

Ident. No. 11-7434

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 22 1996

APPLICATION FOR PERMIT

SEP 11 1996

To appropriate the public waters of the State of Idaho

Department of Water Resources
Eastern Region

Department of Water Resources

429-5608 w

1. Name of Applicant Jeff Middleton Phone (801) 521-5336

Mailing address 1124 3rd Ave Salt Lake City, Utah 84103

2. Source of water supply Spring which is a tributary of Sinks

3. Location of point of diversion is Township 12S Range 43E Sec. 18 in the SW 1/4,

NE 1/4, NE 1/4, Govt. Lot _____, B.M., Bear Lake County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.02 cfs for Domestic purposes from 1-01 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2.3 AF for Recreation Storage purposes from 1-01 to 12-31 (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)

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

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 0.2 acre surface size pond
10 feet deep (Average) for fish pond. Spring flows thru + sinks.

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 2 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. one home

e. Other; describe fully. Recreation pond

RECEIVED

JUN 20 1996

Department of Water Resources
Eastern Region

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	40E	18	D/R																

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. 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: _____

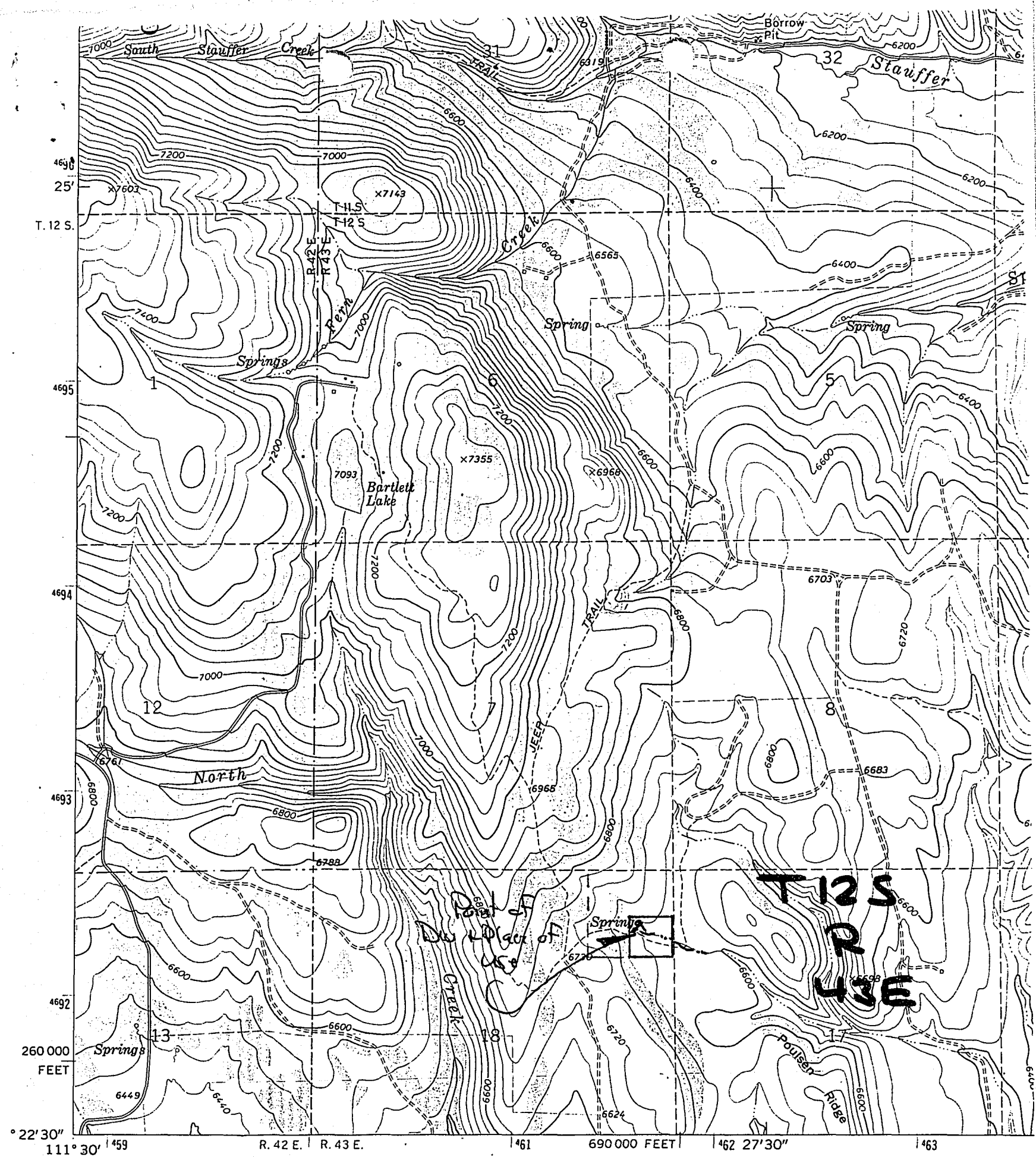
12. Remarks: This is for a vacation cabin and small pond

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.

