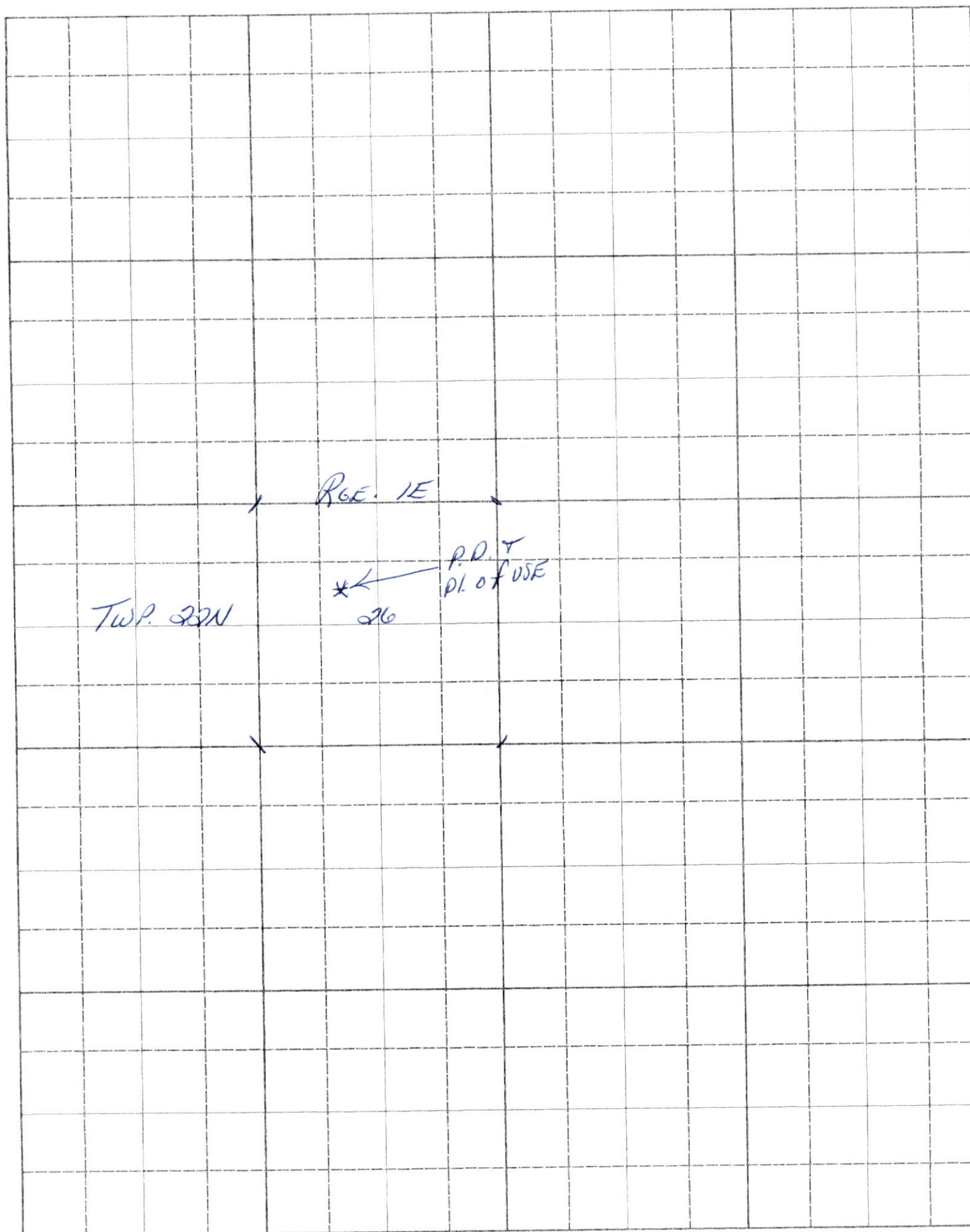


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Lyle Albrecht
(Applicant)

MICROFILMED

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER RIGHT

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

78-7265 *VJP*

ALBRECHT, LYLE D. &/or PEGGY J.

