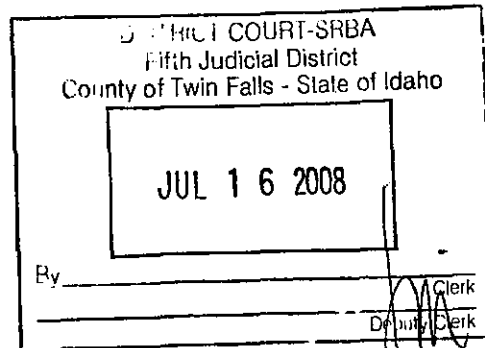


Donald J. Chisholm, Esquire
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 Telephone: (208)678-9181
 Fax Number: (208)678-4998
 ISB # 1134

Attorney for LeRoy Fairchild



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

In Re SRBA	)	Subcase No. 45-569, 45-574,
	)	45-576, 45-618, 45-2658
	)	
	)	STIPULATION FOR WITHDRAWAL
	)	OF CLAIMS OF LEROY FAIRCHILD
Case No. 39576	)	IN SUBCASES
	)	
	)	
	)	

Come now LeRoy Fairchild, by and through his attorney, Donald J. Chisholm, Harold Rex Martin and Anne R. Martin, by and through their attorney, Travis L. Thompson, and the director of the Idaho Department of Water Resources, by and through his attorney, Nicholas Spencer of the Office of the Attorney General of the State of Idaho, to stipulate and agree that the objections of LeRoy Fairchild dated November 26, 2006, which were referred to Special Master Terrence A. Dolan pursuant to an order of Honorable John Melanson, presiding judge of the Snake River Basin Adjudication, on December 1, 2006, and any pleadings subsequently filed by or on behalf of LeRoy Fairchild are withdrawn. The Special Master is authorized and directed to enter an order that the issues raised by LeRoy Fairchild have been resolved by withdrawal of his objections and protests.

The motion of Susan Bedke to participate in the SRBA proceedings has become moot by reason of the fact that the district court in Cassia County Case No. CV-2007-470 has ruled that Susan Bedke did not have an enforceable oral contract to purchase the property of LeRoy Fairchild. The order granting Defendant's motion for partial summary judgment dated March 14, 2008, is attached hereto and incorporated by reference as Exhibit "A". Susan Bedke

has waived her right of appeal of the decision of the district court in Cassia County by written waiver, a copy of which is attached hereto and incorporated by reference as Exhibit "B".

Dated this ____ day of July, 2008.

Donald J. Chisholm
Attorney for LeRoy Fairchild

Travis L. Thompson
Attorney for Harold and Anne
Martin

Nicholas Spencer
Attorney for Idaho Department
of Water Resources

EXHIBIT "A"

Donald J. Chisholm, Esquire
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ISB # 1134

Attorney for Defendant

DISTRICT COURT
CASSIA COUNTY ID
FILED
2008 MAR 14 A 11:14
LARRY A. MICKELSEN
BY
DEPUTY

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

SUSAN P. BEDKE,

Plaintiff,

vs.

LEROY FAIRCHILD,

Defendant.

CASE NO. CV-07-470

ORDER GRANTING PARTIAL
SUMMARY JUDGMENT AND QUASHING
LIS PENDENS

The Defendant's motion for partial summary judgment on Plaintiff's claim for specific judgment and to quash the notice of lis pendens filed by the Plaintiff at the time of commencement of the action came before the court for hearing on the 8th day of February, 2008. Plaintiff appeared through her attorney, Michael Tribe, of Robinson & Associates. Defendant appeared through his attorney, Donald J. Chisholm. The parties submitted written and oral argument, and the court took the matter under advisement.

On the 4th day of March, 2008, the court entered its opinion granting Defendant's motion for partial summary judgment and quashing lis pendens. Defendant's counsel has prepared this order and has moved to have the order certified as final under Rule 54(b) of the Idaho Rules of Civil Procedure. The court has granted the motion for Rule 54(b) certification.

