

RECEIVED
MAR 09 2017
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR - 8 2017
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	) Subcase Nos. (see attached list)
	)
Case No. 39576	) ORDER GOVERNING MEDIATION
	)
	)
	)
	)
	)
	)

IT IS ORDERED AS FOLLOWS:

1. A mediation is scheduled on April 5, 2017, at 9:00 a.m. at the Idaho Department of Water Resources, 322 E. Front Street, Boise, Idaho 83702, Conference Room B. The mediation shall be conducted with the goal of reaching a settlement of the issue identified by the parties as the "reset issue."
2. Each party must be represented at the mediation conference by the following required participants: (a) counsel who is familiar with the case; (b) the party or a decision maker for the party who must have full authority to act on behalf of the party including the authority to negotiate a binding resolution to the matter.
3. On or before March 22, 2017, each party shall submit a CONFIDENTIAL mediation statement, in an envelope marked "CONFIDENTIAL MEDIATION STATEMENT" to the undersigned mediator at the following address:

Judge John M. Melanson
Idaho Court of Appeals
P.O. Box 83720
Boise, Idaho 83720-0101

The mediation statement shall be submitted only to the mediator and shall not be filed with the court. The statements shall not be exchanged among the parties or counsel (unless the parties so desire), and shall not be provided to the SRBA Presiding Judge, and shall not become a part of the record in this case, and shall not be electronically filed since they are not part of the record.

4. The mediation statements may be in memorandum or letter form. They must contain a description of each of the topics described below:

a) A description of the party, including the identity of the individuals who will be participating on behalf of the party during the mediation.

b) A brief background identifying material facts. The mediator is familiar with water law but not with what the parties have identified as the “reset issue” so a brief explanation of the issue would be helpful.

c) A summary of applicable law.

d) The description of the party’s proposed resolution, including a brief statement in support of the resolution and any interests that may frustrate or further settlement. Any suggestion as to how the mediator may be helpful in reaching a resolution may be included.

e) Counsel may address any other matter they believe may be of assistance to the mediator.

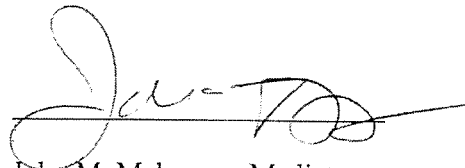
f) Pertinent documents may be submitted as exhibits to the statement.

5. Two or more parties may submit a joint mediation statement if, in the judgment of their counsel, they are significantly similarly situated and intend to take similar, if not identical, positions as to settlement.

6. The contents of the mediation statements and the mediation discussions, including settlement, if any, shall remain confidential and shall not be used in the present litigation or any other litigation (whether presently filed or filed in the future) and shall not be construed as nor constitute an admission. I.R.E. Rules 408 and 507 apply to this mediation.

7. The parties' full and good faith cooperation with the mediation process is required. All participants are encouraged to keep an open mind in order to reassess their previous positions and find creative means to resolve the issue.

Dated March 8, 2017

A handwritten signature in black ink, appearing to read "John M. Melanson", written over a horizontal line.

John M. Melanson, Mediator

Subcase Nos:

01-00219
01-02064
01-02068
01-04005
01-10042
01-10043
01-10044
01-10045
01-10620
01-10621A
01-10621B
01-10622
01-10623
21-02156
21-04155
21-10560
21-13161
25-07004

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GOVERNING MEDIATION was mailed on March 08, 2017, with sufficient first-class postage to the following:

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ORDER

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Represented by:
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ENVIRONMENT & NATL' RESOURCES
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BOISE, ID 83724

W KENT FLETCHER

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BONNEVILLE-JEFFERSON GROUND
WATER DISTRICT

UNITED STATES OF AMERICA
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BOISE, ID 83706-1234
Phone: 208-378-5322

ISLAND IRRIGATION CO
C/O RICHARD SHEPPARD
3837 E 850 W
RIGBY, ID 83442
Phone: 208-745-7549

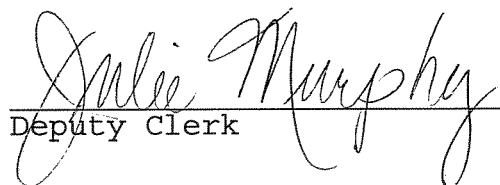
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

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FILE COPY FOR 00043

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".