

RECEIVED
JUN 22 2016 MAY 02 2016
WATER RESOURCES
WESTERN REGION

Ident. No. 78-12439

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

1. Name of applicant(s) Edward KalinowskiPhone 208-347-4440Name connector (check one): ☐ and ☐ or ☐ and/orMailing address PO Box 127City New MeadowsState IDZip 83654Email Kalinows@hawaii.edu2. Source of water supply Springwhich is a tributary of Three Mile Creek

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/2	3/4	County	Source	Local name or tag #
19N	2E	9		NE	NW	SW	Adams	Spring	-

4. Water will be used for the following purposes:

Amount 0.02 CFS for Stock Water purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 0.12 CFS for IRRIGATION purposes from 4/1 to 10/31 (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)5. Total quantity to be appropriated is (a) 0.12 cfs cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. GRAVITY BASED SYSTEMb. 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 11. For dams 10 feet or more in height OR reservoirs with a total 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 ☒ Noe. If well is already drilled, when? _____; drilling firm _____;
well was drilled for (well owner) _____; Drilling Permit No. _____

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. FIVE CATTLEc. Municipal; complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households - _____

e. Other; describe fully. _____

EXHIBIT

101
Protestant

Exhibit 101

8. 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	2E	9										S							
												4							4

Total number of acres to be irrigated: 4

9. 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?

DO NOT HAVE OR INTEND TO USE ANY OTHER WATER RIGHTS FOR IRRIGATION ON THIS PROPERTY.

10. 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: N/A

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

AN UNNAMED SPRING EXISTED ON THE PROPERTY WHEN I PURCHASED IT WITH NO OTHER RIGHTS. I AM SEEKING RIGHTS TO USE THE SPRING FOR THE IRRIGATION AND STOCKWATER. THE EXISTING SPRING HAS A CONCRETE RING 24 INCHS IN DIAMETER AND CAP (see photo).

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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]
Signature of Applicant

[Signature]
Signature of Applicant

DR. EDWARD KALINOWSKI

Print Name (and title, if applicable)

[Signature]
Print Name (and title, if applicable)

Received by [Signature]

Date 5/2/16

For Department Use:

Time 12:25

Preliminary check by DM

Fee \$ 100.00

Received by [Signature]

Receipt No. W044149

Date [Signature]

WARRANTY DEED

For Value Received, JASON R. MAYER and KASONDRA L. MAYER, husband and wife

the grantors do hereby grant, bargain, sell and convey unto
EDWARD J. KALINOWSKI, an unmarried man

the grantee, whose current address is 99-427 Palisades Way, Aiea, HI 96701

the following described premises, in Adams County, Idaho, to-wit:

Lot 28, Block 1, Timber Ridge Subdivision, Adams County, Idaho, as set
forth on the official plat thereof recorded August 22, 1995 in Book 2
Plate page 17, in the office of the Adams County Recorder.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, his heirs
and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are
the owners in fee simple of said premises; that they are free from all encumbrances excepting for all
easements of record, rights of way, matters visible, and all matters of record and title and that they will
warrant and defend the same from all lawful claims whatsoever.

Date: August 8, 2008

JASON R. MAYER

KASONDRA L. MAYER

Instrument # 116923

COUNCIL, ADAMS, IDAHO

8-15-2008

01:37:13 No. of Pages: 1

Recorded for: TIMBERLINE TITLE & ESCROW

SHERY WARD Fee: 3.00

Ex-Officio Recorder Deputy

Index to: 0020

STATE OF Idaho)

COUNTY OF Ada)

On this 11 day of August, in the year of 2008, before me, a Notary Public in and for said State, personally
appeared JASON R. MAYER and KASONDRA L. MAYER
known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument,
and acknowledged to me he/she/they executed the same.

