

No Color
Documents
In File

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-22682

Priority: January 13, 1998

Maximum Diversion Rate 0.16 CFS
Maximum Diversion Volume 49.0 AF

It is hereby certified that JOHNNIE L ROBERTSON And RICHARD A 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 af of water from.

SOURCE

INDIAN CREEK

Tributary: LITTLE WILLOW CREEK

and a water right has been established as follows

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION STORAGE	11/15 to 03/01		13.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		13.0 AF
IRRIGATION	03/01 to 11/15	0.16 CFS	36.0 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 County

INDIAN 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				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09N 02W 7									X								

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09N 02W 7																	8.0

Total Acres: 8

PLACE OF USE: IRRIGATION FROM STORAGE – Same as Irrigation

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State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-22682

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 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.
- 4 Rights 65-22683 and 65-22684 are also diverted at the points of diversion described above.
- 5 Rights 65-8991 and 65-11284 are also diverted at one of the points of diversion described 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 26th day of June, 2003.


for **KARL J. DREHER**
Director

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SEP 09 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 65-22682

RECEIVED

JUN 24 2003

Department of Water Resources

Date of Priority: January 13, 1998

Maximum Diversion Rate: 0.16 CFS
Maximum Diversion Volume: 49.0 AF

Comes now **ALFREDO ALONSO**
2100 KOLDEWAY DR

RENO NV 89509 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 65-22682, and requests that the permit be changed as follows:

Source: INDIAN CREEK

Tributary: LITTLE WILLOW CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	11/15 to 03/01		13.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		13.0 AF
IRRIGATION	03/01 to 11/15	0.16 CFS	36.0 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 County

INDIAN 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

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							8.0										8.0

Total Acres 8

PLACE OF USE: IRRIGATION FROM STORAGE - Same as Irrigation

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 18th day of June, 2003.

Richard H. Robertson
(Signature)
Johanie R. Robertson

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JUN 24 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-22682

FOR DEPARTMENT USE ONLY

Preliminary check by SJK Fee \$50.00 Received by JM # C069727 Date 6-24-03

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. 65-22682 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. 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.
4. Rights 65-22683 and 65-22684 are also diverted at the points of diversion described above
5. Rights 65-8991 and 65-11284 are also diverted at one of the points of diversion described above

Witness my hand this 26th day of June, 2003.


for **KARL J. DREHER**
Director

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SEP 23 2003

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

RECEIVED

JUN 24 2003

Department of Water Resources

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
65-22682					

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) Alfredo Alonso
2100 Koldeway Drive, Reno, NV 89509
4. New Owner/Claimant(s) Johnnie L. and/or Richard A. Robertson
 Name Connector (Check one) ☐ and, ☐ or, ☒ and/or
- New Mailing Address 8701 Little Willow Road
- City, State and ZIP Code Payette, ID 83661
- New Telephone Number (208) 642-9728
5. Date you acquired the property May 2, 2003

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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 _____		
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	_____	_____

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) Richard L. Robertson Johnnie L. Robertson
(include title if applicable)

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 [Signature] Date 6/25/03
 Received by [Signature] Date 6/25/03
 Processed by [Signature] AJ Date _____

Fee \$25.00 MICROC. ILV. :
 Receipt No. 2069240
 WR 56 09 2003

308975

The United States of America
To all to whom these presents shall come, Greeting:

IDI-34003 12

WHEREAS**Johnnie L. Robertson and Richard A. Robertson**

are entitled to a land patent pursuant to Section 206, Act of October 21, 1976, as amended (43 U.S.C. 1716) for the following described land:

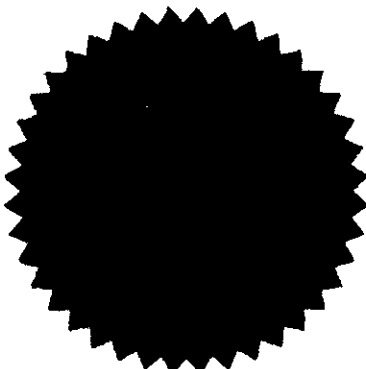
Boise Meridian, Idaho

T. 9 N., R. 2 W.,
 Section 7, Lot 1, NE¼NW¼.

Containing 74.16 acres.

