

**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     | ) | Subcases                                          |
|                | ) | 29-271, <i>et al.</i> (38 state law-based claims) |
| Case No. 39576 | ) | City of Pocatello                                 |
|                | ) | 29-11609 (federal law-based claim)                |
|                | ) | City of Pocatello                                 |
|                | ) | 29-12877 (federal law-based claim)                |
|                | ) | Citizens of the Pocatello Townsite                |
|                | ) |                                                   |
|                | ) | <b>SETTLEMENT CONFERENCE</b>                      |
|                | ) | <b>REPORT</b>                                     |

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A mandatory settlement conference was held at the Idaho Water Center in Boise, Idaho, on August 31, 2005. The conference began at 9:15 a.m. and concluded by noon. All parties to the above subcases attended, including: the City of Pocatello, the United States of America, the State of Idaho, the Shoshone-Bannock Tribes, the Citizens of the Pocatello Townsite and IDWR. Attached is the sign-in sheet listing all 22 people in attendance.

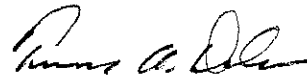
All issues arising from Pocatello's 38 state law-based claims (29-271, *et seq.*) and federal law-based claims filed by Pocatello (29-11609) and the Citizens of the Pocatello Townsite (29-12877) were discussed at length. Each of the parties was represented by one or more attorney at the conference, except the Citizens of the Pocatello Townsite. The Citizens of the Pocatello Townsite joined in discussions of their federal law-based claim and then excused themselves from the remainder of the conference when the parties turned to Pocatello's state law-based claims.

No elements of the claims were settled and the parties clearly understood the impending summary judgment (October 13, 2005) and trial date (September 12, 2006). Significant progress was made when the parties turned from the bases of Pocatello's claims to its interests in filing the claims. Then the discussion turned to discovery matters. The United States and Pocatello expect

to submit a confidential agreement and proposed order to the Special Master within a week concerning a certain report the parties do not want made public at this time. Pocatello concluded that it now "had a lot on its plate" and would soon be submitting various proposals for settlement to the United States and the State.

The parties agreed to reconvene further settlement discussions on their own without Court involvement and offered to submit a joint settlement progress report to the Special Master by mid-December, 2005.

DATED: September 1, 2005.



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TERRENCE A. DOLAN  
Settlement Moderator  
Snake River Basin Adjudication

NamePartyPhone / Email

Peter Manson

United States (DOT)

303 - 312-7350

peter.c.manson@usdoj.gov

FRANK Wilson

U.S. Dept Interior

503-231-2132

David Barber

Idaho Office of AG

208 334-4141

Jay Valcarve

"Citizens of Pocatello"

208-233-7938

Lee Norman

"Citizens of Pocatello"

208-232-3961

2normanz@Cableone.net

Dala Walton

Bureau of Reclamation

208 6780461x23

Mike Beus

"

208 6780461x27

Carter Fritschle

IDWR

208 287-4917

Erni Martin

Shoshone-Bannock  
Tribes

208 239-4563

Felix D. Tetun

Shoshone-Bannock Tribes

208-239-4580

Dave Turhill

IDWR

208-287-4805

Susan Hamlin

IDWR

(208) 287-4811

Ray Williams

IDWR

208-287-4915

Candace McHugh

IDWR

287-4810

Josephine Beeman

Pocatello

208-331-0950/jo.beeman@

A. Dean TRAUMER

Pocatello

208-234-6188  
dtraumer@pocatello.us beemanlaw.com

Sarah Klahn

Pocatello

303-595-9441

Sarahk@  
white-jankowski  
com

GREG SULLIVAN

Pocatello

303-861-9700

greg@  
springwater.com

Jeanette Wolfley

Shoshone-Bannock Tribes

208.232.1922

Wolfleyj@

Gail McGarry

Bureau of Reclamation

(208) 378-

5306

emcgarry

Chris Ketchum

"

208 6780461

@pr.usbr.  
gov

Kathleen Marion Carr U.S. Dept. Interior

208-334-1911

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SETTLEMENT CONFERENCE REPORT was mailed on September 01, 2005, with sufficient first-class postage to the following:

SHOSHONE-BANNOCK TRIBES

Represented by:  
BRANDELLE WHITWORTH  
TRIBAL COUNSEL OFFICE  
PO BOX 306  
FORT HALL, ID 83203  
Phone: 208-478-3815

UNITED STATES OF AMERICA

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

SHOSHONE-BANNOCK TRIBES

Represented by:  
JEANETTE WOLFLEY  
SPECIAL COUNSEL  
SHOSHONE-BANNOCK TRIBE  
202 N ARTHUR  
POCATELLO, ID 83202  
Phone: 208-232-1922

CITIZENS OF THE POCATELLO TOWN  
C/O JAY VALCARCE

LOTS 7 & 8 BLK 32 TOWNSITE 4  
441 S 11TH AVE  
POCATELLO, ID 83201  
Phone: 208-233-7938

CITY OF POCATELLO

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

DIRECTOR OF IDWR

PO BOX 83720  
BOISE, ID 83720-0098

STATE OF IDAHO

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

CITY OF POCATELLO

Represented by:  
SARAH A KLAHN  
WHITE & JANKOWSKI LLP  
KITTREDGE BUILDING  
511 16TH ST STE 500  
DENVER, CO 80202  
Phone: 303-595-9441

  
Deputy Clerk