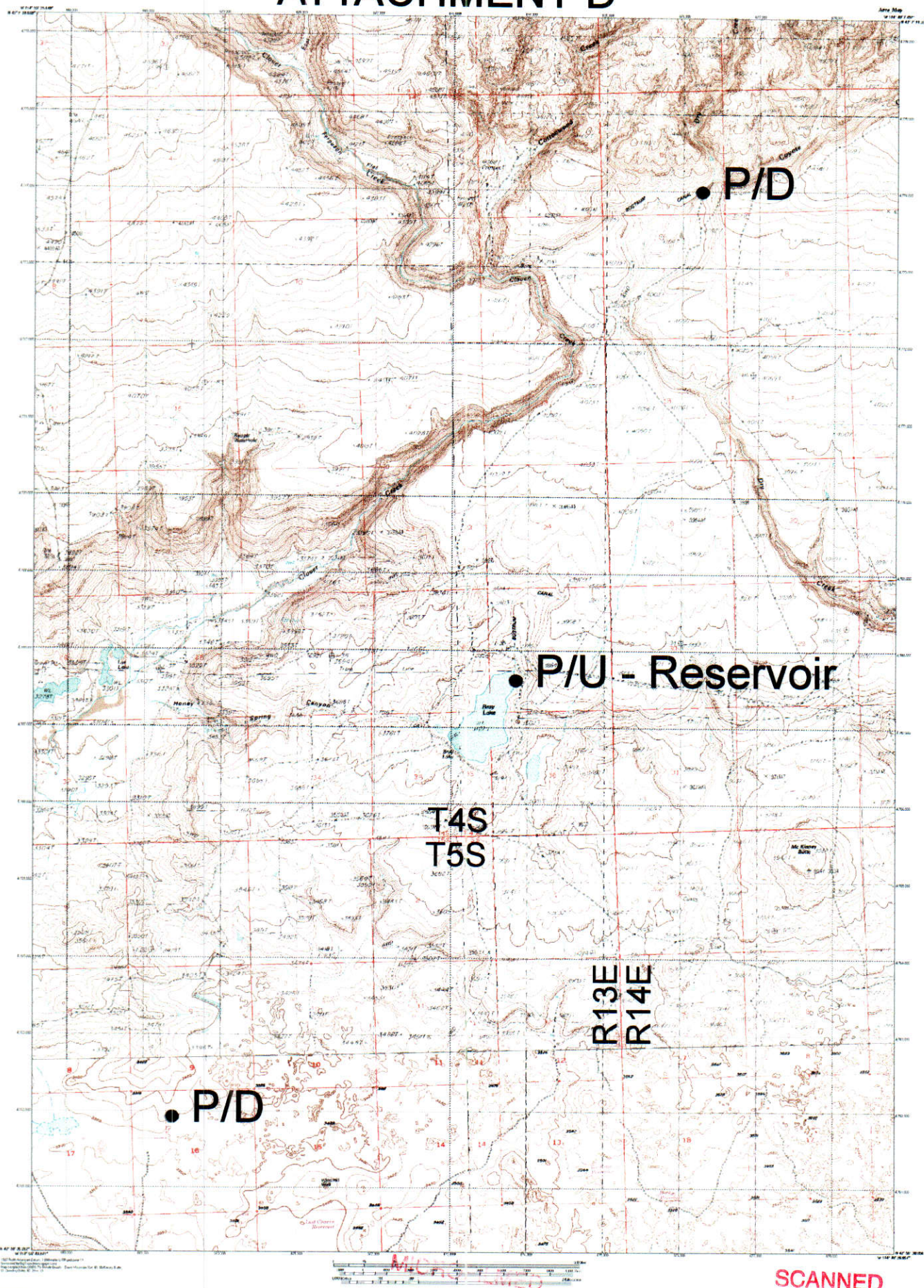


T69896



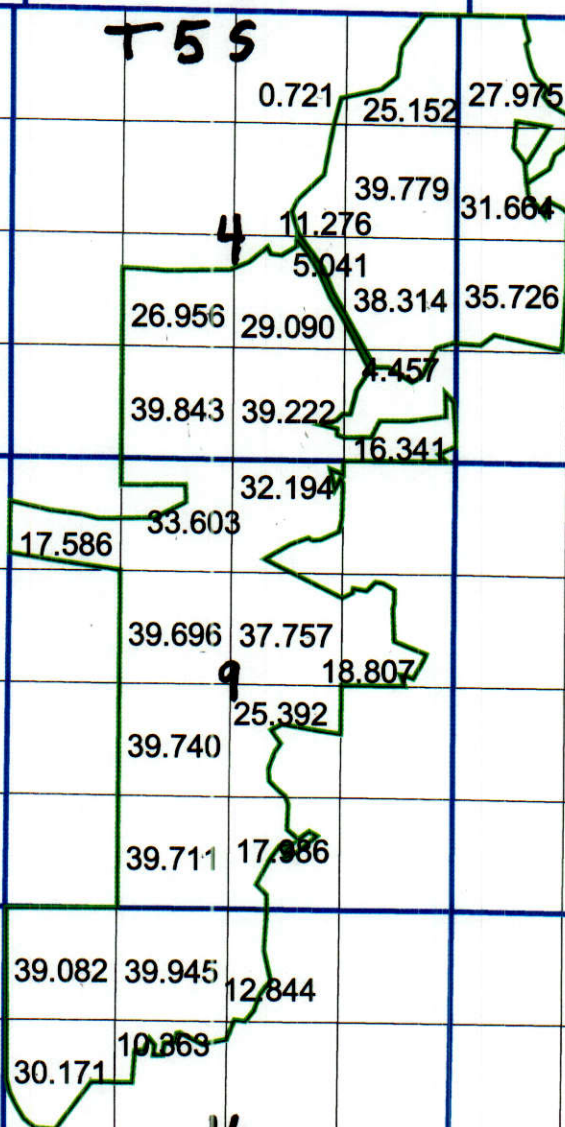
SCANNED

JAN 24 2003

MAR 26 2003

Attachment D

T4S
T5S



RIE

SCANNED
JAN 24 2003

MICROFILMED
MAR 26 2003

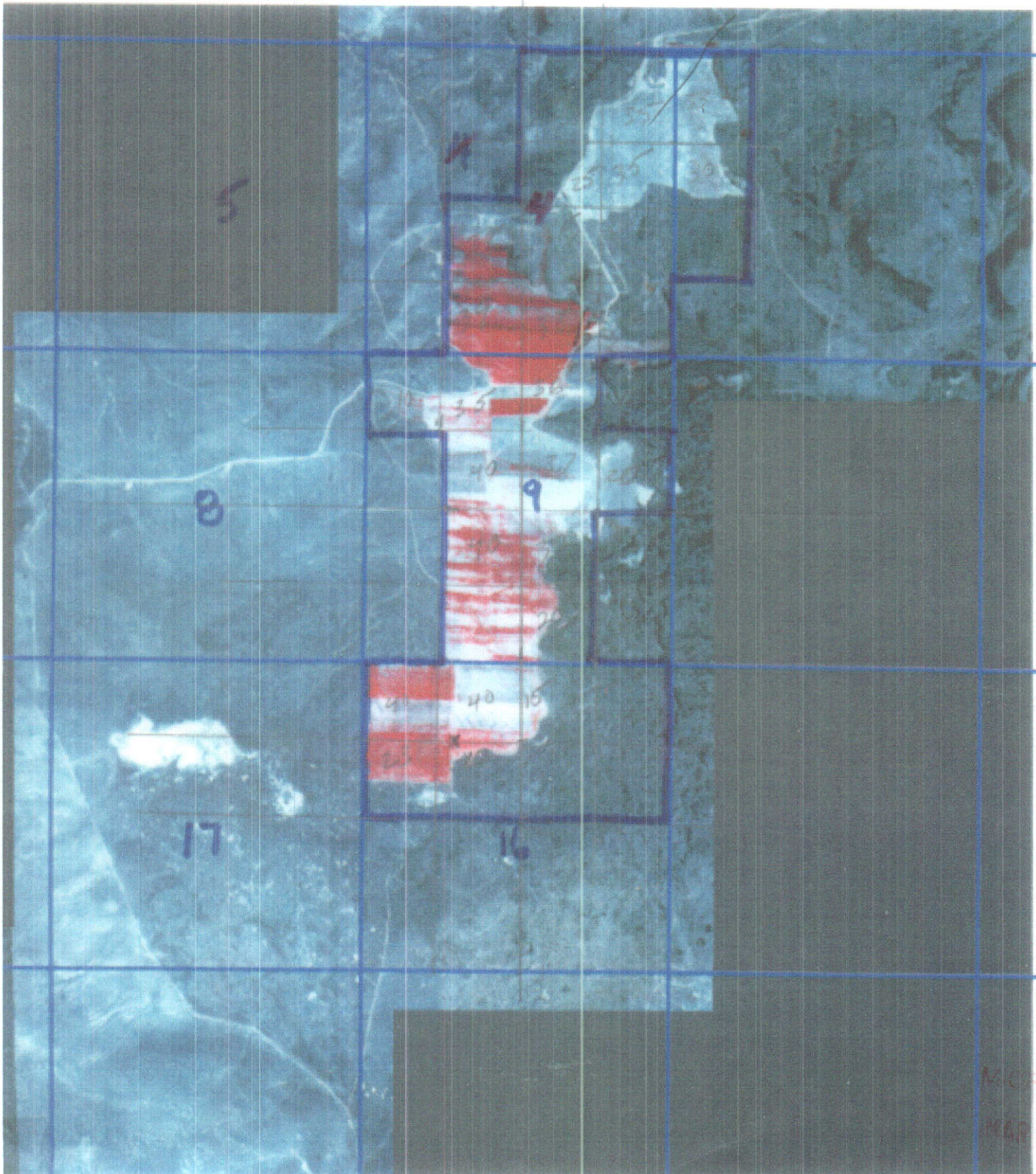
T69896

Attachment D

GRAY LAKE RANCH
Property Line —

SCANNED

JAN 24 2003



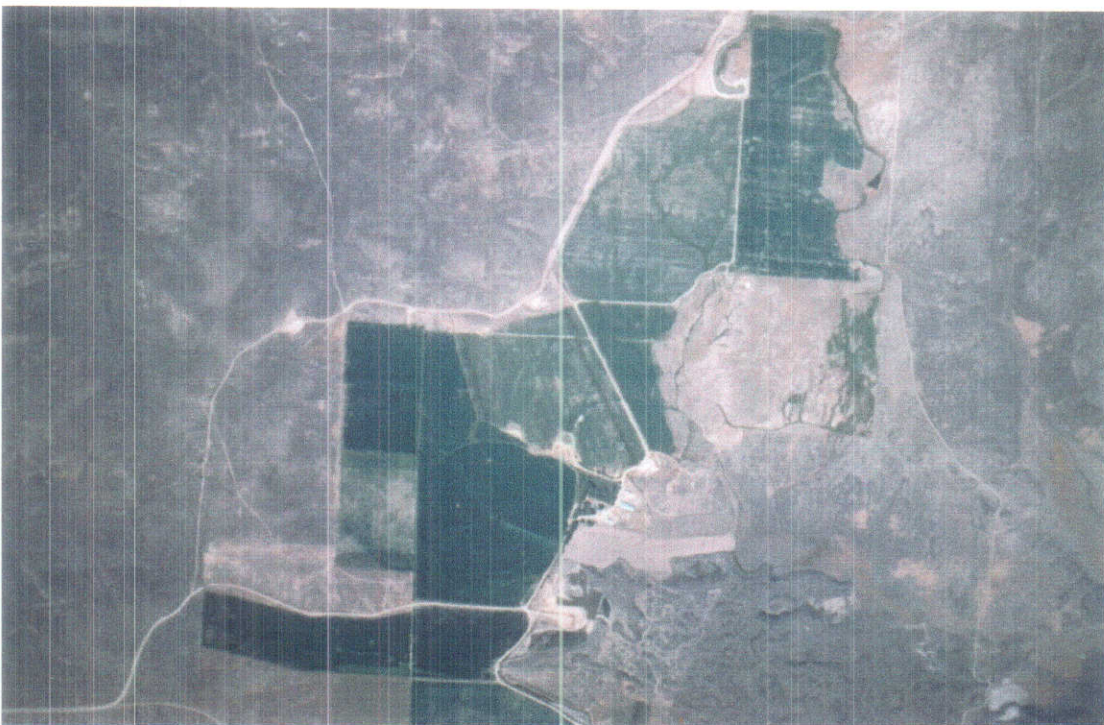
MICROFILMED
MAR 26 2003

Attachment D
Bray Lake Ranch Aerial Photos

T69896



Bray Lake Ranch – 1999



Bray Lake Ranch – 1999

SCANNED
JAN 24 2003
MICROFILMED
MAR 26 2003

T69896

Attachment D
Bray Lake Ranch Aerial Photos



Bray Lake Ranch – South Half - 1996

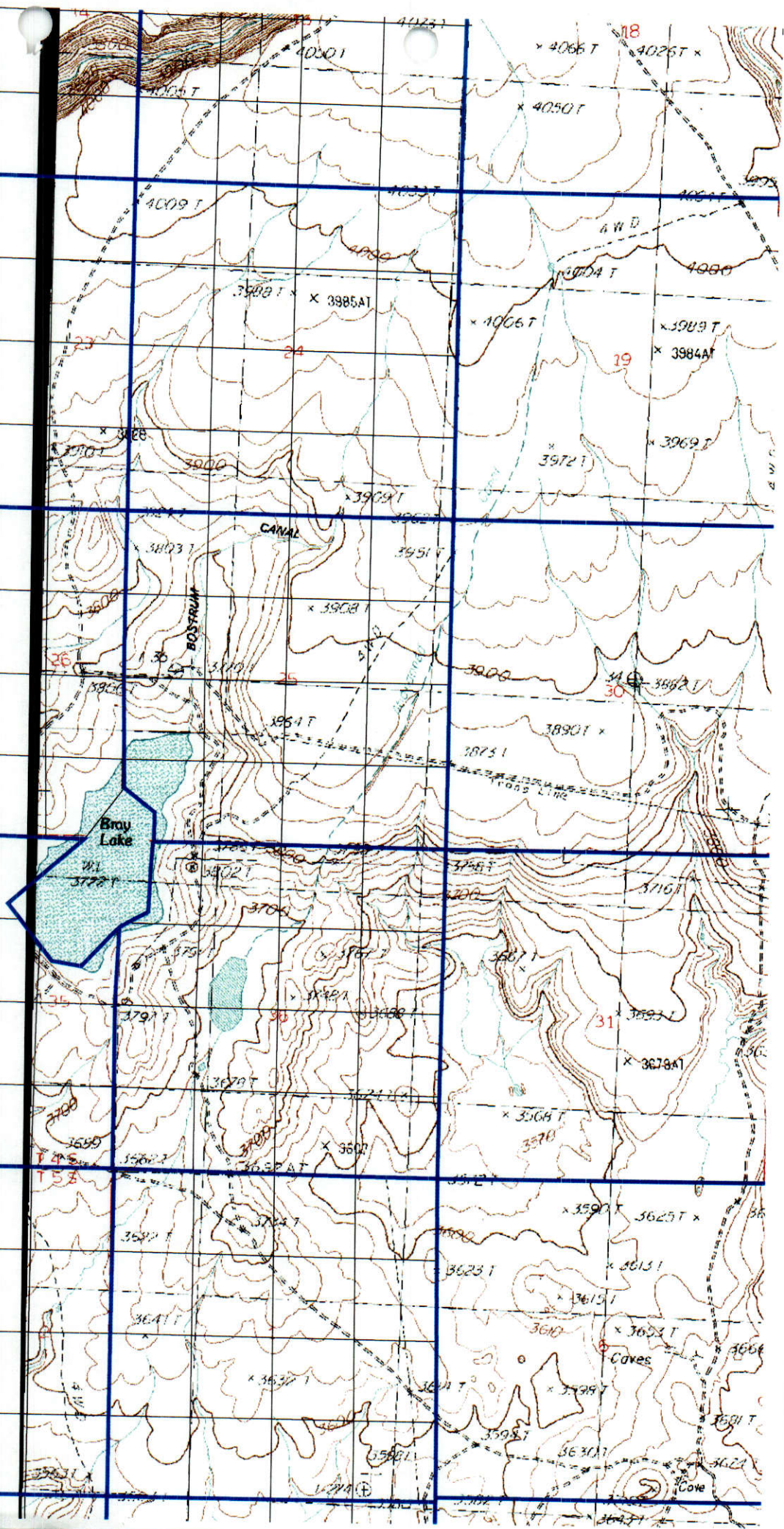
SCANNED

JAN 24 2003

MOOREHEAD

MAR 26 2003

T69896



MICROFILMED

MAR 26 2003
SCANNED

JAN 24 2003

T69896

x 4469 T

x 4413 T

4280

BOSTRUM

CANAL

GPSed
POD
from
DH

x 4104 T

Creek

* 4092 T

4093 T x

* 4069 T

MICROFILMED

MAR 26 2003

T69896

3492

9

3400

3416

GPSed well location

16

3350

MICROFILMED
MAR 26 2003

SCANNED
JAN 24 2003

T69896

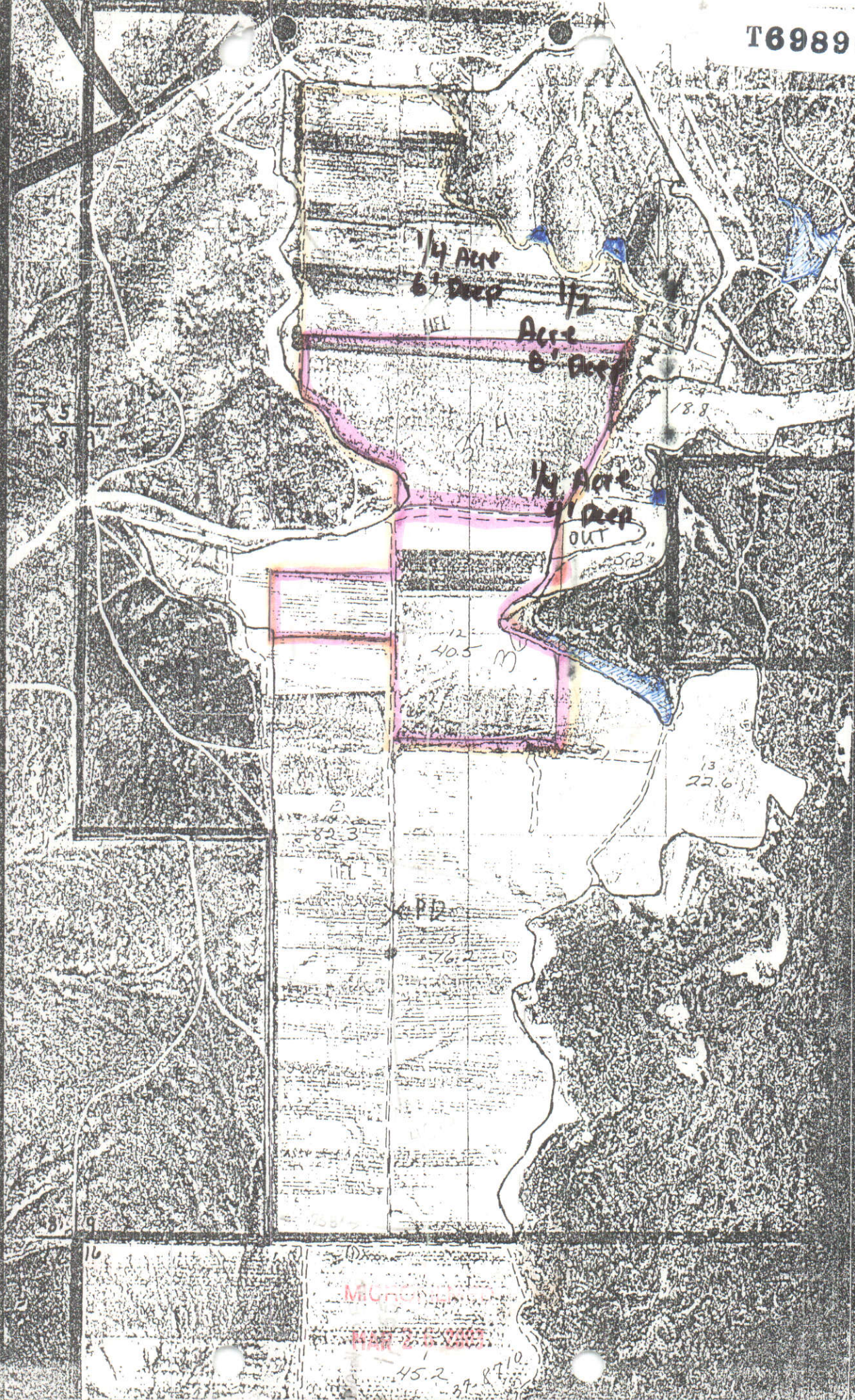
3 Acres
8' Deep

114.6
1/2 Acre
5' Deep

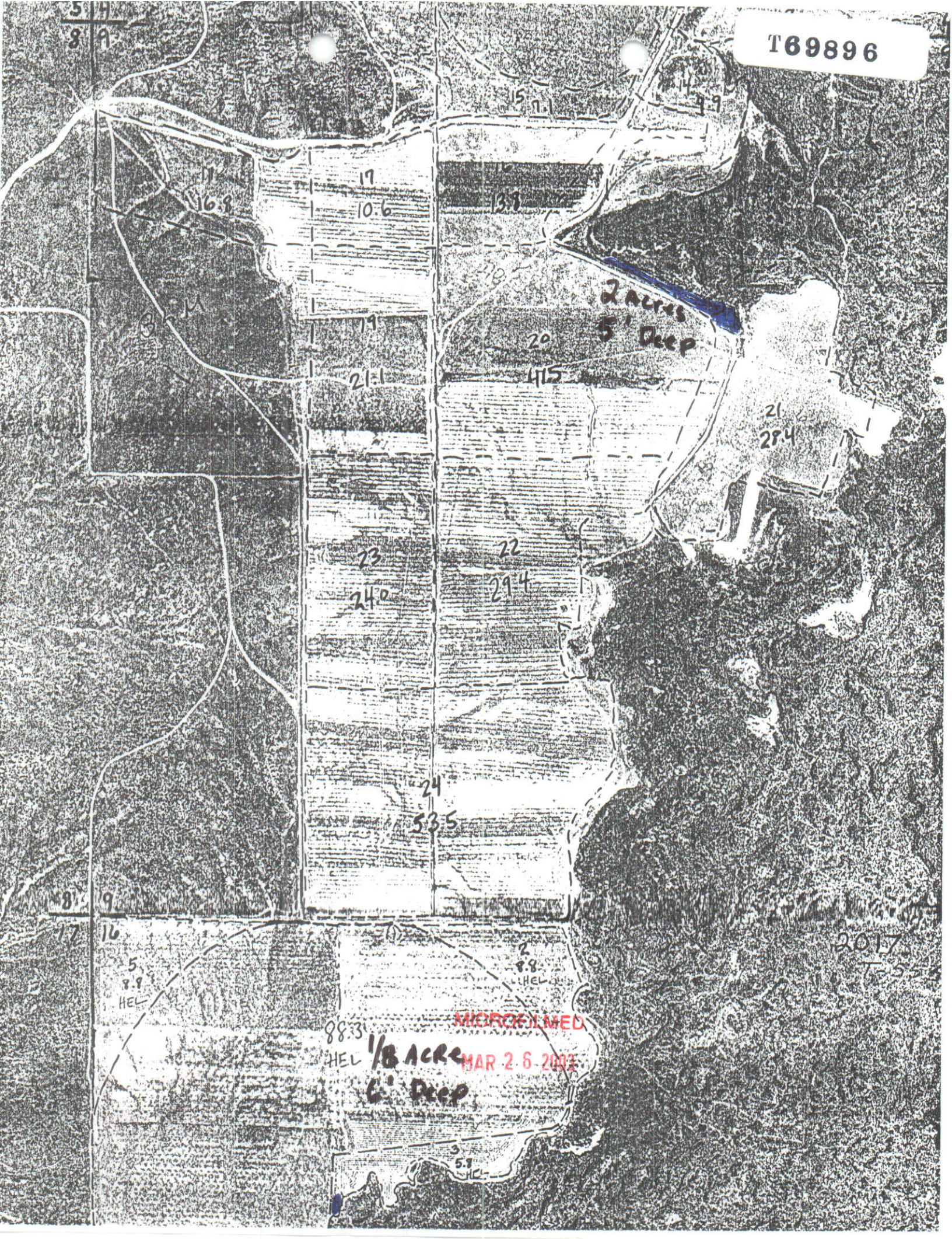
4 Acres
10' Deep

MICROFILMED
MAR 26 2003

T69896



T69896



2 Acres
5' Deep

88.3
HEL 1/8 Acre
6' Deep

MICROFILMED
MAR 26 2003

2017
T-5

C5S13E

08 LT04	08 LT03	08 LT02	08 LT01	05 LT04	05 LT03	05 LT02	05 LT01	04 LT04	04 LT03	04 LT02	04 LT01	03 LT04	03 LT03	03 LT02	03 LT01	02 LT04	02 LT03	02 LT02	02 LT01	01 LT04	01 LT03	01 LT02	01 LT01
08 LT05	08 SEHW	08 SWHE	08 SEHE	05 SWHW	05 SEHW	05 SWHE	05 SEHE	04 SWHW	04 SEHW	04 SWHE	04 SEHE	03 SWHW	03 SEHW	03 SWHE	03 SEHE	02 SWHW	02 SEHW	02 SWHE	02 SEHE	01 SWHW	01 SEHW	01 SWHE	01 SEHE
08 LT08	08 NEHW	08 HWHE	08 NEHE	05 HWHW	05 NEHW	05 HWHE	05 NEHE	04 HWHW	04 NEHW	04 HWHE	04 NEHE	03 HWHW	03 NEHW	03 HWHE	03 NEHE	02 HWHW	02 NEHW	02 HWHE	02 NEHE	01 HWHW	01 NEHW	01 HWHE	01 NEHE
08 LT07	08 SESW	08 SWHE	08 SESE	05 SWSW	05 SESW	05 SWHE	05 SESE	04 SWSW	04 SESW	04 SWHE	04 SESE	03 SWSW	03 SESW	03 SWHE	03 SESE	02 SWSW	02 SESW	02 SWHE	02 SESE	01 SWSW	01 SESW	01 SWHE	01 SESE
07 LT01	07 NEHW	07 HWHE	07 NEHE	06 HWHW	06 NEHW	06 HWHE	06 NEHE	06 HWHW	06 NEHW	06 HWHE	06 NEHE	10 HWHW	10 NEHW	10 HWHE	10 NEHE	11 HWHW	11 NEHW	11 HWHE	11 NEHE	12 HWHW	12 NEHW	12 HWHE	12 NEHE
07 LT02	07 SEHW	07 SWHE	07 SEHE	06 SWHW	06 SEHW	06 SWHE	06 SEHE	06 SWHW	06 SEHW	06 SWHE	06 SEHE	10 SWHW	10 SEHW	10 SWHE	10 SEHE	11 SWHW	11 SEHW	11 SWHE	11 SEHE	12 SWHW	12 SEHW	12 SWHE	12 SEHE
07 LT03	07 NEHW	07 HWHE	07 NEHE	06 HWHW	06 NEHW	06 HWHE	06 NEHE	06 HWHW	06 NEHW	06 HWHE	06 NEHE	10 HWHW	10 NEHW	10 HWHE	10 NEHE	11 HWHW	11 NEHW	11 HWHE	11 NEHE	12 HWHW	12 NEHW	12 HWHE	12 NEHE
07 LT04	07 SESW	07 SWHE	07 SESE	06 SWSW	06 SESW	06 SWHE	06 SESE	06 SWSW	06 SESW	06 SWHE	06 SESE	10 SWSW	10 SESW	10 SWHE	10 SESE	11 SWSW	11 SESW	11 SWHE	11 SESE	12 SWSW	12 SESW	12 SWHE	12 SESE
18 LT01	18 NEHW	18 HWHE	18 NEHE	17 HWHW	17 NEHW	17 HWHE	17 NEHE	16 HWHW	16 NEHW	16 HWHE	16 NEHE	15 HWHW	15 NEHW	15 HWHE	15 NEHE	14 HWHW	14 NEHW	14 HWHE	14 NEHE	13 HWHW	13 NEHW	13 HWHE	13 NEHE
18 LT02	18 SEHW	18 SWHE	18 SEHE	17 SWHW	17 SEHW	17 SWHE	17 SEHE	16 SWHW	16 SEHW	16 SWHE	16 SEHE	15 SWHW	15 SEHW	15 SWHE	15 SEHE	14 SWHW	14 SEHW	14 SWHE	14 SEHE	13 SWHW	13 SEHW	13 SWHE	13 SEHE
18 LT03	18 NEHW	18 HWHE	18 NEHE	17 HWHW	17 NEHW	17 HWHE	17 NEHE	16 HWHW	16 NEHW	16 HWHE	16 NEHE	15 HWHW	15 NEHW	15 HWHE	15 NEHE	14 HWHW	14 NEHW	14 HWHE	14 NEHE	13 HWHW	13 NEHW	13 HWHE	13 NEHE
18 LT04	18 SESW	18 SWHE	18 SESE	17 SWSW	17 SESW	17 SWHE	17 SESE	16 SWSW	16 SESW	16 SWHE	16 SESE	15 SWSW	15 SESW	15 SWHE	15 SESE	14 SWSW	14 SESW	14 SWHE	14 SESE	13 SWSW	13 SESW	13 SWHE	13 SESE
19 LT01	19 NEHW	19 HWHE	19 NEHE	20 HWHW	20 NEHW	20 HWHE	20 NEHE	21 HWHW	21 NEHW	21 HWHE	21 NEHE	22 HWHW	22 NEHW	22 HWHE	22 NEHE	23 HWHW	23 NEHW	23 HWHE	23 NEHE	24 HWHW	24 NEHW	24 HWHE	24 NEHE
19 LT02	19 SEHW	19 SWHE	19 SEHE	20 SWHW	20 SEHW	20 SWHE	20 SEHE	21 SWHW	21 SEHW	21 SWHE	21 SEHE	22 SWHW	22 SEHW	22 SWHE	22 SEHE	23 SWHW	23 SEHW	23 SWHE	23 SEHE	24 SWHW	24 SEHW	24 SWHE	24 SEHE
19 LT03	19 NEHW	19 HWHE	19 NEHE	20 HWHW	20 NEHW	20 HWHE	20 NEHE	21 HWHW	21 NEHW	21 HWHE	21 NEHE	22 HWHW	22 NEHW	22 HWHE	22 NEHE	23 HWHW	23 NEHW	23 HWHE	23 NEHE	24 HWHW	24 NEHW	24 HWHE	24 NEHE
19 LT04	19 SESW	19 SWHE	19 SESE	20 SWSW	20 SESW	20 SWHE	20 SESE	21 SWSW	21 SESW	21 SWHE	21 SESE	22 SWSW	22 SESW	22 SWHE	22 SESE	23 SWSW	23 SESW	23 SWHE	23 SESE	24 SWSW	24 SESW	24 SWHE	24 SESE
30 LT01	30 NEHW	30 HWHE	30 NEHE	29 HWHW	29 NEHW	29 HWHE	29 NEHE	28 HWHW	28 NEHW	28 HWHE	28 NEHE	27 HWHW	27 NEHW	27 HWHE	27 NEHE	26 HWHW	26 NEHW	26 HWHE	26 NEHE	25 HWHW	25 NEHW	25 HWHE	25 NEHE
30 LT02	30 SEHW	30 SWHE	30 SEHE	29 SWHW	29 SEHW	29 SWHE	29 SEHE	28 SWHW	28 SEHW	28 SWHE	28 SEHE	27 SWHW	27 SEHW	27 SWHE	27 SEHE	26 SWHW	26 SEHW	26 SWHE	26 SEHE	25 SWHW	25 SEHW	25 SWHE	25 SEHE
30 LT03	30 NEHW	30 HWHE	30 NEHE	29 HWHW	29 NEHW	29 HWHE	29 NEHE	28 HWHW	28 NEHW	28 HWHE	28 NEHE	27 HWHW	27 NEHW	27 HWHE	27 NEHE	26 HWHW	26 NEHW	26 HWHE	26 NEHE	25 HWHW	25 NEHW	25 HWHE	25 NEHE
30 LT04	30 SESW	30 SWHE	30 SESE	29 SWSW	29 SESW	29 SWHE	29 SESE	28 SWSW	28 SESW	28 SWHE	28 SESE	27 SWSW	27 SESW	27 SWHE	27 SESE	26 SWSW	26 SESW	26 SWHE	26 SESE	25 SWSW	25 SESW	25 SWHE	25 SESE
31 LT01	31 NEHW	31 HWHE	31 NEHE	32 HWHW	32 NEHW	32 HWHE	32 NEHE	33 HWHW	33 NEHW	33 HWHE	33 NEHE	34 HWHW	34 NEHW	34 HWHE	34 NEHE	35 HWHW	35 NEHW	35 HWHE	35 NEHE	36 HWHW	36 NEHW	36 HWHE	36 NEHE
31 LT02	31 SEHW	31 SWHE	31 SEHE	32 SWHW	32 SEHW	32 SWHE	32 SEHE	33 SWHW	33 SEHW	33 SWHE	33 SEHE	34 SWHW	34 SEHW	34 SWHE	34 SEHE	35 SWHW	35 SEHW	35 SWHE	35 SEHE	36 SWHW	36 SEHW	36 SWHE	36 SEHE
31 LT03	31 NEHW	31 HWHE	31 NEHE	32 HWHW	32 NEHW	32 HWHE	32 NEHE	33 HWHW	33 NEHW	33 HWHE	33 NEHE	34 HWHW	34 NEHW	34 HWHE	34 NEHE	35 HWHW	35 NEHW	35 HWHE	35 NEHE	36 HWHW	36 NEHW	36 HWHE	36 NEHE
31 LT04	31 SESW	31 SWHE	31 SESE	32 SWSW	32 SESW	32 SWHE	32 SESE	33 SWSW	33 SESW	33 SWHE	33 SESE	34 SWSW	34 SESW	34 SWHE	34 SESE	35 SWSW	35 SESW	35 SWHE	35 SESE	36 SWSW	36 SESW	36 SWHE	36 SESE

MICROFILMED

MAR 26 2003

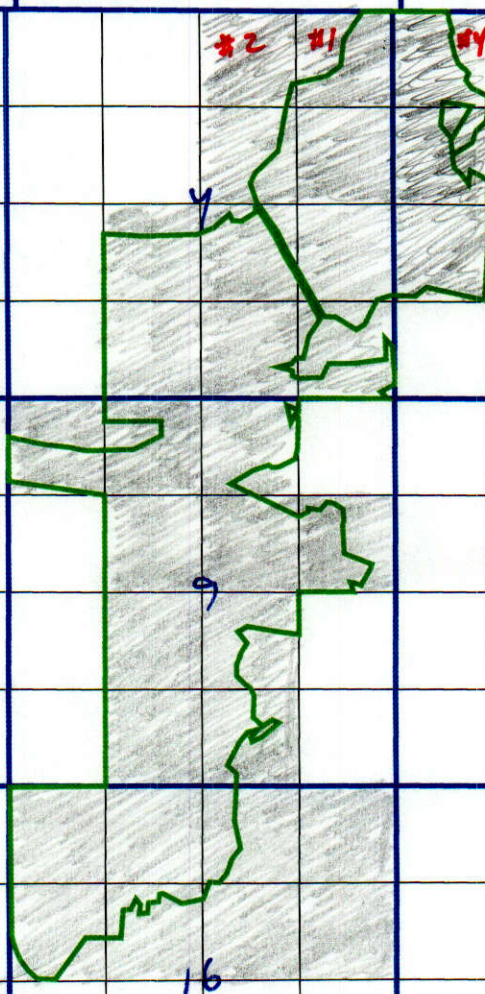
SCANNED

JAN 24 2003

T69896

7754
probably
needs
a diversion
to storage
use

DEMOSS
CAND
OWNERSHIP

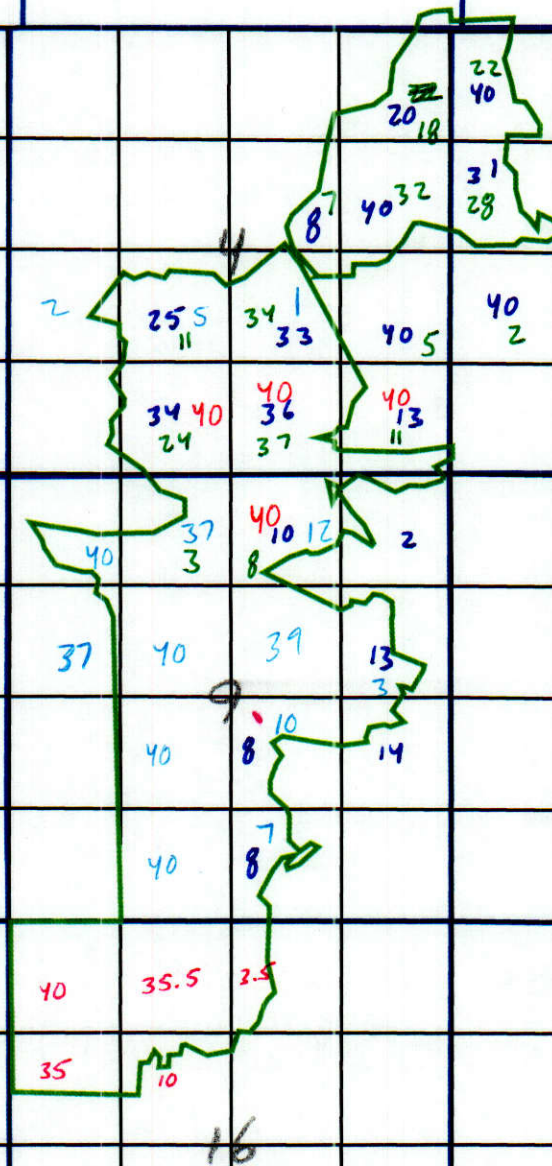


MICROFILMED
MAR 26 2003

SCANNED
JAN 24 2003

claims

37-856



JAN 24 2003

T69896

Water rights

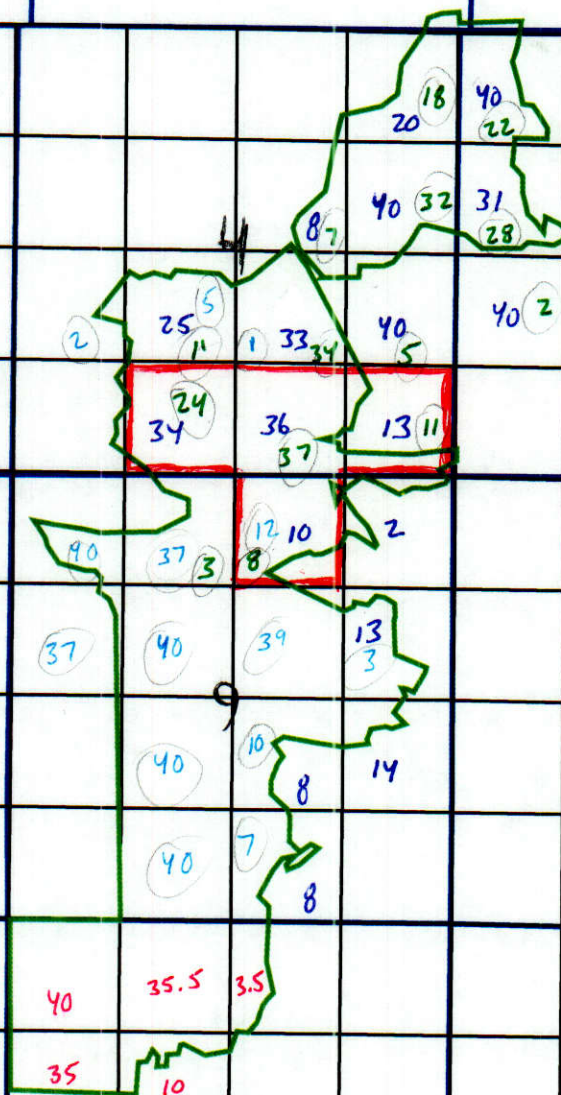
37-7385 BOK

37-7754 OK

37-2780 OK

37-2778 OK

37-856 OK



MICROFILMED
SCANNED
JAN 24 2003
MAR 26 2003

AFFIDAVIT of PUBLICATION

State of Idaho } ss.
County of Gooding }

RECEIVED

JUL 09 2002

Department of Water Resources
Southern Region

Norma DeVoe

being first duly sworn, deposes and says that he/she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

27th day of June, 2002, and the date of the last publication was on the 4th day of July, 2002.

Norma DeVoe

On this 4th day of July, in the year of 2002, before me, a Notary Public, personally appeared

Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho

Residing at Jerome

My commission expires: 12/3/05

7855/43173
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 8.0¢/Pica

556.88 Lines straight at 38.98 7.0¢/Pica

556.88 Subsequent lines at 33.41 6.0¢/Pica

Affidavit Fee: 2.50

TOTAL COST 74.89

COPY OF NOTICE

(Paste Here)

Rights - Demoss
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

I.D.W.R.

BILL TO

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that GARY &/OR HELEN DEMOSS, PO BOX 61; BLISS ID 83314 filed Application for Transfer No. 69896 on 4/15/02 with the Idaho Department of Water Resources for changes to water rights within Gooding County:

