

2008 SEP 25 PM 2: 42

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.: 37-4410
)
)
)
)

I. PROCEDURAL BACKGROUND

An Initial Hearing was held on September 18, 2008. At the hearing, Daniel T. Henry made an oral *Motion to Amend the Claim*. There was no opposition to the *Motion*.

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. Henry explained that the claim needs to be amended to more accurately describe this water right. An earlier priority will be claimed based on new information relating to a federal patent.

No parties to the SRBA opposed the *Motion*, and there is no showing prejudice would result from allowing the amended claim. Therefore, the *Motion to File Amended Notice of Claim* is granted.

IT IS ORDERED that the following deadlines shall govern further proceedings

September 30, 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

April 1, 2009

11:00 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: September 25, 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 AND SETTING SUBCASE DEADLINES AND STATUS CONFERENCE was mailed on September 25, 2008, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DANIEL T HENRY
PO BOX 2088
HAILEY, ID 83333

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