

RECEIVED
JUN 28 2017
SEP 07 2017
Amended
WATER RESOURCES
WESTERN REGION

RECEIVED
JAN 08 2018
Amended
WATER RESOURCES
WESTERN REGION
DEPARTMENT OF WATER RESOURCES

Ident. No. 65-23707

COPY

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Amended

1. Name of applicant(s) NESBITT RANCH AND CATTLE Co. LLC Phone 208-286-9712
Mailing address 7435 MOON VALLEY RD. City EAGLE
State ID ZIP 83616 Email _____
Name connector (check one): ☐ and ☐ or ☐ and/or ☐ and/or
2. Name of representative, if any QUENTIN NESBITT Phone _____
Mailing address _____ City _____
State _____ ZIP _____ Email _____
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 SECOND FORK OF SQUAW CREEK which is a tributary of PAVETTE RIVER
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
<u>11N</u>	<u>1E</u>	<u>1</u>			<u>NW</u>	<u>SW</u>	<u>GEM</u>	<u>SECOND FORK OF SQUAW CREEK</u>	

5. Water will be used for the following purposes:
Amount .69 for IRRIGATION purposes from 3/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
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Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) .69 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. EXISTING DIVERSION AND DITCH
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ 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 _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
e. If well is already drilled, when? _____; drilling firm _____;
well was drilled for (well owner) _____; Drilling Permit No. _____

Received by QJ Date 6/28/17 Time 2:10 Preliminary check by PH
Fee \$ 250 Receipted by QJ Receipt No. W045429 Date 6/28/17

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; must complete and attach the Municipal Water Right Application Checklist.
 - 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	1E	2									1.2	1.7	3.6	22.0	~~2.3~~	~~1.3~~	~~1.3~~		32.2
11N	1E	11					2.4												2.4

Total number of acres to be irrigated: 34.6

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? 65-2925 & 65-2974
SQUEW CREEK IRRIGATION DISTRICT - IRRIGATION FROM STORAGE

- Who owns the property at the point of diversion? CARLOCK LIVING TRUST
- Who owns the land to be irrigated or place of use? NESBITT RANCH AND CATTLE CO. LLC
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: EXISTING DITCH & DIVERSION IN PLACE FOR APPROX 100 YRS
NO CHANGES TO DIVERSION

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. ADD 31.6 ACRES THAT HAVE BEEN IRRIGATED SINCE THE DITCH WAS BUILT IN EARLY 1900s THAT WEREN'T COVERED BY NATURAL FLOW RIGHT AND ADDING 6(2.3) ACRE THAT WILL BE IRRIGATED BY NEW SPRINKLER SYSTEM FOR A TOTAL OF 34.6 ACRES

13. Time required for completion of works and application of water to proposed beneficial use is 3 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.

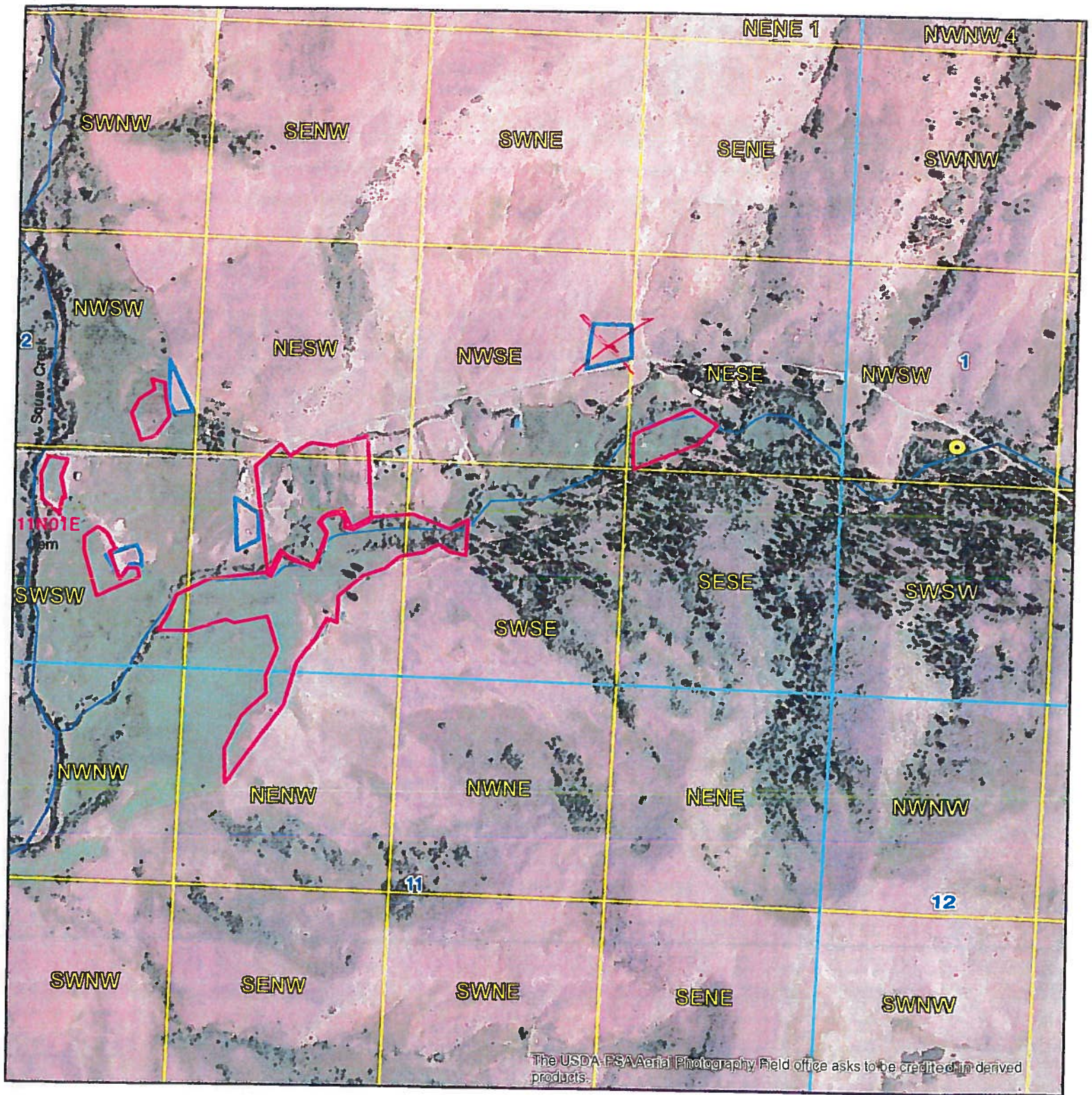
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Print Name (and title, if applicable)

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Map accompanying application for Nesbitt Ranch and Cattle Co. LLC

- Point of Diversion
- POU => Acres that were excluded from adjudication
- POU => New Acres of Irrigation

0 0.1 0.2 0.4 Miles



No. W 4604	Due no later than Sep 30, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. NESBITT RANCH AND CATTLE CO., L.L.C. QUENTIN NESBITT 7435 MOON VALLEY EAGLE ID 83616 USA		QUENTIN NESBITT 7435 MOON VALLEY EAGLE ID 83616			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MEMBER	KEVIN L NESBITT	1308 LITTLE ROCK RD	EMMETT	ID	USA	83617
MEMBER	STUART D NESBITT	1127 OLDS FERRY RD	WEISER	ID	USA	83672
MEMBER	QUENTIN E NESBITT	7435 MOON VALLEY RD	EAGLE	ID	USA	83616
MEMBER	ERIC H NESBITT	28027 NE 148TH PL	DUVALL	WA	USA	98019
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MEMBER	TRINA NESBITT	1127 OLDS FERRY RD	WEISER	ID	USA	83672
5. Organized Under the Laws of: ID W 4604		6. Annual Report must be signed.* Signature: Quentin Nesbitt Name (type or print): Quentin Nesbitt Date: 08/17/2016 Title: Member				
Processed 08/17/2016		* Electronically provided signatures are accepted as original signatures.				

