

**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)
_____)

ORDER SHORTENING
TIME TO RESPOND TO
PREHEARING MOTION

On December 15, 2021, the Idaho Department of Water Resources (Department) received a *Motion to exclude expert witness and memorandum in support* ("Motion") from the applicant in this contested case. The Motion seeks to exclude or limit expert testimony by Scott King on behalf of protestant Salubria Holdings LLC ("Salubria"). The matter is scheduled for a status conference on January 4, 2022, discovery is scheduled to close on January 7, 2022, and witness and exhibit disclosures are due on January 18, 2022 in advance of a scheduled hearing on February 1, 2022.

The Motion will be considered under Rules 270.02 and 565 of the Department's Rules of Procedure (IDAPA 373.01.01). Those rules read as follows:

02. ANSWERS TO MOTIONS. Answers to motions may be filed by persons or parties who are the object of a motion or by parties opposing a motion within fourteen (14) days of the filing of the motion. The time to file an answer to a motion may be enlarged or shortened by the presiding officer upon a showing of good cause by a party. The presiding officer may act upon a prehearing motion under Rule 565.

565. PROCEDURE ON PREHEARING MOTIONS (RULE 565). The presiding officer may consider and decide prehearing motions with or without oral argument or hearing. Unless otherwise provided by the presiding officer upon a showing of good cause by a party, when a motion has been filed, all parties joining in, answering to or responding to the motion(s) will have fourteen (14) days from the time of filing of the motion in which to respond.

Given the existing schedule to prepare for hearing, as well as the impact on hearing preparation that a decision on the Motion could have on both parties, the hearing officer finds good cause to shorten the time for Salubria to respond to the Motion. It is therefore ordered that the time for parties to respond to the Motion is shortened to six (6) days from the date of this order. Salubria's response is due on or before December 23, 2021.

Dated this 17th day of December, 2021



Nick Miller
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of December 2021, I served a true and correct copy of the foregoing document (ORDER SHORTENING TIME TO RESPOND TO PREHEARING MOTION) on the following by the method(s) indicated below:

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Nick Miller
Hearing Officer