

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77575

This is to certify that: LITTLE CATTLE CO
 PO BOX 488
 EMMETT ID 83617
 (208)365-4611

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-7140	WR/Decreed	09/05/1968	2.21 cfs	850.5 af	189.0	252.0	GROUND WATER
63-3173	WR/Decreed	12/30/1959	1.78 cfs	495 af	110.0	252.0	GROUND WATER
63-18509	WR/Decreed	06/01/1976	1 cfs	225 af	50.0	252.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-7140	NO	NO	YES	YES	NO	NO
63-3173	NO	NO	YES	YES	NO	NO
63-18509	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-7140	63-7140	2.21 cfs	850.5 af	189.0	265.1		N/A	N/A	N/A	N/A
63-3173	63-3173	1.78 cfs	495 af	110.0	265.1		N/A	N/A	N/A	N/A
63-18509	63-18509	1 cfs	225 af	50.0	265.1		N/A	N/A	N/A	N/A
COMBINED TOTALS		3.28 cfs	1134 af	252	265.1		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of January, 20 12


 John Westra, Western Regional Manager

SUPPORT DATA

IN FILE # 63-3173

WATER RIGHT NO. 63-3173
As Modified by Transfer No. 77575

In accordance with the approval of Transfer No. 77575, Water Right No. 63-3173 is now described as follows.

Right Holder: LITTLE CATTLE CO
 PO BOX 488
 EMMETT ID 83617

Priority Date: December 30, 1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.78 CFS	495.0 AF
			1.78 CFS	495.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 19 Twp 05N	Rge 01W ADA County
GROUND WATER	L3 (NWSW)	Sec. 19 Twp 05N	Rge 01W ADA County
GROUND WATER	NENW	Sec. 25 Twp 05N	Rge 02W CANYON 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	
05N	01W	19		3.6	1.6		15.7		25.5	39.6	20.4	35.4	2.4						144.2
05N	02W	24				6.9					1.4			7.2	34.8	20.9	32.7	17.0	120.9

Total Acres: 265.1

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 63-3173
As Modified by Transfer No. 77575

CONDITIONS OF APPROVAL

5. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
6. This right is limited to the irrigation of 110 acres within the authorized place of use in a single irrigation season.
7. Rights 63-3173, 63-7140 and 63-18509 when combined shall not exceed a total diversion rate of 3.28 cfs, a total annual maximum diversion volume of 1134 af at the field headgate, and the irrigation of 252 acres in a single irrigation season.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/20/2009.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
10. Right No. 63-18509 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
11. The following rights are diverted through points of diversion described above: 63-3173, 63-7140, 63-18509.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of January, 2012


John Westra, Western Regional Manager

WATER RIGHT NO. 63-7140
As Modified by Transfer No. 77575

In accordance with the approval of Transfer No. 77575, Water Right No. 63-7140 is now described as follows.

Right Holder: LITTLE CATTLE CO
PO BOX 488
EMMETT ID 83617

Priority Date: September 05, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	2.21 CFS	850.5 AF
			2.21 CFS	850.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 19 Twp 05N	Rge 01W ADA County
GROUND WATER	L3 (NWSW)	Sec. 19 Twp 05N	Rge 01W ADA County
GROUND WATER	NENW	Sec. 25 Twp 05N	Rge 02W CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
05N 01W 19		3.6	1.6		15.7		25.5	39.6	20.4	35.4	2.4						144.2
05N 02W 24				6.9					1.4			7.2	34.8	20.9	32.7	17.0	120.9

Total Acres: 265.1

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 63-7140
As Modified by Transfer No. 77575

CONDITIONS OF APPROVAL

5. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
6. This right is limited to the irrigation of 189 acres within the authorized place of use in a single irrigation season.
7. Rights 63-3173, 63-7140 and 63-18509 when combined shall not exceed a total diversion rate of 3.28 cfs, a total annual maximum diversion volume of 1134 af at the field headgate, and the irrigation of 252 acres in a single irrigation season.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/20/2009.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
10. Right No. 63-18509 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
11. The following rights are diverted through points of diversion described above: 63-3173, 63-7140, 63-18509.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of January, 20 12


John Westra, Western Regional Manager

WATER RIGHT NO. 63-18509
As Modified by Transfer No. 77575

In accordance with the approval of Transfer No. 77575, Water Right No. 63-18509 is now described as follows.