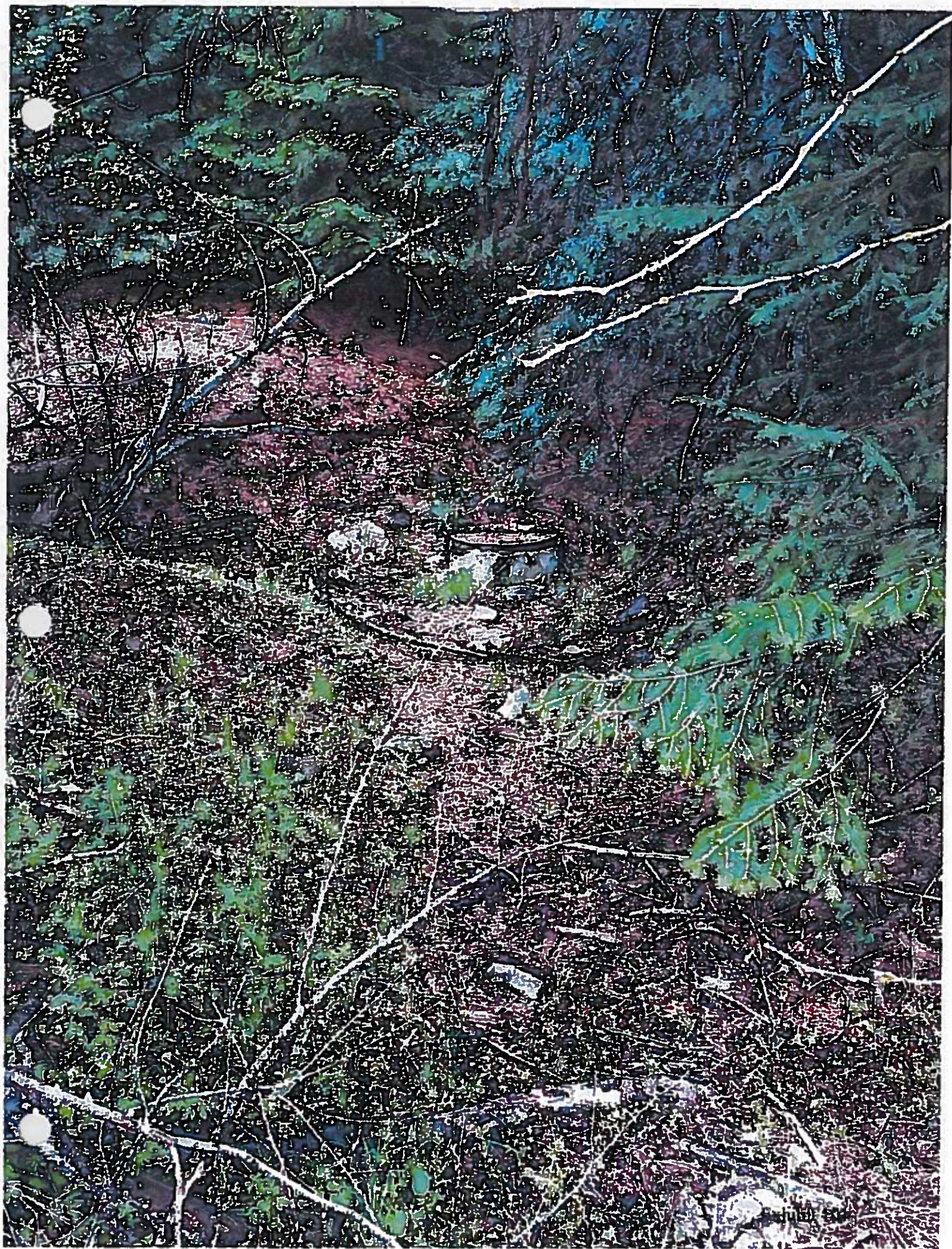


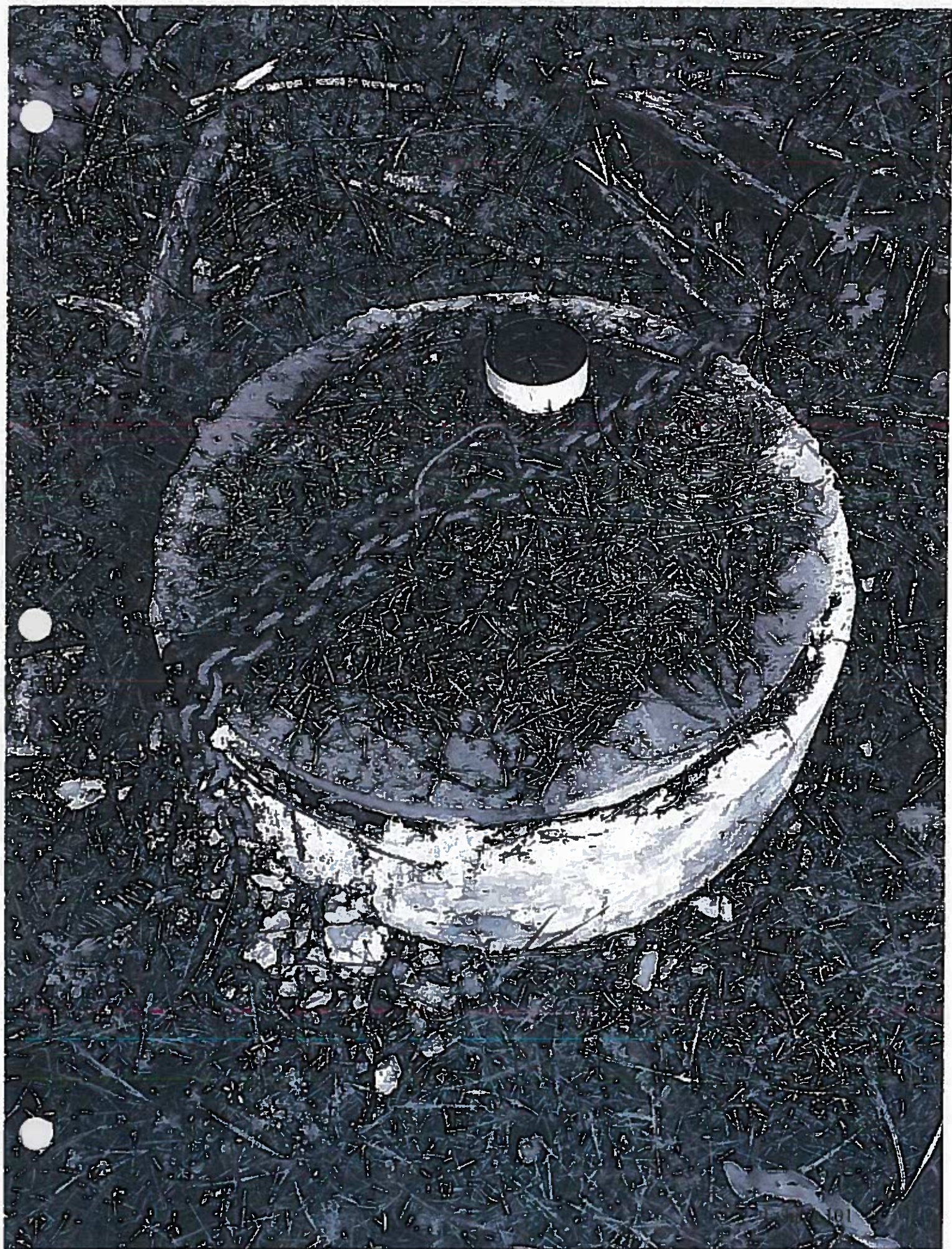
#08-1593

Notary Public

Residing at Eagle, Idaho

Commission expires: 11/17/2011

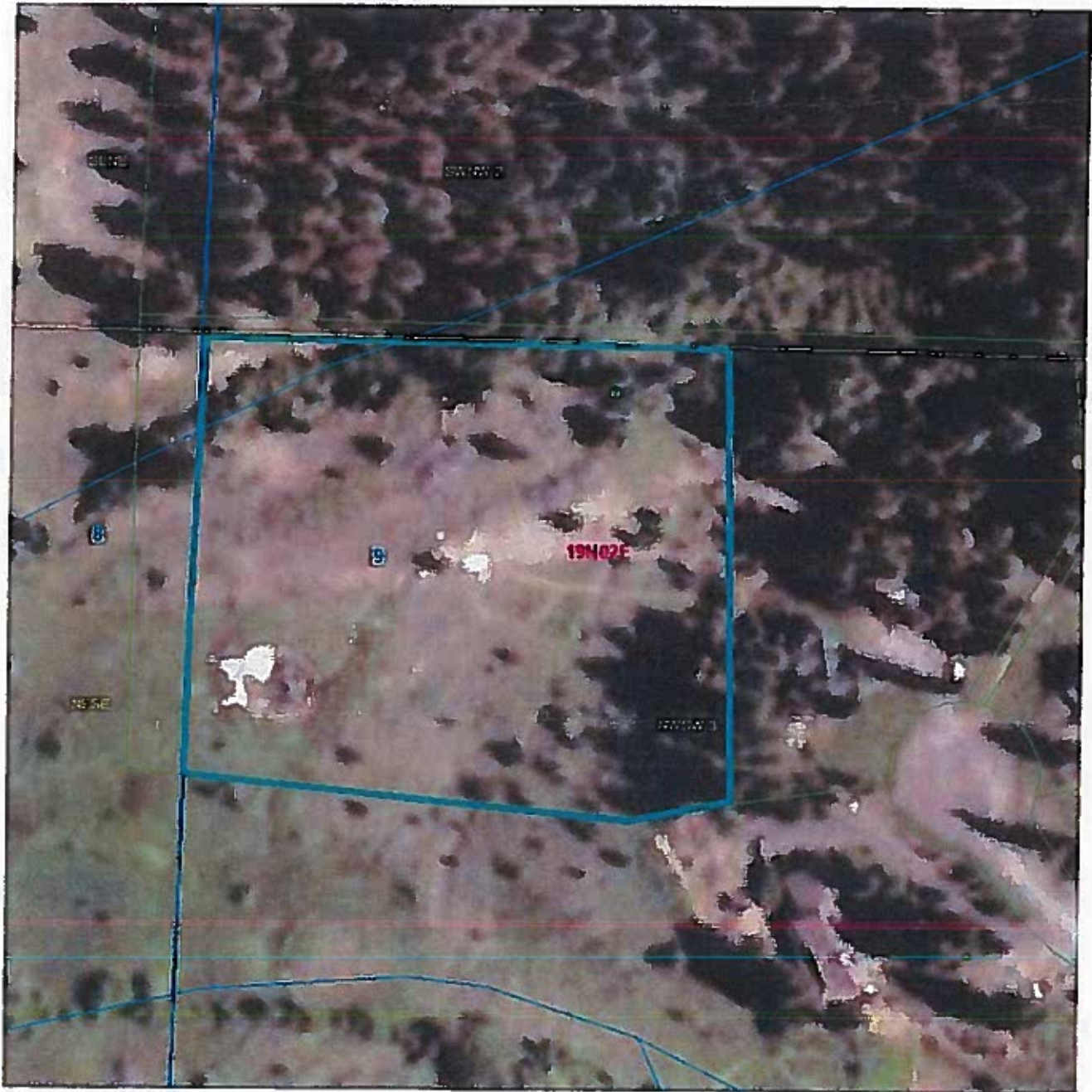






