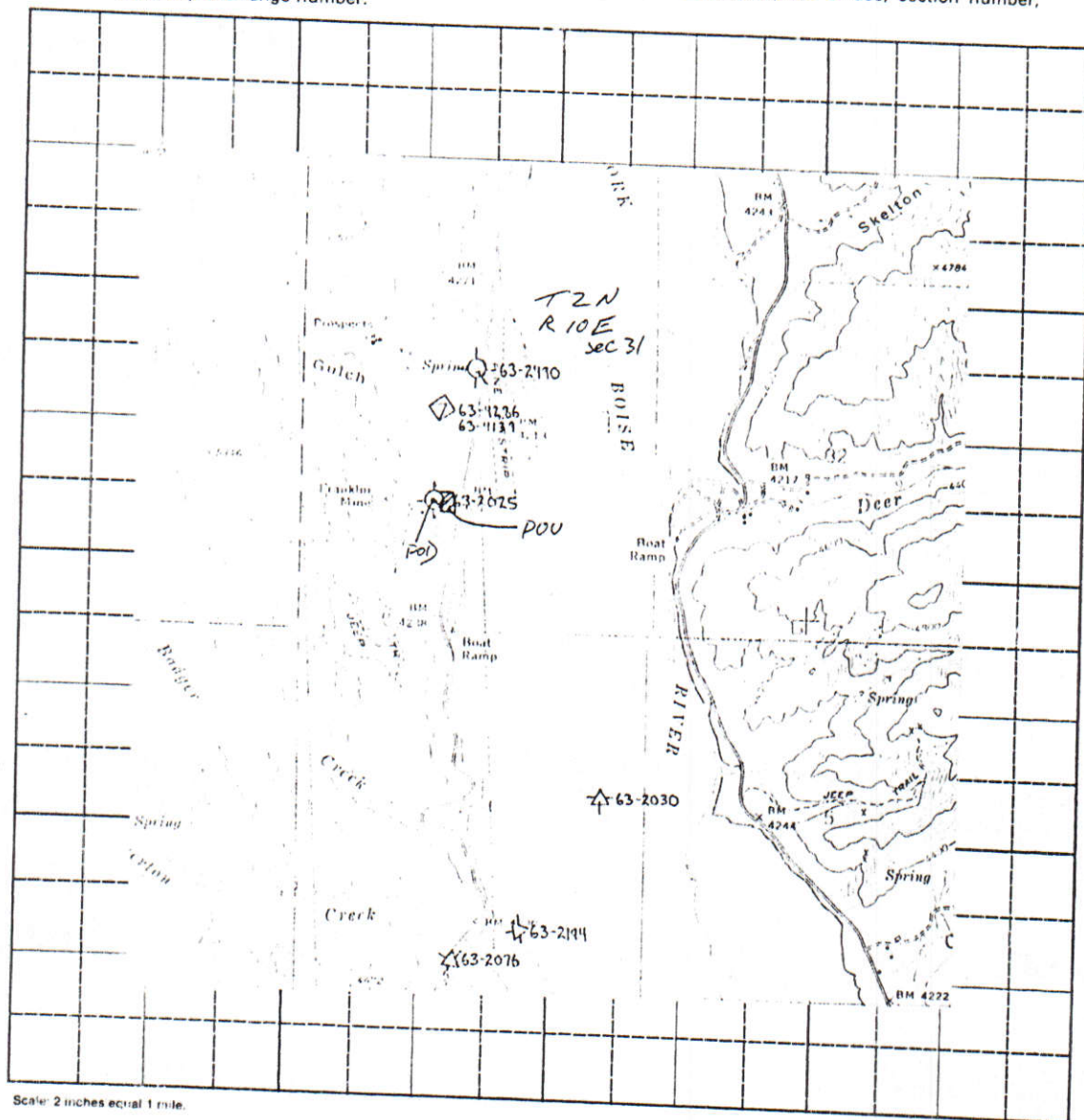


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Michael Ashley
(Applicant)

FF

BUILDING CENTER

LET **HOFF** HELP YOU WITH YOUR HOMEWORK

INVOICE NO.

88579

WEST ST.
IDAHO 83642

888-1457

MERIDIAN
888-1457
532 E. First

ONTARIO
889-5351
2067 S.W. 4th Ave.

Invoice Date

Date Delivered

Sold By

Loaded By	
-----------	--

Checked By _____

Delivered By

Priced By

Extend By

Check By

Cash

Mds: Betd

Charge

On Asst:

GOD

Paid Out

Block

Subdivision or Job No.

Produced & Shipped

Discussion

10

Doc # 20 W.C. Clamps (10/13)

510

Hickory Blades

22

15

SECRET

NOV 08 1995

READ BEFORE SIGNING • TERMS OF SALE

CASH CHARGE ACCOUNTS ARE DUE THE FIRST OF THE MONTH FOLLOWING DELIVERY AND PAYABLE IN 10TH. 1% PER MONTH (10% PER ANNUM) WILL BE CHARGED MONTHLY ON PAST DUE ACCOUNTS. Materials are furnished for and to be used in and upon the premises above described. We assume no responsibility for results from use of these products. All goods returned for credit must be in as good condition as when purchased and within 15 days from date of purchase together with sales ticket.

SUBTOTAL

TAX

DRAY

TOTAL

**No Claims
Considered Unless
Slip Is Returned**

**All Extensions
Subject
To Correction**

S
ed To
Rec'd By

CUSTOMER RECEIVING COPY

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-11334)
)
IN THE NAME OF TWIN PINES WATER USERS ASSN.) **ORDER OF**
) **REINSTATEMENT**
)

This matter having come before the Idaho Department of Water Resources (Department), the Department makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER:

FINDINGS OF FACT

1. On May 13, 1991, the Department issued Permit No. 63-11334 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before May 1, 1992.

2. On February 28, 1992, the Department sent a proof due notice to the permit holder by certified mail stating that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use. The proof was returned undelivered by the post office due to an incorrect mailing address.

3. On May 6, 1992, the Department sent a lapse notice to the permit holder.

4. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

5. On August 24, 1995, the permit holder submitted an acceptable proof along with two (2) affidavits and receipts of purchase confirming that water had been put to beneficial use during the authorized development period. The permit holder

NOV 08 1995

further explained that proof had not been timely filed because he misunderstood what was required by him in the proof due notice.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

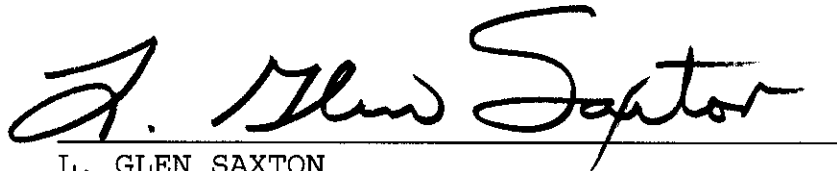
2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 63-11334 is **REINSTATED** and the priority is advanced to August 24, 1995.

Dated this 16th day of October, 1995.

A handwritten signature in cursive script, reading "L. Glen Saxton", written over a horizontal line.

L. GLEN SAXTON
Chief, Water Allocation Bureau

NOV 08 1995

RECEIVED

AUG 24 1995

Under(s) has/have completed
the provisions of the Uniform

- Signature of permit holder: Pres. Michael Ashby Date: 8/31/95
(include your title, if on behalf of company or organization)

NOV 6 8 1995

NOTICE

This file has been REPRODUCED
from MICROFICHE, [REDACTED]

Linda Block
Person Recreating File

Sep. 25, 95
Date

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11334

Proposed Priority: August 27, 1990 Maximum Diversion Rate: 0.02 CFS
This is to certify, that TWIN PINES WATER USERS ASSN.
C/O MICHAEL ASHEY
10362 MATINGALE DR.
BOISE, ID 83709

has applied for a permit to appropriate water from:

SPRING

tributary of BOISE RIVER, SOUTH FORK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION: SENESW Sec. 31, Township 02N, Range 10E
ELMORE County

PLACE OF USE: DOMESTIC
TWN RGE SEC

02N 10E 31 NESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1992.
2. Subject to all prior water rights.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 63.
4. Use of water for domestic purposes under this permit shall be limited to in-house use and watering of household stock.
5. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
6. Domestic use is for 8 homes.

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

13 day of

May, 1991

R. Keith Higginson
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 63-11334
RECEIVED
MAY 30 1990

ASSIGNMENT TO:

Twin Pines Water Users
Association.

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant Michael Ashby Phone 376-2459
Post office address 10362 Matingale Dr Boise 83709
2. Source of water supply UNPAVED SPRING which is a tributary of SW Fork Boise River
3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 31 Township 2N Range 10E B.M. ELMORE County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.02 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.02 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Spring, pipeline & storage tank
 - 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 _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
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).

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. 1 8 M/L 8/27/90
- e. Other; describe fully. _____

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	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	NE	31									D								

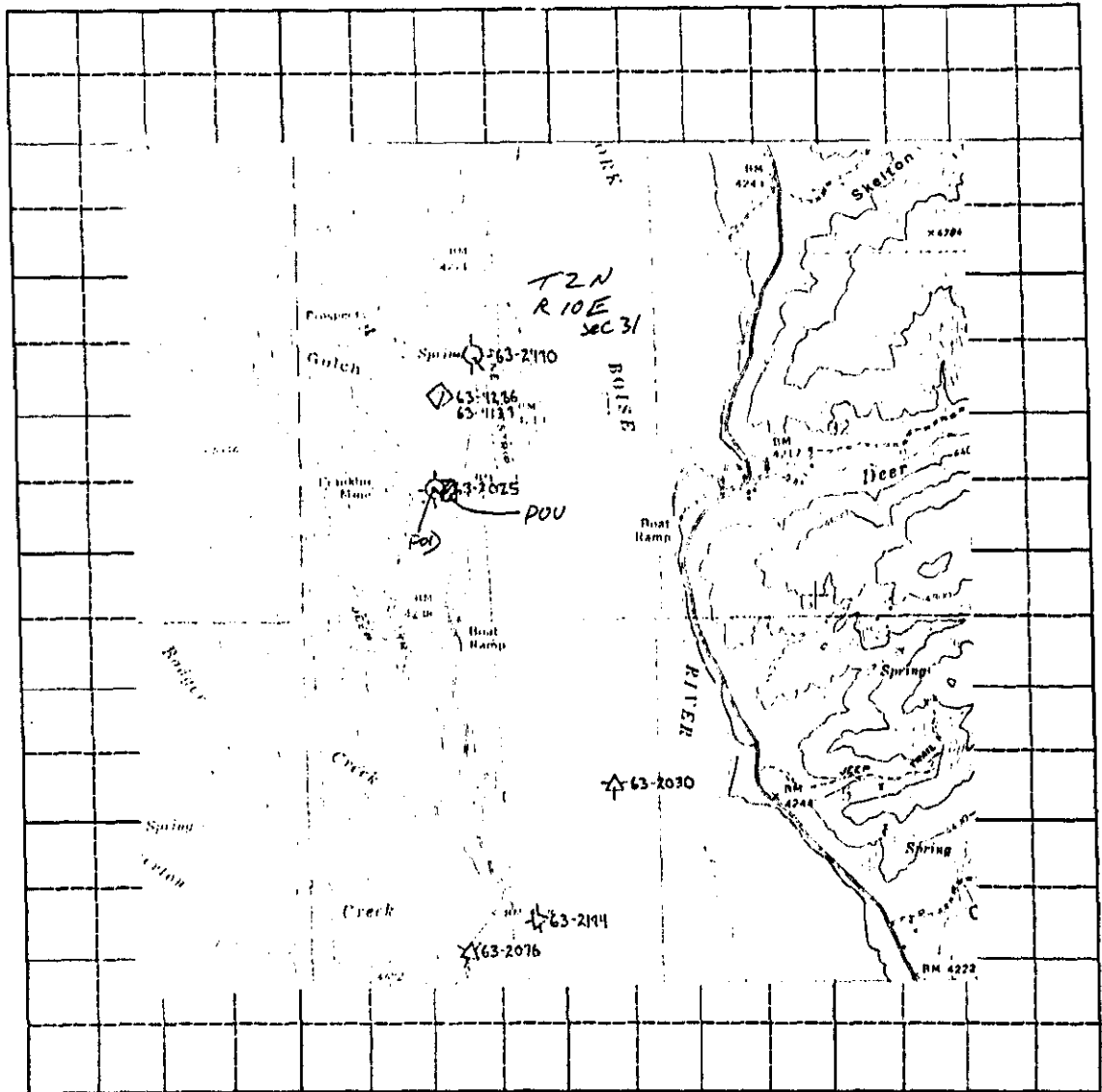
Total number of acres to be irrigated _____

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? _____
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. CANDANER LA WHERE SPRING IS LOCATED HAS ADJOINING LOT & IS PARTICIPATING IN DEVELOPMENT OF SAME SYSTEM.

12. Remarks: _____

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.

Michael Ashley
(Applicant)

Received by Dr. J. L. H. 8/27/90 Date 5-30-90 Time 11:00 AM Preliminary check by SS
Fee \$ 30.00 Received by Julie # 00116-19 Date 5-30-90
Publication prepared by GG Date 6-13-90 Published in Mountain Home News
Publication approved at Date 7-9-90
6/20 & 6/27/90

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:

State of Idaho
Department of Water Resources
Application for
ASSIGNMENT OF PERMIT

I, Michael Ashby, hereby assign to Twin Pine Water Users Assn.
of c/o Michael Ashby, 10362 Matingale Dr. Boise Id 83709
President *Address*

CHECK ONE



All my right, title, and interest in and to ^{App for} Permit No. 63-11334
to appropriate the public waters of the State of Idaho.



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 that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 27th day of August, 19 90.

x Michael Ashby
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 27th day of Aug, 19 90, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

David R. Tuttle
Notary Public residing at
Boise Id

My commission expires:

7/15/1997

NOTICE OF APPLICATION
FOR WATER RIGHT

The Following applications have been
filed to appropriate the public waters of
the State of Idaho:

61-07845

HALL, DAN
BOX 644
GLENNS FERRY, ID 83623
Source: SPRING; Tributary: SNAKE
RIVER

Diversion Pt: SWSESW Sec 25 T 05S
R 09E

Use: WILDLIFE (.600 CFS); Total Di-
version: (.600 CFS)

Date Filed: 4/11/1990

In: T05S R09E S25 SESW

63-11334

ASHBY, MICHAEL
10362 MATINGALE DR.
BOISE, ID 83709

Source: UNNAMED SPRING; Tribu-
tary: BOISE RIVER, SOUTH FORK

Diversion Pt: SENESW Sec 31 T 02N
R 10E

Use: DOMESTIC (.020 CFS); Total
Diversion: (.020 CFS)

Date Filed: 6/30/1990

In: T02N R10E S31 NESW

The permits will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Western Region, 2735 Air-
port Way, Boise, Idaho 83705 on or be-
fore JULY 8, 1990.

R. KEITH HIGGINSON, Director
Published 6/20/1990 & 6/27/1990.

Affidavit of Publication

County of Elmore

STATE OF IDAHO

ss.

I, Mike Thornberry.... do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2..... consecutive weeks, the first publica-
tion having been made on the 20th day
of June....., 1990, and
the last publication having been made on the
27th day of June.....
1990....; every Wednesday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Mike Thornberry
Subscribed and sworn to me this 27th...

day of June....., 1990

Robert W. Swa
Notary Public

RECEIVED

JUN 28 1990

Department of Water Resources
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

July 21, 1998

RECEIVED

PHILIP E. BATT
GOVERNOR

JUL 22 1998

KARL J. DREHER
DIRECTOR

TWIN PINES WATER USERS ASSOC
C/O MICHAEL ASHBY
10362 MARTINGALE DR
BOISE ID 83709

Department of Water Resources

RE: PERMIT NO. 63-11334

Dear Mr. Ashby:

This letter confirms our conversation earlier today regarding your questions about stubbed lots from the spring in the above referenced permit. In the licensing process, credit can be given to lots that had stubbed lines at the time of the filing of proof of beneficial use. The "proof" filing was made in August 1995.

The field exam for the system was conducted in May 1996. My notes from the exam indicate that the system served four homes at that time. My notes mention that no stubbed lines were present. However, perhaps that last statement is incorrect.

The permit was approved for in-house use for up to eight homes. The license can be issued for the four homes found in 1996 plus for up to four lots with stubbed lines if you can provide any documentation about stubbed lines. Perhaps you have copies of bills, diagrams or so forth that demonstrate stubbed lines to other lots. At the very least, a letter of explanation from you and/or anyone else familiar with the system would be helpful.

Enclosed is a copy of the field exam map. Please locate any lots with stubbed lines on this map and return it with your response. The results will be used to complete the licensing process. Any use of the spring beyond the limit of lots recognized by the pending license will require a new water right permit as we discussed.

During the field exam, you asked about any water right filings in the name of Jay Shannon. There are no filings in the area in question in the name of Shannon.

Please let me know if you need more information.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

CONVERSATION MEMORANDUM

DATE 7/7/98

FILE 63-11334

NAME OF PARTY Mrs. Ashby 922-3500 (local #)

EMPLOYEE SL

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JUL 07 1998

RE: Add'l Filing Needed

Department of Water Resources

1995 proof = D/8.

1996 Exam = D/4 in use.

Now some other homes online & also planned,
5 Add'l lookups involved.

Appears need new W.R. for D/5 to complement
D/4 found in Exam for 63-11334.

She will drop off plot showing this - can
draft Appl. for permit for Association
based on that.

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 63-11334 Reviewed by [Signature] Date 10-13-95

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
no Proof timely received?
If not, complete calculation below.

TYPES OF USE

Dom.

Correct Uses? yes

SOURCE OF WATER

✓ Surface water source

____ Ground water source

____ Drilling permit required?
____ Copy in the file? Drilling Permit No. _____
____ Amount paid for permit
____ Well log in the file?

____ Correct?

LICENSE EXAMINATION FEE

yes Required?
50.00 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
____ Installed?
____ Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____ - _____
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date 8-24-95 _____

7 after 60 days
8/24/95

DEFICIENCIES OR ACTION ITEMS

Late Reinstatement to Aug 24, 1995.
Proof acceptable

DATA ENTRY

New Address 10362 Martingale Dr. Proof Made 8/24/95
Boise, Id 83709



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

October 13, 1995

TWIN PINES WATER USERS ASSN
C/O MICHEAL ASHBY
10362 W MARTINGALE DR
BOISE ID 83706

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 63-11334

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to August 24, 1995.

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 the field examination, please feel free to contact the WESTERN Regional Office in Boise at (208) 334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

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NOV 08 1995

MEMORANDUM

TO: GLEN SAXTON

FROM: STEVE LESTER *SL*

DATE: JUNE 21, 1995

RE: RE-INSTATEMENT OF LAPSED PERMIT 63-11334

Michael Ashby visited the office on June 19 on behalf of the Twin Pines Water Users Assn. to discuss possible re-instatement of this permit. He stated that the system had been in place and used by the proof due date of May 1, 1992. We discussed the two critical items regarding re-instatement: evidence of beneficial use by the appropriate date and justification for failure to comply with the proof filing date.

He brought additional information to the office the following day (see attached). He also told me that he could not locate the certified IDWR letter(s) sent regarding the proof filing -- he was in the middle of some type of moving during that time and thinks that perhaps the correspondence was misplaced. He further stated that he and a few other association members spent long hours installing the pipeline system and completing the hookups to homes. It appears that four homes were serviced by late 1990 based on his material.

At first glance and from my conversations with him, it appears that a good case can be made for re-instatement if he has provided reasonable cause for the failure to file proof. He was informed that re-instatement would include an advancement of priority. If additional information is needed, please call Michael at 376-2459.

RECEIVED
NOV 08 1995

We did not respond to your letters or file a Proof of Beneficial use because of confusion as to who received the letters and our misunderstanding of those letters. In our ignorance of the system we were under the understanding that when we left the meeting with the water resources board and those parties involved that the water rights had been established as long as all conditions of that meeting were met. All conditions were met and the water system was established and put into use in the fall of 1990.

6/20/95 Michael Ashley (376-2459)

RECEIVED

JUN 20 1995

WATER RESOURCES
WESTERN REGION

NOV 08 1995

The Twin Pines Water System actual work started June 1990. Water lines were excavated June 27 & 28. Approximately 2000 ft of trench and water line was put into place. The holding tank was moved and sat in place on September 26, 1990. (note: These receipts do not reflect the total cost of the system. They only establish the dates the system was put into use.) Homeowners Zane Nelson, Mic Ashby, Ray Brun and Gwen Rice hooked onto the water system immediately upon completion of the system. That date being on or about September 26, 1990.

6/20/95 Michael Ashby

RECEIVED

JUN 20 1995

**WATER RESOURCES
WESTERN REGION**

MISSOURI
NOV 08 1995

NAME Bernie Beinhart

ADDRESS 5157 Alta View Dr.

SHIP TO POISE 16 83704

ADDRESS

John M. ² ~~2~~
HC 87 Box 1523
Fert. these will be 16
83647

TOPS  FORM 46500 ®

NOV 08 1995

5061 8 0 NON

HOMECLUB
8363 W. FRANKLIN RD.
BOISE, ID 83709 (208) 323-1330

MEMBER 260 2 00005 37654
SALE 0050 10/04/90 06:17 PM

HOMECLUB
8363 W. FRANKLIN RD.
BOISE, ID 83709 (208) 323-1330

MEMBER 819 1 00009 13222
SALE 0050 06/28/90 08:44 PM

MEMBERSHIP NUMBER 500206214

081094020532 / 0003 PLUG
3 @ 1/0.89
278531 / 0003 COUPLING
6 @ 1/0.35
487074 / 0003 1 1/4X1 TEE
3 @ 1/1.79

SUB TOTAL
5.00% TAX
TOTAL
CHECK

2.67
2.10
5.37
10.14
0.51
\$10.65
10.65

THANK YOU FOR SHOPPING HOMECLUB

HOMECLUB

8363 W. FRANKLIN RD.

BOISE, ID 83709 (208) 323-1330

MEMBER

124 2 00005 28818
0050 07/31/90 07:41 PM

MEMBERSHIP NUMBER 500206214

278549 / 0003 COUPLING
3 @ 1/0.45
046878371712 / 0003
1/4 CLAMP
1 @ 1/3.75

SUB TOTAL
5.00% TAX
TOTAL
CASH
CHANGE

3.75
5.10
0.26
\$5.36
100.00
94.64

THANK YOU FOR SHOPPING HOMECLUB

MEMBER 819 1 00009 13222
SALE 0050 06/28/90 08:44 PM
MEMBERSHIP NUMBER 500206214
487074 / 0003 1 1/4X1 TEE
3 @ 1/1.79
0733333304505 / 0019 ROOM
1 @ 1/7.12
049424970308 / 0017
MEMBER ROOM
1 @ 1/1.07
15772 / 0003 COUPLING
3 @ 1/3.69
128905310505 / 0003 CDP
5 @ 1/0.99
028905020770 / 0003 NIPPLE
3 @ 1/1.09
487074 / 0003 1 1/4X1 TEE
3 @ 1/1.79
028905020770 / 0003
MEMBER ROOM
1 @ 1/7.12
0733333304505 / 0019 ROOM
1 @ 1/7.12
049424970308 / 0017
MEMBER ROOM
1 @ 1/1.07
15772 / 0003 COUPLING
3 @ 1/3.69
128905310505 / 0003 CDP
5 @ 1/0.99
028905020770 / 0003 NIPPLE
3 @ 1/1.09
278549 / 0003 COUPLING
3 @ 1/0.45
046878371712 / 0003
1/4 CLAMP
1 @ 1/3.75
SUB TOTAL
5.00% TAX
TOTAL
CASH
CHANGE

THANK YOU FOR SHOPPING HOMECLUB

GROVERB
PAY PACK
WIFE
208-342-6574

CTAX 1.57
CTAX 1.27
CTAX 1.22
CTAX 1.54
CTAX 1.00
CTAX 1.07
CTAX 5.48
CTAX 1.73
TAX 88
TOTAL 66.38
CASH 18.38
CHECK 00

6202 1000002
9012 12:19PM 6/29/90

5533 FAIRVIEW AVENUE
BOISE IDAHO 83704

FILE 2004.79
SPR 15.80
TAX 15.80
TOTAL \$16.59
CHECK 16.59
CHNG .00
ITEM 20

POS1 1720004
1001 5437PM 10/04/90

888-1457

LET **HOFF** HELP YOU WITH YOUR HOMEWORK

MERIDIAN
888-1467
632 E. 4th

ONTARIO
888-8381
2057 E. 10th Ave.

INVOICE NO

88579

Invoice Date: 01/25/90

Data Delivered

Sold By

Loaded By

Checked By

Delivered By :

Printed By

Extend By _____

Check By

Cash

Midse Rend	
------------	--

Charge

On Acct

C.O.D.

Paid Out

Block

Subdivision or Job No.

Box #20 Hex clamps (12.05)

5	20
---	----

Hickory Blades

2	7
---	---

READ BEFORE SIGNING... TERMS OF SALE

CASH/CHARGE ACCOUNTS ARE DUE THE FIRST OF THE MONTH FOLLOWING DELIVERY AND PAYABLE
THE 10TH. 1% PER MONTH (10% PER ANNUM) WILL BE CHARGED MONTHLY ON LATE DUE ACCOUNTS.
Materials are furnished for and to be used in and upon the premises above described. We assume no responsibility
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and within 15 days from date of purchase together with sales ticket.

SUBTOTAL

TAX

**No Claims
Considered Unless
Slip Is Returned**

Rec'd By

HONE (208) 322-6001

ccounting (208) 375-1540

hop (208) 344-1544

oll Free 1-800-445-8520

STATEWIDE TRANSPORT, INC.

7103 Folk Dr.
BOISE, IDAHO 83704

AFTER HOURS PHONE

(208) 322-6001

N/O 12814

I.C. - 159105

O.C. & I.P.U.C. REQUIRES PAYMENT WITHIN 14 DAYS.

10/5/90

DATE _____ 19 ____

PAYMENT OF THIS BILL WILL BE DUE 10/25/90

PERMIT NO. 5399		EQUIP NO. 18/LBI		CARRYING CAPACITY	
POINT OF ORIGIN MERIDIAN, IDAHO		POINT OF DESTINATION PINE, IDAHO AREA			
SHIPPER BERNIE BERNHARDT		CONSIGNEE E.J. WILSON & SON			
ADDRESS % Western States Equipment Co		ADDRESS WILSON			
CITY Boise, Idaho 83707		CITY			

PKGS	KIND	DESCRIPTION OF COMMODITIES	WEIGHT	RATE	CHARGES
1	CAT	"NEW" EL 200B S# 7DF1145	agreed rate**		300.00

SHIPPER	BY	ORIGIN	LOAD
CARRIER	BY Received in good condition except as noted DRIVER John Tolliver 11.5 hrs	☐ TERMINAL ☐ STORE DOOR	☐ C.O.D. FEE
CONSIGNEE	BY Received in good condition except as noted	☐ AT RAILHEAD ☐ OFF RAILHEAD	☐ ADVANCES
PAYMENT RECEIVED BY	AGREEMENT ☐ SHIPPER'S ☐ RECEIVER'S	DESTINATION	☐ OTHER CHARGES
*Show each charge separately and what it represents **if other unit of charge, show per box, crate, bundle, bag, head, etc	☐ TO LOAD ☐ TO UNLOAD ☐ CONSTRUCTIVE PLACEMENT AFTER 3:00 P.M.	☐ TERMINAL ☐ STORE DOOR ☐ AT RAILHEAD ☐ OFF RAILHEAD	☐ PREPAID
		ACCESSORIAL DOC NO	TOTAL TO COLLECT 300.00

IN CASE SUIT OR ACTION IS INSTITUTED TO COLLECT THIS CHARGE OR ANY PORTION THEREOF, I PROMISE TO PAY ALL COURT COST & SUCH ATTORNEY FEES AS THE COURT MAY ADJUDGE REASONABLE IN SAID SUIT OR ACTION

SIGNATURE _____

REPRESENTING _____

STATEWIDE TRANSPORT INC.
7103 FOLK DR.
BOISE, ID 83704

DATE
10/11/90
ACCOUNT NO.
TERMS
14 days

STATEMENT

To: MR. BEFNIE BERNHARDT
% Western States Equipment Co.
PO Box 38
Boise, Idaho 83707

Due: 10/25/90****

DATE	INVOICE #	FREIGHT	OTHER	AMOUNT
DESCRIPTION				
10/5/90	12814	300.00		300.00
THANKS FOR USING STWDE.....				

