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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 63-09812
	)
Case No. 39576	) ORDER SETTING MANDATORY
	) SETTLEMENT CONFERENCE;
	)
	) ORDER REQUESTING 706 REPORT
	) FROM IDWR;
	)
	) ORDER SETTING DEADLINE FOR
	) DESIGNATION OF COUNSEL;
	)
	) ORDER SETTING STATUS
	) CONFERENCE

I. 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, trusts, limited partnerships, unincorporated associations, etc., 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.

ORDER SETTING MANDATORY SETTLEMENT CONFERENCE;
ORDER REQUESTING 706 REPORT FROM IDWR;
ORDER SETTING DEADLINE FOR DESIGNATION OF COUNSEL;
ORDER SETTING STATUS CONFERENCE
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Settlement Statement- Each party to this subcase shall submit a confidential "settlement statement" to Settlement Moderator Terrence A. Dolan on or before **Thursday, May 17, 2007, by 5:00 P.M.** The settlement statement should contain a cover letter instructing the Clerk of the Court to simply forward the statement to Special Master Dolan **without filing the document** with the Court. 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 (if any) 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, May 23, 2007
TIME:	2:00 PM Mountain Time
LOCATION:	IDWR Western Region Office 2735 Airport Way Boise, Idaho

II. ORDER REQUESTING 706 REPORT FROM IDWR

Pursuant to Idaho Rule of Evidence 706, and Idaho Code § 42-1401B, it is ordered that IDWR shall prepare and serve upon the parties to the subcase and the SRBA Court a report detailing the basis for its recommendation. The deadline for filing this report is **Friday, June 1, 2007**. The report may address any or all of the elements of the water right claim as IDWR deems appropriate, but particular emphasis should be placed upon the disputed element of source, and in particular as it relates to the nature of the objection, which is to the diversion of geothermal water from the Stewart Gulch Geothermal Aquifer.

In accordance with I.R.E. 706, a deposition of IDWR may be taken by any party; and IDWR may be called to testify by any party or by the Court pursuant to I.R.E. 614(a); and IDWR shall be subject to cross-examination by each party.

III. ORDER SETTING DEADLINE FOR DESIGNATION OF COUNSEL

On February 9, 2007, this Special Master issued an *Order Requiring Claimant to be Represented by an Attorney Admitted To Practice Law in Idaho*. In accordance therewith, it is hereby ordered that the claimant shall file with the Court a designation of such attorney no later than **Thursday, May 17, 2007**.

IV. ORDER SETTING STATUS CONFERENCE

A status conference in this subcase will be held on **Tuesday, June 12, 2007 at 11:30 AM Mountain Time** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

Dated April 4, 2007



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING MANDATORY SETTLEMENT; DEADLINE FOR 706 REPORT; DEADLINE FOR ATTORNEY AND STATUS CONFERENCE was mailed on April 04, 2007, with sufficient first-class postage to the following:

EDWARDS FAMILY LLC

Represented by:
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DIRECTOR OF IDWR
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