

Reg Attorney

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 Allen F. Arthur & CarolLynn Emerson

My address is 2182 Grouse Drive, Valley Springs, CA 95252

My phone number is: Work (209) 736-2576 Home (209) 772-2849

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

Arnold Arvizu Jr. & Janine Jessup Arvizu

161 Kuhn Drive, Tijeras, NM 87059

I am the new claimant/purchaser of #A34-00512 and #A34-10008 and

(Insert each water right number)

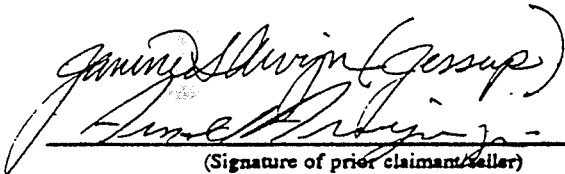
I am submitting proof of acquisition of the interest of the prior claimant/seller, *which is required by the court* to support my *Substitution*. Proof must contain a legal description of the property, including the water right numbers conveyed. You must describe the documents you are submitting.

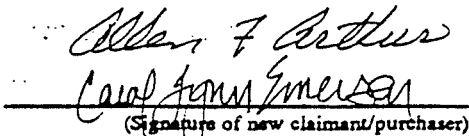
1) Letter dated 1/7/94 from IDWR with claim attachments

2) Copy of warranty deed

3) IDWR form 42-1409(7)

4) Certificate of sale


(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 California

County of Calaveras

CAROL LYNN EMMERSON, 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.

Carol Lynn Emerson
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 04-13-94
(Insert Date)



Caprice M. Briski
Notary Public for _____
Residing at: 8B California St. Valley Springs, C
My Commission expires: 05-24-94 9525

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 APRIL 25, 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:

Arnold Arvizu Jr & Janine Jessup Arvizu
161 Kuhn Drive
Tijeras, NM 87059

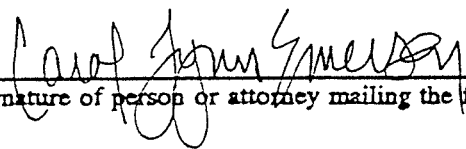
4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address(es):

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)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JANUARY 7, 1994

ALLEN F ARTHUR
2182 GROUSE DR
VALLEY SPRINGS CA 95252

RE: Snake River Basin Adjudication (SRBA)
Notice(s) of Claim #
Change in Ownership

Dear Mr. Arthur:

We have received your Change in Ownership (Form 42-1409(7)) and have changed IDWR records to show you as the current owner (copies enclosed).

Although IDWR records have been changed to reflect you as the current owner, SRBA Judge Daniel C. Hurlbutt, Jr. issued an Order dated June 17, 1993, requiring claimants identified in a Director's Report to use Standard Form 3 for Change in Ownerships.

I have enclosed Form 3 for your convenience. You will need to follow the directions enclosed with the form on how and where to mail the form. If you have any questions, do not hesitate to contact our department (525-7161) or the District Court in Twin Falls (736-3011).

Respectfully submitted,

Gregory J. Taylor
Gregory J. Taylor

Sr. Water Agent, ADjudications

GT:jt

Enclosure: Standard Form 3, copies of claims

2/18/94 call d



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
JAN - 3 1994

Department of Water Resources
Eastern District Office

DATE OF CLOSING: OCT 1993

LEGAL DESCRIPTION OF PROPERTY: Township 05N Range 25E
Section 15, NE 1/4 of SE 1/4 of NE 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: A34-00512 AND A34-10008
- ☒ Name and Address of Former Owner/Claimant(s)(Seller):
ARNOLD ARVIZU JR & JANINE JESSUP
161 KUHN DR
TIJERAS NM 87059
- ☒ New Owner/Claimant (Purchaser):
ALLEN F. ARTHUR & CAROL L. EMERSON
- ☒ New Mailing Address:
2182 GROUSE DR
VALLEY SPRINGS, CA 95252
- ☒ New Telephone Number: (209) 772-2849
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ 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 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) Allen F. Arthur Date 11/12/93
Carol L. Emerson Date 11/12/93
- ☐ Signature of Former Owner/Claimant(s) Janine Jessup Date 12-18-93
Arnold Arvizu Jr. Date 12-18-93

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

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

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

CERTIFICATE OF SALE # 34

Please fill out if there has been a change of ownership of Water Rights or the Recorded Sale of Property involving a Water Right so that we can change our records accordingly. Thank you.