Right Holder: LITTLE CATTLE CO
 PO BOX 488
 EMMETT ID 83617

Priority Date: June 01, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	1.00 CFS	225.0 AF
STOCKWATER	01/01	to 12/31	0.18 CFS	
			1.00 CFS	225.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 19 Twp 05N	Rge 01W ADA County
GROUND WATER	L3 (NWSW)	Sec. 19 Twp 05N	Rge 01W ADA County
GROUND WATER	NENW	Sec. 25 Twp 05N	Rge 02W CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
05N 01W 19		3.6	1.6		15.7		25.5	39.6	20.4	35.4	2.4						144.2
05N 02W 24				6.9					1.4			7.2	34.8	20.9	32.7	17.0	120.9

Total Acres: 265.1

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
05N 01W 19		X	X		X	X	X	X	X	X	X						
05N 02W 24				X		L1	L2		X		L3	L4	X	X	X	X	

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 63-18509
As Modified by Transfer No. 77575

CONDITIONS OF APPROVAL

4. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
5. This right is based upon an enlargement of Right Nos. 63-3173 and 63-7140 pursuant to Section 42-1426, Idaho Code.
6. This right is for an enlargement of 50 acres within the place of use described for this right.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
9. Rights 63-3173, 63-7140 and 63-18509 when combined shall not exceed a total diversion rate of 3.28 cfs, a total annual maximum diversion volume of 1134 af at the field headgate, and the irrigation of 252 acres in a single irrigation season.
10. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
13. The following rights are diverted through points of diversion described above: 63-3173, 63-7140, 63-18509.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of January, 20 12



John Westra, Western Regional Manager



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
Interim Director

January 9, 2012

LITTLE CATTLE CO
PO BOX 488
EMMETT ID 83617

RE: Transfer No.: 77575
Water Right No(s): 63-3173 63-7140 63-18509

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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 208-334-2190.

Sincerely,


for John Westra
Western Regional Manager

Enclosure(s)

cc: ERO RESOURCES CORP

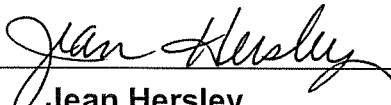
CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77575
WATER RIGHTS NOS. 63-3173 63-7140 63-18509

**ERO RESOURCES CORP
C/O STEVE HANNULA
3314 GRACE ST
BOISE ID 83703**

**LITTLE CATTLE CO
PO BOX 488
EMMETT ID 83617**



Jean Hersley
Office Specialist II

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date 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.

RECEIVED

DEC 27 2011

29512 586648

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)
WATER RESOURCES
WESTERN REGION

)SS.
County of Canyon)

Barbara Spencer
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
12/15/2011 12/22/2011

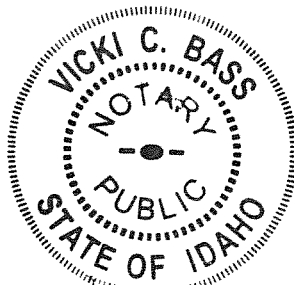
Barbara Spencer
STATE OF IDAHO)

County of Canyon)

On this 22nd day of December in the year of 2011 before me a Notary Public, personally appeared. Barbara Spencer, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Vicki C Bass

Notary Public for Idaho
Residing at Caldwell
My Commission expires 04/19/2014



LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33467

CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE, ID 83701-0500

Point of Diversion SWSNW S36 T05N R05W CANYON County Source DIXIE SLOUGH Tributary BOISE RIVER
Point of Diversion NWSNW S36 T05N R05W CANYON County Source GROUND WATER Tributary BOISE RIVER
Point of Diversion NWSNW S36 T05N R05W CANYON County Source GROUND WATER Tributary BOISE RIVER
Point of Diversion SESENW S36 T05N R05W CANYON County Source GROUND WATER Tributary BOISE RIVER
Use: WATER QUALITY IMPROVEMENT 04/01 to 10/30 200 CFS
Total Diversion: 200 CFS
Date Filed: 1/5/2011
Place Of Use: WATER QUALITY IMPROVEMENT
T05N R05W S36 SENW NESW

