

Music, Vicky

From: Tim Folke [tsfcpa@srvinet.com]
Sent: Sunday, September 27, 2009 2:10 PM
To: Buffington, Denise
Cc: Music, Vicky
Subject: RE: Protest Withdrawal
Attachments: Mr. Brown Letter.PDF

Hi Denise & Vicky:

Carolyn and I met with Mr. Brown at his house on Friday, September 25th at about 11:00 am. He and his wife did not seem as friendly this time, although it may have simply been that they just got back from a long trip and were tired. I explained that we would still have to go through a hearing process, involving a trip to Boise, but that if he wished to sign and date the Protest Withdrawal, we could then proceed with everything.

He said he did not want to sign the form, and had no intention of going to Boise, and that the hearing should be held in Adams County. He then asked (again) if he was the only one who protested, and we said yes.

We talked a little more, and we asked him if we could leave the Protest Withdrawal with him to look over, along with the email you (Denise) sent us that mentions the mailing address to send the Protest Withdrawal back to. He agreed to that, and we also left him a letter we had prepared, reassuring him on his concerns about our plans for the property. We shook hands. I have attached a copy of the letter we gave him. We realize it is no business of his what we plan to do with the property, but we do want to be good neighbors and try to put ourselves in his shoes. And, we really mean what we said - we have no intention of putting in a subdivision!

My feeling is that he really is a pretty good old man and will turn out to be a good neighbor, but he does have his pride. He also seems to be confused about the protest process. He has a fixation on it being an Adams County issue, rather than an IDWR issue.

My thoughts are that we wait a week and see if he ends up sending you folks back a signed & dated Protest Withdrawal (we did leave him an addressed, stamped envelope for that purpose.) If nothing happens after that, let's go ahead with the hearing process. At least we have demonstrated that we tried to work things out with him, which, as I recall, Idaho Code seems to suggest we should do.

Based on the fact that he is the only one that protested, and considering that his protest had nothing to do with an impact on his usage of water (he is not even a farmer), but rather raises two issues (legality and safety) which have already been addressed and resolved, we are hoping the hearing could be held before January 1st, 2010. The reason for this is that we are a CPA firm and our office gets pretty wild with income taxes from that point until April 15, and so it would pose a hardship on us to try and go through the hearing process during tax season. Other than that, we are happy to wait - we figured last spring that this would take probably the rest of the year and therefore we have no livestock on the property and have no need for any water.

Please advise us when you have a chance to look this over.

Sincerely,

Tim Folke

-----Original Message-----

From: Buffington, Denise [mailto:Denise.Buffington@idwr.idaho.gov]

9/28/2009

Sent: Wednesday, September 23, 2009 12:12 PM
To: Tim Folke
Subject: RE: Protest Withdrawal

No problem. Hopefully it all comes together and we can get this one resolved.

Have a good afternoon.

From: Tim Folke [mailto:tsfcpa@srvinet.com]
Sent: Wednesday, September 23, 2009 12:03 PM
To: Buffington, Denise
Subject: RE: Protest Withdrawal

Thank you Denise. And, thanks for being so prompt! You folks are the greatest!

Tim

-----Original Message-----

From: Buffington, Denise [mailto:Denise.Buffington@idwr.idaho.gov]
Sent: Wednesday, September 23, 2009 11:07 AM
To: tsfcpa@srvinet.com
Cc: Music, Vicky
Subject: Protest Withdrawal

Dear Mr. Folke --

Per your recent conversations with Vicky Music, attached is a *Withdrawal of Protest* form. Please have Mr. Brown **sign and date** the form; and mail the original to our office at 2735 Airport Way, Boise ID 83705. We will document our files accordingly upon receipt of the Withdrawal form.

Please let me know if you have any further questions regarding this matter.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

9/28/2009

Timothy S. Folke

FOLKE CPAs, P.C.

Kurt R. Folke

23 September 2009

Mr. Lloyd Brown
PO Box 535
301 3rd Ave.
Council, ID 83612

Dear Mr. Brown:

Thank you for working with us on our water rights on Grossen Creek. We understand you have a concern that we may intend to develop a subdivision on the 27 acres we own directly north of you. Please be assured that we have no intention of doing so, and we hereby give you our promise that, so long as we are alive and owners of this property, we will never put in a subdivision. The same goes for apartments, low-income housing, trailer parks, or anything else that would detract from your neighborhood. If we ever do build something it will be a nice residence that you would be happy to have neighboring you.

We are like you - we like the natural beauty of the property and the animals living there, and we want to keep it that way.

Sincerely,

Tim Folke

Carolyn Folke

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