

MAR 02 2018

DEPARTMENT OF WATER RESOURCES

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

IN THE MATTER OF THE PETITION
REGARDING STORAGE RESET IN
WATER DISTRICT 01 FILED BY MILNER
IRRIGATION DISTRICT

Docket No. P-WRA-2017-002

**STIPULATED MOTION TO EXTEND
STAY AND VACATE HEARING DATE**

COME NOW, all parties to this proceeding, by and through their respective counsel of record, pursuant to the Department’s Rules of Procedure (IDAPA 37.01.01 *et seq.*), and hereby move the Director to extend the stay ordered on February 8, 2018 and vacate the hearing date in this matter. The bases for the stipulated motion are set forth below.

Various parties have filed opening briefs and responses addressing the Director's legal question posed in the *Order re: Statements of Issues and Responses; Order Adopting Deadlines; Amended Notice of Status Conference* ("Order") dated January 3, 2018. Pursuant to the *Order* and the subsequent ordered stay, the Director is expected to issue a decision by Friday March 16, 2018 ("The contested case is stayed until March 16, 2018").

The parties have agreed to request an additional fourteen (14) day stay in this matter, from the date of March 16, 2018, to continue recent settlement discussions that have the potential to resolve this matter without further litigation. As part of that stay, the parties would request the Director to delay issuing the decision on the outstanding briefing referenced above to allow the parties an opportunity to further that settlement dialogue. The continued stay would also allow for several parties to consider settlement options at their various board or council meetings that will be held on or before March 15, 2018. The parties have engaged in good faith negotiations and expect to update the Director on the progress of a potential settlement at the status conference scheduled for March 20, 2018.

Given the continued settlement efforts over the past month the parties have avoided spending time and resources on litigation and would further request the Director to vacate the hearing scheduled to begin on April 17, 2018. If the settlement discussions are unsuccessful in the next few weeks the parties are not in a position to proceed to hearing as presently scheduled. Further, if the parties cannot reach a resolution they would expect to discuss and set a new schedule and hearing date at the March 20th status conference.

Counsel for the parties have represented to the undersigned counsel that they stipulate to this request and jointly move the Director for an order granting the same.

DATED this 2nd day of March, 2018.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

*Attorneys for A&B Irrigation District,
Burley Irrigation District, Milner Irrigation,
North Side Canal Company, and Twin Falls
Canal Company*

FLETCHER LAW OFFICE



for

W. Kent Fletcher

*Attorneys for Minidoka Irrigation
District and American Falls
Reservoir District #2*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of March, 2018, I caused to be served a true and correct copy of the foregoing **STIPULATED MOTION TO EXTEND STAY AND VACATE HEARING DATE** by email and U.S. mail to IDWR, and by electronic mail to the parties:

<p>Director Gary Spackman c/o Kimi White IDWR 322 E Front St Boise, ID 83720-0098 *** service by U.S. Mail and electronic mail gary.spackman@idwr.idaho.gov kimi.white@idwr.idaho.gov garrick.baxter@idwr.idaho.gov</p>	<p>Sarah A. Klahn White & Jankowski, LLP 511 Sixteenth Street, Suite 500 Denver, Colorado 80202 sarahk@white-jankowski.com</p>	<p>William Bacon Shoshone-Bannock Tribes P.O. Box 306 Fort Hall, Idaho 83203 bbacon@sbtribes.com</p>
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