

11/29/2004

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

RIGHT NUMBER: 37-4059

NAME AND ADDRESS: DONALD T BRAY
DBA LYE LAKE RANCH
PO BOX 156
BLISS ID 83314

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 1.000 CFS

Right Nos. 37-805A, 37-806A and 37-4059 are limited to a total combined combined diversion rate of 2.55 cfs.

PRIORITY DATE: 05/01/1970

POINT OF DIVERSION:

T04S R13E S27 NESWNW Within GOODING County

T04S R13E S27 SESWNW Within GOODING County

T04S R13E S27 NENWSW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.000 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T04S R13E S27	NWNW	5.2	T04S R13E S28	NENE	15.0
T04S R13E S28	NWNE	2.0	T04S R13E S28	SWNE	29.0
T04S R13E S28	SENE	22.0			

STOCKWATER Within GOODING County

T04S R13E S27	NWNW	T04S R13E S28	NWNE
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73.2 ACRES TOTAL

Right Nos. 37-805A, 37-806A and 37-4059 are limited to the irrigation of a combined total of 105 acres in a single irrigation season.

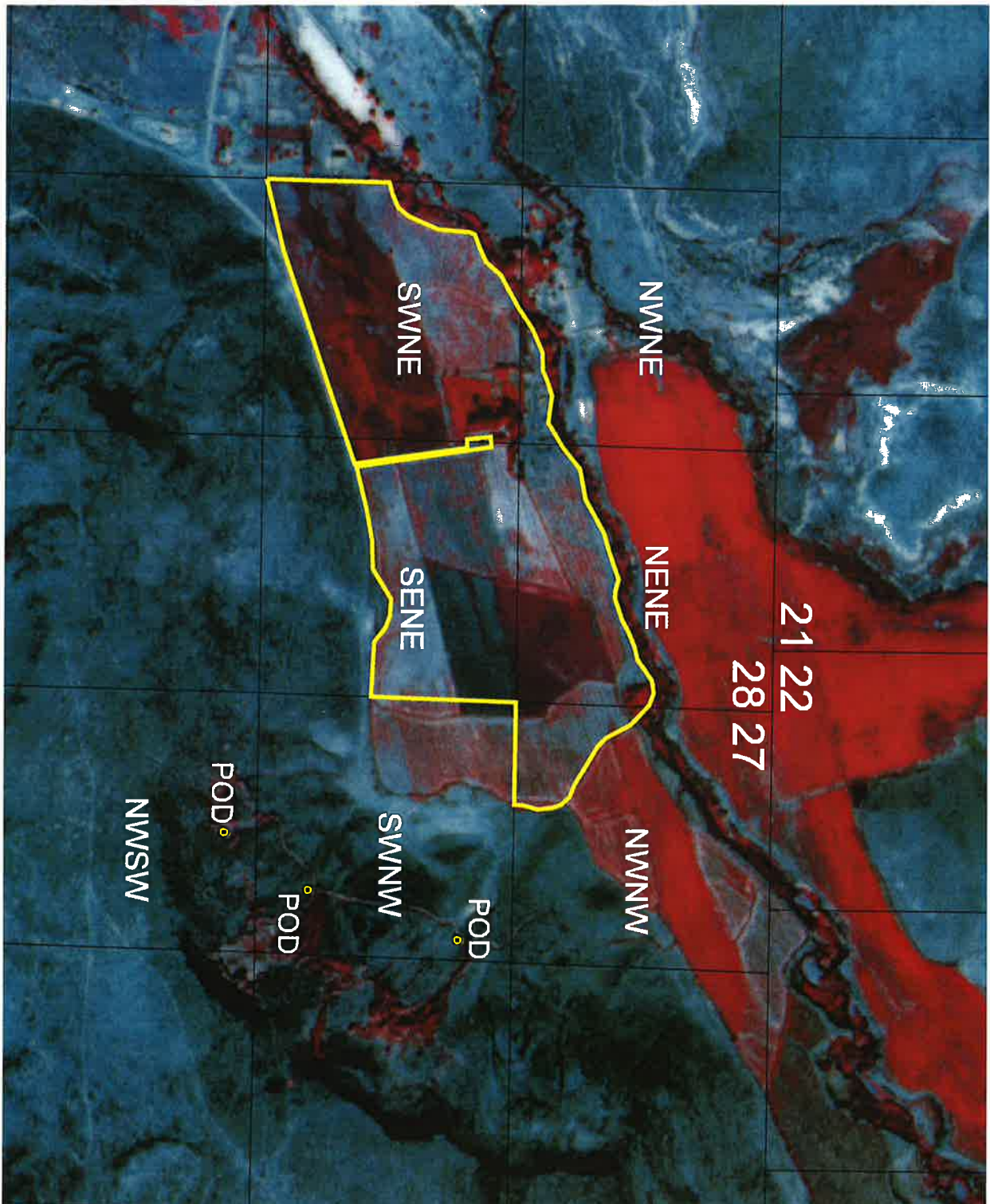
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: Beneficial Use

37-4059

T04S R13E
S27 & S28



Map prepared by: Carter Fritschle
Date prepared: 12/26/02 - Revised 11/29/04
1987-1988 NAPP photography
Idaho Department of Water Resources

37-4059

IDWR Field Exam Form

07/23/2004



LEE R. PETERSON
234 S View Rd.
Jerome, ID 83338

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	DONALD T BRAY	DBA LYE LAKE RANCH PO BOX 156	BLISS	ID	83314	(208)352-4274

Date of Field Exam:

8/9/04

Time:

9:15 A

5077-IN-12W part owner

Accompanied By:

Scott Nuxhold

Phone Number:

see claim

Relationship to Claimant: _____

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

846 E - 10505 9 miles north of Bliss
Id at Post Office then 1/2 East

Reviewer:

Date:

8-9-04

Point of Diversion and Source Data Entry Form

Claim Number 37-4059

Claimed Point of Diversion and Source

T04S R13E S27 SWSENW Within GOODING County Source: SPRINGS SINKS

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T04S R13E S27 SENW Within GOODING County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

- 1- Mt Spring - SEE color photo
- 2- " " " " "
- 3- " " " " "

*some of
claim*

	Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
1-	45	13E	27		GPS	Gooding	
2	"	"	"		"	"	
3	"	"	"		"	"	

Other rights from this POD? None

Document how the POD and Source were verified:

still showed me

SCOTT took me to location 1-2-3 - his pu
all three spring locations are approx. as
shown on Color Photo - he also said the
land as shown is approx OK

				Pos.	USR	Plate	Photo	
①	Donald T. Bray	Bray-1	2426147	1316580	Aug 13 748	1020266		NE NW SW
②	" " "	" - 2	2426238	1316712	747	265		SE SW NW
③	" " "	" - 3	2426315	1316949	749	267		NE SW NW

Reviewer: *[Signature]*Date: 8-9-04

Place Of Use Data Entry Form

Claim Number 37-4059

Claimed Place Of Use

T04S R13E S27	NWNW	19.0	T04S R13E S28	NENE	14.0
T04S R13E S28	NWNE	3.0	T04S R13E S28	SWNE	27.0
T04S R13E S28	SENE	21.0			
T04S R13E S27	NWNW		T04S R13E S27	SWNW	
T04S R13E S28	NWNE				

Total Acres 84 *oh*☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T04S R13E S27	NWNW	19.0	T04S R13E S28	NENE	14.0
T04S R13E S28	NWNE	3.0	T04S R13E S28	SWNE	27.0
T04S R13E S28	SENE	21.0			
T04S R13E S27	NWNW		T04S R13E S27	SWNW	
T04S R13E S28	NWNE				

