

B82

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: A34-04017
Date Received: 7/20/1989
Receipt No: ED11438
Received By: SGV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: OWEN R. TANNER 208-588-2228
Address: P.O. BOX 464
MACKAY, ID 83251

2. Date of Priority: JUN 01, 1934

3. Source: SPRING Trib. to: BIG LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	24E	18	NW	NW	NW	1	CUSTER

5. Description of diverting works:
PUMP TO SPRINKLERS AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.900		

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

8. Total consumptive use is ~~112.5~~ Acre Feet Per Annum.
80.0

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	24E	7	SW	SW		IRR	7.0
			SE	SW		IRR	5.0
Section Acres							12.0

A34-04017

Page 1

Date: 07/20/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	24E	18	NW	NW	1	IRR	3.0
			~~SE~~	NW		IRR	17.0
			NE				
						Section Acres	20.0
						Total Acres	32.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A34-07113

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 / 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 Owen R Tanner Date: 4-2-29-89
_____ Date: _____

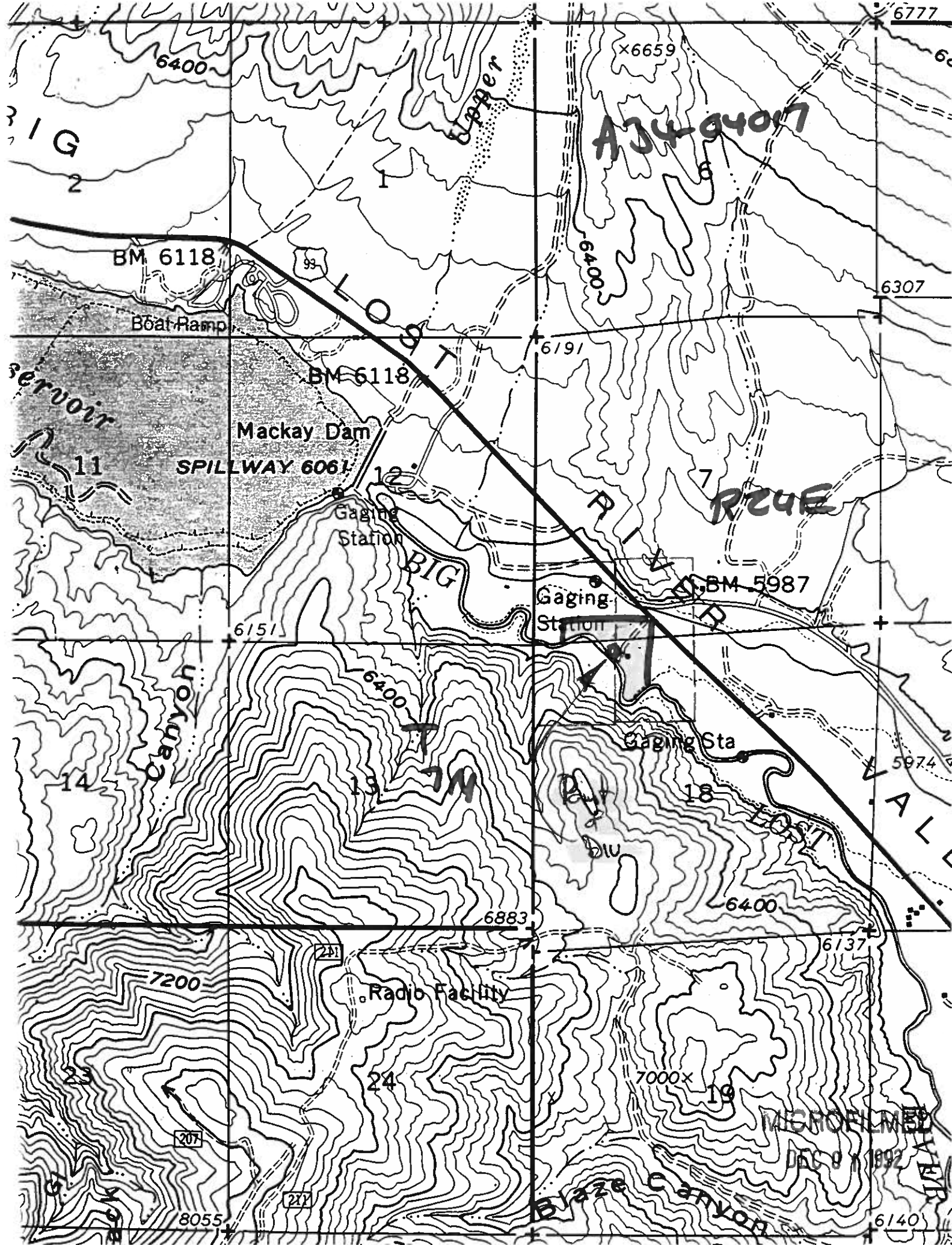
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 29 day
of December 19 89

 [Signature]
Notary Public

Seal

Residing at Valley Falls, Id.
My Commission Expires 22 Aug 1994





State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

NOVEMBER 1, 1990

04017

OWEN R TANNER
PO BOX 464
MACKAY ID 83251

RE: Evidence of Priority

Dear Mr. Tanner:

The Notice(s) of Claim identified with the number shown above your name on the label affixed below has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice(s) have been or soon will be conducted by Department personnel. Since the Department can not confirm the priority date the way other elements of the water right are confirmed by field examination we are asking for evidence of the priority shown on the Notice to make the record complete before recommending a beneficial use water right to the court.

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Owen R. Tanner
Page - 2 -

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date(s) by December 1, 1990, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,



Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

A34-04017
OWEN R. TANNER
P.O. BOX 464

MACKAY

ID 83251

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FROM
Gruie.

DATE April 25, 1991.

TO A34-04017.

SUBJECT

Response to letter for evidence of priority.

Mr. Janner will contact the people who ~~sent~~ originally received property from homestead entry & get affidavits from them. IT will likely arrive after May 31. I advised him ~~that~~ of the importance of documents submitted

ASAP. ~~as~~

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SIGNATURE

Gruie

Black Canyon Trout Farm

George and Beverly Kimball

P.O. Box 121
Grace, Idaho 83241
(208) 425-3239

June 6, 9991

To Whom It May Concern:

Concerning the filing for water on Lot-1 (NW 1/4 NW 1/4 Section 18
TWP 7N Range 24E BM County of Custer.) Permit #344017.

My parents, Colton and Sadie Kimball, filed a homestead entry No.
046637 in 1933 on the above described property and later that
homestead was approved. Beginning in 1933 water from the unnamed
spring was used and has been used for irrigation and stock watering
since that time on the property. Permit #344017 was filed and
approved for previous use by myself, George Kimball.

This property was sold to Owen Tanner, along with the water right,
in 1989.

Please advise if more information is needed in this matter.

Sincerely,



George Kimball

State of Idaho

County of Caribou

Subscribed and sworn to before me, the undersigned, a Notary Public
for the State of Idaho on this 6th Day of June, 1991..


Brian Mendenhall
Notary Public
Grace, Idaho 83241

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:19:35
03/23/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A34-04017

LAST: TANNER
ADDRESS: P.O. BOX 464
CITY: MACKAY
PHONE NUMBER: 208-588-2228

FIRST: OWEN R.

