

IDAHO DEPARTMENT OF WATER RESOURCES 11/30/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: WAYNE AVERY
8888 SUNNYSIDE RD
LAVA HOT SPRINGS ID 83246

PATRICIA AVERY
8888 SUNNYSIDE RD
LAVA HOT SPRINGS ID 83246

SOURCE: SPRINGS TRIBUTARY: SINKS
QUANTITY: 0.03 CFS
1.4 AFY

PRIORITY DATE: 05/24/1977

POINT OF DIVERSION:

T09S R38E S8 NWSWSW Within BANNOCK County
T09S R38E S17 SWNNWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.030 CFS 1.40 AFY

PLACE OF USE: STOCKWATER Within BANNOCK County

T09S R38E S17 NESW

DOMESTIC Within BANNOCK County

T09S R38E S17 NESW

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: License

PARCEL NO. R4227004700
USE: 2 HOMES, STOCKWATER; 10 CATTLE 2 HORSES
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT NO. 29-02261 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

IDAHO DEPARTMENT OF WATER RESOURCES 11/28/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

WATER RIGHT 29-07402

NAME AND ADDRESS: JUNE R WATSON
PO BOX 61
LAVA HOT SPRINGS ID 83246

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.03 CFS
1.4 AFY

PRIORITY DATE: 05/24/1977

POINT OF DIVERSION:

T09S R38E S8 NWSWSW Within BANNOCK County

T09S R38E S17 SWNNWN Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.030 CFS 1.40 AFY

PLACE OF USE: STOCKWATER Within BANNOCK County

T09S R38E S17 NESW

DOMESTIC Within BANNOCK County

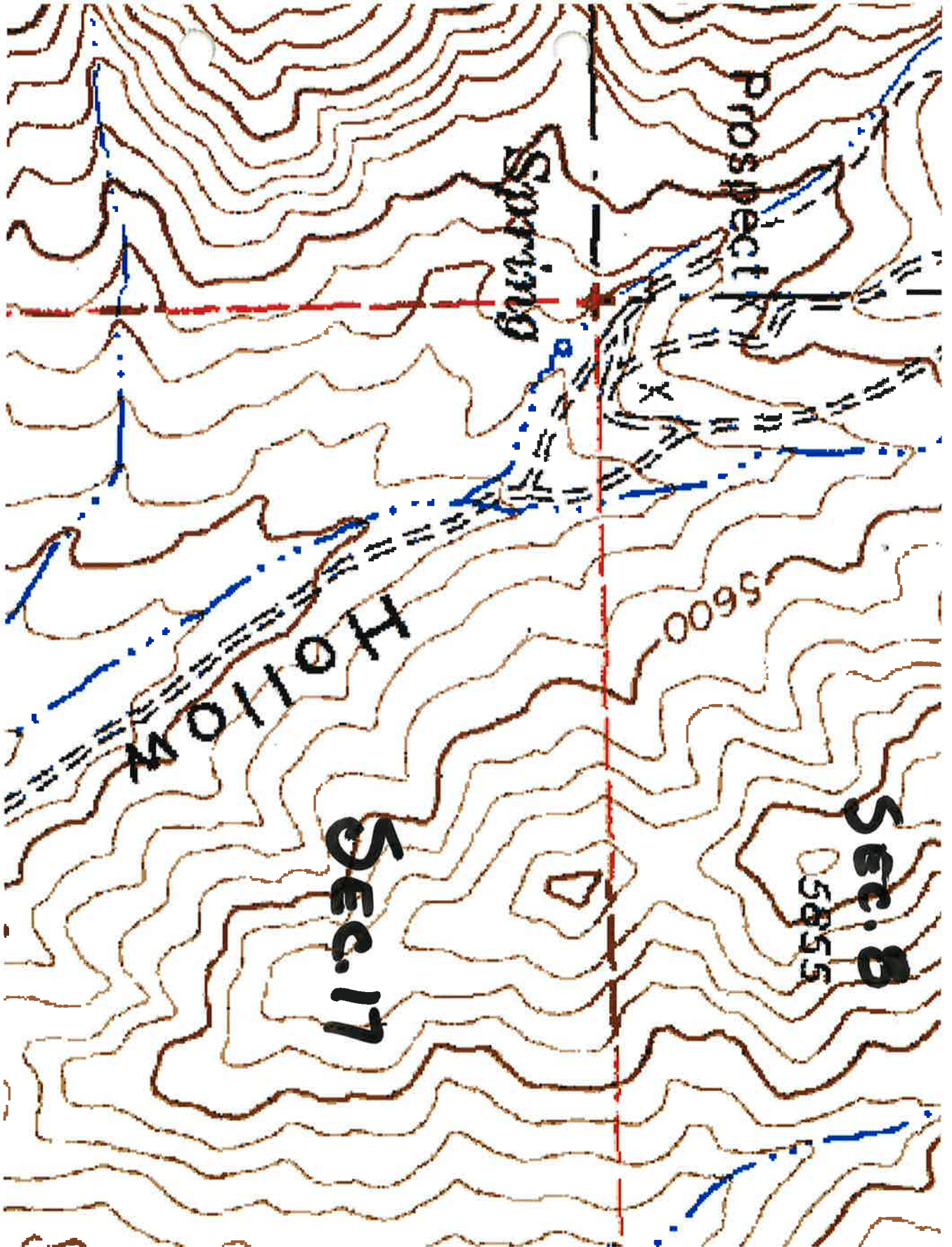
T09S R38E S17 NESW

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: License

PARCEL NO. R4227004700
USE: 2 HOMES, STOCKWATER; 10 CATTLE 2 HORSES
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT NO. 29-02261 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.



T. 9 S., R. 38 E.

02/08/2003

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: April 21, 2003

Water right number: 29-7402

WAYNE AVERY
8888 SUNNYSIDE RD
LAVA HOT SPRINGS ID 83246

PATRICIA AVERY
8888 SUNNYSIDE RD
LAVA HOT SPRINGS ID 83246

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:

3-3-03

SIGNATURE:

Wayne Avery

Patricia Avery

Please print your name:

Wayne Avery

and Patricia Avery

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

PROFILED

SCANNED
MAY 03 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

NOV 29 2001

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
A29-02261	19655	☒	SEE Docs.		
A29-07402	27186				

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) June Watson
PO Box 61, Lava Hot Spgs, ID 83246
4. New Owner/Claimant(s) Wayne and Patricia Avery
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 8888 Sunnyside Rd.
- City, State and ZIP Code Lava Hot Springs, ID 83246
- New Telephone Number (208) 776-5628
5. Date you acquired the property November 13, 1996

PROFILED

SCANNED
MAY 03 2006

JUN 06 2001

SIS NOTES IN 29-2261

29-7402

29-7402

REF: BB-42 quad

LICENSOD AS Dom @ 0.03/STK @ 0.02

TOTAL DW. RATE 0.03, DW. Vol 1.4 AK (ADDSO)

POD LICENSOD AS A SPRING IN SWSW SEC. 8

CLAIMOD SEC. 8 POD AND NWNWNN SEC. 17 $\angle \phi 3$

2/22/01 TELECON w/ WAVING AVOY - THIS WIRE IS TIED TO
29-2261 AND HAS ALWAYS USED TWO SPRINGS SINCE
ABOUT 1945 —

#13, 29-2261 STATES A29-07402 FOR SECOND HOMO ON
SAME LAND.

Recomm.

Recomm. AS CLAIMOD w/ $\phi 3$ FOR POD

D/S CLK w/ Q: 0.03 cts total, 1.4 AK

ADDSO: Dom @ 1.2 AK
STK @ .2 AK

NO COMBINED USE REMARKS - 2 DIFFERENT HOMES
NO IRIG RECOMMEND. THAT'S IN 29-2261.

PHOTOS OF SPRINGS IN 29-02261 —

CIB

$\phi 3$

APR
2/22/01

Water Right Number - 29-07402

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
WATSON

JUNE R.

1 - P.O. BOX 61

2 -

3 -

City- LAVA HOT SPRINGS

State- ID Zip- 83246

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/24/1977 *OK* 15 EASTERN L - LICENSE

+ - - Source - - - - - + + - - Tributary - - - - - +
SPRING *OK* SINKS

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

09S 38E 8 SW SW *OK* (5) BANNOCK

Claims POD in Sec. 17 NWNW1NW - c#3?

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

04 - STOCKWATER

01/01

12/31

0.020

0.20

43 - DOMESTIC

01/01

12/31

0.030

1.20

OK per Lic.

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.030 *OK* 1.40 *ADD* 0.030 0.0

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

09S

38E

17

NE SW *OK*

04 STOCKWATER

(5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

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

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

1 Home

10 CATTLE, 2 HORSES

Claims EXTRA POD

ATT: Paul Mury

Enclosed are the new Adjudication Paper for June Watson, she has signed them and had them notarized. #

this is a copy of the check which we originally paid with.

Also so I'm enclosing a postcard. Could you sign and date it then return it to me so that I will know you received it.

G. WAYNE AVERY 519-76-2781 7-86

PATRICIA AVERY 519-92-1105

P. O. BOX 182 776-5628

LAVA HOT SPRINGS, ID 83246

592

7-27-1988

92-366/1241

Pay to the
order of

State of Idaho Dept of Water Resources \$ 77⁰⁰/₁₀₀

seventy seven and 00/100

Dollars



LAVA HOT SPRINGS OFFICE

Security
State Bank

115 E. MAIN

LAVA HOT SPRINGS, IDAHO 83246

For

filling on June water

G. Wayne Avery

⑆ 124103663⑆ 07 00003 7⑈ 0592 ⑆0000007700⑆

Rocky Mountain Bank Note B

America West

Monument Valley

RECEIVED

APR 23 1990

Department of Water Resources
Eastern District Office

Thanks
for all your
help.

MICROFILMED

NOV 13 1992

Patricia Avery

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 29-7402 Priority May 24, 1977 Amount 0.03 cfs

THIS IS TO CERTIFY, that June R. Watson
of Lava Hot Springs, Idaho has complied with the terms and conditions of Permit
No. 29-7402 issued pursuant to Application for Permit dated May 24, 1977
and has submitted proof to the Department of Water Resources on September 16, 1981
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.03 cfs of water from a spring
tributary to sinks and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from January 1 to December 31	at 0.02 cfs and	0.2 acre feet
Domestic (1 Unit)	from January 1 to December 31	at 0.03 cfs and	1.2 acre feet
	from to at cfs and		

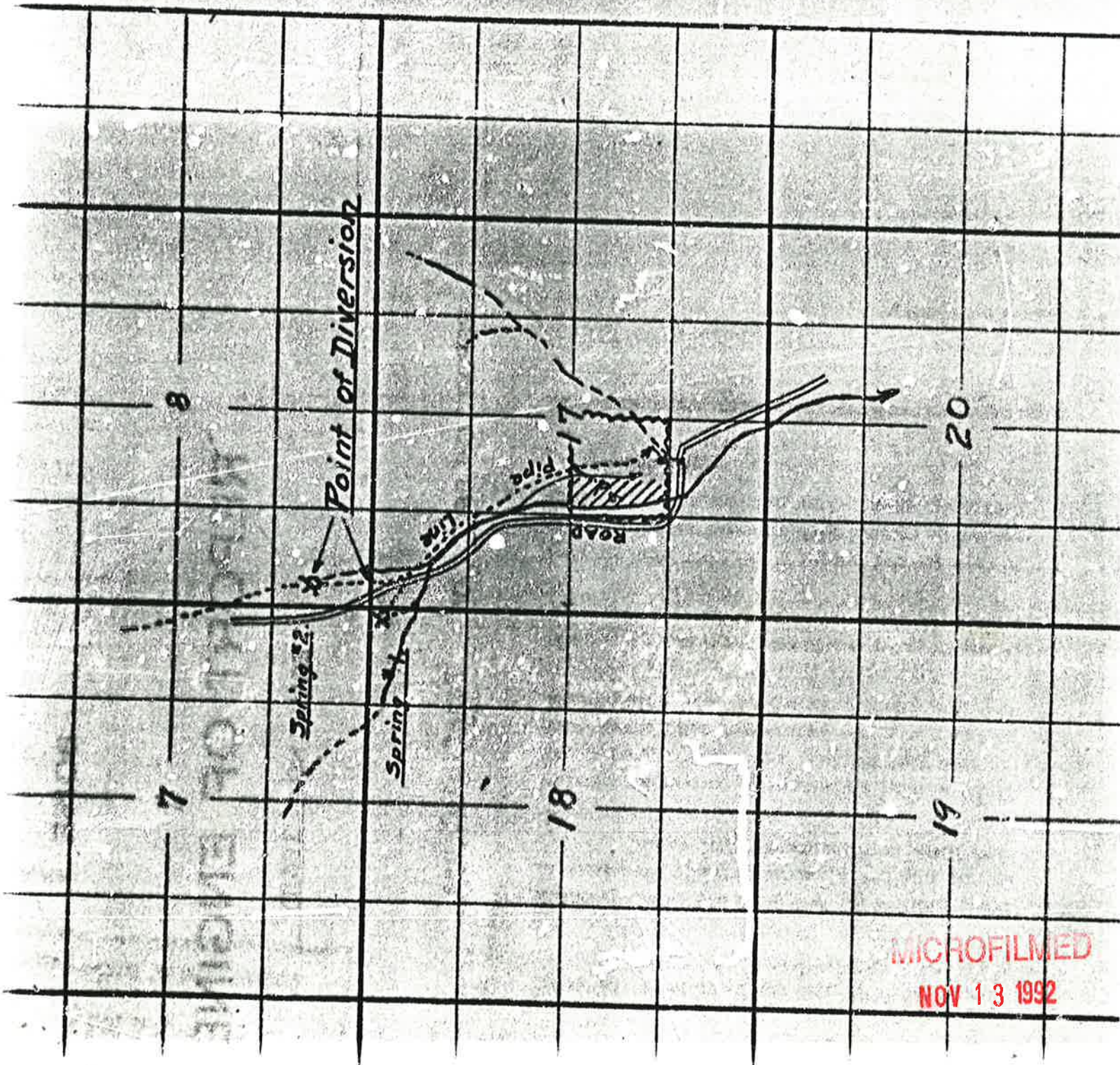
(both dates inclusive)

Subject, however, to the condition that no more than 0.03 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.4 acre feet per year, said waters to be diverted within the SW1SW1 Section 8,
Twp 9S, Rge 38E in the County of Bannock

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Total
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9S	38E	17																	

Total number of acres irrigated _____



MICROFILMED
NOV 13 1992

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 SNARE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-07402

Date Received: 8/01/1988

Receipt No: E000992

Received By: *[Signature]*

APR 23 1990

Department of Water Resources
Eastern District Office

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

AMENDED

1. Name: JUNE R. WATSON
Address: P.O. BOX 61
LAVA HOT SPRINGS, ID 83246
208-776-5628

2. Date of Priority: MAY 24, 1977

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	38E	8	SW	SW	SW		BANNOCK
		17	NW	NW	NW		BANNOCK

5. Description of diverting works:
PIPELINE TO ONE HOME AND STOCK TROUGH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ONE HOME, S/10 BEEF CATTLE, 2 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	38E	17	NE	SW		STOCK	

A29-07402

Page 1

Date: 04/12/90

PROFILED

SCANNED

MAY 10 3 2008

MICROFILMED

NOV 13 1992

10. Place of Use: Contained

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	38E	17	NE SW		DOMEST	

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:
29-2261.

14. Remarks:

15. Basis of Claim: LICENSE

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): June R. W. W. W. Date: 4-20-1990

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of April 19 1990

Paul G. Borek
Notary Public

Seal

Residing at Lava Hot Springs Idaho
My Commission Expires Aug 25 1992

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: A29-07402
Date Received: 5/19/1988
Receipt No: E000992

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JUNE R. WATSON
Address: P.O. BOX 61
LAVA HOT SPRINGS, ID 83246

208-776-5628

2. Date of Priority: MAY 24, 1977

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	8	SW	SW			BANNOCK

5. Description of diverting works:
PIPELINE TO TWO HOMES AND STOCK TROUGH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC AND STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	17	NE	SW		STOCK	
			NE	SW		DOMEST	

11. Place of use in counties: BANNOCK

A29-07402

Page 1

Date: 05/24/88

A2907402



MICROFILMED

NOV 13 1992

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

13. Other Water Rights Used:
29-2261.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number:

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): Jane R. Watson Date: x 7-17-88
Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 17 day

of July 1988

Paul A. Boeck
Notary Public

Seal

Residing at Snake Hot Springs, Idaho
My Commission Expires April 25, 1992

WATER RIGHT NUMBER - A25-07402

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - + + - FIRST NAME - - - + + - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
WATSON

JUNE 8,

1 - P.O. BOX 61

2 -

3 -

CITY- LAVA HOT SPRINGS

STATE- ID ZIP- 83246

PHONE - 208-776-5628

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - +
03/24/1977 BROW IN REGION LIC LICENSE

+ - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +
SPRINGS SINKS

+ - - - - POINT OF DIVERSION - - - - - +
TWN RNB SEC TRACT LOT RFLD COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

09S 308 8 SW SW SW (0) BANNOCK
09S 308 17 NW NW NW (0) BANNOCK

Lic for Sec 8 only

+ - - - - WATER USE - - - - - +
Code DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

04 - STOCKWATER 01/01 12/31 0.020
43 - DOMESTIC 01/01 12/31 0.020

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.030 0.0

+ - - - - PLACE OF USE - - - - - +
TWN RNB SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

09S 308 17 NE SW 04 STOCKWATER (5) BANNOCK
09S 308 17 NE SW 43 DOMESTIC (5) BANNOCK

+ - - DIVERSION MEANS - PIPELINE TO ONE HORN AND STOCK TROUGH

+ - - NON-IRRIGATION USE - DUNE HORN, 5/10 FEET CATTLE, 2 HORSES

+ - - OTHER RIGHTS FOR SAME USE - 25-2261.

+ - - - - REMARKS - - - - - +
NO REMARKS FOUND.

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

