

**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 No. 79-13597
)	Hell's Canyon National Recreation Area
)	Quantification Proceedings
)	
Case No. 39576)	ORDER REQUIRING PARTIES
)	TO PARTICIPATE IN SETTLEMENT
)	CONFERENCE PROCEEDINGS
)	(MEDIATION); ORDER APPOINTING
)	MEDIATOR; I.R.C.P. 16(K); A01§12

On March 20, 2001, the court issued an order stating its intention to set the above-captioned matter for mandatory settlement conference proceedings (mediation). The order required the parties to submit names of proposed mediators. Following review of the proposals submitted by the parties, the court held a status conference wherein the parties were informed of the court's intent to appoint Merlyn Clark's as mediator. No objections were raised to the appointment of Merlyn Clark.

Therefore, the following are hereby ORDERED:

- 1) In accordance with *Administrative Order 1 (AO1)* §12 and I.R.C.P. 16(k) the parties are ordered to participate in mediation. All proceedings shall be governed by I.R.C.P. 16(k).

- 2) Participation in the settlement conferences is mandatory. Parties failing to participate or otherwise attend scheduled conferences may result in either the withdrawal of that party's objection or response or the non-participating party being bound by any agreement ultimately reached by the other parties.

- 3) Merlyn Clark is appointed as settlement moderator/mediator. Parties have until June 19, 2001 to reach an agreement on the payment and sharing of mediation costs and fees and file with the court a notice on behalf of all parties with the court that such an agreement has been reached. Any objections or unresolved issues regarding the payment or sharing of costs and fees will be addressed at the forthcoming regularly scheduled SRBA status conference at **1:30 P.M. at the Cassia County Courthouse at 1459 Overland Avenue, Burley, Idaho, 83318.** To the extent that the court receives prior notice that an agreement has been reached, parties need not appear.
- 4) Following an agreement on costs and fees, the parties shall make scheduling arrangements through the mediator's office and commence with the mediation sessions as agreed by the parties and the mediator and pursuant to I.R.C.P. 16(k).
- 5) The mediation shall proceed independently from any forthcoming litigation schedule ordered in this matter. i.e. a "dual track."

Dated _____

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication