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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	)	SUBCASE NO. 37-447C
	)	
	)	STIPULATION TO RESOLVE
Case No. 39576	)	OBJECTION
	)	
	)	
	)	

This form is used to report the stipulated elements of one water right acquired under state law. 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; and 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 claimants (Howard and Rhonda Morris), the objectors (Gary and Helen DeMoss) and IDWR agree and stipulate that this **stipulation resolves the objection by Gary and Helen DeMoss to 37-447C.**

The following remark will be included with the priority date element for Gary and Helen DeMoss's water rights 37-856, 37-2778, 37-2780, and 37-7754:

Pursuant to a call in times of scarcity, the diversion to storage from November 1 to March 31 is not subject to curtailment by **Water Right No. 37-447C.**

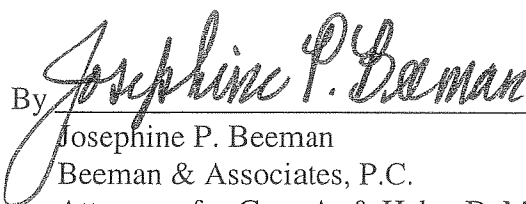
The parties realize that the remark on the four DeMoss rights that subordinates 37-447C may be expanded to include the subordination of other water rights, prior to the entry of the Special Masters Report and Recommendation for 37-856, 37-2778, 37-2780, and 37-7754.

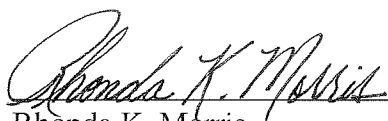
The parties and IDWR have further indicated their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT:

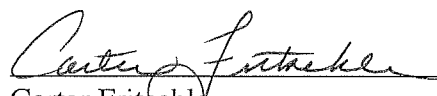
OBJECTOR:

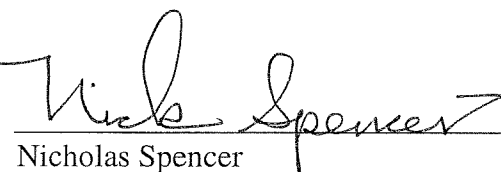
 9-24-07
Howard L. Morris Date

By  12 Sep 2007
Josephine P. Beeman Date
Beeman & Associates, P.C.
Attorneys for Gary A. & Helen DeMoss

 9-24-07
Rhonda K. Morris Date

IDWR CONCURRENCE:

 9-27-07
Carter Fritschle Date
Adjudication Supervisor, IDWR

 9-27-07
Nicholas Spencer Date
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on September 28, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

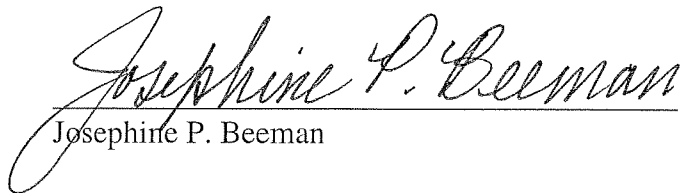
2. Copies to:

David J. Barber
Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Howard & Rhonda Morris
1101 East 2900 South
Hagerman, ID 83332

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

James Tucker
Idaho Power Co.
P. O. Box 70
Boise, ID 83701


Josephine P. Beeman

04/23/2007

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

RIGHT NUMBER: 37-447C

NAME AND ADDRESS: HOWARD L MORRIS
1010 E 2900 S
HAGERMAN ID 83332

RHONDA K MORRIS
1010 E 2900 S
HAGERMAN ID 83332

SOURCE: MALAD RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.000 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

PRIORITY DATE: 07/01/1889

POINT OF
DIVERSION:

T06S R14E S30 NESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 03/15 11/01 15	4.000 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in GOODING County

T06S R13E S25	SWNW	17.00	T06S R13E S25	NESW	31.00
T06S R13E S25	NWSW	37.00	T06S R13E S26	NESW	17.00
T06S R13E S26	SESW	28.00	T06S R13E S26	NESE	39.00
T06S R13E S26	NWSE	27.00	T06S R13E S26	SWSE	28.00
T06S R13E S26	SESE	9.00			

STOCKWATER same as IRRIGATION

233 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 200 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 for stockwater use is not a determination of historical beneficial use.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

CA
NBS
JPB
R.H.M.
H.M.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH THE THORPE DITCH.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM THE THORPE DITCH
COMPANY.

CA
NBS
JFB
R.H.M.
H.L.P.