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Attorneys for Craig Whitted

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

Case No. 39576

)
) Subcase No.: 63-07539

)
) **NOTICE OF CHALLENGE**
)
)
)
)

NOTICE IS HEREBY GIVEN THAT:

Objector in the above named action Craig Whitted, pursuant to SRBA AO1 13(c), hereby submits this Notice of Challenge to the Order Denying Motion to Alter or Amend filed April 1, 2009, by Special Master Theodore R. Booth, presiding.

Statement of the Issues

1. Did the Special Master err in imposing an award of costs and fees against Mr. Whitted pursuant to Idaho Rule of Civil Procedure 15(a)?

2. If an award of costs and fees pursuant to Idaho Rule of Civil Procedure 15(a) were proper, was the amount awarded, \$23,140.71, excessive?
3. Was it err for the Special Master to have awarded costs and attorney fees pursuant to Idaho Rule of Civil Procedure 15(a) for costs and fees incurred both before and after a purported change in positions?

Transcripts Requested

It is requested that a transcript be created and added to the record of the pretrial hearing in this matter held on July 1, 2008.

Certifications

I certify that:

(1) A copy of this Notice of Challenge and its request for an additional transcript has been served on each reporter of whom an additional transcript has been requested as named below at the address set out below:

Name and address: Maureen Newton
 P.O. Box 132
 Heyburn, ID 83336

(2) That this Notice of Challenge is accompanied by the estimated fee for preparation of the transcript as provided in SRBA AO1 13(d).

(3) That all parties to the subcase challenged have been served with this notice as provided in SRBA AO1 13(c).

DATED this 14 day of April, 2009.

TROUT ♦ JONES ♦ GLEDHILL ♦ FUHRMAN, P.A.



Reid W. Hay

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14 day of April, 2009, a true and correct copy of the foregoing document was served as follows:

John M. Marshall J. Will Varin GIVENS PURSLEY LLP PO Box 2720 Boise, ID 83701-2720	☒ First Class Mail ☐ Hand Delivery ☐ Facsimile ☐ Overnight Delivery
Idaho Department of Water Resources, c/o Nicholas B. Spencer 322 E. Front Street Boise, Idaho 83720	☒ First Class Mail ☐ Hand Delivery ☐ Facsimile ☐ Overnight Delivery
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Reid W. Hay

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