

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04228
Date Received: 3/28/1990
Receipt No: 10086100
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	GOLDEN K. AVERY	208-776-5321
Address:	P. O. BOX 264 LAVA HOT SPRINGS, ID 83246	
OR		
Name:	VERA M. AVERY	208-776-5321
Address:	P. O. BOX 264 LAVA HOT SPRINGS, ID 83246	
AND		
Name:	J. B. IRICK	208-776-5522
Address:	P. O. BOX 636 LAVA HOT SPRINGS, ID 83246	
OR		
Name:	LOLA IRICK	208-776-5522
Address:	P. O. BOX 636 LAVA HOT SPRINGS, ID 83246	
AND		
Name:	SAM FRANDSEN	
Address:	LAVA HOT SPRINGS, ID 83246	
OR		
Name:	ANGALEE FRANDSEN	
Address:	LAVA HOT SPRINGS, ID 83246	
AND		
Name:	JAMES BROWN	208-776-5544
Address:	P. O. BOX 602 LAVA HOT SPRINGS, ID 83246	
OR		
Name:	SHIRLENE BROWN	208-776-5544
Address:	P. O. BOX 602 LAVA HOT SPRINGS, ID 83246	

2. Date of Priority: JUN 01, 1912

3. Source: STEPHENS SPRINGS Trib. to: SINKS

A29-04228

Page 1

Date: 03/30/90

A2904228



MICROFILMED

NOV 13 1992

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	38E	17	SW	NE	SW		BANNOCK

5. Description of diverting works:

COLLECTION BOX WITH LINES TO HOMES & TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.070		
DOMESTIC	01/01	12/31	0.100		

7. Total Quantity Appropriated is:

0.100 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/300 RANGE; D/4 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	38E	17	SW	SE		DOMEST	
			SW	SE		STOCK	
		20	NW	NE		DOMEST	
			NW	NE		STOCK	
			NE	NW		DOMEST	
			NE	NW		STOCK	
			SE	NW		STOCK	
			SE	NW		DOMEST	

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

N/A

14. Remarks:

EACH OWNER HAS EQUAL SHARE OF WATER RIGHT.

15. Basis of Claim: STATUTORY CLAIM

16. 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 Snake 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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): James L. Brown Date: 4-6-90
Shirley K. Brown Date: 4-6-90

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of April 19 90 Michael S. Hamilton
Notary Public

Seal

Residing at Laurel Hill Spring
My Commission Expires 3-11-93

16. Signature(s) (continued)

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): x

Date:

Angela Handen

Date: 4.9.90

State of Idaho)

County of Pennock) SS.

Subscribed and sworn (or affirmed) before me this 4th day

of April 19 90

William H. Hillborn
Notary Public

Seal

Residing at Laurel Hill Springs

My Commission Expires 5.11.95

16. Signature(s) (continued)

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Sam J. [Signature] Date: 4-12-90

State of Hawaii) Date: _____
~~Idaho~~)

County of Kauai) SS.
)

Subscribed and sworn (or affirmed) before me this 12 day
of April 19 90 [Signature]
Notary Public

Seal

Residing at Lihue, Hawaii
My Commission Expires 10/30/92

MICROFILMED
NOV 13 1992

16. Signature(s) (continued)

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

J. B. Irick
Gola Irick

Date: 4/18/90

Date: 4/18/90

State of Idaho

County of

Benewah

) SS.
)

Subscribed and sworn (or affirmed) before me this

18th

day

of

April 19 90

[Signature]
Notary Public

Seal

Residing at

Laurel Springs

My Commission Expires

3-11-93

16. Signature(s) (continued)

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Golden K Avery Date: 4/24/90

Lora Avery Date: 4/24/90

State of Idaho)

County of BANNOCK) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of April 19 90

Paula Keister
Notary Public

Seal

Residing at Lower Hot Springs, Idaho

My Commission Expires 04-06-94

04/03/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4228

NAME AND ADDRESS: ANGALEE FRANDSEN
SAM FRANDSEN
GOLDEN K AVERY
VERA M AVERY
JAMES BROWN
SHIRLENE BROWN
J B IRICK
LOLA IRICK

LAVA HOT SPRINGS, ID 83246

SOURCE: STEPHENS SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.1 CFS

PRIORITY DATE: 06/01/1912

POINT OF DIVERSION: T09S R38E S17 SWNESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	1-01 12-31	0.07 CFS
DOMESTIC 4 HOMES	1-01 12-31	0.10 CFS

PLACE OF USE:

STOCKWATER Within BANNOCK County			
T09S R38E S17	SWSE	T09S R38E S20	NWNE
T09S R38E S20	NENW	T09S R38E S20	SENE
DOMESTIC Within BANNOCK County			
T09S R38E S17	SWSE	T09S R38E S20	NWNE
T09S R38E S20	NENW	T09S R38E S20	SENE

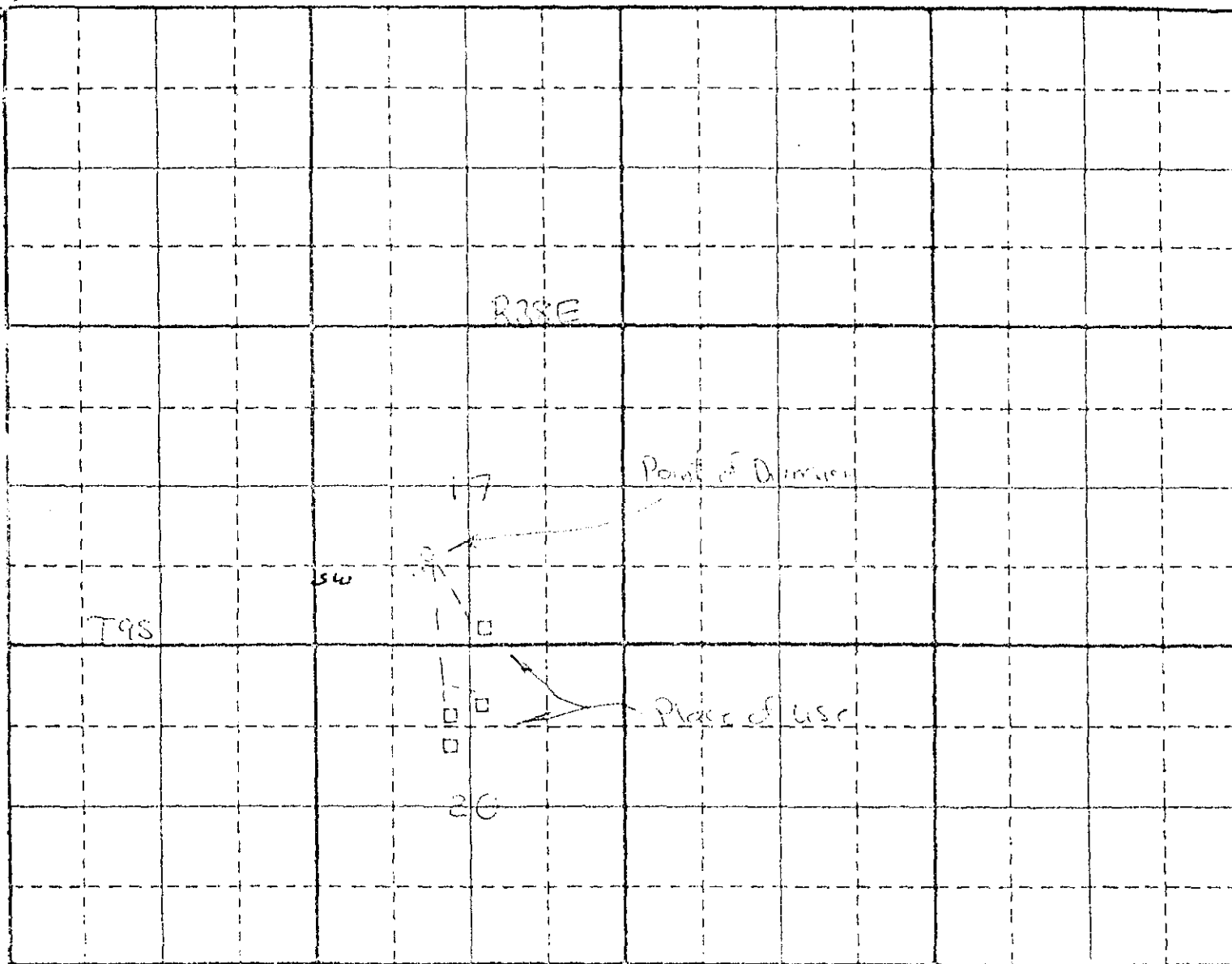
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER; 300 CATTLE

