



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 12, 2005

LEO E RAY
4647 E RIVER RD
BUHL ID 83316

RE: Snake River Basin Adjudication (SRBA) Claim No. 37-7082

Dear Mr. Ray:

I have reviewed your Notice of Error Reply for the claim referenced above, and I will modify the measuring device requirement to read as follows:

A measuring device of a type approved by IDWR shall be permanently maintained.

I have enclosed a copy of the order that modified the permit requirement that the measuring device be maintained at the point of diversion, as well as a copy of the water right license. It appears that the requirement for the measuring device be maintained "at the point of effluent discharge" was put on the license because when the right was perfected there was not a measuring device at the point of diversion.

Also, since this is explanatory material, the SRBA Court will not be include the measuring device language when it issues the partial decree for this water right. However, the measuring device requirement language will be maintained in the Idaho Department of Water Resources' database.

We are planning on mailing the Director's Report for this part of Basin 37 before the end of September. At that time you will receive a copy of IDWR's recommendation to the SRBA Court of water right 37-7082 with instructions for reviewing the recommendation and objecting to it if you still disagree with the recommendation.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosures:

Copy of Order dated March 13, 1974
Copy of License 37-7082

01/30/2003

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

RIGHT NUMBER: 37-7082
NAME AND ADDRESS: LEO RAY
4647 E RIVER RD
BUHL ID 83316
SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER
QUANTITY: 15.840 CFS
PRIORITY DATE: 12/16/1970
POINT OF DIVERSION:
T06S R13E S21 SWNWSE Within GOODING County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	1/01 12/31	15.840 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County
T06S R13E S21 Lot 2 NESW T06S R13E S21 NWSE

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

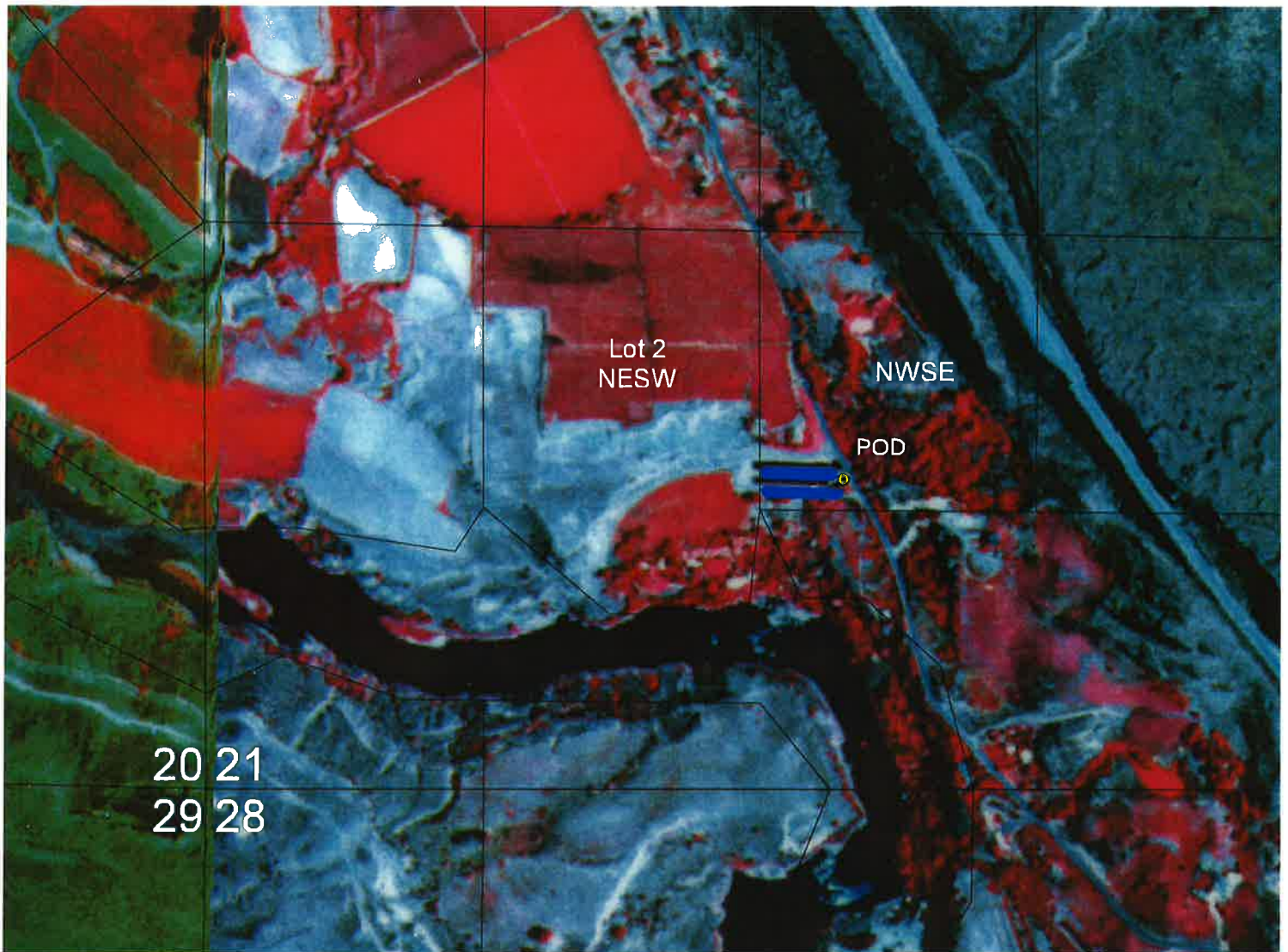
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

