

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 96-09448

Priority: October 05, 2009

Maximum Diversion Rate: 0.04 CFS

This is to certify, that ARTHUR R YOUNG  
PO BOX 515  
COCOLALLA ID 83813

has applied for a permit to appropriate water from:

**Source:** COCOLALLA LAKE

**Tributary:** COCOLALLA CREEK

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       | 0.04 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

COCOLALLA LAKE L6 (SW1/4NE1/4) Sec. 7, Twp 55N, Rge 02W, B.M. BONNER 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 |        |
| 55N 02W 7   |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2014**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. Domestic use is for 1 home.
5. This right does not grant any right-of-way or easement across the land of another.
6. 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 the permit holder had no control.

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 3rd day of December, 2009.

  
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](http://www.idwr.idaho.gov)

**C. L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Interim Director

December 4, 2009

ARTHUR R YOUNG  
PO BOX 515  
COCOLALLA ID 83813

RE: Permit No.96-9448

**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.

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.

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 fluid and cursive, with the first name "Keith" being more prominent and the last name "Franklin" written in a more compact, cursive style.

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

# **CERTIFICATE OF SERVICE**

I hereby certify that on December 4, 2009 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.**

**96-9448**

**ARTHUR R YOUNG  
PO BOX 515  
COCOLALLA ID 83813**



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**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.

**IC O DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 96 - 9448

APPLICATION ID # 76019

ENT. ED

BCA

11/9/09 OK to Publish 10/18/09

INITIAL REVIEW

APPLICANT: Young

BY: ED

DATE: 10/5/09

**ITEM REQUIRED INFORMATION**

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

**PROCESSING**

(Yes)(No)

PRIORITY DATE: 10/5/09

☒   
 ☒

(Include Moratorium Remark)

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

**ADVERTISE IN:**

Newspaper: Bonanza County

Dates scheduled for publication 11/5 & 12/09

Affidavit of Publication received: 12/2/09

Dates actually published: 11/5 & 12/09

Application published correctly. Yes ☒ No ☐

If not, action taken: \_\_\_\_\_

Final Date for Protest: \_\_\_\_\_

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 10-5-09 By: ED

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: \_\_\_\_\_

Special conditions of approval supplement and/or cover letter attached: \_\_\_\_\_

Approval Recommended by: Emilia

Date: 12/3/2009 Sr. Agent initial EDR

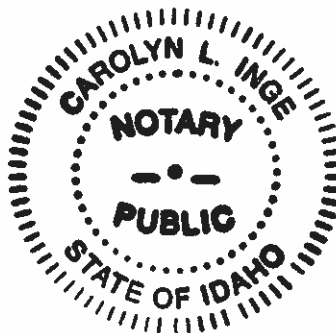
RECEIVED  
DEC 02 2009  
IDWR/NORTH

Jennifer Albert, being first duly sworn on oath, deposes and states:

- Junfer Albert

On this 12 day of NOV, in the year of 2009, before me, Carolyn Inge, Notary Public, personally appeared Jennifer Albert, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Carolyn L. Inge  
 Notary Public  
 Residing at: Sanpoint  
 Comm. Exp.: 8-7-12



RECEIVED  
DEC 02 2009  
IDWR/NORTH

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

96-9443

EUGENE PUCCI

107 DRIFTWOOD SHORE

SAGLE, ID 83860

Point of Diversion: L3(NESW) S17 T56N R01E BONNER CO

Source: PEND OREILLE LAKE tributary to PEND OREILLE

RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 9/16/2009

Place Of Use: DOMESTIC T56N R01E S17 L3(NESW)

Domestic use is for 1 home.

96-9444

HUMBUG TREE FARM ASSN

39 E EVERGREEN RD

SAGLE, ID 83860

Points of Diversion(2): L5(NWSE) S9 T56N R03W BONNER

CO

Source: PEND OREILLE RIVER tributary to COLUMBIA

RIVER

Use: IRRIGATION 04/01 to 10/31 0.66 CFS

Use: DOMESTIC 01/01 to 12/31 0.48 CFS

Total Diversion: 0.84 CFS

Date Filed: 8/18/2009

Place Of Use: DOMESTIC

T56N R03W S9 L6(SESW) NESE L5(NWSE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 33.2

Domestic use is for 15 homes.

96-9445

GERALD A BRINGHURST

123 MACLANE DR

SAGLE, ID 83860

Point of Diversion: L1(NWNW) S8 T56N R01E BONNER CO

Source: PEND OREILLE LAKE tributary to PEND OREILLE

RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 9/28/2009

Place Of Use: DOMESTIC T56N R01E S8 L1(NWNW)

Domestic use is for 1 home.

96-9446

ABBOTT FAMILY TRUST

45 ELLIOT PT RD

SAGLE, ID 83860

Point of Diversion: L3(NESW) S17 T56N R01E BONNER CO

Source: PEND OREILLE LAKE tributary to PEND OREILLE

RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 9/29/2009

Place Of Use: DOMESTIC T56N R01E S17 L3(NESW)

Domestic use is for 1 home.

96-9447

ARTHUR R YOUNG

PO BOX 515

COCOLALLA, ID 83818

Point of Diversion: L6(SWNE) S7 T55N R02W BONNER CO

Source: COCOLALLA LAKE tributary to COCOLALLA

CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 10/2/2009

Place Of Use: DOMESTIC T55N R02W S7 L6(SWNE)

Domestic use is for 1 home.

96-9448

ARTHUR R YOUNG

PO BOX 515

COCOLALLA, ID 83813

Point of Diversion: L6(SWNE) S7 T55N R02W BONNER CO

Source: COCOLALLA LAKE tributary to COCOLALLA

CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 10/5/2009

Place Of Use: DOMESTIC T55N R02W S7 NENW

Domestic use is for 1 home.

96-9449

TROLD TRUST

1990 S BUNDY DR STE 200

LOS ANGELES, CA 90025

Point of Diversion: SENW S13 T56N R02E BONNER County

Source: UNNAMED STREAM tributary to LIGHTNING

CREEK

Use: WILDLIFE STORAGE 01/01 to 12/31 42.7 AF

Use: RECREATION STORAGE 01/01 to 12/31 42.7 AF

Use: FIRE PROTECTION 01/01 to 12/31 42.7 AF

STORAGE 01/01 to 12/31 42.7 AF

Total Diversion: 42.7 AF

Date Filed: 10/20/2009

Place Of Use: RECREATION STORAGE

T56N R02E S13 SENW

Place Of Use: ALL OTHER USES: same as RECREATION

STORAGE

Recreation storage is for swimming and fishing.

Permits will be subject to all prior water rights. Protests may

be submitted based on the criteria of Idaho Code § 42-211.

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 11/23/2009. The protestant must also send a

copy of the protest to the applicant.

SNP Legal 11221

November 5, 12, 2009

GARY SPACKMAN, Interim Director

**Ball, Dianne**

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**From:** Ball, Dianne  
**Sent:** Wednesday, October 28, 2009 4:08 PM  
**To:** Legal Notices-Bonner Co Daily Bee-Sheri Jones  
**Subject:** Applications for Permit Nos. 96-9443, 96-9444, 96-9445, 96-9446, 96-9447, 96-9448, 96-9449  
**Attachments:** LegalNotice 10-28-09 BCDB e-mail 96-9443,44,45,46,47,48,49.doc

Good afternoon, Sheri,

Attached is a copy of the legal notice we are asking you to publish on the dates indicated, November 5 and 12, 2009, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof/preview copy before this goes to press for my review so I can check layout and review my work also to make sure I didn't miss something. It seems these are getting longer all the time. I'm trying to shorten the prep time by not attaching a separate letter to my e-mail - just the legal notice. Let me know if this is OK or if you need my letter attached also, requesting the publication, etc.

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 11/23/2009. Your cooperation is greatly appreciated, as always!!

Thanks and have a wonderful evening. I'll be out of the office on Friday for some foot surgery but should be back Monday - Tuesday at the latest unless I run into complications.



LegalNotice  
10-28-09 BCDB e-mail

*Happiness in life depends on the quality of your thoughts.*

*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

## Ball, Dianne

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**From:** Ball, Dianne  
**Sent:** Wednesday, October 28, 2009 12:03 PM  
**To:** mary.terra-berns@idfg.idaho.gov  
**Subject:** RE: Application for Permit No. 96-9443, 44, 45, 46, 47, 48, 49

**Attachments:** 96-9443 Pucci.pdf; 96-9444 Humbug Treefarm Assn.pdf; 96-9445 Bringhurst.pdf; 96-9446 Abbott Family Trust.pdf; 96-9447 Young.pdf; 96-9448 Young.pdf; 96-9449 Troid Trust.pdf

Dear Mary:

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



96-9443 Pucci.pdf  
(326 KB)



96-9444 Humbug  
Treefarm Assn.p...



96-9445  
Bringhurst.pdf (137 KB)



96-9446 Abbott  
Family Trust.pdf...



96-9447 Young.pdf  
(614 KB)



96-9448 Young.pdf  
(411 KB)



96-9449 Troid  
Trust.pdf (348 KB)

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response 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.

Final date for protests to be received in our office is November 23, 2009.

Please contact this office if you have any questions regarding the application. For Pucci and Troid Trust please contact Keith Franklin. For the other 5, please contact Eric Davis.

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

## Ball, Dianne

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**From:** Ball, Dianne  
**Sent:** Thursday, October 29, 2009 1:51 PM  
**To:** jbrady@idl.idaho.gov  
**Cc:** cwashburn@idl.idaho.gov  
**Subject:** FW: RE: Application for Permit No. 96-9443

**Attachments:** 96-9443 Pucci.pdf; 96-9444 Humbug Treefarm Assn.pdf; 96-9445 Bringhurst.pdf; 96-9446 Abbott Family Trust.pdf; 96-9447 Young.pdf; 96-9448 Young.pdf; 96-9449 Troid Trust.pdf

Good afternoon, Jim

Is is snowing up your way? I has been off and on down here - but now mostly just rainy.

Yesterday I inadvertently sent this to Carl in the CDA Office - they should have gone to you because these are all from your area. Sorry about that.

Copying Carl to let him know what I did ~ and am doing now by forwarding these on to you. Message remains the same.

*Have a marvelous rest of the day.*

*Don't count the days, let the days count.*

*Dianne*

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**From:** Ball, Dianne  
**Sent:** Wednesday, October 28, 2009 12:09 PM  
**To:** cwashburn@idl.idaho.gov  
**Subject:** RE: Application for Permit No. 96-9443

Dear Carl:

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



96-9443 Pucci.pdf  
(326 KB)



96-9444 Humbug  
Treefarm Assn.p...



96-9445  
nghurst.pdf (137 KE



96-9446 Abbott  
Family Trust.pdf...



96-9447 Young.pdf  
(614 KB)



96-9448 Young.pdf  
(411 KB)



96-9449 Troid  
Trust.pdf (348 K...

For Pucci and Troid Trust, please send your comments to Keith Franklin. For the other 5, please contact Eric Davis.

The only one I'm not sure about your having an interest in is the Troid Trust application because it is from an unnamed stream tributary to Lightning Creek.

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.

Final date for protests to be received in our office is November 23, 2009.



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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

October 28, 2009

ARTHUR R YOUNG  
PO BOX 515  
COCOLALLA, ID 83813

Application For Permit No. 96-9447 and 96-9448

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 BONNER COUNTY DAILY BEE, PRIEST RIVER TIMES on 11/5/2009 and 11/12/2009. 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,

Eric J. Davis  
Sr. Water Resource Agent

Enclosure(s) – Receipt No. N022321 (Receipt No. N022308 already returned)