



Richter Inc
H 632

C244

BEAR R.

Dam

B 1150

1615

Union Pacific R.R.

MICROFILM

11-4069

It appears that the
place of use has been
incorrectly described on
this claim. The 10 acres
in Sec. 11 should be listed
in Sec. 9. (See map on
back of claim.)

-JP
8-10-79

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that WAYNE KUNZ (name of claimant)
of 866 ADAMS ST. MONTPELIER, IDAHO 83254, claims a right to the diversion and beneficial use of (mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) UNNAMED DRAIN
, tributary to, BEAR RIVER
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|-------------------|----------------------------|---|
| Amount 2.00 cfs | Use IRRIGATION | Period of Use: From APRIL 15 To OCT. 15 |
| Amount | Use | Period of Use: From To |
| Amount | Use | Period of Use: From To |
| (cfs, gpm or a/f) | (dom., irri., stock, etc.) | (both dates inclusive) |

(3) Total quantity of water claimed: 2.00 cubic feet per second, or acre feet per annum, and/or gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) JUNE 1, 1952

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ NW ¼, Sec. 15 Twp. 13S Rge. 44E 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. WOOD DAM IN THE DRAIN, WHICH CAUSES ALL THE WATER IN THE DRAIN TO FLOOD OVER THE NATURAL BANKS, AND ONTO THE AGRICULTURAL CROPS.

(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.

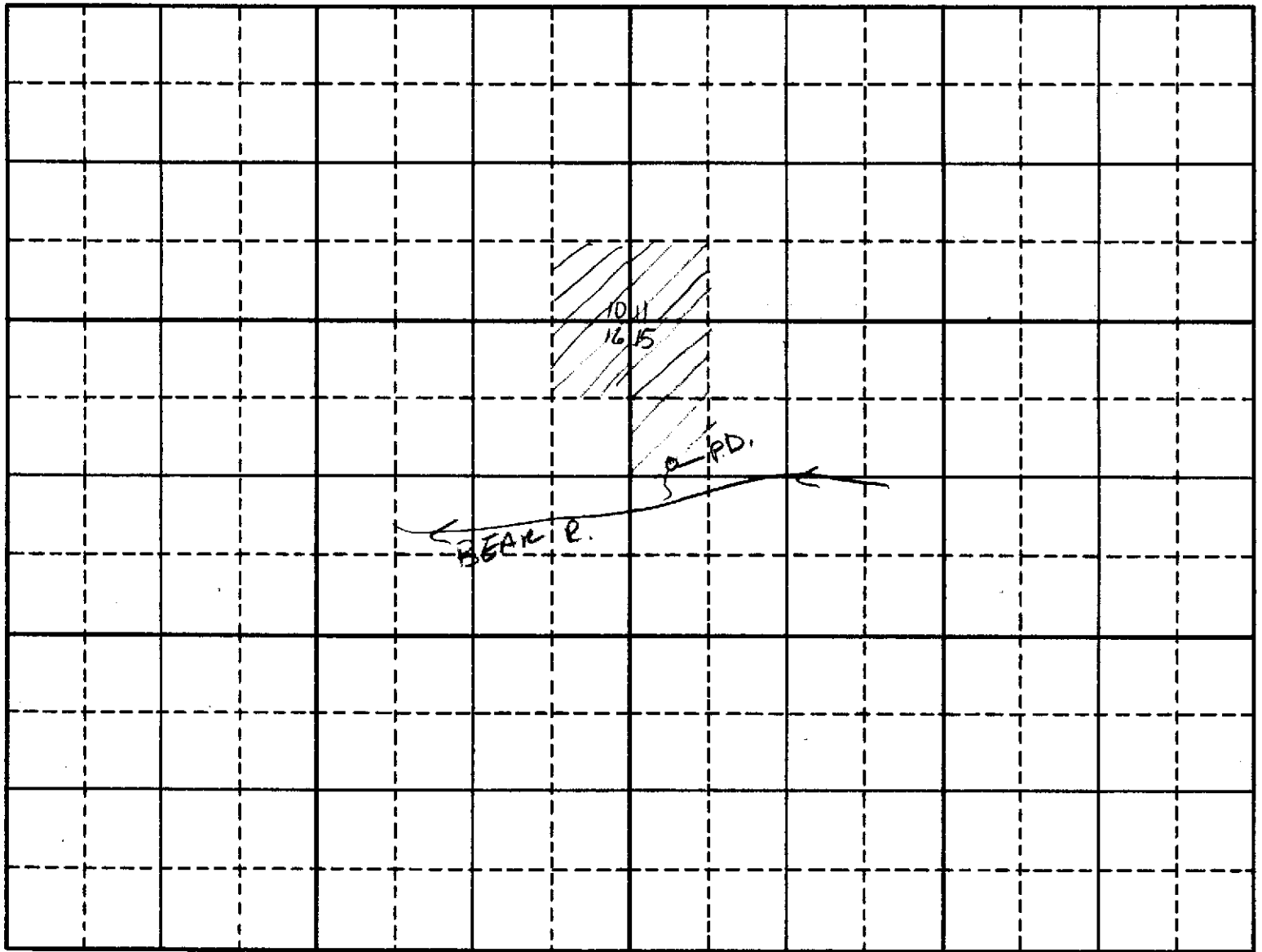
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
I3S	44E	I0																5	5
		II9											10						10
		I5					22	6											28
		I6	4																4
																			47

Total No. of acres

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

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

(8) Remarks _____



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 affiants knowledge.

Sworn to before me this 16th day of June, 1978.

Wayne Kenna
(Claimant)

Notary Public

Residing at

Montpelier, Idaho

My commission expires

Lifetime

For Department Use Only

Received by B.P. Date 6-22-78
Prelim. check by EMC Date 6-27-78
\$10.00 fee received by B.P. Date 6-28-78
Approved for publication by J. J. 8-7-78
Published in Idaho Statesman
Dates July 6 & 13-1978

Exception filed by:

Forwarded to
claimant by:

Date

Brad
Woolstenhulme

ew

8/15/78

RECEIVED

JUL 28 1978

Department of Water Resources
AFFIDAVIT Eastern District Office

IN THE MATTER OF:)
Notice of Claim to a)
Water Right, #11-4069)
_____)
State of Idaho)
County of Bear Lake)

BRAD WOOLSTENHULME, being first duly sworn,
deposes and says: _____

1. That he is an individual residing in Montpelier,
County of Bear Lake, State of Idaho.

2. That he hereby gives notice that he objects
to the claim of water right filed by Wayne Kunz, of Montpelier,
Idaho, being #11-469.

3. Said objection and exception to said claim by
Wayne Kunz is based upon the priority of Brad Woolstenhulme's
water rights and upon the development of heretofore undeveloped
water resources.

Brad Woolstenhulme
(signature)

Subscribed and sworn to before me this 26th day of July, 19 78.

[Signature]
(notary public)

Residing at Fish Haven, Idaho.
My commission expires Lifetime.

MICROFILMED



Richter Inv
632

227

Bear R.

Dam

Union Pacific RR

1515

WAYNE KUNZ
866 Adams
Montpelier Vt.

83254

847-0080

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Lois 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 *three* 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

July 6, 19*78*, and ending

with the issue of *July 13*, 19*78*.

Fees, *15.02*

Subscribed and sworn to before me this *4* day

of *August*, 19*78*.

Notary Public, Residing at Montpelier, Idaho

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

AUG 7 1978

Department of Water Resources
Eastern District Office

Public Notices

NOTICE OF CLAIM TO A WATER RIGHT NO. 11-4069

Notice is hereby given that Wayne Kunz Montpelier, Id. has filed a claim to a water right established by diversion and application to beneficial use of 2.00 cubic feet per second of water from an unnamed drain tributary to Bear River with point of diversion in the SW¼NW¼, Sec. 15, T. 13S, R. 44E, Bear Lake County.

The water is claimed to be used from Apr. 15 to Oct. 15 for irrigation purposes for 47 acres with a priority of June 1, 1952; the place of use is within the SE¼SE¼, Sec. 10, SW¼SW¼, Sec. 11, W½NW¼, Sec. 15, NE¼NE¼, Sec. 16, T. 13S, R. 44E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

Director

Published in the News-Examiner, Montpelier, Id. on July 6 and July 13, 1978.

Jv 6-13



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 28, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WAYNE KUNZ
663 LINCOLN
MONTPELIER ID 83254

RE: Change of Address – Statutory Claim 11-04069

Dear Mr. Kunz:

The Department has been advised of your telephone call to our Eastern Region office informing them of a change of address for you.

Our standard procedure for information of this type is to have written verification from the claim holder.

If the address shown above is your current mailing address, please sign your name on the line at the bottom of this letter and return the letter to me at the letterhead address.

You may call me at 208-327-7941 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kari Lynn Townsend".

Kari Lynn Townsend
Secretary

KLT:k

Wayne Kunz

Phone number

INTER-DEPARTMENT MEMO

Statutory claim

TO: FILE 11-04069

11-04069

SUBJECT: Address Change

FROM: KEITH C. WILSON

DATE: 1-24-2000

As per phone conversation new address for 11-04069 is as follows:

Wayne Kunz

663 Lincoln

Montpelier, Id 83254

RECEIVED

JAN 26 2000

Department of Water Resources

☒ For your information

☐ Response required

Keith C. Wilson
signature

MEMORANDUM

To: Norman C. Young
From: L. Glen Saxton *MS*
RE: WAYNE KUNZ WATER USE - BEAR RIVER AREA
Date: June 26, 1990

On this date, I called Wayne Kunz in connection with his water use questions in Water District 11. I passed on the information to Mr. Kunz which you provided to me.

Kunz does not agree with our assessment of this matter. He also raised a question about use of his rights in the West Fork Canal which apparently is Bear River water which comes out at Stewart Dam. I advised him I could not answer that question, since I was not familiar with the water system and his particular water right in the canal.

Probably for self serving reasons, Kunz wanted to know what the value of a claim was if it did not "grant" him some right to the use of water. I explained the purpose and limitations of a claim, but he still stated the department apparently was only after the \$10 which it cost him to file the claim.

Kunz apparently plans to call you again in connection with this matter.

Pete Peterson was not available when I attempted to call him.

NOTES

1/2

Wayne Kunz

- Has a pump in Bear R.
- Checked out claim 11-4069 - claims use of 2 cfs from an unnamed drain tribute to Bear R. ~~←~~
- Claims over the 1st rts shut off during times of shortage.
- Hershey Inwell - 1880 - Ovid Co. Inject into Bear R.
- Montpelier Co. -
 - not flowing ~~←~~
- ✓ ~~→~~ - must measure water in & out. ~~←~~
- Canal Co. water -
 - ✓ must measure in & out
- Conclusion
 - needs to sign contract w/ U.P. & L for storage water.

Pete Peterson

852-1385

New Questions

2/2

- West FR Canal?
- Bear R comes out at Stewart Dam.

- 1. H + W 1/2ly 1/
meeting
(Bot call name)

2. W. m. prob - Bear R.
- Wayne Kooze

2/
pump in Bear R.
2 cfs lic - drain

- 2 cfs drain

Hershey Decrel
1880 - Ovid Co.

- Inject into
Bear R.

Montpelier
Co. water meas.
in + meas
out.

3/
- Rt to take
canal Co. water.
~~meas in~~
+ meas out.

Solution -

- Sign
cont w/UTPL
for storage
water.

ARDEE HELM, JR.
ATTORNEY AT LAW
484 WASHINGTON STREET
MONTPELIER, IDAHO 83254
TELEPHONE 208-847-0805

RECEIVED

AUG 28 1978

Department of Water Resources
Eastern District Office

IN THE MATTER OF:)
Notice of Claim to a)
Water Right, #11-4069)

NOTICE TO WITHDRAW
OBJECTION

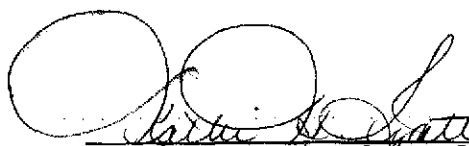
STATE OF IDAHO)
) ss.
County of Bear Lake)

COMES NOW, BRAD WOOLSTENHULME, having heretofore entered
an objection to the Claim of Water Right by Wayne Kunz, and
having personally met with the said Wayne Kunz and discussed
the location of said claim and drainage ditch, does hereby
withdraw his objection to the same.

DATED this 24th day of August, 1978.


BRAD WOOLSTENHULME

SUBSCRIBED AND SWORN to before me this 24th day of August,
1978.


Notary Public for Idaho
Residing at Fish Haven

C
O
P
Y

August 29, 1978

Mr. Brad Woolstenhulme
Montpelier, Idaho 83254

Dear Mr. Woolstenhulme:

RE: Claim to Water Right No. 11-4069

This is to acknowledge receipt of your withdrawal of exception dated August 24, 1978 against approval of the above referenced claim.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

Ronald D. Carlson
RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:dh

cc: Ardee Helm, Jr.,
Attorney at Law

August 29, 1978

Mr. Wayne Kunz
866 Adams Street
Montpelier, Idaho 83254

Dear Mr. Kunz:

RE: Claim to Water Right No. 11-4069

This is to advise you that Brad Woolstenhulme has withdrawn his exception against approval of the above referenced claim.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:dh

Y
d
O
J



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

August 17, 1978

RE: Claim to a Water Right No. 11-4069

Mr. Wayne Kunz
866 Adams Street
Montpelier, Idaho 83254

Dear Mr. Kunz:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:GW

Enc: Copy of Claim



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

August 15, 1978

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

RE: Claim to a Water Right No. 11-4069

Mr. Wayne Kunz
866 Adams Street
Montpelier, Idaho 83254

Dear Mr. Kunz:

Enclosed please find a copy of the exception filed by Ardee Helm, Attorney at Law, in behalf of Brad R. Woolstenhulme in connection with your Claim No. 11-4069. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

August 15, 1978

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

RE: Claim to a Water Right No. 11-4069 WAYNE KUNZ

Mr. Brad R. Woolstenhulme
Montpelier,
Idaho 83254

Dear Mr. Woolstenhulme:

We have received the exception dated July 26, 1978, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----
.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: Ardee Helm, Attorney

ARDEE HELM, JR.
ATTORNEY AT LAW
518 WASHINGTON STREET
MONTPELIER, IDAHO 83254
TELEPHONE 208-847-0805

RECEIVED

JUL 28 1978

Department of Water Resources
Eastern District Office

July 26, 1978

Mr. Ernest Carlsen
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

RE: Claim to Water Right #11-4069

Dear Mr. Carlsen:

Enclosed you will find an Affidavit signed by Mr. Brad Woolstenhulme registering his exception to the above referenced water claim by Mr. Wayne Kunz.

We would appreciate your keeping us notified of any future proceedings in this matter and of any hearings scheduled thereon.

Sincerely,


Ardee Helm, Jr.

AH:khi

Enc.

ENCLOSURE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

August 2, 1978

RE: Claim to a Water Right No. 11-4069 KUNZ

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 July 6 and July 13, 1978.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

JACKIE FRISBY
Senior Clerk

JF

11-4069 KUNZ

July 17, 1978

RE: Claim to a Water Right, No. 11-4069 KUNZ

Mr. Ardee Helm, Jr.
Attorney at Law
518 Washington Street
Montpelier, Idaho 83254

Dear Mr. Helm:

The guidelines for filing an exception to a claim as stated in Section 42-225b of the Idaho Code specify that the exception must be in affidavit form. Since the exception recently submitted by you for Mr. Woolstenhulme is not in affidavit form we are returning it.

Please be advised there is no time limitation for filing an exception to a claim; however, we request that if you choose to file an exception you submit it as soon as possible to assist us in rapid processing. For your convenience, we have enclosed an affidavit form.

If you have any questions concerning this matter, please feel free to contact this office.

Respectfully submitted,

ERNEST CARLSEN
Water Resource Agent

EC:bp

Enclosure

MICROFILMED

RECEIVED

JUL 17 1978

Department of Water Resources
Eastern District Office

ARDEE HELM, JR.
ATTORNEY AT LAW
518 WASHINGTON STREET
MONTPELIER, IDAHO 83254
TELEPHONE 208-847-0605

July 14, 1978

Idaho Department of Water
Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

RE: Notice of Claim to a Water Right, No. 11-4069

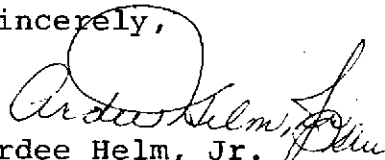
ATTENTION: R. Keith Higginson

NOTICE OF EXCEPTION TO CLAIM OF WATER RIGHT

Notice is hereby given that Brad Woolstenhulme does enter an exception to the claim of water right filed by Wayne Kunz, Montpelier, Idaho, being #11-4069.

This exception is based on the priority of Brad Woolstenhulme's water rights and upon the development of heretofore undeveloped water resources.

Sincerely,


Ardee Helm, Jr.

On Behalf of Brad Woolstenhulme

AH:khi

June 30, 1978

RE: Claim to a Water Rg. No. 11-4069 KUNZ

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 8-17-78 by ew

RDC:GW

Enc: Legal Notice

MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

NO.11-4069

Notice is hereby given that Wayne Kunz

Montpelier, ID.

has filed a claim to a water right established by diversion and application
to beneficial use of 2.00 cubic feet per second ~~acre feet per annum~~
of water from an unnamed drain tributary to Bear River
with point of diversion in the _____

SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 13S, R. 44E, Bear Lake County

The water is claimed to be used from Apr. 15 to Oct. 15 for irrigation
purposes for 47 acres

with a priority of June 1, 1952;

the place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec.
15, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, T. 13S, R. 44E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the News-Examiner, Montpelier, Id.

on July 6 and July 13, 1978.

MICROFILMED

awh

June 28, 1978

RE: Claim to a Water Right No. 11-4069 KUNZ

Mr. Wayne Kunz
Ms. Olive Kunz
866 Adams Street
Montpelier, Idaho 83254

Dear Ms. Kunz:

Attached herewith is Departmental receipt No. 11432 in the amount of \$10.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:bp

Attachment