

2006 FEB 7 PM 3 05

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 41-8B (James Juan Spillett)
	) and
Case No. 39576	) 41-8E (Robert R. and James V. Spillett)
	)
	) ORDER SETTING TRIAL
	) SCHEDULING CONFERENCE (41-8B)
	) AND STATUS CONFERENCE (41-8E)

On February 2, 2006, SRBA Presiding Judge John M. Melanson entered his *Memorandum Decision and Order on Challenge and Order of Further Proceedings in Related Subcase 41-8B* in subcases 41-8C (Taysom), 41-8D (Weston) and 41-8F (7UD Ranches). Judge Melanson denied James Juan Spillett's *Motion to Set Aside Partial Decrees* because

the Court cannot envision any other manner of resolving the matter than the method that has been used for making the recommendations in the *Director's Report*. For this reason, [James Juan] Spillett has failed to plead a meritorious defense. The Court is only faced with the problem of decreeing "sunshine water" should Spillett prevail on his objection in 41-8B.

Memorandum Decision, at 19.

Judge Melanson then ordered the Special Master

to allow the filing of late responses by the claimants of 41-8C, D, E, and F (7UD Ranches, Taysom, Weston and R. Spillett) to [James Juan] Spillett's objection to 41-8B within 30 days of the date this order is file stamped. The Special Master is then ordered to conduct a trial on the matter within 60 days thereafter. If Spillett prevails on his objection[,], the Court will determine at that time how to proceed with input from the parties so that the *Partial Decrees* can be reconciled with 41-8 water right. The other parties are not required to file responses. However, if the other claimants decline to file responses and Spillett prevails on his objection as a single party subcase, the Court will approach the remedy *sua sponte* in the same manner as if all the rights were uncontested and partial decrees issued for a quantity exceeding the prior decree – whatever remedy that may be. . . . [S]uch remedies could include amending partial decrees to reflect a *pro rata* adjustment or including a remark necessary for administration of the rights.

Memorandum Decision, at 20.

Because of Judge Melanson's *Memorandum Decision*, the claimants of 41-C (Taysom), 41-8D (Weston), 41-8E (Robert R. Spillett) and 41-8F (7UD Ranches) have 30 days to file late responses to James Juan Spillett's objection to 41-8B. Such late responses must be filed with the SRBA Court **no later than Monday, March 6, 2006**.

The parties are reminded that the *Partial Decree* in subcase 41-8E (Robert R. and James V. Spillett) was set aside on July 3, 2002, and the claim remains unsettled.

THEREFORE, IT IS ORDERED that:

1. A trial scheduling conference will be held concerning subcase 41-8B on **Thursday, March 9, 2006, 9:00 a.m.** at the SRBA Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 1-225-383-1099 and entering participant code 654400.
2. A status conference concerning subcase 41-8E will be held the same date and time.

DATED February 7, 2006.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the *ORDER SETTING TRIAL SCHEDULING CONFERENCE AND STATUS CONFERENCE* was mailed on February 7, 2006, with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

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

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

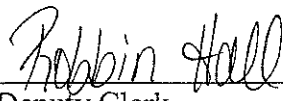
James Juan Spillett
PO Box 278
Rockland, ID 83271

James V Spillett
Robert R Spillett
PO Box 144
Rockland, ID 83271

Scott Weston
4448 State Hwy 37
Rockland, ID 83271

7UD Ranches
PO Box 177
Rockland, ID 83271

Kelvin & Suzanne Taysom
PO Box 309
Rockland, ID 83271



Deputy Clerk