

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

RIGHT NUMBER: 25-73

NAME AND ADDRESS:

LUCILE AVERY
7837 NE FOOTHILL RD
IDAHO FALLS, ID 83401

SOURCE: WILLOW CREEK Tributary: SNAKE RIVER

QUANTITY: 1.400 CFS

PRIORITY DATE: 04/01/1884

POINT OF DIVERSION:

T03N R39E S15 SWNESE Within BONNEVILLE County
T03N R39E S15 NWSWS Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	1.400 CFS

PLACE OF USE:

IRRIGATION	Within BONNEVILLE County
T03N R39E S20 SENE	2.7
T03N R39E S20 NWSE	15 28.0
T03N R39E S20 SESE	7.6
T03N R39E S21 NENW	39.0
T03N R39E S21 SENW	22.0
T03N R39E S21 NWSW	20.0
196.8 ACRES TOTAL	

Use of the rights listed below is limited to the irrigation of a combined total

193.8 acres in a single irrigation season. Combined Right Nos.: 25-14110,

25-73, and 25-14111.

This right is limited to the irrigation of 70 acres within the place of use described above in a single irrigation season.

Use of water under this right does not include a use on federal public land.

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 42-1424, IDAHO CODE.

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

Water is delivered through the Roy Avery Canal and Orval Avery Canal.

08/17/2004

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

RIGHT NUMBER: 25-73

NAME AND ADDRESS: LUCILE AVERY
7837 E FOOTHILL RD
IDAHO FALLS ID 83401

SOURCE: WILLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.400 CFS

PRIORITY DATE: 04/01/1884

POINT OF DIVERSION:

T03N R39E S15 SWNESW Within BONNEVILLE County

T03N R39E S15 NWSWSW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

1.400 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T03N R39E S20	SENE	2.7	T03N R39E S20	NESE	33.0
T03N R39E S20	NWSE	18.0	T03N R39E S20	SWSE	30.0
T03N R39E S20	SESE	7.6	T03N R39E S21	NWNE	2.8
T03N R39E S21	NENW	39.0	T03N R39E S21	SWNW	21.0
T03N R39E S21	SENW	22.0	T03N R39E S21	NESW	0.7
T03N R39E S21	NWSW	20.0			

196.8 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 196.8 acres in a single irrigation season. Combined Right Nos.: 25-14110, 25-73 and 25-14111.

This right is limited to the irrigation of 70 acres within the place of use described above in a single irrigation season.

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 and Orval Avery Canal.

Water Right 25-73

SCANNED

SEP 22 2004

1
PROFILED

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 25-73

WATER RIGHT NUMBER: 25-73

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HF HASKINS
	, ID
Original Owner	ORVAL E AVERY 7837 E FOOTHILL RD IDAHO FALLS, ID 83401 (208)522-6882

Priority Date: 04/01/1884

Basis:

Status: **See Remarks**

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	1.400 CFS	
	<u>Total Diversion:</u>		1.400 CFS	

Location of Point(s) of Diversion

WILLOW CREEK	SW1/4NE1/4SW1/4	Sec. 15, Twp 03N, Rge 39E, B.M.
BONNEVILLE County		
WILLOW CREEK	NW1/4SW1/4SW1/4	Sec. 15, Twp 03N, Rge 39E, B.M.
BONNEVILLE County		

Place of UseConditions of Approval:Remarks:

1. General ***** MEMO TO FILE ***** THE ENTIRE AMOUNT OF THIS DECREE RIGHT IS ALSO BEING CLAIMED BY PROGRESSIVE IRRIGATION DISTRICT UNDER NOTICE A25-13385Z0 AND A25-13385Z1. ESV 11/2/89 * THIS RIGHT HAS BEEN SPLIT AND COMBINED. A25-00073A 1.40 CFS A25-13385 1.40 CFS TOTAL = 2.80 CFS (25-00073 = 1.40 CFS) * THIS RIGHT IS OVER-CLAIMED. CLF 3-21-91

Comments:Dates and Other Information:

SCANNED

SEP 22 2004
PROFILED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

AUG 24 2004

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. 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
<i>Changed ownership 8/24/04 JC</i> 23-11208	_____	_____	_____	_____	_____
25-72	_____	_____	_____	_____	_____
25-73	_____	_____	_____	_____	_____
25-144	_____	_____	_____	_____	_____
25-14022	_____	_____	_____	_____	_____

2. 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**.

