

Should questions arise during the processing of this application, please contact:
 David Shaw - ERO Resources Corp. (208) 373-7983

RECEIVED

DEC 13 2012 - 2012

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 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	NE	NW	NW	Ada	Ground Water	
			4	NE	NW	NW	Ada	Ground Water	D29401
				SW	NW	SW	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 the SENWSW.

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 250 plus 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.

- a. If water is for irrigation, indicate : age in each subdivision in the tabulation w.

[illegible]

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 planned to be 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 to operate the southernmost pivot. The new well will be designed to seal out water above 200 feet in depth and divert only from below that depth. 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.

Signature of Applicant

Signature of Applicant Michael P. Spector President H.R. Forman Inc.

Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by MS Date 12-13-12 Time 2:30 pm Preliminary check by JL
 Fee \$ 330- Received by MS Receipt No. W090762 Date 12-13-12

Hoot Nanney Farms, Inc. Application for Permit



NAIP 2011 Photography

Prepared for Hoot Nanney Farms, Inc. by ERO December 2012

63-33721



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

April 15, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MIKE MOYLE
480 N PLUMMER
STAR ID 83669

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

Dear Mr. Moyle:

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 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 written in dark ink and is positioned above the typed name and title.

Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosures

Sommer, Rachel

From: Sommer, Rachel
Sent: Friday, April 12, 2013 9:03 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Janice Hildreth,

Please see the attached ad for publication on 4/18/2013 & 4/25/2013.

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

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

63-33724

JOHN NORTHRUP
CHERYL NORTHRUP
9951 W ROLLING HILLS
STAR, ID 83669

Point of Diversion NESE S5 T04N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.18 CFS

Total Diversion: 0.18 CFS

Date Filed: 12/28/2012

Place Of Use: IRRIGATION

T04N R01W S5 NESE

Total Acres: 8.7

Water bearing zone to be appropriated is between 151 and 161 feet.

63-33721

HOOT NANNEY FARMS INC
C/O MICHAEL L DIXON
RT 1 BOX 8542 FLOATING FEATHER RD
EAGLE, ID 83616

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

Point of Diversion NWSW 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

Seeks increased rate but not more volume for same land irrigated under Transfer Application 78338. Add 1 new well to provide enough water for about 80 acres pivot. Balance of water to be used at 2 existing wells. Water bearing zone to be appropriated is from 4 to 450 feet. Irrigation limited to 240 acres under all rights, no new lands.

PROPOSED CHANGE OF WATER RIGHTS

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 purpose of the transfer is to add a new well at south end of the property. The new well will be limited to 0.80 cfs for 80 of the 240 acres. Balance of the rights will be diverted from 2 existing wells in northeast end of the site. The site is southeast of Hwy 16 and Beacon Light Road. Same wells are included in Application 63-33721 for the same acres.

The City of Boise Public Works Department of 150 N Capitol Blvd. Boise, ID 83701 filed Application No. 78257 to transfer one water right with a 1979 priority date from low temperature geothermal ground water totaling 0.80 cfs. The transfer proposes to split the right and move 0.04 cfs to a low temperature geothermal ground water well for municipal use at the Boise Police Department Firearm Training Range. The unchanged portion of the municipal right will continue to be diverted from a low temperature geothermal well in Hulls Gulch, northeast Boise.

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 5/6/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/18/2013 and 4/25/2013

April 11, 2013

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

RE: Application For Permit No's: 63-33724 and 63-33721
Transfer No's: 78338 and 78257

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 5/6/2013. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

MEMORANDUM

TO: Transfer 78338 & Application 63-33721
FROM: Steve Lester 
DATE: April 2, 2013
RE: Evaluation of Applications

Idaho Legislator Mike Moyle discussed these applications with the director. The director indicated a comment letter for the applications should be sent to Moyle and the director should be kept informed as processing continues. This is being coordinated through the regional manager.

The application for permit proposes to increase the diversion rate but not add volume to a 240 acre POU now served by two ground water rights and one supplemental permit from Little Gulch Creek (mostly supplied from waste water). This application covers two existing wells and one proposed well.

The transfer proposes to add the same proposed well to the existing system. Effectively, about 80 acres/360 af will be relocated to the new well for a pivot, with the balance of the ground water irrigation from the existing wells.

The site is just west of Eagle on the southeast corner of Hwy 16 and Beacon Light Road. The attached map illustrates the situation.

Contact person for the applicant is **Dave Shaw, ERO Resources**.

Transfer 78338 Summary of Information Submitted

Authority to File: The applicant is the owner of record with authority over the rights.

Water Right Validity: The rights were decreed in 2007 and have been active since then. The rights are valid.

Injury to Other Water Rights: Injury is not obviously noted, although possible protests might affect that assumption.

Enlargement of Use: Enlarged use will not occur by shifting part of the use to a new well.

Local Public Interest: Absent any protests, the transfer is presumed to serve the public interest by enhancing an irrigation system.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

Transfer 71630 approved in 2005 added a second well to the ground water system. That transfer was not protested. The rights did not receive SRBA objections. That background does not suggest additional comment letters for the new transfer application.

The applicant showed a “means acceptable to the department ... will allow determination of the total rate of flow” as required in that transfer. See consultant’s 3/23/2013 email on this. The means is an ability to measure flow with a sonic meter if necessary. This does not mean actual measuring devices must be in place.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Application 63-33721 Information

This application adds flow to the 240 acres covered under other rights/permit without adding any volume. Reduced use at the existing wells on the northeast end of the site will be replaced with use from the proposed well at the south end of the property.

