

36-02516, 36-12643,
 36-12644, 36-07398
 36-02345, 36-2544

1/10

RECEIVED

JAN 26 1996

Department of Water Resources
 Adjudication Bureau

RECEIVED

JAN 25 1996

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 SRBA

Case No. 39576

STANDARD FORM 3

(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS

OR

☒ CONSENT TO SUBSTITUTION OF
 PARTY

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, *SRBA Administrative Order 1 Rules of Procedure* (amended 6/21/93), Section 4Ac(3), which may be consulted for further 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 it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

CHANGE IN ADDRESS

You must use this form to advise the court and parties of any change in your address during the pendency of the SRBA.

You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

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 _____

(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

You are to provide a copy of the completed form to every party in each subcase in which the new party is to be substituted. If the party is represented by an attorney you must serve the attorney. Because this is a "consent" form, it is a stipulation that there is no disagreement between the prior claimant/seller and the new claimant/purchaser that the prior claimant/seller has transferred all interests in the water right. No hearing will be held and no further order will issue.

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), 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 the "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.

I am the new claimant/purchaser of Claim Nos. 36-02516, 36-12643, 36-07398,
36-12644, 36-02345, 36-02544

(Insert each water right number)

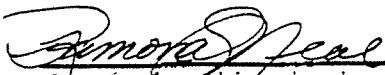
My name is The Travelers Insurance Company ("Travelers")
The Travelers Insurance Company, Attn: AgriFinance
My address is Attn: Ms. Karen S. Micheli, Investment Administrator
7170 N. Financial Drive, Suite 101, Fresno, CA 93720-2900
My phone number is: Work 209/447-2055 Home N/A

The name and address of the prior claimant/seller who I wish to be substituted for are:

Duff Brothers
Rt. 1, Box 1101
Paul, ID 83347

The Travelers Insurance Company

Signature of prior claimant/seller


Signature of new claimant/purchaser

Ramona S. Neal, Givens Pursley & Huntley
Attorney for Travelers

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name Ramona S. Neal and the firm Givens Pursley & Huntley

Attorney of record for Travelers

(Identify party/claimant)

Attorney address and phone number: P.O. Box 2720, Boise, ID 83701

208/342-6571

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☒ A *Notice of Appearance* ^{will be forwarded to this court shortly} ~~accompanies this form~~ indicating which party and water rights I represent.

VERIFICATION

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

State of IDAHO

County of Ada

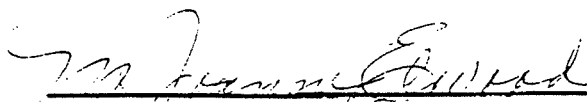
The Travelers Insurance
Company _____, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

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) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

The Travelers Insurance Company
Signature of person filing form

BY: 
Attorney signing in representative capacity
Ramona S. Neal, Givens Pursley & Huntley
Attorneys for Travelers Insurance Company

Subscribed and sworn to before me on January 8, 1996
(Insert Date)


Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 11/27/96

INSTRUCTIONS FOR MAILING

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 January 24, 1996, 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* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

Duff Brothers Partnership

Rt. 1, Box 1101

Paul, ID 83347

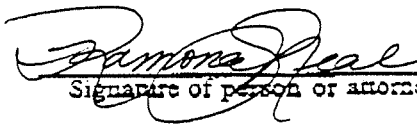
4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

5. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

6. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724



Signature of person or attorney mailing the form

421253

COPY

Terry L. Myers
Ramona S. Neal
GIVENS PURSLEY & HUNTLEY
277 North 6th Street, Suite 200
Post Office Box 2720
Boise, Idaho 83701
(208) 342-6571

Attorneys for Plaintiff

DUANE SMITH, CLERK
- *Edna* - DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

