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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 21 2011
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.: 37-1201A and 37-11850
_____	)	

I. PROCEDURAL BACKGROUND

A Status Conference was held on October 12, 2011. At the hearing, Carlita F. Severe-McGiver made an oral *Motion to Set Aside Partial Decree* and a *Motion to File Amended Claim*. Dean and Julie Beaudet previously indicated through counsel that they wished to make an oral *Motion to File Amended Claim*. There was no opposition.

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)

The Special Master notes that Carlita F. Severe-McGiver made an oral *Motion to Set Aside Partial Decree* for 37-11850. The Beaudets also indicated they seek a *Motion to Set Aside the Special Master's Report and Recommendation*. The Special Master is prepared to rule on those *Motions*, however, the SRBA District Court prefers to have one *Special Master's Report and Recommendation* at the conclusion of these proceedings that includes a recommendation for the elements of each water right. The Special Master presumes without deciding, that sufficient grounds exist to support setting aside the *Special Master's Report* and the *Partial Decree* under I.R.C.P. 60(a) or I.R.C.P. 60(b). A full decision on that question shall issue after the amended claim has been considered.

III. FINDINGS

SRBA claimants Al and Sally Shoemaker and Harry Rinker, together with Carlita F. Severe-McGiver and Dean and Julie Beaudet are water users on Seamans Creek in Basin 37. Ms. Severe-McGiver and the Beaudets claimed water rights with priority dates of 1909. Subsequently, the Shoemakers and Rinkers discovered earlier decrees that show the users on Seamans Creek may be entitled to an earlier priority. IDWR hopes to keep the parties on Seamans Creek on equal footing. Therefore, Ms. Severe-McGiver and the Beaudets seek to *Set Aside the Partial Decree* and *Special Master's Report and Recommendation* to claim the earlier date.

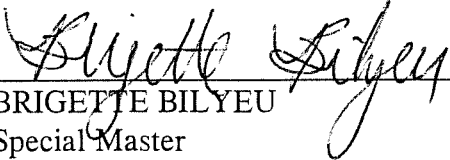
No parties to the SRBA opposed the *Motion*, and there is no showing prejudice would result from allowing the amended claim. Therefore, the *Motion to File Amended Notice of Claim* is **granted** subject to a written amended claim being filed.

IT IS ORDERED that the following deadlines shall govern further proceedings

October 27, 2011	5:00 pm	Deadline to File Written Amended Claim
November 28, 2011	5:00 pm	Deadline to File Amended Director's Report
December 16, 2011	5:00 pm	Deadline to File Objection
January 13, 2012	5:00 pm	Deadline to File Response
January 11, 2012	10:00 am	<u>Status Conference</u> 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: October 21, 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 October 21, 2011, with sufficient first-class postage to the following:

DEAN AND JULIE BEAUDET
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