

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



TERRENCE A. DOLAN
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SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

February 27, 2003

David F. Shirley
Parsons, Smith & Stone, LLP
P.O. Box 910
Burley, Idaho 83318

Re: Motion to Alter or Amend
Subcase 36-10863A

Dear Mr. Shirley:

We just received your *Notice of Substitution of Counsel* filed in subcases 36-10090 (Margaret and Sam Large), 36-10863A (Owyhee Ranches, Inc.), 36-15264A (Blaine and Deon Cook and Bruce and Rebecca Hunsaker) and 36-15264B (Deon Cook and Rebecca Hunsaker). So far as we know, Dale Klingler is not among the claimants in those 4 subcases. We also received your *Motion to Alter or Amend Special Master's Report and Recommendation* filed in subcases 36-10863A and 36-10863B.

To make sure we have a correct understanding, on January 27, 2003, Jason Walker filed a *Motion to Alter or Amend* in 12 subcases, including 36-10090 (Margaret and Sam Large), 36-10863A (Owyhee Ranches, Inc.), 36-15264A (Blaine and Deon Cook and Bruce and Rebecca Hunsaker) and 36-15264B (Deon Cook and Rebecca Hunsaker). However, in his *Motion*, Mr. Walker only sought to alter or amend the following 3 of those 12 subcases:

36-10090 (Margaret and Sam Large),
36-14807 (Vernon and Marilyn Phillips) and
36-15152 (Roost Potato Company, Inc.).

Mr. Walker also asked the Court for an order, staying any action on the remaining above-referenced subcases on the grounds and for the reasons that each claim herein deals with an enlargement claim and contest the subordination language recommended by IDWR. It is expected that many, if not all of these twelve (12) rights, will eventually proceed to challenge and therefore, for the purposes of judicial economy and the convenience of all parties, the cases should be administered together as a group.

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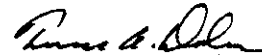
Mr. Walker's *Motion to Alter or Amend* has been set for hearing on March 27, 2003, 11:00 a.m., at the SRBA Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Enclosed are copies of his *Motion to Alter or Amend* and the *Notice Setting Hearing*.

Based on your filings, I understand that you now represent Sam and Margaret Large and Ross Hunsaker (Owyhee Ranches, Inc.) and you want the Court to alter or amend subcases 36-10090 and 36-10863A. Your *Notice of Substitution of Counsel* also mentioned Dale Klingler, but his claims were not included in my *Special Master Report and Recommendation*, dated January 10, 2003. Enclosed is a copy for your reference.

A problem with your filing is that 36-10863B was partially decreed on January 10, 2003. Enclosed is a copy of that *Order of Partial Decree*. If you want to proceed with subcase 36-10863B, you'll have to file with Presiding Judge Roger S. Burdick a *Motion to Set Aside or Modify* under I.R.C.P. Rules 60(a) or 60(b).

Please let me know whether my understanding of your party-representation and what you want of the Court at the hearing on March 26, 2003, is correct.

Sincerely,



Terrence A. Dolan

Enclosure

Cc: All Counsel of Record