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DEC 23 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
DEC 22 2009
By _____ Clerk _____ Deputy Clerk

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	)	ORDER TO SHOW CAUSE AND
	)	SUMMONS TO APPEAR
Case No. 39576	)	
	)	
_____	)	SUBCASE NOS.: 22-180A, 22-365,
	)	22-575A, and 22-2057

A Status Conference was held for these subcases on December 16, 2009. Craig Kunz failed to appear at the hearing. Claimants Gary and Sherry Zohner and the Idaho Department of Water Resources appeared at the hearing. IDWR reported to the court that *Standard Forms 5* were mailed to Mr. Kunz, and that they have not been returned.

The court notes that the objector also failed to attend the Status Conference on July 29, 2009. Therefore, the court issued an Order to Show Cause why the court should not recommend these rights consistent with the proposed *Standard Forms 5*.

Therefore, IT IS HEREBY ORDERED, pursuant to I.R.C.P. 6(c)(2) and I.R.C.P. 6(c)(4) that Craig Kunz shall appear at a Show Cause Hearing to determine why these rights should not be recommended consistent with the attached *Standard Forms 5*.

DATE:	February 5, 2010	Friday
TIME:	10:00 am	
LOCATION:	Snake River Basin Adjudication	
	253 3 rd Ave. North	
	Twin Falls, Idaho 83301	

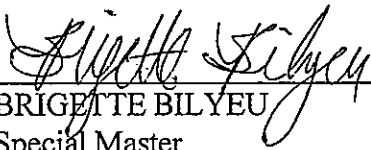
Parties may participate by telephone for this Show Cause Hearing by dialing 1-225-383-1099 and when prompted enter participant code 926509. If you have any questions regarding participating by telephone, please contact the clerk's office at (208) 736-3011.

Craig Kunz is hereby informed that pursuant to Rule 6(c)(4) of the Idaho Rules of Civil Procedure, any party has the right to elect to produce testimony and evidence at the hearing upon the Order to Show Cause, or to cross-examine the adverse party or the adverse party's affiants, by first giving at least twenty four (24) hours notice to the Court and opposing counsel before the show cause hearing.

A copy of this *Order to Show Cause and Summons to Appear* shall be served upon Craig Kunz not less than five (5) days prior to the date set for hearing, upon which those parties are required to appear before this Court and show cause. Service of this *Order* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

APPEARANCE AT THIS HEARING IS MANDATORY. FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN THESE WATER RIGHTS BEING RECOMMENDED CONSISTENT WITH THE ATTACHED STANDARD FORMS 5.

Dated: December 22, 2009.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER NAME AND ADDRESS

22-180A GARY ZOHNER
401 W 475 S
VICTOR ID 83455

SHERRY ZOHNER
401 W 475 S
VICTOR ID 83455

CLAIM DISPOSITION REASON

Disallowed

Recommended as Right No.
22-180B.

RWR

INITIAL
HERE



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

RIGHT NUMBER: 22-365

NAME AND ADDRESS:

GARY ZONNER
401 W 475 S
VICTOR ID 83455
SHERRY ZONNER
401 W 475 S
VICTOR ID 83455

SOURCE:

Source:
TETON RIVER

Tributary:
HENRYS FORK

Point of injection into and point of redirection from Paradise Creek.

QUANTITY:

2.520 CFS

1.980-CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands below.

PRIORITY DATE: 07/31/1903

POINT OF DIVERSION:

T04N R45E S20 SWNWSW Rediversion
Within TETON County

T04N R45E S20 SWNWSW Injection
Within TETON County

T04N R45E S20 NWSKSW
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

2.520 CFS

1.980-CFS

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

PLACE OF USE: IRRIGATION within TETON County

T04N R45E S19 SESE 40.0

T04N R45E S19 NESE 37.0

T04N R45E S19 NWSE 39.0

T04N R45E S19 SESE 22.0

T04N R45E S20 SWNW 19.0

T04N R45E S20 NWSW 12.0

RWR
~~T04N R45E S19 NESE 40.0~~

~~T04N R45E S19 NWSE 40.0~~

~~T04N R45E S19 SESE 40.0~~

~~T04N R45E S20 SWNW 28.0~~

~~T04N R45E S20 NWSW 18.0~~

169 ACRES TOTAL

206 ACRES TOTAL

This right is limited to the irrigation of 126 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 169 acres in a single irrigation season. Combined Right Nos.: 22-365, 22-575A, and 22-2057.

~~This right is limited to the irrigation of 86.5 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 206 acres in a single irrigation season. Combined Right Nos.: 22-365, 22-575A, 22-2057~~

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 - Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

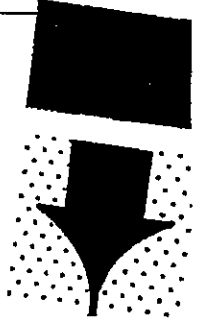
IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-575A

NAME AND ADDRESS:

GARY ZOHNER
401 W 475 S
VICTOR ID 83455
SHERRY ZOHNER
401 W 475 S
VICTOR ID 83455

RWR



SOURCE:

Source:

PARADISE CREEK
PARADISE-SPRING

Tributary:

TETON RIVER

QUANTITY:

1.000 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands below.

PRIORITY DATE:

06/01/1892

POINT OF DIVERSION:

T04N R45E S20 SWNWSW
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

1.000 CFS

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

PLACE OF USE: IRRIGATION within TETON County

T04N R45E S19 E3NE 40.0

T04N R45E S19 NE8E 37.0

T04N R45E S19 NW6E 39.0

T04N R45E S19 SE8E 22.0

T04N R45E S20 SWNW 19.0

T04N R45E S20 NWSW 12.0

T04N R45E S19 NE8E 40.0

T04N R45E S19 NW8E 40.0

T04N R45E S19 SE8E 40.0

T04N R45E S20 SWNW 28.0

T04N R45E S20 NWSW 18.0

169 ACRES TOTAL

206 ACRES TOTAL

This right is limited to the irrigation of 80 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 169 acres in a single irrigation season. Combined Right Nos.: 22-365, 22-575A, and 22-2057.

The rights listed below are limited to the irrigation of a combined total of 206 acres in a single irrigation season. Combined Right Nos.: 22-180A, 22-365, 22-575A, 22-2057.

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 - Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.

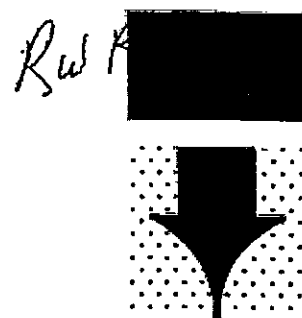
The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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

RIGHTS NUMBER: 22-2057

NAME AND ADDRESS:

GARY ZOHNER
401 W 475 S
VICTOR ID 83455
SHERRY ZOHNER
401 W 475 S
VICTOR ID 83455



SOURCE:

Source:
TETON RIVER

Tributary:
HENRYS FORK

Point of injection into and point of redirection from Paradise Creek.

QUANTITY:

0.860 CFS

~~2.120 CFS~~

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands below.

PRIORITY DATE:

03/27/1911

POINT OF DIVERSION:

T04N R45E S20 SWWSW Injection
Within TETON County
T04N R45E S20 SWWSW Rediversion
Within TETON County
T04N R45E S20 NWSESW
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/13 10/31

~~04/15 10/14~~

0.860 CFS

~~2.120 CFS~~

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

PLACE OF USE: IRRIGATION within TETON County

T04N R45E S19 SESE 40.0

T04N R45E S19 NESE 37.0

T04N R45E S19 NWSE 39.0

T04N R45E S19 SESE 22.0

T04N R45E S20 SWNW 19.0

T04N R45E S20 NWSW 12.0

169 ACRES TOTAL

T04N R45E S19 NESE 40.0

T04N R45E S19 NWSE 40.0

T04N R45E S19 SESE 40.0

T04N R45E S20 SWNW 28.0

T04N R45E S20 NWSW 18.0

206 ACRES TOTAL

This right is limited to the irrigation of 43 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 169 acres in a single irrigation season. Combined Right Nos.: 22-365, 22-575A, and 22-2057.

The rights listed below are limited to the irrigation of a combined total of 206 acres in a single irrigation season. Combined Right Nos.: 22-188A, 22-365, 22-575A, 22-2057

This right is limited to the irrigation of 106.5 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

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE AND SUMMONS TO APPEAR was mailed on December 22, 2009, with sufficient first-class postage to the following:

GARY ZOHNER
SHERRY ZOHNER

Represented by:
RAY W. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GARY ZOHNER
SHERRY ZOHNER — *Rep.: Ray Rigby*
~~401 W 475 S~~
~~VICTOR, ID 83455~~
~~Phone: 208-354-2537~~

CRAIG KUNZ
480 W 575 S
VICTOR, ID 83455
Phone: 208-354-8865