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Department of Water Resources



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

SUBCASE NO: 29-7402

Case No. 39576

STANDARD FORM 5

AMENDED CLAIM

FOR DOMESTIC AND STOCKWATER RIGHTS

This form is used to report the stipulated elements of one "domestic and/or stockwater" water right acquired under state law and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Wayne Avery 4-13-04
Wayne Avery Date

CLAIMANT/OBJECTOR:

Patricia Avery 4-13-04
Patricia Avery Date

OBJECTOR:

Larry G. Brown 4/19/04
Larry Brown, USDOJ Sup
Attorney for BLM Date

IDWR CONCURRENCE:

Ernie Carlsen 4/5/04
Ernie Carlsen Date

Candice M. McHugh 4/2/04
Candice M. McHugh Date

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

RIGHT NUMBER: 29-7402

NAME AND ADDRESS:

PATRICIA AVERY
8888 SUNNYSIDE RD
LAVA HOT SPRINGS ID 83246

WAYNE AVERY
8888 SUNNYSIDE RD
LAVA HOT SPRINGS ID 83246

SOURCE: Source:
SPRING
UNNAMED STREAM

Tributary:
SINKS
SINKS

Fwp

LOS

QUANTITY: 0.030 CFS

1.400 AFY

USE OF THIS RIGHT WITH RIGHT NO. 29-2261 FOR DOMESTIC PURPOSES IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.03 CFS AND TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.2 AF.

PRIORITY DATE: 05/24/1977

POINT OF DIVERSION:

T09S R38E S8 SWNW
T09S R38E S8 SWNW
T09S R38E S17 SWNW
T09S R38E S18 NENE

Within BANNOCK County
Within BANNOCK County
Within BANNOCK County
Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
STOCKWATER	01/01 12/31	0.020 CFS 0.20 AFY
DOMESTIC	01/01 12/31	0.030 CFS 1.20 AFY 0.030 CFS 1.40 AFY

Domestic use of this right and right No. 29-2261 is limited to 2 homes.

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

PLACE OF USE: STOCKWATER within BANNOCK County
T09S R38E S17 N3SW
DOMESTIC within BANNOCK County
T09S R38E S17 N3SW

ACRES TOTAL

Fwp

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

PARCEL NO. R4227004700

STOCKWATER; 10 CATTLE 2 HORSES

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

RIGHT NO. 29-02261 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

~~USE: 2 HOMES, STOCKWATER, 10 CATTLE 2 HORSES~~

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Emc

RA

us

CERTIFICATE OF MAILING

I certify that on Apr. 19, 2004, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

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

2. Copy to:

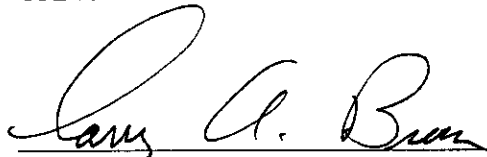
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Wayne and Patricia Avery
8888 Sunnyside Road
Lava Hot Springs, ID 83246



Signature of person or attorney mailing the form