



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 8, 2010

LLOYD BROWN
PO BOX 535
COUNCIL ID 83612

Re: Protested Application for Permit 67-14975 in the Name of Folke

Dear Mr. Brown:

I received your letter to me dated April 5, 2010 regarding the contested case described above. In your letter you responded to specific points from prior correspondence submitted in this case by Tim and Carolyn Folke (applicants) and Kevin Madsen (protestant). Your letter does not indicate whether copies were provided to the other parties in this contested case.

I am providing a copy of your letter to the other parties and will include the same in the Department's files for this contested case. IDAPA 37.01.01.417 (Rules of Procedure – Ex Parte Communications Rule 417) provides:

Unless required for the disposition of a matter specifically authorized by statute to be done ex parte, a presiding officer serving in a contested case shall not communicate, directly or indirectly, regarding any substantive issue in the contested case with any party, except upon notice and opportunity for all parties to participate in the communication. The presiding officer may communicate ex parte with a party concerning procedural matters (e.g., scheduling). Ex parte communications from members of the general public not associated with any party are not required to be reported by this rule. **A party to a contested agency proceeding shall not communicate directly or indirectly with the presiding officer or the agency head regarding any substantive issue in the contested case.** When a presiding officer or the agency head becomes aware of an ex parte communication regarding any substantive issue from a party or representative of a party during a contested case, the presiding officer or agency head shall place a copy or written summary of the communication in the file for the case and order the party providing the communication to serve a copy of the communication or written summary upon all parties of record. Repeated violations of this rule shall be cause for the presiding officer to dismiss an action or to dismiss a party from an action. Written communications from a party showing service upon all other parties are not ex parte communications. (emphasis added)

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', is written over a horizontal line.

Jeff Peppersack
Hearing Officer

cc: Kevin Madsen w/enclosure
Tim and Carolyn Folke w/enclosure