

DEPARTMENT OF
WATER RESOURCES

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

JUL - 8 2011

By _____ Clerk
_____ Deputy Clerk

DISTRICT OF THE

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 SUBCASE DEADLINES

SUBCASE NOS.: 37-21357 and 37-1224A

I. PROCEDURAL BACKGROUND

A Motion to File Amended Notice of Claim was filed by Walter and Marianne Hofstetter on June 6, 2011. A hearing was held on June 29, 2011.

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

At the hearing, Walter and Marianne Hofstetter explained that the claim needs to be amended to more accurately describe these water rights. Subcase 37-21357 is numbered separately from 37-1224A, however, the Hofstetters and IDWR concur that 37-21357 is an amended claim derived from 37-1224A. This right (37-21357) amends the claim to document the instream stockwater uses. In addition, the amendment seeks an earlier priority date. 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

July 28, 2011 **5:00 pm** **Deadline to File Amended Director's Report**

August 26, 2011 5:00 pm Deadline to File Objection

September 16, 2011 **5:00 pm** **Deadline to File Response**

September 21, 2011

10:00 am

Status Conference

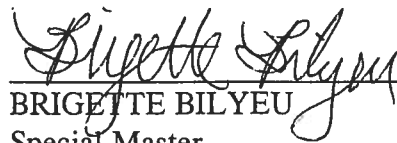
Location: Snake River Basin Adjudication

253 3rd Ave. North

Twin Falls, Idaho 83301

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

DATED: July 8, 2011.



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 July 08, 2011, with sufficient first-class postage
to the following:

MARIANNE HOFSTETTER
WALTER J HOFSTETTER

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