

John K. Simpson, ISB #4242
 Travis L. Thompson, ISB #6168
 Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
 195 River Vista Place, Suite 204
 Twin Falls, Idaho 83301-3029
 Telephone: (208) 733-0700
 Facsimile: (208) 735-2444

Attorneys for A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company

W. Kent Fletcher, ISB #2248
FLETCHER LAW OFFICE
 P.O. Box 248
 Burley, Idaho 83318
 Telephone: (208) 678-3250
 Facsimile: (208) 878-2548

Attorneys for American Falls Reservoir District #2 and Minidoka Irrigation District

**BEFORE THE DEPARTMENT OF WATER RESOURCES
 OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF)
 WATER TO VARIOUS WATER RIGHTS)
 HELD BY OR FOR THE BENEFIT OF)
 A&B IRRIGATION DISTRICT,)
 AMERICAN FALLS RESERVOIR)
 DISTRICT #2, BURLEY IRRIGATION)
 DISTRICT, MILNER IRRIGATION)
 DISTRICT, MINIDOKA IRRIGATION)
 DISTRICT, NORTH SIDE CANAL)
 COMPANY, AND TWIN FALLS)
 CANAL COMPANY)
 _____)

Docket No. CM-DC-2010-001

**STIPULATION AND JOINT MOTION
 FOR ORDER APPROVING
 STIPULATION AND DISMISSING
 PETITIONS WITHOUT PREJUDICE**

COME NOW, A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company (collectively the “Surface Water Coalition” or “Coalition”), Southwest Irrigation District and Goose Creek Irrigation District (“SWID/GCID”), the Idaho Ground Water Appropriators, Inc., and the City of Pocatello, by and through counsel of record, and stipulate and jointly move as follows:

BACKGROUND

1. The Director issued the *Final Order Establishing Reasonable Carryover (Methodology Step 9)* on November 27, 2013 and the *Final Order Establishing Reasonable Carryover (Methodology Step 10)* on December 16, 2013. The Coalition disputes the Director's proportionate reduction (10%) of the identified mitigation obligation related to junior groundwater use within the Southwest and Goose Creek Irrigation Districts. The Coalition filed requests for hearing on these orders, which were granted by the Director. *See Orders Granting Request for Hearing (Methodology Steps 9 / 10)* (January 2 & 21, 2014).

2. The Director held pre-hearing conferences concerning the Coalition's petitions and the parties have participated in various teleconferences with IDWR. The Director then scheduled a hearing for September 22-24, 2014.

3. The Director's methodology for conjunctive administration is presently on appeal and is pending before the District Court (Gooding County Dist. Ct., Fifth Jud. Dist., Consolidated Case No. CV-2010-382). In addition, the Director recently issued the *Order Releasing IGWA from 2013 Reasonable Carryover Shortfall Obligation* (August 6, 2014).

STIPULATION

1. The Coalition agrees to dismiss its previously filed petitions requesting hearing on the *Step 9 / 10 Orders* without prejudice.

2. The parties reserve all rights to challenge the Director's calculations and the proportionate reduction assigned to SWID/GCID (10%) in the 2013 *Step 9/10 Orders* referenced above, including any application in future orders.

4. The parties agree to discuss with IDWR, informally and in good faith, a process and/or method to identify how individual ground water use, injury, obligations, and mitigation

plans are considered compared to those of other junior ground water users. The parties will seek to try and find an acceptable process and calculation method that can be implemented in future orders.

5. The parties will submit a proposed order for the Director to approve with the terms identified above.

MOTION

The parties move the Director for an order approving the above stipulation and dismissing the Coalition's petitions requesting hearing without prejudice. No oral argument is requested.

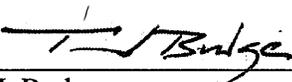
DATED this 4th day of September, 2014.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson
*Attorneys for A&B Irrigation District,
Burley Irrigation District, Milner Irrigation
District, North Side Canal Company, and
Twin Falls Canal Company*

RACINE OLSEN



T.J. Budge
Attorneys for IGWA

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

William Parsons
Attorneys for SWID and GCID

FLETCHER LAW OFFICE



W. Kent Fletcher
*Attorneys for Minidoka Irrigation
District and American Falls
Reservoir District #2*

WHITE & JANKOWSKI LLP

Sarah Klahn
Attorneys for City of Pocatello

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DATED this ____ day of September, 2014.

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DATED this ____ day of September, 2014.

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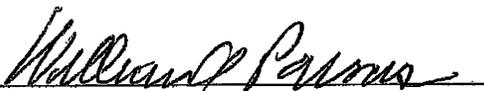
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& SHIRLEY LLP**



William Parsons
Attorneys for SWID and GCID

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of September, 2014, I served a true and correct copy of the foregoing *Stipulation and Joint Motion for Order Approving Stipulation and Dismissing Petitions Without Prejudice* on the following by the method indicated:

<p>Director Gary Spackman c/o Deborah Gibson State of Idaho Dept of Water Resources 322 E Front St Boise, ID 83720-0098 *** service by electronic mail</p> <p>facsimile – 208-287-6700 gary.spackman@idwr.idaho.gov deborah.gibson@idwr.idaho.gov</p>	<p>Matt Howard U.S. Bureau of Reclamation 1150 N. Curtis Rd. Boise, ID 83706-1234</p> <p>*** service by electronic mail only</p> <p>mhoward@pn.usbr.gov emcgarry@pn.usbr.gov</p>	<p>IDWR – Eastern Region 900 N. Skyline Dr., Suite A Idaho Falls, ID 83402-1718</p> <p>*** service by electronic mail only lyle.swank@idwr.idaho.gov</p>
<p>Randy Budge T.J. Budge Racine Olson P.O. Box 1391 Pocatello, ID 83204-1391 *** service by electronic mail only</p> <p>rcb@racinelaw.net tjb@racinelaw.net</p>	<p>Sarah A. Klahn Mitra Pemberton White & Jankowski, LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 *** service by electronic mail only facsimile – 303-825-5632 sarahk@white-jankowski.com mitrap@white-jankowski.com</p>	<p>David Gehlert ENRD – DOJ 999 18th St. South Terrace, Suite 370 Denver, CO 80202 *** service by electronic mail only</p> <p>david.gehlert@usdoj.gov</p>
<p>A. Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83201 *** service by electronic mail only</p> <p>facsimile – 208-234-6297 dtranmer@pocatello.us</p>	<p>William A. Parsons Parsons, Smith & Stone LLP P.O. Box 910 Burley, ID 83318</p> <p>*** service by electronic mail only</p> <p>wparsons@pmt.org</p>	<p>IDWR – Southern Region 1341 Fillmore St., Suite 200 Twin Falls, ID 83301-3380</p> <p>*** service by electronic mail only allen.merritt@idwr.idaho.gov cindy.yenter@idwr.idaho.gov</p>
<p>Michael C Creamer Jeffrey C. Fereday Givens Pursley 601 W Bannock St Ste 200 P.O. Box 2720 Boise, ID 83701-2720 *** service by electronic mail only mcc@givenspursley.com jcf@givenspursley.com</p>	<p>Kathleen Carr US Dept Interior, Office of Solicitor Pacific Northwest Region, Boise 960 Broadway Ste 400 Boise, ID 83706 *** service by electronic mail only facsimile – 208-334-1918</p> <p>kathleenmarion.carr@sol.doi.gov</p>	



Travis L. Thompson

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OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF)
WATER TO VARIOUS WATER RIGHTS)
HELD BY OR FOR THE BENEFIT OF)
A&B IRRIGATION DISTRICT,)
AMERICAN FALLS RESERVOIR)
DISTRICT #2, BURLEY IRRIGATION)
DISTRICT, MILNER IRRIGATION)
DISTRICT, MINIDOKA IRRIGATION)
DISTRICT, NORTH SIDE CANAL)
COMPANY, AND TWIN FALLS)
CANAL COMPANY)
_____)

Docket No. CM-DC-2010-001

**ORDER APPROVING
STIPULATION AND GRANTING
JOINT MOTION TO DISMISS
PETITIONS WITHOUT PREJUDICE**

(Methodology Steps 9 / 10)

BACKGROUND

1. The Director issued the *Final Order Establishing Reasonable Carryover (Methodology Step 9)* on November 27, 2013 and the *Final Order Establishing Reasonable Carryover (Methodology Step 10)* on December 16, 2013. The Coalition disputes the Director's proportionate reduction (10%) of the identified mitigation obligation related to junior groundwater use within the Southwest and Goose Creek Irrigation Districts (SWID / GCID). The Coalition filed requests for hearing on these orders, which were granted by the Director. *See Orders Granting Request for Hearing (Methodology Steps 9 / 10)* (January 2 & 21, 2014).

2. The Director held pre-hearing conferences concerning the Coalition's petitions and the parties have participated in various teleconferences with IDWR. The Director then scheduled a hearing for September 22-24, 2014.

3. The Director's methodology for conjunctive administration is presently on appeal and is pending before the District Court (Gooding County Dist. Ct., Fifth Jud. Dist., Consolidated Case No. CV-2010-382). In addition, the Director recently issued the *Order Releasing IGWA from 2013 Reasonable Carryover Shortfall Obligation* (August 6, 2014).

4. On September ___, 2014, the Coalition, Idaho Ground Water Appropriators, Inc., and the City of Pocatello filed a *Stipulation and Joint Motion for Order Approving Stipulation and Dismissing Petitions Without Prejudice*.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED as follows:

The Director APPROVES the stipulation filed by the parties. The Director agrees that IDWR will participate with the parties, informally and in good faith, to discuss a process and/or method to identify how individual ground water use, injury, obligations, and mitigation plans are considered compared to those of other junior ground water users. IDWR and the parties will seek to try and find an acceptable process and calculation method that can be implemented in future orders.

The Director GRANTS the joint motion to dismiss the Coalition's petitions without prejudice. The Director finds that the parties reserve all rights to challenge the Director's calculations and the proportionate reduction assigned to SWID/GCID (10%) in the 2013 *Step 9/10 Orders* referenced above, including any application in future orders.

Dated this _____ day of September, 2014.

GARY SPACKMAN

Director