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IDWR / NORTH

FORM 202 Rev. 09/16

84708

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 86-12103

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Robertson Avon LLC Phone 208-877-1692
   Name connector (check one): ☐ and ☐ or ☐ and/or
   Mailing address 1060 Old Avon Rd City Deary
   State Idaho ZIP 83823 Email brianandpam@cpcinternet.com
2. Name of representative, if any Brian and/or Pamela Robertson Phone same
   Mailing address same City same
   State same ZIP same Email same
   a. ☑ Send all correspondence for this application to the representative and not to the applicant OR
   ☐ Send original correspondence to the applicant and copies to the representative.
   b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
   ☑ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Groundwater which is a tributary of n/a
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
41N	3W	36			SE	SE	Latah	Groundwater	n/a

5. Water will be used for the following purposes:
   Amount .04 cfs (cfs or acre-feet per year) for Domestic purposes from 01-01 to 12-31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
6. Total quantity to be appropriated is (a) .04 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source. Existing old well with pipe to pressure tank serving one home.
   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
   d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
   e. If well is already drilled, when? 8-15-1984; drilling firm Burns Well Drilling, Grangeville, ID; well was drilled for (well owner) Earl Adkins; Drilling Permit No. 86-84-N-4.

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee $ 100.00 Receipted by JA Receipt No. N036715 Date 2-11-21

8. Description of proposed uses (if irrigation only, go to item 9):
   a. Hydropower; show total feet of head and proposed capacity in kW. _____
   b. Stockwatering; list number and kind of livestock. _____
   c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
   d. Domestic; show number of households 1 home with 1/2 acre irrigation
   e. Other; describe fully. _____

9. Description of place of use:
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
41N	3W	36																D	

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? n/a

11. a. Who owns the property at the point of diversion? Robertson Avon LLC
    b. Who owns the land to be irrigated or place of use? Robertson Avon LLC
    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Brian and Pamela Robertson formed this LLC and are the only members.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. We want to secure water rights to this existing well for domestic use for 1 home and up to 1/2 acre of irrigation.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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 rejection of the application or cancellation of an approval.

2-8-2021
Signature of Applicant
Brian Robertson, Member
Print Name (and title, if applicable)

Pamela Robertson 2/8/2021
Signature of Applicant
Pamela Robertson, Member
Print Name (and title, if applicable)

Application for 1060 Old Avon Rd

2/5/2021, 3:12:18 PM

1:4,514

0 0.03 0.05 0.1 mi

0 0.04 0.08 0.16 km

Override 1 | Counties | Section | Idaho Outline

Override 1 | Quarter Quarter | Township/Range | Idaho Mask

USDA FSA, GeoEye, Maxar, Created by NRCS from 1:24,000 scale USGS

Idaho Department of Water Resources

USDA FSA, GeoEye, Maxar | Created by NRCS from 1:24,000 scale USGS topographic maps. | Idaho Department of Water Resources | USDA,Natural Resources Conservation Services | Esri, HERE, iPC |

0004146849

STATE OF IDAHO
Office of the secretary of state, Lawerence Denney
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

For Office Use Only

-FILED-

File #: 0004146849

Date Filed: 1/28/2021 3:34:27 PM

Entity Name and Mailing Address:

Entity Name:	Robertson Avon, LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0003415266
Address	1060 OLD AVON RD DEARY, ID 83823-9654

Entity Details:

Entity Status	Active-Existing
This entity is organized under the laws of:	IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	

The registered agent on record is:

Registered Agent	Brian Kelly Robertson Registered Agent Physical Address 1060 OLD AVON ROAD DEARY, ID 83823 Mailing Address 1060 OLD AVON ROAD DEARY, ID 83823

Limited Liability Company Managers and Members

Name	Title	Business Address
Brian K. Robertson	Member	1060 OLD AVON RD DEARY, ID 83823
Pamela M. Robertson	Member	1060 OLD AVON RD DEARY, ID 83823

The annual report must be signed by an authorized signer of the entity.