63-33564

KEN MARTIN
ALEENA MARTIN
28071 FARMWAY RD
CALDWELL, ID 83607

Point of Diversion SESE S8 T05N R03W CANYON County Source GROUND WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.16 CFS
Total Diversion: 0.16 CFS
Date Filed: 8/23/2011
Place Of Use: IRRIGATION
T05N R03W S8 SESE
Total Acres: 8
Water bearing zone to be appropriated is from 60 to 100 feet.

63-33565

CRAIG A MOORE
GEORGENE MOORE
PO BOX 14
MELBA, ID 83641

Point of Diversion L3 (SENW) S8 T01S R02W CANYON County Source GROUND WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 8/24/2011
Place Of Use: IRRIGATION
T01S R02W S8 L3 (SENW)
Total Acres: 4.5
Water bearing zone to be appropriated is from 90 to 440 feet.

63-33576

DANIEL KNORPP
17134 BIG SAGE CT
CALDWELL, ID 83607

Point of Diversion NENE S18 T05N R03W CANYON County Source GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.02 CFS
Use: IRRIGATION 03/15 to 11/15 0.04 CFS
Total Diversion: 0.06 CFS
Date Filed: 9/20/2011
Place Of Use: IRRIGATION AND DOMESTIC
T05N R03W S18 NENE
Total Acres: 1.2
Water bearing zone to be appropriated is from 143 to 148 feet.

PROPOSED CHANGE OF WATER RIGHTS

Beranna Dairy of 9166 Perch Rd., Caldwell, Idaho 83607, filed Application No. 77534 to transfer eight water rights with 1950 to 1984 priority dates from ground water totaling 8.92 cfs and 3622.7 afa. The purpose of the transfer is to add a 40-acre quarter-quarter in Township 2 North, Range 3 West, Section 8, SESE, to the permissible place of use. The permissible place of use will change from 825 acres to 865 acres. There is no increase in quantity and the irrigated acres will remain unchanged at 780 acres. Water will be used at the current place of use near the intersection of Marsing Rd. and Kimball Ave. in Canyon County, approximately 5 miles west of Nampa, Idaho.

PROPOSED CHANGE OF WATER RIGHTS

Little Cattle Co. of PO Box 488, Emmett, ID, 83617, filed Application No. 77575 to transfer three water rights with 1959 to 1976 priority dates from a ground water source totaling 3.28 cfs. The purpose of the transfer is to add a point of diversion and change the place of use. Water will be used at the current place of use 8.3 miles south of Emmett and 4 miles north of Star.

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 see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the rights &/or proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222 and 42-203A. 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 January 3, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

December 15, 22, 2011 586648

✓ OK
88 12-27-2011

DEC 07 2011

WATER RESOURCES
WESTERN REGION**LEGAL PROOF OF PUBLICATION**

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000576014	LEGAL NOTICE	LexingtonHills	\$178.80	2	53

Attention: Sherry Borgeman

IDAHO DEPT WATER RESOURCE

2735 AIRPORT WAY

BOISE

ID

83705

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33495**LEXINGTON HILLS HOMEOWNERS ASSN INC**

9601 W STATE ST STE 203

BOISE, ID 83714

Point of Diversion SESW S3T04N R01E ADA County Source
GROUND WATER TributaryUse: AESTHETIC AND DIVERSION TO STORAGE 01/01 to 12/31
0.2 CFSUse: AESTHETIC STORAGE, RECREATION STORAGE, AND WILDLIFE
STORAGE 01/01 to 12/31 75 AF

Total Diversion: 0.2 CFS 75 AF

Date Filed: 3/30/2011

Place Of Use: AESTHETIC STORAGE, WILDLIFE STORAGE, AESTHETIC,
AND RECREATION STORAGE T04N R01E S3 SW (ALL)

Water bearing zone to be appropriated is from 200 to 600 feet.

