

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 37-4331A
Date Received: 8/23/1988
Receipt No: S001665
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DONALD T BRAY Phone: (208)352-4274

DBA LYE LAKE RANCH
PO BOX 156
BLISS ID USA 83314

2. Date of Priority: 04/01/1882

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	13E	21	SE SW SE 2	GOODING	

5. Description of diverting works:

WELL, 6" CASING, 225' DEEP, FLOWING ARTESIAN, PIPELINE TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.2	
STOCKWATER	1/01	12/31	0.03	
HEATING	1/01	12/31	0.2	
DOMESTIC	1/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	13E	28	SW	NE	DOMESTIC	
			SW	NE	HEATING	
			SW	NE	STOCKWATER	
			NW	NE	IRRIGATION	2
			SW	NE	IRRIGATION	27
			SE	NE	IRRIGATION	3
					Section Acres	32
					Total Acres	32

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:

14. Remarks:

WARRANTY DEED NO. 58284 DATED OCTOBER 18, 1933 DIVIDES THE FLOW OF THE WELL WITH 50% GOING TO STERLING BRAY'S LAND, AND 50% GOING TO JOHN AND RAY TSCHANNEN'S LAND.

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

15. Basis of Claim: Decreed

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: _____

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):

Donald J. Bray

Date: 11 Apr 06

Date: _____

State of Idaho)

County of ADA)

) SS.

Subscribed and sworn (or affirmed) before me this 11th

of April 2006

Steve Clelland

Notary Public

Residing at Mendon ID

My commission Expires 12/7/2006



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: **A37-04331A**
Date Received: 8/23/1988
Receipt No: S001665
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: DONALD T BRAY
Address: LYE LAKE RANCH
PO BOX 156
BLISS ID

208-352-4274

83314

2. Date of Priority: JUL 1, 1925

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	13E	21	SE	SW	SE	2	GOODING

5. Description of diverting works:

WELL, 6" CASING, 225' DEEP, FLOWING ARTESIAN, PIPELINE TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
DOMESTIC	01/01	12/31	0.020		
HEATING	01/01	12/31	0.200		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:

0.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

96.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC AND HEATING/ 1 HOME, STOCKWATER/ 100 CATTLE.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	13E	28	NW		NE		IRR	2.0
			SW		NE		IRR	27.0
			SW		NE		DOMEST	
			SW		NE		HEAT	
			SW		NE		STOCK	
			SE		NE		IRR	3.0
							Section Acres	32.0
							Total Acres	32.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

37-00805, 37-00806, 37-04058, 37-04059, 37-04340

14. Remarks:

WARRANTY DEED NO. 58284 DATED OCTOBER 18, 1933 DIVIDES THE FLOW OF THE WELL WITH 50% GOING TO STERLING BRAY'S LAND, AND 50% GOING TO JOHN AND RAY TSCHANNEN'S LAND.

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

15. Basis of Claim: STATUTORY CLAIM



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 20, 1998

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

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

Dear Claimant(s):

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Hancock'.

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

RECEIVED

OCT 29 1997

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

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s).: A37-04340, A37-00805^A, A37-00806^A, 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

