

7-7-06

- The agreement in this file is an agreement between the users of Boguet Creek and Henderson Creek. The Dustins' surrendered all their water to (from Boguet) Eunice Williams and Eva Dustin. Eva is Monroe's mother. Later in life Monroe bought that water ~~to~~ and land from his mother and has since changed hands to Monroe's son ~~the~~ Blake.

VB

~~Still need evidence of priority.~~

~~78 ac. now belongs to several (8) owners, including Monroe Dustin, and all ownerships say it is in c/o M. Dustin. Recommend to Monroe~~
~~Need to add all owners to claim~~
~~15 present owners. (No)~~

72-730 A

property now owned by Todd Dustin and wife. Recommend to Monroe?

Sec 30 not part of WR 72-730 A
limited to 80 ac. Need enlargement.

Called @ 9:10 7-25-06
Left message ^{while} to call
back. Awaiting
response

1483-7410

1483-7410
Original Kirsch, on file in my office.
Filed 11-12-85 19 74

55K 8865
Craw

Wm. C. Stone
Ex-Officio Auditor & Recorder
Clerk of the District Court
Bonnie S. Seltzer
Deputy Clerk

A G R E E M E N T

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 Iowa, entitled VICTOR KUNZ, Plaintiff, vs. James H. Kunz, et al., Jones County, Iowa No. 1-58, and the claims of some of the undersigned having been dismissed during the course of the trial or upon motion of all parties entering into the following agreement:

AND WHEREAS, all of the undersigned desire to, and it was agreed that they have entered 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 COME TO PASS by and between James H. Kunz, Plaintiff, and his wife, Ellis Kunz and Jessie Kunz, Defendants, Martha Augusta and Vera Jean Kunz, Plaintiff and wife, all parties to the above entitled action, and Eva Justin, Plaintiff, and her husband, Plaintiff to the action of Henderson Creek, hereinafter referred to, and Victor E. Kunz and Vera Kunz, Plaintiff and wife, parties to the above action, and Robert Kunz and Mary Kunz, Defendants, wife, and John E. Kunz, Plaintiff, and Vera Kunz, a wife, also a plaintiff 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 to be paid to Eva Justin and five hundred dollars to

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Junice Williams immediately upon the execution hereof, they and James Kunz, Monroe Dustin, Vera Jean Dustin, Eva Dustin, Junice 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.

Sec. It is covenanted, 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 houses, 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 interfere 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 Arliegh 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 Arma Kunz, husband and wife, Grant Kunz and Ruby Kunz, husband and wife,

*Boquet Creek
domestic use
HOMES
GARDENS
LIVESTOCK*

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 Foquat Creek, in each and every case, in full favor of Eva 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 Spring Creek, tributaries to each other, and in favor of James Kunz and wife, Ellis Kunz and wife, Mance 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 waters 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 Mance Dustin and his wife, as against Victor Kunz and Erna Kunz, husband and wife.

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

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

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NOV 6 1992

James Kunz
James Kunz

Arleigh Kunz
Arleigh Kunz
HUSBAND AND WIFE

Ellis Kunz
Ellis Kunz

Jessie Kunz
Jessie Kunz
HUSBAND AND WIFE

Monroe Dunstan
Monroe Dunstan

Marjorie Dunstan
Marjorie Dunstan
HUSBAND AND WIFE

Eva Dunstan
Eva
A WIDOW

Eunice Williams
Eunice Williams
A WIDOW

Victor A. Kunz
Victor A. Kunz

Erma Kunz
Erma Kunz
HUSBAND AND WIFE

Grant Kunz
Grant Kunz

Paul Kunz
Paul Kunz
HUSBAND AND WIFE

Marjorie N. Kunz
Marjorie N. Kunz

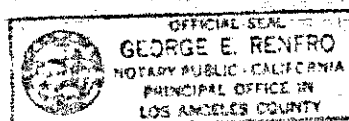
Erma Kunz
Erma Kunz
A WIDOW

STATE OF CALIFORNIA
County of Los Angeles

On this 31 day of December, 1945, 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)



NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN LOS ANGELES COUNTY
EXPIRES OCT. 1, 1947

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

MICROFILMED

NOV 16 1992

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 D. Dury
Notary Public for Idaho
Residing at: 101 S. 1st St. Boise, Idaho
My Commission Expires: May 6, 1967

Maryland
STATE OF Md.
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

ELFORD N. KUNZ, 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.

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

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NOV 06 1992

STATE OF IDAHO)
) ss.
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, MCNROE DUSTIN and VERA JEAN DUSTIN, husband and wife, EVA DUSTIN, a widow, and ~~ELIJE 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.

Lyons S. Korman
Notary Public for Idaho
Residing at: Victor, Idaho

(SEAL)

My Commission Expires: Feb 21, 1967

STATE OF Idaho)
) ;
County of Bannock)

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 E. Brown
Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission expires: 4-5-68

(SEAL)

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

On this 30th day of June, 1966, before me, the undersigned, 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.

H. C. Gullett
H. C. Gullett

Notary Public for Idaho
Residing at ~~Subsistence City, Idaho~~
VICTOR, IDAHO

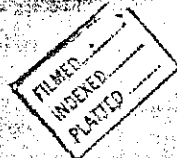
My Commission Expires:

July 1, 1968

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NOV 06 1992

63933



63933

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

at 3:15 Minutes past 0

P. M. hrs. 2

day of December 1966
and Microfilm ed or Recorded in

Book _____

of _____

Range 36 of Teton County

David W. LaRue
Recorder

By David W. LaRue Deputy

5250

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NOV 06 1992

~~1 018 23-0027~~ ✓
 DeRome, Peter 100 inches. May 23, 1900. Indian Creek.

~~1 018 23-0054~~ ✓
 Dewey Canal Company 1,860 inches. May 15, 1898. North Fork of Snake River.

~~1 018 22-0228~~ ✓
 Dewey, George A. 160 inches. June 1, 1891. Fox Creek.

Diamond X Live Stock Company. (Decreed to Pine Creek, Canal Company.)

Dille, A. C. North Salem Agricultural & Milling Canal Company. Also, member Roxana Canal Company.

~~1 018 1 055~~ ✓
 Dilts & LaBelle Ditch Company 1,400 inches. June 1, 1894. South Fork of Snake River.

~~1 018 23-0028~~ ✓
 Dixon, Charles S. 20 inches. July 1, 1899. Rainey Creek.

~~1 018 23-0029~~ ✓
 Dixon, Charles S. 30 inches. June 1, 1900. Rainey Creek.

Downs, John Enterprise Canal Company.

Downs, Mary Enterprise Canal Company.

~~1 018 22-0229~~ ✓
 Drake, Fred J. 150 inches. June 1, 1889. John Creek.

~~1 018 22-0230~~ ✓
 Drake, Lavina 160 inches. June 1, 1890. Boquet Creek and Drake Creek.

~~1 018 22-0231~~ ✓
 Drake, Richard 160 inches. June 1, 1890. Patterson Creek.

~~1 018 22-0232~~ ✓
 Drake, William 10 inches. June 1, 1889. Mahogany Creek.

~~1 018 22-0233~~ ✓
 Drake, William 150 inches. July 1, 1890. Mahogany Creek.

~~1 018 21-0041~~ ✓
 Drake, W. F. 400 inches. June 1, 1890. Fall River. (Sold to J. R. Silkey.)

~~1 018 35-0005~~ ✓
 Driscoll, M. A. 210 inches. June 1, 1895. McTeckers Springs and Hull's Slough.

Duncan, Henry Diego Ditch Company.

~~1 018 35-0037~~ ✓ ~~15-0253~~
 Dunham, W. F. 250 inches. June 1, 1884. Spring Creek.

