

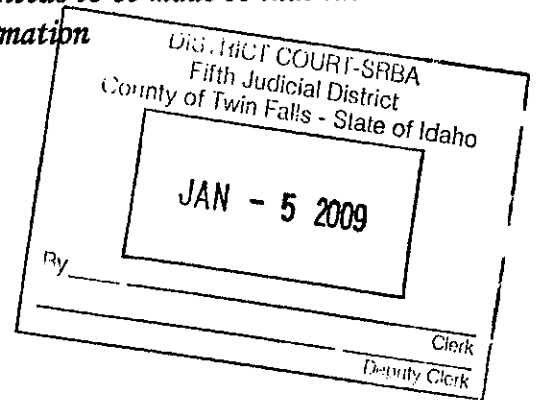


January 3, 2009

*District Court
Snake River Basin Adjudication
State of Idaho*

I would like to make a motion to set aside partial decree 74-10108 so that the location of the "point of diversion" and the "place of use" can be corrected to reflect the right "quarter-quarter" section. I have attached a copy of the current decree and the letter I received from the State of Idaho Department of Water Resources concerning this error. As noted in the letter, instead of reading SW of NW, both the "point of diversion" and the "place of use" should read SW of SW. This correction needs to be made so that the transfer of ownership can proceed with the correct information

Thanks for your help.



Sincerely Yours,

Roger N. Henry

Roger N. Henry

.....

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 74-10108

NAME AND ADDRESS: CHESTER F MC CULLOUGH
PO BOX 1529
INDIO CA 92202

JUDY MC CULLOUGH
PO BOX 1529
INDIO CA 92202

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 04/01/1935

POINT OF DIVERSION:
T18N R24E S9 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

DOMESTIC

1/01 12/31

0.040 CFS

PLACE OF USE:

DOMESTIC in LEMHI County

T18N R24E S09

SWNW

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. 18N24E092401



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 24, 2008

RE: C/O 74-10108

Roger Henry
5665 South 5th West
Idaho Falls, Id 83404

Dear Mr. Henry,

While processing your change of ownership it appears to me the partial decree has an incorrect legal description for the point of diversion. The point of diversion listed on the decree is SWNW Sec. 9 T18N R24E, while in fact your home appears to be in the SWSW of Sec. 9 T18N R24E. In order to correct this I suggest writing a letter to the Snake River Basin Adjudication court requesting a motion to set aside the partial decree for this water right.

If you have any questions or concerns please contact me at the number listed below.

Respectfully Submitted,

Nate Arave
Sr. Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Drive Suite A
Idaho Falls, Id 83402-1718
(208)-525-7161