

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: A22-11422
Date Received: 8/29/1988
Receipt No: E001871
Received By: SM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUBY KUNZ 208-354-2410
Address: 596 SOUTH 450 WEST
VICTOR, ID 83455

2. Date of Priority: JAN 01, 1919

3. Source: HENDERSON CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	25	SW	NW	SE		TETON

5. Description of diverting works:
HEADGATE TO 10" BURIED MAIN LINE TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.960		

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

8. Total consumptive use is 296.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	44E	25	SE	SE		IRR	20.0
Section Acres							20.0

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Date: 08/29/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	44E	36	NE	NE		IRR	10.0
			SE	NE		IRR	7.0
						Section Acres	17.0
	45E	30	SW	SW	4	IRR	31.0
			SE	SW		IRR	35.0
						Section Acres	66.0
		31	NE	NW		IRR	29.0
			SW	NW		IRR	16.0
						Section Acres	45.0
						Total Acres	148.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
A22-07229

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: X-2-

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): Ruby B. King Date: Aug 29-88

Date: _____

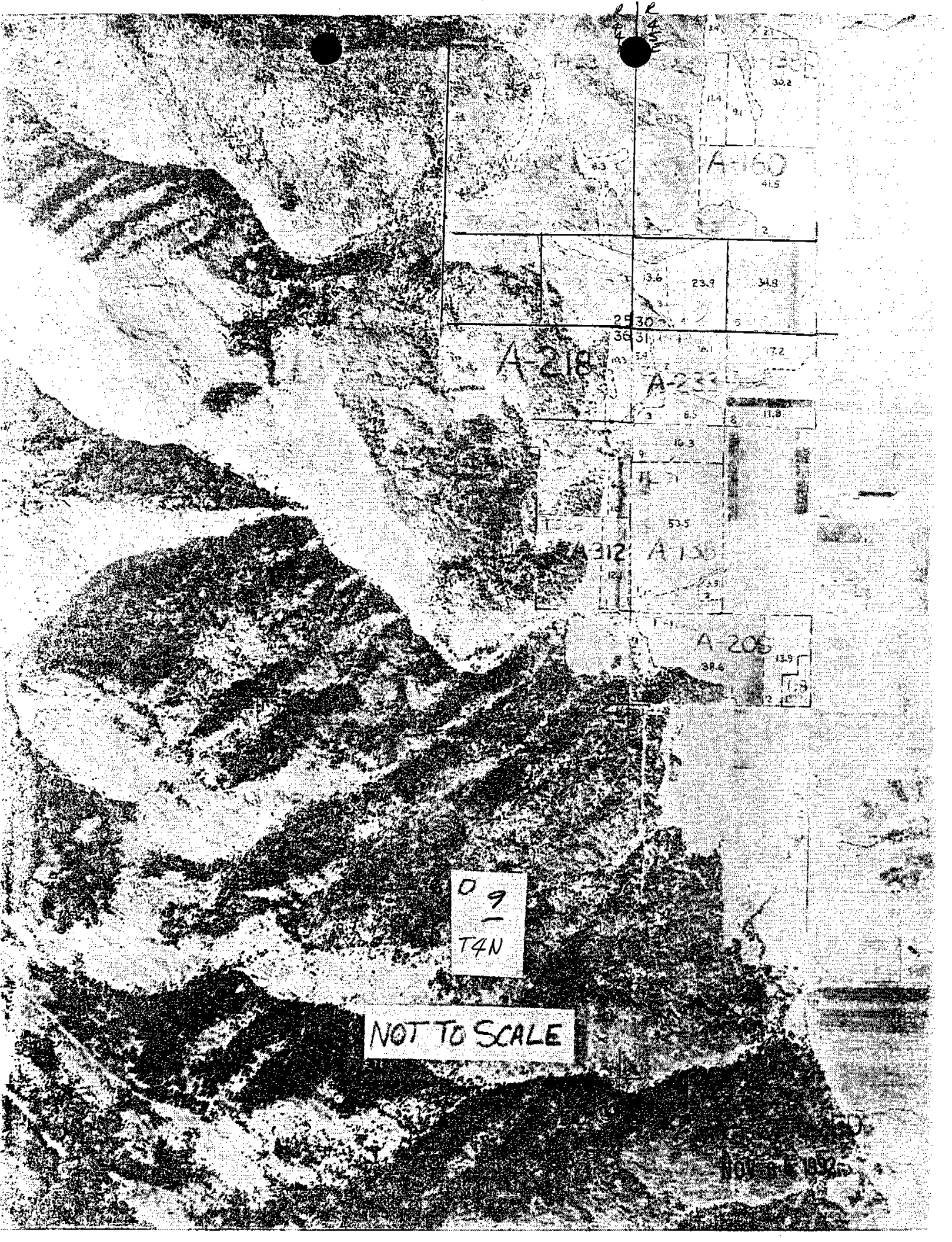
State of Idaho)
County of Bonnerille) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of August 19 88

Dana Green
Notary Public



Residing at Ruby
My Commission Expires 4-22-1994



A-160
41.5

A-218

A-233

A-312

A-130

A-205

09
—
T4N

NOT TO SCALE

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Dated Nov 25 1974

Deputy Clerk
Office Auditor & Recorder
Clerk of the District Court
Bonnie S. White
Deputy Clerk

AGREEMENT

WHEREAS, certain uncertainties and disputes have existed between and among the undersigned with respect to the rights in and to the various creeks and sources of water hereinafter mentioned and described,

AND WHEREAS, some of the undersigned were parties to an action lately pending in the District Court of the Twelfth Judicial District of the State of Idaho entitled VICKOR/KUNZ, Plaintiff, vs. GRANT KUNZ, et al, Blaine County, Case No. 1-59, and the claims of some of the undersigned having been dismissed during the course of the trial of said action and all parties entering into the following agreement which settles the uncertainties and disputes,

AND WHEREAS, all of the undersigned desire to, and it was contemplated that they would, enter into a formal written agreement.

NOW, THEREFORE, in consideration of the premises and of the covenants and agreements hereinafter set forth, the parties do hereby agree as follows:

IT IS HEREBY AGREED AND WITNESSED by and between James Kunz and Vickor Kunz, husband and wife, Ellis Kunz and Jessie Kunz, husband and wife, Yvonne Kumpin and Vera Jean Austin, husband and wife, all parties to the above entitled action, and Eva Austin, a widow, Conice Williams, a widow, claimants to the waters of Henderson Creek, hereinafter referred to, and Vickor A. Kunz and Eva Kunz, husband and wife, parties to the above action, and Grant Kunz and Ruby Kunz, husband and wife, and Willard T. Kunz, a widower, and Jean Kunz, a widow, also claimants to Henderson Creek, as follows:

One. That in consideration of the sum of one thousand dollars, lawful money of the United States, five hundred dollars hereinafter to be paid to Eva Austin and five hundred dollars to

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Eunice Williams immediately upon the execution hereof, they and
James Kunz, Monroe Dustin, Vera Jean Dustin, Eva Dustin, Eunice
Williams do hereby forever disclaim, surrender and abandon any
and all right, title, claim or interest that each or any of them
may have had in and to the waters of Henderson Creek and all irrigation
devices used in connection therewith, and in favor of Grant Kunz and
Ruby Kunz, husband and wife, and Milford N. Kunz, and agree to
execute any and all deeds or other written instruments which may
be necessary to the transfer and relinquishment of said rights.
Grant Kunz and Milford Kunz shall pay the sum of five hundred
dollars, and James Kunz and Ellis Kunz and Monroe Dustin shall pay
the other five hundred dollars.

Two. It is recognized, however, that Jean Kunz, a widow,
and Milford N. Kunz, a widower, do have a right in and to the
waters of Bequest Creek for domestic use for their present two
houses, and use and livestock, which said water is diverted by a
two-inch pipe, reducing to a one-inch pipe, and serving the two
dwelling houses. It is understood that said right shall not be
interfered with by any of the other parties, and the said Jean Kunz
and Milford Kunz do hereby agree that they will not in any way or
manner enlarge upon the right or use as it now exists, nor otherwise
interfere with the other parties' use of the waters of Bequest Creek,
or mess or assert any other or additional right or claim thereto.

Jean Kunz a widow and Milford Kunz, a widower, do hereby
forever disclaim, surrender and abandon any and all other right,
title, claim or interest that they may have had in and to the waters
of Bequest Creek, and James Kunz and Arliegh Kunz, husband and wife,
Ellis Kunz and Vera Kunz, husband and wife, Monroe Dustin and
Vera Jean Dustin, husband and wife, Victor A. Kunz and Erma Kunz,
husband and wife, Grant Kunz and Ruby Kunz, husband and wife,

*Bequest Creek
domestic use
HOME
KUNZ
DUSTIN*

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do hereby disclaim, surrender and abandonment and all right, title, claim or interest that any of them may have had in and to the waters of Boquist Creek, in each and every case, in full favor of Eva I. Dustin, a widow and Eunice Williams, a widow, and said parties further agree to execute and acknowledge any and all deeds or instruments that may be necessary to effect such disclaimer, surrender and abandonment.

Three. That Victor A. Kunz and Erma Kunz, husband and wife, in consideration of the premises do hereby forever disclaim and surrender and abandon any and all right, title, claim or interest that they may have had in and to the waters of Grove Creek and Willow Springs Creek, tributaries to each other, and in favor of James Kunz and wife, Elsie Kunz and wife, Monroe Dustin and wife, and agree to execute and acknowledge any and all deeds or instruments that may be necessary to effect such transfer, and in such amounts or quantities or rights to said water as the said transferees may direct and agree upon.

Four. That the courts in the above entitled cause shall forthwith dismiss with prejudice the action of the plaintiff, Victor Kunz, as against James Kunz and his wife, and shall forthwith dismiss with prejudice the complaint in intervention of Elsie Kunz and his wife, and Monroe Dustin and his wife, as against Victor Kunz and Erma Kunz, husband and wife.

Five. The dismissal by the parties to the above entitled action shall be without the payment of costs to either party.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 22nd day of November, 1935.

James Kunz
James Kunz

Arleigh Kunz
Arleigh Kunz

HUSBAND AND WIFE

Ellis Kunz
Ellis Kunz

Jessie Kunz
Jessie Kunz

HUSBAND AND WIFE

Marion Dutton
Marion Dutton

George Dutton
George Dutton

HUSBAND AND WIFE

Eva Dutton
Eva Dutton

A WIDOW

Eunice Williams
Eunice Williams

Victor A. Williams
Victor A. Williams

Erma Williams
Erma Williams

HUSBAND AND WIFE

Grant Kunz
Grant Kunz

Paul Kunz
Paul Kunz

HUSBAND AND WIFE

Marion Williams
Marion Williams

A WIDOW

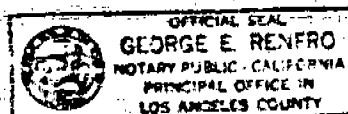
Victor A. Williams
Victor A. Williams

STATE OF CALIFORNIA
County of Los Angeles

On this 31 day of December, 1961, before me, the undersigned, a Notary Public for California, personally appeared VICTOR A. WILLIAMS and ERMA WILLIAMS, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing agreement, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)



NOTARY PUBLIC EXPIRES OCT. 2, 1967

George E. Renfro
Notary Public for California
Residing at:
My Commission Expires:

STATE OF IDAHO)

ss.

County of Teton)

On this 11 day of April, 1966, before me, the undersigned, a Notary Public for Idaho, personally appeared GRANT KUNZ and RUBY KUNZ, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Carroll Durrey
Notary Public for Idaho
Residing at: Lawrence, Idaho
My Commission Expires: May 1, 1968

STATE OF Maryland
County of Prince Georges ss.

On this 28th day of April, 1966, before me, the undersigned, a Notary Public for Prince Georges County, State of Maryland, personally appeared ELIOTS H. ONE, a widower, and JEAN KUNZ, a widow, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Louise B. Wells
Notary Public for Prince Georges County, State of Md.
Residing at: Lanham, Maryland
My Commission Expires: July 1, 1967

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STATE OF IDAHO)
 : SR.
County of Teton)

On this 7 day of June, 1966, before me, the undersigned, a Notary Public for Idaho, personally appeared JAMES KUNZ and ARLIEGH KUNZ, husband and wife, ELLIE KUNZ and JESSIE KUNZ, husband and wife, MCROE DUSTIN and VERA JEAN DUSTIN, husband and wife, EVA DUSTIN, a widow, and ~~ELMER WILLIAMS~~, widow, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Lyne S. Kearney
Notary Public for Idaho
Residing at: Victor, Idaho
My Commission Expires: Feb 21, 1967

(SEAL)

STATE OF Idaho)
County of Cannerville)

On this 11th day of May, 1966, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MILFORD N. KUNZ known to me to be the person whose name is subscribed to the within and foregoing Agreement, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

James A. Brown
Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission expires: 2-5-68

(SEAL)

STATE OF IDAHO
STATE OF IDAHO,)
IN and for said State,)
County of ~~BLAINE~~)
SS.

On this 30th day of June, 1966, before me, the under-
signed, a Notary Public in and for said State, personally
appeared EUNICE WILLIAMS, known to me to be the person whose
name is subscribed to the within instrument, and acknowledged to
me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal
the day and year in this certificate first above written.

F. C. Gullett

Notary Public for Idaho
Residing at ~~Blaine, Idaho~~
VICTOR, IDAHO

My Commission Expires:

July 1, 1968

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FILMED
INDEXED
PLATED

63933

STATE of IDAHO }
COUNTY of TETON }

Filed for Record at the Request of

of Idaho State

at 35 Minutes past 5

P. M. this 2

day of August 1966

and Micro-fimed or Recorded in

Book _____

of _____

Recorder of Teton County

Shirley L. Stone
Recorder

By Idaho State Deputy

82.50

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