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October 16, 2008

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Re: Pioneer Irrigation District v. City of Caldwell
Case No. CV 08-556-C
MTBR&F File No. 18946.0059

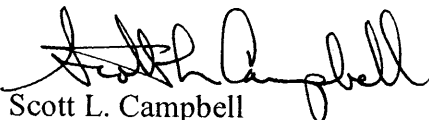
Dear Mark:

I am writing to advise you and your client that Pioneer Irrigation District desires to pursue mediation of the current litigation, pursuant to Idaho Rule of Civil Procedure 16(k). Because of the positive reaction of virtually all of the participants at the Summit sponsored by the Idaho Water Users Association, Pioneer is encouraged that a mediated resolution of this dispute is possible.

Accordingly, please provide me with a written response to this request as soon as you are able to discuss it with your client and after a decision is reached. Pioneer is making this request based upon the voluntary participation of both parties at this time.

Thank you for your consideration.

Very truly yours,


Scott L. Campbell

SLC/dll

cc: Pioneer Irrigation District



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October 29, 2008

Mr. Scott Campbell  
Moffatt Thomas  
P.O. Box 829  
Boise, Idaho 83701-0829

Re: *Pioneer Irrigation District v. Caldwell*

Dear Scott:

I am in receipt of your letter dated October 16, 2008 suggesting mediation in connection with the above referenced matter. As you know, I attended the Idaho Water Users Association Summit on October 8. Perhaps the process begun at the Summit will eventually lead to constructive, cooperative solutions. I was disappointed, however, that neither Pioneer Irrigation District (PID) nor Settlers Irrigation District could offer any realistic, cooperative solution that would perpetuate joint use of drainage facilities for irrigation return flows as well as storm water.

I have discussed your proposal for mediation with my client. At this time, the City is unwilling to engage PID in mediation. Rather, the City feels that at least some further development of the case through litigation will be beneficial and increase the likelihood of successful mediation at a later time.

Very truly yours,

HAMILTON, MICHAELSON & HILTY, LLP



MARK HILTY

MH/md

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