

**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. 29-11277
	)	

A *Motion to File Amended Notice of Claim* was filed by Portneuf Irrigating Company on January 7, 2004. The *Motion* seeks to amend the notice of claim for this water right by correcting the name of claimant to Portneuf Irrigating Company, changing priority from 1889 to a later date in 1932, expanding season of use to 4/01 to 10/31 for irrigation, expanding season of use to 4/01 to 12/31 for stockwater, increasing quantity from .33 cfs to 10 cfs for stockwater, and correcting total acreage to 3,420.7 acres. 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

Portneuf Irrigating Company asserts it has historically used water during the expanded irrigation period, that it has used the greater quantity it now claims, and that there was an error in totaling the acreage that should be corrected.

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

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:

LAVA IRRIGATION CO LIMITED

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Represented by:
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MARSH VALLEY DEVELOPMENT INC
PORTNEUF IRRIGATING COMPANY

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