

To: SRB

P.O. Box 2707

Twin Falls, ID. 83303

ATTN: Court Clerk, via Julie Murphy

17 NOV. 06 PM

17 NOV. 06 PM

District Court - Motion to Set Aside Decree, Introgress

This is a letter, to Inform SRBA of AN ERROR

IN MAP Description, Location of Township Parcel;

For Water Right of Ownership, Change. Water Right

85-11742. MAP Description as T35N R04W S14

SENE Needs to be changed to T35N R04W S14

SESE! Water Right New Ownership is MR.

BARRY D. McINTIRE - Same Address as: 258872

Goldner Road, Lapwai, ID. 83540; Old Ownership

was MR. Donald H. McIntire - Same Address. Reason

For Change in Donald H McIntire is ~~Deceased~~ Deceased.

Thank you; For your Cooperation

Mr. Barry McIntire - 208.843-9112.



DEPARTMENT OF WATER RESOURCES

322 E Front Street, P.O. Box 83720, Boise ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

November 14, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

GARY D MCINTIRE
28872 GOLDEN RD
LAPWAI ID 83540

**RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP REGARDING
WATER RIGHT 85-11742**

Dear Mr. McIntire,

As we discussed yesterday, I briefly reviewed the Notice of Change of Ownership Change form received by the Department of Water Resources (department) on July 14, 2005 for the above referenced water right. As you indicated to me, you are the current owner of a lot previously owned by your father, Donald H. McIntire. Based on information you provided with the Change of Ownership form, the lot is known as parcel number RP 0313000101014B A, and is located in the southeast quarter of the southeast quarter (SESE) of section 14, Township 35 North, Range 04 West.

Enclosed is a copy of the partial decree for water right 85-11742. The point of diversion (well) and the place of use authorized under this water right are located in the southeast quarter of the northeast quarter (SENE) of section 14, Township 35 North, Range 04 West. It appears that the original claim filed with the Snake River Basin Adjudication (SRBA) identified the location place of use in the SENE rather than the SESE. The water right has since been decreed in the SRBA with a place of use in the SENE. Since you have not provided documentation of ownership of property in the SENE, the department cannot currently change the water right into your name.

If your father never owned property in the SENE quarter quarter of section 14, there may have been an error on the original claim. As we discussed, you may want to contact the SRBA to determine whether the partial decree can be changed to reflect a place of use and point of diversion in the SESE. The telephone number for the SRBA is 208-736-3011.

The department cannot change the name on the water right unless the place of use authorized under the water right is changed to the location of the property you own, or you can submit documentation to show you own the place of use currently described on the water right. For reference, I have also enclosed a map of the current place of use identified on the water right as well as the location of your property.

*Via Cynthia Bridge Bank - IDWR
208, 287-4546*

Idaho Department of Water Resources

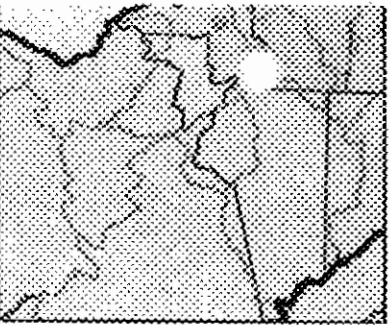


Water Right:
85-11742
(Domestic)