10378 FAIRVIEW, BOISE, ID 83704

Source: SPRING trib. to ELK CREEK

Date Filed: 07/30/1985

Diversion Pt: SENW Sec 26 T 22N R 01E

Use: DOMESTIC (0.04 CFS)

In: SENW Sec 26 T 22N R 01E.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before SEPTEMBER 3, 1985.

KENDUNN, Dir.

Published 08/14 & 08/21/85.

A14-21

Charlotte Sotin being first duly sworn, says he is the Bookkeeper of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 14th day of August, 1985, and the last publication on the 21st day of August, 1985; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Charlotte Sotin

Subscribed and sworn to before me this 21st day of August, 19 85

[Signature], Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED
SEP 3 1985

Department of Water Resources
Western Regional Office

MICROFILMED

10. Other water rights on these lands NONE
11. Other water right diverted from same p.d. 78-7109 - See Form 219B

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. 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

16. Examiner's/Consultant's Signature Jan Shute Date 10/10/85
Consultant's License Number _____
IDWR Director's Authorization to Conduct
Beneficial Use Examination 10/4/85 Date _____

CONSULTANT SEAL

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 78-7265 Priority July 30, 1985 Amount 0.02 cfs

THIS IS TO CERTIFY, that Lyle D. &/or Peggy Albrecht
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 78-7265 issued pursuant to Application for Permit dated July 30, 1985,
and has submitted proof to the Department of Water Resources on October 3, 1985,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from spring,
tributary to Elk Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 unit)	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>0.6</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
0.6 acre feet per year, said waters to be diverted within the SE 1/4 NW 1/4 Section 26,
Twp 22N, Rge 1E in the County of Idaho

Description and location of place of use:

Twp.	Range	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	
22N	1E	26								X									

Total number of acres irrigated _____

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CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2ND day of DECEMBER, 19 85.

Acting for the Director

Norman C Young

1/28/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant LYLE D. & OR PEGGY J. ALBRECHT Phone 462-3442

Post office address 10378 FAIRVIEW, BOISE, ID 83704

2. Source of water supply SPRING which is a tributary of ENK CREEK

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26 Township 22N

Range 1E B.M. IDAHO County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 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:

a. 0.04 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. STORAGE TANK W/PIPELINE
TO PLACE OF USE.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 1 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26 Township 22N
Range 1E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 1.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22N	1E	216								D									

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. NONE

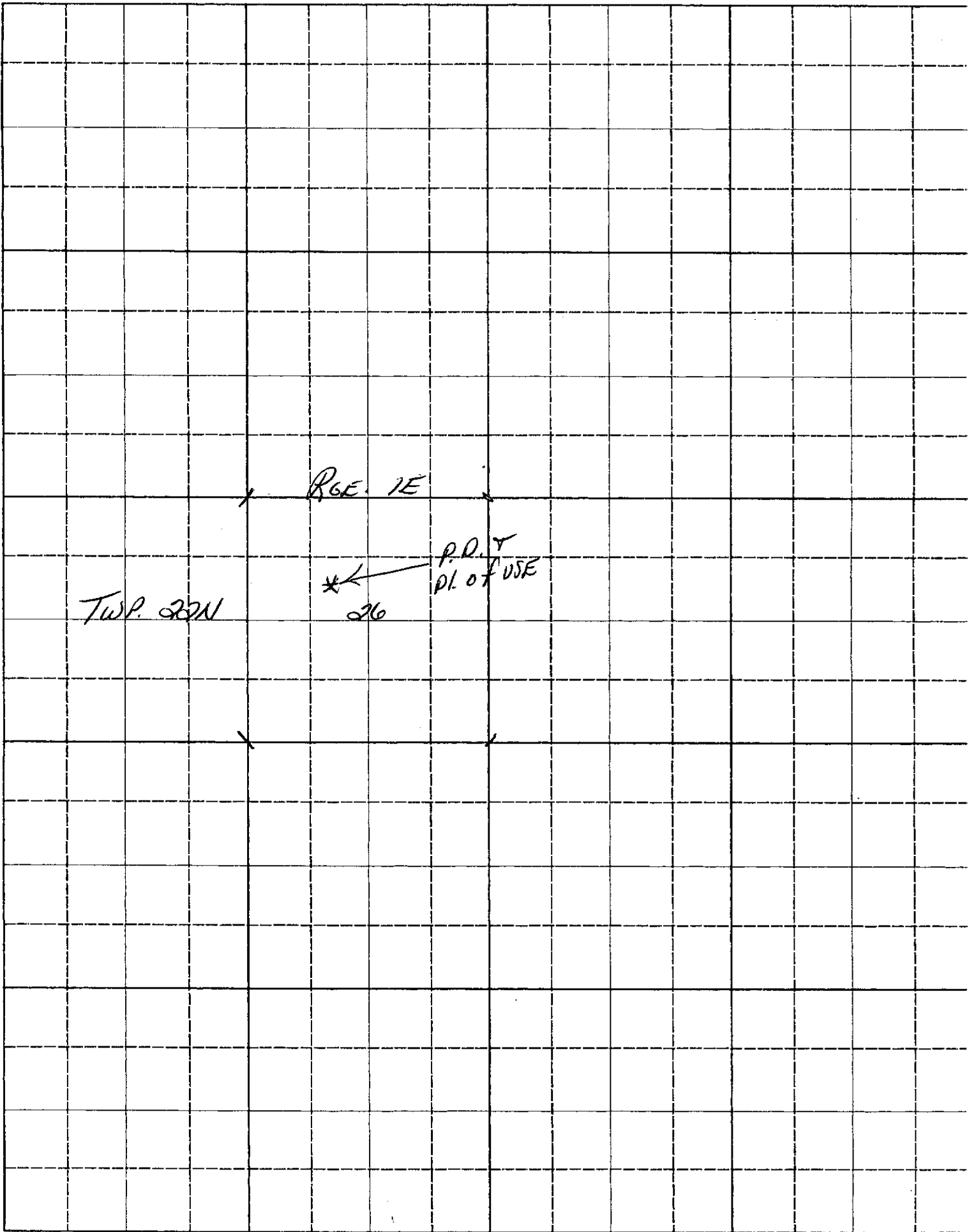
9. a. Who owns the property at the point of diversion G. W. SPERLE

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing APPLICANTS HAVE RIGHT-OF-WAY TO SPRING FROM PREVIOUS OWNERS PRIOR TO SPERLE.

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Lyle Albrecht
(Applicant)

MICROFILMED

Proposed Priority 7/30/85

MICROFILMED

Received by JG Date 7/30/85 Time 3:00 P.M.
Preliminary check by GLS Fee \$ 30.00
Receipted by JG Date 7/30/85 # 36119
Publication prepared by AP Date 8/8/85
Published in Idaho County Free Press
Publication dates 8/14 & 8/21/85
Publication approved JP Date 9/3/85
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DRT kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 78-7265, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 86.
 - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 26th day of September, 1985.

A. Glen Saxton
Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER RIGHT

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

78-7265 V/A

ALBRECHT, LYLE D. &/or PEGGY J.

10378 FAIRVIEW, BOISE, ID 83704

Source: SPRING trib. to ELK CREEK

Date Filed: 07/30/1985

Diversion Pt: SENW Sec 26 T 22N R 01E

Use: DOMESTIC (0.04 CFS)

In: SENW Sec 26 T 22N R 01E.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before SEPTEMBER 3, 1985.

KENDUNN, Dir.

Published 08/14 & 08/21/85.

A14-21

Charlotte Sotin being first duly sworn, says he is the Bookkeeper of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 14th day of August, 1985, and the last publication on the 21st day of August, 1985; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Charlotte Sotin

Subscribed and sworn to before me this 21st day of August, 1985

William D. Smith

Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED
SEP 3 1985

Department of Water Resources
Western Regional Office

MICROFILMED



CECIL D. ANDRUS
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705

78-7265
RECEIVED
(208) 334-2100
AUG 16 1988

R. KEITH HIGGINSON
Director
Department of Water Resources

Mr. Werner Kolb
HC 75, Box 3552
New Meadows, ID. 83654

August 12, 1988

Re: Domestic Use of the Spring

Dear Werner:

Your letter of 8/3/88 to Jan Shurte was received and entered in your water right file. Because I visited the site recently, Jan relayed the letter to me. The dispute concerning the spring on your land involves two key issues.

One, the historical domestic use of the water at your home will be recorded with the enclosed adjudication claim (A78-10343) for .02 cfs. One purpose of the adjudication is to clarify and record such historical beneficial uses of public water. We will retain the supporting evidence that you submitted that documents the use from 1962. Please review the claim, answer item 16, sign the form and have it notarized, and return it with the \$25 fee to me as soon as possible.

Two, domestic rights may replace other rights despite priority dates. A junior domestic right may condemn part or all of a senior right but only through proper legal procedures that include just compensation for the taking of real property as covered by the Idaho Constitution, Article XV, Section 5. However, this is a moot point because your domestic use can be documented to 1962. The Baum-West domestic use dates to 1985 and thus possesses no power to take any of the senior domestic right.

The Baum-West license, 78-07265, was recorded in the adjudication by claim number A78-07265 on 5/26/88. The water right covers .02 cfs for year-round domestic use. This right, with its 7/30/85 priority date, clearly remains the junior right and must respect the seniority of the Kolb rights. The Department advises the parties that the Kolb irrigation (3/1-12/1) and domestic (1/1-12/31) rights, totaling .04 cfs, have priority and must be satisfied first before the junior use occurs. Idaho water law is clear in this matter.

I hope that an amiable solution can be reached. Perhaps the spring simply will not provide adequate water for the involved rights, or perhaps a shared use of the resource can be reached. Please contact this office if additional help may be provided.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL: s

Encl.

cc: Glenn & Netta Baum
Floyd & Florence West

Werner Kolb

New Meadows, 8-3-1988
HC 75 Box 3552-Idaho 83654

Ms. Jan Shurte
Sr. Water Resource Agent
State of Idaho Dept. of Water Resources
2735 Airport Way

Boise, Idaho 83705

RECEIVED
AUG 5 1988

Department of Water Resources
Western Regional Office

Dear Ms. Shurte,

Through no fault of mine, I find myself in some serious trouble with my Waterrights. You were very efficient and helpful in the past, please suffer through my case history with me:

Since 1962 this property used water from its spring for domestic and irrigation use. (Neighbors are willing to give an affidavit)

In 1978 the previous owner, Mr. Sperle (now in Arizona) realized that he had to file for Waterrights. An inspection at this time should have advised Mr. Sperle that he needed domestic as well as irrigation rights. (The pipeline into the house was very visible) This was not done, nobody, including me knew of the word "domestic". In my four letters (one even was registered) to Mr. Jim Johnson, I asked for a review of my waterrights, especially since some statements were inaccurate and I was wondering about the winter months without irrigation. I am from Wisconsin and had no idea that I had to specify "Domestic".

Mr. Johnson never advised me, he always used the words "Water-rights" and did not respond to my expressed fear, that some "Legality" would ruin this household. Never was I advised of the word "Domestic" which was not stated in my waterrights.

Ironically, this "Legality" now is exactly threatening me. Mr. Johnson obviously never even looked at my "Waterrights".

78-7265 → My new neighbors have a domestic waterright for this spring on my property since 1985. Their house was never connected to a waterline just last week their bathroom was finished, three weeks ago they received electric connection and last year their septic system was installed. Until now my waterright was never challenged. Also, as I had pointed out in my letters, this spring does not deliver 18 gal/min. for me, not even mentioning the 8 gal/min. for my new neighbors.

If their new domestic Waterright has priority over my old Waterright because this little word "Domestic" was not included and the spring goes down further, my house becomes worthless.

Since I was forced by a plantclosing into early retirement,
my fixed income is low.

I hope this mess will be straightened out. I hold the Water-
department and Mr. Johnson directly responsible!

