

OCT 21 2002

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

MOTION TO REOPEN SUBCASE

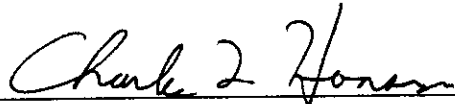
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through either pool subject only to the "no injury rule." However, in subsequent judicial and administrative proceedings, decisions and actions by the Director of the Idaho Department of Water Resources have shown that this issue should have been resolved as there is a genuine difference of opinion between the Director and Clear Lakes as to this issue. If the issue is not resolved, Clear Lakes will suffer irreparable injury as a result of the Director's actions which, if allowed to stand, will result in a deprivation of Clear Lakes' judicially established water right.

Clear Lakes will submit briefing to this Court within 14 days pursuant to the requirements of I.R.C.P. 7(b)(3) that further discusses the grounds for this motion. This Motion is supported by the Affidavit of Charles L. Honsinger. Clear Lakes requests oral argument on its Motion.

Dated this 18th day of October, 2002.

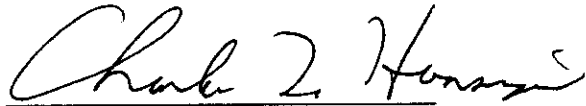

Charles L. Honsinger
RINGERT CLARK, CHARTERED

CERTIFICATE OF SERVICE

I certify that on October 18, 2002, I served copies of this document, including all attachments to the following:

1. By U.S. Mail

Director
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83712

A handwritten signature in cursive script, reading "Charles Z. Honsinger".

Person serving documents