

RECEIVED
MAR 16 2009Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, Idaho Code. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Lonnie and/or Mary Lucherini
(Name of Claimant)

Mailing Address: 4808 E. Cub River Rd, Preston, ID 83263

Telephone No: 208-852-1148 Email: lonnie.lucherini@yahoo.com

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

1. Date of Priority: (When the water was first applied to beneficial use) 1910
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

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

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

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)
Quantity <u>.45 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u> to <u>10/31</u>
Quantity <u>.02 cfs</u>	Use <u>Stock</u>	Period of Use From <u>1/1</u> to <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____

4. .47 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 35 Township 15S Range 40E B.M., Franklin County; additional points of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

In 1910 the water was dam stored and used in flood irrigation. Historically it was used for Domestic use along with stock and garden and fields. My own Father, Kenneth Knapp, also used an overnight dam about 140' x 20' started with flood irrigation and then used high water from the river. They pumped water from the River and different ponds and then added sprinkler systems in the 1970's. When it didn't divert to the dam it would run into a field and seep into the ground, in late summer when the flow was slow. Also is included a letter from Elden Bennett who's family owned this land before my dad.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	40E	34																17ac	
15S	40E	35											1ac						
16S	40E	3	17ac																
16S	40E	2					1ac												

TOTAL ACRES 36

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.

My family also had dairy cattle herds and also usually a small herd of Steers. About 10-20 usually, we always have had about 3-4 horses on the land also. We will want to put steers on about 10 head this summer, building up to 20. We have horses now - about 6 head.

NOTE: Include here the type and number of stock watered: 10-20 head Beef Steers, 6 horses.

7. Remarks: My father had milk cows and horses and Steers. The Dairy was not started on our land until 1920 - before it was combined with his brother's dairy. So for the most of the years we had the horses + steers on our land. We want to do another herd as soon as we are able to fence it in.
8. Map - Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of UTAH)
 County of UTAH) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing 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.

Mary Bucherini
 Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 09 day of MARCH, 2009.



Jason Roberts
 Notary Public
 Residing at: UTAH COUNTY STATE OF UTAH
 My commission expires: 02-14-2010

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
 Prelim. check by _____ Date _____
 Fee _____ Receipt # EG 341886
 Receipt prepared by 11/11/09 Date 3/24/09

Published in _____
 Publication dates _____
 Publication checked by _____ Date _____
 Exceptions filed by _____

206476¹⁻⁴

Recorded at the request of
First American Title

— a.m. JUN 01 1999 ^{3:10} — p.m.

WARRANTY DEED

V. ELLIOTT LARSEN, RECORDER
By Camille Larsen Deputy
FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

KENNETH GARY KNAPP and SHANNON C. KNAPP, husband and wife,
individually and as General Partners of **KNAPP DAIRY, a Partnership**,
and **KENNETH P. KNAPP and CHARLENE G. KNAPP**, husband and wife,
individually and as General Partners of **KNAPP DAIRY, a Partnership**,
Grantors,

do hereby grant, bargain, sell and convey unto

LONNIE LUCHERINI and MARY LUCHERINI, husband and wife,
whose current address is: 7117 Saddle Oaks, Carey, ILL 60013,

the Grantees, the following described premises in Franklin County,
Idaho to wit:

SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD the said premises, with their appurtenances
unto the Grantees, their heirs and assigns forever. And the said
Grantors do hereby covenant to and with the said Grantees, that
they are the owners in fee simple of said premises; that they are
free from all encumbrances and that they will warrant and defend
the same from all lawful claims whatsoever.

DATED: June 1, 1999

Kenneth Gary Knapp
KENNETH GARY KNAPP
individually

Kenneth P. Knapp
KENNETH P. KNAPP
individually

Shannon C. Knapp
SHANNON C. KNAPP
individually

Charlene G. Knapp
CHARLENE G. KNAPP
individually

206476 2-4

**KNAPP DAIRY
a Partnership**

By: *Kenneth Gary Knapp*
KENNETH GARY KNAPP
General Partner

By: *Kenneth P. Knapp*
KENNETH P. KNAPP
General Partner

By: *Shannon C. Knapp*
SHANNON C. KNAPP
General Partner

By: *Charlene G. Knapp*
CHARLENE G. KNAPP
General Partner

STATE OF IDAHO)
) ss.
County of Franklin)

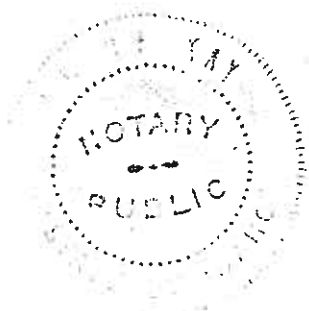
On this 1st day of June, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **KENNETH GARY KNAPP** and **SHANNON C. KNAPP**, individually, and as General Partners of Knapp Dairy, a Partnership, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Diane Kay
NOTARY PUBLIC for State of Idaho
Residing at: Swan Lake
Comm. Expires: 5/25/2000

STATE OF IDAHO)
) ss.
County of Franklin)

On this 1st day of June, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **KENNETH P. KNAPP** and **CHARLENE G. KNAPP**, individually, and as General Partners of Knapp Dairy, a Partnership, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Diane Kay
NOTARY PUBLIC for State of Idaho
Residing at: Swan Lake
Comm. Expires: 5/25/2000

EXHIBIT "A"

The land referred to in this Commitment is described as follows:

Township 16 South, Range 40 East of the Boise Meridian, Franklin County, Idaho.

