

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

GARRICK L. BAXTER, ISB #6301
CHRIS M. BROMLEY, ISB #6530
Deputy Attorneys General
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Facsimile: (208) 287-6700
garrick.baxter@idwr.idaho.gov
chris.bromley@idwr.idaho.gov

Attorneys for the Respondent

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

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,)

Case No. CV-2012-2096

**STIPULATED MOTION
FOR STAY**

Petitioners,)

vs.)

GARY SPACKMAN, in his official capacity as)
Interim Director of the Idaho Department of)
Water Resources, and THE IDAHO DEPARTMENT)
OF WATER RESOURCES, THE IDAHO GROUND)
WATER APPROPRIATORS, INC., and THE)
CITY OF POCA TELLO,)

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)
 _____)

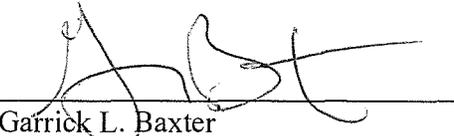
COME NOW, Respondents Gary Spackman and the Idaho Department of Water Resources (“IDWR”), the Petitioners (“Surface Water Coalition”), and the Intervenors (“Ground Water Users”) and the City of Pocatello, and hereby move this Court for an order staying the appeal in the above captioned matter. As a condition of this Stipulated Motion for Stay, the Department has agreed to an informal meeting with the parties whereby the Department will explain the steps the Department took in preparing the April 2012 Forecast Supply Order.

In light of the agreement and for purposes of judicial economy, IDWR and the other parties to this proceeding request that this Court stay all proceedings in the above captioned matter, including staying the current schedule on the request set forth in the Court’s *Notice of Hearing and Briefing Schedule on Petitioners’ Request for Leave to Discover and Present Additional Evidence and Request for Expedited Hearing* (June 8, 2012). The parties reserve all rights with respect to this case and pending requests, and nothing in this motion or the terms of the stay shall be used against any party in any future proceedings.

The parties request that this matter remain stayed until a decision has been issued by the Idaho Supreme Court in the SWC Supreme Court Appeal, Case No. 38193-2010. Within 30

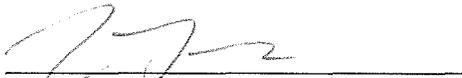
days of a decision in the SWC Supreme Court Appeal, the parties will contact this Court regarding a status and scheduling conference.

DATED this 14 day of June, 2012.



Garrick L. Baxter
Deputy Attorney General
Idaho Dept. of Water Resources

DATED this 14th day of June, 2012.



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 1st day of June, 2012.



C. Thomas Arkoosh
Attorney for American Falls Reservoir District #2

DATED this 4th day of June, 2012.



W. Kent Fletcher
Attorney for Minidoka Irrigation District

DATED this ___ day of June, 2012.

Sarah A. Klahn
Attorney for the City of Pocatello

days of a decision in the SWC Supreme Court Appeal, the parties will contact this Court regarding a status and scheduling conference.

DATED this ___ day of June, 2012.

Garrick L. Baxter
Deputy Attorney General
Idaho Dept. of Water Resources

DATED this ___ day of June, 2012.

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 June, 2012.

C. Thomas Arkoosh
Attorney for American Falls Reservoir District #2

DATED this ___ day of June, 2012.

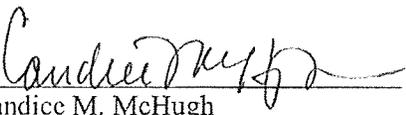
W. Kent Fletcher
Attorney for Minidoka Irrigation District

DATED this 14th day of June, 2012.



Sarah A. Klahn
Attorney for the City of Pocatello

DATED this 14th day of June, 2012.

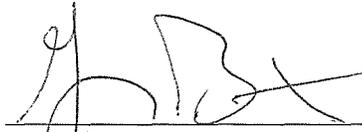

Candice M. McHugh
Attorney for the Ground Water Users

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14TH day of June, 2012, I caused a true and correct copy of the foregoing **STIPULATED 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> | <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 <input type="checkbox"/> Email</p> |
| <p>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> | <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> |
| <p>C. Thomas Arkoosh CAPITOL LAW GROUP, PLLC P.O. Box 32 Gooding, ID 83330 tarkoosh@capitolawgroup.net</p> | <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> |
| <p>W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318 wkf@pmt.org</p> | <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> |

| | |
|--|---|
| <p>Randall C. Budge Candice M. McHugh Thomas J. Budge RACINE OLSON P.O. Box 1391 Pocatello, ID 83204-1391 rcb@racinelaw.net cmm@racinelaw.net tjb@racinelaw.net</p> | <ul style="list-style-type: none"> <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 sarahk@white-jankowski.com</p> | <ul style="list-style-type: none"> <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 |



Garrick L. Baxter
Deputy Attorney General