

DEV ✓

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	22-230B	ADS			
	22-13511	ADS - recommended as Disallow			
	22-180B				

RECEIVED

DEC 12 2008

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

Department of Water Resources
Eastern Region

3. Name and Address of Former Owner/Claimant(s)

Juanita M. Kunz
Jean C. Kunz

4. New Owner/Claimant(s)

Juanita and Jean Kunz Family Trust

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

480 W. 595 S

City, State and ZIP Code

Victor ID 83451

New Telephone Number

(208) 354-8865

RECEIVED
DEC 12 2008

Department of Water Resources
Eastern Region

5. Date you acquired the property _____

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) _____

Executive of Trust
(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____ Date _____

RECEIVED

JUL 06 1995

TETON Co. Id.
Clerk Recorder

"SCHEDULE A"

120483

WARRANTY DEED

Warranty deed made this ____ day of July, 1995, between DUANE H. KUNZ and JEAN C. KUNZ, husband and wife, of 470 West 575 South, Victor, Idaho 83455, referred to as Grantors, and The DUANE and JEAN KUNZ FAMILY TRUST, Duane H. Kunz and Jean C. Kunz, Trustees, referred to as Grantee.

Grantors in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and do hereby grant, bargain, sell, convey, and confirm unto Grantee and its heirs and assigns forever, all the following described real estate situated in Teton County, Idaho:

PARCEL I

The SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Less Road
Acres

PARCEL II

The SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

PARCEL III

Lots 2 and 3 of Section 30, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Less Tax No. 2065, more specifically described as beginning at a point 400 feet West of the SE corner of Lot 3, and running thence West 209 feet, thence North 209 feet, thence East 209 feet, thence South 209 feet to the place of beginning.

Less Tax No. 2419, more specifically described as commencing at a point 360 feet North and 30 feet East of the SW corner of Lot 3, and running thence North 330 feet, thence East 132 feet, thence South 330 feet, thence West 132 feet to the place of beginning.

WARRANTY DEED-I

Also less Tax No. 2997, more specifically described as: commencing at the SW Corner of Lot 3, thence North 60 feet along the section line; thence East 30 feet to the true point of beginning; and running thence North 300 feet; thence East 200 feet; thence South 300 feet; thence West 200 feet. Contains 1.38 acres more or less. Bearing is based on West Section line bearing North.

Also Less Tax No. 3054, being more specifically described as: Beginning at the W $\frac{1}{4}$ Corner of said Section 30 and running thence North 1308.94 feet along the Section line to the NW Corner of Lot 2 of said Section; thence East 250.0 feet along the North line of Lot 2; thence South 2630.38 feet more or less to the South line of Lot 3; thence West 250 feet to the Section line; thence North 1321.44 feet to the point of beginning LESS the following: From the SW Corner of Lot 3 of said Section 30 North 60.0 feet; thence East 30 feet to a point of beginning; thence North 630 feet; thence East 132 feet; thence South 330 feet; thence East 68 feet; thence South 300 feet; thence West 200 feet to the point of beginning.

MRS # 3503
→

Also Less Tax No. 3124, being more specifically described as: Beginning at the NW Corner of Lot 2 and running thence East 250 feet to the true point of beginning; thence South 435 feet; thence East 700 feet; thence North 435 feet; thence West 700 feet to the true point of beginning. Contains 7 acres more or less. TOGETHER with a 60 foot nonexclusive easement beginning from the SE Corner of the above described property meandering southerly along the West boundary of the tillable ground to a point where it intersects the county road to Henderson Canyon (575 S) East of the Craig Kunz property.

PARCEL IV

The NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Less Tax No. 3234, being more specifically described as: Beginning 1582.45 feet East of the SW Corner of Lot 3, thence East 150 feet; thence North 175 feet; thence West 150 feet; thence South 175 feet to the point of beginning.

PARCEL V

Tax No. 3404, being more specifically described as: Beginning at a point 540 feet West of the NE Corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence West 209 feet, thence South 209 feet, thence East 209 feet, thence North 209 feet to the point of beginning.

PARCEL VI

The W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 32, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its heirs and assigns forever.

And Grantors and their heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, its heirs, and assigns against Grantors and their heirs and against all and every person and persons whomsoever, lawfully claiming the same.

Grantors have hereunto set their hand on the day and year first above written.

