

Grimm, Angie

From: Grimm, Angie
Sent: Friday, December 4, 2020 10:46 AM
To: 'Charles Honsinger'
Cc: Keen, Shelley; Ritter, Ashley; George Katsilometes
Subject: RE: Dr. George Katsilometes' Permit No. 29-13672

Charlie,

Good morning! Thank you for the affidavits and additional information. I will do my best to take a look at this information before our conference call today at 3 pm. You are correct, the conference call number is 208-287-6751. I look forward to talking more with you and George this afternoon.

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Section Manager
IDWR - State Office
322 E Front St Ste 648
Boise, ID 83702-7371
(208) 287-4951 phone
(208) 287-6700 fax

From: Charles Honsinger [mailto:honsingerlaw@gmail.com]
Sent: Friday, December 4, 2020 10:30 AM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Cc: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Ritter, Ashley <Ashley.Ritter@idwr.idaho.gov>; George Katsilometes <dsigeorge@hotmail.com>
Subject: Dr. George Katsilometes' Permit No. 29-13672

Angie: Attached is correspondence and affidavits related to the above-referenced matter in which we are scheduled for a conference call at 3:00 pm today. I am presuming that we will call into the same number (208)287-6751 at that time. Please let me know if arrangements are different.

Thank you.

Charlie Honsinger

Charles L. Honsinger
Honsinger Law, PLLC
P.O. Box 517
Boise, ID 83701
Phone: (208)863-6106
Fax: (208)908-6085
honsingerlaw@gmail.com

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Honsinger Law, PLLC
Charles L. Honsinger
(208) 863-6106
December 4, 2020

Ms. Angie Grimm
Idaho Department of Water Resources
Idaho Water Center
322 E. Front. St., Ste. 648
Boise, ID 83702-7371

Re: Katsilometes Permit no. 29-13672

Dear Ms. Grimm:

This correspondence is in response to your email to me of November 20, 2020 regarding the above referenced permit. I have attached four affidavits to this correspondence for IDWR's review.

Your email of that date requests an explanation of why a lesser number of affidavits than from all of the 14 senior ground water and spring water right holders within one-half mile of Dr. Katsilometes' wells are necessary to demonstrate that his development of Permit No. 29-13672 did not result in a reduction of water available to senior water rights. There are several good reasons why a lesser number of affidavits should be acceptable to IDWR.

Only a few of the senior ground water and spring water users within ½ mile of Dr. Katsilometes' wells actually divert geothermal water. As you stated in your email, none of the current users of either groundwater or spring water (including, presumably, geothermal water users) in the immediate vicinity have complained about a lack of water due to Dr. Katsilometes permit development. Again, as you stated, those users likely would have complained if they experienced such a lack of water.

In an effort to obtain affidavits establishing that his permit development has not impacted other water users in the area, Dr. Katsilometes contacted the other geothermal water users to request the same. The strategy of contacting only geothermal water users is appropriate because it is unlikely that geothermal water diversions will impact non-geothermal sources. This is supported by the March 18, 2008 Owsley report wherein he referenced only the geothermal wells and springs in the area as those that could possibly be impacted by Dr. Katsilometes' pumping. *Owsley Report*, 3-18-2008, p. 6. Based on this understanding, Dr. Katsilometes contacted the four individuals who have provided affidavits: Gail Palen, Mark Wayne Campbell, John Mehlhaff, and Harry Christ.

In addition, Dr. Katsilometes also requested affidavits from Devanee Morrison (the executive director of the Lava Hot Springs Foundation), and Evelee Hill (the former owner of the Aura Soma Lava

hotel from 1991 – 2020). Unfortunately, even though they initially agreed, neither Ms. Morrison nor Ms. Hill signed the affidavits they were provided. This is certainly not surprising with respect to Ms. Morrison as she required permission from the Foundation's Board to sign the affidavit. I spoke with the Board's attorney (Deputy Attorney General Ann Vonde) who informed me that although they had seen no impacts, the Board was uncomfortable with producing an affidavit so stating. With respect to Ms. Hill, when I spoke with her she simply stated that she had decided not to sign the affidavit. It seems likely that she did not want to provide representations related to a business that she had just sold.

Regardless, given the affidavits that have been provided, and given the fact that there have been no complaints whatsoever of water shortages during the period of Dr. Katsilometes' development, it seems that IDWR's concerns that this permit might reduce the quantity of water to existing water right holders should be assuaged.

It is our hope that with the attached affidavits and the explanation above, IDWR will license Dr. Katsilometes' permit as permitted.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles L. Honsinger". The signature is fluid and cursive, with the first name "Charles" and last name "Honsinger" clearly legible.

Charles L. Honsinger

Enclosures

Cc: Dr. George Katsilometes

4. As the owner/operator of the Riverside Hot Springs Inn and Spa, I am responsible to ensure geothermal water continues to be provided to the property in a quantity and at a temperature to ensure that the guests' needs are met.
5. I am well aware of both the historical and current condition (in terms of both quantity of water flow and temperature) of the geothermal spring source, and the geothermal well we use in our business.
6. I am aware that George Katsilometes is working with the Idaho Department of Water Resources in an effort to have his permit no. 29-13672 licensed.
7. I am also aware that the Idaho Department of Water Resources has requested the Mr. Katsilometes seek information related to the impact his operations may or may not have on the source of geothermal water used by the Riverside Hot Springs Inn and Spa.
8. During our ownership of the Riverside Hot Springs Inn and Spa, I have observed no adverse impact caused by Mr. Katsilometes' use of geothermal water at his property to either the temperature or the quantity of water flowing from either the springs or the well that are the sources for geothermal water used in our property.

Further your affiant sayeth naught.

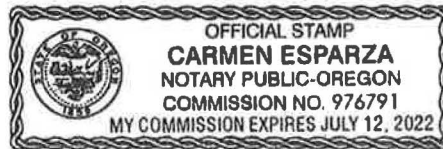


Gail Palen

STATE OF OREGON

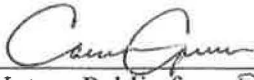
County of Hood River

)
)ss.
)



On this 16th day of July, 2020, before me, the undersigned, a notary public in and for said state, personally appeared Gail Palen, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that she executed the same.

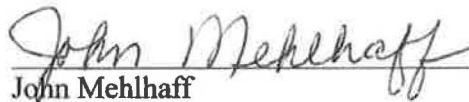
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Notary Public for Pacific NW FCU
Residing at Hood River, Oregon
My Commission Expires: July 12, 2022

4. I am aware that Dr. George Katsilometes is working with the Idaho Department of Water Resources in an effort to have his permit no. 29-13672 licensed.
5. I am also aware that the Idaho Department of Water Resources has requested the Dr. Katsilometes seek information related to the impact his operations may or may not have on the source of geothermal water used by other water right holders in Lava Hot Springs.
6. During my familiarity with the property that was originally owned by my mother and later by myself, I observed no adverse impact caused by Dr. Katsilometes' use of geothermal water at his property to either the temperature or the quantity of water flowing from the well that is the source for geothermal water that we used on our property pursuant to water right no. 29-12887.

Further your affiant sayeth naught.

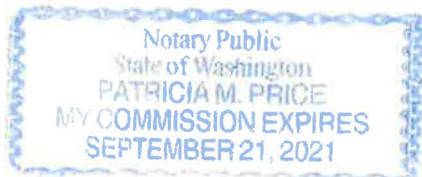

John Mehlhaff

STATE OF WA)
)ss.
County of Clallam)

On this 13 day of Nov, 2020, before me, the undersigned, a notary public in and for said state, personally appeared John Mehlhaff, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Patricia M. Price
Notary Public for WA State
Residing at Port Angeles
My Commission Expires: 9/21/2021



CHARLES L. HONSINGER (#5240)
HONSINGER LAW, PLLC
P. O. Box 517
Boise, Idaho 83701
Telephone: (208) 863-6106
Facsimile: (208) 908-6085
honsingerlaw@gmail.com

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

In The Matter of Licensing of Water Right No.)
29-13672)

AFFIDAVIT OF MARK WAYNE
CAMPBELL

STATE OF Idaho)
COUNTY OF Bannock) ss

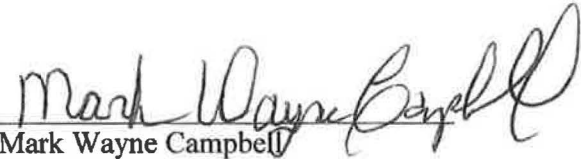
MARK WAYNE CAMPBELL, being first duly sworn upon his oath, deposes and says that:

1. My company, Campbell, Inc., purchased the Home Hotel located in Lava Hot Springs Idaho in July, 1994. Attached is a true and accurate copy of a December 31, 2003 Deed of Reconveyance establishing that Campbell, Inc. executed a trust deed in favor of Alliance Title & Escrow Corporation at the time we purchased the property in July of 1994.
2. I owned and operated the Home Hotel for 17 years until I sold it in December, 2007.
3. The property had a well on it that diverted geothermal groundwater pursuant to water right no. 29-4212 for heating and hot tub purposes in the hotel. We used

this well to divert geothermal groundwater to heat the hotel and provide hot water to the hot tubs during the entire time that I owned and operated the Home Hotel.

4. I am aware that Dr. George Katsilometes is working with the Idaho Department of Water Resources in an effort to have his permit no. 29-13672 licensed.
5. I am also aware that the Idaho Department of Water Resources has requested the Dr. Katsilometes seek information related to the impact his operations may or may not have on the source of geothermal water used by other water right holders in Lava Hot Springs.
6. During my ownership and operation of the Home Hotel property, I never observed any adverse impact caused by Dr. Katsilometes' use of geothermal water at his property. There were no adverse impacts caused by Dr. Katsilometes' use of geothermal water to either the temperature or the quantity of water flowing from the well that is the source for geothermal water that we used on our property pursuant to water right no. 29-4212.

