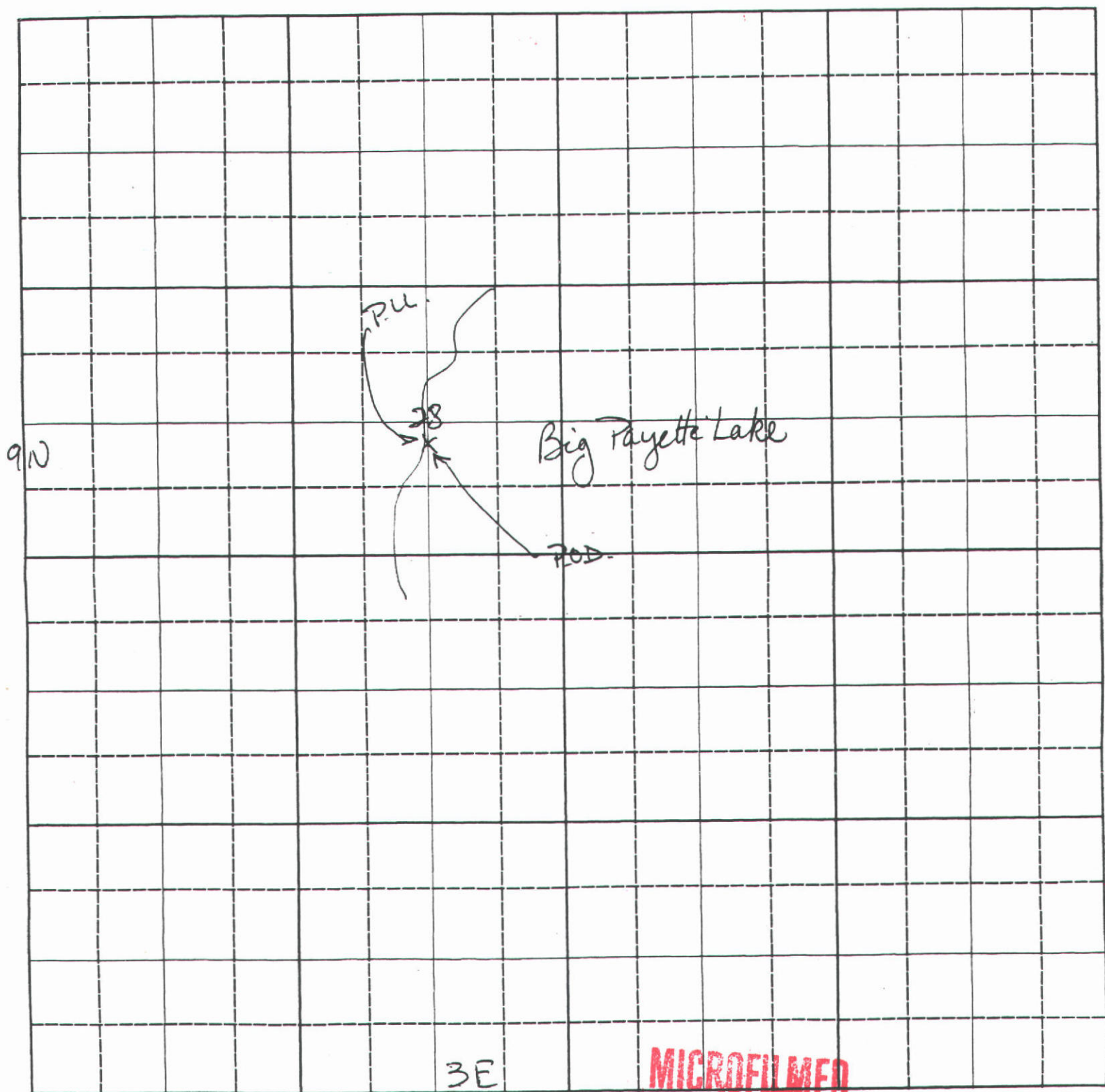
