

APR 04 2013

DEPARTMENT OF
WATER RESOURCES

Randall C. Budge (ISB# 1949)
 Thomas J. Budge (ISB# 7465)
 RACINE OLSON NYE BUDGE
 & BAILEY, CHARTERED

*Counsel for Alma Hubbard, Blackfoot Springs
 Ranch, LLC, Lewis Brothers, Inc., Ohanesian &
 Associates, P4 Production, LLC, Eastern Idaho
 Water Company, Mark B. Pratt, Brett McDaniel,
 Gary and Sonja Wright, Marvin Yancey, Merlin
 Yancey, and Patrick Taney*

Robert L. Harris (ISB# 7018)
 Luke H. Marchant (ISB # 7944)
 HOLDEN KIDWELL HAHN
 & CRAPO, P.L.L.C.

*Counsel for Natural Guardian LLC, Bear Lake
 Grazing Co., P. Thomas Blotter Family, and
 Stucki Revocable Trust*

Lawrence G. Wasden
 IDAHO ATTORNEY GENERAL
 Clive J. Strong
 Shasta Kilminster-Kadley (ISB #7889)
 DEPUTY ATTORNEY GENERALS

Counsel for the State of Idaho

John K. Simpson (ISB #4242)
 Travis L. Thompson (ISB #6168)
 Paul L. Arrington (ISB #7198)
 Sarah W. Higer (ISB #8012)
 BARKER ROSHOLT & SIMPSON, LLP

Counsel for the Committee of Nine

**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

Case No. 39576

Subcase No. 27-11375

**JOINT MOTION TO
 WITHHOLD DECISION**

The State of Idaho, the Committee of Nine of Water District 01, Alma Hubbard, Blackfoot Springs Ranch, LLC, Lewis Brothers, Inc., Ohanesian & Associates, P4 Production, LLC, Eastern Idaho Water Company, Mark B. Pratt, Brett McDaniel, Gary and Sonja Wright, Marvin Yancey, Merlin Yancey, Patrick Taney, Natural Guardian, LLC, Bear Lake Grazing Co., P. Thomas Blotter Family, and Stucki Revocable Trust, by and through their respective counsel, hereby jointly move the Court to withhold its decision on the *Joint Motion for Approval of Fort Hall Equitable Adjustment Settlement Agreement* until June 1, 2013. Since oral argument was made on the *Joint Motion for Approval of Fort Hall Equitable Adjustment Settlement Agreement* on February 22nd, the parties have been engaged in discussions to identify terms of the “equitable

adjustment” of the Tribal water rights that are agreeable to all parties. A potential solution is currently being evaluated by the parties. Because of the technical nature of water accounting in Basin 27, and the significant ramifications for all parties involved, this solution is still being analyzed by the parties.

The movants respectfully request additional time to complete these analyses and, assuming a solution can be agreed to in principle, re-work the Fort Hall Equitable Adjustment Settlement Agreement to the satisfaction of all parties. Given the short timeframe since the court issued its *Notice of Issuance of Order*, counsel for the Shoshone-Bannock Tribe has not had adequate time to consult with her clients, and therefore takes no position on the motion. Counsel for the United States is on annual leave.

RESPECTFULLY SUBMITTED this 2nd day of April, 2013.

RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED

Randall C. Budge
Randall C. Budge
Thomas J. Budge

HOLDEN KIDWELL HAHN &
CRAPO, P.L.L.C.

Randall C. Budge for Robert Harris
Robert L. Harris
Luke H. Marchant

STATE OF IDAHO

Randall C. Budge for Clive Strong
Clive Strong
Shasta Kilminster-Hadley

COMMITTEE OF NINE

Randall C. Budge for John K. Simpson
John K. Simpson
Travis L. Thompson
Paul A. Arrington
Sarah W. Higer

Signatures per verbal authorization to expedite filing.
Randall C. Budge

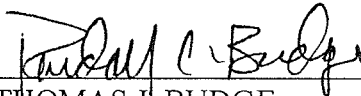
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of April, 2013, the above document was served on the persons below in the manner indicated:

Document Served: **Joint Motion to Withhold Decision**

Clerk of the Court SRBA P.O. Box 2707 Twins Falls, ID 83307	☐ U.S. Mail/Postage Prepaid ☒ Facsimile ☐ Overnight Mail ☐ Hand Delivery
Jeanette Wolfley Special Counsel 202 N Arthur Pocatello, ID 83201	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-Mail: wolfleyj@ida.net
John K. Simpson 1010 W. Jefferson, Ste 102 Boise, ID 83701	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-Mail: jks@idahowaters.com
Robert L. Harris Luke H. Marchant Holden Kidwell Hahn & Crapo 1000 Riverwalk Dr Ste 200 PO Box 50130 Idaho Falls, ID 50130	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-Mail: lmarchant@holdenlegal.com ☒ E-Mail: rharris@holdenlegal.com
State of Idaho PO Box 44449 Boise, ID 83711-4449	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery
United States Dept of Justice Environment & Natural Resource 550 West Fort Street, MSC 033 Boise, ID 83701-2527	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery
William G Myers III 101 S. Capital Blvd, Ste 033 Boise, Id 83701-2527	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail: wmyers@hollandhart.com

U.S. Department of Justice Attn: Peter C Monson Indian Resources Section 999 18 th St Denver, Co 80202	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☐ E-mail
Director of IDWR P.O. Box 83720 Boise, ID 83720-0098	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery


 THOMAS J. BUDGE