Duane H. Kunz
DUANE H. KUNZ, Grantor

Jean C. Kunz
JEAN C. KUNZ, Grantor

RECEIVED

ROY C. MOULTON
Attorney at Law
60 East Wallace Ave.
P.O. Box 634
Driggs, Idaho 83422
(208) 354-2345
(208) 354-2346 [facsimile]

JUL 06 1995

TETON Co
Clerk Recd

120482

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

In the matter of the)

) Case No. _____

)
)
)
) The DUANE and JEAN KUNZ
) FAMILY TRUST
)
)
)
) _____

REGISTRATION OF TRUST
Under I.C. § 15-7-101
and 15-7-102

It is the desire of the undersigned to register this Trust in the Teton County
Courthouse, State of Idaho.

1. Name. The name of the Trust to be registered is THE DUANE and JEAN
KUNZ FAMILY TRUST.
2. Trustees. The name and address of each Trustee and successor Trustee is as
follows:

DUANE H. KUNZ Original Trustee.
470 West 575 South
Victor, Idaho 83455

JEAN C. KUNZ Original Trustee.
470 West 575 South
Victor, Idaho 83455

CRAIG D. KUNZ Successor Trustee.
466 West 575 South
Victor, Idaho 83455

REGISTRATION OF TRUST

120482

FILED

AT THE REQUEST OF

Roy Moulton
ATTEST: *July 6, 1995*
Ada J. Drake
Nora Rigby

Filed *✓*
TETON Co
Clerk Recd

120482

Grantors, CRAIG D. KUNZ, whose current address is 466 West S 'S South, Victor, Idaho 83455, is appointed to be the sole Trustee. If CRAIG D. KUNZ is not available to serve as Trustee, then DEAN H. KUNZ, whose current address is 161 South 2000 West, Rexburg, Idaho 83440, shall be appointed as successor Trustee.

Duane H. Kunz
DUANE H. KUNZ, Grantor

Jean C. Kunz
JEAN C. KUNZ, Grantor

STATE OF IDAHO)
 : ss.
County of Teton)

On this 5th day of July, 1995, before me personally appeared DUANE H. KUNZ and JEAN C. KUNZ, husband and wife, known or identified to me to be the persons whose names are 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 above written.



Pauline Bagley
Notary Public for Idaho
Residing at: Victor
My Commission expires: 1999

REGISTRATION OF TRUST-3

DURABLE GENERAL POWER OF ATTORNEY
(Effective Upon Incapacity)

I, Jean C. Kunz, of 470 West 575 South, Victor, Idaho 83455, appoint Craig D. Kunz, of 480 West 575 South, Victor, Idaho 83445, as my attorney-in-fact (hereinafter "my attorney-in-fact"). My attorney-in-fact, by an instrument in writing signed by my attorney-in-fact, may appoint any individual or corporation as substitute attorney-in-fact under this power of attorney with any or all of the powers and authority granted my attorney-in-fact. Any substitute attorney-in-fact shall have all of the authorities and powers granted under this instrument.

ARTICLE 1
Durability

This power of attorney is a "durable" power of attorney as that term is defined in Section 15-5-501, Idaho Code, and shall not terminate on my disability, incompetency or incapacity, and my attorney-in-fact shall continue to be able to exercise any power or authority I have given my attorney-in-fact, regardless of my later disability, incompetence or incapacity. All acts done by my attorney-in-fact during any period of my disability, incompetency or incapacity shall have the same effect and inure to the benefit of and bind me and my successors in interest as if I were competent and not disabled or incapacitated and acting for myself.

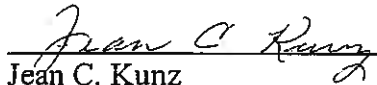
ARTICLE 2
Authorities Granted

I authorize my attorney-in-fact to do the following on my behalf.

A. Financial Accounts. My attorney-in-fact may maintain any financial accounts, including checking, savings, or credit union accounts presently in my name, establish new financial accounts in my name, and deposit money into, withdraw money from, and draw checks on these accounts.

B. Commercial Paper. My attorney-in-fact may receive, endorse, and collect any currency or commercial paper, including, but not limited to, any checks or drafts payable to me.

C. Investments. My attorney-in-fact may invest and reinvest my funds in any type of investment, including corporate obligations of every kind, preferred or common stocks, securities of any regulated investment trust, partnership interests, limited liability company interests, and every other type of investment.



Jean C. Kunz

D. Location of Assets. My attorney-in-fact may move any of my property to any place, whether or not within the United States.

E. Sale of Assets. My attorney-in-fact may sell or otherwise transfer any of my property, real, personal, or mixed, tangible or intangible, on such terms and conditions as my attorney-in-fact may deem advisable, and to execute any instruments and give any warranties or indemnifications that my attorney-in-fact may deem useful in effecting such sale or transfer.

F. Businesses. My attorney-in-fact may participate in the operation of any business or other enterprise, including voting any stock, and may incorporate, dissolve, or otherwise change the form of such business.

