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DEPARTMENT OF
WATER RESOURCES

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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 CLAIM AND
Case No. 39576	)	SETTING SUBCASE DEADLINES
	)	
_____	)	SUBCASE NO.: 27-10028

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by Leon Gardner on June 13, 2008. The *Motion* seeks to amend the notice of claim for this water right by describing the water right more accurately. A hearing was held on the *Motion* on July 28, 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

Mr. Gardner explained that his *Motion to Amend Claim* seeks permission to assert an earlier priority date. The earlier priority date relates to a Homestead Application which was recently discovered. Under the standard for considering motions to amend claims, it is just to allow this amendment. There was no opposition to the *Motion*. Therefore, the *Motion to File Amended Notice of Claim* is granted.

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

<u>VACATED:</u>	<u>September 10, 2008</u>	<u>9:30 am</u>	<u>Scheduling Conference</u>
September 26, 2008	5:00 pm	Deadline to file Amended Director's Report	
October 28, 2008	5:00 pm	Deadline to file Objection	
November 14, 2008	5:00 pm	Deadline to file Response	

November 21, 2008

9:30 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. Any questions regarding telephone participation, please contact the Clerk's office at (208)736-3011.

DATED: August 11, 2008.


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 CLAIM AND SETTING SUBCASE DEADLINES was mailed on August 11, 2008, with sufficient first-class postage to the following:

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