

Gooding County

**NOTICE OF
EXISTING WATER
RIGHT PERMIT**

PERMIT NO. 37-7942

Presently Recorded as Follows:

**Name: DONALD T. BRAY DBA LYE
LAKE RANCH**

**Address: P.O. BOX 156, BLISS, ID
83314**

Source: GROUNDWATER

**Diversion Pt.: SENE NWNW SEC. 28,
NESE SEC. 32 T4S R13E, GOODING CO.**

Use: IRRIGATION (5.5 CFS)

Priority: SEPTEMBER 22, 1981

**Place of Use: NW 1/4 N 1/2 SW SWSW
SEC. 28, SESE SEC. 29, NENE S 1/2 NE
E 1/2 SW N 1/2 SE SWSE SEC. 32 T4S R13E**

Total Acres: 160

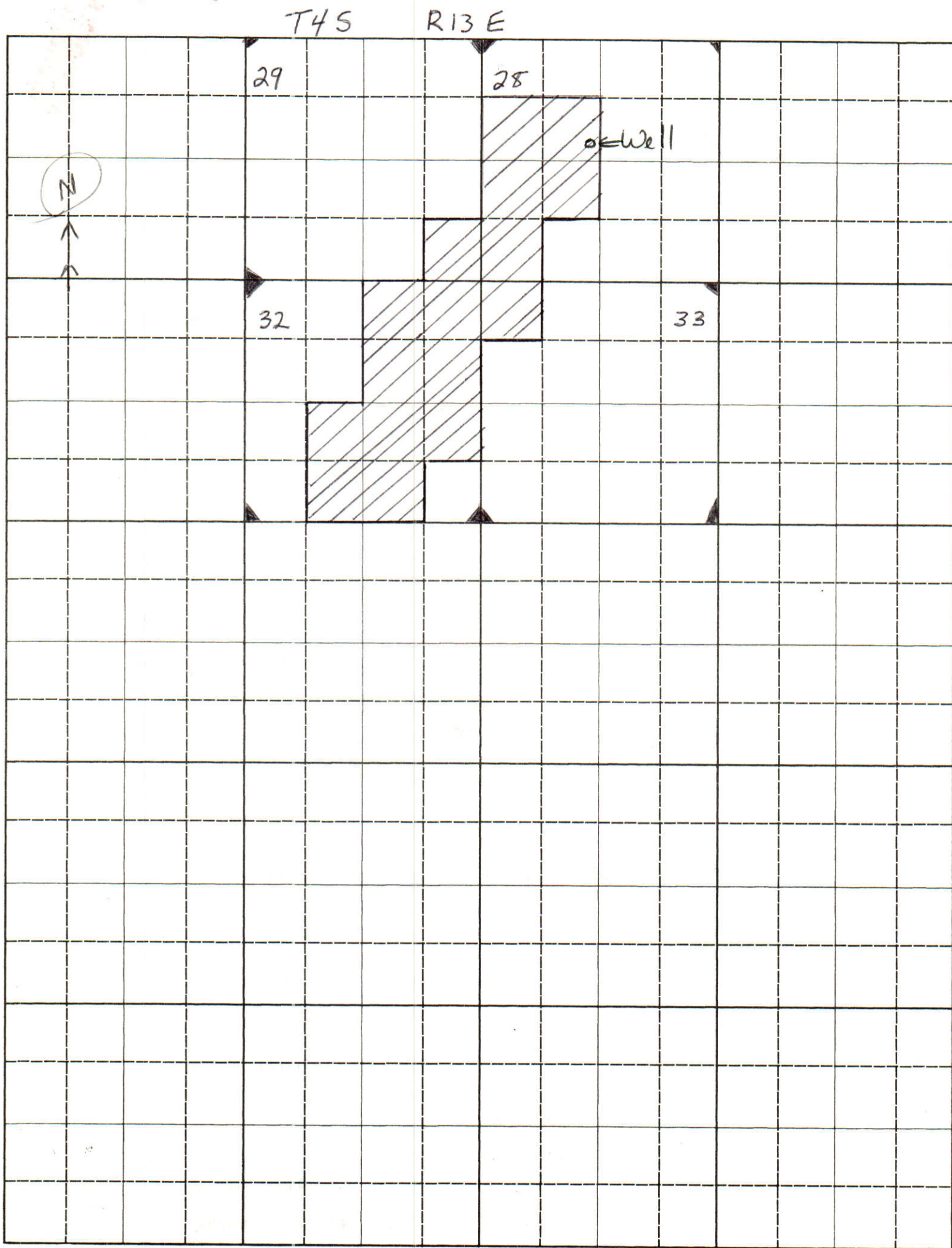
**This permit was not developed by July
1, 1985, and is being reprocessed in
compliance with Section 42-203D, Idaho
Code. Protests against the continuance
of the permit must be filed with the Direc-
tor, Dept. of Water Resources,
Statehouse Mail, Boise, ID 83720 on or
before August 21, 1989.**

**R. Keith Higginson
Director
G16614**

Pub: 8-2, 9

**Hagerman Fire District
P.O. Box 336
PH: 837-6332**

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

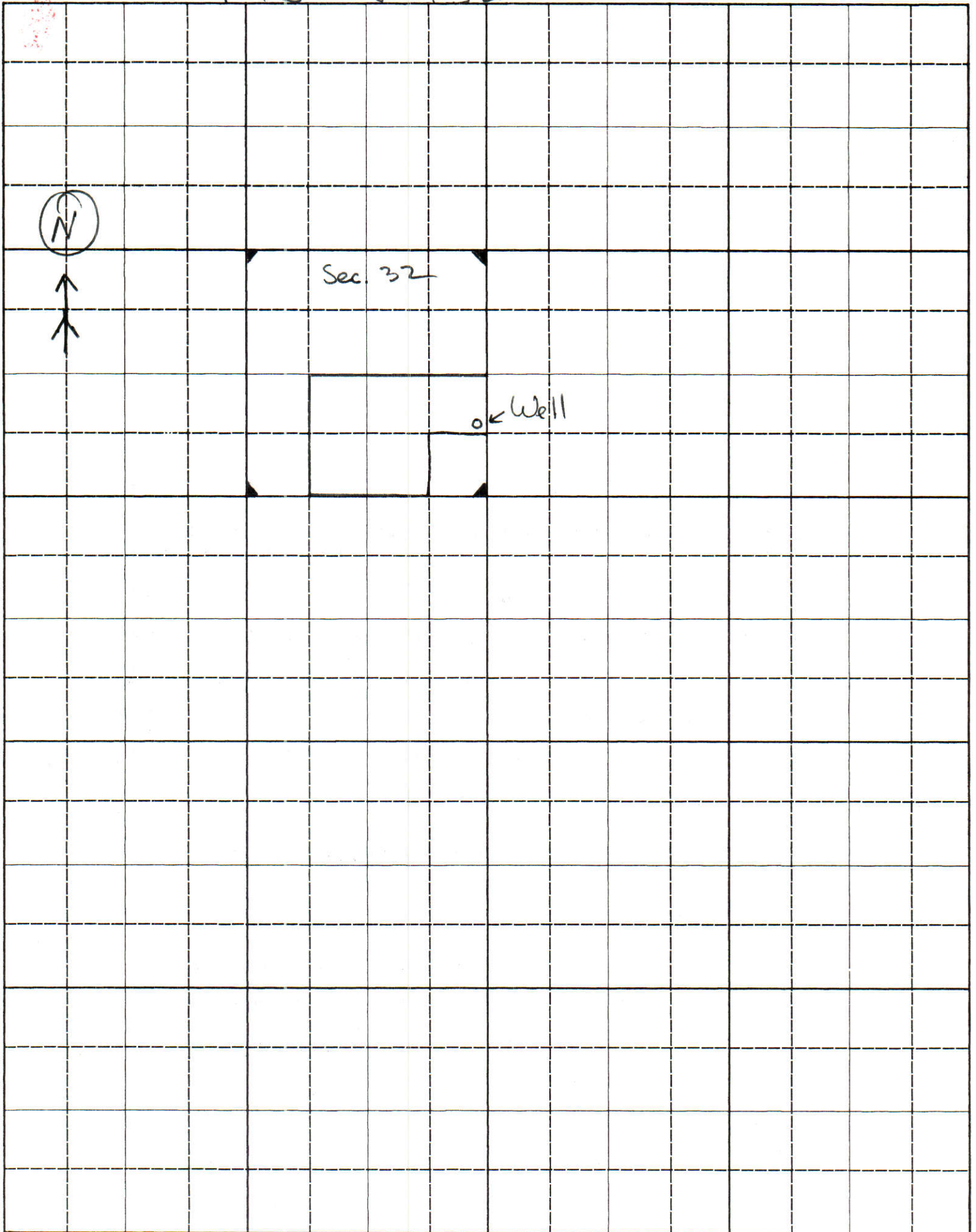
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Donald J. Bray
(Applicant)

MICROFILMED

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T4S R13E



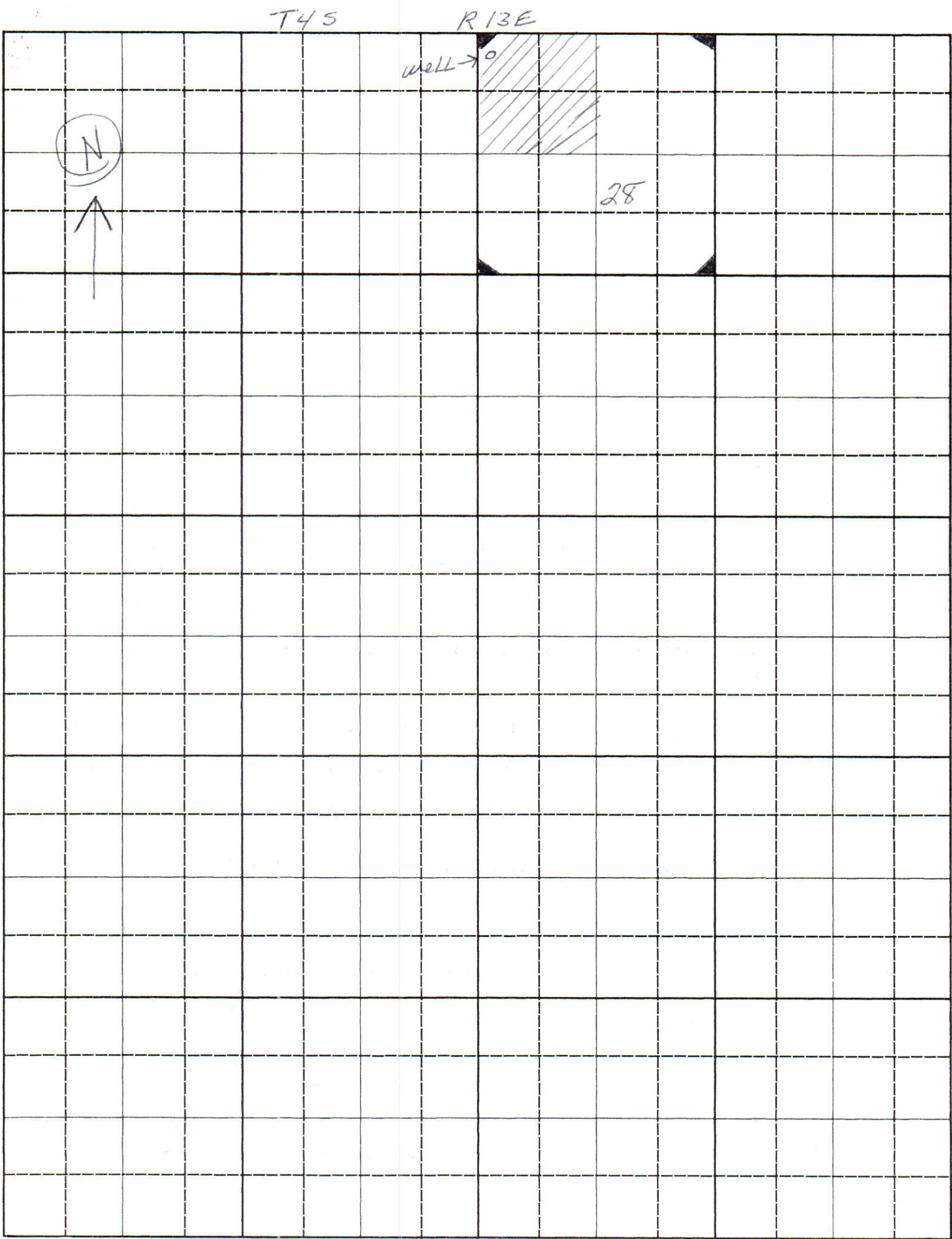
Scale: 2 inches equal 1 mile.

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Donald J. Bray
(Applicant)

MICROFILMED

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

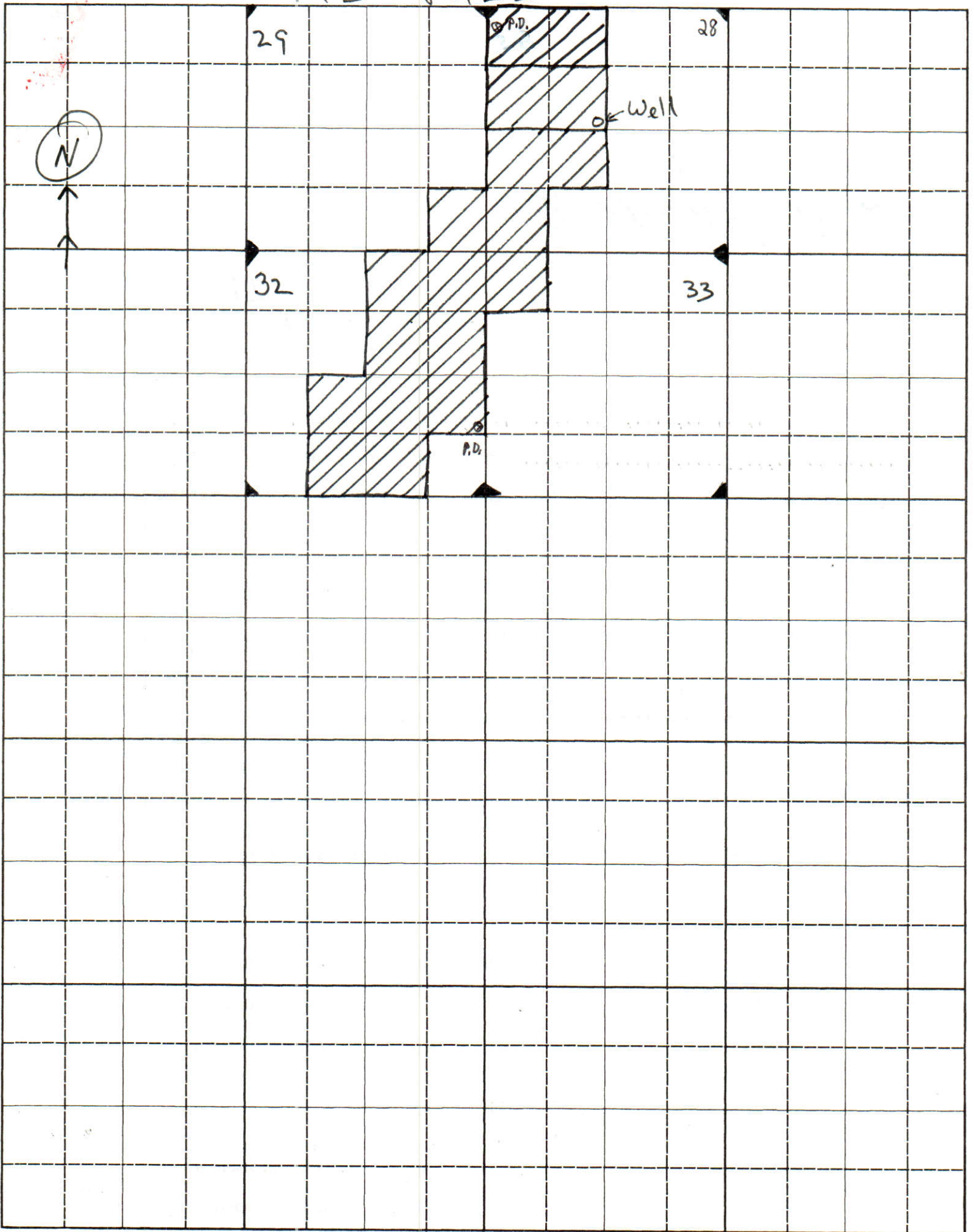
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Donald J. Bray
(Applicant)

RECEIVED

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T4S R13E



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Donald J. Bray
(Applicant)

RECEIVED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given
that the following applica-
tion(s) have been submitted
for permit to appropriate the
public waters of the State of
Idaho:

37-7942

LYE LAKE RANCH, DON-
ALD T. BRAY
P.O. BOX 156, BLISS, ID
83314

Source: GROUNDWATER

Date Filed: 09/22/1981

Amount: 5.50 CFS

Diversion Point: SENW NW-
NW Sec 28 T 04S R 13E NESE
Sec 32 T 04S R 13E,
GOODING Co.

IRRIGATION (5.50 CFS)
from 04/01 to 10/15

Place of Use: NENE NW-
NE SWNE SENE NESW
SESW NESE NWSE SWSE
Sec 32 T 04S R 13E SESE
Sec 29 T 04S R 13E NENW
NWNW SWNW SENW NE-
SW NWSW SWSW Sec 28 T
04S R 13E NWNW Sec 33 T
04S R 13E FOR 720 ACRES
Diversion Means: WELLS,
PUMPS, CONTROLS,
DITCH

If issued, the permit(s)
will be subject to all prior
water rights. Protests
against the granting of any
permit must be filed with the
Director of the Idaho Depart-
ment of Water Resources,
1041 Blue Lakes Blvd. North,
Twin Falls, Idaho 83301 and
received on or before OC-
TOBER 19, 1981.

/s/ A. KENNETH DUNN
Director

PUB: 9-30; 10-7, 1981

09/27/81

T. SHELLEY KEEN.

HERE IS A COPY OF AN AERIAL PHOTO FROM ASCS REGARDING PIVOT LOCATIONS FOR 37-7942 (LYE LAKE RANCH). SORRY IT TOOK SO LONG. THE GRAY MARKS ARE WHAT THE ASCS HAD ON THEIR WORKING COPIES SHOWING PIVOT LOCATIONS. I ASKED THEM TO DRAW THE PIVOT LOCATIONS FROM LAST YEAR'S AERIAL PHOTO SLIDES, WHICH IS REPRESENTED BY THE GREEN LINES. THE LARGER (SW) PIVOT LOOKED

LIKE AN END GUN MAY HAVE BEEN USED ON THE EAST SIDE, BUT NOT THE WEST SIDE. IN 2001, THE GOODING COUNTY ASCS OFFICE PHONE # IS WRITTEN ON THE AERIAL PHOTO COPY IN CASE YOU NEED TO TALK TO THEM. HOPE THIS HELPS! *Conny*

*maybe has
end gun on
east side of
pivot but
not west
side*

*934-8472
EXT 2*

MICROFILMED
JUN 05 2002

2
8.6

3
26.7

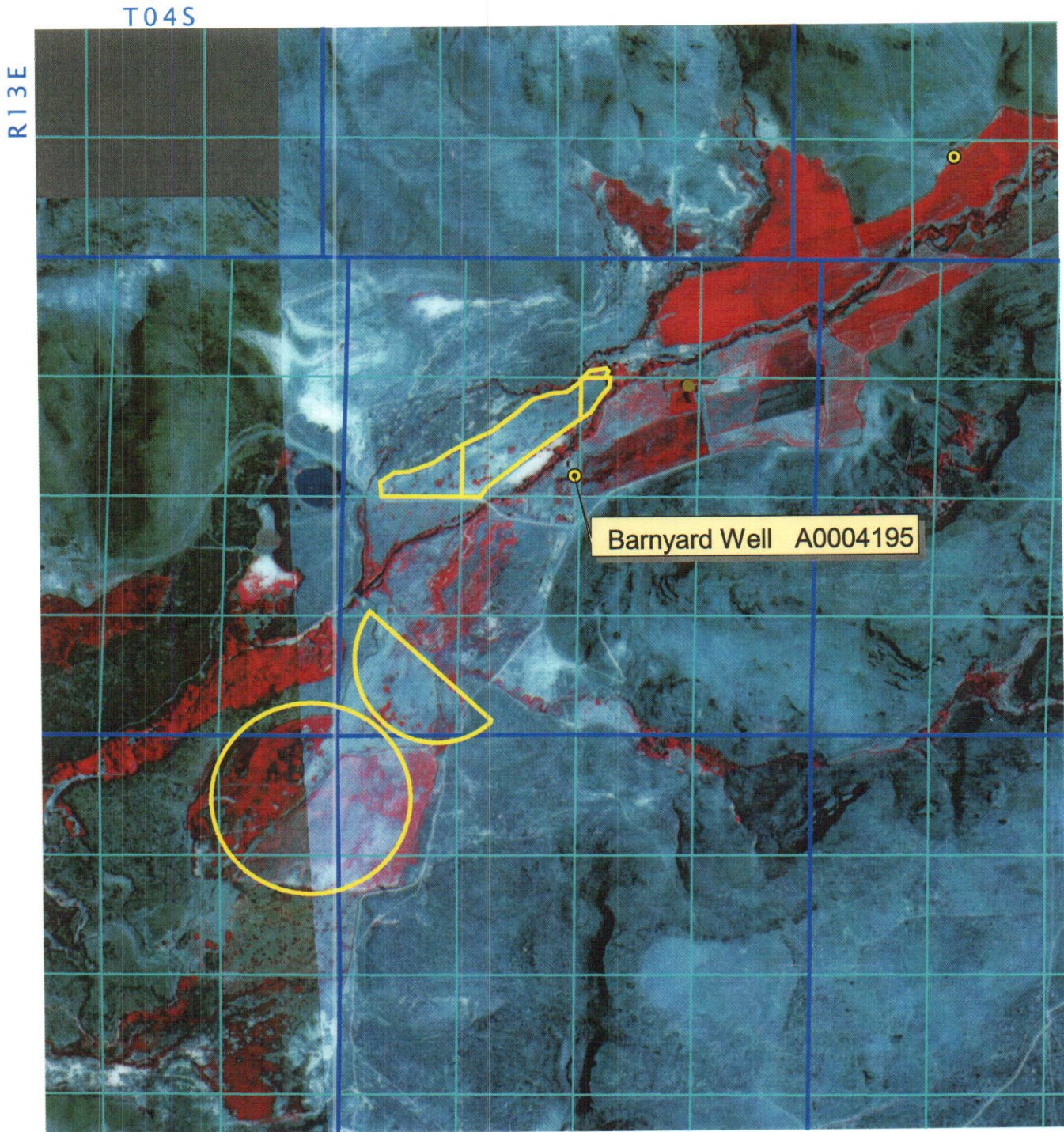
29 28
32 39

4
37.6

5
46.8

6
42.5

Idaho Department of Water Resource
Recommendation for 37-7942
Donald Bray



● Point of Diversion

□ Section Lines

□ Quarter-quarter lines

□ Place of Use

N
MICROFILMED
JUN 05 2002

Point of Diversion and Place of Use
T04S R13E S28, 29, 32, & 33
Data entry on June 29, 2001

Point of Diversion Presentation
1987/1988 NAPP Photography
Data Entry By: Amanda Folsom



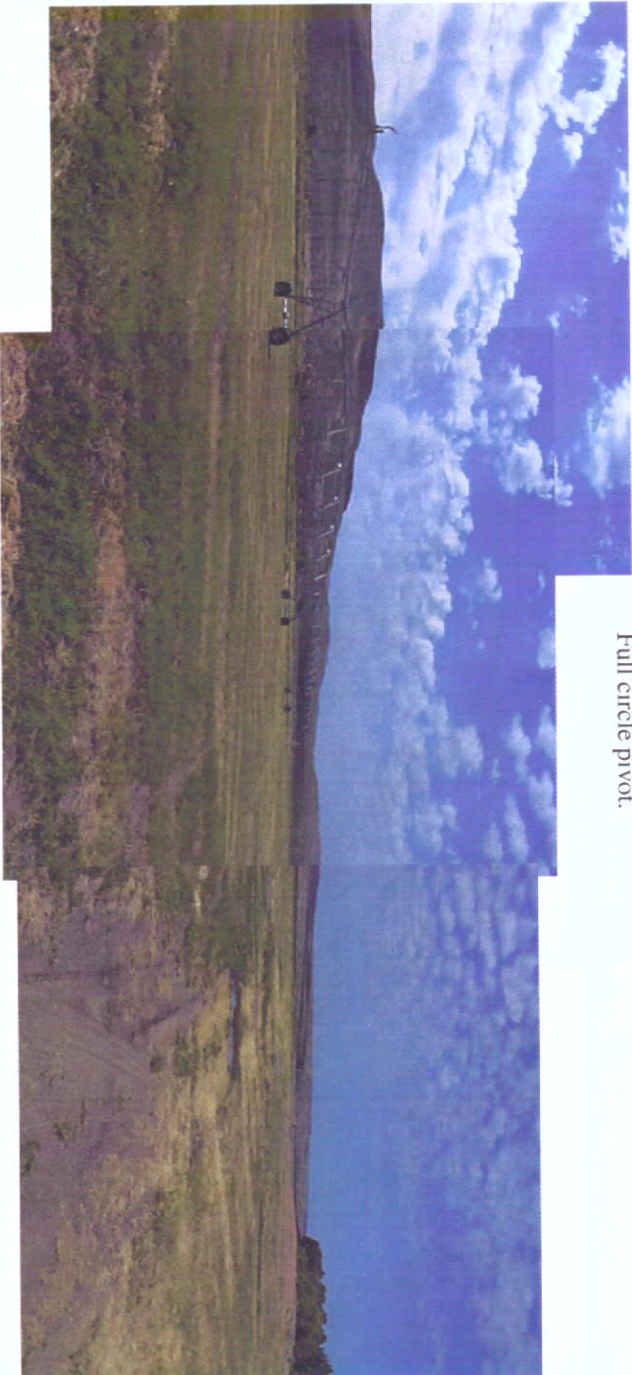
Well, Booster Pump, and GPS
Tag A0004195



Barnyard Well and main line



McCrometer Flow Meter
8" main line, buried to pivot



Full circle pivot.

MICROFILMED
JUN 05 2002



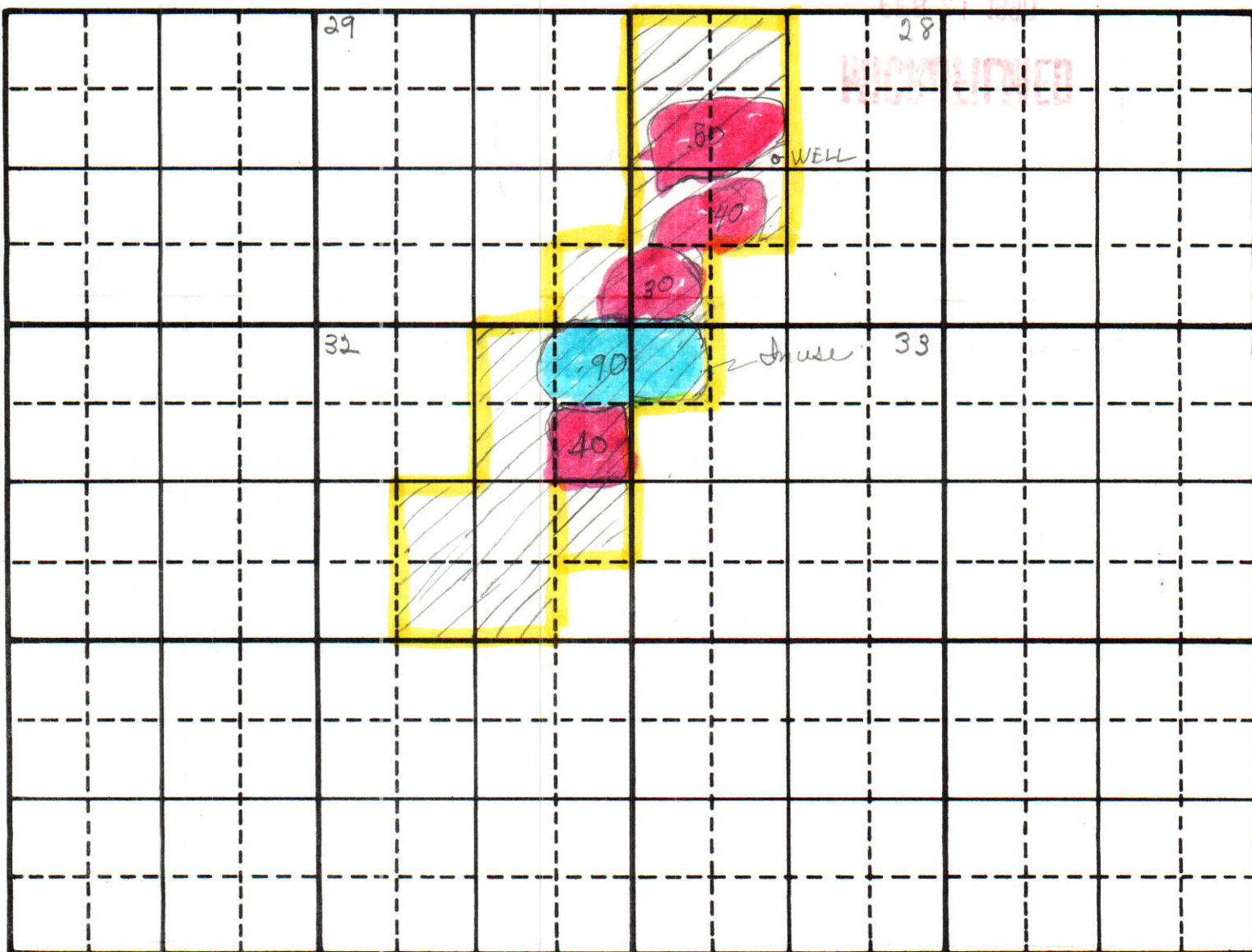
Two wheel lines

MICROFILMED
JUN 05 2002

Lye Lake Ranches
FE Amanda Folsom
June 29, 2001

37-7942

✓ Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

✓ Signed at Escondido, Ca., this 27 day of November, 19 89.
Donald J. Bray
(Signature)

FOR DEPARTMENT USE ONLY

NA Preliminary check by _____ Fee = \$20.00 Received by _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19 _____.

MICROFILMED

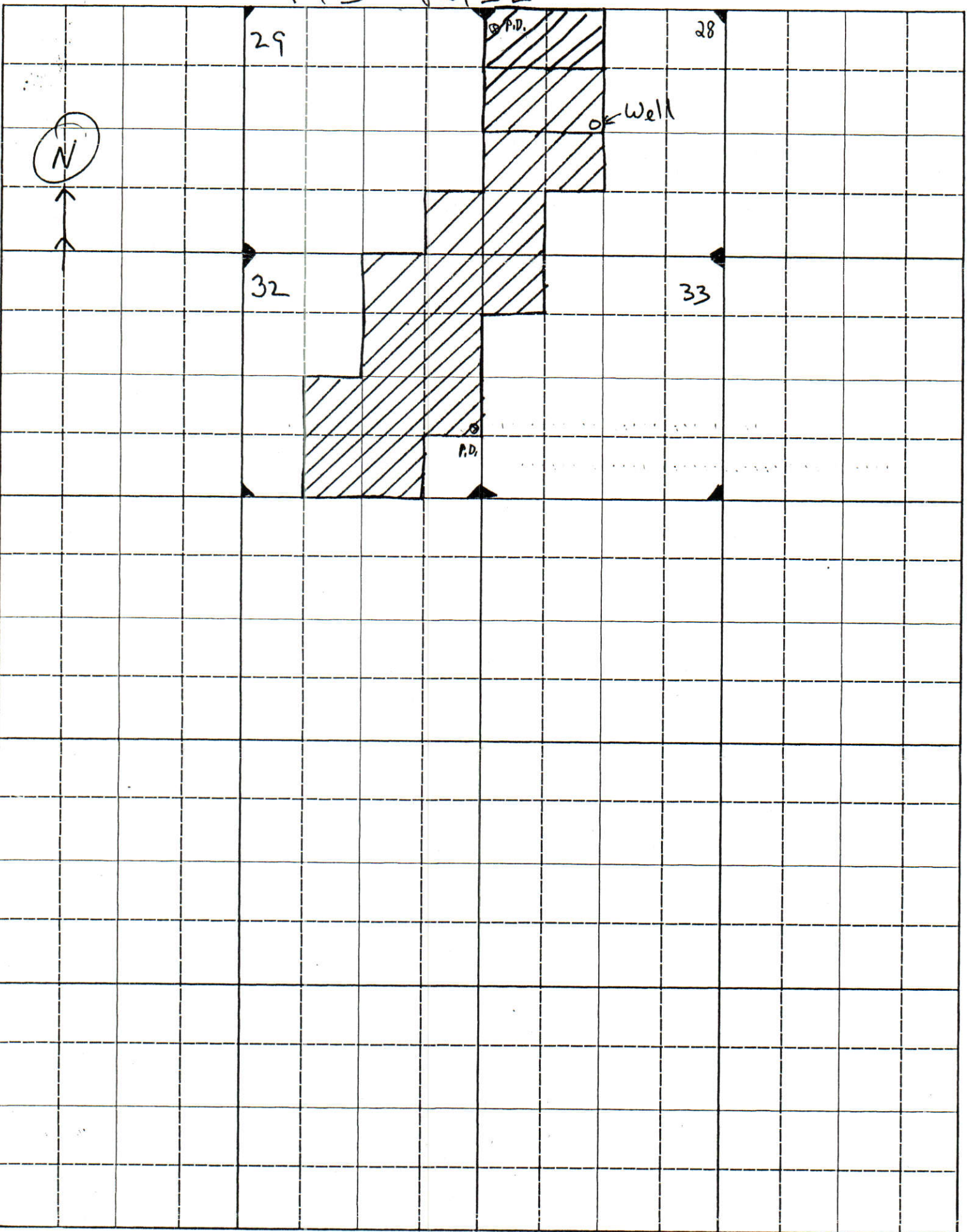
FEB 21 1990

DEC 2 1989

RECEIVED

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T4S R13E



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

FEB 21 1990

Donald J. Bray
(Applicant)

MICROFILMED

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-07942

Priority: September 22, 1981

Maximum Diversion Rate: 1.11 CFS

It is hereby certified that LYE LAKE RANCH
PO BOX 156

BLISS ID 83314 has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated September 22, 1981; and has submitted Proof of Beneficial Use on September 21, 1992. An examination indicates that the works have a diversion capacity of 1.11 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.06 CFS
IRRIGATION	03/15 to 11/15	1.11 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 28, Twp 4S, Rge 13E, B.M. GOODING County

PLACE OF USE: DOMESTIC

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 28																	

PLACE OF USE: STOCKWATER - Same as Domestic

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	
04S 13E 28			1.0	2.0			7.0	16.0			1.0	24.0					51.0
04S 13E 29																5.0	5.0
04S 13E 32	40.0	4.0		13.0													57.0
04S 13E 33						28.0	6.0										34.0

Total Acres: 147

MICROFILMED
JUN 05 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-07942

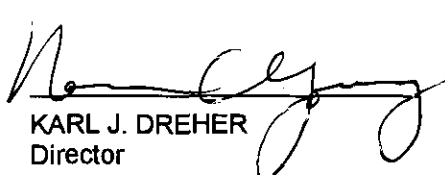
CONDITIONS OF APPROVAL

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 588 af at the field headgate for the lands above.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. Use of water for domestic purposes under this right is limited to a total annual diversion volume of 0.6 af.
7. Use of water for stockwater purposes under this right is limited to a total annual diversion volume of 0.2 af.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 31ST day of MAY, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED

JUN 05 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 37-07942

RECEIVED

MAY 28 2002

Department of Water Resources

Date of Priority: September 22, 1981

Maximum Diversion Rate: 1.11 CFS

Maximum Diversion Volume:

Comes now LYE LAKE RANCH

PO BOX 156

BLISS ID 83314 and represents to the Director of the Idaho Department

of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 37-07942, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	
STOCKWATER	01/01 to 12/31	0.06 CFS	
IRRIGATION	03/15 to 11/15	1.11 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4SE1/4NW1/4 Sec. 28, Twp 04S, Rge 13E, B.M. GOODING County

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	
04S 13E 28		1.0	2.0				7.0	16.0		1.0	24.0						51.0
04S 13E 29																5.0	5.0
04S 13E 32	40.0	4.0		13.0													57.0
04S 13E 33						28.0	6.0										34.0

Total Acres: 147

Domestic & Stock 04S 13E 28 SE 1/4 SE 1/4 NW 1/4

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 18 day of May, 2002.

Donald J. Bray
(Signature)

MICROFILMED

JUN 05 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-07942

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee \$50.00 Received by DPW # C062295 Date 5/28/02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-07942 with the following:

CONDITIONS OF APPROVAL

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 588 af at the field headgate for the lands above.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. Use of water for domestic purposes under this right is limited to a total annual diversion volume of 0.6 af.
7. Use of water for stockwater purposes under this right is limited to a total annual diversion volume of 0.2 af.

Witness my hand this 31st day of MAY, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED
JUN 05 2002

RECEIVED

SEP 21 1992

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 37-07942 Telephone No. (208) 352-4274
2. Name(s) of Permit Holder(s): Donald T Bray / Lye Lake Ranch
3. Mailing Address: P.O. Box 156 Bliss ID 83314
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: Ranchers Irrigation Date Drilled: 1981

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 80 (No. of acres) Other 80 acres supplementary water

6. Total rate and/or volume for which proof is submitted 2.00 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes ☒ No _____ Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? ☒ Yes _____ No _____ Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 125.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Scott Huxhold 352-4274
Name Telephone No.

P.O. Box 94 Bliss ID 83314
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

OCT 26 1992

9-14-92 Scott Huxhold Manager Lye Lake Ranch
Date Signature (and title, if on behalf of a company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 37-7942 IN THE NAME OF) CONTINUATION ORDER
DONALD T. BRAY DBA LYE LAKE RANCH)
_____)

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the Department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, located within the Swan Falls Trust Water Area, to determine if water was beneficially used prior to said date.

2. If water was not beneficially used until after July 1, 1985, Section 42-203D further directs IDWR to review the permit under the provisions of Section 42-203C, Idaho Code.

3. Section 42-203C requires IDWR to determine whether diversion of water under a permit issued prior to July 1, 1985, causes a significant reduction of trust water available for power production and, if there is a significant reduction, to determine whether the reduction is in the public interest.

4. Permit No. 37-7942 (permit) was issued to Donald T. Bray, DBA Lye Lake Ranch (permit holder) authorizing the diversion of 5.5 cfs of groundwater for irrigation of 720 acres.

5. Information submitted by the permit holder indicates that the irrigation of the 720 acres authorized under this permit did not occur prior to

MICROFILMED

FEB 21 1990

July 1, 1985. The permit holder has further stated that he intends to irrigate only 160 acres out of the 720 acres originally authorized by the Department.

6. Water diverted and used on or after July 1, 1985 for the irrigation of land under the terms of this permit is trust water.

7. The development and use of water authorized under this permit does not cause a significant reduction of trust water.

CONCLUSIONS OF LAW

1. The water authorized for diversion under Permit No. 37-7942 is trust water.

2. The use of water under the permit satisfies the provisions of Sections 42-203C and 42-203D, Idaho Code.

3. An order continuing the permit should be issued. This order shall reduce the total number of irrigated acres initially authorized by the permit.

ORDER

IT IS HEREBY ORDERED that Permit No. 37-7942 is valid and may CONTINUE as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

1. The number and location of acres to be irrigated under this permit is limited to the 160 acres described on Attachment A of this order.

2. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before October 1, 1992.

3. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.

4. The construction of diversion works must be commenced within one (1) year of the date of this order and shall proceed diligently and

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FEB 21 1990

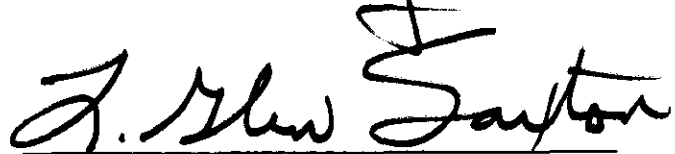
to completion unless temporarily interrupted by circumstances over which the permit holder has no control.

5. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

6. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.

7. All conditions of approval contained in Permit No. 37-7942 are incorporated into and made part of this order.

Dated this 8th day of January, 1990.



L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

FEB 21 1990

FEB 41 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

For Office Use Only
FEE Received by 14
Date 10-28-86
Receipt # 34361
RECEIVED
OCT 27 1986

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 37-7942

Name(s) of Permit Holder: Donald T. Bray, dba Lye Lake Ranch

Post Office Address: P. O. Box 156, Bliss, Idaho 83314

Telephone No. (208) 352-4274

Date Proof Is Due: November 1, 1986

Describe what work has been completed toward the development of this water right: I drilled a well at
(This must be filled out! If no work has been completed, show "none".)
the primary well location indicated in the permit and pumped water with larger diesel engines
later replaced with smaller electric motor, which was used to supplement the natural creek
flow from which portions of the subject lands were irrigated. Well drilling, casing, well
test, pump and motors, pipe lines, wheel lines and accessories and labor costs related to
development of the water right cost approximately \$35,000. The wheel lines have since
been replaced by gated pipe used in present gravity system on reduced acreage.

Costing \$ 35,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Diesel pumping has become an uneconomic power source to pump irrigate crops being raised
in recent years. I have been unable to secure 3-phase power from Idaho Power Company at
a realistic cost even though their transmission line runs through the subject property.
I will continue to explore alternative crop plans and the possibility of securing 3-phase
power at an economic cost.

Permit holder(s) request an extension to November 1, 19 91.
(1 yr. minimum)

Donald T. Bray
Donald T. (Signature) Bray

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to October 1, 1992.

Signed this 8th day of January, 1990.

J. Glen Saylor
Chief, Allocation Bureau

Application for Amendment to reduce acres can be found on opposite side of file. Approval of amendment is not required by department. Signed amendment however confirms intent of permit holder.

MICROFILMED

FEB 21 1950

AFFIDAVIT of PUBLICATION

AUG 11 1989

State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources

Patty Nance G manager, being first duly sworn, deposes and says that 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 2x consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 2 day of Aug 19 89, and the date of the last publication was on the 9 day of Aug, 19 89.

Patty Nance

Subscribed and sworn to before me this 10

day of Aug, 19 89
(SEAL)

Norma DeVoe
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice _____
Number of Insertions 2x

Lines tabular at _____ 5¢/Pica
409.5 Lines straight at 16 38 4¢/Pica
Subsequent lines at 14 33 3.5¢/Pica
TOTAL COST 30.71

COPY OF NOTICE
(Paste Here)

37-7942

Existing Permit
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IdWR

BILL TO

Boise

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight 4¢/Pica
7-8 pt. per line tabular 5¢/Pica
7-8 pt. per line successive
insertions 3¢/Pica

MICRO

FEB 21 1990 No 1535

16614

Gooding Court

**NOTICE OF
EXISTING WATER
RIGHT PERMIT**

PERMIT NO. 37-7942

Permit Recorded as Follows:

Name: DONALD T. BRAY DEER RANCH

Address: P.O. BOX 156, BLISS, ID 83404

Source: GROUNDWATER

Location P1: SENE NWNW SEC. 28, SESE SEC. 32 T4S R13E, GOODING CO.

Use: IRRIGATION (5.5 CFS)

Priority: SEPTEMBER 22, 1981

Area of Use: NW 1/4 N 1/2 SW 28, SESE SEC. 28, NENE

SW N 1/2 SE SWSE SEC. 32 T4S R13E

Total Acres: 180

This permit was not developed by the State of Idaho in 1986, and is being reprocessed in compliance with Section 42-283D, Idaho Code. Protests against the continuance of this permit must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, ID 83720 on or before August 21, 1989.

**R. Keith Higginson
Director
G18814**

Pub: 8-2, 9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Donald T. Bray dba Lye Lake Ranch Phone 352-4274

Post office address P. O. Box 156, Bliss, Idaho 83314

2. Source of water supply Ground water which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 4S

Range 13E B.M. Gooding County, additional points of diversion if any: _____

NW $\frac{1}{4}$ Sec. 28; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32 T. 4S R. 13E

4. Water will be used for the following purposes: * Per conversation w/Matt Mullaney 9-24-81

*5.5

Amount 1-5 cfs for irrigation purposes from April 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

*5.5

a. 1-5 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. ³ wells, pumps, controls, ditch
or culvert to main canal for distribution.

b. Height of storage dam DNA feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 165 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4S	13E	32	40	40	40	40					40			40	40	40	40		360
4S	13E	29																40	40
4S	13E	28					40	40	40	40	40	40	40						-200- 280*
4S	13E	33						40											40

Total number of acres to be irrigated -640- 720*

c. Describe any other water rights used for the same purposes as described above. _____

see Remarks

9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing DNA

10. Remarks Clover Creek decree dated April 7, 1929 including

37-0814, 37-0815, 37-0823 and 37-0824; Bray Lake decree dated
January 16, 1932; Honey Springs use rights; Permit No. 37-7580
for Hot Sulphur Lake aka Lye Lake; ~~other ground water applications~~
~~for permits filed at the same time as this application~~

UNRECORDED

MATTHEW MULLANEY, Attorney at Law

Suite 308 / The Hoff Building / 802 West Bannock Street / Boise, Idaho 83702 / 208-344-2860

September 21, 1981

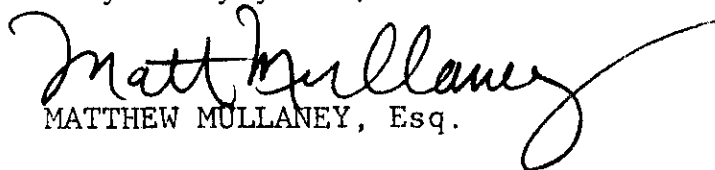
Idaho Department of Water Resources
Southern District
1041 Blue Lakes Blvd. N.
Twin Falls, ID 83301

Gentlemen:

Enclosed are four applications for ground water permits submitted on behalf of Donald T. Bray, together with the filing fee in the amount of \$220.

Any correspondence or inquiries regarding these applications should be directed to the undersigned.

Very truly yours,


MATTHEW MULLANEY, Esq.

MM/mh
encl.

cc: Donald Bray
Fran Wallace

MICROFILMED

MATTHEW MULLANEY, Attorney at Law

Suite 308 / The Hoff Building / 802 West Bannock Street / Boise, Idaho 83702 / 208-344-2860

September 21, 1981

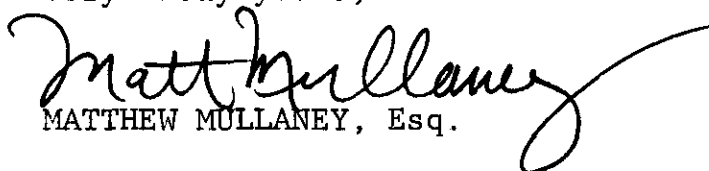
Idaho Department of Water Resources
Southern District
1041 Blue Lakes Blvd. N.
Twin Falls, ID 83301

Gentlemen:

Enclosed are four applications for ground water permits submitted on behalf of Donald T. Bray, together with the filing fee in the amount of \$220.

Any correspondence or inquiries regarding these applications should be directed to the undersigned.

Very truly yours,


MATTHEW MULLANEY, Esq.

MM/mh
encl.

cc: Donald Bray
Fran Wallace

MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE 9-24-81

FROM Jim Stanton

TO Russ Bosch

SUBJECT Refund of Filing Fee

On 9-22-81, Matt Mullaney filed four water-permit applications in the name of Donald Bray. Each application was for a different well on the same farm. After discussing this with Mr. Mullaney, it was decided that all the filings be combined into one filing. The fee for the four separate applications was \$220., which we receipted and deposited. The fee for the single application is \$145. I told Mr. Mullaney that we would refund his original payment if he would send the correct fee; this he agreed to. Please refund the original \$220. to Matthew Mullaney, Suite 308, the Hoff Building, 802 West Bannock St., Boise, ID, 83702. Thanks.


SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Donald T. Bray dba Lye Lake Ranch Phone 352-4274

Post office address P. O. Box 156, Bliss, Idaho 83314

2. Source of water supply Ground water which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 4S

Range 13E B.M. Gooding County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.0 cfs for irrigation purposes from April 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 2.0 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, controls,
ditch or culvert to main canal for distribution.

b. Height of storage dam DNA feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 16 inches; proposed depth of well is 290 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4S	13E	32	40	40	40	40					40			40	40	40	40		360
4S	13E	29																40	40
4S	13E	28							40	40	40	40	40						200
4S	13E	33						40											40
Total number of acres to be irrigated																			640

c. Describe any other water rights used for the same purposes as described above.

see Remarks

9. a. Who owns the property at the point of diversion Applicant

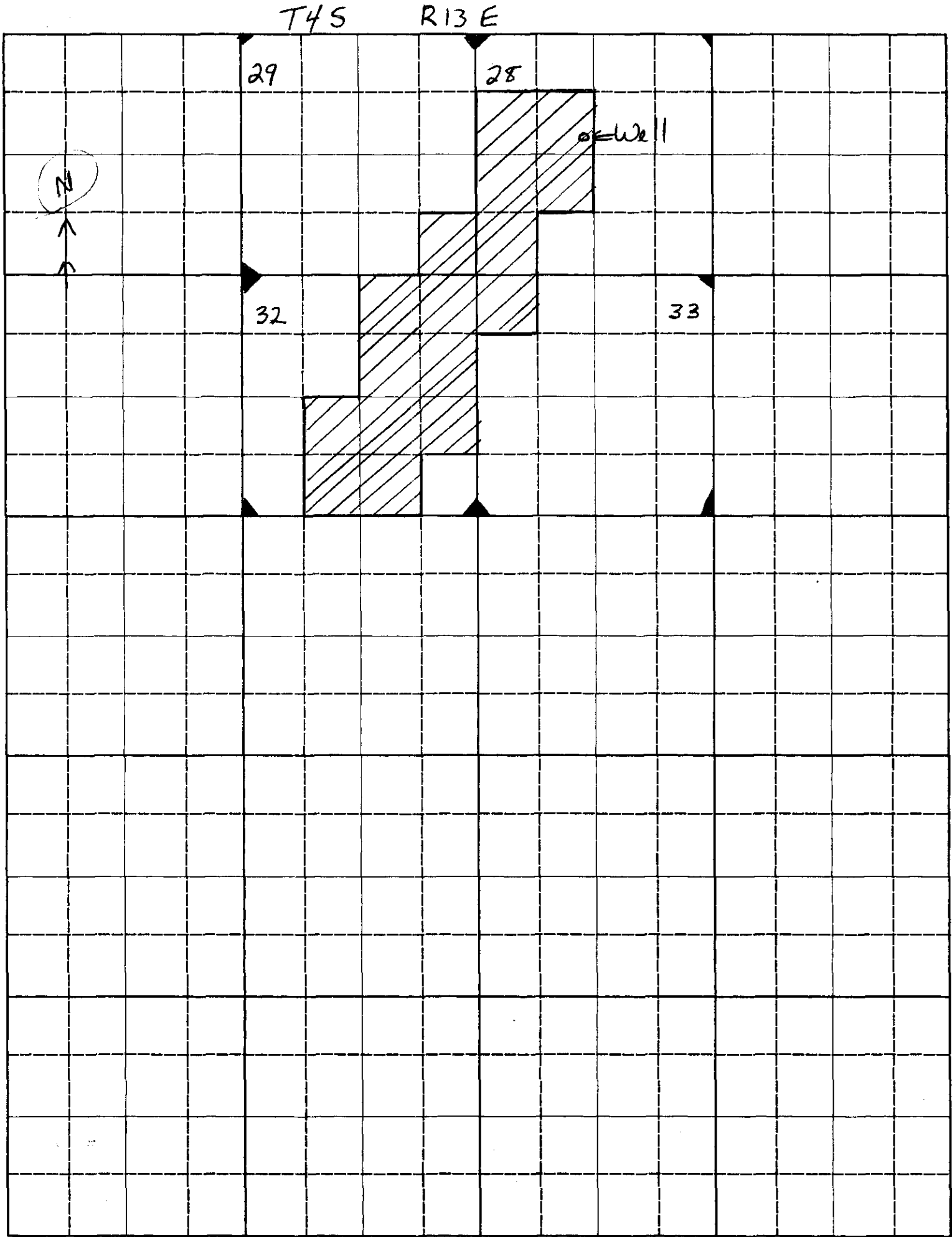
b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing DNA

10. Remarks Clover Creek decree dated April 7, 1920 including 37-0814, 37-0815, 37-0823, and 37-0824; Bray Lake decree dated January 16, 1932; Honey Springs use rights; Permit No. 37-7580 for Hot Sulphur Lake aka Lye Lake; other ground water applications for permits filed at the same time as this application.

MICROFILMED

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Donald J. Bray
(Applicant)

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Donald T. Bray dba Lye Lake Ranch Phone 352-4274

Post office address P. O. Box 156, Bliss, Idaho 83314

2. Source of water supply Ground water which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32 Township 4S

Range 13E B.M. Gooding County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.0 cfs for irrigation purposes from April 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.0 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, controls, ditch

b. Height of storage dam DNA feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 200 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year – maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation: DNA
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

UNRECORDED

If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

T	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
	13E	32									40			40	40	40	40		200

Total number of acres to be irrigated 200

c. Describe any other water rights used for the same purposes as described above. _____

