

RECEIVED

AUG 18 2006

DEPARTMENT OF
WATER RESOURCES
AUG 18 2006

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 17 2006	
By _____	Clerk
_____	Deputy Clerk

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

Case No. 39576

) ORDER GRANTING MOTION TO
) AMEND CLAIMS; AMENDED
) CLAIMS TO BE REPORTED IN
) MISCELLANEOUS AND LATE CLAIMS
) DIRECTOR'S REPORT

) SUBCASE NOS.: 21-95A, 21-96A, 21-
) 99A, 21-2077, 21-10830 and 21-10831

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed for the above-captioned water right claims May 31, 2006. The *Motion* seeks to include stockwater as a purpose of use. A hearing was held on the *Motion* August 15, 2006.

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 AND CONCLUSIONS

In support of the amendment, the claimant, through counsel, asserted that he understood that an irrigation right carries with it an incidental stockwater right and therefore he didn't initially believe it necessary to file a claim for stockwater. No objections were filed to the director's report filed. No opposition was filed to the *Motion*. An irrigation right does carry with it an incidental stockwatering right. I.C. § 42-113. The Court also acknowledges that the claims could have been filed as separate deferrable stockwater claims.

IV. ORDER

Therefore, the *Motion to File Amended Notice of Claim* is **granted**.

IT IS ORDERED that the following shall apply:

The amended claims shall be reported in the forthcoming miscellaneous and late claims director's report issued in 2007. (The claimant also has late claims that will also be included in the same director's report.)

DATED August 16, 2006



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND CLAIMS; AMENDED CLAIMS TO BE REPORTED IN MISCELLANEO AND LATE CLAIMS DIRECTOR'S REPORT was mailed on August 17, 2006, with sufficient first-class postage to the following:

CLAYMORE MGMT

Represented by:

RAY W. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".