

Scott J. Smith (ISB#: 6014)
RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED
P.O. Box 1391
Pocatello, Idaho 83204-1391
Telephone: (208)232-6101
Facsimile: (208)232-6109

RECEIVED

AUG 17 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:

Director of IDWR
PO Box 83270
Boise, ID 83270-0098

Kelvin Taysom
Suzanne Taysom
2809 W. Sandhollow Rd.
Rockland, ID 83271

Herbert R. Weston
R. Scott Weston
4448 Rockland Hwy
Rockland, ID 83271

James V. Spillett
986 W. Bryan
Pocatello, ID 83202

Robert R. Spillett
PO Box 144
Rockland, ID 83271

Jason Walker
615 H St
PO Box 396
Rupert, ID 83350

James Robinson
Bench Ditch Irrigation Co.
PO Box 157
Rockland, ID 83271

James Juan Spillett
PO Box 278
Rockland, ID 83271

SRBA Court Reporter
PO Box 2707
Twin Falls, ID 83303-2707

IDWR Document Depository
PO Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division,
Office of the Attorney General,
PO Box 44449
Boise, Idaho 83711-4449;

United States Department of Justice,
Environment & Natural Resources Division
550 West Fort Street
MSC 033
Boise, Idaho 83724

