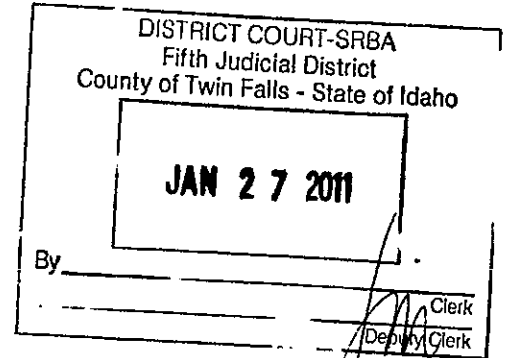


Roger D. Ling  
Attorney at Law  
121 W. 100 S  
P.O. Box 623  
Rupert, Idaho 83350  
Tele: 208-434-2717  
January 26, 2011



Hon. Eric J. Wildman  
District Judge  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, Idaho 83303

Re: Partial Decrees 36-07009 and 36-13912  
Claimant: Jake Bowers (deceased)

Dear Judge Wildman:

I recently completed the probate of the estate of Jake Bowers, who passed away on October 11, 2009. His wife Dena predeceased him on June 15, 1998. Claims to the above water rights were duly filed by Mr. and Mrs. Bowers for Water Right 36-13912, a domestic and stockwater right. Mr. Bowers filed the claim for Water Right 36-07009, a claim to ground water for the irrigation of 28 acres from a deep well. Both claims accurately described the point of diversion and the place of use for each claim, as best we have been able to determine. Unfortunately, in preparing a transfer of these water rights with the land to the heirs of the claimants, I discovered that both Partial Decrees contain typographic errors in the place of use description and one contains an error in the point of diversion description. It is understandable how these errors were committed by the examiner of IDWR. The Bowers did not seek the aid of an attorney in reviewing the partial decrees and it seems they did not notice the errors in the legal descriptions, which is understandable when neither had any special training in surveying or preparation of legal descriptions.

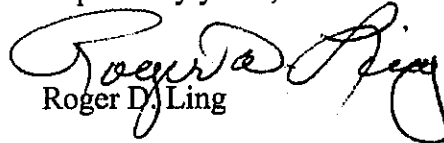
I have enclosed a copy of the Deed to the property received by the Bowers and a copy of the aerial map of the premises which shows the boundaries of the property. The upper left parcel identified as parcel 1 is in the SW1/4 of the NW1/4 of Section 13 where the well and place of use for WR 36-07009 is located. The point of diversion for WR 36-07009 is accurately described in the Partial Decree for this water right as being within this parcel No. 1. However, the place of use for this water right is erroneously described as the NW1/4 of the SW1/4 of Section 13, not the SW1/4 of the NW1/4.

As for WR 36-13925 which provides water for domestic and stockwater uses, both the point of diversion and the place of use are located in the NW1/4 of the SW1/4, where the home and corrals are located. (Located West of Parcel 4 and a part of

Parcel 2). For some reason, the legal descriptions of the POD and the POU for this water right was decreed to be in the SW1/4 of the NW1/4 of Section 13 where there is no domestic well, no home or outbuildings and no corrals. The irrigated land described within Parcels 2, 3, 4, 5, and 6 receives water from the Minidoka Irrigation District.

On behalf of the devisees of Jake Bowers, I respectfully urge that these errors be corrected in the partial decrees entered for these two water rights.

Respectfully yours,

  
Roger D. Ling

Attorney for the estate of Jake  
Bowers, deceased

**Warranty Deed**  
(IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That

ELTON B. HASSELSTROM a/k/a      JEAN L. HASSELSTROM a/k/a  
ELTON HASSELSTROM      and      JEAN HASSELSTROM      , his wife,  
Paul,      of the County of      Minidoka      , State of      Idaho

parties of the first part, for and in consideration of the sum of      SIXTY-FIVE THOUSAND & NO/100

----- Dollars (\$ 65,000.00 ),

in lawful money of the United States of America, and other valuable consideration, to      them

in hand paid by      JAKE BOWERS      and      DENA BOWERS

of Paul, Minidoka County, Idaho,  
his wife, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CON-  
VEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second

party, all of the following-described property situate, lying and being in the County of      Minidoka  
State of Idaho, to wit:

N $\frac{1}{2}$ SW $\frac{1}{4}$  and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , all in Section 13, Township 9 South, Range 22  
East, Boise Meridian.

\*\*\*\*\*

Together with all water and water rights, ditches and ditch rights  
used thereon or appurtenant thereto, including but not limited to,  
water and ditch rights under the Minidoka Irrigation District.

Subject to exceptions and reservations contained in patents from the  
United States.

Subject to existing easements for roads, highways, ditches, canals,  
laterals and power and transmission lines.

Subject to the burdens incident to the inclusion of the land within  
the boundaries of the Minidoka Irrigation District.

Subject to the \$42,000.00 mortgage executed by Elton B. Hasselstrom and  
Jean L. Hasselstrom, his wife, in favor of the United States of America,  
acting through the Farmers Home Administration, recorded October 20, 1967,  
as Instrument No. 192933, records of Minidoka County, Idaho, which  
mortgage and the obligations secured thereby, Jake Bowers and Dena Bowers,  
his wife, have by a separate instrument in writing assumed and agreed to  
pay.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves  
and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this 21st day of March, 1972.

WITNESSES:

*Elton B. Hasselstrom* [SEAL]  
Elton B. Hasselstrom (Husband)  
a/k/a Elton Hasselstrom  
*Jean L. Hasselstrom* [SEAL]  
Jean L. Hasselstrom a/k/a (Wife)  
Jean Hasselstrom

ACKNOWLEDGMENT

STATE OF IDAHO  
COUNTY OF MINIDOKA

ss:

On this 21st day of March, 1972, before me, a Notary Public in and for said County and State, personally appeared ELTON B. HASSELSTROM a/k/a ELTON HASSELSTROM and JEAN L. HASSELSTROM a/k/a JEAN HASSELSTROM, his wife, to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) are

subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

[SEAL]

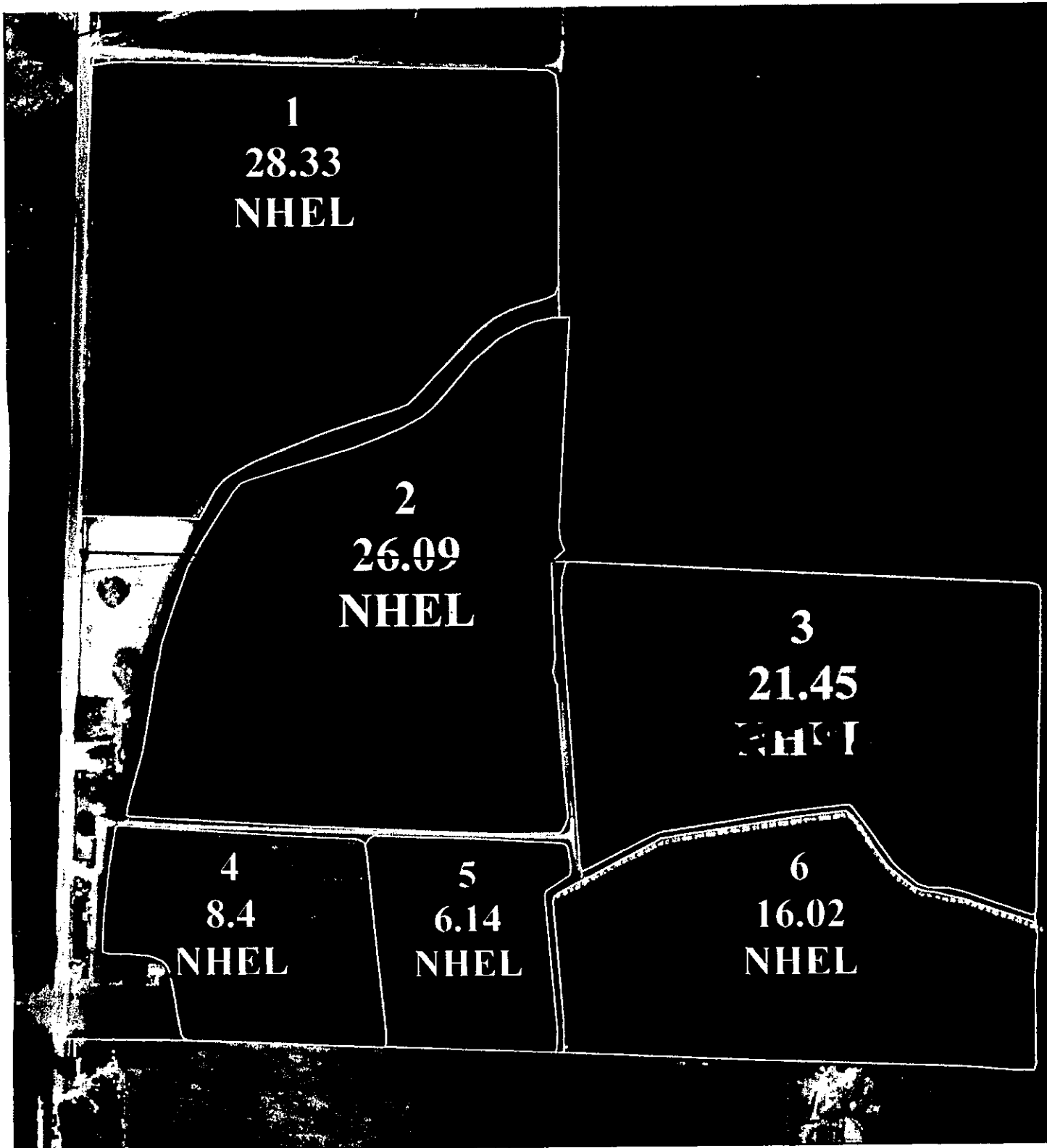
*[Signature]*  
Notary Public in and for the State of Idaho  
Residing at Rupert, Idaho  
My commission expires: 6-13-75

Recorded in \_\_\_\_\_  
County, Idaho, on \_\_\_\_\_  
\_\_\_\_\_, in Book \_\_\_\_\_  
at Page \_\_\_\_\_

222947  
RECORDED AT REQUEST OF  
*R.A. Co.*  
FILM NO. 3M

MAR 21 11 33 AM '72

MIN. CLERK  
RECEIVED  
FEE 2.00 DEPUTY *US*



United States Department of Agriculture  
Farm Service Agency

Grid:

**Minidoka County**

1:4,460

**T290**

November 17, 2010

Disclaimer

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

