

RECEIVED**NOV 02 2015****DEPT OF WATER RESOURCES**

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

Ident. No.

75-14815**RECEIVED****OCT 26 2015**Department of Water Resources
Eastern Region

1. Name of applicant(s) Living Trust of Ross E Brown & Lois L Brown Phone 208-865-2177
Name connector (check one): ☒ and ☐ or ☐ and/or
Mailing address 3204 Hwy 93N City Gibbonsville
State ID Zip 83463 Email lois.444brown@yahoo.com
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
26N	21E	26		NW	SE	SE	LEMHI	GROUND WATER	

4. Water will be used for the following purposes:
- Amount 0.03 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)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 0.03 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. shallow well, pump, pipelines and sprinklers
- 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 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 ☐ No
- e. 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. _____
- c. Municipal; complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households _____
- e. Other; describe fully. _____

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	
26N	21E	26													0.1			0.9	1.0

Total number of acres to be irrigated: 1.0

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?

none. 75-2091L is used for irrigation on another part of the property. 75-11628 is domestic right.

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:

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

Shallow well is an existing vertical mine shaft which fills with ground water. No new well is proposed to be constructed.

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.

Ross E. Brown
Signature of Applicant

ROSS E. BROWN
Print Name (and title, if applicable)

Lois L Brown
Signature of Applicant

Lois L. Brown
Print Name (and title, if applicable)

10-23-15

For Department Use:

Received by JH Date 11-02-2015 Time Preliminary check by JH
Fee \$ 160- Received by se Receipt No. 0041572 Date 10/26/15



NESE

SESE

SEWIE

PODIPOU

North Fork Salmon River

25

NWSE

SWSE

NW



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 10, 2015

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
900 NORTH SKYLINE SUITE B
IDAHO FALLS, ID 83402

RE: Application for Permit No. 75-14813, 75-14815, 75-14816 and 75-14817

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. I have enclosed a copy of the applications for your reference.

This office can publish notice of the application and transfer as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of these applications, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 10, 2015

IDAHO DEPARTMENT OF FISH & GAME
ATTN: TOM BASSISTA
4279 COMMERCE WAY
IDAHO FALLS ID 83401

RE: Applications for Permit 75-14813, 75-14815, 75-14816 and 75-14817

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced and applications for permit. I have enclosed a copies of the applications for your reference.

This office can publish notice of the application and transfer as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of these applications, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Dept of Fish & Game- Salmon office



State of Idaho

DEPARTMENT OF WATER RESOURCES

3322 East Front Street • P.O. Box 833220 • Boise, Idaho 83720-0000

Phone: (208) 287-1800 • Fax: (208) 287-6600 • Website: www.idwr.idaho.gov

CEL. BUFECH OFFER
COSTA

GARY SPACKMAN
Director

December 9, 2015

LIVING TRUST OF ROSS E BROWN & LOIS L BROWN
3204 HWY 93N
GIBBONSVILLE, ID 83463

Application For Permit No. 75-14815

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 RECORDER HERALD on 12/17/2015 and 12/24/2015. 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,

Jean Hersley
Technical Records Specialist

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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, PO Box 83720, Boise, Idaho, 83720-0098 before January 4, 2016. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

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

75-14813

CACHE MORSE
ANITRA NEWCOMB
372 W ELKHORN ROAD
SALMON, ID 83467
Point of Diversion L9(NWSW) S10 T18N R21E LEMHI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Use: IRRIGATION
04/01 to 10/31
0.05 CFS
Total Diversion:
0.09 CFS
Date Filed: 10/23/2015
Place Of Use: IRRIGATION DOMESTIC
T18N R21E S10 L9(NWSW)
Total Acres: 1.7

This application proposes the diversion and use of water from ground water tributary to the Salmon 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 the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14815

LIVING TRUST OF ROSS E BROWN & LOIS L BROWN
3204 HWY 93N
GIBBONSVILLE, ID 83463
Point of Diversion SESE S26 T26N R21E LEMHI County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31
0.03 CFS
Total Diversion:
0.03 CFS
Date Filed: 10/26/2015
Place Of Use: IRRIGATION
T26N R21E S26 NESE SESE
Total Acres: 1

This application proposes the diversion and use of water from ground water tributary to the Salmon 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 the diversion rate and acre will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14816

JAMES R NEWTON
MARTHA J NEWTON
1 PENTLAND RD
GIBBONSVILLE, ID 83463-4903
Point of Diversion NENW S26 T26N R21E LEMHI County
Source NORTH FORK SALMON RIVER Tributary SALMON RIVER
Use: IRRIGATION
04/01 to 10/31
0.12 CFS
Total Diversion:
0.12 CFS
Date Filed: 10/26/2015
Place Of Use: IRRIGATION
T26N R21E S25 SWSW
T26N R21E S26 NESE SESE
Total Acres: 4.2

