

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

MAR 31 2004

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 DISMISSING RESPONSE IN
	)	29-13553 AND ORDER GRANTING
Case No. 39576	)	MOTION TO FILE RESPONSE IN
	)	29-13535
	)	SUBCASE NOS.: 29-13535 AND 29-13553

A *Response* was filed in water right 29-13553 by Jason and Amber Hall. However, 29-13553 is an uncontested overlapping water right to contested water right 29-13535. The court set a hearing on March 31, 2004 to determine in which water right the claimants intended to file the *Response*.

At the hearing, Mr. Hall indicated to the court that he had intended to respond to the *Objection* filed by Marsh Valley Development Inc. in 29-13535. Mr. Hall moved to withdraw the *Response* filed in 29-13553 and moved to file the *Response* in 29-13535. The Halls are the claimants in both subcases 29-13553 and 29-13535. No parties objected to correcting the pleadings in these two subcases. Since the Halls are the claimants, it is unlikely that any prejudice would occur by allowing the *Response* to be filed in the correct subcase number.

Therefore, IT IS ORDERED that the *Response* filed in 29-13553 is **withdrawn with prejudice**. IT IS FURTHER ORDERED that the *Motion to File Response* in 29-13535 is **granted**.

DATED March 31, 2004

Brigette Bilyeu
BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DISMISSING RESPONSE IN 29-13553 AND ORDER GRANTING MOTION TO FILE RESPONSE IN 29-13535 was mailed on March 31, 2004, with sufficient first-class postage to the following:

MARSH VALLEY DEVELOPMENT INC

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