

Prehearing Conference Notes

Nevid LLC #61-12090

From: J. Westra, Western Reg. JFW
Date: 12/10/08
Location: Western Region Conf. Rm
Attendance: See attached roster

-The Conference opened with review of the conference purpose and processing evaluation criteria handouts.

-Mr. Erickson (applicant) discussed the proposed project as phase 1 of the larger Elk Creek project. The Nevid property was purchased from another development adjacent. They own the place of use and not exercising an option/contract. This will be a planned residential/retail community which will use technology to efficiently utilize water.

-Mr. VanGrouw presented his concerns. He has invested large sums in their dairy and wants to make sure there continues to be a sustainable water supply. He questioned why a new appropriation is permit under the municipal umbrella in a ground water management area, near a critical Area. He feels the new use should be mitigated with no net increase in use. Ms. Hofstetter discussed, the protestant and applicant had met informally to discuss a stipulation agreement. Negotiations continue.

-Parties discussed the concerns about the development of the area and lack of ground water data. Someone needs to start the ground water development to provide information and data.

-Although there are ongoing settlement negotiations, parties felt it would be beneficial to set a hearing date. It was agreed the second week in April 09 would work for all. Discovery and exhibit exchange dates should be included in the notice. J. Westra will proceed with hearing arrangements- send out a draft notice to parties first.

-Following the conference, applicant and protestant parties met for negotiations.