

AUG 29 2008

DEPARTMENT OF
WATER RESOURCES 28 AUG 28 PM 1:11

ELIMINATED-SECRET-SREA
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 CLAIM AND SETTING SUBCASE DEADLINES

SUBCASE NO.: 22-7617

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by City of Rexburg on June 15, 2007. The *Motion* seeks to amend the notice of claims for these water rights by seeking to correct the priority date. A hearing was held on the *Motion* on August 19, 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

Counsel for the claimant explained that the claimant recently discovered additional information including contracts and drilling logs. The new evidence suggests an earlier priority date which needs to be reflected in an amended claim. 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 Submit Amended Claim
October 24, 2008	5:00 pm	Deadline to file Amended Director's Report
December 1, 2008	5:00 pm	Deadline to file Objection
December 22, 2008	5:00 pm	Deadline to file Response

January 14, 2009

1:30 pm

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 28, 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 28, 2008, with sufficient first-class postage to the following:

CITY OF REXBURG

Represented by:

RAY W. RIGBY

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REXBURG, ID 83440-0250

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DIRECTOR OF IDWR

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