65-23707 Attachments pg 2 - officers

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WESTERN REGION

FORM 202 Rev. 09/16

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Ident. No. 65-23707

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

Amended

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State ID ZIP 83616 Email _____
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Mailing address Santa City _____
State _____ ZIP _____ Email _____
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☐ 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.
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Fee \$ 250.00 Receipted by [Signature] Receipt No. WJ045429 Date 6/28/17

Superseded by Amended Application 01/03/2018

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Print Name (and title, if applicable)

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FORM 202 Rev. 09/16

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DEPARTMENT OF WATER RESOURCESIdent. No. 65-23707**APPLICATION FOR PERMIT**

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For Department Use

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 Fee \$ 250.00 Received by [Signature] Receipt No. W045429 Date 6/28/17

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SQUAW CREEK IRRIGATION DISTRICT - IRRIGATION FROM STORAGE

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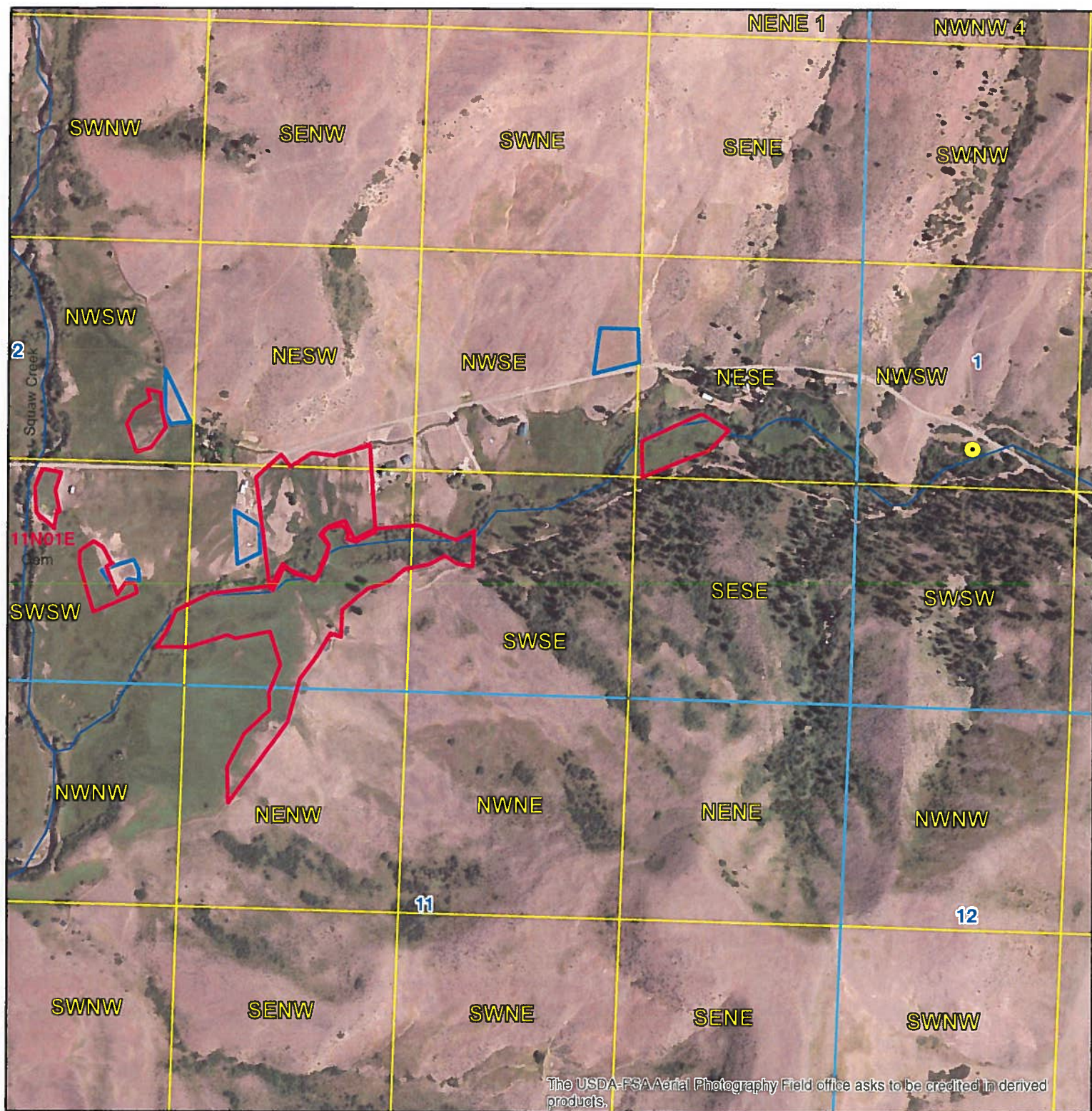
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65-23707 Attachments p32 - Officers



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 11, 2018

NESBITT RANCH AND CATTLE CO LLC
C/O QUENTIN NESBITT
7435 MOON VALLEY RD
EAGLE, ID 83616

Application for Permit No. 65-23707

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 MESSENGER INDEX on 1/17/2018 and 1/24/2018. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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,

A handwritten signature in black ink, appearing to read 'Rachel Neely'.

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, January 11, 2018 8:43 AM
To: 'IDAHO PRESS TRIBUNE'
Subject: Gem Legal Ad
Attachments: Gem Cover Letter.docx; Gem Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 1/17/21018 & 1/24/2018.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

January 11, 2018

LEGAL NOTICE DEPARTMENT
MESSENGER INDEX
PO BOX 577
EMMETT, ID 83617

RE: Application for Permit No. 65-23707

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 2/5/2018. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

65-23707

NESBITT RANCH AND CATTLE CO LLC

C/O QUENTIN NESBITT

7435 MOON VALLEY RD

EAGLE, ID 83616

Point of Diversion NWSW S1 T11N R01E GEM County Source SECOND FORK SQUAW CREEK Tributary SQUAW CREEK

Use: IRRIGATION 03/15 to 10/31 0.69 CFS

Total Diversion: 0.69 CFS

Date Filed: 6/28/2017

Place of Use: IRRIGATION

T11N R01E S2 SW(ALL) SESW NESE SWSE

T11N R01E S11 NENW

Total Acres: 35

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 2/5/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/17/2018 and 1/24/2018



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 11, 2018

SQUAW CREEK IRRIGATION DISTRICT
2254 PLUM ST
EMMETT ID 83617

CARLOCK LIVING TRUST
C/O MILDRED CARLOCK
7807 FOXTAIL WAY
BOISE ID 83709

Re: Application for Permit No: 65-23707

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Messenger Index* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **February 5, 2018**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 11, 2018

ERIC HERR
8917 BUTTE RD
SWEET ID 83670

RE: Application for Permit No. 65-23707

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this letter for your reference. Please review the application, complete the attached recommendation form, and submit your reply, if any, to this office by **February 5, 2018**.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, January 11, 2018 9:48 AM
To: 'joe.kozfkay@idfg.idaho.gov'; 'brad.compton@idfg.idaho.gov'
Cc: 'Bassista,Tom'
Subject: Applications for Permits 77-14325, 65-23732, 65-23733, 65-23734, & 65-23707
Attachments: IDFG Recommendation Form.docx; Application for Permit 77-14325.pdf; Application for Permit 65-23732.pdf; Application for Permit 65-23733.pdf; Application for Permit 65-23734.pdf; Application for Permit 65-23707.pdf

January 11, 2018

STATE OF IDAHO
DEPT OF FISH & GAME
ATTN: JOE KOZFKAY & BRAD COMPTON
3101 S POWERLINE RD
NAMPA, ID 83686

RE: Applications for Permits 77-14325, 65-23732, 65-23733, 65-23734, & 65-23707

Dear Mr. Kozfkay and Mr. Compton:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendation(s) from your agency regarding the above referenced water right application(s). Copy(s) of the application(s) are enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of **February 5, 2018**.

If your agency desires to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

IDWR will assume your agency does not object to this application if a timely response is not received. Please contact me if you have any questions regarding the application. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, January 11, 2018 9:48 AM
To: 'Ron Shurtleff'
Subject: Applications for Permits 65-23732, 65-23733, 65-23734 & 65-23707
Attachments: Watermaster Recommendation Form_F.PDF; Application for Permit 65-23732.pdf; Application for Permit 65-23733.pdf; Application for Permit 65-23734.pdf; Application for Permit 65-23707.pdf

January 11, 2018

RON SHURTLEFF
WATER DISTRICT #65
102 N MAIN
PAYETTE, ID 83661

RE: Applications for Permits 65-23732, 65-23733, 65-23734 & 65-23707

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by **February 5, 2018**.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

12/18/2017

NESBITT RANCH AND CATTLE CO LLC
C/O QUENTIN NESBITT
7435 MOON VALLEY RD
EAGLE ID 83616

Re: Application for Permit No. 65-23707 Additional Information Required

Dear Applicant:

Your recent application for permit proposing the use of water for IRRIGATION is being processed. The application has been assigned a priority date but cannot be processed further until the following items are clarified:

- **5 - Proposed Use and Amount**

If you have made any changes to the number of acres (see following discussion regarding section 9) than you may want to increase the proposed rate. The department uses a standard rate of 0.02 cfs per acre. Increasing the rate for a proposed use and/or the total rate will advance the priority date of your water right and it may increase the required processing fee.