Transfer No. 69896 proposes to combine ground water and surface water for irrigation and stockwater uses. The purpose of the transfer is to modify five water rights to reflect a common 808-acre permissible place of use on property located 4.5 to 7 miles North and 1 to 2.25 miles East of Bliss, ID. Four of the rights are for water diverted out of Dry Creek from an existing diversion located approximately 12.25 miles North and 5.75 miles East of Bliss, ID and stored and redirected from Bray Lake Dam and Reservoir located approximately 7.75 miles North and 3.75 miles East of Bliss, ID. The fifth right is diverted from an existing well located approximately 4.75 miles North and 1.25 miles East of Bliss, ID.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before July 15, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
PUB: 6/27 - 7/3

G43173

MICROFILMED

MAR 26 2003

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

SOLD TO: DEPT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 20
TWIN FALLS ID 833013380

Date 07/04/2002INVOICE NO. 298197Account No. 446620Description 298197NOTICE OF PROPOSTimes 2Lines 51**RECEIVED**

Tab. Lines _____

JUL 08 2002

\$ 76.25

Department of Water Resources
Southern Region

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

298197
**NOTICE OF PROPOSED
CHANGE TO WATER RIGHTS**
Notice is hereby given that GARY &/OR HELEN DEMOSS, PO BOX 61; BLISS ID 83314 filed Application for Transfer No. 69896 on 4/15/02 with the Idaho Department of Water Resources for changes to water rights within Gooding County:
Transfer No. 69896 proposes to combine ground water and surface water for irrigation and stockwater uses. The purpose of the transfer is to modify five water rights to reflect a common 808-acre permissible place of use on property located 4.5 to 7 miles North and 1 to 2.25 miles East of Bliss, ID. Four of the rights are for water diverted out of Dry Creek from an existing diversion located approximately 12.25 miles North and 5.75 miles East of Bliss, ID and stored and rediverted from Bray Lake Dam and Reservoir located approximately 7.75 miles North and 3.75 miles East of Bliss, ID. The fifth right is diverted from an existing well located approximately 4.75 miles North and 1.25 miles East of Bliss, ID.
For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St., Suite 200, Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before July 15, 2002. The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director
Published in the Lewiston Morning Tribune on 6/27 & 7/4/02.

OK
mb
7/8/02

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 298197NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 06/27, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 06/27/2002, and the last publication thereof being on the 07/04/2002, and said 298197NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 5th day of July in the year of 2002, before me, a Notary Public, personally appeared Karen J Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

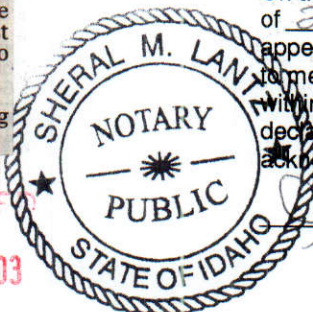
RE

JUL 08 2002

MICROFILMED

Department of Water Resources
Southern Region

MAR 26 2003



Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03

The Idaho Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount
100632	687983	PROPOSED CHANGE OF WATER RIGHT	\$104.50
Attention:	P.O. #	Run Dates	
MARY BALDWIN		JUNE 27, JULY 4, 2002	
IDAHO DEPT. WATER RESOURCES SOUTH 1341 FILLMORE ST. SUITE 200 TWIN FALLS, ID 83301			Number of Lines 2 X 29
			Affidavit 1
			Legal # 13795

LEGAL NOTICE PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that **GARY &/OR HELEN DEMOSS**, PO BOX 61; BLISS ID 83314 filed Application for Transfer No. 69896 on 4/15/02 with the Idaho Department of Water Resources for changes to water rights within Gooding County:

Transfer No. 69896 proposes to co-mingle ground water and surface water for irrigation and stockwater uses. The purpose of the transfer is to modify five water rights to reflect a common 808-acre permissible place of use on property located 4.5 to 7 miles North and 1 to 2.25 miles East of Bliss, ID. Four of the rights are for water diverted out of Dry Creek from an existing diversion

located approximately 12.25 miles North and 5.75 miles East of Bliss, ID and stored and rediverted from Bray Lake Dam and Reservoir located approximately 7.75 miles North and 3.75 miles East of Bliss, ID. The fifth right is diverted from an existing well located approximately 4.75 miles North and 1.25 miles East of Bliss, ID.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St. Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before July 15, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. Jun. 27, Jul. 4, 2002

13795

OK
MB
7/8/02

TINA BARTLETT, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

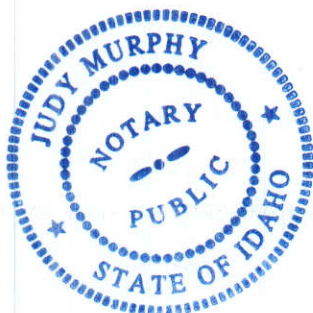
☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning issue of: JUNE 27, 2002
ending issue of: JULY 4, 2002

STATE OF IDAHO)
COUNTY OF ADA)

On this 5 day of JULY in the year of 2002 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 1/10/04



RECEIVED

JUL 08 2002

Department of Water Resources
Southern Region

MICROFILMED

MAR 26 2003

SCANNED

FEB 14 2003

T69896

SURFACE AREA - Acres
0 40 80 120 160 200 240

Max W.S. Elev. 71.7

Normal W.S. Elev. 70.5

ELEVATION - Feet

55,950 AF

5,2850 AF

1365 AC. FI

Net Storage AC. FI.
Gross Storage AC. FI.

Surface Area Acres

0 800 1600 2400 3200 4000 4800

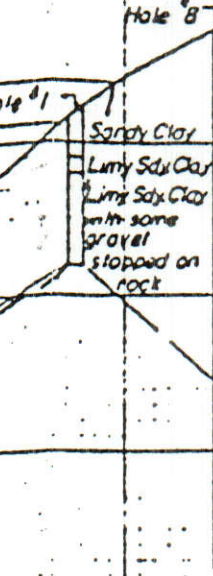
STORAGE - Acre Feet
CAPACITY CHART

Silty, Gravelly, Clay

Sandy Clay
Limy Silty Clay
Limy Silty Clay
with some gravel
stopped on rock

Gravel

Massive Basalt



18:00

20:00

Min. Thickness 3.0'

Existing Outlet Structure
if used

ed Previous Dam

Outlet Elev 580'

"I am hereby submitting for approval this plan as an officer of the United States Government authorized to approve and submit such plans."

SCANNED
JAN 24 2003

MICROFILMED

MAR 26 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69896

This is to certify that: GARY A DE MOSS And/Or HELEN DE MOSS
PO BOX 61
BLISS ID 83314
(208)352-4385

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-856	AJC/Decreed	02/01/1917	32 cfs	760 af	160.0	160.0	DRY CREEK
37-2778	AJC/License	02/26/1957	80 cfs	1210 af	242.0	242.0	DRY CREEK
37-2780	AJC/License	04/13/1954	157 cfs	905 af		415.0	DRY CREEK
37-7754	AJC/Permit	12/14/1978	6.26 cfs	1565 af	313.0	313.0	DRY CREEK
37-7385B	WR/Decreed	09/20/1974	2.53 cfs	498.7 af		124.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-856	NO	YES	YES	NO	NO	NO
37-2778	NO	YES	YES	NO	NO	NO
37-2780	NO	YES	YES	NO	NO	NO
37-7754	NO	YES	YES	NO	NO	YES
37-7385B	NO	NO	YES	NO	NO	NO

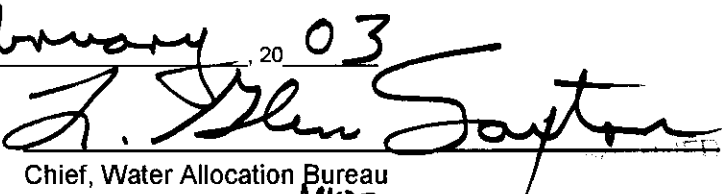
Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-856	37-856	32.00 cfs	760.0 af	N/A	808.0		N/A	N/A	N/A	N/A
37-2778	37-2778	80.00 cfs	1936.0 af	242.0	808.0		N/A	N/A	N/A	N/A
37-2780	37-2780	157.00 cfs	905.0 af	N/A	808.0		N/A	N/A	N/A	N/A
37-7754	37-7754	3.23 cfs	2504.0 af	313.0	808.0		N/A	N/A	N/A	N/A
37-7385B	37-7385B	2.53 cfs	498.7 af	124.0	808.0		N/A	N/A	N/A	N/A
TOTALS		274.76 cfs	6528.7 af	679.0*	808.0		N/A	N/A	N/A	N/A

*Direct flow irrigation limit; does not limit irrigation from storage use currently authorized on entire place of use.

Detailed Water Right Description(s) attached

Dated this 19th day of February, 2003


Chief, Water Allocation Bureau

MICROFILMED

WATER RIGHT NO. 37-7385B
As Modified by Transfer No. 69896

In accordance with the approval of Transfer No. 69896, Water Right No. 37-7385B is now described as follows.

Right Holder: GARY A DE MOSS
 PO BOX 61
 BLISS ID 83314

And/Or

HELEN DE MOSS
 PO BOX 61
 BLISS ID 83314

Priority Date: September 20, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.05 CFS	2.7 AF
IRRIGATION	04/01	to 11/01	2.48 CFS	496.0 AF
			2.53 CFS	498.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSENV Sec. 16 Twp 05S Rge 13E GOODING County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 13E 3						X	X			X							
						L 4											
05S 13E 4	X	X	X	X					X			X	X	X	X	X	
	L 1	L 2															
05S 13E 9		X	X	X	X	X		X	X			X		X	X		
05S 13E 16		X			X	X	X	X									

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 13E 3						28.0	32.0			36.0							96.0
						L 4											
05S 13E 4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
	L 1	L 2															
05S 13E 9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S 13E 16		13.0			40.0	39.0	30.0	10.0									132.0

Total Acres: 808

MICROFILMED

NOV 2 1984

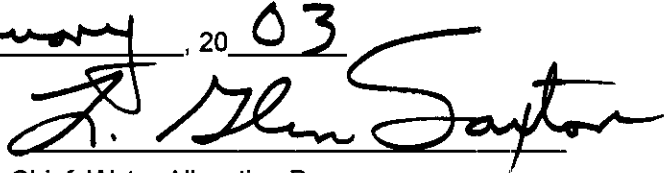
WATER RIGHT NO. 37-7385B
As Modified by Transfer No. 69896

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 124 acres within the place of use described above in a single irrigation season.
2. The direct flow irrigation use described by rights 37-7385B, 37-7754, and 37-2778 when combined shall not exceed a total annual maximum diversion volume of 2161 af at the field headgate, and the irrigation of 679 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 11, 2002.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
6. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 69896, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point of diversion, in accordance with Department specifications.
8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of February, 2003


Chief, Water Allocation Bureau

MICROFILMED

446-6-248

WATER RIGHT NO. 37-7754
As Modified by Transfer No. 69896

In accordance with the approval of Transfer No. 69896, Water Right No. 37-7754 is now described as follows.

Right Holder: HELEN DE MOSS
 PO BOX 61
 BLISS ID 83314

And/Or

GARY A DE MOSS
 PO BOX 61
 BLISS ID 83314

Priority Date: December 14, 1978

Source: DRY CREEK

Tributary: BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DIVERSION TO STORAGE	01/01	to 12/31	3.23 CFS	
IRRIGATION STORAGE	01/01	to 12/31		1,565.0 AF
IRRIGATION	04/01	to 11/01	3.23 CFS	939.0 AF
IRRIGATION FROM STORAGE	04/01	to 11/01		1,565.0 AF
			3.23 CFS	2,504.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DRY CREEK SENESE Sec. 6 Twp 04S Rge 14E GOODING County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S 13E 25									X		X						
04S 13E 26											L1		X			X	
04S 13E 35	X	X	X	X												L7	
04S 13E 36	L1	L1	L4	L5													
						X	X										
						L1	L2										

MICROFILMED

1987 11 10

WATER RIGHT NO. 37-7754
As Modified by Transfer No. 69896

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 13E 3						28.0	32.0			36.0							96.0
						L 4											
05S 13E 4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
	L 1	L 2															
05S 13E 9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S 13E 16		13.0			40.0	39.0	30.0	10.0									132.0

Total Acres: 808

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 13E 3						28.0	32.0			36.0							96.0
						L 4											
05S 13E 4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
	L 1	L 2															
05S 13E 9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S 13E 16		13.0			40.0	39.0	30.0	10.0									132.0

Total Acres: 808

CONDITIONS OF APPROVAL

1. The direct flow irrigation use described by this right is limited to the irrigation of 313 acres within the place of use described above in a single irrigation season. Irrigation from storage is not limited but currently confined to the place of use described above.
2. The direct flow irrigation use described by rights 37-7385B, 37-7754, and 37-2778 when combined shall not exceed a total annual maximum diversion volume of 2161 af at the field headgate, and the irrigation of 679 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The period of use for the irrigation and irrigation from storage described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
5. All storage uses described by rights 37-7754, 37-2780, 37-2778, 37-856, and 37-857 when combined shall not exceed the reservoir storage capacity of 4365 acre-feet.
6. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

MICROFILMED

1966 (11-20)

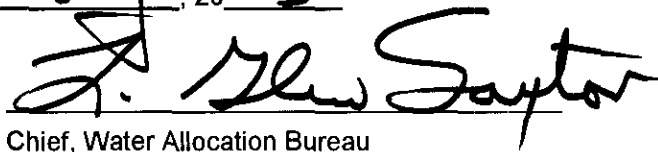
WATER RIGHT NO. 37-7754
As Modified by Transfer No. 69896

CONDITIONS OF APPROVAL

7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of February, 2003


Chief, Water Allocation Bureau

MICROFILMED

APR 5 2003

WATER RIGHT NO. 37-2780
As Modified by Transfer No. 69896

In accordance with the approval of Transfer No. 69896, Water Right No. 37-2780 is now described as follows.

Right Holder: GARY A DE MOSS And/Or HELEN DE MOSS
 PO BOX 61
 BLISS ID 83314

Priority Date: April 13, 1954

Source: DRY CREEK

Tributary: BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DIVERSION TO STORAGE	01/01	to 12/31	157.00 CFS	
IRRIGATION STORAGE	01/01	to 12/31		905.0 AF
IRRIGATION FROM STORAGE	04/01	to 10/31		905.0 AF
			157.00 CFS	905.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DRY CREEK SENESE Sec. 6 Twp 04S Rge 14E GOODING County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S 13E 25										X	X						
											L1						
04S 13E 26													X			X	
																L7	
04S 13E 35	X	X	X	X													
	L1	L1	L4	L5													
04S 13E 36						X	X										
						L1	L2										

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 13E 3						28.0	32.0			36.0							96.0
						L4											
05S 13E 4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
	L1	L2															
05S 13E 9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S 13E 16		13.0			40.0	39.0	30.0	10.0									132.0

Total Acres: 808

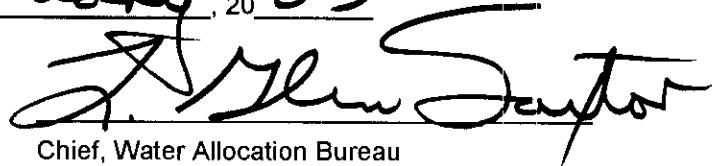
WATER RIGHT NO. 37-2780
As Modified by Transfer No. 69896

CONDITIONS OF APPROVAL

1. All storage uses described by rights 37-7754, 37-2780, 37-2778, 37-856, and 37-857 when combined shall not exceed the reservoir storage capacity of 4365 acre-feet.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The period of use for the irrigation from storage described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
4. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of February, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-2778
As Modified by Transfer No. 69896

In accordance with the approval of Transfer No. 69896, Water Right No. 37-2778 is now described as follows.

Right Holder: GARY A DE MOSS
 PO BOX 61
 BLISS ID 83314

And/Or

HELEN DE MOSS
 PO BOX 61
 BLISS ID 83314

Priority Date: February 26, 1957

Source: DRY CREEK

Tributary: BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	01/01	to 12/31		1,210.0 AF
IRRIGATION FROM STORAGE	04/01	to 10/31		1,210.0 AF
IRRIGATION	04/01	to 10/31	4.84 CFS	726.0 AF
DIVERSION TO STORAGE	01/01	to 12/31	80.00 CFS	
			80.00 CFS	1,936.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DRY CREEK SENESE Sec. 6 Twp 04S Rge 14E GOODING County

PLACE OF USE: IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	13E	25									X		X						
													L1						
04S	13E	26													X				
																		X	
																		L7	
04S	13E	35	X	X	X	X													
			L1	L1	L4	L5													
04S	13E	36									X	X							
											L1	L2							

WATER RIGHT NO. 37-2778
As Modified by Transfer No. 69896

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 13E 3						28.0	32.0			36.0							96.0
						L 4											
05S 13E 4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
	L 1	L 2															
05S 13E 9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S 13E 16		13.0			40.0	39.0	30.0	10.0									132.0

Total Acres: 808

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 13E 3						28.0	32.0			36.0							96.0
						L 4											
05S 13E 4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
	L 1	L 2															
05S 13E 9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S 13E 16		13.0			40.0	39.0	30.0	10.0									132.0

Total Acres: 808

CONDITIONS OF APPROVAL

1. The direct flow irrigation use described by this right is limited to the irrigation of 242 acres within the place of use described above in a single irrigation season. Irrigation from storage is not limited but currently confined to the place of use described above.
2. The direct flow irrigation use described by rights 37-7385B, 37-7754, and 37-2778 when combined shall not exceed a total annual maximum diversion volume of 2161 af at the field headgate, and the irrigation of 679 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The period of use for the irrigation and irrigation from storage described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
5. All storage uses described by rights 37-7754, 37-2780, 37-2778, 37-856, and 37-857 when combined shall not exceed the reservoir storage capacity of 4365 acre-feet.
6. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

WATER RIGHT NO. 37-2778
As Modified by Transfer No. 69896

CONDITIONS OF APPROVAL

7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of February, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-856
As Modified by Transfer No. 69896

In accordance with the approval of Transfer No. 69896, Water Right No. 37-856 is now described as follows.

Right Holder: HELEN DE MOSS
 PO BOX 61
 BLISS ID 83314

And/Or

GARY A DE MOSS
 PO BOX 61
 BLISS ID 83314

Priority Date: February 01, 1917

Source: DRY CREEK

Tributary: BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DIVERSION TO STORAGE	01/01	to 12/31	32.00 CFS	
IRRIGATION FROM STORAGE	03/15	to 11/15		760.0 AF
STOCKWATER FROM STORAGE	03/15	to 11/15		15.0 AF
IRRIGATION STORAGE	01/01	to 12/31		760.0 AF
STOCKWATER STORAGE	01/01	to 12/31		15.0 AF
			32.00 CFS	760.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DRY CREEK SENESE Sec. 6 Twp 04S Rge 14E GOODING County

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 13E 3						28.0	32.0			36.0							96.0
						L 4											
05S 13E 4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
	L 1	L 2															
05S 13E 9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S 13E 16		13.0			40.0	39.0	30.0	10.0									132.0

Total Acres: 808

WATER RIGHT NO. 37-856
As Modified by Transfer No. 69896

PLACE OF USE: STOCKWATER FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 13E 3						X L 4	X			X							
05S 13E 4	X L 1	X L 2	X	X					X			X	X	X	X	X	
05S 13E 9		X	X	X	X	X		X	X		X			X	X		
05S 13E 16		X			X	X	X	X									

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S 13E 25										X	X L 1						
04S 13E 26													X			X L 7	
04S 13E 35	X L 1	X L 1	X L 4	X L 5													
04S 13E 36						X L 1	X L 2										

PLACE OF USE: STOCKWATER STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S 13E 25										X	X L 1						
04S 13E 26													X			X L 7	
04S 13E 35	X L 1	X L 1	X L 4	X L 5													
04S 13E 36						X L 1	X L 2										

CONDITIONS OF APPROVAL

1. All storage uses described by rights 37-7754, 37-2780, 37-2778, 37-856, and 37-857 when combined shall not exceed the reservoir storage capacity of 4365 acre-feet.
2. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

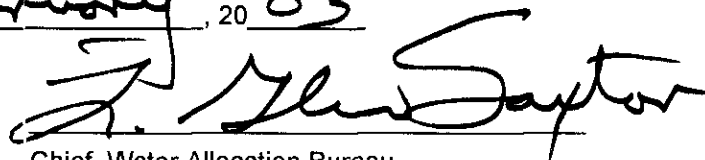
WATER RIGHT NO. 37-856
As Modified by Transfer No. 69896

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of February, 2003


Chief, Water Allocation Bureau

MICROFILMED

Page 14 of 14

RECEIVED

FEB 13 2003

Transfer No. 69896

RECEIVED

APR 15 2002

Department of Water Resources
Southern Region

Department of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1

RECEIVED

APR 15 2002

Department of Water Resources
Southern Region

Name of applicant Gary and/or Helen DeMoss

Phone 208-352-4385

Post Office address P.O. Box 61, Bliss, Idaho, 83314

A. Purpose of Transfer

1. ☐ Change point of diversion ☒ ^{NO} Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Modify water right to PPOU

2. Describe the reason for the proposed changes Applicant wishes to restructure water rights to allow flexibility of use during the irrigation season by establishing a permissible place of use (PPOU).

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use

See Attachment A

SCANNED

JAN 24 2003

_____ to _____
_____ to _____

2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water See Attachment B tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	GD	NE	NW	16	5S	13E	Gooding	Well
	NE	SE	SE	6	4S	14E	Gooding	Dry Creek
	SE	NE	GD					

5. Lands irrigated or place of use: St = Storage

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	13E	3						28	32			36							96
5S	13E	4	25	1	11	40					27			40	38	34	39	21	276
5S	13E	9		32	38	19	34	18		40	40			40		25	18		304
5S	13E	16		13			40	39	30	10									132
4S	13E	25										St	St						
4S	13E	26																St	
4S	13E	35	St	St	St	St													
4S	13E	36						St	St										

Note: Stockwater will be used in all of the irrigated tracts noted in Section 5, Part 1.

PPOU Total 808

69896

PART 1

6. General Information:

- a. Description of diversion system See Attachment B
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: None
- d. Remarks: See Attachment C

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20 _____.

SCANNED

JAN 24 2003

MICROFILMED
 MAR 20 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-07385B issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other

3. Source of water Groundwater tributary to _____

4. Date of priority 9-20-1974

5. Water is used for the following purpose:

Amount 2.53 for Irrigation purposes from 3-15 to 11-15
(cfs/ac-ft)

Amount .05 for Stockwater purposes from 1-1 to 12-31
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.53 cubic feet per second and/or 372 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	16	5S	13E	Gooding	(2 wells)

8. Lands irrigated or place of use:

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	13E	16		3.5			35.5	40	35	10									124

Total acres 124

9. Describe any other water rights used for the same purpose as described above None

MICROFILMED
JAN 24 2003

SCANNED

JAN 24 2003

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

SCANNED
JAN 24 2003

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MIDC
Total acres _____

JAN 24 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-2780 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other

3. Source of water Dry Creek tributary to Big Wood River4. Date of priority 4-13-1954

5. Water is used for the following purpose:

~~Amount 157 cfs for Irrigation purposes from 4-1 to 10-31~~
(cfs/ac-ft)

Amount 157 cfs for Diversion to storage purposes from 1-1 to 12-31
(cfs/ac-ft)

Amount 905 afa for Irrigation storage purposes from 1-1 to 12-31
(cfs/ac-ft)

Amount 905 afa for Irrigation from Storage purposes from 4-1 to 10-31
(cfs/ac-ft)

6. Total amount of water under right 157 cubic feet per second and/or 905 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
~~SW~~	~~NE~~	~~NE~~	~~NE~~	~~35~~	~~4S~~	~~13E~~	~~Gooding~~	
	NE	SE	SE	6	4S	14E	Gooding	

8. Lands irrigated or place of use:

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	13E	3						40	31			40							111
		4	20		8	40					25			34	40	33	36	13	249
		9	2	10		13								14	8	8			55

Total acres 415

9. Describe any other water rights used for the same purpose as described above 37-2778

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

MICROFILMED

MAR 24 2003

SCANNED
JAN 24 2003

PART 2

TRANS NO.

T69896

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-07754

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	3.23 CFS	939.0 AF
IRRIGATION STORAGE	01/01 to 12/31		1565.0 AF
IRRIGATION FROM ST	04/01 to 11/01		1565.0 AF
	Totals	3.23 CFS	2504.0 AF

SOURCE

BRAY LAKE

Priority: 12/14/1978

LOCATION OF POINT(S) OF DIVERSION:
Rediversion

SWNE , Sec. 35, Township 04S, Range 13E
 NENE , Sec. 4, Township 05S, Range 13E
 GOODING County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																				
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		
05S	13E	4	:																	05	02											01				8.0
05S	13E	9	:			12	39	03				37	40	37	40					40			40							10	07			305.0		
																												TOTAL ACRES	313.0							

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

SCANNED
JAN 24 2003

Describe any other water rights used for the same purpose as described above:

MIL-IT

JAN 24 2003

Water Right No. 37-07754

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

SCANNED
JAN 24 2003

MICROFILMED

MAR 16 2003

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-02778

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	4.84 CFS	726.0 AF
IRRIGATION STORAGE	01/01 to 12/31		1210.0 AF
IRRIGATION FROM ST	04/01 to 10/31		1210.0 AF
DIVERSION TO STORA	01/01 to 12/31	80.00 CFS	
Totals		4.84 CFS	1936.0 AF

SOURCETRIBUTARY OF

DRY CREEK

BIG WOOD RIVER

Priority: 02/26/1957

LOCATION OF POINT(S) OF DIVERSION:

In Diversion

NESE , Sec. 6, Township 04S, Range 14E
 SWNE , Sec. 35, Township 04S, Range 13E
 GOODING County

PLACE OF USE:

IRRIGATION

		NE				NW				SW				SE																			
		NENE	NWNE	SWNE	SENE	:				NENW	NWNW	SWNW	SENW	:				NESW	NWSW	SWSW	SESW	:				NESE	NWSE	SWSE	SESE	:	SUM		
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
05S 13E	3 :											22	28																				52.0
05S 13E	4 :	18			07	32										11			24			05	34	37	11							179.0	
05S 13E	9 :			08						03																						11.0	
																TOTAL ACRES												242.0					

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

CONDITIONS/REMARKS:

- THE STORAGE SHOWN IN THIS RT. IS KNOWN AS STROUT RESERVOIR & COVERED IN PART BY RT. 37-2780. RESERVOIR LOCATED IN SWNE, S35, T4S, R13E.

Describe any other water rights used for the same purpose as described above:

SCANNED
 JAN 24 2003

MICROFILMED

MAY 25 2003

Page 10 of 13

TRANS NO.

T69896

Water Right No. 37-02778

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? no If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

SCANNED
JAN 24 2003

MR. J. L. J.

MAR 26 2003

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-00856

STAGE: **DECREED**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION STORAGE	to	
IRRIGATION FROM ST	to	
DIVERSION TO STORA	to	32.00 CFS
Totals		32.00 CFS

SOURCE

DRY CREEK

TRIBUTARY OF

BIG WOOD RIVER

Priority: 02/01/1917

LOCATION OF POINT(S) OF DIVERSION:SESE , Sec. 6, Township 04S, Range 14E
GOODING CountyPLACE OF USE:

IRRIGATION FROM STORAGE

				NE				NW				SW				SE																
				NESE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
05S	13E	4	:																													
05S	13E	9	:																													

CONDITIONS/REMARKS:

1. RT. FOR 4/5 OF WATER STORED IN BRAY LAKE RES.
2. RT. INCOMPLETE. SEE FILE FOR DESCRIPTION OF RES.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? no If yes, describe:

MICROFILMED

MAR 26 2003

SCANNED
JAN 24 2003

Page 12 of 13

TRANS NO. **T69896**

Water Right No. 37-00856

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

SCANNED
JAN 24 2003

MICROFILMED

JAN 24 2003

PART 3

B. CHANGES IN NATURE OF USE

- | 1. | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|----|-------------------|-----------------------|-----------------|----------------|
| | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |
2. Quantity and quality of return flows and location of discharge: _____
3. Describe effects on other water uses resulting from the proposed change: _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Gary A. Doherty

(Signature of Applicant)

Subscribed and sworn before me this

15th

day of

April

, 20

02

Kelly K. Christensen

(Notary Public)

My commission expires

3-11-04

FOR DEPARTMENT USE ONLY

Transfer contains 13 pages and 10 attachmentsReceived by C. SKINNERDate 4/15/2002

Protest filed by

NOLPrelim. check by C. SKINNERFee \$1820.00 5024792Receipted by C. SKINNERDate 4/15/2002Published in Springfield Capital, IS, LT, PP, TN

Copies of protest forwarded by

Pub. Dates 4/27 & 7/4/02

Hearing held by

Date

Watermaster recommendation requested on 6/18/02

Recommended for

☒ approval☐ denial

rec'd.

by

AD

Copy of transfer sent to lien holder

SCANNED
JAN 24 2003

T69896

Gary and/or Helen DeMoss
Attachment A
Part 1-B.1.

Description of Rights After the Requested Change

Right Number	Priority	Amount (cfs) (ac-ft)	Nature of Use	Period of Use
37-07385B	9-20-1974	2.53	Irrigation	3-15 to 11-15
		0.05	Stockwater	1-1 to 12-31
37-07754	12-14-1978	3.23 (939 af)	Irrigation	4-1 to 11-1
		1565	Irrigation storage	1-1 to 12-31
		1565	Irrigation from storage	4-1 to 11-1
37-02780	4-13-1954	905	Irrigation storage	1-1 to 12-31
		905	Irrigation from storage	4-1 to 10-31
		157	Diversion to storage	1-1 to 12-31
37-02778	2-26-1957	4.84 (726 af)	Irrigation	4-1 to 10-31
		1210	Irrigation storage	1-1 to 12-31
		1210	Irrigation from storage	4-1 to 10-31
		80.00	Diversion to storage	1-1 to 12-31
37-00856	2-1-1917	32.00	Diversion to storage	1-1 TO 12-31 GP #D
		60 760	Irrigation storage	1-1 TO 12-31 GP #D
		* 685	Irrigation from storage	3-15 TO 11-15 GP #D
		60 760	Stockwater	3-15 to 11-15 GP #D
		* 15 AF. 04	FROM STORAGE	
		* 15 AF	Stockwater Storage	1-1 TO 12-31 GP #D

Total Amount Transferred

Use	Flow Rate	Acre Feet	Total Storage
Irrigation	10.60	1,665	
Diversion to storage	269.00		
Irrigation storage		4,365	4,365
Irrigation from storage		4,365	
Stockwater	.05 .09	2.7	

Stockwater Storage & FROM STORAGE

15 AF.

15 AF GP #D
4365

* Limited TO A combined TOTAL of 685 AF. GP #D
60 760

PGANNED

JAN 24 2003

APR 1 2003

APR 1 2003

T69896

**Gary and/or Helen DeMoss
Attachment B
Part 1-B.3.**

Source of Water

The source of water for this transfer application includes one a well equipped with a diesel engine, direct drive pump and pivot sprinkler system, a reservoir and a system of canals, small ditches and a pivot sprinkler system. Water is diverted into Bray Lake Reservoir from Dry Creek and rediverted from the reservoir through the irrigation system to the applicant's property. This transfer anticipates using all sources of water for applicants land through an integrated system as a permissible place of use.

SCANNED

JAN 24 2013

to be...

100 1 1 1 1 1

T69896

**Gary and/or Helen DeMoss
Attachment C
Part 1-B.6.d.**

Remarks

Applicant has recently acquired property in Section 16, T5S, R13E for incorporation into Bray Lake Ranch. The majority of the ranch is presently irrigated with surface water and 124 acres is now irrigated with ground water. Due to the lack of reliability of surface water supplies and cropping pattern requirements, applicant wishes to incorporate all water rights, surface and ground water, into a permissible place of use (PPOU). A PPOU will allow greater flexibility and efficiency of operation. Each of the water rights shown in this transfer are primary water rights and applicant does not wish to have any reclassified as supplemental water rights.

