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

IN THE MATTER OF DISTRIBUTION OF)	
WATER TO VARIOUS WATER RIGHTS)	Docket No. CM-DC-2010-001
HELD BY OR FOR THE BENEFIT OF A&B)	Docket No. CM-MP-2009-07
IRRIGATION DISTRICT, AMERICAN FALLS)	
RESERVOIR DISTRICT #2, BURLEY)	SURFACE WATER COALITION
IRRIGATION DISTRICT, MILNER)	AND IGWA STIPULATION AND
IRRIGATION DISTRICT, MINIDOKA)	JOINT MOTION REGARDING
IRRIGATION DISTRICT, NORTH SIDE)	APRIL AS APPLIED ORDER AND
CANAL COMPANY, AND TWIN FALLS)	THIRD METHODOLOGY ORDER
CANAL COMPANY)	
_____)	
)	
IN THE MATTER OF IGWA'S MITIGATION)	
PLAN IN RESPONSE TO THE SURFACE)	
WATER COALITION'S DELIVERY CALL)	
_____)	

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 hereafter referred to as the “Surface Water Coalition”, “Coalition”, or “SWC”), by and through counsel of record, and the Idaho Ground Water Appropriators, Inc. (“IGWA”), by and through counsel of record, and hereby stipulate and move the Director for an order withdrawing the *Final Order Regarding April 2015 Forecast Supply (Methodology Steps 1 – 3)* (“April As Applied Order”) and the *Third Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* (“Third Methodology Order”). The bases for the stipulation and joint motion are set forth below.

STIPULATION

1. Members and counsel for the Coalition and IGWA participated in several settlement meetings between April 23, 2015 and May 7, 2015. The State of Idaho and Idaho Department of Water Resources (IDWR) participated as well. The parties agreed upon a term sheet identifying certain mitigation measures for early 2015 as well as a process to reach a long-term agreement regarding future water use and administration by July 1, 2015.

2. In consideration of this stipulation and in satisfaction of IGWA’s April forecast mitigation obligations, IGWA, on behalf of its member districts will acquire a minimum of 110,000 acre feet (AF) of storage water for delivery as directed by the Coalition as follows:

2.1 75,000 AF of private leased storage water on the date of allocation of Water District 01 storage accounts.

2.2 15,000 AF of private leased storage water within 21 days of the date of allocation of Water District 01 storage accounts.

2.3 IGWA shall pay Twin Falls Canal Company the amount required by Water District 01 to apply for rental of 20,000 AF of common pool water from the Water District 01 Rental Pool, to be delivered within 21 days of the date of allocation of Water District 01 storage accounts.

3. In addition to the foregoing, IGWA shall use the amount of funds identified in the term sheet to secure as much additional water as possible to be dedicated to on-going conversion projects, the cost of which shall be paid by IGWA and/or the converting members.

4. As part of the term sheet the Parties stipulated to have the Director withdraw the April As-Applied Order and the Third Methodology Order, pursuant to IDWR Rule of Procedure 760 (37.01.01), to allow the Parties an opportunity to reach a long term agreement by July 1, 2015.

5. The Parties agree to report back to the Director by Friday July 3, 2015 as to the status of the continued settlement process and whether the framework and details of a long term agreement have been completed for presentation to the respective Parties for approval during the individual client July board meetings.

6. If the Parties are unsuccessful in reaching a long term agreement by July 1st, the Parties agree that the Director shall reissue the April As-Applied Order and the Third Methodology Order and resume implementation of the Third Methodology Order (Steps 4 – 9). If the Parties are successful in reaching a long term agreement by July 1st, but if any individual client board of the Parties to this stipulation does not approve the final long term agreement by August 1, 2015, the Parties agree that the Director shall reissue the April As-Applied Order and the Third Methodology Order and resume implementation of the Third Methodology Order (Step 9).

7. If the Director reissues the April As-Applied Order and the Amended Third Methodology Order parties are required to resubmit all previously filed pleadings, including petitions for reconsideration and requests for hearings. The parties reserve all rights and remedies with respect to the Director's April As-Applied Order, the Third Methodology Order, and any subsequent orders issued by the Director, including the right to respond to any filings¹ by any party, the right to request a hearing before IDWR, and the right to appeal any order to district court.

8. In the event that the Director reissues the April As-Applied Order and the Third Amended Methodology Order, all storage water supplied to the Coalition pursuant to Paragraph 2 above shall be credited against IGWA's mitigation obligation for 2015.

JOINT MOTION

Pursuant to Rules 260 and 760 of the IDWR's Rules of Procedure (37.01.01) the Parties move the Director for an order granting the following relief:

1. That the Director adopt the terms of the foregoing stipulation and withdraw the *Amended Order Shortening Time to File Responses to Filings* and in the order adopting the terms of the stipulation clarify the Coalition does not have to file responses to the noted filings by May 8, 2015. Any deadlines for such responses will be set after July 1, 2015.

2. That the Director withdraw the April-As Applied Order pursuant to the terms of the Stipulation.

3. That the Director withdraw the Third Methodology Order pursuant to the terms of the Stipulation.

¹ Pursuant to the Director's *Amended Order Shortening Time to File Responses to Filings* (May 4, 2015), the Coalition was required to file responses to filings by IGWA, the City of Pocatello, and the Coalition of Cities by today, May 8, 2015. Pursuant to this stipulation the Coalition is not obligated to file any responses at this time and reserves the right to respond in the future if necessary.

The Parties do not request oral argument on this motion and further request expedited consideration by the Director today. Finally, counsel for the Parties have contacted counsel for the City of Pocatello and the Coalition of Cities who have represented they do not oppose this joint motion.

DATED this 8th day of May, 2015.

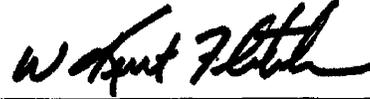
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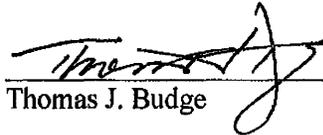
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Thomas J. Budge

Attorneys for Idaho Ground Water Appropriators, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 2015, I served a true and correct copy of the foregoing *Surface Water Coalition and IGWA Stipulation and Joint Motion Regarding April As Applied Order and Third Methodology Order* on the following by the method indicated:

<p>Director Gary Spackman c/o Deborah Gibson Garrick Baxter State of Idaho 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 garrick.baxter@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>rjb@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>	



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