SELLER ARNOLD ARVIZU

BUYER ALLEN F. ARTHUR

& JANINE JESSUP

& CAROL EMERSON

ADDRESS 1161 KUHN DR

ADDRESS 2182 GROUSE DR

TIJERAS, NM 87059

VALLEY SPRINGS, CA 95252

WATER RIGHT & PROPERTY DESCRIPTION:

WATER RIGHT NUMBER	PRIORITY DATE	DECREE INCHES	TOWN- SHIP	RANGE	SEC.	QTR.	ACRES
A34-00512	MAY 12, 1909	58"	05N	25E	21	1/4 of 1/4 of 1/4 NE SE NE	
A34-10008	JUNE 1, 1960	.020 CFS	05N	25E	15	1/4 of 1/4 of 1/4 SW NE NE	

TOTAL OF ACREAGE SOLD: 129± ACRES

DATE OF SALE: OCT. 22, 1993

SIGNATURE OF SELLER *Janine Jessup* DATE 12-18-93

Arnold Arvizu Jr. DATE 12-18-93

SIGNATURE OF BUYER *Carol Emerson* DATE 11/12/93

Allen F. Arthur DATE 11/12/93

WARRANTY DEED

FILED

OCT 27 1993

For Value Received ARNOLD ARVIZU, JR. and JANINE S. ARVIZU, husband and wife

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

ALLEN FRANK ARTHUR and CAROL LYNN EMERSON, husband and wife

whose address is: 2182 GROUSE DRIVE, VALLEY SPRINGS, CA, 95252

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

TRACT A:

Township 5 North, Range 25 E.B.M., Butte County, Idaho

Section 15: That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying S. and E. of Antelope Creek.

TRACT B:

Township 5 North, Range 25 E.B.M., Custer County, Idaho

Section 14: That portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Northwest of Antelope Creek less the following described tract: Commencing at the NW corner of said Section 14, thence E. along the Section line 770 feet to Antelope Creek; thence S. 52°26' W. along Antelope Creek 82 feet; thence W. 705 feet; thence N. 50 feet to the point of beginning.

Township 5 North, Range 25 E.B.M., Custer County, Idaho

Section 15: NW $\frac{1}{4}$ NE $\frac{1}{4}$; and that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Northwest of Antelope Creek, EXCEPT: the N. 50 feet of the E. 284 feet from said NE $\frac{1}{4}$ NE $\frac{1}{4}$ and any portion in Butte County, Idaho, ALSO EXCEPTING: A fraction of the NE $\frac{1}{4}$ of said Section 15 described as: Commencing at the NE corner of said Section 15, thence W. 1883.01 feet; thence S. 31°05' E. 2063.12 feet; thence N. 50°55' E. 272.15 feet; thence N. 47°25' E. 409.70 feet; thence N. 32°33' E. 425.45 feet; thence N. 37°13' E. 1141.02 feet; thence W. 619.00 feet; thence N. 50.00 feet to the point of beginning, EXCEPTING THEREFROM any portion Southeast of Antelope Creek in Butte County, and the North 50 feet of the East 284 feet from said NE $\frac{1}{4}$ NE $\frac{1}{4}$.

A portion of the NE $\frac{1}{4}$ of Section 15, Township 5 North, Range 25 E.B.M., Custer County, Idaho, described as: Commencing at the NE corner of said Section 15, thence W. 1883.01 feet; thence S. 31°05' E. 2063.12 feet; thence N. 50°55' E. 272.15 feet; thence N. 47°25' E. 409.70 feet; thence N. 32°33' E. 425.45 feet; thence N. 37°13' E. 1141.02; thence W. 619.00 feet; thence N. 50.00 feet to the point of beginning, EXCEPTING THEREFROM: any portion Southeast of Antelope Creek in Butte County, and the North 50 feet of the East 284 feet from said NE $\frac{1}{4}$ NE $\frac{1}{4}$.

