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Movant: United States, Shoshone-Bannock Tribes and the State of Idaho

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Department of Water Resources
Adjudication Bureau

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FEB 27 1995

OFFICE OF THE
ATTORNEY GENERAL

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 No: 01-10248

Case No. 39576)

MOTION TO DISMISS OBJECTION
OF FORT HALL WATER USERS
ASSOCIATION

DESCRIPTIVE SUMMARY

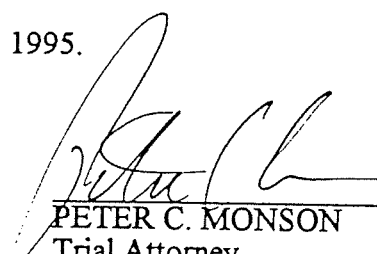
Joint motion of the United States, the Shoshone-Bannock Tribes, and the State of Idaho to dismiss objection filed by the Fort Hall Water Users Association to the 1990 Fort Hall Water Rights Agreement.

MOTION TO DISMISS

The State of Idaho moves the court pursuant to I.R.C.P. 12(b) or 56 for an order dismissing the objection filed by the Fort Hall Water Users Association (FHWUA) to Water Right No. 01-10248. The grounds for this motion are as follows:

1. The FHWUA is not a claimant in the SRBA nor has it been served and joined as a party, and therefore the FHWUA may not file objections in the SRBA.
2. The objection filed by the FHWUA raises issues that are not within the scope of the SRBA Court.
3. This motion is further supported by the Memorandum in Support of Motion to Dismiss and the Affidavit of David Shaw filed herewith and the records and files in this case.

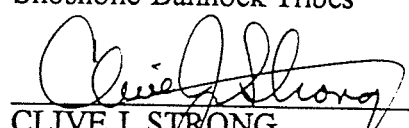
DATED this 23rd day of February, 1995.



PETER C. MONSON
Trial Attorney
Environment and Natural Res. Div.
U.S. Department of Justice



CANDY L. JACKSON
Tribal Attorney
Shoshone-Bannock Tribes



CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on this 24th day of February, 1995, I served a true and correct copy of this MOTION TO DISMISS OBJECTION OF FORT HALL WATER USERS ASSOCIATION by placing a true and correct copy thereof in the United States mail, postage prepaid or in the Statehouse Mail, addressed as follows:

1. One copy by U.S. Mail to:

U.S. Department of Justice
Environment & Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83724

Carolyn Minder
SRBA Attorney
7283 Obsidian
Boise, ID 83709

Margaret J. King
Simms & Stein, P.A.
102 Aspen Lakes Drive
Hailey, ID 83333

Kim G. Bodily
11696 North Philbin
Pocatello, ID 83202

2. One copy to each of the following parties identified in the pleading from whom relief is sought:

None.


CANDY L. JACKSON
Tribal Attorney
Shoshone-Bannock Tribes

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