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DEPARTMENT OF
WATER RESOURCES

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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 Nos. 63-00132, 63-00133, 63-00134,
	)	63-00134A, 63-00134B, 63-00186A,
	)	63-00186B, 63-17205, and 63-31772
	)	
Case No. 39576	)	STATE OF IDAHO DEPARTMENT OF PARKS AND
	)	RECREATION'S MOTION FOR A MANDATORY
	)	SETTLEMENT CONFERENCE WITH OR WITHOUT
	)	A SETTLEMENT MODERATOR, AND REQUEST
	)	FOR EXPEDITED HEARING
	)	

COMES NOW the State of Idaho, Department of Parks and Recreation (hereinafter the "IDP&R"), by and through the undersigned deputy attorney general, and moves the district court for an Order that requires participation in a Mandatory Settlement Conference in accordance with AO1 12 with or without the appointment of a Settlement Moderator. The grounds for this motion are as follows:

1. IDP&R believes that there are significant opportunities for settlement of the present dispute over ownership, and would like to explore those opportunities in a mandatory settlement conference. Settlement would obviously save all parties significant expenses in lieu of a trial.

2. The IDP&R further requests the appointment of a special master as a settlement moderator. However, the IDP&R understands that the calendars of all special masters are full. If a special master is unavailable as a settlement moderator within the next sixty (60) days, then the IDP&R would request that the district court order a mandatory settlement conference within sixty (60) days without the assistance of a settlement moderator.

3. Section 12 of AO1 provides as follows:

Settlement conference may be held at the discretion of the court. Such conferences shall be held in conformance with any pre-trial or scheduling order issued by the court. Parties and their attorneys must be personally present. No one may attend by proxy or by telephone. Each party is required to be present with the individual's possessing full settlement authority on every aspect of the contested subcase.

4. Since the present trial schedule order provides for a tight litigation schedule, this Court needs to consider this motion on an expedited basis. AO1 6(f)(2) provides as follows regarding requests for expedited hearings:

Expedited Hearing – Any party moving for an order to expedite a hearing shall send a copy of the motion and supporting documents to all parties listed in Section 6(e)(2) and each person on the current copy of the *Court Certificate of Mailing for Expedited Hearings* which is available from the Clerk of the SRBA Court.

The certificate of service in this matter demonstrates compliance with AO 6(f)(2).

5. Oral argument by telephone, or otherwise as the Court deems proper, is requested on this motion.

WHEREFORE, the IDP&R requests as follows:

1. That the district court enters an order that does all of the following:
 - (i) appoints another special master as a settlement moderator, if a special master is available within the next sixty (60) days, and
 - (ii) requires all parties to attend a mandatory settlement conference.
2. That the district court set this matter for an expedited hearing.
3. That the district court grants such further or other relief that it deems just and proper.

RESPECTFULLY SUBMITTED this 20th day of March 2008.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
STATE OF IDAHO


DAVID J. BARBER
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that on this 20th day of March 2008, I caused to be served the original and/or copy of the STATE OF IDAHO DEPARTMENT OF PARKS AND RECREATION'S MOTION FOR A MANDATORY SETTLEMENT CONFERENCE WITH OR WITHOUT A SETTLEMENT MODERATOR, AND REQUEST FOR EXPEDITED HEARING on all parties listed on the Court's expedited mailing list by U.S. Mail, postage prepaid, and on each of the following persons by the indicated method:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☒ Facsimile: (208) 736-2121
- ☐ Statehouse Mail

2. Copies to the following persons:

Special Master Theodore Booth
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: 345-8800
- ☐ Statehouse Mail

Hart-Davis Ditch Company
Represented by:
S. Bryce Farris
RINGERT CLARK
455 South Third St.
PO Box 2773
Boise, ID 83701-2773

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☒ Facsimile: (208) 342-4657
- ☐ Statehouse Mail

Mace Catlin Mutual Ditch Company
Incorporated
Represented by:
Jon C. Gould
RINGERT CLARK
455 South Third St.
PO Box 2773
Boise, ID 83701-2773

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☒ Facsimile: (208) 342-4657
- ☐ Statehouse Mail

Ron Sali & Ron Sali Properties
Ron Sali Properties, Inc.

Represented by:
Michael C. Creamer
GIVENS PURSELY
601 W. Bannock St.
PO Box 2720
Boise, ID 83701-2720

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (303) 312-7379
- ☐ Statehouse Mail

Ron Sali
PO Box 488
Boise, ID 83701-0488

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (303) 312-7379
- ☐ Statehouse Mail

Ron Sali Properties, Inc.
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919 S. Linder Rd
Eagle, ID 83616-5513

- ☒ U.S. Mail, postage prepaid
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- ☒ U.S. Mail, postage prepaid
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- ☐ Federal Express
- ☐ Facsimile: (303) 312-7379
- ☐ Statehouse Mail

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (303) 312-7379
- ☐ Statehouse Mail

Idaho Department of Parks and
Recreation
5657 Warm Springs Avenue
Boise, ID 83716

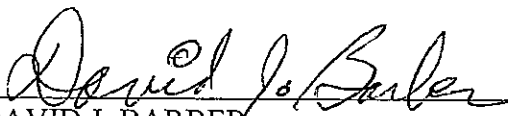
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IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
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- ☐ Facsimile: _____
- ☒ Statehouse Mail

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Not Applicable



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