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JUN 23 2008

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER

DAVE NELSON and LOY PEHRSON,
et al.,

Plaintiffs,

-vs.-

BIG LOST RIVER IRRIGATION DISTRICT,
Board of Directors, RICHARD REYNOLDS,
CHARLIE HUGGINS, KENT HARWOOD,
JOEL ANDERSON, BRUCE WARNER,
IDAHO DEPARTMENT OF WATER
RESOURCES and KARL J. DREHER,
Director,

Defendants.

BIG LOST RIVER IRRIGATION DISTRICT,

Counter-Claimant,

-vs.-

DAVE NELSON and LOY PEHRSON,
et al.

Case No. CV-05-91

MINUTE ENTRY

June 9, 2008, a Motion for Reconsideration came on for hearing before the Honorable Jon J.

Shindurling, District Judge, sitting in open court at Idaho Falls, Idaho.

Ms. Nancy Marlow, Court Reporter, and Ms. Janie Ker, Deputy Court Clerk, were present.

Mr. Pat Brown appeared on behalf of plaintiffs.

Mr. Kent Fletcher appeared on behalf of the Big Lost River Irrigation District.

Mr. Phil Rassier appeared by telephone on behalf of the Idaho Department of Water Resources.

Mr. Rob Harris appeared on behalf of the intervenors.

Mr. Pat Brown addressed the Motion for Reconsideration.

Mr. Fletcher responded to the Motion for Reconsideration. Mr. Fletcher requested attorney fees for this motion.

Mr. Harris responded to the Motion for Reconsideration. Motion for Reconsideration is untimely. Mr. Harris requested attorney fees for this motion.


Mr. Rassier responded to the Motion for Reconsideration.

Mr. Brown responded further.

The Court denied the Plaintiffs Motion to Reconsider.

Mr. Fletcher was directed to prepare the order.

Court was thus adjourned.



JON J. SHINDURLING
District Judge

c: Kent Fletcher
Rob Harris
Pat Brown
Phil Rassier

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JUN 23 2008

DEPARTMENT OF
WATER RESOURCES

FILED IN CHAMBERS

At Idaho Falls

Bonneville County

Honorable Jon J. Shindwiling

Date 6-12-08 JK

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER

DAVE NELSON and LOY PEHRSON,
et al.,

Plaintiffs,

vs.

BIG LOST RIVER IRRIGATION
DISTRICT, Board of Directors,
RICHARD REYNOLDS, CHARLIE
HUGGINS, KENT HARWOOD, JOEL
ANDERSON, BRUCE WARNER,
IDAHO DEPARTMENT OF WATER
RESOURCES, and KARL J. DREHER,
Director.

Defendants.

BIG LOST RIVER IRRIGATION
DISTRICT,

Counter Claimant,

vs.

DAVID NELSON and LOY PEHRSON,
et al.

Counter Defendants.

Case No. CV 05-91

**ORDER DENYING PLAINTIFFS'
MOTIONS AND OBJECTIONS**

DAVID NELSON and LOY PEHRSON,)
et al.,)
)
Plaintiffs,)
)
vs.)
)
ROBERT WADDOUPS, et al.,)
JAY F. PEARSON, et al.,)
)
Intervenors.)
-----)
ROBERT WADDOUPS, et al.)
JAY F. PEARSON, et al.)
)
Intervenors, Counterclaimants &)
Cross-Claimants,)
)
vs.)
)
DAVID NELSON and LOY PEHRSON, et al.,)
Counterdefendants,)
and)
)
BIG LOST RIVER IRRIGATION DISTRICT,)
Cross-Defendant.)
)

Plaintiffs filed Motions and Objections by Plaintiffs/Counter Defendants, supported by Affidavit and Plaintiffs' Brief Supporting Changing Decisions. Defendant Big Lost River Irrigation District (BLRID), Defendant State of Idaho, Defendant Department of Water Resources (IDWR) and Intervenors filed briefs in response to the Motions and Objections, with Intervenors' response being supported by affidavit.

Oral argument on the Motions and Objections was heard on June 9, 2008. Present at the time of

hearing were Patrick D. Brown on behalf of Plaintiffs, Kent Fletcher on behalf of BLRID, Robert L. Harris on behalf of Intervenor, and by telephone, Phillip J. Rassier on behalf of IDWR.

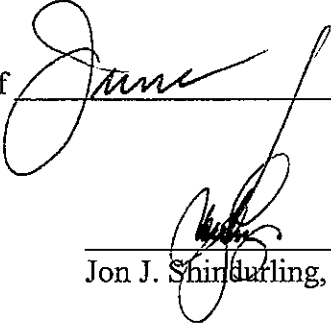
The Court reviewed the pleadings and supporting documents filed by the parties, the file in this action and heard the argument of counsel. At the conclusion of argument, the Court entered an order on the record.

Based upon the foregoing, and for good cause appearing, IT IS ORDERED, ADJUDGED AND DECREED that the Motions and Objections filed by Plaintiffs are denied.

The Court further finds that the Motions and Objections filed by Plaintiffs are not frivolous, unreasonable, and without foundation, and the Court denies the request for an award of attorney's fees filed by BLRID and Intervenor.

IT IS SO ORDERED.

DATED this 12 day of June, 2008.



Jon J. Shindarling, District Judge

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, this 19 day of June, 2008, to:

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CLERK OF THE COURT

BY _____
Deputy

OK