

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: A29-04349
Date Received: 3/13/1990
Receipt No: MO06223
Received By: BN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: D & D RANCHES, PARTNERSHIP 208-335-2131
Address: C/O DAVID W. LUSK
1185 LUSK RD.
ARBON, ID 83212

2. Date of Priority: APR 01, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	34E	18	NW	NW	SE		POWER

5. Description of diverting works:
1203'X16" WELL WITH 50HP MOTOR. WATER AT 40'. TO MAINLINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.980		

7. Total Quantity Appropriated is:
1.980 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 247.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	34E	18	SW	NE		IRR	21.0
			SW	NW		IRR	16.0

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Date: 03/13/90

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	34E	18	SE		NW		IRR	39.0
			NE		SW		IRR	13.0
			NW		SW		IRR	2.0
			NW		SE		IRR	8.0
Section Acres								99.0
Total Acres								99.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 01

For Organizations:

I do solemnly swear or affirm that I am PARTNER Title of D & D RANCHES, PARTNERSHIP Organization, that I have signed the foregoing document in the space below as PARTNER Title of D & D RANCHES, PARTNERSHIP Organization and that the statements contained in the foregoing document are true and correct.

David H. Lusk
Signature of Authorized Agent

PARTNER, D & D RANCHES, PARTNERSHIP
Title and Organization

3-13-1990

Date

State of Idaho)
County of Power) SS.

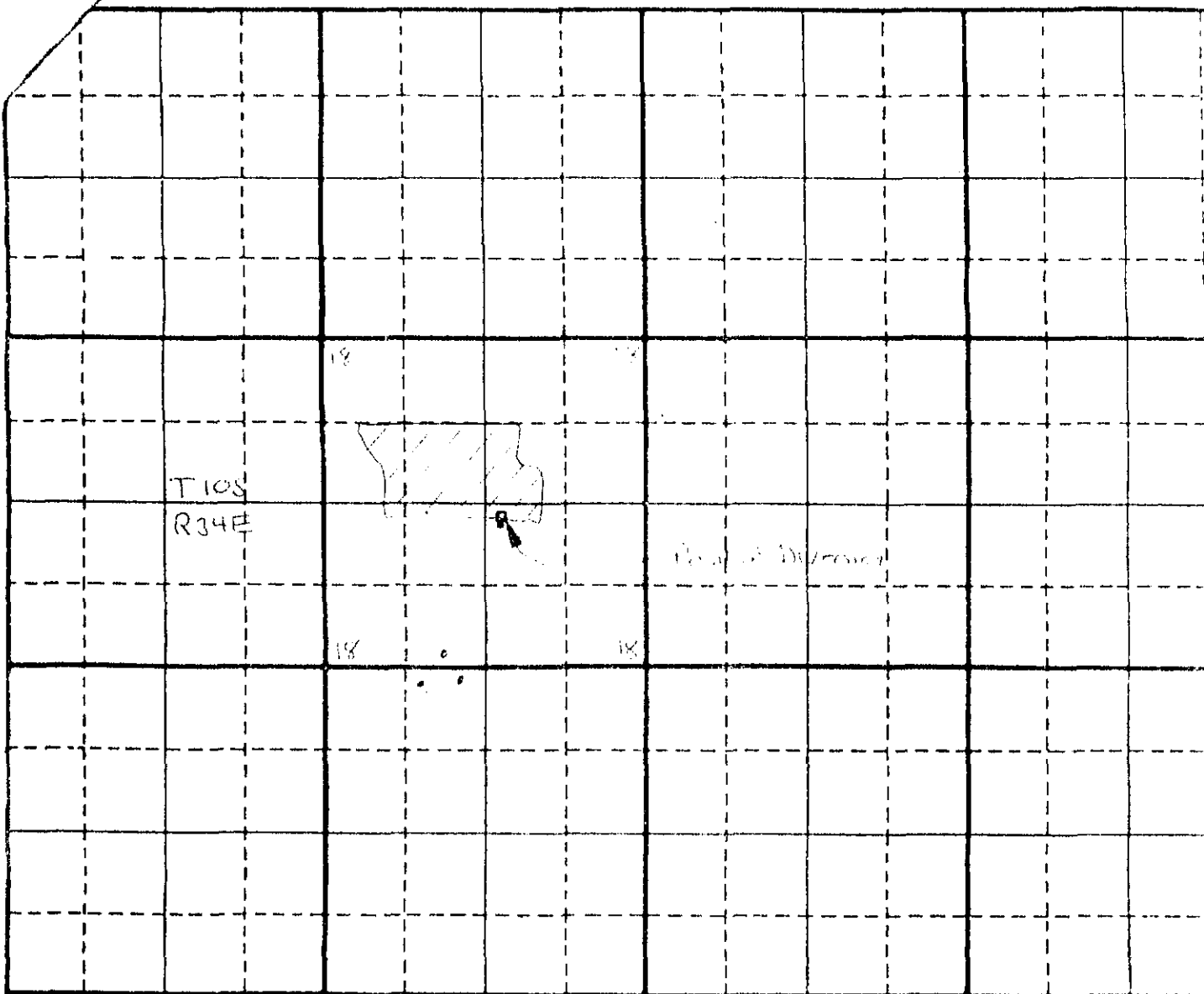
Subscribed and sworn (or affirmed) before me this 13 day
of March 19 90

