

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 38594
PERMIT No. 30521
DISTRICT No.

1. Name of Applicant: Heber C. Kunz
Postoffice address: Bern, Idaho
I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

County: Bear Lake State: Idaho

II. The financial resources of the applicant are:

(a) Cash on hand:
(b) Treasury stock:
(c) Bond to be issued:
(d) Other resources:

2. Quantity of water claimed: 4.37 cubic feet per second.

3. Source of water supply: Ovid Creek and Old Bear Lake / Outlet which is a tributary of

4. Location of point of diversion: 700 feet distant from the N.E. corner of Section 1, T. 13 S, R. 43 E., B.M., and is in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 1, T. 13 S, R. 43 E., B. M., County of Bear Lake

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section T. R. B.M., in the of Section of T. R. B.M., feet
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to at a point distant from the corner of Section T. R. B.M., in the of Section T. R. B.M., feet

7. Estimated cost of works: \$ Existing works

8. Kind of works: Dam, natural channel, swales and lateral ditches

9. Height of dam 10 feet; length of dam at top 100 feet; length of dam at bottom 90 feet; material used in dam: concrete headworks, earth and gravel fill

10. Size of headgate: Width 6 feet; height 6 feet.

11. Ditch: Width at bottom 4 feet; width at water line 6 feet; depth of water 2 feet; dimensions of flume:

Diameter of pipe inches; length of conduit feet.
Average grade per mile miles.

12. The time required for the completion of such work is 2 years.

13. The time required for the complete application of the water to the proposed use is 0 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
50 years usage. Applicant is part owner of Bern Dam. Ownership was purchased with land and is recorded in deed and abstract of property

- If so, fill in (b) and (c) below:
 (b) _____
 (c) _____
 Submit: _____
 Name of Applicant: _____

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho herein set forth.

s/ Heber C. Kunz
Applicant.

By Agent.

9:00 A.M. June 5, 1962

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is	30521	
Recorded in Book	107	Page
	30521	Approved
		June 11, 1962

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before August 11, 1962 Work to begin on or before _____ and to continue diligently and uninterruptedly to completion.

unless temporarily interrupted by circumstances over which permit holder has no control. One-fifth of the work above specified to be completed on or before June 11, 1963

The whole of said work to be completed on or before June 11, 1964

Beneficial use of water appropriated in accordance herewith, to be made on or before June 11, 1964

WITNESS My hand this 11th day of June, 1962

CARL E. TAPPAN
Assistant State Reclamation Engineer.

ROBERT E. SMYTHE
....., Governor of the State of Idaho,

ARNOLD WILLIAMS

and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 11th

day of June, 1962

STATE OF IDAHO

June _____, 19 62
Countersigned: _____

STATE OF IDAHO

(SEAL)
By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor.

Secretary of State.

S/ ARNOLD WILLIAMS BY

Governor.

REMARKS: The applicant and interested parties close the headgate-spillway combination to the Bern Dam each spring. The irrigated land is covered with water, taking approximately two months to reach high water. To water applicants meadow, it is necessary to fill the Ovid Creek-Old Outlet Channel in order to raise the level sufficient to flood the meadow. This procedure of irrigation has been practiced for approximately fifty years; catching the spring run off due to melting snow and using water to irrigate land. This is the water that the applicant is filling for.

Twp.	Range	Sec.	Section				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13 S	43 E	12	35				35
13 S	43 E	1			5	32	106
13 S	43 E	1			10	18	55
13 S	44 E	6			8		18
12 S	44 E	31		18			26
			Total Number of Acres to be Irrigated				240

Permit No. 30521
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that HEBER C. KUNZ of Bern, County of Bear Lake, and State of Idaho, the holder of Permit No. 30521, issued upon Application No. 38594, bearing date of priority of June 5, 1962, authorizing the diversion of 4.37 second feet of waters of Ovid Creek and Old Bear Lake Outlet, County of Bear Lake, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4.37 second feet of the waters of Ovid Creek and Old Bear Lake Outlet; that the point of diversion of said waters ~~NW~~^{NE}~~4~~, Sec. 1, T. 13 S., R. 43 E., B. M.; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:

S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 31, T. 12 S., R. 44 E., B. M., SE $\frac{1}{4}$. SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, NW~~NE~~^{NE}~~4~~, Sec. 12, T. 13 S., R. 43 E., B. M., W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T. 13 S., R. 44 E., B. M.

Witness my hand this 20th day of October, A. D. 1965.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: August 28, 1962

LICENSE ISSUED FOR 4.37 SEC. FT.
LICENSE PAGE NO. 8332

16000 X

State of Idaho
License and Certificate of Water Right

Water License No. 30521 Amount 4.37 c.f.s.
Water District No. Priority June 5, 1962

THIS IS TO CERTIFY that HEBER C. KUNZ
of Bern, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 5, 1962; that Permit No. 30521
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.37 second feet, was issued thereunder on October 20, 1965, showing that said works
were completed on the 28th day of August, 1962; and that on the 28th
day of August, 1962, HEBER C. KUNZ

of Bern, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Ovid Creek
& old Bear Lake, a tributary of, for the purpose of irrigation
, under Use Permit No. 30521 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8332, on the 20 day of October, 1965;

The right hereby confirmed dates from June 5, 1962;
The Point of Diversion is located
in the NE 1/4 NE 1/4, Sec. 1, Tp. 13S, R. 43 E, B. M. County Bear Lake
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4.37 cubic feet per second.

Description and location of use:				
Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit
12 S	44 E	31	SE1/4 NW1/4	8
13 S	44 E	1	SW1/4 NW1/4	18
			NE1/4 SE1/4	32
			NW1/4 SE1/4	18
			SW1/4 SE1/4	35
			SE1/4 SE1/4	38
			SW1/4 SE1/4	33
			NE1/4 NW1/4	35
			NW1/4 NW1/4	10
			SW1/4 NW1/4	8
Total number of acres to be irrigated:				247.5

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
20th day of October, 1965.