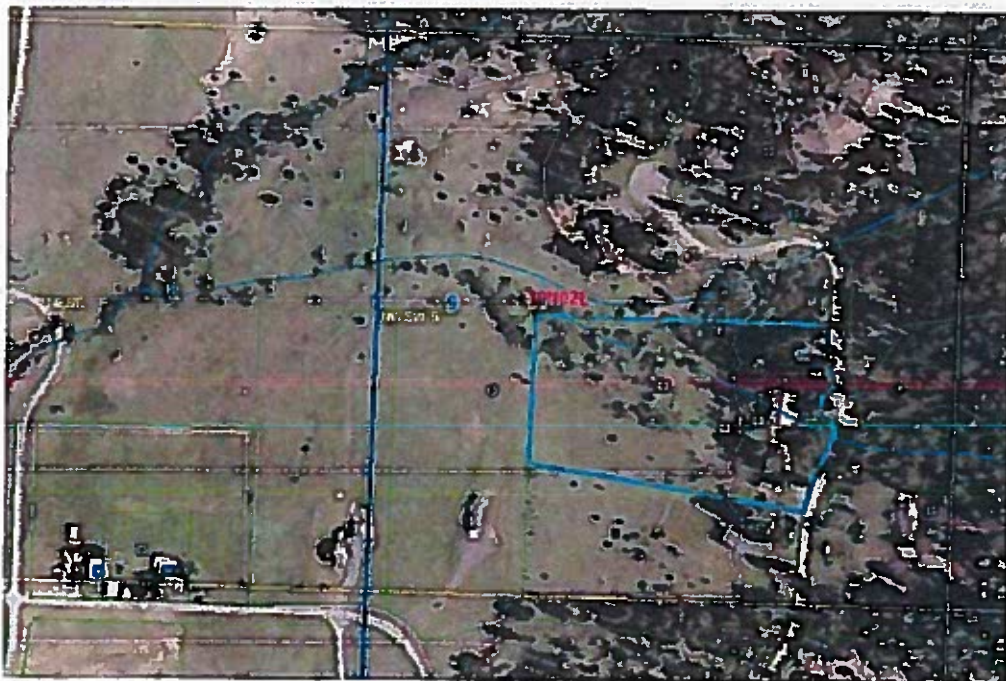
EDWARD KALINOWSKI
APPLICATION FOR PERMIT

