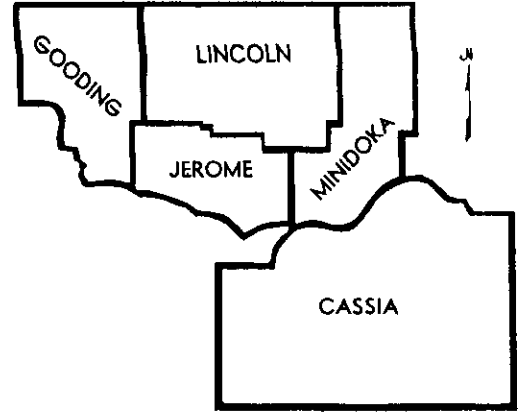


Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



September 16, 2004

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED
REF: TO:
SEP 23 2004
OFFICE:
Department of Water Resources

Gooding

RE: Waste Water right 37-4300

Dear Vicki:

Please find enclosed the letter to Mr. and Mrs. Guthrie (who deeded the property to Donald Ganguet, see deed 156240 attached). Mr. Ganguet's last known mailing address is 517 East 5th, P. O. Box 333, Shoshone, ID 83352. We have no phone number for Mr. Ganguet. The legal does not match exactly and we do not see where the Guthrie's ever owned this parcel (SWNE-36-4-16). Could there be a typographical error in legal? Please forward documents to Mr. Ganguet and check the legal description also. Thanks. (Let me know if you need anything further)

If you have any questions, please do not hesitate to call.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script, appearing to read "Becky Shubert".

Becky Shubert
(208)934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

CC: Elden L. Guthrie
CC: Donald Ganguet

RECEIVED
SEP 17 2004
Department of Water Resources
Southern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2004

37-4300
ELDEN L GUTHRIE
JO ANN GUTHRIE
550 4 MILE RD
SHOSHONE ID 83352

Re: Evidence of Priority Date

Dear Claimants:

RESPONSE DEADLINE
AUGUST 27, 2004

The Notice of Claim to a Water Right (claim) identified with the number shown above your names has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,

Carter Fritschle
Water Rights Supervisor

Enclosures

RECEIVED

SEP 17 2004

Department of Water Resources
Southern Region

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 37-4300
Date Received: 6/20/1988
Receipt No: M000138
Received By:

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

1. Name of Claimant(s)

JO ANN GUTHRIE Phone: (208)886-7526
550 4 MILE RD
SHOSHONE ID 83352

ELDEN L GUTHRIE Phone: (208)886-7526
550 4 MILE RD
SHOSHONE ID 83352

2. Date of Priority: 04/01/1950

3. Source: WASTE WATER Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	16E	36	SE NW NE	LINCOLN	

5. Description of diverting works:

EARTHEN DAM COLLECTS WASTE WATER FOR DIVERSION INTO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
IRRIGATION STORAGE	1/01	12/31			48
IRRIGATION FROM STORAGE	4/01	11/01			48
STOCKWATER STORAGE	1/01	12/31			0.5
STOCKWATER FROM STORAGE	1/01	12/31			0.5
DIVERSION TO STORAGE	4/01	11/01	0.36		

7. Total Quantity Appropriated is:
0.36 C.F.S. and/or 48.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres	
04S	16E	36	NW	NE	✓	IRRIGATION FS	2	
			SW	NE		IRRIGATION FS	1	
			SE	NW	✓	IRRIGATION FS	9	
						Section Acres	12	
						Total Acres	12	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

WARRANTY DEED

For Value Received ELDEN L. GUTHRIE and JOANN GUTHRIE, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DONALD GANGUET, an unmarried man
whose address is: 200 N 169 W, Jerome, Idaho 83338

Hereinafter called the Grantee, the following described premises situated in Lincoln County, Idaho, to-wit:

TOWNSHIP 4 SOUTH, RANGE 16, EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 36: S½NE½; NW½; SE½NW½;
100 acres M/L

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to 10 shares of Big Wood Canal Company Water Stock.

SUBJECT TO THE FOLLOWING:

Taxes for 1992 and subsequent years, which are not yet due and payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Lack of right of access to and from the SE½NW½.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated:

August 12, 1992

Elden L. Guthrie
Elden L. Guthrie

JoAnn Guthrie
JoAnn Guthrie

STATE OF IDAHO, COUNTY OF GOODING

On this 12th day of August, 1992
before me, a notary public in and for said State, personally appeared

Elden L. Guthrie
and
JoAnn Guthrie

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Janet A. Gorrill
Residing at Gooding
Commission expires 2-28-1993

Notary Public
Idaho

156240

INDEXED

✓✓

Land Title & Escrow, Inc.

AUG 12 92

1.35 minutes per 2.5 L. W.
provided by *Wiley Jackson, Esq.*
3.00. Payment for *Land Title & Escrow*

By *Hand*



QUITCLAIM DEED

For Value Received

VIOLA MCKENDRICK

JAY DEE MCKENDRICK, ATTORNEY IN FACT

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

DONALD GANGUET, 200 N. 169 W., Jerome, ID 83338

Hereinafter called the grantee, the following described premises, in LINCOLN County, Idaho to-wit:

1 ACRE LOCATED IN NORTHWEST CORNER
OF SOUTH WEST 1/4 OF THE NORTHEAST
1/4 SECTION 36 TOWNSHIP 4 SOUTH
RANGE 16 E B M DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER
OF THE SW 1/4 NE 1/4 OF SAID SECTION 36:
THENCE EAST 208.8 FT.
THENCE SOUTH 208.8 FT.
THENCE WEST 208.8 FT.
THENCE NORTH 208.8 FT. TO THE POINT OF BEGINNING.



TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: XX

Viola McKendrick by Jay
X BY VIOLA MCKENDRICK

Jay S. McKendrick
X BY JAY DEE MCKENDRICK ATTORNEY IN FACT

Idaho
STATE OF IDAHO, COUNTY OF Lincoln
On this 6 day of July, 1993
before me, a notary public in and for said State, personally appeared Jay Dee McKendrick, known to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Viola McKendrick and acknowledged to me that he subscribed the name of Viola McKendrick as principal and his own name as attorney in fact.

INDEXED

STATE OF IDAHO COUNTY OF LINCOLN Recorded at the request of <u>JAY DEE MCKENDRICK</u> JUL - 5 1993 at 2:30 minutes past 12 P.M. recorded by <u>Brenda E. Davidson</u> Fees: <u>1.00</u> Return to: <u>McKendrick</u>

Brenda E. Davidson
Notary Public
Residing at Jerome, ID
Commission Expires 12-31-95

Instrument No.

152103

Instrument No.

152103

WARRANTY DEED

FOR VALUE RECEIVED, VIOLA McKENDRICK, a widow continuously since October 16, 1974,, the Grantor, does hereby grant, bargain, sell and convey to JAY D. McKENDRICK and JUDY L. McKENDRICK, husband and wife, whose present address is Box 902, Palmer, Alaska 99647, the Grantees, the following described premises, located in Lincoln County, Idaho, to-wit:

Southwest Quarter of the Northeast Quarter,
Northwest Quarter of the Southeast Quarter,
and the East Half of the Southeast Quarter of
Section 36, Township 4 South, Range 16 East
of the Boise Meridian,

Together with all water and ditch rights
appurtenant thereto, including 116 shares
of American Falls water.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that Grantor is the owner in fee of said premises, that said premises are free from all encumbrances and that she will warrant and defend the same from all lawful claims whatsoever.

DATED this 7 June, 2001.

VIOLA McKENDRICK

By Jay D. McKendrick
Jay D. McKendrick
Attorney-in-Fact

STATE OF IDAHO)

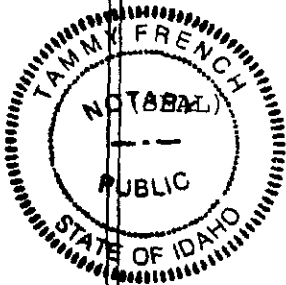
) ss.

County of Minidoka)

On this 7th day of June, 2001, before me the undersigned Notary Public in and for said State, personally appeared Jay D. McKendrick, Attorney-in-Fact for Viola McKendrick, known or identified to me to be the person whose name is

subscribed to the within instrument and acknowledged to me that he executed the same as Attorney-in-Fact for Viola McKendrick.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Tammy French
Notary Public
Residing at Rupert, Idaho
My Commission Expires: 5-24-2001

170601 ✓

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of
Jay D. McKendrick

JUN - 7 2001

at 14 minutes past 10 A.M.
recorded by James Sant
Fee: 6.00 Return to: Same as above