

RECEIVED
MAY 02 1994
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,

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 Marcus Koll Subdivision Water Users, Inc.

My address is c/o Guy Callen
2055 E. 2950 South
Wendell, Idaho 83355

My phone number is: Work 536-2432 Home 536-2432

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

Marcus Koll Subdivision Waterusers Association
c/o Terry Fitzpatrick
P.O. Box 701
Twin Falls, ID 83303-0701

I am the new claimant/purchaser of A36-02511A and 36-02511A *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.

Organizational Meeting of the Board of Directors of Marcus

Koll Subdivision Waterusers, Inc.



(Signature of prior claimant/seller)

Marcus Koll Subdivision Water-
users Association



(Signature of new claimant/purchaser)

Marcus Koll Subdivision Water
users, Inc.

☒ **ATTORNEY OF RECORD COMPLETING FORM**

My name is J. Walter Sinclair

Marcus Koll Subdivision Waterusers, Inc.
I am the attorney of record for
(Identify party/claimant)

My address and phone number are 126 2nd Ave. North, P.O. Box 366,
Twin Falls, ID 83303-0366 (208) 733-5463

VERIFICATION

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

State of Idaho

County of Twin Falls

Marcus Koll Subdivision Water Users, 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.

MARCUS KOLL SUBDIVISION WATERUSERS, INC

By Meryl Lallen
Signature of person filing form
Secretary

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on April 11, 1994.
(Insert Date)

Judy Lallen Lallen
Notary Public for
Residing at: Twin Falls
My Commission expires: 7/15/99

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 April 27, 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:

J. Walter Sinclair
Benoit, Alexander, Sinclair, Harwood & High
P.O. Box 366
Twin Falls, ID 83303-0366

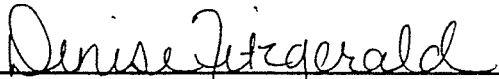
4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address(es):

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)

ORGANIZATIONAL MEETING OF THE BOARD OF DIRECTORS OF
MARCUS KOLL SUBDIVISION WATER USERS, INC.

The Organizational Meeting of the Board of Directors of Marcus Koll Subdivision Water Users, Inc., an Idaho corporation, having been called by all the Directors named in the Articles of Incorporation pursuant to written notice, was held on the 3 day of January, 1992, at 7:20 o'clock P.m. at Wendell, Idaho.

Present were: GARY BRADSHAW, Ken Bradshaw, Guy Callen, Terry Fitzpatrick, EVERETT WINSLOW, CAROL BRADSHAW, Meryl Callen.
Terry Fitzpatrick was chosen temporary Chairman and Guy Callen was chosen temporary Secretary of the meeting.

It was moved, seconded and unanimously carried that the following be elected as Directors of the corporation:

GARY & CAROL BRADSHAW, Guy & Meryl Callen, Ken Bradshaw, Terry Fitzpatrick, EVERETT WINSLOW.

The Secretary, by direction of the Chairman, read the proposed By-Laws, a copy of which appears in the Book of By-Laws contained in the Minute Book of the Corporation, and the same upon motion duly made, seconded and unanimously carried were adopted by the Directors as the By-Laws of the Corporation.

It was moved, seconded and unanimously adopted that until changed by the Board of Directors the principal place of business of the corporation shall be in Wendell, Idaho.

It was moved, seconded and unanimously carried that until changed by the Board of Directors of the corporation, be designated as the Registered Agent of the corporation in the State of Idaho.

It was moved, seconded and unanimously carried that the seal, as imprinted on the margin of these minutes, be adopted as the seal of the corporation.

A motion was duly made and seconded and unanimously carried that the following named persons be elected to the offices set opposite their names:

Guy Callen
EVERETT WINSLOW
GARY BRADSHAW
Terry Fitzpatrick

President
Vice-President
Secretary
Treasurer

ORIGINAL

The President of the corporation then declared the organization of the corporation fully completed and the same competent to transact the business for which it was organized.

The following resolution was read:

First Security

RESOLVED that this corporation open an account with [^] of Twin Falls, Idaho, and that Guy Callen, President, and/or Terry Fitzpatrick Treasurer, or any one of them, be, and they hereby are authorized to sign checks and drafts for and on behalf of this corporation, and that each of them be, and hereby is, authorized to endorse notes, checks and drafts payable to this corporation, until such time as the authority hereby conferred is revoked by the receipt of written notice of such revocation by said bank.

