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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 17 2008	
By _____	Clerk
_____	Deputy Clerk

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 FEDERAL RESERVED
) WATER RIGHT CLAIM AND ORDER
) SETTING EVIDENTIARY HEARING

) For Water Right Claim: 78-10625
)
)
)

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed for the above-captioned water right claim January 9, 2008. The *Motion* seeks to reduce the rate of diversion from .8 cfs to .08 cfs., change the purpose of use from irrigation to administrative, and change the place of use to the Silvers administrative site. A hearing was held on the *Motion* January 15, 2008.

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 AND CONCLUSIONS

No objections were filed to the abstract reported in the director's report. No opposition was filed to the *Motion to Amend*. Counsel indicated that following the filing of the amended claim a stipulation with the State of Idaho would also be forthcoming resolving the issues the State would otherwise be raising in conjunction with the evidentiary hearing, which were raised previously with respect to similarly situated administrative claims. Because the amendment is for

a reduction of the burden on the water supply and the State of Idaho is already participating in the proceeding, the Court finds no need to have the abstract for the amended claim reported in a director's report.

IV. ORDER

Therefore, IT IS ORDERED that the *Motion to File Amended Notice of Claim* is **granted**.

V. NOTICE OF HEARING

Pursuant to I.C. 42-1411A, an evidentiary hearing is set for **February 19, 2008, at 3:15 p.m. (MST)**, at the Snake River Basin Adjudication Courthouse 253 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted.

All affidavits in support of federal reserved water right claim should be filed in advance of hearing and no later than February 4, 2008.

DATED January 17, 2008



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND WATER RIGHT CLAIM AND ORDER SETTING EVIDENTIARY HEARING was mailed on January 17, 2008, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
USDA FOREST SERVICE
550 W FORT ST MSC 033
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ORDER

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Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.