A measuring device of a type approved by this Department shall be permanently maintained at the point of effluent discharge.

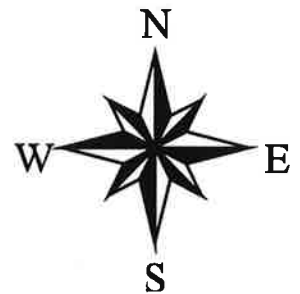
SOURCE IS ALSO KNOWN AS DECKER CREEK.

37-7082



900 0 900 1800 2700 Feet

T06S R13E S21



For informational purposes only: CLF 01/30/2003

A37-07082

TRANSMISSION VERIFICATION REPORT

[Click here and type address]

TIME : 08/24/1999 08:40
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

facsimile transmittal

DATE/TIME 08/24 08:39
FAX NO./NAME 912088376254-540044
DURATION 00:01:50
PAGE(S) 03
RESULT OK
MODE STANDARD

To: LEO RAY Fax: 837-6254
From: CHERYL TIMM Date: 08/24/99
Re: WATER LICENSE Pages: 3
CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

COPY OF WATER LICENSE AND PROFILE REPORT OF CLAIM A37-07082

A37-07082

CONFIDENTIAL

State of Idaho
Department of Water Resources

RECEIVED

MAR 25 1975

WATER RIGHT LICENSE

Department of Water Resources
Southern District Office

License of Water Right No. 37-7082 Priority Dec. 16, 1970 Amount 15.84 cfs

THIS IS TO CERTIFY, that O. S. SMITH
of Hagerman, Idaho, has complied with the terms and conditions of Permit
No. 37-7082 issued pursuant to Application for Permit dated December 16, 1970,
and has submitted proof to the Department of Water Resources on February 21, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 15.84 cfs of water from an unnamed spring,
tributary to the Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Fish</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>15.84</u> cfs and	<u>n/a</u>
<u>Propagation</u>	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 15.84 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
n/a acre feet per year, said waters to be diverted within the NW 1/4 SE 1/4 (2 points) of
Sec. 21, Twp. 6 S, Rge. 13 E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
6 S	13 E	21								X						X			

Total number of acres irrigated _____

Measuring devices of a type approved by this Department shall be permanently
maintained at the point of effluent discharge.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21 day of
March, 19 75.

Director

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: **A37-07082**
Date Received: 8/22/1988
Receipt No: S001623
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: LEO RAY 208-543-6407
Address: 4647 E RIVER RD
BUHL ID 83316
AND/OR
Name: JUDITH RAY 208-543-6407
Address: 4647 E RIVER ROAD
BUHL ID 83316

2. Date of Priority: DEC 16, 1970

3. Source: UNNAMED STREAM Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	13E	21	SW	NW	SE		GOODING

5. Description of diverting works:
CHECK DAM IN STREAM DELIVERING TO FISH PONDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	15.840		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
F/ FISH PROPAGATION IN 6 EARTHEN PONDS WITH CONC. HEADWORKS.

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	13E	21	NE	SW	2	FISH	
			NW	SE		FISH	

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:
NONE

14. Remarks:
SOURCE LOCALLY KNOWN AS DECKER CREEK. LICENSE ORIGINALLY
DESCRIBED SOURCE AS SPRINGS BUT ACTUALLY THE WATER COMES FROM THE
SPRING FED CREEK BELOW THE SPRINGS.

