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Department of Water Resources

301-07122A

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.

Case No. 39576

STANDARD FORM 3

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department
of Water Resources,

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

Petitioner, /

CONSENT TO SUBSTITUTION OF
PARTY

vs.

The United States; the State of Idaho; and
all Claimants to the Use of Water From
the Snake River Basin Water System,

Respondents.

INSTRUCTIONS FOR USE

This form must be used to provide notice of change in address or to substitute a party whose water right recommendation is in a director's report which has been filed with the court. The filing of Standard Form 3 cannot result in a contested matter. A hearing will not be scheduled.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4A, which may be consulted for further information.

Standard Form 3 shall not operate to excuse compliance with the statutory requirements of

I.C. § 42-1409(7) where a water right recommendation is not before the court.

As used in this form, the term "prior claimant/seller" means any person who, pursuant to I.C. § 42-1409(2), (3) and (6), filed a notice of claim asserting the right to the use of water or on whose behalf the right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of a "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The *Substitution* shall be filed by the new claimant/purchaser.

Check either the *Change in Address* or *Consent to Substitution of Party* box and fill in the requested information. A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here.

Follow the instructions on the form or the court will not accept it for filing. The Verification and the Certificate of Mailing must be completed.
The standard form may be obtained from the Idaho Department of Water Resources and the court. You must provide a copy of this form to each party, or to their legal counsel, in any subcase in which you are a party.

☐ CHANGE IN ADDRESS

My name is _____

I am the claimant of _____

(Insert each water right number)

I have filed an objection/response to the following water right(s) _____

(Insert each water right number)

My new mailing address is _____

My phone number is: _____ Work _____ Home _____

☒ **CONSENT TO SUBSTITUTION OF PARTY**

My name is M. Todd Perkes

My address is Route 1, Box 69
Moore, Idaho 83255

My phone number is: Work _____ Home 527-3157

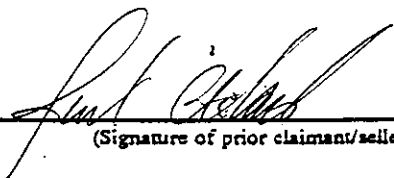
The name and address of the party who I wish to be substituted for are:

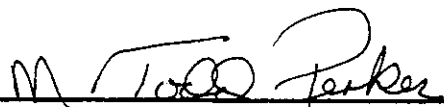
Juel Aikele and Mary Anne Aikele

I am the new claimant/purchaser of A34-07035, A34-07122A and
(Insert each water right number)

I am submitting proof of acquisition of the interest of the prior claimant/seller, *which is required by the court* to support my *Substitution*. Proof must contain a legal description of the property, including the water right numbers conveyed. You must describe the documents you are submitting.

Warranty Deed from Juel and Mary Anne Aikele to M. Todd Perkes
and Norma L. Perkes dated November 3, 1993, filed November 4, 1993,
as Instrument No. 027393 of the records of Butte County, Idaho.


(Signature of prior claimant/seller)


(Signature of new claimant/purchaser)

☒ **ATTORNEY OF RECORD COMPLETING FORM**

My name is Kent W. Foster

I am the attorney of record for Juel Aikele and M. Todd Perkes
(Identify party/claimant)

My address and phone number are P.O. Box 50130, Idaho Falls, ID 83405
(208) 523-0620

VERIFICATION

(Must be completed for either a Notice of Change in Address or for Consent for Substitution of Party)

State of Idaho
County of Bonneville

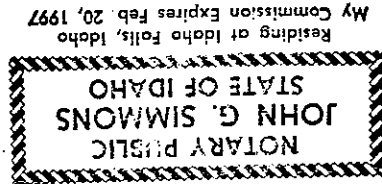
M. Todd Perkes, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10); and that I have read this form, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing form

By: *Robert M. Adams*
Attorney signing in representative capacity

Subscribed and sworn to before me on November 20, 1995
(Insert Date)



John G. Simmons
Notary Public for
Residing at: _____
My Commission expires: _____

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on November 20, 1995, 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

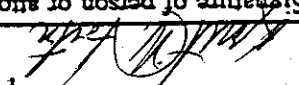
2. A *Change of Address* must be served on each party, or their attorney, in each subcase in which you are a party at the following address(es):

3. A *Consent to Substitution of Party* must be served on the prior claimant/seller or their attorney at the following address:...