[Signature]
Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ 50.00 Received by HWS # E022358 Date 7-05-96
 Publication prepared by RB Date 8-15-22-96 Published in News Examiner
 Publication approved _____ Date _____



MTN.)
SE

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

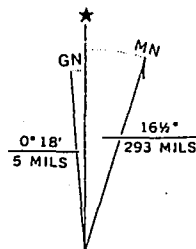
Topography by photogrammetric methods from aerial photographs taken 1969. Field checked 1970

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
east zone

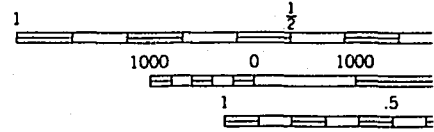
1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue

Fine red dashed lines indicate selected fence lines

Where omitted, land lines have not been established



UTM GRID AND 1970 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



CONT
DOTTED LINE
DA

11-07434

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 11-07434

Proposed Priority: July 5, 1996 Maximum Diversion Rate: 0.02 CFS

This is to certify, that JEFF MIDDLETON
1124 3RD AVE
SALT LAKE CITY UT 84103
has applied for a permit to appropriate water from:
SPRING tributary of SINKS

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>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	
RECREATION STORAGE	01/01 to 12/31		2.3 AF
	Totals	0.02 CFS	

LOCATION OF POINT(S) OF DIVERSION: SWNENE , Sec. 18, Township 12S, Range 43E
BEAR LAKE County

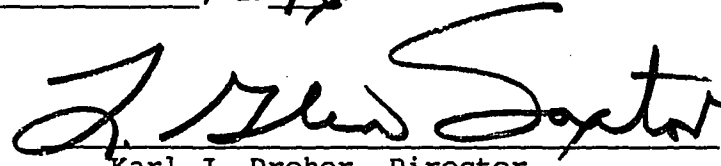
PLACE OF USE: DOMESTIC
TWN RGE SEC
12S 43E 18 NENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1998.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Domestic use is for 1 home.
5. Recreation storage use is for a fish pond.
6. This right authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation.

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

16th day of September, 1996


for Karl J. Dreher, Director

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 11-07434

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BEAR LAKE County

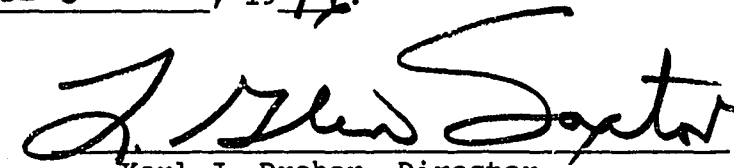
PLACE OF USE: DOMESTIC
TWN RGE SEC
12S 43E 18 NENE

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16th day of September, 1996.


for Karl J. Dreher, Director



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 7, 1996

JEFF MIDDLETON
1124 3RD AVE
SALT LAKE CITY UT 84103

RE: Notice of Application for Permit 11-07434

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the application in the News Examiner on August 15 & 22, 1996. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ/rb



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

AUGUST 7, 1996

Legal Notices Department
THE NEWS-EXAMINER
P.O. BOX 278
MONTPELIER, ID 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 2, 1996.

Yours truly,

Rita Bodell
Secretary

Encl.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before SEPTEMBER 2, 1996.

KARL J. DREHER, Director

Published: 8/15/1996 & 8/22/1996

11-07434

MIDDLETON, JEFF
1124 3RD AVE
SALT LAKE CITY, UT 84103

Source: SPRING

Tributary: SINKS

Diversion Pt: SWNENE Sec 18 T 12S R 43E in BEAR LAKE County.

Use: DOMESTIC (0.020 CFS)
RECREATION STORAGE (2.30 AF)
Total Diversion: (0.020 CFS)

Date Filed: 7/ 5/1996

In: BEAR LAKE County
T12S R43E S18 NENE

**NOTICE OF APPLICATION FOR
WATER RIGHT**

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

11-07434

MIDDLETON, JEFF
1124 3RD AVE
SALT LAKE CITY, UT 84103
Source: SPRING Tributary: SINKS
Diversion Pt: SWNENE Sec 18 T 12S
R 43E in BEAR LAKE County.
Use: DOMESTIC (0.020)
RECREATION STORAGE
(2.30 AF)

Total Diversion: (0.020 CFS)

Date Filed: 7/ 5/1996

In: BEAR LAKE County
T12S R43E S18 NENE

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the applicant and the Di-
rector, Dept. of Water Resources,
along with a \$25.00 filing fee, East-
ern Region, 900 N Skyline, Idaho
Falls, Idaho 83402 on or before SEP-
TEMBER 2, 1996.

Karl J. Dreher,
Director

Legal No. 5230 - Publish, August
14, 21, 1996.

No 5230

AFFIDAVIT OF PUBLICATION

RECEIVED

SEP 11 1996

STATE OF IDAHO,
County of Bear Lake

ss.

