

11-12

Jeanette Wolfley, ISB #3968
Attorney At Law
202 North Arthur
Pocatello, ID 83204
(208) 232-1922
Facsimile: (208) 232-7472
wolfleyj@ida.net

RECEIVED
NOV 15 2010
DEPARTMENT OF
WATER RESOURCES

Attorney for Shoshone-Bannock Tribes

**IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	SHOSHONE-BANNOCK TRIBES' MOTION
	)	TO WITHDRAW SOURCE OBJECTIONS
	)	
Case No. 39576	)	
	)	SUBCASE NOS: EXHIBIT A
	)	(Source issue)
_____	)	

COMES NOW, the Shoshone-Bannock Tribes (Tribes), by and through their attorney Jeanette Wolfley, and withdraw their Source objections to water right claims as listed on Exhibit A. The Tribes source objections were based on Water Right No. 27-11375.x.d. of the 1990 Fort Hall Water Agreement and 1995 Partial Final Consent Decree where the Tribes agreed to subordinate their water rights in the Blackfoot River to those water users that were diverting water from the natural flows of the Blackfoot River prior to January 1, 1990. The Tribes objected to water claimants whose primary source of water was groundwater or Snake River as opposed to the Blackfoot River system.

On October 26, the State of Idaho filed a Motion for An Accounting of all Water Rights Benefitting from the Subordination Provisions of the Fort Hall Consent Decree and Insertion of a SHOSHONE-BANNOCK TRIBES' MOTION TO WITHDRAW SOURCE OBJECTIONS – Page 1

Remark Memorializing that Benefit on Each Affected Water Right. This Motion seeks an accounting and determination of water right users who will benefit from the Blackfoot River subordination provision. On November 10, 2010, the District Court issued an Initial Scheduling Order on the Motion for Accounting including procedures for notice to the parties, and objections to the list which enumerates those who will benefit from the subordination provision.

Given the recent Scheduling Order and the District Court taking jurisdiction over the matter relating to the Tribes' Source objections, the Tribes Source objections to water right claims, as listed on Exhibit A, are not at issue. The Tribes withdraw their Source objections.

Dated this 12th day of November, 2010.

Respectfully submitted,

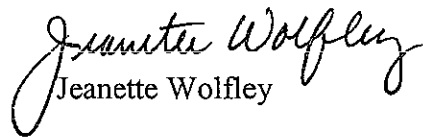

Jeanette Wolfley

EXHIBIT A

27-00022D

27-00026A

27-00035D

27-00037E

27-00037G

27-00037L

27-004009

27-010452

27-010552

27-010555

27-010557

27-010994

27-011946

27-012030

27-012108

27-012137

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 12th day of November, 2010, I caused to be mailed via United States Mail, postage prepaid, at true and correct copy of the Shoshone-Bannock Tribes' Motion to Withdraw Source Objection to the following:

Original To:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environmental & Nat'l Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Layne Hamilton
Smith Maxwell Ditch Company
839 W. Riverton Road
Blackfoot, ID 83221

Jerry R. Rigby, Esq. for
Florian and Opal Wernette
25 North Second East
Rexburg, ID 83440

Sherman Whitten
1095 E. Walker Street
Blackfoot, ID 83221

Deanna & LaVerelle Stecklein
757 W. Riverton Road
Blackfoot, ID 83221

Robert Hoskins
674 W. 275 S
Blackfoot, ID 83221

Randall C. Budge for
Ralph & Vauna Wheatley
201 East Center Street
Pocatello, ID 83204-1391

Loretta & Donald Anderson
264 S 625 W
Blackfoot, ID 83221

Nina & Rex Rowbury
260 S 625 W
Blackfoot, ID 83221

Larry Hinderager
Eastern Idaho Water Company
434 W. Riverton Road
Blackfoot, ID 83221



Jeanette Wolfley