

RECEIVED  
FEB 26 1996

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. 15-7153

To appropriate the public waters of the State of Idaho

1. Name of applicant Elden Nielsen Phone (208) 766-4070  
Post office address 83 W. Samaria Ln Malad, ID 83252
2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_
3. Location of point of diversion is \_\_\_\_\_  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of SW -  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. 21 Township 14S Range 36E B.M. Onida County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount <sup>2.58</sup>~~2.30~~ for Irrigation purposes from 4-15 to 10-15 (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)
5. Total quantity to be appropriated is (a) <sup>2.58</sup>~~2.30~~ and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. Well & pump & sprinklers
  - 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 16 inches; proposed depth of well is 300 feet.
  - d. Is ground water with a temperature of greater than 85°F being sought? N
  - e. If well is already drilled, when? No; Drilling firm \_\_\_\_\_;  
Well was drilled for (well owner) \_\_\_\_\_
7. Time required for the completion of the works and application of the water to be proposed beneficial use is  
3 years (minimum 1 year).

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

- Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock. \_\_\_\_\_
- Municipal; show name of municipality. \_\_\_\_\_
- Domestic; show number of households. \_\_\_\_\_
- Other; describe fully. \_\_\_\_\_

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS           |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------------------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |                  |
| 14S | 36E   | 20   |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 4   |     | 4                |
|     |       | 21   |     |     |     |     |     |     |     |     |     | 12  | 7   |     |     |     |     |     | 19               |
|     |       | 28   |     |     |     |     | 7   | 36  | 2   |     |     |     |     |     |     |     |     |     | 45               |
|     |       | 29   | 25  | 2   | 14  | 20  |     |     |     |     |     |     |     |     |     |     |     |     | <del>47</del> 61 |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |                  |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |                  |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |                  |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |                  |

Total number of acres to be irrigated 715-129

10. Describe any other water rights used for the same purposes as described above. Share of Marsh

Valley Irrig water

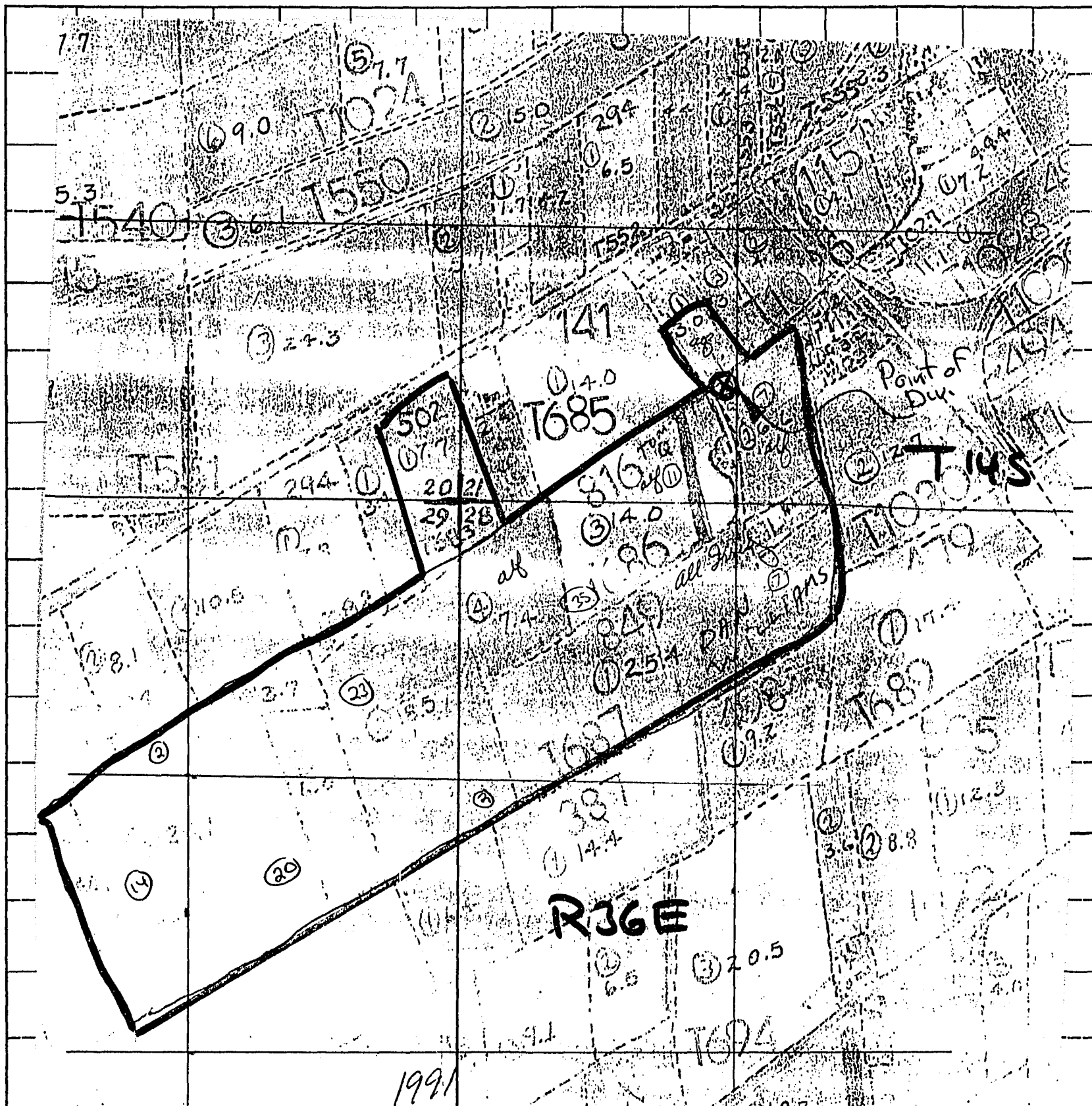
11. a. Who owns the property at the point of diversion? Applicant

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. \_\_\_\_\_

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.

*Elden D. Nilsen*  
(Applicant)

Received by HWT Date 1-29-95 Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
Fee \$ 140.00 Received by HWT # E021801 Date \_\_\_\_\_  
Publication prepared by AB Date 1-18-95 Published in Idaho Enterprise  
Publication approved AB Date 2-15-96

**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  
**Permit To Appropriate Water**  
NO. 15-07153

Proposed Priority: December 29, 1995      Maximum Diversion Rate: 2.58 CFS

This is to certify, that ELDEN NIELSEN  
83 W SAMARIA LN  
MALAD ID 83252  
has applied for a permit to appropriate water from: GROUNDWATER  
and a permit is APPROVED for development of water as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 04/15 to 10/15       | 2.58 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:      SWSW , Sec. 21, Township 14S, Range 36E  
ONEIDA County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|--------------|
| 14S        | 36E        | 20         | SESE 4.0     |              |              |              | 4.0          |
|            |            | 21         | SWSW 12.0    | SESW 7.0     |              |              | 19.0         |
|            |            | 28         | NENW 7.0     | NWNW 36.0    | SWNW 2.0     |              | 45.0         |
|            |            | 29         | NENE 25.0    | NWNE 2.0     | SWNE 14.0    |              | 61.0         |
|            |            |            | SENE 20.0    |              |              |              |              |

Total number of acres irrigated: 129.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1999.
2. Subject to all prior water rights.
3. 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.
4. 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.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Construction of the well must comply with Idaho well construction standards.

State of Idaho  
Department of Water Resources

## Permit To Appropriate Water

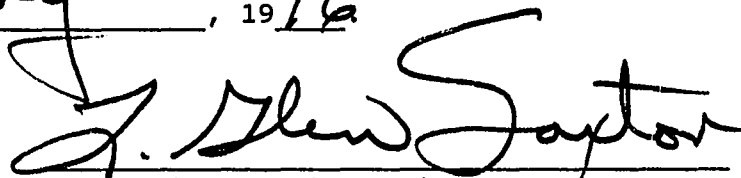
NO. 15-07153

### CONDITIONS OF APPROVAL AND REMARKS

8. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

29<sup>th</sup> day of February, 1976



Karl J. Dreher, Director

*for*



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

**EASTERN REGION**

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

January 16, 1996

ELDEN NIELSEN  
83 W SAMARIA LN  
MALAD ID 83252

RE: Notice of Application for Permit No. 15-07153

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the applications in the Idaho Enterprise on January 18 & 25, 1996. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

*Harold W. Jones*  
Harold W. Jones  
Water Right Supervisor

HWJ/rb



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

EASTERN REGION

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

JANUARY 11, 1996

THE IDAHO ENTERPRISE  
P.O. BOX 205  
MALAD CITY, ID 83252

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before FEBRUARY 5, 1996.

Yours truly,

Rita Bodell  
Secretary

Encl.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before FEBRUARY 5, 1996.

KARL J. DREHER, Director

Published: 1/18/1996 & 1/25/1996

15-07153

NIELSEN, ELDEN  
83 W SAMARIA LN  
MALAD, ID 83252

Source: GROUNDWATER

Diversion Pt: SWSW Sec 21 T 14S R 36E in ONEIDA County.

