

ORIGINAL

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FEB 26 2014

DEPARTMENT OF
WATER RESOURCES

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

**FIRST AMENDMENT TO SECOND
STIPULATED AGREEMENT FOR
SETTLEMENT IN PART OF
PETITION AND STAY OF FURTHER
PROCEEDINGS**

This First Amendment ("First Amendment") to the Second Stipulated Agreement For Settlement in Part of Petition and Stay of Further Proceedings (Second Agreement), which was accepted by in this proceeding by the Director ("Director") of the Idaho Department of Water Resources ("Department") in a January 18, 2011 Order, is entered into among the undersigned Parties through their duly authorized representatives, in consideration of the promises stated in this First Amendment. This First Amendment modifies the Second Agreement only as specifically stated and described in this Amendment.

1. Section III.1. of the Second Agreement is modified to read as follows:

Any notice required under this Agreement shall be mailed to the following:

Boise Warm Springs Water District
c/o Bruce Smith
Moore, Smith, Buxton & Turcke
950 W. Bannock, Ste. 520
Boise, ID 83702

City of Boise
City Engineer
Public Works Department
City Hall, 150 North Capitol Blvd.
P.O. Box 500
Boise, ID 83701-0500

Edwards Family LLC
c/o Dana Hofstetter
Hofstetter Law Office
608 W. Franklin Street
Boise, ID 83702

The Terteling Company, Inc.
c/o Charles L. Honsinger
Honsinger Law, PLLC
P.O. Box 517
Boise, ID 83701

**FIRST AMENDMENT TO SECOND STIPULATED AGREEMENT
FOR SETTLEMENT IN PART OF PETITION - 1**

31699-0002/LEGAL26211567.2

State of Idaho, Department of Administration
c/o Julie Weaver
Deputy Attorney General
Contracts & Administrative Law Div.
Office of the Attorney General
954 W. Jefferson St.
P.O. Box 83720
Boise, ID 83720-0010

State of Idaho, Department of Lands
c/o Harriet Hensley
Deputy Attorney General
Natural Resources Division
Office of the Attorney General
700 W. State St., 2nd Floor
P.O. Box 83720
Boise, ID 83720-0010

State of Idaho, Department of Water Resources
Chief, Water Allocation Bureau
P.O. Box 83720
Boise, ID 83720-0098

Any party may, from time to time, change its address for future notices hereunder by notice in writing mailed to each of other parties and the Department at the addresses above.

2. This First Amendment shall be effective upon acceptance by the Department in the signature block provided below or via order or other document issued by the Department.

3. This First Amendment may be executed in counterparts by the Parties and such counterparts, once executed, shall together constitute one final agreement binding the Parties to this First Amendment as if one document had been signed by all Parties.

Dated: February 21, 2014

PERKINS COIE LLP

By: Robert A. Maynard
Robert A. Maynard
Attorney for Petitioner City of Boise

Dated: _____

MOORE, SMITH BUXTON & TURCKE

By: _____
Bruce M. Smith
Attorney for Boise Warm Springs Water District

**FIRST AMENDMENT TO SECOND STIPULATED AGREEMENT
FOR SETTLEMENT IN PART OF PETITION - 2**

31699-0002/LEGAL26211567.2

State of Idaho, Department of Administration
c/o Julie Weaver
Deputy Attorney General
Contracts & Administrative Law Div.
Office of the Attorney General
954 W. Jefferson St.
P.O. Box 83720
Boise, ID 83720-0010

State of Idaho, Department of Lands
c/o Harriet Hensley
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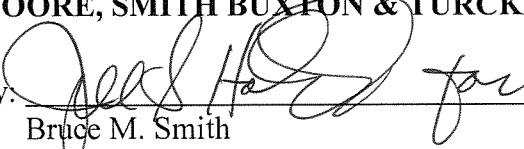
Dated: _____

PERKINS COIE LLP

By: _____
Robert A. Maynard
Attorney for Petitioner City of Boise

Dated: 10-17-13

MOORE, SMITH BUXTON & TURCKE

By:  _____
Bruce M. Smith
Attorney for Boise Warm Springs Water District

**FIRST AMENDMENT TO SECOND STIPULATED AGREEMENT
FOR SETTLEMENT IN PART OF PETITION - 2**

31699-0002/LEGAL26211567.2

Dated: 2/20/14

HOFSTETTER LAW OFFICE

By: 
Dana L. Hofstetter
Attorney for Edwards Family LLC

Dated: _____

**STATE OF IDAHO, DEPARTMENT OF
ADMINISTRATION**

By: _____
Julie Weaver
Deputy Attorney General, State of Idaho

Dated: _____

**STATE OF IDAHO, DEPARTMENT OF
LANDS**

By: _____
Harriet A. Hensley
Deputy Attorney General, State of Idaho

Dated: _____

HONSINGER LAW, PLLC

By: _____
Charles L. Honsinger
Attorney for the Terteling Company, Inc.

ACCEPTED AS FIRST AMENDMENT TO THE SECOND AGREEMENT

Dated: _____

**IDAHO DEPARTMENT OF WATER
RESOURCES**

By: _____
Jeff Peppersack, Chief
Water Allocation Bureau

**FIRST AMENDMENT TO SECOND STIPULATED AGREEMENT
FOR SETTLEMENT IN PART OF PETITION - 3**

Dated: _____

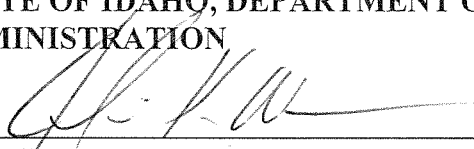
HOFSTETTER LAW OFFICE

By: _____

Dana L. Hofstetter
Attorney for Edwards Family LLC

Dated: _____

**STATE OF IDAHO, DEPARTMENT OF
ADMINISTRATION**

By:  _____

Julie Weaver
Deputy Attorney General, State of Idaho

Dated: JUNE 5, 2013

**STATE OF IDAHO, DEPARTMENT OF
LANDS**

By: _____

Harriet A. Hensley
Deputy Attorney General, State of Idaho

Dated: _____

HONSINGER LAW, PLLC

By: _____

Charles L. Honsinger
Attorney for the Terteling Company, Inc.

ACCEPTED AS FIRST AMENDMENT TO THE SECOND AGREEMENT

Dated: _____

**IDAHO DEPARTMENT OF WATER
RESOURCES**

By: _____

Jeff Peppersack, Chief
Water Allocation Bureau

**FIRST AMENDMENT TO SECOND STIPULATED AGREEMENT
FOR SETTLEMENT IN PART OF PETITION - 3**

31699-0002/LEGAL26211567.2

Dated: _____

HOFSTETTER LAW OFFICE

By: _____
Dana L. Hofstetter
Attorney for Edwards Family LLC

Dated: _____

**STATE OF IDAHO, DEPARTMENT OF
ADMINISTRATION**

By: _____
Julie Weaver
Deputy Attorney General, State of Idaho

Dated: 6/04/2013

**STATE OF IDAHO, DEPARTMENT OF
LANDS**

By: Harriet A. Hensley
Harriet A. Hensley
Deputy Attorney General, State of Idaho

Dated: _____

HONSINGER LAW, PLLC

By: _____
Charles L. Honsinger
Attorney for the Terteling Company, Inc.

ACCEPTED AS FIRST AMENDMENT TO THE SECOND AGREEMENT

Dated: _____

**IDAHO DEPARTMENT OF WATER
RESOURCES**

By: _____
Jeff Peppersack, Chief
Water Allocation Bureau

**FIRST AMENDMENT TO SECOND STIPULATED AGREEMENT
FOR SETTLEMENT IN PART OF PETITION - 3**

Dated: _____

HOFSTETTER LAW OFFICE

By: _____

Dana L. Hofstetter
Attorney for Edwards Family LLC

Dated: _____

**STATE OF IDAHO, DEPARTMENT OF
ADMINISTRATION**

By: _____

Julie Weaver
Deputy Attorney General, State of Idaho

Dated: _____

**STATE OF IDAHO, DEPARTMENT OF
LANDS**

By: _____

Harriet A. Hensley
Deputy Attorney General, State of Idaho

Dated: 6/03/2013

HONSINGER LAW, PLLC

By: Charles L. Honsinger

Charles L. Honsinger
Attorney for the Terteling Company, Inc.

ACCEPTED AS FIRST AMENDMENT TO THE SECOND AGREEMENT

Dated: _____

**IDAHO DEPARTMENT OF WATER
RESOURCES**

By: _____

Jeff Peppersack, Chief
Water Allocation Bureau

**FIRST AMENDMENT TO SECOND STIPULATED AGREEMENT
FOR SETTLEMENT IN PART OF PETITION - 3**

31699-0002/LEGAL26211567.2

Dated: _____

HOFSTETTER LAW OFFICE

By: _____

Dana L. Hofstetter
Attorney for Edwards Family LLC

Dated: _____

**STATE OF IDAHO, DEPARTMENT OF
ADMINISTRATION**

By: _____

Julie Weaver
Deputy Attorney General, State of Idaho

Dated: _____

**STATE OF IDAHO, DEPARTMENT OF
LANDS**

By: _____

Harriet A. Hensley
Deputy Attorney General, State of Idaho

Dated: _____

HONSINGER LAW, PLLC

By: _____

Charles L. Honsinger
Attorney for the Terteling Company, Inc.

ACCEPTED AS FIRST AMENDMENT TO THE SECOND AGREEMENT

Dated: 2/27/14

**IDAHO DEPARTMENT OF WATER
RESOURCES**

By: _____

Jeff Peppersack, Chief
Water Allocation Bureau

**FIRST AMENDMENT TO SECOND STIPULATED AGREEMENT
FOR SETTLEMENT IN PART OF PETITION - 3**