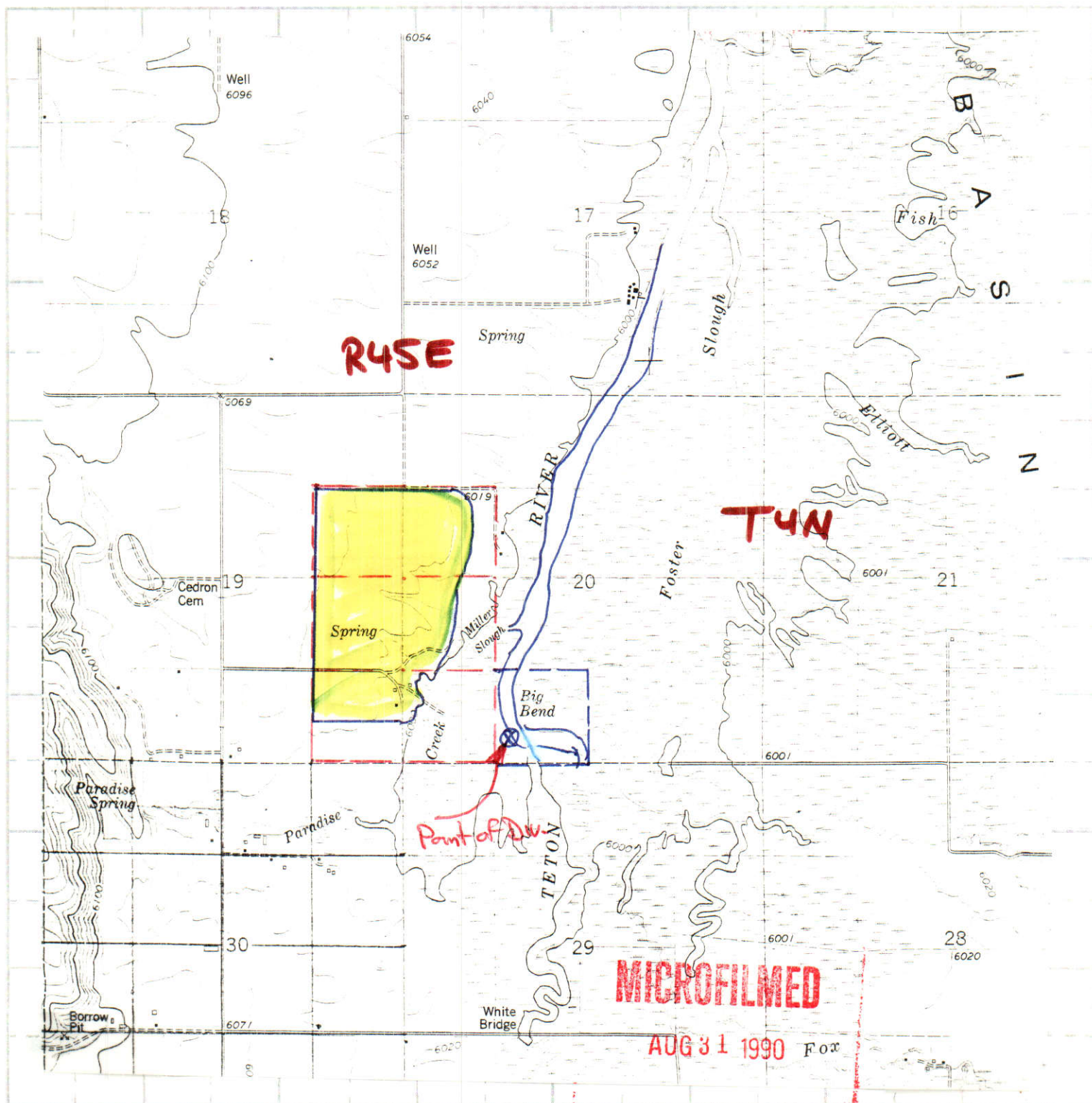


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

AFFIDAVIT OF PUBLICATION

State of Idaho)
)ss
County of Teton)

I, Nadine Doose,
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 58-106,
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 Proposed
Change of 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 4 day of May, 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 Doose

Subscribed in my presence and
sworn to before me this 12th day of
May, 1989.
(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

Reuben A. Rusk
My Commission expires

12-2-1991

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
No.'s 22-00365B & 22-02057B

Notice is hereby given that Gary
or Sherry Zohner, Victor, ID, have
applied to the Department of
Water Resources for a Change in
Point of Diversion and Place of
Use of the waters of Pine Creek
tributary to Teton River. The
rights sought to be changed are
evidenced by Decree No. 22-
00365 Decreed to Samuel Kunz,
Jr. in case of Rexburg Irrigation
Co., et al vs. Teton Irrigation
Canal Co., et al dated December
10, 1910 in county of Teton and is
recorded as follows:

AMOUNT: 5.60 cfs

PRIORITY: July 31, 1903

DECREE POINT OF DIVER-
SION: Not listed in decree.

The water is used to irrigate
within NE1/4 SEC 19; SWNW
NWSW SEC 20 T04N R45E. The
amount of acres irrigated was not
listed.

The rights sought to be changed
are evidenced by License No. 22-
02057 and is recorded as follows:

AMOUNT: 3.60 cfs

PRIORITY: March 27, 1911

POINT OF DIVERSION: SE1/4
SEC 29 T04N R45E, B.M. Teton
County.

The water is used to irrigate 180
acres within SENE NESE SWSE
SESE SEC 19; SWNW NWSW
SEC 20 T04N R45E, B.M.

TO BE CHANGED AS
FOLLOWS:

Only 4.89 cfs of water will be
diverted within SWSESW SEC 20
T04N R45E, B.M. and used to
irrigate 159 acres within SENE
NESE SESE SEC 19; SWNW
W1/2SW SEC 20 T04N R45E,
B.M.

Any protest against approval of
the above proposed change of
water right must be filed with the
Idaho Department of Water
Resources, 150 Shoup Ave., Suite
15, Idaho Falls, ID 83402, on or
before May 22, 1989.

R. Keith Higginson
Director

Published in the Teton Valley
News on May 4 and 11, 1989.

RECEIVED

MAY 15 1989

Department of Water Resources
Eastern District Office

MICROFILMED

AUG 31 1990

Page 1 of 8

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No: 3554

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

APPROVED

Name of applicant Gary or Sherry Zohner Phone 354-2537
Post Office address 401 W. 475 S., Victor, ID 83455

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Headwaters of Teton River have been dropping the past 10 years making current headgate impossible to use. Would like to put pump into river and deliver water to POU by pressurized sprinklers. ASCS is assisting with project plans.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>22-00365B</u>	<u>7-31-1903</u>	<u>2.31</u>	<u>Irrig.</u>	<u>4-15</u> to <u>10-15</u>
<u>22-02057B</u>	<u>3-27-1911</u>	<u>2.58</u>	<u>Irrig.</u>	<u>4-15</u> to <u>10-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 4.89 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Pine Creek * tributary to Teton River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	SW	20	4N	45E	Teton	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	45E	19				40									40			20	100
		20							30			19	10						59

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AUG 31 1990

Total acres 159

PART 1**6. General Information:**a. Description of diversion system Pump in stream to mainline and sprinkler systemb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

This transfer only defines my place of use and changes the point of diversion.

d. Remarks:

* Water will physically be diverted from the Teton River just below where Pine Creek comes in.APPLICANT WILL AMEND ADJ. CLAIMS A22-00365 AND A22-02057 IF TRANSF. APPROVED**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**This is to certify that I have examined Application for Transfer of Water Rights No. 22-0365B/2057BAnd said application is hereby APPROVED, subject to the following limitations and conditions:SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this

16th day ofAugust, 19 90J. Glen Saylor
Chief, Water Alloc. Bureau

MICROFILMED

AUG 31 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 22-00365 Decreed to Samuel Kunz Jr.
in case of Rexburg Irr. Co. et al vs. Teton Irr. Canal Co. et al
dated 12-10-1910 in _____ county of Teton
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Pine Creek tributary to Teton River4. Date or priority 7-31-1903

5. Water is used for the following purpose:

amount 5.60cfs for Irrig. purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 5.60 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: *****Not Listed in decree ***** (by use was in SE1/4 Sec. 29 T4N R45E)

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	45E	19	X	X	X	X													
		20							X			X							

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AUG 31 1990

Total acres Not listed 280

9. Describe any other water rights used for the same purpose as described above

22-00575, 00280, 02057

TJL
1/18/90

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.31 for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	29	4N	45E	Teton	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	45E	19				40													40
		20							30				29						59

Total acres 99**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 3.29cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: Not listed

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	45E	19	X	X	X														

Total acres Not listed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 22-02057 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Pine Creek tributary to Teton River

4. Date or priority 3-27-1911

5. Water is used for the following purpose:

amount 3.60cfs for Irr. purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.60 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SE	29	4N	44E	Teton	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	45E	19				10									30		40	20	100
		20							40										80

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AUG 31 1990

Total acres 180

9. Describe any other water rights used for the same purpose as described above 22-00575, 00180, 00365

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.53cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	29	4N	45E	Teton	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	45E	19				10									30			20	60
		20							40			29							69

Total acres 129**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.02cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SE	29	4N	44E	Teton	

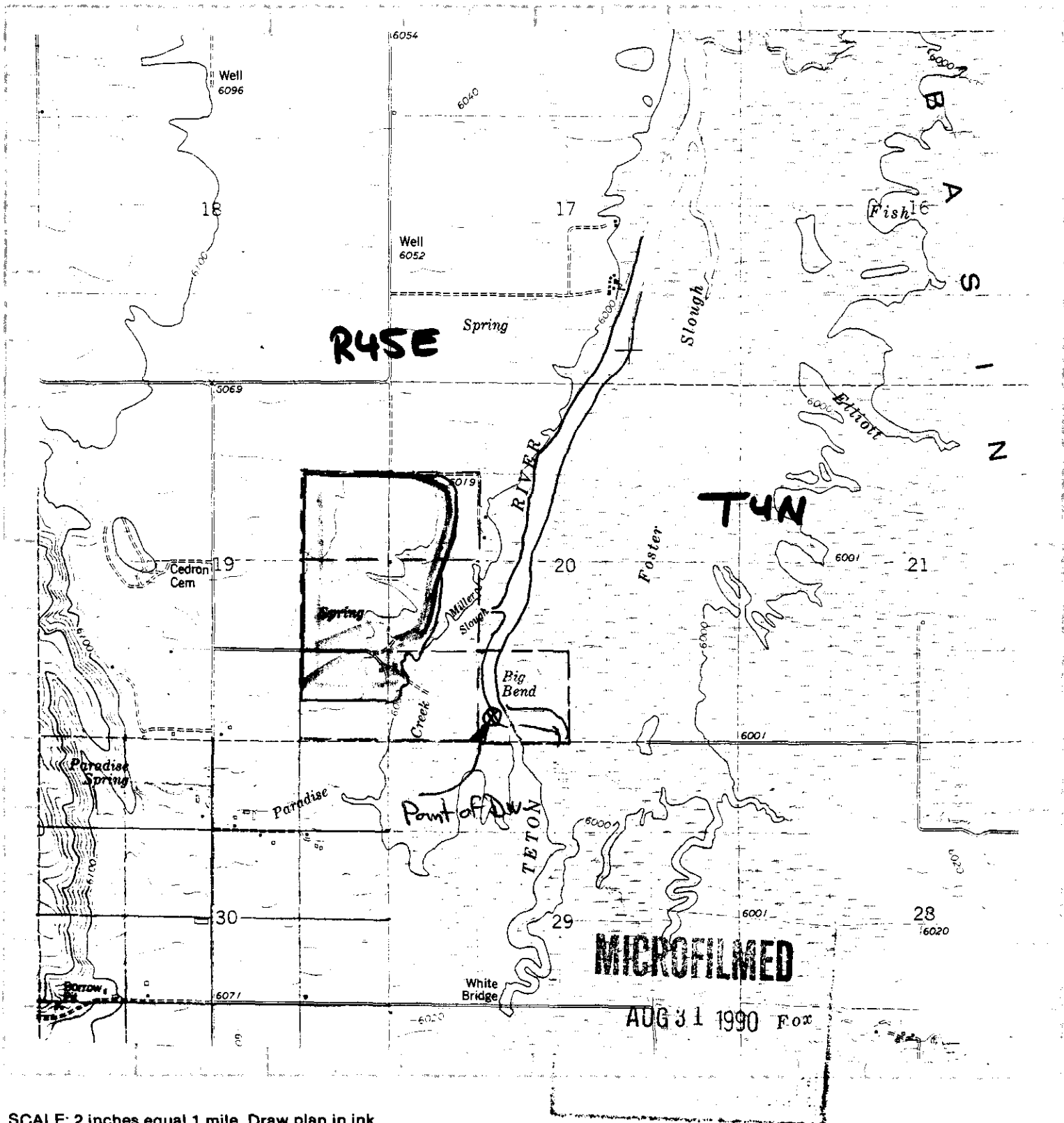
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	45E	19															40		40
		20													11				11

Total acres 51

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

X

(Signature of Applicant)

Subscribed and sworn to before me this 10 day of April, 1989.

Dorothy C. Daughan
(Notary Public)

My commission expires 9-20-93**FOR DEPARTMENT USE ONLY**Transfer contains CW pages and 4-11-89 attachmentsReceived by CW Date 11-29-88

Protest filed by _____

Prelim. check by AMS Fee \$50Receipted by ESU Date 12-1-88 EC 4827

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by RDC

Copy of transfer sent to lien holder _____

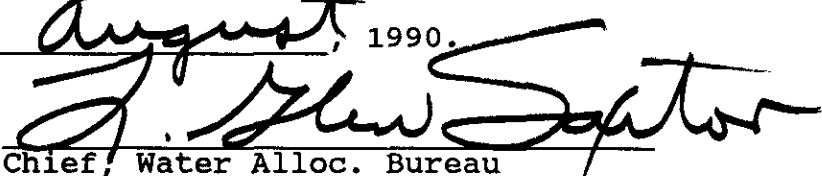
RECEIVED

AUG 31 1990

CONDITIONS OF APPROVAL
Transfer of Water Right Nos. 22-0365B/2057B

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. These rights when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above.
3. Approval of this transfer when combined with all other rights, does not validate a diversion rate of more than .02 cfs per acre.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Use of water under these rights is subject to control by the watermaster of State Water District No. 01, Snake River.

Dated this 16th day of August, 1990.


Chief, Water Alloc. Bureau

MICROFILMED

AUG 31 1990

Fremont County
Pine Creek, *
3.6 second feet *
Irrigation *
Priority 3/27/11. *

STATE OF IDAHO.

Water License No. 7257.

22-62057

WHEREAS, On the 27th day of March, A. D. 1911, JOSEPH KUNZ, WALTER W. KUNZ, and CAROLINE WIRTHRICH, of Bates, County of Fremont, State of Idaho, duly made application (No. 10498) to me for a permit to use 4.5 cubic feet per second of the waters of PINE CREEK, County of Fremont, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 29th day of April, A. D. 1911, Permit No. 7257 was issued to said applicants for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 29th day of April, A. D. 1912, and for the application to beneficial use of said water on or before the 29th day of April, A. D. 1912, and,

WHEREAS, On the 29th day of April, A. D. 1912, JOSEPH KUNZ, WALTER W. KUNZ, and CAROLINE WIRTHRICH, the holders of said permit, duly made proof of the completion of adequate works for the diversion of 4.5 cubic feet per second of said waters, as evidenced by my certificate No. 7257, dated August 24th, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4.5 cubic feet per second of water, with date of priority of March 27th, 1911, and,

WHEREAS, On the 29th day of April, A. D. 1912, JOSEPH KUNZ, WALTER W. KUNZ, and CAROLINE WIRTHRICH, the holders of said permit, duly made proof of the application to beneficial use of 3.6 cubic feet per second of said water;

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOSEPH KUNZ, WALTER W. KUNZ, and CAROLINE WIRTHRICH, of Bates, County of Fremont, State of Idaho, the holders and owners of said Permit No. 7257, a perpetual right, dating from March 27th, 1911, to the use of 3.6 cubic feet per second of the waters of PINE CREEK, in the County of Fremont and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point near center of unsurveyed Southeast quarter (SE $\frac{1}{4}$), Section 19, Township 4 North, Range 44, East of the Boise Meridian, and conducted to and upon 180 acres, divided as follows: (40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 20 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, 10 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 4 North, Range 45, East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of the State of Idaho, this 24th day of August, A. D. Nineteen hundred and twelve.

(SEAL)

AUG 31 1912

AUG 24 1911

A. E. Robinson,
State Engineer.

LEWIS COUNTY TAX COLLECTOR 1988
BONNIE C. HATCH
DRIGGS, ID 83422 REAL PROPERTY

MARKET VALUE 38962 TAX CODE AREA 8-00 PARCEL NUMBER RP04N45E191800A BILL NUMBER 3249

LOTS 1-2, N2SE4, SE4NE4, N2 LOT 3 (New)
SEC 19 T4N R4SE

220.670 ZOHNER, JACOB ETAL
TOT ACRES
% ZOHNER, GARY
RT 1 BOX 592
DELINQUENT CERT.
VICTOR, ID 83455-9724

STATE
COUNTY
SCHOL DIST 401
CEM BATES
LIBRARY

•003143
•004318
•000106
•000148

FULL PAYMENT
TAX 122.46
PEN. 168.24
SUB TOT. 4.14
INT. 5.78
TOT.

1ST INSTALLMENT
TAX 150.31
PEN.
SUB TOT.
INT.
TOT.

2ND INSTALLMENT
TAX 150.31
PEN.
SUB TOT.
INT.
TOT.

TOTAL .007715 300.62

PLEASE READ THE BACK OF THIS NOTICE
YOUR RETURNED CHECK IS YOUR RECEIPT

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT
REAL PROPERTY 1988 RP04N45E191800A
ZOHNER, JACOB ETAL
% ZOHNER, GARY

NOT FILMED
AUG 31 1990

SPECIAL CODE	TAX	CODE	AREA	TAX	TOTAL TAX
			300.62		300.62
				PEN.	
				SUB TOT.	
				INT.	
				TOT.	

				1ST INSTALLMENT	
				PEN.	
				SUB TOT.	
				INT.	
				TOT.	

DELINQUENT IF NOT PAID ON OR BEFORE
DATE PAID
PAID BY Gary Rohner
DECEMBER 20, 1988
CHECK # 1515
CASH GK
1st
1T

1988

TETON COUNTY TAX COLLECTOR
 BONNIE C. HATCH
 DRIGGS, ID 83422 R

REAL PROPERTY

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
9347	4-00	RP04N45E203600A	3258

SW4NW4, TAX #1354 *Nice Star*
SEC 20 TAN RASE 29 dec

9347

69.000 ZOHNER, JACOB ETAL
TDT ACRES % ZOHNER, GARY
DELINQUENT CERT. RT 1 BOX 592
VICTOR, ID 83455-

**PLEASE READ THE BACK OF THIS NOTICE
YOUR RETURNED CHECK IS YOUR RECEIPT**

STATE
COUNTY
SCHOOL DIST 401
CEM VICTOR-CEC
LIBRARY

• 003143
• 004318
• 000098
• 000148

29.38
40.36
• 92
1.38

TAX	72.04
PEN.	
SUB TOT.	
INT.	
TOT.	
1ST INSTALLMENT	

1ST INSTALLMENT	36.02
TAX	
PEN.	
SUB TOT.	
INT.	
TOT.	

2ND INSTALLMENT
TAX 36.02

TOTAL

• 007707

72.04

1 1990

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT
REAL PROPERTY 1988 RP04N456203600A
ZOHNER, JACOB ETAL
% ZOHNER, GARY 3258

3258

[illegible]

DELINQUENT IF NOT PAID ON OR BEFORE
DATE PAID
PAID BY *Gary John*

DECEMBER 20, 1988
CHECK # 1515
CASH G.K. UA-28

UJA-28
B/600

FULL PAYMENT	
TAX	32.24
PEN.	

SUB TOT.
INT.

L 4182

40.000 ZOHNER, GARY
TOT ACRES RT 1 BOX 592
DELINQUENT CERT. VICTOR, ID 83455-9724

PLEASE READ THE BACK OF THIS NOTICE
YOUR RETURNED CHECK IS YOUR RECEIPT

32.24

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY	1988	RP04N49E2060000A
ZOHNER, GARY		
RT 1 BOX 592		3265

3265

[illegible]

DELINQUENT IF NOT PAID ON OR BEFORE

DATE PAID	
PAID BY	Gary Rohne

DECEMBER 20, 1988
CHECK # 1575
CASH UA:28
GR

UA-28
#788

UA-2B
B7D

TEITON COUNTY TAX COLLECTOR 1988
 BONNIE C. HATCH
 DRIGGS, ID 83422

STATE
 COUNTY
 SCHOOL DIST 401
 CEM VICTOR-CED
 LIBRARY

•003143
 •004318
 •000098
 •000148

25.48 TAX
 35.00 PEN.
 .80 SUB TOT.
 1.20 INT.
 TOT.

MARKET VALUE 8105 TAX CODE AREA 4-00 PARCEL NUMBER RP04N45E292400A BILL NUMBER 3347

N2NW4
 SEC 29 TAN R4SE

8105

80.000 ZOHNER, JACOB
 TOT ACRES % ZOHNER, GARY
 DELINQUENT CERT. RT 1 BOX 592
 VICTOR, ID 83455-9724

PLEASE READ THE BACK OF THIS NOTICE
 YOUR RETURNED CHECK IS YOUR RECEIPT

TOTAL

•007707

62.48

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT
 REAL PROPERTY 1988 RP04N45E292400A
 ZOHNER, JACOB
 % ZOHNER, GARY
 3347

SPECIAL CODE TAX CODE AREA TAX

TOTAL TAX

4-00

SPECIAL CODE TAX CODE AREA TAX

1ST INSTALLMENT

FULL
 1T

SPECIAL CODE TAX CODE AREA TAX

31.24

4-00

SPECIAL CODE TAX CODE AREA TAX

1ST

1T

DELINQUENT IF NOT PAID ON OR BEFORE

DATE PAID

PAID BY

Gary Zohner

CASH

GK

DECEMBER 20, 1988

CHECK # 1515

1515

UA-28
 8/86

FILED
 AUG 31 1990

LEIUN COUNTY TAX COLLECTOR 1988
BONNIE C. HATCH
DRIGGS, ID 83422

STATE
COUNTY
SCHOOL DIST 401
CEM VICTOR-CED
LIBRARY

REAL PROPERTY
BILL NUMBER
3352

MARKET VALUE
4961
TAX CODE AREA
4-00
PARCEL NUMBER
RP04N4SE300010A

NE4NE4
SEC 30 TAN RASE

40.000
TOT ACRES
ZOHNER, GARY D
RT 1 BOX 592
VICTOR, ID 83455-9724

003143
004318
000098
000148

15.60
21.42
50
74

FULL PAYMENT
TAX 38.26
PEN.
SUB TOT.
INT.
TOT.

1ST INSTALLMENT
TAX 19.13
PEN.
SUB TOT.
INT.
TOT.

2ND INSTALLMENT
TAX 19.13
PEN.
SUB TOT.
INT.
TOT.

TOTAL

007707

38.26

PLEASE READ THE BACK OF THIS NOTICE
YOUR RETURNED CHECK IS YOUR RECEIPT

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1988
ZOHNER, GARY D
RT 1 BOX 592

RP04N4SE300010A
3352

SPECIAL CODE TAX CODE AREA TAX

38.26

TOTAL TAX

4-00

PEN. SUB TOT. INT. TOT.

38.26

FULL
1T

SPECIAL CODE TAX CODE AREA TAX

19.13

1ST INSTALLMENT

4-00

PEN. SUB TOT. INT. TOT.

19.13

1ST

1T

PAID
6-19-88

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 1988

DATE PAID

CHECK # 1515

PAID BY

Gary Zohner

CASH

G.T.

UA-28
5000

FILED
AUG 31 1990

AFFIDAVIT OF PUBLICATION

State of Idaho)
)ss
County of Teton)

I, Nadine Doose,
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 58-106,
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 Proposed
Change of 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 4 day of May, 1988.

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 Doose

Subscribed in my presence and
sworn to before me this 12th day of
May, 1989
(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

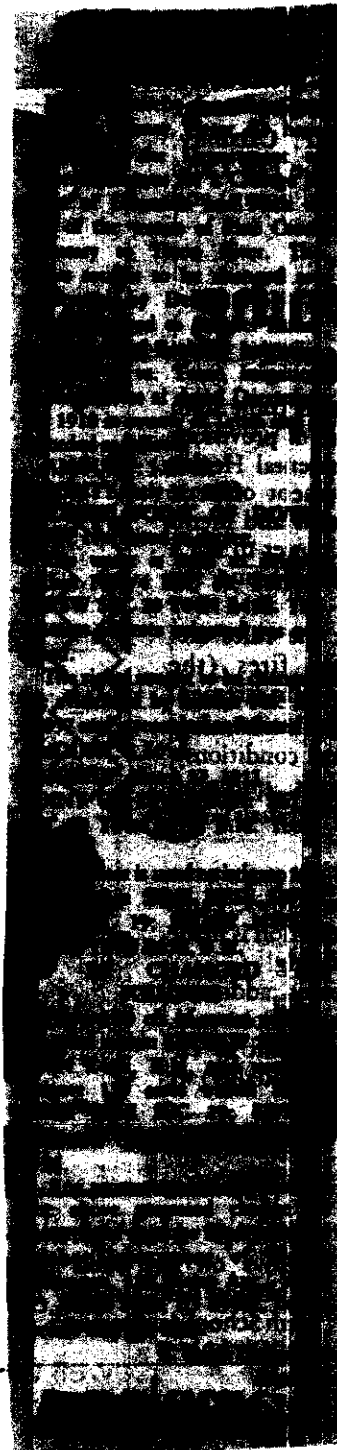
Deeds A. Rusk
My Commission expires

12-2-1991

RECEIVED

MAY 15 1989

Department of Water Resources
Eastern District Office



PROFILMED

AUG 31 1990

FEB 27 1911
OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

Rexburg Irrigation Company, et al.,

PLAINTIFFS,

-VS-

Teston Irrigation Canal Company, et al.,

DEFENDANTS.

file 205-a
DECREE.

This cause coming on to be heard this 18th day of August 1910, upon the report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered in, and the said F. J. Cowen, having filed his report of the testimony taken, and his recommendations as to Findings of Fact and Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the Court being fully informed and advised in the premises, and having ordered that judgment be entered in accordance with the report and recommendations of the said Referee, for the reason of the law and the report and Findings of Fact and Conclusions of Law aforesaid,

It is ordered, Adjudged and Decreed, that the several parties, plaintiffs and defendants herein named, do have judgment respectively for a right to use, for irrigation and other purposes, the following amount of inches of water, each fifty inches thereof to be equivalent to the flow of one cubic foot per second, as prescribed by the law

~~0420~~ 22-0361	Kimball, R. C. and A. L.	80 inches.	June 1, 1896.	Fox Creek.
	King, Daniel			(Sold to A. J. Reese)
~~0421~~ 22-0362	Kirsley, Edwin N.	60 inches.	July 15, 1898.	Little Pine Creek. Teton Co.
~~0422~~ 22-0363	Kirsley, Edwin N.	60 inches.	June 1, 1902.	Spring Creek. Trib to Pine Creek
~~0423~~ 22-0602	Kirsley, Mary E.	80 inches.	Sept. 1, 1889.	Warm Creek, Spring Creek, and Deep Creek.
~~0424~~ 22-0603	Kirsley, Mary E.	80 inches.	Apr. 1, 1890.	Warm Creek, Spring Creek, and Deep Creek.
~~0425~~ 22-0364	Kirsley, Richard	160 inches.	June 30, 1894.	Trail Creek.
~~0426~~ 21-0156	Kooch, John W.	120 inches.	June 1, 1902.	Outlet of Henry's Lake.
~~0427~~ 21-0157	Kooch, Maggie	250 inches.	June 1, 1902.	Outlet of Henry's Lake.
~~0428~~ 21-0143	Keech, Maggie	50 inches.	June 1, 1902.	Meadow Creek.
~~0429~~ 1-092	Kratzer Elizabeth	80 inches.	June 1, 1886.	Watson Slough. -755-04CF
~~0430~~ 22-0365	Kuhz, Samuel, Jr.	280 inches.	July 31, 1903.	Pine Creek (Permit.)
~~0431~~ 22-0368	Kruger, John D.	140 inches.	May 1, 1884.	Elkhorn Spring, and 2/5th of Hawley Spring, up to 140 inches.
~~0432~~ 1-093	Labelle Irrigation Company	2,400 inches.	June 1, 1885.	South Fork of Snake River.
~~0433~~ 1-094	LaBelle Irrigation Company.	4,600 inches.	June 1, 1888.	South Fork of Snake River.
~~0434~~ 22-0366	Lamoreaux Francis A. and Ann	25 inches.	May 1, 1898.	South Leigh Creek.
~~0435~~ 22-0367	Lamoreaux, Francis A. and Ann.	75 inches.	May 1, 1899.	South Leigh Creek.
~~0436~~ 21-0070	Langley, A. C.	20 inches.	Aug. 1, 1899.	Squirrel Creek.
~~0437~~ 21-0071	Langley, A. C.	125 inches.	June 24, 1902.	Squirrel Creek.
	Larocque, Emery			Parsons Ditch Company.
~~0438~~ 22-0369	Larsen, A. C.	20 inches.	June 1, 1896.	Darby Creek. Trans #635
~~0439~~ 22-0370	Larsen, A. C.	20 inches.	June 1, 1897.	Darby Creek.
~~0440~~ 22-0371	Larsen, A. C.	40 inches.	June 1, 1898.	Darby Creek.