STATE: ID ZIP: 83251

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE N
FIELD EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

PHONE NUMBER: ()

DATE OF FIELD EXAM: 6/27/91

APPOINTMENT MADE: Y() N()

TIME: A() P()

ACCOMPANIED BY:

PHONE NUMBER: ()

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

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PAGE: 2
PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: A34-04017

A. AJ CLAIM: # A34-04017 PRIORITY DATE: 06-01-1934 STAGE: S

B. WR RECORD: # 34-04017 PRIORITY DATE: 06-01-1934 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
4

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()

REMARKS:

5/1/1933

RECOMMENDED PRIORITY DATE:

06-01-1934

REVIEWED BY

DC

DATE

6/14/91

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY	CUSTER
A34-04017	07N	24E	18		NW	NW	1		

NO

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX NONE
R PREFIX NONE

WR RECORDS IN SAME 40 ACRE TRACT
34-07062

SOURCE: SPRING

TRIB: BIG LOST RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY	CUSTER
34-04017	07N	24E	18		NW	NW	1		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX
R PREFIX

NONE

NONE

NONE

SOURCE: SPRING

TRIB: BIG LOST RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y N

FIELD EXAMINER
DC

REMARKS:

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 1/4

7N 24E 18S

1/4

SW

LOT

4

COUNTY

~~SW 1/4 1/4 1/4~~

TRIE: BIG LOST RIVER

SOURCE: SPRING

REVIEWED BY: DC

DATE: 12/20/90

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A. ROOT WATER RIGHT NUMBERS: A34-04017

B. POU LISTING

TWP RRG SEC 1/4 1/4 LOT NAME

07N 24E 7 SW SW 4 TANNER, OWEN R.
MC AEEFE, SCOTT

07N 24E 7 SE SW TANNER, OWEN R.
TANNER, OWEN R.
MC AEEFE, SCOTT
MC AEEFE, SCOTT
CRESTO, JOSEPH
MC AEEFE, SCOTT

07N 24E 18 NW NW 1 TANNER, OWEN R.
TANNER, OWEN R.
KIMBALL, GEORGE C.

07N 24E 18 NE NW TANNER, OWEN R.
TANNER, OWEN R.
MC AEEFE, SCOTT
CRESTO, JOSEPH
DOYLE, CRED C.
DYER, GARY L.
DYER, JOHN B.

TOTAL ACRES A34-04017

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y(N) N(X)

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y
FIELD EXAMINER 4

LANDSAT DATA
FIELD EXAM.
RECOMM. ACRES

AJ #/ACRES
A34-04017 7.0
34-07227 /40.0

AJ #/ACRES
A34-04017 5.0
34-00175 /
34-00378A /
34-02080 /25.0
34-07505 /30.0

AJ #/ACRES
A34-04017 3.0
34-07113 /
34-07052 /

AJ #/ACRES
A34-04017 17.0
A34-07113 /
A34-00378A / 5.0
34-00175 /
34-07070A / 7.0
34-07070B / 7.0
34-07070C / 7.0

32.00 35.00 94.00

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PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

18.0

REVIEWED BY:

DC

DATE:

1/2/90

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A. AJ CLAIMED USES:

A34-04017 PURPOSES
IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01
TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.900 CFS
.900 CFS

B. WR RECORDED USES:

34-04017 PURPOSES
IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01
TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.900 CFS
.900 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE EXAMINER
N
N
N

FIELD

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X)
Y(X) N()

Explain in remarks, below.

REMARKS:

change to lower period of use

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 0.900 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.900 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD EXAMINER
DATABASE EXAMINER

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A34-07113

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME
A34-04017	SPRING	TANNER, OWEN R.
A34-00175	LOWER CEDAR CREEK	MC AFFEE, SCOTT

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME
A34-07113	FISH PROPAGATION	TANNER, OWEN R.

DIV. RATE	RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
0.900	0.028		
0.500	0.038		

MONTH/DAY	RATE	VOLUME
FROM 01-01 TO 12-31	5.310 CFS	

Y() N()

pump $Q = (2)(8.814)(.70) = 12.34$
 $Q + (30)(2.308) = 46.16$
 (theoretical Capacity)

$Q = .27$ CFS.

$HP = 2$

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II.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE $\times 0.02$ CES/ACRE = CES
ACRES (Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CES/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 80.0 AE/A

ACRES 18 $\times$ CONSUMPTIVE VOL. AE/A FOR AREA 2.5 =
TOTAL CONSUMPTIVE USE 45.0 AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

ACRES $\times$ DIVERSION VOL. AE/A FOR AREA =
TOTAL DIVERSION VOLUME AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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RECOMMENDATIONS:

REC.
PURPOSES

IRRIGATION

TOTAL FOR THIS RIGHT

REC. PERIOD
FROM TO
04-01 11-01

REC. DIV
RATE CES
DATABASE EXAMINER
0.000 2.7
0.000

REC. DIV
VOL. AF/A
DATABASE EXAMINER

REC. CONS.
USE
DATABASE EXAMINER
80.0 45
80.0

REVIEWED BY: DC

DATE: 7/5/91

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()
(X)
(X)
(X)

OWNERSHIP FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 34-04017
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE: 0.900
EXAMINER

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	"R" DIV. RATE	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
--	A34-04017	0.900	--	--	34-04017	0.900
TOTAL CFS		0.900	0.900			

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE Y

FIELD EXAMINER

REMARKS:

AUTHENTICATION: Dave Carlson
SIGNATURE: Dave Carlson
NAME OF FIELD EXAMINER: DAVE CARLSON

DATE: 7/5/91
TITLE: Water Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:19:35
08/23/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A34-04017

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATA								
POINT OF DIV	Y		DC 12/90	Y	1, 2, 4, 5		DC 1/2/90	
SOURCE								
PLACE OF USE	Y		DC 12/90	Y	1, 2, 4, 5		DC 1/2/90	
DIV. AMOUNT CES/VOLUME								
CONSUMPTIVE USE								
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS								

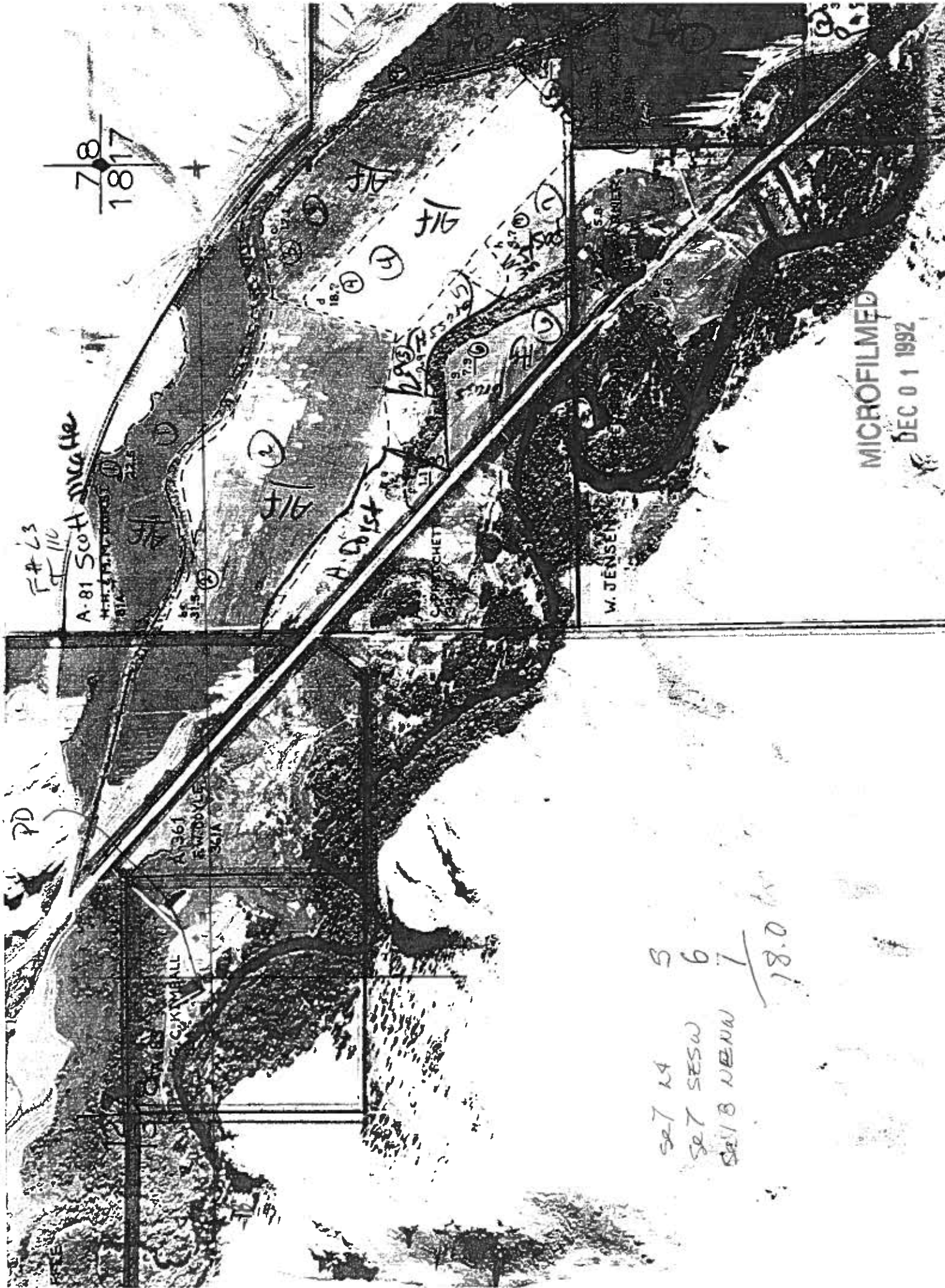
VERIFIED BY CODES

TOPO MAP/ORTHO-PH = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

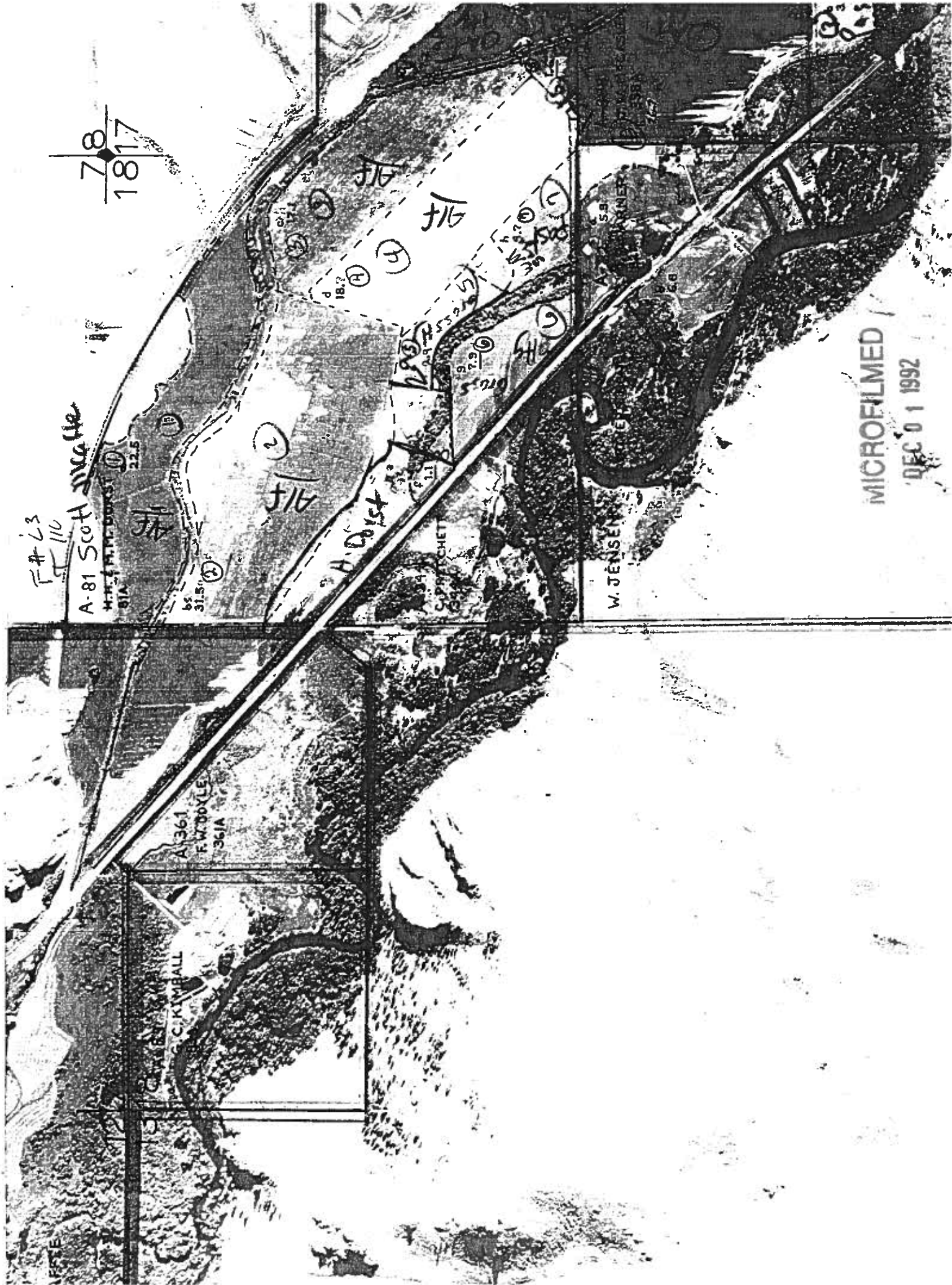
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Set 14 5
Set 15 6
Set 16 7
18.0



78
1817

F# 23
IT 110

A-81 Scott Macle
H.M. FINEBUSH
81A

A-361
F.W. DOYLE
361A

G. C. KIMBALL

CAPT. CHETT

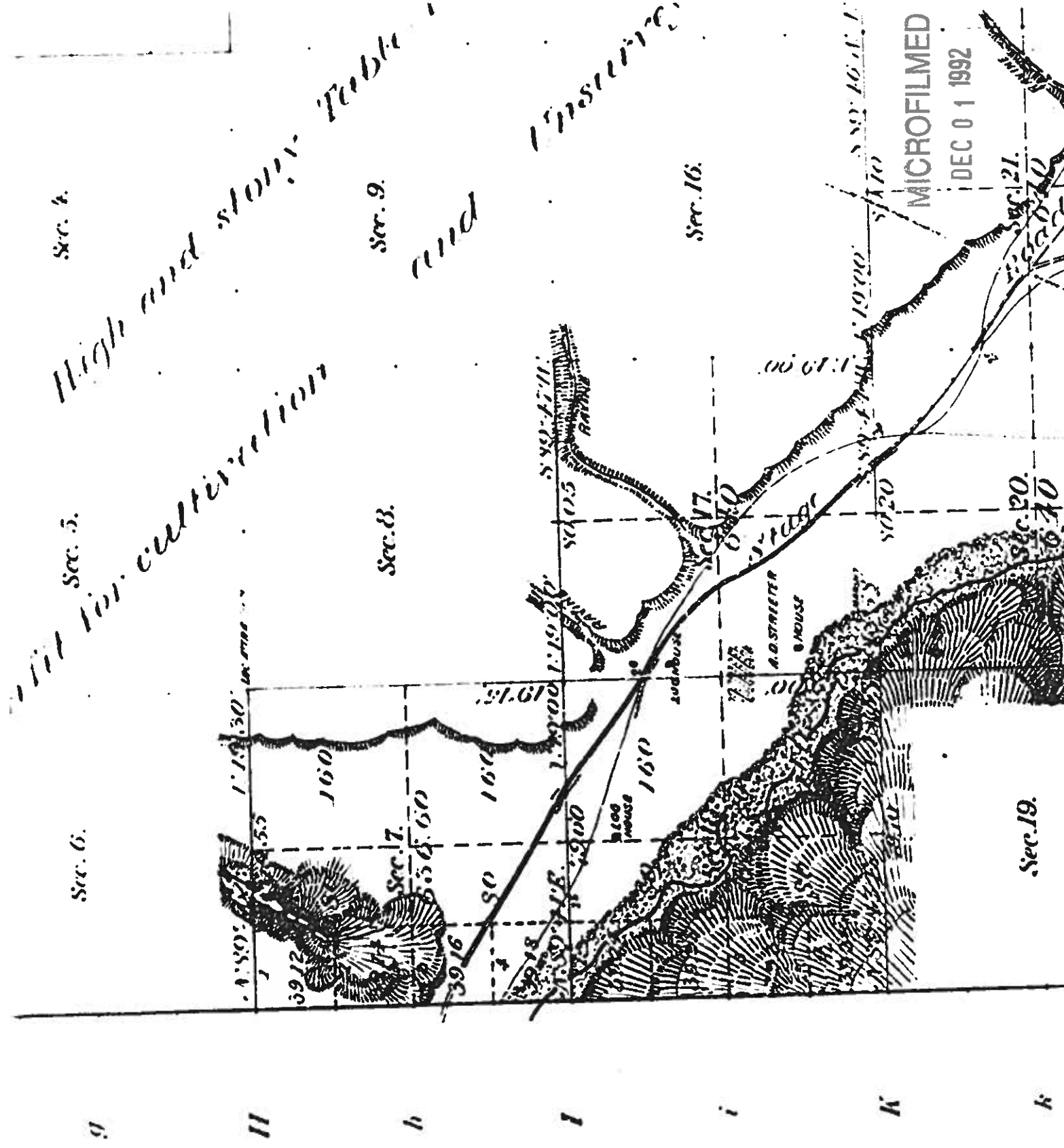
W. JENSEN

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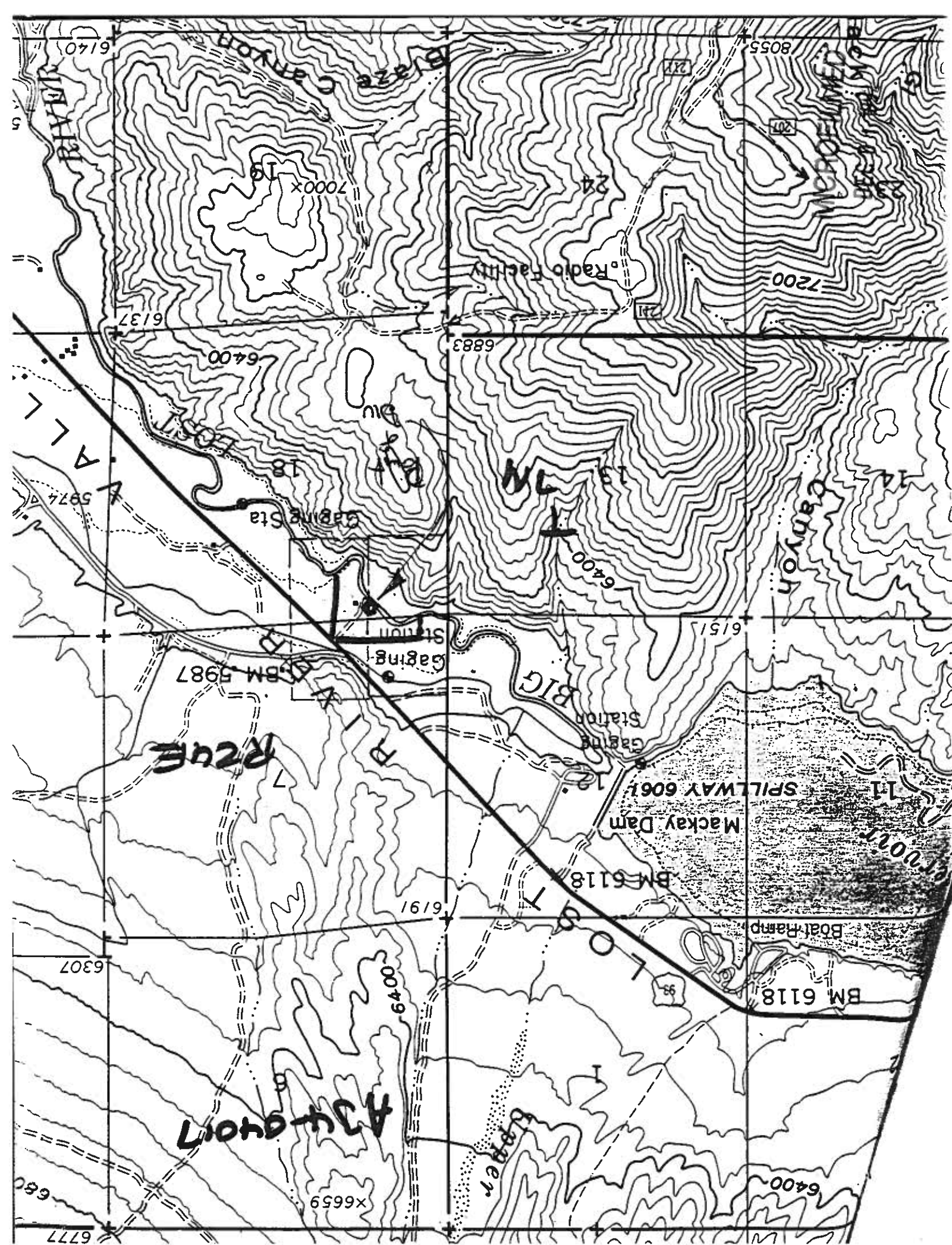
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High and stony Table
 for cultivation

Insure



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Water Right Number - R34-04017 Adj. Flag Translation: RESEARCH Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
TANNER OWEN R.
1 - P.O. BOX 464
2 -
3 -
City- MACKAY State- ID Zip- 83251
Phone - 208-588-2228

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1934 15 Error in Region S - STATUTORY CLAIM
+ - - Source - - - - + + - - - - Tributary - - - - - +
SPRING BIG LOST RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County (Blank if no Index Code)

07N 24E 7 SE SW SW 4 (37) CUSTER

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume
Code 01 - IRRIGATION 05/01 10/15 0.270

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.270 45.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07N 24E 7 SW SW 4 5.0 01 IRRIGATION (37) CUSTER
07N 24E 7 SE SW 6.0 01 IRRIGATION (37) CUSTER
07N 24E 18 NE NW 7.0 01 IRRIGATION (37) CUSTER

Total Acres: 18.0

+ - - Diversion Means - PUMP TO SPRINKLERS AND DITCH

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

Water right number - R34-04017		Adj. flag translation: RESEARCH	
+ + + + +	- - - - -	- - - Conditions of Approval	- - - - -
		No Conditions of Approval found.	
+ + + - -	- - - Decree Plaintiff	+ + - - - Decree Defendant	- - - + - Decree Date - + 00/00/0000
+ + + - -	- - - - -	- - - Comments-	- - - - -
		No Comments Found	
+ + - - -	Audit Fields - - - +		
	DCARLSON		
+ + + - -	- - - - -	- - - Water Rights Dates and Flags Area	- - - - -
		Receipt Number - E011438	Water District - 34

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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: **A34-04017**
Date Received: 12/29/1989
Receipt No: E011438
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: JANE HEMINGWAY MASON REVOCABLE TRUST 208-788-3929
Address: 117 AUDUBON PLACE
HAILEY ID 83333

2. Date of Priority: JUN 1, 1934

3. Source: SPRING Trib. to: BIG LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	24E	18	NW	NW		1	CUSTER

5. Description of diverting works:
PUMP TO SPRINKLERS AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.900		

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

8. Total consumptive use is 80.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	24E	7	SW	SW		IRR	7.0
			SE	SW		IRR	5.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	12.0
		18	NE	NW	IRR	17.0
			NW	NW	1 IRR	3.0
					Section Acres	20.0
					Total Acres	32.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A34-07113

14. Remarks:
OWNERSHIP CHANGE PER SF3/DSHAFF MEMO 7/25/95/JT/GT

15. Basis of Claim: STATUTORY CLAIM



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

MAR 11 1994

DATE OF CLOSING: 10-8-93

Idaho Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 7 N Range 24 East
 Section 18, 1/4 of 1/4 of 1/4 Govt. Lot , BM.
 Lot , Block , Subdivision/Townsite .
 If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) Assigned by IDWR: 34-07113 and 34-04017 and 34-07562

☐ Name and Address of Former Owner/Claimant(s)(Seller): Owen R. Tanner and Ina Lavonne Tanner

☐ New Owner/Claimant (Purchaser): Jane Hemingway Mason Revocable Trust

☐ New Mailing Address: 117 Audubon Place
Hailey, Idaho 83333

☐ New Telephone Number: (208) 788 - 3929

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe Warranty Deed
 proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Jane Hemingway Mason Revocable Trust Date
X Jane Hemingway Mason Date
Jane Hemingway Mason, Trustee

☐ Signature of Former Owner/Claimant(s): Owen R. Tanner Date 3-6-94
Ina Lavonne Tanner Date 3-6-94

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data Entry

Date: 03-15-94 By: [Signature]

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: 7-25-95 By: [Signature]Claim Numbers of Split, if any:

MICROFILMED

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

NOV 18 1996

MEMORANDUM

TO: A34-07113

FROM: D. Shaff *DS*

DATE: July 25, 1995

RE: Ownership Change

In March 1994 I wrote to the attorney submitting the ownership change form questioning the identity of the owner for 0.01 cfs of this right. In apparent reply to my letter the SF3 with sufficient signatures of the sellers and buyer was filed in May 1994 by the same attorney. The SF3 did not indicate only part of this right was conveyed. To date the attorney has not specifically written to any one at IDWR about the 0.01 cfs.

Revisiting this point, I conclude the entire right was conveyed to the new owner, Jane Hemingway Mason Revocable Trust. On the 1409(7) form with both parties signing, no split in water rights was indicated. The deed conveys all appurtenances while I acknowledge a limitation to 5.5 cfs on page 2 that appears to me out of context when continued from page 1. For purposes of what was recommended, I believe no split of this right should be reflected in the change of ownership.

*for
34-07113
34-04017
can be changed
[Signature]*

RECEIVED

JUL 28 1995

Department of Water Resources
Eastern District Office

MICROFILMED

NOV 18 1996

RECEIVED

MAY 16 1994

Department of Water Resources
Adjudication Bureau

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 Owen R. and Ina Tanner

My address is Post Office Box 464
Mackay, Idaho 83251

My phone number is: Work _____ Home _____

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

Jane Hemingway Mason Revocable Trust

I am the new claimant/purchaser of 34-07113 and 34-04017 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.

Notice of Change of Ownership includes Warranty Deed

attached thereto.

X Owen R. Tanner
(Signature of prior claimant/seller)

JANE HEMINGWAY MASON REVOCABLE TRUST
By: Jane Hemingway Mason
(Signature of new claimant/purchaser)
Jane Hemingway Mason

☒ **ATTORNEY OF RECORD COMPLETING FORM**

My name is Edward A. Lawson

I am the attorney of record for Jane Hemingway Mason Revocable Trust
(Identify party/claimant)

My address and phone number are Post Office Box 297, 319 Walnut Ave.,
Ketchum, Idaho 83340 (208)726-1700

MICROFILMED
NOV 18 1996

VERIFICATION

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

State of Idaho

County of Blaine

Edward A. Lawson, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

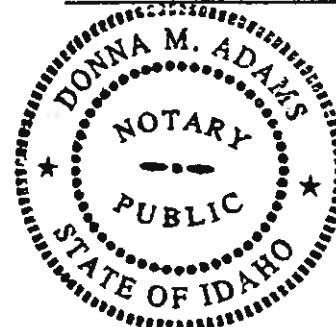
That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10); and that I have read this form, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing form

By: Edward A. Lawson
Attorney signing in representative capacity

Subscribed and sworn to before me on April 27, 1994.
(Insert Date)

Donna M. Adams
Notary Public for Idaho
Residing at: Hailey, Idaho
My Commission expires: 8-97



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 May 12, 1994, 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:..

