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DEPARTMENT OF
WATER RESOURCES

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

Subcase: 63-31300

ORDER DENYING MOTION TO FILE
AMENDED NOTICE OF CLAIM

ORDER REQUIRING CLAIMANT TO
OBTAIN COUNSEL

I. ORDER DENYING MOTION TO FILE AMENDED NOTICE OF CLAIM

On April 21st, 2006, The Edwards Family LLC, by and through its attorney of record Dana Hofstetter, filed an objection to the above-captioned water right claim. The objection states:

E. REASONS SUPPORTING OBJECTIONS(S): To the extent that this water right authorizes the diversion of water from the Stewart Gulch Geothermal Aquifer it should not exist pursuant to *Silkey v. Tiegs*. Otherwise, the following provision should be listed under "Other Provisions Necessary for Definition or Administration of this Water Right:" The diversion and use of geothermal water is not authorized under this right. Also, the local name for the cold water will should be described.

The objection presents two alternatives, i.e. if the source is the Stewart Gulch Geothermal Aquifer, then the objector asserts that the right should not exist; otherwise, the objector seeks inclusion of additional language.

On May 1, 2006, the Claimant of the above-captioned water right, the Lila M. Renk Irrevocable Living Trust, and the Richard C. Renk Irrevocable Living Trust, through its trustee Benjamin B. Renk, filed a *Response* that addressed the second part of the objection - - agreeing to the inclusion of the additional language. The response did not address the objector's contention that the water right should not exist if it is derived from the Stewart Gulch Geothermal Aquifer.

On September 29, 2006, the Claimant filed a *Standard Form 4 - Motion to File Amended Notice of Claim*. Attached thereto was correspondence seeking to have the initial hearing vacated.

The *Amended Notice of Claim* sought by the Claimant does not really seek to amend the claim; rather it simply reiterates the assertion already made in the response.

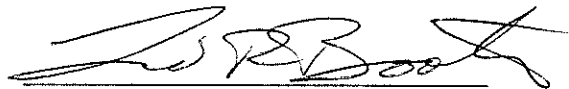
Because the objection seeks to have the water right claim disallowed in the event its source is the Stewart Gulch Geothermal Aquifer, the Claimant's *Motion* to amend the claim, if granted, would not dispose of the objection.

In accordance with the forgoing, the claimant's *Motion* is **denied**. The previously scheduled Initial Hearing, set for December 6th at, 10:00 am is **not** vacated.

II. ORDER REQUIRING CLAIMANT TO OBTAIN LEGAL COUNSEL

This Special Master notes that the *Motion* was filed by the trustee of the Claimant trust. Pursuant to the Idaho Code § 3-104 (unauthorized practice of law), the Claimant trust cannot be represented in court by a non-attorney. Accordingly, the Claimant trust is hereby order to obtain legal representation for any and all further proceedings in this subcase.

Dated October 2, 2006.



THEODORE R BOOTH
Special Master
Snake River Basin Adjudication

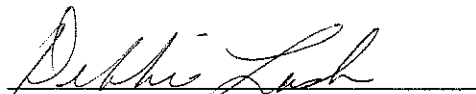
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO FILE AMENDED NOTICE OF CLAIM ORDER REQUIRING CLAIMANT TO OBTAIN COUNSEL was mailed October 2, 2006, with sufficient first class mail to the following:

IDWR
P O Box 83720
Boise, Idaho 83720-0098

Lila M Renk Irrevocable
Richard C Renk Irrevocable Living Trust
c/o Benjamin B Renk Trustee
9110 Chelan
Boise, Idaho 83714

Dana Hofstetter
608 West Franklin Street
Boise, Idaho 83702


Deputy Clerk