

JUL 19 2019

DEPARTMENT OF
WATER RESOURCES

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Attorneys for Twin Lakes Improvement Association

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

IN THE MATTER OF THE PETITIONS
FILED WITH THE DEPARTMENT
REGARDING APPOINTMENT OF
GORDON SYLTE AS A COMMISSIONER
OF FLOOD CONTROL DISTRICT NO. 17

Case No. P-FCD-2018-01

**NOTICE OF DISCLOSURE OF
WITNESSES AND OF EXCHANGE OF
EXHIBITS**

**REQUEST TO TAKE OFFICIAL NOTICE
AND INCLUDE CERTAIN MATTERS IN
RECORD OF DECISION**

COMES NOW Twin Likes Improvement Association (hereinafter, "TLIA"), by and through its attorney of record Norman M. Semanko of the firm Parsons Behle & Latimer, and hereby discloses to parties and the hearing officer, in accordance with the *Initial Notice of Parties; Order Denying Intervention and Setting Intervention Deadline; Notice of Hearing; Order Authorizing Discovery and Scheduling Order*, the following identity of witnesses TLIA may call to testify at the hearing in this matter:

- (a) Gordon Sylte;
- (b) Laurin Scarcello;
- (c) Morgan Case;

- (d) Colby Clark;
- (e) Joe Carlson;
- (f) Doug Jones;
- (g) Pat Miller;
- (h) Debbie Andrews;
- (i) Jason Lucas;
- (j) Don Ellis;
- (k) Tim Luke;
- (l) Susan Ellis;
- (m) Terry Kiefer;
- (n) Paul Finman;
- (o) Steve Neff;
- (p) Darwin Shultz;
- (q) Adam Kremin;
- (r) Amy Kremin;
- (s) Jean Emerson
- (t) Harry Emerson;
- (u) John Deikman;
- (v) David Nipp;
- (w) Berne Indhal;
- (x) Pamela Indhal;
- (y) Bob Kuhn;

- (z) Gordon Stephenson;
- (aa) Bobbie Hunsinger;
- (bb) Bill Gumm;
- (cc) John Eixenberger;
- (dd) Dan Park;
- (ee) Colton Kenner, All Terrain Specialties;
- (ff) Charlie Kramer, TJ Construction;
- (gg) Felix Lopez;
- (hh) Sheree Greenfield;
- (ii) Clint Marvel;
- (jj) Patti Marvel;
- (kk) Barbara Herr;
- (ll) John Dieckman;
- (mm) Cindy Mathisen;
- (nn) Lori Snider;
- (oo) Susan Goodrich;
- (pp) Tom Pearson;
- (qq) Herb Minatre;
- (rr) Michael Knowles;
- (ss) John Andrews;
- (tt) Doug Jayne;
- (uu) Diane Park;

- (vv) Walt Edelbute;
- (ww) Janet Edelbute;
- (xx) Jim Blaine;
- (yy) Sylvia Blaine;
- (zz) Todd Howe;
- (aaa) Janet Armstrong;
- (bbb) Ron Cater;
- (ccc) Mary Jayne;
- (ddd) James Curb;
- (eee) Jack Hern;
- (fff) Jon Andrews;
- (ggg) Sheryl Knowlton;
- (hhh) Kathy Clark;
- (iii) Rick Van Zandt;
- (jjj) Jeff Mott;
- (kkk) Kim Roth;
- (lll) Travis Roth;
- (mmm) Torie Howe;
- (nnn) Bret Hatrock;
- (ooo) Amber Hatrock;
- (ppp) Paul Buckland;

(rrr) Rene Lacroix; and

(sss) Terry LaLiberte.

TLIA further states that all proposed exhibits, listed here as *Exhibit A*, are being served on opposing counsel and the hearing officer contemporaneously with a copy of this document. TLIA also reserves the right to seek to introduce into evidence as exhibits any documents or other materials identified, produced or received during discovery, as a result of public records requests, or otherwise.

