

**Application For Permit  
To appropriate the Public Waters of the State of Idaho**

APPLICATION No. 3594  
PERMIT No. 30521  
DISTRICT No.

1. Name of Applicant: **Heber C. Kuns**

Postoffice address: **Bern, Idaho**

County: **Bear Lake**

State: **Idaho**

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: **4.37** cubic feet per second.

3. Source of water supply: **Ovid Creek and Old Bear Lake** / **Outlet** which is a tributary of

4. Location of point of diversion: **700** feet distant from the **N.E.**

corner of Section **1**, T. **13 S**, R. **43 E.**, B.M., and is in the **NE $\frac{1}{4}$**  of the **NE $\frac{1}{4}$**   
of section **1**, T. **13 S**, R. **43 E**, B. M., County of **Bear Lake**

5. Water is to be used for **Irrigation**

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section  
T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet  
distant from the corner of Section , T. , R. , B.M., in the  
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ **Existing works**

8. Kind of works: **Dam, natural channel, swales and lateral ditches**

9. Height of dam **10** feet; length of dam at top **100** feet; length of dam at bottom **90**  
feet; material used in dam: **concrete headworks, earth and gravel fill**

10. Size of headgate: Width **6** feet; height **6** feet.

11. Ditch: Width at bottom **4** feet; width at water line **6** feet; depth of water **2** feet;  
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is **2** years.

13. The time required for the complete application of the water to the proposed use is **0** additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

**50 years usage. Applicant is part owner of Bern Dam. Ownership was purchased with land and is recorded in deed and abstract of property.**

30521

11. (a) Is reservoir to be used? If so, fill in (b) and (c) below:  
(b) Name of Reservoir and number of Storage Permit:  
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ Heber C. Runz Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. June 5, 1962

Returned to applicant for correction:

Corrected application received:

### Approval of State Reclamation Engineer

The number of this permit is 30521

Recorded in Book 107 Page 30521 Approved June 11, 1962

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before August 11, 1962

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before June 11, 1963

The whole of said work to be completed on or before June 11, 1964

Beneficial use of water appropriated in accordance herewith, to be made on or before June 11, 1964

WITNESS My hand this 11th day of June, 1962

s/ CARL E. TAPPAN  
Assistant State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho,  
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 11th  
day of June, 1962.  
Countersigned:

(SEAL) By s/ ARNOLD WILLIAMS  
Secretary of State.

By s/ ROBERT E. SMYLIE  
Governor.

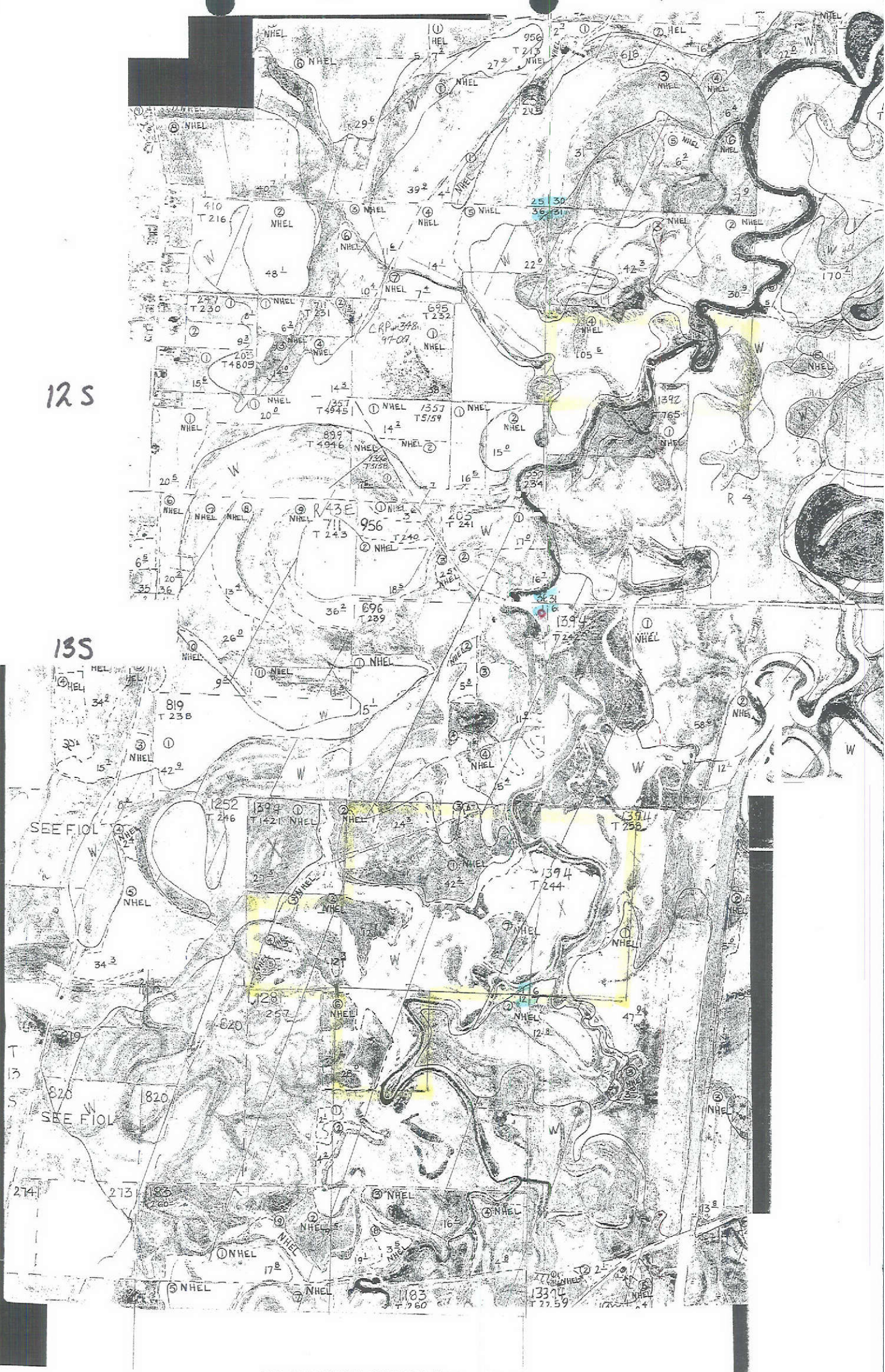
REMARKS: The applicant and interested parties close the headgate-spillway combination to the Bern Dam each spring. The irrigated land is covered with water, taking approximately two months to reach high water. To water applicants meadow, it is necessary to fill the Ovid Creek-Old Outlet Channel in order to raise the level sufficient to flood the meadow. This procedure of irrigation has been practiced for approximately fifty years; catching the spring run off due to melting snow and using water to irrigate land. This is the water that the applicant is filing for.

| Twp.                                  | Range | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|---------------------------------------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|                                       |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 13 S                                  | 43 E  | 12   | 35     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 35     |
| 13 S                                  | 43 E  | 1    |        |        |        |        |        |        |        |        |        |        | 33     |        |        |        |        |        | 106    |
| 13 S                                  | 43 E  | 1    |        |        |        |        |        |        |        |        | 5      |        |        |        | 32     | 18     |        |        | 55     |
| 13 S                                  | 44 E  | 6    |        |        |        |        |        |        |        |        | 10     | 8      |        |        |        |        |        |        | 18     |
| 12 S                                  | 44 E  | 31   |        |        |        |        | 18     | 8      |        |        |        |        |        |        |        |        |        |        | 26     |
| Total Number of Acres to be Irrigated |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 240    |

30521

43 E

44 E



□ POU 11-02128

- POD- NENE Sec I T 135 R 43E

R-43E

R-44E

25

30

36

31

30.0

T.12 S.

T.13 S.

TO MONTPELIER

6

72.5

117.0

28.0

12

TO MONTPELIER

247.5 Acres

$Q = 4.37$  C.F.S.

S. 10

14

13

OVID

68' TO INTERSECTION

**THE NEWS-EXAMINER**  
MONTPELIER, IDAHO

RECEIVED  
AUG 30 1962  
Department of Reclamation

**AFFIDAVIT OF PUBLICATION**

STATE OF IDAHO, )  
County of Bear Lake, ) ss.

SEP 7 1962  
Department of Reclamation

W. Jerome Taylor

being first duly sworn, deposes and says  
he is Publisher and Foreman of the  
News-Examiner; that the said News-Examiner  
is a weekly newspaper published at Montpelier,  
County of Bear Lake, State of Idaho, of general  
circulation in said County and State.

That the notice attached was published in  
the said News-Examiner, and not in a supple-  
ment, for four  
successive weeks, commencing with the issue  
dated July 26, 1962  
and ending with the issue

dated August 16, 1962

W. Jerome Taylor  
Publisher and Foreman.

NOTICE OF PROOF OF  
COMPLETION OF WORKS  
and  
APPLICATION OF WATER  
TO BENEFICIAL USE  
Notice is hereby given that at 10:00  
a. m., on the 28th day of August, 1962,  
at Montpelier, county of Bear Lake,  
State of Idaho, before Albert E. Lee-  
right, Notary Public, at Montpelier,  
Idaho, proof will be submitted of the  
completion of works for diversion of  
4.37 cubic feet per second of the waters  
of Ovid Creek and Old Bear Lake Out-  
let, and of the application to benefi-  
cial use of said water, in accordance  
with the terms and conditions of Per-  
mit No. 30521, heretofore issued by the  
Department of Reclamation of the  
State of Idaho.  
1. The name and post office address  
of the person or corporation holding  
said permit is Heber C. Kunz, Bern,  
Idaho.  
2. Said works of diversion will be  
fully completed on the date set for  
such completion and the amount of  
water which said works are capable of  
conveying to the place of use is 4.37+  
cubic feet per second.  
3. The use to which said water has  
been applied is irrigation purposes,  
and the amount applied to beneficial  
use is 4.37 cubic feet per second.  
4. The point of diversion of said  
water is 700 feet distant from the N. E.  
corner of Sec. 1, Twp. 13 S., Rge. 43 E.  
B. M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec.  
1, Twp. 13 S., Rge. 43 E., County of  
Bear Lake.  
5. The place where said water is  
used is Heber Kunz Ranch near Bern,  
Idaho; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 12, E $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ , Sec. 1, all in Twp. 13 S., Rge. 43  
E. B. M.; S $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 31, Twp. 12 S.,  
Rge. 44 E. B. M.; W $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 6,  
Twp. 13 S., Rge. 44 E. B. M. Total 240  
acres.  
6. The date of priority which said  
user is prepared to establish is June  
5, 1962.  
GEORGE N. CARTER  
State Reclamation Engineer  
(j 26; a 2[9]16)

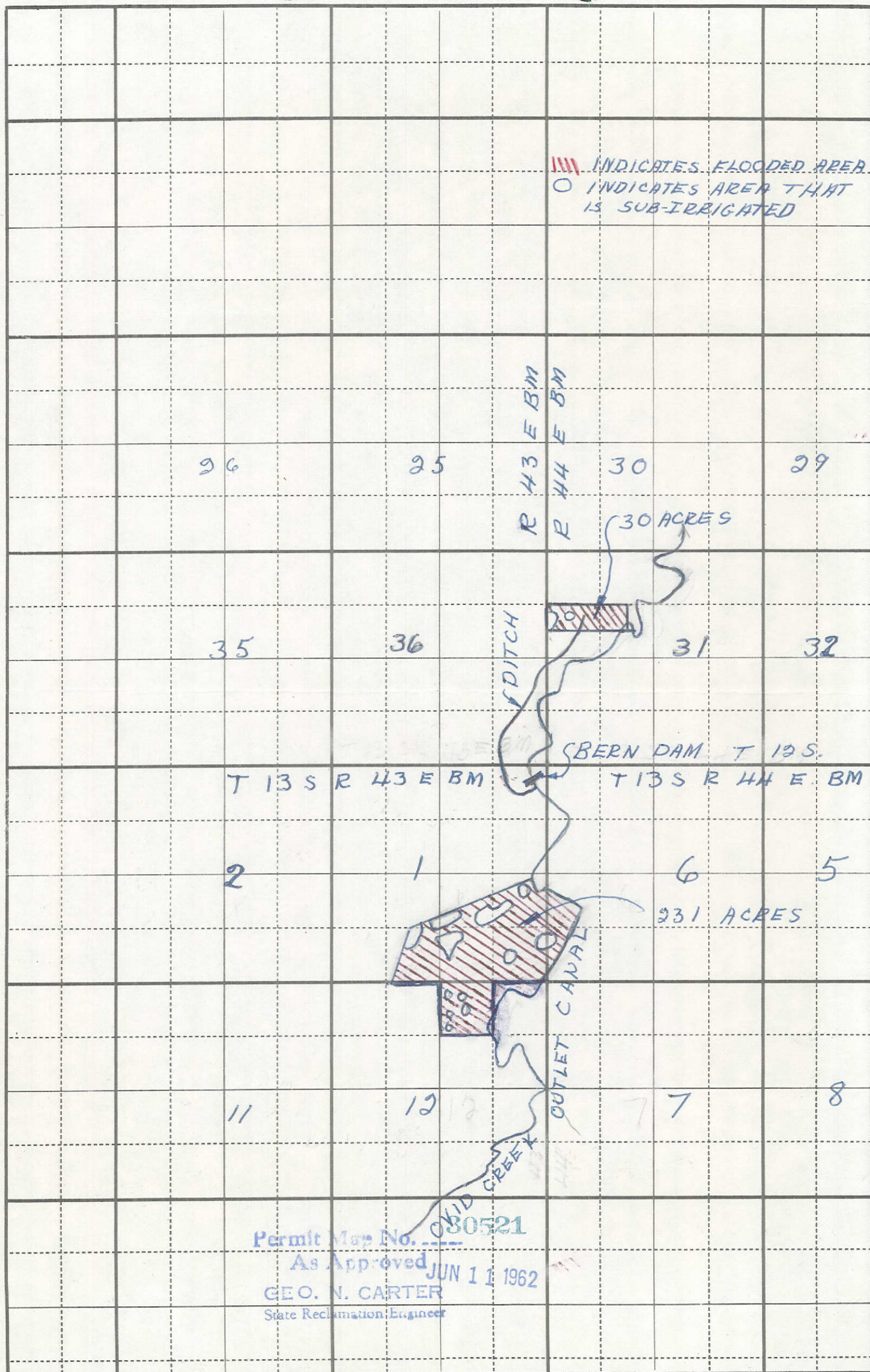
Subscribed and sworn to before me this 16th day of August, 1962

James D. Bartlett  
Notary Public.

30521

NAME OF APPLICANT HEBER C. KUNZ

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

30521

State of Idaho  
License and Certificate of Water Right

Water License No. 30521 Amount 4.37 c.f.s.  
Water District No. Priority June 5, 1962

THIS IS TO CERTIFY that HEBER C. KUNZ  
of Bern, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated June 5, 1962; that Permit No. 30521  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
4.37 second feet, was issued thereunder on October 20, 1965, showing that said works  
were completed on the 28th day of August, 1962; and that on the 28th  
day of August, 1962,  
HEBER C. KUNZ  
of Bern, State of Idaho, made proof to the satisfaction of the  
State Reclamation Engineer of Idaho, of the right to use the waters of Ovid Creek  
& old Bear Lake, a tributary of, for the purpose of irrigation  
, under Use Permit No. 30521 of the Department of Reclamation  
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume  
13 of Licenses at page 8332, on the 20 day of October, 1965;  
The right hereby confirmed dates from June 5, 1962;  
The Point of Diversion is located  
in the NE 1/4 NE 1/4, Sec. 1, Tp. 13S, R. 143 E, B. M. County Bear Lake  
That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall  
not exceed 4.37 cubic feet per second.

Description and location of use:

| Twp.                                   | Range | Sec. | Forty-acre Tract | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|----------------------------------------|-------|------|------------------|----------------------------------|---------------------------------|
| 12 S                                   | 44E   | 31   | SE1/4 NW1/4      | 8                                | 6                               |
|                                        |       |      | SW1/4 NW1/4      | 18                               | 24                              |
| 13 S                                   | 43E   | 1    | NE1/4 SE1/4      | 32                               | 37.5                            |
|                                        |       |      | NW1/4 SE1/4      | 18                               | 25.0                            |
|                                        |       |      | SW1/4 SE1/4      | 35                               | 33.0                            |
|                                        |       |      | SE1/4 SE1/4      | 38                               | 38.0                            |
|                                        |       |      | SE1/4 SW1/4      | 33                               | 37.5                            |
|                                        |       | 12   | NW1/4 NE1/4      | 35                               | 28.0                            |
| 13 S                                   | 44E   | 6    | NW1/4 SW1/4      | 10                               | 10.0                            |
|                                        |       |      | SW1/4 SW1/4      | 8                                | 8.5                             |
| Total number of acres to be irrigated: |       |      |                  |                                  | 247.5                           |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place  
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this  
20th day of October, 1965.

RALPH W. THOMAS  
Deputy State Reclamation Engineer.

(SEAL)

State of Idaho  
License and Certificate of Water Right

Water License No. G-28910

Amount 4.01 c.f.s.

Water District No. \_\_\_\_\_

Priority August 1, 1960

THIS IS TO CERTIFY that K. F. HELLYER  
of Gannett, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated August 1, 19 60; that Permit No. G-28910  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
4.01 second feet, was issued thereunder on October 20, 19 65, showing that said works  
were completed on the 17th day of November, 19 64; and that on the 17th  
day of November, 19 64, K. F. Hellyer

of Gannett, State of Idaho, made proof to the satisfaction of the  
State Reclamation Engineer of Idaho, of the right to use the waters of  
a well, a tributary of subterranean flow, for the purpose of supplemental  
irrigation, under Use Permit No. G-28910 of the Department of Reclamation  
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

13 of Licenses at page 8331, on the 20 day of October, 19 65;

The right hereby confirmed dates from August 1, 19 60;

The Point of Diversion is located

in the SW 1/4 NW 1/4, Sec. 17, Tp. 1 N, R. 19 E, B. M. Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall  
not exceed 4.01 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|------------------|----------------------------------|---------------------------------|
| 1 N  | 19 E  | 20   | NE 1/4 NE 1/4    | 40                               | 40                              |
|      |       |      | NW 1/4 NE 1/4    | 40                               | 37                              |
|      |       |      | SW 1/4 NE 1/4    | 20                               | 16                              |
|      |       |      | SE 1/4 NE 1/4    | 40                               | 40                              |
|      |       |      | NE 1/4 SE 1/4    | 30                               | 34                              |
|      |       |      | SE 1/4 SE 1/4    | 15                               | 10                              |
|      |       | 21   | NW 1/4 NW 1/4    | 8                                | 12                              |
|      |       |      | SW 1/4 NW 1/4    | 12                               | 15                              |
|      |       |      | NW 1/4 SW 1/4    | 30                               | 29                              |
|      |       |      | SW 1/4 SW 1/4    | 40                               | 39                              |
|      |       | 28   | SE 1/4 SW 1/4    | 20                               | 37                              |
|      |       |      | SW 1/4 NE 1/4    | 40                               | 29                              |
|      |       |      | NE 1/4 NW 1/4    | 25                               | 20                              |
|      |       |      | NW 1/4 NW 1/4    | 25                               | 27                              |
|      |       |      | SW 1/4 NW 1/4    | 5                                | 6                               |
|      |       |      | SE 1/4 NW 1/4    | 35                               | 37                              |

Total number of Acres to be irrigated: 428

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place  
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

20th day of October, 19 65.

s/ RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

11- 2128

Application For Permit  
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 38594  
PERMIT No. 30521  
DISTRICT No.

1. Name of Applicant: Heber C. Kunz  
Postoffice address: Bern, Idaho County: Bear Lake State: Idaho  
I. If applicant is a corporation, give:  
(a) Date and place of incorporation:  
(b) Amount of capital stock:  
(c) Amount paid in:  
(d) Names and addresses of directors:  
II. The financial resources of the applicant are:  
(a) Cash on hand:  
(b) Treasury stock:  
(c) Bond to be issued:  
(d) Other resources:
2. Quantity of water claimed: 4.37 cubic feet per second.
3. Source of water supply: Ovid Creek and Old Bear Lake / Outlet which is a tributary of
4. Location of point of diversion: 700 feet distant from the N.E. corner of Section 1, T. 13 S, R. 43 E., B.M., and is in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of section 1, T. 13 S, R. 43 E, B. M., County of Bear Lake
5. Water is to be used for Irrigation
6. If for mining, milling, power or manufacturing purposes, give:  
(a) Point of use of water: feet distant from corner of Section T., R., B.M., in the of Section of, T., R., B.M.  
(b) Amount of power generated: H.P., under feet head.  
(c) Water is to be returned to at a point feet distant from the corner of Section, T., R., B.M., in the of Section, T., R., B.M.
7. Estimated cost of works: \$ Existing works
8. Kind of works: Dam, natural channel, swales and lateral ditches
9. Height of dam 10 feet; length of dam at top 100 feet; length of dam at bottom 90 feet; material used in dam: concrete headworks, earth and gravel fill
10. Size of headgate: Width 6 feet; height 6 feet.
11. Ditch: Width at bottom 4 feet; width at water line 6 feet; depth of water 2 feet; dimensions of flume:  
Diameter of pipe inches; length of conduit miles.  
Average grade per mile feet.
12. The time required for the completion of such work is 2 years.
13. The time required for the complete application of the water to the proposed use is 0 additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:  
50 years usage. Applicant is part owner of Bern Dam. Ownership was purchased with land and is recorded in deed and abstract of property

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:  
 (b) Name of Reservoir and number of Storage Permit:  
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ Heber C. Kunz                      Applicant.

By \_\_\_\_\_ Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. June 5, 1962

Returned to applicant for correction:

Corrected application received:

### Approval of State Reclamation Engineer

The number of this permit is 30521  
Recorded in Book 107 Page 30521 Approved June 11, 1962

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ \_\_\_\_\_ to be filed on or before \_\_\_\_\_

Work to begin on or before August 11, 1962 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **June 11, 1963**

The whole of said work to be completed on or before **June 11, 1964**

Beneficial use of water appropriated in accordance herewith, to be made on or before June 11, 1964

WITNESS My hand this 11th day of June, 1962

Assistant <sup>s/</sup> CARL E. TAPPAN  
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho,  
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 11th

day of June, 1962.

STATE OF IDAHO

Countersigned:

(SEAL) By s/ ARNOLD WILLIAMS  
Secretary of State.

By s/ ROBERT E. SMYLIE  
Governor.

REMARKS: The applicant and interested parties close the headgate-spillway combination to the Bern Dam each spring. The irrigated land is covered with water, taking approximately two months to reach high water. To water applicants meadow, it is necessary to fill the Ovid Creek-Old Outlet Channel in order to raise the level sufficient to flood the meadow. This procedure of irrigation has been practiced for approximately fifty years; catching the spring run off due to melting snow and using water to irrigate land. This is the water that the applicant is filing for.

| Twp.                                  | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|---------------------------------------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|                                       |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 13 S                                  | 43 E  | 12   | 35               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 35     |
| 13 S                                  | 43 E  | 1    |                  |                  |                  |                  |                  |                  |                  |                  | 33               |                  |                  |                  |                  |                  |                  |                  | 106    |
| 13 S                                  | 43 E  | 1    |                  |                  |                  |                  |                  |                  |                  |                  | 5                |                  |                  |                  | 32               | 18               | 35               | 38               | 55     |
| 13 S                                  | 44 E  | 6    |                  |                  |                  |                  |                  |                  |                  |                  | 10               |                  | 8                |                  |                  |                  |                  | 18               |        |
| 12 S                                  | 44 E  | 31   |                  |                  |                  |                  | 18 8             |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 26     |
| Total Number of Acres to be Irrigated |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 240              |                  |        |

Permit No. 30521  
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that HEBER C. KUNZ of Bern, County of Bear Lake, and State of Idaho, the holder of Permit No. 30521, issued upon Application No. 38594, bearing date of priority of June 5, 1962, authorizing the diversion of 4.37 second feet of waters of Ovid Creek and Old Bear Lake Outlet, County of Bear Lake, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4.37 second feet of the waters of Ovid Creek and Old Bear Lake Outlet; that the point of diversion of said waters NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 1, T. 13 S., R. 43 E., B. M.; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:

S $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 31, T. 12 S., R. 44 E., B. M., SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 12, T. 13 S., R. 43 E., B. M., W $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 6, T. 13 S., R. 44 E., B. M.

Witness my hand this 20th day of October, A. D. 1965.

s/ RALPH W. THOMAS  
Deputy State Reclamation Engineer

Proof of Completion of Works Made: August 28, 1962

LICENSE ISSUED FOR 4.37 SEC. FT.  
LICENSE PAGE NO. 8332

# To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 38594  
PERMIT No. 30521  
DISTRICT No.

1. Name of Applicant: **Heber C. Kuns**

Postoffice address: **Bern, Idaho**

County: **Bear Lake**

State: **Idaho**

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: **4.37** cubic feet per second.

3. Source of water supply: **Ovid Creek and Old Bear Lake** / **Outlet** which is a tributary of

4. Location of point of diversion: **700** feet distant from the **N.E.** corner of Section **1**, T. **13 S**, R. **43 E.**, B.M., and is in the **NE $\frac{1}{4}$**  of the **NE $\frac{1}{4}$**  of section **1**, T. **13 S**, R. **43 E**, B. M., County of **Bear Lake**

5. Water is to be used for **Irrigation**

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section  
T. , R. , B.M., in the of Section of , T. , R. , B.M.
- (b) Amount of power generated: H.P., under feet head.
- (c) Water is to be returned to at a point feet  
distant from the corner of Section , T. , R. , B.M., in the  
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ **Existing works**

8. Kind of works: **Dam, natural channel, swales and lateral ditches**

9. Height of dam **10** feet; length of dam at top **100** feet; length of dam at bottom **90** feet; material used in dam: **concrete headworks, earth and gravel fill**

10. Size of headgate: Width **6** feet; height **6** feet.

11. Ditch: Width at bottom **4** feet; width at water line **6** feet; depth of water **2** feet; dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is **2** years.

13. The time required for the complete application of the water to the proposed use is **0** additional years.

14. The land to be irrigated is described in the following tabulation: **See remarks.**

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:  
**50 years usage. Applicant is part owner of Bern Dam. Ownership was purchased with land and is recorded in deed and abstract of property.**

30521

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ Heber C. Ems

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. June 5, 1962

Returned to applicant for correction:

Corrected application received:

## Approval of State Reclamation Engineer

The number of this permit is 30521

Recorded in Book 107

Page 30521

Approved

June 11, 1962

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before August 11, 1962

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before

June 11, 1963

The whole of said work to be completed on or before June 11, 1964

Beneficial use of water appropriated in accordance herewith, to be made on or before June 11, 1964

WITNESS My hand this 11th day of June, 1962

s/ CARL E. TAPPAN  
Assistant State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLLIE, Governor of the State of Idaho,

and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 11th

day of June, 1962.

STATE OF IDAHO

Countersigned:

By s/ ROBERT E. SMYLLIE

Governor.

(SEAL)

By s/ ARNOLD WILLIAMS

Secretary of State.

REMARKS: The applicant and interested parties close the headgate-spillway combination to the Barn Dam each spring. The irrigated land is covered with water, taking approximately two months to reach high water. To water applicants meadow, it is necessary to fill the Ovid Creek-Old Outlet Channel in order to raise the level sufficient to flood the meadow. This procedure of irrigation has been practiced for approximately fifty years; catching the spring run off due to melting snow and using water to irrigate land. This is the water that the applicant is filing for.

| Twp.                                  | Range | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|---------------------------------------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|                                       |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 13 S                                  | 43 E  | 12   | 35     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 35     |
| 13 S                                  | 43 E  | 1    |        |        |        |        |        |        |        |        |        |        | 33     |        |        |        |        |        | 106    |
| 13 S                                  | 43 E  | 1    |        |        |        |        |        |        |        |        | 5      |        |        |        | 32     | 18     |        |        | 55     |
| 13 S                                  | 44 E  | 6    |        |        |        |        |        |        |        |        | 10     | 8      |        |        |        |        |        |        | 18     |
| 12 S                                  | 44 E  | 31   |        |        |        |        | 18     | 8      |        |        |        |        |        |        |        |        |        |        | 26     |
| Total Number of Acres to be Irrigated |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 240    |

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

**RECEIVED**

NOV 16 2000

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
 Incomplete forms will be returned.

1. Water Right No(s): 11-02128

Adjudication Claim No(s): \_\_\_\_\_

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

**AND**

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

**OR**

C. If your water right or adjudication claim 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

Charles C. Kunz and Eileen S. Kunz

23 North Bern, Bern County of Bear Lake, Idaho 83220

4. New Owner/Claimant(s)

PacifiCorp dba Utah Power & Light Company

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
1407 West North Temple

City, State and ZIP Code

Salt Lake City, Utah 84140

New Telephone Number

(801) 220-2252

5. Date you acquired the property

March 16, 1994

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right \_\_\_\_\_ Number and type of stock \_\_\_\_\_

Diversion rate in CFS \_\_\_\_\_ Number of homes you acquired \_\_\_\_\_ Other uses \_\_\_\_\_

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

PacifiCorp

PROPERTY AGENT

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

158640

## WARRANTY DEED AND RIGHT OF WAY DEED

For Value Received,

CHARLES C. KUNZ AND EILEEN S. KUNZ aka EILENE S. KUNZ, husband and wife, Of 23 NORTH BERN, BERN County of BEAR LAKE, State of ID., 83220, THE GRANTOR(S), do hereby, grant, bargain, sell, and convey unto PACIFICORP, Of 1407 WEST NORTH TEMPLE, SALT LAKE CITY, County of SALT LAKE, State of UT., 84140, THE GRANTEE(S), For the sum of ten dollars and other good and valuable consideration, the following described tract of land in the County of BEAR LAKE, State of Idaho:

TOWNSHIP 13 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN:

Section 12: NW 1/4 NE 1/4  
Section 1: S 1/2 SE 1/4; and Lot 9

ALSO: Beginning at a point in the center of Outlet, 7 1/2 chains South from the Northeast Corner of the Southeast Quarter of Section 1, Township 13 South, Range 43 East, of the Boise Meridian, and running thence South 58° West along center of said outlet 4 chains; thence North 16°30' West along said Outlet 7 1/2 chains; thence South 72° West 35 chains to the West boundary line of Lot 10 in said Section 1; thence South to the Southwest Corner of said Lot 10; thence East 160 rods, more or less, to the Southeast corner of the NE 1/4 SE 1/4 of said Section 1; thence North 12 1/2 chains, more or less, to the place of beginning.



TOWNSHIP 13 SOUTH, RANGE 44 EAST OF THE BOISE MERIDIAN:

Section 6: Commencing at a point 3.50 chains North from the Southwest corner of Section 6, in Township 13 South, Range 44 East of the Boise Meridian, and running thence North 31°55' East 25 chains and 42 links; thence North 66°30' West 14.50 chains, thence South 27.90 chains, more or less, to the place of beginning.

Together with any and all water rights appurtenant to said property, including but not limited to State of Idaho License and Certificate of Water Right No. 30521, and together with a perpetual right of way described as follows:

A perpetual unfenced RIGHT-Of-WAY located in the Northwest Quarter of the Southwest Quarter of Section 1, and in the Northeast Quarter of the Southeast Quarter of Section 2, Township 13 South, Range 43 East of the Boise Meridian as follows:

Beginning at a point on the East line of the Bern Ovid County Road on the North line of the Northeast Quarter of the Southeast Quarter of Section 2, Township 13 South, Range 43 East of the Boise Meridian, thence Southeasterly to the Northwest Corner of the Frank Colombo land in Section 1, Township 13 South, Range 43 East Boise Meridian, in Idaho.

To have and to hold the said premises, with their appurtenances unto the said Grantee(s), its heirs and assigns forever. And the said Grantor(s) hereby covenant to and with the said

Grantee(s) that they are the owner(s) in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED THIS 16 DAY OF MARCH, 1994.

Charles C. Kunz  
CHARLES C. KUNZ

Eileen S. Kunz  
EILEEN S. KUNZ

Eilene S. Kunz  
aka EILENE S. KUNZ

STATE OF IDAHO, COUNTY OF BEAR LAKE

On this 16<sup>th</sup> day of March, 1994 before me a Notary Public in and for the State, personally appeared

CHARLES C. KUNZ and EILEEN S. KUNZ aka  
EILENE S. KUNZ, husband and wife

known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledge to me that they executed the same.  
IN WITNESS WHEREOF, I hereunto set my hand and seal the day and year in the certificate first above written.

Kay Beck  
Notary Public  
Residing at: 0.0.0. ID  
My Commission Expires: 12-1-94



Thomas Bruckner  
DEPUTY FEE  
'94 MAR 17 AM 9 16  
#6.02

BEAR LAKE COUNTY RECORDER  
JAN 22 1994

158640

126774

|                             |
|-----------------------------|
| STATE OF IDAHO              |
| County of Bear Lake         |
| Date <u>OCTOBER 5, 1981</u> |
| Time <u>10:52 A.M.</u>      |
| Deputy <u>Joan P. Eborn</u> |
| Clerk <u>Joan P. Eborn</u>  |
| Fee <u>82</u>               |

WARRANTY DSED

INDEXED

For Value Received, HEBER C. KUNZ and MARIE C. KUNZ, husband and wife, of the Village of Bern, County of Bear Lake, State of Idaho, the Grantors, do hereby grant, bargain, sell and convey unto CHARLES C. KUNZ and EILEEN S. KUNZ, husband and wife, of the Village of Bern, County of Bear Lake, State of Idaho, the Grantees, the following described premises to-wit:

Tract No. 1

The West Half of the Southwest Quarter of Section 35, in Township 11 South, Range 43 East of the Boise Meridian, in Idaho, containing 80 acres.

Tract No. 2

Lot 4 and the Southwest Quarter of the Northwest Quarter, and the Northwest Quarter of the Southwest Quarter of Section 2; and the Northeast Quarter of the Southeast Quarter of Section 3, all in Township 12 South, Range 43 East of the Boise Meridian, and containing 159.91 acres of land, more or less.

Tract No. 3

The Southwest Quarter of the Southwest Quarter of Section 2; the Southeast Quarter of the Southeast Quarter of Section 3; and the Northeast Quarter of the Northeast Quarter of Section 10; and the Northwest Quarter of the Northwest Quarter of Section 11, in Township 12 South, Range 43 East of the Boise Meridian, containing 160 acres, more or less.

Tract No. 4

The Northwest Quarter of the Northeast Quarter of Section 10, and the South Half of the Southeast Quarter, and Lot 9 in Section 1, Township 12 South, Range 43 East of Boise Meridian;

Also, beginning at a point in the center of Outlet 7, 4 chains South from the Northeast Corner of the Southeast Quarter of Section 1, Township 12 South, Range 43 East of Boise Meridian, and running thence South 88° West along center of said Outlet 4 chains; thence North 16°30' West along said Outlet 7, 4 chains; thence South 72° West 35 chains to the West boundary line of Lot 10, in said Section 1; thence South to the Southwest Corner of said Lot 10; thence East 160 rods, more or less, to the Southeast Corner of the Northeast Quarter of the Southeast Quarter of said Section 1; thence North 17° chains, more or less, to place of beginning;

Also, commencing at a point 3.50 chains North from the Northwest Corner of Section 6, in Township 12 South, Range 44 East of Boise Meridian, and running thence North 31°30' East 25 chains and 42 links; thence North 66°30' West 14.50 chains; thence South 27.90 chains, more or less, to the place of beginning.

Together with any and all water or water right appurtenant to or used upon or in connection with said lands.

Tract No. 5.

Commencing at a point 3,270 feet North of the Southwest Corner of Section 31, Township 12 South, Range 44 East of the Boise Meridian; running thence North 692 feet; thence East 1,887.6 feet; thence South 692 feet; thence West 1,887.6 feet to place of beginning, containing 30 acres of land, more or less.

Tract No. 6

The Southeast Quarter of the Southwest Quarter of Section 26, in Township 12 South, Range 43 East of the Boise Meridian, in Idaho, containing 40 acres.

Tract No. 7

Commencing at a point 1,101 feet West of the Northeast Corner of the Southeast Quarter of the Southeast Quarter, Section 35, Township 12 South, Range 43 East of Boise Meridian; running thence West 219 feet; thence North 1,320 feet; thence West 1,320 feet; thence North 693 feet; thence North 84° East 1,547 feet; thence South 2,124 feet to the place of beginning, containing 31½ acres of land, be there more or less, together with the water rights thereunto belonging, being a one-half interest in the waters of Bear Hollow Creek,

together with all and singular the improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and all water rights appertaining to and used upon the above described real property.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that said premises are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated this 8<sup>th</sup> day of January, 1963.

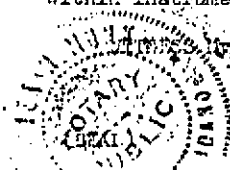
Heber C. Kunz

Marie C. Kunz

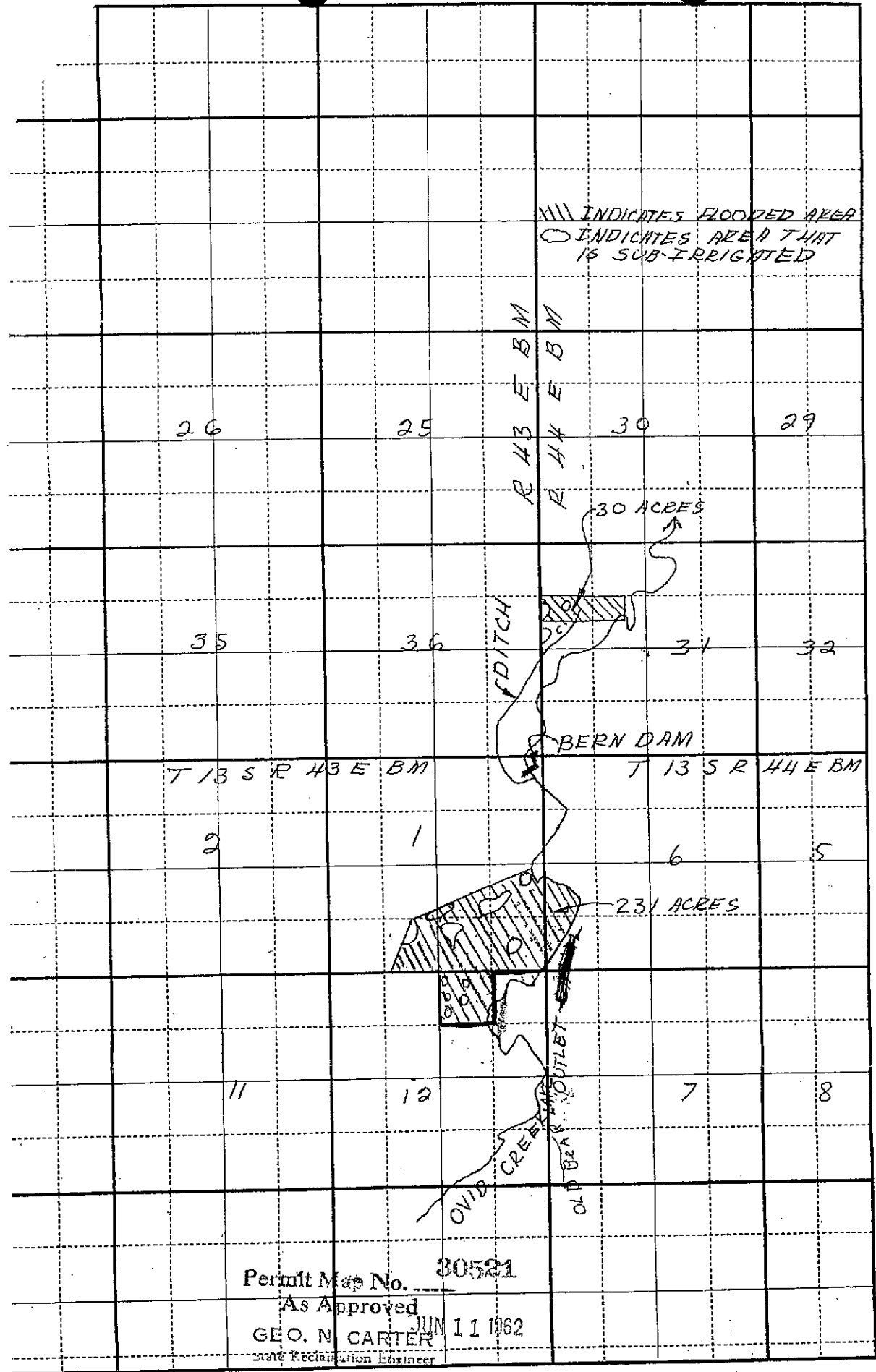
STATE OF IDAHO, )  
County of Bear Lake. ) ss.

On this 8<sup>th</sup> day of January, 1963, before me, a Notary Public in and for said State, personally appeared Heber C. Kunz and Marie C. Kunz, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

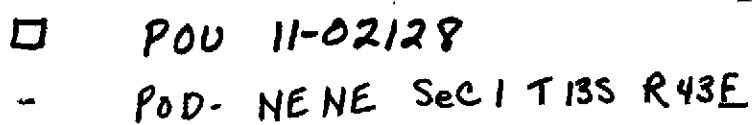
in my hand and official seal.



Heber C. Kunz  
NOTARY PUBLIC for Idaho  
Residing at Montpelier, Idaho  
My Comm. expires 9-12-63



44 E





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

June 30, 2005

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

PACIFICORP DBA UTAH  
POWER & LIGHT CO  
1407 W NORTH TEMPLE  
SALT LAKE CITY UT 84140

RE: Change of Ownership for Water Right 11-2128

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for Jeff Peppersack, Manager  
Water Right Permits Section

JP:klm  
Enclosure

RECEIVED

NOV 16 2000

**KRUSE, LANDA & MAYCOCK, L.L.C.**

50 WEST BROADWAY (300 SOUTH)  
EIGHTH FLOOR, BANK ONE TOWER  
SALT LAKE CITY, UTAH 84101-2034

MAILING ADDRESS:  
Post Office Box 45561  
Salt Lake City, Utah 84145-0561

JODY L. WILLIAMS

WRITER'S E-MAIL  
jwilliams@klmlaw.com

Department of Water Resources

TELEPHONE: (801) 531-7090  
TELECOPY: (801) 531-7091  
(801) 359-3954

WRITER'S VOICE MAIL  
Extension 234

November 13, 2000

KariLynn Townsend  
Idaho Department of Water Resources  
1301 North Orchard Street  
Boise, ID 83706-2237

Re: WR 11-02128  
Charles and Eileen Kunz transfer to PacifiCorp

Dear KariLynn:

As requested in your recent e-mail, we are forwarding to you a copy of the warranty deed that transfers the above water right from Heber C. and Marie C. Kunz to Charles C. and Eileen S. Kunz. This document supports the chain of title to from Charles and Eileen Kunz to PacifiCorp in 1994.

Thanks for your assistance and please let us know if you need any further information. When the change has been made on Idaho's records, we will appreciate your letting us know. Good luck on all the computer changes that are being made!!

Very truly yours,



Karen G. Matthews  
Assistant to Jody Williams

/kgm

Encl.



525 NE Multnomah  
Portland, OR, 97232

May 31, 2000

RE: Signature authority for water right documents

To whom it may concern:

Please let this letter serve as notice that Claudia Conder is fully authorized to sign documentation on behalf of PacifiCorp with regards to water rights in the State of Idaho.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carl Barnett", with a long horizontal flourish extending to the right.

Carl Barnett, Manager  
Power Supply Support Services

RECEIVED

MAY 25 2000

**KRUSE, LANDA & MAYCOCK, L.L.C.**

50 WEST BROADWAY (300 SOUTH)  
EIGHTH FLOOR, BANK ONE TOWER  
SALT LAKE CITY, UTAH 84101-2034

MAILING ADDRESS:  
Post Office Box 45561  
Salt Lake City, Utah 84145-0561

Department of Water Resources

JODY L. WILLIAMS  
WRITER'S E-MAIL  
jwilliams@klmlaw.com

TELEPHONE: (801) 531-7090  
TELECOPY: (801) 531-7091  
(801) 359-3954

WRITER'S VOICE MAIL  
Extension 234

May 23, 2000

Jeff Peppersack, Section Manager  
Idaho Department of Water Resources  
1301 North Orchard Street  
Boise, ID 83706-2237

Re: Water Rights on Ovid Creek, Bear Lake County, Idaho

Dear Mr. Peppersack:

PacifiCorp, dba Utah Power & Light Company, as the owner of several water rights on Ovid Creek, is requesting the following rights be shown on the State's records as being owned by said company:

| <u>Water Right No.</u> | <u>Previous Owner</u>         |
|------------------------|-------------------------------|
| 11-01096               | Paul R. & Marlene S. Kunz     |
| 11-01114               | Paul R. & Marlene S. Kunz     |
| 11-01115               | Parley P. & Hilda S. Kunz     |
| 11-02128               | Charles C. and Eileen S. Kunz |

In order to accomplish the request, we are enclosing Notice of Change of Water Right Ownership on these rights, along with a copy of the transferring document and copy of USDA aerial photo showing the place of use and point of diversion. PacifiCorp acquired all the former owner's property as shown on the attached deeds.

Please let us know if further information is required. We appreciate your assistance in helping us with this transfer on the State's records.

Very truly yours,

KRUSE, LANDA & MAYCOCK, L.L.C.

  
Karen G. Matthews  
Assistant to Jody Williams

Encls.  
cc: Claudia Conder  
PacifiCorp

October 20, 1965

Re: Permit No. 30521

HEBER C. KUNZ  
Bern, Idaho

Dear Mr. Kunz:

Enclosed are the Certificate of Completion  
of Works and License and Certificate of Water Right  
issued on the above numbered permit.

Also enclosed is departmental receipt 32957  
lin the amount of \$25.00 covering the fees

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:ew

Enc. certificates  
receipt

30521

RECEIVED

OCT 11 1965

Department of Reclamation

Bern, Idaho.

Oct. 8, 1965.

State of Idaho.

Department of Reclamation

Boise, Idaho.

Dear sir, Enclosed find check of \$2500  
for Permit no. 30521 so you can issue  
Certificate of Completion of Works etc.

yours truly,  
Heber C King.

30521

September 29, 1965

RE: Permit No. 30521

Heber C. Kunz  
Bern, Idaho

Dear Mr. Kunz:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. 30521 shows the dam and ditches are capable of conveying 218.5 miner's inches, or 4.37 c.f.s. of water for the irrigation of 247.5 acres.

Upon receipt of the statutory fees, totaling \$25.00 we will issue the Certificate of Completion of Works and License and Certificate of Water Right, confirming the right, with priority of June 5, 1962, to the use of 4.37 c.f.s. of surface water from Ovid Creek and Old Bear Lake Outlet with the point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 1, T. 13S., R. 43 E., B.M. for irrigation of 247.5 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 3 $\frac{1}{2}$ , T. 12 S., R. 44 E., B.M.; SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 1; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 12, T. 13S., R. 43 E., B.M.; W $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 6, T. 13 S., R. 44 E., B.M.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:mr

30521

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. 30521

REPORT ON PROOF OF Completion of Works & Beneficial Use

Heber C. Kunz, Bern, Idaho

R-43E

R-44E.

25

30

36

31

30.0

T/2S.  
T/3S

P.D. DAM  
BERN

TO MONTPELIER

6

72.5

117.0

28.0

37.5

33.0

38.0

35.0

28.0

12

OVID CREEK

$Q = 4.37$  C.F.S.  
S. 10

247.5 Acres

TO MONTPELIER

OVID

U.S. HWY. No. 89

13

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
**REPORT OF ENGINEER**

Permit No. 30521This proof is for Completion of Works & Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant Heber C. Kunz
2. Source of water supply: Ovid Creek and Old Bear Lake Outlet
3. Location of point of diversion: Is in the NE 1/4 NE 1/4 of Section 1  
T. 13S R. 43 E.B.M. County of Bear Lake

4. Describe works as they exist, giving dimensions and capacities of same: Land in sections 1, -12, -13S-43E + Section 6, 13S-44E flooded by damming creek up. no ditches on this property. Land in Section 31, -12S-44E served by ditch as shown on map. Dam 100' long on top, 90' on bottom 10' high. 6x6' Spill that can be boarded up and 30" <sup>metal</sup> pipe thru dam that is closed off when irrigating. Usually uses water 60 days.

5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: \_\_\_\_\_

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NW 1/4 NE 1/4, Sec. 12; SE 1/4 SW 1/4, S 1/2 SE 1/4, NE 1/4 SW 1/4; E 1/2 SE 1/4, Sec. 13 S., R. 43 E.;

S 1/2 NW 1/4, Sec. 31, T. 12 S., R. 44 E., B. M.; W 1/2 SW 1/4, Sec. 6, T. 13 S., R. 44 E.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? \_\_\_\_\_

Remarks: Mr. Kunz went over works & explained their method of irrigating.

This examination was made on the 16th day of September, 1965

(Signed) Robert W. Hamilton

Examiner.

30521

Heber C. Runz 847-1207  
Bern, Idaho

Permit No. 30521

Dam 10' h x 100' at top 20' h  
Concrete headwork 6' x 6' to  
Ditch 6' top - 2' depth water

Examination for Completion of Works & Beneficial Use

County Bear Lake

Sec. 1 T13S R43E BM

Quantity: 4.37

Source: Ovid Cr. & Old Bear Lake Outlet

P.D.: NE. NE, Sec. 1, T. 13S. - R. 43E BM.

Use: Irrigation

Filed: June 5, 1962

Due: June 11, 1964

Extension: \_\_\_\_\_

Protest: \_\_\_\_\_

Completion of Works: \_\_\_\_\_

Other Rights: none except a  
50 year "Use Right."

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED  
SEP 17 1965

Department of Reclamation

30521

April 3, 1963

RE: Permit No. 30521

Mr. Heber C. Kung  
Bern, Idaho

Dear Mr. Kung:

Thank you for your letter dated April 1, 1963 stating now would be a good time to make an inspection on your irrigation works.

We regret we have to defer the inspection until a later date because there are several in the south eastern part of the state that cannot be inspected until later in the season. Our budget isn't sufficient to make repeated inspection trips into the same area.

We will send a notice of the approximate date we can make the inspection.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

Loy H. Johnson  
Field Engineer

LHJ:mr

30521

RECEIVED  
APR 2 1963

Department of Reclamation

Bern Idaho.

April 1, 1963.

Department of Reclamation

Boise, Idaho.

Gentlemen, I am writing to you regarding permit No. 30521 which you approved June 11, 1962 ~~and~~ <sup>and</sup> which I made proof of beneficial use later last year. I have your letter of Sept. 12, 1962 in which you promised to send an engineer out to inspect my project before you could make a final decision on it. Now would ~~would~~ be a good time of the year for him to inspect said works. We have had our dams in since about the fifth of March so I hope you can attend to this as there is no better time for him to see the works in operation than now. Thank you for early action on this.

Yours truly,

Heber C. Fung.

30521

November 5, 1962

Re: Permit No. 30521

Mr. Robert B. Porter  
Assistant Attorney  
Utah Power & Light Co.  
Salt Lake City, Utah

Dear Mr. Porter:

Herewith copy of Application and Permit in the  
name of Heber C. Kunz, that you requested last Friday.

Glad to be of assistance.

Very truly yours,

CARL E. TAPPAN, Assistant  
State Reclamation Engineer

CRT:ew

Enc. photo copy

30521

November 5, 1962

Re: Permit No. 30521  
Heber C. Kunz

Mr. Russell D. Stoker  
Soda Springs, Idaho

Dear Russ:

Herewith copy of Application and Permit in the  
name of Heber C. Kunz, that you requested last Friday.

Glad to be of assistance.

Very truly yours,

CARL E. TAPPAN, Assistant  
State Reclamation Engineer

CET:ew

Enc. photo copy

1M April 1962

September 12, 1962

Re: Permit No.

30521

Heber C. Kunz  
Bern, Idaho

Dear Mr. Kunz:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the News Examiner, all submitted in proof of completion of works and beneficial use on Permit No.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:

30521

In answer to your letter to correct application for permit,

RECEIVED

JUN 5 1962

Bern, Idaho.

June 4, 1962.

DEPARTMENT OF RECLAMATION

Department of Reclamation,  
Boise, Idaho,

Dear sir,

No water runs in the old Bear Lake Outlet above where Ovid Creek runs into it. So the water that I am filing on would have to come out of Ovid Creek. If you think ~~think~~ best you can scratch out "Ovid Creek" and just leave Old Bear Lake Outlet.

As soon as the application for this water is allowed I can make proof as the work has been completed for years and

the water has been put to  
beneficial use for fifty years.

Yours truly,

Heber C. Kunz.

3052k

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
AUG 30 1962

Department of Reclamation

RECEIVED  
SEP 7 1962

Department of Reclamation

Permit No. 30521

Proof of Application of Water to Beneficial Use  
and Completion of Works  
Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Heber C. Kunz; Bern, Idaho; Rancher; Bern, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 30521 June 11, 1962. June 5, 1962.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Ovid Creek and Old Bear Lake Outlet. 700 feet distant from the northeast corner of section 1 in Tp. 13 South, Range 43 E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Dam 10 feet high, 100 ft. at top, 90 feet at bottom, with concrete headworks with headgate 6 feet high, 6 feet in width, at bottom, running in ditch 4 feet in width, 6 feet at top with water 2 feet deep, and running through natural channels, swails and natural ditches, with flow of 4.37 Cu. Ft. per second.

Ques. 6: State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigation by flooding and by sub irrigation on lands situated in Sections 1 and 12 Tp. 13 S., R. 43 E.B.M. and Section 6 Tp. 13 S., R. 44 E.B.M. (approximately 2.10 acres), and in Section 31 Tp. 13 S., R. 44 E. B. M. (approximately 30 acres.). Land on which water is used is in natural meadow.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans.

30521

RT

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. \_\_\_\_\_

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. \_\_\_\_\_

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. \_\_\_\_\_

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Water from flood water and melting snow is diverted for use on said land from March 15, to May 15 of each year via the dam and coarses herein described in amount of 4.37 Cu. Ft. per second to irrigate natural meadow for wild hay.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

(Sign)

Heber C. Kunz

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed

and sworn to before me, at my office in Montpelier, County of Bear Lake,

State of Idaho, on this 28th day of August, A. D. 1962.

Albert S. Leight  
Notary Public for Idaho

My commission expires March 9, 1965.

residing at Montpelier, Idaho.

Answer to Section or No. 6;

For irrigation by flooding and by subirrigation of natural meadow land as follows;

A portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$  of section 12 Tp. 13 S.R. 43 E.B.M. comprising approximately 35 acres; approximately 23 acres of which is irrigated by flooding and 12 acres by sub irrigation.

Portions of SE $\frac{1}{4}$ SW $\frac{1}{4}$  (33 acres), NE $\frac{1}{4}$ SW $\frac{1}{4}$  (5 acres), NW $\frac{1}{4}$ SE $\frac{1}{4}$  (18 acres), and NE $\frac{1}{4}$ SE $\frac{1}{4}$  (32 acres), in section 1 Tp. 3 S. R. 43 E.B.M., comprising approximately 88 acres, approximately 79 acres being irrigated by flooding and approximately 9 acres by sub irrigation.

A portion of SE $\frac{1}{4}$  SE $\frac{1}{4}$  of section 1 Tp. 13 S.R. 43 E.B.M. being approximately 38 acres, 35 acres being irrigated by flooding and 2 acres by sub irrigating; and and portion of SW $\frac{1}{4}$  SE $\frac{1}{4}$  of section 1 tp. 13 S.R. 43 E.B.M., containing about 35 acres, 31 acres being irrigated by flooding and 4 acres by sub irrigating.

Portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$  (about 10 acres) and portion of SW $\frac{1}{4}$  SW $\frac{1}{4}$  (about 8 acres) in section 6 tp. 13 S. R. 44 E.B.M. all of which is irrigated by flooding.

A portion of SW $\frac{1}{4}$ NW $\frac{1}{4}$  (about 18 acres) and portion of SE $\frac{1}{4}$ NW $\frac{1}{4}$  (about 8 acres\* in section 31 Tp. 12 S. R. 44 E. B.M. 20 acres of which is irrigated by flooding and 6 acres by sub irrigation.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
SEP 30 1902  
U.S. DEPT. OF RECLAMATION

RECEIVED  
SEP 7 1902

PERMIT NO. 30521

Department of Reclamation

**Proof of Application of Water to Beneficial Use**  
**and Completion of Works**  
**Deposition of Witness**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. David J. Gerber, aged 39, residing at Montpelier, Idaho.

My occupation is farmer and my postoffice address is  
Montpelier, Idaho

Ques. 2. Are you acquainted with Heber C. Kunz, the  
holder of Permit No. 30521? How long have you known him and where does  
he reside?

Ans. Yes. I have known Heber C. Kunz for 30 years. His  
residence is Bern, Idaho.

Ques. 3. Have you read or heard read said Permit No. 30521, and are you  
familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for  
conveying water from point of diversion to place of use.

Ans. Ovid Creek and an old channel known as Old Bear Lake Outlet.  
The point of diversion is approximately 700 feet distant from  
the northeast corner of section 1 Tp. 13 S., R. 43 E.B.M. and is in  
the NE<sup>1</sup> of the NE<sup>1</sup> of said section 1. Dam, natural channels, swails  
and natural ditches.

Ques. 5. How many second feet of water do you estimate said works will safely  
conduct to place of use, and how much water have you seen being so conveyed?

Ans. I estimate that approximately 4.37 Cu. Ft. per second  
may be safely conducted through works and I have seen about that  
much water in same.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation,  
give each subdivision in which water has been used and number of acres irrigated in  
each subdivision.) State whether cultivated or natural meadow land and the nature  
of all improvements which have been made as a direct result of said use.

Ans. Water is used for flooding and sub irrigating lands in  
Secs. 1 & 12 Tp. 13 S., R. 43 E.B.M. and Sec. 6 Tp. 13 S., R. 44 E.B.  
(approximately 210 acres) and in sec. 31 Tp. 12 S. R. 44 E. B.M.  
(approximately 30 acres). Land is in natural meadow which is  
used for wild hay. Earth and gravel filled dam abt. 10 ft. high  
100 ft. length at bottom, 90 ft. at top with concrete headworks,  
gate 6 ft. high, 6 ft. in width, and ditch 4 ft. at bottom 6 ft.  
at water level, running about 2 ft. in water depth.

30521

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Natural meadow land and I estimate that 4.37 Cu. Ft. per second is required to properly irrigate said land.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Over many years observation I have found that this water derived from flood water and melting snow is used from about March 15th. to May 15th. of each year.

(Signed)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Montpelier, County of Bear Lake, State of Idaho, on this 28th day of August, A. D. 1962.

Notary Public.

My commission expires March 9, 1965.

For Idaho, residing at Montpelier, Idaho.

Answer to No. 6 continued.

Following table shows No. of acres and approximate no of acres irrigated by flooding and by sub irrigation in each subdivision;

| Description      |                  | portion of Sec. | Tp.  | Range     | Aprox. Total Acres | Ares Flooded | Acres subed |
|------------------|------------------|-----------------|------|-----------|--------------------|--------------|-------------|
|                  |                  |                 |      |           |                    |              |             |
| NW $\frac{1}{4}$ | NE $\frac{1}{4}$ | 12              | 13 S | 43 E.B.M. | 35                 | 23           | 12          |
| SE $\frac{1}{4}$ | SW $\frac{1}{4}$ | 1               | 13 S | 43 E.B.M. | 33                 |              |             |
| NE $\frac{1}{4}$ | SW $\frac{1}{4}$ | 1               | 13 D | 43 E.B.M. | 5                  |              |             |
| NW $\frac{1}{4}$ | SE $\frac{1}{4}$ | 1               | 13 S | 43 E.B.M. | 18                 |              |             |
| NE $\frac{1}{4}$ | SE $\frac{1}{4}$ | 1               | 13 S | 43 E.B.M. | 32                 |              |             |
| Total of         |                  |                 |      |           | 88                 | 79           | 9           |
| SE $\frac{1}{4}$ | SE $\frac{1}{4}$ | 1               | 13 S | 43 E.B.M. | 38                 | 36           | 2           |
| SW               | SE $\frac{1}{4}$ | 1               | 13 S | 43 E.B.M. | 35                 | 31           | 4           |
| NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | 6               | 13 S | 44 E.B.M. | 10                 | 10           |             |
| SW $\frac{1}{4}$ | SW $\frac{1}{4}$ | 6               | 13 S | 44 E.B.M. | 8                  | 8            |             |
| SW $\frac{1}{4}$ | NW $\frac{1}{4}$ | 31              | 12 S | 44 E.B.M. | 18                 |              |             |
| SE $\frac{1}{4}$ | NW $\frac{1}{4}$ | 31              | 12 S | 44 E.B.M. | 8                  |              |             |
| Total of         |                  |                 |      |           | 26                 | 20           | 3052 6      |

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
AUG 30 1932  
Department of Reclamation

RECEIVED  
SEP 7 1932  
Department of Reclamation

PERMIT NO. 30521

**Proof of Application of Water to Beneficial Use  
and Completion of Works  
Deposition of Witness**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Everett H. Peterson. I reside at Montpelier, Idaho. My occupation is rancher and my Post Office Address is Montpelier, Ida. I am 49 years of age.

Ques. 2. Are you acquainted with Heber C. Kunz, the holder of Permit No. 30521? How long have you known him and where does he reside?

Ans. I have known Mr. Heber C. Kunz for 35 years.  
His residence and Post Office Address is Bern, Idaho.

Ques. 3. Have you read or heard read said Permit No. 30521, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Ovid creek and the Old Bear Lake Outlet. About 700 feet distant from the northeast corner of section 1 Tp. 13 S., R. 43 E.B.M. which is in the NE<sup>1</sup> of the NE<sup>1</sup> of said section 1. By Dam, natural channels, swails and natural ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

I estimate about 4.37 Cu. Ft. per second can be safely conducted through works and I have seen about that much water in same.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The Water is used for flooding sub irrigating lands in Secs. 1 & 12 in Tp. 13 S., R. 43 E.B.M. and sec. 6 Tp. 13 S., R. 44 E.B.M. (approximately 210 acres), and in sec. 31 Tp. 12 S. R. 44 E.B.M. (approximately 30 acres). Land is natural meadow which produces wild hay. Earth and gravel filled dam abt. 10 ft. high, 900 ft in lenth at top, 100 ft. in lenth at bottom, concrete headworks with headgate 6 ft. high, 6 ft. in width, with ditch 4 ft. at bottom 6 ft. at water level, running about 2 feet in water depth.

30521

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Natural meadow land and I estimate 4.37 Cu. Ft. per second  
is required to properly irrigate said land.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been acquainted with this operation for many years  
and I know that the water derived from the flood water and  
melting snow is used on said land from about March 15th. to May  
15th. of each year.

Eunice H. Peterson

(Signed)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Montpelier,  
County of Bear Lake, State of Idaho, on this 28th day of August,  
A. D. 19 62.

Albert E. Leppell

Notary Public.

My commission expires March 9, 1965. for Idaho residing at  
Montpelier, Idaho.

Answer to No. 6 continued.

Following table shows No. of acres and approximate no of acres irrigated by flooding and by sub irrigation in each subdivision;

| Description                       | portion of Sec. | Tp.  | Range     | Approx. Total Acres | Ares Flooded | Acres subed |
|-----------------------------------|-----------------|------|-----------|---------------------|--------------|-------------|
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 12              | 13 S | 43 E.B.M. | 35                  | 23           | 12          |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 1               | 13 S | 43 E.B.M. | 33                  |              |             |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 1               | 13 D | 43 E.B.M. | 5                   |              |             |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 1               | 13 S | 43 E.B.M. | 18                  |              |             |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 1               | 13 S | 43 E.B.M. | 32                  |              |             |
| Total of                          |                 |      |           | 88                  | 79           | 9           |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 1               | 13 S | 43 E.B.M. | 38                  | 36           | 2           |
| SW SE $\frac{1}{4}$               | 1               | 13 S | 43 E.B.M. | 35                  | 31           | 4           |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 6               | 13 S | 44 E.B.M. | 10                  | 10           |             |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 6               | 13 S | 44 E.B.M. | 8                   | 8            |             |
|                                   |                 |      | 44 E.B.M. | 18                  |              |             |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 31              | 12 S | 44 E.B.M. | 8                   |              |             |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 31              | 12 S | Total of  | 26                  | 20           | 6           |

36521

# THE NEWS-EXAMINER

MONTPELIER, IDAHO

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, )  
County of Bear Lake, ) ss.

