

SEP 10 2008

DEPARTMENT OF
WATER RESOURCES

2008 SEP -9 PM 4:31

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.: 21-12985

I. PROCEDURAL BACKGROUND

A Status Conference was held on September 3, 2008. At the hearing, Robert and Donna Fuchs made an oral *Motion to Amend Claim* for water right 37-12985. The oral *Motion* seeks to amend the priority date for this claim.

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

The claimants explained that they seek to amend their claim to more accurately describe this water right. The amended claim would primarily seek a change to the priority date.

There was no opposition to the *Motion*. Therefore, the oral *Motion to File Amended Notice of Claim* is **granted** subject to the filing of a written amended claim.

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

December 31, 2008

5:00 pm

Deadline to File Amended Director's Report

January 28, 2009	5:00 pm	Deadline to File Objection
February 13, 2009	5:00 pm	Deadline to File Response
March 4, 2009	2:00 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: September 9, 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 September 09, 2008, with sufficient first-class postage to the following:

DONNA T FUCHS
ROBERT E FUCHS
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

DONNA T FUCHS
Represented by:
SCOTT J SMITH
201 E CENTER
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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