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ATTORNEY GENERAL

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Attorneys for Plaintiff

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF LEMHI**

THE IDAHO DEPARTMENT OF WATER  
RESOURCES,

Plaintiff,

vs.

LAURENT COMTE, an individual; and  
PANTHERC, LLC, an Idaho limited liability  
company,

Defendants.

**Case No. CV30-23-0191**

**AFFIDAVIT OF AARON GOLART**

I, Aaron Golart, being first duly sworn upon oath, depose and state as follows:

1. I am over the age of eighteen and I make this affidavit based upon my own personal knowledge regarding the matters addressed herein.
2. I am currently the Stream Channel Protection Section Manager for the Idaho Department of Water Resources (“Department”).
3. I participated in the stream channel alteration violation investigation relating to Panther

Creek on the PantherC, LLC property.

4. I participated in developing the short-term remediation plan (“Temporary Plan”) for Panther Creek which was attached to Notice of Violation E2023-2936 issued to Laurent Comte and PantherC, LLC.

5. In a series of emails between Mr. Comte and me, Mr. Comte stated he did not agree with the NOV and would not complete the Temporary Plan. A true and correct copy of that email chain is attached as **Exhibit 1**.

I certify and declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

DATED October 3, 2023.

Aaron Golart  
Stream Channel Protection Section Manager  
Idaho Department of Water Resources

State of Idaho  
County of Ada

This instrument was signed or acknowledged before me on October 3, 2023

by Aaron Golart



Notary Signature

Printed Name Sarah Tschohl

Commission expires: May 4, 2028

## CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on October 3, 2023, I caused to be served a true and correct copy of the foregoing *Affidavit of Aaron Golart* via iCourt E-File and Serve, upon the following:

Bradley R. Cahoon  
Cole P. Crowther  
Tyler R. Cahoon  
DENTONS DURHAM JONES PINEGAR P.C.  
[brad.cahoon@dentons.com](mailto:brad.cahoon@dentons.com)  
[cole.crowther@dentons.com](mailto:cole.crowther@dentons.com)  
[tyler.cahoon@dentons.com](mailto:tyler.cahoon@dentons.com)

Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C  
[rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)

I HEREBY CERTIFY that on October 3, 2023, I caused to be served a true and correct copy of the foregoing *Affidavit of Aaron Golart* via email, upon the following:

J. Mark Gibb  
DENTONS DURHAM JONES PINEGAR P.C.  
[mark.gibb@dentons.com](mailto:mark.gibb@dentons.com)

  
MEGHAN M. CARTER  
Deputy Attorney General

**From:** [Larry Comte](#)  
**To:** [Golart, Aaron](#)  
**Cc:** [Graybill, David](#); [chad.fealko](#); [Daniel Bertram](#); [Schade, Kelly - FS](#); [Diluccia,Jeff](#); [Richards,Jeff](#); [Whitney, Rob](#); [Justin Saydell](#); [Jones, Brendan V CIV USARMY CENWW \(USA\)](#)  
**Subject:** RE: Panther Creek  
**Date:** Friday, August 18, 2023 6:41:07 AM

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**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

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M. Golart,

Unfortunately it's impossible for me to be available before the 29th of August. I would be pleased to have this meeting at your office in Salmon but I can travel to Boise if it's more convenient for you. Please let me know as soon as possible where and when do you have the opportunity to schedule this conference. Thank you very much.

With regards,  
PantherC llc,  
Laurent Comte

Sent from Proton Mail for iOS

On Thu, Aug 17, 2023 at 11:32, Golart, Aaron <[Aaron.Golart@idwr.idaho.gov](mailto:Aaron.Golart@idwr.idaho.gov)> wrote:

Mr. Comte,

Thank you for your response. Would it be possible to meet before August 29<sup>th</sup>? IDWR would appreciate the opportunity to meet with you prior to the 29<sup>th</sup>. We are open to the possibility of traveling to your location or meeting remotely if that would allow us to meet sooner.

