

08/17/2004

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

RIGHT NUMBER: 25-14108
NAME AND ADDRESS: VANCE AVERY
4532 E 300 N
RIGBY ID 83442

SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 2.600 CFS
PRIORITY DATE: 04/01/1880
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 10/31	2.600 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.

This right is a combination of 25-71A and a portion of 25-72.

PROFILED
SCANNED

OCT 14 2004 1

Water Right 25-14108

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: 25-14108

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

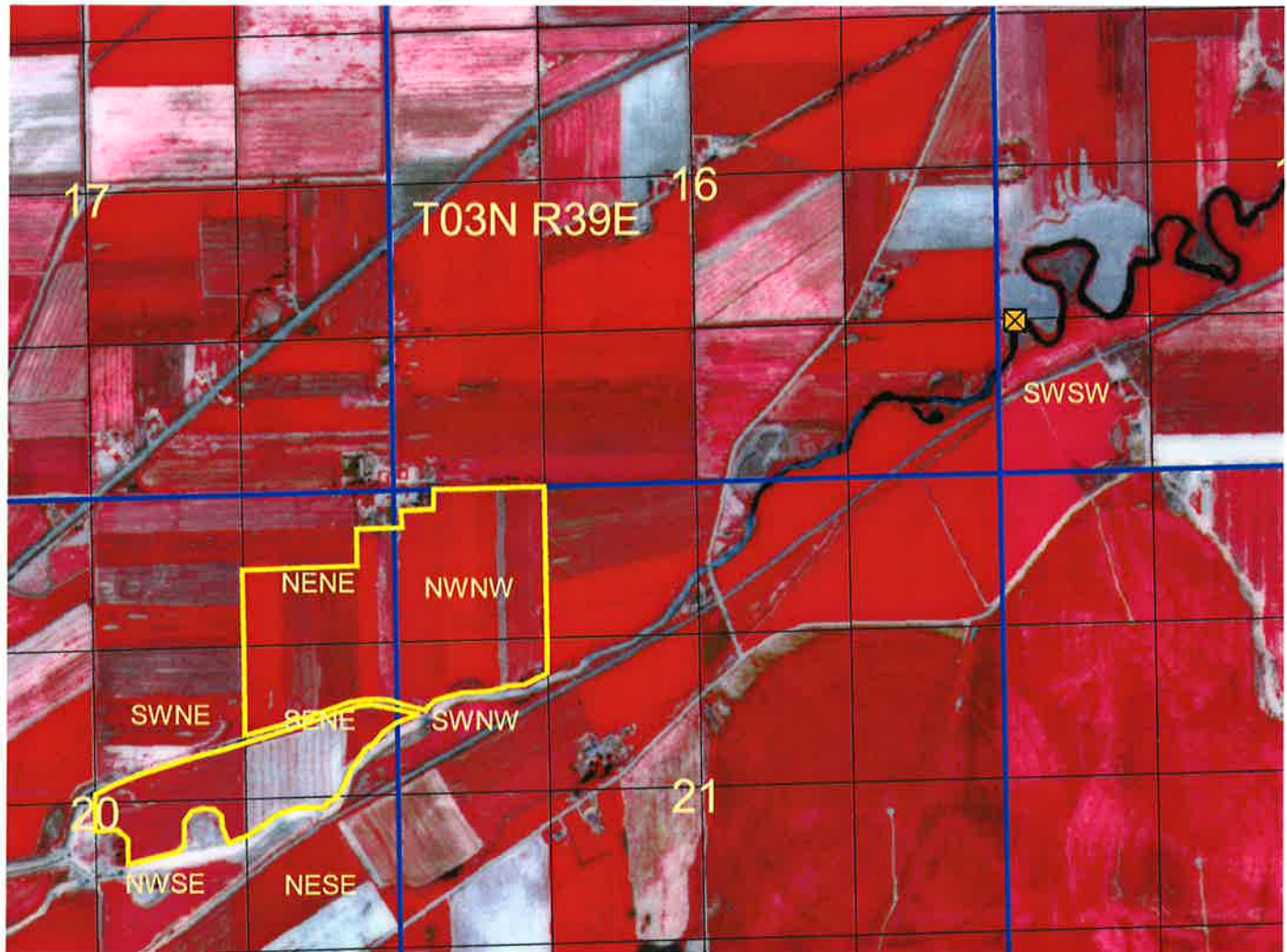
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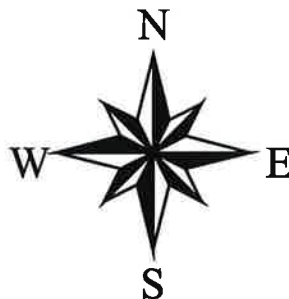
DEPARTMENT OF WATER RESOURCES

Claim No.: 25-14108
25-174A

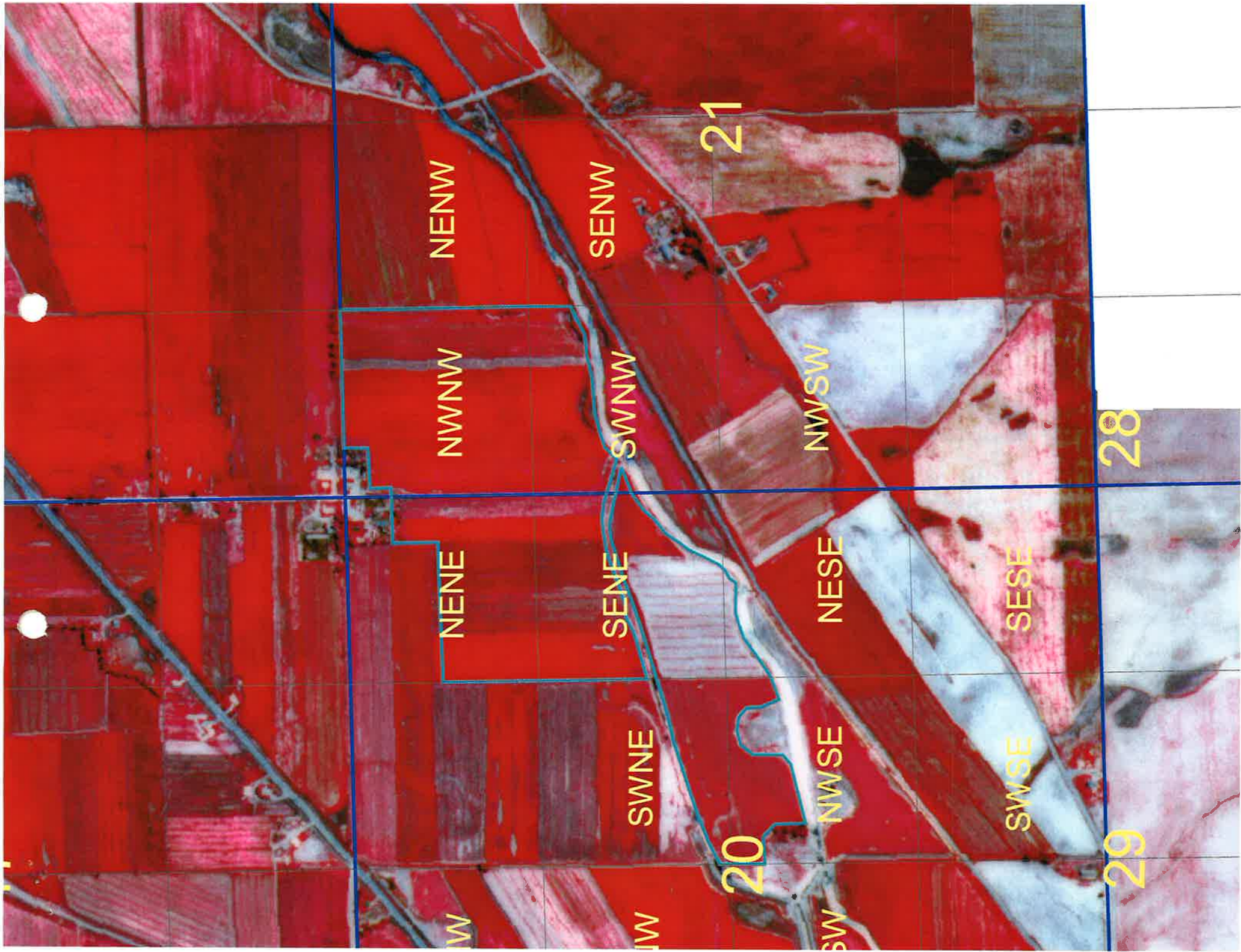


0 1320 2640 3960 5280 Feet

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

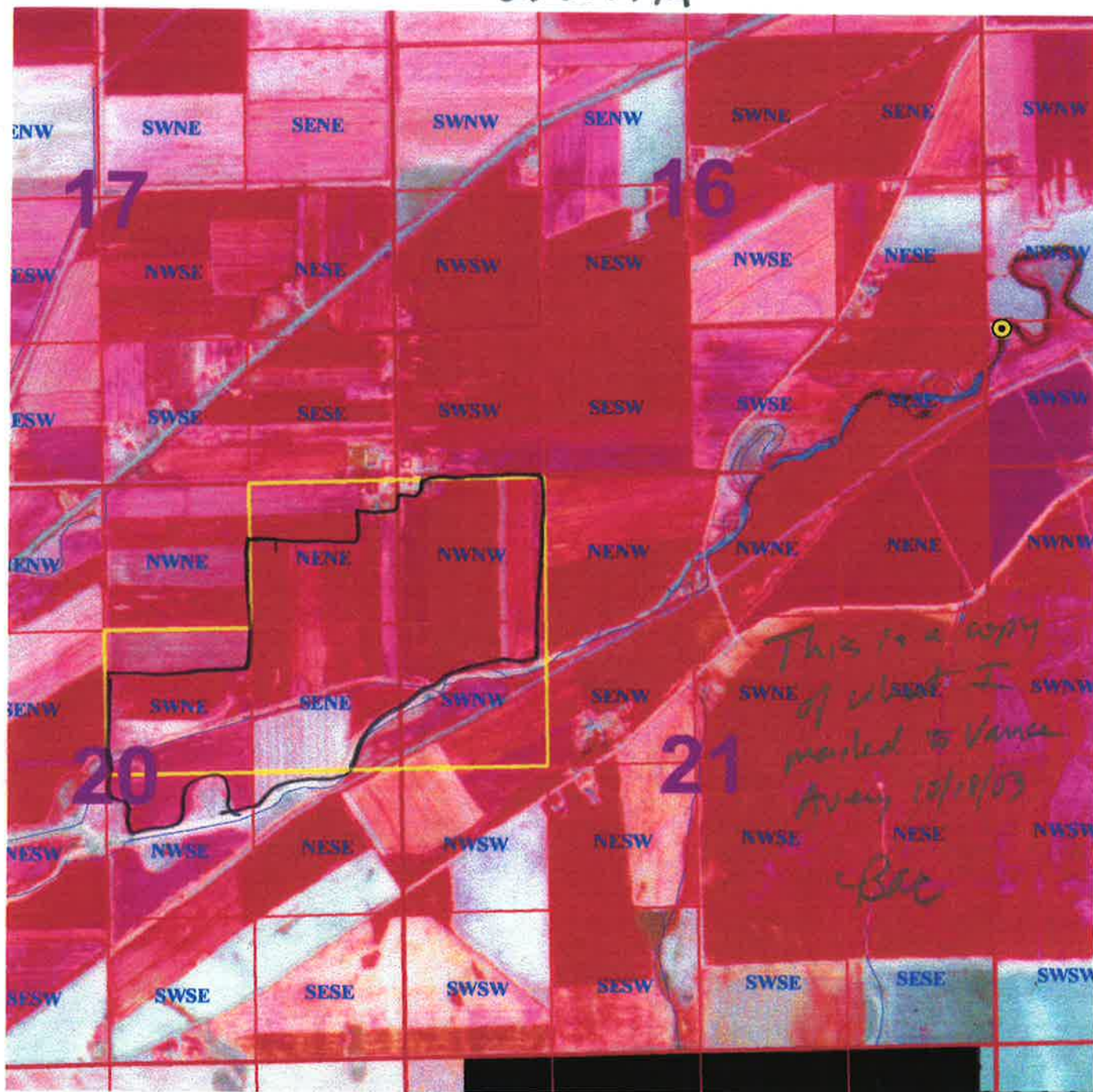


GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: August 2004

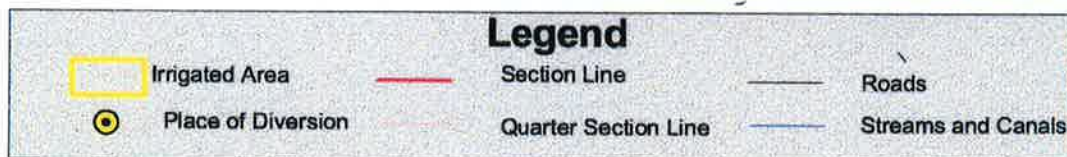


Water Right Claim Number 25-00071A,
Township , 3N39E
25-001744

11/27/2000



*This is a copy
of what I
marked to Vance
Avery 10/19/03
Bee*



 SPATIAL
DYNAMICS

Water Resources
Field Services
208 663 4667



Water Resources Field Services

1571 N. 1100 E.
Terreton, ID 83450
208-663-4667

October 18, 2003

Vance Avery
4532 E 300 N
Rigby ID 83442

Re: Adjudication Claims A25-00071A and A25-00174A

Dear Mr. Avery:

It was good to talk to you last night about your Willow Creek water on the farm near Ririe. Enclosed is a map with yellow lines showing the current computer listing of 40-acre quarter-quarter sections where the claims are listed, and pencilled lines showing my best estimate of what is actually irrigated under your water right. Please sketch on this map the correct boundaries of what is irrigated and mail it back to me.

A25-00071A is for 2.08 cfs (54 inches) of 1880 Willow Creek water, and A25-00174 is for 3.12 cfs (156 inches) of 1888 water. There is a note in the file for A25-00071A that says:

"Progressive irrigation district is claiming 2.8 cfs of this right under notice A25-13388Z0 and A25-13388Z1. ESV 11/2/89.... This split may not be valid if the Avery's redemption rights don't expire."

If you have any letters, certificates, or other documentation relating to these "redemption rights" and the claim of Progressive, please mail a copy of these also. They will be very helpful to the IDWR personnel who will review the legal issues and decree issues of your water rights.

As we discussed, I will look in the IDWR records for a third claim for Willow Creek water that should be in the name of your father Alan Avery or your mother Marlene Avery Jones. If I don't call you in a few days, please call me at 663-4667 (evenings) or 681-9100 (daytime).

Sincerely,

Bryce A. Contor

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August 18, 2003

Roy Avery
9673 N 75 E
Idaho Falls, ID 83401

Re: Water Right Adjudication Claim(s) 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 Vance 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

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13-782 500 SHEETS FILLER 5 SQUARE
43-381 50 SHEETS EYEGLASS 5 SQUARE
43-382 100 SHEETS EYEGLASS 5 SQUARE
43-383 200 SHEETS EYEGLASS 5 SQUARE
43-384 100 SHEETS EYEGLASS 5 SQUARE
43-385 100 RECYCLED WHITE 5 SQUARE
43-386 200 RECYCLED WHITE 5 SQUARE
MADE IN U.S.A.



⊗ 25-00072

L 25-00072 (25-14110) 2.28 cfs. on 114 AC.

L 25-00072A (25-14108) .52 cfs 26 AC

⊗ 25-00072A	.52 cfs	26 AC.	} COMBINED INTO ↘
⊗ 25-00071A	2.08 cfs.	104 AC.	
2	2.60 cfs.	130 AC - 25-14108	

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Keefer → Spencer

3/23/1926

Tract 1

25-71 4-1-1880

"all water rights, therunto belonging or in any way appertaining, particularly 160 inches of natural decreed water in Willow Creek and the water right belonging to said land in what is known as Progressive Irrigation District"

Note
(should also pass 240 in 1888 decree)

All Tracts

2) Spencer → Orval Avery 6/8/1956

"Together, with all & singular the tenements, hereditaments, and appurtenances therunto belonging or in anywise appertaining."

3) Hiram Haskins → Jennie Haskins
9/30/1919

Tract
4

passed Haskins #2

with

"all water rights in thereto appurtenant and belonging and especially conveying 240" of high water in Willow Creek decreed, and 210" of low water in Willow Creek, decreed"

L 140" 25-72 4-1-1880

L 70" 25-73 4-1-1884

4) Haskin children → Jennie Haskins

9/25/1919

Tract
314

Children give all ^{their interest in} 240 acres and

"Together with all & singular the tenements, hereditaments, and appurtenances therunto belonging or in anywise appertaining, and especially Two Hundred Forty (240) Inches of High water and Two Hundred Ten (210) Inches of Low water in Willow Creek, as decreed."

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5) Martha Pospesil → Frank W. Beam

Tract # 347

8/30/1923

Beam buys 80 acres from Haskins' daughter, Pospesil
~~This is the 80 which was conveyed to Jenny,~~
"together with all ditch & water rights
thereto pertaining."

6) Jenny Haskins → Nellie Carmody 3/13/1920

Part
Tract # 347

Jenny sells 80 acres on west
to daughter.

undivided $\frac{1}{3}$ in
"to 240 inches of decreed high water in
Willow Creek and undivided $\frac{1}{3}$ 210 inches
of decreed low water in Willow Creek, all of
said 240 inches of high water and 210 inches
of low water having been decreed to H. F.
Haskins for said land above described
and adjoining lands."

7) Carmody → Spencer 7/9/1926

Part Tract
347

Sells her 80 to Spencer

"together with all ditch & water right thereto
~~belonging~~
appertaining, meaning in particular all natural
Willow Creek water decreed to this land & 86
shares of the Capital Stock of the Enterprise Canal Co."

8) Detwade Bank → Spencer 11/24/1926

Spencer purchases Nicoll place
for \$720

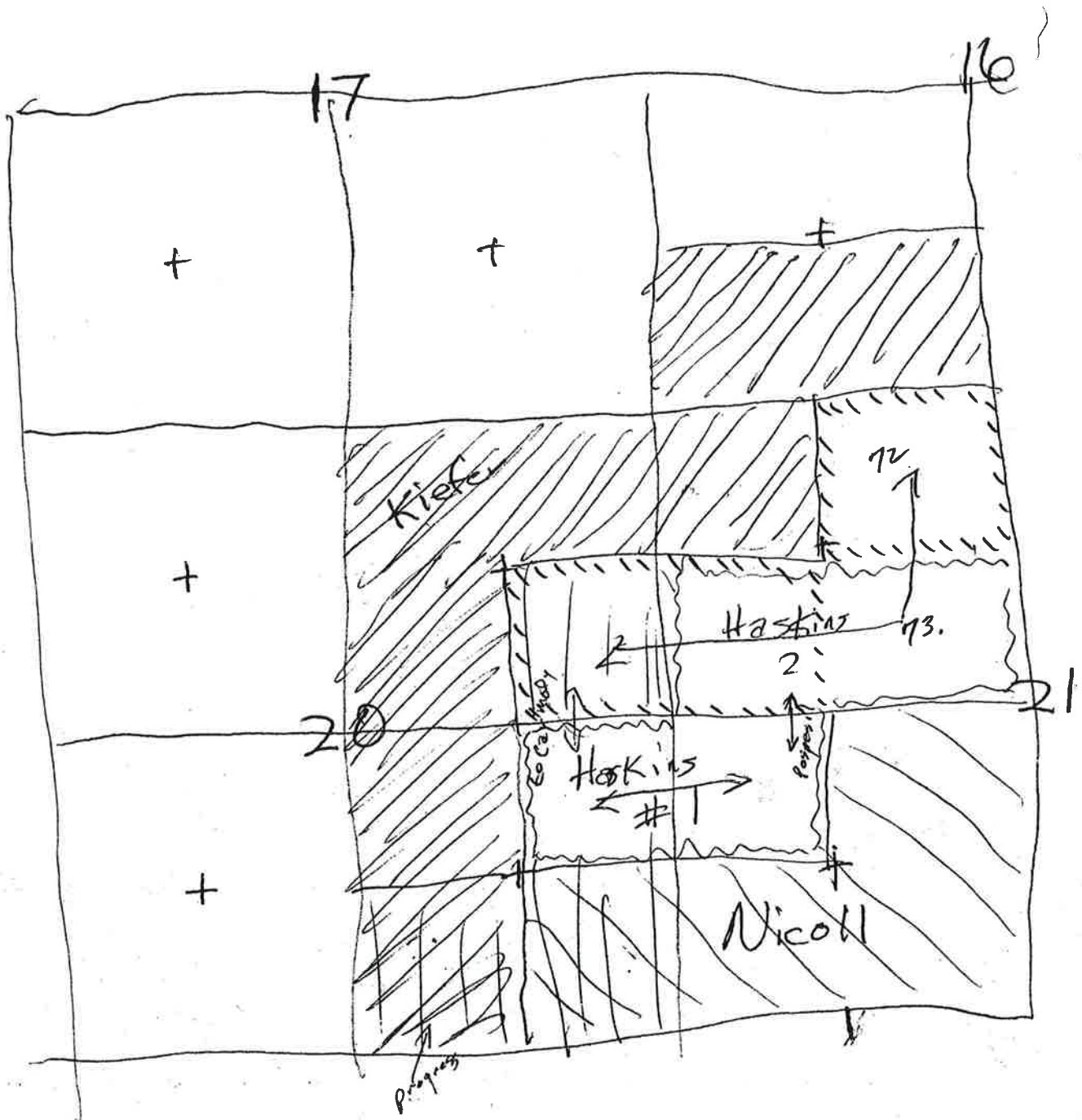
Tract 2

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Kiefer Tract 1
 Nicoll Tract 2
 Haskins #1 Tract 3
 " #2 Tract 4



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 OCT 14 2004
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A25-00071A/A25-00174A Summary 10/18/03

① Ownership: Roy Avery Deceased, I forgot to provide claimants w/ A ownership (A25-00071A). Otherwise appears correct.

② POD: "Roy Avery Headgate" same location as Blacks Miller, Oval Miller, other rights. See A25-00056E for photos of POD. GPS 672, 505E 228, 469N Wapoint 72

③ POD: See layout for my sketch based on claimant sketch in A25-00174A. I wanted copy of my sketch to claimant for verification. If my sketch in NUSE of 20 is correct, claim will need to be amended.

④ Overlap: Enterprise shares.

⑤ Conflict: See remarks by Eric Verna on claim A25-00071A.

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A25-00071A/A25-00174A Summary p2 10/18/03

⑥ Photos

See A25-00079A or A25-00072 for
photos of POD.

1 photo of ditch split, 1 of POD
at NE corner of POD. GPS location
of photos 671,669E 278,437N
waypoint 71A.

Bryce A. Connor

Water Resources
Field Services
208 663 4667

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A25-00071A Contact log p2

10/18/03 8:30pm 538-5077 Vanu Aheng

1) Progressive Counter-claimed William Cook. We talked about objection process.

2) Vanu will go to IDAIR to look for missing water

3) I will mail ~~letters~~ ^{products} to Mr. Aheng.

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A25-00071A / A25-00174A field
notes 10/17/03

- ① I didn't get a hold of Claimant but visited w/ neighboring claimant John Avery.
- ② Fields are isolated within other fields but I drove around the outside & lands are still irrigated.
- ③ Per John Avery this ~~POD~~ farm is watered from same POD as Orval Avery, Gladys Miller & other rights
- ④ See notes on claim regarding conflict w/ Progressive Irr. claim.
- ⑤ I will try again to contact claimant.
(see contact log 10/17/03)
- ⑥ I drove to what appears to be NE corner of POD. 1 photo of ditch split, 1 photo of POD. GPS 671,669 E 278,437 N
Waypoint 71A

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A25-00071A / A25-00174A Contact log

10/10/03 Mrs. Oval Avery (A25-00072) told me Roy Avery passed away & the land is run by Vance Avery. Kevin Avery no longer farms and his land is also run by Vance. Vance lives in Pine.

Nothing in Pine phone book.

Righty phone book: Vance Avery 538-5077

10/10/03 15:16 538-5077 msg on Machine

10/17/03 8:00pm 538-5077 ~~msg~~

Vance Avery says:

1) Ownership - Machine Avery Jones
also should have Willow Creek -
I will mail map

2) Enterprise water develop

3) Roy Avery Ditch

4) Should have Allan Avery Clean -
now Machine Avery Jones

Also has willow creek.

I told Mr. Avery I would look for another
claim.

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WARRANTY DEED

103

1

THIS INDENTURE, Made this 9th day of June, 1906, by and between

HARRY D. SPENCER and ANNA ROSCHE SPENCER, husband and wife,

of the County of Bonneville, State of Idaho, the parties of the first part, and

ORVAL E. AVERY and LUCILE AVERY, husband and wife,

of the County of Bonneville, State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION DOLLARS lawful money of the United States of America, to them in hand paid by parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part and to their heirs and assigns forever, all the following described real estate, situate in the County of Bonneville, State of Idaho, to wit:

That part of the East Half of Section Twenty (20) lying South of Sand Creek, in Township Three (3) North, Range Thirty-nine (39) East of the Boise Meridian.

That part of the Southwest Quarter of the Northwest Quarter (SW1/4) lying South of Sand Creek; and that portion of the East 992 feet of the Southwest Quarter of the Northwest Quarter (SW1/4) lying between Sand Creek and Willow Creek; the Southwest Quarter (SW1/4), and the East Half of the Northwest Quarter (E1/2NW1/4); all in Section Twenty-one (21), Township Three (3) North, Range Thirty-nine (39) East of the Boise Meridian.

Also all that part of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of said Section Twenty-one (21) described as follows: Beginning at the Northwest corner of the Northeast Quarter of Section Twenty-one (21), Township Three (3) North, Range Thirty-nine (39) East of the Boise Meridian, thence East 220 feet, more or less, to the County road, thence Southwesterly following the County road to the North bank of Willow Creek, thence West along the North bank 50 feet, more or less, to a point on the West side line of the said Northeast Quarter, 1270 feet South of the point of beginning, thence North to the point of beginning.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion or reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, and their heirs and assigns against the said parties of the first part and their heirs and against all and every person and persons, whomsoever lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand, seal and seal the day and year first above written.

Signed, sealed and delivered in the presence of

James M. Calkins

Harry D. Spencer (SEAL)

Anna Rosche Spencer (SEAL)

Orval E. Avery (SEAL)

Lucile Avery (SEAL)

THIS INDENTURE, Made this 23rd day of March, in the year of our Lord one thousand nine hundred and Twenty-six / by and between Henry W. Kiefer and his wife Mellissa A. Kiefer

of the , County of Bonneville , State of Idaho
the parties of the first part, and Harry D. Spencer
of the , County of Bonneville , State of Idaho
the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Thirty-seven Thousand Five Hundred - - - - - DOLLARS, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have Granted, Bargained and Sold, and by these presents do Grant, Bargain, Sell, Convey and Confirm, unto the said party of the second part, and to his heirs and assigns, forever, all the following described real estate, situated in Bonneville County, State of Idaho, to-wit:

The South Half of the Southwest Quarter of Section Sixteen; The Northwest Quarter of the Northwest Quarter of Section Twenty-one; The North Half of the Northeast Quarter; The Southwest Quarter of the Northeast Quarter; And the West Half of the Southeast Quarter of Section Twenty, all in Township Three North of Range Thirty-nine, East of the Boise Meridian, containing 320 acres of land, more or less, according to the Government survey thereof, together with all ditch and water rights thereunto belonging or in any way appertaining, particularly 160 inches of natural decreed water in Willow Creek and the water right belonging to said land in what is known as the Progressive Irrigation District.

This conveyance is made subject to the taxes and water assessments for the year 1926 and thereafter and to all present road, ditch and canal rights-of-way also R.R. right-of-way 100 feet wide.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issue and profits thereof, and all estate, right, title, and interest in and to the said property, as well in law as in equity, of said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, and his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons, whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Mrs. E. L. Bradley

Henry W. Kiefer

(SEAL)

W. D. Wright.

Mellissa A. Kiefer

(SEAL)

No I.R.S. attached and cancelled.

(SEAL)

(SEAL)

STATE OF IDAHO, } ss.
COUNTY OF Bonneville

On this 24th day of March, in the year 1926, before me, Worth D. Wright, a Notary Public in and for the State of Idaho, personally appeared Henry W. Kiefer and his wife Mellissa A. Kiefer

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

My commission expires March 10, 1929. Residing at Idaho Falls, Ida. Notary Public.

Recorded at the request of Anderson Bros. Bank.

May 8, 1926 at 1:00 P.M.

Geo. Witt,

Recorder.

THIS INDENTURE, Made this 30th day of September, in the year of our Lord one thousand nine hundred and fourteen between Hiram F. Haskins, husband of the grantee herein named,

of Long Beach, County of Los Angeles, State of California,
the part Y of the first part, and Jennie M. Haskins, wife of said grantor,

of Long Beach County of Los Angeles, State of California,
the part Y of the second part,

WITNESSETH, That the said part Y of the first part, for and in consideration of the ~~sum of~~ love and affection whi the said first party has and bears unto said second party, as also for the better maintenance support, protection and livelihood of said second party and one dollar, **DOLLARS**

lawful money of the United States of America, to him in hand paid by the part Y of the second part, the receipt whereof is hereby acknowledged, ha B Granted, Bargained and Sold, and by these presents do es Grant, Bargain, Sell, Convey and Confirm unto the said part Y of the second part, and to her heirs and assigns, forever, all the following described real estate

situated in Bonneville County, State of Idaho, to-wit:

The East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-one (21) and the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty (20), Township Three North (3 N) of Range Thirty-nine (39) East of the Boise Meridian, together with all ditch rights, water rights and rights of way thereto appurtenant and belonging and especially conveying 240" of high water in Willow Creek, decreed and 210" of lowwater in Willow Creek, decreed

Given subject to deed conveying right-of-way to the Oregon Short Line R.R. Co. across said described property.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and remainders, remainders, rents, issues and profits thereof, and all estate, right, title, and interest in and to the said property, as well in law as in equity, of the said part Y of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the part Y of the second part, and to her heirs and assigns, forever. And the said part Y of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said part Y of the second part, ~~xxx~~ her heirs and assigns, against the said part Y of the first part, and his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part Y of the first part ha B hereunto set his hand and seal, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

A. L. Campbell

Maudie B. Campbell.

Hiram F. Haskins,

(SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF CALIFORNIA
~~INDIANA~~

County of Los Angeles,

On this 30th day of

September,

in the year 1914, before me

E. N. Strong,

Notary Public,

in and for said County, personally appeared

Hiram F. Haskins husband of Jennie F. Haskins; grantee here

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

My commission expires on the 20th day of May, 1916.

E. N. Strong,

Notary Public.

Recorded at the request of D.D. Williams,

F.W. Jordan,

Recorder.

May 8th, 1916, at 3:30 P.M.

Recorder's fee, \$ 1.25,

By

Alice B. Bale

Deputy Recorder.

THIS INDENTURE, Made this 13th day of February, in the year of our Lord one thousand nine hundred and Twenty between Jenny M. Haskins, a widow,

of City of Long Beach, County of Los Angeles, State of California,
the part y of the first part, and Nellie E. Carmody,
of City of Long Beach, County of Los Angeles, State of California,
the part y of the second part,

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of Love and Affection which the said party of the first part has and bears unto the said second party, as also the better maintenance support, protection and livelihood of second part y

~~as witnesseth that the said party of the first part has and bears unto the said second party, as also the better maintenance support, protection and livelihood of second part y~~

hereby acknowledged, has Granted, Bargained and Sold, and by these presents do Grant, Bargain, Sell, Convey and Confirm, unto the said part y of the second part and to her heirs and assigns, forever, all the following described real estate, situated in Bonneville County, State of Idaho, to-wit: the Southeast quarter of the Northeast quarter and the Northeast quarter of the southeast quarter of Section Twenty, Township Three North, Range Thirty-nine, East Boise Meridian, together with all water rights, ditch rights and rights-of-way thereto appurtenant and belonging and especially an undivided one-third interest in and to 240 inches of decreed high water in Willow creek and Undivided one-third interest in and to 210 inches of decreed low water in Willow Creek, all of said 240 inches of highwater and 210 inches of low water having been decreed to H. F. Haskins for said land above described and adjoining lands.

This deed is given subject to ditch rights, rights-of-way and all water rights appurtenant and belonging to adjacent lands and to easements and rights granted the O. S. L. E. Co.

I. R. S. \$.50 cancelled.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issue and profits thereof, and all estate, right, title, and interest in and to the said property, as well in law as in equity, of the said part y of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part y of the second part, and to her heirs and assigns forever. And the said part y of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, and her heirs and assigns, against the said part y of the first part, and her heirs and against all and every person and persons, whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set her hand and seal, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Jennie M. Haskins, [Seal]

[Seal]

[Seal]

[Seal]

STATE OF IDAHO, California,
County of Los Angeles, ss.

On this 16th day of February, in the year 19 20, before me A. V. Bradford, notary public,
in and for said County, personally appeared Jennie M. Haskins, a widow,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

[Seal]

My commission expires Oct. 11, 1922.

A. V. Bradford,
in and for said county and state, residing at Long Beach, California.

Recorded at the request of W.L. Shattuck,
Oct. 26, 1922. at 10:05 A.M.

Geo. Witt.

Recorder.

THIS INDENTURE, Made this 21st day of July, in the year of our Lord one thousand nine hundred and twenty-six / by and between Nellie R. Carmody and Arthur H. Carmody her husband

of the County of San Joaquin, State of California

the parties of the first part, and H. D. Spencer

of the County of Bonneville, State of Idaho

the party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of

Five Thousand - - - - - DOLLARS,

lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof

is hereby acknowledged, have Granted, Bargained and Sold, and by these presents do Grant, Bargain, Sell, Convey and

Confirm, unto the said party of the second part, and to his heirs and assigns, forever, all the following described

real estate, situated in Bonneville County, State of Idaho, to-wit:

The South-east Quarter of the North-east Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the North-east Quarter of the South-east Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty (20), Township Three (3), North of Range Thirty-nine (39) E. B. M. together with all ditch and water right thereto appertaining, meaning in particular all natural Willow Creek water decreed to this land and 86 shares of the Capital Stock of the Enterprise Canal Co.

This deed is given subject to a mortgage of \$4000.00 in favor of the Northwestern and Pacific Hypotheekbank which second party agrees to assume and pay as part of the consideration hereinbefore mentioned, together with interest on the same from the date of the maturity of the interest payment last due.

Nellie R. Carmody states upon oath she is the identical person as Nellie R. Carmody who received title to this property through Warranty deed dated Feb. 15, 1922, recorded in Book 22 at Page 107 records of Bonneville County,

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issue and profits thereof, and all estate, right, title, and interest in and to the said property, as well in law as in equity, of said part 1st of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said part 1st of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, and his heirs and assigns, against the said part 1st of the first part, and their heirs, and against all and every person and persons, whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part 1st of the first part have hereunto set their hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Nellie R. Carmody (SEAL)

Arthur H. Carmody (SEAL)

(SEAL)

(SEAL)

CALIFORNIA
STATE OF IDAHO } ss.
COUNTY OF SAN JOAQUIN.

one thousand nine hundred and twenty-six

On this twenty-ninth day of July, in the year of our Lord one thousand nine hundred and twenty-six, and State, residing therein, EMMA M. WIRTH, a Notary Public in and for said county, personally appeared Nellie R. Carmody and Arthur H. Carmody, her husband

fully commissioned and qualified,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Emma M. Wirth

My commission expires October 20, 1929

for the County of San Joaquin, State of California

Recorded at the request of H. D. Spencer

Dec. 2, 1926 at 4:12 P.M.

Geo. Witt,

Recorder,

THIS INDENTURE, Made this 30th day of August, in the year of our Lord thousand nine hundred and Twenty-three between Martha Haskins Pospesil and James Pospesil, her husband of Long Beach, County of Los Angeles, State of California, the part 1st of the first part, and Frank W. Bean, of Idaho Falls, County of Bonneville, State of Idaho, the part 2nd of the second part,

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of One (\$1.00 and other valuable considerations) DOLLAR lawful money of the United States of America, to them in hand paid by the part 2nd of the second part, the receipt whereof is hereby acknowledged, have Granted, Bargained and Sold, and by these presents do Grant, Bargain, Sell, Convey, Confirm, unto the said part 2nd of the second part, and to his heirs and assigns, forever, all the following described real estate, situated in Bonneville County, State of Idaho, to-wit:

The Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southwest quarter of the Northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-one (21), Township Three (3) North of Range Thirty-nine (39) E.B.M., together with all ditch and water rights thereto pertaining. This deed is given subject to a mortgage of \$4000.00 on the above described property in favor of Frank W. Bean.

Martha Haskins Pospesil is the identical person as Martha E. Pospesil.

I. E. S. \$4.00 attached and cancelled.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, and the reversion ~~and~~ reversions, remainder and remainders, rents, issue and profits thereof, and all estate right, title, and interest in and to the said property, as well in law as in equity, of said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part 2nd of the second part, and his heirs and assigns, against the said part 1st of the first part, and their heirs and against all and every person and persons, whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part 1st of the first part have hereunto set their hand and seal, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Hertha J. Ehlen.

Martha Haskins Pospesil. (Se

James Pospesil. (Se

(Se

(Se

STATE OF ~~MAINE~~ California.

County of Orange,

On this 31st

day of October,

in the year 19 23 before

State of Idaho,

Hertha Ehlen,

a notary public,

in and for ~~Orange~~ County, personally appeared Martha Haskins Pospesil and James Pospesil, her husband

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(Seal)

Hertha Ehlen,

My commission expires January 31st, 1927.

Residing at Santa Ana, California. Notary Public

Recorded at the request of Eastern Idaho Loan & Trust Co.

Geo. Witt

April 7-1924, at 1:22 P.M.,

Recorder

By

Alvin H. Bae

Deputy Recorder

Noted for \$1.20

SEAL

Recorded: Patent Number 711901. L. Q. C. Lamar, Recorder of the General Land Office.

Recorded at the request of D.E.Rathbun,
Nov. 19th, 1919, at 2:10 P.M.

Fee \$1.20

F. W. Jordan, Recorder.

BY

Nellie T. Haskins

Deputy.

-----000000000000.00-----

No.40528.

WARRANTY DEED.

This Indenture, Made this 25th day of September, in the year of our Lord one thousand nine hundred and nineteen, between Ethel May Nickell, Martha Ellen Pospesil, Nellie Rose Carmody, Sallie Alberta Williams, Harold Q. Haskins and Flora Isabelle Cartwright, children of Hiram F. Haskins, deceased, parties of the first part, and Jennie M. Haskins, widow of Hiram F. Haskins, deceased, the party of the second part (the first parties and the Second party being the sole and only heirs at law, and devisees and legatees, of said Hiram F. Haskins, deceased.)

Witnesseth, That the said parties of the first part, for and in consideration of the sum of One and No/100 (\$1.00) Dollars, and other valuable considerations, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof are hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to her heirs and assigns forever, all the following described real estate, situated

in Bonneville County, State of Idaho, to-wit:

The Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section Twenty-one (21), and the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty (20), all in Township three (3), North of Range Thirty-nine (39) East ^{of} Boise Meridian.

Also the East half (E $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) and the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Twenty-one (21), and the southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section Twenty (20), in Township Three (3) North of Range Thirty-nine (39) East of Boise Meridian.

Together with all ditch and water rights and rights of way hereto a purtenant and belonging, and especially Two Hundred Forty (240) Inches of High Water and Two hundred Ten (210) Inches of Low Water in Willow Creek, as decreed.

Also an undivided One-half (1/2) interest in and toall of Block Thirty-two (32) of Brodbeck Addition to the Original Town of Eagle Rock, now City of Idaho Falls, as per the recorded plat thereof.

This conveyance is made subject to all taxes and assessments and rights of way

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, the reversion and reversions, remainders and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said parties of the first part.

To have and to hold, all and singular the above mentioned and described premises, together with the appurtenances unto the party of the second part, and to her heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceful possession of the said party of the second part her heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will Warrant and by these presents forever DEFEND.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Ethel May Nickell, (Seal)

Martha Ellen Pospesil (Seal)

Sallie Alberta Williams (Seal)

Nellie Rose Carmody, (Seal)

Harold Q. Haskins, (Seal)

Flora Isabelle Cartwright (Seal)

State of Idaho,
County of Bonneville,)SS.

On this 26th day of September, in the year 1919, before me Clency St. Clair a notary public in and for said county, personally appeared Ethel May Nickell, known to me to be the person whose name is subscribed to the within instrument, and acknowledge to me that she executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Clency St. Clair, Notary Public,

SEAL.....

Residence: Idaho Falls, Idaho.

State of Idaho, County of Bonneville)SS.

On this 26th day of September, in the year 1919, before me Clency St. Clair a notary public in and for said county, personally appeared

its corporate name and seal to be hereunto signed and affixed by its officers thereunto duly authorized the day and year first above written.

Corp. Seal

SIGNED, SEALED AND DELIVERED IN PRESENCE OF:

B. J. Clayton

ATTEST: W. T. Pyper, Secretary

UTAH-IDAHO SUGAR COMPANY,

By W. H. Wattis, Vice President

STATE OF UTAH) ss.
County of Salt Lake)

On this 16th day of December in the year 1926, before me, W. Bert Robinson a Notary in and for said county, personally appeared W. H. Wattis, known to me to be the Vice President of the Corporation which executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Seal

W. Bert Robinson, Notary Public.

My commission expires March 9, 1929

Recorded at the request of A. A. Caine
December 17, 1926 at 3:55 P.M.
Fee \$1.20

Geo. Witt, Recorder

By *Alvin J. Bair* Deputy.

No. 77567

THIS INDENTURE, Made this 24th day of November, A.D. 1926 between DeTweede Northwestern & Pacific Hypotheekbank, a corporation, the party of the first part, and H. D. Spencer, party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Seven Hundred twenty (\$720.00) Dollars, lawful money of the United States, to it in hand paid by the said party of the second part, the receipt whereof

is hereby acknowledged, does by these presents Grant, Bargain, Sell, Convey and Confirm unto the said party of the second part, and to his heirs and assigns, the following described real property situate and being in the County of Bonneville, State of Idaho to-wit: The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section twenty (20) and the South half of the Southwest Quarter (S $\frac{1}{2}$ of SW $\frac{1}{4}$) and Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section twenty-one (21) all in township three (3) North, Range thirty-nine (39) E. B. M. Subject to grazing lease to E. C. Barnes, expiring on the 21st day of December, 1926.

TO HAVE AND TO HOLD, The said premises, with the appurtenances, unto said party of the second part, and to his heirs and assigns forever.

And the said party of the first part does by these presents covenant and agree to and with the said party of the second part, that it, the said party of the first part, its successors & assigns, all and singular, the premises hereinabove conveyed, described and granted, with the appurtenances, unto the said party of the second part, its heirs and assigns, and against all and every person or persons whomsoever lawfully claiming or to claim the same, or any part thereof, through or under said party of the first part, shall and will WARRANT and forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has caused these presents to be duly executed the day and year first above written.

EXECUTED IN THE PRESENCE OF
H. Frank

DeTweede Northwestern and Pacific Hypotheekbank.
Per Fredrik Robbert Insinger.
Director & Attorney in Fact.

STATE OF WASHINGTON } ss.
County of Spokane }

THIS CERTIFIES, That on this 24th day of November, A.D. 1926, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Fredrik Robbert Insinger, to me known to be the Director and Attorney-in-Fact of the DeTweede Northwestern and Pacific Hypotheekbank, the corporation described in and that executed the within and foregoing instrument, and he acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument for and in the name of said corporation, and that the seal affixed thereto as such is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Seal

My commission expires April 14, 1930

Recorded at the request of R. D. Spencer
December 18, 1926 9:00 A.M.
Fee \$1.40

A. D.
H. Frank, Notary Public in and for the State of Washington, residing at Spokane, Wash.

Geo. Witt, Recorder.

By *Alvin H. Bair* Deputy

No. 77569

THIS INDENTURE, made on the 1st day of December, 1926, by and between Eastern Idaho Loan and Trust Company, a corporation, as the duly appointed, qualified and acting administrator of the estate of Ethel May Nickell, deceased, late of the County of Bonneville, State of Idaho, the party of the first part, and E. D. Spencer of the same place, party of the second part, witnesseth:

THAT, WHEREAS, on the 26th day of August, 1926, the Probate Court of the County of Bonneville, State of Idaho, made an order of sale authorizing the said party of the first part to sell certain real estate of the said Ethel May Nickell, deceased situate in the County of Bonneville, State of Idaho, and particularly described in said o

AJ5809NP
No. A25-00071A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/24/00
PAGE: 19

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
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Misc:	Water District Number: 01	Field Inspection Flag:
		Presumption Flag:

Audit:	06/14/93 DCARLSON	03/15/94 THOMPSON	03/29/95 POST-STD
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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MARCH 16, 1994

ROY AVERY
9673 N 75 E
IDAHO FALLS ID 83401

RE: CHANGE IN OWNERSHIP FOR A25-00071A

Dear Mr. Avery:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a typed Notice with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jo Thompson
Secretary, Adjudications

Enclosure: Notice(s) of Claim

cc: Kevin Avery, Vance Avery (copy/claim/letter)

MICROFILMED

APR 11 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: A25 00071A

[] Name and Address of Former Owner/Claimant(s)(Seller): ROY AUERY and CLYDE AUERY

9673 N 75 E 9729 N 75 E
IDaho FALLS, ID IDaho FALLS ID

[] New Owner/Claimant (Purchaser): KEVIN AUERY and/or VANCE AUERY ^{100%} 100%

[] New Mailing Address: 11109 E. RIRIE HWY 4532 E 300 N
IDaho FALLS, ID RIGBY, ID
83401 83442

Roy Avery
9673N 75E
IF, ID.

[] New Telephone Number: (208) 529-0743 538-5077

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s): Vance Auery Date 3/12/94

Kevin Auery Date 3-13-94

[] Signature of Former Owner/Claimant(s): Clyde Auery Date 3-12-94

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

APR 11 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

JUNE 14, 1993

STAN HAWKINS
BOX 367
UCON ID 83454

RE: CHANGE IN OWNERSHIP FOR A25-00071

Dear Mr. Hawkins:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) have been split as follows:

Roy and Clyde Avery (A25-00071A), 2.08 CFS on 140 acres.
Stan Hawkins (A25-00071B), 1.12 CFS on 75 acres; copy of Notice enclosed.

If you have any questions regarding this change, please call 525-7161 and ask for Dave Carlson.

Respectfully submitted,

Dave Carlson
Water Right Agent, Adjudications

DC:jt

cc: Roy and Clyde Avery/A25-00071A, copy

MICROFILMED

APR 11 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 3N Range 39E
Section 20, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. (see below)

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A25-00071

☐ Name and Address of Former Owner/Claimant(s)(Seller): Roy Avery - 9673 N. 7SE. IF, ID

☐ New Owner/Claimant (Purchaser): Clyde Avery - 9729 N. 7SE. IF, ID
Stan Hawkins

☐ New Mailing Address: Box 367 Ucon, ID 83454

☐ New Telephone Number: (208) 523-2880

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

N 1/2 NENE (15 acrs), NW 1/4 NE 1/4 (40 acrs), N 1/2 SW 1/4 NE 1/4 (20 acrs)
+ 1.12 cfs in T3N R39E Sect. 20

☐ Attach proof of ownership, describe proof attached: Final Sale Agreement

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) [Signature] Date 6-11-93

Date _____

☐ Signature of Former Owner/Claimant(s): _____ Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

APR 11 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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 25-14108
Date Received: 8/12/2004
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

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

2. Date of Priority: 04/01/1880

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	Type
03N	39E	15	NW SW SW	BONNEVILLE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2.6	

7. Total Quantity Appropriated is:
2.6 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
03N	39E	20	NE NE	IRRIGATION	23
			SW NE	IRRIGATION	9.3
			SE NE	IRRIGATION	34
			NE SE	IRRIGATION	2.4
			NW SE	IRRIGATION	9.4

03N 39E 21

NW NW
SW NW

Section Acres 78.1

IRRIGATION 38
IRRIGATION 14

Section Acres 52

Total Acres 130.1

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 claim is a combination of 2.08 cfs from 25-71A and 0.52 cfs of 25-72.
Bringing the total to 0.02 cfs/ac.

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:

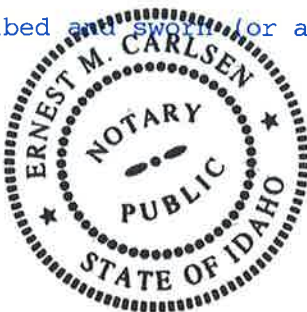
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Vance Gray Date: 8/12/04

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12 of August 2004



Ernest Carlsen

Notary Public

Residing at Adabo Falls RD

My commission Expires 8-21-2009