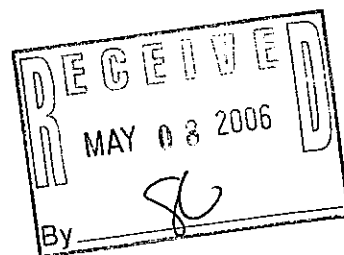




STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN



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 de minimus 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.

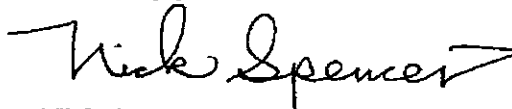
Accordingly, it seems appropriate for the Court to set aside the partial decree pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure. IDWR will then correct the error in the place of use description of this water right by re-recommending this right in

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