Total Acres 84

Recommended Place of Use *see color photo* See corrections to claimed POU above

area marked - as per Scott is ok

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
								<i>pasture</i>

*none as
claim*

Total Acres

Document how the POU was verified:

scott showed

scott and I went up on Mountain he showed me POD - POU - ditobers

Reviewer: *h*Date: *8-9-04*

Period of Use and Quantity Data Entry Form

Claim Number 37-4059

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	1	
STOCKWATER	1/01	12/31	0.08	
Overall Diversion Rate	Overall Diversion Volume			

☐ 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	3/15	10/15	1	
STOCKWATER	1/01	12/31	0.08	
Overall Diversion Rate	Overall Diversion Volume			

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
1- <i>Varies each year</i>	3-	April	now 0	now 0
2- " " "	"	"	"	"
3- " " "	"	"	"	"

Overall Diversion Rate *very little* Overall Diversion Volume *little*

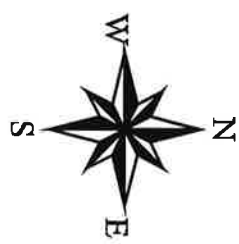
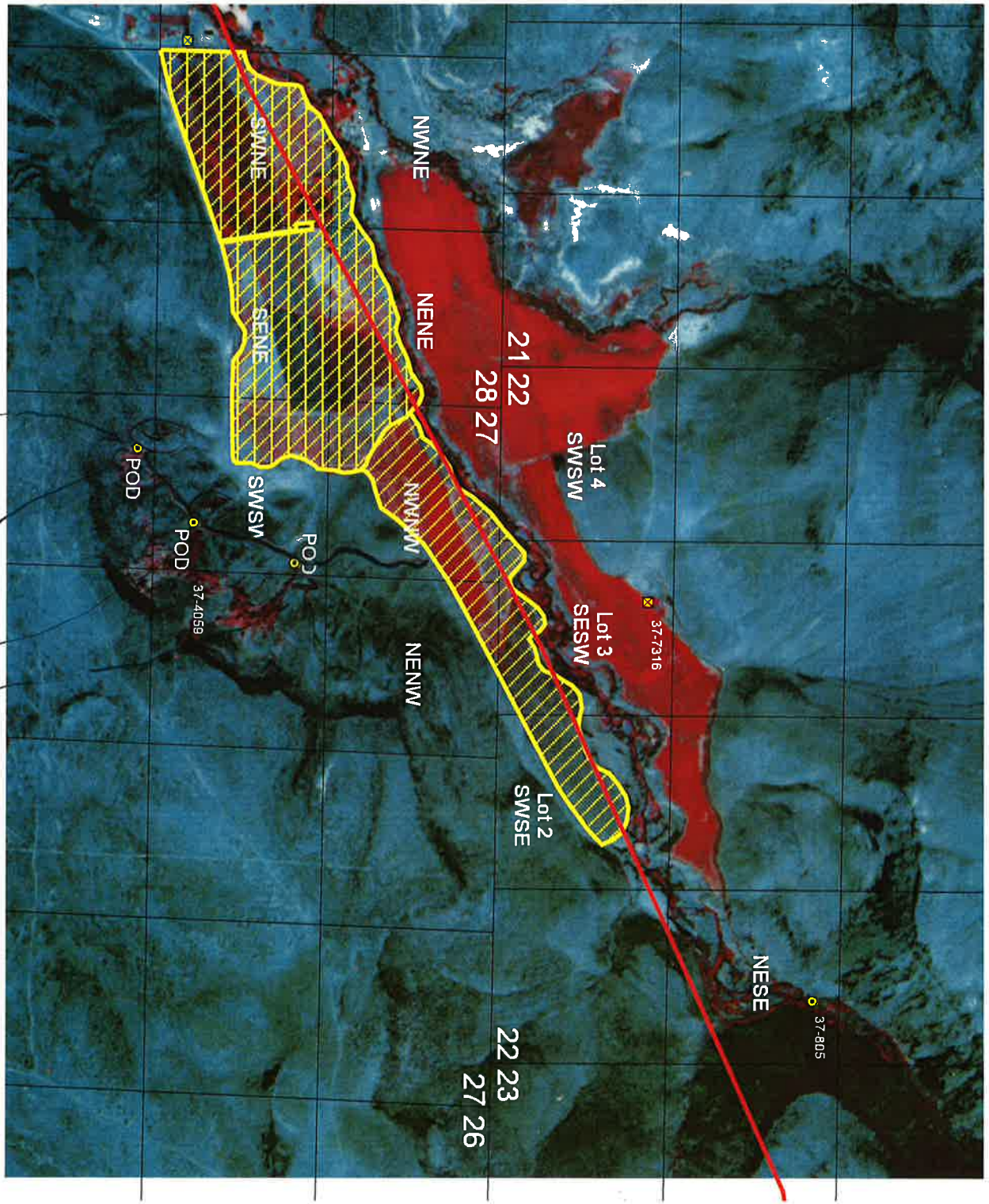
Document how the Period of Use and/or Diversion Rate were verified:

this year - now all three are dry and has been for some time - the last four years very little water has come from springs - looking at the ditch I would say the last four - five years since water has flowed in it.

Reviewer: *[Signature]*Date: *8-9-04*

37-4059

T04S R13E
S27 & S28



of books

approx or

POD

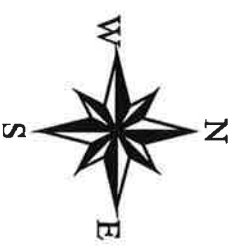
see GPS

ditto

s

1 m

**T04S R13E
S27 & S28**



Map prepared by: Carter Fritschle
Date prepared: 12/26/02
1987-1988 NAPP photography
Idaho Department of Water Resources



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 23, 2004

37-4059
DONALD T BRAY
DBA LYE LAKE RANCH
PO BOX 156
BLISS ID 83314

Re: Evidence of Priority Date

Dear Claimant:

RESPONSE DEADLINE
AUGUST 20, 2004

The Notice of Claim to a Water Right (claim) identified with the number shown above your name 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: **A37-04059**
Date Received: 8/23/1988
Receipt No: S001665
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: DONALD T BRAY
Address: LYE LAKE RANCH
PO BOX 156
BLISS ID 83314
208-352-4274

2. Date of Priority: MAY 1, 1970

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	13E	27	SW	SE	NW		GOODING

5. Description of diverting works:
SPRING FLOWS INTO GRAVITY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
STOCKWATER	01/01	12/31	0.080		

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

8. Total consumptive use is 252.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER/ 300 CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	13E	27	NW	NW		IRR	19.0
			NW	NW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	13E	27	SW	NW		STOCK	
						Section Acres	19.0
		28	NE	NE		IRR	14.0
			NW	NE		IRR	3.0
			NW	NE		STOCK	
			SW	NE		IRR	27.0
			SE	NE		IRR	21.0
						Section Acres	65.0
						Total Acres	84.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

37-00805, 37-00806, 37-04058, 37-04340, & HOT WELL.

14. Remarks:

2-20-98: CHANGE OF OWNERSHIP STERLING BRAY TO DONALD BRAY PER
NOTICE REC'D 10-29-97 - VH

15. Basis of Claim: STATUTORY CLAIM



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 20, 1998

Donald T. Bray
Lye Lake Ranch
PO Box 156
Bliss, Idaho 83314

RE: Snake River Basin Adjudication (SRBA)
Claim No.(s): A37-04340, A37-00805A, A37-00806A, A37-04058,
A37-04059, A37-04331A
Change of Ownership Notification

Dear Claimant(s):

We have been notified that you now own property with the above referenced Snake River Basin Adjudication claim(s), and our records have been changed, accordingly. **The enclosed copies are for your records**, please review these documents for accuracy in all respects. Also, please note that Adjudication Claims A37-00805A and A37-00806A (splits off the original claims) are appurtenant to the property in question. A37-00805 and A37-00806 are appurtenant to the property conveyed to you by John Tschannen.

We are also in receipt of your Notice of Change of Ownership for the property conveyed to you by John Tschannen; however, the copy of the Warranty Deed that you submitted with this Notice does not have exhibit A, which contained the legal description, attached. We are unable to change our records without a legal description of the property. I am enclosing a self-addressed envelope for your convenience. Please return a complete Warranty Deed for this transaction, and I will proceed with the update on the rest of your claims.

If you have any questions, please contact me at this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'V. Hancock'.

Vikie Hancock
S.R.B.A. Records Clerk

RECEIVED

OCT 29 1997

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES Department of Water Resources
Southern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: A37-04340, A37-00805, A37-00806, A37-04053, A37-04059, A37-04331A
Adjudication Claim No(s).: _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Sterling Bray / Deceased
P.O. Box 96 Bliss, ID 83314
4. New Owner/Claimant(s) Donald T Bray
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address Lye Lake Ranch P.O. Box 156
City, State and ZIP Code Bliss, ID 83314
New Telephone Number (208) 352-4274
5. Date you acquired the property May 1 1989
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Donald T Bray
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

WARRANTY DEED

For Value Received

J. Sterling Bray and Helen R. Bray

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Donald T. Bray and Julianne L. Bray

Hereinafter called the Grantee, the following described premises situated in GOODING County, Idaho, to-wit:

Township 4 South, Range 13 East of the Boise Meridian
Section 22: All that portion of the SE1/4 NE1/4, N1/2 SE1/4
Lots 2, 3 and 4

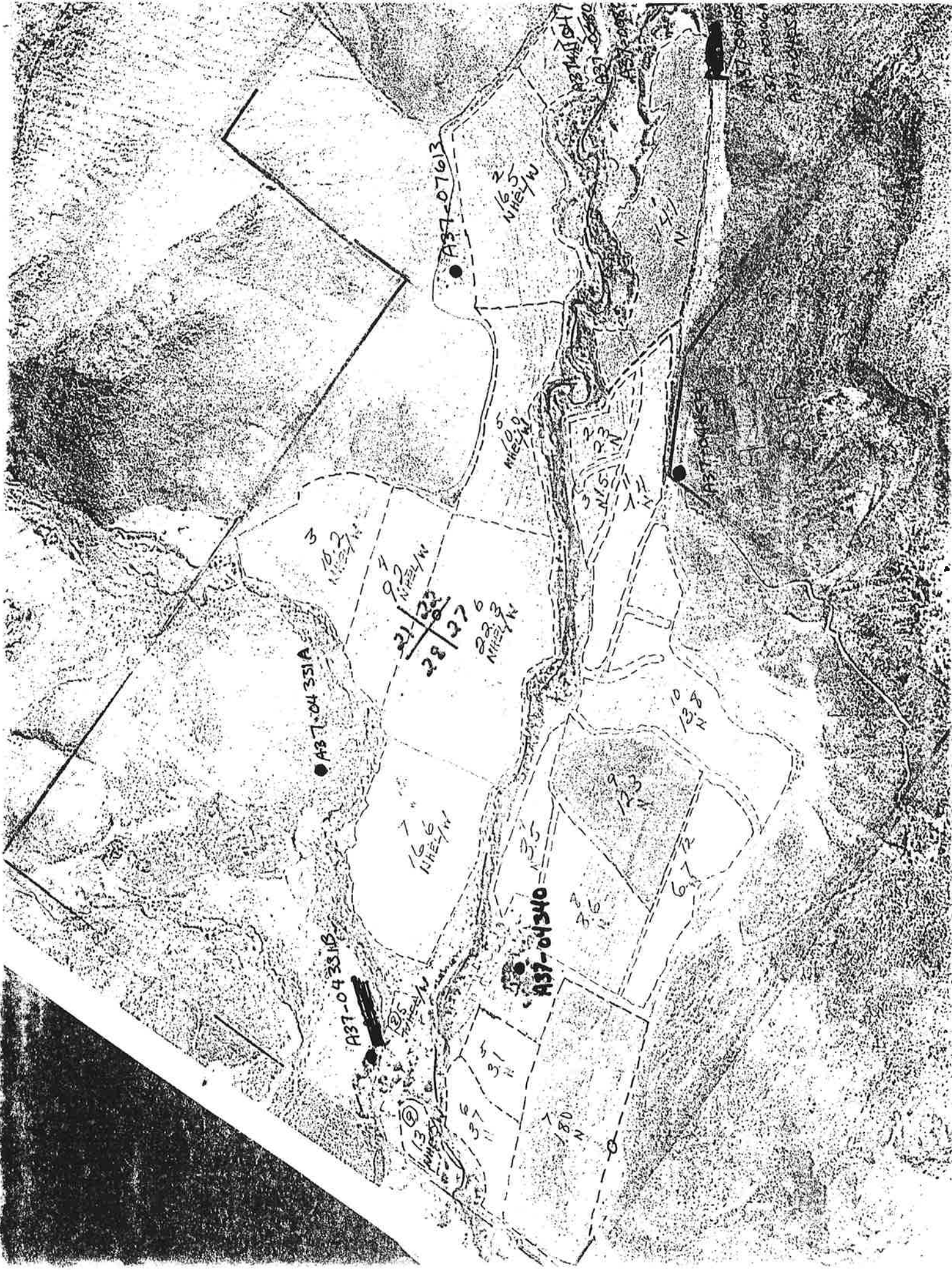
Section 27: W 1/2 NW 1/4

Section 28: NE 1/4

All lying South and East of the center channel of Clover Creek, located approximately as follows:

Beginning at a point on the center section line 1800 feet south of the Quarter corner between Sections 21 and 28, Twp. 4 S., R. 13 E.B.M.;
thence North 49° 00' East 1090 feet;
thence South 82° 55' East 935 feet;
thence North 55° 45' East 2385 feet;
thence North 63° 50' East 3855 feet;
thence North 4° 00' East 810 feet to

Half Section line of Sec. 22, Twp. 4 S., R. 13 E.B.M.;
thence in a Northeasterly direction to a point where said Clover Creek intersects the East boundary line of the SE1/4 NE1/4 of Sec. 22, which is about 200 feet North of the Southeast corner thereof.



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: A37-04059
Date Received: 8/10/1988
Receipt No: 5001665
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STERLING BRAY 208-352-4282
Address: P.O. BOX 96
BLISS, ID 83314

2. Date of Priority: MAY 01, 1970

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	13E	27	SW	SE	NW		GOODING

5. Description of diverting works:
SPRING FLOWS INTO GRAVITY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
STOCKWATER	01/01	12/31	0.080		

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

8. Total consumptive use is 252.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER/ 300 CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	13E	27	NW	NW		IRR	19.0
			NW	NW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	13E	27	SW	NW		STOCK	
						Section Acres	19.0
		28	NE	NE		IRR	14.0
			NW	NE		IRR	3.0
			NW	NE		STOCK	
			SW	NE		IRR	27.0
			SE	NE		IRR	21.0
						Section Acres	65.0
						Total Acres	84.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

37-00805, 37-00806, 37-04058, 37-04340, & HOT WELL.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Sterling Bray Date: 8/23/88
_____ Date: _____

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 23rd day

of August 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

MICROFILMED
FEB 23 1993



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 27, 2001

3-28-02

Response.

STERLING BRAY
1015 S TEN MILE RD
KUNA ID 83634-1725

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #37-4058, 37-4059, 37-4331, 37-4340
Change of Address *WR WR WR WR*

RECEIVED

APR 04 2002

Department of Water Resources
Southern Region

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by January 18, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone No.

Snake River Basin Adjudication
Office of the Attorney General
PO Box 4449
Boise ID 83711-4449

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

BRAY, STERLING
P O BOX 96
BLISS ID 83314

BRAY096 833142019 1701 10/12/02/4702
BRAY
JOLIS
ID 833634-1725
KUNA

37-4058
-4059
-4331
-4340