

12/08/2004

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

RIGHT NUMBER: 37-4300

NAME AND ADDRESS: DONALD B GANGUET
517 E 5TH
SHOSHONE ID 83352

SOURCE: WASTE WATER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.240 CFS
48.500 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION:

T04S R16E S36 NWNE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	01/01 12/31	0.50 AFY
STOCKWATER FROM STORAGE	01/01 12/31	0.50 AFY
IRRIGATION STORAGE	01/01 12/31	48.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	48.00 AFY
IRRIGATION	03/15 11/15	0.240 CFS

PLACE OF USE:

IRRIGATION Within LINCOLN County

T04S R16E S36	NWNE	2.3	T04S R16E S36	SWNE	0.6
T04S R16E S36	SENE	9.1			

STOCKWATER FROM STORAGE same as IRRIGATION
STORAGE

IRRIGATION FROM STORAGE same as IRRIGATION STORAGE

12 ACRES TOTAL

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.

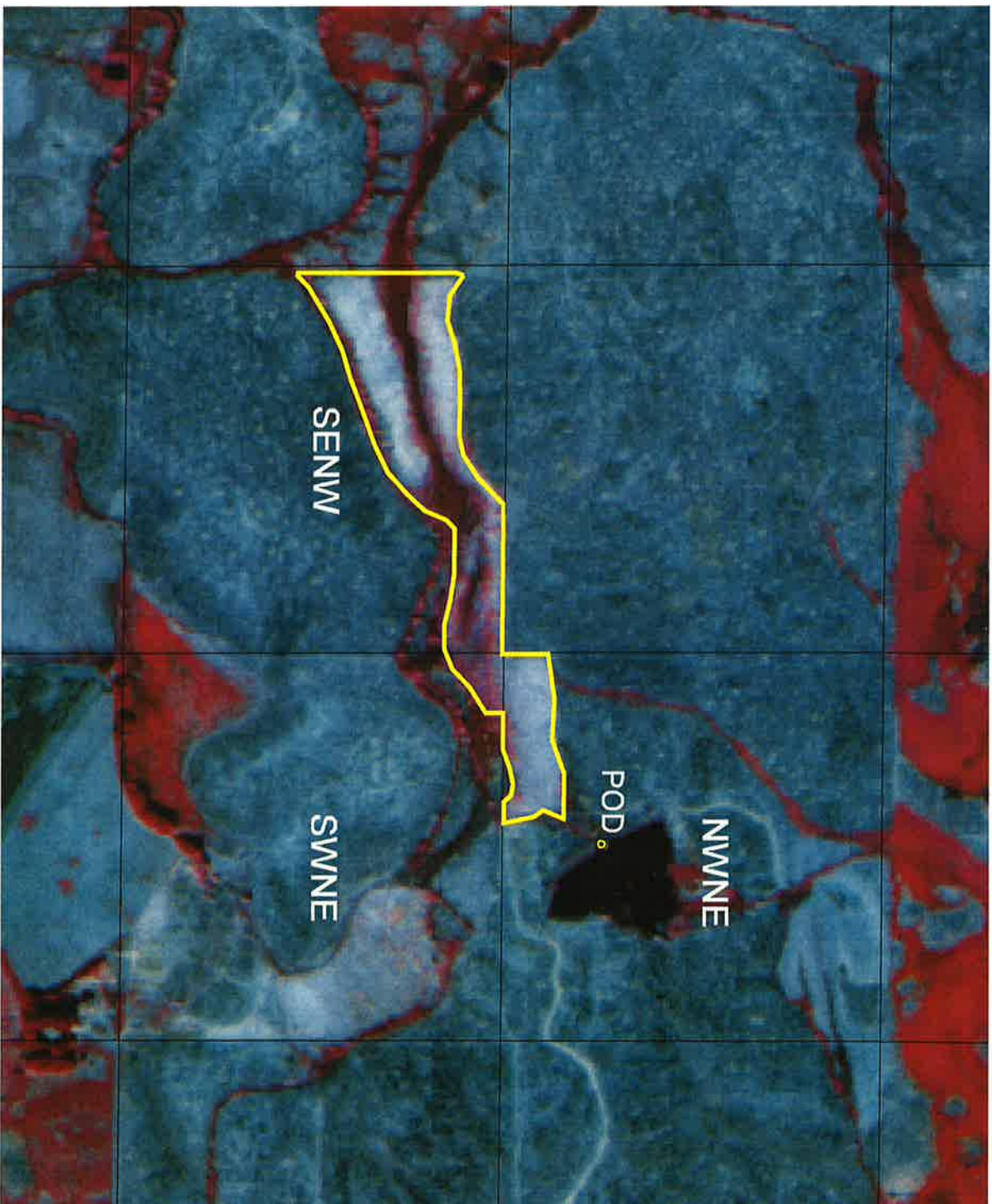
EXPLANATORY MATERIAL: Beneficial Use

The source of this right is waste water originally diverted by the Big Wood Canal Co.

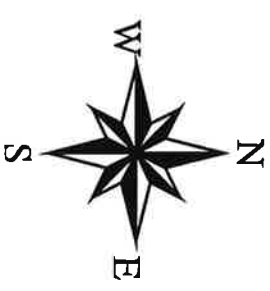
Use of this right is combined with water from American Falls Reservoir Dist. No. 2.

Use of this right is combined with water from Big Wood Canal Co.

37-4300



T04S R16E S36



Map prepared by: Carter Fritschle
Date prepared: 01/21/03 - Revised 12/08/04
1987-1988 NAPP photography
Idaho Department of Water Resources

Contacts Data Entry Form

Claim Number 37-4300

Owner Type Full Name Address City State Zip Phone
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

Sold no longer owner

Date of Field Exam: 9-14-04 Time: 12:30 P

Accompanied By: ELDEN Phone Number: 934-4106

Relationship to Claimant: Previous owner

Directions to Property (if different from above) and/or update owner information:

Elden and I went out to his old property
and he showed me.
5 mi. North - 9 mi E - 1/2 north of
Gooding



Lee R. Peterson
234 S View Rd
Jerome, ID 83338-6448

Date: 9-14-04

Point of Diversion and Source Data Entry Form

Claim Number 37-4300

Claimed Point of Diversion and Source

