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MAR 29 2013

DEPARTMENT OF
WATER RESOURCES

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BEFORE THE DEPARTMENT OF WATER RESOURCES

FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 73811 (SHEKINAH INDUSTRIES); APPLICATION FOR TRANSFER NO. 73834 (ORCHARD RANCH); APPLICATION FOR PERMIT NO. 63-32499 (MAYFIELD TOWNSITE); APPLICATION FOR PERMIT NO. 61-12095 (NEVID-CORDER); APPLICATION FOR PERMIT NO. 61-12096 (NEVID); APPLICATION FOR PERMIT NO. 63-32703 (ORCHARD RANCH); APPLICATION FOR PERMIT NO. 61-12256 (INTERMOUNTAIN SEWER AND WATER); APPLICATION FOR PERMIT NO. 63-33344 (ARK PROPERTIES-MAYFIELD TOWNSITE)	)	**MOTION TO AMEND PREHEARING SCHEDULING ORDER**

Come now Nevid LLC and Orchard Ranch LLC, through their counsel, Norman M. Semanko, Attorney at Law, pursuant to Rules 260 and 565 of the Department's Rules of Procedure, IDAPA 37.01.01, and hereby file this prehearing motion, requesting that the Prehearing Scheduling Order in the above-captioned matter be amended to:

1. Set a deadline for the parties to exchange witness lists;

2. Change the hearing dates from April 15-30 to April 17-30; and

3. Specify a location and starting time for the hearing.

The grounds for this motion are set forth below.

BACKGROUND

On January 14, 2012, the Director issued an Order Creating Contested Case and Consolidating Protested and Unprotested Applications.

On February 15, 2012, the Director held a scheduling conference, after which a Prehearing Scheduling Order was issued on April 13, 2012.

ARGUMENT

1. Deadline for Exchange of Witness Lists.

The existing Scheduling Order does not include a deadline for exchanging witness lists, which is a typical pre-hearing deadline. This oversight should be corrected by setting a deadline for the exchange of witness lists, to be no later than April 8, 2013, or another date determined by the Director to be appropriate. Along with the existing deadline for the exchange of exhibits, this will help the parties finalize their preparations for the hearing and provide for a more orderly process.

2. Hearing Dates.

The hearing in this matter is currently scheduled for April 15-30. The movants request that the hearing commence two days later than currently scheduled, or on April 17, to accommodate a scheduling conflict for their counsel, who is scheduled to be in Washington, D.C. for business on April 15-16. Other than being shortened by two days, the hearing schedule would be otherwise unaltered.

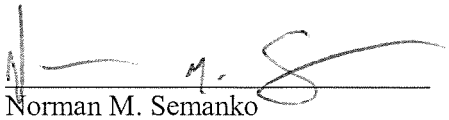
3. Hearing Location and Starting Time.

The Scheduling Order does not specify a location or starting time for the hearing, which are obviously essential notice requirements for a hearing and, in fact, required to be served on the parties pursuant to Rule 550 of the Department's Rules of Procedure. The movants suggest that the hearing be held in an available room at the Department's State Office, located at 322 E. Front St., Boise, or other suitable location in Boise, and that the hearing commence no earlier than 9:00am on April 17, 2013.

CONCLUSION

For the reasons set forth above, and good cause existing therefore, Nevid LLC and Orchard Ranch LLC request that the Prehearing Scheduling Order in the above-captioned matter be amended as requested herein.

DATED this 29th day of March, 2013.



Norman M. Semanko
Attorney for Nevid LLC and Orchard Ranch LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 2013, a true and correct copy of the foregoing MOTION TO AMEND PREHEARING SCHEDULING ORDER was served by placing the same in the United States mail, postage prepaid and properly addressed to the following:

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