

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.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
<u>10S</u>	<u>34E</u>	<u>18</u>			<u>21</u>				<u>16</u>	<u>39</u>	<u>13</u>	<u>2</u>				<u>8</u>			<u>99</u>

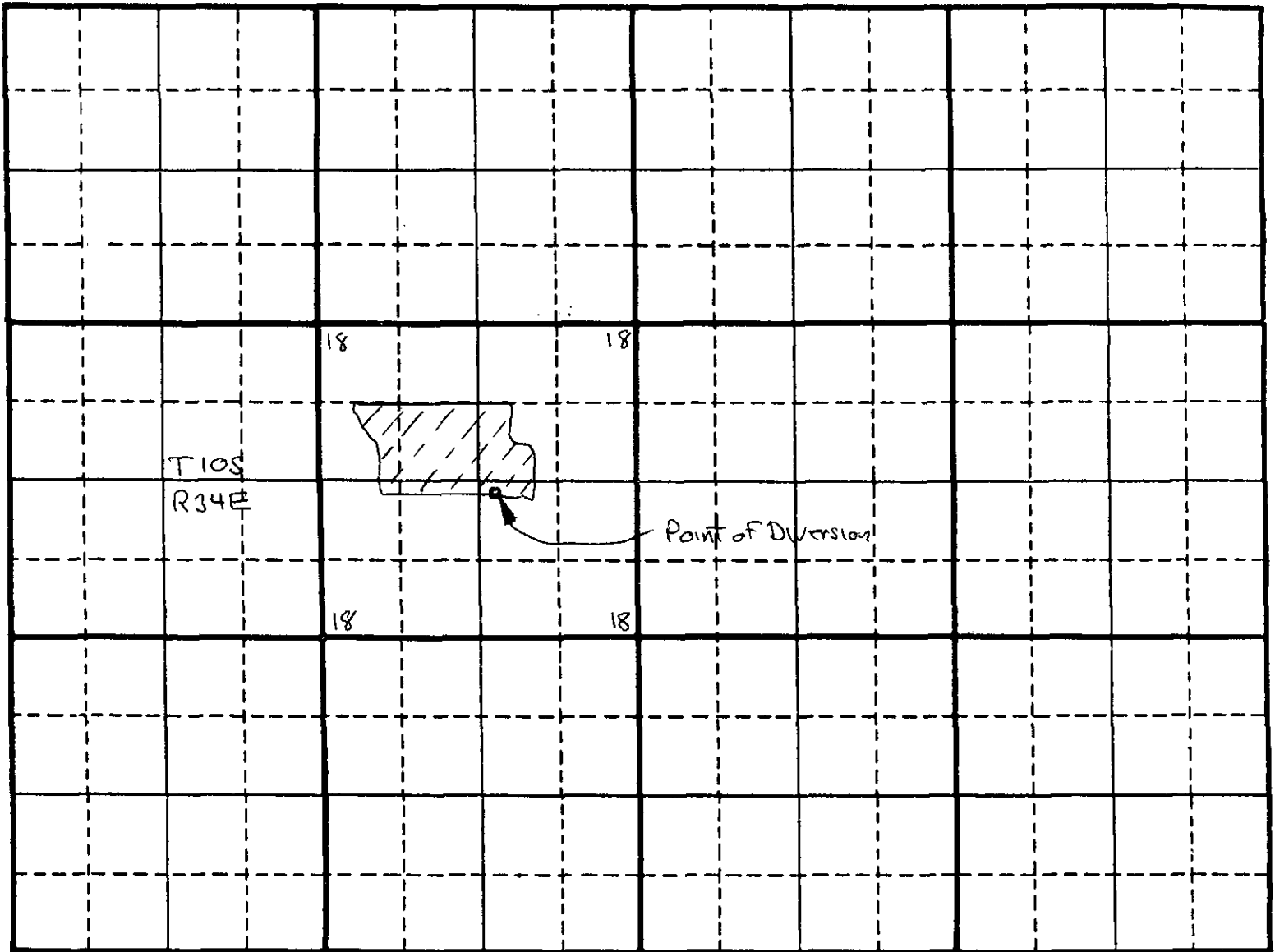
No. of acres 99

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: _____

(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 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. Lustig & Sons, Owners Inc.
(Claimant) David M. Lustig & Sons, Inc.

John L. Lutton
Notary Public
Residing at Butte

My commission expires 10/18/84

FOR DEPARTMENT USE ONLY

Received by <u>AW</u>	Date <u>5-9-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>AW</u>	Date <u>5-10-83</u>		claimant by:	
\$30.00 fee received by <u>AW</u>	Date <u>5-12-83</u>	<u>#28199</u>		
Published in <u>Power County Press</u>				
Dates <u>5/25 - 6/2/83</u>				

MICROFILMED

Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER

} S.S.

Brett Crompton

being first duly sworn

on oath, states:

That he is the editor of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publica-

tion being the 25 day of May, 1983

the date of last publication being the

1 day of June, 1983

(Signed)

Brett Crompton

Subscribed and sworn to before me this

2 day of June, 1983

Paula Halls
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

10 day of March, 1983

MICROFILMED

RECEIVED

JUN 3 1983

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS TO WATER RIGHTS

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

DAVE LUSK & SONS FARMS, INC.
ARBON, ID 83402
Source: GROUND

Priority Date: 04/02/1962
Division F: NWSE Sec. 18 T 106 N 34E
Use: IRRIGATION (1.98 CFS)
IN: SWNE SWNW SENW NWSW
NWSW NWSE Sec 18 T 106 N 34E
FOR 99 ACRES

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.

Affidavit of Publication

STATE OF IDAHO
COUNTY OF POWER } S.S.

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on oath, states:

That he is the editor of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publica-

tion being the 25 day of May, 1983

the date of last publication being the

1 day of June, 1983

(Signed) Brett Crompton

Subscribed and sworn to before me this

2 day of June, 1983

Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) 10 day of March, 1983.

RECEIVED

JUN 5 1983

Department of Water Resources
Eastern District Office

Legal Notice

Published in the Power County Press May 25 and June 1, 1983.

NOTICE OF CLAIMS TO WATER RIGHTS

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

29-4349

DAVE LUSK & SONS FARMS, INC.

ARBON, ID 83212

Source: GROUNDWATER

Priority Date: 04/01/1962
Diversion Pt: NWSE Sec 18 T 10S R 34E

Use: IRRIGATION(1.98 CFS)
IN: SWNE SWNW SENW NESW
NWSW NWSE Sec 18 T 10S R 34E
FOR 99 ACRES

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JUNE 13, 1983

DAVE LUSK & SONS FARMS, INC.
ARBON ID 83212

RE: Claim No. 29-4349

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

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

HWS
29 4319

Right Number

Applicant

Lusk

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

June 22, 1983

June 13, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

RC

Date

6/28/83

RECEIVED
JUN 23 1983

Department of Water Resources

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 18, 1983

Power County Press
174 Idaho Street
American Falls, Idaho 83211

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 billings to this office before JUNE 13, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

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 5/26 & 6/2/83.

RECEIVED

29-4349

DAVE LUSK & SONS FARMS, INC.

ARBON, ID 83212

Source: GROUNDWATER

Priority Date: 04/01/1962

Diversion Pt: NWSE Sec 18 T 10S R 34E

Use: IRRIGATION (1.98 CFS)

In: SWNE SWNW SENW NESW NWSW NWSE Sec 18 T 10S R 34E FOR 99 ACRES

Published in the Power County
Press May 25 and June 1, 1983.

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KEN DUNN, Dir.

