

AFFIDAVIT OF PUBLICATION

E OF IDAHO,
ty of Bear Lake

SS.

Marie B. Nye
being duly sworn,

ses and says:

at he is the Publisher of THE
3-EXAMINER, a weekly newspaper published at Mont-
pelier, 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 pub-
lished in said newspaper once a week for 2 con-
secutive weeks in the regular and entire issue of said paper
during the period and time of publication, and was published
as a newspaper proper and not a supplement; that said
advertisement has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
publication of said advertisement.

which notice was published in the issue beginning with

November 17, 1983, and ending

the issue of November 23, 1983.

Marie B. Nye
21 25

described and sworn to before me this 28th day

November, 1983.
Alma Green

Notary Public, Residing at Montpelier, Idaho

Commission Expires Lifetime, 19

MICROFILMED

DEC 9 1983

Department of Water Resources
Eastern District Office

LEGAL NO. 2452

NOTICE OF CLAIMS
TO WATER RIGHTS

The following claim(s) have been filed on
water right(s) created by diversion and
beneficial use:

11-4297

MCLEAN, ELAINE S.
SLEIGHT, CLYDE T. &/or G. WILLIAM
4884 COTTONWOOD LANE, SALT LAKE
CITY, UT 84117
Source: PARIS CREEK trib. to BEAR
RIVER

Priority Date: 12/23/1948

Diversion Pt: NESE Sec 13 T 14S R 43E

Use: IRRIGATION (1.00 CFS)

STOCKWATER (0.02 CFS)

In: SENE NESE Sec 13 T 14S R 43E FOR 50
ACRES

11-4296

KUNZ, MONTAIN D.

BERN, ID 83220

Source: SPRING trib. to SINKS

Priority Date: 07/01/1914

Diversion Pt: SENE Sec 35 T 12S R 43E

Use: STOCKWATER (0.02 CFS)

DOMESTIC (0.04 CFS)

In: SWNW Sec 36 T 12S R 43E

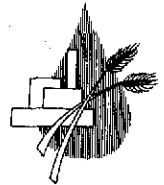
Exceptions to a claim may be filed with the
Director, Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls, Idaho
83402.

KEN DUNN, Dir.

11-17, 11-23
34 LINES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Mountain D. Kunz
(Name of Claimant)
Bern Idaho 83220 Telephone No. 847-1625
(Mailing Address) (Zip Code)

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

(1) Date of priority: (When was the water first applied to a beneficial use) July 1, 1914

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spring tributary to Sinks

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

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.04cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>0.02cfs</u>	Use <u>Stock</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 0.06cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NE ¼, Sec. 35 Twp. 12S Rge. 43E B.M., County of Bear Lake
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
From spring via 3/4" pipe and gravity flow to home and water trough.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	43E	36							X										

No. of acres _____

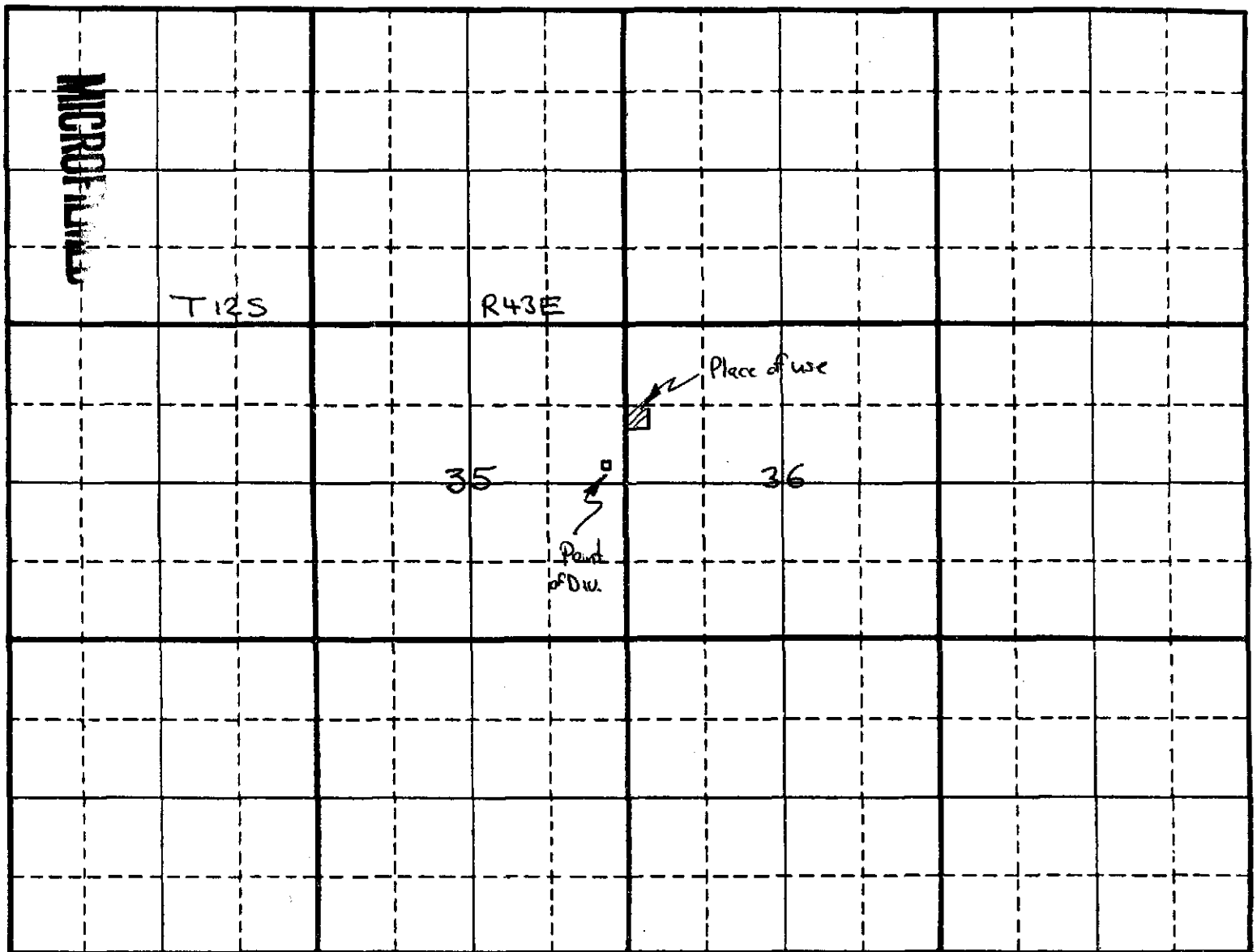
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic for one household and stockwater

NOTE: Include here the type and number of stock watered: 50 head of cattle and horses.

(7) If you are claiming water as a member of an organization, list name of organization: _____

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(8) Remarks A second spring was developed in 1941. This is also piped to home and stock. This pd is in SWNE Sect. 35 T. 12S R. 43E.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bear Lake) ss.

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

Sworn to before me this 27 day of October, 1983.

[Signature]
(Claimant)

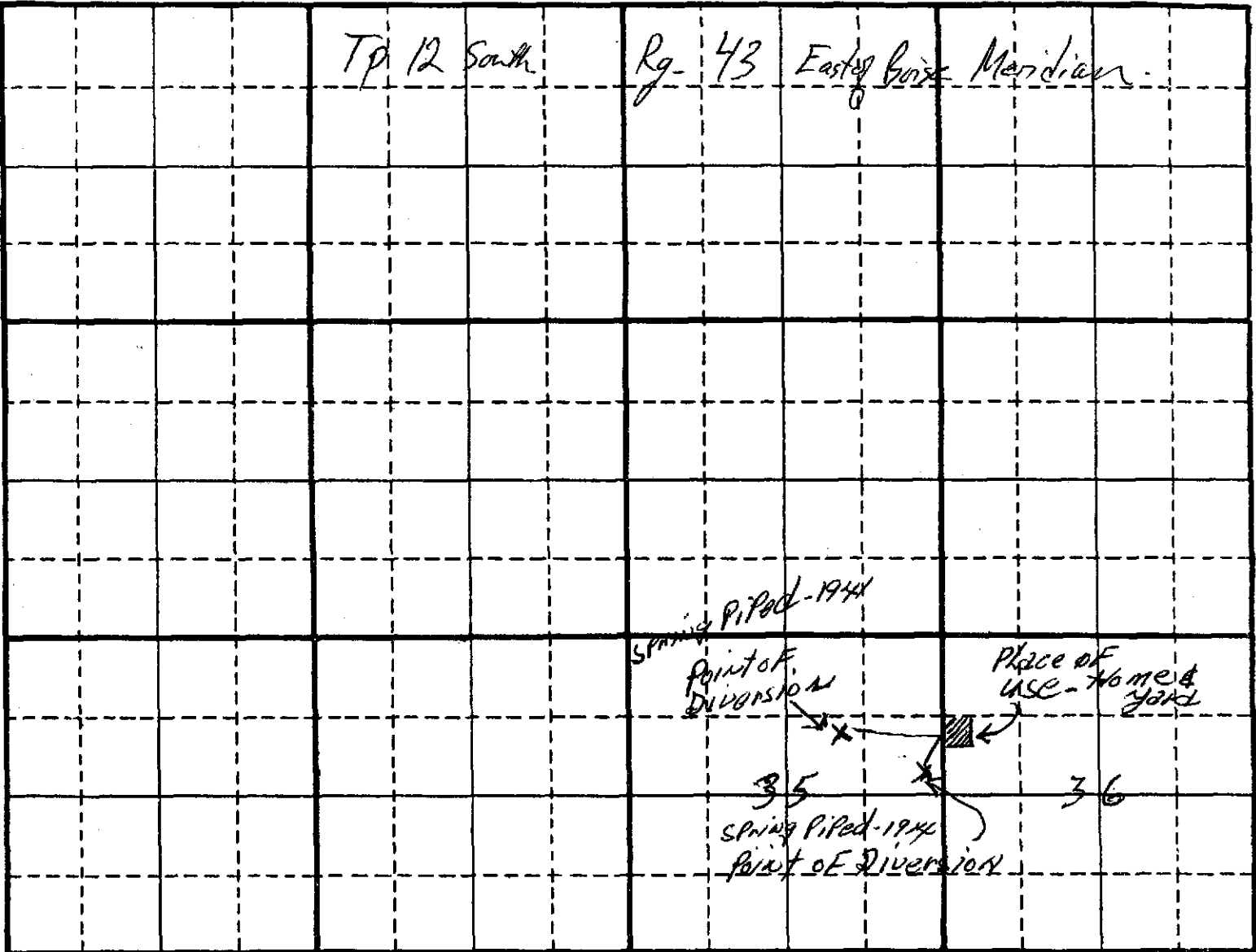
Gaine W Webb
Notary Public
Residing at Paris Ida

My commission expires Lifetime

Received by MA Date 6-29-83 Exception filed by: _____ Date _____
Prelim. check by HWS Date 11-02-83 Forwarded to claimant by: _____
\$30.00 fee received by MA Date 6-29-83 #32803
Published in News Examiner
Dates 11/17 & 11/24/83

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks One spring piped to home in 1914 - the other in 1941.
Each has 3/4 in. galvanized pipe. Each was hand
dug to depth of approx. 3 feet. Flow is quite
constant during normal weather year.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of _____)

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

Montana King
(Claimant)

Sworn to before me this 28 day of JUNE

1983

John D. Egan
Notary Public
Residing at PARIS

My commission expires LIFETIME

Received by CW 7-5-83 FOR DEPARTMENT USE ONLY
Prelim. check by marye Date 6/29/83 Exception filed by: _____ Date _____
\$30.00 fee received by marye Date 6/30/83 #22803
Published in _____
Dates _____

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AFFIDAVIT OF PUBLICATION

9 1983

Department of Water Resources
Eastern District OfficeE OF IDAHO,
ty of Bear Lake

ss.

Maria B. Nye
being duly sworn,

ses and says:

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pelier, in the County of Bear Lake and State of Idaho; and
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vicinity aforesaid, and in the vicinity of Montpelier; that the
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secutive weeks in the regular and entire issue of said paper
during the period and time of publication, and was published
as a newspaper proper and not a supplement; that said
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Notary Public

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Commission Expires Lifetime, 19

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In: SENE NESE Sec 13 T 14S R 43E FOR 50
ACRES

11-4296

KUNZ, MONTAIN D.

BERN, ID 83220

Source: SPRING trib. to SINKS

Priority Date: 07/01/1914

Diversion Pt: SENE Sec 35 T 12S R 43E

Use: STOCKWATER (0.02 CFS)

DOMESTIC (0.04 CFS)

In: SWNW Sec 36 T 12S R 43E

Exceptions to a claim may be filed with the
Director, Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls, Idaho
83402.

KEN DUNN, Dir.

11-17, 11-23
34 LINES

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01 WATER RIGHT NUMBER - 11-4296

02 OLD (D) NUMBER -

03001 - KUNZ ✓ LAST NAME

04001 - MONTAIN D. ✓ FIRST NAME

05001 - C ORIG. OWNER

06 ADD LINE 1 -

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - BERN ✓

10 STATE - ID

11 ZIP - 83220

12 STAGE - S STATUTORY CLAIM ✓

13 STATUS -

SOURCE
14001 - SPRING ✓

TRIBUTARY OF
15001 - SINKS ✓

16 DIVERSION MEANS - SPRING, PIPE & TROUGH ✓

17 COUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .060 ✓

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT	SEC	TWN	RNG	LOT	RFLG	STREAM	INDEX	FIELDS
22001 - SENE ✓	23001 - 35 ✓	24001 - 12S ✓	25001 - 43E ✓	26001 - 27001 -	28001 - 0	0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0

29 NON-IRRIGATION USE - S/40 CATTLE & HORSES ✓

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 04 STOCKWATER ✓	31001 - 12S ✓	32001 - 43E ✓	33001 - 36 ✓	34001 - SWNW ✓	35001 -	36001 -

TOTAL ACRES: 0

PERIOD FROM	PERIOD TO	USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0101 ✓	38001 - 1231 ✓	39001 - 04 STOCKWATER ✓	40001 -	0.020 ✓	41001 - 0.00
37002 - 0101 ✓	38002 - 1231 ✓	39002 - 43 DOMESTIC ✓	40002 -	0.040 ✓	41002 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

D A T E S	D A T E S	F L A G S
47 PRIORITY - 1-JUL-1914 ✓	55 LICENSE -	63 TRANSFER/AMENDED -
48 PROOF DUE -	56 APPL RECEIVED -	64 DLE/CAREY ACT -
49 PROOF MADE -	57 FIELD EXAM MADE -	65 FLAG_1 -
50 APPROVE/DENIED -	58 DECREE -	66 FLAG_2 -
51 PROTESTED -	59 START WORK -	67 FLAG_3 -
52 HEARING -	60 ORDER SHOW CAUSE -	
53 VERIFIED -	61 DATE_1 -	

WRR100
11-4296

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
16-DEC-1985 10:39:24

----- D A T E S ----- D A T E S ----- F L A G S -----

54 LAST UPDATE - 21-NOV-1983

62 DATE_2 -

3/18/86
VERIFIED JKN

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

DECEMBER 5, 1983

MONTAIN D. KUNZ
BERN

ID 83220

RE: Claim No. 11-4296

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

December 7, 1983

RE: Amended Claim to a Water Right No. 11-4269 HALL

Claim to a Water Right No. 11-4296 KUNZ
11-4297 MCLEAN/SLEIGHT

News Examiner
P.O. Box 278
Montpelier, ID 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on November 17 and 24, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS
11 4296

Right Number _____ Applicant KUNZ

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

December 5, 1983

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Ernest Carlson Date Dec 13, 1983.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By PC Date 12/15/83

RECEIVED

October 11, 1983

Montain Kunz
Bern,
Idaho 83220

Dear Mr. Kunz:

Enclosed is a new claim form based on the one you submitted. Your original had two different priprity dates for two different springs. Only one priority date per claim can be taken so I have reworked the information you provided to produce this new claim.

If everything appears correct please sign and have the claim notarized and return it to this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:jk

Enclosures

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 3, 1983

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 5, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

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KEN DUNN, Dir.

Published 11/17 & 11/24/83.

MICROFILMED

11-4296

KUNZ. MONTAIN D.

BERN. ID 83220

Source. SPRING trib. to SINKS

Priority Date. 07/01/1914

Diversion Pt. SENE Sec 35 T 125 R 43E

Use: STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)

In. SWNM Sec 36 T 125 R 43E

RECEIVED