Sincerely,

Werner Kolb

Werner Kolb

AFFIDAVIT

I moved to the Elk Lake Road area in Idaho County, Idaho in 1962 .
At that time the house now occupied by Werner J. Kolb was occupied by
Oral E. Rader's daughter.

In 1964 Oral E. Rader sold the house to Maudie H. Silva
(See Deed No. 217046 attached)

in 1977 Maudie H. Silva sold this property to Gideon W.
Sperle.

In 1986 Gideon W. Sperle sold this property to Werner J. Kolb.
I know that the spring referred to in the above mentioned deed #217046
has been used by the occupants of the Kolb house for domestic purposes
continuously since 1962.

Muriel R. Givens
Muriel R. Givens
3555 Elk Lake Road
Idaho County, Idaho

State of Idaho, County of Idaho

On this 8 day of August 1988
before me, a notary public in and for
said State, personally appeared

MURIEL R. GIVENS

known to me to be the person whose name
is subscribed to the within instrument, and
acknowledged to me that she executed
the same.

Mary O'Leary
Notary Public
Residing at Riggins, Idaho

RECEIVED
Aug. 10 1988

Department of Water Resources
Western Regional Office

217046

WARRANTY DEED

For Value Received ORAL E. RADER and EVELYN RADER, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

MAUDIE H. SILVA, a widow woman

the grantee, the following described premises, in Idaho County Idaho, to wit:

-----Beginning at the ^{sixteenth} quarter corner which is the NW corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, S. 26, T. 22 N., R. 1 E., B. M., thence 90 feet North to the real point of beginning:

Thence E. 278 feet to a point;

Thence S. 535 feet to a point;

Thence W. 636 feet to a point;

Thence N. 190 feet to a point;

Thence Northeasterly 418 feet to the real point of beginning-----

This parcel contains 6 $\frac{1}{2}$ acres more or less-----

Together with all right and title to a certain spring of water that originates on the above described property-----

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: Sept. 10, 1964

Oral Rader
Evelyn Rader

STATE OF IDAHO, COUNTY OF VALLEY

On this 10th day of Sept., 1964,

before me, a Notary Public in and for said State, personally

appeared Oral E. Rader and Evelyn Rader

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

W.C. Sigurdson
Notary Public

Residing at McCall, Idaho
Comm. Expires 7/25 - 1965

STATE OF IDAHO, COUNTY OF IDAHO

I hereby certify that this instrument was filed for record at the request of INLAND ABSTRACT CO.

at minutes past 3 o'clock p.m.,
this 24 day of Sept,
1964, in my office, and duly recorded in Book
of Deeds at page

CARL T. REUTER

Ex-Officio Recorder

By *Bob J. Waite* Deputy.

Fees \$.90

Mail to: Maudie H. Silva
Council, Idaho

INSTRUMENT NO.

REVENUE STAMPS



December 5, 1985

RE: Permit No. 78-7265

Lyle D. &/or Peggy Albrecht
10378 Fairview Ave.
Boise, ID 83704

Dear Mr. and Mrs. Albrecht:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED
OCT 30 1985

78-7265
Permit No.

Department of Water Resources

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Estimated at 1 gallon per minute
based on permit holders info.

$$1 \text{ gpm} \div 150 = 0.002 \checkmark$$

can allow .02 cfs. ✓

- b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{I.R.} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}} \\ V_{D.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}} \\ V &= \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}} \end{aligned}$$

- c) Volume Calculations for Other Uses:

DOMESTIC - IN HOUSE ONLY - .12 AF ✓

2. Overlap Review

- a) Other water rights with same place of use: NONE ✓

- b) Other water rights with same point of diversion: 78-7109 - FOR 3 ACRES
IRR. AT .04 CFS. NOT FOR THIS HOME, BUT NEXT
DOOR.

