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DEC 30 1993

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.

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

Petitioner,

vs.

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

Respondents.

Case No. 39576

STANDARD FORM 3

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

CONSENT TO SUBSTITUTION OF
PARTY

34-00121B -0001
34-00403B -0001/
93-12-0035

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 Fred N. + Mary Ann Burt

My address is P.O. Box 628, Moore, Idaho 83255

My phone number is: Work 208-554-3662 Home 208-554-3662

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

Wayne B. Burnett, 764 W. 1100 E.

Shelley, ID 83274

I am the new claimant/purchaser of A 34-00403B, A 34-00121B 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.

1) copy of Warranty Deed dated October 13, 1993
2) copies of Notices of Claim to a Water Right
Number A34-00121B and A34-00403B

(Signature of prior claimant/seller)

(Signature of new claimant/purchaser)

☐ **ATTORNEY OF RECORD COMPLETING FORM**

My name is _____

I am the attorney of record for _____

(Identify party/claimant)

My address and phone number are _____

VERIFICATION

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

State of Idaho

County of Butte

Fred N. Bunt, 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.

Fred N. Bunt
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 11-15-93
(Insert Date)

Roberta J. Whelan
Notary Public for Idaho
Residing at: Moore Id
My Commission expires: 3/4/97

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 Dec. 28, 1993, 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:

Wayne B. Burnett, 764 W. 1100 E.
Shelley, Idaho 83274

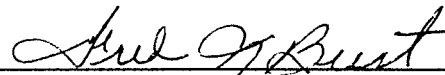
4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address(es):

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)

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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.

CIVIL CASE NUMBER: 39576

Ident. Number: A34-00403B

Date Received: 2/ 5/1992

Receipt No: X111111

Received By: _____

COPY

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: FRED N BURT
Address: PO BOX 628
MOORE ID

83255

208-554-3662

AND

Name: MARY ANN BURT
Address: PO BOX 628
MOORE ID

83255

208-554-3662

2. Date of Priority: JUN 1, 1884

3. Source: BIG LOST RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	26E	32	NW		BUTTE

5. Description of diverting works:
MOORE CANAL - BURSTED-JOHNSON DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	11/15	0.674		

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

8. Total consumptive use is 249.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	26E	20	NW SE		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	26E	20	SW	SE		IRR	40.0
			SE	SE		IRR	23.0
Section Acres							83.0
Total Acres							83.0

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
34-00121 & 34-02328

14. Remarks:
FMHA HAS A MORTGAGE ON THE PROPERTY

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

UTAH CONSTRUCTION
Decree Plaintiff

JOHN F. ABBOTT, ET AL
vs Decree Defendant

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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.

CIVIL CASE NUMBER: 39576

COPY

Ident. Number: A34-00121B
Date Received: / /
Receipt No: X111111
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: FRED N BURT
Address: PO BOX 628
MOORE ID

208-554-3662

AND

83255

Name: MARY ANN BURT
Address: PO BOX 628
MOORE ID

208-554-3662

83255

2. Date of Priority: JUN 1, 1896

3. Source: BIG LOST RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05N	26E	4	SE		BUTTE

5. Description of diverting works:
MOORE CANAL (SEE ATTACHED DECREE)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	11/15	1.680		

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

A.F.A.

8. Total consumptive use is

249.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	26E	20	NW SE		IRR	20.0

A34-00121B

Page

1

Date: 10/22/93

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FILE No. 4747 LRT

Department of Water Resources
Adjudication Bureau

INSTRUMENT No. 27326

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED WAYNE B. BURNETT and
DOROTHY A. BURNETT, Husband and Wife, the Grantor,
 does hereby grant, bargain, sell and convey unto FRED N. BURT and MARY ANN BURT,
Husband and Wife, the Grantee,
 whose current address is P.O. Box 628, Moore, ID 83255,
 the following described real estate situated in BUTTE County,
 State of Idaho, to-wit:

See "Exhibit A" attached.

SUBJECT TO: all easements, rights of way, covenants, restrictions,
 patent reservations, applicable building and zoning ordinances and
 use regulations and restrictions and accruing taxes, of record.

TO HAVE AND TO HOLD the said premises, together with all tenements, hereditaments and appurtenances
 thereunto belonging, unto the said Grantee, his successors and assigns forever. Grantor does hereby covenant
 to and with the said Grantee that IT is the owner in fee simple of said premises and that IT will warrant and
 defend the same from all lawful claims whatsoever.

