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RECEIVED

JUN 08 2017

Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF WATER RIGHT
TRANSFER APPLICATION NO. 81039 IN
THE NAME OF WALLACE AND PERMIT
NOS. 78-12439 IN THE NAME OF
KALINOWSKI AND 78-12447 IN THE
NAME OF HENLEY AND APPLICATION
NO. 78-12445 IN THE NAME OF
WALLACE

**MOTION TO STRIKE AND MOTION
IN LIMINE TO EXCLUDE CERTAIN
DOCUMENTS AND TESTIMONY**

Come now, the Applicants/Protestants, Edward Kalinowski and James and Sandra Henley, by and through their counsel of record, Shelley M. Davis, of the law firm Barker Rosholt & Simpson LLP, and hereby move this Hearing Officer to Strike the June 2, 2017, letter of Hobie P. Alter, as it lacks foundation, is untimely, irrelevant, and lacks the necessary indicia of trustworthiness to allow its admission or consideration in these proceedings. Additionally, the statement/petition submitted by the Wallaces must likewise be stricken and not allowed to be introduced at the contested case hearing because it is irrelevant, lacks foundation, and the necessary indicia of trustworthiness to be admitted in the proceedings.

This Motion is supported by the Memorandum in Support of Motion to Strike and Motion in Limine to Exclude Certain Documents and Testimony filed concurrently herewith. No oral argument is requested on the Motion.

DATED this 5th day of June, 2017.

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in blue ink, appearing to read 'S. Davis', is written over a horizontal line.

Shelley M. Davis

Attorney for Applicants/Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, 2017, I caused a true and correct copy of the foregoing **MOTION TO STRIKE AND MOTION IN LIMINE TO EXCLUDE CERTAIN DOCUMENTS AND TESTIMONY** to be filed with or served upon the following parties by the indicated methods:

Served on:

Mike and Eulla Wallace
3288 Wallace Lane
New Meadows, ID 83654

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☒ Email

James Cefalo
Hearing Officer
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☒ Email



Shelley M. Davis
Attorney for Protestants/Applicants