19N 2E SEC 9 NWSW



67-10067

**2 DOMESTIC USES
4 ACRES OF IRRIGATION**



RECEIVED

MAY 02 2016

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 78-124391. Name of applicant(s) Edward Kalinowski Phone 208-347-4440
Name connector (check one): ☐ and ☐ or ☐ and/orMailing address PO Box 127 City New Meadows
State ID _____ Zip 83854 Email Kalinows@hawaii.edu2. Source of water supply Spring which is a tributary of Three Mile Creek

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b. Stockwatering; list number and kind of livestock. FIVE CATTLEc. Municipal; complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households _____

e. Other; describe fully. _____

* superseded by amended app. received 6-22-16 -DM

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Total number of acres to be irrigated: 4

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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

Signature of Applicant

DR. EDWARD KALINOWSKI

Print Name (and title, if applicable)

Print Name (and title, if applicable)

Received by

Date

For Department Use:

Time

Preliminary check by

Fee \$

Received by

Receipt No.

Date

Exhibit 101

2

* Superseded by amended app. received 6-22-16 -DM

WARRANTY DEED

For Value Received, JASON R. MAYER and KASONDRA L. MAYER, husband and wife

the grantors do hereby grant, bargain, sell and convey unto
EDWARD J. KALINOWSKI, an unmarried man

the grantees, whose current address is 99-427 Palisades Way, Aiea, HI 96701

the following described premises, in Adams County, Idaho, to-wit:

Lot 28, Block 1, Timber Ridge Subdivision, Adams County, Idaho, as set
forth on the official plat thereof recorded August 22, 1995 in Book 2
Plats page 17, in the office of the Adams County Recorder.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, his heirs
and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are
the owners in fee simple of said premises; that they are free from all encumbrances excepting for all
easements of record, rights of way, matters visible, and all matters of record and title and that they will
warrant and defend the same from all lawful claims whatsoever.

