

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

RIGHT NUMBER: 22-13734

NAME AND ADDRESS: LANA KUNZ
625 E 2ND N
ST ANTHONY ID 83445

NEIL KUNZ
625 E 2ND N
ST ANTHONY ID 83445

SOURCE: UNNAMED STREAM

TRIBUTARY: FOX CREEK

QUANTITY: 0.770 CFS

PRIORITY DATE: 06/01/1889

POINT OF
DIVERSION:

T04N R45E S33 SESWNW 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	0.770 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S32 NENE 36.00
36 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

This right is a split from former right 22-180.

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



Idaho Department of Water Resources

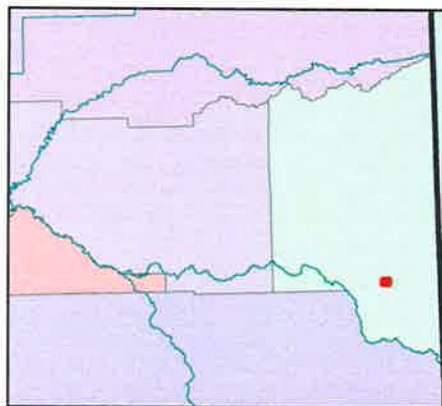
Adjudication Recommendation

22-13734

(IRRIGATION)

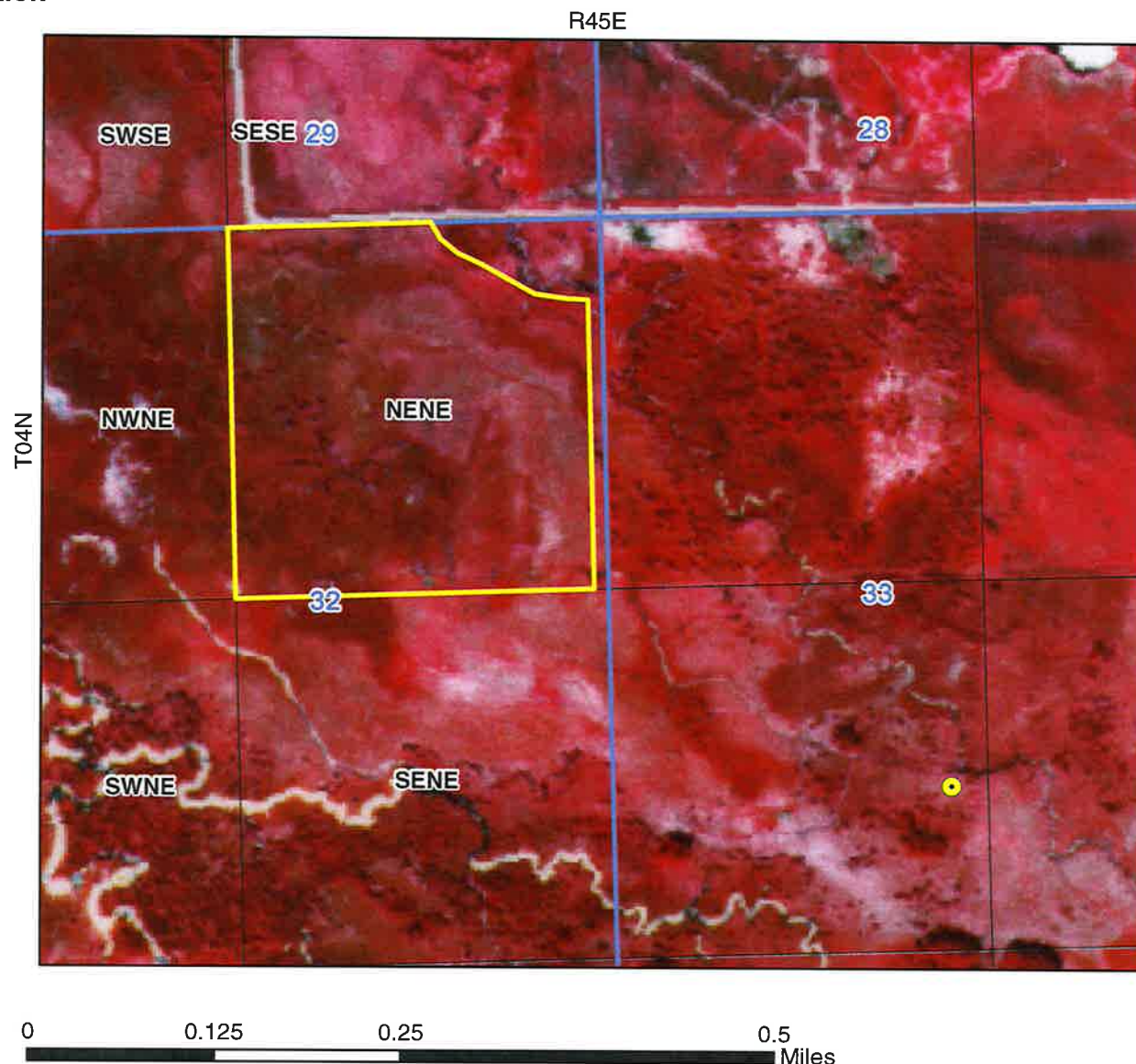
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



