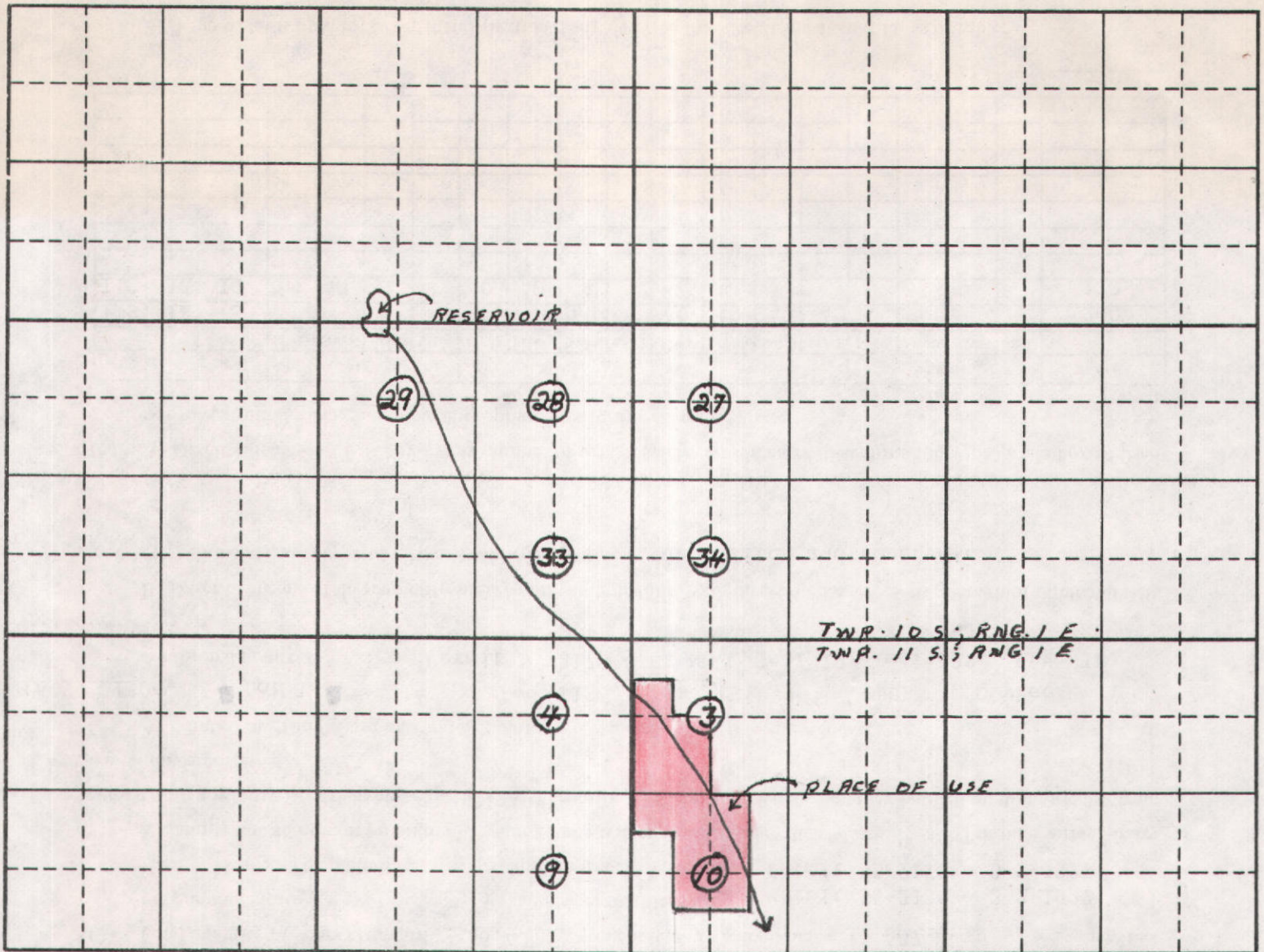


- (8) Remarks The 437 A.F. is a storage right. The 6.4 cfs is a natural flow right.
The permits referred to have never been licensed.



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

ss.

County of Ada

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 affiants knowledge.

John Dexter Gauthier
(Claimant)

Sworn to before me this 15th day of March, 1974

Gene Curtis
Notary Public

Residing at Boise

My commission expires February 7, 1977

Rec'd #14204 For Department Use Only

Received by <i>ECB</i>	Date <u>3-15-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <i>ECB</i>	Date <u>15 MAR 74</u>		claimant by:	
\$10.00 fee received by <i>if</i>	Date <u>3-15-74</u>			
Approved for publication by				
Published in <i>Owyhee Nugget</i>				
Dates <u>3-28-74</u> <u>4-4-74</u>				

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

I, **RODNEY A. HAWES**, being first duly sworn, on oath says that he is the Publisher of the **OWYHEE NUGGET**, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 28 day of March, 1974, and the last publication being on the 4 day of April, 1974;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 4 day of April, 1974.

