

02/09/2009

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-12345

NAME AND ADDRESS: TANA KERBY
3175 HWY 55
NEW MEADOWS ID 83654

INEZ WILSON MORRIS
3175 HWY 55
NEW MEADOWS ID 83654

SOURCE: WASTE WATER

TRIBUTARY: LITTLE CREEK

QUANTITY: 3.000 CFS

PRIORITY DATE: 04/15/1936

POINT OF DIVERSION:

T19N R02E S30 NESE Within ADAMS County
T19N R02E S30 NESE Within ADAMS County
T19N R02E S30 NESE Within ADAMS County
T19N R02E S30 SESE Within ADAMS County
T19N R02E S30 SESE Within ADAMS County
T19N R02E S30 SESE Within ADAMS County
T19N R02E S30 SESE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/1 10/31	3.000 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R02E S30	NESE	10.00	T19N R02E S30	NWSE	16.00
T19N R02E S30	SWSE	40.00	T19N R02E S30	SESE	40.00

106 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 328 acres in a single irrigation season. Combined Right Nos.: 78-209A, 78-210A, 78-211A, 78-212, 78-228, 78-2036, 78-4085 and 78-12345.

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CLERK OF DISTRICT COURT - JUDGE
Fourth Judicial District
County of Twin Falls - State of Idaho

JUL 17 2008

12

MA

CLERK

In Re SRBA

Subcase

e. 78-12345
(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ **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.

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

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Tana Kerby and Inez Wilson Morris

My name is Scott L. Campbell and Andrew J. Snook

My address is Moffatt Thomas, P.O. Box 829, Boise, Idaho 83701-0829

My phone number is 208-345-2000

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.

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

The source of water at issues is waste water from an adjoining property. My initial understanding was that the use of waste water did not require a water right claim. I only recently became aware that I may need to file a water right claim for the use of waste water on the property after participating in another subcase as a witness and later discussing this matter with legal counsel.

☐ 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.

☒ 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.)

Affidavit of Tana Kerby

Affidavit of Inez Wilson Morris

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ 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) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ 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) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 360.00.

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 August 19, 2008 at 1:30 p.m.

(Insert Date and Time)

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:

VERIFICATION (Must be completed)

State of Idaho

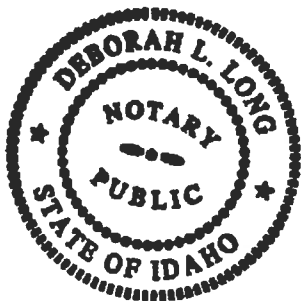
County of Ada

Scott L. Campbell, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Scott L. Campbell

Subscribed and sworn to before me on July 15, 2008.
(Insert Date)



Deborah Long
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 10/10/2013

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on July 15, 2008, ~~xxxx~~, 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:

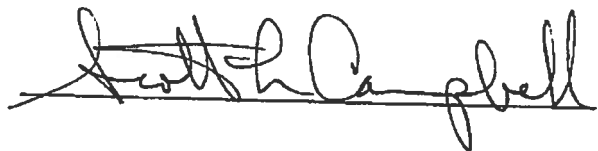
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

All parties to the
SRBA Expedited Service List

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.
(Insert Names/address of parties)

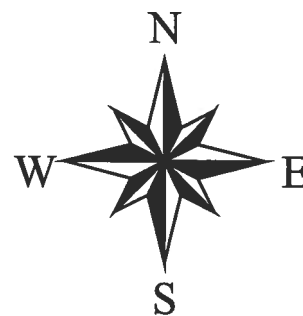


78-12345

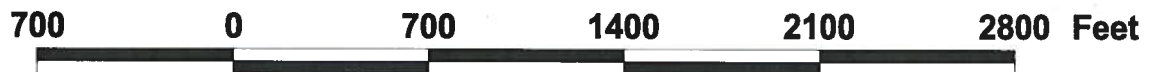
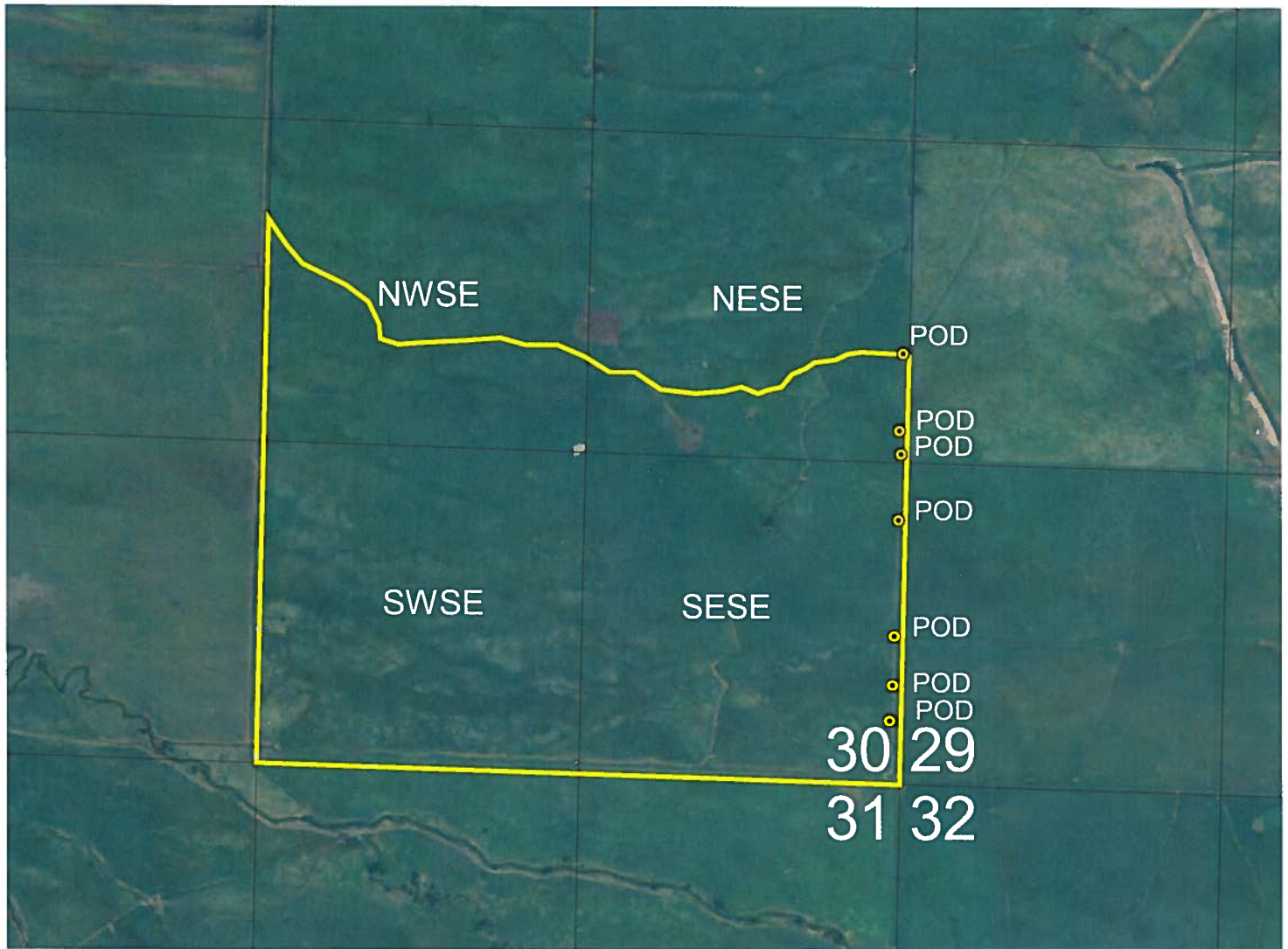


T19N R02E S30

Map prepared by: Carter Fritschle
Date prepared: 08/29/08
2004 NAIP Photography
Idaho Department of Water Resources

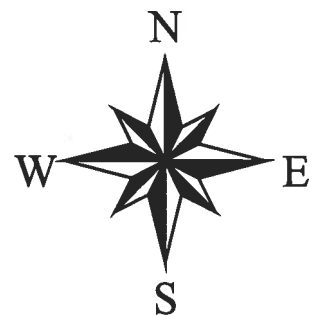


78-12345



T19N R02E S30

Map prepared by: Carter Fritschle
Date prepared: 08/29/08
2004 NAIP Photography
Idaho Department of Water Resources





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 23, 2008

Tana Kerby
Inez Wilson Morris
3175 Hwy 55
New Meadows, ID 83654

RE: Snake River Basin Adjudication (SRBA) Claim No. 78-12345

Dear Tana and Inez:

Enclosed is a copy of a GIS layout (map) depicting the portion of your property that utilizes the waste water that flows onto your property from the adjoining property to the east. During the field visit last August, Tana showed me seven locations where waste water was captured by your ditch and distributed to your field. Tana also pointed out the area in which the waste water could be applied to the land.

The seven locations where the waste water enters your ditch are shown on the GIS layout as points of diversion (POD) and the yellow line is an attempt to outline the place of use for the water. The area outlined is approximately 106 acres. Because the original claim only listed three points of diversion and 80 acres for the place of use, I have included a draft amended claim for your review that includes the seven points of diversion and 106 acres. If you wish to include the extra points of diversion and acres, please sign the amended claim and return it to my attention at the following address:

Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098

There will be no additional filing fees if you wish to amend your claim to reflect the elements as shown. If you have any questions, you may contact me by phone at (208) 287-4917 or my email address is Carter.Fritschle@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, reading "Carter Fritschle".

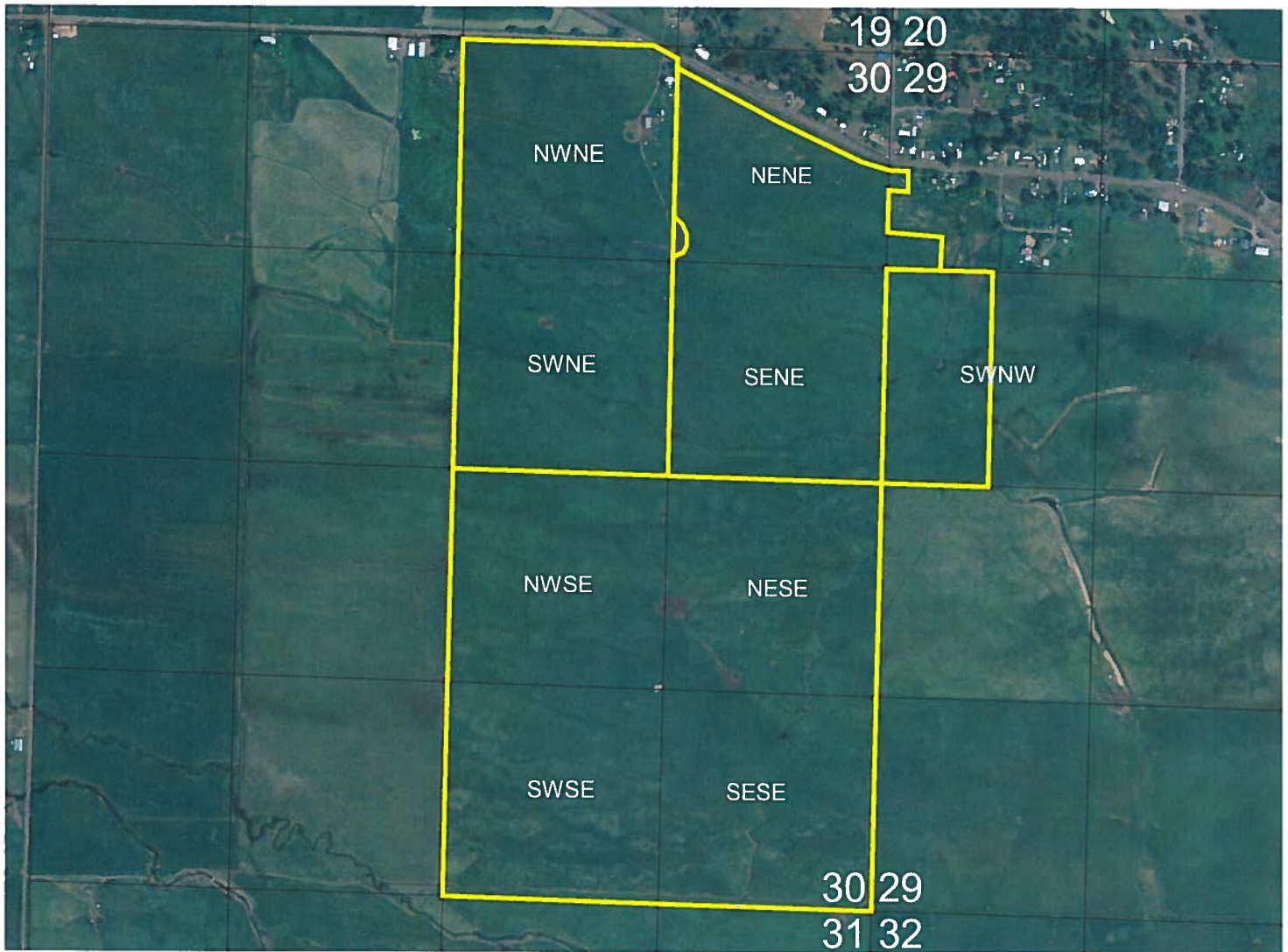
Carter Fritschle
Section Manager
Adjudication Bureau

