



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

June 6, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Andrew J Waldera
Moffatt Thomas Barrett Rock & Fields
PO Box 829
Boise ID 83701-0829

Re: Contested Application for Transfer # 74630—De Ruter Dairy

Dear Applicant:

Enclosed are copies of the protests filed against the issuance of the above-referenced transfer application. As part of the transfer process, the following are options available for resolution of contested (protested) applications:

- Direct contact** with the protestant(s) to determine what is being disputed in the application and parties attempting to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).
- Formal Proceedings** a Department pre-hearing conference & hearing through the water transfer statute/rule process. A pre-hearing conference identifies the protest issues and reviews the resolution possibilities with the parties. If the issues can not be resolved, a formal hearing will be 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. If you have questions or need further information regarding this program option please contact our regional office or Mr. Petrich directly at 383-4140.

Please consider with the protestant the best option(s) for resolution of the contested application, and forward your choice to the Department Regional Manager. If no 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

Attachment: Protests, Mediation