

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

<b>IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT NOS. 36-02551 AND 36-07694  (RANGEN, INC.)</b>	) <b>CM-DC-2011-004</b> ) ) <b>ORDER SHORTENING TIME</b> ) <b>TO FILE AN ANSWER TO</b> ) <b>CITY OF POCA TELLO'S</b> ) <b>MOTION IN LIMINE</b> ) <hr/>
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On April 26, 2013, the City of Pocatello ("Pocatello") filed the *City of Pocatello's Motion in Limine to Preclude Rangen, Inc. from Offering Testimony or Evidence in Response to the IDWR Staff Memorandum* ("Motion in Limine"). The motion asks the Director ("Director") of the Idaho Department of Water Resources ("Department") to issue an order prohibiting Rangen, Inc. ("Rangen") from offering testimony or evidence in response to IDWR's *Staff Memorandum in Response to Expert Reports Submitted for the Rangen Delivery Call* ("Staff Memorandum"). Pocatello argues that pursuant to the *Fifth Amended Scheduling Order* issued on March 20, 2013, the parties were required to file their responses to the Staff Memorandum by April 5, 2013. On April 5, 2013, Rangen filed with the Department its *Notice of No Written Response to Staff Memorandum*. Pocatello is concerned that Rangen may attempt to introduce new evidence and present live testimony at the hearing regarding the Staff Memorandum which will unfairly prejudice the junior water users in this matter. As the hearing in this action is set to commence on May 1, 2013, the Director agrees that resolution of this matter should be expedited. Pursuant to IDAPA 37.01.01.270.02, the Director finds it proper to deviate from the fourteen-day time period, and that the time to file an answer to the motion should be shortened. The parties are therefore given the deadline of 5:00 p.m., on April 29, 2013, to file an answer to the Motion in Limine with the Department. Answers received after said deadline will not be considered by the Director.

**ORDER**

IT IS THEREFORE ORDERED, that the time for parties to this matter to respond to Pocatello's Motion in Limine is shortened and that the deadline for filing responses is April 29, 2013, at 5:00 p.m.

DATED this 26<sup>th</sup> day of April, 2013.

  
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GARY SPACKMAN  
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26<sup>th</sup> day of April, 2013, the above and foregoing document was served on the following by providing a copy in the manner selected:

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