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FEB 08 2011

DEPARTMENT OF
WATER RESOURCES

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB - 4 2011

By

Clerk

Deputy Clerk

In Re SRBA

) For Water Rights: 36-07009 & 36-13912

Case No. 39576

)
) NOTICE OF COURT'S INTENT TO
) ISSUE AMENDED PARTIAL DECREE,
) AND NOTICE OF HEARING THEREON
)

A *Partial Decree* was issued for water right 36-13912 on December 10, 1996. A *Partial Decree* was issued for water right 36-07009 on September 21, 2001. On January 27, 2011, this Court received correspondence notifying the Court that the *Partial Decrees* for the above-captioned water rights contain clerical errors. A copy of the correspondence received is attached hereto. In particular, with respect to water right 36-13912 the place of use and point of diversion elements should read T09S R22E S13 NWSW as opposed to T09S R22E S13 SWNW. With respect to water right 36-07009 the place of use element should read T09S R22E S13 SWNW as opposed to T09S R22E S13 NWSW. Therefore, it is the intent of the Court to issue *Amended Partial Decrees* correcting the above-mentioned clerical errors in accordance with the attached.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **May 17, 2011, at 1:30 p.m.** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling 1-215-446-0193 and when prompted entering code 406128 followed by the # sign.

Dated: February 4, 2011.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-13912

NAME AND ADDRESS: JAKE & DENA BOWERS
RT 1 BOX 1154
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

PRIORITY DATE: 12/31/1919

POINT OF DIVERSION: T09S R22E S13 NWSW Within Minidoka County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Domestic DOMESTIC 1 HOUSE, ST	01-01 TO 12-31	0.04 CFS
Stockwater	01-01 TO 12-31	0.07 CFS

PLACE OF USE: Stockwater Within Minidoka County
T09S R22E S13 NWSW
Domestic Within Minidoka County
T09S R22E S13 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

DRAFT

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO :
I.R.C.P. 54(b) FOR

Water Right 36-07009

NAME AND ADDRESS: JAKE BOWERS
850 W 134 N
PAUL, ID 83347

SOURCE: GROUND WATER

QUANTITY: 0.56 CFS
112.00 AFY

PRIORITY DATE: 09/18/1967

POINT OF DIVERSION: T09S R22E S13 NWSWN Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	0.56 CFS 112.00 AFY

PLACE OF USE: Irrigation Within Minidoka County
T09S R22E S13 SWNW 28.0
28.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

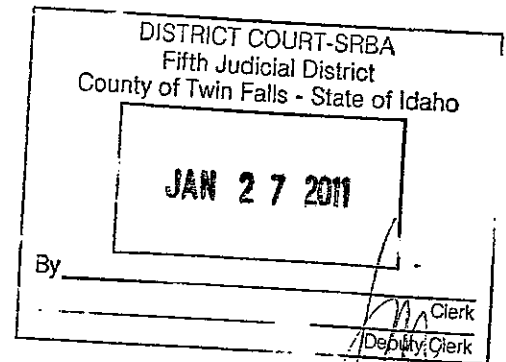
RULE 54(b) CERTIFICATE

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DRAFT

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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.

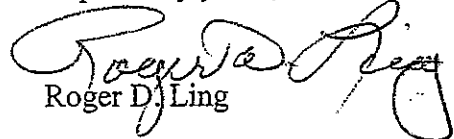
I have enclosed a copy of the Deed to the property received by the Bowers and a copy of the aerial map of the premises which shows the boundaries of the property. The upper left parcel identified as parcel 1 is in the SW1/4 of the NW1/4 of Section 13 where the well and place of use for WR 36-07009 is 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,

A handwritten signature in cursive script, appearing to read "Roger D. Ling".

Roger D. Ling

Attorney for the estate of Jake
Bowers, deceased

Warranted Deed
(IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That

[illegible]