THE TRAVELERS INSURANCE
COMPANY, a Connecticut Corporation,

Plaintiff

-vs-

DUFF BROTHERS PARTNERSHIP, an
Idaho partnership; LEONARD H. DUFF and
RUTH ANN DUFF, husband and wife;
LEON J. DUFF and ELLEN RUTH DUFF,
aka ELLEN R. DUFF, husband and wife;
UNITED STATES OF AMERICA acting by
and through the SMALL BUSINESS
ADMINISTRATION; UNITED STATES OF
AMERICA acting by and through the
UNITED STATES DEPARTMENT OF
AGRICULTURE, FARMERS HOME
ADMINISTRATION; WESTERN FARM
SERVICE, INC., a Delaware corporation,
and all unknown owners or claimants
or unknown heirs or unknown devisees
of any deceased person, claiming any
interest in the property which is
the subject of this action, referred to
for convenience by the fictitious designations
of DOES I THROUGH XX,

Defendants.

Case No. CV 94-00321D

SHERIFF'S CERTIFICATE OF SALE ON
EXECUTION

95 NOV 24 10 57
MINIDOKA COUNTY, IDAHO
CLERK OF DISTRICT COURT
DUANE SMITH, CLERK
- *Edna* - DEPUTY

RECORDED AT REQUEST OF
Givens, Pursley & Huntley
FILED

421253

State of Idaho) ss.
County of Minidoka)

I hereby certify the foregoing to be a full, true
and correct copy of the original on file in the
above entitled action.

Dated 11-24 1995

Duane Smith
Clerk of the District Court

By *Edna*
Deputy

I, PAUL E. FRIES SR, Sheriff of the Minidoka County, do hereby certify, that, by virtue of an Order for Sale in the above-entitled action, issued on the 10th day of October, 1995, to me directed, setting forth a judgment recovered in the amount of \$768,283.03, lawful money of the United States, with interest thereon, and costs, to be satisfied out of the real and personal property of Defendants DUFF BROTHERS PARTNERSHIP, an Idaho partnership; LEONARD H. DUFF and RUTH ANN DUFF, husband and wife; LEON J. DUFF and ELLEN RUTH DUFF aka ELLEN R. DUFF, husband and wife, described on Exhibit "A" which is attached hereto and incorporated by this reference as if set forth in full according to the writ of execution issued in such case, and the laws of the State of Idaho, I have levied on, and on Thursday, the 9th day of November, 1995, sold at public auction, the real and personal property described on Exhibit "A" to wit:

I. SALE PARCEL NUMBER ONE

TOWNSHIP 8 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 32: West one-half

TOGETHER WITH all the Mortgagors' rights, title and interest in and to all
Water Rights,

together with all and singular the rights therein, fixtures thereon and appurtenances thereunto belonging or in anywise appertaining, whether now or hereafter acquired, which shall include, without limiting the generality of the foregoing, the following:

- (a) All of the rents, issues and profits; all easements and rights of way; all water, water rights, whether riparian, appropriative or otherwise and whether or not appurtenant, all ditch rights, and any shares of stock evidencing any such water or ditch right; and all rights of homestead exemption, and

- (b) All leases, permits, allotments, licenses and privileges, whether or not appurtenant, from the United States or the State of Idaho, or any Department or other agency of either for the purpose of grazing, pasturing or feeding livestock on any of the public lands of the United States or the State of Idaho, and
- (c) All buildings and the plumbing, heating, ventilating and lighting systems and equipment therein; all barn equipment; and all pumps, pumping stations, motors, switch boxes and transformers, engines, machinery, reservoirs, pipes, flumes, and other equipment used for the production of water on said Premises or for the irrigation or drainage thereof.

TOGETHER WITH:

- (a) One (1) 200 HP, U.S. Electric Vertical Motor, SN# 115154;
- (b) One (1) 75 HP, Horizontal Booster Pump, ID# R9426-03-420M;
- (c) One (1) Electrical Panel - A-B Quality - Allen Bradley;
- (d) One (1) Electrical Panel, Cutler Hammer;
- (e) One (1) Deep Well Turbine Pump;
- (f) Approximately 466 hand lines; broken or damaged;
- (g) Six (6) wheel line sections; could only be used for parts;
- (h) Thirteen (13) 1/4 mile side-roll aluminum wheel lines;
- (i) One (1) 20 section, side-roll, aluminum wheel line;
- (j) Several risers;
- (k) Oil Drip Barrel; and
- (l) Seven (7) valves

to Travelers Insurance, who was the highest bidder, for the sum of \$ 213,600.00, lawful money of the United States, which was the whole price paid by Travelers Insurance for the right, claim and interest of the within named Defendants, as aforesaid, in and to the real and personal property described above.

II. SALE PARCEL NUMBER TWO

TOWNSHIP 8 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 33: West one-half and Northeast one-fourth.

TOGETHER WITH all the Mortgagors' rights, title and interest in and to all Water Rights,

together with all and singular the rights therein, fixtures thereon and appurtenances thereunto belonging or in anywise appertaining, whether now or hereafter acquired, which shall include, without limiting the generality of the foregoing, the following:

- (a) All of the rents, issues and profits; all easements and rights of way; all water, water rights, whether riparian, appropriative or otherwise and whether or not appurtenant, all ditch rights, and any shares of stock evidencing any such water or ditch right; and all rights of homestead exemption, and
- (b) All leases, permits, allotments, licenses and privileges, whether or not appurtenant, from the United States or the State of Idaho, or any Department or other agency of either for the purpose of grazing, pasturing or feeding livestock on any of the public lands of the United States or the State of Idaho, and
- (c) All buildings and the plumbing, heating, ventilating and lighting systems and equipment therein; all barn equipment; and all pumps, pumping stations, motors, switch boxes and transformers, engines, machinery, reservoirs, pipes, flumes, and other equipment used for the production of water on said Premises or for the irrigation or drainage thereof,

TOGETHER WITH:

- (a) One (1) 300 HP, U.S. Electric Vertical Motor, SN# 1271144;
- (b) One (1) 150 HP Horizontal Motor, ID# D83-06147-139;
- (c) One (1) Electrical Panel, no brand name;
- (d) One (1) Deep Well Turbine Pump;
- (e) One (1) Electrical Panel - Switchboard Company; and
- (f) Approximately 256 3-inch hand lines stacked near the location of the pumps

to Travelers Insurance, who was the highest bidder, for the sum of

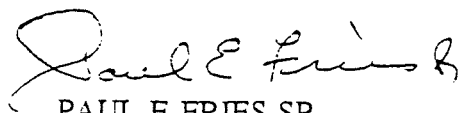
\$ 230,400.00, lawful money of the United States, which was the whole price paid by

Travelers Insurance for the right, claim and interest of the within named Defendants,

as aforesaid, in and to the real and personal property described above.

And that the said real estate is subject to redemption within one (1) year after the sale.

Given under my hand, this 15th day of MAY, 19 95.



PAUL E FRIES SR
Sheriff of Minidoka County

Subscribed and sworn

to before me: 

Residing at 

By

Deputy

Commission Expires: 2-14-97

TOWNSHIP 3 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 32: West one-half

Section 33: West one-half and Northeast one-fourth.

TOGETHER WITH all the Mortgagors' rights, title and interest in and to all
Water Rights.

together with all and singular the rights therein, fixtures thereon and appurtenances
thereunto belonging or in anywise appertaining, whether now or hereafter acquired,
which shall include, without limiting the generality of the foregoing, the following:

- (a) All of the rents, issues and profits; all easements and rights of way; all
water, water rights, whether riparian, appropriative or otherwise and
whether or not appurtenant, all ditch rights, and any shares of stock
evidencing any such water or ditch right; and all rights of homestead
exemption, and
- (b) All leases, permits, allotments, licenses and privileges, whether or not
appurtenant, from the United States or the State of Idaho, or any
Department or other agency of either for the purpose of grazing,
pasturing or feeding livestock on any of the public lands of the United
States or the State of Idaho, and
- (c) All buildings and the plumbing, heating, ventilating and lighting
systems and equipment therein; all barn equipment; and all pumps,
pumping stations, motors, switch boxes and transformers, engines,
machinery, reservoirs, pipes, flumes, and other equipment used for the
production of water on said Premises or for the irrigation or drainage
thereof.

