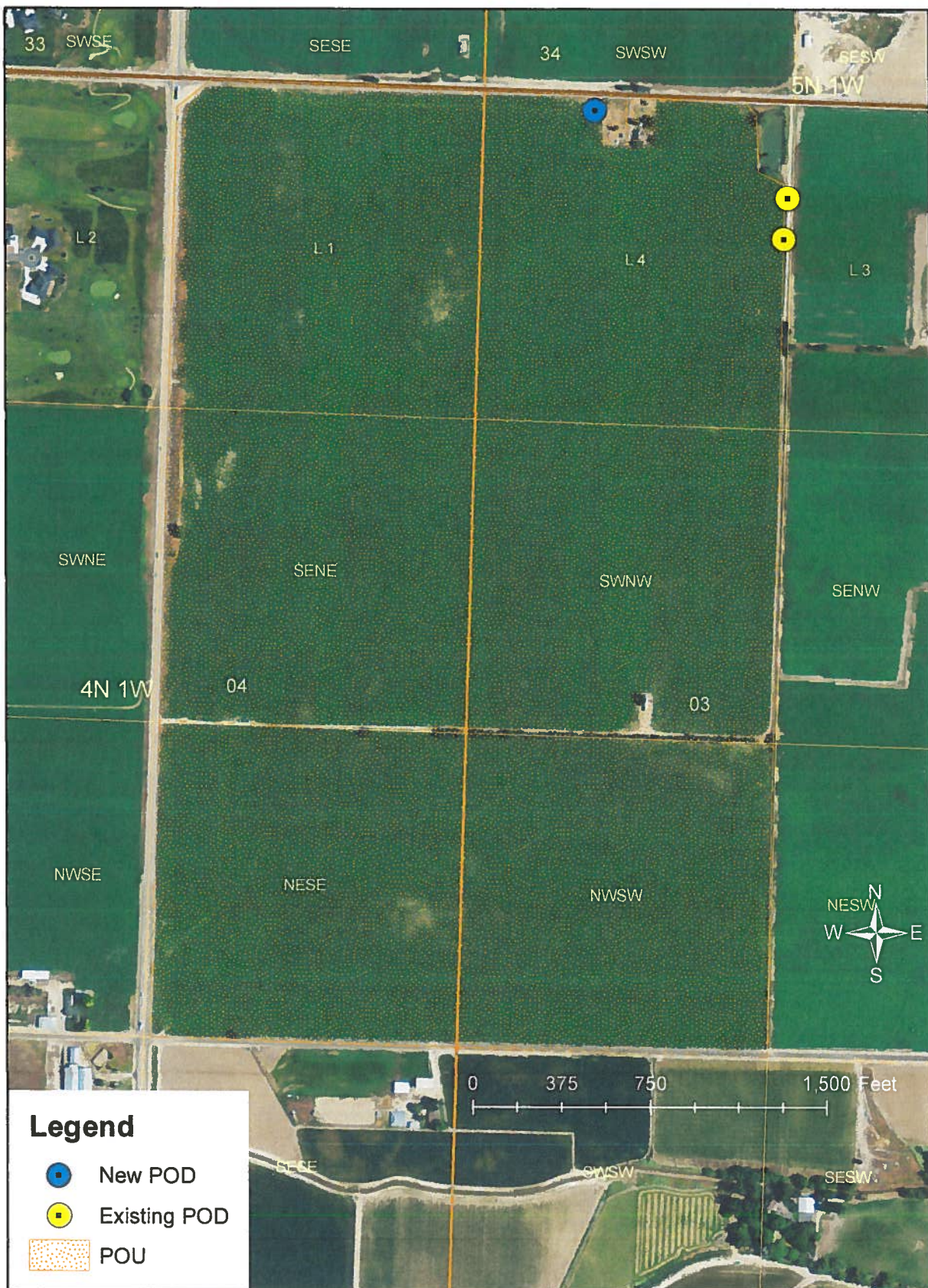
MICHAEL L. DIXON PRESIDENT H.N.F.
Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by CJ Date 2/19/14 Time 12:20 pm Preliminary check by [Signature]
Fee \$ 210 Received by CJ Receipt No. C098342 Date 2/19/14
(\$50 for amended appl re-advertising (original appl had correct fee))
(+210 balance for amended transfer)