(SEAL)
RALPH W. THOMAS
Deputy State Reclamation Engineer.

/// INDICATES FLOODED AREA
○ INDICATES AREA THAT
IS SUB-IRRIGATED

26

25

R 43 E BM

R 44 E BM

30

29

30 ACRES

35

36

DITCH

31

32

T 13 S R 43 E BM

SBERN DAM T 13 S.

T 13 S R 44 E BM

2

1

6

5

231 ACRES

11

12

OUTLET CANAL

7

8

Permit No. 030521

As Approved

JUN 11 1962

GEO. N. CARTER

State Reclamation Engineer

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 3594
 PERMIT No. 30521
 DISTRICT No.

1. Name of Applicant: Edgar C. Ness
 Postoffice address: Bern, Idaho
 County: Bear Lake State: Idaho

I. If applicant is a corporation, give:
 (a) Date and place of incorporation:
 (b) Amount of capital stock:
 (c) Amount paid in:
 (d) Names and addresses of directors:

II. The financial resources of the applicant are:
 (a) Cash on hand:
 (b) Treasury stock:
 (c) Bond to be issued:
 (d) Other resources:

2. Quantity of water claimed: 4.37
 cubic feet per second.

3. Source of water supply: Ovid Creek and Old Bear Lake / Outlet
 which is a tributary of
 feet distant from the N.E.

4. Location of point of diversion: 700
 corner of Section 1, T. 13 S., R. 43 E., B.M., and is in the NE 1/4 of the NE 1/4
 of section 1, T. 13 S., R. 43 E., B.M., County of Bear Lake

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
 T., R., B.M., in the of Section of T., R., B.M.
 H.P., under feet head.
 (b) Amount of power generated: at a point
 (c) Water is to be returned to T., R., B.M., in the
 distant from the corner of Section of Section T., R., B.M.

7. Estimated cost of works: \$ Existing works

8. Kind of works: Dam, natural channel, swales and lateral ditches

9. Height of dam 10 feet; length of dam at top 100 feet; length of dam at bottom 90
 feet; material used in dam: concrete headworks, earth and gravel fill

10. Size of headgate: Width 6 feet; height 6 feet.

11. Ditch: Width at bottom 4 feet; width at water line 6 feet; depth of water 2 feet;

dimensions of flume: inches; length of conduit miles.

Diameter of pipe
 Average grade per mile feet.

12. The time required for the completion of such work is 2 years.

13. The time required for the complete application of the water to the proposed use is 0 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
 50 years usage. Applicant is part owner of Bern Dam. Ownership was purchased with land and is
 recorded in deed and abstract of property

30521

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ Meber C. Evans Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. June 5, 1962

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 30521 Recorded in Book 107 Page 30521 Approved June 11, 1962
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before August 11, 1962 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before June 11, 1963
The whole of said work to be completed on or before June 11, 1964
Beneficial use of water appropriated in accordance herewith, to be made on or before June 11, 1964

WITNESS My hand this 11th day of June, 1962

s/ CARL E. TAPPAN
Assistant State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 11th day of June, 1962
COUNTERSIGNED: STATE OF IDAHO

(SEAL) By s/ ARNOLD WILLIAMS, Secretary of State.
By s/ ROBERT E. SMYLIE, Governor.

REMARKS: The applicant and interested parties close the headgate-spillway combination to the Barn Dam each spring. The irrigated land is covered with water, taking approximately two months to reach high water. To water applicants meadow, it is necessary to fill the Old Creek-Old Outlet Channel in order to raise the level sufficient to flood the meadow. This procedure of irrigation has been practiced for approximately fifty years; catching the spring run off due to melting snow and using water to irrigate land. This is the water that the applicant is filing for.

Twp.	Range	Sec.	NE 1/4 NE 1/4 NW 1/4 SW 1/4 SE 1/4	NW 1/4 NE 1/4 NW 1/4 SW 1/4 SE 1/4	SW 1/4 NE 1/4 NW 1/4 SW 1/4 SE 1/4	SE 1/4 NE 1/4 NW 1/4 SW 1/4 SE 1/4	Totals
13 S	43 E	12	35				35
13 S	43 E	1					106
13 S	43 E	1					55
13 S	44 E	6					18
12 S	44 E	31					26
Total Number of Acres to be Irrigated							240

30521

RECEIVED

MAY 22 1962

Department of Reclamation

Boise, Idaho.

May 21, 1962.

Department of Reclamation

Room 107, State House

Boise, Ida.

Dear sir, I hereby apply to your department to file on 1040 acre feet of water from the spring run off of Ovid creek outlet channel in Bear Lake county to be used on the following described lands,

The NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, and the S $\frac{1}{2}$ SE $\frac{1}{4}$, and Lot 9, in section 1, Tp. 13 S. R. 43 E. B.M.;

Also, beginning at a point in the center of Outlet, 7 $\frac{1}{2}$ chains South from the northeast corner of the SE $\frac{1}{4}$ of said Section One, and running thence South 58° W. along center of said Outlet, 4 chains; thence North 16° 30' West along said Outlet 7 $\frac{1}{2}$ chains; thence South 72° West 35 chains to the west boundary line of Lot 10, in said Section One; thence south to the Southeast west corner of said Lot 10; thence East 160 rods, more or less to the southeast corner of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said section One; thence north 12 $\frac{1}{2}$ chains more or less to place of beginning;

Also, commencing at a point 3.50 chains north from the Southwest corner of Section 6, Tp. 13 S. R. 44 E. B.M., and running thence North 31° 55' East 25 chains 42 links; thence North 66° 30' West 14.50 chains thence South 27.90 chains more or less to the place of beginning.

Containing about 226 acres of land.

305-21

Commencing at a point 3370 feet north of the southwest corner of Section 31 Township 12 South, range 44 east of the Boise Meridian, running thence north 692 feet; thence west 1887.6 feet; thence south 692 feet; thence east 1887.6 feet to place of beginning, containing 30 acres of land more or less.

