

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 47-7592
Date Received: 12/27/1988
Receipt No: S005127
Received By:

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

1. Name of Claimant(s)

PATRICK J KUENY LIVIING TRUST Phone: (208)731-1006
19896 HWY 30
BUHL ID USA 83316

2. Date of Priority: 10/15/1979

3. Source: WILSON CREEK Trib. to: MUD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	14E	27	SE SW	TWIN FALLS	

5. Description of diverting works:

EXISTING CONCRETE DIVERSION TO DITCH TO PONDS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
FISH PROPAGATION		01/01	12/31 3.77	
2636.8				

7. Total Quantity Appropriated is:
3.77 C.F.S. and/or 2636.8 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
09S	14E	27	SE	SW	FISH PROPAGATION	

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.

SOURCE MAY BE LISTED AS UNNAMED STREAM ON SOME CLAIMS.

15. Basis of Claim: License

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

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
47-13364	-	_____	47-2126	-	_____
47-7592	-	_____			_____
47-4017	-	_____			_____
47-7138	-	_____			_____
47-7457	-	_____			_____

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)

Gary Van Winkle

4. New Owner/Claimant(s)

Patrick J Ruery, Living Trust

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

19896 Hwy 30

City, State and ZIP Code

Buhl, ID 83316

New Telephone Number

(208) 731-1006

5. Date you acquired the property

May 1994

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. **Signature of New Owner(s) or Claimant(s)** _____
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

35453m

WARRANTY DEED

For Value Received VALLEY INVESTMENTS, the Grantor, grants, bargains, sells, and conveys to PATRICK J. KUENY LIVING TRUST, the Grantee, of 178 Aero Camino, Santa Barbara, California 93117, the premises described on EXHIBIT A.

TO HAVE AND TO HOLD the premises, with their appurtenances to the Grantee and its heirs and assigns forever. The Grantor covenants to and with the Grantee, that the Grantor is the owner in fee simple of the premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated May 25, 1994.

VALLEY INVESTMENTS

BY: Leon E. Smith, Jr.
LEON E. SMITH, JR.

BY: Paul M. Beeks
PAUL M. BEEKS

STATE OF IDAHO)
County of Twin Falls.)

On May 25, 1994, before me, a Notary Public in and for said State, personally appeared LEON E. SMITH, JR. and PAUL M. BEEKS, known or identified to me to be one the partners in the partnership of VALLEY INVESTMENTS and the partners who subscribed the partnership name to the within instrument and acknowledged to me that they executed it in the partnership name.

Marta L. LeMay
Notary Public for Idaho
Commission Expires 9-14-98

STATE OF IDAHO
NOTARY PUBLIC
Marta L. LeMay
Notary Public for Idaho
Commission Expires 9-14-98
Smith & Beeks
Attorneys at Law
210 Sixth Avenue East
Post Office Box 508
Twin Falls, Idaho 83303-0508

EXHIBIT "A"

Township 9 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho

Section 27: SW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPT from said S $\frac{1}{2}$ SW $\frac{1}{4}$ three tracts of land which are bounded and described as follows:

(1) **BEGINNING** at the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 27;
THENCE South 1159 feet;
THENCE West 225 feet;
THENCE North 730.5 feet, more or less, to a certain diagonal fence;
THENCE in a Northwest direction to a point 554 feet due West of the PLACE OF BEGINNING;
THENCE East 554 feet to the PLACE OF BEGINNING.

(2) **BEGINNING** at a point 225 feet West and 246 feet North of the quarter corner common to Sections 27 and 34, Township 9 South, Range 14 E., B.M.;
THENCE West across a coulee a distance of 265 feet to a point marked with a Rock and cross thereon;
THENCE North 20°30' West back across Coulee A for a distance of 194 feet to a stone marked with a cross;
THENCE North 60°30' West 280 feet to a stone marked with a cross;
THENCE North 42°25' West 185 feet along the Northwest rim of said coulee to stone marked with a cross;
THENCE North 24°35' West along said rim rock a distance of 743 feet to a point on the North line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27;
THENCE East along North line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, a distance of 679 feet to a point which is 554 feet West of the Northeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27;
THENCE South 39°00' East 530 feet to a point;
THENCE South 720 feet to the POINT OF BEGINNING.

(3) **COMMENCING** at the Southeast Section corner of Section 27, Township 9 South, Range 14 E., B.M., Twin Falls County, Idaho
THENCE North 89°49' West, 4354.46 feet along the South boundary of said Section 27;
THENCE North 00°29' West, 25.00 feet to the Northerly right of way line of U.S. Highway 30, said point being the REAL POINT OF BEGINNING;
From this REAL POINT OF BEGINNING continuing North 00°29' West 520.53 feet;
THENCE North 89°49' West, 173.59 feet;
THENCE South 00°29' East, 520.53 feet;
THENCE South 89°49' East, 173.59 feet to the REAL POINT OF BEGINNING.

ALL SUBJECT TO: Twin Falls County Highway Right of Way

TWIN FALLS COUNTY, IDAHO
TITLEFACT, Inc.

MAY 27 A.M. 08

1994009614

TO: TWIN FALLS COUNTY
FROM: TITLEFACT, Inc.
FEE: 600 DEPUTY: CF

227



CERTIFICATE OF ASSUMED BUSINESS NAME

Pursuant to Section 53-504, Idaho Code, the undersigned submits for filing a certificate of Assumed Business Name.

Please type or print legibly.

NOTE: See instructions on reverse before filing.

FILED EFFECTIVE

2004 SEP 22 AM 9:21
STATE OF IDAHO

1. The assumed business name which the undersigned use(s) in the transaction of business is:

VALLEY INVESTMENTS, a partnership

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name:

Name

Complete Address

Leon E. Smith

1381 GALENA DR, TWIN FALLS ID 83301

Paul M. Beeks

516 BUTTE DR, TWIN FALLS ID 83301

3. The general type of business transacted under the assumed business name is:

- | | |
|---|--|
| ☐ Retail Trade | ☐ Transportation and Public Utilities |
| ☐ Wholesale Trade | ☐ Construction |
| ☐ Services | ☐ Agriculture |
| ☐ Manufacturing | ☐ Mining |
| ☒ Finance, Insurance, and Real Estate | |

Submit Certificate of
Assumed Business
Name and \$25.00 fee to:

Secretary of State
700 West Jefferson
Basement West
PO Box 83720
Boise ID 83720-0080
208 334-2301

4. The name and address to which future correspondence should be addressed:

VALLEY INVESTMENTS

PO BOX 508

TWIN FALLS ID 83303-0508

5. Name and address for this acknowledgment copy is (if other than # 4 above):

Phone number (optional):

208 733-6684

Secretary of State use only

Signature:

Paul M. Beeks

(signature required)

Printed Name:

Paul M. Beeks

Capacity/Title:

Partner

(see instruction # 8 on back of form)

Idaho Secretary of State
Boise, Idaho 83720

1050304

IDAHO SECRETARY OF STATE
09/22/2004 05:00
CK: 2775 CT: 150010 BH: 767323
1 @ 25.00 = 25.00 ASSUM NAME # 2



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 30, 2006

PATRICK J KUENY LIVING TRUST
19896 HWY 30
BUHL ID 83316

Re: SRBA Claim #47-13364, #47-7592, #47-4017, #47-7138,
#47-7457, #47-2126

Dear Claimant,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copies of the computer records of the claims noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carrie Hahn'.

Carrie Hahn
Office Specialist

Enc.

08/30/2006

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: See cover letter

Water right number: 47-7592

PATRICK J KUENY LIVING TRUST
19896 HWY 30
BUHL ID 83316
Telephone Number: (208)731-1006

RECEIVED
NOV 06 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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:

10/30/06

SIGNATURE:

Patrick J Kueny, Trustee

Please print your name:

Patrick J Kueny

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

08/30/2006

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

RIGHT NUMBER: 47-7592

NAME AND ADDRESS: PATRICK J KUENY LIVING TRUST
19896 HWY 30
BUHL ID 83316

SOURCE: UNNAMED STREAM

TRIBUTARY: MUD CREEK

QUANTITY: 3.770 CFS

Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.

PRIORITY DATE: 10/15/1979

POINT OF DIVERSION:

T09S R14E S27 SESESW Within TWIN FALLS County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

FISH PROPAGATION

01/01 12/31

3.770 CFS

PLACE OF USE: FISH PROPAGATION Within TWIN FALLS County

T09S R14E S27

SESW

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 - License

Source is also known as Wilson Creek

08/17/2006

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

RIGHT NUMBER: 47-7592

NAME AND ADDRESS: GARY VAN WINKLE
PO BOX 663
BUHL ID 83316

VERIFIED BY: KKC

SOURCE: UNNAMED STREAM

TRIBUTARY: MUD CREEK

QUANTITY: 3.770 CFS

Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.

PRIORITY DATE: 10/15/1979

POINT OF DIVERSION:

T09S R14E S27 SESESW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	01/01 12/31	3.770 CFS

PLACE OF USE: FISH PROPAGATION Within TWIN FALLS County

T09S R14E S27 SESW

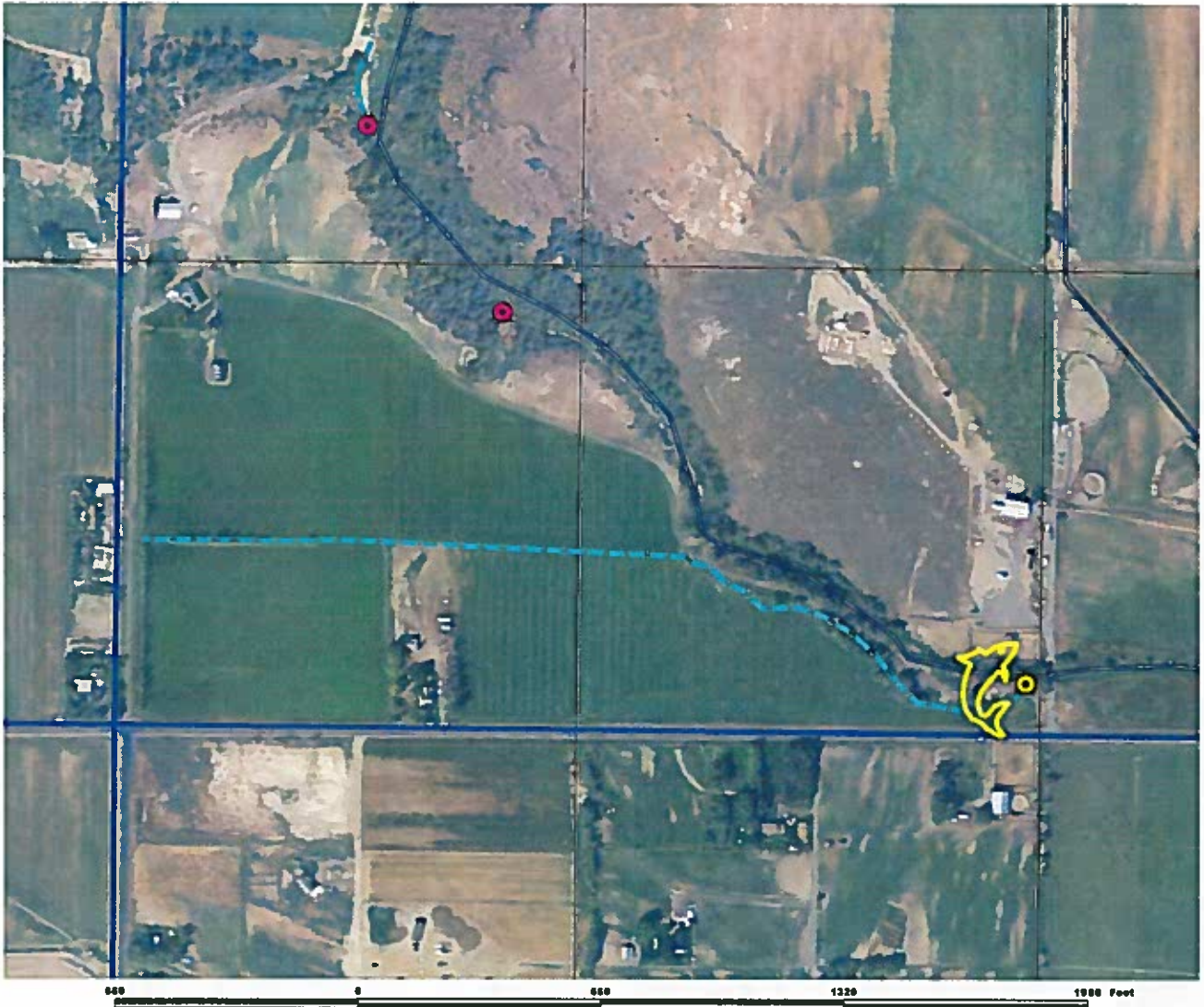
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - License

Source is also known as Wilson Creek

RECOMMENDED PLACE OF USE FOR 47-7592



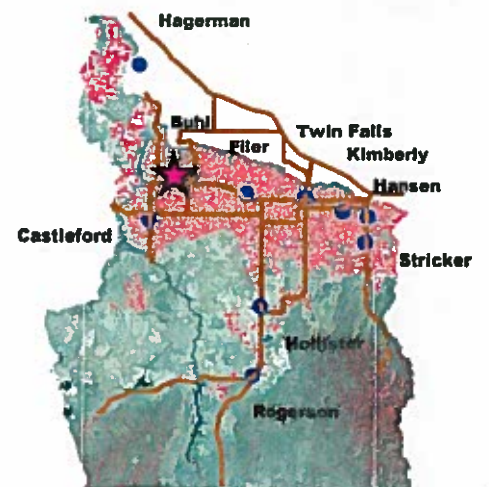
PLACE OF USE
TWP 9S, RNG 14E, SEC 27
Data entry on August 17, 2006

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- TOWNSHIP LINES
- SECTION LINES
- QUARTER/QUARTER LINES



LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



File No.

47-07138-7457-7592-2126-13364-4017

Gary Van Winkle [OLD OWNER]
Patrick Kueny [NEW OWNER]
Hwy 30 19896 B
Buhl,

7/10/06

I called Gary and he informed me that he sold these water rights to Patrick , so I then call Pat and made an apt. to go see him about these files , at first I gave him a change of ownership form with all file numbers and one of Kelly's cards and suggested he go in and discuss this change and some other problems he has with his water rights. Right 7592 he will go in and review this right with Kelly. Right 7138 , Pat said there are 2 POD and 7457 right is now being used in the new pond, the 2 ponds which 7457 was used are gone and on the pencil photo 47-7138 the 4 small ponds are gone . On the ponds I walked them using approx 3 feet per step. And while at the new pond Pat said he did not know the dept of the pond but looking at it I would guess 8 to 10 feet deep. On the photo 47-13364 Pat marked the CC lands , underground pipe and gated pipes the area [red] where the creek water is used , the brown area at north on this photo is June grass and he said it is being irrigated for pasture. Just west of POD # 1 are 2 small fish ponds as shown on photo. While reviewing file 4017 Pat thought this may be a duplicate right but would talk to Kelly about it when he goes into IDWR office to update all his files.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
VanWinkle-Kueny	Pat 1	2434241	1267861	A0015562	1030331
" " "	" 2	2433665	1268347	None	332
" " "	" 3	2433729	1268530	"	333

Lee R. Peterson

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: A47-07592
Date Received: 12/27/1988
Receipt No: S005127
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY VAN WINKLE 208-543-6151
Address: P.O. BOX 663
BUHL, ID 83316
2. Date of Priority: OCT 15, 1979
3. Source: WILSON CREEK Trib. to: MUD CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	27	SE	SE	SW		TWIN FALLS
5. Description of diverting works:
EXISTING CONCRETE DIVERSION TO DITCH TO PONDS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	12.000		
7. Total Quantity Appropriated is:
12.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
H/1 EARTH POND
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	27	SE	SW		FISH	
11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
SEE WR# A47-04017

14. Remarks:
SOURCE MAY BE LISTED AS UNNAMED STREAM ON SOME CLAIMS.

15. Basis of Claim: PERMIT

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): _____ Date: 12/27/88
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of December 19 88

Steve Collins
Notary Public

Residing at Twin Falls
My Commission Expires Dec 7, 1994

95.
14E.

A47-07592

7.5 MINU

78

47'30"

1290 000 FEET

83

