

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

BRIGETTE BILYEU
Special Master
VALERIE MCCOY
Deputy Clerk
Subcases: 87-12164

10/29/2025
11:00 a.m. (M)
Court Minutes

This was the time and place set for the Hearing on Motion to Quash Subpoena.

Parties present:

Nez Perce Tribe, Acting Through
the Nez Perce Tribal Executive Committee (C) -- Michael Lopez, Tom Murphy

Amy & Rob Larson
Ben Barstow
Carol & Glenn Barnett
Julie & Markin Haarr
Kyle Hawley
K4 LLC
Shawn Nilsson

(R) -- Norm Semanko

Potlatch Trs Idaho LLC
Potlatchdeltic Forest Holdings
Potlatchdeltic Land & Lumber

(O) -- Charlie Baser, Michael
Lawrence

State of Idaho

(O) -- Chief of Natural Resources
Division, Rowdy Keller.

Myron Emerson

(I) -- Garrett Kitamura

Also Present:
IDWR

-- Lacey Ramell-O'Brien,
Evan Roda, Craig Saxton, Suzy
Cooley

Counter	Description
11:05:54	Case called; parties identified. Court requests Mr. Kitamura to identify who he is representing. Mr. Kitamura moves to make a limited appearance for Myron Emerson. Court clarifies Mr. Emerson's position as he is not a current party to the claim, but is now considered a movant. Court provides background on case.
11:13:12	Mr. Kitamura begins argument.
11:14:40	Mr. Kitamura ends argument. Court asks for clarification in regards to the rule Mr. Kitamura used. Mr. Kitamura provides clarification.
11:15:53	Mr. Murphy begins argument.
11:20:57	Mr. Murphy ends argument.
11:21:14	Court requests clarification on what the Tribe is wanting to examine specifically as well as any methods of testing. Mr. Murphy clarifies.
11:24:45	Court calls on the other parties to be heard. Mr. Keller, Ms. Baser, and Mr. Semanko take no position and have nothing to add. Court calls on Mr. Kitamura for anything additional. Mr. Kitamura has nothing to add.
11:28:17	Court provides examples of prior precedencies set for what the Tribe is requesting to inspect. Court rules on the motion. The motion to quash the subpoena is denied. The Court will allow the Tribe to hold the inspection with understanding that there must be clear objectives and testing procedures laid out as well as rehabilitation to the property is necessary.
11:36:31	Court calls on the Department. Ms. Ramell-O'Brien has nothing to add.
11:38:37	Adjourned.