

34-322
34-323
34-2421

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MAR 15 1995
Department of Water Resources
Adjudication Bureau

310

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MAR 14 1995
OFFICE OF THE
ATTORNEY GENERAL

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.

COPY

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 Russell K. and Virginia Hanks

My address is Route 1 Box 23, Darlington, ID 83255

My phone number is: Work n/a Home (208) 588-3005

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

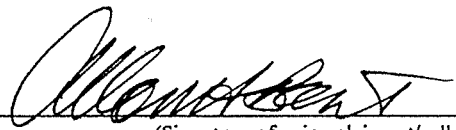
United States of America, Acting through USDA, FmHA

3232 Elder St. , Boise, ID 83705

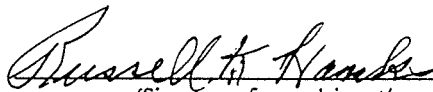
I am the new claimant/purchaser of 34-00323, 34-00322, 34-02421 and
(Insert each water right number)

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 Quit Claim Deed



(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

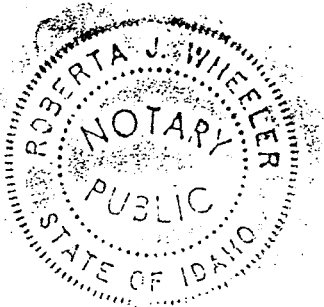
Barbara C Hejtmánek, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)
for Farmers Home Administration

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.

Barbara C Hejtmánek
Signature of person filing form
for Farmers Home Administration

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 3-9-95
(Insert Date)



Roberta J Wheeler
Notary Public for Idaho
Residing at: Moore
My Commission expires: 3/4/97

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 03-09, 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:

United States of America, Acting through USDA, FmHA

3232 Elder Street
Boise, ID 83705

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 of America, Acting through USDA, FmHA

3232 Elder Street
Boise, ID 83705

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

Barbara C. Hytmanek

(Signature of person or attorney mailing the form)

COPY

208050

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, CONVEYS and QUITCLAIMS to

RUSSELL K. HANKS and VIRGINIA HANKS, husband and wife

Grantee, for the sum of THIRTY THOUSAND SIX HUNDRED DOLLARS

all interest in the following described real estate situated in the County of BUTTE and CUSTER

State of IDAHO, to-wit:

Township 6 North, Range 25 East Boise Meridian, Butte & Custer Counties, Idaho.

Section 12: W $\frac{1}{2}$ NW $\frac{1}{4}$; EXCEPTING THEREFROM: A parcel of land situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12 Township 6 North, Range 25 EBM, Custer County; more particularly described as follows: Beginning at a point that is North 0.05 feet and East 5.56 feet from the Southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$; Said point lies on the South line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12; Thence N 1°35'2" W 207.46 feet along a fence to a point Thence N 89°26'52" E 210 feet to a point; thence S 1°35'2" E 207.46 feet to a point lying on the South line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12; Thence S 89°26'52" W 210 feet along said line to the point of beginning. Containing 1.00 acres, more or less.

ALSO EXCEPTING THEREFROM: an undivided one-half interest in the following land: Beginning at a point 486 feet South and 25 feet East of the Northwest corner of said Section 12; thence East 1 rod; thence South 1 rod; thence West 1 rod; thence North 1 rod to the Point of Beginning. (This describes a parcel of land where the irrigation pump and well are located, it is a parcel of land 16.5 feet square.)

TOGETHER with the following water rights:

IDWR license #34-02421 priority date 6/6/1961 - well

License # 34-00322 40 miners inches Big Lost River Irrigation District priority 7/21/1886 with storage water of 1,248 inches

License # 34-00323 40 miners inches Big Lost River Irrigation District priority 6/1/1889 with storage water of 1,510 inches

TOGETHER with all irrigation equipment presently located on the property.

0208050

Custer County Reg. of
Idaho Title &
Trust Co.

NO. 028718
FILED

Dec 11 11:17 A.M.

12-301394

DEC 29 1994

11:20 A.M. P.M.
BUTTE COUNTY RECORDER

208050

This deed is executed and delivered pursuant to the provisions of the credit sale of inventory property formerly owned by Terry Monson, former case #12-12-519477820 advise #12-12-12306 and the

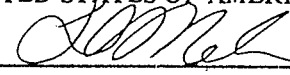
authority set forth in 7 CFR 1900, Subpart A.

No member of Congress shall be admitted to any share or part of this deed or to any benefit that may arise therefrom.

Dated June 21, 1993 .

UNITED STATES OF AMERICA (Grantor)

By


Loren A. Nelson

Farmers Home Administration

United States Department of Agriculture

In the presence of:

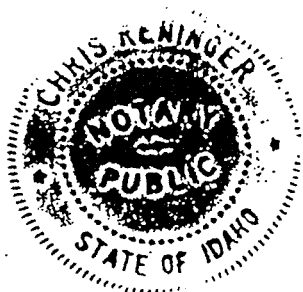
ACKNOWLEDGMENT

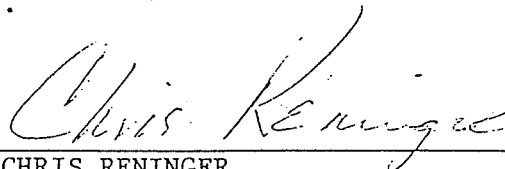
STATE OF Idaho)

County of Ada)

On this 21st day of June, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared Loren A. Nelson, known to me to be the State Director, Farmers Home Administration, USDA, and person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above mentioned.




CHRIS RENINGER

Notary Public in and for State of Idaho
Residing at Meridian, Idaho
My Bond Expires 7/6/94

COBY