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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

Subcases 51-02002, *et al.* [Exhibit A]
(Riddle Ranches/Jackson)
Subcases 51-12756, *et al.* [Exhibit B]
Subcases 51-12604, *et al.* [Exhibit C]
(US/Shoshone-Paiute Tribes)

JOINT MOTION FOR SCHEDULING ORDER

The State of Idaho and the United States of America as Trustee for the benefit of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation (hereinafter the "United States") respectfully move this Court for an Order entering a schedule for the implementation of the United States conditional acceptance of the State and other objectors' offer of judgment.

Additionally, the undersigned parties request that the current trial scheduling order be vacated, in particular, the trial date currently set for May 1, 2006. The grounds for this motion are as follows:

1. On October 13, 2005, the State of Idaho, Riddle Ranches, and J.R. Simplot served the United States with an offer of judgment pursuant to I.R.C.P. 68. The offer of judgment outlined compromises with regard to several categories of water rights which the United States has asserted on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation (hereinafter "the Tribes"). The offer would also resolve the United States' objections to claims filed by Riddle Ranches. The offer of judgment was made to the United States as the claimant in the SRBA. The offer of judgment was provided to the Tribes by the United States as their trustee.

2. On November 15, 2005, the United States conditionally accepted the offer of judgment, contingent upon certain language regarding the tribal water rights being included in the documents which will effectuate the offer of judgment. The State and other objectors have agreed to the United States' conditional language. If the acceptance of the offer of judgment is approved by the court, it would resolve all issues associated with the claims filed by the United States as trustee obviating the need for a trial or any further litigation proceedings. As a party to the agreement, the United States would also dismiss its objections to the claims filed by Riddle Ranches.

3. The United States reviewed the offer of judgment with the Tribes prior to its conditional acceptance of the offer of judgment. In a letter dated November 16, 2005, the Tribes informed the State, Riddle Ranches, and J.R. Simplot that the Tribes were not responding to the

offer of judgment because it was served on the United States. The letter also stated that the Tribes reserved the right to respond to the offer of judgment before the Court.

4 In order to implement the parties' agreement regarding the offer of judgment, the United States, the State of Idaho, Riddle Ranches and J.R. Simplot propose to file a Motion for Entry of Partial Consent Decree' (hereinafter "the Motion"). The Motion would outline the basis for the offer of judgment and attach proposed partial decrees for each of the water rights which would be held in trust by the United States for the benefit of the Tribes. Subsequent to filing the Motion, a briefing schedule would provide the appropriate forum for the filing of any objections to the Motion, including briefs in support of the objections. After briefing is complete regarding the Motion, a hearing would provide the opportunity for parties to present oral argument regarding the Motion. The undersigned parties propose the following dates to implement the schedule proposed above:

January 9, 2006	Deadline to file Motion for Entry of Partial Consent Decree and brief in support thereof.
February 10, 2006	Deadline to file any Objections to Motion for Entry of Partial Consent Decree and brief in support thereof.
February 27, 2006	Deadline to file any Reply Briefs regarding Motion for Entry of Partial Consent Decree or Objections thereto.
15 days after completion of all briefing on a convenient date for the Court	Hearing regarding Motion for Entry of Partial Consent Decree and any Objections thereto.

5 It is the United States and State's understanding that the Tribes may seek a briefing schedule, separate from the proposed consent decree process, regarding the status of the Tribes' in the litigation and whether Tribal consent is required to implement the United States

The parties identify the proposed consent decree as "partial" only because it is part of the overall SRBA. This designation should not be misunderstood to mean that the consent decree would only be a "partial" conclusion to the United States claims for the benefit of the Tribes. On the contrary, the consent decree, if entered, would fully dispose of all of the issues regarding the United States claims for the benefit of the Duck Valley Indian Reservation.

conditional acceptance of the offer of judgment. While the United States and State are prepared to brief such issues before the court, they are strongly opposed to addressing the Tribal status or consent issues outside the partial consent decree process. Indeed, an attempt to define Tribal status in the adjudication or address the Tribal consent issue would be meaningless unless considered within the context of the Motion for a Partial Consent Decree which would provide the court with the necessary factual background which may give rise to the Tribal issues. For these reasons, the United States and State request the Court to address any Tribal issues as part of the consent decree briefing schedule proposed above.

6. This motion is submitted in writing for consideration by the district court without further need for argument. However, the parties are available for a hearing if the court deems an argument helpful or necessary.

WHEREFORE, the State of Idaho and United States request as follows:

1. That the district court vacate the current trial scheduling order, including the current trial date of May 1, 2006. In the event that the Partial Consent Decree is not entered, parties will propose a new litigation schedule, including a trial date.

