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Lloyd & Sheryl Tutor, Marci Dixon, and Tracy Marcia*

**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. See Attachment A
	)	
Case No. 39576	)	REQUEST FOR MANDATORY
	)	MEDIATION / PROPOSED TRIAL
	)	DATES / REQUEST TO VACATE
	)	INITIAL HEARINGS AND SET
	)	STATUS CONFERENCE
	)	
	)	
	)	

COME NOW, ALBERT & ALVERA FOLS, CHARLES & MARY HARLING, A.C. & LUELLA PILKERTON, LLOYD & SHERYL TUTOR, MARCI DIXON, AND TRACY MARCIA (hereinafter collectively referred to as the "Carmen Creek Users"), claimants in the SRBA, by and through their attorneys of record, Barker Rosholt & Simpson LLP, and hereby request this Court to order mandatory mediation in the above-entitled subcases. The Carmen Creek Users have further proposed a trial date below and would request the Court to vacate the initial hearings (for purposes of the Carmen Creek Users' objections) and set a status conference in these subcases sometime after the formal mediation session is set. The reasons for these requests are set forth below.

REQUEST FOR MEDIATION

I. Request for Formal Mediation.

Counsel Travis Thompson and a representative for the Carmen Creek Users along with counsel Ray Rigby and a representative of the "16 Claimants" (see Attachment C for list of claimants represented by Mr. Rigby) met informally in Mr. Rigby's office on Friday August 22, 2008. The two groups met in an effort begin discussions about mediating the outstanding objections in these subcases. While no agreement was reached in that informal session, the Carmen Creek Users believe a formal mediation session with one of the Special Masters, as is customary in the SRBA, would be helpful in assisting resolution of their objections short of trial. The Carmen Creek Users would propose a formal mediation session with all involved parties the first week of November 2008, or a date compatible with the mediator's schedule. This request only concerns the Carmen Creek Users' objections.

II. Proposed Trial Dates.

Since one of the purposes of the initial hearing is to set a trial date, the Carmen Creek Users would propose a trial in these subcases to begin the week of June 22nd or 29th, 2009. Counsel for the Carmen Creek Users is unavailable the first two weeks of June 2009.

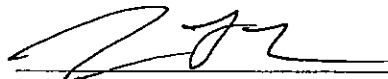
III. Request to Vacate Initial Hearings / Set Status Conference

Since the Carmen Creek Users have requested formal mediation and have proposed acceptable trial dates, there is no reason to hold the initial hearings as scheduled for purposes of the Carmen Creek Users' objections. This request does not apply to any initial hearings in which other objections have been made by other parties such as the BLM. Currently, the initial hearings involving the Carmen Creek Users' objections are spread over three days in Salmon, Idaho which conflicts with counsel's schedule. *See Attachments B, C.* The expense and time related to travel and attendance at the initial hearings over three days is an undue hardship in this

case, particularly when the parties have already met informally and the request for mediation has been made. Moreover, the Carmen Creek Users do not anticipate resolving their objections in the short time scheduled for the initial hearings. Instead, the Carmen Creek Users would request the opportunity for a full mediation day and for the Court to set a status conference to follow a week after the mediation session (if ordered).

DATED this 3rd day of September, 2008.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

Attorneys for Carmen Creek Users

CERTIFICATE OF MAILING

I certify that on September 3rd, 2008, I served the original and copies of the foregoing document to the following persons as indicated:

Original, hand delivery to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Copies, U.S. Mail, postage prepaid to:

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P.O. Box 83720
Boise, Idaho 83720-0098

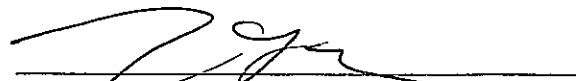
U.S. Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, Idaho 83724

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Edmiston, Steven Yowell, Robert & Fran
Mosher, Danny & Roberta Fadness, Terry &
Veralyn Hershey, Phil Eisenhauer & Shelley
Erwin, Shirley Mattis, James Hudson, William
Clementz, Robert Ernest, John & Ruth Burns,
George Matejko, and Rick Rice*


