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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 EXTENSION OF TIME TO RESPOND
	)	TO JOINT MOTIONS TO DISMISS
	)	
Case No. 39576	)	SUBCASE Nos. 01-10223, 01-10248, 25-02160
	)	25-13615, 27-02007, 27-11560, 27-11561.
	)	
	)	
	)	

COME NOW Kim Bodily and the Fort Hall Water Users Association (FHWUA), through its President, Floyd Johnson, pursuant to Rule 7e(4)(d) of the SRBA Rules of Procedure, and hereby moves for an extension of time from March 15, 1995, to April 4, 1995, to respond to the joint motions of the United States, the Shoshone-Bannock Tribes, and the State of Idaho to dismiss the movants' objections in Subcases Nos. 01-10223, 01-10248, 25-02160, 25-13615, 27-02007, 27-11560, and 27-11561. In support hereof, movants state:

1. On May 31, 1994, the movants filed objections to the water rights in Subcases Nos. 01-10223, 01-10248, 25-02160, 25-13615, 27-02007, 27-11560, and 27-11561, all of which are subsumed by the

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1990 Fort Hall Indian Water Rights Agreement.

2. The deadline for responding to objections was initially set on October 3, 1994.

3. On October 3, 1994, the Shoshone-Bannock Tribes filed a motion for extension of time within which to file responses. By order of October 20, 1994, the court extended the response time to November 2, 1994.

4. Neither the United States, the State of Idaho, nor the Shoshone-Bannock Tribes filed responses to the movants' objections or to the movants' capacity to object as claimants within the meaning of I.C. §42-1401(a(1)).

5. On February 27, 1995, the United States, the Shoshone-Bannock Tribes, and the State of Idaho jointly moved to dismiss the objections filed by the movant in Subcases Nos. 01-10223, 01-10248, 25-02160, 25-13615, 27-02007, 27-11560, and 27-11561. The motions allege that Floyd Johnson, who signed and filed the objections for the FHWUA on May 31, 1994, is not a "claimant" in the SRBA pursuant to I.C. § 42-1401A(1), that the FHWUA is neither a claimant nor an association qualified to act on behalf of its members pursuant to I.C. § 53-707(2), and that the objections filed by the FHWUA and Kim Bodily raise "issues that are not within the scope of the SRBA court."

6. Movants believe that each of the allegations in the joint motions to dismiss is patently incorrect and desire to file a response brief to the motions.

7. Pursuant to the court's General Docket Sheet Procedure,

movants' response is due on March 15, 1995.

8. Pursuant to the General Docket Sheet Procedure, the court has ordered that the motions to dismiss be heard on April 18, 1995.

9. Counsel for the FHWUA and Kim Bodily are presently preparing for oral argument before the United States Supreme Court in Nebraska v. Wyoming, No. 108 Original. Argument is set for the morning of March 21, 1995.

10. Nebraska v. Wyoming is an extremely complex interstate equitable apportionment action originally tried between 1933 and 1945, involving scores of witnesses, 1,288 exhibits, and 30,000 pages of testimony. The case was reopened by our client, the State of Nebraska, in 1986, and is before the Court now on exceptions to the Third Interim Report of the Special Master, the resolution of which will define the scope of numerous issues yet to be tried in the case.

11. Counsel for the FHWUA and Kim Bodily, along with the other shareholders in the firm of Simms & Stein, P.A., are currently working 10-16 hours per day preparing for the argument. Moot court before various counsel from around the country is scheduled to take place on March 8-9 in Salt Lake City and before the National Association of Attorneys General on March 17 in Washington, D.C. Each day between one week ago and March 21, 1995, including weekends, that is not set for moot courting, is set for counsel to be quizzed on over 400 potential questions that could be asked by the Court. In addition, approximately 30 memoranda are in the process of being prepared in relation to the argument. The

value of the case to the State of Nebraska is in excess of \$100,000,000.00 annually, in perpetuity.

12. Counsel for the FHWUA and Kim Bodily have no time to begin to respond to the joint motions of the United States, the Shoshone-Bannock Tribes, or the State of Idaho until March 25, 1995, upon their return from Washington D.C.

13. The State of Idaho does not object to this motion.

14. The Shoshone-Bannock Tribes do not object to this motion.

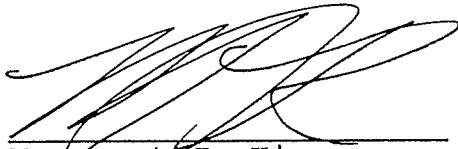
15. The United States does not object to this motion.

16. Movants do not request a hearing.

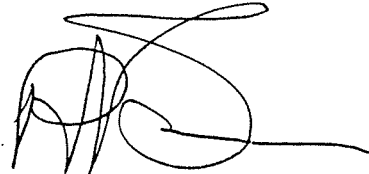
WHEREFORE, Kim Bodily and the Fort Hall Water Users Association, through its President, Floyd Johnson, move for an extension of time from March 15, 1995, to April 4, 1995, to respond to the joint motions of the United States, the Shoshone-Bannock Tribes, and the State of Idaho to dismiss the movants' objections in Subcase Nos. 01-10223, 01-10248, 25-02160, 25-13615, 27-02007, 27-11560, and 27-11561.

DATED this 6th day of March, 1995.

Respectfully submitted,



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CERTIFICATE OF SERVICE

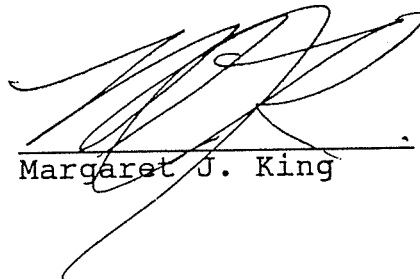
I certify that on this 6th day of March, 1995, I served a true and correct copy of the foregoing MOTION FOR EXTENSION OF TIME TO RESPOND TO JOINT MOTIONS TO DISMISS by faxing or placing a copy thereof in the United States mail, first class postage prepaid to each person listed below.

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