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DEPARTMENT OF  
WATER RESOURCES

2004 DEC 27 AM 11:24

DISTRICT OF ID - SRBA  
TWIN FALLS CO., IDAHO  
FILED

**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

) Subcase 61-10391  
)  
)  
)  
)  
)  
)

**STANDARD FORM 5**

**AMENDED CLAIM**

**For Domestic & Stockwater Rights**

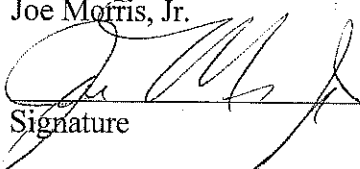
This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

**The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

**CLAIMANTS/OBJECTORS:**

Joe Morris, Jr.

  
Signature

12-0-04  
Date

Diane Morris

  
Signature

12-10-04  
Date

IDWR CONCURRENCE:

|                                |                        |                                 |                        |
|--------------------------------|------------------------|---------------------------------|------------------------|
| <u><i>Jan Thute</i></u>        | <u><i>12-22-04</i></u> | <u><i>Candice M. McHugh</i></u> | <u><i>12/17/04</i></u> |
| Sr. Water Resource Agent       | Date                   | Candice M. McHugh               | Date                   |
| Idaho Dept. of Water Resources |                        | Attorney for IDWR               |                        |

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

RIGHT NUMBER: 61-10391

## NAME AND ADDRESS:

JOE C MORRIS JR  
RT 1 BOX 78 DANIELS RD  
MOUNTAIN HOME ID 83647DIANE MORRIS  
RT 1 BOX 78 DANIELS RD  
MOUNTAIN HOME ID 83647BRENT DAXTON  
136 CLINTON DR  
TWIN FALLS ID 83301HERMAN J BISCHOFF  
2114 1<sup>ST</sup> AVE N  
PAYETTE ID 83661-2784

*J.M. > by Bucky Harvey  
D.M. per phone call  
Sme J*

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: 05/14/1977

## POINT OF DIVERSION:

T04S R06E S01 NWNE  
Within ELMORE CountyT04S R06E S01 SWNE  
Within ELMORE County

| PURPOSE AND<br>PERIOD OF USE: | Purpose of use | Period of use: | Quantity: |
|-------------------------------|----------------|----------------|-----------|
|                               | DOMESTIC       | 01/01 12/31    | 0.040 CFS |

|               |                           |                      |
|---------------|---------------------------|----------------------|
| PLACE OF USE: | DOMESTIC                  | within ELMORE County |
|               | <u>T04S R06E S01 NWNE</u> |                      |
|               | <u>T04S R06E S01 SWNE</u> |                      |

## 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. SECTION 42-1412(6), IDAHO  
CODE.THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION  
HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Property also known as Lots 29 & 30, Block 11, Fruitdale Sub.  
Parcel No. 00060011029A

## CERTIFICATE OF SERVICE

I certify that on December 22, 2004, I caused to be served true and correct copies of this Standard Form 5 / Amended Claim, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-delivered  
☐ Facsimile

2. Copies to:

Clive Strong  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

☐ Overnight Mail  
☐ Regular Mail  
☒ Hand-delivered  
☐ Facsimile

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

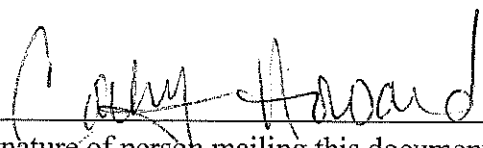
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United States Department of Justice  
Adjudication Team  
550 W. Fort St., MSC 033  
Boise, ID 83724

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-delivered  
☐ Facsimile

Joe C Jr & Diane Morris  
Rt 1, Box 878  
Mountain Home, ID 83647

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-delivered  
☐ Facsimile

  
Signature of person mailing this document