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Department of Water Resources
Adjudication Bureau

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JUL 13 1995
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.

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Page 1

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 Phillip N. Gilley Pres. Wasco Hardfacing

My address is Route #2, Box 36
Rupert, ID 83350

My phone number is: Work 208-436-1770 Home _____

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

Magic Valley Distributing, Inc.
2380 Beryl Avenue, Twin Falls, ID 83301

I am the new claimant/purchaser of Water Right No. 36-08018 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.

See Attached Warranty Deed

D. B. Burwell, President
(Signature of prior claimant/seller)

x Phillip N. Gilley
(Signature of new claimant/purchaser)

☒ **ATTORNEY OF RECORD COMPLETING FORM**

My name is J. Dee May [Signature]

I am the attorney of record for PHILLIP N. GILLEY
(Identify party/claimant)

My address and phone number are P. O. Box 1846, Twin Falls, ID 83303
208-733-7180

VERIFICATION

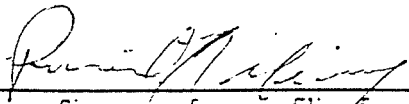
(Must be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of IDAHO

County of Minidoka

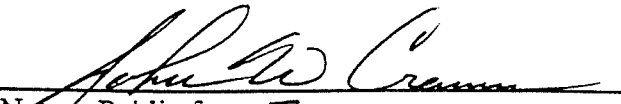
PHILLIP N. GILLEY, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

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.

x 
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 27 Day of June 1995.
(Insert Date)


Notary Public for IDAHO
Residing at: BURLEY IDAHO
My Commission expires: 5-9-2000

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 July 11, 1995, 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:

Magic Valley Distributing Company
2380 Beryl Avenue
Twin Falls, ID 83303

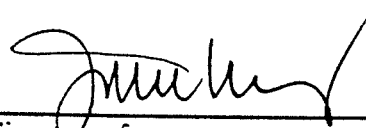
4. A *Consent to Substitution of Party* must be served on each party, or their attorney, in each subcase in which the prior claimant/seller is a party at the following address(es):

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

A handwritten signature in black ink, appearing to be "J. M. ...", written over a horizontal line.

(Signature of person or attorney mailing the form)

THIS BLANK FURNISHED BY *Lead Title and Escrow, Inc.*

#9524

410937

WARRANTY

DEED

FOR VALUE RECEIVED, MAGIC VALLEY DISTRIBUTING INC., formerly known as COORS OF MAGIC VALLEY, INC., an Idaho Corporation

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto PHILLIP N. GILLEY and KAREN GILLEY, husband and wife, STEVEN C. GILLEY and DONNA E. GILLEY, husband and wife, and ROBIN R. MESSICK and ROBIN S. MESSICK, husband and wife Address: P.O. Box 2476 grantee, the following described real estate, to-wit: Fresno, CA 93706

See attached Exhibit "A"

TOGETHER WITH all water and water rights, ditches or ditch rights used thereon or appurtenant thereto, including but not limited to license number 36-08018.

SUBJECT TO:

All reservations in Patents or Deeds in the chain of title.

Taxes for 1994 and subsequent years.

Assessments of the Minidoka Irrigation District and the rights and powers of said District as by law provided.

Exception as contained in Warranty Deed, recorded March 20, 1972 as Document No. 222900, Minidoka County records.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, and their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this February 4, 1994

MAGIC VALLEY DISTRIBUTING INC.
FKA Coors of Magic Valley, Inc.

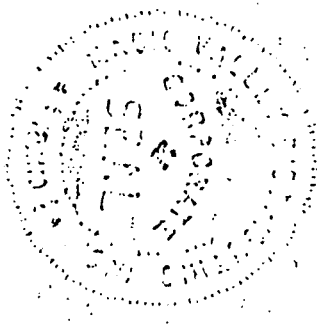
By Dick Burwell
President

PRESIDENT

ATTEST:

Susan J. Burwell
Susan J. Burwell

SECRETARY



CRETARY

My commission expires

**TERRI McBRIDE
★ NOTARY PUBLIC ★
STATE OF IDAHO**

RESISTED FORSANDERSON
GILBERT IV BARRON

FEE - REPUTY

MINDOKA COUNTY, IDAHO
DIANE SMITH

DUANE SMITH
RECORDER

FEB 7 4 51 PM '94

FILM NO.

RECORDED AT REQUEST OF

410937

No.: 9524

EXHIBIT "A"TRACT NO. 1:

That part of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lot 2, lying between lines parallel with and distant Westerly 100.00 feet and 390.40 feet respectively measured at right angles from the East boundary line of said Lot 2.

This property is also known as the West 290.40 feet of the East 390.40 feet of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records.

TRACT NO. 2:

That part of Lots 2 and 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lots 2 and 3, lying between lines parallel with and distant Westerly 390.40 feet and 535.60 feet respectively measured at right angles from the East boundary line of said Lot 2.

This property is also known as the West 52.60 feet of Lot 2 and the East 92.60 feet of Lot 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records.

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To	From	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	