

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2004 JUN 1 PM 3 42

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     | ) | ORDER GRANTING MOTION TO     |
|                | ) | FILE AMENDED NOTICE OF CLAIM |
| Case No. 39576 | ) | AND SETTING DEADLINES        |
|                | ) |                              |
|                | ) | SUBCASE NOS.: 29-13425       |
| _____          | ) |                              |

**I. PROCEDURAL BACKGROUND**

Two *Motions to File Amended Notice of Claim* were filed by Spartan Portneuf, LLC. The first *Motion* filed April 21, 2004, seeks to amend the claim for this water right by adding domestic and stockwater as beneficial uses. The second *Motion to File Amended Notice of Claim* was filed on May 21, 2004. This *Motion* seeks to amend the claim by adding stockwater as a beneficial use. A hearing was held on the *Motions* on May 26, 2004. At the hearing, Spartan Portneuf, LLC withdrew the first *Motion* and explained that it seeks to add only stockwater, not domestic purposes.

**II. STANDARD OF REVIEW**

The SRBA Court administrative rules establish that motions to amend claims "shall be freely given when justice so requires." *SRBA Administrative Order 1 (A01)* § 4d (2) (k)

**III. FINDINGS**

Spartan Portneuf, LLC is a family-owned limited liability company owned by various members of the Katsilometes family. In 1990, M. Anne Katsilometes filed a claim in the SRBA for herself and on behalf of the co-owners of a water license. The original license included stockwater as a purpose of use. Mrs. Katsilometes inadvertently failed to include stockwater as a purpose of use in the claim. *Affidavit of Thomas J. Katsilometes* at 1-3.

There was no opposition to the *Motion*. Therefore, the *Motion to File Amended Notice of Claim* is **granted**.

IT IS ORDERED that the following deadlines shall govern further proceedings:

|                      |                 |                                                   |
|----------------------|-----------------|---------------------------------------------------|
| <b>June 30, 2004</b> | <b>5:00 pm</b>  | <b>Deadline to file Amended Director's Report</b> |
| <b>July 16, 2004</b> | <b>5:00 pm</b>  | <b>Deadline to file Objection</b>                 |
| <b>July 23, 2004</b> | <b>5:00 pm</b>  | <b>Deadline to file Response</b>                  |
| <b>July 28, 2004</b> | <b>10:30 am</b> | <b>Status Conference</b>                          |

**Parties may participate by phone for the Status Conference by dialing 1-225-383-1099 and when prompted enter participant code 926509.**

DATED June 1, 2004.

  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING  
MOTION TO FILE AMENDED NOTICE OF CLAIM AND SETTING DEADLINES  
was mailed on June 01, 2004, with sufficient first-class postage  
to the following:

SPARTAN PORTNEUF LLC

Represented by:

SCOTT J SMITH

201 E CENTER

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098