Sincerely,

Aaron

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**From:** Larry Comte <larrycomte@protonmail.com>  
**Sent:** Thursday, August 17, 2023 7:46 AM  
**To:** Golart, Aaron <Aaron.Golart@idwr.idaho.gov>  
**Cc:** Graybill, David <David.Graybill@idwr.idaho.gov>; chad.fealko <Chad.fealko@noaa.gov>; Daniel Bertram <Daniel.Bertram@osc.idaho.gov>; Schade, Kelly - FS <kelly.schade@usda.gov>; Diluccia, Jeff <jeff.diluccia@idfg.idaho.gov>; Richards, Jeff <jeff.richards@idfg.idaho.gov>; Whitney, Rob <Rob.Whitney@idwr.idaho.gov>; Justin Saydell <Justin.Saydell@osc.idaho.gov>; Jones, Brendan V CIV USARMY CENWW (USA) <Brendan.V.Jones@usace.army.mil>  
**Subject:** RE: Panther Creek

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Mr. Golart,

I have an engagement next week but will be available from August 29th on. I hope you can schedule a compliance conference on this timing. As mentioned in my last email and unfortunately, I can not agree with your plan that does not take into consideration any of my concerns and will be waiting for our conference to exchange views on this matter.

With regards,  
PantherC llc,  
Laurent Comte

Sent from Proton Mail for iOS

On Tue, Aug 15, 2023 at 10:19, Golart, Aaron <[Aaron.Golart@idwr.idaho.gov](mailto:Aaron.Golart@idwr.idaho.gov)> wrote:

Mr. Comte,

Thank you for your response, IDWR will schedule a compliance conference. Please let me know your availability as soon as possible. IDWR has referred this matter to the Office of the Attorney General (OAG) requesting the OAG immediately prepare a complaint seeking injunctive relief to have the short-term remediation plan completed. If you want to avoid litigation, you need to immediately agree to completing the short-term remediation and provide IDWR with a plan and schedule for completion.

Again, please let me know your availability so that IDWR can schedule a compliance conference.

Sincerely,

Aaron Golart  
State Coordinator, Stream Protection Program  
Idaho Department of Water Resources  
322 E. Front St.  
P.O. Box 83720  
Boise, Idaho 83720-0098  
(208) 287-4941  
[aaron.golart@idwr.idaho.gov](mailto:aaron.golart@idwr.idaho.gov)

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**From:** Larry Comte <[larrycomte@protonmail.com](mailto:larrycomte@protonmail.com)>  
**Sent:** Friday, August 11, 2023 1:21 PM  
**To:** Golart, Aaron <[Aaron.Golart@idwr.idaho.gov](mailto:Aaron.Golart@idwr.idaho.gov)>  
**Cc:** Graybill, David <[David.Graybill@idwr.idaho.gov](mailto:David.Graybill@idwr.idaho.gov)>; chad.fealko <[Chad.fealko@noaa.gov](mailto:Chad.fealko@noaa.gov)>; Daniel Bertram <[Daniel.Bertram@osc.idaho.gov](mailto:Daniel.Bertram@osc.idaho.gov)>; Schade, Kelly - FS <[kelly.schade@usda.gov](mailto:kelly.schade@usda.gov)>; Diluccia, Jeff <[jeff.diluccia@idfg.idaho.gov](mailto:jeff.diluccia@idfg.idaho.gov)>; Richards, Jeff <[jeff.richards@idfg.idaho.gov](mailto:jeff.richards@idfg.idaho.gov)>; Whitney, Rob <[Rob.Whitney@idwr.idaho.gov](mailto:Rob.Whitney@idwr.idaho.gov)>; Justin Saydell <[Justin.Saydell@osc.idaho.gov](mailto:Justin.Saydell@osc.idaho.gov)>; Jones, Brendan V CIV USARMY CENWW (USA) <[Brendan.V.Jones@usace.army.mil](mailto:Brendan.V.Jones@usace.army.mil)>  
**Subject:** RE: Panther Creek

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with any concerns.

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Mr Golart,

We are following up on the Notice of Violation E2023-2936 received July 31st concerning our property in Panther Creek.

With all due respect, and as already mentioned to you last week, we do not agree with your depiction of the situation and with the grounds of the NOV.

Our only intention is to farm the land we own traditionally and the right way, with some fields for livestock, and others producing hay for winter. The property is fitted for this purpose and has been for more than 100 years, with wide open fields and water rights on the 70 acres of meadows.

As it is commonly established, the entity that owns the water is responsible for keeping the stream properly maintained and ensuring it does not interfere with the normal use of the property it passes through and the water rights associated, but also for managing correctly the water resources of the stream.

It was not the current state and these duties were severely neglected. In terms of our own responsibility, what was done in June was granted by the Idaho Code title 42 chapter 38 article 42-3806, with no permit required. It was a first step to remedy the situation, particularly, but not only, the numerous, detrimental and unauthorized points of diversion and obstruction along the creek inside our property.

Therefore and pursuant to Idaho Code §42-1701B, I respectfully ask you to schedule a compliance conference in order to exchange views on the situation.

With regards,  
PantherC llc,  
Laurent Comte

Sent from Proton Mail for iOS

On Sun, Aug 6, 2023 at 2:20 PM, Golart, Aaron  
<[Aaron.Golart@idwr.idaho.gov](mailto:Aaron.Golart@idwr.idaho.gov)> wrote:

Mr. Comte,

Thank you for responding and acknowledging receipt of the NOV. It is understandable being disappointed, but I am unclear where feelings of betrayal and deception are coming from. I thought we communicated clearly that IDWR would issue an NOV that would include a civil penalty and restoration of the creek. I appreciate your cooperation to date and look forward to receiving your formal response and working with you to resolve this matter.

Sincerely,

Aaron

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**From:** Larry Comte <[larrycomte@protonmail.com](mailto:larrycomte@protonmail.com)>  
**Sent:** Friday, August 4, 2023 10:54 AM  
**To:** Golart, Aaron <[Aaron.Golart@idwr.idaho.gov](mailto:Aaron.Golart@idwr.idaho.gov)>  
**Cc:** Graybill, David <[David.Graybill@idwr.idaho.gov](mailto:David.Graybill@idwr.idaho.gov)>; chad.fealko <[Chad.fealko@noaa.gov](mailto:Chad.fealko@noaa.gov)>; Daniel Bertram <[Daniel.Bertram@osc.idaho.gov](mailto:Daniel.Bertram@osc.idaho.gov)>; Schade, Kelly - FS <[kelly.schade@usda.gov](mailto:kelly.schade@usda.gov)>; Diluccia,Jeff <[jeff.diluccia@idfg.idaho.gov](mailto:jeff.diluccia@idfg.idaho.gov)>; Richards,Jeff <[jeff.richards@idfg.idaho.gov](mailto:jeff.richards@idfg.idaho.gov)>; Whitney, Rob <[Rob.Whitney@idwr.idaho.gov](mailto:Rob.Whitney@idwr.idaho.gov)>; Justin Saydell <[Justin.Saydell@osc.idaho.gov](mailto:Justin.Saydell@osc.idaho.gov)>  
**Subject:** Panther Creek

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Dear Aaron,

I am following up on the NOV received July 31st



concerning our property in Panther Creek.

I must say that I am very disappointed by the direction you have decided to take and I feel quite betrayed and deceived.

Unfortunately, I see no place for us in your proposed plan which offers no remedies to the state of the stream running in our property.

I have kept trying to make you alert about it since your first visit mid June and asked for a balanced plan that can lead to a reasonable path forward for all parties.

I was hopeful that you would try to understand and take our concerns into consideration but you chose to ignore them and follow a one sided path that allows no viable solution for us, despite our continuous cooperative attitude.

I also wanted to let you know that I am very sad about the whole situation and that I do not agree with your depiction of the facts and the grounds of your notice.

I will get back to you next week with a formal response to your notification but for now I wanted to share with you my overall sentiment.

Regards,  
Larry.

Sent from Proton Mail for iOS