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Department of Water Resources
Adjudication Bureau

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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	)	MOTION FOR LEAVE TO FILE SUPPLEMENTAL
	)	MEMORANDUM AND SUPPLEMENTAL MEMORANDUM
	)	
Case No. 39576	)	SUBCASE Nos. 01-10223, 01-10248, 25-02160
	)	25-13615, 27-02007, 27-11560, 27-11561.
	)	
	)	

COME NOW the Fort Hall Water Users Association (FHWUA) and Kim Bodily and hereby move for leave of the court to file their Supplemental Memorandum and in support hereof state:

1. On February 27, 1995, the United States, the State of Idaho, and the Shoshone-Bannock Tribes, "pursuant to I.R.C.P. 12(b) or 56," filed joint motions to dismiss the objections filed by the FHWUA and Kim Bodily to the 1990 Fort Hall Indian Water Rights Agreement.
2. The motions to dismiss presented matters outside the pleading which were not excluded by the court, and the court set the motions for hearing, treating them as motions for summary judgment.
3. The FHWUA and Kim Bodily filed a response brief on March 31,

1995, which was followed by the joint movants' reply brief on April 12, 1995.

4. At the hearing held on April 18, 1995, the court appeared disinclined to treat the issues as issues of summary judgment as framed by the parties.

5. The purpose of filing the attached Supplemental Memorandum is to insure that the court is aware of the applicable standards of summary judgment in disposing of the motion to dismiss.

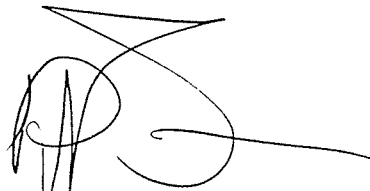
6. The movants do not desire to present oral argument on this motion.

DATED this 27th day of April, 1995.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that the copies of the foregoing MOTION FOR LEAVE TO FILE SUPPLEMENTAL MEMORANDUM AND SUPPLEMENTAL MEMORANDUM were served by placing the same with Federal Express Courier on April 27, 1995 as follows:

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