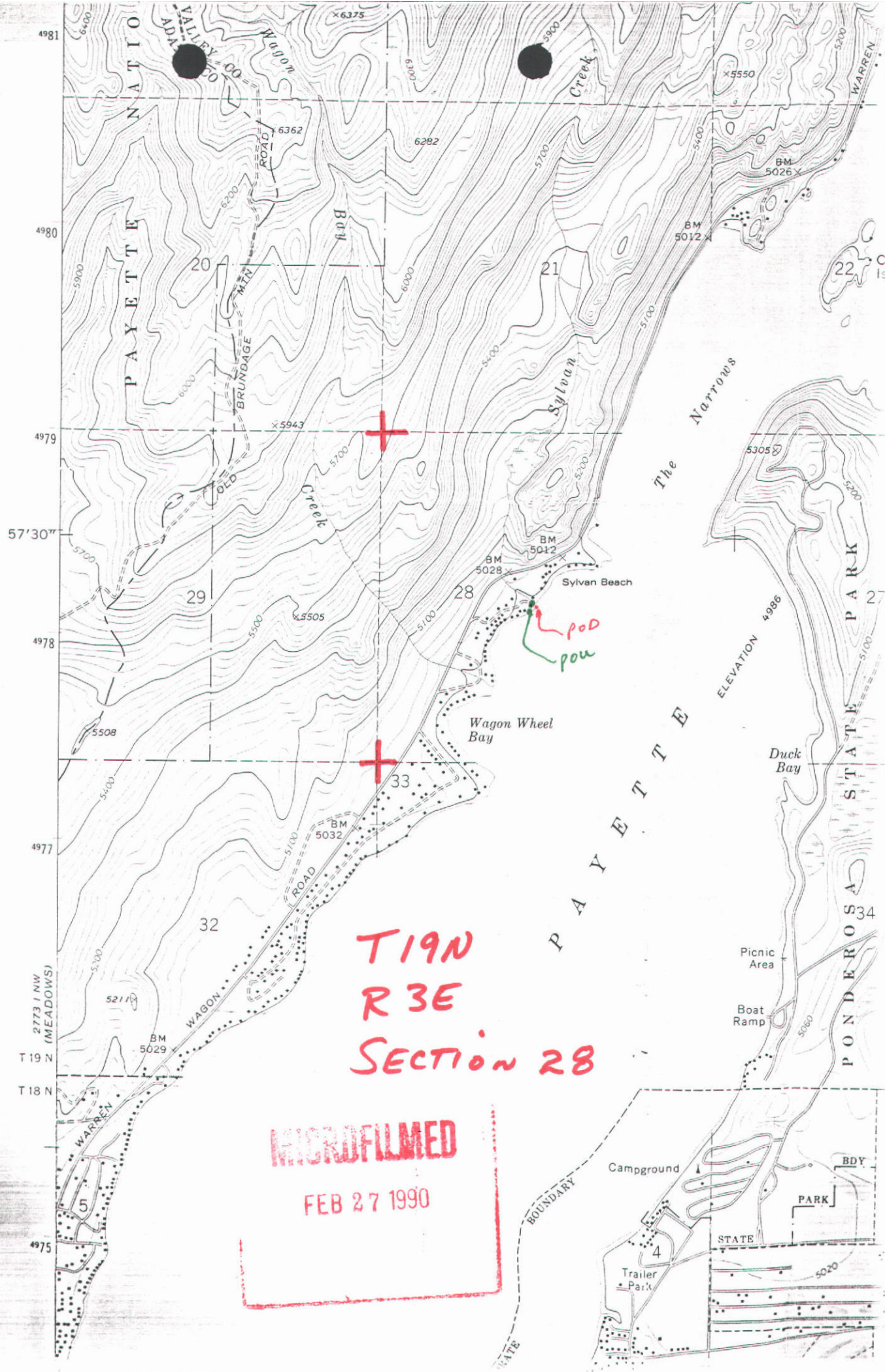




