

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OCT 26 2022

Notice of Change in Water Right Ownership Department of Water Resources
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-7402	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-2261	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Patricia Avery & Wayne Avery
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Teresa (Tess) Avery & Wayne Avery
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or

8888 S. Sunny Side LaVette Springs ID 83246
Mailing address City State ZIP
208-760-0017 / 208-776-5628 Averyclan6@hotmail.com
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 10/24/22

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:
☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Teresa Tess Avery Owner 10/24/22
Signature of new owner/claimant Title, if applicable Date
Signature: Wayne Avery Owner 10-24-22
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by _____ Processed by _____ Date _____

SUPPORT DATA
IN FILE # 29-2261

Water Right Report : 29-7402(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	AVERY, PATRICIA	8888 SUNNYSIDE RD	LAVA HOT SPRINGS	ID	83246
Current Owner	AVERY, WAYNE	PO BOX 182	LAVA HOT SPRINGS	ID	83246
Original Owner	WATSON, JUNE R	PO BOX 61	LAVA HOT SPRINGS	ID	83246

Water Right Status

Priority Date : 5/24/1977
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
SPRINGS		SINKS	
UNNAMED STREAM		SINKS	

Points Of Diversion (Location)

Doing a name change
Remove - Patricia Avery is deceased
Add Teresa (Tess) Avery

Water Right Report : 29-2261(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	AVERY, PATRICIA	8888 SUNNYSIDE RD	LAVA HOT SPRINGS	ID	83246
Current Owner	AVERY, WAYNE	PO BOX 182	LAVA HOT SPRINGS	ID	83246
Original Owner	WATSON, JUNE R	PO BOX 61	LAVA HOT SPRINGS	ID	83246

Water Right Status

Priority Date : 7/10/1945
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
SPRINGS		SINKS	
UNNAMED STREAM		SINKS	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
SPRINGS	09S	38E	8	0	SW	NW	SW	BANNOCK	
UNNAMED STREAM	09S	38E	18	0	NE	NE	NE	BANNOCK	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.04 CFS	
DOMESTIC	01/01	12/31	0.03 CFS	
TOTAL			0.07 CFS	

Places of Use

Place of Use Legal Description : IRRIGATION (BANNOCK county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
09S	38E	17			NE	SW	2

Place of Use Legal Description : DOMESTIC (BANNOCK county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
09S	38E	17			NE	SW	

Irrigation Totals

Total Acres Acre Limit
2.00

Conditions

Code Conditions

C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

X01 Domestic use is for 2 homes.

C18 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.

F05 RIGHT NO. 29-07402 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 29-2261 FOR DOMESTIC PURPOSES IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.03 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.2 AF.

Dates

Licensed Date :
Decreed Date : 11/3/2004
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 29
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 12, 2022

WAYNE AVERY
TERESA AVERY
8888 SUNNYSIDE
LAVA HOT SPRINGS ID 83246

RE: Change in Ownership
Water Rights: 29-7402 and 29-2261

Dear Sir/Madam:

On October 26, 2022, you filed a Notice of Change in Water Right Ownership (ownership change) with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that you needed to provide additional evidence of ownership and filing fees. On November 3, 2022, we sent a letter requesting the additional information. The additional information was to be provided within 30 days.

IDWR has never received a response to the request. Without the requested documents, we cannot verify ownership of the water right and cannot complete the ownership change.

Please feel free to re-file your change in ownership any time in the future. Because your filing fee is being refunded, you will need to determine and provide the proper filing fee at the time you re-file the Assignment.

If you have any questions, feel free to contact me at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 3, 2022

WAYNE AVERY
TERESA AVERY
8888 SUNNYSIDE
LAVA HOT SPRINGS ID 83246

RE: Change in Ownership Water Right No. 29-7402 and 29-2261

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

**** **Filing fee:** Filing fee for a non-split ownership change is \$25.00 per water right or \$100.00 per water right for a split.

**** **Evidence of Ownership:** According to the information received the department needs to removed Patricia and add Teresa. Please supply a copy of the death certificate for Patricia and a vesting deed adding to Teresa to the water right and/or property.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. **If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.**

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right 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.idaho.gov.

Please feel free to contact the Department if you have any questions.

Sincerely,

Jonie Barg
Technical Records Specialist

SCANLINE

NOV 03 2022