







MAY

67



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
1:24000

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.

MICROFILMED

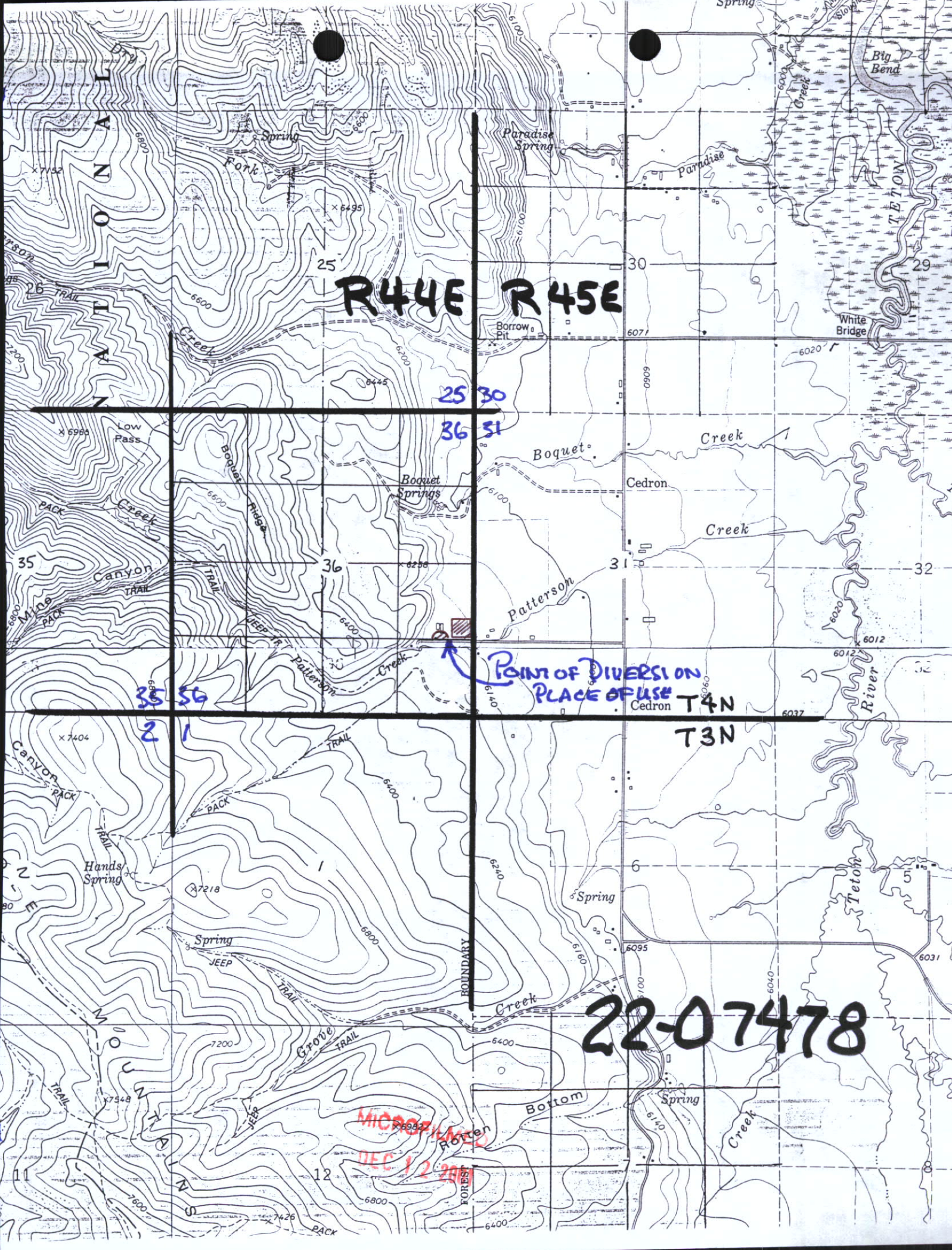
DEC 12 1989

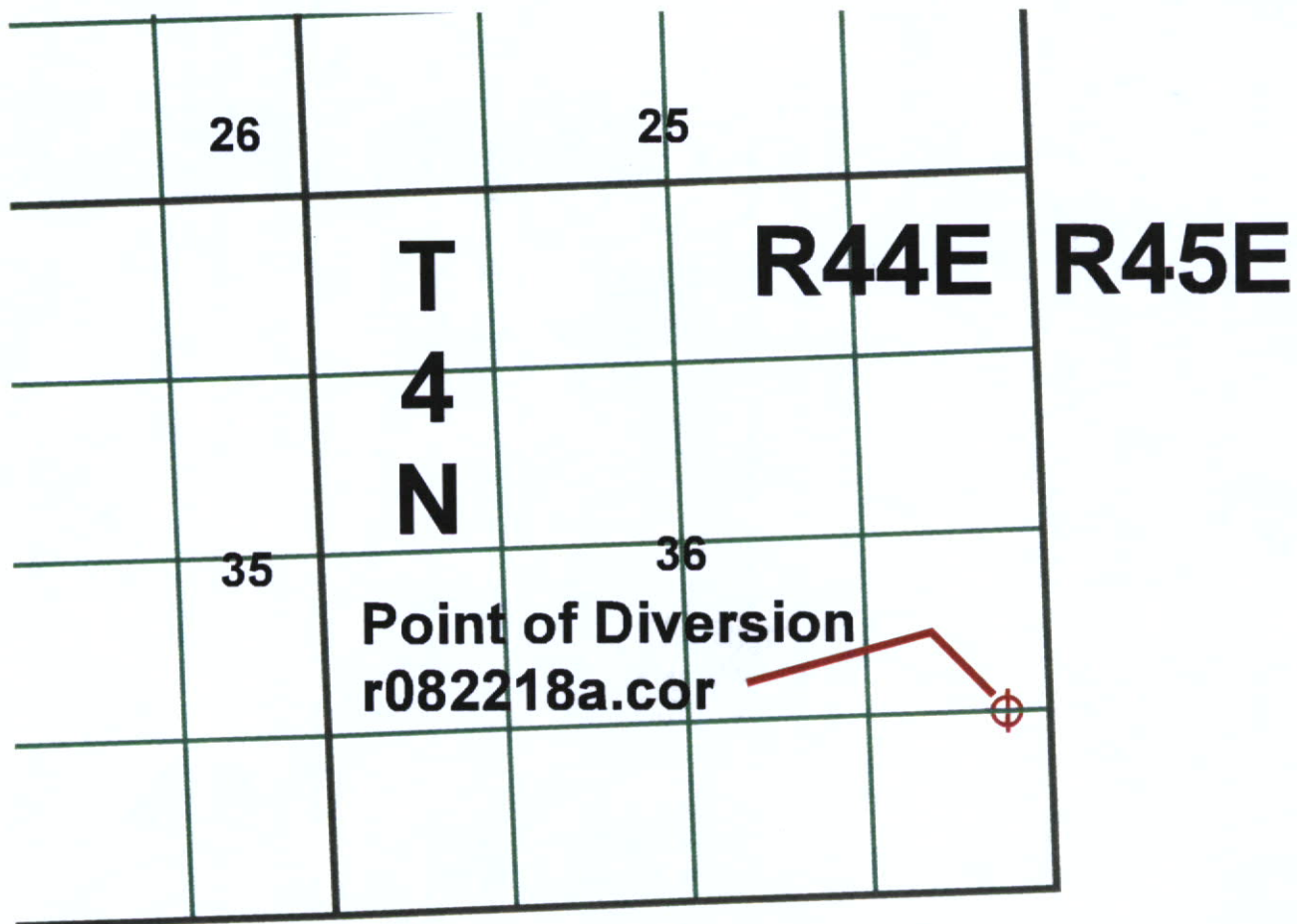
Lawrence Kung
(Applicant)

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	22 12533	M GRANT KUNZ,	GROUND WATER	04N44E36	10			7													17
Claim	22 7229	RUBY KUNZ,	GROUND WATER	04N44E36	10			7													17
Permit	22 7478	HOMER KUNZ,	GROUND WATER	04N44E36													5				5
Right	22 7229	GRANT KUNZ,	GROUND WATER	04N44E36	10			7													17
Right	22 7478	HOMER KUNZ,	GROUND WATER	04N44E36													5				5
Claim	22 11422	RUBY KUNZ,	HENDERSON CREEK	04N44E36	10			7													17







 S04n44e.shp
 T04n44e.shp
 Posnpnt.shp

22-07478

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DEC 12 2001

53

25 30

36 31

223
442

3 34.8

4 14.1

2 16.1

1 5.9

5 8.5

NHEL

T
4
N

R44E

R45E IEL

495
T327

6 15.5

583

T271 NHEL

1 17.8

1 34.8

36

276
T528

2 18.6

NHEL

PLACE OF USE

NHEL

3 19.1

NHEL
4 15

2 39.6

12.1
1.8

198
T402

POINT OF DIVERSION

T4N

36 31

38.6

T3N

1 6

563 497
T765 T287

22-07478

NI

HEL

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DEC 12 2001

1 21.7



22-7478
POD



POU
Tree farm



POU
Son's home (Kelly)

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POU
 Son's home (Kelly)
 with tree farm in backdrop.



POU
 Homer's home
 I'm standing in front of
 Kelly's home as I take
 this photo of Homer's
 home.



LOG 209 F

Keeping it soaked
As of July 1-1967

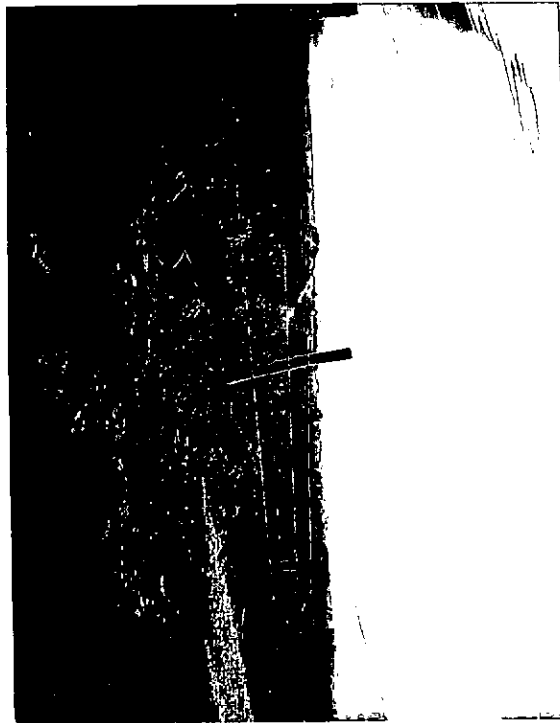
Patterson Cr. Road—
Homer E. Kung & Sons
Sec. 31-4-45-

Rainbow Ranch—
Clarence Samuel Kung



1062091

Water going to
waste ditch Aug 1
1967.



2 four & sprinkler
lines - July 4 - 1961
on Dec - 31 - 445

Howard & Clarence
Dareel King

Charles not using the
water rights at all -
HEK



Water going to
River Aug 4-1967-
Should have been
shared & shared alike
LHR -

RECEIVED

SEP 4 1985

Department of Water Resources
Eastern District Office

see drabes water pictures
Cut 78 Aug 16th 1967 - on creek -
144" of water - that
date -

22-7478

Water Pictures
Pittsboro

July 1 - July 8

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07478

Priority: June 06, 1984

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 20.0 AF

It is hereby certified that HOMER KUNZ
512 W 675 S
PATTERSON CREEK
VICTOR ID 83455 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 06, 1984; and has
submitted Proof of Beneficial Use on November 20, 1990. An examination indicates that the works have
a diversion capacity of 0.27 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.15 CFS	17.5 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	1.3 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE¼NE¼SE¼ Sec. 36, Twp 04N, Rge 44E, B.M., TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 44E 36																5.0	5.0

Total Acres: 5

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 44E 36																X	

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 44E 36																X	

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State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07478

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 28th day of NOVEMBER, 2001.

Acting for

KARL J. DREHER
Director

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DEC 12 2001

RECEIVED

Rita Draw 2

For NOV 20 1990
03/86
Department of Water Resources
Eastern District Office

For Office Use Only
Fee Received 50⁰⁰
Date 20 NOV 90
Receipt # E015467
Receipt by KCP
Reviewed by [Signature]
Sent to region [Signature]

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 22-7478

Name(s) of Permit Holder: Homer Kunz

Post Office Address: Box 618 Patterson Creek Ranch

Victor, Id 83455

Telephone No. 208 787 2748

Source of Water: Groundwater

Extent of Use:

Domestic 1 (number of households)

Stockwater 100 (number and type of stock)

Irrigation 5 (acres)

Other/Remark

Total rate and/or volume for which proof is submitted 0.20 cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: Aug 1982

Measuring Device: Required? Yes X No
Installed? Yes X No

Fee enclosed \$
(See License Examination Fee Schedule)

Flow Measurement Port: Required? Yes X No
Installed? Yes X No

Person to contact to accompany the Department representative during the field examination:

Same as above

(Name)

(Telephone Number)

(Address)

The above information is my true statement of the extent to which the above described permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

JAN 13 1991

20 NOV 1990

Date

Homer E. Kunz
Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07478

Proposed Priority: June 6, 1984

Maximum Diversion Rate:

0.21 CFS

This is to certify, that **HOMER KUNZ**
PATTERSON CREEK
VICTOR, ID 83455

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	0.15 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
Totals		0.21 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESE Sec. 36, Township 04N, Range 44E
TETON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 44E 36	NESE 5			5

Total number of acres irrigated: 5

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **December 1, 1990**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
7. Domestic use is for 1 home.

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DEC 12 1989

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07478

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

30th day of October, 1989.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

DEC 12 1989

Identification No. 22-7478

Application No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

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

1. Name of applicant HOMER KUNZ Phone: 787-2748
post office address Patterson Creek, Victor Idaho 83455
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36 Township 4N
Range 44E B.M. Teton County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:
- Amount 0.04 for Domestic purpose from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum)
- Amount 0.02 for Stockwater purpose from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum)
- Amount 0.15 for Irrigation purpose from 4/15 to 10/15 (both dates inclusive)
(cfs or acre feet per annum)

5. Total quantity to be appropriated:
- a. 0.21 cubic feet per second and/or
- b. _____ acre feet per annum.

6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. well, pump, mainline to single domestic home, stock trough and irrigation system.

- 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 8 inches; proposed depth of well is 210 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years.
- b. Estimated construction cost is \$ _____.

8. Description of proposed uses:

- a. If water is **not** for irrigation:

- (1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36 Township 4N
Range 44E 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 10 horses, 20 range cattle
- (4) Name of municipality to be served _____, or number of families to be supplied with domestic water one.
- (5) If water is to be used for other purposes describe: _____

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DEC 14 1989

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

[illegible]

Total number of acres to be irrigated 5

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

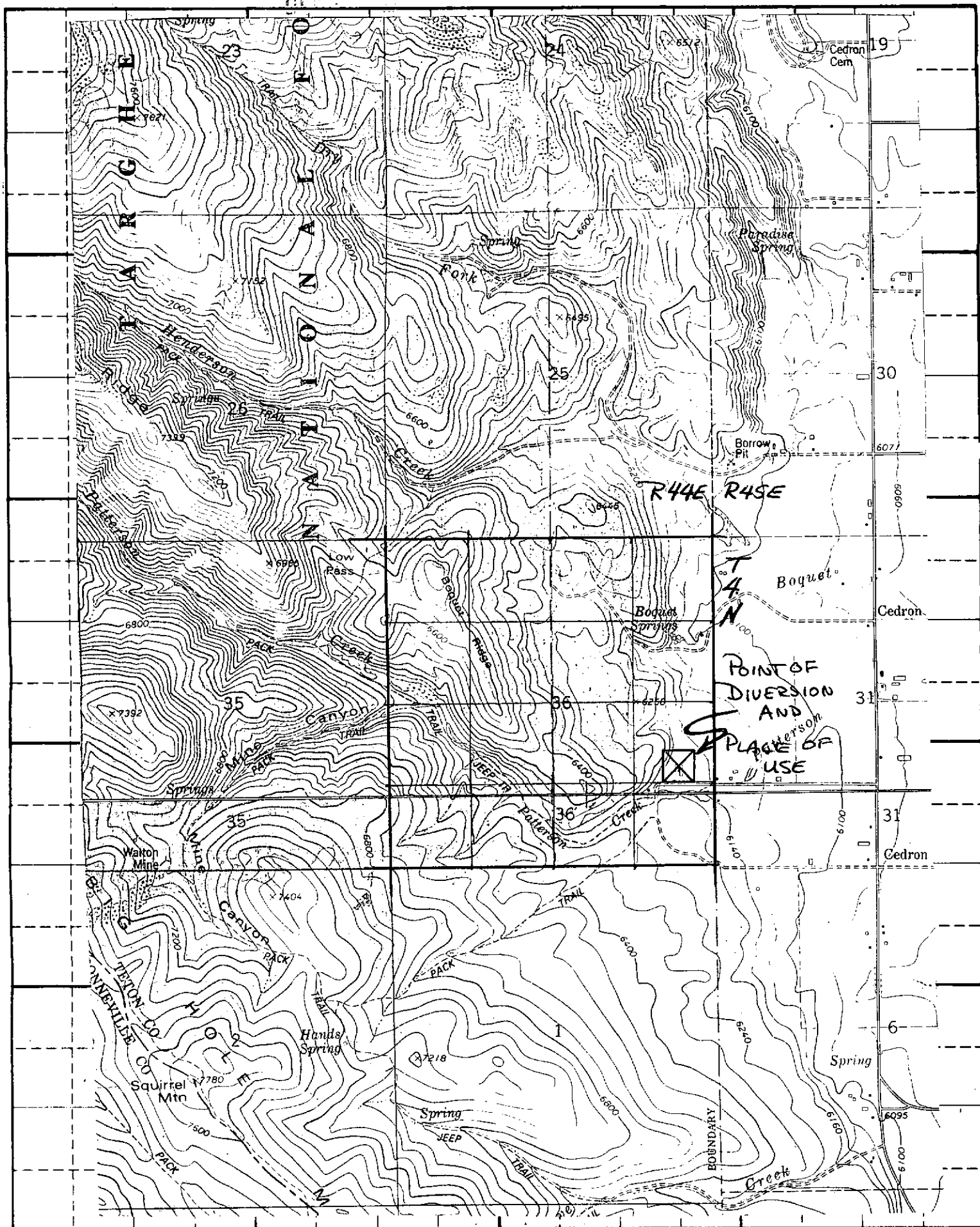
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks

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DEC 12 1989

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
1:24000

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.

MICROFILMED

Lawrence K. Kutz
(Applicant)

DEC 12 1989

Received by KCW Date 6 June 1984 Time 1630 hrs
Preliminary check by JS Fee \$ 45⁰⁰ # 33569
Received by KCW Date 6 June 1984
Publication prepared by RB Date _____
Published in Teton Valley News
Publication dates 9-11-14-89
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by KW

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. _____, and said application is hereby _____.

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 _____, 19____.
- c. Other: _____

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

Witness my hand this _____ day of _____ 19____.

Director

MICROFILMED

DEC 12 1984

AFFIDAVIT OF PUBLICATION

State of Idaho)

las

County of Teton)

I, Nadine Seese,
being first duly sworn depose and
say that I am the secretary
of the Teton Valley News, a
newspaper as defined by Idaho
Codes Annotated, Section 38-106,
as amended, and that said
newspaper is a weekly newspaper
printed and published at Driggs, in
Teton County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or
publication of

Notice of Application
for Water Right

And affiant further says that
said attached notice, adver-
tisement, or publication, as per
clipping attached, was published in
said newspaper, in the regular and
entire issue thereof, and not in any
supplement issue thereof, for two
consecutive issues thereof; first
publication having been made on
the 17 day of Sept., 1989.

And affiant further says that at
the times herein mentioned said
newspaper was made up of at least
eight pages of at least five columns
each, printed from type matter, of
at least sixteen inches deep.

Nadine Seese

Subscribed in my presence and
sworn to before me this 17 day of
September, 1989.

I, EA Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

[Signature]
My Commission expires
11/16
1990.

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s)
have been filed to appropriate the
public waters of the State of
Idaho:

22-07420

LYONS, ROBERT J.
80 W. 550 S.
VICTOR, ID 83455

Source: Groundwater
Diversion Pt: SWNW Sec 26 T
04N R 45E
Use: IRRIGATION (.720 CFS)
Date Filed: 10-11-1988
In: T04N R45E S26 SWNW
36.0 ACRES TOTAL

22-07443

LITTLE, WALLACE
NEWDALE, ID 83436
Source: GROUSE CREEK
Tributary: SINKS
Diversion Pt: NESE Sec 19 T 06N
R 46E
Use: IRRIGATION (1.000 CFS)
STOCKWATER (.040 CFS)
Date Filed: 6-13-1983
In: T06N R46E S19 NESE NWSE
50.0 ACRES TOTAL

22-07459

FINLEY, KAY A.
HONSINGER, ROBERT R.
RT. 1, BOX 1910
TETONIA, ID 83452
Source: GROUNDWATER

Diversion Pt: SESW Sec 35 T 07N
R 45E
Use: COMMERCIAL (.020 CFS)
IRRIGATION (.020 CFS)
DOMESTIC (.020 CFS)
Date Filed: 6-23-1983
In: T07N R45E S35 SESW
15.0 ACRES TOTAL

22-07467

THE ASPEN PROPERTY
OWNERS ASSN.
P.O. BOX 426
DRIGGS, ID 83422
Source: GROUNDWATER
Diversion Pt: NESE Sec 25 T 05N
R 45E
Use: IRRIGATION (.840 CFS)
DOMESTIC (.400 CFS)
Date Filed: 7-6-1983
In: T05N R45E S25 SENE NESE
SWSE SESE
42.0 ACRES TOTAL

22-07470

RICKS, MARK R.
RIKO, INC.
259 SOUTH THIRD EAST
REXBURG, ID 83440
Source: TETON RIVER
Tributary: SNAKE RIVER
Diversion Pt: NENW Sec 15 T
06N R 44E
Use: IRRIGATION (3.000 CFS)
Date Filed: 7-21-1983
In: T06N R44E S09 SESW SWSE
SESE
S10 SWSW
S15 NENW NWNW SWNW

SESW NWSW
S16 NENE NWNE SWNE NENW
460.0 ACRES TOTAL

22-07478

KUNZ, HOMER
PATTERSON CREEK
VICTOR, ID 83455
Source: GROUNDWATER
Diversion Pt: NESE Sec 36 T 04N
R 44E
Use: IRRIGATION (.150 cfs)
STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)
Date Filed: 6-6-1984
In: T04N R44E S36 NESE
5.0 ACRES TOTAL

22-07479

BUXTON, JAY DELL
ROUTE 2 BOX 38
DRIGGS, ID 83422
Source: GROUNDWATER
Diversion Pt: SENE Sec 12 T 04N
R 44E
Use: IRRIGATION (.800 CFS)
Date Filed: 6-26-1984
In: T04N R45E S07 SESW
40.0 ACRES TOTAL

22-07488

ARNOLD, DENNIE K.
BOX 43
FELT, ID 83424
Source: GROUNDWATER
Diversion Pt: NWNE Sec 27 T
07N R 44E
Use: IRRIGATION (5.240 CFS)
Date Filed: 3-8-1985
In: T07N R44E S21 SENE
S22 NENE NWNE SWNE SENE
SWNW SENW NESW NWSW
NESE
262.0 ACRES TOTAL

The permit(s) will be subject to
all prior water rights. Protests may
be submitted based on the criteria
of Sec. 42-203A, Idaho Code
and/or the new public interest
criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with
the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite
15, Idaho Falls, Idaho 83402 on or
before SEPTEMBER 25, 1989.

R. Keith Higginson, Director

Published in the Teton Valley
News September 7 and 14, 1989.

RECEIVED

SEP 18 1989 MICROFILMED

Department of Water Resources
Eastern District Office DEC 12 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 3, 2001

HOMER KUNZ
512 W 675 S
VICTOR ID 83455

RE: License No. 22-7478 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,


for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

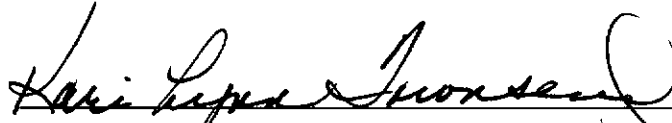
MICROFILMED
DEC 12 2001

CERTIFICATE OF MAILING

I hereby certify that on December 3, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 22-7478

**HOMER KUNZ
512 W 675 S
VICTOR ID 83455**


Kari Lynn Townsend
Secretary

MICROFILMED

DEC 12 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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DEC 12 2001

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

LICENSE REVIEW CHECKLIST

Permit No. 22-7478 Date: 11-23-01 Reviewer: Kay Walker

Change/OK

Name/Address

change per exam

Source

✓

Does change clarify original intended source? If no, void permit.

Point of Diversion:

✓

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

✓

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s):

none

File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.21 cfs

Fee Limit 0.20 cfs

Measured cfs

Theoretical 0.27 cfs

Recommended Total Diversion Rate 0.20

Water Uses

ok

Change (P46)

Season of Use per new Standards

4-15 10-31

Irrigation 0.15 cfs 17.5 af

Stockwater 0.02 cfs 1.3 af

Domestic 0.04 cfs 1.2 af

cfs af

cfs af

Total 0.20 cfs 20 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

0.15 cfs x 1.9835 x 200 days = 19.8 af (vs) 5 acres x 3.5 (FHR) = 17.5 af
2.5(con)

Remarks:

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048/049)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority?

yes
no

If yes, explain why below.