T04S R16E S36 SENWNE Within LINCOLN County Source: WASTE WATER BIG WOOD RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T04S R16E S36 NWNE Within LINCOLN County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

waste from neighbors Big wood River

*Big wood
waste*

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
45	16E	36			LINCOLN	Bigwood ce & waste

Other rights from this POD? Yes Big wood ce shares

Document how the POD and Source were verified:

Eldon - Mrs Guthrie & I reviewed color photos
and map on claim, Eldon said POD & yellow
acreage - color photo looks ok
Eldon #1 2459017 1315311 ^{No place} ^{Photo}
for plate 1030 313

Reviewer: Date: 9-14-04

Place Of Use Data Entry Form

Claim Number 37-4300

Claimed Place Of Use

T04S R16E S36

T04S R16E S36

T04S R16E S36

T04S R16E S36 SWNE 1.0

T04S R16E S36 NWNE

T04S R16E S36

NWNE 2.0

T04S R16E S36 SENW 9.0

Total Acres 12

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T04S R16E S36 NWNE 2.0

T04S R16E S36 SENW 9.0

T04S R16E S36 NWNE

T04S R16E S36 NWNE

T04S R16E S36 SWNE 1.0

Total Acres 12

Recommended Place of Use

See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
45	16E	36			Lincoln		100% OK	irrig-storage-stock

Total Acres 12 appears good as per
fieldron

Document how the POU was verified:

By colored photo's & map attached to
claim - I walked to POD & POU

Reviewer: B

Date: 9-14-04

Period of Use and Quantity Data Entry Form

Claim Number 37-4300

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
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	

Overall Diversion Rate 0.36

Overall Diversion Volume 48.5

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION STORAGE	1/01	12/31		48
IRRIGATION FROM STORAGE	5/01	10/01	0.36	
STOCKWATER STORAGE	1/01	12/31		
STOCKWATER FROM STORAGE	1/01	12/31		0.5

Overall Diversion Rate 0.36

Overall Diversion Volume 48.5

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
most springs on	depends on year	undetermined		varies

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

This water is almost impossible to rate due to
run offs - winters - neighbors irrig. rotations
this year but none now

Reviewer: _____

Date: 9-14-04

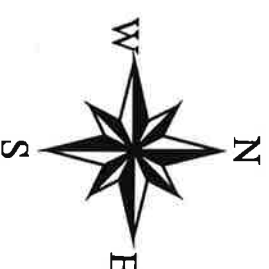
37-4300



T04S R16E

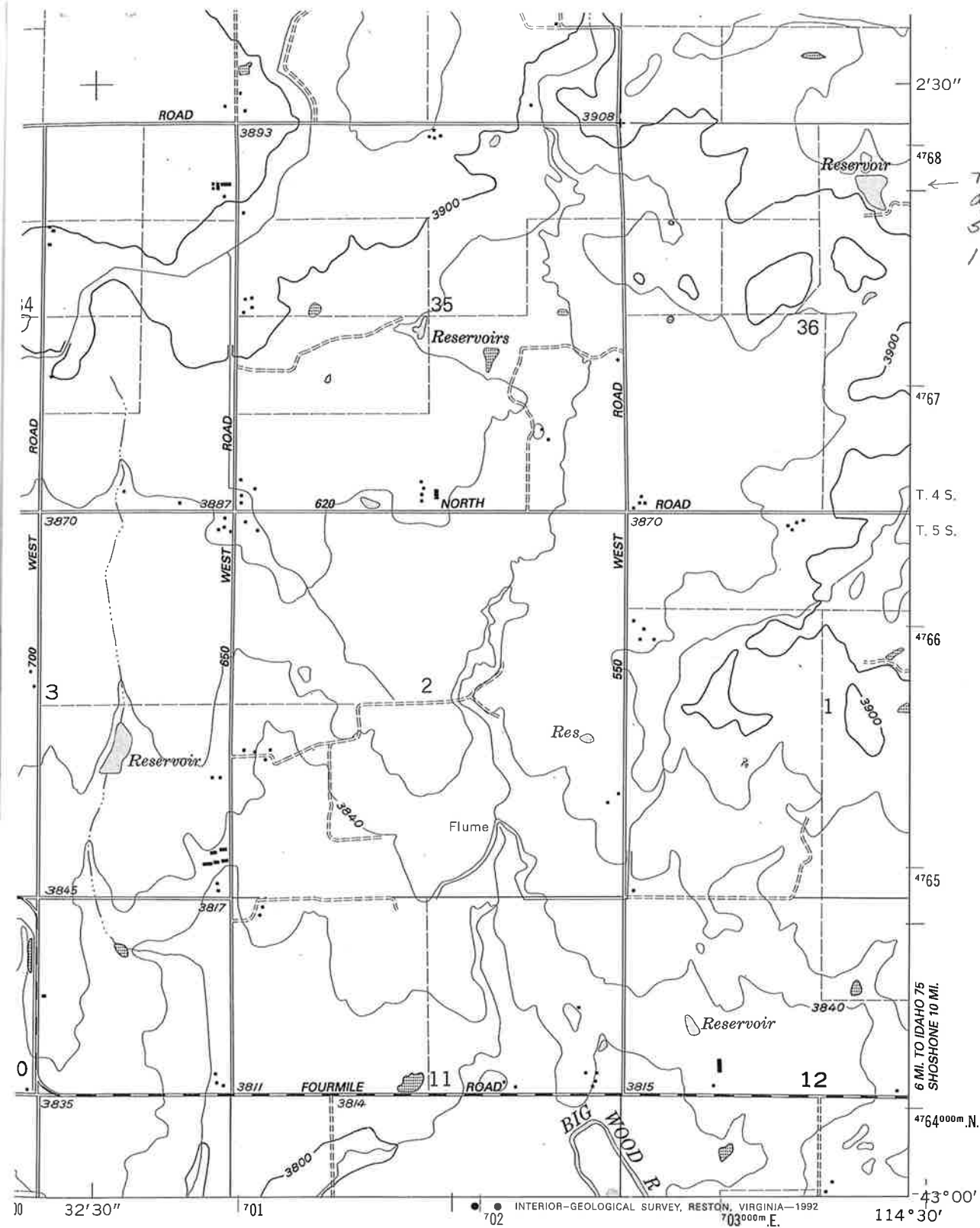
S36

*POD
APR 15
See
Grass
land*



Map prepared by: Carter Fritschle
Date prepared: 01/21/03
1987-1988 NAPP photography
Idaho Department of Water Resources

37-4300



This reservoir appears to have shown up on 1954 aerial photo.

