

T567

① 5.0 ① 5.0 ① 5.0 ① 5.0 ① 5.0 ① 5.0 ① 6.0
1581 1586 1583 1584 1587 1588

1611

1611

6.0

6.1

① 2.5

1610

② 2.9

nhel
nw 15.4

② 20.0

T1627

①

38.7

1605

T1621

①

1606

13.5

nhel
nw 3.3

④ 17.5

③ 27.5

① 20.0

1611

② 12.0

② 19.0

T1628

nhel
nw

① 15.9

19.3

③ 36.4

T1540

①

19.3

④ 12.3

T1541

STACK
YARD

⑤ 18.5

⑤ 19.0

⑤ 15.5

29.1

T1631

T1632

1610

1478

NHEL
NW

① 26.3

1477

① 37.0

⑤ 37.7

⑤ 19.4

T1632

T1543

T1542

T1622

151

22.2

255.5 Acres
TOTAL

MICROFILMED
JUN 02 2003

RECEIVED

MAY 11 2005

DEPARTMENT OF
WATER RESOURCES

For Office Use Only
\$50 Fee Received by ML
Date 5-11-05
Receipt No. 1077889

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED

MAY 03 2005

DEPARTMENT OF
WATER RESOURCES

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. 15-7240
Name(s) of Permit Holder: Mike Asay & Bill Asay (ASAY BROS.)
Address: 1850 N. 5600W. City MAIAD State IDA Zip 83252
Telephone No. 766-4117 Date Proof is Due: _____

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".)

IN the spring of 2004. we had to have the well
pulled, bowls repaired and some of the driveshafts replaced
due to the sand the well produces. we had the well
swabbed and cleaned. well still produces some sand during
the water year of 2004. we would like to see Costing \$ \$11,500
if this year the water level is better. we want all access that
The permit holder(s) has been unable to complete the remainder of the work for the following reasons:
The permit was issued.

Permit holder(s) request an extension to JUNE 1, 20 06.

(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

REINSTATED with the priority advanced to February 8, 2003. IT IS FURTHER ORDERED that the time within which to submit proof of beneficial use is extended to May 1, 2006.

Signed this 8th day of June, 20 05.

Gary Spackman
GARY SPACKMAN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale -- storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of **\$50.00** must accompany the Request for Extension of Time form.

NOTE that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 15-07240

Priority: January 29, 2003

Maximum Diversion Rate: 2.00 CFS

This is to certify, that MIKE ASAY
BILL ASAY
1850 N 5600 W
MALAD ID 83252

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
IRRIGATION	04/01 to 10/31	2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE¼NW¼, Sec. 15, Twp 14S, Rge 35E, B.M., ONEIDA County

GROUND WATER NE¼NW¼, Sec. 15, Twp 14S, Rge 35E, B.M., ONEIDA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	35E	15		40.0	40.0		30.0	4.0	38.0	40.0	40.0	29.0							261.0
Total Acres:																			261.0

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2005**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

MICROFILMED

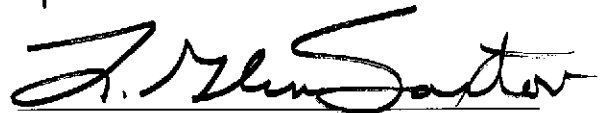
JUN 02 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 15-07240

7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 25th day of April, 2003.


for KARL J DREHER, Director

MICROFILMED

JUN 02 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 27 2003

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
JAN 29 2003
Department of Water Resources
Eastern Region

1. Name of Applicant Asay Bros. Mike and Bill Asay Phone 208 766 4117
Mailing address 1850 N 5600 W. MALAD, ID. 83252
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is Township 14S Range 35E Sec. 15, in the NE 1/4,
of the NW 1/4, _____ 1/4, Govt. Lot _____, B.M., Oneida Co. County;
additional points of diversion if any: existing well in the same point of diversion
4. Water will be used for the following purposes: 2 points of diversion permit # 15-02051
- Amount 2.0 for IRRIGATION purposes from MAR 15 to Nov 15 (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)
- 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) 2.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source IRR. well into existing main line with sprinklers.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? 1997; Drilling firm Vollmer Drilling;
Well was drilled for (well owner) _____; Drilling Permit No. 15-97-E-0005
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW.
- b. Stockwatering; list number and kind of livestock.
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully. _____

MICROFILMED
JUN 1997

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	35E	15		40						40		29							
					40				38		40								
							30												
								4											261

Total number of acres to be irrigated 261

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

the ST John Irr Company

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

b. Who owns the land to be irrigated or place of use? Mike Asmy and Bill Asmy

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: 3 1/12 shares of St Johns

1 share = 200" for 96 hours

GENERALLY WATER IS AVAILABLE FOR CALL JUNE THROUGH JULY.

