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Department of Water Resources
Adjudication Bureau

Shoshone-Bannock Tribes
Candy L. Jackson
P.O. Box 306
Fort Hall, Idaho 83203

**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. 01-10223; 01-
	)	10248; 25-02160; 25-13615;
	)	27-02007; 27-11560;
	)	27-11561
Case No. 39576	)	RESPONSE OF THE SHOSHONE-
	)	BANNOCK TRIBES TO MOTION
	)	TO QUASH SUBPOENAS

The Shoshone-Bannock Tribes (Tribes), by and through their attorney, hereby respond to the Motion to Quash Subpoena filed on behalf of Kim Bodily and Floyd Johnson. This response includes the matters set forth herein as well as the attached Affidavit and Exhibits A and B. The Shoshone-Bannock Tribes, pursuant to Rule 30(a) of the Idaho Rules of Civil Procedure, decided to take the testimony of Mr. Kim Bodily and Mr. Floyd Johnson by deposition. The Tribes also requested that certain documents be produced at the deposition and at that time it was determined that a subpoena was necessary. The Tribes requested the Court to issue a subpoena pursuant to Rule 45(a) of the Idaho Rules of Civil Procedure and submitted at first a blank subpoena with the appropriate heading and subcase numbers. The Clerk was reluctant

to issue the subpoena unless she knew who was being served and so the Tribes sent over completed subpoenas to be issued by the Clerk of the Court. These were the subpoenas¹ which were served on Mr. Bodily and Mr. Johnson on March 4, 1995.

On that same date, Counsel for the Tribes mailed a letter to Ms. Margaret J. King with a Notice of Deposition indicating the date and time of the deposition. See Attachments A and B. Notice of Deposition was also sent to the other parties: Mr. Kim Bodily, Mr. Peter Monson for the United States, and Mr. Clive Strong, for the State of Idaho. This would have given Ms. King and the deponents two weeks in which to inform Counsel for the Tribes if another date and time was more convenient.

On Monday, March 6, 1995 during a conversation with Mr. Richard Simms of the same law firm as counsel for the deponents, Ms. Margaret King, the Tribes' Counsel was informed that there was a conflict in their office with the date of March 21 and in fact with that whole week. Counsel for the Tribes informed Mr. Simms that the Tribes were amenable to rescheduling the depositions and asked Mr. Simms if he would like to reschedule the depositions during the course of the phone call but Mr. Simms indicated he needed to check with Mr. Johnson as to his availability. Counsel for the Tribes indicated that she was

¹Mr. Bodily's subpoena was approved for service on the Fort Hall Indian Reservation by the tribal judge as this office originally believed Mr. Bodily may have had to be served within the exterior boundaries of the Fort Hall Indian Reservation.

willling to discuss another date and time while all parties attended the Status Conference on March 14, 1995 in Twin Falls. See attached Affidavit.

Counsel for the Tribes did provide reasonable notice to all parties involved of the taking of the depositions of Mr. Bodily and Mr. Johnson. Mr. Simms of the same law firm as Counsel for the deponents did represent that he was amenable to selecting a new date for the depositions, and since the Tribes have agreed to select new dates and times for the depositions, there is no need to quash the subpoenas.

Dated this 13th day of March, 1995.



Candy L. Jackson
Attorney for the Shoshone-
Bannock Tribes

The logo of the National Association of Broadcasters (NAB) is a circular emblem. It features a central illustration of a group of people, possibly a family or a community, gathered around a table. The emblem is surrounded by a thick, rope-like border. The word "NAB" is visible at the bottom of the circle.

FORT HALL, IDAHO 83200

Exhibit

Candy L. Jackson
Attorney for Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203
208/238-3815

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 Nos. 01-10248;
	)	27-11560
	)	
Case No. 39576	)	
	)	NOTICE OF DEPOSITION
	)	OF KIM BODILY
	)	

PLEASE TAKE NOTICE that the Shoshone-Bannock Tribes, by and through their attorneys, have set a time and date for the taking of an oral deposition of Kim Bodily for Tuesday, the 21st day of March, 1995 at the hour of 9 a.m. at the offices of the Tribal Attorney, Fort Hall Business Center, Pima and Bannock Avenues, in the city of Fort Hall, State of Idaho.

