

**DEPARTMENT OF
WATER RESOURCES**

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

OCT 20 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 AND SETTING SUBCASE DEADLINES

SUBCASE NO.: 37-212A

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by claimant Helios Development LLC (hereafter “Helios”) on October 15, 2009. The claimant represented that all parties have been contacted and that there is no opposition to the *Motion*. Therefore, Helios requested no hearing.

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

Helios explained that it needs to amend the claim to more accurately describe this water right. Additional points of diversion need to be identified. No parties to the SRBA opposed the *Motion*. Therefore, the *Motion to File Amended Notice of Claim* is **granted**.

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

October 30, 2009 **5:00 pm** **Deadline to File Amended Director's Report**

November 30, 2009 5:00 pm Deadline to File Objection

December 18, 2009 **5:00 pm** **Deadline to File Response**

March 3, 2010

2:00 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: October 20, 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 AND SETTING SUBCASE DEADLINES was mailed on October 20, 2009, with sufficient first-class postage to the following:

PEPIN CORSO-HARRIS

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

BILL MOLYNEUX

GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PETE VAN DER MEULEN
TOM O GARA

Represented by:
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BIG WOOD CANAL COMPANY

Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330
Phone: 208-934-4429

HELIOS DEVELOPMENT LLC

Represented by:
EDWARD A LAWSON
LAWSON LASKI CLARK POGUE PLLC
675 SUN VALLEY RD STE A
PO BOX 3310
KETCHUM, ID 83340
Phone: 208-725-0055

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724