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DEPARTMENT OF
WATER RESOURCES

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

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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

Case No. 39576

) ORDER GRANTING MOTION TO
) AMEND CLAIM AND SETTING
) DEADLINE FOR AMENDED
) DIRECTOR'S REPORT, OBJECTIONS,
) RESPONSES, AND STATUS
) CONFERENCE

) For water right claim: 21-07084
)

I. PROCEDURAL BACKGROUND

The above-captioned claim was recommended by the Idaho Department of Water Resources as originally claimed. No objections were filed to the recommendation contained in the *Director's Report*. On December 18, 2006, prior to the hearing on the uncontested claims for Basin 21, the claimant, through counsel, filed the instant *Motion to File Amended Notice of Claim*. The *Motion* seeks to amend the notice of claim for the water right by asserting a different place of use based on an accomplished transfer. Although the claimant did not file an objection to the director's recommendation the Court withheld the claim from decree based on the intervening *Motion*. A hearing was held on the *Motion* April 17, 2007. No party appeared in opposition to the *Motion*.

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 subject claim is used in conjunction with other water rights also held by the claimant located in adjacent Basin 22. Although the point of diversion for the subject claim is located in

Basin 21 the place of use for the claim is located in Basin 22. The claimant did not discover an issue with the place of use description until the rights in Basin 22 were reported and reviewed. There was no opposition to the *Motion*. Therefore, for good cause shown the *Motion to File Amended Notice of Claim* is **granted**.

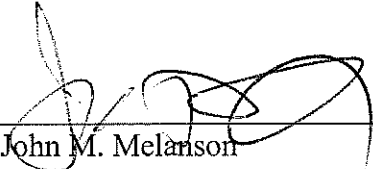
IT IS ORDERED that the following deadlines shall govern further proceedings:

May 31, 2007	5:00 pm	Deadline to file Amended Director's Report
July 25, 2007	5:00 pm	Deadline to file Objection*
Sept. 26, 2007	5:00 pm	Deadline to file Response to Objection*
June 18, 2007	1:30 pm	Status conference or uncontested hearing

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

Parties may participate by phone in the Status Conference by dialing number 1-918-583-3445 and when prompted entering code 406128.

DATED: April 20, 2007



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

* The objection and response deadlines correspond with the objection and response deadlines for Basin 22, Part II.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND CLAIM AND SETTING DEADLINES AND SETTING STATUS CONFERENCE was mailed on April 20, 2007, with sufficient first-class postage to the following:

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