Pursuant to Rules 602 (Official Notice) and 650 (Record for Decision) of the Department's Rules of Procedure, IDAPA 37.01.01, TLIA hereby requests that the Hearing Officer take official notice of, and include in the record for decision, the following matters, as contained in the files of the Department:

Docket No. C-RWM-2016-001 (Complaint Regarding Watermaster in Water Dist. 95C);

Docket No. P-DR-2017-001 (Sylte's Petition for Declaratory Ruling);

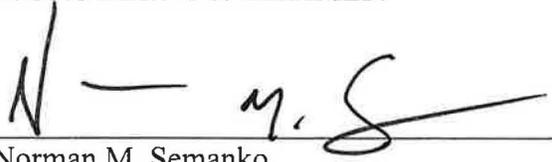
Sylte v. IDWR, CV-2017-7491 (Judicial Review);

Sylte v. IDWR, Case No. 46062-2018 (Idaho Supreme Court); and

All water right and adjudication records of Gordon Sylte, Sylte Ranch LLC, and Twin Lakes Flood Control District No. 17.

DATED this 19th day of July, 2019.

PARSONS BEHLE & LATIMER

By 
Norman M. Semanko
*Attorneys for Twin Lakes Improvement
Association*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of July, 2019, I served a true and correct copy of the foregoing document on the parties listed below by their designated method of service as indicated.

<p>Gordon D. Sylte 8626 W. Sylte Ranch Road Rathdrum, ID 83858-6820 gordonsylte@icloud.com</p>	<p><input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF</p>
<p>John L. Andrews 23573 N. Lakeview Blvd. Rathdrum, ID 83858 Finder4@aol.com</p>	<p><input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF</p>
<p>Ronald Cater 628 W. 22nd Ave. Spokane, WA 99203 rcater@peoplepc.com</p>	<p><input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF</p>
<p>John Dieckman 45617 South Thor Street Spokane, WA 99223 Dieck3512@gmail.com</p>	<p><input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF</p>
<p>Susan Ellis P O Box 804 Rathdrum, Idaho 83858 Susan_elizabeth_ellis@hotmail.com</p>	<p><input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF</p>
<p>Jean Henry Emerson 9814 West Lindgren Ave. Sun City, AZ 85373 Jean.emerson922@gmail.com</p>	<p><input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF</p>

<p>Paul Finman FinmanFarm 764 S. Clearwater Loop Post Falls, ID 83854 pfinman@lcfamps.com</p>	<input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF
<p>Barbara Herr 21737 Dellar Bleach Lane Twin Lakes, ID haspedis@mindspring.com</p>	<input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF
<p>Berne & Pamela Indahl 4203 E. 17th Avenue Spokane, WA 99223 berneindahl@aol.com; indahlaw@aol.com</p>	<input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF
<p>Amy & Adam Kremin 22921 Covey Ln Rathdrum, ID 83858 butterscotchkids@yahoo.com akremin90@gmail.com</p>	<input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF
<p>Clint & Patti Marvel 23335 N. Lakeview Blvd. Twin Lakes, ID clintandpatti@comcast.net Patti.marvel@northwestfcs.com</p>	<input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF
<p>Harold Greenfield Trust c/o Cindy Mathisen, Sheree Greenfield & Lori Snider 938 S. Ridgewood Ave. Tacoma, WA 98405 Cindymathisen59@gmail.com</p>	<input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF
<p>Dave Nipp 2700 E Seltice Ste 2 Post Falls, ID 83854 dnipp@farmersagent.com</p>	<input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF

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Travis Roth 20969 N. Cochran Ln Rathdrum, ID 83858 <u>Travis.l.roth@gmail.com</u>	<input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF
Linda Solan 4721 E. 41st Ct. Spokane, WA 99223 <u>lindaapplesolan@gmail.com</u>	<input type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF
Susan Goodrich 8626 W Sylte Ranch Rd Rathdrum, ID 83858 <u>Sgood5350@frontier.com</u>	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Electronic Mail or CM/ECF



