

151

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-00433
Date Received: 4/05/1990
Receipt No: E013323
Received By: _____

RECEIVED

APR 18 1990

Department of Water Resources
Eastern District Office

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: JAMES K. GUTHRIE, JR. 208-254-3605
Address: 425 W. GOODENOUGH RD.
MCCAMMON, ID 83250

AND/OR

Name: BARBARA ANN GUTHRIE, JR. 208-254-3605
Address: 425 W. GOODENOUGH RD.
MCCAMMON, ID 83250

2. Date of Priority: MAY 01, 1879

3. Source: GOODENOUGH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	36E	15	NE	NW	SW		BANNOCK

5. Description of diverting works:
CONCRETE HDGATE WITH PIPE WITH GRAVITY SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.500		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
2.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 252.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 100 HD BEEF DRINK FROM STREAM

A29-00433

Page 1

Date: 04/05/90

A2900433

MICROFILMED
NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	14	SW	SW		IRR	1.0
						Section Acres	1.0
		15	SE	SE	7	IRR	38.0
						Section Acres	38.0
		22	NE	NE	6	IRR	15.0
			NW	NE	7	IRR	37.0
			SW	NE		IRR	10.0
						Section Acres	62.0
						Total Acres	101.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCE ALSO KNOWN AS LITTLE COTTONWOOD CK.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

WILLIAM GOODENOUGH
Decree Plaintiff

vs

A. P. MARSO, ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Jane K. Butcher Jr. Date: 4-5-90
_____ Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of April 19 90

Joh. Del. Corra
Notary Public

Seal

Residing at Boise Id
My Commission Expires 4/2/94

A. ROOT WATER RIGHT NUMBERS: A29-00433

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	36E	14	SW	SW		GUTHRIE JR, JAMES K	A29-00433 / 1.0	- /	9.0		
			SW	SW		GUTHRIE JR, JAMES K	A29-00434 / 1.0	- /			
			SW	SW		LISH, LARRY	A29-12094 / 15.0	- /			
			SW	SW		MC CAMMON DITCH CO LTD	A29-00057 / 2.5	29-00057 /			
			SW	SW		MC CAMMON DITCH CO LTD	A29-00058 / 2.5	29-00058 /			
09S	36E	15	SE	SE	7	GUTHRIE JR, JAMES K	A29-00433 / 38.0	29-00433 /	32.0		
			SE	SE	7	GUTHRIE JR, JAMES K	A29-00434 / 38.0	29-00434 /			
09S	36E	22	NE	NE	6	GUTHRIE JR, JAMES K	A29-00433 / 15.0	29-00433 /	12.0		
			NE	NE		MC CAMMON DITCH CO LTD	A29-00057 / 14.8	29-00057 /			
			NE	NE		MC CAMMON DITCH CO LTD	A29-00058 / 14.8	29-00058 /			
			NE	NE	6	GUTHRIE JR, JAMES K	A29-00434 / 15.0	29-00434 /			
09S	36E	22	NW	NE	7	GUTHRIE JR, JAMES K	A29-00433 / 37.0	29-00433 /			
			NW	NE		GUTHRIE JR, JAMES K	A29-11140 /	- /			
			NW	NE		GUTHRIE, BARBARA ANN	29-11140 /	- /			
			NW	NE	7	GUTHRIE JR, JAMES K	A29-00434 / 37.0	29-00434 /			
			NW	NE		MC CAMMON DITCH CO.		29-00057 /			
			NW	NE		MC CAMMON DITCH CO.		29-00058 /			
09S	36E	22	SW	NE		GUTHRIE JR, JAMES K	A29-00433 / 10.0	- /			
			SW	NE		ALLEN, VIRGINIA B	A29-04252 /	29-04252 /			
			SW	NE		GUTHRIE JR, JAMES K	A29-00434 / 10.0	- /			
			SW	NE		SCOTT, ELOISE A	29-04252 /	- /			
			SW	NE		MC CAMMON DITCH CO.		29-00057 /			
			SW	NE		MC CAMMON DITCH CO.		29-00058 /			

ADDITIONAL POU FOUND

TOTAL ACRES A29-00433 101.00 53.00

POU COUNTY: BANNOCK

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-00433	09S	36E	15	NE	NW	SW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-00434 NONE

WR RECORDS IN SAME 40 ACRE TRACT
29-00441

SOURCE: GOODENOUGH CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-00433	09S	36E	8	NE	SE				BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

29-00434
29-00435
29-00436
29-00437
29-00438
29-00439
29-00440

A29-00435 NONE
A29-00436
A29-11177
A29-11178

SOURCE: LITTLE COTTONWOOD CREEK
GOODENOUGH CREEK

TRIB: MARSH CREEK
MARSH CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-00433	GOODENOUGH CREEK	GUTHRIE JR, JAMES K	2.500	0.024		
A29-00057	PORTNEUF RIVER	MC CAMMON DITCH CO LTD	50.000	0.019		
A29-00058	PORTNEUF RIVER	MC CAMMON DITCH CO LTD	18.950	0.007		
A29-00434	GOODENOUGH CREEK	GUTHRIE JR, JAMES K	1.600	0.015		
A29-12094	SPRINGS	LISH, LARRY	0.320	0.021		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-00433	STOCKWATER	GUTHRIE JR, JAMES K	FROM 01-01 TO 12-31	0.030 CFS	
A29-12094	STOCKWATER	LISH, LARRY	FROM 01-01 TO 12-31	0.020 CFS	
A29-11140	DOMESTIC	GUTHRIE JR, JAMES K	FROM 01-01 TO 12-31	0.040 CFS	
A29-11140	STOCKWATER	GUTHRIE JR, JAMES K	FROM 01-01 TO 12-31	0.030 CFS	
29-11140	DOMESTIC	GUTHRIE, BARBARA ANN	FROM 01-01 TO 12-31	0.040 CFS	
29-11140	STOCKWATER	GUTHRIE, BARBARA ANN	FROM 01-01 TO 12-31	0.030 CFS	
A29-04252	STOCKWATER	ALLEN, VIRGINIA B	FROM 01-01 TO 12-31	0.050 CFS	
A29-04252	DOMESTIC	ALLEN, VIRGINIA B	FROM 01-01 TO 12-31	0.040 CFS	
29-04252	STOCKWATER	SCOTT, ELOISE A	FROM 01-01 TO 12-31	0.050 CFS	
29-04252	DOMESTIC	SCOTT, ELOISE A	FROM 01-01 TO 12-31	0.040 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

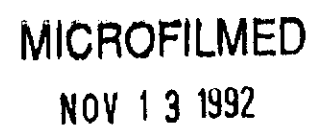
N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()



04/09/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-433

NAME AND ADDRESS: BARBARA ANN GUTHRIE
JAMES K GUTHRIE JR
425 W GOODENOUGH RD
MC CAMMON, ID 83250

SOURCE: GOODENOUGH CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 2.5 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.10 CFS. COMBINED RIGHT
NOS.: 29-00433, 29-00434

PRIORITY DATE: 05/01/1879

POINT OF DIVERSION: T09S R36E S15 NENWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	2.50 CFS
STOCKWATER	01-01 12-31	0.03 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County							
T09S R36E S15	LOT 7	SESE	37	T09S R36E S22	LOT 6	NENE	17
T09S R36E S22	LOT 7	NWNE	43	T09S R36E S22	LOT 3	SWNE	1

STOCKWATER Use same as IRRIGATION

98 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 98 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00433, 29-00434

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

ordered judgment to be entered in accordance therewith.

It is therefore, ORDERED, ADJUDGED AND DECREED:-

I.

29-0433 That the defenant, Truman Rowe, do have at all times during the irrigation season the use of two and one-half cubic feet per second of time, or 125 miners inches measured under a four inch pressure, of the waters of Little Cottonwood or Goodenough Creek, a tributary of Marsh Creek, in Bannock County, State of Idaho, for the purpose of irrigating his lands hereinafter described, and for culinary and domestic purposes, his right to the use of said water to date from the 1st day of May, 1879; and also the additional right to the use of the waters of said stream for said purposes and to be used upon the said lands of 1.6 cubic feet per second of time, or 80 miners inches measured under a four inch pressure, his right to the use thereof to date from the 1st day of May, 1901, to be used upon and become appurtenant to the lands owned by said defendant, being:

29-0434

Lot seven (7) in Section 15, and Lots six (6), Seven (7) and eight (8) in Section twenty-two (22), all in Township Nine (9) South, Range Thirty-six (36), East of the Boise Meridian in Bannock County, State of Idaho,

said water being diverted from said stream at the dam placed in the channel thereof at a point where said stream passes near the center of the Northeast Quarter of the Southeast Quarter of Section Eight (8), Township Nine (9) South, Range Thirty-six East of the Boise Meridian in said county and state.

POD changed

Log for claim A29-00433

Spatial Dynamics LTD

7/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	14	NWSW	1	1.4	
09s36e	15	SESE	38	39	
09s36e	22	NENE	15	20	
09s36e	22	NWNE	37	47	
09s36e	22	SWNE	10	0	Acreage found in NWNE qq.
Totals:			101	107.4	

AJ5809NP
No. A29-00433

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 61

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES K GUTHRIE JR	05/01/1879	IRRIGATION	03-15 11-15	2.500 CFS	
C	BARBARA ANN GUTHRIE		STOCKWATER	01-01 12-31	0.030 CFS	
	425 W GOODENOUGH RD					
	MC CAMMON ID 83250					
	(208) 254-3605					
				TOTAL DIVERSION:	2.500 CFS	
				CONSUMPTIVE USE:		252.00 AFA

Water Source: GOODENOUGH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T09S R36E S15 NENWSW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
09S	36E	14	:												01					:	1.0	
09S	36E	15	:																07-38	:	38.0	
09S	36E	22	:	06-15	07-37	10														:	62.0	
																				TOTAL ACRES	:	101.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: S/ 100 HD BEEF DRINK FROM STREAM

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00434

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00057 A29-00058 A29-00434 A29-12094

Remarks: GEN SOURCE ALSO KNOWN AS LITTLE COTTONWOOD CK.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 04/18/90 CARLSON 06/01/94 COX 03/29/95 POST-STD 04/13/00 CVANDERM