

34-414, 34-415

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SEP 11 1995

Department of Water Resources
Adjudication Bureau

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SEP 08 1995

OFFICE OF THE
ATTORNEY GENERAL

9-8

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 KEVIN SWIGERT

My address is RT1 BOX 190
MACKAY IDAHO 83251

My phone number is: Work 508-2225 Home 508-2225

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

JOHN NAISBITT
P.O. BOX 128 MACKAY, IDAHO, 83251

I am the new claimant/purchaser of 34-00914 & 34-00915 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.

WARRANTY DEED

John A. Naisbitt by
P.O.A. Don W. [Signature]
(Signature of prior claimant/seller)

[Signature]
(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

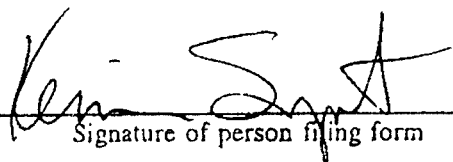
(Must be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of IDAHO

County of CUSTER

KENW SWIGERT, 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.


Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on May 16, 1995.
(Insert Date)



Linda A. Hocking
Notary Public for State of Idaho
Residing at: Mackay, Idaho
My Commission expires: 7-18-2000

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 Sept 4, 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:

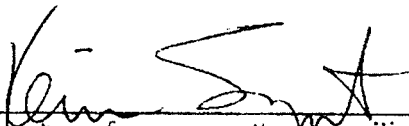
4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address(es):

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:

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


(Signature of person or attorney mailing the form)

WARRANTY DEED

206692

FOR VALUABLE CONSIDERATION RECEIVED JOHN A. NAISBITT, a single
person, the Grantor,
 does hereby grant, bargain, sell and convey unto KEVIN SWIGERT AND JENNIFER SWIGERT,
husband and wife, the Grantee,
 whose current address is P.O. Box 172, Stanley, ID 83278,
 the following described real estate situated in CUSTER County,
 State of Idaho, to-wit:

Township 6 North, Range 24 East, Boise Meridian, Custer County,
 Idaho.

Section 1: SE $\frac{1}{4}$ SW $\frac{1}{4}$

"Also including all appertenant water rights as they may now exist."

SUBJECT TO: all easements, rights of way, covenants, restrictions,
 patent reservations, applicable building and zoning ordinances and
 use regulations and restrictions and accruing taxes, of record.

TO HAVE AND TO HOLD the said premises, together with all tenements, hereditaments and appurtenances
 thereunto belonging, unto the said Grantee, his successors and assigns forever. Grantor does hereby covenant
 to and with the said Grantee that IT is the owner in fee simple of said premises and that IT will warrant and
 defend the same from all lawful claims whatsoever.

In construing this Deed and where the context so requires, the singular includes the plural and the
 masculine, the feminine and neuter.

DATED: June 3, 1994

John A. Naisbitt by Don Cain Sr.
John A. Naisbitt (Attorney in fact)

HIS SPACE FOR COUNTY RECORD'S USE ONLY.

STATE OF IDAHO
 COUNTY OF Butte

On this 3rd day of June in the
 year 19 94, before me, a Notary Public, personally appeared
Don Cain Sr.

known or identified to me to be the person whose name is subscribed
 to the within instrument as the attorney in fact of
John A. Naisbitt and acknowledged to me
 that he subscribed the name of John A. Naisbitt
 thereto as principal, and his (her) own name as attorney in fact.

Ethel M. Peck
 Notary Public
 Residing at Arco Idaho

206692
 Custer County Rec. of
Custer County Title

Time 1:45 P.M.

6-23-1994

Ethel M. Peck, Clerk
Wanda Murphy
 Deputy

\$ 3.00

IDAHO TITLE & TRUST COMPANY
 Escrows • Title Insurance

P.O. Box 50367, Idaho Falls, ID 83405-0367 (208) 522-7895

WARRANTY DEED

0206693

FOR VALUABLE CONSIDERATION RECEIVED JOHN A. NAISBITT, a single person, the Grantor, does hereby grant, bargain, sell and convey unto KEVIN SWIGERT and JENNIFER SWIGERT, husband and wife, the Grantee, whose current address is P.O. Box 172, Stanley, ID 83278, the following described real estate situated in CUSTER County, State of Idaho, to-wit:

Township 6 North, Range 24 East, Boise Meridian, Custer County, Idaho.

Section 1: SW $\frac{1}{4}$ SW $\frac{1}{4}$

"Also including all appertinent water rights as they may now exist."

SUBJECT TO: all easements, rights of way, covenants, restrictions, patent reservations, applicable building and zoning ordinances and use regulations and restrictions and accruing taxes, of record.

TO HAVE AND TO HOLD the said premises, together with all tenements, hereditaments and appurtenances thereunto belonging, unto the said Grantee, his successors and assigns forever. Grantor does hereby covenant to and with the said Grantee that IT is the owner in fee simple of said premises and that IT will warrant and defend the same from all lawful claims whatsoever.

In construing this Deed and where the context so requires, the singular includes the plural and the masculine, the feminine and neuter.

DATE: June 3, 1994

John A. Naisbitt by Don Cain
John A. Naisbitt (Attorney in Fact)

THIS SPACE FOR COUNTY RECORD'S USE ONLY.

STATE OF IDAHO
COUNTY OF Butte } ss.
On this 3rd day of June In the
year 19 94, before me, a Notary Public, personally appeared
Don Cain Sr.

known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of John A. Naisbitt and acknowledged to me that he subscribed the name of John A. Naisbitt thereto as principal, and his (her) own name as attorney in fact.

