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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 12 2014	
By _____	Clerk
_____	Deputy Clerk

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 WITHDRAWING PARTIAL
) DECREE
)
) Water Right Claim: 63-3198B
)
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)
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)

On December 16, 2005, the Director of the Idaho Department of Water Resources ("Department") filed his *Director's Report, Reporting Area 13, IDWR Basin 63*, which included a recommendation for the above-captioned water right claim. The recommendation for the claim was uncontested. However, before the entry of a *Partial Decree* for the uncontested claim, the Department filed a *Notice of Administrative Proceeding*, informing the Court of the commencement of an intervening administrative proceeding that contemplated a change to an element of the right. It was the intent of the Court to stay the SRBA proceedings for the above-captioned claim during the pendency of the administrative proceeding. *SRBA Administrative Order 1, Rule of Procedure*, § 17. However, on February 16, 2007, the Court erroneously entered a *Partial Decree* for the above-captioned water right based on the original *Director's Report*.

On June 19, 2012, the Department filed a *Notice of Completed Administrative Proceeding* ("NCAP"), informing the Court of the completion of the administrative proceeding. The NCAP was accompanied by an *Amended Director's Report* for the claim. The NCAP and *Amended Director's Report* proceeded on standard Docket Sheet Notice. No objections were filed to the *Amended Director's Report*. On August 1, 2012, the Court correctly entered a *Partial Decree* for the above-captioned water right consistent with the *Amended Director's Report*. The August

1, 2012 *Partial Decree* did not, however, recognize or address the Court's previous issuance of a *Partial Decree* for the above-captioned water right on February 16, 2007.

Therefore, the Court finds its entry the *Partial Decree* dated February 16, 2007, was inconsistent with, and contrary to, the *Amended Director's Report* filed by the Department, and was issued through a clerical error of the Court arising from oversight. Therefore, for the reasons set forth above, and pursuant to Idaho Rule of Civil Procedure 60(a), the Court finds that its issuance of the *Partial Decree* for the above-captioned water right on February 16, 2007, to be the result of clerical error.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The *Partial Decree* entered by this Court on February 16, 2007, for the above-captioned water right claim was entered as a result of clerical error and **is hereby withdrawn**, and is no longer of any force or effect.
2. The *Partial Decree* entered by this Court on August 1, 2012, remains in full effect and force.

DATED

March 12, 2014.

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER WITHDRAWING PARTIAL DECREE was mailed on March 12, 2014, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ANN WIND
JOHN WIND
12306 WHITECHAPEL WAY
NAMPA, ID 83686

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".