Application remarks were updated by subsequent information that does not have to be listed on the application form. Note the POD sites are outside of the shallow ground water boundary ending at Star, negating the requirement to avoid water less than 200 feet deep.

Water bearing zone for the application is about 4 to 450 feet. See correspondence and emails from 3/7 through 3/23/2013 for details about this, injury comments and other aspects of this project.

Discussion

Based on verbal information received by different people at IDWR, there might be some controversy about Farmers Union Ditch Company water for this POU. However, file information suggests Farmers Union water has not been available since the early 1950’s when senior ground water right 63-2958 was initiated.

The current lack of ditch company water is confirmed in the consultant’s 3/12/2013 letter. It is also at least implicitly confirmed in the 11/11/2004 letter from the ditch company (copy from 63-32010 is filed in Application 63-33721 under 3/6/2013 entry).

Current ground water rights are limited to 2.40 cfs, 1080 afa, 240 acres. Surface water permit 63-32010¹ covers the same 240 acres. Although combined limits typically do not include permits, it might be prudent to use them in this case to avoid more controversy.

Assuming no protests, measuring devices are not required at this time but might be in the future.

A reduced transfer fee limits the new well flow rate under the old rights.

Overlap for the same land includes the following:

- Ground water 63-2958 (senior) and 63-31988 (junior expansion right).

¹ Western Region will conduct licensing field exam for 63-32010 this irrigation season.

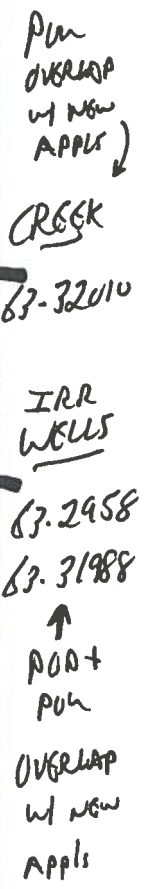
- Those rights will share the same PODs with 63-33721 if both applications are approved.
- Little Gulch Creek 63-32010.

If approved, Transfer 78338 and Application 63-33721 should have the following conditions.

- Standard conditions as usual – well construction, 0.02 cfs/4.5 afa per acre etc.
- Use 01M instead of measurement criteria from transfer 71630.
- 63-2958, 63-31988, 63-32010 and 63-33721 limited to 1080 afa and 240 acres.
- 63-2958, 63-31988 and 63-33721 limited to 4.80 cfs², 1080 afa and 240 acres.
- New POD limited to 0.80 cfs in transfer.
- Right 63-33721 adds rate of flow but not volume to POU.
- Right 63-33721 with supplemental conditions.
- Right 63-33721 does not authorize irrigation of new land beyond that covered under rights 63-2958, 63-31988 and 63-32010.

² New 2.40 cfs in 63-33721 is additive with combined rate 2.40 cfs under older ground water rights. So total cfs is not really “limited” as we mean in conditions. Rate “limit” added here for clarity to avoid having to consult other rights to see total ground water rate authorized for the same land.

2011 photo



Shallow gw Live

● NSW POB T. 78338
63-33721

Lester, Steve

From: Dave Shaw [dshaw@eroresources.com]
Sent: Saturday, March 23, 2013 11:27 AM
To: Lester, Steve
Subject: RE: Hoot Nanny Farms, Inc.

Steve:

I think we should change the application for the well to appropriate water from 4 to 450' deep based upon the Rosti well log just west of highway 16. The Rosti well was drilled in 1992 as a drought relief well and may have been used in 1994 but I don't believe it has been used since.

You are correct the 0.80 cfs limit of diversion rate for the new well under the existing water rights will be acceptable upon approval of the companion application for permit. As I indicated, the new application does not include any additional water volume and the transfer is the only means that I am aware of to transfer a proportionate share of the volume from the existing wells to the proposed new well.

I inspected the existing wells, the pumping pond and the relift pumps to determine if measurements were possible at the existing wells. Indeed there is more than adequate straight pipe run between the second well and the discharge to the pumping pond to install and measure discharge with a sonic/transit time flow meter. This measurement would be of the combined discharge of the two wells. If a measurement of the wells separately were required, there is more than adequate pipe between the wells to measure the discharge of one of the wells that could then be deducted from the total discharge for separate well discharge amounts. I believe the installation in its present form meets the criteria of condition 6 of transfer 71630.

Please let me know if there is any additional information I can provide for you. Thank you for your attention to these applications.
Dave

David Shaw
ERO Resources Corporation

From: Lester, Steve [mailto:Steve.Lester@idwr.idaho.gov]
Sent: Wednesday, March 13, 2013 3:48 PM
To: Dave Shaw
Subject: RE: Hoot Nanny Farms, Inc.

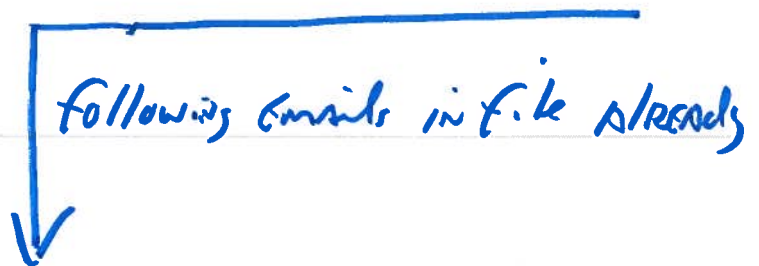
Dave:

Thank you for your prompt reply. In the interests of expediting, I will limit my response to email and you are welcome to do the same if you prefer.

