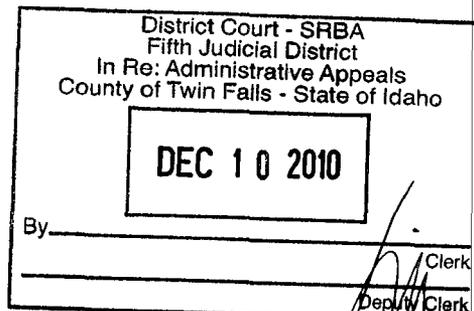


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Attorneys for Respondents



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

IDAHO GROUND WATER)
APPROPRIATORS, INC.,)

Petitioners,)

vs.)

CITY OF POCATELLO,)

Petitioner,)

vs.)

TWIN FALLS CANAL COMPANY, NORTH)
SIDE CANAL COMPANY, A&B IRRIGATION)
DISTRICT, AMERICAN FALLS RESERVOIR)
DISTRICT #2, BURLEY IRRIGATION)
DISTRICT, MILNER IRRIGATION DISTRICT,)
and MINIDOKA IRRIGATION DISTRICT,)

Petitioners,)

Case No. CV-2010-382

(consolidated Gooding County
Cases CV-2010-382, CV-2010-383,
CV-2010-384, CV-2010-387,
CV-2010-388, and Twin Falls
County Case CV-2010-3403)

MOTION FOR STAY

MOTION FOR STAY

vs.

GARY SPACKMAN, in his capacity as Interim Director of the Idaho Department of Water Resources, and THE IDAHO DEPARTMENT OF WATER RESOURCES,

Respondents.

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

COME NOW, Respondents Gary Spackman and the Idaho Department of Water Resources ("IDWR") and hereby move this Court for an order staying the appeal related to Consolidated Case No. CV-2010-382 ("Consolidated 382") which includes IDWR's Methodology Order and subsequent orders that apply the methodology in 2010.¹ As indicated by their signatures below, the motion is supported by counsel for the City of Pocatello, the Ground Water Users, and the Surface Water Coalition.

On September 9, 2010, the Honorable John M. Melanson issued his *Amended Order on Petitions for Rehearing; Order Denying Surface Water Coalition's Motion for Clarification* in

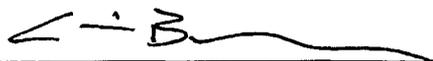
¹ Case No. 2010-5520 involves the Surface Water Coalition's petition for judicial review of the Interim Director's "Step 7 Order", issued on September 17, 2010. The Interim Director also recently issued a final "Step 9 Order" on November 30, 2010, which the Surface Water Coalition intends to appeal as well. The parties agree that all cases involving application of the Director's "Methodology Order" should be consolidated and stayed. The parties intend to file the appropriate motions for consolidation and stay in these related cases so that all matters may be joined together in Consolidated 382.

A&B Irr. Dist. et al. v. IDWR et al., Gooding County District Court Case No. 2008-000551. Judge Melanson issued a *Judgment Nunc Pro Tunc* in that case on November 30, 2010. Notices of appeal have been filed by IDWR, the City of Pocatello, the Ground Water Users, and the Surface Water Coalition, Case No. 38193-2010 ("SWC Supreme Court Appeal").

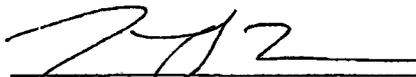
The issues on appeal in Consolidated 382 relate to the issues raised in the SWC Supreme Court Appeal. Resolution of issues in the SWC Supreme Court Appeal may moot certain issues in the appeal pending in Consolidated 382. In addition, proceeding with the appeal in Consolidated 382 may result in inconsistent determinations by appellate courts on related issues in the context of the SWC Delivery Call. For purposes of judicial economy, IDWR and the parties to these proceedings request that this Court stay all proceedings in the above-captioned matters until a decision has been entered by the Idaho Supreme Court in the SWC Supreme Court Appeal. Within 30 days of a decision in the SWC Supreme Court Appeal, the parties will contact this Court regarding a status and scheduling conference to resolve any remaining matters in Consolidated 382.

IDWR and the parties to these proceedings further agree that, in the interim, administration of hydraulically connected ground water and surface water rights shall continue as set forth in the Methodology Order.

DATED this 10th day of December, 2010.


CHRIS M. BROMLEY
Deputy Attorney General
Idaho Department of Water Resources

DATED this 27 day of December, 2010.



TRAVIS L. THOMPSON
Attorney for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District, North
Side Canal Company and Twin Falls Canal
Company

DATED this _____ day of December, 2010.

C. THOMAS ARKOOSH
Attorney for American Falls Reservoir District #2

DATED this _____ day of December, 2010.

