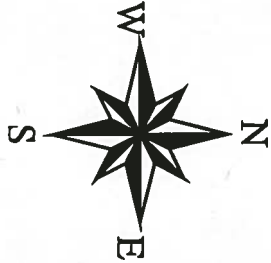
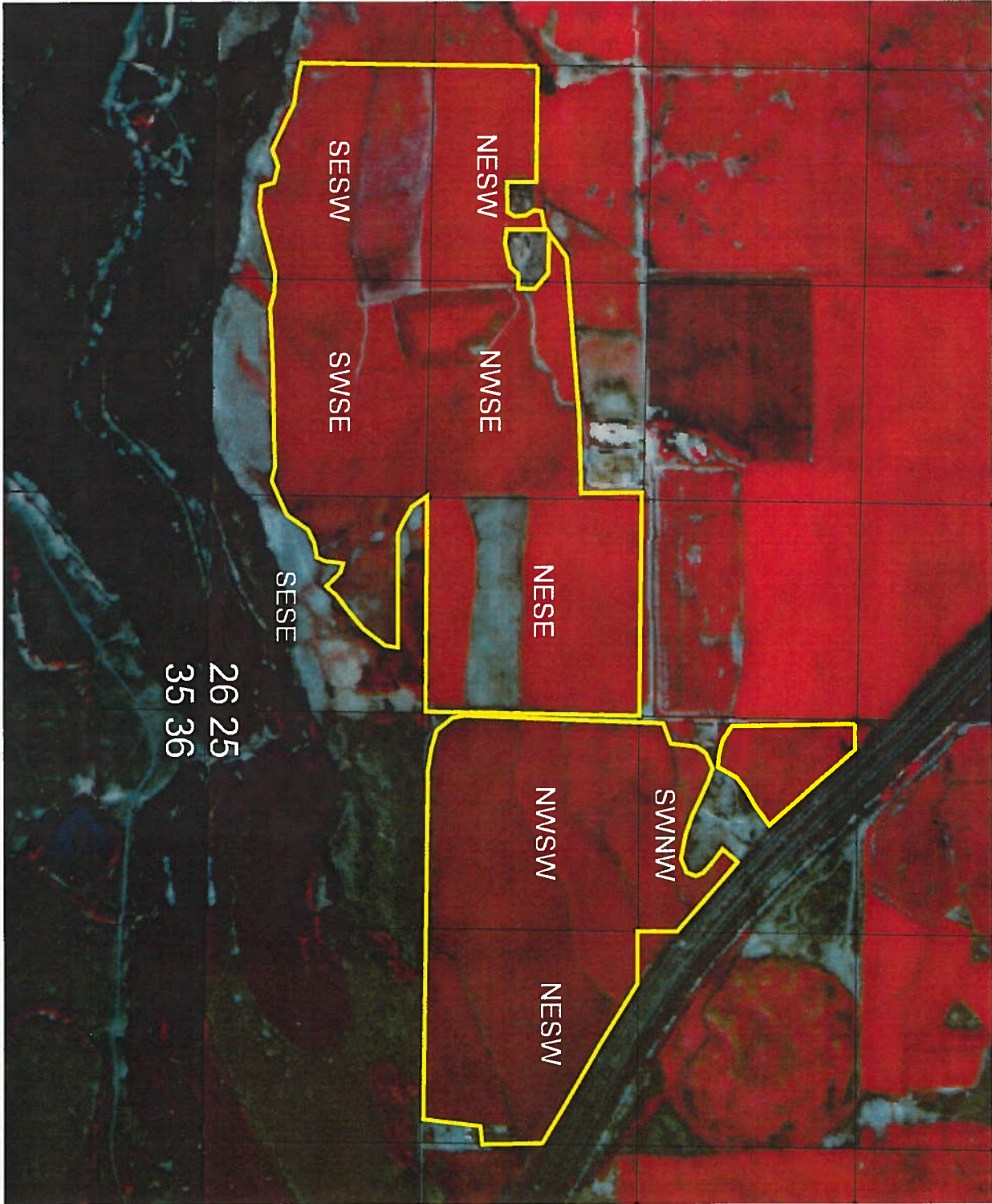


37-447C

T06S R13E
S25 & S26



26 25
35 36



Map prepared by: Carter Fritschle
Date prepared: 10/06/03
1987-1988 NAPP photography
Idaho Department of Water Resources

1

10/06/2003

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

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

WATER IS DELIVERED THROUGH THE THORPE DITCH.

