

Should questions arise during the processing of this application please contact:
Steve Hannula - ERO Resources Corp. (208) 373-7983

DE✓

RECEIVED

JUL 30 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
65-22342		X			

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) Monte Dennett
10217 N Blacktail Boise, Idaho 83703
4. New Owner/Claimant(s) John and Sallie Berilla
Name Connector (Check one): [X] and, [] or, [] and/or
- New Mailing Address 4131 W. Quail Ridge Dr.
- City, State and ZIP Code Boise, Idaho 83703
- New Telephone Number (208) 429-9621 Email: _____

SUPPORT DATA

IN FILE # 65-22342

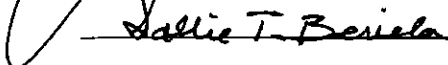
5. Date you acquired the property Oct 30, 2002

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Water Right and/or Adjudication Claim Number:		
Irrigation	0.19 cfs	9.5 acres of irrigation
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by SB Date 7-30
 Receipted by SB Date 7-30
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. W037747
 WR 9-10-09 Date Jan 4

WARRANTY DEED

For Value Received, MONTE DENNETT, AN UNMARRIED MAN
the Grantors, do hereby grant, bargain, sell and convey unto
JOHN A. BERILLA and SALLIE T. BERILLA, HUSBAND AND WIFE
whose address is: 4131 W. QUAIL RIDGE DR, BOISE, ID 83703

the Grantee, the following described premises, to-wit:
SEE EXHIBIT A ATTACHED

The following Deed Restrictions shall apply to all parcels of the
above property and may be removed only with the express written
consent of the Seller and/or assigns.

1. All permanent residences shall be constructed on site and place on concrete foundations.
2. All exterior surfaces on any structures shall be of earth-tone colors and all roofs must be of a pitched design.
3. No commercial activity may be conducted on any parcel.
4. Placing of any structure shall be limited to the area outlined for each parcel on Exhibit "B".
5. No parcel shall be further sub divided.
6. The above Deed Restrictions shall apply to all parcels shown on Exhibit "A" and "B".

TOGETHER WITH ANY AND ALL MINERAL RIGHTS AND WATER RIGHTS THERE MAY BE.

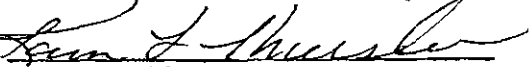
TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 2002 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

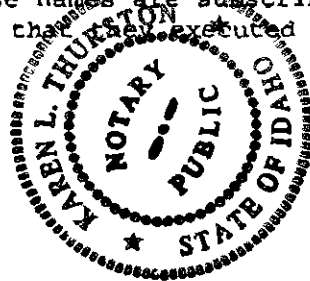
Dated: 10-30-02

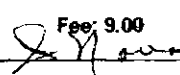

MONTE DENNETT

State of Idaho)
County of Valley) ss

On the 30 day of Oct, 2002 before me, Karen L. Thurston
a notary public in and for said State, personally appeared MONTE DENNETT
known to me to be the persons whose names are subscribed to the within
instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at: Cascade
Commission Expires: 7-10-03



Instrument # 266543
VALLEY COUNTY, CASCADE, IDAHO
2002-11-06 10:37:02 No. of Pages: 3
Recorded for : AMERITITLE
LELAND G. HEINRICH Fee: 9.00
Ex-Officio Recorder Deputy 
Index to: DEEDS

THOMAS W. KERR
PLS 998

Exhibit "A"
KERR SURVEYING
PO BOX 853
MC CALL, IDAHO 83638
208-634-2686
June 19, 2002

ROD M. SKIFTUN
PLS 9585

DENNETT
New Parcel N
24.733 Acres

A parcel of land situate in the NE1/4 of Section 12, T. 16 N., R. 2 E., B.M., Valley County, Idaho, more particularly described as follows:

Commencing at a brass cap marking the Section Corner common to Sections 1 and 12, T. 16 N., R. 2 E., B.M., and to Sections 6 and 7 of T. 16 N., R. 3 E., B.M., Valley County, Idaho, as shown on that particular Record of Survey, on file as Instrument No. 263017, in Book 7, Page 101 of Records of Survey, in the Office of the Recorder of Valley County, thence, S. 00° 16' 15" E., 1324.06 feet along the line common to said Sections 12 and 7 to a 5/8" rebar marking the N 1/16 Corner common to said Sections, the REAL POINT OF BEGINNING:

Thence, S. 00° 16' 21" E., 662.05 feet along said common line to a 5/8 rebar marking the S-N 1/64 corner common to said Sections 12 and 7, as shown on that Record of Survey on file as Instrument No. 235603, in Book 6, Page 596 of Records of Survey, in the Office of the Recorder of Valley County, thence, N. 89° 34' 56" W., 1359.51 feet to a 5/8" rebar marking the C-S-NE 1/64 corner of said Section 12, thence, continuing N. 89° 34' 56" W., 276.34 feet to a 1/2" rebar, thence, N. 00° 29' 32" E., 658.77 feet to a 1/2" rebar, thence, S. 89° 41' 46" E., 276.34 feet to a 5/8" rebar marking the NE 1/16 corner of said Section 12, thence, continuing S. 89° 41' 46" E., 1350.68 feet to the Point of Beginning, containing 24.733 acres, more or less.

Bearings based on Record of Survey on file as Instrument No. 235603, in Book 6, Page 596 of Records of Survey.

PARCEL A - No acres under either water right.

PARCEL B - 5 acres in the NENE, S. 13 under Right # 65-06272.

PARCEL C - Graham - 6 acres in the SESE, S. 12 under 65-02980 and 3 acres in the NENE, S. 13 under 65-06272 - transferred from original rights and now numbered A65-02980 D and A65-06272 B.

PARCEL D - 3 acres remaining in the SESE, S. 12 under 65-02980 could be used in PARCEL D.

PARCEL E - BEALL - 2 acres in the NESE, S. 12 under 65-02980 - transferred from original right & now numbered A65-02980 B.

PARCEL F - COMBERT - 3 acres in the NESE, S. 12 under 65-02980 - transferred from original right & now numbered A65-02980 C.

PARCEL G - 4 acres in the NWSE, S. 12

PARCEL G (CONT.) - from 65-02980.

PARCEL H - No acres under either right.

PARCEL I - No acres under either right.

PARCEL J - No acres under either right.

PARCEL K - No acres under either right.

PARCEL L - No acres under either right.

PARCEL M - 7.5 acres in the SWNE, S. 12 under 65-02980.

Berilla →

PARCEL N - 9.5 acres in the SWNE, S. 12 under 65-02980.

PARCEL O - 14 acres in the NWNE (9 acres) and the NENE (5 acres) S. 12 under 65-02980.

PARCEL P - 14 acres in the NWNE (9 acres) and the NENE (5 acres) S. 12 under 65-02980.

PARCEL Q - 2 acres in the NWNE, S. 12 under 65-02980.

255603
10-10-01

Exception #11 and #15

BOOK 6 PAGE 396
RECORDS OF SURVEY
INST NO 255603
10-1-98
10:01 A.M.

I, Joel W. Droutard, a Professional Land Surveyor,
do hereby certify that this plat was prepared from
notes taken during an actual survey made under my
direct supervision in July of 1998, and that it
correctly represents the points, courses, and distances
as recorded in said field notes.



scale : 1 in = 400 ft

LEGEND

- ◊ 5/8" rebar found
- 1/2" rebar found
- set 5/8" x 30" rebar w/plastic cap
- set 1/2" x 24" rebar w/plastic cap
- Ⓜ found 3 1/4" brass cap
- Ⓜ set 3 1/4" aluminum cap

LINE TABLE

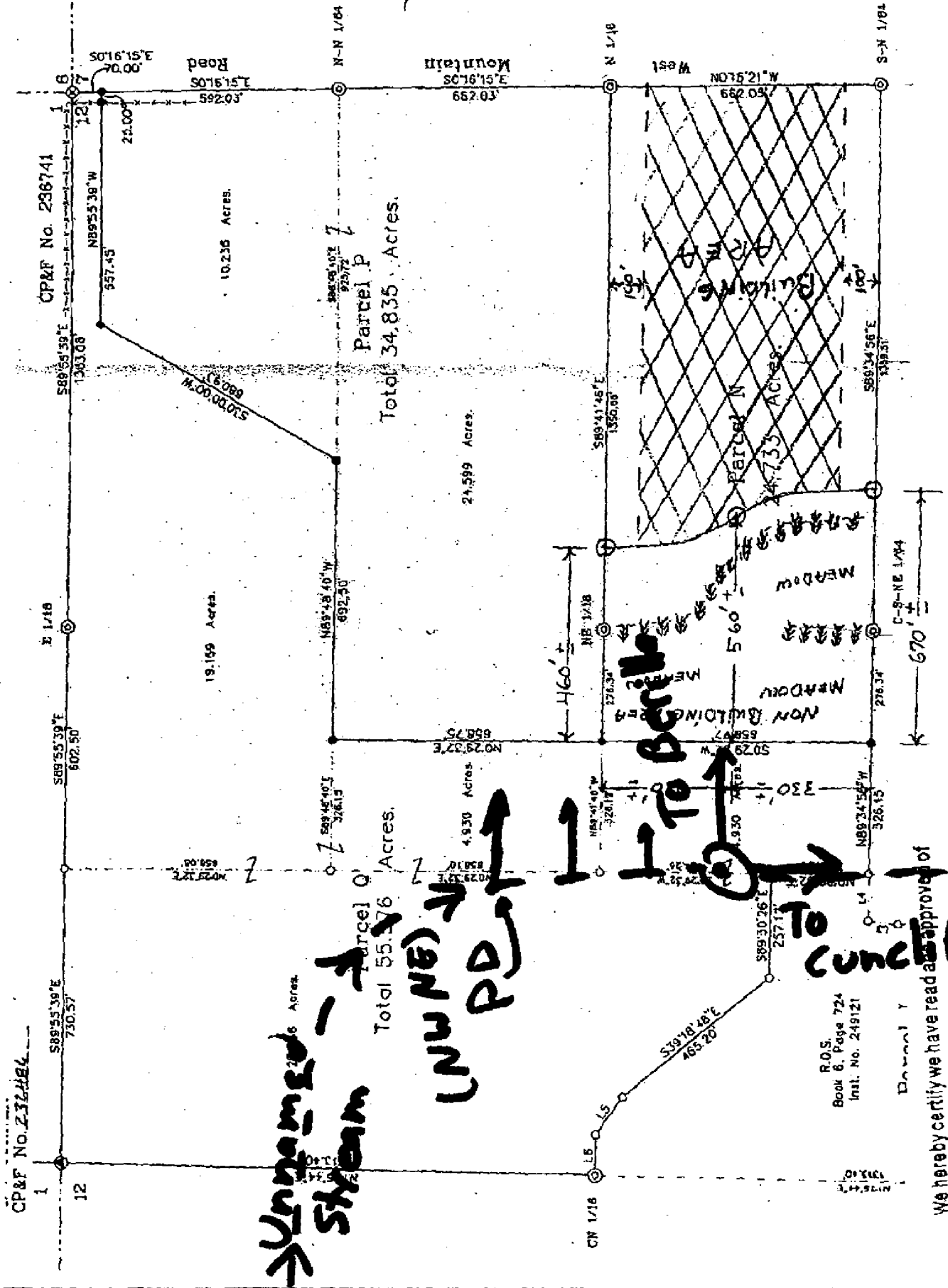
Sta.	Dist.	Bearing	Dist.
11	0.0551	12° E	103.81'
12	0.0001	31° E	313.80'
13	0.0001	40° E	256.02'
14	0.3417	30° E	105.84'
15	0.0513	20° E	140.40'
16	0.3172	00° E	142.00'
17	0.0173	00° E	184.83'
18	0.0074	00° E	108.83'
19	0.0094	00° E	147.33'
20	0.0711	00° E	211.13'
21	0.0500	00° E	128.70'
22	0.1370	00° E	178.34'
23	0.0974	74° E	51.74'
24	0.1774	23° E	107.31'
25	0.2801	00° E	102.30'
26	0.2010	21° E	50.94'
27	0.2510	31° E	323.83'
28	0.0024	00° E	12.32'
29	0.0478	10° E	135.89'
30	0.0701	50° E	80.40'
31	0.0001	00° E	182.30'
32	0.3501	00° E	214.40'
33	0.0024	00° E	110.00'
34	0.2700	00° E	45.00'
35	0.0204	00° E	17.03'

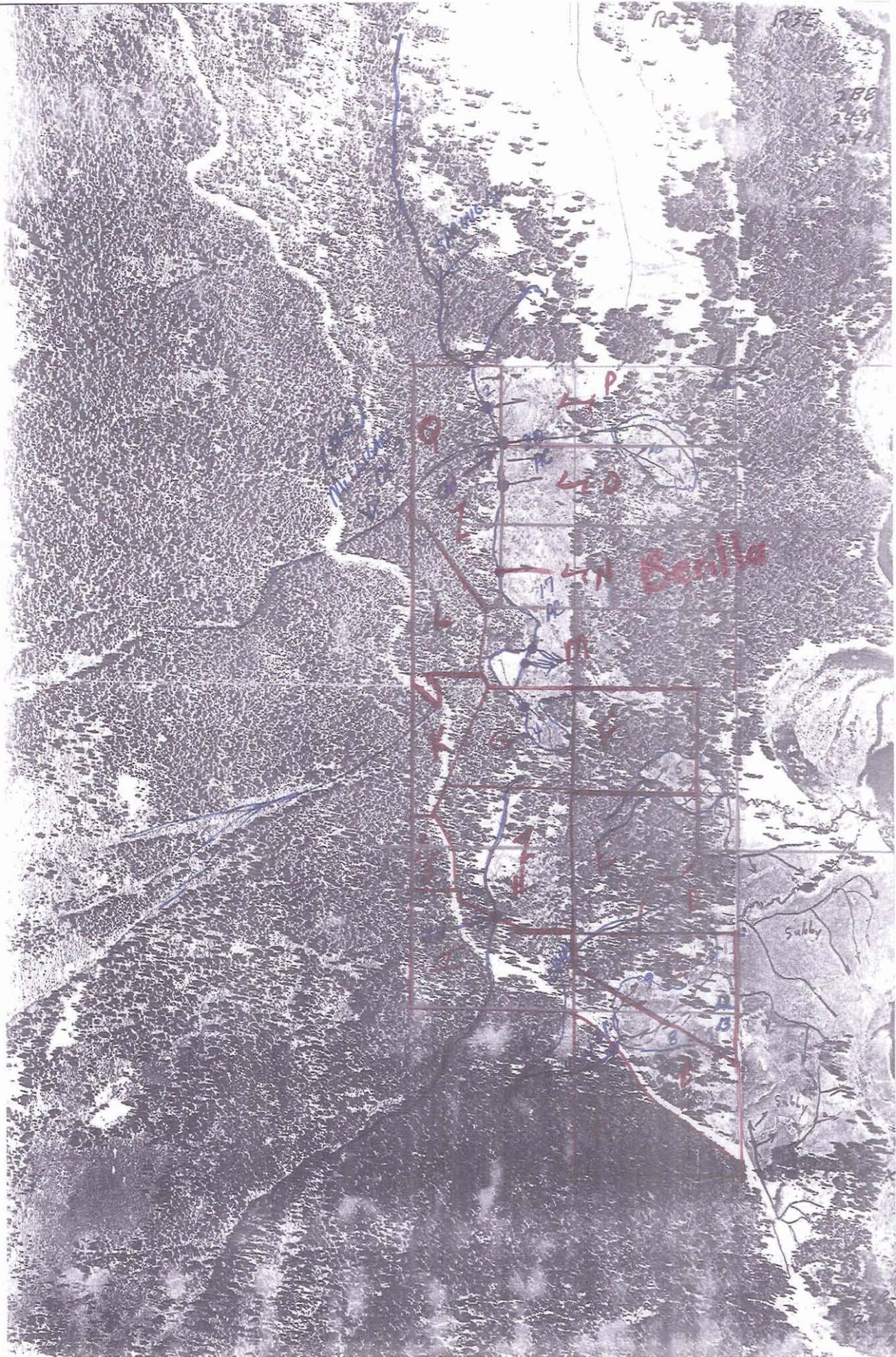
CURVE TABLE

Sta.	Dist.	Bearing	Dist.	Bearing	Dist.
11	0.0551	12° E	103.81'	12° E	103.81'
12	0.0001	31° E	313.80'	31° E	313.80'
13	0.0001	40° E	256.02'	40° E	256.02'
14	0.3417	30° E	105.84'	30° E	105.84'
15	0.0513	20° E	140.40'	20° E	140.40'
16	0.3172	00° E	142.00'	00° E	142.00'
17	0.0173	00° E	184.83'	00° E	184.83'
18	0.0074	00° E	108.83'	00° E	108.83'
19	0.0094	00° E	147.33'	00° E	147.33'
20	0.0711	00° E	211.13'	00° E	211.13'
21	0.0500	00° E	128.70'	00° E	128.70'
22	0.1370	00° E	178.34'	00° E	178.34'
23	0.0974	74° E	51.74'	74° E	51.74'
24	0.1774	23° E	107.31'	23° E	107.31'
25	0.2801	00° E	102.30'	00° E	102.30'
26	0.2010	21° E	50.94'	21° E	50.94'
27	0.2510	31° E	323.83'	31° E	323.83'
28	0.0024	00° E	12.32'	00° E	12.32'
29	0.0478	10° E	135.89'	10° E	135.89'
30	0.0701	50° E	80.40'	50° E	80.40'
31	0.0001	00° E	182.30'	00° E	182.30'
32	0.3501	00° E	214.40'	00° E	214.40'
33	0.0024	00° E	110.00'	00° E	110.00'
34	0.2700	00° E	45.00'	00° E	45.00'
35	0.0204	00° E	17.03'	00° E	17.03'

RECORD OF SURVEY VALLEY COUNTY, STATE OF IDAHO		
DENNETT PROPERTY situate in the NE 1/4 of Section 13, and Section 12, T. 16 N., R. 2 E., B.M. Valley County, Idaho		
Drawn by KERR SURVEYING	Reviewed by McCALL, IDAHO	Date JULY 1998

Exhibit "B"





IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-02980E

200 SEP 13 PM 12:15
FILED

NAME AND ADDRESS: MONTE DENNETT
10217 N BLACKTAIL
BOISE, ID 83703

SOURCE: UNNAMED STREAMS TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 1.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 08/25/1930

POINT OF DIVERSION: T16N R02E S12 NWNE Within Valley County
SWNE
S13 NWSE Within ERROR County
NENE

THREE POINTS OF DIVERSION LOCATED IN T16N, R02E, S12, SWNE AND
NWNE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.98 CFS
	Domestic	01-01 TO 12-31	0.04 CFS
			1.20 AFY
	Stockwater	01-01 TO 12-31	0.05 CFS
			2.70 AFY

PLACE OF USE: Irrigation T16N R02E S12 NENE 10.0 1.5
SWNE 17.0
SWSE 2.0
51.0 Acres Total
Stockwater Within Valley County
Same as Irrigation
Domestic Within Valley County
Same as Irrigation

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
THIS TRANSFER WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/20/2009

WATER RIGHT NO. 65-22342

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONTE DENNETT 10217 N BLACKTAIL BOISE, ID 83703 (208)939-8711
Original Owner	MEL DENNETT LIVING TRUST 1201 W SOUTH CHANNEL RD EAGLE, ID 83616 (208)939-6976

Priority Date: 08/25/1930

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAMS	NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.8 CFS	
STOCKWATER	01/01	12/31	0.05 CFS	2.7 AFA
DOMESTIC	01/01	12/31	0.04 CFS	1.2 AFA

Total Diversion 0.89 CFS

Location of Point(s) of Diversion:

UNNAMED STREAMS NWNE Sec. 12 Township 16N Range 02E VALLEY County
UNNAMED STREAMS SWNE Sec. 12 Township 16N Range 02E VALLEY County
UNNAMED STREAMS NWSE Sec. 12 Township 16N Range 02E VALLEY County
UNNAMED STREAMS SWSE Sec. 12 Township 16N Range 02E VALLEY County
UNNAMED STREAMS NENE Sec. 13 Township 16N Range 02E VALLEY County

Place(s) of use:

Place of Use Legal Description: IRRIGATION VALLEY County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
16N	02E	12		NENE 10			NWNE 20			SWNE 9.5				
				SWSE 2										

Place of Use Legal Description:STOCKWATER same as IRRIGATION

Place of Use Legal Description:DOMESTIC same as IRRIGATION

Total Acres: 41.5

Conditions of Approval:

1. This right is the result of a split due to change in ownership for a portion of 65-02980E. DB 2/26/2001.
2. THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
3. THREE POINTS OF DIVERSION LOCATED IN T16N, R02E, S12, SWNE AND NWNE.
4. STOCKWATER, 100 RANGE CATTLE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Dates:

Licensed Date:

Decreed Date: 03/31/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 65

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close