

2005 APR 26 AM 11 46

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	)	SETTING SUBCASE DEADLINES AND
	)	SCHEDULING CONFERENCE
_____	)	SUBCASE NO. 29-13406

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by Brett Casperson on April 11, 2005. The *Motion* seeks to amend the notice of claim for this water right by changing the priority to an earlier date. A hearing was held on the *Motion* on April 22, 2005.

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 (AOI)* § 4d (2) (k)

III. FINDINGS

Mr. Casperson explained that he mistakenly claimed a 1962 priority date for this right and wishes to amend that claim to a 1932 priority date. Counsel for Portneuf Marsh Valley Canal Co. and Marsh Valley Development, Inc. objected to the *Motion* and indicated they may file an objection to the *Amended Director's Report*.

The *Motion to File Amended Notice of Claim* was **granted** according to the standards of *AOI* § 4d (2) (k)

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

May 6, 2005	5:00 pm	Deadline to file Amended Director's Report
-------------	---------	--

June 17, 2005	5:00 pm	Deadline to file Objection
---------------	---------	----------------------------

June 24, 2005	5:00 pm	Deadline to file Response to Objection
June 29, 2005	11:00 am	Scheduling Conference Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301

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

DATED April 26, 2005.



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, SETTING SUBCASE DEADLINES AND SCHEDULING CONFERENCE was mailed on April 26, 2005, with sufficient first-class postage to the following:

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

NATHAN CASPERSON
8789 E MAUGHAN RD
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5519

BRETT CASPERSON
8893 E MAUGHAN RD
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5428