



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.

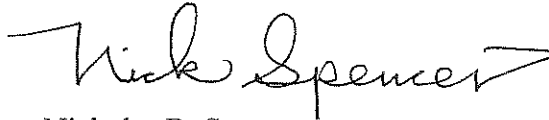
Accordingly, it seems appropriate for the Court to set aside the partial decree pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure. IDWR will then correct the error in the place of use description of this water right by re-recommending this right in

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, flowing style with a long horizontal stroke at the end.

Nicholas B. Spencer
Deputy Attorney General, IDWR

Enclosures

cc: Charles Bateman
Cheryl Bower
Cindy Bird

1999 FEB 12 PM 02:00
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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 24-10004

NAME AND 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	PERIOD OF USE	QUANTITY
	Irrigation	05-15 TO 11-01	0.06 CFS

PLACE OF USE: Irrigation Within Bonneville County
T04S R46E S27 SENW

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.

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.



Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

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 PERIOD OF USE QUANTITY
IRRIGATION NONE Irrigation Season 0.06 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County
T04S R46E S27 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: RMD

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

A24-10004

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Date: 09/25/89

NOV 06 1989

A2410004



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

A24-10004

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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

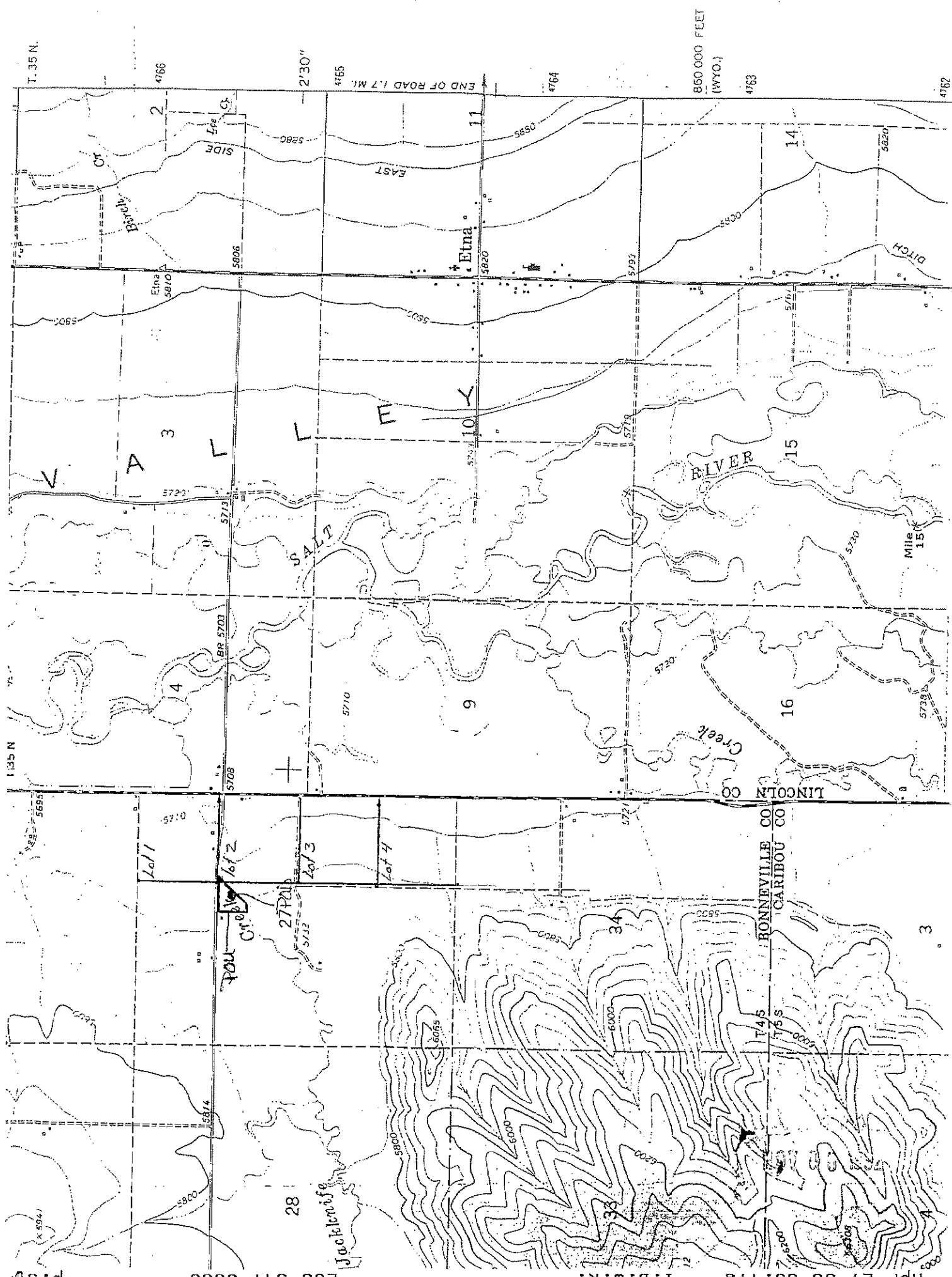
Date: _____

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 8-30-94



Apr 27 06 08:47a

I. D. W. R.

208-547-3939

✓ 19 * d

