

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

<b>In Re SRBA</b>	)	<b>Subcases: See Attached Exhibit A</b>
	)	
<b>Case No. 39576</b>	)	<b>ORDER DENYING MOTION TO ALTER</b>
	)	<b>OR AMEND</b>
	)	
	)	
	)	
	)	
_____	)	

**Appearances:**

Craig Pridgen and Richard Harris, representing C.E. Brackett Cattle Co., Brackett Ranches Ltd., and Brackett Livestock, Inc.

Larry Brown, representing the United States.

**I. PROCEDURAL BACKGROUND**

On June 21, 2001, a *Special Master's Recommendation Denying Motions to Set Aside Partial Decrees* was issued in the 43 subcases listed on attached Exhibit A. The procedural background of these subcases was outlined therein and will not be repeated here. On June 24, 2001, C.E. Brackett Cattle Co., Brackett Ranches Ltd., and Brackett Livestock, Inc., (collectively the "Bracketts"), filed a *Motion to Alter or Amend Special Master's Recommendation Denying Motions to Set Aside Partial Decrees*.

On January 3, 2002, the United States filed a *Memorandum in Opposition to Bracketts' Motion to Alter or Amend*. The Bracketts filed a Reply thereto on January 10, 2002. The matter was heard in open court on January 10, 2002.

## II. DECISION

The *Motion to Alter or Amend Special Master's Recommendation Denying Motions to Set Aside Partial Decrees* filed by the Bracketts does not raise any legal or factual issues that were not adequately addressed in the *Special Master's Recommendation Denying Motions to Set Aside Partial Decrees*. Furthermore, the District Court's lengthy analysis in the *Memorandum Decision and Order on Motion to Set Aside Partial Decrees, Subcases 55-2373 et al., (LU Ranching Co.)*, is directly on point, and is currently the law of the case. The Bracketts have not attempted to factually or legally distinguish the instant motion from the *LU Ranching Co.*, decision. Accordingly, the Brackett's *Motion to Alter or Amend Special Master's Recommendation Denying Motions to Set Aside Partial Decrees* is **denied**.

Dated March 12, 2002.

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Thomas Cushman  
Special Master  
Snake River Basin Adjudication

## CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO ALTER OR AMEND was mailed on March 12, 2002, with sufficient first-class postage to the following:

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

U.S. Department of Justice  
Environment & Natural Resources Div.  
550 W Fort St., MSC 033  
Boise, ID 83724

Chief, Natural Resources Div  
Office of the Attorney General  
P O Box 44449  
Boise, Idaho 83711-4449

Craig Pridgen  
McQuaid, Metzler, Bedford, VanZandt  
221 Main St, 16<sup>th</sup> Floor  
San Francisco, CA 94105

Richard L Harris  
P O Box 1438  
Caldwell, Idaho 83606

Roger D Ling  
P O Box 396  
Rupert, Idaho 83350

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Deputy Clerk