

2-23

COPY

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)
)
)
) ☐ STANDARD FORM 3
) (Check Appropriate Box)
) ☐ NOTICE OF CHANGE IN ADDRESS
Case No. 39576)
) OR
) ☒ CONSENT TO SUBSTITUTION OF
) PARTY

36-11062

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 #36-11062

(Insert each water right number)

My name is KENNETH & LESLIE RENE VANDERHAM

My address is 85 SOUTH 300 WEST, JEROME, IDAHO 83338

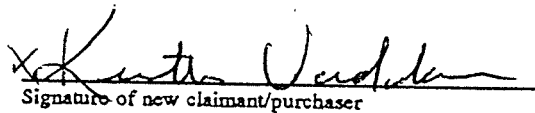
My phone number is: Work _____ Home (208) 324-5539

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

BRUCE & BARBARA ASHENBRENNER

25140 BULL RUN - MONROE, OR 97456

Signature of prior claimant/seller


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 Jerome

Kenneth Vanderham, 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.

Kenneth Vanderham

Signature of person filing form

BY: _____

Attorney signing in representative capacity

Subscribed and sworn to before me on February 21, 1996
(Insert Date)

Angela D. Bridge

Notary Public for Idaho

Residing at: Jerome, ID

My Commission expires: 4-11-2000

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 February 21, 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):

Bruce & Barbara Ashenbrenner
25140 Bull Run
Monroe, OR 97456

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

WARRANTY DEED

For Value Received

BRUCE J. ASHENBRENNER and BARBARA J. ASHENBRENNER, Husband and Wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
 KENNETH VANDERHAM and LESTIE RENE VANDERHAM, Husband and Wife
 whose address is: 85 South 300 West, Jerome, Idaho 83338

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

SEE ATTACHED EXHIBIT "A"
 Containing One Page

317778
 RECORDED AT THE CLERK'S
 OF
 Land Title & Escrow, Inc.
 SEP 28 2 37 PM '89
 JEROME COUNTY, IDAHO
 FILED 6-CODEP 454

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: September 28, 1989

Bruce J. Ashenbrenner by Barbara J. Ashenbrenner, Attorney in Fact

BRUCE J. ASHENBRENNER by Barbara J. Ashenbrenner, Attorney in Fact

Barbara J. Ashenbrenner
 BARBARA J. ASHENBRENNER

STATE OF IDAHO, COUNTY OF Jerome
 On this 28th day of September, 1989,
 before me, a notary public in and for said State, personally appeared Barbara J. Ashenbrenner known or identified to me to be the person whose name is subscribed to the within instrument as the Attorney in fact of Bruce J. Ashenbrenner and acknowledged to me that she subscribed the name of Bruce J. Ashenbrenner as Attorney in fact of Bruce J. Ashenbrenner whose name is subscribed to the within instrument, and acknowledged to me that she executed the same, as Attorney in fact of Bruce J. Ashenbrenner.
 My Comm. Exp. 12-31-92
James L. Burns
 Notary Public
 Residing at Jerome, Idaho.

STATE OF IDAHO, COUNTY OF JEROME
 On this 28th day of September, 1989, before me, a Notary Public in and for said State, personally appeared
 Barbara J. Ashenbrenner
 known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.
 My Comm. Exp. 12-31-92
James L. Burns
 Notary Public
 Residing at Jerome, Idaho.

EXHIBIT "A"

TOWNSHIP 8 SOUTH, RANGE 16, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 21: A tract of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, described as follows:

Beginning at a point on the East boundary of said Section 21, said point being 24.0 feet South of the Northeast corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West, 247.1 feet;

Thence South 2°58' East, 179.0 feet;

Thence South 42°41' West, 247.75 feet;

Thence South 75°33' West, 84.4 feet;

Thence North 78°42' West, 155.8 feet;

Thence South 64°11' West, 204.75 feet;

Thence South 2°02' West, 261.55 feet;

Thence South 63°43' East, 220.4 feet;

Thence South 51°45' East, 276.8 feet;

Thence North 65°25' East, 112.6 feet;

Thence North 33°07' East, 227.3 feet;

Thence North 87°06' East, 197.8 feet to the East line of said Section 21;

Thence North 722.2 feet along East line to THE POINT OF BEGINNING.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to 15.00 shares of Capital Stock of the North Side Canal Company, Limited.

SUBJECT TO THE FOLLOWING:

Taxes for 1989 and subsequent years, which are 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 roads, canals, laterals and waste ditches as contained in an Agreement by and between the State of Idaho, and the Twin Falls North Side Land and Water Company, dated August 21, 1907, recorded in Book 15 Page 389, Jerome County records.

The effect of Agreement by and between Samuel F. Shinkle and Mary Elizabeth Shinkle, husband and wife, and Mathew Kulm; dated March 17, 1944, recorded March 22, 1944 in Book 128 Miscellaneous Page 314 as Instrument Number 89420, Jerome County records, giving grantee an easement to the use of an irrigation ditch for purpose of conveying irrigation water to land in E $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 8 South, Range 16, East Boise Meridian.

Subject to the unpaid balance of one certain Deed of Trust in favor of Washington Federal Savings and Loan Association, dated December 13, 1988, recorded December 13, 1988 as Instrument Number 313951, Jerome County records, which the Grantees herein named assumes and agrees to pay.

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: A36-14263
Date Received: 2/27/1990
Receipt No: M006087
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH VANDERHAM 208-324-5539
Address: 85 SOUTH, 300 WEST
JEROME, ID 83338

OR

Name: LESLIE RENE VANDERHAM 208-324-5539
Address: 85 SOUTH, 300 WEST
JEROME, ID 83338

2. Date of Priority: DEC 31, 1939

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	16E	21	NE	SE	NE		JEROME

5. Description of diverting works:
6" WELL WITH 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	0.030		

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/75 DAIRY CALVES & 3 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	16E	21	SE	NE		DOMEST	
			SE	NE		STOCK	

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:

IRRIG. FROM LNORTH SIDE CANAL CO.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: M006087

Date: 02/27/90
Time: 14:47:35

Received
From: VANDERHAM, KENNETH

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$25.00

Total \$25.00

CASH

WR/NO: A36-14263

Idaho Department of Water Resources

Region: MOBILE I

Signature:

