



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 21, 2004

ERO RESOURCES CORPORATION
ATTN STEVEN HANNULA
1106 N COLE RD SUITE C
BOISE ID 83704-8661

***RE: APPLICATION FOR TRANSFER FOR BRIGHTON
INVESTMENT, LLC, WATER RIGHT 63-11408***

Dear Mr. Hannula:

Our office received a transfer on 9/7/2004 that you prepared for Brighton Investments, LLC on water right 63-11408. Processing of this transfer must be delayed until the following information is supplied or clarified:

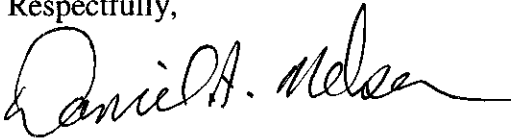
- 1.) The tax lot information available to the department shows that the property has already been subdivided and some of the lots have been sold. If the water right were not specifically withheld in the sale of the property, then the current owners of the property would hold a proportionate share of the water right. Please supply documentation that shows that Brighton Investments, LLC still owns the lands or still have ownership of the water right for the lands that the transfer proposes to retire or that they have permission current owners to move the water right to the new place of use.
- 2.) Our office needs a map showing the lands that will be retired and the lands that will remain. Please supply a mapping showing how the lands currently be supplied by the water right will be changed.
- 3.) Our records suggest that the supplemental water right will be moved from lands serviced by Settlers Irrigation District to new lands also supplied by the same delivery organization. Please confirm that Settlers Irrigation District supplies water to both properties. If the Settlers Irrigation District doesn't supply both properties, please supply documentation that show that the surface water deliveries are similar.
- 4.) The map you supplied resembles the tax lot for the property, and the tax lot information suggests that the property in the SENE of S25 actually has 24.7 acres. Do you plan to have a permissible place of use for this portion of ground or do you plan to irrigate a specific 20 acres. If you plan to irrigate a specific 20 acres, could you clarify which acres in the tax lot that are going to be irrigated.

- 5.) Our office will need a map showing the lands from the original water right that will be retired and which acres will remain active. Please supply a map showing these acres. As discussed in number 1 above, the water right for the lands retired must be under the control of the applicant or they must have approval of the transfer by the current owner of the property.

The Department will hold further processing of your application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.

If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a long horizontal flourish extending to the right.

Daniel A. Nelson
Sr. Water Right Agent