

10/03/2006

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

RIGHT NUMBER: 1-10430

NAME AND ADDRESS: JEFF AVERY
1881 W 113 N
IDAHO FALLS ID 83402

STEPHANIE AVERY
1881 W 113 N
IDAHO FALLS ID 83402

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.071 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T04N R37E S35 NENE 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	0.071 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R37E S14	NWNE	7.80	T03N R37E S14	SWNE	12.00
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19.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 19.8 acres in a single irrigation season. Combined Right Nos.: 1-10420, 1-10422, 1-10424, 1-10426, 1-10428, 1-10430, 1-10432, 1-10434, and 1-10436.

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

This right combines portions of old Right Nos. 1-35AG and 1-114E.

Water is delivered from Great Western Canal through Kennedy Ditch.

10/03/2006

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: 1-10430

JEFF AVERY
1881 W 113 N
IDAHO FALLS ID 83402
Telephone Number: (208)523-3663

STEPHANIE AVERY
1881 W 113 N
IDAHO FALLS ID 83402
Telephone Number: (208)523-3663

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:

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

DATE: 11-28-08 SIGNATURE: [Signature]

Please print your name: Jeff Avery

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

MJ
12/11



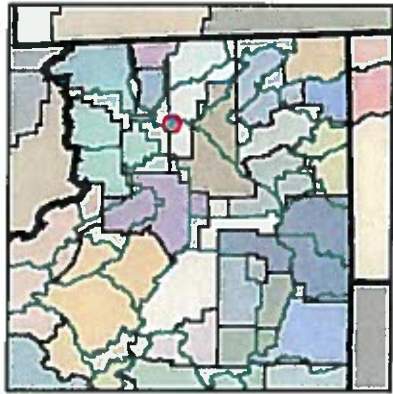
Idaho Department of Water Resources

Right Nos.:

1-10420, 1-10422,
1-10424, 1-10426,
1-10428, 1-10430,
1-10432, 1-10434,
and 1-10436

Legend

	Place of Use
	Townships
	PLS Sections
	Quarter Quarters



Bonneville County
IDWR Basin 1



Prepared by M. Holliday
On Wednesday, October 4, 2006
1987/88 Aerial Photography

Claim Nos. 1-10429 through 1-10436

On February 4, 2004, these claims were created by splitting claims 1-10005A, 1-10006A, 1-10007A, and 1-10009A. The claims were originally split based on claimed acreage.

On September 29, 2006, I amended the quantities on claims 1-10429 through 1-10436 based on the proportionate share of land actually irrigated. A total of 24 acres was claimed, but only 20.5 acres was actually found to be irrigated. Therefore, Stoddard's claims were amended to reflect $1/20.5$ of the claimed diversion rates and Avery's claims were amended to reflect $19.5/20.5$ of the claimed diversion rates.

MWH



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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 6, 2004

JEFF & STEPHANIE AVERY
1881 W 113 N
IDAHO FALLS ID 83402

RE: CHANGE IN OWNERSHIP FOR BASIN 01 CLAIMS

Dear Mr. & Mrs. Avery:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants. Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

01-10000A split into:	01-10419 (Stoddard) & 01-10420 (Avery)
01-10001A split into:	01-10421 (Stoddard) & 01-10422 (Avery)
01-10002A split into:	01-10423 (Stoddard) & 01-10424 (Avery)
01-10003A split into:	01-10425 (Stoddard) & 01-10426 (Avery)
01-10004A split into:	01-10427 (Stoddard) & 01-10428 (Avery)
01-10005A split into:	01-10429 (Stoddard) & 01-10430 (Avery)
01-10006A split into:	01-10431 (Stoddard) & 01-10432 (Avery)
01-10007A split into:	01-10433 (Stoddard) & 01-10434 (Avery)
01-10009A split into:	01-10435 (Stoddard) & 01-10436 (Avery)

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

SCANNED

JAN 11 2005

PROFILED

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.

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
	<u>49-10009A</u>	<u>Y</u>	<u>Thru</u>	<u>A01-10009A</u>	<u>Y</u>
	<u>A01-10009A</u>	<u>Y</u>			

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**.

Name and Address of Former
Owner/Claimant(s)

Ray Stalder
1881 W. 113 N. Idaho Falls, ID 83402

New Owner/Claimant(s)

Jeff + Stephanie Nye
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1881 W 113 North Idaho Falls ID
83402

City, State and ZIP Code

New Telephone Number

(208) 523-3663

Date you acquired the property

8-1-2003

SCANNED

JAN 11 2005

PROFILED

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 1-10430
Date Received: 2/4/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JEFF AVERY Phone: (208)523-3663
1881 W 113 N
IDAHO FALLS ID USA 83402

STEPHANIE AVERY Phone: (208)523-3663
1881 W 113 N
IDAHO FALLS ID USA 83402

2. Date of Priority: 06/01/1885

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	37E	35	NE NE NE	JEFFERSON	

5. Description of diverting works:

HEADGATE TO CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.071	

7. Total Quantity Appropriated is:
0.071 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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03N	37E	14	NW	NE	IRRIGATION	10
			SW	NE	IRRIGATION	13
					Section Acres	23
					Total Acres	23

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 01-10005A

15. Basis of Claim: Decreed

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): _____ Date: _____

_____ Date:

State of Idaho)
) SS.
 County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 1-10430
Date Received: 2/4/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A0110430



1. Name of Claimant(s)

JEFF AVERY Phone: (208)523-3663
1881 W 113 N
IDAHO FALLS ID USA 83402

STEPHANIE AVERY Phone: (208)523-3663
1881 W 113 N
IDAHO FALLS ID USA 83402

2. Date of Priority: 06/01/1885

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	37E	35	NE NE NE	JEFFERSON	

5. Description of diverting works:

HEADGATE TO CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.072	

7. Total Quantity Appropriated is:
0.072 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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03N

37E 14

NW NE
SW NE

IRRIGATION 10
IRRIGATION 13

Section Acres 23

Total Acres 23

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 01-10005A

15. Basis of Claim: Decreed