

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 47-17719

Priority: August 01, 2020

Maximum Diversion Rate: 0.04 CFS

It is hereby certified that:

4799A RIVER ROAD LLC  
357 MCCASLIN BLVD STE 200  
LOUISVILLE CO 80027-2932

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 02, 2020, and has submitted Proof of Beneficial Use on October 31, 2022. An examination confirms water is diverted from:

Source : GROUND WATER

**Beneficial Use**

DOMESTIC

**Period of Use**

01/01 to 12/31

**Rate of Diversion**

0.04 CFS

**Location of Point(s) of Diversion**

GROUND WATER NW¼ SE¼, Sec. 32, Twp 08S, Rge 14E, B.M. TWIN FALLS County

**Place of Use: DOMESTIC**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 08S | 14E | 32  |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |        |

**Conditions of Approval**

1. The quantity of water under this right shall not exceed 2,500 gallons per day.
2. Domestic use is for uses associated with one home, but does not include lawn, garden, landscape, or other types of irrigation.
3. Low temperature geothermal water diverted under this right shall not be used for domestic purposes unless it is first used for heating purposes.
4. Domestic use under this right when combined with any other domestic use shall not exceed 13,000 gallons per day and 1/2 acre of irrigation.
5. The right holder shall maintain a measuring device to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Idaho Code § 42-701.
7. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
8. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

SCANNED

JUN 26 2023

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 47-17719

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 15<sup>th</sup> day of June, 2023.



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COREY SKINNER  
Southern Regional Manager



State of Idaho  
Department of Water Resources  
**Attachment to Water Right**  
47-17719

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

14E



0 0.035 0.07 0.14 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion



SCANNED  
JUN 26 2023

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
BENEFICIAL USE FIELD REPORT

**A. GENERAL INFORMATION**

**Permit No:** 47-17719  
**Exam Date:** 06/12/2023

1. Current Owner:  
4799A RIVER ROAD LLC 357 MCCASLIN BLVD STE 200 LOUISVILLE CO 80027-2932
2. Accompanied by: Greg Miller  
Phone No: 786-281-2989  
Address: 4799A River Rd, Buhl ID 83316  
Relationship to permit Holder: Permit Holder

3. **SOURCE:**  
GROUND WATER

**Method of Determination:** On-site inspection

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: YES Overlap

| Water Right No. | Source          | Purpose of Use                                                                                                  | Basis   |
|-----------------|-----------------|-----------------------------------------------------------------------------------------------------------------|---------|
| 36-2038         | Banbury Springs | Irrigation; Irrigation from Storage; Irrigation Storage; Stockwater Storage; Stockwater from Storage & Domestic | Decreed |

Comments: Water Right 36-2038, owned by the Banbury Pipeline Co. Inc. is utilized for irrigation on the property

2. Other water rights with the same point-of-diversion: NO Overlap

| Water Right No. | Source | Purpose of Use | Basis |
|-----------------|--------|----------------|-------|
| N/A             |        |                |       |

Comments:

**C. DIVERSION AND DELIVERY SYSTEM**

1. **LOCATION OF POINT(S) OF DIVERSION:**  
GROUND WATER NW¼ SE¼, Sec. 32, Twp 08S, Rge 14E, B.M. TWIN FALLS County

**Method of Determination:** On-site inspection

**PLACE OF USE:** DOMESTIC

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 08S | 14E | 32  |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |        |

**Method of Determination:** On-site inspection

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.  
☒ Indicate weir size/pipe as applicable.

☒

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

☒

Aerial Photo Attached (required for irrigation of 10+ acres).

☒

Photo of Diversion and System Attached

4.

| Well or Diversion ID No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------|------------|----|------------------|-----------|-----------------------------------|
| A0001483                  | Artesian   |    |                  |           |                                   |

**D. FLOW MEASUREMENTS**

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
| N/A                   |      |      |           |            |      |             |

2. Measurements: No measurement required per IDAPA 37.03.02 Beneficial Use Examination Rules as the flow rate for the total diversion (0.4 CFS) falls below the 0.24 cfs or greater flow rate requiring measurement.

