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

IN RE: CSRBA

Case No. 49576

Subcase Nos.: 95-4518, 95-9115, 95-9119,
95-8003, 95-2067

**STATUS UPDATE AND JOINT MOTION
TO VACATE AND RESCHEDULE
TRIAL**

COME NOW, the State of Idaho, Avista Corporation, the City of Coeur d' Alene, and the Respondents listed in Attachment A, the parties to the subcases listed above (collectively "the Parties"), and hereby move to vacate the current trial date and related trial deadlines and issue an amended *Trial Scheduling Order*.

This joint motion is based on the following facts: On July 11, 2022, the Parties met to discuss the upcoming trial in this matter and recent updates regarding settlement negotiation efforts with the Coeur d' Alene Tribe ("Tribe") and the United States ("U.S.") in consolidated subcase 91-7755. In the last two weeks there have been substantial developments in the settlement negotiations in consolidated subcase 91-7755. Specifically, all interested parties have agreed to

resume settlement negotiations following a recent meeting between the Coeur d' Alene Tribal Council and the Governor at the end of June. The Parties, who fully acknowledge that the Tribe and the U.S. are not claimants, objectors, or respondents in this matter, would nonetheless like to receive input and feedback from the Tribe and the U.S. regarding how the Parties' subcases interact with consolidated subcase 91-7755. The Parties believe that such a collaboration will build trust and provide clarity in the revitalized negotiation process.

The current trial date of October 24, 2022, and related deadlines do not allow for sufficient time to conduct meaningful discussions between the Parties, the Tribe and the U.S. regarding Lake Coeur d' Alene. The Parties are not requesting, nor in any way advocating for, consolidating this matter with consolidated subcase 91-7755. The Parties request to delay trial in this matter to further opportunities of producing a settlement that would resolve these subcases and benefit negotiations with the U.S. and the Tribe. The Parties acknowledge and appreciate that this Court has accommodated previous requests for extending deadlines in this matter and are hopeful that another extension will result in the filing of SF5s.

The Parties, along with the Tribe, the U.S., and the objectors in consolidated subcase 91-7755 have a status conference with Judge Wildman on August 16, 2022, to discuss the expiration of the stay of litigation in that matter. The objector group in subcase 91-7755 have agreed to seek an extension of the stay in that litigation to continue negotiations with the Tribe and the U.S. To ensure that the negotiations do not stall, the State has contacted the previously appointed mediator, John Thorson, to arrange a series of mediation dates that will occur over the course of the next three months.

In addition to an amended scheduling order, the Parties request regular status conferences. The Court's previous status conferences have helped to motivate the Parties and have served as a

useful update regarding negotiations. The Parties intend to request a similar process in consolidated subcase 91-7755. Given the benefits, the Parties would ask that the Court continue its practice of setting monthly status conferences. In addition to status conferences, the Parties have provided possible dates for a trial in 2023 and other deadlines that have not yet passed.

I. Status Conferences:

- August 17, 2022, 9:00 am (PT) / 10:00 am (MT);
- September 14, 2022, 9:00 am (PT) / 10:00 am (MT);
- October 12, 2022, 9:00 am (PT) / 10:00 am (MT);
- November 9, 2022, 9:00 am (PT) / 10:00 am (MT);
- December 14, 2022, 9:00 am (PT) / 10:00 am (MT);
- January 11, 2023, 9:00 am (PT) / 10:00 am (MT);
- February 15, 2023, 9:00 am (PT) / 10:00 am (MT);
- March 15, 2023, 9:00 am (PT) / 10:00 am (MT);
- April 12, 2023, 9:00 am (PT) / 10:00 am (MT);
- May 17, 2023, 9:00 am (PT) / 10:00 am (MT);
- June 14, 2023, 9:00 am (PT) / 10:00 am (MT);
- July 12, 2023, 9:00 am (PT) / 10:00 am (MT).

II. Deadline Motion for Summary Judgment: April 26, 2023. Response briefs must be filed by May 10, 2023. Reply briefs must be filed by May 17, 2023.

III. Summary Judgment Hearing Date: June 14, 2023 (at time of status conference. 9:00 am (PT) / 10:00 am (MT)) to be held telephonically or by video conference.

IV. Deadline for IDWR to file 706 Report: June 28, 2023.

V. Pretrial Conference, Exchange Witness/Exhibit Lists: July 12, 2023.

VI. Trial Brief Deadline: Briefs shall be filed by July 14, 2023.

VII. Trial: This matter may be set for trial to commence on or after July 31, 2023, at 9:00 am PT. It is estimated that the trial will take five (5) days. The trial will be held in or near Coeur d'Alene, Idaho.

The Parties respectfully request that the Court vacate the current trial date and associated deadlines and issue an amended order consistent with the above dates and deadlines. The Parties

will answer any questions regarding this request at the upcoming Status Conference on July 20, 2022.

