

MAR 22 2011

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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)** 63-7177, 63-7349

- ☒ 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 6.36 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			SE	SW	Payette	GW	Well #3
6N	5W	23			SW	SE	Payette	GW	Well #2
6N	5W	23			NW	SW	Payette	GW	Well #8 (proposed)

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 #2 (16-in, 537 feet deep, 1967), Well #3 (unknown, but likely 12- 16-in, 400+ ft deep, in the late 1960's),
and Well #8 (proposed 16-in, 700 ft deep). 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]
Signature of applicant or authorized agent

Doremy A. Timian - Palmer, COO 3-11-11
Print name and title if applicable 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 5 pages of attachments. Received by [Signature] Date 3-22-11

Fee paid \$490- Date 3-22-11 Receipt # W039075 Receipt [Signature]

Preliminary review completed by Kay Walker Date 9/9/2011

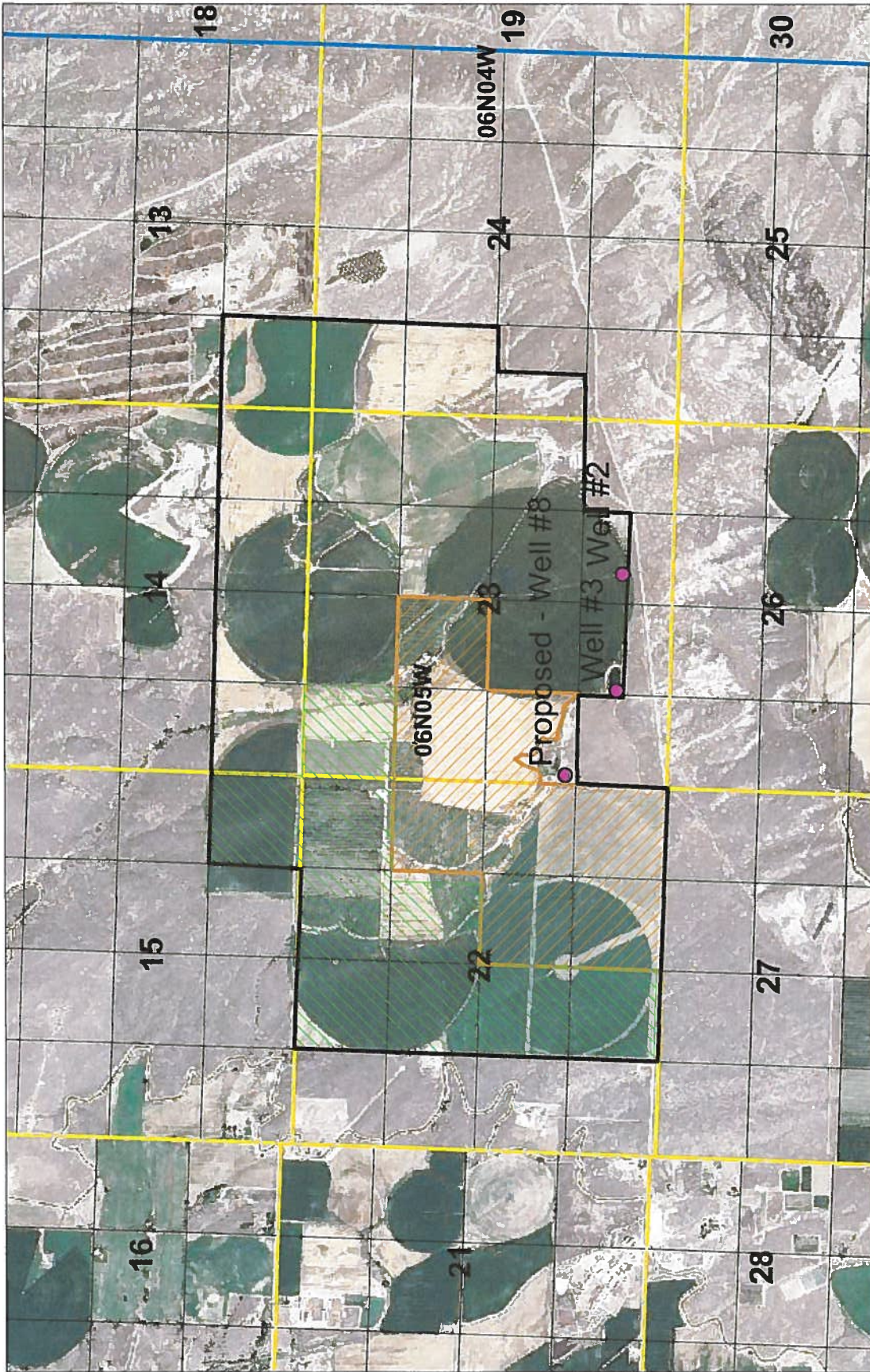


Figure 1

Basin and Range
POD Transfer Site Map

Date: 3-10-2011
Aerial Photo: 2009



Payette County, Idaho

0 5001,000

Feet



Legend

- Wells 63-7177 & -7349
- ▨ 63-7177
- ▨ 63-7349

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7177 Priority Dec. 12, 1968 Amount 4.70 cfs

THIS IS TO CERTIFY, that RAY OBENDORF

of Parma, Idaho, has complied with the terms and conditions of Permit No. 63-7177 issued pursuant to Application for Permit dated December 12, 1968, and has submitted proof to the Department of Water Resources on December 13, 1973, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 4.70 cfs of water from a ground water source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 1</u> to <u>Oct. 31</u>	at <u>4.70</u> cfs and	<u>1,570.5 acre feet</u>
	from _____ to _____	at _____ cfs and	<u>or 4.5 af per acre</u>
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 4.70 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 1,570.5 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 23,
Twp. 6 N, Rge. 5 W, B. M. in the County of Payette

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 N	5 W	15																39	39
		22	40	39	35	39			39	39			39						270
		23					40												40

Total number of acres irrigated 349

A measuring device of a type approved by the Department shall be permanently maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 3 day of December, 19 76.

Director

Attachment 2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7177

WATER RIGHT NUMBER: 63-7177

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	JIM D SCARROW 3184 S 1900 E WENDELL, ID 83355 (208) 316-1100
Original Owner	RAY OBENDORF 24034 BATT CORNER RD PARMA, ID 83660 (208)482-7397
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: 12/12/1968

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 10/31	4.700 CFS	1,570.50 AF
	<u>Total Diversion:</u>	4.700 CFS	1,570.50 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 23, 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	15																39.0	39.0
06N	05W	22	40.0	39.0	35.0		39.0			39.0	39.0			39.0					270.0
06N	05W	23						40.0											40.0

Total Acres: 349

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7349 Priority July 7, 1970 Amount 1.66 cfs

THIS IS TO CERTIFY, that RAY OBENDORF
of Parma, Idaho, has complied with the terms and conditions of Permit
No. 63-7349 issued pursuant to Application for Permit dated July 7, 1970
and has submitted proof to the Department of Water Resources on December 13, 1973
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.84 cfs of water from a ground water source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 1</u> to <u>Oct. 31</u>	at <u>1.66</u> cfs and	<u>802 acre feet or</u> <u>*4.5 af per acre</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than ** 1.66 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
802 acre feet per year, said waters to be diverted within the SW 1/4 SE 1/4 of Sec. 23,
Twp. 6 N, Rge. 5 W, B. M. in the County of Payette

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6 N	5 W	22				40									40	40	40	40	200
		23						40	40		30								110

Total number of acres irrigated 310

* Subject to the condition that the maximum volume per year shall not exceed
4.5 acre feet per acre when combined with License No. 63-3308.

** Subject to the condition that the maximum rate of diversion shall not exceed
5.84 cfs when combined with Licenses No. 63-3308 and 63-3583.

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 3 day of
December, 19 76.

Director

Attachment 4

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7349

WATER RIGHT NUMBER: 63-7349

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LENA M STOCKTON 23034 BATT CORNER RD PARMA, ID 83660 (208)482-7937
Original Owner	RAY OBENDORF 24034 BATT CORNER RD PARMA, ID 83660 (208)482-7397
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: 07/07/1970

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 10/31	1.660 CFS	802.00 AF
	<u>Total Diversion:</u>	1.660 CFS	802.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 23, Twp 06N, Rge 05W, B.M.
PAYETTE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06N	05W	22	40.0			40.0	200.0
06N	05W	23		40.0	40.0	30.0	110.0

Total Acres: 310

Attachment 5



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 #8
Transfer #?, 63-07177, 63-07349, 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 numbers 63-07177 and 63-07349, known as "Well #8," which describes private land within NWSW, S23, T06N, R05W.

I understand that because BLM has filed an Objection to Idaho Department of Water Resources' ("IDWR") recommendation of 63-07177 in the Snake River Basin Adjudication ("SRBA"), IDWR would like some sort of consent from BLM in order to proceed with the transfer. Water right claim number 63-07349 was not recommended in the SRBA as it was split and recommended as 63-31841 and 63-31842. BLM filed Objections to 63-31841 and 63-31842 in the SRBA. Transfer #71619 created the split of 63-07349 into 63-31841 and 63-31842, however this transfer was rescinded on 12-10-2010, therefore an approval of the 03-22-2011 transfer may result in the disallowance of 63-31841 and 63-31842, and a new recommendation that recombines them back under 63-07349.

BLM objected to 63-07177, 63-31841 and 63-31842 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

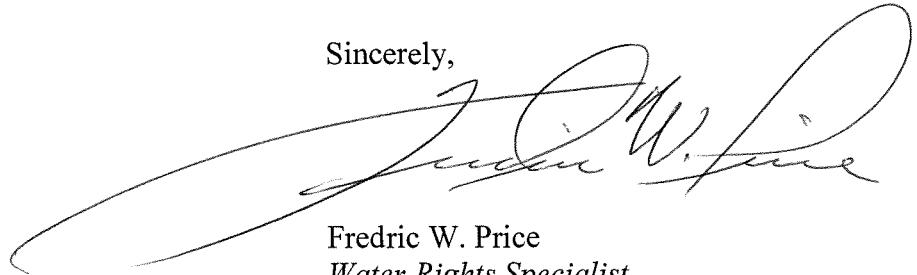
Not on
R+63-1341
63-7177
pw

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.

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", with a large, sweeping flourish extending from the left side.

Fredric W. Price
Water Rights Specialist

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



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 fluid and written in dark ink.

Steven R. Hannula