

03/02/2011

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

RIGHT NUMBER: 22-13511

NAME AND ADDRESS: TETON RAINBOW RANCHES INC  
C/O JERRY KUNZ  
6677 S 4500 W  
VICTOR ID 83455

SOURCE: PARADISE CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.000 CFS ~~1.200 CFS~~

The rights listed below are limited to a total combined diversion rate of 2.20 cfs. Combined Right Nos.: 22-2296B, 22-2296D, and 22-13511.

PRIORITY DATE: 06/01/1904

POINT OF  
DIVERSION:

T04N R45E S30 NENE Within TETON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>  |
|-----------------------|----------------------|------------------|
| IRRIGATION            | 04/15 10/31          | <u>1.000 CFS</u> |

PLACE OF USE: IRRIGATION in TETON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T04N R45E S30 | SWNE | 35.00 | T04N R45E S30 | NWSE | 37.00 |
|---------------|------|-------|---------------|------|-------|

72 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 110 acres in a single irrigation season. Combined Right Nos.: 22-2296B, 22-2296D, and 22-13511.

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

This right is a split from former right 22-587.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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 )

Water Rights: 22-13511

Case No. 39576 )

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following Administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

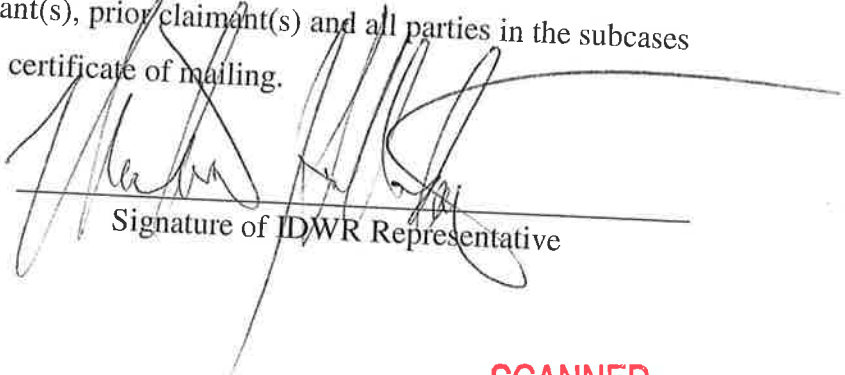
☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 6/4/2009

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on June 5, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:  
Teton Rainbow Ranches Inc  
C/O Larry Kunz  
721 S 450 W  
Victor ID 83455

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:  
Teton Rainbow Ranches Inc  
C/O Jerry Kunz  
665 S 450 W  
Victor ID 83455

4. One copy to:

Each party in the subcase, or attorney of record  
Teton Rainbow Ranches Inc  
Represented by: Thomas J Budge  
201 E Center St  
PO Box 1391  
Pocatello ID 83204-1391  
Craig Kunz  
480 W 575 S  
Victor ID 83455

5. One copy each to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

Signature of person or attorney mailing the form

SCANNED

06/4/2009

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOT RECOMMENDED

---

| <u>W.R. NUMBER</u> | <u>NAME AND ADDRESS</u>                                                          | <u>CLAIM DISPOSITION</u> | <u>REASON</u>                                              |
|--------------------|----------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------|
| 22-13511           | TETON RAINBOW RANCHES<br>INC<br>C/O JERRY KUNZ<br>665 S 450 W<br>VICTOR ID 83455 | Disallowed               | Change in use; insufficient<br>evidence of date of change. |

SCANNED  
JUN 05 2009



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

### EASTERN REGION

June 2, 2009

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

TETON RAINBOW RANCH INC  
C/O LARRY KUNZ  
721 S 450 W  
VICTOR ID 83455

RE: Notice of Change of Water Right Ownership (NCO) for 22-13511 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Bobby Kern  
Office Specialist II

Enclosure

cc Duane & Jean Kunz Family Trust

SCANNED

JUN 05 2009

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

Water Rights: 22-13511

Case No. 39576

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party KUNZ-TETON RAINBOW RANCH
- ☐ I.C. § 42-222 transfer
  - ☐ point of diversion ☐ place of use
  - ☐ period of use ☐ nature of use
  - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 6/2/2009

Signature of IDWR Representative

SCANNED  
JUN 05 2009

### CERTIFICATE OF MAILING

I certify that on June 2, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707
2. One copy to:  
Claimant/Seller for Substitution of Party or attorney of record:  
Duane & Jean Kunz Family Trust  
C/O Craig Kunz  
480 W 575 S  
Victor ID 83455
3. One copy to:  
Claimant/Purchaser for Substitution of Party, or attorney of record:  
Teton Rainbow Ranch, Inc.  
C/O Larry Kunz  
721 S 450 W  
Victor ID 83455
4. One copy to:  
Each party in the subcase, or attorney of record  
Craig Kunz  
480 W 575 S  
Victor ID 83455
5. One copy each to:  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449
6. One Copy to:  
United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

SCANNED

JUN 05 2009

Bobby Kern

Signature of person or attorney mailing the form

06/2/2009

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOT RECOMMENDED

---

| <u>W.R. NUMBER</u> | <u>NAME AND ADDRESS</u>                                                      | <u>CLAIM DISPOSITION</u> | <u>REASON</u>                                              |
|--------------------|------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------|
| 22-13511           | TETON RAINBOW RANCH, INC<br>C/O LARRY KUNZ<br>721 S 450 W<br>VICTOR ID 83455 | Disallowed               | Change in use; insufficient<br>evidence of date of change. |

SCANNED  
JUN 05 2009

354-8865  
317 2921 c

## Idaho Department of Water Resources

Regarding Water Right Number: 22-13511 V1

It is my intent to withdraw our claim filed for the Duane Kunz family Trust, with regards to the above named water right, and to transfer that right to Teton Rainbow Ranch. I believe that the Department of Water Resources made several errors when the ownership of the property was transferred.

Signed



Craig Kunz

Dated May 8, 2009

SCANNED

JUN 05 2009

5/15/2009

Talked to Craig Kunz. He indicated that the intent of this statement was not to withdraw the claim, but rather to allow Teton Rainbow Ranch to pursue the claim. He understood that the claim was put back in the name of Duane + Jean Kunz due to an IDWR error.

MICHAEL HOLLIDAY  
SR WATER RESOURCE AGENT, IDWR



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718  
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

January 24, 2011

Dear Claimant:

As you may recall a settlement conference was recently held in Idaho Falls in hopes that the disputes regarding the water right claims from Paradise Springs could be resolved. At the settlement conference the parties in attendance and the Idaho Department of Water Resources reached a tentative agreement. However, final settlement is contingent upon additional action by the parties. The purpose of this letter is to let you know what further action needs to be taken in order to bring closure to the Paradise Springs subcases in the Snake River Basin Adjudication ("SRBA").

The table below lists the amounts agreed upon during the settlement conference followed by the tasks that need to be completed before the settlement can be finalized. Please find your subcase(s) below and take the appropriate action. IDWR would be happy to help you through the process if you need assistance, as appropriate. Because of the global nature of the settlement of Paradise Springs, SF5 settlement documents will be prepared once the late claims and amended claims are ready for resolution. In other words, all the subcases are tied together and are anticipated to progress through the SRBA resolution process as a group.

| <u>Claim number</u> |       |   | <u>Owner</u>                        | <u>Decreed</u> | <u>Beneficial</u> | <u>Decreed</u>  | <u>Beneficial</u>   |
|---------------------|-------|---|-------------------------------------|----------------|-------------------|-----------------|---------------------|
| - - -               |       |   | -                                   | <u>Acres</u>   | <u>Use Acres</u>  | <u>Quantity</u> | <u>Use Quantity</u> |
| 22                  | 587   | A | KUNZ, LARELL A                      | 25             |                   | 0.35            |                     |
| 22                  | 12714 | B | SUSAN C ALDEEN TRUST                | 7.8            |                   | 0.11            |                     |
| 22                  | 13211 |   | MILLER, DON LE ROY                  | 8.5            | 3.3               | 0.17            | 0.07                |
| 22                  | 13212 |   | REID, MICHAEL L                     | 26             | 9.6               | 0.52            | 0.19                |
| 22                  | 13511 |   | TETON RAINBOW RANCHES               | 72             |                   | 1               |                     |
| 22                  | 13586 |   | RICHARDSON, ANDREW J                | 23.5           | 8.5               | 0.47            | 0.17                |
| 22                  | 13853 |   | MILLER, CHESTER H;<br>MILLER, REX H | 16.5           | 6.5               | 0.33            | 0.13                |
| 22                  | 13854 |   | RICHARDSON FAMILY PROPERTIES LLC    | 17             | 14                | 0.24            | 0.38                |
| 22                  | 13509 |   | FRED MILLER TRUST                   | 25.5           | 9.5               | 0.51            | 0.19                |

22-587A. No need to amend the claim. Only needs to sign SF5.

22-12714B. Needs to amend claimed flow rate to 0.11 cfs.

SCANNED  
JAN 24 2011

22-13211. No need to amend claim. Only needs to sign SF5. It is my understanding that the objectors to this subcase seek a subordination remark limiting a delivery call on this right to 7.6 acres and .17 cfs. Additionally, needs to set aside 22-11537, the 1969 beneficial use right, and sign an SF5 for .07 cfs and 3.3 acres.

22-13212. Needs to move to set aside and amend claim for 0.52 cfs. Eventual recommendation for -13212 will contain a subordination remark limiting a delivery call on this right to 4.5 acres and 0.16 cfs. Will receive SF5 on 22-11639 for 9.6 acres and 0.19 cfs as the beneficial use claim.

22-13511. No need to amend claim. Only needs to sign SF5.

22-13586. Needs to amend claimed flow rate to 0.47 cfs. This right is governed, in part, by the stipulation filed December 2009. Consistent with that stipulation, the eventual recommendation for -13586 will contain the following subordination remark: This water right shall not be permitted to make a delivery call against water right nos. 22-13135, 22-13961, 22-13962, 22-13963, 22-13964, 22-2280E, 22-2296B, 22-2296D, and 22-13681, and their progeny. Needs to file a new beneficial use claim for 8.5 acres and 0.17 cfs.

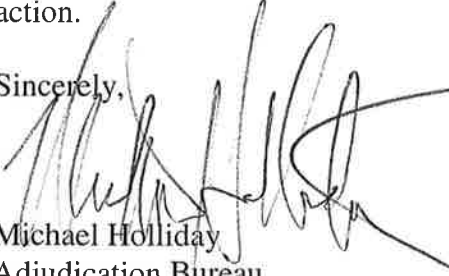
22-13853. Needs to amend claimed flow rate to 0.33 cfs and file a new beneficial use claim for 6.5 acres and 0.13 cfs.

22-13854. This right is governed, in part, by the stipulation filed December 2009. Needs to file a new beneficial use claim for 14 acres and 0.38 cfs.

22-13509. Consistent with the Amended Director's Report filed in July 2010, the eventual recommendation for -13509 will contain the following subordination remark: This water right shall not be permitted to make a delivery call against water right nos. 22-13135, 22-13961, 22-13962, 22-13963, 22-13964, 22-2280E, 22-2296B, 22-2296D, and 22-13681, and their progeny. Needs to file a new beneficial use claim for 9.5 acres and 0.19 cfs.

The next status conference on these subcases is set for February 2, 2011, at 9:30 a.m., during which Special Master Bilyeu agreed to hear motions to amend claims. Motions for late claims need to be heard by Judge Wildman. If you have questions about any of this, please contact your attorney, if applicable, or feel free to give me a call. Thanks in advance for your prompt action.

Sincerely,

  
Michael Holliday  
Adjudication Bureau  
Senior Water Right Agent

SCANNED

JAN 24 2011

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY  
CHARTERED**

W. MARCUS W. NYE  
RANDALL C. BUDGE  
JOHN A. BAILEY, JR.  
JOHN R. GOODELL  
JOHN B. INGELSTROM  
DANIEL C. GREEN  
BRENT O. ROCHE  
KIRK B. HADLEY  
FRED J. LEWIS  
ERIC L. OLSEN  
CONRAD J. AIKEN  
RICHARD A. HEARN, M.D.  
LANE V. ERICKSON  
FREDERICK J. HAHN, III  
DAVID E. ALEXANDER  
PATRICK N. GEORGE  
SCOTT J. SMITH  
JOSHUA D. JOHNSON  
STEPHEN J. MUHONEN  
BRENT L. WHITING  
JONATHAN S. BYINGTON  
DAVE BAGLEY  
CAROL TIPPI VOLYN  
THOMAS J. BUDGE  
CANDICE M. MCHUGH  
JONATHAN M. VOLYN  
MARK A. SHAFFER  
JASON E. FLAIG

201 EAST CENTER STREET  
POST OFFICE BOX 1391  
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101  
FACSIMILE (208) 232-6109

[www.racinelaw.net](http://www.racinelaw.net)

SENDER'S E-MAIL ADDRESS: [tjb@racinelaw.net](mailto:tjb@racinelaw.net)

**BOISE OFFICE**  
101 SOUTH CAPITOL  
BOULEVARD, SUITE 208  
BOISE, IDAHO 83702  
TELEPHONE: (208) 395-0011  
FACSIMILE: (208) 433-0167

**IDAHO FALLS OFFICE**  
477 SHOUP AVENUE  
SUITE 203  
POST OFFICE BOX 50898  
IDAHO FALLS, ID 83405  
TELEPHONE: (208) 528-6101  
FACSIMILE: (208) 528-6109

**COEUR D'ALENE OFFICE**  
250 NORTHWEST  
BOULEVARD, SUITE 106A  
COEUR D'ALENE, ID 83814  
TELEPHONE: (208) 765-8888

**ALL OFFICES TOLL FREE**  
(877) 232-6101

LOUIS F. RACINE (1917-2005)  
WILLIAM D. OLSON, OF COUNSEL

July 7, 2009

Michael Holliday  
IDWR/Eastern Region  
900 N. Skyline Drive, Suite A  
Idaho Falls, Idaho 83402

RECEIVED  
JUL 08 2009  
Department of Water Resources  
Eastern Region

Re: *Larry Kunz - Water Right No. 22-13511*

Dear Michael:

Please find enclosed copies of Affidavits of Larry Kunz, Gary Zohner and Larell Kunz attesting to the use of a portion of Water Right No. 22-587 (the "Withrick right") on the NW1/4 SE1/4 and the SW1/4 NE1/4, of Section 30, Township 4 North, Range 45 East.

Special Master Bilyeu set a deadline to file an Amended Director's Report of July 31, 2009. I presume that with the enclosed Affidavits the IDWR will recommend Water Right No. 22-13511 in accordance with the Amended Notice of Claim filed June 2, 2009. If you have any questions or need additional information from me, please let me know at your earliest convenience.

Sincerely,

  
THOMAS J. BUDGE

TJB:rr  
Enclosures  
cc: Larry Kunz

Thomas J. Budge (ISB No. 7465)  
RACINE, OLSON, NYE, BUDGE  
& BAILEY, CHARTERED  
P.O. Box 1391  
Pocatello, Idaho 83204-1391  
Telephone: (208)232-6101  
Facsimile: (208)232-6109

**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 )

Case No. 39576 )

**AFFIDAVIT OF LARRY KUNZ**

**Subcase: 22-13511**

STATE OF IDAHO )

: SS

County of )

LARRY KUNZ, being first duly sworn, deposes and states as follows:

1. I have lived and farmed all of my life around Paradise Springs in the Teton Valley, west of the town of Victor, Idaho. I currently reside at 721 S. 450 W., Victor, Idaho 83455.

2. All properties referenced herein by section are located in Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

3. In the year 1973 I purchased from Melvin Kunz all of the Northeast 1/4 of the Southeast 1/4 and approximately 20 acres in the Southeast 1/4 of the Northeast 1/4 of Section 30, depicted on the map attached as Exhibit A. This property was originally part of the Caroline Withrick homestead and irrigated under Water Right No. 22-587 (the "Withrick Right") decreed in the Rexburg Decree.

4. However, before I acquired the above-described property from Melvin Kunz, the portion of the Withrick Right appurtenant thereto had been moved one-quarter section east to property owned by Duane Kunz. Duane Kunz used the Withrick Right to irrigate the Northwest 1/4 of the Southeast 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 30, depicted on the map attached as Exhibit B.

5. Thus, when I purchased the above-described property from Melvin Kunz in 1973 (Exhibit A), it no longer had an appurtenant water right. Therefore, I moved water that I owned under Water Right No. 22-575 (the "Walton Right") from the Northwest 1/4 of the Southwest 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 29 to the property that I acquired from Melvin Kunz. I have used the Walton Right to irrigate this property ever since.

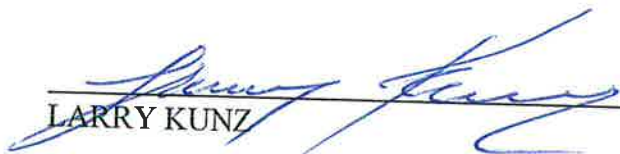
6. In the year 1989 I purchased from Duane Kunz the property depicted on Exhibit B that he had been irrigating under the Withrick Right. I have used the Withrick Right to irrigate this property ever since.

7. Thus, the current place of the Withrick Right is shown on Exhibit B and the current place of use of the Walton Right is shown on Exhibit C.

8. I irrigate the aforementioned properties from Paradise Springs using a tractor pump that I drop into the spring in the Northeast 1/4 of the Northeast 1/4 of Section 30. I have traditionally pumped water from Paradise Springs to these properties through a movable pipe that I ran around the east side of the houses located north of the properties. However, I am currently preparing to install a culvert under the driveway to these homes in order to allow a more direct conveyance of water from Paradise Springs to these properties.

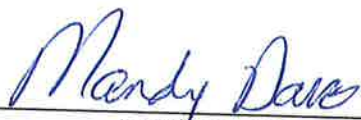
FURTHER YOUR AFFIANT SAYETH NAUGHT.

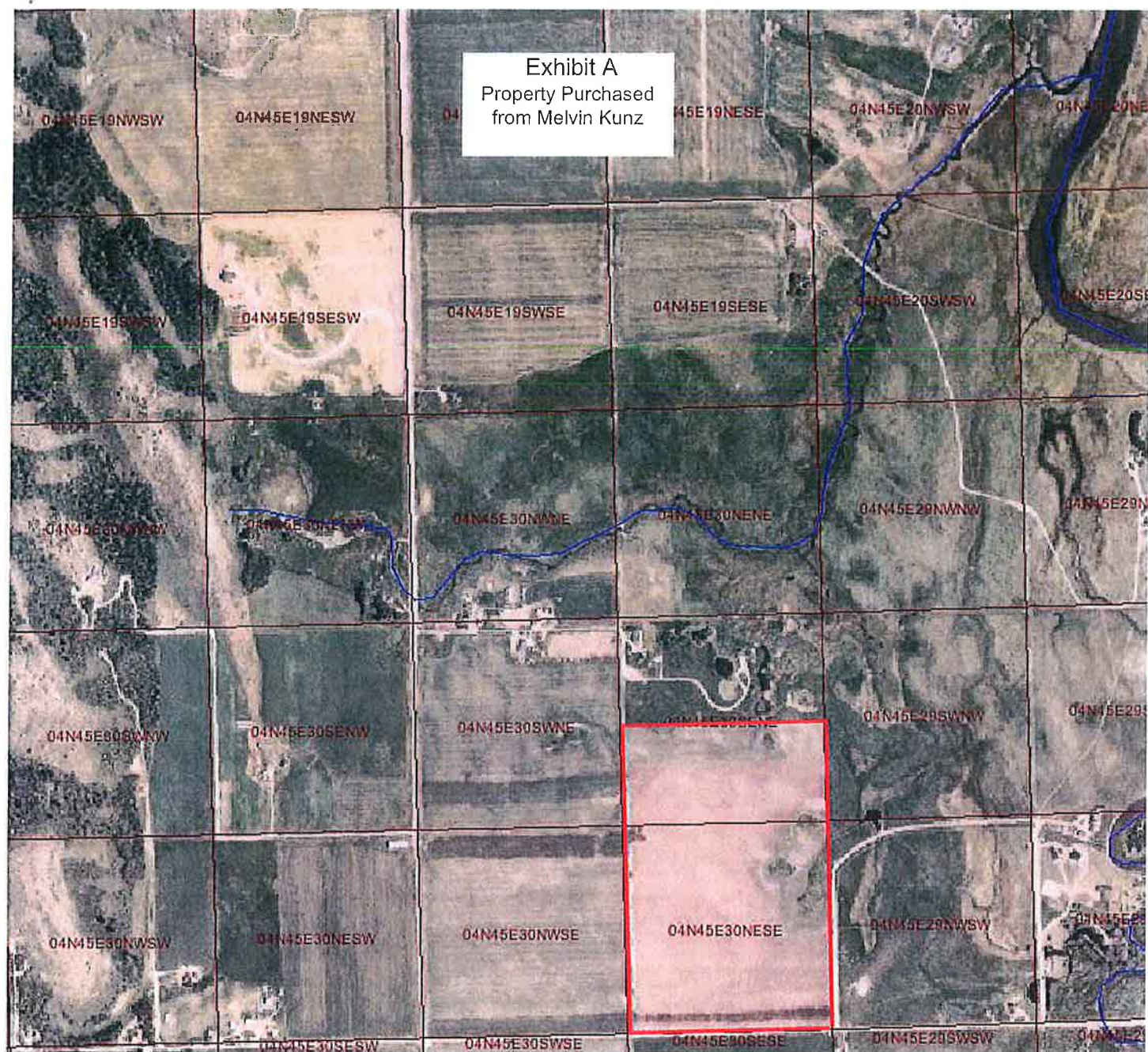
DATED this 25<sup>th</sup> day of June, 2009.

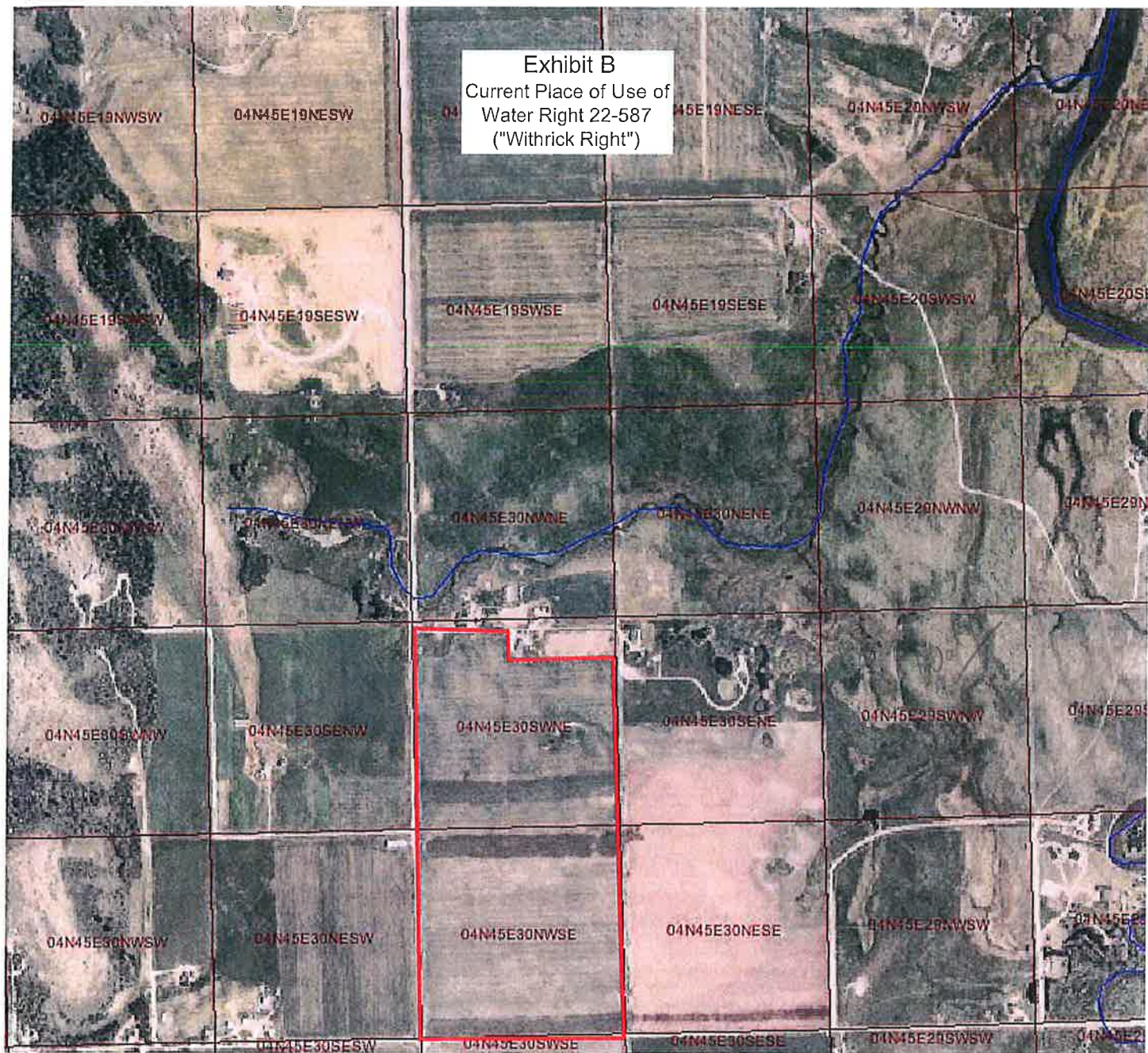
  
LARRY KUNZ

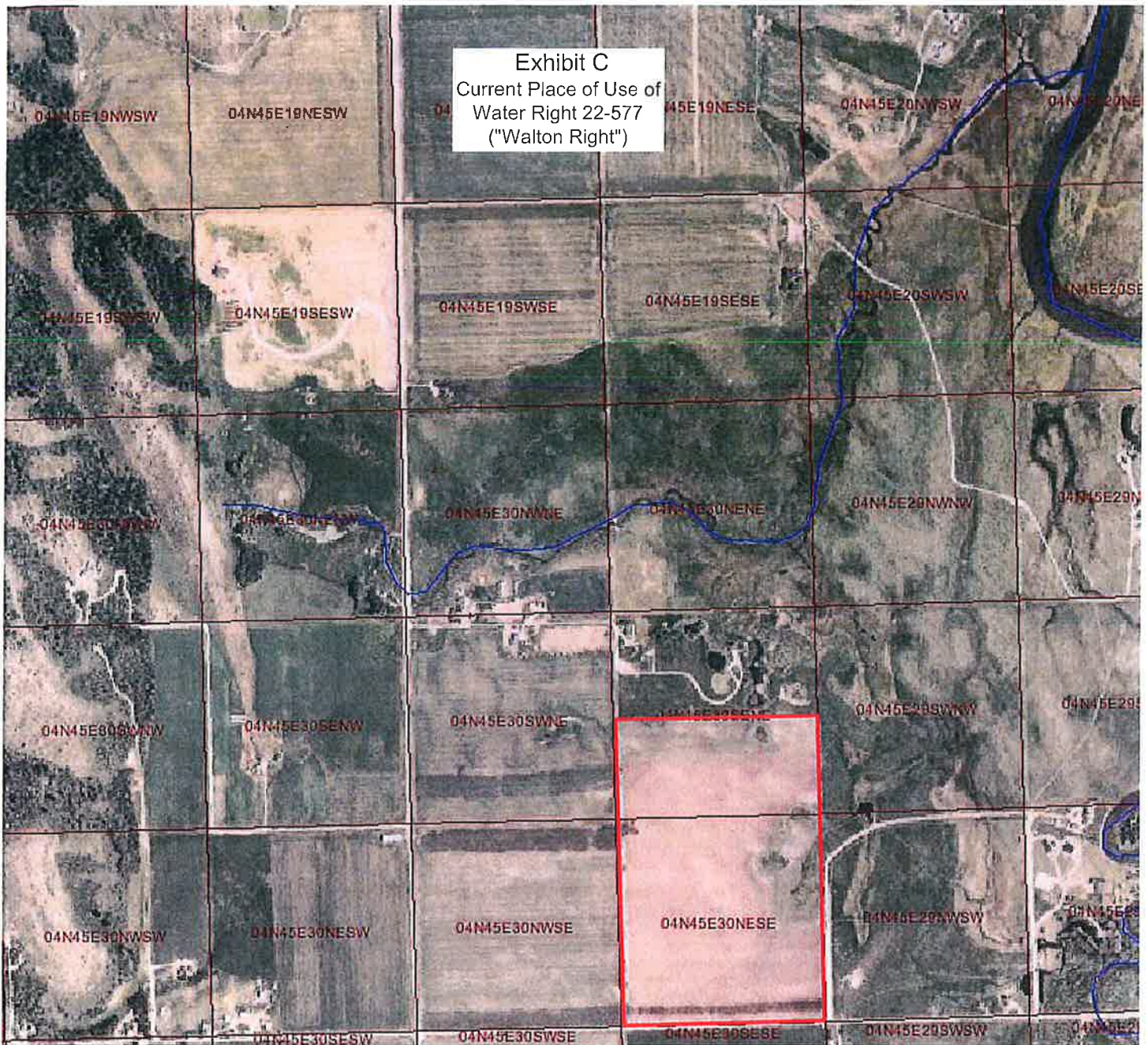
SUBSCRIBED AND SWORN TO before me this 25<sup>th</sup> day of June, 2009.



  
NOTARY PUBLIC FOR IDAHO,  
Residing at: St. Anthony ID  
My Commission Expires: 6-24-2011









FURTHER YOUR AFFIANT SAYETH NAUGHT.

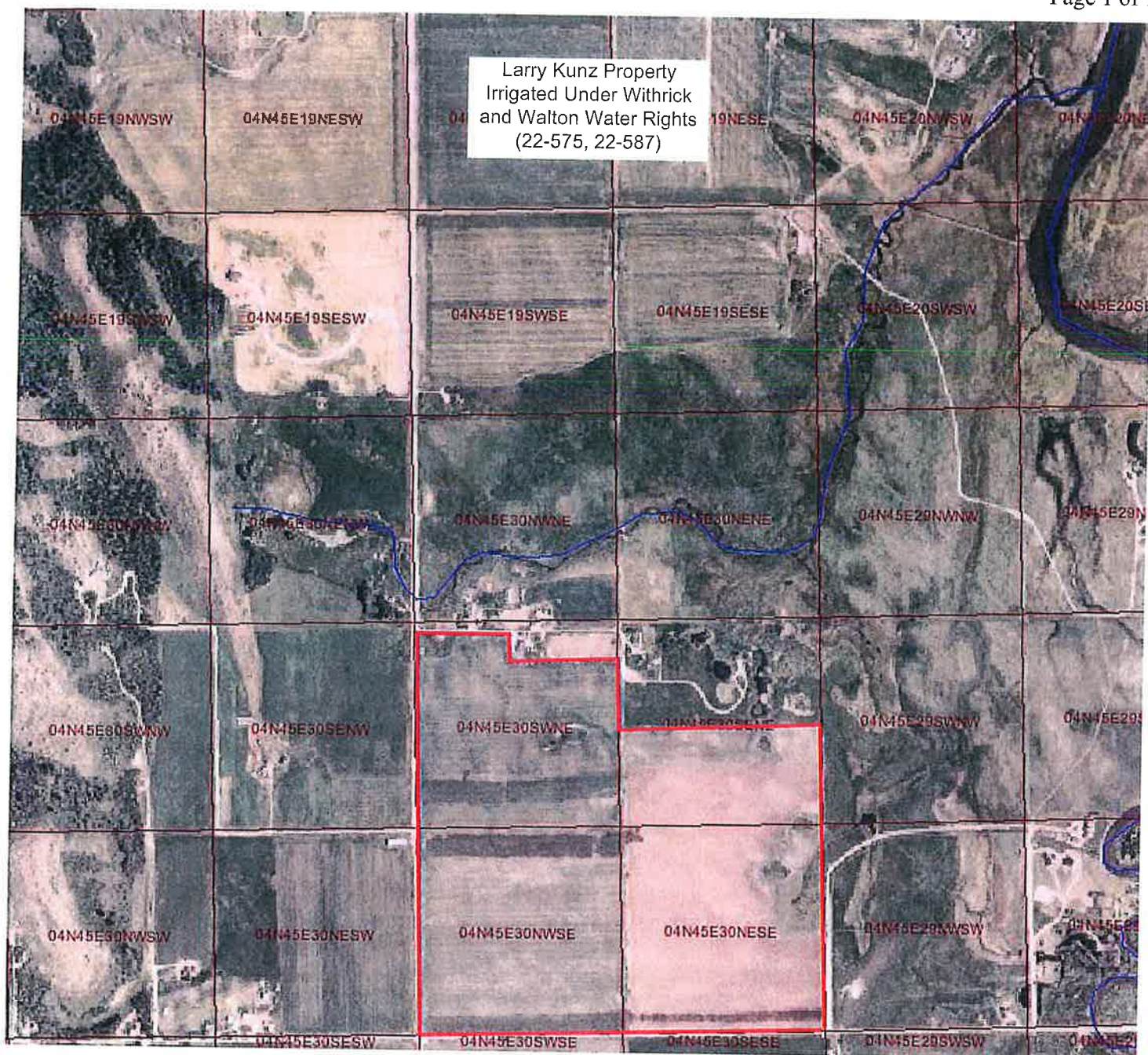
DATED this 25<sup>th</sup> day of June, 2009.

Larell Kunz  
LARELL KUNZ

SUBSCRIBED AND SWORN TO before me this 25<sup>th</sup> day of June, 2009.



Amy Glundornd  
NOTARY PUBLIC FOR IDAHO,  
Residing at: Victor  
My Commission Expires: 9/15/09



Thomas J. Budge (ISB No. 7465)  
RACINE, OLSON, NYE, BUDGE  
& BAILEY, CHARTERED  
P.O. Box 1391  
Pocatello, Idaho 83204-1391  
Telephone: (208)232-6101  
Facsimile: (208)232-6109

**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 )

Case No. 39576 )

**AFFIDAVIT OF GARY ZOHNER**

**Subcase: 22-13511**

STATE OF IDAHO )

: SS

County of )

GARY ZOHNER, being first duly sworn, deposes and states as follows:

1. I have since 6/7/15 lived and farmed on the west side of the Teton Valley near Paradise Springs, and currently reside at 401 W 475 S Pocatello ID 83204

2. I am familiar with the property owned by Larry Kunz in the South 1/2 of the Northeast 1/4 and the North 1/2 of the Southeast 1/4 of Section 30, Township 4 North, Range 45 East, B.M., Teton County, Idaho, as depicted on the map attached hereto as Exhibit A.

3. I can attest that Larry Kunz has irrigated the aforementioned property over the years from Paradise Springs by dropping a tractor pump into Paradise Springs.

4. It has been my understanding that Larry Kunz irrigated the aforementioned property using Water Right Nos. 22-587 (the "Withrick Right") and 22-575 (the "Walton Right").

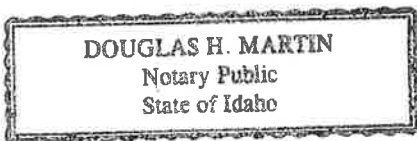
FURTHER YOUR AFFIANT SAYETH NAUGHT.

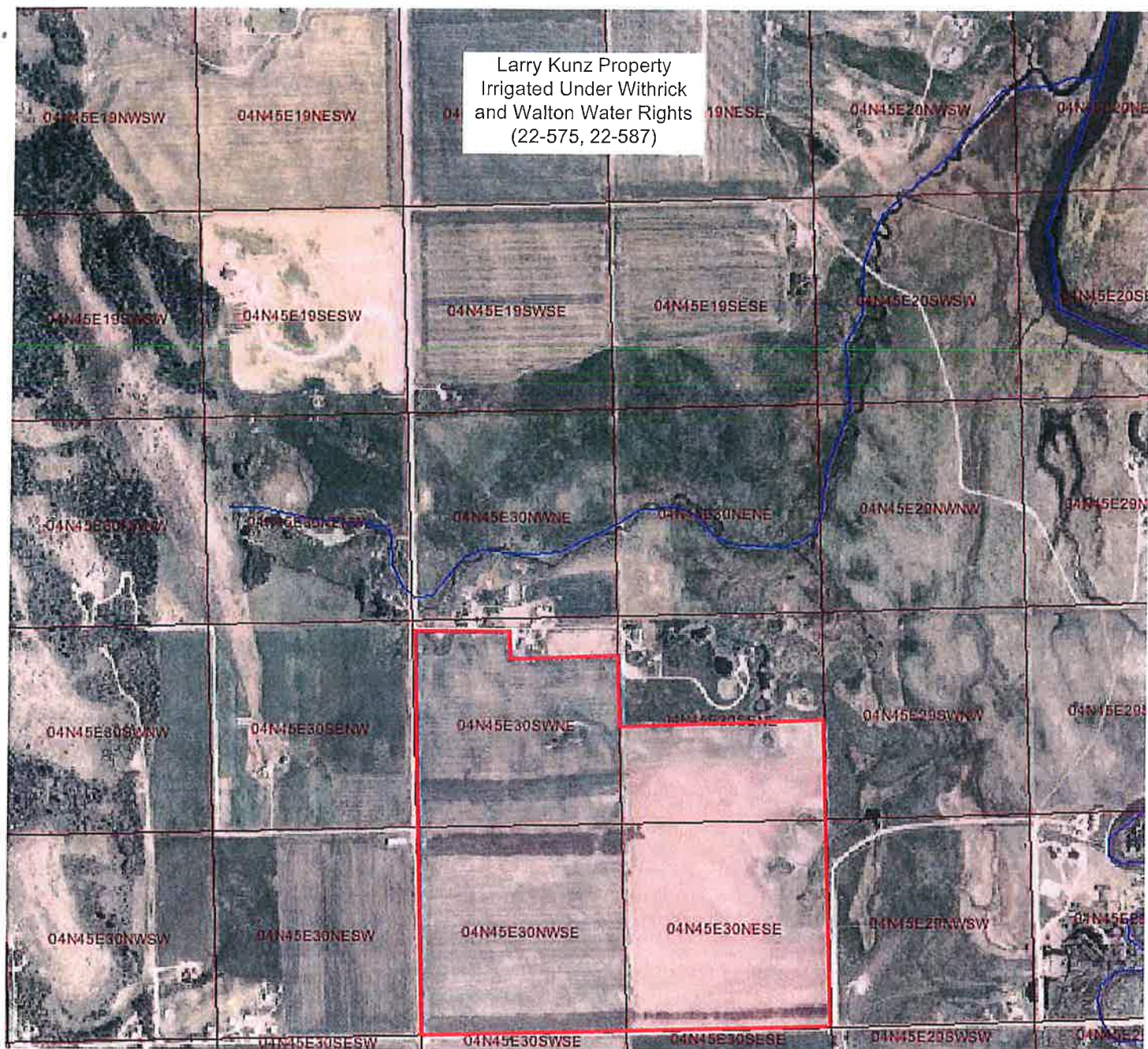
DATED this \_\_\_\_\_ day of June, 2009.

  
\_\_\_\_\_  
GARY ZOHNER

SUBSCRIBED AND SWORN TO before me this 3rd day of <sup>July</sup>~~June~~, 2009.

  
\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO,  
Residing at: Swan Valley, Idaho  
My Commission Expires: 8-28-2010





To Whom It May Concern:

July 27, 2009

I hereby attest that my father, Duane Kunz, and I farmed and irrigated the SWNE and the NWSW of Section 30, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, for many years beginning about the year 1970. We irrigated approximately 75 acres under water right 22-587, commonly known as the Caroline Withrick water right, which we initially rented from Melvin Kunz and later purchased in the year 1982. Larry Kunz (Teton Rainbow Ranches, Inc.) now owns and irrigates this property under the Caroline Withrick right.

Signed



CRAIG KUNZ

354-8865  
317 2921 c

**Idaho Department of Water Resources**

**Regarding Water Right Number: 22-13511 V1**

It is my intent to withdraw our claim filed for the Duane Kunz family Trust, with regards to the above named water right, and to transfer that right to Teton Rainbow Ranch. I believe that the Department of Water Resources made several errors when the ownership of the property was transferred.

Signed



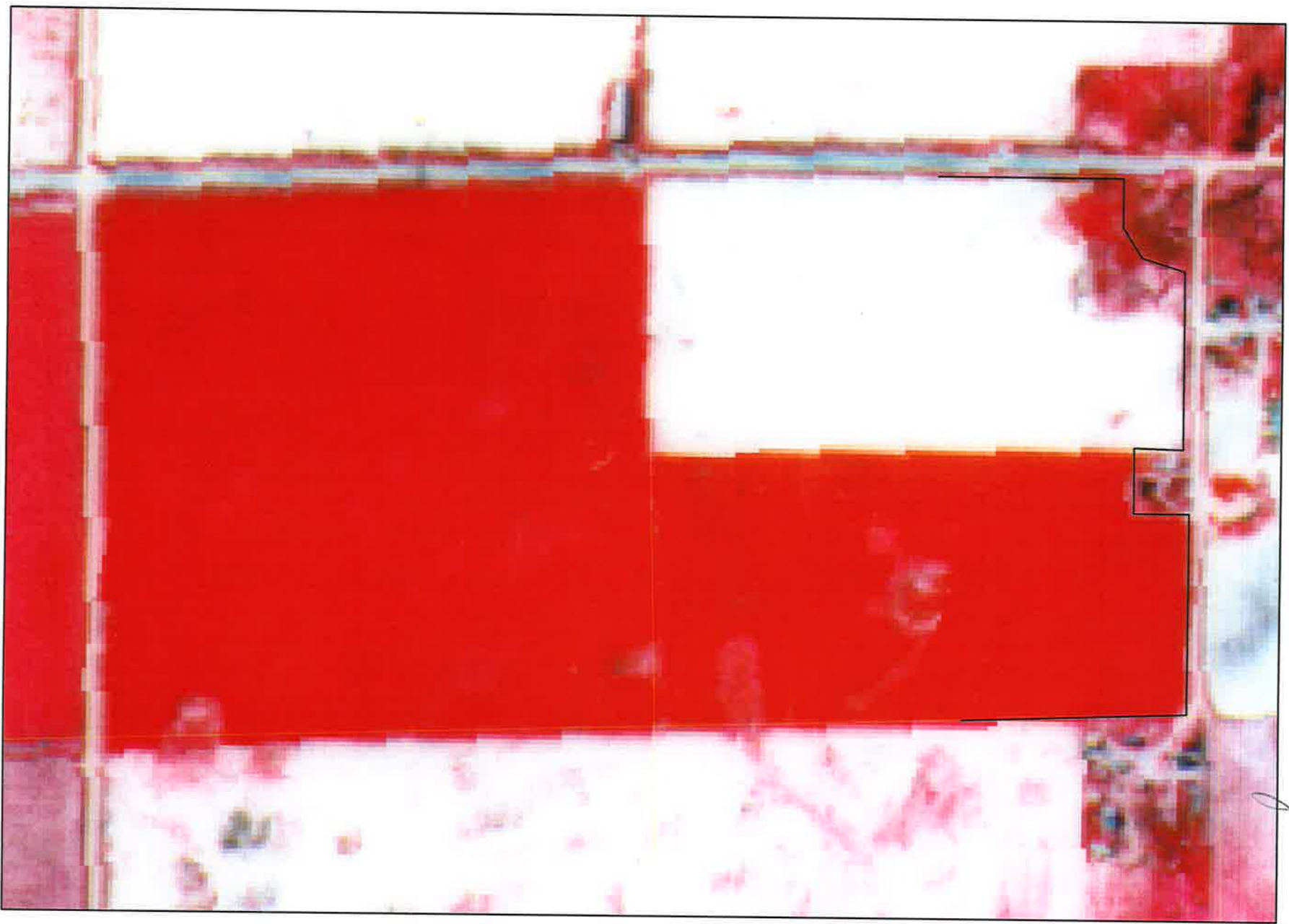
Craig Kunz

Dated May 8, 2009

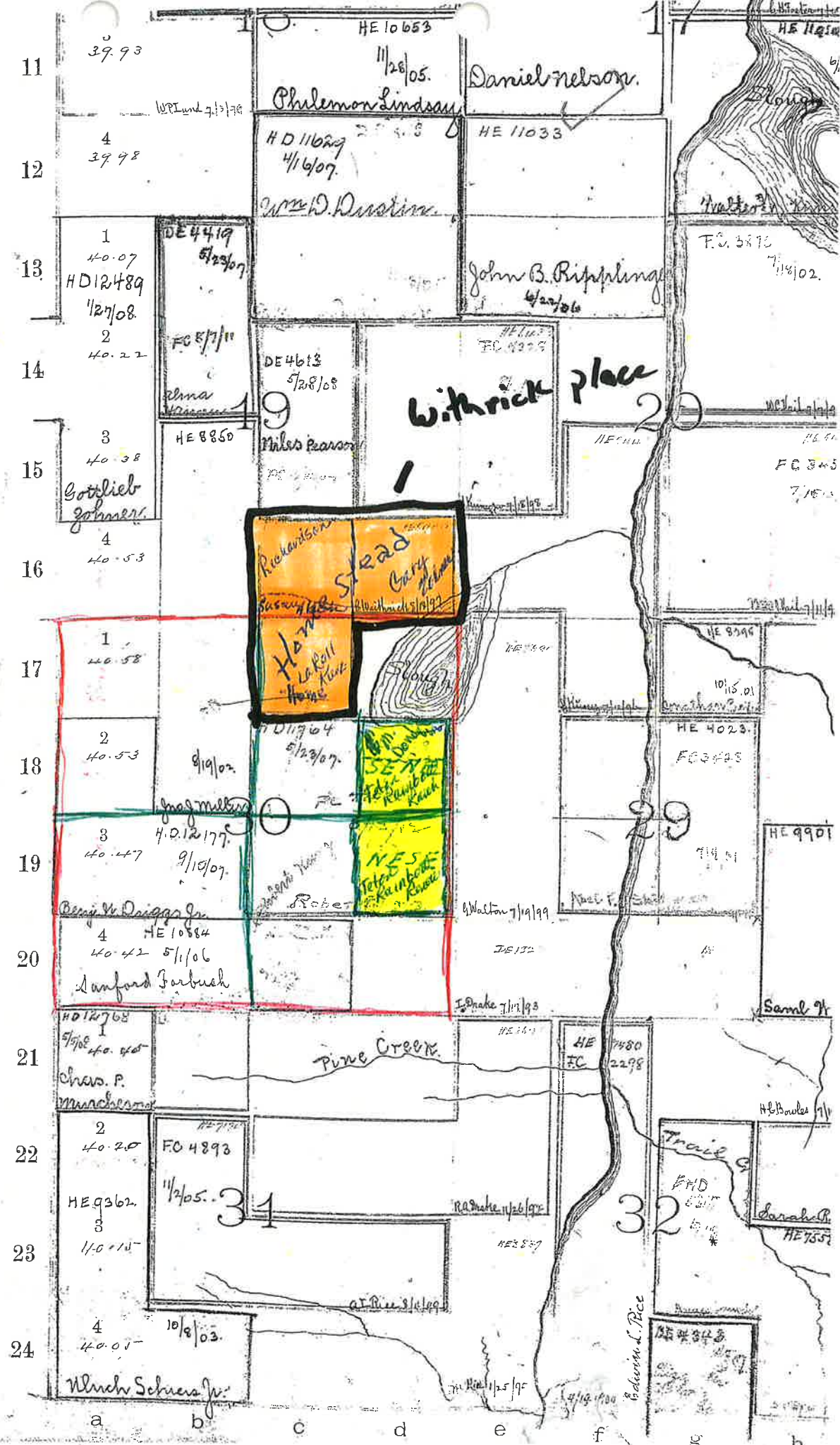
5/15/2009

Talked to Craig Kunz. He indicated that the intent of this statement was not to withdraw the claim, but rather to allow Teton Rainbow Ranch to pursue the claim. He understood that the claim was put back in the name of Duane + Jean Kunz due to an IDWR error.

MICHAEL HOLLIDAY  
SR WATER RESOURCE AGENT, IDWR



22-13511 north boundary



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: **A22-00587**  
Date Received: 9/19/1988  
Receipt No: **E002456**  
Received By: EMC

*Renumbered to 22-13511*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: TETON RAINBOW RANCH INC  
Address: C/O LARRY KUNZ  
721 S 450 W  
VICTOR ID 83455  
208-787-2425

2. Date of Priority: JUN 1, 1904

3. Source: PARADISE SPRING Trib. to: TETON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 04N      | 45E   | 30      | NE     | NE     | NE     |     | TETON  |

5. Description of diverting works:  
PUMP IN CREEK CHANNEL 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 | 1.600 |      |        |

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

8. Total consumptive use is 152.0 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   | 30      | SW     | NE     |     | IRR | 36.0  |
|          |       |         | NW     | SE     |     | IRR | 40.0  |

A22-00587

Page 1

Date: 05/06/93

MICROFILMED

APR 08 1994

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 76.0  |
|          |       |         |            |     | Total Acres   | 76.0  |

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:

14. Remarks:

FLOW FROM THE ORIGINAL SOURCE (PARADISE SPRINGS) IS ALLOWED TO  
FLOW TO THE TETON RIVER WHERE APPLICANT HAS HIS DIVERSION PUMP.

15. Basis of Claim: DECREED

Water Right Number: 220587

Case Number:

Court :

Decree date: 12/16/1910

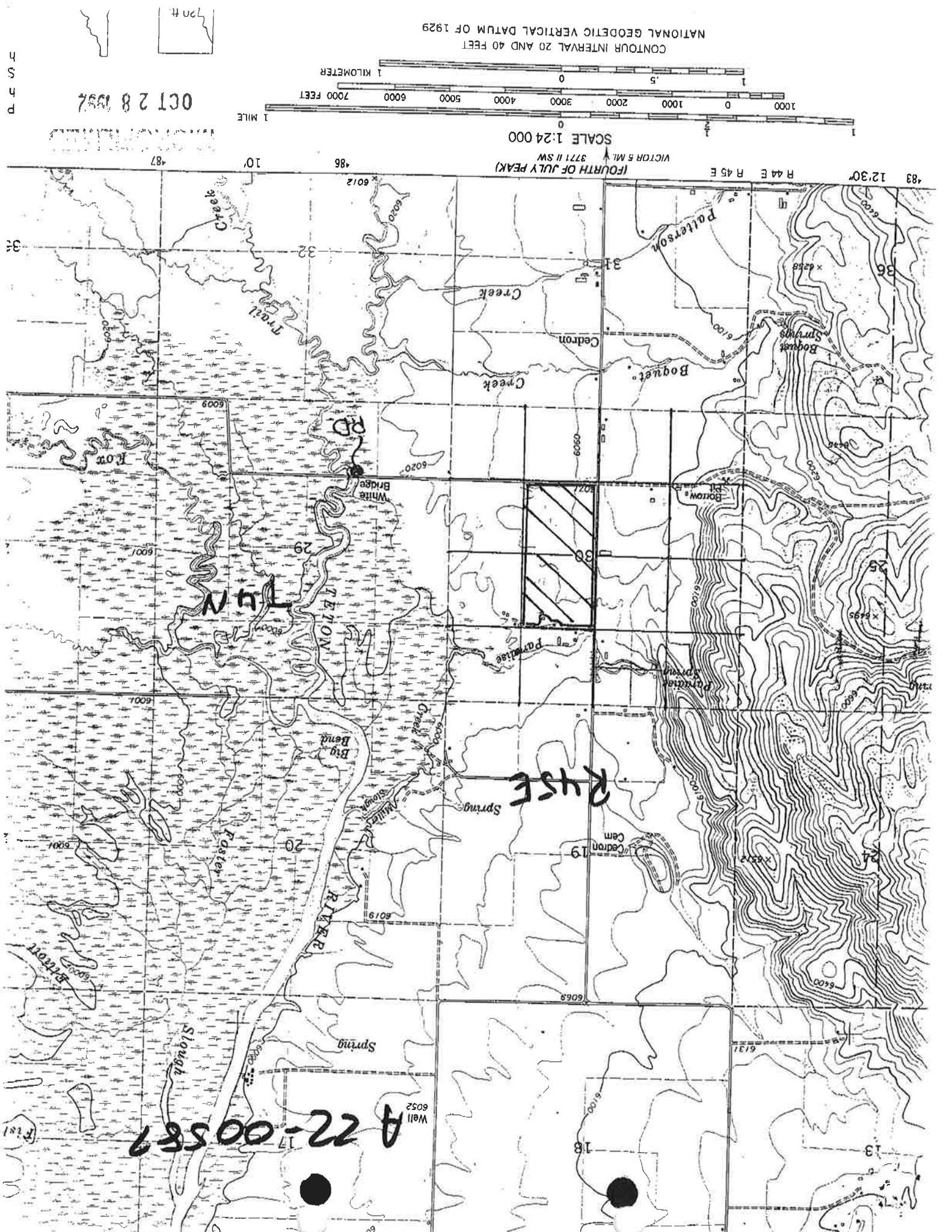
REXBURG IRRIGATION CO. ET AL  
Decree Plaintiff

TETON IRR. CANAL CO. ET AL  
vs Decree Defendant

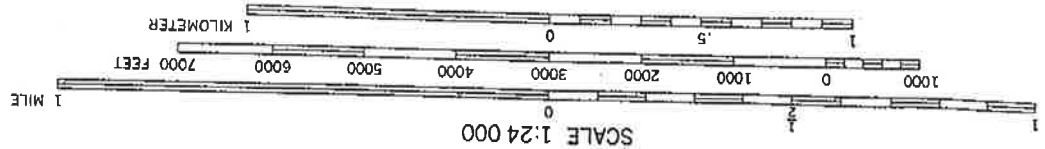
16. Signature(s)

(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: \_\_\_\_\_



CONTOUR INTERVAL 20 AND 40 FEET  
NATIONAL GEODETIC VERTICAL DATUM OF 1929



SCALE 1:24 000

(FOURTH OF JULY PEAK)  
VICTOR 5 MI. 3771 II SW

A 22-00587

Ryse

OCT 28 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

EASTERN REGION

December 18, 2008

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

DUANE AND JEAN KUNZ FAMILY TRUST  
C/O CRAIG KUNZ  
480 W 575 S  
VICTOR ID 83455

RE: Notice of Change of Water Right Ownership (NCO) for 22-180B, 22-230B & 22-13511 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

*Bobby Kern*

Bobby Kern  
Office Specialist II

Enclosure

cc Jean Kunz

SCANNED

JAN 13 2009

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 )

Water Rights: 22-180B, 22-230B  
& 22-13511

Case No. 39576 )

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party Kunz - Kunz
- ☐ I.C. § 42-222 transfer
  - ☐ point of diversion ☐ place of use
  - ☐ period of use ☐ nature of use
  - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Dec 28, 2008

Ernest Carlson

Signature of IDWR Representative

SCANNED  
JAN 13 2009

### CERTIFICATE OF MAILING

I certify that on December 29, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:

Duane Kunz  
466 W 575 S

Jean Kunz

466 W 575 S

Victor ID 83455

Craig Kunz

480 W 575 S

Victor ID 83455

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

Duane and Jean Kunz Family Trust

c/o Craig Kunz

480 W 575 S

Victor ID 83455

4. One copy to:

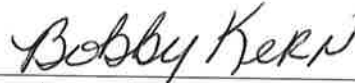
Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724



Signature of person or attorney mailing the form

SCANNED  
JAN 13 2009

12/18/2008

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

RIGHT NUMBER: 22-180B

NAME AND ADDRESS: DUANE & JEAN KUNZ FAMILY TRUST  
C/O CRAIG KUNZ  
480 W 575 S  
VICTOR ID 83455

SOURCE: UNNAMED STREAM

TRIBUTARY: TRAIL CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/01/1889

POINT OF  
DIVERSION:

T04N R45E S32 SENE Within TETON County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>             | <u>PERIOD OF USE</u> | <u>QUANTITY</u>          |
|---------------|-----------------------------------|----------------------|--------------------------|
|               | IRRIGATION                        | 04/15 10/31          | 2.000 CFS                |
| PLACE OF USE: | <u>IRRIGATION in TETON County</u> |                      |                          |
|               | T04N R45E S29                     | SESW 11.00           | T04N R45E S29 SWSE 40.00 |
|               | T04N R45E S32                     | NWNE 38.00           | T04N R45E S32 SWNE 9.50. |
|               | 98.5 ACRES TOTAL                  |                      |                          |

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

SCANNED  
JAN 13 2009

12/18/2008

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

RIGHT NUMBER: 22-230B

NAME AND ADDRESS: DUANE & JEAN KUNZ FAMILY TRUST  
C/O CRAIG KUNZ  
480 W 575 S  
VICTOR ID 83455

SOURCE: BOQUET CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.540 CFS

PRIORITY DATE: 06/01/1890

POINT OF  
DIVERSION:

T04N R45E S29 NWSESW Rediversion Within TETON County  
T04N R45E S31 NWNE Within TETON County  
T04N R45E S32 SWNENW Injection Within TETON County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>             | <u>PERIOD OF USE</u> | <u>QUANTITY</u>               |
|---------------|-----------------------------------|----------------------|-------------------------------|
|               | IRRIGATION                        | 04/15 10/31          | 1.540 CFS                     |
| PLACE OF USE: | <u>IRRIGATION in TETON County</u> |                      |                               |
|               | T04N R45E S30 NESW                | 33.00                | T04N R45E S30 Lot 3 NWSW 7.00 |
|               | T04N R45E S30 SESE                | 37.00                |                               |

77 ACRES TOTAL

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

SCANNED  
JAN 13 2009

12/18/2008

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

RIGHT NUMBER: 22-13511

NAME AND ADDRESS: DUANE & JEAN KUNZ FAMILY TRUST  
C/O CRAIG KUNZ  
480 W 575 S  
VICTOR ID 83455

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 1.600 CFS

PRIORITY DATE: 06/01/1904

POINT OF  
DIVERSION:

T04N R45E S29 NWSESW Within TETON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/01 12/01

1.600 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S30

NESW

33.00

T04N R45E S30 Lot 3 NWSW

7.80

40.8 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Change in use; insufficient evidence of date of change.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Change in use, insufficient evidence of date of change: This is included for a claim that is proposed to be disallowed because use of the water right was changed without prior IDWR approval and the claimant did not submit sufficient evidence from which the date of the change could be determined. The date of change is necessary to determine if the right may be claimed as changed without prior IDWR approval, and if the change will result in injury to other water right holders.

SCANNED  
JAN 13 2009

DE ✓

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

| Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s)                              | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) |
|----------------------|-----------------------------|---------------------------------------|----------------------|-----------------------------|----------|
|                      | 22-230B                     | ADJ                                   |                      |                             |          |
|                      | 22-13511                    | Dis-ADJ - recommended as Disallowance |                      |                             |          |
|                      | 22-180B                     |                                       |                      |                             |          |
|                      |                             |                                       |                      |                             |          |
|                      |                             |                                       |                      |                             |          |
|                      |                             |                                       |                      |                             |          |

RECEIVED

DEC 12 2008

Department of Water Resources  
Eastern Region

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

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

Juanita M. Kunz  
Jean C. Kunz

4. New Owner/Claimant(s)

Juanita and Jean Kunz Family Trust

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

New Mailing Address

480 W. 575 St

City, State and ZIP Code

Victor ID.

New Telephone Number

(208) 354-8845

SCANNED  
83451 JAN 13 2009

RECEIVED  
DEC 12 2008

Department of Water Resources  
Department of Water Resources  
Eastern Region

5. Date you acquired the property \_\_\_\_\_

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

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

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

7. Signature(s) of New Owner(s) or Claimant(s) \_\_\_\_\_

*Example of Trust*  
(title if applicable)

(title if applicable)

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

**For IDWR Office Use Only:**

Received by \_\_\_\_\_

Date \_\_\_\_\_

Receipt Amt. \_\_\_\_\_

Receipted by \_\_\_\_\_

Date \_\_\_\_\_

Receipt No. \_\_\_\_\_

Processed by \_\_\_\_\_ AJ

Date \_\_\_\_\_

WR \_\_\_\_\_

Date \_\_\_\_\_

**SCANNED****JAN 13 2009**

RECEIVED  
JUL 6 1995

TETON CO. Id.  
Clerk Recorder

"SCHEDULE A"  
120483  
WARRANTY DEED

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

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

PARCEL I

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

PARCEL II

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

PARCEL III

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

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

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

WARRANTY DEED-1

SCANNED

JAN 13 2009

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

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

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

#### PARCEL IV

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

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

PARCEL V

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

PARCEL VI

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

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

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

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

Duane H. Kunz  
DUANE H. KUNZ, Grantor

Jean C. Kunz  
JEAN C. KUNZ, Grantor

RECEIVED

ROY C. MOULTON

Attorney at Law

66 East Wallace Ave.

P.O. Box 634

Driggs, Idaho 83422

(208) 354-2345

(208) 354-2346 [facsimile]

JUL 06 1995

TETON Co.

Clerk Recd.

120482

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

In the matter of the )

) Case No. \_\_\_\_\_

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

) REGISTRATION OF TRUST

) Under I.C. § 15-7-101

) and 15-7-102  
)

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

1. Name. The name of the Trust to be registered is THE DUANE and JEAN  
KUNZ FAMILY TRUST.

2. Trustees. The name and address of each Trustee and successor Trustee is as  
follows:

DUANE H. KUNZ Original Trustee.

470 West 575 South

Victor, Idaho 83455

JEAN C. KUNZ Original Trustee.

470 West 575 South

Victor, Idaho 83455

CRAIG D. KUNZ Successor Trustee.

466 West 575 South

Victor, Idaho 83455

REGISTRATION OF TRUST-I

120482

FILED

AT THE REQUEST OF

*Roy Moulton*  
AT 100 MINUTES PAST 4  
ON July 6, 1995  
*Ada J. Drake*  
Nora Rigby

SCANNED

JAN 13 2009

120482

Grantors, CRAIG D. KUNZ, whose current address is 466 West 5<sup>th</sup> South, Victor, Idaho 83455, is appointed to be the sole Trustee. If CRAIG D. KUNZ is not available to serve as Trustee, then DEAN H. KUNZ, whose current address is 161 South 2000 West, Rexburg, Idaho 83440, shall be appointed as successor Trustee.

Duane H. Kunz  
DUANE H. KUNZ, Grantor

Jean C. Kunz  
JEAN C. KUNZ, Grantor

STATE OF IDAHO            )  
                                      : ss.  
County of Teton            )

On this 5th day of July, 1995, before me personally appeared DUANE H. KUNZ and JEAN C. KUNZ, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



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

REGISTRATION OF TRUST-3

SCANNED  
JAN 13 2009

**DURABLE GENERAL POWER OF ATTORNEY**  
(Effective Upon Incapacity)

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

**ARTICLE 1**  
**Durability**

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

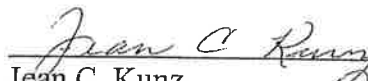
**ARTICLE 2**  
**Authorities Granted**

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

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

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

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

  
\_\_\_\_\_  
Jean C. Kunz

SCANNED  
JAN 13 2009

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

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

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

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

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

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

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

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

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

  
Jean C. Kunz

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

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

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

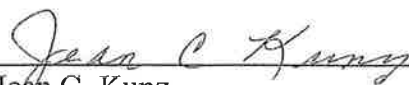
**P. Revocable Trust.** My attorney-in-fact may transfer any of my assets to any revocable trust I have created to be administered under the terms of such trust, and may withdraw assets from any such trust for any proper purpose, even if my attorney-in-fact is a trustee.

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

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

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

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

  
Jean C. Kunz

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

### ARTICLE 3

#### Gifts

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

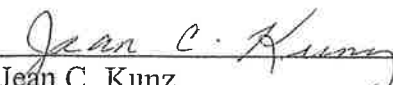
B. **To My Descendants.** My attorney-in-fact may make gifts annually to each of my descendants in amounts equal to the annual federal gift tax exclusion (presently \$11,000 per donee, under Section 2503(b) of the Internal Revenue Code of 1986, as amended). My attorney-in-fact may also make gifts to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

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

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

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

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

  
Jean C. Kunz

SCANNED  
JAN 13 2009

**ARTICLE 4**  
**Condition to Exercise of This Power**

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

**ARTICLE 5**  
**Miscellaneous**

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

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

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

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

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

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

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

  
Jean C. Kunz

SCANNED  
JAN 13 2009

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

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

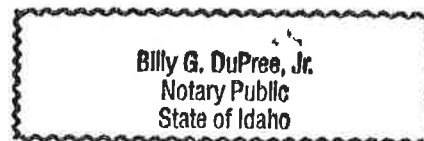
29th IN WITNESS WHEREOF, I have executed this Durable General Power of Attorney this day of December, 2005.

Jean C. Kunz  
Jean C. Kunz

STATE OF IDAHO                     )  
                                                      :SS  
County of Madison                 )

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

Billy G. DuPree, Jr.  
Notary Public for Idaho  
Residing at: Rexburg, Idaho  
My Commission Expires: 12/04/10



SCANNED  
JAN 13 2009

## **Paradise Springs Water Rights, Basin 22, Teton County Idaho**

Paradise Springs, located near Driggs Idaho in Basin 22 is the subject of much contention. The recommendations have been reported to the court for all Basin 22 claims as well as these Paradise Springs and those water rights related to Paradise Springs. Objections are now being filed with the court regarding these rights. This report is to document the reasoning behind the recommendations made on the water rights for Paradise Springs and those water rights relating.

### **Water Right Referenced in This Report**

22-180A, 22-180B, 22-180D, 22-575A, 22-11537, 22-11639, 22-12714B, 22-13134, 22-13135, 22-13211, 22-13212, 22-13503, 22-13509, 22-13511, 22-13585, 22-13586.

### **Water Right 22-405**

Water right 22-405 was decreed to J. J. Miller in "Rexburg Irrigation Company et al. vs. Teton Irrigation Canal Company et al.", commonly known as the Rexburg Decree. Water right 22-405 was decreed to lands located on SWSE and S½ SW Section 30, and NENW of Section 21, Township 4 North, Range 45 East, for a total of 160 acres. The decree entitled Mr. Miller to a total of 2.0 cfs from Paradise Springs. The decree stated a priority date of 6-1-1904.

Mike Reid, Don Leroy Miller and Rex Miller are the original claimants for 22-405. Rex Miller has since sold a portion of his land to John Collins, Andrew Richardson and some of his land if not all is now being subdivided. All of the original claimants claim the water had never been used on the decreed place of use. Don is J.J. Miller's son. He states along with the rest of the original claimants that J. J. Miller never owned any of the land described in the Rexburg decree, and that the land that the water was intended to be used on is located in the SESW and NESW Section 19 as well as NENW and SENW Section 30, Township 4 North, Range 45 East. After looking at the USGS topographic map, it was found that Paradise Springs' water could never have been used on the land described in the Rexburg Decree because it is up hill.

Don Miller brought in J. J. Millers Homestead description as well as a Notice Of Water Right submitted by J. J. Miller. The Homestead Entry for J. J. Miller and the land listed on his Notice of Water right are described as follows: E½ NW Section 30 and E½ SW Section 19, Township 4 North, Range 45 East.

Given this information it is believed that water right 22-405 had always been used on the land described by the claimants. It is also believed that the Rexburg Decree was in error.

Because of this error and the fact that the Rexburg Decree is an indeterminate decree in regard to exact acreage, Idaho Department of Water Resources' "Adjudication Memo #57" was used as a guide for these recommendations. "Adjudication Memo #57" states

that if the water right was part of an indeterminate decree, then the acres irrigated in 1987 will be used as the decreed place of use. In 1987 all of the E½ NW Section 30 and E½ SW Section 19, Township 4 North, Range 45 East was irrigated. This information was found through statements from the original claimants including signed statements from Rex Miller and Craig Kunz and by reviewing the aerial photos taken in 1987/1988 by the National Agriculture Imagery Program (NAIP). Though this is true, the claimants state that the NESW of Section 19 Township 4 North, 45 East was not irrigated until later (Affidavit supplied).

Rex Miller and Don Miller are brothers and each of them owned part of the land that was homesteaded by J. J. Miller. Even though the land was not split half and half between Don and Rex, the water right was. This information was obtained by a conversation with Don and a signed statement from Rex. Rex Miller and Don Miller each received 1.0 cfs of water right 22-405.

Mike Reid bought a portion of land from Don Miller therefore a portion of Don's 1.0 cfs was portrayed to him. Because of a claim that ground water users in the area were drying up Paradise Springs, Mike Reid filed a transfer to officially move the water from the decreed place of use to the land that it has always been used on. This transfer was lost in the system and when it was found it was decided that the Adjudication recommendations would accomplish the change the transfer was trying to accomplish, and the transfer was withdrawn. Rex's 1.0 cfs was also split. The recommendations for 22-405 have been created based on the above information.

**Recommendations for 21-405:**

- Mike Reid owns 35.6 acres of the Homesteaded land and receives 0.7 cfs and is reflected in the following claim files: 22-13212 (0.5 cfs), 22-13503 (0.2 cfs).
- Don Miller owns 9.6 acres and receives 0.3 cfs reflected in claim number 22-13211
- Rex Miller at one time irrigated 93.8 acres using water right 22-405 and water right 22-587. He owns 1.0 cfs of 22-405 and did not claim any additional water from 22-587 although he owned land covered by that right. He sold 7.2 acres and 0.08 cfs to Russel Bourne who then sold it to John Collins. John Collins' land was decreed as 22-587 and was therefore was recommended as such. Rex then sold another piece of his land to Andrew Richardson who received 0.34 cfs for 31 acres on land decreed as 22-405. Rex was left with 55.6 acres and 0.61 cfs on land covered by both 22-405 and 22-587.
- Rex Miller 55.6 acres and 0.61 cfs. Combination of 22-405 and 22-587 reflected in claim number 22-13585.
- Andrew Richardson 31 acres and 0.34 cfs. Portion of 22-405 reflected in claim number 22-13586.

- John Collins 7.2 acres and 0.08 cfs. Portion of 22-587 reflected in claim number 22-12714B.

### **Water Right 22-13509**

Later in time the NESW of Section 19, Township 4 North, Range 45 East started being irrigated by water that came from a ditch along the Western hillside. There was an affidavit submitted by Chester Miller, one of J. J. Miller's sons. This affidavit went through some history about the water from Paradise springs but the only concrete date that can be taken from that affidavit was 1960. Because of this information the priority date that was given to water right 22-13509 for the irrigation of the NESW of Section 19, Township 4 North, Range 45 East.

### **Water Right 22-4104**

According to the claimants in 1969 a pump went in on the East side of the spring and pumped water through a pipe for sprinkler irrigation. This pump not only irrigated all of the homesteaded land, but also began irrigating a small piece of land owned by Don Miller in the NWNW of Section 30 Township 4 North, Range 45 East. The affidavit provided by Chester Miller supports this beneficial use water right 22-4104. This right was split between Don Miller and Mike Reid.

### **Recommendations for 22-4104:**

- Mike Reid receives 0.59 cfs reflected in claim number 22-11639.
- Don Miller receives 0.14 cfs reflected in claim number 22-11537.

### **Water Right 22-587**

This water right was decreed in the Rexburg Decree to Caroline Withrick for an "undivided  $\frac{1}{4}$  of Paradise Springs" with a priority of 6-1-1904. The land in the decree is stated as follows:

"NE1/4SE1/4, and SE1/4 of NE1/4 of Section 30, T. 4 N., R., 45 E., B. M. also, Homestead not described in pleadings."

The Homestead for Caroline Withrick was found on the BLM website ([www.glorerecords.blm.gov](http://www.glorerecords.blm.gov)) but her name was spelled slightly different. The homestead was issued to Carolina Wuthrick dated May 20<sup>th</sup> 1862. The land was listed as follows:

"S1/2SE Section 19 and NWNE Section 30 of T 4N R 45E"

The land listed on the decree and on the Homestead Entry total 200 acres.

7.2 acres of SWSE Section 19, Township 4 North, Range 45 East has been recommended to John Collins as 22-12714B. The remainder of that quarter-quarter has been recommended to Rex Miller as 22-13585. Duane Kunz claims 1.6 cfs of 22-587 reflected in water right claim number 22-13511. He claims the water has been used on NESW and NWSW Section 30, Township 4 North, Range 45 East, which is not the decreed place of use and no evidence has been submitted suggesting an error in the decree. As a result that claim has been disallowed.

### **Water Right 22-575**

Water right 22-575 was decreed in the Rexburg Decree to George Walton for 100 inches (2 cfs) from Paradise Springs with a priority of 6-1-1892. The land it was decreed to is described as follows:

“NW1/4 of SW1/4 and W1/2 of NW1/4 of Section. 29, and NE1/4 of NE1/4 of Section 30, T. 4 N. R., 45 E., B. M., Containing 160 Acres.”

In water right transfer number 3555 Gary Zohner transferred 1 cfs of water right 22-575 from NWNW Section 29 and NENE Section 30, Township 4 North, Range 45 East to the NWSE and SESE Section 19, Township 4 North, Range 45 East. Also in the same transfer he moved 0.7 cfs of water right 22-180 from the NENE Section 30, Township 4 North, Range 45 East to the same place of use in Section 19.

After transfer # 3555, the land pertinent to 22-575 is as follows:

NWSW and SESE Section 19, SWNW and NWSW Section 29 all in Township 4 North, Range 45 East.

Teton Rainbow Ranch at one time prior to 1987 owned land located in the SWNW and NWSW Section 29, Township 4 North, Range 45 East. They sold that land to Peter Shields and reserved the water as stated in the warrantee deed located in the claim file for water right 22-13134. Teton Rainbow Ranch then moved the water to SENE and NESE Section 30, Township 4 North, Range 45 East. Based on this information the recommendations follow.

### **Recommendations for 22-575:**

- Gary Zohner receives 1.0 cfs reflected in claim number 22-575A limited to 80 acres.
- Wally Rothgeb receives, as an accomplished change in place of use, 0.13 cfs for 8.9 acres reflected in claim number 22-13135.
- Teton Rainbow Ranch receives, as an accomplished change in place of use, 0.86 cfs for 54 acres reflected in claim number 22-13134.

### **Water Right 22-180**

Water right 22-180 was decreed in the Rexburg Decree to H. C. Bowles for 140 inches (2.8 cfs) from Spring Creek, with a priority of 6-1-1889. The land describe in the decree is as follows:

“SW1/4 of SW1/4 and SW1/4 of SE1/4 of Section. 29, N1/2 of NE1/4 of Section. 30, T. 4 N., R. 45 E., B. M., containing 160 acres”.

After transfer # 3555 mentioned above the lands to which water right 22-180 was pertinent is as follows.

NWSE and SESE Section 19, SWSW and SWSE Section 29, and NWNE Section 30, Township 4 North, Range 45 East.

Though 22-180 was decreed the source of “Spring Creek”, no one knows exactly where Spring Creek is. Some of the local names for Paradise Springs are Sulfur Creek and Spring Creek. In my analysis Paradise Springs, springs up into a pond and when water is high it will flow down and add to the water down stream in what is locally known as Miller Slough or Paradise Creek. Paradise Creek is a gaining reach and water can be found in it even after water is too low for Paradise Springs to feed it. It is possible that at the time of the Rexburg decree, Paradise Springs and Paradise Creek were referred to as separate sources. It is my opinion that the Rexburg Decree decreed rights to Paradise Springs and also Paradise Creek but named it Spring Creek because it was connected to Paradise Springs at times. For lack of other evidence and the fact that for years, it has been accepted that 22-180 is part of Paradise Springs my recommendation is that 22-180 be decreed, at least in part, to Paradise Creek. A transfer was even approved by the Department for this right and no protests were received to my knowledge. The Rexburg Decree did however decree 40 acres of land to this water right on the East side of the River. This is the portion of the right that Duane Kunz is claiming. That is why I recommended Unnamed Stream to this right. Why that land was decreed is unknown to me. It may be an error, or the land on the West side of the river may be in error. It could also be that H. C. Bowles allowed the water to flow into the Teton River and then he took it out upstream in an exchange fashion, otherwise I don't understand why 80 acres would be decreed right on Paradise Creek and 80 acres decreed ½ mile upstream and 40 acres of it on the East side of the river. It may be that we want to recommend 22-180A and 22-180D as Paradise Creek to differentiate between Paradise Springs and Paradise Creek, and then have a point of injection and a point of re-diversion.

Based on that information the recommendations for 22-180 are as follows.

#### **Recommendations for 22-180:**

- Gary Zohner receives 0.7 cfs for 80 acres reflected in claim number 22-180A (Paradise Springs)

- Duane Kunz receives 0.7 for 40 acres reflected in claim number 22-180B (Unnamed Stream)
- Larell Kunz receives 0.44 cfs for 25 acres reflected in claim number 22-180D (Paradise Springs)

**Report by Trent Galbraith 12-15-06: Revised 10-1-2007**

Claim no. A22-13511  
A22-00587

Claimant Contact Log

| Date | Remarks | Agent initials |
|------|---------|----------------|
|------|---------|----------------|

|           |                                                                                                                                                          |  |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 11-2-2006 | I visited with Larry Kunz - Teton Rainbow Ranch. He states that he now owns the ground that Duane & Jean Kunz had filed on for claims 22-587 & 22-13511. |  |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--|

Larry says that Duane Kunz was allowing Paradise Spring water to flow into the Teton River thru re diverting water with the pump at White Bridge since the mid 1970's.

The original P.O.U. for 22-587 on the water right record is listed as a "Hemstreet not described in decree".

Larry Kunz ~~has~~ bought this ground back in 1993 and the P.O.U. is S4NE1/4 & NWSE1/4, not the ground listed on A22-13511. Also the acreage is 76 acres.

*[Signature]*

SCANNED

JUN 05 2007

Water Right No(s). A22-00587 - A22-13511

GPS data - 2727615 GPS File # 22587  
138 7708

This is the Fish & Game boat dock approx 1/4 mile  
west of confluence of Paradise Spring flow into  
Teton River. I could get no closer on foot

GPS data - 2727886 GPS File # 22-587-2  
138 5950

Relift pump out of Teton River to mainline  
to R.A.U.

**GPS DATA:**

Tag # Existing on Pump A0009585 Location: Relift Pump station

**Diversion Data:**

Source: Paradise Spring Trib to: Teton River

**MOTOR**

Make: Marathon Model: \_\_\_\_\_ Hp: 50  
SN: 1157053

**PUMP**

Make: Berkley Model: \_\_\_\_\_ Disch: \_\_\_\_\_  
SN: 7732390

**NOTES:**

Excess water from Paradise Springs flows thru channel &  
dumps into Teton River near Fish & Game Sportsman's access.  
Water is redirected out of Teton River via pump at GPS Point  
22-587-2 at White Bridge. No measuring device at inflow point.  
Larry Kunz cell phone is 604-4661.

Field Exam Date: Oct. 23, 2006 Agent: J. L. Jones

When did source change?

SCANNED

JUN 05 2007



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

EASTERN REGION

APRIL 10, 2007

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

JEAN C & DUANE KUNZ  
466 W 575 S  
VICTOR ID 83455

RE: Notice of Change of Address for 22-180B, 22-230B, 22-13511  
and Notice of Completed Administrative Proceeding (NCAP)

Dear Claimants:

On April 10, 2007, the Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree  
Technical Records Specialist

Enclosure

SCANNED

JUN 05 2007

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     | ) | <b>Water Rights: 22-180B</b> |
|                | ) | <b>22-230B, 22-13511</b>     |
| Case No. 39576 | ) | <b>NOTICE OF COMPLETED</b>   |
|                |   | <b>ADMINISTRATIVE</b>        |
|                |   | <b>PROCEEDING</b>            |

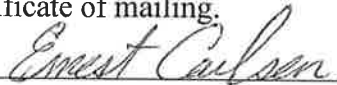
IDWR has completed the following Administrative proceeding:

- ☒ Address change
- ☐ Substitution of Party
- ☐ I.C. § 42-222 transfer
- |                                               |                                              |
|-----------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> point of diversion   | <input type="checkbox"/> place of use        |
| <input type="checkbox"/> period of use        | <input type="checkbox"/> nature of use       |
| <input type="checkbox"/> split of water right | <input type="checkbox"/> change in ownership |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4-11-07

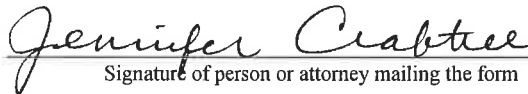


Signature of IDWR Representative

**CERTIFICATE OF MAILING**

I certify that on April 13, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707
2. One copy to:  
Claimant/Seller for Substitution of Party or attorney of record:  
JEAN C & DUANE KUNZ  
466 W 575 S  
VICTOR ID 83455
3. One copy to:  
Claimant/Purchaser for Substitution of Party, or attorney of record:  
N/A
4. One copy to:  
Each party in the subcase, or attorney of record
5. One copy each to:  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449
6. One Copy to:  
United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

  
Signature of person or attorney mailing the form

N. SKYLINE DR.  
ALLS, IDAHO 83402

ESS SERVICE  
EQUESTED

Return to  
sender

change address  
of Jean C Kunz  
+ match her husband  
Duane.

Please send to  
Duane Kunz wife  
Jean C. Kunz  
Victor, Idaho

Jean T. Kunz is  
a different person  
this is not ours -

JEAN C KUNZ

TO OFFICE OF ZIP CODE  
FOR PROPER HANDLING

wrong address

★ ★ U.S. POSTAGE  
1401 PB3523907  
8982 \$00.870 JAN 05 2007  
8033 MAILED FROM ZIP CODE 83402

RECEIVED  
JAN 18 2007

Department of Water Resources  
Eastern Region

22-13511  
22-230B  
22-180B  
~~22-1~~

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JUN 05 2007

## Paradise Springs

### 22-405

22-405 was decreed to J. J. Miller in the Rexburg Decree to lands located on SWSE and S1/2SW Sec 30, and NENW of Sec 21 T 4 N 45 E for a total of 160 acres. The source of the decree is 2 CFS from Paradise Springs. The decree stated a priority date of 6/1/1904.

Mike Reid, Don Leroy Miller and Rex Miller are the original claimants for 22-405. Rex Miller has since sold a portion of his land to John Collins, Andrew Richardson and some of his land if not all is now being subdivided. All of the original claimants claim the water has never been used on the decreed POU. Don is J.J. Miller's son. He states as well as the rest of the claimants that J. J. Miller never owned any of the land described in the Rexburg decree, and that the land that the water was intended to be used on is SESW and NESW Sec 19 as well as NENW and SENW Sec 30 in T 4 N 45 E. Paradise Springs' water could never have been used on the land described in the Rexburg Decree because it is up hill and too far away.

Don Miller brought in J. J. Millers Homestead description as well as a Notice Of Water Right. The Homestead Entry for J. J. Miller and the land listed on his Notice of Water right are described as follows: E1/2NW Sec 30 and E1/2SW Sec 19 T 4 N 45 E.

Given this information it is believed that water right 22-405 had always been used on the land described by the claimants. It is also believed that the Rexburg Decree was in error.

Because of this error and the fact that the Rexburg Decree is and indeterminate decree when it comes to exact acreage, memo #57 was used as a guide for these recommendation. Memo #57 states that if the water right was part of an indeterminate decree, then we use the acres irrigated in 1987 as the decreed POU. In 1987 all of the E1/2NW Sec 30 and E1/2SW Sec 19 was irrigated. This information was found by looking at aerial photos of 1987 or by statements from the original claimants including signed statements from Rex Miller and Craig Kunz. Though this is true the claimants state that the NESW of Sec 19 was not irrigated until later (Affidavit supplied).

Rex Miller and Don Miller are brothers and each of them owned part of the land that was homesteaded. Even though the land was not split half and half between Don and Rex, the water right was. This information was obtained by a conversation with Don and a signed statement from Rex. Rex Miller initially had 1 CFS of 22-405 and Don had the same.

Mike Reid bought some land from Don Miller so a portion of Don's 1 CFS goes to him. Because of some issues with well users drying up Paradise Springs, Mike Reid filed a transfer to officially move the water from the decreed POU to the land that it has always been used on. This transfer was lost in the system and by the time it was found it was decided that because the Adjudication recommendations would accomplish the same thing the transfer was trying to accomplish, the transfer would be withdrawn. Rex's 1

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JUN 05 2007

CFS was also split. The recommendations for 22-405 have been created based on the above information.

#### Recommendations

Mike Reid owns 35.6 acres of the Homesteaded land and receives 0.7 CFS and is reflected in the following claim files: 22-13212 (0.5 CFS), 22-13503 (0.2 CFS).

Don Miller owns 9.6 acres and receives 0.3 CFS reflected in claim number 22-13211

Rex Miller at one time irrigated 93.8 acres using water right 22-405 and 22-587. He owns 1.0 CFS of 22-405 and did not claim any additional water from 22-587 although he owned land covered by that right. He sold 7.2 acres and 0.08 CFS to Russel Bourne who then sold it to John Collins. That land was decreed as 22-587 so that is how it was recommended. Rex Then split off another piece of his land to Andrew Richardson who then got a right for 0.34 CFS for 31 acres on land decreed to 22-405. Rex was left with 55.6 acres and 0.61 CFS on land covered by both 22-405 and 22-587.

Rex Miller 55.6 acres 0.61 CFS combination of 22-405 and 22-587 reflected in claim number 22-13585.

Andrew Richardson 31 acres 0.34 CFS portion of 22-405 reflected in claim number 22-13586.

John Collins 7.2 acrs .08 CFS portion of 22-587 reflected in claim number 22-12714B.

#### **22-13509**

Later in time the NESW of Sec 19 started being irrigated by water that came from a ditch along the Western Hillside. There was an affidavit submitted by Chester Miller, one of J. J. Miller's sons. This affidavit went through a lot of history about the water from Paradise springs but the only date that can be pulled from that affidavit was 1960. This is the priority date I gave 22-13509 for the irrigation of the NESW of Sec 19.

#### **22-4104**

According to the claimants in 1969 a pump went in on the east side of the spring and pumped water through a pipe for sprinkler irrigation. This pump besides irrigating all of the Homesteaded land also began irrigating a small piece of land owned by Don Miller in the NWNW of Sec 30. The affidavit provided by Chester Miller supports this beneficial use water right 22-4104. This right was split between Don Miller and Mike Reid.

#### Recommendations

Mike Reid receives 0.59 CFS reflected in 22-11639.

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JUN 05 2007

Don Miller receives 0.14 CFS reflected in 22-11537.

**22-587**

This water right was decreed in the Rexburg Decree to Caroline Withrick for an "undivided  $\frac{1}{4}$  of Paradise Springs" with a priority of 6/1/1904. The land stated in the decree is stated as follows:

"NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec 30, T. 4 N., R., 45 E., B. M. also, Homestead not described in pleadings."

The Homestead for Caroline Withrick was found on the BLM website ([www.glorerecords.blm.gov](http://www.glorerecords.blm.gov)) but her name was spelled a little different. The homestead was made by Carolina Wuthrick dated May 20<sup>th</sup> 1862. The land was listed as follows:

S $\frac{1}{2}$ SE Sec 19 and NWNE Sec 30 of T 4N R 45E

The land listed on the decree and on the Homestead Entry totals 200 acres.

7.2 acres of SWSE Sec 19 T 4N R 45E has been recommended to John Collins. The remainder of SWSE has been recommended to Rex Miller. Duane Kunz claims 1.6 CFS of 22-587. He claims the water has been used on NESW and NWSW Sec 30 T 4N R 45E which is not the decreed POU so it has been disallowed.

**22-575**

22-575 was decreed in the Rexburg Decree to George Walton for 100 inches (2 CFS) from Paradise Springs with a priority of 6/1/1892. The land it was decreed to is described as follows:

"NW $\frac{1}{4}$  of SW $\frac{1}{4}$  and W $\frac{1}{2}$  of NW $\frac{1}{4}$  of Sec. 29, and NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 30, T. 4 N. R., 45 E., B. M., Containing 160 Acres."

In transfer number 3555 Gary Zohner Transferred 1 CFS of 22-575 from NWNW Sec 29 and NENE Sec 30 4N 45E to NWSE and SESE Sec 19 4N 45E. Also in the same transfer he moved .7 CFS of 22-180 from NENE Sec 30 4N 45E to the same POU in Sec 19.

After the transfer, the land pertinent to 22-575 is as follows:

NWSW and SESE Sec 19, SWNW and NWSW Sec 29 all in 4N 45E.

Teton Rainbow Ranch at one time prior to 1987 owned SWNW and NWSW Sec 29. They sold that land to Peter Shields and reserved the water as stated in a warrantee deed in 22-13134. Teton Rainbow Ranch then moved the water to SENE and NESE Sec 30. Based on this information the recommendations follow.

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JUN 05 2007

## Recommendations

Gary Zohner receives 1.0 CFS reflected in claim number 22-575A limited to 80 acres.

Wally Rothgeb receives, as an accomplished change in POU, 0.13 CFS for 8.9 acres reflected in claim number 22-13135.

Teton Rainbow Ranch receives, as an accomplished change in POU, 0.86 CFS for 54 acres reflected in claim number 22-13134.

### **22-180**

22-180 was decreed in the Rexburg Decree to H. C. Bowles for 140 inches (2.8 CFS) from Spring Creek, with a priority of 6-1-1889. The land describe in the decree is as follows:

“SW1/4 of SW1/4 and SW1/4 of SE1/4 of Sec. 29, N1/2 of NE1/4 of Sec. 30, T. 4 N., R. 45 E., B. M., containing 160 acres”.

After transfer 3555 mentioned above the lands to which this water water was pertinent is as follows.

NWSE and SESE Sec 19, SWSW and SWSE Sec 29, and NWNE Sec 30.

Based on that information the recommendations for 22-180 are as follows.

## Recommendations

Gary Zohner receives 0.7 CFS for 80 acres reflected in claim number 22-180A

Duane Kunz receives 0.7 for 40 acres reflected in claim number 22-180B

Larell Kunz receives .44 CFS for 25 acres reflected in claim number 22-180D

Report by Trent Galbraith 12-15-06

SCANNED  
JUN 05 2007

08/21/2006

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:

Water right number: 22-13511

JEAN C KUNZ  
1618 CAPITOL ST  
OGDEN UT 84401

DUANE KUNZ  
466 W 575 S  
VICTOR ID 83455  
Telephone Number: (208)354-2441

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 believe it should be recommended in full*

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

DATE: \_\_\_\_\_ SIGNATURE: *[Signature]*  
Please print your name: Craig Kunz

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

*Renumber from - 22-587*

RECEIVED

DEC 05 2006

Department of Water Resources  
Eastern Region

SCANNED

JUN 05 2007

*Kunz  
12/06*

11-3-06

- POB is NWNE and is still owned  
SWSE  
by Larry Kunz
- Skip took file in 1993 and that's what  
drone claimed.
- Larry now owns property (see C/O form) and  
is used the way the original claim map  
shows.
- Recommend original POB with a COS.
- How do we recommend flow rate?

TB

~~1-0851~~ 22-0581 ✓  
 Wilford Irrigation  
 & Manufacturing  
 Company 3,392 inches. June 1, 1884. Teton River.

~~1-0852~~ 22-0582 ✓  
 William, Charles 60 inches. May 15, 1897. South Leigh Creek.

~~1-0853~~ 22-0583 ✓  
 Williams, Charles 100 inches. June 1, 1899. South Leigh Creek.

~~1-0854~~ 21-0135 ✓  
 William Ernest 250 inches. June 1, 1898. Osborn Springs.

Williams, Evan (See D. J. Brennan)

Williams, G. E. Watson Slough  
 Irrigation Company.

~~1-0855~~ 21-0136 ✓  
 Williams, Mrs. H. N. 200 inches. June 1, 1898. Osborn Springs.)

Williams, Thomas E. Enterprise Canal  
 Company.

~~1-0856~~ 35-0035 ✓  
 Williamson, Benjamin 160 inches. May 1, 1903. McTucker Springs  
 Sold to J. B. Martin.

Wilson, L. D. Trego Ditch Company.

~~1-0857~~ 21-0137 ✓  
 Wilson, O. L. 120 inches. June 10, 1887. Fell River.

~~1-0858~~ 22-0584 ✓  
 Wilson, William 160 inches. June 1, 1898. Trail Creek.

~~1-0859~~ 22-0585 ✓  
 Windmill, Richard, and Richard  
 Withers and Oscar B. Young 434 inches. Apr. 1, 1898. Teton River (Eckersell Canal)

~~1-0860~~ 22-0586 ✓  
 Windmill, Richard and Richard  
 Withers and Oscar B. Young. 216 inches. May 31, 1886. Teton River (Eckersell Canal.)

Winger, Harold Wyoming & Darby Bench  
 Canal Company.

Wintle, George B. Trego Ditch Company.

~~1-0861~~ 22-0587 ✓  
 Withers, Richard (See Richard Windmill et al.)  
 Withrick, Caroline Undivided 1/4 of  
 Paradise Springs.

~~1-0862~~ 22-0588 ✓  
 Wolf Ditch Company 2,335 inches. Apr. 1, 1898. Teton River.

~~1-0863~~ 22-0589 ✓  
 Wolf Ditch Company 1,265 inches. June 1, 1884. Teton River.

~~1-0864~~ 25-0130 ✓  
 Wood Live Stock Company. 640 inches. Oct. 11, 1901. Bear Trap Creek.

~~1-0865~~ 22-0590 ✓  
 Wood, Samuel L. 160 inches. June 1, 1895. Mahogany Creek.

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JUN 05 2007

Could provide Springs  
 irrigate  
 HS HO

Eric doesn't  
 think it  
 can.

|                                                    |             |                |                                       |
|----------------------------------------------------|-------------|----------------|---------------------------------------|
| <del>1-0515</del> 22-0400 ✓<br>McPherson, Abner    | 160 inches. | June 10, 1889. | North Leigh Creek.                    |
| <del>1-0516</del> 23-0047 ✓<br>Meeds, W. A.        | 155 inches. | May 15, 1896.  | Rainey Creek. <sup>731</sup>          |
| Menan Milling Company.                             |             |                | (See Long Island Irrigation Company.) |
| <del>1-0517</del> 22-0401 ✓<br>Merrill, Joseph     | 40 inches.  | May 1, 1904.   | Springs on land.                      |
| <del>1-0518</del> 22-0402 ✓<br>Merrill, Sam J.     | 160 inches. | June 1, 1898.  | Leigh Creek.                          |
| <del>1-0519</del> 22-0403 ✓<br>Mickelson, Peter    | 140 inches. | June 1, 1901.  | South Leigh Creek.                    |
| <del>1-0520</del> 22-0404 ✓<br>Mickelson, Peter    | 20 inches.  | June 1, 1903.  | Swamps.                               |
| Miller, Eph. L.                                    |             |                | The Farmers' Friend Canal Company.    |
| <del>1-0521</del> 22-0405 ✓<br>Miller, J. J.       | 100 inches. | June 1, 1904.  | Paradise Springs.                     |
| Miller, Margaret                                   |             |                | The Farmers' Friend Canal Company.    |
| Miller, Mary                                       |             |                | The Farmers' Friend Canal Company.    |
| Miller, Robert                                     |             |                | The Farmers' Friend Canal Company.    |
| Miskins, J. R.                                     |             |                | Enterprise Canal Company.             |
| <del>1-0522</del> 21-0145 ✓<br>Mitchell, Edward L. | 150 inches. | June 1, 1894.  | Fall River.                           |
| <del>1-0523</del> 22-0406 ✓<br>Moffat, Andrew      | 20 inches.  | June 1, 1895.  | South Leigh Creek, and swamp.         |
| <del>1-0524</del> 22-0407 ✓<br>Moffat, Andrew      | 140 inches. | June 1, 1897.  | South Leigh Creek and swamp.          |
| <del>1-0525</del> 22-0408 ✓<br>Moffat, John P.     | 40 inches.  | June 1, 1894.  | Swamps.                               |
| <del>1-0526</del> 22-0409 ✓<br>Moffat, John P.     | 50 inches.  | June 1, 1896.  | Swamps.                               |
| <del>1-0527</del> 22-0410 ✓<br>Moffat, John P.     | 70 inches.  | June 1, 1904.  | Swamps.                               |
| <del>1-0528</del> 22-0411 ✓<br>Moffat, Mary        | 80 inches.  | June 1, 1895.  | Leigh Creek.                          |
| <del>1-0529</del> 22-0412 ✓<br>Moffat, Mary        | 80 inches.  | June 15, 1897. | Leigh Creek.                          |
| Molden, Charles F.                                 |             |                | (Conveyed to Elizabeth Kratzer.)      |
| <del>1-0530</del> 21-0146 ✓<br>Moon, Carliso H.    | 250 inches  | May 10, 1895.  | Fall River.                           |
| Moore, Willard                                     |             |                | Enterprise Canal Company.             |
| Morgan, Edward                                     |             |                | Enterprise Canal Company.             |
| Morgan, James                                      |             |                | Enterprise Canal Company.             |

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JUN 05 2007

NE 1/4 SE 1/4, SE NE 1/4, Sec. 30 T4N R15E  
not described

|                                                                                                                              |       |
|------------------------------------------------------------------------------------------------------------------------------|-------|
| 242 Webster, James W., and Charles H. Woodmansee; May 23, 1903; Moody Creek .....                                            | 300   |
| For reservoir purposes between the first day of September of each year until the first day of May of the following year..... | 100   |
| 243 Gregory, H. J.; June 1, 1903; North Leigh Creek.....                                                                     | 40    |
| 243 Powell, W. J.; June 1, 1903; Trail Creek.....                                                                            | 4,200 |
| 243 Siddoway-Briggs Co.; June 1, 1903; Teton River. For power purposes .....                                                 | 100   |
| 243 Buxton, Stillman; June 1, 1903; Sloughs from Twin Creeks .....                                                           | 40    |
| 229 Gilbert, Albert; June 1, 1902; Horse Shoe Creek.....                                                                     | 20    |
| 243 Mickelson, Peter; June 1, 1903; Swamps .....                                                                             | 50    |
| 243 Thompson & Egbert; June 1, 1903; North Leigh Creek .....                                                                 | 40    |
| 243 Jarman, Arthur; June 1, 1903; South Leigh Creek.....                                                                     | 100   |
| 243 Pherson, Neils; June 1, 1903; South Leigh Creek.....                                                                     | 280   |
| 246 Kunz, Samuel, Jr.; July 31, 1903; Pine Creek (permit)                                                                    | 1,680 |
| 249 Central Teton Canal Co.; Oct. 31, 1903; Teton Creek...                                                                   | 1,250 |
| 250 Pack Saddle Reservoir Co.; Jan. 15, 1904; North Fork Pack Saddle Creek .....                                             | 40    |
| 251 Wallace, H. A.; Jan. 18, 1904; North Leigh Creek or Spring Creek .....                                                   | 50    |
| 252 Hansen, E. P.; May 1, 1904; Game Creek.....                                                                              | 70    |
| 253 Moffat, John P.; June 1, 1904; Swamps.....                                                                               | 7     |
| 253 Withrick, Caroline; June 1, 1904; Paradise Springs. The undivided one-fourth of Paradise Springs....                     | 100   |
| 253 Miller, J. J.; June 1, 1904; Paradise Springs.....                                                                       | 60    |
| 253 Sinclair, Sarah S.; June 1, 1904; Pole Creek and Pine Creek .....                                                        | 40    |
| 253 Ricks, Wallace; June 1, 1904; North Leigh Creek.....                                                                     | 80    |
| 253 Phillips, L. A.; June 1, 1904; Badger Creek.....                                                                         | 110   |
| 253 Sautter, John G.; June 1, 1904; North Leigh Creek....                                                                    | 60    |
| 254 Coyle, M. H.; June 15, 1904; Coyle Spring.....                                                                           | 640   |
| 259 Felt, J. G.; Jan. 18, 1905; Badger Creek.....                                                                            | 640   |
| 259 Felt, G. F.; Jan. 18, 1905; Badger Creek.....                                                                            | 590   |
| 259 Felt, Clara V.; Jan. 18, 1905; Badger Creek.....                                                                         | 480   |
| 259 Felt, Albert; Jan. 18, 1905; Badger Creek.....                                                                           | 500   |
| 259 Clawson, Spencer, adminr. Estate of; Jan. 18, 1905; North Leigh or Spring Creek.....                                     | 150   |
| 259 Clawson, Spencer; Jan. 18, 1905; North Leigh or Spring Creek .....                                                       | 500   |
| 259 Clawson, B. W.; Jan. 18, 1905; North Leigh or Spring Creek .....                                                         | 2,500 |
| 259 Spencer, Clawson & Co. (a corporation); Jan. 18, 1905; North Leigh Creek or Spring Creek.....                            | 200   |
| 259 Rogers, Orson T.; Jan. 18, 1905; Badger Creek.....                                                                       | 160   |
| 259 Little, Edwin S.; Jan. 18, 1905; Leigh Creek.....                                                                        | 180   |
| 259 Taylor, Joseph E.; Jan. 18, 1905; North Leigh or Spring Creek .....                                                      | 100   |
| 259 Garrett, Mary G.; Jan. 18, 1905; North Leigh or Spring Creek .....                                                       | 100   |
| 264 Soulcey, C. V.; June 1, 1906; Darby Creek.....                                                                           | 80    |
| Crandall, H. L.; no date; waters of Crandall Springs..                                                                       | 15    |
| Stahn, Emil A.; no date; Juanita Springs.....                                                                                | 40    |
| Andrews, L. W.; no date; waters of Springs on place..                                                                        | 900   |
| Pack Saddle Reservoir Co.; no date; South Fork of Pack Saddle Creek .....                                                    |       |

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

11/01/2006

WATER RIGHT NO. 22-587

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | CAROLINE WITHRICK       |

Priority Date: 06/01/1904  
Basis: Decreed  
Status: Active

| <u>Source</u>   | <u>Tributary</u> |
|-----------------|------------------|
| PARADISE SPRING |                  |

Location of Point(s) of Diversion:

PARADISE SPRING||Sec. Township|Range|County

Place(s) of use: No POUs found for this right

Conditions of Approval:

1. P/U ALSO A HOMESTEAD NOT DESCRIBED IN DECREE. AMT: UNDIVIDED 1/4 OF PARADISE SPRINGS.

Dates:

Licensed Date:

Decreed Date: 12/16/1910

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

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JUN 05 2007

11/1/06 3:43 PM

Application Received Date:  
Protest Deadline Date:  
Number of Protests: 0

**Other Information:**

State or Federal:

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

April 28, 2006

Jean C Kunz  
1618 Capitol St  
Ogden UT 84401

RE: 22-587 renumbered to 22-13511

Dear claimant:

This letter is to inform you that your claim to a water right number 22-587 has been renumbered to 22-13511. This has been done to correct a clerical process. We apologize for any inconvenience.

If you have any questions please contact Trent Galbraith at (208)525-7161.

Thank you,

Katy Jackson  
Office Specialist 1

SCANNED  
JUN 05 2007

April 28, 2006

Duane Kunz  
466 W 5755  
Victor ID 83455

RE: 22-587 renumbered to 22-13511

Dear claimant:

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Thank you,

Katy Jackson  
Office Specialist 1

SCANNED

JUN 08 2007

April 28, 2006

Jean C Kunz  
1618 Capitol St  
Ogden UT 84401

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Thank you,

Katy Jackson  
Office Specialist 1

SCANNED

JUN 05 2007

April 28, 2006

Duane Kunz  
466 W 5755  
Victor ID 83455

RE: 22-587 renumbered to 22-13511

Dear claimant:

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Thank you,

Katy Jackson  
Office Specialist 1

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JUN 05 2007

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern District Office  
900 N. Skyline Dr., Suite A  
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

RETURNED  
TO  
SENDER  
NOT DELIVERABLE  
AS ADDRESSED -  
UNABLE TO FORWARD

JEAN C KUNZ  
PO BOX 600  
VICTOR ID 83455



U.S. POSTAGE  
1530 PB3523907  
8976 \$00.370 MAR 02 2004  
0738 MAILED FROM ZIP CODE 83402

1618 Capital St  
Ogden UT  
84401

SCANNED

MAR 05 2007

22-230B  
587  
180B





# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: \_\_\_\_\_

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) Assigned by IDWR: A22-00587
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Duane Kunz  
466 W 575 S  
Victor, ID 83455
- ☐ New Owner/Claimant (Purchaser): Teton Rainbow Ranch
- ☐ New Mailing Address: 221 S 450 W  
Victor ID 83455
- ☐ New Telephone Number: (208) 787-2425
- ☐ 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: \_\_\_\_\_  
(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) Russ. Larry Kunz Date 6 May 93  
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

MICROFILMED  
APR 08 1994

JUN 05 2007

C O N T R A C T   O F   S A L E

22-22968

THIS CONTRACT made and entered into as of this 17 day of August, 1989, by and between DUANE KUNZ and JEAN C. KUNZ, husband and wife, whose residence address is Victor Teton County, State of Idaho, hereinafter referred to as "SELLER", and TETON RAINBOW RANCH, INC., an Idaho Corporation, hereinafter referred to as "BUYER" IT IS MUTUALLY AGREED AS FOLLOWS:

Vendor hereby agrees to sell to Purchaser, and Purchaser covenants and agrees to purchase from Vendor, the following described real property situated in the County of Teton, State of Idaho, to-wit:

The SW 1/4 NE 1/45, NW 1/4 SE 1/4 of Section 30, Township 4, Range 45 East, Boise Meridian, Teton County, State of Idaho.

Less the following described property:

Beginning at a point 540 feet West of the N.E. corner of the SW 1/4 NE 1/4 Section 30; thence running West 209 feet; thence South 209 feet, thence East 209 feet; thence North 209 feet to the point of beginning.

1. Price and Terms of Payment.

It is agreed by and between the parties that the purchase price of the property described in this contract as being sold by the Vendor to the Purchaser and being purchased from the Vendor by the Purchaser is the sum of ONE HUNDRED THOUSAND DOLLARS, (\$100,000). As Payment Buyer will assume the responsibility to pay the existing Federal Land Bank loan with accrued interest. The present balance is \$93,134.56.

2. Existing Contract.

It is acknowledged by the parties that the Seller has

SCANNED  
JUN 05 2007

MICROFILMED  
APR 08 1994

used herein, to include singular and plural, and the masculine gender shall be construed to include the feminine.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Maureen Kunsz

Jean C Kunz

"SELLERS"

Teton Rainbow Ranch Inc.  
By Pres. Larry J Kunz

Jerrie B Kunz (secretary)

"BUYERS"

used herein, to include singular and plural, and the masculine gender shall be construed to include the feminine.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Alvane Kress

Jean C Kunz

"SELLERS"

Teton Railroad Ranch Inc.  
By Pres. Larry J Kunz

Jerrie B Kunz (secretary)

"BUYERS"

STATE OF IDAHO )

ss.

County of )

On this 17 day of <sup>August</sup>~~July~~, 1989, before me the  
Undersigned, Notary Public in and for said State, personally  
~~Chase + Jean Kunz and~~  
appeared Larry + Terrie Kunz, known to me to be the persons  
whose names are subscribed to the within instrument, and  
acknowledged to me that they executed the same.

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



Notary Public for Idaho

Residing at: Bozeman

My Commisison Expires: 11/14/94

STATE OF IDAHO )

ss.

County of )

On this 17 day of <sup>August</sup>~~July~~, 1989, before me the  
Undersigned, Notary Public in and for said State, personally  
~~Chase + Jean Kunz and~~  
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IN WITNESS WHEREOF, I have hereunto set my hand and afixed  
my official seal the day and year first above written.

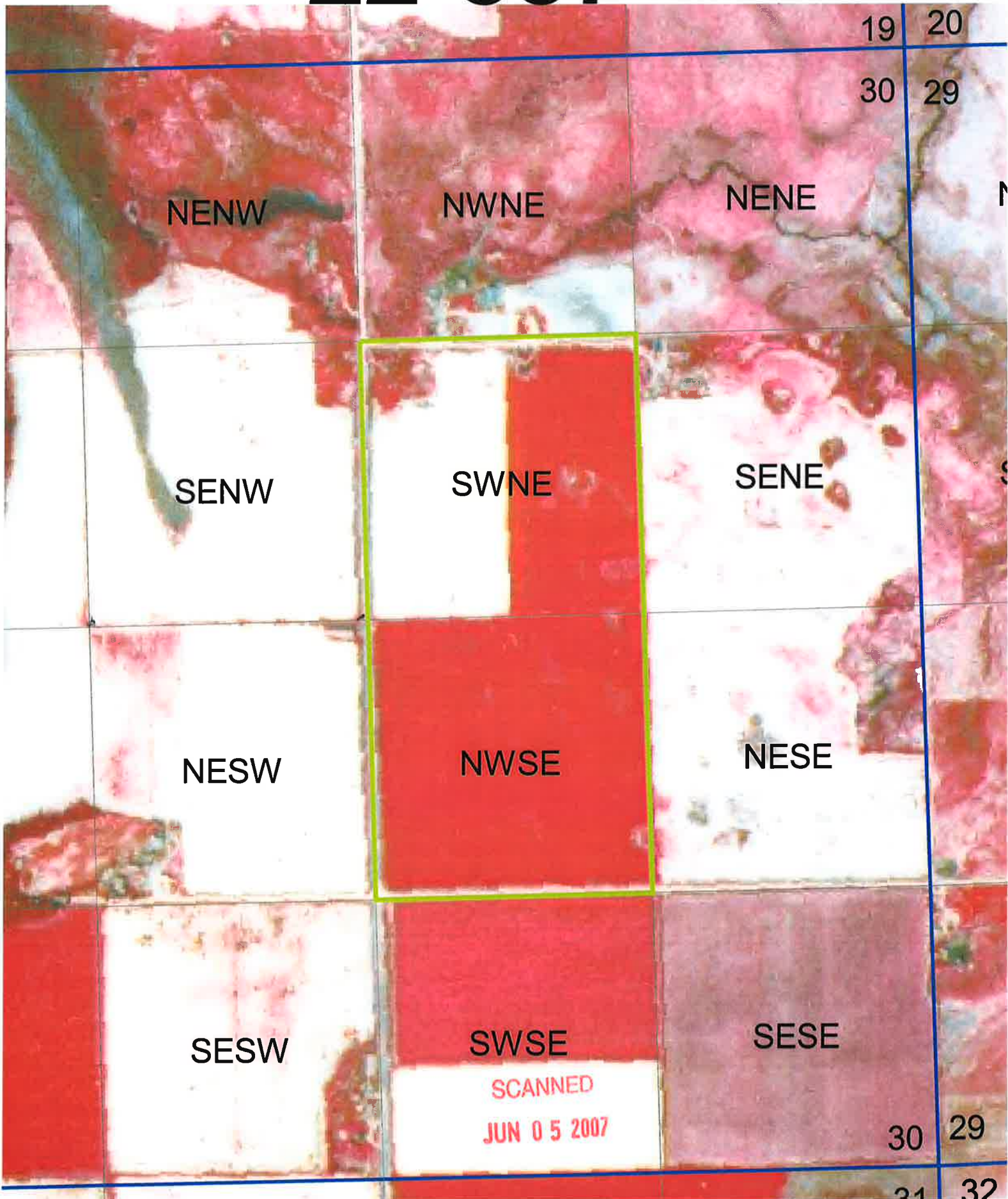


Notary Public for Idaho

Residing at: Boise

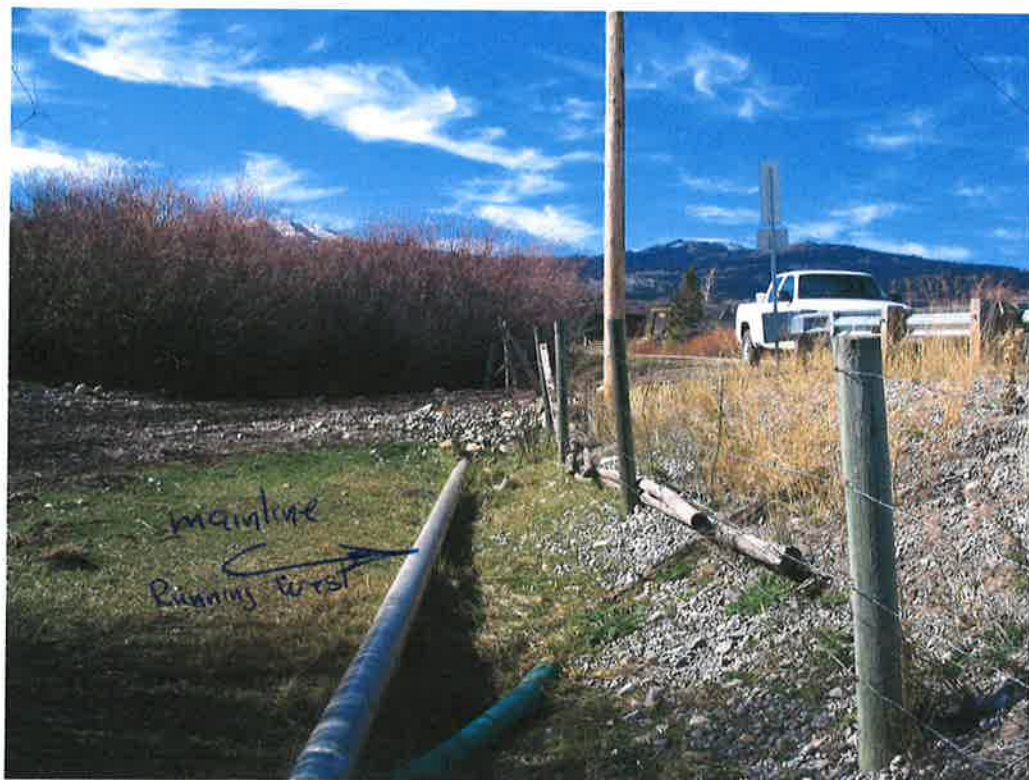
My Commisison Expires: 11/14/94

# 22-587





A22-00587 - Relift pump (redirection)



SCANNED

JUN 05 2007



A22-000587; at Fish & Game access area



SCANNED  
JUN 05 2007

04N45E20

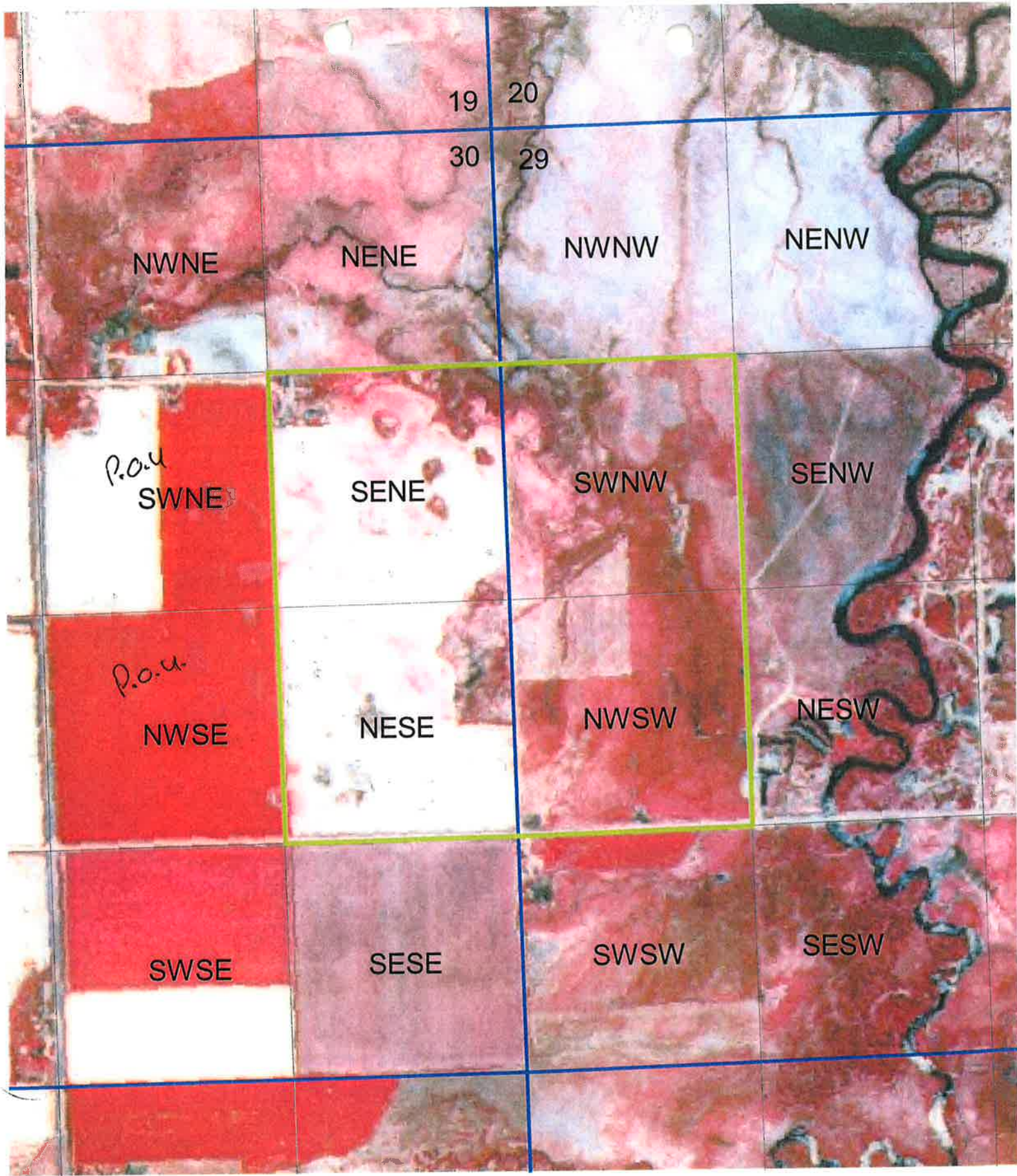
● 22587

SCANNED  
JUN 03 200

04N45E29

22-587-2

JUN 15 2007



A22-13511

SCANNED  
JUN 05 2007

RECEIVED

JUN 04 2009

DEPARTMENT OF  
WATER RESOURCES

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 22-13511

Date Received: \_\_\_\_\_

Receipt No: \_\_\_\_\_

Received By: \_\_\_\_\_

NOTICE OF CLAIM  
TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Teton Rainbow Ranch, c/o Larry Phone (208) 604-4661  
Kunz  
Mailing Address 721 S. 450 W., Victor ID ZIP 83455  
Street or Box City State

2. Date of Priority (Only one (1) per claim) 6/1/1904 City State ZIP 83455  
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water ( ) or Other (x) (a) Paradise Springs  
which is tributary to (b) Teton

4. a. Location of Point of Diversion is: Township 04N, Range 45E, Section 30,  
NE, 1/4 of NE, 1/4 Govt. Lot \_\_\_\_\_, BM., County of Teton

Parcel (PIN) no. \_\_\_\_\_

Additional points of diversion if any: \_\_\_\_\_

If available, GPS Coordinates \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, 1/4 of \_\_\_\_\_, 1/4  
Govt. Lot \_\_\_\_\_, BM., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, 1/4 of \_\_\_\_\_, 1/4  
Govt. Lot \_\_\_\_\_, BM., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed  
and as enlarged and the depth of each well.  
Tractor pump from creek to pipeline.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For irrigation purposes from 4/15/ to 10/31 amount 1.2 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.2 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) \_\_\_\_\_

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| Twn | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 4N  | 45E | 30  |    |    | 36 |    |    |    |    |    |    |    |    |    |    | 40 |    |    | 76     |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Parcel (PIN) no(s) \_\_\_\_\_

Total number of acres irrigated 76

10. In which county (ies) are lands listed above as place of use located? Teton

11. Do you own the property listed above as place of use? Yes (X) No ( )

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

22-2296B, 22-2296D

or None ( )

13. Remarks: Renumbered from former right 22-587.

Last Name \_\_\_\_\_ Identification No. \_\_\_\_\_

14. Basis of Claim (Check One) Beneficial Use ( ) Posted Notice ( ) License ( ) Permit ( ) Decree (x )

Court Rexburg Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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: 0

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

President of Teton Rainbow Ranch, Inc.  
Title Organization

that I have signed the foregoing document in the space below as

President of Teton Rainbow Ranch, Inc.  
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization President, Teton Rainbow Ranch, Inc.

16. Notice of Appearance:

Notice is hereby given that I, Thomas J. Budge, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Thomas J. Budge Date 6.1.09

Address P.O. Box 1391

Pocatello, ID 83204-1391

Last Name \_\_\_\_\_ Identification No. \_\_\_\_\_

08/21/2006

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

RIGHT NUMBER: 22-13511  
NAME AND ADDRESS: JEAN C KUNZ  
1618 CAPITOL ST  
OGDEN UT 84401  
DUANE KUNZ  
466 W 575 S  
VICTOR ID 83455

Disallowed

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK  
QUANTITY: 1.600 CFS  
PRIORITY DATE: 06/01/1904  
POINT OF DIVERSION: T04N R45E S29 NWSESW Within TETON County  
PURPOSE AND PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>                 | <u>PERIOD OF USE</u>     | <u>QUANTITY</u> |
|---------------|---------------------------------------|--------------------------|-----------------|
|               | IRRIGATION                            | 3/01 12/01               | 1.600 CFS       |
| PLACE OF USE: | <u>IRRIGATION Within TETON County</u> |                          |                 |
|               | T04N R45E S30 NESW 33.00              | T04N R45E S30 Lot 3 NWSW | 7.80            |
|               | 40.8 ACRES TOTAL                      |                          |                 |

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Change in use; insufficient evidence of date of change.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Change in use, insufficient evidence of date of change: This is included for a claim that is proposed to be disallowed because use of the water right was changed without prior IDWR approval and the claimant did not submit sufficient evidence from which the date of the change could be determined. The date of change is necessary to determine if the right may be claimed as changed without prior IDWR approval, and if the change will result in injury to other water right holders.

04/09/2007

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

RIGHT NUMBER: 22-13511  
NAME AND ADDRESS: JEAN C KUNZ  
466 W 575 S  
VICTOR ID 83455  
  
DUANE KUNZ  
466 W 575 S  
VICTOR ID 83455

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 1.600 CFS

PRIORITY DATE: 06/01/1904

POINT OF  
DIVERSION: T04N R45E S29 NWSESW Within TETON County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>             | <u>PERIOD OF USE</u>     | <u>QUANTITY</u> |
|---------------|-----------------------------------|--------------------------|-----------------|
|               | IRRIGATION                        | 3/01 12/01               | 1.600 CFS       |
| PLACE OF USE: | <u>IRRIGATION in TETON County</u> |                          |                 |
|               | T04N R45E S30 NESW 33.00          | T04N R45E S30 Lot 3 NWSW | 7.80            |
|               | 40.8 ACRES TOTAL                  |                          |                 |

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Change in use; insufficient evidence of date of change.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Change in use, insufficient evidence of date of change: This is included for a claim that is proposed to be disallowed because use of the water right was changed without prior IDWR approval and the claimant did not submit sufficient evidence from which the date of the change could be determined. The date of change is necessary to determine if the right may be claimed as changed without prior IDWR approval, and if the change will result in injury to other water right holders.

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 22-13511  
Date Received: 9/19/1988  
Receipt No:  
Received By:

Amended

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

Amended

1. Name of Claimant(s)

JEAN C KUNZ Phone:  
1618 CAPITOL ST  
OGDEN UT USA 84401

DUANE KUNZ Phone: (208)354-2441  
466 W 575 S  
VICTOR ID USA 83455

2. Date of Priority: 06/01/1904

3. Source: TETON RIVER Trib. to: HENRYS FORK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 04N      | 45E   | 29      | NW SE SW              | TETON  |      |

5. Description of diverting works:

PUMP IN RIVER TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/01 | 12/01 | 1.6    |            |

7. Total Quantity Appropriated is:  
1.6 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 |
|----------|-------|---------|----------------|-----|-------|
|----------|-------|---------|----------------|-----|-------|

|     |     |    |    |    |   |               |      |
|-----|-----|----|----|----|---|---------------|------|
| 04N | 45E | 30 | NE | SW |   | IRRIGATION    | 33   |
|     |     |    | NW | SW | 3 | IRRIGATION    | 7.8  |
|     |     |    |    |    |   | Section Acres | 40.8 |
|     |     |    |    |    |   | Total Acres   | 40.8 |

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:

14. Remarks:

This right is renumbered from former right 22-587 .

FLOW FROM THE ORIGINAL SOURCE (PARADISE SPRINGS) IS ALLOWED TO FLOW TO THE TETON RIVER WHERE APPLICANT HAS HIS DIVERSION PUMP.

Assuming an accomplished change from 4 North 45 East Sec 30 SESE (40 Acres to 4 North 45 East Sec 30 NESW NWSW (40 Acres)

Assuming an accomplished change in Source. Dumps paradise springs into Teton River where it is now diverted downstream.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

15. Basis of Claim: Decreed

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: \_\_\_\_\_

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):

*[Signature]*  
Executor

Date: 08/17/06

Date: \_\_\_\_\_

State of Idaho

County of

Bonneville

} SS.

Subscribed and sworn (or affirmed) before me this 17 day of August 2006



*Katy Jackson*

Notary Public

Residing at

Idaho Falls

My commission Expires

3/31/2011