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Department of Water Resources

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William D. Jones and Son

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	)	Subcase No. 43-10356
Case No. 39576,	)	
	)	RESPONSE TO REPLY TO
	)	MEMORANDUM IN OPPOSITION TO
	)	OBJECTORS' JOINT MOTION FOR
	)	<u>INTERIM ADMINISTRATION ORDER</u>

COMES NOW the Claimant, William D. Jones and Son
(hereinafter "Jones"), by and through their attorney of record
Jason D. Walker of the firm Ling & Robinson, and respectfully
submits this *Response to Reply to Memorandum of Objectors* Roscoe
Ward, Nolan Branch, Olene Warr, and Rodney Hall (hereinafter
collectively "Objectors").

BACKGROUND

Objectors have filed a *Joint Motion for Interim Adminis-*
tration pursuant to Idaho Code §42-1417. The Objectors filed a
proposed Order with Findings of Fact and Conclusions of Law. On
January 10, 2003, Claimant objected to the *Joint Motion for Interim*

RESPONSE TO REPLY TO MEMORANDUM IN OPPOSITION TO
OBJECTORS' JOINT MOTION FOR INTERIM ADMINISTRATION ORDER - 1

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ATTORNEYS AT LAW

RUPERT, IDAHO 83350-0396

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3 Administration and to the proposed Order. On March 14, 2003, the
4 Idaho Department of Water Resources (hereinafter "IDWR") filed a
5 Recommendation of the Idaho Department of Water Resources for
6 Interim Administration for Subcase No. 43-10356. The Recommen-
7 dation indicated that administration of the water right should be
8 pursuant to the Report and Recommendation made by the Director of
9 IDWR with respect to the subject water right.

10 ARGUMENT

11 Claimant Jones has no objection to an Order for Interim
12 Administration being entered in accordance with the recommendation
13 of IDWR for interim administration. Contrary to the Objectors'
14 Reply to Memorandum, Jones does dispute the majority of the
15 findings of fact and conclusions of law proposed by the Objectors.
16 Furthermore, the issues raised by the Objectors relate to their
17 Objections to the recommended water right. To the extent these
18 issues are relevent, they should be resolved by the Special Master
19 at a trial on the merits.

20 The Objectors' suggestion that the Claimant has no
21 dispute with the findings of fact and conclusions of law contained
22 in their proposed Order is a serious misrepresentation. The
23 Claimant has objected to the proposed findings of fact and
24 conclusions of law, and if necessary will present further evidence
25 in support its position at trial. However, the Objectors' implica-
26 tion that these issues may be decided at a hearing on the Joint
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3 Motion for Interim Administrative Order or prior to trial is
4 misplaced. A decision regarding this issue is outside the scope
5 of the hearing on the *Joint Motion for Interim Administrative Order*
6 as set forth in the statute. More importantly however, these
7 issues have been scheduled for trial and should be decided at a
8 trial in due course. With this in mind, the Claimant respectfully
9 requests the Special Master recommend to the District Court that an
10 Order of Interim Administration be entered in accordance with the
11 recommendation of the IDWR for interim adminsitration filed on
12 March 14, 2003.

13 CONCLUSION

14 For the reasons stated above, the Claimant respectfully
15 requests that the Special Master recommend to the District Court
16 that an Order for Interim Administration be entered in accordance
17 with the Recommendation of the Idaho Department of Water Resources
18 for Interim Administration submitted March 14, 2003.

19 DATED this 30th day of March, 2003.

20 LING & ROBINSON

21
22 By: Jason D. Walker
23 Jason D. Walker
24 Attorney for Claimant
25
26
27

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of March, 2003, I served the of the foregoing *Response to Reply to Memorandum in Opposition to Objectors' Joint Motion for Interim Administration Order* upon:

Roscoe Ward by ☒ U.S. Mail ☐ Fax ☐ Hand Delivery ☐ Overnight
P. O. Box 108
Almo, Idaho 83312

Nolan K. Branch by ☒ U.S. Mail ☐ Fax ☐ Hand Delivery ☐ Overnight
1823 South 2330 East
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Clark W. Ward by ☒ U.S. Mail ☐ Fax ☐ Hand Delivery ☐ Overnight
HC 61, Box 1560
Malta, Idaho 83342

Rodney Hall by ☒ U.S. Mail ☐ Fax ☐ Hand Delivery ☐ Overnight
P. O. box 631
Malta, Idaho 83342

Warr Brothers by ☒ U.S. Mail ☐ Fax ☐ Hand Delivery ☐ Overnight
c/o Olene Warr
2231 South, 2350 East
Malta, Idaho 83342

IDWR Document Depository
Attention: Candice McHugh
P. O. Box 83720 by ☒ U.S. Mail ☐ Fax ☐ Hand Delivery ☐ Overnight
Boise, Idaho 83720-0098

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho by ☒ U.S. Mail ☐ Fax ☐ Hand Delivery ☐ Overnight
P.O. Box 44449
Boise, Idaho 83711-4449

by depositing said document in the United States mail, postage prepaid, in envelopes addressed to said check-marked parties/entities at the foregoing addresses.


Jason D. Walker