Date: August 8, 2008

JASON R. MAYER

KASONDRA L. MAYER

Instrument # 116923

COUNCIL, ADAMS, IDAHO

8-15-2008

01:37:13 No. of Pages: 1

Recorded for: TIMBERLINE TITLE & ESCROW

SHERRY WARD Fee: 3.00

Ex-Officio Recorder Deputy

Invest in: 116923

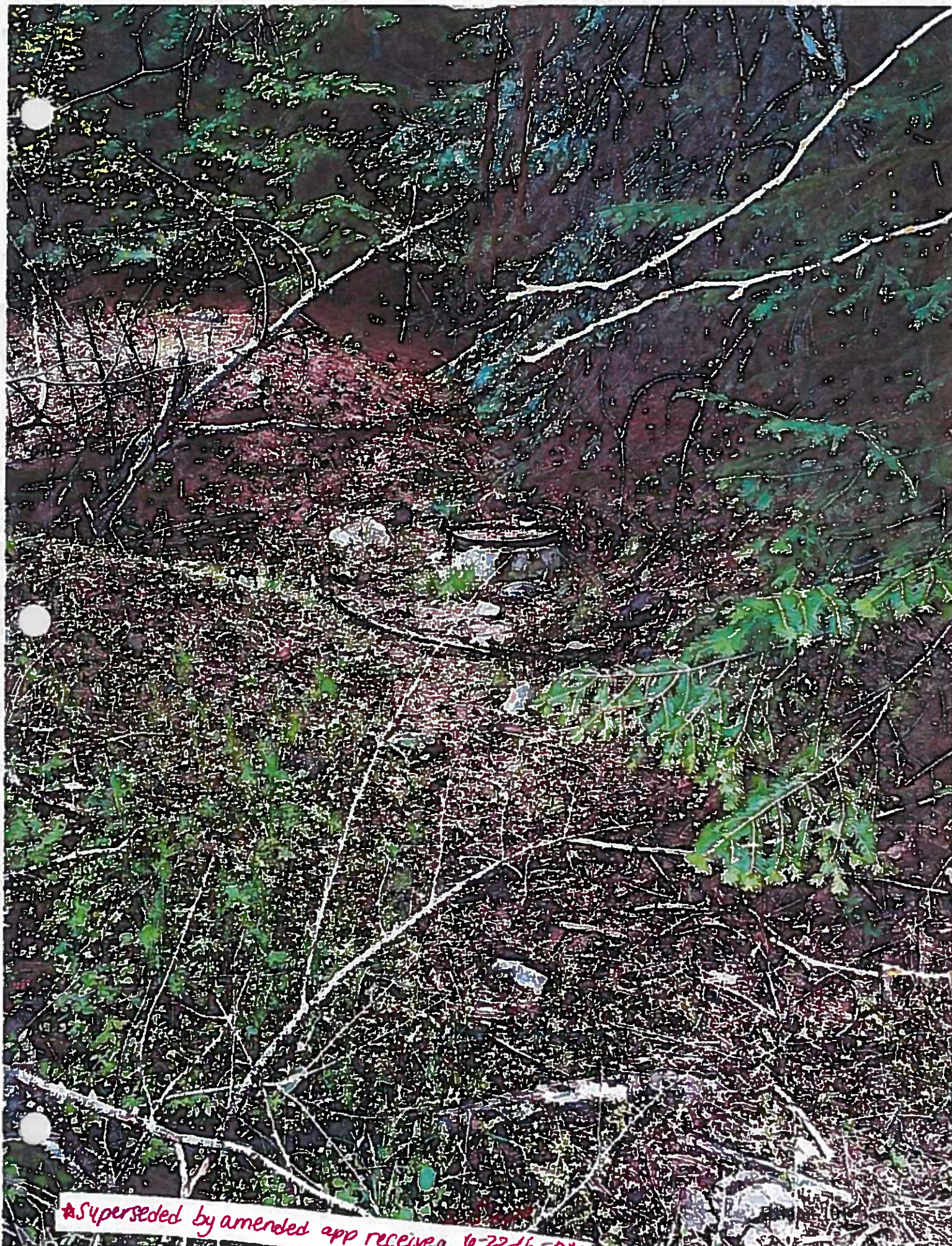
STATE OF Idaho)
COUNTY OF Ada)

On this 11 day of August, in the year of 2008, before me, a Notary Public in and for said State, personally
appeared JASON R. MAYER and KASONDRA L. MAYER
known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument,
and acknowledged to me he/she/they executed the same.



#08-1593

Notary Public
Residing at: Eagle, Idaho
Commission expires: 11/17/2011



*Superseded by amended app received 6-22-16 - AM.



* Superseded by amended app received 10-22-11. RM



*superseded by amended app received 6-22-16
DM

EDWARD KALINOWSKI
APPLICATION FOR PERMIT

19N 2E SEC 9 NWSW



*superseded by amended app received 6-22-16 -DM

Exhibit 101

67-10067

2 DOMESTIC USES
4 ACRES OF IRRIGATION



Exhibit 101

* superseded by amended app. received 6-22-16 -DM



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 29, 2016

EDWARD KALINOWSKI
PO BOX 127
NEW MEADOWS, ID 83654

Application for Permit No. 78-12439

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 THE RECORD on 7/6/2016 and 7/13/2016. 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,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Wednesday, June 29, 2016 1:03 PM
To: 'Gamaliel Masters'
Subject: Adams Legal Ad
Attachments: Adams Cover Letter.docx; Adams Legal Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 7/6/2016 & 7/13/2016.