Job Title: Member

Brian K. Robertson — Sign Here

01/28/2021 — Date

BOS78-0078 01/28/2021 3:34 PM Received by ID Secretary of State Lawerence Denney

OPERATING AGREEMENT

ROBERTSON AVON, LLC

ARTICLE I
FORMATION OF COMPANY

The undersigned, having established an Idaho Limited Liability Company named "Robertson Avon, LLC," hereby adopt this agreement to provide for the governance and possible eventual dissolution of the company.

1. The parties to this agreement are Brian Kelly Robertson and Pamela M. Robertson.

2. The company's Certificate of Organization was accepted for filing by the office of the Idaho Secretary of State on January 29, 2019. The Certificate identified Brian Kelly Robertson as the company's registered agent and 1060 Old Avon Road, Deary, Idaho 83823, as its mailing address.

ARTICLE II
BUSINESS OF COMPANY

1. The primary business of the company will be holding real estate.

2. In furtherance of the company's primary business, the company is authorized to transact any lawful business which the members deem beneficial to the company, to exercise all other powers reasonably connected with the company's business, and to engage in all activities necessary, customary, convenient, or incidental to any of the foregoing purposes and powers.

ARTICLE III
MEMBERS

The initial members of the company are the parties named in Article I, Section 1. The admission of additional members is restricted as provided in Article VII.

ARTICLE IV
CAPITAL CONTRIBUTIONS

1. The initial capital contributions of the initial members shall consist of One Hundred Dollars ($100.00).

2. In exchange for their initial capital contributions, members will receive ownership interests in the company proportional to their capital contributions. Ownership interests will be referred to as "shares" but will have the legal attributes of "transferable interests" as defined by Idaho Code §30-6-502, rather than corporate stock.

3. The number of shares initially issued will be as follows:

Brian Kelly Robertson	50
Pamela M. Robertson	50
Total:	100

4. The company may accept additional capital contributions from members and issue shares in consideration for those contributions on whatever terms and conditions may be agreed at that time between the contributing member or members, on the one hand, and the company (as governed by majority vote of the members) on the other.

ARTICLE V
PROFITS, LOSSES, AND DISTRIBUTIONS

1. Profits, losses, gains, credits, deductions, and other tax-related consequences of company operations shall be attributed to the owners in proportion to their ownership shares as of the close of that calendar year, regardless of when and whether money is distributed.

2. Distributions will be determined by majority vote of the members. All distributions must be proportional to the owners' shares.

3. A member shall not be personally liable for any debts or losses of the company beyond the balance of that member's capital account.

ARTICLE VI
MANAGEMENT

1. The day-to-day operations of the company shall be managed by the Members and shall not have any Managers within the meaning of the Act.

2. The Members may exercise all powers of the LLC and do all lawful acts and things as they may determine to be necessary or appropriate in the ordinary course of the trade of business of the LLC.

3. Notwithstanding the above, members may not do or permit to be done any of the following without the express approval of all members: a) any act or thing which this Agreement expressly requires to be approved, consented to, determined, or authorized by the

members; b) voluntarily cause the dissolution of the LLC; c) sell all or a significant part of the LLC assets, or engage in any material recapitalization or merger.

4. Unless the Act or this Agreement expressly requires a greater vote or consent, all matters requiring the vote, approval, consent, authorization or determination of the members or of all members shall require the vote or consent of members holding a majority of the issued and outstanding Interests held by all members.

5. Regular meetings of the members may be held without notice at such time and at such place as shall from time to time be determined by the members. Special meetings of the members may be called by any members who then own at least fifty percent (50%) of the company shares, provided that written notice of the time and place of the meeting and any proposed action is given to all members by certified mail dispatched to their last known postal addresses at least twenty-one days before the meeting. A member's actual attendance at such meeting shall be sufficient to satisfy the notice requirement as to that member. Any action required or permitted to be taken at any meeting of the members may be taken without a meeting, if a majority of all members, as the case may be, consent thereto in writing, and the writing or writings are filed with the minutes of proceedings of the members meeting. Votes may be taken at a meeting or by telephone, electronic mail, or any other medium or process that affords each member a reasonable opportunity to participate. Decisions may be reached by informal consultation and consensus so long as no member objects, but a member may require a documented vote on any issue. A written consent signed by any combination of members who together own a majority (fifty percent plus one) of the company shares shall have the same effect as a formal vote, and such consent may be used in lieu of any annual or special meeting of the members. Consent in lieu of a meeting may be given by electronic mail.

6. Unless otherwise expressly approved by the members, the members shall not be entitled to any compensation for services or activities undertaken in their capacity as a member of the LLC.

7. The Members shall have the duty and authority to amend the Articles of Organization or this Agreement as and to the extent necessary to reflect any and all changes or corrections necessary or appropriate as a result of any action taken by the Members in accordance with the terms of this Agreement.

ARTICLE VII
DISSOLUTION AND WINDING UP

1. The company may be dissolved at any time by unanimous consent of the members, and the members shall then wind up the company's affairs as provided by Idaho law.

2. In the event of a member's death, the company will continue in existence unless it is dissolved as provided above in paragraph 1. The executor, representative, heirs and devisees of the deceased member shall have the same rights as the deceased Member with respect to his or her shares.

3. If the successors of a deceased member wish to liquidate their shares, the remaining members may purchase those shares on whatever terms and conditions may be agreed among the participating parties. However, if the parties are unable to agree, and if the members do not unanimously consent to dissolution, then the successors of the deceased member will remain members until those conditions change or until a court order provides other relief.

ARTICLE VIII
AMENDMENTS

This Operating Agreement may be amended at any time by majority vote as specified in Article VI, *except* that unanimous consent shall be required to amend any provision that itself requires unanimous consent for an action, as listed in Article VI, Section 3.

SIGNATURES

The initial members of the company have shown their assent to this Agreement by signing below on the dates indicated:

DATED: 2-21-2019

Brian Kelly Robertson, Member

DATED: 2-21-2019

Pamela M. Robertson, Member

State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

February 24, 2021

ROBERTSON AVON LLC
ATTN: BRIAN & PAMELA ROBERTSON
1060 OLD AVON RD
DEARY, ID 83823-9654

RE: Application for Permit No. 86-12103 & 86-12104

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the MOSCOW PULLMAN DAILY NEWS on 3/4/2021 and 3/11/2021. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Wednesday, February 24, 2021 1:57 PM
To: commisioners
Cc: 'Kara Egan'; Michelle Fuson
Subject: Request for Comments for WR#86-12103

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), you may do so after the notice is published by filing a written protest along with a $25.00 filing fee within 10 days after final publication. The deadline for comments on the applications is March 22, 2021.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

Thank you,

Tammy

Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800
Fax (208) 762-2819

Alleman, Tammy

From: Alleman, Tammy
Sent: Wednesday, February 24, 2021 1:42 PM
To: legals
Subject: Legal Notice
Attachments: Legal Notice for Transfer 84718, Permit 86-12103 & 86-12104.docx

Please publish the enclosed legal notice in the **Moscow Pullman Daily News** on the dates indicated **March 4th & March 11th, 2021** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. Please send a proof once you have the article ready for print for our review.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **March 22, 2021.** Your cooperation is appreciated.

Thank you,

Tammy

Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800
Fax (208) 762-2819

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84718

CITY OF GENESEE, 140 EAST WALNUT, GENESEE, ID 83832 has filed Application No. 84718 for changes to the following water rights within LATAH County(s): Right No(s). 87-10413, 87-7150, 87-7151; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows:

This transfer proposes to move a point of diversion for the City of Genesee's existing ground water rights to the SW1/4SE1/4 of Section 11, Twp 37N, Rge 05W, B.M.

For additional information concerning the property location, contact Northern Region office at (208)762-2800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 3/22/2021. The protestant must also send a copy of the protest to the applicant.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

86-12103
ROBERTSON AVON LLC
1060 OLD AVON RD
DEARY, ID 83823-9654
Point of Diversion SESE
S36 T41N R03W
LATAH County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-11-2021
Place Of Use: DOMESTIC
T41N R03W S36 SESE

86-12104
ROBERTSON AVON LLC
1060 OLD AVON RD
DEARY, ID 83823-9654
Point of Diversion SWSE
S36 T41N R03W
LATAH County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-11-2021
Place Of Use: DOMESTIC
T41N R03W S36 SWSE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 3/22/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 3/4/2021 and 3/11/2021