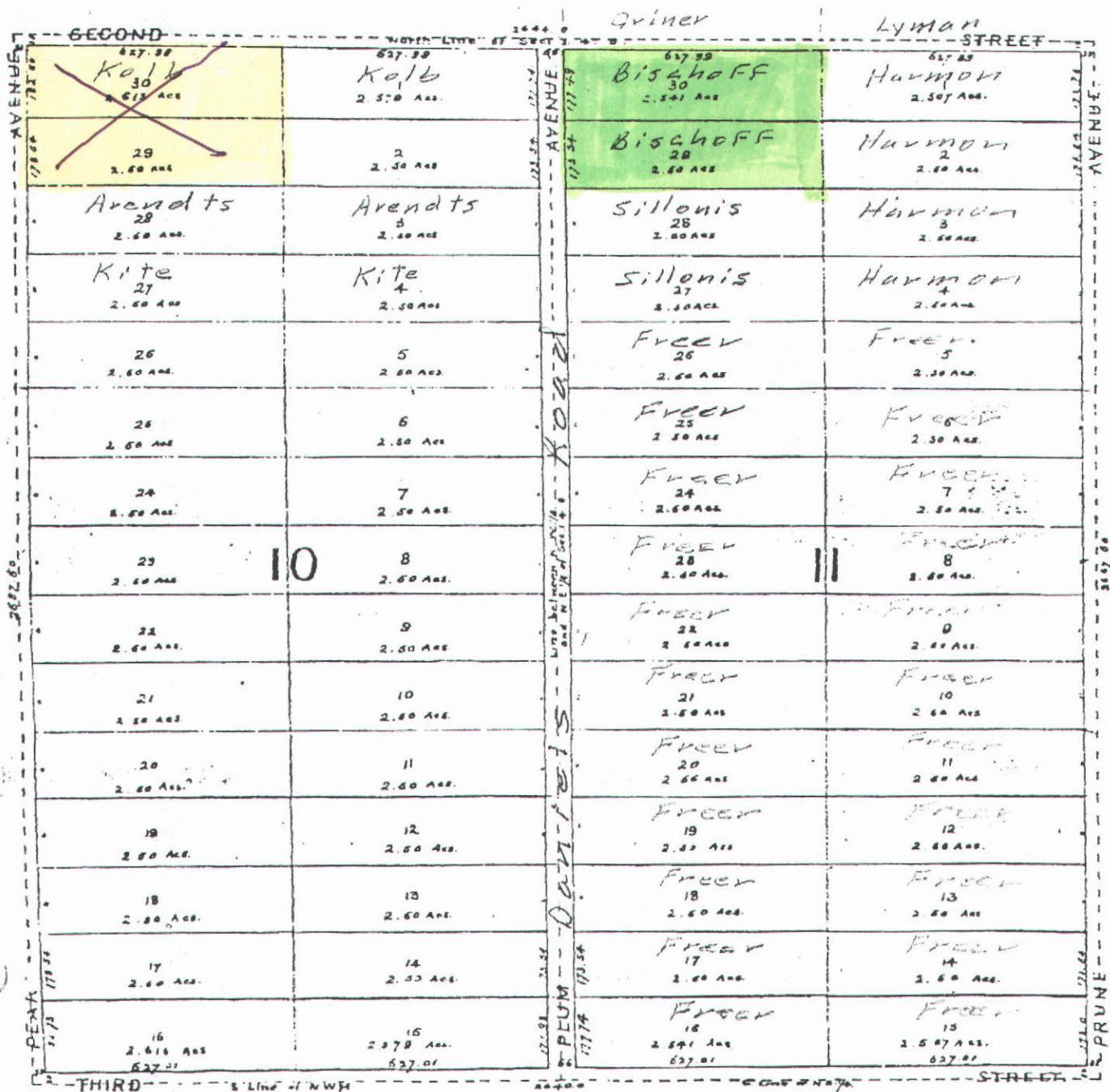


PLAT
OF THE

Scale. 200 feet to the inch.



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 61-10390

1998 JAN 30 PM 3:48

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS: HERMAN BISCHOFF
LUCILLE E BISCHOFF
RT 1 BOX 878
MOUNTAIN HOME ID 83647

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/31/1963

POINT OF DIVERSION: T04S R06E S01 NWNE Within ELMORE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

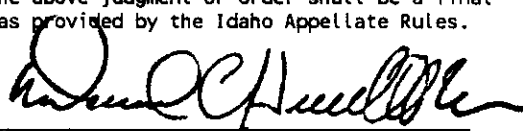
PLACE OF USE: DOMESTIC Within ELMORE County
T04S R06E S01 NWNE

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.

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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MEMORANDUM

DATE: November 8, 2004
TO: Files 61-10390 & 61-10391
FROM: KARI LYNN TOWNSEND
RE: Correspondence

Kathy Howard advised that Mr. & Mrs. Morris have approached the AJ section regarding the correcting of the legal description (with SRBA) for these two files. She made copies of the decrees and said that Candice McHugh is handling the request for the correction.

Files are being return to the vault with no further action taken regarding the change of ownership.

RECEIVED

JUN 27 2002

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

RECEIVED

JUN 26 2002

WATER RESOURCES
WESTERN 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
A61-10390	_____	___	_____	_____	___
A61-10391	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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) HERMAN L. AND/OR LUCILLE E. BISCHOFF
2114 1ST AVE. N. PAYETTE, ID 83661
4. New Owner/Claimant(s) JOE C. AND/OR DIANE MORRIS, JR.
Name Contributor (Check one): [] and, [] or, [] and/or
- New Mailing Address RT 1, BOX 878 DANIELS ROAD
- City, State and ZIP Code MOUNTAIN HOME, IDAHO 83687
- New Telephone Number 208) 587-2019
5. Date you acquired the property MAY 23, 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) *Diane Morris*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by DH Date 6-26-02 Fee \$25- EA. (52.00)
 Received by DH Date 6-26-02 Receipt No. W029385
 Processed by _____ AJ Date _____ WR _____ Date _____

Instrument # 337022
Elmore County, Idaho
04:18pm May 29, 2002
For: GUARANTY TITLE INC
No. of Pages: 2 Fee: \$6.00
GAIL L. BEST, Recorder
Deputy: JC

TRUSTEES' DEED

HERMAN J. BISCHOFF AND LUCILLE E. BISCHOFF, CO-TRUSTEES, OF
THE HERMAN J. AND LUCILLE E. BISCHOFF TRUST UTA DATED THE 15TH
DAY OF SEPTEMBER, 1993, grantor and party of the first part, and
JOE C. MORRIS, JR. AND DIANE MORRIS, HUSBAND AND WIFE, WHOSE
ADDRESS IS 878 DANIELS ROAD, MOUNTAIN HOME, ID 83647 grantees and
party of the second part,

WITNESSETH, that the said party of the first part, for good and
other valuable consideration, to them in hand paid by said party
of the second part, the receipt whereof is hereby acknowledged,
does hereby grant, bargain, sell and convey without warranty unto
the said party of the second part the following property situated
in Elmore County, State of Idaho, to-wit:

Lot 29 and 30, Block 11, Fruitdale Subdivision, Elmore County, Idaho, according to the
official plat thereof on file and of record in the office of the County Recorder of Elmore
County, Idaho. *Per Debbie A. Elmore County Assessor's Office:*
T4S, R6E, S1, SWNE *Kari Lynn 6.16.04*

Together with all and singular the tenements, hereditaments, and
appurtenances thereunto belonging, or other wise appertaining,
and all estate, right, title and interest in and to the said
property.

TO HAVE AND TO HOLD, all and singular the above mentioned

and described premises, together with appurtenances, unto the party of the second part and their heirs and assigns forever.

DATED this 23rd day of May, 2002.

Herman J. and Lucille E. Bischoff Trust

by Herman J. Bischoff co-trustee

Herman J. Bischoff, Co-trustee

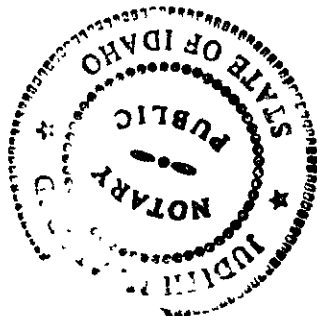
by Lucille E. Bischoff co-trustee

Lucille E. Bischoff, Co-trustee

STATE OF Idaho,
COUNTY OF Elmore) ss.

On this 23 day of may, 2002 before me a Notary Public in and for said State, personally appeared Herman J. Bischoff and Lucille E. Bischoff, known to me to be the persons whose names are subscribed to the within instrument as Co-trustees of the Herman J. and Lucille E. Bischoff Trust, and acknowledged to me the they executed the same.

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



Justin M. Allen
Notary Public for mtn home

Residing at: Residing at Mountain Home, Idaho
Comm exp: My Commission Expires 05-22-06

While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

PLAT OF THE

Subdivision of Blocks Nos 10 and 11 in Fruitdale Elmore County, Idaho, being U.S. Lots Nos 2 and 3, the SW 1/4 of NW 1/4, and the SE 1/4 of NW 1/4 of Section 1 Township 4 South, Range 6 East, Boise Meridian, Idaho.

Scale 200 feet to the inch

SECOND AVENUE		GRINER STREET		LYMAN STREET	
28 2.50 AC.		2 2.50 AC.		2 2.50 AC.	
Arendts 28 2.50 AC.		Arendts 28 2.50 AC.		Harmon 28 2.50 AC.	
Kite 27 2.50 AC.		Kite 27 2.50 AC.		Harmon 27 2.50 AC.	
26 2.50 AC.		5 2.50 AC.		Freer 26 2.50 AC.	
25 2.50 AC.		6 2.50 AC.		Freer 25 2.50 AC.	
24 2.50 AC.		7 2.50 AC.		Freer 24 2.50 AC.	
23 2.50 AC.		8 2.50 AC.		Freer 23 2.50 AC.	
22 2.50 AC.		9 2.50 AC.		Freer 22 2.50 AC.	
21 2.50 AC.		10 2.50 AC.		Freer 21 2.50 AC.	
20 2.50 AC.		11 2.50 AC.		Freer 20 2.50 AC.	
19 2.50 AC.		12 2.50 AC.		Freer 19 2.50 AC.	
18 2.50 AC.		13 2.50 AC.		Freer 18 2.50 AC.	
17 2.50 AC.		14 2.50 AC.		Freer 17 2.50 AC.	
16 2.50 AC.		15 2.50 AC.		Freer 16 2.50 AC.	
THIRD STREET		THIRD STREET		THIRD STREET	

Idaho Department of Water Resources Receipt

Receipt ID W029385

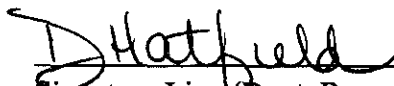
Payment Amount	\$50.00	Date Received	6/26/2002 11:30:49 AM	Region	Western	Status	
Payment Type	Check	Check Number	1017				

Payer MORRIS, JOE C OR DIANE

Comment CHANGE OF OWNERSHIP: 61-10390 & 61-10391 (\$25 EA)

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	62140	1155


Signature Line (Dept. Representative)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 16, 2004

JOE C MORRIS JR
DIANE MORRIS
RT 1 BOX 878 DANIELS RD
MOUNTAIN HOME ID 83647

RE: Change in Ownership of Decreed Water Rights 61-10390 & 61-10391

Dear Mr. & Mrs. Morris:

The Department of Water Resources acknowledges receipt of the additional information you submitted in support of your Notice of Change in Water Right Ownership filed on June 26, 2002 for the water rights referenced above. The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water rights with a place of use different than your property as described in the documentation you originally submitted. The Elmore County Assessor's office confirms the description of lands as shown on the plat information sheet you provided.

In order to process your change in ownership, we need documentation to show that you own the water right(s) or the property described as the place of use for the water right(s). If you believe that the SRBA Court issued the partial decree(s) with an error in the description of the place of use, you may be able pursue one of the following options with the Court.

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

Please contact Roxanne Brown of this office at 327-7900 if you have questions related to the SRBA. Ms. Brown can assist you with the SRBA Court's processes.

As additional alternatives, you could pursue one of the following options with the Department.

- 1) New Appropriation – an application for permit filed with the Department to develop a new water right. If a permit is approved, the priority date is the date that the application is filed. Some areas of the state are closed to new development. Please note that a water right permit is not required for certain domestic uses from a ground water source

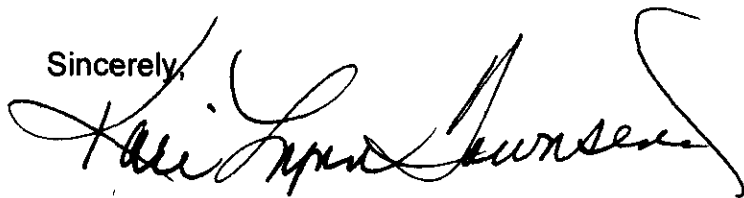
- 2) **Water Right Transfer** – an application filed with the Department to change an existing water right. In this case, the purpose of the transfer would be to change the place of use (and possibly the point of diversion) to your property description. You would need to provide evidence of ownership or authorization from the current owner of record before the Department could process the application.

If you choose to file an application for permit or transfer with the Department, you may be able to apply any fees submitted with your Notice of Change in Water Right Ownership to the application. Please contact staff from the Water Right Permits section of this office if you have additional questions related to the applications described above.

Please let us know within **30 days** how you plan to proceed. If we do not hear from you within **30 days** we will return your Notice of Change in Water Right Ownership and all attachments and refund any fees submitted with your notice.

If you have any questions regarding this matter, please call me at 327-7941.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kari Lynn Townsend', written over a horizontal line.

Kari Lynn Townsend
Secretary

KLT:k

cc: Sally Sherman, IDWR Adjudication Section