SRBA Claim?

no - not req'd

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

11/23/2001

**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Page1

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	22 12533	M GRANT KUNZ,	GROUND WATER	04N44E36	10			7													17
Claim	22 7229	RUBY KUNZ,	GROUND WATER	04N44E36	10			7													17
Permit	22 7478	HOMER KUNZ,	GROUND WATER	04N44E36													5				5
Right	22 7229	GRANT KUNZ,	GROUND WATER	04N44E36	10			7													17
Right	22 7478	HOMER KUNZ,	GROUND WATER	04N44E36													5				5
Claim	22 11422	RUBY KUNZ,	HENDERSON CREEK	04N44E36	10			7													17



22-7478

2. Measurements: $21 - \frac{5}{32}'' @ 60 \text{ PSI} = 21 (5.6 \text{ gpm/ft}) = 118.6 \text{ gpm} \approx 0.26 \text{ cfs}$

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

D. FLOW MEASUREMENTS

REC 12 2001

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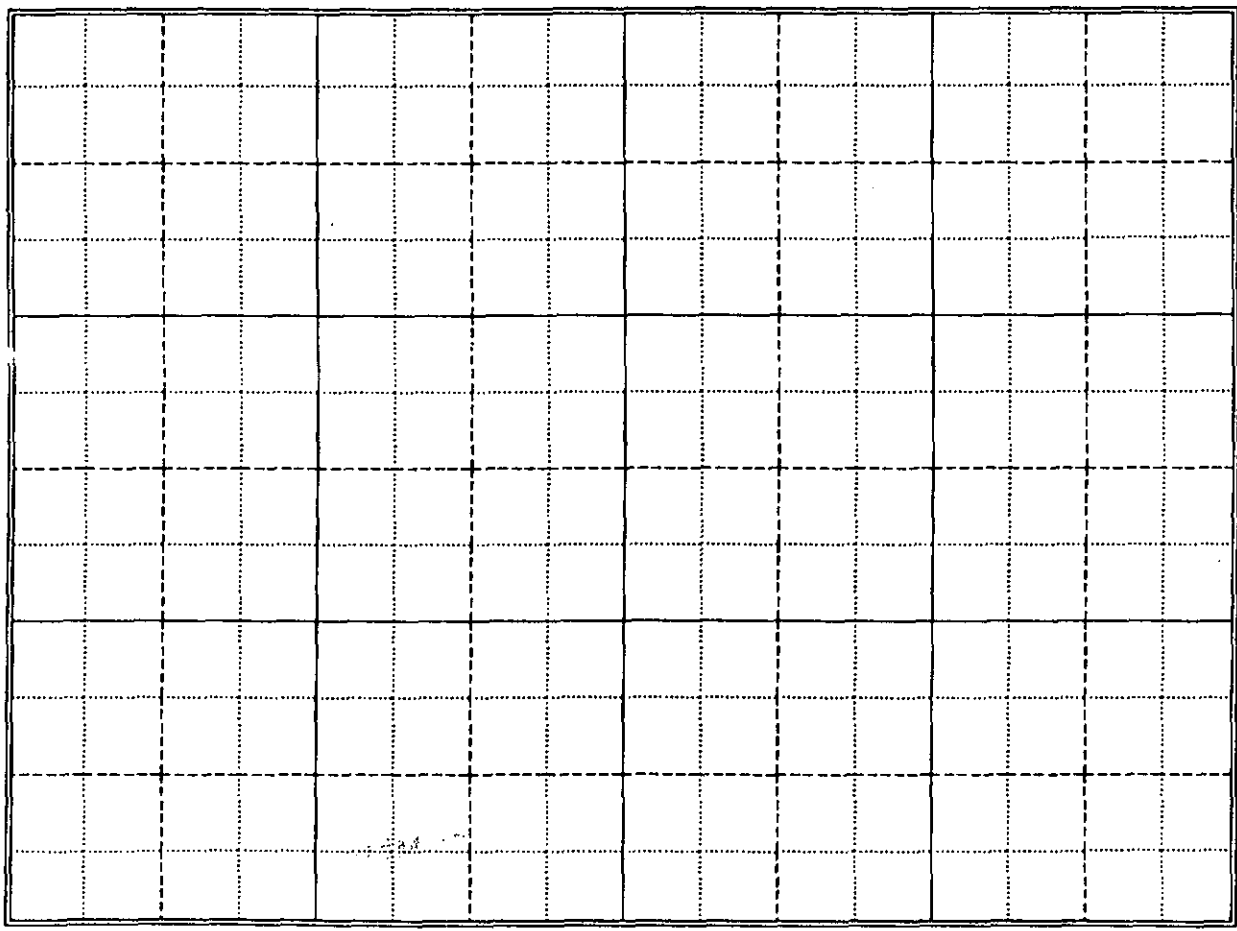
*Code to correspond with No. on map and aerial photo

Well or Diversion Identification No. *	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Submersible		10	wrk		

4.

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
Aerial Photo Attached (required for irrigation of 10+ acres)
Photo of Diversion and System Attached

Scale: 1" =



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe l.d. as applicable.

Well - Pump - 2 domestic horses, (3 horses in a couple years when second son builds), 100 head stock, (current there are 25 cattle and 4 horses). In the past he has had 100 head. As for the future he wasn't certain how many head he would water there. He would like to be licensed for 100 head.

Power was off at time of exam. When I doubled back, Mr. Kung wasn't sure how to turn on the handline to the trees. It is on a timer. It will need to be measured on a Friday when his son Kelly can be there to operate the system.

10 hp Well 191 ft

21 birds

60 psi

5/32 size

From phone call to Mr. Kung
a measurement may still need to
be taken.

They run 11 birds at 60
however.

STOCK WATER - ORIGINAL Permit is for 10 horses & 20 range cattle; however, 0.02 cfs will supply water for up to 110 cattle/horses. Therefore Recommend Licensing for 100 cattle as requested on Proof of Beneficial use & Request to examiner

Have conditions of permit approval been met? ☐ yes ☐ no

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22-7478

DEC 12 2001

✓ Additional Computation Sheets Attached

Measured Method:

method: $Q_{THEORETICAL} = 0.27 \text{ cfs}$
 $21.5 \frac{1}{32}'' @ 60 \text{ PSI} = 21(5.65 \text{ gpm}/\frac{1}{32}'' @ 60 \text{ PSI}) = 118.65 \text{ gpm} = 0.26 \text{ cfs}$

$Q_{T2} = 0.04 \text{ cfs}$

Qstock C100

Q TOTAL LIMITED BY PROOF = 6.20 cfs

1. Volume Calculations for Irrigation:

$$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 5(3.5) = 17.5$$

$$V_{D,R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.20(199) 1.9835 = 78.9$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{DR} = 17.5$$

2. Volume Calculations for Other Uses:

$$V_{Dum} = 1.2 \text{ af}$$

$$V_{\text{stock water}} = 1.3 \text{ afw}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/15	10/31	0.20 cfs	17.5
DOMESTIC (lund)	1/1	12/31	0.04 cfs	1.2
Stockwater (100 cattle)	1/1	12/31	0.02 cfs	1.3
		Totals:	0.20 cfs	20.0

2. Recommended Amendments

Change P.D. as reflected above

Add P.D. as reflected above

✓ None

Change P.U. as reflected above

Add P.U. as reflected above

Other

I. AUTHENTICATION

Field Examiner's Name

Date 8-22-01

Reviewer

Date _____

SEAL

MICROFILMED

22-7478

DEC 1 2 2009

THEORETICAL PUMP FLOW CALCULATIONS

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

Hp = Horsepower = 10

Eff. = Efficiency = 70% (Usually 70.0%)

Lift = Static Water Level + Draw down

Static Water Level = 70 ft.

