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EUGENE D. FREDERICKSEN – Retired

October 3, 2006

RECEIVED  
OCT 04 2006  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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, <sup>72</sup>757580 in the name of  
Mark and/or Joanne Luper

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 Luperes, 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 This means that there are no longer current issues in litigation regarding the status of the lease agreement under which my clients are currently operating.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 & LOTTSPEICH, LLP

ROBERT E. WILLIAMS

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

2006 JAN 30 PM 12:01

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.

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OCT 04 2006

DEPT. OF WATER RESOURCES  
SOUTHERN REGION  
CY-2000-101

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JAN 31 2006

BY: \_\_\_\_\_

**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

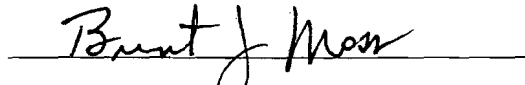
WHEREAS the Court has received an Affidavit in Support of Retention on Calendar from Robert E. Williams, Esq. in response to said notice, and the court having reviewed the affidavit and finding that good cause does not exist for the retention of the above-captioned matter;

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.

A handwritten signature in cursive script, reading "Brent J. Moss", is written over a horizontal line.

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:

181 Linda Runklin