

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2004 NOV 19 PM 3 37

**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

Case No. 39576

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)  
)  
)  
)  
)  
**AMENDED ORDER SETTING  
MANDATORY SETTLEMENT  
CONFERENCE**

)  
)  
**SUBCASE NOS.: EXHIBIT A  
(City of Pocatello)**

The court recognizes that formal litigation of subcases in the Snake River Basin Adjudication may impose an economic burden on parties. Settlement conferences often provide an opportunity to settle subcases and avoid a trial. These conferences can help open lines of communication, clarify issues, reveal the strengths and weaknesses of each party's legal position, identify areas of agreement and generate options for a mutually agreeable resolution of the dispute.

Therefore, the subcases listed above have been set for a mandatory settlement conference. Each party and IDWR is required to be present with the individual having full settlement authority on every aspect of the contested subcase. Partnerships, corporations, limited partnerships, unincorporated associations and all governmental entities must have a responsible officer or partner with settlement authority in attendance, in addition to their attorney of record, unless written authority to settle has been given to the attorney and is presented to the Settlement Moderator.

**Settlement Statement-** Each party to these subcases shall submit a confidential "Settlement Statement" to Settlement Moderator Terrence A. Dolan on or before **January 21, 2005**. The contents of the settlement statement shall not be disclosed by the Settlement Moderator to the other

parties, the Court, or to Special Master Bilyeu except with the express consent of the parties. The settlement statements shall not be filed with the Court or the Special Master and shall be disposed of as Settlement Moderator Dolan deems appropriate. The settlement statement shall contain the following information:

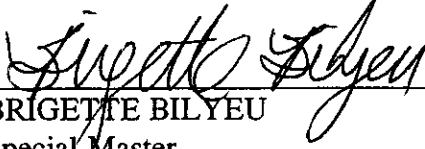
1. Identify the person(s) in addition to counsel of record, who shall attend the session with settlement authority.
2. Claimant shall disclose the legal and factual bases of its claim. (Please limit this disclosure to 5 pages including attachments)
3. Each Objector shall disclose the legal and factual bases of their Objections. (Please limit each disclosure to 5 pages including attachments)
4. Each party shall summarize the facts that are now settled or resolved and shall summarize those facts that remain in dispute.
5. Parties are encouraged to bring additional documents, maps or other information that may be helpful in the settlement discussions.

**Failure to attend or attendance without settlement authority may result in sanctions by the court.**

IT IS ORDERED that these subcases shall proceed with a SETTLEMENT CONFERENCE before Settlement Moderator Terrence A. Dolan, as follows:

|           |                                                                                                                             |
|-----------|-----------------------------------------------------------------------------------------------------------------------------|
| DATE:     | Tuesday February 1, 2005                                                                                                    |
| TIME:     | 10:00 am - 5:00 pm                                                                                                          |
| LOCATION: | Idaho Water Center <sup>1</sup><br>6 <sup>th</sup> Floor Conference Room # 602B<br>322 E Front Street<br>Boise, Idaho 83720 |

Dated: November 19, 2004

  
\_\_\_\_\_  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

<sup>1</sup> The Idaho Department of Water Resources relocated to a new office. This *Amended Order Setting Mandatory Settlement Conference* only amends the location of IDWR. The Date and Time are unchanged.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED ORDER SETTING MANDATORY SETTLEMENT CONFERENCE was mailed on November 19, 2004, with sufficient first-class postage to the following:

CITY OF POCA TELLO

Represented by:  
JOSEPHINE P. BEEMAN  
409 WEST JEFFERSON STREET  
BOISE, ID 83702  
Phone: 208-331-0950

STATE OF IDAHO

Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

UNITED STATES OF AMERICA  
USDI BLM

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

CITY OF POCA TELLO

PO BOX 4169  
POCA TELLO, ID 83205  
Phone: 208-232-4311

DIRECTOR OF IDWR

PO BOX 83720  
BOISE, ID 83720-0098

EXHIBIT A

(CITY OF POCA TELLO)

Subcase Nos:

29-00271  
29-00272  
29-00273  
29-02274  
29-02338  
29-02354  
29-02382  
29-02401  
29-02499  
29-04221  
29-04222  
29-04223  
29-04224  
29-04225  
29-04226  
29-07106  
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29-07119  
29-07222  
29-07322  
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29-07431  
29-07450  
29-07502  
29-07770  
29-07782  
29-11339  
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29-13639