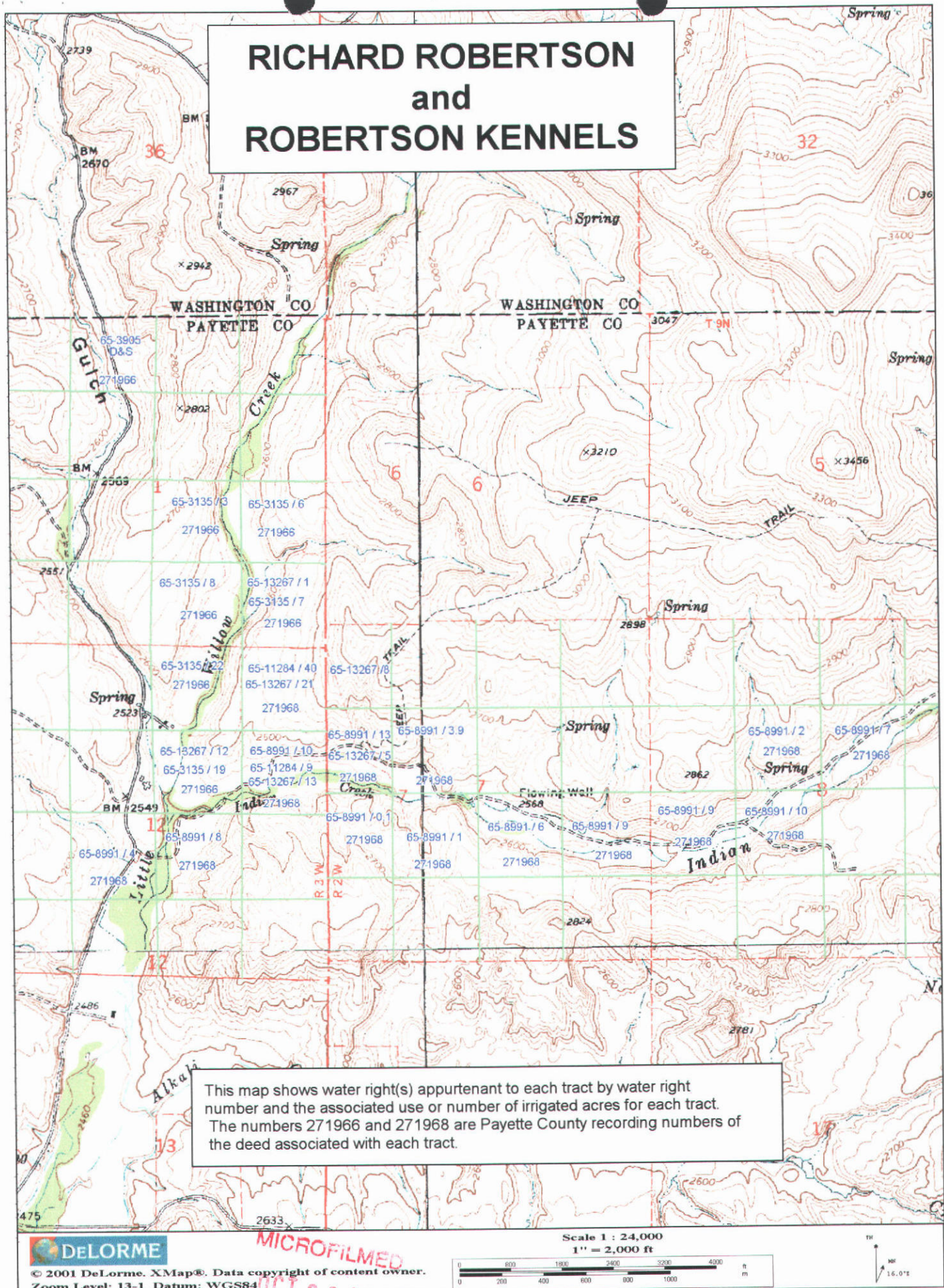


**RICHARD ROBERTSON
and
ROBERTSON KENNELS**



This map shows water right(s) appurtenant to each tract by water right number and the associated use or number of irrigated acres for each tract. The numbers 271966 and 271968 are Payette County recording numbers of the deed associated with each tract.


DeLORME

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Zoom Level: 13-1 Datum: WGS84

Scale 1 : 24,000
1" = 2,000 ft



Diagram showing a vertical line labeled TH and a line labeled MN at an angle of 15.0° to the vertical.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-22684

Priority: January 13, 1998

Maximum Diversion Volume: 63.0 AF

It is hereby certified that RICHARD A ROBERTSON And/Or JOHNNIE L ROBERTSON
8701 LITTLE WILLOW RD
PAYETTE ID 83661 have complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated July 5, 1990; and have submitted Proof of
Beneficial Use on January 13, 1998. An examination indicates that the works have a diversion capacity
of 97 cfs of water from:

SOURCE

INDIAN CREEK

Tributary: LITTLE WILLOW CREEK

and a water right has been established as follows:

BENEFICIAL USE**PERIOD OF USE****ANNUAL
DIVERSION VOLUME**

IRRIGATION STORAGE

11/15 to 03/01

63.0 AF

IRRIGATION FROM STORAGE

03/01 to 11/15

63.0 AF

LOCATION OF POINT(S) OF DIVERSION:INDIAN CREEK NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7, Twp 09N, Rge 02W, B.M. PAYETTE CountyINDIAN CREEK NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7, Twp 09N, Rge 02W, B.M. PAYETTE County (Rediversion)**PLACE OF USE:** IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 02W 7									X								

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 02W 7							5.0										5.0
09N 03W 12	21.0						13.0										34.0

Total Acres: 39

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State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-22684

CONDITIONS OF APPROVAL

- 1 The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
- 2 Use of water under this water right will be regulated by the watermaster of State Water District No 65.
- 3 Rights 65-8991 and 65-22684 when combined shall not exceed the irrigation of 107 acres.
- 4 Rights 65-8991 and 65-11284 are also diverted at the point of diversion described above
- 5 Rights 65-22683 is also diverted at the points of diversion described above.
- 6 Rights 65-11284 and 65-22684 when combined shall not exceed the irrigation of 67 acres.
- 7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 25TH day of July, 2002.


KARL J. DREHER
Director

Acting for

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State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-22684

RECEIVED

JUL 23 2002

Department of Water Resources

Date of Priority: January 13, 1998

Maximum Diversion Volume.

63.0 AF

Comes now RICHARD A ROBERTSON AND/OR JOHNNIE L ROBERTSON

8701 LITTLE WILLOW RD

PAYETTE ID 83661

and represent to the Director of the Idaho Department of Water Resources that they are the owners and holders of Permit to Appropriate the Public Waters of the State of Idaho No. 65-22684, and request that the permit be changed as follows:

Source: INDIAN CREEK

Tributary: LITTLE WILLOW CREEK

BENEFICIAL USE**PERIOD OF USE****ANNUAL VOLUME**

IRRIGATION STORAGE

11/15 to 03/01

63.0 AF

IRRIGATION FROM STORAGE

3/01 to 11/15

63.0 AF

LOCATION OF POINT(S) OF DIVERSION:INDIAN CREEK NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7, Twp 09N, Rge 02W, B.M. PAYETTE CountyINDIAN CREEK NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7, Twp 09N, Rge 02W, B.M. PAYETTE County (Rediversion)**PLACE OF USE:** IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 02W 7									X								

Total Acres: 60

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 02W 7							5.0										5.0
09N 03W 12	21.0			13.0			1.2										34.0

Total Acres: 39

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 19th day of July, 2002

Richard A. Robertson
(Signature)

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OCT 02 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-22684

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Received by JM # 6063545 Date 7/23/02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 65-22684 with the following

CONDITIONS OF APPROVAL

1. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
3. Rights 65-8991 and 65-22684 when combined shall not exceed the irrigation of 107 acres.
4. Rights 65-8991 and 65-11284 are also diverted at the point of diversion described above.
5. Rights 65-22683 is also diverted at the points of diversion described above.
6. Rights 65-11284 and 65-22684 when combined shall not exceed the irrigation of 67 acres.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above

Witness my hand this 25th day of July, 2002.

