

04/13/2006

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

RIGHT NUMBER: 22-7229
NAME AND ADDRESS: RUBY KUNZ
596 S 450 W
VICTOR ID 83455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.040 CFS

The maximum combined rate of diversion under this right & Right No. 22-7238 shall not exceed 1.04 cfs.

If diversion under this permit is found to decrease surface flows in Bouquet Creek, diversion will be subject to control of the watermaster of Water District No. 01.

PRIORITY DATE: 05/03/1977

POINT OF DIVERSION:
T04N R44E S36 SENE Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	4/15 10/15	1.040 CFS 377.50 AFY
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		
	T04N R45E S30 Lot 4 SWSW 34.00	T04N R45E S30 SESW	40.00
	T04N R45E S31 NENW 38.00	T04N R45E S31 Lot 2 SWNW	16.00
	128 ACRES TOTAL		

Right Nos. 22-7229 and 22-11422 are limited to the irrigation of a combined total of 128 acres 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.

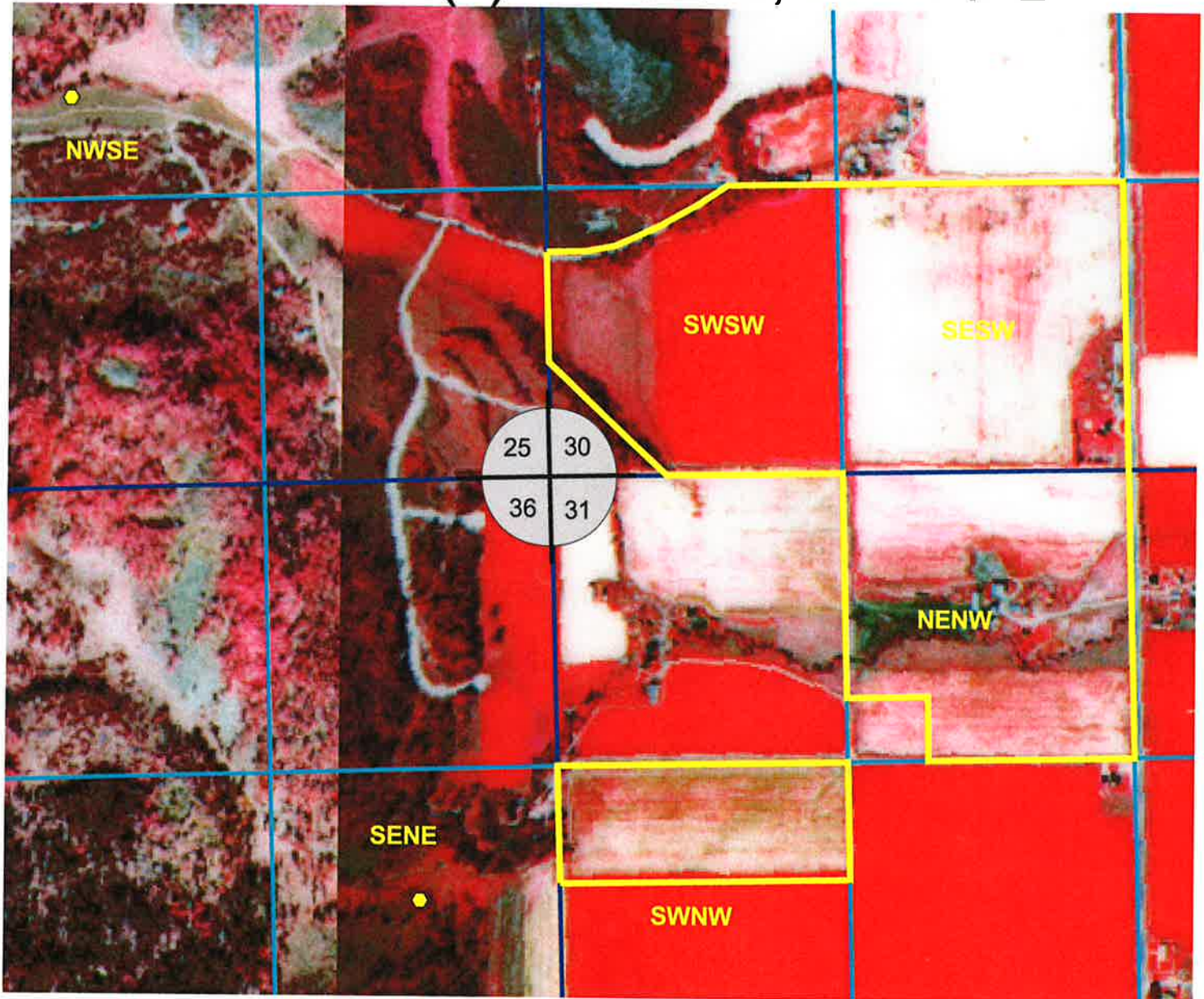
EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 22-7229, 22-11422



1000 0 1000 2000 Feet

- Place of Use
- Points Of Diversion
- Sections
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: April 2006



11/01/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 21 2006

DEPARTMENT OF
WATER RESOURCES

RECEIVED

DEC 26 2006

Department of Water Resources
Eastern Region

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:

Water right number: 22-7229

RUBY KUNZ

596 S 450 W

VICTOR ID 83455

Telephone Number: (208)354-2410

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:

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

DATE: 12-18-06

SIGNATURE:

Ruby B. Kunz

Please print your name:

Ruby B. Kunz

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

QC

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.

Revised DWR
6/25/04
ABR

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, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
22-11422	~~A50749NP~~	—	—	—	—
22-7229	—	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—

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 usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **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**.

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

Ruby Kunz

596 South 450 West, Victor, Idaho 83455

4. New Owner/Claimant(s)

Michael G. Marcia G. Kunz

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

614 So. 450 W.

City, State and ZIP Code

Victor, Idaho 83455

New Telephone Number

(208) 354, 2462

5. Date you acquired the property

Aug. 26, 1988

WARRANTY DEED

Warranty Deed made this 26 day of August, 1988,
between RUBY KUNZ, of 614 South 450 West, Victor, Teton County,
Idaho 83455, referred to as Grantor, and MICHAEL GRANT KUNZ and
MARCIA KUNZ, husband and wife, of 596 South 450 West, Victor,
Teton County, Idaho 83455, referred to as Grantees.

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

The Northeast Quarter of the Northwest
Quarter of Section 31, Township 4, Range 45,
E.B.M.

TOGETHER with water rights of record and any
improvements situated thereon.

TOGETHER with all and singular, the
tenements, hereditaments and appurtenances
thereunto belonging.

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

And Grantor, her heirs and assigns, shall and will warrant and by
these presents forever defends the premises in the quiet and peaceable
possession of Grantees, their heirs and assigns, against Grantor, her
heirs and assigns, against all and every person and persons whomsoever,

lawfully claiming the same.

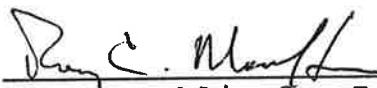
Grantor hereunto set her hand on the day and year first above written.


RUBY KUNZ

STATE OF IDAHO)
 : ss.
County of Teton)

On this 26 day of August, 1988, before me, the undersigned notary public, personally appeared RUBY KUNZ, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year above written.


Notary Public for Idaho
Residing at: Driggs
Commission expires: 1994

(SEAL)

2435
2435
2435

2530 238

3.4

2.1 HEL II

30.2

HEL

9.1

3

47.6

2

T
4
N

HENDERSON CANYON

8.3

2

13.6

23.9

34.8

3

25

30

4

5

36

31

1442

223

16.1

17.2

10.3

5.9

2

7

WELL

3

8.5

8

11.8

16.3

27

331

53.5

276

12.1

3.5

2

T402

Claim No. 22-7229

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

N/A

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

N/A

☐ Generate, mail and file "Evidence of Priority" letter

N/A

☒ Generate Arcview Map

Please refer to claims A22-7238. Same POD
and claim A22/2533 and claim
A22/11422 & claim A22/11425
w/ limits, No POD
overlap
LW
L. Henderson ch.

Claim no. _____

Claimant Contact Log

Date _____ Remarks _____ Agent initials _____

10/26/05
ED

Visited with Mike Kung. He
helped with map and PDP's.

He told me they no longer own property
in SENE (except well & easement) and
NENE of Sec 36 and SESE of Sec 25.

This property has been sold for
development and was sold quite a
few years ago.

Photo shows pump and well for
 Ruby Kung (Maik Kung) and Robert
 Kung claims

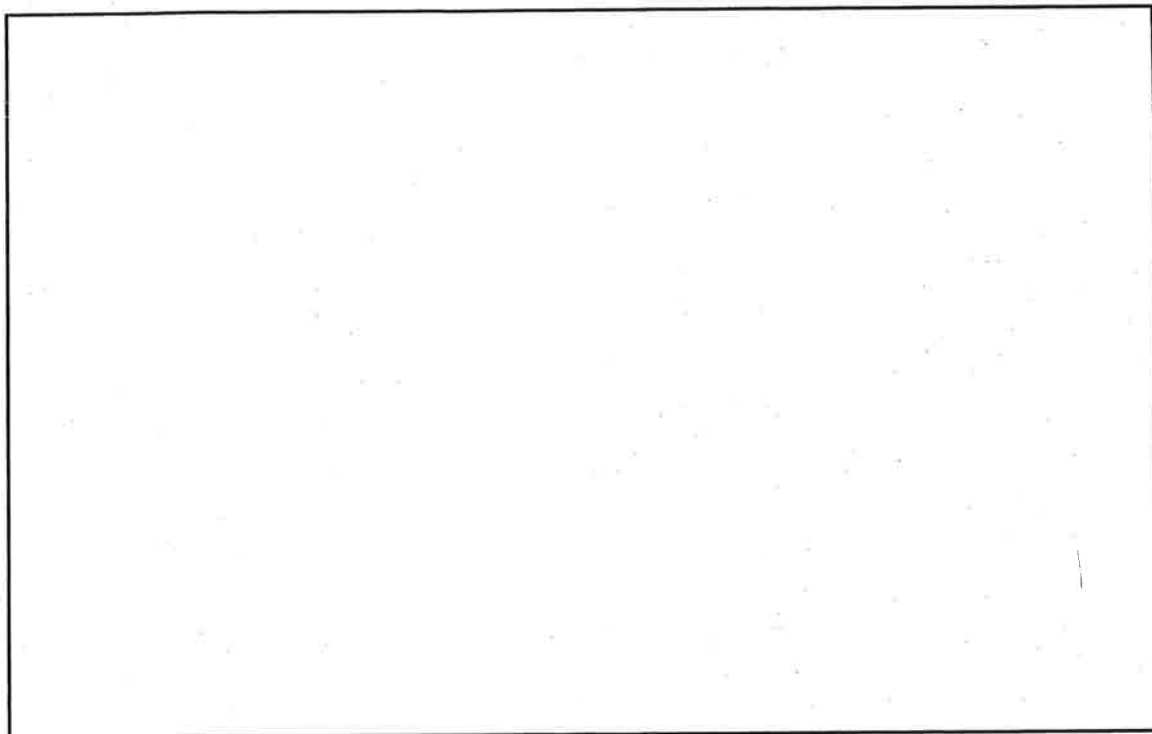


Pole
 Main line

GPS TAG

Claim A22-7238 & 1422-7229
 Kung's well

Water Right No(s). _____



GPS DATA:

Tag # ADP16026 Location: East side of electric panel

Diversion Data:

Source: Well Trib to: _____

MOTOR

Make: General Electric Model: 5K6234XMSD/B Hp: 20
SN: LNT1102278

PUMP

Make: Johnston Model: UNAVAIL Disch: 8" to 6"
SN: UA

NOTES:

Field Exam Date: 10/25/05 Agent: DD

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

10/25/05
 DO
 POD is a 20 h.p. pump on a well. Buried mainline carries water to sprinklers (hand lines) for irrigation

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

10/25/05
DO POU is irrigated with well and water from
Henderson Creek that is combined with well
water in sprinkler system.

Reviewer: _____ Date: _____

State of Idaho
Department of Water Resources

APR 21 1987

WATER RIGHT LICENSE

Department of Water Resources
Eastern District Office

WATER RIGHT NO. 22-7229

Priority: May 3, 1977

Amount:

1.04 CFS

377.5 AFA

This is to certify, that GRANT KUNZ

P.O. BOX 2343

IDAHO FALLS, ID 83401

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated May 3, 1977, and has submitted proof to the Department of Water Resources on March 3, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.04 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/15 to 10/15	1.04 cfs	377.5 afa

LOCATION OF POINT OF DIVERSION(S):

SENE, Sec. 36, Township 4N, Range 44E
Teton County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
4N	44E	25	SESE 20				20
		36	NENE 10	SENE 7	12533		17
4N	45E	30	LOT 4(SWSW) 31	SESW 35			66
		31	NENW 29	SWNW 16			45

Total number of acres irrigated: 148

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
5. The maximum combined rate of diversion under this right & Right No. 22-7238 shall not exceed 1.04 cfs.
6. If diversion under this permit is found to decrease surface flows in Bouquet Creek, diversion will be subject to control of the watermaster of Water District No. 01.

RECEIVED

JAN 20 1984

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

Department of Water Resources

22-7229

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 5 Aug 1982 Accompanied by Grant KUNZ Total Q measured 1.04 cfs ✓

If source is surface water, estimate total flow of source

Methods of measurement Amubar # 191136 (7.7811) Meets Permit requirements? ✓meter # 091462

Measurement calculations:

$$3.8^{\circ} \text{ of water corrected } Y = 1.0302(5.8) - 0.2637$$

$$V = 148 \text{ ac} \times 3.0 \text{ afc} = 444 \text{ afc} \checkmark$$

$$Y = 3.65106$$

$$V = 1.04 \text{ cfs} \times 1.9835 \times 183 \text{ days} = 377.5 \text{ afc} \checkmark$$

$$Q = \frac{3.85(7.48)^2 \sqrt{3.65106}}{448.8} = 1.04 \text{ cfs Capacity}$$

Q Limited by Capacity

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	20	GE	LNJ1102278	Johnston	N/A	Annubar # 111136	Good	Pump had No S/N.

System Description well pump mainline to lateral with sprinklers

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE

Irrigation ✓

Irrigation requirement = 3.0 ✓

AFA/Acre

Q (cfs)

1.04 cfs ✓

V (afc)

377.5 afc ✓

FROM

4/15 ✓

TO

10/15 ✓

183
days

Remarks

R 17. (22-7238) (1.04 cfs)

Total

1.04 cfs ✓

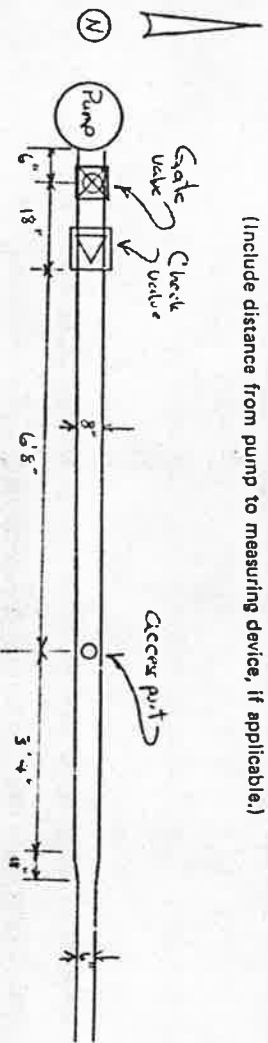
377.5 afc ✓

4/15

10/15

P/D overlap per VAX: 22-7238 - also being
No plu overlap... licensed -

(Include distance from pump to measuring device, if applicable.)



Place(s) of Use ✓

[illegible]

☐ Change P.D. as reflected above

☐ Change P.U. as reflected above

☐ Add P.D. as reflected above

☐ Add P.U. as reflected above

☒ None
☐ Other

Tet 148 ✓

Felix, Cullen

Date 11 Jan 1984

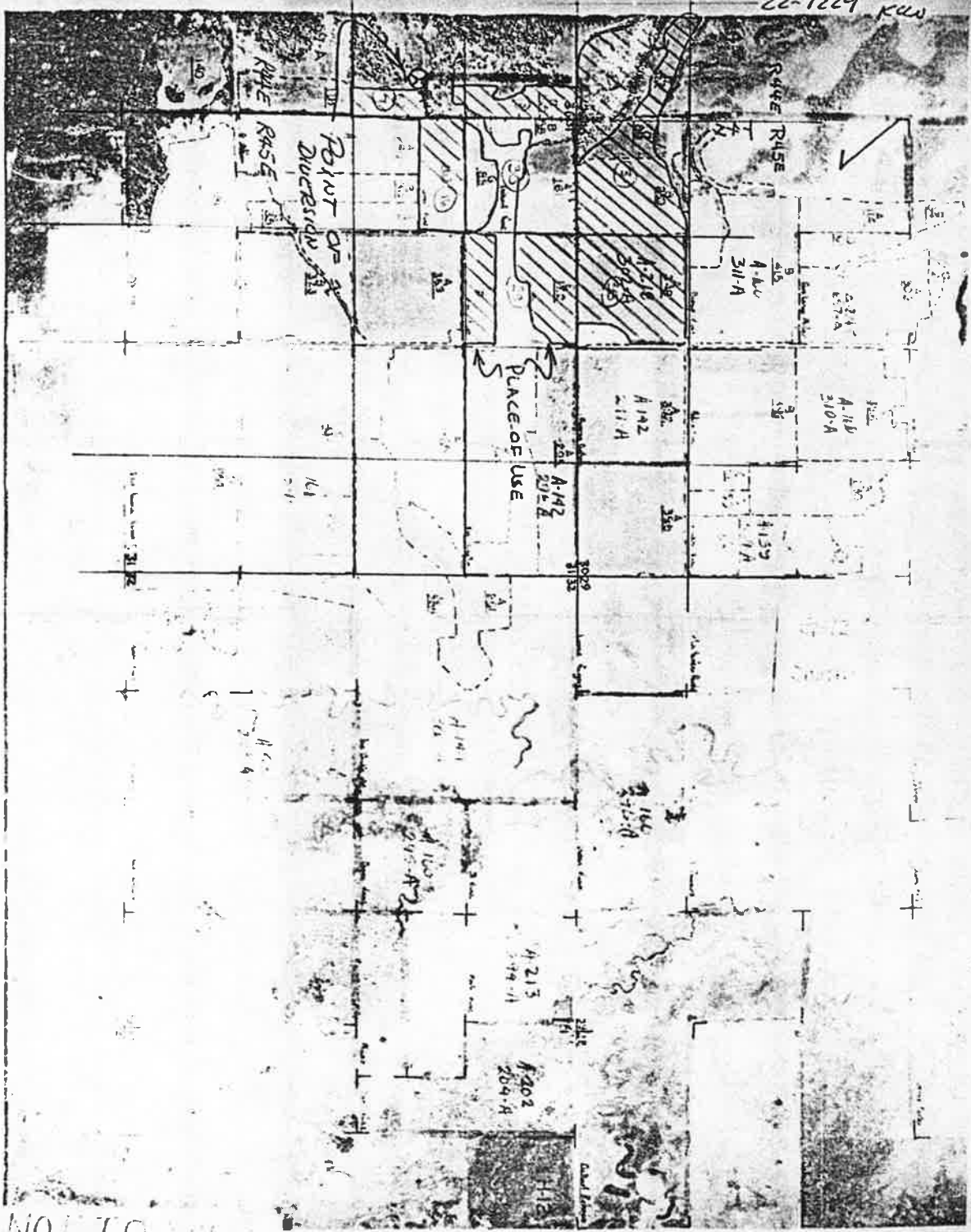
7/6/20

Date 1-16-84

May 2nd 1861

Date 5-1-1986

NOT TO



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: A22-07229
Date Received: 8/29/1988
Receipt No: E001871
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUBY KUNZ 208-354-2410
Address: 596 SOUTH 450 WEST
VICTOR, ID 83455

2. Date of Priority: MAY 03, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	36	SE	NE			TETON

5. Description of diverting works:
WELL & PUMP TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.040		377.50

7. Total Quantity Appropriated is:
1.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 296.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	44E	25	SE	SE		IRR	20.0
Section Acres							20.0

MICROFILMED
OCT 29 1988

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	44E	36	NE	NE		IRR	10.0
			SE	NE		IRR	7.0
					Section Acres		17.0
	45E	30	SW	SW	4	IRR	31.0
			SE	SW		IRR	35.0
					Section Acres		66.0
		31	NE	NW		IRR	29.0
			SW	NW		IRR	16.0
					Section Acres		45.0
					Total Acres		148.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
A22-11422.

14. Remarks:

The maximum combined rate of diversion under this right & Right No. 22-7238 shall not exceed 1.04 cfs.
If diversion under this permit is found to decrease surface flows in Bouquet Creek, diversion will be subject to control of the watermaster of Water District No. 01.

15. Basis of Claim: LICENSE

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.

Number of attachments: 2-1-

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Luby B. Fung Date: Aug 29-88
Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of August 19 88
Deena Green
Notary Public

Seal

Residing at Rigby
My Commission Expires 4-22-1994

09-174N

A-218

A-233

A-130

A-200

A-160 OF USE

36.3

23.5

34.8

11.4

30.2

13.9

30.6

12.1

53.5

11.8

17.2

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