

## Keen, Shelley

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**From:** Keen, Shelley  
**Sent:** Thursday, June 07, 2012 5:23 PM  
**To:** 'sgood5350@frontier.com'  
**Cc:** semanko@rmci.net  
**Subject:** RE: Protest 95-10877

Mr. Sylte,

In a contested case, the discovery process allows the parties to obtain information from each other so that both sides can prepare their cases without being surprised by evidence that may be presented at the hearing. It generally allows for the hearing to run more smoothly. Rule 520 of the Department's Rules of Procedure includes interrogatories and production requests as legitimate forms of discovery, and they were authorized in the March 16, 2012, *Order Authorizing Discovery and Pre-Hearing Order*.

Discovery items are typically not submitted to the hearing officer because they may not be able to be entered into the official record. At this point in the process, the appropriate way to enter evidence into the record is through testimony or submission of exhibits at the hearing. Submitting discovery material directly to the hearing officer prior to the hearing would circumvent the other party's opportunity to cross-examine a witness or challenge the relevance of a document.

Sincerely,

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

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**From:** [sgood5350@frontier.com](mailto:sgood5350@frontier.com) [<mailto:sgood5350@frontier.com>]  
**Sent:** Thursday, June 07, 2012 5:00 PM  
**To:** Keen, Shelley  
**Cc:** [semanko@rmci.net](mailto:semanko@rmci.net)  
**Subject:** Re: Protest 95-10877

Mr. Keen:

The certificate of service we have on file indicates that on the 24th day of May, 2012 Mr. Semanko sent "a true and correct copy of the of "PROTESTAN'S INTERROGATORIES AND REQUESTS FOR PRODUCTION" to Sylte Ranch LLC by U.S. Mail and hand delivered a copy of the same to Shelley Keen, Hearing Officer IDWR. We received 2 copies of the same and were wondering why. If the hearing officer doesn't typically receive them, why not? Are they not a required part of the process? Are they part of the documents of record? Our responses to them went out priority mail to Mr. Semanco, Mr. Finman and Mr. Keen today.

Thank you,

Gordon Sylte

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**From:** "Keen, Shelley" <[Shelley.Keen@idwr.idaho.gov](mailto:Shelley.Keen@idwr.idaho.gov)>  
**To:** [sgood5350@frontier.com](mailto:sgood5350@frontier.com)  
**Cc:** [semanko@rmci.net](mailto:semanko@rmci.net); john sylte <[johnsylte@hotmail.com](mailto:johnsylte@hotmail.com)>  
**Sent:** Thursday, June 7, 2012 2:19 PM  
**Subject:** RE: Protest 95-10877

Mr. Sylte,

On May 24, 2012, I received a notice indicating Mr. Semanko had sent you a list of interrogatories and requests for production. I did not receive a copy of the actual interrogatories or requests for production. They are not typically submitted to the hearing officer.

Shelley Keen  
Idaho Department of Water Resources  
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Boise, ID 83720-0098  
(208) 287-4947  
[shelley.keen@idwr.idaho.gov](mailto:shelley.keen@idwr.idaho.gov)

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**From:** [sgood5350@frontier.com](mailto:sgood5350@frontier.com) [<mailto:sgood5350@frontier.com>]  
**Sent:** Thursday, June 07, 2012 3:01 PM  
**To:** Keen, Shelley  
**Cc:** [semanko@rmci.net](mailto:semanko@rmci.net); john sylte  
**Subject:** Protest 95-10877

Mr. Keen:

Did you receive a copy of the Interrogatives from Mr. Semanko?

Gordon Sylte, Sylte Ranch LLC