

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 97-07440

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2010**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
5. 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.
6. Domestic use is for 2 homes and a truck stop. Irrigation of lawn, garden and landscaping associated with the homes and truck stop is authorized under the irrigation component of this right.
7. Industrial use is for washing equipment at truck stop.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
9. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of April, 2005.


for KARL J DREHER, Director

RECEIVED

APR 11 2005

DEPARTMENT OF
WATER RESOURCES

Amended

Page 1

Ident. No. 97-7440

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: H FORD WILLEY AND/OR
DONNA WILLEY
BOX 335
PRIEST RIVER ID 83856

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER NE¼ NW¼ Sec. 30, Twp 56N, Rge 04W, B.M. BONNER County

4. Water will be used for the following purposes:

Purpose	From To	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 11/01	3.50 CFS	
DOMESTIC	01/01 to 12/31	0.80 CFS 1.08 CFS	
INDUSTRIAL	01/01 to 12/31	0.80 CFS	

5. Total quantity to be appropriated is: 3.50 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source:

b. Height of storage dam _____ feet;

Active reservoir capacity _____ acre-feet;

Total reservoir capacity _____ acre-feet;

c. Proposed well diameter is 8 inches;

Proposed depth of well is 400 feet.

d. Is ground water with a temperature of greater than 85F being sought? N

e. If well is already drilled, when? _____;

Drilling Firm _____;

Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed

beneficial use is 5 year(s).

Paul Willey
4/4/05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

8.

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	
56N 04W 19								20.0	40.0	40.0	35.0	40.0			10.0	35.0	220.0
56N 04W 30		30.0			30.0												60.0

Total Acres: 280

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	
56N 04W 19											X	X					
56N 04W 30					X												

PLACE OF USE: INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N 04W 19											X						
56N 04W 30					X												

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

11. Map of proposed point of diversion and place of use attached? [X]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

 4/4/05
Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. N016646

Date: _____

Receipted by: _____

71620

Ident. No. 97-7440

RECEIVED

MAR 14 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED

NOV 19 2004

IDWR/North

1. Name of Applicant H. Ford &/or Donna Willey Phone 208 448-1130
Mailing address Box 335 Priest River ID 83856
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 56 N Range 4 W Sec. 30, in the _____ 1/4, NE 1/4, NN 1/4, Govt. Lot _____, B.M., Bonner County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|---|------------------------------|
| Amount <u>3.5</u> for <u>Irrigation</u> purposes from <u>4/1</u> to <u>11/1</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount <u>0.8</u> for <u>Domestic</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount <u>0.8</u> for <u>Industrial</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | (cfs or acre-feet per annum) |
5. Total quantity to be appropriated is (a) 3.5 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works: pump and pipes
- a. Describe type and size of devices used to divert water from the source _____
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is 8 inches; proposed depth of well is 400 feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 2 houses and truck stop
- e. Other; describe fully. Industrial is for washing equipment & truck stop

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	4W	30		30			D 30												60
		19							20		40	40	D 35	D 40		10	35		220

Total number of acres to be irrigated 280

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Appl.

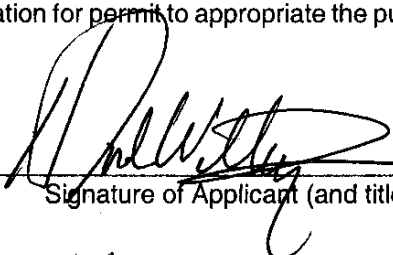
b. Who owns the land to be irrigated or place of use? Appl.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

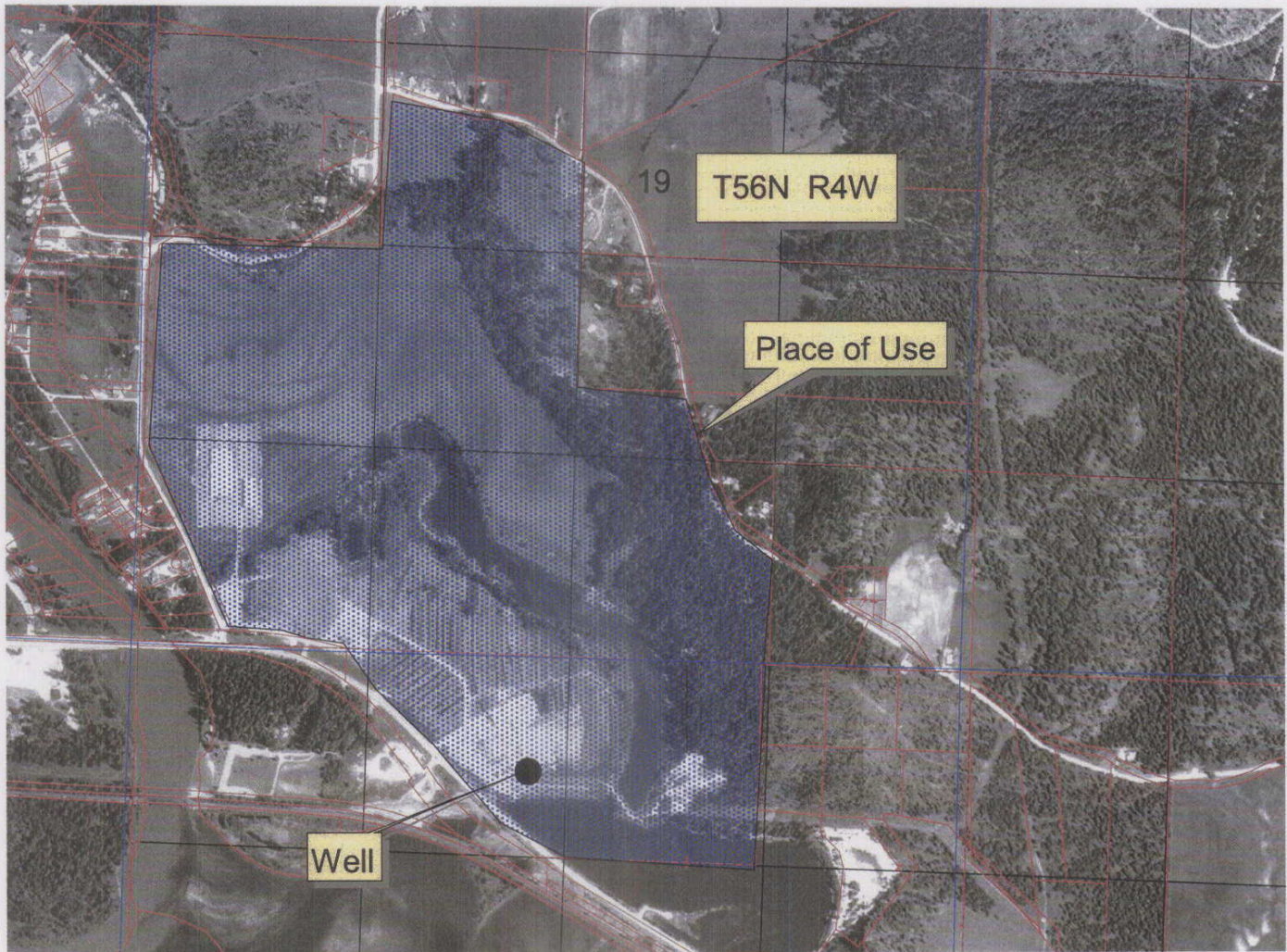
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Signature of Applicant (and title, if applicable)

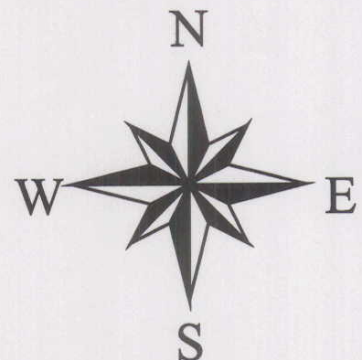
Received by PHH Date 11/19/04 Time 2:00 PM Preliminary check by AB
 Fee \$ 370.00 Received by CM # N76646 Date 11/19/04
 Publication prepared by AB Date 2/8/05 Published in Priest River Times 2/16+23/05
 Publication approved AB Date 2/4/05

Willey



Unknown Units: View1

-  Sections.shp
-  Bonner.shp
-  T56n04w.shp



Now

Starting

Right Side

of file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 13, 2005

H FORD WILLEY
DONNA WILLEY
BOX 335
PRIEST RIVER ID 83856

RE: Permit No. 97-7440

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.

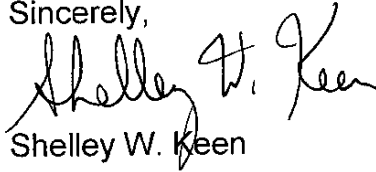
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

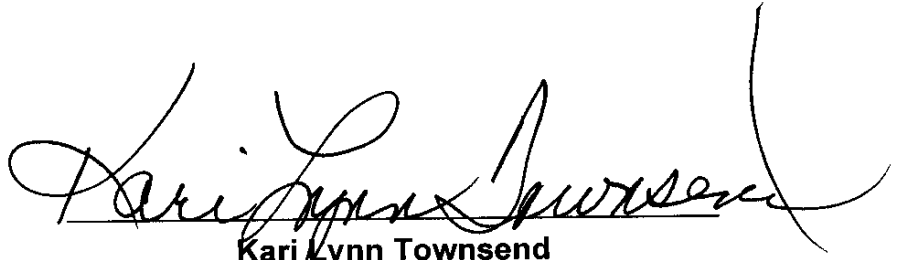
CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2005 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.

97-7440

**H FORD WILLEY
DONNA WILLEY
BOX 335
PRIEST RIVER ID 83856**



**Kari Lynn Townsend
Secretary**

**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. 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.

M E M O R A N D U M

Date: April 12, 2005
To: Water Right File 97-7440
From: eretelle
Re: amended application

No WD, moratorium, protests or overlap.

I sent a letter 3-28-05 indicating that 0.8 cfs seemed high for the domestic and industrial uses. The application was amended to 0.08 for domestic use at 2 homes, but remains 0.8 cfs for the industrial use at a truck wash. During the field examination, it will be necessary to carefully measure and quantify this use as it still seems excessive.

Recommend approval as suggested by IDWR Northern.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 28, 2005

H FORD WILLEY And/Or
DONNA WILLEY
BOX 335
PREIST RIVER, ID 83856

RE: Application for Water Appropriation Permit 97-07440

Dear Applicants:

During review of your Application for Permit to appropriate water, it was found additional information is required before your application can be processed.

Your Application indicates that you intend to divert 0.8 cubic feet per second (360 gallons per minute) for domestic use for 2 homes and 0.8 cfs for industrial use in the form of truck-washing equipment. The standard diversion rate for domestic use is 0.04 cfs (18 gpm) per home. In order for your application to be approved for 0.8 cfs for domestic and industrial purposes, you will need to submit information detailing the design of your system and supporting your need for a greater amount than is typical. If the application is in error, and you intended to apply for a lesser diversion rate, please make and initial the necessary changes on the enclosed copy of your application, write "amended" at the top, sign, date and return it to the Department.

If this information is not received within 30 days, the domestic and industrial uses on your Permit will be issued for less than you requested. If you have any questions, please call me at 208-287-4949, or email me at erin.retelle@idwr.idaho.gov.

Sincerely,

Erin Retelle
Water Resource Agent

Enclosure: 1

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

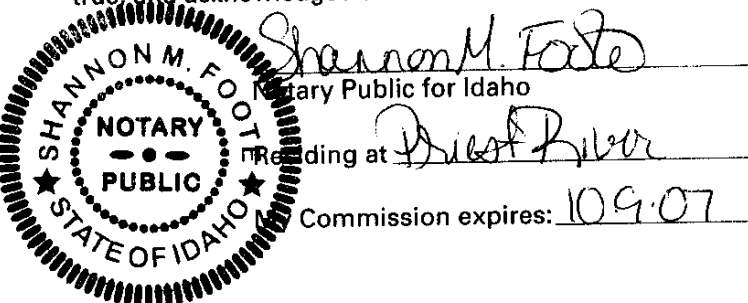
County of Bonner, Terri Jure

_____ being first duly sworn on oath
deposes and says that he/she is Managing Editor
of the Priest River Times, a newspaper printed and
published at Priest River, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Application # 97-7440 Willey

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 11th day of February, 2005
and ending on the 23rd day of February, 2005
and that said notice was published in said newspaper.

