

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION) FOR PERMIT 63-32238 IN THE NAME) OF STEVEN L &/OR CHRIS L STOUT) _____)	PROTEST DISMISSAL PRELIMINARY ORDER
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On June 9, 2005 Steven L &/or Chris L Stout filed with the Idaho Department of Water Resource (IDWR) an Application for Permit #63-32238 for surface water from the Boise River. For recreation and wildlife beneficial use. The protest deadline was May 1, 2008. The application was protested by Dan Bilbao Jr. and Jason Kotter.

On May 1, 2008, IDWR Western Regional Office received a hand delivered protest with fees from Jason Kotter prior to the protest deadline. The protest was presented on a facsimile copy; the copy was not legible. Office staff were told the original protest document would follow.

On June 16, 2008, IDWR sent a notice to Jason Kotter stating the original notice of protest had not been received by IDWR and needed to be submitted within 14 days of the letter receipt. The protest would be dismissed if not received by the deadline.

To date, IDWR has not received the original notice of protest from Jason Kotter. The protest should be dismissed.

CONCLUSIONS OF LAW

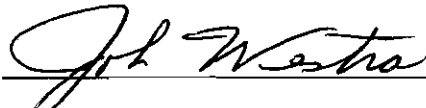
Idaho Administrative Code Rules of Procedure IDAPA 37.01.01.300 (Rule 300) states impart:

Pleadings and other documents not exceeding ten (10) pages in length requiring urgent or immediate action may be filed by facsimile transmission (FAX). Whenever any document is filed by FAX, the original must be mailed by United States mail or physically delivered to the agency the next working day.

ORDER

In the contested matter of Application for Permit #63-32238, **IT IS HEREBY ORDERED** the protest submitted by Jason Kotter is **DISMISSED**.

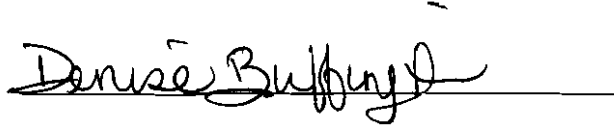
Dated this 10th day of July 2008

A handwritten signature in cursive script, reading "John Westra", is written over a horizontal line.

JOHN WESTRA,
MANAGER WESTERN REGION

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2008, I mailed a true and correct copy of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

A handwritten signature in black ink, reading "Denise Buffington", is written over a horizontal line.

Denise Buffington
Administrative Assistant

JASON KOTTER
2100 S CHURCHILL DR
NAMPA ID 83686

STEVEN L & CHRIS L STOUT
4017 N LA MESITA WAY
BOISE ID 83702

DAN BILBAO JR
c/o GENE GIBSON
21654 WOOD LN
PARMA ID 83660

TERRY SCANLAN
SPF WATER ENGINEERING
600 E RIVER PARK LN, STE 105
BOISE ID 83706