

04/18/2004

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

RIGHT NUMBER: 74-2047G  
NAME AND ADDRESS: PAULA GUTH  
9 HAMMER DR  
SALMON ID 83467  
  
BILL GUTH  
25 COUNTRY LN  
SALMON ID 83467

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

RIGHT NOT CLAIMED IN PRIOR ADJUDICATION: This is included for a claim that is PROPOSED to be disallowed because rights to water from the source claimed were determined in a prior general adjudication, the right was not decreed in the prior adjudication, and the claim cannot be recommended based upon beneficial use.

RIGHT NOT CLAIMED IN PRIOR ADJUDICATION.

EXPLANATORY MATERIAL: Decreed

*recommended as  
M, E, F, P, 1544, 1544Z  
checked 11/4/05 RB*

# Idaho Department of Water Resources

## 74-2047G



0.08 0 0.08 0.16 0.24 Miles

**T21N R22E S11**

*owned by Guth*



*Need Deed*

Prepared by Danni Smith  
October 28, 2002  
1993/94 True Color Aerial Photo

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 74-2047G

WATER RIGHT NUMBER: 74-2047G

| <u>Owner Type</u> | <u>Name and Address</u>                                                                      |
|-------------------|----------------------------------------------------------------------------------------------|
| Current Owner     | BILL GUTH<br><del>RT 2 BOX 225-10</del> 25 Country Lane<br>SALMON, ID 83467<br>(208)756-3753 |
| Current Owner     | PAULA GUTH<br><del>RT 2 BOX 225-10</del><br>SALMON, ID 83467<br>(208)756-3753                |
| Original Owner    | RAYMOND W YOUNG<br>RT 2 BOX 46<br>SHELLEY, ID 83274                                          |

Priority Date: 09/19/1909 ✓

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| LEMHI RIVER   | SALMON RIVER     |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/15 to 10/15           | 0.240 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.240 CFS ✓           |                      |

Location of Point(s) of Diversion

|              |            |                                 |
|--------------|------------|---------------------------------|
| LEMHI RIVER  | NW1/4NW1/4 | Sec. 33, Twp 21N, Rge 23E, B.M. |
| LEMHI County |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE |        |
| 21N | 22E | 11  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 8.0 |    | 8.0    |

Total Acres: 8 ✓

Conditions of Approval:Remarks:

- General THIS RT. PRO-RATED W/OTHER USERS OF DITCH DEPENDING ON FLOW.  
DIV. L-9. ✓  
THIS RIGHT IS CLAIMED AS A PORTION OF 74-02047B.

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 74-2047G

Dates and Other Information:

Claim Received Date: 5/10/1990  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector: AND  
Water District Number: 74  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

SEP 24 2001

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: A74-02047G

Date Received: 5/10/1990

Receipt No: X999999

Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

1. Name: BILL GUTH  
Address: RT. 1 BOX 10B  
SALMON ID

208-756-3753

83467

AND/OR

Name: PAULA GUTH  
Address: RT. 1 BOX 10B  
SALMON ID

208-756-3753

83467

2. Date of Priority: SEP 19, 1909

3. Source: LEMHI RIVER

Trib. to: SALMON RIVER

4. Point of Diversion:

|          |       |         |        |        |     |     |        |
|----------|-------|---------|--------|--------|-----|-----|--------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
| 21N      | 23E   | 33      | NW     | NW     |     |     | LEMHI  |

5. Description of diverting works:

6. Water is used for the following purposes:

|            |       |       |       |      |        |
|------------|-------|-------|-------|------|--------|
| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
| IRRIGATION | 04/15 | 10/15 | 0.240 |      |        |

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

A.F.A.

8. Total consumptive use is 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

|          |       |         |        |     |     |     |       |
|----------|-------|---------|--------|-----|-----|-----|-------|
| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
| 21N      | 22E   | 11      | SW     | SE  |     | IRR | 8.0   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 8.0   |
|          |       |         |            |     | Total Acres   | 8.0   |

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

THIS RT. PRO-RATED W/OTHER USERS OF DITCH DEPENDING ON FLOW.  
DIV. L-9.

