

JUN 10 2026

By _____ Clerk
_____ Deputy Clerk

**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) **Subcase Nos. 67-15210, 67-15211,**
) **and 67-15212**
Case No. 39576)
) **ORDER DENYING MOTIONS TO FILE**
) **LATE OBJECTIONS**
)
) **SPECIAL MASTER'S**
) **RECOMMENDATION OF**
) **DISALLOWANCE**

ORDER DENYING MOTION TO FILE LATE OBJECTIONS

On June 8, 2022, the Idaho Department of Water Resources issued a *Director's Report* for the above-captioned water right claims, recommending that the claims be decreed as disallowed. On April 27, 2026, the Claimants, Cody and Britney Chandler (hereafter "Chandlers"), filed a *Motion to File Late Objection* in each subcase. Contemporaneously therewith, the Chandlers lodged completed *Standard Form 1 Objections*. On May 15, 2026, the United States of America, Department of Justice, filed the *United States' Opposition to Motions to File Late Objections*. Also on May 15, 2026, the Idaho Department of Lands filed *IDL Response to Motion to File Late Objection* in Subcases Nos. 67-15211 and 67-15212.

1. The Claims. On March 5, 2018, Gary and Carol Gallant (predecessor-in-interest to the current claimants Cody and Britney Chandler) filed *Notices of Claim* in the above-captioned subcases. On March 31, 2021, the Gallants submitted *Amended Notices*

of Claim for 67-15210 and 67-15211 to IDWR¹. On April 5, 2021, the Gallants submitted an *Amended Notice of Claim* for 67-15212 to IDWR. The following table summarizes some of the elements of the claims:

Subcase No.	67-15210	67-15211	67-15212
Claimed Priority Date	March 31, 1915	March 31, 1915	March 31, 1915
Source	Springs	Springs	Johnson Creek – Goodrich Creek
Diverting works	“Spring Boxes + Pipe Lines + Troughs”	“None” [instream stockwater]	“None” [instream stockwater]
Purpose of Use	Stockwater	Stockwater	Stockwater

2. The Director’s Report. The *Director’s Report* recommended that all three claims be disallowed. Regarding 67-15211 and 67-15212, the *Director’s Report* states:

Claims 67-15211, and 67-15212 describe a point of diversion and place of use located on land owned by the State of Idaho. The claimant didn’t provide documentation showing authorization to graze livestock on state lands. Both 67-15211 and 67-15212 are recommended disallowed.

As to 67-15210, the *Director’s Report* states:

Claim 67-15210 claims a point of diversion and place of use in different quarter quarters [i.e. not an instream water use where the point of diversion and place of use are the same] and identifies the use as being from a diverted system developed by the BLM in 1973. The permit system for establishing a water right became mandatory for uses developed from surface water after May 20, 1971 (except for watering stock directly from streams). Claim 67-15210 is recommended as disallowed

¹ The *Amended Notice of Claim* for 67-15210 was lodged with the SRBA Court on June 8, 2026. The *Amended Notices of Claim* for 67-15211 and 67-15212 were lodged with the SRBA Court on June 9, 2026.

3. Applicable Standard. In cases for which partial decrees have not been entered, late objections are viewed under Idaho Rule of Civil Procedure 55(c), which provides a “good cause” standard for setting aside the entry of a default. The I.R.C.P. 55(c) standard takes into account the following factors:

- (1) whether the default was willful;
- (2) whether setting aside the default would prejudice the opponent; and
- (3) as with a Rule 60(b) motion, whether a meritorious position has been presented.

4. Whether the Untimeliness was Willful. Regarding the “willfulness” on the part of the Gallants and subsequently the Chandlers in failing to timely file objections to the *Director’s Report* for these claims, both the United States and the State of Idaho assert the untimeliness was willful choice. The State of Idaho points out in its *Response* that the June 6, 2022, *Notice of Filing Director’s Report* notified the Gallants that their “objection must be received by the SRBA Court on or before Monday, August 8, 2022.” Then, over three years later, in connection with the filing by IDWR of *Amended Director Reports* which substituted the Chandlers as parties in place of the Gallants, there was another opportunity to file objections², with an objection deadline of January 28, 2026, being set orally on the record at a status conference held on December 9, 2025.

In their *Motion to File Late Objection*, the Chandlers assert as the reason why their objection was not timely filed as:

Grazing rights that water rights were associated with were in the process of being transitioned in 2022 to Chandlers and at the time of the directors report the leases were no longer in Mr. Gallants name so he could not provide them. Change in ownership for said water rights to Chandlers was

² It should be noted that the filing of an amended director’s report and the appearance of such amended director’s report on the docket sheet does not automatically afford a party to the adjudication an opportunity to object to any and all elements recommended in the amended director’s report. Rather the ability to object is limited to the element(s) that were amended. In these subcases, the *Notice of Completed Administrative Proceeding* and the attached *Amended Director’s Reports* did nothing but change the name and address of the owner from the Gallants to the Chandlers. The Director’s recommendation of disallowance remained unchanged. SRBA Administrative Order 1, Section 17(c) states: “Amended Director’s Reports shall be docketed in the subcases indicating the type of amendment made and will be reported in the Docket Sheet. Any party wishing to file an objection to an Amended Director’s Report may do so by filing a Motion to File Late Objection within 21 days following the notice of filing the Amended Director’s Report in the Docket Sheet.”

not applied for until October 2025 and in the interim there was some correspondence that was delayed or not received until deadlines had passed.

Motion to File Late Objection, p. 2. This statement by the Chandlers does not demonstrate good cause for their untimeliness. Generally speaking, “delayed” or “not received” correspondence may cause someone to miss a deadline that they didn’t find out about until after it was too late. But that is not the case here. The objection deadline for the *Amended Director’s Reports* was set orally on the record at the December 9, 2025, status conference. The Court Minutes for that date state: “Special Master Booth spoke with parties present regarding filing dates for the objections due January 8, 2026. Responses will be due February 11, 2026.” The Court Minutes list Cody Chandler, Britney Chandler, and Gary Gallant as being present at the status conference. No written order was issued reiterating the January 28, 2026, objection deadline. So, whatever is the unspecified correspondence that was allegedly “delayed or not received until the deadlines had passed” such correspondence did not communicate or set any deadlines for the filing of objections to the *Amended Director’s Reports*. Accordingly, delayed or not-received correspondence could not have caused the claimants to miss the deadlines, which leads to the conclusion that the failure to file timely objections was by choice rather than being unaware of the applicable deadline.

5. Whether the United States and the State of Idaho would be Prejudiced by Allowing a Late Objection.

With respect to the issue of prejudice, the United States asserts:

Allowing a late objection would prejudice the United States. The United States was not actively researching or participating in 67-15210 because it was recommended disallowed and unobjected to, and 67-15211 and 67-15212 because they are claims on Idaho state land recommend disallowed without an apparent federal nexus. For the first time, in the proposed late objection, the Chandlers assert that their predecessors appropriated water rights as federal permittees and assert a taking under state law. If the late objection is allowed, the United States will be required to review those claims in depth, and potentially litigate the new issues asserted by the Chandlers for the first time four years into the case.

Further, the United States has been preparing for trial based on the existing record. It has conducted research in agency files and at the National Archives and engaged the services of an expert witness. If the late objections are allowed and the claims are re-activated, the United States will incur significant additional expense due to the Chandler's untimely filing.

United States' Opposition, p. 7. This Special Master agrees with the United States' analysis regarding prejudice and finds that the United States will be unduly prejudiced by allowing the Chandler's late objection. Similar to the United States, the State of Idaho has also been participating in subcases 67-15211 and 67-15212 from the time the State filed its objections on May 24, 2019. This Special Master finds that the State of Idaho will also be prejudiced by allowing the Chandler's late objection.

6. Whether the Chandler's have Presented a Meritorious Position.

As stated above, the I.R.C.P. 55(c) standard requires an analysis of whether the movant has presented a meritorious position. The demonstration of a meritorious position goes beyond the mere notice requirements applicable to timely-filed pleadings. *Reeves v. Wisenor*, 102 Idaho 271, 629 P.2d 667 (1981). In other words, the movant is required to plead facts, which if established, would constitute a defense to the *Director's* recommendation of disallowance.

In the *Notices of Claim* filed by Mr. Gallant, it is asserted that each of the water rights came into existence in the year 1915. To prevail, the Chandlers would have to overcome the presumption that the Director's recommendation of disallowance is correct. The Chandlers would have to establish that these water rights came into existence in that year, and that they continued to exist from that time until the date the claims were filed in 2018. The following issues, among others, may arise in prosecuting these claims: (1) that Mr. Gallant's purported predecessor-in-interest, Earl H. Gallant, was grazing cattle in the area where the claimed water rights are located in 1915; (2) that there is a continuous chain of title of the water rights and/or private land to which they are appurtenant, taking into account all of the mesne conveyances between the date of the claim and 1915; (3) that the water rights were not forfeited or abandoned; (4) that the licensure of BLM water right 67 -07218 in 1974 and the development of the spring by the BLM did not

affect the continued existence of Chandler's claimed right 67-15210³; and (5) that the terms and conditions of the leases entered into with the Idaho Department of Lands did not affect the continued existence of water rights claimed as 67-15211 and 67-15212.

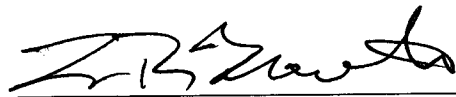
The Chandlers did not provide sufficient accompaniment to their motion, in the form of affidavit or otherwise, to allow this Special Master to ascertain whether the proposed late objections have sufficient merit so as to be allowed to proceed. The burden of demonstrating a meritorious position lies with the Chandlers, and they have not met that burden.

In accordance with the foregoing, the Chandler's *Motion to File Late Objections* in subcases 67-15210, 67-15211, and 67-15212 is **denied**.

SPECIAL MASTER'S RECOMMENDATION OF DISALLOWANCE

Based on the file and record herein, IT IS RECOMMENDED that the SRBA District Court enter a final order **disallowing** water right claims 67-15210, 67-15211, and 67-15212 with prejudice.

Dated 06.10.2026



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

³ See Order Re: *Motions for Summary Judgement and Special Master Report and Recommendation*, Subcase Nos. 45-13792 and 45-13793 (December 13, 2006) for an analysis of a stockwater water right claim where the source was claimed to be a spring developed and diverted by the City of Oakley for municipal use, with the claimed stockwater right being "rediverted" from the City's pipeline.

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the attached were mailed on June 10, 2026, by first-class mail to the following:

State of Idaho
Department of Lands
300 N 6th St STE 103
PO Box 83720
Boise, ID 83720-0050

US Department of Justice
Enviro & Nat'l Resources Div
PO Box 7611
Ben Franklin Station
Washington, DC 20044-7611

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

Cody and Britney Chandler
1151 Devil's Elbow Dr
Weiser, ID 83672


Patty Delcid
Deputy Clerk