

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 95-10877 IN THE NAME OF)
SYLTE RANCH LLC)
_____)**

**ORDER REQUIRING
DISCLOSURE OF WITNESSES**

FACTUAL AND PROCEDURAL HISTORY

1. On July 21, 2009, Sylte Ranch LLC (Sylte) filed Application for Permit to Appropriate Water No. 95-10877 (application) with the Department of Water Resources (IDWR).
2. Paul F. Finman (Finman) protested the application.
3. IDWR will hold a hearing on June 14, 2012, in Coeur d'Alene, Idaho, to take evidence in connection with the application.
4. Rule 16(h) of the Idaho Rules of Civil Procedure states:

In the event no final pre-trial conference is held, the court may enter an order directing the parties to file with the court and serve on all opposing counsel, or upon parties not represented by counsel, a list of all exhibits to be offered at trial and a list of the names and addresses of all witnesses which such party may call to testify at the trial, except for impeachment witnesses and exhibits. Any exhibits or witnesses discovered after such disclosure shall immediately be disclosed to the court and opposing counsel by filing and service stating the date upon which the same was discovered. Failure to comply with this rule may be grounds for excluding an exhibit from admission into evidence or for excluding a witness from testifying in the trial of the action. Provided the court, for good cause shown and in order to prevent injustice may permit additional exhibits to be used or additional witnesses to testify at the trial.

5. In its *Notice of Hearing, Order Authorizing Discovery, and Pre-Hearing Order* (order) issued March 16, 2012, IDWR required Sylte and Finman (parties) to disclose to each other the identity of expert witnesses who may testify at the hearing. The deadline for disclosing expert witnesses was April 30, 2012.
6. In its order, IDWR did not require disclosure of the identities of witnesses other than expert witnesses.
7. On May 4, 2012, IDWR received an inquiry from Finman regarding the disclosure of the identity of witnesses other than expert witnesses.

8. In its order IDWR also required each party to physically serve all other parties and the hearing officer copies of exhibits that may be offered at the hearing. The deadline for submitting copies of exhibits is May 31, 2012.

9. Rule 606 of IDWR's Rules of Procedure states, in pertinent part:

Exhibit number may be assigned to the parties before hearing.

CONCLUSIONS OF LAW

1. IDWR has authority to require the disclosure of witnesses prior to the hearing.
2. IDWR has authority to assign exhibit numbers prior to the hearing.

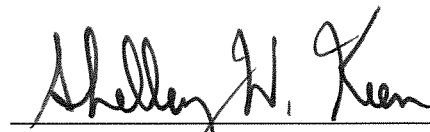
ORDER

On or before May 31, 2012, the parties shall disclose in writing to all other parties and to the hearing officer the identity of all witnesses who will or may testify at the hearing.

On or before May 31, 2012, the parties shall serve copies of exhibits to each other and to the hearing officer as instructed in the *Notice of Hearing, Order Authorizing Discovery, and Pre-Hearing Order*. When serving copies of the exhibits that may be offered at hearing:

- Sylte shall label exhibits alphabetically.
- Finman shall label exhibits with three-digit numbers, starting at 100.
- Both Sylte and Finman shall include a list of their exhibits. The list shall show the title or short description and number of each exhibit.

Dated this 8th day of May, 2012.



Shelley W. Keen
Hearing Officer

CERTIFICATE OF SERVICE

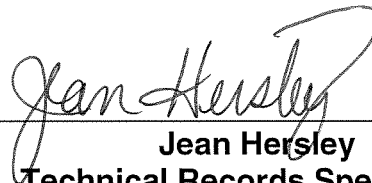
I hereby certify that on May 8, 2012, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER REQUIRING DISCLOSURE OF WITNESSES** to the person (s) listed below:

**RE: ORDER REQUIRING DISCLOSURE OF WITNESSES FOR HEARING FOR
APPLICATION FOR PERMIT 95-10877**

**SYLTE RANCH
8626 W SYLTE RANCH RD
RATHDRUM ID 83858**

**NORMAN M SEMANKO
PO BOX 538
EAGLE ID 83616**

**PAUL F FINMAN
764 S CLEARWATER LOOP
POST FALLS ID 83854**

A handwritten signature in black ink, reading "Jean Hersley", is written over a horizontal line. The signature is fluid and cursive.

**Jean Hersley
Technical Records Specialist I**