

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 43-12946
Date Received: 2/15/01
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

RODNEY HALL Phone: (208)645-2517
DORIS J HALL Phone: (208)645-2517
PO BOX 631
MALTA ID USA 83342

2. Date of Priority: 04/01/1970

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	27E	19	SW SW NW	CASSIA	

5. Description of diverting works:

TURBINE PUMP, POND, PIPELINE, WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	1	

7. Total Quantity Appropriated is:

1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
13S	26E	24	SE NE	IRRIGATION	6
Section Acres					6

13S	27E	19	NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	28
			SW	NW	IRRIGATION	42
			SE	NW	IRRIGATION	40
					Section Acres	230
					Total Acres	236

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Claim split based upon ownership for the place of use and at 50% on the diversion rate based upon a statement provided by Rodney Hall and Dona Kunau.

15. Basis of Claim: Statutory Claim

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

RECEIVED

FEB 15 2001

Department of Water Resources
Southern Region

QUITCLAIM DEED

This indenture, made this 20th day of JULY, 2000, between Glenn R. Kunau and Dona Kunau, of 1941 Miller Avenue, Burley, Idaho 83318, herein called the "Grantor", and Rodney N. Hall and Doris J. Hall of 2350 East 1630 South, Malta, Idaho 83342, herein called the "Grantee".

WITNESSTH:

The said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United State of America, and other valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee and the heirs and assigns of the Grantee, all of the interest of the Grantor in those certain water rights appurtenant to land situated, lying and being in the County of Cassia, State of Idaho, bounded and particularly described as follows, to-wit: See attached "EXHIBIT A"

Water Right Numbers:

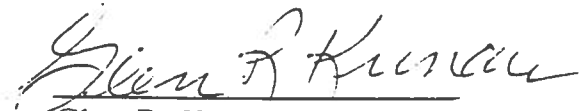
A43-10554, A43-00031, A43-00144B, in their entirety, and

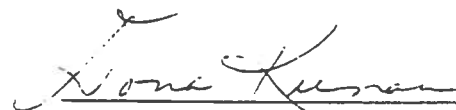
Water Right Number:

A43-04210, to be split 50% to the Grantor, and 50% to the Grantee.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. To have and to hold all and singular the said premises, together with the appurtenances, unto the Grantee, and to the heirs and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Quitclaim Deed.


Glen R. Kunau


Dona Kunau

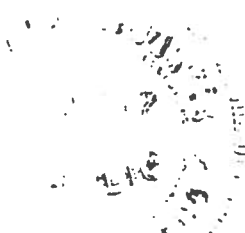
RECEIVED

FEB 15 2001

Department of Water Resource
Southern Region

STATE OF IDAHO)
) SS
COUNTY OF CASSIA)

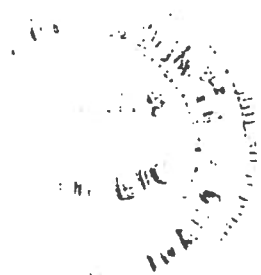
On this 20th day of July, in the year of 2000,
before me, the undersigned, a Notary Public in and for said State, personally
appeared Glenn R. Kunau, known or identified to me to be the person whose
name is subscribed to the within instrument and acknowledge to me that he
executed the same.



Richard S. Harper
Notary Public for Idaho
Residing at Burley, Idaho
My Commission expires on 2/20/04

STATE OF IDAHO)
) SS
County of CASSIA)

On this 20th day of July, in the year of 2000,
before me, the undersigned, a Notary public in and for said State, personally
appeared Dona Kunau, know or identified to me to be the person whose
name is subscribed to the within instrument and acknowledged to me that she
executed the same.



