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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Earl Warthen, Objector

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

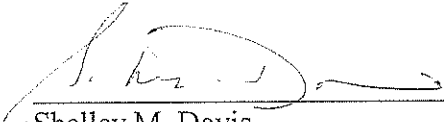
In Re SRBA	)	Subcase No. 45-10502
	)	
Case No. 39576	)	MOTION TO AMEND CLAIM
	)	NO. 45-10502 AND FOR
	)	LEAVE OF THE COURT TO
	)	FILE A LATE CLAIM
_____	)	

COMES NOW the claimant, EARL WARTHEN, by and through his counsel Shelley M. Davis, of the firm Barker, Rosholt & Simpson, LLP, and moves this Court pursuant to Idaho Rules of Civil Procedure 7(b)(1), and 55(c) for an order (1) allowing Mr. Warthen to file a late claim for a water right for 20 acres that were included in claim 45-10502, but that should have been claimed separately, and for an order (2) allowing amendment of claim 45-10502 to reflect the removal of that 20 acres.

The reasons and legal basis for this Motion are set forth in detail in the Memorandum in Support of Motion to Amend Claim No. 45-10502 and for Leave of the Court to File a Late Claim, and the Affidavit Shelley M. Davis in support of the Motion filed herewith.

Dated this 24th day of February 2006.

BARKER ROSHOLT & SIMPSON LLP



Shelley M. Davis
Attorney for Earl Warthen

CERTIFICATE OF MAILING

I hereby certify that on this 24th day of February 2006, I served a true and correct copy of the foregoing *Motion to Amend Claim No. 45-10502 and for Leave to Allow Filing of a Late Claim* on the following by the method indicated:

1. Original via facsimile to:

Clerk of the SRBA Court
Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Counsel for the Objector/Claimants via facsimile:

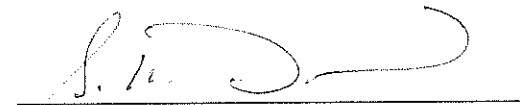
Michael Tribe
Ling, Robinson & Walker
P.O. Box 396
Rupert, ID 83350

3. Copies to via U.S. Mail:

IDWR Document
Depository PO Box
83720 Boise, ID
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