

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 96-11167

Priority: May 04, 2022

Maximum Diversion Rate: 0.11 CFS

Maximum Diversion Volume: 11.1 AF

It is hereby certified that:

SHARON BAYLESS 207 WINTERTON RD SANDPOINT ID 83864-4985 AND/OR
ORVILLE BAYLESS 207 WINTERTON RD SANDPOINT ID 83864-4985

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 04, 2022, and has submitted Proof of Beneficial Use on June 23, 2023. An examination confirms water is diverted from:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.11 CFS	11.1 AF

Location of Point(s) of Diversion

GROUND WATER	NE¼ NE¼, Sec. 15, Twp 58N, Rge 01W, B.M.	BONNER County
GROUND WATER	NE¼ NE¼, Sec. 15, Twp 58N, Rge 01W, B.M.	BONNER County
GROUND WATER	NE¼ NE¼, Sec. 15, Twp 58N, Rge 01W, B.M.	BONNER County
GROUND WATER	NE¼ NE¼, Sec. 15, Twp 58N, Rge 01W, B.M.	BONNER County
GROUND WATER	NE¼ NE¼, Sec. 15, Twp 58N, Rge 01W, B.M.	BONNER County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N	01W	15	3.7																3.7

Total Acres: 3.7

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 21st day of July, 2023.



