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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 36-10033, 36-10035, 36-10037,
Case No. 39576) 36-10090, 36-10863A, 36-11643, 36-
15152, 36-15264A, 36-15264B, 36-
15356A, 36-16123 and 36-16124
)
) ORDER SETTING HEARING ON
) CLAIMANTS' ALTERNATIVE
) MOTION TO ALTER OR AMEND

On January 28, 2004, the Special Master filed an *Order Granting Motions to Alter or Amend & Amended Special Master Report and Recommendation* in the above 12 subcases, plus 2 other subcases (36-14807 and 36-15356) not recommended because they were split.

On February 12, 2004, claimants Roost Potato Co., Inc., Vernon and Marilyn Phillips, Jack and Kent Harman, Salmon Falls Land & Livestock Co., Inc., and W.H. and Velva Moller filed their *Notice of Challenge or, in the Alternative, Motion to Alter or Amend the Amended Special Master Report and Recommendation*. Those claimants alleged in relevant part:

This Motion is made in the alternative for the reason that the *Order Granting Motions to Alter or Amend & Amended Special Master Report and Recommendation* does not appear to directly address the Claimants' previous *Motion to Alter or Amend* filed on February 26, 2003 regarding the objection to the inclusion of the subordination language in their *Objections*. To the extent the *Order Granting Motions to Alter or Amend & Amended Special Master Report and Recommendation* dated January 28, 2004 constitutes a new *Special Master's Report and Recommendation*, the Claimants respectfully request that the *Amended Special Master Report and Recommendation* be altered or amended so as to exclude the subordination language consistent with the Claimants' *Motion to Alter or Amend* filed February 26, 2003 [emphasis added].

Notice of Challenge or, in the Alternative, Motion to Alter or Amend the Amended Special Master Report and Recommendation, at 2.

It appears that the *Challenge* portion of the above claimants' filing was filed more than 14 days after the filing of the decision on their *Motion to Alter or Amend*. Hence, the *Challenge* was not timely. *SRBA Administrative Order 1, Rules of Procedure*, 13, c. However, the

alternative *Motion to Alter or Amend* portion of the claimants' filing was filed within 21 days from the date the *Amended Special Master Report and Recommendation* appeared on the docket sheet and was timely. *AO-1*, 13, a.

THEREFORE, IT IS ORDERED that the above claimants' alternative *Motion to Alter or Amend* will be heard by the Special Master on an expedited basis so as not to delay consideration of a *Challenge* filed on February 11, 2004, by claimants North Ridge LLC, Owyhee Ranches, Inc., Blaine and Deon Cook and Bruce and Rebecca Hunsaker in subcases 36-10090, 36-10863A, 36-15264A and 36-15264B.

The hearing on the claimants' alternative *Motion to Alter or Amend* will be held on **Thursday, March 18, 2004, 2:00 p.m.**, at the SRBA Courthouse, 253 3rd Avenue North, Twin Falls, Idaho.

DATED February 13, 2004.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING HEARING ON CLAIMANTS' ALTERNATIVE MOTION TO ALTER OR AMEND was mailed on February 13, 2004, with sufficient first-class postage to the following:

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