Assumed Draw down = 20 ft.

Lift = 90 ft.

OR

Measured Dynamic Water Level = _____ ft.

Psi = Operating Pressure = 60 psi

$$Q_{cfs} = [\frac{10}{HP} \times 8.814 \times \frac{0.70}{EFF}] \div [\frac{90}{LIFT} + (\frac{60}{PSI} \times 2.308)]$$

$$= [61.698] \div [228.48]$$

$$Q_{cfs} = \underline{0.27} \text{ cfs}$$

22-7478

Permit Number

MICROFILMED

DEC 12 2001

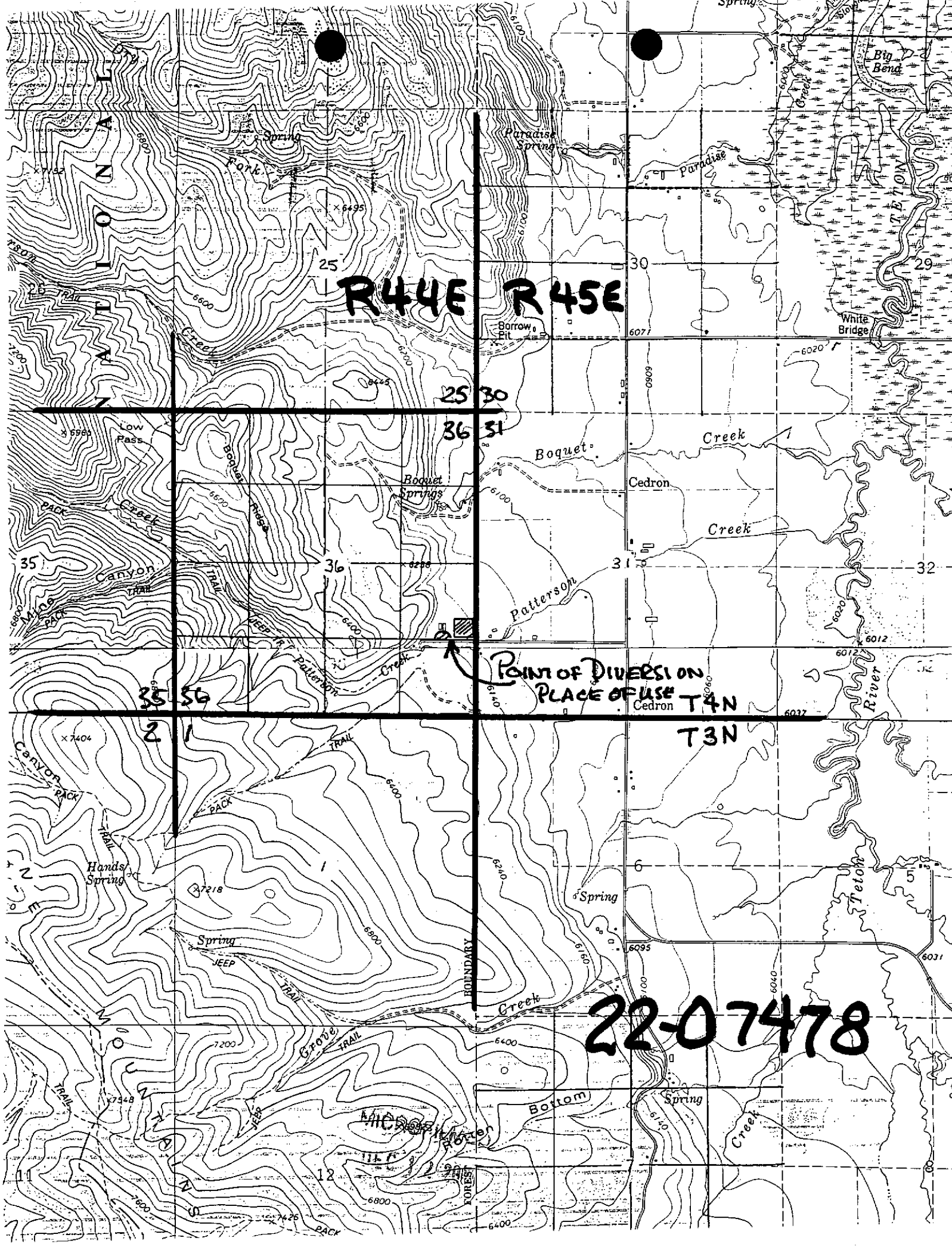
MAY 5 1986
State: 185

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

DEC 17 1984

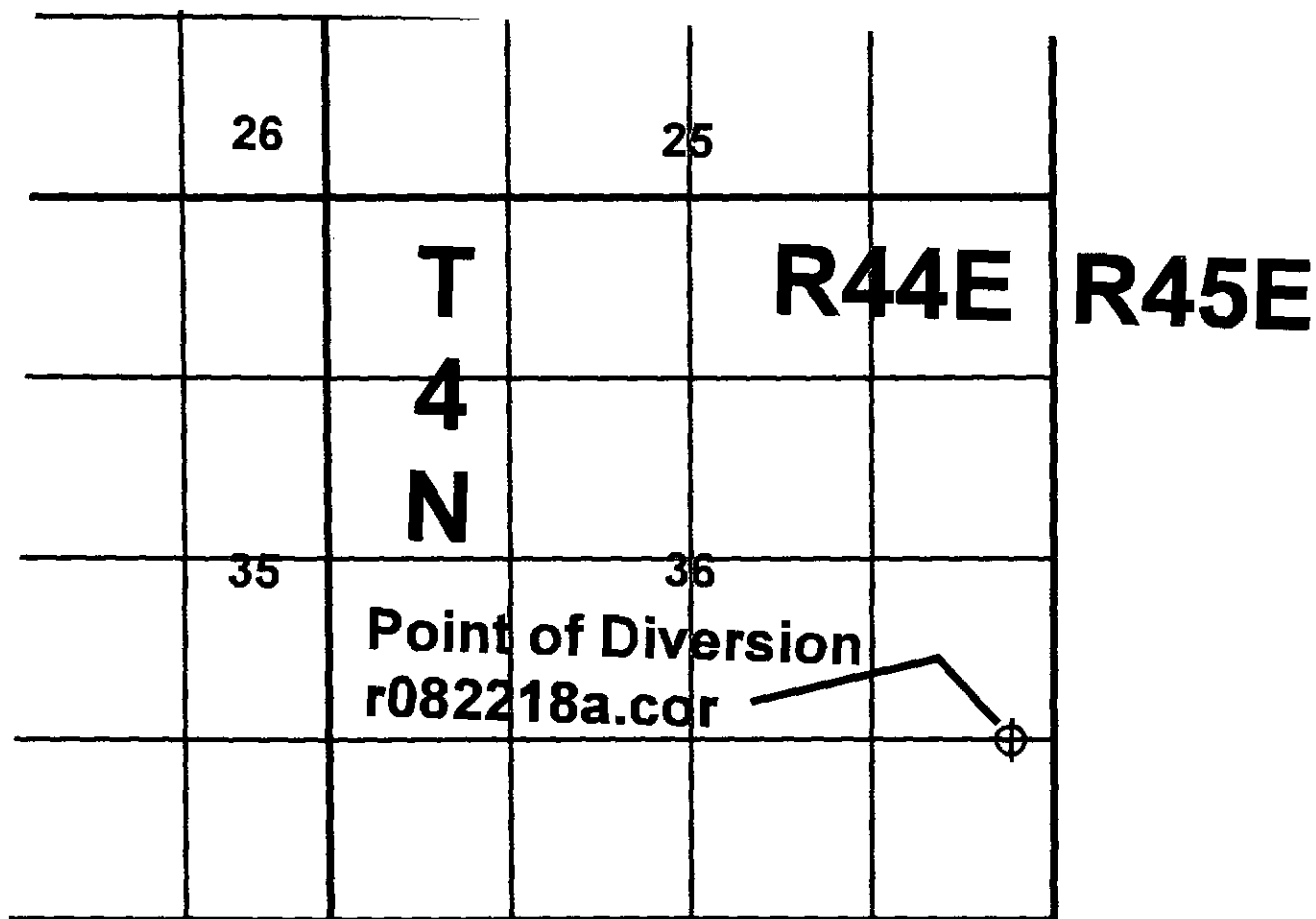
[illegible]



R44E R45E

POINT OF DIVERSION
PLACE OF USE
Cedron T4N
T3N

22-07478



 S04n44e.shp
 T04n44e.shp
 Posnpnt.shp

22-07478

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DEC 12 2001

T
4
N

R44E

36

2 3
1528

PLACE OF USE



POINT OF DIVERSION

T4N

T3N

22-07478

53

25

36

223
442

3 348

4 141

2 161

159

6 85

R45E IEL

495
T327

6 155

583

T271

1 172

1 348

NHEL

2 186

NHEL

3 191

NHEL
4 15

2 396

198

T402

36

31

1

6

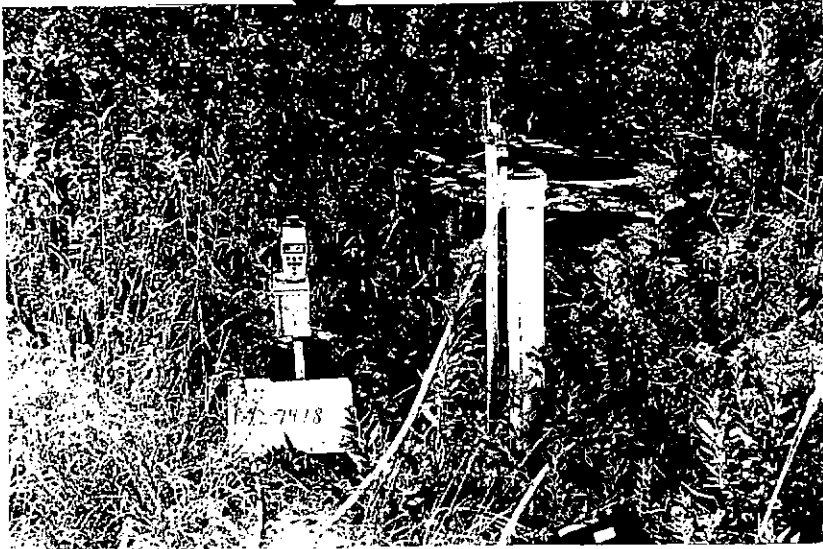
1563

49

T765

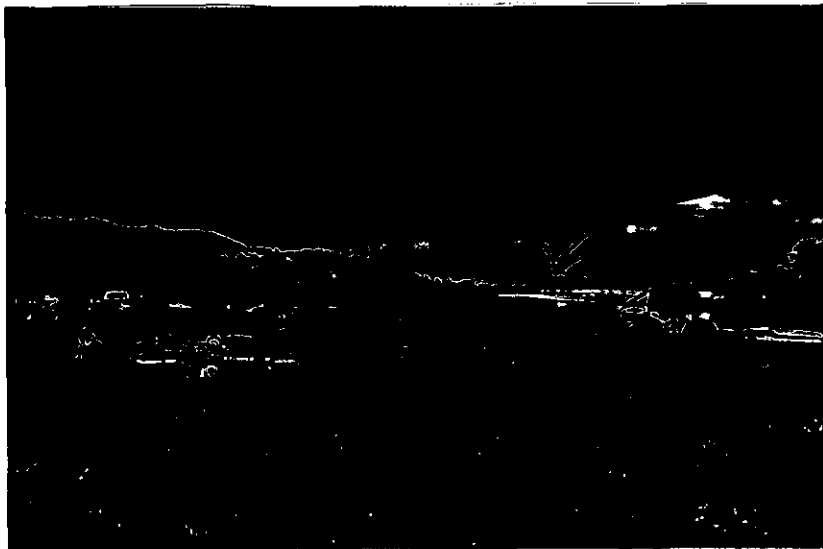
T287

NH
HE



22-7478

POD



POU

-Tree farm



POU

Son's home (Kelly)

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POU
 Son's home (Kelly)
 with tree farm in backdrop



POU
 Homer's home
 I'm standing in front of
 Kelly's home as I take
 this photo of Homer's
 home.

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DEC 12 2001

HOMER KUNZ
BOX 618 PATTERSON CREEK RANCH
VICTOR ID 83455

December 19, 1990

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07478

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

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JAN 03 1991

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 22-7478

Date: 12-19-90

General Considerations:

y Name same as permit
y Signature the same as permit holder
y Address change _____ If yes, prepare a data entry
y Proof received timely _____
_____ Reinstated

Source of Water:

_____ Surface water
y Groundwater
_____ 1. well log in file
_____ ~~3A~~ drilling permit
_____ ~~n~~ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

y Rate of diversion appropriate for uses
y Is rate or volume and fee appropriate?
y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

n/a Is a measuring device or access port required?
n/a Has one been installed?
n/a Waiver or modification of measuring device requested

Remarks:

well drilled in 1982
address change
Proof acceptable

n/a Priority Calculation:

Date proof received	_____	_____
Date proof due	_____	- _____
No. of days late	_____	= _____
Priority date	_____	+ _____
NEW PRIORITY DATE	_____	= _____

LB
SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

138390

September 30, 1990

HOMER KUNZ
PATTERSON CREEK
VICTOR, ID 83455

PROOF DUE NOTICE

RE: PERMIT NO. 22-07478

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

RECORDED

JAN 03 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
October 31, 1989

HOMER KUNZ
PATTERSON CREEK
VICTOR, ID 83455

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P22-07478

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

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DEC 14 1989

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED
DEC 12 1989

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: G. E. RAMSEY

APPLICATION NUMBER: 22-7478

CHECK: JUN 7 1984

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

☐ Yes ☒ No Field check required.

☐ Yes ☒ No Critical groundwater area.

☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____

☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

☐ Yes ☒ No Platted by: _____ Map No. _____

☐ Yes ☒ No Other rights on same place of use. _____

☒ Yes ☐ No* In form for advertising.

☐ Yes ☒ No Final date for protests: 9-25-89

☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received. Date: 9-20-89

☐ Application published correctly. If not, record action taken: _____

☒ Fee amount, receipt date & number, recorded on application.

☒ Publication dates and paper, recorded on application.

☒ Protests, dates, withdrawal, etc., recorded on application.

☒ Recommendation & initial, recorded on application.

☐ Yes ☒ No Measuring device required.

☐ Yes ☒ No Access port required.

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 01-P05

6-6-1984 Date of priority recommended.

Special conditions of approval or cover letter. _____

App. in NON-TRUST area-

By: HW

Date: 9-28-89

STATE OFFICE REVIEW:

P05, P23 P16 48 49 46 57

☐ See attached sheet for more information.

By: kw

Date: 10/24/89

RECEIVED
SEP 26 1989

30-Aug-1989

Homer Kunz
Patterson Creek
Victor,, ID 83455

RE: Application for Permit No. 22-7478

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Teton Valley News. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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DEC 12 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 29, 1989

TETON VALLEY NEWS
P.O. BOX 509
DRIGGS, ID 83422

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. 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 SEPTEMBER 25, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

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NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

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DEC 12 1989

22-07478

KUNZ, HOMER
PATTERSON CREEK
VICTOR, ID 83455

Source: GROUNDWATER

Diversion Pt: NESE Sec 36 T 04N R 44E

Use: IRRIGATION	(.150 CFS)
STOCKWATER	(.020 CFS)
DOMESTIC	(.040 CFS)

Date Filed: 6/06/1984

In: T04N R44E S36 NESE

5.0 ACRES TOTAL

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DEC 12 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before SEPTEMBER 25, 1989.

R. Keith Higginson, Director

Published 9/07/1989 & 9/14/1989

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DEC 14 1989

08/85

DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE SURVEY

RECEIVED

AUG 19 1985

Department of Water Resources
Eastern District Office

22-7478

KUNZ, HOMER

PATTERSON CREEK, VICTOR, ID 83455

Source: GROUNDWATER

Date Filed: 06/06/1984

Diversion Pt: NESE Sec 36 T 04N R 44E

Use: IRRIGATION (0.15 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)

RECEIVED

SEP 4 1985

Department of Water Resources
Eastern District Office

In: NESE Sec 36 T 04N R 44E FOR 5 ACRES

(Sprinkler)
This is a well added to the Patterson Creek Irrigation (Gravity) of 640 acres +
- all of section 36 - 4
Check the box to the left of the paragraph which accurately describes the status of the project described by the application and then sign on the line at the bottom of the page.

- A. ☒ Prior to October 1, 1984, the source of water listed on application for permit No. 22-7478 was not being diverted and put to beneficial use as represented by the application.

Pipe Project) *The above permit dates back to ditch and gravity flow - (Ed Shioess)*
finished laying pipe line after 3 was induced in to Army 1942. prior to that a ditch use right dating back to 1899. 1500 right of Krafke property etc. 900 acres -

- B. ☐ Prior to October 1, 1984, the source of water listed on application for permit No. _____ was being diverted and put to beneficial use as represented by the application.

If paragraph "B" was selected return the form with documentation confirming beneficial use occurred prior to October 1, 1984. This documentation should include a sworn statement from you as applicant, plus other evidence that will substantiate beneficial use.

Additional information is not required for paragraph "A".

NOT FILMED

Homer Kunz

DEC 12 1985

Homer Kunz

Dated this 6th day of September, 1985 (Signature)

Allen Gray



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

August 13, 1985

RE: Application for Permit No. 22-7478

Homer Kunz
Patterson Creek
Victor, Idaho 83455

Dear Mr. Kunz:

In October of 1984, Idaho Power Company and the State of Idaho signed an agreement stating the Company's water rights would be subordinated to those persons who beneficially used water prior to October 1, 1984, and who filed an application or claim for said use by June 30, 1985.

To insure proper consideration of your application pursuant to the above agreement, follow the directions on the enclosed form and return it to this office when completed. For your benefit in identifying the point of diversion and place of use, included on the form is a description of the major items contained on the application.

Your cooperation in returning the completed form and supplemental documentation will expedite future administrative action on your application when processing of applications above Swan Falls resumes.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

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DEC 12 1989

22-7478

KUNZ, HOMER

PATTERSON CREEK, VICTOR, ID 83455

Source: GROUNDWATER

Date Filed: 06/06/1984

Diversion Pt: NESE Sec 36 T 04N R 44E

Use: IRRIGATION	(0.15 CFS)
STOCKWATER	(0.02 CFS)
DOMESTIC	(0.04 CFS)

In: NESE Sec 36 T 04N R 44E FDR 5 ACRES

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DEC 12 1984