

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

A. Subcase 29-02261
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Wayne Avery

Address: 8888 Sunnyside Road; Lava Hot Springs, Idaho 83246

Name: Patricia Avery

Address: 8888 Sunnyside Road; Lava Hot Springs, Idaho 83246

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: See attached.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land where one of the PODs is located. There is no diversion on public land in the NWSWSW, S08, T09S, R38E. Claimant's water right should not include this POD.

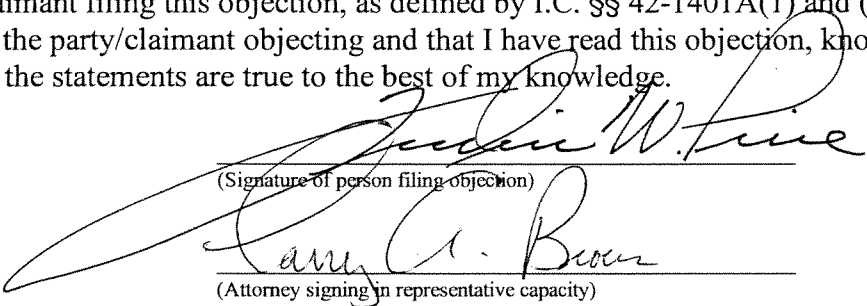
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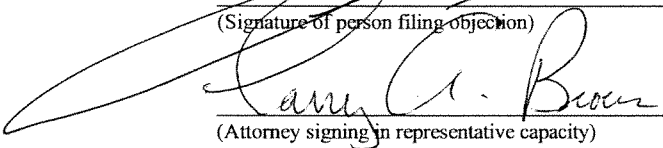
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

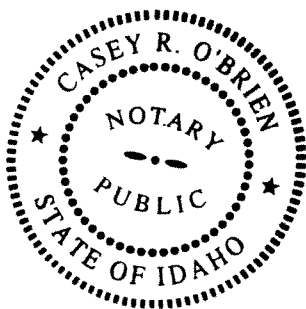
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

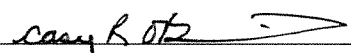
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 11/05/03




Casey R. O'Brien
Notary Public in and for the State of Idaho
Residing at: Nampa, ID.
My Commission Expires: 10-31-2009

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on Nov. 13, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

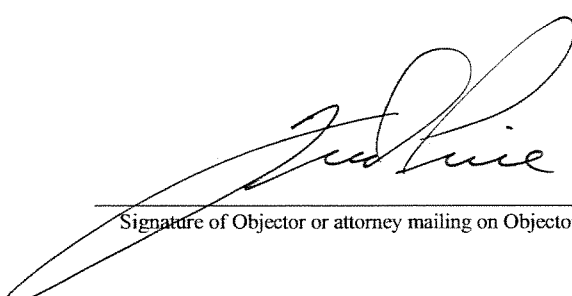
Name: Wayne Avery
Address: 8888 Sunnyside Road; Lava Hot Springs, Idaho 83246
Name: Patricia Avery
Address: 8888 Sunnyside Road; Lava Hot Springs, Idaho 83246
Name:
Address: ;
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-2261

NAME AND ADDRESS: WAYNE AVERY
8888 SUNNYSIDE RD
LAVA HOT SPRINGS ID 83246

PATRICIA AVERY
8888 SUNNYSIDE RD
LAVA HOT SPRINGS ID 83246

POD on BLM

**-No Point of Diversion exists on BLM at
the location listed below**

**-Perhaps the POD at T09S R38E S8 NWSWSW
is a typographical error**

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.080 CFS

PRIORITY DATE: 07/10/1945

POINT OF

DIVERSION: **BLM** T09S R38E S8 NWSWSW Within BANNOCK County
T09S R38E S17 SWNWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R38E S17 NESW 2.0

