

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2005 OCT 7 PM 12 00

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
	)	AMEND CLAIM AND SETTING
Case No. 39576	)	DEADLINES
	)	
	)	SUBCASE NO.: 25-04032
_____	)	

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by the USDI Fish and Wildlife Service on September 19, 2005. The *Motion* seeks to amend the notice of claim for this water right by asserting an earlier priority, additional places of use, acreage, quantity, and points of diversion. A hearing was held on the *Motion* on September 27, 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 (A01)* § 4d (2) (k)

III. FINDINGS

James Dubois, counsel for the United States, explained that there is additional evidence of the priority, places of use, acreage, quantity and points of diversion. The amendment is supported by a map, an aerial photograph, affidavits and a letter from the prior owner and additional documents. 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:

December 16, 2005 **5:00 pm** Deadline to file Amended Director's Report

January 20, 2006	5:00 pm	Deadline to file Objection
February 3, 2006	5:00 pm	Deadline to file Response to Objection
February 8, 2006	10:00 am	Status Conference

Location: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

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

DATED October 7, 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 AMEND CLAIM AND SETTING DEADLINES was mailed on October 07, 2005, with sufficient first-class postage to the following:

OW RANCHES, INC
Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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

UNITED STATES OF AMERICA
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND, OR 97232-4181
Phone: 503-231-6145


Deputy Clerk