

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Application~~	~~29-08130~~	~~Albers Inc.~~	~~0.23~~
Full Assignment	29-08130	Tyhee Estates Water Company Inc.	0.23

RECEIVED

JAN 30 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 2 - 1996

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have developed 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 who has been appointed by the department.

1. Permit No. 29-08130 Telephone No. 208 237 9059

2. Name(s) of Permit Holder(s): TYHEE ESTATES WATER CO

3. Mailing Address: 13234 N BILLY LN POCATELLO ID 83202-5179

4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. / yr. 1980

a. Well Driller: JACK CUSHMAN Drilling Permit Number: - -

b. **OPTIONAL:**
Pump Horsepower: 10 Pressure (psi): 50 Average Dynamic pumping level (ft): 176

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

Domestic (No. of households): 26 Stockwater (No. and type of stock):

Irrigation (No. of acres): Other:

6. Total rate of diversion and/or volume for which proof is submitted: 0.23 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 <u> </u>	or	No <u>X</u>
	Has the measuring device been installed?	Yes <u>X</u>	or	No <u> </u>
Flow Measurement Port:	Is a flow measurement port required?	Yes <u> </u>	or	No <u>X</u>
	Has the measurement port been installed?	Yes <u> </u>	or	No <u>X</u>

8. Fee Enclosed: \$ 100.00 (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: TIM SHURLIFF Telephone Number: 208 233 1963

Address: 426 W. LEWIS POCATELLO ID 83204

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

MAY 22 1996

Signature of permit holder: Dale Higgins Pres. Date: 3/27/96

(include your title, if on behalf of company or organization)

IN THE MATTER OF PERMIT NO. 29-08130) ORDER EXTENDING
)
) PROOF OF
IN THE NAME OF TYHEE ESTATES WATER CO.) BENEFICIAL USE
INC.)
)

MAY 22 1996

RECEIVED

For Office Use Only

\$25.00 Filing Fee

Receipt # E021613Date 10/13/95

OCT 10 1995

Department of Water Resources
Eastern District OfficeState of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, ALBERS INC, hereby assign to TYHEE ESTATES WATER CO INC
(Permit Holder)
 of 13234 N. BILLY LN POCA TELLO, ID 83202
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 29-08130
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
 Permit No. _____ to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 29th day of Sept, 19 95.

Albers Inc Richard A Albers

Permit Holder(s)

State of Idaho)
) ss
 County of _____)

On this _____ day of _____, 199____, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

 Notary Public

SEAL

 Signature

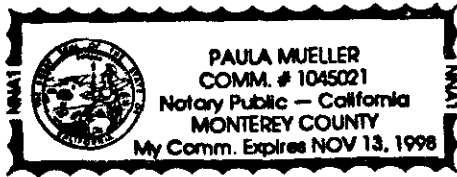
My commission expires: _____

JAN 30 1996

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Monterey
On 9/29/95 before me, Paula Mueller
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Richard A. Albers
Name(s) of Signer(s)

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Paula Mueller
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Assignment of Permit
Document Date: 9/29/95 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☒ Corporate Officer
Title(s): President
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: _____

APPROVED

Receipt No. E021041
 Received By HWT
 Date 5-18-95

RECEIVED

JUN 1 3 1965

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water
Applicant

ALBERS INC
10250 OAKSHIRE DR
CARMEL CA 93923-8583

Phone (619) 564-3060

Address

Ca. 92253

I am the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 29-08130, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: XXX Change point of diversion _____ Add point of diversion
Change place of use _____ Change nature of use _____ Change period of use _____ Other _____

1. Point of diversion: SE ¼ SE ¼ SE ¼, Section 27, Township 5 S, Range 34 E, B.M.,
County of Bannock. Other points of diversion _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) DOMESTIC

Amount 0.23cfs for Domestic purposes from January 1 to December 31 (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated = _____
(Well for Domestic Use.)

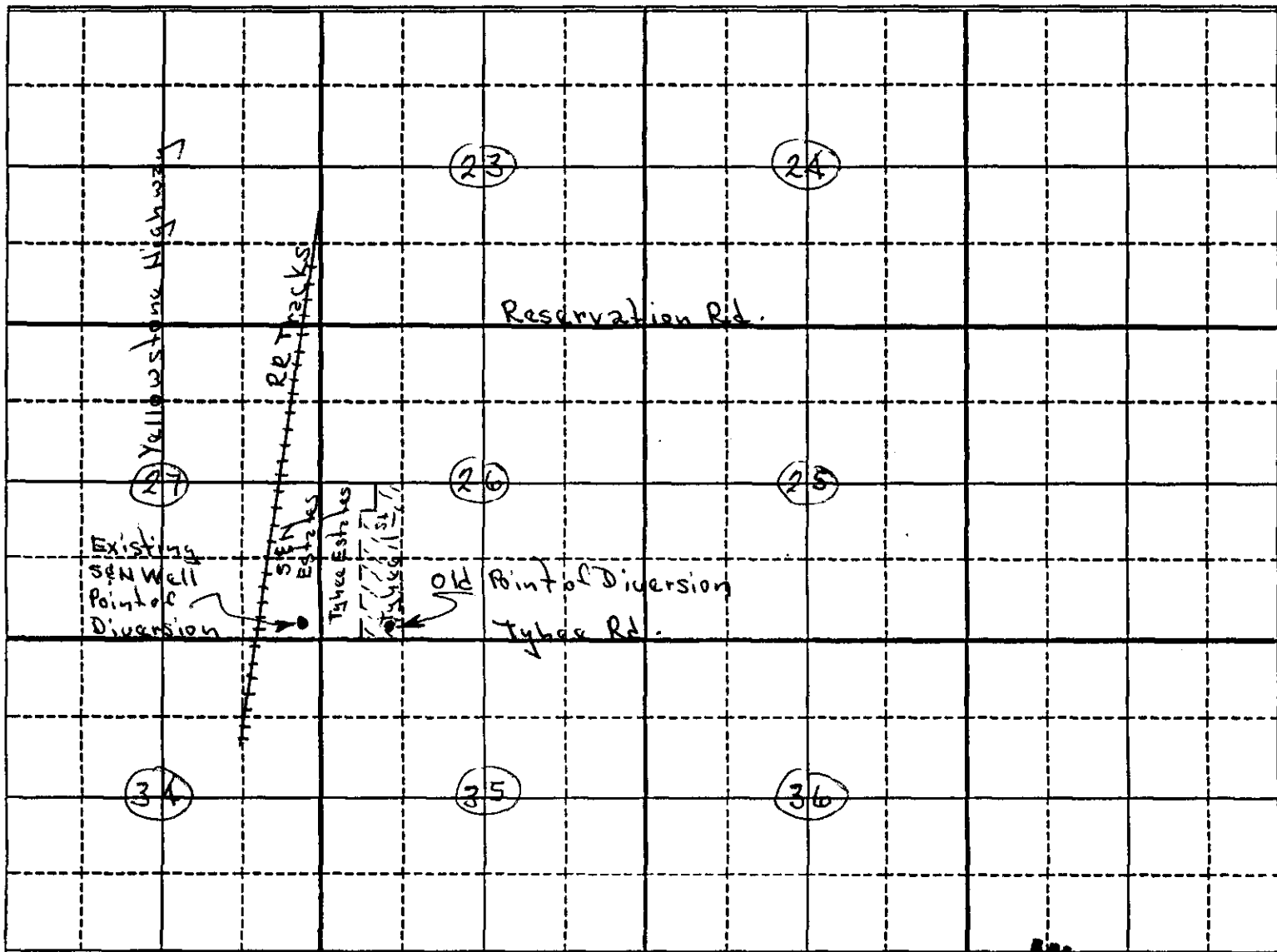
4. a. Who owns the property at the point of diversion? S & N Water Association, Inc.

b. Who owns the land to be irrigated at the place of use? Albers, Inc.--Subdivision Developer

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: The water is to be used as part of a domestic water system.

