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Counsel for the United States of America

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	)	Sub-case Nos. 01-10248; 27-11560
	)	
CASE NO. 39576	)	UNITED STATES, STATE OF IDAHO'S AND
	)	SHOSHONE-BANNOCK TRIBES' LIST OF
	)	EXHIBITS AND WITNESSES
	)	
	)	
	)	
	)	

DESCRIPTIVE SUMMARY

This is the consolidated list of witnesses and exhibits on behalf of the United States, state of Idaho, and Shoshone-Bannock Tribes ("Respondents") for the trial of the above-referenced objections by Kim G. Bodily. It is submitted pursuant to the Court's Order Setting Subcases for Trial and Pretrial Scheduling Order, dated March 21, 1995.

RESPONDENTS' CONSOLIDATED WITNESS AND EXHIBIT LIST
SUB-CASE NOS. 01-10248; 27-11560

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WITNESSES

The undersigned respondents may call some or all of the following witnesses at trial as necessary to defend against Mr. Bodily's objections:

1. Ross Waples, Certified Professional Soil Scientist, MSE-HKM Associates, 2727 Central Avenue, Billings, Montana.
2. Alan Oliver, Supervisory General Engineer, Fort Hall Irrigation Project, Fort Hall, Idaho.
3. Robert Fenton, Area Hydrologist, Portland Area Office, 911 N.E. 11th, Portland, Oregon.
4. David Shaw, Chief, Adjudication Bureau, Idaho Department of Water Resources, 1301 N. Orchard, Boise, Idaho.
5. Jeff Peppersack, Water Resource Engineer, Idaho Department of Water Resources, 1301 North Orchard, Boise, Idaho.
6. A.T. Kersich, P.C., 2727 Central Avenue, P.O. Box 21019, Billings, Montana.
7. Louis B. Hildebrand, Area General Engineer, Portland Area Office, Bureau of Indian Affairs.
8. Kim G. Bodily (adverse witness).

The undersigned respondents also reserve all rights to call rebuttal or surrebuttal witnesses who necessarily cannot be identified at this time.

EXHIBITS

The undersigned respondents may offer some or all of the following documents as exhibits at trial as necessary to defend against Mr. Bodily's objections.¹

- . Quit Claim Deed for Purchase of Water Right No. 01-10248
- . Excerpts from the Rexburg Decree
- . Articles of Agreement between Idaho Canal Co. and Secretary of the Interior, January 13, 1896.
- . IDWR file documents for Permit No. 3116, covering decreed water right to divert water from the Snake River.
- . IDWR file documents for Permit No. 16816, covering water right from Sand Creek.
- . W. M. Reed, J. H. Smith, & W.P. Havenor, "Report, Fort Hall Irrigation Project, Fort Hall Idaho, to Hon. Franklin K. Lane, Secy. of the Interior (Sept. 1917)".
- . Henry S. Kollenborn and Tom C. Guyn, Report entitled "Water Supply Fort Hall Irrigation Project, Fort Hall Indian Reservation, Idaho," July 6, 1934 as revised August 25, 1934.
- . House Committee on Public Lands, "Promoting the Interests of the Fort Hall Indian Irrigation Project, Idaho," H.R.Rep.

¹ We have not yet assigned numbers to these exhibits since the exact order of exhibits may vary, in part depending upon the exhibits listed by Mr. Bodily. Additionally, it is our understanding that Mr. Bodily or his counsel possess copies of all of these exhibits; if that is not the case for certain documents, the original or copies of those documents can be provided for inspection prior to trial.

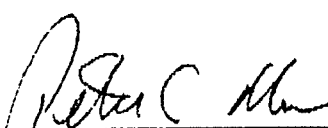
No 2068, 80th Cong., 2d Sess. (May 27, 1948).

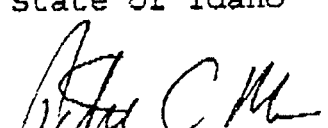
- . A.L. Walker, Report on Conditions Found To Exist on the Fort Hall Irrigation Project and the Fort Hall Indian Reservation, Idaho, Vol. 1 (November, 1940).
- . Fort Hall Project, First Supplemental Redesignation Report (1963).
- . All Statutes relating to the project, as listed in the Director's Report, Section 4, at 8.
- . Agreement for Water Right, Fort Hall Project, #166, dated May 17, 1916.
- . Agreement by Landowners, #34, dated May 15, 1923.
- . Supplemental Repayment Contract to Be Executed by Non-Indian Landowners of the Fort Hall Irrigation Project, Idaho, # 119514, I-34-Ind 6830 (May 18, 1936)
- . Supplemental Agreement to Correct Irrigable Acreage of \$15.10 Construction Repayment Contract where Project Ledgerr Area and/or original contract Area are at Variance with the Actual Irrigable Area, Fort Hall Irrigation Project, Idaho, # Cont./ I-34-Ind 8292.
- . Supplemental Agreement to Correct Irrigable Acreage of \$7.50 Contract Fort Hall Irrigation Project, Idaho, # Cont. I-34-Ind 8292.
- . Map of Fort Hall Irrigation Project showing Reservation Canal, Sand Creek, location of Mr. Bodily's property and other relevant features.
- . Map prepared by HKM showing Mr. Bodily's land together with

- areas that were irrigated and those that were not irrigated.
- . Sketch Map of Bodily property prepared by Jeff Peppersack.
 - . 1987 NAPP Photo AA39SW.
 - . ASCS Compliance Slides for Twp. 6S, Rge. 34E, S4.
 - . Deposition of Kim G. Bodily, April 5, 1995.
 - . Objections by Kim G. Bodily in these subcases, including all attachments.

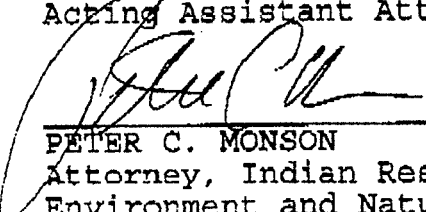
The undersigned respondents reserve the right to supplement this list should additional relevant documents be found between now and trial and further reserves the right to offer exhibits in rebuttal or surrebuttal to evidence or testimony proffered by Mr. Bodily.

Respectfully submitted this 7th day of June, 1995.

for 
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Deputy Attorney General
State of Idaho

for 
CANDY JACKSON, ESQUIRE
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NUMBER OF PAGES (Including cover sheet): 6

MESSAGE: See Attached Exhibit and Witness
List, per Court order.

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