Use: IRRIGATION ( 2.580 CFS)  
Total Diversion: ( 2.580 CFS)

Date Filed: 12/29/1995

In: ONEIDA County  
T14S R36E S20

|     |      |      |      |      |
|-----|------|------|------|------|
| S21 | SESE |      |      |      |
| S28 | SWSW | SESW |      |      |
| S29 | NENW | NWNW | SWNW |      |
|     | NENE | NWNE | SWNE | SENE |

129.0 ACRES TOTAL

**RECEIVED**  
FEB 26 1996  
Department of Water Resources

Nº 2157

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }  
County of Oneida } ss.

Bonna Salvesen  
being duly sworn,

deposes and says: That she is the Secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper 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 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper 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

January 18, 19 96, and ending  
with the issue of January 26, 19 96

Bonna Salvesen

Subscribed and sworn to before me this 2 day

of February, 19 96

Susan Swittman

Notary Public, Residing at Malad, Idaho

My Commission Expires 2-9, 19 2000

## PUBLIC NOTICES

### NOTICE OF APPLICATION FOR WATER RIGHT

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

15-07153

NIELSEN, ELDEN  
83 W SAMARIA LN  
MALAD, ID 83252

Source: GROUNDWATER

Diversion Pt: SWSW Sec 21 T  
14S R 36E in ONEIDA County.

Use: IRRIGATION ( 2.580 CFS)

Total Diversion: ( 2.580 CFS)

Date Filed: 12/29/1995

In: ONEIDA County

T14S R36E S20 SESE

S21 SWSW SESW

S28 NENW NWNW SWNW

S29 NENE NWNE SWNE

SENE

129.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before FEBRUARY 5, 1996.

KARL J. DREHER, Director

Published: 1/18/96 & 1/25/1996  
L. 2157 T2

FEB 09 1996

Department of Water Resources  
Eastern District Office



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

February 29, 1996

ELDEN NIELSEN  
83 W SAMARIA LN  
MALAD ID 83252

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07153

Dear Permit Holder:

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

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.

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

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

*Shelley W. Keen*  
Shelley W. Keen  
Water Rights Supervisor

SK:rl  
Enclosures

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 05 1999

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

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. 15-07153

Name(s) of Permit Holder: ELDEN D. NIELSEN

Mailing Address: 930 W. SAMARIA LN. MALAD, IDAHO 83252

Date Proof is Due: \_\_\_\_\_ Telephone No. 208-766-4070

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".)

MAIN LINE FOR SPRINKLERS HAS BEEN INSTALLED

2 TITAN MINI PIVOTS HAS BEEN INSTALLED

\_\_\_\_\_ Costing \$ 40,000

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

RAN OUT OF MONEY

Permit holder(s) request an extension to APRIL 2004, 19 \_\_\_\_.

FEE: \$50.00

Elden D. Nielsen  
(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 APPROVED and the time within which to submit proof of beneficial use is extended to March 1, 2003.

IT IS FURTHER ORDERED that the permit be REINSTATED and the date of priority is advanced to February 3, 1996.

Signed this 26<sup>th</sup> day of \_\_\_\_\_, May, 19 99.

J. Blum Saylor  
Chief, Water Allocation Bureau

December 31, 1998

ELDEN NIELSEN  
930 W SAMARIA LN  
MALAD ID 83252

PROOF DUE NOTICE

RE: PERMIT NO. 15-07153

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1999. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

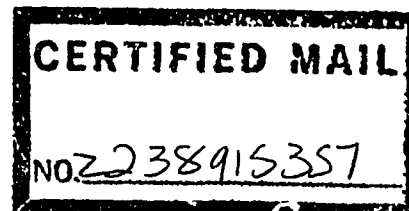
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures



March 12, 1999

ELDEN NIELSEN  
930 W SAMARIA LN  
MALAD ID 83252

LAPSE NOTICE

RE: PERMIT NO. 15-07153

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated December 31, 1998. No further construction or additional development is authorized under this permit unless it is reinstated.

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

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

L. GLEN SAXTON  
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 3-12-99  
a copy/an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

*[Signature]*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 26, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Elden D. Nielsen  
930 W Samaria Ln  
Malad ID 83252

RE: Permit No. 15-07153

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **March 1, 2003**. 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 **will not** be able to grant additional extensions based on due diligence.

Be advised that since the extension request was received after the proof due date, it was necessary for the department to reinstate the permit and advance the date of priority to **February 3, 1996**.

