

RECEIVED

MAR 04 1996

Department of Water Resources
Adjudication Bureau

RECEIVED

MAR 04 1996

Department of Water Resources
Adjudication Bureau

2-21

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

36-8058 et al

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 36-8058 and 36-7834 , 36-10752, 36-10751 and 36-10
(Insert each water right number)

My name is Michael G. Branchflower and Katherine L. Branchflower

My address is P.O. Box 392, WEndell, ID 83352

My phone number is: Work _____ Home _____

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

P.O. Box 425
Hagerman, ID 83332

W.A. Sandy
Signature of prior claimant/seller
W. A. Sandy, President of Trout Co.

Michael G. Branchflower
Signature of new claimant/purchaser
Michael G. Branchflower

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 _____

Attorney of record for _____
(Identify party/claimant)

Attorney address and phone number: _____

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* 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 GOODING

Michael G. Branchflower, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

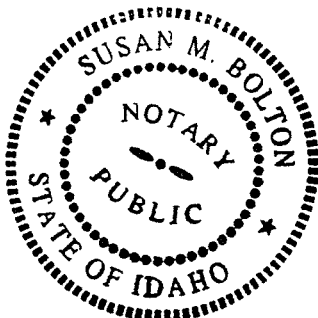
That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with 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.



Signature of person filing form
Michael G. Branchflower

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on December 29, 1995
(Insert Date)




Notary Public for IDAHO
Residing at: Gooding
My Commission expires: 10/16/98

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 2, 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* 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):

Trout Co.

P.O. Box 425

Hagerman, ID 83332

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

A handwritten signature in black ink, appearing to read "Michael G. Branchflower", is written over a horizontal line.

Signature of person or attorney mailing the form

Michael G. Branchflower

163901

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

35 min. past 3 o'clock P. m. this 5th
of January, 1996 18.00
By Penny Watson Deputy

G-003622

WARRANTY DEED

FOR VALUE RECEIVED, TROUT CO, an Idaho corporation, a/k/a TROUTCO, an Idaho corporation, and W. A. SANDY and FLORENCE M. SANDY, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto MICHAEL G. BRANCHFLOWER and KATHERINE L. BRANCHFLOWER, husband and wife the Grantees, whose address is 1401 E 3100 S, Wendell, Idaho 83355, the following described premises, to-wit:

"See Exhibit "A" attached hereto

W.A. Sandy
together with all water rights appurtenant to said property including Permit No. 36-7834 and Permit No. 36-8058; and No. 36-10752, 36-10751 and 36-10755.

Together with (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting such real property and any of Grantors' rights to use the same; (iv) any and all rights of ingress and egress to and from such real property and any of Grantors' rights to use same; (v) any and all mineral rights and interests of Grantors relating to such real property (present or revisionary); (vi) any and all rights to the present or future use of waste water, waste water capacity, drainage, water or other utility facilities to the extent such rights pertain to or benefit such real property or the improvements located thereon, including without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired; (vii) any and all rights and interests of Grantors, if any, to any leases covering all or any portion of such real property; and (viii) all right, title and interest of Grantors, if any, in and to (a) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing, fronting or bounding such real property, including any awards made or to be made relating thereto including, without limitation, any

TO HAVE AND TO HOLD the said Property together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantees, their successors and assigns forever, subject to the matters herein stated; and Grantors do hereby bind themselves and their successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantees, their successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, to the full extent such matters are valid and subsisting and affect the Property.

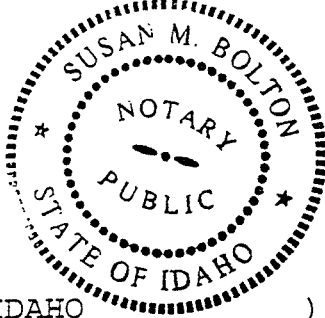
TROUT CO, an Idaho Corporation a/k/a
TROUTCO, an Idaho Corporation

Florence M. Sandy
FLORENCE M. SANDY

WARRANTY DEED - 2

W. A. Sandy and _____, known or identified to me to be the President ~~and~~ and ~~Secretary~~, ~~respectively~~, of TROUT CO a/k/a TROUTCO, the corporation that executed the foregoing instrument, and acknowledged to me that they executed the same on behalf of said corporation.

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

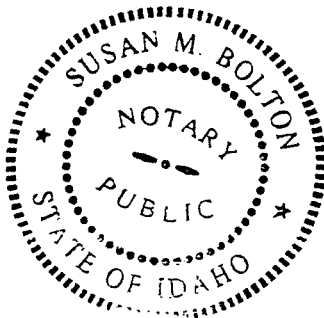


Susan M. Bolton
Notary Public for Idaho
Residing at Gooding
Commission Expires: 10/16/98

STATE OF IDAHO)
: ss.
COUNTY OF GOODING)

On this 29th day of December, 1996, before me, the undersigned, a Notary Public for Idaho, personally appeared W. A. SANDY and FLORENCE M. SANDY, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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



Susan M. Bolton
Notary Public for Idaho
Residing at Gooding, ID
Commission Expires: 10/16/98

EXHIBIT "A"

PARCEL I

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the N1/2SE1/4NE1/4, described as follows:

COMMENCING at the Northeast corner of Section 11;
 Thence South 89°59'39" West along the North boundary of Section 11, 1,314.98 feet to the Northwest corner of the NE1/4NE1/4;
 Thence South 0°06'15" East along the West boundary of the NE1/4NE1/4 and the SE1/4NE1/4, 1,971.81 feet to the Southwest corner of the N1/2SE1/2NE1/4;
 Thence South 89°43'55" East along the South boundary of said N1/2SE1/4NE1/4, 478.50 feet;
 Thence North 0°06'15" West, 452.43 feet more or less to a point in the centerline of Billingsley Creek, said point being the TRUE POINT OF BEGINNING;
 Thence South 0°06'15" East, 32.00 feet more or less to a point on the South bank of Billingsley Creek;
 Thence continuing South 0°06'15" East, 420.43 feet to the South boundary of the N1/2SE1/4NE1/4;
 Thence South 89°43'55" East along the South boundary of the N1/2SE1/4NE1/4, 253.00 feet;
 Thence North 0°06'15" West, 291.04 feet to a point on the South bank of Billingsley Creek;
 Thence continuing North 0°06'15" West, 65.00 feet more or less to the centerline of Billingsley Creek;
 Thence Northwesterly along the centerline of Billingsley Creek to the POINT OF BEGINNING.

PARCEL II

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the N1/2SE1/4NE1/4, described as follows:

BEGINNING at the Southeast corner of said N1/2SE1/4NE1/4;
 Thence South 89°40' West along the South boundary of said N1/2SE1/4NE1/4 for a distance of 362.70 feet to the centerline of Billingsley Creek, which point is the TRUE POINT OF BEGINNING;
 Thence North 33°13' East along the centerline of Billingsley Creek for a distance of 92.30 feet;
 Thence North 11°02' East along the centerline of Billingsley Creek for a distance of 121.30 feet;
 Thence leaving Billingsley Creek on a course of South 86°22' West for a distance of 233.40 feet;
 Thence South 8°32' East for a distance of 183.90 feet to the South boundary of said N1/2SE1/4NE1/4;
 Thence South 89°40' East along said South boundary for a distance of 131.80 feet to the POINT OF BEGINNING.

Exhibit "A" Continued

Exhibit "A" Continued

PARCEL III

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the N1/2SE1/4NE1/4 on the South side of Billingsley Creek, EXCEPT the West 478.50 feet (being the West 7 1/4 acres of the N1/2SE1/4NE1/4);

AND EXCEPTING THEREFROM the following described parcel:

COMMENCING at the Northeast corner of Section 11;
Thence South 89°59'39" West along the North boundary of Section 11, 1,314.98 feet to the Northwest corner of the NE1/4NE1/4;
Thence South 0°06'15" East along the West boundary of the NE1/4NE1/4 and the SE1/4NE1/4, 1,971.81 feet to the Southwest corner of the N1/2SE1/2NE1/4;
Thence South 89°43'55" East along the South boundary of said N1/2SE1/4NE1/4, 478.50 feet;
Thence North 0°06'15" West, 452.43 feet more or less to a point in the centerline of Billingsley Creek, said point being the TRUE POINT OF BEGINNING;
Thence South 0°06'15" East, 32.00 feet more or less to a point on the South bank of Billingsley Creek;
Thence continuing South 0°06'15" East, 420.43 feet to the South boundary of the N1/2SE1/4NE1/4;
Thence South 89°43'55" East along the South boundary of the N1/2SE1/4NE1/4, 253.00 feet;
Thence North 0°06'15" West, 291.04 feet to a point on the South bank of Billingsley Creek;
Thence continuing North 0°06'15" West, 65.00 feet more or less to the centerline of Billingsley Creek;
Thence Northwesterly along the centerline of Billingsley Creek to the POINT OF BEGINNING.

AND EXCEPTING therefrom the following described parcel:

BEGINNING at the Southeast corner of said N1/2SE1/4NE1/4;
Thence South 89°40' West along the South boundary of said N1/2SE1/4NE1/4 for a distance of 362.70 feet to the centerline of Billingsley Creek, which point is the TRUE POINT OF BEGINNING;
Thence North 33°13' East along the centerline of Billingsley Creek for a distance of 92.30 feet;
Thence North 11°02' East along the centerline of Billingsley Creek for a distance of 121.30 feet;
Thence leaving Billingsley Creek on a course of South 86°22' West for a distance of 233.40 feet;
Thence South 8°32' East for a distance of 183.90 feet to the South boundary of said N1/2SE1/4NE1/4;
Thence South 89°40' East along said South boundary for a distance of 131.80 feet to the POINT OF BEGINNING.

Exhibit "A" Continued



Exhibit "A" Continued

AND EXCEPTING

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the N1/2SE1/4NE1/4, described as follows:

COMMENCING at the Southeast corner of the N1/2SE1/4NE1/4;

Thence North 89°43'55" West along the South boundary of the N1/2SE1/4NE1/4,
494.78 feet;

Thence North 08°35'55" West, 362.23 feet to the centerline of Billingsley Creek said
point being the TRUE POINT OF BEGINNING;

Thence South 08°35'55" East, 179.97 feet;

Thence North 86°11'05" East, 233.40 feet to the centerline of Billingsley Creek;

Thence Northwesterly along the centerline of Billingsley Creek to the TRUE POINT
OF BEGINNING.

PARCEL IV

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the N1/2SE1/4NE1/4, described as follows:

COMMENCING at the Southeast corner of the N1/2SE1/4NE1/4;

Thence North 89°43'55" West along the South boundary of the N1/2SE1/4NE1/4,
494.78 feet;

Thence North 08°35'55" West, 362.23 feet to the centerline of Billingsley Creek said
point being the TRUE POINT OF BEGINNING;

Thence South 08°35'55" East, 179.97 feet;

Thence North 86°11'05" East, 233.40 feet to the centerline of Billingsley Creek;

Thence Northwesterly along the centerline of Billingsley Creek to the TRUE POINT
OF BEGINNING.

SUBJECT TO a non-exclusive easement for ingress and egress across the South
20.0 feet of the West 97.0 feet of said Lot 4, Harris Subdivision.