



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

March 3, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Donald & Patricia Basso
3940 Southhampton RD
Moorpark CA 93021

RE: Contested Application for Permit #65-22942

Dear Mr. & Mrs. Basso:

This letter is regarding to the status of your contested application described above. On April 21, 2008, our agency sent you a letter requesting that you meet with the protestants for settlement negotiations. You were to provide notes/minutes to this office from the meeting proceedings. To date, this office has not received any notes/minutes of any such meeting. After 4 years of negotiating, I have concerns that parties are not making a good faith/sincere effort in negotiating a settlement.

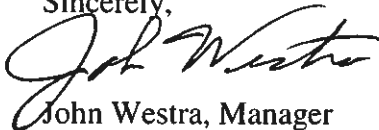
Given the current status of the contested case, a hearing has been scheduled for September 9, 2009, see attached hearing notice. Both parties are required to present their case and arguments. The hearing process also includes submittal of documents/exhibits and testimony of witnesses and experts. Parties may represent themselves or retain an attorney. A decision will be issued by a hearing officer based on the hearing evidence presented and evaluation criteria set by the state water statutes. Bear in mind, the burden of persuasion ultimately rests with the applicant.

Administrative hearings often represent considerable financial and time commitments for applicants, protestants, and our agency (IDWR). Parties might try mediation to resolve a water right protest matter. Participation in mediation does not preclude the right to an administrative hearing (or subsequent appeals) should the mediation be unsuccessful. The advantage of mediation for parties is a potential reduction in the time and expense typically associated with an administrative hearing and flexibility to address water-related concerns. Parties normally contract directly with the mediator for fees and services.

A voluntary pilot mediation program has been established through Dr. Christian Petrich. In addition to having an in depth knowledge of water issues, Dr. Petrich is a Certified Professional Mediator, Professional Engineer, and Professional Geologist. Please feel free to contact Dr. Petrich at phone 208-383-4140.

Should you have questions, please contact me at the Western Regional Office, phone 208-334-2190.

Sincerely,



John Westra, Manager

Cc: C. Petrich, Protestants; Enclosure: hearing notice.