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

June 29, 2016

**LEGAL NOTICE DEPARTMENT
THE RECORD
PO BOX R
COUNCIL, ID 83612**

RE: Application for Permit No. 78-12439

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 7/25/2016. 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:

78-12439

EDWARD KALINOWSKI

PO BOX 127

NEW MEADOWS, ID 83654

Point of Diversion L3(NWNWSW) S9 T19N R02E ADAMS County Source SPRING Tributary THREEMILE CREEK

Use: IRRIGATION 04/01 to 10/31 0.12 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.12 CFS

Date Filed: 5/2/2016

Places of Use: IRRIGATION, STOCKWATER

T19N R02E S9 L3(NWSW)

Total Acres: 4

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/WaterManagement/WaterRights. 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 7/25/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/6/2016 and 7/13/2016

Neely, Rachel

From: Neely, Rachel
Sent: Wednesday, June 29, 2016 1:03 PM
To: 'Ward, Rick'
Subject: Applications for Permit Nos. 78-12439 & 65-23628
Attachments: IDFG Recommendation Form.docx; Application for Permit No. 78-12439.pdf; Application for Permit No. 65-23628.pdf

June 29, 2016

STATE OF IDAHO
DEPT OF FISH & GAME
ATTN: RICK WARD
3101 S POWERLINE RD
NAMPA, ID 83686

RE: Applications for Permit No. 78-12439, 65-23628

Dear Mr. Ward:

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 July 25, 2016.

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: Wednesday, June 29, 2016 1:03 PM
To: Clark, Cynthia (Bridge)
Subject: Application for Permit No. 78-12439
Attachments: Agency Recommendation Form.docx; Application for Permit No. 78-12439.pdf

IDAHO DEPARTMENT OF WATER RESOURCES
WATER PROJECTS SECTION MANAGER
ATTN: CYNTHIA (BRIDGE) CLARK
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

RE: Application for Permit No. 78-12439

Dear Ms. Clark:

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 July 25, 2016.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 29, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

HOLLY BECKER
3919 CEMETERY RD
NEW MEADOWS ID 83654

Re: Application for Permit No: 78-12439

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 *Record* 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 July 25, 2016. 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



RECEIVED

JUN 24 2016

WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF FISH AND GAME
SOUTHWEST REGION
MCCALL OFFICE
555 Deinhard Lane
McCall, Idaho 83638

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

Danie Merriman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

June 22, 2016

RE: Application for permit # 78-12439

Dear Danie;

We reviewed the referenced water right application from Mr. Edward Kalinowski for irrigation and stock water. This is for a small natural spring that has not had a previous water right. We do not have any concerns for fish and wildlife with the amount water use. If you need any further information please contact Dale Allen; Regional Fishery Manager in our McCall office.

Sincerely,

Dale Allen
Regional Fishery Manager

Cc: Ed Kalinowski; PO BOX 127, New Meadows, ID 83654

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-334-3700 • Fax: 208-334-2114 • Idaho Relay (TDD) Service: 1-800-377-3529 •
<http://fishandgame.idaho.gov>

Exhibit 101



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

JUN 22 2016

WATER RESOURCES
WESTERN REGION

1445 North Orchard • Boise, Idaho 83706 • (208) 373-0550
www.deq.idaho.gov

C.L. "Butch" Otter, Governor
John H. Tippetts, Director

June 20, 2016

Mr. Edward Kalinowski
PO BOX 127
Boise, ID 83654

RE: DEQ comments on water right application 78-12439

Dear Applicant:

The Idaho Department of Environmental Quality (DEQ) reviewed your water rights application, and associated water quality information near your proposed project site identified in Application 78-12439 for a stock water withdrawal of 0.02 cfs from 1/1 to 12/31 and an irrigation withdrawal of 0.12 cfs from 4/1 to 10/31.

The point of use is an unnamed spring which is a tributary to Three Mile Creek (ID17060210SL007_02). Three Mile Creek is a tributary of the Little Salmon River (ID17060210SL007_05). The Three Mile Creek Assessment Unit was last monitored in 2007 and is supporting its beneficial uses. It is in Category 2 of the Integrated Report. The waterbody unit S-7, which includes Three Mile Creek and the Little Salmon River are designated for cold water aquatic life, salmonid spawning, primary contact recreation and drinking water supply.

DEQ does not anticipate that this water right use will impair beneficial uses. Thank you for the opportunity to review your application.

Please do not hesitate to contact me at 208.373.0264 for any additional information we may be able to provide.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Schultz".

Josh Schultz
Senior Watershed Analyst
Boise Regional Office

cc: Danielle Merriman, IDWR
Doug Conde, Deputy Attorney General

Merriman, Danielle

From: Josh.Schultz@deq.idaho.gov
Sent: Monday, June 20, 2016 10:28 AM
To: Merriman, Danielle; kalinows@hawaii.edu; ekwildlife@hmail.com
Cc: Lance.Holloway@deq.idaho.gov; Douglas.Conde@deq.idaho.gov
Subject: Water Right Comment Letter 78-12439
Attachments: Kalinowski Water Right Comment Letter.pdf

Good Morning Danielle, I have attached a comment letter for Mr. Edward Kalinowski's water right application (78-12439). If you need anything else, just let me know.

Have a great day!

Josh

Joshua Schultz • Senior Watershed Analyst • Idaho Department of Environmental Quality • 1445 N Orchard St. • Boise, Idaho 83706 • (208) 373-0264



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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Governor

GARY SPACKMAN
Director

June 7, 2016

EDWARD KALINOWSKI
PO BOX 127
NEW MEADOWS, ID 83654

COPY

Re: Application for Permit 78-12439

Dear Applicant:

This letter is in regards to your Application for Permit 78-12439 which requests spring water for irrigation and stockwater. Additional information is needed to further process your request.

You are applying for water that is within the Salmon River and Clearwater River drainages. Because the waters of these river drainages are habitat for fish species listed as endangered or threatened under the federal Endangered Species Act, caution is necessary to ensure that new appropriations of water do not undermine efforts to protect and restore the ESA listed fish species and other public values for rivers and streams. IDWR is, therefore, requiring applicants to submit additional information required by Rules 40.05.g, local public interest.

Rule 40.05 g requests information relative to conflict with the local public interest, section 42-203A(5)(e), Idaho Code, and shall be submitted as follows:

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the Idaho Department of Fish and Game and the Idaho Department of Environmental Quality.

The following state agency representatives will help you respond to the local public interest requirement of Rule 40.05.g. IDWR must receive written comments from both of those agencies.

Idaho Department of Fish & Game contact list for water right applications:

Panhandle Region:	Mary Terra-Berns at 208-769-1414
Clearwater Region:	Ray Hennekey at 208-799-5010
McCall Subregion:	Dale Allen at 208-634-8137
Salmon Region:	Tom Curet at 208-756-2271
Southwest Region:	Rick Ward at 208-465-8465

Idaho Department of Environmental Quality contact list for water right applications:

Lewiston:	Cindy Barrett at 208-799-4370 (Clearwater or lower Salmon River basins)
Boise:	Josh Schultz at 208-373-0550 (South Fork Salmon River basin)
Idaho Falls:	Troy Saffle at 528-2650 (Upper Salmon, Lemhi, Pahsimeroi basins)

In addition to the written comments from IDFG and DEQ, the Department requires clarification on a section of your application form.

1. The point of diversion is described incorrectly. Based on your attached map, it appears that the spring is located in the NW NW SW corner of T19N R2E Sec9. Please amend section three (3) of your form, initial and date next to the change, and return the form to process this change.

Please submit the comment letters and requested information for the application to be processed. 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 be voided without a timely written reply within the next sixty (60) 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 or have any questions. Thank you for your attention to these matters.

Sincerely,



Danie Merriman
Water Resource Agent
IDWR, Western Region

Enclosed: Copy of original Application for Permit