6 MI. TO IDAHO 75
SHOSHONE 10 MI.

4764000m.N.

$$-43^{\circ}00'$$

(SHOSHONE

ROAD CLASSIFICATION

Primary highway, hard surface _____ Light-duty road, hard or improved surface . . . _____

Secondary highway,
hard surface Unimproved road ...

 Interstate Route  U. S. Route  State Route



QUADRANGLE LOCATION

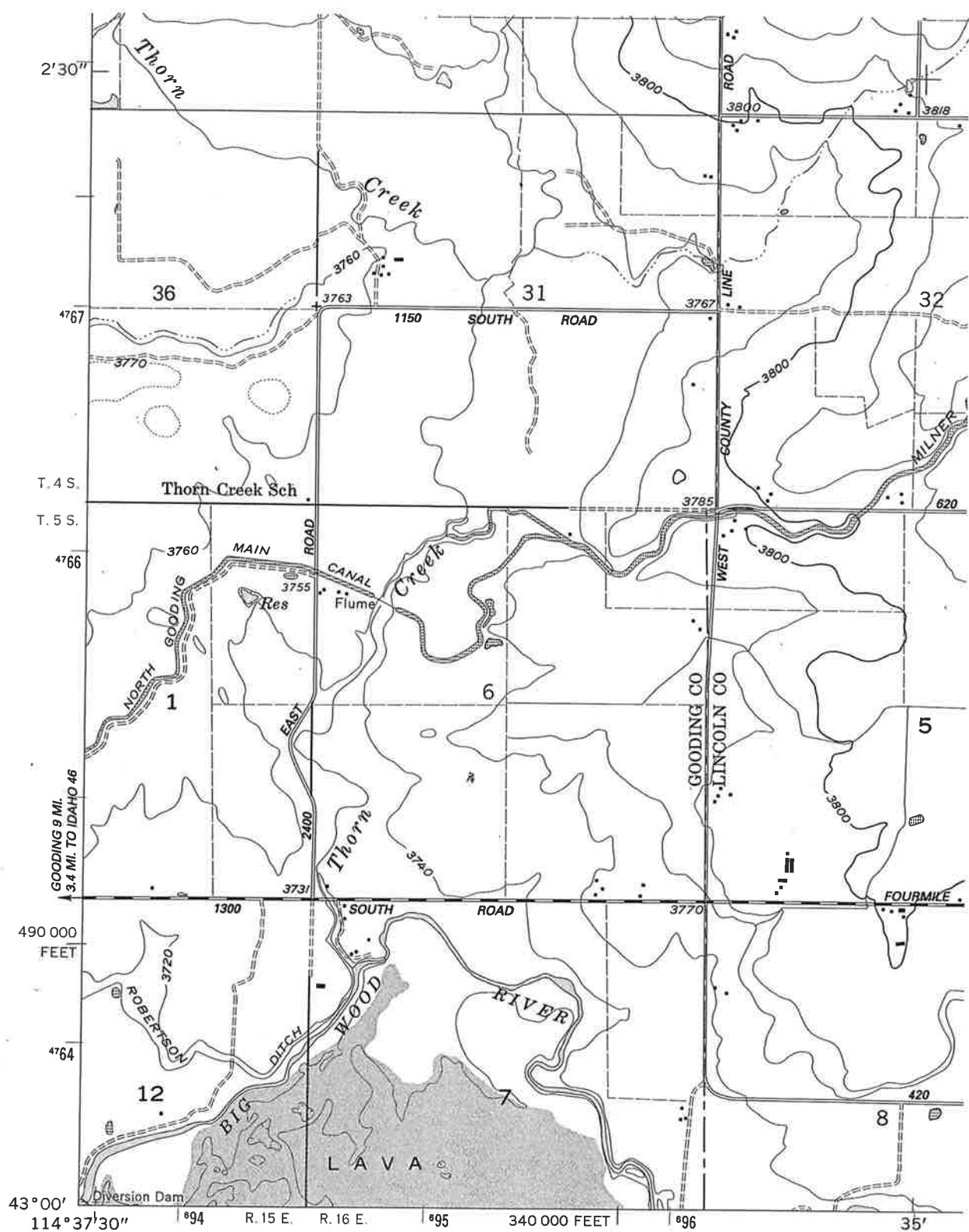
THORN CREEK SE, IDAHO

43114-A5-TF-024

1957

REVISÉ 1992

DMA 3070 II SE-SERIES V893



(GOODING)

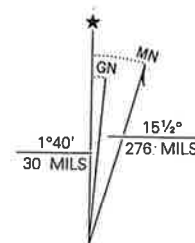
Produced by the United States Geological Survey

Control by USGS and NOS/NOAA

Compiled from aerial photographs taken 1954. Information shown in purple has been updated from aerial photographs taken 1987 and field checked. Map edited 1992. Conflicts may exist between some updated features and previously mapped contours

North American Datum of 1927 (NAD 27). Projection and 10,000-foot grid ticks: Idaho Coordinate System, central zone (Transverse Mercator). 1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue

The difference between NAD 27 and North American Datum of 1983 (NAD 83) for 7.5 minute intersections is given in USGS Bulletin 1875. The NAD 83 is shown by dashed corner ticks



UTM GRID AND 1992 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

FOR S

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that E. Elden Guthrie (Name of Claimant)
Route #1 Box 83, Shoshone, ID 83352 (Mailing Address) Telephone No. 886-7526 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1950
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 is that a claim may be filed on single family domestic use from a ground water source.
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Wastewater tributary to Big Wood River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.36 cfs</u>		Use <u>Irrigation from storage</u>	Period of Use From <u>May 1</u>	To <u>Oct 1</u>	
Quantity <u>0.02 cfs 0.5 AFA</u>		Use <u>Livestock from storage</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>	
Quantity <u>48 AFA</u>		Use <u>Storage for Irrig. stock</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>	
Quantity <u>6</u>		Use	Period of Use From	To	
(4) <u>0.38 cfs + 48 AFA</u>		TOTAL QUANTITY USED.			
	(cfs, gpd, AFA)				

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 NE 1/4, Sec. 36 Twp. 4S Rge. 16E B.M., County of Lincoln
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. Describe any changes in the system and give the date of the change. Earth dam 20' high x 70' wide dam in stream channel, excavation along both sides of channel to form pond. Water flows out of dam thru natural channel & is then diverted into ditches for gravity irrigation. Stock drink from pond.

- (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.

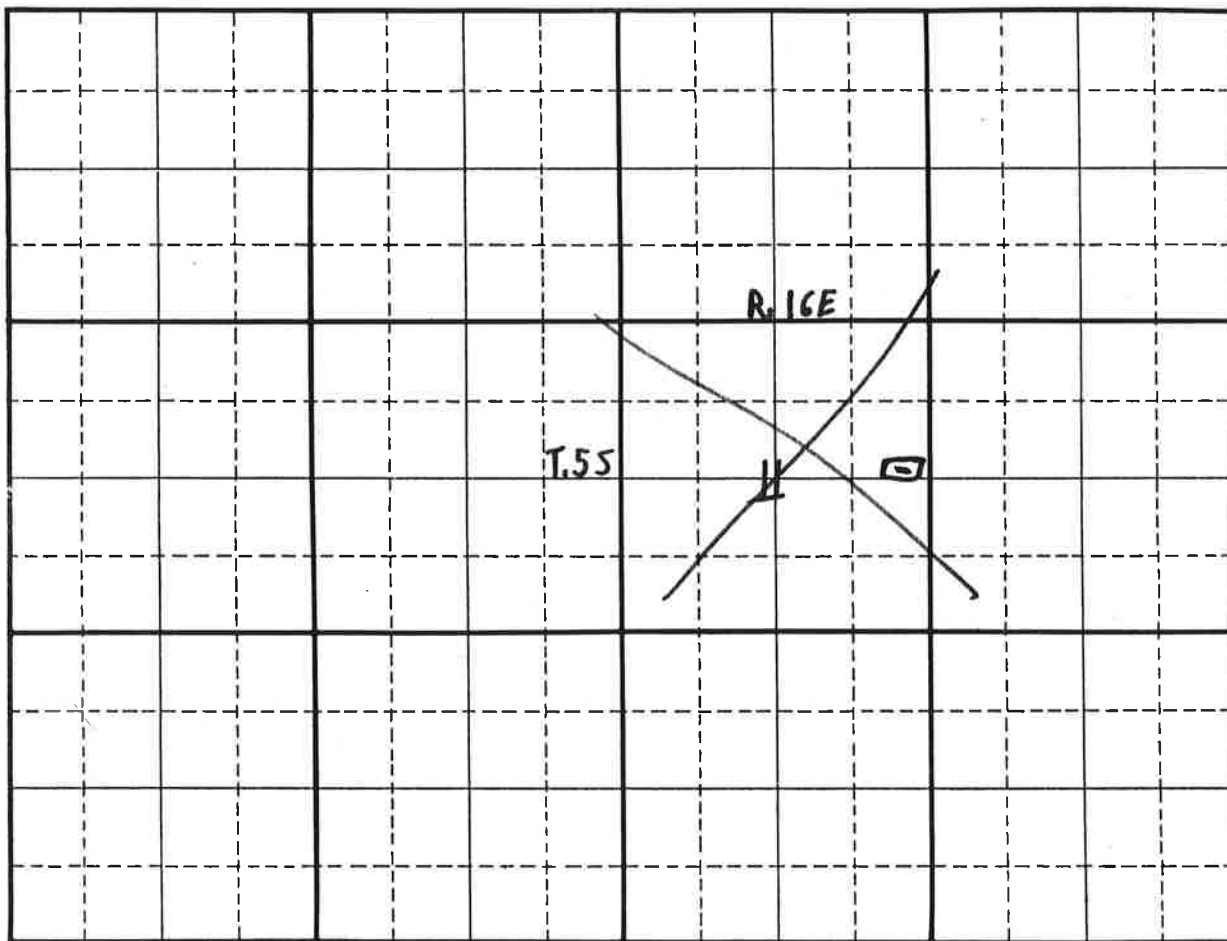
T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
4S	16E	36		2	1					9									12