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

Water Right 37-447 Split Right Analysis

Water Right 37-447A Split Right:

2.90 cfs of 37-447A combined with 1.10 cfs (all) of 37-447B and claimed as 37-447C.

0.80 cfs of 37-447A claimed as 37-447D.

5.10 cfs of 37-447A combined with 0.50 cfs (all) of 37-447C and claimed as 37-11131.

Total = 8.80 cfs (All of 37-447A)

Water Right 37-447B Split Right:

1.10 cfs (all) of 37-447B combined with 2.90 cfs of 37-447A and claimed as 37-447C

Water Right 37-447C Combined Right:

0.50 cfs (all) of 37-447C combined with 5.10 cfs of 37-447A and claimed as 37-11131.

Claim 37-447C = 2.90 cfs of 37-447A combined with 1.10 cfs (all) of 37-447B = 4.00 cfs

Claim 37-447D = 0.80 cfs of 37-447A = 0.80 cfs

Claim 37-11131 = 5.10 cfs of 37-447A combined with 0.50 cfs (all) of 37-447C = 5.60 cfs

Water rights 37-447B and 37-447C were created when Transfer No. 801 modified the POU for 1.60 cfs on 80 acres within the decreed POU of 37-447. 37-447B remained within the legal description of the 80 acres (1.10 cfs), and 37-447C (0.50 cfs) was moved to new land. Transfer No. 801 was protested because it appeared to be an enlargement in use. Transfer No. 801 was approved stating there would be no injury to the protestant's water rights. This could be viewed as having the same affect as making a permissible place of use for the 1.60 cfs by limiting it to 80 acres within the new permissible POU. The "un-transferred" portion of 37-447 (34-447A) was 8.80 cfs in 11 quarter-quarters or 440 acres.

Note: Watermaster records show Zeller is entitled to 200 inches (4.00 cfs) of right 37-447.

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: A37-00447C
Date Received: 8/26/1988
Receipt No: 5001782
Received By: TB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRED ZELLER 208-733-1643
Address: 416 DUBOIS
TWIN FALLS, ID 83301

OR
Name: PAUL ZELLER 208-837-6221
Address: 1152 OLD MALAD RIVER ROAD
BLISS, ID 83314

2. Date of Priority: JUL 01, 1889

3. Source: MALAD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	13E	30	NE	SE	SW		GOODING

5. Description of diverting works:
CEMENT CHECK DAM DIVERTS TO EARTH DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		
STOCKWATER	01/01	12/31	1.000		

7. Total Quantity Appropriated is:
4.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 233.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/250 RGE., 50 MILKING

MICROFILMED
FEB 22 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	13E	25	SW	NW		IRR	15.0
			NE	SW		IRR	27.0
			NW	SW		IRR	38.0
						Section Acres	80.0
		26	NE	SW		IRR	19.0
			SE	SW		IRR	24.0
			NE	SE		IRR	38.0
			NW	SE		IRR	29.0
			SW	SE		IRR	33.0
			SE	SE		IRR	10.0
				Section Acres	153.0		
				Total Acres	233.0		

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-4093, A.F. DIST #2.

14. Remarks:
WATER IS DELIVERED BY THE THORPE DITCH. WINTER STOCKWATER IS COMBINED WITH NEIGHBOR AT DIVERSION SUFFICIENT FLOW IS REQUIRED TO KEEP DITCH FROM FREEZING SOLID.
DIVERSION IS APPROX. 1 MILE ABOVE FIST P/U.

15. Basis of Claim: BENEFICIAL USE

16. 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): x Paul Zeller Date: 8-26-88
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