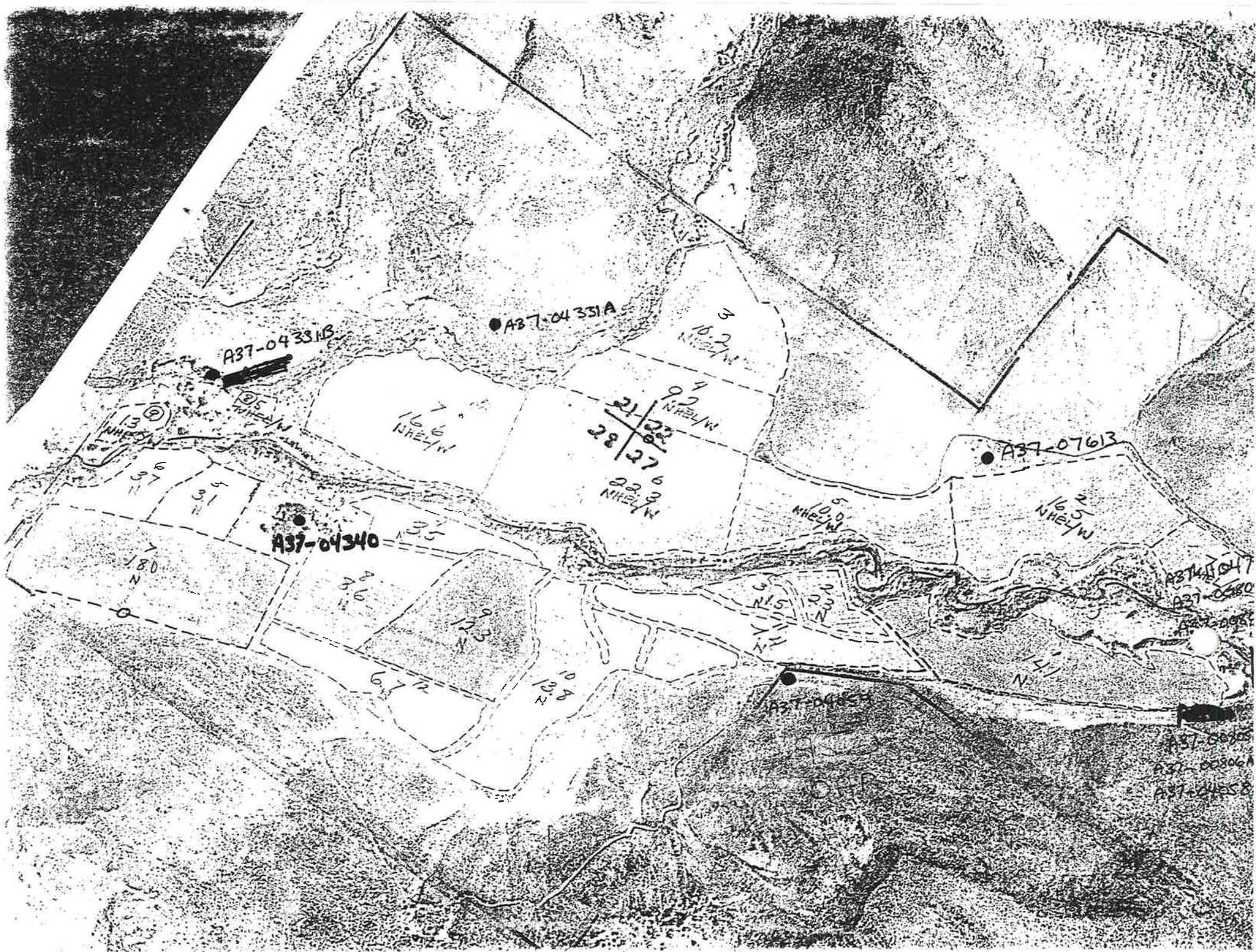
Section 27: W 1/2 NW 1/4

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-
ary 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: A37-04331A
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: JUL 01, 1925

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	13E	21	SE	SW	SE	2	GOODING

5. Description of diverting works:
WELL, 6" CASING, 225' DEEP, FLOWING ARTESIAN, PIPELINE TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
DOMESTIC	01/01	12/31	0.020		
HEATING	01/01	12/31	0.200		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 96.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC AND HEATING/ 1 HOME, STOCKWATER/ 100 CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	13E	28	NW NE		IRR	2.0
			SW NE		IRR	27.0
			SW NE		DOMEST	
			SW NE		HEAT	
			SW NE		STOCK	
			SE NE		IRR	3.0
					Section Acres	32.0
					Total Acres	32.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

37-00805, 37-00806, 37-04058, 37-04059, 37-04340

14. Remarks:

WARRANTY DEED NO. 58284 DATED OCTOBER 18, 1933 DIVIDES THE FLOW OF THE WELL WITH 50% GOING TO STERLING BRAY'S LAND, AND 50% GOING TO JOHN AND RAY TSCHANNEN'S LAND.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Sterling Gray 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

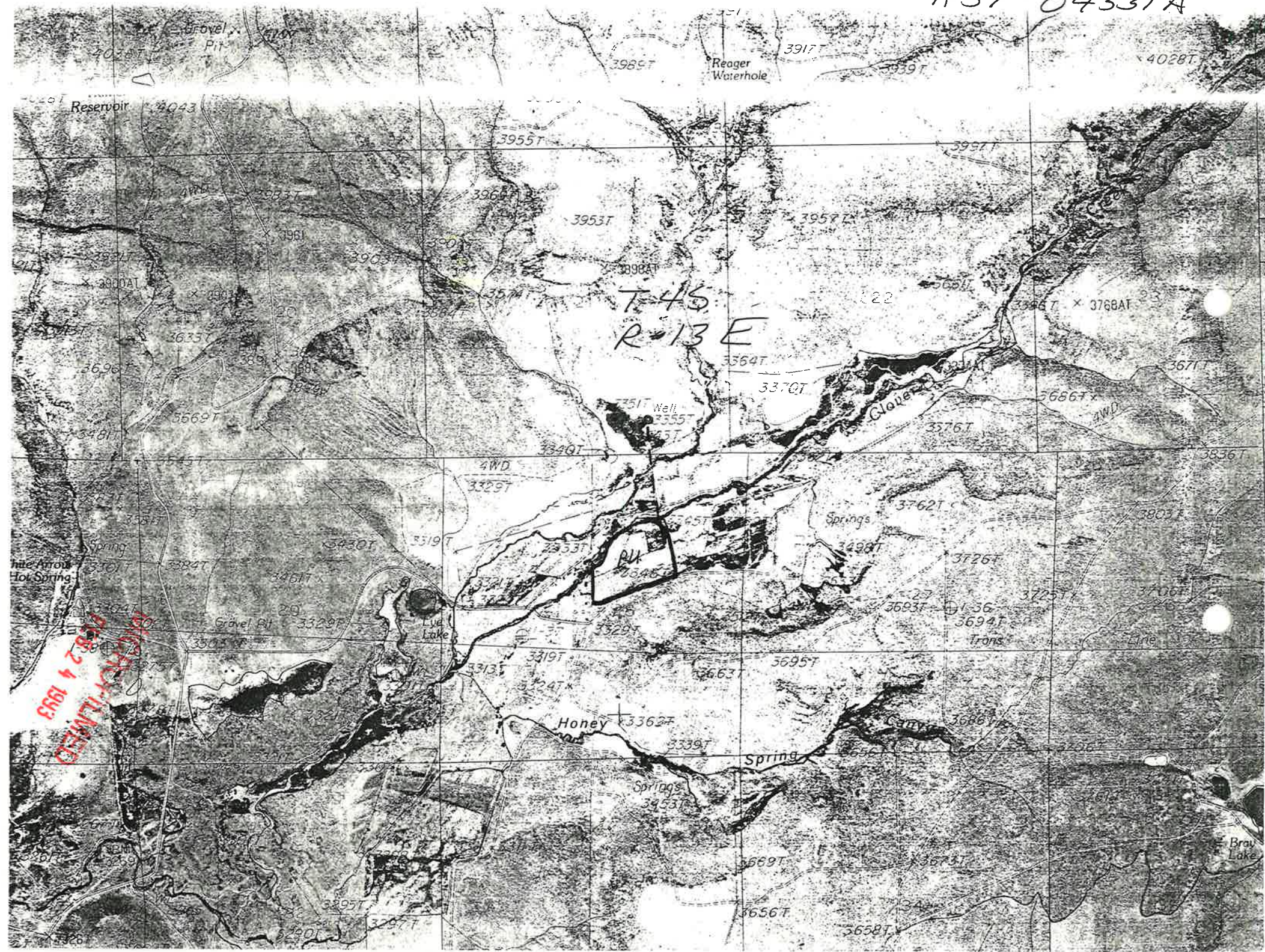
Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

A 37 - 04331 A



INDENTURE, Made this 18th day of October, 1925, a year of our Lord, one thousand nine hundred and thirty-three, between Rudolph Tschannen and Josephine Tschannen, his wife continuously since 1913, of Bliss, County of Gooding, State of Idaho, the parties of the first part, and Solon A. Bray, of Bliss, County of Gooding, State of Idaho, the party of the second part,

WITNESSETH, That said parties of the first part, for and in consideration of the sum of One Dollar, and other good and valuable considerations, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate situate in Gooding County, State of Idaho, to-wit:-

All that portion of: Southeast Quarter of Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4}$); North Half of Southeast Quarter ($N\frac{1}{2} SE\frac{1}{4}$); Lot Two (2); Lot Three (3) and Lot Four (4), all in Section Twenty-two (22), Township Four (4) South, Range Thirteen (13) East, Boise Meridian; also the West Half of the Northwest Quarter ($W\frac{1}{2} NW\frac{1}{4}$) of Section Twenty-seven (27) and the Northeast Quarter ($NE\frac{1}{4}$) of Section Twenty-eight (28) all in Township Four (4) South, Range Thirteen (13) East, Boise Meridian, lying south and east of the center channel of Clover Creek as same now runs through the premises above described. Said center channel of said Clover Creek having the following approximate location: Beginning at a point on the center section line 1800 feet south of the quarter corner between Sections 21 and 28, Township 4 South, Range 13 E. B. M., Gooding County, Idaho, running thence north $49^{\circ} 00'$ East 1090 feet, thence south $82^{\circ} 55'$ E. 935 feet; thence North $55^{\circ} 45'$ E. 2385 feet, thence North $63^{\circ} 50'$ E. 3855 feet, thence North $4^{\circ} 00'$ E. 810 feet, to the half section line of Section 22, Township 4 South, Range 13 E.B.M., 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 ($SE\frac{1}{4} NE\frac{1}{4}$) of said Section 22, Twp. 4 South, Range 13 E. B. M., which is about 200 feet north of the Southeast corner of the $SE\frac{1}{4} NE\frac{1}{4}$ Sec. 22, Twp. 4 South, Range 13, E. B. M., All of the above described land containing two hundred fifty (250) acres, more or less.

Together with all water rights, ditch, dam, pipe and lateral rights dedicated or appurtenant thereto or used and enjoyed in the irrigation thereof, and in particular hereby selling, assigning and transferring unto second party two and one-fourth Second feet of the Waters of Clover Creek decreed under date of priority of April 1st, 1882 and Three-tenths of a Second Foot of the waters of Clover Creek decreed under date of April 1st, 1912, together with a one-half right to the flow of Hot Well now located on grantors' premises adjacent to the above described land described as Lot 2, Section 21, Township 4 South, Range 13 E. B. M. This deed also grants to grantee right-of-way for pipe line from said hot well across Lot 2, Section 21 and across the $N\frac{1}{2} NE\frac{1}{4}$ of Section 28, all in Twp. 4 South, Range 13 E. B. M.

Subject to existing rights-of-way for roads and ditches and hereby specifically reserving the right-of-way for a two rods wide road across the North and West side of grantee's portion of $SW\frac{1}{4} NE\frac{1}{4}$ of Sec. 28, Twp. 4 South, Range 13 E. B. M..

Subject to 1933 taxes.

TOGETHER With all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and

1925
37-00805
37-00806
MICROFILMED
FEB 24 1993

09/11/2006

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

RIGHT NUMBER: 37-4331A

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.220 CFS
99.200 AFY

The rights listed below are limited to a total combined diversion rate of 0.22 cfs. Combined Right Nos.: 37-4331A and 37-4331B.

The rights listed below are limited to a total combined annual diversion volume of 99.2 af. Combined Right Nos.: 37-4331A and 37-4331B.

PRIORITY DATE: 04/01/1882

POINT OF DIVERSION:

T04S R13E S21 NESWSE Lot 2 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	0.200 CFS 98.00 AFY
DOMESTIC	01/01 12/31	0.020 CFS 1.20 AFY
HEATING	01/01 12/31	0.030 CFS 1.40 AFY
STOCKWATER	01/01 12/31	0.030 CFS 1.40 AFY

PLACE OF USE:

IRRIGATION Within GOODING County

T04S R13E S28 NWNE 1.90 T04S R13E S28 SWNE 29.00

T04S R13E S28 SENE 1.10

STOCKWATER Within GOODING County

T04S R13E S28 SWNE

HEATING Within GOODING County

T04S R13E S28 SWNE

DOMESTIC Within GOODING County

T04S R13E S28 SWNE

32 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 - Decreed

09/11/2006

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

Right includes accomplished change in source pursuant to Section 42-1425,
Idaho Code.



