

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-11389

Priority: October 20, 2009

Maximum Diversion Rate: 0.02 CFS

This is to certify, that DONALD L NICOL
3801 S LORETTA DR
SPOKANE VALLEY WA 99206
(509) 924-6588

has applied for a permit to appropriate water from:

Source: HAYDEN LAKE

Tributary: 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>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

HAYDEN LAKE, L3 (SW1/4NE1/4), Sec. 15, Twp 51N, Rge 03W, B.M., KOOTENAI County

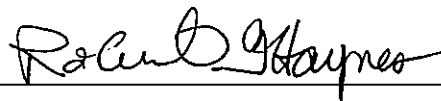
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 03W 15			X														
			L3														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2011**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. 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. 95A.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 8th day of April, 20 10.



GARY SPACKMAN, Interim Director



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

April 9, 2010

DONALD L NICOL
3801 S LORETTA DR
SPOKANE VALLEY WA 99206

RE: Permit No.95-11389

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.

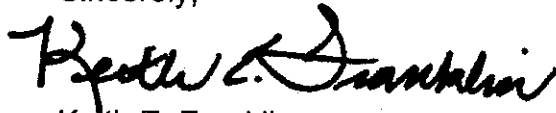
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

If you have any questions, please contact me at (208) 762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith E. Franklin". The signature is written in a cursive, flowing style.

Keith E. Franklin
Sr. Water Resources Agent

Enclosure(s)

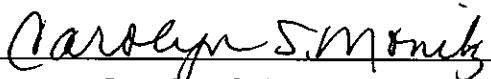
CERTIFICATE OF SERVICE

I hereby certify that on April 9 2010 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.

95-11389

**DONALD L NICOL
3801 S LORETTA DR
SPOKANE VALLEY WA 99206**



**Carolyn S. Monitz
Technical Records Clerk**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 95-11389

APPLICATION ID # 76053

ENT. 10/30 BCA 1/26/10 OK to Publish 1/26/10

INITIAL REVIEW

APPLICANT: Donald L. Nicol

BY: KJ

DATE: 10/20/2009

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
☒ Nature of Proposed Use
☒ Period of Use
5. ☒ Total Quantity
6. ☒ Description of diverting works
7. ☒ Time required for b/u
8. ☒ Proposed use
9. ☒ Place of use or acres irrigated
10. ☒ Other water Rights
11. ☒ Ownership
12. ☒ Map
☒ Signature
☒ Fee (Amt, receipt, acknowledgement)

PROCESSING

(Yes)(No)

PRIORITY DATE: 10/20/2009

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

County: Kootenai

Newspaper: ceda

Dates scheduled for publication: 2/4+11/10

Affidavit of Publication received: 2/12/10

Dates actually published: 2/4+11/10

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 2/22/10

Protests Received: Yes ☐ No ☒

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: _____

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other: _____

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

(Yes)(No)

☐ Shape File Created Date 10/30 By: KJ

☐ Field check: by _____

☐ Field report attached

☐ Analysis Supp. attached(>5cfs/500af)

☐ Water delivered by water master? Water District # _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom.____ Non-Dom.____	Paid \$_____	_____	Y() N()
_____	_____	Dom.____ Non-Dom.____	Paid \$_____	_____	Y() N()
_____	_____	Dom.____ Non-Dom.____	Paid \$_____	_____	Y() N()

- ☐ Groundwater management area
- ☐ Critical ground water area
- ☐ Well Drilling Permit required
- ☐ Well Drilling Application and Fees received
- ☐ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

☒ Notice of pending void order issued. Final order response date: ____/____/____

☒ Further information required from applicant _____

☒ Measuring device required

☒ Measuring port required

☒ Special conditions: Hayden Lake Water Dist. 95A

☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Keith J. Jankovic Date: 3/11/2010 Sr. Agent initial KJ

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

95-11365

TERRANCE DOBSON

JUDITH K DOBSON

6961 E HAYDEN BLVD

HAYDEN, ID 83835

Point of Diversion L4(NESW) S15 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

Use: IRRIGATION 03/15 to 11/15 0.04 CFS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.08 CFS

Date Filed: 10/8/2009

Place Of Use: IRRIGATION T51N R03W S15 L4(NESW)

Place Of Use: DOMESTIC same as IRRIGATION

Total Acres: 1

Domestic use is for 1 home.

