

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER NO. 79943	)	ORDER ESTABLISHING
IN THE NAME OF	)	SCHEDULE FOR
<u>ALBION 12 INVESTMENTS, LLC</u>	)	PRE-HEARING MOTIONS

On August 31, 2016, Bill Parsons, attorney for Albion 12 Investments, LLC, and Charles Honsinger, attorney for Protestant Earl Warthen, contacted the hearing officer about scheduling pre-hearing motions (specifically, motions for summary judgment on the question of enlargement). The July 14, 2016 Order Authorizing Discovery and Setting Disclosure Deadlines did not address pre-hearing motions.

The Department's Rules of Procedure (IDAPA 37.01.01) do not describe a separate process to be used for motions for summary judgment. Such motions have been allowed in certain cases before the Department where there are little or no facts in dispute between the parties. Pre-hearing motions are governed by Rules 260 and 565 of the Department's Rules of Procedure. Motions must clearly state the relief sought by the party and the controlling law upon which the motion is based. Responses must be filed within 14 days of the filing of the motion.

ORDER ESTABLISHING SCHEDULE FOR PRE-HEARING MOTIONS

All pre-hearing motions, including motions for summary judgment, must be filed on or before **September 21, 2016**.

Responses to pre-hearing motions must be filed **within 14 days** of the date the pre-hearing motion was filed. For example, if a pre-hearing motion is filed on September 21, 2016, the response would be due on or before October 5, 2016.

Dated this 31st day of August, 2016.



James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of August, 2016, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: **Order Establishing Schedule for Pre-Hearing Motions**

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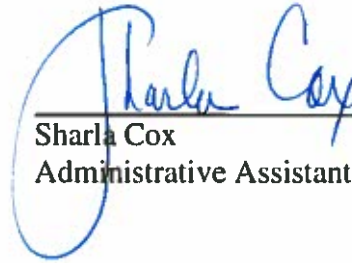
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