

SRBA

The SHOSHONE-BANNOCK TRIBES

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DEPARTMENT OF



FORT HALL RESERVATION

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July 18, 2005

Clerk of the Court
Snake River Basin Adjudication
District Court
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: IN RE SRBA CASE NO. 39576

Dear Clerk:

Please file the following OBJECTION TO FILING LATE CLAIMS and the CERTIFICATE OF SERVICE. If you have any questions, please call us at (208) 478-3816. Thank you.

Sincerely,

Janell Decker
Janell Decker, Paralegal

Cc: Chrono

ENCLOSURE (S)

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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

Case No. 39576

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See Attachment 1

OBJECTION TO FILING LATE CLAIMS

COME NOW, the Shoshone-Bannock Tribes (Tribes) and object to the State Of Idaho
Filing of 140 Late Claims including but not limited to the following reasons:

1. The motion is not timely and the filing of these claims would significantly prejudice the Shoshone-Bannock Tribes. This matter has been pending for over ten (10) years and significant discovery, negotiations, motions, and Orders impacting significantly similar claims by the Shoshone-Bannock Tribes and the Nez Perce Tribe have already taken place. This would now be a third party to file significantly similar claims and will only serve to re-open extensive discovery and serve to extend disposition of the pending claims. Such a late filing would significantly prejudice the Shoshone-Bannock Tribes because of the Court's May 20, 2002 Order dismissing with prejudice substantially similar claims. At least 21 of these claims

are in the federally decreed Indian Claims Commission exclusive use and occupation area of the Fort Hall Indian Reservation.

2. The time period for filing claims in the relative sub-basins has expired according to the Court's Order dated December 21, 1998, and are almost 7 years late.
3. In 2002, the Court held the Shoshone-Bannock Tribes could only withdraw similar water rights with prejudice. These 140 late claims are in substantially identical locations as the water rights this Court dismissed with prejudice several years ago. *Had the state of Idaho timely filed competing claims the Shoshone-Bannock Tribes would not have motioned the court to dismiss their substantially similar claims.* If the Court now allows this party to now file significantly identical claims the Shoshone-Bannock Tribes were required to dismiss with prejudice, this Court should allow the Shoshone-Bannock Tribes to re-file their claims given the significantly identical nature of the two competing claims.

Based on the above, it is respectfully requested this Court not allow the filing of these Claims.

Dated this 18 day of July 2005.

A handwritten signature in black ink, appearing to read 'W. F. Bacon', written over a horizontal line.

William F. Bacon
General Counsel, Shoshone-Bannock Tribes

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of July, 2005, I caused a true and correct copy of the foregoing SHOSHONE-BANNOCK TRIBES' OBJECTION TO FILING OF LATE CLAIMS -ATTACHMENT 1 by placing it in the United States Mail, first class postage prepaid, addressed to the following:

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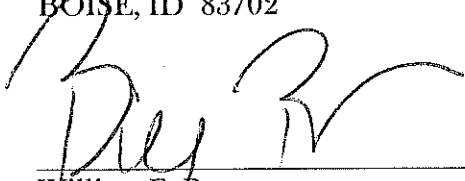
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William F. Bacon
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ATTACHMENT 1

LIST OF MINIMUM STREAM FLOW WATER RIGHTS FOR WHICH THE SHOSHONE-
BANNOCK TRIBES ARE OBJECTING TO THE FILING OF LATE CLAIMS.

ATTACHMENT 1

MINIMUM STREAM FLOW WATER RIGHTS FOR WHICH OBJECTIONS TO FILING
LATE CLAIMS ARE BEING FILED.

1. 71-10886
2. 71-10887
3. 71-10888
4. 71-10889
5. 71-10890
6. 71-10891
7. 71-10892
8. 71-10893
9. 71-10894
10. 71-10895
11. 71-10896
12. 72-16664
13. 72-16665
14. 72-16666
15. 72-16667
16. 72-16668
17. 72-16669
18. 72-16670
19. 72-16671
20. 72-16672
21. 72-16673