

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: A37-04060
Date Received: 8/19/1988
Receipt No: S001578
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: PO BOX 156
BLISS ID 83314

AND/OR

Name: JULIANNE L BRAY 208-352-4274
Address: 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 of	Lot	County
04S	13E	22		SE	NE		GOODING

5. Description of diverting works:
HEADGATE & DITCH, GRAVITY IRRIGATION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	09/01	3.000		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) 276.00 A.F.A.

8. Total consumptive use is 276.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	13E	21	SE	SE	1	IRR	21.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	21.0
		22	NE	SW		IRR	7.0
			SW	SW	4	IRR	16.0
			SE	SW	3	IRR	12.0
			NW	SE		IRR	7.0
						Section Acres	42.0
		27	NW	NW		IRR	4.0
						Section Acres	4.0
		28	NE	NE		IRR	17.0
			NW	NE		IRR	8.0
						Section Acres	25.0
						Total Acres	92.0

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:
37-0805, 37-0806, 37-7613

14. Remarks:
OWNERSHIP CHANGE 11/7/91 BY JG.
5-13-98: ADDRESS CHANGE PER NOTICE REC'D 5-13-98 - VH

15. Basis of Claim: STATUTORY CLAIM

RECEIVED

MAY 13 1998

Department of Water Resources
Southern Region

CHANGE IN ADDRESS OF THE NOTICE OF CLAIM
IN THE SNAKE RIVER BASIN ADJUDICATION

[] Water Right Number(s): ~~A37-07613~~, A37-04060

[] Old Mailing Address:

[] New Mailing Address:

Donald T. Bray
Box 156
Bliss, ID 83314

[] New Telephone Number: (208) 352-4274

[] Signature of Claimant(s): Donald T. Bray

Date: 13 Apr 98

For IDWR use only:
Initial Review and Data Entry
Date: By:
Further Action Taken
Date: By:
Final Review and Data Entry
Date: By:

A37-07613 ✓
04060 ✓
00805 ✓
00806 ✓
043313 ✓

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: **A37-04060**
Date Received: 8/19/1988
Receipt No: S001578
Received By: _____

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

1. Name: DONALD T. BRAY
Address: 206 EAST 9TH
ESCONDIDO CA 92025

AND/OR

Name: JULIANNE L. BRAY
Address: 206 EAST 9TH
ESCONDIDO CA 92025

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	SE	NE			GOODING

5. Description of diverting works:
HEADGATE & DITCH, GRAVITY IRRIGATION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	09/01	3.000		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) 276.00 A.F.A.

8. Total consumptive use is 276.0 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	21	SE	SE	1	IRR	21.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	21.0
		22	NE	SW	IRR	7.0
			SW	SW	4 IRR	16.0
			SE	SW	3 IRR	12.0
			NW	SE	IRR	7.0
					Section Acres	42.0
		27	NW	NW	IRR	4.0
					Section Acres	4.0
		28	NE	NE	IRR	17.0
			NW	NE	IRR	8.0
					Section Acres	25.0
					Total Acres	92.0

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:
37-0805, 37-0806, 37-7613

14. Remarks:
OWNERSHIP CHANGE 11/7/91 BY JG.

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: _____

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FEB 23 1993

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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FEB 23 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type
(see instructions on back of page)

DATE OF CLOSING: May 24, 1991

JUN 05 1991

LEGAL DESCRIPTION OF PROPERTY: Township 4 Range 13 Section 1/4 of 1/4 of 1/4 Govt. Lot 1, BM. attached.
Lot 1, Block 1, Subdivision/Townsite 1.
If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources
Southern Region
See legal desc.

- ☐ 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) G 37-4060, Clover Creek for 3.0 cfs.
Assigned by IDWR: _____
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): John H. Tschannen
Box 78
- ☐ New Owner/Claimant (Purchaser): Bliss, ID 83314
Donald T. and Julianne L. Bray
- ☐ New Mailing Address: 206 East 9th, Escondido, CA 92025
- ☐ New Telephone Number: () _____ - _____
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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: Warranty Deed

(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) Donald T. Bray Date _____
Julianne L. Bray 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: 11/7/91 By: K

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 11/21/91 By: K

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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FEB 23 1993

G-001334



WARRANTY DEED

For Value Received

ALLEN R. TSCHANNEN AND JANELL T. TSCHANNEN, HUSBAND AND WIFE,
the grantors, do hereby grant, bargain, sell, and convey unto

DONALD R. BRAY AND JULIANNE LA FRANKIE BRAY, HUSBAND AND WIFE,
the grantees, whose current address is

206 EAST 9TH, ESCONDIDO, CALIFORNIA 92025,

the following described premises, to-wit:

SEE ATTACHED EXHIBIT A

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JUN 05 1991

Department of Water Resources
Southern Region Office

140202
COUNTY OF GOODING, S.S.
FIRST AMERICAN TITLE COMPANY
30 MAR 20 PM 4 03

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that they will warrant and defend the same from all claims whatsoever.

Dated: MARCH 20, 1990

Allen R. Tschannen
ALLEN R. TSCHANNEN

Janelle T. Tschannen
JANELL T. TSCHANNEN

STATE OF IDAHO)
: ss
COUNTY OF GOODING)

On This 20TH day of MARCH, in the year 1990, before me, a Notary Public in and for said State, personally appeared ALLEN R. TSCHANNEN AND JANELL T. TSCHANNEN, known or identified 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.



James M. Beck
Notary Public of Idaho
Residing at Gooding, Idaho
Commission Expires: 10-31-92

RECORDED
FEB 23 1991

First American Title Company of Idaho

RECEIVED

JUN 05 1991

Department of Water Resources
Southern Region Office

EXHIBIT "A"

PARCEL I

That portion of the Northeast Quarter of Section 28, Township 4 South, Range 13 East of the Boise Meridian, County of Gooding, State of Idaho, described as follows:

BEGINNING at the West quarter corner of said Section 28;
Thence North $64^{\circ}10'8''$ East 3038.12 feet to the TRUE POINT OF BEGINNING;
Thence North $40^{\circ}15'20''$ West for 146.30 feet to a point on the West line of the Northwest Quarter of the Northeast Quarter of said Section;
Thence North along said West line 81.79 feet;
Thence North $49^{\circ}44'08''$ East 155.5 feet;
Thence South $40^{\circ}15'52''$ East 208.71 feet;
Thence South $49^{\circ}44'08''$ West 208.71 to the TRUE POINT OF BEGINNING.

PARCEL II

An easement 30 feet in width for the purpose of ingress and egress over a portion of the Northwest Quarter of Section 28, Township 4 South, Range 13 East of the Boise Meridian, County of Gooding, State of Idaho, being 15 feet on each side of a centerline being described as follows:

BEGINNING at the West quarter corner of said Section 28;
Thence North $88^{\circ}52'13''$ East 1533.20 feet to the TRUE POINT OF BEGINNING, also being the center line of an existing County Road;
Thence North $48^{\circ}55'43''$ East, 1405.90 feet to a point on a curve;
Thence along said curve to the left a distance of 144.42 feet (and whose chord bears North $23^{\circ}12'56''$ East 139.65 feet);
Thence North $02^{\circ}29'52''$ West 102.24 feet to a point on a curve;
Thence along said curve to the right a distance of 111.55 feet (and whose chord bears North $23^{\circ}37'09''$ East 107.75 feet);
Thence North $49^{\circ}44'08''$ East 271.62 feet to the point of termination at the Southeast corner of Parcel I.

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FEB 22 1992

EXHIBIT "A"

RECEIVED

PARCEL I

JUN 05 1991

That portion of the Northeast Quarter of Section 28, Township 4 South, Range 13 East of the Boise Meridian, County of Gooding, State of Idaho, described as follows:

BEGINNING at the West quarter corner of said Section 28;
Thence North 64°10'8" East 3038.12 feet to the **TRUE POINT**
OF BEGINNING;
Thence North 40°15'20" West for 146.30 feet to a point on
the West line of the Northwest Quarter of the Northeast
Quarter of said Section;
Thence North along said West line 81.79 feet;
Thence North 49°44'08" East 155.85 feet;
Thence South 40°15'52" East 208.71 feet;
Thence South 49°44'08" West 208.71 to the **TRUE POINT OF BEGINNING**.

PARCEL II

An easement 30 feet in width for the purpose of ingress and egress over a portion of the Northwest Quarter of Section 28, Township 4 South, Range 13 East of the Boise Meridian, County of Gooding, State of Idaho, being 15 feet on each side of a centerline being described as follows:

BEGINNING at the West quarter corner of said Section 28;
Thence North 88°52'13" East 1533.20 feet to the **TRUE POINT**
OF BEGINNING, also being the center line of an existing
County Road;
Thence North 48°55'43" East, 1405.90 feet to a point on a curve;
Thence along said curve to the left a distance of 144.42 feet
(and whose chord bears North 23°12'56" East 139.65 feet);
Thence North 02°29'52" West 102.24 feet to a point on a curve;
Thence along said curve to the right a distance of 111.55 feet
(and whose chord bears North 23°37'09" East 107.75 feet);
Thence North 49°44'08" East 271.62 feet to the point of
termination at the Southeast corner of Parcel I.

CONTINUED



EXHIBIT A - CONTINUED

RECEIVED

PARCEL III

Lots 1 and 2 of Section 21, Township 4 South, Range 13 East of the Boise Meridian, County of Gooding, State of Idaho.

JUN 05 1991
Department of Water Resources
Southern Region Office

PARCEL IV

The Northeast Quarter of the Southwest Quarter of Section 22, Township 4 South, Range 13 East of the Boise Meridian, County of Gooding, State of Idaho.

PARCEL V

Part of Lots 2, 3 and 4 and that portion of the Southeast Quarter of the Northeast Quarter and the North Half of the Southeast Quarter of Section 22;
And that portion of the West Half of the Northwest Quarter of Section 27;
And that portion of the Northeast Quarter of Section 28;
All being in Township 4 South, Range 13 East of the Boise Meridian, County of Gooding, State of Idaho, lying North and West of the center channel of Clover Creek located approximately as follows:

BEGINNING at a point of the center section line 1800 feet South of the quarter corner between Sections 21 and 28 of Township 4 South, Range 13 East of the Boise Meridian, running

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 the half section line of Section 22, Township 4 South, Range 13 East of the Boise Meridian;

Thence in a Northeasterly direction to a point where said Clover Creek intersects the East boundary line of the Southeast Quarter of the Northeast Quarter of said Section 22, Township 4 South, Range 13 East of the Boise Meridian, which is about 200 feet North of the Southeast corner thereof.

CONTINUED



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FEB 23 1993

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JUN 05 1991

Department of Water Resources
Southern Region Office

EXHIBIT A - CONTINUED

EXCEPTING THEREFROM the following described land:

A tract of land in the West Half of the Northeast Quarter of Section 28 being more particularly described as follows:

COMMENCING at the West quarter corner of said Section 28;
Thence North 64°10'08" East 3038.12 feet to the **TRUE POINT**
OF BEGINNING;

Thence North 40°15'52" West 146.30 feet more or less to the
West line of the Northwest Quarter of the Northeast
Quarter of said Section 28;

Thence North along said West line for 81.79 feet;

Thence North 49°44'08" East 155.85 feet;

Thence South 40°15'52" East 208.71 feet;

Thence South 49°44'08" West 208.71 feet to the **TRUE POINT**
OF BEGINNING.



MICROFILMED
FEB 23 1993



WARRANTY DEED

For Value Received

JOHN H. TSCHANNEN, A MARRIED MAN, DEALING WITH HIS SOLE AND SEPARATE PROPERTY,
the grantor, does hereby grant, bargain, sell, and convey unto

DONALD R. BRAY AND JULIANNE LA FRANKIE BRAY, HUSBAND AND WIFE,
the grantee, whose current address is

206 EAST 9TH, ESCONDIDO, CALIFORNIA 92025,

the following described premises, to-wit:

RECEIVED

JUN 05 1991

Department of Water Resource
Southern Region Office

SEE ATTACHED EXHIBIT A

This Deed is being re-recorded to correct notary on Deed recorded on March
20, 1990 as Instrument No. 140203, records of Gooding County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant
to and with the said Grantees, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances except current years
taxes, levies, and assessments, and except U. S. Patent reservations, restrictions,
easements of record, and easements visible upon the premises, and that they will
warrant and defend the same from all claims whatsoever.

Dated: May 29, 1991

John H. Tschannen
JOHN H. TSCHANNEN

STATE OF IDAHO)
COUNTY OF GOODING) ss

On This 29th day of May, in the year 1991, before me, a Notary Public in and for
said State, personally appeared JOHN H. TSCHANNEN, known or identified to me to be
the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged
to me that he executed the same.



Teresa L. Foster
Notary Public of Idaho
Residing at Gooding, Idaho
Commission Expires: 3/9/95

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FEB 23 1993

First American Title Company of Idaho

EXHIBIT A

PARCEL III

Lots 1 and 2 of Section 21, Township 4 South, Range 13 East of the Boise Meridian, County of Gooding, State of Idaho.

PARCEL IV

The Northeast Quarter of the Southwest Quarter of Section 22, Township 4 South, Range 13 East of the Boise Meridian, County of Gooding, State of Idaho.

PARCEL V

Part of Lots 2, 3 and 4 and that portion of the Southeast Quarter of the Northeast Quarter and the North Half of the Southeast Quarter of Section 22;

And that portion of the West Half of the Northwest Quarter of Section 27;

And that portion of the Northeast Quarter of Section 28;

All being in Township 4 South, Range 13 East of the Boise Meridian, County of Gooding, State of Idaho, lying North and West of the center channel of Clover Creek located approximately as follows:

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Thence in a Northeasterly direction to a point where said Clover Creek intersects the East boundary line of the Southeast Quarter of the Northeast Quarter of said Section 22, Township 4 South, Range 13 East of the Boise Meridian, which is about 200 feet North of the Southeast corner thereof.

EXCEPTING THEREFROM the following described land:

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Thence South 49°44'08" West 208.71 feet to the **TRUE POINT**

OF BEGINNING.

144988

STATE OF IDAHO, COUNTY OF GOODING

and for record at the request of **FIRST AMERICAN TITLE**

30 min. past 11 o'clock A. M. this 29

May 1991

JOHN A. PETERSON, Recorder

Christa Sotis

June 6.00



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

07-Nov-1991 11:22

DONALD T. & JULIANNE L. BRAY
206 EAST 9TH
ESCONDIDO CA 92025

Re: Ownership Change for Adjudication Claim NO.(S): A37-004060 -
JOHN H. TSCHANNEN

Dear Claimant(s):

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.

Please review the record and if you have any corrections or questions, please feel free to call this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

MICROFILMED
FEB 23 1993

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: A37-04060
Date Received: 5/31/1988
Receipt No: 5001578
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN H. TSCHANNEN
Address: P. O. BOX 75
BLISS, ID 83314 208-352-4294

AND/OR
Name: CLOVER CREEK RANCH, INC.
Address: 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	SE NE		GOODING

5. Description of diverting works:
HEADGATE & DITCH, GRAVITY IRRIGATION SYSTEM

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Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	09/01	3.000		

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3.000 C.F.S. (and/or) 276.00 A.F.A.

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9. Non-irrigation uses:

10. Place of Use:

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04S	13E	21	SE	SE		IRR	21.0
						Section Acres	21.0
		22	NE	SW		IRR	7.0
			SW	SW		IRR	16.0
			SE	SW		IRR	12.0
			NW	SE		IRR	7.0
						Section Acres	42.0
		27	NW	NW		IRR	4.0
						Section Acres	4.0
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			NW	NE		IRR	8.0
						Section Acres	25.0
						Total Acres	92.0

11. Place of use in counties: GOODING

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

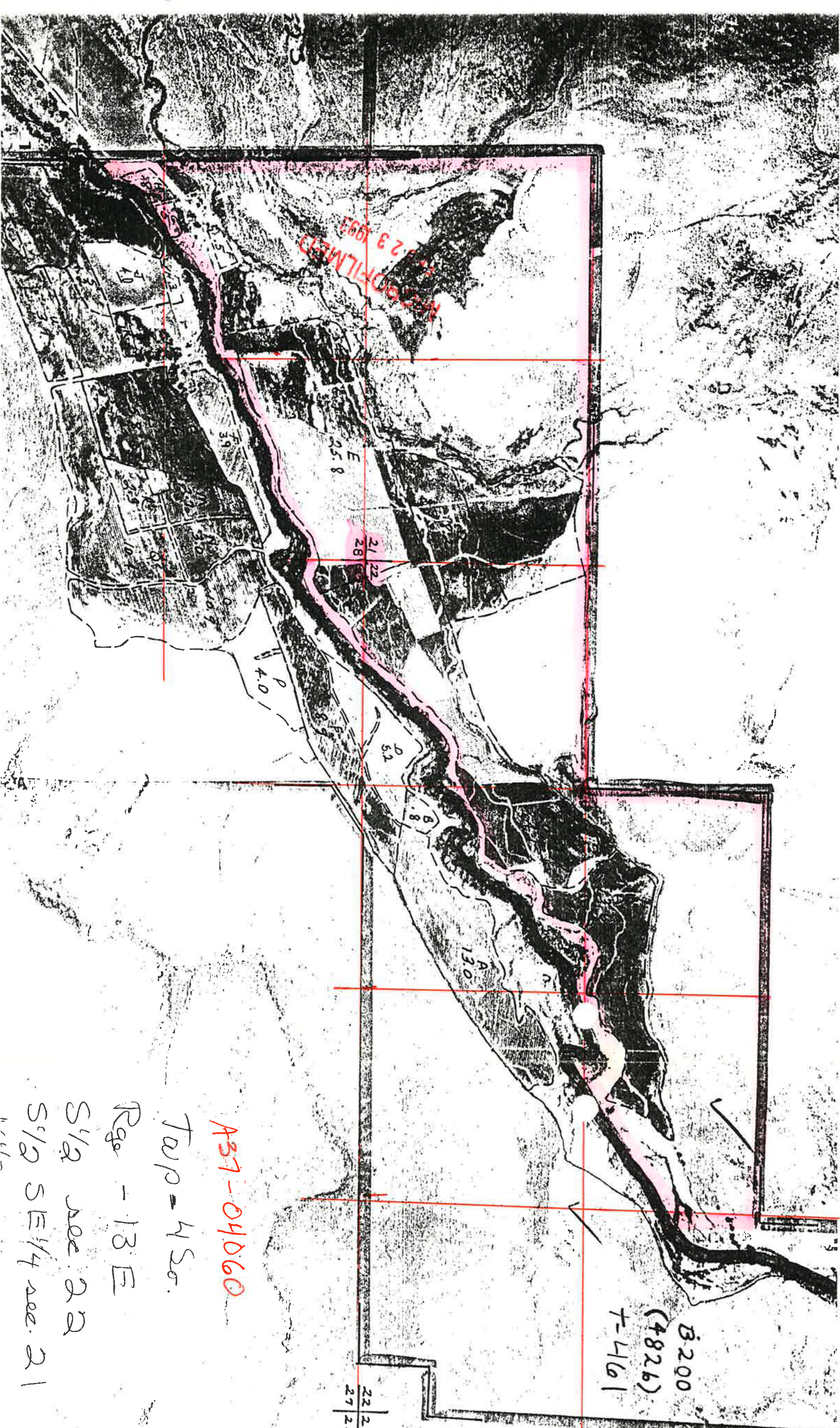
13. Other Water Rights Used:
37-0805, 37-0806, 37-7613

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

(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.

8/19/88
MICROFILMED
FEB 23 1993



1. 23 1993
 2. 23 1993
 3. 23 1993

25.8

21.22

4.0

5.2

8

13.0

B200
 (4826)
 T-4161

22	25
27	26

A37-04060

Tap - 450.

Rga - 13 E

S 1/2 sec. 22

S 1/2 SE 1/4 sec. 21

09/11/2006

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

RIGHT NUMBER: 37-4060
NAME AND ADDRESS: JULIANNE L BRAY
PO BOX 156
BLISS ID 83314

DONALD T BRAY
PO BOX 194
BLISS ID 83314-0094

SOURCE: CLOVER CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 1.800 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	.1.800 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T04S R13E S21 Lot 1 SESE	10.00	T04S R13E S22	NESW	4.00	
T04S R13E S22 Lot 4 SWSW	21.00	T04S R13E S22 Lot 3 SESW		15.00	
T04S R13E S22	NWSE	7.60	T04S R13E S22 Lot 2 SWSE	1.00	
T04S R13E S27	NWNW	4.50	T04S R13E S28	NENE	20.00
T04S R13E S28	NWNE	6.90			

90 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 90 acres in a single irrigation season. Combined Right Nos.: 37-805B, 37-806B, 37-4060, and 37-7613.

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



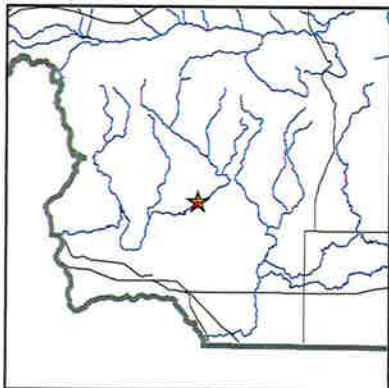
Idaho Department of Water Resources

SRBA Recommendation:

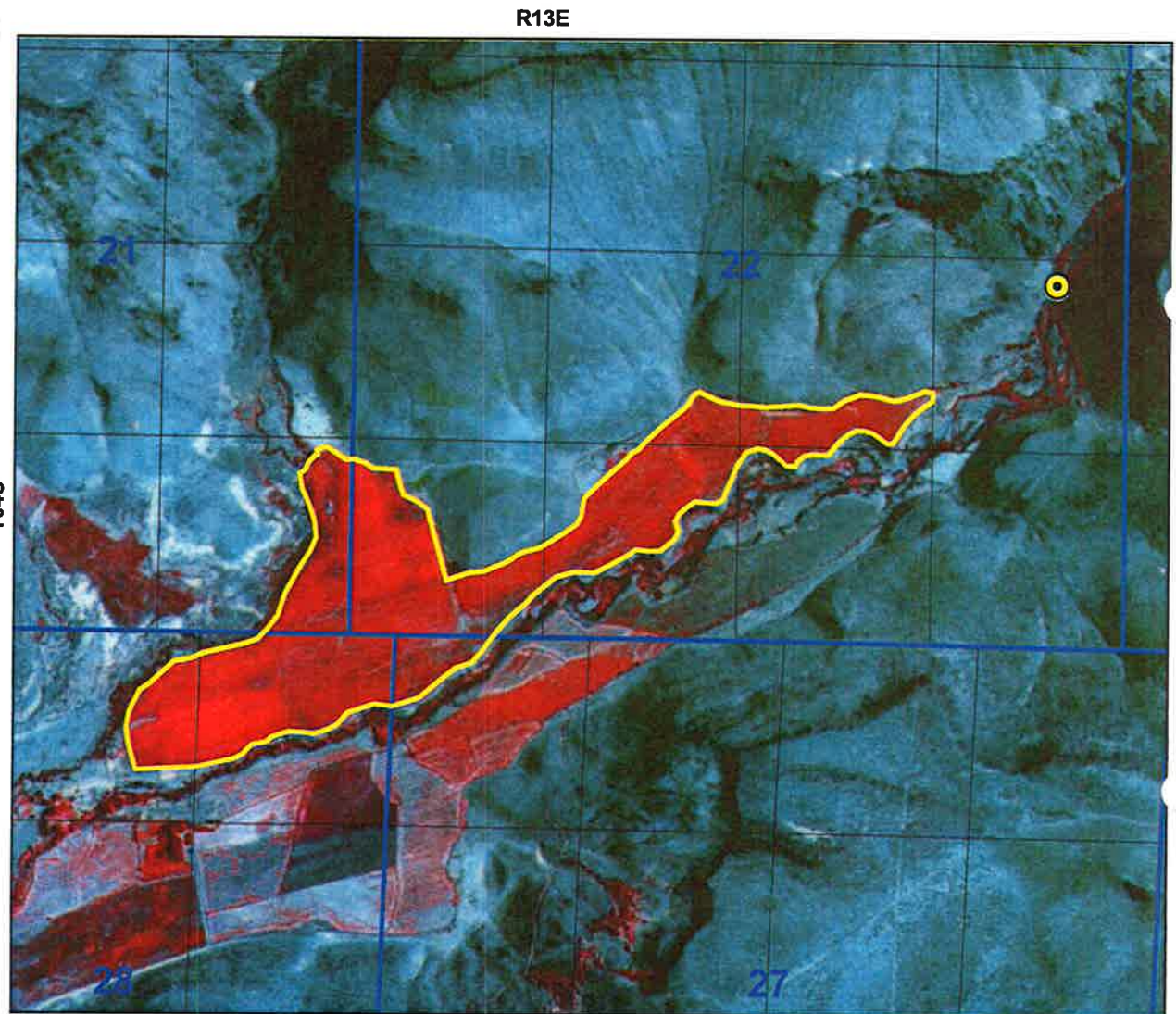
37-4060

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): 37-4060

Background Data

- Statutory Claim
- Source is Clover Creek tributary to Snake River
- Claimed for 3.0 cfs on 92 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

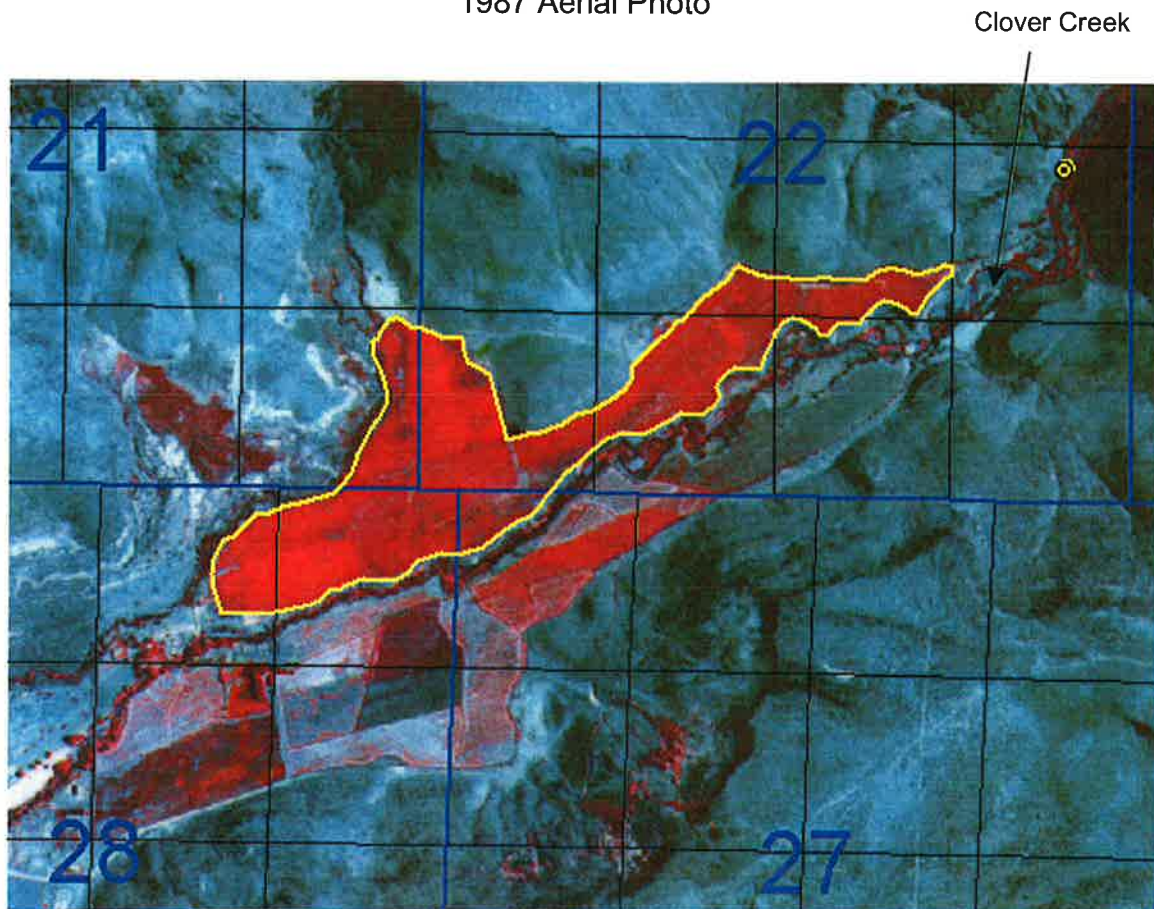




Photo of diversion taken during field exam by Lee Peterson.



Photo of diversion taken during field exam by Lee Peterson.



Photo of diversion taken during field exam by Lee Peterson.

Notes

T4S R13E Sections 21, 22, 27, & 28

- Found 90 acres
- POU created by Carter F. for overlapping rights
- Claim overlaps with 37-805B, 37-806B, & 37-7613, 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:

- 1.8 cfs for Irrigation of 90 acres
- Priority date: April 31, 1933
- Combined use limit of 90 acres for 37-805B, 37-806B, 37-4060, and 37-7613

➤ 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

Adjudication Claim Notes

Claim(s): 37-4058, 37-4060

Background Data

- Statutory Claim
- Source is Clover Creek tributary to Snake River
- Claimed for 6.0 cfs on 197 acres

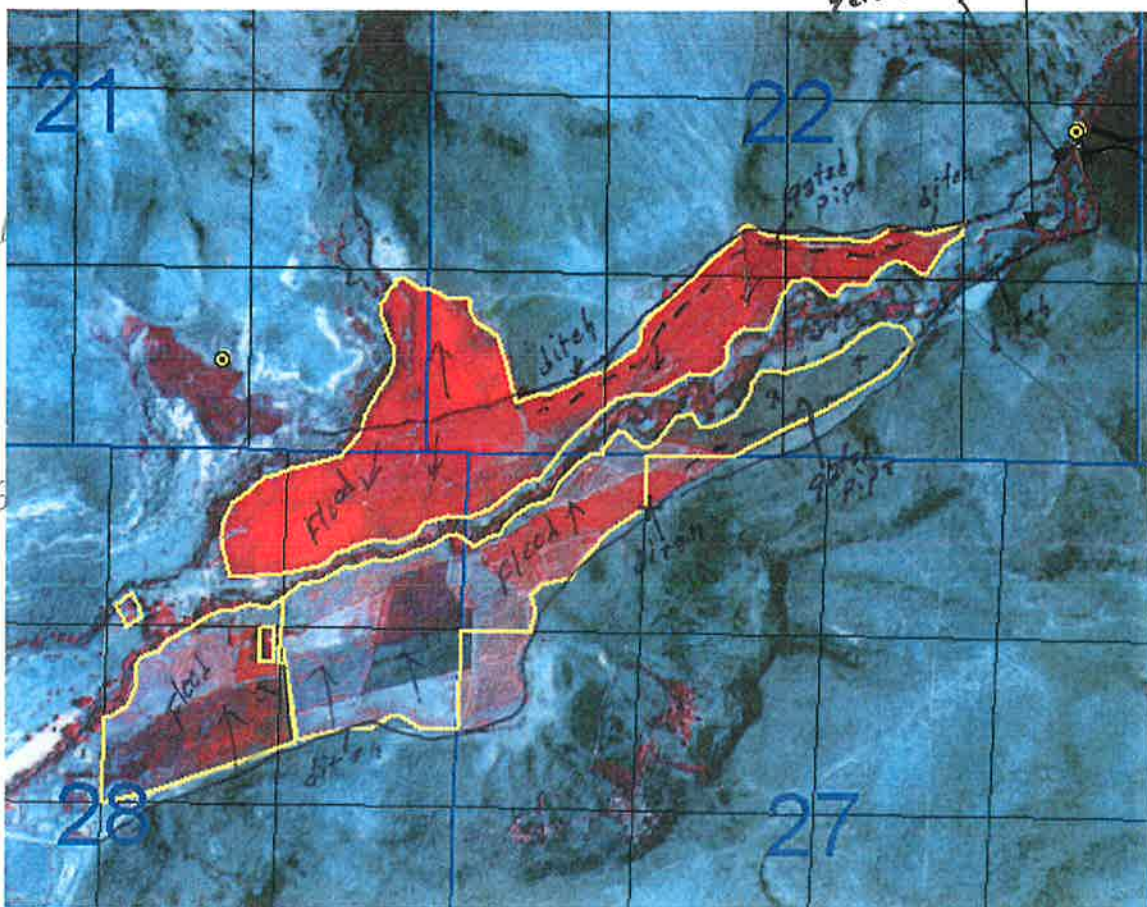
Place Of Use Data

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



To do field exam:

- 1) Measure diversion rate
- 2) Measure ditch dimensions
- 3) GPS POD

North ditch is in need of cleaning
Scott said would be done this year
very shallow now approx 4' wide
approx 1' deep

The south ditch was cleaned last year and
is better approx 4-4 1/2' wide
1 1/2-2' deep

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.

File No M040707A
To Files
From Donald T. Bray *DAB*
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.

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RECEIVED
JUN 09 2005

Department of Water Resources

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 08 2005

June 2, 2005

M060205A
To Files
From Donald T. Bray
Subject Water History OHR

Department of Water Resources
Southern Region

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

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 Josephine &/or John Tschannen
(name of claimant)
of Bliss, Idaho, 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 $\frac{1}{4}$ NE $\frac{1}{4}$, 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.

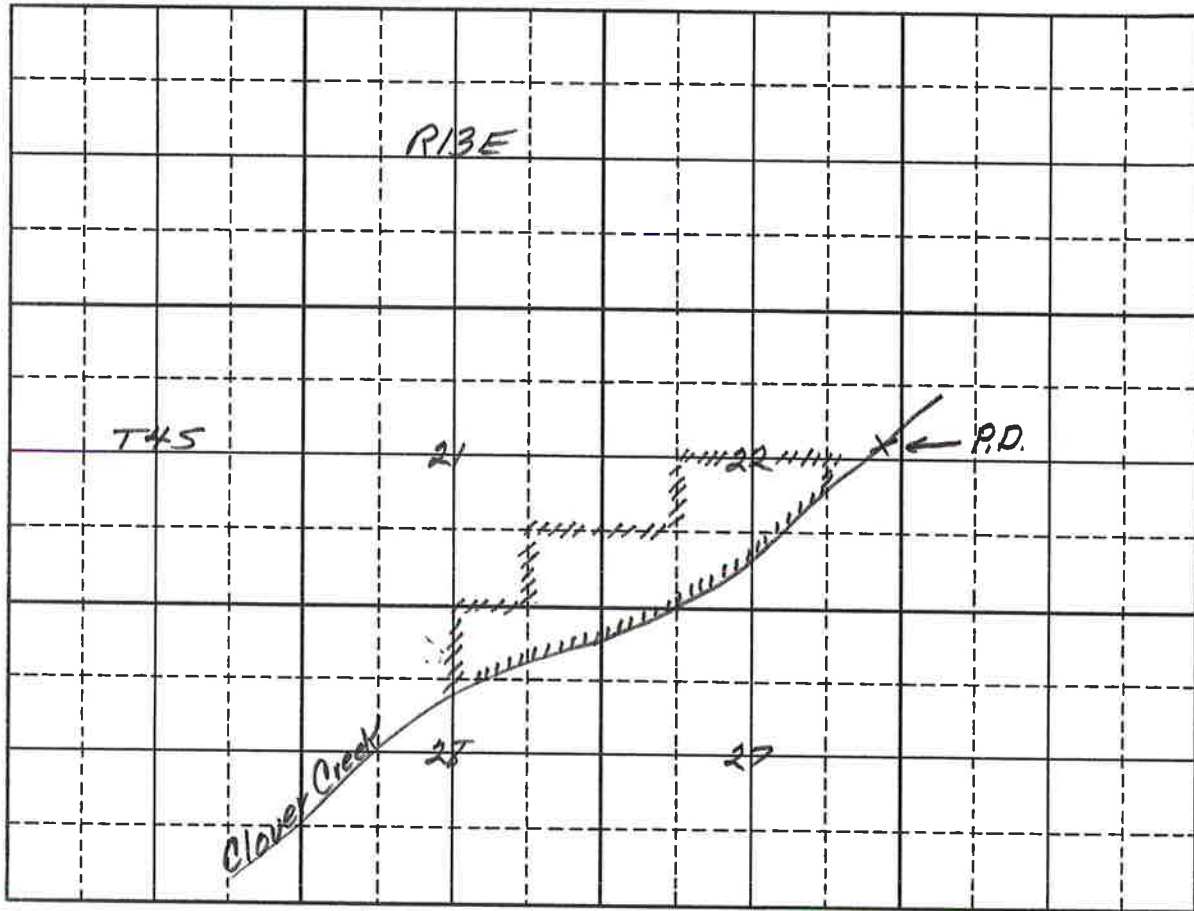
[illegible]

Total No. of acres 92

- 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 Lewis & Clark) 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 20th day of November, 19 74.

John Tschannen
(Claimant)
Earl Brey
Notary Public
Residing at Baranof

My commission expires 0-22-74

For Department Use Only

Received by KDF Date 11-20-74 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____
\$10.00 fee received by CC Date 11-20-74
Approved for publication by _____
Published in Bozeman County Leader _____
Dates 11-27 & 12-5-74 _____

#14657



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

SD-33

Last Name: TSCHANNEN

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
	TSCHANNEN						
	JOHN H.	C	A37-00805	04/01/1882	CLOVER CREE	4.500	01 IRR
	JOHN H.	C	A37-00806	04/01/1912	CLOVER CREE	0.600	01 IRR
	JOHN H.	C	A37-04060	05/01/1920	CLOVER CREE	3.000	01 IRR
	JOHN H.	C	A37-04331B	07/01/1925	GROUNDWATER	0.200	43 DOMEST 22 HEAT 04 STOCK
	RAY	C	A37-04331B	07/01/1925	GROUNDWATER	0.200	43 DOMEST 22 HEAT 04 STOCK
	JOHN H.	C	A37-07613	05/25/1977	GROUNDWATER	0.750	01 IRR
	DEAN	C	A37-10008	01/01/1948	GROUNDWATER	0.040	43 DOMEST
	CHRISTINE	C	A37-10008	01/01/1948	GROUNDWATER	0.040	43 DOMEST
	JOYCE	C	A37-10044	01/01/1942	GROUNDWATER	0.040	43 DOMEST 04 STOCK
	R. L.	C	A37-10044	01/01/1942	GROUNDWATER	0.040	43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
FEB 23 1985

SD-36		Township: 04S		Range: 13E		Section: 28		Tract:		Lot:	
S	L	STATE		O		S		Max # Records		62	
E	O	Water		Name		W		T		Priority Use	
L	Tract T	Right No.	Last, First	N	AC	G	Date	Code	Desc		
—	NENE	A37-00805	TSCHANNEN, JOHN H.	C	17	D	04/01/1882	01	IRR		
—	NENE	A37-04060	CLOVER CREEK RANCH, IN	C	17	S	05/01/1920	01	IRR		
—	NENE	A37-07613	TSCHANNEN, JOHN H.	C	18	L	05/25/1977	01	IRR		
—	NENE	A37-00805A	CLOVER CREEK RANCH, IN	C	14	D	04/01/1882	01	IRR		
—	NENE	A37-00806A	BRAY, STERLING	O	14	D	04/01/1912	01	IRR		
—	NENE	A37-04058	BRAY, SOLON A.	O	14	S	05/01/1920	01	IRR		
—	NENE	A37-04059	BRAY, STERLING	C	14	S	05/01/1970	01	IRR		
—	NENE	A37-04059	BRAY, STERLING	C	14	S	05/01/1970	04	STOCK		
—	NWNE	A37-00805	TSCHANNEN, JOHN H.	C	8	D	04/01/1882	01	IRR		
—	NWNE	A37-04060	CLOVER CREEK RANCH, IN	C	8	S	05/01/1920	01	IRR		
—	NWNE	A37-04060	TSCHANNEN, JOHN H.	C	8	S	05/01/1920	01	IRR		

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
FEB 23 1993

SD-36		Township: 04S		Range: 13E		Section: 28		Tract:		Lot:	
S	L	Water		Name		O	S	Max #	Records	62	
E	O	Right		Last, First		W	T	Priority	Use		
L	Tract	T	No.			N	AC	G	Date	Code	Desc
---	NWNE	---	A37-04060	CLOVER CREEK RANCH, IN		C	8	S	05/01/1920		
---	NWNE	---	A37-04331B	TSCHANNEN, JOHN H.		C		S	07/01/1925	43	DOMEST
---		---		TSCHANNEN, RAY		C				22	HEAT
---		---								04	STOCK
---	NWNE	---	A37-04331B	TSCHANNEN, JOHN H.		C		S	07/01/1925	43	DOMEST
---		---		TSCHANNEN, RAY		C				22	HEAT
---		---								04	STOCK
---	NWNE	---	A37-04331B	TSCHANNEN, JOHN H.		C		S	07/01/1925	43	DOMEST
---		---		TSCHANNEN, RAY		C				22	HEAT
---		---								04	STOCK
---	NWNE	---	A37-07613	TSCHANNEN, JOHN H.		C	3	L	05/25/1977	01	IRR
---		---		CLOVER CREEK RANCH, IN		C					
---	NWNE	---	A37-11047	TSCHANNEN, JOHN H.		C	3	D	04/01/1882	01	IRR
---		---		CLOVER CREEK RANCH, IN		C					
---	NWNE	---	A37-00805A	BRAY, STERLING		C	3	D	04/01/1882	01	IRR
---		---		BRAY, SOLON A.		O					

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
FEB 23 1993