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JUN 01 2004

Department of Water Resources

10 **IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE**
11 **STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

12 In Re SRBA

13 Case No. 39576
14

Subcase Numbers 55-10288B, 55-10289B, 55-
10290B, 55-10292B, 55-10293B, 55-10295,
55-10296, 55-10297B, 55-10298, 55-10299B,
55-10300, 55-10301B, 55-10303B, and 55-
13451

15 **LU RANCHING COMPANY'S NOTICE**
16 **OF CHALLENGE**

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18
19 **I. INTRODUCTION**

20 LU Ranching Co. ("LU Ranching"), by and through its counsel of record, pursuant to
21 Administrative Order 1, 13 and this Court's Order Granting Motion to Enlarge Time to File Notice
22 of Challenge, hereby gives notice of challenge to certain portions of the Special Master's Order on
23 Motion to Alter or Amend and Amended Special Master's Report and Recommendation filed in the
24 above captioned action on April 15, 2004.

25 The Special Master's Report and Recommendation, Findings of Fact and Conclusions of
26 Law were filed in this case on February 27, 2003. Both LU Ranching and the United States filed
27 Motions to Alter or Amend. The issues raised by LU Ranching were limited to certain technical
28 errors contained within the Report and Recommendation and accompanying recommended partial

1 decrees. The Motions to Alter or Amend were fully briefed by the parties, and, as indicated above,
2 the Special Master filed an Order on Motions to Alter or Amend and Amended Special Master's
3 Report and Recommendation on April 15, 2004.

4 II. ISSUES ON CHALLENGE

5 LU Ranching raises the following technical issues:

6 1. Whether the Special Master erred in failing to recommend T5S R6W S23 NWNE as
7 a place of use consistent with the evidence produced at trial and the recommended points of
8 diversion for subcase 55-10296;

9 2. Whether the Special Master erred in failing to recommend T5S R6W S13 SWSW as
10 a place of use consistent with the evidence produced at trial and the recommended points of
11 diversion for subcase 55-10297B.

12 III. STATEMENT OF HEARINGS

13 Trial of this case occurred February 21, 2001 through February 23, 2001, continuing
14 March 14, 2001. A transcript of the trial was previously prepared and should be part of the record,
15 along with the trial exhibits.

16 A hearing on the Motions to Alter or Amend was held on July 31, 2003. LU Ranching
17 requests that a copy of the July 31, 2003 be prepared. Accordingly, filed herewith as Exhibit "A" is
18 the Estimate of Transcript prepared by Maureen Newton, court reporter for the SRBA Court, as well
19 as a check in the amount of \$100.00 for the estimated cost of this transcript.

20 A third hearing was held on March 19, 2004. A transcript of that status hearing is not
21 requested.

22 Dated this 27 day of May, 2004.

23 Respectfully submitted,

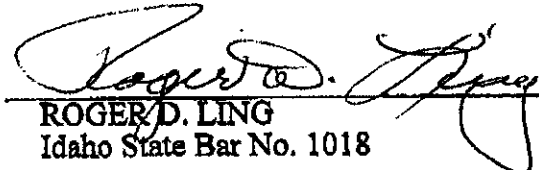
24 McQUAID BEDFORD & VAN ZANDT, LLP

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26 By: 

27 MICHAEL J. VAN ZANDT
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LING & ROBINSON .

By: 
ROGER D. LING
Idaho State Bar No. 1018

Attorneys for LU Ranching Co.

CERTIFICATE OF SERVICE

I certify that on May 27, 2004, I served a true and correct copy of foregoing LU RANCHING COMPANY'S NOTICE OF CHALLENGE upon the following individuals by placing the document in the United States Mail, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Larry Brown
Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

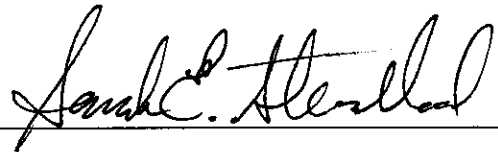


EXHIBIT A

MAY-26-2004 WED 03:06 PM

MINIDOKA DISTRICT COURT

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P. 01

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,

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) Subcase 55-10288B

)

) Estimate of transcript

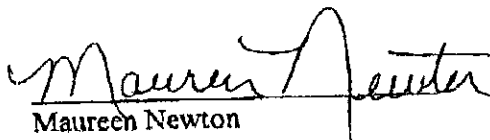
Case No. 39576

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I, Maureen Newton, Court Reporter, hereby estimate the cost of preparing a transcript of the hearing held regarding the above-entitled subcase on July 31, 2003 to be \$100, and hereby request that this be paid to the aforesaid transcriber before preparation of transcript, and all to be mailed to the same at P.O. Box 368, Rupert, ID 83350.

DATED this 26th day of May, 2004.


Maureen Newton