

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

IN THE ALLEN CIRCUIT COURT
CAUSE NO. 02C01-0406-PL-60

FILED
CLERK ALLEN CIRCUIT
AND SUPERIOR COURTS
2008 JUL -9 PM 1:20
CENTRAL SERVICES DIVISION

IN THE MATTER OF:)
IZAAB WALTON LEAGUE OF AMERICA, INC.,)
CEDAR CREEK WILDLIFE PROJECT, INC.,)
MICHAEL WALTER, FREDERICK O. MACKEL,)
and ALFREIDA H. MACKEL and G. RICHARD)
BROWN,)
Claimants,)
)
v.)
)
DEKALB COUNTY SURVEYOR'S OFFICE,)
and the DEPARTMENT OF NATURAL)
RESOURCES)
)
Respondents.)

Stipulation of Dismissal with Prejudice

The Claimants and Respondents, each by counsel, stipulate to dismiss the above action, with prejudice. Although both the Natural Resources Commission and the trial court ordered a remand for consideration of the cumulative effects of this floodway permit, the parties have resolved this case without the need of further proceedings.

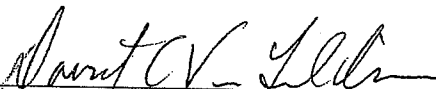
In particular, on May 21, 2008, the Natural Resources Commission approved a nonrule policy document that the Department has agreed to use to systematically assess the cumulative impact of the issuance of future floodway permits. Claimants participated substantially in the development of this nonrule policy. Claimants now agree that further consideration of the underlying permits is moot because (1) the logjams at issue have been removed, and (2) due to the approval and use of the DNR's nonrule


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policy, the DNR's future permitting decisions are not likely to reoccur under similar circumstances.

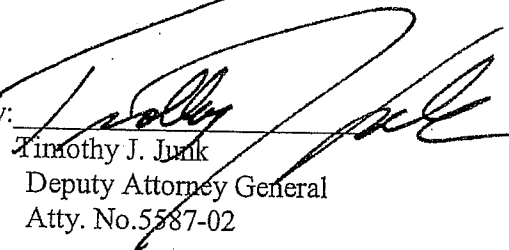
Accordingly, the Claimants and Respondents, each by counsel, stipulate to the dismissal of the above action, with prejudice.

Respectfully submitted


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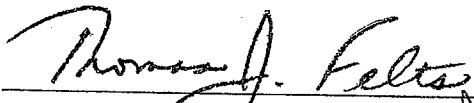

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EXAMINED, APPROVED, AND SO ORDERED on this 9th day of July, 2008:


Judge Thomas J. Felts, Allen Co. Cir. Court