Scale: 2 inches equal 1 mile.

MICROFILMED

FEB 27 1990



Publisher's Affidavit of Publication

STATE OF IDAHO }
 }.SS
County of Valley }

I, Maggie Aganew, being duly sworn and say, I am the receptionist of The Central Idaho 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 aforesaid and is a legal newspaper; that the NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 65-10231, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive 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 September 21, 1989, and ended September 28, 1989.

M. Aganew
Subscribed and sworn before me this the 28th day of September, 1989.

STATE OF IDAHO }
COUNTY OF VALLEY }

On this 28th day of September, in the year of 1989, before me, a Notary Public, personally appeared Maggie Aganew, 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
Commission Expires: 1993

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 65-10231

Notice is hereby given that RETJ Company of Boise, Idaho has applied to the Department of Water Resources for a change of Point of Diversion of the water of Sylvan Creek to Big Payette Lake. The right sought to be changed is evidenced by Decree Case #3667 dated 1/21/1986 and is recorded as follows:
Amount: .04 CFS
Priority: 11/01/1960
Point(s) of Diversion: T. 19N, R. 3E, S. 28, NESW, B.M.

The water is used for domestic purposes.
TO BE CHANGED AS FOLLOWS
Amount: .04 CFS
Point(s) of Diversion: T. 19N, R. 3E, S. 28, NESW, B.M.
The water will be used for domestic purposes.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Statehouse, Boise, ID 83720 on or before October 10, 1989.
R. Keith Higginson, Director
2/9/28

RECEIVED

FEB 27 1990

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No 3618

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

APPROVED

Name of applicant RETJ Company Phone (208) 344-9338

Post Office address 2906 Clark Street, Boise, Idaho 83705

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Deteriorating water quality

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>6510231</u>	<u>Nov. 1, 1960</u>	<u>.04 cfs</u>	<u>Domestic</u>	<u>1/1</u> to <u>12/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred .04 cubic feet per second and/or _____ acre-feet per annum

3. Source of water Big Payette Lake tributary to N/A

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp.	Rge	County	Local name for diversion
<u>3</u>		<u>NE</u>	<u>SW</u>	<u>28</u>	<u>19N</u>	<u>3E</u>	<u>Valley</u>	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>19N</u>	<u>3E</u>	<u>28</u>									<u>Lot 3</u>								

RECORDED

FEB 27 1950

Total acres _____

PART 1**6 General Information**

- a. Description of diversion system Pipeline into lake bottom with pump in pumphouse
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No 65-10231

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. The rate of diversion under this right is limited to the amount that would have been available at the original point of diversion from Sylvan Creek in the NESW, S28, T19N, R3E. 2. This water right, when combined with Water Right No. 65-13095 shall provide water for only one household. 3. Use of water under this right is subject to control by the watermaster of State Water District No. 65, Payette River.

APPROVED

FEB 27 1990

Witness my hand this

30th day ofTammyH. Glen Sactor

Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1 Right evidenced by

- a Decree No. 65-10231 Decreed to Max D. Gudmundsen
in case of State of Idaho vs A & C Corp.
dated 1/21/86 in _____ county of _____
- b. License No _____ issued by the Idaho Department of Water Resources
- c Claim No _____ on file with the Idaho Department of Water Resources
- d Transfer No. _____ which produced this right

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Bargain & Sale Deed

3 Source of water Sylvan Creek tributary to Big Payette Lake

4. Date or priority November 1, 1960

5 Water is used for the following purpose

amount .04 cfs for Domestic purposes from 1/1 to 12/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6 Total amount of water under right .04 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local name for diversion
3		NE	SW	28	19N	3E	Valley	

8 Lands irrigated or place of use

Twp.	Rge.	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
19N	3E	28									4 of 3 D								

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FEB 27 1980

Total acres _____

9 Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C)

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2 Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec.	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use

Twp.	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

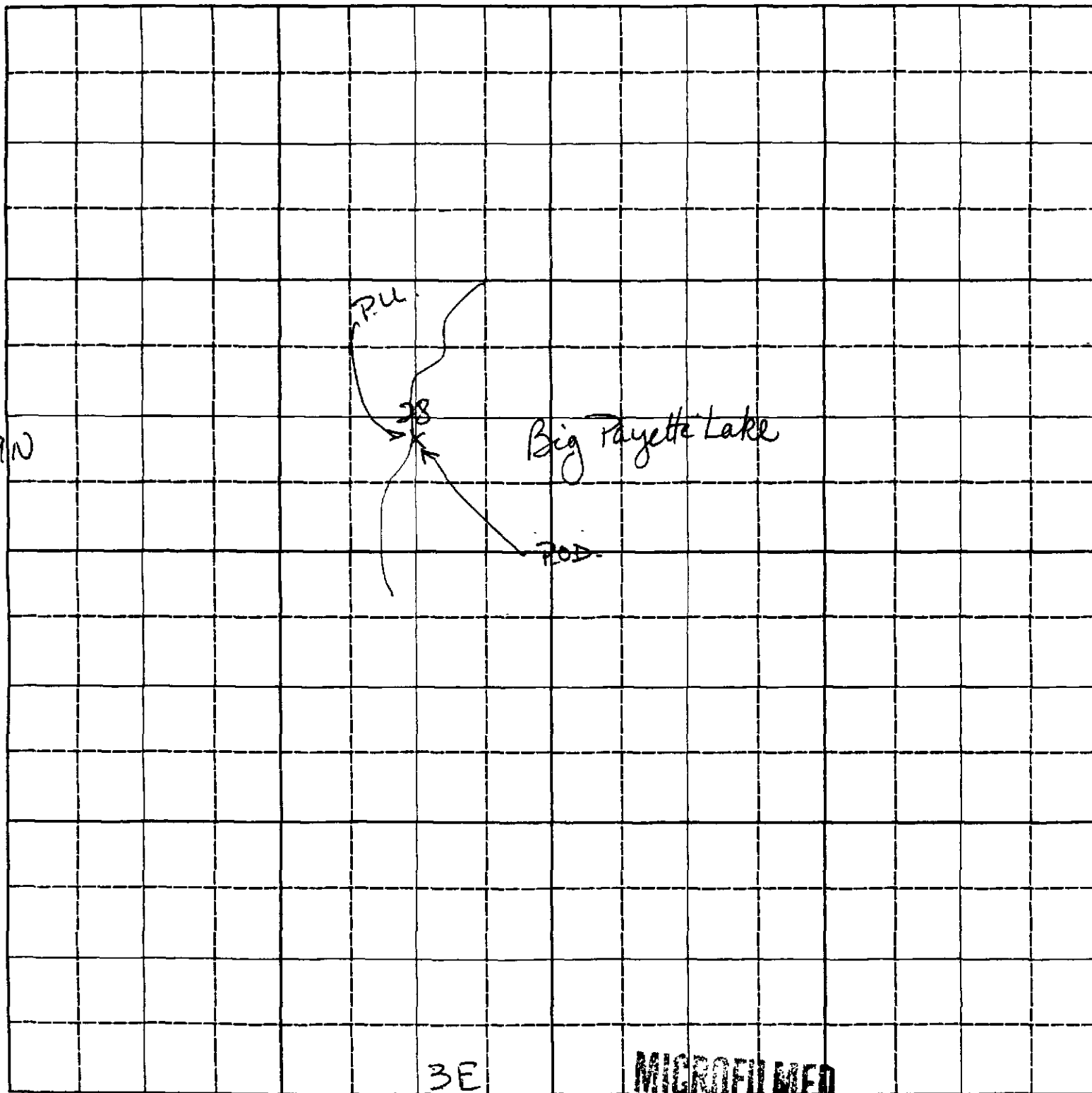
2 Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local name for diversion