- **9 - Place Of Use**

This section of the application shows that no new irrigation is proposed in the SWSE of section 2, township 11N, and range 01E. However, the map indicates about 2 acres of irrigation should be included on this application. If the map is correct please change this section to include these additional acres. If the map is incorrect see the following discussion regarding the map. The number of acres proposed to be irrigated on your application have been rounded to the nearest whole number per department policy when the total number of acres is greater than 10. An application report is included with this letter for your reference. If the rounded number of irrigated acres *is not* appropriate please change to the application and amend to the total acres to reflect any changes.

- **14 - The Map**

If the map is incorrect than no amendments are necessary and the application can be advertised as is. You can notify me phone or email and I will send the application to advertising, the next advertisement deadline is 12/26/17.

- **The Fee**

If u have made any changes to the total quantity to be appropriated in section 6, the required fee may have changed. Consult the enclosed fee schedule and submit any additional fees.

Please submit the requested information within thirty (30) days for application processing to continue. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will become void if a written reply is has not been received within the next thirty (30) days. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,



Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov

Enclosure: Copy of Permit Application No. 65-23707
Fee Schedule

MEMORANDUM

DATE: 09/20/2017
TO: 65-23707
FROM: Phill Hummer
RE: Intent to Void

On 08/11/2017 I sent the applicant a letter requesting clarification on the proposed source and the ownership of the land at the proposed point of diversion. That letter indicated the applicant had 30 days to reply or the application would become void. On 09/13/2017 I had not received a written response and there had been no other communications from the applicant so I sent a notice of intent to void. Quentin Nesbitt, the representative for the applicant, called the office after receiving the letter. He said that an amended application had already been mailed to western office in response to the 08/11/2017 letter. After some searching the amended application was found stamped "received on 09/07/2017". This received date is within the initial deadline for submitting information so the application was not voided.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

09/13/2017

NESBITT RANCH AND CATTLE CO LLC
C/O QUENTIN NESBITT
7435 MOON VALLEY RD
EAGLE ID 83616

Re: Notice of Intent to Void Application for Permit No. 65-23707

Dear Applicant(s),

On 06/28/2017 the Department of Water Resources (IDWR) received your application for permit to appropriate water. Department staff requested additional information via letter dated 08/11/2017. That letter stated that a written reply must be made within thirty (30) days or the application would become void. As of the date of this letter no written correspondence has been received by IDWR. If it is your intent to further pursue this application, please provide the required information or submit a written request for additional time to respond. It is the intent of IDWR to void your application within the next fourteen (14) days if no response is received.

IDWR forms and other information are available on IDWR's webpage at www.idwr.idaho.gov. Or contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

08/11/2017

NESBITT RANCH AND CATTLE CO LLC
C/O QUENTIN NESBITT
7435 MOON VALLEY RD
EAGLE ID 83616

Re: Application for Permit No. 65-23707 Additional Information Required

Dear Applicant:

Your recent application for permit proposing the use of water for IRRIGATION is being processed. The application has been assigned a priority date but cannot be processed further until the following items are clarified:

- **3 - Source**
Section 4 of the application and the map provided shows the proposed point of diversion in a similar location to existing water right nos. 65-3089A, 65-3090, and 65-11248. According to our records these water rights appropriate from Second Fork Squaw Creek which is tributary to Squaw Creek. If this is the correct water source than section 3 of the application needs to be amended.
- **4 - Point of Diversion(s)**
If you change the source in section 3 then you also need to change the source in this section.
- **11 - Ownership**
Part a and part c of this section needs to be completed. If the property at the proposed point of diversion is not owned by the applicant you must provide evidence that the applicant has legal authority to access the proposed point of diversion before the permit can be approved.

Please submit the requested information within thirty (30) days for application processing to continue. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The request must provide justification for the extension. The application will become void if a written reply is has not been received within the next thirty (30) days. Refunds are not issued for voided applications. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,


Phill Hummer

Water Resource Agent, IDWR

Phone: (208) 334-2190

Email: phill.hummer@idwr.idaho.gov

Enclosure: Copy of Permit Application No. 65-23707