

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 SEP 10 PM 10 34

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights:

22-149 split into 22-13735 & 22-13736

22-7104 split into 22-13740 & 22-13741

22-7297 split into 22-13742 & 22-13743

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party (SPLIT) Merle Kunz – Merle Kunz and Ryan Kunz
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Sept 6, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Sept 7, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
MERLE G KUNZ
C/O LARRY KUNZ
721 S 450 W
VICTOR ID 83455

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
MERLE G KUNZ RYAN M KUNZ
C/O LARRY KUNZ 616 S 100 W
721 S 450 W VICTOR ID 83455
VICTOR ID 83455

4. One copy to:

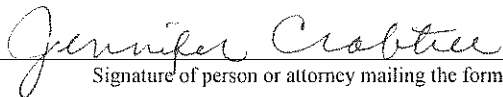
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
DIRECTOR'S REPORT OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7104 *DISALLOWED*

Split Right: See Nos. 22-13740 & 22-13741

07/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13740

NAME AND ADDRESS: MERLE G KUNZ
C/O LARRY KUNZ
721 S 450 W
VICTOR ID 83455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.900 CFS
47.80 AFY

Right Nos. 22-13740 and 22-13742 are limited to a total combined diversion rate of 0.90 cfs and to a total combined annual diversion volume of 326.5 AF.

PRIORITY DATE: 09/18/1974

POINT OF
DIVERSION:

T04N R45E S34 NENENE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.900 CFS 47.80 AFY

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S34	NENE	4.00	T04N R45E S34	NWNW	5.00
T04N R45E S35	NENW	40.00	T04N R45E S35	NWNW	38.00
T04N R45E S35	SWNW	39.00	T04N R45E S35	SENW	39.00

165 ACRES TOTAL

This right is limited to the irrigation of 72 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 165 acres in a single irrigation season. Combined Right Nos.: 22-13735, 22-13740, 27-13742.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 22-7104 .

Use of this right is combined with water from Fox Creek Canal Co.

07/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13741

NAME AND ADDRESS: RYAN M KUNZ
616 S 100 W
VICTOR ID 83455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.610 CFS
32.30 AFY

Right Nos. 22-13741 and 22-13743 are limited to a total combined diversion rate of 0.61 cfs and to a total combined annual diversion volume of 221.6 AF.

PRIORITY DATE: 09/18/1974

POINT OF
DIVERSION:

T04N R45E S34 NENENE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.100 CFS 32.30 AFY

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S34	NENE	28.00	T04N R45E S34	NWNE	40.00
T04N R45E S34	NENW	38.00	T04N R45E S34	NWNW	6.00

112 ACRES TOTAL

This right is limited to the irrigation of 49 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 112 acres in a single irrigation season. Combined Right Nos.: 22-13736, 22-13741, 22-13743.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Fox Creek Canal Co.

This right is a split from former right 22-7104 .

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
DIRECTOR'S REPORT OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7297 *DISALLOWED*

Split Right: See Nos. 22-13742 & 22-13743

07/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13742
NAME AND ADDRESS: MERLE G KUNZ
C/O LARRY KUNZ
721 S 450 W
VICTOR ID 83455

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.900 CFS
279.00 AFY

Right Nos. 22-13740 and 22-13742 are limited to a total combined diversion rate of .90 cfs and to a total combined annual diversion volume of 326.5 AF.

PRIORITY DATE: 07/26/1979

POINT OF
DIVERSION: T04N R45E S34 NENENE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.900 CFS 279.00 AFY
The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S34	NENE	4.00	T04N R45E S34	NWNW	5.00
T04N R45E S35	NENW	40.00	T04N R45E S35	NWNW	38.00
T04N R45E S35	SWNW	39.00	T04N R45E S35	SENW	39.00

165 ACRES TOTAL

This right is limited to the irrigation of 93 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 165 acres in a single irrigation season. Combined Right Nos.: 22-13735, 22-13740, 22-13742.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 22-7297 .

Use of this right is combined with water from Fox Creek Canal Co.

07/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13743

NAME AND ADDRESS: RYAN M KUNZ
616 S 100 W
VICTOR ID 83455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.610 CFS
189.00 AFY

Right Nos. 22-13741 and 22-13743 are limited to a total combined diversion rate of 0.61 cfs and to a total combined annual diversion volume of 221.6 AF.

PRIORITY DATE: 07/26/1979

POINT OF
DIVERSION:

T04N R45E S34 NENENE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.610 CFS 189.00 AFY

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S34	NENE	28.00	T04N R45E S34	NWNE	40.00
T04N R45E S34	NENW	38.00	T04N R45E S34	NWNW	6.00

112 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 112 acres in a single irrigation season. Combined Right Nos.: 22-13736, 22-13741, 22-13743.

This right is limited to the irrigation of 63 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Fox Creek Canal Co.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 22-7297 .

IDAHO DEPARTMENT OF WATER RESOURCES
DIRECTOR'S REPORT OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-149 *DISALLOWED*

Split Right: See Nos. 22-13735 & 22-13736

07/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13735

NAME AND ADDRESS: MERLE G KUNZ
C/O LARRY KUNZ
721 S 450 W
VICTOR ID 83455

SOURCE: FOX CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 06/01/1898

POINT OF
DIVERSION:

T04N R46E S30 NWSNW Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.600 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R45E S34 NENE 4.00	T04N R45E S34 NWNW	5.00
	T04N R45E S35 NENW 40.00	T04N R45E S35 NWNW	38.00
	T04N R45E S35 SWNW 39.00	T04N R45E S35 SENW	39.00

165 ACRES TOTAL

This right is limited to the irrigation of 30.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 165 acres in a single irrigation season. Combined Right Nos.: 22-13735, 22-13740, 22-13742.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This right is subject to regulation by the watermaster of Water District 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Fox Creek Canal.

Use of this right is combined with water from Fox Creek Canal Co.

This right is a split from former right 22-149 .

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

07/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13736

NAME AND ADDRESS: RYAN M KUNZ
616 S 100 W
VICTOR ID 83455

SOURCE: FOX CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 06/01/1898

POINT OF
DIVERSION:

T04N R46E S30 NWSNW Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.400 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R45E S34 NENE	28.00	T04N R45E S34 NWNE 40.00
	T04N R45E S34 NENW	38.00	T04N R45E S34 NWNW 6.00

112 ACRES TOTAL

This right is limited to the irrigation of 20.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 112 acres in a single irrigation season. Combined Right Nos.: 22-13736, 22-13741, 22-13743.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is subject to regulation by the watermaster of Water District 01.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Fox Creek Canal Co.

Water is delivered through Fox Creek Canal.

This right is a split from former right 22-149 .

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.