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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 22 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	)	Subcase 74-15861
	)	(Riggan)
Case No. 39576	)	
_____	)	ORDER GRANTING MOTION TO AMEND
	)	CLAIM AND SETTING DATES

On January 12, 2009, former SRBA Presiding Judge John M. Melanson entered an *Order Conditionally Granting Motion to File Late Notice of Claim; Order Requiring Filing of Amended Claim; Order Requesting Amended Director's Report if Amended Claim is Filed* in subcases 74-15015 and 74-15861. On January 30, 2009, claimant James E. Riggan filed a *Motion to File Amended Notice of Claim* in subcase 74-15861 claiming a priority date of May 20, 1971.

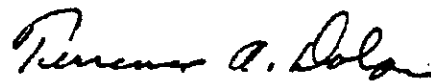
On February 2, 2009, Judge Melanson entered an *Order Granting Motion to File Amended Notice of Claim; Order Requiring IDWR to File Director's Report; Order Requiring IDWR to File Amended Director's Report* in both subcases. IDWR filed its *Director's Report for Late Claims* on June 10, 2009, recommending 74-15861 be disallowed: "No lawful appropriation shown", and on June 17, 2009, Mr. Riggan filed his *Objection*.

An initial hearing in subcase 74-15861 was held by telephone on January 21, 2010. Jerry R. Rigby appeared for Mr. Riggan; David L. Negri appeared for the United States of America, Department of Interior, Bureau of Land Management; and Chris M. Bromley appeared for IDWR, along with Craig Saxton and Vicki Kelly. At the hearing, Mr. Rigby moved to amend the claimed priority date from May 20, 1971, to May 19, 1971, because of a concern about the effective date of Idaho's mandatory surface water permit statute. No one opposed the motion.

THEREFORE, IT IS ORDERED that:

1. Mr. Riggan's motion to amend his claimed priority date is **granted**;
2. IDWR shall file a Director's report concerning the amended claim no later than **Friday, February 26, 2010**;
3. Objections to the Director's recommendation shall be filed with the SRBA Court no later than **Monday, March 29, 2010**;
4. Responses to objections, if any, shall be filed no later than **Thursday, April 15, 2010**;
and
5. A status conference shall be held on **Thursday, May 6, 2010, 10:30 a.m.** The parties may participate by telephone by dialing 1-225-383-1099 and when prompted, entering participant code 654400.

DATED January 22, 2010.



TERRENCE A. DOLAN
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 DATES was mailed on January 22, 2010, with sufficient first-class postage to the following:

JAMES E RIGGAN

Represented by:

JERRY R. RIGBY

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UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

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DIRECTOR OF IDWR

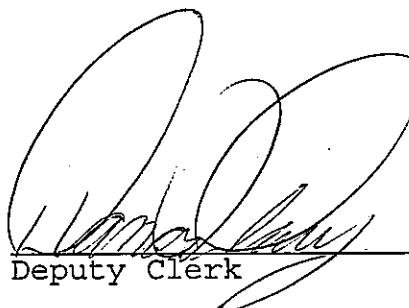
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ORDER

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