

COPY



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J. Dee May, Esq.
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August 26, 2020

RECEIVED

AUG 28 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

Ms. Hattie Zobott
1345 9th Avenue E
Twin Falls, ID 83301
hattiehiatt@yahoo.com

Re: 4799A River Road, LLC | IDWR Application No. 47-17719
Our File No. 13147-005

Dear Ms. Zobott,

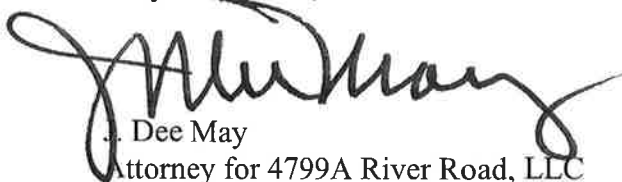
I have been asked by my client 4799A River Road, LLC to assist them with regard to their IDWR Application for Permit No. 47-17719.

As a point of clarification, I am informing you in good faith that the domestic well in question, which was drilled July 6, 1983, is used solely for the house purchased at 4799A River Road. In other words, it will not be used as a part of the CUP approved by Twin Falls Planning and Zoning on July 9, 2020. Your assumption that Onsen Farm will be using this water for produce washing is incorrect.

The domestic groundwater well registration was not submitted by the prior owner as was required by the Banbury Hot Springs Groundwater Management Area ("BGWMA") order which was used on August 30, 2011. The house has used this water since it was built in 1995 (at which time registration was not required) and requires full domestic use to function. The IDWR Application No. 47-17719 was submitted to comply with the 2011 order and doesn't suggest or request any additional usage beyond what the house has used for decades.

I hope this clarifies your misunderstanding.

Very truly yours,



J. Dee May
Attorney for 4799A River Road, LLC

JDM/slm
cc: Client
cc: IDWR

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DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested New Application For Permit # (47-17719)
2. Name of protestant Hattie Zobott
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 1345 9th AVE E TWIN FALLS, ID 83301
5. Service telephone no. 208954-4954 Email Address: hattiehiatt@yahoo.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

insufficient water and decline in low temperature geothermal
water resource in a groundwater management area
prior appropriations protected IC 42-226
non beneficial use (produce wash) IC 42-233

Final ORDER SUSPENDING DEVELOPMENT BANBURY Aug 4, 2011
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest?

Limit use to in house culinary consumption,
water measurement, injection of water back into
aquifer for watering

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 3 day of August, 2020.

Hattie Zobott
Protestant

Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. 47-17719 in the name of 4799A RIVER AD LLC" or "Application for Transfer No. NA in the name of NA."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by SG Date 8/3/20 Time 9:25 am
\$25.00 fee Received by SG # 5038060 Date 8/3/20



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 5, 2020

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

RECEIVED
AUG 28 2020
DEPT OF WATER RESOURCES
SOUTHERN REGION

RE: Application for Permit No(s). 47-17719

Dear Applicant(s):

Enclosed is a copy of a protest(s) filed against the issuance of Permit No(s). 47-17719. As part of the application process, the following options are available for the resolution of contested (protested) applications:

-Direct contact with the protestant(s) to determine the nature of the protest(s) and to attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).

-Formal proceedings administered by the department pursuant to the Department's Rule of Procedure (IDAPA 37.01.01). A pre-hearing conference identifies the protestant's concerns and reviews the resolution possibilities with the parties. If the concerns cannot be resolved, a formal hearing will be scheduled.

-Mediation through a certified professional mediator can reduce costs and time that are associated with formal proceedings, present the opportunity to address non-water concerns, provide influence over a final settlement, and fast track the processing of the application if a mediated agreement is reached.

Please consider with the protestant the best option(s) for resolution of the contested application and forward your choice to the Department's regional manager. If no response is received within a few weeks, you may be notified that a pre-hearing protest conference will be scheduled.

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Denise Maline

for: Corey Skinner
Southern Regional Manager

Enclosure(s) Pre-Hearing Conference Procedures
Copy of Protest(s)

c: Cathy R Brown