Further your affiant sayeth naught.

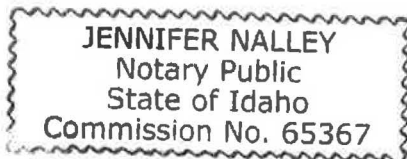

Mark Wayne Campbell

STATE OF Idaho,
County of Bannock)ss.

On this 19th day of November, 2020, before me, the undersigned, a notary public in and for said state, personally appeared Mark Wayne Campbell, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Jennifer Nalley
Notary Public for State of Idaho
Residing at 4537 Yellowstone - Bannock city
My Commission Expires: 04-09-21



20334229

20334229
ALLIANCE TITLE & ESCROW

RECORDED AT REQUEST OF

FEE 3.00 DEPUTY Jo**ALLIANCE**

2003 DEC 31 PM 1 18

OFFICIAL RECORD BK# 842LARRY W. GHAN RECORDER
BANNOCK COUNTY IDAHO**TITLE & ESCROW CORP.**312 West Center, P.O. Box 1176, Pocatello, ID 83204
Phone: (208) 232-6163, Fax: (208) 233-0212 (Escrow Dept.), Fax: (208) 233-8947 (Title Dept.)

Loan No.:

Order No.:

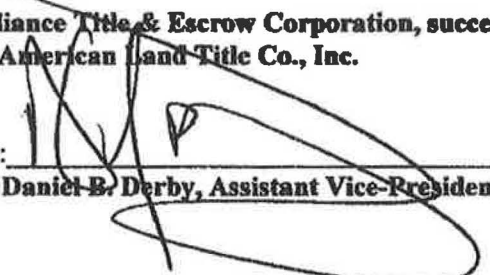
DEED OF RECONVEYANCE

ALLIANCE TITLE & ESCROW CORP., successor by merger to American Land Title Co., Inc.,
as Trustee in Deed of Trust executed by

Campbell, Inc.

To Home Hotel & Motel, Inc., recorded July 22, 1994, as Instrument No. 94013440, records of
Bannock County, does hereby GRANT and RECONVEY unto the parties LEGALLY
ENTITLED THERETO, without warranty, all the estate and interest derived the trustee under
said deed of trust, in the lands therein described.

December 31, 2003

Alliance Title & Escrow Corporation, successor by merger
to American Land Title Co., Inc.By: 

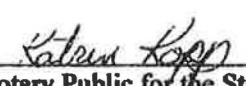
Daniel B. Derby, Assistant Vice-President

State of Idaho }
 } ss.
County of Bannock }

On this 31st day of December, in the year 2003, before me, a Notary Public in and for said State,
personally appeared Daniel B. Derby, known to me to be the Assistant Vice-President of the
corporation and acknowledged to me that pursuant to a Resolution of the Board of Directors, he
executed the foregoing in said Corporation name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and
year in this certificate first above written.

KATRIN KOPP
NOTARY PUBLIC
STATE OF IDAHO


Notary Public for the State of Idaho
Residing at: Pocatello
Commission Expires: 05/14/09

CHARLES L. HONSINGER (#5240)
HONSINGER LAW, PLLC
P. O. Box 517
Boise, Idaho 83701
Telephone: (208) 863-6106
Facsimile: (208) 908-6085
honsingerlaw@gmail.com

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

In The Matter of Licensing of Water Right No. 29-13672

AFFIDAVIT OF HARRY CHRIST

STATE OF California)
COUNTY OF Placer) ss

HARRY CHRIST, being first duly sworn upon his oath, deposes and says that:

1. I purchased and operated the Riverside Inn located in Lava Hot Springs Idaho for a couple of years during the mid-2000s.
2. The Riverside Inn diverted geothermal water from a well and from springs for recreational, and building and water heating purposes.
3. I am aware that Dr. George Katsilometes is working with the Idaho Department of Water Resources in an effort to have his permit no. 29-13672 licensed.
4. I am also aware that the Idaho Department of Water Resources has requested the Dr. Katsilometes seek information related to the impact his operations may or

may not have on the source of geothermal water used by other water right holders in Lava Hot Springs.

5. During my ownership and operation of the Riverside Inn property, I never observed any adverse impact caused by Dr. Katsilometes' use of geothermal water at his property on our use of geothermal water in terms of either quantity or temperature.

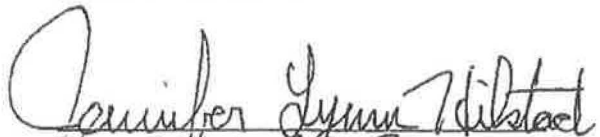
Further your affiant sayeth naught.


Harry Christ

STATE OF California
County of Placer)ss.

On this 3 day of December 2020, before me, the undersigned, a notary public in and for said state, personally appeared Harry Christ, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.


Notary Public for California
Residing at Auburn
My Commission Expires: NOV. 21, 2024

