

11/30/2001

1

IDAHO DEPARTMENT OF WATER RESOURCES 11/28/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

WATER RIGHT 29-02261

NAME AND ADDRESS: JUNE R WATSON
PO BOX 61
LAVA HOT SPRINGS ID 83246

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.08 CFS

PRIORITY DATE: 07/10/1945

POINT OF DIVERSION:

T09S R38E S8 NWSWSW Within BANNOCK County

T09S R38E S17 SWNNWN 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

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: License

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.
USE: 2 HOMES

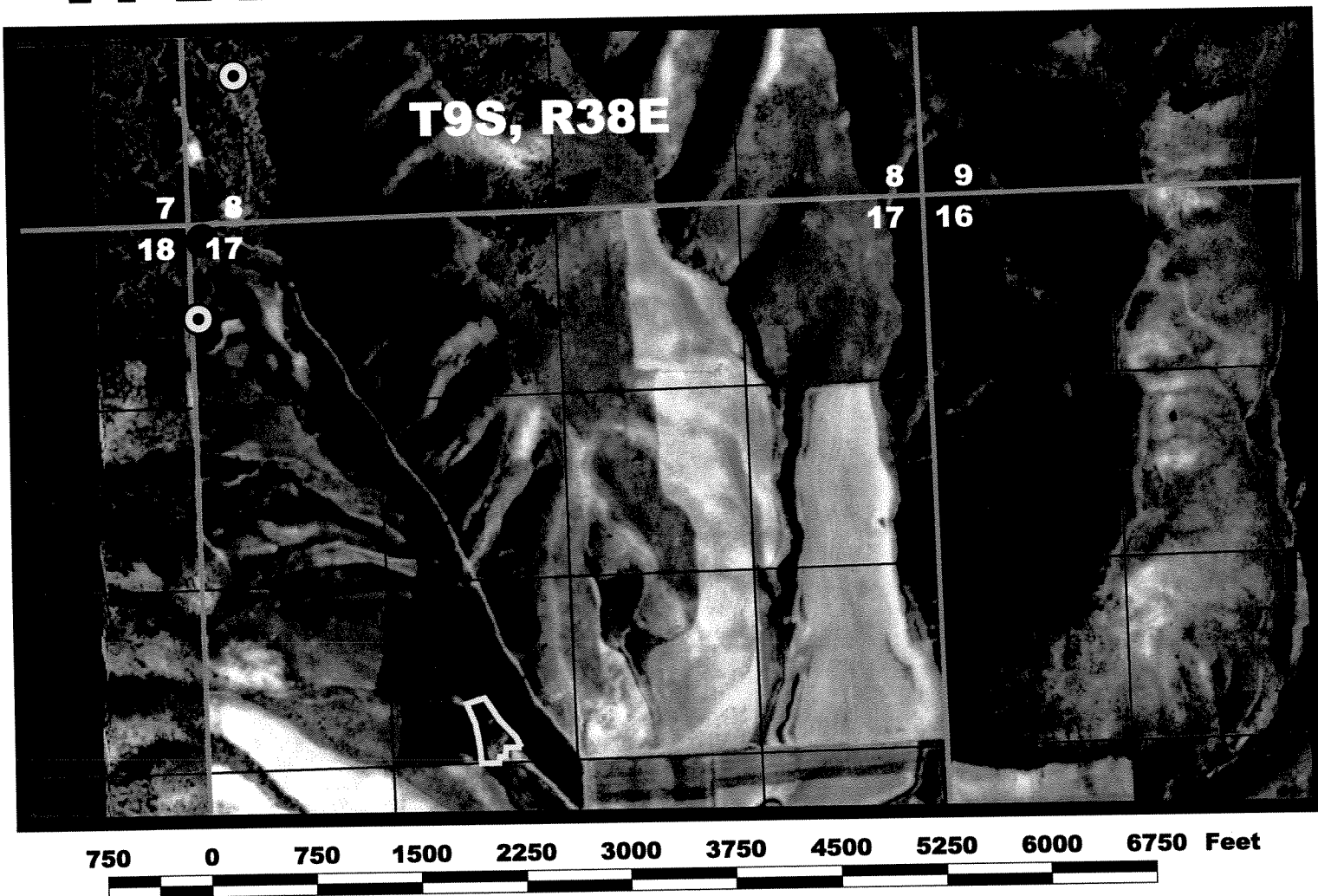


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-02261



LEGEND

SESE Place of Use

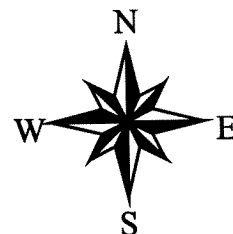
 **Section**

 **Quarter-Quarter**

 **Point of Diversion**

Place of Use: T9S, R38E
(part of) Sec. 17 NESW

Point(s) of Diversion: T9S, R38E
Sec. 8 NWSWSW (SPRING)
Sec. 17 SWNWNW (SPRING)

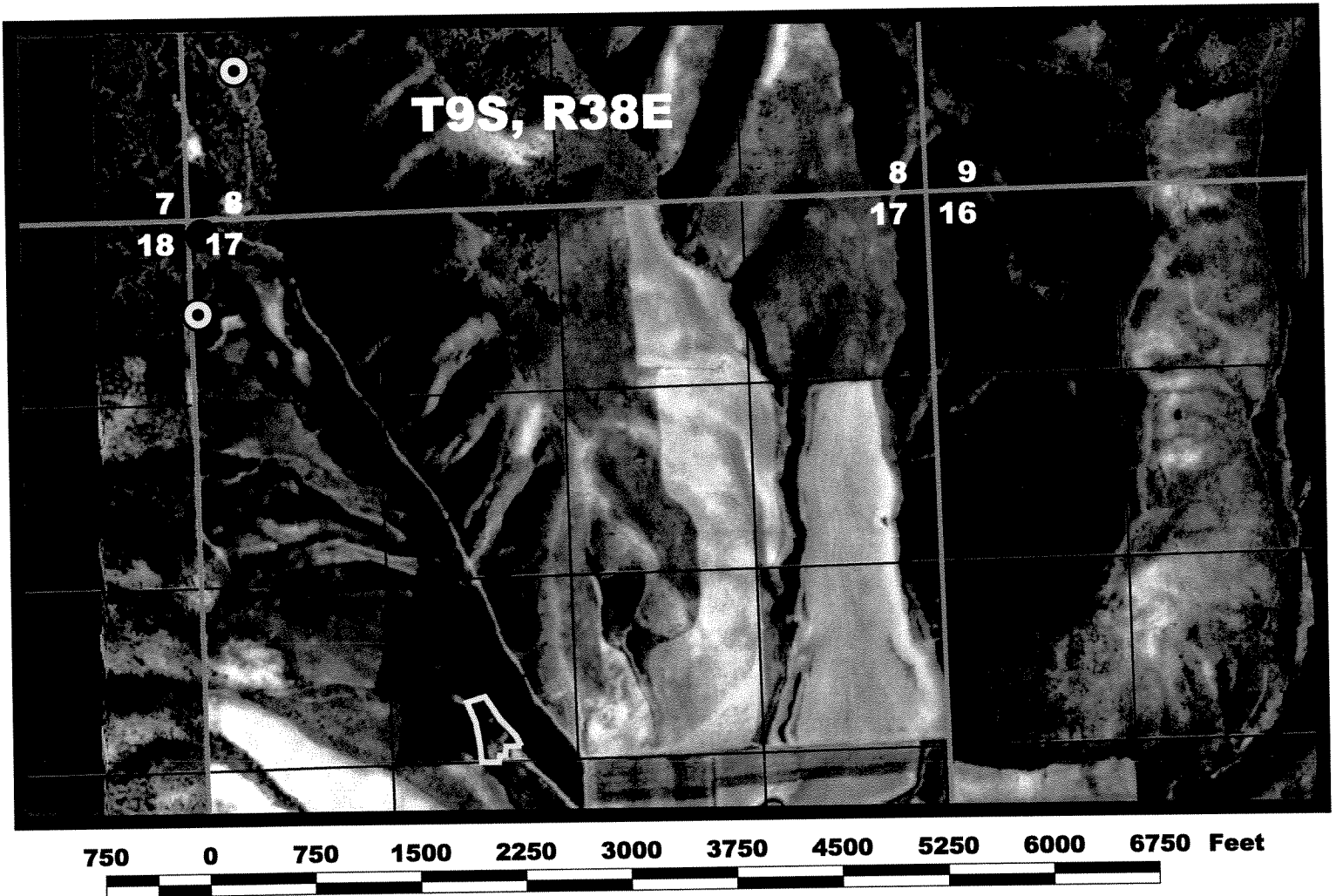


GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: November 2001



STATE OF IDAHO
Department of Water Resources
Eastern Region

Water Right(s): 29-02261



LEGEND

SESE Place of Use

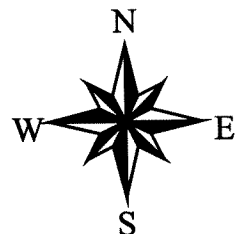
Place of Use: T9S, R38E
(part of) Sec. 17 NESW

Point(s) of Diversion: T9S, R38E
Sec. 8 NWSWSW (SPRING)
Sec. 17 SWNWNW (SPRING)

 **Section**

 **Quarter-Quarter**

 **Point of Diversion**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: November 2001

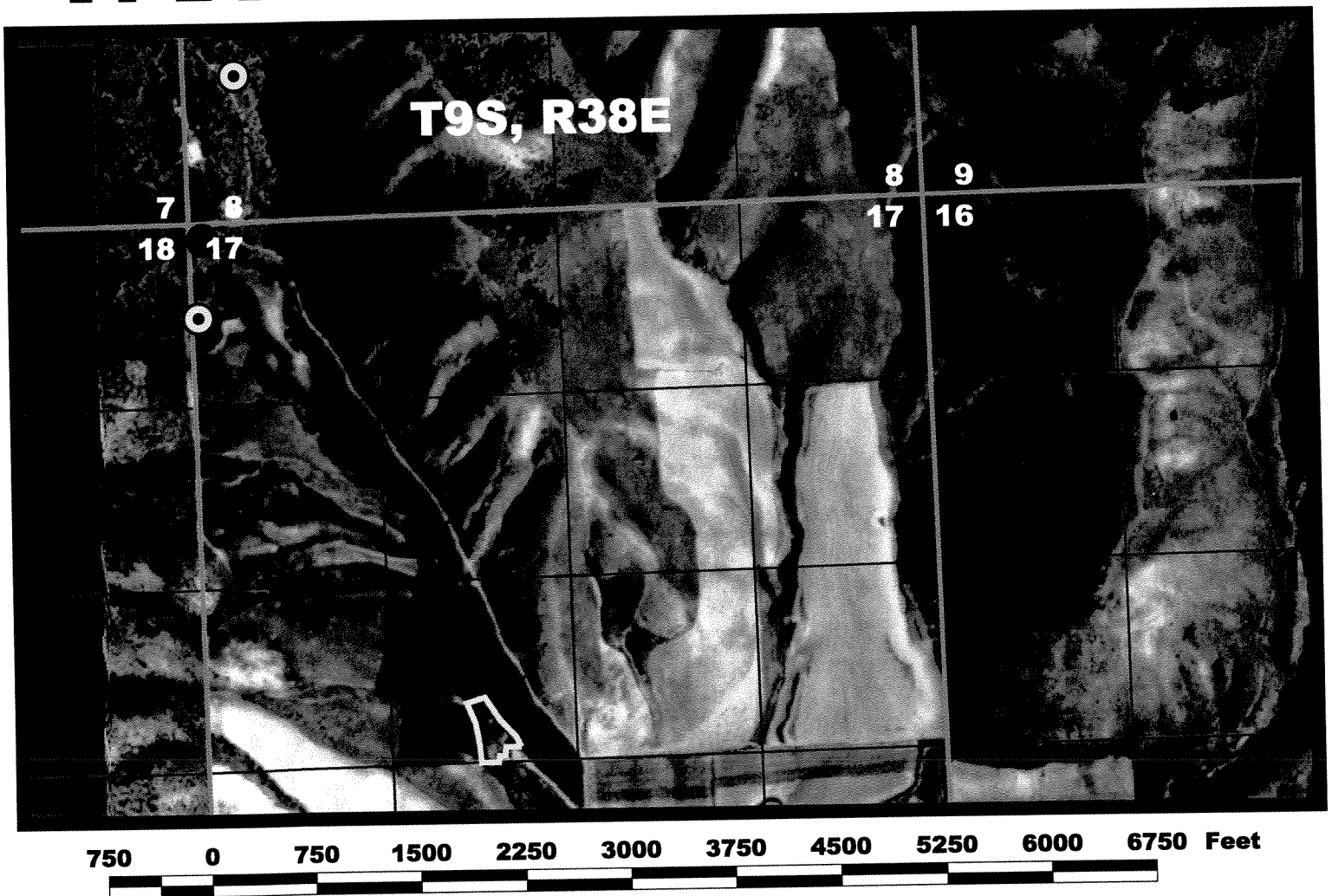


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-02261



LEGEND

SESE Place of Use

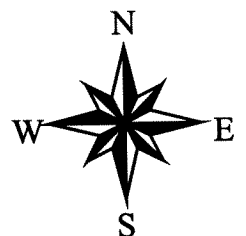
 Section

 Quarter-Quarter

 Point of Diversion

Place of Use: T9S, R38E
(part of) Sec. 17 NESW

Point(s) of Diversion: T9S, R38E
Sec. 8 NWSWSW (SPRING)
Sec. 17 SWNWNW (SPRING)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: November 2001



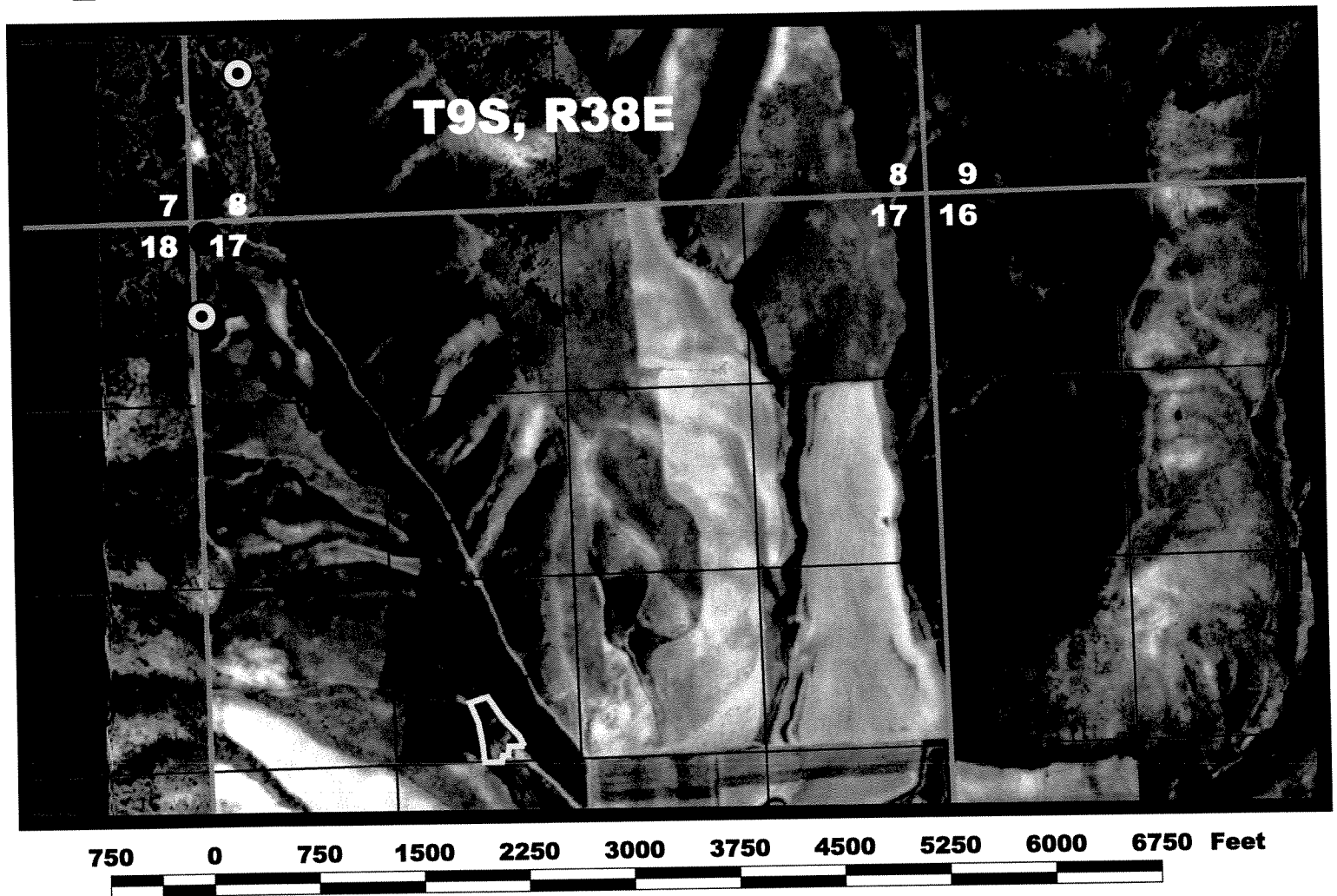
STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-02261

29-07402



LEGEND

SESE Place of Use

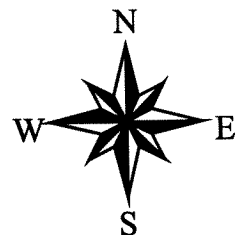
 Section

 Quarter-Quarter

 Point of Diversion

Place of Use: T9S, R38E
(part of) Sec. 17 NESW

Point(s) of Diversion: T9S, R38E
Sec. 8 NWSWSW (SPRING)
Sec. 17 SWNWNW (SPRING)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: November 2001

JUN 06 2001

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

RECEIVED

APR 23 1990

Ident. Number: A29-02261
Date Received: 5/26/1988
Receipt No: E000992
Received By: PEN

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JUNE WATSON
Address: P.O. BOX 61
LAVA HOT SPRINGS, ID 83246

208-776-5628

2. Date of Priority: JUL 10, 1945

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	38E	8	SW	SW	SW		BANNOCK
		17	NW	NW	NW		BANNOCK

5. Description of diverting works:
TWO SPRINGS TO A COMMON LINE TO P/U FOR IRR., DOM, STOCK USES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.040		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ONE HOME, S/10 BEEF CATTLE, 2 HORSES.

A2902261



MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	17	NE	SW		IRR	2.0
Section Acres							2.0
Total Acres							2.0

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:
A29-07402 FOR SECOND HOME ON SAME LAND.

14. Remarks:
APPLICANT HAS SOLD THE OTHER ACRES OF THE ORIGINAL PLACE OF USE

15. Basis of Claim: LICENSE
Water Right Number: 19655

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 Watson Date: 4-20-1990
_____ Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of April 1990

Paul G. Borch
Notary Public

Seal

Residing at Salva Hot Springs, Idaho
My Commission Expires Aug 25 1992

RECEIVED

JUL 28 1988

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: A29-02261
Date Received: 5/26/1988
Receipt No: E000992

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JUNE WATSON
Address: P.O. BOX 61
LAVA HOT SPRINGS, ID 83246

208-776-5628

2. Date of Priority: JUL 10, 1945

3. Source: SPRINGS

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	8	SW	SW			BANNOCK
		17	NW	NW			BANNOCK

5. Description of diverting works:
TWO SPRINGS TO A COMMON LINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	17	NE	SW		IRR	2.0
Section Acres							2.0

MICROFILMED

NOV 13 1988

10. Place of Use: Continued

Total Acres 2.0

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:
A29-07402_FOR SAME HOME SITE

14. Remarks:
APPLICANT HAS SOLD THE OTHER ACRES OF THE ORIGINAL_PLACE OF USE

15. Basis of Claim: LICENSE
Water Right Number: 19655

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): x *Gene R. Watson* Date: x 7-17-88
_____ Date: _____

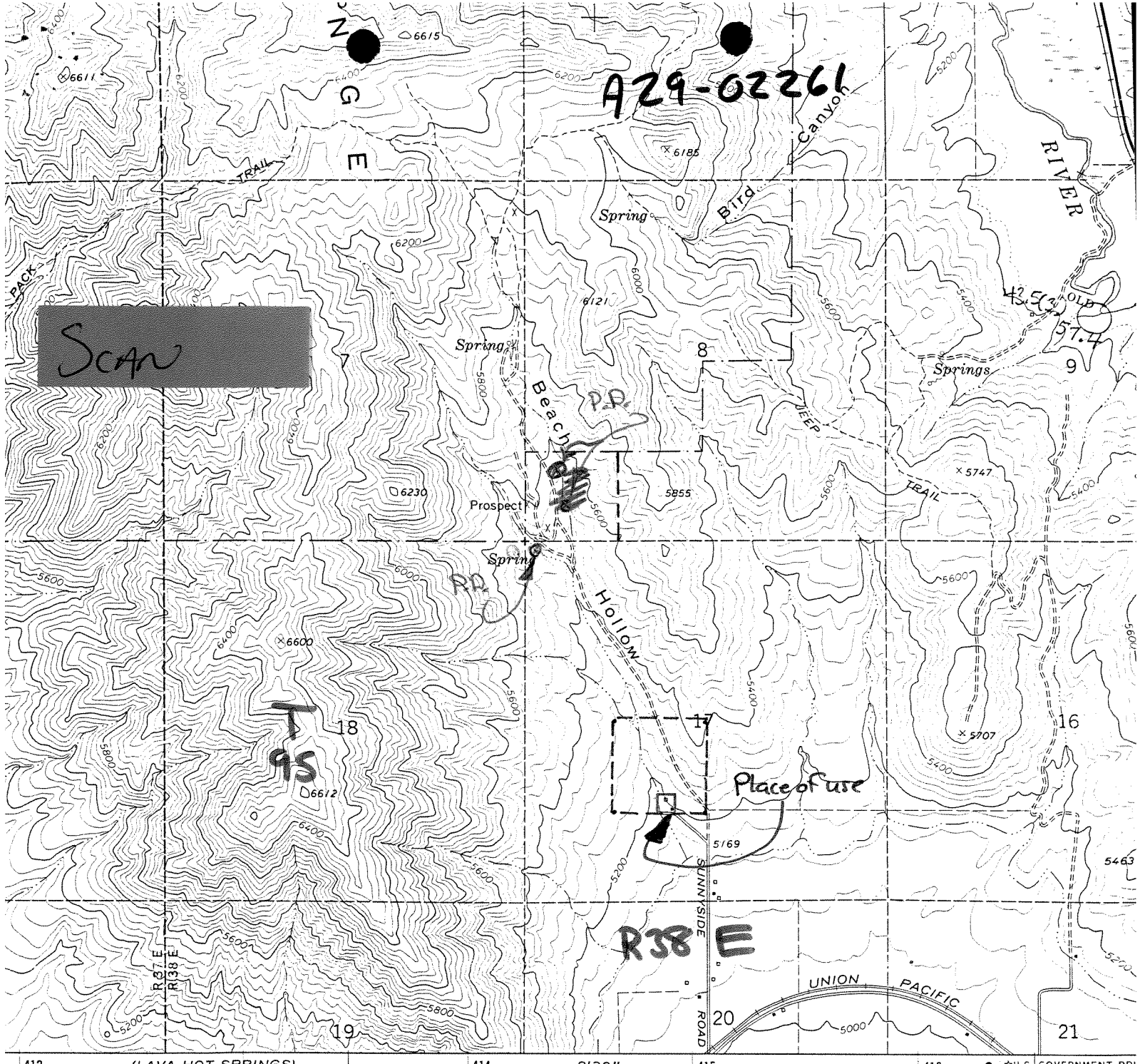
State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of July 19 88

Paul A. Bociek
Notary Public

Seal

Residing at *Snake Falls, Idaho*
My Commission Expires *April 25 1992*



412 (LAVA HOT SPRINGS) 3569 II SE 414 2'30" 415 416

SCALE 1:24 000

0 1000 2000 3000 4000 5000 6000 7000 FEET

0 5 10 1 KILOMETER

CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

ROAD CLASSIFICATION

Primary highway, hard surface

Secondary highway, hard surface

Interstate Route

IDAHO

QUADRANGLE LOCATION

MICROFILMED

NOV 13 1992

HAY

02/08/2003

Allen

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-2261

WAYNE AVERY
8888 SUNNYSIDE RD
LAVA HOT SPRINGS ID 83246

PATRICIA AVERY
8888 SUNNYSIDE RD
LAVA HOT SPRINGS ID 83246

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity 0.080 CFS

2. Describe the changes you wish to make in the proposed recommendation:

Add Stockwater 0.020 CFS

Quantity 0.100 CFS

3. Give a brief explanation as to why you disagree with these portions:

Original Claim lists Stockwater of the above amount. This is our oldest water right and we want it to remain as the original.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3-3-03

SIGNATURE: Wayne Avery

Patricia Avery

Please print your name: Wayne Avery & Patricia Avery

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Not Licensor w/ Stockwater

11-29-01
RECEIVED
NOV 29 2001
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A29-02261	Perm # 19655				
A29-07402	27186				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

June Watson
PO Box 61, Lava Hot Spgs, ID 83246

4. New Owner/Claimant(s)

Wayne and Patricia Avery
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

8888 Sunnyside Rd.

City, State and ZIP Code

Lava Hot Springs, ID 83246

New Telephone Number

(208) 776-5628

5. Date you acquired the property

November 13, 1996

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A29-02261</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.040 Cfs</u>	<u>2 Acres</u>
Stock	<u>0.020 Cfs</u>	<u>10 Beef Cattle, 2 Horse</u>
Domestic	<u>0.040 Cfs</u>	<u>2 Homes</u>
Other		
Total	<u>0.100 Cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A29-07402</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock	<u>0.020 Cfs</u>	<u>10 Beef Cattle, 2 Horse</u>
Domestic	<u>0.030 Cfs</u>	<u>2 Home</u>
Other		
Total	<u>0.030 Cfs</u>	

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Wayne Avery
Patricia Avery

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

NOTICE OF CONTRACT

96019322

3-1

Notice is hereby given that the property located at 8888 South Sunnyside Road, Lava Hot Springs, Idaho, and more particularly described as follows:

See Exhibit "A" attached hereto

has been sold subject to the terms and conditions of an unrecorded contract of sale dated the 13 day of November, 1996 as follows:

Seller: June Watson, 8888 South Sunnyside Road, Lava Hot Springs, ID, 83246

Purchaser: Wayne Avery and Patricia Avery, P.O. Box 182, Lava Hot Springs, ID, 83246

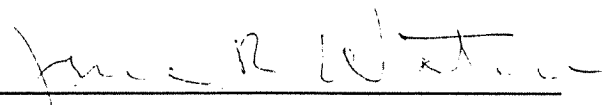
Possession

Under the terms of said contract, seller is entitled to possession, use and occupancy of the mobile home on said property until her death.

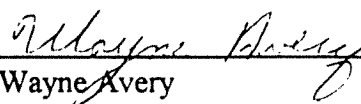
Title

Title to the property shall transfer to purchaser upon final payment under the contract.

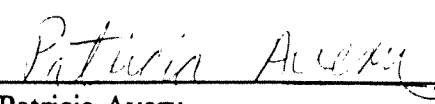
DATED this 13 day of November, 1996.



June Watson



Wayne Avery



Patricia Avery

Exhibit A

33

96019322

Legal Description

Parcel #1:

Commencing at the Southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, Township 9 South, Range 38 E.B.M., thence West along the South line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ 473 feet to the point of beginning; thence North $5^{\circ}43'$ West 151.2 feet; thence South $87^{\circ}24'$ West 230.21 feet; thence South $8^{\circ}08'$ East 141.37 feet; thence East 225.0 feet to the point of beginning, the same being situated in Section 17, Township 9 South, Range 39 E.B.M.

Parcel #2

A tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows: Beginning at a point on the South line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 9 South, Range 38 East, Boise Meridian, that is N $00^{\circ}12'W$, 1,320.00 feet and S $89^{\circ}43'W$, (on record as West) 393.17 feet; from the S $1/4$ corner thence N $30^{\circ}07'W$, 161.55 feet; thence N $43^{\circ}17'40''W$, 440.58 feet; thence S $10^{\circ}14'50''E$, 326.27 feet; thence N $87^{\circ}17'E$, (on record as N $05^{\circ}43''W$) 151.20 feet, more or less, to the Southline of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 17; thence N $89^{\circ}43'E$ on the Southline of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 17, 79.83 feet, more or less, to the point of beginning and contains 1.02 acres, more or less.

Together with all rights to the waters of two springs, the points of diversion of waters therefrom being located in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 8; and the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18, Township 9 South, Range 38 E.B.M.; said water rights being granted by and evidenced by application for permit No. 27186 and permit No. 19655 issued by the State Reclamation Engineer of the State of Idaho, recorded in Book 71 at page 19655, approved July 11, 1945; together with all pipes and diversion works conveying said water from said springs to the above described lands and also all other waters on or apertenant to said above described lands.



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 29, 2001

WAYNE & PATRICIA AVERY
8888 SUNNYSIDE RD
LAVA HOT SPRINGS ID 83246

RE: OWNERSHIP CHANGE FOR 29-2261 & 29-7402 and CHECK NO. 5298
FOR \$50.00 DATED 11-28-01

Dear Mr. & Mrs. Avery:

On November 29, 2001, I received the above referenced ownership change and fee.
I am returning your check because there is no fee to change the ownership of these
rights.

Sincerely,

Jennifer Crabtree
Jennifer Crabtree
Technical Records Specialist

Enclosure

JUN 06 2001

POD: LICENSED w/ 2 PODS AS: SWSW SEC. 8
NENE SEC. 18

CONTACT: WAYNE AUBRY

SEC. 8 POD APPEARS OK - SEC. 18 POD DOES NOT SHOW ON TOPO MAP AND/OR SURVEY PLAT.

RBR: BB-42
Quao

AND, CLAIMED AS NWNW SEC. 17. FIELD EXAM MAP (CIRCA 1946) CLEARLY SHOWS POD IN SEC. 18, NENE - THIS COULD BE AN ERROR OF MAPPING IN THAT ERA. SURVEY PLAT DATES TO 1901, AND SHOWS THIS SPRING IN NWNW SEC. 17 - NOTHING IN SEC. 18. NOTHING SHOWS SPRING(S) IN SEC. 8 EXCEPT THE EXAMINER'S MAP (AND LICONSO).

CP3 CHANGES TO POD BY ERROR OF LICONSO.

2/22/01 TELECON w/ WAYNE AUBRY (CONTACTED FROM JUNE WATSON). DISCUSSED POD PROBLEM. HE INDICATES THAT 29-2261 AND 29-7402 HAVE ALWAYS HAD THE SAME TWO SOURCES (TIED TOGETHER TO COMMON SYSTEM). 29-2261 DATES TO 1945, 29-07402 DATES TO 1977 - PREDATING SRBA.

OTHER ISSUES: RECOMM.

LICONSO AS DOMESTIC AND CANNON (NO PERIOD OF USE AND NO DIV. VOLUME ADDRESSING) USED DORT STD. AS DOMESTIC 01/01 - 12/31, CANNON $\Rightarrow$ Paris 4/1 to 10/31. STOCK NOT RECOMMENDED (NO LIO. USE) - RECOMMENDED 0.02 STOCK UNDER 29-7402.

2 Home's
Common w/
System

DIV. VOL. (irrig.) $2 \text{ AC} \times 3.5 \text{ AF} = 7 \text{ AF}$ (check std.)
NOT USED

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	17	NESW	2	1.8	
Totals:			2	1.8	

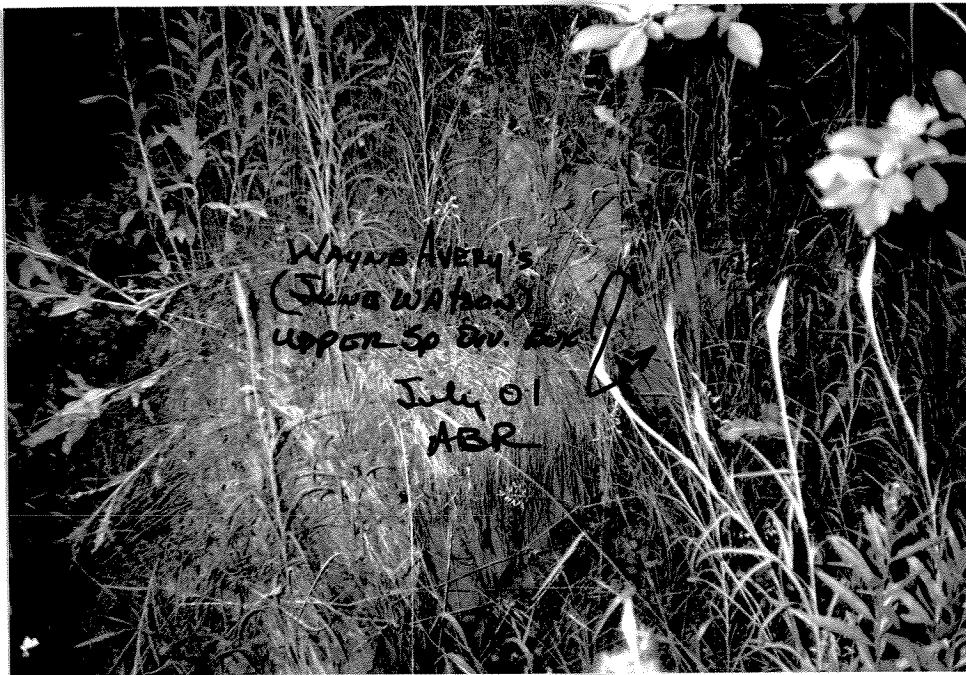
POD: LICENSED w/ 2 POD's AS: SWSW SEC. 8
NENE SEC. 18

SEC. 8 POD APPEARS OK - SEC. 18 POD DOES NOT SHOW ON TOPO MAP AND/OR SURVEY PLAT. AND, CLAIMED AS NWNW SEC. 17. FIELD EXAM MAP (CIRCA 1946) CLEARLY SHOWS POD IN SEC. 18, NENE - THIS COULD BE AN ERROR OF MAPPING IN THAT ERA. SURVEY PLAT DATES TO 1901, AND SHOWS THE SPRING IN NWNW SEC. 17 - NOTHING IN SEC. 18. NOTHING SHOWS SPRING(S) IN SEC. 8 EXCEPT THE EXAMINER'S MAP (AND LICENSE).

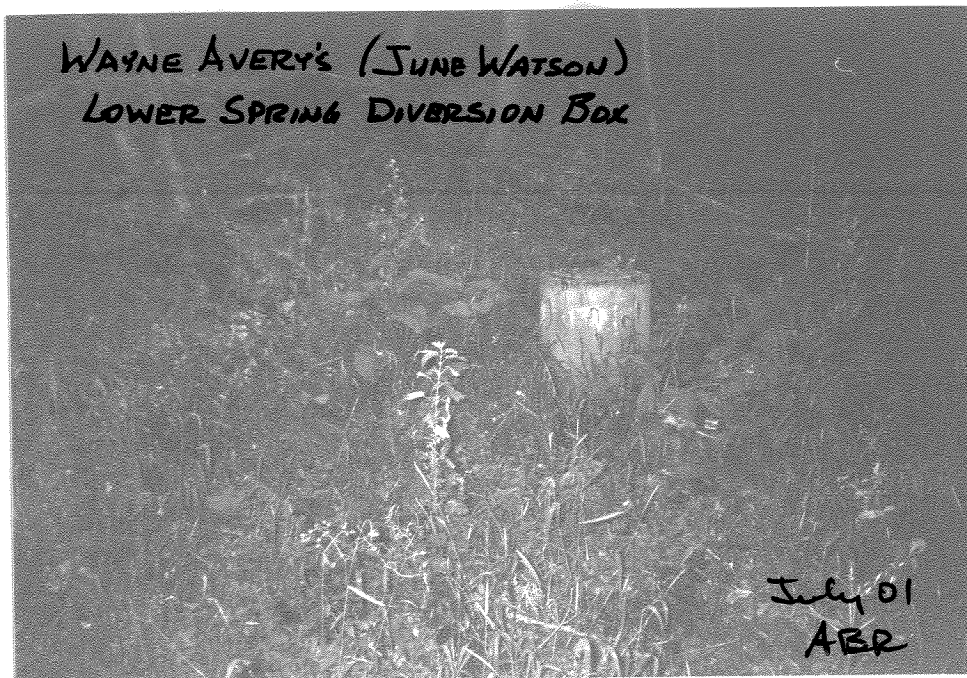
C#3 CHANGE TO POD BY ERROR OF LICENSE.

2/22/01 TELECON w/ WAYNE AVOY (CONTRACTOR FROM JUNE WATSON). DISCUSSED POD problem. HE INDICATES THAT 29-2261 AND 29-7402 HAVE ALWAYS HAD THE SAME TWO SOURCES (TIED TOGETHER TO COMMON SYSTEM). 29-2261 DATES TO 1945, 29-07402 DATES TO 1977- PREDATING SRBA. SERVES TWO HOMES AND 2 ACRES w/ COMMON SYSTEM FROM LICENSE.

29-02261 AND 29-07402



SEC. 8 NWSWSW
T. 9S., R. 3BE.



SEC. 17 SWNWNW
T. 9S., R. 3BE.

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

02/22/01 11:37:43
Page 1

Water Right Number - 29-02261

Prefix Translation: WATER RIGHT

Old (D) Number - 19655

*** C - CURRENT OWNER ***
MILES

RAY

1 -
2 -
3 -
City- LAVA HOT SPRINGS State- ID Zip-
Phone -

Priority Date - 07/10/1945

Region - 15 EASTERN

Stage - L - LICENSE

Status -

Source - SPRINGS

Tributary -

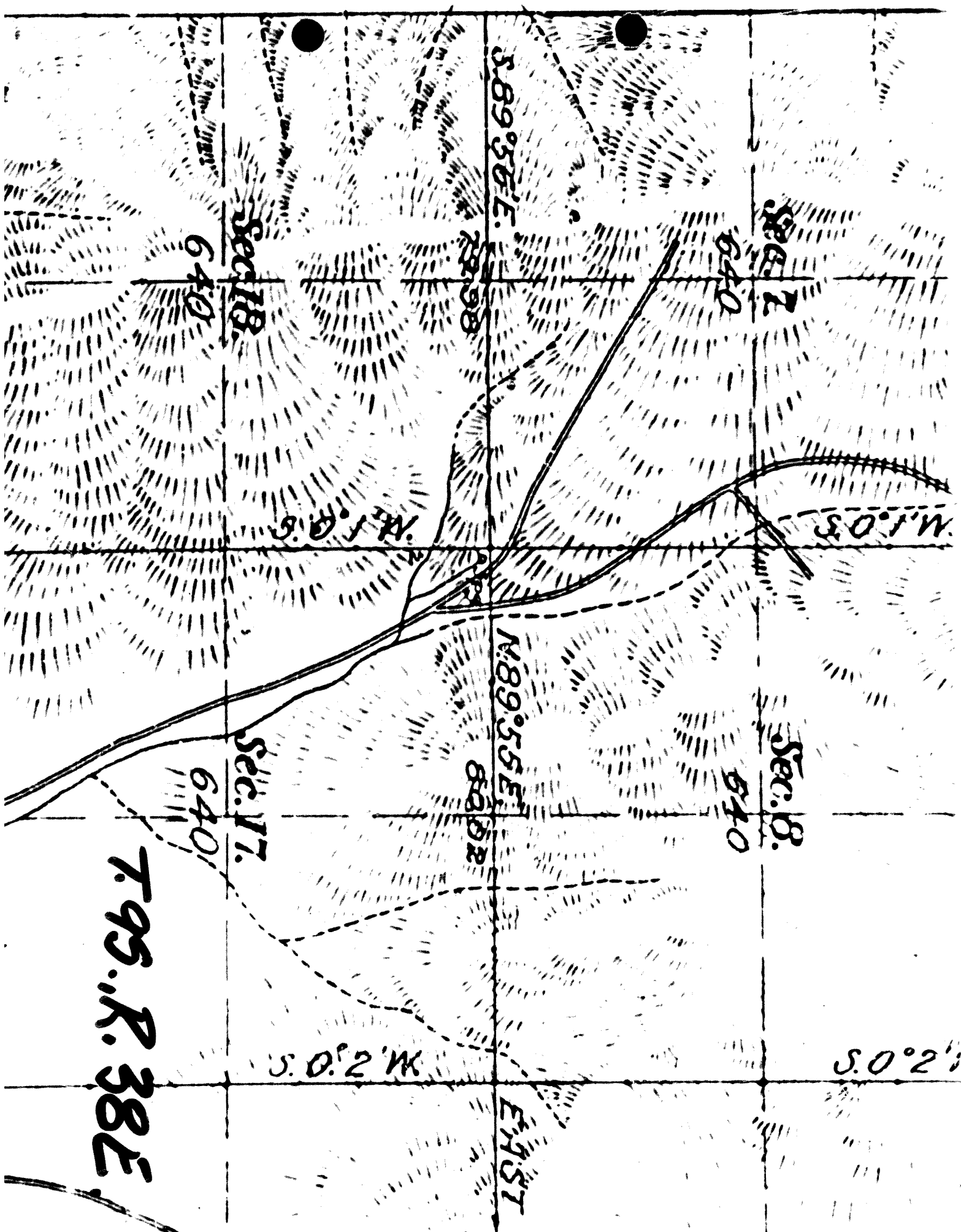
Twn	Rng	Sec	Tract	Lot	Rfig	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
09S	38E	8	SW SW	18	NE NE	(5) BANNOCK	(5) BANNOCK	Claims Sec 17 NW1/4NW1/4		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION	04/01-10/31				0.200	LICENSED AS DOMESTIC & DOMESTIC
43 - DOMESTIC	01/01-12/31					CLAIMS STOCK @ 0.02 → NO X
Total Div. Rate	0.200					
Total Div. Volume						
Total Div. Capacity						
Total Consumptive Use						
KM Usage						

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
09S	38E	17	NE SW		9.0	01 IRRIGATION		(5) BANNOCK
Total Acres:						9.0	Claims 2.0 Mc	

Reduced TO 0.08 IAR Dom
No Stock

Remarks -
No Remarks found.
Old Water Right Numbers -
No Old Water Right Numbers found.
Conditions of Approval -
No Conditions of Approval found.



Sec. 7

640

S. 0° 2' W.

Sec. 8

640

S. 0° 2' W.

S. 89° 56' E.

640

N. 89° 55' E.

640

E. 95° 1' W.

Sec. 18

640

Sec. 17

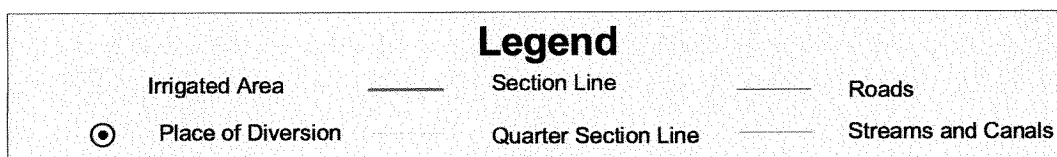
640

795. R. 38 E.

S. 0° 2' W.

08/10/2000

A grayscale map of a coastal region, likely the Gulf of Mexico, showing a grid of compass directions (e.g., SESE, SWSW, NENE, NESW) and a large number '17' in the center. The map includes a coastline and a small inset map in the bottom right corner.



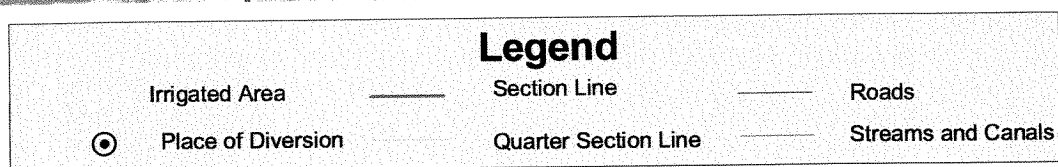
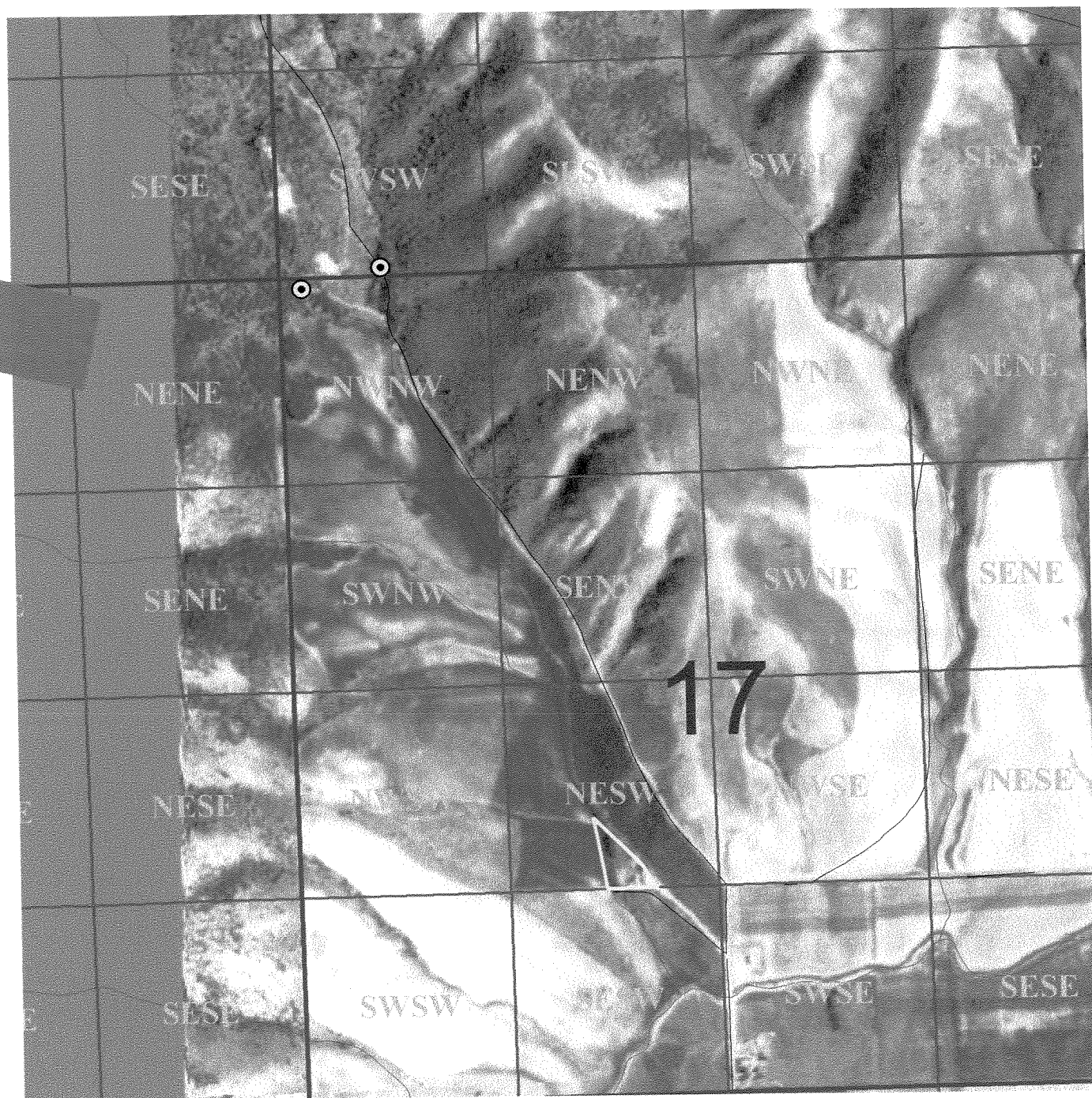
400 0 400 800 Feet



Water Right Claim Number A29-02261

08/10/2000

Township , 9S38E



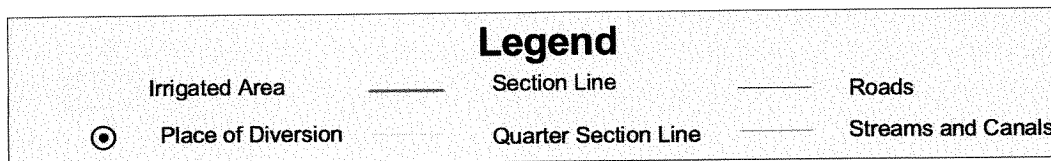
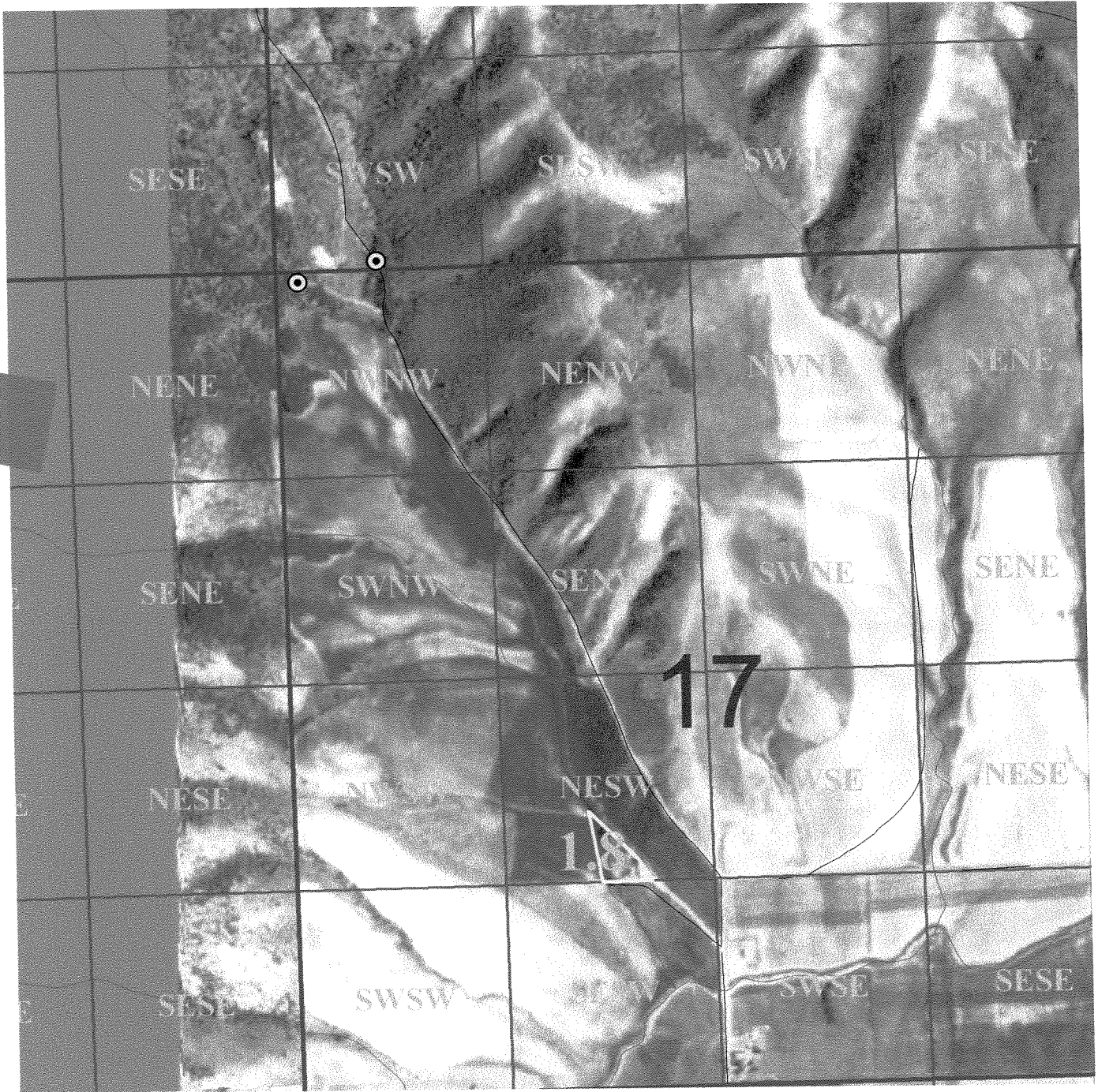
400 0 400 800 Feet



Water Right Claim Number A29-02261

08/10/2000

Township , 9S38E



400 0 400 800 Feet



State of Idaho License and Certificate of Water Right

Water License No. 19655

Amount 0.2 second foot

Priority July 20, 1946

Water District No.

THIS IS TO CERTIFY that RAY MILES

of Lava Hot Springs, Idaho,

made application for permit to appropriate the

public waters of the State of Idaho, dated August 10, 1945, that Permit No. 19655

was issued under said application; that Certificate of Completion of work with a carrying capacity of

0.2 second foot, was issued thereunder on October 15, 1945, showing that said work

were completed on the 5th day of October, 1945, and that on the 17th

day of November, 1945

RAY MILES

of Lava Hot Springs, State of Idaho

made proof to the satisfaction of the

State Reclamation Engineer

of Idaho, of the right to use the waters of two

springs, a tributary of

for the purpose of domestic and garden

use under Use Permit No. 19655 of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,

and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

7 of Licenses at page 4353, on the 25th day of March, 1947;

The right hereby confirmed dates from July 10, 1945;

The Point of Diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, and

in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, Twp. 9 S., R. 38 E., B. M. Pannock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall

not exceed 0.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S.	38 E.	17	NE $\frac{1}{4}$ SW $\frac{1}{4}$	20	9

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

25th day of March, 1947.

MARK H. KULP
State Reclamation Engineer

(SEAL)

29 2261

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19856

This proof is for Beneficial use

In Water District No.

1. Name of applicant: Ray Miles, Lava Hot Springs, Idaho
2. Source of water supply: Two springs, heading Beach Creek
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ Sec. 8, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18
Twp. 9 S., R. 38 E., County of Bannock
4. Describe works as they exist, giving dimensions and capacities of same: Spring #1 is enclosed by a concrete cistern 3 feet wide, 5 $\frac{1}{2}$ feet long, and 4 feet deep, and Spring #2 is enclosed by a cistern 2ft. x 2ft. x 4 feet in depth. Water is conducted to the place of use through a pipe line of 2 inch, and 1 $\frac{1}{2}$ inch diameters to the end of the main line, and garden plat, and thence by 1 inch pipe 300 feet to house and watering troughs.
5. Water is used for: Domestic and garden use
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, Twp. 9 South, Range 38 East, B. M.

(Submit map on attached plat, showing location and details of above description.

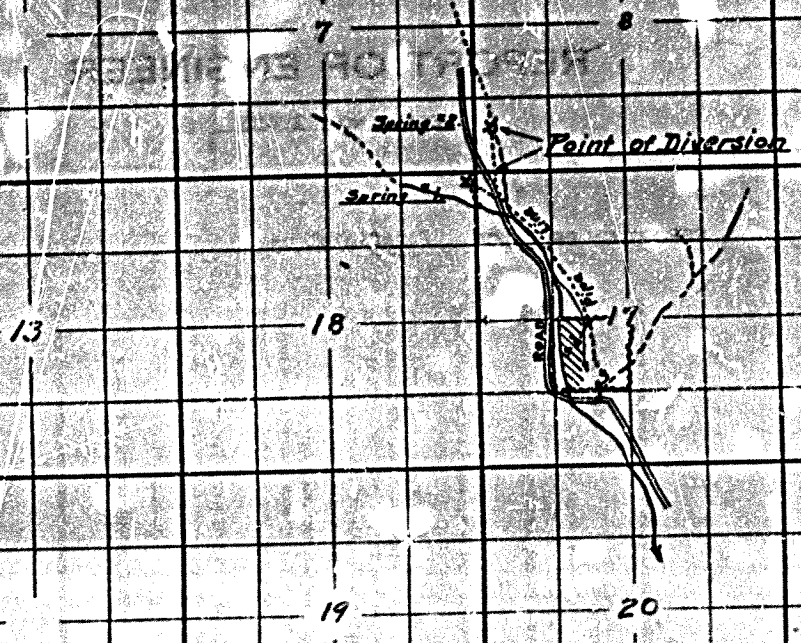
8. What large stream would the water here appropriated finally reach? None

Remarks:

This examination was made on the 5th day of June, 1946

(Signed)

Redd Peterson
Engineer



State of Idaho

License and Certificate of Water Right

Water License No. 19655

Amount 0.2 second foot

Water District No.

Priority July 10, 1945

THIS IS TO CERTIFY that RAY MILES of Lava Hot Springs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 10, 1945; that Permit No. 19655 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.2 second feet, was issued thereunder on October 16, 1945, showing that said works were completed on the 5th day of October, 1945; and that on the 17th day of November, 1945,

RAY MILES

of Lava Hot Springs, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of two springs, a tributary of -, for the purpose of domestic and garden use, under Use Permit No. 19655 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

7 of Licenses at page 4353, on the 25th day of March, 1947;

The right hereby confirmed dates from July 10, 1945;

The Point of Diversion ^{are} is located in the SW ^{SW see plot map} Section 8; and

in the NE 1/4 NE 1/4, Sec. 18, Tp. 9 S., R. 38 E., B. M. Bannock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S.	38 E.	17	NE 1/4 SW 1/4	20	9

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

25th day of March, 1947.

MARK H. KULP
State Reclamation Engineer

(SEAL)

2261

APPLICATION FOR PERMIT
To appropriate the Public Waters of the State of Idaho

Application No. 27186
Permit No. 19655
District No.

1. Name of Applicant: RAY MILES

Postoffice address: Lava Hot Springs

County: Bannock

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: "A 1½ inch pipe holds both springs" cubic feet per second. (0.20 c.f.s.)

3. Source of water supply: 2 springs

which is a tributary of

4. Location of point of diversion: One is 1200 feet distant from the SW corner of Section 18, T. 9 S., R. 38 E., B. M., and is in the NE ¼ of Section 18, T. 9 S., R. 38 E., B. M., County of Bannock

5. Water is to be used for Domestic use and garden

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T., R., B. M., in the of Section, T., R., B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section, T., R., B. M., in the of Section, T., R., B. M.

7. Estimated cost of works: \$2,000.00

8. Kind of works: Pipe

9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam:

10. Size of headgate: Width feet; height feet;

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe 1½ to 1 inches; length of conduit 6,500 feet miles.

Average grade per mile feet.

12. The time required for the completion of such work is (30 days) years. Allow 3 months

13. The time required for the complete application of the water to the proposed use is No additional years.

15. (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
(b) Name of Reservoir and number Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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.

RAY MILES

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3:15 P. M. July 10, 1945

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 19655

Recorded in Book 71 Page 19655 Approved July 11, 1945

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 26, 1945

The whole of said work to be completed on or before October 11, 1945

Beneficial use of water appropriated in accordance herewith, to be made on or before October 11, 1945

Witness my hand this 11th day of July, 1945

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, CHARLES C. GOSSETT

Governor of the State of Idaho,

and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 11th

day of July, 1945.

STATE OF IDAHO

Countersigned:

(SEAL)

By CHARLES C. GOSSETT

Governor

By IRA H. MASTERS

Secretary of State.

Remarks: This water is to be used for garden and domestic use on NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 9 South, Range 38 East, of Boise Meridian, in Idaho. These springs are both on government land.

We have 30 inches of water decreed to us in Beech Creek, but by July Beech Creek is dry. These two springs if 14. all the water except rush water in the spring. (Continued below)

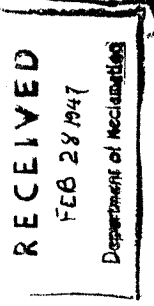
14.all the water except rush water in the spring.																		(Continued below)				
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$				
9 S.	38 E.	17																20				
14-A:	Existing water rights and/or valid is dry nine months of each year.		permits appurtenant to the lands to be irrigated are: 30 in. in Beech Creek,																			
REMARKS (Continued)			This water will all come down in a 1 $\frac{1}{2}$ inch pipe. We have 20 acres of dry farm alfalfa under this water that we could irrigate if there was water enough, but there isn't.																			
			PERMIT NO. 19655 Certificate of Completion of Works																			
To All Whom it May Concern:			This is to certify that RAY MILES, of Lava Hot Springs, County of Bannock, and State of Idaho, the holder of No. 19655, issued upon Application No. 27186, bearing date of priority of July 10, 1945, authorizing the diversion of second feet of the waters of two springs, County of Bannock, State of Idaho, for domestic and garden purposes, has fulfilled the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.20 second feet of the waters of said two springs; that the points of diversion are located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8 the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, Township 9 South, Range 38 East, B.M.; and that the lands proposed to be irrigated by the use of water are described as follows, to-wit: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, Township 9 South, Range 38 East, B.M.																			
Witness my hand this 16th day of October, A. D. 1945.			MARK R. KULP State Reclamation Engineer																			

Ray Miles
Lava Hot Springs, Idaho

Permit No. 19655

Examination for Beneficial Use

County Benneok



INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make a plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19655

This proof is for Beneficial use

In Water District No.

1. Name of applicant Ray Miles, Lava Hot Springs, Idaho
2. Source of water supply: Two springs, heading Beach Creek
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18
T. 9 S. R. 38 E. County of Bannock
4. Describe works as they exist, giving dimensions and capacities of same: Spring #1 is enclosed by a Concrete cistern 5 feet wide, 5 $\frac{1}{2}$ feet long, and 4 feet deep, and Spring #2 is enclosed by a cistern 2ft. X 2ft. X 4 feet in depth.
Water is conducted to the place of use through a pipe line of 2 inch, and 1 $\frac{1}{2}$ inch diameters to the end of the main line, and garden plat, and thence by 1 inch pipe 300 feet to house and watering troughs.
5. Water is used for: Domestic and garden use
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, Twp. 9 South, Range 38 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? None

Remarks

This examination was made on the 5th day of June, 1946

(Signed)

Red L. Polman
Examiner.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

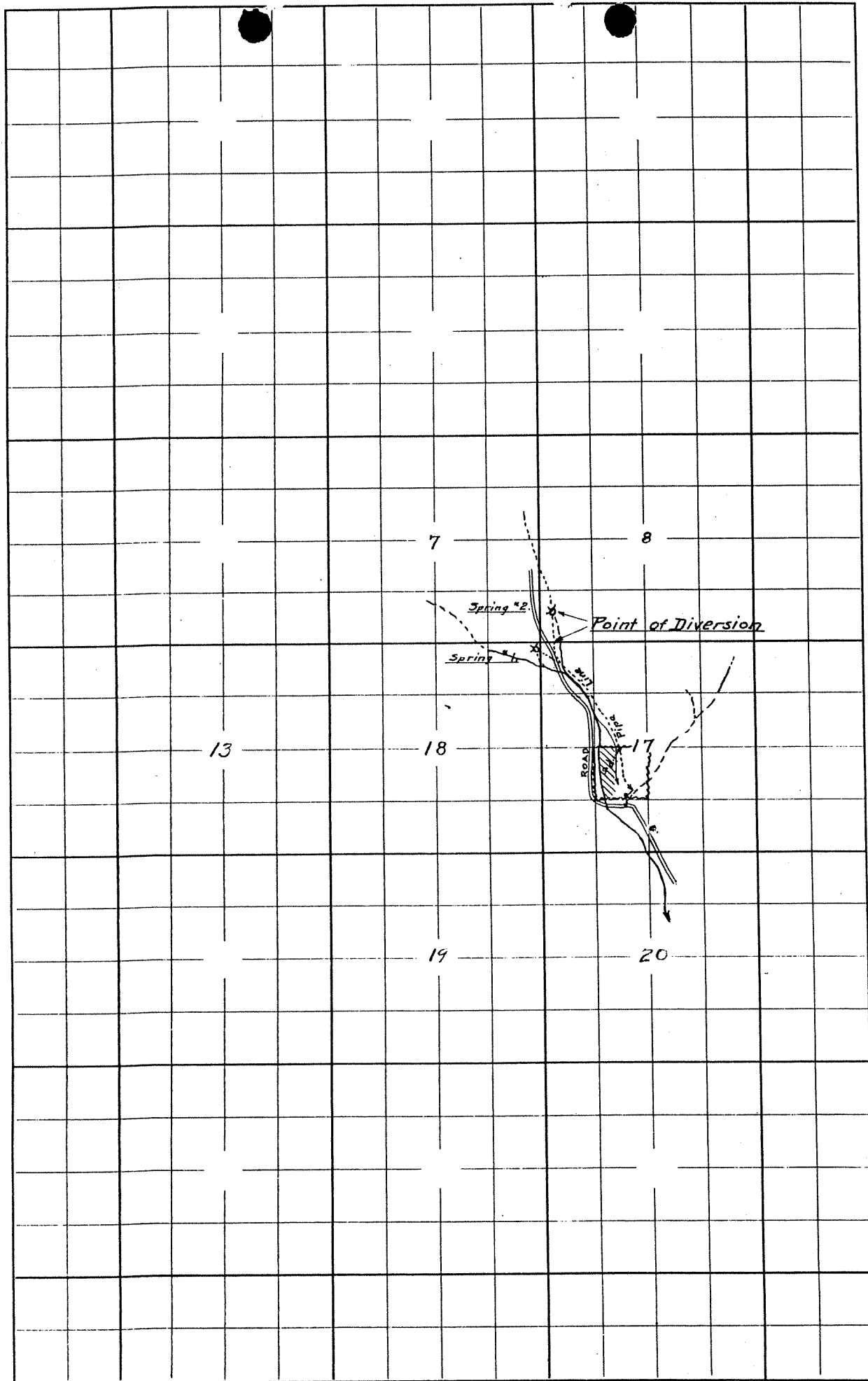
REPORT OF ENGINEER

PERMIT NO. 19655

REPORT ON PROOF OF Beneficial use

0.2 cfs

36' in diameter
dug channel



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

19655