Travis L. Thompson

ATTACHMENT A

"16 Claimants" Claims		Carmen Creek Users Claims
75-69A	75-10061B	75-69M
75-69B	75-10061C	75-70M
75-69F	75-10061J	75-10061N
75-69H	75-10061R	75-10061X
75-69K	75-10061T	75-10062L
75-69L	75-10061Y	75-10062V
75-69N	75-10061Z	75-14019
75-69P	75-10062A	75-14021
75-69Q	75-10062AA	75-14025
75-69S	75-10062AB	75-14027
75-69W	75-10062AC	75-14038
75-69X	75-10062AL	75-14040
75-70A	75-10062C	75-14044
75-70B	75-10062H	75-14046
75-70F	75-10062P	75-14049
75-70H	75-10062R	75-14050
75-70K	75-10062W	75-14051
75-70L	75-10062X	75-14052
75-70N	75-10062Y	75-14055
75-70P	75-10136A	75-14056
75-70Q	75-10136B	75-14057
75-70S	75-10137A	75-14058
75-70T	75-10137B	
75-70X	75-10678	
75-70Y	75-14387	
75-10061A	75-14388	
75-10061AA	75-14393	
75-10061AC	75-14441	
75-10061AE	75-14443	
75-10061AM		

ATTACHMENT B
Claimants Represented by Travis Thompson

Hearing 9/10/08 @ 9:15 AM

75-14019	Tutor
75-14021	Tutor
75-14025	Tutor
75-14027	Tutor

Hearing 9/10/2008 @ 2:15 PM

75-14038	Dixon
75-14040	Dixon
75-14044	Dixon
75-14046	Dixon

Hearing 9/10/2008 @ 10:15 AM

75-14049	Marcia
75-14051	Marcia
75-14055	Marcia
75-14057	Marcia

Hearing 9/10/2008 @ 10:45 AM

75-69M	Harling
75-70M	Harling
75-10061X	Harling
75-10062V	Harling

Hearing 9/10/2008 @ 9:45 AM

75-10061N	Pilkerton
75-10062L	Pilkerton

Hearing 9/10/2008 @ 2:45 PM

75-14050	Fols
75-14052	Fols
75-14056	Fols
75-14058	Fols

ATTACHMENT C
Claimants Represented by Ray Rigby (Unless Noted Pro Se)

Hearing 9/11/2008 @ 9:00 AM

75-69A	Burns
75-69B	Hudson
75-69F	Tippett
75-69H	Matejko
75-69K	Mosher
75-69L	Rice
75-69N	Ernest
75-69P	Mattis
75-69Q	Edmiston (Hearing also set for 9/11/2008 @ 10:30 AM)
75-69S	Clementz
75-69W	Eisenhauer
75-69X	Hershey
75-70A	Burns
75-70B	Hudson
75-70F	Tippett
75-70H	Matejko
75-70K	Mosher
75-70L	Rice
75-70N	Ernest
75-70P	Mattis
75-70Q	Edmiston (Hearing also set for 9/11/2008 @ 10:30 AM)
75-70S	Jackson (Pro Se)
75-70T	Clementz
75-70X	Eisenhauer
75-70Y	Hershey
75-10061A	Burns
75-10061AA	Edmiston (Hearing also set for 9/11/2008 @ 10:30 AM)
75-10061AE	Clementz
75-10061AM	Yowell
75-10061B	Hudson
75-10061C	Fadness
75-10061J	Tippett
75-10061R	Matejko
75-10061T	Mosher
75-10061Y	Ernest
75-10061Z	Mattis
75-10062A	Burns
75-10062AB	Jackson (Pro Se)
75-10062AC	Clementz
75-10062AL	Yowell

REQUEST FOR MEDIATION

ATTACHMENT C
Claimants Represented by Ray Rigby (Unless Noted Pro Se)

Hearing 9/11/2008 @ 9:00 AM

75-10062C	Hudson
75-10062H	Tippett
75-10062P	Matejko
75-10062R	Mosher
75-10062W	Ernest
75-10062X	Mattis
75-10062Y	Edmiston (Hearing also set for 9/11/2008 @ 10:30 AM)
75-10136A	Eisenhauer
75-10136B	Hershey
75-10137A	Eisenhauer
75-10137B	Hershey
75-10678	Thomas Trust (Hearing also set for 9/12/2008 @ 11:15 AM)
75-14387	Fadness
75-14388	Fadness
75-14393	Fadness
75-14441	Rice
75-14443	Rice

Hearing 9/12/2008 @ 11:15 AM

75-10061AC	Thomas Trust
75-10062AA	Thomas Trust