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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. - 65-2347P
	)	
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	X LATE NOTICE OF CLAIM
	)	AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

X I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Robert and Heidemarie Morris

My address is 3808 Fuller Road
Emmett, Idaho 83617

My phone number is: Work 208 477 4628 Home 208 880 - 9969

I am an attorney representing: _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

X I did not file a Notice of claim to the use of water in the SRBA because:

We moved to Idaho and purchased this property 8/2011. Subsequently we learned that there is no water right for the well that provides water for culinary and domestic use at our home. We desire to obtain a water right through the Snake River Basin Adjudication Court. We understand that this is a deferrable domestic claim but nevertheless desire not to defer our claim and to file such a claim with this Court.

I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

X I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

Copy of (Deed, Closing Papers or something showing the date you acquired the property) substantiating our ownership of the property.

After Recording Return To:
Zions First National Bank, N.A.
255 N Admiral Byrd Road
Salt Lake City, Utah 84116

[Space Above This Line For Recording Data]

DEED OF TRUST

MIN: 1000195-0000017515-4

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated AUGUST 26, 2011, together with all Riders to this document.

(B) "Borrower" is ROBERT D. MORRIS AND HEIDEMARIE L. MORRIS, HUSBAND AND WIFE, AS JOINT TENANTS

Borrower is the trustor under this Security Instrument.

(C) "Lender" is Zions First National Bank, N.A.

Lender is a UNITED STATES CORPORATION organized
and existing under the laws of UNITED STATES
Lender's address is 255 N Admiral Byrd Road, Salt Lake City, Utah 84116

(D) "Trustee" is Zions First National Bank, N.A.
255 N Admiral Byrd Road, Salt Lake City, Utah 84116

(E) "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. MERS is the beneficiary under this Security Instrument. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.

(F) "Note" means the promissory note signed by Borrower and dated AUGUST 26, 2011.
The Note states that Borrower owes Lender THREE HUNDRED TWELVE THOUSAND AND
00/100 Dollars (U.S. \$ 312,000.00) plus interest.

I have attached:

☒ A fully completed Notice of Claim

☒ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 4514129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ with the original

A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 4514129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 0.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on April 17, 2012 2:30 pm
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

I must amend my Notice of Claim to the use of water in the SRBA because:

I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

An amended Notice of Claim (available from IDWR).

Payment of the following additional fees required by IDWR:

~~\$25⁰⁰ filing fee~~ (RM)

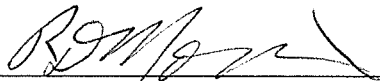
VERIFICATION (Must be completed)

State of Idaho

County of ^{Gem} Ada

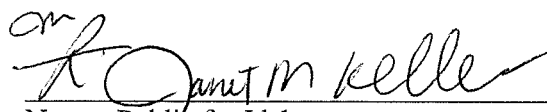
Robert Morris and Heidi Morris, being first duly sworn, upon oath, deposes and says:

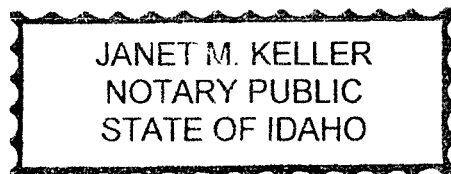
That I am the party/claimant filing this motion for late ~~or amended~~ claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.


Robert Morris


Heidemarie Morris

Subscribed and sworn to before me on 01/23/2012.
(Insert Date)


Notary Public for Idaho
Residing at: ^{Gem} Co., Idaho
My Commission expires: 12/18/2012



CERTIFICATE OF MAILING

I certify that on 1-24, 2012, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form