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Department of Water Resources

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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**

	)	Subcase 34-07215A
In Re SRBA	)	
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO
	)	CORRECT CLERICAL ERROR AND
	)	ORDER AMENDING PARTIAL DECREE;
	)	I.R.C.P. 60(a)

March 31, 1998, a **Partial Decree** was entered for water right 34-07215A. On May 10, 2000, Claimant Mitchell D. Sorensen filed a *Motion to Correct Clerical Error* and the matter was referred to Special Master Brigitte Bilyeu. On July 12, 2000, Special Master Bilyeu entered her *Master's Report and Recommendation on Motion to Set Aside Partial Decree* recommending that the *Motion to Correct Clerical Error* be granted.

On December 14, 2001, this Court entered an **Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating Into Partial Decree an Express Statement Regarding General Provisions, Nunc Pro Tunc**. However, this amendment did not address the inclusion of the additional language under the Source element as recommended by Special Master Bilyeu. Additionally, the amendment listed season of use dates that were inconsistent with the *Master's Report and Recommendation on Motion to Set Aside Partial Decree* and the *Supplemental Director's Report, Reporting Area 1, Basin 34*.

THEREFORE, IT IS ORDERED that the **Partial Decree** entered for water right 34-07215A on March 31, 1998, and the **Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating Into Partial Decree an Express Statement Regarding General Provisions, Nunc Pro Tunc** issued December 14, 2001, are set aside.

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)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-07215A

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: MITCHELL D SORENSEN
RT 1, BOX 63-A
MOORE, ID 83255

SOURCE: GROUNDWATER

THIS WATER RIGHT SHALL BE ADMINISTERED AS SEPARATE FROM THE
BIG LOST RIVER AND ITS TRIBUTARIES.

QUANTITY: 0.14 CFS
51.10 AFY

PRIORITY DATE: 04/14/1978

POINT OF DIVERSION: T04N R25E S33 NENENE Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.14 CFS 51.10 AFY

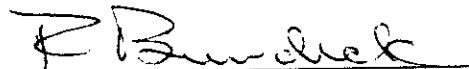
PLACE OF USE: Irrigation Within Butte County
T04N R25E S34 NENW 16.5 NWNW 10.0
26.5 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication