



## STIPULATION

The undersigned parties, through their respective counsel of record, hereby stipulate and agree as follows:

1. The parties enter into this Stipulation for Dismissal in order to avoid the need for further litigation before the Court in the above-captioned action.
2. Upon the Court's approval of this Stipulation for Dismissal, the Court may order the above-captioned action dismissed without prejudice, each of the parties hereto to bear its own costs and attorneys fees.
3. A&B and the Department agree that the order issued by the Hearing Officer on May 26, 2008 *In the Matter of the Petition for Delivery Call of A&B Irrigation District for the Delivery of Ground Water and for the Creation of a Groundwater Management Area* is an "interlocutory order" as defined by Rule 710 of the Department's Rules of Procedure (IDAPA 37.01.01 *et seq.*).
4. A&B and the Department further agree that the May 26, 2008 Order is not a final agency decision on A&B's *Motion for Declaratory Ruling* pursuant to Idaho Code § 67-5255(2) and the Department's Rules of Procedure.
5. The Department acknowledges A&B's right to appeal the May 26, 2008 Order and any final agency order that may or may not adopt the May 26, 2008 Order once a final order is issued by the Director of the Idaho Department of Water Resources *In the Matter of the Petition for Delivery Call of A&B Irrigation District for the Delivery of Ground Water and for the Creation of a Groundwater Management Area*.
6. The parties shall only be bound by these stipulated terms if the Court enters an Order of Dismissal consistent with the terms of this Stipulation for Dismissal.

Based upon the foregoing, A&B and the Department, pursuant to I.R.C.P. 84(r) and I.A.R. 33, hereby jointly move the Court enter an Order of Dismissal consistent with the terms and conditions set forth in this Stipulation for Dismissal.

DATED this 2<sup>nd</sup> day of July 2008.

  
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Roger D. Ling

BARKER ROSHOLT & SIMPSON LLP

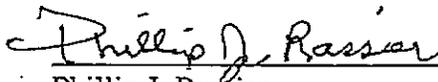
  
\_\_\_\_\_  
Travis L. Thompson

Attorneys for Petitioner A&B Irrigation District

DATED this 2<sup>nd</sup> day of July 2008.

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Deputy Attorney General

  
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Phillip J. Rassier  
Deputy Attorney General  
Idaho Department of Water Resources

Attorneys for the Respondent Idaho Department of  
Water Resources

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 2<sup>nd</sup> day of July, 2008, I served true and correct copies of the *Stipulation for Dismissal and Joint Motion for Order Approving Stipulation and Dismissing Petition Without Prejudice* upon the following by the method indicated:

Deputy Clerk  
 Minidoka County District Court  
 715 G Street  
 P.O. Box 368  
 Rupert, Idaho 83350  
 Fax: (208) 436-5272

- U.S. Mail, Postage Prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

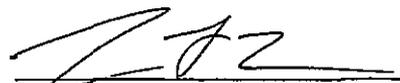
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- Hand Delivery
- Overnight Mail
- Facsimile
- Email

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