

**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)	Nez Perce Claims
)	Consolidated Subcase 03-10022
Case No. 39576)	
)	ORDER OF MEDIATION AND
)	APPOINTMENT
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Following a status hearing to review the prospect for mediation of the claims filed in these consolidated subcases and considering the report of Professor Francis McGovern, along with comments and suggestions of counsel and parties to this litigation, and being otherwise advised in the premises,

IT IS HEREBY ORDERED:

1. Professor Francis McGovern is appointed as Mediator, pursuant to Rule 16(k) of the Idaho Rules of Civil Procedure, for the purposes of the mediation of the claims that are the subject of these consolidated subcases, along with such other matters that necessarily relate to the resolution of those claims.
2. This appointment shall continue until further order of this court. Should the Mediator, prior to January 15, 1999, advise the court that successful mediation of the claims is not possible within a reasonable period of time, this order shall be reconsidered.

3. Professor McGovern shall be compensated for all costs and fees associated with the mediation through assessments to the parties to these consolidated subcases. Costs and fees shall be assessed 50% to the claimants and 50% to the objectors, unless Professor McGovern recommends and the court approves otherwise or if all parties to these consolidated subcases stipulate to a different apportionment which is accepted by the court.
4. This order shall not stay the litigation of these consolidated subcases. All discovery and preparation necessary for trial of these claims shall be governed by the scheduling order issued this same day.

IT IS SO ORDERED.

DATED this _____ day of December, 1998.

DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication