

Cefalo, James

From: Cefalo, James
Sent: Wednesday, May 31, 2017 11:19 AM
To: 'Shelley Davis'; 'Mike & Sissy Wallace'
Cc: Miller, Nick
Subject: RE: Consolidated contested case; Transfer no. 81039, et al.

Ms. Davis,

My assistant, Sharla Cox, contacted Mike Wallace yesterday about a possible settlement/status conference on June 7th. Mr. Wallace told her that he is not interested in a settlement conference and that he and his wife are not available until the hearing. We are traveling to Boise on the evening of June 13th and will have all of the equipment set up before 9:30. There should be no delay in starting the hearing. I hope we are able to complete the hearing on June 14th. However, if the hearing runs long, I will be prepared to discuss possible dates for continuing the hearing.

James Cefalo

From: Cefalo, James
Sent: Tuesday, May 30, 2017 11:42 AM
To: 'Shelley Davis' <smd@idahowaters.com>; Mike & Sissy Wallace <4_mykids@frontiernet.net>
Subject: RE: Consolidated contested case; Transfer no. 81039, et al.

Ms. Davis,

Thank you for continuing to seek an informal resolution of the contested cases. As the hearing approaches, I am increasingly concerned that one day might not be sufficient to cover all of these cases. Because the hearing will be held in our regional office, we have the ability to extend into the evening hours, if needed. I like your suggestion to hold a status conference one week prior to the hearing to handle the organizational matters. I would prefer to conduct that status conference myself but can't make the drive to Boise. The status conference would have to be conducted by telephone.

You have also proposed a settlement conference. Settlement discussions are not as effective over the phone. Are you proposing to hold the settlement conference in Boise or in New Meadows?

One idea would be to schedule the settlement conference / status conference for the same time. Nick Miller or Angie Grimm from our Western regional office could facilitate the settlement conference. If the parties are unable to reach a settlement, I could join the group by phone and we could then cover the pre-hearing matters.

Let me know your thoughts on the location of the settlement conference and I will have Sharla Cox from our Idaho Falls office contact the parties to organize the conferences.

Thanks,

James Cefalo

From: Shelley Davis [<mailto:smd@idahowaters.com>]
Sent: Tuesday, May 30, 2017 11:03 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; Mike & Sissy Wallace <4_mykids@frontiernet.net>
Cc: Shelley Davis <smd@idahowaters.com>
Subject: Consolidated contested case; Transfer no. 81039, et al.

Dear Hearing Officer Cefalo:

I have attempted to contact the applicants/protestants Wallace's on several occasions since receiving their discovery responses and pre-hearing disclosures on the 19th, but have received no response. My clients have also extended a settlement offer which I believe is worthy of further discussion between the parties. My concern is that, as the Wallace's are unrepresented by counsel, they may be hesitant to speak to me directly. In order to facilitate discussion of the settlement proposal and to coordinate the conduct at the hearing if settlement is not reached, I am requesting that this Hearing Officer assign an employee of IDWR to facilitate a settlement conference on June 7th, 2017, and if settlement is not reached, to assist the parties in coordinating the matters that must be discussed and resolved in advance of the hearing, including submission of exhibits and order of witnesses.

Please advise if a formal motion will be required by the Hearing Officer in order to consider this request.

Best Regards,

Shelley M. Davis
Barker Rosholt & Simpson LLP
1010 W. Jefferson St., Ste. 102
Boise, ID 83702
(208) 336-0700

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