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Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL

36-12243

1995 AUG 15 PM 6:57

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

STANDARD FORM 3

(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS

OR

☐ CONSENT TO SUBSTITUTION OF
PARTY

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, *SRBA Administrative Order 1 Rules of Procedure* (amended 6/21/93), Section 4Ac(3), which may be consulted for further 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 it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

CHANGE IN ADDRESS

You must use this form to advise the court and parties of any change in your address during the pendency of the SRBA.

You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

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 _____

(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

You are to provide a copy of the completed form to every party in each subcase in which the new party is to be substituted. If the party is represented by an attorney you must serve the attorney. Because this is a "consent" form, it is a stipulation that there is no disagreement between the prior claimant/seller and the new claimant/purchaser that the prior claimant/seller has transferred all interests in the water right. No hearing will be held and no further order will issue.

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), 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 the "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.

I am the new claimant/purchaser of 36-12243
(Insert each water right number)

My name is Concepcion R. Guillen & Esther R. DeLeon

My address is 150 West 50 South - Report ID 8330 ^{mailing} (P.O. Box 807 - Report ID 8330)

My phone number is: Work 208 436-0611 Home 208-436-4525

The name and address of the prior claimant/seller who I wish to be substituted for are:

Fred & Emma Fischer
Signature of prior claimant/seller

Signed By Irene Santos P.O.A.

+ Concepcion Lion Guillen R
+ Esther R. DeLeon
Signature of new claimant/purchaser

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name _____

Attorney of record for _____
(Identify party/claimant)

Attorney address and phone number: _____

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

VERIFICATION

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

State of IDAHO

County of MINIDOKA

Concepcion R. Guillen, 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) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Concepcion R. Guillen
Signature of person filing form

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on August 9, 1995
(Insert Date)

[Signature]
Notary Public for IDAHO

Residing at: Rupert

My Commission expires: 6-30-99

POWER OF ATTORNEY

* * * * *

KNOW ALL MEN BY THESE PRESENTS:

I, EMMA FISCHER, a single person, of Route #2, Box 18, City of Rupert, County of Minidoka, State of Idaho, do hereby constitute and appoint REINHOLD R. FISCHER, of Route #2, Box 2302, Hermiston, Oregon 97838; OR IRENE H. SANTOS of P.O. Box 499, Heyburn, Idaho 83336, as my true and lawful attorney in fact for me and in my name, place and stead to act, demand, sue for, recover, and receive all sums of money, debts, dues, effects and things of whatsoever kind or description which now or hereafter shall become due, owing, payable or belonging to me and, upon receipt thereof or any part thereof to make, sign, execute and deliver such receipts as he or she shall think fit or be advised to settle any account or reckoning whatsoever which I am now or at any time hereafter shall be in anywise interested or concerned with any person whomsoever; to enter into and upon all and singular my real estate, and to let, manage, sell, and improve the same or any part thereof, and to repair or otherwise improve or alter, and to insure any buildings thereon; to deposit any monies which may come to his or her hands as such money which I am entitled to receive; to withdraw such money which now is or shall be so deposited and either employ as he shall think fit in the payment of any debts, or interest, payable by me, or taxes, assessments, insurance, and expenses due and payable or to become due and payable on account of my real and personal estate; and generally to do and perform all things necessary in or about the premises as fully and effectually in all respects as I could do if personally present.

And I, the said Emma Fischer, do hereby ratify and confirm all whatsoever my said attorney shall do, or cause to be done, in or about the premises by virtue of this Power of Attorney.

This Power of Attorney shall not be affected by disability of the principal, it being the intent of the principal that the authority conferred shall be exercisable notwithstanding his or her disability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20th day of May, 1994.

Emma Fischer
EMMA FISCHER

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3 STATE OF IDAHO)

4 County of Minidoka) ss.

5 On this 20th day of May, 1994, before me, the
6 undersigned Notary Public in and for said State, personally
7 appeared EMMA FISCHER, known or identified to me to be the
8 person whose name is subscribed to the within instrument,
9 and acknowledged to me that she executed the same.

