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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)
) Consolidated Subcase No. 00-92023 (92-23)
)
) **STATE OF IDAHO'S AND IDAHO**
) **POWER COMPANY'S JOINT MOTION**
) **TO ENTER ORDER TEMPORARILY**
) **WITHHOLDING RULINGS ON**
) **PENDING SUMMARY JUDGMENT**
) **MOTIONS**
)

The State of Idaho and Idaho Power Company ("the Parties"), by and through their counsel of record, hereby move this Court for an order withholding rulings on the summary judgment motions currently pending before this Court for a period of ninety days. A proposed form of order is attached.

The State and Idaho Power Company have finalized a proposed settlement of this consolidated subcase and request that this Court withhold ruling on the pending summary judgment motions to allow time for review and implementation of the proposed settlement. The proposed settlement contemplates the passage of certain legislation and the execution of a memorandum of agreement by the Idaho Water Resource Board, the Governor and Idaho Power Company, to be followed by submission to this Court of the proposed forms of the partial decrees for the hydropower water rights at issue in this consolidated subcase and a dismissal stipulation. For purposes of the proposed settlement, the parties have agreed upon and finalized the form of the proposed legislation, the memorandum of agreement, the partial decrees and the dismissal stipulation.

The proposed settlement allows ninety (90) days for passage of the legislation, execution of the memorandum of agreement, and submission to this Court of the partial decrees. The State and Idaho Power would jointly support passage of the legislation, execution of the memorandum of agreement, and entry of the partial decrees. Should the legislation not be passed, the memorandum of agreement not be executed, or the proposed partial decrees not be entered, the State and Idaho Power would each have the option of unilaterally declaring the proposed settlement void.

The State and Idaho Power Company have provided copies of the proposed settlement (including the proposed legislation, memorandum of agreement, partial decrees and dismissal stipulation) to the other parties to this consolidated subcase. Exhibit A to this joint motion is a printed and bound copy of the proposed settlement, including all exhibits. Exhibit B to this motion is a CD with pdf files containing a scanned copy of the proposed settlement, including all exhibits.

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Respectfully submitted this 26TH day of March 2009.

STATE OF IDAHO

IDAHO POWER COMPANY



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of March 2009, I caused a true and correct copy of the foregoing STATE OF IDAHO'S AND IDAHO POWER COMPANY'S JOINT MOTION TO TEMPORARILY WITHHOLD RULINGS ON PENDING SUMMARY JUDGMENT MOTIONS to be served on the following parties by the indicated methods:

Clerk of the SRBA Court
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

- ☐ U.S. Mail
- ☒ Hand Delivery
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- ☒ Statehouse Mail

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- ☒ Not Applicable

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Attachments may be viewed in the repository
or legal file