**E. FLOW CALCULATIONS**

\_\_\_\_\_ Additional Computation Sheets Attached

Measured Method: N/A

**F. VOLUME CALCULATIONS**

1. Volume Calculations for irrigation: N/A

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses: Per IDAPA 37.03.02 Section 35(j)(ii) in the Beneficial Use Examination Rules, domestic use as defined in Section 42-111 Idaho Code is exempt from the volume reporting requirement.

**G. NARRATIVE/REMARKS/COMMENTS**

This permit is seeking to license a part b domestic use (0.04 cfs, limited to 2,500 gallons per day) that was developed from a low temperature geothermal well in the Banbury area prior to the issuance of the final order for the Banbury Hot Springs ground water management area (8/4/2011).

The Well Driller's report indicates the well was completed on 7/6/1983 (see attached Well Driller's Report). Information provided with the application for permit indicates the house was constructed in 1995 (see attached tax report).

I met with Greg Miller, current owner of this permit, on 6/12/2023 at the garage on his property where the well is located to conduct a field exam for this permit. I used a GPS unit to identify the location of the well and verified that the permit POD location is accurate. The well is housed inside the garage and has a functioning meter installed. Mr. Miller indicated that he has monitored the flow from the well for several 24 hour periods and that the volume was always under 2,500 gallons per day. He also indicated that the well water is only used for heating of the home and heating the small 500 gallon pool/hot tub. He also showed me the plumbing for the pool which includes both hot and cold water (from a cold water domestic well located adjacent to the home). The pool was filled with cold water, not hot, when I was there. Mr. Miller indicated they usually only fill the pool with hot water just prior to using it. There was a hot water valve in the pool's valve box, so I asked Mr. Miller to open it, so I could take the temperature. At the pool valve, I measured a temperature of 97 degrees, which is likely cooler than the temperature at the well a few hundred feet away. The Driller's report indicated a temperature of 121 degrees when the well was drilled. I wasn't able to leave the valve open very long to get a better temperature reading, as it would have made a mess in the valve box and pool area.

All conditions on the permit have been met. There is a condition on the permit requiring the water user to record and report the volume of water diverted. Mr. Miller moved to the property in 2022 and indicated he did report the volume of water to his attorney last year. I gave him several copies of the Water Measurement Annual Report form and explained how to fill it out and mail it in with the proper fee.

Recommend licensing 0.04 cfs for domestic use.

Have conditions of permit approval been met?   X   Yes        No

**H. RECOMMENDATIONS****1. Recommended Amounts**

| <u>Beneficial Use</u> | <u>Period of Use</u> | <u>Rate of Diversion</u> |  |
|-----------------------|----------------------|--------------------------|--|
| DOMESTIC              | 01/01 to 12/31       | 0.04 CFS                 |  |

Totals: 0.04 CFS

**2. Recommended Amendments**

       Change P.D. as reflected above        Add P.D. as reflected above   X   None

       Change P.U. as reflected above        Add P.U. as reflected above   X   None

**I. AUTHENTICATION**

Bill Mills -

Field Examiner's Name

Date 6-14-2023

Reviewer

Date 6/15/2023



Figure 1: The well and meter



Figure 2: Garage where well is located, just inside the door on the left side of building



