



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

January 23, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

BARRY T WILLIAMS
1277 MINK CREEK RD
ARBON, ID 83212

BARKER, ROSHOLT, & SIMPSON LLP
195 RIVER VISTA PLACE, STE 204
TWIN FALLS, ID 83301-3029

RE: Application for Transfer No(s). 78314

Dear Protestant(s):

This office acknowledges receipt of your protest to the approval of Transfer No(s). 78314. As part of the application process, the following options are available for the resolution of contested (protested) applications:

- Direct contact with the applicant(s) to determine the nature of the protest(s) and to attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).

- Formal proceedings administered by the Department pursuant to the transfer of a water right. A pre-hearing conference identifies the protestant's concerns and reviews the resolution possibilities with the parties. If the concerns cannot be resolved, a formal hearing will be scheduled.

- Mediation through a certified professional mediator can reduce costs and time that are associated with formal proceedings, present the opportunity to address non-water concerns, provide influence over a final settlement, and fast track the processing of the application if a mediated agreement is reached. If you are interested in this option, please contact our office for details.

Please consider with the applicant the best option(s) for resolution of the contested application and forward your choice to the Department's regional manager. If no response is received within a few weeks, you may be notified that a pre-hearing conference will be scheduled.

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'JC', is written over a faint, larger signature.

James Cefalo
Water Resources Program Manager



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GARY SPACKMAN
Director

G5 LAND CO
1310 S 600 W
OAKLEY, ID 83346

RE: Application for Transfer No(s). 78314

Dear Applicant(s):

Enclosed is a copy of a protest(s) filed against the approval of Transfer No(s). 78314. As part of the application process, the following options are available for the resolution of contested (protested) applications:

-Direct contact with the protestant(s) to determine the nature of the protest(s) and to attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).

-Formal proceedings administered by the department pursuant to the transfer of a water right. A pre-hearing conference identifies the protestant's concerns and reviews the resolution possibilities with the parties. If the concerns cannot be resolved, a formal hearing will be scheduled.

-Mediation through a certified professional mediator can reduce costs and time that are associated with formal proceedings, present the opportunity to address non-water concerns, provide influence over a final settlement, and fast track the processing of the application if a mediated agreement is reached. If you are interested in this option, please contact our office for details.

Please consider with the protestant the best option(s) for resolution of the contested application and forward your choice to the Department's regional manager. If no response is received within a few weeks, you may be notified that a pre-hearing protest conference will be scheduled.

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

James Cefalo
Water Resources Program Manager

Enclosure(s): Copy of Protest(s)