

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,

34-00335
34-00336
34-00337
34-10232

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 _____

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 LOST PEAKS RANCH, INC.
My address is c/o DANIEL P. MULICK, PRESIDENT
HC 86, BOX 4115
5536 OLD CHILLY ROAD
MACKAY, ID 83251

My phone number is: Work (208) 588-3023 _ Home _____

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

LOLA L. COATES
STAR ROUTE
MACKAY, ID 83251

I am the new claimant/purchaser of 34-10232, 34-00335, 34-00336, _____ and 34-00337
(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.

Copy of Warranty Deed

Copy of Director's Report - Proposed Claims

Lola L. Coates Lost Peaks Ranch Inc
(Signature of prior claimant/seller) (Signature of new claimant/purchaser)
Lola L. Coates Daniel P. Mulick

☐ **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 Custer

DANIEL P. MULICK, PRES., LOST PEAKS RANCH, INC., 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.

Lost Peaks Ranch Inc
Daniel P. Mulick Pres
Signature of person filing form
Daniel P. Mulick

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on April 8, 1994.
(Insert Date)

James B. Bennett
Notary Public for Idaho
Residing at: Challis, Idaho
My Commission expires: 1-21-99

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 11th day of April, 19994, 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):

Chief, Natural Resources Division	U.S. Dept. of Justice
Office of the Attorney General	Env. and Nat. Resources
State of Idaho	550 West Fort St., Box 33
P. O. Box 44449	Boise, ID 83734
Boise, ID 83711-4449	

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

Hand Delivered

LOLA L. COATES

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):

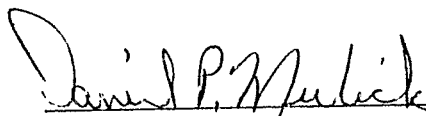
Chief, Natural Resources Division	U.S. Dept. of Justice
Office of the Attorney General	Env. and Nat. Resources
State of Idaho	550 W. Fort St., Box 33
P. O. Box 44449	Boise, ID 83734
Boise, ID 83711-4449	

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

A handwritten signature in cursive script, reading "Daniel P. Mulick", written over a horizontal line.

(Signature of person or attorney mailing the form)
Daniel P. Mulick

WARRANTY DEED

FOR VALUE RECEIVED, SIEGEL-HORTON ASSOCIATES, a Partnership, the Grantor, does hereby Grant, Bargain, Sell and Convey unto LOST PEAKS RANCH, INC., an Idaho Corporation, the Grantee, whose current address is c/o DANIEL P. MULICK, HC 86, Box 4115, Mackay, ID 83251, the following described premises, in Custer County, Idaho, to-wit:

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 29: SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 30: Lot 1.
Section 31: Lot 1, 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.
Section 32: N $\frac{1}{2}$ NW $\frac{1}{4}$.

SUBJECT TO Ditch and Water Agreement dated May 1, 1964, between Anderson Ranches, Inc. and Ovanda Coates, a widow, recorded July 31, 1964, in Book 6, Bonds and Agreements, Page 152, validated by Judgment in Book 5 of Judgments, Page 551, records of Custer County, Idaho.

ALSO SUBJECT TO Mortgage dated June 25, 1993, from Siegel-Horton Associates, a Partnership comprised of Dan Siegel and Jack Horton, to Lola Louise Coates, securing the payment of \$275,000.00 and interest, recorded July 6, 1993, as instrument No. 204287, records of Custer County, Idaho.

ALSO SUBJECT TO Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the premises or by making inquiry of persons in possession thereof.

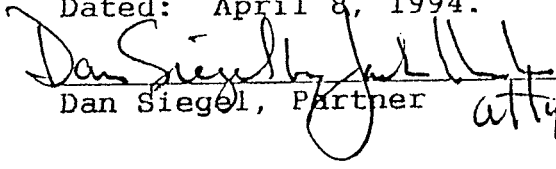
ALSO SUBJECT TO Easements, claims of easement or encumbrances which are not shown by the public records.

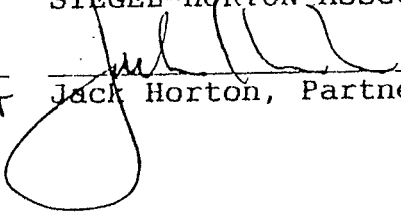
ALSO SUBJECT TO Levies and assessments of Big Lost River Irrigation District, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that they are free from all incumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho, and that it will warrant and defend the same from all lawful claims whatsoever.

Dated: April 8, 1994.

SIEGEL-HORTON ASSOCIATES


Dan Siegel, Partner


Jack Horton, Partner

STATE OF IDAHO)
 : ss.
County of Custer)
On this 8th day of
APRIL, 1994, before
me, a Notary Public, per-
sonally appeared JACK
HORTON

known or identified to me
to be the person(s) whose
name(s) are subscribed to
the within instrument, and
acknowledged to me that
he executed the same.

Patsy Kindt
Notary Public
Residing at Challis
Commission Expires 3/12/98

STATE OF IDAHO, COUNTY OF
I hereby certify that this instru-
ment was filed for record at the
request of _____
at _____ minutes past _____
o'clock _____ M., this _____ day of
_____, 19____, in my office,
and duly recorded in Book _____
of Deeds at page _____.

Ex-Officio Recorder

BY _____
Deputy

Fee: \$
Mail to:

STATE OF IDAHO)
COUNTY OF CUSTER) ss.
On this 8th day of APRIL in the year
19 94, before me, a Notary Public, personally appeared
JACK HORTON
known or identified to me to be the person whose name is
subscribed to the within instrument as the attorney in fact of
DAN SIEGEL and acknowledged to
me that he subscribed the name of DAN SIEGEL
thereto as principal, and his (her) own name as attorney in fact.

