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DEPARTMENT OF
WATER RESOURCES

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Attorneys for the Idaho Water Resource Board

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATIONS FOR PERMIT NOS. 01-07131, 01-07132, 01-07133, 01-07134, 01-07135, 01-07136, 01-07137, 01-07139, 01-07140, 01-07141, 01-07142, 01-07143, 21-07574, 21-07575, 21-07576, 21-07577, 21-07578, 21-07579, AND 21-07580 IN THE NAME OF THE IDAHO WATER RESOURCE BOARD | ) | MOTION TO VACATE STATUS CONFERENCE |

COMES NOW, the Idaho Water Resource Board, ("IWRB"), by and through its counsel of record, and files this Motion to Vacate the October 29, 2012 status conference.

At the May 22, 2012 status conference, the participants, (formal parties to the litigation and others in attendance), agreed to a series of informal meetings to review the above-referenced water right applications considering recent policy and technical developments and to discuss specific concerns and questions about the applications. Meetings were held on July 11 and October 16, 2012.

At the October 16, 2012 meeting, the IWRB staff notified participants that IWRB intended to submit amended applications and/or advise the Director of IWRB's intention to move forward with the existing applications by January 15, 2013. The participants agreed that the October 29, 2012 status conference should be vacated and re-set for a date following January

15, 2013, to allow adequate time for review of the IWRB filings. Participants attending the October 16, 2012 meeting included:

IN PERSON:

Travis Thompson
Barker, Rosholt, & Simpson LLP

Cindy Robertson
Idaho Department of Fish and Game ("IDFG")

Ted Diehl
Northside Canal Co. Ltd. ("NSCC")

Brian Olmstead
Twin Falls Canal Company

Mat Weaver
Idaho Department of Water Resources ("IDWR")

Neal Farmer
IDWR

Kevin Lewis
Idaho Rivers United

Dallas Burkhalter
Attorney General's Office

Jim Mende
IDFG – Pocatello

Walt Poole
IDFG – Boise

Alan Hansten
NSCC

Brian Patton
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Mike McVay
IDWR

Harriet Hensley
Attorney General's Office

Peter Anderson
Trout Unlimited

Darrel Kerr
Water User

TELEPHONIC:

Randy Hill
Idaho Power Company ("IPC")

Jim Tucker
IPC

John Simpson
Barker, Rosholt, & Simpson LLP

Brandon Hoffner
Henry's Fork Foundation

John Bowling
IPC

Norm Semanko
Idaho Water Users Association

Matt Howard
USDI Bureau of Reclamation

Following the meeting, counsel for the IWRB contacted the Department by email to determine the Director's availability for a status conference during the first week of February, 2013. On October 17, 2012, counsel requested confirmation from the participants of their

availability during that time period. If the participants are not available, the IWRB intends to coordinate scheduling a status conference as soon as possible after January 15, 2013, with the Department and participants. Copies of correspondence in support of this Motion are attached.

Accordingly, the IWRB requests that the October 29, 2012 status conference be vacated and that the status conference be rescheduled for early February at a time mutually agreed upon by the Department and the participants.

RESPECTFULLY SUBMITTED this 23rd day of October 2012.

STATE OF IDAHO
LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
CHIEF, NATURAL RESOURCES DIVISION

Harriet A. Hensley

HARRIET A. HENSLEY
Deputy Attorney General
Natural Resources Division

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of October, 2012, I caused to be served the original and/or copy of the MOTION TO VACATE STATUS CONFERENCE on the following persons by the indicated method.

1. One Original to:

Gary Spackman, Director
Idaho Department of Water Resources
Idaho State Office
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

- [ ] U.S. Mail, postage prepaid
- [x] Hand Delivery
- [ ] Federal Express
- [ ] Facsimile: 287-6700
- [ ] Statehouse Mail

2. Email and copies via U.S. Mail, postage prepaid and addressed to:

Matt Howard
Bureau of Reclamation
1150 N Curtis Rd, Ste 100
Boise, ID 83706-1234

US Dept. of Interior
Fish & Wildlife Service
Office of the Regional Solicitor
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Portland, OR 97205

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Office of Attorney General
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Boise, ID 83707

Idaho Rivers United
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Henrys Fork Foundation
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Idaho Power Company
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Norm Semanko
Idaho Water Users Assn.
1010 W Jefferson, Ste 101
Boise, ID 83702

Henrys Fork Anglers LLC
3340 N Hwy 20
Island Park, ID 83429

Greater Yellowstone Coalition
162 North Woodruff
Idaho Falls, ID 83401

Fred F. Kippes
3951 N 1100 E
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*Courtesy copy hand delivered:*
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Harriet A. Hensley

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