15. Basis of Claim: LICENSE

RECEIVED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

JUN 03 1992

Please print or type

(see instructions on back of page)

Department of Water Resources
Southern Region OfficeDATE OF CLOSING: 30 Dec 1988

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A 37-7082
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Lawrence Smith
CO conservators Richard Strickland Box 484
Ron Street Gooding ID
- ☐ New Owner/Claimant (Purchaser): Leo + Judy Ray 83330
- ☐ New Mailing Address: 4647C River Rd
Butt ID 83316
- ☐ New Telephone Number: (208) 543-6407
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Leo E Ray Date June 3, 1992
 _____ Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
 _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
 Initial Review and Data-Entry
 Date: _____ By: _____
 Further Action Needed:

 Further Action Taken
 Date: _____ By: _____
 Final Review and Data-Entry
 Date: 02-18-93 By: 7
 Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Feb-1993

Mr. and Mrs. Leo Ray
4647 E River Rd
Buhl, ID 83316

RE: Ownership Change for Adjudication Claim No **A37-07082**

Dear Mr. and Mrs. Ray:

Pursuant to the notification that you presently own the property in which the above-referenced Adjudication Claim is appurtenant, the Department has changed the record of the current owner as you requested. Please find enclosed a copy of the computer record of the claim noting the change in claimant.

If you have any questions please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Frank', written over the printed name.

Francis G. Hitchcock
Water Resource Agent, Sr.

FH/abh

Enclosures

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Water Right Number - R37-07082

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - + + - First Name - - - + - Address - - - - -

*** C - CURRENT OWNER ***
RAY

LEO

1 - 4647 E RIVER RD

2 -

3 -

City- BUHL

Phone - 208-543-6407

State- ID Zip- 83316

*** O - ORIGINAL OWNER ***
LAURENCE SMITH ESTATE

1 - % RICHARD B. STRICKLAND

2 - P.O. BOX 484

3 -

City- GOODING

Phone - 208-934-4231

State- ID Zip- 83330

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
12/16/1970 17 SOUTHERN L - LICENSE+ - - Source - - - - - + - - - - Tributary - - - - -
UNNAMED STREAM SNAKE RIVER+ - - - - - - - - - - Point of Diversion - - - - -
Twn Rng Tract Lot RFlg County

06S 13E 21 SW NW SE (47) GOODING

+ - - - - - - - - - - Water Use - - - - -
Code Description Period From Period To Diversion Rate Diversion Volume

19 - FISH PROPAGATION 01/01 12/31 15.840

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
15.840 0.0+ - - - - - - - - - - Place of Use - - - - -
Twn Rng Sec Tract Lot Acres Code Description County06S 13E 21 NE SW 2 19 FISH PROPAGATION (47) GOODING
06S 13E 21 NW SE 19 FISH PROPAGATION (47) GOODING

Total Acres:

+ - - Diversion Means - CHECK DAM IN STREAM DELIVERING TO FISH PONDS.

+ - - Non-Irrigation Use - F/ FISH PROPAGATION IN 6 EARTHEN PONDS WITH CONC. HEADWORKS.

+ - - Other Rights for Same Use - NONE

+ - - - - - - - - - - Remarks - - - - -
SOURCE LOCALLY KNOWN AS DECKER CREEK. LICENSE ORIGINALLY
DESCRIBED SOURCE AS SPRINGS BUT ACTUALLY THE WATER COMES FROM THEMICROFILMED
OCT 24 1994

Prefix Translation: RESEARCH

| | | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---|-------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - | 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - | |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - | |
| Claim Received Date | - 08/22/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - | P |
| | | Receipt Number | - S001623 | Water District | - | |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - | S |
| | | Name Connector | - AND/OR | Presumption Flag | - | |
| | | | | Notice of Error Flag | - | |

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A37-7082 FISH

06-03-92 LAURENCE SMITH TO LEO AND JUDITH RAY

owned: T065 R13E §21 NWSE + Lot 2

Selling: same

Warranty deed

✓ AJQ1-print (A37-07082)
✓ AJQ4-print (A37-00791D)

see cc A37-00791D 04-01-1888 Dec. West, dd
IRRIG. POD 065 13E §21 NW NW SE Lot 2 V
Usage SE NW SE Bell, et al
2 springs
IRR . 900 cfs
30 AC

A37-07082 POB: NESW Lot 2 FISH (QAC)
NWSE " "

A37-00791D POB: NESW Lot 2 16 AC
SESW Lot 2 14 AC
30 AC

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Feb-1993

Mr. and Mrs. Leo Ray
4647 E River Rd
Buhl, ID 83316

RE: Ownership Change for Adjudication Claim No A37-07082

Dear Mr. and Mrs. Ray:

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If you have any questions please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Frank', written over the printed name.

Francis G. Hitchcock
Water Resource Agent, Sr.

FH/abh

Enclosures

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WARRANTY DEED

For Value Received RICHARD STRICKLAND, aka RICHARD B. STRICKLAND, aka DICK STRICKLAND and RONALD G. STROUD, aka RONALD STROUD, aka RON STROUD, co-conservators of the Estate of LAURENCE SMITH, an incapacitated person

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

LEO E. RAY and JUDITH K. RAY, husband and wife

Whose address is: 4647 D River Road
Buhl, ID 83316

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

SEE ATTACHED EXHIBIT "A" and by this reference made a part hereof.

COPY

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: March 13, 1989

CO-CONSERVATORS OF THE ESTATE OF
LAURENCE SMITH, an incapacitated
person

/s/Richard Strickland
Richard Strickland

/s/Ronald G. Stroud
Ronald G. Stroud

STATE OF IDAHO, COUNTY OF GOODING

On this 13th day of March, 1989,
before me, a notary public in and for said State, personally appeared Richard Strickland and Ronald G. Stroud, co-conservators of the Estate of Laurence Smith, an incapacitated person

known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged
to me that they executed the same.
as said co-conservators.

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TOWNSHIP 6 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 21: A tract of land located in the NW¼SE¼ and Lot 2,
described as follows:

Beginning at the Southwest corner of the SE¼ of
said Section 21;
Thence North 0°43'18" West a distance of 1121.20
feet measured (1121.14 feet recorded) along the
Westerly boundary of said SE¼ to THE TRUE POINT
OF BEGINNING;
Thence North 0°43'18" West a distance of 213.81
feet along the Westerly boundary of said SE¼ to
the Northwest corner of the SW¼SE¼;
Thence North 89°47'55" East along the North bound-
ary of the SW¼SE¼ a distance of 544.79 feet to
the approximate center of old Highway No. 30;
Thence North 29°01'54" West a distance of 24.07
feet along said approximate center of old
Highway No. 30;
Thence North 28°46'04" West a distance of 239.85
feet along said approximate center of old
Highway No. 30 to the center of an access
easement;
Thence South 82°56'14" West a distance of 122.09
feet along the center of said access easement;
Thence North 89°25'27" West a distance of 299.31
feet along the center of said access easement to
the Westerly boundary of said SE¼;
Thence North 89°25'27" West a distance of 488.11
feet along the center of said access easement;
Thence South 6°00'13" West a distance of 525.26
feet;
Thence North 81°26'54" East a distance of 554.67
feet to THE TRUE POINT OF BEGINNING.

SUBJECT TO the rights of a public road which
affects the Easterly 25.00 feet and an access ease-
ment which affects the Northerly 15.00 feet
thereof.

TOGETHER WITH all water rights appurtenant to the described
real property, including, but not limited to water license
37-7082.

WARRANTY DEED ATTACHMENT
Richard B. Strickland, et al to
Leo E. Ray and Judith K. Ray

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EXHIBIT "A"

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: A37-07082
Date Received: 8/22/1988
Receipt No: 5001623
Received By: AOA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAURENCE SMITH ESTATE 208-934-4231
Address: % RICHARD B. STRICKLAND
P.O. BOX 484
GOODING, ID 83330

2. Date of Priority: DEC 16, 1970

3. Source: UNNAMED STREAM Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 06S | 13E | 21 | SW | NW | SE | | GOODING |

5. Description of diverting works:
CHECK DAM IN STREAM DELIVERING TO FISH PONDS.

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------------|-------|-------|--------|------|--------|
| FISH PROPAGATION | 01/01 | 12/31 | 15.840 | | |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
F/ FISH PROPAGATION IN 6 EARTHEN PONDS WITH CONC. HEADWORKS.

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|------|-------|
| 06S | 13E | 21 | NE | SW | 2 | FISH | |
| | | | NW | SE | | FISH | |

A37-07082

Page 1

Date: 08/22/88

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FEB 24 1993

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:
NONE

14. Remarks:

SOURCE LOCALLY KNOWN AS DECKER CREEK. LICENSE ORIGINALLY DESCRIBED SOURCE AS SPRINGS BUT ACTUALLY THE WATER COMES FROM THE SPRING FED CREEK BELOW THE SPRINGS.

15. Basis of Claim: LICENSE

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 Organizations:

I do solemnly swear or affirm that I am Co Conservator of _____
Title

Laurence Smith Est., that I have signed the foregoing
Organization

document in the space below as Co Conservator of _____
Title

Laurence Smith Est. and that the statements contained in the
Organization

foregoing document are true and correct.

Richard B. Shubert
Signature of Authorized Agent

Laurence Smith Est.
Title and Organization

Aug 22-1988
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of Aug 19 88

[Signature]
Notary Public

Seal

Residing at Kimberly, Id
My Commission Expires 6/30/94

12/16
20/24

B212
(4846)

+ 517

P/D

Place of Use

14-542

56

B121
(4736)

B152

MICROFILMED
FEB 24 1993