W. Jerome Taylor

being first duly sworn, deposes and says  
he is Publisher and Foreman of the  
News-Examiner; that the said News-Examiner  
is a weekly newspaper published at Montpelier,  
County of Bear Lake, State of Idaho, of general  
circulation in said County and State.

That the notice attached was published in  
the said News-Examiner, and not in a supple-  
ment, for four  
successive weeks, commencing with the issue  
dated July 26, 1962  
and ending with the issue

dated August 16, 1962

W. Jerome Taylor  
Publisher and Foreman.

Subscribed and sworn to before me this 16th day of August, 1962

James D. Bartlow  
Notary Public.

### NOTICE OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m., on the 28th day of August, 1962, at Montpelier, county of Bear Lake, State of Idaho, before Albert E. Leeright, Notary Public, at Montpelier, Idaho, proof will be submitted of the completion of works for diversion of 4.37 cubic feet per second of the waters of Ovid Creek and Old Bear Lake Outlet, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 30521, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or corporation holding said permit is Heber C. Kunz, Bern, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 4.37+ cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4.37 cubic feet per second.

4. The point of diversion of said water is 700 feet distant from the N. E. corner of Sec. 1, Twp. 13 S., Rge. 43 E. B. M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 1, Twp. 13 S., Rge. 43 E., County of Bear Lake.

5. The place where said water is used is Heber Kunz Ranch near Bern, Idaho; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 12, E $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 1, all in Twp. 13 S., Rge. 43 E. B. M.; S $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 31, Twp. 12 S., Rge. 44 E. B. M.; W $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 6, Twp. 13 S., Rge. 44 E. B. M. Total 240 acres.

6. The date of priority which said user is prepared to establish is June 5, 1962.

GEORGE N. CARTER  
State Reclamation Engineer  
(J 26; a 2/9/16)

30521

August 31, 1962

Re: Permit No. 30521

Heber C. Kunz  
Bern, Idaho

Dear Mr. Kunz:

We return herewith your deposition of completion of works and beneficial use of water which we received with the depositions of two witnesses and affidavit of publication.

You failed to answer Question 6, properly which requests number of acres in each 40-acre subdivision or larger subdivision if all are irrigated. Your answer may be shown on the blank space below the Notary Public's signature.

Why don't you visit the protestant and get a withdrawal of the protest?

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

RT:ew

Enc. depositions

30521

30521

RECEIVED  
AUG 30 1962

Department of Reclamation

Bern, Idaho

August 28, 1962

Dept. of Reclamation,

Boise, Idaho.

Dear sir, I received the copy of the protest by the Ovid Irrigation company regarding my water proof. This water has been used to water this land for the past fifty years and we take it before the irrigation season starts. Its the spring run off of the melting snow as my application calls for. In a year of light snow fall we have put the dam in as early as February in order to have enough water for a crop of hay. In your circular of laws that

30521

you sent me it stated that ordinary filings of water could only be claimed during the irrigation season.

I think if these men understood my permits they would have no grounds for protest.

If you will let me know when your field man will be here to make his inspection I will make it a point to be available to show him around. Thank you,

Yours truly,  
Heber C. Kunz

August 27, 1962

Re: Permit No. 30521

Mr. Heber C. Kunz,  
Bern, Idaho.

Dear Mr. Kunz:

Enclosed is a copy of a protest received in regard to your proofs of use of water under your permit.

No further action will be taken until after the field examiner has reported the condition of your works of diversion and use of water.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

Encl. - Copy of Protest  
RWT:pmk

30521

RECEIVED

AUG 27 1962

Department of Reclamation

IN RE: APPLICATION OF HEBER C. KUNZ FOR  
PERMIT TO APPROPRIATE WATER FROM  
OVID CREEK AND OLD BEAR LAKE OUT-LET  
PERMIT NUMBER #0521

Come now the undersigned, The Ovid Irrigation Company, a corporation, of Bear Lake County, state of Idaho, and hereby protests to the application of Heber C. Kunz, of Bern, Idaho, for permit to appropriate and use water for irrigation purposes from Ovid Creek and old Bear Lake Out-let in Bear Lake County, Idaho, and for ground of protest alleges:

I.

That all the water of Ovid Creek and Old Bear Lake Out-let has heretofore been appropriated by said Ovid Irrigation Company and others and there is no water from either of said sources now available for appropriation in normal years .

WHEREFORE, protestant prays that the application of said Heber C. Kunz be denied.

DATED This 24th day of August, 1962.

OVID IRRIGATION COMPANY, a corporation

By *David Gibson*  
President

ATTEST:

*Evan W Morgan*  
Secretary

July 23, 1962

Re: Permit No. 30521  
Heber C. Kurz

News Examiner  
Montpelier, Idaho

Gentlemen:

On July 9th, we mailed you a Notice of Publication on the numbered permit, requesting a tear sheet or copy for checking purposes.

To date we have not received such copy, and ask that one be mailed to this office as soon as possible.

Very truly yours,

GEO. H. CARTER  
State Reclamation Engineer

By:

H. PETRI  
Water Rights Clerk

HP:ew

30521

July 9, 1962

Re: Permit No. 30521

Mr. Heber C. Kunz,  
Bern, Idaho.

Dear Mr. Kunz:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 30521. The proofs are to be made at 10:00 o'clock A.M., on the 28th day of August, 19 62, before Albert E. Leeright, Montpelier, Idaho, Notary Public.

As of this date we have mailed the Notice to the News Examiner, Montpelier, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

Enc.  
EPR:pmk  
cc: Notary

30521

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 30521  
Heber C. Runz

Date: July 9, 1962

News Examiner,  
Montpelier, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **August 28, 1962** the date set for proof; the expense of the publication is to be paid by the applicant

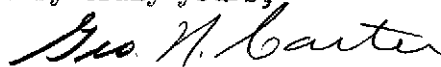
**Heber C. Runz**

of **Bern, Idaho**

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.\*\*

Very truly yours,



GEO. N. CARTER  
State Reclamation Engineer

\*\* If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

30521

NOTICE OF PROOF OF COMPLETION OF WORKS  
and  
APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 10:00 A.M., on the 28th day of August, 1962, at Montpelier, County of Bear Lake, State of Idaho, before Albert E. Leeright, Notary Public, at (address) Montpelier, Idaho, proof will be submitted of the completion of works for the diversion of 4.37 cubic feet per second of the waters of Ovid Creek and Old Bear Lake Outlet, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 30521, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Heber C. Kunz - Bern, Idaho

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 4.37+ cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4.37 cubic feet per second.

4. The point of diversion of said water is 700 ft. distant from the N.E. Corner of Sec. 1, Twp. 13 S., Rge. 43 E.B.M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 1, Twp. 13 S. Rge. 43 E, County of Bear Lake

5. The place where said water is used is Heber Kunz Ranch near Bern, Idaho; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 12, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 1, all in T. 13 S., R. 43 E.B.M.; S $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 31, T. 12 S., R. 44 E.B.M.; W $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 6, T. 13 S. R. 44 E.B.M. Total 240 acres.

6. The date of priority which said user is prepared to establish is June 5, 1962

GEO. N. CARTER

State Reclamation Engineer

RECEIVED  
JUL 9 1962

NOTICE OF PROOF OF COMPLETION OF WORKS  
and  
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

NOTICE is hereby given that at 10:00 A M., on the 28 day of AUGUST 1962, at MONTPELIER, County of BEAR LAKE, State of Idaho, before ALBERT E. LEERIGHT, Notary Public, at (address) MONTPELIER, IDAHO, proof will be submitted of the completion of works for the diversion of 4.37 cubic feet per second of the waters of OVID CREEK AND OLD BEAR LAKE OUTLET, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 30521, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: HEBER C. KUNZ BERN, IDAHO

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 4.37 cubic feet per second.

3. The use to which said water has been applied is IRRIGATION purposes, and the amount applied to beneficial use is 4.37 cubic feet per second.

4. The point of diversion of said water is 700 FT. DISTANT FROM THE N.E. CORNER OF SEC. 1 TWP. 13 S. RGE 43 E. BM AND IS IN THE NE 1/4 OF SEC. 1 TWP. 13 S. RGE 43 E. COUNTY OF BEAR LAKE NE 1/4

5. The place where said water is used is HEBER KUNZ RANCH, NEAR BERN, IDAHO  
N. 1/4 NE 1/4 SEC. 12, T. 13 S. R. 43 E. BM; NE 1/4 SE 1/4, SW 1/4 AND SE 1/4  
ALL IN SEC. 1 T. 13 S. R. 43 E. BM; NW 1/4 SW 1/4, SW 1/4 SEC. 6  
T. 13 S. R. 43 E. BM SW 1/4 + SE 1/4, NW 1/4 SEC. 31 T. 13 S. R. 43 E. BM Total 240 acres.

6. The date of priority which said user is prepared to establish is 50 YEARS  
June 5, 1962.

State Reclamation Engineer

NW 1/4 NE 1/4, Sec. 12; E 2 SW 1/4, SE 1/4, Sec. 1; all in T. 13 S. - R. 43 E BM.

S 2 NW 1/4, Sec. 31, T. 12 S. - R. 44 E BM. W 2 SW 1/4, Sec. 6, T. 13 S. - R. 44 E BM.

30521

NOTICE OF PROOF OF COMPLETION OF WORKS  
and  
APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 10:00 A M., on the 28 day of AUGUST 1962, at MONTPELIER, County of BEAR LAKE, State of Idaho, before ALBERT E. LEE RIGHT, Notary Public, at (address) MONTPELIER, IDAHO, proof will be submitted of the completion of works for the diversion of 4.37 cubic feet per second of the waters of OVID CREEK AND OLD BEAR LAKE OUTLET, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 30521, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: HEBER C. KUNZ BERN, IDAHO

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 4.37+ cubic feet per second,

3. The use to which said water has been applied is IRRIGATION purposes, and the amount applied to beneficial use is 4.37 cubic feet per second.

4. The point of diversion of said water is 700 FEET DISTANT FROM THE N.E CORNER OF SEC. 1 TWP 13 S Rge 43 E B.M. AND IS IN THE NE 1/4 OF SEC. 1 TWP 13 S. Rge 43 E, COUNTY OF BEAR LAKE

5. The place where said water is used is HEBER KUNZ RANCH, NEAR BERN, IDAHO  
[NW 1/4, NE 1/4] SE 1/4, SW 1/4; AND S.E 1/4; Sec. 1 T. 13 S. R 43 E B.M.]  
SEC 12 T. 13 S R 43 E B.M. [NW 1/4 + SW 1/4, SW 1/4 Sec. 6 T. 13 S R 44 E B.M.]  
[SW 1/4 + SE 1/4 NW 1/4 Sec. 31 T 12 S R 44 E B.M.] Total 240 acres.

6. The date of priority which said user is prepared to establish is 50 years

State Reclamation Engineer

RECEIVED  
JUL 9 1962NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE ~~of~~ <sup>Department of Reclamation</sup>(Date) 7 JULY 1962(P.O.) BERN, IDAHO

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the NEWS EXAMINER of MONTPELIER, IDAHO published in the county in which the works are situated.

Harold C. Kung

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

~~Harold C. Kung~~

Permit No. 30521

June 21, 1962

Mr. Heber C. Ruess,  
Bern, Idaho.

Dear Mr. Ruess:

We enclose Permit No. 30521 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 11081 which was issued covering payment in the amount of \$6.00 for the filing fee of the above mentioned permit, ~~and the cost of the permit~~

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:pmk

Enc.

30521

June 1, 1962

Re: Application for Permit

Heber C. Kunz  
Barn, Idaho

Dear Mr. Kunz:

Returned herewith is your application for permit with attached check for \$6.00 filing fee.

You show Ovid Creek and Old Bear Lake Outlet as source of water supply. It would seem that Ovid Creek, also known as Liberty Creek, should not be included as you do not divert from that stream as it is tributary to the old outlet above the place of use.

Under 14 you show 33 acres also 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 1. Should that 5 acres be in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 1?

The maps show Outlet Canal. I believe that should be Old Bear Lake Outlet as the canal appears to be about one-half mile east.

The time under 12 has been changed to two (2) years to allow ample time to make the necessary proofs of completion of works and beneficial use of the water. The forms will be sent to you as requested.

Kindly complete and correct the application and return for processing.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

RT:ew

Enc. application

30521

May 22, 1962

Re: Application for Permit

Heber C. Kunz  
Bern, Idaho

Dear Mr. Kunz:

We have your letter of May 21st in regard to a permit to divert 1040 acre feet of excess water of Ovid Creek outlet channel, with diversion from the Bern Dam.

The 1040 acre feet of water you specify indicates that you wish to store water and the latter part of your letter indicates you will use the excess water in the spring as the snow melts.

We cannot issue you a permit to store water behind an existing dam without proof that you own an interest in it. We can issue a permit for a direct flow, with diversion from the dam location. Application for permit must be on forms supplied by this office.

Enclosed is a form to apply for a permit to divert water from a stream, with instructions. Note that maps in duplicate are necessary. The stream, ditches or other channels of diversion and the lands to be irrigated must be shown on each map. The priority of water right will be the date an acceptable application is received in this office.

Proper form for storage of water will be sent to you on request.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

RT:ew

30521

RECEIVED

MAY 22 1962

Department of Reclamation

Bern, Idaho.

May 21, 1962.

Department of Reclamation

Room 107, State House

Boise, Idaho.

Dear sir, I hereby apply to your department to file on 1040 acre feet of water from the spring run off of Ovid creek outlet channel in Bear Lake county to be used on the following discribed lands,

The NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 12, and the S  $\frac{1}{2}$  SE  $\frac{1}{4}$ , and Lot 9, in section 1, Tp. 13 S. R. 43 E. B. M.;

Also, beginning at a point in the center of Outlet,  $7\frac{1}{2}$  chains South from the northeast corner of the SE  $\frac{1}{4}$  of said Section One, and running thence South  $58^{\circ}$  W. along center of said Outlet, 4 chains; thence North  $16^{\circ} 30'$  West along said Outlet  $7\frac{1}{2}$  chains; thence South  $72^{\circ}$  West 3.5 chains to the west boundary line of Lot 10, in said Section One; thence south to the Southeast west corner of said Lot 10; thence East 160 rods, more or less to the southeast corner of the NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of said section One; thence north  $12\frac{1}{2}$  chains more or less to place of beginning;

Also, Commencing at a point 3.50 chains north from the Southwest corner of Section 6, Tp. 13 S. R. 44 E. B. M., and running thence north  $31^{\circ} 55'$  East 25 chains 42 links; thence north  $66^{\circ} 30'$  West 14.50 chains thence South 27.90 chains more or less to the place of beginning.

Containing about 226 acres of land. <sup>305-21</sup>

Commencing at a point 3370 feet north of the southwest corner of Section 31 Township 12 South, range 44 east of the Boise Meridian, running thence north 692 feet; thence west 1887.6 feet; thence south 692 feet; thence east 1887.6 feet to place of beginning, containing 30 acres of land more or less.

I wish to flood irrigate this ground with what is known as the Bern dam accross the Ovid creek outlet channel. This will back the water over the first place described above (226 acres). The water will be carried from this dam to the 30 acres last mentioned by means of sloughs, swales, and ditches.

I would take this water when the snow melts in the spring anytime from March 1 to May 15, depending on the season.

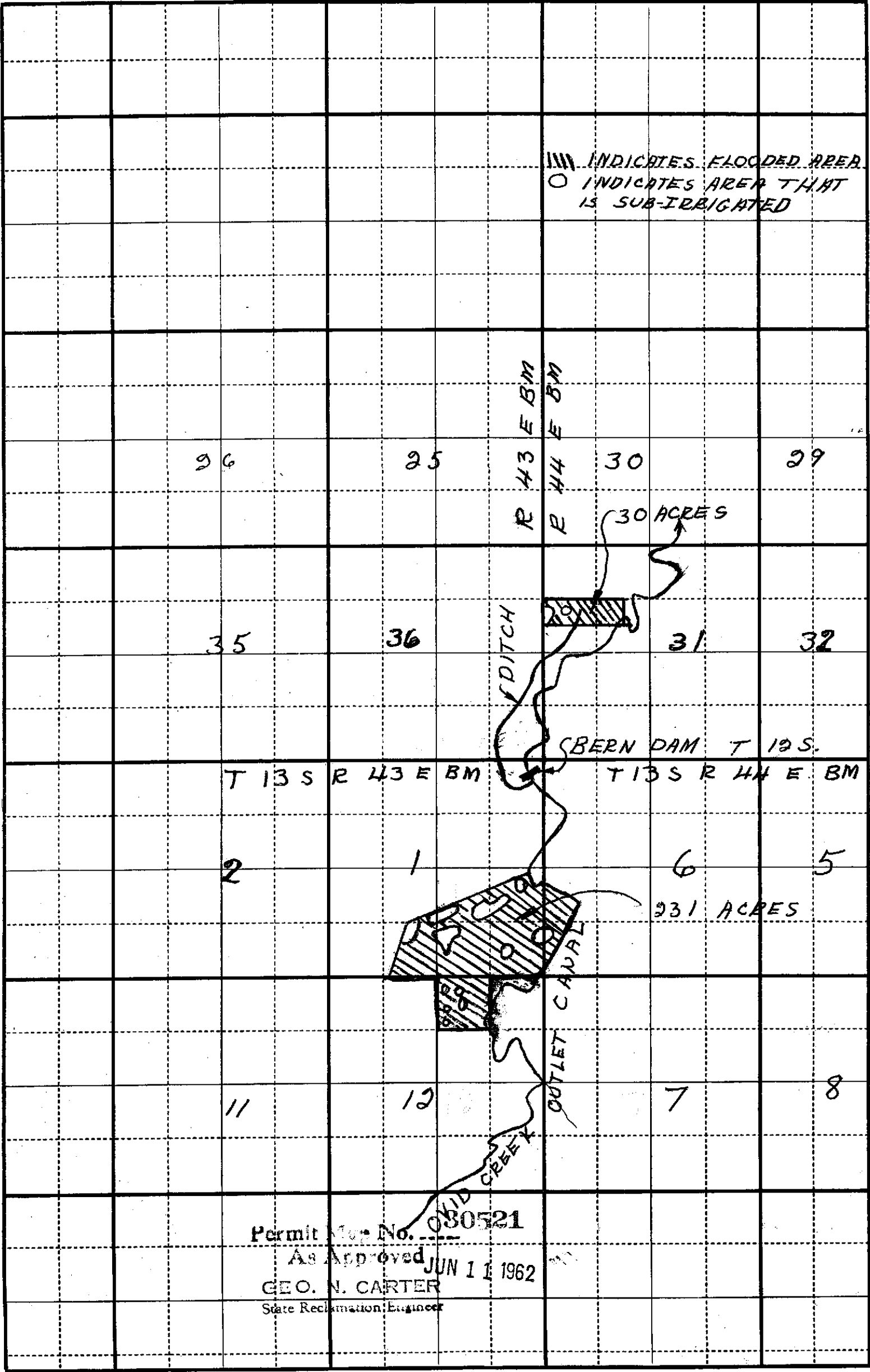
Any land that does not flood and can be cultivated I will irrigate it ~~by~~ by sprinkling and subirrigation.

This water has been used on these places for the past 50 years or more. Please let me know if this application is alright and what I owe you for filing on the water.

Yours truly,

Heber C. Kury.

P.S. If Atty. Roger Burgoyne should wish to file an application for me on this same water please disregard his and accept this one and tell him to get in touch with me. H.C.K.



THURSDAY, JULY 26, 1962

**NOTICE OF PROOF OF  
COMPLETION OF WORKS  
and  
APPLICATION OF WATER  
TO BENEFICIAL USE**

Notice is hereby given that at 10:00 a. m., on the 28th day of August, 1962, at Montpelier, county of Bear Lake, State of Idaho, before Albert E. Lee-right, Notary Public, at Montpelier, Idaho, proof will be submitted of the completion of works for diversion of 4.37 cubic feet per second of the waters of Ovid Creek and Old Bear Lake Out-let, and of the application to benefi-cial use of said water, in accordance with the terms and conditions of Per-mit No. 30521, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or corporation holding said permit is Heber C. Kunz, Bern, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of

water which said works are capable of conveying to the place of use is 4.37+ cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4.37 cubic feet per second.

4. The point of diversion of said water is 700 feet distant from the N. E. corner of Sec. 1, Twp. 13 S., Rge. 43 E. B. M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 1, Twp. 13 S., Rge. 43 E., County of Bear Lake.

5. The place where said water is used is Heber Kunz Ranch near Bern, Idaho; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 12, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 1, all in Twp. 13 S., Rge. 43 E. B. M.; S $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 31, Twp. 12 S., Rge. 44 E. B. M.; W $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 6, Twp. 13 S., Rge. 44 E. B. M. Total 240 acres.

6. The date of priority which said user is prepared to establish is June 5, 1962.

GEORGE N. CARTER

State Reclamation Engineer

(J 26; a 2/9/16)

30521