- c) Analysis:

#78-7109 - NO
exam in
file - 11/4/85

MICROFILMED

10 days

- Approved in State Office by R. Walker Date 11/4/85

November 6, 1985

RE: Permit No. 78-7265

Lyle D. &/or Peggy Albrecht
10378 Fairview Ave.
Boise, ID 83704

Dear Permit Holder(s):

A representative of this Department made an examination of the works covered by your Permit No. 78-7265 and has found the following:

Amount of water that can be recognized as beneficially used
under Idaho law: 0.02 cfs Source: spring trib to Elk
Creek

The maximum quantity diverted shall not exceed 0.6 acre feet per
year.

Point(s) of diversion: SENW, Sec. 26, Twp 22N, Rge 1E

Beneficial Use: Domestic use for 1 unit within SENW, Sec. 26,
Twp 22N, Rge 1E

Priority date established: July 30, 1985

Conditions (if any):

If you do not concur with these findings, please contact us within 10 days;
otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

1. Owner: Tyle D. or Peggy Albrecht Permit No. 78-7265
Current Address: 10378 Fairview, Boise, ID 83704 Phone No. 462-3442

2. Accompanied by: NO ONE HOME (SUMMER HOME) EXAM. DATE: 10/4/85
Address: _____ Phone No. _____
Relationship to Permit Holder: _____

3. Source: Spring tributary to 6th Creek

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. **System Description** (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

2" black PVC pipeline from spring into 500 gallon storage tank & down to home. All Gravity flow. Spring originates under a huge pine tree & 2 systems use it. Other Permit is # 78-7109.

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

7. Measurements ☐ Additional data/computation sheets attached

None made.

8. Point(s) of Diversion:	Indicate Method of Determination
---------------------------	----------------------------------

[illegible]

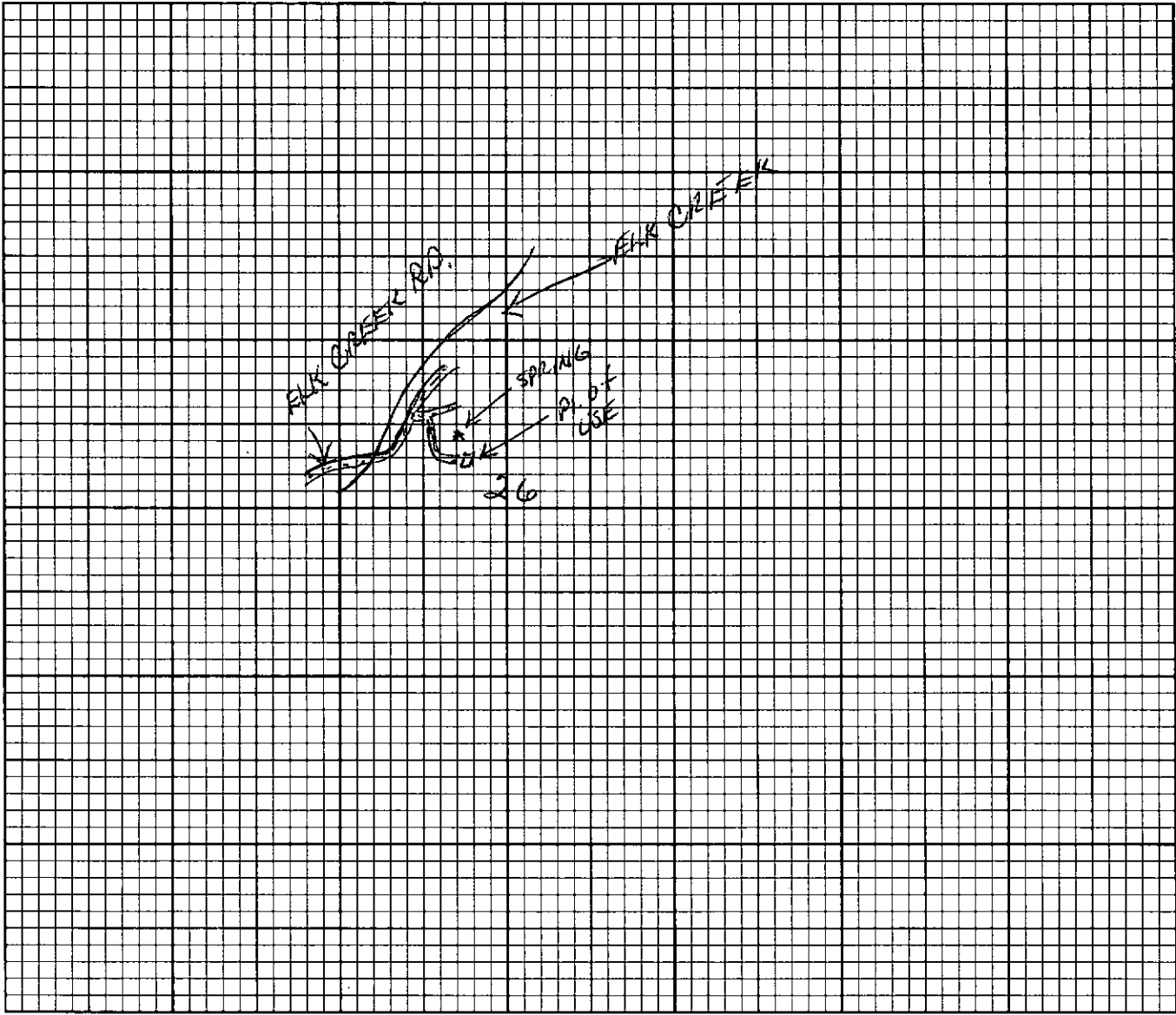
9.	Place(s) of Use:	Irrigation - give acres served by system at time of exam. Indicate Method of Determination
----	------------------	---