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) ss.
County of)

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 _____ day of _____

J. B. Irick
(Claimant)
MICROFILMED

NOV 13 1992

Notary Public

RIGHT NUMBER: 29-04228

NAME & ADDRESS: SAM FRANSEN
ANGALEE FRANSEN
LAVA HOT SPRINGS ID 83246

T9S R38E S21

GOLDEN K AVERY
VERA M AVERY
PO BOX 264
LAVA HOT SPRINGS ID 83246R4227008600 95'38E S20
improvements 104.220JAMES BROWN
SHIRLENE BROWN
PO BOX 602
LAVA HOT SPRINGS ID 83246T9S R38E S20 NWNE
Parcel # R4227008200
(Improvement)LOLA IRICK
J B IRICK
PO BOX 636
LAVA HOT SPRINGS ID 83246T9S R38E S20 NW4NW4 40 acres
R4227007300 NE4NW4 40 acres
improvements

SOURCE: STEPHENS SPRINGS

R42270005300 88 acres not imp
↑ TRIBUTARY: SINKS (On Barber)

QUANTITY: 0.1 CFS

R 422 700 73 00 improvements
NE2 NW2 (40 acres) 80 acres

PRIORITY DATE: 06/01/1912

POINT OF DIVERSION: T09S R38E S17

SWNEW

Within BANNOCK County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.07 CFS
	DOMESTIC S/300 RANGE; D/4 HOMES	01-01 12-31	0.1 CFS

PLACE OF USE:

STOCKWATER
T09S R38E S17
S20

Within BANNOCK County

SWSE Irick
NWNE ~~Irick~~
Brown

NENW

SENEW ~~Avery~~DOMESTIC
T09S R38E S17
S20

Within BANNOCK County

SWSE Irick
NWNE ~~Irick~~
BrownNENW ~~Irick~~SENEW ~~Avery~~
~~Irick~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EACH OWNER HAS EQUAL SHARE OF WATER RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - STATUTORY CLAIM

Verified by Sandy Date: 9-17-97Verification Source: Computer printout



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

March 30, 1990

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Golden and Vera Avery
P. O. Box 264
Lava Hot Springs, Idaho 83246

RE: Notices of Claim to a Water Right

Dear Mr. and Mrs. Avery,

Enclosed you will find two sets of copies of the Notices of Claim to a Water Right that Mrs. Avery and I worked on during her visit to this office, Wednesday, March 28, 1990. One set has been marked 'State Copies' and the other has been marked 'Personal Copies'.

Please check over each copy for any errors that may have been made. Then sign each of the 'State Copies' in front of a notary and return them to this office with your payment of \$110.00.

I have included extra signature pages for your domestic Notice of Claim from Stephens Springs for your convenience.

Please remember that the filing deadline for your area of Bannock County is May 1, 1990. Be sure to return your notarized 'State Copies' with your payment before then to avoid any late fees. The 'Personal Copies' are for your records.

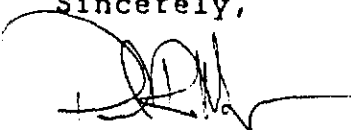
The fees have been calculated as follows:

Claim	Fee
A29-04228 (domestic springs)	\$ 60.00
A29-10816 (overlaps Lava Irr. Co.)	50.00
Total ==>	\$ 110.00 =====

Again, it would probably be best to return these 'State Copies' a few days after Lava Irrigation Co.'s Notices of Claim are returned to this office. Please be sure to return both yours and Lava Irrigation Co.'s claims before May 1, 1990.

If you have any questions, feel free to give me a call at this office. The phone number is 525-7161.

Sincerely,


Paul R. Meyer
WR Agent, Senior

enc.

MICROFILMED

NOV 13 1992