

**From:** [Travis Thompson](#)  
**To:** [Cefalo, James](#)  
**Cc:** [Michael A. Short](#); "[mattgroll@gmail.com](mailto:mattgroll@gmail.com)"; "[lance@beardstclair.com](mailto:lance@beardstclair.com)"; [Baxter, Garrick](#); [Jessica Nielsen](#); [Whitney, Rob](#)  
**Subject:** RE: Lava Hot Springs Property Association  
**Date:** Tuesday, June 15, 2021 12:47:00 PM

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James,

Thanks, I have confirmed with LRPOA and the timing has been installed and tested. Given the domestic needs of the homeowners they intend to turn it back on Friday. We are in the process of filing applications for permit as well.

Please advise of any questions and we understand you will be in contact regarding the delivery call filing.

Thanks

Travis

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**From:** Cefalo, James <James.Cefalo@idwr.idaho.gov>  
**Sent:** Tuesday, June 15, 2021 9:55 AM  
**To:** Travis Thompson <tl@idahowaters.com>  
**Cc:** Michael A. Short <mas@idahowaters.com>; 'mattgroll@gmail.com' <mattgroll@gmail.com>; 'lance@beardstclair.com' <lance@beardstclair.com>; Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>; Jessica Nielsen <jf@idahowaters.com>; Whitney, Rob <Rob.Whitney@idwr.idaho.gov>  
**Subject:** RE: Lava Hot Springs Property Association

Travis,

Thank you for responding so quickly to my letter of June 3, 2021. My letter was not intended to be a Notice of Violation under Idaho Code, Section 42-1701B. Often, when the Department discovers a water use that is inconsistent with recorded water rights, we first send a letter to the water user, summarizing the information available to the Department and asking the water user to bring his water use into compliance with existing water rights or water law. If the warning letter is ignored or the unauthorized use continues, the Department will then initiate a Notice of Violation under Section 42-1701B. This informal process of addressing unauthorized uses is described in the Compliance and Enforcement page on the Department's website.

Because the Department has not yet initiated a Notice of Violation under Section 42-1701B, there is no need for a compliance conference at this point. Your response letter identifies steps that LRPOA will take before June 15<sup>th</sup> to bring its water use into compliance with Idaho Code Section 42-111(1) (b). LRPOA proposes to shut off the lower system entirely until a Water Supply Bank rental or a water permit can be secured. Further, LRPOA proposes to install an automatic timer on the upper system, restricting the upper system to 12.5 hours of operation per day. The Department confirmed

that the upper system draws 3.3 gallons per minute. Limiting the upper system to 12.5 hours per day will keep the daily diversion volume under 2,500 gallons per day. In the coming days, we will confirm that the lower system is locked and will schedule a time to meet with representatives of LRPOA to confirm that the timer system on the upper system is installed and functioning properly. Assuming the timer on the upper system operates as intended, LRPOA's proposal will remedy the unauthorized water use. Continued use of the upper system, however, means that the delivery call filed by the Beers cannot be suspended. I will contact the parties shortly to outline the next steps in the delivery call proceedings.

James Cefalo  
Regional Manager  
IDWR Eastern Region  
(208) 525-7161

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**From:** Jessica Nielsen [<mailto:jf@idahowaters.com>]  
**Sent:** Thursday, June 10, 2021 4:20 PM  
**To:** Cefalo, James <[James.Cefalo@idwr.idaho.gov](mailto:James.Cefalo@idwr.idaho.gov)>  
**Cc:** Travis Thompson <[tt@idahowaters.com](mailto:tt@idahowaters.com)>; Michael A. Short <[mas@idahowaters.com](mailto:mas@idahowaters.com)>; 'mattgroll@gmail.com' <[mattgroll@gmail.com](mailto:mattgroll@gmail.com)>; 'lance@beardstclair.com' <[lance@beardstclair.com](mailto:lance@beardstclair.com)>; Baxter, Garrick <[Garrick.Baxter@idwr.idaho.gov](mailto:Garrick.Baxter@idwr.idaho.gov)>  
**Subject:** Lava Hot Springs Property Association

Dear Mr. Cefalo,

Attached, please find a copy of the letter to you from Travis Thompson in response to the Summary of Investigation / Cease and Desist Order.

Thank you,

*Jess Nielsen*  
*Barker Rosholt & Simpson LLP*  
*163 2<sup>nd</sup> Avenue West*  
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*Twin Falls, Idaho 83303-0063*  
*Office: (208) 733-0700*  
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