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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 11 2009	
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) Subcases 75-13716, 75-13717 and 75-13718
Case No. 39576) (Sopatyk
)
) ORDER GRANTING MOTIONS and
) AMENDED TRIAL SCHEDULE ORDER

Director's Report

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended the above three claims to Brian Sopatyk, 913 S. Latah, Boise, Idaho, 83705, for .04 cfs from Dahlenega Creek, .04 cfs from groundwater and 1.72 cfs from Anderson Creek / Dahlenega Creek for year-round domestic and stockwater uses in Lemhi County with priority dates of April 24, 1897, January 1, 1930, and April 24, 1897, all based on beneficial use.

Objections

Timely *Objections* were filed by Cathleen R. Bigelow, Wayne and Julia Randolph, Ira D. Taylor, Jordan J. Stover, Toby A. Friedman, Wanda S. Usher, Bob Rowe, Kim E. Hammitt, Maurice Usher and Janet Bloemeke in subcases 75-13716 and 75-13718 between September 18 and October 17, 2007.

Doug and Brenda Gupton lodged a late *Objection* to the three claims on November 19, 2007. Lorna L. Anderson lodged her late *Objection* to the three claims on September 26, 2008.

Motion to Amend Claims

Mr. Sopatyk filed a *Motion to File Amended Notice of Claim* in subcase 75-13716 on December 30, 2008, to add .02 cfs to irrigate one acre between March 1 and October

31. The same date. Mr. Sopatyk filed a second *Motion to File Amended Notice of Claim* in subcase 75-13718 to add .13 cfs for year-'round domestic use, "15 residences."

Hearing

A hearing on the Guptons', Ms. Anderson's and Mr. Sopatyk's *Motions* was held by telephone on February 5, 2009. Mr. Sopatyk appeared *pro se*; Gregory W. Moeller appeared for most of the objectors, plus Earl and Sue Ann Keating; and Chris M. Bromley appeared for IDWR along with Monica Van Bussum and Suzy Cooley-Denney. In order to fairly and fully structure the claims and objections, good cause appeared for granting the *Motions*.

THEREFORE, IT IS ORDERED that:

1. The Guptons' and Ms. Anderson's motions to file late *Objections* in subcases 75-13716, 75-13717 and 75-13718 are **granted**;
2. Mr. Sopatyk's *Motions to File Amended Notices of Claims* in subcases 75-13716 and 75-13718 are **granted**; and
3. The following amended schedule shall govern the conduct of proceedings through trial in the above three subcases:

February 27, 2009

Director's reports on Mr. Sopatyk's amended claims due.

March 31, 2009

Objections to director's reports due.

April 7, 2009

Responses to objections due.

April 14, 2009

706 reports from IDWR due.

April 30, 2009

Discovery cut-off; discovery shall be complete.

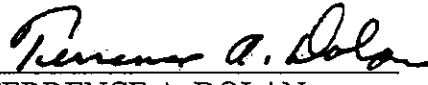
Friday, May 1, 2009, 9:00 a.m.

Mandatory settlement conference:
Settlement Moderator: Brigitte Bilyeu
Brooklyn Annex
200 Fulton
Salmon, Idaho.

Thursday, July 9, 2009, 10:00 a.m. Pretrial conference by telephone:
Conference no.: 1-225-383-1099
Participant code: 654400.

Tuesday, July 14, 2009, 9:00 a.m. Trial:
Brooklyn Annex
200 Fulton
Salmon, Idaho.

DATED February 11, 2009.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTIONS AND AMENDED TRIAL SCHEDULE ORDER was mailed on February 11, 2009, with sufficient first-class postage to the following:

BOB ROWE
CATHLEEN R BIGELOW
DOUG & BRENDA GUPTON
IRA D TAYLOR
JANET BLOEMEKE
JORDAN J STOVER
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JULIA RANDOPH
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