

08/17/2004

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

RIGHT NUMBER: 25-174A
NAME AND ADDRESS: VANCE AVERY
4532 E 300 N
RIGBY ID 83442

SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 1.950 CFS
PRIORITY DATE: 05/01/1888
POINT OF DIVERSION:

T03N R39E S15 NWSWSW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.950 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R39E S20	NENE	23.0	T03N R39E S20	SWNE	9.3
T03N R39E S20	SENE	34.0	T03N R39E S20	NESE	2.4
T03N R39E S20	NWSE	9.4	T03N R39E S21	NWNW	38.0
T03N R39E S21	SWNW	14.0			

130.1 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 130.1 acres in a single irrigation season. Combined Right Nos.: 25-14108 and 25-174A.

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: Decreed

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

Use of this right is combined with water from Enterprise Canal Company LTD.

Water is delivered through the Roy Avery Canal.

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SEP 17 2004

EC

08/17/2004

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: 25-174A

VANCE 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:

9/28/04

SIGNATURE:

Vance Avery

Please print your name:

Vance Avery

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

RECEIVED

OCT 05 2004

Department of Water Resources
Eastern Region

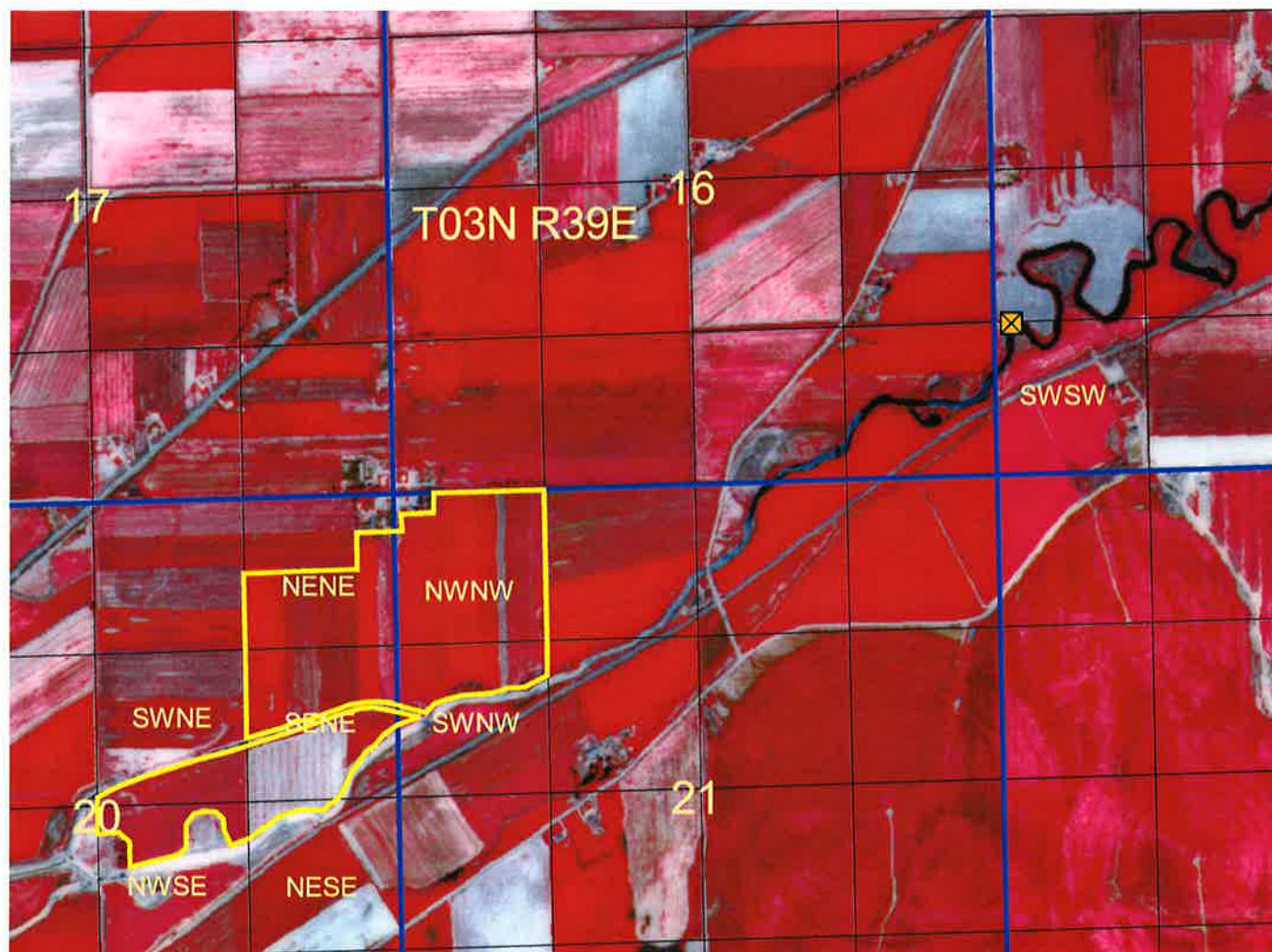
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OCT 06 2004

DEPARTMENT OF WATER RESOURCES

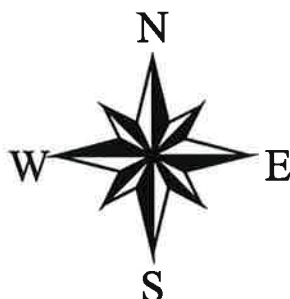
Claim No.: 25-14108
25-174A



0 1320 2640 3960 5280 Feet

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SEP 17 2004

-  Point of diversion.shp
-  Place of use.shp
-  Township/Range
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: August 2004

PROFILED

A25-00174A

10/17/03

Please See A25-00071A

Water Resources
Field Services
208 663 4667

PROFILED

SCANNED

SEP 17 2004

August 18, 2003

Vance Avery
4523 E 300 N
Rigby, ID 83442

Re: Water Right Adjudication Claim(s) A25-00174A, A25-00071A

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

The main purpose of this visit is to locate and photograph the headgate(s), ditches, and irrigated lands. A similar letter is being sent to co-claimants Kevin Avery and Roy Avery.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

SCANNED

SEP 17 2004

PROFILED

Water Resources
Field Services
208 663 4667

August 18, 2003

Kevin Avery
11109 E Ririe Hwy
Idaho Falls, ID 83401

Re: Water Right Adjudication Claim(s) A25-00174A, A25-00071A.

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

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Sincerely,

Bryce A. Contor

SCANNED

SEP 17 2004

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Water Resources
Field Services
208 663 4667

JUL 25 2001

Log for claim 25-00174A

Spatial Dynamics CAT

11/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n39e	20	NENE	25	40	Indiscernible
03n39e	20	SWNE	20	40	Indiscernible
03n39e	20	SENE	40	40	
03n39e	21	NWNW	40	40	
03n39e	21	SWNW	15	40	Indiscernible
Totals:			140	200	

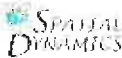
Water Right Claim Number 25-00174A
Township , 3N39E

11/28/2000



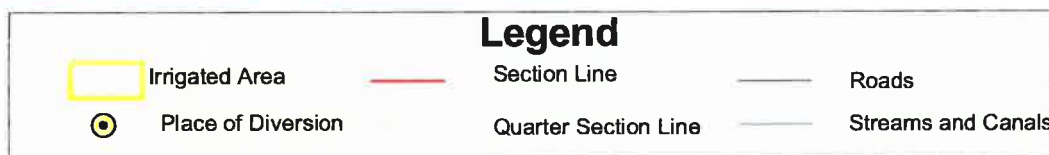
Legend

Irrigated Area	Section Line	Roads
Place of Diversion	Quarter Section Line	Streams and Canals



