



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

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.

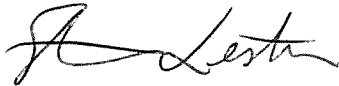
The applications do not need to be amended for this, regardless of the choice.

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,

A handwritten signature in black ink, appearing to read "Steve Lester", with a stylized flourish at the end.

Steve Lester
Water Rights Supervisor