Richard S. Harper
Notary Public for Idaho
Residing at Burley, Idaho
My commission expires on 2/20/04



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

June 28, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

RODNEY N HALL
PO BOX 631
MALTA ID 83342

RE: SRBA CHANGE OF OWNERSHIP
A43-04210, A43-10554, A43-00031, A43-00144B

Dear Mr. Hall:

I wanted to confirm our telephone conversation of June 22, 1995. When doing a change of ownership, I verify the property listed as being sold on the warranty deed is the same as the property listed on the water rights claim forms. It was during this process that I found that not all the property associated with the water rights listed above was listed on the warranty deed. Specifically, in Township 13S, Range 26E, Section 24 the SESW and the SWSE tracts and in Section 25 the NENW, NWNE, and the NESE tracts were not shown as having been purchased by you on the warranty deed. I am enclosing two maps showing the difference between the property listed on the warranty deed and the property listed on the water right claim forms.

If you have purchased from Mr. Kunau all the property outlined in blue on the enclosed map, you can do one of two things. You can supply me with a copy the warranty deed showing you as the new owner of the property circled in yellow (on the enclosed map) or you can have Mr. Kunau sign the enclosed Notice of Change of Ownership form where it is highlighted in green. If you can obtain Mr. Kunau's signature, I will not need a warranty deed. Please return the Notice of Change of Water Right Ownership form either with a warranty deed or Mr. Kunau's signature to the above address.

Thank you for helping me straighten this out, Mr. Hall. If you have any questions regarding this matter, please feel free to give me a call at 736-3033.

