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APR 22 1996

Department of Water Resources
Adjudication Bureau

419

36-11628

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 36-11628
(Insert each water right number)

My name is Thomas H. & Dale S. WALTON

My address is 636 W 300S Heyburn Id 83336

My phone number is: Work (208)678-0461x23 Home (208)678-8774

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

Dorothy Anderson, 550 Hansen Ave
Burley Id 83318

Dennis Draper Thomas H. Walton
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 Cassia

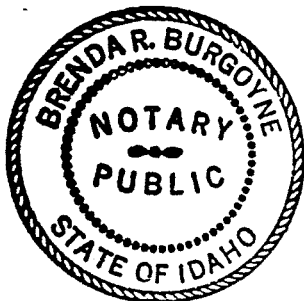
Thomas H. Walton, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

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.

Thomas H. Walton
Signature of person filing form

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 3/29/96
(Insert Date)



Brendar R. Burgoyne
Notary Public for Idaho

Residing at: Heyburn-Idaho

My Commission expires: 2-29-99

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):

Dorothy Anderson /o Donna Draper
550 Hansen Ave
Burley Id 83318

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

420494

1050

DEED OF PERSONAL REPRESENTATIVE

THIS DEED made this 29th day of September, 1995, by and between DONNA DRAPER, the duly appointed, qualified and acting Personal Representative of the Estate of LaVern L. Anderson and Dorothy H. Anderson, deceased, as Grantor, and THOMAS H. WALTON and DALA S. WALTON, as Grantees, whose present address is 300 S 635 W, Heyburn, Idaho.

W I T N E S S E T H:

That the said Donna Draper, Personal Representative of the Estate of LaVern L. Anderson and Dorothy H. Anderson, deceased, having heretofore duly recorded a certified copy of the Letters Testamentary, does hereby grant, release and convey to the said Thomas H. Walton and Dala S. Walton, Grantees, the following described real property situated in Minidoka County, Idaho, to wit:

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE
MERIDIAN, MINIDOKA COUNTY

SECTION 5: That part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$,
more particularly described as follows:

Beginning at the Southeast corner of the
SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, said corner marked
by a $\frac{1}{2}$ inch rebar; thence South 89°51'00"
West along section line for 539.98 feet
(recorded as 540.0 feet) to a $\frac{1}{2}$ inch
rebar which shall be the POINT OF
BEGINNING;

THENCE South 89°51'00" West along section
line for 177.47 feet to a $\frac{1}{2}$ inch rebar;
THENCE North 00°04'17" West (recorded as
North) for 753.27 feet to a $\frac{1}{2}$ inch copper
rod;

THENCE North 00°04'17" West (recorded as
North) for 74.42 feet to a point on the
centerline of a drain ditch;

THENCE North 80°08'21" East along the
centerline of said drain ditch for 318.98
feet to a point;

THENCE North 62°38'33" East along the
centerline of said drain ditch for 123.99
feet to a point;

THENCE North 43°14'16" East along the
centerline of said drain ditch for 238.75
feet to a point;

THENCE North 89°54'19" East for 37.11
feet to a $1\frac{1}{4}$ inch iron pipe;

THENCE South 43°58'23" West (recorded as
South 47°40' West for 218.6 feet, and

420494

RECORDED AT REQUEST OF
Land Title Ruper

ILM NO. _____

SEP 29 16 : 32

MINIDOKA COUNTY, IDAHO
JANE SMITH, RECORDER
SE 6 DEPUTY *JP*

South 44°34'02" West for 225.16 feet) for 218.20 feet to a 1½ inch iron pipe;
THENCE South 45°30'40" West (recorded as Southerly for 100 feet +/- and South 45°34'02" West for 136.22 feet) for 136.29 feet to a ½ inch rebar;
THENCE South 64°35'20" West (recorded as South 64°44' West) for 110.10 feet to a ½ inch rebar;
THENCE South 82°35'27" West (recorded as South 85°00' West) for 101.25 feet (recorded as 100.0 feet) to a ½ inch rebar;
THENCE South 00°08'40" East (recorded as South) for 800.00 feet to the POINT OF BEGINNING.

TO HAVE AND TO HOLD all and singular the above-granted premises, together with the appurtenances, and every part thereof, unto the Grantees, their heirs and assigns forever. And the Grantor does covenant and agree that she is making this conveyance, in pursuance of the authority granted in and by the court wherein she was appointed and the statutes of the State of Idaho.

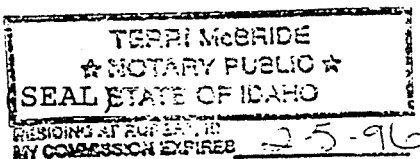
IN WITNESS WHEREOF, the said Grantor has set her hand the day and year first above written.

Donna Draper P.R.
Donna Draper

STATE OF IDAHO)
) ss.
County of Minidoka)

On this 29TH day of September, 1995, before me the undersigned notary public in and for said state, personally appeared DONNA DRAPER, known to me to be the person whose name is subscribed to the within instrument as personal representative of the estate of LaVern L. Anderson and Dorothy H. Anderson, and acknowledged to me that she executed the same as such personal representative.

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



Terri McBride
Notary Public
Residing at _____
My Commission expires _____