## Jones, Doug

**From:** Jones, Doug
**Sent:** Friday, January 17, 2020 1:27 PM
**To:** 'Becky Johnson'
**Cc:** 'jarred.holz'; 'jessicarholz@gmail.com'; 'millertime2152@gmail.com'
**Subject:** RE: Transfer #83543

Ms. Johnson,

In the email I received yesterday you asked about procedural issues related to sufficiency of a letter to achieve status as intervenor, apparently contrary to IDAPA Rule 37.01.01.301 (Rule 301). Rule 301 indicates a form that the pleading will have. In this instance Dave Renberg, for whom you are a representative, filed a Notice of Protest in the matter, complete with all information required for either a protest or an intervention and appropriately served on the applicants. Through unfortunate circumstances the protest was not filed timely and was rejected. Rules 302 and 303 provide for service and proof of service for all filings intended to be part of the agency record. Rule 354 establishes a process for any Party to the case to object to a petition to intervene and identifies a timeline for each step. Therefore, since the original protest notice has a complete background substantiating a basis to participate, a letter petitioning IDWR to apply that notice toward a valid petition to intervene would be acceptable. HOWEVER, my opinion is that the letter must be served, and proof of service provided, on all parties to the case. The signed certificate of service with the date mailed will commence the clock for any party to object, and then for IDWR to issue an order granting the intervention.

Thank you for your interest and attention to detail. As an agency representative I am grateful for customers' self-edification. Contact me if you have further questions.

Respectfully,

Douglas Jones
IDWR Northern Regional Manager

**From:** Becky Johnson [mailto:beckyj@nezperce.org]
**Sent:** Thursday, January 16, 2020 3:53 PM
**To:** Jones, Doug <Doug.Jones@idwr.idaho.gov>
**Subject:** Transfer #83543

Mr. Jones –

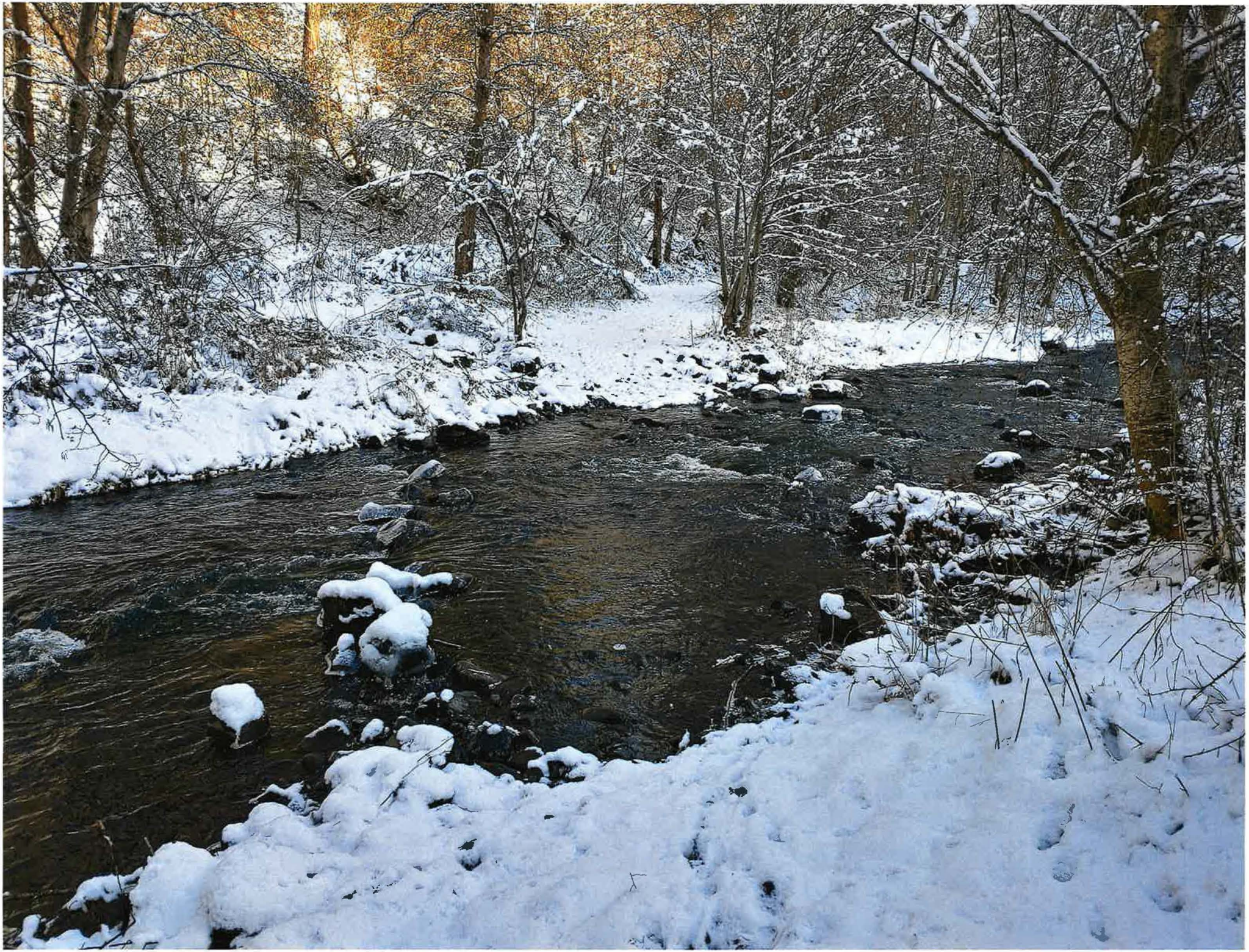
I just left you a voice mail – but rather than leave you a long message I am sending you this email with my questions.

My appeal to Shelley Keen to be a protestant in the transfer of Point of Diversion (83543) was denied – as you're probably aware. Yesterday I sent you a letter requesting to be an intervenor in the matter. I sent the letter regular mail from Lapwai, ID. Given the problems that occurred in sending you mail last time I'd appreciate it if you'd let me know when you receive my letter with this request.

Mr. Keen also sent me a link with the admin rules for IDWR so I could better understand the rules for your process. I reviewed rules basically 155-355 and I just wanted to make sure the simple letter I sent you satisfied the petition for intervenor request.

I also have been contacted by Nancy Miller asking if I am able to assist her in this matter at the prehearing conferences/hearing. I am certainly willing to do that – both she and my father are in their 70s and this is a stressful situation for both of them. Based on my reading of the rules, if Mrs. Miller desires my assistance and to act as her representative she could do so by simply notifying your agency and the other parties (rule 205).

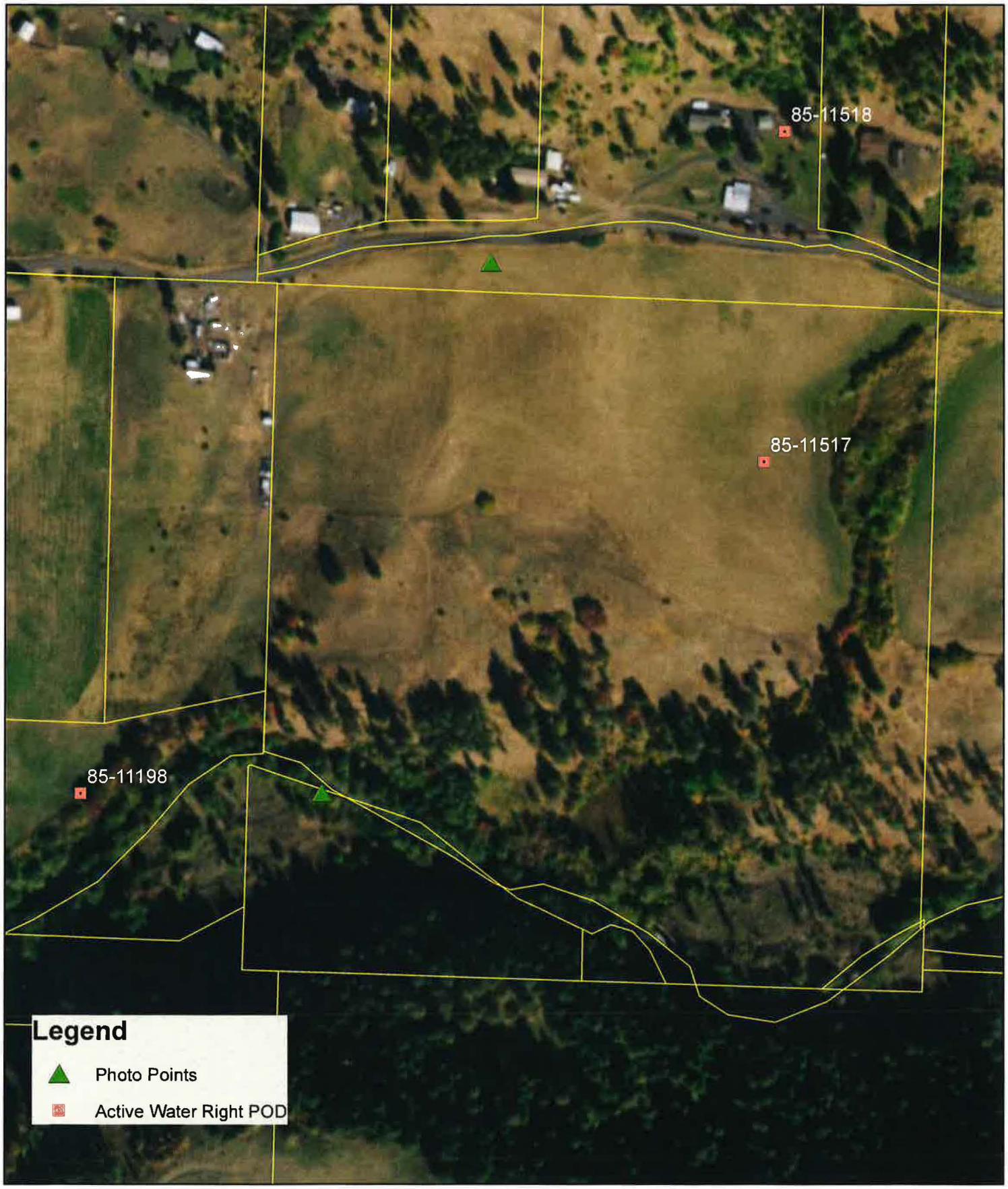
Thanks, Becky



# Little Canyon Creek Site Visit
January 17, 2020
Todd Higens

680 340 0 680 Feet

# Photo Points with Parcels




0 80 160 320 480 640 Feet

32N 04E Sec 10 SE,NW