

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Application~~	~~29-08110~~	~~Albers Inc.~~	~~0.22~~
Full Assignment	29-08110	Tyhee Estates Water Company Inc.	0.22

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JAN 30 1996

For Office Use Only
\$25.00 Filing Fee
Receipt # 5021613
Date 10/13/95

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OCT 10 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern District Office

ASSIGNMENT OF PERMIT

To change the ownership of a permit

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

All my right, title, and interest in and to Permit No. 29-08110
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, 1995.

Address: Richard A. Adams
Permit Holder(s) James

State of Idaho)
County of _____) ss

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.

SEAL

Notary Public

Signature

My commission expires: _____

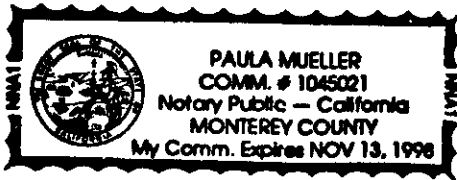
100-443887-1

3 0 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: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

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

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
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JAN 30 1998

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NOV 24 1993

Department of Water Resources

OFFICE USE ONLY
Amt. of Fee \$ 100.00
Date 11-24-93
Receipt No. C029057
Receipt by JW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 29-08110 Telephone No. (408) 624-9287

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

3. Mailing Address: 54-550 Riviera, LaQuinta, CA. 92253

4. Source of Water: Groundwater

If GROUNDWATER, Well Driller's Name: Jack Cushman Date Drilled: 5/18/93

OPTIONAL:
Pump horsepower: 15 Pressure (psi): 45 to 60 Dynamic pumping level (ft.): 214' @ 60psi (pump off)
178' @ 45 psi (pump on)

5. Extent of Use (as authorized by the permit):

Domestic 25 (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other Municipal Water Well

6. Total rate and/or volume for which proof is submitted 0.22 cfs OR _____ acre/feet
maximum allowed

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes ☒ No _____ Installed? _____ Yes _____ No

OR
Flow Measurement Port: Required? _____ Yes _____ No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 100.00 (See License Fee Schedule on back of Instruction Sheet)

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

Tim Shurtliff (208) 233-1963

Name Telephone No.

P.O. Box 11, 426 W. Lewis, Pocatello, Idaho 83204

Address

10. The above information 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.

JAN 10 1994

11/17/93

Date

Signature (and title, if on behalf of a company or organization)

Albers Inc. corporate Richard R Albers
Jus.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-08110

Proposed Priority: October 2, 1992 Maximum Diversion Rate: 0.22 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:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.22 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSWSW , 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 **January 3, 1994**.
2. Subject to all prior water rights.
3. Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
6. Construction of the well must comply with Idaho well construction standards.
7. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
8. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
9. The domestic use authorized under this right shall not exceed 13,000 gallons per day per dwelling.
10. Domestic use is for 25 homes.

MICROFILMED

JAN 26 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-08110

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

17 day of December, 1992

R. Keith Higginson
for R. Keith Higginson, Director

JAN 26 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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 SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, 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:
* 0.22
Amount 0.7 for Domestic purposes from January 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) 0.22 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 P.O.U.
* change as per domestic chart - HWJ 10-7-92
 - 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 160 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
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).
Approximately 6 months will be required to construct the system. The system
will be used for a domestic water continuously thereafter

JAN 26 1993

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. 25 Lots (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	
5 S	34 E	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. _____

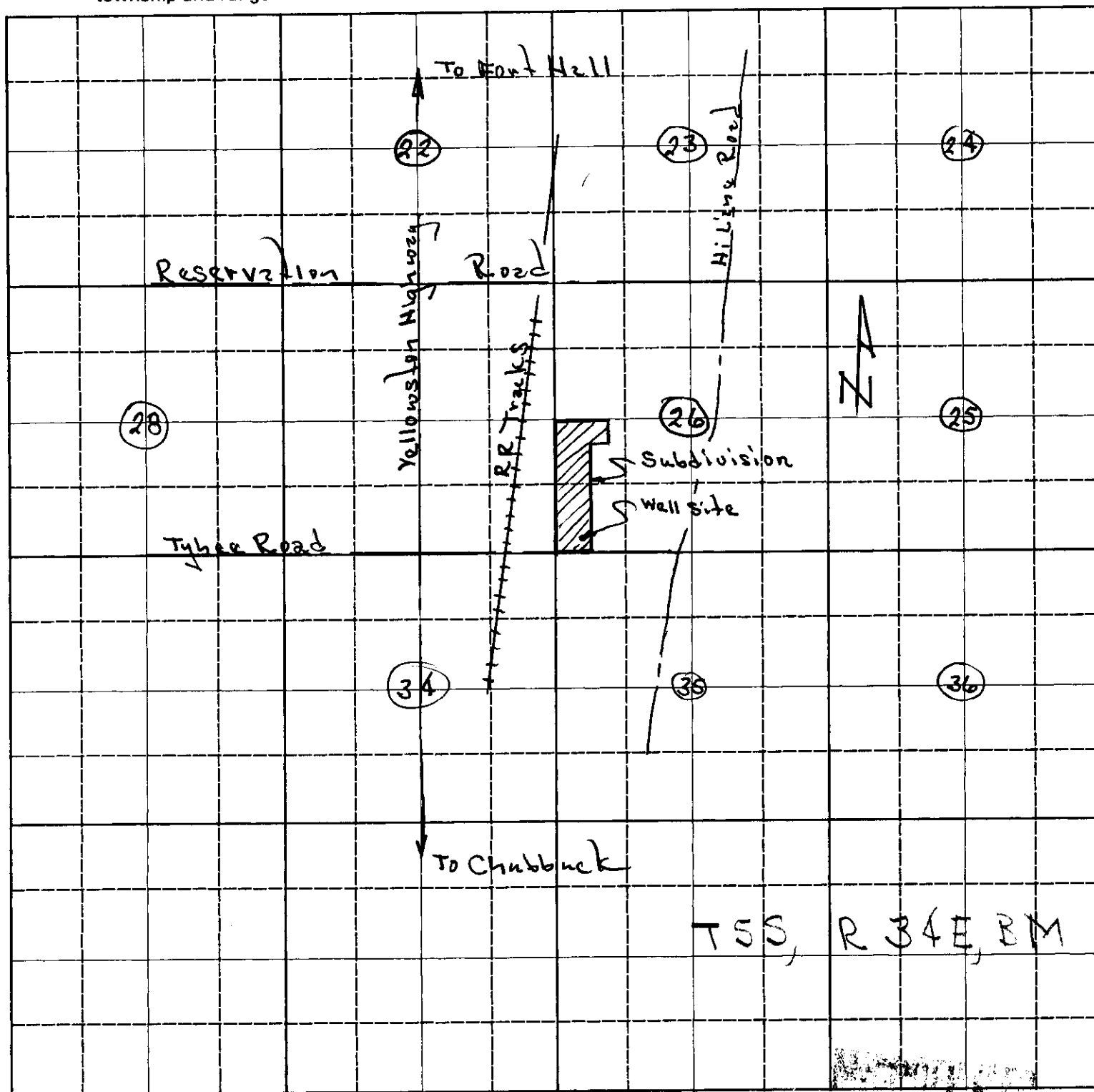
12. Remarks: The well will supply domestic water for a 25 lot residential subdivision. The lots will range in size from 1.00 acres to 2.87 acres. Each lot will be allowed to irrigate a maximum of 1/3 acre with the domestic system. The remaining land will be irrigated with water from the Fort Hall canal.

RECORDED

JAN 26 1993

29-8110

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, INC.

Richard A. Albers

(Applicant)

Richard A. Albers (president)

JAN 26 1993

Received by WM Date 10/22/92 Time 1:18 p.m. Preliminary check by ck #3137 \$45.00
Fee \$ 45.00 Received by HWT # EO17936 Date 10-2-92
Publication prepared by LB Date 11-5-12-92 Published in ID State Journal
Publication approved _____ Date _____

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:



JAN 26 1993

STATE OF IDAHO }
County of Bannock } ss.

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.

<u>NOVEMBER 5</u>	<u>19 92</u>	<u> </u>	<u>19 </u>
<u>NOVEMBER 12</u>	<u>19 92</u>	<u> </u>	<u>19 </u>
<u> </u>	<u>19 </u>	<u> </u>	<u>19 </u>
<u> </u>	<u>19 </u>	<u> </u>	<u>19 </u>
<u> </u>	<u>19 </u>	<u> </u>	<u>19 </u>

no. Lori A. Sekot

On this 12TH day of NOVEMBER in the year of 1992,
before me, a Notary Public, personally appeared _____

Julie L. Peterson
Notary Public for Idaho

Residing at Tocatillo

My commission expires: July 1997

JAN 26 1993

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

LORI A SEKOT

NOTICE OF
APPLICATION FOR
WATER RIGHT
The Following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

29-08110
ALBERS INC
54 550 RIVIERA
LAQUINTA, CA 92253
Source: GROUNDWATER
Diversion Pt:
SWSWSW Sec 26 T 05S
R 34E in BANNOCK
County.
Use: DOMESTIC (.220
CFS)
Total Diversion: (.220
CFS)
Date Filed: 10/02/92
In: BANNOCK County
T05S R34E S26 NWSW
SWSW
The permit(s) will be sub-
ject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Eastern
Region, 150 Shoup
Avenue, Suite 15, Idaho
Falls, Idaho 83402 on or
before NOVEMBER 23,
1992.
R. KEITH HIGGINSON,
Director
November 5, 12, 1992
LN299

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:

NOVEMBER 5	19 92	19
NOVEMBER 12	19 92	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 12TH day of NOVEMBER in the year of 1992,
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 Lewistown

My commission expires July, 1997



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

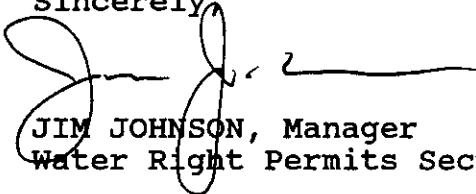
RE: Permit Nos. 29-08110 and 29-08130

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

MAILED

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NOV 13 1995

Department of Water Resources

OFFICES OF TYHEE WATER ASSOCIATION

PRESIDENT: DALE HIGGINS
13234 N BILLY LANE
POCATELLO ID 83202-1970
TELEPHONE 208 237 9059 H
208 234 6414 W

VICE PRESIDENT: JEFF CHOULES
13136 N BILLY LN
POCATELL ID 83202
TELEPHONE 208 237 8265

SECCRETARY AND TREASURER:
MITCHELL SHEARER
13174 BILLY LANE
POCATELLO ID 83202
TELEPHONE 208 237 1529

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BY-LAWS
FOR
TYHEE ESTATES WATER CORPORATION
A NOT FOR PROFIT IDAHO CORPORATION

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CODE OF BY-LAWS
OF
TYHEE ESTATES WATER CORPORATION
A NON-PROFIT IDAHO CORPORATION

ARTICLE I -- Identification

Section 1. NAME. The name of the Corporation is Tyhee Estates Water Corporation (hereinafter referred to as the "Corporation".)

Section 2. REGISTERED OFFICE. The address of the registered office of the Corporation is 54550 Riviera Drive, La Quinta, CA 92253.

Section 4. FISCAL YEAR. The fiscal year of the Corporation shall begin on the 1st day of January of each year and end on the 31st day of December of that calendar year.

