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DISTRICT COURT SRBA
TWIN FALLS CO., IDAHO
FILED

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SEP 29 1994

Department of Water Resources
Southern Region Office

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 Robert A. & Donna M. Hegi

My address is 2358 East 3300 South
Jerome ID 83338

My phone number is: Work _____ Home 208-324-6844

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

Bob & Linda Giltner Jr. 200 East 50 South
Jerome, ID 83338

I am the new claimant/purchaser of 36-10838 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.

Bob Giltner
(Signature of prior claimant/seller)

Robert A. Hegi Donna M. Hegi
(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 Jerome

Robert A. Hegi, 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.

Robert A. Hegi

Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on

9-27-94

(Insert Date)

Maria J. Walter

Notary Public for Idaho

Residing at: Jerome

My Commission expires: 3/15/95

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:..

Bob & Linda Giltner Jr.
200 East 50 South
Jerome, Idaho 83338

✱ 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: 10

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Honna M. Hegi
(Signature of person or attorney mailing the form)

EXHIBIT "A"

TOWNSHIP 8 SOUTH, RANGE 16, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 18: That part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, described as follows:

Beginning at a point on the South boundary line of
the said SW $\frac{1}{4}$ SE $\frac{1}{4}$, which point is 330 feet West
from the Southeast corner thereof;
Thence North a distance of 1320 feet;
Thence West a distance of 495 feet;
Thence South a distance of 1320 feet;
Thence East along the South boundary line of said
Section a distance of 495 feet to THE POINT OF
BEGINNING.

This property is conveyed dry and without water shares.

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1994 and subsequent years, a lien, but not yet due
and payable.

Assessments levied or to be levied by the Gooding County Solid
Waste Department. (Assessments Paid Current)

Right of way for canals, laterals and waste ditches of the
North Side Canal Company, Ltd.

Power Line Easement given by Bob Giltner, Jr. and Linda
Rydalch Giltner, husband and wife, to Idaho Power Company, a
corporation, dated August 28, 1972, recorded January 29, 1973
as Instrument Number 43800, Gooding County records, affecting
a portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 8 South,
Range 16, East Boise Meridian.

WARRANTY DEED

For Value Received ROBERT GILTNER, JR. and LINDA L. GILTNER, husband and wife

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

ROBERT A HEGI and DONNA M. HEGI, husband and wife
Whose address is: 2358 East 3300 South Wendell ID 83355

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

This is to certify that this is a true and exact copy of the original.

By: *John A. Myers* Dated 8-30-94
LAND TITLE AND ESCROW, INC.

SEE ATTACHED EXHIBIT "A"

1577775

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of *Land Title & Escrow Inc.*

of 37 min. past 1 o'clock P m. this 8

of July, 1994 6.00

JOHN A. MYERS Recorder

By *Linda L. Giltner* Deputy

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 5, 1994

Robert Giltner, Jr.
ROBERT GILTNER, JR.

Linda L. Giltner
LINDA L. GILTNER

STATE OF IDAHO, COUNTY OF Jerome

On this 7th day of July, 1994
before me, a notary public in and for said State, personally appeared

ROBERT GILTNER, JR and LINDA L. GILTNER

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they

Sandra Moore
SANDRA MOORE
NOTARY PUBLIC
STATE OF IDAHO

Residing at Jerome
Commission expires: 02-15-2000

Jerome County, Idaho
Notary Public
Expires 02-15-2000

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