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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

**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	) Subcases 63-04037 and 63-21875
	)
Case No. 39576	) ORDER GRANTING MOTION TO FILE
	) AMENDED NOTICE OF CLAIM
	)
	0 ORDER REQUESTING
	0 SUPPLEMENTAL OR AMENDED
	0 DIRECTOR'S REPORT
	)
	) ORDER SETTING STATUS
	) CONFERENCE

On October 11, 2006, the claimant of the above-captioned water rights, Bluegrass LLC, by and through its attorney, Andrew J. Waldera, filed a *Standard Form 4 – Motion to File Amended Notice of Claim (Motion)*. Also filed was the *Affidavit of David Hendrickson in Support of Motion to File Amended Notice of Claim*. Lodged contemporaneously therewith were the proposed *Amended Notices of Claim*. The *Motion* seeks to amend the claim to include an accomplished transfer pursuant to I.C. § 42-1425. The matter was heard on November 14, 2006.

ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM

Pursuant to SRBA *Administrative Order 1 (AOI)*, § 4(e), a motion to file an amended notice of claim is reviewed under the criteria of I.R.C.P. 55(c). Leave to amend a notice of claim shall be freely given when justice so requires. *AOI* § 4(k). The criteria of I.R.C.P. 55(c) incorporates a “good cause” for untimeliness standard. The I.R.C.P. 55(c) standard takes into account whether the default was willful; whether setting aside the judgment would prejudice the opponent; and whether a meritorious position has been presented. *McFarland v. Curtis* 123 Idaho at 936, 854 P.2d at 279.

Based upon the information set forth in the *Affidavit of David Hendrickson in Support of Motion to File Amended Notice of Claim*, and based upon the comments of counsel at the hearing, and good cause appearing, the *Motion* is **granted**. The clerk of the Court is instructed to file the previously lodged *Amended Notices of Claim*.

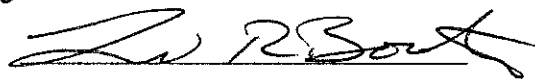
ORDER REQUESTING SUPPLEMENTAL OR AMENDED DIRECTOR'S REPORT

This Special Master requests that the Idaho Department of Water Resources re-examine the subject water right claims in light of the amendment of the claims, and if necessary IDWR is requested to file supplemental or amended director's reports for the amended claims. At the hearing, counsel for IDWR stated that absent the need for field exams, such re-examination could be completed by mid January, 2007. This Special Master further requests that IDWR investigate whether the amended claims would constitute an enlargement, in which case the accomplished transfer provisions of I.C. § 42-1425 would be inapplicable.

ORDER SETTING STATUS CONFERENCE

A status conference will be held in the above-captioned subcases on **January 30, 2007, at 10:30 AM Mountain Time** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing (225)383-1099 and when prompted entering the participation code 675342.

Dated November 15, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER was mailed on November 15, 2006, with sufficient first-class postage to the following:

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BLUEGRASS LLC AND
BLUEGRASS, LLC AND
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THE TERTELING CO INC
Represented by:
CHARLES L. HONSINGER
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EDWARDS FAMILY LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
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Phone: 208-424-7800

BLUEGRASS LLC
BLUEGRASS LLC AND
BLUEGRASS, LLC AND
Represented by:
SCOTT L. CAMPBELL
101 S CAPITOL BLVD, 10TH FLOOR
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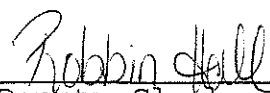
DIRECTOR OF IDWR
PO BOX 83720
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BLUEGRASS LLC
4705 N 36TH
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ORDER

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Deputy Clerk