

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A29-2451

Date Received

2-27-02

Receipt Number

E027492NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Scott and Mary, SS Huneycutt Phone (208) 233-8344
Mailing Address 411 S. 19th, Pocatello, ID Zip 83201

2. Date of Priority (Only one (1) per claim) 7/14/1961

3. Source of water supply (a) Unnamed spring and stream
which is tributary to (b) Rapid Creek

4. a. Location of existing point of diversion is: Township 6 S. Range 36 E. Section 35,
NE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Bannock

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 06 S. Range 36 E. Section 35, _____ 1/4 of NE 1/4 of SW 1/4,

Govt. Lot _____ B.M., County of Bannock

ending point is: Township 06 S. Range 36 E. Section 35, _____ 1/4 of NE 1/4 of

SW 1/4, Govt. Lot _____ B.M., County of Bannock

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Diversion structure and pipelines to house and yard.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/01 to 12/31 amount 0.040 or 2.40

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.040 (cfs) and/or (b) 2.40 (acre feet)

8. Total consumptive use claimed is 2.40 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6S	36E	35								D1/2									1/2

Total number of acres irrigated 1/2

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes x No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (x)

14. Remarks:

Last Name Huneycutt Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

Township 6 South, Range 36 E. Sec. 35

P/U → D.

P/D

Honey Cuth

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 29-2451
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X JOA Huneycutt Date 2/4/02

X Mary Schmeckert Date 2/4/02

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____ Organization _____, that I have signed the foregoing

document in the space below as _____ Title _____ of _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 4th day of February 2002.

SEAL

Notary Public Charlene E. Cavanaugh

Residing at Pocatello, Idaho

My Commission Expires 4/22/2003

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Randall C. Budge will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Randall C. Budge

Address P.O. Box 1391; Pocatello, Idaho 83204-1391

Date 2/10/02

Last Name Huneycutt Ident. Number _____

Copies White-State, Yellow-Claimant

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For Value Received LYNN WELLER III, a married man as to his sole and separate property

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

SCOTT HUNEYCUTT and MARY S. HUNEYCUTT, Husband and Wife

whose address is: 411 S. 19th, Pocatello, Idaho 83201

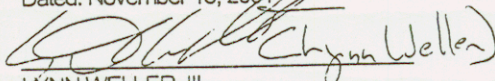
Hereinafter called the Grantee, the following described premises situated in Bannock County, Idaho, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner 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 Grantor will warrant and defend the same from all claims whatsoever.

Dated: November 13, 2001


LYNN WELLER, III

STATE OF Idaho

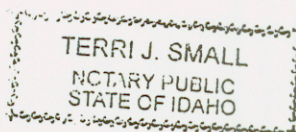
ss.

COUNTY OF BANNOCK

On this 13th day of November, 2001, before me TERRI J. SMALL, personally appeared LYNN WELLER III, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.



Notary Public of Idaho
Residing at: POCATELLO, Idaho
Commission Expires: 04/28/05



MSH
WST

3-2

PARCEL 1:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 6 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 35, FROM WHICH THE SOUTHWEST CORNER OF SECTION 35 BEARS SOUTH 89°55'07" WEST 2663.63 FEET; THENCE SOUTH 89°55'07" WEST 423.33 FEET ALONG THE SOUTH BOUNDARY OF SECTION 35 TO A 5/8" REBAR AND CAP LABELED "BRIAN ALLEN, PLS 9163", THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89°55'07" WEST 1436.48 FEET ALONG THE SOUTH BOUNDARY OF SECTION 35 TO A 5/8" REBAR AND CAP; THENCE NORTH 00°40'08" WEST 1326.26 FEET TO A 5/8" REBAR AND CAP SET AT THE NORTH BOUNDARY OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW¼ SW¼) OF SECTION 35; THENCE SOUTH 89°57'01" EAST 528.00 FEET ALONG SAID NORTH BOUNDARY TO A 5/8" REBAR AND CAP SET AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE¼ SW¼) OF SECTION 35;

THENCE NORTH 00°40'10" WEST 1325.05 FEET ALONG THE WEST BOUNDARY OF SAID NE¼ SW¼ TO THE NORTHWEST CORNER OF SAID NE¼ SW¼, MONUMENTED WITH A 5/8" REBAR AND CAP; THENCE SOUTH 89°49'10" EAST 1335.15 FEET ALONG THE NORTH BOUNDARY OF SAID NE¼ SW¼ TO THE NORTHEAST CORNER OF SAID NE¼ SW¼, MONUMENTED WITH A 5/8" REBAR AND CAP; THENCE SOUTH 00°35'56" EAST 2216.33 FEET ALONG THE EAST BOUNDARY OF THE SOUTHWEST QUARTER OF SECTION 35 TO A 5/8" REBAR AND CAP; THENCE SOUTH 44°22'01" WEST 599.02 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

