

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: **A37-04058**
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 208-352-4274
Address: LYE LAKE RANCH
PO BOX 156
BLISS ID 83314

2. Date of Priority: MAY 1, 1920

3. Source: CLOVER CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	13E	22	NE	NE	SE		GOODING

5. Description of diverting works:
CONCRETE STRUCTURE, CHECK BOARDS, DIVERTS 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	3.000		

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

8. Total consumptive use is 315.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	13E	22	SE	SW		IRR	15.0
			SW	SE		IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	21.0
		27	NW	NW		IRR	19.0
						Section Acres	19.0
		28	NE	NE		IRR	14.0
			NW	NE		IRR	3.0
			SW	NE		IRR	27.0
			SE	NE		IRR	21.0
						Section Acres	65.0
						Total Acres	105.0

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, 37-04059, 37-04340, & HOT WELL.

14. Remarks:

THIS CLAIM IS FOR FLOOD WATER WHEN IT IS AVAILABLE.

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

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

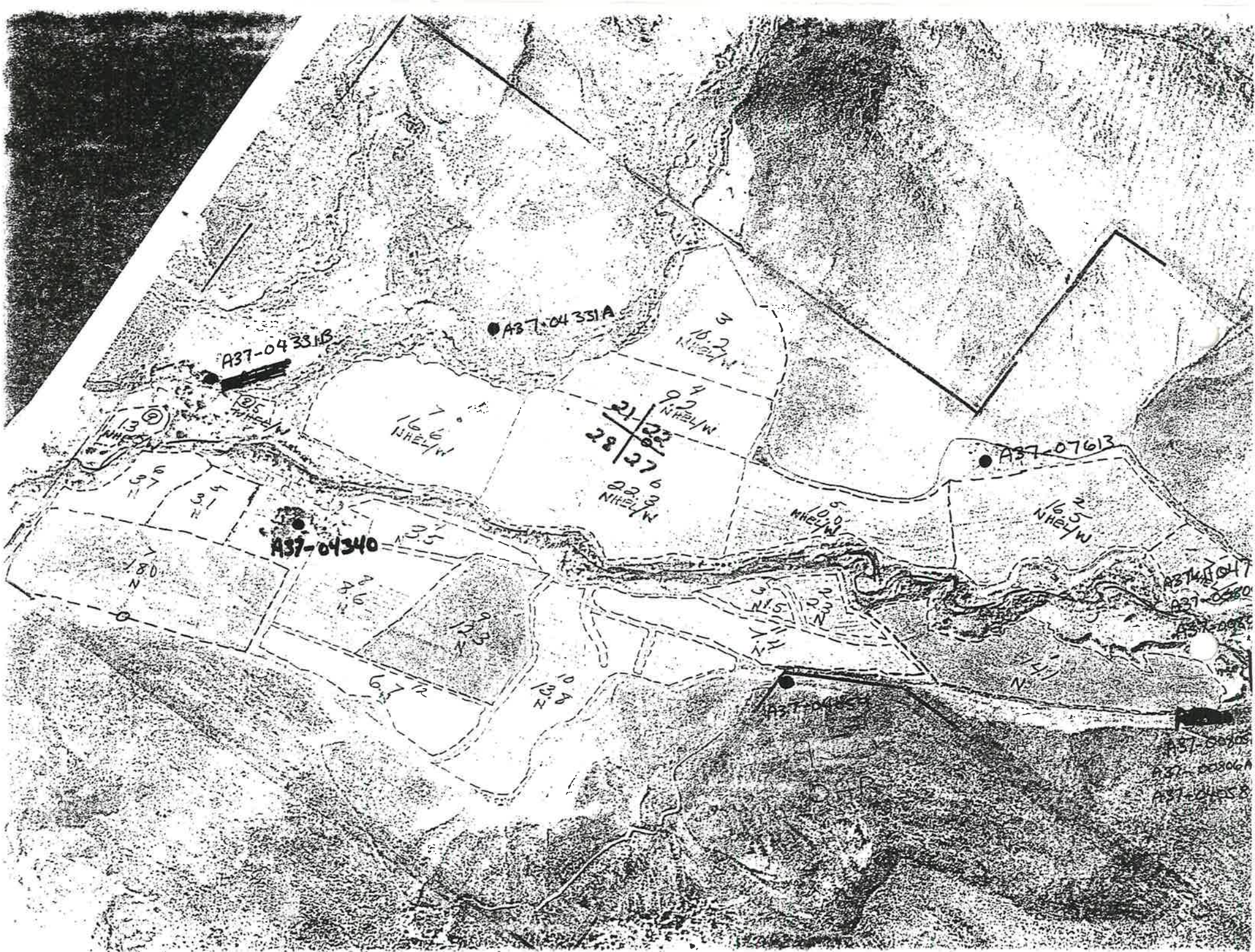
Section 27: W 1/2 NW 1/4

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 bound-
dry 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: A37-04058
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, 1920

3. Source: CLOVER CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	13E	22	NE	NE	SE		GOODING

5. Description of diverting works:
CONCRETE STRUCTURE, CHECK BOARDS, DIVERTS 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	3.000		

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

8. Total consumptive use is 315.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	13E	22	SE	SW		IRR	15.0
			SW	SE		IRR	6.0
Section Acres							21.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	13E	27	NW	NW		IRR	19.0
						Section Acres	19.0
		28	NE	NE		IRR	14.0
			NW	NE		IRR	3.0
			SW	NE		IRR	27.0
			SE	NE		IRR	21.0
						Section Acres	65.0
						Total Acres	105.0

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, 37-04059, 37-04340, & HOT WELL.