Upon approval of the transfer, the system will be tied together to allow integrated water delivery and management. All of the land will be susceptible to irrigation from any source. The system will not be integrated until approval in order to avert a possible violation of our water rights.

SCANNED

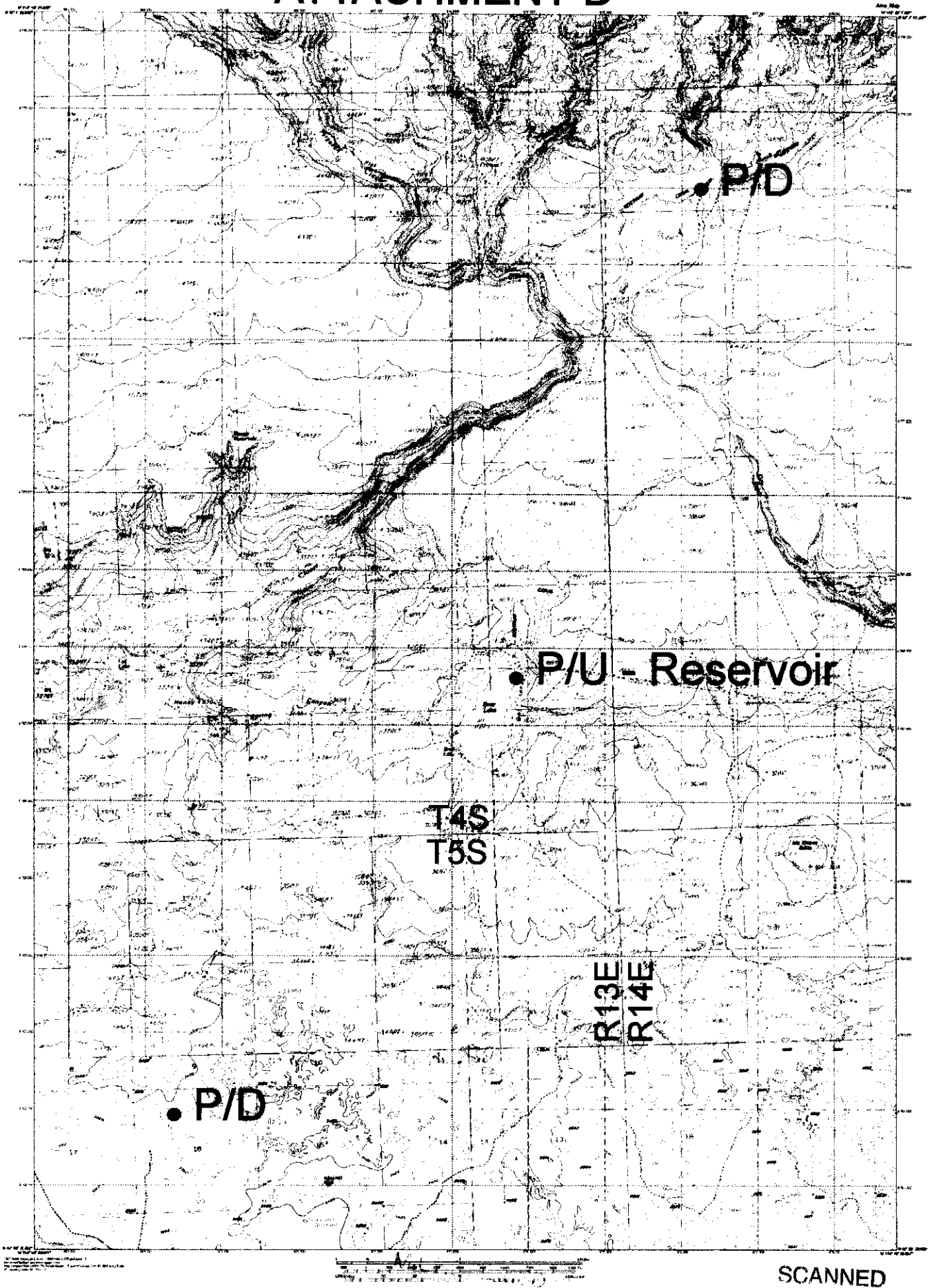
IAN 24 2003

6/10/03

6/10/03

ATTACHMENT D

T69896

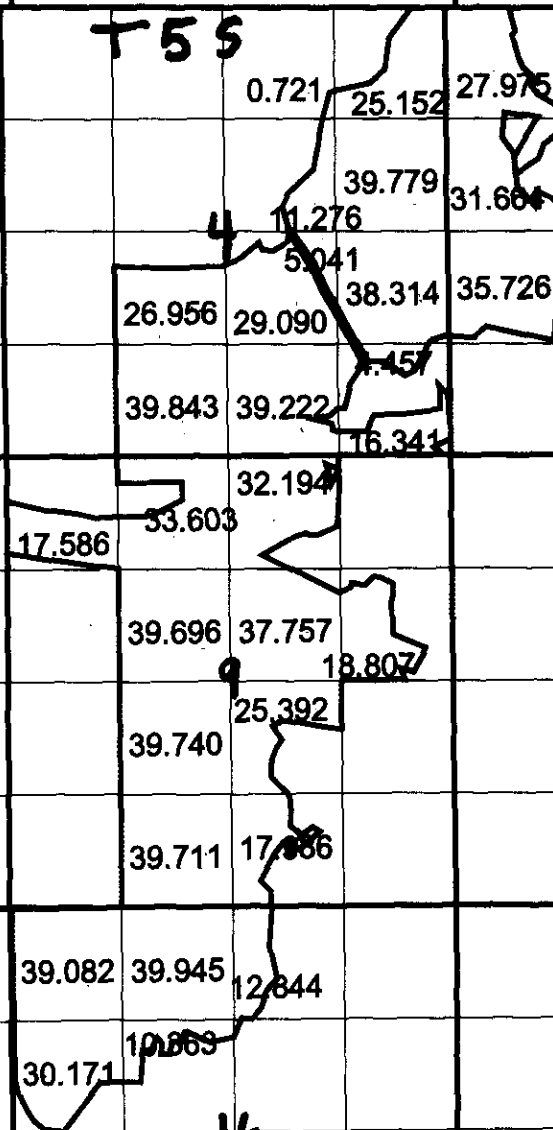


SCANNED

IAN 24 2003

Attachment D

T4S
T5S



RECEIVED

SCANNED

JAN 24 2003

[illegible]

1971

T69896

Attachment D

JOHN L. KELLEY
JOHN L. KELLEY

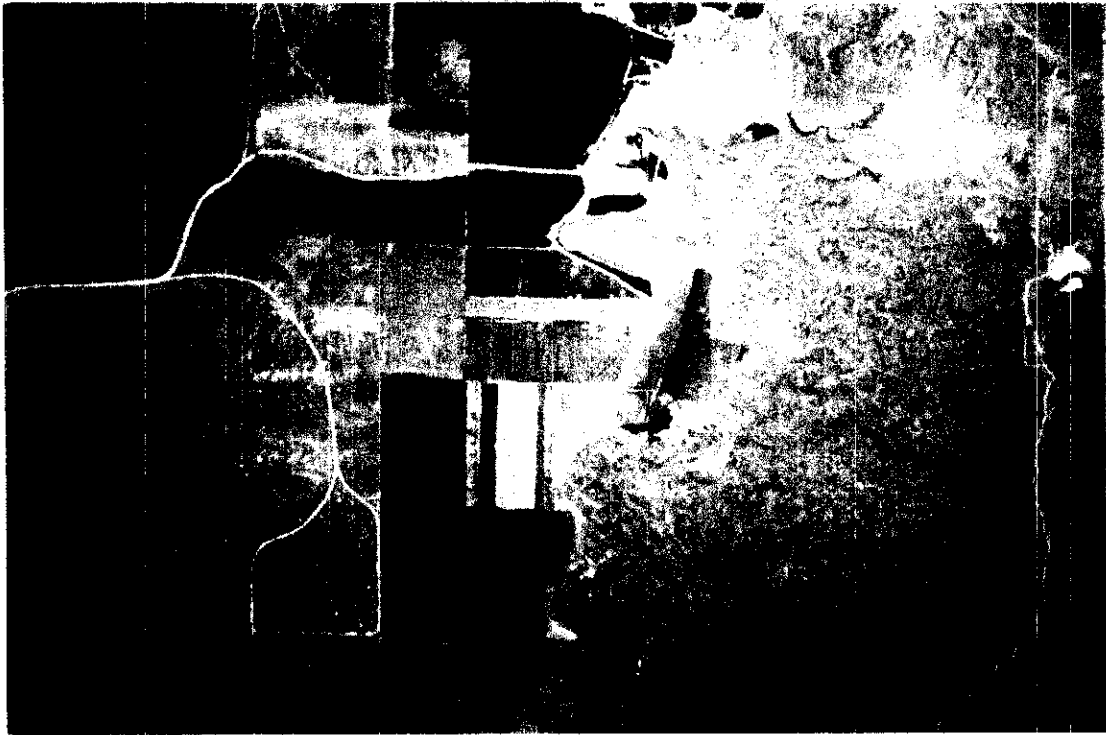
SCANNED

JAN 7 2003

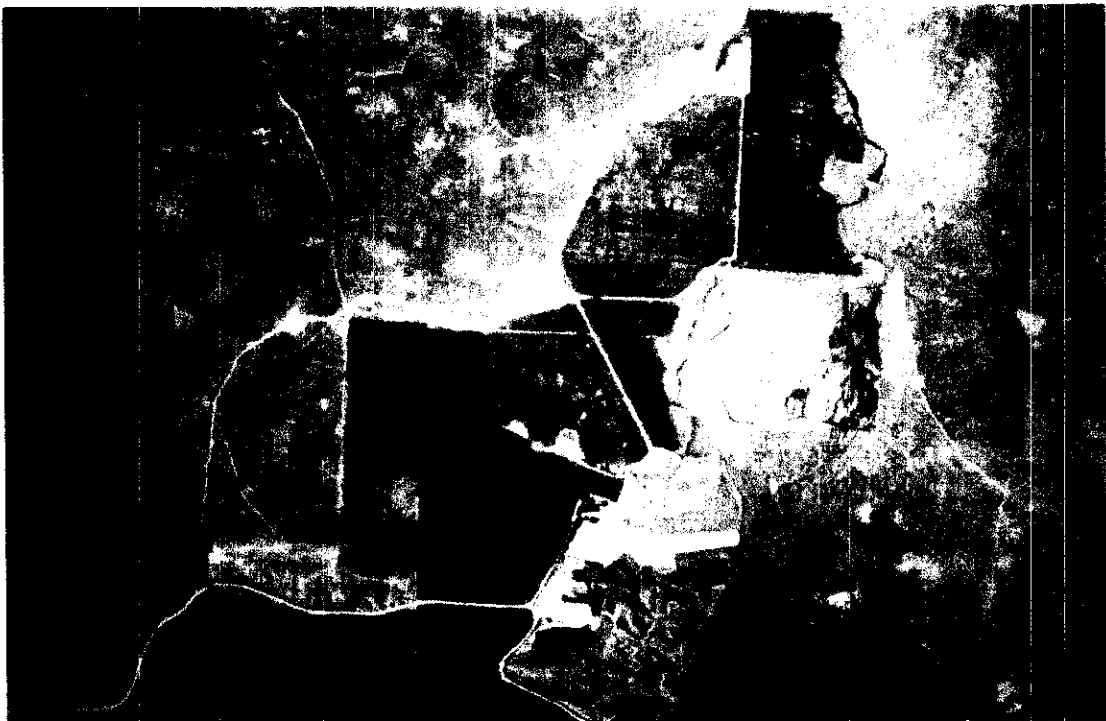


Attachment D
Bray Lake Ranch Aerial Photos

T69896



Bray Lake Ranch – 1999



Bray Lake Ranch – 1999

Attachment D
Bray Lake Ranch Aerial Photos



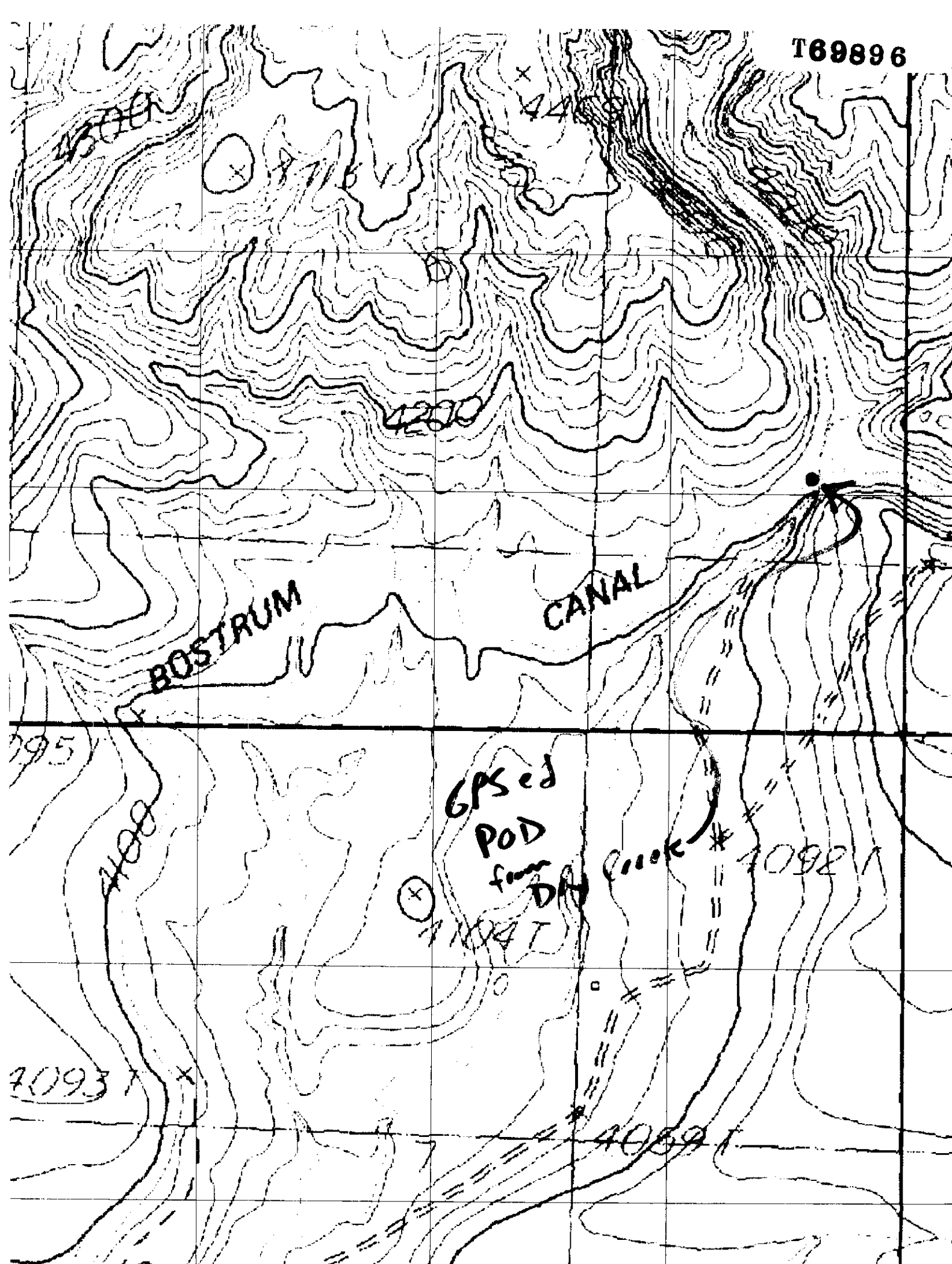
Bray Lake Ranch – South Half - 1996

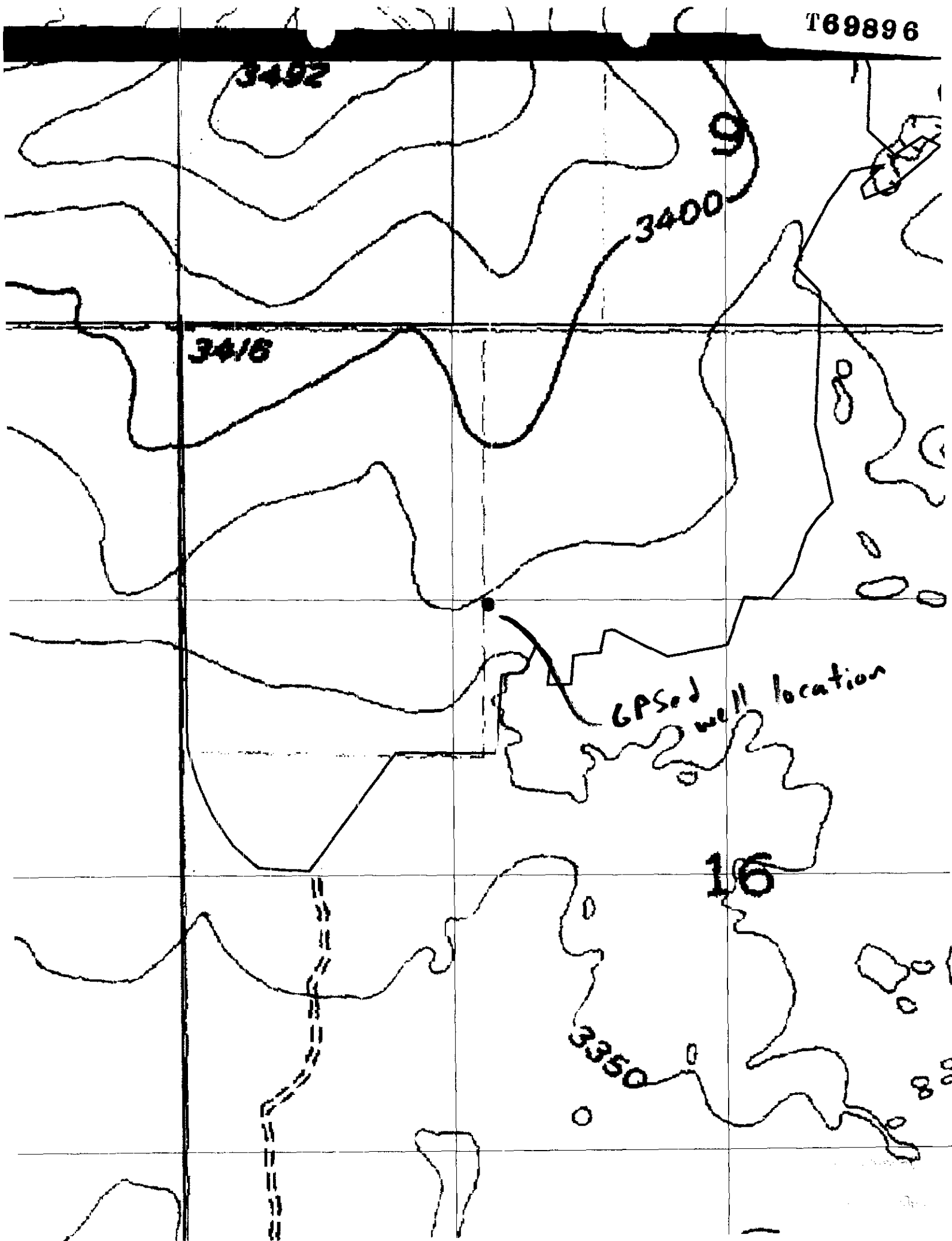
This is a detailed topographic map of a coastal area, likely a bay or lake, with a grid overlay. The map shows contour lines, a canal, and various elevation points marked with 'x' and numbers. A label 'Bry Lake' is visible on the left side. The map is oriented with North at the top.

Key features and labels include:

- Grid:** A grid of latitude and longitude lines is overlaid on the map.
- Contour Lines:** Dashed lines representing elevation contours are visible throughout the map.
- Canal:** A label 'CANAL' is present near the center of the map.
- Bry Lake:** A label 'Bry Lake' is located on the left side of the map.
- Elevation Points:** Numerous points are marked with 'x' and numbers, such as 4000, 3985, 3972, 3964, 3951, 3941, 3931, 3921, 3911, 3901, 3891, 3881, 3871, 3861, 3851, 3841, 3831, 3821, 3811, 3801, 3791, 3781, 3771, 3761, 3751, 3741, 3731, 3721, 3711, 3701, 3691, 3681, 3671, 3661, 3651, 3641, 3631, 3621, 3611, 3601, 3591, 3581, 3571, 3561, 3551, 3541, 3531, 3521, 3511, 3501, 3491, 3481, 3471, 3461, 3451, 3441, 3431, 3421, 3411, 3401, 3391, 3381, 3371, 3361, 3351, 3341, 3331, 3321, 3311, 3301, 3291, 3281, 3271, 3261, 3251, 3241, 3231, 3221, 3211, 3201, 3191, 3181, 3171, 3161, 3151, 3141, 3131, 3121, 3111, 3101, 3091, 3081, 3071, 3061, 3051, 3041, 3031, 3021, 3011, 3001, 2991, 2981, 2971, 2961, 2951, 2941, 2931, 2921, 2911, 2901, 2891, 2881, 2871, 2861, 2851, 2841, 2831, 2821, 2811, 2801, 2791, 2781, 2771, 2761, 2751, 2741, 2731, 2721, 2711, 2701, 2691, 2681, 2671, 2661, 2651, 2641, 2631, 2621, 2611, 2601, 2591, 2581, 2571, 2561, 2551, 2541, 2531, 2521, 2511, 2501, 2491, 2481, 2471, 2461, 2451, 2441, 2431, 2421, 2411, 2401, 2391, 2381, 2371, 2361, 2351, 2341, 2331, 2321, 2311, 2301, 2291, 2281, 2271, 2261, 2251, 2241, 2231, 2221, 2211, 2201, 2191, 2181, 2171, 2161, 2151, 2141, 2131, 2121, 2111, 2101, 2091, 2081, 2071, 2061, 2051, 2041, 2031, 2021, 2011, 2001, 1991, 1981, 1971, 1961, 1951, 1941, 1931, 1921, 1911, 1901, 1891, 1881, 1871, 1861, 1851, 1841, 1831, 1821, 1811, 1801, 1791, 1781, 1771, 1761, 1751, 1741, 1731, 1721, 1711, 1701, 1691, 1681, 1671, 1661, 1651, 1641, 1631, 1621, 1611, 1601, 1591, 1581, 1571, 1561, 1551, 1541, 1531, 1521, 1511, 1501, 1491, 1481, 1471, 1461, 1451, 1441, 1431, 1421, 1411, 1401, 1391, 1381, 1371, 1361, 1351, 1341, 1331, 1321, 1311, 1301, 1291, 1281, 1271, 1261, 1251, 1241, 1231, 1221, 1211, 1201, 1191, 1181, 1171, 1161, 1151, 1141, 1131, 1121, 1111, 1101, 1091, 1081, 1071, 1061, 1051, 1041, 1031, 1021, 1011, 1001, 991, 981, 971, 961, 951, 941, 931, 921, 911, 901, 891, 881, 871, 861, 851, 841, 831, 821, 811, 801, 791, 781, 771, 761, 751, 741, 731, 721, 711, 701, 691, 681, 671, 661, 651, 641, 631, 621, 611, 601, 591, 581, 571, 561, 551, 541, 531, 521, 511, 501, 491, 481, 471, 461, 451, 441, 431, 421, 411, 401, 391, 381, 371, 361, 351, 341, 331, 321, 311, 301, 291, 281, 271, 261, 251, 241, 231, 221, 211, 201, 191, 181, 171, 161, 151, 141, 131, 121, 111, 101, 91, 81, 71, 61, 51, 41, 31, 21, 11, 1.

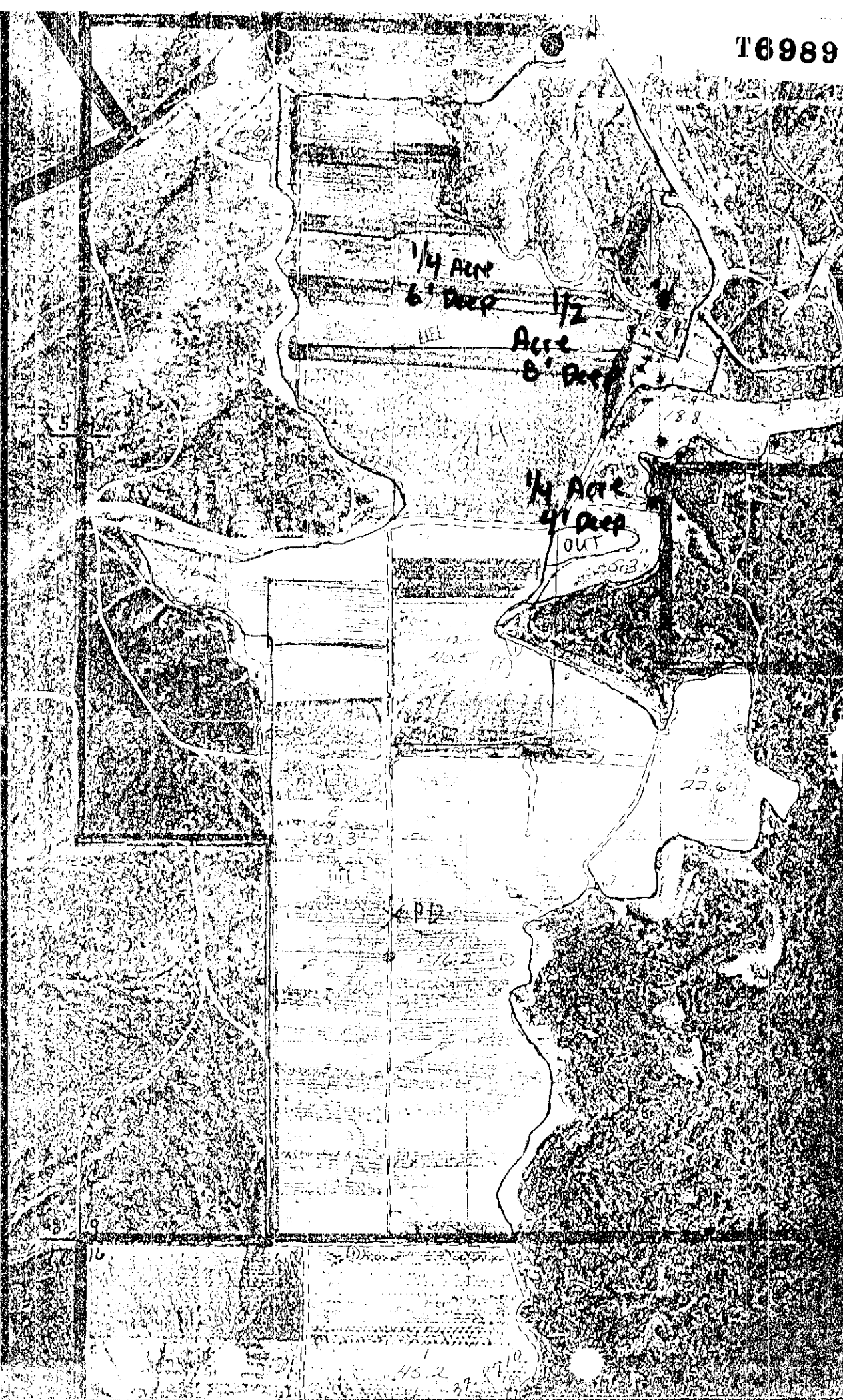
T69896



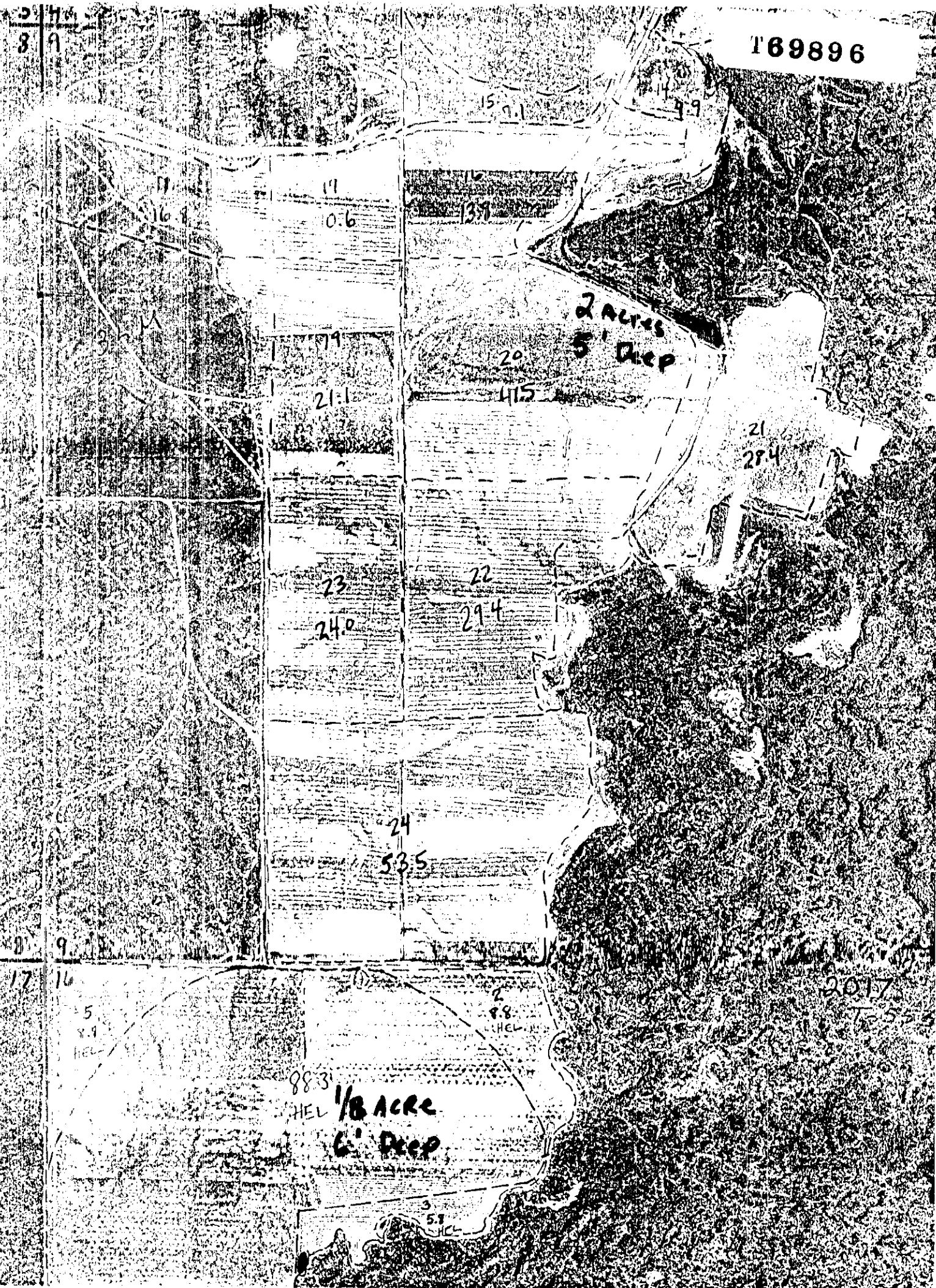




T69896



T69896



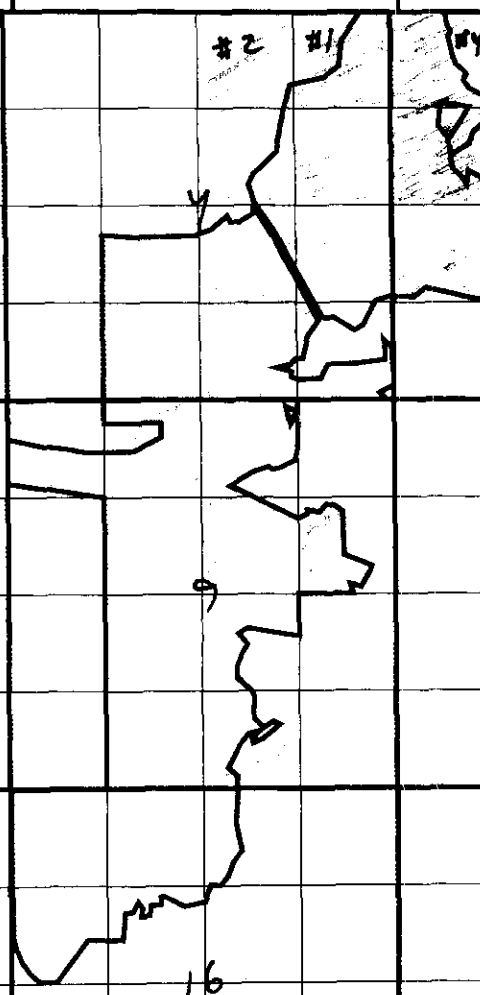
2017

T-556

C5S13E

08 LT04	08 LT01	08 LT02	08 LT01	08 LT04	08 LT03	08 LT02	08 LT01	08 LT04	08 LT03	08 LT02	08 LT01	18 LT04	18 LT03	18 LT02	18 LT01	02 LT04	02 LT03	02 LT02	02 LT01	01 LT04	01 LT03	01 LT02	01 LT01
08 LT05	08 SENW	08 SWNE	08 SENE	05 SWNW	05 SENW	05 SWNE	05 SENE	04 SWNW	04 SENW	04 SWNE	04 SENE	18 SWNW	18 SENW	18 SWNE	18 SENE	02 SWNW	02 SENW	02 SWNE	02 SENE	01 SWNW	01 SENW	01 SWNE	01 SENE
08 LT06	08 NESW	08 NWSE	08 NESE	05 NWSE	05 NESW	05 NWSE	05 NESE	04 NWSE	04 NESW	04 NWSE	04 NESE	18 NWSE	18 NESW	18 NWSE	18 NESE	02 NWSE	02 NESW	02 NWSE	02 NESE	01 NWSE	01 NESW	01 NWSE	01 NESE
08 LT07	08 SESW	08 SWSE	08 SESE	05 SWSW	05 SESW	05 SWSE	05 SESE	04 SWSW	04 SESW	04 SWSE	04 SESE	18 SWSW	18 SESW	18 SWSE	18 SESE	02 SWSW	02 SESW	02 SWSE	02 SESE	01 SWSW	01 SESW	01 SWSE	01 SESE
01 LT01	07 NEHW	07 NWNE	07 NEHE	08 NWNE	08 NEHW	08 NWNE	08 NEHE	08 NWNE	08 NEHW	08 NWNE	08 NEHE	18 NWNE	18 NEHW	18 NWNE	18 NEHE	11 NWNE	11 NEHW	11 NWNE	11 NEHE	12 NWNE	12 NEHW	12 NWNE	12 NEHE
01 LT02	07 SEHW	07 SWNE	07 SENE	08 SWNW	08 SEHW	08 SWNE	08 SENE	08 SWNW	08 SEHW	08 SWNE	08 SENE	18 SWNW	18 SEHW	18 SWNE	18 SENE	11 SWNW	11 SEHW	11 SWNE	11 SENE	12 SWNW	12 SEHW	12 SWNE	12 SENE
07 LT03	07 NESW	07 NWSE	07 NESE	08 NWSE	08 NESW	08 NWSE	08 NESE	08 NWSE	08 NESW	08 NWSE	08 NESE	18 NWSE	18 NESW	18 NWSE	18 NESE	11 NWSE	11 NESW	11 NWSE	11 NESE	12 NWSE	12 NESW	12 NWSE	12 NESE
07 LT04	07 SESW	07 SWSE	07 SESE	08 SWSW	08 SESW	08 SWSE	08 SESE	08 SWSW	08 SESW	08 SWSE	08 SESE	18 SWSW	18 SESW	18 SWSE	18 SESE	11 SWSW	11 SESW	11 SWSE	11 SESE	12 SWSW	12 SESW	12 SWSE	12 SESE
18 LT01	18 NEHW	18 NWNE	18 NEHE	17 NWNE	17 NEHW	17 NWNE	17 NEHE	18 NWNE	18 NEHW	18 NWNE	18 NEHE	18 NWNE	15 NEHW	15 NWNE	15 NEHE	14 NWNE	14 NEHW	14 NWNE	14 NEHE	13 NWNE	13 NEHW	13 NWNE	13 NEHE
18 LT02	18 SEHW	18 SWNE	18 SENE	17 SWNW	17 SEHW	17 SWNE	17 SENE	18 SWNW	18 SEHW	18 SWNE	18 SENE	18 SWNW	15 SEHW	15 SWNE	15 SENE	14 SWNW	14 SEHW	14 SWNE	14 SENE	13 SWNW	13 SEHW	13 SWNE	13 SENE
18 LT03	18 NESW	18 NWSE	18 NESE	17 NWSE	17 NESW	17 NWSE	17 NESE	18 NWSE	18 NESW	18 NWSE	18 NESE	18 NWSE	15 NESW	15 NWSE	15 NESE	14 NWSE	14 NESW	14 NWSE	14 NESE	13 NWSE	13 NESW	13 NWSE	13 NESE
18 LT04	18 SESW	18 SWSE	18 SESE	17 SWSW	17 SESW	17 SWSE	17 SESE	18 SWSW	18 SESW	18 SWSE	18 SESE	18 SWSW	15 SESW	15 SWSE	15 SESE	14 SWSW	14 SESW	14 SWSE	14 SESE	13 SWSW	13 SESW	13 SWSE	13 SESE
19 LT01	19 NEHW	19 NWNE	19 NEHE	20 NWNE	20 NEHW	20 NWNE	20 NEHE	21 NWNE	21 NEHW	21 NWNE	21 NEHE	22 NWNE	22 NEHW	22 NWNE	22 NEHE	23 NWNE	23 NEHW	23 NWNE	23 NEHE	24 NWNE	24 NEHW	24 NWNE	24 NEHE
19 LT02	19 SEHW	19 SWNE	19 SENE	20 SWNW	20 SEHW	20 SWNE	20 SENE	21 SWNW	21 SEHW	21 SWNE	21 SENE	22 SWNW	22 SEHW	22 SWNE	22 SENE	23 SWNW	23 SEHW	23 SWNE	23 SENE	24 SWNW	24 SEHW	24 SWNE	24 SENE
19 LT03	19 NESW	19 NWSE	19 NESE	20 NWSE	20 NESW	20 NWSE	20 NESE	21 NWSE	21 NESW	21 NWSE	21 NESE	22 NWSE	22 NESW	22 NWSE	22 NESE	23 NWSE	23 NESW	23 NWSE	23 NESE	24 NWSE	24 NESW	24 NWSE	24 NESE
19 LT04	19 SESW	19 SWSE	19 SESE	20 SWSW	20 SESW	20 SWSE	20 SESE	21 SWSW	21 SESW	21 SWSE	21 SESE	22 SWSW	22 SESW	22 SWSE	22 SESE	23 SWSW	23 SESW	23 SWSE	23 SESE	24 SWSW	24 SESW	24 SWSE	24 SESE
20 LT01	20 NEHW	20 NWNE	20 NEHE	20 NWNE	20 NEHW	20 NWNE	20 NEHE	20 NWNE	20 NEHW	20 NWNE	20 NEHE	21 NWNE	21 NEHW	21 NWNE	21 NEHE	20 NWNE	20 NEHW	20 NWNE	20 NEHE	20 NWNE	20 NEHW	20 NWNE	20 NEHE
20 LT02	20 SEHW	20 SWNE	20 SENE	20 SWNW	20 SEHW	20 SWNE	20 SENE	20 SWNW	20 SEHW	20 SWNE	20 SENE	21 SWNW	21 SEHW	21 SWNE	21 SENE	20 SWNW	20 SEHW	20 SWNE	20 SENE	20 SWNW	20 SEHW	20 SWNE	20 SENE
20 LT03	20 NESW	20 NWSE	20 NESE	20 NWSE	20 NESW	20 NWSE	20 NESE	20 NWSE	20 NESW	20 NWSE	20 NESE	21 NWSE	21 NESW	21 NWSE	21 NESE	20 NWSE	20 NESW	20 NWSE	20 NESE	20 NWSE	20 NESW	20 NWSE	20 NESE
20 LT04	20 SESW	20 SWSE	20 SESE	20 SWSW	20 SESW	20 SWSE	20 SESE	20 SWSW	20 SESW	20 SWSE	20 SESE	21 SWSW	21 SESW	21 SWSE	21 SESE	20 SWSW	20 SESW	20 SWSE	20 SESE	20 SWSW	20 SESW	20 SWSE	20 SESE
21 LT01	21 NEHW	21 NWNE	21 NEHE	22 NWNE	22 NEHW	22 NWNE	22 NEHE	23 NWNE	23 NEHW	23 NWNE	23 NEHE	24 NWNE	24 NEHW	24 NWNE	24 NEHE	23 NWNE	23 NEHW	23 NWNE	23 NEHE	23 NWNE	23 NEHW	23 NWNE	23 NEHE
21 LT02	21 SEHW	21 SWNE	21 SENE	22 SWNW	22 SEHW	22 SWNE	22 SENE	23 SWNW	23 SEHW	23 SWNE	23 SENE	24 SWNW	24 SEHW	24 SWNE	24 SENE	23 SWNW	23 SEHW	23 SWNE	23 SENE	23 SWNW	23 SEHW	23 SWNE	23 SENE
21 LT03	21 NESW	21 NWSE	21 NESE	22 NWSE	22 NESW	22 NWSE	22 NESE	23 NWSE	23 NESW	23 NWSE	23 NESE	24 NWSE	24 NESW	24 NWSE	24 NESE	23 NWSE	23 NESW	23 NWSE	23 NESE	23 NWSE	23 NESW	23 NWSE	23 NESE
21 LT04	21 SESW	21 SWSE	21 SESE	22 SWSW	22 SESW	22 SWSE	22 SESE	23 SWSW	23 SESW	23 SWSE	23 SESE	24 SWSW	24 SESW	24 SWSE	24 SESE	23 SWSW	23 SESW	23 SWSE	23 SESE	23 SWSW	23 SESW	23 SWSE	23 SESE

117



44-2300

2003

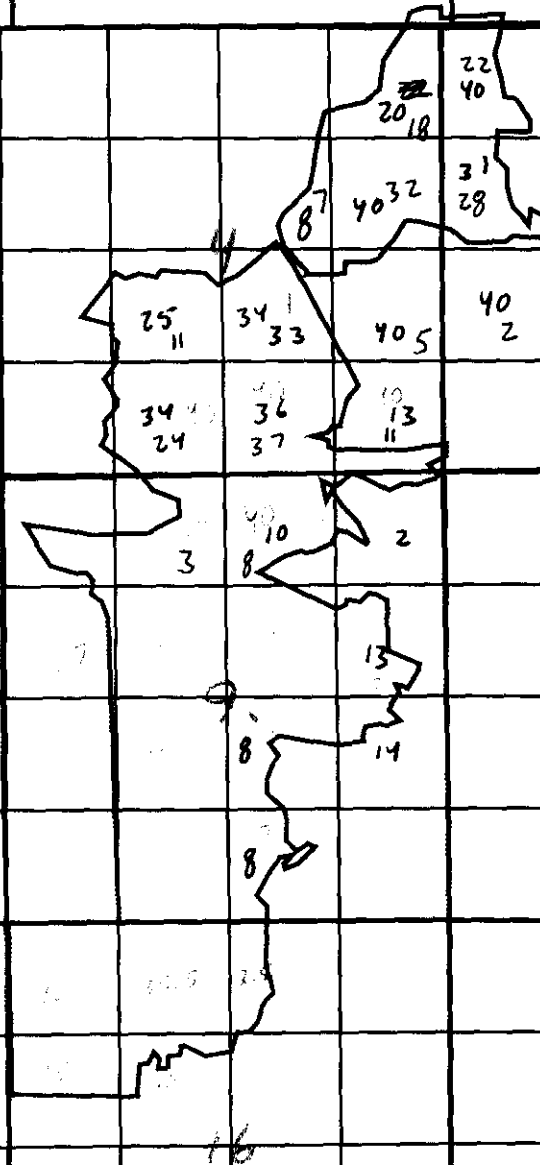
T69896

37-2780

37-2780

37-2778

37-2778



MICROFILMED

REANNED

40, 27, 20, 18

40, 27, 20, 18

T69896

37-7385B11

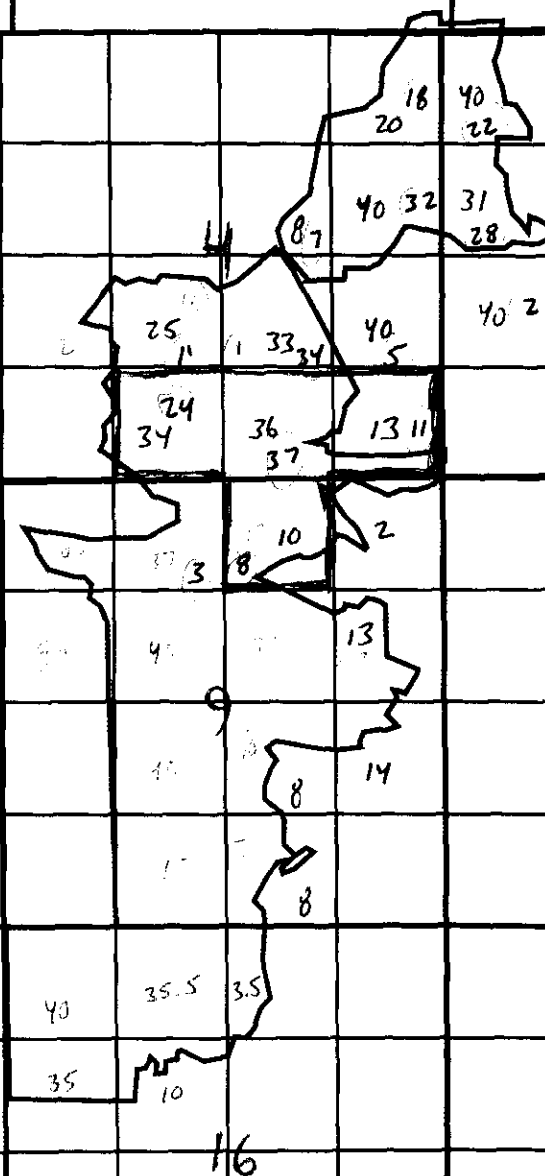
37-7385B12

37-278021

37-2778

37-856

Water rights



MICROFILMED SCANNED

JAN 29 2003

WARRANTY DEED

FOR VALUE RECEIVED, Idaho State Bank, the Grantor, does hereby grant, bargain, sell, and convey unto Gary DeMoss and Helen DeMoss, husband and wife, the Grantee, whose current address is HC 69 Box 3900, the following described property in Gooding County, Idaho:

Township 5 South, Range 13 East of the Boise Meridian

Section 3, Lot 4, SW 1/4 NW 1/4, NW 1/4 SW 1/4.

Section 4, Lots 1 and 2, S 1/2 NE 1/4, SE 1/4, E 1/2 SW 1/4.

Section 9 N 1/2 NW 1/4, SE 1/4 NE 1/4, W 1/2 NE 1/4, SE 1/4 NW 1/4, E 1/2 SW 1/4, W 1/2 SE 1/4.

Together with Idaho Water License No., R-864/37-2778 consisting of 1210 acre feet of Bray Lake and all other water rights, rights-of-way and easements appurtenant to the above-described premises.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that it is free from all encumbrances except easements, covenants, and restrictions currently of record, and that it will warrant and defend the same from all lawful claims whatsoever.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining; SUBJECT TO all easements, rights of way, restrictions, and reservations of record.

DATED effective the 8 day of June, 1990.

[Signature]

IDAHO STATE BANK

SEE EXHIBIT "A" ATTACHED
HERETO.

By:

[Signature]
JAMES E. KEVAN

STATE OF IDAHO)
County of ADA) ss.

