

COPY

RECEIVED

MAY 07 2009

DEPARTMENT OF
WATER RESOURCES

JEANETTE WOLFLEY (ISB #3948)
Special Counsel for Shoshone-Bannock Tribes
202 N. Arthur
Pocatello, ID 83202
(208) 232-1922

**Counsel for the Shoshone-Bannock
Tribes**

RONALD J. TENPAS
Assistant Attorney General
Environment and Natural Resources Div.

PETER C. MONSON
Assistant Chief, Indian Resources Section
Environment and Natural Resources Div.
U.S. Department of Justice
1961 Stout Street, 8th Floor
Denver, Colorado, 80294
Phone: (303) 844-1384
Fax: (303) 844-1350

Counsel for the United States

LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 334-2690

Counsel for the State of Idaho

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: See EXHIBITS A & B
	)	
	)	FOURTH JOINT CASE MANAGEMENT REPORT
	)	OF GOVERNMENTAL PARTIES
Case No. 39576	)	
	)	
	)	
	)	

The Shoshone-Bannock Tribes (hereinafter referred to as the "Tribes"), the United States

of America as Trustee on behalf of the Shoshone-Bannock Tribes of the Fort Hall Reservation (hereinafter referred to as the "United States"), and the State of Idaho hereby submit this *Fourth Joint Case Management Report of Governmental Parties* in accordance with the *Order Setting Deadline and Scheduling Conference* entered on April 7, 2009 and the extension granted on April 29, 2009:

1. A DESCRIPTION OF SETTLEMENT DISCUSSIONS HELD SINCE THE LAST HEARING OR REPORT.

The State of Idaho provided a redrafted Equitable Adjustment Agreement to the Tribes and United States on November 3, 2008. Subsequently, the United States, Tribes, and State of Idaho met in Pocatello on December 9-10, 2008 to discuss the equitable adjustment pursuant to the Fort Hall Indian Water Rights Agreement of 1990 and the revised Equitable Adjustment Agreement. A representative of the Committee of Nine, Idaho Department of Water Resources Director David Tuthill, and Water District 27 attended this meeting. A complete list of attendees is attached as Attachment I.

During the month of January 2009, the State of Idaho met with the Committee of Nine to discuss the equitable adjustment pursuant to the Fort Hall Indian Water Rights Agreement of 1990 and the revised Equitable Adjustment Agreement. The parties held two conference calls (January 6th and January 26th) to discuss the progress of the Agreement and clarify any issues raised by the parties. The parties held a third conference call on March 4th as well.

The United States, Tribes, and State of Idaho met in Pocatello on April 2, 2009 to discuss the equitable adjustment pursuant to the Fort Hall Indian Water Rights Agreement of 1990 and the revised Equitable Adjustment Agreement. A representative of the Committee of Nine, Idaho Department of Water Resources Director David Tuthill, Water District 27, Water District 01 Watermaster Lyle Swank, and representatives of water users from the Blackfoot River Basin all

attended this meeting. A complete list of attendees is attached as Attachment II. The parties tentatively agreed to split the present Equitable Adjustment Agreement into two documents. The one document would address water management issues in the Blackfoot River Basin and would be called the Blackfoot River Water Management Plan. The second document would only address the equitable adjustment. Both of these documents were identified as to be implemented under the Fort Hall Indian Water Rights Agreement of 1990.

The United States, Tribes, and State of Idaho met in Pocatello on April 13, 2009 to discuss the equitable adjustment pursuant to the Fort Hall Indian Water Rights Agreement of 1990, the revised Equitable Adjustment Agreement, and a preliminary draft of the Blackfoot River Water Management Plan, prepared by the State of Idaho. Representatives of the Committee of Nine, Water District 27, Water District 01 Watermaster Lyle Swank, and representatives of water users from the Blackfoot River Basin all attended this meeting. The Tribes and United States submitted a Revised Blackfoot River Management Plan on April 22, 2009, to the other parties. The technical representatives expect to conduct a conference call on the Revised Blackfoot River Management Plan on May 4, 2009, and revisions are in the process of being drafted. Based on the parties' discussions at the April 13th meeting, the Committee of Nine agreed to prepare a redraft of the Equitable Adjustment Agreement (re-titled as a "Stipulation to Resolve Diversion Volume Objections . . ."), which was sent out to the parties on April 30, 2009. The other parties are reviewing this redraft at this time.

2. FORT HALL INTERGOVERNMENTAL BOARD MEETING.

The United States hosted the annual Fort Hall Intergovernmental Board Meeting in Portland on April 27, 2009. Director David Tuthill and David J. Barber, deputy attorney general, attended on behalf of the State of Idaho. Jeanette Wolfley, attorney for the Tribes, Elese Teton, and Gail Martin attended this meeting on behalf of Tribes. Stanley Speaks, Regional Director of

FOURTH JOINT CASE MANAGEMENT REPORT OF GOVERNMENTAL PARTIES– Page 3

the Bureau of Indian Affairs (hereinafter "BIA"), Gerald Henrickson, Regional Water Rights Specialist, Scott Aikin, Division Chief of Natural Resources for the BIA, Mike Dammerell, BIA Water Rights Program, and Jeff Harlan, BIA Regional Irrigation Engineer attended on behalf of the United States. The revised Equitable Adjustment Agreement and Blackfoot River Management Plan were among the topics discussed.

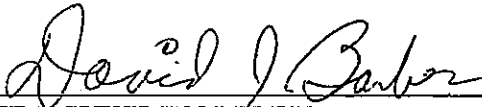
3. A LIST OF ADDITIONAL SUBCASES SETTLED WITH SF5S FILED WITH THE COURT.

The governmental parties have filed Standard Forms 5 in the following subcases: 27-4020, 27-12010 and 27-12145. In addition, there are currently 41 Standard Forms 5 circulating among the parties, along with 14 Stipulations to Resolve Objections that are also in circulation.

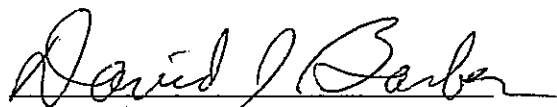
In conclusion, the parties are working diligently to reach a negotiated stipulation to submit to the Court to resolve the numerous objections of the United States and Tribes.

Respectfully submitted this 6th day of May 2009.

SHOSHONE-BANNOCK TRIBES

for 
JEANETTE WOLFLEY
Special Counsel

STATE OF IDAHO


DAVID J. BARBER
Deputy Attorney General

UNITED STATES OF AMERICA

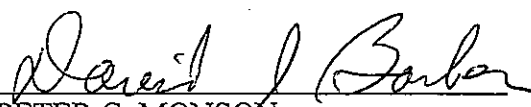
for 
PETER C. MONSON
Attorney for United States of America

EXHIBIT A
Subcase Nos.

IRRIGATION

27-00001A	27-00037E	27-02126	27-11199	27-12136
27-00001B	27-00037F	27-02165	27-11236	27-12137
27-00002A	27-00037G	27-04001	27-11245	
27-00002B	27-00037H	27-04009	27-11261	
27-00003C	27-00037J	27-04010	27-11262	
27-00003D	27-00037L	27-04058	27-11269	
27-00003E	27-00037M	27-04068	27-11271	
27-00003G	27-00037N	27-04077	27-11273	
27-00004AC	27-00038	27-04078	27-11317	
27-00004F	27-00039	27-04079	27-11330	
27-00004H	27-00040	27-04096	27-11334	
27-00004M	27-00041	27-04097	27-11918	
27-00004S	27-00045	27-04141	27-11919	
27-00004Y	27-00047	27-07013	27-11930	
27-00004Z	27-00049	27-07089	27-11939	
27-00005A	27-00050	27-10096	27-11940	
27-00005B	27-00051A	27-10116	27-11946	
27-00012A	27-00051B	27-10207	27-11966	
27-00012B	27-00052	27-10292	27-11988	
27-00013A	27-00054	27-10296	27-11989	
27-00013B	27-00055A	27-10341	27-11922	
27-00014B	27-00055B	27-10344	27-11994	
27-00014C	27-00056	27-10357	27-11995	
27-00014D	27-00073	27-10358	27-11997	
27-00016A	27-00074	27-10362	27-12006	
27-00017	27-00076	27-10370	27-12014	
27-00020A	27-00085A	27-10388	27-12015	
27-00020B	27-00088	27-10390	27-12016	
27-00021A	27-00094	27-10398	27-12017	
27-00021B	27-00102	27-10452	27-12027	
27-00021C	27-00104	27-10505	27-12028	
27-00021D	27-00105	27-10539	27-12029	
27-00022D	27-00106	27-10545	27-12030	
27-00023B	27-02001	27-10550	27-12031	
27-00023C	27-02003A	27-10552	27-12032	
27-00023E	27-02003B	27-10555	27-12035	
27-00025B	27-02008	27-10557	27-12040	
27-00025C	27-02015	27-10657	27-12045	
27-00026A	27-02019A	27-10667	27-12050	
27-00026B	27-02026	27-10728	27-12051	
27-00026C	27-02041A	27-10756	27-12064	
27-00026D	27-02041B	27-10790	27-12068	
27-00026E	27-02043	27-10844	27-12069	
27-00028	27-02048	27-10847	27-12074	
27-00029B	27-02052	27-10878	27-12081	
27-00029C	27-02054	27-10943	27-12108	
27-00029E	27-02066	27-10944	27-12109	
27-00035D	27-02078	27-10999	27-12115	
27-00037A	27-02080A	27-11016	27-12116	
27-00037C	27-02080B	27-11117	27-12118	

EXHIBIT B
Subcase Nos:

JULY 1 NON-IRRIGATION USE

27-00023B	27-11262
27-00045	27-11317
27-00047	27-11330
27-00051A	27-11334
27-00051B	27-11355
27-00054	27-11728
27-00055A	27-11729
27-00055B	27-11730
27-00076	27-11762
27-00085A	27-11763
27-00094	27-11897
27-00102	27-11915
27-00105	27-11916
27-00106	27-11918
27-02001	27-11930
27-02003A	27-11945
27-02003B	27-11988
27-02008	27-11989
27-02015	27-11992
27-02026	27-11996
27-02041A	27-12000
27-02041B	27-12004
27-02043	27-12005
27-02048	27-12009
27-02052	27-12035
27-02054	27-12039
27-02066	27-12040
27-02078	27-12045
27-02080A	27-12050
27-02080B	27-12108
27-02165	27-12109
27-04010	27-12115
27-04058	27-12118
27-04068	
27-04077	
27-04078	
27-04079	
27-04096	
27-04097	
27-04101	
27-04141	
27-10207	
27-10318	
27-10416	
27-10903	
27-11009	
27-11010	
27-11016	
27-11245	
27-11261	

ACTIONS/TO DO:

NAME	REPRESENTING	PHONE NO
1) Ellen Ball	Tribal Water Resources Commission	239-4589
2) Ellerte Eschig	" " " "	239-4589
3) Collette Jim	" " " "	" "
4) Lester Barroway	" " " "	239-4589
5) HESSE D TETON	TRIBAL WATER RESOURCES	239-4580 (708)
6) GAIL Martin	SBT " "	(208) 239-4583
7) Gerald Henry, KSM	BIA	303-231-6927
8) Brett Barce	NRCE - TWRD	970-224-1851
9) David J. Barber	State of Idaho	208 334-4141
10) David Shaw	" " "	208-373-7983
11) John Simpson	Commissioner	208-336-0700
12) Dave Tutthill	IDWR	208-287-4803
13) James Cefalo	IDWR / WD 27	208-525-7161
14) Peter Monson	U.S. - Dept. of Justice	303 844-1384
15) Ron Billstein	DOWLEHM / US	406-656-6399
16) Adrienne Marks	US Federal team - Bureau of Reclamation	202-513-0630
17) Clarice Villa	TWRC	239-4589
18) Wold Mesghinna	NRCE Inc Tribes Corp.	970-224-1851
19) Jeanette Wolfley	SB Tribes	~~239~~ 232-1922

20) Garrick Baxter IDWR

MEETING SIGN-IN SHEET

Page 1

Project:	SRBA Basin 27 - Equitable Adjustment		Meeting Date:	April 2, 2009	
Place/Room:	Ramada Inn - Chubbuck, Idaho			10:00 A.M.	
Name	Company/Title	Phone	E-Mail		
Elveta Sochier	Tribe Water Bureau	239-4589	essch@shoshonebannocktribes.com		
Wendell Bell	Tribe Water Bureau	239-4590	wbell@shoshonebannocktribes.com		
FLESE TETON	TRIBAL WATER RESOURCES	239-4580	ETON@SHOSHONEBANNOCKTRIBES.COM		
Debra Ann Stearns	TWRC	239-4589	Sgt Navy, Shoshone Bannock Tribes		
Eric Martin	SBT TRWD	239-4583	SMartin@ " "		
Anthony Brendus	FHRC	475-3504	abrendus@shoshonebannocktribes.com		
Jeannette Wolfley	SBT Attorneys	232-1922	Wolfleyj		
Duane Mecham	DOI Solicitor's Office	503-231-6299	duane.mecham@DOI.gov		
Debra Ann Stearns	Tribal Water Resource Dev.	239-4589	12jim@shoshonebannocktribes.com		
Ron Billstein	DEWTRM / Fed Team	406-656-6344	rbillst@shoshonebannocktribes.com		
Brett Isare	WRCE / Tribes	970-224-1851	bbovee@ncc.com		
Wendell Mesghina	" "	" "	wmesghina@ncc.com		
Akrene MACKS	Fed Team - Dev. of Reliance	202-513-0630	amacks@usbr.gov		
Peter Manson	US DOJ	203-844-1384	peter.c.manson@usdoj.gov		

MEETING SIGN-IN SHEET

Project: SRBA Basin 27 - Equitable Adjustment		Meeting Date: April 2, 2009	
Place/Room: Ramada Inn - Chubbuck, Idaho		10:00 A.M.	
Name	Company/Title	Phone	E-Mail
Gerald Henriksen	BIA	503-231-6927	gerald.henriksen@bia.gov
David Boulanger	BIA	208-238-6922	David.Boulanger@bia.gov
Dan Fox	BIA	208-238-2301	dan.fox@bia.gov
Eric LaPointe	BIA		
John Simpson	WDI/WD27	208-525-7161	jsimpson@wdi.wa.gov
Don Hale	Conserv	208-338-0700	DKS@idahowaters.com
Layne Hamilton	Distict 27	208-785-0646	hale@idaho.gov
James Cefalo	WDI/WD27	208-525-7161	james.cefalo@idaho.gov

MEETING SIGN-IN SHEET

Project:

SRBA Basin 27 - Equitable Adjustment

Meeting Date:

April 2, 2009

Place/Room:

Ramada Inn - Chubbuck, Idaho

10:00 A.M.

Name

Company/Title

Phone

E-Mail

Larry Hindenburg

Dist 27 Able bod chart

785-5678

highfide@inbox.com

GARY FEATH

DIST 27. Ad v. Board

785-4245

RENTALS CO. @ IDA.NET

BOB REID

DIST 27

785-2062

David Shaw

FRD Resources

373-7983

dshaw@eroticsources.com

ATTACHMENT II

MEETING SIGN-IN SHEET

Project:

SRBA Basin 27 - Equitable Adjustment

Meeting Date: April 2, 2009

Place/Room:

Ramada Inn - Chubbuck, Idaho

10:00 A.M

Name

Company/Title

Phone

E-Mail

Dave Tuthill

IDW

287-4803

dave.tuthill@idwr.idaho.gov

David Barber

Idaho Office of AG

334-2400

david.barber@ag.idaho.gov

Robert D. Ling

Gen of Mines - Attorney

434-2717

robert.d.ling@idaho.gov

Garrick Baxter

Idaho AG Office

287-4211

garrick.baxter@idwr.idaho.gov

ATTACHMENT II