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Department of Water Resources
Adjudication Bureau

3-15

36-02590
36-10666

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.

#36-02590

#36-10666

I am the new claimant/purchaser of _____

(Insert each water right number)

My name is _____ SOUTHFIELD DAIRY, A Partnership

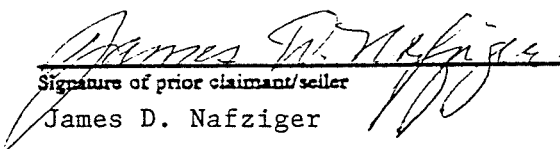
My address is _____ 3308 S. 1600 E., Wendell, ID 83355

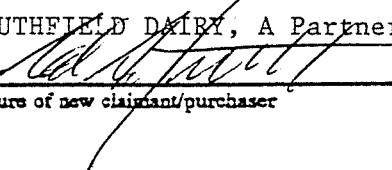
My phone number is: Work _____ 536-5414 Home _____ 536-6426

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

_____ James D. Nafziger & Pattie Lois Nafziger

_____ 1787 E. 3100 S., Wendell, ID 83355


Signature of prior claimant/seller
James D. Nafziger

SOUTHFIELD DAIRY, A Partnership
By 
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 Gooding

SOUTHFIELD DAIRY, a Partnership, 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.

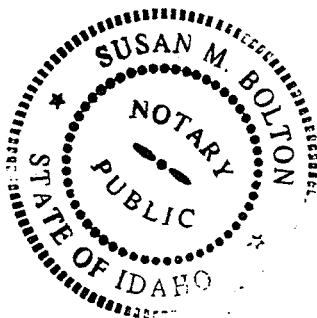
SOUTHFIELD DAIRY, A Partnership

By *Ed. F. Smith*

Signature of person filing form

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 23rd day of February 1996
(Insert Date)



Susan M. Bolton
Notary Public for Idaho

Residing at: Gooding, ID

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 _____, 199__, 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:

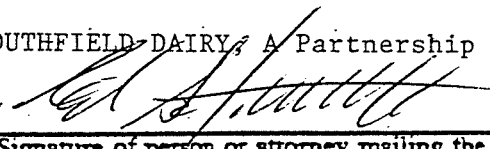
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

6. One copy to:

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

SOUTHFIELD DAIRY, A Partnership

By


Signature of person or attorney mailing the form

G-003826

164735

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN

55 min. past 3 o'clock P m. this 13th

WARRANTY DEED of March, 19 96 9.00

By Penny Watson Deputy

For value received, JAMES D. NAFZIGER and PATTIE LOIS

NAFZIGER, d/b/a/ SUNSHINE FARMS do hereby grant, bargain, sell and convey unto SOUTHFIELD DAIRY, an Idaho General Partnership, herein called the Grantee, all their right, title and interest and to the real property situated in Gooding County, Idaho, and described on Exhibit A attached hereto and incorporated herein,

Together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way and appurtenances, all water, water rights, specifically, Groundwater Right Nos. 36-02590 and 36-10666, water courses and ditch rights (including stock and utilities with ditch or irrigation rights); and all other rights, royalties and profits relating to the real property, including without limitation, all minerals, oil, geothermal and similar matters.

To have and to hold the said premises, with their appurtenances unto the Grantee, its heirs and assigns forever. And the Grantors do hereby covenant to and with the Grantee that they are the owner in fee-simple interest of said premises; that the premises are free from all encumbrances except current ad valorem taxes, levies and assessments, restrictions, reservations, easements of record and apparent and Grantor will warrant and defend the same from all lawful claims whatsoever.

In construing this deed, and where the context so requires, the singular includes the plural; and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors have hereunto subscribed
their names to this instrument this 14th day of February,
1996.

James D. Nafziger
JAMES D. NAFZIGER

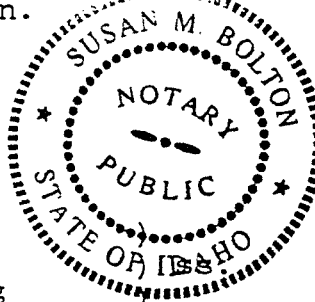
Pattie Lois Nafziger
PATTIE LOIS NAFZIGER

STATE OF IDAHO)

County of Gooding) ss.

On this 16th day of February, 1996, before me, the
undersigned, a Notary Public in and for said County and State,
personally appeared JAMES D. NAFZIGER, known or identified to me to
be the 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 in this certificate
first above written.



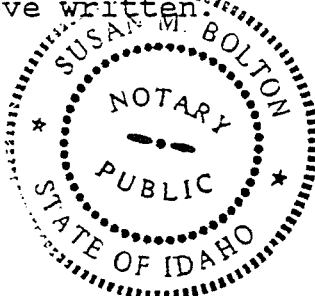
Susan M. Bolton
NOTARY PUBLIC FOR IDAHO
Residing at Gooding, ID
My commission expires 10-16-98

STATE OF IDAHO

County of Gooding

On this 14th day of February, 1996, before me, the
undersigned, a Notary Public in and for said County and State,
personally appeared PATTIE LOIS NAFZIGER, known or identified to me
to be the person whose name is subscribed to the within instrument,
and acknowledged to me that she executed the same.

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



Susan M. Bolton
NOTARY PUBLIC FOR IDAHO
Residing at Gooding
My commission expires 10/16/98

STATE OF IDAHO, COUNTY OF GOODING

PARCEL I

Township 8 South Range 14 East of the Boise Meridian, Gooding County, Idaho

Section 12: The Northwest Quarter and the South Half of the Southwest Quarter

PARCEL II

Township 8 South, Range 14 East of the Boise Meridian, Gooding County, Idaho

Section 12: The North Half of the Southwest Quarter

EXCEPTING therefrom a part of the North Half of the Southwest Quarter described as follows:

The true point of beginning is located North $0^{\circ}01'46''$ East, 2637.72 feet from the Southwest corner of Section 12 and is the West quarter corner of Section 12;

Thence South $0^{\circ}01'46''$ West , 991.68 feet along the West Section line;

Thence South $89^{\circ}10'51''$ East, 97.85 feet;

Thence North $45^{\circ}37'00''$ East, 96.14 feet;

Thence North $02^{\circ}30'00''$ East, 339.66 feet to an irrigation lateral;

Thence North $56^{\circ}06'00''$ East, 60.51 feet along irrigation lateral;

Thence North $43^{\circ}39'02''$ East 526.06 feet along irrigation lateral;

Thence North $32^{\circ}26'29''$ East, 205.56 feet along irrigation lateral to a point on the East-West midsection line;

Thence South $89^{\circ}53'10''$ West, 704.48 feet along mid section line to the West quarter corner and point of beginning.

TOGETHER WITH the underground water rights appurtenant to the above-described real property as evidenced by Water Right Number 31897/36-2590.

EXHIBIT A