



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 19, 2018

Harvey Walker
2338 N. 2930 W.
Arco, Idaho 83213

Re: In the Matter of the Mitigation Plan filed by the Upper Big Lost River Ground Water Association; Docket No. CM-MP-2017-001

Dear Mr. Walker,

On October 13, 2017, the Upper Big Lost River Ground Water Association ("UBLRGWA") filed with the Idaho Department of Water Resources ("Department") a *Mitigation and Aquifer Enhancement Plan of and for the Upper Big Lost River Ground Water Association Users* ("Mitigation Plan") pursuant to Rule 50.04 of the Department's Water Distribution Rules for Water District 34 (IDAPA 37.03.12.050.04) and the Department's Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.01.11).

On November 13, 2017, I sent a letter notifying you of a December 4, 2017, deadline to file with the Department a protest against approval of the Mitigation Plan together with a protest fee of \$25. The Department received your *Notice of Protest* to the Mitigation Plan by facsimile transmission on December 4, 2017. The Department received your \$25 filing fee for the protest on December 6, 2017.

Rule 58 of the Department's Rules of Procedure states: "Filings required to be accompanied by a fee shall not be complete until the fee is paid." IDAPA 37.01.01.058. Idaho Code § 42-221L requires a \$25 filing fee for a protest. Because your filing fee was paid after December 4, 2017, your *Notice of Protest* submitted on December 4, 2017, without the required filing fee was not timely filed. As a result, you are not a protestant/party to the contested case proceeding regarding the Mitigation Plan. The Department will issue you a \$25 refund by mail.

Rules 350 through 354 of the Department's Rules of Procedure address "intervention to become a party" for persons "not applicants, claimants or appellants, petitioners, complainants, protestants, or respondents to a proceeding."

Sincerely,

A handwritten signature in blue ink that reads "Gary Spackman".

Gary Spackman
Director