Water Right Claim Number 25-00174A
Township , 3N39E

11/28/2000

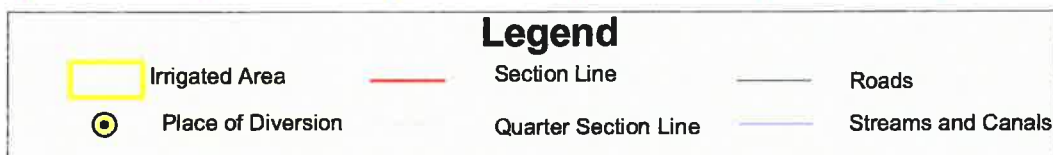
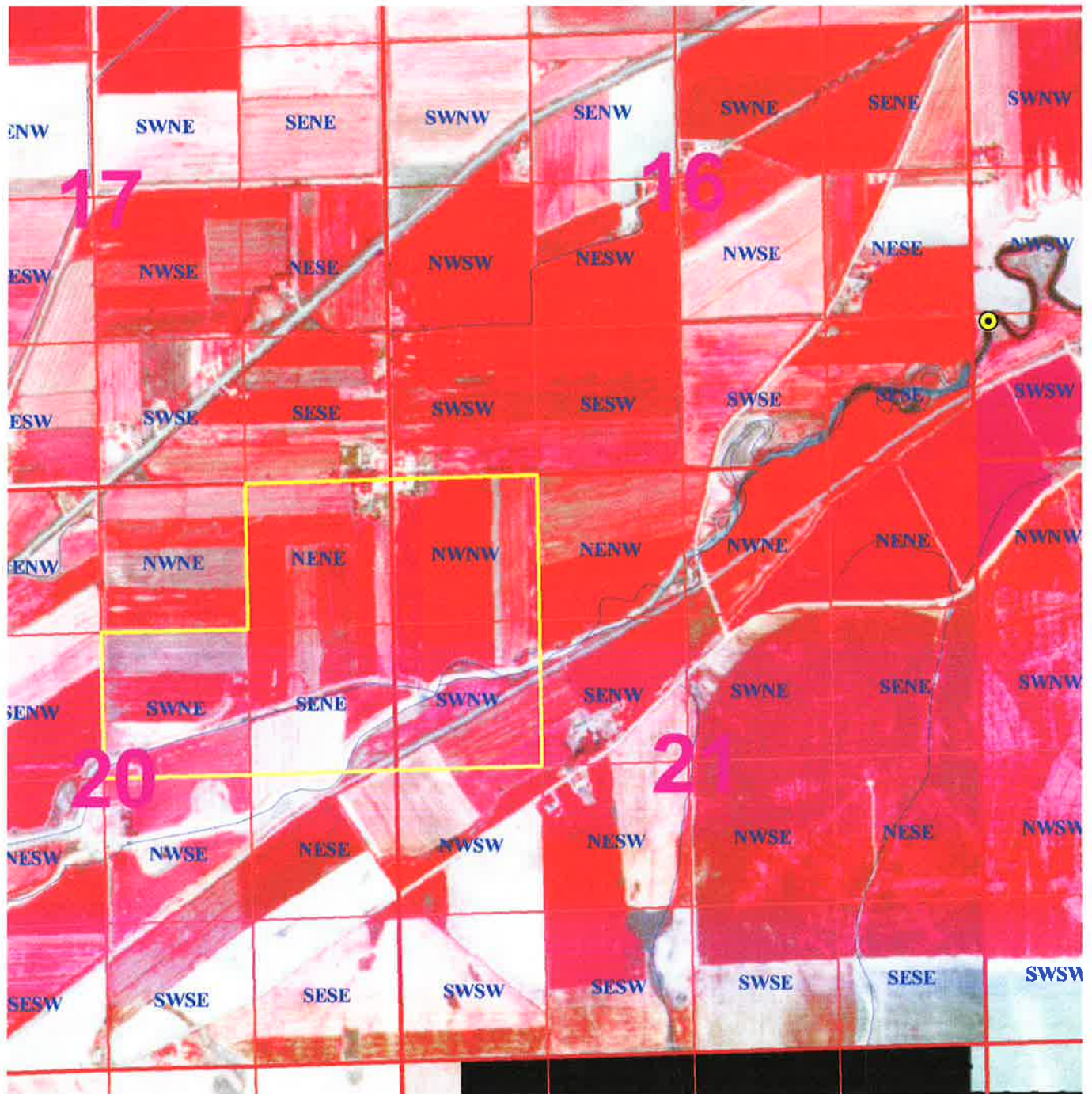


