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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

Case No. 39576

) ORDER GRANTING MOTION TO
) FILE AMENDED NOTICE OF CLAIM,
) SETTING SUBCASE DEADLINES AND
) STATUS CONFERENCE

) SUBCASE NO.: 37-2611C
)
)
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I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by Collister, Inc. on May 12, 2008. A hearing was held on the *Motion* on August 6, 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

Collister, Inc. explained that it needs to amend the claim to more accurately describe this right. This right was a split from a root right which was split multiple times. It was not until recently that Collister, Inc. realized that the split parts did not add up to the total for the original right.

A meritorious position was alleged by Collister, Inc. based on the discovery that the split parts do not add up to the total for the original right. Thus, Collister, Inc. seeks to file an amended claim. No parties to the SRBA opposed the *Motion*, and there is no showing prejudice would result from allowing the 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:

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

January 21, 2009

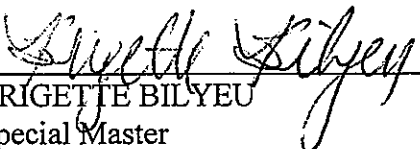
10:30 am

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 12, 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 NOTICE OF CLAIM, SETTING SUBCASE DEADLINES AND STATUS CONFERENCE was mailed on August 12, 2008, with sufficient first-class postage to the following:

COLLISTER INC

Represented by:

MICHAEL P LAWRENCE

PO BOX 2720

BOISE, ID 83701

Phone: 208-388-1200

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098