

RECEIVED

AFFIDAVIT OF PUBLICATION MAY 6 1976

Department of Water Resources
Eastern District Office

RECEIVED
MAY 6 1976

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

ss.

County of Bear Lake

Lowell M. Thompson

being duly sworn,

deposes and says:

That he is the *publisher* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

April 15, 19*76*, and ending with the issue of *April 22*, 19*76*.

Toren W. Thompson
Fees, *13.02*

Subscribed and sworn to before me this *26th* day of *April*, 19*76*.

Manda F. Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *March 13*, 19*79*

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Charles Kunz, Bern, Idaho has on 4-08-76 submitted Application No. 11-7092 for a permit to appropriate 0.05 cubic feet per second of water from a ground-water source by means of well, pump and pipeline within the NW¼NE¼, Sec. 6, T. 13S, R. 44E, B.M., Bear Lake County; to be used from Jan. 1 to Dec. 31 for stockwatering purposes for 110 head of beef cattle within the NW¼NE¼, Sec. 6, T. 13S, R. 44E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 3, 1976.

R. KEITH HIGGINSON
Director

Published in the News-Examiner, Montpelier, Idaho on April 15 and April 22, 1976.

April 15-22

RECEIVED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 11-7092 Priority April 8, 1976 Amount 0.05 cfs

THIS IS TO CERTIFY, that CHARLES KUNZ
of Bern, Idaho, has complied with the terms and conditions of Permit
No. 11-7092 issued pursuant to Application for Permit dated April 8, 1976,
and has submitted proof to the Department of Water Resources on March 25, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.05 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.05</u> cfs and	<u>2.7</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.05 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2.7 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, Twp. 13S,
Rge. 44E, B. M. in the County of Bear Lake

Description and location of place of use:

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 $\frac{1}{4}$	
13S	44E	6		X															

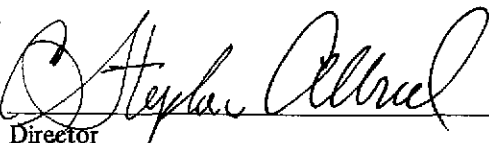
Total number of acres irrigated _____

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NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of
April, 19 79.


Director

11 7092

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
 (TYPE OR PRINT IN INK)

1. Name of applicant Charles Kunz Phone: 847-1473
 post office address Bern, Idaho 83220
2. Source of water supply Well (Drilled) which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6 Township 13 S
 Range 44 E B.M. Bear Lake County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into Bear River at a point in NW $\frac{1}{4}$
 of NE $\frac{1}{4}$ of Section 6 Township 13 S Range 44 E B.M. _____
4. Water will be used for the following purposes:
 Amount 0.05 for Livestock purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
 a. 0.05 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Washed well pump, motor,
Pipeline, watering troughs

 b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
 capacity _____ acre feet, materials used in storage dam: _____
 Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
 c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
 is 1.5 years.
 b. Estimated construction cost is \$ 250⁰⁰.
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6 Township 13 S
 Range 44 E B.M.
 (2) Amount of power to be generated: _____ hp under _____ feet of head.
 (3) List number of each kind of livestock to be watered 100 head beef cattle

 (4) Name of municipality to be served _____, or number of families to be
 supplied with domestic water _____.
 (5) If water is to be used for other purposes describe: _____

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

[illegible]

Total number of acres to be irrigated_____

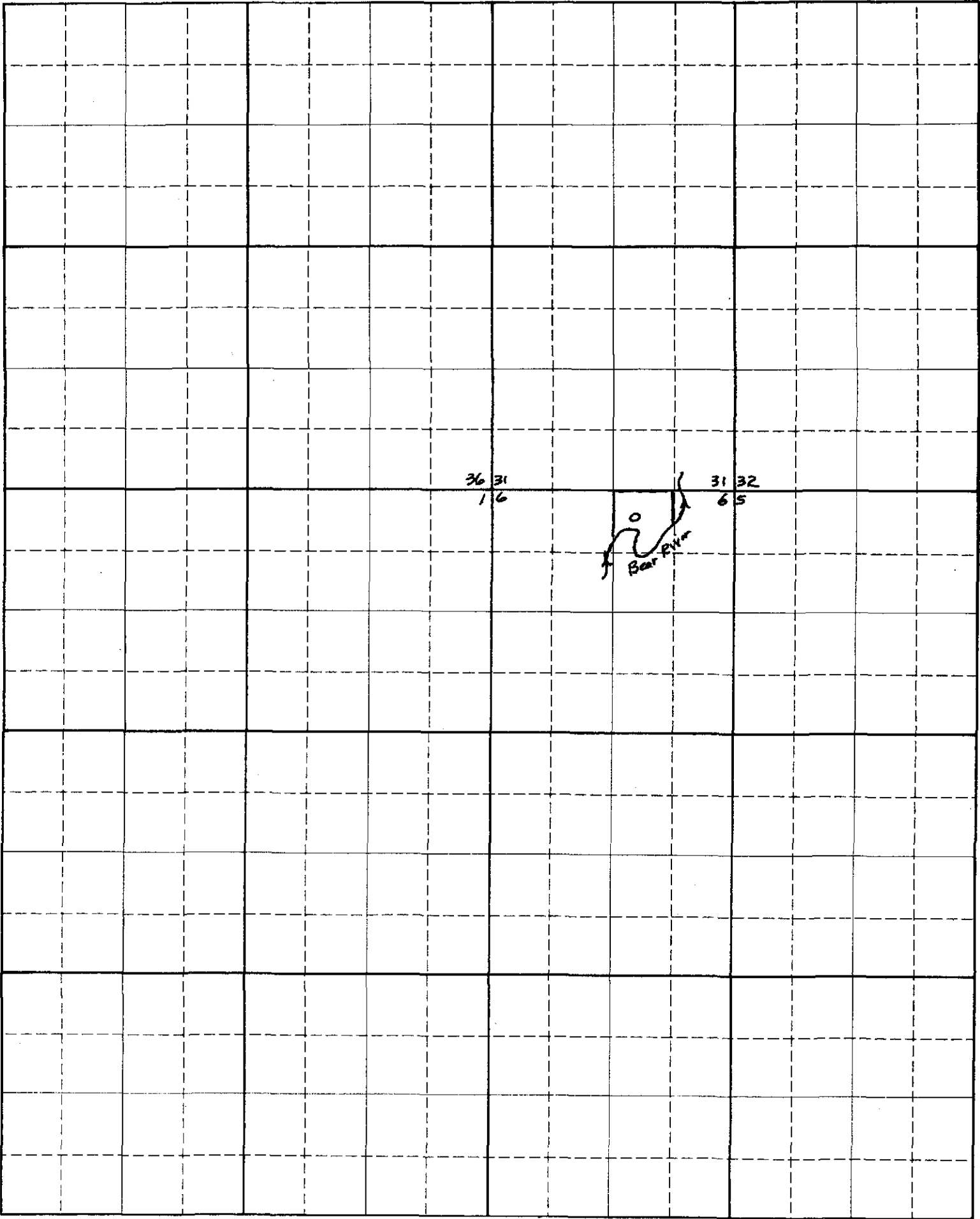
c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion Charles Kunz
b. Who owns the land to be irrigated or place of use Same
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

Wells drilled in this Area have experienced some Artesian pressure.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Charles Kurzy
(Applicant)

Proposed Priority 4-08-76

Received by OW Date 4-08-76 Time 10:45A.

Preliminary check by BR Fee \$ 10.00

Received by OW Date 4-08-76 # 15743

Publication prepared by me Date 4-9-76

Published in The News-Examiner

Publication dates April 15 + April 22, 1976

Publication approved me Date 5-06-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RDC DRT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 11-7092, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1981.

c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 14 day of May 1976.

R. Keith Higin
Director

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Department of Water Resources
Eastern District Office

STATE OF IDAHO,
County of Bear Lake

ss.

Loren W. Thompson
being duly sworn,

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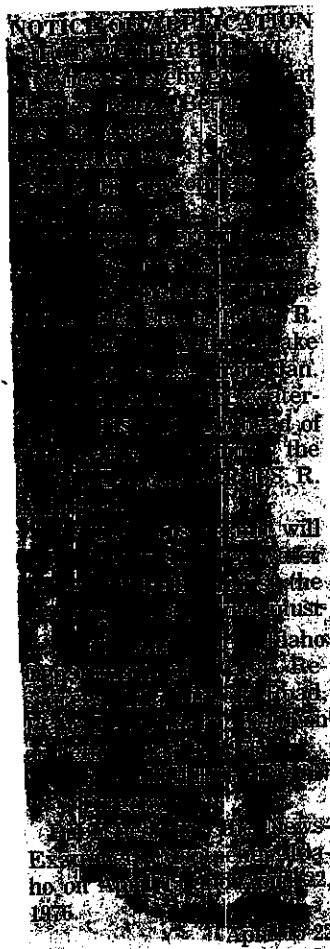
Loren W. Thompson
Fees, 13.02

Subscribed and sworn to before me this 26th day
of April, 1976.

Manda F. Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 13, 1979



RECEIVED
MAY 6 1976

Department of Water Resources
Eastern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

May 1, 1979

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

Re: Permit No. 11-7092

Charles Kunz

Bern,

Idaho 83220

Dear Mr. Kunz:

Enclosed is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

J. Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

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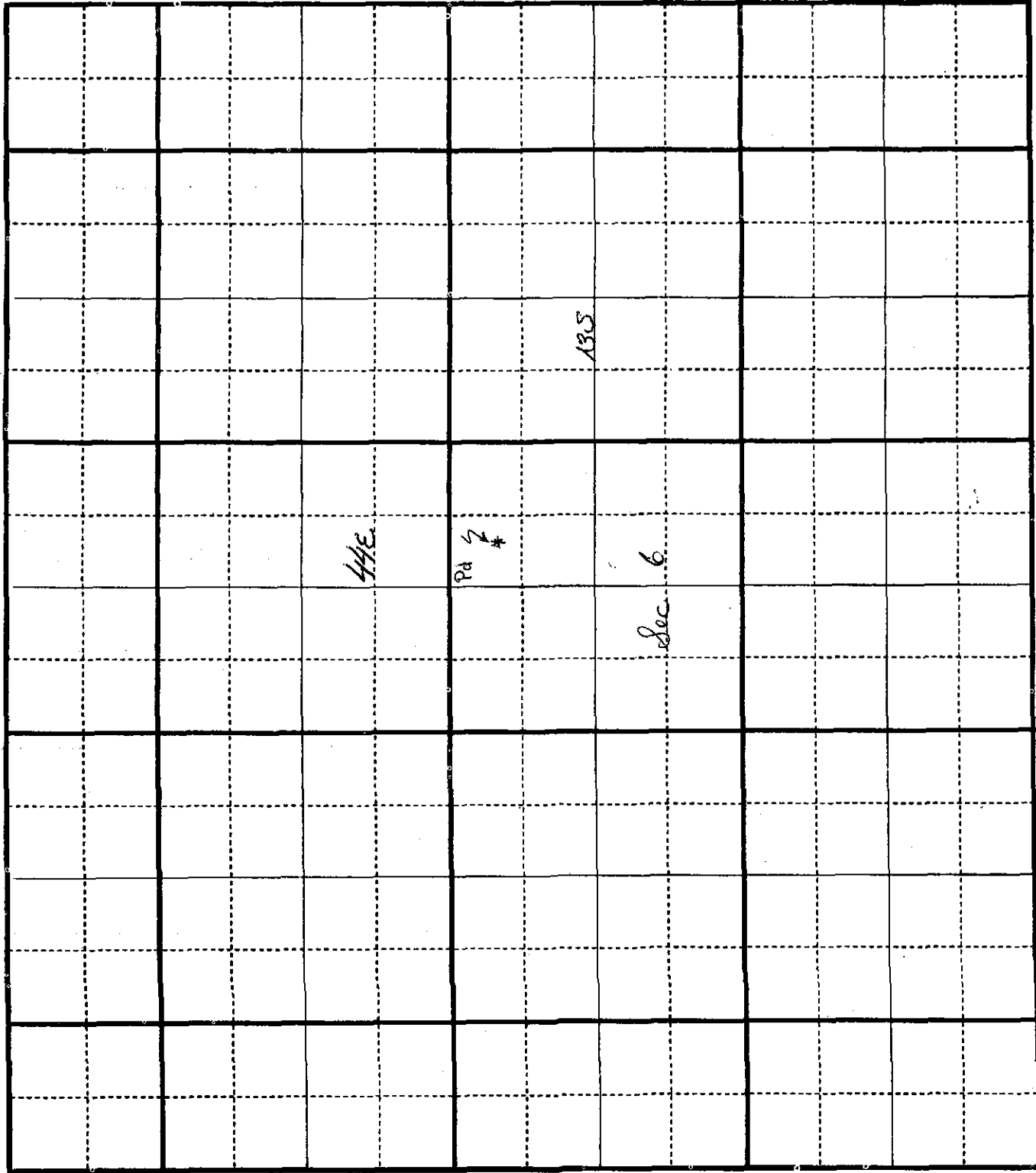
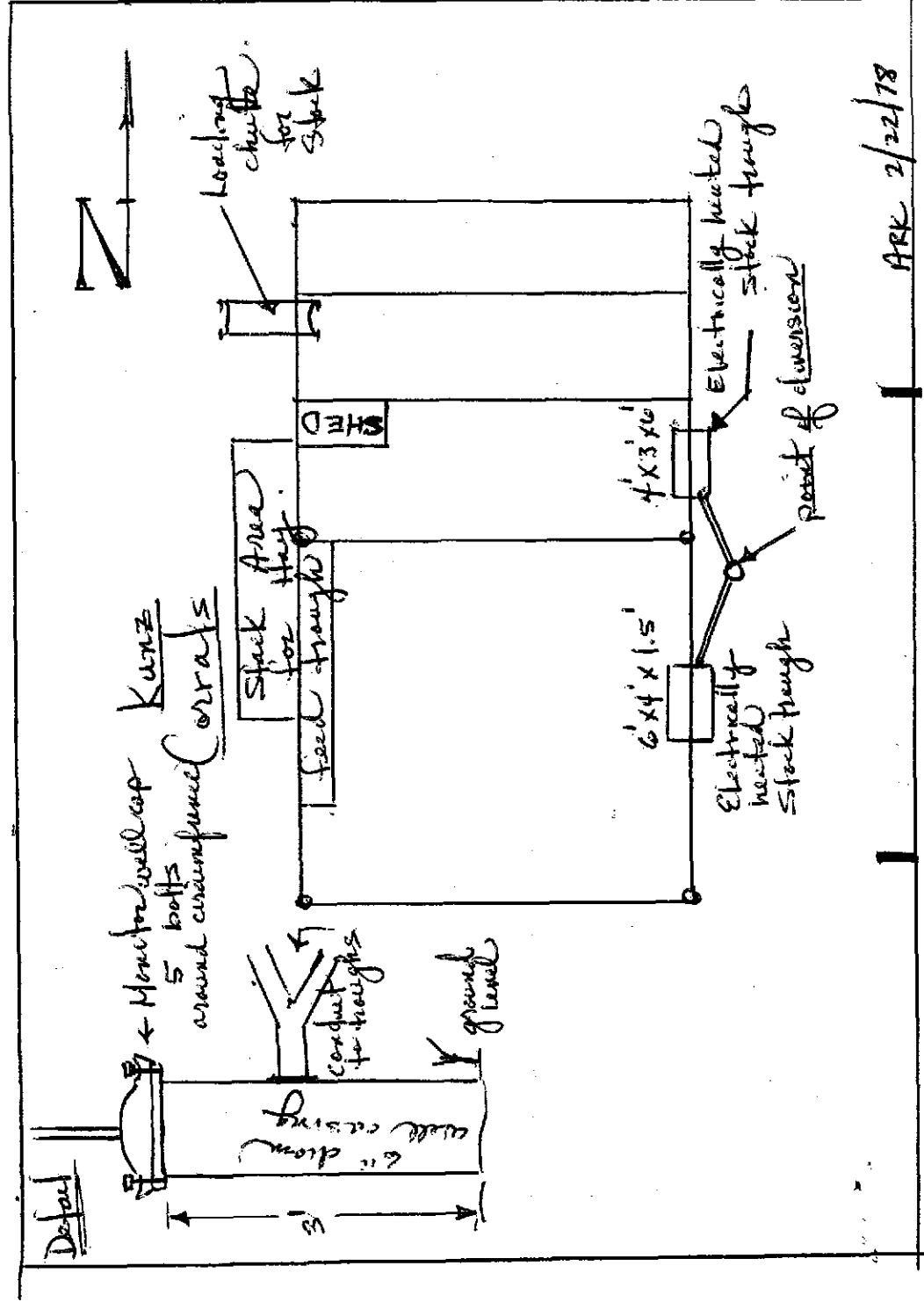


Diagram of System



DATE OF EXAM 2/17/78

ACREAGE
Found n/a
Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE
Irrigation Q = c.f.s. V = AF/Ann. from to
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = .05 c.f.s. V = 2.70 AF/Ann. from Jan 1 to Dec 31

Is water co-mingled? yes no X

Name source: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured none Method of measurement none

Total Q recommended .05 cfs Meter No. n/a Type n/a Condition n/a

Total V recommended 2.70 Af/yr

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:

$Q = .05 \text{ cfs}$ based on 12 gal/day/hd X 103 head diverted over a 2 hr/day period

$V = 2.70 \text{ Af/yr}$ from Memo from Ken Dunn "Annual use of water for stockwater purposes"

SYSTEM DESCRIPTION:
Groundwater is diverted from a flowing artesian well. The well is 67' deep and has a 6" diam casing. The well is capped off and 2-1 1/4" diam galvanized iron pipes divert the flow into 2 electrically heated stockwatering troughs. The flow of water into the troughs is regulated by valves which don't completely impede the flow of water from the well.

REMARKS:
System described by Charles Kunz during telephone conversation on 2/14/78.

Mr. Kunz currently waters 100 Hd of Rge cattle & 3 horses

Examiner's Signature Anthony R. Kozlowski Date 2/22/78

Checked by Dennis M Dunn Date 2/28/78

Approved by Date

FILED

April 6, 1977

Re: Permit No. 11-7092

Charles Kunz
Bern,
Idaho 83220

Dear Mr. Kunz:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Idaho Falls.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

MICROFILMED

Permit

RECEIVED

MAR 25 1977 *oly*

Identification No. _____

Permit No. 11-7092

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Charles Kunz
b) Post Office Address Bern, Idaho 83220
2. Permit Number 11-7092
3. Date of Priority that you are prepared to establish 4-08-76
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6
Township 13S, Range 44E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 0.05 for Stockwater purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.05 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N.A.
b) Describe the agreement or understanding by which you take water from the works:
N.A.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 6" cased artesian well with control valve. Well depth is 67 feet.
b) Describe the type and size of measuring device which you have installed at your point of diversion:
N.A.
c) Give well driller's name and address and the date the well was completed:
Bert Westlake, Bennington, Idaho; well was completed in October, 1976.
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
Stockwater for 100 head of cattle within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 13S, R 44E, B.M.

NOT RECORDED

4/6/77 j

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

(Date)

Charles King

(Signature)

State of Idaho)

County of Bear Lake) ss.

On this 24th day of March, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Clare Webb

Notary Public residing at Paris, Ida

My commission expires May 13, 1977

May 17, 1976

Re: Permit No. 11-7092

Charles Kunz
Bern, ID 83220

Dear Mr. Kunz:

Enclosed is a copy of your approved Application for Permit No. 11-7092. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

May 3, 1976

RE: Application for Permit No. 11-7092 KUNZ

The News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on April 15 and April 22, 1976.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CH

cc: IDWR - State Office

April 9, 1976

RE: Application for Permit No. 11-7092 KUNZ

The News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 5-06-76 by CW

RDC:ME

Legal Notice (1)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Charles Kunz,
Bern, Idaho

has on 4-08-76 submitted Application No. 11-7092
for a permit to appropriate 0.05 cubic feet per second ~~acre feet per annum~~
of water from a ground-water source
by means of well, pump and pipeline
within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 13S, R. 44E, B.M., Bear Lake County;

to be used from Jan. 1 to Dec. 31
for stockwatering purposes for 110 head of beef cattle
within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 13S, R. 44E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 3, 1976.

R. KEITH HIGGINSON

Director

Published in the News-Examiner, Montpelier, Idaho
on April 15 and April 22, 1976.

W. H. H. H.

April 9, 1976

RE: Application for Permit No. 11-7092

Mr. Charles Kunz
Bern
Idaho 83220

Dear Mr. Kunz:

Attached herewith is Departmental receipt No. 15743 in the amount of \$10.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

Attachment

MEMO

TO: File
FROM: Bill Rhoads *BR*
RE: Application for Permit No. 11-7092
DATE: April 8, 1976

Spoke with Mr. Charles Kunz in reference to this application for permit. There are a number of items that were incorrect or not completed and I requested the following changes be made:

1. The amount reduced from 0.1 cfs to 0.05 cfs.
2. Description of the works to include pump, motor, pipeline and watering troughs.
3. The request for the change of time for completion of works from two years to five years.

I have made the indicated changes on the application.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 11-7092

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) BR 4-8

In form to receipt

(2) " "

Send Copies to:

Idaho State Health Department
NO Idaho Fish and Game Department
Bureau of Land Management

(3) " "

Request Special Use Permit from U.S.F.S.
NO Request Easement from B.L.M.
Request Information from Applicant

(4) " "

In form for advertising OK.

(5) " "

Platted on Map No. N.A.

(6) " "

Located within Water District No. N.A.

(7) " "

Critical groundwater area: yes no ☒

(8) " "

Groundwater levels:

Declining, ☒ Stable, Increasing
Elevation of well $\approx$ 20' Above Bear
(comment) River surface $\approx$ 200' from River

(9) " "

Other rights on the same place of use None - G.W.

(10) " "

Comments:

(11) CW 5-06-76

Affidavit of Publication received(date) May 6, 1976

(12) CW 5-06-76

Final date for protests May 3, 1976
Protests received: yes no ☒

(13) RDC 5/6/76

All requested information received from agencies or applicant: yes no

(14) " "

Action recommended:

☒ Approve Deny

4/8/76 Proposed Priority

Reason for Reduction

Measuring device required

See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District E By RDC Date 5/6/76

copy sent 4-9-76