Norman M. Semanko

Exhibit A

Petitioner's Exhibit:	Description:	Date:	Bates No.:
Exhibit 101	Affidavit, Gordon D. Sylte, Official Oath; Certificate of Appointment	03/17/1992	TLIA_0001-28
Exhibit 102	2015 Twin Lakes-Rathdrum Creek Flood Control District No. 17 Meeting Minutes	Various Ranges	TLIA_0029-54
Exhibit 103	2016 Twin Lakes-Rathdrum Creek Flood Control District No. 17 Meeting Minutes	Various Ranges	TLIA_0055-86; TLIA_0670
Exhibit 104	2017 Twin Lakes-Rathdrum Creek Flood Control District No. 17 Meeting Minutes	Various Ranges	TLIA_0087-122
Exhibit 105	2017 Twin Lakes-Rathdrum Creek Flood Control District No. 17 Meeting Minutes	Various Ranges	TLIA_0591-594
Exhibit 106	2018 Twin Lakes-Rathdrum Creek Flood Control District No. 17 Meeting Minutes	Various Ranges	TLIA_0123-140
Exhibit 107	2018 Twin Lakes-Rathdrum Creek Flood Control District No. 17 Meeting Minutes	Various Ranges	TLIA_0618-619
Exhibit 108	2018 Meeting Resolution Vote; 2018 Twin Lakes-Rathdrum Creek Flood Control District No. 17 Meeting Minutes	Various Ranges	TLIA_0620-629
Exhibit 109	2019 Twin Lakes-Rathdrum Creek Flood Control District No. 17 Meeting Minutes	Various Ranges	TLIA_0141-147
Exhibit 110	2019 Twin Lakes-Rathdrum Creek Flood Control District No. 17 Meeting Minutes	Various Ranges	TLIA_0631-635
Exhibit 111	11/03/2016 Transcript of Hearing	11/03/2016	TLIA_0148-229
Exhibit 112	11/04/2016 Transcript of Hearing	11/04/2016	TLIA_0230-300
Exhibit 113	11/10/2016 Transcript of Hearing	11/10/2016	TLIA_0301-392
Exhibit 114	Amended Complaint	08/30/2016	TLIA_0584-590
Exhibit 115	Preliminary Order Removing a Watermaster	01/04/2017	TLIA_0393-416
Exhibit 116	E-mail correspondence re: Flooding; Images	03/20/2017	TLIA_0595-617
Exhibit 117	E-mail correspondence re: The Statement I read tonight at the Flood Control Meeting for your minutes	04/08/2017	TLIA_0636-637
Exhibit 118	Order on Exceptions re: Amended Preliminary Order Removing a Watermaster	04/24/2017	TLIA_0417-438
Exhibit 119	E-mail correspondence re: Flood Control Districts	10/23/2017	TLIA_0638-644
Exhibit 120	Handwritten Notes-Agenda for June 7, 2018	06/07/2018	TLIA_0645
Exhibit 121	E-mail correspondence re: Twin Lakes FCD Board Position; term opportunity	10/10/2018	TLIA_0439-448

IN THE MATTER OF THE PETITIONS FILED WITH
THE DEPARTMENT REGARDING APPOINTMENT OF
GORDON SYLTE AS A COMMISSIONER OF FLOOD
CONTROL DISTRICT NO. 17

Case No. P-FCD-2018-01

Exhibit A

Petitioner's Exhibit:	Description:	Date:	Bates No.:
Exhibit 122	E-mail correspondence re Flood Control Complaints	12/12/2018	TLIA_0646
Exhibit 123	TLIA Notice-Other Interested Parties	05/22/2019	TLIA_0647-648
Exhibit 124	FW: Unethical Actions and Incompetence by Twin Lakes Flood Control District 17	10/21/2017	TLIA_0649-650
Exhibit 125	FCD Meeting Attendance	08/00/2016	TLIA_0653-656
Exhibit 126	Idaho Ethics in Government Manual	07/00/2015	TLIA_475-517
Exhibit 127	Idaho Open Meeting Law Manual		TLIA_0657-662
Exhibit 128	Twin Lakes-October 2018 Letter re: Rathdrum Creek Frontage Property	10/00/2018	TLIA_0630
Exhibit 129	Sylte Ranch Business Search		TLIA_0522-553
Exhibit 130	Water Right Search: Gordon Sylte; Sylte Ranch		TLIA_0518-521
Exhibit 131	Complaints	Various Ranges	TLIA_0449-474
Exhibit 132	Demographics Questionnaire		TLIA_0651-652
Exhibit 133	Deposition of Joseph Carlson	07/11/2019	TLIA_0554-583
Exhibit 134	Meeting Discussion Notes	08/02/2016	TLIA_0663
Exhibit 135	Inflow Readings to Upper Twin Lake	08/04/2016	TLIA_0664
Exhibit 136	E-mail re: Urgent Action Requires Flood Control District to hire Attorney	10/20/2017	TLIA_0665-666
Exhibit 137	Map	08/04/2016	TLIA_0667
Exhibit 138	Twin Lakes Flood Control District Agenda; Handwritten Notes	06/07/2018	TLIA_0668-669