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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 Nos. 51-02002, <i>et al.</i> [Exhibit A]
	)	Subcase Nos. 51-12756, <i>et al.</i> [Exhibit B]
Case No. 39576	)	Subcase Nos. 51-12767, <i>et al.</i> [Exhibit C]
	)	
	)	JOINT LIST OF SUGGESTIONS
	)	REGARDING DRAFT SPECIAL
	)	MASTER REPORT AND
	)	RECOMMENDATION AND ORDERS

The United States and the State of Idaho (the "parties") hereby file this Joint List of Suggestions Regarding Draft Special Master Report and Recommendation and Orders. These suggestions are provided pursuant to I.R.C.P. 53(e)(5) and the Special Master's instructions in the Draft Special Master Report and Recommendation and Orders, p. 8

SUGGESTIONS

The parties offer the following suggestions for the Special Master's consideration.

A. Changes to Conclusions of Law Section, Draft Special Master Report, p.8.

The parties suggest that Conclusions of Law, paragraph 2, p. 8 be revised to more accurately represent the nature of the United States' agreement to withdraw certain claims on behalf of the Tribes based on the offer of judgment. The parties suggest the following language:

The United States, as trustee on behalf of the Shoshone-Paite Tribes of the Duck Valley Indian Reservation, as part of the settlement resulting from the offer of judgment, agreed to withdraw the remaining 22 claims listed in Attachment A to the Second Revised Proposed Consent Decree.

In addition, the parties suggest that a third paragraph be added to the Conclusions of Law Section which concludes that the Consent Decree meets the basic standard for approval of a consent decree consistent with *United States v. Oregon*, 913 F.2d 576, 580 (9th Cir. 1990). Should the Special Master require further explanation of the basis of finding that the Consent Decree meets the necessary standard, the parties refer the Special Master to the briefing filed in support of the Consent Decree. The parties suggest the following language:

Upon review of the Consent Decree and there being no objections thereto, the Special Master is satisfied that the Consent Decree is "fundamentally fair, adequate and reasonable." *United States v. Oregon*, 913 F.2d 576, 580 (9th Cir. 1990).

B. Revise Footnote Number 5, Draft Special Master Report, p. 6.

Footnote number 5, p. 6 of the Draft Special Master Report should be revised in order to clarify the accounting of the number of claims. The parties suggest the following language:

Footnote 1 to the Joint Motion stated:

There were a total of 369 claims at issue in this case. Attachment A to the revised Consent Decree filed herewith contains 345 revised Partial Final Decrees which the Parties seek to have entered by the Court. The remaining 24 claims are accounted for in Attachment B to the Revised Consent Decree, which outlines the claims to be disallowed.

Attachment B has since been revised to disallow 22 claims. The last two claims are deleted by paragraph 5 of the Order.

C. Add Footnote to Exhibit B attached to Draft Special Master Report.

Water right claim number 55-13487 was originally a non-consumptive claim which under

the offer of judgment was recognized as a consumptive claim. To make this point clear, the parties suggest that a footnote be added to Exhibit B which reads as follows:

Water right claim number 55-13487 was originally a non-consumptive claim which under the offer of judgment was recognized as a consumptive claim.

CONCLUSION

The United States and the State of Idaho consulted with counsel for the Shoshone-Paiute Tribes and Riddle Ranches regarding these suggestions. Based on those consultations, it does not appear that the Tribes or Riddle Ranches have any objections.

Respectfully submitted this 20th day of October 2006.

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of October 2006, I caused to be served true and correct copies of the attached **Joint List of Suggestions Regarding Draft Special Master Report and Recommendation and Orders** as follows

By facsimile and Fed Ex mail

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NUMBER OF PAGES SENT (INCLUDING COVER PAGE): 5

Enclosed for filing is the following document: **JOINT LIST OF SUGGESTIONS REGARDING DRAFT SPECIAL MASTER REPORT AND RECOMMENDATION AND ORDERS**. Additional copies for Court files will follow by FedEx mail.