Owen R. and Ina Tanner, P.O. Box 464, Mackay, Idaho 83251

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):

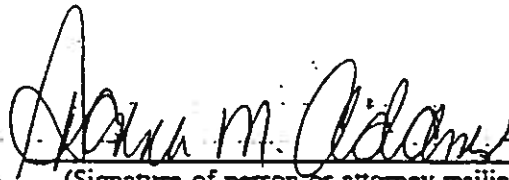
Owen R. and Ina Tanner, P.O. Box 464, Mackay, Idaho 83251

4. One copy to:

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

5. One copy to:

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



(Signature of person or attorney mailing the form)

WARRANTY DEED

WARRANTY DEED made this 5th day of October, 1993, between Owen R. Tanner and Ina LaVonne Tanner, whose mailing address is 3085 Molen, Idaho Falls, Idaho 83406, herein referred to as Grantor (whether one or more, male and/or female), and Jane Hemingway Mason, Trustee of the Jane Hemingway Mason Revocable Trust, whose mailing address is 117 Audubon, Hailey, Idaho 83333, herein referred to as Grantee (whether one or more male and/or female), witnesseth:

That Grantor, for and in consideration of the sum of TEN Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and does, by these presents, grant, bargain, sell, convey, and confirm unto Grantee and to his heirs and assigns forever, all the following described real estate situate in the County of Custer, State of Idaho:

LOT ONE (1), OF SECTION 18, TOWNSHIP 7 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

EXCEPTING THEREFROM THE LAND DESCRIBED IN MEMORANDUM AGREEMENT BY GEORGE C. KIMBALL AND BEVERLY T. KIMBALL, HUSBAND AND WIFE, RECORDED JANUARY 24, 1989 AS INSTRUMENT NO. 190968, DESCRIBED AS FOLLOWS:

A TRIANGULAR PARCEL ON THE NORTHEAST SIDE OF THE SAID LOT ONE, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A FRACTION OF SECTION 18, TOWNSHIP 7 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE CORRECTLY DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 18; THENCE S. 81 DEGREES 34' 43" W. 1591.04 FEET ALONG THE SECTION LINE; THENCE S. 45 DEGREES 07' 00" E. 74.42 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT IS A 1/2" STEEL ROD AT AN EXISTING FENCE CORNER POST; THENCE N. 83 DEGREES 22' 00" W. 160.00 FEET ALONG AN EXISTING FENCE LINE (SAID FENCE LINE IS THE AGREED UPON PROPERTY LINE BETWEEN THE PREVIOUS OWNERS. THE AGREEMENT WAS ENTERED INTO ON JULY 20, 1937, BETWEEN JOSEPH CRESTO AND COLTON KIMBALL, AND IS RECORDED AS INSTRUMENT 133946 IN THE CUSTER COUNTY COURTHOUSE); THENCE S. 26 DEGREES 59' 30" W. 131.61 FEET; THENCE N. 45 DEGREES 07' 00" E. 140.00 FEET TO THE TRUE POINT OF BEGINNING.

WARRANTY DEED

MICROFILMED
PAGE 1

NOV 18 1996

limited to:

Idaho Water Rights Claim No. 34-07113 for 5.5 cfs from springs tributary to Big Lost River with a priority of February 1, 1974, for fish propagation.

Idaho Water Rights Claim No. 34-04017 for .27 cfs from the Big Lost River with a priority of June 3, 1975 for irrigation.

SUBJECT TO:

1. Taxes and assessments for the year 1993 and all subsequent years.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof.
4. All reservations, restrictions, easements, road and road rights of way, ditch and ditch rights of way, zoning restrictions, governmental regulations and protective covenants of record.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
6. Contract of Sale dated October 1, 1988 by George C. Kimball, as Seller, and Owen R. Tanner, as Buyer, as disclosed by a Memorandum Agreement recorded as Instrument No. 190198, Official Records of Custer County, Idaho.
7. Reserving to Grantor a personal, non-transferable, and non-assignable right of pedestrian crossing of the property for access and egress to and from the Big Lost River for fishing purposes.
8. Water rights are subject to the outcome of the Civil Case No. 39576 pending in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls known as the Snake River Basis Adjudication.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, specifically including the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity.

TO HAVE AND TO HOLD, all and singular the above-described premises together with the appurtenances unto grantee and to his heirs and assigns forever.

WARRANTY DEED

MICROFILMED

NOV 18 1996

PAGE 2

And Grantor and his heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, his heirs, and assigns against Grantor and his heirs and against all and every person and persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, Grantor has hereunto set his hand on the day and year first above written.

Owen R. Tanner

Owen R. Tanner

Ina LaVonne Tanner

Ina LaVonne Tanner

STATE OF IDAHO)
County of Blaine) ss.

On this 12th day of October, 1993 before me, Marla G. Mink, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Owen R. Tanner and Ina LaVonne Tanner, 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.

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



J. ITANNERI WAKO 12/1/94

Marla G. Mink

Notary Public for State of Idaho

Residing at: Bellevue

My Commission Expires: 12-1-94

MICROFILMED
NOV 18 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 21, 1994

Edward A. Lawson

Hawley Troxell Ennis & Hawley

P.O. Box 297

Ketchum, ID 83340-0297

07-19-95 SF3 rec'd by
Court. 34-07113⁵⁶² was not on it.
- Response re 07113 question below.
- so

RE: Snake River Basin Adjudication (SRBA)
Custer County - Notices of Claim 34-07113 & 34-04017
Change in Ownership - Owen R. & Ina Tanner
HTE&H File No.: 1658.3

Dear Mr. Lawson:

Thank you for notifying us of the change in ownership of the water rights referenced above. The Request for Extension of Time to submit proof of beneficial use of Water Right No. 34-07562 has been given to our Allocations Section for handling.

The form 42-1409(7) you submitted for your client partially suffices for the department to change it's records, but will not give notice of the court. SRBA Judge Hurlbutt issued an Order June 17, 1993, requiring claimants such as Owen and Ina Tanner identified in a Director's Report to use Standard Form 3 for change in ownership. I have enclosed this form for your use.

We need your assistance regarding right no. 34-07113. The Warranty Deed states 5.5 cfs and our records show 5.510 cfs was recommended to the SRBA Court as previously licensed. Did the additional .01 cfs go to another party? If so, form 42-1409(7) will need to be modified to reflect this split. Right no. 34-04017 appears to be in order and matches the cfs amount shown in the Deed.

When this discrepancy is resolved, please submit corrected documents. The processing of Right No. 34-07113 will be suspended until we receive direction from you. If you have any questions, please contact this office.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:state

Enclosure:

Standard Form 3

MICROFILMED

NOV 18 1996

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340-0297

TELEPHONE
(208) 726-1700

FAX
(208) 726-9743

BOISE OFFICE

877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701-1617

POCATELLO OFFICE

125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205-4167

EDWARD A. LAWSON

RECEIVED

MAR 11 1994

Department of Water Resources

March 10, 1994

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

ATTN: Adjudication Bureau

Re: Water Right Nos. 34-07113, 34-04017 and 34-07562
HTE&H File No: 1658.3

Dear Sir/Madam:

Enclosed please find a Notice of Change of Water Right Ownership for the above-captioned water rights and a Request for Extension of Time to submit proof of beneficial use of Water Right No. 34-07562.

Please acknowledge receipt of this letter and the enclosures by signing the enclosed copy of this letter where indicated and returning it to me in the enclosed self-addressed stamped envelope.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY



Edward A. Lawson

da
Enclosures
pc: Client
water.mas

MICROFILMED

NOV 18 1996

Idaho Department of Water Resources
March 10, 1994
Page 2

Received this 11 day of March, 1994.

IDAHO DEPARTMENT OF WATER RESOURCES

By: 

MICROFILMED
NOV 18 1996

limited to:

Idaho Water Rights Claim No. 34-07113 for 5.5 cfs from springs tributary to Big Lost River with a priority of February 1, 1974, for fish propagation.

Idaho Water Rights Claim No. 34-04017 for .27 cfs from the Big Lost River with a priority of June 3, 1975 for irrigation.