Figure 3: Entrance to home



Figure 4: Another view of the domicile



Figure 5: The hot tub/pool



Figure 6: Close up of the meter at the well

# System Diagram



State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

↑  
ERROR - S/B NW 1/4 of SE 1/4

**FORWARD THE WHITE COPY TO THE DEPARTMENT**

**47-17719**

SCANNED  
JUN 26 2023

# Full Report

## Master

|                          |                       |                |                                           |
|--------------------------|-----------------------|----------------|-------------------------------------------|
| Parcel Number            | RP08S14E327825        | Owner Name     | HORMEL, JAY C LIVING TRUST                |
| Property Address         | 4799 A RIVER RD 83316 | Owner Name2    | % HORMEL, JAY C & HORMEL, LUANNE TRUSTEES |
| Last Sale Date           |                       | Owner Address  | 6020 JAY RD                               |
| Last Sale Price          |                       | Owner Address2 | BOULDER CO 80301                          |
| DWELL or MHOME Base Area | 7672                  | Owner Address3 |                                           |
| Beds                     | 6                     | Baths          | 5                                         |

## Legal Description

|            |                   |        |                               |
|------------|-------------------|--------|-------------------------------|
| Legal1     | SEC 32 T 8 R 14   | Legal2 | NE 27.534A OF NW SE; NW 2.38A |
| Legal3     | OF TAX #996 SW SE | Legal4 |                               |
| Legal5     |                   | Legal6 |                               |
| Legal Desc |                   |        |                               |

SEC 32 T 8 R 14 NE 27.534A OF NW SE; NW 2.38A OF TAX #996 SW SE

## Deeds

### Deeds

2019011754 2019009702 2019009701 2019003959 2011020722

## Categories

| Category Desc                                    | Unit Desc | Quantity | Value          |
|--------------------------------------------------|-----------|----------|----------------|
| INV. IRRIG AGRICULTURAL                          | AC        | 24.541   | \$49,990.00    |
| INV. DRY GRAZING                                 | AC        | 1.174    | \$121.00       |
| HOMESITE VALUE ON RURAL INV. LAND CATEGORIES 1-9 | AC        | 1        | \$34,108.00    |
| HOMESITE VALUE ON RURAL INV. LAND CATEGORIES 1-9 | AC        | 3.199    | \$35,033.00    |
| IMPROVEMENTS ON CAT 10                           |           |          | \$1,037,780.00 |

## Values/Taxes

|                     |                |                      |             |
|---------------------|----------------|----------------------|-------------|
| Tax Year            | 2018           | Tax Amount           | \$12,580.56 |
| Market Value        | \$0.00         | Owner Exempt         | \$0.00      |
| Improvements Value  | \$997,034.00   | CB Amount            | \$0.00      |
| Tax Mkt Value       | \$1,116,974.00 | Tax Bill Number      | 30387       |
| First Half Cost     | \$0.00         | Second Half Cost     | \$0.00      |
| First Half Interest | \$0.00         | Second Half Interest | \$0.00      |
| First Half Penalty  | \$0.00         | Second Half Penalty  | \$0.00      |

| Tax Year | Tax Amount  | Tax Mkt Value  |
|----------|-------------|----------------|
| 2017     | \$10,480.24 | \$1,020,045.00 |
| 2016     | \$7,723.54  | \$741,298.00   |
| 2015     | \$7,872.62  | \$747,997.00   |
| 2015     | \$29.62     | \$747,997.00   |
| 2014     | \$7,137.22  | \$703,837.00   |
| 2013     | \$6,987.10  | \$661,890.00   |
| 2012     | \$6,891.84  | \$661,890.00   |
| 2011     | \$6,201.14  | \$665,217.00   |
| 2010     | \$6,487.92  | \$711,620.00   |
| 2009     | \$6,255.26  | \$711,620.00   |
| 2008     | \$6,132.82  | \$711,620.00   |

## Improvements

| Imp Type   | DWELL          |               |              | Est Value     |               | \$969,784.00   |                 |                |
|------------|----------------|---------------|--------------|---------------|---------------|----------------|-----------------|----------------|
| Year Built | Eff Year Built | Grade         | Condition    | Imp Length    | Imp Width     | Imp Heigth     | Imp Capacity    | Floor Levels   |
| 1995       | 1995           | GOOD          | AV           |               |               |                | 0               | 2              |
| Base Area  | Fin Area       | Tot Base Area | Tot Fin Area | Bsmt Fin Area | Main Fin Area | Upper Fin Area | Attic Base Area | Attic Fin Area |

SCANNED

JUN 26 2023

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

|                                            |                             |
|--------------------------------------------|-----------------------------|
| IN THE MATTER OF PERMIT NO. 47-17719     ) | <b>PRELIMINARY ORDER</b>    |
| IN THE NAME OF 4799A RIVER ROAD LLC     )  | <b>REINSTATING A PERMIT</b> |
| _____)                                     |                             |

This matter having come before the Idaho Department of Water Resources (“Department”), the Department finds, concludes and orders as follows:

**FINDINGS OF FACT**

1. On August 30, 2021, the Department issued Permit No. 47-17719 (“Permit”) in the name of 4799A River Road LLC (“Permit Holder”) authorizing the diversion of 0.04 cubic feet per second of ground water for domestic use in the NW¼SE¼ of Section 32 of Township 08 South, Range 14 East, B.M., Twin Falls County. A condition of permit approval required the Permit Holder to submit proof of beneficial use of water to the Department on or before September 1, 2022.
2. On July 1, 2022, the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Permit Holder of the steps to be taken to submit a *Statement of Completion for Submitting Proof of Beneficial Use* (“Proof”), or a *Request for Extension of Time* (“Extension Request”).
3. On September 1, 2022, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On September 9, 2022, the Department notified the Permit Holder the Permit lapsed because no Proof or Extension Request had been received.
5. On October 31, 2022, the Permit Holder filed an acceptable Proof.

**CONCLUSIONS OF LAW**

Idaho Code § 42-218a(1) states, in pertinent part:

A permit upon which the proof of beneficial use..., has not been submitted, or a request for extension of time has not been received on or before the date set for such proof or incremental statement, shall lapse and be of no further force nor effect... . Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail.

Idaho Code § 42-218a(2) states, in pertinent part:

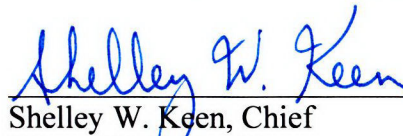
Within sixty (60) days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

By submitting an acceptable Proof, the Permit Holder has shown reasonable cause why this Permit should be reinstated. The Permit should be reinstated based upon the October 31, 2022 filing date.

**ORDER**

IT IS HEREBY ORDERED that Permit No. 47-17719 is **REINSTATED** and the Permit's priority date is advanced to August 1, 2020.

DATED this 25<sup>th</sup> day of November, 2022.



Shelley W. Keen, Chief  
Water Allocation Bureau

RECEIVED

OCT 31 2022

DEPARTMENT OF  
WATER RESOURCES

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**STATEMENT OF COMPLETION**  
FOR SUBMITTING PROOF OF BENEFICIAL USE

**FOR OFFICE USE ONLY**

Amt. of Fee \$ \_\_\_\_\_  
Receipt No. \_\_\_\_\_  
Received By \_\_\_\_\_  
Date Received \_\_\_\_\_

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov) for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No. 47-17719 Telephone No. 303-775-7525
2. Name of Permit Holder(s) 4799A River Road, LLC
3. Mailing Address 357 MC Caslin Blvd Ste 200 City Louisville  
State CO Zip 80027-2932 Email \_\_\_\_\_
4. Source of Water Ground Water If **GROUND WATER** (well), Date Drilled mo. 07 / yr. 1983  
Well Driller Elsing Drilling Drilling Permit Number N/A pre 1987
5. Extent of use(s) completed **as authorized by the water right permit:**  
Domestic (No. of households) 1 Stockwater (No. and type of stock) \_\_\_\_\_  
Irrigation (No. of acres) \_\_\_\_\_ Other \_\_\_\_\_
6. Total rate of diversion or storage volume for which proof is submitted 0.04 cfs OR \_\_\_\_\_ acre-feet.

7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit:  
Refer to the approval conditions on your permit and respond accordingly.

**The Department will not issue a license if permit conditions are not met.**

|                             |                                                                |                                         |                                        |
|-----------------------------|----------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| Measuring Device            | <b>Is a measuring device required?</b>                         | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
|                             | <b>If yes, has the measuring device been installed?</b>        | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| Lockable Controlling Device | <b>Is a lockable device required to control the diversion?</b> | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
|                             | <b>If yes, has the lockable device been installed?</b>         | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| Fish Screen                 | <b>Is a fish screen required?</b>                              | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
|                             | <b>If yes, has the fish screen been installed?</b>             | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |

**Other Conditions of Permit**

Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

\_\_\_\_\_ Completed? Yes ☐ No ☒

8. Fee Enclosed \$ 0.00 or not applicable ☒. See fee schedule on page 2 of the instructions.  
Proof statements filed without an appropriate fee, will be considered incomplete.
9. Person to contact to accompany the Department representative during field examination of the water system.

Name Gregory Miller Telephone Number 786-281-2989  
Mailing Address 4799A River Road City Buhl  
State ID Zip 83316 Email gregoryzuffante@gmail.com

SCANNED

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder [Signature] **MANAGING MEMBER** Date 10-26-22  
(Include your title, if on behalf of company or organization)



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

June 16, 2023

4799A RIVER ROAD LLC  
357 MCCASLIN BLVD STE 200  
LOUISVILLE CO 80027-2932

RE: License No. 47-17719

*Corr. &  
Field exam*

**ISSUANCE OF LICENSE**

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov)

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner  
Southern Regional Manager

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2023, I served a true and correct copy of Water Right License No. 47-17719 by U.S. Mail, postage prepaid, to the following:

4799A RIVER ROAD LLC (Current Owner)  
357 MCCASLIN BLVD STE 200  
LOUISVILLE CO 80027-2932

J DEE MAY (Attorney)  
ANGSTMAN JOHNSON  
516 HANSEN ST E  
TWIN FALLS ID 83301-6254



Denise Maline  
Administrative Assistant 1

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

**Skinner, Corey**

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**From:** Gregory Miller <gregoryzuffante@gmail.com>  
**Sent:** Thursday, June 15, 2023 3:58 PM  
**To:** Skinner, Corey  
**Subject:** Update on form for 4799A River Road

**CAUTION:** This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

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Please remove Kathy Brown as a representative for 4799A River Road Buhl, Idaho 83316, on water right 47-17719.

Thank you



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098  
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little  
December 2, 2022

Director Gary Spackman

4799A RIVER ROAD LLC  
357 MCCASLIN BLVD STE 200  
LOUISVILLE CO 80027-2932

## PROOF ACKNOWLEDGEMENT LETTER

**RE: Permit No. 47-17719**

Dear Permit Holder:

The Department acknowledges receipt of the Proof of Beneficial Use form ("proof") and license examination fee for the above-referenced water right permit. Enclosed is an order that reinstates this permit since proof and the license examination fee were submitted after the proof deadline. Please note that the priority date for this permit has been advanced to **August 1, 2020**, pursuant to Idaho Code § 42-218a(2).

The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water according to the conditions of the permit.

**Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).**

If you have any questions concerning the field examination, please contact the State Office of the Department located in Boise at (208) 287-4800.

Sincerely,

A handwritten signature in black ink that reads "Debbi Judd".

