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DEPARTMENT OF WATER RESOURCES



LAWRENCE G. WASDEN  
ATTORNEY GENERAL

CLIVE J. STRONG  
Deputy Attorney General  
Chief, Natural Resources Division

GARRICK L. BAXTER, ISB #6301  
Deputy Attorney General  
Idaho Department of Water Resources  
P. O. Box 83720  
Boise, Idaho 83720-0098  
Telephone: (208) 287-4800  
Facsimile: (208) 287-6700

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

CLEAR LAKES TROUT COMPANY, INC., )  
)  
Petitioner/Plaintiff, )  
)  
-vs- )  
)  
KARL J. DREHER<sup>1</sup>, in his official capacity as )  
Director of the Idaho Department of Water Resources, )  
and the IDAHO DEPARTMENT OF WATER )  
RESOURCES, an agency of the State of Idaho, )  
)  
Respondents/Defendants, )  
)  
and )  
)  
IDAHO GROUND WATER )  
APPROPRIATORS, INC., )  
)  
Respondent/Defendant in Intervention. )  
\_\_\_\_\_ )

Case No. CV 2005-426

**JOINT STIPULATION TO  
DISMISS**

<sup>1</sup> Karl Dreher is no longer Director of the Idaho Department of Water Resources. Gary Spackman is the acting interim Director.

COME NOW the Plaintiff, Clear Lakes Trout Company Inc. ("Clear Lakes"), Defendants Idaho Department Of Water Resources and Interim Director Gary Spackman (jointly "IDWR"), and Defendant in Intervention Idaho Ground Water Appropriators, Inc. ("IGWA") and stipulate, pursuant to the provisions of I.R.C.P. 41(a)(1), that the Court may order the dismissal of the above-captioned action.

On April 28, 2006, Judge Wood issued his *Order on IDWR's Renewed Motion for Reconsideration of Court's Order Denying IDWR's IRCP 12(c) Motion for Judgment on the Pleading and Motion to Dismiss*. Judge Wood dismissed Clear Lake's request for a writ of mandate, but reserved ruling on one issue. The remaining issue was whether to allow Clear Lakes to amend its complaint to raise a constitutional challenge to the Conjunctive Management Rules. The court noted that a challenge to the constitutionality of the rules was being raised by Clear Lakes and others in the Gooding County Case. No. CV-2005-600. Subsequently, on May 12, 2006, Judge Wood issued an order staying this proceeding pending resolution of CV-2005-600.

In *American Falls Reservoir Dist. No. 2 v. Idaho Dept. of Water Resources*, 143 Idaho 862, 154 P.3d 433 (2007), which was an appeal of the District Court's decision in CV-2005-600, the Idaho Supreme Court addressed the constitutional issues Clear Lakes sought to raise in its Amend Complaint. As such, Clear Lakes no longer seeks to pursue its Motion to Amend the Complaint and agrees to the entry of an order dismissing this action. IDWR and IGWA support the dismissal.

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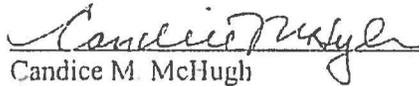
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DATED this 19<sup>th</sup> day of March, 2012.



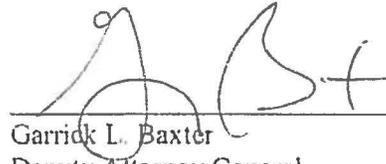
Daniel V. Steenson  
Ringert Law Chartered  
Attorneys for Clear Springs Foods

DATED this 18<sup>th</sup> day of March, 2012



Candice M. McHugh  
Racine, Olson, Nye, Budge & Bailey, Chrt'd.  
Attorney for Idaho Groundwater Appropriators

DATED this 19 day of March, 2012

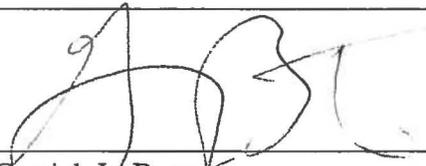


Garrick L. Baxter  
Deputy Attorney General  
Idaho Department of Water Resources

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20 day of MARCH, 2012, I caused a true and correct copy of the foregoing **JOINT STIPULATION TO DISMISS** to be filed with the Court and served on the following parties by the indicated methods:

<i>Original to:</i> CLERK OF THE DISTRICT COURT P.O. BOX 27 GOODING, ID 83330	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile
DANIEL V. STEENSON CHARLES L. HONSINGER S. BRYCE FARRIS RINGERT LAW CHARTERED P.O BOX 2773 BOISE, ID 83702	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile
CANDICE M. McHUGH RANDALL C. BUDGE RACINE OLSON NYE BUDGE & BAILEY CHARTERED 101 S. CAPITOL BLVD., STE 300 BOISE, ID 83702	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile

  
\_\_\_\_\_  
Garrick L. Baxter  
Deputy Attorney General