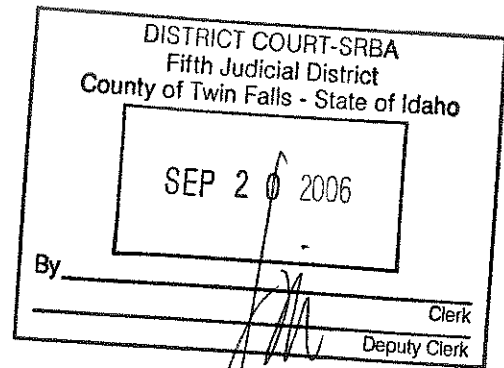


RECEIVED

SEP 21 2006

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

In Re SRBA

Case No. 39576

SUBCASE: 81-10222

ORDER OF REFERENCE APPOINTING
SPECIAL MASTER THEODORE R. BOOTH

On April 24, 2001, a *Partial Decree* was issued in the above-captioned water right. On September 20, 2006, a *Motion to Set Aside Partial Decree* was filed by Carmen Morris Howard for the above-captioned water right.

Therefore, IT IS ORDERED that Special Master Theodore R. Booth be appointed to preside over the above-captioned *Motion* and conduct all proceedings necessary to issue a recommendation consistent with AO1, and the authority previously conferred in the *Order of Reference for Basin 81 Irrigation and Other Uses Rights*; as to the *Motion* and to the underlying merits as to how the *Partial Decree* should be amended, if it is determined that said *Partial Decree* should be set aside or amended.

Dated September 20, 2006


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE APPOINTING SPECIAL MASTER THEODORE R. BOOTH was mailed on September 20, 2006, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

RONALD H MORRIS
RR 1 BOX 48-B
KOOSKIA, ID 83539-9707
Phone: 208-926-4934

CARMEN MORRIS HOWARD
RT 1 BOX 48 B
KOOSKIA, ID 83539
Phone: 208-926-4274

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first name "Julie" being more prominent than the last name "Murphy".

CARMEN MORRIS HOWARD
R. R. 1 Box 48B, KOOSKIA, ID 83539

SRBA District Court

253 Third Ave. North

P. O. Box 2707

Twin Falls, ID 83303-2707

'Motion to set aside Partial Decree'

Route 1 Box 48 B at Kooskia, ID 83539

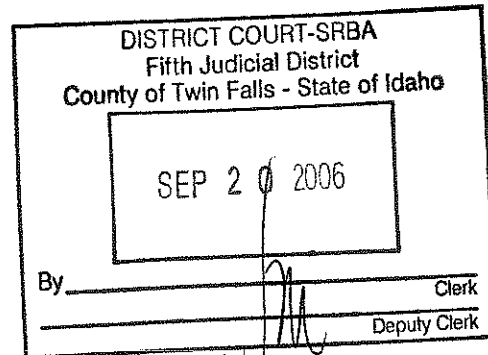
To whom IT My Concern:

Please advised that I, Carmen Morris Howard , am now the homeowner of the property previously owned by Ronald H. Morris, located at Clear Creek, Route 1 48 B at Kooskia, Idaho. It has come to my attention that the Partial Decree on this property originally issued on April 24, 2001 was apparently claimed incorrectly indicating the point of diversion regarding the water rights as SESE. The legal description should be changed per the irrigation claim/partial decree 81-07055 issued on May 18, 2005 to the accurate description of the point of diversion regarding the water rights to NWSE. This irrigation claim was recommended by IDWR per an accomplished change in Place of Use pursuant to section 42-1425 Idaho code. The domestic use is on the same property as the irrigation use. Therefore, I request the Partial Decree issued in April 24,2001 be corrected pursuant to the May 18,2005 decree with has the accurate information. I am enclosing a copy of the above-mentioned Partial Decrees for ease of reference.

It is my understanding that a hearing regarding this matter will be set. I request to be allowed to make a telephonic appearance at said hearing, if at all possible. Should you have any questions, please do not hesitate to contact me at (208) 926-4274 or (208) 926-49-34. Thank you for your courtesy and cooperation in this matter

Copies attached:

Carmen Morris Howard



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 81-10222

2001 APR 24 PM 3:35

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: RONALD H MORRIS
RR 1 BOX 48-B
KOOSKIA, ID 83539-9707

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/31/1979

POINT OF DIVERSION: T32N R04E S25 SESE Within Idaho County

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

PLACE OF USE:	Domestic T32N R04E S25	SESE	Within Idaho County
---------------	---------------------------	------	---------------------

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

Place(s) of use:

Place of Use Legal Description: DOMESTIC IDAHO County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
32N	04E	25		SESE										

Conditions of Approval:

KUSE

- | | | |
|----|-----|---|
| 1. | C18 | 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. |
| 2. | N13 | THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY. |
| 3. | N11 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. |

Remarks:

- | | | |
|----|-------------|------------------------------------|
| 1. | Explanatory | RP 32N04E257820A MH 08605910523A A |
|----|-------------|------------------------------------|

Dates:

Licensed Date:

Decreed Date: 04/24/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

2005 MAY 18 PM 02:00
DISTRICT COURT - 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 81-07055

NAME AND ADDRESS: RONALD H MORRIS
RR 1 BOX 48-B
MOOSKIA, ID 83538-9707

SOURCE: CLEAR CREEK TRIBUTARY: MIDDLE FORK CLEARWATER RIVER

QUANTITY: 0.08 CFS
12.00 AFY

PRIORITY DATE: 07/23/1979

POINT OF DIVERSION: T32N R04E S25 NWSE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.08 CFS
			12.00 AFY

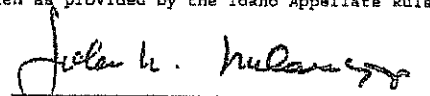
PLACE OF USE: Irrigation Within Idaho County
T32N R04E S25 NWSE 4.0
4.0 Acres Total

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

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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



TWP. 32 N RGE. 45 E SEC. 30 MAP # 4-31 MAP SCALE 7 1/2
 DATE OF FIELD EXAM _____ FIELD REPORT MAP PERMIT # 41-71-111

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 81-7055 V1

WATER RIGHT NUMBER: 81-7055 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARMEN HOWARD RR 1 BOX 48B KOOSKIA, ID 83539 (208)926-4274
Original Owner	TONY L SCHINNER HC 75 BOX 30 KOOSKIA, ID 83539 (208)926-4540
Original Owner	RONALD H MORRIS C/O CARMEN MORRIS HOWARD RR 1 BOX 48B KOOSKIA, ID 83539-9707 (208)926-4934

Priority Date: 07/23/1979

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
CLEAR CREEK	MIDDLE FORK CLEARWATER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.080 CFS	12.00 AF
	<u>Total Diversion:</u>	0.080 CFS	12.00 AF

Location of Point(s) of Diversion

CLEAR CREEK NW1/4SE1/4 Sec. 25, Twp 32N, Rge 04E, B.M.

IDAHO County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32N	04E	25															4.0		4.0

Total Acres: 4

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

441244

440079

RE-RECORDED TO CORRECT LEGAL DESCRIPTION

DEED OF TRUST

COPY

THIS DEED OF TRUST is made on December 16, 2004. The Grantor is CARMEN MORRIS HOWARD. The Trustee is IDAHO COUNTY TITLE COMPANY, INC. The beneficiary is KAMIAH COMMUNITY CREDIT UNION, which is organized and existing under the laws of Idaho, and whose address is P. O. Box 68, Kamiah, ID 83536. Borrower owes Lender the principal sum of Fifty Thousand Dollars (\$50,000.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on December 16, 2009. This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in Idaho, County, Idaho:

See Exhibit "A" attached hereto and hereby incorporated by this reference.

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORMED COVENANTS. Borrower and Lender covenant and agree as follows:

1. Payment of Principal and Interest; Prepayment and Late Charges. Borrower shall promptly pay when due the principal of and interest on the debt evidenced by the Note and any prepayment and late charges due under the Note.

2. Funds for Taxes and Insurance. Subject to applicable law or to a written waiver by Lender, Borrower shall pay to Lender on the day monthly payments are due under the Note, until the Note is paid in full, a sum ("Funds") equal to one-twelfth of: (a) yearly taxes and assessments which may attain priority over this Security Instrument; (b) yearly leasehold payments or ground rents on the Property, if any; (c) yearly hazard insurance premiums; and (d) yearly mortgage insurance premiums, if any. These items are called "escrow items." Lender may estimate the

1 ___ Adjustable Rate Rider ___ Condominium Rider
2 ___ Graduated Payment Rider ___ Planned Unit Development Rider ___ 2-
3 4 Family Rider ___ Other(s) [specify]

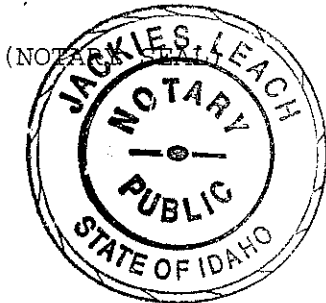
4 BY SIGNING BELOW, Borrower accepts and agrees to the terms and
5 covenants contained in this Security Instrument and in any rider(s)
6 executed by Borrower and recorded with it.

7 *Carmen Morris Howard*
8 CARMEN MORRIS HOWARD

9 STATE OF IDAHO)
10 ss.
11 County of Lewis)

12 On this 16 day of December 2004, before me,
13 *Jackie S Leach* a Notary for the said County and
14 State, personally appeared CARMEN MORRIS HOWARD, known or identified to
15 me to be the person whose name is subscribed to the within instrument,
16 and she acknowledged to me that she freely executed the same.

17 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
18 official seal the day and year first above written.



Jackie S Leach
Notary Public for State of Idaho,
Residing at *Boosha*, therein.
My Commission Expires on:
07/20/2010

EXHIBIT A

STATE of IDAHO	
County of Idaho	
Recorded at request of	
IDAHO COUNTY TITLE CO.	
at	4:00 P. m on 2-11-05
ROSE E. GEHRING	
By	Beth G. O'Brien Recorder
Fees \$	27.00 Deputy

Township 32 North, Range 4 East, Boise Meridian, Idaho County, Idaho
Section 25: A parcel of land lying South of the County Road, more particularly described as follows:

THAT PORTION OF THE FOLLOWING PARCEL THAT LIES SOUTH OF THE COUNTY ROAD:
Beginning at a fence corner post, from which post the
Southeast Corner of said Section 25 bears S 29°29' E,
3070 feet;
thence N 87°59' W, 913.6 feet along a wire fence to a
3/4"x24" iron pin;
thence S 33°10' W, 490 feet to the center of Clear Creek,
from which point a 1½" iron pipe bears N 33°10' E, 30
feet;
thence S 76°17' E, 1181 feet along the center of Clear
Creek;
thence N 02°56' E, 658 feet along a wire fence to the
Place of Beginning.
Sometimes known as Assessor's Tax No. 132.

STATE of IDAHO	
County of Idaho	
Recorded at request of	
IDAHO COUNTY TITLE CO.	
at	4:30 P. m on 4-26-05
ROSE E. GEHRING	
By	Sandy Joins Recorder
Fees \$	27.00 Deputy