Hoot Nanney Farms Inc. Applications for Permit & Transfer



NAIP 2011 Photography

Prepared for Hoot Nanney Farms, Inc. by ERO February 2014



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 26, 2014

HONSINGER LAW PLLC
ATTN: CHARLES HONSINGER
PO BOX 517
BOISE ID 83701

CHUCK MEISSNER
3101 N PALMER
EAGLE ID 83616

VIKI PURDY
8075 FLOATING FEATHER
EAGLE ID 83616

**Re: Application for Permit No. 63-33721 — Hoot Nanney Farms Inc.
Application for Transfer No. 78338 — Hoot Nanney Farms Inc.**

Dear Interested Parties:

The above referenced applications may be of interest to you. I would like to inform you that both applications have been submitted to The Idaho Statesman for advertising. I have enclosed copies of both amended files for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you have any questions regarding the applications, please contact this office at 208-334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Sommer". The signature is fluid and elegant, with the first name "Rachel" and last name "Sommer" clearly distinguishable.

Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosures

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, February 26, 2014 10:51 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Janice Hildreth,

Please see the attached ad for publication on 3/6/2014 & 3/13/2014.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant

IDWR, Western Region

Office: 208-334-2190

Fax: 208-334-2348

rachel.sommer@idwr.idaho.gov

February 26, 2014

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No's: 63-33721, 63-33849, 63-33851
Application for Transfer No. 78338

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 3/24/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-33721

HOOT NANNEY FARMS INC
C/O MICHAEL L DIXON
8542 FLOATING FEATHER RD
EAGLE, ID 83616

(3)Points of Diversion L4(NWNW) S3 T04N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 2.4 CFS

Total Diversion: 2.4 CFS

Date Filed: 12/13/2012

Place of Use: IRRIGATION

T04N R01W S3 L4(NWNW) SWNW NWSW

T04N R01W S4 L1(NENE) SENE NESE

Total Acres: 240

Previously published 4/18 & 4/25/2013, now amended to change proposed new well location from NWSW to NWNW, Section 3. Amended water bearing zone to be appropriated from 2 existing wells and 1 proposed well is from 4 to 200 feet (previously 4-450 feet). Also see amended Transfer Application 78338.

63-33849

DAVID BENSINGER
DEBORAH BENSINGER
7258 N SPRINGCREST PL
MERIDIAN, ID 83646

Point of Diversion SESE NWSE S9 T05N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 1.7 CFS

Use: STOCKWATER 01/01 to 12/31 0.03 CFS

Total Diversion: 1.73 CFS

Date Filed: 8/29/2013

Place of Use: IRRIGATION, STOCKWATER

T05N R01W S9 SE(ALL)

Total Acres: 152

Water bearing zone to be appropriated is from 300 to 1000 feet.

Stockwater use is for 50 to 100 range cattle.

Application proposes the irrigation of 85 acres within a 152-acre permissible place of use.

63-33851

IDAHO HUMANE SOCIETY INC
4775 DORMAN ST
BOISE, ID 83705-5086

Point of Diversion SESW S13 T03N R01E ADA County Source GROUND WATER

Use: AESTHETIC STORAGE 01/01 to 12/31 9.1 AF

Use: COMMERCIAL 01/01 to 12/31 0.28 CFS

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.28 CFS

Use: IRRIGATION 03/01 to 11/15 0.28 CFS

Total Diversion: 0.56 CFS

Date Filed: 9/5/2013

Place of Use: AESTHETIC STORAGE, COMMERCIAL, IRRIGATION

T03N R01E S13 SESW

Total Acres: 10

Water bearing zone to be appropriated is from 200 to 400 feet.

Commercial use is for a companion animal facility.

Application proposes irrigation of 7 acres within a 10 acres permissible place of use.

PROPOSED CHANGE OF WATER RIGHT

Hoot Nanney Farms C/O Michael Dixon, 8542 Floating Feather RD, Eagle ID 83616, filed Application No. **78338** to transfer two water rights with 1953 and 1976 priority dates from ground water totaling 2.40 cfs to irrigate 240 acres. The application was previously published 4/18 & 4/25/2013 proposing: add 1 well at south end of the property, with that new well being limited to 0.80 cfs for 80 acres, with balance of use to continue from 2 existing wells at northeast end of property. Amended application will relocate new well to northeast end of property near other wells, and all 3 wells will utilize the full amount of the water rights for the entire place of use. The site is southeast of Hwy 16 and Beacon Light Road. Same wells and acres are included in amended Application 63-33721.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 3/24/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/6/2014 and 3/13/2014

Lester, Steve

From: Dave Shaw [dshaw@eroresources.com]
Sent: Monday, February 24, 2014 4:06 PM
To: Lester, Steve
Subject: RE: Hoot Nanney amended applications
Attachments: Amended Application for Transfer - Dixon p3#2.pdf

Steve:

Thank you for taking a look at these applications so quickly.



All points of diversion will be limited to 200 feet or less in depth. Both existing wells are less than 200 feet in depth and the new well proposed to be constructed will also be no more than 200 feet in depth.

The new page 3 for the application for transfer is attached.

Please let me know if you need any additional information,
Thank you again,
Dave

David Shaw

ERO Resources Corporation

208.365.7684 dshaw@eroresources.com | www.eroresources.com

From: Lester, Steve [<mailto:Steve.Lester@idwr.idaho.gov>]
Sent: Monday, February 24, 2014 3:48 PM
To: Dave Shaw
Subject: Hoot Nanney amended applications

Dave:

The SO asked Western to re-advertise the amended applications. Please provide the following information to help us do that.

63-33721: Prior water bearing zone 4-450 feet. The amended application lists a new well about 200 ft. deep. The water bearing zone for all points of diversion should be included in this application. I assume from the withdrawn approval that ground water no deeper than 200 feet is intended. Please confirm the water bearing zone for all points of diversion for this amended application.

78338: Application page 3, Part 1, item B.2, total water to be transferred increased from 0.80 to 2.40 cfs. While it's understood from your cover letter that the answer is 2.40 cfs, the item is incomplete on the amended application. All relevant application items must be completed for an application to be processed.

The water bearing zone can be confirmed by an email reply. The transfer application can be completed by (a) completing that item on the original form, or (b) submitting a replacement page 3. The latter could be an email attachment.

This Wednesday is the deadline for application information for ads to be sent to publish the first half of next month. Otherwise, the next chance is the last half of next month. Thanks for your help with this.

Steve

* Applicant - Additional Information



RECEIVED
FEB 19 2014
DEPARTMENT OF
WATER RESOURCES

RECEIVED

FFR 20 2014

WATER RESOURCES
WESTERN REGION

February 18, 2014

Jeff Peppersack
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: Hoot Nanney Farms, Inc. Amended Applications 63-33721 and 78338

Dear Jeff:

Enclosed are amended applications for permit and transfer in the name of Hoot Nanney Farms, Inc. These applications were previously advertised and proposed approvals were issued. The proposed approvals were withdrawn because of the applicant's concern for obtaining an adequate water supply under the proposed conditions of approval and a previous stipulation to resolve a protest with an adjoining property owner.

The applicant now proposes to move the new point of diversion further north to provide more distance between the location of the new well and the adjoining property owner. We believe the new location will allow a successful well to be developed at 200 feet or less depth and will be far enough from the adjoining property owners well to not cause injury to the existing water use.

A check in the amount of \$260 is enclosed. It is my understanding the re-advertising fee is \$50 for each application. Under the present configuration the new well needs to be part of the water supply for the full 240 acres of the property, so an additional \$160 fee for the transfer is also included.

Denver
1842 Clarkson St.
Denver, CO 80218
303.830.1188

Durango
1015 1/2 Main Avenue
Durango, CO 81301
970.422.2136

Hotchkiss
P.O. Box 932
161 South 2nd St.
Hotchkiss, CO 81419
970.872.3020

Idaho
4001 East Main Street
Emmett, ID 83617
208.365.7684

www.eroresources.com

Consultants in
Natural Resources
and the Environment

OVER 7

Please let me know if you have questions or need additional information. Anything that can be done to expedite processing of these amended applications will be appreciated.

Yours truly,



David Shaw

Attachments

cc: Michael Dixon