

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

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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)
)
Case No. 39576)
)
_____)

Subcase No: 01-10248

**MOTION TO DISMISS OBJECTION
OF KIM G. BODILY**

DESCRIPTIVE SUMMARY

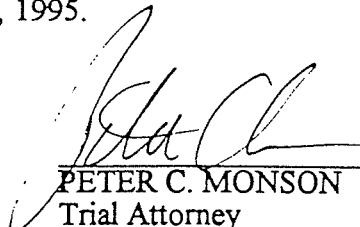
Joint motion of the United States, the Shoshone-Bannock Tribes, and the State of Idaho to dismiss objection filed by the Kim G. Bodily to the 1990 Fort Hall Water Rights Agreement.

MOTION TO DISMISS

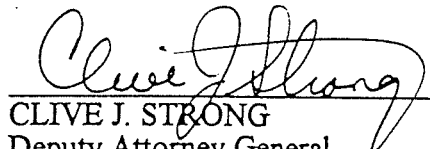
The State of Idaho moves the court pursuant to I.R.C.P. 12(b) or 56 for an order dismissing the objection filed by Kim G. Bodily to Water Right No. 01-10248. The grounds for this motion are as follows:

1. The objection filed by Mr. Bodily raises issues that are not within the scope of the SRBA Court.
2. 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
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CLIVE J. STRONG
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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 KIM G. BODILY 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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