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Department of Water Resources
Adjudication Bureau

JAN 10 PM 3:04
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

) Subcase No. 34-07245B
)
)

Case No. 39576
_____)

) ORDER DISMISSING
) DIANE W. RENO AS A PARTY
)

A claim for this water right was filed by Lynn D. and Diane W. Reno on January 3, 1990. Before this water right could be finalized, Mrs. Diane W. Reno died. The surviving claimant, Mr. Lynn D. Reno subsequently filed a *Standard Form 5, Proposed Elements of a Water Right* which proposed a resolution of all elements of this water right. The *Standard Form 5* was signed by the claimant, Mr. Reno; the Objector, United States Bureau of Land Management; and the Idaho Department of Water Resources. In addition, Mr. Reno filed a *Standard Form 3, Standard Form for Notice of Change in Address Consent to Substitution of Party*. The *Standard Form 3* requested leave of court to substitute Mr. Lynn Reno as the sole claimant to this water right in place of Mr. Reno and the deceased Mrs. Diane Reno. The *Standard Form 3* provided notice to all parties to this subcase. There were no objections to the *Standard Form 3*.

Idaho Rule of Civil Procedure 25(a)(1) provides for the substitution of parties upon death. The rule establishes that if a party dies and the claim is not thereby extinguished, the court may order substitution of the proper parties. The rule also provides that a motion for substitution may be made by the successors or representatives of the deceased.

A hearing was held on January 4, 1996. The parties and IDWR had no objection to the dismissal of Mrs. Diane Reno as a party pursuant to I.R.C.P. 25(a)(1). Mr. Lynn Reno

represented to the court that he is the representative of the Estate of Mrs. Diane W. Reno, and is also her sole heir.

Water right claims in Idaho are not extinguished upon the death of a claimant. The court shall consider the *Standard Form 3* filed by Mr. Reno as a *Motion for Substitution* under I.R.C.P. 25(a).

Therefore, under I.R.C.P. 25(a)(1) it is appropriate to **dismiss** Mrs. Diane W. Reno as a party to this subcase and to **substitute** Mr. Lynn D. Reno as the sole claimant for this water right.

IT IS ORDERED that:

1. Mrs. Diane W. Reno is **dismissed** as a party to this subcase.
2. Mr. Lynn D. Reno shall remain as the sole claimant for this water right.

DATED January 10, 1996.


BRIGETTE BILYEU
Special Master, Reporting Area 1
Snake River Basin Adjudication

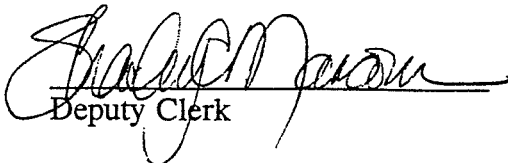
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DISMISSING DIANE W. RENO AS A PARTY was mailed on January 10, 1996, with sufficient first-class postage to the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Lynn D. Reno
9417 Eucalyptus Dr.
Bakersfield, CA 93306


Deputy Clerk