

Pre-Hearing Conference Notes

Nevid LLC #61-12095

From: J. Westra

Date: 01/25/10

Location: IDWR Western Reg.

Participants: See attached roster

Following introductions and review of the handouts the protestants stated their concerns and issues. After a discussion, parties requested the Department provide a current listing of planned development applications along the I-84 corridor—what was the status and flow rates. There had been some consolidation and void orders issued on several. I stated, the Department would send out the information.

Del Kotz—Idaho Water Co

Mike Creamer, Atty; Chuck Brockway consult.

The protest is focused on the following:

- Injury to other rights

 - Idaho Water Co has a pending transfer moving water to the area with priority date.

- Sufficiency of Water

 - How is the Department looking at this—first in line priority? gets full amount or allow a little for everyone?

- Is the Department considering the effects on Cinder Cone Critical GW area?

- Additional information and hydrology requests, is there a uniform procedure in evaluation and approach.

- Public interest/intent—Department needs to define it better.

Haynes

Concerns include:

- Injury to existing water rights

- Sufficiency of water—can the supply be sustained over time

- Compensation for damage to the Haynes water supply—drop in aquifer. Mr. Haynes' well is monitored monthly by a consultant.

- Specifications:

 - 8" dia Well depth of 600 ft Pump set: 525 ft static level: 482.2 ft.

 - Pump capacity: 10gpm; Drilled: 1974 by Hiddleston

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Applicant

The applicant stated they would begin to collect ground water data over 2010 with the drilling of production and test wells under WR 61-12090. The data would be shared with protestants and hopefully satisfy their concerns. This application will compliment 61-12090 for an additional 5 cfs, (total 10cfs). Mr. Rider stated they would need 10cfs to justify the water treatment and waste treatment plants. 700 acres of development (2100-2400 housing units) are part of this application.

The applicant proposed setting a December 15, 2010 hearing date with a status conference scheduled November 15th. Discovery should commence when the hearing notices are sent. All parties agreed.

The conference was adjourned at approx. 11:00AM