On this 8th day of June, 1990, before me,
Linda H. Anderson, the undersigned, a Notary Public in and for said state,
personally appeared JAMES E. KEVAN, known or identified to me to be the President of Idaho

SCANNED

T69896

State Bank, the corporation who executed the instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Linda M. Adamson
NOTARY PUBLIC FOR IDAHO
Residing at BOISE, IDAHO
My Commission Expires 5/22/94

T69896

EXHIBIT 'A'

INCLUDING BUT NOT LIMITED TO THE FOLLOWING WATER RIGHTS;

APPRAISAL PERMIT: #377754 FOR 1,565 ACRE FEET OF STORAGE AND 6.26 CFS

DECREED LICENSE; #370856 FOR 32 CFS OF STORAGE PRIORITY 2/1/17

LICENSE: #372780 FOR 157 CFS OF STORAGE OF 905 ACRE FEET

LICENSE; #32-2778 FOR 80 CFS STORAGE 1210 ACRE FEET

DOMESTIC WELLS ARE A37-11479
A37-11480

ALL ADJUDICATION FEES HAVE BEEN PAID

SCANNED

MICROFILMED

JAN 24 2003

MAR 26 2003

183262

T69896

STATE OF IDAHO COUNTY OF GOODING

LAND TITLE & ESCROW

Filed for record at the request of

52 min. past 9 o'clock A.M. the 12th
of November, 1999 300

By Penny Archibald

WARRANTY DEED

FOR VALUE RECEIVED, R. RANDOLPH ERKINS and LAREN K. ERKINS, husband and wife, referred to as "Grantors", do hereby grant, bargain, sell, and convey unto GARY DeMOSS and HELEN DeMOSS, husband and wife, whose mailing address is Post Office Box 61, Bliss, Idaho 83314, referred to as "Grantees", the following described premises in Gooding County, State of Idaho:

THE NORTH HALF OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 13 EAST, BM, GOODING COUNTY, IDAHO, TOTALING 320 ACRES MORE OR LESS, TOGETHER WITH ALL WATER RIGHTS APPURTENANT THERETO, EXCEPTING THEREFROM 11 MINER'S INCHES, TO BE TAKEN AS FOLLOWS: 4.5 ACRES (INCHES) OF WATER RIGHT 37-07385 IN NE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 13 E.B.M.; AND 6.5 ACRES (INCHES) OF WATER RIGHT 37-07385 IN THE NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 13 E.B.M.

TO HAVE AND TO HOLD said premises, with their appurtenances unto Grantees, their heirs and assigns forever. Grantors do hereby covenant to and with Grantees that they are the owners of said premises and that they will warrant and defend same from all lawful claims whatsoever, except as hereinabove specifically provided.

DATED this 10th day of November, 1999.

"GRANTORS"

R. Randolph Erkins
R. RANDOLPH ERKINS

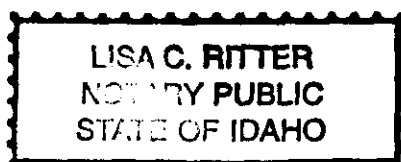
Laren K. Erkins
LAREN K. ERKINS

STATE OF IDAHO

County of Gooding ss.
Jerome

On this 10 day of November, 1999, before me, the undersigned, a Notary Public in and for said County and State, personally appeared R. Randolph Erkins and Laren K. Erkins, known to me to be the persons whose names are subscribed to the within and foregoing instrument and who acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certified first above written.



[Signature]
NOTARY PUBLIC for Idaho
Residing at Blagerman, ID
Commission expires 10/08/04

MAR 25 2003

JAN 24 2003

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

WM. SCHREIBER and MRS. WM. SCHREIBER,
husband and wife, J. W. PETERSON and
MRS. J. W. PETERSON, husband and wife,
LESTER KANAUSS, a single man, and
LEONARD E. STROUT and OLGA STROUT,
husband and wife,

Plaintiffs,

vs.

August Crist, E. I. Crist and Allen T.
Crist,

Defendants.

DECREE

Case No. 2791.

31-19 ✓

The above matter came on for hearing before the above court on this 16th day of January, 1932, the plaintiff appearing through their counsel, A. F. James, and the defendants appearing not at all. It appeared that all parties had entered into a written stipulation for the rendition of a decree herein which written stipulation was submitted to the court. Wherefore, by reason of said stipulation it is hereby ordered, adjudged and decreed as follows:

-1-

37 0856 ✓ That the plaintiffs, Leonard E. Strout and Olga Strout, husband and wife, be and they are hereby decreed the right to divert from said Dry Creek for storage in said Bray Lake Reservoir, a continuous and perpetual flow of 32 cubic feet per second of time and that said plaintiffs shall be and are hereby deemed the owners of an undivided four-fifths (4/5) interest in said reservoir and of the right to take and divert water therefrom with a priority of February 1, 1917, for use upon their lands situate in Gooding County, State of Idaho, more particularly described as follows, to-wit:

NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 9, S $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 4, all in Twp. 5 S. R. 13 E. B. M. containing 160 acres more or less.

A right-of-way application for said Bray Lake Reservoir was filed in the United States Land Office at Hailey, Idaho, June 22, 1914, and

MICROFILMED

JUN 19 1990

the boundary lines of said reservoir are shown by map submitted in connection with said application, the same being map Hailey No. 162.

-2-

37 0857 That the defendants August Crist and Allen T. Crist be and they are hereby decreed the right to divert from said Dry Creek for storage in said Bray Lake Reservoir, a continuous and perpetual flow of 8 cubic feet per second of time and that said defendants shall be and are hereby deemed the owners of an undivided one-fifth (1/5) interest in said reservoir and of the right to take and divert water therefrom with a priority of February 1, 1917 for use upon their lands situated in Gooding County, State of Idaho, more particularly described as follows, to-wit:

SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 28, the W $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 33, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 34, all in Twp. 4 S. R. 13 E. B. M.

-3-

37 0858 That there be and is hereby decreed to E. L. Crist the right to divert from said Dry Creek 1.4 cubic feet per second of time of the waters thereof with a priority of May 1, 1886 for use upon lands situate in Gooding County, State of Idaho, and more particularly described as follows, to-wit:

W $\frac{1}{2}$ of the NE $\frac{1}{4}$, E $\frac{1}{2}$ of the NW $\frac{1}{4}$, NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 7, Twp. 4 S. R. 14 E. B. M.

-4-

37 0859 That there be and is hereby decreed to Wm. Schreiber and Mrs. Wm. Schreiber, husband and wife, the right to divert from said Dry Creek ten (10) cubic feet per second of time of the waters of said creek with a priority of March 1, 1914 for use upon lands situate in Gooding County, State of Idaho, and more particularly described as follows, to-wit:

S $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Sec. 3, Twp. 5 S. R. 14 E. B. M.; W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 10, Twp. 5 S. R. 14 E. B. M. SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 4, Twp. 5 S. R. 14 E. B. M.; N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 10, Twp. 5 S. R. 14 E. B. M.; N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 15, Twp. 5 S. R. 14 E. B. M.

MICROFILMED

JUN 19 1990

37 0860 ✓ That there be and is hereby decreed to J. W. Peterson and Mrs. J. W. Peterson, husband and wife, and Lester Kanauss, the right to divert from said Dry Creek ten (10) cubic feet per second of time of the waters of said creek with a priority of March 1, 1905, for use upon lands situate in Gooding County, State of Idaho, and more particularly described as follows, to-wit:

E $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 10, SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 10,
SW $\frac{1}{4}$ of Sec. 11, SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 11, all in Twp.
5 S. R. 14 E. B. M.

37 0861 ✓ That there be and is hereby decreed to J. W. Peterson and Mrs. J. W. Peterson, husband and wife, the right to divert from said Dry Creek six-tenths cubic feet per second of time of the waters of said creek with a priority of March 1, 1886, also 8 second feet of
37 1186 ✓ said water with a priority of April 1, 1902, for use upon lands situate in Gooding County, State of Idaho, and more particularly described as follows, to-wit:

SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, of Sec. 28, W $\frac{1}{2}$ of the NE $\frac{1}{4}$, N $\frac{1}{2}$ of the SE $\frac{1}{4}$, SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 33, SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 34, all in Township Four (4), South Range 14 E.B.M.; Lot Four (4) in Sec. 3, Lot One (1), in Sec. Four (4), Township Five (5) South Range Fourteen (14) E. B. M. 7

GIVEN UNDER MY HAND this 16th day of January, 1932.

D. H. Sutphen, District Judge

Filed January 16, 1932 at 4:50 P.M.

Myrtle P. Enking, Clerk.

By Vera Toone, Deputy.

MICROFILMED

JUN 19 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 18, 2003

GARY A DE MOSS
HELEN DE MOSS
PO BOX 61
BLISS ID 83314

RE: Transfer No.: 69896 - Water Right 37-7385B, 37-856, 37-2780, 37-7754,
37-2778 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for 
Jeff Peppersack, Manager
Water Rights Permits Section

ENCLOSURE

JP:klt

Enclosure(s)

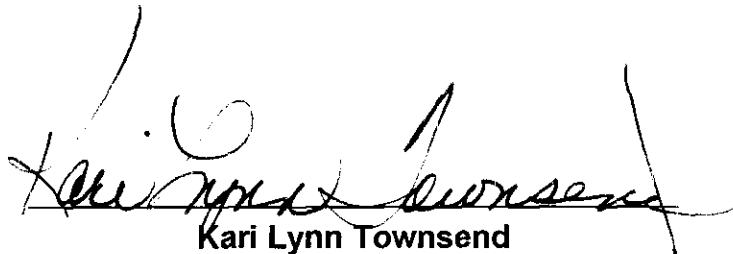
CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69896

WATER RIGHTS 37-7385B, 37-856, 37-2780, 37-7754, 37-2778

**GARY A DE MOSS
HELEN DE MOSS
PO BOX 61
BLISS ID 83314**



**Kari Lynn Townsend
Secretary**

MICROFILMED

APR 11 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

IDWR TRANSFER ANALYSIS SHEET

Revised S.D.
2-18-2003

APPLICANT

Larry Lemon

TRANSFER NO.

69896

1. Right number(s)

37-0856-2778-2780-73855-7754

2. Type of right

☒ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: RIGHTS 37-7158, 37-11479, AND 37-11480 (DOMESTIC STOCK RIGHTS)
ARE OUT OF DIFFERENT SYSTEMS THAN RIGHTS INVOLVED WITH
THIS TRANSFER. MOST OF THE RIGHTS, IF NOT ALL, INVOLVED IN
THIS TRANSFER HAVE "ISSUES" (SEE ~~THE~~ ENCLOSED MEMO)

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: _____

NONE APPARENT

69896

i. X Existing rights from same source, on land water is being transferred to; right number(s): _____

JUST RIGHTS INVOLVED WITH THIS APPLICATION

j. X SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) SEE ATTACHED MEMO

k. X Comment letters Yes X No NO
If yes Water District # ~~135~~
Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY P. SKINNER DATE 6/13/2002
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT _____ Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ Yes 6/18/02

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? Yes _____ No

4. Affidavit of publication received? Yes _____ No

5. Protests received? _____ Yes _____ No; Acknowledgement sent? _____ Yes

6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. X Approve

2. _____ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated: _____

4. By AM Date 8/6/02

2/12/03

TRANSFER REVIEW SHEET

Trans # 69896

Date Reviewed 01/23/2003

Right No(s). * 37-73853 37-7754 37-2780 37-2778 37-856
Split? Y XN Y XN Y XN Y XN Y XN Y XN

AREA OF CONCERN: No/Yes ESPA
MORATORIUM AREA

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Add p/d Change use period Change nature of use Change p/u

RightID's of From & To records correct? X Y N (resolve with S.O.)
Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U X Lien Holder Release N/A

GROUNDWATER:

DRILLING PERMIT

All wells - 046 NO MODIFICATIONS
DP upgrade req'd Y N (contact GW)

WMD - North/East/West

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

SUPPLEMENTAL

- 065-104 (where irrigation is the only use)

SUPPLEMENTAL

- 100-105 (where there are other uses besides irrigation)

WITHIN ESPA

- 113-114-116 (mitigation)

- 115 (meas. Device)

USES:

STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
Volume only - R58/R59/R60/R61
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029 (70's basins only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077
DAIRY - 082 (zoning if a concern)-106-WD8

SURFACE WATER:

WD

≤ 0.20 cfs/others

> 0.20 cfs

WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres

> 0.24 cfs/5 acres

STANDARD SEASON 3/15 to 11/15 (use X61 if extended season)

STANDARD VOLUME 4 af/ac

CONSUMPTIVE USE VOLUME 3 af/ac

USES:

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN - 007-109-X64
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
- 070-071-075 (no parks/common areas, etc)
- WB5
>1 in restricted area
Irr use listed separate

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T17 - >1 pd, measure all (use w/ WB4)
T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 - Combined totals of multiple rts

R40

OTHER CONDITIONS/REMARKS

Apply one to chg'd & unchg'd

rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt or Recomm yet)
T19 - replaces C18 (if at Recommendation or Partial Decree stage)

T20 - use only on unchg'd rts not subject to SRBA

X49 - measure p/d's (source chg'd to orig trib)

X51 - 2+ yrs to develop

X53 - Use ltd to orig. source availability

X54 - forfeited ac/rate (used rarely)

X55 - (transfer shrinks total water to less ac)

004 - no right-of-way

X58 - pending claim (statutory or AJ b/u claim)

X61 - extended irr season

X62 - replaces N11 and N13

X63 - replaces C12

WB4 - + p/ds, cfs & afa (used with T17)

WD8 - land application of waste water

01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

COMMENTS LET CARTER FRITSCHLE KNOW WHEN TRANSFER IS APPROVED

Database files updated Approval form printed Shape files created

Special Mailing Instructions (cc's, etc) CINDY YENTER (#130 WATERMASTER)

Final database update after approval 28 *Comment to WR No(s). SAME #56 except 37-73853 Dourred WR

2-18-03

FILE PROGRESS SUMMARY

✓ # 69896

APPLICANT:

Gary Demoss

WATER RIGHT NO.

37-00856 etc

INIT.	DATE	COMMENT
all	7/15/02	Staffed to Cary Skinner
CS	5/03/02	VISITED ~~FRANK~~ DRY CREEK POD WITH GARY DEMOSS ; CONDUCTED BRAY LAKE DAM INSPECTION.
CS	5/20/02	MET WITH GARY ; HELEN DEMOSS. MADE SOME AMENDMENTS TO TRANSFER APPLICATION
CS	6/13/02	GAVE TO MARY FOR ADVERTISING
MB	6/17/02	Adv Sch - GL, IS, LT, PR, TN (6/27 + 7/4/02 * - Variable) ; 7/15/02
MB	6/18/02	LTR. to app, Memo to SCA, WDF #130
MB	6/20/02	Rec'd SCA comment
CS	6/21/02	AMENDED CLAIM 37-856 AND TRANSFER TO REFLECT 760 ACRE-FEET OF STORAGE (1/5 OF 1910 STORAGE) UNDER RIGHT 37-856
MB	7/8/02	Rec'd Pub. off. IS LT (GL - 7/9/02) (TN 7/10/02) (PR 7/16/02)
MB	7/16/02	to ADM for signoff
CS	2/10/03	TO ALLEN FOR FINAL SIGNOFF.
Adm	2/12/03	to MD + Govmt + S..

MEMORANDUM

Date: February 7, 2003
To: Transfer 69896 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Transfer 69896 proposes creating an 808-acre permissible place of use for five water rights on property located 4.5 miles to 7.0 miles north and 1.0 mile to 2.25 miles east of Bliss. The application was filed by Gary &/or Helen DeMoss. The rights involved with the application are 37-856, 37-2778, 37-2780, and 37-7754 (all storage rights from Bray Lake Dam and Reservoir) and right 37-7385B (recently decreed groundwater right). The applicants recently purchased the current place of use for right 37-7385B, which adjoins the place of use for the storage rights. The application proposes tying all of the rights together into a common permissible place of use. The transfer also proposes to correct and clarify the point of diversion description for the storage rights. Several issues related to the transfer are outlined in a June 12, 2002 memo in the transfer file. In addition, parallel processing of the transfer revealed a couple of items of concern that have been addressed as follows...

Redescribing of Right 37-7754 – The license that was issued for this right does not describe the use(s) and source that were actually developed under the right (see further discussion in June 12, 2002 memo). It was suggested that SRBA staff be consulted to get their thoughts regarding redescribing right 37-7754. License 37-7754 was issued after SRBA claim 37-7754 was filed, and the claim has not yet been updated to reflect the licensing of the right. If transfer 69896 is approved as proposed, then the transfer approval can roll into the SRBA recommendation just as easy, as the existing license. Carter Fritschle, who will be completing the SRBA review and recommendation for claim 37-7754, agreed with the approach to 37-7754 as proposed by transfer 37-7754.

Use of all of the reservoir water if 37-857 is not used - As discussed in the June 12, 2002 memo, rights 37-856, 37-857, 37-2778, 37-2780, and 37-7754 allow storage in Bray Lake Reservoir. All of these rights except 37-857 are involved with transfer 69896. The total current storage capacity of Bray Lake Dam is 4,365 acre-feet. The four storage rights involved with transfer 69896 have a total storage capacity of 4,440 acre-feet (more than the maximum actual reservoir storage). Right 37-857 is for 1/5 of the pre 1950 storage in Bray Lake Reservoir (1/5 of 950 acre-feet = 190 acre-feet). All of the storage rights for Bray Lake Reservoir add up to the system capacity. Since 37-856 and 37-857 are the oldest rights, if 37-857 is not used, then the water would be available to the junior rights (rest of rights involved with transfer 69896). As previously mentioned, the four storage rights involved with transfer 69896 have a total storage capacity of 4,440 acre-feet, so if 37-857 is not used, all of the reservoir water would be accounted for by just the four storage rights involved with transfer 69896

- **Authority to File:**
Applicant listed as owner of rights being transferred on IDWR records.
- **Water Right Validity:**

Groundwater right involved with the transfer was recently decreed in SRBA. Storage rights involved with the transfer are still pending in the SRBA and NAPP photography indicates the property involved with the application was irrigated around 1987. Forfeiture does not appear to be an issue.

MICROFILMED

9/12/2007

- **Injury to Other Water Rights:**
No actual physical change in points of diversion. Descriptions are being clarified to match what has historically existed for many years. Water to be used for original use (irrigation) in same general area as originally licensed and/or historically used.
- **Enlargement of Use:**
None apparent.
- **Local Public Interest:**
No protests were received and no negative impact on public interest is anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Sprinklers will be used for irrigation.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MICROFILMED

2003/02/07

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: Transfer 69896
Water Right No: 37-7385B, 37-2780

Applicant Name: Gary and Helen DeMoss

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:

For right no. 37-7385B only:

(R05) Watermaster jurisdiction, Water District 130
(115) Measuring device required

- c) ☐ I oppose approval of this application for the following reasons:
- d) ☒ Additional comment:

Right no 37-2780 is tributary to the Wood River and therefore not jurisdictional for WD130.

Variance is not indicated for the ground water right because energy supply is a diesel generator.

Dated: January 9, 2003

Water District 130


Cindy J Yenter, Watermaster

MICROFILMED

APR 11 2003

SCANNED

APR 11 2003

Proof of Publication

The Post Register

State of Idaho
County of Bonneville

RECEIVED

JUL 16 2002

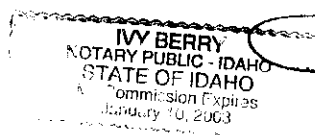
Department of Water Resources
Southern Region

I, Lynn Winter or Danae Jacobsen, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 27TH day of JUNE 2002, last publication having been made on the 4TH day of JULY 2002 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.



Subscribed and sworn to before me, this 10TH day of JULY 2002

 
Notary Public

My commission expires January 10, 2003

RECORDED

JUL 16 2002

(S. B. R.)

**NOTICE OF
PROPOSED CHANGE
TO WATER RIGHTS**

Notice is hereby given that GARY
&/OR HELEN DEMOSS, PO BOX 61;
BLISS ID 83314 filed Application for
Transfer No. 69896 on 4/15/02 with
the Idaho Department of Water
Resources for changes to water
rights within Gooding County:

Transfer No. 69896 proposes to co-
mingle ground water and surface
water for irrigation and stockwater
uses. The purpose of the transfer is
to modify five water rights to reflect a
common 808-acre permissible place
of use on property located 4.5 to 7
miles North and 1 to 2.25 miles East
of Bliss, ID. Four of the rights are for
water diverted out of Dry Creek from
an existing diversion located approx-
imately 12.25 miles North and 5.75
miles East of Bliss, ID and stored
and rediverted from Bray Lake Dam
and Reservoir located approximately
7.75 miles North and 3.75 miles East
of Bliss, ID. The fifth right is diverted
from an existing well located approx-
imately 4.75 miles North and 1.25
miles East of Bliss, ID.

For specific details regarding the
application(s), please contact IDWR
Southern Regional Office at 208-736-
3033 or visit www.idwr.state.id.us
with detail provided under "New
Water Right Applications". Protests
may be submitted based on the cri-
teria of Sec 42-222, Idaho Code.
Protests against approval must be
filed with IDWR, Southern Region,
1341 Fillmore St. - Suite 200; Twin
Falls, ID 83301 with a protest fee of
\$25.00 for each application on or
before July 15, 2002. The protestant
must also send a copy of the protest
to the applicant.

Karl J. Dreher, Director

Published: June 27, July 4, 2002

CK
MF
7/16/02

MICROFILMED

Post Register

GOOD MORNING!

333 Northgate Mile
Idaho Falls, ID 83401
(208) 522-1800
July 15, 2002

DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET SUITE 200
TWIN FALLS ID 83301-3380
208-736-3033

RECEIVED
JUL 16 2002
Department of Water Resources
Southern Region

Account # : 546

Published: JUNE 27, JULY 4, 2002

Legal Notice: NOTICE OF PROPOSED WATER GARY DEMOSS

T# 69896

Please refer to Invoice # or Ad # 180694

PO #

TOTAL COST: \$70.07

*OK
MB
7/16/02*

Please include Account Number and Ad Number with your Payment.
Thank You!

MICROFILMED

1142
7/2/02

Affidavit of Publication

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

No 44211

I, Ruby Auferheide being first duly sworn upon oath, depose
and say that I am principal clerk of the TIMES-NEWS, published daily at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping
attached, was published in the regular and entire issue of said newspaper, and not in any supplement
thereof, for two consecutive weeks,
commencing with the issue dated June 27, 2002,
and ending with the issue dated July 4, 2002.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily
except Monday, both of which newspapers prior to consolidation had been published under said names in said city and
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
which time said newspaper began daily publication under said name in said city and county continuously and unin-
terruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to
be issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 9th day of July in the year 2002, before me,
a Notary Public, personally appeared Ruby Auferheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Janice Cappel McQuinn
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5-19-03

RECEIVED

JUL 13 2002

Department of Water Resources
Southeast Region

MICROFILMED

**NOTICE OF PROPOSED CHANGE
TO WATER RIGHTS**

Notice is hereby given that GARY &/OR HELEN DEMOSS, PO BOX 61; BLISS ID 83314 filed Application for Transfer No. 69896 on 4/15/02 with the Idaho Department of Water Resources for changes to water rights within Gooding County:

Transfer No. 69896 proposes to co-mingle ground water and surface water for irrigation and stockwater uses. The purpose of the transfer is to modify five water rights to reflect a common 808-acre permissible place of use on property located 4.5 to 7 miles North and 1 to 2.25 miles East of Bliss, ID. Four of the rights are for water diverted out of Dry Creek from an existing diversion located approximately 12.25 miles North and 5.75 miles East of Bliss, ID and stored and rediverted from Bray Lake Dam and Reservoir located approximately 7.75 miles North and 3.75 miles East of Bliss, ID. The fifth right is diverted from an existing well located approximately 4.75 miles North and 1.25 miles East of Bliss, ID.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before July 15, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

PUBLISH: June 27 and July 4, 2002

RETAIN THIS PORTION FOR YOUR RECORDS

REMITTANCE ADDRESS THE TIMES-NEWS - 3AL P.O. BOX 548, TWIN FALLS, ID 83303-0548		BILL TO DEPT WAT. RESOURCES	
AD NUMBER 350552	CLASS 0050 LEGAL	SALESPERSON 5	BILLING DATE 07/04/02
AD DESCRIPTION NOTICE OF PROPOSED CHANGE TO WATER <i>TH 69896</i>		START DATE 06/27/02	LINES 72 * 2
PUBLICATION 4 THE TIMES NEWS LEGAL TOTAL AD CHARGE	INSERTIONS 2	RATE LGL	NET AMOUNT 69.12
4 AFFIDAVIT CHARGE		AFFID	GROSS AMOUNT 7.00
DAYS RUN			
PURCHASE ORDER Trans #69896		PAY THIS AMOUNT 76.12	
		76.12*	

MESSAGE:

RECEIVED

JUL 10 2002

Department of Water Resources
Southern Region

OK MB 7/12/02

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

THE TIMES-NEWS - LEGAL

P.O. BOX 548, TWIN FALLS, ID 83303-0548

Trans #69896

AD NUMBER 350552	CLASS 050 LEGAL	START DATE 06/27/02	STOP DATE 07/04/02
AD DESCRIPTION NOTICE OF PROPOSED CHANGE TO WATER		BILLING DATE 07/04/02	TELEPHONE NUMBER 208-736-3033

GROSS AMOUNT OF
76.12
DUE AFTER

☐ VISA ☐ MASTERCARD

CREDIT CARD NUMBER

EXPIRATION DATE: ____/____/____

SIGNATURE: _____

DEPT WATER RESOURCES
1341 FILLMORE, SUITE 200
TWIN FALLS, ID 83301

|||||

MICROFILMED

MAR 26 2003

TOTAL AMOUNT DUE 76.12
ENTER AMOUNT ENCLOSED

20400000003505520000000000000000007612000000076120

AFFIDAVIT of PUBLICATION

State of Idaho } ss.
County of Gooding }

RECEIVED

JUL 09 2002

Department of Water Resources
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that he/she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

27th day of June, 2002, and the date of the last publication was on the 4th day of July, 2002

On this 4th day of July, in the year of 2002, before me, a Notary Public, personally appeared Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho

Residing at Jerome

My commission expires: 12/3/05

7855 / 43173
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

_____ Lines tabular at _____ 8.0¢/Pica

556.88 Lines straight at 38.98 7.0¢/Pica

556.88 Subsequent lines at 33.41 6.0¢/Pica

Affidavit Fee: 2.50

TOTAL COST 74.89

COPY OF NOTICE

(Paste Here)

Rights - Demoss
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

I.D.W.R.