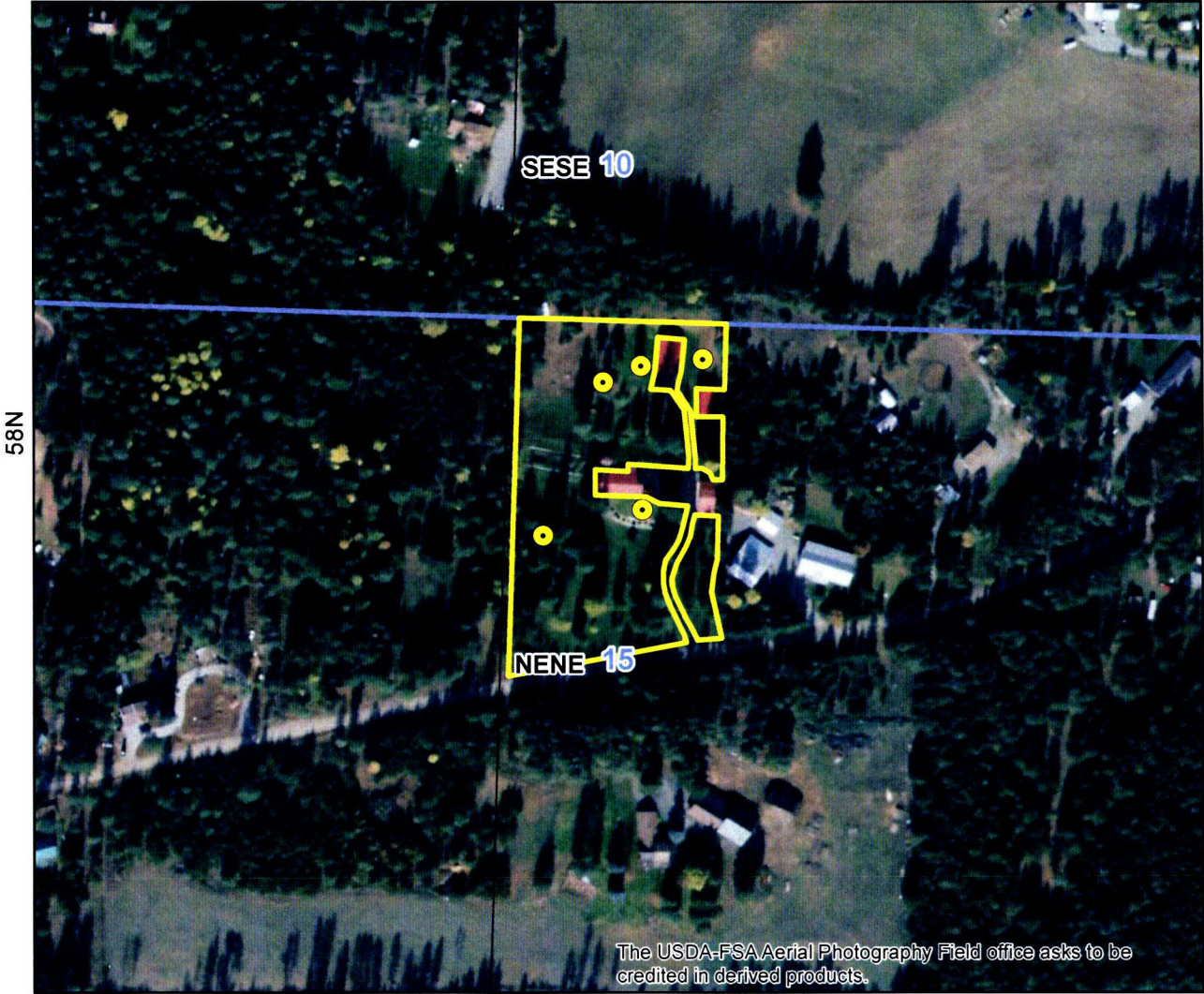
PHILL HUMMER
Water Rights Supervisor

SCANNED
JUL 24 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
96-11167

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

01W



0 0.035 0.07 0.14 Miles

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion

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N
JUL 24 2023

RECEIVED

JUN 12 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50
Receipt No. C11606
Received By 15m
Date Received 6/13/23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

- Permit No. 96-11167 Name of Permit Holder(s) SHARON AND ORVILLE BAYLESS
Telephone No. 203 290 2803 Email SHARONIAKERU@gmail.com
Mailing Address 207 WINTERSON City SANDPOINT State ID Zip 83864
- Source of Water GROUND If Ground Water (well), Date Drilled mo. ____ / yr. 78
Drilling Permit/Tag No. 0 Drilling Company's Name 0 Home Owner
- Extent of use(s) completed as authorized by the water right permit:
Domestic (No. households) 1 Irrigation (No. acres) 5 Stockwater (No. and stock type) ____
Other LAWN WATERING
- Total diversion rate or volume (storage only) for which proof is submitted ____ cfs OR ____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.
- Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)
1/2 HP Pump DRIVE POINT WELL
- Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:
Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

☐	☒	Ground water level data, pumping information, or other diversion data
☐	☒	Mitigation plan
☐	☒	Lockable controlling works
☐	☒	Measuring device
☐	☒	Fish screen
☐	☒	Other requirements of the water right permit _____
	☒	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☒ No
- Fee Enclosed \$ _____ or ☐ CWRE field report attached or ☒ No fee required
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.
- Person to contact to accompany a Department representative during the field examination of the water system:
Name: _____ Telephone No. _____ Email _____
Mailing Address _____ City _____ State _____ Zip _____

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 and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

[Signature]
SIGNATURE OF PERMIT HOLDER*

SHARON J. BAYLESS H.O. 6.5.23
PRINTED NAME AND TITLE DATE

*Attach power of attorney if completing on behalf of permit holder.

SCANNED

JUL 24 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 24, 2023

SHARON BAYLESS
ORVILLE BAYLESS
207 WINTERTON RD
SANDPOINT ID 83864-4985

RE: License No. 96-11167

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4925.

Sincerely,

Jean Hersley

For

Phill Hummer
Water Rights Supervisor

Enclosure(s)

SCANNED

JUL 24 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2023, I served a true and correct copy of Water Right License No. 96-11167 by U.S. Mail, postage prepaid, to the following:

SHARON BAYLESS (Current Owner)
207 WINTERTON RD
SANDPOINT ID 83864-4985

ORVILLE BAYLESS (Current Owner)
207 WINTERTON RD
SANDPOINT ID 83864-4985



Jean Hersley
Technical Records Specialist 2

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 service date 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONExam Date: 7/11/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y N
- a. X Irrigation of 5 acres or less
b. Storage of up to 14.6 AF for stockwater purposes only
c. Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
d. Other < >
2. Current Owner: Sharon and Orville Bayless
Owner of Record Correct? N
Address of Record Correct? N
If No Explain: N/A
3. Beneficial Use Fees have been paid: X Y N Receipt No: C116606
4. Source: Tributary:
Groundwater N/A

Method of Determination:
Change in Source: Y X N

B. OVERLAP REVIEW

1. Other water rights with the same place of use: X No Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A			

Comments: There is an adjudication claim south of the property and Winterton Rd, but they do not overlap.

2. Other water rights with the same point of diversion: X NO Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A			

Comments: N/A

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Groundwater (5 POD's)			NE	NE	15	58N	01W	B.M.	Bonner
								B.M.	
								B.M.	

Method of Determination: GIS and Tax Parcel Data.

Change in POD? Y X N Amendment Required? Y X N

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JUL 24 2023

2. 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	
58N	01W	15	3.7																3.7
		Lot #																	N/A
Total Acres =																			3.7

Method of Determination: GIS, Tax Parcel Data, 2022 Bonner County Aerial Imagery and a phone conversation with the permit holder on July 11th, 2023.

Change in POU? Y X N Amendment Required? Y X N

Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable:

X Aerial Photo Attached (required for irrigation of 10+ acres).

Photo of Diversion and System Attached

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		½ per well			

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1. Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurement Comments: The permit holder provided a pump horsepower of 0.5 hp per well or 2.5 hp combined. However, since a well depth was not provided a lift could not be determined initially. After a phone conversation with the permit holder on July 7th, 2023, the applicant explained the wells are between 15 and 18 ft or 16 ft average. Therefore, a diversion rate calculation is possible.

E. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: Since the permit holder provided a pump horsepower of 0.5 per well or 2.5 hp for all five wells and a lift can be determined because the permit holder provided well depth with an average of 16ft, a diversion rate calculation is possible. According to the calculation the wells can provide 0.12 cfs at 50 psi discharge pressure. According to Administrative Processing Memo #17 the standard diversion rate/acre for the irrigation of 5 acres or less is 0.03 cfs/acre, (3.7 acres) * (0.03 cfs/acre) = 0.111 cfs or 0.11 cfs rounded. The permit authorized 0.12 cfs. I am recommending a 0.11 cfs diversion rate.

Q = (2.5 hp) (8.8) (0.70 efficiency) / (16ft lift) + (2.31) * (50 psi) = 0.12 cfs
 Measurement = 0.12 cfs
 Permit allowed = 0.12 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

V = (Acres Irrigated) x (Irrigation Requirement) = (3.7 acres) * (3.0 af/acre) = 11.1 af
 I.R.

V = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 = (0.11 cfs) * (214 days) * (1.9835) = 46.7 af
 D.R.

V = Smaller of V and V = 11 af
 I.R. D.R.

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 JUL 24 2023

G. PURPOSE OF USEIrrigation X Y N # Stock N/A Domestic # of Homes N/A

Other: < >

Change in Purpose of Use? Y X NMethod of Determination: GIS, Tax Parcel Data, and 2022 Bonner County Aerial Imagery.If Yes: From Use To Use Amount CFS AFA **H. NARRATIVE/REMARKS/COMMENTS**

This permit qualifies for an in-office examination. According to Tax Parcel Data the property was developed in 1997. The permit authorized the irrigation of 4 acres diverting from groundwater. 2022 Bonner County Aerial Imagery confirmed 3.4 acres of irrigation occurred. However, there were areas that seemed irrigated but were harder to confirm with imagery alone. After a phone conversation with the permit holder, it was confirmed those areas were irrigated, but much less so than noticeably green areas. The projected parcel boundary and the visual property boundary were off. The irrigated place of use was updated to the visual property boundary. According to the permit holders Statement of Completion for Proof of Beneficial Use there was a ½ hp pump installed. However, after a phone conversation on July 6th, 2023, the permit holder confirmed each of the five authorized wells have a ½ hp pump. This still left two lingering concerns, how the system functioned and how deep the wells were. Since the wells were hand dug by the permit holder, according to the application for permit, they must be less than 18 ft, or they would have to meet the Departments well drilling requirements under the IDAPA Well Construction Standard Rules 37.03.09.02. After another phone conversation on July 7th, 2023, the permit holder explained the wells were between 15 and 18 ft but, no deeper than 18 and each well was diverted from independently depending on where irrigation was occurring.