SUBJECT TO an Real Estate Mortgage, in favor of Fleet Mortgage Corp., a Rhode Island Corporation, recorded April 22, 1975 as Instrument No. 4012, Butte County and recorded April 21, 1975, as Instrument No. 139165, Custer County, Idaho, which obligation is not assumed by the Grantees, herein. The Grantors herein agree to pay said obligation according to the terms thereof and to hold the Grantees harmless from any default on account thereof.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, including all water, water rights, ditch and ditch rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: OCTOBER 21, 1993

Arnold Arvizu Jr.
ARNOLD ARVIZU, JR.

Janine S. Arvizu
JANINE S. ARVIZU

STATE OF New Mexico)
COUNTY OF Santa Fe) ss.

On this 21st day of October 93, before me the undersigned, a Notary Public in and for the said county and state, personally appeared ARNOLD ARVIZU JR. and JANINE S. ARVIZU, known or proved to me to be the persons who executed the foregoing instrument, and acknowledged to me that they executed the same.



OFFICIAL SEAL
HEIDI C. CHESTER
NOTARY PUBLIC - STATE OF NEW MEXICO
Notary Bond Filed with Secretary of State
My Commission Expires 3-19-95

Heidi C. Chester
Notary Public for State of New Mexico
Residing at: Albuquerque, NM
My Commission Expires: 3-19-95

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

COPY

Ident. Number: A34-00512
Date Received: 8/ 5/1988
Receipt No: E001110
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ALLEN F ARTHUR
Address: 2182 GROUSE DR
VALLEY SPRINGS CA 95252 209-772-2849
AND
Name: CROL L EMERSON
Address: 2182 GROUSE DR
VALLEY SPRINGS CA 95252 209-772-2849

2. Date of Priority: MAY 12, 1909

3. Source: ANTELOPE CREEK Trib. to: BIG LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	25E	21	NE	SE	NE		CUSTER

5. Description of diverting works:
HEADWORKS OF THE HANRAHAN DITCH/REDIVERSION TO FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	.04/01	11/01	1.160		
STOCKWATER	04/01	11/01	0.020		

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

8. Total consumptive use is 122.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	25E	15	NE		NE		IRR	15.0
			NE		NE		STOCK	
			NW		NE		IRR	4.0
			NW		NE		STOCK	
			SW		NE		IRR	15.0
			SW		NE		STOCK	
			SE		NE		IRR	15.0
			SE		NE		STOCK	
							Section Acres	49.0
							Total Acres	49.0

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:
NONE

14. Remarks:
P/D HANRAHAN DITCH.
CLAIM REFLECTS CURRENT USE OF WATER

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

UTAH CONSTRUCTION
Decree Plaintiff

JOHN F. ABBOTT, ET AL
vs Decree Defendant

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: A34-10008
Date Received: 8/ 5/1988
Receipt No: E001110
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ALLEN F ARTHUR
Address: 2182 GROUSE DR
VALLEY SPRINGS CA 95252
209-772-2849

AND

Name: CAROL L EMERSON
Address: 2182 GROUSE DR
VALLEY SPRINGS CA 95252
209-772-2849

2. Date of Priority: JUN 1, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	25E	15	SW	NE	NE		CUSTER

5. Description of diverting works:
260' WELL W/ PUMP TO SINGLE HOME AND OUTSIDE FACETS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC USE FOR SINGLE HOME AND STOCKWATER FOR 30 HEAD RANGE CAT

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	25E	15	NE	NE		DOMEST	
			NE	NE		STOCK	

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:
34-00512

14. Remarks:
PRIORITY TO BEST OF CLAIMANTS KNOWLEDGE

15. Basis of Claim: BENEFICIAL USE