I wish to flood irrigate this ground with what is known as the Bern dam across the Ovid creek outlet channel. This will back the water over the first place described above (226 acres). The water will be carried from this dam to the 30 acres last mentioned by means of sloughs, swales, and ditches.

I would take this water when the snow melts in the spring anytime from March 1 to May 15, depending on the season.

Any land that does not flood and can be cultivated I will irrigate it ~~by~~ by sprinkling and subirrigation.

This water has been used on these places for the past 50 years or more. Please let me know if this application is alright and what I owe you for filing on the water.

yours truly,

Heber C. Kury.

P.S. If Atty. Roger Burgoyne should wish to file an application for me on this same water please disregard his and accept this one and tell him to get in touch with me. H.C.K.

May 22, 1962

Re: Application for Permit

Robert C. Kunz
Burn, Idaho

Dear Mr. Kunz:

We have your letter of May 21st in regard to a permit to divert 1040 acre feet of excess water of Ovid Creek outlet channel, with diversion from the Burn Dam.

The 1040 acre feet of water you specify indicates that you wish to store water and the latter part of your letter indicates you will use the excess water in the spring as the snow melts.

We cannot issue you a permit to store water behind an existing dam without proof that you own an interest in it. We can issue a permit for a direct flow, with diversion from the dam location. Application for permit must be on forms supplied by this office.

Enclosed is a form to apply for a permit to divert water from a stream, with instructions. Note that maps in duplicate are necessary. The stream, ditches or other channels of diversion and the lands to be irrigated must be shown on each map. The priority of water right will be the date an acceptable application is received in this office.

Proper form for storage of water will be sent to you on request.

Very truly yours,

GEO. E. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:es

30521

June 1, 1962

Re: Application for Permit

Heber C. Kurn
Barn, Idaho

Dear Mr. Kurn:

Returned herewith is your application for permit with attached check for \$6.00 filing fee.

You show Ovid Creek and Old Bear Lake Outlet as source of water supply. It would seem that Ovid Creek, also known as Liberty Creek, should not be included as you do not divert from that stream as it is tributary to the old outlet show the place of use.

Under 11 you show 33 acres also 5 acres in E1/4 Sec. 1. Should that 5 acres be in the NE1/4, Sec. 1?

The maps show Outlet Canal. I believe that should be Old Bear Lake Outlet as the canal appears to be about one-half mile east.

The time under 12 has been changed to two (2) years to allow ample time to make the necessary proofs of completion of work and beneficial use of the water. The forms will be sent to you as requested.

Kindly complete and correct the application and return for processing.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. application

30521

In answer to your letter to correct
application for permit.

RECEIVED

JUN 5 1962

Bern, Idaho.

June 4, 1962.

Department of Reclamation

Department of Reclamation,
Boise, Idaho.

Dear sir,

No water runs in the old
Bear Lake Outlet above where
Ovid Creek runs into it. So
the water that I am filing
on would have to come out
of Ovid Creek. If you think
~~think~~ best you can scratch
out "Ovid Creek" and just leave
Old Bear Lake Outlet.

As soon as the application for
this water is allowed I can
make proof as the work has
been completed for years and
305-24

the water has been put to
beneficial use for fifty years.

Yours truly,

Helena C. Kunz.

3052k

Permit No. 30521

June 21, 1962

Mr. Heber C. Kunz,
Bern, Idaho.

Dear Mr. Kunz:

We enclose Permit No. 30521 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 31081 which was issued covering payment in the amount of \$6.00 for the filing fee of the above mentioned permit. ~~Enclosed also is a copy of the permit.~~

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk

Enc.

30521

RECEIVED
JUL 3 1962

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATION of Reclamation

(Date) 7 JULY 1962

(P.O.) BERN, IDAHO

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the NEWS EXAMINER of

MONTPELIER, IDAHO published in the county in which the works are situated.

Heber C Kung

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

~~Heber C Kung~~

36-A

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 10:00 A M., on the 28 day of AUGUST
1962, at MONTPELIER, County of BEAR LAKE, State of Idaho, before
ALBERT E. LEE RIGHT, Notary Public, at (address) MONTPELIER, IDAHO
, proof will be submitted of the completion of works for the diversion of
4.37 cubic feet per second of the waters of OVID CREEK AND OLD BEAR LAKE
OUTLET, and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 30521, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is: HEBER C. KUNZ BERN, IDAHO

2. Said works of diversion will be fully completed on the date set for such completion
and the amount of water which said works are capable of conveying to the place of use is
4.37+ cubic feet per second.

3. The use to which said water has been applied is IRRIGATION
purposes, and the amount applied to beneficial use is 4.37 cubic
feet per second.

4. The point of diversion of said water is 700 FEET DISTANT FROM THE N.E
CORNER OF SEC. 1 TWP 13 S R9E 43 E B.M. AND IS IN THE NE 1/4 OF SEC. 1
TWP 13 S. R9E 43 E, COUNTY OF BEAR LAKE

5. The place where said water is used is HEBER KUNZ RANCH, NEAR BERN, IDAHO
NW 1/4, NE 1/4, SE 1/4, SW 1/4; AND S.E 1/4; Sec. 1 T. 13 S. R 43 E B.M.
SEC 12 T. 13 S R 43 E B.M. [NW 1/4 + SW 1/4, SW 1/4 Sec. 6 T. 13 S R 44 E B.M.]
SW 1/4 + SE 1/4, NW 1/4 Sec. 31 T 12 S R 44 E B.M. Total 240 acres.

6. The date of priority which said user is prepared to establish is 50 years

State Reclamation Engineer

30521

RECEIVED

JUL 3 1962

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

NOTICE is hereby given that at 10:00 A M., on the 28 day of AUGUST

1962, at MONTPELIER, County of BEAR LAKE, State of Idaho, before
ALBERT E. LEERIGHT, Notary Public, at (address) MONTPELIER, IDAHO

, proof will be submitted of the completion of works for the diversion of
4.37 cubic feet per second of the waters of OVID CREEK AND OLD BEAR LAKE
OUTLET, and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 30521, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is: HEBER C. KUNZ BERN, IDAHO

2. Said works of diversion will be fully completed on the date set for such completion
and the amount of water which said works are capable of conveying to the place of use is
4.37+ cubic feet per second.

3. The use to which said water has been applied is IRRIGATION
purposes, and the amount applied to beneficial use is 4.37 cubic
feet per second.

4. The point of diversion of said water is 700 FT. DISTANT FROM THE N.E. CORNER
OF SEC. 1 TWP. 13 S. RGE 43 E. BM AND IS IN THE NE 1/4 OF SEC. 1
TWP. 13 S. RGE 43 E. COUNTY OF BEAR LAKE NE 1/4

5. The place where said water is used is HEBER KUNZ RANCH, NEAR BERN, IDAHO
NW 1/4, NE 1/4 SEC. 12 T. 13 S. R. 43 E. BM; NE 1/4 + SE 1/4, SW 1/4 ALSO SE 1/4
ALL IN SEC. 1 T. 13 S. R. 43 E. BM; NW 1/4 + SW 1/4, SW 1/4 SEC. 6
T. 13 S. R. 44 E. BM SW 1/4 + SE 1/4, NW 1/4 SEC. 31 T. 13 S. R. 44 E. B.M. Total 240 acres.

6. The date of priority which said user is prepared to establish is 50 YEARS
June 5, 1962

State Reclamation Engineer

NW 1/4 NE 1/4 Sec. 12, E 2 SW 1/4, SE 1/4, Sec. 1; all in T. 13 S. - R. 43 E. BM.

S 2 NW 1/4 Sec. 31, T. 12 S. - R. 44 E. BM, W 2 SW 1/4 Sec. 6, T. 13 S. - R. 44 E. BM

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 10:00 A. M., on the 28th day of August 1962, at Montpelier, County of Bear Lake, State of Idaho, before Albert E. Leeright, Notary Public, at (address) Montpelier, Idaho, proof will be submitted of the completion of works for the diversion of 4.37 cubic feet per second of the waters of Ovid Creek and Old Bear Lake Outlet, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 30521, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Heber C. Kunz - Bern, Idaho
2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 4.37+ cubic feet per second.
3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4.37 cubic feet per second.
4. The point of diversion of said water is 700 ft. distant from the N.E. Corner of Sec. 1, Twp. 13 S., Rge. 43 E.B.M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 1, Twp. 13 S. Rge. 43 E, County of Bear Lake
5. The place where said water is used is Heber Kunz Ranch near Bern, Idaho; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 1, all in T. 13 S., R. 43 E.B.M.; S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 31, T. 12 S., R. 44 E.B.M.; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T. 13 S. R. 44 E.B.M. Total 240 acres.
6. The date of priority which said user is prepared to establish is June 5, 1962

GEO. N. CARTER

State Reclamation Engineer

30521

00
28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 30521
Heber C. Kuna

Date: July 9, 1962

News Examiner,
Montpelier, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **August 28, 1962** the date set for proof; the expense of the publication is to be paid by the applicant

Heber C. Kuna

of **Bern, Idaho**

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.**

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

30521

July 9, 1962

Re: Permit No. 30521

Mr. Robert C. Burns,
Barn, Idaho.

Dear Mr. Burns:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 30521. The proofs are to be made at 10:00 o'clock A.M., on the 28th day of August, 19 62, before Albert E. Leeright, Montpelier, Idaho, Notary Public.

As of this date we have mailed the Notice to the Idaho Examiner, Montpelier, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

Enc.
10/11; pmk
out Notary

30521

July 23, 1962

Re: Permit No. 30521
Heber C. Kunz

New Laramie
Montpelier, Idaho

Gentlemen:

On July 9th, we mailed you a Notice of Publication on the
initial permit, requesting a tear sheet or copy for checking
purpose.

To date we have not received such copy, and ask that one
be mailed to this office as soon as possible.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

H. PERRI
Water Rights Clerk

HP:ms

30521

RECEIVED

AUG 27 1962

Department of Reclamation

IN RE: APPLICATION OF HEBER C. KUNZ FOR
PERMIT TO APPROPRIATE WATER FROM
OVID CREEK AND OLD BEAR LAKE OUT-LET
PERMIT NUMBER #0521

Come now the undersigned, The Ovid Irrigation Company, a corporation, of Bear Lake County, state of Idaho, and hereby protests to the application of Heber C. Kunz, of Bern, Idaho, for permit to appropriate and use water for irrigation purposes from Ovid Creek and old Bear Lake Out-let in Bear Lake County, Idaho, and for ground of protest alleges:

I.

That all the water of Ovid Creek and Old Bear Lake Out-let has heretofore been appropriated by said Ovid Irrigation Company and others and there is no water from either of said sources now available for appropriation in normal years .

WHEREFORE, protestant prays that the application of said Heber C. Kunz be denied.

DATED This 24th day of August, 1962.

OVID IRRIGATION COMPANY, a corporation

By

David H. Hiben
President

ATTEST:

Evan W. Morgan
Secretary

50521

August 27, 1962

Re: Permit No. 30521

Mr. Heber C. Kunz,
Bern, Idaho.

Dear Mr. Kunz:

Enclosed is a copy of a protest received in regard to your proofs of use of water under your permit.

No further action will be taken until after the field examiner has reported the condition of your works of diversion and use of water.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

Encl. - Copy of Protest
RWT:pmk

30521

30521

AUG 30 1962

Department of Reclamation

Bern, Idaho

August 28, 1962.

Dept. of Reclamation,
Boise, Idaho,

Dear sir, I received the copy of the protest by the Ovid Irrigation company regarding my water proof. This water has been used to water this land for the past fifty years and we take it before the irrigation season starts. Its the spring run off of the melting snow as my application calls for. In a year of light snow fall we have put the dam in as early as February in order to have enough water for a crop of hay. In your circular of laws that

30521

you sent me it stated that ordinary filings of water could only be claimed during the irrigation season.

I think if these men understood my permit they would have no grounds for protest.

If you will let me know when your field man will be here to make his inspection I will make it a point to be available to show him around. Thank you,

Yours truly,
Heber C. Kunz

August 31, 1962

Re: Permit No. 30521

Heber C. Kunz
Bern, Idaho

Dear Mr. Kunz:

We return herewith your deposition of completion of works and beneficial use of water which we received with the depositions of two witnesses and affidavit of publication.

You failed to answer Question 6, properly which requests number of acres in each 40-acre subdivision or larger subdivision if all are irrigated. Your answer may be shown on the blank space below the Notary Public's signature.

Why don't you visit the protestant and get a withdrawal of the protest?

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. depositions

30521

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 30 1962
Department of Reclamation

RECEIVED
SEP 7 1962
Department of Reclamation

Permit No. 30521

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Heber C. Kunz; Bern, Idaho; Rancher; Bern, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 30521 June 5, 1962. June 5, 1962.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Ovid Creek and Old Bear Lake Outlet. 700 feet distant from the northeast corner of section 1 in Tp. 13 South, Range 43 E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Dam 10 feet high, 100 ft. at top, 90 feet at bottom, with concrete headworks with headgate 6 feet high, 6 feet in width, at bottom, running in ditch 4 feet in width, 6 feet at top with water 2 feet deep, and running through natural channels, swails and natural ditches, with flow of 4.37 Cu. Ft. per second.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigation by flooding and by sub irrigation on lands situated in Sections 1 and 12 Tp. 13 S., R. 43 E.B.M. and Section 6 Tp. 13 S., R. 44 E.B.M. (approximately 2.10 acres), and in Section 31 Tp. 12 S., R. 44 E. B. M. (approximately 30 acres.). Land on which water is used is in natural meadow.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Water from flood water and melting snow is diverted for use on said land from March 15, to May 15 of each year via the dam and coarses herein described in amount of 4.37 Cu. Ft. per second to irrigate natural meadow for wild hay.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

(Sign) Heber C. Kunz

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Montpelier, County of Bear Lake, State of Idaho, on this 28th. day of August, A. D. 1962.

Albert S. Leight
Notary Public for Idaho

My commission expires March 9, 1965. residing at Montpelier, Idaho.

Answer to Section or No. 6;

For irrigation by flooding and by subirrigation of natural meadow land as follows;

A portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 12 Tp. 13 S.R. 43 E.B.M. comprising approximately 35 acres; approximately 23 acres of which is irrigated by flooding and 12 acres by sub irrigation.

Portions of SE $\frac{1}{4}$ SW $\frac{1}{4}$ (33 acres), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (5 acres), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (18 acres), and NE $\frac{1}{4}$ SE $\frac{1}{4}$ (32 acres), in section 1 Tp. 3 S. R. 43 E.B.M., comprising approximately 88 acres, approximately 79 acres being irrigated by flooding and approximately 9 acres by sub irrigation.

A portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 1 Tp. 13 S.R. 43 E.B.M. being approximately 38 acres, 35 acres being irrigated by flooding and 2 acres by sub irrigating; and and portion of SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 1 tp. 13 S.R. 43 E.B.M., containing about 35 acres, 31 acres being irrigated by flooding and 4 acres by sub irrigating.

Portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$ (about 10 acres) and portion of SW $\frac{1}{4}$ SW $\frac{1}{4}$ (about 8 acres) in section 6 tp. 13 S. R. 44 E.B.M. all of which is irrigated by flooding.

A portion of SW $\frac{1}{4}$ NW $\frac{1}{4}$ (about 18 acres) and portion of SE $\frac{1}{4}$ NW $\frac{1}{4}$ (about 8 acres* in section 31 Tp. 12 S. R. 44 E. B.M. 20 acres of which is irrigated by flooding and 6 acres by sub irrigation.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 30 1932
Department of Reclamation

RECEIVED
SEP 7 1932
Department of Reclamation

PERMIT NO. 30521

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Everett H. Peterson. I reside at Montpelier, Idaho. My occupation is rancher and my Post Office Address is Montpelier, Ida. I am 49 years of age.

Ques. 2. Are you acquainted with Heber C. Kunz, the holder of Permit No. 30521? How long have you known him and where does he reside?

Ans. I have Known Mr. Heber C. Kunz for 35 years.
His residence and Post Office Address is Bern, Idaho.

Ques. 3. Have you read or heard read said Permit No. 30521, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Ovid creek and the Old Bear Lake Outlet. About 700 feet distant from the northeast corner of section 1 Tp. 13 S., R. 43 E.B.M. which is in the NE¹ of the NE¹ of said section 1. By Dam, natural channels, swails and natural ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. I estimate about 4.37 Cu. Ft. per second can be safely conducted through works and I have seen about that much water in same.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The Water is used for flooding sub irrigating lands in Secs. 1 & 12 in Tp. 13 S., R. 43 E.B.M. and sec. 6 Tp. 13 S., R. 44 E.B.M (approximately 210 acres), and in sec. 31 Tp. 12 S. R. 44 E.B.M. (approximately 30 acres), Land is natural meadow which produces wild hay. Earth and gravel filled dam abt. 10 ft. high, 90 ft in lenth at top, 100 ft. in lenth at bottom, concrete headworks with headgate 6 ft. high, 6 ft. in width, with ditch 4 ft. at bottom 6 ft. at water level, running about 2 feet in water depth.

30521

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Natural meadow land and I estimate 4.37 Cu. Ft. per second
is required to properly irrigate said land.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been acquainted with this operation for many years
and I know that the water derived from the flood water and
melting snow is used on said land from about March 15th. to May
15th. of each year.

Eunette H. Peterson

(Signed)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Montpelier,
County of Bear Lake, State of Idaho, on this 28th day of August,
A. D. 19 62.

Albert E. Leppel

Notary Public.

My commission expires March 9, 1965. for Idaho residing at Montpelier, Idaho.

Answer to No. 6 continued.

Following table shows No. of acres and approximate no of acres irrigated by flooding and by sub irrigation in each subdivision;

Description	portion of Sec.	Tp.	Range	Approx. Total Acres	Acres Flooded	Acres subed
NW $\frac{1}{4}$ NE $\frac{1}{4}$	12	13 S	43 E.B.M.	35	23	12
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1	13 S	43 E.B.M.	33		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1	13 D	43 E.B.M.	5		
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1	13 S	43 E.B.M.	18		
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1	13 S	43 E.B.M.	32		
Total of				88	79	9
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1	13 S	43 E.B.M.	38	36	2
SW SE $\frac{1}{4}$	1	13 S	43 E.B.M.	35	31	4
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6	13 S	44 E.B.M.	10	10	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	6	13 S	44 E.B.M.	8	8	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	31	12 S	44 E.B.M.	18		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	31	12 S	44 E.B.M.	8		
Total of				26	20	6

36521

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
SEP 7 1902
Department of Reclamation

RECEIVED
SEP 7 1902

PERMIT NO. 30521

Department of Reclamation

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. David J. Gerber, aged 39, residing at Montpelier, Idaho.

My occupation is farmer and my postoffice address is
Montpelier, Idaho

Ques. 2. Are you acquainted with Heber C. Kunz, the
holder of Permit No. 30521? How long have you known him and where does
he reside?

Ans. Yes. I have known Heber C. Kunz for 30 years. His
residence is Bern, Idaho.

Ques. 3. Have you read or heard read said Permit No. 30521, and are you
familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for
conveying water from point of diversion to place of use.

Ans. Ovid Creek and an old channel known as Old Bear Lake Outlet.
The point of diversion is approximately 700 feet distant from
the northeast corner of section 1 Tp. 13 S., R. 43 E.B.M. and is in
the NE¹ of the NE¹ of said section 1. Dam, natural channels, swails
and natural ditches.

Ques. 5. How many second feet of water do you estimate said works will safely
conduct to place of use, and how much water have you seen being so conveyed?

Ans. I estimate that approximately 4.37 Cu. Ft. per second
may be safely conducted through works and I have seen about that
much water in same.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation,
give each subdivision in which water has been used and number of acres irrigated in
each subdivision.) State whether cultivated or natural meadow land and the nature
of all improvements which have been made as a direct result of said use.

Ans. Water is used for flooding and sub irrigating lands in
Secs. 1 & 12 Tp. 13 S., R. 43 E.B.M. and Sec. 6 Tp. 13 S., R. 44 E.B.
(approximately 210 acres) and in sec. 31 Tp. 12 S. R. 44 E. B. M.
(approximately 30 acres). Land is in natural meadow which is
used for wild hay. Earth and gravel filled dam abt. 10 ft. high
100 ft. length at bottom, 90 ft. at top with concrete headworks,
gate 6 ft. high, 6 ft. in width, and ditch 4 ft. at bottom 6 ft.
at water level, running about 2 ft. in water depth.

30521

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Natural meadow land and I estimate that 4.37 Cu. Ft. per second is required to properly irrigate said land.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Over many years observation I have found that this water derived from flood water and melting snow is used from about March 15th. to May 15th. of each year.

David J. Gehl

(Signed)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Montpelier, County of Bear Lake, State of Idaho, on this 28th day of August, A. D. 1962.

Albert S. Leight

Notary Public.

My commission expires March 9, 1965.

For Idaho, residing at Montpelier, Idaho.

Answer to No. 6 continued.

Following table shows No. of acres and approximate no of acres irrigated by flooding and by sub irrigation in each subdivision;

Description portion of Sec.	Tp.	Range	Approx. Total Acres	Acres Flooded	Acres subed
NW $\frac{1}{4}$ NE $\frac{1}{4}$	12	13 S 43 E.B.M.	35	23	12
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1	13 S 43 E.B.M.	33		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1	13 D 43 E.B.M.	5		
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1	13 S 43 E.B.M.	18		
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1	13 S 43 E.B.M.	32		
		Total of.	88	79	9
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1	13 S 43 E.B.M.	38	36	2
SW SE $\frac{1}{4}$	1	13 S 43 E.B.M.	35	31	4
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6	13 S 44 E.B.M.	10	10	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	6	13 S 44 E.B.M.	8	8	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	31	12 S 44 E.B.M.	18		
NE $\frac{1}{4}$ NW $\frac{1}{4}$	31	12 S 44 E.B.M.	8		
		Total of	26	20	3052/ e

THE NEWS-EXAMINER

MONTPELIER, IDAHO

RECEIVED
AUG 30 1962
Department of Reclamation

AFFIDAVIT OF PUBLICATION

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

Department of Reclamation

W. Jerome Taylor

being first duly sworn, deposes and says
he is Publisher and Foreman of the
News-Examiner; that the said News-Examiner
is a weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of general
circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a supple-
ment, for four
successive weeks, commencing with the issue
dated July 26, 1962
and ending with the issue

dated August 16, 1962

W. Jerome Taylor
Publisher and Foreman.

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m., on the 25th day of August, 1962, at Montpelier, county of Bear Lake, State of Idaho, before Albert J. Leight, Notary Public, at Montpelier, Idaho, proof will be submitted of the completion of works for diversion of 4.37 cubic feet per second of the waters of Ovid Creek and Old Bear Lake Outlet, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 30521, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or corporation holding said permit is Heber C. Kunz, Bern, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 4.37+ cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4.37 cubic feet per second.

4. The point of diversion of said water is 700 feet distant from the N. E. corner of Sec. 1, Twp. 13 S., Rge. 43 E. B. M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 1, Twp. 13 S., Rge. 43 E., County of Bear Lake.

5. The place where said water is used is Heber Kunz Ranch near Bern, Idaho; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 1, all in Twp. 13 S., Rge. 43 E. B. M.; S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 31, Twp. 12 S., Rge. 44 E. B. M.; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, Twp. 13 S., Rge. 44 E. B. M. Total 240 acres.

