

2007 OCT 23 PM 2:01  
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, SETTING              |
| Case No. 39576 | ) | SUBCASE DEADLINES AND STATUS                  |
|                | ) | CONFERENCE                                    |
| _____          | ) | SUBCASE NOS.: 37-596, 37-21364, 37-21366, AND |
|                |   | 37-21368                                      |

I. PROCEDURAL BACKGROUND

An Initial Hearing was held on October 17, 2007. At the hearing, Black Butte Hills LLC made an oral *Motion to File Amended Notice of Claim*. The *Motion* seeks to amend the notice of claim for this water right by including additional acres.

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

Black Butte Hills LLC explained that this claim should be amended to correctly identify additional acreage. There was no opposition to the *Motion*. Therefore, the *Motion to File Amended Notice of Claim* is **granted** subject to the filing of an amended claim.

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

|                          |                |                                            |
|--------------------------|----------------|--------------------------------------------|
| <b>October 31, 2007</b>  | <b>5:00 pm</b> | Deadline to File Written Amended Claim     |
| <b>November 16, 2007</b> | <b>5:00 pm</b> | Deadline to File Amended Director's Report |
| <b>December 28, 2007</b> | <b>5:00 pm</b> | Deadline to File Objection                 |
| <b>January 28, 2008</b>  | <b>5:00 pm</b> | Deadline to File Response                  |

February 20, 2008

10:30 am

Status Conference

**Location:** Snake River Basin Adjudication  
253 3<sup>rd</sup> 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. Any questions regarding telephone participation, please contact the Clerk's office at (208) 736-3011.**

DATED: October 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 FILE AMENDED NOTICE OF CLAIM, SETTING SUBCASE DEADLINES AND STATUS CONFERENCE was mailed on October 23, 2007, with sufficient first-class postage to the following:

BLACK BUTTE HILLS LLC

Represented by:  
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SPECK & AANESTAD  
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Phone: 208-726-4421

BLACK BUTTE HILLS LLC

PO BOX 1607  
BELLEVUE, WA 98009  
Phone: 425-688-9304

DIRECTOR OF IDWR

PO BOX 83720  
BOISE, ID 83720-0098