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

AMERICAN FALLS RESERVOIR DISTRICT)
NO. 2, A & B IRRIGATION DISTRICT,)
BURLEY IRRIGATION DISTRICT,)
MINIDOKA IRRIGATION DISTRICT, and)
TWIN FALLS CANAL COMPANY,)

Plaintiffs-Respondents, and)

RANGEN, INC., CLEAR SPRINGS FOODS,)
INC., THOUSAND SPRINGS WATER USERS)
ASSOCIATION, and IDAHO POWER)
COMPANY,)

Intervenors-Respondents,)

v.)

THE IDAHO DEPARTMENT OF WATER)
RESOURCES and KARL J. DREHER, its)
Director,)

Defendants-Appellants, and)

IDAHO GROUND WATER APPROPRIATORS,)
INC.,)

Intervenors.)

Case No. CV-2005-600

**MOTION FOR STAY UNDER
IRCP 62(d) AND IDAHO
APPELLATE RULE 13(b)**

COME NOW DEFENDANTS, the IDAHO DEPARTMENT OF WATER RESOURCES (“IDWR” or “the Department”) and KARL J. DREHER, as Director of IDWR (“the Director”) and pursuant to Rule 62(d) of the Idaho Rules of Civil Procedure and Idaho Appellate Rule 13(b) hereby move this Court to stay the execution and enforcement of the Judgment Granting Partial Summary Judgment, entered in this action on June 30, 2006 (“Judgment”), until the Idaho Supreme Court resolves the Defendants’ appeal of the Judgment.

A stay pending appeal is appropriate in this case. The Defendants’ appeal involves difficult and pivotal questions of Idaho water law. The appellate resolution of these issues will have far-reaching effects. Under these circumstances, the Defendants need not show a high probability of success, and at most must only demonstrate that they have a substantial case and strong position on appeal. The Defendants will be irreparably harmed in the absence of a stay. A stay will preserve the relief provided to Plaintiffs and allow the Director to provide more relief, if necessary. Finally, and importantly, the public interest weighs heavily in favor of staying the Judgment until the appeal is decided. These grounds are discussed in the supporting memorandum, which was sent to the Court for filing today via U.S. Mail.¹

For the reasons set forth herein and in the accompanying memorandum, staying the Judgment during the pendency of the Defendants’ appeal is in the best interests of the parties, the water user community, and the public at large. The Defendants therefore request that the Court stay the Judgment pending the resolution of their appeal.

Pursuant to IRCP 62(e), no security is required of the Defendants in connection with this motion.

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¹ The supporting memorandum exceeds ten pages and thus under the Court’s rules it could not be filed via facsimile, unlike this motion. The Defendants sent copies of the supporting memorandum to counsel of record today via e-mail and U.S. Mail.

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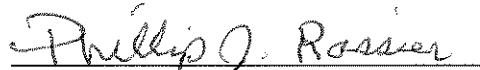
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DATED this 20th day of July 2006.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

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


PHILLIP J. RASSIER
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July 2006, I caused to be served a true and correct copy of the foregoing **MOTION FOR STAY UNDER IRCP 62(d) AND IDAHO APPELLATE RULE 13(b)** to the following parties by the indicated methods:

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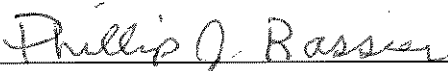
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