

DEC 21 2016

DEPARTMENT OF
WATER RESOURCES

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

IN THE MATTER OF SOUTHWEST AND)
GOOSE CREEK IRRIGATION DISTRICTS) Docket No.: CM-MP-2010-01
MITIGATION PLAN FOR THE SURFACE)
WATER COALITION DELIVERY CALL) **STIPULATION AND JOINT**
) **MOTION FOR APPROVAL OF**
) **INTERIM MITIGATION**
) **AGREEMENT FOR 2017**
)

COME NOW, the Applicants SOUTHWEST IRRIGATION DISTRICT and GOOSE
CREEK IRRIGATION DISTRICT (hereinafter collectively referred to as "Applicants") by
through their attorneys of record Parsons, Smith, Stone, Loveland and Shirley LLP, and the

Protestants, 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, (hereinafter "Surface Water Coalition," "Coalition," or "SWC"), by and through their attorneys of record, Barker Rosholt & Simpson, LLP and Fletcher Law Office, and hereby file this *Joint Motion for Approval of Interim Mitigation Agreement for 2017* pursuant to the provisions of Conjunctive Management Rule 43 and other applicable law.

BACKGROUND

The Surface Water Coalition has an outstanding water delivery call to protect senior surface water rights to the Snake River. The Applicants' members hold various ground water rights junior in priority to the Coalition's water rights. On June 15, 2010 the Applicants filed an *Amended Mitigation Plan* regarding the SWC's delivery call. IDWR published notice of the plan and the Coalition protested the plan on July 9, 2010. Since that time the Coalition and the Applicants have been working in good faith to resolve the protests and an acceptable interim mitigation agreement. The parties executed an *Interim Mitigation Agreement* for purposes of the SWC delivery call for the years 2013-2015. The parties then executed a first amendment to the agreement extending the term through 2016. The parties continue to work on a long term agreement and seek to extend approval of the *Interim Mitigation Agreement* for 2017 by this stipulation.

STIPULATION / JOINT MOTION FOR APPROVAL / STAY OF CONTESTED CASE

The Coalition and Applicants hereby stipulate to extend the agreement through December 31, 2017. The Coalition and the Applicants further jointly move the Director to approve the *Interim Mitigation Agreement* for a term of one year (2017). The agreement provides for certain

aquifer mitigation actions to be undertaken by the Applicants on an annual basis, including groundwater recharge, conversions, and voluntary curtailment. In exchange, the Coalition agrees that the Applicants' members' junior priority ground water rights shall not be subject to curtailment in response to the SWC's water delivery call or any order issued by IDWR during the term of the agreement. The Parties have also agreed to stay the pending contested case on the Applicants' mitigation plan and work toward a long-term permanent mitigation plan.

In the event no permanent mitigation plan or agreement is reached between the Parties, both the Applicants and SWC reserve all rights and retain their respective positions with respect to the protested mitigation plan. The Parties will keep IDWR informed as to future progress and whether a permanent plan or agreement has been reached prior to the expiration of the stipulated term (end December 31, 2017). No hearing is requested on this motion, however, the Parties will appear and provide any further information to the Director if needed. The Parties respectfully request the Director to expedite consideration and approval of this motion.

REQUESTS FOR RELIEF

1. The Parties request the Director to approve the *Interim Mitigation Agreement* as the Applicants' mitigation for 2017.
2. The Parties request the Director to stay the contested case on the Applicants' amended mitigation plan until December 31, 2017, or until otherwise notified in writing by the Parties.
3. The Parties request the Director recognize that members' junior priority ground water rights within the Applicants' boundaries are not subject to curtailment or any further mitigation requirements in response to the SWC delivery call during the term of the *Interim Mitigation Agreement*.

4. The Parties request the Director to expedite approval of this joint motion.

DATED this 21st day of December, 2016.

BARKER ROSHOLT & SIMPSON LLP

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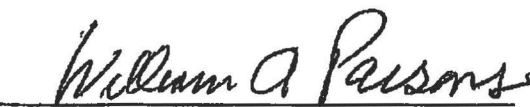


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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December, 2016, I served a true and correct copy of the foregoing **STIPULATION AND JOINT MOTION FOR APPROVAL OF INTERIM MITIGATION AGREEMENT FOR 2017** by email and by depositing same in the United States mail, postage prepaid, addressed to the following:

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