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Attorneys for A&B Irrigation District

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

IN THE MATTER OF THE PETITION FOR)	CM-DC-2011-01
DELIVERY CALL OF A&B IRRIGATION)	
DISTRICT FOR THE DELIVERY OF)	STIPULATED MOTION AND
GROUND WATER AND FOR THE)	PROPOSED ORDER TO STAY
CREATION OF A GROUND WATER)	PROCEEDINGS ON REMAND
MANAGEMENT AREA)	
)	
)	
)	
)	

COMES NOW, A & B Irrigation District (“A&B”), the Idaho Ground Water Appropriators, Inc. (“IGWA”), the City of Pocatello (“Pocatello”), and Fremont-Madison Irrigation District et al. (“FMID”), by and through their respective attorneys of record, and hereby requests the Interim Director to stay further proceedings on the April 27, 2011 *Final Order* issued in the above-captioned matter. A proposed order is attached hereto.

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).¹ 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 11th day of May, 2011.

BARKER ROSHOLT & SIMPSON LLP



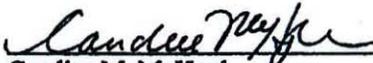
Travis L. Thompson

Attorneys for A & B Irrigation District

¹ IDWR subsequently withdrew its appeal.

DATED this 10th day of May, 2011.

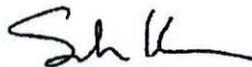
RACINE OLSON NYE BUDGE & BAILEY


Candice M. McHugh

Attorneys for IGWA

DATED this 10th day of May, 2011.

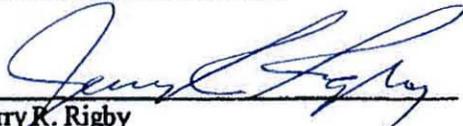
WHITE & JANKOWSKI LLP


Sarah Klahn

Attorneys for City of Pocatello

DATED this 17th 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 11th 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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- Hand Delivery
- Overnight Mail
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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.

GARY SPACKMAN
INTERIM DIRECTOR