

Keen, Shelley

From: Norm Semanko [norm@iwua.org]
Sent: Wednesday, June 06, 2012 9:15 AM
To: Keen, Shelley; sgood5350@frontier.com
Cc: Franklin, Keith; Paul Finman
Subject: Re: Rules of Procedure of the Idaho Department of Water Resources
Attachments: Finman motion for default or sanction.doc

Mr. Sylte,

We did not receive a copy of your email to IDWR yesterday. Please see that copies of all of your communications with IDWR regarding this matter, including emails, are sent to me as Mr. Finman's representative. This is not a simple procedural matter, but one that involves a motion that we have filed.

While you and members of your family have clearly benefited from one-sided ex parte communications with IDWR in the past, such activity is not allowed in a contested case such as this.

While a copy of our motion was sent to you by mail yesterday, as required by IDWR's Rules of Procedure, I have attached an additional copy for your convenience. For future reference, my email address is semanko@rmci.net.

Thank you.

Norman M. Semanko
Attorney at Law
Sent via BlackBerry by AT&T

From: "Keen, Shelley" <Shelley.Keen@idwr.idaho.gov>
Date: Wed, 6 Jun 2012 09:38:45 -0500
To: sgood5350@frontier.com<sgood5350@frontier.com>
Cc: Franklin, Keith<Keith.Franklin@idwr.idaho.gov>; Norm Semanko<norm@iwua.org>
Subject: RE: Rules of Procedure of the Idaho Department of Water Resources

Gordon and John Sylte,

Rule 303 of the Rules of Procedure (IDAPA 37.01.01) requires a certificate of service for every document required to be part of the agency record. One of the advantages of a certificate of service over certified mail is that the certificate of service lists each person who will receive the document. That being said, the main objective is for all the parties and the agency to receive the documents timely. Since you have submitted information showing that Mr. Finman and Mr. Semanko received your exhibits and disclosure of your expert witness list via certified mail, I am satisfied that you have complied with the notice requirement for those items.

The motion I received yesterday from Mr. Semanko regards my May 8, 2012, order requiring disclosure of all witnesses other than expert witnesses. When Jean Hersley called yesterday, it was to inquire about your intentions regarding witnesses other than Mr. Haynes. The purpose of the order was to give all parties the opportunity to anticipate who will be testifying so they can prepare their questions for the witnesses before the hearing.

The best time to reach me by telephone today will be after 2:30 Mountain Time. Please note that prior to the hearing I have to limit discussions to procedural matters, unless the other parties are present. You can also reach my assistant, Jean Hersley, at 208-287-4942.

Sincerely,

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov

From: sgood5350@frontier.com [<mailto:sgood5350@frontier.com>]
Sent: Tuesday, June 05, 2012 9:54 PM
To: Keen, Shelley
Cc: john sylte; Bob Haynes
Subject: Re: Rules of Procedure of the Idaho Department of Water Resources

Mr. Keen:

Our understanding was that we could send the requested communications via certified mail. Therefore we did not include a certificate of service. Will the attached suffice? We have heard from Jane and will be calling on the morning of June 6 with a response and some additional questions.

Gordon and John Sylte

From: "Keen, Shelley" <Shelley.Keen@idwr.idaho.gov>
To: sgood5350@frontier.com
Cc: "Franklin, Keith" <Keith.Franklin@idwr.idaho.gov>
Sent: Friday, April 27, 2012 8:33 AM
Subject: Rules of Procedure of the Idaho Department of Water Resources

Susan,

Here is a link where you can find IDWR's Rules of Procedure.

<http://adminrules.idaho.gov/rules/current/37/index.html>

Based on your questions about serving documents, I recommend looking at Rules 53, 203, 300, 302 and 303.

Regarding the discovery process, I recommend Rules 520 through 524.

Sincerely,

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov

Keen, Shelley

From: Norm Semanko [norm@iwua.org]
Sent: Wednesday, June 06, 2012 9:12 AM
To: Keen, Shelley; sgood5350@frontier.com
Cc: Franklin, Keith; Paul Finman
Subject: Re: Rules of Procedure of the Idaho Department of Water Resources

Dear Hearing Officer Keen,

As this issue relates to the motion that we have filed in this, a contested case, we respectfully request to be included in any telephone conference regarding this matter so as to avoid any ex parte communications between you and the Applicant.

Please advise regarding any call that is set up and how to participate.

Thank you.

Norman M. Semanko
Attorney at Law
Attorney for Protestant Paul F. Finman
Sent via BlackBerry by AT&T

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Gordon and John Sylte

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Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov

In reference to the hearing regarding Application for Permit No. 95-10877

Sylte Ranch LLC hereby certifies that we served on May 25, 2012 to Paul Finman, 764 S. Clearwater Loop, Post Falls, Idaho 83854 and his attorney Norman M. Semanko, PO Box 538, Boise, Idaho 83616 true copies of the documents to be entered as exhibits and on April 27, 2012 a request for Bob Haynes to appear as an expert witness. True copies of the above documents were also served to Shelley Keen, 322 Front St., 6th Floor, Boise, Idaho 837-0098 on the same dates.

The documents were sent by U.S. Postal Service Certified Mail return receipt. We have in our possession return receipts signed by the above persons numbered as follows indicating they do indeed have possession of those documents. We are prepared to present such receipts at the hearing.

Paul F. Finman: 7003-3110-000-3212-4098 and 7101-3090-0003-5143-8521

Norman S. Semanko: 7003-3110-0000-3212-4104 and 7010-3090-0003-5143-8538

Shelley Keen: 7003-3110-0000-3212-4111 and 7010-3090-0003-5143-5814

Sylte Ranch LLC

Gordon Sylte, member

Received by IDWR
on 6/6/2012 as an
attachment to an
email from Gordon and
John Sylte.