

RECEIVED
DEC 30 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 29 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 DENYING MOTION TO FILE
	)	AMENDED CLAIM AND SETTING
Case No. 39576	)	HEARING
	)	
_____	)	SUBCASE NO.: 22-13853

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by the Michael Reid on October 24, 2011. A hearing was held on the *Motion* on December 21, 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 (AO1)* § 4d (2) (k)

III. FINDINGS

The movant, Michael Reid, is not the claimant of this water right. However, at the hearing on December 21, 2011, both Michael Reid and claimant Rex Miller appeared. Mr. Miller indicated that he wished to join in the *Motion to Amend Claim* for this water right. At the hearing, the Court noted that the *Motion to Amend Claim* filed by Michael Reid did not include a *Standard Form 4* as required by the *AO1 Rules*. In addition, there was no attached *Amended Notice of Claim* for the court to evaluate. Consequently, the Court spent some time inquiring about the elements which Mr. Reid and Mr. Miller sought to amend. Although Mr. Miller indicated that he requested to increase the acreage to 30 acres, he did not know the quantity or diversion rate for the amendment.

SRBA Administrative Order 1 (AO1) Rule 4d (2) k establishes that motions to amend
ORDER DENYING MOTION TO FILE AMENDED CLAIM
AND SETTING HEARING
S:/BASIN FOLDERS/22ORDERS/13853.MOTNGRANT.AMENDCLAIM.SETHEARING
12/27/11

claims shall be granted when justice so requires. There was no showing that justice requires the Court to grant the amendment because the claimant does not know the quantity he is requesting. The other movant, Mr. Reid did not provide sufficient grounds for the court to grant the *Motion* since his stated increase for the diversion rate was explained only because of a settlement he hopes to complete relating to this water right.

Consequently, the Court must **deny** the *Motion to Amend Claim* because there was an insufficient showing that justice requires an amendment which has not yet articulated the requested changes to the elements. Therefore, the *Motion to File Amended Notice of Claim* is **denied without prejudice**.

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

February 22, 2012	10:30 am	<u>Status Conference/Motion to Amend Claim</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: December 29, 2011.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO FILE AMENDED CLAIM AND SETTING HEARING was mailed on December 29, 2011, with sufficient first-class postage to the following:

CC: CEDRON IRRIGATION LLC
CC: MAHOGANY RANCH HOLDINGS
CC: SHIVER, AL
CC: TETON RAINBOW RANCHES INC
CC: TREES, INC

Represented by:
THOMAS J BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

CHESTER H MILLER
PO BOX 532
DRIGGS, ID 83422

REX H MILLER
PO BOX 55
FILER, ID 83328

MICHAEL REID
PO BOX 801
VICTOR, ID 83455
Phone: 208-354-8024

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