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DEC 29 1993

Department of Water Resources
Adjudication Bureau

39576
[36-10540]/
94-02-0053

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.

☐ CONSENT TO SUBSTITUTION OF PARTY

My name is Thomas L. and Terri A. Harbison

My address is 198A Bell Rapids Rd.
Hagerman, Id 83332

My phone number is: Work 837-4859 Home 837-4747

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

Mary M. Gardner
P.O. Box 39 Wells Nev. 89835

I am the new claimant/purchaser of 36-10540 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.

Warrenty deed

(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 GOODING

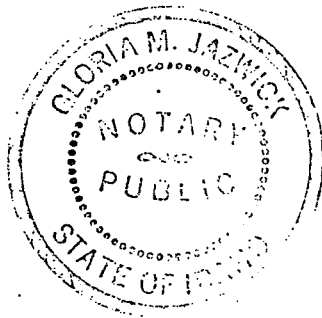
THOMAS L. & TERRI A. HARBISON, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

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.

Thomas L. Harbison
Terri A. Harbison
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 12-27-93
(Insert Date)



Gloria M. Jazwicz
Notary Public for IDAHO
Residing at: HAGER MAN, ID.
My Commission expires: 7-2-97

INSTRUCTIONS FOR MAILIN

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:

Mary Gardner
P.O. Box 39
Wells New 89835

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)

WARRANTY DEED

COPY

For Value Received

MARY M. GARDNER, as her sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

THOMAS L. HARBISON and TERRI A. HARBISON, husband and wife

Whose address is: 198 A Bell Rapids Road

Hagerman, Idaho 83332

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"
(containing one page)

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: October 28, 1993

MARY M. GARDNER

STATE OF IDAHO, COUNTY OF Gooding
On this day of October , 1993,
before me, a notary public in and for said State, personally appeared

Mary M. Gardner

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged
to me that she executed the same.

Notary Public

Residing at Twin Falls

Idaho

EXHIBIT "A"

A portion of Lots 26, 27 and Lot 37 of Buckeye Ranch, Gooding County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County, and more particularly described as follows:

Beginning at the Southwest corner of Lot 37;
Thence East along the South line of said Lot 37, 190 feet to
THE TRUE POINT OF BEGINNING;
Thence East along said South line to the Southeast corner of
said Lot 37;
Thence North to the Northeast corner of said Lot 37;
Thence in a Northeasterly direction to a point on the North
line of Lot 26 of the Buckeye Ranch, 820 feet East of the
Northwest corner of Lot 27 of the Buckeye Ranch;
Thence West along the North line of said Lot 27, 305 feet;
Thence in a Southwesterly direction to a point 280 feet East
of the Southwest corner of said Lot 27;
Thence in a Southwesterly direction to THE TRUE POINT OF
BEGINNING, all in the Northwest quarter of the Southwest
quarter, Section 27, Township 7 South, Range 13, East
Boise Meridian.

TOGETHER WITH right of egress and ingress to the above
described real estate on existing private road across Lots
16, 17 and 5 of Buckeye Ranch.

TOGETHER WITH all water and water rights, ditches and ditch rights used
thereon or appurtenant thereto including but not limited to 15 inches of
Billingsley Creek-Buckeye Ditch, Priority Date of September 10, 1884.

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1993 and subsequent years, which are not yet due and
payable.

Assessments levied or to be levied by the Gooding County Solid
Waste Department.

Assessments levied or to be levied by a Water District delivering
water appurtenant to the above described property.

Reservation contained in Map of the Buckeye Ranch recorded August
18, 1910 as Instrument Number 18028, Gooding County records,
reserving unto the Morton Realty Company, Limited, its
successors, or assigns the right to erect, maintain, operate and
repair poles and wires for the conveyance, transmission and dis-
tribution of electric current or power for electric light, heat
and power.

Terms and conditions as contained in Decree in the case of
Buckeye Ranch Company, Limited, a corporation, Plaintiff, vs.
Edward Thomson, et al, dated December 1, 1919, recorded December
3, 1919 in Book 3 Page 299, Gooding County records, pertaining to
a certain irrigation ditch.

Power Line Easement given by May Gardner, a widow, to Idaho Power
Company, a corporation, dated September 2, 1942, recorded
September 22, 1942 in Book 5 Page 199 as Instrument Number 85099,
Gooding County records, affecting Lot 5 and 8 and Placer Lot 38,
Section 34, and W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27, all in Township 7 South, Range
13, EBM.

Power Line Easement given by Robert Gardner, single, to Idaho
Power Company, a corporation, dated May 2, 1961, recorded June
19, 1961 as Instrument Number 1588, Gooding County records,
affecting Lots 17, 27 and 37, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27,
Township 7 South, Range 13, East Boise Meridian.