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DEPARTMENT OF
WATER RESOURCES

Via Facsimile (334-2348) and U.S. Mail

John Westra
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: In the Matter of Application for Permit No. 61-12095

Dear Mr. Westra:

As you know, Dan Van Grouw filed a Protest to Application for Permit No. 61-12090 which concerns a related Elk Creek development to Application for Permit No. 61-12095 which has a Protest deadline today. Due to the economic situation, Mr. Van Grouw is unable to file a Protest to Application for Permit No. 61-12095 at the present time. However, Mr. Van Grouw remains concerned about the potential impact of this proposed development and other proposed developments in the area on his water rights.

The Idaho Department of Water Resources ("IDWR") recently held a hearing on related Application for Permit No. 61-12090 and Mr. Van Grouw participated in this hearing. Mr. Van Grouw believes that the issues raised at the hearing on Application for Permit No. 61-12090 also are applicable to Application for Permit No. 61-12095 to the extent that the existing Reynolds water rights are not proposed for mitigation of the new water use. For this reason, Mr. Van Grouw would request that IDWR consider the matters raised in the proceedings on Permit Application 61-12090 in addressing Permit Application 61-12095. The issue of piecemeal applications for water rights for the Elk Creek development were raised at the hearing and it is noted that several separate water right proceedings concerning a particular development puts an undue procedural burden on other water right holders and IDWR.

Please include this letter in the IDWR record for Application for Permit No. 61-12095. Please let me know if you have any further questions about this matter or need any additional information. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, LLC

A handwritten signature in black ink, appearing to read "Dana Hofstetter", written over a horizontal line.

Dana L. Hofstetter

cc: IDWR Director *via facsimile and U.S. Mail*
Gary Spackman *via facsimile and U.S. Mail*
John Erickson, Elk Creek Canyon, LLC *via U.S. Mail*
Cleveland Corder LLC *via U.S. Mail*