3 Lands irrigated or place of use

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

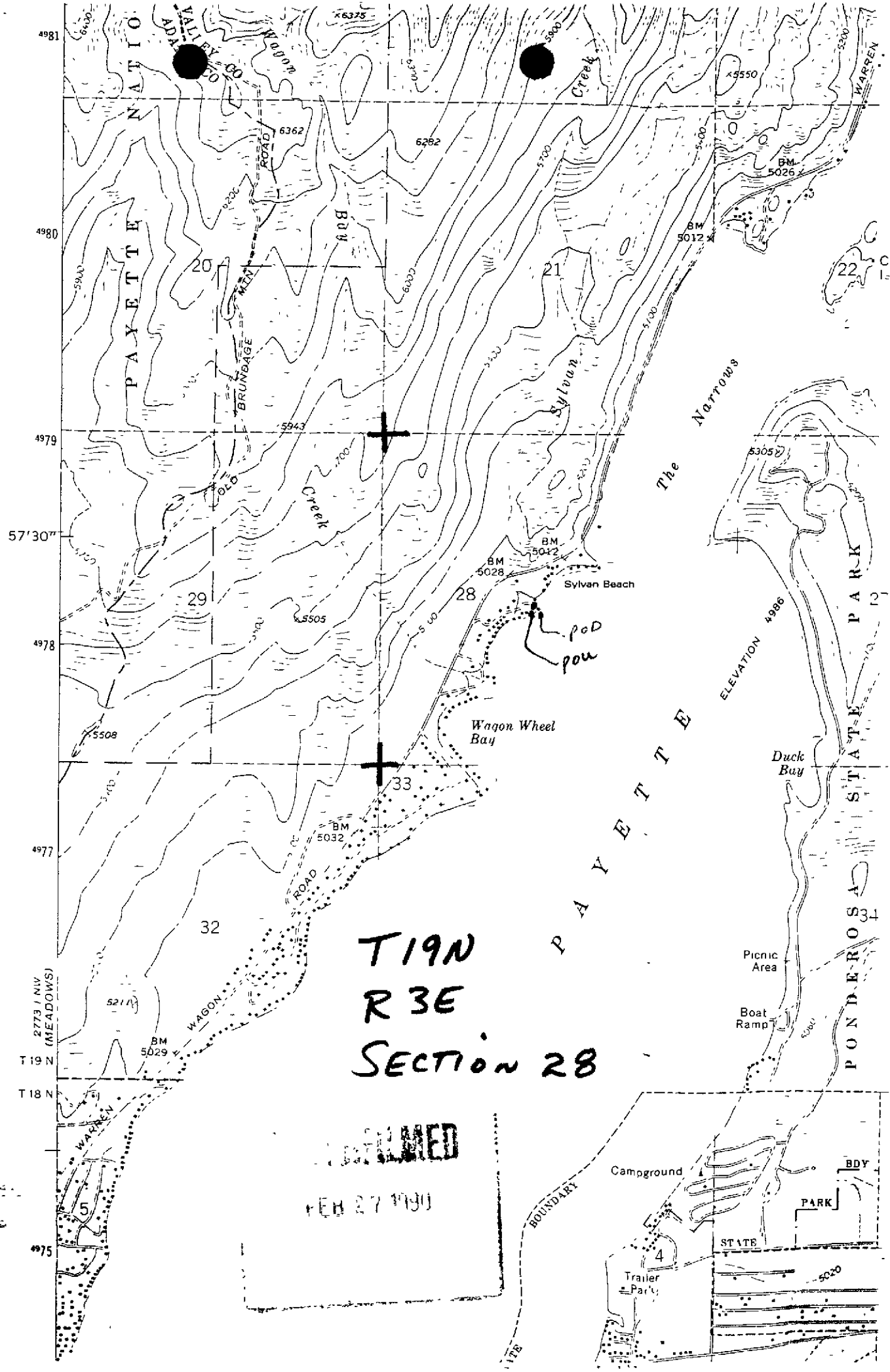
Total acres _____



Scale 2 inches equal 1 mile

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FEB 27 1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

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FEB 27 1990

PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2 Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this 30 day of June, 19 89

(Notary Public)

My commission expires 3/1/91

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by NS. Date 8/28/89 Protest filed by _____

Prelim check by 66 Fee \$50.00

Received by Jim Woods Date 8-28-89

Published in Star News Copies of protest forwarded by _____

Pub. dates 9/20 + 9/27/89 Hearing held by _____ Date _____

Watermaster recommendation requested on NA Recommended for ☒ approval ☐ denial

_____ rec'd by DW Gary

Copy of transfer sent to lien holder _____

MICROFILMED

FEB 27 1990

CERTIFICATE OF ASSUMED OR FICTITIOUS NAME

(Complying with Section 53-501, Idaho Code, 1947)

STATE OF IDAHO, }
County of Ada } ss.

THIS CERTIFIES

That there is being carried on, conducted or transacted, or is about to be conducted or transacted at

_____, in McCall, County of Valley,
(Give street number or location)

State of Idaho, the business of owning and holding investment property,

under the designation, name and style of RETJ COMPANY

which is assumed or fictitious, being other than the true and real name s of the person s conducting or transacting such business or having an interest therein;

That the true or real full name of (each of) the person s conducting or transacting or intending to conduct or transact said business or having an interest therein, and their post office address es are as follows:

NAME

POST OFFICE ADDRESS

ROBERT M. GUDMUNDSEN

1113 Balsam, Boise, Idaho 83704

ELSIE LEE MCKLVEEN

2906 Clark, Boise, Idaho 83705

TAYLOR GUDMUNDSEN

810 Warm Springs Avenue, Boise, Idaho 8370

JAN LUCILE GUDMUNDSEN

3815 Grover, Boise, Idaho 83705

That this certificate is executed and acknowledged by the person s so named and that no other person is conducting or transacting such business or has an interest therein.

Dated this 2nd day of July, 19 79

[Handwritten signatures and names:]
 Robert M. Gudmundsen
 Elsie Lee McKlveen
 Jan Lucile Gudmundsen

FEB 27 1980

101687

CERTIFICATE

OF FIRM NAME OF BUSINESS
DESIGNATED AS

, 19

COPY TO
INDEXED
INDEXED
INDEXED
DOC STAMPS AFFIXED \$

STATE OF IDAHO,

County of Valley ss.

at request of Eberle et al day
Filed this 6

10:45 4.110 August, 1979, and
recorded in BOOK Dr. #1 of Index to

certificate of Names.

J. W. Crutcher

County Recorder.

By Deputy.

Fees: \$2.00

BYNORE CO. PRINTERS & BINDERS BOISE

300 N. 6th St., Box 1368, Boise 01

STATE OF IDAHO,

County of ADA

ss.

On this 2nd day of July, in the year 1979, before me,

LOIS BARROW

, personally appeared

ROBERT M. GUDMUNDSEN, ELSIE LEE McKLVEEN, TAYLOR GUDMUNDSEN and JAN LUCILE GUDMUNDSEN

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public, residing at Boise, Idaho.