No. of acres 12

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 50 beef cattle in summer, a few horses in winter
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 Lincoln) 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 affiant's knowledge.

Sworn to before me this

7th day of

April

19

83

Elden L. Guthrie
(Claimant)

Ladine S. Down
Notary Public
Residing at Shoshone, Id.

My commission expires

8-15-85

FOR DEPARTMENT USE ONLY

Received by J. F. Patton Date 4-7-1983 Exception filed by: _____ Date _____
Pratt check by ADM Date 4/11/83
\$2000 fee received by manya Date 7/8/83 #26184
Furnished in Lincoln Ad. Manual
Dues 5/5 + 5/12/83

1



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

*They are preparing
letter
&
sales papers*

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

**RESPONSE DEADLINE
AUGUST 27, 2004**

Dear Claimants:

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: A37-04300
Date Received: 6/20/1988
Receipt No: M0000138
Received By: ADM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELDEN L. GUTHRIE 208-886-7526
Address: 550 4 MILE ROAD
SHOSHONE, ID 83352

AND/OR

Name: JO ANN GUTHRIE 208-886-7526
Address: 550 4 MILE ROAD
SHOSHONE, ID 83352

2. Date of Priority: APR 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
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.
DIVERSION TO STORAGE	04/01	11/01	0.360		
IRRIGATION STORAGE	01/01	12/31			48.00
STOCKWATER STORAGE	01/01	12/31			0.50
IRRIGATION FROM STORAGE	04/01	11/01			48.00
STOCKWATER FROM STORAGE	01/01	12/31			0.50

7. Total Quantity Appropriated is:
0.360 C.F.S. (and/or) 48.50 A.F.A.

8. Total consumptive use is 36.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 50 RANGE IS/ POND SS/ POND

A37-04300

Page 1

Date: 06/20/88

MICROFILMED
FEB 24 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	16E	36			IRR S	
					STOC S	
					STO FS	
			NW	NE	DIV S	
			NW	NE	IRR S	2.0
			SW	NE	IRR S	1.0
			SE	NW	IRR S	9.0
					Section Acres	12.0
					Total Acres	12.0

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:
SHARES IN BIG WOOD CANAL CO.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Elden J. Guthrie Date: 6-20-88

Date: _____

State of Idaho)
County of Latah) SS.

Subscribed and sworn (or affirmed) before me this 10 day

of June 19 88

John Dale Carlson
Notary Public

Seal

Residing at Bow Id.

My Commission Expires 6/2/94

