

MAR 22 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change

1. **APPLICANT(S)** Basin and Range Resource Co LLC c/o Dorothy Timian-Palmer Phone (775) 885-50002. **MAILING ADDRESS** 3480 G.S. Richards Blvd, Suite 101 City Carson CityState NV Zip 89703 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 63-3182

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 6.68 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
6N	5W	23			NE	SE	Payette	GW	Well #1
6N	5W	24			NW	NW	Payette	GW	Well #4
6N	5W	23			NE	SE	Payette	GW	Well #7

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Well #1 (12-in, 540 feet deep, 1962), Well #4 (12-in, 503 feet deep, 1963), and Well #7 (16-in, 715 ft deep, 2010)

In-line flow meters could be installed along straight runs of the pipeline.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

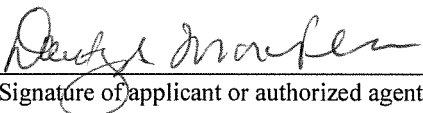
Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Doreen A. Finnan - Palmer COO
Print name and title if applicable

3-11-11
Date

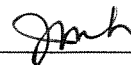
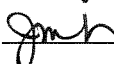
Signature of applicant or authorized agent

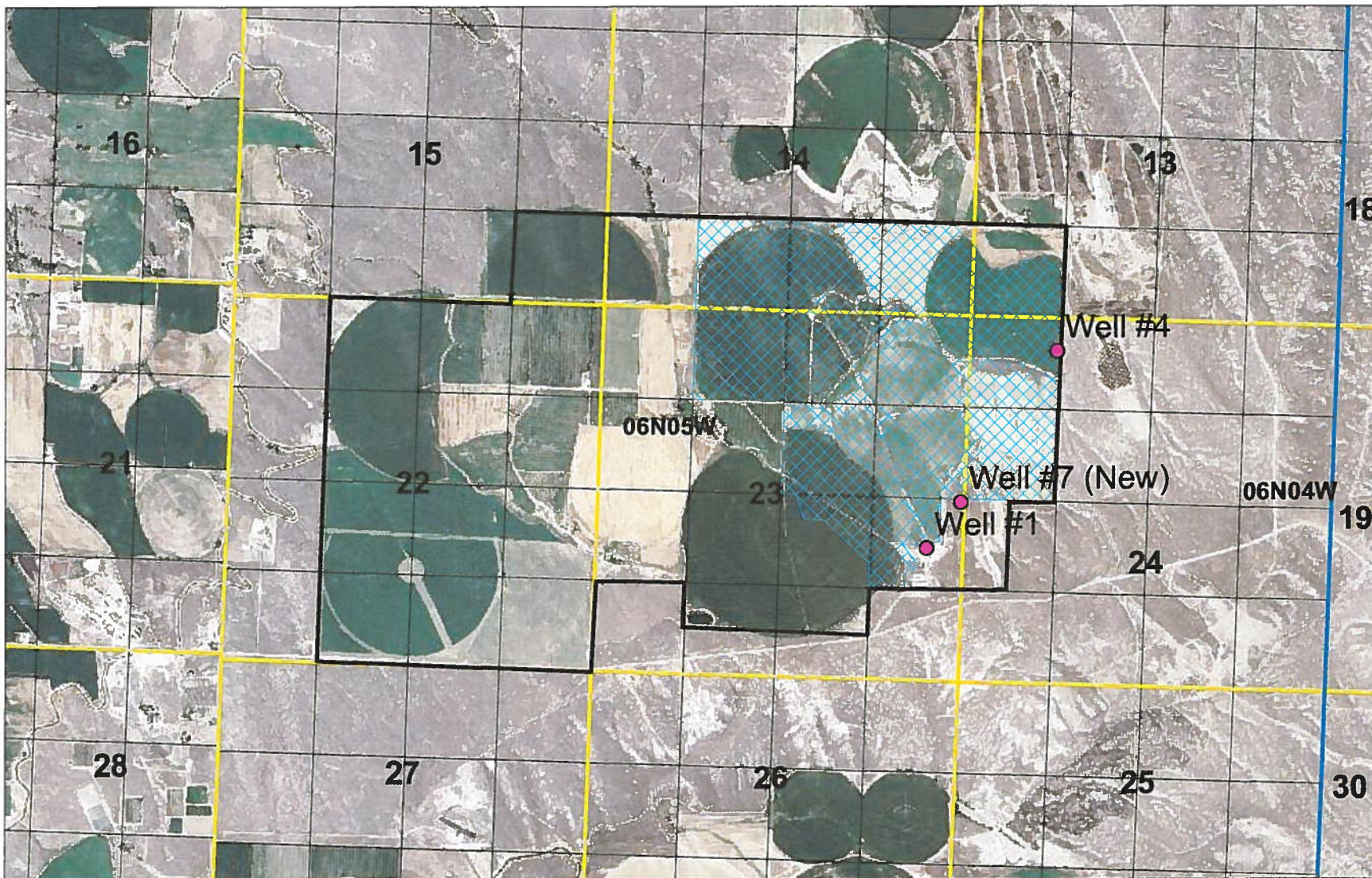
Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes 4 pages of attachments. Received by  Date 3-22-11
Fee paid \$490- Date 3-22-11 Received by  Receipt # W039075
Preliminary review completed by Kay Walker Date 9-8-2011