This application proposes the diversion and use of water from a tributary of the Salmon 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 the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14817

DARRELL SANDBERG
DIANEL SANDBERG
3185 HWY 93 N
GIBBONSVILLE, ID 83463
Point of Diversion NENW S26 T26N R21E LEMHI County
Source NORTH FORK SALMON RIVER Tributary SALMON RIVER
Use: IRRIGATION
04/01 to 10/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 10/30/2015
Place Of Use: IRRIGATION
T26N R21E S25 SWSW
Total Acres: 1.5

This application proposes the diversion and use of water from a tributary of the Salmon 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 the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 1/4/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/17/2015 and 12/24/2015

MEMORANDUM

Date: December 4, 2015
To: Water Right File 75-14815
From: Michele Edl
Re: Application Review

Applicant

According to available Lemhi County taxlot information, the POD and a portion of the POU appears to be located on property owned by a neighbor.

Source & POD

The source of the water will be ground water which is tributary to the North Fork of the Salmon River. The North Fork of the Salmon River runs across the intended POU but the source of water for this application is a flooded mine adit.

The source is within a Wild and Scenic area and subject to those processing steps. The applicant has responded to IDWR's additional information request by providing written statements related to the interconnection of the mine's water with the river. The water level in the mine adit is higher than the river level and does not fluctuate with seasons. Therefore the water in the mine doesn't appear to be directly connected to the river. The entrance of the mine is covered and the mine water will not be comingled with the river water.

POD is located in Lot 2 Lost Trail Lodge Subdivision. I created the POD shape based on the application map. Aerial photography shows that the POD is not on the applicant's property.

Water Use

The application proposes the use of ground water for irrigation of a portion of their property. The applicant owns 4.6 acres which includes the footprint of the house and other buildings of Lot 1 Lost Trail Lodge Subdivision. Some of the lot is already irrigated through other rights. The applicant is interested in irrigating an additional acre from ground water.

POU

The place-of-use is approximately 1 acre and is located partially on both Lot 1 and Lot 2 of the Lost Trail Lodge Subdivision.

I created the POU shape, deliberately not stacking it onto the existing irrigation right.

POU/POD overlap analysis

The applicant's in-house, culinary uses are provided through decreed WR #75-11628.

Decreed WR #75-2091L authorizes irrigation of 1.9 acres of the lot from surface water diverted from the North Fork of the Salmon River.

No other rights are using the mine adit as a source of water.

Conditions

The proposed use is not currently located within a water district however, IDWR anticipates that it will be. The permit is conditioned with measuring device and watermaster control notifications.

RECEIVED

NOV 24 2015

DEPARTMENT OF
WATER RESOURCES

11-18-2015

Pamala Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
322 East Front Street
Boise, Id 83720

To Whom it May Concern:

This letter is in response to your letter requesting we clarify our water rights application on our property in Gibbonsville, Id. Our application is dated 10-23-15 and was received in your office 10-26-15. Our application was assigned number 75-14815.

This water source is a gold mine shaft in our lower back yard. The mine shaft is about 20 feet deep and 150 yards from the North Fork of Salmon River that runs in our back yard. The water level in the shaft is higher than the river and keeps a consistant level. The water level does not go lower as the river does in the summer months. We feel this is not fed from the river, there are no surface streams leading to the mine shaft. Therefore, no fish would be able to get into this water source. Also, the opening of the mine shaft is covered with decking and is not a danger to wildlife walking through our yard. Also, the pump is covered with a secured "dog house". So we are confident that this water source is not an endangerment to fish and wildlife. Because of the location of this water source in our lower back yard, we feel that the use of this water by us does not affect anyone else in our area.

Please note that we are in Michigan with a temporary address for the next five months, through April 2016. So for now our address is

Ross & Lois Brown
7655 E. Day Road
Bellevue, MI 49021 Phone number 269-965-2450

This address is only for the winter, please DO NOT change the address on our application.

Thank you for your help in this matter.
Ross and Lois Brown

RECEIVED

NOV 24 2015

RECEIVED

NOV 02 2015

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

75-14815

RECEIVED

OCT 26 2015

Department of Water Resources
Eastern Region

DEPT OF WATER RESOURCES

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 State ID Zip 83463 Email lois.444brown@yahoo.com
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3. Location of point(s) of diversion:

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4. Water will be used for the following purposes:
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 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
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- 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. _____
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. _____
- c. Municipal; complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households _____
- e. Other; describe fully. _____

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	
26N	21E	26													0.1			0.9	1.0

Total number of acres to be irrigated: 1.0

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?
none. 75-2091L is used for irrigation on another part of the property. 75-11628 is domestic right.

