



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 30, 2010

TIM FOLKE
CAROLYN FOLKE
PO BOX 100
PAYETTE ID 83661

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

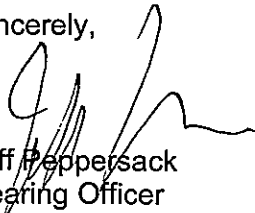
Dear Applicants:

I received your letter to me dated March 23, 2010 regarding the contested case described above. In your letter you indicated your desire to provide some background in the matter and your rebuttal to Mr. Kevin Madsen's protest against your application. You included some attachments with your letter, presumably for background and rebuttal, as indicated in your letter. Your letter does not indicate whether copies were provided to the other parties in this contested case.

I have not reviewed the attachments to your letter; however, I am providing a copy of your letter and attachments 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. (4-5-00)

Sincerely,



Jeff Peppersack
Hearing Officer

cc: Kevin Madsen w/enclosures
Lloyd J. Brown w/enclosures