



OCT 20 2004

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

October 15, 2004

VIA U.S. MAIL AND FACSIMILE
(208) 736-2121

Honorable Brigitte Bilyeu
Snake River Basin Adjudication Court
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303

Re: Motion to Participate in Subcase No. 29-10990.

Dear Special Master Bilyeu:

The State of Idaho filed by facsimile a Motion to Participate in the above-entitled subcase proceeding. We did so with much reluctance because we understood that the parties had settled their dispute and were willing to execute a Standard Form 5, but since it may take several days to implement this verbal agreement and since this is the last day to file a Motion to Participate, we did so to preserve our right to participate in this proceeding that concerns THE 1990 FORT HALL INDIAN WATER RIGHTS AGREEMENT. In the event that the court receives a Standard Form 5 for this subcase, we will withdraw our Motion to Participate.

Sincerely,

A handwritten signature in black ink, reading "David J. Barber".

DAVID J. BARBER
Deputy Attorney General

DJB/ov

cc: Jeanette Wolfley
Barry T. Williams
IDWR

COPY

OCT 20 2004

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
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Boise, Idaho 83711-4449
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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. 29-10990
	)	
	)	
	)	
Case No. 39576	)	STATE OF IDAHO'S MOTION TO
	)	PARTICIPATE IN SUBCASE AND
	)	MEMORANDUM IN SUPPORT OF
	)	MOTION TO PARTICIPATE
_____	)	

COMES NOW the State of Idaho, by and through the undersigned counsel, and respectfully moves to participate as a respondent in the subcase no. 29-10990 pursuant to Snake River Basin Adjudication, hereinafter the "SRBA," Administrative Order 1, section 10(k) and Rule 24(a) of the I.R.C.P. This motion is supported by the following Memorandum in Support.

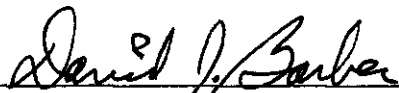
CONCLUSION

For the reasons stated the State of Idaho requests entry of an order granting it a right to participate in this subcase proceeding. Oral argument is not requested on this motion.

Dated this 15th day of October 2004.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
CHIEF, NATURAL RESOURCES DIVISION



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of October 2004, I caused to be served the original and/or a copy of the foregoing **STATE OF IDAHO'S MOTION TO PARTICIPATE IN SUBCASE AND MEMORANDUM IN SUPPORT OF MOTION TO PARTICIPATE** on each of the following persons by the method indicated:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☒ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

Jeanette Wolfley
Attorney at Law
202 North Arthur
Pocatello, ID 83204

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, postage prepaid
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PO Box 83720
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Barry T. Williams
1277 Mink Creek Road
Arbon, ID 83212

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____

Chief of Natural Resource Division
Office of the Attorney General

Not Applicable



DAVID J. BARBER
Deputy Attorney General