

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**

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)
**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:

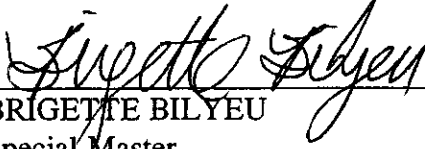
1. Identify the person(s) in addition to counsel of record, who shall attend the session with settlement authority.
2. Claimant shall disclose the legal and factual bases of its claim. (Please limit this disclosure to 5 pages including attachments)
3. Each Objector shall disclose the legal and factual 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 ¹ 6 th Floor Conference Room # 602B 322 E Front Street Boise, Idaho 83720

Dated: November 19, 2004



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

¹ 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


Deputy Clerk

EXHIBIT A

(CITY OF POCATELLO)

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
29-07118
29-07119
29-07222
29-07322
29-07375
29-07431
29-07450
29-07502
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