NOT RECORDED

FEB 27 1990

THIS INDENTURE, Made the 10th day of July, in the year of

our Lord one thousand nine hundred and seventy-nine between
ROBERT MAX GUDMUNDSEN, TAYLOR REED GUDMUNDSEN, JAN LUCILE GUDMUNDSEN, AKA
JAN LUCILLE GUDMUNDSEN, and ELSIE LEE MCKLVEEN, as the parties of first part and
Tenants in common dealing with their sole and separate property,
RETJ COMPANY, an Idaho general partnership the party of the second part,

WITNESSETH, That the said part of the first part, for and in consideration of the sum of
TEN DOLLARS AND other good and valuable consideration ----- Dollars,

lawful money of the United States of America, to them in hand paid by the said parties
of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and con-
veyed, and by these presents do grant, bargain, sell and convey unto the said party of the second
part, and to its heirs and assigns, forever, all that certain
piece or parcel of land situate, lying and being
in the County of Valley and State of Idaho, particularly described as follows,
to-wit:

North 45 feet of Lot 21 of the Amended Plat of Lots 19
to 27, inclusive, of Sylvan Beach Subdivision, according
to the plat thereof now on file and of record in the
office of the County Recorder of Valley County, Idaho.

RECORDED

FEB 27 1990

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in
anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits
thereof; and also all the estate, right, title, interest property, possession,
claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the
said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the
said party of the second part and to its heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands
and seals the day and year first above written

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

RETJ COMPANY
1714 North Cole Road
Boise, Idaho 83704

Robert Max Gudmundsen
Taylor Reed Gudmundsen
Elsie Lee McKlveen (Seal)
Jan Lucille Gudmundsen, aka
Jan Lucile Gudmundsen (Seal)

STATE OF IDAHO,

County of Ada

SS.

On this

10th

day of

July

, in the year 19 79 , before me

, Notary Public in and for

said State, personally appeared ROBERT MAX GUDMUNDSEN, TAYLOR REED GUDMUNDSEN, JAN LUCILE GUDMUNDSEN, aka JAN LUCILLE GUDMUNDSEN, and ELSIE LEE McKLVEEN,

known to me to be the person s whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

[Signature]

Notary Public for the State of Idaho,
Residing at Boise, Idaho.

101683

No.

Bargain and Sale Deed

-TO-

Dated 19

STATE OF IDAHO,

Valley

SS.

County of

I hereby certify that this instrument was
filed for record at request of
Eberle et al

at 46 minutes past 10

o'clock A.M., this 6 day of

August, A.D. 1979 in

my office, and duly recorded in Book Dr. # 3

of Deeds at Boise

J. W. Crutcher

Ex-Officio Recorder.

By Deputy.

