

02/24/2011

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

RIGHT NUMBER: 22-13980

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

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 2.200 CFS

PRIORITY DATE: 04/15/1964

POINT OF DIVERSION:

T04N R45E S32 SESW 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          | 2.200 CFS       |

PLACE OF USE: IRRIGATION in TETON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T04N R45E S31 | SENW | 37.00 | T04N R45E S31 | NESW | 39.00 |
| T04N R45E S31 | NESE | 40.00 | T04N R45E S31 | NWSE | 34.00 |
| T04N R45E S31 | SWSE | 40.00 | T04N R45E S31 | SESE | 40.00 |
| T04N R45E S32 | NWSW | 14.00 | T04N R45E S32 | SWSW | 17.00 |

261 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 261 acres in a single irrigation season. Combined Right Nos.: 22-10343, 22-13600, and 22-13980.

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 - Beneficial Use

## THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp) (8.814) (Eff)] \div [Lift + (psi \times 2.308)]$$

Hp = Horsepower = 75

Eff = Efficiency = 70% (Usually 70%)

Lift: (Static Level + Assumed Draw down)

Static Water Level = \_\_\_\_\_ ft.

Assumed Draw down = + \_\_\_\_\_ ft.

Lift = 80'

OR

(6100' - 6020' FROM USGS QUAD MAP)

Measured Dynamic Water Level = \_\_\_\_\_ ft.

psi = Operating Pressure = 60 psi

$$Q_{cfs} = \left[ \frac{75}{Hp} \times 8.814 \times \frac{0.70}{Eff} \right] \div \left[ \frac{80}{Lift} + \left( \frac{60}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = [ \text{_____} ] \div [ \text{_____} ]$$

$$Q_{cfs} = \underline{2.12} \text{ cfs}$$

$$6 \text{ QTR MI WL} \times 33 \text{ BIRDS} \times 56 \text{ GPM} = \underline{\underline{2.20 \text{ cfs}}}$$

CLAIM

~~ESM~~ NO. 22-13980

SCANNED

FEB 24 2011

I William Kunz have personal knowledge that in 1964 Darrell and Clarence Kunz the former owners of what is now known as Rainbow Ranch now owned by Larry and Jerry kunz the sons of Clarence's Kunz was pumping water from the Teton River. They are my uncles and I worked with them at that time, my Father Arnold Kunz helped them to start a sprinkler irrigation system getting used pipe for both farms from Utah. If there are questions that I can answer regarding this situation feel free to contact me at 208 356 5635.

William kunz

SCANNED

FEB 24 2011

To whom it may concern

I Afton Nethercott am 80 years old and to my knowledge Rainbow Ranch has used water on the top 80 acres for as long as I can remember. I gave them an easement to put the pipe line in back in the fifties of 1900. and they have used water since then from the pipe. They used it from the Creek back when I was only a youngster. This would be Pattersons Creek.

Afton Nethercott  
787-2432 Victor 2d.

8-25-2010

SCANNED

FEB 24 2011

Feb. 22, 2011

To whom it may concern:

I was raised in Cedron on three pieces of land...the 2 room house on patterson Cr. Uncle Ellis's and Marvin Williams place near the river....

As a youngster on a ranch we moved a lot of pipe...I remember a pump below grandpa Kunz's house that pumped water out of the river...it was a very large pump when I was younger...I distinctly remember a silver handle with a black knob that we had to pump a lot to prime the pump...These memories were all before I was a freshman in high school, 1964...We moved to town, Victor, in 1968....no more moving pipe for me.

Linda Nethercott Nacf

*Linda Nacf*  
*Feb 22, 2011*

SCANNED

FEB 24 2011

To whom it may concern,

Larry J Kunz & Jerry K Kunz were born on July 19, 1952.

In the year of 1964 Homer Kunz, Clarence Kunz & Darrell Kunz put a Pump, ran with propane, to pump water uphill almost to Patterson Canyon to water their crops from the Teton River. They pumped from a pond at first but there was not enough water so later it was put in the Teton River. This was Palisades Storage Water from The Bureau of Reclamation. Walter Kunz (Clarence & Darrells dad) owned 10 shares and rented half the water shares from Homer Kunz then bought the ground and later 160 water shares from Homer.

Bill Holden of Holden & Holden Law Firm from Rexburg helped Homer get these shares.

The water was pumped from the Teton River with a flat head propane pump with propane gas from Van Gas in Driggs. Fall River Rural Electric later put electricity to the pump.

A few years later the Government subsidized for a underground waterline line to be put in. When Jerry & Larry was 12 years old, they had a Birthday Party held on the Teton River near the pump.

*Feb. 22 2011*

*Genevieve M. Kunz  
Wife of Clarence L. Kunz  
Mothers of Jerry & Larry*

SCANNED

FEB 24 2011

To whom it may concern,

Larry J Kunz & Jerry K Kunz were born on July 19, 1952. Genive M. Kunz is Larry & Jerry's mother.

In the year of 1964 Homer Kunz, Clarence Kunz & Darrell Kunz put a Pump, ran with propane, to pump water uphill almost to Patterson Canyon to water their crops from the Teton River. They pumped from a pond at first but there was not enough water so later it was put in the Teton River. This was Palisades Storage Water from The Bureau of Reclamation. Walter Kunz (Clarence & Darrells dad) owned 10 shares and rented half the water shares from Homer Kunz then bought the ground and later 160 water shares from Homer.

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A few years later the Government subsidized for a underground waterline line to be put in. When Jerry & Larry was 12 years old, they had a Birthday Party held on the Teton River near the pump.

*Feb 22-2011*  
*Teton Rainbow Ranches Inc.*  
*[Signature]*

SCANNED

FEB 24 2011

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Larry J Kunz & Jerry K Kunz were born on July 19, 1952.

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Feb 22 2011

SCANNED

FEB 24 2011



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

January 5, 2011

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

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

Re: Snake River Basin Adjudication (SRBA)  
Late Notice of Claim to a Water Right No. 22-13980

Dear Jerry:

The Notice of Claim you filed has been received from the SRBA Court . I have enclosed Receipt No. C092252 for the filing fees you paid. Please retain the receipt for your records.

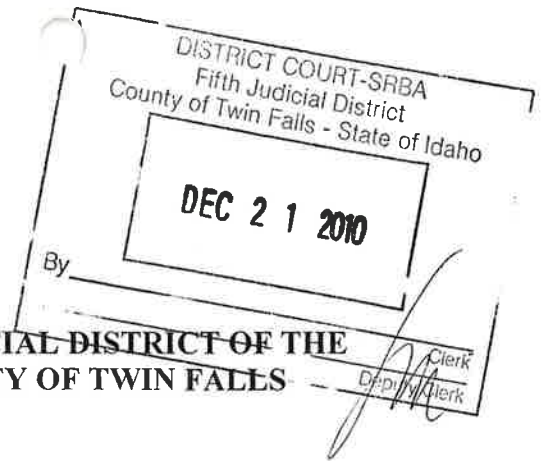
The Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. If you have any questions, please feel free to contact our office.

Sincerely,

Lori Harris  
Technical Records Specialist 2  
Adjudication Section

LH:l  
Enclosure

RECEIVED  
DEC 23 2010  
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: 22-13980

Case No. 39576

ORDER GRANTING MOTION TO FILE  
LATE NOTICE OF CLAIM

On September 16, 2010, Teton Rainbow Ranches, Inc., by and through counsel, Thomas J. Budge, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on December 21, 2010. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated: December 21, 2010.

  
\_\_\_\_\_  
ERIC J. WILDMAN  
Presiding Judge  
Snake River Basin Adjudication

SCANNED  
DEC 23 2010

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on December 21, 2010, with sufficient first-class postage to the following:

TETON RAINBOW RANCHES INC

Represented by:

BUDGE, THOMAS J

201 E CENTER ST

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

**SCANNED**  
**DEC 23 2010**

ORDER

Page 1 12/21/10

FILE COPY FOR 00779

  
Deputy Clerk

12-21-10

9-16

Hearing

RECEIVED  
SEP 17 2010  
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 Fees look like they )  
Should Be \$137 )

Case 39576 )

CS  
10-5-10 )

Subcase 22-13980  
(Insert water right number)

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

SEP 17 2010

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

My name is \_\_\_\_\_

My address is \_\_\_\_\_

My phone number is: Work \_\_\_\_\_ 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.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 December 21, 2010 at 1:30 pm  
(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:

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**SCANNED**  
**SEP 17 2010**

**VERIFICATION** (Must be completed)

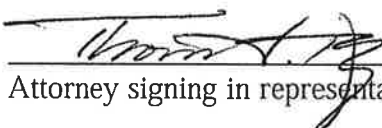
State of IDAHO

County of Bannock

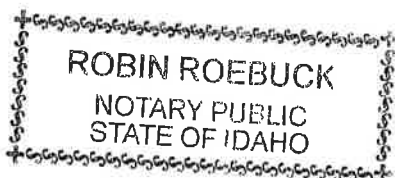
T.J. Budge, being first duly sworn, upon oath, deposes and says:  
(Insert name of person filing form)

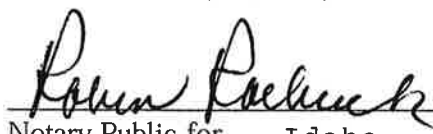
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