THE RIGHT OF WAY OF RAPID CREEK ROAD, A COUNTY ROAD, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 6 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, FROM WHICH THE SOUTH ¼ CORNER OF SECTION 35 BEARS NORTH 89°55'07" EAST 2663.63 FEET; THENCE NORTH 89°55'07" EAST 803.81 FEET ALONG THE SOUTH BOUNDARY OF SECTION 35 TO A 5/8" REBAR AND CAP; THENCE NORTH 00°40'08" WEST 75.02 FEET TO A 5/8" REBAR AND CAP, THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°40'08" WEST 106.56 FEET TO A 5/8" REBAR AND CAP; THENCE SOUTH 34°56'13" EAST 221.27 FEET TO A 5/8" REBAR AND CAP SET AT THE SOUTH BOUNDARY OF SECTION 35; THENCE SOUTH 89°55'07" WEST 73.12 FEET ALONG THE SOUTH BOUNDARY OF SECTION 35 TO A 5/8" REBAR AND CAP; THENCE NORTH 34°56'13" WEST 91.42 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 7 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 6 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 35 BEARS NORTH 89°55'07" EAST 2663.63 FEET; THENCE NORTH 89°55'07" EAST 928.41 FEET ALONG THE NORTH BOUNDARY OF SECTION 2 TO A 5/8" REBAR AND CAP LABELED "BRIAN ALLEN, PLS 9163", SET AT THE NORTHEASTERLY RIGHT OF WAY LINE OF RAPID CREEK ROAD, THE TRUE POINT OF BEGINNING;

THENCE NORTH 89°55'07" EAST 584.30 FEET ALONG THE NORTH BOUNDARY OF SECTION 2 TO A 5/8" REBAR AND CAP SET AT AN EXISTING FENCE LINE; THENCE SOUTH 42°34'07" WEST 157.65 FEET ALONG SAID FENCE LINE TO A 5/8" REBAR AND CAP; THENCE SOUTH 58°24'31" WEST 182.15 FEET ALONG SAID FENCE LINE TO A 5/8" REBAR AND CAP; THENCE SOUTH 16°28'55" EAST 103.85 FEET TO A 5/8" REBAR AND CAP; THENCE SOUTH 10°04'53" EAST 211.14 FEET TO A 5/8" REBAR AND CAP SET ON SAID NORTHEASTERLY RIGHT OF WAY LINE, SAID POINT BEING ON A 633.11 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST WHOSE CENTER BEARS SOUTH 76°45'53" WEST;

CPW
MSH

WFLK

20122630

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THENCE NORTHWESTERLY ALONG SAID CURVE (RIGHT OF WAY LINE) THROUGH A CENTRAL ANGLE OF $36^{\circ}56'38''$ A DISTANCE OF 408.22 FEET TO THE POINT OF TANGENCY (CHORD=NORTH $31^{\circ}42'36''$ WEST 401.19 FEET); THENCE NORTH $50^{\circ}10'45''$ WEST 97.39 FEET TO THE BEGINNING OF A 542.96 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY ALONG SAID CURVE (RIGHT OF WAY LINE) THROUGH A CENTRAL ANGLE OF $15^{\circ}14'31''$ A DISTANCE OF 144.44 FEET TO THE POINT OF TANGENCY (CHORD=NORTH $42^{\circ}33'29''$ WEST 144.01 FEET); THENCE NORTH $34^{\circ}56'13''$ WEST 10.23 FEET ALONG SAID RIGHT OF WAY LINE TO THE TRUE POINT OF BEGINNING.

NO. 20122630
RECORD AT REQUEST OF
FIRST AMERICAN TITLE
2001 NOV 19 PM 1 41
ON NO 799
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DEC 9

MSH
WST
COW



State of Idaho

DEPARTMENT OF WATER RESOURCES

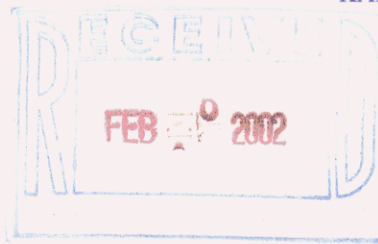
900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 22, 2002



RANDALL C BUDGE
RACINE OLSON NYE BUDGE & BAILEY
PO BOX 1391
POCATELLO ID 83204-1391

RE: NOTICE OF CLAIM TO A WATER RIGHT AND CHECK NO. 20559 FOR \$101.00

Dear Mr. Budge:

I am returning the above referenced form and check. The fee for a domestic claim is \$25.00. Please return with the correct fee and I will process your request as soon as possible.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure

RECEIVED

FEB 27 2002

Department of Water Resources
Eastern District Office

2/26/02

we are returning this letter + enclosures
w/ check for \$25. Same as in your office
provided the amount sent previously, apparently
in error.

Thank You!

Randy Budge