**Teton County
IDWR Basin 22**

Prepared by Michael Holliday
On February 03, 2010
1987/88 Aerial Photography



RECEIVED
JAN 15 2010
Department of Water Resources
Eastern Region

11-25
RECEIVED
NOV 27 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 SRBA

Subcase

22-13734

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

SCANNED
NOV 30 2009

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Neil L. Kunz

My address is 625 E. 2nd
St. Anthony, Idaho 83445

My phone number is: Work 208 390 3750 Home _____

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

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NOV 30 2009

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

Point of diversion in wrong quadrant
on original water right.

SCANNED
NOV 30 2009

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

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NOV 30 2009

VERIFICATION (Must be completed)

State of Idaho

County of Teton

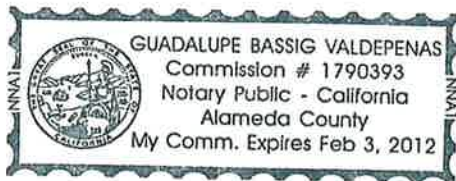
Neil Kuntz, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Neil J. Kuntz
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on Nov. 13, 2009
(Insert Date)



Guadalupe Bassig Valdepenas
Notary Public for California
Residing at: Orland, CA
My Commission expires: 02-03-2012

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

SCANNED
NOV 30 2009

CERTIFICATE OF MAILING

I certify that on Nov 18, ²⁰⁰⁹~~199~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

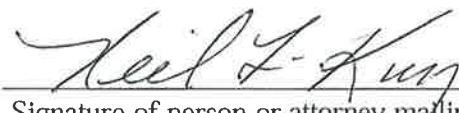
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

SCANNED
NOV 30 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-13734
Date Received: 9/29/1988
Receipt No: E002739
Received By: MWH

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

1. Name of Claimant(s)

NEIL KUNZ Phone: (208) 624-3750
625 E 2ND N
ST ANTHONY ID USA 83445

LANA KUNZ
625 E 2ND N
ST ANTHONY ID USA 83445

2. Date of Priority: 06/01/1889

3. Source: UNNAMED STREAM Trib. to: FOX CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	45E	33	SW NW	TETON	

5. Description of diverting works:

STOP IN CULVERT TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/31	0.80	

7. Total Quantity Appropriated is:
0.80 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
NOV 30 2009

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	32	NE	NE	IRRIGATION	38
Section Acres						38
Total Acres						38

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 claim is a split from former right 22-180.

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:

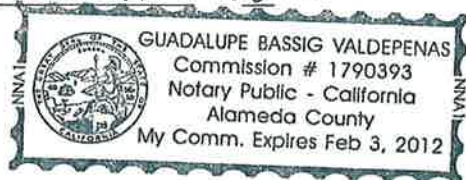
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Lil A Kury* Date: 13 NOV. 2009

State of ~~Idaho~~ CALIFORNIA)
County of ALAMEDA) SS.

Subscribed and sworn (or affirmed) before me this

of November 20 09.



13th day
Guadalupe Bassig Valdepenas

Notary Public

Residing at Oakland, CA

My commission Expires 02-03-2012

SCANNED
NOV 30 2009



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

November 20, 2009

Diana Delaney
Case Administrator
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 22-13734 (Neil & Lana Kunz)

Dear Diana,

I hope to clarify some confusion that may have arisen in this subcase. On or about October 26, 2009, the Idaho Department of Water Resources ("IDWR") mailed an Amended Director's Report ("ADR") for water right no. 22-13734 to the SRBA Court and the parties. Shortly thereafter, IDWR's Michael Holliday spoke with claimant's brother, Ryan Kunz, who, as I understand, operates the relevant farm while his brother and sister-in-law are away serving a church mission. Ryan Kunz verified that the point of diversion was claimed incorrectly. Accordingly, Holliday prepared and mailed a second amended claim for Neil & Lana Kunz's review and signatures.

