

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	38E	20								D									
										S									

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 29-4228

Stephens Spring

11. a. Who owns the property at the point of diversion? Lola Trick

b. Who owns the land to be irrigated or place of use? Domestic & Livestock
by Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: spring no longer produces sufficient
amount

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

Just East of our home.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Vera Avery
Signature of Applicant (and title, if applicable)

MICROFILMED

FEB 10 2004

Received by SC Date 10/27/03 Time 11:30 AM Preliminary check by AMS

Fee \$ 100.00 Received by SC # ED29310 Date 10/27/03

Publication prepared by SC Date 11/20 & 11/27/03 Published in The State Journal

Publication approved SC Date 12/9/03

Amt. of Fee \$: 50.00
Receipt No. 2072168
Receipt By: [Signature]
Date Received: 1-5-04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN - 5 2004

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 29-13664 Telephone No. 208-776-5321
2. Name of Permit Holder(s): Golden K. Avery or Vera M. Avery
3. Mailing Address: P.O. Box 264
City Lava Hot Springs State Id. Zip 83246
4. Source of Water: _____ If **GROUNDWATER** (well), Date Drilled: mo. Aug yr. 2003
Well Driller: Sam Frandsen Drilling Permit Number: 20027708
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 200 cattle 2 horses
Irrigation (No. of acres): 1/2 A yard Other: Pumps .06 cfs
6. Total rate of diversion and/or volume for which proof is submitted: 16 gal/m cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X
8. Fee Enclosed: \$ 50. (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Golden or Vera Avery Telephone Number: 208-776-5321
Address: P.O. Box 264 Lava Hot Spgs, Id. 83246
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Vera M. Avery Date: 12/29/03
(include your title, if on behalf of company or organization)

MICROFILMED

FEB 10 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 29-13664

Priority: October 27, 2003

Maximum Diversion Rate: 0.06 CFS

This is to certify, that GOLDEN K AVERY Or VERA M AVERY
PO BOX 264
LAVA HOT SPRINGS ID 83246

have applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20, Twp 09S, Rge 38E, B.M., BANNOCK County

PLACE OF USE: DOMESTIC and STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 38E 20								X									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2004**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Domestic use is for 1 home.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. Stockwater use is for 200 range cattle and 2 horses.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 18th day of December, 20 03.


Acting for **KARL J DREHER, Director**

MICROFILMED
FEB 10 2004

RECEIVED

OCT 21 2003

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

OCT 27 2003

Department of Water Resources
Eastern Region1. Name of Applicant Golden K Avery or Vera M. Avery Phone 208-776-5321Mailing address P.O. Box 264 Lava Hot Springs, Id. 832462. Source of water supply Well which is a tributary of _____3. Location of point of diversion is Township 9 S Range 38 E Sec. 20, in the SE 1/4,
NW 1/4, _____ 1/4, Govt. Lot _____, B.M., Bannock County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount .02 for Livestock purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) .06 20 gal per min and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 16515-14 Grundfos pumpb. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feetc. Proposed well diameter is 6" inches; proposed depth of well is 150 feetd. Is ground water with a temperature of greater than 85°F being sought? noe. If well is already drilled, when? Aug 03; Drilling firm MarelickWell was drilled for (well owner) yes; Drilling Permit No. 5337. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW.

b. Stockwatering; list number and kind of livestock.

c. Municipal; show name of municipality.

d. Domestic; show number of households.

e. Other; describe fully. 1 household and 200 hd cattle
and 2 horses

RECEIVED

DEC 16 2003

Department of Water Resources

MICROFILMED

FEB 10 2004

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	38E	20								D									
										S									

Total number of acres to be irrigated _____

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Stephens Spring

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b. Who owns the land to be irrigated or place of use? Domestic & Livestock
by Applicant

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Just East of our home.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Vera Avery
Signature of Applicant (and title, if applicable)

MICROFILMED

FEB 10 2004

Received by SC Date 10/27/03 Time 11:30 AM Preliminary check by AMS

Fee \$ 100.00 Receipted by SC # ED29310 Date 10/27/03

Publication prepared by SC Date 11/20 & 11/27/03 Published in The State Journal

Publication approved SC Date 12/9/03



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 6, 2004

GOLDEN K AVERY
VERA M AVERY
PO BOX 264
LAVA HOT SPRINGS ID 83246

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-13664

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.state.id.us.

If you have questions, please contact the Eastern Regional Office of the department in Idaho Falls (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED
FEB 10 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 29-13664

Reviewed By: dgibson

Date: February 5, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		D0027708
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		E029310, C072168	Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	01/05/2004
Date proof due	- 12/01/2004
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 10/27/2003
New priority date	= 10/27/2003

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 18, 2003

GOLDEN K AVERY
VERA M AVERY
PO BOX 264
LAVA HOT SPRINGS ID 83246

RE: Permit No. 29-13664

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED
FEB 10 2004

If you have any questions, please contact me at 208-327-7946.

Sincerely,

for Ray Walker
Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

FEB 10 2004

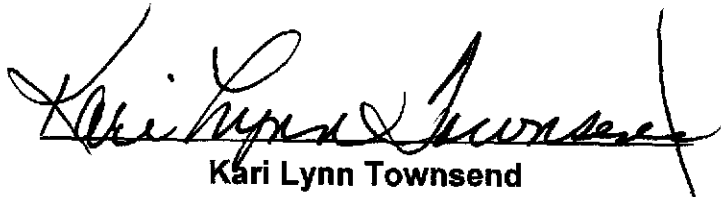
CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

29-13664

**GOLDEN K AVERY
VERA M AVERY
PO BOX 264
LAVA HOT SPRINGS ID 83246**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
FEB 10 2004**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
FEB 10 2004

RECEIVED

DEC 16 2003

Department of Water Resources

Dist for Staffing _____
Submitted for advertising _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY Janice Ann DATE 10-4-2003 APPLICATION NO. 29-13664

REQUIRED INFORMATION:

- ☒ Name (if applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map Are View
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION:

- ☒ Overlapping place of use (Describe source & relationship to present application on the back) 29-4228
☐ Overlapping point of diversion
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
☐ Yes ☒ No **Public Water System**
☐ Yes ☒ No **Planning section review**
☐ Yes ☒ No **Moratorium Hold file**
See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

_____ Date Requested _____

PROCESSING:

- ☒ Yes _____ No In form for advertising
☐ Yes _____ No Statewide advertising
☐ Yes _____ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO:

_____ Id Dept of Environmental Quality _____ U.S. BLM
_____ Id Dept of Fish & Game _____ U.S. Forest Service
_____ Id Dept of Lands _____ Water District
_____ Adjudication Bureau Unit _____ Other _____

FINAL REGIONAL PROCESSING REVIEW:

☒ Yes	☐ No	Affidavit of publication received
☒ Yes	☐ No	Application published correctly. If not, record action taken
☒ Yes	☐ No	Publication dates & paper, recorded on application
☐ Yes	☒ No	Protests received
		Final date for protest
☐ Yes	☒ No	Protests, dates, resolution of protest, recorded on application
☐ Yes	☒ No	Recommendations attached
☐ Yes	☒ No	Measuring device required
☐ Yes	☒ No	Access port required
☐ Yes	☒ No	Will water be delivered by watermaster? If yes, what District
☐ Yes	☒ No	Special conditions of approval or cover letter below.

Date of priority recommend October 27, 2003
By: W. Roger Warner Date: 12/10/03
STATE OFFICE REVIEW:

By: _____ Date: _____
ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST:

Comments received from:

☒ City	☐ Id Fish & Game	☐ Irrigation District
☒ County	☐ Id Health & Welfare	☐ Canal Company
☒ Reservations	☐ Div. Of Environment	☐ Other

None
Project impacts/implications report

COMMENTS

RECEIVED

DEC 04 2003

Department of Water Resources
Eastern Region

PROOF OF PUBLICATION

STATE OF IDAHO

County of Bannock

LN10198

KAREN MASON

29-13664
NOTICE

The following applica-
tion(s) have been
filed to appropriate
the public waters of
the State of Idaho:

GOLDEN K. AVERY
VERA M. AVERY
P.O. Box 264
LAVA HOT SPRINGS,
ID 83246

Point(s) of Diversion:
SENW S20
T09SR38E, BAN-
NOCK County

Source GROUND WA-
TER

Use: STOCKWATER
01/01 To 12/31 0.02
CFS

Use: DOMESTIC
01/01 to 12/31 0.04
CFS

Total Diversion: 0.06
CFS

Dated Filed:
10/27/2003

Place of Use: DOMES-
TIC and STOCKWA-
TER

T09S R38E S20
SENW

Permits will be subject
to all prior water
rights. Protests may
be submitted based
on the criteria of Sec
42-203A, Idaho
Code.

Any protest against the
approval of this ap-
plication must be
filed with the Direc-
tor, Dept. of Water
Resource, Eastern
Region, 900 N. Sky-
line Dr., Ste. A, Ida-
ho Falls, ID 83402
together with a pro-
test fee of \$25.00 for
each application on
or before December
8, 2003. The protes-
tant must also send
a copy of the protest
to the applicant.

KARL J. DREHER, Di-
rector
November 20, 27,
2003
LN10198

being first duly sworn on oath deposes and says: That SHE
was at all times herein mentioned a citizen of the United States
of America, more than 21 years of age, and the Principal Clerk
of THE IDAHO STATE JOURNAL, a daily newspaper,
printed and published at Pocatello, Bannock County, Idaho, and
having a general circulation therein.

That the document or notice, a true copy of which is
attached, was published in the said IDAHO STATE
JOURNAL, on the following dates, to-wit:

NOV. 20	, 2003	2003
NOV. 27	, 2003	2003
	2003	2003

That said paper has been continuously and uninterruptedly
published in said County for a period of seventy-eight
weeks prior to the publication of said notice of advertisement
and is a newspaper within the meaning of the laws of Idaho.

Karen Mason

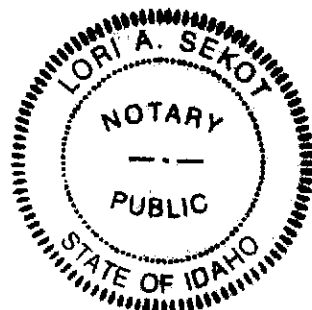
STATE OF IDAHO
COUNTY OF BANNOCK

On this 28TH DAY of NOV, in the year of 2003, before
me, a Notary Public, personally appeared KAREN
MASON, known or identified to me to be the
person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements
therein are true, and acknowledge to me that she executed the
same.

Lori A. Sekot
Notary Public for Idaho

Residing at ARIMO

My commission expires :FEBRUARY 2009



MICROFILMED
FEB 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
November 12, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GOLDEN K AVERY
PO BOX 264
LAVA HOT SPRINGS ID 83246

RE: Application for Permit No 29-13664

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Idaho State Journal on November 20 and 27, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions.

Sincerely,

W Roger Warner
Water Right Supervisor

WRW:sc

MICROFILMED

FEB 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 12, 2003

Legal Notice Department
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO ID 83204

RE:

Application for Permit No. 29-13664

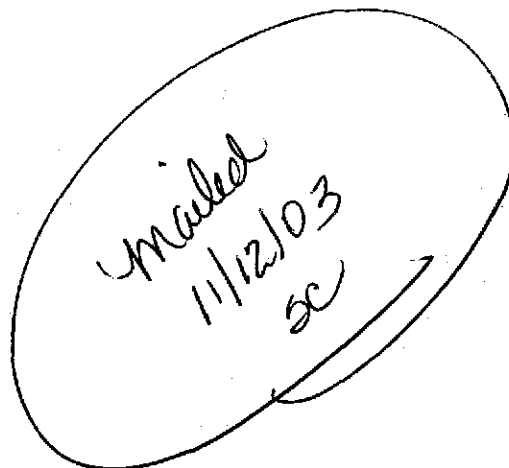
Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 8, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



MICROFILMED

FEB 10 2004

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

29-13664

GOLDEN K AVERY

VERA M AVERY

P O BOX 264

LAVA HOT SPRINGS ID 83246

Point(s) of Diversion: SENW S20 T09SR38E, BANNOCK County

Source GROUND WATER

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.06 CFS

Date Filed: 10/27/2003

Place Of Use: DOMESTIC and STOCKWATER

T09S R38E S20 SENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before December 8, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

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