

2004 MAY 28 PM 3 38

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	)	
	)	
_____	)	SUBCASE NO. 29-00146

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by Fawn A. Potter on April 21, 2004. The *Motion* seeks to amend the notice of claim for this water right by adding an additional 1.4 acres to the legal description. A hearing was held on the *Motion* on May 26, 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. Potter explained that he has long irrigated a portion of land that was shown by survey to belong to someone else. Soon after learning about the survey, Mr. Potter purchased the land. Mr. Potter seeks to correct the legal description to increase total acreage to 13.6 acres. There was no opposition to the *Motion*. Mr. Potter explained at the hearing that his *Motion* was not intended to change the ownership element of this claim. Therefore, the *Motion to File Amended Notice of Claim* is **granted**.

DATED May 28, 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 was mailed on May 28, 2004, with sufficient first-class postage to the following:

FAWN A & BRENDA POTTER

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