

STATE OF IDAHO } ss
COUNTY OF KOOTENAI }
FILED: 5-13-08
AT 1:15 O'CLOCK P M
CLERK, DISTRICT COURT

DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

RATHDRUM POWER LLC,

Petitioner,

vs.

THE DEPARTMENT OF WATER
RESOURCES, an Executive Department of
the State Government of the State of Idaho,

Respondent.

Case No.: CV 08-2845

ORDER OF REMAND

Petitioners timely filed this action for judicial review appealing an order of the Respondent Idaho Department of Water Resources approving Water Right License No. 95-8924 in the name of Rathdrum Power LLC.

The parties have filed a Joint Motion for Remand which the Court has reviewed together with the parties' Stipulated Agreement for Remand in support thereof, and good cause appearing therefor, it is **HEREBY ORDERED**:

1. That the action be and is hereby remanded to the Idaho Department of Water Resources for the purpose of having the department further consider the matter in accordance with the Stipulated Agreement for Remand.

2. Upon the issuance of a final order by the department on remand, the parties shall move to dismiss this appeal unless the Petitioners remain aggrieved by the order on remand and elect to continue with judicial review based upon the department's order on remand.

3. That each party to this action shall bear its own costs and attorney fees.

DATED this 13 day of May 2008.



CHARLES W. HOSACK
District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that on the 13 day of May, 2008, a true and correct copy of the foregoing **Order of Remand** has been served upon the following persons in the manner noted below:

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Clerk of the District Court

By *Leah K*
Deputy Clerk