EXHIBIT

A

F. BROOKS, a partnership
Leeward II. and Ruth Ann
Leard II. and Ellen Ruth
Le I, Box 1101
Idaho 83347

Loan #501890

Financing Statement covers the following types (or items) of property
this space for legal description and name of record owner. (Required)

gation equipment and appliances and additions thereto and replacements thereof
described on the attached Schedule "A", located on the following described real pro-
perty: Township 13 South, Range 22 East of the Boise Meridian, Blaine County, Idaho.
V: 14; Section 33; 14 and NE1.

Financing statement replaces original financing statement, #39674/338920, filed
8/03, Blaine County, ID.

[E] IF COVERED [X] Products of collateral are also covered

Secretary of State County Recorder of

The following interest is described, the secured party may sign the financing statement
it with this state already subject to a security interest in another jurisdiction
to a security interest in another jurisdiction, and the debtor's location has changed to this state.
of the original collateral described above in which a security interest was perfected
by a financing statement which has been
to a security interest perfected under a prior name or identity of the debtor

Secured Party(ies) and address(es)

The Travelers Insurance Company
One Tower Square - 28P
Idaho, ID 83403-2021
Attn: Investment Administration

5 Assignment(s) of Secured Party(ies)
and address(es)

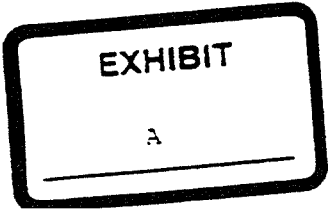
465224
SEE ATT

The Travelers Insurance Company

Segment(s) of Section(s)
FILING OFFICE

BY *Stephen Holaday*
STEPHEN HOLADAY
ASSISTANT DIRECTOR
SECRETARY OF STATE

EXHIBIT 2



SCHEDULE "A"

Irrigation equipment and appurtenances and additions thereto and replacements thereof as described below:

- One (1) - 300 H.P. U.S. Electric Vertical Motor, S/N #1271144
- One (1) - 200 H.P. U.S. Electric Vertical Motor, S/N #1115154
- One (1) - 150 H.P. U.S. Electric Horizontal Motor, S/N #D81-06147-139
- Two (2) - Wintroath Deep-Well Turbine Pump, S/N #10400 & #8933
- One (1) - Berkeley Horizontal Booster Pump, S/N #7370576

Together with all wiring, switch panels, column, shafting, tubing, bowls, suction pipe cones, valves, etc., used in conjunction with or pertaining to the above listed pumps and motors.

- Twelve (12) - A & M 1/4 mile side-roll aluminum wheel lines, complete.
- Twenty-eight (28) - 1/4 mile portable aluminum handlines, complete.
- Approx. 15,840 of 12" to 8" buried steel mainline with risers.

Together with all valves, reducers, sprinkler heads, end plugs, etc., used in conjunction with or pertaining to the above listed mainline, aluminum wheel lines, and aluminum handlines.

