

2005 APR 19 PM 1 28

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
	)	AND STATUS CONFERENCE
_____	)	SUBCASE NO.: 29-4060

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by Portneuf Marsh Valley Canal Company on April 1, 2005. The *Motion* seeks to amend the notice of claim for this water right by adding Toponce creek as a source of this water right. A hearing was held on the *Motion* on April 13, 2005.

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

Portneuf Marsh Valley Canal Company explained that Toponce Creek is a source for this water right but was omitted due to inadvertence or mistake. *Supporting Affidavit of Ellis Gilbert* 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:

April 18, 2005	5:00 pm	Deadline to file Amended Director's Report
May 13, 2005	5:00 pm	Deadline to file Objection

May 27, 2005

5:00 pm

Deadline to file Response to Objection

June 1, 2005

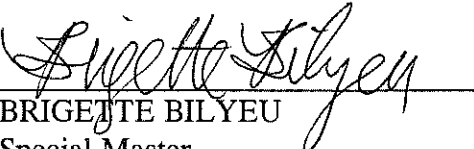
9:30 am

Status Conference

Location: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

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

DATED April 19, 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 AND SETTING SUBCASE DEADLINES AND STATUS CONFERENCE was mailed on April 19, 2005, with sufficient first-class postage to the following:

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