

DEPARTMENT OF
WATER RESOURCES

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

APR 28 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

Case No. 39576

**ORDER GRANTING MOTION
TO AMEND CLAIM, SETTING
DEADLINES AND STATUS
CONFERENCE**

SUBCASE NO.: 21-4140

I. PROCEDURAL BACKGROUND

A Motion to Set Aside SF5 and Special Master's Report and Motion to File Amended Notice of Claim was filed by Eagle Ridge Ranch, LLC on November 13, 2008. An ***Order of Recommitment to Special Master Brigitte Bilyeu*** was filed on December 22, 2008. A hearing was held on the *Motion* on April 8, 2009. There was no opposition to the *Motion*.

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

This water right was claimed as a statutory claim. The claim was for water in an artificial lake or pond known as “Blue Lake.” The claim included a volumetric estimate of the storage in the pond of 75 acre feet. The *Special Master’s Report and Recommendation* listed the volume for recreation storage as 75 acre feet. The claimant discovered that its volume calculations were incorrect after the time that *Motions to Alter or Amend* would ordinarily be due. IDWR provided the claimants with information showing that the total volume which can be stored in a pond known as “Blue Lake” is greater than the amount originally calculated by the claimant. An accurate volume is critical to the determination of volume for this right and to the volume of a new permit for additional storage based

on the increased height of the dam after 1994. No parties to the SRBA opposed the *Motion*, and there is no showing prejudice would result from allowing the amended claim. Therefore, the *Motion to File Amended Notice of Claim* is **granted**.

IT IS ORDERED that the following deadlines shall govern further proceedings:

May 29, 2009	5:00 pm	Deadline to File Amended Director's Report
June 26, 2009	5:00 pm	Deadline to File Objection
July 24, 2009	5:00 pm	Deadline to File Response
September 9, 2009	3:00 pm	Status Conference

Location: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

Parties may participate by telephone 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: April 28, 2009.


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 AMEND CLAIM, SETTING DEADLINES AND STATUS CONFERENCE was mailed on April 28, 2009, with sufficient first-class postage to the following:

EAGLE RIDGE RANCH LLC

Represented by:

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