

RECEIVED

JAN 22 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 21 2009

By _____ Clerk
Deputy Clerk

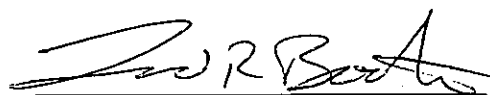
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcases 75-04108 (Pope Ditch Co.) and
Case No. 39576) 75-04394 (Tyacke)
_____)
SETTLEMENT CONFERENCE REPORT

A telephonic settlement conference was held in the above-captioned subcase on December 29, 2008. The following people participated in the conference: (1) Mike Tyacke; (2) John Schroeder; (3) Terri Morton; (4) Lloyd Morton; (5) Stan Jensen (Director); (6) Roy Hoffman (Director); (7) Sharon Hoffman; (8) Don Cunningham (Director); (9) Deputy Attorney General Garrick Baxter; and (10) Water Rights Agent Monica Van Bussum.

The essence of Mr. Tyacke's objection to the water right claim by the Pope Ditch Company is that the agreement under which the Pope Ditch Company operates does not offer certainty or predictability to the recipients of the water diverted under the Pope Ditch Company's water right. A copy of the agreement was faxed to the settlement moderator during the settlement conference, and is dated December 4, 1922. The Board of Director's of the Pope Ditch Company, all of which were present at the settlement conference, conceded that the current operating agreement is perhaps outdated. Accordingly, the Pope Ditch Company is going to look into having a new agreement drafted that would alleviate Mr. Tyacke's concerns. Because such an undertaking by the Pope Ditch Company may take several months to complete, it is the recommendation of the settlement moderator that these subcases not be set for trial at this time. The parties should be able to update Special Master Dolan as to any progress that has been made at the March 19, 2008, status conference.

Dated 1/21/09


THEODORE R. BOOTH
Settlement Moderator

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SETTLEMENT CONFERENCE REPORT was mailed on January 21, 2009, with sufficient first-class postage to the following:

STATE OF IDAHO DEPT OF LANDS

Represented by:

STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

STAN JENSEN
(COURTESY COPY)
16 HYDE LANE
SALMON, ID 83467

POPE DITCH CO
C/O TERRI J MORTON SEC
PO BOX 601
SALMON, ID 83467

MICHAEL J. TYACKE
MICHAEL JOSEPH TYACKE
PO BOX 2156
IDAHO FALLS, ID 83403
Phone: 208-526-1601

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098