



The District Court entered its *Memorandum Decision and Order on Petition for Judicial Review* on May 20, 2010 and its *Memorandum Decision and Order on Petitions for Rehearing* on November 2, 2010. See *A&B Irr. Dist. v. IDWR et al.* (Minidoka County Dist. Ct., Fifth Jud. Dist. Case No. 2009-000647). Thereafter, A&B, IDWR, IGWA, and Pocatello all filed notices of appeal to the Idaho Supreme Court (appeals consolidated under Docket No. 38382-2010).<sup>1</sup> In addition, the District Court entered its *Order Granting Motion to Enforce in Part and Denying Motion to Enforce in Part* on February 14, 2011. In response, the Interim Director issued his *Final Order on Remand Regarding the A&B Irrigation District Delivery* (“*Remand Order*”) on April 27, 2011.

Rather than continue with additional proceedings and judicial review of the Director’s *Remand Order*, in the interests of administrative and judicial economy, the parties hereby stipulate to stay all further administrative proceedings until the Idaho Supreme Court issues a decision in the consolidated appeals (Docket No. 38382-2010). Once a final decision is issued by the Court, the parties will request a status conference with IDWR to resume this proceeding, if necessary (i.e. if decision is not mooted by Supreme Court’s review). The parties agree that all rights to further administrative and judicial review proceedings are reserved and that the stay will not affect those rights, including seeking reconsideration and judicial review of the *Remand Order*.

DATED this 11<sup>th</sup> day of May, 2011.

BARKER ROSHOLT & SIMPSON LLP

  
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Travis L. Thompson

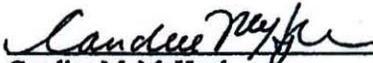
*Attorneys for A & B Irrigation District*

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<sup>1</sup> IDWR subsequently withdrew its appeal.

DATED this 10<sup>th</sup> day of May, 2011.

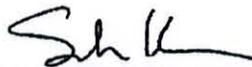
RACINE OLSON NYE BUDGE & BAILEY

  
Candice M. McHugh

*Attorneys for IGWA*

DATED this 10<sup>th</sup> day of May, 2011.

WHITE & JANKOWSKI LLP

  
Sarah Klahn

*Attorneys for City of Pocatello*

DATED this 17<sup>th</sup> day of May, 2011.

RIGBY ANDRUS & RIGBY

  
Jerry K. Rigby

*Attorneys for Fremont-Madison Irr. Dist. et al.*

**CERTIFICATE OF MAILING**

I hereby certify that on this 11<sup>th</sup> day of May, 2011, the above and foregoing, was sent to the following by U.S. Mail proper postage prepaid and by email for those with listed email addresses:

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 Travis L. Thompson

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF THE PETITION FOR  
DELIVERY CALL OF A&B IRRIGATION  
DISTRICT FOR THE DELIVERY OF GROUND  
WATER AND FOR THE CREATION OF A  
GROUND WATER MANAGEMENT AREA

Docket No. CM-DC-2011-001

**ORDER GRANTING STIPULATED  
MOTION**

**ORDER STAYING FURTHER  
PROCEEDINGS**

The Interim Director issued a *Final Order on Remand* in the above-captioned proceeding on April 27, 2011. On May 11, 2011, A&B Irrigation District, the Idaho Ground Water Appropriators, Inc., the City of Pocatello, and Fremont-Irrigation District et al. filed a *Stipulated Motion and Proposed Order to Stay Proceedings on Remand* (“*Motion*”) seeking a stay of further proceedings before the Department until the Idaho Supreme Court issues a decision in the consolidated appeal (Docket No. 38382-2010).

Upon review of the record herein and good cause appearing therefor, the *Motion* is granted and further proceedings are stayed until further notice of the parties as provided in the *Stipulated Motion*.

SO ORDERED.

DATED this \_\_\_\_\_ day of May, 2011.

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GARY SPACKMAN  
INTERIM DIRECTOR