Lona Shaver
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)

NOTICE OF CLAIM TO A WATER RIGHT No. 55 - 4009

Notice is hereby given that **JOHN LESTER GUTHRIE**, 20210 Ave. 176, Porterville, CA., has filed a claim to a water right established by diversion and application to beneficial use of 6.4 cubic feet per second, 437 acre feet of water from Scrappy Creek & Scrappy Reservoir, trib. to Battle Creek with the point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S. 29, T. 10 S., R. 1 E., Lot 1, S. 4, T. 11 S., R. 1 E., B. M., Owyhee County.

The water is claimed to be used from April 15 to Oct 1 for irrigation of 320 acres with a priority of 3/2/1927; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S. 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, S. 10, T. 11 S., R. 1 E., B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON,
Director.

Published in the Owyhee Nugget, Marsing, Idaho on March 28, 1974 and April 4, 1974.

OK
4-9-74

RECEIVED

APR 9 1974 mt

Department of Water Administration

55 4009

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that John Lester Guthrie (name of claimant)

of 20210 Ave. 176; Porterville, Calif. 93257 (mailing address), claims a right to the diversion and beneficial use of

ground water or surface water tributary to Battle Creek,

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Scrappy Creek and Scrappy Reservoir also known as Dry Creek and Dry Creek Reservoir

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed

Permit 55-2130	Amount 6.4 cfs	Use irrigation	Period of Use: From 4/15 To 10/1
Permit 55-2170	Amount 437 A.F.	Use "	Period of Use: From 4/15 To 10/1
	Amount	Use	Period of Use: From To
	(cfs, gpm or a/f)	(dom, irri, stock, etc.)	(both dates inclusive)

(3) Total quantity of water claimed: 6.4 cubic feet per second, or 437 acre feet per annum, and/or gallons per minute. Permit 55-2130 - 3-2-1927

(4) Priority claimed: (the date water was first applied to beneficial use) Permit 55-2170 - 3-2-1927

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)

Permit 55-2130 Lot 1, Sec. 4 Twp. 11S Rge. 1E B. M. County of Owyhee
Additional points of diversion: Permit 55-2170 - NE 1/4 NW 1/4, Sec. 29; Twp. 10S.; Rng. 1E.

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. dam, ditch and reservoir

(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.

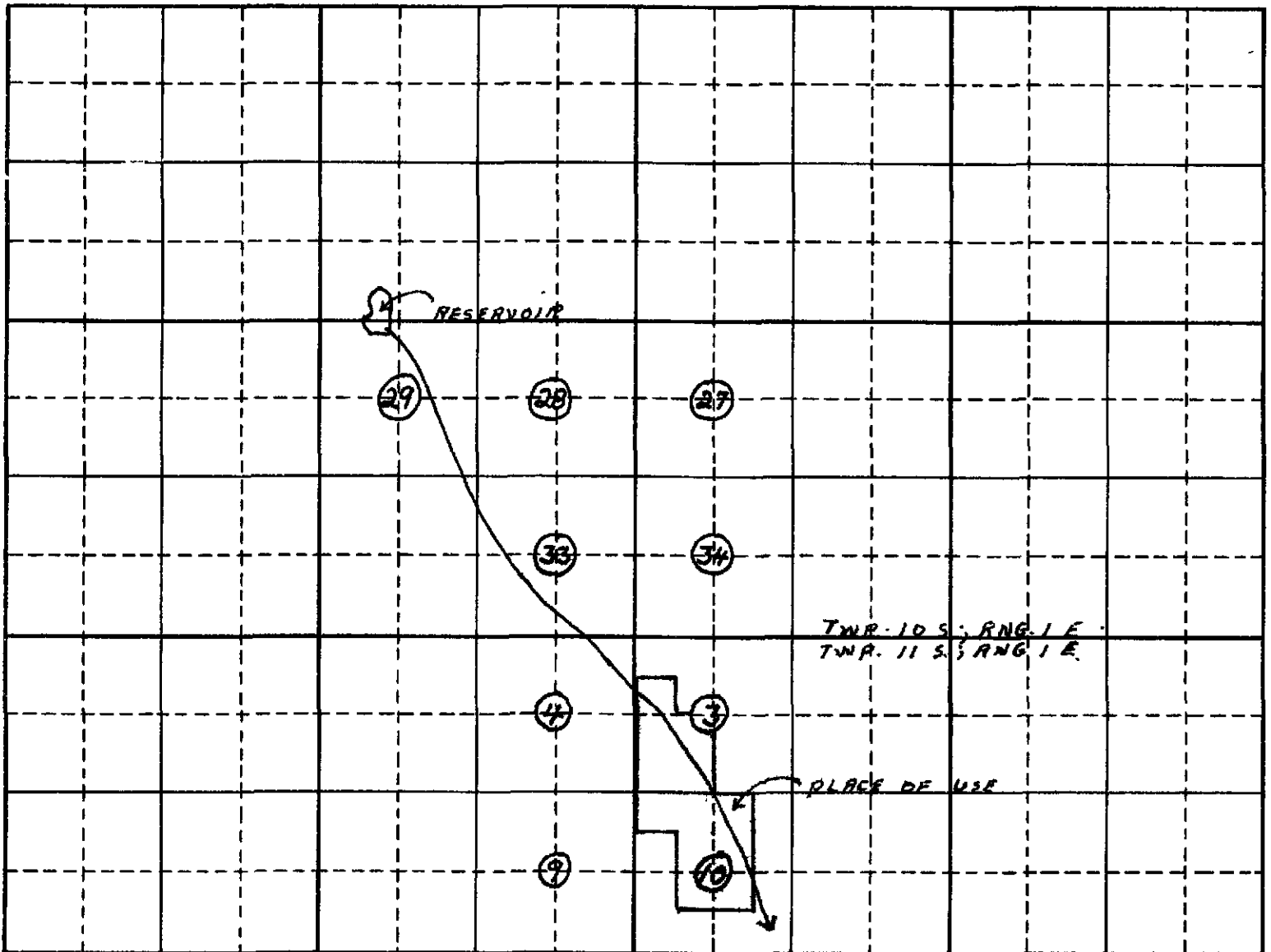
T	R	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	1E	3							40		40	40	40	40					200
11S	1E	10		40			40	40											120

