

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 47-17719 IN THE)
NAME OF 4799A RIVER ROAD LLC)
_____)

**ORDER CONDITIONALLY
DISMISSING PROTESTED MATTER**

On June 2, 2020, 4799A River Road LLC ("Applicant") filed Application for Permit No. 47-17719 ("Application") with the Idaho Department of Water Resources ("Department"). Hattie Zobott ("Protestant") filed a protest to the Application.

On February 10, 2021, the Department issued a *Scheduling Order; Notice of Status Conference; and Notice of Hearing* notifying the parties that a hearing for the contested case would be held on May 27, 2021.

On May 27, 2021, the Applicant and Protestant met prior to the contested case hearing and reached an agreement to settle the protest. The Hearing Officer opened the record and the terms of the agreement were placed on the record. Protestant agreed to withdraw their protest to the Application so long as the following conditions were placed upon it:

1. The water right would be subject to the condition of metering, and Applicant will place a meter on the well in question;
2. The Applicant will report via the water measurement information system on a yearly basis the total volume used from the well;
3. The Applicant agrees to restrict its water use to domestic use as defined in Idaho Code §42-111, and as provided in the Application, with a diversion rate of point 0.04 CFS and a diversion volume of 2,500 gallons per day;
4. The water will not be used for any irrigation purposes; and
5. The protest will be finally withdrawn if these items are contained in the Application approval.

The Applicant agreed to these conditions. The Hearing Officer indicated that the agreed-upon conditions were acceptable to the Department and the record in this matter was closed.

Having reviewed the record, the protest of Hattie Zobott is resolved, and there are no issues remaining to be determined in this contested case. The Department issues the following order.

ORDER

IT IS HEREBY ORDERED this protested matter is **DISMISSED**.

IT IS FURTHER ORDERED that application processing will continue. The Protestant may continue to participate in this matter as necessary to ensure that the conditions set forth above, or substantially similar conditions, are included in any preliminary order issuing a permit under the Application.

Dated this 8th day of June, 2021.



Phill Hummer
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of June, 2021, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: Order Conditionally Dismissing Protested Matter

4799A RIVER ROAD LLC
JAY C HORMEL
357 MC CASLIN BLVD STE 200
LOUISVILLE, CO 80027-2932

CATHY R BROWN
4799A RIVER RD
BUHL, ID 83316-5104

NATHAN FOWLER
ANGSTMAN JOHNSON
516 HANSEN ST E
TWIN FALLS, ID 83301-6254

HATTIE ZOBOTT
3957 SHAMROCK ST
BOISE ID 83713-3773

EVAN ROBERTSON
ROBERTSON & SLETTE
PO BOX 1906
TWIN FALLS ID 83303-1906



Denise Maline
Administrative Assistant