Dunlap, William H. (See M. R. Perry.)

~~1 018 22-0234~~ ✓
 Durney, F. S. 15 inches. June 1, 1890. Trail Creek.

~~1 018 22-0605~~ ✓ ~~22-0611~~
 Durney, F. S. 60 inches. May 15, 1895. Little Farm Creek.

Dwyer, Mrs M. F. The Farmers' Friend Canal Company.

~~1 022 22-0235~~ ✓ ~~Trans. # 2122~~
 Eames, John S. 25 inches. July 15, 1886. Teton River.

Drake, Fred J.

E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 7, W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 8, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7, T. 3 N., R. 45 E., B. M., containing 200 acres.

Drake, Lavina

N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 31, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 30, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 29, T., 4 N., R. 45 E., B. M., containing 160 acres.

Drake, Richard

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 32, S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 31, T. 4 N., R. 45 E. B. M., containing 160 acres.

Drake, William

SE $\frac{1}{4}$ of SE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, T. 4 N., R. 44 E., B. M. *containing 160 acres*

Drake, W. P.

N $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and Lot 4, Sec. 13, T. 8 N., R. 41 E., B. M., containing 153 acres.

Driscoll, M. A.

Lots 1 and 2 and SE $\frac{1}{4}$ of Sec. 4, T. 5 S., R. 32 E., B. M., and S $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 4, T. 5 S., R. 32 E., B. M.

Dudley, Brigham

NE $\frac{1}{4}$ of Sec. 35, T. 4 N., R. 45 E., B. M., containing 160 acres.

Dunham, W. W.

NE $\frac{1}{4}$ of Sec. 25, T. 5 N., R. 37 E., B. M., containing 160 acres.

Dunlap, William H.

NW $\frac{1}{4}$ of Sec. 17, NE $\frac{1}{4}$ of Sec. 18, E $\frac{1}{2}$ of NW $\frac{1}{4}$ and Lots 1, 2, 3 and 4, of Sec. 18, SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and Lot 4 of Sec. 7 T. 8 N., R. 45 E., B. M. Also S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 13, T. 8 N., R. 44 E., B. M.

Durney, P. S.

W $\frac{1}{2}$ of NW $\frac{1}{4}$ (excepting 6.7 acres) of Sec. 23, T. 3 N., R. 43 E., B. M.

E.

Eames, John S.

NE $\frac{1}{4}$ of Sec. 22, T. 6 N., R. 40 E., B. M., containing 160 acres.

- 1-25-06 called left message with wife awaiting response.
- 3-8-06 called no answer. Needs enlargement
- 4-10-06 No response. Will recommend without enlargement and limit right to the N $\frac{1}{2}$ of NE of sec 31.

11-28-06

- agreement states that Dustin disclaims water from Pogue creek.
 - Ernie said to disallow and if he comes forward with evidence for 1965 when the agreement was signed or later we can change it.
- JK