2. That the district court issue an order setting a schedule for filing of Motion for Entry of Partial Consent Decree for the purpose of implementing the United States' conditional acceptance of the offer of judgment.

3. That the district court grant such further or other relief that it deems just and proper.

RESPECTFULLY SUBMITTED this 12th day of December 2005.

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CERTIFICATE OF SERVICE

I certify that on this 12th day of December 2005, I caused to be served the original and/or copy of this JOINT MOTION FOR SCHEDULING ORDER on the following persons by the indicated method:

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Not Applicable



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Exhibit A

Riddle Ranches, Inc. Nancy and Peter Jackson

51-02002

51-10293

55-02009

55-02016

55-02032

55-02035

55-02039

55-02063

55-02064

55-02076

55-02080

55-02129

55-02131

55-02169

55-02174

55-02175

55-02181

55-02210

55-02211

55-02435

55-07002

55-07009

55-13479

55-13480

Exhibit B

**United States of America, as trustee on behalf of the Shoshone-Paite Tribes of the Duck Valley
Indian Reservation**

Non-Consumptive Use, Instream Flow Claims

51-12756

51-12847

51-12848

55-13476

55-13477

55-13485

55-13486

55-13487

55-13668

55-13669

Exhibit C**United States of America, as trustee on behalf of the Shoshone-Paite Tribes of the Duck Valley Indian Reservation****Consumptive Use Claims**

51-12604	51-12801	51-12899	55-13536	55-13574	55-13617
51-12605	51-12802	-----	55-13537	55-13575	55-13618
51-12606	51-12803	55-13491	55-13538	55-13576	55-13619
51-12607	51-12849	55-13492	55-13539	55-13577	55-13620
51-12767	51-12850	55-13493	55-13540	55-13578	55-13621
51-12768	51-12851	55-13494	55-13541	55-13579	55-13622
51-12769	51-12852	55-13495	55-13542	55-13580	55-13623
51-12770	51-12853	55-13496	55-13543	55-13581	55-13624
51-12771	51-12854	55-13499	55-13544	55-13582	55-13625
51-12772	51-12855	55-13500	55-13545	55-13583	55-13626
51-12773	51-12856	55-13501	55-13546	55-13584	55-13627
51-12774	51-12857	55-13506	55-13547	55-13585	55-13628
51-12775	51-12858	55-13507	55-13548	55-13586	55-13629
51-12776	51-12859	55-13508	55-13549	55-13587	55-13630
51-12777	51-12860	55-13509	55-13550	55-13588	55-13631
51-12778	51-12861	55-13510	55-13551	55-13589	55-13632
51-12779	51-12862	55-13511	55-13552	55-13590	55-13633
51-12780	51-12863	55-13512	55-13553	55-13591	55-13634
51-12781	51-12864	55-13514	55-13554	55-13592	55-13635
51-12782	51-12865	55-13515	55-13555	55-13593	55-13636
51-12783	51-12866	55-13518	55-13556	55-13594	55-13637
51-12784	51-12867	55-13519	55-13557	55-13595	55-13638
51-12785	51-12868	55-13520	55-13558	55-13596	55-13639
51-12786	51-12869	55-13521	55-13559	55-13597	55-13640
51-12787	51-12870	55-13522	55-13560	55-13598	55-13641
51-12788	51-12871	55-13523	55-13561	55-13599	55-13642
51-12789	51-12872	55-13524	55-13562	55-13600	55-13643
51-12790	51-12873	55-13525	55-13563	55-13601	55-13644
51-12791	51-12874	55-13526	55-13564	55-13602	55-13645
51-12792	51-12875	55-13527	55-13565	55-13608	55-13646
51-12793	51-12876	55-13528	55-13566	55-13609	55-13647
51-12794	51-12877	55-13529	55-13567	55-13610	55-13648
51-12795	51-12878	55-13530	55-13568	55-13611	55-13649
51-12796	51-12879	55-13531	55-13569	55-13612	55-13650
51-12797	51-12880	55-13532	55-13570	55-13613	55-13651
51-12798	51-12881	55-13533	55-13571	55-13614	55-13652
51-12799	51-12882	55-13534	55-13572	55-13615	55-13653
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55-13700	55-13745	55-13790
55-13701	55-13746	55-13791
55-13702	55-13747	55-13792
55-13703	55-13748	55-13793
55-13704	55-13749	55-13794
55-13705	55-13750	55-13795
55-13706	55-13751	55-13796
55-13707	55-13752	55-13797
55-13708	55-13753	55-13798
55-13709	55-13754	55-13799
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