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**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

JOHN HASTINGS, Jr.,

Plaintiff,

vs.

IDAHO DEPARTMENT OF WATER  
RESOURCES,

Defendant.

Case No. CV01-21-17825

**STIPULATION FOR ENTRY OF  
PARTIAL JUDGMENT**

On February 4, 2022, the parties, through their undersigned attorneys of record, in accordance with I.R.C.P. Rule 7 and 42(b), stipulated and agreed to move the Court for an order bifurcating the trial of this case so that the issue of the statute of limitations could be heard separately and prior to a trial on the remaining issues in this matter. The referenced *Stipulation and Joint Motion to Bifurcate Issues and Request for a Briefing Schedule and Oral Argument* provided:

The parties believe that it is the economic interest of the parties and the court to rule on the applicability of the two-year statute of limitations contained in Idaho Code § 42-3809 to this matter before moving forward with a trial on the other issues. Thereafter, should either party decide to appeal the Court's decision on the applicability of the two-year statute of limitations contained in Idaho Code § 42-3809, the parties agree the Court can issue an I.R.C.P. 54(b) Certificate of Final Partial Judgment as to its ruling. In the event of an appeal, all other matters would be stayed pending a decision on said appeal.

On August 24, 2022, this Court issued its *Memorandum Decision and Order on Cross Motions for Summary Judgment* which held:

Based on the foregoing analysis, the Court finds the Department timely filed its enforcement action under Idaho Code § 42-3809 within the two-year statute of limitations. Therefore, Plaintiffs Motion for Summary Judgment, filed March 8, 2022, is **DENIED**. Defendant's Cross-Motion for Summary Judgment, filed April 5, 2022, is **GRANTED**.

Mem. Decision and Order on Cross Mots. for Summ. J. at 18.

The actions contemplated by the parties Stipulation and Joint Motion to Bifurcate have now occurred and it is appropriate to permit Plaintiff to appeal this issue of law, regarding the application of the two-year statute of limitations in Idaho Code § 42-3809, to the Idaho Supreme Court.

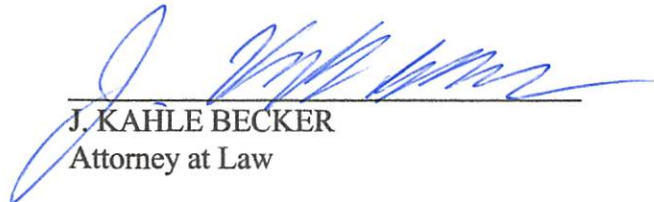
Defendant does not oppose the entry of a Rule 54(b) Certificate of Final Partial Judgment in this matter, with respect to the conclusion reached by the Court in its August

24, 2022 Memorandum Decision and Order, or the issuance of a stay of remaining proceedings if such a Partial Judgment and Rule 54(b) Certificate is entered. Therefore, the parties do not desire oral argument on this *Stipulation for Entry of Partial Judgment*.

WHEREFORE, pursuant to I.R.C.P. 54(b) and this stipulation of the parties, the parties hereby request the Court:

- 1) Enter and certify a Partial Judgment as final under I.R.C.P. 54(b), related to the conclusion reached by the Court in this matter on August 24, 2022.
- 2) Stay the remaining proceedings in this matter, pending disposition on appeal, if the Court grants the parties above request.

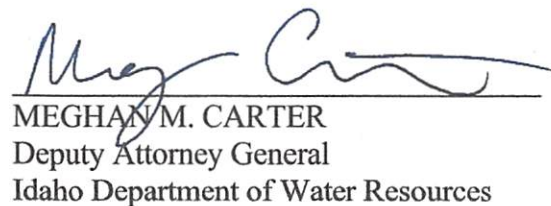
DATED this 31 day of August 2022.



J. KAHLE BECKER  
Attorney at Law

*Attorney for Plaintiff*

DATED this 30th day of August 2022.



MEGHAN M. CARTER  
Deputy Attorney General  
Idaho Department of Water Resources

*Attorney for Defendant*


**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 31 day of August 2022, I caused to be served a true and correct copy of the foregoing *Stipulation for Entry of Partial Judgment* via iCourt E-File and Serve, upon the following:

**GARRICK L. BAXTER**  
**MEGHAN M. CARTER**  
Deputy Attorneys General  
Idaho Department of Water Resources  
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*Attorneys for Defendant*

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- iCourt E-File and Serve

  
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J. KAHLE BECKER  
Attorney at Law