

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22835

Priority: September 02, 2003

Maximum Diversion Rate: 0.02 CFS

This is to certify, that EDWARD S WOODS And/Or JULIA E WOODS
16 APPLE WOOD DR
GARDEN VALLEY ID 83622

have applied for a permit to appropriate water from:

Source: MIDDLE FORK PAYETTE RIVER Tributary: PAYETTE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 10/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:
MIDDLE FORK PAYETTE RIVER SW¼NE¼ Sec. 23, Twp 10N, Rge 04E, B.M., BOISE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N 04E 23			1.0														1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2005**.
2. Subject to all prior water rights.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. Place of use is located within Lot 2, River Park Meadows Subdivision #2.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 65-22835

7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 30th day of January, 2004.


Acting for KARL J DREHER, Director

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FEB 24 2004

Ident. No. 65-22835

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SEP 02 2003

JAN 29 2

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES WESTERN REGION

Department of Water Resources
Applicant **EDWARD**

Phone (208) 462-6907

Mailing address 16 APPLE WOOD DR. GARDEN VALLEY, ID. 83622

2. Source of water supply MIDDLE FORK PAYETTE RIVER which is a tributary of ~~SOUTH FORK PAYETTE RIVER~~

3. Location of point of diversion is Township 10N Range 4E Sec. 23, in the _____ 1/4, ~~SW~~ 1/4, ~~SE~~ 1/4, Govt. Lot _____, B.M., BOISE County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 0.02 for IRRIGATION purposes from MAR. 15 to NOV. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) (cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.02 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 1 1/2 HP. Pump / PVC PIPE SPRINKLER SYSTEM

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

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? _____

e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

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

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

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

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

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WATER RESOURCES
WESTERN REGION

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3. 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	
10N	4E	23	+		1														1 AC.

Total number of acres to be irrigated 1 AC.

10. Describe any other water rights used for the same purposes as described above. DOMESTIC WELL

- Who owns the property at the point of diversion? EDWARD "AND/OR" JULIA WOODS
- Who owns the land to be irrigated or place of use? EDWARD "AND/OR" JULIA WOODS
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: WATER USE WILL BE IN THE "RIVER PARK MEADOWS SUBDIVISION # 2, LOT # 2, (NO BLOCK SPECIFIED)"

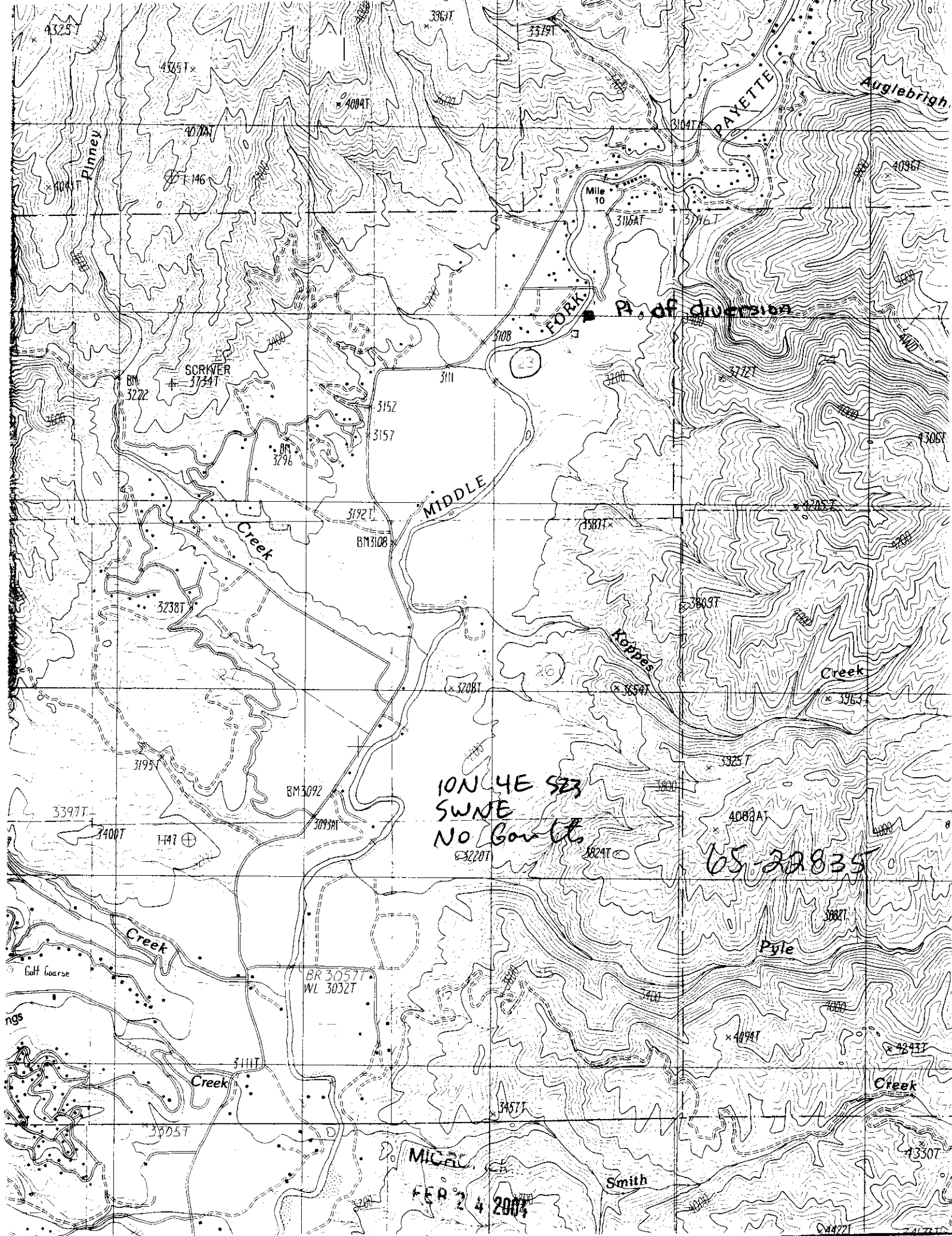
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Edward S. Woods
Signature of Applicant (and title, if applicable)

Received by KG Date 9/2/03 Time 3:12 Preliminary check by KG
 Fee \$ 10000 Received by KG # W030886 Date 9/2/03
 Publication prepared by AK Date 12-3-10-03 Published in IDAHO WORLD
 Publication approved AK Date 12-22-03

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FEB 24 2004



REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

EDWARD "AND/OR" JULIA WOODS

Mailing Address

16 APPLE WOOD DR.

GARDEN VALLEY ID. 83622

Application No.
(if known)

___ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

___ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Edward J. Woods

Date

8-24-'03

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
Attn: Dan Nelson
2735 Airport Way
Boise, ID 82705-5082

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FEB 24 2004

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 30, 2004

EDWARD S WOODS
JULIA E WOODS
16 APPLE WOOD DR
GARDEN VALLEY ID 83622

RE: Permit No. 65-22835

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

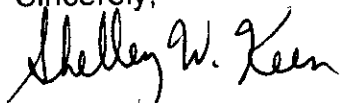
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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FEB 24 2004

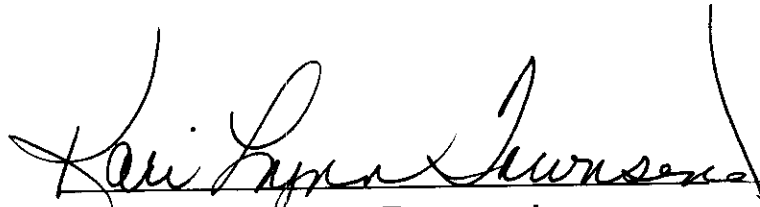
CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

65-22835

**EDWARD S WOODS
JULIA E WOODS
16 APPLE WOOD DR
GARDEN VALLEY ID 83622**

A handwritten signature in black ink, appearing to read "Karl Lynn Townsend", written over a horizontal line.

**Karl Lynn Townsend
Secretary**

**MICROFILMED
FEB 24 2004**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Dec 3, 2003 and ending with the issue of Dec 10, 2003.

Deanna Stevenson

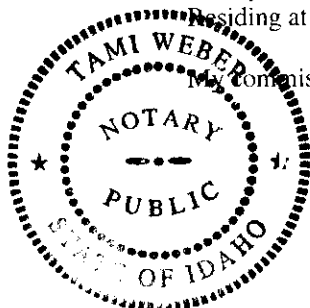
State of Idaho)
County of Boise)

On this 16 day of Dec in the year 2003, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weber

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 2/10/05



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DEC 17 2003

WATER RESOURCES
WESTERN REGION

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

65-22835

EDWARD S WOODS
16 APPLE WOOD DR
GARDEN VALLEY ID 83622
JULIA E WOODS
16 APPLE WOOD DR
GARDEN VALLEY ID 83622

Point(s) of Diversion SWNE S23 T10N R04E BOISE County
Source MIDDLE FORK PAYETTE RIVER Tributary To PAYETTE RIVER
Use: IRRIGATION 03/15 To 10/31 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 09/12/2003
Place Of Use: IRRIGATION
T10N R04E S23 SWNE
Number of Acres 1

Remark: Applicant agrees to mitigate consumptive use in the future as needed.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/22/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on December 3 and 10, 2003.

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FEB 24 2004

12/03

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 65-22835

Applicant's Name: Edward and / or Julia Woods

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____

- c) ☐ I oppose approval of this application for the following reasons: _____

d) Additional Comment: _____

Dated this 8th day of December, 2003

Water District No. 65

Ron Shurtleff
Ron Shurtleff, Watermaster

Use reverse side of page if you need more space.

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DEC 10 2003

WATER RESOURCES
WESTERN REGION

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FEB 24 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Kreger (Taylor), Sue

From:

Sent:

To:

Cc:

Subject:

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

Thursday, December 04, 2003 1:19 PM

FAX (208) 334-2348

IDFG (E-mail)

Kreger (Taylor), Sue
comment letters

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

December 4, 2003

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Sir:

Attached are copies of one or more applications that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by December 22, 2003.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Kreger
ID Dept Water Resources



55-13835.pdf



65-22829.pdf



65-22834.pdf



65-22835.pdf



65-22837.pdf



67-14440.pdf



63-31805.pdf



Application
amended.pdf

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Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Thursday, December 04, 2003 1:01 PM
To: WD65 (E-mail)
Cc: Kreger (Taylor), Sue
Subject: comment letters

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

December 4, 2003

RON SHURTLEFF
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Application(s) for Water Right

Dear Watermaster:

Attached are copies of one or more applications. Also attached is a form for your recommendation concerning these application(s).

Please review the application(s) that are in your area. We must have your comments within two weeks. If you have any questions or need information, feel free to contact this office at 334-2190.

Sincerely,

Sue Kreger
Administrative Assistant



65-22835.pdf



65-22829.pdf



65-22837.pdf



65-22834.pdf



Application
amended.pdf

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FEB 24 2004

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

November 26, 2003

Legal Notice Department
IDAHO WORLD
PO BOX 99
GARDEN VALLEY ID 83622

RE: Application for Permit Nos. 65-22829, 65-22834, 65-22835, and 65-22837

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices 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 notices 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 12/22/2003. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

65-22835

EDWARD S WOODS
16 APPLE WOOD DR
GARDEN VALLEY ID 83622
JULIA E WOODS
16 APPLE WOOD DR
GARDEN VALLEY ID 83622

Point(s) of Diversion SWNE S23 T10N R04E BOISE County Source MIDDLE FORK PAYETTE RIVER
Tributary To PAYETTE RIVER

Use: IRRIGATION 03/15 To 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 09/12/2003

Place Of Use: IRRIGATION

T10N R04E S23 SWNE

Number of Acres 1

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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KARL J DREHER, Director

Published in the Idaho World on December 3 and 10, 2003.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 17, 2003

Edward and Julia Woods
16 Apple Wood Dr
Garden Valley ID 83622

Re: Application For Permit

Dear Mr. And Mrs. Woods:

This office received your application for permit September 2, 2003. Initial review of your application found the following items that required clarification:

1. The Middle Fork of the Payette River is actually tributary to the Payette River, not the South Fork of the Payette River. A Fork cannot be tributary to another Fork.
2. According to the map, the place of use and point of diversion are in the SWNE, not the NESW as listed on #2 or the NENE as listed on #9. b. of the application.

I am assuming that the place of use is the same location as the point of diversion indicated on the attached topo map. If otherwise, please specify the place of use location on the map.

Also, if applicable to the place of use, list the lot, block and subdivision name in remarks.

The changes have been made in blue pen. Before I can continue processing the application, the changes must be acknowledged with either of your initials and dated at the top of the first page where indicated.

Once initialed and dated, please return the application to my attention. If you have any questions, feel free to contact me at this office.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Encls

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