Based on your information, the proposed water bearing zone for existing wells and the proposed well for Application 63-33721 is assumed to be 4 to 200 feet. Because we are required by Order to include the zone in legal notices for Basin 63 applications for permit, drilling deeper would most likely would require additional legal notice. Please confirm if 4-200 is sufficient or if the applicant wants to include more flexibility by changing this now.

Without additional payment, the \$500 transfer fee for 0.80 cfs means a possible approval would include this condition: Diversion of water from the additional well authorized under Transfer 78338 located in NWSW, Sec. 3, T4N, R1W shall not exceed a maximum diversion rate of 0.80 cfs.

Following emails in file already





ERO Resources Corp.
3314 Grace Street
Boise, ID 83703
(208) 373-7983
Fax: 373-7985
www.eroresources.com
eroboise@eroresources.com

RECEIVED

MAR 14 2013

WATER RESOURCES
WESTERN REGION

March 12, 2013

Steve Lester
Water Rights Supervisor
Idaho Department of Water Resources
2725 Airport Way
Boise, ID 83705-5082

RE: Application for Permit No. 63-33721 and Application for Transfer No. 78338

Dear Steve:

On the 10/21/1954 Field Exam there is a note indicating about 85 acres of the Northern 2/3 of the Dixon property had Farmers Union Ditch Company water. The 9/7/1954 Proof of Beneficial Use statement by Mr. Bolen also indicated the presence of Farmers Union water on the property. Neither the Dixons nor the secretary of the Farmers Union Ditch Company had any records indicating Farmers Union water is still present on the property. I finally contacted Lloyd Akins, Farmers Union Ditch Company V.P. and he recalls Mr. Bolen sold the Farmers Union water off the property when Mr. Bolen developed the 1953 ground water right 63-2958. Mr. Akins indicated the property was too rough to irrigate with Farmers Union water because it could not be delivered high enough in elevation to spread over the property. Mr. Akins referred to the water right developed by Mr. Bolen as a standalone ground water right.

There is not presently any Farmers Union Ditch Company water available for the 240 acres covered by these applications.

Application 63-33721

- 1) Information on the original well is limited to the following statement from the Proof of Beneficial Use by Mr. Bolen dated 7/9/1954. "Well 62 feet deep; casing 16 inch—depth approximately that of well. Depth of water varies from 4 to 20 feet. Pump discharges 150 inches—determined by engineers of B. & M. Equipment Company Caldwell, Idaho."
A well log is available and is attached for the well drilled in 2003. It is not clear from the well log where the best water production occurred but it appears water bearing zones occurred from 4 feet of depth to the completed depth of 188 feet with intermittent zones that produced little or no water.
Since the new well is not in the area of shallow ground water concern an attempt will be made to develop a successful well from the 50 to 200 feet of depth range. Drilling deeper would only be pursued if a satisfactory well could not be completed in the 50 to 200 feet deep range.
- 2) Water right permit 63-32010 will overlap with the Northern 2/3 of the property when the pivots are put into use. Although this permit lists the source of water as Little Gulch Creek, the actual source of water is wastewater from the

4) See number 3 under Application 63-33721.

Please let me know if you have any questions or if I can provide you with any additional information. Thank you in advance.

Yours truly,

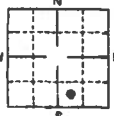
A handwritten signature in black ink, appearing to read "Dave", with a long horizontal stroke extending to the right.

David Shaw

Enc.