Albers, Inc. developed and subdivided the land into residential lots and is responsible for construction of the water system. SEE ATTACHED NARRATIVE

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)



Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 10th day of April, 1995.

Alben Doe

Richard A. Alben

JUN 29 1995

Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by _____ Publication prepared by RB Date _____

Published in Idaho State Journal Publication dates June 1 & 8, 1995

I, L. GLEN SAXTON, of the Department of Water Resources hereby approve the above referenced application for amendment provided the conditions as set forth in Permit No. 29-08130 are met.

Witness my hand this 27th day of June, 1995.

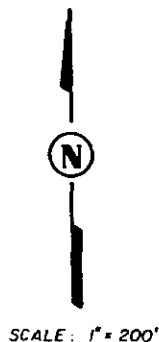
L. Glen Saxton

S&N ESTATES

in Section 27, T.5S., R.34E., B.M.

LEGEND

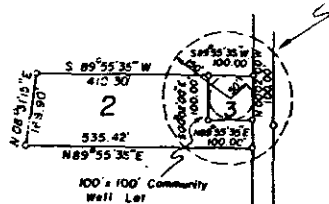
Section Control Points
1/2" Iron Rod
Curve No.
Point of Beginning
pent Line
Iron Rod
Railroad line
Block No



Note: Lot 3, Block 1 is a community well lot. No livestock within 500' and no sewer systems within 1500' of the well will be allowed.

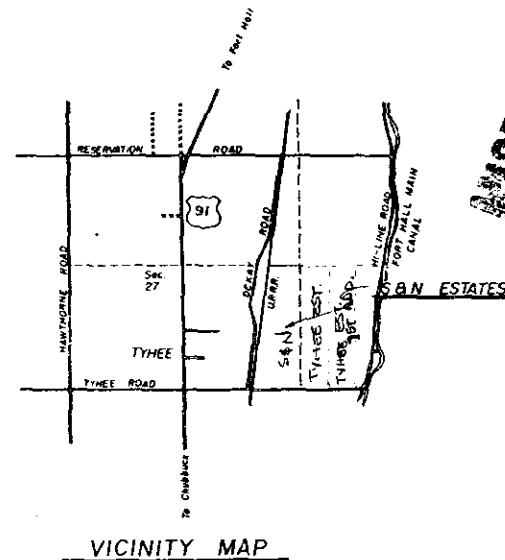
NOTE: SANITARY RESTRICTIONS IN FORCE UNDER TITLE 50, CHAPTER 13, IDAHO CODE.

SEE SKETCH FOR WELL LOT BEARINGS AND DISTANCES.

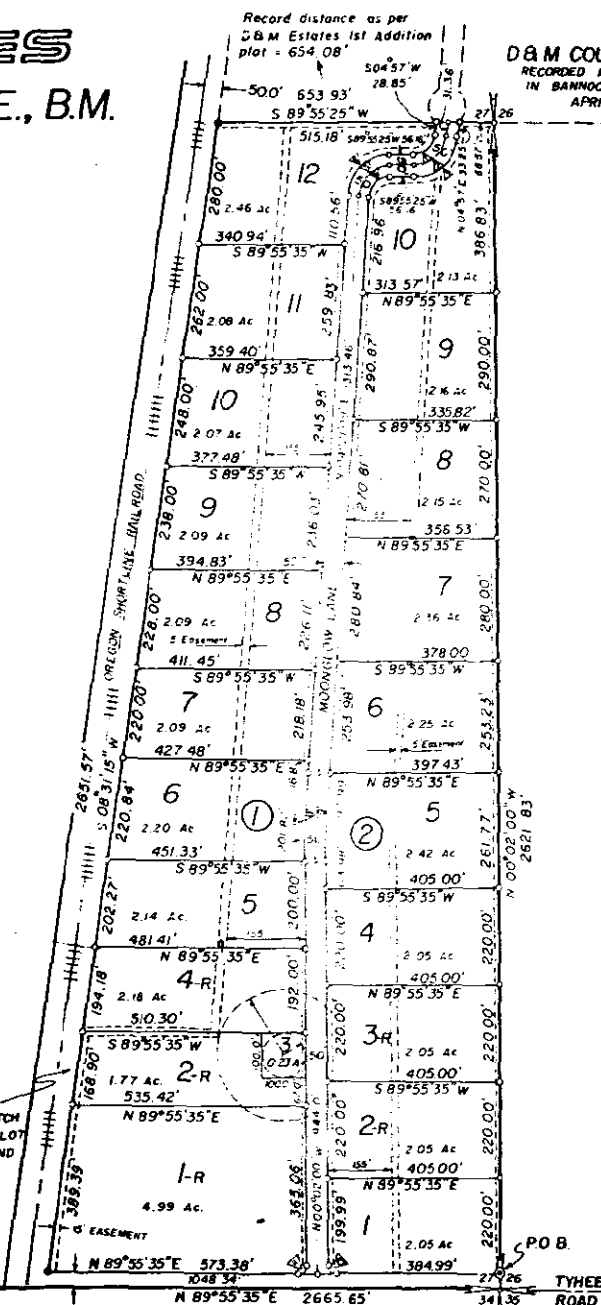


Record distance as per
D&M Estates 1st Addition
plot = 654.08'

D&M COUNTRY ESTATES 1st Add.
RECORDED IN BOOK 9, PAGE 37
IN BANNOCK COUNTY, IDAHO
APRIL 5, 1976



RECORDED
JUN 29 1995



Roadway width = 50.0'
All easements are 10' unless otherwise noted.
Lot dimensions are to PC's of curves unless otherwise detailed

CURVE DATA					
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD	TANGENT
1	84°58'25"	50.00'	74.15'	67.54'	45.80'
2	84°58'25"	75.00'	111.23'	101.31'	68.69'
3	84°58'25"	100.00'	148.31'	135.08'	91.59'
4	85°34'16"	100.00'	149.35'	135.85'	92.55'
5	85°34'16"	75.00'	112.01'	101.89'	69.42'
6	85°34'16"	50.00'	74.67'	67.93'	46.28'
7	4°23'09"	2636.49'	201.82'	201.77'	100.96'
8	4°23'09"	2611.49'	199.90'	199.85'	100.00'
9	4°23'09"	2586.49'	197.99'	197.94'	99.04'
10	90°02'25"	20.00'	31.43'	28.29'	20.01'
11	89°57'35"	20.00'	31.40'	28.27'	19.99'

RECEIVED

MAY 22 1995

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only

\$50 Fee Received by WJ

Date 4-11-95

Receipt No. 0032452

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 29-08130

Name(s) of Permit Holder: Albers, Inc. (Richard Albers, President)

Mailing Address: 57-464 Interlochen Dr., LaQuinta, Ca. 92253

Date Proof is Due: _____ Telephone No. 1-619-771-5401

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Re: Letter of 03/30/95

and check for \$50.00

Construction of all necessary improvements for a 51 lot residential development

i.e., water and sewer lines, streets, etc., have been completed. The sub-

division plats "Tyhee Estates" and "Tyhee Estates, 1st Addition", have been

recorded. Several of the lots have been sold and new homes are under

construction.

Costing \$ 365,000.00/

(plus \$25,000.00 to complete 2nd water source.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Due to a change in the scope of the project, we have had to develop new

engineering drawings, obtain different easements for the power line and

negotiate a new agreement with the homeowners. We will also have to obtain

an amendment to our original permit to change the point of diversion.

Permit holder(s) request an extension to August 1, 19 95.

