

08/18/2004

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

RIGHT NUMBER: 25-14111
NAME AND ADDRESS: LUCILE AVERY
7837 E FOOTHILL RD
IDAHO FALLS ID 83401
SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 2.950 CFS
PRIORITY DATE: 05/01/1888
POINT OF DIVERSION:

T03N R39E S15 SWNESW Within BONNEVILLE County
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 10/31	2.950 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.

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.

This right is a split from former right 25-144.

Water Right 25-14111

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PROFILED

SCANNED
SEP 29 2005

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 25-14111

FILED

2005 OCT 6 PM 3 44

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

SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.95 CFS

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T03N R39E S15 SWNESW Within Bonneville County
NWSWSW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 2.95 CFS

PLACE OF USE: Irrigation Within Bonneville County

T03N R39E S20	SENE 2.7	NESE 33.0
	NWSE 15.0	SWSE 30.0
	SESE 7.6	
S21	NWNE 2.8	NENW 39.0
	SWNW 21.0	SENW 22.0
	NESW 0.7	NWSW 20.0
193.8 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 193.8 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 25-14110, 25-73 and 25-14111.

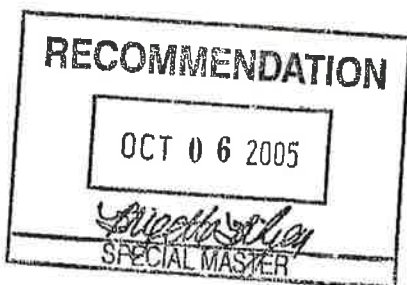
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON
FEDERAL PUBLIC LAND.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

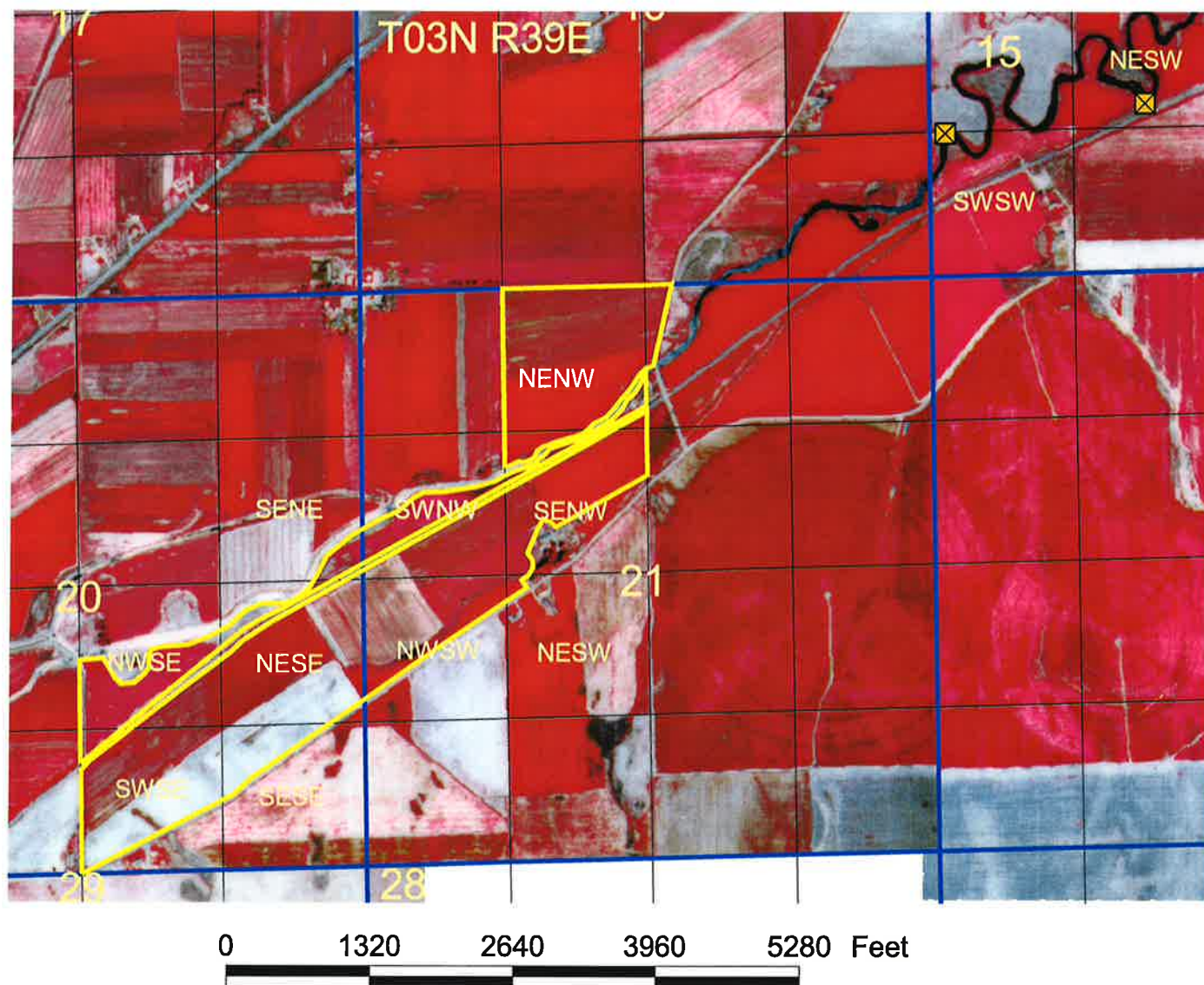
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



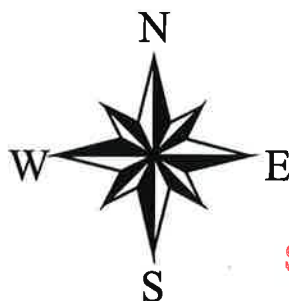
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

DEPARTMENT OF WATER RESOURCES

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



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

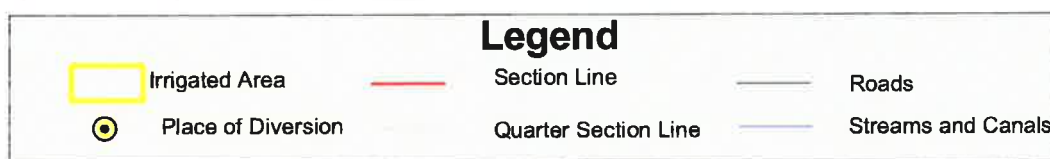


GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: August 2004

SCANNED
SEP 29 2005

PROFILED

11/28/2000



Spatial
Dynamics

SEP 29 2005

PROFILE

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). decreed at 0.015 cfs/ac.	2.95 cfs ~ 196.8	E14 196.8 0.5
	196.8	

- 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.

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.

Q25-144 3.60 cfs. m 240 ac.

L 25-14111 Lucile Avery 2.95 cfs. 196.8 ac

L 25-13884 Progressive - 0.65 cfs. Large Psa.
Combined right.

13-762 500 SHEETS FILLER 5 SQUARE
42-381 50 SHEETS EYE GLASS 5 SQUARE
42-382 100 SHEETS EYE GLASS 5 SQUARE
42-383 100 SHEETS EYE GLASS 5 SQUARE
42-384 100 SHEETS EYE GLASS 5 SQUARE
42-385 100 SHEETS EYE GLASS 5 SQUARE
42-386 200 RECYCLED WHITE 5 SQUARE
Made in U.S.A.



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SEP 29 2005

A25-00144 10/15/03

Please see file A25-00072

A25-14110 *enc.*

PROFILED

SCANNED
SEP 29 2005

Water Resources
Field Services
208 663 4667

SCANNED

JUL 25 2001

Log for claim 25-00144

Spatial Dynamics CAT

11/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n39e	20	NESE	30	26	
03n39e	20	NWSE	15	21	
03n39e	20	SWSE	15	16	
03n39e	21	NENW	40	40	
03n39e	21	SWNW	15	40	Indiscernible
03n39e	21	SEnw	20	25	
03n39e	21	NWSW	15	15	Indiscernible
Totals:			150	183	

 SPATIAL
DYNAMICS

PROFILED

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SEP 29 2005

AJ5809NP
No. A25-00144

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/24/00
PAGE: 44

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

Place of use Legal Description for: IRRIGATION

												NE				NW				SW				SE								
												NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:		
03N	39E	20	:									:									:	30		15		15				:	60.0	
03N	39E	21	:									:	40			15		20			:									:	90.0	
																												TOTAL ACRES		150.0		

POU County: BONNEVILLE

Other Rights: A25-00073, A25-00144, PROGRESSIVE & ENTERPRISE CANAL CO.

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 A25-00148 A25-00174A

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

A01-00059 A01-00060 A01-00233 A25-00071 A25-00071A A25-00072 A25-00073A A25-00174A A25-13388Z1

Remarks: GEN ***** MEMO TO FILE *****

PROGRESSIVE IRRIGATION DISTRICT IS CLAIMING OWNERSHIP OF 0.92CFS
OF THIS DECREED RIGHT UNDER NOTICE A25-13384Z0 AND A25-13384Z1.
ESV 11/2/89

Dates: Exam Made Date: Verified Date: 03/05/1985 Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag:

Audit: 09/12/89 OLENICHA 11/02/89 VERNER 03/29/95 POST-STD

PROFILED

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SEP 29 2005

AJ5809NP
No. A25-00144

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/24/00
PAGE: 43

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ORVAL E AVERY 7837 E FOOTHILL RD IDAHO FALLS ID 83401 (208) 522-6882	05/01/1888	IRRIGATION	04-01 11-01	3.600 CFS	
TOTAL DIVERSION:					3.600 CFS	
CONSUMPTIVE USE:						375.00 AFA
Water Source: WILLOW CREEK		Tributary to: SNAKE RIVER			Stage: DECREED	

SCANNED
PROFILED SEP 29 2005

SCANNED

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JU

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

Renumbered: 25-14111
Ident. Number: ~~A25-00144~~
Date Received: 9/12/1989
Receipt No: E010280
Received By: TS

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: MAY 01, 1888

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	3.600		

7. Total Quantity Appropriated is:
3.600 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

A25-00144

Page 1

Date: 09/12/89

MICROFILMED

NOV 06 1992

SCANNED

SEP 29 2005

PROFILED

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:

A25-00073, A25-00144, PROGRESSIVE & ENTERPRISE CANAL CO.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

EAGLE ROCK & WILLOW CR WAT C
Decree Plaintiff

vs

HENRY KIEFER ET AL.
Decree Defendant

MICROFILMED

NOV 06 1992

PROFILED

SCANNED
SEP 29 2005

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 Elvery

Date:

9/12/89

Date:

State of Idaho

County of

Boonneville

SS.

Subscribed and sworn (or affirmed) before me this 12th day

of

September 19 89

Anthony S. Olmsted
Notary Public

Seal

Residing at

Idaho Falls

My Commission Expires

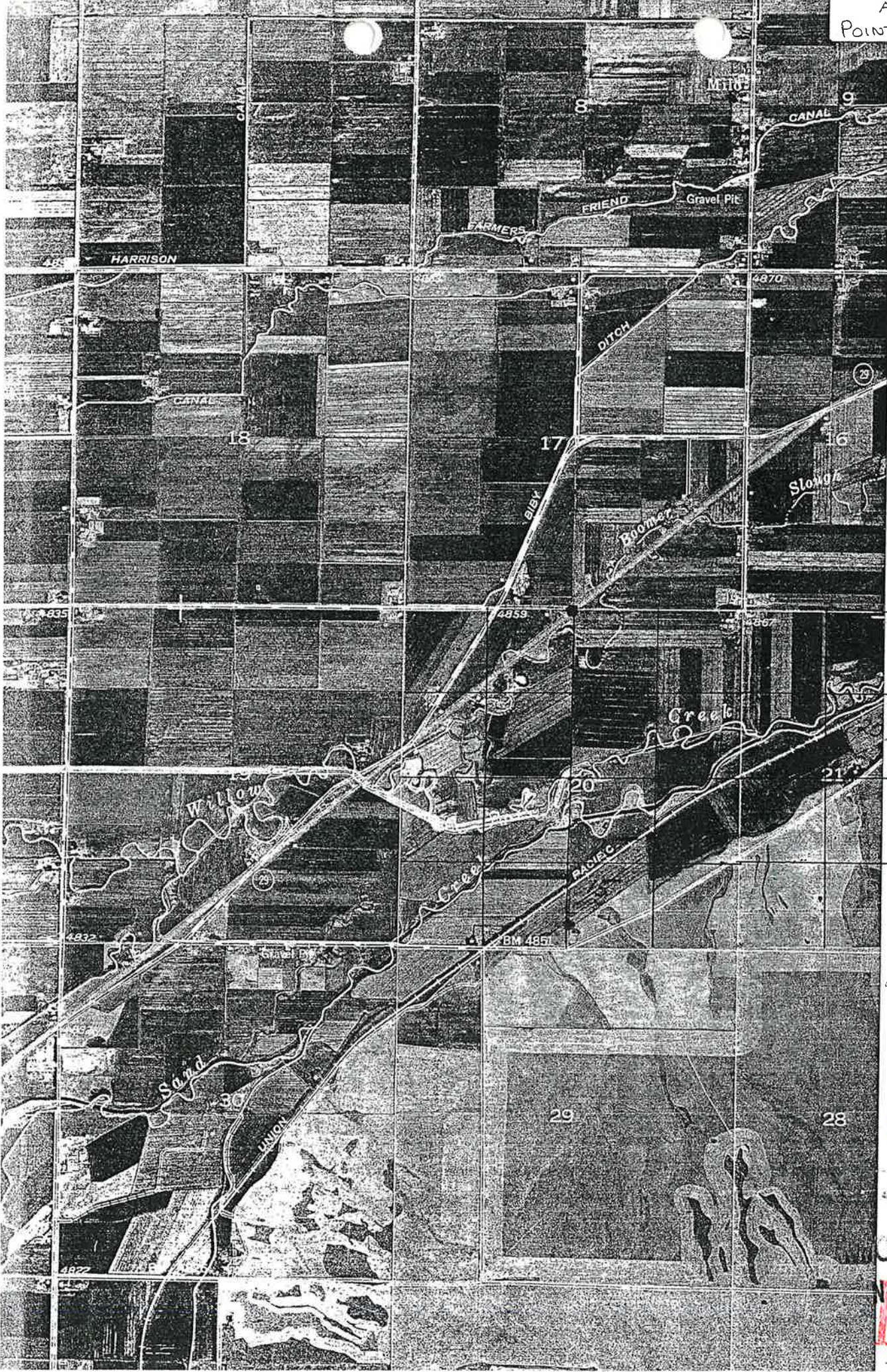
9/12/1994

PROFILED

SCANNED
SEP 29 2005

MICROFILMED
NOV 06 1992

PLACE OF USE
AND
POINT OF DIVERSION



SCANNED
SEP 29 2005

MICROFILMED
NOV 06 1992

PROMPT