cc: Michael Dixon

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState 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 <u>Sam Rosti</u> Address <u>1460 NORTH POLLARD LN STAN</u> Drilling Permit No. <u>63-92-W-562-000</u> Water Right Permit No. <u>63-11715</u>		7. WATER LEVEL Static water level <u>+1</u> feet below land surface. Flowing? ☒ Yes ☐ No G.P.M. flow <u>15</u> Artesian closed-in pressure <u>2</u> p.s.i. Controlled by: ☒ Valve ☐ Cap ☐ Plug Temperature <u>50</u> °F. Quality _____ 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 ☐ Baller ☒ Air ☐ Other _____																																																																																																																																																																																									
3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Monitor ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		<table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td>1500</td><td>100 FT</td><td>24</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>		Discharge G.P.M.	Pumping Level	Hours Pumped	1500	100 FT	24																																																																																																																																																																																		
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4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Auger ☐ Reverse rotary ☒ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)		9. LITHOLOGIC LOG <u>082214</u> <table border="1"><thead><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>18"</td><td>0</td><td>5</td><td>Top Soil</td><td></td><td></td></tr><tr><td>18"</td><td>5</td><td>15</td><td>SANDY CLAY</td><td></td><td></td></tr><tr><td>18"</td><td>15</td><td>21</td><td>CLAY BALLERS</td><td></td><td></td></tr><tr><td>18"</td><td>21</td><td>31</td><td>Med GRAVEL 4"</td><td></td><td></td></tr><tr><td>18"</td><td>31</td><td>38</td><td>SANDY CLAY</td><td></td><td></td></tr><tr><td>18"</td><td>38</td><td>47</td><td>SAND FINE</td><td></td><td></td></tr><tr><td>18"</td><td>47</td><td>71</td><td>CLAY BROWN</td><td></td><td></td></tr><tr><td>16"</td><td>71</td><td>95</td><td>SANDY CLAY</td><td></td><td></td></tr><tr><td>16"</td><td>95</td><td>90</td><td>SAND 4"</td><td></td><td></td></tr><tr><td>16"</td><td>90</td><td>120</td><td>BROWN + BROWN CLAY</td><td></td><td></td></tr><tr><td>16"</td><td>120</td><td>125</td><td>SANDY CLAY BROWN</td><td></td><td></td></tr><tr><td>16"</td><td>125</td><td>129</td><td>BLUE CLAY</td><td></td><td></td></tr><tr><td>16"</td><td>129</td><td>139</td><td>SAND 4"</td><td></td><td></td></tr><tr><td>16"</td><td>139</td><td>179</td><td>BLUE CLAY</td><td></td><td></td></tr><tr><td>16"</td><td>179</td><td>185</td><td>SILT + SAND</td><td></td><td></td></tr><tr><td>16"</td><td>185</td><td>240</td><td>BLUE SHALE</td><td></td><td></td></tr><tr><td>16"</td><td>240</td><td>250</td><td>CORALS SAND 16"</td><td></td><td></td></tr><tr><td>16"</td><td>250</td><td>260</td><td>BROWN CLAY</td><td></td><td></td></tr><tr><td>16"</td><td>260</td><td>304</td><td>BLUE SHALE</td><td></td><td></td></tr><tr><td>16"</td><td>304</td><td>309</td><td>FINE SAND</td><td></td><td></td></tr><tr><td>16"</td><td>309</td><td>320</td><td>BLUE SHALE</td><td></td><td></td></tr><tr><td>16"</td><td>320</td><td>339</td><td>WHITE CORALS 16"</td><td></td><td></td></tr><tr><td>16"</td><td>339</td><td>345</td><td>BLUE SHALE YELLOW CLAY</td><td></td><td></td></tr><tr><td>16"</td><td>345</td><td>362</td><td>WHITE CORALS 4"</td><td></td><td></td></tr><tr><td>16"</td><td>362</td><td>399</td><td>BLUE + YELLOW CLAY</td><td></td><td></td></tr><tr><td>16"</td><td>399</td><td>410</td><td>BLUE SHALE</td><td></td><td></td></tr><tr><td>16"</td><td>410</td><td>425</td><td>WHITE CORALS 4"</td><td></td><td></td></tr><tr><td>16"</td><td>425</td><td>430</td><td>BLUE SHALE</td><td></td><td></td></tr><tr><td>16"</td><td>430</td><td>445</td><td>WATER CORALS 4"</td><td></td><td></td></tr></tbody></table>		Bore Diam.	Depth		Material	Water		From	To	Yes	No	18"	0	5	Top Soil			18"	5	15	SANDY CLAY			18"	15	21	CLAY BALLERS			18"	21	31	Med GRAVEL 4"			18"	31	38	SANDY CLAY			18"	38	47	SAND FINE			18"	47	71	CLAY BROWN			16"	71	95	SANDY CLAY			16"	95	90	SAND 4"			16"	90	120	BROWN + BROWN CLAY			16"	120	125	SANDY CLAY BROWN			16"	125	129	BLUE CLAY			16"	129	139	SAND 4"			16"	139	179	BLUE CLAY			16"	179	185	SILT + SAND			16"	185	240	BLUE SHALE			16"	240	250	CORALS SAND 16"			16"	250	260	BROWN CLAY			16"	260	304	BLUE SHALE			16"	304	309	FINE SAND			16"	309	320	BLUE SHALE			16"	320	339	WHITE CORALS 16"			16"	339	345	BLUE SHALE YELLOW CLAY			16"	345	362	WHITE CORALS 4"			16"	362	399	BLUE + YELLOW CLAY			16"	399	410	BLUE SHALE			16"	410	425	WHITE CORALS 4"			16"	425	430	BLUE SHALE			16"	430	445	WATER CORALS 4"		
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5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ Thickness _____ Diameter _____ From _____ To _____ <u>37.5</u> inches <u>16</u> inches + <u>1</u> feet <u>410</u> 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 <u>JANSON</u> Type <u>STAINLESS</u> Top Packer or Headpipe <u>YES</u> Bottom of Tailpipe <u>YES</u> <u>19</u> <u>350</u> <u>350</u> <u>360</u> Diameter <u>14</u> Slot size <u>80</u> Set from <u>410</u> feet to <u>425</u> feet Diameter <u>14</u> Slot size <u>80</u> Set from <u>430</u> feet to <u>445</u> feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from <u>345</u> feet to <u>445</u> feet Surface seal depth <u>27</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding 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 _____		10. DEPARTMENT OF WATER RESOURCES Western Regional Office Work started <u>July 23-92</u> finished <u>Sept 14-92</u>																																																																																																																																																																																									
6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>ADA</u> Address of Well Site _____ (give at least name of road) <u>SW 1/4 SE 1/4 Sec. 4</u> T. <u>4</u> N or S ☐ R. <u>01</u> 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 <u>Rocky Mountain Drilling</u> Firm No. <u>211</u> Address <u>1523 N. Ketchum Blvd</u> Date <u>Sept 15-92</u> Signed by Drilling Supervisor <u>James E. Sullivan</u> and _____ (Operator) <u>James E. Sullivan JR</u> (If different than the Drilling Supervisor)																																																																																																																																																																																									

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

Lester, Steve

From: Lester, Steve
Sent: Wednesday, March 13, 2013 3:48 PM
To: 'Dave Shaw'
Subject: RE: Hoot Nanny Farms, Inc.

Dave:

Thank you for your prompt reply. In the interests of expediting, I will limit my response to email and you are welcome to do the same if you prefer.

Based on your information, the proposed water bearing zone for existing wells and the proposed well for Application 63-33721 is assumed to be 4 to 200 feet. Because we are required by Order to include the zone in legal notices for Basin 63 applications for permit, drilling deeper would most likely would require additional legal notice. Please confirm if 4-200 is sufficient or if the applicant wants to include more flexibility by changing this now.

