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County of Madison

affiant's knowledge.

(Claimant)

Sworn to before me this 21st day of November, 1983.

Notary Public
Residing at Sugar City

My commission expires Jan 5, 1985

FOR DEPARTMENT USE ONLY

Received by	CW	Date	6-28-83	Exception filed by:	Forwarded to	Date
Prelim. check by	HWJ	Date	12-09-83		claimant by:	
\$30.00 fee received by	CW	Date	6-29-83	#25707		
Published in	Standard Journal					
Dates	12/22 & 12/29/83					

55 4102

(8)	Remarks _____

T. 7 N. R. 40 E.

34

1 acre

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)
) ss.
County of Madison)

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.

Layne J. Luke
 Judy M. Luke
 (Claimant)

Sworn to before me this 21st day of June, 1983.

Notary Public Sugar City
Residing at _____

My commission expires Jan 5, 1985

Received by CW Date 6-23-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$30.00 fee received by CW Date 6-29-83
Published in #25707 _____
Dates _____

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

RECEIVED

JAN 9 1984

Department of Water Resources
Eastern District Office

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

Bruce Porter

I, 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 To Water Rights

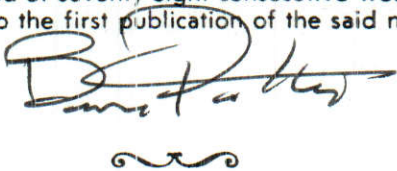
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

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

ing been made on Dec. 22, 1983
and the last publication having been made

on Dec. 29, 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

this Dec. 30, 1983


(SEAL) Notary Public.

My commission expires Life.

**NOTICE OF CLAIMS
TO WATER RIGHTS**

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

22-4166

BYRNE, J.R.
RT. 3, BOX 227, REXBURG, ID 83440
Source: GROUNDWATER
Priority Date: 09/01/1952
Diversion Pt: NWSW Sec 03 T 04N R 40E
Use: STOCKWATER (0.50 CFS),
DOMESTIC (0.12 CFS)
In: NWNW Sec 03 T 04N R 40E

22-4165

LUKE, LAYNE J. &/or JUDY MARIE
RT. 1, SUGAR CITY, ID 83448
Source: GROUNDWATER
Priority Date: 05/01/1974
Diversion Pt: SESW Sec 34 T 07N R 40E

Use: DOMESTIC (0.04 CFS)
In: SESW Sec 34 T 07N R 40E

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
Director

Publ. Dec. 22 and 29, 1983J

NOTED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern District Office

CLAIM TO A WATER RIGHT



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

(Name of Claimant)

83448

Telephone No. 356-3087

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) May 1974

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

Groundwater tributary to

(cfs, af)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo.,

(Mo., Day)

Quantity 0.04cfs

Use Domestic

Period of Use From 1-1 To 12-31

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) 0.04cfs TOTAL QUANTITY USED.
(cfs, af)

(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ SW ¼, Sec. 34 Twp. 7N 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. Pump and 70+ foot well with 6 inch casing,

(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.

[illegible]

No. of acres _____

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

Domestic for one home with lawn and garden.

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:

[illegible]

) ss.

Madison

x Rayne J. Lake
(Claimant)

Notary Public
Residing at Sugar City

CW 127-B

Received by CW CW Date 8-28-83
Prelim. check by HWT Date 12-09-83
\$30.00 fee received by CW Date 6-29-83
Published in Standard Journal
Dates 12/22 & 12/29/83

Forwarded to
claimant by:

Date _____

#25707

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 23 1983

Department of Water Resources
Eastern District Office



CLAIM TO A WATER RIGHT

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 Layne J and Judy Marie Luke
(Name of Claimant)
Rt # 1 Sugar City, Idaho 83448 Telephone No. 356-3087
(Mailing Address) (Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) May 1974

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)
ground water 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:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.02</u>	Use ~~irrigation~~ domestic (garden, lawn)	Period of Use From <u>Apr 1</u>	To <u>Nov 1</u>
Quantity	<u>0.04</u>	Use <u>domestic</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____

(4) 0.06 TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SW ¼, Sec. 34 Twp. 7 N Rge. 40 E 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. Pump, 70 + foot well - 6 inch casing

(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.

[illegible]

No. of acres 1

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

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:

T. 7 N.

R. 40 E.

34

1 acre

Received by CW Date 6-23-83 Exception filed by: _____ Forwarded to _____ Date _____

Prelim. check by _____ Date _____

\$30.00 fee received by CW Date 6-29-83

Published in #2507 _____

Dates _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Wid

1. Name of applicant Layne J. and Judy M. Luke Phone 356-3087
Post office address Rt #1 Sugar City, Idaho 83448
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34 Township 7 N
Range 40 E B.M. Madison County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.02 for (garden, lawn) domestic purposes from Apr 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.06 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 6 inches; proposed depth of well is 75 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is _____ years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34 Township 7 N
Range 40 E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served One now possibly two, or number of families to be supplied with domestic water as parents get older

(5) If water is to be used for other purposes describe: watering of about
 $\frac{1}{3}$ acre of lawn and $\frac{1}{3}$ acre of garden.
The lawn is usually flooded (water rights from canal).

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
																			0

Total number of acres to be irrigated 0

c. Describe any other water rights used for the same purposes as described above.

counting highway right off road, house & parking area.

9. a. Who owns the property at the point of diversion Layne J. and Judy M. Luke

b. Who owns the land to be irrigated or place of use Layne J. & Judy M. Luke

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks According to the title to our land dated Nov, 1973 - we the water rights for this piece of land were transferred to us.

T. 7 N R. 40 E.

34

x' laere

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Layne G. Luke
(Applicant)
Judy M. Luke

Received by _____ Date _____ Time _____
Preliminary check by _____ Fee \$ _____
Receipted by _____ Date _____
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

RECEIVED

JAN 9 1984

Department of Water Resources
Eastern District Office

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 To Water Rights
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 Two
consecutive issues, the first publication hav-
ing been made on Dec. 22, 1983
and the last publication having been made
on Dec. 29, 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.

Bruce Porter

Subscribed to and sworn to before me

this Dec. 30, 1983

Geri Garner
(SEAL) Notary Public.

My commission expires Life.

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 9, 1984

LAYNE J. LUKE
JUDY MARIE LUKE
RT. 1
SUGAR CITY

ID 83448

RE: Claim No. 22-4165

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

MICROFILMED

RECEIVED
JAN 17 1984

Department of Water Resources

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

Right Number 22 4165 Applicant Luke

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.

Jan. 9, 1984

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Jan 10, 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By PC Date 1/18/84



aw

November 16, 1983

Layne Luke
Rt. #1
Sugar City, ID 83448

Dear Mr. Luke:

On June 23, 1983 the Department of Water Resources received your claim to a water right filed in accordance with Section 42-242 of the Idaho Code requiring all beneficial use water rights be recorded with the state. This claim was reviewed by our staff and subsequently returned on November 7, 1983 with a cover letter outlining the modifications you needed to make for the claim to be in form to process.

The fee at the time you submitted your claim was \$30.00. However, starting July 1, 1983 the statutory fee for filing a claim was substantially increased to \$100.00.

Since your claim was originally received when the lower fee was in effect, we will accept your claim at that rate provided it has been corrected and returned no later than January 9, 1984. A returned claim postmarked later than January 9, 1984 will be assessed the current filing fee of \$100.00.

Staff at our office will be glad to answer questions or assist you in properly completing the claim form.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

November 7, 1983

Layee Luke
Rt.#1
Sugar City, ID 83448

Dear Mr. Luke:

I reviewed your claim to a water right and I have retyped it to reflect what I feel you intended. The term "domestic" in section 3 of the claim implies a single family household, 1/2 acre of irrigated ground and attendant household stock (5 or 6 head). This format is the only way we can accept a groundwater claim with a priority after March 25, 1963.

If everything else seems correct sign and have the claim notarized and return it to this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:jk

Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup - Suite 15
Idaho Falls, Idaho 83401
(208) 525-7161

June 24, 1983

Layne I. Luke
Rt. 1,
Sugar City, ID 83448

According to form 243 - #1, date of priority -
An exception to the dates of priority is made
on single family domestic use from a ground
water source. We inadvertently listed irrigation as
a use of water, when it should have been listed
as domestic since all the water we use is
(for lawn or garden). It is even question-
able if we water more than 1/2 acre, but we wished to
be on the safe side and so, are filing. However,

over →
This office is in receipt of a Claim to a Water Right filed in your name. Please
be advised that the claim cannot be formally receipted until the following
information is provided:

- _____ Complete name.
- _____ Complete mailing address.
- _____ Date of priority (month, day, and year).
- _____ Source of water.
- _____ Quantity claimed to have been used.
- _____ Nature of use and period of use.
- _____ Location of point(s) of diversion.
- _____ Location of place of use (acres irrigated if water is
claimed for irrigation).
- _____ Filing Fee (Amount \$ _____).
- _____ Signature.
- _____ Notarization of signature.
- _____ Other: Please note a claim to a water right on groundwater with
a priority date later than 25 March 1963 cannot be accepted.

RECEIVED

JUN 28 1983

Department of Water Resources
Eastern District Office

Please note that your claim has been stamped and initialed as received. If you
amend this claim by adding the needed information and return the claim to this office
no later than 60 days from the date of this letter, the original date submitted will
be utilized for purposes of determining the appropriate filing fee.

Instructions for completing a Claim to a Water Right are included for your
information. However, if you desire assistance, please feel free to contact
this office.

Sincerely,

Encl: Check # 92-7308
for \$30.00

MICROFILMED

we have filled out form 202 as you instructed
and we are sending both forms to you. Please
use the appropriate one. Thank you.

Very truly yours,
[Signature]
[Name]

22-4165-

LUKE, LAYNE J. &/or JUDY MARIE

RT. 1, SUGAR CITY, ID 83448

Source: GROUNDWATER

Priority Date: 05/01/1974

Diversion Pt: SESW Sec 34 T 07N R 40E

Use: DOMESTIC (0.04 CFS)

In: SESW Sec 34 T 07N R 40E