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Department of Water Resources
Adjudication Bureau DEC 15 1994
OFFICE OF THE
ATTORNEY GENERAL

36-12343

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 Gary H. Noriyuki
My address is Rt. 5, Box 138
Rupert, ID 83350

My phone number is: Work none Home (208) 532-4100

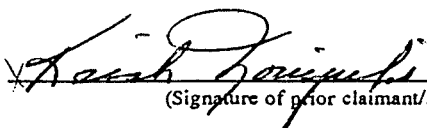
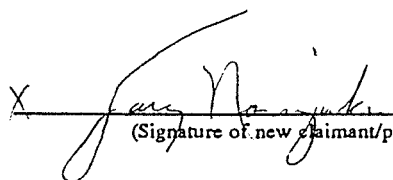
The name and address of the party who I wish to be substituted for are:

Marge Noriyuki and Keish Noriyuki
Rt. 5, Box 138, Rupert, ID 83350

I am the new claimant/purchaser of 36-12343 *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.

Copy of Recorded Memorandum of Contract of Sale
Recorded in Minidoka County, Idaho, Document No. 411252

 (Signature of prior claimant/seller)  (Signature of new claimant/purchaser)

☒ **ATTORNEY OF RECORD COMPLETING FORM**

My name is William T. Goodman

I am the attorney of record for Keish and Marge Noriyuki
(Identify party/claimant)

My address and phone number are P.O. Box D, Rupert, ID 83350 -436-4774

VERIFICATION

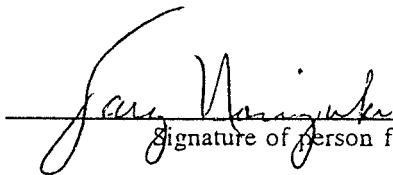
(Must be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of Idaho

County of Minidoka

Gary H. Noriyuki, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

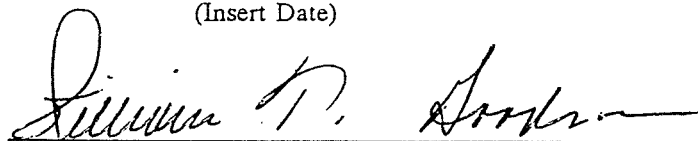
That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10); and that I have read this form, know its contents and that the statements are true to the best of my knowledge and belief.



Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on April 22 1994
~~March~~ (Insert Date)



Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission expires: 12-24-98

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

~~APRIL~~ DECEMBER 12

I certify that on March 22, 1994, 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:

Keish Noriyuki and Marge Noriyuki
415 West 40, Burley, ID 83318

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):

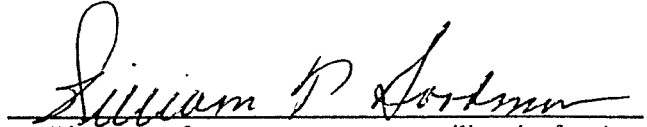
Gary and Donna Noriyuki
Rt. 5, Box 138, Rupert, ID 83350

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)

411252

MEMORANDUM OF CONTRACT OF SALE

NAME OF SELLER: KEISH NORIYUKI AND MARGE NORIYUKI

NAME OF PURCHASER: GARY H. NORIYUKI AND DONNA NORIYUKI

LEGAL DESCRIPTION OF PROPERTY:

Situated in the County of Minidoka State of Idaho:

The real property described on Exhibit "A"
attached hereto.

NOTICE IS HEREBY GIVEN that the above named Seller has entered into a Contract of Sale of Real Estate wherein the above named Purchaser agreed to buy, and the Seller agreed to sell, the real property above described.

Pursuant to the terms of said contract, title has been reserved in the Seller until the Purchaser fully performs the contract, and a Warranty Deed has been placed in escrow for delivery to the Purchaser upon completion of such performance. The recording of said Warranty Deed at a future date shall be conclusive proof, as against the Seller, and Seller's heirs, personal representatives, successors, and assigns, that Purchaser has fully and completely performed all of the terms of said Contract of Sale of Real Estate, and that Seller has no further right, title, or interest in and to the real property above described.

DATED this 23 day of February, 1994.

SELLER:

Keish Noriyuki
Keish Noriyuki

Marge Noriyuki
Marge Noriyuki

PURCHASER:

Gary H. Noriyuki
Gary H. Noriyuki

Donna Noriyuki
Donna Noriyuki

RECORDED AT REQUEST OF
Gardner & Bell
FILM NO.
FEB 23 3 21 PM '94
MINIDOKA COUNTY, IDAHO
DUANE SMITH
RECORDER
FEE 9 DEPUTY JP

411252

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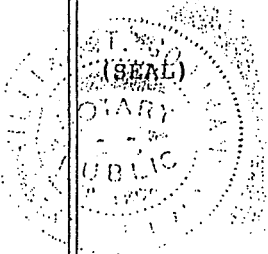
STATE OF IDAHO

County of Minidoka

)
) ss.
)

On this 23 day of February, 1994, before me the undersigned Notary Public in and for said State personally appeared Keish Noriyuki, Marge Noriyuki, Gary H. Noriyuki and Donna Noriyuki known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



William T. Jordan
Notary Public
Residing at Rupert, Idaho
My Commission Expires 12/24/98

EXHIBIT "A"

PARCEL 1

TOWNSHIP 8 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, MINIDOKA COUNTY,
IDAHO

SECTION 3: That part of FARM TRACT C, more particularly
described as follows (as surveyed):

Commencing at the North Quarter corner of Section 3; Thence
South 73° 09' 40" West for 596.57 feet (recorded as S 73° 09' W for
596.64 feet) along the tract line; Thence South 26° 01' 40" East for
96.38 feet (recorded as S 26° 03" E for 96.36 feet) along the tract
line; Thence South 42° 06' 20" West (recorded as S 42° 05' W) for
95.33 feet along the tract line and center line of an existing
lateral to a point which shall be the TRUE POINT OF BEGINNING.

Thence continuing South 42° 06' 20" West for 276.99 feet
(recorded as S 42° 05' W) along the tract line and center
line of an existing lateral;

Thence South 42° 29' 40" East for 386.85 feet (recorded as
S 42° 31' E for 386.76 feet) along the tract line and existing
lateral;

Thence South 48° 46' 40" East for 323.47 feet (recorded as
323.40 feet) along the tract line and existing lateral to
Tract E, Point 1;

Thence North 13° 13' 16" West for 548.25 feet;

Thence North 48° 40' 13" West for 257.71 feet to the
TRUE POINT OF BEGINNING.

This parcel contains 3.35 acres and is subject to a lateral easement
along the Northwesternly and Southwesternly sides.