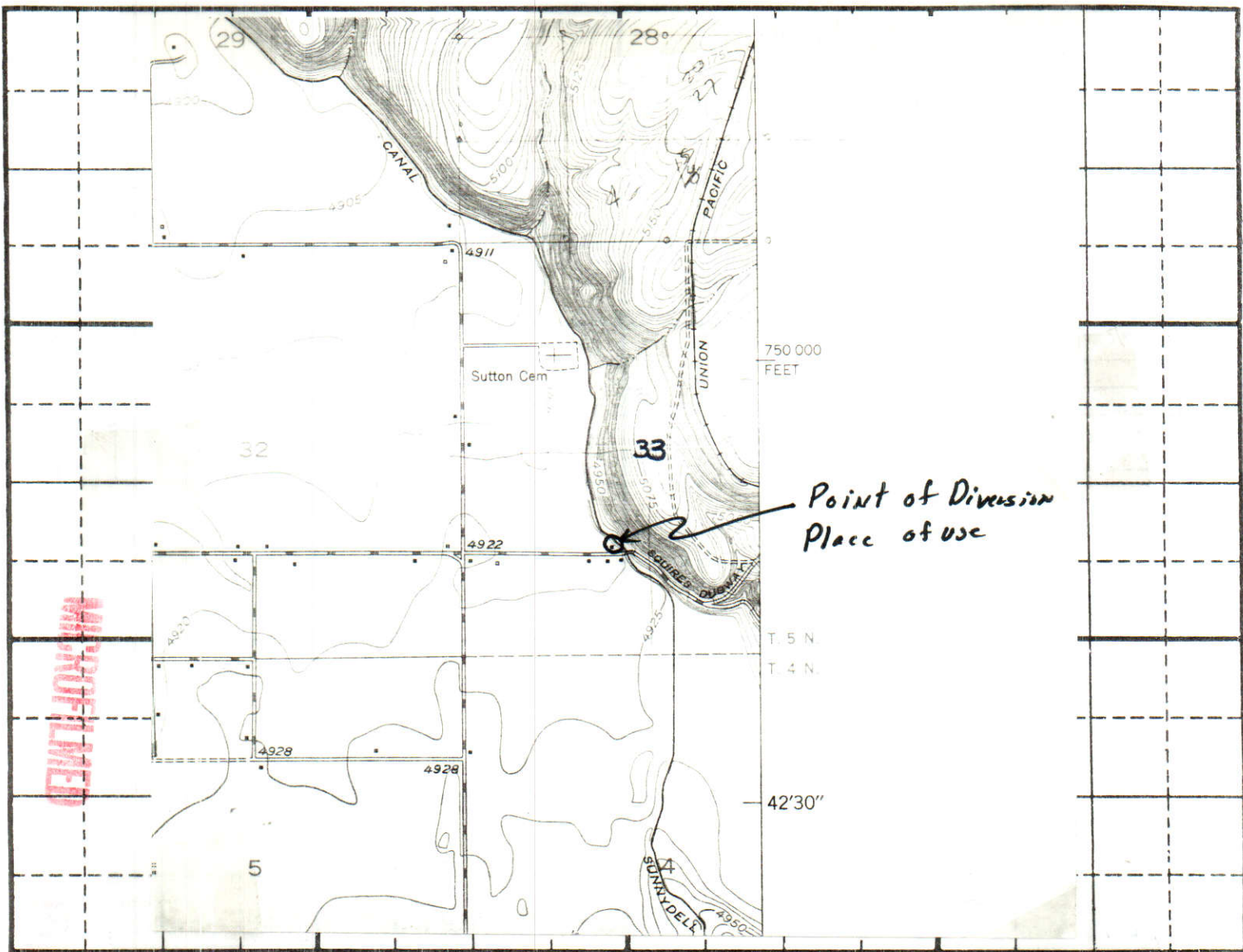


(8) Remarks _____



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 Bonneville) 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 29th day of June

Mary W. Luthy
(Claimant)
1983

Callen Gray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by Jm Date 6-29-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by HWS Date 8-15-83 claimant by: _____
\$30.00 fee received by CW Date 6-29-83
Published in Standard Journal # 25691
Dates 9/1 & 9/8/83

SS 4714

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 Mary W. Luthy
Rt. #3, Box 255, Rexburg, ID 83440 (Name of Claimant) Telephone No. 356-5385
(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, 1910

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>0.08</u> cfs		Use <u>domestic</u>		Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity <u>0.04</u> cfs		Use <u>stockwater</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) 0.12 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SW ¼, Sec. 33 Twp. 5N Rge. 40E B.M., County of Madison
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, mainline to 2 single family dwelling

(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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	40E	33									X								

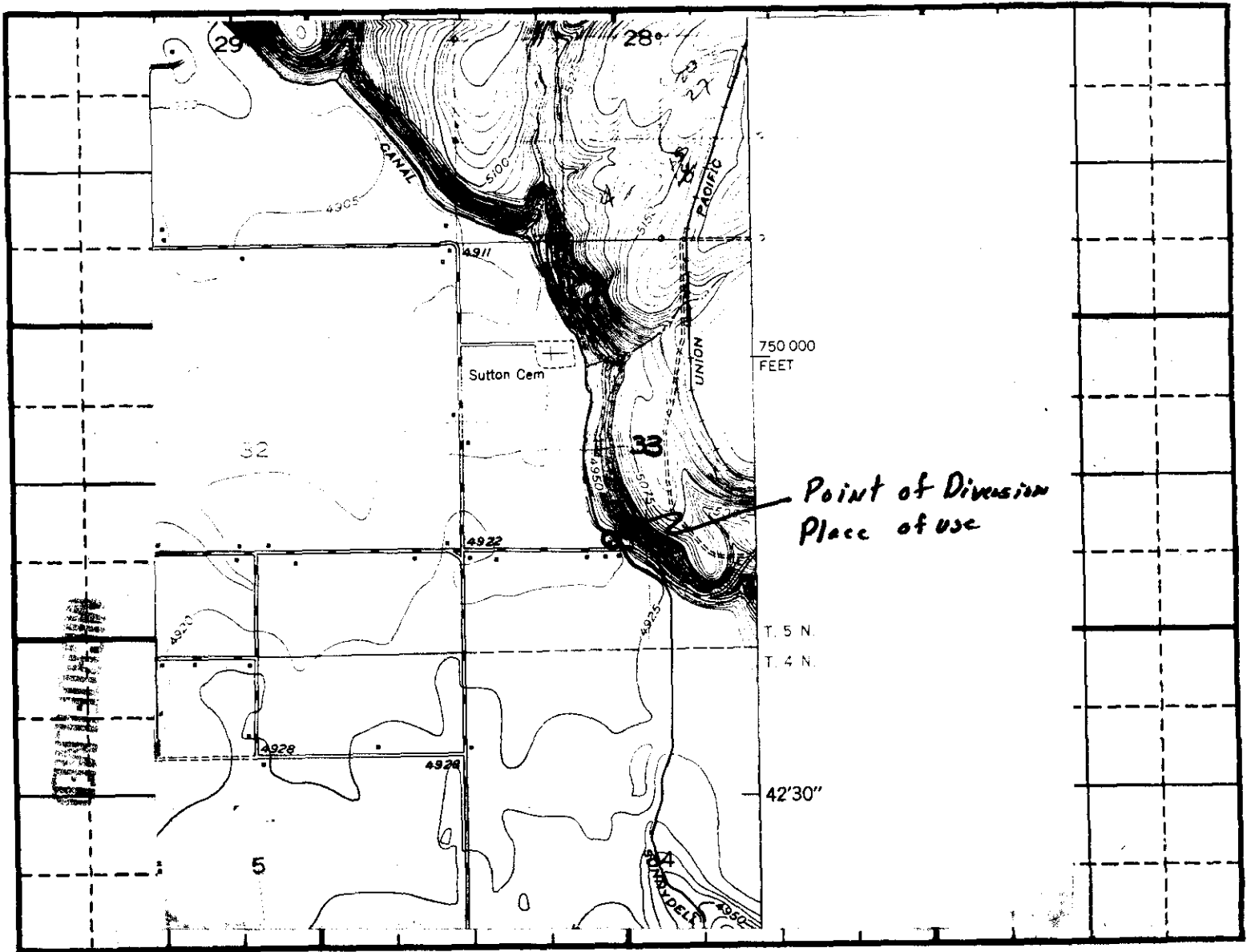
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic - 2 family dwellings