Section 42-248, Idaho Code, which became effective on July 1, 1996, 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 contact me at (208)327-7953, if you have any questions regarding this matter

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

FOR OFFICE USE ONLY  
Amt. of Fee \$: 150.00  
Receipt No. 2028743  
Receipt By: AMB  
Date Received: 5 May 03

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

MAY 12 2003

Department of Water Resources

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

1. Permit No. 15-07153 Telephone No. 766-4070
2. Name of Permit Holder(s): ELDEN D. NIELSEN
3. Mailing Address: 930 W. SAMARIA LN.  
City MALAD State Id Zip 83252
4. Source of Water: Ground Water If GROUNDWATER (well), Date Drilled: mo. Nov yr. 2002  
Well Driller: MOUNTAIN WEST Drilling Permit Number: 00026203
5. Use(s) (as authorized by the water right permit):  
Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): \_\_\_\_\_  
Irrigation (No. of acres): 110 Other: \_\_\_\_\_
6. Total rate of diversion and/or volume for which proof is submitted: 2.58 cfs OR \_\_\_\_\_ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)  
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)  
Measuring Device: Is a measuring device required? Yes \_\_\_\_\_ or No \_\_\_\_\_  
Has the measuring device been installed? Yes \_\_\_\_\_ or No \_\_\_\_\_
8. Fee Enclosed: \$ 150.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.  
Name: Elden Nielsen Telephone Number: 766-4070  
Address: 930 West Samaria Ave, Malad Idaho 83252
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Elden D. Nielsen Date: 5-5-03  
(include your title, if on behalf of company or organization)

December 31, 2002

ELDEN NIELSEN  
930 W SAMARIA LN  
MALAD CITY, ID 83252

PROOF DUE NOTICE

RE: PERMIT NO. 15-7153

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 01, 2003. (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.

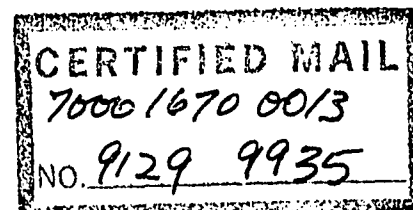
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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



Form No. 204  
12/99  
FILING FEE \$50.00

For Office Use Only  
\$50 Fee Received by \$50.00  
Date 2-3-03  
Receipt No. 2067168

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  
FEB 3 - 2003

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. 15-7153  
Name(s) of Permit Holder: ELDEN NIELSEN  
Address: 930 W. SAMARIA LN. City MALAD State ID Zip 83252  
Telephone No. 208-766-4070 Date Proof is Due: 3-1-03

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".)

WELL HAS BEEN DRILLED 200', PUMPED & DEVELOPED  
IN SPRING WILL PUT IN PUMP & BOWELS  
Costing \$ 40,000

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

WINTER SET IN

Permit holder(s) request an extension to MARCH 1, 2004.

Elden D. Nielsen  
(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\_\_\_\_.



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 6, 2003

ELDEN NIELSEN  
930 W SAMARIA LN  
MALAD ID 83252

RE: Permit No. 15-7153

Dear Permit Holder:

Returned is the original Request for Extension of Time form you submitted to the department in connection with the above referenced permit. I am returning the request because the department previously granted an extension based on due diligence.

Please be advised that the permit will **lapse** on the proof due date of March 1, 2003 since the department cannot approve the extension request and you have not filed proof of beneficial use. The department will issue a lapse notice after the proof deadline, which will allow you **60 days** to divert and beneficially use water and file proof on the portion of the water right that has been developed. If additional development of this water right is necessary to complete the development, you must do it under a separate permit. A proof of beneficial use form is enclosed for your use along with its instructions and fee schedule.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Enclosure

c: IDWR - Eastern Regional Office

March 7, 2003

ELDEN NIELSEN  
930 W SAMARIA LN  
MALAD CITY, ID 83252

LAPSE NOTICE

RE: PERMIT NO. 15-7153

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 December 31, 2002. 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,

L. Glen Saxton, Chief  
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 3/7/03  
~~a copy~~ an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.



## MEMORANDUM

**To:** File 15-7153  
**From:** L. Glen Saxton   
**RE:** TELEPHONE CONVERSATION  
**Date:** March 10, 2003

On this date, Elden Nielsen called me in connection with the lapse notice IDWR sent him on March 7, 2003. I explained that IDWR returned the extension request he filed in February 2003, since IDWR was only authorized to grant one extension based on due diligence.

After discussing development of his project he advised me that he could divert and apply the water to beneficial use within 60 days of the mailing of the lapse notice and would file the proof of beneficial use and license examination fee with IDWR on or before May 6, 2003, which is 60 days after the mailing of the lapse notice. I explained that the proof and fee had to be received by IDWR (not just mailed) on or before May 6, 2003.



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 9, 2003

ELDEN D NIELSEN  
930 W SAMARIA LN  
MALAD ID 83252

**PROOF ACKNOWLEDGMENT LETTER**

**RE: PERMIT NO. 15-7153**

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Eastern** Regional Office of the department in Idaho Falls (208)525-7161.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)