THIS RIGHT IS CLAIMED AS A PORTION OF 74-02047B.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

---

Decree Plaintiff

vs

---

Decree Defendant

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: A74-02047G  
Date Received:  
Receipt No: \_\_\_\_\_  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BILL GUTH 208-756-3753  
Address: RT. 1 BOX 10B  
SALMON, ID 83467  
AND/OR  
Name: PAULA GUTH 208-756-3753  
Address: RT. 1 BOX 10B  
SALMON, ID 83467

2. Date of Priority: SEP 19, 1909

3. Source: LEMHI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 21N      | 23E   | 33      | NW     | NW     |     |     | LEMHI  |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.238  |      |        |

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

8. Total consumptive use is 55.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 21N           | 22E   | 11      | NW SE      |     | IRR | 8.0   |
| Section Acres |       |         |            |     |     | 8.0   |
| Total Acres   |       |         |            |     |     | 8.0   |

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:  
NONE

14. Remarks:

AC. IRR. = 56.8.

THIS RT. PRO-RATED W/OTHER USERS OF DITCH DEPENDING ON FLOW.  
DIV. L-9.

THIS RIGHT IS CLAIMED AS A PORTION OF 74-02047B.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

MICROFILMED

DEC 14 1997

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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

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: A74-02047G  
Date Received: 5/10/1990  
Receipt No: X999999  
Received By: AM

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BILL GUTH  
Address: RT. 1 BOX 10B  
SALMON, ID

208-756-3753

83467

AND/OR

Name: PAULA GUTH  
Address: RT. 1 BOX 10B  
SALMON, ID

208-756-3753

83467

2. Date of Priority: SEP 19, 1909

3. Source: LEMHI RIVER

Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County |
|----------|-------|---------|-------------------|-----|--------|
| 21N      | 23E   | 33      | NW NW             |     | LEMHI  |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.238 |      |        |

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

A.F.A.

8. Total consumptive use is 55.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A74-02047G

Page 1

Date: 05/10/90

MICROFILMED

DEC 14 1992



10. Place of Use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 21N           | 22E   | 11      | NW SE      |     | IRR | 8.0   |
| Section Acres |       |         |            |     |     | 8.0   |
| Total Acres   |       |         |            |     |     | 8.0   |

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:  
NONE

14. Remarks:

AC. IRR. = 56.8.

THIS RT. PRO-RATED W/OTHER USERS OF DITCH DEPENDING ON FLOW.  
DIV. L-9.

THIS RIGHT IS CLAIMED AS A PORTION OF 74-02047B.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

(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.

**For Individuals:**

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

State of Idaho )  
County of *Latah* ) SS.

e me this 10<sup>th</sup> day  
Robert E. Smith  
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public  
Residing at Boise, Idaho  
My Commission Expires December 7, 1994

MICROFILMED

DEC 14 1992

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:

Ident. Number

Date Received

Receipt Number

02047G

39576

74- 02047B

5-8-90

X999999

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

MAY - 8 1990

Department of Water Resources  
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Bill and Paula Guth Phone (208) 756 3753Mailing Address Rt 1 Box 10B Salmon Ida Zip 834672. Date of Priority (Only one (1) per claim) Sept 19 19093. Source of water supply (a) Lemhi River  
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 21N Range 23E Section 331/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of LemhiAdditional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.

A7402047G



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRR purposes from 4-15 to 10-15 amount 0.24 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.24 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 20<sup>2</sup> acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 21N | 22E | 11  |        |       |       |       |        |       |       |       |        |       |       |       |        |       | 8     |       | 8      |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 8

11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks: This is a split of A74-02047B.

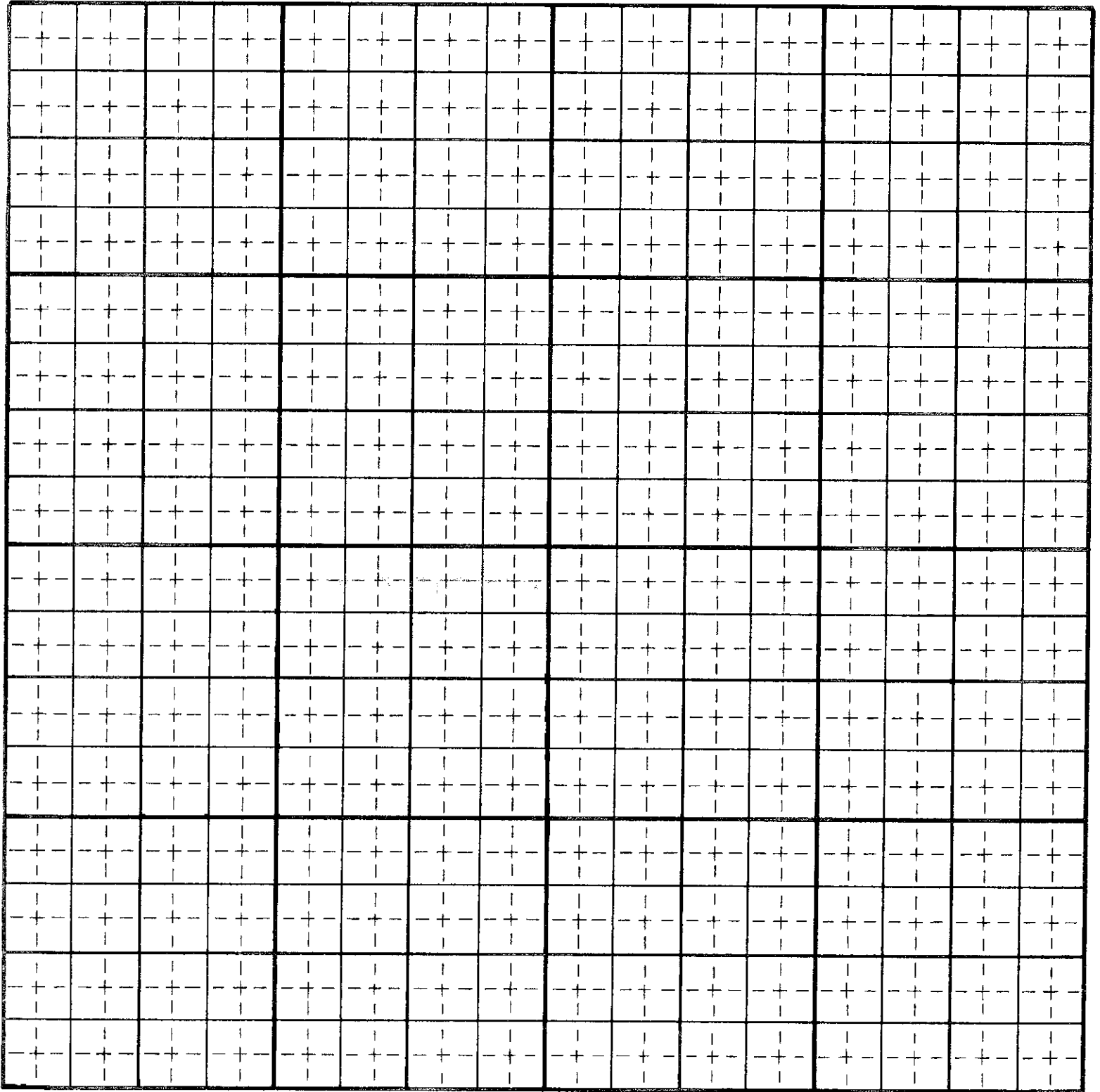
ORIGINAL RT. was for 17 cfs on 57 Acres = 0.0298 cfs/Acre  
0.0298 (8 Acres) = 0.24 cfs

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

Decree ☒

If applicable provide IDWR Water Right Number \_\_\_\_\_

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Bill Smith Date 5/4/90

Paula Smith Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_

of \_\_\_\_\_ Title \_\_\_\_\_, that I have signed the foregoing

document in the space below as \_\_\_\_\_ Title \_\_\_\_\_ of \_\_\_\_\_ Organization \_\_\_\_\_

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of blaine ) SS.

Subscribed and sworn (or affirmed) before me this 7 day of May 19 90

SEAL

Notary Public [Signature]

Residing at Idaho

My Commission Expires 6/12/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

SCANNED

SEP 24 2001

**Notice to Mailer of Correction in Address**

Addressee's Account Number (All numbers, dates, and letters)

☒ No account number on mail

☐ Account number illegible

ATA 020476

Addressee's Name

BILL GUTH / FLYING B RANCH

Old Address (Include apartment or suite number)

SALMON AIRPORT

City, State, and ZIP Code

SALMON, IDAHO 83457

New Address (Include apartment or suite number)

RR 2 BOX 225-10

City, State, and ZIP Code

SALMON, IDAHO 83457

This card is furnished: ☒ For address correction, as requested (your mailpiece was forwarded).  
☐ In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

☐ Moved, left no address

☐ No such street

☐ No such number

☐ Refused

☐ Attempted, not known

☐ Unclaimed

PS Form 3547, June 1995

"A" record Modified 6-12-00. or "or" "R".

10