

**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 Nos. 65-23531 and 65-23532

)

) **MEMORANDUM DECISION AND
ORDER ON CHALLENGES**

)

) **FINAL ORDER DISALLOWING
WATER RIGHT CLAIMS**

)

I.

BACKGROUND

1. On January 31, 2013, the United States Bureau of Reclamation (“United States”) filed *Motions to File Late Notice of Claim* in the above-captioned subcases. The late claims seek storage water rights associated with Cascade and Deadwood Reservoirs (collectively “federal reservoirs”) based on beneficial use.

2. The late claims are asserted in addition to water right numbers 65-2927A, 65-2927B, 65-9483, and 65-2917 (hereinafter “reservoir water rights”). The reservoir water rights were previously decreed in the SRBA and authorize the storage of water associated with the federal reservoirs.

3. On May 22, 2013, the Court entered an *Order* granting the *Motions to File Late Notice of Claim*. The late claims were then forwarded to the Idaho Department of Water Resources (“Department”) for investigation.

4. On December 31, 2013, the Director filed his *Director’s Report for Late Claims*. He recommended that the late claims be decreed disallowed on the grounds they were “not claimed in prior adjudication.” The “prior adjudication” referenced by the Director is Gem County Case No. 3667, *In the Matter of the General Determination of the Right to the Use of*

Surface and Groundwater of the Payette River Drainage. That adjudication will be referred to herein as the “Payette Adjudication.”

5. Objections to Director’s recommendations were filed by the United States. Responses were filed by the State. On November 14, 2014, Suez Water Idaho, Inc. was permitted to participate in the subcases. The subcases were subsequently referred to the Special Master for further proceedings. Thereafter, the Special Master entered an *Order* permitting the Black Canyon Irrigation District to participate in the subcases.

6. On August 25, 2015, the State filed a *Motion for Summary Judgment*. Among other things, the State asserted the late claims should be disallowed on the grounds they are precluded by operation of the final judgment entered in the Payette Adjudication and principles of *res judicata*. On November 19, 2015, the Special Master entered his *Special Master’s Recommendation*, recommending that the late claims be decreed disallowed on those grounds.

7. *Motions to Alter or Amend the Special Master’s Recommendation* were filed by the United States, Black Canyon Irrigation District, and the State. The Special Master entered an *Order* addressing the *Motions* on April 22, 2016. In that *Order*, the Special Master recommended that the late claims be disallowed on the alternative and additional basis that the water use claimed under the late claims is already memorialized under the reservoir water rights.

8. Timely *Notices of Challenge* were filed by the United States, Black Canyon Irrigation District, the State, and Suez Water Idaho, Inc. A hearing on the *Notices of Challenge* was held before this Court on September 22, 2016. The parties did not request the opportunity to submit additional briefing and the Court does not require any. Therefore, this matter is deemed fully submitted for decision on the next business day, or September 23, 2016.

II.

STANDARD OF REVIEW

A. Challenge.

A district court is required to adopt a special master’s findings of fact unless they are clearly erroneous. I.R.C.P. 53(j); *Rodriguez v. Oakley Valley Stone, Inc.*, 120 Idaho 370, 377, 816 P.2d 326, 333 (1991). In determining whether findings of fact are clearly erroneous, a reviewing court “inquires whether the findings of fact are supported by substantial and competent evidence.” *Gill v. Viebrock*, 125 Idaho 948, 951, 877 P.2d 919, 922 (1994). The

party challenging the findings of fact has the burden of showing error, and a reviewing court will review the evidence in the light most favorable to the prevailing party. *SRBA Springs & Fountains Memorandum Decision & Order on Challenge*, Subcase No. 67-13701 (July 28, 2006), p. 18. The special master's conclusions of law, however, are not binding upon a reviewing court, although they are expected to be persuasive. *Higley v. Woodard*, 124 Idaho 531, 534, 861 P.2d 101, 104 (Ct. App. 1993). This permits the district court to adopt the master's conclusions of law only to the extent they correctly state the law. *Id.* Accordingly, a reviewing court's standard of review of the special master's conclusions of law is one of free review. *Id.*

B. Summary judgment.

This matter comes before the Court on challenge by way of summary judgment, and the Court is asked to review certain findings and conclusions of the Special Master made pursuant to an order on summary judgment. Summary judgment is properly granted when the pleadings, depositions, and admissions on file, together with the affidavits, if any, "shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." I.R.C.P. 56(a). Where the case will be tried without a jury, the district court, as the trier of fact, is entitled to draw the most probable inferences from the undisputed evidence properly before it and grant the summary judgment motion in spite of the potential of conflicting inferences. *P.O. Ventures, Inc. v. Loucks Family Irrev. Trust*, 144 Idaho 233, 237, 159 P.3d 870, 874 (2007). The burden of demonstrating the absence of a genuine issue of material fact, and that summary judgment is proper as a matter of law, is on the moving party. *McCorkle v. Northwestern Mut. Life Ins. Co.*, 141 Idaho 550, 554, 112 P.3d 838, 842 (Ct. App. 2005).

III.

ANALYSIS

A. The Court adopts that portion of the *Special Master's Recommendation* finding that the late claims should be disallowed on the grounds they are barred by operation of the final judgment entered in the Payette Adjudication and principles of *res judicata*.

The Special Master recommended the late claims be disallowed on the grounds they are barred by operation of the final judgment entered in the Payette Adjudication and principles of

res judicata. This Court agrees. The Payette Adjudication was commenced on November 12, 1969. *Findings of Fact, Conclusions of Law and Order*, Gem County Case No. 3667, (November 13, 1969). It operated as a general adjudication of all surface and ground water rights within the Payette River basin. *Id.* The Adjudication involved over 9,700 water right claims. Prior to completion of the Payette Adjudication, the Snake River Basin Adjudication (“SRBA”) was commenced. *Commencement Order*, Twin Falls County Case No. 39576 (November 19, 1987). The boundaries of the SRBA fully encompass the boundaries of the Payette Adjudication.¹ *Id.* at 4-5. As a result, the Payette Adjudication was eventually consolidated with the SRBA. *Order Consolidating Payette Adjudication with the SRBA*, Twin Falls County Case No. 39576 (Feb. 8, 2001).

i. The late claims are barred by operation of the final judgment entered in the Payette Adjudication.

Despite consolidation with the SRBA, the vast majority of claims to the use of water in the Payette River basin were fully adjudicated in the Payette Adjudication prior to consolidation. On January 21, 1986, Judge Doolittle entered a partial decree in the Payette Adjudication. By its terms it conclusively determined all rights to the use of water in the Payette River basin established before October 19, 1977, subject to certain limited exceptions:

This recommended decree *includes all of the rights established before October 19, 1977 to the waters of the Payette River and its tributaries including groundwater*, and upon its adoption supercedes all prior judgments of the Court. Any water user who heretofore diverted surface water or groundwater from within the boundaries as described in Exhibit 1, or who owns lands to which previously established rights were appurtenant and who, upon being joined to this action, failed to claim such water rights has forfeited such rights as provided in Section 42-1411, Idaho Code.

¹ See also, *In re Snake River Basin Water System*, 115 Idaho 1, 8, 764 P.2d 78, 85 (1988) (holding that the rights of all claimants on the Snake River and all of its tributaries, including the Boise, Payette, Weiser and Lemhi Rivers, must be included in the SRBA).

2nd Orr Aff., Ex. 6, p.173 (emphasis added).² The limited exceptions are identified on Exhibit A to the decree. They do not include the late claims at issue here. Of significance, the partial decree was certified by Judge Doolittle as a final judgment.

The Court adopts the finding of the Special Master that the final judgment entered in the Payette Adjudication bars the United States' late claims. The terms of the final judgment are plain and unambiguous. First, the final judgment conclusively establishes a list of *all* rights on the system established before October 19, 1977. The list does not include the late claims at issue here. Second, it extinguishes the claims of any water right holder who, being joined to the action, failed to claim a water right he asserts was established prior to that date. It is undisputed the United States was a party to the Payette Adjudication. It is further undisputed that they failed to claim the instant late claims which they assert were established in 1965. Therefore, the late claims now asserted, if they ever were valid, were extinguished by operation of the plain language of the final judgment.

The partial decree entered by Judge Doolittle in the Payette Adjudication is a final and valid judgment entered by a court of competent jurisdiction. If this Court were to partially decree the late claims asserted here, the result would be the issuance of contradictory court decrees. The very purpose of the final judgment entered by Judge Doolittle is to establish a comprehensive list, subject to certain stated exceptions not applicable here, of all water rights existing in the Payette River basin established prior to October 19, 1977. It would constitute a serious turmoil and confusion for this Court to issue partial decrees which contradict the precise language, intent and effect of that final judgment. Had the United States or the Black Canyon Irrigation District moved for and obtained relief from the final judgment the story may be different. However, neither has so moved the Court in this or any other proceeding.³ Short of such relief, the Court can reach no other conclusion than that the late claims were extinguished by operation of the plain language of the final judgment. To find otherwise would offend the plain language of the final judgment and result in contradictory court decrees. The Court therefore adopts the Special Master's finding that the late claims are barred by operation of the final judgment entered in the Payette Adjudication.

² The quoted language is included in the Department's *Proposed Finding of Water Rights* filed in the Payette Adjudication on April 26, 1979. The *Partial Decree* entered by Judge Doolittle expressly incorporates the *Proposed Finding of Water Rights* with certain exemptions and amendments not relevant here.

³ Such a motion would be made pursuant to Idaho Rule of Civil Procedure 60.

ii. The late claims are barred by principles of *res judicata*.

The doctrine of *res judicata* covers both claim preclusion and issue preclusion. *Hindmarsh v. Mock*, 138 Idaho 92, 94, 57 P.3d 803, 805 (2002). Claim preclusion bars a subsequent action between the same parties upon the same claim or upon claims “relating to the same cause of action . . . which might have been made.” *Id.* Issue preclusion protects litigants from litigating an identical issue with the same party or its privy. *Rodriguez v. Dep’t. of Corr.*, 136 Idaho 90, 92, 29 P.3d 401, 403 (2001). Whether *res judicata* bars the relitigation of issues adjudicated in prior litigation between the same parties is a question of law over which the Court exercises free review. *Lohman v. Flynn*, 139 Idaho 312, 319, 78 P.3d 379, 386 (2003).

For claim preclusion to bar a subsequent action there are three requirements: (1) same parties; (2) same claim; and (3) final judgment. *Ticor Title Co. v. Stanion*, 144 Idaho 119, 124, 157 P.3d 613, 618 (2007). The Payette Adjudication was consolidated into the SRBA. Therefore, each party to the Payette Adjudication is also a party to the SRBA. The late claims now asserted by the United States were addressed and adjudicated in the Payette Adjudication, resulting in a final judgment. If the late claims now asserted were ever valid, the plain language of the final judgment extinguished those claims and expressly barred any future assertion of those same claims. Therefore, the United States’ late claims are barred by the doctrine of claim preclusion.

For issue preclusion to bar the relitigation of an issue determined in a prior proceeding: (1) the party against whom the earlier decision was asserted had a full and fair opportunity to litigate the issue decided in the earlier case; (2) the issue decided in the prior litigation was identical to the issue presented in the present action; (3) the issue sought to be precluded was actually decided in the prior litigation; (4) there was a final judgment on the merits in the prior litigation; and (5) the party against whom the issue is asserted was a party or in privity with a party to the litigation. *Ticor Title Co.*, 144 Idaho at 124, 157 P.3d at 618. All of the elements are met here.⁴ The United States was a party to the Payette Adjudication. It had a full and fair opportunity (indeed an obligation) to timely assert its water right claims in the Payette River basin in that proceeding. The very issue that is now placed before this Court – the validity of

⁴ The Court addresses all the elements identified in the *Ticor Title Co.* case except for the fifth. The fifth element does not appear to have any applicability to a general adjudication proceeding. A general adjudication is not brought against, or directed toward, a particular person. It is an *in rem* proceeding brought against, and directed toward, property.

these late claims – was addressed and adjudicated by the Payette Adjudication court. That court determined that the claims, if ever valid, were forfeited and are no longer valid. It entered a final judgment on the merits to that effect after years of proceedings undertaken by the many parties to the Payette Adjudication. Therefore, the United States’ late claims are alternatively barred by the doctrine of issue preclusion.