[Signature]
Notary Public

Seal

Residing at Shale Falls, W.

My Commission Expires 22 Aug 1994



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivision section, township and range of the public land survey system.

State of Idaho)

) ss.

County of _____)

A29-04349

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they, subscribed to and claimed a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

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NOV 13 1992

(Claimant)

Sworn to before me this _____ day of _____, 19____.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 2, 2001

D & D Ranches, Partnership
c/o David W. Lusk
1185 Lusk Road
Arbon, Idaho 83212

Re: Claim 29-4349, Snake River Basin Adjudication

Dear Water User(s):

We are now in the process of reviewing adjudication claims in Administrative Basin 29. Claim filing began a number of years ago, followed by several years of resolving legal issues. We are now in the process reviewing claims in order to make recommendations to the court.

For a long period of time in Idaho's history (before 1963 from ground water, before 1971 from surface water), a water right could be perfected by simply using water. Unless a dispute were resolved in court, there may never have been a paper record of a legitimate water right. In the 1970's or 1980's, many "statutory" claims were filed to record these existing unrecorded rights, but this process did not involve any investigation by the department. Claims were simply advertised, then recorded. When the adjudication commenced, new adjudication claims were filed, based upon the older statutory claims.

Your water right falls in this class. Because of the nature of the statutory claims process and the adjudication claims process, this right has never been investigated nor verified by the department. I've enclosed copies of the adjudication claim and the older statutory claim, for your information.

In order to recommend this right, I need you to supply "evidence of priority" and "evidence of beneficial use." The enclosed pamphlet describes some typical sources that may be used. If an affidavit is used, it must clearly show that the person making the affidavit personally observed the water use. The more detail the affidavit gives, indicating dates, circumstances, amounts and details of water use, the better. As I review the documentation provided, my standard will be:

The documentation should tend to indicate that diversion works were in place and had adequate capacity for the claimed use. The documentation should also tend to indicate that water was applied to the claimed beneficial use on the claimed place of use.

Please review these documents, and provide documentation of the historical use of this right. Feel free to call me if you have questions. You should be able to reach me Thursday or Friday mornings.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

Log for claim A29-04349

Spatial Dynamics AMH

7/17/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s34e	18	SWNE	21	21	
10s34e	18	SWNW	16	17	
10s34e	18	SEnw	39	40	
10s34e	18	NESW	13	12	
10s34e	18	NWSW	2	1.1	
10s34e	18	NWSE	8	5.4	
Totals:			99	96.5	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Dave Lusk & Sons Farms Inc.
(Name of Claimant)
Arbon, ID. 83212 Telephone No. 335-2131
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1962

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Groundwater tributary to

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>1.98 cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>3-15</u>	To <u>11-15</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 1.98 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SE 1/4, Sec. 18 Twp. 10S Rge. 34E B.M., County of Power
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well/pump to sprinkler lines

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			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	
10S	34E	18			21				16	39	13	2				8			99

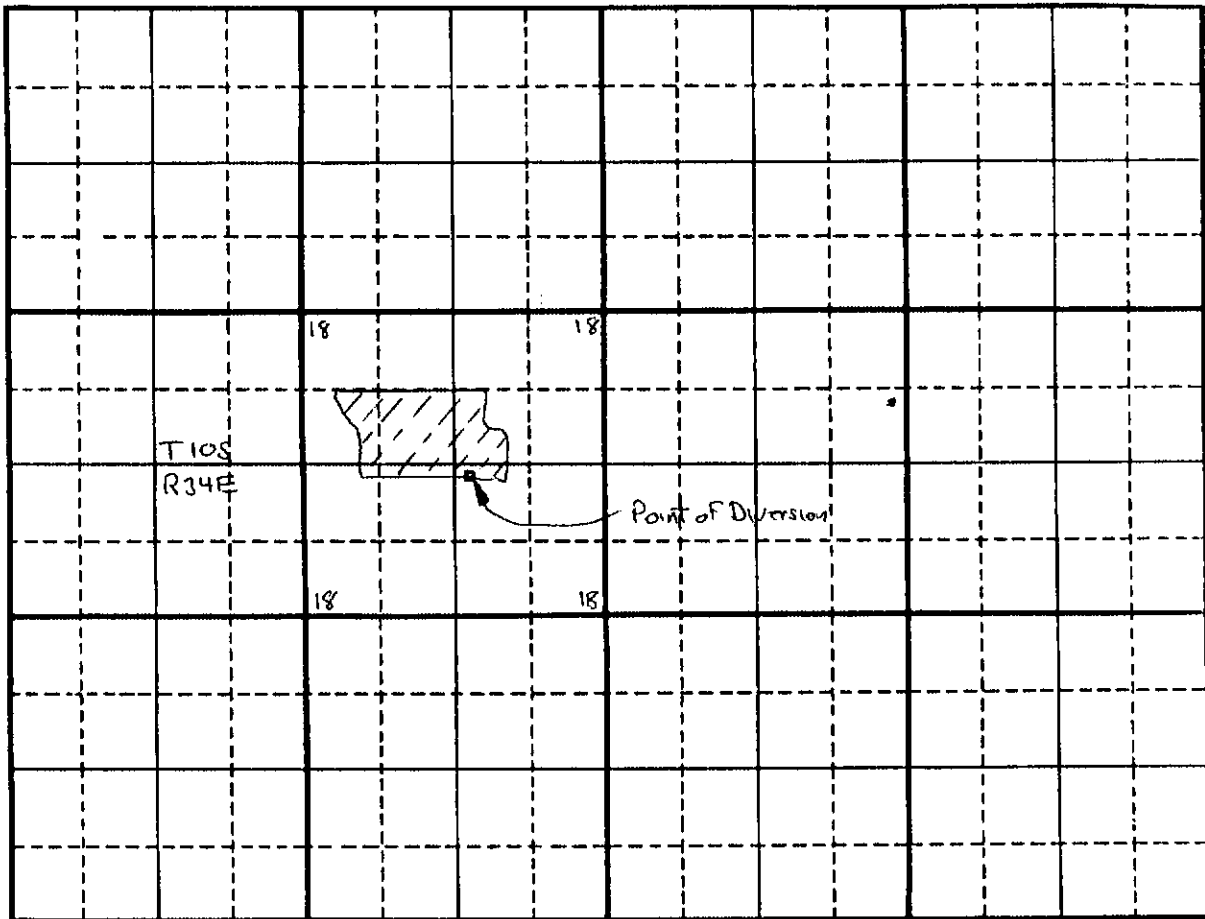
No. of acres 99

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(B) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of BANNOCK) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 5th day of MAY, 1983.

David M. Lusk & Son, Inc.
(Claimant) David M. Lusk & Son, Inc.

John C. Lusk
Notary Public
Residing at Buc.

My commission expires 10/18/84

FOR DEPARTMENT USE ONLY

Received by aw Date 5-9-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by aw Date 5-10-83 claimant by: _____
\$30.00 fee received by aw Date 5-12-83 #28199
Published in Bannock County Press
Dates 5-12-83 to 6-12-83

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