

RECEIVED

FEB 28 1996

Department of Water Resources
Adjudication Bureau

2-23

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

36-10791

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 36-10791
(Insert each water right number)

My name is John Hoeck and Debra Nichols

My address is 1650 E 2800 S Wendell UT 83355

My phone number is: Work (208) 536-5670 Home (208) 536-5670

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

X Basil W Allen
Signature of prior claimant/seller

Debra Nichols
Signature of new claimant/purchaser

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 Twin Falls

_____, 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.

X Debra Nichols
Signature of person filing form

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on

2/23/96
(Insert Date)

[Signature]
Notary Public for Idaho

Residing at: Twin Falls

My Commission expires: 6/24/98

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 2/23, 19996, 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):

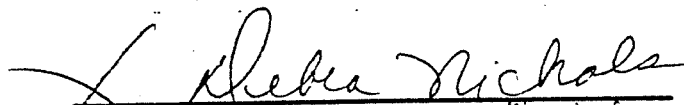
4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

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

119 510
08 511 51
113: 0



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: 5-10-95

LEGAL DESCRIPTION OF PROPERTY: Township 7 S Range 14 E
 Section 24, SW 1/4 of SE 1/4 of 1/4, Govt. Lot , BM.
 Lot , Block , Subdivision/Townsite . Gooding County
 If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) Assigned by IDWR: A 3610791

☐ Name and Address of Former Owner/Claimant(s)(Seller): Harold and Patricia Ramsey
Joseph and O. Doris Lemme
Boyd and Ramona Allen

☐ New Owner/Claimant (Purchaser): John W. Hoeck and Debra Ann Nichols

☐ New Mailing Address: 1650 East 2800 South
Wendell, Idaho 83398

☐ New Telephone Number: () -

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Copy of Deed attached

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Debra Nichols Date 11-28-95

☐ Signature of Former Owner/Claimant(s): Boyd W. Allen Date 5-10-95
Ramona T. Allen Date 5-10-95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 11/28/95 By: HLB

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

6-001228



WARRANTY DEED

Jayne 1064

For Value Received

HAROLD W. RAMSEY AND PATRICIA A. RAMSEY, husband and wife,
the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

JOSEPH D. LEMME AND O. DORIS LEMME, husband and wife,
the grantees(s), whose current address is

the following described premises, to-wit:

SEE EXHIBIT "A" attached hereto

741658

STATE OF IDAHO, COUNTY OF GOODING
Filed for record at the request of FIRST AMERICAN TITLE

7 min past 4 o'clock P.M. this 16

of July 1990 65

JOHN A. MYERS, Recorder

By L. Myers Deputy

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), (her/his/its/they) heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that (he/she/it/they) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that (he/she/it/they) will warrant and defend the same from all claims whatsoever.

Dated: July 12, 1990

Harold W. Ramsey
Harold W. Ramsey

Patricia A. Ramsey
Patricia A. Ramsey

STATE OF MONTANA)
COUNTY OF LAKE) ss

On this 13th day of July, in the year 1990, before me, a Notary Public in and for said State, personally appeared Harold W. Ramsey and Patricia A. Ramsey, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.



Elmer Kraft
Notary Public of Montana
Residing at Bozeman, Idaho 70509, Montana
Commission Expires: 12-11-92

First American Title Company of Idaho

EXHIBIT A

Part of the Southwest Quarter of the Southeast Quarter of Section 24, Township 7 South, Range 14, East of the Boise Meridian, Gooding County, Idaho, described as follows:

BEGINNING at the South quarter corner of said Section 24, the TRUE POINT OF BEGINNING;
Thence North 0°03' East 437.10 feet along the Easterly boundary of the Southwest Quarter of said Section 24;
Thence South 89°57' East 200.00 feet;
Thence South 0°03' West 179.10 feet;
Thence North 89°57' West 170.00 feet;
Thence South 0°03' West 257.93 feet to a point in the Southerly boundary of Section 24;
Thence South 89°57' West 30.00 feet along the Southerly boundary of Section 24 to the TRUE POINT OF BEGINNING.

SUBJECT TO that certain Deed of Trust, executed by Harold W. Ramsey and Patricia A. Ramsey, husband and wife, as Grantors, in favor of First Security Bank of Idaho, National Association, as Beneficiary, recorded December 1, 1975, as Instrument No. 57196, official records of Gooding County, Idaho; which Grantees herein do hereby assume and agree to pay, perform, and discharge, according to the terms thereof.


Joseph D. Lamma


O. Doris Lamma

WARRANTY DEED

For Value Received

JOSEPH D. LEMME and O. DORIS LEMME, Husband and Wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

BOYD W. ALLEN and RAMONA T. ALLEN, Husband and Wife
Whose address is: 1650 East 2800 South, Wendell, Idaho 83355Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho,
to-wit:

See Exhibit "A" Attached

157249

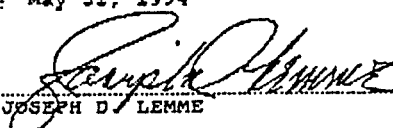
STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of Land Title & Escrow Inc.35 min. past 4 o'clock P. M. this 31
of May 1994 6.00

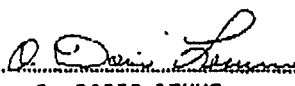
JOHN A. MYERS Recorder

By Wanda Sells Deputy

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 31, 1994


JOSEPH D. LEMME


O. DORIS LEMME

STATE OF IDAHO, COUNTY OF GOODING
On this 31st day of May, 1994
before me a Notary Public in and for said State, personally appeared:

JOSEPH D. Lemme and
O. Doris Lemme

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

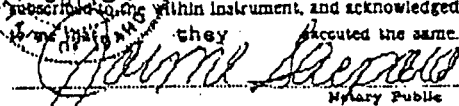

Notary Public
Residing at Jarome, Idaho.
Commission expires: 8-21-99

Exhibit "A"

TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 24: A parcel of land located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, described as follows:

Beginning at the South quarter corner of said Section 24, THE TRUE POINT OF BEGINNING;
Thence North 0°03' East, 437.10 feet along the Easterly boundary of the SW $\frac{1}{4}$ of said Section 24;
Thence South 89°57' East, 200.00 feet;
Thence South 0°03' West, 179.10 feet;
Thence North 89°57' West, 170.00 feet;
Thence South 0°03' West, 257.93 feet to a point in the Southerly boundary of Section 24;
Thence South 89°57' West, 30.00 feet along the Southerly boundary of Section 24 to THE TRUE POINT OF BEGINNING.

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1994 and subsequent years, a lien, but not yet due and payable.

Assessments of the American Falls Reservoir District and the rights and powers of said District as by law provided.

Assessments levied or to be levied by the Gooding County Solid Waste Department.

Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Conditions and restrictions contained in Warranty Deed given by Edwin Wheeler and Nellie Wheeler, husband and wife, and Harry A. Frith and Peggy C. Frith, husband and wife, to the State of Idaho, dated March 27, 1970, recorded May 7, 1970 as Instrument Number 31903, Gooding County records, affecting the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 7 South, Range 14, East Boise Meridian.

Power Line Easement given by Harry A. Frith and Peggy C. Frith, husband and wife, to Idaho Power Company, a corporation, dated September 11, 1973, recorded October 5, 1973 as Instrument Number 47133, Gooding County records, affecting the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 7 South, Range 14, East Boise Meridian.

Power Line Easement given by Harold W. Ramsey and Patricia A. Ramsey, husband and wife, to Idaho Power Company, a corporation, dated January 20, 1976, recorded November 15, 1976 as Instrument Number 61950, Gooding County records, affecting the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 7 South, Range 14, East Boise Meridian.

WARRANTY DEED

For Value Received

BOYD W. ALLEN and RAMONA T. ALLEN, Husband and Wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

JOHN W. HOECK, a single man and DEBRA ANN NICHOLS, a single woman whose address is: 1650 East 2800 South, Wendell, Id 83355

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

See Exhibit "A" Attached

161221

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of *Land Title & Escrow Inc.*35 min. past 4 o'clock p.m. this 10
of May 1995 6.00

HELEN A. PAOLI, Recorder

By *Julius S. Suter* Deputy

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 10, 1995

Boyd W. Allen
BOYD W. ALLEN

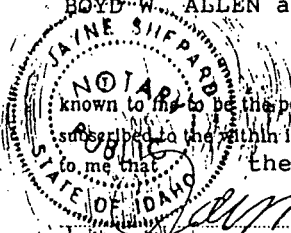
Ramona T. Allen
RAMONA T. ALLEN

STATE OF IDAHO, COUNTY OF Gooding

On this 10th day of May, 1995
before me, a notary public in and for said State, personally appeared

BOYD W. ALLEN and RAMONA T. ALLEN

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged
to me that they executed the same.



Notary Public

Residing at Buhl, Idaho.
Commission expires: 8-21-99

Exhibit "A"

TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 24: A parcel of land located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, described as follows:

Beginning at the South quarter corner of said Section 24, THE TRUE POINT OF BEGINNING;
Thence North 0°03' East, 437.10 feet along the Easterly boundary of the SW $\frac{1}{4}$ of said Section 24;
Thence South 89°57' East, 200.00 feet;
Thence South 0°03' West, 179.10 feet;
Thence North 89°57' West, 170.00 feet;
Thence South 0°03' West, 257.93 feet to a point in the Southerly boundary of Section 24;
Thence South 89°57' West, 30.00 feet along the Southerly boundary of Section 24 to THE TRUE POINT OF BEGINNING.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1995 and subsequent years, a lien, but not yet due and payable.

Assessments of the American Falls Reservoir District and the rights and powers of said District as by law provided.

Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Conditions and restrictions contained in Warranty Deed given by Edwin Wheeler and Nellie Wheeler, husband and wife, and Harry A. Frith and Peggy C. Frith, husband and wife, to the State of Idaho, dated March 27, 1970, recorded May 7, 1970 as Instrument Number 31903, Gooding County records, affecting the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25 and the S $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 7 South, Range 14, East Boise Meridian.

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Power Line Easement given by Harold W. Ramsey and Patricia A. Ramsey, husband and wife, to Idaho Power Company, a corporation, dated January 20, 1976, recorded November 15, 1976 as Instrument Number 61950, Gooding County records, affecting the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 7 South, Range 14, East Boise Meridian.

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.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-10791
Date Received: 8/31/1988
Receipt No: S001971
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JOHN W HOECK
Address: 1650 EAST 2800 SOUTH
WENDELL ID

83355

AND/OR

Name: DEBRA ANN NICHOLS
Address: 1650 EAST 2800 SOUTH
WENDELL ID

83355

2. Date of Priority: FEB 1, 1976

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	24		SW	SE		GOODING

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

D/1 HOUSE, S/15 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	14E	24	SW	SE		STOCK DOMEST	

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGE MADE 11/28/95 BY TLB.

15. Basis of Claim: BENEFICIAL USE