

JUN 01 2010

DEPARTMENT OF
WATER RESOURCES

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: 47-17193, 47-17194, 47-17195, 47-17196,
	)	47-17197, 47-17199, 47-17200,
Case No. 39547	)	47-17201, 47-17202 and 47-17205
_____	)	

SUPPLEMENTAL SCHEDULING
CONFERENCE STATEMENT SUBMITTED
BY BRACKETT RANCHES, LP, BERT BRACKETT
AND IRA BRACKETT

BRACKETT RANCHES, LP by and through BERT BRACKETT AND IRA BRACKETT submit the following Scheduling Conference Statement, and a Settlement Statement with respect to the above-referenced subcases. (Note: Subcases 47-17206 and 47-17198 were withdrawn without prejudice.) The Scheduling Conference originally scheduled for April 27, 2010, has been continued pursuant to order of this Court to Tuesday, June 29, 2010, at 11:00 a.m. (MT) at the SRBA located at 253-3rd. Ave. North Twin Falls, Idaho. Accordingly, Brackett Ranches, LP respectfully submits the following as and for a Scheduling Conference Statement and Settlement Proposal which is being communicated by copy of this pleading to the United States Bureau of Land Management in care of Frederick W. Price. Brackett Ranches, LP, by and through Bert Brackett, believes that the following

Settlement Proposal will substantially reduce the number of subcases involved as set forth in the caption above and thus mitigate and substantially reduce the time involved in pursuing this matter through formal adjudication in the Snake River Basin Adjudication and before this Court. Specifically, Brackett Ranches, LP by and through Bert Brackett and Ira Brackett submit the following statement with respect to the pending Scheduling Conference above-referenced and as an offer of compromise for purposes of settlement only as follows:

At the original hearing on Case No. 39576 involving the above-referenced subcases, Bert Brackett and Ira Brackett appeared individually and on behalf of Brackett Ranches, LP and made a settlement proposal to the United States – BLM and specifically to its employee and representative, Frederick W. Price. Since the November 23, 2009 initial hearing and scheduling conference, neither Bert Brackett nor Ira Brackett representing Brackett Ranches, LP have received a response from the United States and specifically Frederick W. Price and/or any other designated employee or representative of the United States with respect to the proposed settlement. Brackett Ranches, LP by and through Bert Brackett and Ira Brackett are now facing the necessity of attending yet another scheduling conference set for June 29, 2010, as above-referenced. In order to hopefully reach a final resolution with respect to all of the subcases set forth hereinabove, at the November 23, 2009, conference, Brackett Ranches, LP made a specific proposal as indicated above to Mr. Price. Mr. Price has not responded on behalf of the United States to that offer for settlement and compromise as of the date of the preparation of this Settlement Conference Statement. For the Court's convenience, the essence of the proposed settlement which Brackett Ranches, LP remains prepared to enter into in order to resolve all issues concerning all subcases above set forth is:

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1. Brackett Ranches, LP has or will withdraw water right application numbers: 47-17193, 47-17194, 47-17195, 47-17196, 47-17197, 47-17199, 47-17200, 47-17201 and 47-17202 without prejudice to re-file said applications. Subcase Nos. 47-17206 and 47-17198 were previously withdrawn without prejudice. After the withdrawal of the applications relative to the subcases referenced immediately above, the only remaining subcase which would be the subject matter of the Scheduling Conference is 47-17205. With respect to Subcase No. 47-17205, the BLM will have to agree or should be ordered to withdraw the protest since this water right is privately owned by the Bracketts and/or their controlled entities, and the pipelines and related troughs are and have for some substantial period of time been in place.
2. In exchange for Brackett Ranches LP by and through Bert Brackett and Ira Brackett withdrawing the above-referenced water right claims, the BLM will agree to approve and issue the necessary permits and/or clearances for Brackett Ranches LP to install a pipeline on the Roseworth Point allotment as more particularly described and identified in the attached exhibit hereto identified as Exhibit "A." This proposed pipeline would be served with private water from Water Right Subcase No. 47-12060 which has previously been adjudicated in favor of the Bracketts, or their immediate predecessor.
3. As indicated, Brackett Ranches, LP offered the same terms and conditions as set forth in the Settlement Proposal set forth in the immediately preceding paragraph and specifically made that offer to representatives of the Bureau of Land Management on November 23, 2009. As of the date of this pleading, neither Brackett Ranches, LP nor Bert Brackett or Ira Brackett have received any response from Mr. Frederick Price

representing the United States of America and specifically the BLM acting through the Department of Interior and specifically the Idaho State Office of the United States Department of Justice, Environmental and Natural Resources Division.

4. In light of the upcoming status conference with respect to the subcases listed herein, it is respectfully submitted that a reasonable compromise substantially identical to the one set forth herein has been proposed by the Bracketts; however, there has been no response one way or the other from representatives of the United States Department of Justice and/or the Bureau of Land Management. With the upcoming status conference scheduled for June 29, 2010, the Bracketts respectfully request a response to this settlement proposal and specific offer on or before June 15, 2010.

I, Bert Brackett, declare under penalty of perjury, the contents of this Scheduling Conference Statement are true and correct.

Respectfully submitted this 25 day of May, 2010.


