

Keen, Shelley

From: John Marshall <john@jmarshalllaw.com>
Sent: Thursday, January 05, 2017 9:50 AM
To: Keen, Shelley
Cc: Shelley Davis; Miller, Nick
Subject: Re: FW: Order Granting Motion for Continuance of Hearing for 63-34079 and 63-34080

Shelley, thank you for your message. I mailed the original of the response to IDWR on the same day I mailed the copy to Shelley Davis, on the morning of December 28th. It appears the original has been lost in the US Mail. I have asked Ms. Davis to stipulate to your consideration of Mr. Emmert's response absent the need for a motion for consideration. I am awaiting her response. It is important that IDWR consider Mr. Emmert's position on this matter, so I will file a motion for reconsideration by the end of the day today if the Board of Control is not inclined to stipulate. Thank you,

John

On Thu, Jan 5, 2017 at 9:04 AM, Keen, Shelley <Shelley.Keen@idwr.idaho.gov> wrote:

John,

The Department has not received a hardcopy of your *Response in Opposition to Motion for Continuance* in the matter of the two water right applications for Emmert. According to the certificate of service in the PDF copy emailed yesterday, you may not have mailed it to the Department. After waiting the appropriate number of days for a timely response, yesterday I signed the order granting the motion for a continuance.

Shelley Keen

Shelley Keen

Water Rights Section Manager

Idaho Department of Water Resources

Shelley.Keen@idwr.idaho.gov

[208-287-4947](tel:208-287-4947)

From: John Marshall [<mailto:john@jmarshalllaw.com>]

Sent: Wednesday, January 04, 2017 3:51 PM

To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>

Cc: smd@idahowaters.com; Miller, Nick <Nick.Miller@idwr.idaho.gov>

Subject: Re: Order Granting Motion for Continuance of Hearing for 63-34079 and 63-34080

Ms. Hersley,

I note in the Order you sent that it states the Applicant did not respond to the motion for a continuance. This is not the case. I mailed the response on December 28th. A copy is attached. I would appreciate Mr. Keen's analysis of our response before finalizing the order.

On Wed, Jan 4, 2017 at 3:01 PM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Hard copies will go out in tomorrow's mail. Thank you.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

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