To promote judicial economy, I contacted the SRBA Court on October 28, 2009, coincidentally the date that the Court received the ADR, and requested that the Court return the ADR to IDWR or otherwise dispose of it in light of the forthcoming second amended claim. If and when the Court accepts the second amended claim, Holliday will prepare an ADR reflective of the correct point of diversion.

If you have any questions or comments, please contact me at 287-4810.

Sincerely,

A handwritten signature in black ink that reads "Andrea L. Courtney".

Andrea L. Courtney
Deputy Attorney General, IDWR

Neil & Lana Kunz
Michael Holliday
Office of the Attorney General, State of Idaho
U.S. Dept. of Justice
Teton County Courthouse



Idaho Department of Water Resources

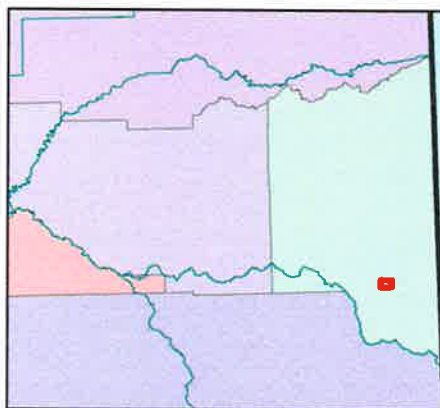
Adjudication Recommendation

22-13734

(IRRIGATION)

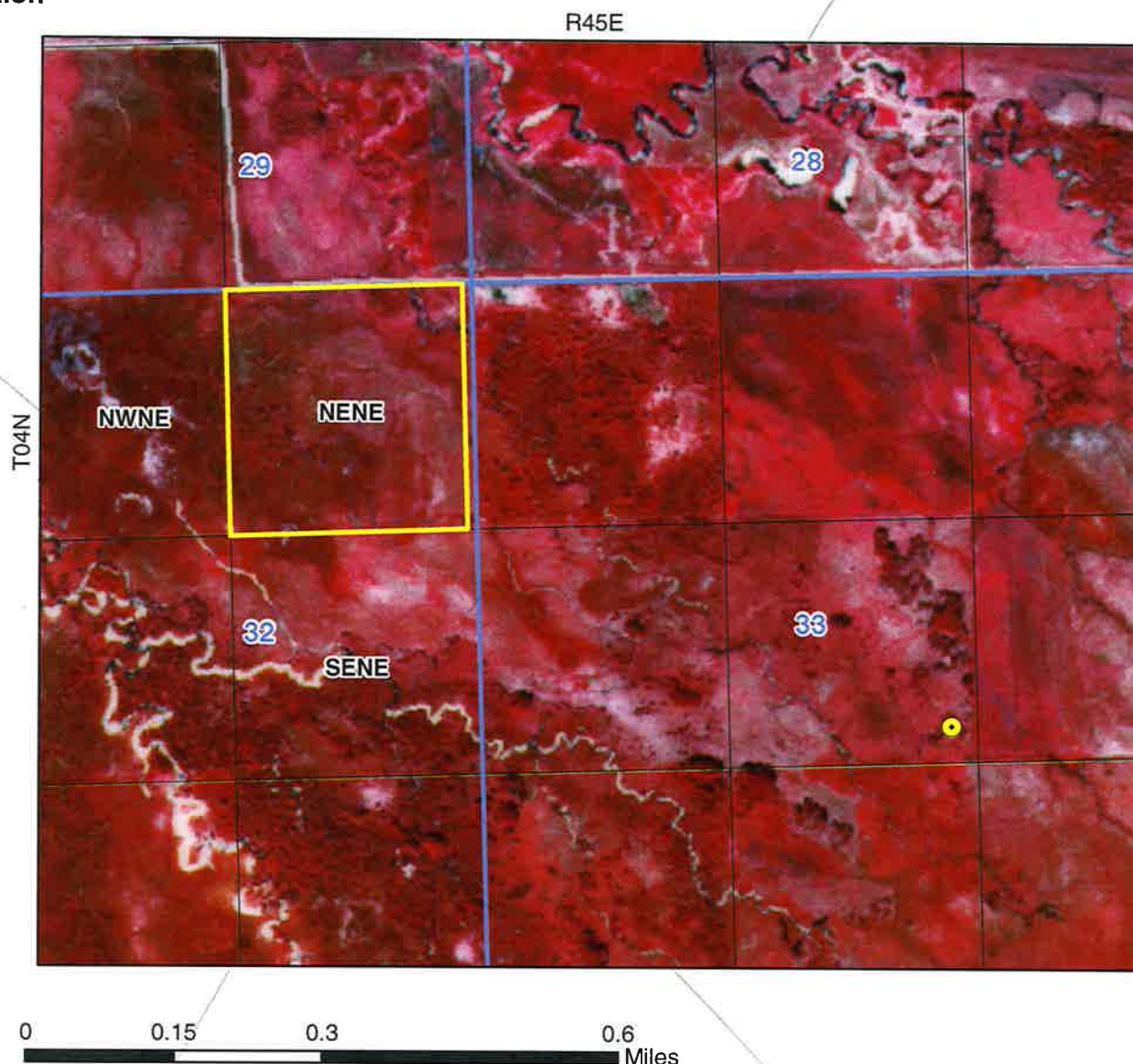
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22

