



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

September 30, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

To: All Associated Parties-- see attached service list.

**RE: Contested Application for Transfer No. 77121- Allen Ranches LLP
Contested Application for Permit No. 65-23451- Allen Ranches LLP
Contested Application for Transfer No. 77209- West Mtn. Water Assoc. Inc
Contested Application for Permit No. 65-23457-Ford**

Dear Applicants, Protestants, and Attorneys:

Enclosed are copies of the protests filed against the issuance of the above-referenced applications. As part of the application process, the following are options available for 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 Department's Rule of Procedure (IDAPA 37.01.01). 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 the best option(s) for resolution of the contested applications. Parties will have an opportunity to discuss their preferences at a prehearing conference

Evaluation Criteria

Under our water appropriation statutes and rules, the Department is required to evaluate certain criteria relating to new appropriations (applications for permit) and changes to existing water rights (applications for transfer). The criteria and applicable statute for each application type is detailed on attached Sheets #1 & #2.

Prehearing Conference

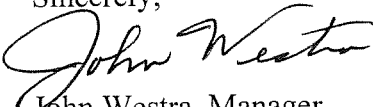
The issues that evolve from the 4 contested applications are centered on the water delivery and management of the creek. Many of the same individuals are protestants or applicants in all 4 applications. Because of this, the Department would like to consolidate the contested cases into one proceeding which will allow a comprehensive approach toward resolution of the issues. To keep the proceeding moving forward, the Department is scheduling a prehearing conference.. The conference will provide parties and the Department an opportunity for the following:

- Become familiar with the contested matters*
- Formulate and simplify the issues*
- Address matters that may expedite conduct of the hearing or settlement*
- Discuss settlements, make settlement offers*
- Schedule hearings, set discovery, establish hearing procedures*

Attached are calendars for the months of December 2011 and January, February, & March 2012. Please indicate by an X the dates that you are not available for a pre-hearing conference on each calendar. Calendars should be returned to this office, Attn: John Westra by **October 25, 2011**. Once the calendars are received, the Department will identify an available date, and send conference notices to parties.

Should you have questions regarding the contested cases or proceedings, the Department contacts are John Westra or Steve Lester at the Western Regional Office, phone 208-334-2190.

Sincerely,



John Westra, Manager

Enclosures: info sheets #1 & #2, calendars, protest copies

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September 2011, I mailed a true and correct copy, postage prepaid, of the forgoing **PROTEST ACKNOWLEDGEMENT LETTER** to the person(s) listed below:



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