

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: A22-11425
Date Received: 8/29/1988
Receipt No: E001870
Received By: SM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DELBERT T. KUNZ 208-354-2469
Address: 490 WEST 625 SOUTH
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	0.800		

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

8. Total consumptive use is 80.0 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	45E	31	NW	NW		IRR	40.0

Section Acres 40.0

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10. Place of Use: Continued

Total Acres 40.0

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:
NONE.

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: - 4 -

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): Albert L. King Date: 29 Aug 1988
Date: _____

State of Idaho)
County of Bonnerville) SS.

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

Seal

Residing at Rigby
My Commission Expires 4-22-1994

Benjamin S. [Signature]
Office Auditor & Recorder
Clerk of the District Court
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 VICTOR KUNTZ, Plaintiff, vs. JAMES KUNTZ, et al, Teton County Case No. 1-99, 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 is made to settle all 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:

TO HAVE FULLY AND COME INTO BEING by and between James Kuntz and Victoria Kuntz, husband and wife, Ellis Kuntz and Jessie Kuntz, husband and wife, Frankie Kuntz and Nora Jean Kuntz, husband and wife, all parties to the above entitled action, and Eva Kuntz, a widow, Gertrude Kuntz, a widow, claimants to the waters of Henderson Creek, hereinafter referred to, and Victor A. Kuntz and Emma Kuntz, husband and wife, parties to the above action, and Frank Kuntz and Nora Kuntz, husband and wife, and William J. Kuntz, a widower, and John Kuntz, 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 thereof to be paid to Eva Kuntz 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 H. 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 prescribed, however, that Jean Kunz, a widow,
and Milford H. Kunz, a widower, do have a right in and to the
waters of Boquet Creek for domestic use for their present two
homes, gardens 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 Boquet Creek,
or make 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 Boquet Creek, and James Kunz and Arleigh Kunz, husband and wife,
Ellis Kunz and Jennie 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,

Boquet Creek
domestic use
H.M.F.
for 1903
investor

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do hereby disclaim, surrender and abandon any and all right, title, claim or interest that any of them may have had in and to the waters of Boquet Creek, in each and every case, in full favor of Eva J. 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 Erna 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, Ellis 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 court 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 Ellis Kunz and his wife, and Monroe Dustin and his wife, as against Victor Kunz and Erna Kunz, husband and wife.

Five. The dismissals as to 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 30th day of November, 1965.

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James Kunz
James Kunz

Arleigh Kunz
Arleigh Kunz
HUSBAND AND WIFE

Ellis Kunz
Ellis Kunz
HUSBAND AND WIFE

Jessie Kunz
Jessie Kunz
HUSBAND AND WIFE

Monroe Dustin
Monroe Dustin

Eva Dustin
Eva Dustin
HUSBAND AND WIFE

Eva Dustin
Eva
A WIDOW

Eunice Williams
Eunice Williams
A WIDOW

Victor A. Kunz
Victor A. Kunz
HUSBAND AND WIFE

Erma Kunz
Erma Kunz
HUSBAND AND WIFE

Grant Kunz
Grant Kunz

Paul Kunz
Paul Kunz
HUSBAND AND WIFE

Michael N. Kunz
Michael N. Kunz
A WIDOW

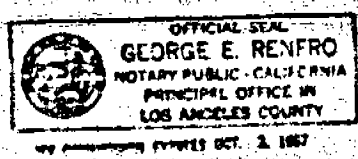
James E. Kunz
James E. Kunz
A WIDOW

STATE OF CALIFORNIA
County of Los Angeles

On this 31 day of December, 1965, before me, the undersigned, a Notary Public for California, personally appeared VICTOR A. KUNZ and ERMA 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.

(SEAL)



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

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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 Durney
Notary Public for Idaho

Residing at:

East of Idaho Falls, Idaho

My Commission Expires: May 1, 1968

STATE OF Maryland

County of Prince Georges

On this 28th day of April, 1966, before me, the undersigned, a Notary Public for Prince Georges County, State of Maryland, personally appeared

WILFORD W. KONE, 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.

Laurie B. Welby
Notary Public for Prince Georges County, State of Md.

Residing at: Lexham, Maryland
My Commission Expires: July 1, 1967

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STATE OF IDAHO)

County of Teton)

ss.

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, ELLIC KUNZ and JESSIE KUNZ, husband and wife, MCNROE DUSTIN and VERA JEAN DUSTIN, husband and wife, EVA DUSTIN, a widow, and ~~ELMER WILLIAMS~~, 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.

Lynn S. Kearney
Notary Public for Idaho
Residing at: Victor, Idaho

(SEAL)

My Commission Expires: Feb 21, 1967

STATE OF Idaho

County of Conneville

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.

Conneville
Notary Public for Idaho
Residing at: Conneville, Idaho
My Commission expires: 2-9-68

(SEAL)

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STATE OF IDAHO
STATE OF IDAHO,)
COUNTY OF) SS.
County of TETON)

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. Gullette

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

My Commission Expires:

July 1, 1968

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FILED
INDEXED
PLATED

63933

STATE of IDAHO } ss
COUNTY of TETON }
Filed for Record at the Request of
Edith E. Thatcher

at 35 Minutes past 9

P. M. this 2

day of August 1946

and Microfilm or Recorded in
Book _____

of _____

Record of Teton County
Edith E. Thatcher
Recorder

By Edith E. Thatcher Deputy

50.50

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