

RECEIVED

OCT 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 OCT 24 PM 12:05

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 NOS.: 37-212A, 37-2621,
) 37-4337, AND 37-20381
)

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed for water rights 37-212A and 37-20381 by Helios Development LLC (hereafter "Helios") on November 15, 2007. A hearing was held on the *Motion* on October 16, 2008. At the hearing, Helios made an oral *Motion to File Amended Notice of Claim* for 37-2621.

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

Helios explained that it needs to amend the claim to more accurately describe these water rights. Aerial photography of the place of use indicates that Helios could have irrigated acreage of 36.2 acres. Originally Helios claimed fewer acres. No parties to the SRBA opposed the *Motion*, and there is no showing prejudice would result from allowing the amended claims. There was no opposition to the *Motion*. Therefore, the *Motion to File Amended Notice of Claims* is **granted** for water rights 37-212A and 20381. The oral *Motion to File Amended Notice of Claim* is **granted** for water right 37-2621 upon filing of the *Amended Claim*.

ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM,
SETTING SUBCASE DEADLINES AND STATUS CONFERENCE
G:/BASIN FOLDERS/37ORDERS/212A.etal.MOTNGRANT AMENDCLAIM.SET DLINES
10/23/08

IT IS ORDERED that the following deadlines shall govern further proceedings for 37-212A, 37-2621, and 37-20381:

January 30, 2009	5:00 pm	Deadline for claimants to provide information to IDWR
February 27, 2009	5:00 pm	Deadline to File Amended Director's Report
March 27, 2009	5:00 pm	Deadline to File Objection
April 17, 2009	5:00 pm	Deadline to File Response

IT IS FURTHER ORDERED that the following deadline shall govern further proceedings for 37-212A, 37-2621, 37-4337, and 37-20381:

May 6, 2009	2:00 pm	Status Conference Location: Snake River Basin Adjudication 253 3 rd 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: October 24, 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 October 24, 2008, with sufficient first-class postage to the following:

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
TOM O GARA

Represented by:
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BIG WOOD CANAL COMPANY

Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330
Phone: 208-934-4429

HELIOS DEVELOPMENT LLC

Represented by:
EDWARD A LAWSON
LAWSON & LASKI PLLC
675 SUN VALLEY RD STE A
PO BOX 3310
KETCHUM, ID 83340
Phone: 208-725-0055

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