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Attorneys for Claimants/Objectors

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 36-10090, 36-10863A,
36-15264A, 36-15264B

Case No. 39576,

RENEWED NOTICE OF
CHALLENGE

COME NOW the Claimants/Objectors, North Ridge LLC, Owhyee Ranches, Inc., Blaine Cook, Deon Cook, Bruce Hunsaker, and Rebecca Hunsaker, by and through their attorneys of record Parsons, Smith & Stone, LLP, and pursuant to A.O.1, Section 13, Paragraph (c) Amended 10/16/97, and submit this Notice of Challenge to the Special Master's Report and Recommendation dated January 28, 2004, and the Order Denying Motions to Alter or Amend Amended Special Master's Report and Recommendation dated March 4, 2004.

STATEMENT OF ISSUES

1. Whether the Special Master's Report and Recommendation and the Amended Special Master's Report and Recommendation erred in recommending that

1 the enlargement claims of the Claimants be subordinated to all water rights with a
2 priority date earlier than April 12, 1994, that are not decreed as an enlargements
3 pursuant to Section 42-1426, Idaho Code where:

4 a) the rates of diversion of the Claimants do not exceed the rate of diversion
5 for their original rights; and/or

6 b) where there was no injury to existing water rights on the date of the
7 enlargements and where there was no showing or proof of injury presented; and/or

8 c) where no person with a water right earlier than April 12, 1994, filed a
9 petition with the Idaho Department of Water Resources asserting injury; and/or

10 d) where the Idaho Legislature enacted Idaho Code Section 42-1416 on
11 March 1, 1985, effectively waiving the mandatory permit requirements, and where
12 Claimants were entitled to rely on said Section and no injury has been shown to a
13 water right acquired after that date.

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16 2. Whether Respondents are barred from asserting subordination of the
17 Claimants' enlargement claims by waiver and estoppel where the Respondents had
18 failed to file a timely objection to the claims under the repealed Amnesty Statue (I.C.
19 §42-1416).

20
21 3. Whether the Special Master erroneously ruled that there were no genuine
22 issues of material fact with respect to the enlargement claims, the subordination
23 language, the nature and source of the water associated with these claims, and the
24 determination that there is always injury when an enlargement takes priority over a
25 validly established junior water right.

26 4. Whether the Special Master erred in finding that the enlargement claims
would cause potential injury to junior appropriators.

5. Whether the Special Master erroneously held that the only certain way to

1 fully mitigate potential injury to junior appropriators was to subordinate the Claimants'
2 claims to all other water rights with priority dates earlier than April 12, 1994.

3 6. Whether the director of I.D.W.R has the lawful authority to include
4 subordination language in his recommendations of Claimants' claims where no one
5 with a priority date earlier than April 12, 1994, filed a petition with I.D.W.R asserting
6 injury and therefore deprived Claimants of an opportunity to propose a specific
7 mitigation plan.
8

9 **DETAILED DESCRIPTION OF TRANSCRIPTS REQUESTED**

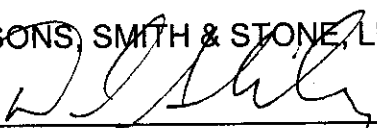
10 1. Transcript of oral argument on Motions for Summary Judgment in front of
11 Special Master Terrance Dolan, July 8, 1998, held at the S.R.B.A Courthouse in Twin
12 Falls, Idaho at 2:00 o'clock p.m. The court reporter has been contacted for an
13 estimate of the cost of preparation. The court clerk has agreed to waive any estimate
14 fee and to bill the Claimants' counsel when the transcript has been prepared.
15

16 **EXHIBITS**

17 All exhibits admitted throughout the proceedings of these matters should be
18 considered part of the record. The Court should take judicial notice of all S.R.B.A
19 filings.

20 DATED this 11 day of March, 2004.

21 PARSONS, SMITH & STONE, LLP

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23 _____
24 David F. Shirley
25 Attorney for Claimants/Objectors
26 P.O. Box 910
Burley, ID 83318

CERTIFICATE OF MAILING

I hereby certify that on the 11 day of February, 2004, I served a true and correct copy of the RENEWED NOTICE OF CHALLENGE, upon:

Director of IDWR
PO Box 83720
Boise ID 83720-0098

Clive Strong
Chief, Natural Resources Division
Ag Office of Attorney General State of Idaho
PO Box 44449
Boise ID 83711-4449

U.S. Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
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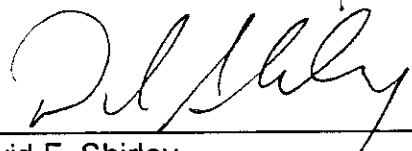
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by depositing copies thereof in the United States mail, postage prepaid, in envelopes addressed to said parties at the foregoing addresses.

PARSONS, SMITH & STONE, LLP



David F. Shirley