

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

RECEIVED

AUG 24 1995

Department of Water Resources
Adjudication Bureau

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121



August 21, 1995

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AUG 23 1995

OFFICE OF THE
ATTORNEY GENERAL

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Edward Lawson
Hawley Troxell Ennis & Hawley
P O Box 297
Ketchum, ID 83340

RE: Substitution of Party to Water Rights 34-07113, 34-04017 and 34-07562

Dear Mr. Lawson:

Enclosed I am returning the *Standard Form 3 Consent to Substitution of Party* you submitted to the court on behalf of Jane Hemingway Mason Revocable Trust.

On May 13, 1995 you filed a *Standard Form 3 Consent to Substitution of Party* for Water Right Nos. 34-07113 and 34-04017 substituting Jane Hemingway Mason Trust for Owen and Ina Tanner as the claimant to these water rights. Court records have been updated to reflect this substitution of party.

Water Right 34-07562 was not reported in the Director's Report for Reporting Area 1 (Basin 34) and does not fall within the jurisdiction of this court. Please contact the Idaho Department of Water Resources concerning a substitution of party for this water right.

Your Notice of Appearance has been filed for Water Right Nos. 34-07113 and 34-04017 only.

If you have any questions regarding this Standard Form 3 or about the SRBA, please call the court at 736-3011.

Sincerely,

A handwritten signature in black ink, appearing to read "Diana R. Delaney".

Diana R. Delaney
Chief Deputy Clerk

DRD

cc: Chief Natural Resources
U.S. Department of Justice

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Department of Water Resources
Adjudication Bureau

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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 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 34-07113, 34-04017 and 34-07562
(Insert each water right number)

My name is Jane Hemingway Mason, Trustee of the
Jane Hemingway Mason Revocable Trust

My address is _____

My phone number is: Work _____ Home 208/788-3929

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

Owen R. Tanner and Ina Lavonne Tanner
14270 South First East
Idaho Falls, Idaho 83404

Signature of prior claimant/seller _____
Jane Hemingway Mason Revocable Trust
By: Jane Hemingway Mason
Signature of new claimant/purchaser
Jane Hemingway Mason, Trustee

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 Edward A. Lawson

Attorney of record for Jane Hemingway Mason, Trustee of the
Jane Hemingway Mason Revocable Trust
(Identify party/claimant)

Attorney address and phone number: Hawley Troxell Ennis & Hawley
P.O. Box 297, Ketchum, Idaho 83340 208/726-1700

- ☐ 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 Blaine

Jane Hemingway Mason, 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.

Jane Hemingway Mason Revocable Trust

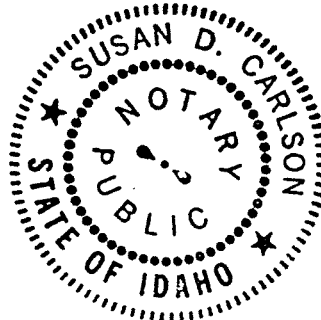
By: Jane Hemingway Mason
Signature of person filing form
Jane Hemingway Mason, Trustee

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on

August 18, 1995

(Insert Date)



Susan D. Carlson
Notary Public for Idaho
Residing at: Ketchum
My Commission expires: 4/8/99

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 August 18, 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* 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):

Owen R. and Ina Lavonne Tanner

14270 South First East

Idaho Falls, Idaho 83404

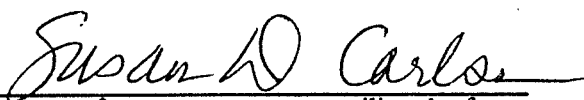
4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

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