Legend

- Wells 63-3182
- 63-3182

Payette County, Idaho

0 5001,000
Feet



Figure 1

Basin and Range
POD Transfer Site Map

Date: 3-10-2011
Aerial Photo: 2009

ERO

Attachment 1

SEP 22 2011

SCANNED

State of Idaho

License and Certificate of Water Right

Water License No. G-28486 Priority February 19, 1960 Amount 6.68 c.f.s.

THIS IS TO CERTIFY that PAT STOCKTON & DOROLENE OBENDORF-ASSIGNEE-RAY OBENDORF & DOROLENE OBENDORF of Parma, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 19, 1960; that Permit No. G-28486 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 6.68 second feet, was issued thereunder on February 13, 1968, showing that said works were completed on the 5 day of March, 1965; and that on the 5 day of March, 1965 RAY & DOROLENE OBENDORF

of Parma, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation, under Use Permit No. G-28486 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Valona ~~of the State of Idaho~~ on the 13 day of February, 1968.

The right hereby confirmed dates from February 19, 1960.

The Point of Diversion is located two points, one in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Twp. 6 N. Rge. 5 WBM one in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24, Twp. 6 N., R. 5 W., B.M. Payette County.

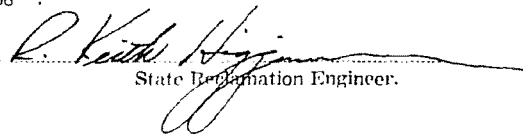
That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 6.68 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract		No. Acres Described in Permit	No. Acres Actually Irrigated	
6 N	5 W	13	SW $\frac{1}{4}$	SW $\frac{1}{4}$	40	24	
			SE $\frac{1}{4}$	SE $\frac{1}{4}$	40	38	
		14	SW $\frac{1}{4}$	SE $\frac{1}{4}$	40	36	
			SE $\frac{1}{4}$	SW $\frac{1}{4}$	40	39	
		23	NE $\frac{1}{4}$	NE $\frac{1}{4}$	40	39	
			NW $\frac{1}{4}$	NE $\frac{1}{4}$	40	39	
			SW $\frac{1}{4}$	NE $\frac{1}{4}$	40	39	
			SE $\frac{1}{4}$	NE $\frac{1}{4}$	40	40	
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	40	40	
			NE $\frac{1}{4}$	SE $\frac{1}{4}$	40	24	
			NW $\frac{1}{4}$	SE $\frac{1}{4}$	40	13	
			24	NW $\frac{1}{4}$	NW $\frac{1}{4}$	40	38
		SW $\frac{1}{4}$		NW $\frac{1}{4}$	40	28	
		Total number of acres irrigated:					437

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 13 day of February, 1968.


State Reclamation Engineer.

SCANNED

SEP 22 2011

63 6182

28486

Attachment 2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3182

WATER RIGHT NUMBER: 63-3182

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RAY OBENDORF 24034 BATT CORNER RD PARMA, ID 83660 (208)482-7397
Directors Report Owner	JIM D SCARROW 3184 S 1900 E WENDELL, ID 83355 (208) 316-1100
Current Owner	BASIN AND RANGE RESOURCE COMPANY LLC 3480 G S RICHARDS BLVD #101 CARSON CITY, NV 89703 (775)885-5000
Attorney	DANA L HOFSTETTER HOFSTETTER LAW OFFICE LLC 608 W FRANKLIN ST BOISE, ID 83702 (208)424-7800

Priority Date: 02/19/1960

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	6.680 CFS	
	<u>Total Diversion:</u>	6.680 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 23, Twp 06N, Rge 05W, B.M.
PAYETTE County		
GROUND WATER	NW1/4NW1/4	Sec. 24, Twp 06N, Rge 05W, B.M.
PAYETTE 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	
06N	05W	13											24.0						24.0
06N	05W	14											39.0			36.0	38.0		113.0

SCANNED

SEP 22 2011

nH... out 3

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3182

06N 05W 23		39.0	39.0	39.0	40.0		40.0					24.0	13.0			234.0
06N 05W 24								38.0	28.0							66.0

Total Acres: 437

Conditions of Approval:

Remarks:

Water Supply Bank:

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SEP 22 2011

Attachment 4

BASIN RANGE & RESOURCES NOTES

June 13, 2011

Rights used for transfer 71619 = current SRBA Recommendations with objections:

- 63-3182
- 63-3583
- 63-7177
- 63-7533
- 63-31839 & 63-31840 (was 63-7903)
- 63-31841 & 63-31842 (was 63-7349)
- 63-31854 & 63-31855 (was 63-3308)

After transfer 71619 rescinded, SRBA Claims updated & splits recombined (updated claims = licenses before transfer 71619)

- 63-3182
- 63-3583
- 63-7177
- 63-7533
- 63-7903
- 63-7349
- 63-3308

Two transfer apps based on updated Claim records, simple POD change for 2011 irrigation:

- 63-3182
- 63-7177 & 63-7349
- transfers can be expedited once Recommendations updated to match Claims

- PER ERO-APPL. 7711
Needs POD & 7533
500XST
-JL 9/1/11

Transfer appl 77052 based on updated Claim records, for combined PODs & permissible POU, not required to resolve SRBA objections.

- 63-3182
- 63-3583
- 63-7177
- 63-7903
- 63-7349
- 63-3308
- transfer can be processed after partial decrees issued
- note 63-7533 omitted, re petition to reconsider license, petition denied
- copy of 6/9/11 email from Dana H. to Fred P. about this transfer appl follows:



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709
<http://www.id.blm.gov>



RECEIVED

JUN 10 2011

WATER RESOURCES
WESTERN REGION

In Reply Refer To:
7250 (933b)

June 8, 2011

Steve Lester, *Water Rights Supervisor*
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-2190

Dear Mr. Lester:

RE: Transfer Consent: Add Well #7
Transfer #?, 63-03182, Basin and Range Resource Company, LLC

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management ("BLM"), with myself as its agent, to the matters discussed herein. I understand that Basin and Range Resource Company, LLC filed a transfer with your office on March 22, 2011. This transfer has not yet been assigned a number, however it seeks to add a Point of Diversion ("POD") to water right claim number 63-03182, known as "Well #7," which describes private land within NESE, S23, T06N, R05W.

I understand that because BLM has filed an Objection to Idaho Department of Water Resources' ("IDWR") recommendation of 63-03182 in the Snake River Basin Adjudication ("SRBA"), IDWR would like some sort of consent from BLM in order to proceed with the transfer.