6. The date of priority which said user is prepared to establish is June 5, 1932.

GEORGE N. CARTER
State Reclamation Engineer
(325; a 2/9/62)

Subscribed and sworn to before me this 16th day of August, 1962

James D. Barlow
Notary Public

30521

1M April 1962

September 12, 1962

Re: Permit No.

30521

Heber C. Kunz
Bern, Idaho

Dear Mr. Kunz:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the News Examiner, all submitted in proof of completion of works and beneficial use on Permit No.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

30521

November 5, 1962

Re: Permit No. 34521
Heber C. Kuntz

Mr. Russell D. Stoker
Soda Springs, Idaho

Dear Russ:

Herewith copy of Application and Permit in the
name of Heber C. Kuntz, that you requested last Friday.

Glad to be of assistance.

Very truly yours,

CHAD E. TAPPAN, Assistant
Irrigation Reclamation Engineer

DET:sw

Enc. photo copy

30521

November 5, 1962

Re: Permit No. 10521

Mr. Robert B. Porter
Assistant Attorney
Utah Power & Light Co.
Salt Lake City, Utah

Dear Mr. Porter:

Herewith copy of Application and Permit in the
name of Heber C. Kunz, that you requested last Friday.

Glad to be of assistance.

Very truly yours,

CARL E. TAPPAN, Assistant
State Reclamation Engineer

CET:ew

Enc. photo copy

RECEIVED

APR 2 1963

Department of Reclamation

Bern Idaho.

April 1, 1963.

Department of Reclamation

Boise, Idaho.

Gentlemen, I am writing to you regarding permit No. 30521 which you approved June 11, 1962 ~~of~~ ^{and} which I made proof of beneficial use later last year.

I have your letter of Sept. 12, 1962

in which you promised to send an engineer out to inspect my project

before you could make a final

decision on it. Now would ~~would~~

be a good time of the year for

him to inspect said works. We have

had our dams in since about the

fifth of March so I hope you can

attend to this as there is no better time

for him to see the works in operation than

now. Thank you for early action on this.

Yours Truly,

Heber C. Kung.

30521

April 3, 1963

RE: Permit No. 30521

Mr. Heber C. Kung
Bern, Idaho

Dear Mr. Kung:

Thank you for your letter dated April 1, 1963 stating now would be a good time to make an inspection on your irrigation works.

We regret we have to defer the inspection until a later date because there are several in the south eastern part of the state that cannot be inspected until later in the season. Our budget isn't sufficient to make repeated inspection trips into the same area.

We will send a notice of the approximate date we can make the inspection.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Loy H. Johnson
Field Engineer

LHJ:mtr

30521

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 30521

REPORT ON PROOF OF Completion of Works & Beneficial Use

Heber C. Kunz, Bern, Idaho

30521

R-43E

R-44E

25

30

36

31

30.0

T.12S.

T.13S

TO MONTPELIER

6

25.0

32.5

100

72.5

37.5

33.0

38.0

85

117.0

28.0

28.0

12

TO MONTPELIER

247.5 Acres

$Q = 4.37$ C.F.S.

$S = 10$

OVID CREEK

U.S. NAVY No. 89

14

13

OVID

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 30521

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant Heber C. Kunz

2. Source of water supply: Ovid Creek and Old Bear Lake Outlet

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1

T. 13S R. 43 E.B.M. County of Bear Lake

4. Describe works as they exist, giving dimensions and capacities of same: Land in sections 1, -12, -13S-43E + Section 6; 13S-44E flooded by damming creek up. no ditches on this property. Land in Section 31, -12S-44E served by ditch as shown on map. Dam 100' long on top, 90' on bottom 10' high. 6x6' Spill that can be hoisted up and 30" ^{metal} pipe thru dam that is closed off when irrigating. Usually uses water 60 days.

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12; SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. Twp. 13 S., R. 43 E.;S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 31, T. 12 S., R. 44 E., B. M.; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T. 13 S., R. 44 E.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Kunz went over works & explained their method of irrigating.

This examination was made on the 16th day of September, 1965

(Signed) Robert H. Hamilton

Examiner.

30521

Examination for Completion of Works & Beneficial Use

Permit No. 39521

County Bear Lake

Sec. 1 T13S R. 43 EBM

Quantity: 4.37

Source: Wild B. & Old Bear Lake

P.D.: N.E. 1/4, Sec. 1, T13S, R. 43E, EBM

Use: Irrigation

Filed: June 5, 1962

Due: June 11, 1962

Extension:

Protest:

Completion of Works:

Other Rights: none except a 50 year "headright"

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
SEP 17 1965

Department of Reclamation

September 29, 1965

RE: Permit No. 30521

Heber C. Kunz
Barn, Idaho

Dear Mr. Kunz:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. 30521 shows the dam and ditches are capable of conveying 218.5 miner's inches, or 4.37 c.f.s. of water for the irrigation of 247.5 acres.

Upon receipt of the statutory fees, totaling \$25.00 we will issue the Certificate of Completion of Works and License and Certificate of Water Right, confirming the right, with priority of June 5, 1962, to the use of 4.37 c.f.s. of surface water from Ovid Creek and Old Bear Lake Outlet with the point of diversion in the NE1/4NW1/4, Sec. 1, T. 13S., R. 43 E., B.M. for irrigation of 247.5 acres in the SW1/4NW1/4, Sec. 31, T. 12 S., R. 44 E., B.M.; SE1/4SW1/4, Sec. 1; NW1/4NE1/4, Sec. 12, T. 13S., R. 43 E., B.M.; W1/2SW1/4, Sec. 6, T. 13 S., R. 44 E., B.M.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

30521

RECEIVED

OCT 11 1965

Department of Reclamation

Bern, Idaho.

Oct. 8, 1965.

State of Idaho

Department of Reclamation

Boise, Idaho.