95-11366

DOWREYS WESTWOOD WATER LLC

2434 W WESSON AVE

ATHOL, ID 83801

Point of Diversion SESW S15 T53N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.09 CFS

Use: DOMESTIC 01/01 to 12/31 0.15 CFS

Total Diversion: 0.2 CFS

Date Filed: 10/14/2009

Place Of Use: DOMESTIC T53N R04W S15 SW SWSE

Total Acres: 3

Domestic use is for 13 homes.

95-11369

POULOS LOTS WATER ASSN

1732 OAK AVE

DAVIS, CA 95616

Point of Diversion L2(NENW) S11 T51N R03W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.12 CFS

Use: DOMESTIC 01/01 to 12/31 0.11 CFS

Total Diversion: 0.23 CFS

Date Filed: 10/14/2009

Place Of Use: DOMESTIC T51N R03W S11 L2(NENW)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 4

Domestic use is for 5 homes

95-11377

GEORGE L ANDERSEN

5242 E WAVERLY LOOP

HAYDEN, ID 83835

Point of Diversion L2(SWNW) S16 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

Use: DOMESTIC 01/01 to 12/31 0.04 CF

Total Diversion: 0.04 CFS

Date Filed: 10/15/2009

Place Of Use: DOMESTIC T51N R03W S16 L2(SWNW)

Domestic use is for 1 home.

95-11378

MCALLISTER FAMILY TRUST

1734 E ST. JAMES AVE

HAYDEN, ID 83835

Point of Diversion L4(SWSW) S31 T52N R03W KOOTENAI CO

Source UNNAMED STREAM Tributary SINKS

Use: IRRIGATION 03/15 to 11/15 0.15 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.17 CFS

Date Filed: 10/15/2009

Place Of Use: IRRIGATION T52N R03W S31 L4(SWSW)

Place Of Use: STOCKWATER T52N R03W S31 L4(SWSW)

Total Acres: 5

Stockwater is for 10 head of mixed stock

95-11379

GEORGE R ZUBER

19950 W RIVERVIEW DR

POST FALLS, ID 83854

Points of Diversion(2) NENW S18 T50N R05W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.16 CFS

Total Diversion: 0.16 CFS

Date Filed: 10/16/2009

Place Of Use: IRRIGATION T50N R05W S7 SESW

T50N R05W S18 NENW

Total Acres: 8

95-11385

ANNE MARIE COULSON

JAMES MICHAEL COULSON

303 PALM DR

HERMOSA BEACH, CA 90254

Point of Diversion L2(NWNW) S14 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/16/2009

Place Of Use: DOMESTIC T51N R03W S14 L2(NWNW)

Domestic use is for 1 home.

95-11389

DONALD L NICOL

3801 S LORETTA DR

SPOKANE VALLEY, WA 99206

Point of Diversion L3(SWNE) S15 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

Use: DOMESTIC 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 10/20/2009

Place Of Use: DOMESTIC T51N R03W S15 L3(SWNE)

Domestic use is for 1 home.

Permits will be subject to all prior water rights. 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, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 2/22/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 8920

February 4, 11, 2010

RECEIVED
FEB 12 2010

~~IDWR / NOTARY~~ AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

SS,

Kelli Buley being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

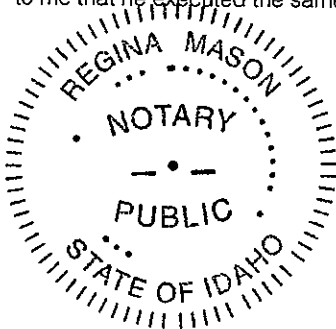
3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 4 day of February 20 10, and ending on the 11 day of February 20 10 and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Kelli Buley. On this 11 day of February in the year of 2010, before me, a Notary Public, personally appeared Kelli Buley, 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 he executed the same.

