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MAR 21 2014
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAR 20 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	)	**Water Right No.: 41-10116**
	)	
Case No. 39576	)	**ORDER OF AMENDED PARTIAL DECREE,**
	)	***NUNC PRO TUNC* TO JUNE 7, 2001**
	)	
	)	
	)	
	)	

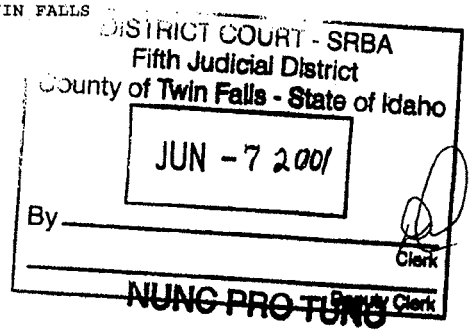
On June 23, 2000, the Idaho Department of Water Resources filed an *Amended Director's Report* for water right claim 41-10116. The amended recommendation for this claim was uncontested, and on June 7, 2001, a *Partial Decree* was entered. The file stamp for the *Partial Decree* for water right 41-10116 was erroneously omitted by the Court. The Court finds the omission of the file stamp from the *Partial Decree* to be the result of clerical error. Therefore, the Court will issue an *Amended Partial Decree nunc pro tunc* to June 7, 2001, for the above-captioned water right for the sole purpose of correcting the omitted file stamp.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the *Partial Decree* entered for the above-captioned water right is hereby amended *nunc pro tunc* to June 7, 2001, to correct the clerical error pertaining to the file stamp as set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b).*

Dated March 20, 2014.

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 41-10116

NAME AND ADDRESS: DON BENSON
231 POLK
AMERICAN FALLS, ID 83211

D STEVEN BENSON
2785 BENSON RD
ROCKLAND, ID 83271

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/31/1910

POINT OF DIVERSION: T12S R31E S21 SESWSW Within Power County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Domestic 1 HOUSE	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Power County
T12S R31E S21 SWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE, NUNC PRO TUNC was mailed on March 20, 2014, with sufficient first-class postage to the following:

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

DON BENSON
231 POLK
AMERICAN FALLS, ID 83211
Phone: 208-548-2330

D STEVEN BENSON
2785 BENSON RD
ROCKLAND, ID 83271

Deputy Clerk