

was and is necessary for the proper and thorough irrigation and cultivation of the above described land and there is no other adequate water supply for the irrigation of the same except the water of said Dry Creek so carried and conducted upon said lands by means of the aforesaid dams and ditches.

-7-

That the defendants have or claim to have some right, title and interest in and to the above described water of said Dry Creek but these plaintiffs allege that such claim is without right and that said defendants do not have any right, title or interest in and to said waters or any right to use any of the same.

COMPLAINT OF LEONARD E. STROUT AND OLGA STROUT,
HUSBAND AND WIFE

Come now the plaintiffs, Leonard E. Strout and Olga Strout, husband and wife, and complain of the defendants and allege:

-1-

That they are and for sometime past have been husband and wife and ever since the 1st day of September, 1917, have been and still are the owners--except as against the United States of America--of the following described land situate in Gooding County, State of Idaho, and more particularly described as follows, to-wit:

"NW1/4 of the NE1/4 of Sec. 9, S2 of the SE1/4 and the SE1/4 of the SW1/4 of Sec. 4, all in Twp. 5 S. R. 13 E. B. M. containing 160 acres more or less."

-2-

That all of the above described land is agricultural land arid in its nature and without the artificial application and use of water thereon is valueless for agricultural purposes but by the artificial application and use of water thereon becomes productive and valuable for agricultural purposes.

-3-

That for the purpose of irrigating the above described lands and while said plaintiffs were in the possession thereof and the

-7-

owners thereof--except as against the government--and also for furnishing water for domestic purposes, to-wit, for household purposes and for stock purposes, both during the irrigation and the non-irrigation season of the year, these plaintiffs, prior to the year 1917, constructed upon public land in the immediate vicinity of their said lands a certain reservoir known as the Bray Lake and Reservoir and on or before said date constructed in the channel of said Dry Creek a certain dam and diversion work and on or before said date, for the purpose of diverting the waters of said Dry Creek from the channel of said stream to and into said Bray Lake and Reservoir, these plaintiffs constructed a certain ditch or small canal for a length of approximately five miles and commencing on or about February 1st, 1917, these plaintiffs diverted through said canal and into said Bray Lake and Reservoir a continuous flow of 40 cubic feet per second of time until not less than 5000 acre feet of the waters of said Dry Creek had been diverted from the channels of said Dry Creek into said reservoir.

-4-

That said Dry Creek is situate in Gooding County, Idaho and extends and flows in a southerly direction through Townships 3, 4 and 5 of Range 14 and at flood times empties into Big Wood River at a point in Section 22 of Twp. 5 S. R. 14 E. N. M. That said Dry Creek is what is known as a dry stream and its waters, except at flood times, do not reach said Big Wood River or any other river and the use of its water does not effect or interfere with the use of the waters of said Big Wood River or any other river by the appropriators thereof.

-5-

That for the purposes above enumerated and while these plaintiffs were the owners of theabove described land--except as

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From Complaint for Decree 2791

DeMoss 37-856

RECEIVED

NOV 07 2006

DEPARTMENT OF
WATER RESOURCES

AFFIDAVIT

BE IT ACKNOWLEDGED, that Le Roy Strout
of Gooding Idaho the undersigned

deponent, being of legal age, does hereby depose and say under oath as follows:

My Grand Father, Leonard Strout was the original owner of
Bray Lake Ranch. He had some cattle & horses & leased Pasture (all pasture)
for horse & cattle feed. He also raised up to 100 head of Hogs, through the years,
at a time. All this livestock was watered primarily from Bray Lake water
from the north & south pastures & some ponds.

And I affirm that the foregoing is true except as to statements made upon information and
belief, and as to those I believe them to be true.

Witness my hand under the penalties of perjury this 3 day of April, 2002
(year).

Signature of Witness

Le Roy Strout

Signature of Deponent

Name of Witness

Le Roy Strout

Name of Deponent

Address of Witness

310 19th Ave W - Gooding Id 83330

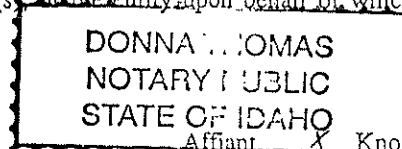
Address of Deponent

STATE OF Idaho }
COUNTY OF Gooding

On April 3rd, 2002 before me, the undersigned, personally appeared Le Roy Strout
, personally known to me (or proved to me
on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument
and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), on the entity upon behalf of which the person(s) acted,
executed the instrument.

WITNESS my hand and official seal.

Signature Donna Thomas
Residing at Gooding, Idaho
Commission Expires 6-9-2006



Affiant ☒ Known ☐ Unknown
ID Produced _____ (Seal)

DeMoss 37-856

AFFIDAVIT

BE IT ACKNOWLEDGED, that PATRICIA MASON-STURM
of 9533 Hwy 44 Middleton, IDAHO the undersigned

deponent, being of legal age, does hereby depose and say under oath as follows:

THAT TO the best of my knowledge approximately
250-300 head cattle yearly drank from Ponds
And ditches on BRAY LAKE RANCH between
1967-1977. They were fed from BRAY LAKE
RESERVOIR- PONDS & Ditches

And I affirm that the foregoing is true except as to statements made upon information and
belief, and as to those I believe them to be true.

Witness my hand under the penalties of perjury this 26 day of march,
(year). 2002

Signature of Witness

Patricia Mason Sturm
Signature of Deponent

Name of Witness

Name of Deponent

Address of Witness

Address of Deponent

STATE OF Arizona
COUNTY OF Pima }

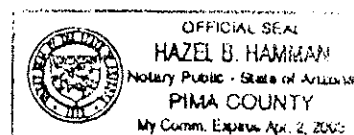
On 3-26-02 before me, PATRICIA MASON-STURM, personally appeared

, personally known to me (or proved to me
on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument
and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

WITNESS my hand and official seal.

Signature Hazel B. Hamman

Affiant Known ☒ Unknown
ID Produced DRIVER'S License
(Seal)



Dell Moss 37-856