

EXHIBIT 2
DATE 3-31-05
SB 503

NANCY SWEENEY
CLERK DISTRICT COURT

2005 JAN 18 P 1:16

FILED

D. ROSTOCK

1 John E. Bloomquist
David R. Stewart
2 Doney Crowley Bloomquist Payne Uda P.C.
Diamond Block, Suite 200
3 44 West 6th Avenue
4 PO Box 1185
Helena, MT 59624-1185
5 (406) 443-2211 Fax (406) 449-8443

6 Attorneys for Plaintiffs

7
8 Robert N. Lane
Martha C. Williams
9 Montana Department of Fish,
Wildlife and Parks
10 1420 East Sixth Ave.
P.O. Box 200701
11 Helena, MT 59620-0701
12 (406) 444-4594 Fax (406) 444-

13 Attorneys for Defendants

MONTANA F.
COURT

*D - fax to
Martha Williams e
444-7526
D.*

DISTRICT COURT
- WIS AND CLARK

17 WALTER W. and ANN M. ARENSMEYER;
18 ROLFE L. DAVIDSON; ROBERT and RAE
MCDONALD; JOHN B. and SUSAN E.
19 BUCKLEY MURNANE,

20 Plaintiffs,

21 v.

22
23 STATE OF MONTANA, DEPARTMENT
OF FISH, WILDLIFE AND PARKS, an
24 Agency of the State of Montana, and
MONTANA FISH, WILDLIFE, AND
25 PARKS COMMISSION, an Agency of the
26 State of Montana,

27 Defendants.
28

Cause No. ADV 2005-24

STIPULATION ON PLAINTIFFS'
APPLICATION FOR TEMPORARY
RESTRAINING ORDER
AND ORDER

1 COMES NOW the above named Parties, Plaintiffs Walter W. and Ann M.
2 Arensmeyer, Rolfe L. Davidson, Robert and Rae McDonald, John H. and Susan F. Buckley
3 Murnane, individually, by and through counsel of record, and Defendants Montana Fish,
4 Wildlife, and Parks Commission ("Commission") and Montana Department of Fish, Wildlife,
5 and Parks ("Department"), by and through counsel of record, and hereby stipulate as follows:

6 1.) In consideration of the Department's and the Commission's voluntary and
7 immediate cessation of the current Game Damage Hunt in Districts 404 and 450 on property
8 formerly within the boundary of the Teton Spring Creek Bird Preserve ("Game Damage Hunt
9 Area") which authorizes the use of "any legally defined weapon" between January 1, 2005
10 and January 31, 2005 for a Special Antlerless Deer Season, Plaintiffs withdraw their request
11 for a temporary restraining order. The Department, effective January 14, 2005, changed the
12 above described game damage hunt by authorizing only the use of lawful archery equipment
13 and crossbows which replaced the former authorization of "any legally defined weapon." A
14 copy of the Amended Notice of the game damage hunt is attached as Exhibit "A".

15 2.) For the current game damage season of August 15, 2004 through February
16 2005 (ARM 12.9.801(1)(a)), any game damage hunt conducted in the Game Damage Hunt
17 Area will be limited to lawful archery equipment and crossbows only; as such archery
18 equipment is defined within the 2004 Hunting Regulations.

19 3.) The Department and the Commission has published notice to the public and
20 landowners whose property is within the Game Damage Hunt Area that any game damage
21 hunt may only be conducted with the use of hunting bows and crossbows for the present game
22 damage season.

23 4.) The Department will not set a game damage hunt within the abandoned
24 portions of the former Teton Spring Creek Bird Preserve in future game damage seasons that
25 allows the use of weapons other than lawful archery equipment and crossbows unless the
26 Department fully considers the issue of safety through a public process that includes an
27 analysis and public review pursuant to the Montana Environmental Policy Act and determines
28 that, and under what conditions, other hunting weapons can be safely used.

AMENDED NOTICE (effective January 14, 2005)
Special Antlerless Deer Season
Portion of Hunting Districts 404 and 450

By order of the Montana Fish, Wildlife and Parks Commission, the following described portions of Deer and Elk Hunting Districts 404 and 450 shall be open to the hunting of either-species antlerless deer only from January 1, 2005 through January 31, 2005:

The Otis and Sylvia Bryan Ranch, the Pat Saylor Ranch, the Keith Van Setten Ranch, and all of the Teton Spring Creek Bird Preserve northwest of Choteau, Montana. See the accompanying map.

Pat Saylor - 406-466-2697
 Otis and Sylvia Bryan - 406-466-2919
 Keith Van Setten - 406-466-2880

Holders of valid 2004 antlerless deer licenses in Hunting Districts 404 and 450 will be eligible to hunt during this time period. In addition, unlimited Hunting District 404-10 Antlerless Deer B licenses may be purchased at FWP offices, the FWP website, or any license provider. Valid licenses include a general Deer A license, 004-10 antlerless Whitetail Deer B licenses, and 404-10 antlerless Deer B licenses. It is intended that hunters may take as many antlerless deer as they have licenses available.

Hunting Regulations

While hunting, all participants must have in their possession a valid (unused) 2004 deer license(s). Hunters are required to contact participating landowners to obtain permission to hunt. Landowners will coordinate numbers of hunters allowed per day and access to hunting areas. **AMENDED: Only Archery and Crossbow weapon use is permitted outside of the Preserve within the Game Damage Hunt Area. Any legally defined weapon (see 2004 Hunting Regulations) is authorized outside of the Preserve within the Game Damage Hunt Area.** For safety considerations, landowners may restrict weapon type, depending upon the area to be hunted. Hunters should be aware that there are several homes and associated buildings in and around the Preserve. Exercise caution when discharging firearms and/or arrows any weapon. Please be sure of your target . . . and beyond!

Hunting within the existing Teton Spring Creek Bird Preserve will be archery only during this special antlerless deer season. Maps of the existing Teton Spring Creek Bird Preserve and this Game Damage Hunt Area are available at the Great Falls FWP office, and area FWP offices in Conrad and Choteau (see phone numbers below).

Hunters are asked to report deer harvest to appropriate landowners or any FWP office (Choteau field office 466-5631, Conrad field office 271-7033, or Great Falls Region Four Headquarters 454-5840).

Mike Adershold 1/13/05