FEE: \$50.00

(Signature)*

*If other than permit holder, Power of Attorney must be shown.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MAY 30 1995

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to **March 1, 1996.**

IT IS FURTHER HEREBY ORDERED that the permit is reinstated and the priority date is advanced to **February 22, 1994.**

Signed this 24th day of May, 19 95

Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-08130

Proposed Priority: January 12, 1994

Maximum Diversion Rate:

0.23 CFS

This is to certify, that **ALBERS INC**
54-550 RIVIERA
LAQUINTA CA 92253

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	0.23 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SESWSW , Sec. 26, Township 05S, Range 34E
BANNOCK County

PLACE OF USE: DOMESTIC

TWN RGE SEC

05S 34E 26	NWSW	SWSW
------------	------	------

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1995.
2. Subject to all prior water rights.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Construction of the well must comply with Idaho well construction standards.
6. Domestic use is for 26 homes.
7. The domestic use authorized under this permit shall not exceed 13,000 gallons per day per dwelling in accordance with Section 42-111, Idaho Code.
8. This permit authorizes irrigation of up to 1/2 acre within each platted subdivision lot upon which a domestic dwelling has been constructed.

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

11th day of March, 1994.

RECEIVED

APR 07 1994

R. Keith Higginson
R. Keith Higginson, Director

for

Feb 4 5:20

Ident. No. 29-8130

RECEIVED
FEB 17 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant Albers, Inc. Phone (619) 771-5401

Post office address 54-550 Riviera, LaQuinta, Ca. 92253

2. Source of water supply Ground Water which is a tributary of N/A

3. Location of point of diversion is S.E. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$, Govt. Lot _____
Sec. 26 Township 5 S. Range 34 E. B.M. Bannock County; additional
points of diversion if any: Domestic well for a residential subdivision

4. Water will be used for the following purposes:

Amount 0.23 for Domestic purposes from Jan. 1 to Dec. 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) 0.23 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 to subdivision lots

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 8 inches; proposed depth of well is 175 feet.

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? _____; Drilling firm _____

Well was drilled for (well owner) _____

APR 07 1994

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

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. 26 Lot (see enclosed subdivision plat.)
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	34E	26										D	D						

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Albers, Inc.

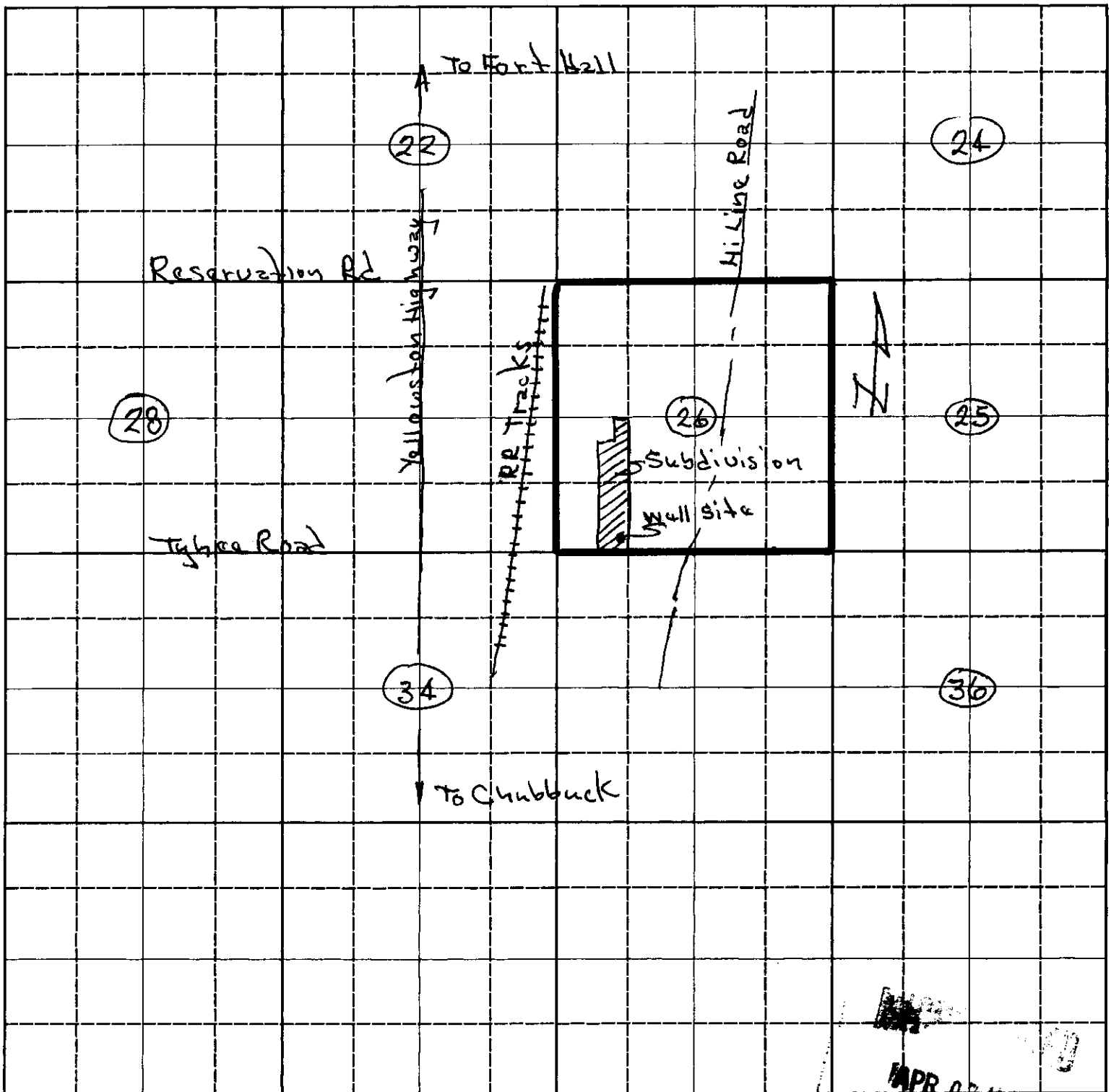
b. Who owns the land to be irrigated or place of use? Albers, Inc.

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

12. Remarks: Albers, Inc. developed a well and central water system in 1993 (Permit #29-08110) for an adjacent 25 lot subdivision, Tyhee Estates. This application is for a well to be developed to serve 26 lots, Tyhee Estates 1st Addition. The two water systems will be interconnected to create a central water system which will serve a total of 51 lots. Idaho code requires a water system serving more than 25 lots have two sources of water (two wells).

APR 07 1994

13. 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.

Albers Incorporated
(Applicant)

Richard A. Albers Pres

APR 07 1994

Received by LB Date 1-12-94 Time 12:49 Preliminary check by _____
Fee \$ 45⁰⁰ Receipted by HWT # EA9420 Date 1-12-94
Publication prepared by LB Date 1-20-94 Published in 10 State Trn/
Publication approved LB Date 2-14-94

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. _____, and said application is hereby _____.

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 _____, 19 ____.

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. The water right acquired under this permit if 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 permit 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 permit.

e. Other:

APR 07 1994

May 10, 1996

TYHEE ESTATES WATER CO INC
13234 N BILLY LN
POCATELLO ID 83202

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-08130

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.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
MAY 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 18, 1996

Tyhee Estates Water Co.
13234 N. Billie Ln.
Pocatello, ID 83202-5179

RE: Water Right No. 29-08130

I am in receipt of the Proof of Beneficial Use form submitted in connection with the above referenced water right permit. Before I can complete my review of the proof, I need some additional information.

A drilling permit is required for all wells drilled, deepened or enlarged after July 1, 1987, (Section 42-235, Idaho Code). I have been unable to locate a drilling permit or a well log for the well drilled in connection with this permit.

You will need to submit a copy of the drilling permit to the department. The well log should have been submitted by the driller within 30 days of the completion of the well. If you have a copy of the well log, please submit that as well. If you do not, please contact your driller and ask that he submit a copy.