Department of Water Resources

Rosa S. Moorman
being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

August 14, 1996, and ending
with the issue of August 21, 1996

Rosa S. Moorman
Fees, \$41.27

Subscribed and sworn to before me this 29th day
of August, 1996

Sherry Brown
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 15, 1997

NOTICE OF APPLICATION FOR
WATER RIGHT

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

11-07434

MIDDLETON, JEFF

1124 3RD AVE

SALT LAKE CITY, UT 84103

Source: SPRING Tributary: SINKS

Diversion Pt: SWNENE Sec 18 T 12S

R 43E in BEAR LAKE County.

Use: DOMESTIC (0.020)

RECREATION STORAGE

(2.30 AF)

Total Diversion: (0.020 CFS)

Date Filed: 7/ 5/1996

In: BEAR LAKE County

T12S R43E S18

NENE

The permit(s) will be subject to all
prior water rights. Protests must be
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rector, Dept. of Water Resources,
along with a \$25.00 filing fee, East-
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Falls, Idaho 83402 on or before SEP-
TEMBER 2, 1996.

Karl J. Dreher,
Director

Legal No. 5230 - Publish, August
14, 21, 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 16, 1996

JEFF MIDDLETON
1124 3RD AVE
SALT LAKE CITY UT 84103

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 11-07434

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 11-07434

Name(s) of Permit Holder: Jeff Middleton

Mailing Address: 1124 3rd Avenue Salt Lake Utah 84103

Date Proof is Due: Sept. 1, 1998 Telephone No. 801 521-5336

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

1 pond has been cleaned out and expanded, due to damp
ground and equipment failure. Still working on larger one.
Drilled 100 feet, gave up. Drilled another 40 feet, still
working on this one. ^{fish planted.} Costing \$ 8,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Short seasons and time limitations have cause the
expected completion to be extended. Work will continue
this year until snow causes it to stop.

Permit holder(s) request an extension to Sept. 30, 19 2002.

FEE: \$50.00

Jeff Middleton
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to **September 1, 2002**.

IT IS FURTHER ORDERED that the permit is REINSTATED and the date of priority be advanced to July 18, 1996.

Signed this 28th day of September, 1998.

J. Glen Saylor
Chief, Water Allocation Bureau

June 30, 1998

JEFF MIDDLETON
1124 3RD AVE
SALT LAKE CITY UT 84103

PROOF DUE NOTICE

RE: PERMIT NO. 11-07434

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1998. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

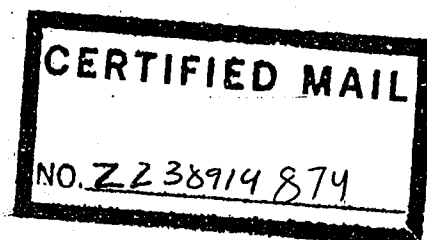
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



September 8, 1998

JEFF MIDDLETON
1124 3RD AVE
SALT LAKE CITY UT 84103

LAPSE NOTICE

RE: PERMIT NO. 11-07434

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated June 30, 1998. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 9/8/98
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

September 28, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Jeff Middleton
1124 3rd Ave
Salt Lake City UT 84103

RE: Permit No. 11-07434

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **September 1, 2002**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Be advised that since the extension request was received after the proof due date, it was necessary for the department to reinstate the permit and advance the date of priority to **July 18, 1996**.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953, if you have any questions regarding this matter

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

FOR OFFICE USE ONLY
Amt. of Fee \$ 50.00
Receipt No. 2064141
Receipt By: [Signature]
Date Received: 8-23-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

AUG 23 2002

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 11-7434 Telephone No. 801-521-5336
2. Name of Permit Holder(s): Jeff Middleton
3. Mailing Address: 1124 3rd Avenue
City Salt Lake State UT Zip 84103
4. Source of Water: Spring & well If GROUNDWATER (well), Date Drilled: mo. 8 / yr. 2002
Well Driller: Nelson Drilling Drilling Permit Number: D 24750
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .02 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Jeff Middleton Telephone Number: 801-521-5336
Address: 1124 3rd Avenue SLC UT 84103 Day 801-393-0001
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature]

(include your title, if on behalf of company or organization)

Date: 8/21/2002

June 30, 2002

JEFF MIDDLETON
1124 3RD AVE
SALT LAKE CITY, UT 84103

PROOF DUE NOTICE

RE: PERMIT NO. 11-7434

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

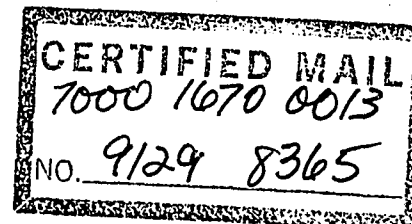
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures





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

August 29, 2002

JEFF MIDDLETON
1124 3RD AVE
SALT LAKE CITY UT 84103

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 11-07434

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Eastern** Regional Office of the department in Idaho Falls (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)