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Twin Lakes Improvement Association

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<https://twinlakesimprovementassociation.org>

A 501(c) 3 Non-Profit Organization #82-0394746

-Inc. October 4, 1956

December 15, 2018

Idaho Department of Water Resources
Gary Spackman, Director
Doug Jones, Manager Northern Office
Joe Carlson, Dam Safety Engineer, Northern Office
Tim Luke, Water Compliance Bureau Chief
7600 N Mineral Dr #100
Coeur d' Alene, ID 83858

RE: Objection to the Appointment of Gordon Sylte as Flood Control
District 17 commissioner, Request for Hearing under Idaho Code Chapter 42-1701a (3)

Twin Lakes Improvement Association, Inc, hereafter TLIA, seeks reconsideration of the Director's appointment of Gordon Sylte as commissioner, Division 3, Flood Control District 17, hereafter FCD, with a term ending December 6, 2021, in accordance with Idaho statute, section 42-3111.

Gordon Sylte holds and has held, the position of FCD Chairman.

TLIA asserts that its, Water Right 95-0974, is at risk by the FCD's operating practices. The following defects reflect Chairman Sylte's neglect to operate the FCD in accordance with the Idaho Statutes and the Department of Water Resources rules.

Complaint 1: Personal Water Right Benefit

Chairman Sylte, had full knowledge of IDWR's instructions to the watermaster dated September 20, 2016, and the Jan 3, 2017 findings of facts /conclusions determined in the proceedings to remove watermaster, Laurin Scarcello; in the Matter of Clark's request for removal of the watermaster of water district No 95C, Docket No C- RWM-2016-001.

Chairman Sylte utilized his FCD relationship with FCD employee (Dam Tender) Laurin Scarcello, to request the release of water for non-FCD purposes and for the purpose of servicing Sylte's water right 95-0734. See findings and conclusions with the department records, Docket No. C-RWM-2016 -001, including but not limited to findings of facts 6, 7, 9,10,33,34, 35 and the analysis and conclusions from the findings of fact.

On June 7, 2018, during the FCD monthly meeting in the presence of IDWR employees, Sylte again asserted his continued influence on FCD employee/Dam Tender Laurin Scarcello by "making a request for water" during a non-flood period.

Complaint 2: Conflict of Interest

Gordon Sylte has individually filed an action contesting IDWR's instructions to the watermaster. This matter is currently in litigation. The FCD is a respondent and a party in the actions. Gordon Sylte's recusal acts were inadequate and ineffective. When the commissioners have undertaken discussion to address the FCD position and

litigation response, including instructions to its attorney, Chairman Sylte did not request an executive session per the open meeting statutes, and further remained present with the remaining commissioners.

During the January 4, 2018, FCD meeting, while in the presence of IDWR staff, Sylte participated in the commissioner's discussion and advocated regarding his personal litigation position against IDWR, TLIA and FCD 17. Chairman Sylte's presence and injection in this discussion was an attempt to influence the other commissioners' on their decision to retain counsel on behalf of the FCD's Water Right 95-973. Sylte's conflict of interest is consistent with prior public comments to IDWR and the other Flood Control Commissioners.

Chairman Sylte's conflict has prevented and at times paralyzed the FCD from making critical decisions regarding the protection of the FCD water right 95-973 and the public interest. During the December 7, 2017, FCD Meeting in the presence of IDWR Staff, Commissioner Stephenson explains how Chairman Sylte's conflict has prevented him from bringing the hiring of legal counsel to deny the Sylte petition to a vote.

Chairman Sylte has neglected to properly train Commissioners, Stephenson and Gumm in the proper application of I.C.42-3113 regarding a quorum for the transaction of business.

Complaint 3: Advertisement for sealed Competitive Bids

Chairman Sylte failed to ensure the FCD complies with Idaho Code 42-3115 (10) by the FCD failure to obtain sealed competitive bids for water level sensing equipment with a purchase price in excess of \$1,000.

Complaint 4: Public Meeting Laws

Chairman Sylte has chosen to absent himself during periods of flood control risk resulting in the failure of the FCD to hold monthly meetings required by I.C. 42-3113. As Chairman, Sylte has also failed to hold required monthly meetings at other times of the year. Inconsistent with the Idaho Open Meeting Statue obligations, commissioners held a private meeting.

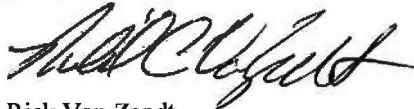
If the Department cannot or will not unappoint Gordon Sylte as Commissioner of Division 3, Flood Control District 17; TLIA requests Chairman Sylte's removal under Idaho code chapter 42-3109 for Neglect of Duty, Misconduct, or Malfeasance. TLIA further requests a hearing of the Director within the community of Twin Lakes Idaho, at a time mutually convenient.

Sincerely,

Twin Lakes Improvement Association
Board of Directors



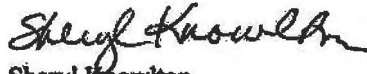
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