Please return the requested information within 30 days of receipt of this mailing. **Please address your correspondence to my attention.**

If you have any questions concerning this matter, please contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

RECEIVED
MAY 22 1996

March 13, 1996

Tyhee Estates Water Co., Inc.
13234 N. Billy Ln.
Pocatello, ID 83202

PROOF DUE NOTICE

RE: Permit No. 29-08130

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 May 13, 1996. Enclosed is a form which when accompanied by the license examination fee or a complete 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 days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

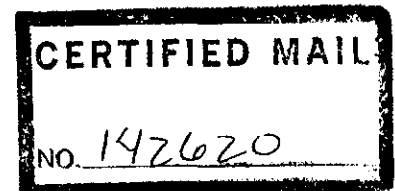
Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

[Handwritten signature]

MAY 22 1996





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 12, 1996

Tyhee Estates Water Company, Inc.
13234 N. Billy Ln.
Pocatello, ID 83202

RE: Water Right Permit No. 29-08130

Dear Permit Holder:

I have enclosed a copy of the Order Extending the Proof of Beneficial Use date for the above referenced water right permit. In October of 1995, Albers, Inc. assigned this water right to you, however, the Assignment was not processed until January 1996. On December 31, 1995, I mailed a Proof Due Notice to Albers, Inc., since I was unaware that the permit had been assigned to a new owner.

The enclosed order extends the proof due date to may 13, 1996. I will be sending you a Proof Due Notice and the forms needed to file proof by certified mail under separate cover.

If you have any questions regarding this matter, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

cc: IDWR - E. Region

RECEIVED
MAR 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

March 12, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Albers, Inc.
P.O. Box 1656
LaQuinta, CA 92253

RE: Permit No. 29-08130

To Whom it May Concern:

I have returned the Proof of Beneficial Use statement which you submitted for the above referenced water right. The water right file indicates that this right was assigned to Tyhee Estates Water Company, Inc. The proof due notice should have been sent to the new permit holder, however, it was mailed to you by mistake.

I have initiated the process to refund the \$100.00 exam fee submitted with the proof. The refund process takes approximately seven (7) to ten (10) days and will arrive under separate cover.

If you have any questions concerning this matter, please contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region, Fiscal

MAY 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JANUARY 19, 1996

TYHEE ESTATES WATER CO INC
13234 N BILLY LN
POCATELLO ID 83202

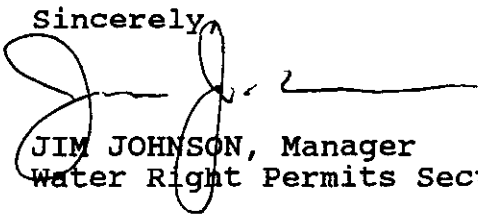
RE: Permit Nos. 29-08110 and 29-08130

Dear Permit Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water rights to you. We have modified our computer records to reflect these changes in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

MICROFILMED

JAN 30 1996

MAY 22 1996

December 31, 1995

ALBERS INC
80-396 PEBBLE BEACH DR
LA QUINTA CA 92253

PROOF DUE NOTICE

RE: PERMIT NO. 29-08130

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 1, 1996.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

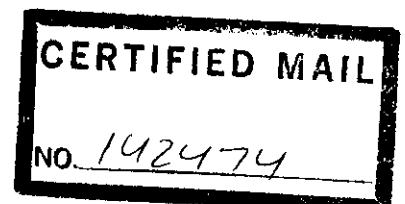
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
MAY 22 1996



MEMORANDUM

DATE: November 8, 1995
TO: File Nos. 29-08110 & 29-08130
FROM: Cindy Zimmerman^{CS}.
SUBJECT: Telephone conversation

=====

Per telecon today with Dale, he will send a listing of corporate officers and a copy of the current certificate of incorporation this week. He has requested we hold further action on this assignment for two weeks so that he may have time to submit the information.

JAN 30 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

October 19, 1995

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

TYHEE ESTATES WATER CO INC
13234 N BILLY LN
POCATELLO ID 83202

RE: Permit Nos. 29-08110 & 29-08130

Dear Sirs:

I received assignments on the above permits for final review. However, due to the requirement of Water Allocation Rule 035.03.b.i., I need a list of the names, titles, and addresses of all the officers and/or partners of Tyhee Estates Water Co. Inc., and a copy of the current certificate of incorporation.

I will hold further processing on your assignments for 14 days pending your response. Please submit this information as quickly as possible within the 14-day period to prevent any further undue delay in processing your assignments.

If you have any questions, please contact me directly at (208) 327-7944.

Sincerely,

Cindy Zimmerman
Water Resource Agent

JAN 20 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JUNE 28, 1995

ALBERS INC
10250 OAKSHIRE DR
CARMEL CA 93923-8583

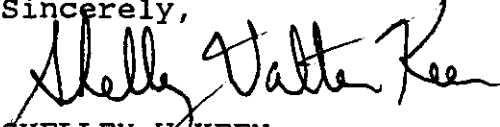
RE: Permit No. 29-08130

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this document, please feel free to contact us.

Sincerely,


SHELLEY W. KEEN
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED
JUN 29 1995

AMENDMENT OF PERMIT REVIEW

Reviewed by Cindy Zimmerman

on 6/19/96

from within ESRP Aquifer
to existing well (license 29-7549)
within ESRP Aquifer.

PERMIT NO. 29-8130 NAME Albers, Alne. Ad OK? ☒

TYPE: A = AMENDED E = CHANGE N/U I = CHANGE P/D & P/U
B = CHANGE P/D F = CHANGE Per/U J = ADD P/D & CHANGE P/U
C = ADD P/D G = OTHER
D = CHANGE P/U H = CHANGE P/D & + P/D

AREA OF CONCERN: ESRP Mor GWMA Trust/Non-trustB/U PROOF DUE DATE: 3/1/96 Submitted? Yes/No Due -6 months? Yes/No**SURFACE WATER: <flow chart>**

In Water District - 005; WD No. _____
+ 0.2 cfs - 01J
- 0.2 cfs - 01H
Not in WD; +0.2 cfs - 01M
-0.2 cfs - No MD

GROUNDWATER: <flow chart>

+ 0.2 cfs - 01M ~~NEW~~
- 0.2 cfs - No MD
Drilling Permit - Included? No. _____
- ~~Not included? 046-46B (comp. permit)~~
- NA existing well

LOCATION:

Swan Falls Flag - C (1, Blank or Other)
Trust - 051-052-053 (Consumptive Uses); NA
Non Trust <1> - 048-049; NA

RIVER BASINS (Surface Water)

Boise (63) - 05A & 11E, N/A
Payette (65) - 047 (Payette Lake), 064 (consump. use), NA
Snake (01, 02 & 03) - 11A (01), 061 (02/03 No WD Cond.), NA

USE:

Fish Propagation - 06A/09E/010 (WQ/Choose One), 042-002,
- 07A (Spec.), 044 (Policy 5G)
Power - _____ (Use Power Review)
Mining - 06A/010/09E (WQ) & 054 (req.)
Storage (3 comp?) - 18A (multi MD in WD), 18B (+10' dam)
Domestic - 021 (Boise R ↑ L Peak), 064 (Payette R)

NON LAND OWNER**PROTEST AGREEMENT**

- 004 ^{new} - P/d owned by SEN Water Assn. / agreement.
- 020

Recommended conditions same as on the permit or subsequent amendment(s)
to the permit? Yes _____ Yes + cond ☒ No _____

Conditions of Approval: Standard, 01M, 004
(do not include any conditions already on permit)

Comments change P/d to existing well in order to combine system
with adjoining subdivision.

PROOF OF PUBLICATION

RECEIVED

JUN 09 1995

STATE OF IDAHO }
County of Bannock } ss.

Department of Water Resources
Eastern District Office

LORI A SEKOT

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

JUNE 1	19 95	19
JUNE 8	19 95	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning of
the laws of Idaho.

Lori A. Sekot

STATE OF IDAHO

COUNTY OF Bannock

On this 8TH day of JUNE in the year of 1995,
before me, a Notary Public, personally appeared

LORI A SEKOT

, 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 he executed the same.

Notary Public for Idaho

Residing at POCATELLO

commission expires JULY 1997

Notice is hereby given that Permit No. 29-08130, in the name of Albera Inc., 84-550 Riviera, Laguna, CA 92253 was issued for the diversion of 23 cfs of water from a groundwater source with the point of diversion within the SESW, SEC 26, T05S, R34E, Bannock County, Idaho, to be used for domestic purposes from 01-01 to 12-31 within the NWSW, SEC 27, T05S, R34E, Bannock County.

The permit holder now proposes to amend Permit No. 29-08130, changing the point of diversion to the SESW, SEC 27, T05S, R34E, Bannock County.

Any protest to the proposed amending of the permit must be filed, along with a \$25 fee, with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, on or before June 12, 1995.

R. KEITH HIGGINSON, Director

Published in the Idaho State Journal on June 1, 8, 1995.

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07505

MERRILL, GLEN
PO BOX 22
SWANILANE, ID 83281

Source: STOCKTON
Diversion Pt: SENW Sec 6T 13S R39E in BANNOCK County.

Use: IRRIGATION STORAGE (10.00AF)
IRRIGATION FROM STORAGE (10.00 AF)
DIVERSION TO STORAGE: (0.500CFS)
TOTAL DIVERSION: (0.500CFS) (10.00AF)

Dated Filed: 1/14/1993
In: BANNOCK County
T13S R39E, S14 NESW NESE NWSE SESE
46.0 ACRES TOTAL 25-07641

BROWN, NELLIE A
BOX 63
IRWIN, ID 83428

Source: SPRING CREEK
Diversion Pt: SENW Sec 21 T02N R41E in BANNOCK County.

USE: STOCKWATER (0.050 CFS)
Diversion: (0.050 CFS)

Date Filed: 6/22/1995
In: BANNOCK COUNTY
T02N R41E S21 SEBW

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before JUNE 12, 1995.

KARL J. DREHER, Director

RECORDED

JUN 29 1995

PROOF OF PUBLICATION

RECEIVED

JUN 09 1995

STATE OF IDAHO }
County of Bannock } ss.

Department of Water Resources
Eastern District Office

LORI A SEKOT

NOTICE OF PROPOSED AMENDING OF WATER PERMIT 29-08130

Notice is hereby given that Permit No. 29-08130 in the name of Albers Inc., 54-550 Riviera, Laquinta, CA 92253 was issued for the diversion of .23 cfs of water from a groundwater source with the point of diversion within the SESWSW, SEC 26, T05S, R34E, Bannock County; to be used for domestic purposes from 01-01 to 12-31 within the NWSW, SWSW, S26, T05S, R34E, B.M.

The permit holder now proposes to amend Permit No. 29-08130, changing the point of diversion to the SESESE, SEC 27, T05S, R34E, Bannock County.

Any protest to the proposed amending of the permit must be filed, along with a \$25 fee, with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, on or before June 12, 1995
R. KEITH HIGGINSON, Director,

Published in the Idaho State Journal on June 1, 8, 1995

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:
13-07505

MERRILL, GLEN
PO BOX 22
SWAN LAKE, ID 83281

Source: STOCKTON CREEK
Tributary: OXFORD SLOUGH
Diversion Pt: SENW Sec 6T 13S R39E in BANNOCK County.

Use: IRRIGATION STORAGE (10.00AF)
IRRIGATION FROM STORAGE (10.00 AF)
DIVERSION TO STORAGE: (0.500CFS)
TOTAL DIVERSION: (0.500CFS)(10.00AF)

Dated Filed: 1/14/1993
In: BANNOCK County
T13S R39E, S14 NESW NESE NWSE SESE
46.0 ACRES TOTAL
25-07641

BROWN NELLIE A
BOX 63
IRWIN, ID 83428

Source: SPRING CREEK
Tributary MEADOW CREEK
Diversion Pt: SESW Sec 21 T02N R41E in BANNOCK County.
USE: STOCKWATER (0.050 CFS)
Total Diversion: (0.050 CFS)

Date Filed: 5/22/1995
In: BANNOCK COUNTY
T02N R41E S21 SESW

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before JUNE 12, 1995.

KARL J. DREHER, Director

Published: 6/1/1995 and 6/8/1995
June 1, 8
LN488

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

JUNE 1	19 95	19
JUNE 8	19 95	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Lori A. Sekot

STATE OF IDAHO

COUNTY OF Bannock

On this 8TH day of JUNE in the year of 1995, before me, a Notary Public, personally appeared

LORI A SEKOT, 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 he executed the same.

Joe L. Larsen
Notary Public for Idaho

Residing at POCATELLO

commission expires: JULY 1997

RECORDED

JUN 29 1995

NOTICE OF PROPOSED AMENDING OF WATER PERMIT
29-08130

Notice is hereby given that Permit No. 29-08130 in the name of Albers Inc., 54-550 Riviera, Laquinta, CA 92253 was issued for the diversion of .23 cfs of water from a groundwater source with the point of diversion within the SESWSW, SEC 26, T05S, R34E, Bannock County; to be used for domestic purposes from 01-01 to 12-31 within the NWSW, SWSW, S26, T05S, R34E, B.M.

The permit holder now proposes to amend Permit No. 29-08130, changing the point of diversion to the SESESE, SEC 27, T05S, R34E, Bannock County.

Any protest to the proposed amending of the permit must be filed, along with a \$25 fee, with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, on or before June 12, 1995.

R. Keith Higginson
Director

Published in the Idaho State Journal on June 1 & 8, 1995.

MICROFILMED

JUN 29 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 2, 1995

ALBERS INC
80-396 PEBBLE BEACH DR
LAQUINTA CA 92253

RE: Application for Amendment of Permit No. 29-08130

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Idaho State Journal on June 1 & 8, 1995. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb

RECEIVED

JUN 29 1995

SHURTLIFF
ENGINEERING

426 W. Lewis · P.O. Box 11 · Pocatello, Idaho 83204-0011 · (208) 233-1963

May 15, 1995

Idaho Dept. of Water Resources
150 Shoup Ave.
Idaho Falls, Idaho 83204

RE: Permit #29-08130
Application for Amendment of a Permit

RECEIVED

MAY 18 1995

Department of Water Resources
Eastern District Office

Dear Sir:

An application for "Amendment Of A Permit" is enclosed for Albers, Inc., developer for Tyhee Estates and Tyhee Estates, 1st Addition. Albers, Inc. are proposing to combine the existing S & N water system with the new Tyhee Estates system to form one. Merging the two systems appears to be to the benefit of all parties involved. It will save the need of drilling a new well to satisfy the requirements of the Tyhee system. It will provide for the upgrading of the existing S & N pumping system which is now several years old, and it will create a combined system serving 69 residential lots which should reduce the per lot cost of operating and maintaining the system. To accomplish the merge we will need to amend permit #29-08130 to change the point of diversion to the S & N Well. (Please see attached narrative).

Thank you for your immediate attention in this matter.

Sincerely,


Tim Shurtliff, P.E./L.S.

RECORDED

JUN 29 1995

Albers, Inc. owned the W 1/2 of the SW 1/4 of Section 26, Township 5 South, Range 34 East, Boise Meridian, Bannock County, Idaho. In 1992 Albers, Inc. obtained permission from the City of Chubbuck and Bannock County to subdivide the area into 51 residential lots. Development of the area was to be completed in two phases. The developer was to construct, among other things, a central water system to serve the area.

WORK ON PROJECT TO DATE

PHASE ONE: A permit to appropriate water, permit No. 29-08110 was obtained. Construction drawings and a subdivision plat for the first phase of the project (25 lots known as Tyhee Estates) was prepared and processed through the various regulatory agencies. The subdivision plat was recorded and the required improvements, including a new well, constructed in 1993 (copy of subdivision plat enclosed).

PHASE TWO: A permit to appropriate water, permit No. 29-08130 was obtained. Construction drawings and a subdivision plat for the second phase of the project (26 lots known as Tyhee Estates First Addition) was prepared and processed through the various regulatory agencies (Bannock County, the City of Chubbuck, the Division of Environmental Quality, and the District Health Department). The subdivision plat was recorded and the required improvements, except the well, constructed in 1994 (copy of subdivision plat enclosed). Idaho code requires, a water system serving more than 25 lots, to have two or more sources of water, wells or etc.