Acting for

KARL J. DREHER
Director



MICHAEL L. LIND
OCT 02 2002

Should questions arise during the processing of this application please contact
David B Shaw - ERO Resources Corp (208) 373-7983

RECEIVED

APR 22 2002
WATER RESOURCES
WESTERN REGION

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

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 division of the existing water right or adjudication claim record will be required

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
65-13267		XX			
	65-11284				
	65-8991				

- 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 usually attached to your deed or on file with the county)

OR

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 **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) Alonso Family Trust and Alfredo Alonso
2100 Coldeway Dr , Reno, NV 89509
- 4 New Owner/Claimant(s) Richard A Robertson and/or Johnnie L Robertson
Name Connector (Check one) [] and, [] or, [XX] and/or
- New Mailing Address 8701 Little Willow Rd.
- City, State and ZIP Code Payette, ID 83661
- New Telephone Number (208) 642-9728
- 5 Date you acquired the property January 15, 1998

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6

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>65-13267</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	<u>0.78 cfs, 63 ac-ft.</u>	<u>39 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>0.78 cfs, 63 ac-ft.</u>	

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

7

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Richard H. Robertson
Johnnie H. Robertson

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.

For Office Use Only

Received by DS Date 4-22-02 Fee \$100-(65-13267)
 Receipted by DS Date 4-22-02 Receipt No. W029056
 Processed by _____ AJ Date _____ WR _____ Date _____

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271966

FA 9209

WARRANTY DEED

For Value Received

ALFREDO ALONSO and MARIA ALONSO, as Trustees of the ALONSO FAMILY TRUST dated March 26, 1996

does hereby GRANT, BARGAIN, SELL AND CONVEY unto

RICHARD A. ROBERTSON and JOHNNIE L. ROBERTSON, as Husband and Wife

whose current address is 8701 Little Willow Road
Payette ID 83661

the following described premises, to-wit:

SEE EXHIBIT "A"

271968

State of Idaho, County of Payette

FIRST AMERICAN TITLE CO.

I certify that this instrument was filed for record at the request of

Time 4:51 PM Date Jan 16, 1998 Instrument # 271968

Laura L. Stigle, Ex-Officio Recorder by Judy B. Spauld Deputy Fee \$9.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantees, heirs and assigns forever. And the said grantors do hereby covenant to and with the said grantees that they are the owner in fee simple of said premises; that they are free from all encumbrances, excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

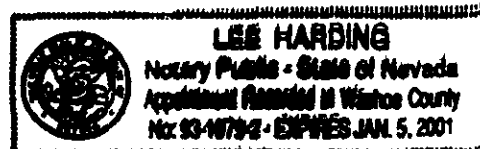
Alfredo Alonso
ALFREDO ALONSO, as Trustee

Maria L. Alonso
MARIA ALONSO, as Trustee

STATE OF Nevada, COUNTY OF Washoe

On this 15th day of January, 1998, before me, a notary public in and for the said State, personally appeared ALFREDO ALONSO AND MARIA ALONSO as Trustees of the ALONSO FAMILY TRUST dated March 26, 1996 known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Lee Harding
Notary Public
Residing at _____, State of _____
Comm. Expires _____



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OCT 02 2002

271968

EXHIBIT "A"

PARCEL II

- A. The Southwest Quarter of the Southwest Quarter in Section 5 in Township 9 North, Range 2 West of the Boise Meridian, Payette County, Idaho.

EXCEPTING therefrom half of all oil and gas as disclosed by Deed recorded DECEMBER 3, 1973 in Book 48 of Deeds at page 152808.

- B. In Government Lots 6 and 7 in Section 6 in Township 9 North, Range 2 West of the Boise Meridian, Payette County, Idaho; and more particularly described as follows:

The Southeast Quarter of the Southwest Quarter; and the South Half of the Southeast Quarter; and the Northeast Quarter of the Southeast Quarter.

EXCEPTING therefrom half of all oil and gas as disclosed by Deed recorded DECEMBER 3, 1973 in Book 48 of Deeds at page 152808.

- C. Government Lots (2) and 3 in Section 7 in Township 9 North, Range 2 West of the Boise Meridian, Payette County, Idaho; and the Southeast Quarter of the Northwest Quarter; and the Northeast Quarter; and the Northeast Quarter of the Southwest Quarter; and the North Half of the Southeast Quarter; and the North Half of Government Lot 4; and the North Half of the Southeast Quarter of the Southwest Quarter; and the North Half of the Southwest Quarter of the Southeast Quarter.

EXCEPTING therefrom half of all oil and gas as disclosed by Deed recorded DECEMBER 3, 1973 in Book 48 of Deeds at page 152808.

- D. A Portion of Land in Section 8, Township 9 North, Range 2 West, Boise Meridian, Payette County, Idaho; more particularly described as follows:

The North Half of Section 8; and the North Half of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter.

EXCEPTING therefrom half of all oil and gas as disclosed by Deed recorded DECEMBER 3, 1973 in Book 48 of Deeds at page 152808.

9N
2W
Sec. 5
2400

9N
2W
Sec. 6
2401

9N
2W
Sec. 7
2402

9N
2W
Sec. 8
2404
2402

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JUL 2 2002

271968

EXHIBIT "A" CONTINUED

- E. A Portion of Land in Section 12 in Township 9 North, Range 3 West, Boise Meridian, Payette County, Idaho; and more particularly described as follows;

The North Half of the Southeast Quarter; and the East Half of the Northeast Quarter; and the North Half of the Southeast Quarter of the Southeast Quarter.

EXCEPTING therefrom half of all oil and gas as disclosed by Deed recorded DECEMBER 3, 1973 in Book 48 of Deeds at page 152808.

- F. A Parcel of Land in the Northeast Quarter of the Southwest Quarter in Section 12 in Township 9 North, Range 3 West, Boise Meridian, Payette County, Idaho; and more particularly described as follows:

BEGINNING at the Northeast corner of said Northeast Quarter of the Southwest Quarter; thence South $00^{\circ}22'30''$ West along the East boundary of the Northeast Quarter of the Southwest Quarter a distance of 1292.74 feet to the Southeast corner of said Northeast Quarter of the Southwest Quarter; thence North $89^{\circ}06'00''$ West along the South boundary of said Northeast Quarter of the Southwest Quarter a distance of 715.51 feet to the East right of way line of the County Road; thence following the East right of way line of the County Road North $34^{\circ}12'30''$ East 678.28 feet; thence North $06^{\circ}35'20''$ East 114.74 feet; thence North $19^{\circ}02'30''$ West 159.36 feet; thence North $26^{\circ}35'00''$ West 157.42 feet; thence North $17^{\circ}20'50''$ West 141.30 feet; thence North $06^{\circ}30'10''$ East 186.70 feet to the North boundary of said Northeast Quarter of the Southwest Quarter; thence South $89^{\circ}22'00''$ East along the North boundary of said Northeast Quarter of the Southwest Quarter a distance of 472.88 feet to the POINT OF BEGINNING

9N
3W
Sec.12
2457

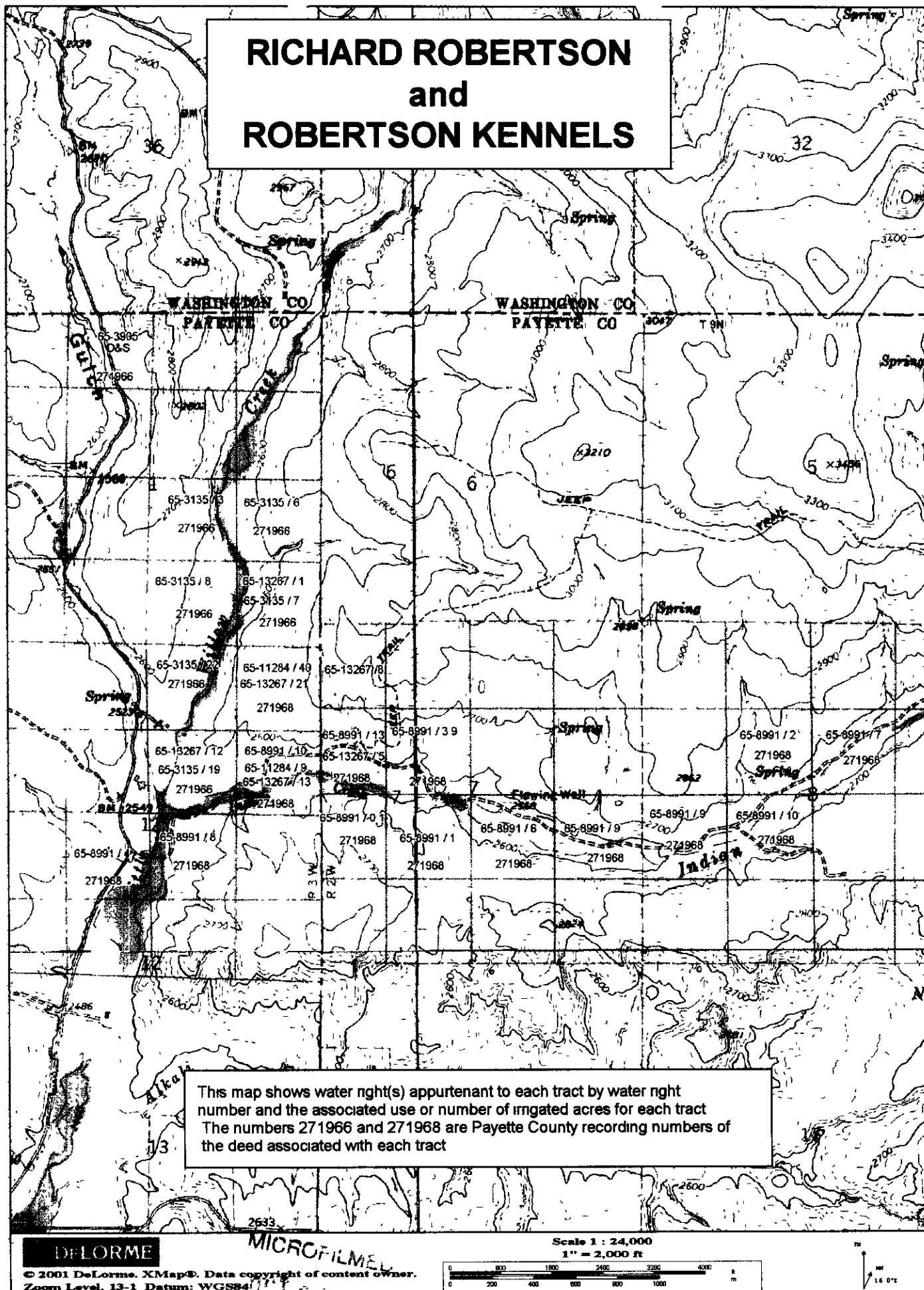
9N
3W
Sec.12
2458.3

30)

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OCT 9 2002

RICHARD ROBERTSON and ROBERTSON KENNELS

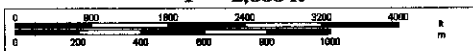


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Scale 1 : 24,000
1" = 2,000 ft

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Zoom Level: 13-1 Datum: WGS84



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-13267

WATER RIGHT NUMBER 65-13267

DRAFT

Owner Type Name and Address
 Current Owner ALFREDO ALONSO
 2100 KOLDEWAY DR
 RENO, NV 89509

Priority Date. 01/13/1998

Basis License

Status. PARENT DRAFT

Source Tributary
 INDIAN CREEK LITTLE WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	11/15 to 3/15		100.00 AF
IRRIGATION FROM STORAGE	3/15 to 11/15		100.00 AF
IRRIGATION	3/15 to 11/15	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion

INDIAN CREEK NE1/4NE1/4SW1/4 Sec 7, Twp 09N, Rge 02W, B M
 PAYETTE County

Place of Use

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
09N 02W 7	8.0	5.0			13.0
09N 03W 1				1.0	1.0
09N 03W 12	21.0	12.0	13.0		46.0

Total Acres: 60

IRRIGATION STORAGE same as IRRIGATION
IRRIGATION FROM STORAGE same as IRRIGATION

Conditions of Approval.

- 1 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- 2 18B The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-13267

3. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control
4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT

RemarksComments

1 VAULT 1/13/1998 Proof of Beneficial Use Rcvd
Comment Proof of Beneficial Use Rcvd

2 Ownership Change 6/3/2002 4:32 38 PM Split Right
Comment Split into 65-22682 and 65-22683, and 65-22684

3 skeen 6/3/2002 Split Right
Comment This water right was never licensed as 65-13267. The draft license was created, but the place of use was split by ownership change before it got issued. Because all the information was available, it was decided that the ownership change notices could be reflected in licensing. The new numbers for the licenses are 65-22682, 65-22683, and 65-22684

Dates and Other Information:

Licensed Date
Decreed Date:
Water Supply Bank Enrollment Accepted
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant
Decree Plaintiff
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed
DLE Act Number
Carey Act Number
Mitigation Plan: False

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OCT 02 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 26, 2002

**RICHARD A ROBERTSON
JOHNNIE L ROBERTSON
8701 LITTLE WILLOW RD
PAYETTE ID 83661**

RE: License No. 65-22684 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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 a party 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

Enclosed is a copy of the approved Application for Amendment.

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 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

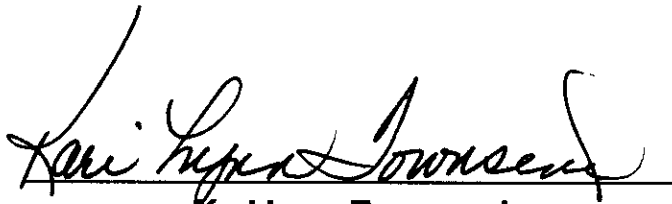
MICROFILMED
JUL 27 2002

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 65-22684

**RICHARD A ROBERTSON
JOHNNIE L ROBERTSON
8701 LITTLE WILLOW RD
PAYETTE ID 83661**


Kari Lynn Townsend
Secretary

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OCT 02 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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).

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OCT 12 2002

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 issuance 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.

Comment Report

65-22682, 65-22683 and 65-22684

1. Skeen 6/7/2002 Licensing Review

Comment. Permit 65-13267 was split into 65-22682, 22683, and 22-684 at licensing. See 65-13267 for a copy of the field report.

Licensing review and data entry were done by S. Keen the first week of June, 2002.

The permit was issued for 100 af of storage and for 1.20 cfs of natural flow from Indian Creek to irrigate 60 acres. Instead of irrigating the permitted place of use, the permit holder used the water on different land, much of which had existing water rights. The land actually irrigated under this permit was then split into three ownership parts -- Richard and or Johnnie Robertson, Robertson Kennels Inc., and the BLM.

The BLM portion is 65-22682. There are no overlapping water rights on this land

The Robertson Kennels Inc. portion is 65-22683. A portion of the place of use for this right is overlapped by Right 65-3135, which is diverted from Little Willow Creek. The two rights are limited to a total of 66 acres

The Richard and Johnnie Robertson portion is 65-22684. The natural flow portion of this right is not recommended for licensing because the place of use is completely overlapped by Rights 65-8991 and 65-11284, which are diverted from Indian Creek at an inch/acre. This right and Right 65-8991 are limited to 107 acres. This right and Right 65-11284 are limited to 67 acres

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