

11-23
RECEIVED

NOV 28 1994

OFFICE OF THE
ATTORNEY GENERAL

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.

☒ CONSENT TO SUBSTITUTION OF PARTY

My name is Judith Pedersen - Campbell and Kent D Campbell

My address is P O Box 724

Arco ID 83213

My phone number is: Work (208) 527-3297 Home (208) 527-3509

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

Farmers Home Administration 3232 Elder Street

Boise ID 83705

I am the new claimant/purchaser of 34-02386, 34-07235, 34-00264
34-00265 34-00434 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.

Quit Claim Deed

Farmers Home Administration

(Signature of prior claimant/seller)

by Barbara C. Heymanek

Judith Pedersen - Campbell

(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 _____

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 NOV 21st, 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:

Farmers Home Administration
3232 Elder Street
Boise, Idaho 83725

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):

Farmers Home Administration
125 Sawater St, P.O. Box 656
Arco, Idaho 83213

OWNER
CODE

NAME & ADDRESS

C UNITED STATES OF AMERICA, ACTING THROUGH
USDA, FMHA
3232 ELDER ST.
BOISE ID 83705
(208) 334-1577

Water Source: BIG LOST RIVER

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion:

Y04N R26E S26

MINN

Place of use Legal Description for: IRRIGATION

NE

MM

T	R	S	NENE Lt Ac	NUNE Ac Lt	SUNE Ac Lt	SENE Ac Lt	NENW Lt Ac	MUNW Ac Lt	SUNW Ac Lt	SENW Ac Lt	NESW Lt Ac	NWSW Ac Lt	SWSW Ac Lt	SESW Ac Lt	NESE Lt Ac	NUSE Ac Lt	SUSE Ac Lt	SESE Ac Lt	SUM	
04N 26E 26	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	128.0
04N 26E 27	:	:	:	:	:	22	:	:	:	:	:	24	30	04	:	:	:	:	:	22.0
																			150.0	
																			TOTAL ACRES	

POU County: BUTTE

Other Rights: 34-00265, 34-00434, 34-02386, 34-07233

Conditions of Approval:

C01 - THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
- TO IDAHO CODE 42-1416(1).

Remarks:

WATER DELIVERED THROUGH MUNSEY CANAL.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.81 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 375 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 150 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00265, 34-00434, 34-02386 AND 34-07233.

Dates: Exam Made Date: 03/29/1991

Verified Date: 09/24/1991

Misc: Water District Number: 34

Field Inspection Flag: D
Presumption Flag:

Field Inspection Flag: D
Presumption Flag:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

OWNER
CODE
NAME & ADDRESS
C UNITED STATES OF AMERICA, ACTING THROUGH
USDA, FMHA
3232 ELDER ST.
BOISE ID 83705
(208) 334-1577

PRIORITY
DATE
09/01/1886

WATER USE
IRRIGATION

USE PERIOD
FROM TO
05-01 10-15

DIVERSION
RATE
0.16 CFS

DIVERSION
VOLUME
0.16 CFS

TOTAL DIVERSION:

Water Source: BIG LOST RIVER
Point(s) of Diversion: T04N R26E S26
Place of use Legal Description for: IRRIGATION
Tributary to: SINKS
Stage: DECREEED
BUTTE County

		NE		NW		SW		SE		SUM	
T	R	S	ENE	SENE	ENE	SWNE	SENE	ENE	SWNE	ENE	SENE
04N	26E	26	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
04N	26E	27	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
22											
06	11	35	18	24	30	04					
22											
TOTAL ACRES										128.0	22.0
										150.0	

POU County: BUTTE

Other Rights: 34-00264, 34-00265, 34-02386, 34-07233

Conditions of Approval:
C01 - THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
- TO IDAHO CODE 42-1416(1).

Remarks: WATER DELIVERED THROUGH MUNSEY CANAL.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.81 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 375 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 150 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00265, 34-00264, 34-02386 AND 34-07233.