INTEREST AT THE RATE OF 1-1/2% PER MONTH WILL BE CHARGED
ON ACCOUNTS WHICH ARE MORE THAN 30 DAYS PAST DUE.

Please Pay Last Amount
in This Column 

Would you like my note paper?

Karen.

— STATEMENT —

GYPSUM • IRON • BENTONITE • LIMESTONE • MANGANESE
MINING • DRILLING • CATWORK

E. J. WILSON & SONS
LIDY HOT SPRINGS—DUBOIS, IDAHO 83423
PHONE 208-657-2506 or 657-2507

7/31/90, 19__

Berdett Bernhardt

DATE	CHARGES	BALANCE
1000ft.-1½", 125 P.S.I. pipe @ 26.95¢ pr ft.		\$269.50
1000ft.-1½" !¢) P.S.I pipe @35.05¢ pr ft.		350.50
Credit		200.00
	Total	\$ 420.00

RC 8-7-90
OK 6/6/95

The following information is supplied as required by the truth in lending act: **FINANCE CHARGE** shall be employed only if customer elects not to pay current charges within thirty days from date of billing. **FINANCE CHARGES** shall be computed and determined as follows: At a rate of 1½% PER MONTH or an **ANNUAL PERCENTAGE RATE OF 18%** on all outstanding balances.

NOV 08 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 11, 1995

Twin Pines Water Users Assn.
c/o Michael Ashby
10362 W. Martingale Dr.
Boise, ID 83709

RE: Lapsed Permit No. 63-11334

Dear Mr. Ashby:

I spoke with your wife on the phone today and informed her of the need to submit a Proof of Beneficial Use form and appropriate license examination fee before Permit No. 63-11334 could be considered for reinstatement. I have enclosed the proof form, an instruction form and a copy of the permit.

Please fill out and return the proof within **60 days** of receipt of this letter. If you have any questions, please do not hesitate to contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



NOV 08 1995

NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]

Clark Block
Person Recreating File

Sep 25, 95
Date

I certify that file No. 63-11334

has been reviewed and is ready to be MICROFILMED
and DESTROYED:


Signature

8-14-72
Date

The attached proof report is the water right as it appeared in the database
prior to the final status and deletion from the database.

WS5008NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

08/14/92 00:30:15
Page 1

Water Right Number - 63-11334

Prefix Translation: WATER RIGHT

Old (D) Number -

----- Last Name -----

----- First Name -----

----- Address -----

*** C - CURRENT OWNER ***
TWIN PINES WATER USERS ASSN.

1 - C/O MICHAEL ASHBY
2 - 10362 MATINGALE DR.
3 -

City- BOISE

Phone - 208-376-2459

State- ID Zip- 83709

*** O - ORIGINAL OWNER ***
ASHBY

MICHAEL

1 - 10362 MATINGALE DR.
2 -
3 -

City- BOISE

Phone - 208-376-2459

State- ID Zip- 83709

----- Priority Date -----
08/27/1990

----- Region -----
14 WESTERN

----- Stage -----
P - PERMIT

----- Status -----

----- Source -----
SPRING

----- Tributary -----
BOISE RIVER, SOUTH FORK

----- Point of Diversion -----
----- Stream Index (Blank if no Index Code) -----

Twn Rng Sec Tract Lot RFig County
02N 10E 31 SE NE SW (39) ELMORE

----- Code ----- Description ----- Period From ----- Water Use ----- Period To ----- Diversion Rate ----- Diversion Volume -----
43 - DOMESTIC 01/01 12/31 0.020

----- Total Div. Rate ----- + ----- Total Div. Volume ----- + ----- Total Div. Capacity ----- +
0.020

----- Place of Use ----- Description ----- County -----
Twn Rng Sec Tract Lot Acres Code
02N 10E 31 NE SW 43 DOMESTIC (39) ELMORE

----- Diversion Means ----- SPRING, PIPELINE AND STORAGE TANK.

----- Non-Irrigation Use -----

----- Other Rights for Same Use -----

----- Remarks -----
Domestic use is for 8 homes.

----- Old Water Right Numbers -----
No Old Water Right Numbers found.

WR5808NP
(00-26)

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

08/14/92 00:30:15
Page 2

Water right number - 63-11334

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +
005 - Use of water under this right is subject to control by the
- watermaster of State Water District No. 63.
021 - Use of water for domestic purposes under this right shall be
- limited to in-house use and watering of household stock.
004 - The issuance of this right in no way grants any right-of-way
- or easement across the land of another.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
Date: 05/06/1992 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

+ - - Audit Fields - 06/11/90 GARRETT 06/25/90 CURTIS 07/11/90 TAYLOR 08/30/90 TAYLOR 09/05/90 TAYLOR
09/21/90 TAYLOR 09/24/90 TAYLOR 04/18/91 TAYLOR 05/07/91 SKAGGS 05/08/91 SKAGGS
05/06/92 COMMENTS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 05/01/1992	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 05/13/1991	Protested Date - 00/00/0000	Sven Falls -
Proof Made Date - 00/00/0000	Hearing Date - 08/27/1990	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - C017049	Water District - 63
Licensed Date - 00/00/0000	Appl Received - 05/30/1990	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

May 6, 1992

TWIN PINES WATER USERS ASSN.
C/O MICHAEL ASHBY
10362 MATINGALE DR.
BOISE ID 83709

LAPSE NOTICE

RE: PERMIT NO. 63-11334

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated February 28, 1992. 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 fifteen dollar (\$15) 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.

GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 5/6/92
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

klg

February 28, 1992

TWIN PINES WATER USERS ASSN.
C/O MICHAEL ASHBY
10362 MATINGALE DR.
BOISE ID 83709

PROOF DUE NOTICE

RE: PERMIT NO. 63-11334

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 1, 1992. (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.

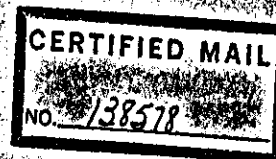
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KETTL HIGGINSON
DIRECTOR

May 16, 1991

TWIN PINES WATER USERS ASSN.
C/O MICHAEL ASHBY
10362 MATINGALE DR.
BOISE, ID 83709

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-11334

Dear Permit Holder:

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.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 16, 1991

Raymond Brun
HC 87 Box 560
Featherville, ID 83647

Re: Application for Permit No. 63-11334 in the Name of Michael
Ashby

Dear Protestant:

This office acknowledges receipt of the withdrawal of protest
against the above-referenced application.

The Department now will continue to process the application.

Sincerely,

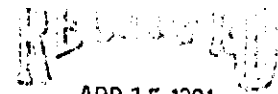
A handwritten signature in dark ink, appearing to read 'David R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: Michael Ashby

April 12, 1991



APR 15 1991

Dear Mr. Turner,

Department of Water Resources
Western Regional Office

Please be advised that on Oct 22, 1990
I formally withdrew my protest on the
application for permit #63-11334 in the
name of Michael Ashby.

I thank you for your help in resolving
this matter.

Sincerely Yours

Raymond T. Burr

653-2310



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

April 5, 1991

Michael Ashby
10362 Matingale Dr.
Boise, ID 83709

Raymond Brun
HC 87 Box 560
Featherville, ID 83647

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Re: Application for Permit #63-11334 in the Name of Michael Ashby

Dear Gentlemen:

At the conference held on August 27, 1990, regarding the above-referenced protested application, the parties present determined that the following events should take place:

1. The application would be assigned to a water users association.
2. Mr. Mark Wight would prepare an agreement specifying terms of protest withdrawal.
3. Protestants would withdraw protests based on the provisions of the agreement.

On October 22, 1990, this office received a withdrawal of the protest in the name of Mr. Gwinn F. Rice, which was submitted by his attorney, Mr. Wight. The department forwarded copies of this withdrawal to other interested parties, and no other response has been received.

Currently the application is protested by Mr. Raymond Brun. If this protest is not withdrawn, the department intends to schedule this matter for a hearing. Please advise this office no later May 1, 1991, if there is a resolution of this matter so that a hearing is not required.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

October 23, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Mark E. Wight, Esq.
Orndorff & Peterson
1087 West River St.
Suite 230
Boise, ID 83702

Re: Application for Permit #63-11334 in the Name of Michael Ashby

Dear Mr. Wight:

This office acknowledges the receipt of a withdrawal of protest by Gwinn F. Rice against the above-referenced application for permit.

There is still a protest pending against this application and therefore we cannot proceed with its processing until we receive a withdrawal of protest.

Sincerely,

A handwritten signature in cursive script that reads 'David R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT/st

CC: Raymond Brun
Gwinn F. Rice
Michael Ashby

LAW OFFICES
ORNDORFF and PETERSON
SUITE 230
1087 WEST RIVER STREET
BOISE, IDAHO 83702
TELEPHONE
(208) 343-8880
TELECOPIER (208) 343-0314

RECEIVED
OCT 22 1990

Department of Water Resources
Western Regional Office

October 19, 1990

David R. Tuthill, Jr.
Manager, Western Regional Office
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

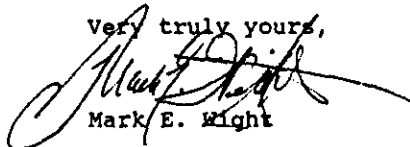
Re: Objection to Application for Permit
No. 63-11334 in the Name of
Michael Ashby

Dear Mr. Tuthill:

Mr. Gwinn F. Rice hereby withdraws his objection of July 2,
1990 to the above referenced Application for Permit.

Please contact me if there are any questions.

Very truly yours,



Mark E. Wright

MEW/sm

cc: Gwinn F. Rice



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 29, 1990

Michael Ashby
10362 Matingale Dr.
Boise, ID 83709

Re: Application for Permit No. 63-11334 in the name of Michael Ashby

Dear Sir:

This letter is to acknowledge your assignment of the above-referenced water right to Twin Pines Water Users Assn. Enclosed is a copy of the Assignment of Application. When we have received the protest withdrawals we will continue to process this application.

Sincerely,

A handwritten signature in cursive script, reading 'David R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: Raymond Brun
Gwinn F. Rice

Hearing conducted by: D. Turk. II

ROSTER OF ATTENDANCE

[illegible]

Application for Permit No. 63-11334

Michael Ashby

Conf on 8/27/1990

Notes by D. Turnill

Michael Ashby

7500 gal tank at Featherville

Present spring box is 24" x 22" x 24"

Water line is installed from spring to Mr. Brun's property.

Spring is in an old mine shaft.

Spring might be used for

Brun.

Rice.

