

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2004 JUN 1 PM 3 12

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 NOS.: 29-320, 29-321
	)	and 29-322

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by Bonnie Jenkins, David Mark Treasure, Debbie Treasure and Elizabeth Vaughan on May 13, 2004. The *Motion* seeks to amend the claims for these water rights by adding an additional 20.0 acres and increasing the quantity by .04 cfs. A hearing was held on the *Motion* on May 26, 2004. At the hearing, counsel for the United States noted that an error contained in the legal description in the original objections, that was corrected at the Initial Hearings, was again included in the *Motion to File Amended Notice of Claim*. Counsel for Jenkins, Treasure, and Vaughan agreed that the *Motion* should not reintroduce the error in the legal description.

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

Movants explained that they seek to add an additional 20 acres to the place of use. Movants assert that they own the additional 20 acres, and that the additional 20 acres have always been irrigated. However, the *Amended Notice of Claim* contains a clerical error noted and corrected once at the Initial Hearings. The location of the additional 20 acres is T11S R37E S30, not T11S R36E S30. Movants agreed that the amendment is intended to add 20 acres in R37E.

This Special Master **grants** the *Motion* with the understanding that the legal description is T11S R37E S30, W ½ SWSW. There was no opposition to the *Motion*. Therefore, the *Motion to File Amended Notice of Claim* is **granted**. In addition, the deadline to file a response to the *Director's Report* was extended to August 16, 2004.

DATED June 1, 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 June 01, 2004, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

BONNIE JENKINS
DAVID MARK TREASURE
DEBBIE TREASURE
ELIZABETH VAUGHAN

Represented by:
RANDALL C BUDGE
PO BOX 1391
201 E CENTER, STE A2
POCATELLO, ID 83204-1391
Phone: 208-232-6101

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098


Deputy Clerk