Res judicata serves three fundamental purposes: (1) it preserves the acceptability of judicial dispute resolution against the corrosive disrespect that would follow if the same matter were twice litigated to inconsistent results; (2) it serves the public interest in protecting the courts against the burdens of repetitious litigation; and (3) it advances the private interest in repose from the harassment of repetitive claims. *Hindmarsh*, 138 Idaho at 94, 57 P.3d at 805. These purposes would be thwarted if this Court were to entertain the United States’ late claims notwithstanding the final judgment entered in the Payette Adjudication. The fundamental purpose of a general adjudication is to produce a judicial decree that is conclusive as to the nature and extent of all water rights in the adjudicated water system. *See e.g.*, I.C. § 42-1420(1); I.C. § 42-1401A(5); I.C. § 42-1411 (1969). Finality is essential. The core purpose of undertaking a general adjudication is defeated if, after the adjudication concludes, claimants can assert additional water rights premised on water uses predating the adjudication. Therefore, based on the foregoing, the Court adopts the Special Master’s finding that the late claims are barred by principles of *res judicata*.

The United States and the Black Canyon Irrigation District attempt to avoid the doctrine of *res judicata* by asserting what they refer to as the “could or should have been litigated” exception to the doctrine. They cite *U.S. Nat’l Bank Ass’n v. Kuenzli*, 134 Idaho 222, 999 P.2d 877 (2000) (“*Kuenzli*”) in support of this exception. They argue that they could not have claimed the instant late claims in the Payette Adjudication and are therefore excused from the doctrine of *res judicata*. This Court disagrees. *Kuenzli* involved a disputed claim that was not actually adjudicated in the previous litigation between the parties. *Id.* at 226, 999 P.2d at 881. The issue was whether that claim should nonetheless be barred because it “arose out of the same transaction or series of transactions as the previous litigation” and should have been made in the previous litigation. *Id.* The Court held that since the disputed claim was not ripe at the time of the previous litigation, it was not barred by claim preclusion. *Id.*

Kuenzli is readily distinguishable from the instant proceeding. As an initial matter, it deals only with claim preclusion. Here, unlike in *Kuenzli*, the very issue that is now placed before this Court – the validity of the late claims – was addressed and adjudicated by the Payette Adjudication court. As a result, in addition to implicating claim preclusion, the facts of this case implicate issue preclusion. *Kuenzli* does not provide an exception to the doctrine of issue preclusion, and thus does not excuse the United States from the doctrine of *res judicata* under the facts and circumstances presented here. More importantly, however, the beneficial use late claims were ripe at the time of the Payette Adjudication. The late claims reflect claims for 1965 priority date storage water rights based on beneficial use. By their very nature, the claims assert that the United States has diverted and beneficially used the claimed water since 1965. If the late claims can be proven up now to have been established in 1965 based on diversion and beneficial use dating back to that date, they could have been proven up based on the same diversion and beneficial use in the Payette Adjudication.

The United States and Black Canyon Irrigation District argue that based on how the reservoir water rights were historically administered late claims would not have been necessary and therefore could not have been anticipated nor litigated in the Payette Adjudication. Rather, only after the Director changed his accounting methodology did the issue of late claims come into existence. This Court disagrees. The Black Canyon irrigation District readily asserts that the late claims were filed as an alternative measure to claim water alleged to be already accrued under the reservoir water right decrees based on how those rights were historically administered to account for flood control.

As this Court has discussed in the *Memorandum Decision and Order*, SRBA Subcase Nos. 63-33732 *et. al* (Sept. 1, 2016), a claimant wishing to preserve a historical method of administration by having such method reflected in the partial decree or through a general provision must raise that issue at the time the claim is being adjudicated. *Id.* at 6-7. The notion of preserving a historical practice of administration in a decree or a general provision is not a new concept. A majority of the provisions pertaining to historical administrative practices implicated in the SRBA were provisions that were decreed in prior adjudications. In this case, if the United States and Black Canyon Irrigation District wished to memorialize a certain method of reservoir operation to account for flood control, the issue of adjudicating the method of administration so as to be binding on all water users on the system as well as the Director, should

not have been an arcane proposition. Had the issue of an administrative provision been sought and successfully decreed in the Payette Adjudication, the late claims in this case would not be necessary. Conversely, if the United States and/or the spaceholders were unsuccessful in seeking an administrative provision, asserting late claims to the water would have been a readily apparent alternative at the time. Whether by oversight or by decision so as to avoid being locked into a particular method of administration, the issue was not raised. The late claims are now an attempt to circumvent that omission.

