



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

August 31, 2007

Diana Delaney
Case Administrator
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707

RE: Partial Decree for water right 37-12210

Dear Diana:

Water right 37-12210 was recommended in the Director's Report for Domestic and Stockwater, Reporting Area 16 (IDWR Basin 37) filed with the SRBA court on March 5, 1999. The recommendation was unobjected to, and on January 5, 2001, a partial decree was issued.

While reviewing deeds to process an ownership change, it was recently discovered that right 37-12210 was decreed with incorrect legal descriptions. The point of diversion (pod) was correctly claimed in the SRBA at T1N, R18E, Sec. 22 NWSE. The claimed place of use (pou) was T1N, R18E Sec. 22 SENW, which appears to be incorrect. IDWR did note the discrepancy in the legal descriptions in its claim file. Unfortunately, in recommending the right, IDWR reported both the pod and pou in T1N, R18E Sec. 22 SENW -- both descriptions apparently incorrect.

Although the deeds submitted with the change of ownership do not list legal descriptions, the IDWR technical reviewer processing the change was able to verify the lot location through the Blaine County tax records. The county records also indicated that the party that filed the ownership change, Poverty Flats Properties, LLC does indeed now own the property. The reviewer further checked with the attorney representing Poverty Flats, James Speck, who confirmed both the pod and pou would be correctly described in the NWSE of Sec. 22, not the SENW as recommended and decreed.

A copy of the claim, recommendation and partial decree of right 37-12210 is enclosed for the court's convenience. Would it be possible for the court to correct this as a clerical mistake under I.R.C.P. 60(a)? Should you require further assistance in this matter, please don't hesitate to call me at 208-287-4816.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vicki Kelly', with a stylized flourish at the end.

Vicki Kelly,
Paralegal

Enc.

cc: James Speck

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 37-12210

NAME AND ADDRESS: DEBRA BITTON
JEFF BITTON
MYSTIC SADDLE RANCH
GENERAL DELIVERY
STANLEY, ID 83340

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/03/1987

POINT OF DIVERSION: T01N R18E S22 SENW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE:	Stockwater		Within Blaine County
	T01N R18E S22	SENW	
	Domestic		Within Blaine County
	T01N R18E S22	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.

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

AJ5856NP

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

DATE: MAR-3-1999
PAGE: A-3094

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 37-12210

NAME & ADDRESS: JEFF BITTON
DEBRA BITTON
MYSTIC SADDLE RANCH
GENERAL DELIVERY
STANLEY ID 83340

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/03/1987

POINT OF DIVERSION: T01N R18E S22 SENW Within BLAINE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.03 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE:	STOCKWATER	Within BLAINE County
	T01N R18E S22	SENW
	DOMESTIC	Within BLAINE County
	T01N R18E S22	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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP000530000020A
STOCKWATER, 55 HORSES

0000 0000 0972

Form No. 42-1408 (2) 1/78

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: 137-12210
Date Received: 10-28-87
Receipt Number: 5003869

RECEIVED

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED
OCT 28 1987

NOV - 3 1988

Department of Water Resources
Southern Region Office

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 12,000 gallons per day. Filing fee \$10.00

Department of Water Resources
State Engineer's Office

Please type or print clearly

1. Name of Claimant (s) Ed and Debra Bitter Phone (208) 774-3591

Mailing Address Myotis Saddle Ranch Box 83340

2. Date of Priority (Only one (1) per claim) June 3 1987

3. Source of water supply (a) well - ground water
which is tributary to (b) Snake

4. Location of point of diversion is: Township 1N Range 1E

Section 22 NW 1/4 of SE 1/4 of 1/4, Govt. Lot 20

County of Blaine

Additional points of diversion if any: Lot 2 Bitter Ranch Subdivision

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.)
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. well

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See instructions)

For domestic purposes from year round (Both dates are inclusive) July 1st to Oct 4 (date)

For stockwater purposes from June 1 to June 1st amount 103

7. Total quantity claimed 0.7 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully (Domestic: give number of households served; Stockwater: Type and number of livestock) Domestic (1 household) Stockwater (55 head horses)

Copyright 1978, State of Idaho

0000 0000 0973

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4
11N	79E	22							X					

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks, below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks: or None ()

15. Basis of Claim (check one) Beneficial Use X Posted Notice License Permit
Decree

If applicable provide IDWR Water Right Number

Court Case Number Decree Date

Plaintiff vs Defendant

16. Signature (a)

(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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments

For individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (a) Alan A. Bittner Date 12/25/98

Date

For Organizations: I do solemnly swear or affirm that I am

of Organization Title that I have signed the foregoing document in the space below as of Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization Date

State of Idaho/or IDAHO

County of Blaine

Subscribed and sworn (or affirmed) before me this

SEAL

Notary Public

Residing at Blaine

My Commission Expires 12/14/99

Last Name Bittner

Ident No.

Copy When Sent, Yellow Checkmark