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Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL

36-15065

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 _____

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☒ **CONSENT TO SUBSTITUTION OF PARTY**

My name is Danny R. Forsyth

My address is 240 E 100 N

Jerome Idaho 83338

My phone number is: Work 208-324-2220 Home 208-324-8071

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

Butte Enterprises

P.O. Box 111962 Anchorage Alaska 9951

I am the new claimant/purchaser of 36-15065 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

Assignment of permit -

X [Signature]
(Signature of prior claimant/seller)

X [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 TEROME

DANNY R. FORSYTH, 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.

Danny R. Forsyth
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on Feb 7, 1995
(Insert Date)

Charles H. Hurrell
Notary Public for IDAHO
Residing at: Terome, ID
My Commission expires: 2/25/98

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

I certify that on _____, 199__, 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:

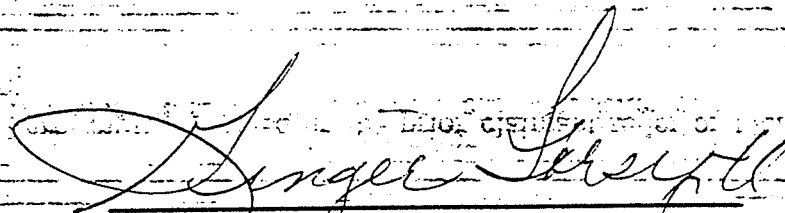
4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address(es):

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)

J-001881 E9750 RJG

WARRANTY DEED

For Value Received BUTTE ENTERPRISES, INC., an Alaska corporation, formerly known as Walker Family Farms & Ranches, Inc., the Grantor, does hereby grant, bargain, sell and convey unto DANNY RAY FORSYTH and GINGER FORSYTH, husband and wife, the Grantees, whose current address is 240 East 100 North, Jerome, Idaho, 83338, the following described premises, in Jerome County, Idaho, to-wit:

See Exhibit "A" attached hereto.

Subject to reservations, easements and rights-of-way of record.

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

DATED this 25TH day of Aug, 1993.

BUTTE ENTERPRISES, INC.

By [Signature]
DEAN RAMPY, Chief Financial Officer

RECORDED AT THE REQUEST OF FIRST AMERICAN TITLE CO
AUG 27 1208 PM '93
JEROME COUNTY, IDAHO
FEE \$18.00 DEP 148.00

833184

1 STATE OF x Texas)
2) ss.
3 County of x Harris)

4 On this x 25th day of x August, 1993, before me,
5 the undersigned, a Notary Public in and for said County and State,
6 personally appeared DEAN RAMPY, known to me to be the Chief
7 Financial Officer of Butte Enterprises, Inc., the person who
8 executed the instrument on behalf of said corporation, and
9 acknowledged to me that such corporation executed the same.

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

13 x Cynthia L. Linnekoehl
14 NOTARY PUBLIC
15 Residing at: x 81615 Bellway Dr, Houston TX
16 My Commission Expires: x Sept. 11, 1996



EXHIBIT A

TRACT I:

Township 8 South, Range 17 East of the Boise Meridian, Jerome County, Idaho

Section 16: The S $\frac{1}{4}$ NE $\frac{1}{4}$; and the NE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$, EXCEPTING THEREFROM a parcel of land described as follows:

BEGINNING at the Southeast corner of said Section 16;
THENCE North 0°02' West, 847.93 feet along the East boundary of said Section 16 to the TRUE POINT OF BEGINNING;
THENCE North 79°53' West, 1680.81 feet;
THENCE North 10°07' East, 400.00 feet;
THENCE South 79°53' East, 1609.19 feet to the East line of said Section 16;
THENCE South 0°02' East, 406.36 feet to the TRUE POINT OF BEGINNING.

AND EXCEPTING THEREFROM a portion of the Southeast quarter of Section 16 and a portion of the Southwest quarter of Section 15, Township 8 south, Range 17 East of the Boise Meridian, Jerome County, Idaho, more particularly described as follows:

COMMENCING at the Southwest corner of said Section 15;
THENCE North 0°02'00" West along the Westerly boundary of said Section 15, 1324.06 feet to the Northwest corner of the South half of the South half of said Section 15 and the REAL POINT OF BEGINNING;
THENCE South 0°02'00" East, 71.10 feet;
THENCE North 79°56'24" West, 1473.27 feet;
THENCE North 82°35'42" East, 415.76 feet;
THENCE North 67°39'05" East, 176.46 feet;
THENCE North 55°47'46" East, 44.86 feet;
THENCE South 79°56'24" East, 1910.39 feet, more or less, to the Northerly boundary of said South half of the South half of Section 15;
THENCE North 89°53'47" West, along the Northerly boundary of said South half of the South half of Section 15, 1041.10 feet, more or less, to THE REAL POINT OF BEGINNING.

INITIAL



AND EXCEPTING THEREFROM that portion of the Southeast quarter of Section 16, Township 8 South, Range 17 East of the Boise Meridian, Jerome County, Idaho, more particularly described as follows:

COMMENCING at the Southeast corner of said Section 16;
THENCE North 0°02'00" West, along the Easterly boundary of said Section 16, 846.69 feet;
THENCE North 79°56'24" West, 1680.81 feet to THE REAL POINT OF BEGINNING;
THENCE North 79°56'24" West, 106.90 feet;
THENCE North 30°38'30" East, 152.83 feet;
THENCE Northerly along a curve to the left having a radius of 73.63 feet through a central angle of 76°53'35" for an arc length of 98.81 feet;
THENCE Northeasterly along a curve to the right having a radius of 67.14 feet through a central angle of 110°47'15" for an arc length of 129.83 feet;
THENCE North 64°32'28" East, 102.00 feet;
THENCE South 10°03'36" West, 400.00 feet to THE REAL POINT OF BEGINNING.

TOGETHER with avigation and hazard easement dated April 15, 1981, recorded April 17, 1981 as Instrument No. 257132, Jerome County records, and easement for roadway on the East side of canal. Said easement shall be wide enough for use by all farm equipment.

AND

That part of the Northwest quarter of the Northeast quarter lying above and East of the East line of Gauss Ditch, EXCEPTING THEREFROM the following described parcel of land:

BEGINNING at the Northeast corner of said Section 16;
THENCE North 89°44' West, 1993.08 feet along the Northerly boundary of Section 16, to THE TRUE POINT OF BEGINNING;
THENCE South 11°44' East, 190.56 feet;
THENCE North 86°41'36" West, 263.51 feet;
THENCE North 20°59' West, 185.00 feet to a point in the Northerly boundary of Section 16;
THENCE South 89°44' East, 290.57 feet along the Northerly boundary of Section 16 to THE TRUE POINT OF BEGINNING.

AND

That part of the Southeast quarter of the Northwest quarter lying above and East of the East line of Gauss Ditch.

(Continued)

SEAL



AND

That portion of the Northeast quarter of the Southwest quarter lying East of the East line of Gauss Ditch.

AND

That portion of a parcel of land in the Southeast quarter of the Northwest quarter enclosed by a fence and a section of the Gauss Ditch more particularly described as follows:

BEGINNING at the intersection of the Gauss Ditch with the South boundary of said quarter Section;
THENCE West along the quarter Section line a distance of approximately 35 feet to the intersection of said fence with the South boundary of the quarter Section;
THENCE North 9°40' West along said fence a distance of approximately 332 feet to the intersection of said fence with the Gauss Ditch on the North;
THENCE following the Gauss Ditch in a Southeasterly direction a distance of approximately 420 feet;
THENCE in a Southerly direction a distance of approximately 100 feet;
THENCE in a Southwesterly direction a distance of approximately 350 feet to THE POINT OF BEGINNING.

AND

That part of the Southwest quarter of the Southwest quarter, described as follows:

BEGINNING at the Southwest corner of Section 16;
THENCE running North on the Section line, 460 feet;
THENCE East 500 feet;
THENCE North 80°19' East, 832 feet to the intersecting line between the Southwest quarter of the Southwest quarter and the Southeast quarter of the Southwest quarter;
THENCE South along said intersecting line 600 feet to the Southeast corner of the southwest quarter of the Southwest quarter;
THENCE West along the South line of said Section to THE PLACE OF BEGINNING.

AND

(Continued)



The Southeast quarter of the Southwest quarter EXCEPTING THEREFROM that portion North and West of Gauss Ditch, being a parcel of land approximately 240 feet North and South and 393 feet East and West lying in the Northwest corner of said Southeast quarter of the Southwest quarter.

TOGETHER WITH an Easement and Right of Way Contract contained in document dated May 6, 1981, recorded May 11, 1981 as Instrument No. 257648, Jerome County records.

TRACT II:

The Southwest quarter of the Southwest quarter and the East one-half of the southwest quarter of Section 2, Township 8 South, Range 17 East of the Boise Meridian, Jerome County, Idaho.

AND ALSO

The East one-half of Section 10, Township 8 South, Range 17 East of the Boise Meridian, Jerome County, Idaho.

AND ALSO

That part of the West one-half lying West of U.S. Highway No. 93 of Section 11, Township 8 South, Range 17 East of the Boise Meridian, Jerome County, Idaho.

AND ALSO

That part of the West one-half of the Northwest quarter and the Northwest quarter of the Southwest quarter lying West of U.S. Highway 93 of Section 14, Township 8 South, Range 17 East of the Boise Meridian, Jerome County, Idaho.

AND ALSO

The North one-half and the North one-half of the South one-half of Section 15, Township 8 South, Range 17 East of the Boise Meridian, Jerome County, Idaho.



OFFICE USE ONLY
Amt. of Fee \$25.00
Date _____
Receipt No. _____
Receipt by _____

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Butte Enterprises, hereby assign to Danny L. Joseph
of 240E 1st N Jerome Idaho 83338
(Permit Holder) (Full Address)

All my right, title, and interest in and to Permit No. 36-15065
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. No Partial to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

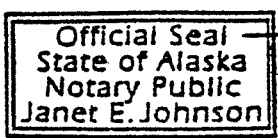
Made this 13th day of January, 1995.

[Signature]
Butte Enterprises
Permit Holder(s)

State of ~~Idaho~~ Alaska)
SS
County of)

On this 23 day of January, 1995, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

SEAL



Janet E. Johnson
Notary Public

[Signature]
Signature

My commission expires: 7-29-97