3. Name and Address of Former
Owner/Claimant(s)

Orval E Avery
7837 E Foothill Rd.

4. New Owner/Claimant(s)

Lucile Avery
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

7837 E Foothill Rd

City, State and ZIP Code

Idaho Falls ID 8340

New Telephone Number

(208) 522-6882

5. Date you acquired the property

Oct 2001

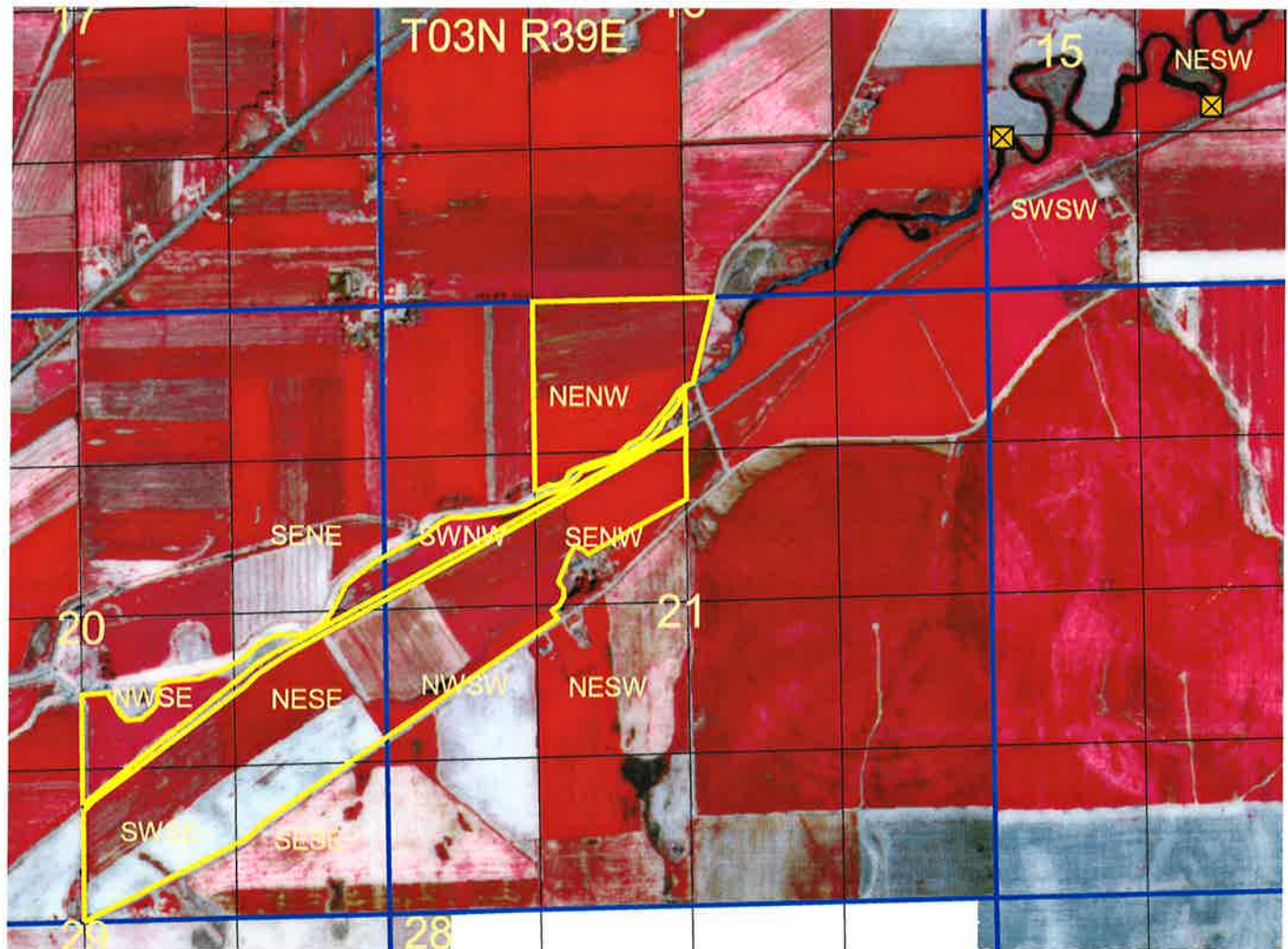
PROFILED

SCANNED

AUG 30 2004

DEPARTMENT OF WATER RESOURCES

Claim No.: 25-14110
25-73, 25-14111

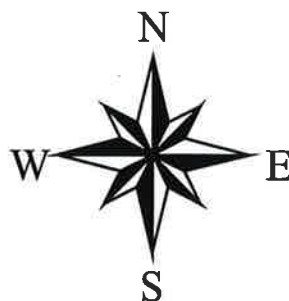


0 1320 2640 3960 5280 Feet

SCANNED

SEP 22 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

Orval Avery

25-14110 (split of 25-72)	2.28 cfs on ^{x-27} 114 ac	Total. E14 196.8
25-73.	1.40 cfs on ^{x-27} 70 ac.	E14 196.8
25-14111 (portion of 25-144)	2.95 cfs on 196.8	E14 196.8
	196.8	cfs

- Roy Avery & Orval canals.

- E14 25-14110, 25-73, 25-14111 196.8.

X27	25-14110	114 ac
	25-73	70 ac

- Enterprise Irrigation.

NOTE: Initially Orval Avery filed on all of 25-72 even though his property on covered a portion of the decreed place of use. On Aug 17, 2004, I met with John Avery, son, to discuss distribution of this right. John agreed that a portion of 25-72 should go to Vance Avery. The result is reflected in 25-14108 & 25-14110.

SCANNED

SEP 22 2004

PROFILED

Ernest Carlson.

Since all of P.O.U for Lucile Avery is covered by 25-144 there is no need to recommend enlargement claim 25-14022.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 25-73

WATER RIGHT NUMBER: 25-73

<u>Owner Type</u>	<u>Name and Address</u>
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Current Owner H F HASKINS

ZZ

Priority Date: 04/01/1884

Basis: Decreed

Status: Active

Source

Tributary

WILLOW CREEK

SNAKE RIVER

Beneficial Use

From	To
------	----

Diversion Rate

Annual Volume

IRRIGATION / to /

1.400 CFS

DOMESTIC / to /

STOCKWATER / to /

Total Diversion: 1.400 CFS

Location of Point(s) of Diversion

WILLOW CREEK

SE1/4SE1/4

Sec. 16, Twp 03N, Rge 39E, B.M.

BONNEVILLE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
03N	39E	20													X				
03N	39E	21							X	X		X							

DOMESTIC same as IRRIGATION

STOCKWATER same as IRRIGATION

Conditions of Approval:

Remarks:

1. General P/D NOT GIVEN IN DECREE. SOURCE WD01.
P/U INCOMPLETE IRR. AC. NOT STATED.

Comments:

PROFITED

SCANNED
SEP 22 2004

JUL 7 5 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: A25-00073
Date Received: 9/12/1989
Receipt No: E010280
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ORVAL E. AVERY 208-522-6882
Address: 7837 E. FOOTHILL RD.
IDAHO FALLS, ID 83401

2. Date of Priority: APR 01, 1884

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

4. Point of Diversion:

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

5. Description of diverting works:
2 HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.400		

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

8. Total consumptive use is 375.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	39E	20	NE	SE		IRR	30.0
			NW	SE		IRR	15.0
			SW	SE		IRR	15.0

Section Acres 60.0

A25-00073

Page 1

Date: 09/12/89

MICROFILMED

NOV 06 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	39E	21	NE	NW		IRR	40.0
			SW	NW		IRR	15.0
			SE	NW		IRR	20.0
			NW	SW		IRR	15.0
					Section Acres		90.0
					Total Acres		150.0

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:

A25-00072, A25-00144, PROGRESSIVE & ENTERPRISE CANAL CO.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

EAGLE ROCK & WILLOW CR WATER C
Decree Plaintiff

vs

HENRY KIEFER ET AL.
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): Orval E. Avery Date: 9/12/89
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of September 19 89 Anthony S. Alenichuk
Notary Public

Seal

Residing at Shabo Falls
My Commission Expires 9/12/1994

MICROFILMED
NOV 06 1992

T3N
R39E

20
10
10
5
15
60 or progressive

150

4823
MICROFILMED
NOV 06 1992