

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-00945-WDM-MEH

SAN LUIS VALLEY ECOSYSTEM COUNCIL,  
CITIZENS FOR SAN LUIS VALLEY - WATER PROTECTION COALITION,

Plaintiffs,

v.

U. S. FISH AND WILDLIFE SERVICE,

Defendant,

LEXAM EXPLORATIONS (U.S.A.), INC.,

Intervenor Defendant.

---

STIPULATION AND ORDER REGARDING CUSTODY OF EXHIBITS

---

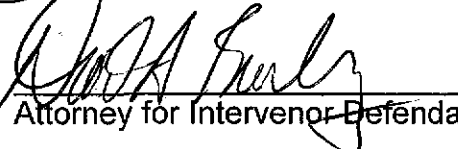
Following the conclusion of the hearing on Plaintiffs' Revised Motion for Preliminary Injunction held before Senior Judge Walker D. Miller on May 20, 2009, the parties stipulate:

1. Counsel for each party shall retain custody of all exhibits offered by that party until 60 days after the time of appeal from this Court has expired or, if appeal is taken, until 60 days after the final, non-appealable decision has been made in this matter. Thereafter, the custodian may destroy or otherwise dispose of those items.

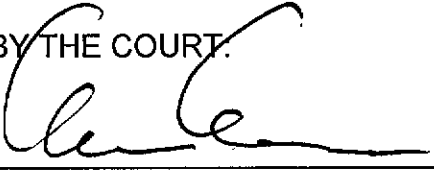
2. Each party's custody shall be for the benefit of all parties hereto and shall remain subject to further Order of the Court.

3. Upon any appeal, the party having custody of any part of the record necessary for appeal shall make the exhibits in its custody available to the appealing party for filing with the appellate court.

DATED at Denver, Colorado, this 21<sup>st</sup> day of May, 2009.

  
\_\_\_\_\_  
Attorney for Plaintiff  
\_\_\_\_\_  
Attorney for Defendant  
\_\_\_\_\_  
Attorney for Intervenor Defendant

ORDERED that the parties shall retain custody pursuant to the foregoing stipulation.

BY THE COURT.  
  
\_\_\_\_\_  
Walker D. Miller  
Senior United States District Judge