DOMESTIC Within BANNOCK County

T09S R38E S17 NESW

2 ACRES TOTAL

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

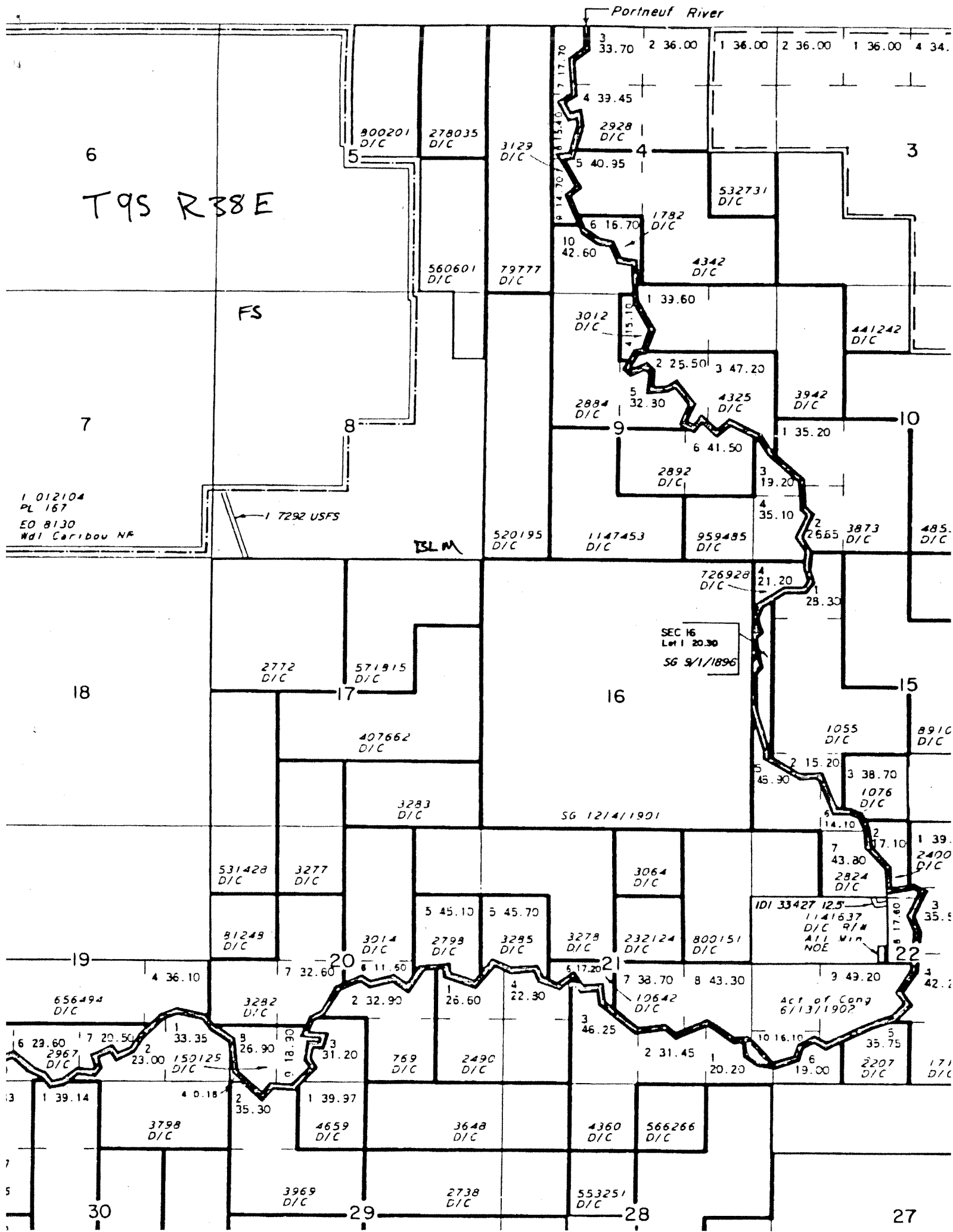
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO
LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

USE: 2 HOMES

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 29-07402 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION
DESCRIBED ABOVE.



6

T9S R38E

FS

1 012104
PL 167
EO 8130
Wdl Caribou NF

1 7292 USFS

BSLM

Portneuf River

2772
D/C

571915
D/C

407662
D/C

3283
D/C

531428
D/C

3277
D/C

81248
D/C

3014
D/C

5 45.10

5 45.70

2798
D/C

3285
D/C

SG 12/4/1901

3064
D/C

232124
D/C

800151
D/C

101 33427 12.5

1141637
D/C R/W
ALL Wm
NOE

Act of Cong
6/13/1902

656494
D/C

6 23.60
2967
D/C

1 39.14

3798
D/C

3969
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4659
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3648
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566266
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553251
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769
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2490
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10642
D/C

120.20

2 31.45

3 46.25

5 17.20

7 38.70

8 43.30

9 43.20

10 16.10

11 19.00

12 35.75

13 2207
D/C

14 171
D/C

15 2400
D/C

16 1076
D/C

17 38.70

18 15.20

19 45.30

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IDAHO FALLS DISTRICT SEC 3

35-53 E

İMT PLAT

[illegible]

I 012104 Det PL 167 (Act of Cong 7/23/1955)
completed 6/28/1961. All NF surface Mgmt by

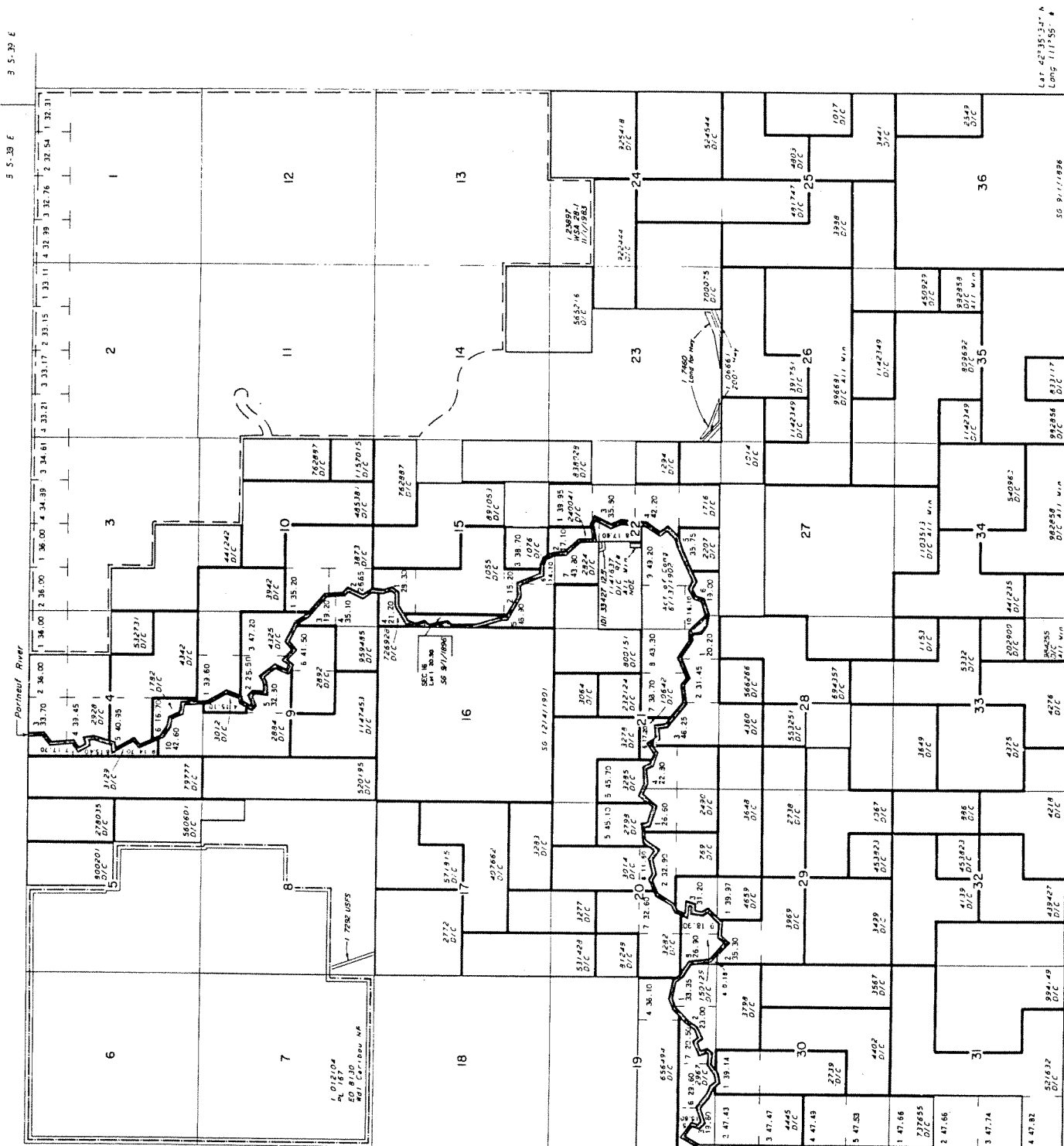
1 19479 Sikes Act 1/7/1982
Sec 22: 51/2NMI/4.
Sec 28: NE1/4SNI/4

Survey Pending Group No. 1162
Partial Tp.

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
11.1	

USE PLATS



SCALE in Chains