[illegible]

Total Acres _____

10. Other water rights on these lands NONE
11. Other water right diverted from same p.d. 78-7109 - See Form 219B

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. 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

16. Examiner's/Consultant's Signature Jan Shurtz Date 10/10/85
Consultant's License Number _____

IDWR Director's Authorization to Conduct
Beneficial Use Examination 10/4/85
Date

CONSULTANT SEAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
OCT 3 1985

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 78-7265

Name(s) of Permit Holder: Lyle D. & Peggy T. Albright Box 226
10378 Fairview, Boise, Idaho 83704

Post Office Address: _____

Telephone No. 462-3442

Source of Water: Spring

Extent of Use:

Domestic 1 (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: _____

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Person to contact to accompany the Department representative during the field examination:

applicant
(Name)

(Address)

(Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

10/2/85
Date

Lyle Albright
Signature of Permit Holder (and Title, if appropriate)

MICROFILMED

September 30, 1985

RE: Permit No. 78-7265

Lyle D. &/or Peggy J. Albrecht
10378 Fairview
Boise, ID 83704

Dear Permit Holder:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is the statement of beneficial use that must be submitted when your project is completed.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: 625 APPLICATION NUMBER: 78-7265

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

☐ Yes ☒ No Field check required.

☐ Yes ☒ No Critical groundwater area.

☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____

☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. None

☒ Yes ☐ No* In form for advertising.

☐ Yes ☒ No Final date for protests: September 3, 1985

☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 9/3/85
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 30/36119
☒ Publication dates and paper, recorded on application. 12 City News-Sun 8/14 & 8/21/85
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ 7/30/85 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: DRT Date: 9/4/85

STATE OFFICE REVIEW:

616 04 **RECEIVED**
By: KW Date: 9/25/85 **SEP 10 1985**

☐ See attached sheet for more information.

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Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

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IDAHO STREAM CODE INDEX

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

AUGUST 8, 1985

Idaho County Free Press
Box 267
Grangeville, ID 83530

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 3, 1985.

Yours truly,

JUDY FENSE
Secretary

Encl.

MICROFILMED

78-7265

ALBRECHT, LYLE D. &/or PEGGY J.

10378 FAIRVIEW, BOISE, ID 83704

Source: SPRING trib. to ELK CREEK

Date Filed: 07/30/1985

Diversion Pt: SENW Sec 26 T 22N R 01E

Use: DOMESTIC (0.04 CFS)

In: SENW Sec 26 T 22N R 01E

MICROFILMED