NOW KNOW YE, that there is, therefore, granted by the **UNITED STATES** unto Johnnie L. Robertson and Richard A. Robertson, the land described above; **TO HAVE AND TO HOLD** the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, there unto belonging, unto Johnnie L. Robertson and Richard A. Robertson, and to their heirs and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho, the thirtieth day of April in the year of our Lord two thousand and three and of the Independence of the United States the two hundred and TWENTY-SEVENTH.

By William H. Lee
 William H. Lee
 Acting Branch Chief, Lands and Minerals
 Resource Services Division

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Patent No. 11-2003-0026

308975

SEP 09 2003

State of Idaho, County of Payette **FIRST AMERICAN TITLE CO.**

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

Time 4:50M Date MAY 02 2003Betty J. Dressen, Ex-Officio Recorder by [Signature]

308975

Deputy Fee \$30

Order No. FA- 15999

Policy No. J 1814693

ALTA Owner's Policy
(6-1-87)
Schedule A

SCHEDULE A

Form No. 1402.92 (10/17/92)

Amount of Insurance \$12,978.00

Premium \$218.00

Date of Policy: May 2, 2003 at 4:50 pm

1. Name of Insured:

JOHNNIE L. ROBERTSON AND RICHARD A. ROBERTSON

2. The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

JOHNNIE L. ROBERTSON AND RICHARD A. ROBERTSON

4. The land referred to in this policy is described as follows:

Government Lot 1 and the Northeast Quarter of the Northwest Quarter in Section 7, Township 9 North,
Range 2 West of the Boise Meridian, Payette County, Idaho.

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SEP 11 2003

Order No. FA- 15999

Policy No. J 1814693

ALTA Owner's Policy

(6-1-87)

SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I

SECTION 1

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims or easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

SECTION 2

7. Taxes for 2003 are an accruing lien not yet due and payable.
8. Lack of a right of access to and from said land.
9. Reservations in U.S. Patent, recorded May 2, 2003 as Instrument No. 308975, Official Records.

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SEP 19 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 65-22682

WATER RIGHT NUMBER 65-22682

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALFREDO ALONSO 2100 KOLDEWAY DR RENO, NV 89509

Priority Date 01/13/1998

Basis

Status Active

<u>Source</u>	<u>Tributary</u>
INDIAN CREEK	LITTLE WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION FROM STORAGE	03/15	to 11/15		16 00 AF
IRRIGATION STORAGE	11/15	to 03/15		16 00 AF
IRRIGATION	03/15	to 11/15	0 160 CFS	
<u>Total Diversion:</u>			0 160 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
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	03W	1																80	80

Total Acres 8

IRRIGATION FROM STORAGE same as IRRIGATIONIRRIGATION STORAGE same as IRRIGATIONConditions 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
- 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

Remarks

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SEP 23 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 65-22682

Comments

1 skeen 7/26/2002 Split Right

Comment The field examination for Permit 65-13267 was done by a certified water rights examiner in 1997 and submitted to IDWR in 1998. A draft license was created, but before a license could be issued, two ownership change notices were received. Rather than require assignments, IDWR opted to issue the licenses and process the ownership changes simultaneously. The draft license was split into three draft licenses -- 65-22682, 65-22683, and 65-22684. Licenses were issued for 65-22683 and 65-22684. Permit 65-13267 was closed, and a permit record was created for 65-22682.

The permit record for 65-22682 is confusing because the examiner reported that it was developed in the NWNW of Section 7, T9N, R2W, but that tract was not listed on the permit. Also, the tract developed is owned by the BLM, not the permit holder or the new owners of the other two portions. Therefore, the place of use for the permit record does not reflect where the right really is.

The new owners of the other two parts are supposed to be negotiating with the BLM for the purchase of the property. I am hopeful that they will complete the purchase soon so that they can submit an ownership change and a licensing amendment, clearing the way for issuance of a license.

Dates and Other Information

Permit Proof Due Date 1/1/1993
Permit Proof Made Date 1/13/1998
Permit Approved Date 11/19/1990
Permit Moratorium Expiration Date
Enlargement Use Priority Date
Enlargement Statute Priority Date
Field Exam Date 11/25/1997
Date Sent to State Office 1/13/1998
Date Received at State Office 1/13/1998
Formal Action Date
State or Federal
Owner Name Connector
Water District Number 65
Generic Max Rate Per Acre
Generic Max Volume Per Acre
Swan Falls Trust or Nontrust
Swan Falls Dismissed
DLE Act Number
Carey Act Number
Mitigation Plan False

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SEP 09 2001



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

June 26, 2003

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

RE: License No. 65-22682 - 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)

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JUN 29 2003

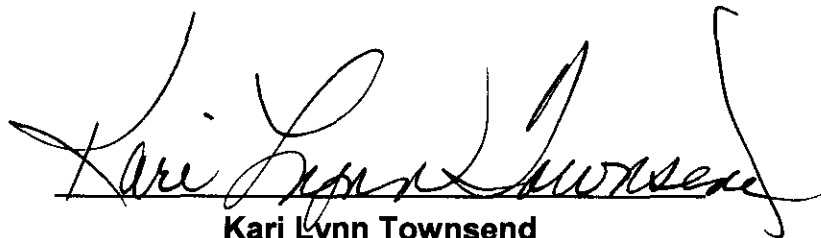
CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2003 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.

65-22682

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

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
SEP 3 9 2003**

**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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SEP 19 2003

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.

MEMORANDUM

Date: June 25, 2003
To: Water Right File 65-22682
From: S Keen *SK*
Re: Ownership Change

On 6/25/2003 IDWR received a notice of ownership change with documentation showing that Johnnie L. Robertson and Richard A. Robertson were granted a patent for the federal land where this water use was developed. I recommend considering the ownership change to be simultaneous with issuance of the license so that the license can be issued to the Robertsons

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SEP 03 2003

ERO Resources Corp
1106 N Cole Rd, Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax 373-7985



Denver • Boise

www.eroresources.com
eroboise@eroresources.com

RECEIVED
JUN 24 2003

Department of Water Resources

June 20, 2003

Shelley W. Keen
Water Right Supervisor
Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RE: Water Right Permit No. 65-55682

Dear Shelley:

Enclosed is a signed Application for Amendment for the above referenced permit and a signed Notice of Change in Water Right Ownership. The change in ownership is supported by enclosed copies of the land patent from the United States to Johnnie L. and Richard A. Robertson and Schedules A and B of a title insurance policy for the land in question. A check in the amount of \$50.00 for the Application for Amendment processing fee is enclosed as well.

Please let me know if I can provide you with any additional information or call if you have questions. Thank you for your help.

Yours truly,

A handwritten signature in cursive script, appearing to read "Dave", written over a horizontal line.

David B. Shaw
Project Manager

Enc.

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SEP 09 2003

Keen, Shelley

From: Keen, Shelley
Sent: Monday, June 16, 2003 2:13 PM
To: 'dshaw@eroresources.com'
Subject: Amendment of Permit for Robertson



AmendmentLicense
_rtf



NOTICE OF
NGE OF WATER RIC

Dave,

I've attached an amendment form for 65-22682 and an ownership change notice. As we discussed, the amendment is in Alonso's name, but we'll take a signature from Robertson. The fee is \$50.00.

If the ownership change notice is submitted with the amendment, we'll try to process them simultaneously so that the license is issued in the new owner's name.

Please call if you have questions.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

MICROFILMED
SEP 19 2003



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

June 9, 2003

DAVE SHAW
ERO RESOURCES CORP
1106 N COLE RD STE C
BOISE ID 83704-8661

RE: Water Right Permit No. 65-22682

Dear Dave:

About a year ago IDWR processed ownership change notices splitting Permit 65-13267 into three parts – 65-22682, 65-22683, and 65-22684. Two of the three parts were subsequently licensed to your clients. Water Right 65-22683 was issued to Robertson Kennels, Inc., and License 64-22684 was issued to Richard A. Robertson. The third part, 65-22682, was developed on land that Mr. Robertson was trying to acquire from the BLM.

IDWR has not yet issued a water right license for 65-22682 because we are waiting to find out whether your clients or the BLM should be filing the amendment of permit that is required to reconfigure the permitted place of use. I would appreciate it if you or your clients could let IDWR know if they have acquired the place of use where 65-22682 was developed – Lot 1 (NWNW), Sec. 7, T9N, R2W. If they have, then I will send a licensing amendment form to them so they can clear the way for a license to be issued. If not, I will send the licensing amendment request to the permit holder of record, Alfredo Alonso, with a copy to the BLM. If nobody submits the licensing amendment within a reasonable time period, Permit 65-22682 will be voided because the development that occurred was not in conformance with the permit.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

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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
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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

Remarks:Comments:

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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SEP 6 2002

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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