The construction plans for the second phase (Tyhee Estates First Addition) included expanding the existing water system (the system developed for phase one, Tyhee Estates) and developing a new well to provide the additional flow requirements. Construction of the proposed improvements, including a new well, would have satisfied the requirement of developing a water system to serve the entire 51 residential lots (Tyhee Estates and Tyhee Estates First Addition). However, after construction of the second phase of the project was started, a proposal was made to merge the Tyhee Estates water system with the system owned by S & N Estates, an adjacent residential subdivision. Drilling a new well was postponed and the feasibility of merging the two systems explored.

S & N Estates, platted in 1980 is located in the E 1/2 of the SE 1/4 of Section 27, Township 5 South, Range 34 East, Boise Meridian, adjacent to and west of the Tyhee Estates projects. The S & N water system serves 18 residential lots. The S & N system has an excellent 12/10-inch diameter well, more than capable of meeting the needs of the area. The existing pumping system is several years old and needs upgraded. All water main lines are 6-inch diameter and in good condition.

Merging the two systems appears to be to the benefit of all parties involved. It will save the need of drilling a new well to satisfy the requirements of the Tyhee system, it will provide for the upgrading of the existing S & N pumping system which is now several years old, and it will create a combined system serving 69 residential lots which should reduce the per lot cost of operating and maintaining the system.

RECEIVED
JUN 29 1995

In that the merger appears to be favorable to the parties involved, we have had our attorney prepare a water Consolidation Merger Agreement for the Tyhee Estates Water Co. and S & N Water Association, Inc. (copy of agreement enclosed). We have had our engineer prepare engineering drawings for the upgrade of the S & N pumping system and the improvements necessary to interlink the systems. Idaho Power has designed the necessary power transmission system and secured the necessary easements to extend three phase power to the existing S & N pump house.

We are now making application to amend our water permit, permit No. 29-08130 to change the point of diversion from the previously proposed well site (located in the SW1/4 SW 1/4 of Section 26) to the existing S & N well (located in the SE 1/4 SE 1/4 of Section 27). Due to the time required to explore the possibilities of merging the two systems and to develop the necessary design drawings, agreements, and etc., we are also asking for an extension in the allotted time to develop the point of diversion.

All of the land in the area, owned by Albers, Inc. has been subdivided and the subdivision plats recorded. Construction of all of the required improvements (streets, water lines, power lines, gas lines, telephone lines, and etc.), except the second source of water has been completed. Several of the lots have been sold and new homes are now under construction in the area. The required second source of water needs to be developed and added to the system as soon as possible.

RECEIVED
JUN 29 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 24, 1995

Albers, Inc.
57-464 Interlochen Dr.
LaQuinta, CA 92253

RE: Permit No. 29-08130

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to **March 1, 1996**. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department will not be able to grant additional requests based on due diligence.

Please be advised that since the extension was received after the proof due date, it was necessary for the department to reinstate your permit and advance your priority date to February 22, 1994.

If you have any questions or if I can be of any assistance, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECORDED
MAY 30 1995

RECEIVED
APR 11 1995 March 30, 1995
Department of Water Resources

L. Glen Saxton
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

Albers, Inc.
80-396 Pebble Beach Dr.
LaQuinta, Ca. 92253

RE: Permit No. 29-08130

Dear Mr. Saxton:

A request for an extension of time along with other supplementary information and the required \$50.00 fee, is enclosed. An application for an amendment to the permit (to change the point of diversion) is being sent to the Idaho Falls office of the Department of Water Resources.

It has taken longer than we anticipated to obtain the necessary approvals of the various agencies involved and to construct all of the improvements necessary for our 51 lot residential development. However, construction of all of the improvements, except the additional water source is now complete. The water lines, streets, and etc. are in place. The subdivision plats (Tyhee Estates and Tyhee Estates First Addition) have been recorded, several of the lots have been sold, and new homes are now under construction.

All of the water appropriated by permit No. 29-08110 and permit No. 29-08130 will be required to meet the domestic needs of the area when it is fully developed, i.e. the homes are all occupied. Please review the supplementary information attached. A lot of time and money has been invested in this project and we would like to bring it to completion as soon as possible. We have developed a project that will be an asset to the entire community. The water appropriated through permit No. 2908130 is required to meet the needs of the platted lots and the homes now under construction.

Please direct any question you have and copies of any correspondence to our engineer - Tim Shurtliff, Shurtliff Engineering, P.O. Box 11, Pocatello, Idaho 83204-0011, Telephone No. (208) 233-1963.

Thank you for your consideration in this matter.

Sincerely,

Richard Albers

Richard Albers
President

MAY 30 1995

Albers, Inc. owned the W 1/2 of the SW 1/4 of Section 26, Township 5 South, Range 34 East, Boise Meridian, Bannock County, Idaho. In 1992 Albers, Inc. obtained permission from the City of Chubbuck and Bannock County to subdivide the area into 51 residential lots. Development of the area was to be completed in two phases. The developer was to construct, among other things, a central water system to serve the area.

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RECEIVED

MAY 30 1995

In that the merger appears to be favorable to the parties involved, we have had our attorney prepare a water Consolidation Merger Agreement for the Tyhee Estates Water Co. and S & N Water Association, Inc. (copy of agreement enclosed). We have had our engineer prepare engineering drawings for the upgrade of the S & N pumping system and the improvements necessary to interlink the systems. Idaho Power has designed the necessary power transmission system and secured the necessary easements to extend three phase power to the existing S & N pump house.

We are now making application to amend our water permit, permit No. 29-08130 to change the point of diversion from the previously proposed well site (located in the SW 1/4 SW 1/4 of Section 26) to the existing S & N well (located in the SE 1/4 SE 1/4 of Section 27). Due to the time required to explore the possibilities of merging the two systems and to develop the necessary design drawings, agreements, and etc., we are also asking for an extension in the allotted time to develop the point of diversion.

All of the land in the area, owned by Albers, Inc. has been subdivided and the subdivision plats recorded. Construction of all of the required improvements (streets, water lines, power lines, gas lines, telephone lines, and etc.), except the second source of water has been completed. Several of the lots have been sold and new homes are now under construction in the area. The required second source of water needs to be developed and added to the system as soon as possible.

MAY 30 1995

WATER CONSOLIDATION MERGER AGREEMENT

Tyhee Estates Water Company, Inc., an Idaho Corporation and S & N Water Association, Inc., a water delivery association, hereby agree and contract as follows:

WHEREAS, Tyhee Estates and its Addition have a functional proven well, and;

WHEREAS, S & N Water Association, Inc. has an existing and proven well, and;

WHEREAS, it is mutually beneficial for both entities to have a shared, joined and merged culinary water delivery system where individual lots in Tyhee Estates and its Addition and S & N Estates, shall use in common that water delivery system.

I. ORGANIC AGREEMENTS

The Articles of Incorporation of Tyhee Estates Water Company, Inc., its associated By-laws and restrictive covenants for Tyhee Estates Subdivision and Addition (hereinafter referred to as Tyhee Estates), Bannock County, Idaho and the Declaration of Covenants of Articles of Incorporation of S & N Water Association, Inc. (hereinafter referred to as S & N) shall be binding and continue to exist except to the extent that they are directly in contravention of this agreement. As to any contradictory language this contract and agreement shall take precedence.

It is the intent and purpose of this contract and agreement to merge connect and integrate the two culinary water delivery systems together to be operated as one system for the benefit of the development of S & N and Tyhee Estates and Tyhee Estates Addition. In so doing, each entity shall designate one individual to act as a part of a three person management committee which shall manage the distribution of water, the two designated representatives shall then select a third party who is mutually acceptable to each to complete the third party on the

MAY 30 1995

executive committee. The executive committee shall be appointed at the annual meeting of each of the organizations.

II. COSTS EQUALLY SHARED AMONG LOT HOLDERS

Each lot holder shall be assessed and apportioned appropriate costs for maintenance and operation including improvements and repairs of the culinary water delivery system on a pro rata basis. Costs shall be calculated annually, not later than May 1 of each year by the executive committee reasonably reflecting costs of operation, maintenance, repair and replacement of pipe, pumps, electricity, inspection, testing and other costs associated with the operation of the culinary systems in the subdivisions.

