



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

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C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

June 6, 2008

Daniel S VanGrouw  
C/O Dana Hofstetter  
Hofstetter Law Office  
608 W Franklin ST  
Boise ID 83702

**Re: Contested Application for Permit No. 61-12090 Nevid LLC**

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. As part of the permit process, the following are options available for resolution of contested (protested) applications:

**-Direct contact** with the applicant to determine what is being proposed in the application and the parties attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).

**-Formal Proceedings** a Department prehearing conference, hearing through the water appropriation statute/rule process. A prehearing conference identifies the protest issues and reviews the resolution possibilities with the parties. If the issues can not be resolved, a formal hearing is scheduled.

**-Mediation** through a certified professional mediator. The advantages can include reduced costs and time that are associated with formal proceedings, the ability to address non-water concerns, more influence over a final settlement, and fast track processing by the Department for parties reaching a mediated agreement, additional information is attached.

IDWR has recently facilitated a voluntary pilot mediation program for the option above. The program is in cooperation with Dr. Christian Petrich, who has extensive experience and knowledge in water right issues. His credentials include Certified Professional Mediator, Professional Engineer, and Professional Geologist. Mr. Petrich's phone number is 208-383-4140.

Please consider with the applicant the best options for resolution of the protested application. If no option response is received within 21 days of this letter date, a pre-hearing conference will be scheduled.

If you would like additional information, or need to further discuss the process, feel free to contact me at the Western Regional Office, phone 334-2190.

Sincerely,

JOHN WESTRA  
Western Regional Manager

Attachments: Applicant Letter, Mediation