RESOLVED, FURTHER That this corporation agrees with said bank that all funds deposited with said bank shall be governed by all rules and regulations printed in the passbook issued in connection with said account or accounts, any amendments or additions thereto, and by regulations and by-laws passed or hereafter to be passed by the Board of Directors of said Bank.

Upon motion duly made and seconded, the foregoing Resolution was unanimously adopted.

Upon motion duly made, seconded and unanimously carried, the following resolution was adopted:

WHEREAS, Gary Bradshaw has offered to transfer to the corporation his water shares listed on Schedule "A", the net value of which is the sum of \$3,052.33, in exchange for the issuance to him of 7.38 shares of stock.

WHEREAS, Ken Bradshaw has offered to transfer to the corporation his water shares listed on Schedule "A", the net value of which is the sum of \$3,370.80, in exchange for the issuance to him of 8.15 shares of stock.

WHEREAS, Guy Callen has offered to transfer to the corporation his water shares listed on Schedule "A", the net value of which is the sum of \$16,663.72 in exchange for the issuance to him of 40.29 shares of stock.

WHEREAS, Roy Diemart has offered to transfer to the corporation his water shares listed on Schedule "A", the net value of which is the sum of \$2,067.97, in exchange for the issuance to him of 5.00 shares of stock.

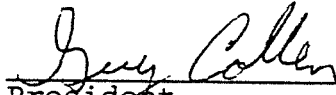
WHEREAS, Terry Fitzpatrick has offered to transfer to the corporation his water shares listed on Schedule "A", the net value of which is the sum of \$5,066.53, in exchange for the issuance to him of 12.25 shares of stock.

WHEREAS, D. Storer has offered to transfer to the corporation his water shares listed on Schedule "A", the net value of which is the sum of \$2,158.96, in exchange for the issuance to him of 5.22 shares of stock.

WHEREAS, Everett Winslow has offered to transfer to the corporation his water shares listed on Schedule "A", the net value of which is the sum of \$3,519.69, in exchange for the issuance to him of 8.51 shares of stock.

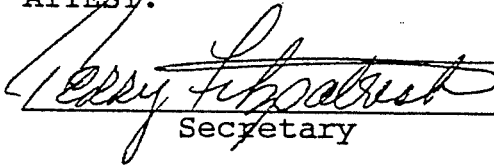
BE IT FURTHER RESOLVED that the value of each share of stock be and is hereby established as \$413.5945.

There being no further business, the meeting was adjourned.



President

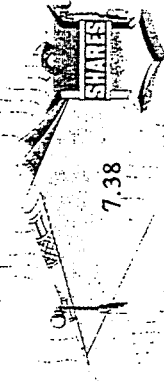
ATTEST:



Secretary

INCORPORATED UNDER THE LAWS OF THE

State of Idaho



8

7.38

MARCUS KOLL SUBDIVISION WATER USERS, INC.

1,000 Authorized Shares

Original Certificate

George F. and Karen L. Hilarides

Seven and 38/100

MARCUS KOLL SUBDIVISION WATER USERS, INC.

is the owner of
Shares of the Capital Stock of

transferrable only on the Books of the Corporation by the
holder hereof or person or by duly authorized Attorney, or
any one of their legal heirs properly endorsed.

In Witness Whereof the duly authorized officers of this Corporation have hereunto subscribed
their names and caused them to be signed by the duly authorized Wendell Ward
this 19th day of December, A.D. 19 93

Wendell Ward
President

Wendell Ward
Secretary

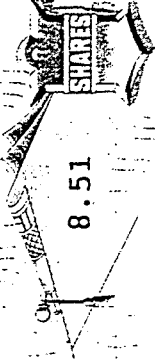
Shares

No Par

Each

INCORPORATED UNDER THE LAWS OF THE

STATE OF IDAHO



MARCUS KOLL SUBDIVISION WATER USERS, INC.

1,000 AUTHORIZED SHARES

Gift Certificate
Eight and 51/100

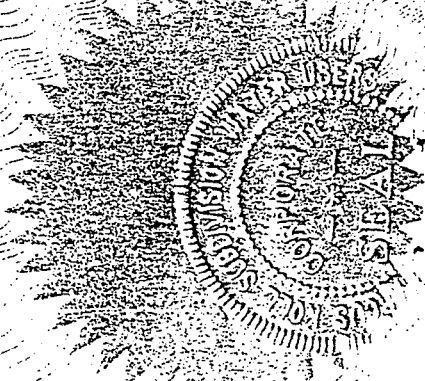
Everett Winslow

is the owner of
Shares of the Capital Stock of
Marcus Koll Subdivision Water Users, Inc.
transferable only in the Books of the Corporation by the
holder hereof in person or by duly authorized Attorney, on
surrender of this Certificate properly endorsed.

In Witness Whereof the duly authorized officers of the Corporation have hereunto subscribed
their names and caused the same to be signed and sealed at
this 31st day of February, A.D. 1912

Ray Allen
President

Henry H. Hefner
Secretary



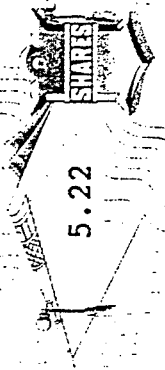
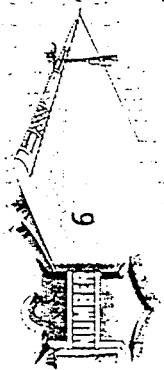
NO PAR

Shares

Each

INCORPORATED UNDER THE LAWS OF THE

STATE OF IDAHO



MARCUS KOLL SUBDIVISION WATER USERS, INC.

1,000 AUTHORIZED SHARES

CHAS. C. HINES, Inc.

P. Storer

Five and 22/100

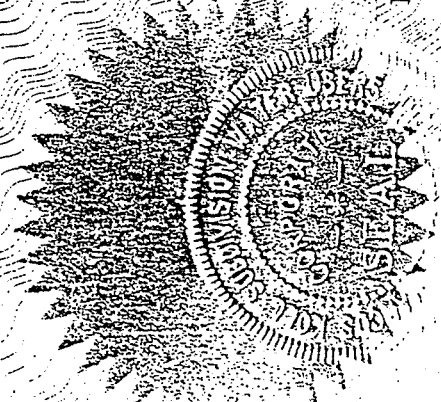
Marcus Koll Subdivision Water Users, Inc.

*is the owner of
Shares of the Capital Stock of
transferrable only in the Book of the Corporation by the
holder hereof in person or by duly authorized Attorney; on
our order of the said certificate properly endorsed.*

In Witness Whereof, *that* the undersigned officers of this Corporation have hereto subscribed
the names and signed the name of the said stock to be transferred at
this _____ day of _____ A.D. 1992

Ben Allen
President

Harry H. Hines
Secretary



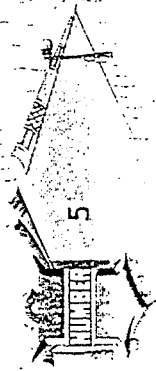
NO PAR

Shares

Each

INCORPORATED UNDER THE LAWS OF THE

STATE OF IDAHO



MARCUS KOLL SUBDIVISION WATER USERS, INC.

1,000 AUTHORIZED SHARES

THIS CERTIFICATE

Terry Fitzpatrick

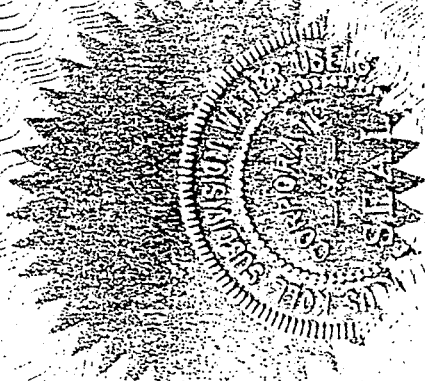
Twelve and 25/100

is the owner of
Shares of the Capital Stock of
Marcus Koll Subdivision Water Users, Inc.
transferable only in the Books of the Corporation by the
holder hereon or in person or by duly authorized Attorney, or
assignee of this Certificate properly endorsed.

In Witness Whereof the duly authorized officers of this Corporation have hereunto subscribed
their names and in presence of the witnesses, full and lawful attested
this 3rd day of May, A.D. 1992

James C. Allen
President

Gregory J. Koll
Secretary



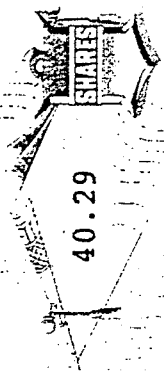
Shares

NO PAR

Each

INCORPORATED UNDER THE LAWS OF THE

STATE OF IDAHO



40.29

MARCUS KOLL SUBDIVISION WATER USERS, INC.

