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DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 21 2012	
By _____	Clerk
_____	Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)
) Subcase Nos. 01-2064, 01-2064A-F, and L,
) 01-10042, 01-10042A and B, 01-10053A,
) and 01-10190 (American Falls Subcases), and
) 01-2068, 01-2068D-F, M, and Y, 01-10043,
) 01-10043A and E, 01-10191, and 01-10389
) (Palisades Subcases)
)
) **MOTION TO VACATE AND RESET**
) **HEARING ON MOTION FOR LEAVE TO**
) **FILE AMICUS BRIEF CONCERNING**
) **"REFILL" OF BUREAU OF RECLAMATION**
) **STORAGE RIGHTS AND MOTION FOR**
) **LEAVE TO FILE REPLY TO STATE'S**
) **RESPONSE**

**MOTION TO VACATE AND RESET HEARING ON MOTION FOR LEAVE
TO FILE AMICUS BRIEF CONCERNING "REFILL" OF BUREAU OF
RECLAMATION STORAGE RIGHTS AND MOTION FOR LEAVE TO FILE
REPLY TO STATE'S RESPONSE**

COMES NOW, Black Canyon Irrigation District, New York Irrigation District, Pioneer Irrigation District, and the Boise Project Board of Control, by and through their counsel of record, and for the following reasons hereby move this Court for an order vacating the hearing scheduled today, June 21, 2012, at 2:00 pm to take up the movants Motion for Leave to File Amicus Brief and to provide the movants additional time to respond to the State's Response in opposition to the Amici's Motion for Leave to File Amicus Brief.

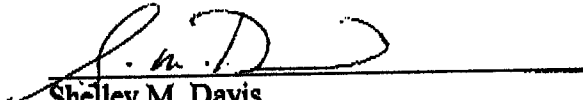
Counsel for Amici were served only yesterday with the State's brief in response to the Amici's Motion for Leave to File Amicus Brief.¹ The State's response opposing the filing of the Amicus Brief opposes it on a number of bases both procedural and substantive, and includes several hundred pages of exhibits, as well as affidavits of Rex Barrie and Ron Shurtleff. Amici have not had the necessary time to fully review the several hundred pages of exhibit materials and referenced IDWR backfiles that the State relied upon to support its Response. Based on an initial review it appears that the State has misconstrued the position of the Amici, and additional time is required for the Amici to properly prepare a response so that this Special Master may make a fully informed decision about the necessity of the filing of the Amicus Brief.

THEREFORE, FOR THE FOREGOING REASONS, Amici hereby request that this Special Master VACATE and RESET the hearing scheduled for 2:00 pm today, June 21, 2012, and enter a scheduling order that allows counsel for Amici additional time to respond to the State's opposition to the filing of the Amicus Brief.

¹ Counsel for Amici assert that the State's briefing on this issue was untimely filed, but based on the short time between the filing of the Motion for Leave to File Amicus Brief, and the time that the Special Master set the matter for hearing, it appears understandable. However, it is necessary for Amici to be provided additional time to properly respond to the State's Motion.

Dated this 21st day of June, 2012.

BARKER RSHOLT & SIMPSON LLP


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Attorneys for Boise Project Board of Control

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of June, 2012, I served a true and correct copy of the foregoing **MOTION TO VACATE AND RESET HEARING ON MOTION FOR LEAVE TO FILE AMICUS BRIEF CONCERNING "REFILL" OF BUREAU OF RECLAMATION STORAGE RIGHTS AND MOTION FOR LEAVE TO FILE REPLY TO THE STATE'S REPOSE** on the person(s) listed below by facsimile, hand delivery, or electronic mail:

Served on the Snake River Basin Adjudication Court via Facsimile.

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

U.S. Bureau of Reclamation
Regional Director, PN Region
1150 N. Curtis Rd., Ste. 100
Boise, ID 83706-1234

Jerry R. Rigby
P.O. Box 250
Rexburg, ID 83440-0250

U.S. Department of Justice
Division of Env. & Natural Resources
550 W. Fort Street, MSC 033
Boise, ID 83706-1234

Randall C. Budge
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P.O. Box 1391
Pocatello, ID 83201

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MOTION TO VACATE AND RESET HEARING ON MOTION FOR LEAVE TO FILE AMICUS BRIEF CONCERNING "REFILL" OF BUREAU OF RECLAMATION STORAGE RIGHTS AND MOTION FOR LEAVE TO FILE REPLY TO STATE'S RESPONSE

Twin Falls, ID 83303-485


Shelley M. Davis

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