

**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 BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

RECEIVED

SEP 30 2024

IDWR/Preston

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Ident. Number: 13-7738
Date Received: 9/30/2024
Receipt No: P001353
Claim Fee: \$84.00
Received By: BW

1. Name of Claimant(s)

LUCHERINI FARMS LLC
4798 E CUB RIVER RD
PRESTON ID 83263

Phone: (208) 851-1350

2. Date of Priority: 1/1/1910

3. Source:
UNNAMED STREAM

Trib. to:
CUB RIVER

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
15S	40E	35	SW SW		FRANKLIN	

5. Description of diverting works:

Metal culvert connected to ditch with release gate.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
IRRIGATION	04/01	10/31	0.45		
STOCKWATER	01/01	12/31	0.02		

7. Total Quantity Appropriated is:

0.47 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

12 mixed stock.

9. Place of use:

IRRIGATION within FRANKLIN County

Township	Range	Section	¼	of	¼	Lot	Acres
15S	40E	34	SE		SE		13
15S	40E	35	SW		SW		1.2
16S	40E	2	NW		NW		0.9
16S	40E	3	NE		NE		16
16S	40E	3	NE		SE		0.4

Total Acres = 31.5

STOCKWATER within FRANKLIN County

Township	Range	Section	¼	of	¼	Lot	Acres
15S	40E	34	SE		SE		
15S	40E	35	SW		SW		
16S	40E	2	NW		NW		
16S	40E	3	NE		NE		
16S	40E	3	NE		SE		

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

None.

12. Remarks:

Priority Date Explanation:

This property has been irrigated from this source since this year, and this use continues to this day. See attached affidavits for historical use.

13. Basis of Claim: Statutory Claim

14. 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 BEAR River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

Agents Title (please print)

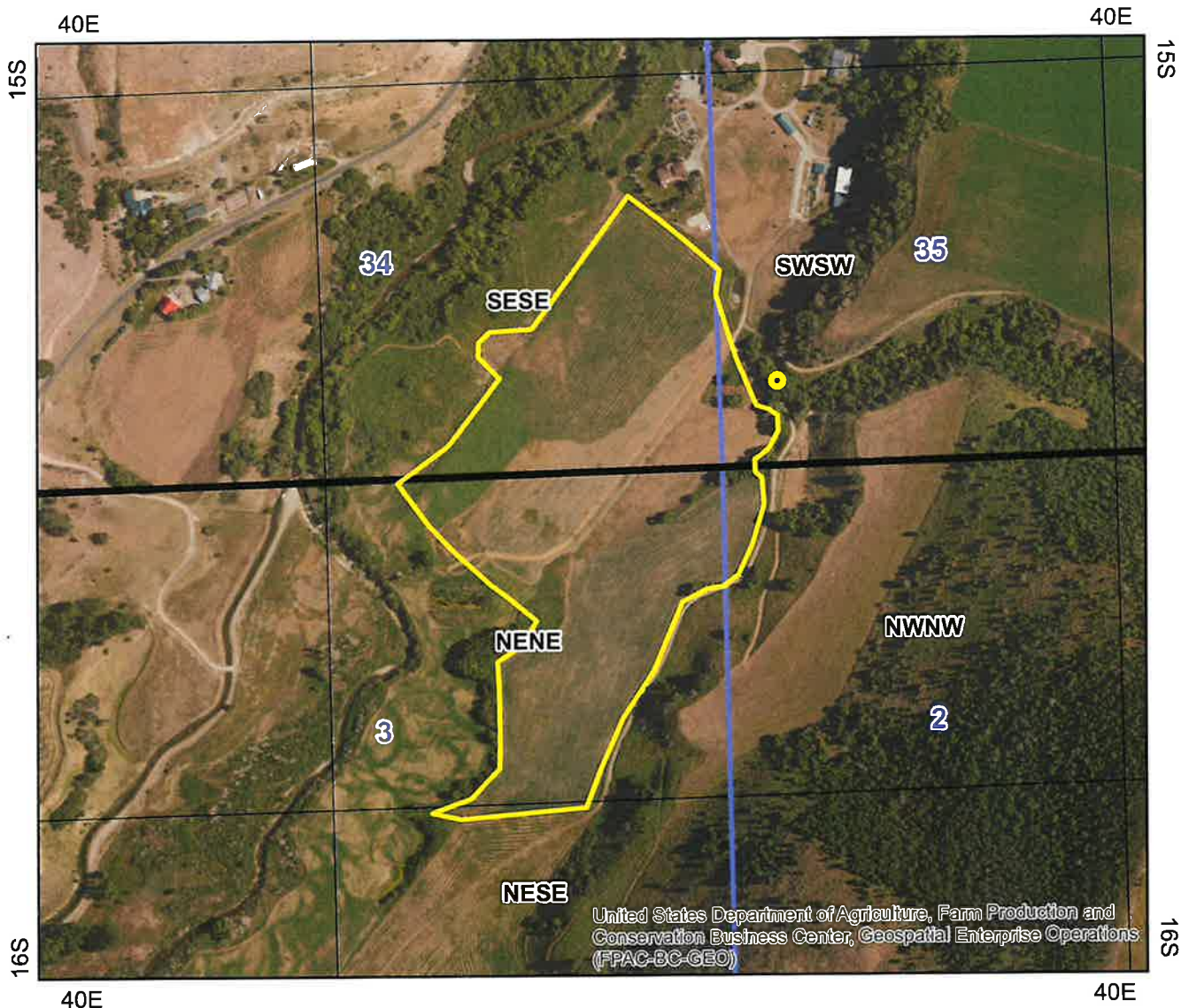
Name of Organization (please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Lonnie Lucherini Date 30 Sept 24

Printed Name of Authorized Agent Lonnie Lucherini

State of Idaho
Department of Water Resources
Adjudication Claim
13-7738



0 0.05 0.1 0.2 Miles

- Place Of Use Boundary
- Point of Diversion
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



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

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FEB 17 2009
Department of Water Resources
Eastern Region

13 - 7738

September 30, 2024

The purpose of this affidavit is to continue the timeline and documented history of irrigation since the sale of this property to my father, Kenneth P. Knapp, in 1944.

The property and acreage claimed has continued to be irrigated by flood and/or sprinkler irrigation for agricultural crops while my family owned the property. We purchased the property from my family in 1999, and we have continued this use ever since. The irrigated acreage mentioned in the affidavit signed by Eldon Bennett going back to 1910 is the same acreage we are describing in our claim today.



Mary Lucherini

4798 E Cub River Rd

Preston, ID 83263