1,000 AUTHORIZED SHARES

This Certifies That

Guy Callen

Forty and 29/100

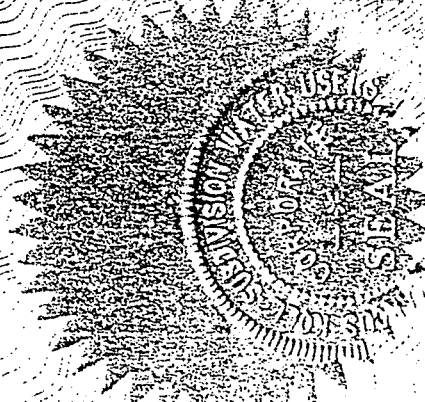
Marcus Koll Subdivision Water Users, Inc.

is the owner of
Shares of the Capital Stock of
the Corporation by the
holder hereof in person or by duly authorized Attorney; on
superior of this Certificate properly endorsed.

In Witness Whereof the duly authorized officers of this Corporation have hereunto subscribed
their names and caused these shares to be signed and sealed at
this day of January A.D. 1912

Guy Callen
President

Secretary



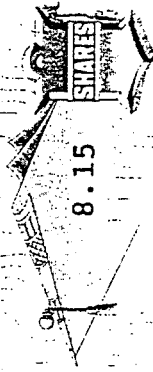
NO PAR

Shares

Each

INCORPORATED UNDER THE LAWS OF THE

STATE OF IDAHO



MARCUS KOLL SUBDIVISION WATER USERS, INC.

1,000 AUTHORIZED SHARES

Ken Bradshaw

Eight and 15/100

is the owner of

Shares of the Capital Stock of

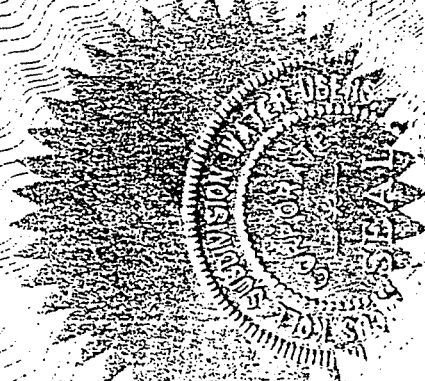
Marcus Koll Subdivision Water Users, Inc.

transferrable only in the Books of the Corporation by the
holder hereof in person or by duly authorized Attorney or
an agent of this Certificate properly endorsed.

In Witness Whereof, the duly authorized officers of this Corporation have hereunto subscribed
their names and caused the same to be signed and sealed at
this day of _____ A.D. 1992

President

Secretary



Each

Shares

NO PAR

INCORPORATED UNDER THE LAWS OF THE

STATE OF IDAHO



MARCUS KOLL SUBDIVISION WATER USERS, INC.

1,000 AUTHORIZED SHARES

Five and 00/100

Roy Diemant

President

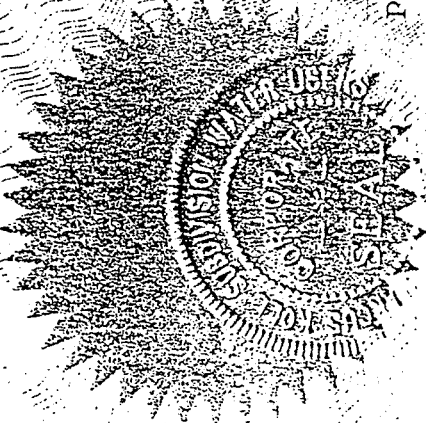
Marcus Koll Subdivision Water Users, Inc.

is the owner of
Shares of the Capital Stock
of the Corporation by the
Books of the Corporation by the
Attorneys on
behalf of the Corporation properly endorsed

In Witness Whereof the duly authorized officers of this Corporation have hereunto subscribed
their names and affixed their hands and seals this _____ day of _____ A.D. 1972

Roy Diemant
President

Gregory Appeldoorn
Secretary



NO PAR

Shares

Each

MARCUS KOLL SUBDIVISION WATER USERS

LEGAL DESCRIPTION

Section 34: Township 7 South, Range 15 East, NW NE SW, Gooding
County, Idaho.