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Attorney for Shoshone-Bannock Tribes

RECEIVED
JUL 28 2005
Department of Water Resources
Eastern Region

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF NOTICE OF	)	SHOSHONE-BANNOCK TRIBES
PROPOSED CHANGE OF WATER RIGHT	)	PETITION TO INTERVENE
TRANSFER NO. 71551	)	
_____	)	

The Shoshone-Bannock Tribes, by and through their counsel, Jeanette Wolfley, hereby petition to intervene into this proceeding. The reasons supporting the Shoshone-Bannock Tribes' petition to intervene as follows:

1. On June 28, 2005, the Shoshone-Bannock Tribes were notified by means of a telephone call from Eileen and Michael Chambers, Protestants in the above-entitled matter, of a water transfer occurring in Toponce Creek.

2. Upon investigation of this water right transfer, on July 20, 2005, the Shoshone-Bannock Tribes became aware that the King Creek Grazing Association was constructing and installing a pipe to divert water from Toponce Creek.

3. Pursuant to Decree 92-22, entitled "Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin," subsection II. C.14, states:

Receipt
#ED31117

“The State shall provide written notice to the Tribes and the Fort Hall Agency Superintendent whenever an application for a state water right permit is sought for a water use in the Upper Snake River mainstem, the Blackfoot River basin, and the Portneuf River basin.”

4. There are three Tribally owned allotments that are served from Toponce Creek with water rights no.'s 29-00238, 29-00239 and 29-00231, which are presently being affected by the water transfer before the Idaho Department of Water Resources.

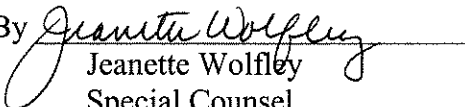
5. The allotments 71, 72 and 61 are held in trust status and have reserved water rights as decreed under the 1995 “Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin.”

6. The Tribes were never notified of the above-proposed change of water right transfer no. 71551 and believe that it has a direct and substantial interest in this proceeding that justifies granting their petition to intervene.

7. The Shoshone-Bannock Tribes petition IDWR to immediately grant their petition to intervene.

Dated this 27th day of July, 2005.

Shoshone-Bannock Tribes

By 
Jeanette Wolfley
Special Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of July, 2005, I caused to be served a true and correct copy of the foregoing via U.S. Mail to:

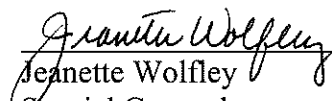
King Creek Grazing Association
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Bancroft, ID 83217

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Jeanette Wolfley
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