

DEPARTMENT OF
WATER RESOURCES

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

JUN 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

Case No. 39576

**ORDER GRANTING MOTION
TO FILE AMENDED CLAIM AND
SETTING DEADLINES AND STATUS
CONFERENCE**

SUBCASE NO. 34-368

The SRBA District Court issued a *Partial Decree* for water right 34-368 on April 14, 1998. On August 6, 2008, the court received a *Motion to File Amended Notice of Claim* from Dennis K. Moss. The court treated the *Motion to File Amended Notice of Claim* also as a *Motion to Set Aside Partial Decree*. Hearings were held on the *Motions* on February 4, 2009 and June 10, 2009.

At the hearing, the court determined the following:

- 1.) No parties to the SRBA objected to the *Motion*.
- 2.) IDWR explained that water right 34-368 was recommended in the *Director's Report* and *Partially Decreed* in 1998. However, IDWR and Mr. Moss recently learned that the predecessor claimant, Brent Morgan, submitted an *Amended Claim* in June 1992 which was never processed. Apparently the *Amended Claim* was sent back to Mr. Morgan, and the *Director's Report* for Basin 34 was filed June 18, 1992. Both IDWR and the Court have since adopted procedures for processing such *Amended Claims*.
- 3.) There was no finding of specific prejudice to other parties.

Therefore, the *Motion to File Amended Notice of Claim* is **granted**. It should be noted that the *Motion to Set Aside Partial Decree* will be resolved after the *Amended Claim* procedure is complete.

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

On or Before		
June 30, 2009	5:00 pm	Claimant to meet with IDWR
August 31, 2009	5:00 pm	Deadline to file Amended Director's Report
September 30, 2009	5:00 pm	Deadline to file Objection
October 16, 2009	5:00 pm	Deadline to file Response
December 16, 2009	3:00 pm	Status Conference
		Location: Snake River Basin Adjudication 253 Third 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: June 11, 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 FILE AMENDED CLAIM AND SETTING DEADLINES AND STATUS CONFERENCE was mailed on June 11, 2009, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DENNIS K MOSS
DENNIS MOSS
3286 N 3350 W
MOORE, ID 83255
Phone: 208-554-4140


Deputy Clerk