

1 William A. Parsons
2 PARSONS, SMITH, STONE,
3 LOVELAND & SHIRLEY, LLP
4 137 West 13th Street
5 P.O. Box 910
6 Burley, Idaho 83318
7 (208)878-8382 - Phone
8 (208)878-0146 - Fax
9 Idaho State Bar #849
10 Attorneys for Applicant
11 (Merriman/Montgomery79943VacateNOH.doc)
12

RECEIVED

FEB 16 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

13 BEFORE THE DEPARTMENT OF WATER RESOURCES
14 OF THE STATE OF IDAHO

15 -----
16 IN THE MATTER OF TRANSFER)
17 NO. 79943)

MOTION TO VACATE
HEARING

18 IN THE NAME OF:)
19 ALBION 12 INVESTMENTS LLC)
20 -----

21 COMES NOW ALBION 12 INVESTMENTS LLC and moves the Department
22 for an Order Vacating the hearing in the above-entitled matter scheduled for March 31,
23 2016 upon the grounds and for the following reasons:

24 1. Newly discovered evidence requires that the Applicant file an Amended
25 Transfer Application and meaningful settlement discussions are being conducted relative
26 to the newly discovered evidence and the necessity to file an Amended Transfer
Application.

2. Counsel for the Protestant, Earl Warthen, namely: Charles L. Honsinger, has no objection to this Motion and would supply any verification that the Department may require.

DATED this 08 day of February 2016.

PARSONS, SMITH, STONE, LOVELAND
& SHIRLEY, LLP

William A. Parsons

William A. Parsons
Attorneys for Applicant
137 West 13th Street
Box 910
Burley, ID 83318

CERTIFICATE OF HAND DELIVERY

I hereby certify that on the 17 day of February 2016, I hand delivered a copy of the foregoing upon the following:

Charlie Honsinger
Honsinger Law PLLC
Box 517
Boise, ID 83701-0517

Erick Powell
Brockway Engineering, PLLC
2016 N. Washington St. Ste. 4
Twin Falls, ID 83301-3082

Christopher J. King
Box 54
940 S. Hwy. 77
Albion, ID 83311-0054

Earl Warthen
1047 S. Hwy. 77
Albion, ID 83311

H. Lee Jolley
Box 21
Albion, ID 83311-0021

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

James Wahlgren
Box 73
Albion, ID 83311-0073

Kevin Smyer
Box 482
Albion, ID 83311-0482

Norman L. Smyer
76 S. Hwy 77
Declo, ID 83323

**PARSONS, SMITH, STONE, LOVELAND
& SHIRLEY, LLP**



William A. Parsons
Attorneys for Applicant
137 West 13th Street
Box 910
Burley, ID 83318

PARSONS, SMITH, STONE, LOVELAND & SHIRLEY, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P.O. Box 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

LANCE A. LOVELAND

DAVID F. SHIRLEY

JASON R. NAESS

SCOTT B. LINDSTROM

TELEPHONE
(208) 878-8382

FAX NO.
(208) 878-0146

February 11, 2016

RECEIVED

FEB 16 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Idaho Department of Water Resources
650 Addison Ave. W., Suite 500
Twin Falls, ID 83301-5858

**RE: Albion 12 Investments – Transfer No. 79943
Our File No. 13744.150010**

Gentlemen:

Enclosed, for your information, is the Notice to Vacate Hearing in the above-entitled matter.

Thank you for your courtesies. Should you have any questions please contact me.

Very truly yours,

**PARSONS, SMITH, STONE, LOVELAND
& SHIRLEY, LLP**

Mailed without signature to avoid delay

William A. Parsons

WAP/sw
Enc.