

Feb 21

DEPARTMENT OF
WATER RESOURCES

2007 FEB 23 AM 8:33

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

Case No. 39576

ORDER GRANTING MOTION TO AMEND CLAIMS

**SUBCASE NOS.: 29-00271, 29-00272,
AND 29-273**

I. PROCEDURAL BACKGROUND

The City of Pocatello filed a *Motion for Leave to File Amended Notices of Claim* on February 16, 2007. The *Motion* was heard at the pretrial conference on February 21, 2007. The City of Pocatello asked for leave to amend its claims for subcases 29-00271, 29-00272, and 29-00273 to conform with the *Objections* it filed in those subcases.

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

The *Motion to Amend Claims* was granted. The *Amended Claims* will be date stamped February 21, 2007. Because the trial on these subcases will begin on February 26, 2007, the court addressed the status of all pleadings in the subcases.

The Idaho Department of Water Resources indicated that it was familiar with the changes sought by the City of Pocatello. IDWR indicated that it would not need to file an *Amended Director's Report* because its recommendations would not change.

The City of Pocatello indicated that it would maintain the position set forth in its existing *Objections*.

The State of Idaho and the parties collectively referred to as the Surface Water Coalition

indicated that they would maintain the positions set forth by them in their existing *Responses* for these three subcases.

IT IS ORDERED that the Motion to Amend Claims is **granted**.

The parties will not be required to file new *Objections* or *Responses* since no *Amended Director's Report* shall be filed. The existing *Objections* and *Responses* filed by the parties shall remain in effect.

DATED: February 23, 2007.



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 CLAIMS was mailed on February 23, 2007, with sufficient first-class postage to the following:

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