
Re: Questions About Proceedings

From Cefalo, James <James.Cefalo@idwr.idaho.gov>

Date Fri 4/17/2026 12:24 PM

To Jim Bowen <mjimbowen@gmail.com>

Cc David Ard <daveard65@gmail.com>; barneymetz@loid.net <barneymetz@loid.net>; rick.kelly4@gmail.com <rick.kelly4@gmail.com>; jfkaufman@gmail.com <jfkaufman@gmail.com>; Bentley Stromberg <bstromberg@clbrmc.com>

 1 attachment (78 KB)

LOID's Motion;

Mr. Bowen,

Because I have been designated as the hearing officer in this contested case, I will not communicate with individual parties through email or by phone. Rule 414 of the Department's Rules of Procedure (IDAPA 37.01.01) prohibits ex parte communications about substantive issues. Consistent with Rule 414, I am making the other parties who participated in the prehearing conference aware of the attached email and the email below. Moving forward, if you need to communicate with me, please do so by email and copy the other parties on the email.

In response to your email, Mr. Stromberg did not make any motion during the prehearing conference. He confirmed that LOID intends to file a Motion to Dismiss within 30 days of the prehearing conference. The Motion to Dismiss must be in writing and would include the bases for the motion (See Rules 220 and 300, IDAPA 37.01.01). Consistent with Rule 220.02.b, once the motion is filed, you will have 14 days to file a response brief.

Rule 513 of the Department's Rules of Procedure (IDAPA 37.01.01) states that prehearing conferences and status conference may be conducted without a record. I prefer to conduct conference without a record to allow parties an opportunity to freely explore settlement options.

James



IDAHO DEPARTMENT OF
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From: Jim Bowen <mjimbowen@gmail.com>

Sent: Friday, April 17, 2026 10:41 AM

To: Cefalo, James <James.Cefalo@idwr.idaho.gov>

Cc: David Ard <daveard65@gmail.com>; Jim Bowen <mjimbowen@gmail.com>

Subject: Questions About Proceedings

Mr. Cefalo,

I sent an email yesterday asking about a motion that you entertained in our Pre-Hearing Conference earlier this week. I asked for the official wording of the motion and the type of motion that you described it as. I will wait for your response to that as I know you are out of the office this week. However, I started thinking about a few other things that I would like you to consider:

1. Are these meetings being recorded in any manner such as video, audio, or official Minutes? I realize that we haven't gotten to official Hearings yet, but it may be beneficial for some kind of record being utilized. If there are no plans for records being made, can we ask for it to start from here forward?
2. Since these are Informal Conferences, is it proper procedure for Motions to be made prior to the actual Hearing? It seems to me that we have not been given an opportunity to present our case, thus meeting the criteria that their motion is based on.

Thank you for your consideration.

Mark (Jim) Bowen