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Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL

1995 JUN 13 AM 9: 58

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

) SETTLEMENT CONFERENCE REPORT
)
) Subcase No.: 36 - 00033F
)

This form is used to report the results of a Settlement Conference.

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Attendance

The following individuals and persons were present at the Settlement Conference held on June 12, 1995, before Settlement Moderator, Brigitte Bilyeu:

Claimant(s): Gustafson Family Trust Attorney:

- Evan J. Gustafson

Objector(s):

Attorney:

Respondent(s): IDWR, Dave Shaw

Attorney: - Dan Steckel - Nick Spencer

Steve Clelland

B. Standard Form 5

During the Settlement Conference, the parties reached an agreement as to all of the elements of this water right. The parties agree that a fully completed and executed *Standard Form 5* reflecting their agreement shall be submitted to the court no later than _____.

(30 days maximum)

If a fully executed *Standard Form 5* is not received by this date, the parties agree this matter should immediately be set for a scheduling conference or trial.

(C.) Partial Settlement

The parties reached agreement on these elements as follows:

- ① Both the Department and Mr. Gustafson agree the claimant is "Gustafson Family Trust."
Department made an error in Director's Report and will stipulate to name of claimant.
- ② Both the Department and Mr. Gustafson now agree on Season or Period of Use as March 15 through November 15.
- ③ Both parties agree that Purpose of Use should include Irrigation and Stockwater as incidental to irrigation.

(D.) Recommendation for Additional Settlement Conferences

Settlement Moderator, Brigitte Bilyeu, recommends this subcase be set for an additional Settlement Conference within 90 days. The parties have represented to the Settlement Moderator that they are available on September 19, 1995 at 3⁰⁰ P.M.

The reason(s) an additional Settlement Conference may be beneficial is:

Mr. Gustafson wants to obtain an affidavit from the farmer who previously leased his land during the period claimed as a forfeiture and abandonment. The Department also wishes to obtain additional aerial photographs

E. Recommendation for Trial Setting:

Settlement Moderator, Brigitte Bilyeu, recommends this subcase be set for trial. The parties have been unable to reach a resolution of elements:

1 2 3 4 5 6 7 8 9 10

DATED June 12, 1995.

Wick Spencer
Signature of Parties

Wairgh Gustafson - Co-Trustee
Signature of Parties
for Gustafson Family Trust.

Signature of Parties

Brigitte Bilyeu
Brigitte Bilyeu, Settlement Moderator

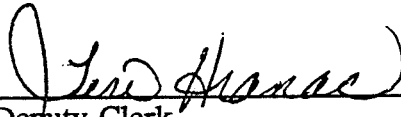
Signature of Parties

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **SETTLEMENT CONFERENCE REPORT** was mailed on June 13, 1995, with sufficient first-class postage to the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Ivan Gustafson
Gustafson Family Trust
P.O. Box 209
Hagerman, ID 83332



Deputy Clerk