BLM objected to 63-03182 because of two mixed ownership Places of Use ("POU") which describe legal land descriptions containing both public and private land: SESW, SWSE, S23, T06N, R05W. Private land resides within the North ½ of these POUs and federal public land resides within the South ½. If an eventual transfer approval included a condition which clarified that the use of water within these two POUs was limited to the N1/2, then this would make progress toward resolving BLM's SRBA objection, as well: "Use of water under this right within places of use described as SESW, SWSE, S23, T06N, R05W is limited to the N1/2 of those places of use."

On behalf of the United States and the U.S.D.I., BLM, I hereby provide the consent necessary to facilitate the transfer. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

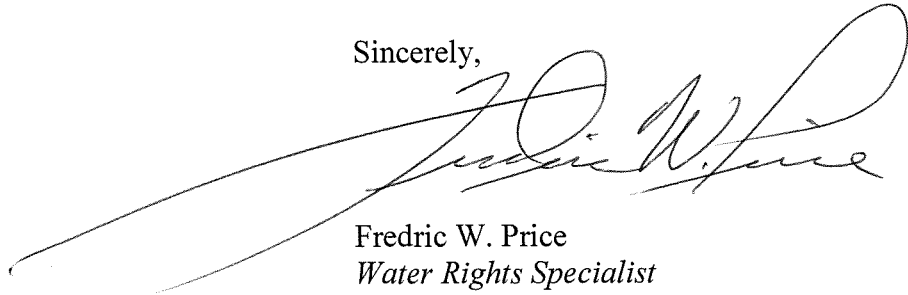
this P/U
not on
Rt. 63-3182
Not used
on
approval.
fw

SCANNED

SEP 22 2011

If there are questions regarding any statements above, please do not hesitate to contact me at (208) 373-3831 or at the address provided above.

Sincerely,

A handwritten signature in black ink, appearing to read "Fredric W. Price". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Fredric W. Price
Water Rights Specialist

cc: Dana L. Hofstetter, Hofstetter Law Office, LLC, 608 W. Franklin St, Boise, ID 83702

BASIN RANGE & RESOURCES NOTES

4/13/2011

Bold = transfer applications pending, 4 transfer applications Feb-April 2011 for rights still in SRBA.

History

Numerous rights, 71619 approved 2/2005 for dairy & irrigation.
Recommendations based on approved transfer, objections pending.
Dairy not developed, 71619 rescinded per request 4/2010.
Objections are for outdated records per rescinded transfer.

Most 71619 rights in appl 74601 filed 2/2008.
Appl 74601 withdrawn 4/2010.

Wanted to file transfers for irrigation PPU, addressing objections, adding wells.
Reminded dept that Recommendations for rights from 71619: restore to pre-transfer irrigation licenses.
Dept updated Claims to match licenses, included recombining 3 rights.
Recommendations not updated yet.
Does not include 63-21614.

(1) Most 71619 rights in appl 77052 filed 2/2011, irrigation PPU.
Need updated Recommendations to process transfer.
Transfer could resolve owner objections (no dairy) & BLM objections (no public land).

(2) 2011 irrigation season problems, POD transfers filed 3/2011, appl # not assigned re AJ issues.

(3) 1 appl for 63-3182

1 appl for 63-7177, 63-7349

Process if applicant provides BLM sign-off.

Processing will need updated Recommendations.

(4) Transfer appl for 63-21614 filed 4/2011, remove irrigation from BLM land, appl # not assigned re AJ issues.

Recommended disallowed, cannot process transfer unless that changes.

Discussed with consultant, 2 choices, consultant reply to follow.

Return appl w/ refund, can refile if overcome disallowal.

Hold appl w/o transfer #, can process if overcome disallowal.

63-21614 not in any other transfers, 3/30/2011 NAP "amended transfer appl" probably from confusing history.

63-7533 not in any other transfers (yet?), was in rescinded 71619, NAP "amended transfer appl" probably from confusing history.

Petition pending at SO, "correct" license for more rate & volume.

Might be added to appl 77052?