The deponent is further notified that he is to bring with him any and all documents which were relied upon in filing his objections in the above-captioned subcases.

Dated this 3rd day of March, 1995.


Candy L. Jackson
Attorney for the Shoshone-
Bannock Tribes

Candy L. Jackson
Attorney for Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203
208/238-3815

**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 Nos. 01-10223; 01-
	)	10248; 25-02160; 25-13615;
	)	27-02007; 27-11560;
	)	27-11561
Case No. 39576	)	
	)	NOTICE OF DEPOSITION
	)	OF FLOYD JOHNSON
	)	

PLEASE TAKE NOTICE that the Shoshone-Bannock Tribes, by and through their attorneys, have set a time and date for the taking of an oral deposition of Floyd Johnson for Tuesday, the 21st day of March, 1995 at the hour of 10 a.m. at the offices of the Tribal Attorney, Fort Hall Business Center, Pima and Bannock Avenues, in the city of Fort Hall, State of Idaho.

The deponent is further notified that he is to bring with him any and all documents which were relied upon in filing the objections on behalf of the Fort Hall Water Users in the above-captioned subcases.

Dated this 3rd day of March, 1995.


Candy L. Jackson
Attorney for the Shoshone-
Bannock Tribes

State of Idaho)
) ss. AFFIDAVIT OF CANDY L. JACKSON
County of Bingham)

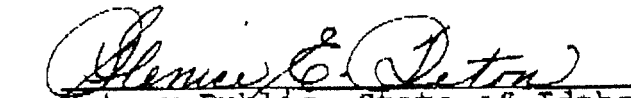
Candy L. Jackson, being duly sworn under oath, does hereby set forth the following as a true and accurate statement:

1. I am the attorney for the Shoshone-Bannock Tribes.
2. On March 4, 1995 I deposited in the U.S. Mail with proper first class postage attached a letter and Notice of Deposition to Ms. Margaret J. King.
3. On March 6, 1995 I received a telephone call from Mr. Richard Simms regarding continuances on a motion to dismiss.
4. Mr. Simms represented during the telephone conference call that he believed that no notice of subpoena was done as required by the Idaho Rules of Civil Procedure and that their office, which includes Margaret J. King, had a conflict on March 21.
5. I informed Mr. Simms that a notice had gone out and they should receive it that same day. Also, I informed Mr. Simms that I was agreeable to rescheduling the depositions if they had a conflict and asked if he wanted to do so at that time. Mr. Simms wanted to check with Mr. Floyd Johnson on some dates and so I indicated we could perhaps discuss it on Tuesday, the 14th.



Subscribed and sworn to before me this 13th day of March, 1995.

S E A L



Notary Public, State of Idaho
My Commission Expires: 12-12-2000

Affidavit of Candy L. Jackson

CERTIFICATE OF SERVICE

I, Candy L. Jackson, hereby certify that on the 13th day of March, 1995, I served the following parties via fax transmission copies of the Shoshone-Bannock Tribes Response to Floyd Johnson and Kim Bodily's Motion to Quash Subpoenas and attached Affidavit of Candy L. Jackson and Exhibits A and B:

Margaret J. King
Simms & Stein
102 Aspen Lakes Drive
Hailey, Idaho 83333
Fax No. 208/788-0927

Peter Monson
U.S. Department of Justice
999 18th Street, North Tower
Suite 945
Denver, Colorado 80202
Fax No. 303/294-1931

K Clive Strong
Deputy Attorney General
Office of the Attorney General
Statehouse
Boise, Idaho 83720-1000
Fax No. 208/334-2690

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From	Candy Jackson
Co.	Shoshone-Bannock Tribes
Phone #	(208) 238-3875
Fax #	(208) 237-9734

