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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 24 2008	
By _____	Clerk Deputy Clerk

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	)	ORDER GRANTING MOTION TO
	)	FILE AMENDED CLAIM AND
Case No. 39576	)	SETTING SUBCASE DEADLINES
	)	
_____	)	SUBCASE NOS.: 27-10028 and 27-12013

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed for water right 27-10028 by Leon Gardner on October 9, 2008. The *Motion* seeks to amend the notice of claim for this water right by describing the water right more accurately. A hearing was held on the *Motion* on November 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

Mr. Gardner explained that his *Motion to Amend Claim* seeks permission to assert an earlier priority date. An earlier priority date of 1901 is sought based on information from a "Notice of Water Right" document which was recently discovered. Under the standard for considering motions to amend claims, it is just to allow this amendment. There was no opposition to the *Motion*. Therefore, the *Motion to File Amended Notice of Claim* is **granted** for water right 27-10028.

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 20, 2009	5:00 pm	Deadline to file Response

The court notes that the *Objections* to quantity filed previously by the United States and by the Shoshone-Bannock Tribes are preserved as is the *Response* by the State of Idaho. If Mr. Gardner or other parties object to the *Amended Director's Report*, they will need to re-file those objections after the *Amended Director's Report* is issued.

The following deadline shall govern further proceedings for water rights 27-10028 and 27-12013:

March 6, 2009

9:30 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: November 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 CLAIM AND SETTING DEADLINES was mailed on November 24, 2008, with sufficient first-class postage to the following:

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