

Memorandum:

Date; 9-19-00

From: Craig Saxton

Subject: Evidence of water use for 22-00181 A

Notes: John Block came into my office in August of 2000. He moved to his home in Teton Co. and has been using water from two sources as defined on his decreed right. John didn't know that he needed to be paying fees to the watermaster. Thus, in the dry year it was, his neighbors cut off his water supply saying that he didn't have a water right since he hasn't paid the watermaster for delivery.

According to my conversation with John, he helps pay for the maintenance of the ditch system used to deliver water. I told him he needs to contact Water District 1 and get on the billing list. He also needed to gather as much evidence as he could to show a water right and use of the water.

He met with Wendy Murphy to get on the billing list, and brought me the evidence for the Adjudication claim file in Early September 2000.

several claimants, be made and sworn by one of them.

My commission expires Jan. 7, 1901.

Filed for record this 16th day of August 1900 at 2:30 o'clock P. M.

By... Deputy.

A. M. Carter, Recorder.

Transcribed from Book B of Water Rights, page 270, Fremont County Records.
Transcribed from Book 58 of Water Rights, page 84, Madison County Records.

NOTICE OF WATER RIGHT.

State of Idaho, County of Fremont, ss. TO ALL CONCERNED, NOTICE IS HEREBY GIVEN:

1st. That Sarah R. Bowles of Victor, Fremont Co. Idaho, hereby claims the use of the waters of Spring Creek, to the extent of Four cubic feet per second. 2nd. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: About 10 rods North of the center of Northwest quarter of Section 33, Twp. 4 N. of Range 45 E. B. M. (In above description give legal subdivision of land or describe the place with reference to some prominent land mark) 3rd. The purpose for which said water is intended to be used is for agricultural and domestic purposes. The place of intended use is at Victor, Idaho. 4th. It is intended to divert said water by means of a ditch and dam. The general course of the proposed canal is West. The length of the proposed canal is from 200 feet to $\frac{1}{2}$ mile. It is intended to use said water for irrigating the following described land: W2 NW4 Sec. 33 and the SE4 NE4 Section 32 Tp. 4 N. R. 45 E. B. M. 5th. It is intended to have the works for diversion and use of said water as aforesaid completed within five years. (This must in no case exceed five years) Witness my hand at Victor, Idaho, this 14th day of August, 1900.

Sarah R. Bowles, Claimants.

STATE OF IDAHO, COUNTY OF FREMONT, SS.

Sarah R. Bowles, being first duly sworn, deposes and says that she is of lawful age and is claimant of the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 14th day of August 1900 at ...minutes past 6 o'clock A. M.

Sarah R. Bowles.

Subscribed and sworn to before me this 15th day of August, 1900. Seal. My commission exp. Feb. 23" 1904.

W. H. Carbine, Notary Public.

Note-The above certificate may, where there are several claimants, be made and sworn to by one of them. Filed for record this 20th day of August, 1900. at 10:10 o'clock A. M.
By..... Deputy.

A. M. Carter, Recorder.

Transcribed from Book "B" of Water Rights, page 271, Fremont County Records.

Transcribed from Book 58 of Water Rights, page 85, Madison County Records.

DATE *for more detail on* PACKSADDLE CREEK *page 465*
water OWNER (ORIG. OWNER)

AMOUNT
(Sec.-ft.)

Apr. 5, 1889	M. Mickelson, E.A. Murdock, J.W. Hill, H. Caldwell, R. Rammell, Teton County, T. L. Elliot (W. Hill)	2 5.6
June 1, 1891	Teton County, M. Mickelson, E. A. Murdock (M. A. Hill)	2.4
June 1, 1895	Moroni Caldwell	3.2
Mar. 15, 1900	F. Randolph (plus high water for reservoir)	3.2
Oct. 1, 1900	Burlington Sav. Bank (J. W. Hill)	3.2
June 1, 1901	T. L. Elliot (J. S. Hill)	3.2
Jan. 15, 1904	Packsaddle Reservoir Co. (No. Fork)	25.0
No date	Packsaddle Reservoir Co. (So. Fork)	18.0
Total		63.80

MISCELLANEOUS RIGHTS IN TETON BASIN

DATE	STREAM	OWNER (ORIG. OWNER)	APPROX. LOCATION	AMT.
June 1, 1886	Spring Creek	E. J. Taylor (E. B. Seymour)	Sec. 2-4N-45E	6.0
June 1, 1887	Wood Cr. & Spgs.	C. E. Carrington, C. & P. Groschlo (J. Borrowman)	Sec. 32-5N-45E	1.2
June 1, 1888	Twin Creeks	W. & E. Buxton (W. S. Woods)	Sec. 31-5N-45E	4.0
June 1, 1889	Spring Creek	M. Williams, G. White, B. W. Kunz, J. Zohner (H. C. Bowles)	Sec. 29-4N-45E	2.8
June 1, 1889	John or Drake Cr.	Fred J. Drake (F. J. Drake)	Sec. 7-3N-45E	3.0
June 1, 1890	Springs	F. J. Drake (John Paul)	Sec. 8-3N-45E	0.3
June 1, 1890	Springs	Emma Hanks (D. G. S. Smith)	Sec. 32-6N-45E	0.4
June 1, 1890	Little Springs & Deep Creek	F. J. Drake (W. H. Paul)	Sec. 7-3N-45E	1.2
June 1, 1890	Boquat & Drake Crs.	E. Dustin, M. Williams (L. Drake)	Sec. 30-4N-45E	3.2
June 1, 1890	Paul Spring, Grove, Deep & Little Spg. Creeks	A. Krafka (J. P. Chesley)	Sec. 8-3N-45E	4.0
June 1, 1890	Twin Creeks	L. Buxton, W. Buxton, Utah Fire Ins. Co., G. Furnace (M. A. Buxton)	Sec. 32-5N-45E	2.0
June 1, 1890	Grove Creek	E. Kunz, M. McDonald (L. W. Andrews)	Sec. 6-3N-45E	2.4
June 1, 1890	Grove & Willow Spgs. Creek	J. Kunz (J. Ferguson)	Sec. 5-3N-45E	2.0
June 1, 1891	Spring Creek	? (Sarah Bowles)	Sec. 33-4N-45E	2.0
June 1, 1892	Paradise Springs	M. & W. Kunz, J. Zohner (G. Walton)	Sec. 29-4N-45E	2.0
June 1, 1894	Swamps	C. Mickelson (J. P. Moffat)	Sec. 18-5N-45E	0.8
June 1, 1894	Swamps	C. Mickelson (J. P. Moffat)	Sec. 18-5N-45E	1.4
June 15, 1894	Spring Cr-Pine Cr.	W. Johnson, A. C. Dorr, H. Hatch (L. L. Eynon)	Sec. 21-3N-45E	0.8
Oct. 15, 1894	Lower Trail Cr.	? (A. F. Sherman)	Sec. 29-4N-45E	1.4
June 1, 1895	Not given	? (E. G. Adams)	Sec. 12-5N-44E	3.0

A22-00181A

AFFIDAVIT OF BURTON KUNZ

STATE OF IDAHO)
)SS.
County of Teton)

Burton Kunz, being first duly sworn, on his oath deposes and says:

1. Affiant has been a resident of the Teton Basin in Teton County Idaho for some eighty-four (84) years, his entire life, and presently resides at 444 W. 525 S., Victor, Idaho 83455.

2. In 1944 affiant purchased a certain sixty (60) acres of land in Teton County, which was composed of the northwest quarter of the northwest quarter and the east half of the southwest quarter of the northwest quarter of section 33 in township 4 N. Range 45 E. of the Boise meridian.

3. At the time of said purchase, and ever since, two natural streams have flowed through portions of said property. The first stream, known locally and to affiant as "Muddy Slough" enters said property on the east side of said northwest quarter of the northwest corner of Section 33 and then meanders north along the eastern edge of said quarter quarter section until it exits the property on the north line and crosses under a road. During all the time when affiant owned said property,

and since, and so far as affiant always understood, for many years prior to his ownership, water was diverted from this natural channel and used for the irrigation of approximately 20 acres of pasture in said northwest quarter of the northwest quarter of said Section 33 and for the watering of livestock that were pastured there.

4. Affiant always understood the source to be a very constant spring upgradient from this property some distance to the east and south. While affiant never visited such spring, the creek had the appearance of a natural channel as far upstream as one could see, and the flow was quite steady year around, except that it often increased some during the summer when lands upgradient were being irrigated.

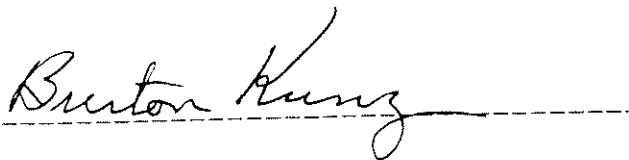
5. In about 1945, one Lloyd Woostenhume purchased some property adjacent to the above described land on the east, and over the years he did a great deal of work in relocating and straightening channels and ditches on his land, but such work did not seem to interfere with the flow of Spring Creek across affiant's property.

6. There is a second channel which affiant always knew and referred to as the "Spring Creek," which arises from springs to the south and enter this northwest quarter of the northwest quarter of said Section 33 on the south side and then meanders

in a northerly and somewhat westerly direction across the land to where it exits on the west side just south of the northwest corner of said quarter quarter section. Affiant and his predecessors in interest also diverted water from this source to irrigate about half of the 20 acre parcel described above and approximately another 15 acres of said northwest quarter of the northwest quarter.

7. Affiant's son Larell Kunz, took over the operation of this land in about 1977 and then sold the northwest quarter of the northwest quarter to Dr. John Block in 1986. Affiant has been to the land on many occasions since and remains familiar with its appearance and operation.

IN WITNESS WHEREOF affiant has hereunto set his hand and seal this 7th day of February 1994.



Burton Kunz

STATE OF IDAHO

)

)SS.

County of

Leton

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On the 7th day of February, in the year of 1994, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared Burton Kunz, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledge 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.

Donna Reece

(SEAL)

Notary Public for Idaho

Residing at *Letonia*

My Commission Expires: *2/10/98*