

2007 AUG 22 PM 2: 55
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) Subcase 74-741
) (Herbst)
Case No. 39576)
) ORDER GRANTING MOTION,
) VACATING TRIAL AND SETTING
) DATES

Claimant Lynn A. Herbst filed a *Motion to File Amended Notice of Claim* on June 27, 2007, seeking an earlier priority date (May 26, 1873) than claimed and decreed in an earlier adjudication (January 8, 1908).

A hearing on the *Motion* was held on August 9, 2007. Paul L. Arrington appeared for the claimant and Chris M. Bromley appeared for IDWR. No one opposed the *Motion*. The claimant has shown good cause to amend the claim because there is some evidence that the claim is closely related to another water right (74-739) with the earlier claimed priority date.

THEREFORE, IT IS ORDERED that:

1. The *Motion* is **granted**;
2. The trial set for November 9, 2007, is **vacated**;
3. IDWR shall file its recommendation concerning the amended claim no later than **Friday, October 12, 2007**;
4. Objections to IDWR's recommendation concerning the amended claim shall be filed no later than **Wednesday, November 28, 2007**; and
5. A scheduling conference shall be held on **Thursday, December 13, 2007, 10:00 a.m.**

DATED August 22, 2007.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan", written over a horizontal line.

TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION, VACATING TRIAL AND SETTING DATES was mailed on August 22, 2007, with sufficient first-class postage to the following:

LYNN A HERBST

Represented by:

PAUL L ARRINGTON

113 MAIN AVE W, STE 303

PO BOX 485

TWIN FALLS, ID 83303-0485

Phone: 208-733-0700

ROBIN R HERBST

PO BOX 21

TENDOY, ID 83467

Phone: 208-756-2584

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098