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DEPARTMENT OF
WATER RESOURCES

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Attorney for the Shoshone-Bannock 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 SRBBA	)	Subcase Nos. 27-00003C, <i>et al.</i>
	)	See Attachment A
Case No. 39576	)	
	)	SHOSHONE-BANNOCK TRIBES'
	)	NOTICE OF ISSUES REMAINING
	)	RE: BOUNDARY SUBCASES
	)	

COMES NOW, the Shoshone-Bannock Tribes ("Tribes") and files a Notice of Issues Remaining before the Court regarding the Tribes' objections in subcases grouped as boundary subcases, set forth in Attachment A. Counsel for the Tribes misunderstood the Court's order of December 10, 2010 setting deadlines for withdrawal of objections, and thought since the boundary cases are set for trial on June 8 – 10, 2011, these subcases did not need to be excepted out of the Tribes' withdrawal of volumetric objections. Accordingly, the Tribes file this Notice of Issues Remaining for Boundary subcases.

As of this date, the Tribes have boundary objections remaining in 27 subcases. On February 25, 2011, the Tribes filed a Notice to Withdraw Objections in three boundary subcases 27-00026C; 27-00020A and 27-12028.

As reported to the Court during the status conference on March 2, 2011, the Tribes have forwarded a lease for Tribal land to the Riverton Dam Company which is the primary point of diversion for four canal companies (Eastern Idaho Water Company, Central Ditch Company, Stevens Ditch Company and Blackfoot Irrigation Company) which serve water claimants who attended the mandatory settlement conference on January 28, 2011, and several who were not in attendance. If a lease is entered into, the Tribes will withdraw their objections in 27-00003C (Hill); 27-00004H (Heintzelman); 27-00012A (Coffman); 27-00022D (Eastern Idaho Water Company); 27-00025C (Winter); 27-00035D (Eastern Idaho Water Company); 27-00037G (Stecklein); 27-00037J (Winter); 27-11994 (Nation); 27-11995 (Romrell); and 27-11997 (Coffman).

Jerry Rigby, counsel for several water claimants, has sought leases for his clients from the United States Bureau of Indian Affairs, and include the following subcases: 27-00012B (Stecklein); 27-00020B (Stecklein); 27-00025B (Stecklein); 27-000026A; 27-00038; 27-00039; 27-00040; and 27-00041 (Little Butte Irrigation Company); 27-10552; 27-10555; and 27-10557 (Stecklein); 27-10878 (Little Butte Irrigation Company); 27-12136; and 27-12137 (Stecklein).

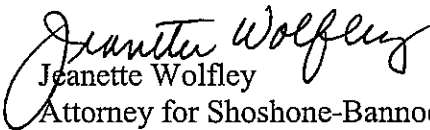
We have also urged, via letter, Gary and Sonja Wright (subcases 27-12116 and 27-10292), not in attendance at the settlement conference, to seek a lease from the Bureau of Indian Affairs.

The Tribes have no remaining objection to the Smith Maxwell Canal Company water claim, subcase 27-12108, and will file a Notice of Withdrawal of their objection.

The parties advised the Court in prior status conferences that federal legislation was introduced to resolve the land/boundary issues. The legislation, S.2802, did not pass in the lame duck session in December 2010. Federal legislation will again be reintroduced this Congressional session by the Idaho Congressional delegation. The Tribes and water claimants are seeking to enter into leases of Tribal lands while the legislation is pending. If leases are entered into, the Tribes intend to withdraw their objections to all boundary subcases.

Dated this 3rd day of March, 2011.

Respectfully submitted,


Jeanette Wolfley
Attorney for Shoshone-Bannock Tribes

ATTACHMENT A

27-00003C
27-00004H
27-00012A
27-00012B
27-00020B
27-00022D
27-00025B
27-00025C
27-00026A
27-00035D
27-00037G
27-00037J
27-00038
27-00039
27-00040
27-00041
27-10292
27-10552
27-10555
27-10557
27-10878
27-11994
27-11995
27-11997
27-12116
27-12136
27-12137

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of March, 2011, I caused to be served via U.S. First Class Mail, postage prepaid, a true and correct copy of the SHOSHONE-BANNOCK TRIBES' NOTICE OF ISSUES REMAINING RE: BOUNDARY SUBCASES 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
ENRD
550 W Fort Street, MISC 033
Boise, ID 83724

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

Jerry Rigby
25 North 2nd East
PO Box 250
Rexburg, ID 83440

Gary and Sonja Wright
673 W 300 S
Blackfoot, ID 83221

Smith Maxwell Ditch Co
c/o Layne Hamilton
839 W Riverton Rd
Blackfoot, ID 83221

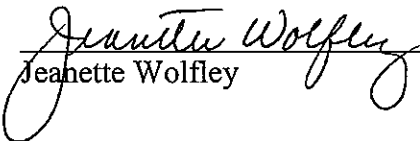
Norman Winter
230 S 550 W Nagitsy Rd
Blackfoot, ID 83221

John and Stacie Heintzelman
485 W. Riverton Rd
Blackfoot, ID 83221

Harvey and Carole Coffman
487 E. Riverton Rd
Blackfoot, ID 83221

Howard and Jacquelyn Nation
594 W 200 S
Blackfoot, ID 83221

Don Romrell
596 W 200 S
Blackfoot, ID 83221


Jeanette Wolfley