Fredericksen, Williams, Meservy & Lothspeich, LLP

Attorneys at Law

117 South Adams Street
Post Office Box 168
Jerome, Idaho 83338-0168

ROBERT E. WILLIAMS
JAMES C. MESERVY
JOHN B. LOTHSPEICH

EUGENE D. FREDERICKSEN – Retired

TELEPHONE: (208) 324-2303
TELECOPIER: (208)324-3135
E-MAIL: FWMATTYS@CABLEONE.NET

RECEIVED
OCT 04 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

October 3, 2006

Department of Water Resources
Allen Merritt
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Transfers No. 72-7577, 72-7578, 72-7579, 72-7580 in the name of Mark and/or Joanne Lupher

Dear Allen:

To follow up your request relayed to me through Jason Lee Helms, at Brockway Engineering, please find enclosed a copy of the Order of the Seventh Judicial District Court dismissing the state court actions regarding aspects of the lease between my clients, the Luphers, who are the tenants, and the current property owners. This means that there are no longer current issues in litigation regarding the status of the lease agreement under which my clients are currently operating.

Very truly yours,

FREDERICKSEN WILLIAMS MESERVY & LOTHSPEICH, LLP

ROBERT E. WILLIAMS

REW/ch
C: Client
Bruce Smith
C:\data\Lupher\IDWR 10-3-06.doc

DISTRICT COURT
CUSTER COUNTY
IDAHO
2006 JAN 30 PM 12: 01

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER

RECEIVED
OCT 04 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED
JAN 31 2006
BY:_____

MARK LUPHER and JO ANNE W. LUPHER, husband and wife,

Plaintiffs,

vs.

LOIS VON MORGANROTH, successor in Interest to INGRAM WARM SPRINGS RANCH; LOIS, INC., an unknown entity; L&M ANGUS RANCH, INC., an unknown Entity; JOHN DOES 1-15; JANE DOES 1-15; CORPORATIONS A-Z; LIMITED PARTNERSHIP 20-25; LOIS, LLC 40-50; And their heirs, successors and assigns,

Defendants.

LOIS VON MORGANROTH,

Counterclaimant,

vs.

MARK LUPHER and JO ANNE W. LUPHER, husband and wife, d/b/a Epicenter Aquaculture,

Counterdefendants.

CV-2000-101

ORDER DISMISSING CASE

WHEREAS the above-captioned matter has been inactive for a period greater than six (6) months; and

WHEREAS the Clerk of Court served a notice of pending dismissal on December 13, 2005; and

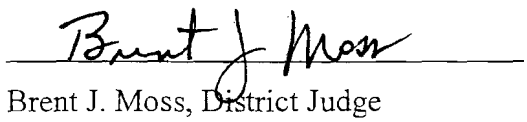
WHEREAS the Court has received an Affidavit in Support of Retention on Calendar from Robert E. Williams, Esq. in response to said notice, and the court having reviewed the affidavit and finding that good cause does not exist for the retention of the above-captioned matter;

COPY

NOW, THEREFORE, the court hereby dismisses the above-captioned matter, without prejudice, pursuant to I.R.C.P. 40(c).

So Ordered.

DATED this 27 day of January, 2006.



Brent J. Moss, District Judge

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing Order was this 30th day of January, 2006, served upon the individuals as indicated:

Bruce Smith
Moore Smith
225 N 9th, Ste 420
Boise, ID 83702

[ ] U.S. Mail, postage prepaid

Robert E. Williams, Esq.
117 South Adams Street
P.O. Box 168
Jerome, ID 83338

[✓] U.S. Mail, postage prepaid

Clerk of the Court

By: /s/ Linda Rumpkin