G. Stock. My attorney-in-fact may vote in person or by proxy, sell or otherwise dispose of, cause to be registered in the name of a nominee selected by my attorney-in-fact, transfer, redeem, convert, or exchange any stock or other security that now belongs to me or may belong to me in the future or in which I may have an interest, and make, execute, and deliver any endorsement, assignment, certification, or other document in connection with any security.

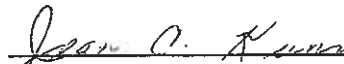
H. Loans. My attorney-in-fact may borrow and lend money on such terms, including, but not limited to, interest rates, security, and loan duration, as my attorney-in-fact may deem advisable.

I. Insurance Policies. My attorney-in-fact may apply for and own any policies of insurance on my life, on any of my property, and against any liabilities or damages my attorney-in-fact may deem advisable; pay any premiums or other charges required to maintain such policies; and exercise any incident of ownership over such policies, including, but not limited to, any right to change beneficiaries, cancel any policy, borrow against any cash values, or make any elections with respect to the policies.

J. Property Management. My attorney-in-fact may improve, develop, manage, lease, or abandon any of my property.

K. Nominees. My attorney-in-fact may hold any of my property in the name of any trustee, custodian, or nominee, without disclosing this relationship.

L. Motor Vehicles. My attorney-in-fact may apply for or transfer any certificate of title on any motor vehicle and may represent that such vehicle is free and clear of all liens and encumbrances not otherwise noted in the transfer documents.



Jean C. Kunz

M. Legal Actions. My attorney-in-fact may prosecute or defend any action to protect me or my property, or to protect my attorney-in-fact in the performance of the duties under this instrument, and may pay, contest, or settle any claim by or against me or my attorney-in-fact in the performance of the duties under this instrument.

N. Employees. My attorney-in-fact may employ persons, even if they are associated with my attorney-in-fact, to advise or assist in the performance of the duties under this instrument.

O. Tax Returns. My attorney-in-fact may prepare, sign, and file any returns of tax, refund claims, requests for extension of time to file or pay; petition to any court with respect to any tax, offers, waivers, consents, powers of attorney, and other documents relating to any type of federal, state, local, or foreign tax; and execute any elections I may have under any such tax laws. I waive any privileges I may have against disclosure of any confidential tax information to my attorney-in-fact.

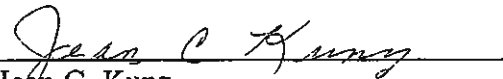
P. Revocable Trust. My attorney-in-fact may transfer any of my assets to any revocable trust I have created to be administered under the terms of such trust, and may withdraw assets from any such trust for any proper purpose, even if my attorney-in-fact is a trustee.

Q. Disclaimer. My attorney-in-fact may disclaim all or part of any transfers to me if my attorney-in-fact deems it probable that no gift taxes will be imposed on me on account of such disclaimer.

R. Safe Deposit Boxes. My attorney-in-fact may enter my existing safe deposit boxes, close them out, and open any new safe deposit boxes in my name.

S. Retirement Benefits. My attorney-in-fact may select the method and time of payments from and the beneficiaries of any of my pension, profit sharing, stock ownership, or other retirement plans; elect to participate in and make investment selections and give investment directions under such plans; amend or terminate any of my individual retirement accounts or other retirement or deferred income arrangements; and make selections of optional benefits offered by my employer and exercise continuation rights as to any benefits.

T. Government Benefits. My attorney-in-fact may act for me in all matters which affect my right to government benefits and assistance, including without limitation Social Security, Medicare, Medicaid, qualified state tuition programs, and other governmental benefits and benefits relating to civil or military service; to file, prosecute, submit to arbitration or settle any claim for benefits or assistance; to establish new residency and domicile; and to receive the proceeds of claims and conserve, invest, disburse and use them on my behalf.


Jean C. Kunz

U. **Other.** My attorney-in-fact may do any other thing that my attorney-in-fact may deem advisable, necessary, or desirable for the management of my affairs or for my health, comfort, or welfare. My attorney-in-fact may do, exercise or perform any act, power, duty, right or obligation whatsoever that I now have, or may subsequently acquire the legal right, power or capacity to exercise or perform, in connection with, arising from or relating to any person, item, transaction, business, real or personal property, tangible or intangible thing or any matter whatsoever.

ARTICLE 3 Gifts

A. **To My Spouse.** My attorney-in-fact may make gifts to my spouse of any of my assets.

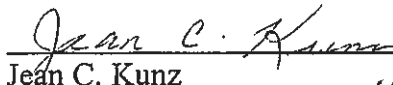
B. **To My Descendants.** My attorney-in-fact may make gifts annually to each of my descendants in amounts equal to the annual federal gift tax exclusion (presently \$11,000 per donee, under Section 2503(b) of the Internal Revenue Code of 1986, as amended). My attorney-in-fact may also make gifts to my descendants by the direct payment of their medical and tuition expenses, to the extent that these gifts qualify for the unlimited gift tax annual exclusion under Section 2503(e) of the Internal Revenue Code of 1986, as amended.

