

## Maline, Denise

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**From:** Muamera Makas <muamera@pblaw.co>  
**Sent:** Thursday, December 03, 2020 4:31 PM  
**To:** Yenter, Cindy; Patrick Brown; Mike Hamilton; jjm@angstman.com; nfowler@angstman.com  
**Cc:** Maline, Denise; Assistant at PBLAW; sheri@angstman.com; Cefalo, James; Skinner, Corey  
**Subject:** RE: Linderman contested water right case 47-17664 - Covid-19 Safety Requirements  
**Attachments:** Stipulation to Reset Hearing, Deadlines and for Inspection of Property.pdf; Proposed Order to Reset Hearing, Deadlines and for Inspection of Property.pdf

Ladies and gentlemen:

Attached are the following in the above entitled matter:

- (1) Stipulation to Reset Hearing and Deadlines and for Inspection of Property; and
- (2) Proposed Order Resetting Hearing and Deadlines and for Inspection of Property.

Thank you.

### *Muamera Makas*

PATRICK D. BROWN, P.C.  
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**From:** Yenter, Cindy  
**Sent:** Wednesday, December 2, 2020 9:42:17 AM  
**To:** Patrick Brown ; Mike Hamilton ; jjm@angstman.com ; nfowler@angstman.com  
**Cc:** Maline, Denise ; Muamera Makas ; Assistant at PBLAW ; sheri@angstman.com ; Cefalo, James ; Skinner, Corey  
**Subject:** Linderman contested water right case 47-17664 - Covid-19 Safety Requirements

**Parties:** I am writing to reiterate and confirm the health and safety requirements that will be in place for the hearing in this case, scheduled next week on Thursday December 10, 9 am at the Twin Falls County West building.

All scheduled deadlines have now expired and there are no external witnesses identified to testify. Accordingly, attendance at this hearing will be strictly limited to Applicants and their counsel, Protestants and their counsel, and essential Department staff. Pursuant to the Idaho Department of Health and Welfare Stage 2 Order, issued November 14, 2020, total attendance at the hearing may not exceed 10 people. Face coverings will be required in the hearing room and distancing guidelines will be enforced.

At this time I am expecting up to 4 attendees for Applicants, and 3 attendees for Protestants. Please advise if these numbers are not correct.

If there are non-participants who would like to listen to the hearing, the Department will make call-in conferencing available during the proceeding (audio only). Please notify Denise Maline at least 48 hours in advance of the hearing to request teleconferencing and to receive call-in instructions.

If there are questions, please contact Denise at 208-736-3033.

Regards,

*Cindy Yenter, Hearing Officer  
Idaho Dept of Water Resources  
Salmon Field Office  
102 S Warpath, Salmon ID 83467  
[cindy.yenter@idwr.idaho.gov](mailto:cindy.yenter@idwr.idaho.gov)  
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Attorney for James Michael  
Hamilton and Sally Hamilton

RECEIVED

DEC 03 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

(e-mail)

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION  
FOR PERMIT NO. 47-17664  
IN THE NAME OF:  
ROBERT & JANA LINDERMAN

STIPULATION TO RESET HEARING AND  
DEADLINES AND FOR INSPECTION OF  
PROPERTY

COMES NOW the Applicants and the Protestants, by and through their respective counsel of record, and stipulate to the entry of an order to proceed in this case as follows: This stipulated motion is being filed based on the discussions of counsel, the parties, and the hearing officer at the November 17, 2020, conference and subsequent discussions between counsel. This stipulated motion is made pursuant to IDAPA 37.01.01, Rule 260.

1. The hearing currently scheduled for December 10, 2020, shall be vacated. The contested case hearing shall be reset to occur in Twin Falls, Idaho, beginning at 9:00 AM on Wednesday, January 13, 2021.

2. The Protestants may conduct an inspection of Applicants' property so that the Protestants' experts may inspect, measure, and otherwise document the water collection, diversion, and distribution systems and works on the Linderman property. The parties agree

the inspection will occur on December 10, 2020, beginning at 1:00 PM, but may be rescheduled by the parties to accommodate the experts.

3. During the inspection, Applicants shall make the various water collection, diversion, and distribution systems and works available to Protestants' experts. Any of the parties and/or their counsel may attend and observe but shall not interfere with the experts' inspection and testing.