SPATIAL
DYNAMICS



Water Right Claim Number 25-00174A
Township , 3N39E

11/28/2000



1000 0 1000 2000 3000 Feet

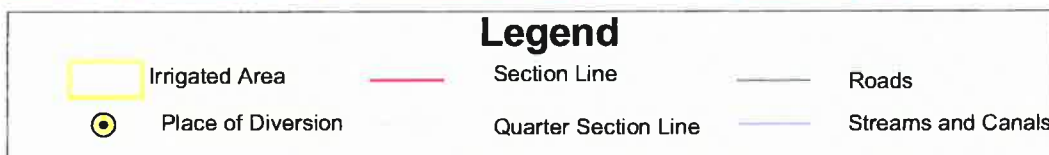
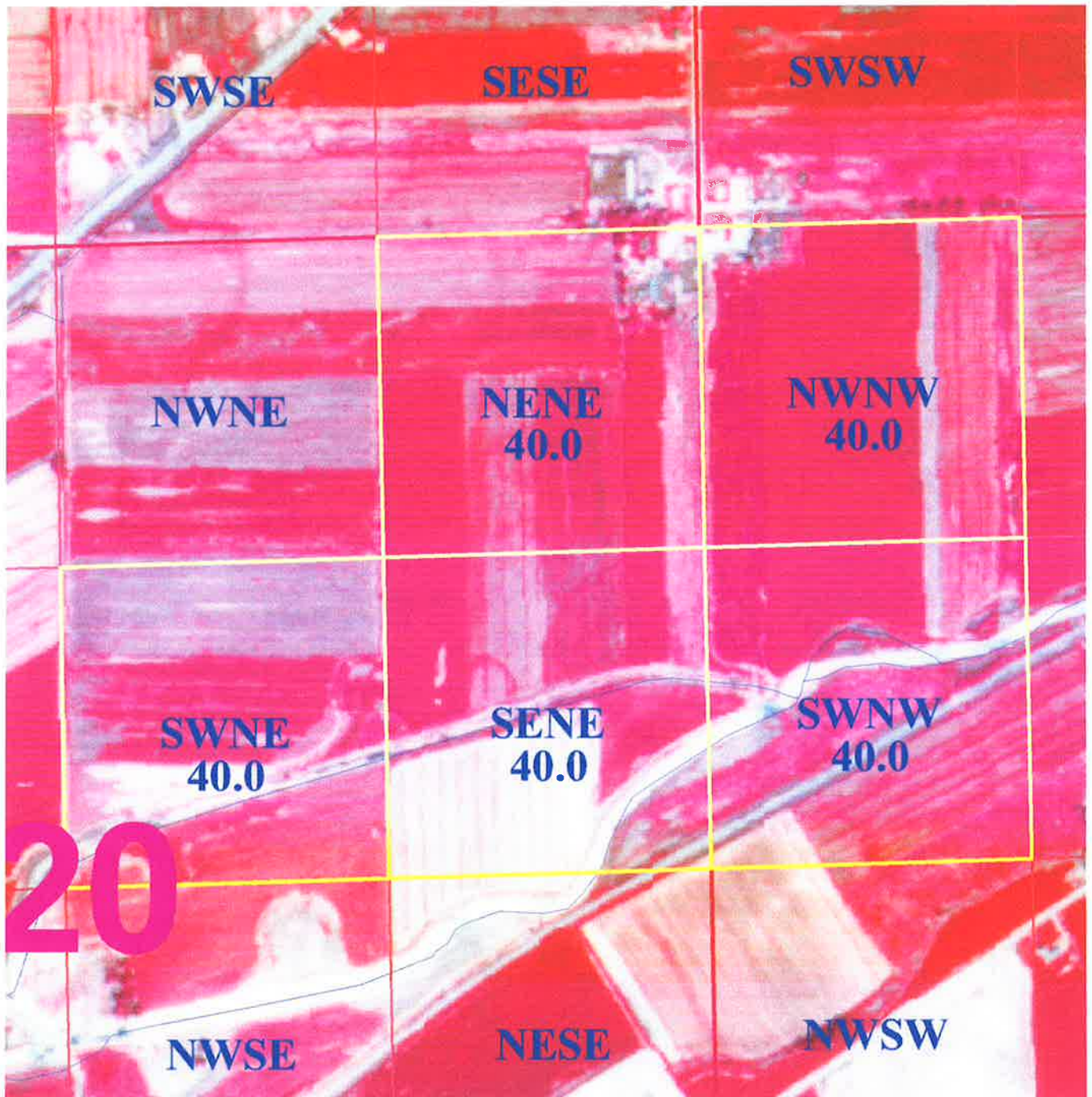


 SPATIAL DYNAMICS



Water Right Claim Number 25-00174A
Township , 3N39E

11/28/2000



SPATIAL
DYNAMICS



AJ5809NP
No. A25-00174A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/24/00
PAGE: 49

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KEVIN AVERY 11109 E RIRIE HWY IDAHO FALLS ID 83401 (208) 529-0743	05/01/1888	IRRIGATION	04-01 11-01	3.120 CFS	
					TOTAL DIVERSION:	3.120 CFS

C VANCE AVERY
4532 E 300 N
RIGBY ID 83442
(208) 538-5077

Water Source: WILLOW CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T03N R39E S15 NWSWSW BONNEVILLE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
03N	39E	20	:	25			20	40	:					:					:					:	85.0
03N	39E	21	:						:	40	15			:					:					:	55.0
																							TOTAL ACRES	140.0	

POU County: BONNEVILLE

Other Rights: 25-00071A

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A25-00071A A25-00072 A25-00073A A25-00079A A25-00079C A25-00085 A25-00086 A25-00144 A25-00148

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00059 A01-00060 A01-00233 A25-00071 A25-00071A A25-00072 A25-00073A A25-00144 A25-1338821

Remarks: GEN LAND OWNED BY HENRY W. KIEFER WAS DESCRIBED INCORRECTLY IN THE
DECREE. HE OWNED A PORTION OF THE PLACE OF USE DESCRIBED BY THIS
NOTICE AND HIS DECREED RIGHTS HAVE ALWAYS BEEN USED ON THIS
PROPERTY.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 02/24/94 CARLSEN 03/29/95 POST-STD

South-east Quarter of Section twenty-eight, Township - North
Range Thirty-eight East, containing Three hundred and twenty
acres.

POOR ORIGINAL

JOHN PETERSON:

That in the year 1885 and continuously thereafter, the
said John Peterson has been the owner and in the actual possession
and entitled to the possession of that certain piece or parcel
of land laying and being in the county of Bingham and state of
Idaho, and particularly described as follows, to-wit:

The South West Quarter of Section Fifteen and the North-
west Quarter of Section twenty-two, all in Township two North
of Range Thirty-eight East of Boise Meridian.

HENRY W. KIEFER:

That in the year 1880 and continuously thereafter the
said Henry W. Kiefer and his grantors and predecessors in inter-
est were, and have been and this cross complainant now is the
owner in the actual possession and entitled to the possession of
that certain lot piece or parcel of land lying and being in the
county of Bingham and State of Idaho and more particularly des-
cribed as follows, to-wit:

The North West one quarter of the North West one quarter
of Section twenty-one, and the North one half of the North West
one quarter and the South West one quarter of the North East one
quarter of section twenty, Township three North of Range thirty
nine east of Boise Meridian.

H. F. HASKINS:

That in the year 1880, and continuously thereafter,
the said H. F. Haskins has been the owner and in the possession
and entitled to the possession of that certain lot piece or par-
cel of land lying and being in the county of Bingham and state
of Idaho, and more particularly described as follows to-wit:

The North East Quarter of the North West Quarter of
Section twenty-one (21), also the South West Quarter of the North

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-5-

Name	No. Inches	Dating from
Anna Dick	80	
William H. Price	90	April 1st, 1888.
William H. Price	75	April 1st, 1888.
Rhoda Price	70	November 1st, 1885.
Henry Catmull	55	April 1st, 1886.
Anderson Bros. Bank, a) corporation.)	140	April 1st, 1882.
		April 1st, 1880.