Was in rescinded 71619, d'base "AJ from/to" not current.

Petition denied 4/20/11

SCANNED

SEP 22 2011

Lester, Steve

From: Lester, Steve
Sent: Thursday, June 09, 2011 8:19 AM
To: 'fwprice@blm.gov'
Cc: Dana@IdahoWaterLaw.com; shannula@erresources.com; Shurte, Jan
Subject: RE: Basin and Range Resources Transfers: (1) Add POD 63-03182; (2) Add POD 63-07177, 63-07349.

Fred:

Thank you for your letters of consent. These simple transfers will be expedited to help the applicant with this irrigation season. You, along with the applicant's representatives, will receive copies of the transfer decisions that will be sent to the applicant. As you said, this will probably help resolve some of the objection issues.

Steve L.

-----Original Message-----

From: fwprice@blm.gov [mailto:fwprice@blm.gov]
Sent: Wednesday, June 08, 2011 6:00 PM
To: Lester, Steve
Cc: Negri, David (ENRD); Shurte, Jan; Dana Hofstetter; Williams, Ray; Spencer, Nick
Subject: Basin and Range Resources Transfers: (1) Add POD 63-03182; (2) Add POD 63-07177, 63-07349.

Steve,

RE: Basin and Range Resources Applications for Transfer

- (1) -unnumbered transfer
-filed 03-22-11
-involving 63-03182
-add private POD (well #7) in NESE, S23, T06N, R05W.
- (2) -unnumbered transfer
-filed 03-22-11
-involving 63-07177, 63-07349 (split into 63-31841, 63-31842)
-add private POD (well #8) in NWSW, S23, T06N, R05W.

Because BLM has objected to these claims in the SRBA, IDWR wanted to know whether these two transfers would raise issues for BLM before proceeding with the transfers. The transfers were filed to add PODs on private land and not to resolve BLM's objections. I have attached a Transfer Consent letter for each of the transfers to this email.

Fred Price
Water Rights Specialist
BLM, Idaho State Office
(208) 373-3831
(See attached file: 63-07177_Transfer-Consent.pdf)(See attached file:
63-03182_Transfer-Consent.pdf)

Dana Hofstetter

<Dana@Idahowater
Law.com>

05/19/2011 03:57
PM

fwprice@blm.gov

To

cc

"Negri, David \ (ENRD\)"
<David.Negri@usdoj.gov>, "Lester,
Steve"
<Steve.Lester@idwr.idaho.gov>,
"Shurte, Jan"
<Jan.Shurte@idwr.idaho.gov>

Subject

Re: Scarrow Farm Access and Pipeline
Trespass ROW Grant Application &
Water Rights issue

Fred:

Today, I met with Jan Shurte and Steve Lester at IDWR Western about the Basin and Range POD Transfer. Steve is the IDWR agent responsible for processing the POD Transfer and, as you know, Jan is the IDWR agent responsible for these SRBA subcases. Both Jan and Steve agreed that the POD transfer could be processed first with the NCAPs based on the licenses with the new points of diversion issued after processing of the POD transfer. This would avoid the need for two sets of NCAPs, before and after the POD Transfer Application processing. As you know, IDWR recently instituted the new POD Transfer process in an effort to streamline "simple" Transfer Applications. Thus, IDWR only awaits BLM's consent to the POD Transfer Applications before it processes them.

Steve Lester has indicated that he can include the following two conditions to address any BLM concerns:

- ✓ 1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- ✓ 2. This water right(s) does not authorize the use of federal public land.

Steve indicated you can call him to discuss this matter further, if you like. Also, he indicated we can schedule a meeting to discuss this matter if that would be helpful.

As you are aware, my client needs to use these two new points of diversion for its farming operations. BLM delay under the circumstances is injurious to these operations.

Thank you,
Dana Hofstetter

----- Forwarded by Fredric Price/IDSO/ID/BLM/DOI on 06/08/2011 03:56 PM

"Music, Vicky"
<Vicky.Music@idw

r.idaho.gov>

04/21/2011 12:11
PM

<Fredric_Price@blm.gov>

"Lester, Steve"
<Steve.Lester@idwr.idaho.gov>

Subject

Basin and Range transfer apps

To

cc

Fred !

I just talked to Steve re the 2 Basin and Range applications for transfer filed on 3/22 and the one filed on 4/12.

Because the 3/22 app applies to rights contested in the SRBA and we usually hold these until PDs are issued, Steve said that he advised Dana to work with you to submit information, such as the BLM is okay with these transfers letter, to be able to process them. These transfers have not been assigned numbers because the SRBA recommendations must conform to the elements of the rights as they were licensed and prior to the 2008 transfer that was rescinded. IF #s were assigned, workflow would pull in the incorrect recommendations. This must be resolved in the SRBA first. You can refer to the WR #s or the app filed by B & R on 3/22 - whatever you and Dana work out.

Re the 4/12/11 transfer app filed on a disallowed SRBA claim, Steve sent it back without assigned a #. So, it's gone because we can't process a transfer for a disallowed rt.

Have a good day!

Vicky L. Music
Sr. Water Resource Agent
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Subject: Basin and Range New Wells

Date: Wed, 13 Apr 2011 14:19:46 -0400

From: Steve Hannula <shannula@eroresources.com>

To: Dana Hofstetter <Dana@IdahowaterLaw.com>

Dana,

Basin and Range submitted two applications for transfer to add a POD; one for water right no. 63-3182 and the other for 63-7177.

The application to add a POD to 63-3183 is adding a new well that is in the NE SE Sec 23 6N 5W, locally known as Well #7. The entire quarter-quarter is within Basin and Range ownership, i.e. no mixed ownership in the 40 acres. The 10-acre description is NE NE SE Sec 23.

The application to add a POD to 63-7177 references a proposed well in the NW SW Sec 23 T6N R5W, to be known as Well #8. Again the entire quarter-quarter is within Basin and Range ownership, i.e. no mixed ownership in the 40 acres. The 10-acre description is SW NW SW Sec 23.

In both situations, the wells are within Basin and Range ownership and the 40-acre description does not include public land.

Steven Hannula
Hydrogeologist

ERO Resources Corporation
Consultants in Natural Resources and the Environment
3314 Grace Street | Boise, ID 83703
208.373.7983 O | 208.484.9961 C | shannula@eroresources.com | www.eroresources.com

----- Forwarded by Fredric Price/IDSO/ID/BLM/DOI on 06/08/2011 03:57 PM

Dana Hofstetter
<Dana@IdahoWater
Law.com>

04/12/2011 04:12
PM

"Negri, David \ (ENRD\)"
<David.Negri@usdoj.gov>

Fredric_Price@blm.gov

Subject
Basin and Range POD Transfer 4072.1

To

cc

David:

As you requested during our telephone conversation today, I am re-forwarding the attached Transfer Application. As you know, my client has filed this new streamlined POD Transfer Application because it wants to use 2 new wells this year. Because BLM has pending SRBA Objections to the subject water rights, IDWR has requested BLM consent to this Transfer Application being processed. This Transfer Application is not intended to change the place of use of any of the rights; it is only intended to add 2 new points of diversion solely on private ground. It is my understanding that BLM's SRBA Objections to the underlying rights concern the mixed (private-public) quarter-quarter section issue. None of the subject rights are used on public ground. If BLM would request it, I believe my clients would not oppose the addition of the standard provision confirming this in such a mixed use situation.

Your expedited consideration of this matter would be appreciated since the irrigation season is upon us. Please let me know if you have any questions or need any additional information.

Thank you,
Dana Hofstetter

[attachment "Transfer PODs 3-22-11.pdf" deleted by Fredric Price/IDSO/ID/BLM/DOI]

BASIN RANGE & RESOURCE TRANSFER APPLICATIONS
IDWR NOTES 3/30/2011

SRBA Director's Reports – Rights resulting from transfer 71619, dairy & 990 acre PPU. Includes 10 rights, 6 of those resulting from splits of 3 rights (7 rights before splits).

SRBA Objections for all 10 rights by prior owner Scarrow (now Basin R & R) & BLM. Objections based on recommendations that match transfer 71619 approval.

SRBA status conference for objections scheduled June 2011.

December 2010 to January 2011:

- Transfer 71619 rescinded per request, no dairy & PPU developed. Rights revert to pre-transfer irrigation licenses, separate acres/right.
- SRBA Claims updated to match licenses, prior splits recombined (63-3308, 63-7349 & 63-7903). Results in 7 records restored to pre-transfer 71619 situation.
- Director's Reports need to be updated to reflect transfer 71619 rescinded.

February 2011 – Transfer appl 77052 filed, combine 6 of the 7 irrigation rights for PPU & some new wells. Application based on current Claims, not Director's Reports. To be processed when staff time available.

March 2011 – 2 transfer apps filed for this irrigation season. Applications based on current Claims, not current Director's Reports. Add PODS to 3 of 6 rights in pending transfer application 77052.

- 63-3182 for 2010 replacement well drilled, use as additional POD.
- 63-7177 & 63-7349 to drill new well for orchard.
- Can process "POD transfers" before application 77052 since require less staff time.

SRBA Objections – Normally cannot process transfers with unresolved objections unless transfers are to resolve objections (not the case here). Possible to process other types of transfers if parties agree this can be done without adversely affecting objection process/issues.

- Can proceed with POD transfers if parties agree does not preclude validity review in SRBA, Condition T09:
Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

- Public land in S23, SESW & SWSE, QQs in PPU of rescinded transfer 71619.
- Now Claims 63-3182, 63-7177 & 63-7349 do not include those QQs for public land.
- Can proceed with POD transfers w/ owner & BLM agreement does not include public land. Does not require but could include condition (no code #):

This right(s) does not authorize the use of federal public land.

Owner/applicant should discuss with BLM, if agree, can proceed with POD transfers. Provide written confirmation from parties requesting POD transfers to be processed.

If approved, POD transfers will result in updated Director's Reports for those 3 rights. This might resolve objections for at least those rights.

~~~~~

Rights in rescinded transfer 71619 = current SRBA Director's Reports with same objections, same parties:

- 63-3182
- 63-3583
- 63-7177
- 63-7533
- 63-31839 & 63-31840 (previously 63-7903)
- 63-31841 & 63-31842 (previously 63-7349)
- 63-31854 & 63-31855 (previously 63-3308)

Rights in current SRBA Claims per rescinded transfer 71619, Director's Reports not updated yet:

- **63-3182**
- 63-3583
- **63-7177**
- 63-7533
- 63-7903 (recombined 63-31839 & 63-31840)
- **63-7349** (recombined 63-31841 & 63-31842)
- 63-3308 (recombined 63-31854 & 63-31855)

**Bold** = rights in 2 POD transfer applications



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

RECEIVED

MAR 22 2011

WATER RESOURCES  
WESTERN REGION  
March 22, 2011

Steve Lester  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705

RE: Basin and Range Resources Application for Transfer - POD

Dear Mr. Lester:

Please accept the two attached Applications for Transfer – Point(s) of Diversion in the name of Basin and Range Resource Company, LLC.

In the application involving water right no. 63-3182, the applicant seeks authorization to use the well that was drilled in 2010 in time for irrigation in 2011. Please recall that the new well was drilled as a replacement in 2010, but Basin and Range has since decided to use it as an additional well.

The application involving water right nos. 63-7177 and 63-7349 seeks to add a point of diversion in order to improve management flexibility between the orchard and the row-crop fields. Both water rights cover a portion of the orchard so both are included in the application.

The filing fee of \$980 is included.

If you have any questions, please call Steve Hannula at 373-7983.

Regards,

A handwritten signature in cursive script that reads "Steven R. Hannula". The signature is written in dark ink and is positioned above the printed name.

Steven R. Hannula

SCANNED

SEP 27 2011