

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2005 APR 15 AM 10 05

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.: 29-12515

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by A. Lin Whitworth on March 14, 2005. The *Motion* seeks to amend the notice of claim for this water right by changing the point of diversion and the place of use. A hearing was held on the *Motion* on April 13, 2005. The movant did not attend the hearing

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

The *Motion to File Amended Notice of Claim* relates to efforts by IDWR and claimants to resolve this subcase and 29-12514. The *Motion* seeks to correct the legal description for the point of diversion and place of use. There was no opposition to the *Motion*. Therefore, the *Motion to File Amended Notice of Claim* is **granted**.

DATED April 15, 2005.



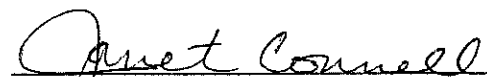
BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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 April 15, 2005, with sufficient first-class postage to the following:

A LIN & DAVID L WHITWORTH
A LIN WHITWORTH
DAVID L WHITWORTH
PO BOX 183
INKOM, ID 83245
Phone: 208-775-3773

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


Deputy Clerk