In construing this Deed and where the context so requires, the singular includes the plural and the
 masculine, the feminine and neuter.

DATED: October 12, 1993

Wayne B. Burnett
 Wayne B. Burnett

Dorothy A. Burnett
 Dorothy A. Burnett

Corinne Burnett

STATE OF IDAHO, County of BUTTE

On this 12th day of October 1993
 before me, Lyle B. Boyer, a
 Notary Public in and for the said State personally
 appeared

Wayne B. Burnett
 Dorothy A. Burnett

Known to me to be the person(s) whose name(s)
 subscribed to the within instrument, and acknowl-
 edges to me that they executed the same.

Lyle B. Boyer
 Notary Public
 Idaho

My Comm. Expires: 5-31-97

STATE OF IDAHO
 PUBLIC

THIS SPACE FOR COUNTY RECORD'S USE ONLY.

NO. 027326

FILED

OCT 13 1993

A.M. 1:55 P.M.

BUTTE COUNTY RECORDER

Corinne Burnett

IDAHO TITLE & TRUST COMPANY
 Escrows • Title Insurance

P.O. Box 50367, Idaho Falls, ID 83405-0367 (208) 522-7895

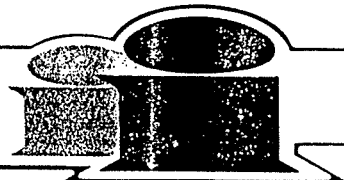


Exhibit 'A'

TOWNSHIP 5 NORTH, RANGE 26 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

SECTION 20: S1/2 NW 1/4 SE1/4, S1/2 SE1/4.

EXCEPT a portion of the SE1/4 SE1/4 described as: Beginning at the Northeast corner of the SE1/4 SE1/4; Thence West 512 feet; thence South 337 feet; thence South 34 feet East 250 feet; thence South 82 feet; thence East 359 feet; thence North 617 feet to the Point of Beginning.

EXCEPT a portion of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of section 20, in said Township and Range, more particularly described as follows: Beginning at a point 617 feet South of the Northeast corner of the said SE1/4 SE1/4 which is the Real Point of Beginning; thence continuing along the East Section line of said Section 20 South a distance of approximately 678 feet to a point; thence at a right angle West a distance of 400 feet to a point; thence at a right angle North a distance of 678 feet, more or less, to a point which is 400 feet West of the True Point of Beginning; thence 400 feet East to the True Point of Beginning.

EXCEPT Township 5 North, Range 26, East Boise Meridian; A parcel of land in the SE1/4 SE1/4, Section 20; Beginning at a point on the North Boundary of the SE1/4 SE1/4, which is 512 feet West of the Northeast corner of said Northeast corner of said SE1/4 SE1/4, which is the True Point of Beginning; Thence continuing West along said boundary line 58.8 feet to a point; thence at a right angle South 1295 feet to a point; thence at a right angle East 170.8 feet to a point; Thence at a right angle North 678 feet M/L to a point; Thence at a right angle East 41 feet to a point; Thence at a right angle North 82 feet; Thence Northwesterly 250 feet, more or less, to a point, which point is 337 feet M/L South of the True Point of Beginning; thence 337 feet M/L North to the True Point of Beginning.

ALSO EXCEPT Township 5 North, Range 26, East Boise Meridian: A parcel of land in the W1/2 SE1/4 of Section 20: Beginning at the South East corner of said Section; Thence 1320 feet North; Thence 1320 feet West; Thence 660 feet North; Thence 1320 feet West to the True Point of Beginning; Thence South 1100 feet to a point (Point A); Thence continuing South 200 feet to a point (Point B); Thence Northeasterly 300 feet, more or less, to a point which is 200 feet East of Point A (Point C); Thence Northeasterly 1100 feet, more or less to a point which is 300 feet to the True Point of Beginning (Point D); Thence West 300 feet to the True Point of Beginning.

TOGETHER with all water and water rights, ditch and ditch rights appurtenant thereto, including, but not limit to:

35.6 inches dated June 1, 1884, 89 inches dated June 1, 1896, Big Lost River Irrigation District and 3618 inches storage in the Mackay Reservoir, and water under license No. 34-7096.