Enclosures:

GIS layout
Draft amended claim

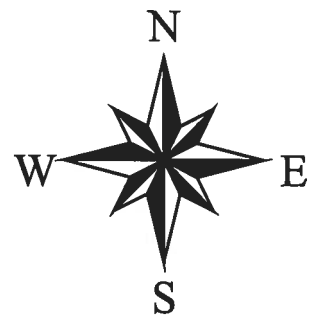
cc: Scott L. Campbell with enclosures

Morris and Kerby



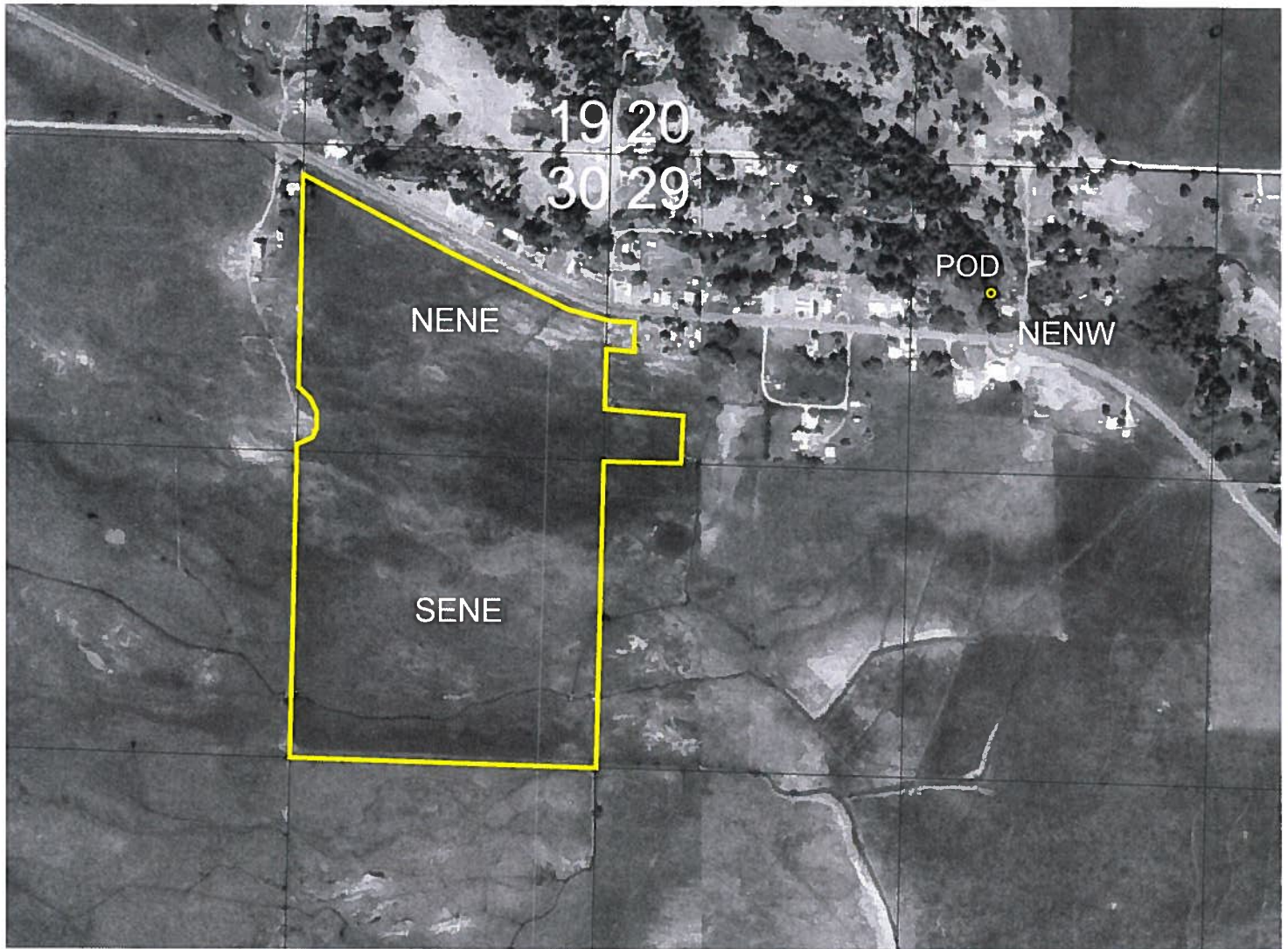
T19N R02E S30

Map prepared by: Carter Fritschle
Date prepared: 08/12/08
2004 NAIP Photography
Idaho Department of Water Resources



<u>Water Right No.</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Acres</u>	<u>cfs per Acre</u>
78 209 A	1878-05-01	0.11	GOOSE CREEK	IRRIGATION		
78 210 A	1894-05-01	0.41	GOOSE CREEK	IRRIGATION		
78 211 A	5/1/1918	0.56	GOOSE CREEK	IRRIGATION		
		1.08			68	0.016
78 212	1878-05-01	0.30	GOOSE CREEK	IRRIGATION		
		0.30			20	0.015
78 228	1889-05-01	0.64	GOOSE CREEK	IRRIGATION		
78 2036	2/18/1934	4.00	GOOSE CREEK	IRRIGATION		
78 4085	1890-06-01	4.04	CAMPBELL SWAMP	IRRIGATION, STOCKWATER		
		8.68			240	0.036
	Total	10.06			328	0.031

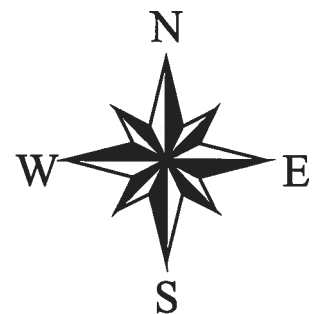
78-209A 78-210A & 78-211A



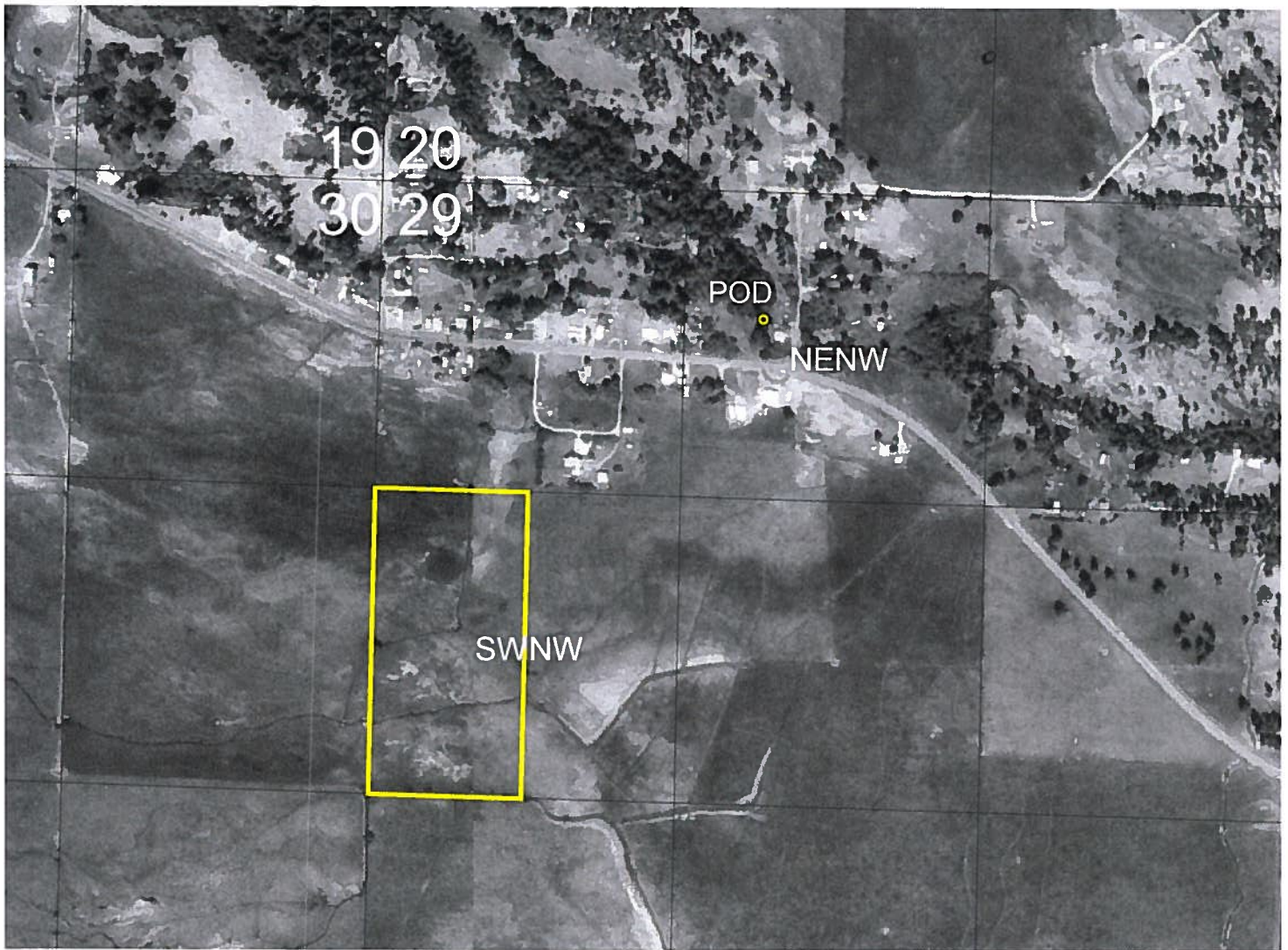
700 0 700 1400 2100 2800 Feet

T19N R02E S30

Map prepared by: Carter Fritschle
Date prepared: 08/04/05
Digital Orthophotoquad - 1992 Photography
Idaho Department of Water Resources