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

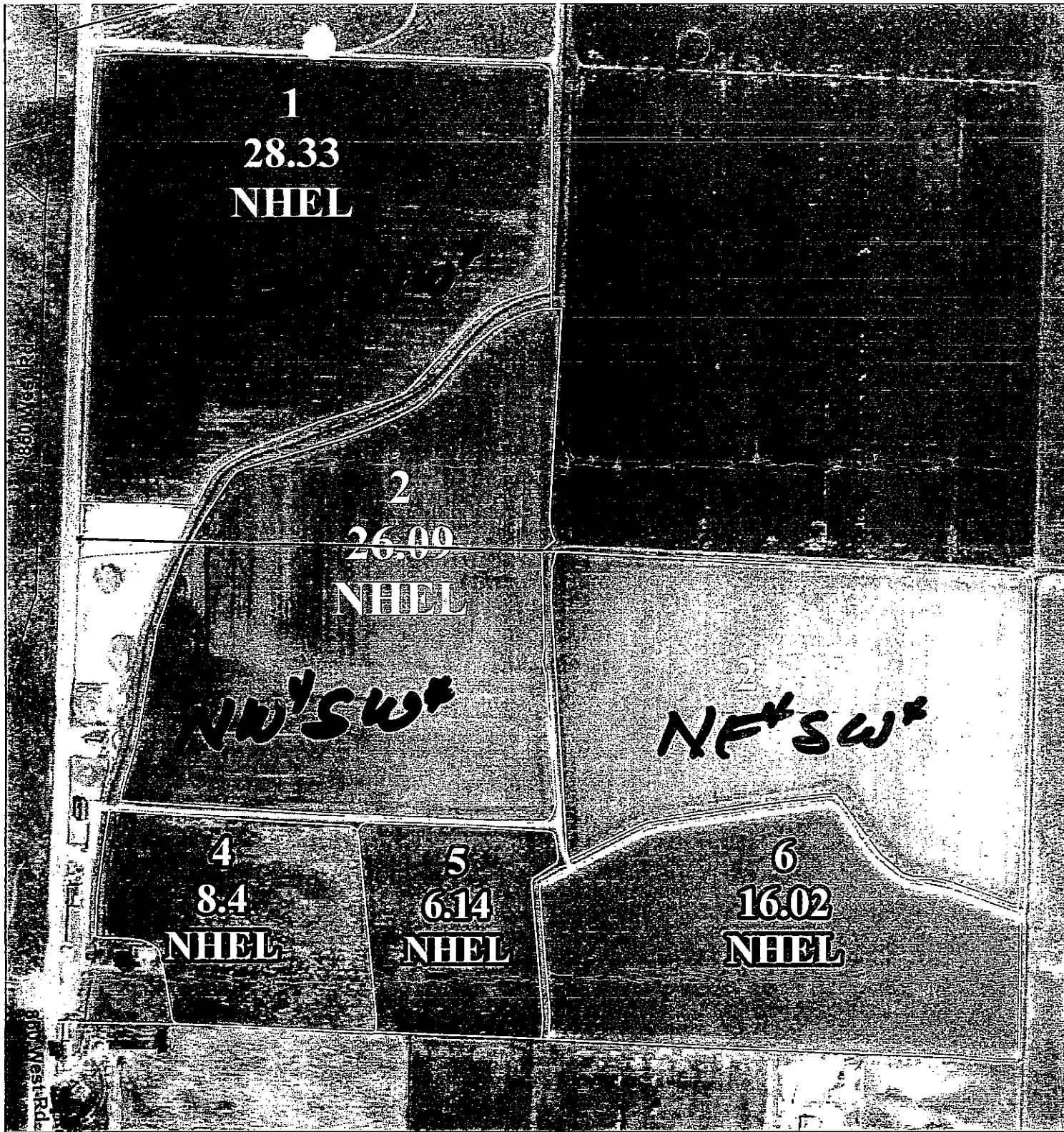
[Signature]
Notary Public in and for the State of Idaho
Residing at Rupert, Idaho
My commission expires: 6-13-75

Recorded in _____
County, Idaho, on _____
_____ in Book _____
at Page _____

RECORDED AT REQUEST OF
R.A. Co.
FILM NO. 37

MAR 21 11 33 AM '72

MINIDOKA COUNTY, IDAHO
AUDITOR'S OFFICE
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.



CERTIFICATE OF MAILING

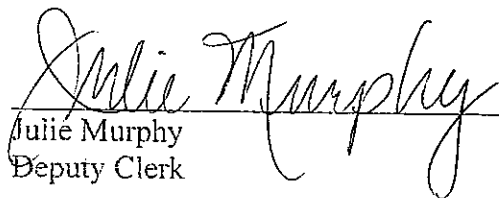
I hereby certify that true and correct copies of the **NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREES AND NOTICE OF HEARING THEREON** were mailed on February 4, 2011, by first-class mail to the following:

ROGER D. LING
Attorney at Law
PO Box 623
Rupert, ID 83350

DIRECTOR OF IDWR
PO Box 83720
Boise, ID 83720-0098

State of Idaho
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street. MSC 033
Boise, ID 83724


Julie Murphy
Deputy Clerk