C. **To Charities.** My attorney-in-fact may make gifts on my behalf to any charitable organization and pay my charitable pledges and dues.

D. **Trusts and Custodial Accounts.** All such gifts may be made outright, in trust, or to any legal guardian or custodian under any applicable Uniform Transfers (or Gifts) to Minors Act, as my attorney-in-fact may deem appropriate, even if my attorney-in-fact is the trustee, guardian, or custodian.

E. **Limitations.** In no event may any gift be made from my assets to my attorney-in-fact except as is appropriate for my attorney-in-fact's health, education, support, or maintenance, as these terms are defined for federal estate and gift tax purposes. My attorney-in-fact may not use any of my assets in a manner that would discharge my attorney-in-fact's legal obligation personally to support any of my descendants.

F. **Basis for Gifts.** My attorney-in-fact shall make gifts from my assets in a manner that gives due regard to my history of family and charitable giving, my personal financial condition, my estate plan (including my will and any trusts I have created), and my desire to minimize federal and state estate, gift, generation-skipping, and other wealth transfer taxes.



Jean C. Kunz

ARTICLE 4
Condition to Exercise of This Power

This power of attorney shall be exercisable by my attorney-in-fact only if accompanied by a written certification of my inability to manage my own financial affairs. This certification must be signed by at least two (2) physicians, and must state that each of them has personally examined me and that I am physically or mentally incapacitated, regardless of cause.

ARTICLE 5
Miscellaneous

A. Real Property. This power of attorney specifically gives my attorney-in-fact the power to manage, deal with, lease, and/or sell any real property now owned or hereafter acquired by me and any fixtures attached to my real property, any personal property used in connection with my real property, and any policies of casualty insurance on my real property.

B. Revocation of Power. I may revoke this power of attorney by a written instrument. All persons shall recognize the authority of my attorney-in-fact to manage my affairs and transact my business under this instrument until receipt of a written notice of revocation. No one shall be liable to me or my estate for losses resulting from the good faith recognition of the authority of my attorney-in-fact prior to receipt of a written notice of revocation.

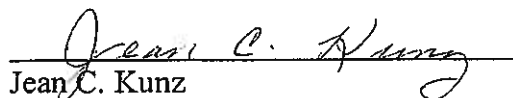
C. Counterparts. Anyone may rely fully, completely, and equally on the following: (1) the original of this power of attorney; (2) a duly executed counterpart; or (3) a copy certified by my attorney-in-fact to be a true copy of the original power of attorney.

D. Purchasers. Anyone who purchases any of my property from my attorney-in-fact is not obligated to see to the application of the purchase money or other consideration paid for such property.

E. State Law. This power of attorney shall be governed by and construed according to the laws of Idaho.

F. Number. Whenever the context of this power of attorney requires, the singular number includes the plural and vice versa.

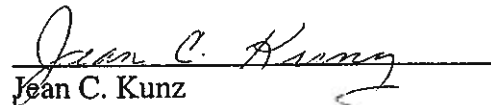
G. General Power. This power of attorney is to be construed and interpreted as a general power of attorney. The enumeration of specific items, rights, acts or powers is not intended to, nor does it, limit or restrict, and is not to be construed or interpreted as limiting or restricting, the general powers granted to my attorney-in-fact. My attorney-in-fact shall have full power and


Jean C. Kunz

authority to do, take and perform all and every act and thing whatsoever necessary, advisable, convenient or proper to be done, in the exercise of any of the rights and powers granted, as fully to all intents and purposes as I might or could do if personally present, whether the same are in this instrument particularly specified or not, hereby ratifying and confirming all that my attorney-in-fact shall lawfully do or cause to be done by virtue of this power of attorney.

H. Guardians/Conservators. It is my desire and request that no guardian or conservator of my person or property be appointed in the event of my disability or incapacity. If, however, a guardian or conservator of my person or property is to be appointed for me, I hereby nominate and appoint my attorney-in-fact hereunder to serve as guardian and conservator without bond.

29th IN WITNESS WHEREOF, I have executed this Durable General Power of Attorney this day of December, 2005.


Jean C. Kunz

STATE OF IDAHO)
 :ss
County of Madison)

On this 29th day of December, in the year 2005, before me, a Notary Public in and for said State, personally appeared Jean C. Kunz, known or identified to me (or proved to me on the oath of _____), to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.


Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 12/04/10

