

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, November 13, 2013 8:47 AM
To: 'schess Chess'
Subject: RE: 65-23493 and Transfer # 78252 Request to submit audio as evidence

The hearing officer cannot rule on the admissibility of evidence without knowing the proper foundation, i.e. context, to determine the credibility of the item. You would need to provide information to prove its credibility and the hearing officer cannot rule on that until he has the evidence in front of him at the hearing.

Jean Hersley

From: schess Chess [<mailto:schess123@msn.com>]
Sent: Tuesday, November 12, 2013 4:24 PM
To: Hersley, Jean
Subject: RE: 65-23493 and Transfer # 78252 Request to submit audio as evidence

I didn't think I would be allowed to provide just the transcript. If a transcript is acceptable, without the audio, there is no reason for an exception. I will have the audio transcribed.

Thank you for responding,

Sandra

Subject: 65-23493 and Transfer # 78252 Request to submit audio as evidence
Date: Tue, 12 Nov 2013 16:12:26 -0700
From: Jean.Hersley@idwr.idaho.gov
To: schess123@msn.com

Ms. Chess,
Shelley Keen asked me to get some clarification on your request to submit audio as evidence for the hearing scheduled Dec. 10-12.

Why is it important to have the audio submitted into evidence?

What would the audio contain that a transcript wouldn't?

I guess what he is asking for is an explanation of the content of the audio over the transcription.

Shelley will try to get back to you by the end of next week with an answer. If you have any questions, please call me at (208) 287-4942.

Thank you.

Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942

Keen, Shelley

From: schess Chess [schess123@msn.com]
Sent: Tuesday, November 12, 2013 1:45 PM
To: Keen, Shelley
Subject: App 78252 & 65-23493

Good Afternoon,

Based on rule 606 of the Rules of Procedure, I would like to request prior approval to submit audio as evidence at the hearing scheduled for the above referenced applications, Dec 10 - 12. I also need to know if you will require the audio to be transcribed in addition to duplication on audio discs for each party?

Thank you,

Sandra Chess
208-863-8769

Neither motion pictures, slides, opaque projections, videotapes, audiotapes nor other materials not capable of duplication by still photograph or reproduction on paper shall be presented as exhibits without approval of the presiding officer prior to the hearing.

Subject: RE: Extension of time
Date: Wed, 23 Oct 2013 09:38:42 -0600
From: Shelley.Keen@idwr.idaho.gov
To: BMS@msbtlaw.com
CC: honsingerlaw@gmail.com; schess123@msn.com

Bruce,

I appreciate the update. I was wondering.

We received the motions for stay on October 8. According to Rules 270.02 and 565 of IDWR's Rules of Procedure, answers to motions are due within 14 days, which would have been yesterday, October 22. Ongoing discussions among the parties constitute good cause for an additional week, which gets us to October 29. We will look for a response by then.

Sincerely,

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

From: Bruce M. Smith [<mailto:BMS@msbtlaw.com>]
Sent: Wednesday, October 23, 2013 8:41 AM

To: Keen, Shelley

Cc: 'Charles Honsinger'; 'schess123@msn.com'; Bruce M. Smith

Subject: Extension of time

Shelley—Mr. Honsinger and Ms. Chess and I have stipulated to a one week extension of time for Allen Ranch to respond to their motions regarding staying the proceedings on Allen Ranch's applications for a water right and transfer. We are having some discussions in the interim. Bruce