



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
~~Interim~~ Director

CERTIFIED MAIL

March 31, 2014

Mitchell Wright
Tall Pines Lakeview Estates LLC
c/o County Porch
3915 N Schreiber Way
Coeur d'Alene, ID 83815

Re: Protest of the Application For Permit to appropriate the Public Waters of the
State of Idaho, No. 95-10205.

Dear Mr. Wright:

Enclosed you will find a **NOTICE OF PROPOSED DEFAULT ORDER** in the
above referenced matter.

You have seven (7) days from the date of receipt hereof to challenge this Notice
of Proposed Default Order.

Should you have any questions, feel free to contact me at this office.

Sincerely,

Keith E Franklin
Program Manager

Enclosure(s)

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT IN THE NAME OF)
JOHN AND/OR VIRGINIA MONTEE)
APPLICATION NO. 95-10205)

NOTICE OF PROPOSED DEFAULT ORDER

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On March 16, 2009, John and/or Virginia Montee submitted an application for a new water right from springs that are tributary to Stump Creed for domestic, stock water and recreation storage purposes.
2. The application was advertised in the Coeur d'Alene Press commencing on April 2, 2009 and ending on April 9, 2009.
3. On April 20, 2009 John Magnuson on behalf of Mitchell Wright filed a protest stating he felt the application would divert water away from Stump Creek and could be harmful to the fisheries.
4. On February 28, 2014 a Protest Conference was scheduled for March 26, 2014, commencing at 10:00 am at the office of the Idaho Department of Water Resources located at 7600 North Mineral Dr., Ste. 100, Coeur d'Alene, Idaho 83815.
5. On March 5, 2014 John Magnuson corresponded to the Department stating he had forwarded the notice of the conference to Mr. Wright and that he was not representing Mr. Wright in this matter.
6. The protestant, Mitchell Wright, failed to appear to the scheduled protest conference.

CONCLUSIONS OF LAW

1. IDAPA RULE 37.01.01700 (Rule of Procedure 700) authorizes the Department to issue a Notice of Proposed Default Order for failure to appear to a scheduled conference.
2. The Department should enter a Notice of Proposed Default Order for failure of the applicant to appear, for the above captioned matter.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Department plans to enter a Default Order **DENYING** the protest, as provided in IDAPA Rule 37.01.01702 (Rule of Procedure 702)

Dated this 31 day of March, 2014.


KEITH E. FRANKLIN
PROGRAM MANAGER

CERTIFICATE OF SERVICE

I FURTHER CERTIFY that on this 31st day of March, 2014, a true and correct copy of the document described below was served on the following by placing a copy of the same in the United States mail, as certified mail with return receipt requested, postage prepaid and properly addressed to the following:

Document(s) Served: Notice of Proposed Default Order

MITCHELL WRIGHT
TALL PINES LAKEVIEW ESTATES, LLC
c/o COUNTRY PORCH
3915 N. SCHREIBER WAY
COEUR D' ALENE, ID 83815



Dianne Ball
Administrative Assistant