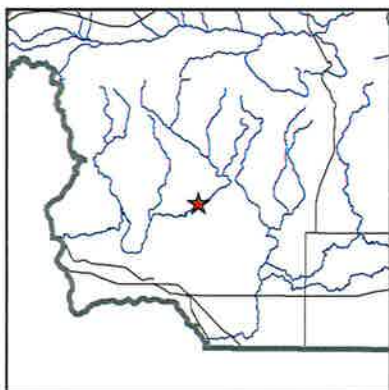
Idaho Department of Water Resources

SRBA Recommendation:

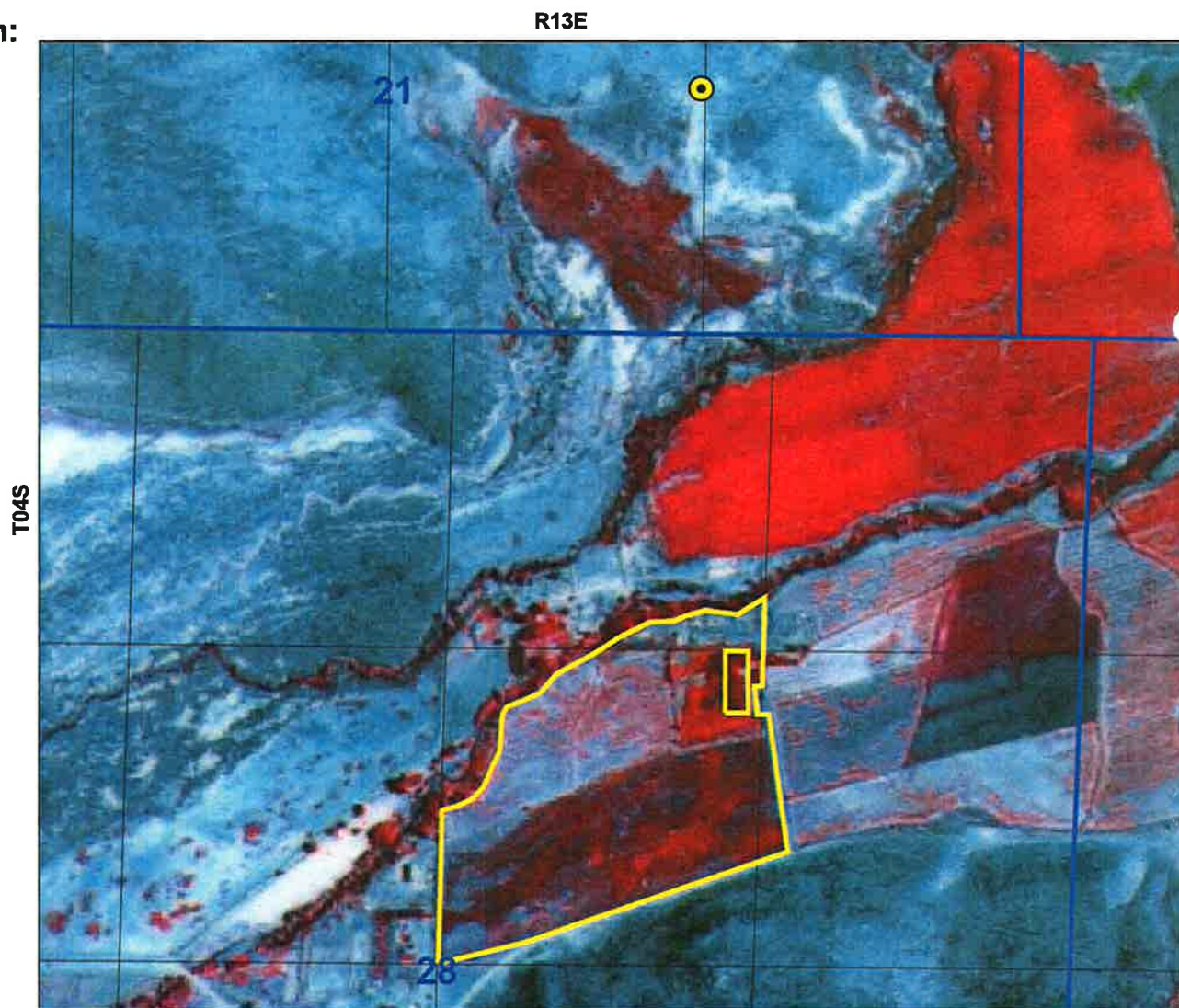
37-4331A

Legend

-  Point of Diversion
-  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): 37-4331A

Background Data

- Source is Spring/Groundwater
- All of water from spring was decreed to Solon Bray (claimed as 37-4331A and 37-4331B)
- Claimed for 0.20 cfs for Irrigation of 32 acres
- Claimed for 0.02 cfs for Domestic
- Claimed for 0.20 cfs for Heating
- Claimed for 0.03 cfs for Stockwater

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

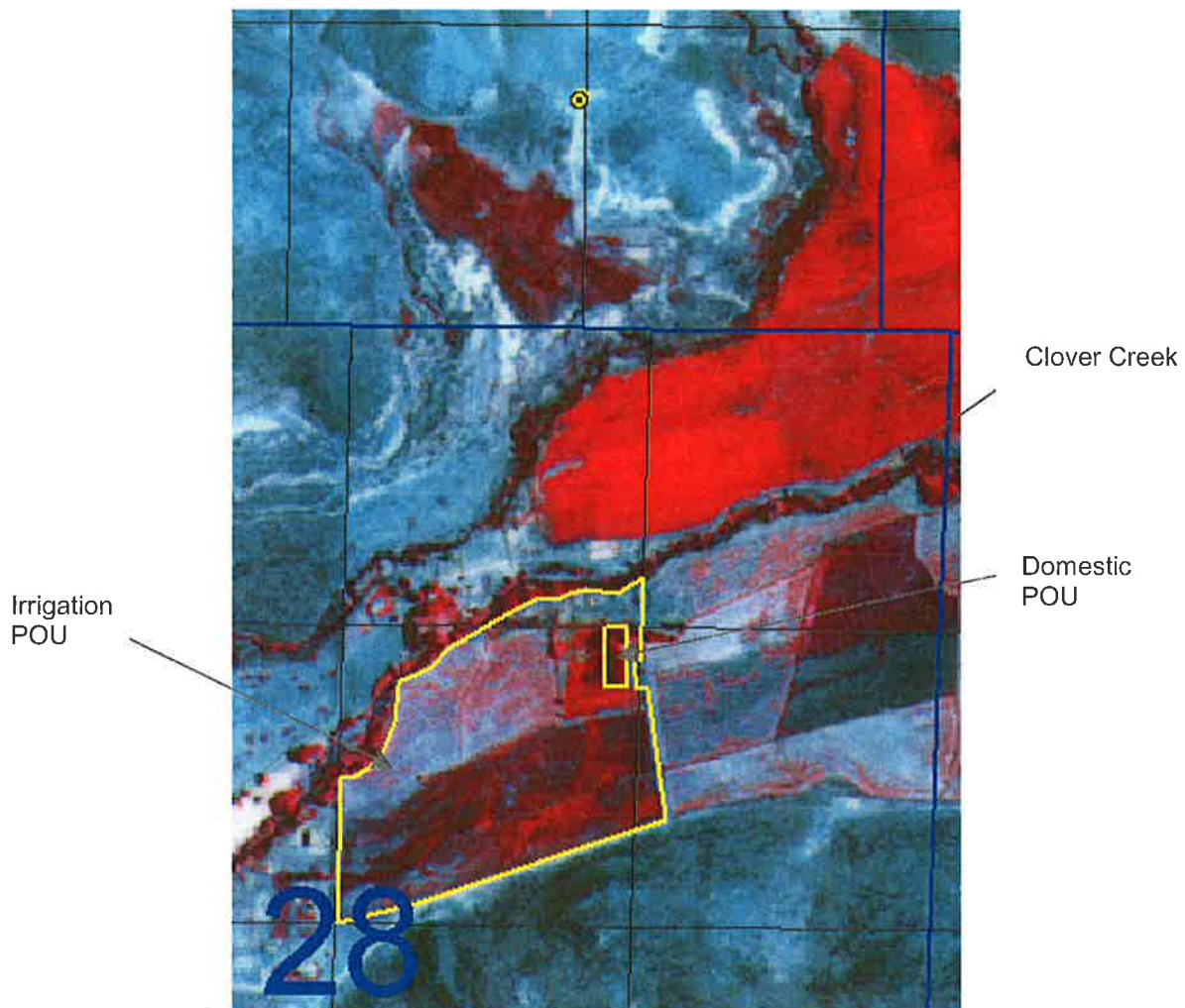




Photo of groundwater well taken during field exam.

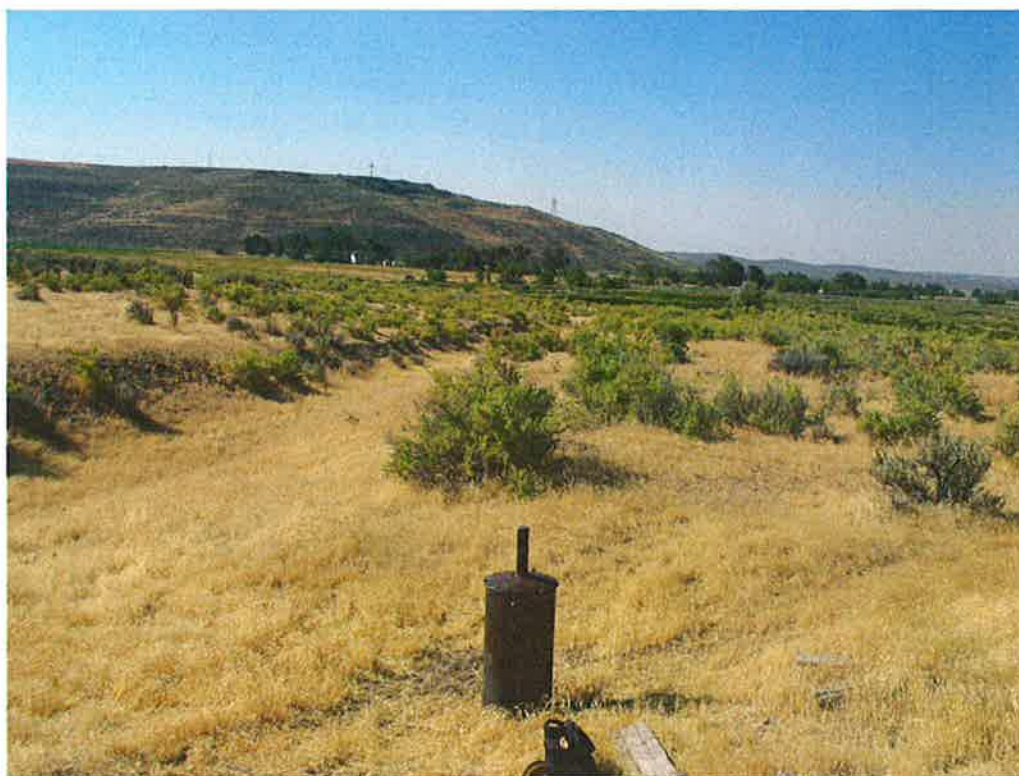


Photo of groundwater well taken during field exam.

Notes

T4S R13E Section 28

- Found 32 acres
- Irrigation POU created by Carter F. for overlapping rights
- Domestic POU created based on Aerial Photos

- Claim overlaps with 37-805A, 37-806A, & 37-4059, which were decreed as Part 1 and have combined use limits.

- This water use decreed in Bray vs. Ferguson (1920) as the entire discharge of the hot spring. This use was not given a number when the decree was numbered, so Carter F. suggested that the Basis of Claim be changed to decree. If the claimant wants the priority date of 4/1/1882, they will need to amend the claim.

- 4/11/06 – Meeting with Donald Bray and Scott Huxhold at my office. Mr. Bray amended 37-4331A & 37-4331B to claim the decreed priority date of 4/1/1882 and the basis to Decreed. Mr. Bray said the POD was incorrect and indicated the correct location on an aerial photo. Mr. Huxhold showed the location of the PVC pipe from the hot spring to the houses on an aerial photo. Mr. Bray said the water from the spring is too hot to irrigate with, so they mix it with other irrigation water to cool it down. Mr. Bray said they have measured the spring with a bucket and watch, and determined that it produced 100 gpm (0.22 cfs).