SCHEDULE "B"

DUFF BROTHERS, a partnership

Leonard H. Duff
Leonard H. Duff, Partner

Leon J. Duff
Leon J. Duff, Partner

Ruth Ann Duff
Ruth Ann Duff, Partner

Ellen Ruth Duff
Ellen Ruth Duff, Partner

Leonard H. Duff
Leonard H. Duff, Individually

Leon J. Duff
Leon J. Duff, Individually

Ruth Ann Duff
Ruth Ann Duff, Individually

Ellen Ruth Duff
Ellen Ruth Duff, Individually

EXHIBIT

A

NOTARIES, a partnership
H.E. Leonard II. and Ruth Ann
H.E. Leonard J. and Ellen Ruth
Route 1, Box 1101
Paul, Idaho 83347

Loan #501890

The Travelers Insurance Company
One Tower Square - 21P
Hartford, CT 06183-2021
Attn: Investment Administration

SECRETARY OF ST
HCC-1 11.00
HH 2-01-0451565 HH
4/08/91 114:55 #47555

4 The Financing Statement covers the following types (or items) of property:
(the true space for legal description and name of record owner, if required)

Irrigation equipment and appliances and additions thereto and replacements thereof
as described on the attached Schedule "A", located on the following described real prop-
erty: Township 8 South, Range 22 East of the Boise Meridian, Minidoka County, Idaho.
Section 32; W3; Section 33; W2 and NE4.

...is financing statement replaces lapsed financing statement, #B81508, filed 11/28/83,
S.O.S.; ID.

3.1. CK ☒ if COVERED ☒ Products of collateral are also covered.

And with ☒ Secretary of State ☐ County Recorder of

County

If one of the following boxes is checked, the secured party may sign the financing statement. The collateral described herein is:

- ☐ Brought into this state already subject to a security interest in another jurisdiction
- ☐ Subject to a security interest in another jurisdiction, and the debtor's location has changed to this state
- ☒ Proceeds of the original collateral described above in which a security interest was perfected
- ☐ The subject of a financing statement which has lapsed
- ☐ Subject to a security interest perfected under a prior name or identity of the debtor

RECEIVED

EXHIBIT

The Travelers Insurance Company

Signature(s) of Debtor(s)

(1) FILING OFFICER CC

BY: *Stephen Hall*
SIGNATURE OF SECURED PARTY (IF SIGNATURE OF ASSIGNEE OF DE CARD)
ASSISTANT DIRECTOR

ANY OF STATE

5 Assignee(s) of Secured Party(ies)
and address(es)

SEE ATT

Exhibit "A"
Irrigation equipment and appurtenances and additions thereto and replacements thereof as described below:

- One (1) - 300 H.P. U.S. Electric Vertical Motor, S/N #1271144
- One (1) - 200 H.P. U.S. Electric Vertical Motor, S/N #1115154
- One (1) - 150 H.P. U.S. Electric Horizontal Motor, S/N #D03-06147-139
- Two (2) - Winroath Deep-Well Turbine Pump, S/N #10400 & #8933
- One (1) - Berkeley Horizontal Booster Pump, S/N #7370576

Together with all wiring, switch panels, column, shafting, tubing, bowls, suction pipe cones, valves, etc., used in conjunction with or pertaining to the above listed pumps and motors.

- Twelve (12) - A & M 1 1/4 mile side-roll aluminum wheel lines, complete.
- Twenty-eight (28) - 1 1/4 mile portable aluminum handlines, complete.
- Approx. 15,840 of 12" to 8" buried steel mainline with risers.

Together with all valves, reducers, sprinkler heads, end plugs, etc., used in conjunction with or pertaining to the above listed mainline, aluminum wheel lines, and aluminum handlines.

SCHEDULE "B"

DUFF BROTHERS, a partnership

Leonard H. Duff
Leonard H. Duff, Partner
Leon J. Duff
Leon J. Duff, Partner
Paula Leonard Duff
Paula Leonard Duff, Partner
Ruth Ann Duff
Ruth Ann Duff, Partner

Leonard H. Duff
Leonard H. Duff, Individually
Leon J. Duff
Leon J. Duff, Individually
Paula Leonard Duff
Paula Leonard Duff, Individually
Ruth Ann Duff
Ruth Ann Duff, Individually