HIGH WATER

In addition to and subject to the rights hereinbefore decreed, and pursuant to the stipulation hereinbefore recited there are decreed the following high water rights all dating from May 1st 1888, except those of the Eagle Rock & Willow Creek Water Company and the Idaho Canal Company, Corporations, which water rights date from May 1st, 1889, to-wit:-

Name	No. Inch.	Name	No. Inch.
Frank W. Beam	120	Alick Robbie	60
Hyrum Frew	120	Thomas Kerr	150
R. W. Norton	120	Andrew A. Anderson	60
Axel Anderson	120	Hyrum S. Mulliner)	
C. J. Cwmes	240	and Mary Mulliner)	
H. L. Hansen	120	Lee Norton	120
Joseph S. Mulliner	120	Edward W. Safstrom	240
W. C. Olsen	160	David W. Clark	90
John P. Kelley	30	George P. Ward	120
J. F. Norton	120	John Chaffin	33
Gus Johnson	45	S. A. Norton	42
J. H. Denning	120	James Jennings	120
John T. Heath	120	William Grow	120
Andrew C. Anderson	120	Rasmus Hoff	160
W. C. Kelley	120	C. Anderson	105
Henry Denning	240	J. A. Denning	120
Ephraim Denning	120	Miller Kenton	120
George Eastman	60	Gid Oram	120
H. H. Owen	120	John Empey	120
A. M. Rawson	120	F. J. Fowers	120
Joseph Anderson	120		
Orville Buck	120	Frank Cleverly	120
Caroline Heath	60	Abel C leverly	60
O. S. Lee Sr.	120	Charles G. Martin	120
J. Davis Sr.	160	James Buck	160
Mrs. Mary C. Mann	90	S. L. Cox	120
Edward Cox	120	L. M. Clifford	120
Mrs. Christena Forbush	120	J. A. Senter	240
J. Davis Jr.	120		
John Peterson	180	Henry W. Kiefer	240
H. F. Maskins	180	Herman Bauman	180
Bert A. Bruce	60	Christ Zbinden	60
Adam Smith	120	John R. Seedall	180
A. H. Jackson	120	John Ritchie	45
Mary Christen Ritchie) Administratrix of the estate) of Joseph Ritchie, deceased	38	Alfred Rasicot	165
Joseph Tolley	120	Harvey Dahlstrom	120

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JUL 25 2000

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: A25-00174A

Date Received: 2/23/1994

Receipt No: E019518

Received By: EMC.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEVIN AVERY 208-529-0743
Address: 11109 E RIRIE HWY
IDAHO FALLS ID 83401
AND/OR
Name: VANCE AVERY 208-538-5077
Address: 4532 E 300 N
RIGBY ID 83442

2. Date of Priority: MAY 1, 1888

3. Source: WILLOW CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	39E	15	NW	SW	SW		BONNEVILLE

5. Description of diverting works:
ROY AVERY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	39E	20	NE	NE		IRR	25.0

A25-00174A

Page 1

Date: 02/23/94

APR 11 1994

A2500174A

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	39E	20	SW	NE		IRR	20.0
			SE	NE		IRR	40.0
						Section Acres	85.0
		21	NW	NW		IRR	40.0
			SW	NW		IRR	15.0
						Section Acres	55.0
						Total Acres	140.0

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:
25-00071A

14. Remarks:

LAND OWNED BY HENRY W. KIEFER WAS DESCRIBED INCORRECTLY IN THE DECREE. HE OWNED A PORTION OF THE PLACE OF USE DESCRIBED BY THIS NOTICE AND HIS DECREED RIGHTS HAVE ALWAYS BEEN USED ON THIS PROPERTY.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

EAGLE ROCK & WILLOW CR WATER
Decree Plaintiff

HENRY KIEFER ET AL.
vs 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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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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): Kevin Avery Date: 2-23-94

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23 day

of FEB 19 94

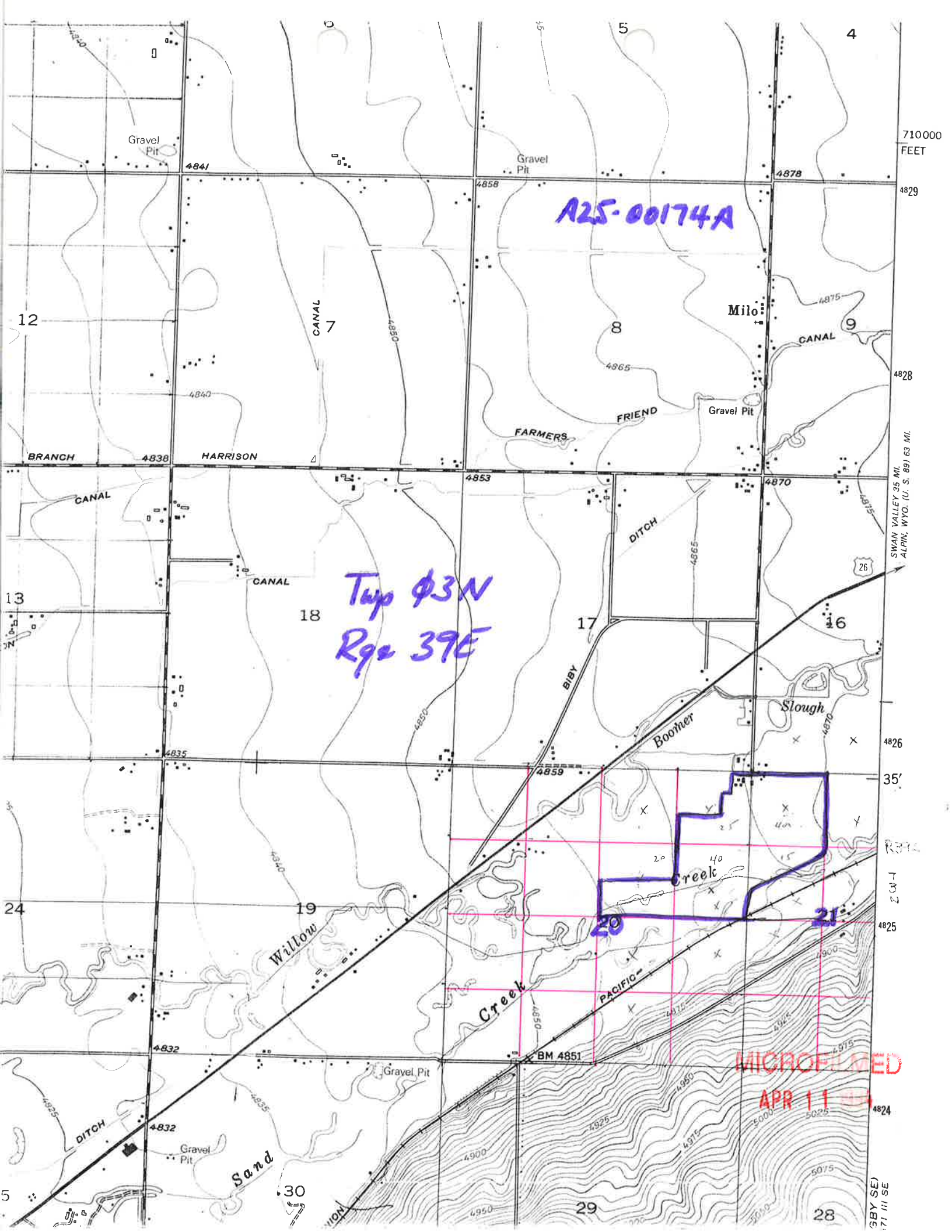
Ernest Carlson
Notary Public



Residing at Idaho Falls

My Commission Expires 6-14-1994

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APR 11 1994



A25-00174A

Twp 03N
R9E 39E

20

21

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