Debbi Judd  
Technical Records Specialist

Enclosures

c: J DEE MAY – via email , CATHY R BROWN – via email

SCANNED

DEC 02 2022

## CERTIFICATE OF SERVICE

I hereby certify that on **December 2, 2022** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER REINSTATING A PERMIT**) to the persons listed below:

RE: Preliminary Order in the Matter of Permit No. **47-17719**

**4799A RIVER ROAD LLC  
357 MCCASLIN BLVD STE 200  
LOUISVILLE CO 80027-2932**

**J DEE MAY – *via email*  
ANGSTMAN JOHNSON  
516 HANSEN ST E  
TWIN FALLS ID 83301-6254  
[jdmay@angstman.com](mailto:jdmay@angstman.com)**

**CATHY R BROWN – *via email*  
4799A RIVER RD  
BUHL ID 83316-5104  
[cathy@onsenfarm.com](mailto:cathy@onsenfarm.com)**

  
\_\_\_\_\_  
**Debbi Judd  
Technical Records Specialist**

SEARCHED  
DEC 12 2022

# Beneficial Use Proof Evaluation

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Permit Number: 47-17719 Reviewer: djudd Review Date: 11/9/2022

## Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 10/31/2022
- 4) Proof Due Date: 9/1/2022
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: 60
- 8) Proof received timely? No

## Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
  - a. Measuring Device -- Yes
  - b. Lockable Device --No
  - c. Fish Screen -- No
- 3) Are the required items installed? Yes
  - a. Measuring Device -- Yes
  - b. Lockable Device --No
  - c. Fish Screen -- No
- 4) Is there a request to waive the required items?
- 5) Drilling Permit Number: 843854
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? Yes
- 8) Is proof accepted? Yes

## Fees

- 1) Is a licensing exam fee required? No
- 2) Was proof submitted with an exam report from a CWE?
- 3) Filing fee due: \$0.00
- 4) Filing fee submitted: \$0.00
- 5) Remaining fee or (refund): \$0.00

## Receipt IDs

S037955

## Comments

Proof received 60 days late. Reinstate permit and advance priority date to August 1, 2020.

## Reinstate Evaluation

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Permit Number: 47-17719   Reviewer: djudd   Review Date: 11/9/2022

### Analysis

- 1) Proof/extension request received date: 10/31/2022
- 2) Number of days proof/extension request received late: 60
- 3) Was a lapsed notice sent? Yes
- 4) Date lapsed notice sent: 9/9/2022
- 5) Number of days between proof/extension request received date and date lapsed notice was sent: 52
- 6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
- 7) Priority date: 6/2/2020
- 8) New priority date: 8/1/2020
- 9) New status: Lapsed

### Comments

Proof received 60 days late. Reinstate permit and advance priority date to August 1, 2020.



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098  
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

September 9, 2022

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

**LAPSE NOTICE**

RE: PERMIT NO. 47-17719

**IMPORTANT: This permit has lapsed because no written response was received from you by the IDWR. Development and/or use must cease.**

Dear Permit Holder:

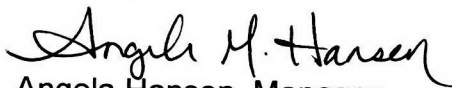
You are hereby notified that under the provisions of Idaho Code § 42-218a, the above referenced permit has lapsed and is of no further force nor effect. The Department provided the proper forms to you in the proof due notice dated July 1, 2022. No further construction or additional development is authorized under this permit.

If water was put to beneficial use prior to the date proof of beneficial use was due, you may file the Statement of Completion (proof) now, or if you or a previous owner of this permit have not received a prior extension of time, you may file the Request for Extension of Time (extension request) if the delay is for reasonable cause as provided in Idaho Code § 42-204. You may also request an extension of time if you have been delayed by a government agency, or by litigation that brings title to the water in question.

Either an acceptable proof or an acceptable extension request must be received by this Department within sixty (60) days of the mailing of this lapse notice in order to reinstate this permit.

Please contact Debbi Judd at 208-287-4920, if you need additional assistance.

Sincerely,

  
Angela Hansen, Manager  
Water Rights Section

c: J DEE MAY – via email , CATHY R BROWN – via email

SCANNED  
SEP 12 2022