

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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

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

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) UNNAMED DRAIN
_____, tributary to, BEAR RIVER
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Amount 2.00 cfs Use IRRIGATION Period of Use: From APRIL 15 To OCT. 15
Amount _____ Use _____ Period of Use: From _____ To _____
Amount _____ Use _____ Period of Use: From _____ To _____
(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)
- (3) Total quantity of water claimed: 2.00 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) JUNE 1, 1952

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

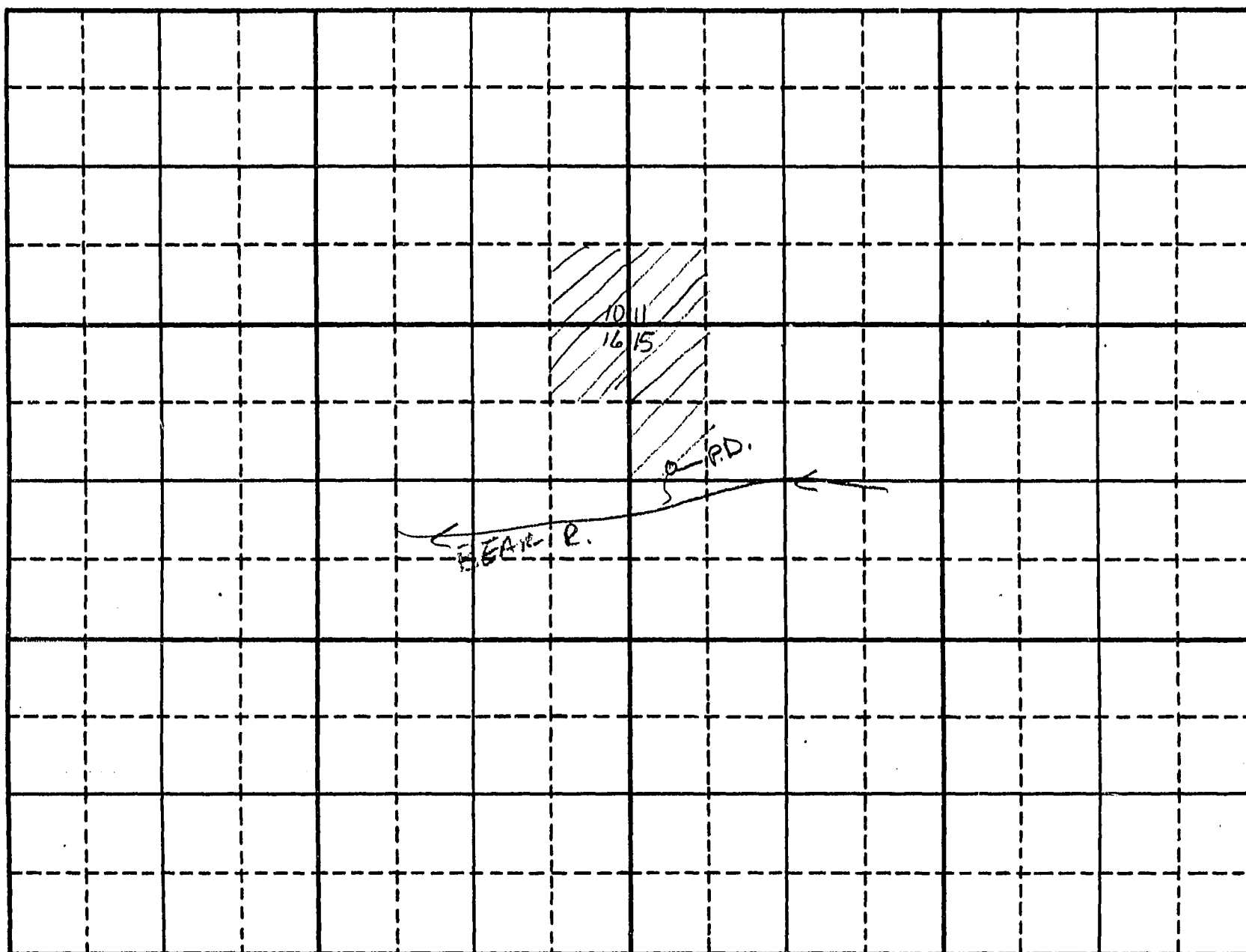
- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW 1/4 NW 1/4, Sec. 15 Twp. 13S Rge. 44E B. M. County of BEAR LAKE
Additional points of diversion: _____
- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. WOOD DAM IN THE DRAIN, WHICH CAUSES ALL THE WATER IN THE DRAIN TO FLOOD OVER THE NATURAL BANKS, AND ONTO THE AGRICULTURAL CROPS.
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13S	44E	10																	5
		11											10						10
		15						22	6										28
		16	4																4
																			47