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Kunz, Samuel, Jr

Kratzer, Hiram D.
Elizabeth

Kruger, John D. C.

Labelle
Irrigation
Company

LaChapelle, Joseph

Lacy, Celesta

Lamoreaux,
Francis A.

Langley, A. C.

Larocque, Emery

Larsen, A. C.

Larsen, K. M.

SE $\frac{1}{4}$ of NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of Sec. 19,

NW $\frac{1}{4}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec.

20 T., 4 N., R., 45 E. B. M.,

containing 280 acres.

SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 2 T. 3 S., R.,

34 E., B. M., containing 40 acres.

S $\frac{1}{2}$ of SW $\frac{1}{4}$, part of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 15,

and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 22, T. 4

N. R., 40 E., B. M., containing

150 acres.

L.

Lands of stockholders of said company, the
description of said lands and the names of
said stockholders not being given in the
pleadings of said company.

S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 21, T. 2 N., R. 38 E., B.
M., containing 80 acres.

N $\frac{1}{2}$ of N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 2, T. 1 N., R.
37 E., B. M., containing 40 acres.

S $\frac{1}{2}$ of NW $\frac{1}{4}$, and S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 35, T.
6 N., R. 45 E., B. M.

S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 18, and N $\frac{1}{2}$ of NE $\frac{1}{4}$
of Sec. 19, T. 8 N., R., 44 E., B. M., con-
taining 160 acres.

SW $\frac{1}{4}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 1,
T. 3 S., R., 34 E., B. M., containing 80
acres.

S $\frac{1}{2}$ of NW $\frac{1}{4}$ and Lots 3 and 4 of Sec. 1, T.
4 N., R. 45 E. B. M.

Lot 7 of Sec. 6 T., 4 N. R., 46 E., B. M.,
containing 40 acres.

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AUG 5 1960

August 17, 1990

RE: Transfer of Water Rights Nos. 22-0365B/2057B

Gary or Sherry Zohner
401 W. 475 S.
Victor, ID 83455

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Trans. No. 3554). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

Microfilmed

AUG 31 1990

MEMORANDUM

TO: FILE

FROM: TIM LUKE *ok fwi*

DATE: January 18, 1990

RE: TRANSFER APPLICATION NO. 3554

This tranfer requests a change in point of diversion and partial change in place of use for two separate rights. The requested changes will result in splitting both rights. See attached water rights index summary sheet for proposed splits.

I recommend approval of transfer and changes to rights as shown by transfer application. Volumes should be assigned to 22-00365B and 22-02057. The third condition below is used because there is some partial overlap with another right. This condition will clarify the total volume allowed under the transfer and all rights appurtenant to the same land.

Conditions of Approval:

- ✓ <<R04>> Use of water under this license is subject to control by the watermaster of State Water District No. 01, Upper Snake River and tributaries.
- ✓ <<R39>> A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
- ✓ These rights when combined with all other rights shall provide no than 3.0 afa per acre for the lands above.
- ✓ Approval of this transfer when combined with all other rights, does not validate a diversion rate of more than 0.02 cfs per acre.
- ✓ <<T05>> The use of water on the lands to which the above referenced water right(s) were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water right(s).

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WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	SUM
22000868	CHURCH OF JESUS CHRIST	D	TETON RIVER	04N	45E	19	40	:	:	:	:	:	:	:	40
2200365	KUNZ, JR.	D	PINE CREEK	04N	45E	19	X	X	X	:	:	:	:	:	55
2202046	HANSEN	L	MAHOGANY CREEK	04N	45E	19	:	18	37	:	:	:	:	:	7
2202053A	ZAHNER	L	MAHOGANY CREEK	04N	45E	19	:	5	:	2	:	:	:	:	100
2202057	KUNZ	L	UNNAMED STREAM	04N	45E	19	:	10	:	:	:	:	:	:	77
2202169	CEDRON IRRIGATION CORP	L	GROUNDWATER	04N	45E	19	38	39	:	:	:	:	:	:	69
2202280	CEDRON IRRIGATION CORP	L	GROUNDWATER	04N	45E	19	:	39	30	:	:	:	:	:	1
2202283	CHURCH OF JESUS CHRIST	L	GROUNDWATER	04N	45E	19	:	:	1	:	:	:	:	:	55
2204142	MILLER	S	PARADISE SPRING	04N	45E	19	:	29	27	20	:	:	:	:	35
NO MAPPING INFO AVAILABLE															
41 42 37 41 39 29 40 44 40 40 40 40 40 40 40 40															
2200365	KUNZ, JR.	D	PINE CREEK	04N	45E	20	:	:	:	:	:	:	:	:	20
2200563	VAIL	D	FOX CREEK	04N	45E	20	:	:	:	:	:	:	:	:	20
2200564	VAIL	D	FOX CREEK	04N	45E	20	:	:	:	:	:	:	:	:	20
2202057	KUNZ	L	UNNAMED STREAM	04N	45E	20	:	40	:	40	:	:	:	:	80
2207637	TETON VALLEY VENTURES	A	GROUNDWATER	04N	45E	20	0	:	11	:	:	:	:	:	11
NO MAPPING INFO AVAILABLE															
12 18 24 29 31 40 38 25 24 27 39 26 24 34 34 25 30 19 18															

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AUG 31 1990

ACTION REQUIRED

FROM: Colleen through Ron C.

TO: Dee O'Brien

Enclosed are three transfers Nos. 22-0365B/2057B ZOHNER
22-0180B/0575B "
~~22-0638~~ CRAIN

It is difficult to tell what is proposed by these transfers. Will you please do a field check on them and let Ron know what you can find out.

Thanks in advance.....

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AUG 9 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

4-14-89 RB
4-14-89 HWT

INITIAL REVIEW BY: Dennis M. Dunn

1. Right number 22-00365B
22-02057B Applicant Gary and/or Sherry Zahner
2. Type of right: ☒ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☐ All of right.
- b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments _____
- i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 22-00575, 22-00180, 22-00365
- j. ☒ ~~Is use within a Watermaster District?~~ ☒ Yes ☐ No
If yes, what district? 01

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Head gate, measuring device, Subject
to the control of the watermaster of
Water District 1. Subject to the master's check
4. By RPC Date 12/27/87

* All uses within Watermaster Districts require special conditions.

JAN 03 1988
Department of Water Resources
Copy
Roberta

April 26, 1989

Department of Fish & Game
1515 Lincoln Rd.
Idaho Falls, ID 83401

RE: Application for Permit No. 24-7162

Dear Sir:

This office is currently in the process of publishing notice that the above application for permit was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received by May 22, 1989. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

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AUG 31 1990

April 26, 1989

Gary or Sherry Zohner
401 W. 475 S.
Victor, ID 83455

RE: Applications for Transfer No.'s 22-00180B & 22-00575B; 22-0365B
& 22-2057B

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 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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AUG 31 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO.'S 22-00365B & 22-02057B

Notice is hereby given that Gary or Sherry Zohner, Victor, ID, have applied to the Department of Water Resources for a Change in Point of Diversion and Place of Use of the waters of Pine Creek tributary to Teton River. The rights sought to be changed are evidenced by Decree No. 22-00365 Decreed to Samuel Kunz, Jr. in case of Rexburg Irrigation Co., et al vs. Teton Irrigation Canal Co., et al dated December 10, 1910 in county of Teton and is recorded as follows:

AMOUNT: 5.60 cfs PRIORITY: July 31, 1903

DECREEED POINT OF DIVERSION: Not listed in decree.

The water is used to irrigate within NE1/4 SEC 19; SWNW NWSW SEC 20 T04N R45E. The amount of acres irrigated was not listed.

The rights sought to be changed are evidenced by License No. 22-02057 and is recorded as follows:

AMOUNT: 3.60 cfs PRIORITY: March 27, 1911

POINT OF DIVERSION: SE1/4 SEC 29 T04N R44E, B.M. Teton County

The water is used to irrigate 180 acres within SENE NESE SWSE SESE SEC 19; SWNW NWSW SEC 20 T04N R45E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 4.89 cfs of water will be diverted within SWSESW SEC 20 T04N R45E, B.M. and used to irrigate 159 acres within SENE NESE SESE SEC 19; SWNW W1/2SW SEC 20 T04N R45E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, ID 83402, on or

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AUG 31 1990

before May 22, 1989.

R. Keith Higginson

Director

Published May 4 & 11, 1989 TETON VALLEY NEWS.

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AUG 31 1990



Farm Credit Services
Rexburg

22-00165
22-02087

217 N. Second East
P.O. Box 157
Rexburg, Idaho 83440
208/356-4442

]

February 14, 1989

To Whom It May Concern:

The lienholder, Farm Credit Bank of Spokane, formerly Federal Land Bank of Spokane, having a mortgage on the real estate described in "Application for Transfer of Point of Diversion of Water Rights" hereby authorizes said change in point of diversion as it will allow for better utilization of water rights on said land.

Signed by:


Manager, Farm Credit Services
Rexburg, Idaho

State of Idaho)
 : SS.
County of Madison)

On this 14th day of February, 1989, before me, a notary public in and for said State, personally appeared Lee B. Boyle known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public
Residing at Rexburg, Idaho
Commission expires May 16, 1991

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AUG 31 1990

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]