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DISTRICT COURT
CASSIA COUNTY ID

DEC 19 2007

DEPARTMENT OF
WATER RESOURCES

FILED _____

2007 DEC -5 @ 3:32

LARRY A MICHENSEN

BY _____
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

IN THE MATTER OF CREATING THE)
OAKLEY VALLEY AREA WATER DISTRICT,)
DESIGNATED AS WATER DISTRICT NO. 140,)
FOR THE ADMINISTRATION OF WATER)
RIGHTS IN ADMINISTRATIVE BASIN 45)

Case No. CV 07-269

ORDER OF REMAND

SOUTHWEST IRRIGATION DISTRICT, GOOSE)
CREEK IRRIGATION DISTRICT, JACK DUNCAN,)
PAUL DUNCAN, BILL HEPWORTH, BRUCE)
NEWCOMB, MARK NEWCOMB, MARK)
SANDERSON, DAN WALTON, GARY FOWLER,)
WILLIAM McMANUS, RON HEIB, ARDEL)
WICKEL, LYNN MITCHELL and DEL MITCHELL,)

Petitioners,)

vs.)

IDAHO DEPARTMENT WATER RESOURCES,)
An agency of the State of Idaho,)

Respondent.)

The above action having been appealed to this court from the Final Order Creating Water District No. 140 issued by the Director of the Idaho Department of Water Resources on December 28, 2006, and a Joint Motion For Remand having been filed by the parties and the court having

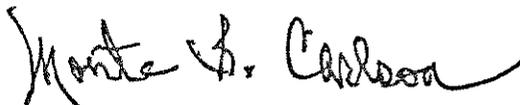
reviewed the motion and the Stipulated Agreement For Remand in support thereof, and good cause appearing therefor, it is HEREBY ORDERED:

1. That the action be and is hereby remanded to the Idaho Department of Water Resources for the purpose of resolving the appeal in the manner agreed to in the Stipulated Agreement For Remand and specifically for the purpose of permitting the department to enter an order amending the provisions of the December 28, 2006 Final Order Creating Water District No. 140 in accordance with the stipulated agreement of the parties.

2. Upon the issuance of an amended order by the Director, the parties shall move to dismiss this appeal unless the Petitioners remain aggrieved by the amended order and elect to continue with judicial review based upon the amended order.

3. That each party to this action shall bear its own costs and attorney fees.

DATED this 5th day of April, 2007.



MONTE B. CARLSON
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of April, 2007, I served a true and correct copy of the foregoing ORDER OF REMAND upon the parties listed below by mailing with the correct postage thereon, or by causing the same to be delivered to their courthouse boxes.

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Larry A. Mickelsen
Clerk of the District Court
Cassia County, Idaho

By



Deputy Clerk