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District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> SEP - 1 2017 </div>	
By _____	Clerk
_____	Deputy Clerk

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

**BLACK HAWK HOMEOWNERS
 ASSOCIATION, INC.** an Idaho nonprofit
 membership corporation; **IRON RIM RANCH
 HOME OWNERS ASSOCIATION, INC.**, an
 Idaho nonprofit membership corporation,

Petitioners,

v.

**THE IDAHO DEPARTMENT OF WATER
 RESOURCES,**

Respondent.

**IN THE MATTER OF APPLICATIONS FOR
 PERMIT NO. 25-14428**

In the name of Black Haw HOA and Iron Rim
 Ranch HOA.

Case No. CV-2017-1141

**STIPULATION TO
 STAY APPEAL AND REQUEST FOR
 STATUS CONFERENCE**

Petitioners, Black Hawk Homeowners Association, Inc. and Iron Rim Ranch Home
 Owners Association, Inc. (together, the "Associations"), by and through their counsel of record,
 Holden, Kidwell, Hahn & Crapo, P.L.L.C., hereby stipulate with below-signed counsel for
 Respondent, Idaho Department of Water Resources (the "Department") and below-signed counsel

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for Intervenor 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 (together, the "Coalition") to stay the above-entitled appeal and establish a status conference for this matter on October 24, 2017. Currently, oral argument is scheduled for September 19, 2017, at 3:00 p.m., and a response brief from the Associations is due on September 5, 2017.

As explained in the prior motion to continue the oral argument in this matter, the Associations became aware of the possibility to purchase a ground water right in late May 2017, and since that time, the water right owner and the Associations have negotiated the major provisions/terms of the purchase and sale of the water right. The water right owner and the Associations are in the process of negotiating the finer details of the purchase, including financing of the water right purchase by the Associations, transfer of the water right, lien holder release on the water right, timing of lien holder release, etc. The Associations simply need more time to finalize the transaction.

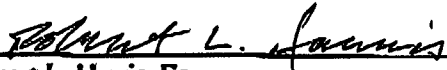
The Associations believe that such a purchase and transfer of the water right is almost certain to occur and will resolve the contested nature of this case. Additionally, the Associations have provided a draft stipulation to the Coalition for review and approval regarding withdrawal of this appeal, along with additional provisions for transferring the water right to the Associations' locations.

The Associations requested of the other parties a stay of the appeal to focus time and energy on the finalization of the purchase and sale documents, and rather than schedule a new hearing date, all prefer to simply set this matter for a status conference on October 24, 2017 at 1:30 p.m. to inform the court of the status of the water right purchase. The stay will preserve the

Associations' ability to finalize necessary details to consummate the water right purchase, which will lead to the ultimate resolution of this case. Because the Associations have not yet finalized the details of the water right purchase, the Associations are not inclined to withdraw the appeal at the present time in the event an unforeseen issue occurs with the purchase of the water right. However, a stay will allow the Associations to focus time and energy on resolution of this matter now and save time and resources of all parties to this proceeding—including the court—on any further briefing and preparation for oral argument.


The parties to this appeal are in agreement with this stipulation as evidenced by their signatures below, and all request that this court grant the stay and schedule this matter for a status conference on October 24, 2017 at 1:30 p.m.

Dated this 1st day of September, 2017.




 Robert L. Harris, Esq.
 HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
 Attorneys for the Associations

Dated this 1st day of September, 2017.




 Garrick Baxter, Esq.
 IDAHO ATTORNEY GENERAL'S OFFICE
 Attorneys for the Department

Dated this 1st day of September, 2017.



 Travis L. Thompson, Esq.
 BARKER ROSHOLT & SIMPSON LLP
 Attorneys for the Coalition

Dated this 1st day of September, 2017.


 _____ for
 W. Kent Fletcher, Esq.
 FLETCHER LAW OFFICE
 Attorneys for the Coalition

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September, 2017, I served a copy of the following described pleading or document on the attorneys and/or individuals listed below, by the method indicated, a true and correct copy thereof.

Document Served: STIPULATION TO STAY APPEAL AND REQUEST FOR STATUS CONFERENCE

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