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Denver, Colorado 80202

(303) 312-7350

(See Additional Counsel on Signature Pages)

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     | ) |                                              |
|                | ) |                                              |
|                | ) | Subcases 51-02002, <i>et al.</i> [Exhibit A] |
|                | ) | (Riddle Ranches/Jackson)                     |
|                | ) | and                                          |
| Case No. 39576 | ) | Subcases 51-12756, <i>et al.</i> [Exhibit B] |
|                | ) | Subcases 51-12604, <i>et al.</i> [Exhibit C] |
|                | ) | (US/Shoshone-Paiute Tribes)                  |
|                | ) |                                              |
|                | ) | <b>JOINT MOTION FOR APPROVAL OF CONSENT</b>  |
|                | ) | <b>DECREE AND ENTRY OF PARTIAL FINAL</b>     |
|                | ) | <b>DECREES</b>                               |

The State of Idaho, the United States of America as trustee for the benefit of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation (hereinafter referred to as the "United States"), Riddle Ranch, and J.R. Simplot Company respectfully move the Snake River Basin Adjudication Court in accordance with I.R.C.P. 7(b) for an Order that approves the

Consent Decree filed herewith and enters the partial final decrees for the 369 claims described in the attachments to the Consent Decree.<sup>1</sup> The grounds for this motion are as follows:

1. The State of Idaho, Riddle Ranch, and J.R. Simplot Company, hereinafter the "Objectors," made an offer of judgment in this matter on October 13, 2005 to the United States as trustee on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. The Objectors clarified the offer of judgment in letters dated October 28, 2005 and November 8, 2005 and in an e-mail dated November 10, 2005.

2. The United States conditionally accepted the offer of judgment in a letter dated November 15, 2005.

3. The Objectors and United States implemented the offer of judgment by preparation of the proposed Consent Decree that is lodged with this motion.

WHEREFORE, the Objectors and United States request as follows:

1. That Special Master Dolan enter a Special Master Report and Recommendation that recommends to the District Court that it enter the CONSENT DECREE APPROVING ENTRY OF PARTIAL FINAL DECREES DETERMINING THE RIGHTS OF THE UNITED STATES AS TRUSTEE FOR THE BENEFIT OF THE SHOSHONE-PAIUTE TRIBES TO THE USE OF WATER IN THE SNAKE RIVER BASIN WITHIN IDAHO, which is attached to this Motion.

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<sup>1</sup> The term "Riddle Ranch" refers to Riddle Ranch, Inc. and Nancy and Peter Jackson.

2. That Special Master Dolan grant such further or other relief that he deems just and proper.

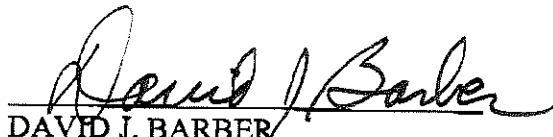
RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of January 2006.

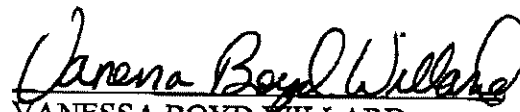
LAWRENCE G. WASDEN  
ATTORNEY GENERAL

SUE ELLEN WOOLDRIDGE  
Assistant Attorney General

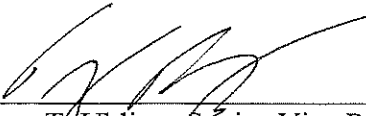
CLIVE J. STRONG  
DEPUTY ATTORNEY GENERAL  
STATE OF IDAHO

PETER C. MONSON  
Assistant Section Chief

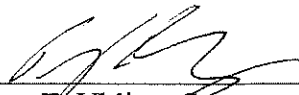
  
DAVID J. BARBER  
Deputy Attorney General

  
VANESSA BOYD WILLARD  
Trial Attorney  
Indian Resources Section

J. R. SIMPLOT COMPANY

  
Terry T. Uhling, Senior Vice President,  
Secretary and General Counsel  
Date: JAN 09, 2006

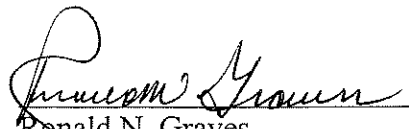
SIMPLOT LIVESTOCK CO.

  
Terry T. Uhling, Secretary  
Date: JAN 09, 2006

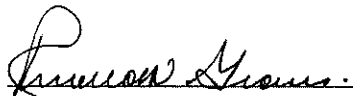
J. R. SIMPLOT SELF-DECLARATION  
OF REVOCABLE TRUST

*J. R. Simplot, Trustee*  
*Ronald N. Graves, Attorney-in-Fact*  
J. R. Simplot  
By: Ronald N. Graves, Attorney-in-Fact  
Date: JAN 9, 2006

M. L. INVESTMENT COMPANY

  
Ronald N. Graves,  
Secretary/Treasurer  
Date: JAN 9 2006

TM RANCH COMPANY

  
Ronald N. Graves, Secretary  
Date: JAN 9 2006

RIDDLE RANCH, INC.

PETER & NANCY JACKSON

*for David Barber*  
\_\_\_\_\_  
CHARLES HONSINGER

*1/9/2006*  
\_\_\_\_\_  
Date

CERTIFICATE OF SERVICE

I certify that on this 9<sup>th</sup> day of January 2006, I caused to be served the original and/or copy of this JOINT MOTION FOR APPROVAL OF CONSENT DECREE AND ENTRY OF PARTIAL FINAL DECREES on the following persons by the indicated method:

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

Nancy Jackson  
Peter Jackson  
Riddle Ranches, Inc.  
Charles L. Honsinger  
P.O. Box 2773  
Boise, ID 83701-2773

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: 342-4657
- ☐ 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
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (303) 312-7379
- ☐ Statehouse Mail

Shoshone-Paiute Tribes  
Rep. By:  
Jeanette Wolfley  
Special Counsel  
Shoshone-Bannock Tribes  
202 North Arthur  
Pocatello, ID 83204

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (208) 232-7472
- ☐ Statehouse Mail

Shoshone-Paiute Tribes  
Rep. By:  
Jeanne S. Whiteing  
Whiteing & Smith  
1136 Pearl Street, STE 203  
Boulder, CO 80302

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (303) 444-2365
- ☐ Statehouse Mail

Idaho Power Company  
Rep. By:  
John K. Simpson  
205 N. 10<sup>th</sup> St. STE 520  
PO Box 2139  
Boise, ID 83701-2139

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: 344-6034
- ☐ Statehouse Mail

JR Simplot Co.  
Simplot Livestock Co.  
Rep. By: Terry T. Uhling  
and  
JR Simplot Self-Declaration  
ML Investment Co.  
TM Ranch Co.  
Rep. By: Ronald N. Graves  
PO Box 27  
Boise, ID 83707

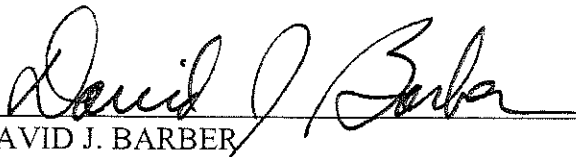
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Chief of Natural Resource Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, Idaho 83711-4449

Not Applicable

  
\_\_\_\_\_  
DAVID J. BARBER  
Deputy Attorney General