

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

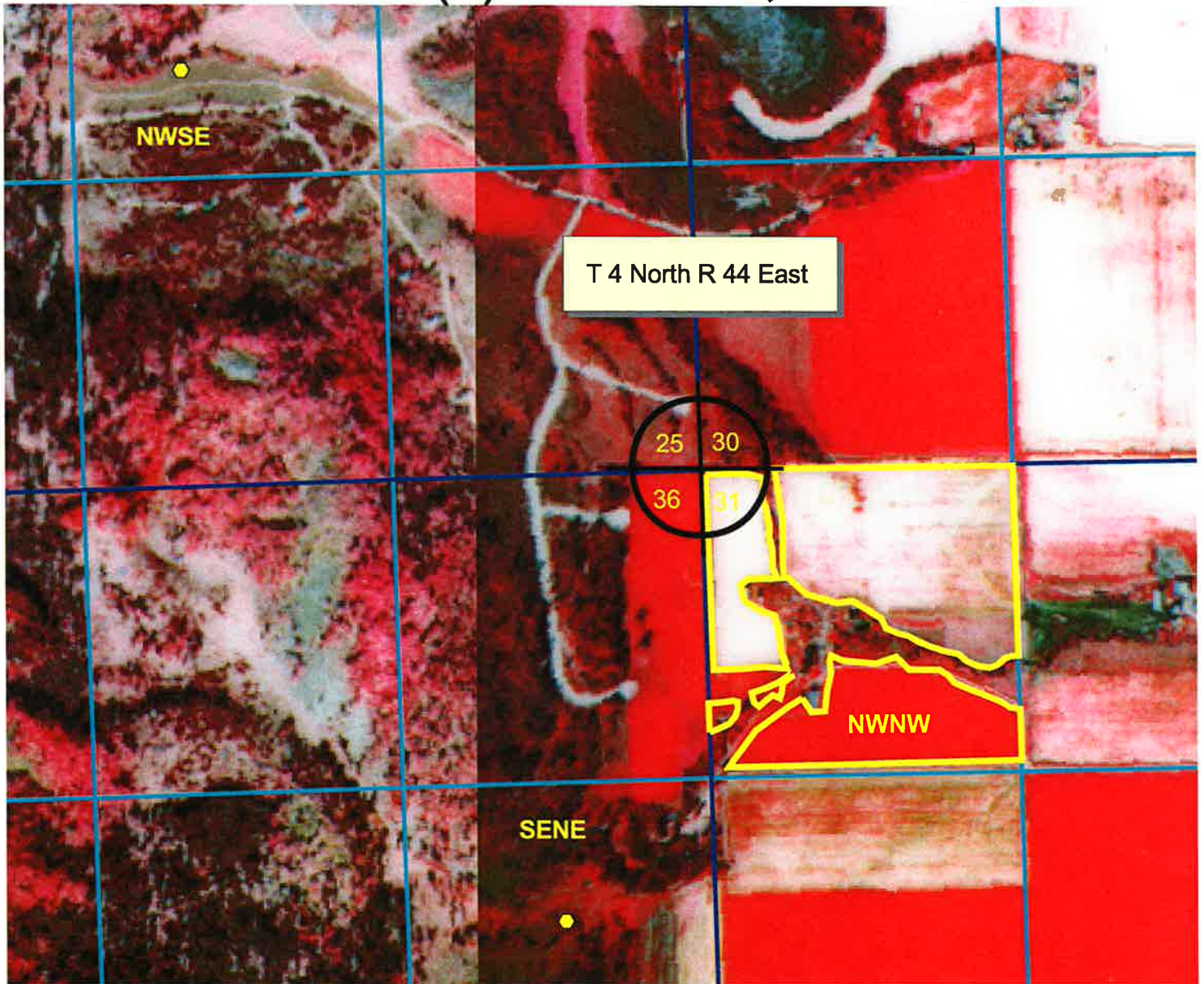
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 22-7238, 22-11425



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



04/13/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 07 2006

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

Department of Water Resources
Eastern Region

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: 22-11425

DELBERT T KUNZ
490 W 625 S
VICTOR ID 83455
Telephone Number: (208)354-2469

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

PRIORITY DATE IS Jan. 01, 1919 - on the civil case 39576
IN CASE #1459 22 NOV 1965, \$500.00 was paid to EFFIE DUSTIN and \$500.00 to
EUNICE WILLIAMS to release any claim to Henderson WATER.

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

Why Don't I get the original priority date in the transfer
from EFFIE DUSTIN & EUNICE WILLIAMS?

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

IF CASE #1459 TAKES precedence - then I accept the
priority date of 11/22/65 even though the previous owners had the
JAN. 01 1919 priority

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

DATE: Dec 06, 2006 SIGNATURE: Delbert T. Kunz

Please print your name: DELBERT T. KUNZ

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

Delbert said Monroe Dustin Sr's water right
is the same as this one. He said not
to worry about the priority. He said he
can live with it.

TH

12-11-06

4-13-06
- Priority date recorded as 11-22-1965
as per agreement. *VA*

Contacts Data Entry Form

Claim Number: 2211425

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: DELBERT T KUNZ Phone No.: 208 354-2469

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

B. U. CLAIM.

RECOMMEND 22 NOV 1965 AS PRIORITY DATE FOR "ACQUISITION" DATE -
NO REFERENCE TO JAN 01, 1969.

FE pod/pou CONVAYANCE/SYSTEM

Reviewer: _____ Date: _____

Water Right No(s). 2211425

GPS DATA:

Tag # A0016007 Location: southeast end of concrete headgate

Diversion Data:

Source: Henderson Creek Trib to: Sinks

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: 10/26/05 Agent: DD

Point of Diversion and Source Data Entry Form

Claim Number: 2211425Water 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.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
4N	44E	25		SW NW SE.	Tipton	HENDERSON CREEK	SINKS

Recommended Point(s) of Diversion and Source.

Twp	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:

1944P SHOWS HENDERSON CREEK DUMPS INTO DRY CREEK
CLAIM SAID IT SINKS?

10/26/05
DO
Field exam shows a concrete headgate that can be dammed off to divert Henderson Creek into a pipeline that carries the water approx. 1/2 mile to P.O. This is a gravity flow system that connects to mainline from a well.

at the date of exam there was 10-15" (minors inches) of water. This was not reaching live water.

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: 2011425

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
4W	4SE	31	NW	NW	Teton		40	Irrigation

Total acres 40

Recommended Place of Use

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

Total acres _____

Pending or approved Transfers: _____

Document how the POU was verified:

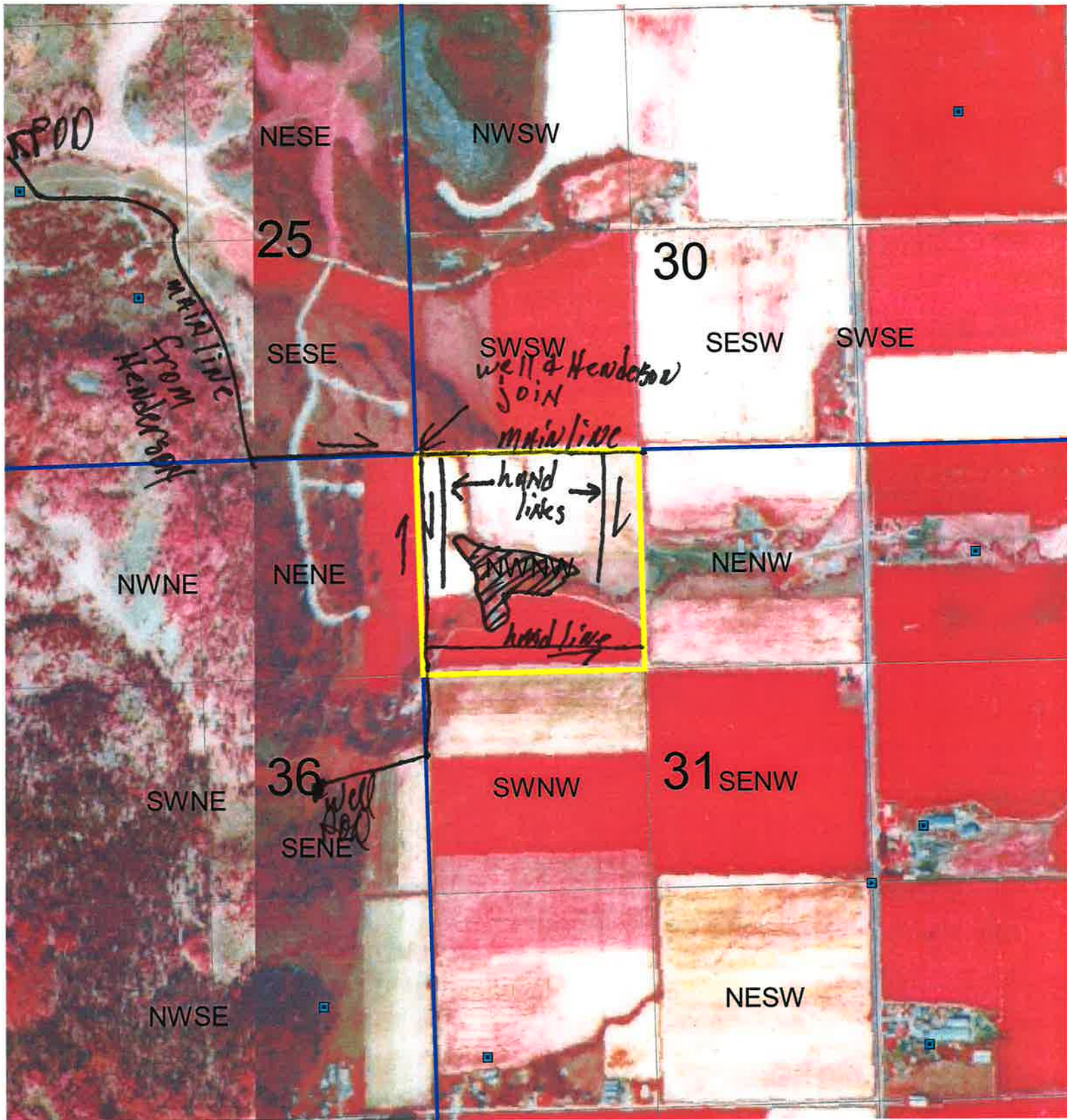
10/25/05
20

Field exam showed POU is approx 30-33 acres that are irrigated with sprinklers. The water is from a well and from a gravity flow system from Henderson Creek.

Reviewer: _____ Date: _____

22-11425

10/26/05 DO



DeWight C. Stone
Ex-Officio Auditor & Recorder
Clerk of the District Court
Bonnie S. Sells
Deputy Clerk

AGREEMENT

WHEREAS, certain uncertainties and disputes have existed between and among the undersigned with respect to the rights in and to the various creeks and sources of water hereinafter mentioned and described,

AND WHEREAS, some of the undersigned were parties to an action lately pending in the District Court of the Twelfth Judicial District of the State of Idaho entitled VICTOR KUNZ, Plaintiff, vs. JAMES KUNZ, et al, Teton County, Case No. 1-59, and the claims of some of the undersigned having been dismissed during the course of the trial of said action and all parties entering into the following agreement which is made to remove uncertainties and disputes,

AND WHEREAS, all of the undersigned desire so, and it was contemplated that they would enter into a formal written agreement.

NOW, THEREFORE, in consideration of the premises and of the covenants and agreements hereinafter set forth, the parties do hereby agree as follows:

TO HAVE FULL FORCE AND EFFECT BY and between James Kunz and Leona Kunz, husband and wife, Ellis Kunz and Leona Kunz, husband and wife, Margie Eugenia and Vera Jean Austin, husband and wife, all parties to the above entitled action, and Eva Austin, a widow, Ernie Williams, a widow, claimants to the waters of Henderson Creek, hereinafter referred to, and Victor A. Kunz and Emma Kunz, husband and wife, parties to the above action, and Grant Kunz and Robt Kunz, husband and wife, and William J. Kunz, a widower, and Jean Kunz, a widow, also claimants to Henderson Creek, as follows:

One. That in consideration of the sum of one thousand dollars, lawful money of the United States, five hundred dollars thereof to be paid to Eva Austin and five hundred dollars to

MICROFILMED
NOV 05 1992

Bunice Williams immediately upon the execution hereof, they and James Kunz, Monroe Dustin, Vera Jean Dustin, Eva Dustin, Bunice Williams do hereby forever disclaim, surrender and abandon any and all right, title, claim or interest that each or any of them may have had in and to the waters of Henderson Creek and all irrigation devices used in connection therewith, and in favor of Grant Kunz and Ruby Kunz, husband and wife, and Milford H. Kunz, and agree to execute any and all deeds or other written instruments which may be necessary to the transfer and relinquishment of said rights. Grant Kunz and Milford Kunz shall pay the sum of five hundred dollars, and James Kunz and Ellis Kunz and Monroe Dustin shall pay the other five hundred dollars.

Two. It is recognized, however, that Jean Kunz, a widow, and Milford H. Kunz, a widower, do have a right in and to the waters of Boquet Creek for domestic use for their present two homes, gardens and livestock, which said water is diverted by a two-inch pipe, reducing to a one-inch pipe, and serving the two dwelling houses. It is understood that said right shall not be interfered with by any of the other parties, and the said Jean Kunz and Milford Kunz do hereby agree that they will not in any way or manner interfere upon the right or use as it now exists, nor otherwise interfere with the other parties' use of the waters of Boquet Creek, or make or assert any other or additional right or claim thereto.

Jean Kunz a widow and Milford Kunz, a widower, do hereby forever disclaim, surrender and abandon any and all other right, title, claim or interest that they may have had in and to the waters of Boquet Creek, and James Kunz and Arliegh Kunz, husband and wife, Ellis Kunz and Jessie Kunz, husband and wife, Monroe Dustin and Vera Jean Dustin, husband and wife, Victor A. Kunz and Erma Kunz, husband and wife, Grant Kunz and Ruby Kunz, husband and wife,

MICROFILMED

NOV 26 1992

Boquet Creek
domestic use
HOMES
GARDENS
LIVESTOCK

do hereby disclaim, surrender and abandon any and all right, title, claim or interest that any of them may have had in and to the waters of Boquat Creek, in each and every case, in full favor of Eva Dustin, a widow and Eunice Williams, a widow, and said parties further agree to execute and acknowledge any and all deeds or instruments that may be necessary to effect such disclaimer, surrender and abandonment.

Three. That Victor A. Kunz and Erma Kunz, husband and wife, in consideration of the premises do hereby forever disclaim and surrender and abandon any and all right, title, claim or interest that they may have had in and to the waters of Grove Creek and Willow Springs Creek, tributaries to each other, and in favor of James Kunz and wife, Ellis Kunz and wife, Monroe Dustin and wife, and agree to execute and acknowledge any and all deeds or instruments that may be necessary to effect such transfer, and in such amounts or quantities or rights to said water as the said transferees may direct and agree upon.

Four. That the court in the above entitled cause shall forthwith dismiss with prejudice the action of the plaintiff, Victor Kunz, as against James Kunz and his wife, and shall forthwith dismiss with prejudice the complaint in intervention of Ellis Kunz and his wife, and Monroe Dustin and his wife, as against Victor Kunz and Erma Kunz, husband and wife.

Five. The dismissals as to the parties to the above entitled action shall be without the assessment of costs to either party.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 22nd day of November, 1925.

James Kunz
James Kunz

Arleigh Kunz
Arleigh Kunz
HUSBAND AND WIFE

Ellis Kunz
Ellis Kunz

Jessie Kunz
Jessie Kunz
HUSBAND AND WIFE

Morris Austin
Morris Austin

Sara Mae Austin
Sara Mae Austin
HUSBAND AND WIFE

Eva Austin
Eva Austin
A WIDOW

Eunice Williams
Eunice Williams
A WIDOW

Victor A. Kunz
Victor A. Kunz

Erma Kunz
Erma Kunz
HUSBAND AND WIFE

Grant Kunz
Grant Kunz

Ruby Kunz
Ruby Kunz
HUSBAND AND WIFE

William S. Kunz
William S. Kunz
A WIDOWER

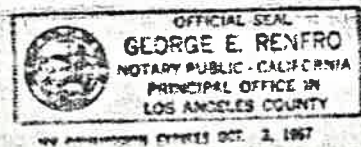
James C. Kunz
James C. Kunz

STATE OF CALIFORNIA)
County of Los Angeles) ss.

On this 31 day of December, 1945, before me, the undersigned, a Notary Public for California, personally appeared VICTOR A. KUNZ and ERMA KUNZ, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, 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.

(SEAL)



George E. Renfro
Notary Public for California
Residing at: _____
My Commission Expires: _____

MICROFILMED
NOV 16 1992

STATE OF IDAHO)

ss.

County of Teton)

On this 11 day of April, 1966, before me, the undersigned, a Notary Public for Idaho, personally appeared GRANT KUNZ and RUBY KUNZ, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, 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.

Carroll Durney
Notary Public for Idaho

Residing at:

Edinburg, Texas

My Commission Expires: May 1, 1969

STATE OF Maryland)

ss.

County of Prince Georges)

On this 28th day of April, 1966, before me, the undersigned, a Notary Public for Prince Georges County, State of Maryland, personally appeared MILTON W. KUNZ, a widower, and JEAN KUNZ, a widow, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, 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.

Laruci B. Wells
Notary Public for Prince Georges County

Residing at: Lanham, State of Md.

My Commission Expires: July 1, 1967

MICROFILMED

NOV 6 1992

STATE OF IDAHO)
County of Teton) ss.

On this 7 day of June, 1966, before me, the undersigned, a Notary Public for Idaho, personally appeared JAMES KUNZ and ARLIEGH KUNZ, husband and wife, ELLIC KUNZ and JESSIE KUNZ, husband and wife, MONROE DUSTIN, and VERA JEAN DUSTIN, husband and wife, EVA DUSTIN, a widow, and ~~ELMER WILLIAMS~~, a widow, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, 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.

Lynn S. Kearney
Notary Public for Idaho
Residing at: Victor, Idaho

My Commission Expires: Feb 21, 1967

(SEAL)

STATE OF Idaho
County of Boonville

On this 11th day of May, 1966, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MILFORD N. KUNZ known to me to be the person whose name is subscribed to the within and foregoing Agreement, and acknowledged to me that he 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.

Edna Brown
Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission expires: 7-5-68

(SEAL)

MICROFILMED
NOV 06 1992

STATE OF IDAHO
BACHELOR.

On this 30th day of June, 1966, before me, the undersigned, a Notary Public in and for said State, personally appeared EUNICE WILLIAMS, 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 seal
the day and year in this certificate first above written.

F. C. Gullett
 Notary Public for ~~1923~~
 Residing at ~~Corbinville, Ohio, U.S.A.~~
 VICTOR, OHIO

My Commission Expires:

July 1, 1968

MICROFILMED
NOV 06 1992



63933

STATE of IDAHO }
COUNTY of TETON } ss
Filed for Record at the Request of

of Highway & Thatcher

at 35 Minutes past 9

P.M. this 2

day of August 1966

and Microfilmed or Recorded in

Book _____

of _____

Records of Teton County

William L. Stone

Recorder

By W. L. Stone Deputy

56.50

MICROFILMED

NOV n 6 1992

MAILED
1-MARCH. 04

February 27, 2004

DELBERT T KUNZ
490 W 625 S
VICTOR ID 83455

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11425

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of JANUARY 1, 1919, from HENDERSON CREEK.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718
PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION
February 27, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DELBERT T KUNZ
490 W 625 S
VICTOR ID 83455

354-2469

*Nick - evidence
of priority for
22-11425*
*Call him if you
need more
information*

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11425

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It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

HENDERSON original Creek bed
Henderson Pipe Line to (31)

MIKE KUNZ
23.0 ac
SW 1/4 SW 1/4

MIKE KUNZ
34.8 ac
SE 1/4 SW 1/4

Milford
SECTION CORNER

Henderson Pipeline
Lot NW NW 1918
NW 1/4 NW 1/4 31
DEL KUNZ
TH N 45E

17.2 ac
NE 1/4 NW 1/4
MIKE KUNZ

Milford
KUNZ

11.8 ac
(FORBUSH)

3 Rds wide 80 Rds long
(Anton Krofka)
MOFFA

MIKE KUNZ
16.3 ac
SW 1/4 NW 1/4

SE 1/4 NW 1/4

Sec

36

(60 acres)

LYLE SCHIESS
50.0 ac
NW 1/4 SW 1/4

DARRELL KUNZ
74.5 ac
NE 1/4 SW 1/4

1st South Road
73 acres

Schuess Well

Patterson Creek

LAW OFFICES
FURCHNER, ANDERSON & BEEBE
178 W. JUDICIAL STREET
BLACKFOOT, IDAHO, 83221

July 12, 1966

C
Grant Kunz
Victor, Idaho

Dear Grant:

O
For your records we enclose herewith a photographic copy of the Agreement settling all rights in connection with Henderson Creek. The Agreement has been fully executed and acknowledged by all parties. We are sending a copy of the Agreement to your Father and Vic.

P
Will you and your Father please immediately send \$500.00 each to Gordon Thatcher at Rexburg for delivery to his clients. He will then have the original of the Agreement recorded in Teton County.

Very truly yours,

FURCHNER, ANDERSON & BEEBE

J. Blaine Anderson

Y
JBA:kh
Encl.

cc: Victor A. Kunz
532 West Sycamore St.
El Segundo, California

Milford N. Kunz
Victor, Idaho

RIGBY & THATCHER
P. O. Box 362
Rexburg, Idaho

THIS INDENTURE, Made this

23rd

day of

September

in the year of our Lord one thousand nine hundred and seventy-four

, between

MILFORD N. KUNZ, a single man,

of Victor

, County of

Teton

, State of

Idaho

the party of the first part, and

DELBERT T. KUNZ

of Victor

, County of

Teton

, State of

Idaho

the party of the second part.

WITNESSETH, That the said party

of the first part, for and in consideration of the sum of

Ten Dollars and other good and valuable consideration-----DOLLARS,
lawful money of the United States of America,

to him

in hand paid by the said

party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained
and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party
of the second part, and to his heirs and assigns forever, all of the following described real estate,
situated in , County of Teton , State of Idaho, to-wit:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 4 North, Range 45
E.B.M., Teton County, Idaho.

SUBJECT to the right of ingress and egress over said
property on the existing roadway, vested in Jean T.
Kunz for access to her property consisting of approxi-
mately two (2) acres, known as Tax No. 1282.

SUBJECT to all existing patent reservations, easements,
rights of way, protective covenants, zoning ordinances,
and applicable building codes, laws and regulations.

ALSO SUBJECT to the reservations and restrictions set
forth in that Real Estate Sale Contract dated September 1,
1974, by and between Milford N. Kunz as Seller and Delbert
T. Kunz as Buyer.

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; and all estate, right, title and interest in and to the said property, as well
in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
with the appurtenances, unto the party of the second part, and to his heirs and assigns forever,
and the said party of the first part, and his heirs, the said premises in the quiet and peaceable
possession of the said party of the second part, his heirs and assigns, against the said party
of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

David S. Kunz } Milford N. Kunz [Seal]
[Seal]
[Seal]
[Seal]

STATE OF UTAH

COUNTY OF Weber

ss.

On this 23rd day of September in the year 1974, before me

David S. Kunz, a Notary Public

in and for said State, personally appeared

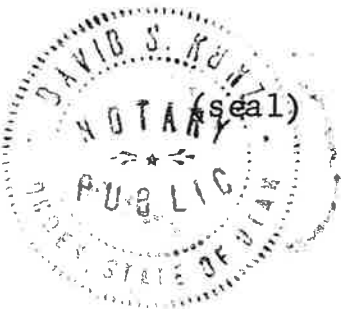
MILFORD N. KUNZ

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

David S. Kunz
Notary Public for the State of Utah
Residing at Ogden, Utah

My Commission Expires: August 6, 1978



74704

WARRANTY DEED

Milford N. Kunz

TO

Delbert T. Kunz

Dated 9-23-1974

STATE OF IDAHO,

COUNTY OF

Idaho

ss.

I hereby certify that this instrument was filed for record at request of Robert E. Jensen

at 5 minutes past 9:00 o'clock A.M., this 26 day of September, A. D. 1974

my office, and duly recorded in Book

of page 1000
Ex-Officio Recorder.

By Martina Rabson Deputy.

Fees, \$

Mail to

Milford

A G R E E M E N T

WHEREAS, certain uncertainties and disputes have existed between and among the undersigned with respect to the rights in and to the various creeks and sources of water hereinafter mentioned and described,

AND WHEREAS, some of the undersigned were parties to an action lately pending in the District Court of the Twelfth Judicial District of the State of Idaho entitled VICTOR KUNZ, Plaintiff, vs. JAMES KUNZ, et al, Teton County Case No. 1459, and the claims of some of the undersigned having been dismissed during the course of the trial of said action upon all parties entering into the following agreement which settles the uncertainties and disputes,

AND WHEREAS, all of the undersigned desire to, and it was contemplated that they would, enter into a formal written agreement.

NOW, THEREFORE, in consideration of the premises and of the covenants and agreements hereinafter set forth, the parties do hereby agree as follows:

IT IS HEREBY STIPULATED AND AGREED by and between James Kunz and Arliegh Kunz, husband and wife, Ellis Kunz and Jessie Kunz, husband and wife, Monroe Dustin and Vera Jean Dustin, husband and wife, all parties to the above entitled action, and Effie Dustin, a widow, Eunice Williams, a widow, claimants to the waters of Henderson Creek, hereinafter referred to, and Victor A. Kunz and Erma Kunz, husband and wife, parties to the above action, and Grant Kunz and Ruby Kunz, husband and wife, and Milford N. Kunz, a widower, and Jean Kunz, a widow, also claimants to Henderson Creek, as follows:

One. That in consideration of the sum of one thousand dollars, lawful money of the United States, five hundred dollars thereof to be paid to Effie Dustin and five hundred dollars to

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Eunice Williams immediately upon the execution hereof, they and James Kunz, Monroe Dustin, Vera Jean Dustin, Effie Dustin, Eunice Williams do hereby forever disclaim, surrender and abandon any and all right, title, claim or interest that each or any of them may have had in and to the waters of Henderson Creek and all irrigation devices used in connection therewith, and in favor of Grant Kunz and Ruby Kunz, husband and wife, and Milford N. Kunz, and agree to *My father* execute any and all deeds or other written instruments which may be necessary to the transfer and relinquishment of said rights. Grant Kunz and Milford Kunz shall pay the sum of five hundred dollars, and James Kunz and Ellis Kunz and Monroe Dustin shall pay the other five hundred dollars.

Two. It is recognized, however, that Jean Kunz, a widow, and Milford N. Kunz, a widower, do have a right in and to the waters of Boquat Creek for domestic use for their present two homes, gardens and livestock, which said water is diverted by a two-inch pipe, reducing to a one-inch pipe, and serving the two dwelling houses. It is understood that said right shall not be interfered with by any of the other parties, and the said Jean Kunz and Milford Kunz do hereby agree that they will not in any way or manner enlarge upon the right or use as it now exists, nor otherwise interfere with the other parties' use of the waters of Boquat Creek, or make or assert any other or additional right or claim thereto.

Jean Kunz a widow and Milford Kunz, a widower, do hereby forever disclaim, surrender and abandon any and all other right, title, claim or interest that they may have had in and to the waters of Boquat Creek, and James Kunz and Arliegh Kunz, husband and wife, Ellis Kunz and Jessie Kunz, husband and wife, Monroe Dustin and Vera Jean Dustin, husband and wife, Victor A. Kunz and Erma Kunz, husband and wife, Grant Kunz and Ruby Kunz, husband and wife,

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do hereby disclaim, surrender and abandon any and all right, title, claim or interest that any of them may have had in and to the waters of Boquat Creek, in each and every case, in full favor of Effie Dustin, a widow and Eunice Williams, a widow, and said parties further agree to execute and acknowledge any and all deeds or instruments that may be necessary to effect such disclaimer, surrender and abandonment.

Three. That Victor E. Kunz and Erma Kunz, husband and wife, in consideration of the premises do hereby forever disclaim and surrender and abandon any and all right, title, claim or interest that they may have had in and to the waters of Grove Creek and Willow Springs Creek, tributaries to each other, and in favor of James Kunz and wife, Ellis Kunz and wife, Monroe Dustin and wife, and agree to execute and acknowledge any and all deeds or instruments that may be necessary to effect such transfer, and in such amounts or quantities or rights to said water as the said transferees may direct and agree upon.

Four. That the court in the above entitled cause shall forthwith dismiss with prejudice the action of the plaintiff, Victor Kunz, as against James Kunz and his wife, and shall forthwith dismiss with prejudice the complaint in intervention of Ellis Kunz and his wife, and Monroe Dustin and his wife, as against Victor Kunz and Erma Kunz, husband and wife.

Five. The dismissals as to the parties to the above entitled action shall be without the assessment of costs to either party.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 22nd day of November, 1965.

James Kunz

Arlliegh Kunz

HUSBAND AND WIFE

Ellis Kunz

Jessie Kunz

HUSBAND AND WIFE

Monroe Dustin

Vera Jean Dustin

HUSBAND AND WIFE

Effie Dustin

A WIDOW

Eunice Williams

A WIDOW

Victor A. Kunz

Erma Kunz

HUSBAND AND WIFE

Grant Kunz

Ruby Kunz

HUSBAND AND WIFE

Milford N. Kunz

A WIDOWER

Jean Kunz

A WIDOW

STATE OF CALIFORNIA)
: ss.
County of Los Angeles)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public for California, personally appeared VICTOR A. KUNZ and ERMA KUNZ, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, 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.

(SEAL)

Notary Public for California
Residing at: _____

My Commission Expires: _____

STATE OF IDAHO)
: ss.
County of Teton)

On this ____ day of _____, _____, before me, the undersigned, a Notary Public for Idaho, personally appeared GRANT KUNZ and RUBY KUNZ, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, 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.

Notary Public for Idaho
Residing at: _____

(SEAL)

My Commission Expires: _____

STATE OF IDAHO)
: ss.
County of Teton)

On this ____ day of _____, _____, before me, the undersigned, a Notary Public for Idaho, personally appeared MILFORD N. KUNZ, a widower, and JEAN KUNZ, a widow, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, 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.

Notary Public for Idaho
Residing at: _____

(SEAL)

My Commission Expires: _____

STATE OF IDAHO)
: ss.
County of Teton)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public for Idaho, personally appeared JAMES KUNZ and ARLIEGH KUNZ, husband and wife, ELLIS KUNZ and JESSIE KUNZ, husband and wife, MONROE DUSTIN and VERA JEAN DUSTIN, husband and wife, EFFIE DUSTIN, a widow, and EUNICE WILLIAMS, a widow, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, 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.

(SEAL)

Notary Public for Idaho
Residing at: _____

My Commission Expires: _____

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: A22-11425
Date Received: 8/29/1988
Receipt No: E001870
Received By: SM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DELBERT T. KUNZ 208-354-2469
Address: 490 WEST 625 SOUTH
VICTOR, ID 83455

2. Date of Priority: JAN 01, 1919

3. Source: HENDERSON CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	44E	25	SW	NW	SE		TETON

5. Description of diverting works:
HEADGATE TO 10" BURIED MAIN LINE TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.800		

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

8. Total consumptive use is 80.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	45E	31	NW	NW		IRR	40.0
Section Acres							40.0

A22-11425

Page 1

Date: 08/29/88

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10. Place of Use: Continued

Total Acres 40.0

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:
NONE.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: - 4 -

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): Albert J. King Date: 29 Aug 1988

Date: _____

State of Idaho)
County of Bonneville) SS.

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

Seal

Residing at Bigby
My Commission Expires 4-22-1994