Finally, the effect of a prior decree in a general adjudication is well established in the SRBA. *See Hagerman Water Right Owners, Inc.*, 130 Idaho 736, 947 P.2d 409 (1997). Claimants failing to have their water right or a portion of their water right adjudicated in the prior adjudication are barred from seeking redress for the failure in the SRBA. The SRBA Court has consistently adhered to this principle. *See Order Disallowing Water Rights*, subcase nos. 74-741A and 74-741B (Jan. 12, 2009)(Lemhi Decree); *Order Denying Late Notice of Claim*, subcase no. 65-02794 (Dec. 1, 2010)(Payette Decree). A limited remedy is possible by claiming the previously unclaimed water right or portion of water right as a beneficial use claim provided the claimed priority date is subsequent to the entry of the decree in the prior adjudication. The claimed priority date must also predate the May 20, 1971, enactment of the mandatory license requirements in order to establish a beneficial use water right. In this case, the partial decree from the Payette Adjudication was entered in 1986, thereby precluding any post-decree beneficial use claim.

iii. The late claims are barred by operation of statute.

The Special Master cites Idaho Code § 42-1411 (1969) in support of his determination that the late claims are barred. Idaho Code § 42-1411 (1969) was enacted by the Legislature in 1969 as part of Idaho's statutory scheme governing water right adjudications. It was in effect at the time of the Payette Adjudication. The statute evidences a clear intent on the part of the Legislature to bar the future assertion of water right claims, following the completion of a general adjudication, premised on water use that predates that adjudication:

DECREE-FORFEITURE OF RIGHT. The decree shall be conclusive as to the rights of all existing claimants upon the water system which shall lawfully embrace any determination. When a decree has been entered, any water user who has been joined and who failed to appear and submit proof of his claim as

provided in this act shall be barred and estopped from subsequently asserting any right therefore acquired upon the waters included within the proceedings, and shall be held to have forfeited all rights to any water theretofore claimed.

1969 Idaho Sess. Law 832. It is undisputed that the United States was a party to the Payette Adjudication, and that the late claims they now assert predate that Adjudication. Therefore, the late claims fail squarely under the plain language of Idaho Code § 42-1411 (1969) and are barred by operation of that statute.

B. The Court rejects that portion of the *Special Master's Recommendation* finding that the late claims should be disallowed because the water use claimed is memorialized under, and occurs pursuant to, the reservoir water rights.

In his *Order* addressing motions to alter or amend, the Special Master recommended that the late claims be disallowed on the alternative grounds that the claimed water use is already memorialized under, and occurs pursuant to, the reservoir water rights. The Court rejects the Special Master's findings and recommendation in this respect on the grounds he exceeded his jurisdiction in reaching this issue.

The Black Canyon Irrigation District argued to the Special Master that the late claims are unnecessary because the water use claimed thereunder should rightfully be administered by the Director as accruing pursuant to the reservoir water rights. There is evidence in the record that the Director disagrees with this argument. However, the issue has never been placed before the Director and was raised for the first time with respect to the reservoir water rights in this proceeding in the SRBA. Notwithstanding, the Special Master reached the issue in his *Order* addressing the motions to alter or amend.

The Court finds that the Special Master strayed from the narrow focus of conducting proceedings on the beneficial use late claims by delving into the administration of the previously decreed reservoir water rights. All four reservoir water rights were decreed by this Court in 2003. Issues regarding a particular method of administration of those rights were never raised at the time the rights were adjudicated. As a result, the partial decrees issued for the reservoir water rights are silent as to any particular type of administrative scheme or methodology. Since the partial decrees are silent on the issue, the details of how the Director carries out his performance of his duty to administer those rights are left to his discretion. *Musser v. Higginson*, 125 Idaho 392, 395, 871 P.2d 809, 812 (1994). If a water right holder takes issue with the way

in which the Director is administering a decreed water right (i.e., exercising his discretion), then the water right holder must take up the issue first with the Director, not the Court who issued the decree. *See e.g., In Re SRBA, Case No. 39576, Subcase 00-91017*, 157 Idaho 385, 394, 336 P.2d 792, 801 (2014) (holding which accounting method to employ is within the Director's discretion and IDAPA provides the procedures for challenging the chosen accounting method). This has not occurred with respect to the reservoir water rights. Therefore, the Court finds that the Special Master erred in revisiting the previously decreed reservoir water rights in the context of this proceeding.