BILL TO

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that GARY &/OR HELEN DEMOSS, PO BOX 61; BLISS ID 83314 filed Application for Transfer No. 69896 on 4/15/02 with the Idaho Department of Water Resources for changes to water rights within Gooding County:

Transfer No. 69896 proposes to combine ground water and surface water for irrigation and stockwater uses. The purpose of the transfer is to modify five water rights to reflect a common 808-acre permissible place of use on property located 4.5 to 7 miles North and 1 to 2.25 miles East of Bliss, ID. Four of the rights are for water diverted out of Dry Creek from an existing diversion located approximately 12.25 miles North and 5.75 miles East of Bliss, ID and stored and redirected from Bray Lake Dam and Reservoir located approximately 7.75 miles North and 3.75 miles East of Bliss, ID. The fifth right is diverted from an existing well located approximately 4.75 miles North and 1.25 miles East of Bliss, ID.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St., Suite 200, Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before July 15, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
PUB: 6/27 - 7/3 G43173

MICROFILMED

8/20/02

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

SOLD TO: DEPT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 20
TWIN FALLS ID 833013380

Date 07/04/2002 INVOICE NO. 298197Account No. 446620Description 298197NOTICE OF PROPOSTimes 2 Lines 51**RECEIVED**

Tab. Lines _____

JUL 08 2002

\$ 76.25Department of Water Resources
Southern Region

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION**NOTICE OF PROPOSED
CHANGE TO WATER RIGHTS**

Notice is hereby given that GARY &/OR HELEN DEMOSS, PO BOX 61; BLISS ID 83314 filed Application for Transfer No. 69896 on 4/15/02 with the Idaho Department of Water Resources for changes to water rights within Gooding County.

Transfer No. 69896 proposes to commingle ground water and surface water for irrigation and stockwater uses. The purpose of the transfer is to modify five water rights to reflect a common 808-acre permissible place of use on property located 4.5 to 7 miles North and 1 to 2.25 miles East of Bliss, ID. Four of the rights are for water diverted out of Dry Creek from an existing diversion located approximately 12.25 miles North and 5.75 miles East of Bliss, ID and stored and reddiverted from Bray Lake Dam and Reservoir located approximately 7.75 miles North and 3.75 miles East of Bliss, ID. The fifth right is diverted from an existing well located approximately 4.75 miles North and 1.25 miles East of Bliss, ID.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St., Suite 200, Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before July 15, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published in the Lewiston Morning Tribune on 6/27 & 7/4/02.

RE

JUL 08 2002 MICROFILM

Department of Water Resources
Southern Region

OK
mb
7/8/02

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 298197NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 06/27, or once a WEEK for 2 consecutive WEEK the first publication thereof being on the 06/27/2002 and the last publication thereof being on the 07/04/2002 and said 298197NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

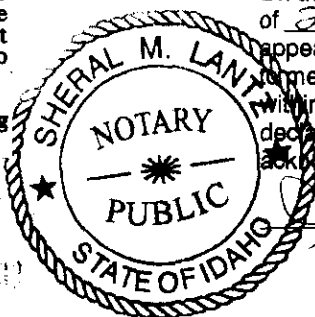
Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

On this 5th day of July in the year of 2002, before me, a Notary Public, personally appeared Karen J. Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Sheral M. Lantier
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03

The Idaho Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount
100632	687983	PROPOSED CHANGE OF WATER RIGHT	\$104.50
Attention:		P.O. #	Run Dates
MARY BALDWIN			JUNE 27, JULY 4, 2002
IDAHO DEPT. WATER RESOURCES SOUTH 1341 FILLMORE ST. SUITE 200 TWIN FALLS, ID 83301			Number of Lines 2 X 29
			Affidavit 1
			Legal # 13795

LEGAL NOTICE PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that GARY &/OR HELEN DEMORE, PO BOX 61; BLISS ID 83314 filed Application for Transfer No. 69896 on 4/15/02 with the Idaho Department of Water Resources for changes to water rights within Gooding County.

Transfer No. 69896 proposes to combine ground water and surface water for irrigation and stockwater uses. The purpose of the transfer is to modify five water rights to reflect a common 808-acre permissible place of use on property located 4.5 to 7 miles North and 1 to 2.25 miles East of Bliss, ID. Four of the rights are for water diverted out of Dry Creek from an existing diversion located approximately 12.25 miles North and 5.75 miles East of Bliss, ID and stored and redirected from Bray Lake Dam and Reservoir located approximately 7.75 miles North and 3.75 miles East of Bliss, ID. The fifth right is diverted from an existing well located approximately 4.75 miles North and 1.25 miles East of Bliss, ID.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St. Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before July 15, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. Jun. 27, Jul. 4, 2002

13795

TINA BARTLETT, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

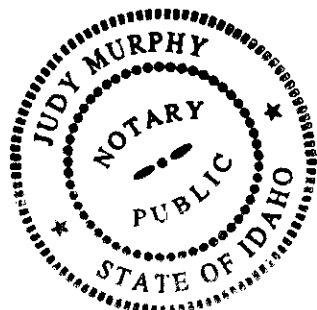
☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning issue of: JUNE 27, 2002
ending issue of: JULY 4, 2002

STATE OF IDAHO)
COUNTY OF ADA)

On this 5 day of JULY in the year of 2002 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 11/10/04



RECEIVED

JUL 08 2002

Department of Water Resources
Southern Region

MICROFILM

MAY 25 2003

SCANNED

FEB 14 2003

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that GARY &/OR HELEN DEMOSS, PO BOX 61; BLISS ID 83314 filed Application for Transfer No. 69896 on 4/15/02 with the Idaho Department of Water Resources for changes to water rights within Gooding County:

Transfer No. 69896 proposes to co-mingle ground water and surface water for irrigation and stockwater uses. The purpose of the transfer is to modify five water rights to reflect a common 808-acre permissible place of use on property located 4.5 to 7 miles North and 1 to 2.25 miles East of Bliss, ID. Four of the rights are for water diverted out of Dry Creek from an existing diversion located approximately 12.25 miles North and 5.75 miles East of Bliss, ID and stored and rediverted from Bray Lake Dam and Reservoir located approximately 7.75 miles North and 3.75 miles East of Bliss, ID. The fifth right is diverted from an existing well located approximately 4.75 miles North and 1.25 miles East of Bliss, ID.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before July 15, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader, Idaho Statesman, Lewiston Morning Tribune, Post Register & Times News on 6/27 & 7/4/02.

MICROFILMED

APR 26 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

June 18, 2002

ATTN: Norma
MAGIC VALLEY PUBLISHING
Gooding County Leader
PO BOX 468
JEROME ID 83338

Dear Norma:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICROFILMED

JUN 26 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

June 18, 2002

ATTN: JANICE HILDRETH-LEGALS
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

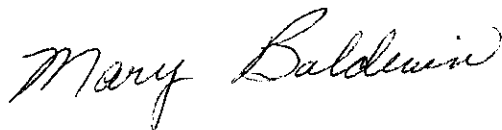
Dear Janice:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICROFILMED

400 JUL 2002

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax: 736-3037

June 18, 2002

ATTN Karen
LEWISTON MORNING TRIBUNE
505 C STREET
LEWISTON ID 83501

Dear Karen:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICROFILMED

JUN 20 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

June 18, 2002

ATTN: **Cathy-LEGALS DEPT**
POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83401

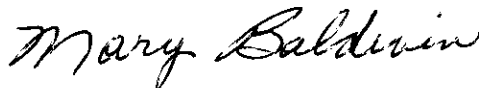
Dear Cathy:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICHELLE
JUN 20 2002

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

June 18, 2002

ATTN: Ruby Aufderheide
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303-0548

Dear Ruby:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICROFILMED

APR 10 2002

Baldwin, Mary

From: Blau, Terry
Sent: Thursday, June 20, 2002 2:39 PM
To: Baldwin, Mary
Subject: RE: NEW transfer application

NO EFFECT TO SCA

-----Original Message-----

From: Baldwin, Mary
Sent: Tuesday, June 18, 2002 2:40 PM
To: Bates, Allan; Blau, Terry; Yenter, Cindy (Hodges)
Cc: Baldwin, Mary
Subject: NEW transfer application

FYI &/or comment please:

Gary &/or Helen DeMoss have filed Application for Transfer No. ~~69896~~ modifying 5 water rights to reflect a common 808 acre permissible place of use for co-mingled water diverted from groundwater & Dry Creek and also using stored water from Bray Lake Dam & Reservoir North & East of Bliss, ID.

MICROFILMED

1962 JUN 20 2003



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

June 18, 2002

GARY &/OR HELEN DEMOSS
PO BOX 61
BLISS ID 83314

RE: Application for **Transfer No. 69896**

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your application. Please refer to the number in all correspondence regarding the above referenced application.

Since the application(s) involves the diversion of 10.0 cfs or greater as specified in Sections 42-203A & 42-222 of the Idaho Code, the Department is required to publish notice of the application(s) in the newspaper designated for the county in which the point of diversion is located as well as the major newspaper in each of the Department of Water Resources' administrative regions.

Therefore, this office has scheduled advertising the application in the Gooding County Leader on 6/27 & 7/3/02 and also in the Idaho Statesman, Post Register, Lewiston Morning Tribune, & Times News on 6/27 & 7/4/02. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests (July 15, 2002).

If an application is protested, the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application(s) and will notify the applicant regarding the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

MICROFILMED

JUN 25 2002

MEMORANDUM

TO: Transfer #69896 File

FROM: Corey Skinner *CS*

DATE: June 12, 2002

SUBJECT: Staff Review

Transfer #69896 proposes creating an 808-acre permissible place of use for five water rights on property located 4.5 to 7 miles north and 1.0 to 2.25 miles east of Bliss. The application was filed by Gary &/or Helen DeMoss. The rights involved with the application are 37-856, 37-2778, 37-2780, and 37-7754, which are all storage rights involving Bray Lake Dam and Reservoir, and right 37-7385B which is a groundwater right. The applicants recently purchased the current place of use for right 37-7385B, which adjoins the place of use for the storage rights. The application proposes tying all of the rights together into a common permissible place of use. The transfer also proposes to correct and clarify the point of diversion description for the storage rights and the groundwater right. Examination of the transfer application and the rights involved with the application revealed that there are several issues, in particular with the storage rights involved with the application.

Bray Lake Reservoir is an off stream reservoir that fills with water diverted out of Dry Creek. The Dry Creek Diversion was GPSed and determined to be located in the NESE ¼ of Section 06, Township 04 South, Range 14 East by plotting the GPSed point in ARCVIEW. The water is then conveyed through a canal from Dry Creek to Bray Lake Dam and Reservoir, where it is stored &/or conveyed to farm ground located below the dam where it is used for irrigation and stock watering purposes. The Department's dam safety records reveal the following information regarding Bray Lake Dam...

- The dam currently has a structural height of 36 feet (hydraulic height of 33 feet), a storage capacity of 4,365 acre-feet, and an outlet capacity of 31 cfs.
- The dam was originally constructed to a height of 10 feet in 1915 (approximate storage volume of 950 acre-feet).
- The dam was raised in 1950 to a height of 24 feet (approximate total storage capacity of 2,850 acre-feet)
- The dam was raised again in 1958 to its current height of 36 feet (total storage capacity of 4,365 acre-feet).

MICROFILMED

JUN 24 2002

SCANNED

JAN 24 2003

The four existing water rights, as currently recorded, for the Bray Lake facility can be summarized as follows...

- Right 37-856 (1917 priority) originally decreed for the diversion of a continuous and perpetual flow of 32 cubic feet per second from Dry Creek for storage in Bray Lake Reservoir (no specific storage volume amount specified in the decree) for use on approximately 160 acres.
- Right 37-2780 (1954 priority) licensed for diversion of 157 cfs from Dry Creek for 905 acre-feet of storage for irrigation of 415 acres.
- Right 37-2778 (1957 priority) licensed for diversion of 80 cfs from Dry Creek for 1,210 acre-feet of storage for irrigation of 242 acres. The license also describes 4.84 cfs (726 AFA) of direct flow from Dry Creek for irrigation of the same 242 acres.
- Right 37-7754 (1978 priority) licensed for diversion of 3.23 cfs from Bray Lake for irrigation of 313 acres (939 AFA). The license also lists irrigation storage and irrigation from storage uses with volume of 1,565 acre-feet.

Note that the total amounts for the various uses for the four water rights as presently recorded can be summarized as follows...

- Diversion from Dry Creek to storage = 269 cfs
- Diversion storage = 3,680 acre-feet
- Diversion from storage = 3,680 acre-feet
- Direct flow from Dry Creek for irrigation use = 4.84 cfs (maybe + 32 cfs from 37-856?)
- Diversion from Bray Lake = 3.23 cfs

Note that the Department's Dam Safety records for Bray Lake Dam reflect a total storage volume of 4,365 acre-feet and an outlet capacity of 31 cfs.

There are issues relating to the four storage rights as presently recorded because they do not seem to match up with reality very well. The volume difference between 3,680 acre-feet and 4,365 acre-feet is proposed to be addressed by adding a storage

MICROFILMED
MAR 26 2003

SCANNED
JAN 24 2003

Page 3
Transfer #69896 Memo
June 12, 2002

ON 6/21/2002
NOTE CLAIM 37-856 and TRANSFER
AMENDED TO REFLECT ~~760~~
760 ACRE-Feet UNDER
RIGHT 37-856

amount of 685 acre-feet to right 37-856 (clarifying existing uses that have historically occurred). Note that the 1915 storage capacity at Bray Lake was approximately 950 acre-feet. It should also be noted that the decree for 37-856 states that it is for a four fifths (4/5) interest in Bray Lake Reservoir. Note that 4/5 of 950 acre-feet is 760 acre-feet, which is more than the 685 acre-feet proposed for 37-856, so this should not be a major issue.

Licenses 37-2778 and 37-2780 appear to be fairly straightforward, but there appears to be some major issues with license 37-7754. The way the license is configured, it appears that it is licensed for an on stream facility. Bray Lake Dam and Reservoir are located off stream, in a relatively small basin, and the reservoir is filled with water diverted from Dry Creek. The storage volume listed on license 37-7754 is 1,565 acre-feet. Examination of dam safety records indicates that the drainage area directly above the reservoir (excluding canal from Dry Creek) is only 1.6 square miles. Theoretical **EXTREME** runoff events for the drainage do not even produce volumes of the licensed 1,565 acre-feet (100 year, 7 day flood has a volume of about 1100 acre-feet, and the Probable Maximum Flood 5 day volume has a volume of about 1,250 acre-feet). Therefore, it should be clear that the vast majority, if not all, of the 1,565 acre-feet under license 37-7754 is actually provided by water diverted from Dry Creek, and not just runoff water from the Bray Lake drainage (especially on drier years). Transfer #69896 proposes to attempt to address this issue with license 37-7754 by describing the source of water as Dry Creek (rather than Bray Lake) and the point of diversion as the Dry Creek diversion (rather than Bray Lake Dam). Examination of the field exam for 37-7754 reveals that the 3.23 cfs listed for the rate for the irrigation use was measured at the field some distance below the dam. Note that the outlet capacity of the dam is 31 cfs, so I am not sure how relevant the 3.23 cfs limit actually is on this particular license. If transfer #69896 is approved, the Department may want to redescribe the uses for 37-7754 to include a diversion to storage use (from Dry Creek) for this right.

Another issue relating to the reservoir water rights relates to stock water use on the property. The applicants stated that they water livestock (cattle) from the reservoir. This is accomplished by running water from the dam to a few stock water ponds on the farm and filling stock water troughs from irrigation mainlines on the farm. At times, water is diverted from the reservoir solely for stock water purposes, and not for irrigation. Examination of the four reservoir water rights reveals that none of the rights appear to currently describe any stock water use. The applicants purchased the original farm in 1990, so they have a limited knowledge of the historical operations of the reservoir and farm. However, they said that they were aware that reservoir water had been used for stock water prior to them obtaining the property, based on old corrals and other structures on the property indicating that livestock had been there for many years in the past. It

SCANNED

MICROFILMED

JAN 24 2003

MAR 25 2003

should be noted that the farm is located in the middle of rangeland located north of Bliss, so it is fairly logical to conclude that water from the reservoir had been utilized to water stock in addition to irrigation uses, over the years. Examination of decreed right 37-856 revealed that the original decree did not specifically state the uses of the water (decree actually states "for use upon their lands"), so right 37-856 may possibly not be limited to just irrigation use, and perhaps could include some stock water use.

The applicants amended their SRBA claim for 37-856 to include stock water use from the reservoir, and included a couple of affidavits in order to attempt to establish the historical stock water use from the reservoir and decreed right 37-856. However, the claim was amended to show stock water from storage as a rate, rather than a volume. I met with the applicants to discuss the need to try and quantify this use as a volume, but it was difficult to determine a method to quantify this storage volume that is used for stock water. The various stock water ponds located on the farm have an approximate volume of 25 acre-feet, but some of these facilities are also used as part of the irrigation system, so not all of the volume is just stock water. Estimating by cow numbers was a method considered to try and quantify a volume for stock water from storage use, but then conveyance losses from the reservoir to the place of stock watering would have to be accounted for. These conveyance losses will vary on the amount of water being diverted, and whether or not irrigation water (or how much irrigation water) is being diverted simultaneously. After discussing this with the applicants, they decided to quantify the stock water storage and stock water from storage amount on the transfer application as 15 acre-feet. This amount is probably fairly reasonable since it is smaller than the total volume of ponds that are used for stock watering and irrigation, and approximately the maximum yearly amount that could be recognized under a de minimus stock water claim (@ 13,000 gallons per day). It should be noted that the transfer application indicates that the combined irrigation and stockwater storage (and from storage) volumes are limited to the originally claimed ~~685~~ acre-foot storage volume under 37-856.

760

Another issue relating to the storage rights involved with this application relates to another water right, 37-857, for water out of Bray Lake Dam. This particular right is based on a decree for the other 1/5 interest in the reservoir (note that decree 37-856 is for 4/5 interest in the reservoir). Right 37-857 is appurtenant to property located to the west of Bray Lake Dam, and is owned by a party other than the applicants. Note that the NAPP photos of the place of use for right 37-857 do not indicate very much, if anything, in the way of irrigation. The applicants stated that the owners of right 37-857 have a pretty difficult time getting water from Bray Lake to their property due to ditches and topography, and some years do not even try. If water is not diverted under right 37-857 then all of the water from Bray Lake Reservoir could be used on the applicant's property. Note that the transfer application describes 4,365 acre-feet of storage, which is the entire

SCANNED
MICROFILMED JAN 24 2003
MAR 25 2003

capacity of Bray Lake Reservoir. However, right 37-857 apparently accounts for 1/5 of the pre 1950 storage in Bray Lake Reservoir. For this reason, if the Department approves transfer #69896 as proposed (for the entire 4,365 acre-feet of storage) a condition limiting the storage rights in transfer #69896 to a total of 4,365 acre-feet, when combined with right 37-857 may need to be implemented. The extent of the validity of claim 37-857, and any possible overlap conditions with rights involved with transfer #69896 could then be addressed in the SRBA.

When compared to the storage rights, right 37-7385B is more straightforward, but there are still some issues that need to be considered before final action is taken on the transfer. When the applicants purchased the farm that consisted of the place of use for right 37-7385, the owner specifically excluded a portion of right 37-7385. The applicant's portion of right 37-7385 is identified as 37-7385B and the part that was excluded is identified as 37-7385A. The deed that excludes 37-7385A specifically describes 11 acres and 11 inches (0.22cfs) of water. Claim 37-7385B claims rate amounts for uses that are different than what was originally licensed. However, the total rates claimed between 37-7385A and 37-7385B are less than what was originally licensed under right 37-7385. In addition, there are discrepancies between the claimed season of use and season listed on the transfer, and the originally licensed season of use. Examination of Department records reveals an adjudication recommendation record for 37-7385B that reflects a volume per acre of 4 AFA (current standard) rather than the licensed volume per acre of 3 AFA. In addition, the water right and claim records based on 37-7385B describe two points of diversion in the NENW ¼ of Section 16. Mr. DeMoss (the applicant) said that there is only one well in this area and has no idea where the second well may be, unless it was farmed over sometime over the years. Therefore transfer #69896 only describes one well. In addition, a GPS reading of this well location revealed that it is actually located in the SENW ¼ of Section 16, as reflected on the transfer application.

MICROFILMED
MAR 26 2003

SCANNED

JAN 24 2003



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

T69896

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

August 24, 2001

Sherl Chapman
ERO Resources Corp
1106 N Cole Rd, Suite C
Boise, ID 83704-8661

Dear Mr. Chapman:

Please find enclosed a recently filed transfer application, in the name of Gary and/or Helen DeMoss, and the filing fee (check # 2978 in the name of Gary and Helen DeMoss DBA Bray Lake Ranch). The application is being returned due to insufficient filing fees and several other issues that need further consideration regarding the proposed transfer.

With regards to the filing fee, you submitted a check for \$1,350.00 for the filing fee for the transfer application. Basically, the transfer application involves four storage water rights for Bray Lake Reservoir and two groundwater rights. Since the application involves storage rights and groundwater rights with diversion rates, the filing fee should be based on the volume for the storage rights and the diversion rates for the groundwater rights. The filing fee should be the sum of the fee associated with the storage rights and the fee associated with the ground water rights.

Examination of the water right records for the four storage rights, reveals that only rights 37-2778, 37-2780, and 37-7754 list storage volumes, which when added together total 3,680 acre-feet. The original water right record for 37-856 does not list a storage volume, but the corresponding Snake River Basin Adjudication claim lists a storage volume of 640 acre-feet. Adding this 640 acre-feet to the 3,680 acre-feet from the other three rights, brings the total storage volume listed on the rights and adjudication claims to 4,320 acre-feet. Examination of the Department's Dam Safety records reveals that the storage capacity for Bray Lake Dam is listed at 4,365 acre-feet, so the 4,320 acre-feet is fairly close to the actual reservoir volume. On a side note, Mr. and Mrs. DeMoss may want to consider amending their adjudication claim for 37-856 from 640 acre-feet to 685 acre-feet, which would bring the total storage volume listed on the rights and adjudication claims to 4,365 acre-feet, which would match the Department's Dam Safety records.

SCANNED

MICROFILMED JAN 24 2003

SEP 11 2001

Page 2
Chapman/DeMoss Letter
August 24, 2001

The total groundwater diversion rate involved with the transfer is 2.55 cfs. Using the Department's transfer fee schedule, the filing fee for 2.55 cfs would be \$330.00. Using the same fee schedule, the filing fee for the 4,320 acre-feet of storage rights would be \$1,490.00. Adding these two figures together results in a total filing fee of \$1,820.00, which represents the filing fee based on the total amount of water being transferred.

As previously mentioned, the application involves four storage water rights from Bray Lake Reservoir and a couple of groundwater rights. In order for all of these water rights to be included in the same transfer application, they must be diverted and conveyed through the same interconnected system. This means that all of the storage rights should be capable of irrigating **all** of the land described as the proposed place of use (Section 5, Part 1 of application). It also means that the groundwater right must be capable of irrigating **all** of the land described as the proposed place of use, through the **same** conveyance system (ditches, pipes, etc.) as the storage rights. The application also includes groundwater right 37-7158, which is apparently diverted out of a separate well than the irrigation well located near the southwest corner of the ranch. In order for right 37-7158 to be included with the application, it has to be delivered through the **same** conveyance system as the storage water rights and the irrigation groundwater right. Depending on the type of system(s) that exists, or is anticipated, several transfer applications may need to be filed instead of just one single application. Examination of Department records also revealed that records 37-11479 and 37-11480 appear to be appurtenant to the property owned by Mr. and Mrs. DeMoss. These records are for domestic and stock water uses and may need to be included with right 37-7158 in a transfer application, if there is indeed some sort of common stock water system that serves the entire ranch as described on the transfer.