ARTICLE II -- Stock

Section 1. TWO CLASSES. There shall be two classes of stock issued by the Corporation. The first being for the domestic culinary water system and each lot shall be entitled to one share of stock from the Corporation. The other class of stock shall be for the distribution and delivery of the irrigation water. There shall be one share of stock issued for each acre of ground and in addition thereto, a quarter share of stock shall be issued to every quarter acre of ground in excess of one acre. Assessments shall be based on the shares of stock.

Section 2. CONSIDERATION FOR SHARES. Payment for the lot shall include payment for one share of stock in the culinary water system. No certificates will be issued. Title to the property will be evidence of ownership of the share of stock in the culinary water system.

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Section 3. CERTIFICATES REPRESENTING SHARES. Each holder of the capital stock of the Corporation shall be entitled to a certificate signed by the President or Vice-President and the Secretary of the Corporation. Such certificate shall be issued within ten days of satisfactory proof of transfer of interest.

Section 4. NO PUBLIC OFFERINGS. The shares of the Corporation shall not be offered to public subscription but shall remain appurtenant to the land within the Tyhee Estates Subdivision and its various additions.

Section 5. TRANSFER OF STOCK. The shares of the Corporation shall be transferable only on the books of the Corporation upon proof of transfer of the real property. Transfer of stock shall be limited to those who own an interest or are purchasing an interest in land within Tyhee Estates Subdivision and its additions.

ARTICLE III-- Meetings of Shareholders

Section 1. PLACE OF MEETINGS. Meetings of the shareholders of the Corporation shall be held at the place of notice of said meeting within or without the State of Idaho as shall be designated by the Board of Directors.

Section 2. ANNUAL MEETING. The annual meeting of the shareholders of the Corporation for the purpose of electing Directors and transacting such other business as may be specified in the notice thereof, shall be held at the principal office of the Corporation or at such other place either within or without the State of Idaho, as may be specified in said notice, upon March 15, if not a legal holiday, and if a legal holiday, then on the following day, at 10:00 a.m., unless another day shall be determined by the Board of Directors, but in no event shall

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such date as determined by the Board of Directors be earlier than sixty (60) days or later than 120 days after the close of the fiscal year of the Corporation.

Section 3. SPECIAL MEETINGS. Special meetings of the shareholders may be called by the President, the Board of Directors, or the holders of not less than ten percent (10%) of all the shares entitled to vote at the meeting.

Section 4. NOTICE OF MEETINGS--WAIVER. Written or printed notice, stating the place, day and hour of the meeting, and in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten (10) nor more than fifty (50) days before the date of the meeting, either personally or by mail, by or at the direction of the President, to each shareholder at his address as it appears on the stock transfer books of the Corporation with postage thereon prepaid. Waiver by a shareholder in writing of notice of a shareholders' meeting, signed by him, whether before or after the time of such meeting, shall be equivalent to the giving of such notice. Attendance by a shareholder, whether in person or by proxy, at a shareholders' meeting shall constitute a waiver of notice of such meeting of which he has no notice.

Section 5. VOTING AT MEETINGS.

Clause (a). VOTING RIGHTS. Every holder of the capital stock of the corporation shall be entitled to two votes per lot owned. At the election for Directors, every holder of the capital stock of the Corporation shall have the right to vote, in person or by proxy, two votes per lot for as many persons as there are Directors to be elected and for whose election he has a right to vote, or to cumulate his votes by giving one candidate as many of such Directors multiplied

APPROVED
JAN 30 1996

by the number of his votes shall equal, or by distributing such votes on the same principle among any number of such candidates.

Clause (b). QUORUM. A majority of the shares entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of the shareholders, but in no event shall a quorum consist of less than one-third (1/3) of the shares entitled to vote at the meeting. The shareholders present at a duly organized meeting may continue to do business until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum.

Clause (c). PROXIES. A shareholder may vote either in person or by proxy executed in writing by the Shareholder, or by his duly authorized attorney-in-fact. No proxy shall be valid after eleven (11) months from the date of its execution, unless otherwise provided in the proxy.

Clause (d). VOTING OF SHARES OWNED BY OTHER CORPORATIONS. Shares standing in the name of another corporation may be voted by such officer, agent or proxy as the Code of By-Laws of such other corporation may prescribe or, in the absence of such provision, as the Board of Directors of such other corporation may determine; or, in the absence of such provision or determination, as the President or Vice-President and Secretary or Assistant Secretary of such other corporation may be proxy, duly executed and sealed (but not necessarily acknowledged or verified), designate.

Clause (e). VOTING OF SHARES OWNED BY FIDUCIARIES. Shares held by an administrator, executor, guardian or conservator may be voted by him, either in person or by proxy, without a transfer of such shares into his name. It shall not be necessary for such fiduciary to obtain a court order authorizing him to vote such shares. The general proxy of a

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fiduciary shall be given the same weight and effect as the general proxy of an individual or corporation.

Section 6. ORDER OF BUSINESS. The order of business at annual meetings, and so far as practicable at all other meetings of shareholders shall be as follows:

- I. Proof of due notice of meeting.
- II. Roll call-examination of proxies.
- III. Reading and disposal of any unapproved minutes.
- IV. Annual reports of officers and committees.
- V. Establishment of Water Rates
- V. Unfinished business.
- VI. New business.
- VII. Election of Directors.
- VIII. Adjournment.

Section 7. SPECIAL LIMITATIONS. The corporation shall offer two separate and distinct water systems. The first being a culinary system and the second being an irrigation water distribution system. As to each such system, the water corporation shall have the power and the right to levy to collect from the holders and owners of all such land to which the water or water stock belong regardless of whether the water is used by such holder or owner any charges for maintaining or operating the culinary and/or irrigation water system. As to any charges, assessments, costs as determined by the Board of Directors to be appropriate, the Corporation shall have the power and the right to create a first lien for non-payment if more than

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45 days delinquent [except for a lien for tax] upon the land or parcel of land or lot within the subdivision, said lien may be foreclosed upon pursuant to and consistent to Idaho law.

Further, the culinary system is designed to water a yard of an area not to exceed one-third acre, beyond that the irrigation distribution system is to provide irrigation water for the balance of the lot, and said irrigation shall be provided through a sprinkler system. No flood irrigation shall be permitted.

Section 8. ANNUAL ASSESSMENT TO STOCKOWNERS. There shall be an annual assessment fixed by the Board of Directors for the culinary system and for the irrigation system. The rates shall be fixed annually, and shall reflect not only current expenses but such expenses for costs and maintenance for long term operation for each of the water delivery systems including all actual appreciated costs and expenses for maintaining and operating a culinary and irrigation systems. A fund shall be created and set aside for ongoing operations and repairs including major repairs of the system and the costs of analyzing the system shall be completed on an annual basis, being mindful of the long term successful operation of the system.

In the event that necessary and extraordinary expenses are incurred, e.g. to replace pump or lines within the system a special assessment may be made which shall have the same force and effect as the annual rate assessment as may be determined by the Board of Directors.

It is specified that there shall be two separate and distinct assessments. One assessment shall be for the culinary system and the second assessment shall be for the irrigation system.

Separate accounts shall be maintained for the culinary system and the irrigation system.

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ARTICLE IV -- The Board of Directors

Section 1. NUMBER AND QUALIFICATIONS. The business and affairs of the Corporation shall be managed by a Board of Directors, at least fifty-one percent (51%) of whom shall be stockholders of the Corporation. That shall be at least three but not more than nine directors. The number of Directors may be increased or decreased from time to time by resolution at the annual meeting of shareholders; but no decrease shall have the effect of shortening the term of any incumbent Director.

Section 2. ELECTION. Members of the initial Board of Directors shall hold office until the first annual meeting of shareholders, and until their successors shall have been elected and qualified. At the first annual meeting of shareholders, and at each annual meeting thereafter, the shareholders shall elect Directors to hold office until the next succeeding annual meeting. Each Director shall hold office for the term for which he is elected and until his successor shall be elected and qualified. There may be no classification of Directors or staggering of their terms as determined at the shareholders annual meeting.

Section 3. VACANCIES. Any vacancy occurring in the Board of Directors may be filled by the affirmative vote of a majority of the remaining Directors, though less than a quorum of the Board of Directors or a majority of the shareholders of the Corporation at a special meeting called for that purpose. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

Section 4. PLACE OF MEETING. The Board of Directors shall meet each year immediately after the annual meeting of the shareholders, at the registered office of the Corporation, or at such other place within or without the State of Idaho as shall be designated

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JAN 20 1996

by the Board of Directors, for the purpose of organization, election of officers, and consideration of any other business that may properly be brought before the meeting. No notice of any kind to either old or new members of the Board of Directors for such annual meeting shall be necessary.

Section 5. ANNUAL MEETING. The Board of Directors shall meet each year immediately after the annual meeting of the shareholders, at the registered office of the corporation, or at such other place within or without the State of Idaho as shall be designated by the Board of Directors, for the purpose of organization, election of officers, and consideration of any other business that may properly be brought before the meeting. No notice of any kind to either old or new members of the Board of Directors for such annual meeting shall be necessary.

Section 6. SPECIAL MEETINGS. Special meetings of the Board of Directors may be called by the President or any two Directors by giving five (5) days notice thereof. Notice of special meetings may be given by letter, telegram or cable at any place within or without the State of Idaho. Notice of any other meeting of the Board of Directors may be waived in writing signed by the person or persons entitled to such notice, whether before or after the time of such meeting, and shall be equivalent to the giving of such notice. Attendance of a Director at such meeting shall constitute a waiver of notice thereof, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business, because such meeting is now lawfully convened. Neither the business to be transacted at, nor the purpose of, any meeting of the Board of Directors need be specified in the notice or waiver of notice of such meeting.

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JAN 30 1996

Section 7. ACTION OF DIRECTORS WITH A MEETING. Action required to be taken at a meeting of Directors of this corporation may be taken without a meeting if a consent in writing setting forth the action so taken shall be signed by all of the Directors. Such consent shall have the same effect as a unanimous vote.

Section 8. QUORUM. A majority of the number of Directors fixed by the Code of By-Laws shall constitute a quorum for the transaction of business. The act of the majority of the Directors present at a meeting, at which a quorum is present, shall be the act of the Board of Directors.

Section 9. REMOVAL. The entire Board of Directors or any individual Director may be removed from office without assigning any cause at a special meeting called for that purpose by a vote of the shareholders holding a majority of the outstanding shares which elected the Director or Directors so to be removed and which is entitled to vote at an election of Directors, but unless the entire Board of Directors is removed, no individual Director shall be removed in case the votes of a sufficient number of shares are cast against the resolution for his removal, which if cumulatively voted at an election of the entire Board would be sufficient to elect one or more Directors. If the notice calling such meeting shall so provide, the vacancy caused by such removal may be filled at such meeting by vote of a majority of the shareholders present and entitled to vote for a Board of Directors. Failure to elect Directors to fill the unexpired term of the Directors so removed shall be deemed to create a vacancy or vacancies in the Board of Directors.

JAN 30 1996

Section 10. LOANS. The Board of Directors shall not have the power to the lend money or transfer money between the accounts for the culinary water account and the irrigation water account.

Section 11. INTEREST OF DIRECTORS IN CONTRACTS. Any contract or other transaction between the Corporation and one or more of its Directors, or between the Corporation and any firm of which one or more of its Directors are members or employees, or in which they are interested, or between the Corporation and any corporation or association of which one or more of its Directors are shareholders, members, directors, officers, or employees, or in which they are interested, shall be valid for all purposes, notwithstanding the presence of such Director or Directors at the meeting of the Board of Directors of the Corporation which acts upon, or in reference to, such contract or transaction, and notwithstanding his or their participation in such action, if the fact of such interest shall be disclosed or known to the Board of Directors present, such interested Director or Directors to be counted in determining whether a quorum is present, but not to be counted in calculating the majority of such quorum necessary to carry such vote. This Section shall not be construed to invalidate any contract or other transaction which would otherwise be valid under the common and statutory law applicable thereto.

Section 12. EXECUTIVE AND OTHER COMMITTEES. The Board of Directors, by resolution adopted by a majority of the full Board of Directors, may designate from among its members an executive committee and one or more other committees each of which, to the extent provided in such resolution or in the Articles of Incorporation of the By-Laws of the corporation shall have and may exercise all the authority of the Board of Directors, except that no such

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JAN 30 1996

committee shall have authority to (1) approve or recommend to shareholders actions or proposals required by the Corporation Laws of the State of Idaho to be approved by shareholders, (2) designate candidates for the office of Director, for purposes of proxy solicitation or otherwise, or fill vacancies on the Board of Directors or any committee thereof, (3) amend the By-Laws, (4) approve a plan of merger not requiring shareholder approval, (5) reduce earned or capital surplus, (6) authorize or approve the reacquisition of shares unless pursuant to a general formula or method specified by the Board of Directors, or (7) authorize or approve the issuance of, sale of, or any contract to issue or sell shares.

ARTICLE V -- The Officers

Section 1. OFFICERS. The officers of the Corporation shall consist of a President, Vice-President, Secretary, Treasurer, and such other officers and assistance officers and agents as may be deemed necessary by the Board of Directors. At the discretion of the Directors, the office of Assistant Secretary may be created to act for and in the absence of the Corporate Secretary. Any two (2) or more offices may be held by the same person, except the offices of President and Secretary. Only the President need be a director and shareholder of the corporation.

Section 2. VACANCIES. Whenever any vacancies shall occur in any office by death, resignation, increase in the number of offices of the Corporation, or otherwise, the same shall be filled by the Board of Directors, and the officer so elected shall hold office until his successor is chosen and qualified.

Section 3. THE PRESIDENT. The President shall preside at all meetings of shareholders and Directors, discharge all the duties which devolve upon a presiding officer, and

JAN 30 1996

perform such other duties as this Code of By-Laws provides or the Board of Directors may prescribe. The President shall have full authority to execute proxies in behalf of the Corporation, to vote stock owned by it in any other corporation, and to execute with the Secretary powers of attorney appointing other corporations, partnerships, or individuals the agent of the Corporation, all subject to the provisions of the State of Idaho, the Articles of Incorporation of the Corporation, and this Code of By-Laws.

Section 4. THE VICE-PRESIDENT. The Vice-President shall perform all duties incumbent upon the President during the absence or disability of the President, and shall perform such other duties as this Code of By-Laws may require or the Board of Directors may prescribe.

Section 5. THE SECRETARY. The Secretary shall attend all meetings of the shareholders and of the Board of Directors, and shall keep, or cause to be kept in a book provided for that purpose, a true and complete record of the proceedings of such meetings, and shall perform a like duty for all standing committees appointed by the Board of Directors, when required. He shall attend to the giving and serving of all notices of the Corporation, and shall perform such other duties as this Code of By-Laws may require or the Board of Directors may prescribe.

Section 6. THE TREASURER. The Treasurer shall keep correct and complete records of account, showing accurately at all times, the financial condition of the Corporation. He shall be the legal custodian of all monies, notes, securities and other valuables which may from time to time come into the possession of the Corporation. He shall immediately deposit all funds of the Corporation coming into his hands in some reliable bank or other depository to be designated by the Board of Directors, and shall keep such bank account in the name of the Corporation.

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JAN 30 1996

He shall furnish at meetings of the Board of Directors, or whenever requested, a statement of the financial condition of the Corporation, and shall perform such other duties as this Code of By-Laws may require or the Board of Directors may prescribe. The Treasurer may be required to furnish bond in such amount as shall be determined by the Board of Directors.

Section 7. DELEGATION OF AUTHORITY. In case of the absence of any officer of the Corporation, or for any other reason that the Board of Directors may deem sufficient, the Board may delegate the powers or duties of such officer to any other officer or to any Director or employee of the Corporation for the time being, provided a majority of the entire Board concurs therein.

ARTICLE VI -- Special Corporate Acts

Negotiable Instruments, Deeds, Contracts, and Shareholders' Meetings:

All checks, drafts, notes, bonds, bills of exchange, and orders for the payment of money of the Corporation; all deeds, mortgages and other written contracts and agreements to which the Corporation may be a party; and all assignments or endorsements of stock certificates, registered bonds, or other securities owned by the Corporation, shall, unless otherwise directed by the Board of Directors, or unless otherwise required by law, be signed by any two (2) of the following officers who are different persons: President, Vice-President, Secretary, or Treasurer. The Board of Directors, may, however, authorize any one of such officers to sign any such instruments for and in behalf of the Corporation, without necessity of counter-signature; and may designate officers or employees of the Corporation, other than those named above, who may, in the name of the Corporation, sign such instruments.

RECORDED
JAN 30 1996

**ARTICLE VII -- Indemnification of Corporate Directors,
Officers and Agents**

Section 1. DEFINITIONS. As used in this Article,

(a) "Corporate agent" means any person who is or was a Director, officer, employee or agent of the Corporation, or the legal representative of any such Director, officer, employee or agent;

(b) "Expenses" means reasonable costs, disbursements and counsel fees;

(c) "Liabilities" means amounts paid or incurred in satisfaction of settlements, judgments, fines and penalties;

(d) "Proceeding" means any pending, threatened, or completed civil, criminal, administrative or arbitratve action, suit or proceeding, and any appeal therein, and any inquiry or investigation which could lead to such action, suit or proceeding.

(e) "Corporation" shall mean this Corporation and its subsidiaries.

Section 2. PROCEEDINGS NOT BY OR IN THE RIGHT OF THE CORPORATION.

The Corporation shall indemnify a Corporate agent against his expenses and liabilities in connection with any proceeding involving the Corporate agent by reason of his being or having been such Corporate agent, other than a proceeding by or in the right of the Association, if

(a) Such Corporate agent acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Corporation; and

(b) With respect to any criminal proceedings, such Corporate agent had no reasonable cause to believe his conduct was unlawful.

The termination of any proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere, or its equivalent, shall not of itself create a presumption that such Corporate

JAN 30 1996

agent did not meet the applicable standards of conduct set forth in paragraphs (a) and (b) of this Section.

Section 3. PROCEEDINGS BY OR IN THE RIGHT OF THE CORPORATION. The Corporation shall indemnify an Corporate agent against his expenses in connection with any proceeding by or in the right of the Corporation to procure a judgment in its favor which involves the Corporate agent by reason of his being or having been such Association agent, if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Corporation. However, in such proceeding no indemnification shall be provided in respect of any claim, issue or matter as to which such Corporate agent shall have been adjudged to be liable for negligence or misconduct, unless and only to the extent that the Court in which such proceeding was brought shall determine that despite the adjudication of liability, but in view of all circumstances of the case, such Corporate agent is fairly and reasonably entitled to indemnity for such expenses as the Court shall deem proper.

Section 4. CORPORATE AGENT SUCCESSFUL IN PROCEEDING. The Corporation shall indemnify a Corporate agent against expenses to the extent that such Corporate agent has been successful on the merits or otherwise in any proceeding referred to in Sections 2 and 3 of this Article or in defense of any claim, issue or matter therein.

Section 5. PROCEDURE FOR INDEMNIFICATION. Any indemnification under Section 2 of this Article and, unless ordered by a Court, under Section 3 of this Article, may be by the Corporation only as authorized in a specific case upon a determination that indemnification is proper in the circumstances because the Corporate agent met the applicable

standard of conduct set forth in such Section 2 or such Section 3. Such determination shall be made

- (a) By the Board of Directors acting by a quorum consisting of Directors who were not parties to the proceeding; or
- (b) If such a quorum is not obtainable, or, even if obtainable and a quorum of the disinterested Directors so directs, by independent legal counsel in a written opinion; or
- (c) By the members having general voting rights at a general meeting of the members.

Section 6. EXPENSES PAYABLE IN ADVANCE. Expenses incurred by a Corporate agent in connection with a proceeding may be paid by the Corporation in advance of the final disposition of the proceeding upon receipt of an undertaking by or on behalf of the Corporate agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified as provided in this Article.

Section 7. RIGHTS NOT EXCLUDED. The indemnification provided by this Article shall not exclude any other rights to which a Corporate agent may be entitled under the Articles of Incorporation, these By-Laws or any agreement, vote of members or otherwise.

ARTICLE VIII -- Amendments

The power to alter, amend, or repeal the By-Laws or to adopt a new Code of By-Laws is conferred upon the Directors, as well as upon the shareholders, to be exercised by such vote of the Directors or of the allotted shares, as the case may be; provided, however, not less than a majority thereof as may be fixed by the By-Laws. The Code of By-Laws may contain any provisions for the regulation and management of the affairs of the Corporation not inconsistent with the Act or the Articles of Incorporation.

JAN 16
30 1996

WHEREFORE, We, the undersigned, being all of the members of the Board of Directors of Tyhee Estates Water Corporation, do hereby certify that the foregoing are the true, full and correct By-Laws of said Corporation, duly and regularly adopted by a unanimous vote of the owners of all of the issued shares of stock of Tyhee Estates Water Corporation, at the meeting of the shareholders of said Corporation held on the ___ day of _____, 1992, at which meeting all of said shareholders were present in person or by proxy and voted for the adoption of said By-Laws.

RICHARD A. ALBERS, President

ALEXANDRA ALBERS, Secretary

WILLIAM C. ALBERS, Treasurer

ALFRED C. ALBERS, Director

RECORDED

JUL 17 0 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.

RECEIVED

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 30 1996

WELL DRILLER'S REPORT

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

[illegible]

December 1, 1993

ALBERS INC
54-550 RIVIERA
LAQUINTA CA 92253

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-08110

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.

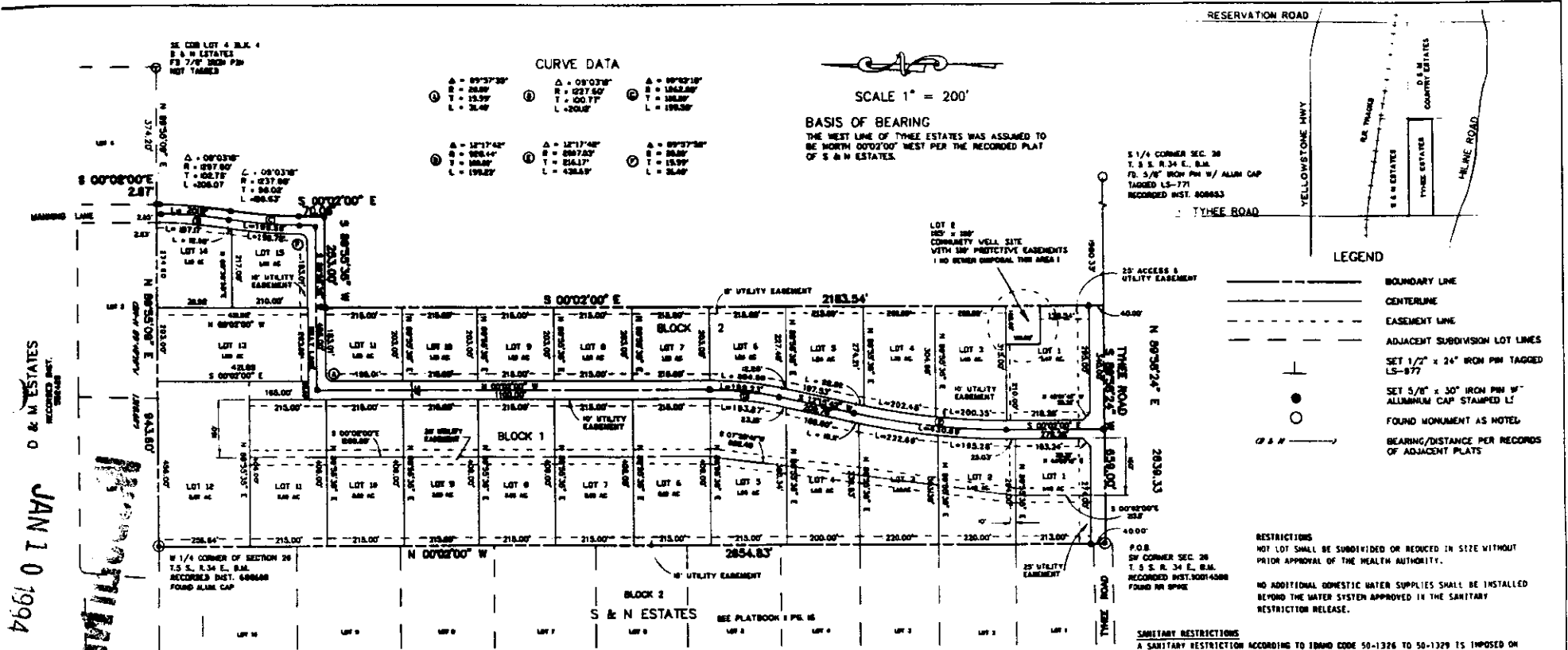
Sincerely,



JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECORDED
JAN 10 1994



BOUNDARY DESCRIPTION

A TRACT OF LAND IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 34 EAST, BOISE MERIDIAN; THENCE NORTH $00^{\circ}02'00''$ WEST ALONG THE EAST BOUNDARY OF S & N ESTATES, A SUBDIVISION RECORDED IN THE RECORDS OF BANNOCK COUNTY AS PAGE 16 BOOK 11 OF PLATS, FOR A DISTANCE OF 2654.83 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 26; THENCE NORTH $00^{\circ}02'00''$ WEST ALONG THE SOUTH BOUNDARY OF S & N ESTATES, A SUBDIVISION RECORDED IN THE RECORDS OF BANNOCK COUNTY AS INSTRUMENT 55428, FOR A DISTANCE OF 943.60 FEET TO AN INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF HANBROOK LANE; THENCE SOUTH $00^{\circ}02'00''$ EAST FOR A DISTANCE OF 2.87 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY FOLLOWING A 1237.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST, THROUGH A CENTRAL ANGLE OF $89^{\circ}37'30''$, FOR AN ARC DISTANCE OF 205.97 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY FOLLOWING A 1237.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST, THROUGH A CENTRAL ANGLE OF $89^{\circ}37'30''$, FOR AN ARC DISTANCE OF 195.63 FEET TO A POINT OF TANGENCY; THENCE SOUTH $00^{\circ}02'00''$ EAST FOR A DISTANCE OF 70.00 FEET; THENCE SOUTH $00^{\circ}02'00''$ WEST FOR A DISTANCE OF 2183.54 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 26; THENCE SOUTH $00^{\circ}02'00''$ WEST FOR A DISTANCE OF 659.00 FEET TO THE POINT OF BEGINNING.

OWNERS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, AND A STREET. WE HEREBY WARRANT AND SAVE THE COUNTY OF BANNOCK HARMLESS FROM ANY EXISTING EASEMENTS OR ENCUMBRANCES. IT IS THE INTENTION OF US, THE OWNERS, TO INCLUDE ALL OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION IN THIS PLAT. THE LOCATION AND DIMENSIONS OF THE LOTS, BLOCKS, AND STREET ARE TO BE AS SHOWN ON THE ACCOMPANYING MAP OF THE PROPERTY. THE DONATION OF THE STREET IS HEREBY DEDICATED TO THE PUBLIC. THE EASEMENTS SHOWN ARE NOT DEDICATED TO THE PUBLIC BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES, HIGHWAY EASEMENTS, OR FOR ANY OTHER USE DESIGNATED ON THE PLAT, AND NO STRUCTURES OTHER THAN THOSE FOR SUCH UTILITY PURPOSES ARE TO BE ERRECTED WITHIN THE LINES OF SAID EASEMENTS. IN WITNESS WHEREOF WE OWNERS DO HEREBY SET OUR HANDS.

ALBERS, INC. (A NEVADA CORPORATION)

Richard E. Albers (PRESIDENT)
Richard A. Albers (SECRETARY)

NOTARY PUBLIC

ON THIS 10 DAY OF DECEMBER, 1992, BEFORE ME A NOTARY PUBLIC, PERSONALLY APPEARED, THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING OWNERS' CERTIFICATE, AND ACKNOWLEDGED TO ME THAT THEY ARE OFFICERS, AS INDICATED, OF THE CORPORATION WHICH OWNS THE PREMISES, DESCRIBED IN THE BOUNDARY DESCRIPTION, THAT THE CORPORATION EXECUTED THE FOREGOING OWNERS' CERTIFICATE, AND THAT THEY EXECUTED THE SAME ON BEHALF OF THE CORPORATION. IN WITNESS WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL THE DATE ABOVE WRITTEN.

Levin Sherman
NOTARY PUBLIC
RESIDING IN THE STATE OF CALIFORNIA
MY COMMISSION EXPIRES 01/01/93



SHURTSLIFF ENGINEERING
426 N. LEWIS
POCATELLO IDAHO
(208) 233-1983

TYHEE ESTATES
LOCATED IN THE
W 1/2 OF THE SW 1/4 OF SEC. 26
T. 5 S. R. 34 E., B.M.
BANNOCK COUNTY IDAHO

AUGUST 1992
91080
1 OF 1

SHURTLIFF
ENGINEERING

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

November 17, 1993

State of Idaho
Dept. of Water Resources
1301 North Orchard Street
Statehouse Mail Box
Boise, Idaho 83720-9000

ATTN. Karen L. Gustafson
Secretary/Records Manager

RE: Proof of Beneficial use
Permit No. 29-08110

RECEIVED

NOV 24 1993

Department of Water Resources

Dear Ms Gustafson:

A completed PROOF OF BENEFICIAL USE form, for the above referenced permit, is enclosed. A check for the amount of \$100.00 for the license examination fee, is also enclosed.

The water appropriated under permit No. 29-08110, is being used to provide water for a 25 lot residential subdivision. A copy of the recorded subdivision plat (Tyhee Estates) is enclosed. At present 17 of the 25 lot have been sold and 11 homes are now under construction (2 of the 11 are occupied).

The construction of the well and water distribution system was completed approximately three months ago. The system has been in use since its completion. The system was tested and approved by the Health Department.

If you have any questions or need addition information, please let me know.

Sincerely



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

cc: Richard Albers

JAN 10 1994

October 31, 1993

ALBERS INC
54-550 RIVIERA
LAQUINTA CA 92253

PROOF DUE NOTICE

RE: PERMIT NO. 29-08110

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 January 1, 1994. (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.

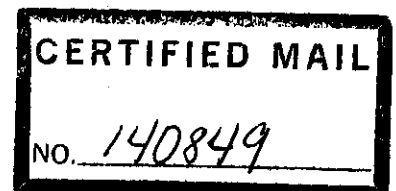
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MAILED
JAN 10 1994





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

December 18, 1992

ALBERS INC
54-550 RIVIERA
LAQUINTA CA 92253

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08110

Dear Permit Holder(s):

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as

[Handwritten signature]

JAN 26 1993

far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

Brenda L. Miller

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosure

JAN 26 1993

APPLICATION FOR PERMIT REVIEW

BLM

Application #: 29-8110 Date: 12-14-92 Reviewer: Brenda Miller

SYSTEM COMPLETED:

- No - 26A-P17
- Complete in 1 year - P16
- Yes
- Proof not submitted - P16
- Proof submitted - N/A

AREA OF CONCERN? YES

SNAKE RIVER BASIN MORAT

GROUNDWATER:

- GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- No measurement required <flow chart>
- LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

- Approved w/permit - P99 Permit (No.)
- Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

- Water Districts - WD No. 01
- Surface water - R04, R04-01H-P01 (LT.2 w/pump)
- R04-01J-P08 (GT.2), NMR <flow chart>
- Groundwater - P05
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- Swan Falls Flag - 1 (1, Blank or Other)
- Trust - 051-052-053-P74 (Consumptive Uses)
- Non Trust <1> - 048-049

RIVER BASINS:

- (Surface Water) Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
- 042(req.), 002-P06(MD), 07A(Spec.),
- 044(Policy 5G)
- Power - Use Power Review
- Mining - 06A, 010, or 09E-P10 & 054(req.)
- Storage - 18A-for multiple measuring devices(In WD),
- 18B-P09(Size)
- Rec/Wildlf/Aes - 027(Non-Consumptive)
- Domestic - 021 (Boise River - upstream from L Peak)
- (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

- Non land owner - 004

PROTESTED:

- Agreement - 020

Beneficial Use Due Date - 01-03-1994

Other Conditions/Remarks: - W05 W04

ACTION REQUIRED

FROM: HWT

TO: Albros Inc file

OFFICERS

Alford C. Albros - Secretary
Richard Albros - President

JAN 26 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

OCTOBER 21, 1992

IDAHO STATE JOURNAL
P.O. BOX 431
POCATELLO, ID 83204

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 NOVEMBER 23, 1992.

Yours truly,

Rita Bodell
Secretary

Encl.

JAN 26 1993

NOTICE OF APPLICATION FOR WATER RIGHT

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

RECORDED

JAN 26 1993

29-08110

ALBERS INC
54 550 RIVIERA
LAQUINTA, CA 92253

Source: GROUNDWATER

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

Use: DOMESTIC (.220 CFS)
Total Diversion: (.220 CFS)

Date Filed: 10/ 2/1992

In: BANNOCK County
T05S R34E S26 NWSW SWSW

JAN 26 1993

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before NOVEMBER 23, 1992.

R. KEITH HIGGINSON, Director

Published: 11/ 5/1992 & 11/12/1992

JAN 26 1993

SHURTLIFF
ENGINEERING

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

September 30, 1992

RECEIVED

OCT 02 1992

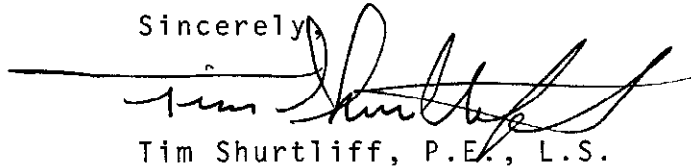
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

Enclosed is an Application for Permit to use 0.7 cfs of water for a culinary well. The water will be used for a central water system in a residential subdivision. The subdivision will be located in the W 1/2 of the SW 1/4 of Section 26, Township 5 South, Range 34 East, B.M.. A copy of the subdivision plat is also enclosed.

If you have any questions or need additional information, please let me know. Would you please send me a copy of the paper work, approving or denying the application. Thank you for your assistance.

Sincerely,



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

cc: Richard Albers

RECORDED

JAN 20 1993