

P.3d 551, 559 (2004). The evaluation of evidence in a hearing before the Department is governed by Rule 600 of the Department's Rules of Procedure, which states as follows:

Evidence should be taken by the agency to assist the parties' development of a record, not excluded to frustrate that development. The presiding officer at hearing is not bound by the Idaho Rules of Evidence. No informality in any proceeding or in the manner of taking testimony invalidates any order. The presiding officer, with or without objection, may exclude evidence that is irrelevant, unduly repetitious, inadmissible on constitutional or statutory grounds, or on the basis of any evidentiary privilege provided by statute or recognized in the courts of Idaho. All other evidence may be admitted if it is of a type commonly relied upon by prudent persons in the conduct of their affairs. The agency's experience, technical competence and specialized knowledge may be used in evaluation of evidence.

IDAPA 37.01.01.600.


2. At the hearing, Mr. Rogers was qualified to render expert opinions in fish culture, fish propagation, fish hatchery management, fish hatchery supervision, fish hatchery design, and in managing and maximizing flows for fish culture and fish propagation. Tr. Vol. 8 p. 1778. Exhibit 2128 is Mr. Rogers' expert report.

3. Having reviewed Exhibit 2128 and the transcript associated with the testimony concerning Exhibit 2128, the Director, in the exercise of his discretion, will grant in part and deny in part Rangen's oral motion to strike. The Director concludes that paragraphs 6.2 and 6.3 on page 13 of Exhibit 2128 should be stricken. IGWA agreed in the transcript to redact paragraph 6.2. Tr. Vol. 8 p. 1865. The Director sustained Rangen's objection to paragraph 6.3. *Id.* at 1867-68. While not specifically addressed at the hearing, paragraph 7.4 on page 14 is largely a restatement of paragraph 6.3; therefore, paragraph 7.4 should also be stricken. The remainder of Exhibit 2128 is accepted into evidence.

ORDER

Based upon the foregoing, the Director GRANTS IN PART and DENIES IN PART Rangen's oral motion to strike. Paragraphs 6.2, 6.3, and 7.4 to Exhibit 2128 shall be stricken. The remainder of Exhibit 2128 shall be accepted into evidence.

Dated this 7th day of August, 2013.


GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of August, 2013, the above and foregoing document was served on the following by providing a copy in the manner selected:

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