63-33504**RICK & PAULA LAND TRUST**

7886 W SWIFT LN

BOISE, ID 83704

Point of Diversion SWNE S1 T03N R01E ADA County Source

GROUND WATER Tributary BOISE RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 4/28/2011

Place Of Use: DOMESTIC T03N R01E S1 SWNE

Water bearing zone to be appropriated is from 40 to 117 feet.

PROPOSED CHANGE OF WATER RIGHTS

Little Cattle Co. of PO Box 488, Emmett, ID, 83617, filed Application No. 77575 to transfer three water rights with 1959 to 1976 priority dates from a ground water source totaling 3.28 cfs. The purpose of the transfer is to add a point of diversion and change the place of use. Water will be used at the current place of use 8.3 miles south of Emmett and 4 miles north of Star.

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 see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the rights &/or proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222 and 42-203A. 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 December 5, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Pub. Nov. 17,24, 2011

0000576014-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 InsertionsBeginning issue of: 11/17/2011Ending issue of: 11/24/2011

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

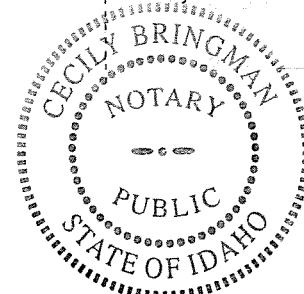
COUNTY OF ADA)

On this 24 day of November in the year of 2011 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Cecily Bringman

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:



8-27-15
B
✓ OK
12-7-2011

Walker, Kay

From: Walker, Kay
Sent: Tuesday, November 01, 2011 10:52 AM
To: shannula@erresources.com
Cc: Walker, Kay
Subject: Transfer 77575 - Little Cattle Company

Hi, Steve.

I just wanted to touch base with you in regard to this transfer application before sending it to advertising. The place of use listed under item "B – Description of Rights After the Change" – shows a place of use with a total of 252 acres. Just wanted to make sure you know that the total is actually 265.1 acres but will be limited to 252 acres within any irrigation season. Normally the total number of acres is shown on the form with an indication that the applicant is aware they are limited to the number of acres previously determined. This application was silent in this regard. If this was not your intention, please let me know at your earliest convenience.

Thanks,

Kay Walker

Sr. Water Resource Agent

Idaho Dept. of Water Resources

334-2190

11/1 - Steve called - is aware of the
"larger" field~~s~~ number. Knows they
will be limited to 252 at any
time. Kw

MEMORANDUM

TO: Transfer No. 77575
FROM: Kay Walker *Kay*
DATE: October 26, 2011
RE: Evaluation of Application

The transfer proposes to add a well and change the place of use of three water rights.

The site is located 6.7 miles northeast of Middleton, 8.3 miles south of Emmett and 4 miles north of Star.

Contact person for the applicant is Steven Hannula of ERO Resources Corp., 3314 Grace St., Boise, ID, 83703, and phone: (208)373-7983.

Summary of Information Submitted

The transfer application was submitted in good form for processing.

Authority to File:

The applicant is the water right holder of record.

Water Right Validity:

Rights presumed to be valid because the partial decrees were issued within the past five year period in 2009.

Injury to Other Water Rights:

There should be no injury to other rights. The application does include an increase in acres but will be limited to the acres previously decreed. A new well is proposed to allow diversion of the amount of water that has been decreed for these rights. With proper conditions of approval there should be no injury or enlargement.

Enlargement of Use:

No enlargement of use is proposed under this application. The applicant does have a recent permit to add some additional acres to their system from the proposed point of diversion.

Local Public Interest:

It is within the local public interest to allow the right holder flexibility in changing their place of use for new field design and adding a point of diversion to their existing water rights.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

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

Discussion

Data entry affected the correct records. The partial decrees were issued in 2009 and the rights had been migrated to water right data base prior to application for transfer being submitted.

Overlapping rights at existing &/or proposed POU are only the rights involved in this application. Overlapping rights at existing and/or proposed POD are the rights involved in this application and Permit 63-33481 issued in July, 2011, for irrigation of acres not involved in the application for transfer.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 is recommended since a new well is proposed and a drilling permit has not been issued at this time.