On this 23rd day of February in the year
of 2005 before me, a Notary Public, personally
appeared Jeri Jure,
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.



RECEIVED
MAR 03 15
IDWR/NO

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

97-7440

DONNA WILLEY
H. FORD WILLEY
BOX 335
PRIEST RIVER ID 83856
Point(s) of Diversion NENW S30 T56N R04W : BONNER County
Source GROUND WATER
Use: IRRIGATION 04/01 To 11/01 3.5 CFS
Use: INDUSTRIAL 01/01 To 12/31 0.8 CFS
Use: DOMESTIC 01/01 To 12/31 0.8 CFS
Total Diversion: 3.5 CFS

Date Filed: 11/19/2004
Place Of Use: IRRIGATION
T56N R04W S19 SENW NESW NWSW SWSW SESW NWSE SWSE
T56N R04W S30 NWNW NENW
Number of Acres: 280
Place Of Use: DOMESTIC
T56N R04W S19 SWSW SESW
T56N R04W S30 NENW
Place Of Use: INDUSTRIAL
T56N R04W S19 SWSW
T56N R04W S30 NENW

Remark: Domestic use is for 2 houses and a truck stop.
Industrial use is for washing equipment at truck stop.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 03/07/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 614456
February 16, 23, 2005

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

97-7440

DONNA WILLEY
H. FORD WILLEY
BOX 335

PRIEST RIVER ID 83856

Point(s) of Diversion NENW S30 T56N R04W BONNER County

Source GROUND WATER

Use: IRRIGATION 04/01 To 11/01 3.5 CFS

Use: INDUSTRIAL 01/01 To 12/31 0.8 CFS

Use: DOMESTIC 01/01 To 12/31 0.8 CFS

Total Diversion: 3.5 CFS

Date Filed: 11/19/2004

Place Of Use: IRRIGATION

T56N R04W S19 SENW NESW NWSW SWSW SESW NWSE SWSE

T56N R04W S30 NWNE NENW

Number of Acres 280

Place Of Use: DOMESTIC

T56N R04W S19 SWSW SESW

T56N R04W S30 NENW

Place Of Use: INDUSTRIAL

T56N R04W S19 SWSW

T56N R04W S30 NENW

Remark: Domestic use is for 2 houses and a truck stop.

Industrial use is for washing equipment at truck stop.

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KARL J DREHER, Director

Published on February 16 and 23, 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 08, 2005

SHANON FOOTE
LEGAL NOTICE DEPARTMENT

PRIEST RIVER TIMES

PO BOX 10

PRIEST RIVER ID 83856

RE: Application for Permit No. 97-7440

Dear Shannon:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, February 16 and 23, 2005, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 03/07/2005. Your cooperation is GREATLY appreciated, as always, and, as always, it's a pleasure to work with you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, February 08, 2005 11:22 AM
To: Legal Notices-Priest River Times (E-mail)
Subject: Legal Notice forWR 97-7440 for publication on February 16 and 23, 2005

A very good day to you , Shannon,

Attached is our legal notice together with our cover letter requesting publication of the legal notice on February 16 and 23, 2005.

If you have ANY questions, please call me.

Also, **PLEASE FAX A PROOF COPY TO ME PRIOR TO PUBLICATION.**

Have a marvelous day, and many thanks.

 *Dianne*

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

2/8/2005



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 08, 2005

DONNA WILLEY
H. FORD WILLEY
BOX 335
PRIEST RIVER ID 83856

RE: Application for Permit No 97-7440

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Priest River Times on February 16 and 23, 2005. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent