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JUN 16 2014

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN 13 2014	
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

Case No. 39576

) ORDER GRANTING MOTION TO
) FILE AMENDED CLAIM, SETTING
) DEADLINES, SETTLEMENT
) CONFERENCE, AND TRIAL DATE

) SUBCASE NO.: 31-12314

I. PROCEDURAL BACKGROUND

Claimant Paul Gunderson filed a *Motion to Amend Claim*. A hearing was held on the *Motion* on June 11, 2014. Respondent Carl and Gladys Lundholm Estate opposed the *Motion*.

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 (AOI)* § 4d (2) (k)

III. FINDINGS

Paul Gunderson explained that the amendment would change the basis of the claim from one based on beneficial use to one based on an enlargement under I.C. § 42-1426. Respondents argued that the person claiming an enlargement should own the property on which the enlargement is based. The issue of whether the base property and the enlargement must be owned by the same person was not briefed. The SRBA has previously recognized water rights where the landowner was not the same as the water right owner. Therefore, under the standards of *AOI* § 4d (2) (k), the amended claim is allowed.

The Court notes that the *Motion* attached (2) amended claims for this right. Mr. Rigby clarified that Mr. Gunderson wants to proceed with the broader claim which includes 3 wells.

There is no showing that prejudice would result from allowing the amended claim.

Therefore, the *Motion to File Amended Notice of Claim* is **granted**.

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

<u>VACATED</u>	<u>June 19, 2014</u>	<u>Trial – 1 day</u>
June 20, 2014	5:00 pm	Deadline to File Amended Director's Report
June 27, 2014	11:00 am	<u>Mandatory Settlement Conference</u>
July 14, 2014	5:00 pm	Deadline to File Objection
July 21, 2014	5:00 pm	Deadline to File Response
July 23, 2014	10:00 am	<u>Pretrial Conference</u> Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301
July 25, 2014	5:00 pm	<u>Exchange Witness/Exhibit Lists.</u> <u>Trial Brief Deadline.</u>
August 4, 2014	1:30 pm	<u>Trial (1.5 Days)</u>
August 5, 2014	9:30 am	Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301

DATED: June 13, 2014.


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, SETTING DEADLINES, SETTLEMENT CONFERENCE AND TRIAL DATE was mailed on June 13, 2014, with sufficient first-class postage to the following:

GUNDERSON, PAUL

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