

03-1566 ORFF, ET AL. V. UNITED STATES

Decision Below: 358 F.3d 1137 (9th Cir. 2004)

QUESTION PRESENTED

The question presented is whether farmers are "intended" third-party beneficiaries of their irrigation district's water service and repayment contracts with the U.S. Bureau of Reclamation and, therefore, entitled to sue the Bureau for breach thereof, as the Federal Circuit has long held, or merely "incidental" third-party beneficiaries and, therefore, not so entitled, as the Ninth Circuit holds in the decision below.

Cert. Granted 10/12/04