W. KENT FLETCHER
Attorney for Minidoka Irrigation District

DATED this _____ day of December, 2010.

SARAH A. KLAHN
Attorney for the City of Pocatello

DATED this _____ day of December, 2010.

CANDICE M. MCHUGH
Attorney for the Ground Water Users

MOTION FOR STAY

DATED this _____ day of December, 2010.

TRAVIS L. THOMPSON
Attorney for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District, North
Side Canal Company and Twin Falls Canal
Company

DATED this _____ day of December, 2010.

C. THOMAS ARKOOSH
Attorney for American Falls Reservoir District #2

DATED this _____ day of December, 2010.

W. KENT FLETCHER
Attorney for Minidoka Irrigation District

DATED this _____ day of December, 2010.

SARAH A. KLAHN
Attorney for the City of Pocatello

DATED this 8 day of December, 2010.



CANDICE M. MCHUGH
Attorney for the Ground Water Users

MOTION FOR STAY

DATED this _____ day of December, 2010.

TRAVIS L. THOMPSON
Attorney for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District, North
Side Canal Company and Twin Falls Canal
Company

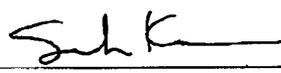
DATED this _____ day of December, 2010.

C. THOMAS ARKOOSH
Attorney for American Falls Reservoir District #2

DATED this _____ day of December, 2010.

W. KENT FLETCHER
Attorney for Minidoka Irrigation District

DATED this 9th day of December, 2010.



SARAH A. KLAHN
Attorney for the City of Pocatello

DATED this _____ day of December, 2010.

CANDICE M. MCHUGH
Attorney for the Ground Water Users

DATED this ____ day of December, 2010.

TRAVIS L. THOMPSON
Attorney for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District, North
Side Canal Company and Twin Falls Canal
Company

DATED this ____ day of December, 2010.

C. THOMAS ARKOOSH
Attorney for American Falls Reservoir District #2

DATED this 10 day of December, 2010.

W. KENT FLETCHER
Attorney for Minidoka Irrigation District

DATED this ____ day of December, 2010.

SARAH A. KLAHN
Attorney for the City of Pocatello

DATED this ____ day of December, 2010.

CANDICE M. MCHUGH
Attorney for the Ground Water Users

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of December, 2010, I caused a true and correct copy of the foregoing **MOTION FOR STAY** to be filed with the Court and served on the following parties by the indicated methods:

<p><i>Original to:</i> SRBA Court 253 3rd Ave. North P.O. Box 2707 Twin Falls, ID 83303-2707 Facsimile: (208) 736-2121</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Facsimile
<p>John A. Rosholt John K. Simpson Travis L. Thompson Paul L. Arrington BARKER ROSHOLT & SIMPSON, LLP P.O. Box 485 Twin Falls, ID 83303 jks@idahowaters.com tlt@idahowaters.com pla@idahowaters.com</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
<p>C. Thomas Arkoosh CAPITOL LAW GROUP, PLLC P.O. Box 32 Gooding, ID 83330 tarkoosh@capitollawgroup.net</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
<p>W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318 wkf@pmt.org</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email

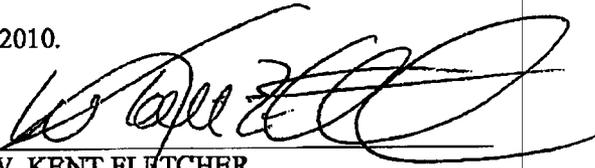
DATED this ____ day of December, 2010.

TRAVIS L. THOMPSON
Attorney for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District, North
Side Canal Company and Twin Falls Canal
Company

DATED this ____ day of December, 2010.

C. THOMAS ARKOOSH
Attorney for American Falls Reservoir District #2

DATED this 10 day of December, 2010.


W. KENT FLETCHER
Attorney for Minidoka Irrigation District

DATED this ____ day of December, 2010.

SARAH A. KLAHN
Attorney for the City of Pocatello

DATED this ____ day of December, 2010.

CANDICE M. MCHUGH
Attorney for the Ground Water Users

<p>Randall C. Budge Candice M. McHugh Thomas J. Budge RACINE OLSON P.O. Box 1391 Pocatello, ID 83204-1391 <u>rcb@racinelaw.net</u> <u>cmm@racinelaw.net</u> <u>tjb@racinelaw.net</u></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
<p>A. Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83201 <u>dtranmer@pocatello.us</u></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
<p>Sarah A. Klahn WHITE & JANKOWSKI LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 <u>sarahk@white-jankowski.com</u></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email



Chris M. Bromley
Deputy Attorneys General