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MAY 16 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 Owen R. and Ina Tanner

My address is Post Office Box 464

Mackay, Idaho 83251

My phone number is: Work _____ Home _____

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

Jane Hemingway Mason Revocable Trust

I am the new claimant/purchaser of 34-07113 and 34-04017 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.

Notice of Change of Ownership includes Warranty Deed

attached thereto.

X Owen R. Tanner
(Signature of prior claimant/seller)

JANE HEMINGWAY MASON REVOCABLE TRUST
By: Jane Hemingway Mason
(Signature of new claimant/purchaser)
Jane Hemingway Mason

☒ ATTORNEY OF RECORD COMPLETING FORM

My name is Edward A. Lawson

I am the attorney of record for Jane Hemingway Mason Revocable Trust

(Identify party/claimant)

My address and phone number are Post Office Box 297, 319 Walnut Ave.,
Ketchum, Idaho 83340 (208)726-1700

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

Edward A. Lawson, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

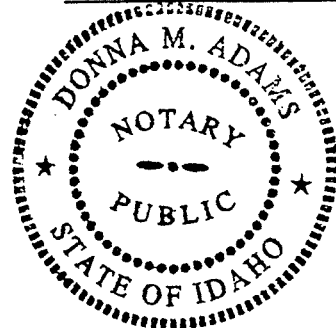
That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10); and that I have read this form, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing form

By: Edward A. Lawson
Attorney signing in representative capacity

Subscribed and sworn to before me on April 27, 1994
(Insert Date)

Donna M. Adams
Notary Public for Idaho
Residing at: Hailey, Idaho
My Commission expires: 8-97



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 May 12, 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:..

Owen R. and Ina Tanner, P.O. Box 464, 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):

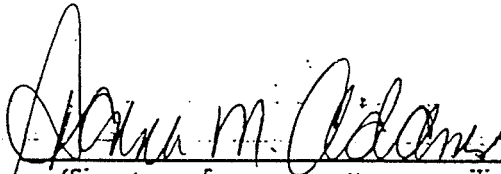
Owen R. and Ina Tanner, P.O. Box 464, Mackay, Idaho 83251

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

WARRANTY DEED made this 5th day of October, 1993, between Owen R. Tanner and Ina LaVonne Tanner, whose mailing address is 3085 Molen, Idaho Falls, Idaho 83406, herein referred to as Grantor (whether one or more, male and/or female), and Jane Hemingway Mason, Trustee of the Jane Hemingway Mason Revocable Trust, whose mailing address is 117 Audubon, Hailey, Idaho 83333, herein referred to as Grantee (whether one or more male and/or female), 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, has granted, bargained, and sold, and does, by these presents, grant, bargain, sell, convey, and confirm unto Grantee and to his heirs and assigns forever, all the following described real estate situate in the County of Custer, State of Idaho:

LOT ONE (1), OF SECTION 18, TOWNSHIP 7 NORTH, RANGE 24 EAST
OF THE BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

EXCEPTING THEREFROM THE LAND DESCRIBED IN MEMORANDUM
AGREEMENT BY GEORGE C. KIMBALL AND BEVERLY T. KIMBALL,
HUSBAND AND WIFE, RECORDED JANUARY 24, 1989 AS
INSTRUMENT NO. 190968, DESCRIBED AS FOLLOWS:

A TRIANGULAR PARCEL ON THE NORTHEAST SIDE OF THE SAID
LOT ONE, WHICH IS MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

A FRACTION OF SECTION 18, TOWNSHIP 7 NORTH, RANGE 24 EAST,
BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE CORRECTLY
DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION
18; THENCE S. 81 DEGREES 34' 43" W. 1591.04 FEET ALONG THE
SECTION LINE; THENCE S. 45 DEGREES 07' 00" E. 74.42 FEET TO THE
TRUE POINT OF BEGINNING, SAID POINT IS A ½" STEEL ROD AT AN
EXISTING FENCE CORNER POST; THENCE N. 83 DEGREES 22' 00" W.
160.00 FEET ALONG AN EXISTING FENCE LINE (SAID FENCE LINE IS
THE AGREED UPON PROPERTY LINE BETWEEN THE PREVIOUS
OWNERS. THE AGREEMENT WAS ENTERED INTO ON JULY 20, 1937,
BETWEEN JOSEPH CRESTO AND COLTON KIMBALL, AND IS
RECORDED AS INSTRUMENT 133946 IN THE CUSTER COUNTY
COURTHOUSE); THENCE S. 26 DEGREES 59' 30" W. 131.61 FEET;
THENCE N. 45 DEGREES 07' 00" E. 140.00 FEET TO THE TRUE POINT
OF BEGINNING.

limited to:

Idaho Water Rights Claim No. 34-07113 for 5.5 cfs from springs tributary to Big Lost River with a priority of February 1, 1974, for fish propagation.

Idaho Water Rights Claim No. 34-04017 for .27 cfs from the Big Lost River with a priority of June 3, 1975 for irrigation.

SUBJECT TO:

1. Taxes and assessments for the year 1993 and all subsequent years.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof.
4. All reservations, restrictions, easements, road and road rights of way, ditch and ditch rights of way, zoning restrictions, governmental regulations and protective covenants of record.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
6. Contract of Sale dated October 1, 1988 by George C. Kimball, as Seller, and Owen R. Tanner, as Buyer, as disclosed by a Memorandum Agreement recorded as Instrument No. 190198, Official Records of Custer County, Idaho.
7. Reserving to Grantor a personal, non-transferable, and non-assignable right of pedestrian crossing of the property for access and egress to and from the Big Lost River for fishing purposes.
8. Water rights are subject to the outcome of the Civil Case No. 39576 pending in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls known as the Snake River Basis Adjudication.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise 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 his heirs and assigns forever.

And Grantor and his heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, his heirs, and assigns against Grantor and his heirs and against all and every person and persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, Grantor has hereunto set his hand on the day and year first above written.

Owen R. Tanner
Owen R. Tanner

Ina LaVonne Tanner
Ina LaVonne Tanner

STATE OF IDAHO)
County of Blaine) ss.

On this 8th day of October, 1993 before me, Marla G. Mink, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Owen R. Tanner and Ina LaVonne Tanner, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Marla G. Mink
Notary Public for State of Idaho
Residing at: Bellevue
My Commission Expires: 12-1-94