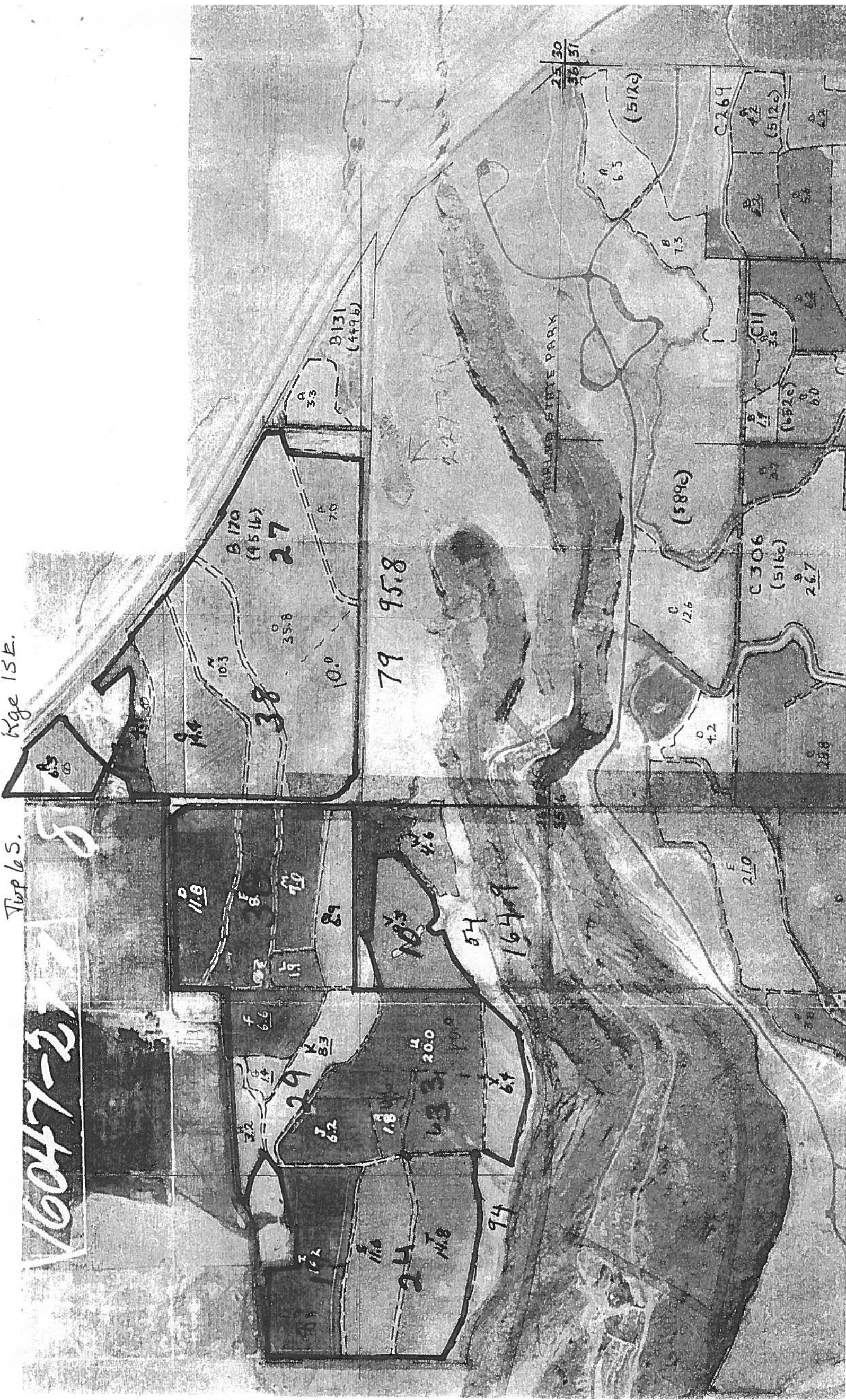
Subscribed and sworn (or affirmed) before me this 26th day
of August 19 88 Roxanne Storey
Notary Public

Seal

Residing at Buhl, id
My Commission Expires 6-30-94

Age 15k.

6047-2



SEP 29 2003

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 37-447C
Date Received: 8/26/1988
Receipt No: S001782
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HOWARD L MORRIS Phone: (208)837-6213
1101 E 2900 S
HAGERMAN ID 83332

RHONDA K MORRIS Phone: (208)837-6213
1101 E 2900 S
HAGERMAN ID 83332

2. Date of Priority: 07/01/1889

3. Source: MALAD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	14E	30	NE SE SW	GOODING	

5. Description of diverting works:

CEMENT CHECK DAM DIVERTS TO EARTH DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	4	
STOCKWATER	1/01	12/31	1	

7. Total Quantity Appropriated is:
4 C.F.S.

37-447C

09/25/2003

SCANNED

SEP 29 2003

1

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06S	13E	25	NW	SW		IRRIGATION	38
			SW	NW		IRRIGATION	15
			NE	SW		IRRIGATION	27
			Section Acres				
06S	13E	26	NE	SE		IRRIGATION	38
			NW	SE		IRRIGATION	29
			SW	SE		IRRIGATION	33
			SE	SE		IRRIGATION	10
			NE	SW		IRRIGATION	19
			SE	SW		IRRIGATION	24
Section Acres					153		
Total Acres					233		

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

WATER IS DELIVERED BY THE THORPE DITCH. WINTER STOCKWATER IS COMB INED WITH NEIGHBOR AT DIVERSION SUFFICIENT FLOW IS REQUIRED TO KEEP DITCH FROM FREEZING SOLID. DIVERSION IS APPROX. 1 MILE ABOVE FIST P/U.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 25, 2003

HOWARD MORRIS
RHONDA MORRIS
1101 E 2900 S
HAGERMAN ID 83332

Re: SRBA Claim(s) 37-447C

Dear Mr. and Mrs. Morris:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

SCANNED

SEP 29 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
SEP 23 2003

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-447C					
37-11133					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**. -

3. Name and Address of Former Owner/Claimant(s) Paul Zeller and Fred Zeller
1152 Old Malad River Rd, Bliss, ID 83314
4. New Owner/Claimant(s) Howard L. Morris and Rhonda K. Morris
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
1101 East 2900 South, Hagerman, ID 83332
- New Mailing Address _____
- City, State and ZIP Code _____
- New Telephone Number () _____
5. Date you acquired the property September 12, 2003

SCANNED

SEP 29 2003



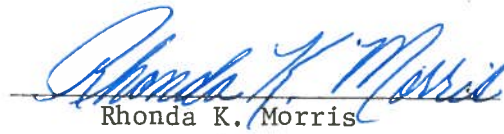
TO: ASCS Office

Please provide Land Title and Escrow, Inc. with an ASCS Map for my property located at:

See attached Legal Description

Sincerely,


Howard L. Morris


Rhonda K. Morris

RECEIVED

SEP 23 2003

Department of Water Resources
Southern Region

SCANNED

SEP 29 2003

WARRANTY DEED

#EC-282 {G32559}

For Value Received

Zeller Investments, LP, an Idaho Limited Partnership

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Howard L. Morris and Rhonda K. Morris, husband and wife
Address: 1101 East 2900 South, Hagerman, ID 83332

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

Parcel No. 1:

TOWNSHIP 6 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 26: All of the W $\frac{1}{2}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$

EXCEPTING therefrom the following described land:

Beginning at the Northeast Corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26;
Thence West, 2640 feet (plus or minus) on the East West center line of Section 26 to the Northwest
Corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section;
Thence South 615 feet, on the West line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence N87°22' East, 1183 feet;
Thence N5°15' East, 125 feet;
Thence N85°40' East, 1200 feet;
Thence S 25 feet;
Thence E 251 feet;
Thence N 370 feet;
Thence along the East line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, to the place of beginning.

Section 25: All of that part of W $\frac{1}{2}$ NW $\frac{1}{4}$ lying South and West of Highway and Railroad; N $\frac{1}{2}$ SW $\frac{1}{4}$ lying West of Highway and Railroad and SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying West of Highway and Railroad.

Parcel No. 2:

TOWNSHIP 6 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 26: East half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$)

EXCEPTING therefrom all portions of above lands South of the top of the North rim wall of the Canyon of Malad River.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Accruing taxes, levies and assessments; easements and rights of way of record if any.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 37.30 shares of American Falls No. 2, 173.2 shares of American Falls Supplemental River Water and 40.00 shares of American Falls Supplemental River Water and also including any licensed domestic or irrigation water rights and licenses with the State of Idaho, including but not limited to 200.00 inches under Water Right number 37-447C and Water Right No. 37-11133.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 9, 2003

Instrument # 202650

GOODING, GOODING, IDAHO

2003-09-12

02:19:26

No. of Pages: 3

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder

Deputy

Fee: 9.00

Penny Watson

RECEIVED

SEP 23 2003

Department of Water Resources
Southern Region

SCANNED

SEP 9 2003

Zeller Investments, LP

Louise Zeller

Louise Zeller, Authorized Signature on behalf of
Zeller Investments, LP pursuant to Court Order of August
4, 2003, case SP 02 00082 of District Court Magistrate
Division, Gooding County, ID

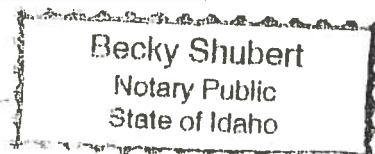
Arlene Zeller Stumm, Authorized Signature on behalf of
Zeller Investments, LP pursuant to Court Order of August
4, 2003, case SP 02 00082 of District Court Magistrate
Division, Gooding County, ID

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 10th day of September, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Louise Zeller, known or identified to me to be the Authorized Signature on behalf of Zeller Investments, LP, pursuant to Court Order of August 4, 2003, case SP 02 00082 of District Court Magistrate Division, Gooding County, Idaho who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said Partnership name.

Becky Shubert

Notary Public
Residing at: Wendell ID
My Commission expires: 02-23-05



STATE OF UTAH)
) ss.
COUNTY OF _____)

On this _____ day of September, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Arlene Zeller Stumm, known or identified to me to be the Authorized Signature on behalf of Zeller Investments, LP, pursuant to Court Order of August 4, 2003, case SP 02 00082 of District Court Magistrate Division, Gooding County, Idaho who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said Partnership name.

Notary Public
Residing at:
My Commission expires:

SCANNED

SEP 29 2003

Zeller Investments, LP

Louise Zeller, Authorized Signature on behalf of
Zeller Investments, LP pursuant to Court Order of August
4, 2003, case SP 02 00082 of District Court Magistrate
Division, Gooding County, ID

Arlene Zeller Stumm
Arlene Zeller Stumm, Authorized Signature on behalf of
Zeller Investments, LP pursuant to Court Order of August
4, 2003, case SP 02 00082 of District Court Magistrate
Division, Gooding County, ID

RECEIVED
SEP 23 2003
Department of Water Resources
Southern Region

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

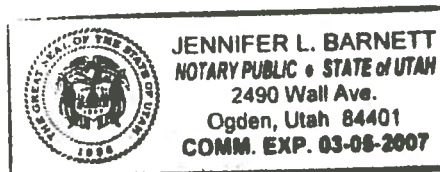
On this _____ day of September, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Louise Zeller, known or identified to me to be the Authorized Signature on behalf of Zeller Investments, LP, pursuant to Court Order of August 4, 2003, case SP 02 00082 of District Court Magistrate Division, Gooding County, Idaho who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said Partnership name.

Notary Public
Residing at:
My Commission expires:

STATE OF UTAH)
) ss.
COUNTY OF weber)

On this 10 day of September, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Arlene Zeller Stumm, known or identified to me to be the Authorized Signature on behalf of Zeller Investments, LP, pursuant to Court Order of August 4, 2003, case SP 02 00082 of District Court Magistrate Division, Gooding County, Idaho who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said Partnership name.

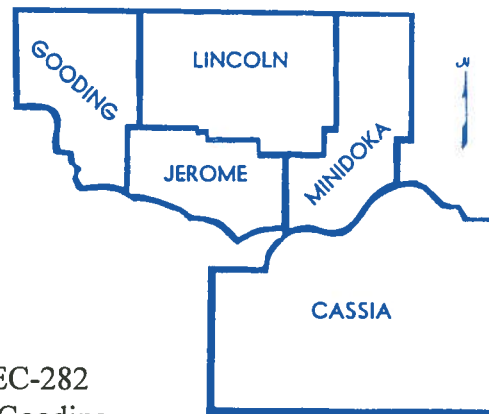
Jennifer L. Barnett
Notary Public
Residing at: Ogden, UT
My Commission expires: 3-5-7



SCANNED
SEP 29 2003

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



September 22, 2003

REFER TO: EC-282
OFFICE: Gooding

Idaho Department of Water Resources
1341 Fillmore Street, Suite 2900
Twin Falls, ID 83301

RE: Zeller to Morris

Dear Sirs:

Please find enclosed our check #17843 in the amount of \$25.00 representing fees to change ownership on the above referenced. I have also enclosed the form, the deed and a plat for your information.

If you have any questions, please do not hesitate to call.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.

Becky Shubert
(208)934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

RECEIVED

SEP 23 2003

Department of Water Resources
Southern Region

SCANNED

SEP 29 2003

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 • FAX 878-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 • FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 • FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 • FAX 436-1199