Total No. of acres 320

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

(7) If you are claiming water as a member of an organization, list name of organization

- (8) Remarks The 437 A.F. is a storage right. The 6.4 cfs is a natural flow right.
The permits referred to have never been licensed.



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

ss.

County of Ada

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 affiants knowledge

Sworn to before me this 15th day of March, 1974

John Dexter Gentry
(Claimant)

Gene Curtis
Notary Public
Residing at Boise

My commission expires February 7, 1977

Rec'd #14204 For Department Use Only

Received by <u>ECB</u>	Date <u>3-15-74</u>	Exception filed by	Forwarded to	Date
Prelim. check by <u>ECB</u>	Date <u>15 MAR 74</u>		claimant by	
\$10.00 fee received by <u>if</u>	Date <u>3-15-74</u>			
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PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 28 day of March, 1974, and the last publication being on the 4 day of April, 1974;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 4 day of April, 1974.

Lester H. Haver
NOTARY PUBLIC

My commission expires 4-10-76

(SEAL)

NOTICE OF CLAIM TO A WATER RIGHT No. 55 - 4009

Notice is hereby given that JOHN LESTER GUTHRIE, 20210 Ave. 176, Porterville, CA., has filed a claim to a water right established by diversion and application to beneficial use of 6.4 cubic feet per second, 437 acre feet of water from Scrappy Creek & Scrappy Reservoir, trib. to Battle Creek with the point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S. 29, T. 10 S., R. 1 E., Lot 1, S. 4, T. 11 S., R. 1 E., B. M., Owyhee County.

The water is claimed to be used from April 15 to Oct 1 for irrigation of 320 acres with a priority of 3/2/1927; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S. 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, S. 10, T. 11 S., R. 1 E., B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON,
Director.

Published in the Owyhee Nugget, Marsing, Idaho on March 28, 1974 and April 4, 1974.

OK
4-9-74

1974 mt

55 4009

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

April 15, 1974

John Lester Guthrie
20210 Avenue 176
Porterville, CA 93257

Re: Claims to a Water Right Nos. 55-4008, 55-4009, 55-4010, 55-4011

Dear Mr. Guthrie:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

Enclosures

cc: Federal Land Bank

55 4009

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse Annex 2
Boise Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Development
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

March 22, 1974

Owyhee Nugget
Marsing, ID 83639

Re: Claim to a Water Right No. 55-4008 - John Lester Guthrie
55-4009 - John Lester Guthrie
55-4010 - John Lester Guthrie
55-4011 - John Lester Guthrie

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

Bill submitted 4-9-74 by df

55 4009

NOTICE OF CLAIM TO A WATER RIGHT

No. 55-4009

Notice is hereby given that JOHN LESTER GUTHRIE, 20219 Ave. 176.

Porterville, CA

has filed a claim to a water right established by diversion and application to beneficial use of 6.4 cubic feet per second, 437 acre feet of water from Scrappy Creek & Scrappy Reservoir, trib. to Battle Creek with the point of diversion in the NE 1/4, S. 29, T. 10 S., R. 1 E., Lot 1. S. 4, T. 11 S., R. 1 E., B.M., Owyhee County.

The water is claimed to be used from April 15 to Oct. 1 for irrigation of 320 acres

with a priority of 3/2/1927

the place of use is within the SW 1/4, S. 3, NE 1/4, S. 10, T. 11 S., R. 1 E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Owyhee Nugget, Marsing, Idaho on XXXX March 28, 1974 and April 4, 1974.