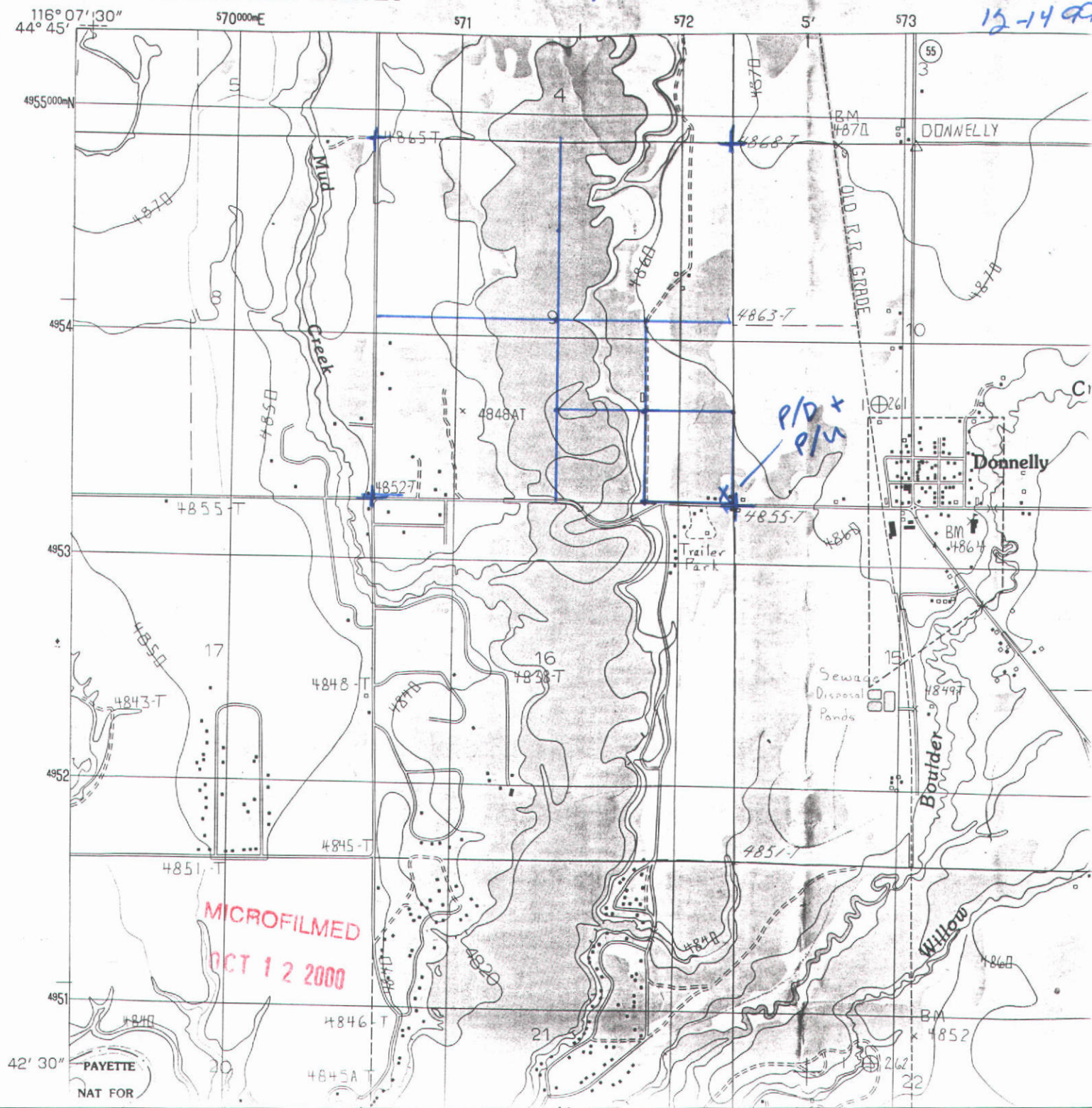


T16N S49
R3E SESE

NO LOU'IT
LOTS
DAN
12-14 GG



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13922

Priority: November 04, 1999

Maximum Diversion Rate. 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that E PETE ALBERTSON And/Or JUDITH ALBERTSON
5905 KLUNCY CANYON
WINNEMUCCA NV 89445 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated November 04, 1999; and have
submitted Proof of Beneficial Use on January 08, 2001. An examination indicates that the works have a
diversion capacity of 0.04 cfs of water from:

SOURCE

GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9, Twp 16N, Rge 03E, B.M., VALLEY County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
16N	03E	9																X	

CONDITIONS OF APPROVAL

- Domestic use is for 1 home.

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 18TH day of APRIL, 2002

MICROFILMED

Acting for

KARL J. DREHER
Director



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

JAN - 8 2001

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner

1 Permit No. 65-13922 Telephone No 775-623-0581

2 Name of Permit Holder(s) E. Pete Albertson or Judith L. Albertson

3 Mailing Address: 5905 Kluney Cyn.

City Winnemucca State NV Zip 89445

4 Source of Water: Drilled Well If GROUNDWATER (well), Date Drilled: mo. Sept 4, 1991 / yr.

Well Driller: Hester Drilling Permit Number: 65-91-2-064

5 Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock):

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted 0.04 cfs OR _____ acre-feet

7. Measuring Device Requirement (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional Please check either yes or no Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No X

Has the measuring device been installed?

Yes _____ or No X

8 Fee Enclosed \$ N/A (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: E. Pete or Judith L. Albertson Telephone Number 775-623-0581

mailing Address: 5905 Kluney Cyn. Winnemucca NV. 89445

10 The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: E. Pete or Judith L. Albertson Date: 01-03-01
(include your title, if on behalf of company or organization)

MICROFILMED

JAN 31 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13922

Priority: November 4, 1999

Maximum Diversion Rate:

0.04 CFS

This is to certify, that JUDITH ALBERTSON
E PETE ALBERTSON
5905 KLUNCY CANYON
WINNEMUCCA NV 89445

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.04 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 9, Township 16N, Range 03E
VALLEY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

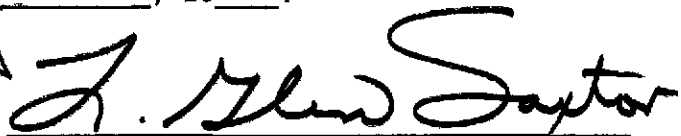
16N 03E 9 SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before March 1, 2001.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

22 day of February, 2000.



Karl J. Dreher, Director

for

MICROFILMED

SEP 11 2000

11/4

RECEIVED

FEB 16 2000

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant E. PETE ALBERTSON +/OR JUDITH Phone 775-623-0581
Post Office address 5905 KLUNCY CANYON WENNEMUCCA NV 89445
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____
Sec. 9 Township 16N Range 3E B.M. VALLEY County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 0.01 for DOMESTIC purposes from 1/1 to 12/31 (both dates inclusive:*)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive:*)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive:*)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive:*)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____ *
 cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. WELL, PUMP
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is 6 inches; proposed depth of well is 73 feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? N
 - e. If well is already drilled, when? 9/4/91; Drilling firm GESTRIN
 Well was drilled for (well owner) APPLICANT
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity if KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 1-2 HOMES 1 Home *
 - e. Other; describe fully. _____

* See memo Dated 12-14-99 DATED 12-14-99

OCT 12 2000

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabular 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	
16N	3E	9																D	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 65-07809A-1977
~~WELL HAND DUG FOR 1 HOME - WILL BE USED FOR BACK-UP *~~

11. a. Who owns the property at the point of diversion? APPLICANT

b. Who owns the land to be irrigated or place of use? "

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

E. Pete Albertson
 (Applicant)

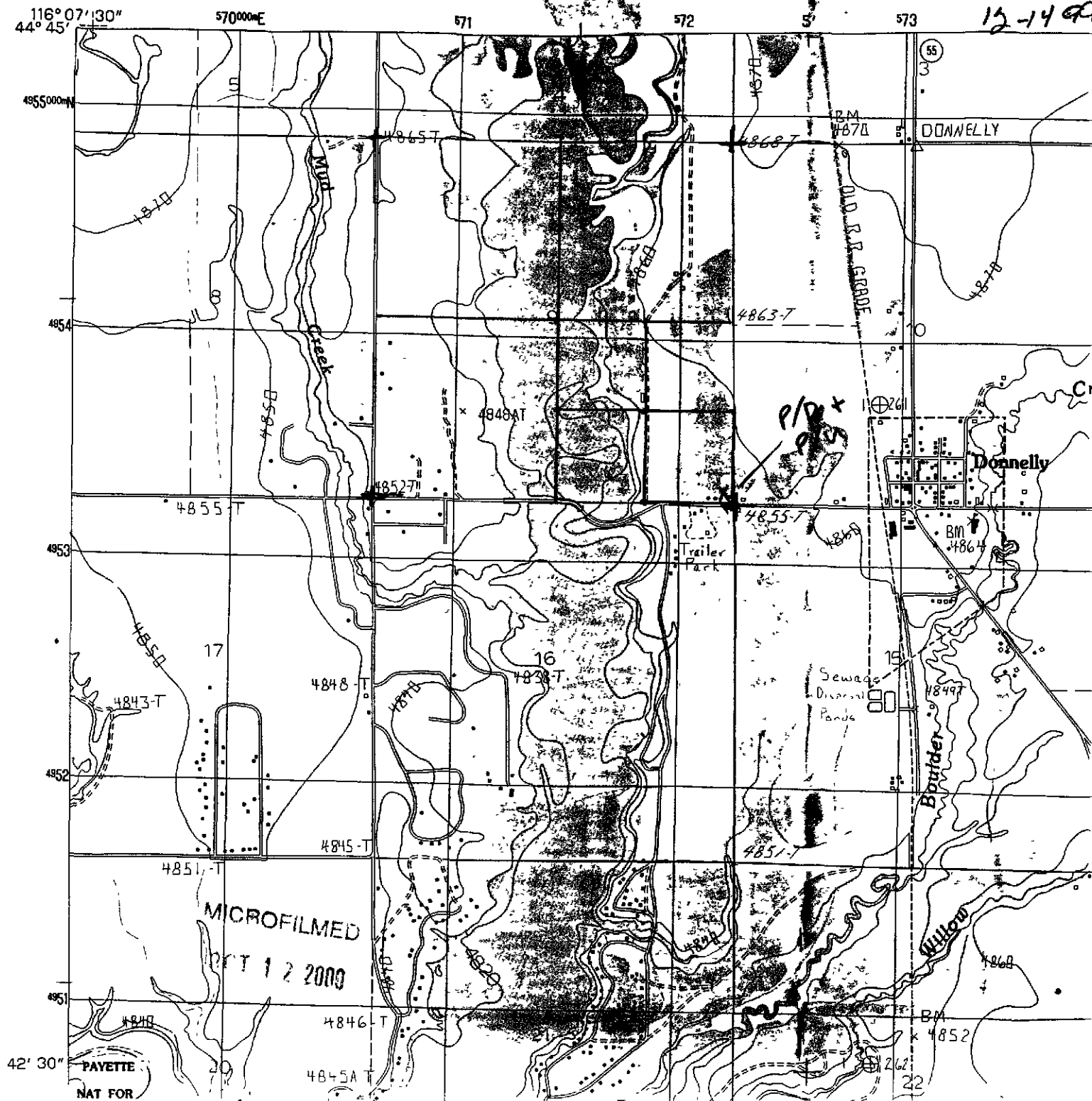
MICROFILMED
 OCT 12 2000

Received by LG Date 11/4/99 Time 11:30 Preliminary check by DAN
 Fee \$ 50 Received by LG # W025884 Date 11/4/99
 Publication prepared by ST Date 1-27-00 Published in STAR NEWS
 Publication approved ST Date 2-7-00 STAR NEWS

* See memo Dated 12-14-99

T16N S44 9
R3E SESE

NO LOU'IT
LOTS
DAN
12-14 GG



WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

WARRANTY DEED

FOR VALUE RECEIVED BERT J. MILLER and ANNA L. MILLER, husband and wife

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto E. PETE ALBERTSON and JUDITH L. ALBERTSON, husband and wife,

GRANTEE(S), whose current address is: 47 West 1st, Winnemucca, NV 89445
the following described real property in VALLEY County, State of Idaho,
more particularly described as follows, to wit.As per EXHIBIT "A" attached hereto and made a part hereof
by reference.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s), and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever

Dated: April 09, 1990

Bert J. Miller
BERT J. MILLER

Anna L. Miller
ANNA L. MILLER

STATE OF IDAHO County of ADA ss

On this 9th day of April

In the year of 1990, before me, the undersigned, a Notary

Public in and for said State, personally appeared BERT J.

MILLER and ANNA L. MILLER

known or identified to me to be the person(s) whose name(s) are

subscribed to the within instrument and acknowledged to me that

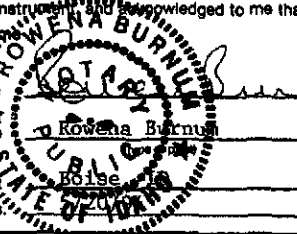
they executed the same

Signature

Name

Residing in

My commission expires



STATE OF IDAHO, COUNTY OF

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

at _____ minutes past _____ o'clock m.

this _____ day of

19 _____, in my office, and duly recorded in Book

of Deeds at page _____

Ex-Officio Recorder

By _____

Deputy

Fee \$

Mail to

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.

Sanctity of Contract

MICROFILMED
OCT 12 2003

EXHIBIT "A"

A tract of land in the SE4 SE4 of Section 9, Township 16 North, Range 3 East, Boise-Meridian, Valley County, Idaho, more particularly described as follows:

Beginning at a point 25 feet North and 30 feet West of the SE corner of said Section 9; thence North 210 feet to the REAL POINT OF BEGINNING; thence continue North 210 feet to a point; thence West 110 feet to a point; thence South 210 feet to a point; thence East 110 feet to the REAL POINT OF BEGINNING;

TOGETHER WITH an easement for ingress and egress 20 feet in width, beginning at a point 25 feet North and 140 feet West of the SE corner of said Section 9, and extending North 210 feet; thence East 20 feet; thence South 210 feet; thence West 20 feet to the POINT OF BEGINNING.

Bjm
ALM

172620

ALBUQUERQUE TITLE & ESTATE
REQUESTED BY: _____
RECORDED _____

APR 16 3 29 PM '90
DN 6 leads
FILE - 6000

MICROFILMED
OCT 12 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

April 19, 2002

E PETE ALBERTSON
JUDITH ALBERTSON
5905 KLUNCY CANYON
WINNEMUCCA NV 89445

RE: License No. 65-13922 - Issuance of License

Dear Water Right Holder(s):

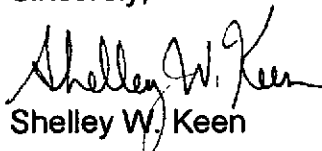
The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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.

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)

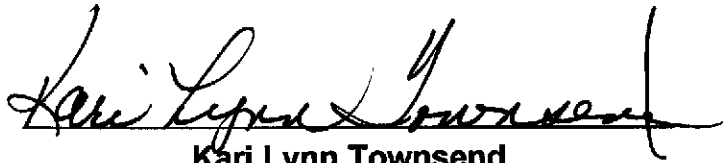
MICROFILMED
APR 25 2002

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 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. 65-13922

**E PETE ALBERTSON
JUDITH ALBERTSON
5905 KLUNCY CANYON
WINNEMUCCA NV 89445**

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

**Kari Lynn Townsend
Secretary**

**MINISTERED
AUG 26 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).

MICROFILMED
AUG 26 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.

MICROFILMED
AUG 26 2002

LICENSE REVIEW CHECKLIST

Permit No. 65-13922 Date 4-16-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s) _____
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion

Permitted rate 0.04 cfs
Fee Limit N/A cfs
Measured _____ cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.04

Water Uses

OK Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic 0.04 cfs 1.2 af
_____ cfs _____ af
_____ cfs _____ af
Total 0.04 cfs 1.2 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks. W01

Additional Conditions

_____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051)
Non-trust (048)

GW Dist? _____
Water Msmt. Dist? _____
Crt. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? N/A

Adjust memo _____

Amend Letters

P87, S06

Second Amendment Notice

S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 19 2002 K

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-13922

* 1. Owner: Judith Albertson E Pete Albertson Phone No. 775-623-0581

Current Address: 5905 Kluncy Canyon, Winnemucca NV 89445

2. Accompanied by: N/A EXAM DATE: 10-12-01

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: groundwater tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: } N/A

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SE	9	16N	3E	Valley	county assessor

2. Place(s) of Use:

Indicate Method of Determination as above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	3E	9																D	

MICROFILMED

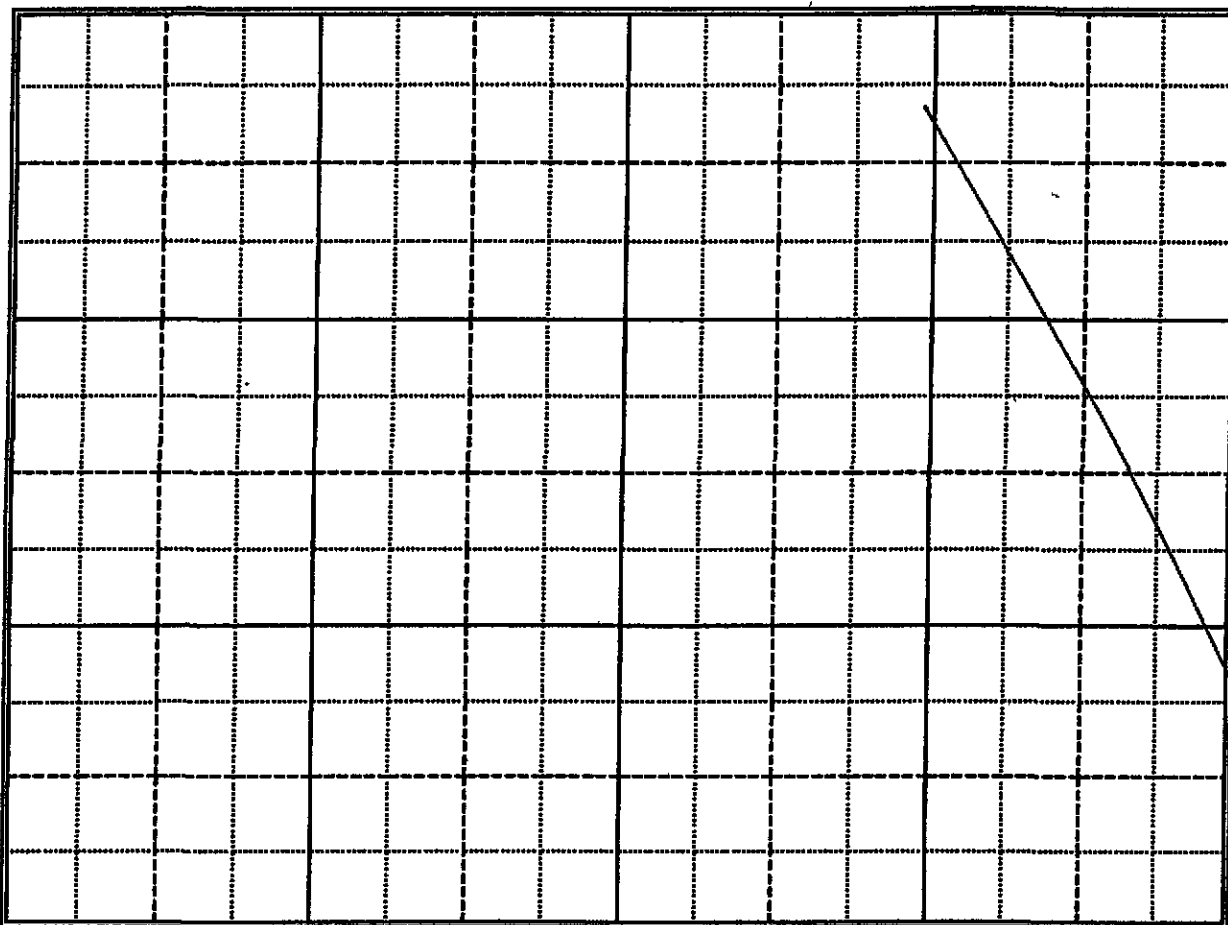
AUG 26 2002

*

☐

"ownership change packet" mailed to present owner
if other than permit holder

3. **Delivery System Diagram** Indicate all major components and distance between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

MICROFILMED

MAY 26 2002

E. NARRATIVE/REMARKS/COMMENTS

* Confirmed per county Assessor:



telephone call



office visit

NAME/Address present owner: Same

Lot -

Block -

Subdivision -

Per IDWR records if known:

Well log - ✓

drilling permit - 65-91-2-064
(or tag #)

* Assessor confirmed a dwelling is on site in
T-R-S- 1/4-1/4 for identified owner.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
JUN 26 2002

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

*Allow .04 cfs***G. VOLUME CALCULATIONS****1. Volume Calculations for Irrigation:** $V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{LR} \text{ and } V_{DR} =$ _____**2. Volume Calculations for Other Uses:***Allow 1.2 afa***H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Domestic</i>	<i>1-1</i>	<i>12-31</i>	<i>.04</i>	<i>1.2</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<i>.04</i>	<i>1.2</i>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name *Lisa Mattson* Date *10-12-01*

Reviewer _____ Date _____

SEAL

MICROFILMED
7 5 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

January 22, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

E PETE ALBERTSON
JUDITH L ALBERTSON
5905 KLUNCY CANYON
WINNEMUCCA NV 89445

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13922

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.
c: IDWR - Regional Office

MICROFILMED

JAN 31 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 65-13922

Reviewed By: dgibson

Date: January 22, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?		X	Drilling permit No..		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:			Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		01/08/2001
Date proof due	-	03/01/2001
No. of days late	=	0
Holiday allowance	+	
Priority date	+	11/04/1999
New priority date	=	11/04/1999

Deficiencies of Actions Items

Acknowledge proof.

December 31, 2000

JUDITH ALBERTSON
E PETE ALBERTSON
5905 KLUNCY CANYON
WINNEMUCCA, NV 89445

PROOF DUE NOTICE

RE: PERMIT NO. 65-13922

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

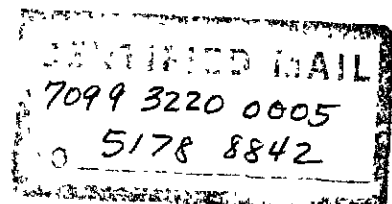
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

JAN 31 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 23, 2000

JUDITH ALBERTSON
E PETE ALBERTSON
5905 KLUNCY CANYON
WINNEMUCCA NV 89445

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13922

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

MACROFILMED
2001-12-2000

If you have any questions, please call me at 208-327-7946.

Sincerely,



for Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROF

OCT 12 2004

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of **February, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 65-13922

JUDITH ALBERTSON
E PETE ALBERTSON
5905 KLUNCY CANYON
WINNEMUCCA NV 89445


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 12 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

MICROFILME
OCT 12 200

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 2/16/00

No. 65-13922 Name: Utherberg Corp. Officers N/A Ad ok / Govt Lots

AREA OF CONCERN: No/Yes Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 3/01/2001

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE
In-stream development - P52
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC W01
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single pd intended - 076

IRRIGATION SEASON - (Per updated map)

OTHER CONDITIONS/REMARKS

COMMENTS

RECEIVED

FEB 16 2000

Department of Water Resources

FILE PRESENTATION

This application was processed prior to the January 12, 2000 memo "Changes to Water Right Applications." The old technique of making application changes was used.

To avoid additional processing delay, the file is forwarded as "one in the pipeline" with respect to that memo. The regional office anticipates that this will be acceptable for this limited group of applications.

MICROFILMED

OCT 12 2000

IDA DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
FEB 16 2000
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: DAN DATE: 12-10-99 APPLICATION: 65-13922

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots:
N/D P/D
N/D P/U

ADDITIONAL INFORMATION

NO ADVERTISE REMARK(S)
(Reviewer identify which remarks)

☒ T FLAG CHANGED TO P FLAG

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium:
- ☒ Surface water source, IDFG letter needed.
- ☒ Protected river or minimum flow reach, notify water planning bureau.
- ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ Mitigation plan: Check any that apply.
- ☐ immediate = acceptable plan required and submitted.
- ☐ future = open areas, acceptance of condition of approval is in file.
- ☒ Send power requirement letter &/or fish farm requirement letter.
- ☒ Power residency affidavit:
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 105-13922

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Water Planning Bureau
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☐ ☒ Final date for protest 2-7-00
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: STANDARD CONDITIONS

☒ ☐ See below for additional informationRecommended Date or Priority 11-4-1999Recommended by: Daniel A. Mader Date: 2-11-2000ADDITIONAL INFORMATION:

OVERLAPPING WATER RIGHTS DO NOT SEEM
SIGNIFICANT.

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

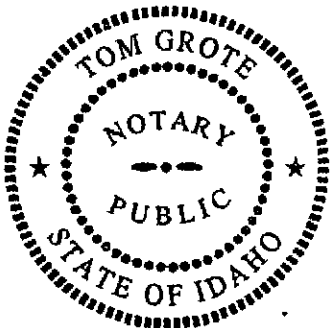
I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began January 20, 2000 and ended January 27, 2000.

Carol J. Wright

Subscribed and sworn before me this the 28th day of January, 2000.
STATE OF IDAHO

COUNTY OF VALLEY

On this 28th day of January, in the year of 2000, before me, a Notary Public, personally appeared Carol J. Wright, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13920 Burris, Rodger, Burris, Joanne, P.O. Box 1265, McCall, ID 83638.

Source: Big Payette Lake. Tributary: Payette River, North Fork. Diversion Pt: Lot 1 (NENW) Sec 35 T 19 N R 03 E in Valley County. Use: Domestic (0 020 CFS). Total Diversion (0 020 CFS).

Date Filed: 12/7/1999. In: Valley County. T19N R03E S35 Lot 1 (NENW).

65-13922 Albertson, E. Pete, Albertson, Judith.

5905 Kluncy Canyon, Winnemucca, NV 89445.

Source: Groundwater. Diversion Pt: SESE Sec 9 T 16 N R 03 E in Valley County. Use: Domestic (0 040 CFS) Total Diversion (0 040 CFS).

Date Filed: 11/4/1999. In: Valley County. T16N R03E S09 SESE.

65-13923 Leavitt, Kenneth, Leavitt, Marilyn.

P.O. Box 1167, McCall, ID 83638

Source: Groundwater Diversion Pt: NESW Sec 11 T 17 N R 03 E in Valley County. Use: Domestic (0 040 CFS). Total Diversion (0 040 CFS).

Date Filed: 10/13/1999 In: Valley County T17N R03E S11 NESW

65-13927 Maki, Will,

P.O. Box 686, Lake Fork, ID 83635.

Source: Mud Creek. Tributary: Cascade Reservoir. Diversion Pt: NENW Sec 9 T 17 N R 03 E in Valley County Use: Irrigation (1 360 CFS) Total Diversion (1 360 CFS).

Date Filed: 12/3/1999. In: Valley County. T17N R03E S09 NWNW SWNW NWSW 102 0 Acres Total

Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept of Water Resources, Western Region, 2735 Airport Way,

RECEIVED
FEB 03 2000

MICROFILMED
JAN 12 2000

Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before February 7, 2000. The protestant must also send a copy of the protest to the applicant. Karl J. Dreher, Director 2tc/1/27

MEMORANDUM

TO: FILE

FROM: DANIEL A NELSON

DATE: 12/14/99

SUBJECT: E PETE AND JUDITH ALBERTSON APPLICATION FOR PERMIT

On this date I spoke with Pete Albertson concerning his application for permit. In this conversation he told me that he and his wife had decided to keep the two homes described in their application for permit separated. He told me that since they already had a license for the grandmother's home associated with water right 65-07809A he could not see combining the two properties. He said that it could cause a problem if one of the properties were sold in the future.

So Mr. Albertson requested that I change the diversion rate from .06 cfs to .04 cfs and to change the number of homes from 2 homes to 1 home for page 1 of the application for permit. They also asked that I remove the overlapping water rights listed in part 10 of page 2 since they were not going to connect the two properties.

This application is to license the water use for Albertson's property only for the domestic use of the home built in 1991. The well was drilled solely for this home and will remain that way.

MICROFILMED

OCT 12 2000

65-13922

ALBERTSON, E PETE
ALBERTSON, JUDITH
5905 KLUNCY CANYON
WINNEMUCCA, NV 89445

Source: GROUNDWATER

Diversion Pt: SESE Sec 9 T 16N R 03E in VALLEY County.

Use: DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 11/ 4/1999

In: VALLEY County	
T16N R03E S09	SESE

MICROFILM

OCT 12 2000