

SUE ELLEN WOOLDRIDGE

Assistant Attorney General
Environment and Natural Resources Division

PETER C. MONSON

Assistant Chief, Indian Resources Section

VANESSA BOYD WILLARD

Trial Attorney, Indian Resources Section
Environment and Natural Resources Division
U.S. Department of Justice
1961 Stout Street, 8th Floor
Denver, Colorado 80294
(303) 844-1353

ATTORNEYS FOR THE UNITED STATES

JEANNE S. WHITEING

Whitening & Smith
1136 Pearl Street, Suite 203
Boulder, Colorado 80302
(303) 444-2549

JEANNETTE WOLFLEY

Attorney at Law
202 N Arthur
Pocatello, Idaho 83204
(208) 232-1922

ATTORNEYS FOR THE SHOSHONE-PAIUTE TRIBES

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 Nos. 51-02002, *et al.* [Exhibit A]
) Subcase Nos. 51-12756, *et al.* [Exhibit B]
Case No. 39576) Subcase Nos. 51-12767, *et al.* [Exhibit C]
)
) **STATUS REPORT CONCERNING**
) **RESOLUTION OF SHOSHONE-PAIUTE**
) **TRIBES' OBJECTION TO**
) **PROPOSED CONSENT DECREE**

The purpose of this Status Report is to inform the Court of the resolution by agreement of the Shoshone-Paiute Tribes ("Tribes") Objections to the Proposed Consent Decree. The United States and State of Idaho intend to prepare and file a Motion for Entry of Revised Consent Decree in order to implement the agreement with the Tribes, which is outlined below. At the same time that the Motion for Entry of Revised Consent Decree is filed, the Tribes intend to file a withdrawal of their objections. The parties request fourteen days, until May 24, 2006, to file the Motion for Entry of Revised Consent Decree and Withdrawal of Tribal Objections. Counsel for the other parties to this subcase, including Riddle Ranches and Simplot, have reviewed this proposal and indicated their agreement as well.

Following the hearing held on April 13, 2006, the United States, State and Tribes discussed the potential resolution of the Tribal Objections to the Proposed Consent Decree and reached the following three-part agreement.

(1) The Parties intend to revise the general provision language in each proposed partial decree to read as follows:

"This water right is a federal reserved water right, is not subject to loss due to non-use, and its exercise on-reservation shall be administered by the Shoshone-Paiute Tribes pursuant to a tribal water code or in accordance with applicable federal law. References to purposes of use, points of diversion, or places of use are not intended as a restriction on the Tribes' ability to change those purposes of use, points of diversion or places of use within the Duck Valley Indian Reservation pursuant to a tribal water code."

(2) The Parties intend to add the following sentence to the end of paragraph #2 of the Proposed Consent Decree:

"These water rights describe purposes of use, points of diversion and places of use, which are not

intended to preclude the Tribes' ability to change those purposes of use, points of diversion and places of use within the Duck Valley Indian Reservation pursuant to a tribal water code, provided however, that any change shall not enlarge the right."

(3) The Parties intend to change language in paragraph # 5 of the Proposed Consent Decree to read as follows:

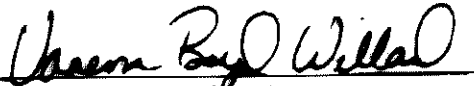
"Administration of water rights. The exercise of the water rights on the Duck Valley Indian Reservation outlined in the Final Partial Decrees set forth in Attachment A shall be administered by the Tribes pursuant to a tribal water code or in accordance with applicable federal law "

These changes will be incorporated into the Revised Proposed Consent Decree which will be submitted to the Court by May 24, 2006.

Respectfully submitted this 10th day of May 2006.

Sue Ellen Wooldridge
Assistant Attorney General
Peter C. Monson
Assistant Chief, Indian Resources Section

Lawrence G. Wasden
Attorney General
Clive J. Strong
Deputy Attorney General
Chief, Natural Resources Division


Vanessa Boyd Willard
Indian Resources Section

 FOR
David J. Barber
Deputy Attorney General

Jeanne S. Whiteing
Whiteing & Smith
Jeanette Wolfley
Attorney at Law

 FOR
Jeanne S. Whiteing

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May 2006, I caused to be served true and correct copies of the attached **Status Report Concerning Resolution of Shoshone-Paiute Tribes' Objection to Proposed Consent Decree** as follows:

By facsimile:

CLERK OF THE SRBA COURT
208-736-2121

David J. Barber
Michael C. Orr
Office of the Attorney General
State of Idaho
208-334-2690

Jeanne S. Whiteing
Whiteing and Smith
303-444-2365

Jeanette Wolfley
208-232-7472

Terry T. Uhling
J.R. Simplot Company
208-389-7464

Charles L. Honsinger
Ringert Clark, Chartered
208-342-4657

Albert P. Barker
John K. Simpson
Shelley M. Davis
208-344-6034

Chris Bromley
IDWR Document Depository
Idaho Water Center
208-287-6701

United States Department of Justice
Environment and Natural Resources Div.
208-387-0842


Vanessa Boyd Willard



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FROM: Labat-Anderson, Inc.
1961 Stout Street, 8th Floor
Denver, CO 80294

Fax No. 303-844-1350
Voice No. 303-844-1485

SENT BY: David Jarvis, Paralegal

TO: Diana Delaney **FAX No.** 208-736-2121

cc: David Barber 208-334-2690
Jeanne Whiteman 303-444-2365
Charles Housinger 208-342-4657
John Simpson/Albert Barker/Shelley Davis 208-344-6034
Terry Uhling 208-389-7464
Jeanette Wolfley 208-232-7472
IDWR Document Depository/Chris Bromley 208-287-6701
U.S. Department of Justice 208-387-0842
Frank Wilson 503-231-2166

NUMBER OF PAGES SENT (INCLUDING COVER PAGE): 5

Enclosed for filing is the following document: **STATUS REPORT CONCERNING RESOLUTION OF SHOSHONE-PAIUTE TRIBES' OBJECTION TO PROPOSED CONSENT DECREE.** Additional copies for Court files will follow by FedEx mail