

September 21, 2004 SEP 21 PM 3:40

The Honorable Bridgette Bilyeu
Special Master SRBA Court
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *M*

Re: SRBA Subcase No. 29-10990

Dear Judge Bilyeu:

On September 7, 2004, the Court held a Scheduling Conference in the above-referenced matter. As part of that conference, the Court informed the Shoshone-Bannock Tribes, objectors in the matter, that if they wished to pursue the issue relating to subordination of their rights on the Rattlesnake Creek they were to notify the Court by this date.

As of this date the Shoshone-Bannock Tribes have unsuccessfully attempted to resolve the issue with the Idaho Department of Water Resources and Barry Williams. The Tribes, therefore, write to inform that Court that they wish to address and pursue the subordination issue in the Tribes' objection. Specifically, the Tribes object to the State of Idaho Director's Water Rights Report for administration relating to the Tribes' water rights on Rattlesnake Creek and as decreed in the United States v. Daniels Decree. The Report on page 2061 quotes agreed upon language in the Fort Hall Water Rights Agreement and the partial Final Consent Decree. The Report then states,

In times of shortage, this water right and other water rights decreed in United States v. Daniels, shall receive their full legal entitlement despite the federal based natural flow water right nos. 29-466, 29-467, 29-269, 29-470, 29-471, 29-272, 29-473, 29-474, 29-12049 and 29-12848.

We object to this language as we believe it is in error. It is our position that this language was never agreed upon by the Tribes and it is an incorrect interpretation by the Idaho Department of Water Resources. We ask that the language be deleted.

Respectfully submitted,

Joanette Wolfley
Joanette Wolfley
Attorney for the Shoshone-Bannock Tribes

Cc: Barry Williams
Candice McHugh, Attorney IDWR