4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address(es):

<u>Lynn Krogh</u>	<u>William R. Hollifield</u>
<u>Susan Hamlin</u>	<u>HOLLIFIELD LAW OFFICE</u>
<u>Idaho Department of</u>	<u>P.O. Box 66</u>
<u>Water Resources</u>	<u>Twin Falls, ID 83301</u>
<u>1301 North Orchard Street</u>	
<u>Statehouse Mail</u>	
<u>Boise, ID 83720</u>	

(Signature of person or attorney mailing the form)



United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

5. One copy to:

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

4. One copy to:

027393
FILED

NOV 4 1993

10:43 AM 7 P.M.
BUTTE COUNTY RECORDER

WARRANTY DEED

THIS INDENTURE, made this 3rd day of November, 1993, between JUEL AIKELE and MARY ANNE AIKELE, husband and wife of Moore, Butte County, Idaho, The Parties of the First Part, "Grantor" and M. TODD PERKES and NORMA L. PERKES, husband and wife, of Moore, Butte County, Idaho, the Parties of the Second Part, "Grantee".

WITNESSETH:

That said Party of the First Part, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America and other valuable consideration to Party of the First Part in hand paid by the Parties of the Second Part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents does grant, bargain, sell and convey and confirm unto the said Parties of the Second Part, and to Parties of the Second Part's successors and assigns forever, the following described real estate situate in Butte County, State of Idaho, to-wit:

TRACT I

Township 4 North, Range 25 East of the Boise Meridian

Section 25: W $\frac{1}{2}$, EXCEPTING: Beginning at the Northeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25, thence South along the east Boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ 850 feet; thence Northwesterly to a point on the North boundary lines of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ which is 850 feet West of the point of beginning; thence East along said NE $\frac{1}{4}$ NW $\frac{1}{4}$ North Boundary 850 feet to the point of beginning.

Section 25: SE $\frac{1}{4}$, EXCEPTING: Beginning at the Southeast corner of said Section 25, thence North 0°30'04" East along the East boundary of said Section 25, 205.17 feet; thence North 89°39'08" West parallel to the South boundary of said Section 25, 529.88 feet; thence South 56°00'23" West 363.69 feet to the South boundary of said Section 25; thence South 89°39'08" East along the South boundary of said Section 25, 829.63 feet to the point of

beginning.

ALSO EXCEPTING: Beginning at the Northeast corner of the SE ¼ of said Section 25, which is the true point of beginning, and running thence South 850.00 feet to a point; thence in a northwesterly direction to a point 850.00 feet west of the true point of beginning, thence East 850 feet to the true point of beginning.

TRACT II

Township 3 North, Range 25 East of the Boise Meridian

Section 1: Lots 1 and 2; S ½ NE ¼, EXCEPTING THEREFROM: an easement 30 feet in width adjacent to and North of the centerline of said Section 1, and running from the W ½ of said Section 1 to the County Road along the East line of said Section.

TOGETHER WITH 432 ½ shares of stock in the Timber Dome Canal Company.

TRACT III

An undivided one-half interest in a well site easement and an irrigation pipeline easement, described as follows:

Commencing at the South 1/4 corner of Section 5, Township 4 North Range 26 East of the Boise Meridian; thence N. 0°15'08" E., along the East Boundary of the West half of said Section 5, a distance of 3701.08 feet; thence N. 90°00'00" W., 82.87 feet to the radius point of a forty (40') foot diameter irrigation well site; thence N. 46°18'53" W 20 feet to the center line point of beginning of a twenty-foot wide irrigation pipeline easement; thence North 46°18'53" W, along the centerline of said easement, a distance of 425.67 feet to the end of said easement. TOGETHER WITH an easement for ingress and egress access across the NW ¼ Section 5, Township 4 North, Range 26 East, Boise Meridian, for the purpose of maintaining the well and pipeline system. TOGETHER WITH 4.31 cfs of ground water pursuant to

Ground Water License No. 34-7122.

TRACT IV

A portion of the NW¼ of Section 8, Township 4 North, Range 26 East of the Boise Meridian, described as:

Beginning at the Northeast corner of the NW¼NW¼ of said Section 8, thence South 75 feet; thence West 75 feet; thence North 75 feet; thence East 75 feet to the point of beginning. TOGETHER WITH 5 62 cfs of ground water pursuant to Ground Water License No. 34-7035.

TRACT V

An easement for right-of-way, passage and operation of a center pivot system over a parcel of land located in the NE corner of the NE¼NW¼ of Section 25, Township 4 North, Range 25, East of the Boise Meridian, Butte County, Idaho as disclosed in Grant of Easement recorded December 20, 1984 as instrument No. 15291, records of Butte County, Idaho and more particularly described as follows:

The Southwesterly boundary of such parcel is a straight line, drawn from a point 850 feet South of the NE corner of said NE¼NW¼, to a point 850 feet West of the NE corner; the Northeasterly boundary of such parcel is an arc, which intersects a radius of 1320 feet, center of circle at the center of the said NW¼.

TRACT VI

An easement for right-of-way, passage and operation of a center pivot system over a parcel of land located in the NE corner of the NE¼SE¼, Section 25, Township 4 North, Range 25, East of the Boise Meridian, Butte County Idaho as disclosed in Grant of Easement recorded December 20, 1984 as instrument No. 15284, records of Butte County, Idaho and more particularly described as follows:

The Southwesterly boundary of such parcel is a straight line, drawn from a point 850 feet South of the NE corner of said NE $\frac{1}{4}$ SE to a point 850 feet West of the NE corner; the Northeasterly boundary of such parcel is an arc, which intersects a radius of 1320 feet, center of circle at the center of the said SE $\frac{1}{4}$.

TRACT VII

An easement and right-of-way over the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 4 North, Range 26 East, Boise Meridian, for the purpose of constructing, re-constructing, repairing, maintaining and operating two certain irrigation water pipelines in a generally East to West direction, which pipelines have previously been constructed and are presently existing, for the purpose of carrying water of Water User up to the capacity of the said existing pipelines as the same is disclosed in Easement For Irrigation Water, recorded June 3, 1976 as instrument no. M-4984, records of Butte County, Idaho.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Party of the First Part.

TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the appurtenances, unto the Parties of the Second Part, and to Parties of the Second Part's successors and assigns forever. And the said Party of the First Part, and the said Parties of the First Part's heirs and successors, shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Parties of the Second Part, and Parties of the Second Part's successors and assigns, against the said Party of the First Part, and Party of the First Part's heirs and successors, and against all and every person and persons whomsoever, lawfully claiming or to claim the same. In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set its/their hand and seal the day and year first above written.

Juel Aikele

Juel Aikele

Mary Anne Aikele

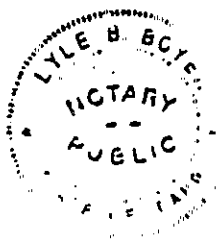
Mary Anne Aikele

STATE OF IDAHO)

: ss.

County of Butte)

On this 3rd day of November, 1993, before me,
Lyle B. Boyer, a Notary Public in and for the State of Idaho, personally
appeared Juel Aikele and Mary Anne Aikele, husband and wife, known to me to be the
persons whose names are subscribed to the foregoing instrument, and acknowledged to me
that they executed the same.



Lyle B. Boyer

NOTARY PUBLIC for Idaho

Residing at Arco, Idaho

Commission Expires 5-31-97

