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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

John Espil Sheep Co., Inc.,)
)
 Plaintiff)
)
 v.)
)
 Bruce Babbitt, in his official)
 capacity as Secretary, United)
 States Department of the)
 Interior; et al.)
)
 Defendants.)
 _____)

No. CV-N-94-172-DWH

STIPULATION
FRCP 41 (a)(1)(ii)

In consideration of the attached Agreement dated January 19, 1995, Plaintiff moves pursuant to FRCP 41 (a)(1)(ii) to dismiss without prejudice Plaintiff's Complaint. It is agreed that this dismissal shall not operate as an adjudication upon the merits of the case filed by Plaintiff. Defendants have no objection to the granting of this motion.

Dated January 19, 1995.

[Signature]
W. Alan Schroeder
Attorney for Plaintiff

[Signature]
Susan V. Cook
Attorney for Defendants

IT IS SO ORDERED.

[Signature]
DAVID W. HAGEN
UNITED STATES DISTRICT COURT JUDGE

ENTERED & SERVED

JAN 24 1995

DATED: *January 19, 1995*

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY *[Signature]* DEPUTY

AGREEMENT

I. The Bureau of Land Management (BLM) ratifies the Grazing Permit of John Espil Sheep Co., Inc. (Espil), dated May 15, 1990, as modified by the "Agreement Concerning the Twin Peaks Allotment Management Plan" dated March 6, 1992, and as further modified by the "Stipulation" dated February 10, 1994.

II. BLM and Espil agree to the following special terms and conditions for the 1995 grazing season:

1. Lower Smoke Creek:
 - a. Cattle turn out date is March 1, 1995, provided that soil moisture condition is such that the soils are sufficiently firm to prevent "punching" of soils on a significant portion of the area as determined by BLM in consultation with Espil.
 - b. Cattle will be removed by May 1.
 - c. Cattle use will not exceed 400 AUM's (If the turn out date is later than March 1, more cattle can be put into the area for the shorter time).
2. Other Spring Turn Out Areas:

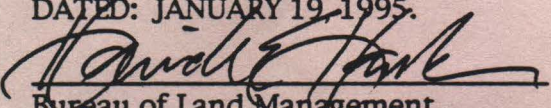
On those areas selected by Espil and BLM for spring turn out of cattle, the turn out date is March 1, 1995, provided that:

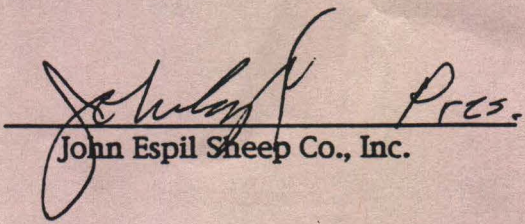
 - a. soil moisture condition is such that the soils are sufficiently firm to prevent "punching" of soils on a significant portion of the area as determined by BLM in consultation with Espil, and
 - b. provided that at least 40% of the residual forage from 1994 is available, as determined by BLM in consultation with Espil.
3. South Fork of Parsnip Wash:
 - a. The BLM will construct a fenced enclosure during the 1995 grazing season in a portion of the riparian area already identified and flagged on the ground. Once this enclosure is constructed, cattle will be excluded from the enclosed area during the balance of the 1995 grazing season.
 - b. The allowable utilization is 60% for the riparian area outside the enclosed area.
4. Riparian Projects:

BLM will provide a timeline on or before March 1, 1995 for the implementation of the riparian projects as identified in the Espil letter to Linda Hansen (BLM), dated December 15, 1994.
5. BLM and Espil agree to meet, including any interested affected interest, to consult, cooperate, and coordinate the development of an annual plan of operation and subject to the provisions of 43 CFR Part 4100, which include the administrative/judicial remedies.
6. Nothing in this agreement is to be construed as superseding the requirements of 43 CFR Part 4100.

III. This replaces and supersedes the Final Decision of the Bureau of Land Management (Susanville District) dated February 28, 1994, relating to the Twin Peaks Allotment.

DATED: JANUARY 19, 1995.


Bureau of Land Management


John Espil Sheep Co., Inc. Pres.