Dear Sir, Enclosed find check of \$25.00
for Permit No. 30521 so you can issue
Certificate of Completion of Work etc.

yours truly,
Heber C. King.

30521

October 20, 1965

Re: Permit No. 30521

HEBER C. KUNZ
Bera, Idaho

Dear Mr. Kunz:

Enclosed are the Certificate of Completion
of Works and License and Certificate of Water Right
issued on the above numbered permit.

Also enclosed is departmental receipt 32957
for the amount of \$25.00 covering the fees

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

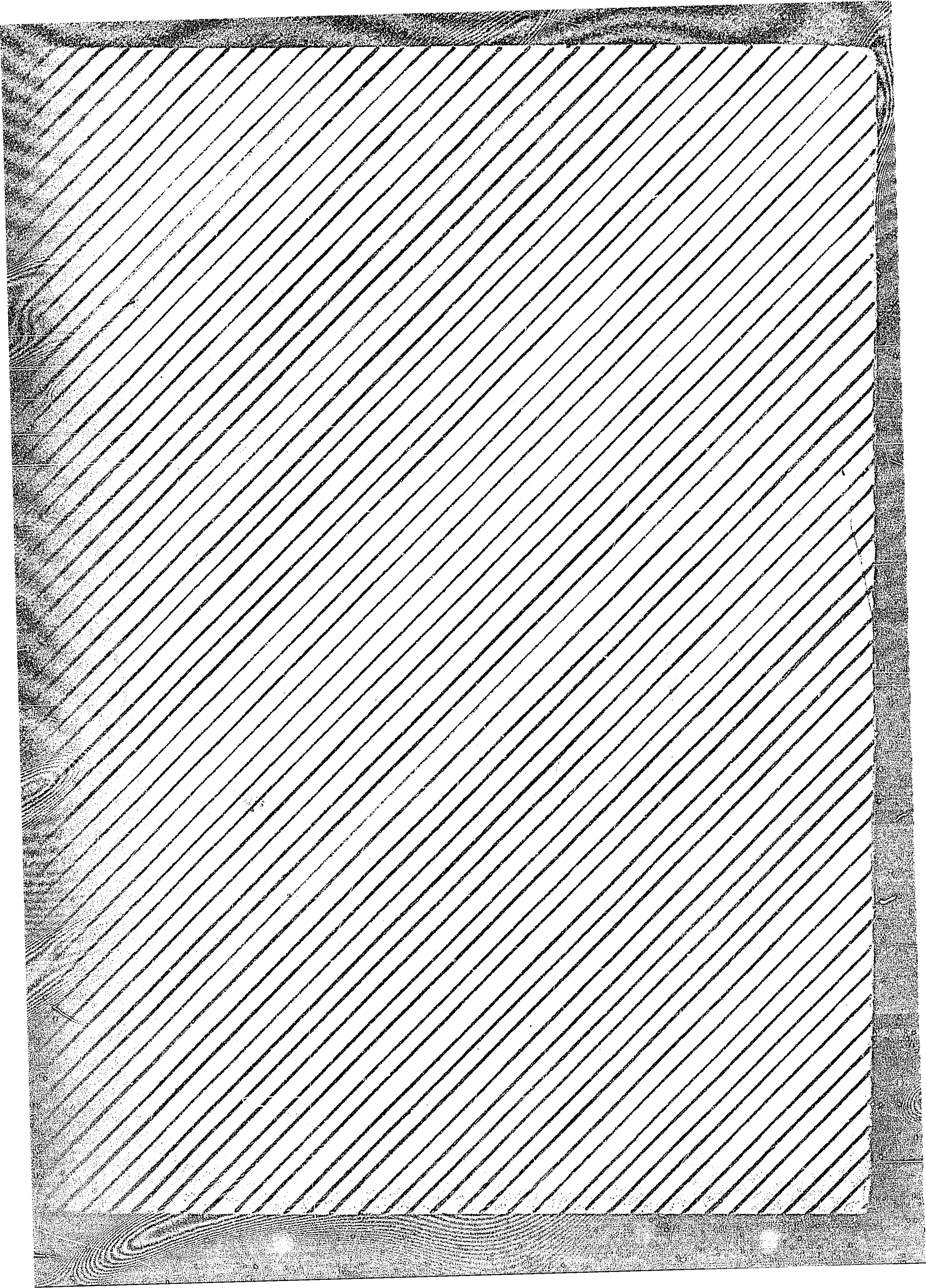
By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificates
receipt

30521



State of Idaho
License and Certificate of Water Right

Water License No. 30521

Amount 4.37 c.f.s.

Water District No.

Priority June 5, 1962

THIS IS TO CERTIFY that HEBER C. KUNZ
of Bern, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 5, 1962; that Permit No. 30521
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.37 second feet, was issued thereunder on October 20, 1965, showing that said works
were completed on the 28th day of August, 1962; and that on the 28th
day of August, 1962,

HEBER C. KUNZ

of Bern, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Ovid Creek
& old Bear Lake, a tributary of, for the purpose of irrigation
, under Use Permit No. 30521 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8332, on the 20 day of October, 1965;

The right hereby confirmed dates from June 5, 1962;

The Point of Diversion is located

in the NE 1/4 NE 1/4, Sec. 1, Tp. 13S, R. 43 E, B. M. County Bear Lake

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4.37 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S	44E	31	SE 1/4 NW 1/4	8	6
			SW 1/4 NW 1/4	18	24
13 S	43E	1	NE 1/4 SE 1/4	32	37.5
			NW 1/4 SE 1/4	18	25.0
			SW 1/4 SE 1/4	35	33.0
			SE 1/4 SE 1/4	38	38.0
			SE 1/4 SW 1/4	33	37.5
		12	NW 1/4 NE 1/4	35	28.0
13 S	44E	6	NW 1/4 SW 1/4	10	10.0
			SW 1/4 SW 1/4	8	8.5
Total number of acres to be irrigated:					247.5

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
20th day of October, 1965.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