\_\_\_\_\_  
Signature of person filing motion

  
Attorney signing in representative capacity

Subscribed and sworn to before me on September 13, 2010.  
(Insert Date)



  
Notary Public for Idaho  
Residing at: POCATELLO  
My Commission expires: 8/18/2012

**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**

**SEP 17 2010**

## CERTIFICATE OF MAILING

I certify that on Sept 15, 2010, 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:

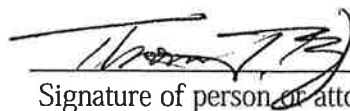
IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

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

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 22-13980  
Date Received: 9/3/2010  
Receipt No:  
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TETON RAINBOW RANCHES INC Phone: (208) 787-2425  
C/O JERRY KUNZ  
6677 S 4500 W  
VICTOR ID USA 83455

2. Date of Priority: 04/15/1962

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   | 32      | SE SW                 | TETON  |      |

5. Description of diverting works:

75 HP PUMP TO BURIED MAINLINE TO 6 QTR MI WHEEL LINES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/15 | 10/31 | 5.22   |            |

7. Total Quantity Appropriated is:  
5.22 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   | 31      | SE NW          | IRRIGATION | 37    |
|          |       |         | NE SW          | IRRIGATION | 39    |
|          |       |         | NE SE          | IRRIGATION | 40    |

SCANNED

SEP 17 2010

|     |     |    |    |    |               |     |
|-----|-----|----|----|----|---------------|-----|
|     |     |    | NW | SE | IRRIGATION    | 34  |
|     |     |    | SW | SE | IRRIGATION    | 40  |
|     |     |    | SE | SE | IRRIGATION    | 40  |
|     |     |    |    |    | Section Acres | 230 |
| 04N | 45E | 32 | NW | SW | IRRIGATION    | 14  |
|     |     |    | SW | SW | IRRIGATION    | 17  |
|     |     |    |    |    | Section Acres | 31  |
|     |     |    |    |    | Total Acres   | 261 |

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:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

SCANNED  
SEP 17 2010

## Saxton, Craig

---

**From:** Saxton, Craig  
**Sent:** Tuesday, October 05, 2010 11:31 AM  
**To:** Courtney, Andrea; Williams, Ray  
**Cc:** Holliday, Michael  
**Subject:** Fees for Motion to file late claim 22-13980

Hey,

I am just now logging in motion file late claim 22-13980 received on 9-17-10. The motion does not indicate that a filing fee was submitted with the late claim.

This is an irrigation claim for 261 acres. It appears that the claimed POU overlaps two other rights held by the claimant, 22-10343 and 22-13600, both decreed for the same 224 acre POU.

Filing fees for this right should be:

**\$50** claim fee

**\$50** late fee

**\$261** variable fee (\$1 per acre for 261 acres)

**- \$224** variable fee already paid under rights 22-10343 and 22-13600

**\$137.00 Total**

If the motion is granted, the claimant needs to pay a filing fee of **\$137.00.**

Later,

c

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

RECEIVED  
DEC 23 2010  
DEPARTMENT OF  
WATER RESOURCES

CIVIL CASE NUMBER: 39576

Ident. Number 22-13980

Date Received: 9/3/2010

Receipt No: 1092252 12/23/2010

Received By: MWH

\$100- SR7

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TETON RAINBOW RANCHES INC Phone: (208) 787-2425  
C/O JERRY KUNZ  
6677 S 4500 W  
VICTOR ID USA 83455

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

SEP 16 2010

By \_\_\_\_\_

Deputy Clerk \_\_\_\_\_

2. Date of Priority: 04/15/1962

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   | 32      | SE SW                 | TETON  |      |

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|------------|-------|-------|--------|------------|
| IRRIGATION | 04/15 | 10/31 | 5.22   |            |

7. Total Quantity Appropriated is:  
5.22 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   | 31      | SE NW          | IRRIGATION | 37    |
|          |       |         | NE SW          | IRRIGATION | 39    |
|          |       |         | NE SE          | IRRIGATION | 40    |

SCANNED  
DEC 23 2010

|    |    |            |    |
|----|----|------------|----|
| NW | SE | IRRIGATION | 34 |
| SW | SE | IRRIGATION | 40 |
| SE | SE | IRRIGATION | 40 |

Section Acres 230

|     |     |    |    |    |            |    |
|-----|-----|----|----|----|------------|----|
| 04N | 45E | 32 | NW | SW | IRRIGATION | 14 |
|     |     |    | SW | SW | IRRIGATION | 17 |

Section Acres 31

Total Acres 261

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:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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