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IDWR/NORTH

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RELINQUISHMENT OF PERMIT

I, Gary C. Swift, hereby relinquish to the State of Idaho,
all my right, title and interest in and to Permit to Appropriate the Public Waters of the
State of Idaho, No. 83 - 11937.

Signed this 25th day of November, 20 20.

Gary C. Swift
Permit Holder(s)

Lynda L. Swift



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 18, 2020

GARY C SWIFT OR LYNDAL SWIFT
PO BOX 239
POLLOCK ID 83547

Notice of Intent to Void Permit

RE: Water Appropriation Permit No. 83-11937

Dear Mr. and Mrs. Swift:

The Department of Water Resources (Department) is reviewing the above referenced permit to determine if a license can be issued. In order for a permit to be licensed, the permit holder must show that a beneficial use has been legally developed in excess of existing water rights on the property.

It tax parcel verification has identified the property associated with this permit's Point of Diversion is currently owned by William R Bohlke. In order for IDWR to legally license permit 83-11937, the applicants must provide proof of an easement to access the water source or an active water use agreement between property owners to access the source of water.

According to the Department's records, application for permit 83-11937 was received by IDWR on August 2, 2004. The permit was filed to add for 0.10 cfs for domestic use, 0.02 cfs for stockwater use, and 0.08 cfs for irrigation use. Question(s) 11a. & 11c. were filled out by the applicants identifying Potlatch as the owner of the property at the point of diversion, and that the applicants were seeking an easement for access to spring and pipeline at the time of application filing. The permit was approved on August 12, 2004. A computer generated copy of this permit is attached to this letter.

On July 22, 2015, Department staff met with Mr. Swift to verify the water use developed for permit 83-11937. During this field examination, the field examiner obtained GPS data locations for the spring source on the permit, and identified the extend spring water had been developed for beneficial use toward domestic, stockwater, and irrigation purposes at the applicant's place of use.

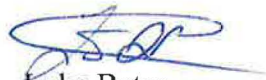
On August 26, 2015, Department staff developed a memorandum regarding easement requirements. The memorandum detailed that the permit's spring source is not on the permit holders' property. A phone conversation was annotated as taking place on August 26, 2015 between Department staff Shaun Maxey and the permit holder, Gary Swift, in which the easement requirements were discussed. The applicants provided IDWR a copy of a letter dated May 24, 2004 to Mr. Bohlke requesting permission to develop the pipeline across his property; this letter was not replied to by Mr. Bohlke, and subsequent attempts to contact Mr. Bohlke by the applicants were unsuccessful.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. A water appropriation permit authorizes development of a water right within a specific time frame in excess of the water rights already used in the system. The development of water from the spring source associated with water permit 83-11937 appears to have been completed without legal access by easement or water use agreement during the permit's development period.

Unless you supply information **within thirty days or by December 22, 2020** demonstrating that you have secured a legal easement and/or water use agreement authorizing access to the spring source located on Mr. William Bohlke's property, IDWR will take action to void your permit. If you are no longer interested in your permit, you can shorten the voiding process by signing and returning the enclosed relinquishment form.

If you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,



Luke Bates

Water Resource Agent

Idaho Department of Water Resources

Telephone # (208) 762 - 2800

Email luke.bates@idwr.idaho.gov

Enclosure -- Relinquishment of Permit Form
Copy of Permit 83-11937