CLAIMANT/OBJECTOR
Avista Corporation



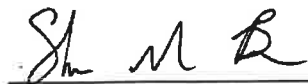
Chris Bromley, Attorney at Law

7/19/2022

Date

CLAIMANT/OBJECTOR

State of Idaho



Shane Bell
Deputy Attorney General

7/19/2022

Date

RESPONDENT

City of Coeur d'Alene

Candice McHugh

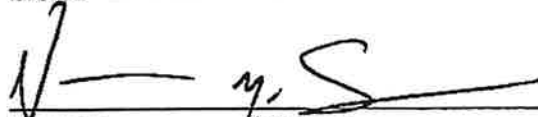
7/19/2022

Candice McHugh, Attorney at Law

Date

RESPONDENTS

Listed in Attachment A


Norman Semanko, Attorney at Law

7-19-22
Date

IDWR Concurrence

A handwritten signature in black ink, appearing to read "Lacey Rammell-O'Brien", is written over a horizontal line.

07-19-2022

Date

Lacey Rammell-O'Brien
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20th day of July, 2022 I caused to be served a true and correct copy of the foregoing STATUS UPDATE AND JOINT MOTION TO VACATE AND RESCHEDULE TRIAL on the following parties by the methods indicated:

CLERK OF THE DISTRICT COURT COEUR D'ALENE-SPOKANE RIVER BASIN ADJUDICATION 253 THIRD AVENUE NORTH P.O. BOX 2707 TWIN FALLS, ID 83303-2707	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☒ Facsimile: (208) 736 2121 ☐ Statehouse Mail
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IDWR DOCUMENT DEPOSITORY PO BOX 83720-0098 BOISE, IDAHO 83720-0098	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: ☒ Statehouse Mail

Sh M R

ATTACHMENT A
RESPONDENTS REPRESENTED BY NORMAN M. SEMANKO

DOUGLAS & KRISTI PAYNE
GARY & PATRICIA MITCHELL
NORMAN MCCALL
CROWS NEST WATER ASSOCIATION
WEBER FARMS
RICK & HOLLY DAY
JOHN & SHIRLEY FERRIS
PATRICE HARTEL
TERRY & WILMA MURRAY
JOEL & CINDY NEWSON
JEFF & DEDE SHIPY
LARRY & SUSAN SOTIN
LELAND & DANIELLE BOLDT
PAM SECORD FOR OCEANWOODS
OASIS TRUST
MULLAN SCHOOL #392
DICK & CAROLE HARWOOD
NONA BRUNS
CAROL CLARK
JEAN DOHRMAN
ROY & LINDA MICHAEL
DEAN & GLENDA GENTRY
MARTHA GREEN
RICHARD L. POWELL
LOIS TUEL
DON & MARTHA VAIL
VIC & RITA BRODIE
ROBIN & LESLEE STANLEY
JACK & ELEANOR BUELL
ROBERT & DIANNA BOSTROM
BERNARD & DAWN WEBER
KEN & YVONNE DEVRIES
TOM & EILEEN DUHAMEL
JAMES & VICTORIA FURTH
J. RACHAEL JOHNSON
JOHN & MICHELLE MCMAHON
PATRICK & ANNETTE PETRIE
ROBERT & GAIL SHORT
HARRY GRUBHAM
EDMOND & JANET FERREL
THOMAS G. & MARY M. CARVER
EDWARD & CANDACE ANDERSON
ROBERT & PATTY ANDERSON

RALPH & MARTHA BANDEROB
RODERICK & BETH HAVORSON
RONALD & SHERLENE MENDIVE
WILLIAM & GRETCHEN HARRISON
WILLIAM & NANCY MCANINCH
JOHN & AGNES MCFADDIN
PAUL & COLLEEN SMITH
ELIZABETH ROBERTS
MARVIN & MARYANNE WHEELER
LANCE & J. MICHELE MCDANIEL
STEVE ADDINGTON
LINDA ALLDREDGE
R. EARL ANDERSEN
AUDREY ANDERSEN
CARL W. ANDERSON
DIANNE ANDERSON
NAOMI ANDERSON
PERRY ANDERSON
DENNIS BACKUS
ROBERT NETTLETON FOR BLACK
BEAR WATER ASSOCIATION
ARLISS BLALACK
CARL BLALACK
MERILYN TANNER, PRESIDENT, BLUE
WOLF COMMUNITY CLUB
JOHN BOOTHE
GALE BRIGGS
JANET BRIGGS
CAROL FELT BROWNING
TERRY BURGER
MIGUEL CABEZA
NORMAN CARROLL
VICKI CARROLL
ANNIKA CHATFIELD-DIETRICH
CARL COCHRANE
KEVIN COLEMAN
BILL L. CONNER
CINDY COOPER
DAVID "BRAD" & MARY CORKILL
JULIE DAY
TIM DAY
LARRY DONAHOE
BONNIE (ELEANOR Y.) DONOHOE

