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1 Movant's Name:

Department of Water Resources  
Adjudication Bureau

Twin Falls Canal Company  
North Side Canal Company

2 Attorney's Name and Address:

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Norman M. Semanko  
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P.O. Box 1906  
Twin Falls, Idaho 83303-1906  
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7 OFFICE OF THE  
ATTORNEY GENERAL

8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
9 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

10 In Re SRBA ) Subcase Nos. 01-10223; 01-10248;  
11 ) 25-02160; 25-13615; 27-02007;  
12 Case No. 39576 ) 27-11560; 27-11561  
13 )  
14 ) MOTION TO PARTICIPATE

15 DESCRIPTIVE SUMMARY

16 Motion of the Twin Falls Canal Company and the North Side Canal  
17 Company (the Companies) to participate in the above-captioned subcases for the limited  
18 purpose of filing a memorandum in support of the joint motions filed by the United  
19 States, the Shoshone-Bannock Tribes and the State of Idaho on February 27, 1995,  
20 seeking to dismiss objections to the 1990 Fort Hall Indian Water Rights Agreement, and  
21 otherwise participating in the disposition of the joint motions and the objections.

22 MOTION TO PARTICIPATE

23 The Companies move the court pursuant to SRBA Administrative Order 1,  
24 Rules of Procedure, Rule 6.g., for leave to participate in the above-captioned subcases  
25 for the limited purpose of filing a memorandum in support of the joint motions filed by  
26 the United States, the Shoshone-Bannock Tribes and the State of Idaho on February 27,  
27 1995, seeking to dismiss objections to the 1990 Fort Hall Indian Water Rights Agreement,  
28

MOTION TO PARTICIPATE - 1

1 and otherwise participating in the disposition of the joint motions and the objections.

2 The grounds for this motion are as follows:

- 3 1. The Companies are parties to the SRBA.
- 4 2. The motion is timely made.
- 5 3. The Companies have an interest in the subject matter of the
- 6 subcases and the disposition of the objections may impair or impede the Companies'
- 7 ability to protect that interest.
- 8 4. The Companies' interest in the matter is not adequately represented
- 9 by the existing parties to the subcases.
- 10 5. The Companies' claim and the subcases involve common questions
- 11 of law and fact.
- 12 6. Participation by the Companies will not unduly delay the proceedings
- 13 or prejudice the existing parties to the subcases.
- 14 7. This motion is further supported by the Memorandum in Support
- 15 of Motion to Participate filed herewith.
- 16 8. The Companies do not request a hearing on the motion.

17 DATED this 13<sup>th</sup> day of March, 1995.

18 ROSHOLT, ROBERTSON & TUCKER

19 By: John A. Rosholt  
20 John A. Rosholt

21 By: Norman M. Semanko  
22 Norman M. Semanko

23 Attorneys for Twin Falls Canal Company  
24 and North Side Canal Company

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CERTIFICATE OF SERVICE

I hereby certify that on this 12 day of March, 1995, I served a copy of the foregoing MOTION TO PARTICIPATE, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, Idaho 83711-4449

United States Department of Justice  
Environment & Natural Resources  
Division  
550 West Fort Street, Box 33  
Boise, Idaho 83724

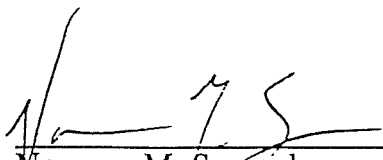
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