

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

2005 DEC 20 PM 4 17

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.: 31-11661

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by Diane Savage Valcarce on October 31, 2005. The *Motion* seeks to amend the notice of claim for this water right by changing the priority to an earlier date and increasing the total acres. A hearing was held on the *Motion* on December 14, 2005.

II. STANDARD OF REVIEW

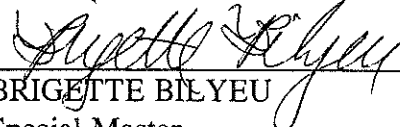
The SRBA Court administrative rules establish that motions to amend claims "shall be freely given when justice so requires." *SRBA Administrative Order 1 (A01)* § 4d (2) (k)

III. FINDINGS

Diane Savage Valcarce explained that an affidavit from an area resident supports the early priority; in addition Ms. Valcarce has some evidence about irrigation practices that supports the claim of additional acreage. There was no opposition to the *Motion*.

THEREFORE, the *Motion to File Amended Notice of Claim* is **granted**. Deadlines were previously set. *See, Order Setting Deadlines and Status Conference*. (November 10, 2005)

DATED December 20, 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 December 20, 2005, with sufficient first-class postage to the following:

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

DIANE SAVAGE VALCARCE
1719 HARGIS HILL
WILLARD, UT 84340
Phone: 435-720-1889


Deputy Clerk