

DEPARTMENT OF
WATER RESOURCES

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

JAN 12 2010

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	)	ORDER GRANTING MOTION TO
	)	FILE AMENDED CLAIM AND
Case No. 39576	)	SETTING SUBCASE DEADLINES
	)	
	)	SUBCASE NOS.: 22-13732, 22-13733,
	)	22-13734

I. PROCEDURAL BACKGROUND

Motions to File Second Amended Notice of Claims were filed by Neil L. Kunz and Ryan Kunz for 22-13733 and 22-13734. A hearing was held on the *Motions* on December 23, 2009.

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

Neil and Ryan Kunz failed to attend the hearing. However, IDWR explained that an *Amended Notice of Claim* was originally filed, and IDWR mailed an *Amended Directors' Report* on about October 26, 2009. In the meantime, IDWR determined that further corrections were needed for these water rights, and notified the court. (See letter dated November 20, 2009) Therefore, the *Amended Directors' Report* was returned to IDWR. Subsequently, Neil and Ryan Kunz filed *Second Amended Claims* to make the necessary corrections. There was no opposition to the *Motions*. Therefore, the *Motions to File Second Amended Notice of Claims* are **granted** for 22-13733 and 22-13734. If 22-13732 also needs to be amended, a written amended claim will need to be submitted prior to January 22, 2010.

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

February 26, 2010	5:00 pm	Deadline to file Amended Director's Report
March 26, 2010	5:00 pm	Deadline to file Objection
April 16, 2010	5:00 pm	Deadline to file Response

June 23, 2010

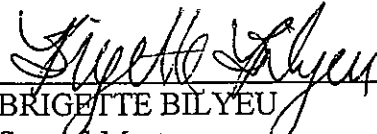
3:30 pm

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: January 12, 2010.



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 January 12, 2010, with sufficient first-class postage to the following:

MERLE G KUNZ
C/O LARRY KUNZ
721 S 450 W
VICTOR, ID 83455

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

RYAN KUNZ
RYAN M KUNZ
616 S 100 W
VICTOR, ID 83455

LANA KUNZ
NEIL & LANA KUNZ
NEIL KUNZ
625 E 2ND N
ST ANTHONY, ID 83445