Since the permit holder provided well depth and a pump horsepower of 2.5 between five wells a diversion rate calculation was possible. According to that calculation the wells could handle 0.12 cfs at 50 psi discharge pressure if all five wells were being diverted from simultaneously. The standards set in Administrative Processing Memo #17 were used to make a diversion rate recommendation. All of the conditions have been met and it has been confirmed a beneficial use was developed within authorization on the permit. Therefore, I am recommending a 0.11 cfs diversion rate and 11.1 af diversion volume.

Condition R66 should remain on the license. Condition 004 should be removed because there are no legal access concerns to the place of use or point of diversion. All other conditions should be removed as standard with licensing.

Have conditions of permit approval been met? X Yes No**I. RECOMMENDATIONS**

1. Recommended Amounts:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Irrigation	04/01-10/31	0.11 CFS	11.1 AF
	<u>Totals:</u>	0.11 CFS	11.1 AF

2. Recommended Amendments:

 Change P.D. as reflected above Add P.D. as reflected above X None Change P.U. as reflected above Add P.U. as reflected above X None

Other: < >

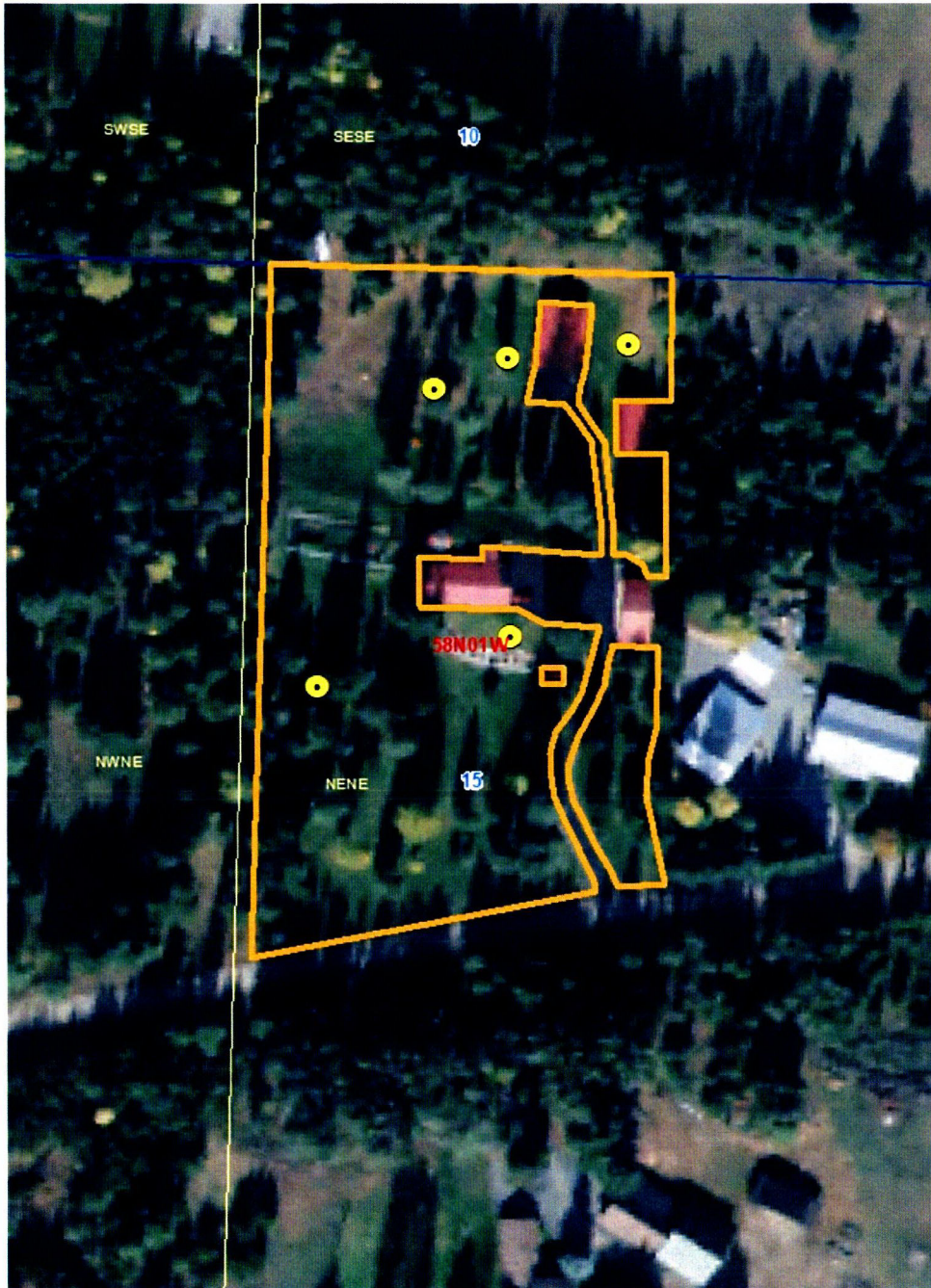
J. AUTHENTICATION Skyler Cheever – Water Resource AgentField Examiner's  Date 7/11/2023Reviewer  Date 7/21/23

