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APR 23 2021

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 21 2021	
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 CSRBA

Case No. 49576

) Subcase No. 95-17635
)
) ORDER SETTING ASIDE FINAL
) ORDER DISALLOWING WATER
) RIGHT CLAIM
)
) ORDER OF PARTIAL DECREE
)

A *Notice of Claim* for this water right was filed in the Coeur d'Alene-Spokane River Basin Adjudication. On February 25, 2019, the Director of the Idaho Department of Water Resources issued his recommendation for the claim, recommending that it be decreed. No objections were filed to the recommendation.

A hearing on the uncontested claims in Basin 95 Part 2 was held before the Court on November 17, 2020. Prior to the hearing, the Department submitted a *Statement of Unobjected To Portions of the Director's Report*. Attachment 2 to the *Statement* was a list of claims recommended disallowed for which no objections were filed. The claim for this right was mistakenly included on that list as a result of clerical error. As a result, the Court entered a *Final Order* disallowing the claim on December 1, 2020.

On January 26, 2021, the Department filed a *Request for Correction of Error*, requesting that the Court set aside the *Final Order* disallowing the claim, and issue a *Partial Decree* for the claim consistent with the Director's recommendation. On January 26, 2021, the Court entered a *Notice of Court's Intent* to issue a *Partial Decree* for this water right consistent with the Director's Report. A hearing on the *Notice of Court's Intent* was held on April 20, 2021, and no objections to the *Notice* were filed or raised.

The Court finds the *Final Order* disallowing this claim was entered as a result of clerical error. Therefore, the Court will set aside the *Final Order* disallowing the claim and enter a *Partial Decree* for the claim consistent with the Director's recommendation pursuant to Idaho Rule of Civil Procedure 60(a).

THEREFORE, BASED ON THE FOREGOING, THE FOLLOWING ARE HEREBY ORDERED.

1. The *Final Order* disallowing the above-captioned water right is hereby set aside pursuant to I.R.C.P. 60(a).
2. The above-captioned water right shall be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

IT IS SO ORDERED.

Dated April 21, 2021



ERIC J. WILDMAN
Presiding Judge
Coeur d'Alene-Spokane River Basin Adjudication

2021 APR 21 PM 02:00
DISTRICT COURT - CSRBA
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 CSRBA)

Case No. 49576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 95-17635

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 95-17635 was mailed
on April 21, 2021, with sufficient first-class postage prepaid
to the following:

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

COLBY G KINGSBURY
ERIN M KINGSBURY
17116 N RESERVOIR ROAD
RATHDRUM, ID 83858

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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