

03/15/2002

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

RIGHT NUMBER: 29-63
NAME AND ADDRESS: JANET M AVERY
2893 E PRICE EXT RD
MC CAMMON ID 83250

GORDON L AVERY
2893 E PRICE EXT RD
MC CAMMON ID 83250

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 0.40 CFS
PRIORITY DATE: 05/01/1906
POINT OF DIVERSION:

T09S R37E S19 SWSWNE Lot 2 Within BANNOCK County
T09S R37E S19 SWSWNE Lot 2 Within BANNOCK County
TWO POINTS OF DIVERSION LOCATED IN T9S, R37E, S19, SWNW (Lot 2).

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 9/15	0.400 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R37E S19 Lot 1 NWNE 1.7 T09S R37E S19 Lot 2 SWNE 19.5

21.2 ACRES TOTAL

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

PLACE OF USE AND POINTS OF DIVERSION ARE ON EAST SIDE OF RIVER ONLY. SOME ERROR TO GCDB.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

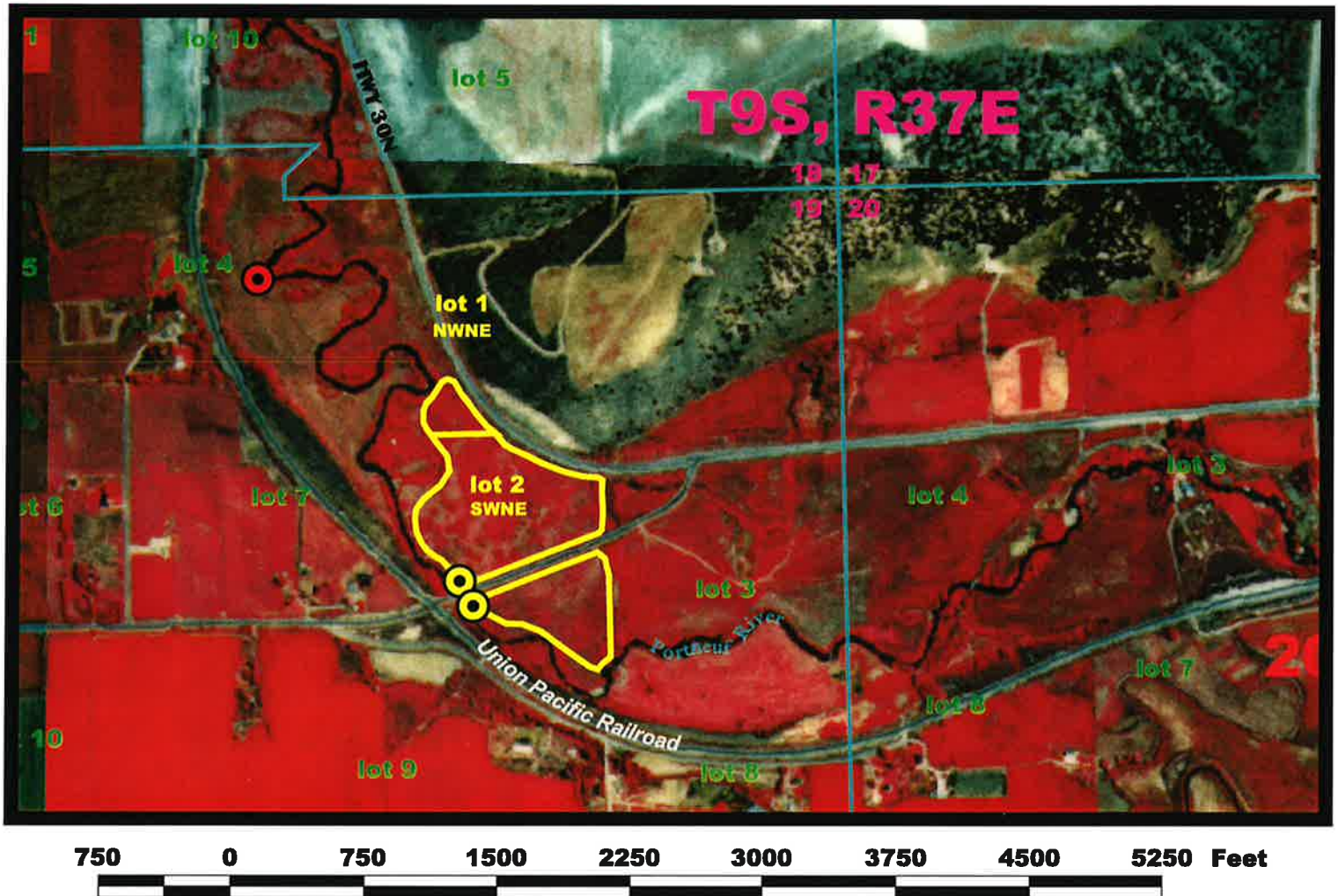


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-63



LEGEND

- Place of Use**
- Section**
- Quarter-Quarter**
- Point of Diversion**

Place of Use: T9S, R37E
(parts of) Sec. 19 NWNE (L1),
SWNE (L2)

Point(s) of Diversion: T9S, R37E
Sec. 19 SWSWNE (Lot 2)

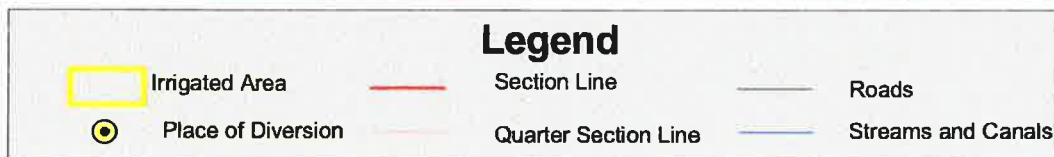
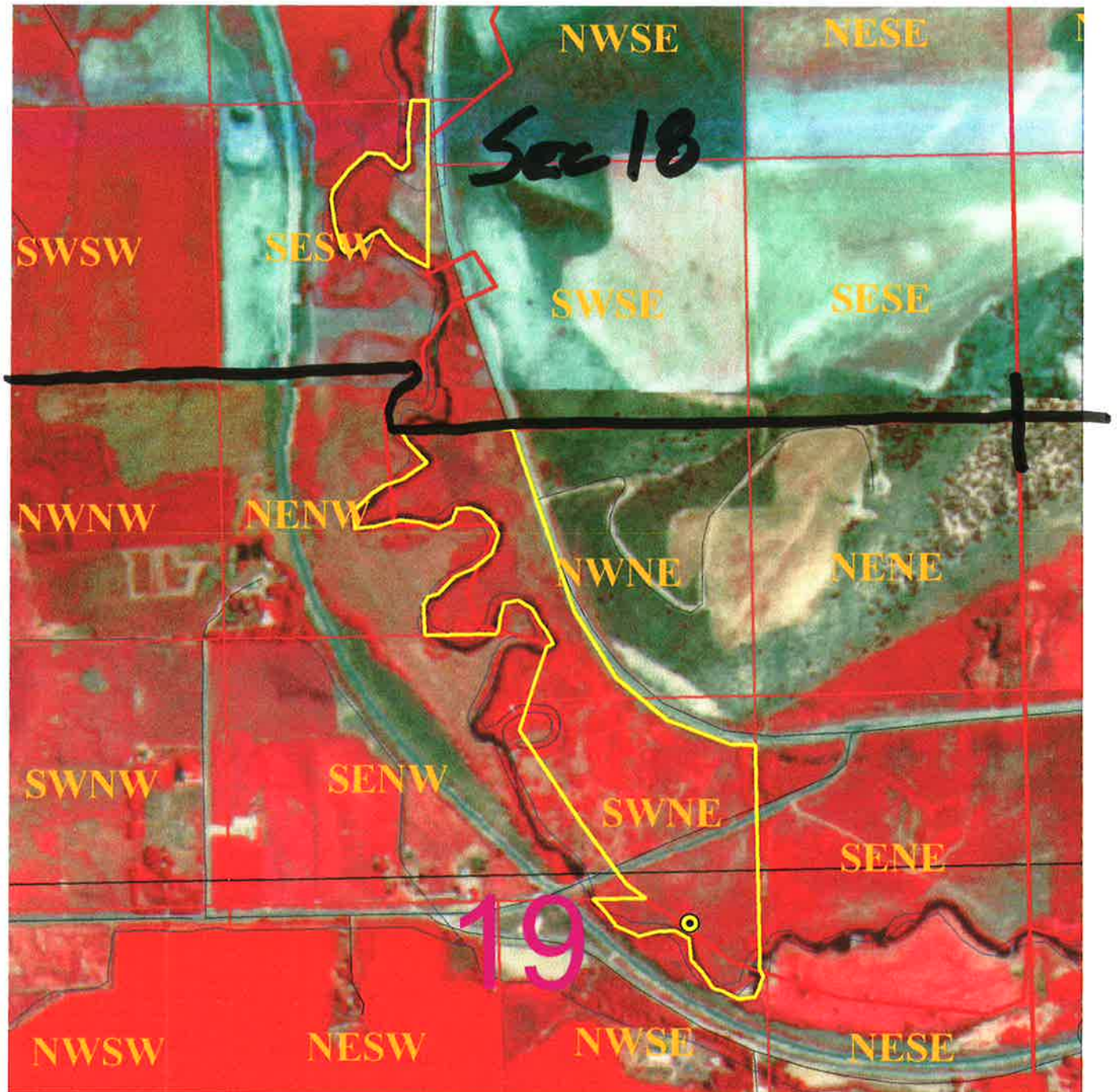


SCANNED

JUN 01 2005

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: December 2001

Township , 9S37E



700 0 700 1400 Feet



PROFILED

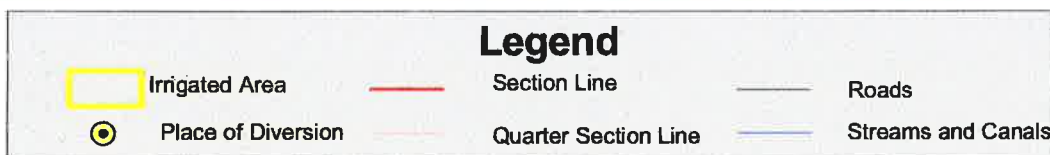
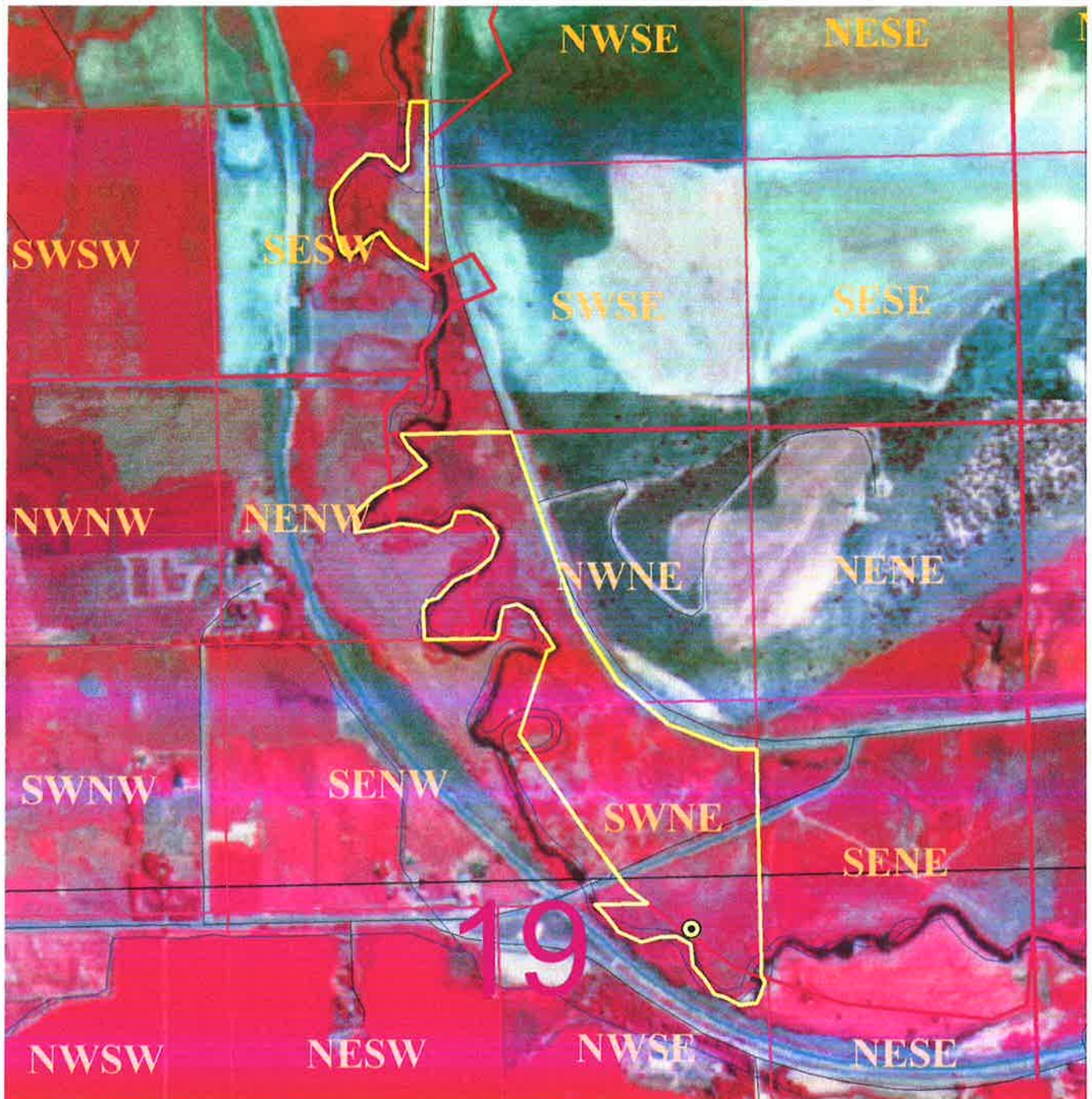
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Lots?

Water Right Claim Number A29-00063

08/04/2000

Township , 9S37E



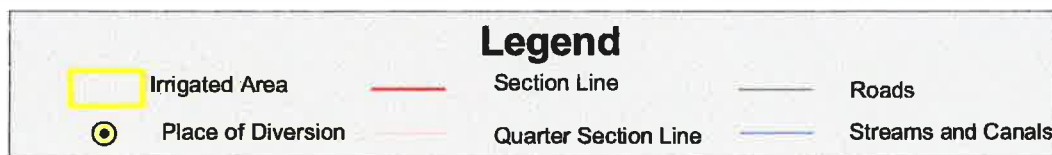
700 0 700 1400 Feet



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Township , 9S37E



700 0 700 1400 Feet

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JUN 01 2005

29-00063 DECEASED

I. POD, APPEARS TO HAVE BEEN CHANGED.

DECEASED AS: LOT 3 (GENE) SEC. 19 9537E

Claims: SWSIDE SEC. 19 (THIS IS LOT 2)

CLAIMANT'S MAP SHOWS 2 POD'S, REMARKS

OF CLAIM SAYS 2 POINTS ... $\Rightarrow$ CP 3

WATER 1986?

* II.

DUE TO OUTLINE OF SECTION LOTS IN BOTH SECTIONS

18 AND 19 THIS CLAIM NEEDS ANSWERS TO COMMENTS

TO LOT CONFIGURATION. PROBLEM: HOW DOES THIS DEED

TO THE LANDS READ? BY COMPARISON OF GPS WITH

THE SURVEY PLAT (ATTACHED) IT APPEARS THE TOWN MEASUREMENTS

HAVE CHANGED - ALTHOUGH, DISCO (QUESTIONS) $\Rightarrow$ CP 5

RECOMMENDED AS PER FIELD EXAM, NO ANSWER -

$\rightarrow$

10/30/01 Met Governor Arroyo & Son. Discussion was of W.R. They brought place

in 1986, timing w/ purchase Rump. Left at point of survey's last

Very long. South side of 12 is also timing w/ survey within given

McAmmen's Claim

I Limit Inquiry to 2014 w/ Lots 142 Sec. 19 (No of

Rivers, do choice or Eucalyptus. Claim -

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JUN 01 2005

PROTECTED

50. ORGILL, SAMUEL .40 c.f.s. Said water to be diverted through the said
7-0062 1880 May 1 Hale-Harkness Ditch, last above described,
for the irrigation of lands in Lot 10, Sec-
tion 1; the South half of the Southeast
quarter, and the Northwest quarter of the
Southeast quarter, Section 2, Township 9
South, Range 36 East.

51. ROMRIELL, G. H. .40 c.f.s. Said Water to be diverted through a private
7-0063 1906 May 1 ditch having its intake from the Portneuf
River in Lot 3, Section 19, Township 9
South, Range 37 East, for the irrigation of
lands in Lots 1 and 2, the Northeast quar-
ter of the Northeast quarter, Section 19,
Lot 5, Section 18, all in Township 9 South,
Range 37 East.

POD: Lot 3 (SENE) Sec. 19
9S 37E

POW: Lots 1 & 2, NENE Sec. 19
Lot 5 Sec. 18
9S 37E

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Water Right Number - 29-00063

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
ROMRIELL

G. H.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1906 *OK* 15 EASTERN *D* - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
PORTNEUF RIVER *OK* SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

09S 37E 19 NE SE 3 (5) BANNOCK *Claims SW SW NE Sec. 19 => C#3

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION *OK* 04/15 *OK* 09/15 0.400 *OK*

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.400 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

09S	37E	18	SW SE	5		01	IRRIGATION	(5) BANNOCK
09S	37E	19	NE NE			01	IRRIGATION	(5) BANNOCK
09S	37E	19	NW NE	1	2.0	01	IRRIGATION	(5) BANNOCK
09S	37E	19	SW NE	2		01	IRRIGATION	(5) BANNOCK

Claims: SWSW 2.0
NWNE 2.0
SWNE 2.0
NE NW 2.0
NW SE 3.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - *None*

+ - - - - Remarks - - - - - +

GEN P/U INCOMPLETE.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

* Claims two ROD's in SWSW NE Sec. 19
w/ DUBBER PUMP IN RIVER -

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JUN 01 2005

PROTECTED

T9S, R37E

18 17

19 20

lot 5

lot 1
NWNE

lot 2
SWNE

19.5

1.7

lot 7

lot 4

lot 3

lot 7

lot 8

lot 9

lot 8

Union Pacific Railroad

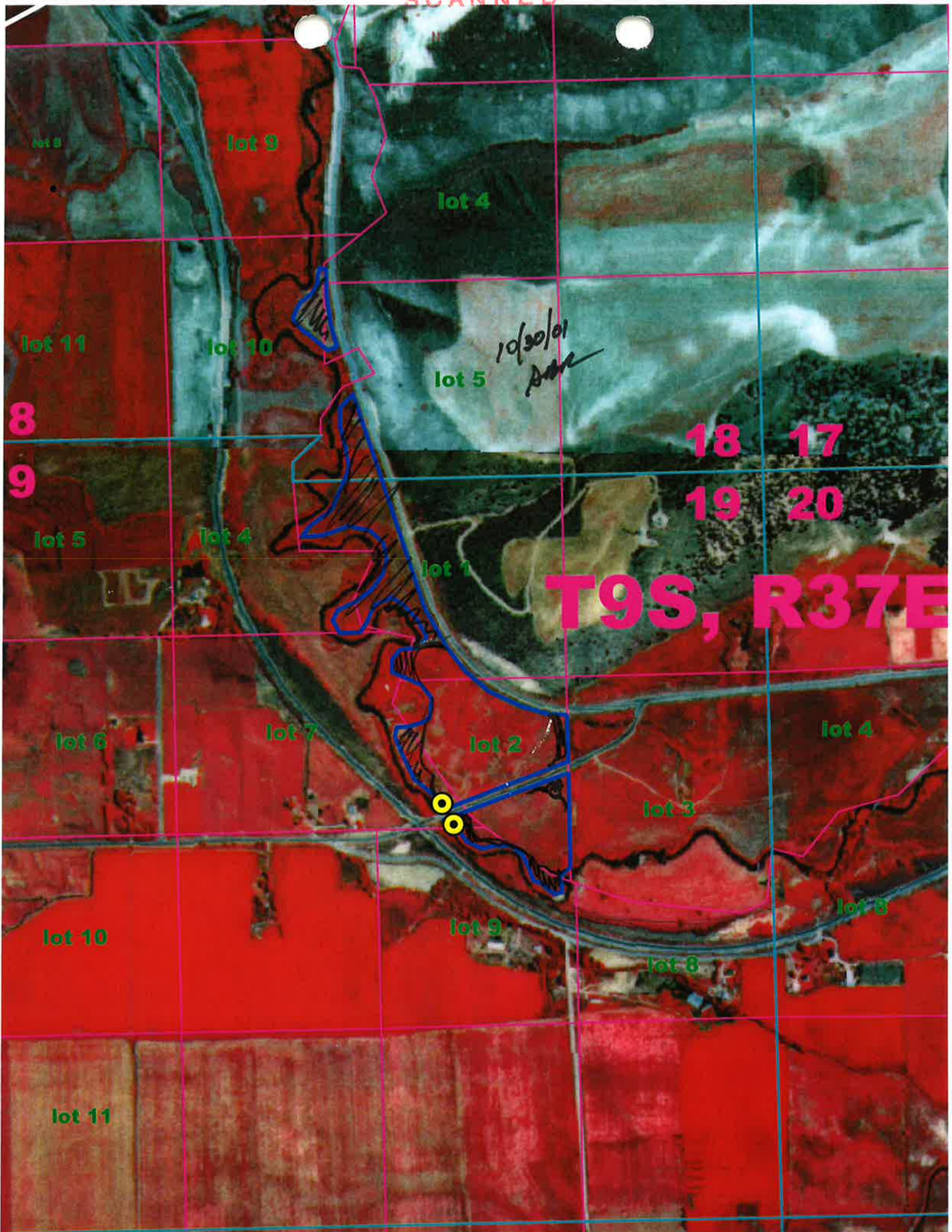
Portneuf River

lot 10

lot 4

lot 3





8

9

18

17

19

20

T9S, R37E

10/30/01
[Signature]

lot 4

lot 5

lot 1

lot 2

lot 3

lot 4

lot 8

lot 9

lot 8

lot 9

lot 10

lot 4

lot 7

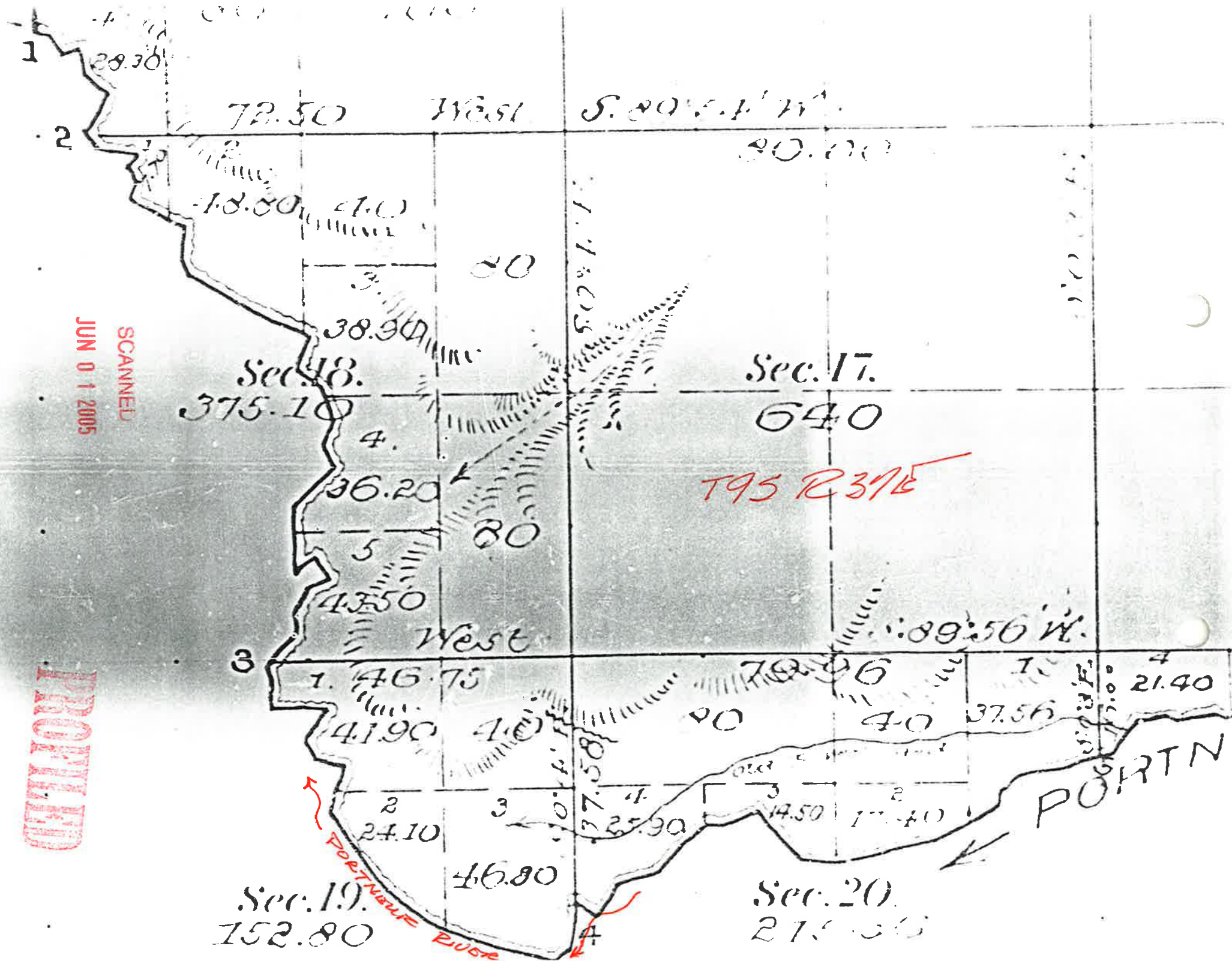
lot 6

lot 10

lot 11

lot 11

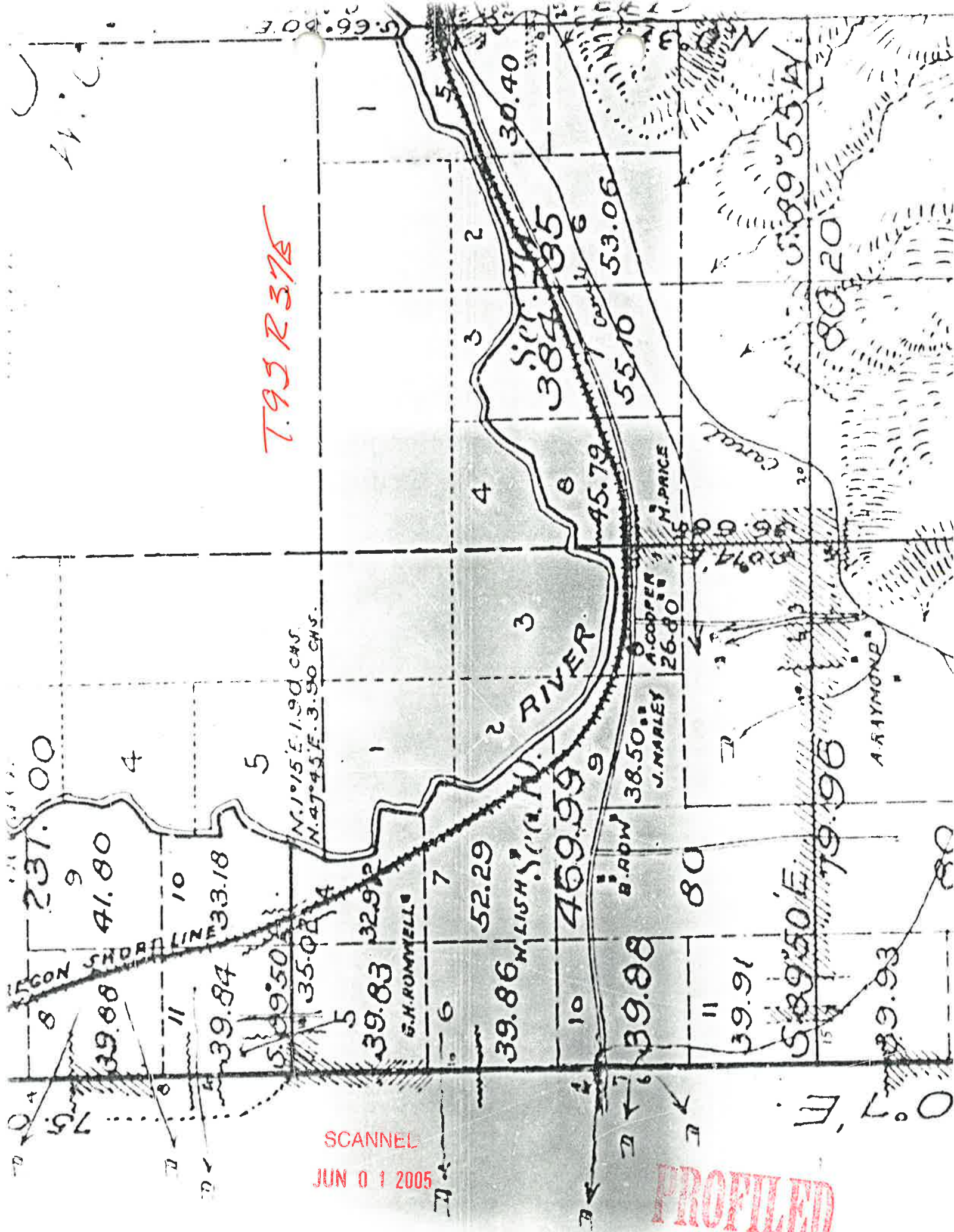
lot 3



5.69.00.F

JUN 01 2005

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Log for claim A29-00063

Spatial Dynamics AMH

8/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s37e	18	SESW	2	5.1	
09s37e	19	NWNE	2	13	
09s37e	19	SWNE	21	22	
09s37e	19	NENW	2	2.2	
09s37e	19	NWSE	3	2.5	
Totals:			30	44.8	

PROPRIETARY

SCANNED

JUN 01 2005



SCANNED
JUN 06 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: A29-00063

Date Received: 4/04/1990

Receipt No: 1006472

Received By: CF

5/31 @ 50 psi = 5 gpm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GORDON L. AVERY 208-254-3420
Address: 2893 E. PRICE EXT. RD.
MC CAMMON, ID 83250

AND/OR

Name: JANET M. AVERY 208-254-3420
Address: 2893 E. PRICE EXT. RD.
MC CAMMON, ID 83250

2. Date of Priority: MAY 01, 1906

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
09S	37E	19	SW SW NE		BANNOCK

5. Description of diverting works:
PORTABLE PUMP, DIESEL ENGINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.400		

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

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A2900063



A29-00063

Page 1

Date: 04/04/90

MICROFILMED
NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	37E	18	SE	SW		IRR	2.0
					Section Acres		2.0
		19	NW	NE		IRR	2.0
			SW	NE		IRR	21.0
			NE	NW		IRR	2.0
			NW	SE		IRR	3.0
					Section Acres		28.0
					Total Acres		30.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

2 POINTS OF DIVERSION IN SW 1/4, SW 1/4, NE 1/4 OF SECTION 19.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MCCAMMON DITCH CO. 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.

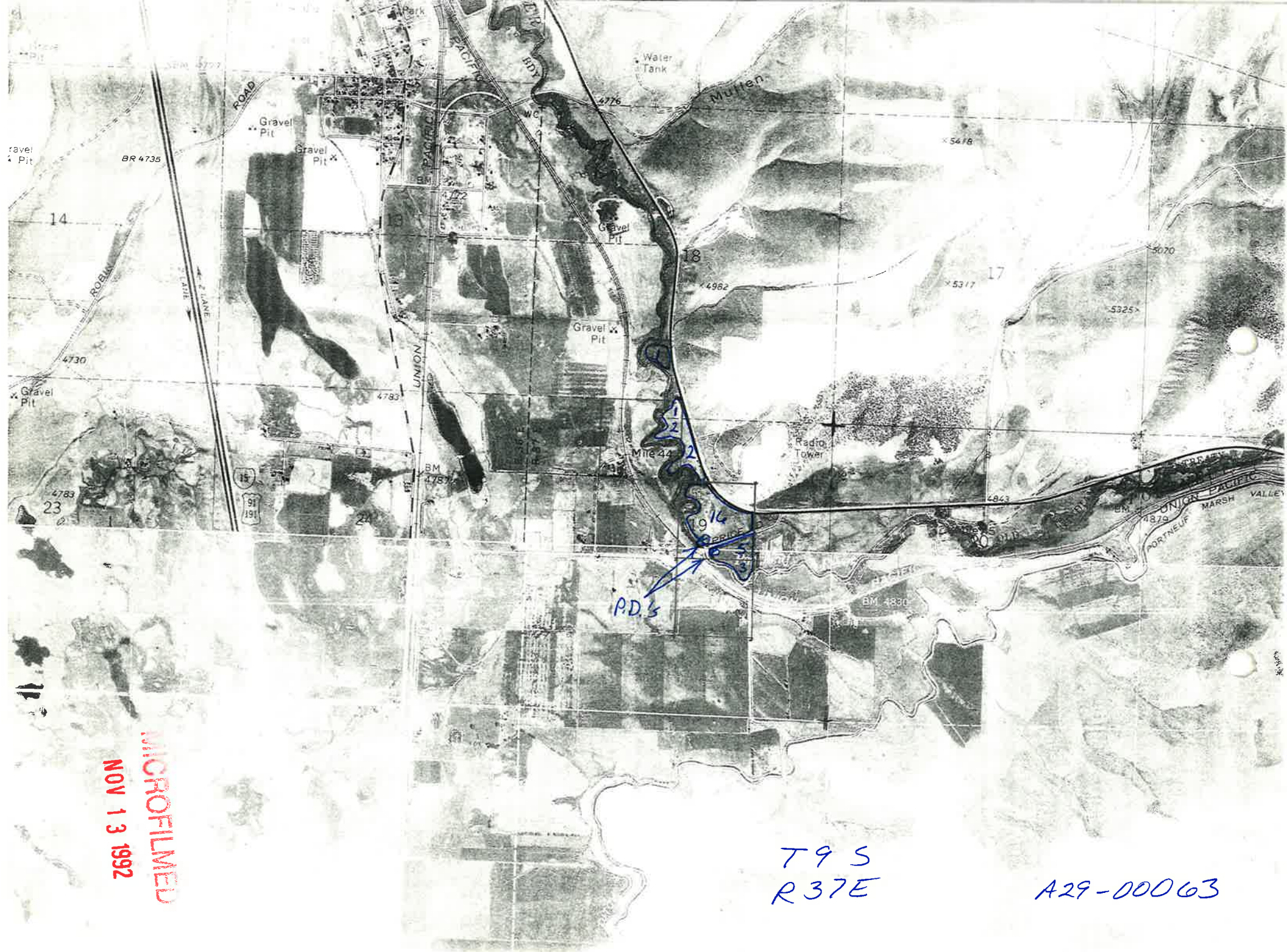
Signature of Claimant(s): Gordon L. Avery Date: 4-4-90
Janet M. Avery Date: 4-4-90

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of April 19 90
Carter Fritschle
Notary Public

Seal

Residing at Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994



MICROFILMED
NOV 13 1992

T9 S
R37E

A29-00063