Sincerely,

Trish Fawcett
Technical Records Specialist

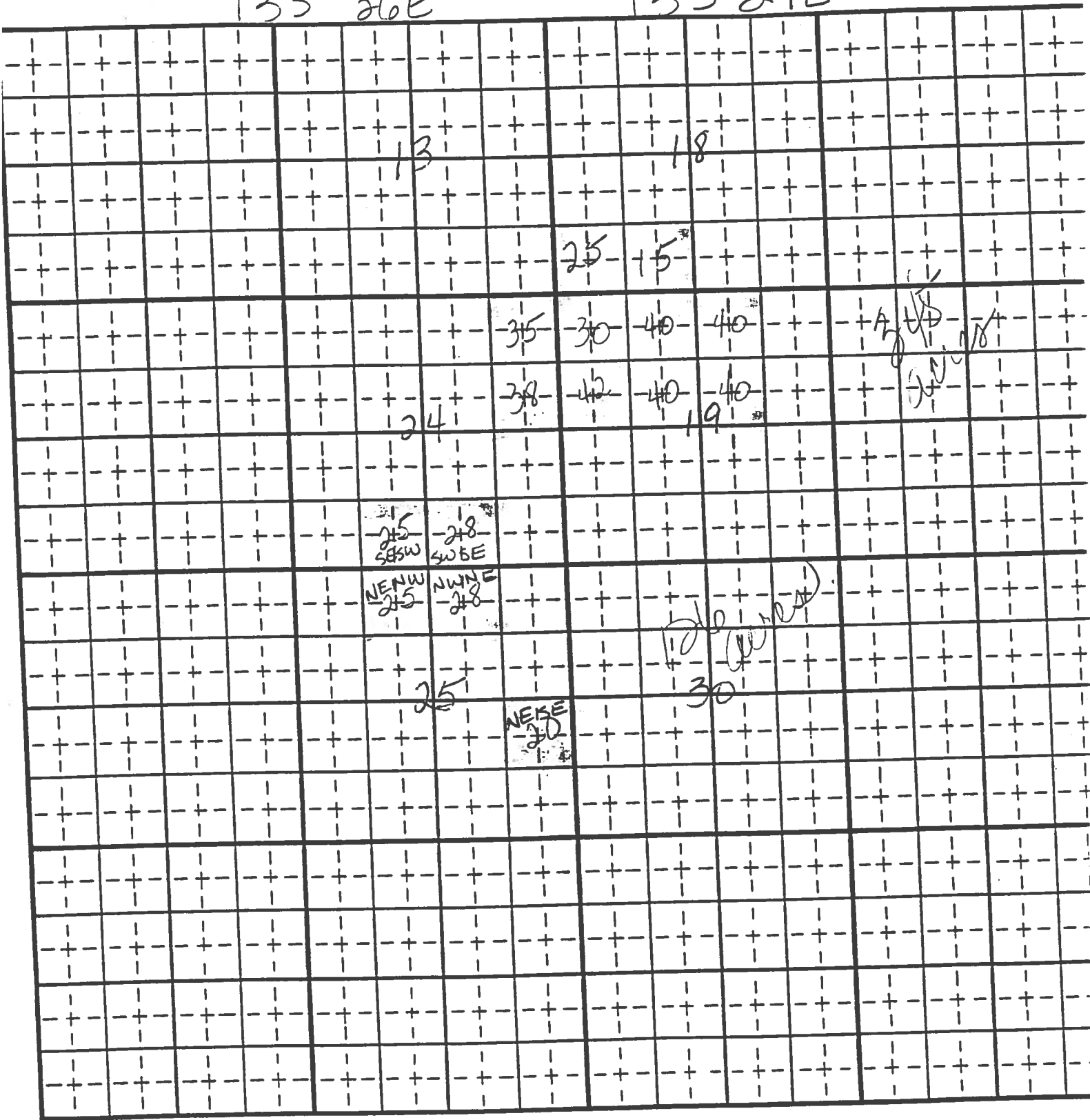
/tf

enclosures

Scale: 2 inches equals 1 mile

135 20E

135 27E



This is all the property listed in water right claims listed in the above ownership form.

Last Name

Ident No.

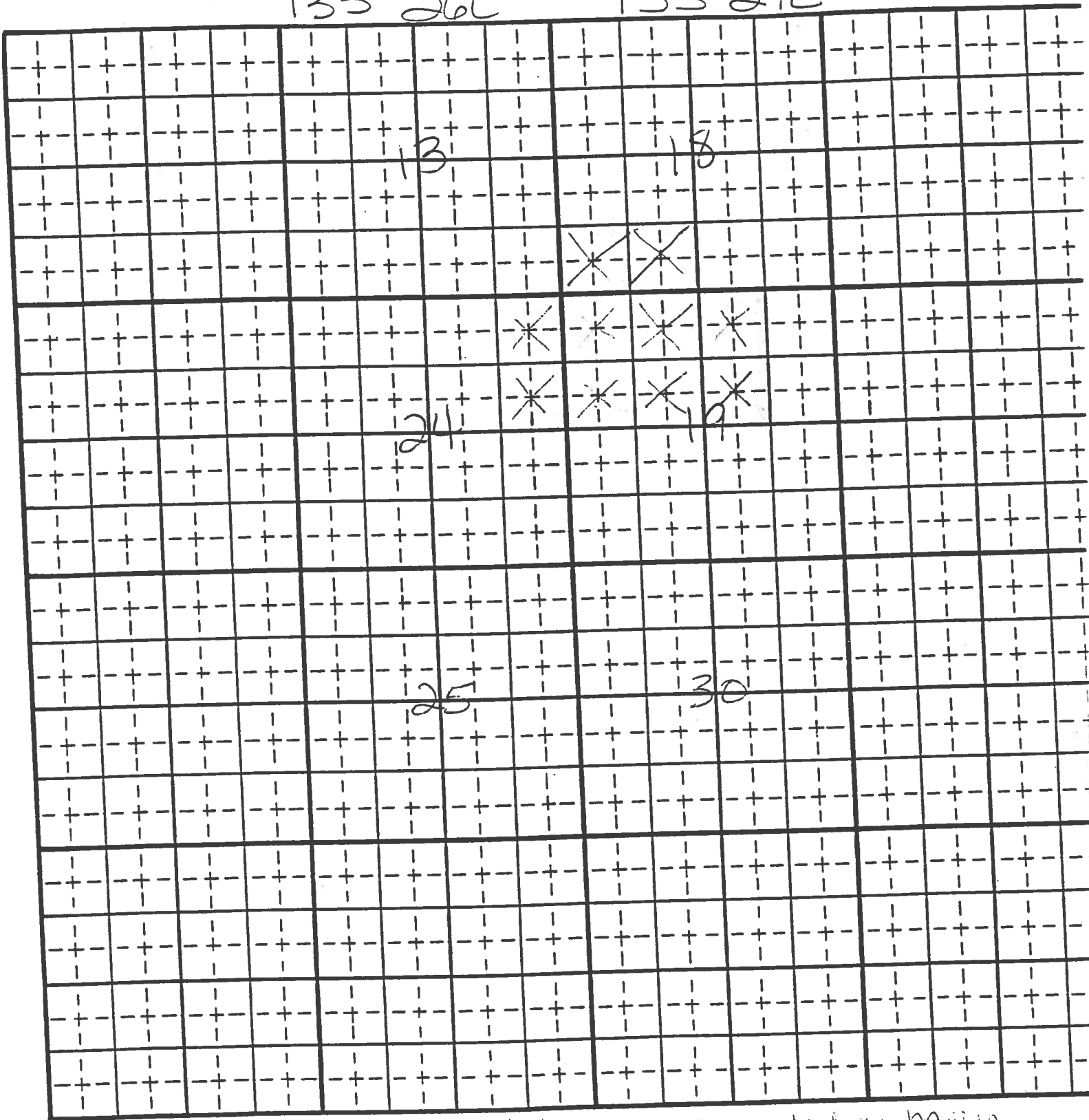
Copies: White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of entry, etc.

Scale: 2 inches equals 1 mile

135 26E

135 27E



This is the property listed on warranty deed as having been purchased by you.

Last Name _____

Ident No. _____

Copies: White-State, Yellow-Claimant



NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

MAR 27 1995

DATE OF CLOSING: 1-6-1993

Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) 04209, 04210
Assigned by IDWR: A43-10454, 10456, 10554, 04211, 02281, 00031, 00144B,
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Glen R. Kunau
1941 Miller Ave.
Burley, ID 83318
- ☐ New Owner/Claimant (Purchaser): Rodney N. &/or Doris J. Hall
- ☐ New Mailing Address: PO Box 631
Malta, ID 83342
- ☐ New Telephone Number: () 645 - 2517
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Rodney N. Hall Date 27 Mar 95

Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

For Value Received GLEN R. KUNAU and DONA KUNAU, husband and wife, an undivided one-half interest; and KRISTIE K. STAFFORD, KAREN PINDER, ROBERT J. KUNAU, SCOTT KUNAU, all married persons dealing with their sole and separate property, and RICHARD G. KUNAU, a single person, an undivided one-half interest

the grantors do hereby grant, bargain, sell and convey unto

RODNEY N. HALL AND DORIS J. HALL, husband and wife
P.O. Box 631, Malta, Idaho 83342

the grantees, the following described premises, to-wit:

TOWNSHIP 13 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 18: Lot 4 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 19: Lots 1 and 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 24: E $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPT that part deeded to the Raft River Rural Electric Cooperative, Inc., a corporation, described as follows:

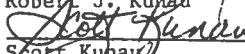
Commencing at the Northeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, running thence 100 feet South along the East boundary line of the said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence West 100 feet; thence North 100 feet to the North boundary line thereof; thence East along said North boundary line to the Point of Beginning.

TOGETHER with an easement for a roadway 20 feet wide, being 10 feet on the center line thereof extending over and across the said NE $\frac{1}{4}$ NE $\frac{1}{4}$ of the said Section 24, from the real estate herein above described to the existing roadway upon the said premises, together with the right of ingress and egress to the premises first above described over the existing roadway and the right of way hereby conveyed.

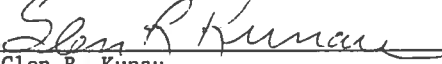
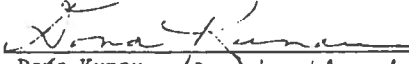
SUBJECT TO: General taxes for the year 1993 and subsequent years.

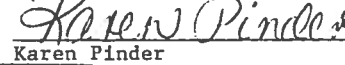
TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee^s, their heirs and assigns forever. And the said Grantor^s do hereby covenant to and with the said Grantee^s, that they are the owner^s in fee simple of said premises; that said premises are free from all incumbrances except as above described, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 6, 1993


Robert J. Kunau

Scott Kunau

Richard G. Kunau


Glen R. Kunau

Dona Kunau

Kristie K. Stafford

Karen Pinder

STATE OF IDAHO, COUNTY OF CASSIA:

On this day of , 19 , before me, a
notary public in and for said State, personally appeared

known to me to be the person whose name
within instrument, and acknowledged to me that subscribed to the
executed the same.

Residing at , Idaho. Comm. Expires

STATE OF
COUNTY OF

SS

On this 25th day of January 19 93, before me,
a notary public in and for said State, personally appeared
Richard G. Kunau 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 affixed my
official seal the day and year in this certificate first above written.

H. H. Bell
Notary Public
Residing at
Comm. Expires 8/2/93

STATE OF Maryland
COUNTY OF Howard SS.

On this 16th day of January 19 93, before me,
a notary public in and for said State, personally appeared
Kristie K. Stafford 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 affixed my
official seal the day and year in this certificate first above written.

Kandott C. C. C.
Notary Public
Residing at Columbia MD
Comm. Expires My Commission Expires August 24, 1996

COMMONWEALTH OF THE BAHAMAS
ISLAND OF NEW PROVIDENCE
STATE OF CITY OF NASSAU
COUNTY OF EMBASSY OF THE UNITED STATES
OF AMERICA

On this 14th day of January 19 93, before me,
a notary public in and for said State, personally appeared
Karen Pinder 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 affixed my
official seal the day and year in this certificate first above written.

ROBIN L. HAASE, VICE CONSUL
Residing at NASSAU, N.P., BAHAMAS
Comm. Expires Indefinitely

FEE 9.00 DEPUTY
RECORDED
FRANK B. KIRKMAN
CASSIA COUNTY, IDAHO

1993 MAR 18 A 9:13

FILM 242
CASSIA COUNTY ASSISTANT
RECORDED AT THE REQUEST OF

2236311

STATE OF
COUNTY OF

ss

On this 25th day of January 19 93, before me,
a notary public in and for said State, personally appeared
Robert J. Kunau 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 affixed my
official seal the day and year in this certificate first above written.

Paul C. Boel
Notary Public
Residing at
Comm. Expires 8/2/93

STATE OF Ohio
COUNTY OF Hamilton

On this 20th day of January 19 93, before me,
a notary public in and for said State, personally appeared
Scott Kunau 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 affixed my
official seal the day and year in this certificate first above written.

Rosina E. Perkins
Notary Public
Residing at
Comm. Expires ROSINA E. PERKINS
Notary Public, State of Ohio
My Commission Expires March 30, 1993

STATE OF
COUNTY OF

ss.

On this 25th day of January 19 93, before me,
a notary public in and for said State, personally appeared
Glen R. Kunau and Dona Kunau 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 affixed my
official seal the day and year in this certificate first above written.

Paul C. Boel
Notary Public
Residing at
Comm. Expires 8/2/93

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-12946

DORIS J HALL
PO BOX 631
MALTA ID 83342
Telephone Number: (208)645-2517

RODNEY N HALL
PO BOX 631
MALTA ID 83342
Telephone Number: (208)645-2517

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12 June 01

SIGNATURE: Rodney N Hall

Please print your name: Rodney N Hall

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

RECEIVED

JUN 18 2001

**Department of Water Resource
Southern Region**

03/19/2001

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

RIGHT NUMBER: 43-12946
NAME AND ADDRESS: DORIS J HALL
RODNEY HALL
PO BOX 631
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1 CFS

VERIFIED BY. KKC

PRIORITY DATE: 04/01/1970

POINT OF DIVERSION: T13S R27E S19 LOT 2 SWSWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3-15 11-15	1.00 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County			
T13S R26E S24	NENE	39	T13S R26E S24 SENE 38
T13S R27E S18 LOT 4	SWSW	49	T13S R27E S18 SESW 28
T13S R27E S19	NWNE	38	T13S R27E S19 SWNE 38
T13S R27E S19	NENW	40	T13S R27E S19 LOT 1 NWNW 48
T13S R27E S19 LOT 2	SWNW	47	T13S R27E S19 SENW 40

405 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 236 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 405 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-31, 43-144B, 43-10554, 43-2281, 43-4209, 43-12946, AND 43-4211

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 - Beneficial Use

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 1-3-2001

File: 43-02281 and others kunau pu

Prepared by Kelly K Christensen

43-02281, 43-04209, & 43-04211

SYSTEM ANALYSIS (GROUNDWATER)
KUNAU CLAIMS

The current system is a common pipeline tying groundwater and surface water together to irrigate a permissible place of use (PP/U) found to be 405 acres. The groundwater system does not cover all of the ground included in the surface water rights. Two wells exist within this system and they were claimed through three different rights.

Claims A43-02281 and A43-04211 claim the well located in 13S, 27E, Sec 19, NWNW. Claim A43-04209 claims the well in 13S, 27E, Sec 19, SWNW.

ANALYSIS OF A43-02281

This claim matches the licensed right as transferred. A transfer was filed to correctly identify the point of diversion. A season of use of 3-15 to 11-15 was assigned to this right at that time. All of the claimed and licensed plus additional acreage is irrigated; therefore this right is recognized for its licensed place of use of 80 acres. In reviewing the documents in the microfiche, it appears that the system was developed in 1932 (see Proof of Beneficial use) for the licensed place of use. All information also points to only the licensed acres as being irrigated as of June of 1941.

ANALYSIS OF A43-04211

This claim is from the same well as A43-02281 but is for acres in the adjoining section to the west. That claim identifies 67 acres as the place of use. Within the two forties identified as the place of use I found 65 irrigated acres. Those 65 acres includes a dirt access road as part of the irrigated place of use. It does exclude the Raft River Rural Electric easement property.

The claim indicates a 1940 priority date. Circumstantial evidence on microfiche for 43-2281 would indicate that that ground was not irrigated in 1940. Further the licensing field exam would indicate that the capacity for the system in 1941 was approximately the licensed rate (a Parma water lifter rated at 2.00 cfs). The statutory claim states in item 5.B. that there was a hand dug well in 1940 and the well was deepened in the early 1950s. The assumption is that the current 150-hp motor was installed at that time. Based upon the information currently before me, I am recommending this right with a 1955 priority date, and at 1 inch per acre for the additional acres.

The system in 1955 is not known. Currently I found a 150-hp pump operating a sprinkler system. Lifting from 100 ft and against 40 psi would produce approximately 4.80 cfs at 70% efficiency. The combined diversion rates for 43-2281 and 43-42111 are 3.00 cfs. This is less than the theoretical calculation. Recommended rate is $65 \text{ ac} \times 0.02 = 1.30 \text{ cfs}$ and the volume limitation is $65 \text{ ac} \times 4 = 260 \text{ afa}$.

43-04209

This is the third groundwater right that is tied into the system. This well is located approximately ¼ mile south of the well described above. The original statutory claim described a place of use in the north ½ NW ¼ of sec 19 and the west ½ NW ¼ of sec 18. There is necessarily some overlap with the claimed place of use for 43-02281 based upon the number of acres claimed in the north ½ NW ¼ of sec 19.

	NWNW	NENW
Actual acres Lot 1	48.8 ac	39.6 ac
Irrigated acres	47.5	39.6
43-02281	30.0	10
43-04211	28.0	40
total claim acres	58	50

Although the NWNW quarter is over claimed by a minimum of 10.5 acres and the NENW quarter by 10.4 acres, the historical overlap of the systems is not known. It is my understanding that the original systems were independent of each other as far as the ditch systems used irrigated different lands. I am therefore recommending the irrigated acres within the claimed place of use less the 40 acres previously recognized under 43-2281 located in the N½NW¼ of sec 19. The found and recommended place of use is 217 acres. This recognizes acre shifting between quarter/quarters from the claimed place of use to the recommendation.

The claimed priority date is 1940, however the statutory claim indicates in item 5.B. that the well was deepened in 1955 and a 100-hp motor installed delivering water to the place of use through a pivot and sprinkler system. Assuming the 100 hp, at 70% efficiency, pumping at 100 ft against a 40-psi sprinkler system the system capacity would be 3.20 cfs. My recommendation is for the 1955 priority date at 3.20 cfs as developed at that time. The recommended volume limitation for this right is 217 ac * 4 = 868 afa. I am not recognizing the earlier priority date as the currently available information would indicate that a smaller diversion rate was perfected at that time (limited info available).

43-31 & 43-144B (CASSIA CREEK)**43-10554 & 43-4210 (RAFT RIVER)****SYSTEM ANALYSIS (SURFACE WATER)****KUNAU CLAIMS**

All three claims identify a common place of use that includes two separate locations. A change of ownership has been submitted that identifies a portion of the claimed place of use. The 'north' portion of the place of use claimed at 345 acres is identified as being sold to Rodney Hall and Glen Kunau maintains the 'south' portion ownership claimed at 126 acres. No information identifying the desired splitting of the rights has been submitted, therefore the claims are being recommended in Glen's name only.

43-10554 identified as 43-00143 (RAFT RIVER)

CLAIM VS DECREE COMPARISON.

Priority date	Diversion rate	Season of use	Place of use	
4-1-1883	3.40 cfs	4-1 to 10-1	471 acres within sections 18 & 19 in 13S, 27E and sections 24 & 25 in 13S, 26E	
4-1-1883	3.40 cfs	4-1 to 10-1	13S, 27E, Sec 19	Lt 2, W $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

As the claimed information agrees with the decreed information for most of the elements I am recognizing this right as being based upon 43-143.

The point of diversion was not decreed. The claimed place of use is a PP/U that includes the decreed place of use although the claimed place of use for government lots within Sec 18 and 19 are less than the lot acreage found to be irrigated.

Raft River runs south to north through two forty-acre tracts of the decreed place of use. The river channel has been straightened out since 1987. Although some additional acreage may have been added to the system of cultivated ground along the river channel, the number of 'new' acres have not been identified. I found 163 irrigated acres within the original decreed place of use and this is the limitation for this right.

A43-04210

This claim is for Raft River water and is supplemental to other rights. The claim indicates that the water is piped to separate locations. Rodney Hall indicated that this right should be split between Kunau and Hall. As of the date of this review I have not received direction as to how the right should be split.

Evidence of priority was not submitted for this claim. The statutory claim indicates a 1940 priority date but as previously noted the 'southern' portion of the claimed place of use was not irrigated in 1968. Not enough information exists for me to recommend this right at this time.

RECOMMENDATION: DISALLOW - P01, NO LAWFUL APPROPRIATION SHOWN

RECEIVED

Form No. 243
9-81
002% 5861 07 9 1983
001% 5861 07 9 1983
OF \$ 5861 07 9 1983
Fee
The filer should not have extended
popular water

JUN 29 1983

Claim No. 43-420

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Glen R. Kunau

1941 Miller Ave. Burley, Idaho 83318 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. 678-5310

Right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

Date of priority (When was the water first applied to a beneficial use) April, 1970

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

Describe the source of water (Name of stream, lake, spring, etc., or ground water) Snake River
tributary to Snake River
Describe the purpose for which the water has been used and the time during the year when you have used the right claimed

Quantity: 2 cfs
Use: Irrigation
Period of Use From Mar. 1 To Nov. 15
Period of Use From To
Period of Use From To
Period of Use From To
TOTAL QUANTITY USED

At Point of diversion (Location of point where water is diverted from its source)
Sec 19 Twp 13 S Rge 27 E B.M., County of Cassia

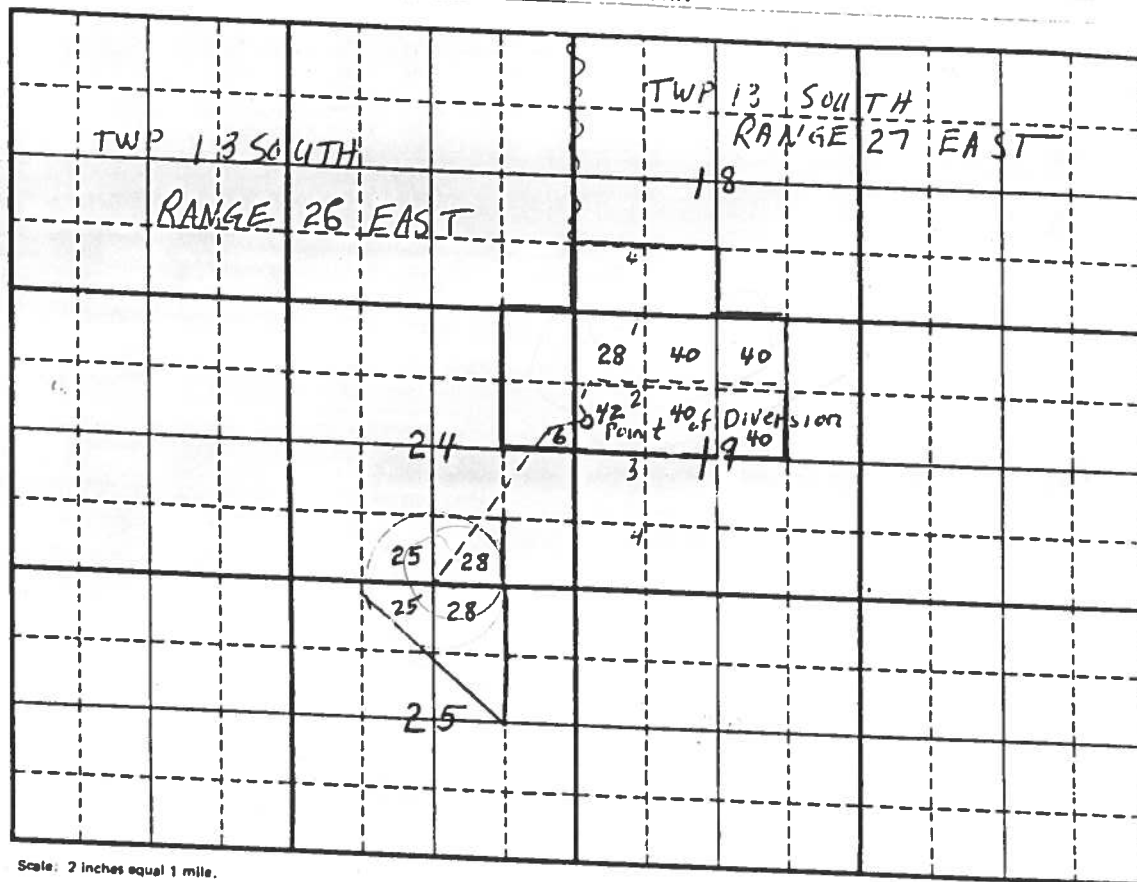
Describe means of diversion of water (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities, be as specific as possible. Describe any changes in the system and give the date of the change. 40 hp. turbine pump (800 gal/min) with 15 foot column located in sump pond to pump away surface and drainage water. 10" pipeline carries water to irrigated land by way of pipeline from adjacent pump & well.
Describe the amount of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is

R	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	27E	19				40	40			40	28	42	40					230
35	24E	24																59
35	24E	25				28								25		28		53

No. of acres 342

no E/P
in micro-fiche

- (8) Remarks No well has been dug. Pump is used to prevent further sub on land owned by Claimant, and to move excess water to areas where it can be beneficially used. Use of this water is supplementary to Claimant's other wells and surface water rights on the real property described herein.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Cassia

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Elin R. Kuman
(Claimant)

Sworn to before me this 24th day of June, 1983.

Luella C. Maier
Notary Public
Residing at Burley, Idaho

My commission expires July 2, 1986

FOR DEPARTMENT USE ONLY

Received by

Date 6/24/83

Exception filed by:

Forwarded to

Date

Prelim. check by

Date 7/9/84

\$30.00 fee received by

Date 6/27/83

24090

claimant by:

Published in

South Idaho Press

Dates

7-17 - 7-6/84