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October 27, 2014

Via Hand Delivery

Gary L. Spackman
Director, Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RECEIVED
OCT 27 2014
DEPARTMENT OF
WATER RESOURCES

Re: *Deadline for “pre-hearing/dispositive motions” in the Matter of Accounting for Distribution of Water to the Federal On-Stream Reservoirs in Water District 63*

Dear Director:

According to your October 14, 2014 *Scheduling Order; Notice of Hearing; Order Authorizing Discovery* (“*Order*”), tomorrow is the deadline for filing “pre-hearing/dispositive motions” in the above-referenced matter. Based on our understanding of your intent, our client United Water Idaho Inc. (“United Water”) is not filing any motions by tomorrow.

We understand that tomorrow’s deadline applies to motions concerning procedural issues (such as potential consolidation with the similar contested case in Water District 01) as well as motions to dismiss the contested case without reaching a decision on the merits (for example, on grounds that the subject matter must be addressed through rulemaking). But the deadline does not apply to motions (such as a summary judgment motion) that might be considered dispositive of the fundamental question in this proceeding, which is how water is counted or credited towards the fill of a storage water right. Rather, as we understand it, the Director intends that the substantive issues in this case be addressed following the issuance of Department’s staff memorandum in early November.

Gary L. Spackman, Director
October 27, 2014
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United Water will file appropriate motions or other pleadings addressing the merits of the questions presented in this matter following the issuance of the staff memorandum.

Sincerely,


Christopher H. Meyer


Michael P. Lawrence

cc: Contested Case Service List (via U.S. Mail)

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