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JUL 24 2023

Field Exam Map

Map showing the authorized point of diversion (yellow point) and place of use (orange outline).



96-11167 Irrigation Map

Bonner County provides the data with no claim as to its accuracy.



7/11/2023

Road Centerlines

- Primary
- Secondary
- Local; Ramp



Parcels

World Boundaries and Places

World Imagery

Low Resolution 15m Imagery

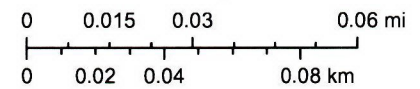
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

60cm Resolution Metadata

1:2,213



Esri, HERE, Garmin, (c) OpenStreetMap

Beneficial Use Proof Evaluation

Permit Number: 96-11167 Reviewer: AVEibell Review Date: 7/3/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 6/23/2023
- 4) Proof Due Date: 8/1/2023
- 5) Days added for weekend due date?
- 6) Days added for holiday due date?
- 7) Number of days late: -39
- 8) Proof received timely? Yes

Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 3) Are the required items installed? Yes
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 4) Is there a request to waive the required items? No
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? No
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

N039357

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.

SCANNED

JUL 24 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 14, 2023

SHARON BAYLESS
ORVILLE BAYLESS
207 WINTERTON RD
SANDPOINT, ID 83864-4985

PROOF DEFICIENCY LETTER

RE: Permit No. 96-11167

Dear Permit Holder(s):

The Department received the proof of beneficial use (proof) form submitted for the above referenced permit. The proof is not acceptable without the correct fee. A copy of the form is enclosed for your reference.

This permit authorizes a diversion rate of 0.12 cfs (cubic feet per second) and was stated the same on the form requiring a license examination fee of \$50.00. Please submit the required fee of **\$50.00**.

Please submit the required fees at your earliest convenience before the proof due date of **August 01, 2023** to avoid the possibility of your permit lapsing. If you have any questions concerning this matter, please contact me at (208) 287-4945.

Sincerely,

Amanda Veibell
Technical Records Specialist

Enclosure(s)

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JUN 13 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 31, 2023

SHARON BAYLESS
ORVILLE BAYLESS
207 WINTERTON RD
SANDPOINT ID 83864-4985

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 96-11167

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder(s):

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 **August 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

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 delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this department on or before the above proof due date. If neither is received, the department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Water Rights Section

Enclosure(s)



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JUN 05 2023