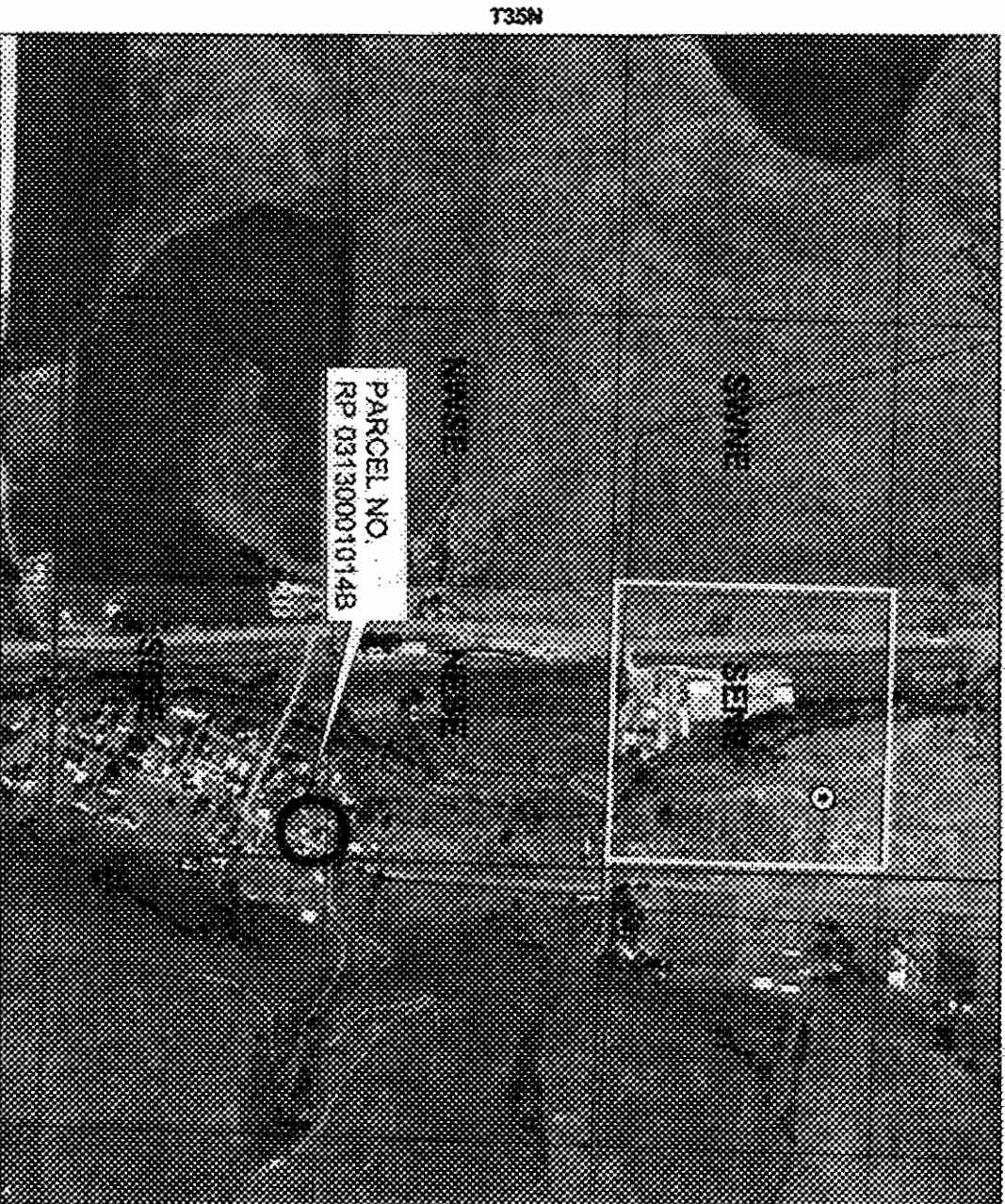
T35N R04W SEC. 14
R04W

Legend

- ☒ Point of Diversion
- ☐ Place of Use
- ☐ Townships
- ☐ PLS Sections
- ☐ Quarter Quarters



Knez Perce County
IDWR Basin 85



Prepared by C. Clark
Wednesday, November 14, 2006
Aerial Photography

PARTIAL DECREE 85-11742

Issued on 12-27-2000.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: DONALD MC INTIRE
BOX 137
LAPWAI, ID 83540

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/01/1960

POINT OF DIVERSION: T35N R04W S14 NESENE Within Nez Perce County

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

PLACE OF USE: Domestic Within Nez Perce County
T35N R04W S14 SENE

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).

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