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JUN 10 2005

Department of Water Resources

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12 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
13 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
14

15 In Re SRBA) Subcase Nos. 41-8C (Taysom), 41-8D
16) (Weston), and 41-8F (7UD Ranches)
17)
18 Case No. 39576) JUAN JAMES SPILLETT'S RESPONSE
19) TO 7UD RANCHES' MOTION TO ALTER
20) OR AMEND SPECIAL MASTER
21) REPORT AND RECOMMENDATION
22) DATED MAY 2, 2005
23

24 COMES NOW, Juan James Spillett, by and through his attorney of record, Jason D. Walker,
25 of the firm of Ling, Robinson & Walker, Rupert, Idaho, and pursuant to SRBA AO1, and
26 respectively responds and objects to 7UD Ranches' Motion to Alter or Amend the Special Master's
27 Report and Recommendation dated May 2, 2005. This Response is timely filed pursuant to Section
28 13(a) of SRBA Administrative Order #1. Furthermore, the Special Master's Report and
Recommendation is appropriate and 7UD Ranches' Motion to Alter or Amend the Special Master's
Report and Recommendation should be denied in all respects.

As stated in the Special Master's Report and Recommendation:

1 J. Juan Spillet has: 1) stated a sound reason justifying relief from operation of the Partial
2 Decrees; 2) shown that he acted in good faith; exercised due diligence in the prosecution and
3 protection of his rights; and 4) disclosed a meritorious position.

4 The Motion to Set Aside the Partial Decrees was properly made pursuant to Rule 60(b) of the Idaho
5 Rules of Civil Procedure. The special master clearly understood his role in the proceedings and
6 correctly rendered a decision that is both fair and equitable. The decision will allow all parties to be
7 fully and fairly heard and provide for a correct resolution of the water rights. Based on this
8 information, the recommendation should stand as written

9 Oral Argument is requested.

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11 DATED this 7th day of June 2005.

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14 By 
15 Jason D. Walker
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CERTIFICATE OF MAILING

I hereby certify that on the 7th day of June, 2005, I served a copy of the foregoing
**RESPONSE TO 7UD RANCHES' MOTION TO ALTER OR AMEND SPECIAL MASTER
REPORT AND RECOMMENDATION DATED MAY 2, 2005** upon:

James Robinson
Bench Ditch Irrigation Co.
P.O. Box 157
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Robert R. Spillett
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Scott J. Smith
RACINE OLSON NYE BUDGE
& BAILEY, CHTD.
P.O. Box 1391
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by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to
said parties/entities at the foregoing addresses.


Jason D. Walker