Lyle B. Boyer
Notary Public
Residing at Arco Idaho

206693
Custer County Reg. of
Custer County Title

Time 1:45 P.M.
6-23 1994
Ethel M. Peck, Clerk
Wanda J. Murphy
Deputy
\$ 3.00

IDAHO TITLE & TRUST COMPANY
Escrows • Title Insurance

P.O. Box 50367, Idaho Falls, ID 83405-0367 (208) 522-78

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED JOHN A. NAISBITT, a single person, the Grantor, does hereby grant, bargain, sell and convey unto KEVIN SWIGERT and JENNIFER SWIGERT, husband and wife, the Grantee, whose current address is P.O. Box 172, Stanley, ID 83278, the following described real estate situated in CUSTER County, State of Idaho, to-wit:

Township 6 North, Range 24 East, Boise Meridian, Custer County, Idaho.

Section 1: NW $\frac{1}{4}$ SW $\frac{1}{4}$

"Also including all appertinent water rights as they may now exist."

SUBJECT TO: all easements, rights of way, covenants, restrictions, patent reservations, applicable building and zoning ordinances and use regulations and restrictions and accruing taxes, of record.

TO HAVE AND TO HOLD the said premises, together with all tenements, hereditaments and appurtenances thereunto belonging, unto the said Grantee, his successors and assigns forever. Grantor does hereby covenant to and with the said Grantee that IT is the owner in fee simple of said premises and that IT will warrant and defend the same from all lawful claims whatsoever.

In construing this Deed and where the context so requires, the singular includes the plural and the masculine, the feminine and neuter.

DATED: June 3, 1994

John A. Naisbitt
John A. Naisbitt
Don Cain Sr.
(Attorney in fact)

THIS SPACE FOR COUNTY RECORD'S USE ONLY.

STATE OF IDAHO

COUNTY OF Butte

On this 3rd day of June in the year 19 94, before me, a Notary Public, personally appeared

Don Cain Sr.

known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of

John A. Naisbitt and acknowledged to me that he subscribed the name of John A. Naisbitt thereto as principal, and his (her) own name as attorney in fact.

Sylvia B. Bayne
Notary Public
Residing at Arco, Idaho

206694
Custer County Reg. of.
Custer County Title

Time 1:45 P.M.

6-23-1994

Ethel M. Peck, Clerk
Wendy Murphy
3rd Deputy

IDAHO TITLE & TRUST COMPANY
Escrows • Title Insurance

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED JOHN A. NAISBITT, a single person, the Grantor, does hereby grant, bargain, sell and convey unto KEVIN SWIGERT AND JENNIFER SWIGERT, husband and wife, the Grantee, whose current address is P.O. Box 172, Stanley, ID 83278, the following described real estate situated in CUSTER County, State of Idaho, to-wit:

Township 6 North, Range 24 East, Boise Meridian, Custer County, Idaho.

See attached Exhibit A

"Also including all appertinent water rights as they may now exist."

SUBJECT TO: all easements, rights of way, covenants, restrictions, patent reservations, applicable building and zoning ordinances and use regulations and restrictions and accruing taxes, of record.

TO HAVE AND TO HOLD the said premises, together with all tenements, hereditaments and appurtenances thereunto belonging, unto the said Grantee, his successors and assigns forever. Grantor does hereby covenant to and with the said Grantee that IT is the owner in fee simple of said premises and that IT will warrant and defend the same from all lawful claims whatsoever.

In construing this Deed and where the context so requires, the singular includes the plural and the masculine, the feminine and neuter.

DATED: June 3, 1994

John A. Naisbitt by Don Cain
John A. Naisbitt (Attorney in fact)

HIS SPACE FOR COUNTY RECORD'S USE ONLY.

STATE OF IDAHO } ss.
COUNTY OF Butte
On this 3rd day of June in the year 19 94, before me, a Notary Public, personally appeared Don Cain Sr.

known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of John A. Naisbitt and acknowledged to me that he subscribed the name of John A. Naisbitt thereto as principal, and his (her) own name as attorney in fact.

W. B. Payne
Notary Public
Residing at Arco, Idaho

Residing at Arco,
Comm. Expires: 5-31-97

206695
Custer County Reg. of
Custer County Title

Time 1:45 P.M.

6-23-1994
Ethel M. Peck, Clerk
Wanda Murphy
Deputy

IDAHO TITLE & TRUST COMPANY
Escrows • Title Insurance

P.O. Box 50367, Idaho Falls, ID 83405-0367 (208) 522-7895

EXHIBIT A

A parcel of land generally described as a portion of the Northeast quarter of the Southeast quarter of Section 2, Township 6 North, Range 24 East, Boise Meridian, Custer County, Idaho, being more particularly described as follows:

Commencing at the Southeast corner of said Section 2, thence North $00^{\circ}38'30''$ West along the East boundary of the Southeast quarter of said Section 2, a distance of 1356.35 feet to the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 2 and REAL POINT OF BEGINNING; thence continuing along the East boundary of said Southeast quarter of Section 2, North $00^{\circ}38'30''$ West a distance of 1356.35 feet to the Northeast corner of the Northeast quarter of the Southeast quarter of said Section 2; thence South $89^{\circ}31'04''$ West along the North boundary of said Northeast quarter of the Southeast quarter of said Section 2, a distance of 898.26 feet; thence South $00^{\circ}45'41''$ East, parallel to the West boundary of said Northeast quarter of Southeast quarter of Section 2, a distance of 1354.84 feet to the South boundary of the Northeast quarter of the Southeast quarter of Section 2; thence North $89^{\circ}36'55''$ East along the South boundary of said Northeast quarter of the Southeast quarter of said Section 2, a distance of 895.44 feet to the Southeast corner of said Northeast quarter of the Southeast quarter of Section 2 and REAL POINT OF BEGINNING.