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Department of Water Resources
Adjudication Bureau

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APR 26 1995
OFFICE OF THE
ATTORNEY GENERAL

A-26
36-14805B

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 W LAND COMPANY %Kip W. Runyan

I am the claimant of 36-14805B
(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 P. O. Box 7867
Boise, ID 83707

My phone number is: Work 208-336-4254 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 36-14805B
(Insert each water right number)

My name is I W LAND CO

My address is PO Box 7867, BOISE, IDAHO 83707

My phone number is: Work 208 336 4254 Home _____

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

Signature of prior claimant/seller

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 ADA

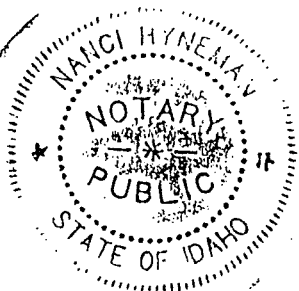
I W LAND COMPANY, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

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.

* [Signature]
Signature of person filing form

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on April 17, 1995
(Insert Date)



Nanci Hyneman
Notary Public for State of Idaho - City of Ada
Residing at: Boise, Idaho
My Commission expires: 12/18/98

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 April 24, 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):

ADDRESS CHANGE TO NEW BUYERS ADDRESS

SEE ATTACHED COPY OF WARRANTY DEED

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):

36-14805B one third interest in community well passed to

new owner of the property IW LAND COMPANY

REF: ATTACHED COPY OF WARRANTY DEED

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

COPY

For Value Received

WARRANTY DEED

TIMOTHY JAY FEELA and ROBBI I. FEELA, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

I W LAND COMPANY, and Idaho Corporation
whose address is: P. O. Box 7867, Boise, Idaho 83707Hereinafter called the Grantee, the following described premises situated in Jerome County, Idaho,
to-wit:

See attached EXHIBIT 'A'

RECORDED
OF Land Title & Escrow, Inc.
MAR 7 1 26 PM '95
JEROME COUNTY, IDAHO
FEELS DEPT

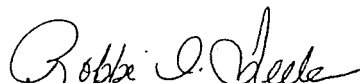
950871

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: March 7, 1995



TIMOTHY JAY FEELA



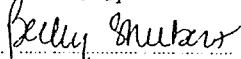
ROBBI I. FEELA

STATE OF IDAHO, COUNTY OF JEROME

On this 7th day of March, 19 95
before me, a notary public in and for said State, personally appeared

Timothy Jay Feela and Robbi I. Feela

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged
to me that they executed the same.



Notary Public

BECKY SHUBERT
★ NOTARY PUBLIC ★
STATE OF IDAHO

Residing at Jerome
Commission expires: 02-05-99

Idaho, RESIDING AT JEROME, ID
MY COMMISSION EXPIRES

02-05-99

EXHIBIT "A"

TOWNSHIP 7 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 34: A parcel of land located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Commencing at the West quarter corner of said Section 34 and being THE TRUE POINT OF BEGINNING;
Thence South 89°50'35" East along the North boundary of the SW $\frac{1}{4}$ for a distance of 895.12 feet;
Thence South 1°25'16" East for a distance of 214.71 feet;
Thence South 2°32'22" West for a distance of 443.58 feet;
Thence South 4°06'27" West for a distance of 290.84 feet to the center of the "U" Canal;
Thence along the center of the "U" Canal on the following courses:
South 63°06'43" West, 68.81 feet;
South 83°08'36" West, 398.92 feet;
South 16°53'35" West, 305.82 feet to the intersection with the South boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34;
Thence leaving the center of the "U" Canal North 89°50'06" West along the South boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34 for a distance of 312.61 feet to the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34;
Thence North 0°02'43" West along the West boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34 for a distance of 1320.80 feet to the West quarter corner of Section 34 and being THE TRUE POINT OF BEGINNING.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to 22.3 shares of capital stock in North Side Canal Company, Ltd.

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1995 and subsequent years, a lien, but not yet due and payable.

Assessments of the American Falls Reservoir District and the rights and powers of said District as by law provided.

Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.

Right of way for roads, canals, laterals and waste ditches as contained in an Agreement by and between the State of Idaho, and the Twin Falls North Side Land and Water Company, dated August 21, 1907, recorded in Book 15 Page 589, Jerome County records.

Power Line Easement given by Samuel L. Severson and Frances Severson, husband and wife, to Idaho Power Company, a corporation, dated December 16, 1971, recorded October 5, 1972 in Book 184 Page 606 as Instrument Number 196337, Jerome County records, affecting a portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 7 South, Range 17, East Boise Meridian.

Restrictive Covenants executed by Gary D. Stokes and Teri Stokes, dated January 11, 1985, recorded January 11, 1985 as Instrument Number 287069, Jerome County records.

Subject to a 15 foot wide county road right of way along the Northerly boundary and 25 foot wide county road right of way along the Westerly boundary and subject to the "U" Canal right of way as disclosed in Survey recorded October 11, 1990 as Instrument Number 322772, Jerome County records.

Well Agreement by and among Timothy Jay Feela and Robbi I. Feela, husband and wife; Gary D. Stokes and Teri Stokes, husband and wife; and Carl Jackson and Nancy Jackson, husband and wife, dated October 19, 1990, recorded October 23, 1990 as Instrument Number 322926, Jerome County records.

THIS AGREEMENT, made this 10th day of October, 1990, by and among TIMOTHY JAY FEELA and ROBBIE L. FEELA, husband and wife, hereinafter referred to as "Feela"; GARY D. STOKES and TERI STOKES, husband and wife, hereinafter referred to as "Stokes"; and CARL JACKSON and NANCY JACKSON, husband and wife, hereinafter referred to as "Jackson",

WHEREAS, the parties are owners of contiguous tracts of real property located in Jerome County, Idaho, and,

WHEREAS, the parties wish to agree upon a basis for sharing the water and costs of power, maintenance, repairs and replacement from said domestic well,

1. So long as Feela and Jackson retain ownership of the real property below described, they shall have the right to use sufficient water from the domestic well on the property of, and owned by, Stokes to adequately provide domestic water for a residential dwelling including irrigation of lawns and landscape, only. The property of Stokes upon which the domestic well is located is more particularly described as:

Section 34: S²NW⁴

The property of Jackson to be served by the domestic well located on the property of Stokes is more particularly described as:

Section 33: NE⁴NE⁴.

WELL AGREEMENT - 1 -
0231r.6

land Tile & Escrow
Oct 23 4 41 PM '90
JERRY L. JONES
FEE \$5.00 PER PAGE

322925

2. The parties shall bear in equal one-third shares responsibility for all costs of power, maintenance, repairs and replacement with regard to any common water lines, pumps and motors, and/or the well itself located on the property of, and owned by, Stokes. Each party hereby agrees to bear the sole cost and expense associated with maintenance, repairs and replacement of noncommon water lines for the delivery of water from the domestic well to their respective parcels of real property.

3. Stokes further grants to Feela and Jackson an easement extending from the common boundary of the three respective parcels directly to the site of the domestic well solely for the purpose of allowing Feela and Jackson access for installation of water lines for the delivery of water from said domestic well located on the property of Stokes to their respective parcels above described and to perform maintenance, repair or upkeep on the domestic well, pump and water lines extending therefrom.

4. The parties hereto declare that a certain Agreement dated May 19, 1919, recorded June 26, 1919, in Book 4 Page 203, records of Jerome County, Idaho, to be null, void and released of record.

5. This agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, successors, administrators and assigns. Each and every covenant above described shall run and be bound with the three parcels of real property set forth above.

IN WITNESS WHEREOF, the parties hereto have subscribed their names to this instrument on the day and year first written above.

"STOKES"

Gary D. Stokes Teri Stokes
GARY D. STOKES TERI STOKES

Teri Stokes, as Attorney-In-Fact
for Gary D. Stokes "FEELA"

Timothy Jay Feela Robbi I. Feela
TIMOTHY JAY FEELA ROBBIE I. FEELA

"JACKSON"

Carl Jackson Nancy Jackson
CARL JACKSON NANCY JACKSON

WELL AGREEMENT - 2 -
0231r.6

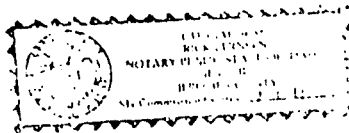
322926

STATE OF IDAHO)

County of Jerome)

On this 10th day of October, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared TERI STOKES, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that she executed the same.

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



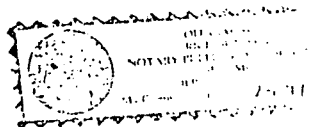
NOTARY PUBLIC for Idaho
Residing at Jerome, Idaho
Commission Expires: 7-1-91

STATE OF IDAHO)

County of Jerome)

On this 10th day of October, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared TIMOTHY JAY FEELA and ROBBIE L. FEELA, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same.

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

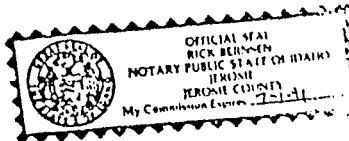


NOTARY PUBLIC for Idaho
Residing at Jerome, Idaho
Commission Expires: 7-1-91

STATE OF IDAHO)
) ss.
County of Jerome)

On this 22nd day of Oct, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CARL JACKSON and NANCY JACKSON, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same.

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

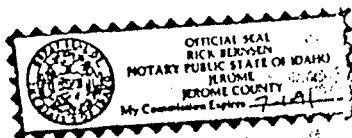


R. Beronen
NOTARY PUBLIC for Idaho
Residing at Jerome, Idaho
Commission Expires: 7-1-91

STATE OF IDAHO)
) ss.
County of Jerome)

On this 19th day of October, 1990, before me, the undersigned, a Notary Public in and for said State personally appeared TERI STOKES, known or identified to me to be the person whose name is subscribed to the within instrument as the Attorney-In-Fact of GARY D. STOKES and acknowledged to me that she subscribed the name of GARY D. STOKES thereto as principal, and her own name as Attorney-In-Fact.

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



R. Beronen
NOTARY PUBLIC for Idaho
Residing at Jerome, Idaho
My Commission Expires: 7-1-91

WELL AGREEMENT
02317 6

CONTINUATION

SCHEDULE A

Order Number: J-17245

TOWNSHIP 7 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 34: A parcel of land located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Commencing at the West quarter corner of said Section 34 and being THE TRUE POINT OF BEGINNING;

Thence South 89°50'35" East along the North boundary of the SW $\frac{1}{4}$ for a distance of 895.12 feet;

Thence South 1°25'16" East for a distance of 214.71 feet;

Thence South 2°32'22" West for a distance of 443.58 feet;

Thence South 4°06'27" West for a distance of 290.84 feet to the center of the "U" Canal;

Thence along the center of the "U" Canal on the following courses:

South 63°06'43" West, 68.81 feet;

South 83°08'36" West, 398.92 feet;

South 16°53'35" West, 305.82 feet to the

intersection with the South boundary of

the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34;

Thence leaving the center of the "U" Canal North 89°50'06" West along the South boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34 for a distance of 312.61 feet to the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34;

Thence North 0°02'43" West along the West boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34 for a distance of 1320.80 feet to the West quarter corner of Section 34 and being THE TRUE POINT OF BEGINNING.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 3/7/95

LEGAL DESCRIPTION OF PROPERTY: Township T 7 S Range 17 E BM
Section 34, NW 1/4 of SW 1/4 of _____, BM.
Lot _____, Block _____, Subdivision/Townsite JEROME.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) Assigned by IDWR: 36-14805 B

☐ Name and Address of Former Owner/Claimant(s)(Seller): TIM & Robb, FREELA

☐ New Owner/Claimant (Purchaser): 1 W LAND Co

☐ New Mailing Address: PO BOX 7867
BOISE, IDAHO 83707

☐ New Telephone Number: (200) 336-4254

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: SEE ATTACHED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s): [Signature] Date 4/17/95

☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner