

11/09/2006

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

RIGHT NUMBER: 75-14034

NAME AND ADDRESS: KEVIN ALLEN AVERY
51 HWY 28
SALMON ID 83467

ANDREA C AVERY
51 HWY 28
SALMON ID 83467

SOURCE: SMOUT CREEK

TRIBUTARY: FREEMAN CREEK

QUANTITY: 0.240 CFS
29.990 AFY

PRIORITY DATE: 09/07/1940

POINT OF DIVERSION:

T23N R23E S31 SWNE Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.240 CFS

29.99 AFY

PLACE OF USE: IRRIGATION in LEMHI County

T23N R23E S31 Lot 3 NWSW 12.00

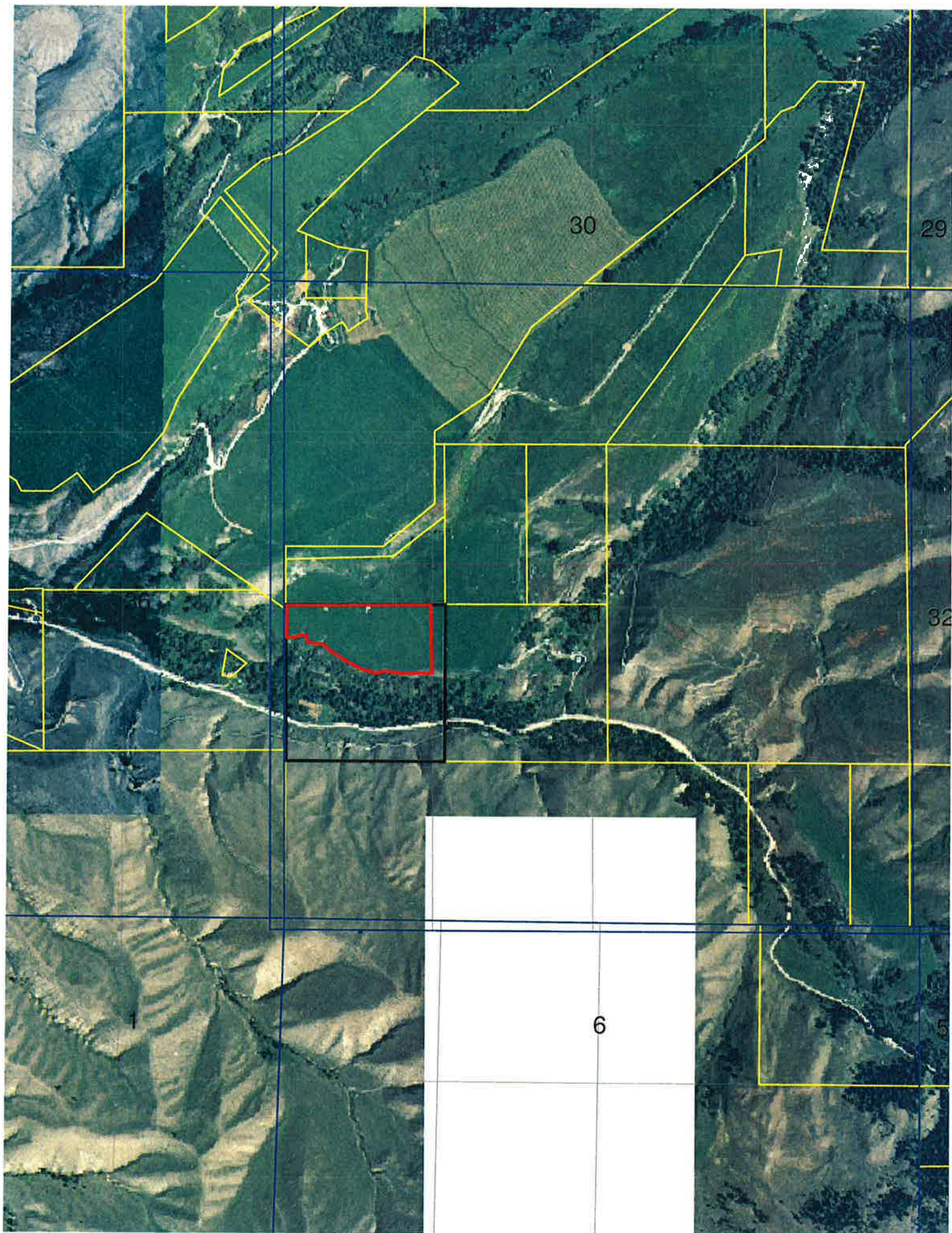
12 ACRES TOTAL

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: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-14016.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A7514034

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☒ No Change ADDRESS
☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION GPS 8056-6-05 Id no. A0011578
☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

*Andrea is no longer married to Kevin.
She Took back her maiden name of Clifton
She is now the sole owner.
No coming*

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name

Jack F. Ellis
Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 19, 2001

KEVIN ALLEN & ANDREA C AVERY
51 HWY 28
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR A75-14014 AND A75-14016

Dear Mr. & Mrs. Avery:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A75-14014 split into

A75-14031: 0.44 CFS, 65.81 AFA, 16.4 ACRES: ELLIS

A75-14032: 0.32 CFS, 48.15 AFA, 12 ACRES: AVERY

A75-14016 split into:

A75-14033: 0.32 CFS, 4098 AFA, 16.4 ACRES: ELLIS

A75-14034: 0.24 CFA, 29.99 AFA, 12 ACRES: AVERY

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

OK JC
11/19-01

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

NOV 13 2001

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Department of Water Resources
Eastern Region

1. Water Right Number(s) 75-14014 75-14616 LICENSED PERMITS NO'S: 75-2097 & 75-2140 (THE INTENT IS TO TRANSFER 24.0 % OF THE ABOVE PERMITS)
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) JACK F. ELLIS AND DIANE L. ELLIS
P.O. BOX 301, SALMON, IDAHO 83467
4. New Owner/Claimant(s) KEVIN ALLEN AVERY AND ANDREA C. AVERY, HUSBAND & WIFE
Name connector (Check one): ☐ AND, ☐ OR, ☒ AND/OR
New Mailing Address 51 HIGHWAY 28,
City, State and ZIP Code SALMON, IDAHO 83467
New Telephone Number (208) 756 - 3587
5. Date you acquired the property OCTOBER 9, 2001
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated 16.8 Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Kevin Allen Avery Date 10-9-01
Andrea C. Avery Date 10-9-01
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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 75-14034
Date Received: 11/19/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

~~KEVIN ALLEN AVERY~~ Phone: ~~(208) 756-3587~~

51 HWY 28
SALMON ID USA 83467

ANDREA C. AVERY Phone: (208) 756-3587

Clifton
51 HWY 28
SALMON ID USA 83467

2. Date of Priority: 09/07/1940

3. Source: SMOUT CREEK Trib. to: FREEMAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	23E	31	SW NE NE	LEMHI	

5. Description of diverting works:

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	0.24	29.99

7. Total Quantity Appropriated is:
0.24 C.F.S. and/or 29.99 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:



Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	23E	31	NW	SW	IRRIGATION	12
					Section Acres	12
					Total Acres	12

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-14016.

15. Basis of Claim: License

T23N
R23E
S31

ELLIS
SESW

AVERY

NWSW

ELLIS

NESW