

Transfer No. 2689

Water Right No. 22-0230

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

AMENDED **APPLICATION FOR TRANSFER OF WATER RIGHT** AMENDED  
To Change the Point of Diversion and/or the Place of Use **APPROVED**

Name of applicant Duane H. or Jean Kunz Phone 354-2441  
Post Office address Box 600, Victor, Idaho 83455

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. 22-0230 Decreed to Lavina Drake (Name)  
in case of Rexburg Irrigation Co. vs Teton Irrigation Canal  
dated in Dec, 16, 1910 in 6th Judicial Distr. county of Fremont  
(Name of court)
  - b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources
  - c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant owns part of property to which right is appurtenant.

3. Source of water Bouquet & Drake Creek tributary to Teton River
4. Date of priority June 1, 1890
5. Water is used for the following purposes: Not stated in decree  
amount 3.20 cfs for Irrigation purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ (month/day — both dates inclusive)
6. Total amount of water under right: a. 3.20 cubic feet per second  
b. \_\_\_\_\_ acre feet per annum
- Not stated in decree
7. Location of original point of diversion is \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_  
Township \_\_\_\_\_ Range \_\_\_\_\_, B.M., in \_\_\_\_\_ County  
Additional points of diversion, if any \_\_\_\_\_

8. Lands irrigated or place of use:

| TWP. | RANGE | SEC. | NE 1/4 |        |        | NW 1/4 |        |        | SW 1/4 |        |        | SE 1/4 |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SE 1/4 | NE 1/4 | SW 1/4 | SE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4N   | 45E   | 29   |        |        |        |        |        |        |        |        |        |        |        |        | *      |
|      |       | 30   |        |        |        |        |        |        |        |        |        |        |        | *      | *      |
|      |       | 31   | *      | *      |        |        |        |        |        | *      |        |        |        |        | *      |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 160

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B: DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 1.60 cubic feet per second &/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion NW 1/4 NE 1/4, Section 31 Township 4N  
Range 45E, B.M., Teton County  
Additional points \_\_\_\_\_

3. Place of use: \_\_\_\_\_

| TWP. | RANGE | SEC. | NE 1/4 |        |        | NW 1/4 |        |        | SW 1/4 |        |        | SE 1/4 |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SE 1/4 |        |
| 4N   | 45E   | 29   |        |        |        |        |        |        |        | 40     |        |        |        |        | 40     |
|      |       | 30   |        |        |        |        |        |        |        |        |        |        |        | 40     | 40     |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 80

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 1.60 c.f.s. &/or \_\_\_\_\_ acre feet
- b. Description of diverting works Diversion ditch to sump at re-diversion  
and pumped to NESW of Section 30.
- c. Describe the reasons for the proposed changes Water will be used more effectively  
on new place of use.

2. Change in point of diversion

Point of diversion NW 1/4 NE 1/4, Section 31 Township 4N  
Range 45E, B.M., Teton County  
Additional points Rediversion at SESW Section 29, T. 4N, R. 45E.

3. Change in place of use

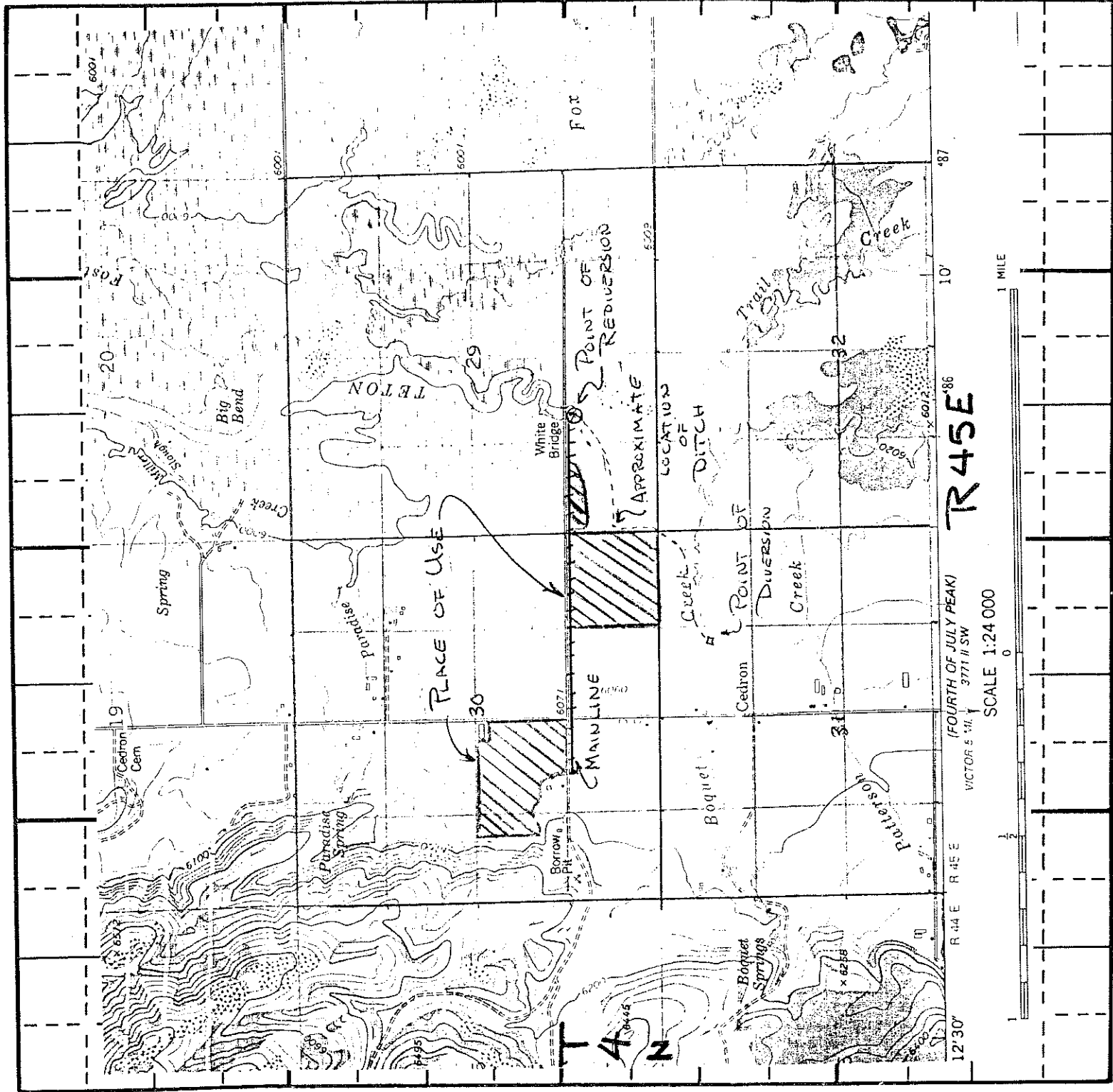
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes \_\_\_\_\_ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer  
Thirty seven acres in the SW 1/4 SW 1/4 section 29 will become dry land  
pasture.

c. Describe the lands and place of use to which the right will be transferred:

| TWP. | RANGE | SEC. | NE 1/4 |        |        | NW 1/4 |        |        | SW 1/4 |        |        | SE 1/4 |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4N   | 45E   | 30   |        |        |        |        |        |        | 34     | 6      |        |        |        | 37     | 77     |
|      |       | 29   |        |        |        |        |        |        |        | 3      |        |        |        |        | 3      |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 80

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.  
I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 11th day of January, 19 84  
Alfred A. Nibauer  
(Notary Public)

My commission expires 8-4-86

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-02308  
and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works in both the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 31, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 29, Twp 4N, Rge 45E.
2. Diversion of water authorized by this transfer requires there be sufficient water in Bouquet Creek to fill this right. 3. Use of water under this transfer is subject to control by the watermaster of State Water District No. 1, Snake River.

Witness my hand this 10 day of May, 19 84  
A. Glen Saxton  
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by BP Date 1-12-84 Protest filed by \_\_\_\_\_  
Prelim. check by BP Fee 20.00  
Received by BP Date 12/20/83 # 2975  
Published in Teton Valley News  
Pub. dates 1/26 & 2/2/84  
Copies of protest forwarded by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendation requested on \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval by SA approval \_\_\_\_\_ denial \_\_\_\_\_  
\_\_\_\_\_ rec'd. \_\_\_\_\_