Fees, \$ 4.00

Mail COMPARED

INDEXED

INDEXED

922 STAMP

RECORDED

FEB 27 1990

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 5-8

INDICATES TOTAL

SOURCE: SYLVAN CREEK

TRIBUTARY TO: BIG PAYETTE LAKE

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2154	SYLVAN BEACH MUTUAL CORP. P. O. BOX 7278, BOISE, IDAHO 83707 REMARKS: WAGON WHEEL BAY CREEK IS DIVERTED TO SYLVAN CREEK RESERVOIR. SOURCES FOR THIS RIGHT ARE WAGON WHEEL BAY CREEK & SYLVAN CREEK.	2/19/1913	IRRIGATION	4/15 10/15	--- AFA .08 CFS	NEW S28 T19N R 3E S28 T19N R 3E	LCT 2(2) LOT 3(2) S28 T19N R 3E *4*	LICENSE
			DOMESTIC	1/ 1 12/31	14.10 AFA 1.92 CFS		SAME AS OTHER USE	
			DOMESTIC FROM STOR	1/ 1 12/31	10.00 AFA --- CFS		SAME AS OTHER USE	
			IRRIGATION FROM STOR	3/15 11/15	10.00 AFA --- CFS		SAME AS OTHER USE	
			DIVERSION TO STORAGE	1/ 1 12/31	--- AFA 1.00 CFS *---*AFA *2.00*CFS		SAME AS OTHER USE	
65-8471	HARBERT, SUE A. 2318 BANNOCK STREET, BOISE, IDAHO 83706 REMARKS: LOT 12, SYLVAN BEACH SUBDIVISION.	4/ 1/1943	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT 2 S28 T19N R 3E	LCT2 S 2 T19N R 3E	BENEFICIAL USE
65-8472	LUNELL, GERALDINE C/O SUE A. HARBERT, 2318 BANNOCK STREET, BOISE, IDAHO 83706 REMARKS: LOT 13, SYLVAN BEACH SUBDIVISION.	4/ 1/1943	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT 2 S28 T19N R 3E	LCT2 S28 T19N R 3E	BENEFICIAL USE
65-9001	COONEY, THOMAS J. & COONEY, JOAN C. 2111 HYDE STREET, SAN FRANCISCO, CALIF. 94109 REMARKS: LOTS 260 & 27, SYLVAN BEACH SUBDIVISION.	6/ 1/1947	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT 2 S28 T19N R 3E	LCT2 S28 T19N R 3E	BENEFICIAL USE
65-10399	SEIBERT JR., EDWARD F. & SEIBERT, JANET C. 1408 SHOSHONE, BOISE, IDAHO 83705 REMARKS: LOT 20, SYLVAN BEACH SUBDIVISION IN LOT 192 & 186 OF PAYETTE LAKES COTTAGE SITES.	5/ 1/1950	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT 3 S28 T19N R 3E	LCT3 S28 T19N R 3E	BENEFICIAL USE
65-10231	GUMMONDSEN, MAX D. 1515 WAPA SPRINGS, BOISE, IDAHO 83702 REMARKS: LOT 21, SYLVAN BEACH SUBDIVISION.	11/ 1/1960	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT 3 S28 T19N R 3E	LCT3 S28 T19N R 3E	BENEFICIAL USE

FEB 27 1990

Publisher's Affidavit of Publication

STATE OF IDAHO }
 }.SS
County of Valley }

I, Maggie Aganew, being duly sworn and say, I am the receptionist of The Central Idaho 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 aforesaid and is a legal newspaper; that the NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 65-10231, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive 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 September 21, 1989, and ended September 28, 1989.

Maggie Aganew
Subscribed and sworn before me this the 28th day of September, 1989.

STATE OF IDAHO }
COUNTY OF VALLEY }

On this 28th day of September, in the year of 1989, before me, a Notary Public, personally appeared Maggie Aganew, 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
Commission Expires 1993

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 65-10231

Notice is hereby given that RETI Company of Boise, Idaho has applied to the Department of Water Resources for a change of Point of Diversion of the water of Sylvan Creek to Big Payette Lake. The right sought to be changed is evidenced by Decree Case #3667 dated 1/21/1986 and is recorded as follows.

Amount: .04 CFS
Priority: 11/01/1960
Point(s) of Diversion: T. 19N, R. 3E, S. 28, NESW, B M

The water is used for domestic purposes.
TO BE CHANGED AS FOLLOWS

Amount: .04 CFS
Point(s) of Diversion: T. 19N, R. 3E, S. 28, NESW, B M.
The water will be used for domestic purposes.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Statehouse, Boise, ID 83720 on or before October 10, 1989.
R Keith Higginson, Director
2/9/28

RECORDED

FEB 27 1990

November 14, 1990

William J. McKlveen
Eberle, Berlin, Kading, Turnbow & McKlveen
300 North 6th Street
P.O. Box 1368
Boise, ID 83701

RE: PERMIT 65-13095 and 65-10231

Dear Mr. McKlveen:

I have reviewed your letter dated October 30, 1990 in connection with the above referenced water rights. Department files show that Application for Permit 65-13095 was filed with the department on April 11, 1989 and that Application for Transfer No. 3618 of water right no. 65-10231 was filed on August 28, 1989.

Permit 65-13095 was conditioned that when combined with Right 65-10231, the right could provide water for only one household. If the approved transfer in connection with right 65-10231 properly represents the water right sought and used by your client, submittal of proof in connection with the permit does not appear to be needed or appropriate.

Please be aware that if the department receives neither the proof of beneficial use nor a request for an extension of time in connection with a permit, the department is required by statute to send a second notice termed a "Lapse Notice" which is similar in appearance to the "Proof Due Notice". I wish to point this out since there generally is misunderstanding why the department sends two notices which appear to be duplicative.

Please feel free to contact the department if you have additional questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - W. Region

EBERLE, BERLIN, KADING, TURNBOW & MCKLVEEN,
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

WILLIAM J. MCKLVEEN

TELEPHONE
(208) 344-8535

FACSIMILE
(208) 344-8542

JAMES L. BERLIN
OF COUNSEL

T. H. EBERLE (1922-1977)

October 30, 1990

Rita Fleck
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECEIVED
OCT 31 1990
DEPARTMENT OF WATER RESOURCES

RE: Permit No. 65-13095

Dear Rita:

This firm represents RETJ Company, and in such capacity, have been requested to contact you regarding the Proof Due Notice for the above referenced permit.