Regina Mason
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/15



Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, January 26, 2010 4:14 PM
To: mary.terra-berns@idfg.idaho.gov; cwashburn@idl.idaho.gov
Subject: RE: Applications for Permits No. 95-11365 Dobson, 95-11377 Andersen, 95-11378 McAllister Trust, 95-11385 Coulson, 95-11339 Nicol

Attachments: 95-11365 Dobson.pdf; 95-11377-Andersen.pdf; 95-11378 McAllister Trst.pdf; 95-11389 Nicol.pdf; 95-11385 Coulson.pdf

Dear Interested Party:

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

Carl, you probably won't be interested in the McAllister one - from an unnamed stream, but others are source Hayden Lake

We plan for publication on these February 4 and 11, 2010 in the CDA Press with final date for protest being February 22, 2010



95-11365
Dobson.pdf (358 KB)



95-11377-Andersen
.pdf (178 KB)...



95-11378 McAllister
Trst.pdf (...)



95-11389 Nicol.pdf
(187 KB)



95-11385
Coulson.pdf (257 KB)

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt reponse to this request is appreciated. If your agency desires to formally protest the approval of this application, 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,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

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JUDITH K DOBSON

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HAYDEN, ID 83835

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Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 4

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Total Diversion: 0.04 CFS

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Place Of Use: DOMESTIC T51N R03W S16 L2(SWNW)

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Use: STOCKWATER 01/01 to 12/31 0.02 CFS

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Place Of Use: IRRIGATION T52N R03W S31 L4(SWSW)

Place Of Use: STOCKWATER T52N R03W S31 L4(SWSW)

Stockwater is for 10 head of mixed stock

95-11379

GEORGE R ZUBER

19950 W RIVERVIEW DR

POST FALLS, ID 83854

Points of Diversion(2) NENW S18 T50N R05W KOOTENAI CO

Source GROUND WATER

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Date Filed: 10/16/2009

Place Of Use: IRRIGATION T50N R05W S7 SESW
T50N R05W S18 NENW

Total Acres: 8

95-11385

ANNE MARIE COULSON

JAMES MICHAEL COULSON

303 PALM DR

HERMOSA BEACH, CA 90254

Point of Diversion L2(NWNW) S14 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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Total Diversion: 0.04 CFS

Date Filed: 10/16/2009

Place Of Use: DOMESTIC T51N R03W S14 L2(NWNW)

Domestic use is for 1 home.

95-11389

DONALD L NICOL

3801 S LORETTA DR

SPOKANE VALLEY, WA 99206

Point of Diversion L3(SWNE) S15 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

Use: DOMESTIC 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 10/20/2009

Place Of Use: DOMESTIC T51N R03W S15 L3(SWNE)

Domestic use is for 1 home.

Permits will be subject to all prior water rights. 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, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 2/22/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 2/4/2010 and 2/11/2010

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, January 27, 2010 12:16 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Kelli Buley
Subject: Application for Permit No. 95-11365, 95-11366, 95-11369, 95-11377, 95-11378, 95-11379, 95-11385, 95-11389

Attachments: LegalNotice 01-27-10 CDA e-mail 95-11365,66,69,77,78,79,85,89.doc

Hi, Kelli,

Please publish the enclosed legal notice 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.

If you have any questions, please call me at the number below, or reply to this e-mail.

Please send a proof/preview copy for my review so I can check layout before this goes to press.



LegalNotice
1-27-10 CDA e-mai.

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 2/22/2010. Your cooperation is very greatly appreciated.

Thanks, Kelli, for all your SUPER help, and have a marvelous afternoon and evening!

One joy scatters a hundred griefs.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



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

January 27, 2010

DONALD L NICOL
3801 S LORETTA DR
SPOKANE VALLEY, WA 99206

Application For Permit No. 95-11389

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 COEUR D ALENE PRESS on 2/4/2010 and 2/11/2010. 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,

Keith Franklin
Sr. Water Resource Agent