Upon the foregoing,

ORDER GRANTING PARTIAL SUMMARY JUDGMENT
AND QUASHING LIS PENDENS- PAGE 1

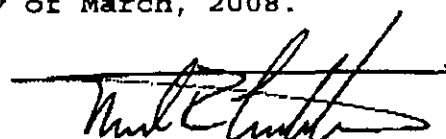
IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Plaintiff does not have a valid claim against the Defendant for specific performance of an oral contract for purchase of the property described in the notice of lis pendens which was recorded April 16, 2007, as Instrument No. 315212, Cassia County records, a copy of which is attached hereto and incorporated by reference. Plaintiff's claim for specific enforcement of the oral contract is dismissed.

2. The notice of lis pendens which is attached hereto and incorporated by reference is quashed.

3. The Plaintiff shall be allowed to pursue her alternative claim for relief which was not addressed by the Defendant's motion for partial summary judgment.

Dated this 14 day of March, 2008.



Michael R. Crabtree
District Judge

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b) I.R.C.P., that the court has determined that there is no just reason for delay of the entry of the final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated this ____ day of March, 2008.

Reserved until hearing
4-11-08

Michael R. Crabtree
District Judge

CLERK'S CERTIFICATE OF SERVICE

I certify that on March 14, 2008, I served a true and correct copy of the foregoing ORDER GRANTING PARTIAL SUMMARY JUDGMENT AND QUASHING LIS PENDENS upon the persons named below, as indicated:

Donald J. Chisholm
P.O. Box 1118
Burley, Idaho 83318

☒ U.S. Mail, postage prepaid, first class, Burley, Idaho addressed as above indicated.
☐ Attorney's Mail basket at the Cassia County Courthouse, Burley, Idaho.
☐ By Fax to fax number: (208) 878-4998

Michael Tribe
P.O. Box 396
Rupert, Idaho 83350

☒ U.S. Mail, postage prepaid, first class, Burley, Idaho addressed as above indicated.
☐ Attorney's Mail basket at the Cassia County Courthouse, Burley, Idaho.
☐ By Fax to fax number: (208) 436-6804

Clerk of the Court

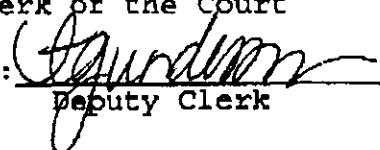
By: 
Deputy Clerk

EXHIBIT "B"

Donald J. Chisholm, Esquire
Chisholm Law Office
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Burley, Idaho 83318
Telephone: (208)678-9181
Fax: (208)878-4998
ISB # 1134

Attorney for Defendant

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

SUSAN P. BEDKE,

Plaintiff,

VS.

LEROY FAIRCHILD,

Defendant.

CASE NO. CV-07-470

STIPULATION FOR RULE 54(B)
CERTIFICATION AND WAIVER OF
APPEAL OF ORDER GRANTING
DEFENDANT'S MOTION FOR PARTIAL
SUMMARY JUDGMENT

Comes now Susan Bedke, by and through her attorney, Michael Tribe, and the Defendant by and through his attorney, Donald J. Chisholm, to stipulate and agree that the Defendant's motion for certification of the order granting the Defendant's motion for partial summary judgment is a final order under Rule 54(B) of the Idaho Rules of Civil Procedure. The order was entered on March 14, 2008. Plaintiff waives the right to appeal the order granting said motion for partial summary judgment, but reserves the right to pursue the claims she has asserted against the Defendant in the above entitled matter other than her claim for specific performance.

Dated this 11th day of April, 2008.

Sent By: ;

Sent By: ;

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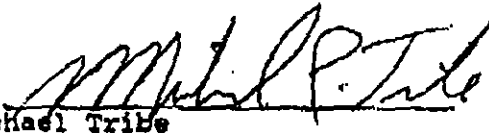
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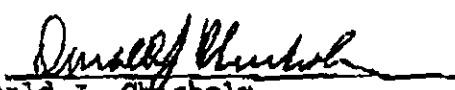
Robinson & Associates

By: 

Michael Tribe

Attorney for Plaintiff

Chisholm Law Office

By: 

Donald J. Chisholm

Attorney for Defendant