

34-7178

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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 M. Annie Seal

My address is Box 167 Acco, La

My phone number is: Work 527-8206 Home _____

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

Ralph William Hutcheson

I am the new claimant/purchaser of 34-7178 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.

× _____
(Signature of prior claimant/seller)

M. Annie Seal
(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

MARICE SEAR, 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]
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 11-23-94
(Insert Date)

[Signature]
Notary Public for Idaho
Residing at: Idaho
My Commission expires: 6-20-97

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 11-23-94, 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):

PO Box 162 210 2nd St
Blackfoot 83213

3. A *Consent to Substitution of Party* must be served on the prior claimant/seller or their attorney at the following address:

Ralph Hultgren -
2370 Clover Lane
Blackfoot, Id.

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):

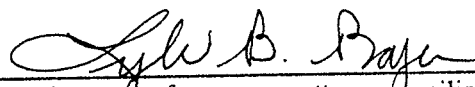
2370 Clover Lane
Blackfoot, Id.

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

FOR VALUABLE CONSIDERATION RECEIVED RALPH L. HUTCHISON & LILLIAN E. HUTCHISON, husband & wife, & DAVID M. HUTCHISON & SANDRA L. HUTCHISON, H/W, the Grantor, does hereby grant, bargain, sell and convey unto M. JANICE SEAL, a single person

the Grantee, whose current address is 210 Park Street, Arco, ID 83213, the following described real estate situated in BUTTE County, State of Idaho, to-wit:

See Attached Exhibit 'A'

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.

ALSO INCLUDING, but not limited, to the following WATER RIGHTS:

3.7 inches of Priority Date 11/02/1901,
177 storage inches, Decree No. 422-313-359

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: October 25, 1994

Ralph L. Hutchison
Ralph L. Hutchison

Sandra L. Hutchison
Sandra L. Hutchison

Lillian E. Hutchison
Lillian E. Hutchison

Sandra L. Hutchison
Sandra L. Hutchison

STATE OF IDAHO, County of

On this 25th day of October 1994
before me, Lyle B. Boyer, a
Notary Public in and for the said State personally
appeared Ralph L. Hutchison
Lillian E. Hutchison

THIS SPACE FOR COUNTY RECORD'S USE ONLY.

Known to me to be the person(s) whose name(s)
subscribed to the within instrument, and acknowl-
edges to me that they executed the same.

Lyle B. Boyer
NOTARY PUBLIC

Residing at Arco
Comm. Exp. 5-31-97

Notary Public
Idaho

NO. 028573

FILED

OCT 28 1994

A.M. 9:55 P.M.

BUTTE COUNTY RECORDER

STATE OF IDAHO
COUNTY OF BUTTE

On this 25th day of October in the
year 1994, before me, a Notary Public, personally appeared
Ralph L. Hutchison and Lillian E. Hutchison
known or identified to me to be the person whose name is subscribed
to the within instrument as the attorney in fact of David M. Hutchison
and Sandra L. Hutchison and acknowledged to me
that they subscribed the above of David M. Hutchison and Sandra L. Hutchison.

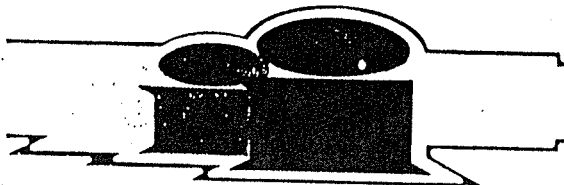


Exhibit 'A'

PARCEL I:

TOWNSHIP 4 NORTH, RANGE 26 EAST, BOISE MERIDIAN, BUTTE COUNTY IDAHO.

SECTION 36: Commencing at the South Quarter Corner of said Section; thence East 43 feet; thence North 1335; thence East 258 feet to the real point of Beginning (which point is the Southwest corner of Lot 11, Block 13 former Sherman Subdivision, Arco, Idaho); thence North 418 feet; thence East 275 feet; thence North 230 feet; thence West 120.5 feet; thence North 393 feet; thence West 154.5 feet; thence North 264 feet; thence East 234.3 feet; thence South 264 feet; thence East 385 feet; thence South 264 feet; thence East 453 feet; thence South 27 feet; thence West 325; thence South 750 feet; thence West 667.3 feet to the Real Point of Beginning.

PARCEL II:

That portion of Joan Street and portion of Lots 1, 2, & 3 of Block 13, formerly Sherman Sub-division described as follows: Commencing at the South 1/4 corner of Section 36, Twp. 4 North, Range 26 E.B.M.; thence East 43 feet; thence North 1335 feet; thence East 258 feet; thence North 418 feet; thence East 275 feet to the true POINT OF BEGINNING, (which point is the Southeast corner of Lot 3, Block 13, formerly Sherman Subdivision to Arco, Idaho); thence North 230 feet; thence West 120.5 feet; thence South 230 feet; thence East 120.5 feet to the POINT OF BEGINNING.

PARCEL III:

TOWNSHIP 4 NORTH, RANGE 26 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

SECTION 36: Portion of the NW1/4SE1/4, more particularly described as follows: Beginning 183 feet South of the NE corner of said NW1/4SE1/4; thence continuing South 345 feet; thence West 450.6 feet; thence North 345 feet; thence East 450.6 feet to the POINT OF BEGINNING.

Along with a right-of-way easement as described in Warranty Deed executed by WYOMA J. CARLSON, a widow and recorded September 24, 1985 under Instrument No. 16625 and Warranty Deed executed by LARUE ROYACK, individually and sole surviving spouse of GLEN L. ROYACK, recorded July 14, 1975, under Instrument No. M-4167, records of Butte County, Idaho.