4. During the November 17, 2020, telephonic hearing, the parties conferred about Protestants' contention that Applicants had not fully or properly responded to Protestants' written discovery served on Protestants on September 18, 2020. Applicants agreed to supplement the responses. Applicants supplemented their responses on November 20, 2020. Protestants contend the responses are inadequate, even with the supplementation. The parties agree that the inspection of the property may obviate some of their discovery differences, as it may reveal some of the information Protestants have sought through written discovery. For the sake of proceeding in an expeditious and inexpensive manner, the parties agree that Protestants may file a motion to compel regarding any unresolved issues involving the written discovery responses on or before 5:00 PM on December 15, 2020. Both parties agree to be available for a telephonic hearing on such motion, if any, so the matter may be heard on or before December 21, 2020.

5. On or before January 6, 2021, each party shall serve on the other parties and the hearing officer a copy of each exhibit the party intends to offer at hearing. Such service shall constitute the method of providing copies of the exhibits to other parties under Rule 606 of the Department's Rules of Procedure.

6. The parties agree that the hearing officer may summarily order that the parties proceed pursuant to the Stipulation, without hearing.

Dated this 3<sup>rd</sup> day of December, 2020.



Nathan Fowler, for Applicants



Patrick D. Brown, for Protestants

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 3 day of December, 2020, (s)he served a true and correct copy of the within and foregoing document upon the following named person(s) by the method indicated below:

|                                                                |                                                                                                                                                                                                                                                                             |                          |           |                          |           |                          |               |                                     |        |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------|--------------------------|-----------|--------------------------|---------------|-------------------------------------|--------|
| Cindy Yenter<br>Hearing Officer<br>cindy.yenter@idwr.idaho.gov | <table><tr><td><input type="checkbox"/></td><td>U.S. Mail</td></tr><tr><td><input type="checkbox"/></td><td>Facsimile</td></tr><tr><td><input type="checkbox"/></td><td>Hand Delivery</td></tr><tr><td><input checked="" type="checkbox"/></td><td>E-mail</td></tr></table> | <input type="checkbox"/> | U.S. Mail | <input type="checkbox"/> | Facsimile | <input type="checkbox"/> | Hand Delivery | <input checked="" type="checkbox"/> | E-mail |
| <input type="checkbox"/>                                       | U.S. Mail                                                                                                                                                                                                                                                                   |                          |           |                          |           |                          |               |                                     |        |
| <input type="checkbox"/>                                       | Facsimile                                                                                                                                                                                                                                                                   |                          |           |                          |           |                          |               |                                     |        |
| <input type="checkbox"/>                                       | Hand Delivery                                                                                                                                                                                                                                                               |                          |           |                          |           |                          |               |                                     |        |
| <input checked="" type="checkbox"/>                            | E-mail                                                                                                                                                                                                                                                                      |                          |           |                          |           |                          |               |                                     |        |



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DEC 03 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

(e-mail)

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Telephone: (208) 733-5004  
Email: pat@pblaw.co

Attorney for James Michael  
Hamilton and Sally Hamilton

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION  
FOR PERMIT NO. 47-17664  
IN THE NAME OF:  
ROBERT & JANA LINDERMAN

ORDER RESETTING HEARING AND  
DEADLINES AND FOR INSPECTION OF  
PROPERTY

Consistent with discussions during the November 17, 2020, telephonic conference, the parties in this case have filed a Stipulation to Reset Hearing and Deadlines and for Inspection of Property. The discussions and Stipulation establish good cause to reschedule proceedings and provide for an expeditious and inexpensive hearing on the merits.

IT IS THEREFORE ORDERED, that, under IDAPA 37.01.01, Rule 413, and 513,

1. The hearing set to begin on December 10, 2020, is vacated and shall be reset to begin on January 13, 2021, at 9:00 AM.
2. The inspection of the Applicants' property, any motions to compel and hearings thereon, and the exchange of exhibits shall occur as set forth in the Stipulation.

Dated this \_\_\_\_ of December, 2020.

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Cindy Yenter  
Hearing Officer

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the \_\_\_\_ day of December, 2020, (s)he served a true and correct copy of the within and foregoing document upon the following named person(s) by the method indicated below:

|                                                                                                                                                 |                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Justin May<br>Nathan Fowler<br>Angstman Johnson<br>199 S. Capitol Blvd. Ste. 200<br>Boise, ID 83702<br>nfowler@angstman.com<br>jjm@angstman.com | <input type="checkbox"/> U.S. Mail<br><input type="checkbox"/> Facsimile<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-mail |
| Patrick D. Brown<br>Patrick D. Brown, P.C.<br>516 Hansen Street East<br>P.O. Box 125<br>Twin Falls, ID 83303<br>pat@pblaw.co                    | <input type="checkbox"/> U.S. Mail<br><input type="checkbox"/> Facsimile<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-mail |