Section 2: LOTS 3 and 4, EXCEPTING THEREFROM HOWEVER:
Commencing at the Southeast corner of LOT 3, Section 2, and running North 90.38 rods; thence West 17° North 123 rods $9\frac{1}{2}$ feet; thence South 50 rods following meandering of the bench; thence in Southeasterly direction following meanderings of bench to point 10 rods West of POINT OF BEGINNING; thence East 10 rods to the place of beginning.

Section 3: LOT 1.

Township 15 South, Range 40 East of the Boise Meridian, Franklin County, Idaho.

Section 34: $SE\frac{1}{4}SE\frac{1}{4}$.

Section 35: Commencing at a point 9.17 rods South of the Southwest corner of the $NW\frac{1}{4}SW\frac{1}{4}$ of said Section; and running thence South 70.08 rods, more or less, to the South line of said Section; thence East 160 rods; thence North 24 rods; thence in a Northwesterly direction to the place of beginning.

Commencing at the Northwest corner of the $SW\frac{1}{4}SW\frac{1}{4}$ of Section 35, and thence running South 9 rods 17 links; thence Southeasterly on a line drawn from the last described point to a point 56 rods South of the Northeast corner of the $SE\frac{1}{4}SW\frac{1}{4}$ of said Section a distance of 45 rods, more or less, to a point 15 rods, more or less, South of point 45 rods East of POINT OF BEGINNING; thence North 15 rods, more or less, to point 45 rods East of POINT OF BEGINNING; thence West 45 rods to the POINT OF BEGINNING.

EXCEPT: Commencing 6 rods South, more or less, of the Northwest corner of the $SW\frac{1}{4}SW\frac{1}{4}$ of Section 35, being the South boundary line of the county road, and running thence East 46.63 feet; thence South $14^{\circ}12'$ East 142.79 feet; thence North $78^{\circ}24'$ West 220 feet; thence North $15^{\circ}52'$ East 128 feet; thence South $73^{\circ}41'10''$ East 103 feet to the place of beginning.

TOGETHER WITH a right of way running along the Eastern boundary of the above-described real property, said right of way to be 142.79 feet in length and 1 rod in width for the purpose of ingress and egress to the above property, which right of way shall run with the land described.

Township 15 South, Range 40 East of the Boise Meridian, Franklin County, Idaho.

continued on page 2

206476 4-4

Section 35: Commencing at a point 72 rods, more or less, West to Cub River, and South 40° West 222 feet, more or less, along Cub River to a point on South side of Sugar Creek, from Northeast corner of NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 35, and which point is POINT OF BEGINNING; thence South 40° West 158 feet along Cub River; thence South 45° East 360 feet; thence North 40°30' East 462 feet to South side of Sugar Creek; thence Northwesterly along South side of Sugar Creek to place of beginning.

TOGETHER WITH a right of way over the following described tract of land, to-wit: Commencing at a point 45 rods West of the Northeast corner NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, running thence South 15 feet; thence West 396 feet; thence South 108 feet, more or less, to South line of Sugar Creek; thence West along South side of Sugar Creek 15 feet; thence North 121 feet, more or less, to Section line; thence East 412 feet to place of beginning. It is hereby understood and agreed that this right of way shall be fenced and kept in repair by Kenneth P. Knapp and Charlene Knapp, his wife, their successors and assigns, and that said right of way shall be kept open at all times with no gates thereon.

Claim To A Water Right



Legend

-  Township/Range
-  Sections
- QQ

0 0.05 0.1 0.2 Miles

1 inch equals 0.097421 miles



On the map, please indicate where the point of diversion and place of use are located.

* = Point of diversion

Place of use
(2 fields)

13-7738

December 1, 2008

Mary Lucherini,

In response to your request, I wish to confirm that my father, Henry Leroy Bennett, owned the agricultural property in Cub River Canyon that you now own. He purchased the property in 1910 and sold it in 1944. I am the youngest of his eleven children, being born in 1927. I was seventeen years old when we moved from the farm.

Included on the property is a small, year-round-flowing stream which flowed westerly from the easterly mountain range. My father utilized the stream flow for irrigating the garden and a small portion of the agricultural crops. The stream was impounded with an improvised, hand-built, earthen dam constructed across the mouth of the steep-sided drainage hollow. The impounded water was diverted to the garden and some of the agricultural fields.

The natural flow of the small stream was supplemented with water shares diverted from Sugar Creek and conveyed by a multi-owned ditch for approximately two miles to my father's farm.

If you should need further verification I can be reached at my current address shown below.



Eldon T. Bennett
P.O. Box 268
Franklin, Idaho 83237
Ph. (208) 646-2236

RECEIVED
FEB 17 2009
Department of Water Resources
Eastern Region

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