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127H

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 30 2013
By _____
Clerk Deputy Clerk

**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. 29-12049 and 29-12848
	)	
Case No. 39576	)	STATE OF IDAHO'S MOTION TO AMEND
	)	PARAGRAPH 29-12049.X.A
	)	AND PARAGRAPH 29-12848.X.A
	)	OF THE FORT HALL CONSENT DECREE
	)	

The State of Idaho (the "State") by and through its counsel of record, hereby moves the Court to amend Paragraph 29-12049.x.a and Paragraph 29-12848.x.a. of the *Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin* ("Consent Decree") to read as follows:

The Tribes and the United States shall exercise this right in a manner that ensures persons with water rights 29-00476, 29-00477,

29-00480, 29-10990 and 29-13215 decreed in the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)] and that are confirmed in the SRBA will continue to receive their full legal entitlement under state law.

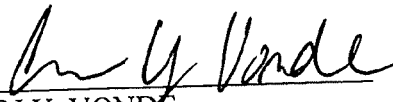
The grounds for this motion are set forth in the *State of Idaho's Memorandum in Support of the Motion to Amend Paragraph 29-12049.x.a and paragraph 29-12848.x.a of the Fort Hall Consent Decree* and the *Affidavit of Carter Fritschle* filed herewith. Movant will provide personal service of this motion, and the accompanying memorandum and affidavit in support to all water right holders listed in amended Paragraph 29-12049.x.a and 29-12848.x.a.

THEREFORE, Movant respectfully requests this Court grant the relief requested in this motion.

Respectfully submitted this 25th day of August 2013.

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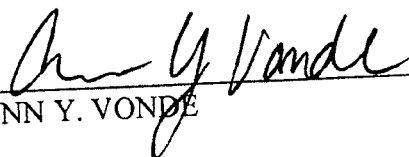

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of August, 2013, the above STATE OF IDAHO'S MOTION TO AMEND PARAGRAPH 29-12049.X.A AND PARAGRAPH 29-12848.X.A OF THE FORT HALL CONSENT DECREE was served on the persons below in the manner indicated:

Clerk of the District Court SRBA P.O. Box 2707 Twin Falls, ID 83303	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery
Jeanette Wolfley Special Counsel for Shoshone-Bannock Tribes 706 Paseo Sandia Bernalillo, NM 87004	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-Mail: wolfleyje@gmail.com
Committee of Nine Represented by: John K. Simpson Barker, Rosholt & Simpson LLP 1010 W. Jefferson, Ste 102 P.O. Box 2139 Boise, ID 83702	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-Mail: jks@idahowaters.com
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