Prepared by Michael Holliday
On October 23, 2009
1987/88 Aerial Photography





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

EASTERN REGION

July 2, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

NEIL & LANA KUNZ
625 E 2ND N
ST ANTHONY ID 83445

RE: Notice of Change of Water Right Ownership (NCO) for
22-181B and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. and Mrs. Kunz:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

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 the 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

SEP 11 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)

Water Rights: 22-181B SPLIT
INTO 22-13732, 22-13733, 22-13733

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party (SPLIT) KUNZ, MERLE – MERLE, NEIL AND RYAN 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: Sept 5, 2007

Ernest Carlson
Signature of IDWR Representative

SCANNED

SEP 11 2007

CERTIFICATE OF MAILING

I certify that on Sept 7, 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:
MERLE KUNZ
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:
MERLE KUNZ RYAN M KUNZ NEIL & LANA KUNZ
C/O LARRY KUNZ 616 S 100 W 625 E 2ND N
721 S 450 W VICTOR ID 83455 ST ANTHONY ID 83445
VICTOR ID 83455

4. One copy to:

Each party in the subcase, or attorney of record
N/A

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
SEP 11 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 24 2009

DEPARTMENT OF
WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. The filing of this claim does not confirm the water right claimed. Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Lana & Neil KUNZ
(Name of Claimant)
Mailing Address: 625 E 2nd N St. Anthony ID 83445
Telephone No: (208) 624-3750 Email: _____

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

1. Date of Priority: (When the water was first applied to beneficial use) 6/01/1989
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, *Idaho Code*.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Unnamed Stream; Unnamed Springs tributary to Teton River

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)
Quantity <u>0.80 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-15</u> to <u>10-31</u>
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____

4. 0.80 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot
Sec. 33 Township D4N Range 4SE B.M., Teton County; additional points
of diversion, if any: SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Sec. 32 T404N R4SE Teton County X

B) Describe means of diversion of water. (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
Ditch from Jones Spring Creek to irrigate the easterly portion;
ditch from Bowles Spring to irrigate the westerly portion. More
water comes from Jones Spring Creek.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.

D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04W	4SE	32	X																38

TOTAL ACRES 38

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.

NOTE: Include here the type and number of stock watered: _____

7. Remarks: The amount over .02 cfs/acre reflects what is lost in seepage between the point of diversion and the place of use. This .04 cfs is being used and should be awarded.
8. Map - Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

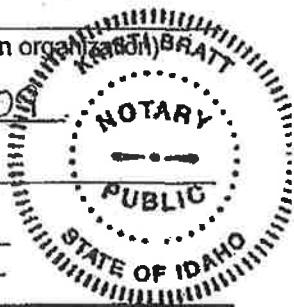
State of Idaho)
County of Fremont) ss.

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

Neil L. Key
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 17 day of April, 2009

Kristi Bratt
Notary Public
Residing at St. Anthony
My commission expires: 12-18-2012



FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee _____ Receipt # _____
Receipt prepared by _____ Date _____

Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____

07/02/2007

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

RIGHT NUMBER: 22-13734

NAME AND ADDRESS: LANA KUNZ
625 E 2ND N
ST ANTHONY ID 83445

NEIL KUNZ
625 E 2ND N
ST ANTHONY ID 83445

SOURCE: UNNAMED STREAM

TRIBUTARY: TETON RIVER

QUANTITY: 0.650 CFS

PRIORITY DATE: 06/01/1891

POINT OF
DIVERSION:

T04N R45E S33 SESENW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.650 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S32

NENE

38.00

38 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.

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

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

This right is a split from former right 22-181B.

This right is renumbered from former right 22-180C.