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SEP 02 2020
DEPARTMENT OF
WATER RESOURCES

Attorneys for Petitioner George Katsilometes

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF LICENSURE OF)	
WATER RIGHT NO. 29-7869 IN THE)	
NAME OF GEORGE WILLIAM)	PETITION FOR RECONSIDERATION
KATSILOMETES)	
)	
)	

COMES NOW, Petitioner George Katsilometes, by and through his counsel Honsinger Law, PLLC, and hereby petitions the Idaho Department of Water Resources to reconsider its licensure of water right no. 29-7869 pursuant to IDAPA 37.01.01.730.02 and I.C. § 67-5243. Petitioner seeks reconsideration of the license issued on August 21, 2020 for the following reasons:

1. Under "Conditions of Approval", the license states that the "[c]ommercial use is for Lava Hot Springs Inn & Spa." Limiting the commercial use to a named entity limits the license. The permit for water right no. 29-7869 contained a similar condition stating that "[c]ommercial use is for a hotel." It is very likely that at some point in the future, Lava Hot Springs Inn & Spa may change its name. At that time, the licensed water right should be permitted to be used at that same location for the authorized purposes despite any name change. The condition should state that

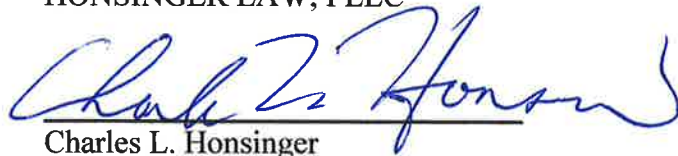
“[c]ommercial use is for a hotel – a more general descriptor of the type of entity that is using the right than the much more limiting “Lava Hot Springs Inn & Spa.”

2. Under “Conditions of Approval”, the license states that the [u]se of water under this right shall be non-consumptive.” This condition is incorrect as it relates to the bottling of water for sale by Mr. Katsilometes. Proof of Beneficial Use submitted for this water right on November 1, 1991 clearly states that commercial water is used at a bottling plant. A copy of a contemporary photo showing the bottled water that Mr. Katsilometes sells is attached hereto as Exhibit A. Bottling water for sale is within the definition of commercial use. Mr. Katsilometes submitted proof that he would be bottling water back in 1991, and has continued doing so until this date. Accordingly, it would be appropriate that the condition regarding non-consumptive use of this water right be removed or altered to permit the bottling of water for sale.

Mr. Katsilometes respectfully requests that his Petition for Reconsideration be granted.

Dated this 2nd day of September, 2020.

HONSINGER LAW, PLLC



Charles L. Honsinger
Attorneys for Petitioner



EXHIBIT A

Grimm, Angie

From: Charles Honsinger <honsingerlaw@gmail.com>
Sent: Wednesday, September 2, 2020 4:58 PM
To: Keen, Shelley; Grimm, Angie; Ritter, Ashley
Subject: License No. 29-7869
Attachments: Petition for Reconsideration.pdf

Shelley, Angie and Ashley: I have filed the attached Petition for Reconsideration with IDWR today in the above referenced matter. I think it is pretty self-explanatory, and the reconsideration sought will likely not cause any heartburn at the Department. Please let me know if you have any questions or would like to discuss further.

Thank you.

Charlie Honsinger

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