PUMPED INTO SPRINKLER SYSTEM

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

MICROFILMED

JUN 02 2003

Mike Asmy
Signature of Applicant (and title, if applicable)

Received by DC Date 1/29/2003 Time _____ Preliminary check by DC

Fee \$ 240 Receipted by DC # E028460 Date 1/29/2003

Publication prepared by SC Date 2/20 & 2/27/03 Published in Idaho Enterprise

Publication approved SC Date 3/7/03

[illegible]

T567 1581 1585 1583 1582 1587 1589

1611
6.1
nh21
nw
16.0
1631

1627
20.0
25.0
19.0
1628
1549
19.3
1540
19.3
1541

38.7
1621
1606
13.5
36.4
123

1610
19.4
1632
1478
nh21
nw
26.3
1543

1477
37.0
T1542
T1622
255 Acres
Terry
S.H. CES

State of Idaho

Department of Water Administration

RECEIVED

JUN 19 1974

WATER RIGHT LICENSE

Department of Water Administration
Eastern District OfficeLicense of Water Right No. 27817/15-2051 Priority March 9, 1959 Amount 1.04 cfs

THIS IS TO CERTIFY, that Delmar Asay & Kent Asay
of Malad, Idaho, have ~~has~~ complied with the terms and conditions of Permit
No. 27817/15-2051 issued pursuant to Application for Permit dated March 9, 1959,
and has submitted proof to the Department of Water Administration on March 16, 1961,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.04 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>1.04</u> cfs and	<u>0.4 acre feet</u>
Irrigation	from <u>April 1</u> to <u>Nov. 1</u>	at <u>1.04</u> cfs and	<u>441 acre feet or</u> <u>3.5 af per acre</u>
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
441.4 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 15,
Twp. 14 S, Rge. 35 E, B. M. in the County of Oneida

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 S	35 E	15					20	4	32	40	40	25		8					169

Total number of acres irrigated 169

MICROFILMED

JUN 8 2 2003

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

Office Use Only
 Inspected by _____
 Twp _____ Rge _____ Sec _____
 _____ 1/4 _____ 1/4 _____ 1/4
 Lat: _____ Long: _____

MAY 29 1997

1. DRILLING PERMIT NO. 15-97-E-0005-200
 Other IDWR No. 15-02051

2. OWNER:

Name Mike Asay, Asay Bros
 Address 1850 N, 5600 W
 City Malad State ID Zip 83252

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
 W
 S
 Twp. 14 North ☐ or South ☒
 Rge. 35 East ☒ or West ☐
 Sec. 15 NE 1/4 NW 1/4 1/4
 Gov't Lot _____ County Oneida
 Lat: _____ Long: _____
 Address of Well Site _____ City RECEIVED

Lt. _____ Blk. _____ Sub. Name _____ JUN 02 1997

4. USE:

- ☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement, etc.)

- ☒ New Well ☐ Modify ☐ Abandonment ☒ Other Replacement

6. DRILL METHOD

- ☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
<u> Bentonite </u>	<u> 0 </u>	<u> 80 </u>	<u> 50 sacks </u>		<u> overhauled </u>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 20", 18", 16", 378"
 Was drive shoe seal tested? ☒ Y ☐ N How? Pressure-seal

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>16"</u>	<u>1 1/2"</u>	<u>378 1/2"</u>	<u>0.25</u>	<u>Steel</u>	☒	☐	☒	☐
<u>20"</u>	<u>1 1/2"</u>	<u>58 1/2"</u>	<u>0.25</u>	<u>Steel</u>	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

- ☒ Perforations Method Knife
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u>280</u>	<u>280</u>	<u>1/4x1/3</u>	<u>685</u>	<u>16</u>	<u>Steel</u>	☒	☐
<u>150</u>	<u>250</u>	<u>1/4x1/3</u>	<u>685</u>	<u>16</u>	<u>Steel</u>	☒	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