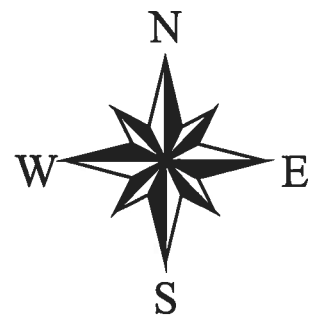


78-212

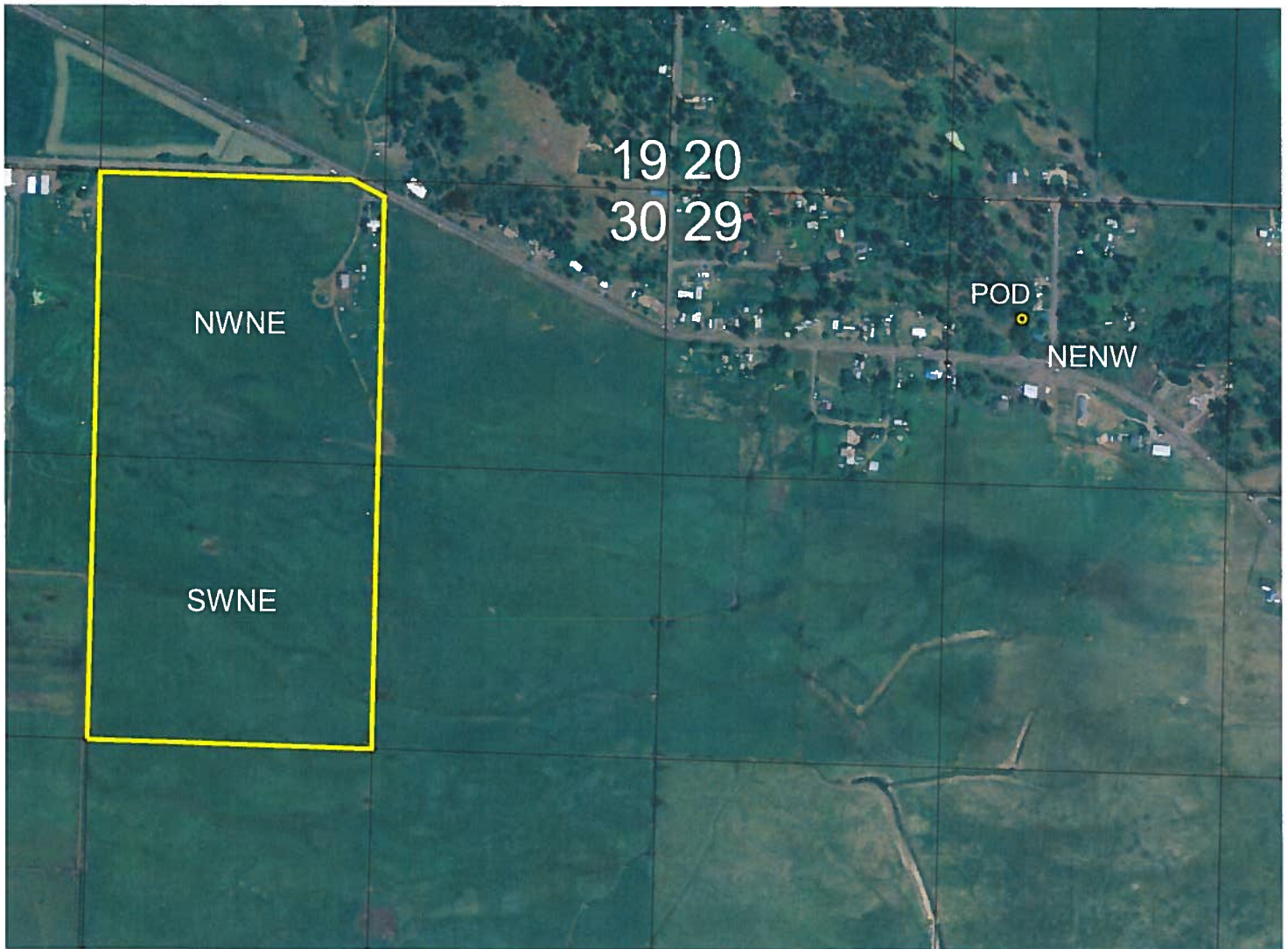


T19N R02E S29

Map prepared by: Carter Fritschle
Date prepared: 08/05/05
Digital Orthophotoquad - 1992 Photography
Idaho Department of Water Resources



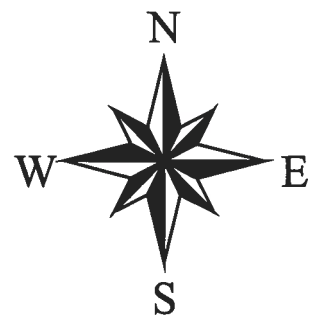
78-228



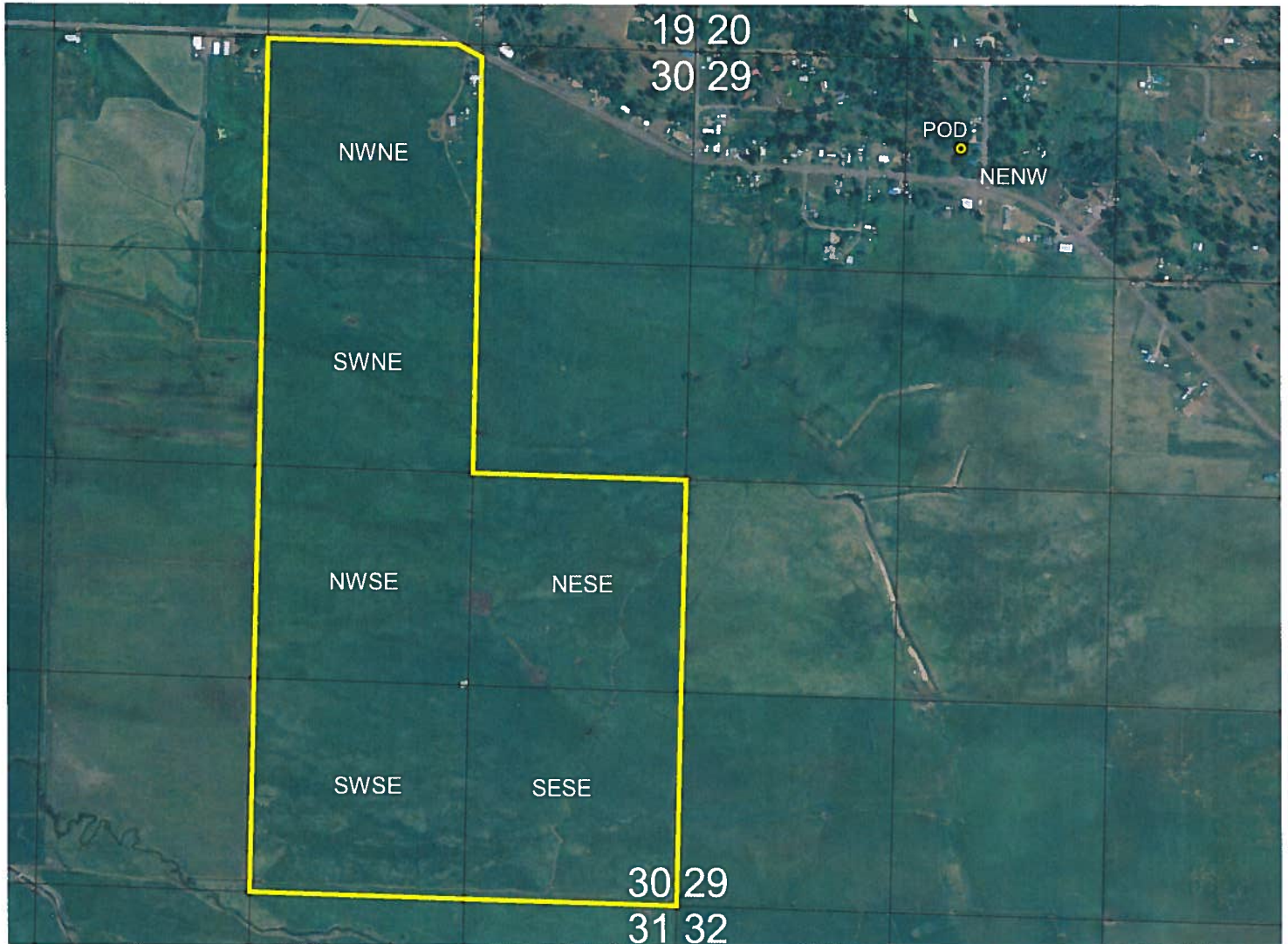
800 0 800 1600 2400 3200 Feet

T19N R02E S30

Map prepared by: Carter Fritschle
Date prepared: 08/03/05
2004 NAIP Photography
Idaho Department of Water Resources

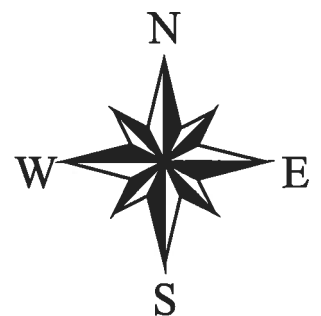


78-2036

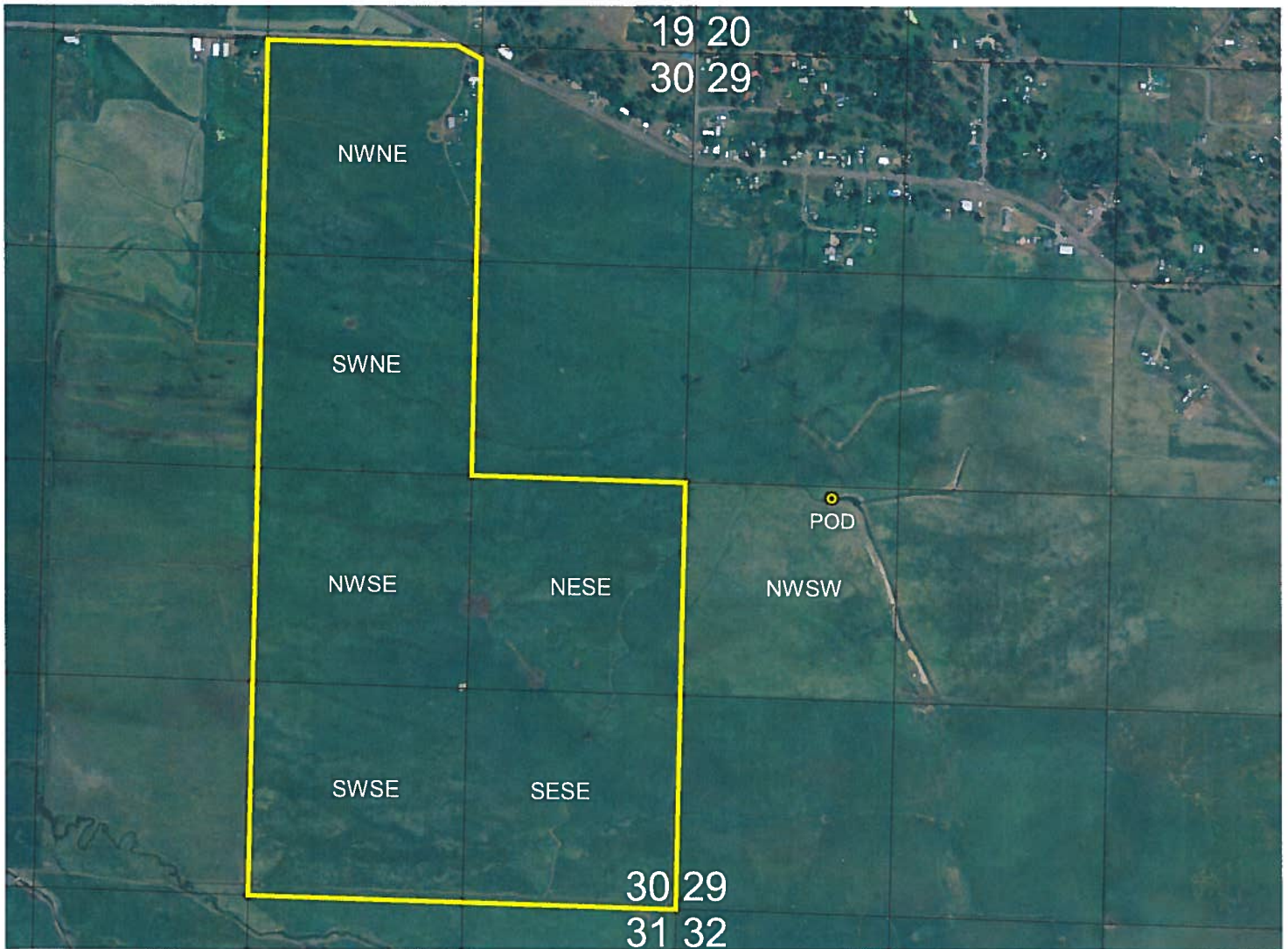


T19N R02E S30

Map prepared by: Carter Fritschle
Date prepared: 05/20/05
2004 NAIP Photography
Idaho Department of Water Resources

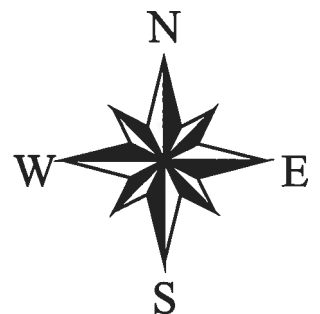


78-4085



T19N R02E S30

Map prepared by: Carter Fritschle
Date prepared: 05/20/05
2004 NAIP Photography
Idaho 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 78-12345

Date Received: July 17, 2008

Receipt No: 5th Judicial District

Received By: City of Twin Falls - State of Idaho

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

JUL 17 2008

Please type or print clearly

1. Name of Claimant (s) Tana Kerby and Inez Wilson Morris Phone (208) 347-2464

Mailing Address 3175 Highway 55 New Meadows, ID ZIP 83654

Street or Box

City

State

2. Date of Priority (Only one (1) per claim) April 15, 1936

Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other () (a) East Drain

which is tributary to (b) South Drain

4. a. Location of Point of Diversion Is: Township 19 N, Range 02 E, Section 30

SE, 1/4 of SE, 1/4 of , 1/4 Govt. Lot , BM., County of Adams

Additional points of diversion if any: There are a total of 3 points of diversion

If available, GPS Coordinates

b. If instream flow, beginning point of claimed instream flow is:

Township , Range , Section , , 1/4 of , 1/4 of , 1/4

Govt. Lot , BM., County of

ending point is: Township , Range , Section , , 1/4 of , 1/4 of

 , 1/4 Govt. Lot , BM., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

Three (3) headgates in East Drain deliver water to earthen ditches for flood irrigation of pasture land.

Last Name Kerby and Wilson Morris Ident No.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For irrigation purposes from 04/15 to 10/31 amount 3.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.0 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	30															40	40	80

Total number of acres irrigated 80

10. In which county (ies) are lands listed above as place of use located? Adams

11. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (✓)

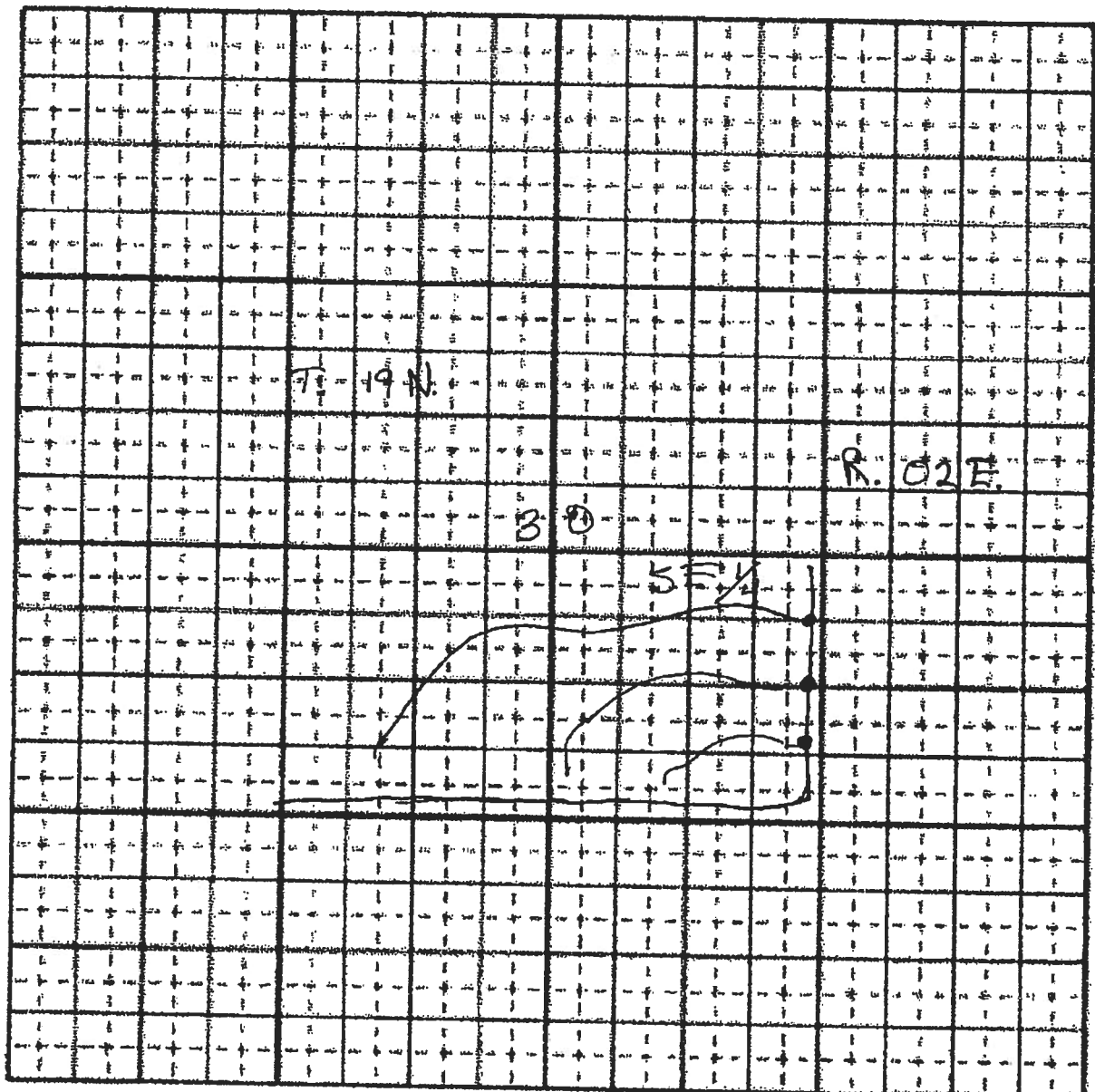
13. Remarks:

Last Name Kerby and Wilson Morris Ident No. _____

CLIENT:849422.1

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 Inches equals 1 mile



14. Basis of Claim (Check One) Beneficial Use _____ Posted Notice _____ License _____ Permit _____ Decree _____

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X Shirley M. Morrison Date: 7/15/08

X Sandra D. Dwyer Date: 7/15/08

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am _____ of _____

Title _____ Organization _____

that I have signed the foregoing document in the space below as _____

Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

Please Print Name

16. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Scott L. Campbell

Address P.O. Box 829, Boise, Idaho 83701

Date 7/15/08

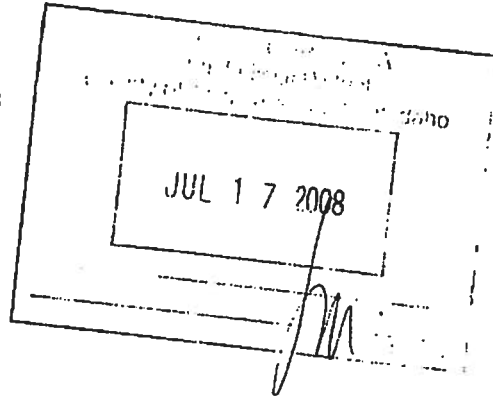
Last Name Kerby and Wilson Morris Ident No. _____

CLIENT:949422.1

COPY

Attorneys for Tana Kerby and Inez Wilson Morris

Scott L. Campbell, ISB No. 2251
Andrew J. Snook, ISB No. 7761
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
18944.0001



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

AFFIDAVIT OF TANA KERBY

STATE OF IDAHO)
) ss.
County of Adams)

Tana Kerby, having been duly sworn upon oath, deposes and states as follows:

1. The statements contained in this affidavit are based upon my personal knowledge.
2. I and my mother, Inez Wilson Morris, are the sole beneficiaries of the George Wilson Trust ("Trust") which owns the real property described in Exhibit A, attached hereto ("Property"). My mother and father owned this Property from 1936 to 1961, when my

father, George Wilson, died. The property transferred into the Trust at that point and has been owned by the Trust since that time.

3. My mother and I filed notices of claim to water rights in the Snake River Basin Adjudication in 1988 to protect the water rights for the Property. In December 2006, we received copies of the Recommendations of the Director of the Idaho Department of Water Resources for the water right claims we filed. We did not file any objections to the Recommendations because they were basically satisfactory.

4. Within the last few weeks, in part because of my participation as a witness in the contested subcase proceeding involving water right claim 78-0206A, I became concerned about the possible need to file a late water right claim for water which has been used on the Property since 1933. The water source for the claim is waste water from an adjoining property.

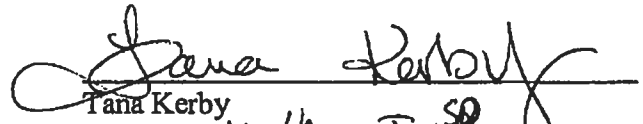
5. My mother and I did not file a notice of claim to water right for the waste water use on the Property because we did not understand that it would be necessary to file a claim for such water use. We thought that use of waste water from another property did not require a water right.

6. Based upon investigation of this issue with the Idaho Department of Water Resources agent, Carter Fritschle, my mother and I determined that we should file a late notice of claim for the waste water use on the Property. After consultation with our attorney, Scott L. Campbell, on May 29, 2008, we have decided we should pursue a motion for leave to file a late notice of claim.

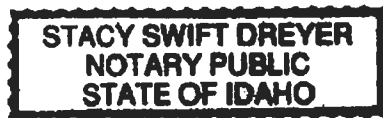
7. My mother and I were not aware previously that we should have filed a notice of claim for water right to confirm the waste water use which has occurred on the Property

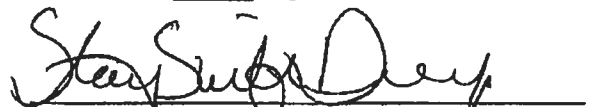
since at least 1933. Had we known that such a claim would be required, we would have filed the claim in 1988 with the rest of the water right claims filed at that time.

Further your affiant sayeth naught.


Tana Kerby

SUBSCRIBED AND SWORN to before me this 14th day of July, 2008.




NOTARY PUBLIC FOR IDAHO
Residing at New Meadows
My Commission Expires 3-17-2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of June, 2008, I caused a true and correct copy of the foregoing AFFIDAVIT OF TANA KERBY to be served by the method indicated below, and addressed to the following:

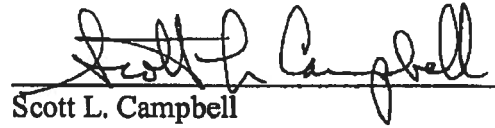
Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720

- () U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile

Scott L. Campbell

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 2008, I caused a true and correct copy of the foregoing **AFFIDAVIT OF TANA KERBY** to be served by U.S. Mail, postage prepaid, and addressed to each party listed on the SRBA Expedited Service List.



Scott L. Campbell

EXHIBIT A

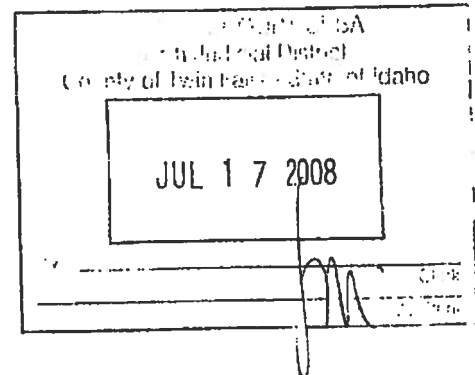
Property Description

The Property consists of eighty (80) acres located within the SENW and NENW quarter-quarter sections of Section 29, Township 19 North, Range 20 East in New Meadows, Adams County, Idaho. Irrigation water for the Property is diverted from three (3) points of diversion located along a drain ditch near the eastern boundary of the property within the SENW quarter-quarter section of Section 29, Township 19 North, Range 20 East. The water diverted from these points of diversion is used for the irrigation of eighty (80) acres all located within the SENW and NENW quarter-quarter sections of Section 29, Township 19 North, Range 20 East. The water used to irrigate the Property is diverted from the points of diversion at a rate of 3.0 cfs. The above described irrigation practices for the Property were initiated by George Wilson in 1933.

COPY

Attorneys for Tana Kerby and Inez Wilson Morris

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18944.0001



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

AFFIDAVIT OF INEZ WILSON MORRIS

STATE OF IDAHO)
) ss.
County of Adams)

Inez Wilson Morris, having been duly sworn upon oath, deposes and states as follows:

1. The statements contained in this affidavit are based upon my personal knowledge.
2. In 1936, I married George Wilson, who resided in New Meadows, Adams County, Idaho.

3. Following our marriage, George Wilson and I lived on certain real property described in Exhibit A, attached hereto ("Property").

4. During the time that I lived on the Property, I observed the irrigation practices conducted by George Wilson on the Property.

5. Beginning in 1936, I witnessed George Wilson divert water for irrigation purposes from a drain ditch on the eastern boundary of the Property ("East Drain Ditch") located to the west of the neighboring Raney Ranch.

6. The source of the East Drain Ditch was and is runoff water from the neighboring Raney Ranch.

7. Located on the East Drain Ditch are three (3) points of diversion used to divert water for irrigation purposes on the Property.

8. George Wilson passed away in 1961.

9. I and my daughter, Tana Kerby, are the sole beneficiaries of the George Wilson Trust ("Trust") which owns the Property.

10. My daughter and I filed notices of claim to water rights in the Snake River Basin Adjudication in 1988 to protect the water rights for the Property. In December 2006, we received copies of the Recommendations of the Director of the Idaho Department of Water Resources for the water right claims we filed. We did not file any objections to the Recommendations because they were basically satisfactory.

11. My daughter and I did not file a notice of claim to water right for the waste water used on the Property because we did not understand that it would be necessary to file a claim for such water use. We thought that use of waste water from another property did not require a water right.

12. Based upon investigation of this issue with the Idaho Department of Water Resources agent, Carter Fritschle, my daughter and I determined that we should file a late notice of claim for the waste water used on the property. After consultation with our attorney, Scott L. Campbell, on May 29, 2008, we have decided we should pursue a motion for leave to file a late notice of claim.

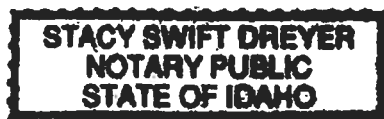
13. My daughter and I were not aware previously that we should have filed a notice of claim for water right to confirm the waste water use which has occurred on the Property since at least 1933. Had we known that such a claim would be required, we would have filed the claim in 1988 with the rest of the water right claims filed at that time.

Further your affiant sayeth naught.

Inez Wilson Morris
Inez Wilson Morris

SUBSCRIBED AND SWORN to before me this 14th day of July,

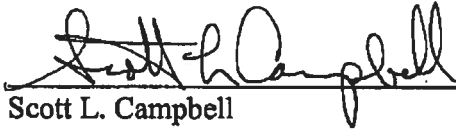
2008.



Stacy Swift Dreyer
NOTARY PUBLIC FOR IDAHO
Residing at New Meadows, ID
My Commission Expires 3/7/2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 2008, I caused a true and correct copy of the foregoing **AFFIDAVIT OF INEZ WILSON MORRIS** to be served by U.S. Mail, postage prepaid, and addressed to each party listed on the SRBA Expedited Service List.



Scott L. Campbell

EXHIBIT A

Property Description

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