

07/26/2007

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

RIGHT NUMBER: 22-13735

NAME AND ADDRESS: MERLE G KUNZ
C/O LARRY KUNZ
721 S 450 W
VICTOR ID 83455

SOURCE: FOX CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 06/01/1898

POINT OF
DIVERSION:

T04N R46E S30 NWSNW 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	0.600 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R45E S34 NENE 4.00	T04N R45E S34 NWNW	5.00
	T04N R45E S35 NENW 40.00	T04N R45E S35 NWNW	38.00
	T04N R45E S35 SWNW 39.00	T04N R45E S35 SENW	39.00

165 ACRES TOTAL

This right is limited to the irrigation of 30.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 165 acres in a single irrigation season. Combined Right Nos.: 22-13735, 22-13740, 22-13742.

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.

This right is subject to regulation by the watermaster of Water District 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Fox Creek Canal.

Use of this right is combined with water from Fox Creek Canal Co.

This right is a split from former right 22-149 .

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



Idaho Department of Water Resources

SRBA Recommendation:

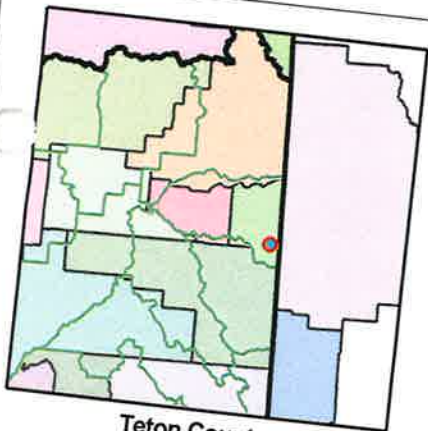
22-13735

(Irrigation)

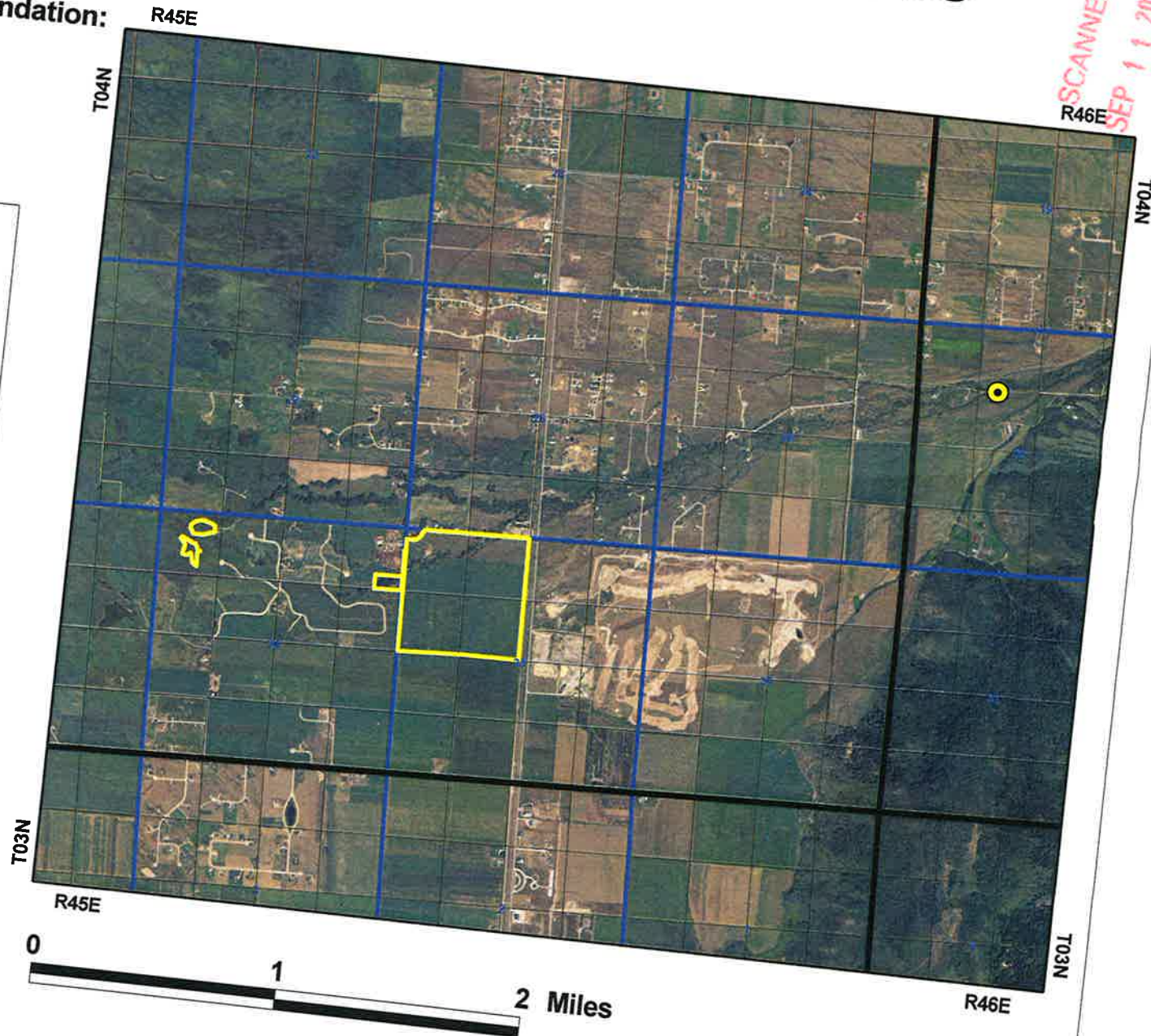
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Legend

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

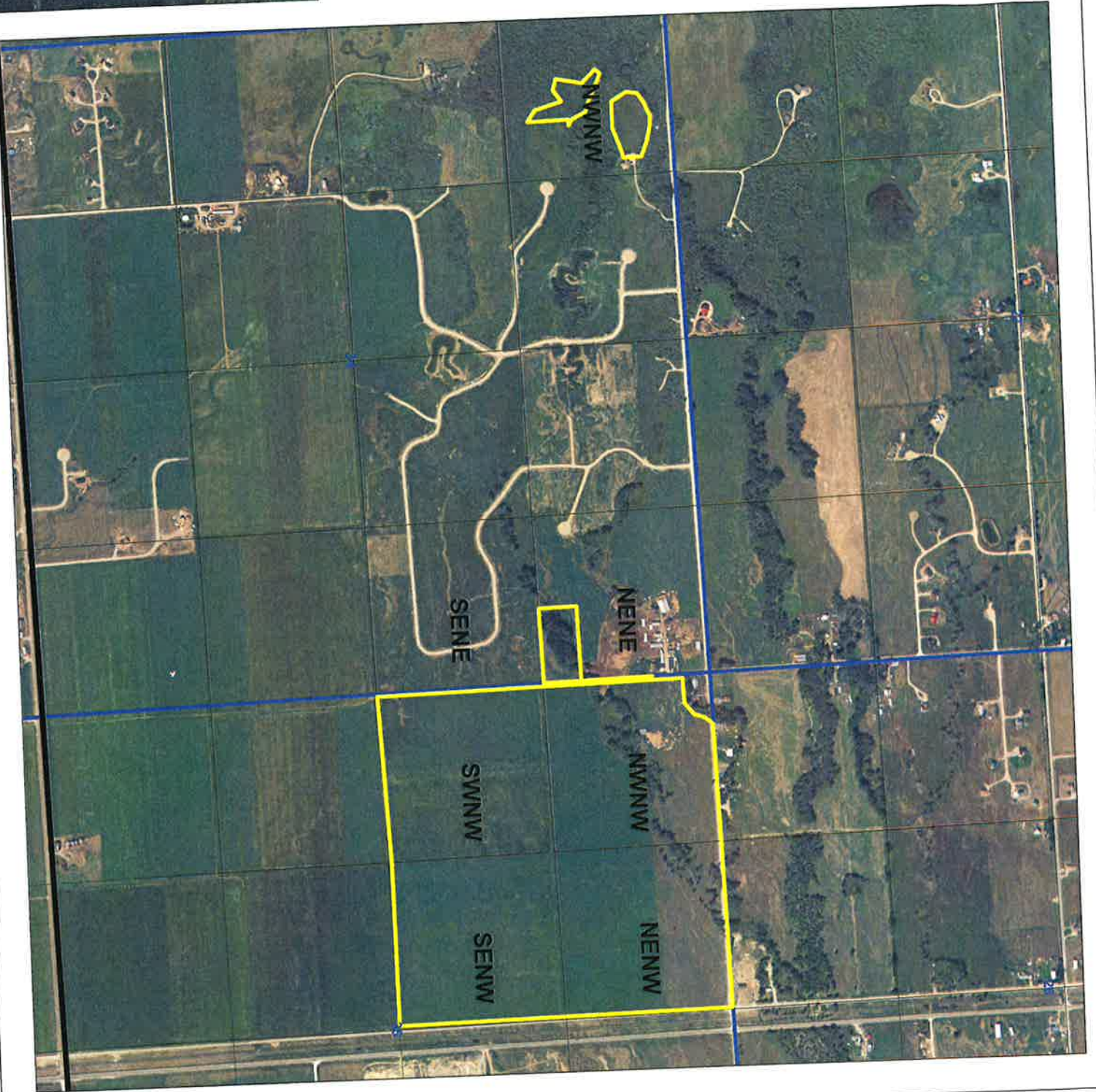


Teton County
IDWR Basin 22



Prepared by J. Crabtree
On Friday, July 6, 2007
2004 Aerial Photography

2-13735



Acres Per Season

Split Analysis

Water Right Number: 22-149

Acres per season 50.0

Total Diversion Rate: 1.00

Total Acres 277.0

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Twp	Rng	Sec	QQ	Lot	Parent	Children						
					22-149	22-13735	22-13736					
					277.0	165.0						
							112.0					
												Total Children Acreage
					277.0	165.0	112.0	0.0	0.0	0.0	0.0	277.0

Water Right To Be Split		CFS	Acres	CFS per ACRE	Acres per season
22-149		1.00	277.0	0.0036	50.0
Children					0.180505
22-13735		0.60	165.0	0.0036	29.8
22-13736		0.40	112.0	0.0036	20.2
0		0.00	0.0	0.0036	0.0
0		0.00	0.0	0.0036	0.0
0		0.00	0.0	0.0036	0.0
0		0.00	0.0	0.0036	0.0
0		0.00	0.0	0.0036	0.0
0		0.00	0.0	0.0036	0.0
		1.00	277.0		50.0



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 26, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

MERLE KUNZ
C/O LARRY KUNZ
721 S 450 W
VICTOR ID 83455

RE: Notice of Change of Water Right Ownership (NCO) for
22-149, 22-7104, 22-7297 and Notice of Completed Administrative
Proceeding (NCAP)

Dear Mr. 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

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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:

22-149 split into 22-13735 & 22-13736

22-7104 split into 22-13740 & 22-13741

22-7297 split into 22-13742 & 22-13743

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

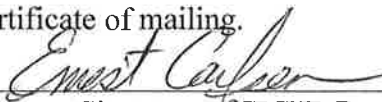
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party (SPLIT) Merle Kunz – Merle Kunz 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 6, 2007



Signature of IDWR Representative

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NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

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 G 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 G KUNZ RYAN M KUNZ
C/O LARRY KUNZ 616 S 100 W
721 S 450 W VICTOR ID 83455
VICTOR ID 83455

4. One copy to:

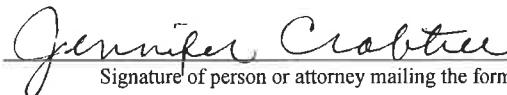
Each party in the subcase, or attorney of record
N/A

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

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
OCT 27 2005
Department of Water Resources
Eastern Region

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 division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A2207104		X			
A2207297		X			
A2200149		X			
A22001800	22-181B				

2. The following REQUIRED information must be submitted with this form:

A. The appropriate FILING FEE. See instructions for fee amounts.

B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

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

Merle A. Kunz
606 S. 100W

4. New Owner/Claimant(s)

Victor Idaho-88458
Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

Ryan M Kunz (Son)

City, State and ZIP Code

606 S. 100W
Victor Id 88458

New Telephone Number

(208) 787-2207

5. Date you acquired the property

1/05

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JUN 29 2007

Department of Water Resources
Eastern Region

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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 (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A22-180C</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.8 cfs</u>	<u>40 Acres total SENE 27 Acres</u> <u>SWNW 13 Acres</u>
Stock		
Domestic		
Other		
Total	<u>.8 cfs</u>	

Sec 32
Sec 33

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

7.

Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

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.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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SEP 11 2007

SCANNED
JUN 28 2007

RECEIVED

JUN 30 2005

TETON CO., ID
CLERK RECORDER

169062

Instru # 169062

DRIGGS, TETON, IDAHO

2005-06-30

10:05:15 No. of Pages: 5

Recorded for: RYAN KUNZ

NOLAN G. BOYLE

Fee: 15.00

Ex-Officio Recorder Deputy *R. Boyle*

Index to: DEED, WARRANTY

WARRANTY DEED

THIS INDENTURE; made this 29 day of March, 1988, between MERLE G. KUNZ and MAURINE T. KUNZ of Teton County, State of Idaho, the party of the first part and RYAN M. KUNZ and RANAE H. KUNZ whose mailing address is Teton County, State of Idaho, the party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable considerations, to the party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents, does grant, bargain, sell and convey and confirm unto the said party of the second part, and to party of the second part's heirs and assigns, forever, all of the following described real estate situated in County of Teton, State of Idaho, to-wit:

PARCEL 1:

The North Half of the Northeast Quarter, Section 34, Township 4 North, Range 45 East of the Boise Meridian, Teton County, Idaho, EXCLUDING THEREFROM the following described parcels:

- a. Beginning at a point 1020 feet south of the Northeast corner of Section 34, Township 4 North, Range 45 East of the Boise Meridian and running thence West 580 feet, thence South 300 feet, thence East 580 feet, thence North 300 feet to the point of beginning; containing 4.0 acres more or less.

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169062

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JUN 29 2007

- b. The following described real property being a part of the North Half of the Northeast Quarter, Section 34, Township 4 North, Range 45 East of the Boise Meridian, legally described as follows:

Beginning at a point 300 feet South of the Northeast corner of the Northeast Quarter of Section 34, Township 4 North, Range 45 East of the Boise Meridian, said point being the true point of beginning; proceeding from said true point of beginning South 240 feet; West 260 feet; North 540 feet; East 130 feet; South 300 feet and East 130 feet to the point of beginning.

- c. ALSO EXCLUDING THEREFROM: Commencing at the Northeast corner of the Northeast Quarter, Section 34, Township 4 North, Range 45 East of the Boise Meridian proceeding thence South 300 feet; thence West 130 feet; thence North 300 feet; thence East 130 feet to the point of beginning.

PARCEL 2:

The North Half of the Northwest Quarter, Section 34, Township 4 North, Range 45 East of the Boise Meridian, Teton County, Idaho, EXCLUDING THEREFROM the following described parcel:

Commencing at the Northwest corner of Section 34, Township 4 North, Range 45 East of the Boise Meridian, Teton County, Idaho, and running thence East 1,150 feet; thence South 840 feet; thence West 300 feet; thence South 480 feet; thence West 850 feet; thence North 1,320 feet to the point of beginning.

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PARCEL 3:

The Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 34, Township 4 North, Range 45 E.B.M. and the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 35, Township 4 North, Range 45 E.B.M. together with the water and all rights in Trail Creek Sprinkler Irrigation Company and all irrigation pipe, etc. presently being used to irrigate this land.

PARCEL 4:

Beginning at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 33, Township 4 North, Range 45 East of the Boise Meridian, Teton County, Idaho, and running thence South 53 1/3 rods, thence West 40 rods thence North 53 1/3 rods, thence West 40 rods to the point of beginning, containing 13.37 acres more or less.

Beginning at the Northeast corner of the Southeast Quarter of the Northeast Quarter of Section 32, Township 4 North, Range 45 East of the Boise Meridian, Teton County, Idaho, and running thence South 53 1/3 rods, thence West 80 rods; thence North 53 1/3 rods, Thence East 80 rods to the place of beginning, containing 26 2/3 acres more or less.

EXCLUDING THEREFROM the following described parcel:

Beginning at the Northeast corner of Section 32, Township 4 North, Range 45 East of the Boise Meridian, and running thence West 24 feet, thence South 1320 feet, thence East 24 feet, thence North 1320 feet to the point of beginning;

ALSO: Beginning at the Northeast corner of the Southeast Quarter of the Northeast Quarter (SE1/2NE1/4), Section 32 Township 4 North, Range 45 East of the Boise Meridian, and running thence West 24 feet, thence East 24 feet, thence North 24 feet to the point of beginning.

ALSO: Beginning at the Northwest corner of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 33, Township 4 North, Range 45 East of the Boise Meridian, and running thence East 660 feet; thence South 53 1/3 rods, thence West 24 feet, thence North 856 feet, thence West 636, thence North 24 feet to the point of beginning.

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JUN 29 2007

All of the above described parcels are subject to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to said property, as well in law as in equity, of said party of the first part.

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

In construing this deed and where the context so requires, the singular includes the plural.

SCANNED
SCANNED JUN 29 2007
SEP 11 2007

IN WITNESS WHEREOF, the said party of the first part
hereunto has set his hand.

Merle G. Kunz
Merle G. Kunz

Maurine T. Kunz
Maurine T. Kunz

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 20 day of March, in the year of 1985, before
me, the undersigned, a Notary Public, in and for the State of
Idaho, personally appeared MERLE G. KUNZ and MAURINE T. KUNZ,
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
affixed my official seal, the day and year in this certificate
first above written.

Robert J. Farnum
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 11-15-06