

57-04048

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 Earl and/or Marygrace Elsner

My address is HC 79 Box 259
Melba, Idaho 83641

My phone number is: Work _____ Home 208-495-2137

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

David C Deeking
HC 78 Box 40B Melba, Id. 83641

I am the new claimant/purchaser of 57-04048 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 Notice of new property ownership
- 2 Warranty Deed

See notice of New Property
(Signature of prior claimant/seller)
owner form.

Earl Elsner
Marygrace Elsner
(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 Blaine

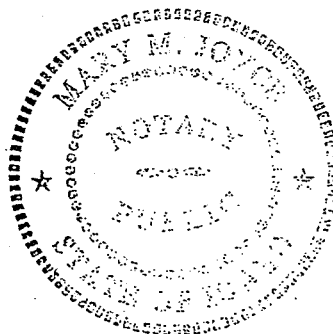
Earl and Margaret Elmer, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

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.

Earl M Elmer
Margaret Elmer
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 6-7-94
(Insert Date)



Mary M. Joyce
Notary Public for
Residing at: Meridian ID
My Commission expires: 4-26-2000

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 _____, 199____, 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:

David C. Deeking
HC 78 Box 406
Melba, Idaho 83641

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):

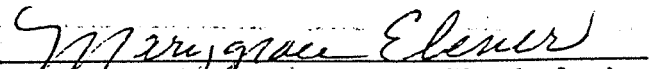
See # 3

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)



NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 10-5-93

LEGAL DESCRIPTION OF PROPERTY: Township 1S Range 2W
Section 34, 1/4 of 1/4 of 1/4, Govt. Lot , BM.
Lot , Block, , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet. see attached deed

☐ 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: 57-04048

☐ Name and Address of Former Owner/Claimant(s)(Seller): David C. Decking
HC 79 Box 40B
Melba ID 83641

☐ New Owner/Claimant (Purchaser): Earl & Mary Grace Elsner

☐ New Mailing Address: 3758 West Deerflat Road
Kuna ID 83634

☐ New Telephone Number: (208) 922-5971

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x 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: Warranty Deed

(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) Earl Elsner Date 5-12-94

☐ Signature of Former Owner/Claimant(s): David Decking Date

(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

WARRANTY DEED

For Value Received DAVID C. DECKING, a single man

the grantor, does hereby grant, bargain, sell and convey unto
EARL ELSNER and MARYGRACE ELSNER, husband and wife

the grantees, whose current address is, 3758 W Deerflat, Kuna ID. 83634
the following described premises, to-wit:

As per Exhibit "A" attached hereto and by reference thereto made a
part hereof.

Together with all water rights, ditch rights, rights of way,
tenements, hereditaments and appurtenances thereto belonging or
used in connection therein.

Subject to exceptions and reservations contained in patents from
the United States.

Subject to all easements, restrictions and reservations of record
and of use.

211266
FILED-RECORDED
'93 OCT 6 PM 4 27
BARNETT, J. A.
CLERK OF DISTRICT COURT
BY S. J. HARRIS
DEPUTY
REQUEST OF
D.C.D.
FEE 6.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor does hereby covenant to and
with the said Grantees, that he is the owner in fee simple of said premises; that said
premises are free from all incumbrances except taxes and assessments for the year 1993
and subsequent years.

and that he will warrant and defend the same from all lawful claims whatsoever.
Dated: October 5, 1993

David C. Decking
David C. Decking

STATE OF IDAHO, COUNTY OF Owyhee

On this 5th day of October, 1993,
before me, a notary public in and for said State, personally
appeared

David C. Decking

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

David C. Decking
Notary Public

Residing at Boise, Idaho
Comm. Expires 7/12/99

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument 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.

Fees \$

Mail to:

3758 W. Deerflat

Kuna, ID. 83634

EXHIBIT "A"

A part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and a part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West, B.M., Owyhee County, Idaho, more particularly described to-wit:

COMMENCING at the Southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T1S, R2W, B.M., the INITIAL POINT of this description; thence South 89°58' East 608.47 feet, along the South line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point on the centerline of State Highway 78 (formerly Highway 45), said point being North 89°58' West 716.15 feet from the Southeast corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence meandering along said centerline, North 12°23' East 1353.07 feet, to a point on the North line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said point being North 89°56' West 421.75 feet from the Northeast corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$, and South 89°56' East 901.33 feet from the Northwest corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence continue North 12°23' East 680.43 feet along the said centerline to the point of beginning of a variable radius curve; thence curving to the left along said centerline on the said curve with a chord bearing North 4°46'35" East 658.83 feet to a point on the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 34, said point being North 89°58' West 216.74 feet from the Northeast corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence leaving said centerline North 89°58' West 924.80 feet, along the said North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ to a point on the North line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being South 89°58' East 180 feet from the Northwest corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°03' East 484 feet on a line parallel to the West line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 89°58' West 180 feet to a point on the West line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being South 0°03' East 484 feet from the Northwest corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°03' East 836 feet along the West line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Southwest corner thereof; thence South 0°07' East 1322.28 feet, along the West line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the INITIAL POINT OF THIS DESCRIPTION.

Subject to a State Highway road right of way along the Easterly 40 feet.

gls