

2007 JUN 29 PM 2 59

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

	)	Subcases:
	)	63-29710 (US / Army Reserve)
	)	63-29713 (US / Department of Veteran Affairs)
In Re SRBA	)	63-29714 (US / Department of Veteran Affairs)
	)	63-29715 (US / GSA)
	)	63-29716 (US / GS)
	)	63-29764 (US / Army Reserve)
Case No. 39576	)	63-29765 (US / GSA)
	)	63-29766 (US / GS)
	)	
	)	MANDATORY SETTLEMENT
	)	CONFERENCE REPORT

A mandatory settlement conference ordered by Special Master Theodore R. Booth in the above 8 subcases was held in Boise, Idaho, on June 27, 2007. The settlement moderator was Terrence A. Dolan, SRBA Special Master in other basins. A list of those who attended the conference and their interests is noted on the attached conference checklist (David J. Barber, Daniel V. Steenson and Eric R. Bjorkman did not attend).¹

The issues discussed at the conference concerned federal reserved claims for geothermal (hot) water at Fort Boise. Related cold water claims were at issue but play a relatively minor role compared with the dual issues of geothermal water volume (pressure / level) and temperature.

¹ Counsel for the Tertelings wanted it noted that only he attended with full settlement authority – his clients. US Attorney General Alberto Gonzales was in Boise the day before the conference but left town without participating.

During the 3½ hour conference, the parties freely exchanged information about historical use and future development of the resource. No agreements were completed during the conference, but given additional time and the exchange of more information, the parties may very well be able to settle all the claims. The important part was that all the parties shared their concerns and interests and various settlement options were seriously aired.²

The next scheduled event is a telephone status conference set for July 31, 2007. The parties expect to report possible settlement of some issues, plus whether they will require further mandatory settlement discussions (moderated or not). Trial scheduling will be the following step if the parties cannot settle the claims in the relatively near future.

DATED June 29, 2007.



TERRENCE A. DOLAN
Settlement Moderator
Snake River Basin Adjudication

² The citation of a decision of the Wyoming Supreme Court in the Big Horn River General Adjudication (Big Horn I) concerning Indian reserved groundwater claims was requested: 753 P.2d 76 at 100 (1988).

CERTIFICATE OF MAILING

I certify that a true and correct copy of the MANDATORY SETTLEMENT CONFERENCE REPORT was mailed on June 29, 2007, with sufficient first-class postage to the following:

BOISE WARM SPRINGS WATER DIST
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THE TERTELING CO INC
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EDWARDS FAMILY LLC
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STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
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UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

SETTLEMENT CONFERENCE
Federal Reserved Groundwater Claims
General Order No. 10, April 9, 1873

Wednesday, June 27, 2007, 1:30 p.m.
Offices of the Idaho Attorney General
LBJ Building
650 W. State Street
Boise, ID
Settlement Moderator – Terrence A. Dolan

Claimants

US / Army Reserve

US / Department of Veteran Affairs

David Gehlert
Derek Shoup

US / GSA

US / GS

David Negri
Jack Hockberger
Kathleen M. Carr
Stan Catchpole – US / GSA
Kathy Peter – US / GS

Objectors / Respondents

State of Idaho

David J. Barber
David I. Stanish

Boise Warm Springs Water District

Bruce M. Smith

The Terteling Co., Inc.

Charles L. Honsinger
Daniel V. Steenson
J.L. Terteling
A.J. Terteling
T.E. Terteling

Edwards Family LLC

Dana L. Hofstetter

City of Boise

Robert A. Maynard
Eric R. Bjorkman

- 63-29710** **US / Army Reserve** (.92 cfs, year-'round heating)
- State of Idaho
Boise Warm Springs Water District
- The Terteling Co., Inc.
Edwards Family LLC
- 63-29713** **US / Department of Veteran Affairs** (2.76 cfs, year-'round heating)
- State of Idaho
Boise Warm Springs Water District
- The Terteling Co., Inc.
Edwards Family LLC
- 63-29714** **US / Department of Veteran Affairs** (2.23 cfs, year-'round domestic & irrigation of 32 acres from March 15 to November 15)
- State of Idaho
Boise Warm Springs Water District
- Edwards Family LLC
- 63-29715** **US / GSA** (4.01 cfs, year-'round heating)
- State of Idaho
Boise Warm Springs Water District
- The Terteling Co., Inc.
Edwards Family LLC
- 63-29716** **US / GS** (.24 cfs, year-'round heating)
- State of Idaho
Boise Warm Springs Water District
- The Terteling Co., Inc.
Edwards Family LLC

63-29764 **US / Army Reserve** (.0012734 cfs, "Army Reserve Center activity")

State of Idaho
Boise Warm Springs Water District

Edwards Family LLC

63-29765 **US / GSA** (.38 cfs, year-'round commercial, industrial & domestic uses & irrigation of 6 acres from March 15 to November 15)

State of Idaho
Boise Warm Springs Water District

Edwards Family LLC

63-29766 **US / GS** (1.2 cfs, year-'round commercial, industrial & domestic uses & irrigation of 5 acres from March 15 to November 15)

State of Idaho
Boise Warm Springs Water District

Edwards Family LLC