My file reflects that the Application for Permit was filed at or about the same time as the Application for Transfer of Water Right No. 65-12031, which transfer has been approved on or about February 1, 1990. Would you please check your records to determine whether or not the Application for Permit is now moot, due to the fact that the water right was transferred from Sylvan Creek to the same point of diversion identified under the Application for Permit No. 65-13095.

In other words, is it necessary to go ahead with Application for Permit No. 65-13095 since the domestic water right for the property has been transferred to change the point of diversion.

Thank you for your cooperation on this.

Very truly yours,

William J. McKlveen
WILLIAM J. MCKLVEEN

WJM/clk

65-10231

EBERLE, BERLIN, KADING, TURNBOW & MCKLVEEN,
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
POST OFFICE BOX 1368
BOISE, IDAHO 83701

Rita Fleck
Department of Water Resources
1301 N Orchard St
Statehouse Mail
Boise, ID 83720





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 1, 1990

RE: Transfer of Water Right No. 65-10231

RETJ Co.
2906 Clark St.
Boise, ID 83705

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3618). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

FEB 27 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: [Signature]

1. Right number 65-10231 Applicant RETJ Company
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☐ Priority ☐ Amount ☐ Purpose ☐ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use. N/A
5. Amount of land &/or water transferred.
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant)
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use N/A
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred. N/A P.O.D. only
 - h. ☒ Check for expansion in use of right Comments N/A P.O.D. Change only
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to
Right number(s) Applicant is filing Application for water from Big Payette Lake
 - j. ☐ Is use within a Watermaster District? ☒ Yes ☒ No
If yes, what district? 65, Payette River (No watermaster presently)

FINAL PROCESSING REVIEW BY: [Signature]

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny Re: 65 Payette River.
3. Conditions* Rate of diversion under this water right is limited to the amount that would have been available at the original point of diversion from Sylvan Creek in the NESE Sec 28 T19N R3E. This water rti., when combined with water at no. 65095, shall provide water for only one household.
4. By [Signature] Date 10/10/1989

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE,
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

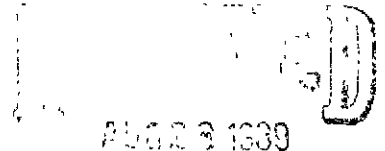
TELEPHONE
(208) 344-8535

JAMES L. BERLIN
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NEIL D. MCFEELEY
STEPHEN A. BRADBURY
STEVEN E. ALKIRE
HOLLIS MERCER WHILES

August 16, 1989

T. H. EBERLE (1922-1977)



Mr. Gene Gibson
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705

Department of Water Resources
Western Regional Office

RE: Application for Transfer of Water Right
RETJ Company

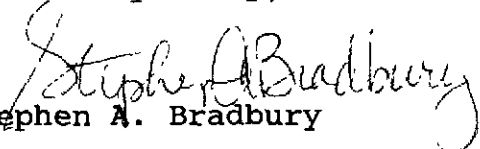
Dear Sir:

Enclosed please find RETJ Company's Application for Transfer of Water Right, together with a check in the amount of \$50.

Please note that this Application is being filed in conjunction with the Application for Permit filed with your office on April 10, 1989 in the above entitled matter.

If you have any questions, please give me a call.

Yours very truly,


Stephen A. Bradbury

SAB/rah
Encl.

RECEIVED

FEB 27 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 65-10231

Notice is hereby given that RETJ Company of Boise, Idaho has applied to the Department of Water Resources for a change of Point of Diversion of the water of Sylvan Creek to Big Payette Lake. The right sought to be changed is evidenced by Decree Case #3667 dated 1/21/1986 and is recorded as follows:

Amount: .04 cfs Priority: 11/01/1960

Point(s) of Diversion: T. 19N, R. 3E, S. 28, NESW, B.M.

The water is used for domestic purposes.

TO BE CHANGED AS FOLLOWS

Amount: .04 cfs

Point(s) of Diversion: T. 19N, R. 3E, S. 28, NESW, B.M.

The water will be used for domestic purposes.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Statehouse, Boise, ID 83720 on or before October 10, 1989.

R. Keith Higginson, Director

Published in the Star News 9/20 & 9/27/1989.

~~NOTICE~~

FEB 27 1990