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October 27, 2014

RECEIVED

OCT 27 2014

DEPARTMENT OF  
WATER RESOURCES

Via Hand Delivery

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

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 01*

Dear Director:

According to your October 15, 2014 *Scheduling Order; Notice of Hearing; Order Authorizing Discovery* ("Order"), today 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 today.

We understand that today's deadline applies to motions concerning procedural issues (such as potential consolidation with the similar contested case in Water District 63) 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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