Without additional payment, the \$500 transfer fee for 0.80 cfs means a possible approval would include this condition: Diversion of water from the additional well authorized under Transfer 78338 located in NWSW, Sec. 3, T4N, R1W shall not exceed a maximum diversion rate of 0.80 cfs.

Your reply to this point infers that limit without stating it outright. I assume the new well will be limited to 0.80 cfs under the transfer application (but not necessarily under the other application) unless notified otherwise.

Regarding Transfer 71630 conditions of approval, Condition 6 required the right holder to do something before diverting under that approval ("Prior to diversion shall provide a means of measurement"). To show compliance with Transfer 71630, it is not sufficient to agree that all wells will be metered if these new applications are approved. Please provide a clearer response in this regard. Perhaps a response could discuss why that transfer approval should not be rescinded (Condition 2) for failure to comply with Condition 6.

Processing will continue based on your reply to this email. Thank you for your attention to these matters.

Steve

From: Dave Shaw [<mailto:dshaw@eroreources.com>]
Sent: Tuesday, March 12, 2013 2:09 PM
To: Lester, Steve
Subject: FW: Hoot Nanny Farms, Inc.

 *this email is file
separately*

David Shaw
ERO Resources Corporation

From: Dave Shaw
Sent: Tuesday, March 12, 2013 1:54 PM
To: 'steven.lester@idwr.idaho.gov'
Cc: Spackman, Gary
Subject: Hoot Nanny Farms, Inc.

Lester, Steve

From: Dave Shaw [dshaw@eroresources.com]
Sent: Tuesday, March 12, 2013 2:09 PM
To: Lester, Steve
Subject: FW: Hoot Nanny Farms, Inc.
Attachments: Response Letter 3-12-13.pdf

David Shaw

ERO Resources Corporation

From: Dave Shaw
Sent: Tuesday, March 12, 2013 1:54 PM
To: 'steven.lester@idwr.idaho.gov'
Cc: Spackman, Gary
Subject: Hoot Nanny Farms, Inc.

Steve:

Since we are trying to expedite the processing of these applications I am emailing a response to your March 7, 2013 letter requesting additional information. A hard copy will follow, but I wanted to get this information in your hands as expeditiously as possible.

Please let me know if you have questions.

Thank you,
Dave

David Shaw

ERO Resources Corporation

208.373.7983 dshaw@eroresources.com | www.eroresources.com



ERO Resources Corp.
3314 Grace Street
Boise, ID 83703
(208) 373-7983
Fax: 373-7985
www.eroresources.com
eroboise@eroresources.com

March 12, 2013

Steve Lester
Water Rights Supervisor
Idaho Department of Water Resources
2725 Airport Way
Boise, ID 83705-5082

RE: Application for Permit No. 63-33721 and Application for Transfer No. 78338

Dear Steve:

On the 10/21/1954 Field Exam there is a note indicating about 85 acres of the Northern 2/3 of the Dixon property had Farmers Union Ditch Company water. The 9/7/1954 Proof of Beneficial Use statement by Mr. Bolen also indicated the presence of Farmers Union water on the property. Neither the Dixons nor the secretary of the Farmers Union Ditch Company had any records indicating Farmers Union water is still present on the property. I finally contacted Lloyd Akins, Farmers Union Ditch Company V.P. and he recalls Mr. Bolen sold the Farmers Union water off the property when Mr. Bolen developed the 1953 ground water right 63-2958. Mr. Akins indicated the property was too rough to irrigate with Farmers Union water because it could not be delivered high enough in elevation to spread over the property. Mr. Akins referred to the water right developed by Mr. Bolen as a standalone ground water right.

There is not presently any Farmers Union Ditch Company water available for the 240 acres covered by these applications.

Application 63-33721

- 1) Information on the original well is limited to the following statement from the Proof of Beneficial Use by Mr. Bolen dated 7/9/1954. "Well 62 feet deep; casing 16 inch—depth approximately that of well. Depth of water varies from 4 to 20 feet. Pump discharges 150 inches—determined by engineers of B. & M. Equipment Company Caldwell, Idaho."
A well log is available and is attached for the well drilled in 2003. It is not clear from the well log where the best water production occurred but it appears water bearing zones occurred from 4 feet of depth to the completed depth of 188 feet with intermittent zones that produced little or no water.
Since the new well is not in the area of shallow ground water concern an attempt will be made to develop a successful well from the 50 to 200 feet of depth range. Drilling deeper would only be pursued if a satisfactory well could not be completed in the 50 to 200 feet deep range.
- 2) Water right permit 63-32010 will overlap with the Northern 2/3 of the property when the pivots are put into use. Although this permit lists the source of water as Little Gulch Creek, the actual source of water is wastewater from the

properties to the North and East of this 240 acre parcel. There are pumping ponds near the Northeast corner of the 240 acres that capture both the ground water from the two existing wells and wastewater, when the wastewater is available. As with most wastewater rights it can be used as supplemental when it is available but it is not a reliable source and continues to diminish as more land is converted to sprinkler irrigation.

- 3) Diversion from the two existing wells will be reduced on an annual basis as the Southern 1/3 of the property will be irrigated from a new well near the south boundary of the property. There are two small domestic and stock water rights just south of the proposed location of the new well belonging to the Purdys. A 1966 well log for the area where the rights are located indicates the wells are probably getting the majority of their water supply from the 25 feet to 45 feet deep zone. These rights are also located between a large irrigation lateral and the proposed well giving these rights closer access to the lateral seepage if that is the primary water source for these rights. The next nearest well is West of Highway 16 and was completed to a depth of 445 feet with many water bearing zones beginning at 15 feet of depth, see Rosti well log attached. The new well should not impact either of these wells if the shallow, less than 50 feet deep, water is cased out and adequate water can be found above 200 feet of depth, similar to the 2003 well drilled for the applicant.

Application 78388

Sorry for the oversight of not including copies of the two water rights. I have the pdfs for them and simply forgot to include them with the application. Thank you for adding those documents to the application.

- 1) The primary purpose of the transfer application is to move 360 ac-ft of diversion volume under the existing water rights to the new point of diversion. The new application alone has more than sufficient diversion rate for the new point of diversion but it seemed to make more sense to spread the elements of the rights to the respective points of diversion based upon the land area served. The wiper pivot that will be served by the new well will cover 80 of the 240 acres and the transfer seeks to make the water rights reflect the use on the ground.
- 2) I believe the applicant may have been confused by the language of conditions 5 and 6 of the 2005 transfer. Condition 5 at the bottom of the page refers to measurements "After specific notification by the Department." The condition you refer to begins on the top of the second page and may have appeared to be in conflict with condition 5 on the previous page. That said, the applicant agrees the diversion from ALL wells will be metered when these applications are approved.
- 3) Since the existing wells are actually in a Government Lot, a 10 acre tract doesn't exist at that location. For that reason my recommendation is to use 40 acre tracts (and Government Lots) for all point of diversion descriptions.

4) See number 3 under Application 63-33721.

Please let me know if you have any questions or if I can provide you with any additional information. Thank you in advance.

Yours truly,

A handwritten signature in cursive script that reads "Dave".

David Shaw

Enc.

cc: Michael Dixon

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat _____ : _____ : _____ Long _____ : _____ : _____

1. WELL TAG NO. D 0029401
DRILLING PERMIT NO. 82-65-56800346
Other IDWR No. 63-4606

2. OWNER:
Name Hoot Nanny Farms
Address Rt. 1
City Eagle State Id Zip 83616

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

North ☒ or South ☐
East ☐ or West ☒
Twp. 4 Rge. 7 Sec. 14
Gov't Lot 1 County Ada Long. 114° 14'
Lat. 43° 46'

Address of Well Site Emmett Rd
City Eagle

L1. _____ Bld. _____ Sub. Name _____

4. USE:
☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply
☐ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☐ Air Rotary ☐ Cable ☐ Mud Rotary ☒ Other Reverse

7. SEALING PROCEDURES

SEAL/FILTER PACK	AMOUNT	METHOD
Material	From To	Back of
Grout 5"	0 37'	6280'
3" Gravel	37' 105'	945'
Grout 5"	105' 138'	6000'

Was drive shoe used? ☐ Yes ☒ No
Was drive shoe seal tested? ☐ Yes ☒ No How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Linear	Welded	Threaded
46"	73'	37'	325	Steel	A	☐	☒	☐
16"	78'	88'	325	Steel	A	☐	☒	☐
16"	108'	188'	325	Steel	A	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations _____ Method _____
Screens ☒ Screen Type Tekona Wire Wipe

From	To	Slot Size	Number	Diameter	Material	Casing	Linear
38'	78'	10/10		16"	Mild	A	☐
88'	108'	10/10		16"	Mild	A	☐
					Steel		☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

25' ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: 1 1/2" access port.

11. WELL TESTS:

Yield gal./min.	Drawdown	Pumping Level	Time
690	60'	85'	2 hrs

Water Temp. 60° Bottom hole temp. _____
Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

Start Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
26"	0	4'	Top soil		
	4	15'	Sand & pea gravel		
	15	32'	Tan clay silt sand.		
	32	60'	clay		
	60	63'	Tan clay		
	63	75'	coarse sand		
	75	91'	brown clay		
	91	108'	clay & sand		
	108	109'	coarse blue sand		
	109	130'	blue clay silt sand.		
	130	140'	gray clay silt sand.		
	140	200'	gray & blue clay with 2" little silt sand.		

Change to "New Well"

Completed _____ Depth 188' (Measurable)
Date: Started 5-8-03 Completed 6-11-03

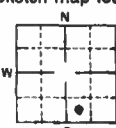
13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Riverside Inc. Firm No. 333

Firm Official _____ Date _____
and _____
Driller or Operator _____ Date 6-12-03
(Sign once both Official & Operator)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState 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 <u>Sam Rosti</u> Address <u>1460 NORTH Pollard LN STAN</u> Drilling Permit No. <u>63-92-W-562-000</u> Water Right Permit No. <u>63-11715</u>	7. WATER LEVEL Static water level <u>+1</u> feet below land surface. Flowing? ☒ Yes ☐ No G.P.M. flow <u>15</u> Artesian closed-in pressure <u>2</u> p.s.i. Controlled by: ☒ Valve ☐ Cap ☐ Plug Temperature <u>50</u> °F. Quality _____ 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 _____ <table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td><u>1500</u></td><td><u>100 FT</u></td><td><u>24</u></td></tr></tbody></table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>1500</u>	<u>100 FT</u>	<u>24</u>																																																																																																																																																																																		
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3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Monitor ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <u>082214</u> <table border="1"><thead><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>18"</td><td>0</td><td>5</td><td>Top Soil</td><td></td><td></td></tr><tr><td>18"</td><td>5</td><td>15</td><td>SANDY CLAY</td><td></td><td></td></tr><tr><td>18"</td><td>15</td><td>21</td><td>River Boulders</td><td></td><td></td></tr><tr><td>18"</td><td>21</td><td>31</td><td>Red GRAVEL 1/2"</td><td></td><td></td></tr><tr><td>18"</td><td>31</td><td>38</td><td>SANDY CLAY</td><td></td><td></td></tr><tr><td>18"</td><td>38</td><td>47</td><td>SAND FINE</td><td></td><td></td></tr><tr><td>18"</td><td>47</td><td>71</td><td>CLAY BROWN</td><td></td><td></td></tr><tr><td>16</td><td>71</td><td>95</td><td>SANDY CLAY</td><td></td><td></td></tr><tr><td>16</td><td>95</td><td>90</td><td>SAND 1/2"</td><td></td><td></td></tr><tr><td>16</td><td>90</td><td>120</td><td>BLACK + BROWN CLAY</td><td></td><td></td></tr><tr><td>16</td><td>120</td><td>125</td><td>SANDY CLAY BROWN</td><td></td><td></td></tr><tr><td>16</td><td>125</td><td>129</td><td>BLUE CLAY</td><td></td><td></td></tr><tr><td>16</td><td>129</td><td>139</td><td>SAND 1/2"</td><td></td><td></td></tr><tr><td>16</td><td>139</td><td>178</td><td>BLUE CLAY</td><td></td><td></td></tr><tr><td>16</td><td>178</td><td>185</td><td>3/4" # SAND</td><td></td><td></td></tr><tr><td>16</td><td>185</td><td>240</td><td>BLUE Shell</td><td></td><td></td></tr><tr><td>16</td><td>240</td><td>250</td><td>COATS SAND 1/2"</td><td></td><td></td></tr><tr><td>16</td><td>250</td><td>260</td><td>BROWN CLAY</td><td></td><td></td></tr><tr><td>16</td><td>260</td><td>304</td><td>BLUE Shell</td><td></td><td></td></tr><tr><td>16</td><td>304</td><td>309</td><td>FINE SAND</td><td></td><td></td></tr><tr><td>16</td><td>309</td><td>330</td><td>BLUE Shell</td><td></td><td></td></tr><tr><td>16</td><td>330</td><td>339</td><td>white COATS 1/2"</td><td></td><td></td></tr><tr><td>16</td><td>339</td><td>345</td><td>BLUE Shell yellow clay</td><td></td><td></td></tr><tr><td>16</td><td>345</td><td>362</td><td>white COATS 1/2"</td><td></td><td></td></tr><tr><td>16</td><td>362</td><td>398</td><td>BLUE + yellow clay</td><td></td><td></td></tr><tr><td>16</td><td>398</td><td>410</td><td>BLUE Shell</td><td></td><td></td></tr><tr><td>16</td><td>410</td><td>425</td><td>white COATS 1/2"</td><td></td><td></td></tr><tr><td>16</td><td>425</td><td>430</td><td>BLUE Shell</td><td></td><td></td></tr><tr><td>16</td><td>430</td><td>445</td><td>white COATS 1/2"</td><td></td><td></td></tr></tbody></table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	18"	0	5	Top Soil			18"	5	15	SANDY CLAY			18"	15	21	River Boulders			18"	21	31	Red GRAVEL 1/2"			18"	31	38	SANDY CLAY			18"	38	47	SAND FINE			18"	47	71	CLAY BROWN			16	71	95	SANDY CLAY			16	95	90	SAND 1/2"			16	90	120	BLACK + BROWN CLAY			16	120	125	SANDY CLAY BROWN			16	125	129	BLUE CLAY			16	129	139	SAND 1/2"			16	139	178	BLUE CLAY			16	178	185	3/4" # SAND			16	185	240	BLUE Shell			16	240	250	COATS SAND 1/2"			16	250	260	BROWN CLAY			16	260	304	BLUE Shell			16	304	309	FINE SAND			16	309	330	BLUE Shell			16	330	339	white COATS 1/2"			16	339	345	BLUE Shell yellow clay			16	345	362	white COATS 1/2"			16	362	398	BLUE + yellow clay			16	398	410	BLUE Shell			16	410	425	white COATS 1/2"			16	425	430	BLUE Shell			16	430	445	white COATS 1/2"		
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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 _____ <u>37.5</u> inches <u>16</u> inches + <u>1</u> feet <u>410</u> 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 <u>JANSON</u> Type <u>STAINLESS</u> Top Packer or Headpipe <u>YAS</u> Bottom of Tailpipe <u>YAS</u> Diameter <u>14</u> Slot size <u>80</u> Set from <u>410</u> feet to <u>425</u> feet Diameter <u>14</u> Slot size <u>80</u> Set from <u>430</u> feet to <u>445</u> feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from <u>345</u> feet to <u>445</u> feet Surface seal depth <u>67</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding 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 _____																																																																																																																																																																																									
6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>ADA</u> Address of Well Site _____ (give at least name of road) <u>SW 1/4 SE 1/4 Sec. 4</u> T. <u>4</u> N ☒ or S ☐ R. <u>01</u> 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 <u>Rocky Mountain Drill</u> Firm No. <u>211</u> Address <u>1523 MICHAEL ROAD</u> Date <u>Sept 15-92</u> Signed by Drilling Supervisor <u>James E. Snelling</u> and _____ (Operator) <u>Tom E. Snelling SR</u> (If different than the Drilling Supervisor)																																																																																																																																																																																								

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Director

March 7, 2013

HOOT NANNEY FARMS INC
C/O DAVE SHAW
ERO RESOURCES CORP
3314 GRACE ST
BOISE ID 83703

Re: Application for Permit No. 63-33721 and Application for Transfer No. 78338

Dear Dave:

The above referenced applications can be processed when additional information is provided as discussed in this letter. Please review the following information in this regard.

The site for both applications falls within the boundary of Farmers Union Ditch Company. Please confirm if irrigation water from that company has been used or is being used on the place of use. If such water was used but no longer is used, please explain why.

Application 63-33721

- 1) Identify the water bearing zone to be appropriated from two existing wells and one proposed well. The site is not within the shallow ground water zone of concern. This means the applicant does not need to avoid ground water less than 200 feet deep.
- 2) The application identified overlapping ground water rights but did not list overlapping Permit No. 63-32010. Please confirm the latter should be considered an overlap for this application, or explain why it does not overlap.
- 3) Provide information to show the use of any combination of the three wells under the proposed permit will not injure senior water rights.

Application 78338

The application was somewhat incomplete by not including copies of the rights to be transferred. However, the department corrected that by adding the required copies.

- 1) The transfer identified 0.80 cfs for two rights that are limited to 2.40 cfs. The application fee for the latter is \$660, although the applicant paid \$500 for up to 1.00 cfs. Please confirm the applicant's intent to limit use from the new

SCANNED

MAR 08 2013

Hoot Nanney Farms Inc.
March 7, 2013
Page 2

well to 0.80 cfs under the transfer, or the applicant should pay the additional \$160 transfer fee to cover the full rate of flow for the combined rights.

2) Please confirm if, and how, the applicant complied with the following condition of approval from Transfer No. 71630 approved for 63-2958 and 63-31988 in 2005:

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

3) The transfer application identifies existing wells to the 40-acre tract and the proposed well to the 10-acre tract. The application for permit lists all three wells in 10-acre tracts. Please confirm one of the following choices:

- all wells should be identified by 10-acre tract for both applications, or
- all wells should be identified by 40-acre tract for both applications.

The applications do not need to be amended for this, regardless of the choice.

4) Provide information to show the use of the proposed new well under the transfer will not injure senior water rights.

Please submit the requested information for the applications to be processed. The applicant may seek additional time to provide the information. The applications will be voided without a timely written reply within the next sixty (60) days. Refunds are not issued for voided applications.

Please contact me at your convenience if you need more information. Thank you for your attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor

FARMERS UNION DITCH CO. LTD.
2153 N. POLLARD LN.
STAR, ID. 83669

RECEIVED

NOV 15 2004

WATER RESOURCES
WESTERN REGION

November 11, 2004

Ms. Lori Grover
Idaho Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Ms. Grover;

Re: Mike Dixon wastewater application *

The Farmers Union Ditch Co., Ltd. furnishes the irrigation water to the Elmer Carlock farm. Mr. Dixon is filing an application with IWR, as we understand it, to catch and re-use the waste water from the Carlock farm to subsidize the water on the Dixon farm.

The Board of Directors considered this matter at our Board meeting on November 9, 2004. We concluded that we do not have an objection to this as we feel we don't have any jurisdiction on the water after it passes through our headgate at the Carlock point of delivery.

As you are aware and Mr. Dixon should be made aware of is the fact that Farmers Union Ditch Co., Ltd. is not obligated to deliver this water through the headgate at the Carlock farm for the sole purpose of Dixons' consumptive use. If the owner of the Carlock farm or the lessee of the Carlock farm is not using the water and asks to be turned off, we are not obligated to the Dixon farm to continue water flow.

Yours truly,

Gene Bailey
Gene Bailey, President

cc: Mike Dixon
Elmer Carlock

* 63-32010, Little gulch Creek, some PWR as new Appl's
Letter informs no ditch company works on PWR.
-JR 3/4/2013

63-33721

T. 78338

To: Processing Agent

From: J. Westra

Date: 02/20/13

RE: Hooten Nanney Farms/Dixson

Application for Permit #63-33721

Application for Transfer #78338

I met with the Director earlier today regarding these applications. Representative Moyle from the legislature contacted the Director about these applications. He has several constituents that have expressed concerns that surface water has been sold off the P/U and now a new ground water appropriation will provide the needed water source. I briefly studied the applications and associated decreed ground water rights records, and was not able to determine the validity of this.

The Director would like the following:

- Confer with the Applicant if there has been or is surface water available to the P/U. If there was previous water available what happened to it? It appears the irrigated parcel is in the Farmers Irrigation service area—possibly waste or natural flow.

- Send Representative Moyle an advertisement notice when notice is published. Include other memos/information that would be pertinent—discuss with me.

- Keep the Director informed of status and findings for forwarding to Representative Moyle.

Thank you!



ERO Resources Corp.
3314 Grace Street
Boise, ID 83703
(208) 373-7983
Fax: 373-7985
www.eroresources.com
eroboise@eroresources.com

RECEIVED

DEC 13 2012

WATER RESOURCES
WESTERN REGION

December 13, 2012

John Westra
Western Region Manager
Idaho Department of Water Resources
2725 Airport Way
Boise, ID 83705-5082

RE: Application for Permit and Application for Transfer

Dear John:

Enclosed is an application for permit seeking to increase the diversion rate for irrigation of the lands covered by water rights 63-2958 and 63-31988. I spoke with you earlier about this application seeking to increase the diversion rate for 240 acres already covered by existing water rights with sufficient acreage and annual diversion volume but without sufficient diversion rate to irrigate with pivots. An application for transfer is also enclosed seeking to add a new point of diversion to the existing rights to supply one of the pivots. The transfer seemed to be necessary for acreage and volume to be assigned to the new well since the new application for permit seeks only diversion rate.

Please let me know if you have any questions or if I can provide you with any additional information. Thank you in advance.

Yours truly,

A handwritten signature in blue ink that appears to read "Dave".

David Shaw

Enc.

cc: Michael Dixon