

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:

RECEIVED

OCT 13 2004

**DEPARTMENT OF
WATER RESOURCES**

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

1. Name of Claimant(s)

DONALD B GANGUET Phone:
517 E 5TH
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:

SCANNED
OCT 07 2004

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 FROM STORAGE	2
			SW	NE	IRRIGATION FROM STORAGE	1
			SE	NW	IRRIGATION FROM STORAGE	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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
OCT 05 2004
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-4300					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

ELOISE JO ANN GUTHRIE

4. New Owner/Claimant(s)

Donald B Gangust
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

517 E 5TH

City, State and ZIP Code

SHOSHONE, IDAHO

New Telephone Number

() N/A

5. Date you acquired the property

Aug. 1992

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Donald B. Languet

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

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 GANQUET, 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: S1NE1NE1; NW1NE1; SE1NW1;
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 to canals, laterals and waste ditches of Big
Wood Canal Company.

Lack of right of access to and from the SE1NW1.

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 encumbrances 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, per-
sonally 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. Lovell
Notary Public

Residing at Gooding

Idaho

156240

INDEXED

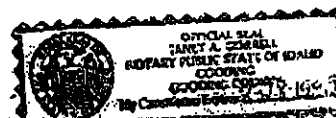
✓

Frank T. & L. Brown, Inc.

AUG 12 92

11:35 minutes
Recorded by *Janet A. Lovell*
300.00 fee to *Frank T. & L. Brown, Inc.*

By hand



QUITCLAIM DEED

For Value Received

VIOLA MCHENDRICK

JAY DEE MCHENDRICK, ATTORNEY IN FACT

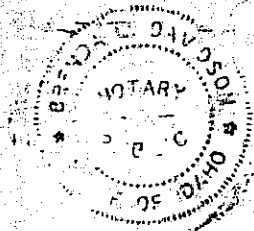
Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

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

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

- LACRE 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 BEGINING.



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 Mchendrick by J.D.
X BY VIOLA MCHENDRICK

Jay S. Mchendrick
X BY JAY DEE MCHENDRICK ATTORNEY IN FACT

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 Mchendrick, known to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Viola Mchendrick and acknowledged to me that he subscribed the name of Viola Mchendrick as principal and his own name as attorney in fact.

INDEXED

STATE OF IDAHO COUNTY OF LINCOLN Recorded as the request of <u>JAY DEE MCHENDRICK</u> JUL - 5 1993 at 2:30 minutes PM Recorded by <u>[Signature]</u> Fees \$11. Return to <u>[Signature]</u>

David S. Davidson
Notary Public

Notary Seal

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)

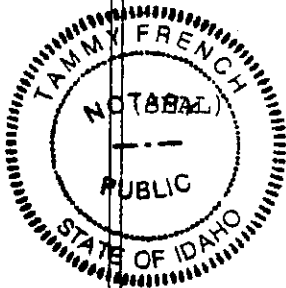
County of Minidoka)

) ss.

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 <i>Viola McKendrick</i> JUN - 7 2001 at <u>19</u> minutes past <u>10</u> M recorded by <u>G. Sant</u> Fee: <u>6.00</u> Return to: <u>Same as above</u>

37-4300

Dated - Sept. 29-2004

Water from Earthen dam.
Water used for.
Irrigation Storage
Irrigation from Storage
Stockwater from Storage
Diversion to Storage
Filed on April 10, 1950

Elden J. Guthrie

Witness — Donald Mangnet

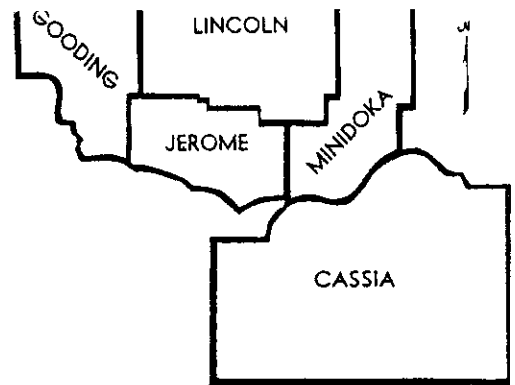
FILED

OCT 05 2004

Department of Water Resources
Southern Region

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



September 16, 2004

REFER TO:
OFFICE:

Gooding

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

RE: Waste Water right 37-4300

COPY

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.

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

CC: Elden L. Guthrie
CC: Donald Ganguet

Handwritten notes and stamps: 934-8477, 208-738, 208-738, 8477



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

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
550 4 MILE RD
SHOSHONE ID 83352

Phone: (208)886-7526

ELDEN L GUTHRIE
550 4 MILE RD
SHOSHONE ID 83352

Phone: (208)886-7526

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4300

WATER RIGHT NUMBER: 37-4300

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JO ANN GUTHRIE 550 4 MILE RD SHOSHONE, ID 83352 (208)886-7526
Current Owner	ELDEN L GUTHRIE 550 4 MILE RD SHOSHONE, ID 83352 (208)886-7526

Priority Date: 04/01/1950

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	1/01 to 12/31		0.50 AF
STOCKWATER FROM STORAGE	1/01 to 12/31		0.50 AF
IRRIGATION STORAGE	1/01 to 12/31		48.00 AF
DIVERSION TO STORAGE	4/01 to 11/01	0.360 CFS	
IRRIGATION FROM STORAGE	4/01 to 11/01		48.00 AF
	<u>Total Diversion:</u>	0.360 CFS	48.50 AF

Location of Point(s) of Diversion

WASTE WATER	SE1/4NW1/4NE1/4	Sec. 36, Twp 04S, Rge 16E, B.M.
LINCOLN County		

Place of Use

IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres: 12

IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	16E	36			2.0	1.0				9.0									12.0

Total Acres: 12

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4300

STOCKWATER FROM STORAGE same as IRRIGATION
STORAGE

Conditions of Approval:

Remarks:

Comments:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

10/7/2004

DONALD B GANGUET
517 E 5TH
SHOSHONE ID 83352

Re: SRBA Claim #37-4300

Dear Mr. Ganguet,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copy of the computer record of the claim noting the change in claimant. Review this record and if there is an error, or you have any questions, please contact this office.

Sincerely,

Carrie Hahn
Office Specialist

Enc.