

2007 SEP 21 PM 12:30

US 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	)	ORDER GRANTING MOTION TO
	)	FILE AMENDED NOTICE OF CLAIM
Case No. 39576	)	AND SETTING DEADLINES
	)	
	)	SUBCASE NO.: 25-4032
_____	)	

I. PROCEDURAL BACKGROUND

A Status Conference was held on September 19, 2007. At the hearing, the United States Fish and Wildlife Service made an oral *Motion to Amend the Claim* to add points of diversion consistent with a settlement agreement reached on September 12, 2007 with O.W. Ranches, Inc. There was no 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 USDI Fish and Wildlife Service explained that after lengthy negotiations with O.W. Ranches Inc., visitations to the water right location, and discussions with IDWR, the parties determined there is a missing point of diversion. That determination was a factor in the settlement reached on September 12, 2007. There was no opposition to the *Motion*. Therefore, the *Motion to File Amended Notice of Claim* is **granted** allowing the addition of a point or points of diversions, and is subject to the United States submitting a written amended claim. Any objections filed to the *Amended Director's Report* will be limited to objections to the amended point of diversion element.

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

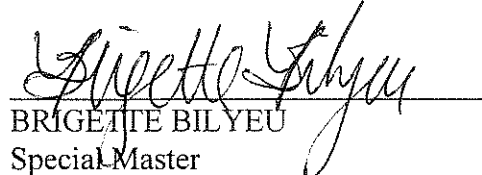
October 5, 2007 **5:00 pm** Deadline to File Amended Claim

October 19, 2007	5:00 pm	Deadline to file Amended Director's Report
November 16, 2007	5:00 pm	Deadline to file Objection
November 30, 2007	5:00 pm	Deadline to file Response to Objection
December 7, 2007	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: September 21, 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 FILE AMENDED NOTICE OF CLAIM AND SETTING DEADLINES was mailed on September 21, 2007, 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

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098