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DEPARTMENT OF
WATER RESOURCES

2006 DEC 15 AM 8:06

DISTRICT COURT-SRBA
TWIN FALLS CO IDAHO
FILED

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

) Subcase 63-05284

)

Case No. 39576

) ORDER SETTING MANDATORY

) SETTLEMENT CONFERENCE

)

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.

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. **This Order does not apply to objector Edwards Family LLC.**

Settlement Statement- Each party (except Edwards Family LLC) to this subcase shall submit a confidential "Settlement Statement" to Settlement Moderator Terrence A. Dolan on or before Friday, January 12, 2007, by 5:00 P.M. The contents of the settlement statement shall not be disclosed by the Settlement Moderator to the other parties, the Court, or to Special Master Booth 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. The claimant shall disclose the legal and factual bases of his claim. (Please limit this disclosure to 5 pages including attachments)
3. The objector shall disclose the legal and factual bases of his objections. (Please limit each disclosure to 5 pages including attachments)
4. The Respondent shall disclose the legal and factual bases of its response (Please limit each disclosure to 5 pages including attachments)
5. Each party shall summarize the facts that are now settled or resolved and shall summarize those facts that remain in dispute.
6. 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 this subcase shall proceed with a SETTLEMENT CONFERENCE before Settlement Moderator Terrence A. Dolan, as follows:

DATE: Wednesday, January 17, 2007
TIME: 9:00 AM Mountain Time
LOCATION: Idaho Department of Water Resources
Idaho Water Center
322 E. Front Street
Boise, Idaho 83720

Dated December 14, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the was mailed on December ~~13~~¹⁵ 2006, with sufficient first-class postage to the following:

THE TERTELING CO INC

Represented by:

CHARLES L. HONSINGER

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PO BOX 2773

BOISE, ID 83701-2773

Phone: 208-342-4591

EDWARDS FAMILY LLC

Represented by:

DANA L. HOFSTETTER

608 WEST FRANKLIN STREET

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DIRECTOR OF IDWR

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