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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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) Subcases 47-16433, *et al.*
Case No. 39576) (see list of 26 subcases attached)
) (USDA/FS)
)
) ORDER SETTING HEARING ON
) MOTION TO ALTER OR AMEND

On July 3, 2003, the Special Master entered an *Order Vacating Stays and Order Denying Motions to File Late Objections*. In the *Orders*, previous orders staying the above 26 subcases were vacated and Bruce and Jared Bedke's motions to file late objections were denied because of the Idaho Supreme Court's ruling in *LU Ranching Co. v. United States*, ___ Idaho ___, 67 P.3d 85 (2003), and the Bedkes' failure to plead a meritorious defense – hence, their failure to show “good cause” to file late objections.

On July 22, 2003, the Bedkes filed a *Motion to Alter or Amend Order Vacating Stays and Order Denying Motions to File Late Objections*. In their *Motion*, the Bedkes argued because they are representing themselves in the matter, the court should “look to the substance of the pleadings rather than the form.”¹ They then asked the court to consider a *Response to Memorandum* lodged by counsel for other parties in other subcases.²

¹ SRBA Presiding Judge Roger S. Burdick found that the general rule in Idaho is that *pro se* litigants are held to the same standards and rules as those represented by attorneys:

Ultimately, each case rises and falls on it[s] own particular set of circumstances. One of the factors to take into consideration is that the SRBA presents its own unique circumstances in that a significant number of the parties to the SRBA appear *pro se*. To otherwise give special consideration to a *pro se* litigant . . . seriously impairs the administration and progress of the SRBA.

Order on Motion to Set Aside Partial Decrees and File Late Objections, subcases 65-07267, *et al.*, dated January 31, 2001, at 7-8.

² A similar document entitled, *Response to Memorandum in Opposition to Motions to File Late Objections*, was lodged on June 17, 1999, in 156 subcases (45-02769, *et al.*) by counsel for Scott C. Bedke. There was no “Exhibit A” attached to the *Response to Memorandum in Opposition to Motions to File Late Objections* submitted by the Bedkes, so there is no way of knowing in which subcases the document was lodged.

THEREFORE, IT IS ORDERED that a hearing on the Bedkes' *Motion to Alter or Amend Order Vacating Stays and Order Denying Motions to File Late Objections* will be held on **Thursday, September 4, 2003, 10:00 a.m.**, at the SRBA Courthouse, 253 3rd Avenue North, Twin Falls, Idaho.

DATED August 11, 2003.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

47-16433
47-16434
47-16435
47-16437
47-16438
47-16440
47-16441
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47-16470
47-16471
47-16474

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING HEARING ON MOTION TO ALTER OR AMEND was mailed on August 11, 2003, with sufficient first-class postage to the following:

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