

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 12 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**

Case No. 39576

ORDER GRANTING MOTION TO FILE AMENDED CLAIM AND SETTING SUBCASE DEADLINES

SUBCASE NO.: 21-141

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by Conant Creek Canal Company on November 25, 2008. The *Motion* seeks to amend the notice of claim for this water right by claiming an earlier priority date. A hearing was held on December 10, 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

The claimant, Conant Creek Canal Company, explained that this claim relates to its claim under Subcase No. 21-11088. Conant Creek Canal Company seeks a water right with an 1896 priority. The claimant originally claimed this right with a 1901 priority which is consistent with the date decreed in the *Rexburg Decree*. Claimant seeks the earlier priority based on its understanding of the development of this right.

There was no opposition to the *Motion*. Therefore, the *Motion to File Amended Notice of Claim* is **granted**. IT IS ORDERED that the following deadlines shall govern further proceedings:

February 27, 2009	5:00 pm	Deadline to file Amended Director's Report
March 20, 2009	5:00 pm	Deadline to file Objection
March 27, 2009	5:00 pm	Deadline to file Response

April 1, 2009

4:00 pm

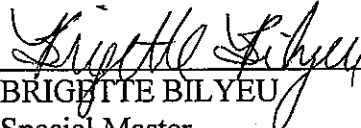
Status Conference

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. If you have any questions regarding telephone participation, please contact the Clerk's office at (208) 736-3011.

The Court notes that the *Objections* and *Responses* to this water right previously filed by the parties shall be considered ongoing and **Do Not Need To Be Re-Filed**. However, if a party disputes the *Amended Director's Report* as to priority an *Objection* **MUST BE** filed by the March 20, 2009 deadline.

DATED: December 11, 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 SUBCASE DEADLINES was mailed on December 12, 2008, with sufficient first-class postage to the following:

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