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

IN THE MATTER OF CREATING THE)
OAKLEY VALLEY AREA WATER DISTRICT,)
DESIGNATED AS WATER DISTRICT NO. 140,)
FOR THE ADMINISTRATION OF WATER)
RIGHTS IN ADMINISTRATIVE BASIN 45)

Case No. CV 07-269

_____)
SOUTHWEST IRRIGATION DISTRICT, GOOSE)
CREEK IRRIGATION DISTRICT, JACK DUNCAN,)
PAUL DUNCAN, BILL HEPWORTH, BRUCE)
NEWCOMB, MARK NEWCOMB, MARK)
SANDERSON, DAN WALTON, GARY FOWLER,)
WILLIAM McMANUS, RON HEIB, ARDEL)
WICKEL, LYNN MITCHELL and DEL MITCHELL,)

**JOINT MOTION
FOR REMAND**

Petitioners,)

vs.)

IDAHO DEPARTMENT WATER RESOURCES,)
An agency of the State of Idaho,)

Respondent.)
_____)


COME NOW, the Petitioners, Southwest Irrigation District, Goose Creek Irrigation District, Jack Duncan, Paul Duncan, Bill Hepworth, Bruce Newcomb, Mark Newcomb, Mark Sanderson, Dan Walton, Gary Fowler, William McManus, Ron Heib, Ardel Wickel, Lynn Mitchell and Del Mitchell (hereinafter referred to as "Southwest Irrigation District"), and the Respondent, the Idaho Department of Water Resources ("IDWR"), and through their respective undersigned counsel of record jointly move this court, pursuant to I.R.C.P. 84(o), for entry of an order remanding this action to the Director of the Idaho Department of Water Resources.

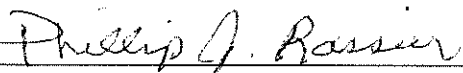
The parties request the matter be remanded to IDWR for the purpose of permitting the Director to enter an order amending the provisions of the December 28, 2006 Final Order Creating Water District No. 140 in accordance with the parties' Stipulated Agreement For Remand being filed concurrently with and in support of this motion. This motion is further based upon the pleadings and other matters of record in this action. No hearing is requested on the motion.

DATED this 4 day of April, 2007.

PETITIONERS

RESPONDENT

By 
WILLIAM A. PARSONS, Esq.
PARSONS, SMITH & STONE, LLP
Attorneys for Southwest Irr. District

By 
PHILLIP J. RASSIER, Esq.
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the following described document on the person(s) listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on this 4 day of April, 2007.

Document Served: **JOINT MOTION FOR REMAND**

PHILLIP J. RASSIER
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Idaho Department of Water Resources
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Boise, Idaho 83720-0098



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SANDERSON, DAN WALTON, GARY FOWLER,)
WILLIAM McMANUS, RON HEIB, ARDEL)
WICKEL, LYNN MITCHELL and DEL MITCHELL,)

**STIPULATED AGREEMENT
FOR REMAND**

Petitioners,)

vs.)

IDAHO DEPARTMENT WATER RESOURCES,)
An agency of the State of Idaho,)

Respondent.)
_____)

This Stipulation is entered into by and between the Petitioners, Southwest Irrigation District, Goose Creek Irrigation District, Jack Duncan, Paul Duncan, Bill Hepworth, Bruce Newcomb, Mark Newcomb, Mark Sanderson, Dan Walton, Gary Fowler, William McManus, Ron Heib, Ardel Wickel, Lynn Mitchell and Del Mitchell (hereinafter referred to as "Southwest Irrigation District"), and the Respondent, the Idaho Department of Water Resources ("IDWR").

RECITALS

1. On December 28, 2006, the Director of IDWR issued a Final Order Creating Water District No. 140, which was served upon the water right holders within the district on December 29, 2006.

2. On January 11, 2007, Southwest Irrigation District filed a Petition for Reconsideration with IDWR.

3. The Petition for Reconsideration was denied by operation of law on February 1, 2007, pursuant to I.C. § 67-5246(4), because it was not disposed of within twenty-one (21) days after the filing of the petition.

3. On February 27, 2007, Southwest Irrigation District filed a timely Petition for Judicial Review with this court requesting judicial review of IDWR's final order, pursuant to I.C. §§ 42-1701A(4) and 67-5270.

4. The parties desire to enter into the following agreement to resolve all issues on appeal in this proceeding before the district court:

IN CONSIDERATION OF THE PROMISES STATED, THE PARTIES AGREE AS FOLLOWS:

1. The proceeding on appeal to the district court shall be remanded to the Idaho Department of Water Resources for consideration of the issues raised by Southwest Irrigation District in its Petition for Reconsideration and for consideration of such other issues deemed necessary by the Director.

2. Following the consideration of issues by the Director on remand, the Director shall enter an order amending the provisions of the Final Order Creating Water District No. 140 issued on December 28, 2006.


3. Upon the issuance of an amended order by the Director, the parties shall move to dismiss this appeal before the district court unless the Petitioners remain aggrieved by the amended order and elect to continue with judicial review based upon the amended order.

4. Entry into this agreement does not constitute a waiver by the parties of any legal right or position they may assert in any proceeding other than as specifically stipulated to in this agreement.

5. The parties agree to bear their own costs and attorney fees.

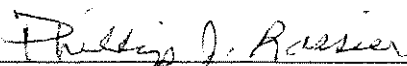
IN WITNESS WHEREOF, the parties have executed this agreement on the date following their respective signatures.

PETITIONERS

By 
WILLIAM A. PARSONS, Esq.
PARSONS, SMITH & STONE, LLP
Attorneys for Southwest Irrigation District

Date 4-4-07

RESPONDENT

By 
PHILLIP J. RASSIER
Deputy Attorney General
Idaho Department of Water Resources

Date 4/3/07

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the following described document on the person(s) listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on this 4 day of April, 2007.

Document Served: **STIPULATED AGREEMENT FOR REMAND**

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