NOTE: Include here the type and number of stock watered: 150 head dairy and beef cattle

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

(8) 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 Bonneville) 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 29th day of June, 1983.
Mary W. Lathrop (Claimant)
Callan May
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by Jm Date 6-29-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by HWS Date 8-15-83 claimant by: _____
\$30.00 fee received by CW Date 6-29-83
Published in Standard Journal # 2491
Dates 9/1 - 9/8/83

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Bruce Porter
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice Of Claims

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for
consecutive issues, the first publication hav-

ing been made on Sept. 1, 1983
and the last publication having been made
on Sept. 8, 1983

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Subscribed to and sworn to before me

Sept. 9, 1983

[Signature]

Notary Public.

(SEAL)

My commission expires life.

The following claim(s) have been filed on
water right(s) created by claim on and
beneficial use:

31-4111
ARCHIE GROVER ESTATE
RT. 4, BOX 259, BLACKFOOT, ID 83221
Source: SPRING trib. to SINKS
Priority Date: 05/01/1966
Diverson Pt: SWSE Sec 08 T 14N R 36E
Use: STOCKWATER (0.02 CFS)
In: SWSE Sec 08 T 14N R 36E

31-4112
ARCHIE GROVER ESTATE
RT. 4, BOX 259, BLACKFOOT, ID 83221
Source: SPRINGS trib. to SINKS
Priority Date: 05/01/1966
Diverson Pt: NENE Sec 08 T 14N R 36E
NWNE NWNW Sec 08 T 14N R 36E NENE
Sec 07 T 14N R 36E
Use: STOCKWATER (0.04 CFS)
IRRIGATION (2.00 CFS)
In: SWNE NENW NWNW SWNW SENW
Sec 08 T 14N R 36E FOR 100 ACRES

31-4113
ARCHIE GROVER ESTATE
RT. 4, BOX 259, BLACKFOOT, ID 83221
Source: SPRINGS trib. to SINKS
Priority Date: 04/01/1930
Diverson Pt: SWSW Sec 09 T 14N R 36E
SESE NESW Sec 08 T 14N R 36E
Use: IRRIGATION (0.11 CFS)
In: SWNE SENE NENW NWNW SWNW
SENE NESW NWSW SWSW SESW SWSE
Sec 08 T 14N R 36E NWNE NENW Sec 07
T 14N R 36E FOR 355 ACRES

31-4114
ARCHIE GROVER ESTATE
RT. 4, BOX 259, BLACKFOOT, ID 83221
Source: SPRINGS trib. to BEAVER CREEK
Priority Date: 05/01/1890
Diverson Pt: NWSE Sec 18 T 14N R 35E
Use: STOCKWATER (0.08 CFS)
In: NWSE Sec 18 T 14N R 35E

31-4115
ARCHIE GROVER ESTATE
RT. 4, BOX 259, BLACKFOOT, ID 83221
Source: SPRING trib. to SINKS
Priority Date: 05/01/1968
Diverson Pt: SWNE Sec 08 T 14N R 36E
Use: IRRIGATION (0.15 CFS)
In: SWNE Sec 08 T 14N R 36E FOR 30
ACRES

31-4116
ARCHIE GROVER ESTATE
RT. 4, BOX 259, BLACKFOOT, ID 83221
Source: SPRINGS trib. to SINKS
Priority Date: 05/01/1890
Diverson Pt: SENW NESW Sec 12 T 14N
R 35E
Use: STOCKWATER (0.02 CFS)
In: SENW NESW Sec 12 T 14N R 35E

31-4110
ARCHIE GROVER ESTATE
RT. 4, BOX 259, BLACKFOOT, ID 83221
Source: SPRINGS trib. to SINKS
Priority Date: 05/01/1890
Diverson Pt: SWSE Sec 07 T 14N R 36E
Use: STOCKWATER (0.02 CFS)
In: SWSE Sec 07 T 14N R 36E

22-4138
LUTHY, MARY W.
RT. 3, BOX 255, REXBURG, ID 83440
Source: GROUNDWATER
Priority Date: 04/01/1910
Diverson Pt: NESW Sec 33 T 05N R 40E
Use: STOCKWATER (0.04 CFS)
DOMESTIC (0.08 CFS)
In: NESW Sec 33 T 05N R 40E

31-4108
ARCHIE GROVER ESTATE
RT. 4, BOX 259, BLACKFOOT, ID 83221
Source: LONG CREEK trib. to BEAVER
CREEK, BOATMAN SPRINGS trib. to
BEAVER CREEK
Priority Date: 05/01/1930
Diverson Pt: NENW Sec 22 T 14N R 36E
SENE Sec 24 T 14N R 36E
Use: STOCKWATER (0.06 CFS)
IRRIGATION (12.00 CFS)
In: SWNE SENE NENW NWNW SWNW
SENE NESW Sec 08 T 14N R 36E NWSW
SWSW SESW SWSE Sec 08 T 14N R 36E
NWNE NENW Sec 17 T 14N R 36E FOR
355 ACRES

31-4109
ARCHIE GROVER ESTATE
RT. 4, BOX 259, BLACKFOOT, ID 83221
Source: SPRINGS trib. to SINKS
Priority Date: 05/01/1960
Diverson Pt: SESE Sec 06 T 14N R 36E
SWNW Sec 08 T 14N R 36E
Use: STOCKWATER (0.04 CFS)
IRRIGATION (0.40 CFS)
In: SWNW NWSW Sec 08 T 14N R 36E
NESE Sec 07 T 14N R 36E FOR 80 ACRES

RECEIVED

OCT 13 1983

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 19, 1983

MARY W. LUTHY
RT. 3, BOX 255
REXBURG

ID 83440

RE: Claim No. 22-4138

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

September 27, 1983

RE: Claim to a Water Right No. 22-4138 LUTHY

Standard Journal
Box 10
Rehburg, ID 83440

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on September 1 and 8, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

*Called
10-7-82*

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 22 4138 Applicant Luthy

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
☒ Source.
☒ Quantity, use, period.
☒ Point(s) of diversion.
☒ Location of use.
☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

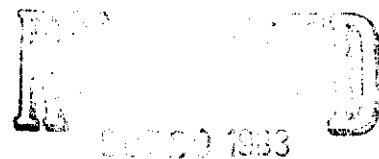
- ☒ Affidavit of publication received.
☒ Claim published correctly.
☐ Exceptions processed.

By Ernest Carlson Date Oct 18, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By pc Date 10/25/83



Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 24, 1983

The Standard Journal
P. O. Box 10
Rexburg, Idaho 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 19, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published &

22-4138-

LUTHY, MARY W.

RT. 3, BOX 255, REXBURG, ID 83440

Source: GROUNDWATER

Priority Date: 04/01/1910

Diversion Pt: NESM Sec 33 T 05N R 40E

Use: STOCKWATER	(0.04 CFS)
DOMESTIC	(0.08 CFS)

In: NESM Sec 33 T 05N R 40E