- 8/06 – Field exam completed by Lee Peterson. A well has been installed at the spring to collect the water below ground. The delivery system is buried piping, so the diversion rate could not be determined during the field exam.

- Assuming that the spring produces 0.22 cfs. The well is piped to the houses and buildings and also dumps into an open irrigation ditch. Therefore, cumulative diversion rates are large than total because water could be used for the various uses at different times. Limited entire system to 0.22 cfs, the maximum diversion rate from well.

- Recommendations:
 - Combined use limit of 0.22 cfs and 99.2 AF
 - 37-4331A:
 - Total diversion rate 0.22 cfs and 99.2 AF
 - 0.20 cfs and 98 AF for Irrigation of 32 acres
 - 0.02 cfs and 1.2 AF for Domestic
 - 0.03 cfs and 1.4 AF for Stockwater
 - 0.03 cfs and 1.4 AF for Heating
 - priority date = 4/1/1882
 - 37-805A, 37-806A 37-4059, 37-4058, & 37-4331A limited to 105 acres in a single irrigation season.
 - 37-4331B:
 - Total diversion rate 0.08 cfs and 4.0 AF
 - 0.02 cfs and 1.2 AF for Domestic
 - 0.03 cfs and 1.4 AF for Stockwater
 - 0.03 cfs and 1.4 AF for Heating
 - priority date = 4/1/1882

- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.
37-4331A = 37-4331B

Donald T Brea
P. O. Box 194
Bliss , Idaho

8/16/06

I went up to Brea ranch this morning and met Scott {son-in-law} and we reviewed these files regarding the hot water spring to their property , so we opened the files at his table and he drew how the piping is for this water to their 4 locations for heat washing , water supply and heating of these buildings as shown on photo. This water from the spring shown on photo 1030302 to the valve system is a 4" pipe all underground with no way to measure the flow, then is divided to other houses in a 2- or 1 ½ pipe all underground except to pipe going west to a open ditch for stock purpose and return to creek , what little, if any, there is left as shown on photo .

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Hot water spring	Don 1	2425461	1317751	A0015567	1030301- 302

Lee R. Peterson

Adjudication Claim Notes

Claim(s): 37-4331A, 37-4331B

Background Data

- Statutory Claim
- Source is Groundwater
- Claimed for 0.20 cfs for Irrigation of 32 acres
- Claimed for 0.02 cfs for Domestic
- Claimed for 0.20 cfs for Heating
- Claimed for 0.03 cfs for Stockwater

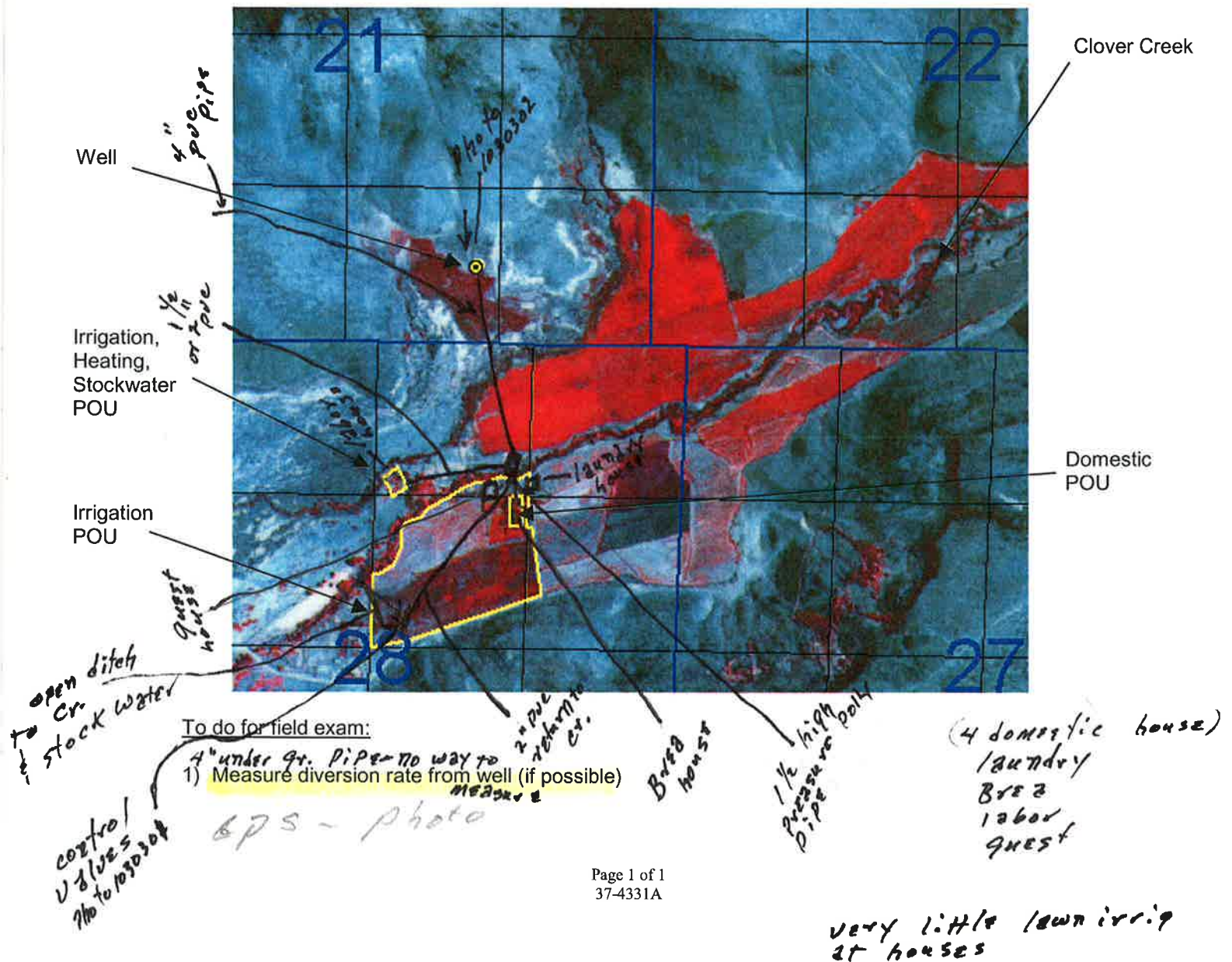
Place Of Use Data

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



15-37-A-6
✓

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF
GOODING.

Solon A. Bray and Ira Bray,
Plaintiffs,
vs.

Barlow Ferguson, J. C. Redermecher,
Arthur Butler, J. E. Rigger, Joel
Senders, Will Thompson, W. G. Corker,
Fred Frickie, Owen Frickie, George
Bancroft, Joe Heller, Fred Colvin,
George Fletcher, Leslie Butler,
T. E. Painter, J. E. Little, C. A.
Little, Joe Le Bargo,

Defendants,
Clinton Sheep Company, a Corporation
Belle Hess, Nelson M. Smith, Lizzie
Smith and Ida N. Little,

Interveners,

DECREE

Case #310.

This cause came on for hearing before W. Orr Chapman, Esquire, the legally and duly appointed referee to take the testimony in said cause at Gooding, in Gooding County, State of Idaho, on Monday the 27th day of August, 1917, who took down in Shorthand the testimony introduced thereat, and afterwards transcribed the same and submitted it to the court for his consideration and decision. The court having listened to the argument of the counsel for the respective parties, being fully informed and advised in the premises, and having heretofore made his findings of fact and conclusions of law, does hereby order that judgment be entered in accordance therewith:

WHEREFORE, it is ordered, adjudged and decreed, that the several plaintiffs, defendants and interveners herein named do have judgment respectively for a right to use upon the lands set opposite their respective names for irrigation and other purposes the following amount of water from the waters of what is known as Clover Creek and its tributaries, situate in Gooding

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County, State of Idaho, in the amounts and of the priorities set after their respective names and that said water is appurtenant to the lands set opposite their respective names.

37 0805 Solon A. Bray, NE $\frac{1}{4}$ Section 28, W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 27, SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 22, SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 22, all in township 4 South, Range 13 E. B. M. Four and one half second feet of water under date of and with a priority of April 1, 1882. The said Solon A. Bray is also entitled to all of the water of a certain Hot Springs located upon his land above described.

37-4331A
37-4331B

Trans. #2100 37 0806 Ira Bray, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, all in Section 22, Twp. 4 South, Range 13 East, B.M., .6 second feet of water under date of and with a priority of April 1, 1912.

37 0809 Barlow Ferguson, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2; the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 3, all in township 4 South, Range 13 E. B. M. 1.4 second feet of water under date of and with a priority of April 1, 1892.

37 0807 W. G. Corker, NW $\frac{1}{4}$ of Section 15, all in Township 5 South, Range 12 E.B.M. .6 second feet of water under date of and with a priority of April 1, 1896, being waste water flowing back into Clover Creek and seepage and waste water flowing from the irrigated ranches situated above the above described land.

37 0808 Blanche F. Thebaud, C. W. Thebaud and John J. Price, the W $\frac{1}{2}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 36, the S $\frac{1}{2}$ of the NW $\frac{1}{4}$, the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$, all in Section 35, Township 4 South, Range 12 East B.M.

The W $\frac{1}{2}$ of the NE $\frac{1}{4}$, the NW $\frac{1}{4}$, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$, all in Section 2; the W $\frac{1}{2}$ of Section 3, all in Township 5 South, Range 12 E.B.M., 5.956 second feet of water under date of and with a priority of April 1, 1882.

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37 0810 Belle Hess, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, all in Section 30, Township 4 South, Range 13 East, B.M. 1.2 second feet of the waters of Hot Springs Creek under date of and with a priority of April 1, 1882. Said Hot Springs Creek arises upon her land above described.

37 0811 Lester Butler, N $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, all in Section 31, Township 4 South, Range 13 East, B.M. .8 second feet of the waters of Hot Springs Creek, under date of and with a priority of June 1, 1884. Said Hot Springs Creek is the one arising upon the above described lands of the defendant Belle Hess.

37 0812 Joseph E. Little, the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 29; the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20; the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, all in Township 3 South, Range 13 East B.M. .76 of a second foot of water under date of and with a priority of July 7, 1909. The right to use said water is independent of all other users on Clover Creek except the defendant Ida Little, and the said Joseph E. Little is entitled to the above amount of water regardless of the rights of all other users of water from Clover Creek except the defendant Ida Little.

37 0813 Ida Little, the W $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, all in Section 29, Township 3 South, Range 13 E.B.M. .48 second feet of water under date of and with a priority of July 7, 1909. The right to use said water is independent of all other users on Clover Creek except the defendant Joseph E. Little, and the said Ida Little is entitled to the above amount of water regardless of the rights of all other users of water from Clover Creek except the defendant Joseph Little.

