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Documents

In File

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

RECEIVED
MAR 17 2005
DEPARTMENT OF
WATER RESOURCES

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 (under the "split" heading), 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
35-12005					

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) is 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) Johnny D Nugent
4. New Owner/Claimant(s) Carl^H and/or Sheila^R Hux
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 1050 S 2400 W
- City, State and ZIP Code Aburdeen, ID 83210
- New Telephone Number 208 328 2565
5. Date you acquired the property June 28, 2002

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 _____		
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	_____	_____

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) Paul Z
(include title if applicable) Sheila Lux

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>AM</u>	Date <u>3-17-05</u>	Fee <u>\$25.00</u>	
Receipted by <u>AM</u>	Date <u>3-17-05</u>	Receipt No. <u>CD77173</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

514373 WARRANTY DEED

For Value Received **A LYNN NUGENT, Personal Representative of The Estate of LOUIS NUGENT, deceased, and LYNN NUGENT AND WENDY NUGENT, husband and wife**

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

CARL M LUX AND SHEILA R LUX, husband and wife

whose address is: **1050 South 2400 West, Aberdeen, Idaho 83210**

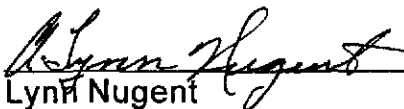
Hereinafter called the Grantee, the following described premises situated in **Bingham County, Idaho, to-wit:**

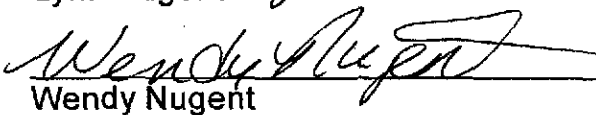
*******LEGAL DESCRIPTION ATTACHED*******

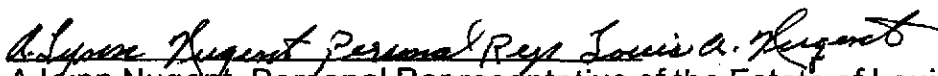
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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: June 27, 2002


Lynn Nugent


Wendy Nugent


A Lynn Nugent, Personal Representative of the Estate of Louis Nugent

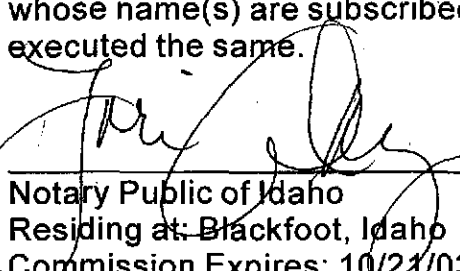
BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEL 9:20 PM
2002 JUN 28 PM 4:29
RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE COMPANY

STATE OF Idaho

)ss.

COUNTY OF BINGHAM

On this 28th day of June, 2002, before me Lori Day, personally appeared Lynn Nugent and Wendy Nugent, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public of Idaho
Residing at: Blackfoot, Idaho
Commission Expires: 10/21/03



PARCEL 1:

Part of Section 25, Township 4 South, Range 31 E.B.M., Bingham County, Idaho described as: Beginning at a point that is S 89°41'53" E 4502.12 feet along the Section line to the Northeast corner of said Section 25 and S 00°29'55" W 2627.38 feet to the TRUE POINT OF BEGINNING all from the Northwest corner of said Section 25, and running thence S 87°22'11" W 88.25 feet; thence S 00°33'13" W 12.17 feet; thence S 89°29'53" W 296.16 feet along the prolongation of a fence line; thence S 00°03'12" E 610.31 feet along the prolongation of a fence line; thence S 00°04'41" E 143.65 feet more or less to the center of an irrigation canal; thence S 35°54'00" W 698.71 feet along the canal center line; thence S 89°59'59" E 829.11 feet along the South line of Lot 3 of said Section 25; thence N 01°31'47" W 1339.24 feet along the prolongation of a fence line on the West line of a County road to the POINT OF BEGINNING.

PARCEL 2:

Easement for a culinary well and water line, described as:

Part of Section 25, Township 4 South, Range 31 E.B.M., Bingham County, Idaho described as: Beginning at a point that is S 89°41'53" E 4502.12 feet along the Section line to the Northeast corner of said Section 25 and S 00°29'55" W 2627.38 feet; and S 87°22'11" W 88.25 feet; thence S 00°33'13" W 12.17 feet; thence S 89°29'53" W 81.27 feet to the TRUE POINT OF BEGINNING all from the Northwest corner of said Section 25, and running thence N 00°00'00" E 135.09 feet; thence N 90°00'00" W 16.90 feet; thence S 00°00'00" W 135.24 feet; thence N 89°29'53" E 16.90 feet to the POINT OF BEGINNING.

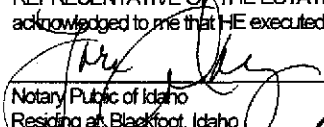
INITIAL HERE
A.L.V.
L.A.N.
W.N.

STATE OF IDAHO

)
)ss
)

COUNTY OF BINGHAM

On this 28TH day of JUNE, in the year of 2002, before me the undersigned, personally appeared A LYNN NUGENT, 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 as PERSONAL REPRESENTATIVE OF THE ESTATE OF LOUIS A NUGENT whose name also appears of record as LOUIS NUGENT and acknowledged to me that HE executed the same as such PERSONAL REPRESENTATIVE.


Notary Public of Idaho
Residing at Blackfoot, Idaho
Commission Expires: 10/21/2003



514373

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 35-12065

1997 NOV 28 PM 3:08

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: JOHNNY D NUGENT
1050 S 2400 W
STERLING ID 83210

SOURCE: GROUNDWATER

QUANTITY: 0.13 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1940

POINT OF DIVERSION: T04S R31E S25 SENE Within BINGHAM County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.09 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within BINGHAM County
T04S R31E S25 SENE

DOMESTIC Within BINGHAM County
T04S R31E S25 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

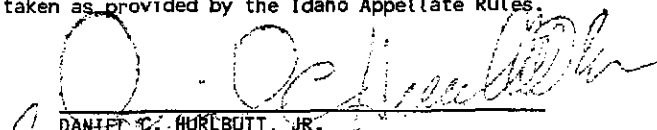
DATED:


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED:


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 35-12065

MICROFILMED

DEC 1 6 1998

PAGE 1
OCT-21-1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

March 18, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CARL M LUX
SHEILA R LUX
1050 S 2400 W
ABERDEEN ID 83210

RE: Change of Ownership for Water Right 35-12065

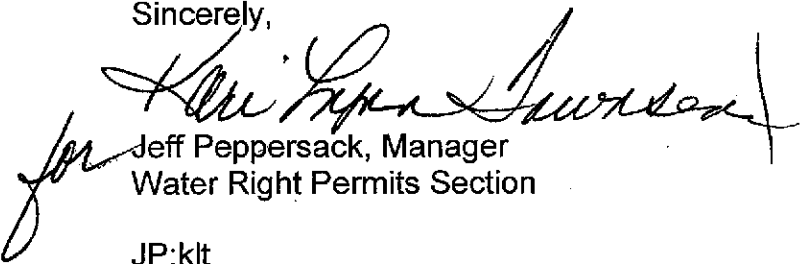
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

RECEIVED

MAR 16 2005

Department of Water Resources

March 12, 2005

Candice McHugh, Attorney
Department of Water Resources
PO Box 83720
Boise, ID 83720

Dear Candice,

I spoke with you last summer (in July, 2004) regarding water rights for my home. I am not sure if you remember the exact circumstances (since it has been quite some time since we spoke), but here is a brief summary.

Our home was owned by Louis Nugent. He had passed away and the home was being sold. The representative of his estate was A. Lynn Nugent and his wife Wendy. Our water rights were under the name of Johnny D Nugent.

Anyway, I received the water right number from the Idaho Falls office (35-12065). This belongs to the property I own, according to the description. In addition, they sent me a water right number for other property as well (35-12066). I don't show this description for anything that we own.

During our conversation, you recommended that I get something in writing from Johnny Nugent stating that they did not have any interest in our water rights. I requested this from them, but did not receive anything. The well for my house is actually located on property that belongs to Garth Youd (100 acre field north of my house). I have an easement in my warranty deed stating this.

I am sending you the Warranty Deed and the change of water right ownership papers. If you would let me know if this is enough information to get the water rights in my name, it would be greatly appreciated. If the information is not enough, please let me know what information we would need to have.

Thank you for your time and assistance with this matter. If you have any questions, please feel free to contact me.


Sheila Lux
1050 S 2400 W
Aberdeen, ID 83210
208 604 2565 (cell)