

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 2nd day of July 2008.



Roger D. Ling

BARKER ROSHOLT & SIMPSON LLP



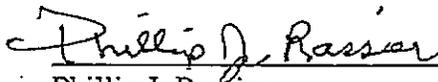
Travis L. Thompson

Attorneys for Petitioner A&B Irrigation District

DATED this 2nd day of July 2008.

LAWRENCE G. WARDEN
ATTORNEY GENERAL

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



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 2nd 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

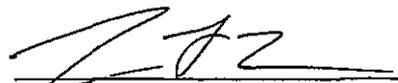
Clive J. Strong
 Phillip J. Rassier
 Chris M. Bromley
 Deputy Attorneys General
 Idaho Department of Water Resources
 P.O. Box 83720
 Boise, Idaho 83720-0098
clive.strong@ag.idaho.gov
phil.rassier@idwr.idaho.gov
chris.bromley@idwr.idaho.gov

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

Hon. Gerald F. Schroeder c/o Victoria Wigle IDWR P.O. Box 83720 Boise, ID 83720 victoria.wigle@idwr.idaho.gov fcischroeder@gmail.com	Randall C. Budge Candice M. McHugh Racine Olson PO Box 1391 201 E Center Street Pocatello ID 83204-1391 rcb@racinelaw.net cmm@racinelaw.net	Sarah A. Klahn White & Jankowski LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com
B.J. Driscoll McGrath Meacham Smith PLLC 414 Shoup PO Box 50731 Idaho Falls ID 83405 bjd@eidaholaw.com	Steve L. Stephens Butte Co Prosecuting Attorney 260 Grand Ave PO Box 736 Arco ID 83213	Fred & Phyllis Stewart 300 Sugar Leo Road St George UT 84790
Michael Patterson, President Desert Ridge Farms Inc. PO Box 185 Paul ID 83347	City of Firth PO Box 37 Firth ID 83236	Todd Lowder 2607 W 1200 S Sterling ID 83210
Neil and Julie Morgan 762 W Hwy 39 Blackfoot ID 83221	Charlene Patterson Patterson Farms of Idaho 277 N 725 Lane W Paul ID 83347	William A. Parsons Parsons Smith Stone LLP 137 West 13 th St PO Box 910 Burley ID 83318 wparsons@pmt.org

A. Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 City of Pocatello dtranmer@pocatello.us	Winding Brook Corp c/o Charles W Bryan Jr UBS Agrivest LLC PO Box 53 Nampa ID 83653	James C. Tucker Idaho Power Company 1221 West Idaho Street Boise, ID 83702-5627 jtucker2@idahopower.com
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Lary S Larson Hopkins Roden Crockett Hansen & Hoopes PO Box 51219 Idaho Falls ID 83405-1219	Jo Beeman, Esq. Beeman & Associates 409 W Jefferson Boise ID 83702 jo.beeman@beemanlaw.com	City of Basalt PO Box 178 Basalt ID 83218
M. Jay Meyers Myers Law Office 300 N 7 th Ave PO Box 4747 Pocatello ID 83205	City of Castleford P.O. Box 626 300 Main Castleford, ID 83321	LaDell and Sherry Anderson 304 N 500 W Paul ID 83347
Denise Glore, Attorney Office of Chief Counsel US Dept of Energy 1955 Fremont Ave MS 1209 Idaho Falls ID 83415-1510 dgloredm@id.doe.gov	Mary Ann Plant 480 N 150 W Blackfoot ID 83221	O.E. Feld & Berneta Feld 1470 S 2750 W Aberdeen ID 83210
Jeff Feld 719 Bitterroot Dr Pocatello ID 83201	Eugene Hruza PO Box 66 Minidoka ID 83343	Jerry R. Rigby Rigby Andrus and Moeller 25 N 2 nd East Rexburg ID 83440 jrigby@rex-law.com
Robert E. Williams Fredericksen Williams Meservy & Lothspeich LLP 153 E Main St PO Box 168 Jerome ID 83338 rewilliams@cablone.net	Gregory P. Meacham McGrath Meacham & Smith PLLC 414 Shoup Idaho Falls ID 83405	Richard J. Kimmel 867 N. 800 East Shelley, ID 83274
James S. Lochhead Michael A. Gheleta Brownstein Hyatt Farber Schreck P.C. 410 Seventeenth Street Suite 2200 Denver, CO 80202 jlochhead@bhfs.com mgheleta@bhfs.com	F. Randall Kline P.O. Box 397 427 N. Main St. Pocatello, ID 83204	


Travis L. Thompson