

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76983

This is to certify that: LITTLE ENTERPRISES LLLP
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>
65-23442	WR/Decreed	01/04/1897	4.3 cfs	N/A	N/A	215.0	CHIPPS CREEK

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>
65-23442	NO	YES	NO	NO	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>
65-23442	65-23442	4.3 cfs	N/A	N/A	215.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.3 cfs	N/A	N/A	215.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of May, 20 11


John Westra, Western Regional Manager

WATER RIGHT NO. 65-23442
As Modified by Transfer No. 76983

In accordance with the approval of Transfer No. 76983, Water Right No. 65-23442 is now described as follows.

Right Holder: LITTLE ENTERPRISES LLLP
 PO BOX 488
 EMMETT ID 83617

Priority Date: January 04, 1897

Source: CHIPPS CREEK

Tributary: CAMP CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/15	4.30 CFS
STOCKWATER	01/01	to 12/31	0.03 CFS
			4.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

CHIPPS CREEK NWSE Sec. 7 Twp 11N Rge 04E VALLEY 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	
11N	04E	7	18.0	40.0	40.0	19.0	30.0				21.0	12.0						35.0	215.0

Total Acres: 215

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	04E	7	X	X	X	X	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.

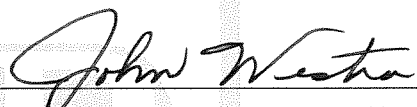
WATER RIGHT NO. 65-23442
As Modified by Transfer No. 76983

CONDITIONS OF APPROVAL

4. Rights 65-3681, 65-23441 and 65-23442 when combined shall not exceed the irrigation of a combined total of 271 acres in a single irrigation season.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
8. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
9. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 5th day of May, 20 11


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

May 5, 2011

LITTLE ENTERPRISES LLLP
PO BOX 488
EMMETT ID 83617

RE: Transfer No.: 76983
Water Right No(s): 65-23442

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

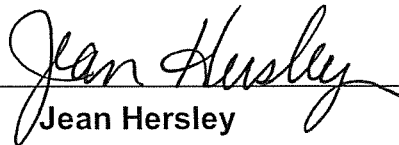
I hereby certify that on May 6, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 76983

WATER RIGHTS NOS. 65-23442

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

**LITTLE ENTERPRISES LLLP
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.

Publisher's Affidavit of Publication

RECEIVED

APR 14 2011

STATE OF IDAHO }
.ss

WATER RESOURCES
WESTERN REGION
via email

County of Valley

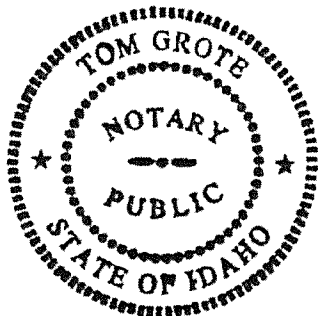
I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began April 7, 2011 and ended April 14, 2011.

Carol J. Wright

Subscribed and sworn before me this the 14th day of April, 2011.
STATE OF IDAHO

COUNTY OF VALLEY }

On this 14th day of April, in the year of 2011, before me, a Notary Public, personally appeared Carol J. Wright, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/12

PROPOSED CHANGE OF WATER RIGHTS

DBL Co. Inc. of 4444 Hillcrest Dr., Boise Idaho, 83705, filed Application No. 76982 to transfer one water right with an 1897 priority date from Chipps Creek tributary to Camp Creek totaling 0.68 cfs.

Little Enterprises LLLP of PO Box 488, Emmett, Idaho 83617, filed Application No. 76983 to transfer one water right with an 1897 priority date from Chipps Creek tributary to Camp Creek totaling 4.30 cfs.

The purpose of these transfers is to change the point of diversion location to points located on their respective properties. Water will be used at the current places of use in Round Valley, about 3 miles northeast of Smiths Ferry.

Please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the rights and the proposed transfers. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before April 25, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director. 2tc4/14

✓ ok DB 4/29/2011

MEMORANDUM

TO: Transfer No. 76983
FROM: Kay Walker *Kay*
DATE: March 22, 2011
RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the point of diversion of this water right. The new property owner has also submitted an Assignment of Application for Transfer form so we can update the ownership of the right during the transfer process.

The site is located in Round Valley, approximately 3 miles northeast of Smiths Ferry.

Contact person for the applicant is Steven Hannula of ERO Resources, 3314 Grace St., Boise, ID, 83703, at 373-7983. The applicant requests all original correspondence be sent to him and copies sent to the representative.

Deviations from Transfer Policy Standards

Application appears to be in good form to be processed.

Summary of Information Submitted

Authority to File:

The applicant has recently purchased (12/2010) the property from DBL Company who had originally filed the application for transfer. The applicant has provided a copy of their warranty deed showing they now own the property under the application. An Assignment of Application for Transfer form has been submitted so we can update the water right record during the transfer process.

Water Right Validity:

Right presumed to be valid since the right was decreed on January 5, 2006 and prior right holder filed an Extension of Time to Avoid Forfeiture on September 20, 2010 which was approved in December of 2010, allowing resumption of use in 2016.

Injury to Other Water Rights:

There should be no injury to any other rights since this land has been previously irrigated from this source. There is no change in place of use contemplated.

Enlargement of Use:

No enlargement should occur. Applicants land is surrounded by other water users and there would be no place to enlarge this right to.

Local Public Interest:

It is within the local public interest to allow a right holder to move their point of diversion to lands owned by them rather than diverting from lands owned by another party.

Beneficial Use/Conservation of Water Resources:

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

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Additional Information/Analysis

Watermaster comments will be solicited.

Other important comments to be requested include comments from Jim Kling who owns the property where the point of diversion is currently located.

Discussion

Data entry affected the correct record. The right was decreed under 65-5033C and then split by transfer into 65-23441 and 65-23442. Rt. 65-5033C was migrated before the splits were accomplished.

Overlapping right at existing POU is Rt. 65-3681. This right is for the irrigation of 32 acres within the NENE, Sec. 7, from Chipps Creek. However, the GIS shape attached this Rt. 65-3681 is for only 18 acres within this area. Since Rt. 65-3681 is not included in the transfer we cannot take any action to fix it at this time.

There are no overlapping rights at the proposed point of diversion from Chipps Creek. The existing point of diversion supplies water to Rt. 65-5033A, for Jim Kling, and 65-23441 which is also being transferred off of the Kling property to their own property. A comment letter will be sent to Mr. Kling to solicit his thoughts concerning these proposals.

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.