Ashby

Nelson

Ray Brun

Spring supply is 6 to 8 gpm

1905 licensed right - b/u claim

Guinn Rice

1905 B/u right - claimed

Solution:

1. App assigned to assn.
2. Mike Wright to prepare agreement
3. Protestants to withdraw protests.

End of Conf.

CONFERENCE INFORMATION

IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203(A), the following issues are involved in the consideration of the application and protest(s):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the State of Idaho?

The intent of the conference is to resolve any conflicts regarding the proposed water appropriation in light of these five factors. The conference will not be recorded in an effort to promote full discussion of the issues. Possible resolutions are: (1) clarification of the issues resulting in a determination by all parties that the application is acceptable, (2) modification of the application to make it acceptable to the protestant(s), or (3) addition of acceptable restrictions or conditions of approval. If a resolution is not attainable, then a hearing will be set by the Department.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-11334 IN THE)
NAME OF MICHAEL ASHBY)

NOTICE OF CONFERENCE

On May 30, 1990, Michael Ashby filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Raymond Brun and Gwinn Rice.

The Department has set the matter of protest for a conference on Monday, August 27, 1990, at 10:00 a.m., in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 19th day of July, 1990.

David R. Tuthill
DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

I hereby certify that on the 20th day of July, 1990, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

Michael Ashby
10362 Matingale Drive
Boise, ID 83709

Gwinn F. Rice
Box 131
Hill City, ID 83337

Raymond Brun
HC 87 Box 560
Fettherville, ID 83647

RECEIVED

JUL 2 1990

Department of Water Resources
Western Region Office

Gwynn F. Rice

Box 131

Hill City Idaho 83337

July 2, 1990

RECEIVED

JUL 2 1990

Department of Water Resources

W. Cline

Dear Mr. Higginson

I file this formal protest on an application of water right filed by Michael Ashby #63-11334. Source is an unnamed Spring Tributary to South Fork of the Boise River. Source of water is on Private land that Mr. Ashby has no access to. Source of water has been developed by a concrete catch basin. Two water rights in use already exist on the water. Gwynn F. Rice #A 63-15180 and Raymon Brown right # I.D. # A 63-02025.

The amount of water generated is only sufficient to supply water to the two existing water rights. This supplies three dwellings with water for lawns and household uses. Thank you.

Sincerely Yours
Gwynn F. Rice



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 6, 1989

Gwinn F. Rice
Box 131
Hill City, ID 83337

Re: Application for Permit No. 63-11334 in the Name of Michael Ashby

Dear Protestants:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-1203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 6, 1990

Michael Ashby
10362 Matingale Dr.
Boise, ID 83709

Re: Application for Permit No. 63-11334

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

Application No. 63-11334

SPECIAL NOTE: _____

Withdrawn
PROTEST INFORMATION SHEET
Withdrawn

Protestant - Name(s) _____

Raymond Braun, Gwinn F. Rice

Address HC 87 Box 560, Featherville, ID 83647
Box 131, Hill City, ID 83337

Attorney - Name & Address _____

Date Filed June 26, 1990 Protest Date July 3, 1990
July 2, 1990
Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement letters: _____

Hearing Notice: _____

Hearing Date: _____

Other: _____

Protest Information submitted in Computer (following hearing): _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 26, 1990

Michael Ashby
10362 Matingale Dr.
Boise, ID 83709

Re: Application for Permit No. 63-11334

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTWILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 26, 1990

Raymond Brun
HC 87 Box 560
Featherville, ID 83647

Re: Application for Permit No. 63-11334 in the Name of Michael Ashby

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-1203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

RECEIVED

JUN 26 1990

Department of Water Resources
Western Regional Office

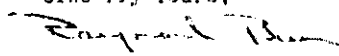
June 24, 1990

Raymond Brun
P.O. Box 560
Coeur d'Alene, Idaho
83814

Dear Sir,

I am filing a formal protest on an application of water right filed by Michael Ashby #63-II334. Source is an unnamed spring Tributary to South Fork of the Boise River. Source of water is on my private land that Mr Ashby has no access to. Source of water has been developed by a concrete catch basin. Two water rights already exist on the water. First by myself, I.D # A63-02025 and secondly by Mr Gwinn Rice of Mill City, Id. I.D # unknown. The amount of water generated by source of water is only sufficient to supply water to the two existing water rights. This supplies three dwellings with water.

Sincerely Yours,


Raymond Brun

P-581 149 940

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Gwinn F. Rice	
Box 131	
Hill City, ID 83337	
Postage	.25
Certified Fee	.85
Special Service Fee	
Registered Delivery Fee	.90
TOTAL Postage and Fees	2.00
Postmark or Date	

PS Form 3800, June 1985
U.S.G.P.O. 153-508

P-581 149 939

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Raymond Brun	
HC 87 Box 560	
Peatherville, ID 83647	
Postage	.25
Certified Fee	.85
Special Service Fee	
Registered Delivery Fee	.90
TOTAL Postage and Fees	2.00
Postmark or Date	

PS Form 3800, June 1985
U.S.G.P.O. 153-508

P-581 149 941

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Michael Ashby	
10362 Matingale Drive	
Boise, ID 83709	
Postage	.25
Certified Fee	.85
Special Service Fee	
Registered Delivery Fee	.90
TOTAL Postage and Fees	2.00
Postmark or Date	

PS Form 3800, June 1985
U.S.G.P.O. 153-508

63-11334

ASHBY, MICHAEL
10362 MATINGALE DR.
BOISE, ID 83709

Source: UNNAMED SPRING

Tributary: BOISE RIVER, SOUTH FORK

Diversion Pt: SENESW Sec 31 T 02N R 10E

Use: DOMESTIC (.020 CFS)
Total Diversion: (.020 CFS)

Date Filed: 5/30/ 1990

In: T02N R10E S31 NESW