The Court reached the same result in its *Memorandum Decision and Order* issued on September 1, 2016, in SRBA Subcase Numbers 63-33732, *et al.* In those subcases, the United States and other water users filed late claims seeking storage water rights associated with various federal reservoirs in basin 63 based on beneficial use. The claims were asserted in addition to various water rights associated with the federal reservoirs that had previously been decreed in the SRBA. As he did here, the Special Master revisited the previously decreed reservoir water rights in the context of the late claims proceedings. He recommended that the late claims be disallowed on the grounds the claimed water use occurred pursuant to the previously decreed reservoir water rights.

The Court rejected the recommendation of the Special Master in those subcases, citing the same rationale utilized here:

In the instant case, issues regarding any particular method of administration were never raised at the time the reservoir water rights were adjudicated. As a consequence the partial decrees issued for those rights are silent as to any particular type of administrative scheme or methodology. Indeed, allowing a water right holder to come back into the SRBA after the right has been decreed and then argue that it should be administered according to some particular methodology not otherwise provided for in the partial decree would constitute an impermissible collateral attack on the partial decree. *Rangen*, 159 Idaho at 806, 367 P.3d at 201. Moreover, it would ignore the finality of the partial decree as well as the final unified decree in which the partial decree was incorporated. *Id.* Accordingly, absent such an administrative provision, as is the case with any other decreed right in the SRBA, the Director must administer the rights according to the partial decrees in accordance with Idaho law. Absent an administrative provision in a partial decree or a general provision, the SRBA Court does not instruct the Director how to carry out his administrative duties in distributing water. If a decree holder asserts that the Director is not administering his or her right either according to the decree or consistent with Idaho law, he or she must first take it up with the Director.

Memorandum Decision and Order, SRBA Subcase Nos. 63-33732, pp.6-7 (Sept. 1, 2016). The same rationale applied by the Court in that case applies here. In both instances the Special Master exceeded the jurisdiction of the SRBA.

C. In an exercise of its discretion the Court declines to receive or take notice of the United States Geological Survey data submitted by the United States on challenge.

The United States asks this Court to take judicial notice of and receive certain United States Geological Survey (“USGS”) data in its briefing on challenge. The data is offered in furtherance of its arguments concerning the contents of the federal reservoirs at various times. The State objected to the request and argument on the issue was heard before the Court on September 22, 2016. Under *SRBA Administrative Order 1, Rules of Procedure* § 13.f., the Court may in an exercise of its discretion receive further evidence on challenge. In this case, the Court declines to receive or take notice of the proffered USGS data. It is undisputed that the data was not presented to, or considered by, the Special Master. It is also undisputed that the data is not previously unavailable or newly discovered data. The United States has not established why the data could not have been timely submitted to the Special Master for consideration in this matter. Last, the proffered data was first disclosed by the United States in its responsive briefing on challenge. The late disclosure fails to afford the other parties to this matter an adequate opportunity to respond to the new evidence. Therefore, in an exercise of its discretion, the Court declines to receive or take judicial notice of the proffered USGS data.

IV.

ORDER

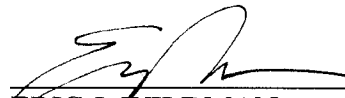
BASED ON THE FOREGOING, THE FOLLOWING ARE HEREBY ORDERED:

1. The Special Master’s recommendation is hereby adopted in part and rejected in part.
2. The Court adopts that portion of the recommendation finding that the late claims should be disallowed on the ground they are barred by operation of the final judgment entered in the Payette Adjudication and principles of *res judicata*.

3. The Court rejects that portion of the recommendation finding that the late claims should be disallowed because the water use claimed is memorialized under, and occurs pursuant to, the reservoir water rights.

4. The above-captioned water right claims are hereby **disallowed with prejudice**.


DATED: October 7, 2016.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: October 7, 2016.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the MEMORANDUM DECISION AND ORDER ON CHALLENGES / FINAL ORDER DISALLOWING WATER RIGHT CLAIMS was mailed on October 07, 2016, with sufficient first-class postage to the following:

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