Dates: Exam Made Date: 03/29/1991 Verified Date: 09/24/1991
Misc: Water District Number: 34 Field Inspection Flag: D
Presumption Flag: D

DATE: 11/15/94
PAGE: 4

DIVERSION
VOLUME

Stage: LICENSE

BUTTE County

Place of use Legal Description for: IRRIGATION
NF

35

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: NESE NWSE SESE :
: Lt AC Lt AC Lt AC :
: - - - - - :
: :
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83.0
83.0

Other Rights: 34-00265, 34-00264, 34-00434

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.81 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 375 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 150 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00265, 34-00434 AND 34-00264. RIGHT NO. 34-07233 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Verified Date:

Field Inspection Flag:
Presumption Flag:

DIVERSION
VOLUME

04-15 10-15	1.34 CFS	234.50 AFA
TOTAL DIVERSION:		234.50 AFA

Stage: LICENSE

BUTTE County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE									
		NENE		NWNE		SENE		NENW		NWNW		SWNW		SENE		NENE		NWSE		SESE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
04N	26E	26							03	03	19												45.0
04N	26E	27				22							16	04									22.0
																		TOTAL ACRES					
																						67.0	

Other Rights: 34-00434, 34-00264, 34-00265

Remarks: USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.81 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 375 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 150 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00265, 34-00434, AND 34-00264. RIGHT NO. 34-02386 IS ALSO DIVERTED THROUGH POINT OF DIVERSION IN THE NUNWNV SEC. 26 DESCRIBED ABOVE.

Verified Date:

Field Inspection Flag:
Presumption Flag:

NO. 028592
FILED

Position 5

Form FmHA 1955-49
(Rev. 10-28-81)

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

NOV -4 1994

A.M. 2:30 P.M.

QUITCLAIM DEED

BUTTE COUNTY RECORDER

The UNITED STATES OF AMERICA, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, CONVEYS and QUITCLAIMS to

JUDITH PEDERSEN-CAMPBELL and KENT D. CAMPBELL, ~~HUSBAND AND~~ wife and husband
Grantee, for the sum of FIFTY THOUSAND TWO HUNDRED EIGHTY AND NO/100 DOLLARS

all interest in the following described real estate situated in the County of BUTTE

State of IDAHO, to-wit:

TOWNSHIP 4 NORTH, RANGE 26 EAST BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

SECTION 26:

NW1/4, N1/2SW1/4, and a portion of the SW1/4SW1/4, more particularly described as follows; Beginning at a point that is 198 feet West of the Northeast corner of the SW1/4SW1/4 of said Section 26, thence South 445.5 feet, thence West 775.5 feet, thence North 445.5 feet, thence East 775.5 feet to the point of beginning.

EXCEPTING THEREFROM, the following: Beginning at a point 608.5 feet West of the Northeast corner of the SW1/4SW1/4, Section 26; thence West 265 feet, thence South 237.5 feet more or less, to the boundary of a county road, formerly known as U.S. Highway 93 A, and commonly known as the Old Moore Highway; thence Easterly along said county road 280 feet more or less; thence North 307 feet more or less to the Point of beginning.

ALSO:

SECTION 27:

E1/2NE1/4.

THIS PROPERTY IS SUBJECT TO A CONSERVATION EASEMENT GRANTED TO US DEPT OF INTERIOR FISH & WILDLIFE SERVICE WHICH IS ATTACHED AS EXHIBIT A.

Water rights include:

License #34-02386 Priority Date: 9-9-1960 amount 1.66 cfs
License #34-07233 Priority Date: 3-6-1986 amount 1.34 cfs

Surface rights with Big Lost River Irrigation District

Decree No.: 34-00264 Priority Date: 9-1-1886 amount 2.20 cfs
Decree No.: 34-00265 Priority Date: 9-1-1886 amount .34 cfs
Decree No.: 34-00434 Priority Date: 9-1-1886 amount .16 cfs

Exhibit A: FULL RESTRICTIONS

CONSERVATION EASEMENT RESERVATIONS IN THE UNITED STATES

By this instrument there is reserved in the UNITED STATES OF AMERICA, its successors and assigns, a perpetual conservation easement on the property conveyed by this deed.

This easement is under the authority and in furtherance of the provisions of federal law, including sections 331 and 335 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 and 1985) as amended. The restrictions and covenants contained in this easement constitute a perpetual servitude on and run with the property. The Grantee and all successors and assigns ("landowner") under this deed covenants with the United States to do or refrain from doing, severally and collectively, the various acts mentioned later in this easement. The United States is reserved the rights enumerated in this easement for itself and its successors, agents and assigns.

I. DESCRIPTION OF THE EASEMENT AREA.

The area subject to this Conservation Easement, referred to herein as the "easement area" is described as follows:

See Attached Legal Description of the Easement Area

This easement area being a part of that tract of land conveyed from William Toone to Farmers Home Administration by deed dated October 1, 1985, which deed is recorded in the land records of Butte County, State of Idaho.

II. COVENANTS BY THE LANDOWNER.

A. No dwellings, barns, outbuildings or other structures shall be built within the easement area.

B. The vegetation or hydrology of the described easement area will not be altered in any way or by any means or activity on the property conveyed by this deed, or property owned or under the control of the landowner, including: (1) cutting or mowing; (2) cultivation; [(3) grazing;] (4) harvesting wood products; (5) burning; (6) placing of refuse, wastes, sewage, or other debris; (7) draining, dredging, channeling, filling, discing, pumping, diking, impounding and related activities; or (8) diverting or affecting the natural flow of surface or underground waters into, within, or out of the easement area.

C. Notwithstanding the provisions of paragraph II-B above, the landowner shall be responsible for compliance with all federal, state and local laws for the control of noxious or other undesirable plants on the easement area. The responsibility for such plant control may

be assumed in writing by the easement manager either where the control or manipulation of such plants is deemed by the easement manager to affect easement management programs or policies.

D. Cattle or other stock shall not be permitted on the easement area, except that the easement manager shall permit access to and use of waters within the area necessary for stock watering under such terms and conditions as the easement manager deems necessary to protect and further the purpose of this easement, provided:

(1) the easement manager bears the costs of building and maintaining fencing or other facilities necessary to preclude stock from entering the easement area;

(2) the easement manager shall consult with the landowner to determining the need for and the scope of fencing; and

(3) access for stock watering need not be permitted where other waters are reasonably available from other sources outside the easement area.

III. RIGHTS RESERVED IN THE UNITED STATES.

The United States, on behalf of itself, its successors or assigns, reserves and retains the right, at its sole discretion, to manage the easement area including the following authorities:

A. The right of reasonable ingress and egress on and across the property conveyed by this deed as of the date of this instrument, whether or not adjacent or appurtenant to the easement area, for access to the easement area in order to conduct wetlands management, monitoring, and easement enforcement activities.

The easement manager may utilize vehicles and other reasonable models of transportation for access purposes overland or on any right of way described in paragraph I. In the event that the use of the described access right of way over the property conveyed by this deed is not practical for any reason, the easement manager may utilize any convenient route of access to the easement area over said property. With the concurrence of the easement manager, the landowner may provide a designated route for such access to and from the easement area so that damage to farm operations can be reasonably avoided.

B. The right to install, operate, and maintain structures for the purpose of reestablishing, protecting, and enhancing wetlands functional values including the taking of construction materials to and from said sites.

C. The right to establish or reestablish vegetation through seedings, plantings, or natural succession.

D. The right to manipulate vegetation, topography and hydrology on the easement areas through diking, pumping, water management, excavating, island construction, burning, cutting, pesticide application, fertilizing, and other appropriate practices. The easement manager shall consult with the landowner prior to any such manipulatory action occurring in order to determine the most appropriate method to avoid possible damage to the property(s) adjoining the easement area.

E. The right to conduct predator management activities.

F. The right to construct and maintain fences in order to prevent or regulate grazing or other types of encroachment on the easement area.

IV. EASEMENT MANAGEMENT AND ADMINISTRATION

A. All right, title and interests of the United States in this easement are assigned to the Secretary of the Interior for administration by the United States Fish and Wildlife Service as part of the National Wildlife Refuge System pursuant to the National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd et seq. The U.S. Fish and Wildlife Service may enforce all the terms and conditions of this easement, along with exercising all rights and powers reserved in this easement through such general or specific regulations or orders as have been or may be, from time to time, promulgated under the authority of the Secretary of the Interior. Notwithstanding the above rights in paragraph III retained by the United States, the U.S. Fish and Wildlife Service may permit the landowner to pursue such activities on said sites as would be consistent with the preservation and enhancement of wetlands functional values.

B. As used in this easement, the term "easement manager" shall refer to the authorized official of the U.S. Fish and Wildlife Service.

V. GENERAL PROVISIONS.

A. The agreed upon purposes of this reservation are the preservation and restoration of the wetland areas existing as of the date of this conveyance as well as protection and enhancement of plant and animal habitat and populations. A "wetland" is defined and determined by the Soil Conservation Service in accordance with Title XII of the Food Security Act of 1985 (16 U. S. C. 3801 et seq.). Any ambiguities in this easement shall be construed in a manner which best effectuates wetland protection and restoration and fish and wildlife purposes.

B. Any subsequent amendment to or repeal of any federal law or order which authorizes this reservation shall not affect the rights reserved by the United States or subsequently held by its successors or assigns.

C. For purposes of this easement, wetland management rights reserved by the United States include, but are not limited to, inspection for compliance with the terms of this easement; research regarding water, wetlands, fish and wildlife and associated ecology; and any other activity consistent with the preservation and enhancement of wetland functional values.

D. The United States, its successors and assigns, including the easement manager, shall have the right to make surveys, take photographs and prepare such other documentation as may be necessary or desirable to administer the provisions of this easement. Any such map, plat or other suitable document may be recorded in the land records of the respective county in which the property is located.

E. The easement reservation does not authorize public entry upon or use of land. Unless the easement manager prohibits public entry, the landowner may permit it at the landowner's discretion.

F. The landowner and invitees may hunt and fish on the easement area in accordance with all federal, state, and local game and fishery regulations.

G. This easement shall be binding on the landowner, and the landowner's heirs, successors or assigns. The landowner covenants to warrant and defend unto the United States, its successors or assigns, the quiet and peaceable use and enjoyment of the land and interests in the land constituting this reservation against all claims and demands.

H. The easement manager shall be the agent of the United States or its successors and assigns. The manager shall have all discretionary powers of the United States under this easement. In the performance of any rights of the United States under this easement, the easement manager may permit, contract or otherwise provide for action by employees, agents, or assigns which may include the landowner.

I. Any subsequent amendment to or change in the timing and intensity of hay cutting or mowing and grazing on the easement area after the date of this conveyance shall require the approval of both the easement manager and the landowner.

S. 26, T. 4N., R. 26E., B.M.

CONSERVATION EASEMENT

ERICKSON SERVICES

Construction & Land Surveying
William B. Erickson, Professional Land Surveyor
P.O. Box 606/110 North Main
MACKAY, IDAHO 83251
(208) 588-3112

JOB TOONE FARM
SHEET NO. 1 OF 2
CALCULATED BY B.E. DATE 3-2-94
CHECKED BY _____ DATE _____
SCALE _____

P.O.B. FOR LEGAL
NW CORNER
SEC. 26, T. 4N.,
R. 26E., B.M.

CANAL

589°34'05"E

2658.89 FT.

FENCE CORNERS AT
HEADGATE

N32°13'28"W
468.25 FT.

AREA NO. 1

114.580
ACRES

N17°11'44"W
571.19 FT.

S81°19'27"W
1016.31 FT.

N12°00'13"W
1270.96 FT.

S80°55'03"W
276.76 FT.

N2°47'55"E
1951.36 FT.

N89°54'28"W
903.61 FT.

NOTE: CONSERVATION AREA DESCRIBES PROPERTY
THAT HAS BEEN FENCED AND USED AS PART
OF THE TOONE FARM. AREA MAY NOT
AGREE WITH DEED CALLS OF RECORDED
BOUNDARIES.

S. 26, T. 4 N., R. 26 E., B. M.

ERICKSON SERVICES

Construction & Land Surveying
William B. Erickson, Professional Land Surveyor
P.O. Box 606/110 North Main
MACKAY, IDAHO 83251
(208) 588-3112

TOONE FARM
JOB CONSERVATION EASEMENT

SHEET NO. 2 OF 2

CALCULATED BY B.E. DATE 3-2-94

CHECKED BY DATE

SCALE

LEGAL DESCRIPTION
FOR U.S. FISH AND GAME CONSERVATION
EASEMENT AREA

BUTTE CO., IDAHO

AREA NO. 1 - BEGINNING AT THE NORTHWEST
CORNER OF SECTION 26, T. 4 N., R. 26 E., B. M., THENCE
S 89° 34' 05" E 2658.89 FEET TO A POINT; THENCE
S 1° 40' 48" E 3928.27 FEET TO A POINT; THENCE
N 89° 54' 28" W 903.61 FEET TO A POINT; THENCE
N 2° 47' 55" E 1951.36 FEET TO A POINT; THENCE
S 80° 55' 03" W 276.76 FEET TO A POINT; THENCE
N 12° 08' 13" W 1279.96 FEET TO A POINT; THENCE
S 81° 19' 27" W 1016.31 FEET TO A POINT; THENCE
N 17° 11' 44" W 571.19 FEET TO A POINT; THENCE
N 32° 13' 28" W 468.25 FEET TO THE NORTHWEST
CORNER OF SAID SECTION 26, T. 4 N., R. 26 E., B. M.,
THE POINT OF BEGINNING.

CONTAINING 114.580 ACRES, MORE OR LESS.

NOTE: EASEMENT AREA IS PART OF AREA
OCCUPIED AND UNDER FENCE AS THE WILLIAM
TOONE FARM, SEC. 26 & 27, T. 4 N., R. 26 E., B. M., BUTTE
COUNTY, IDAHO.