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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Petitioner City of Boise

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PETITION FOR ORDER AUTHORIZING ADDITIONAL USE UNDER EXISTING PERMITS AND MORATORIUM ORDER FOR WATER RIGHTS 63-9138 & 63-9139 IN THE NAME OF THE CITY OF BOISE,	**UNOPPOSED MOTION FOR ACCEPTANCE OF FIRST AMENDMENT TO SECOND STIPULATED AGREEMENT FOR SETTLEMENT IN PART OF PETITION AND TO STAY FURTHER PROCEEDINGS**

COMES NOW Petitioner City of Boise ("City"), by and through its counsel of record, pursuant to Rule 612 of the Rules of Procedure of the Department (IDAPA 37.01.01.612), and hereby requests acceptance by the Department of a first amendment ("First Amendment") to the second stipulated agreement reached among each of the participants in this proceeding ("Parties"), for settlement in part of the City's Petition and to stay further proceedings in this matter ("Second Stipulated Agreement"). The City requests that the Department confirm its acceptance by issuance of a simple acceptance order or by authorized signature in the signature blank provided on the First Amendment document, attached as Exhibit A to this motion. Counsel for each of the other Parties have executed the First Amendment and do not oppose this motion.

The First Amendment is a simple administrative modification of the Second Stipulated Agreement, limited to: 1) updating the addresses for Notice to each Party and to the Department in Section III.1 of the Second Stipulated Agreement; and 2) adding a sentence in Section III.1 providing for further address updates to be completed by simple written notice from the Party initiating the update to the other Parties and the Department, so that further amendment of the Second Stipulated Agreement is not needed for further updates. Section 2 of the First Amendment provides that it shall be effective upon acceptance by the Department in the signature block provided in the First Amendment document or via order or other document issued by the Department. Exhibit A, attached hereto.

For the reasons stated above, the City requests that the Director consider and accept the First Amendment, via issuance of a simple acceptance order or by signature in the block provided for the Department in the attached Exhibit A.

DATED: February 25, 2014

PERKINS COIE LLP

By: Robert A. Maynard
Robert A. Maynard

Attorneys for Petitioner City of Boise

CERTIFICATE OF SERVICE

I, the undersigned, certify that on February 25, 2014, I caused a true and correct copy of the foregoing to be forwarded with all required charges prepaid, by the method(s) indicated below, in accordance with the Rules of Procedure, to the following person(s):

Idaho Department of Water Resources c/o Administrator, Water Resources 322 East Front Street PO Box 83720 Boise, Idaho 83720-0098	Hand Delivery U.S. Mail Facsimile: Overnight Mail	☐ ☒ ☐ ☐
Boise Warm Springs Water District c/o Bruce Smith Moore, Smith, Buxton & Turcke 950 West Bannock, Suite 520 Boise, Idaho 83702	Hand Delivery U.S. Mail Facsimile: Overnight Mail	☐ ☒ ☐ ☐
Edwards' Family LLC c/o Dana L. Hofstetter Hofstetter Law Office 608 West Franklin Street Boise, Idaho 83702	Hand Delivery U.S. Mail Facsimile: Overnight Mail	☐ ☒ ☐ ☐
State of Idaho, Department of Lands c/o Harriet Hensley Idaho Attorney General's Office 300 North 6th Street, Suite 103 PO Box 83720 Boise, Idaho 83720-0050	Hand Delivery U.S. Mail Facsimile: Overnight Mail	☐ ☒ ☐ ☐
The Terteling Company, Inc. c/o Charles L. Honsinger Ringert Clark Chartered PO Box 2773 Boise, Idaho 83701-2773	Hand Delivery U.S. Mail Facsimile: Overnight Mail	☐ ☒ ☐ ☐
State of Idaho, Department of Administration c/o Julie Weaver Idaho Attorney General's Office 954 West Jefferson Street Boise, Idaho 83720-0010	Hand Delivery U.S. Mail Facsimile: Overnight Mail	☐ ☒ ☐ ☐

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