

11/09/2006

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

RIGHT NUMBER: 1-10024
NAME AND ADDRESS: VANCE AVERY
4532 E 300 N
RIGBY ID 83442

RHONDA AVERY
4532 E 300 N
RIGBY ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
Water is delivered from the Dry Bed.

QUANTITY: 0.770 CFS
PRIORITY DATE: 06/01/1903

POINT OF DIVERSION:
T04N R40E S19 SESENE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.770 CFS
PLACE OF USE:	<u>IRRIGATION in JEFFERSON County</u>		
	T04N R40E S19	NENW 13.00	
	13 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: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 1-371.

Water is delivered through Croft Canal.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

11/09/2006

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:

Water right number: 1-10024

VANCE AVERY
4532 E 300 N
RIGBY ID 83442
Telephone Number: (208)538-5077

RHONDA AVERY
4532 E 300 N
RIGBY ID 83442
Telephone Number: (208)538-5077

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 11-14-06 SIGNATURE: Vance Avery Rhonda Avery
Please print your name: Vance Avery Rhonda Avery

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

MD
11/22



Idaho Department of Water Resources

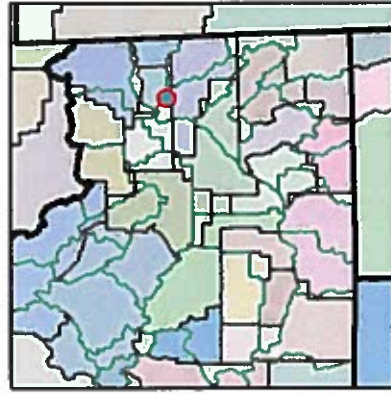
SRBA Recommendation:

1-10024

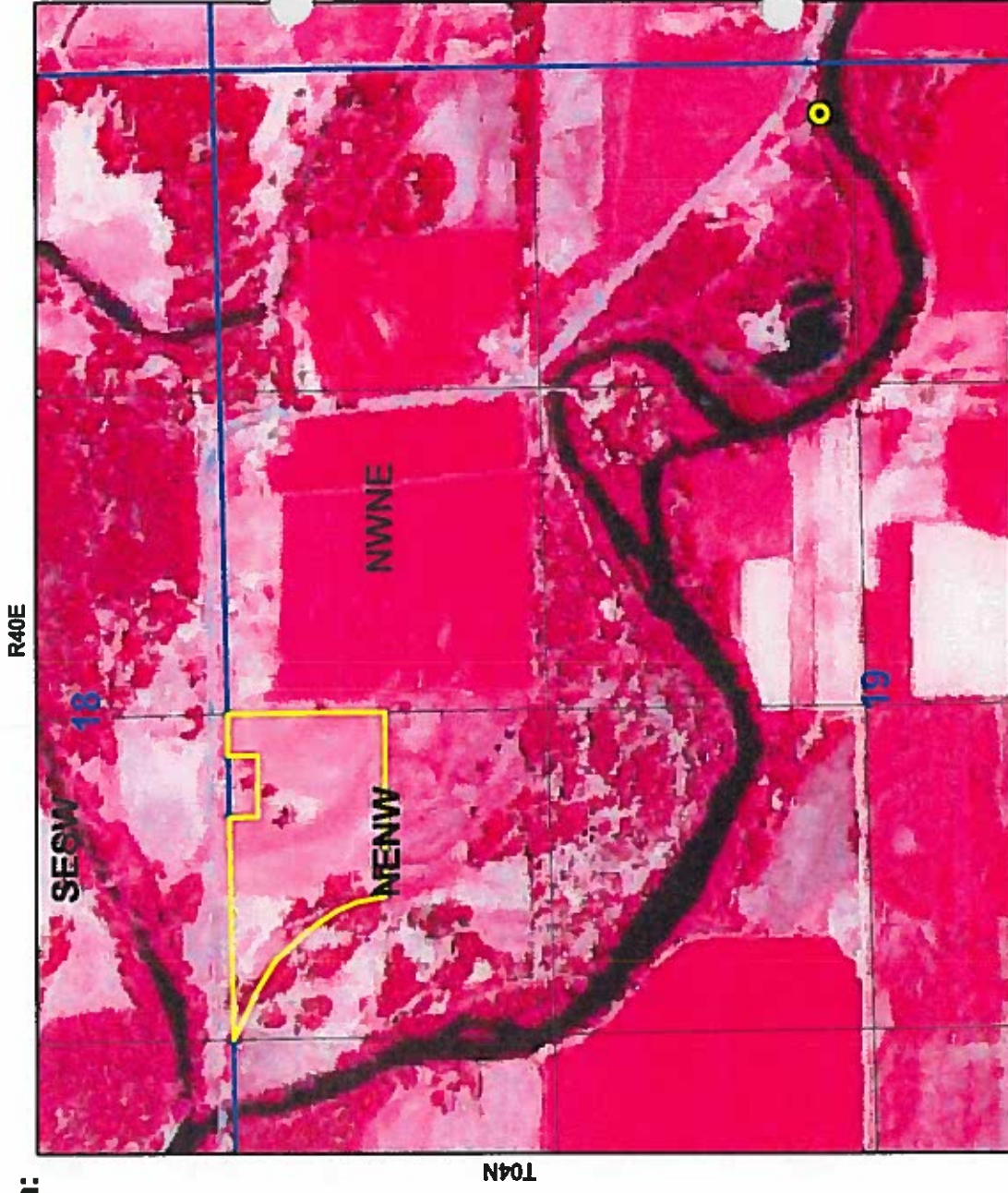
(Irrigation)

Legend

- Point of Diversion
- ▭ Place of Use
- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters



Jefferson County
IDWR Basin 1



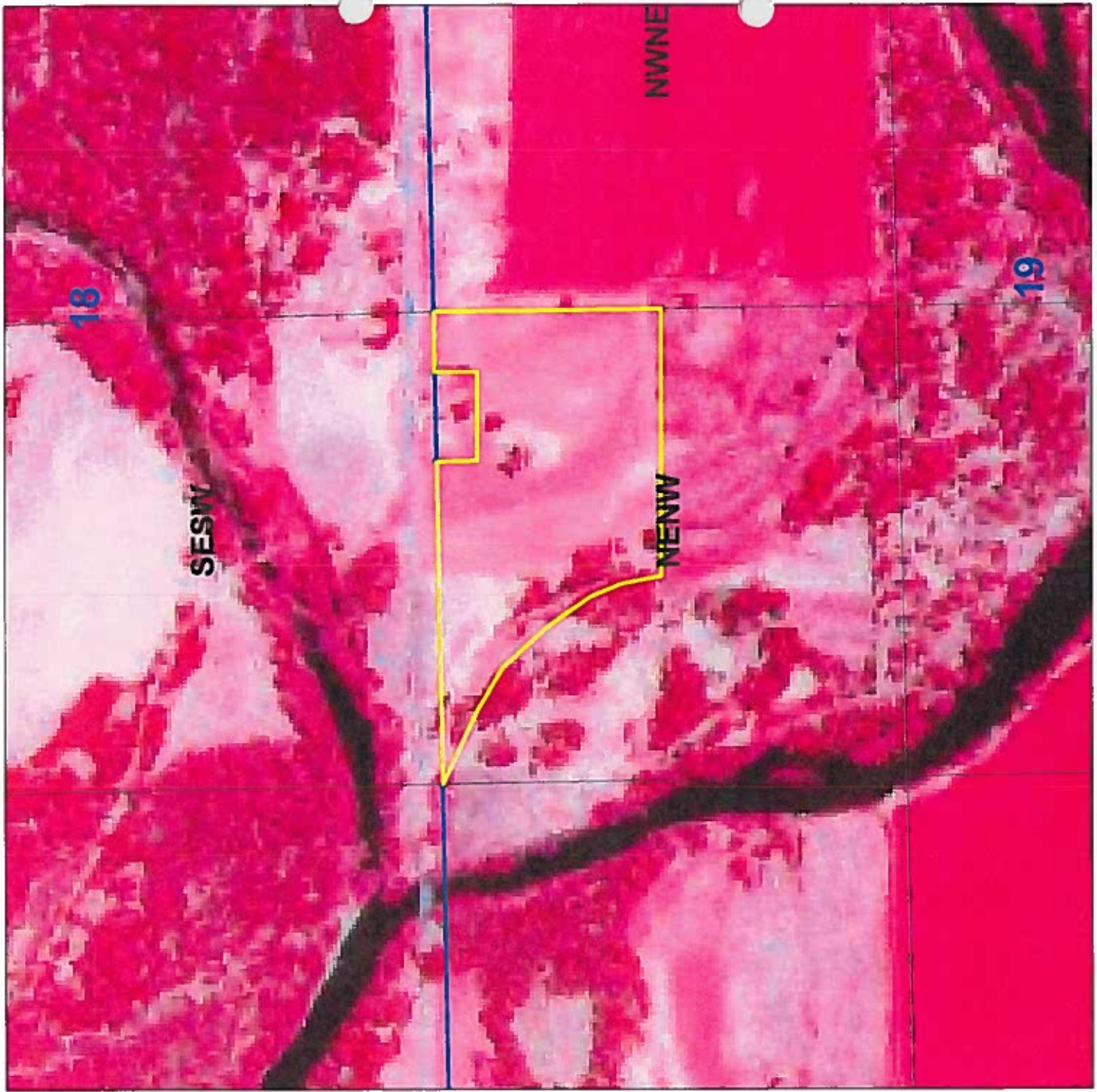
0 0.3 0.6 Miles

Prepared by C. Moore
On Tuesday, November 7, 2006
1987/88 Aerial Photography

Owner: Vance Avery

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

1-10024





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 1, 2005

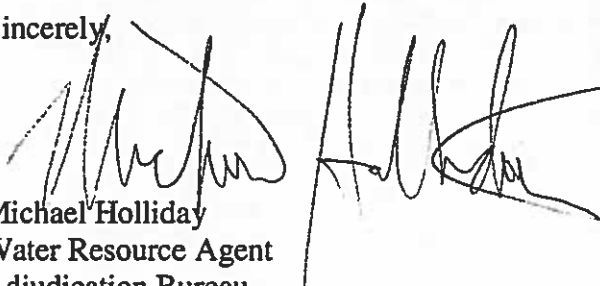
VANCE & RHONDA AVERY
4532 E 300 N
RIGBY ID 83442

Dear Mr. & Mrs. Avery,

Upon review of your notice of claim to a water right no. A01-10024, I noticed that the place of use you claimed does not match the decreed place of use. As you may know, it is the burden of the claimant to provide adequate documentation to the court in support of his claim. In order to recommend the water right to your property, I will need some evidence showing that the water right has been moved to your property. A chain of title dating back to at least March of 1942 would suffice. After you have found the appropriate documentation, please call me to set up an appointment to discuss this matter further.

Please contact me at 525-7161 if you have questions.

Sincerely,


Michael Holliday
Water Resource Agent
Adjudication Bureau

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-371

WATER RIGHT NUMBER: 1-371

Owner Type Name and Address
 Current Owner BURTON L GARDNER

, ID

Priority Date: 06/01/1903

Basis: Decreed

Status: Active

Source Tributary
 SNAKE RIVER, South Fork COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.800 CFS	
	<u>Total Diversion:</u>	1.800 CFS	

Location of Point(s) of Diversion

Q03

SNAKE RIVER	SW1/4NW1/4	Sec. 20, Twp 04N, Rge 40E, B.M.
JEFFERSON County		
SNAKE RIVER	SE1/4NW1/4	Sec. 20, Twp 04N, Rge 40E, B.M.
JEFFERSON County		

Place of Use

IRRIGATION

Q05

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	40E	18					40.0												40.0

Total Acres: 40

Conditions of Approval:Remarks:

- General P/D INCOMPLETE, SEE FILE.

Comments:

Headgate of Gardner Ditch
