

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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 FILE AMENDED CLAIM AND SETTING SUBCASE DEADLINES

SUBCASE NO.: 27-11367

I. PROCEDURAL BACKGROUND

A *Motion to File Amended Notice of Claim* was filed by Keith Bitton on July 27, 2006. The *Motion* seeks to amend the notice of claim for this water right by changing the legal description for the place of use. A hearing was held on the *Motion* on September 6, 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

Mr. Bitton explained that the legal description needs to be amended to add land in section 24 to accurately define the place of use. In addition, Mr. Bitton seeks to amend the season of use to a shorter season. 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:

October 27, 2006	5:00 pm	Deadline to file Amended Director's Report
November 24, 2006	5:00 pm	Deadline to file Objection
December 15, 2006	5:00 pm	Deadline to file Response

DATED September 7, 2006.

Brigitte Bilyeu
BRIGITTE 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 CLAIM AND SETTING SUBCASE DEADLINES
was mailed on September 07, 2006, with sufficient first-class
postage to the following:

SHOSHONE-BANNOCK TRIBES

Represented by:

JEANETTE WOLFLEY

SPECIAL COUNSEL

SHOSHONE-BANNOCK TRIBE

202 N ARTHUR

POCATELLO, ID 83202

Phone: 208-232-1922

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

KEITH BITTON

397 FISH HATCHERY RD

GRACE, ID 83241

Phone: 208-427-6661