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- 37 0814 J. M. Radermacher, the $N\frac{1}{2}$ of the $SW\frac{1}{4}$, the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 28; the $NW\frac{1}{4}$ of the $NW\frac{1}{4}$ of Section 33; the $E\frac{1}{2}$ of the $NE\frac{1}{4}$, the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 32, all in Township 4 South, Range 13 E.B.M. The $NW\frac{1}{4}$ of Section 28, Township 4 South, Range 13 E.B.M. 4 second feet of water under date of and with a priority of March 15, 1884, and 76 second feet of water under date of and with a priority of April 1, 1887. The said J. M. Radermacher is also entitled to the use of waters flowing from seepage and springs upon the lands of the plaintiff Solon A. Bray, excepting the waters of the hot springs located thereon.
- 37 0815 Fred Colvin, the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$ of Section 36, Township 4 South, Range 12 E.B.M. 4 second of water under date of and with a priority of April 1, 1884.
- 37 0817 Clinton Sheep Company, a corporation, the $NE\frac{1}{4}$ of Section 34; the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 27, the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 27; the $NW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 28, all in Township 4 South, Range 12 E.B.M. 3.2 second feet of the waters of Calf Creek, a tributary of Clover Creek, under date of and with a priority of April 1, 1904.
- ~~37 0818~~ Joel Sanders, the $W\frac{1}{2}$ of the $NE\frac{1}{4}$, the $W\frac{1}{2}$ of the $SE\frac{1}{4}$, all in Section 5, Township 5 South, Range 12 E. B.M., the $E\frac{1}{2}$ of the $SE\frac{1}{4}$, $SE\frac{1}{4}$ $NE\frac{1}{4}$, and Lot 1, all in Section 5, Township 5 South, Range 12 E.B.M. 2.4 second feet of water under date of and with a priority of February 21, 1905, and 18 second feet of water under date of and with a priority of April 1, 1887; also 5 second feet of the waters of Dry Creek, a tributary of Clover Creek, under date of and with a priority of April 1, 1907. The said Joel Sanders is also entitled to divert and store a sufficient amount of the flood waters of the said Clover Creek to fill $\frac{2}{9}$ of the capacity of what is known as Pioneer Reservoir, with a storage priority of March 2, 1910.
- 37 0819
- 37 0820
- 37 0821
- 37 0822

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37 0823 William Thompson, Lots 3 and 4, and the $S\frac{1}{2}$ of the $NW\frac{1}{4}$, all in Section 5, Township 5 South, Range 12 E.B.M. The $SW\frac{1}{4}$ of the $SE\frac{1}{4}$, the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$, all in Section 32, Township 4 South, Range 12 East B.M. 2.4 second feet of water under date of and

37 0824 with a priority of February 21, 1905. Also 1 second foot of water under date of and with a priority of April 1, 1900. The said William

37 0825 Thompson is also entitled to the right to divert and store a sufficient amount of the flood waters of said Clover Creek to fill $\frac{2}{9}$ of the capacity of Pioneer Reservoir with a storage priority of March 2, 1910.

37 0826 George A. Bancroft, the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ the $NE\frac{1}{4}$ of the $NW\frac{1}{4}$ the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$; the $NE\frac{1}{4}$ of the $SW\frac{1}{4}$, all in Section 8, Township 5 South, Range 12 E.B.M. .7 second feet of water under date of and with a priority of April 1, 1887, and 2.46 second feet under date of and with a priority of February 21, 1905. The said George A.

37 0828 Bancroft is also entitled to divert and store a sufficient amount of the flood waters of Clover Creek to fill $\frac{1}{3}$ of the capacity of Pioneer Reservoir and a storage priority of March 2, 1910.

37 0829 H. O. Cheline, the $NE\frac{1}{4}$ of Section 10, Township 5 South, Range 12 East B.M. .8 second feet of water under date of and with a priority of April 1, 1888, and being waste water flowing from Sections 2 and 3 in Township 5 South of Range 12 E.B.M.

37 0830 T. E. Painter, the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 3; the $NE\frac{1}{4}$ of the $NW\frac{1}{4}$ of Section 10; the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 10; all in Township 3 South, Range 12 E.B.M. The $S\frac{1}{2}$ of the $SW\frac{1}{4}$, the $NE\frac{1}{4}$ of the $SW\frac{1}{4}$, the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$, all in Section 26, Township 4 South, Range 12 E.B.M., 3.2 second feet of the waters of Calf Creek, a tributary of Clover Creek, under date of and with a priority of April 1, 1904.

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That those certain streams the right to the use of the waters of which is involved in this action, to-wit: Dry Creek from which only the defendant Joel Sanders is entitled to divert and use water, Hot Springs Creek from which the only defendants Belle Hess and Lester Butler have the right to divert and use water, and Galf Creek from which only the defendants Clinton Sheep Company, and T. E. Painter have the right to divert and use water, are all what are commonly known as dry streams and the said users of water therefrom are entitled to their various amounts of water and priorities, as among themselves, as of the respective dates and amounts hereby awarded, regardless of the rights of the users of water from the main stream of Clover Creek and other streams involved in this action; and that the appropriators and users of water from the main stream of said Clover Creek and from such other streams are not entitled to have the waters of said dry streams continue to flow down to where their channels unite with the main stream of Clover Creek into which they empty.

It is further ordered and adjudged that each and every party to this suit be and is hereby enjoined from using or in any manner interfering with the waters of said Clover Creek and its tributaries except in the manner and in the amount and in the order in which it is herein decreed they each are entitled thereto; and that each and every party hereto is hereby enjoined from wasting any of the waters from said stream and is hereby required, when possible, to turn all waste water into said stream at the nearest practicable point.

Dated this 7th day of April, 1920.

H. F. Ensign, Judge.

Filed April 9, 1920, Myrtle P. Enking, Clerk.

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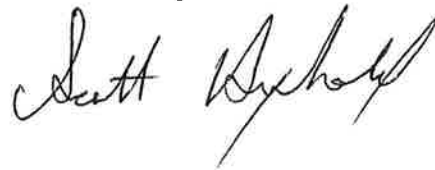
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JUN 09 2005
Department of Water Resources

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



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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

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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.

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JUN 09 2005



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, R.E.
Water Rights Supervisor

Enclosures