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- b. Who owns the land to be irrigated or place of use? applicant
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11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.
Shallow well is an existing vertical mine shaft which fills with ground water. No new well is proposed to be constructed.

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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.

Ross E. Brown
Signature of Applicant

ROSS E. BROWN
Print Name (and title, if applicable)

Lois L Brown
Signature of Applicant

Lois L. Brown
Print Name (and title, if applicable)

10-23-15

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ 160 - Received by se Receipt No. 6041572 Date 10/26/15



NESE

SESE

PODIPOU

PODIPOU

North Fork Salmon River

26

M

SWSE

NWSE

November 6, 2015

Living Trust of Ross E Brown & Lois L Brown
3204 Hwy 93N
Gibbonsville ID 83463

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14815

Dear Water Right Applicant:

The Department of Water Resources' (IDWR) records show you filed an application to establish a new use of water in the upper Salmon River basin. Idaho Code § 42-203A(5) requires IDWR to determine whether each water right application satisfies all the criteria necessary for appropriating water in Idaho. One statutory criterion requires IDWR to determine the local public interest relative to the proposed water use. Idaho Code § 42-202B(3) defines the local public interest as "the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource." The local public interest has many facets, including the effects of a proposed water use on aquatic habitat for fish and wildlife resources.

The upper Salmon River basin is home to stocks of chinook salmon, sockeye salmon, steelhead trout, and bull trout, all of which are listed as threatened or endangered under the Endangered Species Act (ESA). Since the early 1990s, local water users, conservation districts, and federal and state agencies have cooperated to implement conservation measures intended to protect and restore habitat for ESA-listed species in the upper Salmon River watershed. For example, at the request of local water users the Idaho Legislature directed the Idaho Water Resource Board (IWRB) to establish a minimum stream flow in the lower Lemhi River for fish passage. The minimum stream flow is maintained through a water supply bank and temporary or permanent acquisition of additional water supplies by willing buyers from willing sellers.

Pursuant to the Snake River Water Rights Agreement of 2004, Idaho has been developing a long term conservation plan for the benefit of ESA-listed species in the Lemhi River basin. Improving conditions in flow-limited river reaches and streams is a fundamental component of the Lemhi plan. In addition to IDWR, numerous state agencies, including the Office of Species Conservation, Idaho Department of Fish and Game, Idaho Department of Environmental Quality, Idaho Soil and Water Conservation Commission, and Idaho Department of Lands, have committed and continue to commit significant resources toward this objective under the following programs:

- Columbia Basin Water Transactions Program
- National Marine Fisheries Service Pacific Coastal Salmon Recovery Fund
- U. S. Fish & Wildlife Service Aquatic Species Conservation Fund
- Salmon and Clearwater River Basins Habitat Fund
- 2008 Columbia Basin Fish Accords

A myriad of habitat restoration projects are being constructed/implemented in other parts of the upper Salmon River basin. These projects have been coordinated with the local communities and water users through the Upper Salmon River Basin Watershed Program and predecessor programs, including the model watersheds. Furthermore, the Snake River Water Rights Agreement of 2004 contemplates the development of additional conservation plans for other upper Salmon River basin watersheds. Accordingly, the draft Comprehensive State Water Plan under revision by the IWRB contains policies for the Salmon River basin that focus on the protection and restoration of instream habitat for ESA-listed species through voluntary participation in conservation programs.

Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

Pursuant to Rule 40.04.c of the Water Appropriation Rules (IDAPA 37.03.08.040.04.c), the applicant has the ultimate burden of persuasion regarding the items that must be evaluated in connection with each water right application. Before proceeding further with your application, IDWR requests you submit additional information about how your proposal invokes any local public interest concerns for ESA species recovery. Within 30 days, please submit any additional information you believe IDWR may need to evaluate and determine the local public interest in the water you propose to divert and use. If IDWR has not received a response from you within 30 days, IDWR will assume you have no comment regarding the local public interest, and processing of your application will resume with the information currently on file. Processing will include public notice and the potential for formal protests by other interested parties. Applications that are not in the local public interest will be denied. If you wish to withdraw your application before it is processed, please notify IDWR in writing.

If you have any questions, please call me at 208-287-4951, or email me at pam.skaggs@idwr.idaho.gov.

Sincerely,

Pamela Skaggs
Water Rights Supervisor

Enclosure: Copy of Application

RECEIVED

OCT 26 2015

Department of Water Resources
Eastern Region

To Whom it may concern:

If you have any questions concerning this application please contact us at the following information. We are in Michigan for the winter months.

Ross and Lois Brown
7655 E. Day Road
Bellevue, MI 49021

269-965-2450

e-mail: lois.444brown@yahoo.com

Thank you, Lois