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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
SEP 24 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

Case No. 39576

ORDER SETTING MANDATORY
SETTLEMENT CONFERENCE

SUBCASE NOS.: 37-296A, 37-717,
37-1216, and 37-7854

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.

Therefore, the subcase listed above has been set for a mandatory settlement conference. 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, limited partnerships, unincorporated associations and all governmental entities 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.

Settlement Statement- Each party to this subcase shall submit a confidential "Settlement Statement" to Settlement Moderator Theodore R. Booth on or before **October 9, 2009**. The contents of the settlement statement shall not be disclosed by the Settlement Moderator to the other parties, the Court, or to Special Master Bilyeu 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 Booth 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. Claimant shall disclose the legal and factual bases of its claim. (Please limit this disclosure to 5 pages including attachments)
3. Each Objector shall disclose the legal and factual bases of their Objections. (Please limit each disclosure to 5 pages including attachments)
4. Each party shall summarize the facts that are now settled or resolved and shall summarize those facts that remain in dispute.
5. 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 THE NON-ATTENDING PARTY BEING BOUND TO
THE AGREEMENT WHICH IS REACHED.**

IT IS ORDERED that these subcases shall proceed with a MANDATORY SETTLEMENT CONFERENCE before Settlement Moderator Theodore R. Booth, as follows:

DATE: Monday, October 19, 2009
TIME: 11:00 am
LOCATION: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

Dated: September 24, 2009.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING MANDATORY SETTLEMENT CONFERENCE was mailed on September 24, 2009, with sufficient first-class postage to the following:

BIG WOOD CANAL COMPANY

Represented by:
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INDIAN CREEK RANCH OWNERS
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