

Cefalo, James

From: Bob Loucks [baloucks@centurytel.net]
Sent: Friday, August 15, 2014 9:30 AM
To: Cefalo, James
Cc: R.J. Smith
Subject: RE: Application for Permit 74-16008 (Herbst)

To: All involved in this protest

The representative for Lemhi Irrigation District is R.J. Smith, Chairman. His email address is horsecents58@gmail.com. His phone number is 756-4556. I am merely the secretary for the District. I forwarded your last emails to him and the other directors of LID. Please keep R.J. in the loop.

S/Bob Loucks

From: Cefalo, James [mailto:James.Cefalo@idwr.idaho.gov]
Sent: Thursday, August 14, 2014 8:19 AM
To: Rob Harris
Cc: Vonde, Ann (ann.vonde@ag.idaho.gov); tom.bassista@idfg.idaho.gov; Case, Morgan; baloucks@centurytel.net
Subject: RE: Application for Permit 74-16008 (Herbst)

Rob,

Please let this email confirm that the hearing scheduled for September 8th will be vacated. I will send out a written order vacating the hearing today. I've included Bob Loucks on this email. He is the designated representative for the Lemhi Irrigation District, who also protested the application. Although I am open to conducting a status conference on Sept 8th, I am concerned about holding the conference in Idaho Falls. That would require Mr. Loucks and other members of the Lemhi Irrigation District board to travel to Idaho Falls to participate. Any suggestions?

James

From: Rob Harris [mailto:rharris@holdenlegal.com]
Sent: Wednesday, August 13, 2014 9:54 PM
To: Cefalo, James
Cc: Vonde, Ann (ann.vonde@ag.idaho.gov)
Subject: Application for Permit 74-16008 (Herbst)

James:

As described in the email below, both Ann (counsel for IDFG) and I (counsel for Herbst) would like to vacate the currently-scheduled hearing on this matter set for September 8th, and instead, have that day designated as either a status conference or a continued pre-hearing conference in Idaho Falls. That would allow Ann to either travel to Idaho Falls or participate by VTC. The intent of the meeting is to further settlement discussions, and if necessary, schedule a hearing and deadlines for the hearing.

I have had a chance to visit the Herbst property and take a number of photographs to better understand the situation, which I intend to put into a report to further settlement discussions. I think it will be helpful in the discussions.

If you would like, I could prepare a more formal unopposed motion. If this is OK, I anticipate you will send out an order vacating the hearing.

If you have any questions, let me know. Thanks for your attention to this matter.

Cefalo, James

From: Rob Harris [rharris@holdenlegal.com]
Sent: Thursday, August 14, 2014 8:56 AM
To: Cefalo, James
Cc: Vonde, Ann (ann.vonde@ag.idaho.gov); tom.bassista@idfg.idaho.gov; Case, Morgan; baloucks@centurytel.net; lherbst@centurytel.net
Subject: RE: Application for Permit 74-16008 (Herbst)

James:

Thanks for the follow up. As indicated in Ann's email, it seems more convenient for all parties, except Bob, to have the meeting in Idaho Falls. Perhaps we could see what Bob's response is. I would have no objection if you contacted him and asked him what he thought. I could also do that, but I don't have his phone number. If you have it, and want to email it to me, I could make the call. Bob may also check his email regularly, so he could respond to this email as well.

If Bob would prefer to be in Salmon for the meeting, perhaps as a solution we could have both the VCT and the polycom on so that Bob could dial in by conference call and Ann and Morgan could appear by VTC. I would circulate any materials to all parties in advance of the meeting so they could view any documents I refer to. Can the conference room have both the VTC and the polycom on at once?



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From: Vonde, Ann [<mailto:ann.vonde@ag.idaho.gov>]
Sent: Wednesday, August 13, 2014 2:02 PM
To: Rob Harris
Subject: RE: Application for Permit 74-16008 (Herbst)

Rob,

Yes, changing the hearing date to a status conference in Idaho Falls is fine.

Thanks,

Ann Vonde

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Office of Attorney General
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From: Rob Harris [<mailto:rharris@holdenlegal.com>]
Sent: Wednesday, August 13, 2014 1:44 PM
To: Vonde, Ann
Subject: RE: Application for Permit 74-16008 (Herbst)

Ann:

Thanks for the follow up. I am still compiling information for Herbst, and thanks to your reminder, realized that I hadn't sent the hearing officer an email about the hearing. If it's OK with you, I will do that and copy you on the email. Would it be OK with you if we turned the September 8th date into a status/prehearing conference? If not, that it OK with me, but I do intend to discuss possible settlement options with you anyway. My clients are not inclined to accept the prior settlement offer, but in order to better understand where we may have common ground, I visited the property and took

a number of photographs. I am going to compile them into a report and provide that to you within the next week or so. That will help frame how we proceed and/or discuss settlement options.

Let me know if you are OK with turning the hearing date into a status/prehearing in Idaho Falls. If necessary, you could appear by VTC, so I think it makes sense to do it there. We could set the continued hearing date at the September 8th meeting.

Thanks,



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From: Vonde, Ann [<mailto:ann.vonde@ag.idaho.gov>]
Sent: Wednesday, August 13, 2014 1:32 PM
To: Rob Harris
Subject: Application for Permit 74-16008 (Herbst)

Hello Rob,

Just checking in to see if you requested an extension for the hearing on 74-16008. I haven't seen anything and the hearing date is creeping up on us (Sept. 8th).

Thanks,

Ann Vonde
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Natural Resources Division
Office of Attorney General
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