



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 5, 2006

Hon. John Melanson
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 24-10004 (Bateman)

Dear Judge Melanson:

A *Partial Decree Pursuant to I.R.C.P. 54(b)* was issued for this water right on February 12, 1998, a copy of which is attached hereto. This water right was reported in the *Director's Report for Domestic & Stockwater Claims in Reporting Area 14 (IDWR Basin 24)*, which was filed with the SRBA Court on May 11, 1998. A copy IDWR's recommendation for this water right which was contained in the Director's Report is also attached.

The Department has recently discovered a clerical error in the Partial Decree for this water right. This water right is an irrigation water right and should not have been included with the domestic and stockwater claims previously reported to the SRBA. A clerical error occurred at IDWR causing the nature of use under the quantity element of this water right to be coded as domestic. At some point, the error was caught in part and the domestic use was changed to irrigation, but the claim was not removed from the deminimus domestic and stockwater list. As a result, this water right has been partially decreed as an irrigation claim without acreage listed in the place of use.

I have also attached a copy of the original *Notice of Claim to a Water Right Acquired Under State Law*, which was filed by the claimant with IDWR on September 25, 1989. The claimed place of use is properly described for 3 acres of irrigation. Unfortunately, the acreage was not provided in the Director's Report, nor in the subsequent partial decree.

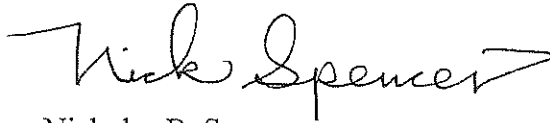
Accordingly, it seems appropriate for the Court to set aside the partial decree pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure. IDWR will then correct the error in the place of use description of this water right by re-recommending this right in

the Basin 24 Director's Report for Irrigation and Other Rights, to be filed with the Court later this summer.

I am sending a copy of this letter to Charles Bateman, the claimant for this water right, and to Cheryl Bower. It appears that Ms. Bower may now be the current owner of this water right, but the Change in Ownership has not yet been processed by the Department.

If you should have any questions or comments, please feel free to contact me at (208) 287-4813.

Very truly yours,

A handwritten signature in black ink that reads "Nick Spencer". The signature is written in a cursive style with a large, sweeping "N" and a long, horizontal stroke at the end.

Nicholas B. Spencer
Deputy Attorney General, IDWR

Enclosures

cc: Charles Bateman
Cheryl Bower
Cindy Bird

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-8-1998
PAGE: A-88

RIGHTS FROM:	SOURCE: JACKKNIFE CREEK	TRIBUTARY: SALT RIVER
RIGHT NUMBER:	24-10004	
NAME & ADDRESS:	CHARLES BATEMAN STAR ROUTE FREEDOM WY 83120	
SOURCE:	JACKKNIFE CREEK	TRIBUTARY: SALT RIVER
QUANTITY:	0.06 CFS	
	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.	
PRIORITY DATE:	05/25/1900	
POINT OF DIVERSION:	T04S R46E S27	SWNW Within BONNEVILLE County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION NONE	PERIOD OF USE Irrigation Season
		QUANTITY 0.06 CFS
PLACE OF USE:	IRRIGATION T04S R46E S27	Within BONNEVILLE County SENW
CONSUMPTIVE USE:	6.0 AFY	
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.		
EXPLANATORY MATERIAL:	BASIS OF CLAIM - BENEFICIAL USE 04S46E274203	

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A24-10004
Date Received: 9/25/1989
Receipt No: E010773
Received By: DMA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES BATEMAN
Address: STAR ROUTE
FREEDOM, WY 83120

2. Date of Priority: MAY 25, 1900

3. Source: JACKKNIFE CREEK Trib. to: SALT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	46E	27	SW		NW		BONNEVILLE

5. Description of diverting works:
PUMP IN JACKKNIFE CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC IRRIGATION	05/15	11/01	0.060		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 6.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	46E	27	SE	NW		IRR	3.0
Section Acres							3.0

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Date: 09/25/89

NOV 06 1989

10. Place of Use: Continued

Total Acres 3.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

NONE

14. Remarks:

THIS GROUND WAS HOMESTEADED IN 1897.

15. Basis of Claim: BENEFICIAL USE

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Date: 09/25/89

NOV 06 1989

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 03

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Charles Bateman Date: Sept 25 - 89

Date: _____

State of Idaho)
County of Bonneville) SS.

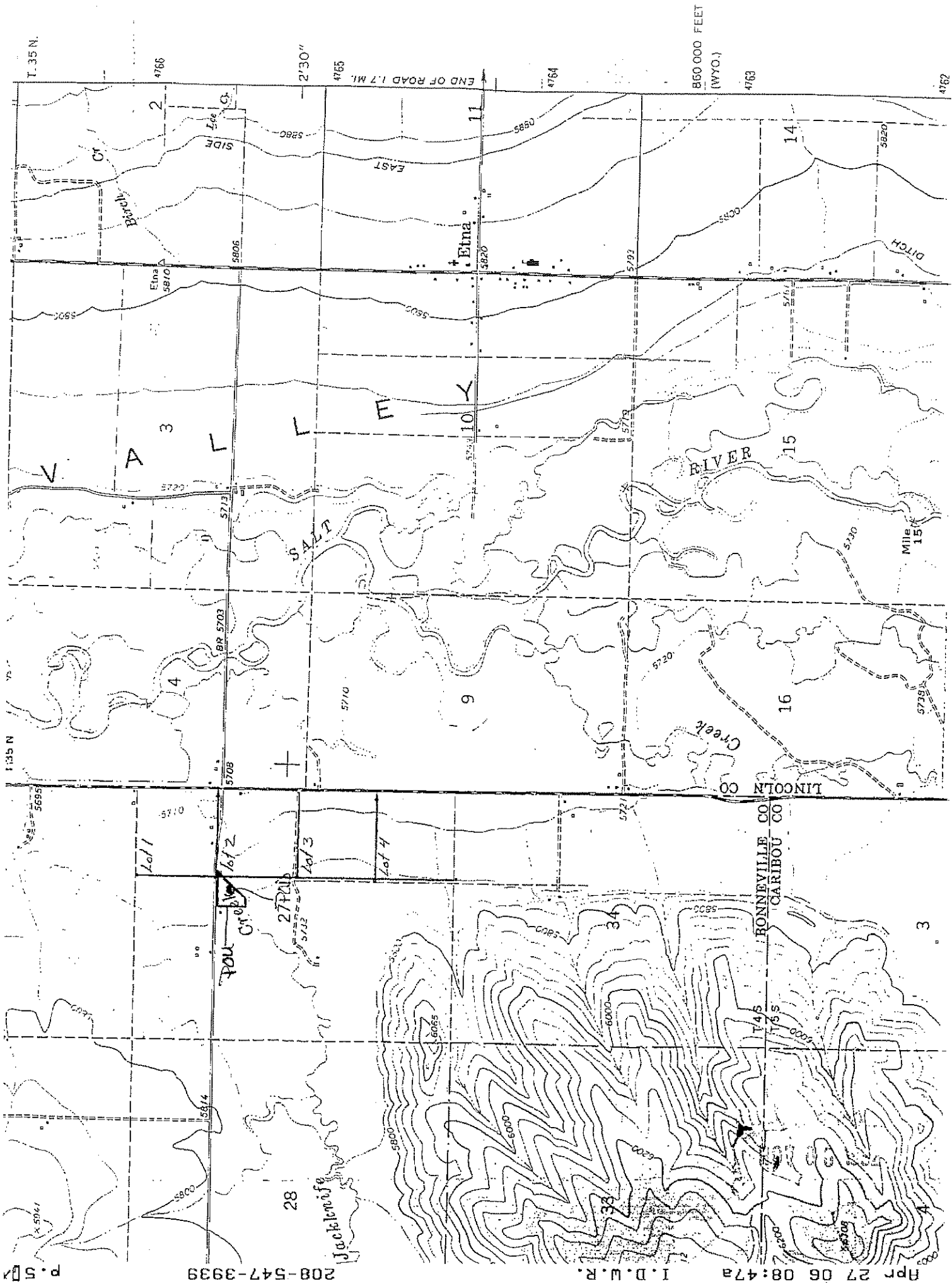
Subscribed and sworn (or affirmed) before me this 25th day
of Sept 19 89

Betty J. Thompson
Notary Public

Seal

Residing at _____
My Commission Expires NOV 06 1992

NOV 06 1992



NOV 6 1962

Apr 27 06 08:47a

I. D. W. R.

208-547-3939

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