155 ft. below ground Artesian pressure _____ lb.
 Depth flow encountered _____ ft. Describe access port or control devices: _____
 JUN 09 1997

11. WELL TESTS:

Yield gal./min.	Drawdown	Pumping Level	Time
MAY 27 1997			

Water from _____ Bottom hole temp. _____
 Water Quality test of _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
	0	3	Top Soil		X
	3	5	White Sand		X
	5	15	Brown Sand		X
	15	40	Clay and Gray Sand		X
	40	55	Brown Sand		X
	55	70	Brown Sand & Liquid Clay		X
	70	100	BLUE CLAY		X
	100	118	Black Clay		
	118	125	Blue Clay		
	125	135	GREEN CLAY		
	135	140	BLUE CLAY		
	140	154	GREY CLAY		
	154	155	Gravel & Clay		
	155	158	Gravel, Sandstone, Clay	X	
	158	163	Gravel & Clay	X	
	163	175	Gravel & Blue Clay	X	
	175	180	Gravel, Blue Clay, Sand	X	
	177	180	Layer of Rock	X	
	180	188	Gravel, Sand, Clay	X	
	188	195	Loose Gravel & Clay		
	195	200	Brown Clay		
	210	240	Brown Clay, Some Gravel		
	240	245	Broken Clay, Gravel Gravel		
	245	255	Brown Clay & Gravel	X	
	255	265	Clay		
	265	287	Sand		
	287	295	Clay & Gravel	X	
	295	310	Liquid Clay	X	
	310	315	Gravel & Clay	X	
	315	323	Gravel & Liquid Clay	X	
	323	430	Clay	X	
	430	480	Clay & Dirt	X	

Completed Depth 480 (Measurable)
 Date: Started 2/14/97 Completed 7/30/97

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Vollmer Well Drilling Firm No. 383

Firm Official [Signature] Date 05/21/97

Supervisor or Operator [Signature] Date 05/21/97
 (Sign once if Firm Official & Operator)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 9, 2005

MIKE ASAY
BILL ASAY
1850 N 5600 W
MALAD ID 83252

RE: PERMIT NO. 15-7240

Dear Permit Holder:

Enclosed is a copy of the request for extension you submitted to the department for the above referenced permit, granting an extension of time for filing proof of beneficial use to **May 1, 2006**. This approved request reinstates the permit since the request was submitted after the proof due date, and the priority of the permit advances to February 8, 2003, as referenced in Section 42-218a, Idaho Code. Please note that the department has granted this extension based on **due diligence**.

It is important that you work diligently toward the completion of the development during the construction period allowed since the department may not be able to grant additional extensions based on due diligence.

Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 15-7240

Reviewed By: dgibson

Date: June 8, 2005

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?		X	Is delay by a government agency?		
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No.:	E028460,	C077889	Has the permit been involved in litigation?		
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	05/11/2005	New proof due date	05/01/2006
Date proof due	- 05/01/2005		
Lapse notice sent	- 05/09/2005		
No. of days late	= 10		
Holiday allowance	+		
Priority date	+ 01/29/2003		
New priority date	= 02/08/2003		

Action Taken

Reinstate permit and extend proof deadline to 5/1/2006.

May 9, 2005

MIKE ASAY
BILL ASAY
1850 N 5600 W
MALAD, ID 83252

LAPSE NOTICE

RE: PERMIT NO. 15-7240

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 the proof due notice dated February 28, 2005. 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.

Sincerely,

Gary Spackman

Enclosures

CERTIFICATION OF MAILING
I hereby certify that on 5/9/05
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

dg



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

May 5, 2005

MIKE ASAY
BILL ASAY
1850 N 5600 W
MALAD ID 83252

RE: Permit No. 15-7240

Dear Permit Holder:

Returned is the original Request for Extension of Time ("extension"), which you submitted to the department in connection with the above referenced water right. In order for the department to take action on this extension request, it must be accompanied by a \$50.00 filing fee.

Therefore, please return the enclosed original extension along with the filing fee, addressed to my attention. The deadline for receipt of the form and fee was **May 1, 2005**. This permit has lapsed, therefore your immediate attention to this matter for reinstatement of this permit would be appropriate.

Please contact me at (208) 287-4942 if you have any questions regarding this matter.

Sincerely,

Deborah J. Gibson

Administrative Assistant

Water Allocation Bureau

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

RECEIVED

MAY 03 2005

DEPARTMENT OF
WATER RESOURCES

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. 15-7240
Name(s) of Permit Holder: Mike Asay & Bill Asay (Asay Bros.)
Address: 1850 N. 5600W. City MAIAD State IDA Zip 83252
Telephone No. 766-4117 Date Proof is Due: _____

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".)

IN the spring of 2004. we had to have the well
pulled, bowls repaired and some of the driveshafts replaced
due to the sand the well produces. we had the well
swabbed and cleaned. well still produces some sand during
the water year of 2004. we would like to see Costing \$ \$11,500
if this year the water level is better. we want all access that

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

The permit was issued.

Permit holder(s) request an extension to June 1, 2006.

(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this _____ day of _____, 20____.

February 28, 2005

MIKE ASAY
BILL ASAY
1850 N 5600 W
MALAD, ID 83252

PROOF DUE NOTICE

RE: PERMIT NO. 15-7240

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 01, 2005. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

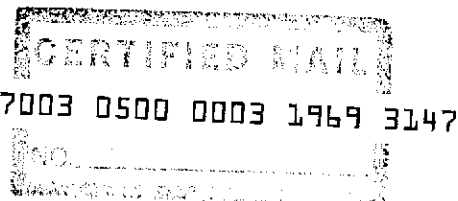
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 29, 2003

MIKE ASAY
BILL ASAY
1850 N 5600 W
MALAD ID 83252

RE: Permit No. 15-7240

Permit Approval Notice

Dear Permit Holder:

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

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

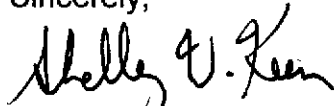
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JUN 02 2003

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

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

15-7240

**BILL ASAY
MIKE ASAY
1850 N 5600 W
MALAD CITY ID 83252**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Administrative Assistant**

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**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: April 25, 2003
To: Water Right File 15-7240
From: dgibson
Re: Permit Review

This application is for the same point of diversion as licensed water right 15-2051. This permit is for supplemental water in connection with surface water rights for the same location. The right holder currently has 3 11/12 shares and 1 share that equals 200 inches for 96 hours with St. Johns Irrigation Co. The right holder commented that this water is generally available for call June through July and pumped into the sprinkler system.

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JUN 02 2003

RECEIVED

MAR 27 2003

Department of Water Resources

Dist for Staffing _____
Submitted for advertising _____STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMITINITIAL REVIEW BY DC DATE _____ APPLICATION NO. 15-7240

REQUIRED INFORMATION:

- ☒ Name (if applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee
- ☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION:

- ☒ Overlapping place of use (Describe source & relationship to present application on the back)
- ☒ Overlapping point of diversion License 15-2051
- | | | |
|------------------------------|-----------------------------|--|
| ☐ Yes | ☐ No | Critical groundwater area |
| ☐ Yes | ☐ No | Groundwater management area |
| ☐ Yes | ☐ No | Send dam safety information |
| ☐ Yes | ☐ No | Send fish farm requirement letter |
| ☐ Yes | ☐ No | Power residency affidavit |
| ☐ Yes | ☐ No | Within trustwater boundary (If yes, <u>attach trust water supplementary analysis sheet</u>) |
| ☐ Yes | ☐ No | Public Water System |
| ☐ Yes | ☐ No | Planning section review |
| ☐ Yes | ☐ No | Moratorium Hold file |
- See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

PROCESSING:

- | | | |
|---|-----------------------------|--|
| ☒ Yes | ☐ No | In form for advertising |
| ☒ Yes | ☐ No | Statewide advertising |
| ☒ Yes | ☐ No | Fee amount, receipt date & No. recorded on application |

SEND COPIES TO:

- | | |
|---|--|
| ☐ Id Dept of Environmental Quality | ☐ U.S. BLM |
| ☐ Id Dept of Fish & Game | ☐ U.S. Forest Service |
| ☐ Id Dept of Lands | ☐ Water District |
| ☐ Adjudication Bureau Unit | ☐ Other _____ |

FINAL REGIONAL PROCESSING REVIEW:

☒ Yes	☐ No	Affidavit of publication received
☒ Yes	☐ No	Application published correctly. If not, record action taken
☒ Yes	☐ No	Publication dates & paper, recorded on application
☐ Yes	☒ No	Protests received
		Final date for protest _____
☐ Yes	☐ No	Protests, dates, resolution of protest, recorded on application
☐ Yes	☐ No	Recommendations attached
☐ Yes	☐ No	Measuring device required
☐ Yes	☐ No	Access port required
☐ Yes	☐ No	Will water be delivered by watermaster? If yes, what District _____
☐ Yes	☐ No	Special conditions of approval or cover letter below.

Date of priority recommendation: 1-28-2003
By: [Signature] Date: 3-21-2003
STATE OFFICE REVIEW: _____

By: _____ Date: _____
 ADDITIONAL INFORMATION: _____

LOCAL PUBLIC INTEREST:

Comments received from:

_____ City _____ Id Fish & Game _____ Irrigation District
 _____ County _____ Id Health & Welfare _____ Canal Company
 _____ Reservations _____ Div. Of Environment _____ Other _____

Project impacts/implications report

COMMENTS

[illegible]

#

976

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) ss.

COUNTY OF ONEIDA)

Kristine D. Smith, begin duly sworn, deposes and says:
That she is the publisher of THE IDAHO ENTERPRISE a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 21 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with 2-20-2003 and ending with 2-27-2003
the issue of

Kristine D. Smith

STATE OF IDAHO)

COUNTY OF ONEIDA)

On this 28 day of February in the year of 2003
before me, Susan J. Wittman, a Notary Public,
personally appeared Kristine D. Smith, known or
identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that
the statements therein are true, and acknowledged to me that she
executed the same.

Susan J. Wittman
Notary Public for Idaho
State of Idaho
Residing at Malad, Idaho
My commission expires: 2-9-2006

NOTICE

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
15-7240

MIKE ASAY

BILL ASAY

1850 N 5600 W

MALAD ID 83252

Point(s) of Diversion: NENW S15

T14S R35E and NENW S15

T14S R35E, ONEIDA County

Source GROUND WATER

Use: IRRIGATION 04/01 To
10/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 01/29/2003

Place Of Use: IRRIGATION

T14S R35E S15 NWNE SWNE

NENW NWNW SWNW SENW

NESW NWSW

Number of Acres 261

Permits will be subject to all prior
water rights. Protests may be
submitted based on the criteria
of Sec 42-203A, Idaho Code.

Any protest against the approval
of this application must be filed
with the Director, Dept. of Water
Resource, Eastern Region, 900
N Skyline Dr Ste A, Idaho Falls
ID 83402 together with a protest
fee of \$25.00 for each applica-
tion on or before March 10, 2003.
The protestant must also send a
copy of the protest to the appli-
cant.

KARL J DREHER, Director

Published on February 20 and
27, 2003

L. #2976 2/20/03-2/27/03-2T

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JUN 02 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
February 12, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MIKE ASAY
BILL ASAY
1850 N 5600 W
MALAD ID 83252

RE: Application for Permit No 15-7240

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Idaho Enterprise on February 20 and 27, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the 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 Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

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JUN 02 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 12, 2003

Legal Notice Department

Idaho Enterprise

PO Box 205

Malad City ID 83252

RE: Application for Permit No. 15-7240

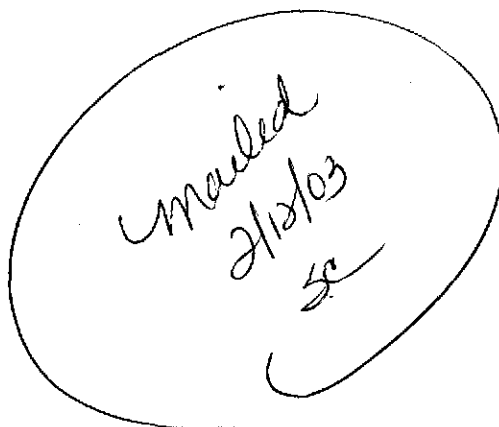
Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before March 10, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



MICROFILMED

JUN 9 2 2003

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

15-7240

MIKE ASAY
BILL ASAY
1850 N 5600 W
MALAD ID 83252

Point(s) of Diversion: NENW S15 T14S R35E and NENW S15 T14S R35E, ONEIDA County
Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 2 CFS
Total Diversion: 2 CFS

Date Filed: 01/29/2003

Place Of Use: IRRIGATION

T14S R35E S15 NWNE SWNE NENW NWNW SWNW SENW NESW NWSW

Number of Acres 261

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before March 10, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on February 20 and 27, 2003

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JUN 02 2003