

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

**IN THE MATTER OF  
APPLICATION FOR TRANSFER  
NO. 84698 IN THE NAME OF  
MARION OGLE**

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**ORDER VACATING HEARING**

On February 8, 2021, Marion Ogle filed Application for Transfer No 84698 ("Application") with the Idaho Department of Water Resources ("Department"). A protest was filed by Salubria Holdings LLC.

On October 20, 2021, the Department issued *Hearing Notice/Scheduling Order* ("Order") that opened discovery, established a schedule to control the proceedings and provided notice of a hearing to be held February 1, 2022.

On January 31, 2022, in response to a request by the parties, and to provide additional opportunity to continue settlement discussions, the hearing officer issued an *Amended Hearing Notice / Scheduling Order* rescheduling the hearing to March 1, 2022.

On February 18, 2022, the parties again requested the hearing officer delay the hearing to allow for continued settlement discussions. On February 25, 2022, the hearing officer issued the *Second Amended Hearing Notice*, rescheduling the hearing to May 16, 2022.

On April 27, 2022, the hearing officer contacted the parties and asked whether settlement remains a possibility and if the parties expect to proceed to the hearing. The parties reported that settlement was progressing, and the parties were exchanging a settlement document. The Applicant reported they would be in a better position to report on the need for a hearing on Monday, May 2, 2022. On May 2, 2022, the hearing officer again inquired about the status of settlement and the need to hold the hearing. The Applicant suggested to wait until Wednesday, May 4 to report on the need for a hearing. On Thursday, May 5, 2022, the parties reported that the settlement document is still under review.

The hearing officer has rescheduled the hearing twice and has delayed responding to outstanding prehearing motions to allow the parties to pursue settlement. The hearing is scheduled to begin in less than one week and the parties continue to pursue settlement. The hearing officer should not expend department resources responding to outstanding motions, reserving Department meeting space and personnel time, and preparing for a hearing when settlement appears to be imminent.

### ORDER VACATING HEARING

IT IS HEREBY ORDERED that the administrative hearing scheduled to begin on May 16, 2022, is **VACATED**. The hearing officer will hold the pending motions in abeyance and will reschedule the hearing only when the parties determine settlement is no longer possible.

Dated this 10<sup>th</sup> day of May 2022.



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Nick Miller  
Hearing Officer

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10<sup>th</sup> day of May 2022, I served a true and correct copy of the foregoing document (ORDER VACATING HEARING) on the following by the method(s) indicated below:

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Nick Miller  
Hearing Officer