SUBJECT TO:

1. Taxes and assessments for the year 1993 and all subsequent years.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof.
4. All reservations, restrictions, easements, road and road rights of way, ditch and ditch rights of way, zoning restrictions, governmental regulations and protective covenants of record.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
6. Contract of Sale dated October 1, 1988 by George C. Kimball, as Seller, and Owen R. Tanner, as Buyer, as disclosed by a Memorandum Agreement recorded as Instrument No. 190198, Official Records of Custer County, Idaho.
7. Reserving to Grantor a personal, non-transferable, and non-assignable right of pedestrian crossing of the property for access and egress to and from the Big Lost River for fishing purposes.
8. Water rights are subject to the outcome of the Civil Case No. 39576 pending in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls known as the Snake River Basis Adjudication.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, specifically including the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity.

TO HAVE AND TO HOLD, all and singular the above-described premises together with the appurtenances unto grantee and to his heirs and assigns forever.

WARRANTY DEED

MICROFILMED
NOV 18 1996
PAGE 2

And Grantor and his heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, his heirs, and assigns against Grantor and his heirs and against all and every person and persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, Grantor has hereunto set his hand on the day and year first above written.

Owen R. Tanner
Owen R. Tanner

Ina LaVonne Tanner
Ina LaVonne Tanner

STATE OF IDAHO)
 : ss.
County of Blaine)

On this 8th day of October, 1993 before me, Marla G. Mink, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Owen R. Tanner and Ina LaVonne Tanner, 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.

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



Marla G. Mink
Notary Public for State of Idaho
Residing at: Bellevue
My Commission Expires: 12-1-94

MICROFILMED

NOV 18 1996

WARRANTY DEED

WARRANTY DEED made this 8th day of October, 1993, between **Owen R. Tanner and Ina LaVonne Tanner**, whose mailing address is 3085 Molen, Idaho Falls, Idaho 83406, herein referred to as Grantor (whether one or more, male and/or female), and **Jane Hemingway Mason, Trustee of the Jane Hemingway Mason Revocable Trust**, whose mailing address is 117 Audubon, Hailey, Idaho 83333, herein referred to as Grantee (whether one or more male and/or female), witnesseth:

That Grantor, for and in consideration of the sum of TEN Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and does, by these presents, grant, bargain, sell, convey, and confirm unto Grantee and to his heirs and assigns forever, all the following described real estate situate in the County of Custer, State of Idaho:

LOT ONE (1), OF SECTION 18, TOWNSHIP 7 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

EXCEPTING THEREFROM THE LAND DESCRIBED IN MEMORANDUM AGREEMENT BY GEORGE C. KIMBALL AND BEVERLY T. KIMBALL, HUSBAND AND WIFE, RECORDED JANUARY 24, 1989 AS INSTRUMENT NO. 190968, DESCRIBED AS FOLLOWS:

A TRIANGULAR PARCEL ON THE NORTHEAST SIDE OF THE SAID LOT ONE, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A FRACTION OF SECTION 18, TOWNSHIP 7 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE CORRECTLY DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 18; THENCE S. 81 DEGREES 34' 43" W. 1591.04 FEET ALONG THE SECTION LINE; THENCE S. 45 DEGREES 07' 00" E. 74.42 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT IS A ½" STEEL ROD AT AN EXISTING FENCE CORNER POST; THENCE N. 83 DEGREES 22' 00" W. 160.00 FEET ALONG AN EXISTING FENCE LINE (SAID FENCE LINE IS THE AGREED UPON PROPERTY LINE BETWEEN THE PREVIOUS OWNERS. THE AGREEMENT WAS ENTERED INTO ON JULY 20, 1937, BETWEEN JOSEPH CRESTO AND COLTON KIMBALL, AND IS RECORDED AS INSTRUMENT 133946 IN THE CUSTER COUNTY COURTHOUSE); THENCE S. 26 DEGREES 59' 30" W. 131.61 FEET; THENCE N. 45 DEGREES 07' 00" E. 140.00 FEET TO THE TRUE POINT OF BEGINNING.

WARRANTY DEED

MICROFILMED PAGE 1

NOV 18 1996

AUGUST 1, 1995

MASON REVOCABLE TRUST
C/O JANE HEMINGWAY MASON
117 AUDUBON PLACE
HAILEY ID 83333

RE: CHANGE IN OWNERSHIP FOR A34-07113 AND A34-04017

Dear Ms. Mason:

Enclosed are copies of the Notices of Claim with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

Although we have changed our records to reflect you as the new owners for the above mentioned water rights, it is still important that you submit Standard Form 3 (SF3) to the district Court in Twin Falls.

If you have already submitted SF3 and there are no questions or corrections, simply keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED
NOV 18 1996

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS**

**In Re Snake River Basin Adjudication Case
No. 39576**

**Notice of Filing Director's Report and Supplemental
Director's Report Part II & III, United States' and Tribal
Non-consumptive Claims.**

**TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:**

**THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH
THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT.
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PRO-
CEEDINGS ON THESE WATER RIGHT CLAIMS.**

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

7587

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1

RECEIVED

APR 21 1995

Department of Water Resources

OWEN R TANNER
PO BOX 464
MACKAY ID 83251

TANN464 832513005 1894 04/18/95
FORWARDING TIME EXPIRED
TANNER
14270 S 1ST E
IDAHO FALLS ID 83404-7852
RETURN TO SENDER

MICROFILMED

NOV 18 1996



FILE: 04017

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

RECEIVED

AUG 24 1995

Department of Water Resources
Adjudication Bureau

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121



August 21, 1995

RECEIVED

AUG 23 1995

OFFICE OF THE
ATTORNEY GENERAL

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Edward Lawson
Hawley Troxell Ennis & Hawley
P O Box 297
Ketchum, ID 83340

RE: Substitution of Party to Water Rights 34-07113, 34-04017 and 34-07562

Dear Mr. Lawson:

Enclosed I am returning the *Standard Form 3 Consent to Substitution of Party* you submitted to the court on behalf of Jane Hemingway Mason Revocable Trust.

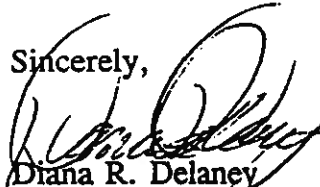
On May 13, 1995 you filed a *Standard Form 3 Consent to Substitution of Party* for Water Right Nos. 34-07113 and 34-04017 substituting Jane Hemingway Mason Trust for Owen and Ina Tanner as the claimant to these water rights. Court records have been updated to reflect this substitution of party.

Water Right 34-07562 was not reported in the Director's Report for Reporting Area 1 (Basin 34) and does not fall within the jurisdiction of this court. Please contact the Idaho Department of Water Resources concerning a substitution of party for this water right.

Your Notice of Appearance has been filed for Water Right Nos. 34-07113 and 34-04017 only.

If you have any questions regarding this Standard Form 3 or about the SRBA, please call the court at 736-3011.

Sincerely,


Diana R. Delaney
Chief Deputy Clerk

DRD

cc: Chief Natural Resources
U.S. Department of Justice

RECEIVED
OCT 18 1995

Department of Water Resources
De. Eastern District Office

MICROFILMED

NOV 18 1996

RECEIVED

OCT 18 1995

Department of Water Resources
Eastern District Office

RECEIVED

AUG 24 1995

Department of Water Resources
Adjudication Bureau

RECEIVED

AUG 23 1995

OFFICE OF THE
ATTORNEY GENERAL

**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

STANDARD FORM 3

(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS
OR

☒ CONSENT TO SUBSTITUTION OF
PARTY

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, *SRBA Administrative Order 1 Rules of Procedure* (amended 6/21/93), Section 4Ac(3), which may be consulted for further 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 it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

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CHANGE IN ADDRESS

You must use this form to advise the court and parties of any change in your address during the pendency of the SRBA.

You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

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 _____

(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

You are to provide a copy of the completed form to every party in each subcase in which the new party is to be substituted. If the party is represented by an attorney you must serve the attorney. Because this is a "consent" form, it is a stipulation that there is no disagreement between the prior claimant/seller and the new claimant/purchaser that the prior claimant/seller has transferred all interests in the water right. No hearing will be held and no further order will issue.

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), 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 the "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.

I am the new claimant/purchaser of 34-07113, 34-04017 and 34-07562
(Insert each water right number)

My name is Jane Hemingway Mason, Trustee of the
Jane Hemingway Mason Revocable Trust

My address is _____

My phone number is: Work _____ Home 208/788-3929

The name and address of the prior claimant/seller who I wish to be substituted for are:

Owen R. Tanner and Ina Lavonne Tanner
14270 South First East
Idaho Falls, Idaho 83404

Signature of prior claimant/seller

Jane Hemingway Mason Revocable Trust
By: Jane Hemingway Mason
Signature of new claimant/purchaser
Jane Hemingway Mason, Trustee

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name Edward A. Lawson

Attorney of record for Jane Hemingway Mason, Trustee of the
Jane Hemingway Mason Revocable Trust
(Identify party/claimant)

Attorney address and phone number: Hawley Troxell Ennis & Hawley
P.O. Box 297, Ketchum, Idaho 83340 208/726-1700

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☒ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

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VERIFICATION

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

State of IDAHO

County of Blaine

Jane Hemingway Mason, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

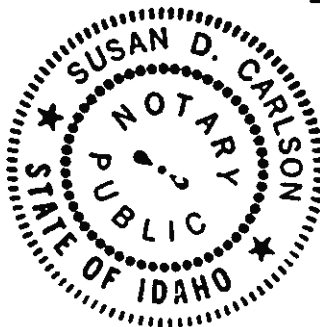
That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Jane Hemingway Mason Revocable Trust

By: Jane Hemingway Mason
Signature of person filing form
Jane Hemingway Mason, Trustee

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on August 18, 1995
(Insert Date)



Susan D. Carlson
Notary Public for Idaho
Residing at: Ketchum
My Commission expires: 4/8/99

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INSTRUCTIONS FOR MAILING

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 August 18, 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* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

Owen R. and Ina Lavonne Tanner
14270 South First East
Idaho Falls, Idaho 83404

4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

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5. One copy to:

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

6. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724



Signature of person or attorney mailing the form

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FILE: 34-04011

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AUG 23 1995

OFFICE OF THE
ATTORNEY GENERAL

Edward A. Lawson, Esq.
Daniel D. James, Esq.
HAWLEY TROXELL ENNIS & HAWLEY
319 Walnut Ave.
P.O. Box 297
Ketchum, Idaho 83340
Telephone No. (208) 726-1700
Fax No. (208) 726-9743

Department of Water Resources
Adjudication Bureau

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

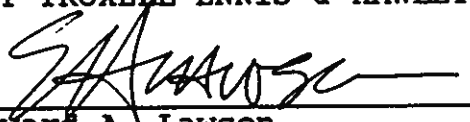
Case No. 39576

)
) NOTICE OF APPEARANCE
)
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PLEASE TAKE NOTICE that the law firm of Hawley Troxell Ennis & Hawley hereby appears as attorney of record for Jane Hemingway Mason, Trustee of the Jane Hemingway Mason Revocable Trust, the purchaser/owner of water right Nos. 34-07113, 34-04017 and 34-07562.

DATED this 14 day of August, 1995.

HAWLEY TROXELL ENNIS & HAWLEY

By: 

Edward A. Lawson
Attorneys for purchaser/owner

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OCT 18 1995

Department of Water Resources
Eastern District Office

NOTICE OF APPEARANCE

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NOV 18 1996

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AUG 24 1995

Department of Water Resources
Adjudication Bureau

RECEIVED

AUG 23 1995

OFFICE OF THE
ATTORNEY GENERAL

Edward A. Lawson, Esq.
Daniel D. James, Esq.
HAWLEY TROXELL ENNIS & HAWLEY
319 Walnut Ave.
P.O. Box 297
Ketchum, Idaho 83340
Telephone No. (208) 726-1700
Fax No. (208) 726-9743

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9-14-95

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

)
) NOTICE OF APPEARANCE
)
)
)
)

Case No. 39576

PLEASE TAKE NOTICE that the law firm of Hawley Troxell Ennis & Hawley hereby appears as attorney of record for Jane Hemingway Mason, Trustee of the Jane Hemingway Mason Revocable Trust, the purchaser/owner of water right Nos. 34-07113, 34-04017 and 34-07562.

DATED this 14 day of August, 1995.

HAWLEY TROXELL ENNIS & HAWLEY

By: SA Lawson

Edward A. Lawson
Attorneys for purchaser/owner

G:\CLIENT\31867\003\NOT.APP

NOTICE OF APPEARANCE

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NOV 18 1996

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DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

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AUG 24 1995

Department of Water Resources
Adjudication Bureau

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121



August 21, 1995

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AUG 23 1995

OFFICE OF THE
ATTORNEY GENERAL

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Edward Lawson
Hawley Troxell Ennis & Hawley
P O Box 297
Ketchum, ID 83340

RE: Substitution of Party to Water Rights 34-07113, 34-04017 and 34-07562

Dear Mr. Lawson:

Enclosed I am returning the *Standard Form 3 Consent to Substitution of Party* you submitted to the court on behalf of Jane Hemingway Mason Revocable Trust.

On May 13, 1995 you filed a *Standard Form 3 Consent to Substitution of Party* for Water Right Nos. 34-07113 and 34-04017 substituting Jane Hemingway Mason Trust for Owen and Ina Tanner as the claimant to these water rights. Court records have been updated to reflect this substitution of party.

Water Right 34-07562 was not reported in the Director's Report for Reporting Area 1 (Basin 34) and does not fall within the jurisdiction of this court. Please contact the Idaho Department of Water Resources concerning a substitution of party for this water right.

Your Notice of Appearance has been filed for Water Right Nos. 34-07113 and 34-04017 only.

If you have any questions regarding this Standard Form 3 or about the SRBA, please call the court at 736-3011.

Sincerely,

A handwritten signature in dark ink, appearing to read "Diana R. Delaney".
Diana R. Delaney
Chief Deputy Clerk

DRD

cc: Chief Natural Resources
U.S. Department of Justice

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NOV 18 1996

AJ5514NP

INPUT: AJ_SELECTION:HMNGM-36.SEL

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 09/13/95
TIME: 23:21:50.3
PAGE: 1

TYPE OF ACTION: ADD

MODIFY ALL FIELDS FLAG:

LAST NAME: LAWSON

ADDRESS LINE 1: HAWLEY TROXELL ENNIS HAWLEY

ADDRESS LINE 3: PO BOX 297

CITY: KETCHUM

STATE: ID ZIP: 83340

FIRST NAME: EDWARD A
ADDRESS LINE 2:319 WALNUT AVE

PHONE NUMBER: (208) 726-1700

34-04017 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
34-07113 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A34-04017 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A34-07113 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

[Signature]
9-14-95

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NOV 18 1996