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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

[Signature]

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) SETTLEMENT CONFERENCE REPORT
Case No. 39576) Subcase No.: See attached Exhibit A
_____) *34-13084 eval*

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

A. Attendance

The following individuals and person were present at the Settlement Conference held on January 23, 1996, before Settlement Moderator, Fritz X. Haemmerle:

PARTY

REPRESENTING

Dave & Heather Nelson

San Felipe Ranch and Dave Nelson

Pat Brown

San Felipe Ranch, Dave Nelson & Lola Coates

Lee Leininger

U.S. Dept of Justice

Fred Price, Gary Madenford, Dave Blackstun

Bureau of Land Management

Matt Howard, David Shaw, Carter Fritschle

IDWR

C. Partial Settlement

The parties reached agreement on these elements as follows:

The majority of the objections in these cases go to priority dates on BLM claims. The parties reached a tentative agreement allowing 1884 priority dates on BLM claims. Those claims will be subrogated to all the objector's claims. IDWR did not object to that

procedure, but could not concur on a *Standard Form 5* because IDWR believes that the Utah Construction Decree prevents the BLM from claiming a priority date earlier than 1923. Therefore, BLM will litigate the question of whether or not the Utah Construction Decree forecloses from them from claiming a 1884 priority date. The objectors will not participate on the *res judicata* issue.

There were several subcases that could potentially affect the filing of a *Standard Form 5*. Those cases are as follows: 34-10555, 34-10635 and 34-13352. Having concluded the Settlement Conference, the parties agreed to maintain a positive dialog regarding these subcases and it appears that those subcases can be resolved. Subcase 34-10555 is currently set for a status conference on February 1, 1996. I recommend that subcase numbers 34-10635 and 34-13352 be included to see if the parties have reached a settlement on those subcases. The parties are willing to discuss those subcases at the February 1, 1996 Status Conference.

At this point in time, I recommend that any and all trial settings be continued to enable the BLM to litigate the applicability of the Utah Construction Decree.

C. Partial Settlement

The parties reached agreement on these elements as follows:

D. Recommendation for Additional Settlement Conferences

Settlement Moderator, Fritz X. Haemmerle, 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 _____.

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

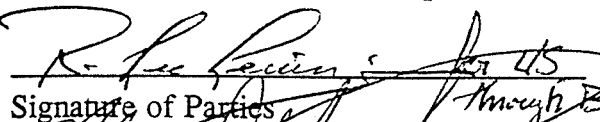
E. Recommendation for Trial Setting:

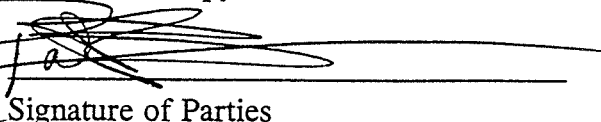
Settlement Moderator, Fritz X. Haemmerle, recommends this subcase be set for trial. The parties have been unable to reach a resolution of elements:

1 2 3 4 5 6 7 8 9 10

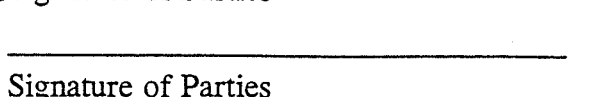
DATED 2-24, 1996.

By signing this document, the parties acknowledge receipt of a copy of this document.


Signature of Parties


Signature of Parties


Signature of IDWR


Signature of Parties

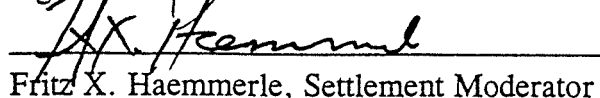

Fritz X. Haemmerle, Settlement Moderator

EXHIBIT A

34-13084	34-13176	34-13208	34-13271
34-13085	34-13178	34-13209	34-13272
34-13086	34-13179	34-13210	34-13273
34-13087	34-13180	34-13211	34-13274
34-13088	34-13181	34-13214	34-13275
34-13090	34-13182	34-13214A	34-13280
34-13091	34-13183	34-13215	34-13281
34-13095	34-13184	34-13220	34-13282
34-13100	34-13186	34-13223	34-13283
34-13114	34-13187	34-13228	34-13285
34-13145	34-13188	34-13229	34-13286
34-13146	34-13189	34-13230	34-13287
34-13147	34-13190	34-13231	34-13288
34-13148	34-13191	34-13235	34-13289
34-13154	34-13192A	34-13237	34-13290
34-13155	34-13194	34-13241	34-13291
34-13157	34-13195	34-13243	34-13296
34-13161	34-13196	34-13246	34-13298
34-13162	34-13197	34-13253	34-13322A
34-13163	34-13200	34-13257	34-13337
34-13164	34-13201	34-13258	34-13338
34-13166	34-13202	34-13261	34-13339
34-13169	34-13203	34-13262	34-13352
34-13171	34-13204	34-13264	34-13392
34-13172	34-13205	34-13266	34-13407
34-13174	34-13206	34-13267	
34-13175	34-13207	34-13269	

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SETTLEMENT CONFERENCE REPORT was mailed on January 26, 1996, with sufficient first-class postage to the following:

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720
Phone: 208-334-2400
Rep: STATE OF IDAHO

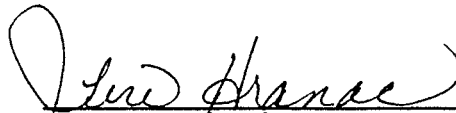
DAVE NELSON
STAR ROUTE
MACKAY, ID 83251

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Deputy Clerk

