

Should questions arise during the processing of this application please contact:
Paul E. Drury, P.E. - ERO Resources Corp. (208) 373-7983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Amended APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

OCT 18 2006

WATER RESOURCES
WESTERN REGION

Name of applicant McConnel Island Ditch Company, LTD

Phone 208-722-6855

Post Office address P.O. Box 668 Parma, ID 83660

A. Purpose of Transfer

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Converting irrigated crop land to ponds and wetlands used for wildlife habitat and stockwater. Seasonal wetlands and impoundment areas will be constructed for migratory waterfowl and federally sponsored USFWS Partner for Fish and Wildlife and NRCS Wildlife Habitat Improvement Program.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-4632F</u>	<u>03/15/1894</u>	<u>0.18 cfs</u>	<u>Diversion to Storage</u>	<u>03/15 to 11/15</u>
<u>63-4632F</u>	<u>03/15/1894</u>	<u>28.8 ac-ft</u>	<u>Wildlife Storage</u>	<u>01/01 to 12/31</u>
<u>63-4632F</u>	<u>03/15/1894</u>	<u>28.8 ac-ft</u>	<u>Stockwater Storage</u>	<u>01/01 to 12/31</u>
<u>63-4632F</u>	<u>03/15/1894</u>		<u>Irrigation</u>	<u>03/15 to 11/15</u>

2. Total amount of water being transferred 0.18 cubic feet per second and/or 28.8 acre-feet per annum.
3. Source of water Boise River tributary to Snake River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
1		SE	SE	07	05N	05W	Canyon	McConnel Island Ditch Company Head Gate

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	06W	1					22	29	38	30	39	38	35	35	6	21	35	38	366
		2	37	37	37	39	35			35	30			22	39	39	38	34	422
		11	35	28	33	26													122
		12		37	9		38	37	25	33		33							212
		12			S,W														
06N	06W	35															29	27	56
		36										19							19

Total acres 1206

PART 1

6. General Information:

- a. Description of diversion system No Change in diversion system. Existing head gate at the Boise River constructed, operated, and maintained by the McConnel Island Ditch Company.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No change to the place of use. Irrigated land will be converted to wetland and riparian habitat.
- d. Remarks:
1. Nine acres of irrigated land will be taken out of production and converted to nine acres of waterfowl habitat by constructing shallow ponds, wetlands and riparian areas.
 2. Diversion to storage during the normal irrigation season will maintain water level in the wetlands and ponds and provide flushing flow for water quality.
 3. Water will be stored in the ponds year round.
 4. Nine acres of irrigated land is mitigation for two new permits to appropriate shallow ground water used in the two ponds with a total surface area of nine acres. The two new permits will allow filling of the ponds with shallow ground water.
 5. The same nine acres of irrigated land will encompass the shallow ponds, wetlands and riparian areas.
 6. Entire water right of 0.18 cfs and 28.8 acre-feet will be transferred.
 7. See letter dated May 12, 2008 for additional information.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-4632F on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice☐ Warranty Deed☒ Other Share Certificate3. Source of water Boise River tributary to Snake River4. Date of priority 03/15/1894

5. Water is used for the following purpose:

Amount 0.18 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.18 cubic feet per second and/or 28.8 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
1		SE	SE	07	05N	05W	Canyon	McConnel Island Ditch Company Head Gate

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	06W	1					22	29	38	30	39	38	35	35	6	21	35	38	366
		2	37	37	37	39	35			35	30			22	39	39	38	34	422
		11	35	28	33	26													122
		12		37	18		38	37	25	33		33							221
06N	06W	35															29	27	56
		36											19						19

Total acres 12069. Describe any other water rights used for the same purpose as described above 63-4632A, 63-4632B, 63-4632C, 63-4632D, 63-4632E, 63-4632G, 63-4632H, 63-4632J, 63-4632K, 63-4632L, 63-4632M, 63-4632N

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*

1. Amount 0.18 for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
1		SE	SE	07	05N	05W	Canyon	McConnel Island Ditch Company Head Gate

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	06W	12			9														9

Total acres 9**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
1		SE	SE	07	05N	05W	Canyon	McConnel Island Ditch Company Head Gate

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	06W	1					22	29	38	30	39	38	35	35	6	21	35	38	366
		2	37	37	37	39	35			35	30			22	39	39	38	34	422
		11	35	28	33	26													122
		12		37	9		38	37	25	33		33							212
06N	06W	35															29	27	56
		36											19						19

Total acres 1197

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SCALE: 2 inches equals 1 mile. Draw plan in ink.

See Exhibit B

PART 3**B. CHANGES IN NATURE OF USE**

- | 1. | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|-----------------------------|------------------------------|------------------------|------------------------------|
| | <u>Diversion to Storage</u> | <u>0.18 cfs</u> | _____ | <u>03/15</u> to <u>11/15</u> |
| | <u>Wildlife Storage</u> | <u>28.8 AF</u> | <u>year</u> | <u>01/01</u> to <u>12/31</u> |
| | <u>Stockwater Storage</u> | <u>28.8 AF</u> | <u>year</u> | <u>01/01</u> to <u>12/31</u> |
2. Quantity and quality of return flows and location of discharge: No change to location of discharge, Ross East End Drain. Return flows enter the Ross East End Drain from pond overflows and groundwater seepage. Water quality improved through filtering agricultural runoff by emergent wetland plants.
3. Describe effects on other water uses resulting from the proposed change: There is no change to the period of diversion and no impact to other users outside of the irrigation season. There are no water right holders to water from Ross East End Drain downstream of the place of use.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn before me this _____ day of _____, 20 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Receipted by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

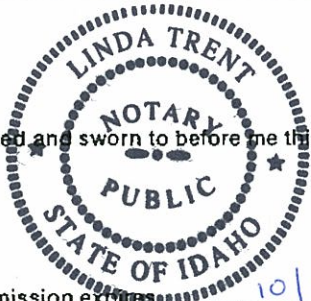
Subscribed and sworn to before me this _____

31

day of

August

, 19 2006



(Signature of Applicant)

(Notary Public)

My commission expires

10/3/2009

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

* Received by 82 Date 10/18/06 Protest filed by _____Prelim. check by _____ Fee 5.00Received by 82 Date 10/26/06 W034813

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

* SEE 10/26/06 memo

CANYON COUNTY

TAX NOTICE FOR CALENDAR YEAR

2003 Real Property

ACCOUNT NO.

3R39246-010 - -0

19991

3R39246-010- -0

MORONEY, TOM III
947 S MAIN ST
STAR ID 83669

PARCEL NO. 05N06W120605
12-5N-6W NE
TX 00478 IN W 1/2 NE

HEXON RD, PA

0123456789

BILL NUMBER 2003077703

CODE AREA	142-00				
LAND	30,700 QTY	77.06	TAXING DISTRICT	RATE	AMOUNT
			APPLICABLE VALUE	30,700	
TOTAL VALUE	30,700		PEST	0.000044280	1.36
			AMBULANCE	0.000204822	6.28
			NO-PA HWY2	0.001683156	51.68
			FIRE PA	0.001060259	32.54
			CEM RO	0.000169226	5.20
			SCH 137 PA	0.007934881	243.60
			COUNTY	0.004598848	141.18

Year	Taxable FCV	Tax Amount
2002	30,700	482.36
2003	30,700	494.40

TOTAL LEVY	0.015695472
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*****IMPORTANT*****
PLEASE READ BOTH FRONT AND BACK
*****MONTHLY PAYMENTS ACCEPTED****

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

KEEP TOP PORTION FOR YOUR RECORDS.

TRACIE LLOYD

(208) 454-7354

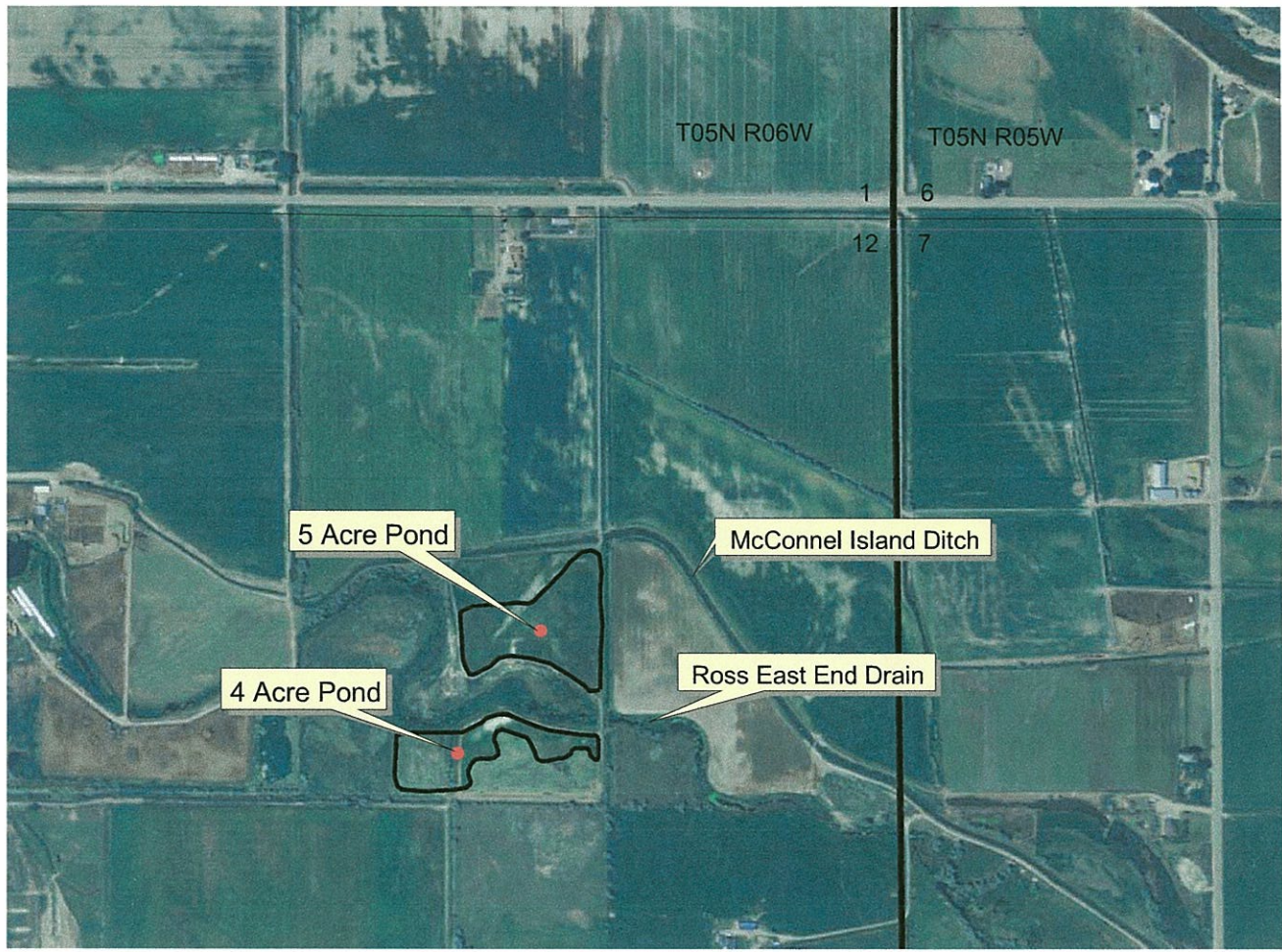
Please Make Checks Payable To:
CANYON COUNTY TAX COLLECTOR
1115 ALBANY ST., ROOM 342
P.O. BOX 1010
CALDWELL, IDAHO 83606

FLD #11	APPLICABLE VALUE	30.700	12.56
	0.000409207		

TOTAL TAX	494.40
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TOTAL DUE	494.40
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Exhibit B Tom Moroney Application for Transfer



0.2 0 0.2 0.4 Miles



 Lands Taken out of Production

Date Prepared: October 2006
Prepared By: ERO Resources, Corp.
Data Source: IDWR Data Library
2004 NAIP Aerial Photo

Attachment A

McConnell Island Ditch Company, Limited
Assessments
2006

March 23, 2006

Members:

The Board of Directors has passed the assessment for 2006 to be \$8.00 per share.

You have 80 shares at \$8.00 for a total of \$640.00.

Please also be notified that this assessment is due and payable within 60 days of the date sent (May 23, 2006). If I have not received your payment within 60 days, there will be interest due at 18%.

If you have any questions, please call me at (208) 722-5210.

Sincerely,

Mail or drop off to:
Trent Accounting
P.O. Box 668
Parma, ID 83660

Linda Trent, C.P.A.
Sec./Treasurer

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

NUMBER

87

SHARES



— Eighty —

Tom money

is the owner of

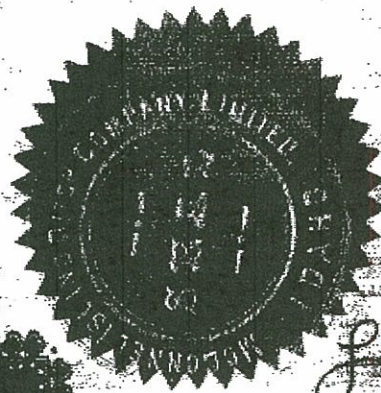
Shares of **TEN DOLLARS**

each of the Capital Stock of

McConnell Island Ditch Company, Limited.

transferable only on the books of the Corporation by the holder hereafter in person or by Attorney upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and is sealed with the seal of the Corporation.



James D. [Signature]

SHARES

OF

EACH

James D. [Signature]