

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

December 1, 2003

RECEIVED

DEC - 3 2003

Department of Water Resources

Subcase: 29-02262 & 29-07402

Dear Sir/Madam;

When we first filed our adjudication papers we used the PODs on our legal descriptions from the original filings of 07/10/1945 and 05/24/1977.

When we received the IDWR recommendations we noticed that the PODs were not the same as the originals. When we checked on this we were told that the PODs they used were taken from GPS readings. So, assuming that these readings were correct we did not file objections on these PODs.

On November 13, 2003, BLM sent a copy of their objections to our filings, stating that there was no POD at the location listed and that perhaps it was a typographical error.

This late date of the BLM objection did not give us time to make an objection before the November 14, 2003 deadline, as we did not receive it until after that date.

We have since been in contact with Al Ruberry & Cindy Bird at IDWR. Cindy came out and took GPS readings of our PODs, which indicated that there were errors in the PODs.

The correct PODs are listed on our objections.

Thank you for your consideration of this matter.

Sincerely,

Wayne & Patricia Avery
8888 Sunnyside RD
Lava Hot Springs, ID 83246

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

RECEIVED

DEC - 3 2003

Department of Water Resources

In Re SRBA)

Subcase 29-02261
(insert water right number)

Case No. 39576)
)
)
)
)
)

**DOMESTIC AND
STOCK WATER RIGHT
OBJECTION**

Please fill in the following information:

NAME AND ADDRESS OF PERSON OBJECTING

Name: Wayne and Patricia Avery
Address: 8888 Sunnyside Rd.
Lava Hot Springs, ID 83246
Daytime Phone: (208)-776-5628

Name & Address of Attorney, if any:

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Wayne and Patricia Avery
Address: 8888 Sunnyside Rd.
Lava Hot Springs, ID 83246

☒ 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: T09S R38E S8 SWNW SW
T09S R38E S18 NENE NE (see attached map)
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.

☒ REASONS SUPPORTING OBJECTION(S): When BLM objected
to our POD's, we had the IDWR (Al Ruberry &
Cindy Bird) come and do a GPS reading at our
POD and found that they were in error.
Their finding were that the correct PODs are
as listed above.

VERIFICATION (Must be Completed)

State of Idaho)
County of Bannock)ss.

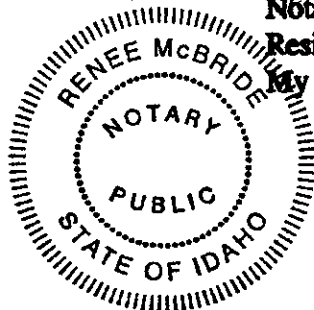
Patricia Avery, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Patricia Avery
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 01 2003



Renee McBRIDE
Notary Public for State of Idaho
Residing at: Law Office of Springs
My Commission Expires: May 31, 2006

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.

CERTIFICATE OF MAILING

I certify that on Dec 1, ²⁰⁰³~~199~~, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Wayne & Patricia Avery
Address: 8888 Sunnyside Rd
Lava Hot Springs, ID 83246

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO 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

Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, ID 83709-1657

Patricia Avery
Signature of Objector or attorney
mailing on Objector's behalf

T9S, R38E

spring 1
photo 1

☉ **Recommended PODs**

⬡ **GPS PODs**

Spring 1 – T09S R38E S8 SW NW SW

Spring 2 – T09S R38E S18 NE NE NE

7 8

18 17

spring 2
photo 2