

2008 NOV -6 PM 2: 26
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) Subcases 75-69B, et al.
) (see list of 20 subcases attached)
Case No. 39576) (Burns, et al.)
)
) ORDER GRANTING MOTION
) TO AMEND OBJECTIONS

Objectors Albert and Alvera Folls, Charles and Mary Harling, A.C. and Luella Pilkerton, Lloyd and Sheryl Tutor, Marci Dixon and Tracy Marcia ("Carmen Creek Users") filed a *Motion to Amend Objections* in the above 21 subcases on September 18, 2008. They alleged they were entitled to amend their *Objections* "once as a matter of course" pursuant to Idaho Rules of Civil Procedure, Rule 15(a), because the claimants have not yet filed responses to the *Objections*.

A hearing on the *Motion* was held by telephone on November 6, 2008. Ray W. Rigby appeared for the claimants, along with claimant John E. Burns; Travis L. Thompson appeared for the Carmen Creek Users, along with objector Albert C. Fols; David W. Gehlert appeared for the United States of America, Department of Interior, Bureau of Land Management, along with Fredric W. Price; and Garrick L. Baxter appeared for IDWR.

During the hearing, it was discovered that a *Standard Form 5* was filed in subcase 75-10061Q on September 11, 2008, and the Carmen Creek Users were not parties. Nevertheless, counsel for the Carmen Creek Users intends to file a motion for late objection because the claim overlaps the other 20 subcases.

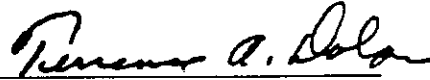
Conclusions of Law

The Carmen Creek Users have shown good cause to amend their *Objections* under I.R.C.P. 15(a) in above subcases, except 75-10061Q.

Order

THEREFORE, IT IS ORDERED that the *Motion* is **granted** in the above subcases, except 75-10061Q.

DATED November 6, 2008.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath.

TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

ATTACHMENT A

Subcase Nos:

75-00069B
75-00069P
75-00070B
75-00070P
75-00070S
75-10061A
75-10061AE
75-10061B
75-10061R
75-10061Y
75-10061Z
75-10062A
75-10062AB
75-10062AC
75-10062C
75-10062P
75-10062W
75-10062X
75-14441
75-14443

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND OBJECTIONS was mailed on November 06, 2008, with sufficient first-class postage to the following:

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