Examination of the proposed place of use described in Section 5, Part 1 of the application reveals that entire 40-acre tracts have been described as the proposed permissible place of use, for a grand total of 1,320 acres. Aerial photos of the ranch reveal that somewhere in the neighborhood of 700 acres have historically been irrigated on the ranch. In past Department actions regarding transfer applications, if the place of use listed on the transfer exceeds the actual, historic, irrigated acreage, the Department has approved applications with the condition that the applicant identify the number and location of acres to be irrigated each year. To avoid this possibility I encourage you and Mr. and Mrs. DeMoss to identify a permissible place of use boundary that more closely matches the actual historically irrigated acres.

MICROFILMED
APR 25 2003

SCANNED
JAN 24 2003

Page 3
Chapman/DeMoss Letter
August 24, 2001

When reviewing the application, I did not understand all of the point of diversion locations and descriptions. I assume the storage rights are diverted from Dry Creek, which is the point of diversion described as the NESE $\frac{1}{4}$ of Section 06 (T04S, R14E). However, I am not sure what the point of diversion listed in the SESE $\frac{1}{4}$ of Section 06 (T04S, R14E) is for, unless it is a second diversion from Dry Creek to the reservoir. You have also identified the Bray Lake Dam site as a point of diversion, and apparently identified a rediversion point from a ditch below the reservoir in the NENE $\frac{1}{4}$ of Section 04 (T05S, R13E). In addition you have identified "Wells" in the NENW $\frac{1}{4}$ of Section 16 (T05S, R13E) as points of diversion.

We need clarification regarding the number of wells in the NENW $\frac{1}{4}$ of Section 16 and their actual uses. Right 37-7385B lists two points of diversion in the NENW $\frac{1}{4}$ of Section 16, and right 37-7158 also lists a point of diversion in the NENW $\frac{1}{4}$ of Section 16. Are there three wells at this location, or are there only two wells? Are the wells tied together so any well could be used for irrigation or stock water use, or is a particular well, or wells, only used for stock water, and another well, or wells, used for irrigation?

With regards to the points of diversion for the storage rights, it appears that there may be too many points of diversion described, and the place of use description may be lacking information. Rights 37-856, 37-2778, and 37-2780 list Dry Creek as the source, so there only needs to be the diversion location descriptions for the location(s) where the water is actually diverted out of Dry Creek. However, the location of the irrigation storage component (actual reservoir location) of these rights needs to be described on the place of use of these rights. The dam site and rediversions along ditches do not need to be described for these rights. Right 37-7754 lists Bray Lake as the source, but examination of Department records seems to indicate that this right basically added additional storage to the reservoir and the ability to irrigate additional acres with the reservoir water. It appears that listing the source as Bray Lake is in error, and the actual source of the water would be Dry Creek, diverted through the same points of diversion as the other three storage rights. However, perhaps some, or maybe all, of this right accounts for the storage of the surface runoff that ends up in the reservoir. If this is the case then the source would be an unnamed stream (drainage that the dam and reservoir are located on) and the point of diversion would be described as the dam location. No rediversion points would need to be described unless water is rediverted from the "unnamed stream" below the dam. However, the location of the water storage (reservoir site) would have to be described as part of the place of use.

MICROFILMED
MAR 26 2003

SCANNED
JAN 24 2003

Page 4
Chapman/DeMoss Letter
August 24, 2001

As you are aware, as part of an acceptable transfer application, the applicant must provide proof of ownership demonstrating that they own the water rights being transferred, and/or the land to which the water rights are appurtenant to. There was no proof of ownership submitted with the enclosed application.

If you have any questions, or need any further assistance, feel free to contact me at your convenience. I am available here in Twin Falls, if you and Mr. and Mrs. DeMoss would like to sit down and talk about this proposed transfer and the issues discussed in this letter. I also need to inspect Bray Lake Dam this year, so perhaps something could be arranged where we could meet at the DeMoss place to discuss these issues if needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Skinner, PE
Water Resource Engineer

Enclosures

cc: Gary and Helen DeMoss – w/o enclosures

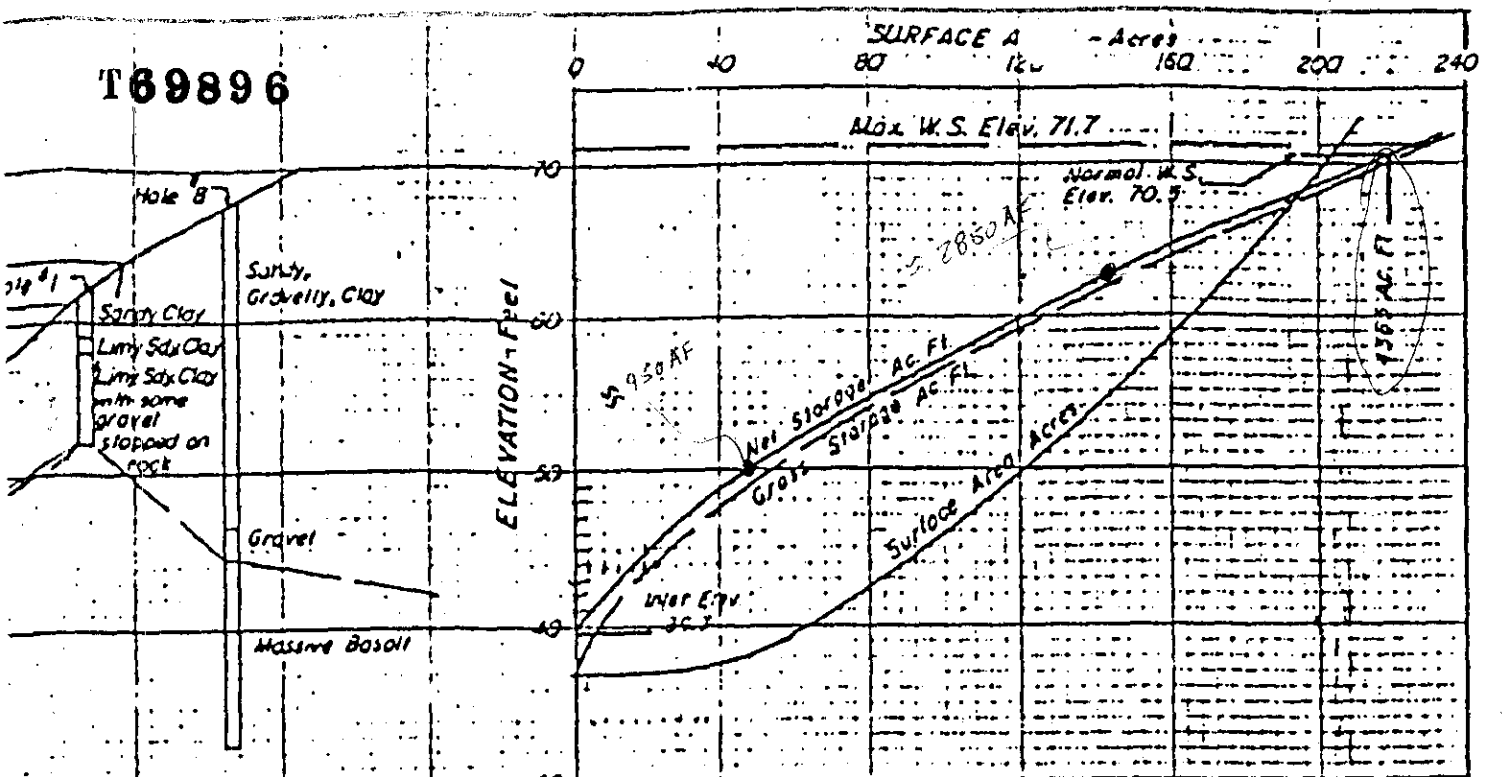
MICROFILMED

MAY 2 5 2003

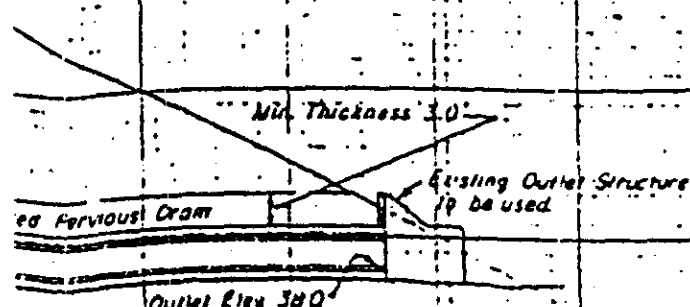
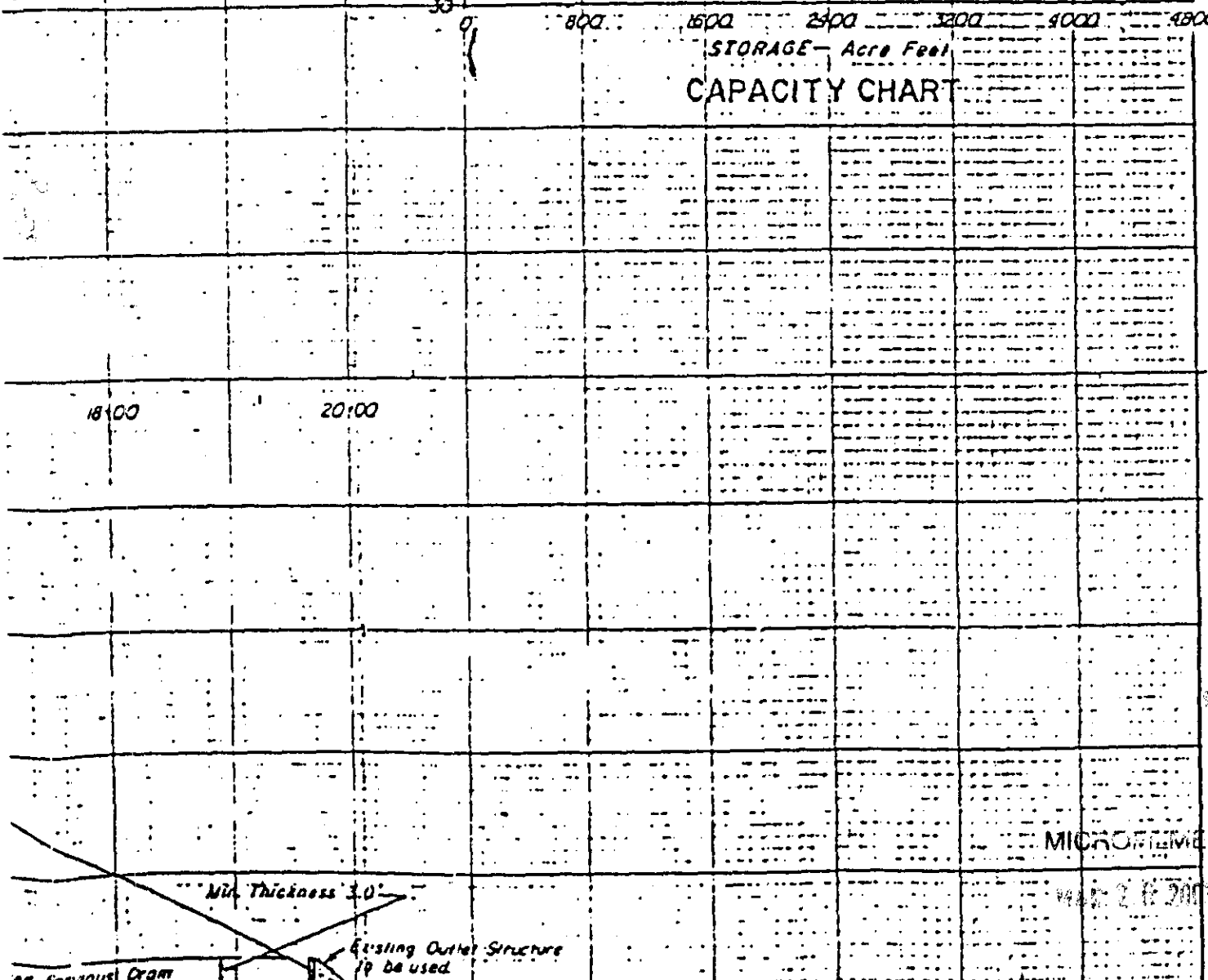
SCANNED

JAN 24 2003

T69896



STORAGE - Acre Feet CAPACITY CHART



"I am hereby submitting for approval this plan as an officer of the United States Government authorized to approve and submit such plans."

SCANNED

JAN 24 2003

MICROFILMED

MAR 2 19 2003

max

x.4

$$2 \frac{1}{8} \text{ acre (6' deep)} \Rightarrow 1.2 \text{ acre-feet} \Rightarrow .5$$

$$1.6 \text{ acres (5' deep)} \Rightarrow 8 \text{ acre-feet} = 3.2$$

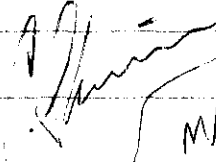
$$3 \text{ acres (10' deep)} \Rightarrow 30 \text{ acre-feet} = 12$$

$$.5 \text{ acres (5' deep)} \Rightarrow 2.5 \text{ acre-feet} = 1$$

$$2.5 \text{ acres (7' deep)} \Rightarrow 17.5 \text{ acre-feet} = 7$$

$$.2 \text{ acre (4' deep)} \Rightarrow .8$$

$$.1 \text{ acre (3' deep)} \Rightarrow .3$$


 MAY 20th, 2002
 NOTES REGARDING
 STOCKWATER
 PONDS
 WITH GARY
 DEMOSS

 24.8

 25 acre-feet

MICROFILMED

MAR 26 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 19, 1990

RE: Water Right Nos. 37-0856/2778/2780/7754

Gary &/or Helen DeMoss
HC 69, Box 3900
Cambridge, ID 83610

Dear Mr. and Mrs. DeMoss:

We received the documentation regarding transfer of ownership of the above referenced water rights. Water Right Nos. 37-2778 and 37-2780 are licenses and Right No. 37-0856 is a decreed right.

In Idaho, licensed and decreed water rights are considered real property and are acquired when the property to which they are appurtenant is purchased. Proof of owning the land is proof of owning the water right, if the previous land owner did not exclude the water right from the sale. The Department does not attempt to follow the chain of title for ownership of such lands.

We have placed your correspondence in the file for future reference and have added your names to our computer records as the present owners of the rights.

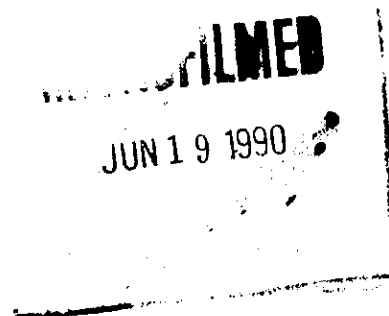
Right No. 37-7754 is in a permit stage and we are in the process of issuing a license on this right, therefore, we have changed our computer records and will be sending a copy of the final license to you shortly.

If you have any questions, please let us know.

Sincerely,

SHARLA CURTIS
Clerical Specialist

SC:js



PENLAND & MUNTHER

CHARTERED

ATTORNEYS AT LAW

JEFFERSON PLACE

350 N. 9TH STREET, SUITE 500

P. O. BOX 199

BOISE, IDAHO 83701

RICHARD C. BOARDMAN*
RICHARD S. CHRISTENSEN
JAMES C. DALE
GARY W. EDSON
MICHAEL J. FLANAGAN
LARRY L. GOINS
MERRILY MUNTHER
PAUL S. PENLAND**

*ALSO ADMITTED IN WASHINGTON
**ALSO ADMITTED IN OREGON

TELEPHONE
(208) 344-4566

FACSIMILE
(208) 344-9836

June 14, 1990

RECEIVED
JUN 14 1990

HAND DELIVERED

Department of Water Resources

Kay Walker
Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: License Nos. 37-02780 and A37-02780
Permit Nos. 37-07754 and A37-07754
Decreed Right 37-00856 and A37-00856
Permit Nos. 37-02778 and A37-02778

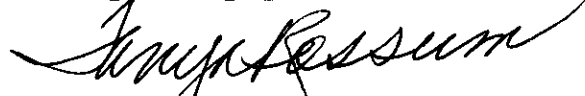
Dear Kay:

As I indicated to you on the phone, our clients were looking at buying property that is the subject of the above-entitled water rights.

The sale has closed as of June 8, 1990, and we are forwarding to you with this letter the Assignment and Assumption Agreement and Memorandum of Sale so that you may prepare the necessary paperwork to change your records to reflect the new owners of Gary and Helen DeMoss.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Tanya Rossum
Legal Assistant to
Merrily Munther

RECEIVED

TR:cgj

Enclosures

JUN 19 1990

cc: Gary and Helen DeMoss
HC 69, Box 3900
Cambridge, ID 83610

ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS AGREEMENT made and entered into at Boise, Idaho, this 8th day of June, 1990, by and between IDAHO STATE BANK, hereinafter referred to as "Assignor" and GARY DEMOSS and HELEN DEMOSS, husband and wife, hereinafter referred to as "Assignee".

WITNESSETH:

1. Assignor for good and valuable consideration, the receipt of which is hereby acknowledged, does sell, assign, transfer and set over unto Assignee all of Assignor's right, title and interest in and to that certain Contract of Sale dated December 3, 1976, by and between Alex Mason and Patricia Mason, husband and wife, as Seller, and L. Paul Sears and Raelene W. Sears, husband and wife, as Buyer, the Buyer's interest in which was assigned to Assignor herein by an Assignment of Buyer's Equity dated April 13, 1983, recorded as Instrument No. 100612, records of Gooding County, Idaho, by Quitclaim Deed from L. Paul Sears and Raelene W. Sears, husband and wife, to Idaho State Bank, recorded April 30, 1985, as Instrument No. 114422, and Estoppel Affidavit recorded April 30, 1985, as Instrument No. 114423, records of Gooding County, Idaho. Said Real Estate Purchase and Sale Agreement is secured by the real property legally described as follows:

Township 5 South, Range 13 East of the Boise Meridian

Section 3, Lot 4, SW 1/4 NW 1/4, NW 1/4 SW 1/4.

Section 4, Lots 1 and 2, S 1/2 NE 1/4, SE 1/4, E 1/2 SW 1/4.

Section 9 N 1/2 NW 1/4, SE 1/4 NE 1/4, W 1/2 NE 1/4, SE 1/4 NW 1/4, E 1/2 SW 1/4, W 1/2 SE 1/4.

Together with Idaho Water License No., R-864/37-2778 consisting of 1210 acre feet of Bray Lake and all other water rights, rights-of-way and easements appurtenant to the above-described premises.

MICROFILMED

JUN 19 1990

2. Assignee hereby does accept and purchase all of Assignor's right, title and interest in and to said Contract of Sale and in and to the real property described as aforesaid. Assignee, their heirs and assigns hereby does assume and agree to perform and be bound by all of the terms, covenants, and conditions thereof and further does agree to indemnify, hold and save harmless the Assignor, their successors and assigns from any and all further liability thereunder.

3. Assignor represents that the principal balance owing under said Real Estate Purchase and Sale Agreement as of June 8, 1990, is \$359,863.01 with accrued interest of \$9,317.00 and that the payments are in the amount of \$30,969.90 plus one-half of the escrow fee, and include interest at 7.5 percent per annum, and are due on or before the 1st day of February each and every year until paid in full.

4. Also assigned hereby by Assignor to Assignee are all right, title and interest in and to all water rights, rights of way and easements appurtenant to the above described property, including but not limited to an easement for pipeline dated June 24, 1988.

5. All taxes and assessments of every kind and nature shall be prorated as of the date of closing of this transaction; Assignor to be responsible for all taxes and assessments prior to June 8, 1990, and Assignee to be solely liable for all taxes and assessments thereafter.

6. Assignee agrees to indemnify, hold and save harmless the Assignor, its successors and assigns from any and all claims, actions, suits, judgments, or liabilities or damage from any and all claims, actions, suits or judgments arising from or out of this Assignment and Assumption Agreement.

7. It is mutually agreed by and between Assignor and Assignee that this agreement shall be and is binding upon and shall inure to the benefit of the successors and assigns of each forever.

MICROFILMED

JUN 19 1990

IN WITNESS WHEREOF, the Assignor and Assignee have caused their names to be here and subscribed the day, month and year first above written.

ASSIGNOR

IDAHO STATE BANK,

By: *James E. Kevan*
JAMES E. KEVAN

ASSIGNEE

Gary DeMoss
GARY DEMOSS

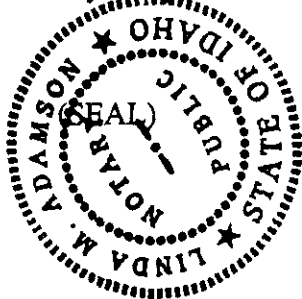
Helen DeMoss
HELEN DEMOSS

STATE OF IDAHO

County of Ada) ss.

On this 24th day of June, 1990, before me, Linda M. Adamson, the undersigned, a Notary Public in and for said state, personally appeared JAMES E. KEVAN, known or identified to me to be the President of Idaho State Bank, the corporation who executed the instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Linda M. Adamson
NOTARY PUBLIC FOR IDAHO
Residing at Bore
My Commission Expires 5-22-94

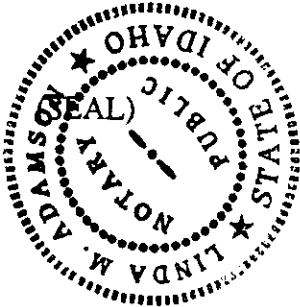
RECORDED

JUN 19 1990

STATE OF IDAHO)
County of Ada) ss.

On this 8th day of June, 1990, before me, Linda M. Adamson, the undersigned, a Notary Public in and for said state, personally appeared GARY DEMOSS and HELEN DEMOSS, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Linda M. Adamson
NOTARY PUBLIC FOR IDAHO

Residing at: Boise, Idaho

My Commission Expires: 5/22/94

MICROFILMED
JUN 19 1990

MEMORANDUM OF SALE

Memorandum of Sale of the following described property the 8th day of June, 1990, by IDAHO STATE BANK, as Seller, and GARY DEMOSS and HELEN DEMOSS, husband and wife, as Buyers:

Township 5 South, Range 13 East of the Boise Meridian

Section 3, Lot 4, SW 1/4 NW 1/4, NW 1/4 SW 1/4.

Section 4, Lots 1 and 2, S 1/2 NE 1/4, SE 1/4, E 1/2 SW 1/4.

Section 9 N 1/2 NW 1/4, SE 1/4 NE 1/4, W 1/2 NE 1/4, SE 1/4 NW 1/4, E 1/2 SW 1/4, W 1/2 SE 1/4.

Together with Idaho Water License No., R-864/37-2778 consisting of 1210 acre feet of Bray Lake and all other water rights, rights-of-way and easements appurtenant to the above-described premises.

TO HAVE AND TO HOLD the same, to the Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it will warrant and defend the sale of said property from all lawful claims whatsoever.

IDAHO STATE BANK

SEE EXHIBIT "A"
ATTACHED HERETO

GD +D JEK

By:


JAMES E. KEVAN


GARY DEMOSS


HELEN DEMOSS



STATE OF IDAHO)
County of ADA) ss.

On this 8th day of June, 1990, before me, Linda M. Adamson, the undersigned, a Notary Public in and for said state, personally appeared JAMES E. KEVAN, known or identified to me to be the President of Idaho State Bank, the corporation who executed the instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Linda M. Adamson
NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
My Commission Expires 5/22/94

STATE OF IDAHO)
County of Ada) ss.

On this 8th day of June, 1990, before me, Linda M. Adamson, the undersigned, a Notary Public in and for said state, personally appeared GARY DEMOSS and HELEN DEMOSS, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Linda M. Adamson
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
My Commission Expires: 5/22/94

MICROFILMED
JUN 19 1990

EXHIBIT 'A'

INCLUDING BUT NOT LIMITED TO THE FOLLOWING WATER RIGHTS;

APPRAISAL PERMIT: #377754 FOR 1,565 ACRE FEET OF STORAGE AND 6.26 CFS

DECREED LICENSE; #370856 FOR 32 CFS OF STORAGE PRIORITY 2/1/17

LICENSE: #372780 FOR 157 CFS OF STORAGE OF 905 ACRE FEET

LICENSE; #~~37~~-2778 FOR 80 CFS STORAGE 1210 ACRE FEET

DOMESTIC WELLS ARE A37-11479
A37-11480

ALL ADJUDICATION FEES HAVE BEEN PAID

MICROFILMED

JUN 19 1990