DARBY G. DONOHUE
RUSSEL DONOHUE
BONNIE DOOSE
SUSAN E. DREDGE
RICKEY DUNN
THOMAS F. DUNNIGAN
ERNEST & MYRA ECKLUND
ROBERT ELLIS
FLORENCE FARBER
JEREMIE FIGUEROA
TROY FRANCIS
HERMAN FRITZ
FRANK FRUTCHEY
JEFF FUNK
TERRY GILBRETH
PHILLIP GRAVES
ROBERT & JULIE GRUNZWEIG
WARREN HALL
BETTY HANCOCK
BARBARA HARPOLE
CONNIE L. HASZ
FRED & MARCY HASZ
WILLIAM K. HASZ
DALE HERBOLDT
MICHAEL D. HIGBEE
SHEILA M. HOLM
HELEN JACQUEMIN
WENDY JACQUEMIN
GARY JOHNSON
KATHY JORDAN
LANCE M. JORDAN
WESLEY & LINDA JORDAN
KATHRYN KAHN
RALPH KAHN
BEVERLY & FLOYD KLEIN
KEITH KLEINKHECHT
NANCY KLEINKHECHT
JOHN R. KRAACK
MARK P. KROPF
MIKE & TINA KUHNLINE
DAREN LABOLLE
DAREN & JANET LABOLLE
BARNEY LAYTON
DWAYNE LAYTON
ROSIE LAYTON
LARRY LEHTOLA

JAIDA LEVINE
PHILLIP LEVINE
KIM LISS
STEVEN M. LISS
ALAN LITTLEJOHN
LINDA LITTLEJOHN
PATRICIA LOZANO
SERENA LUCAS
TOM LUCAS
DOUG LUCHINI
BRUCE & CAROL MADDUX
MICHAEL R. MAEHLER
KAYE A MAINSEY
JOHN M. MARSAN
SHIRLEY MARSAN
STEPHEN MATTHEWS
DONALD & CHRISTINE MCCAWE
DAVID & KATHY MCDANIEL
DOUGLAS & DARCY MCINTURFF
RON MENDIVE
GARY MITCHELL
PATRICIA MITCHELL
JOYCE MORDEN
ROY MORTENSEN
DERALD MOYER
PAUL MURRAY
JOHN NEIRINCKX
JOHN NEIRINCKX II
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VICKI HENDRICK & SAM OWEN
JODI POWELL
ROBERT POWELL
CHERYL PRUEHER
BEN RADFORD
RASOR FAMILY PROPERTY
REVOCABLE TRUST
JORDAN REDMAN
DANIEL G. REMMICK
GLENNE & ELIZABETH RENNER
JOHANNA RENNER
KEVIN & TIFFANY RENNER
PATRICIA & KENNETH RENNER
LINDA RIDER
ROBERT RIDER
JED RODGERS
SUSAN RODGERS

JOSEPH RUSH
LINDA & DEWAYNE RYSSMAN
GORDON SANDERS
PAUL SEGSWORTH
TIM SHANNON
DON H. SHERFEY
DAVID SHERIDAN
MARGARET SHERIDAN
ALFRED SICHLINGER
KEVIN & SHANNON SIMONSEN
ERIC & SUSAN SKIDMORE
SHARON & FRED SMITH
MARSHA J. STEWART
JOYCE D. & CHARLES R. STOCK
NEIL & NANCY STROM
DONALD SUTTON
GINA SUTTON
HISAYA & DOROTHY TAKASHINA
RUSSEL & MARILYN TANNER
STEVE THOMSON
PEGGY TIMKEN
JEFF TYLER
LES VAWTER
TERRY L. WALL
GENE L. & WESLEY L. WARREN
GENE WEBB

GARY WEEKS
DAVID & JANET WEINGART
WILLIAM WHITE
ROBERT & NORMA WHITE
RANDY WILSON
CARLA WOEMPNER
VERLAND WOEMPNER
RON WOOD
KEN & AILEEN ZAKEN
HARMON PROPERTY OWNERS
ASSOCIATION
GIANOTTI TRUST DTD 1991
SUTHERLAND FAMILY REVOCABLE
TRUST
STANLEY J. HARRISON
THOMAS M. PATRICK REVOCABLE
TRUST
CLYDE H. SHEPPARD
MOLLY & JAMES DOLLIVER
BRUCE CYR
GREG DELAVAN
JILL & DAVID CHRISTIANSEN
JAKAR VENTRIS LLC
RICHARD J. CLEMSON
HAGADONE HOSPITALITY CO