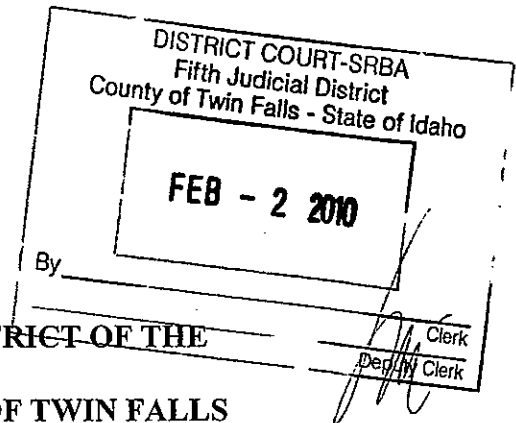


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DEPARTMENT OF
WATER RESOURCES



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 75-4471 and 75-10475
	)	(Silver Peak Ranch Trust)
Case No. 39576	)	ORDER DENYING MOTION TO ALTER OR
	)	AMEND

Background

The Special Master entered a *Report and Recommendation* in the above two subcases on September 28, 2009. Objector Robert L. Blackadar filed a *Motion to Alter or Amend* in the subcases on October 26, 2009, simply stating: "I hereby file a Motion to Alter or Amend the above mentioned proceeding." Mr. Blackadar has not submitted any additional documents, including a brief or memorandum of law, to date. Neither has Mr. Blackadar stated whether he desires to present oral argument in support of his *Motion*.

SRBA Administrative Order 1, Rules of Procedure (AO-1) clearly requires the Snake River Basin Adjudication to follow the Idaho Rules of Civil Procedure:

1. **SCOPE AND PURPOSE**, a. The litigation of the SRBA will be governed by the Idaho Rules of Civil Procedure (I.R.C.P.), Idaho Rules of Evidence (I.R.E.) and the Idaho Appellate Rules (I.A.R.).

Idaho Rules of Civil Procedure, 7(b)(3) states:

(C) It shall not be necessary to file a brief or memorandum of law in support of a motion, but the moving party must indicate upon the face of the motion whether the party desires to present oral argument or file a brief within fourteen (14) days with the court in support of the motion.

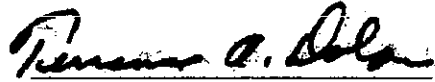
(D) If the moving party does not request oral argument upon the motion, and does not file a brief within fourteen (14) days, the court may deny such motion without notice if the court deems the motion has no merit.

Order

Because Mr. Blackadar has failed to comply with the requirements of *AO-1* and the *I.R.C.P.* and has failed to allege grounds for his *Motion*,

THEREFORE, IT IS ORDERED that Mr. Blackadar's *Motion to Alter or Amend* in the above subcases is **denied**.¹

DATED February 2, 2010.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

¹ On November 18, 2009, the Special Master entered a similar *ORDER DENYING MOTION TO ALTER OR AMEND* in subcases 75-14, *et al.* which included subcase 75-10475, but not 75-4471. In the interest of avoiding confusion, the above two Silver Peak subcases are included in a single *Order*.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO ALTER OR AMEND was mailed on February 02, 2010, with sufficient first-class postage to the following:

SILVER PEAK RANCH TRUST
C/O MYRTHUS AUSTIN/RON AUSTIN
63 HWY 93 N
SALMON, ID 83467-5292
Phone: 208-756-3368

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ROBERT L BLACKADAR
10 N CHEROKEE RD
SALMON, ID 83467
Phone: 208-756-4967

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.