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AUG 15 2005

Department of Water Resources

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 41-8C (Taysom),
	)	41-8D (Weston) and
Case No. 39576	)	41-8F (7UD Ranches)
	)	
	)	NOTICE OF CHALLENGE
	)	

TO: ALL PERSONS UPON WHOM THIS NOTICE OF CHALLENGE IS SERVED; AND
THE CLERK OF THE ABOVE-ENTITLED COURT

NOTICE IS HEREBY GIVEN that:

1. 7UD Ranches presently having water right No. 41-8F challenges the Special Master's Order Denying 7UD Ranches' Motion to Alter and Amend entered July 29, 2005, and the Special Master's Report and Recommendation previously entered May 2, 2005.

2. 7UD Ranches has a right to challenges the aforementioned Order and Report and Recommendation under Administrative Order #1.

3. A preliminary statement of the issues 7UD Ranches now intends to assert in the this challenge appeal include the following:

A. Whether the Special Master erred in recommending the setting aside of water rights Nos. 41-8C, 41-8D, and 41-8F under I.R.C.P. 60(b)(5) in light of the fact that the motion to set aside did not invoke said rule?

- B. Whether the Special Master erred in recommending the setting aside of water rights Nos. 41-8C, 41-8D, and 41-8F under I.R.C.P. 60(b)(5) in light of the fact that the requirements under said rule were not satisfied?
- C. Whether the Special Master erred in recommending the setting aside of water rights Nos. 41-8C, 41-8D, and 41-8F under I.R.C.P. 60(b)(5) in light of the fact that IDWR did not expressly acknowledge any errors in its initial recommendation for water rights Nos. 41-8C, 41-8D, and 41-8F?
- D. Whether the Special Master erred in recommending the setting aside of water rights Nos. 41-8C, 41-8D, and 41-8F under I.R.C.P. 60(b)(5) in light of the fact that the movant lacked standing to bring said motion?
4. No order has been entered sealing all or any portion of the record in the case.

DATED this 12 day of August, 2005.

RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED

By



SCOTT J. SMITH

Attorney for 7UD RANCHES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12 day of August, 2005, I served a true and correct copy of the above and foregoing document was mailed to the following person(s) with sufficient first class postage:

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