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Department of Water Resources
Adjudication Bureau

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 Brian M. Anderson

My address is P.O. Box 308, Arco, Idaho 83213

My phone number is: Work _____ Home 208-527-8206

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

Theron L. Anderson, Rt. 1 Box 287, Arco, Idaho 83213

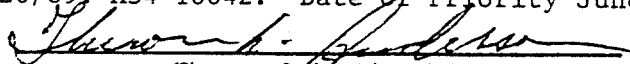
I am the new claimant/purchaser of 340003A, 34-7008, A34-10042 and
(Insert each water right number)

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.

For: 340003A Abstract of Title, Page 1 and Page 3. Contract for Real Estate: Dated February

1960 page 1. Contract for Real Estate: Dated February 1994. Page 1, and Exhibit "A".

Water Right License: No. 34-7008 dated June 24, 1968. Letter of Authorization Dated
December 7, 1973. Letter The General Adjudication of Rights to the use of Water Date
09/26/89, A34-10042. Date of Priority June 01, 1887.


(Signature of prior claimant/seller)


(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 Butte

Brian M. Anderson, 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.

Brian M. Anderson
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on May 1, 1995
(Insert Date)

Quentin H. Bailey
Notary Public for Idaho
Residing at: 2100 N. 1st St.
My Commission expires: 12-31-1999

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 May 1st, 19995, 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):

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

5. One copy to:

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

4. One copy to:

(Signature of person or attorney mailing the form)

Don M. Anderson

NO. 2378.-----

1.

ABSTRACT OF TITLE To

The Following Described Real Estate in Butte County, Idaho:

(Lot Four and SW $\frac{1}{4}$ of NW $\frac{1}{4}$) of THE WEST HALF OF THE
NORTHWEST QUARTER OF SECTION ONE, TOWNSHIP THREE,
NORTH OF RANGE TWENTY-SIX EAST OF THE BOISE MERIDIAN.

Butte County was created by an act of the Legislature of the State of Idaho, as shown by the Session Laws for the State of Idaho, for the year 1917, Chapter 98. The property as shown in this Abstract was formerly in Blaine County, Idaho.

Compiled by
LOST RIVER TITLE COMPANY
Bonded Abstracters

Lost River Title Company

Arco, Idaho

MORTGAGE

ENTRY NO. 3.

Marcus Hurst and Nina
Hurst, his wife.

Mortgage.

Dated February 11, 1903.

Recorded February 26, 1903,
Book 3 of Mortgages, page 500.

TO

Acknowledged February 19, 1903,
William Matthews, Notary Public,
State of Idaho, County of Blaine,
Notarial Seal affixed.

R. Livingstone.

Consideration \$1,000.00

Grant, bargain, sell, and convey:

(with other lands) The southwest quarter
of the northwest quarter and Lot numbered four (4) of Section one
(1) in Township three (3) North, of Range twenty-six (26) East,
Boise Meridian, Together with a decreed water right and all rights
in a private ditch from Big Lost River.

As a mortgage to secure payment of five certain promis-
sory notes as specifically described therein.

**Transcribed from Book "N" of Mortgages, page 545 of the Blaine
County Records.

Exhibit 'A'

BMA
MCH
3aa.

TOWNSHIP 3 NORTH, RANGE 26 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

SECTION 1: LOT 4 AND THE SW1/4NW1/4.

EXCEPT: A parcel of land in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 1, Township 3 North, Range 26 East, Boise Meridian, Butte County, Idaho, more particularly described as follows:

Beginning at a point on the West boundary line of said Section 1320 feet South of the Northwest corner of said Section, which point is the true Point of Beginning; thence South along the said West boundary line 160 feet to a point; thence at right angle East 272 feet to a point; thence at a right angle North 160 feet to a point; thence at a right angle West 272 feet to the True Point of Beginning.

CONTRACT FOR REAL ESTATE

THIS AGREEMENT, Made and entered into this ____ day of February, 1960, by and between ARTHUR J. DUNFORD and BULAH A. DUNFORD, husband and wife, of Paul, County of Minidoka, State of Idaho, hereinafter called the Sellers, and THERON L. ANDERSON and FRANCES A. ANDERSON, husband and wife, of Arco, County of Butte, State of Idaho, hereinafter called the Purchasers;

WITNESSETH:

WHEREAS, The parties hereto entered into an agreement on the 6th day of March, 1959, for the sale and purchase of the property hereinafter described, and entered into a written Memorandum embodying some of the terms of the agreement, and

WHEREAS, The parties now desire to reduce the agreement to a formal written contract, changing some of the terms thereto and making additional provisions,

NOW THEREFORE, In consideration of the above premises and the stipulations herein contained and the payments to be made as hereinafter specified, the Sellers hereby agree to sell to the Purchasers, and the Purchasers hereby agree to purchase from the Sellers, the following described real estate, situate in the County of Butte, State of Idaho, to-wit:

Lot Four (4) and the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section One (1), Township Three (3) North, Range Twenty-six (26) East of the Boise Meridian, (E. B. M.). Together with appurtenances. Together with existing water rights however evidenced.

for the sum of Eighteen Thousand (\$18,000.00) Dollars hereinafter called the Purchase Price, on account of which the sum of Five Hundred

CONTRACT FOR REAL ESTATE

THIS AGREEMENT, Made and entered into this 15th day of January 1994 by and between THERON L. ANDERSON and FRANCES A. ANDERSON, husband and wife, of Arco, County of Butte, State of Idaho, hereinafter called the Sellers, and BRIAN M. ANDERSON and MONICA G. ANDERSON, husband and wife, of Arco, County of Butte, State of Idaho, hereinafter called the Purchasers;

WITNESSETH:

WHEREAS, The parties hereto entered into an agreement on the 1st day of January, 1994, for the sale and purchase of the property hereinafter described, and entered into a written Memorandum embodying some of the terms of the agreements, and

WHEREAS, The parties now desire to reduce the agreement to a formal written contract, changing some of the terms thereto and making additional provisions,

NOW THEREFORE, In consideration of the above premises and the stipulations herein contained and the payments to be made as hereinafter specified, the Sellers hereby agree to sell to the Purchasers, and the Purchasers hereby agree to purchase from the Sellers, the following described real estate, situate in the Country of Butte, State of Idaho, to-wit: SEE EXHIBIT "A".

~~Lot Four (4) and the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section one (1), Township Three (3) North, Range Twenty six (26) East of the Boise Meridian, (E. B. M.). Together with appurtenances. together with existing water rights however evidenced.~~

for the sum of Forty Thousand (\$40,000.00) Dollars hereinafter call the Purchase Price. The balance of Forty Thousand (\$40,000.00) Dollars to be paid in installments. The principal sum

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 34-7008 Priority June 24, 1968 Amount 0.88 cfs

THIS IS TO CERTIFY, that THIERON L. ANDERSON
of Arco, Idaho, has complied with the terms and conditions of Permit
No. 34-7008 issued pursuant to Application for Permit dated June 24, 1968,
and has submitted proof to the Department of Water Administration on July 19, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.36 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>May 1</u> to <u>Sept. 30</u>	at <u>0.88</u> cfs and	<u>132 acre feet or</u>
			<u>3.0 af per acre</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.88 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
132 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1,
Twp. 3 N, Rge. 26 E, B.M. in the County of Butte

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3 N	26 E	1					14	30											44

Total number of acres irrigated 44

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 17th day of
December, 19 73.

Deputy Director

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

December 7, 1973

Re: Permit No. 34-7008

Theron L. Anderson
R.F.D. 1, Box 87
Arco, Idaho 83213

Dear Mr. Anderson:

A representative of this Department has made an examination of the works covered by your Permit No. 34-7008 and has found the following:

Quantity of water diverted: 1.36 cfs

Amount of water that can be recognized as beneficially used under Idaho law: .88 cfs

The maximum quantity diverted shall not exceed 132 acre feet per year.

Beneficial use: For irrigation of 44 acres within the NW¹/₄, Sec. 1, Twp. 3 N, Rge. 26 E

Point of diversion: NW¹/₄ Sec. 1, Twp. 3 N, Rge. 26 E, B.M.

Priority date established: June 24, 1968

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Assistant Director

jfr

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.

CIVIL CASE NUMBER: 39576

Ident. Number: A34-10042
Date Received: 5/18/1989
Receipt No: E007642
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANCES A. ANDERSON 208-527-3221
Address: RFD #1 BOX 258
ARCO, ID 83213

AND

Name: THERON L. ANDERSON 208-527-3221
Address: RFD #1 BOX 258
ARCO, ID 83213

2. Date of Priority: JUN 01, 1887

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	26E	1	NW	NW	NW		BUTTE

5. Description of diverting works:
WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/l