14. Remarks:

THIS CLAIM IS FOR FLOOD WATER WHEN IT IS AVAILABLE.

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 ☒ 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

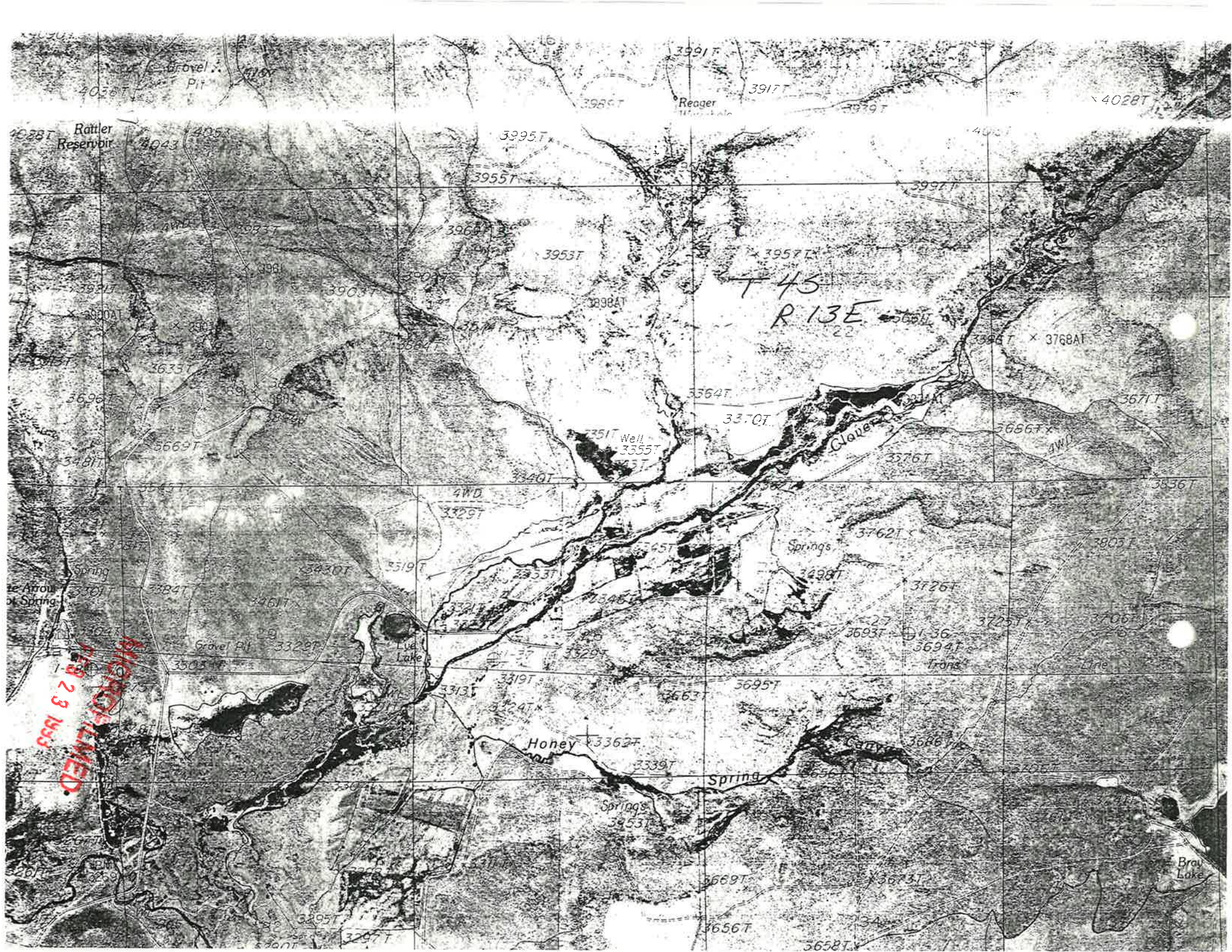
of August 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94



MICROFILMED
FEB 23 1993

T 45
R 13E

09/11/2006

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

RIGHT NUMBER: 37-4058

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

SOURCE: CLOVER CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.100 CFS

PRIORITY DATE: 04/30/1933

POINT OF DIVERSION:

T04S R13E S22 NENESE 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	2.100 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T04S R13E S22 Lot 3 SESW	8.00	T04S R13E S22 Lot 2 SWSE	8.00
T04S R13E S27	NWNW 21.00	T04S R13E S28	NENE 15.00
T04S R13E S28	NWNE 2.00	T04S R13E S28	SWNE 29.00
T04S R13E S28	SENE 22.00		

105 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 105 acres in a single irrigation season. Combined Right Nos.: 37-805A, 37-806A, 37-4058, 37-4059, & 37-4331A.

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: BASIS OF CLAIM - Beneficial Use



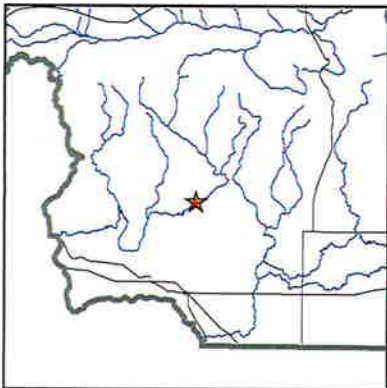
Idaho Department of Water Resources

SRBA Recommendation:

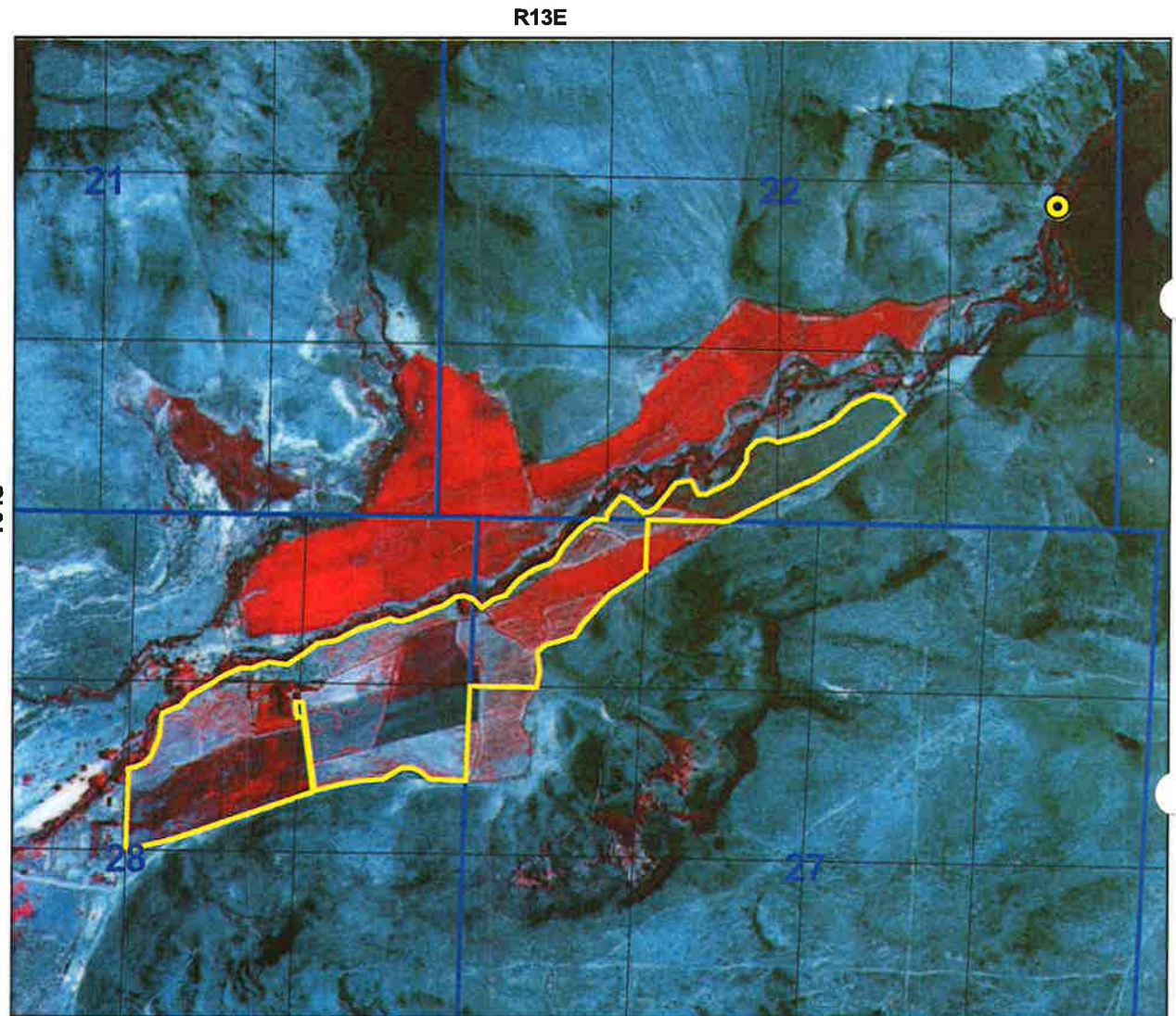
37-4058

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Gooding County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Monday, September 11, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-4058

Background Data

- Statutory Claim
- Source is Clover Creek tributary to Snake River
- Claimed for 3.0 cfs on 105 acres

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

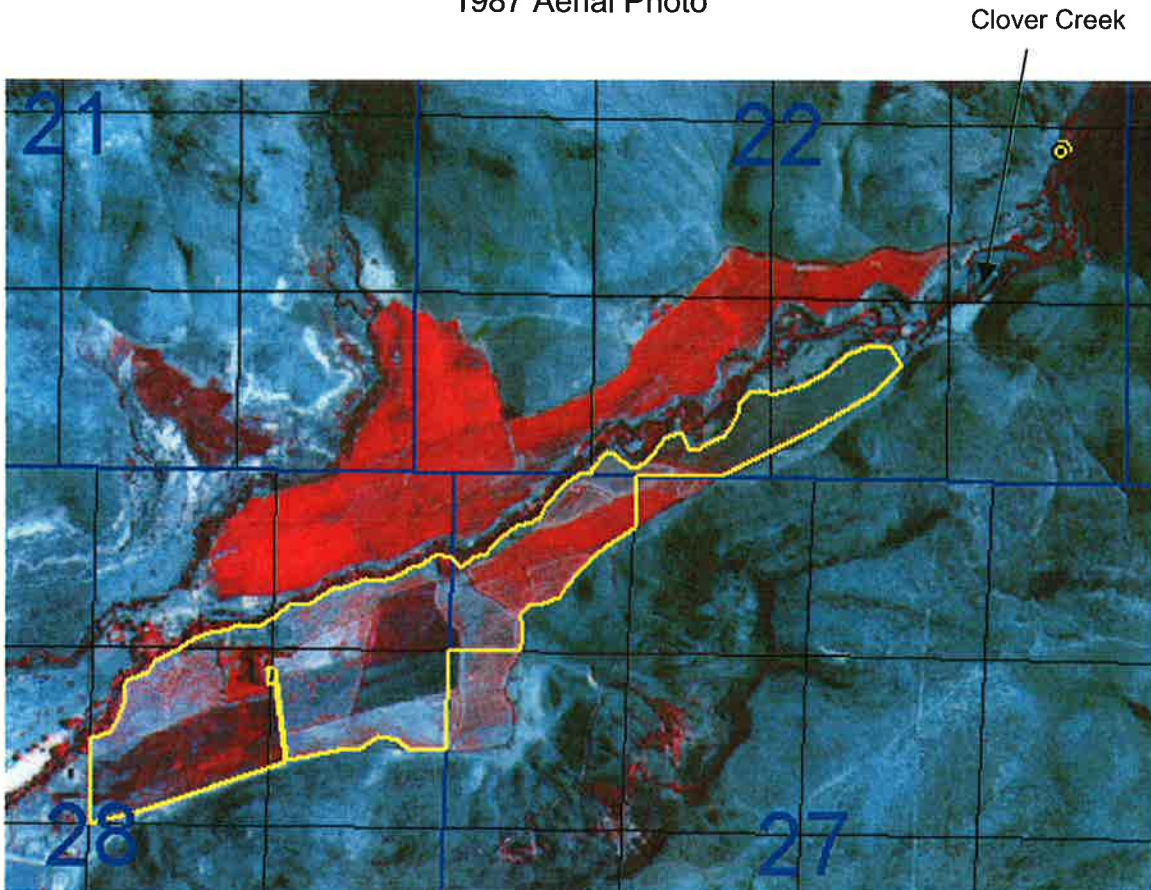




Photo of diversion taken during field exam by Lee Peterson.



Photo of diversion taken during field exam by Lee Peterson.



Photo of diversion taken during field exam by Lee Peterson.

Notes

T4S R13E Sections 22, 27, & 28

- Found 105 acres
- POU created by Carter F. for overlapping rights
- Claim overlaps with 37-805A, 37-806A, & 37-4059, which were decreed as Part 1 and have combined use limits.
- 4/11/06 – Meeting with Donald Bray and Scott Huxhold at my office. Mr. Bray submitted additional evidence of priority for 37-4058 and 37-4060 that discusses the history of flood water use. The evidence Mr. Bray submitted is somewhat unclear about when he first remembers the flood water being used. When I asked him, Mr. Bray said he lived at the farm in the early 1930s and remembers the flood water being used back to then. Mr. Bray will update his evidence of priority to state this and submit it. Mr. Huxhold said an earthen ditch runs on both the north and south sides of Clover Creek from the POD.
- 4/13/06 – Additional evidence of priority submitted by Donald Bray. Mr. Bray's family moved back to the farm in April 1933. He does not directly say how old he was in 1933, but he went to college in 1940, so it can be assumed that he was at least 11 years old.
- 8/06 – Field exam completed by Lee Peterson. There was not enough water to divert at the time of the field exam. The delivery system is a ditch that is 63" wide and ~36" deep (based on photo) at the diversion, assuming the rest of the ditch is adequate to deliver the water that is diverted, the delivery system has the capacity to deliver the claimed diversion rate.

- Recommendation
 - 2.1 cfs for Irrigation of 105 acres (0.02 cfs/acre)
 - Priority date: April 31, 1933.
 - Combined use limit of 105 acres for 37-805A, 37-806A, 37-4058, 37-4059, & 37-4331A.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Field Exam Notes
by Lee Peterson
8/06

File No.

37-4058 = 37- 4060

I went up North of Bliss this morning and met Scott Huxhold and reviewed these files in his home, he drew on the color photo where the ditch's, gated pipes are located and how this is irrigated when there is sufficient water usually during spring season, they are presently in a program of improving their irrigation system with sprinklers but this will take some time yet. Scott told me that the areas marked yellow are very close to the area they irrigate when they have adequate water which is usually in the spring season, we went out and drove around their farm going up the creek to their POD which is a dam in the creek [see photo 1030305] at this date there is very little water in the creek, and not enough to get up to the diversions, both POD's are dry and the delivery ditch's are dry, there is check structures at both locations North ditch and South ditch 63" wide which can be made 60" and used as rectangular weirs when there is any water running over the check boards, but at this date there is no way to measure water by any means, what little there is in the creek is going thru the dam and down the creek, by my guess I would say maybe a foot if that much. By my view of these two checks I would say they are capable of diverting 2 to 3 foot of water with no problem when it is available.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Clover creek POD	Don 2	2427334	1318168	None	1030303-304-305

Lee R. Peterson

37-4058
37-4060

File No M040707A
To Files
From Donald T. Bray
Subject Flood water rights for the ranch

9 April 2006

I have been asked to note any memories or input that I can recall with regards to the flood water rights granted to the ranch. My father (Solon A. Bray) had sold the ranch to a Rudolf Tschannen-an immigrant Swiss farmer-on a long term contract basis in 1920. Hence Solon was not involved with the filing for of granting of the flood water rights. Mr. Tschannen could not meet his note payments and in 1933 Dad reclaimed half the ranch and we moved back to the ranch in April 1933. I lived on the ranch until going to college in 1940 and again in 1947 and 1948 when I was discharged from the army. This was my first introduction to use of water for irrigation. The first big job of the year was to clean out the main ditches and start the flow of water. We always took out as much water as the main ditches would handle. We continued to take out as much as the ditches could handle until the water flow dropped below this amount. Thereafter we continued to take out all the water in the creek until the flow stopped or became a trickle. I presume in some years we were in the flood water allocations range.

I never did learn the details of this arrangement or how they settled on dividing up the ranch into two equal parts. Dad died in 1936 and I do not remember his discussing it or of any mention of the flood water rights. I acquired our 1/2 side in the 1980 time frame and the Tschannen 1/2 side in the 1990 time frame.

The application for flood rights does make sense though. Historically they commenced the irrigation at the earliest date possible which was normally around 1 April. The water volume in Clover Creek as it enters our place is very high (several hundred cfs) early in the spring due to rain and snow melt runoff from Davis Mountain. The flood water can occur anytime from mid February to mid April. One year we had a high run off later in the year due to a heavy rain. As soon as the snow is gone the flow falls rapidly and is down to a trickle by first to mid June.

The soil on the irrigable part of the place is very deep-up to fifty feet in places. It is also interspersed with gravel streaks. Therefore a good once over heavy irrigation will put enough moisture in the soil to last quite some time. It will give a good first crop cutting of hay and generally produces a good alfalfa seed crop. There has always been a need to irrigate as heavy as possible as early as possible. Hence the ability to use additional water in those years in which high runoff occurs is a very real help.

SCANNED

APR 13 2006

TOTAL P. 02

Priority dates
on Clover Creek

Rights

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>
37	805		Decreed	4/1/1882	4.5	CLOVER CREEK	IRRIGATION
37	808		Decreed	4/1/1882	5.96	CLOVER CREEK	IRRIGATION
37	809		Decreed	4/1/1882	1.4	CLOVER CREEK	IRRIGATION
37	814		Decreed	3/15/1884	4	CLOVER CREEK	IRRIGATION
37	816		Decreed	4/1/1884	0.4	CLOVER CREEK	IRRIGATION
37	820		Decreed	4/1/1887	0.8	CLOVER CREEK	IRRIGATION
37	826		Decreed	4/1/1887	0.7	CLOVER CREEK	IRRIGATION
37	824		Decreed	4/1/1900	1	CLOVER CREEK	IRRIGATION
37	2006	C	License	1/25/1904	1.92	CLOVER CREEK	DOMESTIC, IRRIGATION
37	2006	D	License	1/25/1904	1.96	CLOVER CREEK	IRRIGATION
37	819		Decreed	2/21/1905	2.4	CLOVER CREEK	IRRIGATION
37	823		Decreed	2/21/1905	2.4	CLOVER CREEK	IRRIGATION
37	827		Decreed	2/21/1905	2.46	CLOVER CREEK	IRRIGATION
37	2143		License	6/26/1909	1	CLOVER CREEK	DOMESTIC, IRRIGATION
37	812		Decreed	7/7/1909	0.76	CLOVER CREEK	IRRIGATION
37	813		Decreed	7/7/1909	0.48	CLOVER CREEK	IRRIGATION
37	822		Decreed	3/2/1910		CLOVER CREEK	IRRIGATION, STOCKWATER
37	825		Decreed	3/2/1910		CLOVER CREEK	IRRIGATION, STOCKWATER
37	828		Decreed	3/2/1910		CLOVER CREEK	IRRIGATION, STOCKWATER
37	2201		License	12/8/1910	1.48	CLOVER CREEK	DOMESTIC, IRRIGATION
37	806		Decreed	4/1/1912	0.6	CLOVER CREEK	IRRIGATION
37	2374		License	4/24/1918	0.48	CLOVER CREEK	DOMESTIC, IRRIGATION
37	4058		Statutory C	5/1/1920	3	CLOVER CREEK	IRRIGATION
37	4060		Statutory C	5/1/1920	3	CLOVER CREEK	IRRIGATION
37	4018		Statutory C	3/1/1928	1.2	CLOVER CREEK	IRRIGATION, STOCKWATER
37	2445		License	2/27/1933	0.28	CLOVER CREEK	IRRIGATION
37	17568		Decreed	6/28/1934	0.02	CLOVER CREEK	STOCKWATER
37	17639		Decreed	6/28/1934	0.02	CLOVER CREEK	STOCKWATER
37	17657		Decreed	6/28/1934	0.02	CLOVER CREEK	STOCKWATER
37	17679		Decreed	6/28/1934	0.02	CLOVER CREEK	STOCKWATER
37	17681		Decreed	6/28/1934	0.02	CLOVER CREEK	STOCKWATER
37	17702		Decreed	6/28/1934	0.02	CLOVER CREEK	STOCKWATER
37	17808		Decreed	6/28/1934	0.02	CLOVER CREEK	STOCKWATER
37	17809		Decreed	6/28/1934	0.02	CLOVER CREEK	STOCKWATER
37	17810		Decreed	6/28/1934	0.02	CLOVER CREEK	STOCKWATER
37	17824		Decreed	6/28/1934	0.02	CLOVER CREEK	STOCKWATER

37	17826	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	17941	Decreed	6/28/1934	0.02 CLOVER CREEK EAST FORK	STOCKWATER
37	17968	Decreed	6/28/1934	0.02 CLOVER CREEK EAST FORK	STOCKWATER
37	17973	Decreed	6/28/1934	0.02 CLOVER CREEK EAST FORK	STOCKWATER
37	18006	Decreed	6/28/1934	0.02 CLOVER CREEK EAST FORK	STOCKWATER
37	18008	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	18009	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	18020	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	18026	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	18027	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	18047	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	18050	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	18051	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	18071	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	18086	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	18087	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	18088	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	18091	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	18093	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	19185	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	20252	Decreed	6/28/1934	0.02 CLOVER CREEK	STOCKWATER
37	10977	Decreed	12/31/1940	0.02 CLOVER CREEK	STOCKWATER
37	2458	License	2/3/1942	0.08 CLOVER CREEK	DOMESTIC, IRRIGATION
37	4137	Statutory C	4/1/1961	4.16 CLOVER CREEK	IRRIGATION
37	2706	License	4/27/1965	0.94 CLOVER CREEK , UNNAMED ST	IRRIGATION, STOCKWATER
37	7045	License	4/22/1969	5 CLOVER CREEK	IRRIGATION
37	13415	Decreed	3/1/1970	0.04 CLOVER CREEK	DOMESTIC

claims

<u>Basin</u>	<u>Sequence Suffix</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>
37	19171	Beneficial Use	1/1/1879	0.05	CLOVER CREEK	STOCKWATER, WILDLIFE
37	19172	Beneficial Use	1/1/1879	0.33	CLOVER CREEK	STOCKWATER, WILDLIFE
37	19183	Beneficial Use	1/1/1879	0.34	CLOVER CREEK EAST FORK	STOCKWATER, WILDLIFE
37	19184	Beneficial Use	1/1/1879	0.34	CLOVER CREEK EAST FORK	STOCKWATER, WILDLIFE
37	19187	Beneficial Use	1/1/1879	0.34	CLOVER CREEK	STOCKWATER, WILDLIFE
37	19360	Beneficial Use	1/1/1879	0.05	CLOVER CREEK	STOCKWATER, WILDLIFE
37	19386	Beneficial Use	1/1/1879	0.03	CLOVER CREEK	STOCKWATER, WILDLIFE
37	19392	Beneficial Use	1/1/1879	0.05	CLOVER CREEK	STOCKWATER, WILDLIFE
37	19478	Beneficial Use	1/1/1879	0.34	CLOVER CREEK	STOCKWATER, WILDLIFE
37	19602	Beneficial Use	1/1/1879	0.33	CLOVER CREEK	STOCKWATER, WILDLIFE
37	19685	Beneficial Use	1/1/1879	0.02	CLOVER CREEK	STOCKWATER, WILDLIFE
37	19687	Beneficial Use	1/1/1879	0.46	CLOVER CREEK	STOCKWATER, WILDLIFE
37	20258	Beneficial Use	1/1/1879	0.02	CLOVER CREEK	STOCKWATER
37	20262	Beneficial Use	1/1/1879	0.02	CLOVER CREEK	STOCKWATER
37	20263	Beneficial Use	1/1/1879	0.02	CLOVER CREEK	STOCKWATER
37	805 A	Decreed	4/1/1882	2.25	CLOVER CREEK	IRRIGATION
37	805 B	Decreed	4/1/1882	4.5	CLOVER CREEK	IRRIGATION
37	808	Decreed	4/1/1882	5.96	CLOVER CREEK, COLD SPRING	IRRIGATION
37	814	Decreed	3/15/1884	4	CLOVER CREEK	IRRIGATION
37	13340	Posted Notice	5/28/1884	1.48	CLOVER CREEK	IRRIGATION, STOCKWATER
37	820 A	Decreed	4/1/1887	0.8	CLOVER CREEK	IRRIGATION, STOCKWATER
37	820 B	Decreed	4/1/1887	0.4	CLOVER CREEK	IRRIGATION
37	826	Decreed	4/1/1887	0.7	CLOVER CREEK	IRRIGATION
37	824	Decreed	4/1/1900	1	CLOVER CREEK	IRRIGATION
37	20343	License	1/25/1904	2.06	CLOVER CREEK	IRRIGATION
37	20344	License	1/25/1904	0.88	CLOVER CREEK	IRRIGATION
37	819 A	Decreed	2/21/1905	1.2	CLOVER CREEK	IRRIGATION
37	819 B	Decreed	2/21/1905	1.2	CLOVER CREEK	IRRIGATION
37	823	Decreed	2/21/1905	2.4	CLOVER CREEK	IRRIGATION
37	827	Decreed	2/21/1905	2.46	CLOVER CREEK	IRRIGATION
37	822 B	Decreed	3/2/1910	5	CLOVER CREEK	GROUND WATER RECHARGE, GR
37	828	Decreed	3/2/1910		CLOVER CREEK	IRRIGATION
37	21291	Decreed	3/2/1910		CLOVER CREEK	IRRIGATION FROM STORAGE, IRF
37	806 A	Decreed	4/1/1912	0.3	CLOVER CREEK	IRRIGATION
37	806 B	Decreed	4/1/1912	0.6	CLOVER CREEK	IRRIGATION
37	4058	Statutory Claim	5/1/1920	3	CLOVER CREEK	IRRIGATION

37	4060	Statutory Claim	5/1/1920	3 CLOVER CREEK	IRRIGATION
37	4018	Statutory Claim	3/1/1928	1.2 CLOVER CREEK	IRRIGATION, STOCKWATER
37	2445	License	2/27/1933	0.28 CLOVER CREEK	IRRIGATION
37	2458	License	2/3/1942	0.08 CLOVER CREEK	IRRIGATION
37	4137	Statutory Claim	4/1/1961	4.16 CLOVER CREEK	IRRIGATION
37	2706	License	4/30/1965	0.26 CLOVER CREEK , WASTE W	IRRIGATION, WILDLIFE
37	7045	License	4/22/1969	2 CLOVER CREEK	IRRIGATION
37	7546	Permit	12/27/1977	13.2 CLOVER CREEK	IRRIGATION, IRRIGATION FROM S

File No M040707A
To Files
From Donald T. Bray *DTB*
Subject Flood water rights for the ranch

9 April 2006

I have been asked to note any memories or input that I can recall with regards to the flood water rights granted to the ranch. My father (Solon A. Bray) had sold the ranch to a Rudolf Tschannen-an immigrant Swiss farmer-on a long term contract basis in 1920. Hence Solon was not involved with the filing for of granting of the flood water rights. Mr. Tschannen could not meet his note payments and in 1933 Dad reclaimed half the ranch. I never did learn the details of this arrangement or how they settled on dividing up the ranch into two equal parts. Dad died in 1936 and I do not remember his discussing it or of any mention of the flood water rights. I acquired our ½ side in the 1980 time frame and the Tschannen ½ side in the 1990 time frame.

The application for flood rights does make sense though. Historically they commenced the irrigation at the earliest date possible which was normally around 1 April. The water volume in Clover Creek as it enters our place is very high (several hundred cfs) early in the spring due to rain and snow melt runoff from Davis Mountain. The flood water can occur anytime from mid February to mid April. One year we had a high run off later in the year due to a heavy rain. As soon as the snow is gone the flow falls rapidly and is down to a trickle by first to mid June.

The soil on the irrigable part of the place is very deep-up to fifty feet in places. It is also interspersed with gravel streaks. Therefore a good once over heavy irrigation will put enough moisture in the soil to last quite some time. It will give a good first crop cutting of hay and generally produces a good alfalfa seed crop. There has always been a need to irrigate as heavy as possible as early as possible. Hence the ability to use additional water in those years in which high runoff occurs is a very real help.

SCANNED

APR 13 2006

IDWR,

6-6-05

In response to letters about information on water rights # 37-4331A, 37-4060, 37-4058. I have talked to my Father-in law about his recollection of the rights. He wrote down what he could remember from growing up on the ranch. I have enclosed his memo he sent me. In it he notes what he can remember about hot well #37-4331A also he talks about the later 1920 fillings on Clover Creek, from the ground leaching that recharged the creek lower down stream. All rights are used basically the same as when they were filled, other then irrigation pump to run pivot sprinkler system. Hot well is still used to heat homes , water cattle and supplement irrigation. If you need more information please call me at 352- 4274 .

Scott Huxhold
Owner, manager



RECEIVED
JUN 08 2005
Department of Water Resources
Southern Region

SCANNED
JUN 08 2005
SCANNED
JUN 08 2005

RECEIVED

JUN 09 2005

Department of Water Resources

RECEIVED

JUN 08 2005

Department of Water Resources
Southern Region

June 2, 2005

M060205A

To Files
From Donald T. Bray
Subject Water History OHR

Some comments re the water history at the place. These comments are from memory and are as accurate as I can recall. For some reason we didn't talk too much about water history-most of it was in the past and had been pretty well settled via legal actions.

1. The main source of water was of course Clover Creek. Benjamin Bray (Granddad) and his wife Francis (Grandmother). (Benjamin and Frances Bray are written up in the Idaho History books). They filed on 640 acres with water rights from Clover creek to use to irrigate about 100 acres on each side of the creek. This filing was in 1882 and occurred the same day as the one filed on the Cold Springs down the creek about 3 miles. They must have gone to the county filing office in Gooding together. Anyway Granddad's filing was the very first on the use of the creek water for irrigation. Subsequently two other families settled up creek -Alten Litter and Bob(?) Fergerson and commenced to use water from the creek which infringed upon Granddads rights when the water level dropped in the spring. A law suit confirmed the rights here and Fergerson had to eventually leave his place. I never heard about the Alten Little water use but it was so small (3-4 acres) that no legal action took place that I knew of. The end results where that the water rights to Granddads place was establish as first priority up to the amount to handle the approximately 200 acres for irrigation between 1st April and 1st October. The creek flow falls fairly rapidly in Apr and May and generally becomes too small to use (or it stops) by mid Jun in a normal year.

One interesting observation. The use of gravity irrigation put a lot of water into the soil and subsoil. The soil in very depth-over 50 feet and contains gravel streaks. The water accumulated herein during winter and the irrigation period gradually flows out into the creek which flows through the place and is some 20-30 feet lower than the irrigated land causing it to start flowing again as it leaves the western boundary of the place. This flow was later filed on and used to irrigate some 60-90 acres of an adjacent downstream place, a place originally homestead by one of my uncles.

On the north side of the creek and within the homestead was a marshy place with a hot water seep. A 290' (?) well was drilled and hit an artesian flow of some 100-200 gallons per minute of 130 F and 300 ppm water. The pressure at the well head was several feet of water. The water has about 300 ppm with fluoride levels over 10 ppm. I don't know when it was drilled but was "old" when I first saw it in 1932. The water from the well was run into a small pond (30'x100') and 3'deep. We used this location for laundry washing once a week and for bathing. The drainage water eventually joined the creek water below the western boundary of the place and was

SCANNED

JUN 09 2005

used to supplement the irrigation water supply for the above adjacent homestead.

In the 1930s Dad put in a pipeline to move some to the hot water the 3/8 mile over to the house. It became the main source of house water and was also used to heat the house via radiators in the winter. The pipe was 4" d wirewound redwood he bought as used from one of the local water departments who were replacing it with new piping. In any event it works fairly well (with a few leaks the worst of which were fixed) for some 20 years.

The above deals only with the two original water sources for the homestead, and not other and subsequent water sources. Now I wish I had listened more and had been more interested in the water history of the area. It is very interesting as area history.

SCANNED

JUN 09 2005

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

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 Sterling Bray (name of claimant)
of Bliss, Idaho 83314, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Clover Creek
_____, tributary to, Snake River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount <u>3.0 cfs</u>	Use <u>Irrigation</u>	Period of Use: From <u>Mar. 15</u> To <u>June 1</u>
Amount _____	Use _____	Period of Use: From _____ To _____
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: 3.0 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) May 1, 1920
- 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)
SE ¼ NE ¼, Sec. 22 Twp. 4S Rge. 13E B. M. County of Gooding
 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. Diversion Dam with check boards and dirt ditches.

- (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.

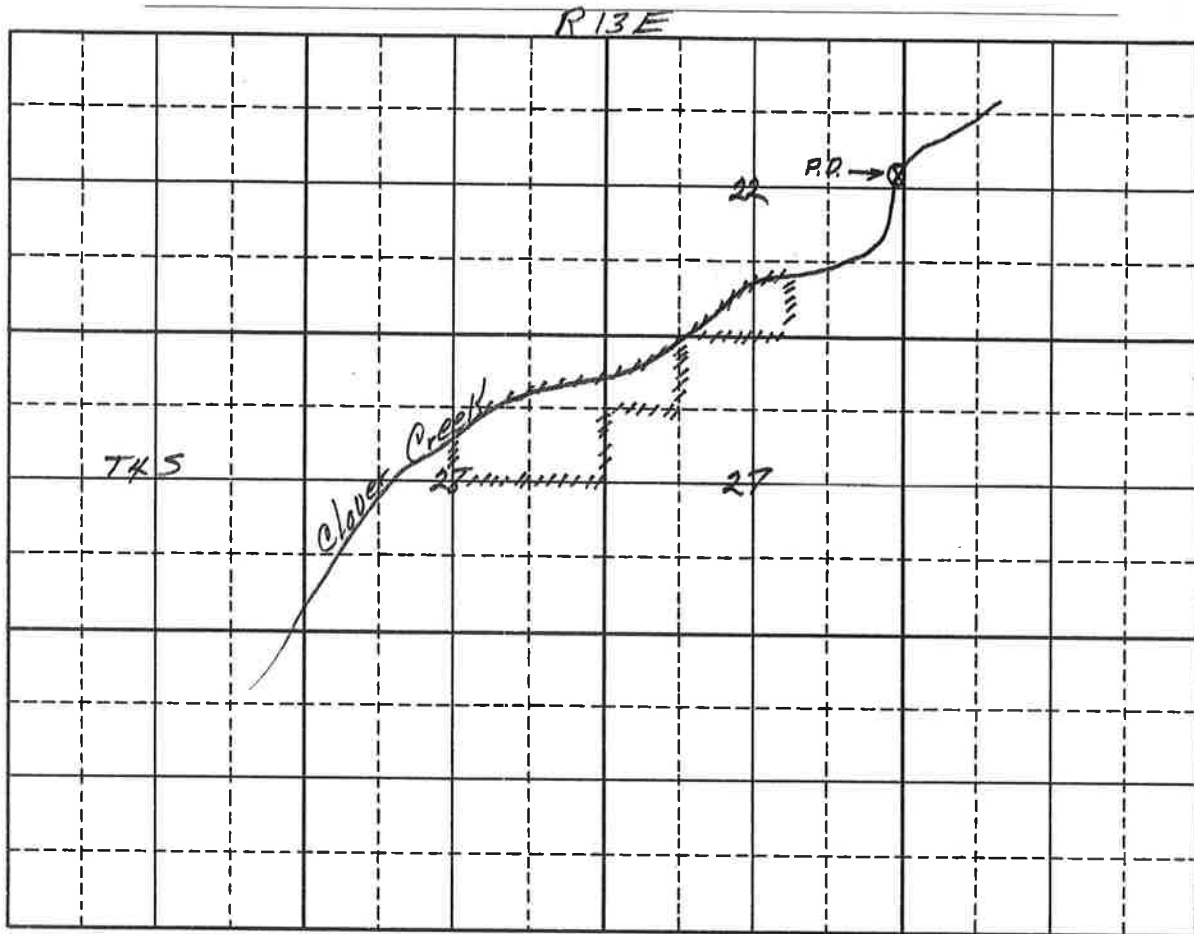
[illegible]

Total No. of acres 105

- 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 _____



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 Lain Falls) 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 affiants knowledge.

Sworn to before me this 4 day of November, 1974.

Notary Public

Residing at House

My commission expires 2-22-77.

For Department Use Only

Received by <u>E.C. KOF</u>	Date <u>11-4-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>GLF</u>	Date <u>11-4-74</u>		claimant by:	
\$10.00 fee received by <u>CC</u>	Date <u>11-4-74</u>			
Approved for publication by <u>C.C.</u>				
Published in <u>Gooding County Leader</u>				
Dates <u>11-14 & 11-21-74</u>				



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

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 the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of 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: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures



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,

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



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

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

3-28-02
Response.
-ss

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

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.

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

Snake River Basin Adjudication
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

ADDRESS SERVICE
REQUESTED



BRAY096 833142019 1701 10 12/02/01
FORM 3547

BRAY
1015 S TEN MILE RD
KUNA ID 83634-1725



BRAY, STERLING
P O BOX 96
BLISS ID 83314

37-4058
-4059
-4331
-4340