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

13 (SEAL)

14 Notary Public for Idaho

15 Residing at: Rupert

16 My Commission Expires: 6/1/99

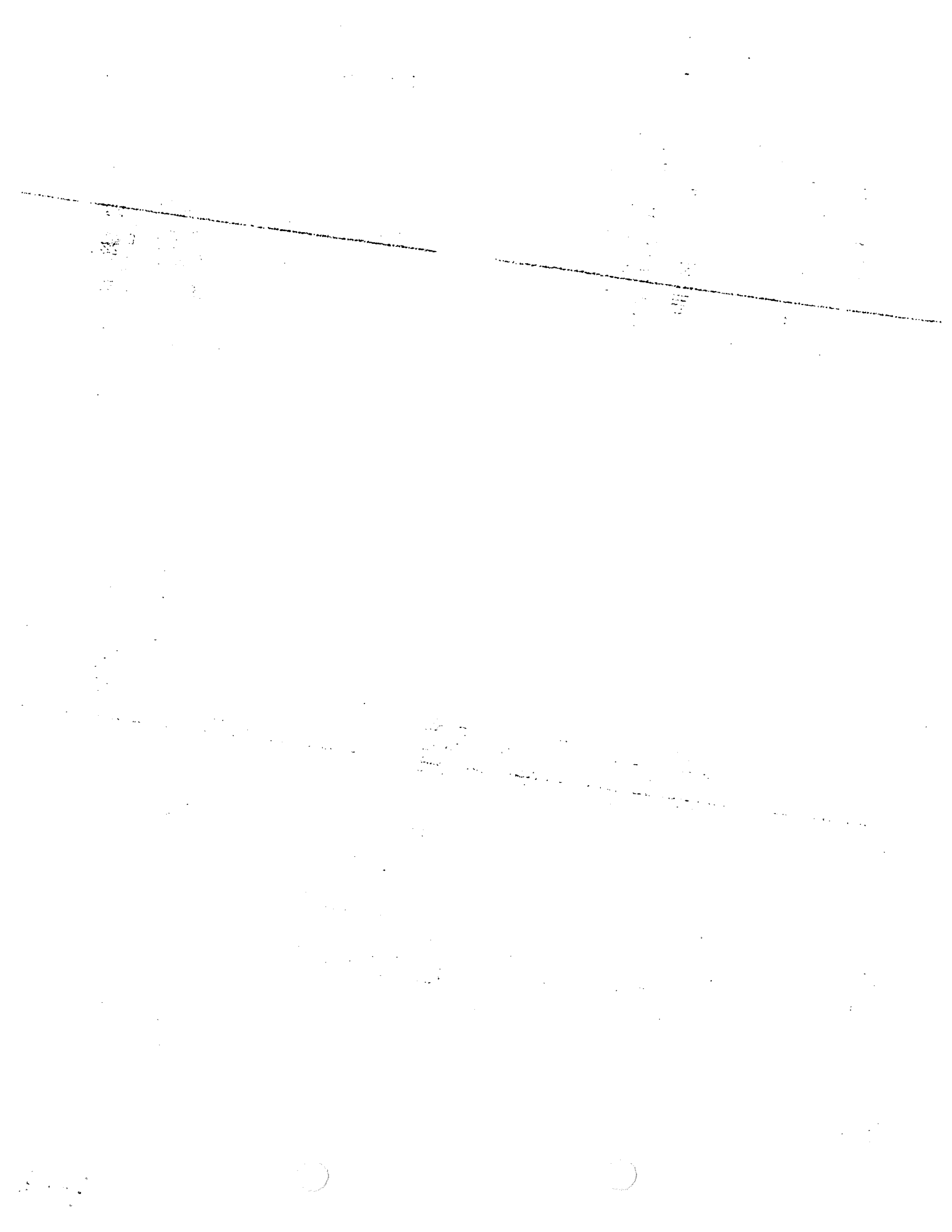
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LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
RUPERT, IDAHO 83350

418641
RECORDED AT REQUEST OF
Land Title-Rupert
FILM NO. _____

95 MAY 25 10 28
MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE 6 DEPUTY 11

POWER OF ATTORNEY - 2



INSTRUCTIONS FOR MAILING

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* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

5. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

6. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724

Signature of person or attorney mailing the form