Patsy Kindt
Notary Public
Residing at Challis, Idaho
Commission expires: 3/12/98

WARRANTY DEED

WARRANTY DEED made this 25th day of June, 1993, between **Lola Louis Coates**, herein referred to as "grantor", and **Siegel-Horton Associates**, whose mailing address is P.O. Box 1788, Idaho Falls, ID 83403-1788, herein referred to as "grantee, 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, grantor has granted, bargained, and sold, and grantor does, by these presents, grant, bargain, sell, convey, and confirm unto grantee and to their successors and heirs and assigns forever, all the following described real estate located in the County of Custer, State of Idaho:

Township 9 North, Range 21 E.B.M., Custer County, Idaho
Section 29: SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 30: Lot 1
Section 31: Lot 1, 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$
Section 32: N $\frac{1}{2}$ NW $\frac{1}{4}$

Subject to:

1. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the premises or by making inquiry of persons in possession thereof.
2. Easements, claims of easement or encumbrances which are not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
4. Unpatented mining claims; reservations or exception in patents or in acts authorizing the issuance thereof,
5. Taxes and assessments for the year 1993 and all subsequent years.
6. Levies and assessments of Big Lost River Irrigation District, if any.
7. Underground Right-of-Way Easement recorded as Instrument No. 157039 in the records of Custer County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise 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 its successors and assigns forever.

And grantor and her heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of grantee, its successors and assigns against grantor and her heirs and against all and every person and persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF grantor has hereunto set her hand on the day and year first above written.

Lola Louise Coates
Lola Louise Coates, Grantor
d.c.

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 28 day of JUNE, 1993, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared Lola Louis Coates known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

(SEAL)

James D. McKeey
Notary Public for State of Idaho
Residing at: MACKAY, IDAHO
My Commission Expires: 5-31-94

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: SAGE CREEK

34-00335	LOLA L. COATES STAR RT. MACKAY ID 83251	06/01/1886	IRRIGATION	05-01 10-15	3.2	CFS
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TOTAL QUANTITY: 3.2 CFS

POINT OF DIVERSION:
T09N R21E S25
PLACE OF USE: IRRIGATION

NESWNE

T09N R21E S29	SWSW 28.0
S30	Lot 1 (SESE)37.0
S31	NENE 40.0
S32	NENW 25.0
	NWNE 23.0
	NWNW 40.0

193.0 ACRES TOTAL

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.70 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 532.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 213 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 34-00336, 34-00337.
USE OF THIS RIGHT WITH RIGHT NO. 34-00336 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 482.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 193 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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34-00336	LOLA L. COATES STAR RT. MACKAY ID 83251					
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POINT OF DIVERSION:
T09N R21E S25
PLACE OF USE: IRRIGATION

T09N R21E S29						
S30	Lot 1					
S31						
S32						

193.0 ACRES TOTAL
REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.70 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 532.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 213 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00335, 34-00337.
USE OF THIS RIGHT WITH RIGHT NO. 34-00335 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 482.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 193 ACRES IN A SINGLE IRRIGATION SEASON.

10/26/1918	IRRIGATION	05-01	10-15	1.6	CFS	DECREED
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TOTAL QUANTITY: 1.6 CFS

SOURCE: SAGE CREEK

TRIBUTARY: SINKS

SOURCE: HOWELL SPRING

TRIBUTARY: SINKS

34-00337

LOLA L. COATES

STAR RT.

MACKAY ID 83251

06/01/1917

IRRIGATION

05-01 10-15

3.2

CFS

DECREED

POINT OF DIVERSION:

T09N R21E S31

LOT 1 (SWSNW)

LOT 2 (NWSNW)

LOT 2 (SWSNW)

NWSENW

213.0 ACRES TOTAL

213.0 ACRES TOTAL

COMBINED DIVERSION RATE OF 5.70 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 532.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 213 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.:34-00335, 34-00335.

PLACE OF USE: IRRIGATION

T09N R21E S29

S30

S31

S32

Lot 1

Lot 1

Lot 1

Lot 1

SWSW 28.0

(SESE)37.0

NENE 40.0

NENW 25.0

NWNE 23.0

NWNW 40.0

NENW 16.0

Lot 1 (NWNW) 4.0

REMARKS:

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.70 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 532.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 213 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.:34-00335, 34-00335.

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM

SOURCE: SPRING		TRIBUTARY: SINKS				

34-10189	VIVA TAYLOR PO BOX 192 MACKAY ID 83251	03/16/1923	IRRIGATION	05-01 10-15	.08	CFS BENEFICIAL USE
NON-IRRIGATION-USES:						
STOCKWATER, 300 RANGE CATTLE						
POINT OF DIVERSION:						
T07N R24E S34 SENWSW						
PLACE OF USE: IRRIGATION						
T07N R24E S34 NWSW 2.0 SWSW 2.0						
4.0 ACRES TOTAL						
PLACE OF USE: STOCKWATER						
REMARKS:						
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 322.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 129 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00073E, 34-00464, 34-00465, 34-00881, 34-02375 AND 34-00227G.						
34-10232	LOLA L. COATES STAR RT. MACKAY ID 83251	03/16/1923	DOMESTIC	01-01 12-31	.04	CFS BENEFICIAL USE
NON-IRRIGATION-USES:						
ONE HOME / 400 HEAD RANGE CATTLE						
POINT OF DIVERSION:						
T09N R21E S31 NWSNW						
PLACE OF USE: DOMESTIC						
T09N R21E S31 NWNW						
PLACE OF USE: STOCKWATER						
T09N R21E S31 NWNW						
TOTAL QUANTITY:						
					.09	CFS