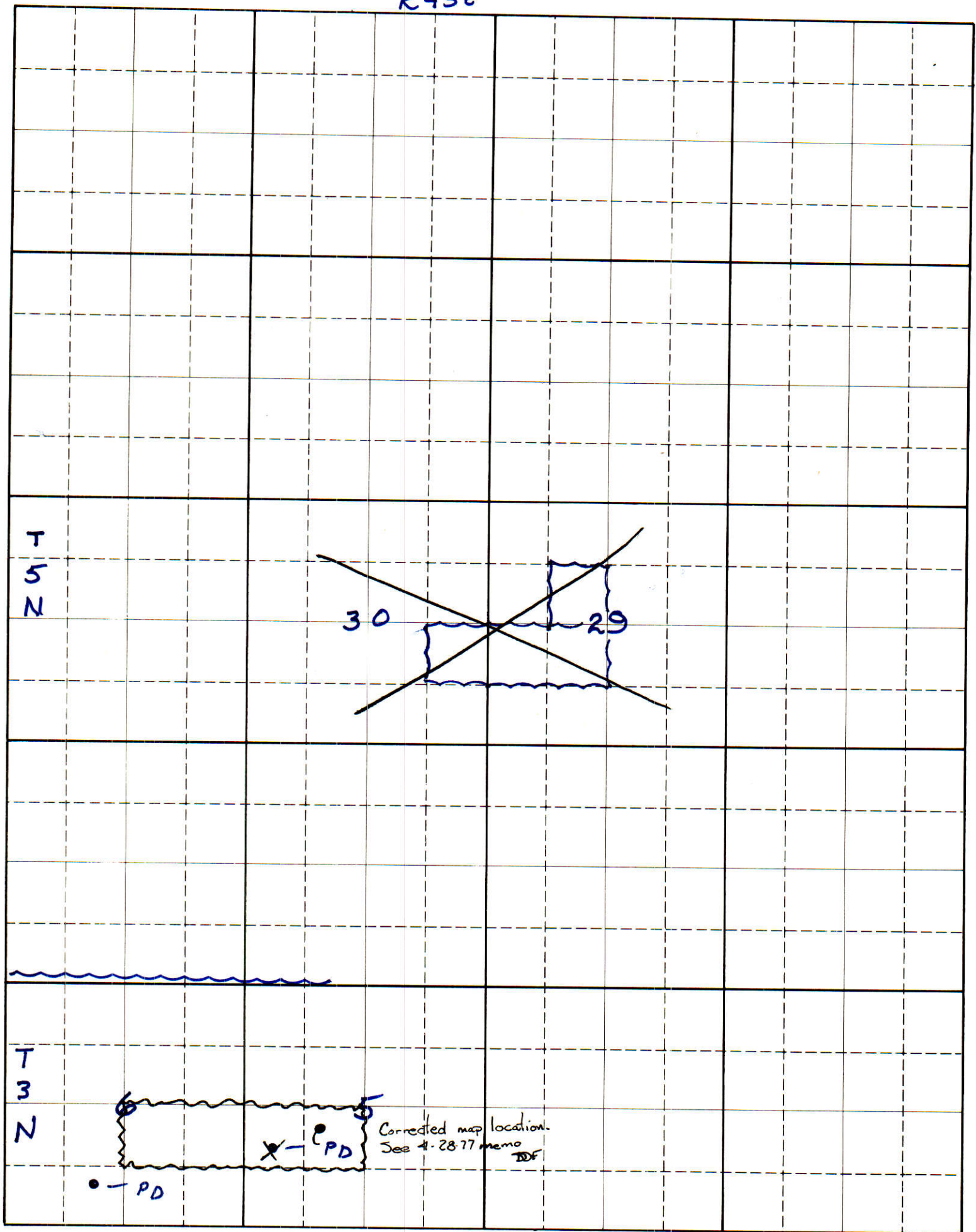


- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R45E



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

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
 County of Teton)

I, Louise L. Arntson....
 being first duly sworn depose and say

that I am the publisher.....
 of the Teton Valley News, a news-
 paper as defined by Idaho Codes Anno-
 tated, Section 58-106, as amended, and
 that said newspaper is a weekly news-
 paper printed and published at Driggs,
 in Teton County, Idaho, having a gen-
 eral circulation in said county, and that
 said newspaper has been printed in
 said county for more than 78 consecu-
 tive weeks prior to the first publication
 of the attached notice, advertisement
 or publication of

Change of Water Right # 22-0255
Keith Kunz Victor

And affiant further says that said
 attached notice, advertisement or pub-
 lication, as per clipping attached, was
 published in said newspaper, in the
 regular and entire issue thereof, and
 not in any supplement issue thereof,

for 2 consecutive issues thereof;
 first publication having been made on

the 20 day of May.....
 19 76

and last publication on the 27.....
 day of May....., 19 76.

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
 and one-half inches deep.

Louise L. Arntson

Subscribed in my presence and sworn

to before me this day of

June, 19 76
Franklin C. Davidson
 (SEAL) Notary Public for the State of
 Idaho, residence and postoffice
 address, Driggs, Idaho.

My Commission expires

9-20....., 19 79....



Public Notices

**NOTICE OF PROPOSED
 CHANGE OF WATER RIGHT
 NO. 22-0255**

Notice is hereby given that
 Keith Kunz, Victor, Idaho, has
 applied to the Department of
 Water Resources for a change
 in the point of diversion of
 the waters of Grove Creek
 tributary to Teton River. The
 right sought to be changed is
 evidenced by decree to John
 Ferguson in case of Rexburg
 Irrigation Co., et al -vs- Teton
 Irrigation Canal Co., et al, dat-
 ed 12-16-1910 in 6th District
 Court, County of Teton and is
 recorded as follows:

AMOUNT: 2.00 c.f.s.; PRI-
 ORITY: 6-01-90; DECREED
 POINT OF DIVERSION: SE $\frac{1}{4}$
 SW $\frac{1}{4}$, Sec. 6, T. 3N, R. 45E,
 B.M., Teton County.

The water is used to irrigate
 160 acres within the SE $\frac{1}{4}$
 NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29, NE $\frac{1}{4}$
 SE $\frac{1}{4}$, Sec. 30, T. 5N, R. 45E,
 B.M.

**TO BE CHANGED
 AS FOLLOWS**

The water will be diverted
 within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6,

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 3N, R.
 45E, B.M.

Any protest against approval
 of the above proposed change
 of water right must be filed
 with the Idaho Department of
 Water Resources, 1515 Lincoln
 Road, Idaho Falls, Idaho,
 83401, on or before June 7, 19-
 76.

R. KEITH HIGGINSON
 Director

Published in the Teton Valley
 News, Driggs, Idaho, on May
 20 and May 27, 1976.

RECEIVED

JUN 7 1976

Department of Water Resources
 Eastern District Office

MICROFILMED

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 22-0255**

Notice is hereby given that Keith Kunz, Victor, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Grove Creek tributary to Teton River. The right sought to be changed is evidenced by decree to John Ferguson in case of Rexburg Irrigation Co., et al -vs- Teton Irrigation Canal Co., et al, dated 12-16-1910 in 6th District Court, County of Teton and is recorded as follows:

AMOUNT: 2.00 c.f.s.; PRIORITY: '6-01-90; DECREED POINT OF DIVERSION: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 3N, R. 45E, B.M.; Teton County.

The water is used to irrigate 160 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 5N, R. 45E, B.M.

**TO BE CHANGED
AS FOLLOWS**

The water will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 3N, R. 45E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 7, 1976.

R. KEITH HIGGINSON
Director

Published in the Teton Valley News, Driggs, Idaho, on May 20 and May 27, 1976.

MAY 13 1976

RE: Application for Transfer

Mr. Arthur L. Larson, Water District 01
Box 1099
Idaho Falls, Idaho 83401

Dear Art:

Please find enclosed a copy of watermaster recommendation complete the form, return

Thank you for your cooperation

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CM

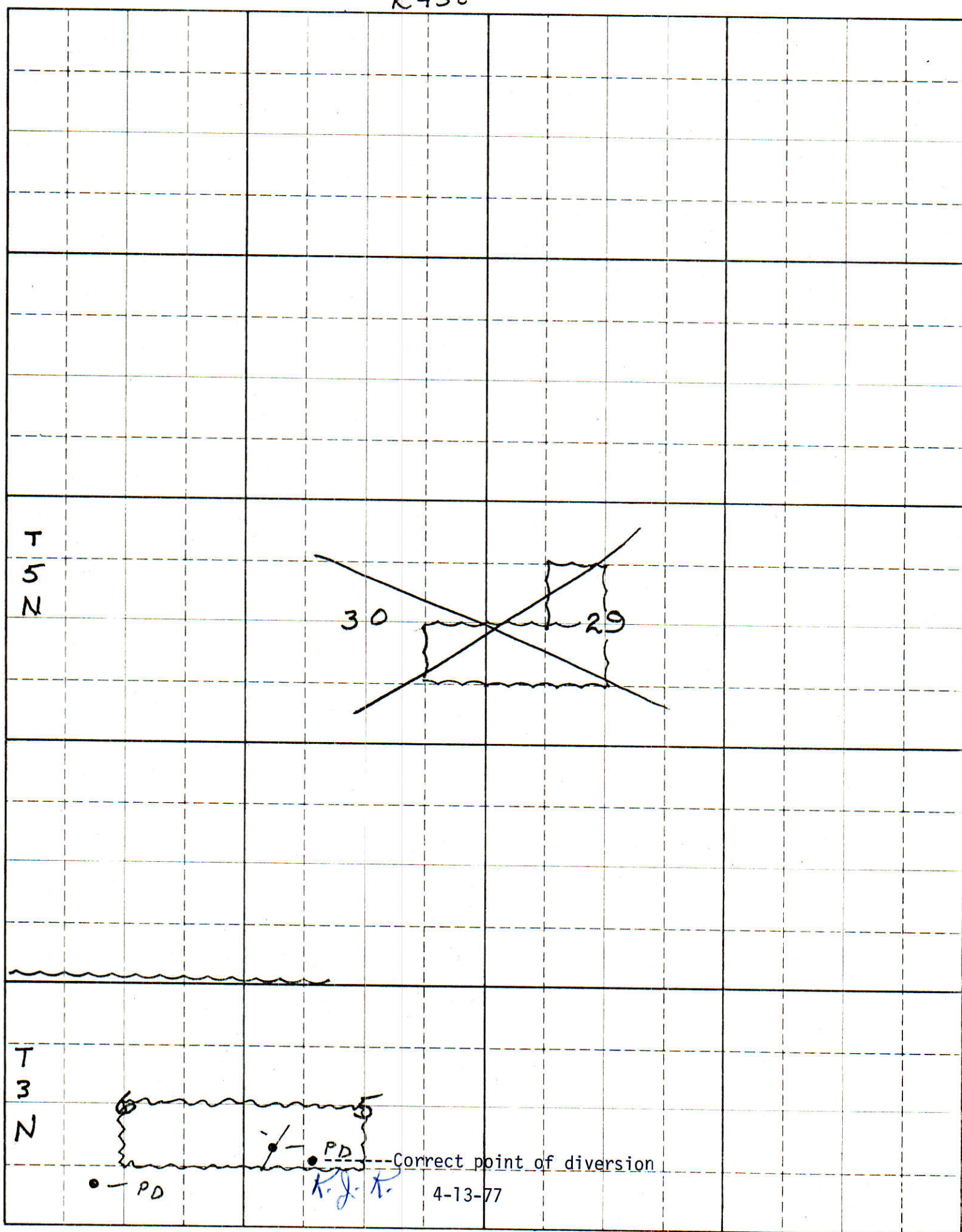
Enclosures

a bns nottacton and
b application and
or before June 7, 1976.

RECEIVED

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R45E



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

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Keith Kunz Phone 787-2703
Post office address Victor, Idaho

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to John Ferguson (Name)
in case of Rexburg Irrigation Co. et al vs Teton Irrigation Canal Co. et al
dated 12-16-1910 in 6th District Court county of Teton
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
3. Source of water Grove Creek tributary to Teton
4. Date of priority 6-01-90
5. Water is used for the following purposes:
amount 2.00 for Irrigation purposes from Apr. 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)
6. Total amount of water under right: a. 2.00 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6
Township 3N Range 45E, B.M., in Teton County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	45E	29								40	40	40							120
		30													40				40
3N	45E	5									40	40							80
		6													40	40			80

Keith Kunz
8-12-96

MICROFILMED

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
- a. Amount of water to be diverted 2.00 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SE ¼ SW ¼, Section 6 Township 3N
Range 45E, B.M., Teton County
Additional points NW¼SW¼, Sec. 5, T. 3N, R. 45E, B.M.
- c. Description of diverting works gravity system and a pump in Teton River
- d. Describe the reasons for applying for a change in the point(s) of diversion
A portion of the land can not be irrigated from gravity system

2. Change in place of use NO CHANGE

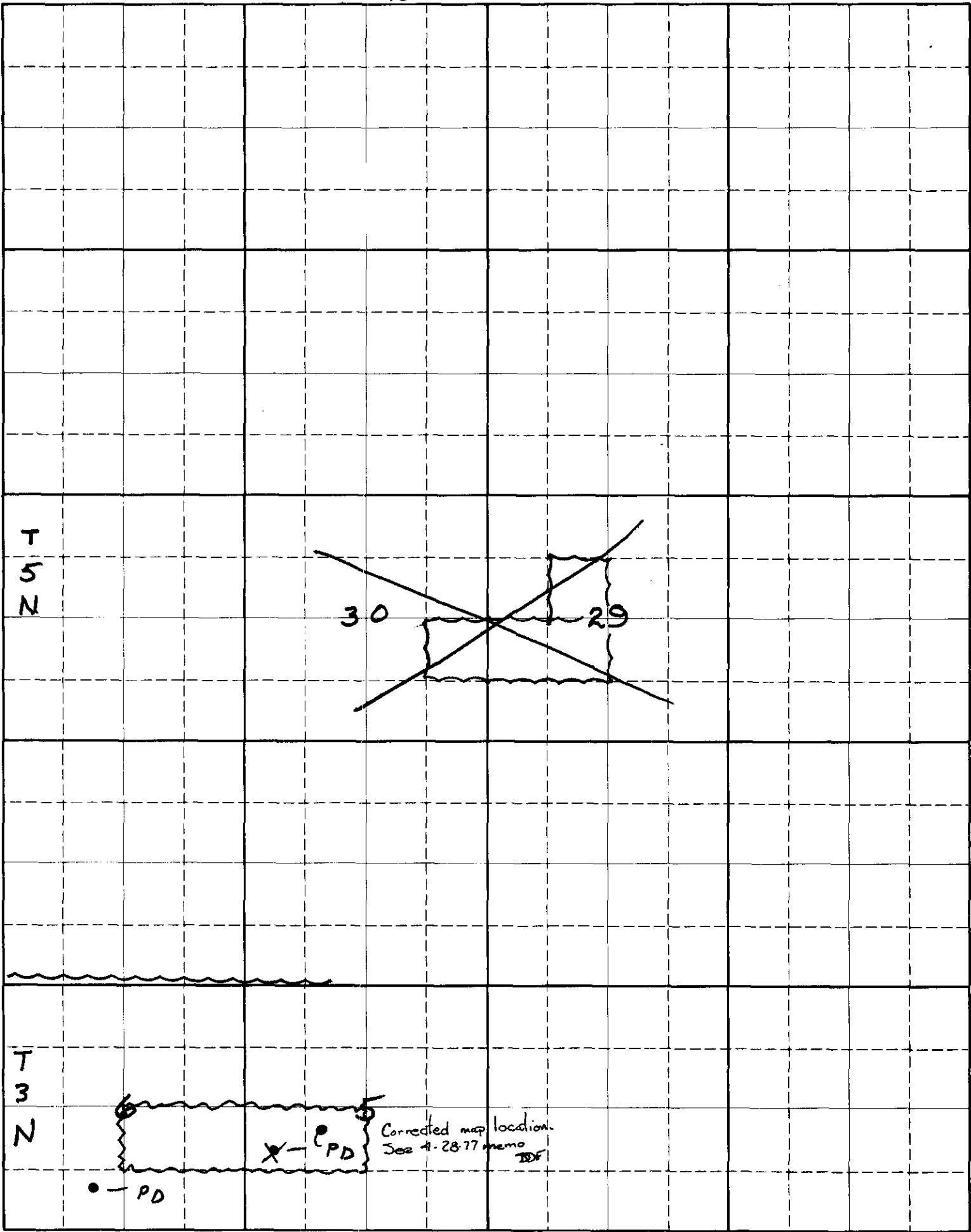
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R45E



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

3. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Subscribed and sworn to before me this 11th day of MAY, 19 76
Keith J. King
(Signature of applicant)

My commission expires 2/14/78
Ronald D. Carson
(Notary public)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0255,
and said application is hereby APPROVED.

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

A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 2 day of September, 1976

R. Keith King

FOR DEPARTMENT USE ONLY

Received by OW Date 5-11-76

Prelim. check by RDC Fee \$30.00

Receipted by OW Date 5-11-76

Published in Intown Valley News #15800

Pub. dates May 20 + 27, 1976

Watermaster recommendation requested on 5-13-76

Art Pearson 01 rec'd.

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial
by TF

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
--------------	------	------------------	-------------------	--------------

	John Ferguson	2.0	2.0	22-0255
	Keith Kunz	2.0	0	22-0255A

T

R

A

N

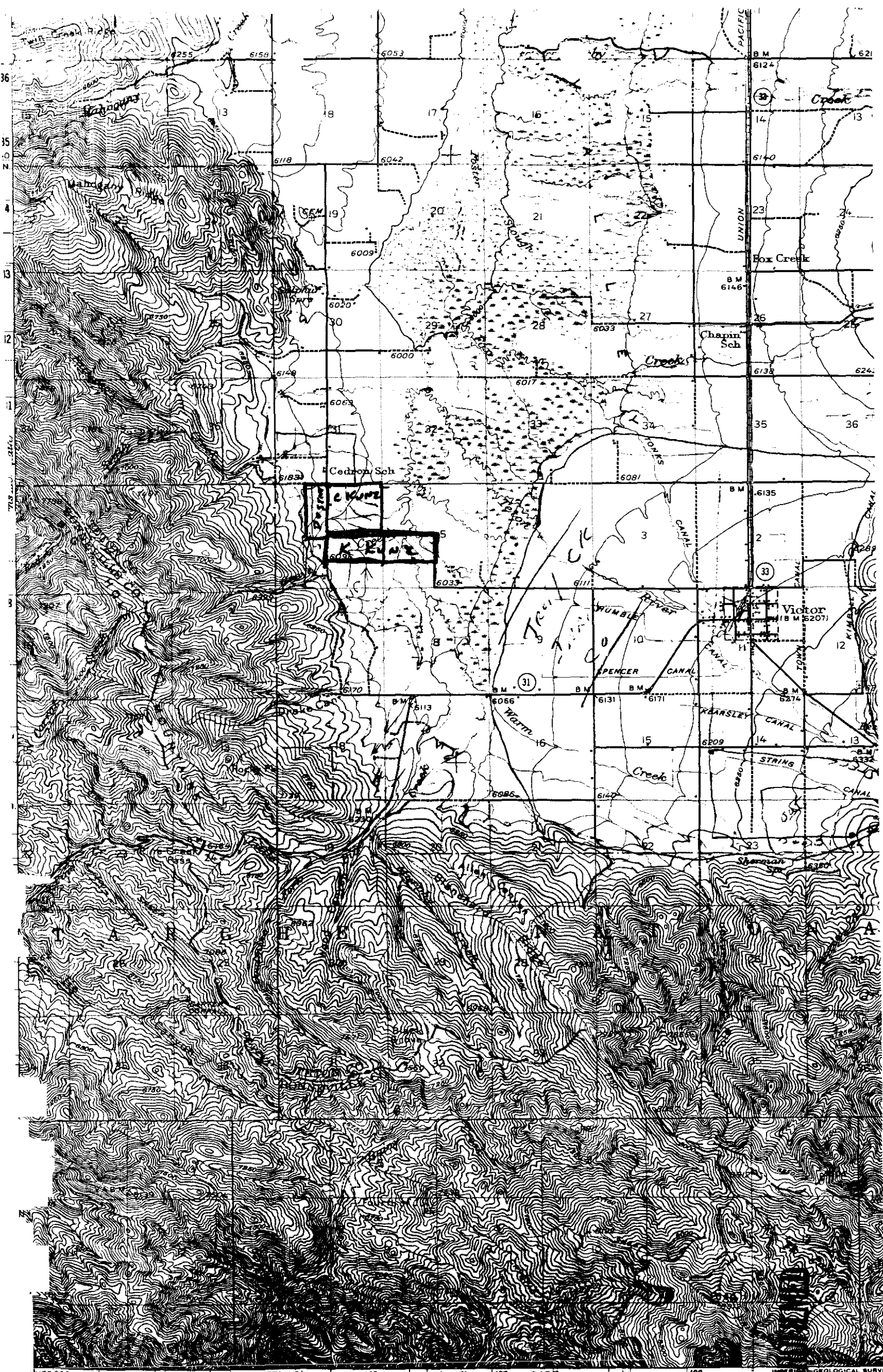
S

F

E

R

MICROFILMED



15 1:55,000 YARDS R.44 E. 482 200,000 FEET (WYP) 485 486 10' 487 R.45 E. 490

Maped by the Geological Survey 1943

SCALE 1:62500

3000 0 3000 6000 9000 12000 15000 18000

1 2 3 4 5

ROAD CLASSIFICATION

4 LANE 8 LANE Light-duty

4 LANE 8 LANE Unimproved dirt

GN

18°

0°05' 1 MIL

320 MILS

GEOLOGICAL SURVEY

INGTON D C - 1944

RECEIVED
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,

-v-

Teton Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this 11th day of February 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 herein, 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 advised in the premises, and having ordered that judgment be rendered in accordance with the report and recommendations of the said Referee, and 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 number of inches of water, each fifty inches thereof to be equivalent to a flow of one cubic foot per second, as prescribed by the law

file 205-a

DECREED.

MICROFILMED

22-6253	Felt, G. F.	640 inches.	Jan. 18, 1905.	Badger Creek.
22 0251	Felt, G. G.	640 inches.	Jan/ 18, 1905.	Badger Creek.
	Ferguson, Albert			The Farmers' Friend Canal Company.
22 0255	Ferguson, John	100 inches.	June 1, 1890.	Grove Creek and Willow Spring Creek.
	Fillmore, J. H.			The Farmers' Friend Canal Company.
	Fisher, I. M.			The Swan Valley Irrigation Company, Limited.
22 0258	Footo, Arthur L.	145 inches.	June 1, 1890.	Mahogany Creek.
	Fresh, Joseph			Weary Rick Ditch Company ✓
	Friberg, Andrew			(Sold to R. A. and J. W. Ward.)
22 0257	Frye, John	80 inches.	July 1, 1894.	Trail Creek.
22 0258	Frye, John	140 inches.	July 1, 1896.	Trail Creek.
22 0259	Fullmer, Almond L.	120 inches.	June 1, 1898.	North Leigh Creek.
22 0260	Fullmer, Brockley	75 inches.	June 1, 1899.	North Leigh Creek, or Spring Creek.
22 0261	Fullmer, H. D.	120 inches.	June 1, 1898.	North Leigh Creek.
	Fullmer, H. D.			North Salem Agricultural & Milling Canal Company.
			<u>G.</u>	
22 0262	Gale, Joseph	40 inches.	June 1, 1893.	South Leigh and Swamp Creek. ✓
22 0263	Gale, Joseph	80 inches.	June 1, 1894.	South Leigh and Swamp Creek.
22 0264	Gale, Joseph	40 inches.	June 1, 1897.	South Leigh and Swamp Creek.
22 0265	Garn, Martin	480 inches.	Mch. 15, 1879.	Moody Creek. (To be reduced to 240 inches after June 30th, in each year.)
	Garner, Asa			(See Pincock-Syington Ditch Company.
	Garner, Frederick W.			(See Martin Bird, Pincock-Garner Ditch, & Pincock-Syington Ditch Company.

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
 County of Teton)

I, Louise I. Norton...
 being first duly sworn depose and say

that I am the publisher.....
 of the Teton Valley News, a news-
 paper as defined by Idaho Codes Anno-
 tated, Section 58-106, as amended, and
 that said newspaper is a weekly news-
 paper printed and published at Driggs,
 in Teton County, Idaho, having a gen-
 eral circulation in said county, and that
 said newspaper has been printed in
 said county for more than 78 consecu-
 tive weeks prior to the first publication
 of the attached notice, advertisement
 or publication of

Change of Water right # 22-0155

Keith Kung Victor

And affiant further says that said
 attached notice, advertisement or pub-
 lication, as per clipping attached, was
 published in said newspaper, in the
 regular and entire issue thereof, and
 not in any supplement issue thereof,

for 2 consecutive issues thereof;
 first publication having been made on

the 22 day of May.....

19 76

and last publication on the 22.....

day of May....., 19 76.

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
 and one-half inches deep.

Louise I. Norton

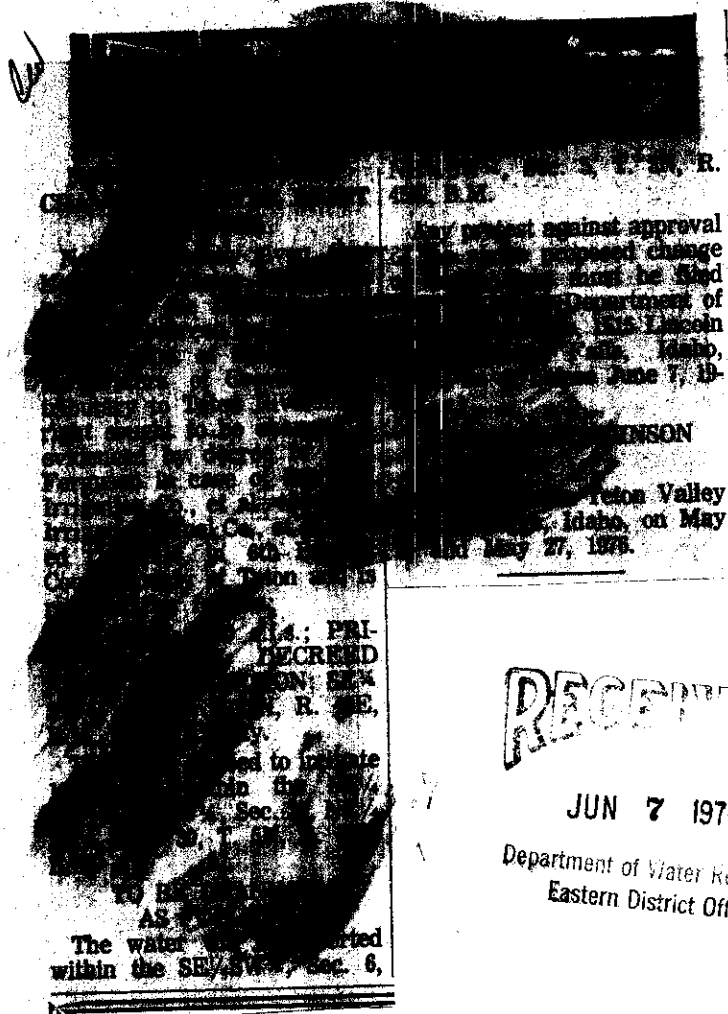
Subscribed in my presence and sworn

to before me this 4..... day of

June....., 19 76..
Frederick C. Sanders
 (SEAL) Notary Public for the State of
 Idaho, residence and postoffice
 address, Driggs, Idaho.

My Commission expires

9-20....., 19 79...



RECEIVED

JUN 7 1976

Department of Water Resources
 Eastern District Office

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 22-0255

Notice is hereby given that Keith Kunz, Victor, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Grove Creek tributary to Teton River. The right sought to be changed is evidenced by decree to John Ferguson in case of Rexburg Irrigation Co., et al -vs- Teton Irrigation Canal Co., et al, dated 12-16-1910 in 6th District Court, County of Teton and is recorded as follows:

AMOUNT: 2.00 c.f.s.

PRIORITY: 6-01-90

DECREED POINT OF DIVERSION: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 3N, R. 45E, B.M., Teton County.

The water is used to irrigate 160 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 5N, R. 45E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 3N, R. 45E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 7, 1976.

R. KEITH HIGGINSON

Director

Published in the Teton Valley News, Driggs, Idaho, on May 20 and May 27, 1976.

RECORDED

MICROFILMED

me-
A

May 13, 1976

RE: Application for Transfer No. 22-0255 KEITH KUNZ

Mr. Arthur L. Larson, Watermaster
Water District 01
Box 1099
Idaho Falls, Idaho 83401

Dear Art:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before June 7, 1976.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures

RECEIVED
MAY 14 1976

**CHANGE OF WATER RIGHT
NO. 22-0255**

Notice is hereby given that Keith Kunz, Victor, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Grove Creek tributary to Teton River. The right sought to be changed is evidenced by decree to John Ferguson in case of Rexburg Irrigation Co., et al -vs- Teton Irrigation Canal Co., et al, dated 12-16-1910 in 6th District Court, County of Teton and is recorded as follows:

AMOUNT: 2.00 c.f.s.; PRIORITY: 6-01-90; DECREED POINT OF DIVERSION: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 3N, R. 45E, B.M. Teton County.

The water is used to irrigate 160 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 22, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 5N, R. 45E, B.M.

**TO BE CHANGED
AS FOLLOWS**

The water will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 4N, R. 45E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 7, 1976.

R. KEITH HIGGINSON
Director

Public Works, Teton Valley
New Idaho, on May
20 a 1976.

MAY 13 1976

RE: Application for Transfer

Mr. Arthur J. Larson, Water
District 10
Box 1000
Idaho Falls, Idaho 83401

Dear Art:

Please find enclosed a copy
of watermaster recommendation
complete the form, return it

Thank you for your cooperation.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CM

Enclosures

Application and
Application and
or before June 7, 1976.

22-0255 - Keith Kunz

Courtroom, Fremont County Courthouse, St. Anthony, Idaho

August 12, 1976 - 11:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Carol Kunz	Victor	self
Keith Kunz		
Detty H. Kunz		
Morris Gustafson Jr		

May 14, 1976

RE: Application for Transfer No. 22-0255 KEITH KUNZ

Teton Valley News
Driggs,
Idaho 83422

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 6-07-76 by CW

RDC:CW

Enc: Legal Notice (1)

RECORDED

May 22, 1976

Dear Len:

According to the plan in the
Lyon Valley River, it states that I
want to change points of diversion
of the Grove Creek water.

I do not want to change
the diversion, I just want to
add another point of diversion.

I'm not sure this was clear
but I got the impression from
the paper that it was to change
from one point to another, and
this is not so.

Would you please check this
for me?

Thank you.

Keith L. King

RECEIVED

MAY 24 1976

Department of Water Resources
Eastern District Office

MICROFILMED

May 24, 1976

C RE: Application for Transfer No. 22-0255

O Mr. Keith Kunz
Victor,
Idaho 83455

Dear Mr. Kunz:

P I checked the advertising of your application for transfer and the advertising indicates that you now wish to have two points of diversion, one in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, and one in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 3N, R. 45E. The original point of diversion is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, so it looks like everything is okay.

Y If you have other questions, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

MICROFILMED

June 3, 1976

RECEIVED

JUN 3 1976

Department of Water Resources
Eastern District Office

RE: Application for Transfer No. 22-0255

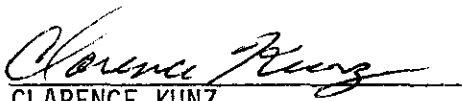
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

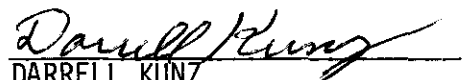
Dear Mr. Carlson:

We are concerned about application for transfer No. 22-0255 filed by Keith Kunz. There are three of us in a gravity system supplied by water from Grove Creek. If one person is allowed to transfer his right there would not be adequate water to supply the system. In addition, the lands indicated in the application for transfer are not those irrigated from Grove Creek.

There appears to be enough problems and possibilities for damage that we wish to protest the granting of this application.

Very truly yours,


CLARENCE KUNZ
Victor, Idaho


DARRELL KUNZ
Victor, Idaho

MICROFILMED

June 3, 1976

RE: Application for Transfer No. 22-0255

Mr. Keith Kunz
Victor,
Idaho 83455

Dear Mr. Kunz:

Enclosed please find a copy of the protest filed by Clarence and Darrell Kunz against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

cc: IDWR - State Office

MICROFILMED

June 3, 1976

RE: Application for Transfer No. 22-0255

Mr. Clarence Kunz
Victor,
Idaho 83455

Dear Mr. Kunz:

This is to acknowledge receipt of the protest to issuance of the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED

June 3, 1976

RE: Application for Transfer No. 22-0255

Mr. Darrell Kunz
Victor,
Idaho 83455

Dear Mr. Kunz:

This is to acknowledge receipt of the protest to issuance of the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

RECEIVED
JUN 10 1976
IDWR

June 29, 1976

RE: Application for Transfer No. 22-0255

Mr. Keith Kunz
Victor,
Idaho 83455

Dear Mr. Kunz:

I understand you were recently in our office wishing to discuss an amendment of your application for transfer, and unfortunately, I was not available to assist you. Our secretary indicated you wish to make an appointment to discuss this matter and perhaps initiate the amendment for application for transfer No. 22-0255. If you would like an appointment, I should be available any time after the 11th of July, and would be glad to be available if you wish to make an appointment at your convenience.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval
of Application for Transfer No. 22-0255
in the Name of KEITH KUNZ

NOTICE OF CONFERENCE
AND/OR HEARING

On May 11, 1976, Keith Kunz filed with the Department of Water Resources an application for transfer of the public waters of the State of Idaho. On June 3, 1976, the Department received a protest against said application for transfer from Clarence Kunz and Darrell Kunz.

The Department has set the matter of protest for conference and/or hearing for Thursday, August 12, 1976, at 11:00 a.m., in the Courtroom of the Fremont County Courthouse, St. Anthony, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 29 day of July, 1976.


RONALD D. CARLSON
Supervisor, Eastern Region



Attach stamp here if issued on certificate of mailing or for additional copies of this bill.

*Show under "Remarks" class postage paid if other than first or if international

(Declaration of value is required on international registered mail)

Custer - 21-7083 v 22-0255 dit Custer
 The Nation - 32-0114607 9/6/71 FORN MUST BE MADE OUT IN INK OR BALL POINT PEN
 Mrs. Robert Reid - 29-7321 sent for Custer
 Bud. Williams - 21-7083 " "

August 2, 1976

Fremont County Clerk
Fremont County Courthouse
St. Anthony, Idaho 83445

Gentlemen:

This is to confirm the use of the Courtroom for a conference and/or hearing to be held by this office on Thursday, August 12, 1976, beginning at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

RECEIVED
AUG 12 1976

In the matter of Transfer no)
1990 of water right no 22-0255 }
in the name of Keith Kunz }

Withdrawal of Protest

We the undersigned hereby withdraw our protest
against application for transfer of right no 22-0255
with the understanding that ~~the~~ no land other than
as shown on the original decree will be irrigated.

Signed at St Anthony, Idaho on August 12, 1976

Cherrie Elbury

Danell Kunz

MICROFILMED

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

AUG 31 1976

NO. 23-4002 22-0255

Department of Water Resources
Eastern District Office

RECOMMENDATION OF WATERMASTER

I, Arthur L. Larson, watermaster of Water Dist. No. 1,
of Water District No. _____, County of Teton, Fremont, etc, State of Idaho,
whose address is P.O. Box 1099, Idaho Falls, Idaho
have read the attached copy of the application for transfer of water right for _____
Keith Kunz, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: The transfer is for easier application
of water to lands decreed and does not and will
not involve any new lands.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Idaho Falls, Idaho, this 27th day of August 1976.

Arthur L. Larson
(signature)

MICROFILMED

CONVERSATION MEMORANDUM

DATE 7-02-76

FILE T 22-0255

NAME OF PARTY Art Larson

EMPLOYEE Bill Rhoads *BR*

RE: In my telephone conversation with Art Larson today, we decided that in the
above referenced application for transfer, Item C1c should be changed to "pumped
from Deep Creek, tributary to Teton River." Reference to the 7½ Minute Quad
map dictated the change on this application.

MICROFILMED

September 10, 1976

Re: Permit No. 22-0255 (Trans. #1990)

Keith Kunz
Victor, ID 83455

Dear Mr. Kunz:

Enclosed is a copy of your approved Application for Transfer as referenced above. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enc.

RECEIVED
SEP 11 1976
WATER RIGHTS

INTER-DEPARTMENT MEMO — 1

DATE April 26, 1977

FROM Ron Carlson

TO Bob Fleenor

ok
to file

SUBJECT Transfer No. 22-0255 KEITH KUNZ

We found the map to be in error on this transfer. Mr. Kunz was in and corrected it.

MICROFILMED

[Handwritten signature]

SIGNATURE

December 7, 1976

RE: Transfer No. 22-0255

Mr. Keith Kunz
Victor,
Idaho 83455

Dear Mr. Kunz:

The above referenced transfer was approved on September 2, 1976. However, in comparing the map and the description of the point of diversion given in Item 3c, we find there are discrepancies.

Would you please contact me at your earliest convenience and indicate what the correct point of diversion should be.

Very truly yours,

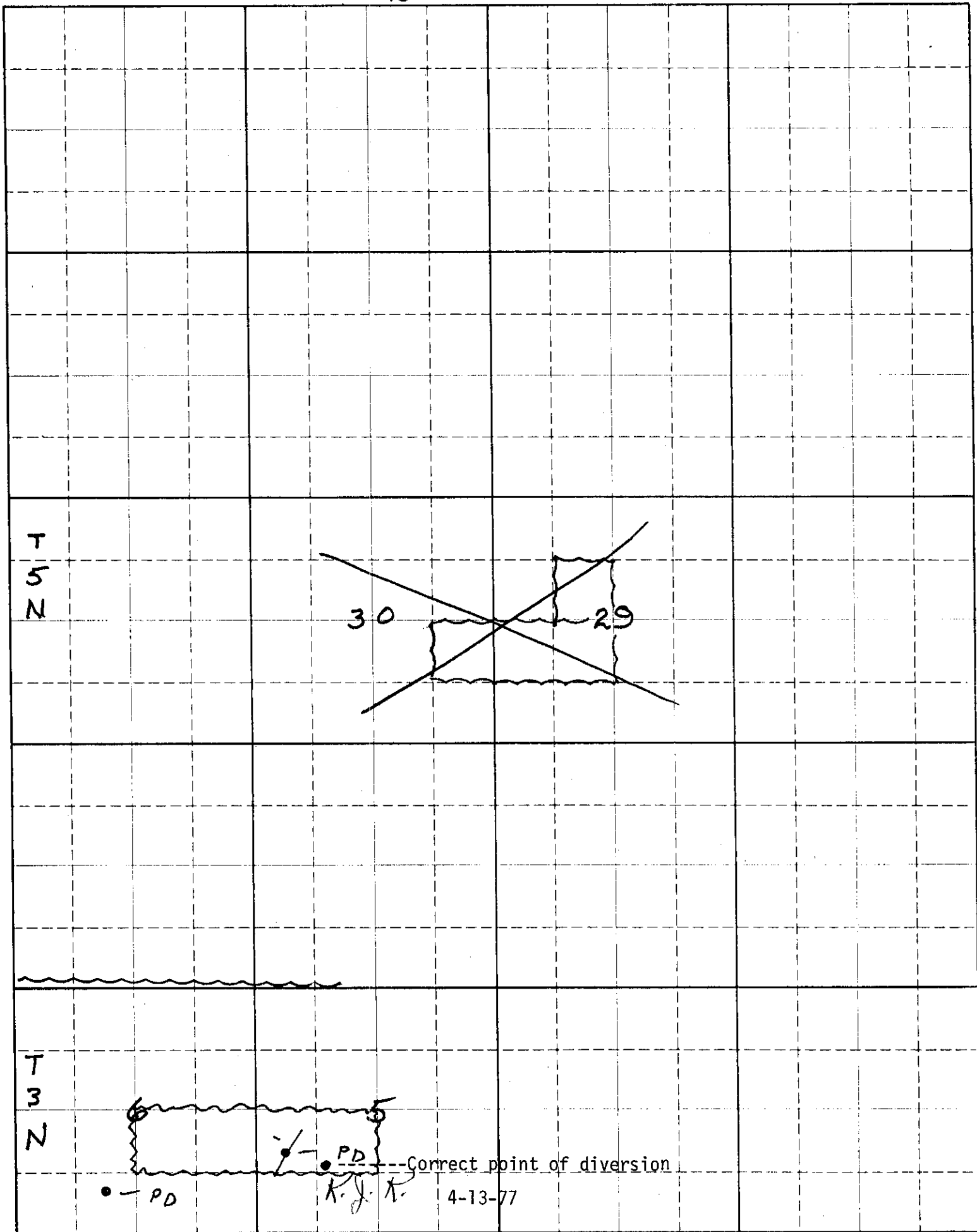
RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

RECEIVED

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R45E



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

APPROVED