

2004 MAR -3 PM 4: 27
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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 NOTICE OF CLAIM
Case No. 39576	)	AND SETTING SUBCASE DEADLINES
	)	
	)	SUBCASE NOS. 29-04109

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by John Hart on September 5, 2003. The *Motion* seeks to amend the notice of claim for this water right by adding the legal descriptions for lot 7. A hearing was held on the *Motion* on February 27, 2004.

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

Mr. Hart explained at the hearing that he was unaware at the time he filed the claim that an additional lot (lot 7) purchased in the 1940s was not included in the place of use. Mr. Hart seeks to amend the claim to correct the legal description and to increase total acreage to 46.9 acres and quantity to .94 cfs. There was no opposition to the *Motion*. Therefore, the *Motion to File Amended Notice of Claim* is **granted**.

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

March 26, 2004 5:00 pm Deadline to file Amended Director's Report

April 16, 2004 5:00 pm Deadline to file Objection

April 23, 2004 5:00 pm Deadline to file Response to Objection

DATED March 3, 2004.


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 NOTICE OF CLAIM AND SETTING SUBCASE DEADLINES was mailed on March 03, 2004, with sufficient first-class postage to the following:

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