Total No. of acres _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____
- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bear Lake) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

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

Notary Public

Residing at Montpelier, Idaho

My commission expires Lifetime

For Department Use Only

Received by <u>BP</u>	Date <u>6-22-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>6-22-78</u>		claimant by:	
\$10.00 fee received by <u>BP</u>	Date <u>6-28-78</u>			
Approved for publication by <u>BP</u>	Date <u>8-7-78</u>	<u>BP</u>	<u>ew</u>	<u>8/15/78</u>
Published in <u>Idaho Statesman</u>		<u>Wolstenhulme</u>		
Dates <u>July 6 & 13-1978</u>				

RECEIVED

JUL 28 1978

Department of Water Resources
AFFIDAVIT Eastern District Office

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

State of Idaho
County of Bear Lake

BRAD WOOLSTENHULME, being first duly sworn,

deposes and says:

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

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

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

Brad Woolstenhulme
(signature)

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

Robert H. Jett
(notary public)

Residing at Fish Haven, Idaho
My commission expires Lifetime



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Loren M. Thompson
being duly sworn,

deposes and says:

That he is the *publisher* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached *hereto*, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

July 6, 19*78*, and ending with the issue of *July 13*, 19*78*.

Fees, *15.02*

Subscribed and sworn to before me this *4* day of *August*, 19*78*.

Notary Public, Residing at Montpelier, Idaho

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

AUG 7 1978

Department of Water Resources
Eastern District Office

Public Notices

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

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

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

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

Director

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

Jv 6-13

June 28, 1978

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

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

Dear Ms. Kunz:

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:bp

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4069

Notice is hereby given that Wayne Kunz

Montpelier, ID.

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

with point of diversion in the _____

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

The water is claimed to be used from Apr. 15 to Oct. 15 for irrigation
purposes for 47 acres
with a priority of June 1, 1952;

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

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

R. KEITH HIGGINSON

Director

Published in the News-Examiner, Montpelier, Id.

on July 6 and July 13, 1978.

cw-h

June 30, 1978

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

News Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 8-07-78 by CW

RDC: CW

Enc: Legal Notice

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

RECEIVED

JUL 17 1978

Department of Water Resources
Eastern District Office

July 14, 1978

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

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

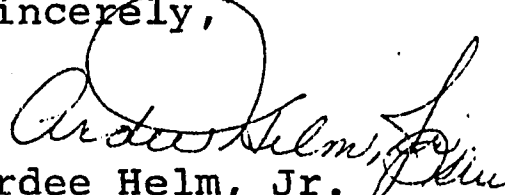
ATTENTION: R. Keith Higginson

NOTICE OF EXCEPTION TO CLAIM OF WATER RIGHT

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

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

Sincerely,


Ardee Helm, Jr.
On Behalf of Brad Woolstenhulme

AH:khi

July 17, 1978

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

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

Dear Mr. Helm:

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

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

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

Respectfully submitted,

ERNEST CARLSEN
Water Resource Agent

EC:bp

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

August 2, 1978

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

News Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on July 6 and July 13, 1978.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

JACKIE FRISBY
Senior Clerk

JF

ARDEE HELM, JR.
ATTORNEY AT LAW
518 WASHINGTON STREET
MONTPELIER, IDAHO 83254
TELEPHONE 208-847-6808

RECEIVED

JUL 28 1978

Department of Water Resources
Eastern District Office

July 26, 1978

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

RE: Claim to Water Right #11-4069

Dear Mr. Carlsen:

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

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

Sincerely,

Ardee Helm, Jr.
Ardee Helm, Jr.

AH:khi

Enc.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

August 15, 1978

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

C. Stephen Allred
Director

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

Mr. Brad R. Woolstenhulme
Montpelier,
Idaho 83254

Dear Mr. Woolstenhulme:

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

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: Ardee Helm, Attorney



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

August 15, 1978

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

C. Stephen Allred
Director

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

Mr. Wayne Kunz
866 Adams Street
Montpelier, Idaho 83254

Dear Mr. Kunz:

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

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

August 17, 1978

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

Mr. Wayne Kunz
866 Adams Street
Montpelier, Idaho 83254

Dear Mr. Kunz:

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

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim