

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 63-31942
Date Received: 2/23/1990
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

FRED C HUKILL
16519 11TH AVE N EXT
NAMPA ID USA 83687

Phone: (208)466-3231

RUBY L HUKILL
16519 11TH AVE N EXT
NAMPA ID USA 83687

Phone: (208)466-3231

2. Date of Priority: 09/10/1942

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	02W	11	SE SE NE	CANYON	

5. Description of diverting works:

TWO WELLS, FLOWING ARTESIAN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.02	
STOCKWATER	01/01	12/31	0.01	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:

0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	02W	11	SE	NE	DOMESTIC	
			SE	NE	STOCKWATER	
			SE	NE	IRRIGATION	1.25
					Section Acres	1.25
					Total Acres	1.25

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-2599. DB 6/8/2004

Stockwater, 3 Range Cattle

TWO POINTS OF DIVERSION LOCATED WITHIN THE SE1/4NE1/4, SEC. 11, TWP. 3N, RGE. 2W. PER TRANSFER #3989 APPROVED 9-11-92.

15. Basis of Claim: License

RECEIVED

MAR 24 2003

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-2599		☒			

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

SUNSET FARMS CO KENNETH TIGGS
10305 Melmon RD melba. ID.

4. New Owner/Claimant(s)

Ruby S. Hubicec
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

16519 11th AVE N. EXT

City, State and ZIP Code

Nampa ID. 83687

New Telephone Number

208-466-3231

5. Date you acquired the property

aug 1990

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>63-2599</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock	<u>3 cows</u>	
Domestic	<u>Home, Heating Domestic</u>	
Other <u>1025 ac</u>	<u>Pasture & Lawn</u>	
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) Ruby L. Hukill
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <u>RW/ DH</u>	Date <u>3-24-03</u>	Fee <u>0</u>	
Received by _____	Date _____	Receipt No. _____	
Processed by _____ AJ	Date _____	WR _____	Date _____

2/23/90

02/19/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2599

WATER RIGHT NUMBER: 63-2599

63-31942

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HERBERT A TIEGS 10305 MELMONT RD MELBA, ID 83641
Current Owner	SUNSET FARMS INC C/O KENNETH TIEGS 10305 MELMONT RD MELBA, ID 83641 (208)495-2272

Ruby Hukill
Fred Hukill

Priority Date: 09/10/1942

Basis: License

Status: Active

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
✓ DOMESTIC	1/01 to 12/31	0.040 CFS ✓	
✓ STOCKWATER	1/01 to 12/31	0.020 CFS .01	
✓ IRRIGATION	3/15 to 11/15	1.500 CFS .02	
<u>Total Diversion:</u>		1.560 CFS	

.04 total cfs

Location of Point(s) of DiversionGROUND WATER
CANYON County

SE1/4SE1/4NE1/4

Sec. 11, Twp 03N, Rge 02W, B.M.

Place of Use

DOMESTIC ✓

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	02W	11	X				

STOCKWATER

3 head cattle

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	02W	11	X				

IRRIGATION



Irrigation

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2599

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	02W	11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	77.0
					40.0	37.0													
Total Acres:			<i>1.25 ac total</i>																

Conditions of Approval:Remarks:

1. General TWO POINTS OF DIVERSION LOCATED WITHIN THE SE1/4NE1/4, SEC. 11, TWP. 3N, RGE. 2W. PER TRANSFER #3989 APPROVED 9-11-92.

Comments:*Domestic use for 1 home*Dates and Other Information:

Claim Received Date: 2/23/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

MAR 24 2003

WATER RESOURCES
WESTERN REGION

INSTRUMENT NO. 9326917

CORPORATE WARRANTY DEED

SUNSET FARMS, INC., an Idaho corporation, Grantor, hereby conveys, grants and warrants to FRED C. HUKILL and RUBY L. HUKILL, husband and wife, Grantees, whose address is 16519-11th Avenue North Extension, Nampa, ID, 83687, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

See Exhibit "A" attached hereto, and by this reference made a part hereof.

SUBJECT TO taxes and assessments for the year 1993 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

FURTHERMORE, SUBJECT TO the following reserved easements in favor of Grantor, to run with the land so long as the property which is owned by Grantor and which lies adjacent to the property that is the subject of this Corporate Warranty Deed is used for farming purposes:

1) A 20 foot wide easement for ingress and egress for farming purposes only, which commences at the South boundary line and running in a northerly direction on the East boundary line of the property conveyed by this deed and that is described on Exhibit "A" attached hereto, a distance of 237.27 feet; thence West a distance of 20 feet; thence South parallel with the East boundary line a distance of 237.27 feet; thence East a distance of 20 feet.

2) An easement for the purpose of allowing Grantor as the owner of certain

granaries (grain bins) and related machinery and equipment that is presently located on the premises to retain and use them in their present location, which easement commences at the northeast corner of the property conveyed by this deed and that is described on Exhibit "A" attached hereto, which is the point of beginning for this easement description, thence running in a westerly direction on the North boundary line of the property a distance of 55 feet; thence South parallel with the East boundary line a distance of 85 feet; thence East a parallel with the North boundary line a distance of 55 feet; thence North along the East boundary line a distance of 85 feet to the point of beginning. This easement shall also include the right of ingress and egress over this 85 foot by 55 foot parcel to utilize the granaries. This easement shall exist for so long as the property which is owned by the Grantor and which lies adjacent to the property that is the subject of this deed is used for farming purposes.

Grantor indemnifies and holds Grantees harmless during the duration of the above easements from any liability arising out of Grantor's use of said easements and the granaries and machinery and equipment located thereon, so long as the liability does not result from the acts or omissions of Grantees. Grantor shall be solely responsible for maintaining and providing insurance on the granaries and the related machinery and equipment. Upon the termination of the easement Grantor shall have a reasonable period of time, not exceeding one year, in which to remove the granaries and related machinery and equipment and to enter upon the premises for such purposes.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantees that it is the owner in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that it will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 3rd day of NOVEMBER, 1993.

SUNSET FARMS, INC.

By: Donald Tiegs
Donald Tiegs,
Its President

ATTEST:

Kenneth Tiegs
Kenneth Tiegs
Its Secretary

STATE OF IDAHO)
County of CANYON) :ss

On this 3rd day of November, in the year 1993, before me, CETERINA CANTU, a Notary Public, personally appeared DONALD TIEGS and KENNETH TIEGS, known or identified to me to be the President and Secretary, respectively, of SUNSET FARMS, INC., an Idaho corporation, who executed the instrument or the person that executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Ceterina Cantu
Notary Public for Idaho
Commission expires: 10/17/97



EXHIBIT "A"

A tract of land situated in a part of Tract 32, CORTLAND PLACE SUBDIVISION and also in a part of the Southeast Quarter of the Northeast Quarter, Section 11, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

BEGINNING at the Southeast corner of said Southeast Quarter of the Northeast Quarter (East Quarter Corner); thence

South 89° 53' 10" West a distance of 230.00 feet along the Southerly boundary of said Southeast Quarter of the Northeast Quarter; thence

North 2° 02' 38" West a distance of 237.28 feet to a point on the centerline of an irrigation ditch; thence

South 88° 17' 26" East a distance of 238.57 feet along the centerline of said irrigation ditch to a point on the Easterly boundary of said Southeast Quarter of the Northeast Quarter; thence

South 0° 00' 00" West a distance of 229.55 feet along the Easterly boundary of said Southeast Quarter of the Northeast Quarter to the **POINT OF BEGINNING**.

Note -

Domestic use belongs
to Ruby + Fred Hukill
63-31942, per the
Map attached to the
original claim showing
the location of the
home.

6-9-04

Fred & Ruby Hukill
63-31942

(1.25 ac.)

**3N 2W
S-11**

Section Line



QQ Lines



Tax Lot Data



Metes & bounds description



0.01 0 0.01 0.02 Miles