Annual assessments, which may be paid monthly if so provided by resolution, shall be in compliance with Section VIII of the By-Laws of Tyhee Estates Water Corporation and Article XVI of the S & N Water Association. It is further agreed that with regard to the culinary water system, the use of said water shall be limited to not more than 1/3 acre yard immediately adjacent to the house. It is further agreed that each lot holder of Tyhee Estates and its Addition and S & N shall be bound by the terms of this agreement and the respective Articles of Incorporation, By-Laws and Restrictive Covenants except as they may be inconsistent with this agreement.

III. IRRIGATION WATER

S & N Water Association controls distribution of irrigation waters from the Fort Hall Canal Company through open ditches. Tyhee Estates Water Corporation provides irrigation waters from Fort Hall Canal Company to its members through a sealed pressurized system. Tyhee Estates and its Additions specifically prohibit flood irrigation of the lots. Any lot owner

of S & N desiring to connect to the Tyhee Estates pressurized irrigation system shall be permitted to do so provided they pay all actual connection costs at the time of connection and share a pro rata costs for the upkeep maintenance, repair and operation of the pressurized irrigation system consistent with payments made with other Lot owners of the Tyhee Estates.

By utilizing the pressurized system of Tyhee Estates Water Corporation, those individuals from S & N connecting into the system shall enjoy the same rights and subject to the same liabilities and responsibilities as those individual Lot owners of Tyhee Estates.

This agreement shall be recorded with the Bannock County Recorders Office and shall be referenced to both Tyhee Estates Subdivision and also S & N Estates Subdivision.

This agreement may be adopted, amended or modified by the mutual content of 2/3 vote of Shareholders of Tyhee Estates Water Corporation or by the Board of Directors or by 2/3 affirmative vote of the Shareholders of S & N Estates Subdivision.

DATED this ____ day of June, 1994.

Signatures and Names

Street Address

Signature

Street

Name (please print)
.....

City/Town

State

Zip

Signature

Street

Name (please print)

City/Town

State

Zip

92-1072

WATER CONSOLIDATION MERGER AGREEMENT

Page 3
MAY 30 1995

Signature

Street

Name (please print)

City/Town

State

Zip

Signature

Street

Name (please print)

City/Town

State

Zip

Signature

Street

Name (please print)

City/Town

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City/Town

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Zip

RECORDED
MAY 30 1995

Signature

Street

Name (please print)
.....

City/Town

State

Zip

Signature

Street

Name (please print)

City/Town

State

Zip

S&N ESTATES

in Section 27, T.5S., R.34E., B.M.

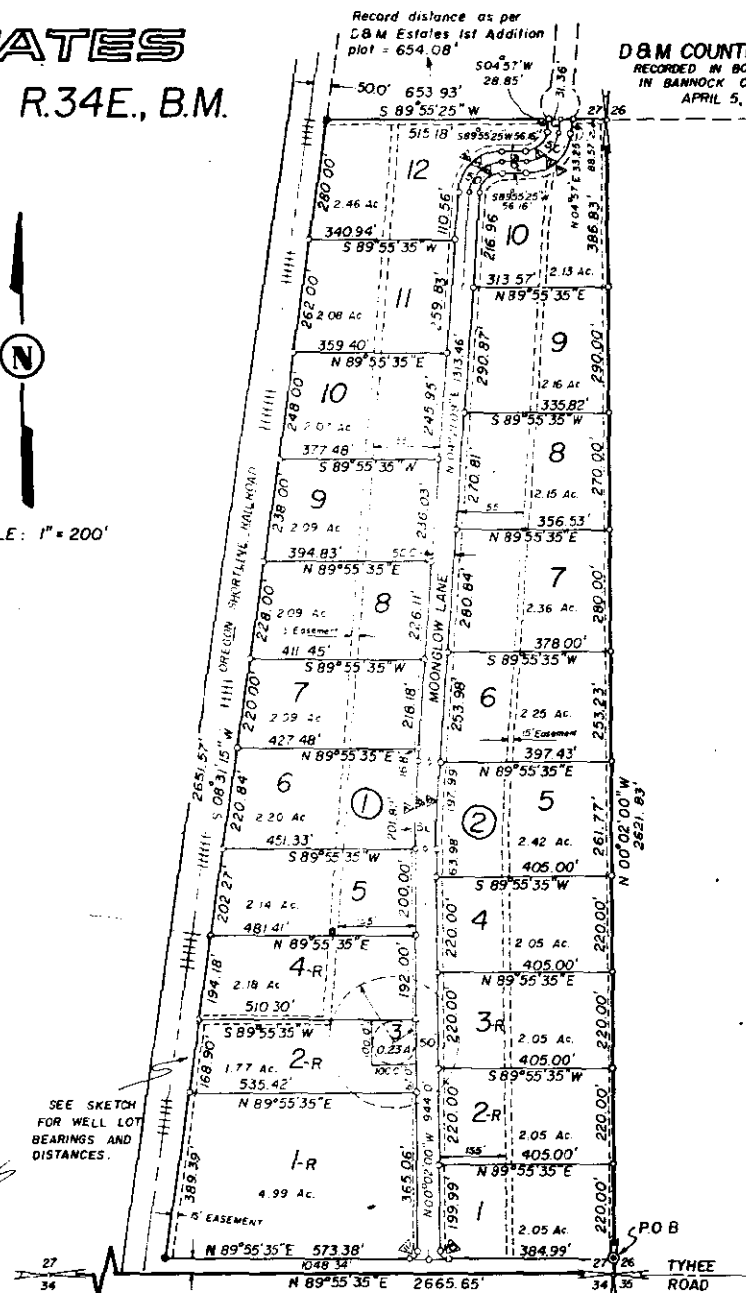
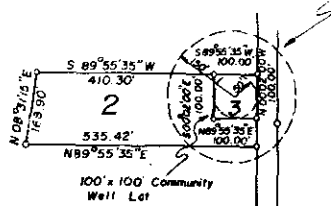
LEGEND

Section Control Points
1/2" Iron Rod
Curve No.
Point of Beginning
Easement Line
5/8" Iron Rod
ad line
b. No.

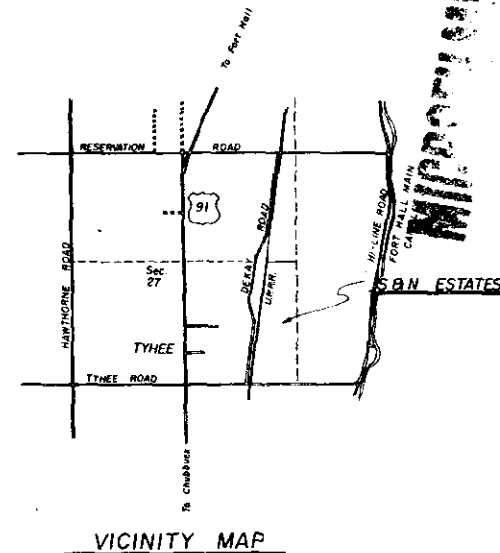
SCALE: 1" = 200'

Note: Lot 3, Block 1 is a community well lot. No livestock within 50.0' and no sewer systems within 150.0' of the well will be allowed.

NOTE: SANITARY RESTRICTIONS IN FORCE UNDER TITLE 50, CHAPTER 13, IDAHO CODE.



D&M COUNTRY ESTATES 1st Add.
RECORDED IN BOOK 9, PAGE 37
IN BANNOCK COUNTY, IDAHO
APRIL 5, 1976



CURVE DATA				
CURVE NO.	DELTA	RADIUS	LENGTH	TANGENT
1	84°58'25"	50.00'	74.15'	67.54'
2	84°58'25"	75.00'	111.23'	101.31'
3	84°58'25"	100.00'	148.31'	135.08'
4	85°34'16"	100.00'	149.35'	135.85'
5	85°34'16"	75.00'	112.01'	101.89'
6	85°34'16"	50.00'	74.67'	67.93'
7	4°23'09"	2636.49'	201.82'	201.77'
8	4°23'09"	2611.49'	199.90'	199.85'
9	4°23'09"	2586.49'	197.99'	197.94'
10	90°02'25"	20.00'	31.43'	28.29'
11	89°57'35"	20.00'	31.40'	28.27'

S & N ESTATES in
Section 27, T.5 S., R.34 E., B.M. Bannock County, Idaho

DEED OF DEDICATION

BE IT KNOWN THAT G.KENT SHIOZAWA and
NANCY LYNN SHIOZAWA

do hereby certify that we are the legal owners of the property
shown hereon and being described as:

Part of Section 27, T.5 S., R.34 E., Bannock County,
Idaho, described as:

Beginning at a point that is N 00°02'00"W 33.00'
feet along the section line from the SE corner of said
Section 27, and running thence N 00°02'00"W 2621.83'
feet along the section line to the East 1/4 corner of said
Section 27, thence S 89°55'25"W 653.93 feet, along the
South line of D.B.M. Country Estates, thence S 08°31'15"W
2651.57 feet along the Easterly line of the Union Pacific
Railroad right-of-way, thence N 89°55'35"E 1048.34 feet
parallel to the South section line of said Section 27 to
the point of beginning

I, D. Neil Morgan, a registered professional land surveyor in the State of Idaho,
do hereby certify that the survey of this subdivision, designated as the
S & N ESTATES SUBDIVISION
County, Idaho was made by me or under my direction, and the said
subdivision is truly and correctly stated as provided by law and in accordance
with the accompanying plat and as described in the deed of dedication.

D. NEIL MORGAN LICENSE NO. 806

State of IDAHO)
County of Bannock) SS

Subscribed and sworn to before me this
____ day of _____, 19 ____

My commission expires _____

COUNTY'S ACCEPTANCE

The accompanying plat was duly accepted and approved by the
Board of County Commissioners, and the land development board
Bannock County, Idaho, by resolution adopted this

____ day of _____, 19 ____

Tamel Horton

Date

11-18-80
Date

I certify that I have reviewed the plat
of S & N Estates and find that the
legal description on the plat conforms
to the drawing of the property to be
subdivided.

COUNTY ENGINEER

That we have caused the same to be subdivided into lots, blocks,
streets, and easements, to be known as S & N ESTATES
Bannock County, Idaho, and that we
hereby give, grant, and dedicate to the public for public use all streets
and easement shown hereon.

Witness our hands this 22nd day of October, 1980
G. Kent Shiozawa Nancy Lynn Shiozawa

TREASURER'S STATEMENT

Pursuant to 50-130B, Idaho Code, I Vivian Crozier
County Treasurer, do hereby certify that all county property
taxes due on this subdivision, both current and
delinquent, have been paid in full through DECEMBER 31, 1980

10-31-80
Date

Bannock County Treasurer

CITY'S ACCEPTANCE

The accompanying plat was duly accepted and approved by
the City Council of the City of Chubbuck, Idaho by resolution
adopted this ____ day of _____, 19 ____

Mayor

City Clerk

City Engineer

State of IDAHO)
County of BANNOCK) SS
On this 21st day of October, 1980, before me, "A
Notary Public", personally appeared,
G. Kent Shiozawa and Nancy Lynn Shiozawa

NOTARY PUBLIC

State of IDAHO)
County of BANNOCK) SS

On this 21st day of October, 1980, before me, "A
Notary Public", the undersigned personally appeared.

ENVIRONMENTAL HEALTH SPECIALIST

known to me to be a signer of the instrument & acknowledged
to me that he executed the same

NOTARY PUBLIC
My commission expires 2/1/81

RECORDER'S CERTIFICATE

I hereby certify that the foregoing plat of the S & N
County, Idaho, was
filed for record in the Office of the Recorder of _____ County,
Idaho, on the 21st day of November, 1980
at _____ P.M. and recorded in Plat Book No. _____
of page _____

County Recorder

HEALTH DEPT. CERTIFICATE

I hereby certify that sanitary restrictions required by Health Code
Title 50, chapter 13, section 50-1326 have been satisfied and this plat is
hereby approved for recording by filing of this certificate hereon.
Sanitary sewer restrictions will be released on a lot by lot basis.

Date

By: Environmental Health Specialist

Sheet 1 of 2

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

March 7, 1995

ALBERS INC
54-550 RIVIERA
LAQUINTA CA 92253

LAPSE NOTICE

RE: PERMIT NO. 29-08130

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated December 31, 1994. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

Enclosures

RECEIVED
MAY 30 1995

CERTIFICATION OF MAILING

I hereby certify that on 3-7-95
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

December 31, 1994

ALBERS INC
54-550 RIVIERA
LAQUINTA CA 92253

PROOF DUE NOTICE

RE: PERMIT NO. 29-08130

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 1, 1995.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

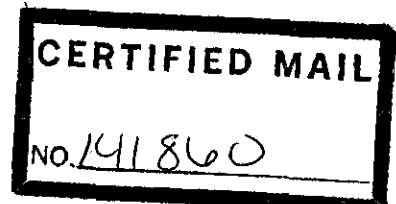
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

MAY 30 1995





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 16, 1994

ALBERS INC
54-550 RIVIERA
LAQUINTA CA 92253

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08130

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

If a well has not already been constructed you are required to obtain a "drilling permit" from the department. The right to drill a well is not a part of this permit to appropriate water.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECORDED

APR 07 1994

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

LORI A SEKOT

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-08130

ALBERS INC
54-550 RIVIERA
LAQUINTA, CA 92253

Source: GROUNDWATER

Diversion Pt:
SESWSW Sec 26 T 05S R 34 E in BANNOCK
County.

Use DOMESTIC (.230 CFS)
Total Diversion: (.230 CFS)

Date filed: 1-12-1994

In BANNOCK County
T05S R34E S26 NWSW SWSW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before FEBRUARY 7, 1994.

Jan. 20, 27, 1994 R. KEITH HIGGINSON, Director
LN 565

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

JANUARY 20	19 94	_____	19 _____
JANUARY 27	19 94	_____	19 _____
_____	19 _____	_____	19 _____
_____	19 _____	_____	19 _____
_____	19 _____	_____	19 _____

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning of
the laws of Idaho.

Lori A. Sekot

STATE OF IDAHO

COUNTY OF Bannock

On this 27TH day of JANUARY in the year of 1994,
before me, a Notary Public, personally appeared _____

LORI A SEKOT

_____, 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 he executed the same.

[Signature]
Notary Public for Idaho

Residing at POCATELLO

My commission expires: JULY 1997

RECEIVED

JAN 27 1994

29-08130

ALBERS INC
54-550 RIVIERA
LAQUINTA, CA 92253

Source: GROUNDWATER

Diversion Pt: SESWSW Sec 26 T 05S R 34E in BANNOCK County.

Use: DOMESTIC (.230 CFS)
Total Diversion: (.230 CFS)

Date Filed: 1/12/1994

In: BANNOCK County
T05S R34E S26 NWSW SWSW

APR 07 1994

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before FEBRUARY 7, 1994.

R. KEITH HIGGINSON, Director

Published: 1/20/1994 & 1/27/1994

RECEIVED

APR 07 1994

18-Jan-1994

ALBERS INC
54-550 RIVIERA
LAQUINTA CA 92253

RE: Application No. 29-08130

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the IDAHO STATE JOURNAL on 1-20 & 1-27-94. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ:rb

APR 07 1994

18-Jan-1994

HENRY MORAN
DEQ-IDHW
224 S ARTHUR
POCATELLO ID 83204

RE: Application No. 29-08130

Dear Sir:

We are enclosing a copy of the application(s) that may be of interest to your department. Please review the application(s) and submit any comments you may have to our Department as soon as possible. The last date of protest is 2-7-94, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ:rb
enc

RECEIVED
JAN 21 1994