 Little Feeder Slough

Dates and Other Information:

CO5
 CO3

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-371

Licensed Date:
Decreed Date: 3/17/1942
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Lynn Crandall
Decree Plaintiff: Burton L Gardner
Civil Case Number:
Judicial District: Ninth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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AUG 24 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

Ident. Number: A01-10024
Date Received: 11/01/1988
Receipt No: 6003665
Received By: ESW

PROFILED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VANCE AVERY
Address: 4532 E. 30 N. 538-5077
RIGBY, ID 83442

OR
Name: RHONDA AVERY
Address: 4532 E. 30 N.
RIGBY, ID 83442

2. Date of Priority: JUN 01, 1903

3. Source: DRY BED, SNAKE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	40E	19	SE	SE	NE		JEFFERSON

5. Description of diverting works:
HEADGATE IN DRY BED TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.800		

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

8. Total consumptive use is 45.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A0110024



MICROFILMED

OCT 20 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	40E	19	NE NW		IRR	18.0
Section Acres						18.0
Total Acres						18.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

10 SHARES OF PALISADES RESERVOIR WATER. GREAT FEEDER SHARES.

14. Remarks:

THIS CLAIM COVERS SUPPLEMENTAL DECREE RIGHT TO B. L. GARDNER
DATED 1942. AT TIME CLAIM WAS FILED, IT APPEARED DEPARTMENT
HAD NOT ISSUED NUMBER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/17/1942

BURTON L. GARDNER

Decree Plaintiff

vs

LYNN CRANDALL, WATERMASTER

Decree Defendant

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: 1

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): Diane Gray Date: 11/1/88
_____ Date: _____

State of Idaho

County of Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of November 19 88

 [Signature]
Notary Public

Residing at Idaho Falls, ID

My Commission Expires 22 Aug 1994



