

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

IN THE MATTER OF APPLICATION FOR  
PERMIT NO. 65-23493 AND TRANSFER  
NO. 78252 IN THE NAME OF ALLEN  
RANCH LLC

**ORDER REGARDING NOTICE OF  
INTENT TO USE PREPARED  
TESTIMONY**

**PROCEDURAL HISTORY**

The hearing in this matter is scheduled to commence at 9:30 a.m. on December 10, 2013. On November 26, 2013, the Department of Water Resources (“Department”) received a *Notice of Intent to Use Prepared Testimony* (the “Notice”) from the attorney for Allen Ranch LLP, the applicant in this matter. The Department will consider the Notice to be a prehearing motion.

**CONCLUSIONS OF LAW**

Rules 605 and 600 of the Department’s Rules of Procedure (IDAPA 37.01.01) allow for the use of prepared testimony if it is previously distributed to all parties and if it assists in the development of a record. Any party intending to offer prepared testimony should be required to distribute it to the parties in this proceeding prior to the hearing. The Hearing Officer should reserve judgment on the use of prepared testimony until he has had opportunity to review the prepared testimony.


Rule 565 of the Department’s Rules of Procedure (IDAPA 37.01.01) states that the parties will have fourteen days to respond to a prehearing motion. However, since the hearing is scheduled to commence fourteen days from today, there is good cause to address the Notice immediately

**ORDER**

IT IS HEREBY ORDERED THAT if prepared testimony is to be offered for inclusion in the record in this matter, it must be served to the parties and the Hearing Officer in person or by email or FAX by December 5, 2013. If any party is not equipped to receive documents by email or by FAX, and the party is not available for service in person, a paper copy of the prepared testimony shall be mailed to the party no later than December 5, 2013, in such a way that it will arrive at the party’s address of record no later than the morning of December 9, 2013.

If prepared testimony is offered for inclusion in the record in this matter, the Hearing Officer will decide at the hearing whether it will be admitted or not.

Dated this 27<sup>th</sup> day of November, 2013.

  
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SHELLEY KEEN  
Hearing Officer

**CERTIFICATE OF SERVICE**

I hereby certify that on November 29, 2013, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER REGARDING NOTICE OF INTENT TO USE PREPARED TESTIMONY to the person(s) listed below:

**RE: Transfer No. 78252 65-3111X**  
**Application for Permit 65-23493**

**SANDRA CHESS**  
**200 LIZASO AVE**  
**BOISE ID 83709**

**JIM BUNCE**  
**PO BOX 890**  
**CASCADE ID 83611**

**WEST MOUNTAIN WATER ASSOCIATION INC**  
**PO BOX 388**  
**CASCADE ID 83611**


**WEST MOUNTAIN PROPERTIES LLC**  
**C/O DWIGHT JIVIDEN**  
**413 CABARTON RD**  
**CASCADE ID 83611**

**CRIS & RANDY MCCLINTICK**  
**PO BOX 7**  
**OROVADA NV 89425**

**BRUCE SMITH**  
**MOORE SMITH BUXTON & TURCKE CHTD**  
**950 W BANNOCK STE 520**  
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**ALLEN RANCH LLP**  
**2624 S INGLENOOK PLACE**  
**MERIDIAN ID 83642**

**GARY HENKEL**  
**9109 W BURNETT DR**  
**BOISE ID 83709**

  
\_\_\_\_\_  
**Jean Hersley**

**Technical Records Specialist II**