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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 45-04097
Case No. 39576) (City of Burley)
)
) ORDER GRANTING MOTION TO
) FILE AMENDED NOTICE OF CLAIM
) AND SETTING DEADLINES

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended claim 45-04097 to the City of Burley, P.O. Box 1090, 2020 Parke Avenue, Burley, Idaho, 83318, for 1.78 cfs from groundwater for year-'round municipal use in Cassia County with a priority date of December 31, 1926, based on beneficial use. Under explanatory material, the Director noted: "The point of diversion is also known as irrigation well #12."

On December 1, 2004, the City of Burley filed a *Motion to File Amended Notice of Claim* in subcase 45-04097 seeking a priority date of April 14, 1905, for 1.23 cfs and a second priority date of August 23, 1916, for 1.22 cfs – both for the same 6' hand-dug well.

A hearing on the City of Burley's *Motion* was held by telephone on January 27, 2005. R.C. Stone appeared for the City of Burley; David J. Barber appeared for the State of Idaho; and Nicholas B. Spencer and Chris M. Bromley appeared for IDWR. No one opposed the *Motion* and good cause appeared therefor.

THEREFORE, IT IS ORDERED that:

1. The City of Burley's *Motion* is **granted**;
2. IDWR shall file with the SRBA Court its recommendation concerning amended claim 45-04097 no later than **Friday, July 29, 2005**;
3. Objections to IDWR's recommendation concerning the amended claim shall be filed with the SRBA Court no later than **Friday, August 26, 2005**; and

4. Responses to objections, if any, shall be filed with the SRBA Court no later than **Friday, September 9, 2005.**

DATED January 28, 2005.


TERRENCE A. DOLAN
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 January 28, 2005, with sufficient first-class postage to the following:

CITY OF BURLEY

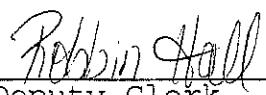
Represented by:
RANDOLPH CALVIN STONE
PO BOX 910
BURLEY, ID 83318
Phone: 208-878-8382

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 1/28/05

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