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DEC - 9 2004

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
DEPARTMENT OF WATER RESOURCES

2004 DEC 8 PM 3 52

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.: 29-04156

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by Carma B. Smith on November 15, 2004. The *Motion* seeks to amend the notice of claim for this water right by changing the priority date and increasing the quantity. A hearing was held on the *Motion* on December 1, 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

Counsel for Carma B. Smith explained at the hearing that the claim should be amended to include a later priority than originally claimed, an increased quantity, and changes in the legal description for the place of use. 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:

December 14, 2004	1:30 pm	Scheduling Conference Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301
December 17, 2004	5:00 pm	Deadline to file Amended Director's Report

January 28, 2005	5:00 pm	Deadline to file Objection
February 11, 2005	5:00 pm	Deadline to file Response to Objection
February 16, 2005	10:00 am	Status Conference Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301

Parties may participate by phone for the Scheduling Conference and the Status Conference by dialing 1-225-383-1099 and when prompted enter participant code 926509.

DATED December 8, 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 December 08, 2004, with sufficient first-class postage to the following:

CARMA B SMITH

Represented by:

THOMAS J. HOLMES

PO BOX 967

POCATELLO, ID 83204-9670

Phone: 208-232-5911

DIRECTOR OF IDWR

PO BOX 83720

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