

RECEIVED

FORM 202 Rev. 09/16

JUL 23 2018

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No.

12-16968

1. Name of applicant(s) STATE OF IDAHO, Idaho Fish and Game Commission Phone 208-334-3700
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address P.O. Box 25 City Boise
 State Idaho ZIP 83707 Email _____
2. Name of representative, if any Mike Demick, Easement Specialist Phone 208-756-6022
 Mailing address 97 Highway 93 North City Salmon
 State Idaho ZIP 83467 Email mike.demick@idfg.idaho.gov
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Bayhorse Creek which is a tributary of Salmon River
4. Location of point(s) of diversion:

* Per email dated 10-11-18

Twp	Rge	Sec	Govt. Lot	1/4	1/4	1/4	County	Source	Local name or tag #
12N	19E	07	8		NW	SW	Custer	Bayhorse Creek	SBaC-04

5. Water will be used for the following purposes:
- Amount .80 for Fish Propagation purposes from April 1 to Nov 1 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) .80 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Bottle brush screen, 2-12"x48" drums, covered water wheel with head gate behind wheel feeds 1-12" and 1-2" diameter pipes with 10" fish bypass pipe.
- b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No
- c. Proposed well diameter is NA inches; proposed depth of well is NA feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? NA; drilling firm NA;
 well was drilled for (well owner) NA; Drilling Permit No. NA

For Department Use

Received by DM Date 7-23-2018 Time 1:00pm Preliminary check by _____
 Fee \$ 250- Received by Intn agency Receipt No. BILL0142 Date 9/25/2018

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

- a. Hydropower; show total feet of head and proposed capacity in kW. NA
- b. Stockwatering; list number and kind of livestock. NA
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households NA
- e. Other; describe fully. This is a non-consumptive use of water that enables fish to return to the stream through a bypass pipe that runs from the fish screen to the stream.

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.

*
Per email
dated
10-11-18

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	19E	7										H							

Total number of acres to be irrigated: 0

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Point of Diversion is shared with other water right holders. This is the only right for the fish screen.

11. a. Who owns the property at the point of diversion? Administered by the Bureau of Land Management.
- b. Who owns the land to be irrigated or place of use? Administered by the Bureau of Land Management.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: IDFG has right-of-way grants, #036144 & #037303 to construct, operate and maintain fish screen.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. To record a non-consumptive use of water for an existing fish screen.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Tom Curet
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Application for Water Right



7/2/2018 3:49:21 PM

72-16968

Points



Override 1



Override 2



Counties



Quarter Quarter



Section



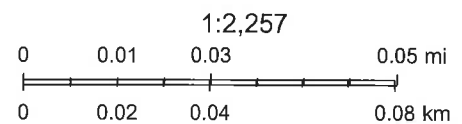
Township/Range



Idaho Outline



Idaho Mask



Esri, HERE, Garmin, © OpenStreetMap contributors, Created by NRCS from 1:24,000 scale USGS topographic maps., Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 8, 2018

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025

RE: Application For Permit No. 72-16968

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **CHALLIS MESSENGER** on **11/15/2018 and 11/22/2018**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **December 3, 2018**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

C:

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
97 HWY 93 N
SALMON, ID 83467

Maline, Denise

From: Maline, Denise
Sent: Thursday, November 08, 2018 4:16 PM
To: Cindy Yenter
Subject: Comment letter for 72-16967 & 72-16968
Attachments: 72-16968 (F&G Commission).pdf; 72-16967 (Carr).pdf

Hi Cindy,

Attached are (2) applications for permit currently being processed within your District. Please review the information and provide any necessary comments.

These applications are being advertised on November 15 & 22, with a protest deadline of Monday, December 3, 2018.

Comments have also been solicited from WD72D.

Thank you,

Denise



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 8, 2018

WATER DISTRICT #170 *via e-mail*
CINDY YENTER
102 S WARPATH
SALMON, ID 83467

RE: Application for Permit No. 72-16967 (Lloyd & Pamela Carr)
RE: Application for Permit No. 72-16968 (Idaho Fish & Game Commission)

Dear Cindy:

A copy of the above referenced application is enclosed. Please review the application, and provide any necessary comments within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an untested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 8, 2018

WATER DISTRICT #72D
BRENT CUTLER
PO BOX 208
CHALLIS, ID 83226

RE: Application For Permit No.(s): 72-16967 (Lloyd & Pamela Carr)
RE: Application For Permit No.(s): 72-16968 (Idaho Fish & Game Commission)

Dear Brent:

A copy of the above referenced application is enclosed. Please review the application, complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an untested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, November 08, 2018 11:31 AM
To: Challis Messenger
Subject: LEGAL NOTICE
Attachments: Challis Messenger cover letter.docx; Challis Messenger ad.doc

Attached please find **(1)** legal notice being submitted for publication on November 15th & 22nd, 2018. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
[*denise.maline@idwr.idaho.gov*](mailto:denise.maline@idwr.idaho.gov)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 8, 2018

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226

RE: Application For Permit No.(s): 72-16967, 72-16968

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 3, 2018. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

72-16967

LLOYD CARR
PAMELA CARR

22920 HWY 75
CHALLIS, ID 83226

Point of Diversion L8(SWSE) S11 T11N R18E CUSTER County Source SALMON RIVER Tributary SNAKE RIVER

Use: IRRIGATION 04/01 to 10/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 8/30/2018

Place Of Use: IRRIGATION

T11N R18E S11 L8(SWSE)

Total Acres: 4

Application proposes to divert 0.08 cfs of water from the Salmon River for the irrigation of 4 acres of land located approximately 12.7 miles south and 4.5 miles west of the Highway 75 & Highway 93 intersection south of Challis. This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because 0.08 cfs and 4 acres will be applied to the subordination amounts specified in the decree for the applicable Wild & Scenic River.

72-16968

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION

PO BOX 25
BOISE, ID 83707-0025

Point of Diversion L8(NWSW) S7 T12N R19E CUSTER County Source BAYHORSE CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 04/01 to 11/01 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 7/23/2018

Place Of Use: FISH PROPAGATION

T12N R19E S7 L8(NWSW)

Application for permit proposes to divert 0.8 cfs from Bayhorse Creek for a non-consumptive use of water through an existing fish screen. The proposed POD and POU are located approximately 6.5 miles south and 2.9 miles west of the Highway 75 & Highway 93 intersection south of Challis. This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for fish propagation purposes/the diversion rate will be applied to the subordination amounts specified in the decree for the applicable Wild & Scenic River.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see research.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **December 3, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on November 15th & 22nd, 2018

Aasa, Kent

From: Aasa, Kent
Sent: Wednesday, November 07, 2018 2:19 PM
To: Clark, Cynthia (Bridge)
Subject: New Water Right Filing in Basin 72

Cynthia,

The email I sent you earlier today had an incorrect permit number (72-16915)—Copy and Paste error on my part!! All of the other information was correct I forgot to change the permit number.

This is what I meant to send you this morning:

We are forwarding a new application for permit, 72-16968, for advertising. This application will hit the papers in the next couple of weeks. The file will be scanned and available for viewing in the next few days. Application proposes to divert 0.8 cfs from Bayhorse Creek for a non-consumptive use of water through an existing fish screen. The proposed POD and POU are located approximately 6.5 miles south and 2.9 miles west of the Highway 75 and Highway 93 intersection south of Challis. This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because 0.8 cfs will be applied to the subordination amounts specified in the decree for the Salmon River Wild & Scenic River.

Sheepishly,

Kent

Aasa, Kent

From: Aasa, Kent
Sent: Wednesday, November 07, 2018 8:27 AM
To: Clark, Cynthia (Bridge)
Subject: New Water Right Filing in Basin 72 from the Salmon River (72-16968)

Cynthia,

We are forwarding a new application for permit, 72-16915, for advertising. This application will hit the papers in the next couple of weeks. The file will be scanned and available for viewing in the next few days. Application proposes to divert 0.8 cfs from Bayhorse Creek for a non-consumptive use of water through an existing fish screen. The proposed POD and POU are located approximately 6.5 miles south and 2.9 miles west of the Highway 75 and Highway 93 intersection south of Challis. This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because 0.8 cfs will be applied to the subordination amounts specified in the decree for the Salmon River Wild & Scenic River.

Kent Aasa
Water Resource Agent
Southern Region/Twin Falls
(208) 736-3033



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OCT 18 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Virgil Moore / Director

October 15, 2018

State of Idaho Department of Water Resources
ATTN: Kent L. Aasa, Water Resource Agent
650 Addison Ave W, Suite 500
Twin Falls, ID 83301-5858

RE: Application to Appropriate Water in the Upper Salmon River Basin 72-16968

Dear Kent:

To answer IDWR request for additional information on how our proposal for the above mentioned Water Rights (WRs) invokes any local public interest concerns for ESA species recovery, the Idaho Department of Fish and Game (IDFG) submits the following:

The IDFG Anadromous Fish Screen and Habitat Program has been an integral part of improving conditions to support recovery of ESA-listed fish species Chinook salmon, steelhead, and bull trout in the Upper Salmon Basin. IDFG works collectively with the Upper Salmon River Basin Watershed Technical Team to coordinate and prioritize projects that are implemented in the basin.

Over the past 30 years our program has installed over 265 fish screens to prevent ESA-listed fish species from being entrained in irrigation ditches. In order to safely return the fish from the fish screen back to the river or stream, from which they were diverted; a bypass flow is required.

The application for WRs represents a non-consumptive use. Where the water is diverted at the headgate, travels a short distance downstream to the fish screen (usually less than 100 yards), and is then returned to the river via a bypass pipe. The bypass is designed to transfer the fish back to the river or stream. Without the critical bypass flow the fish would become stranded at the face of the fish screens and would not be reverted to the river. Fish screens and the bypass flows protect irrigators from illegal take of ESA-listed species and provide a benefit to the community by protecting and enhancing ESA-listed species populations for future generations.

If you have any questions or need additional assistance, please contact the Region's Easement Specialist, Mike Demick at 208-756-2271.

Sincerely,

Tom Curet
Regional Supervisor

tc: md

Keeping Idaho's Wildlife Heritage

Aasa, Kent

From: Demick, Mike <mike.demick@idfg.idaho.gov>
Sent: Thursday, October 11, 2018 4:19 PM
To: Aasa, Kent
Subject: RE: Application for Permit for Bayhorse Creek Fishscreen

Kent: Thank you and sorry for the omissions. I'm pretty new in this position, and this application was one of my first.

Yes, please make these corrections and add to the file.

Mike

From: Aasa, Kent <Kent.Aasa@idwr.idaho.gov>
Sent: Thursday, October 11, 2018 4:09 PM
To: Demick, Mike <mike.demick@idfg.idaho.gov>
Subject: Application for Permit for Bayhorse Creek Fishscreen

Mike,

I am processing the application for the Bayhorse fish screen (SBaC-04). I am only starting now because we have been waiting for the interagency billing process.

I noticed that there are two omissions on the application that need corrected: (1) On item 4 of page 1, location of the point of diversion, government lot 08 needs entered and (2) on item 9 on page 2, description of place of use, section 7 needs entered. I have attached a map from ArcMap and a copy of page 1 & 2 of the application for your reference.

I can make the corrections; just send me an email giving me permission to do so and I will print it and add it to the file.

Respectfully,

Kent Aasa
Water Resource Agent
Southern Region/Twin Falls
(208) 736-3033

PS I am sending you what we refer to as the Wild and Scenic letter via regular mail and I have attached a copy of the letter as well. (it feels odd to send the IDFG a letter concerning anadromous fish issues...)

Maline, Denise

72-16968

From: Pline, Treva
Sent: Tuesday, September 25, 2018 8:55 AM
To: Hersley, Jean; Maline, Denise; Thiel, Sandra; Block, Darla
Cc: Skaggs, Pam
Subject: Status of Interagency Billings with F&G & one Parks and Rec

Hello Everyone,

We have payment from Fish & Game.

Sorry Darla, no payment from Parks and Rec yet. I talked to their Accounts Payable yesterday and they indicated they would make payment soon.

Bill Date	Amt	Doc	Description
24-Jul	\$250	BILL0142	Denise Maline Application for Permit Basin 72
24-Jul	\$250	BILL0143	Jean Hersley/Sandra Thiel Application for Permit Basin 73, 74
10-Aug	\$750	BILL0171	Jean Hersley/Sandra Thiel Application for Permit Basin 73, 74
23-Aug	\$50	BILL0200	Jean Hersley/Sandra Thiel Notice of Protest-Transfer No. 81963 & 81964
28-Aug	\$100	BILL0205	Darla Block PARKS AND RECREATION BILLING PERMIT #21-1

Treva

(208)287-4818

treva.pline@idwr.idaho.gov

Maline, Denise

From: Pline, Treva
Sent: Tuesday, July 24, 2018 10:19 AM
To: Poole, Walt
Cc: Maline, Denise; mike.demick@idfg.idaho.gov
Subject: Interagency Billing - Application for Permit - New Water Right in Basin 72
Attachments: IDFG App for Permit, Custer County, Bayhorse Creek.pdf; BILL0142 Application for Permit.pdf

Hi Walt,

Attached is a billing for Application for Permit – New Water Right in Basin 72.

Let me know if you need additional information. This should be ready to pay after today.

Thanks,

Treva J. Pline

Financial Specialist, Sr.
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise ID 83720-0098
(208)287-4818
(208)287-6700 fax
treva.pline@idwr.idaho.gov

Maline, Denise

From: Maline, Denise
Sent: Monday, July 23, 2018 4:07 PM
To: Pline, Treva
Cc: Marston, Sascha
Subject: Interagency Billing Request for IDFG
Attachments: IDFG App for Permit, Custer County, Bayhorse Creek.pdf

Hi Treva,

Can you please start the process for interagency billing for the attached Application for Permit? Here are the details:

Applicant: State of Idaho Dept of Fish & Game
Fund & PCA: 0229 / 64103
Fee: \$250.00

I have attached a copy of the application & cover letter from Fish & Game as well. Please let me know if there are any questions.

Thank you,

Denise @ Southern

Denise Maline

Administrative Assistant I

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov



RECEIVED

JUL 23 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Virgil Moore / Director

July 13, 2018

Idaho Department of Water Resources
650 Addison Ave, W, Suite 500
Twin Falls, ID 83301-5858

Dear IDWR:

Enclosed please find one (1) "Application for Permit" for a new water right in Basin 72. Please initiate the Interagency Billing Process for the \$250.00 fee for this application. When processing, use PCA 35746, and code C1NX. Please send the billing documents to IDFG Headquarters Office, Attention: Walt Poole, P.O. Box 25, Boise, ID 83707.

Please send a copy of the approved permit to IDFG, Attn: Mike Demick, 97 Hwy 93 N, Salmon, ID 83467. Please call me if you have any questions at 208-756-6022.

Sincerely,

A handwritten signature in blue ink that reads "Mike Demick".

Mike Demick
Easement Specialist

Enc: One (1) "Application for Permit" form