~~1-018~~ 23-0027 ✓	DeRome, Peter	100 inches. May 23, 1900.	Indian Creek.
~~1-018~~ 23-0054 ✓	Dewey Canal Company	1,860 inches. May 15, 1898.	North Fork of Snake River.
~~1-018~~ 22-0228 ✓	Dewey, George A.	160 inches. June 1, 1891.	Fox Creek.
	Diamond X Live Stock Company.		(Decreed to Pine Creek, Canal Company.)
	Dille, A. C.		North Salem Agricultural & Milling Canal Company. Also, member Roxana Canal Company.
~~1-018~~ 1-0655 ✓	Dilts & LaBelle Ditch Company	1,400 inches. June 1, 1894.	South Fork of Snake River.
~~1-018~~ 23-0028 ✓	Dixon, Charles S.	20 inches. July 1, 1899.	Rainey Creek.
~~1-018~~ 23-0029 ✓	Dixon, Charles S.	30 inches. June 1, 1900.	Rainey Creek.
	Downs, John		Enterprise Canal Company.
	Downs, Mary		Enterprise Canal Company.
~~1-018~~ 22-0229 ✓	Drake, Fred J.	150 inches. June 1, 1889.	John Creek.
~~1-018~~ 22-0230 ✓	Drake, Lavina	160 inches. June 1, 1890.	Boquet Creek and Drake Creek.
~~1-018~~ 22-0231 ✓	Drake, Richard	160 inches. June 1, 1890.	Fatterson Creek.
~~1-018~~ 22-0232 ✓	Drake, William	10 inches. June 1, 1889.	Mahogany Creek.
~~1-018~~ 22-0233 ✓	Drake, William	150 inches. July 1, 1890.	Mahogany Creek.
~~1-018~~ 21-0041 ✓	Drake, W. P.	400 inches. June 1, 1890.	Fall River. (Sold to J. R. Silkey.)
~~1-018~~ 35-0005 ✓	Dristoll, M. A.	210 inches. June 1, 1895.	McTeckers Springs and Hull's Slough.
	Duncan, Henry		Diego Ditch Company.
~~1-018~~ 35-0037 ✓ 25-0253	Dunham, W. B.	250 inches. June 1, 1884.	Spring Creek.
	Dunlap, William H.		(See M. R. Perry.)
~~1-018~~ 22-0234 ✓	Durney, P. S.	15 inches. June 1, 1890.	Trail Creek.
~~1-018~~ 22-0235 ✓ 22-0611	Durney, P. S.	60 inches. May 15, 1895.	Little Fern Creek.
	Dwyer, Mrs M. F.		The Farmers' Friend Canal Company.
~~1-020~~ 22-0235 ✓	Eames, John S.	25 inches. July 15, 1896.	Teton River.

Drake, Fred J.

E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 7, W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 8, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7, T. 3 N., R. 45 E., B. M., containing 200 acres.

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SE $\frac{1}{4}$ of SE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, T. 4 N., R. 44 E., B. M. *containing 160 acres*

Drake, W. P.

N $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and Lot 4, Sec. 13, T. 8 N., R. 41 E., B. M., containing 153 acres.

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NE $\frac{1}{4}$ of Sec. 35, T. 4 N., R. 45 E., B. M., containing 160 acres.

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Dunlap, William H.

NW $\frac{1}{4}$ of Sec. 17, NE $\frac{1}{4}$ of Sec. 18, E $\frac{1}{2}$ of NW $\frac{1}{4}$ and Lots 1, 2, 3 and 4, of Sec. 18, SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and Lot 4 of Sec. 7 T. 8 N., R. 45 E., B. M. Also S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 13, T. 8 N., R. 44 E., B. M.

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E.

Eames, John S.

NE $\frac{1}{4}$ of Sec. 22, T. 6 N., R. 40 E., B. M., containing 160 acres.

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: A 22-00230
YES. Chang of POU.Document how the POD and Source were verified:

POINT OF DIVERSION IS BOGART CREEK +
 DRAKE CREEK. THERE ARE 2 STREAMS THAT
 COME TOGETHER AT POD. BUT U.S. MAP
 SHOWS A BOGART CREEK BUT NO DRAKE CREEK
 SO DRAKE CREEK MUST BE A LOCAL NAME
 FOR THE STREAM

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

THEIR IS A TRANSFER CONNECTED WITH CLAIM + POD. THE CLAIM IS FOR SW-SE SEC. 30, NE-NE + NW-NE SEC. 31. FULL 18 AC.

THE TRANSFER HAS NE NE - NW NE SEC. 31 SE SE SEC. 20 SW SW SEC. 29 TRANSFER # 2689 39 ACRES IN SEC. 29 WILL BECOME DRY LAND PASTURE.

Reviewer: NICK Date: _____

