

RECEIVED

JUL 12 1996

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

FILED BY *DL*

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: 34-10873

Case No. 39576

) ORDER SUBSTITUTING NORMAN
) SOWARDS FOR W.T. SOWARDS
)
)
)
)

A response to objection for this water right was filed by W. T. Sowards. Before this water right could be finalized Mr. W.T. Sowards died. A *Motion for Substitution of Party* was filed by Norman Sowards June 24, 1996 seeking leave of court to substitute for W.T. Sowards as respondent. There were no objections to the *Motion*.

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 July 10, 1996. No parties objected to the *Motion for Substitution of Party* pursuant to I.R.C.P. 25(a)(1). Water right claims in Idaho are not extinguished upon the death of a claimant. Therefore, under I.R.C.P. 25(a)(1) it is appropriate to **substitute** Norman Sowards for W.T. Sowards as respondent for this water right.

IT IS ORDERED that Norman Sowards is substituted for W.T. Sowards as a party to this subcase.

DATED July 11, 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 Subcase: 34-10873
was mailed on July 11, 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

Arthur W Quist
Route 1, Box 203
Arco, Idaho 83213

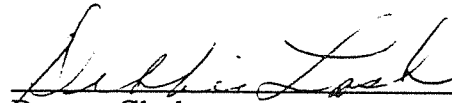
Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

Roger Ling
P O Box 396
Rupert, Idaho 83350

Randall C Budge
P O Box 1391
Pocatello, Idaho 83204

William R Hollifield
P O Box 66
Twin Falls, Idaho 83303

Kent W Foster
P O Box 50130
Idaho Falls, Idaho 83405


Deputy Clerk