

DEPARTMENT OF
WATER RESOURCES

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

MAY - 7 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

Case No. 39576

ORDER GRANTING MOTION TO AMEND CLAIM AND SETTING SUBCASE DEADLINES

SUBCASE NOS.: 37-1162 and 37-14273

I. PROCEDURAL BACKGROUND

Motions to File Amended Notice of Claim were filed by Fish Creek Reservoir Co., Inc. on March 23, 2010. A hearing was held on May 5, 2010. There was no opposition to the *Motions*.

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

Fish Creek Reservoir Co., Inc. explained that it needs to amend these claims to more accurately describe these water rights. The *Motion* explained that 200 acres of the historic place of use were inadvertently omitted. The 200 acres are consistent with a 1987 photograph of the place of use and the personal knowledge of the president of Fish Creek Reservoir Co. No parties to the SRBA opposed the *Motions*. Therefore, the *Motions to File Amended Notice of Claim* are **granted**.

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

May 28, 2010

5:00 pm

Deadline to File Amended Director's Report

June 25, 2010	5:00 pm	Deadline to File Objection
July 23, 2010	5:00 pm	Deadline to File Response
August 25, 2010	2:00 pm	<u>Status Conference</u> Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301

Parties may participate by telephone for the Status Conference by dialing 1-215-446-0193 and when prompted enter participant code 926509. Any questions regarding telephone participation, please contact the Clerk's office at (208) 736-3011.

DATED: May 7, 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 AMEND CLAIM AND SETTING SUBCASE DEADLINES was mailed on May 07, 2010, with sufficient first-class postage to the following:

FISH CREEK RESERVOIR CO INC

Represented by:

ROBERT E WILLIAMS

FREDERICKSEN WILLIAMS ET AL

PO BOX 168

JEROME, ID 83338

Phone: 208-324-2303

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098