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Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL

2-22

36-4076
36-10137

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 Idaho Transportation Department

My address is P.O. Box 2-A
Shoshone, Idaho 83352

My phone number is: Work (208)886-2411 Home _____

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

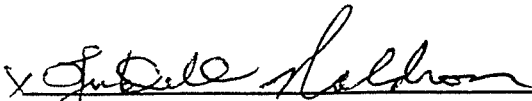
Louis M. Madalena, c/o LuDell Waldron
1112 Main Street, Buhl, Idaho 83316

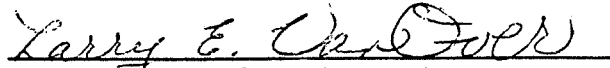
I am the new claimant/purchaser of 36-04076 & 36-10137 and

(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.

A copy of the recorded Warranty Deed conveying the property to
the Idaho Transportation Department.

x 
(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 Ada

Gwain G. Gould, 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.

Idaho Transportation Department
Gwain G. Gould SRIW Dept.
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on February 21, 1995
(Insert Date)

Jose W. Smith
Notary Public for Idaho
Residing at: Boise
My Commission expires: 1/25/98

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 Feb. 21, 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* 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:

LuDell Waldron
1112 Main Street
Buhl, Idaho 83316

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

A handwritten signature in cursive script, reading "Duran G. Gould", is written over a horizontal line.

(Signature of person or attorney mailing the form)

159101

Filed for record a request of Dept - Transportation

WARRANTY DEED

4 min. past 10 o'clock A m. this 26

of Oct, 1994

JOHN A. MYERS Recorder

By

Albata Solis

Deputy

Project No. STP-RS-2709(008) & WETLANDS

Key No. 3586

Parcel No. 2 (Wetlands), Id. Nos. 3586L09 & 0037526

THIS INDENTURE, Made this 29th day of SEPTEMBER 1994, between

LUDELL WALDRON, guardian and conservator of THE ESTATE OF LOUIS M.

MADALENA, a protected person, Grantor, and the STATE OF IDAHO, IDAHO

TRANSPORTATION DEPARTMENT, by and through the IDAHO TRANSPORTATION BOARD,

3311 West State Street, Boise, Idaho 83703, Grantee.

WITNESSETH, That the said Grantor, for value received, does grant, bargain, sell, convey and confirm unto the said Grantee, all the following described real property situated in County of Gooding, State of Idaho, to-wit:

A parcel of land being all of Government Lot 16 and those portions of Government Lots 5 & 6, lying Southerly of the Snake River Canyon Rim, all in Section 6, Township 9 South, Range 15 East, Boise Meridian, situated in Gooding County, State of Idaho;

Together with all of Government Lot 11 and that portion of Government Lot 14, lying Northeasterly of the Southwesterly right of way line of Clear Lake Road and all those portions of Government Lots 7 & 8, lying Southerly of the Snake River Canyon Rim, all in Section 1, Township 9 South, Range 14 East, Boise Meridian, in said Gooding County;

EXCEPTING from both of the above parcels any portion thereof lying within the boundaries of the tract of land as described in that certain Warranty Deed dated November 17, 1993 and recorded December 1, 1993 as Instrument No. 154976, records of said Gooding County;

Also conveyed herewith are the rights to approximately 3.5 cubic feet per second of Spring Water or that amount, if different, as a result of the pending Snake River Adjudication.

The Snake River Canyon Rim is at approximate elevation 3250 feet at the East end of the above conveyed property and 3200 feet at the West end of said conveyed property.

The Total area conveyed by this instrument is approximately 88.97 acres.

WARRANTY DEED

Project No. STP-RS-2709(008) & WETLANDS
Key No. 3586
Parcel No. 2 (Wetlands), Id. Nos. 3586L09 & 0037526

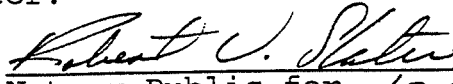
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to reservations, restrictions, dedications, easements, right of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The said Grantor has hereunto set his hand and seal the day and year first above written.


LUDELL WALDRON, guardian &
conservator of the Estate of Louis
M. Madalena, a protected person

STATE OF IDAHO)
County of TWIN FALLS) ss.

On this 29TH day SEPTEMBER, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared LUDELL WALDRON, guardian and conservator of the Estate of Louis Madalena, a protected person, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as such guardian and conservator.


Notary Public for IDAHO
Residing at TWIN FALLS
My commission expires 11/1/99

