

FAX COVER SHEET

July 15, 2003

RECEIVED
JUL 15 2003
Department of Water Resources

TO: David J. Barber Fax: 334-2690
Jerry R. Rigby 208-356-0768
Michael C. Creamer 388-1300
James C. Tucker 388-6936
John K. Simpson 344-6034
IDWR 327-7866
Dept. of Justice 387-0842

FROM: Jo Beeman

FILE NO.: Consol. Subcase 37-2499: Swan Falls

MESSAGE: See attached **CONSOLIDATED STATEMENT AND JOINT REQUEST FOR EXTENSION OF TIME TO SUBMIT PROPOSED LANGUAGE IN REGARDS TO SWAN FALLS** which was filed with the SRBA this morning.

The information contained in this facsimile is confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 5

IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL JOYCE AT (208) 331-0950.

ORIGINAL BY MAIL: YES _____ NO ☒ _____

BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, Idaho 83702
Phone: (208) 331-0950
Fax: (208) 331-0954
office@beemanlaw.com

Josephine P. Beeman (ISB # 1806)
 Dana H. Rose (ISB # 6638)
 Beeman & Associates, P.C.
 409 West Jefferson Street
 Boise, ID 83702
 Phone: 208-331-0950
 Fax: 208-331-0954
 office@beemanlaw.com

Attorneys for Faulkner Land & Livestock Co., Inc.

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re: SRBA,	)	
	)	Consolidated Subcase No. 37-2499 <i>et al.</i>
Case No. 39576,	)	
	)	CONSOLIDATED STATEMENT AND
	)	JOINT REQUEST FOR EXTENSION
	)	OF TIME TO SUBMIT PROPOSED
	)	LANGUAGE IN REGARDS TO
	)	SWAN FALLS AGREEMENT
	)	

North Snake Ground Water District (NSGWD), State of Idaho, Harrison Canal, *et al.*
 ("Canal Companies"), Idaho Ground Water Appropriators, Inc., Clear Springs Foods, Inc., and
 Idaho Power Company, (hereinafter jointly referred to as "the parties"), by and through their
 counsel of record, submit the following consolidated statement and joint request to the Court.

1. Pursuant to the Court's *Order Re: Submittal of Proposed Language in Regards to Swan Falls Agreement* (Feb. 24, 2003); *Amended Order Re: Submittal of Proposed Language in Regards to Swan Falls Agreement*; and *Notice of Hearing* (May 23, 2003); and *Order Vacating Deadline for Submitting Proposed Language in Regards to Swan Falls Agreement*; and *Order Continuing Status Conference* (June 13, 2003) (hereinafter the "Orders"), certain of the parties (NSGWD, State of Idaho, the Canal Companies, and

Joint Request For Extension of Time to Submit
 Proposed Language In Regards to Swan Falls Agreement - 1

Idaho Power Co.) and the Idaho Department of Water Resources (IDWR) have held three meetings at the IDWR state office for the purpose of considering proposed language to "satisfy the concerns raised by the parties at the February 18, [2003], hearing." (February 24, 2003 Order, page 2.)

2. In addition to the meetings at IDWR, the parties have engaged in continued discussions concerning the proposed language and those discussions are ongoing.
3. While steady progress has been made on proposed language with regards to "the concerns raised by the parties at the February 18, [2003], hearing," the parties have not yet reached agreement. The parties respectfully request that they be given additional time to meet to discuss the concerns raised by the parties and attempt to reach an agreement on proposed language that can be submitted to the Court for its review.
4. This request is made in an effort to avoid the expenditure of time and resources of both the parties and the Court in litigation of issues that the parties believe are capable of resolution outside of litigation. The parties have not reached an impasse on the issues and would prefer to attempt to resolve the issues through continued settlement discussions.
5. So that the Court may monitor the progress and be assured that progress is occurring in the discussions relating to development of the proposed language, the parties would propose that an order be entered granting additional time within which to submit proposed language to the Court and requiring the parties to submit a joint monthly progress report to the Court.

DATED THIS 15TH DAY OF JULY 2003.

STATE OF IDAHO

By Josephine P. Beeman
(for) David J. Barber

NORTH SNAKE GROUND
WATER DISTRICT

By Josephine P. Beeman
Josephine P. Beeman

HARRISON CANAL, ET AL

By Josephine P. Beeman
(for) Jerry R. Rigby

IDAHO GROUND WATER
APPROPRIATORS, INC

By Josephine P. Beeman
(for) Michael C. Creamer

IDAHO POWER COMPANY

By Josephine P. Beeman
(for) James C. Tucker

CLEAR SPRINGS FOODS, INC.

By Josephine P. Beeman
(for) John K. Simpson

IDAHO POWER COMPANY

By Josephine P. Beeman
(for) John K. Simpson

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of July 2003, I caused to be served the foregoing
**CONSOLIDATED STATEMENT AND JOINT REQUEST FOR EXTENSION OF TIME
TO SUBMIT PROPOSED LANGUAGE IN REGARDS TO SWAN FALLS
AGREEMENT** by fax on:

Director
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449

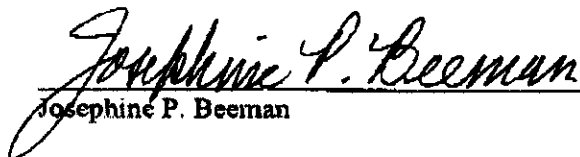
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

John K. Simpson
Rosholt Barker & Simpson
P. O. Box 2139
Boise, ID 83701-2139

Michael C. Creamer
Givens Pursley
P. O. Box 2720
Boise, ID 83701-2720

Jerry Rigby
Rigby Thatcher
25 North 2nd East
Rexburg, ID 83440

James C. Tucker
Idaho Power Co.
P. O. Box 70
Boise, ID 83707


Josephine P. Beeman

Z:\1780\2a\193\5577A-f

Joint Request For Extension of Time to Submit
Proposed Language In Regards to Swan Falls Agreement - 4