BERT BRACKETT, General Partner of
BRACKETT RANCHES, L.P.

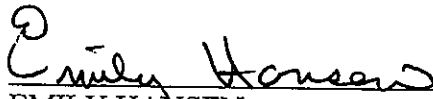
CERTIFICATE OF MAILING

I certify that on May 22, 2010, I mailed the original of the foregoing Supplemental Scheduling Conference Statement Submitted by Brackett Ranches, LP, Bert Brackett and Ira Brackett to the following:

District Court, Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

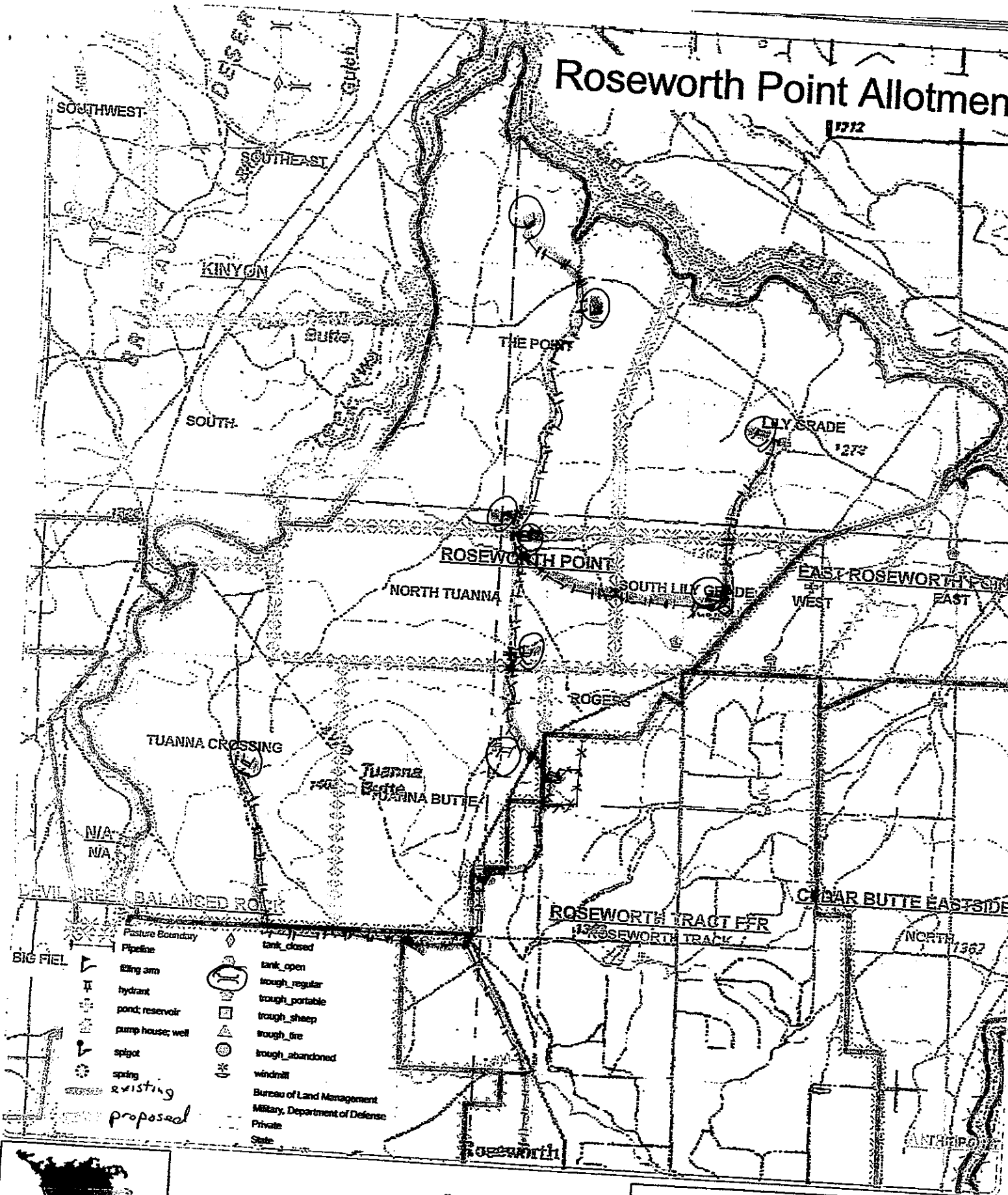
Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098



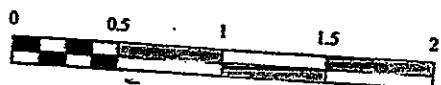
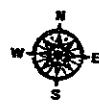
EMILY HANSEN

Roseworth Point Allotment

1272



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|--|------------------|--|------------------|
| | Pasture Boundary | | tank_closed |
| | Pipeline | | tank_open |
| | filling arm | | trough_regular |
| | hydrant | | trough_portable |
| | pond; reservoir | | trough_sheep |
| | pump house; well | | trough_fire |
| | spigot | | trough_abandoned |
| | spring | | windmill |
| | existing | | |
| | proposed | | |
- Bureau of Land Management
 Military, Department of Defense
 Private
 State



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United States Department of the Interior
 Bureau of Land Management
 Twin Falls District, Idaho

Exhibit "A"