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DEPARTMENT OF
WATER RESOURCES

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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. 27-11375
	)	
Case No. 39576	)	UNITED STATES' AND SHOSHONE-
	)	BANNOCK TRIBES' JOINT STATEMENT
_____	)	IDENTIFYING LEGAL ISSUE(S)

In the Second Scheduling Order on State's Motion for Accounting and United States and Tribes' Motion to Enforce Re: Fort Hall Indian Water Rights Consent Decree, entered February 18, 2011 ("Order"), the Court addressed a number of matters with respect to both the Motion to Enforce and the State's Motion for Accounting. The instant filing is respectfully submitted in compliance with the Court's directions in that Order.

In particular, with respect to the Motion to Enforce, the Court agreed with the recommendation of the parties to bifurcate proceedings, "between those legal issues pertaining to entitlement and those issues pertaining to remedy." Order at 3. The Court therefore ordered that

the matter proceed in a bifurcated fashion, and that the “[r]esolution of the legal issues pertaining to entitlement will be treated as a partial summary judgment.” *Id.* The Order also established certain deadlines in connection with the Shoshone-Bannock Tribes’ and United States’ Joint Motion for Enforcement of Fort Hall Indian Water Rights Consent Decree, filed October 29, 2010. Among other deadlines, the Court directed the “United States and Tribes to file [by March 4, 2011] a statement identifying those specific legal issues sought to be decided by the Court at this stage of the bifurcated proceedings as well as anything additional in support.” *Id.*

The Shoshone-Bannock Tribes and the United States respectfully submit that the following description captures the legal issue(s) pertaining to their entitlement to relief as set forth in the Motion to Enforce:

Whether, under the facts set forth in the Motion for Enforcement of Fort Hall Indian Water Rights Consent Decree, and the Memorandum in Support and accompanying affidavits, the Shoshone-Bannock Tribes and the United States are entitled to an equitable adjustment as provided for in the decree of water right no. 27-11375.x.d?

Respectfully submitted this 4th day of March, 2011.


JEANETTE WOLFLEY *by PCM*
Special Counsel *per email auth.*

Attorney for Shoshone-Bannock Tribes


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CERTIFICATE OF SERVICE

I certify that on March 4, 2011, I served true and correct copies of the foregoing **UNITED STATES' AND SHOSHONE-BANNOCK TRIBES JOINT STATEMENT IDENTIFYING LEGAL ISSUE(S)** as follows:

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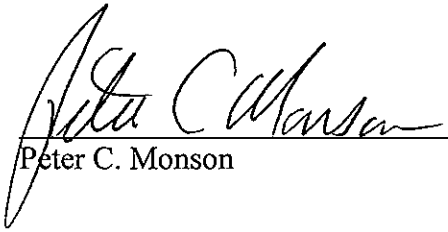
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