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Hogue, Speck & Aarstad

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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.

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,

39576
[34-00297B
34-00298B]/
94-01-0036

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.

REVISION

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 ANAYA HIXON

My address is POST OFFICE BOX 161
SUN VALLEY, IDAHO 83353

My phone number is: Work 208-726-8100 Home _____

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

EUGENE H. & CONNIE J. GABERT
HC 86 BOX 4158, MACKAY, IDAHO 83251

I am the new claimant/purchaser of 34-00297B and 34-00298B *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

X Eugene H. Gabert Anaya Hixon
(Signature of prior claimant/seller) (Signature of new claimant/purchaser)

☒ **ATTORNEY OF RECORD COMPLETING FORM**

My name is JAMES P. SPECK

I am the attorney of record for ANANYA HIXON
(Identify party/claimant)

My address and phone number are HOGUE, SPECK & AANESTAD, P.A., POST OFFICE
BOX 987, KETCHUM, IDAHO 83340 (208) 726-4421

VERIFICATION

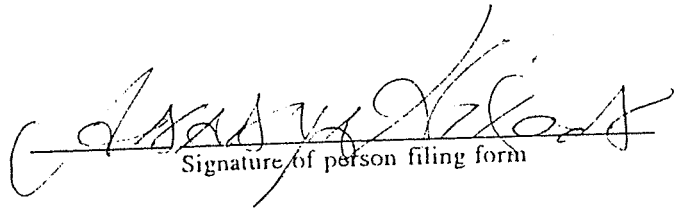
(Must be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of IDAHO

County of Blaine

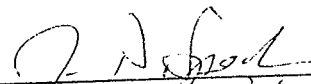
ANANYA HIXON, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

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: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 12/27/73
(Insert Date)


Notary Public for Idaho
Residing at: Fort Verde, ID
My Commission expires: 1/27/74

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 January 3, 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:

EUGENE H. & CONNIE J. GABERT
HC 86 BOX 4158
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):

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

Verian Lee

(Signature of person or attorney mailing the form)

Secretary for James P. Speck, Esq.

WARRANTY DEED

For Value Received

EUGENE H. GABERT and CONNIE J. GABERT, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto
ANANYA HIXON, an unmarried woman, dealing with her sole and separate
property,

the grantee, whose current address is, P.O. Box 161, Sun Valley, ID 83353,
the following described premises, to-wit:

SEE EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF.

COPY

NOT TO BE RECORDED

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
her heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee, that they are the owners in fee simple of said premises; that said
premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.
Dated: November 8, 1993.

Eugene H. Gabert
EUGENE H. GABERT

Connie J. Gabert
CONNIE J. GABERT

STATE OF IDAHO, COUNTY OF CUSTER
On this 8 day of November, 1993,
before me, a notary public in and for said State, personally
appeared EUGENE H. GABERT and
CONNIE J. GABERT, husband and
wife,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
1993, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

EXHIBIT "A"

TOWNSHIP 8 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 15: SW $\frac{1}{4}$ NW $\frac{1}{4}$.

EXCEPTING THEREFROM: Beginning at the Northeast corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 8 North, Range 21 East, Boise Meridian, Custer County, Idaho, said corner being South 1307.62 feet and East 1335.09 feet from the Northwest corner of said Section 15; thence South 0°36'32" East 387.36 feet along the East line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ to a point; thence South 89°30'23" West 225.05 feet to a point; thence North 0°36'32" West 386.89 feet to a point lying on the North line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15; thence North 89°23'05" East 225.04 feet along said line to the Northeast corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, the POINT OF BEGINNING.

TOGETHER WITH any and all water rights appurtenant thereto, including, but not limited to, Water Rights Nos. 34-00297B and 34-00298B as they may be decreed in the Snake River Basin Adjudication.

COPY
NOT TO BE RECORDED