See Remarks

9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

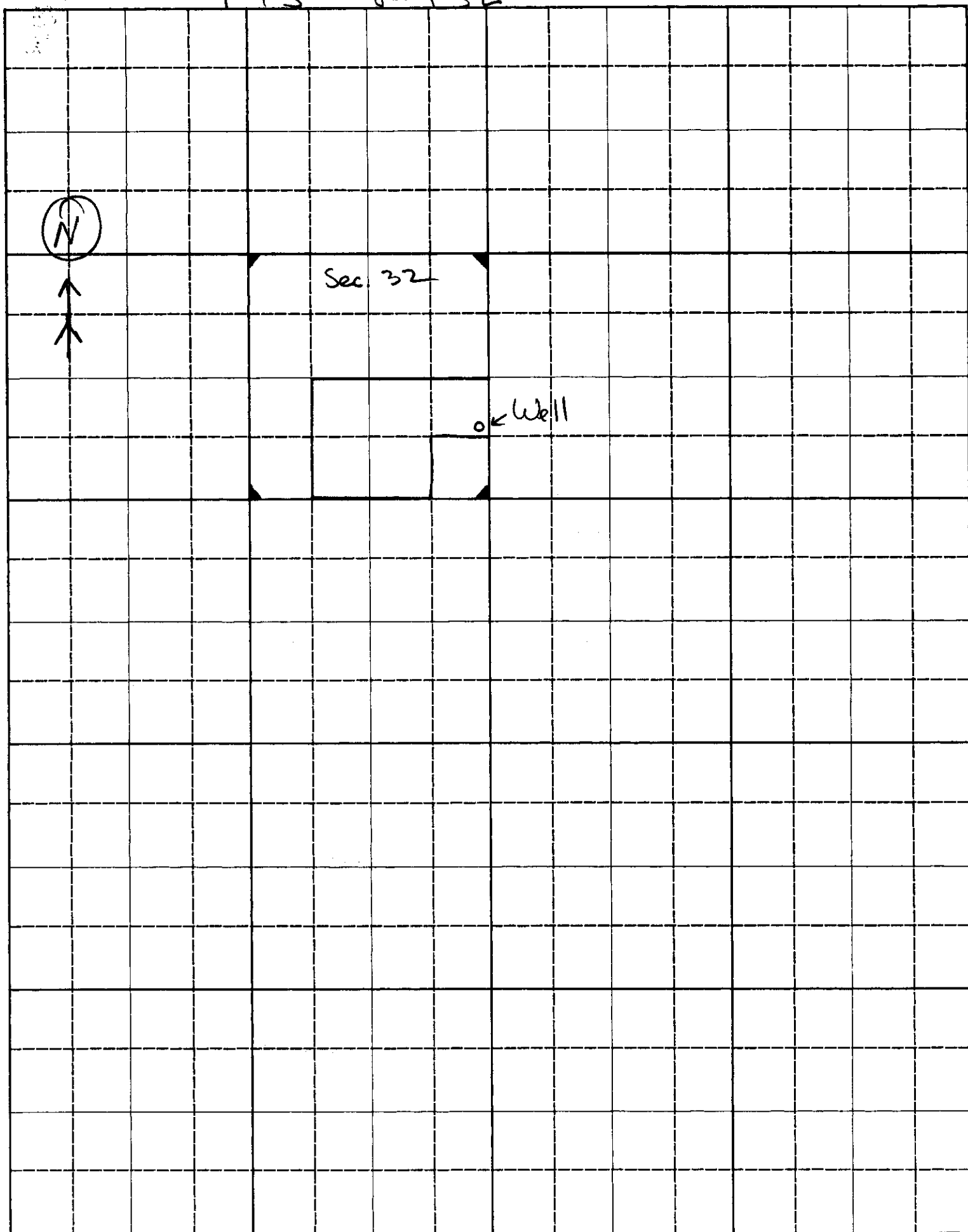
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing DNA

10. Remarks Clover Creek decree dated April 7, 1920 including 37-0814, 37-0815, 37-0823, 37-0824; Bray Lake decree dated January 16, 1932; Honey Springs use rights; Permit No. 37-7580 for Hot Sulphur Lake aka Lye Lake; other ground water applications for permits filed at the same time as this application.

UNRECORDED

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T4S R13E



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Donald J. Bray
(Applicant)

MICROFILMED

Received by manya Date 9/22/8 Time 2:45 p
Preliminary check by _____ Fee \$ #18769
Received by manya Date 9/22/81
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

RECEIVED
SEP 23 1981
DEPT. OF WATER RESOURCES
BOISE, IDAHO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Donald T. Bray, dba Lye Lake Ranch Phone 352-4274
Post office address P. O. Box 156, Bliss, Idaho 83314

2. Source of water supply Ground water which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 4S
Range 13E B.M. Gooding County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.0 cfs for irrigation purposes from April 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, controls, closed pipe or ditch, sprinklers.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 250 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4S	13E	28									40	40	40	40					160

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above.

See Remarks

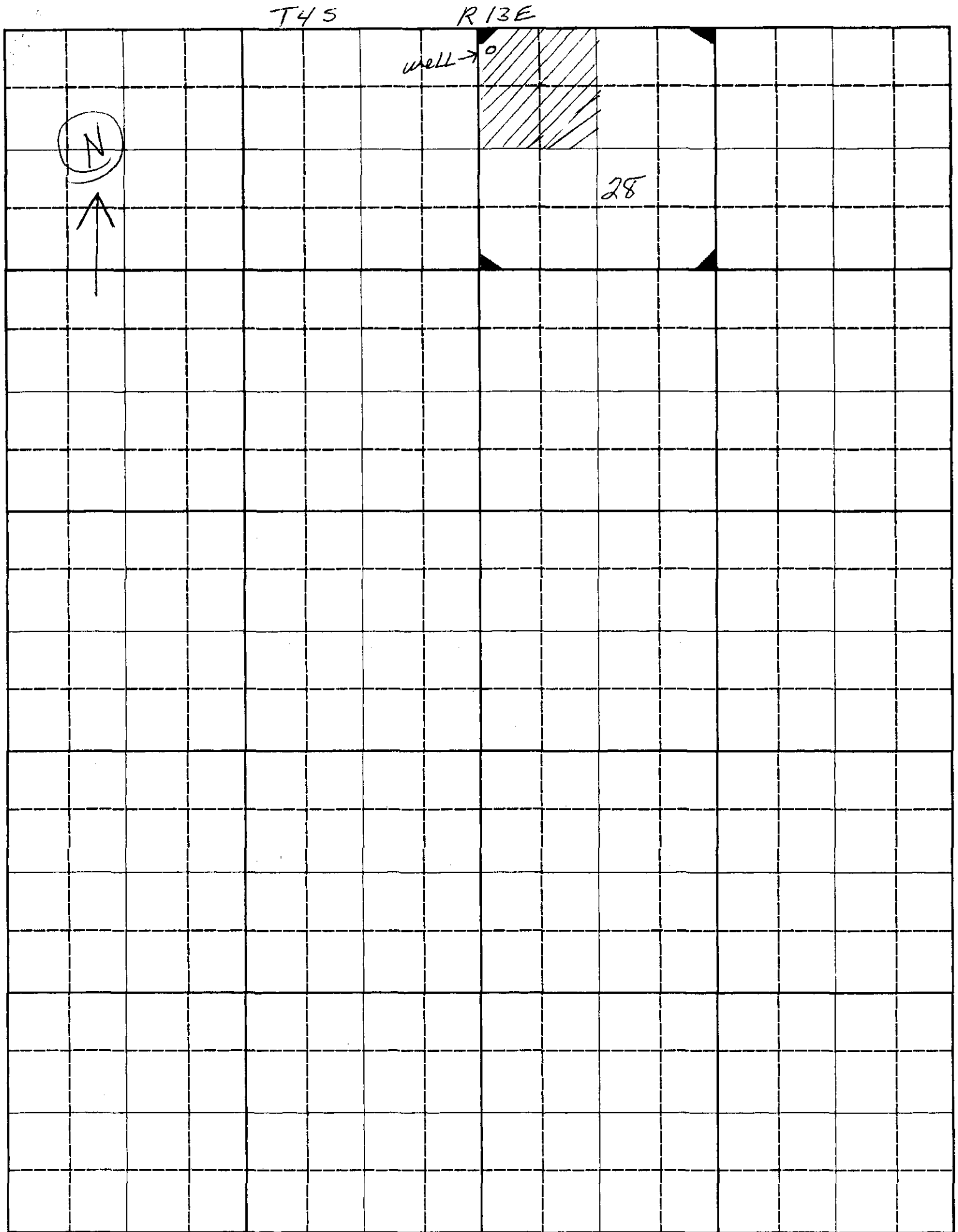
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing DNA

10. Remarks Clover Creek decree dated April 7, 1929 including 37-0814, 37-0815, 37-0823 and 37-0824; Bray Lake decree dated January 16, 1932; Honey Springs use rights; Permit No. 37-7580 for Hot Sulphur Lake aka Lye Lake; other ground water applications for permits filed at the same time as this application.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Donald J. Bray
(Applicant)

RECEIVED
JAN 14 1964

Received by maria Date 9/22/81 Time 2:45p
Preliminary check by _____ Fee \$ #18769
Receipted by maria Date 9/22/81
Publication prepared by o Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

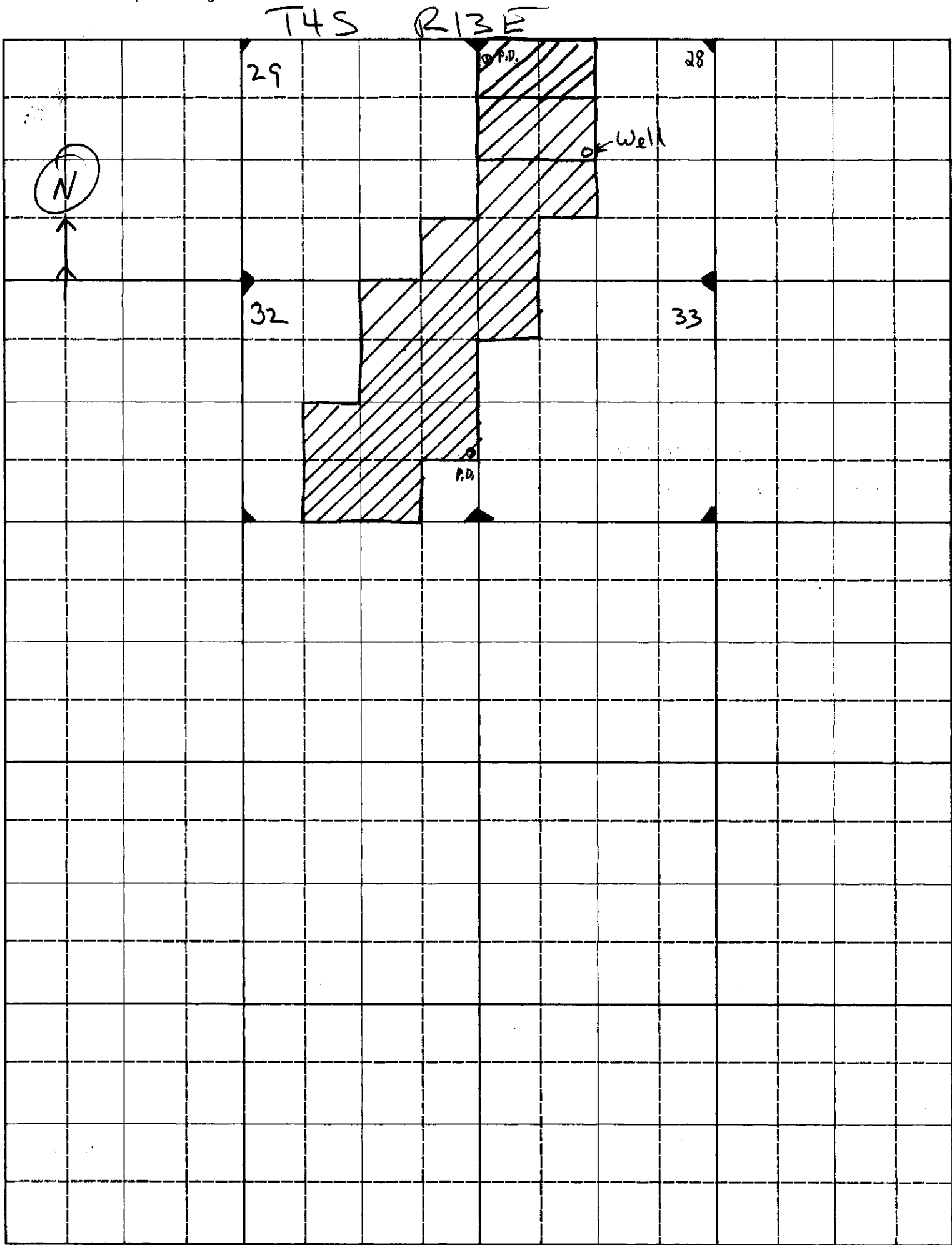
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Donald J. Bray
(Applicant)

MICROFILMED

Proposed priority 9/22/1981

Received by marya Date 9/22/81 Time 2:45 p
Preliminary check by JA Fee \$ 145⁰⁰ # 18769
Receipted by marya Date 9/22/81
Publication prepared by marya Date 9/24/81
Published in Gooding County Leader
Publication dates 9/30 + 10/7/81
Publication approved marya Date 10/1/81
Protests filed by: None

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by ADM RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7942, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 17th day of November, 19 81.

A. Glen Saxton
Chief, Operations Bureau



AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Gary Grook, being first duly sworn, deposes and says that he 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 30 day of Sept. 1981, and the date of the last publication was on the 7 day of Oct. 1981.

Subscribed and sworn to before me this 7 day of Oct. 1981.
(SEAL)

Cindy Dains
NOTARY PUBLIC

GOODING COUNTY LEADER Gooding, Idaho COST OF PUBLICATION

Number of Lines in Notice 52
Number of Insertions 2
Lines tabular at 42
Lines straight at 32 16.64
Subsequent lines at 21 10.92
TOTAL COST 27.56

MICROFILMED

COPY OF NOTICE

(Paste Here)

Application for
TITLE OF NOTICE
Water Right

PLAINTIFF ATTORNEY

37-7942

DEPENDANT

PLAINTIFF

Dept. of Water
BILL TO

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

RECEIVED
OCT 13 1981

Department of
Southern District
No. 2404
2991 Office

[illegible]

CONFIDENTIAL



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

June 5, 2002

LYE LAKE RANCH
PO BOX 156
BLISS ID 83314

RE: License No. 37-7942 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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 a party 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.

Enclosed is a copy of the approved Application for Amendment.

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 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:kit

Enclosure(s)

MICROFILMED

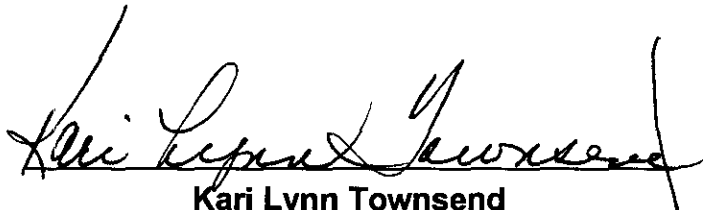
JUN 05 2002

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 37-7942

**LYE LAKE RANCH
PO BOX 156
BLISS ID 83314**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
JUN 05 2002**

**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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

May 13, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LYE LAKE RANCH
PO BOX 156
BLISS ID 83314

RE: Water Right Permit No. 37-07942

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, place of use was developed differently than described on your permit. The examiner also reported that the well serves as the point of diversion for domestic use in one home and for some stock watering. These uses were not authorized on the original permit.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. Because the field examiner did not describe the place of use for the domestic and stock watering uses, please mark their locations in the place of use grid on the amendment form. If you do not want to add the domestic and stock water uses to this water, just cross them off and initial the changes. Finally, if you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in black ink that reads 'Shelley W. Keen'.

Shelley W. Keen
Water Rights Supervisor

Enclosure(s)

MICROFILMED
JUN 05 2002

Comment Report

37-7942

1. ameritt 6/27/2001 draft license

Comment: This was created as a real draft but used in training. It should be ultimately licensed.

2. afolsom 7/10/2001 Field Exam Narrative

Comment: I conducted the exam for Mr. Donald Bray on June 8, 2001. Scott Huxhold, who manages all the irrigation, assisted me on my exam. This permit is in the name of Lye Lake Ranches, but is owned by Donald Bray and operated by Scott Huxhold.

The permit and application indicated that there would be three points of diversion. However, there is only one well being used. The other two wells were never completed, one was not drilled and the second was abandoned. The one well that is used is located in the SENW ¼ of Sec 28, Twn 04S, Rng 13E. The well tag is A0004195 or is also known as the Barnyard well. There is a McCrometer flow meter attached to the main line of the well. Cindy Hodges from the State Office was out in 1997 to calibrate this meter. She determined that the meter was only -4.6% off, which is tolerable. The McCrometer was recording 500gpm at the time of the exam.

The Barnyard well supplies water to three different systems. A full circle pivot, a half circle pivot and a set of wheel lines. The water from this well is used supplementary for the pivots when the creek and springs, which are under water rights 37-4418, -814, and -815, are dry, such as this year. This well alone provides water to the two wheel lines north of the well. The Barnyard well also supplies water to the Huxhold home.

After speaking with Scott, and calculating the acres using Arc View, I recommend the acres being irrigated be changed to a total of 137.7 acres. I am also recommending the rate of diversion to be 1.11cfs and the annual volume to be 405.1afa.

3. skeen 1/28/2002 License review

Comment: License preparation commenced by S. Keen on 1/28/2002 and revisited on 5/13/2002.

No point of diversion overlaps. Place of use overlaps are all surface water rights. The place of use was edited based on the ASCS photo submitted by Corey Skinner. The result was a few more acres than estimated by the field examiner. Because at least part of the place of use has primary surface water rights, this right will get approval conditions generally used for supplemental rights.

MICROFILMED

JUN 05 2002

T-SHELLEY KEEN

HERE IS A COPY OF AN AERIAL PHOTO FROM ASCS REGARDING PIVOT LOCATIONS FOR 37-7942 (LYE LAKE RANCH). SORRY IT TOOK SO LONG. THE GRAY MARKS ARE WHAT THE ASCS HAD ON THEIR WORKING COPIES SHOWING PIVOT LOCATIONS. I ASKED THEM TO DRAW THE PIVOT LOCATIONS FROM LAST YEAR'S AERIAL PHOTO SLIDES, WHICH IS REPRESENTED BY THE GREEN LINES THE LARGER (SW) PIVOT LOOKED

LIKE AN END GUN MAY HAVE BEEN USED ON THE EAST SIDE, BUT NOT THE WEST SIDE. IN 2001, THE GOODING COUNTY ASCS OFFICE PHONE # IS WRITTEN ON THE AERIAL PHOTO COPY IN CASE YOU NEED TO TALK TO THEM.

HOPE THIS HELPS! (Amy)

2
86

3
26.7

37.6
32.19

5
46.8

93

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
AUG 3 2001
DEPARTMENT OF WATER RESOURCES

1. GENERAL INFORMATION

Permit No. 37-7942

1. Owner: Lye Lake Ranch 1/2 Donald Bray Phone No. 208-352-4274

Current Address: PO Box 156 Bliss ID 83314

2. Accompanied by: Scott Huxhold EXAM DATE: June 8, 2001

Address: PO Box 94 Bliss ID 83314 Phone No. 208-352-4274

Relationship to Permit Holder: Manages Mr. Bray's Land

3. Source: Groundwater tributary to _____

3. OVERLAP REVIEW

1. Other water rights with the same place of use: 37-814; -815; -4418

2. Other water rights with the same point of diversion: none

4. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	NW	28	04S	13E	Gooding	GPS TAG # A0004195

2. Place(s) of Use: _____ Indicate Method of Determination GIS

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	13E	28		0.5	2.2				7.3	17.0			25	26					54.6
		29															7.1		7.1
		32	40	1		9													50.0
		33					.1	23	3.1										26.2
																			137.9

MICROFILMED

JUN 05 2002

[illegible]

X

A

4.

*Code to correspond with No. on map and aerial photo

JUN 05 2002

1.

2. Measurements: Cindy Hodges with the West Measurement District measured this well in 1999, and found the meter to be -4.6% off, which is acceptable.

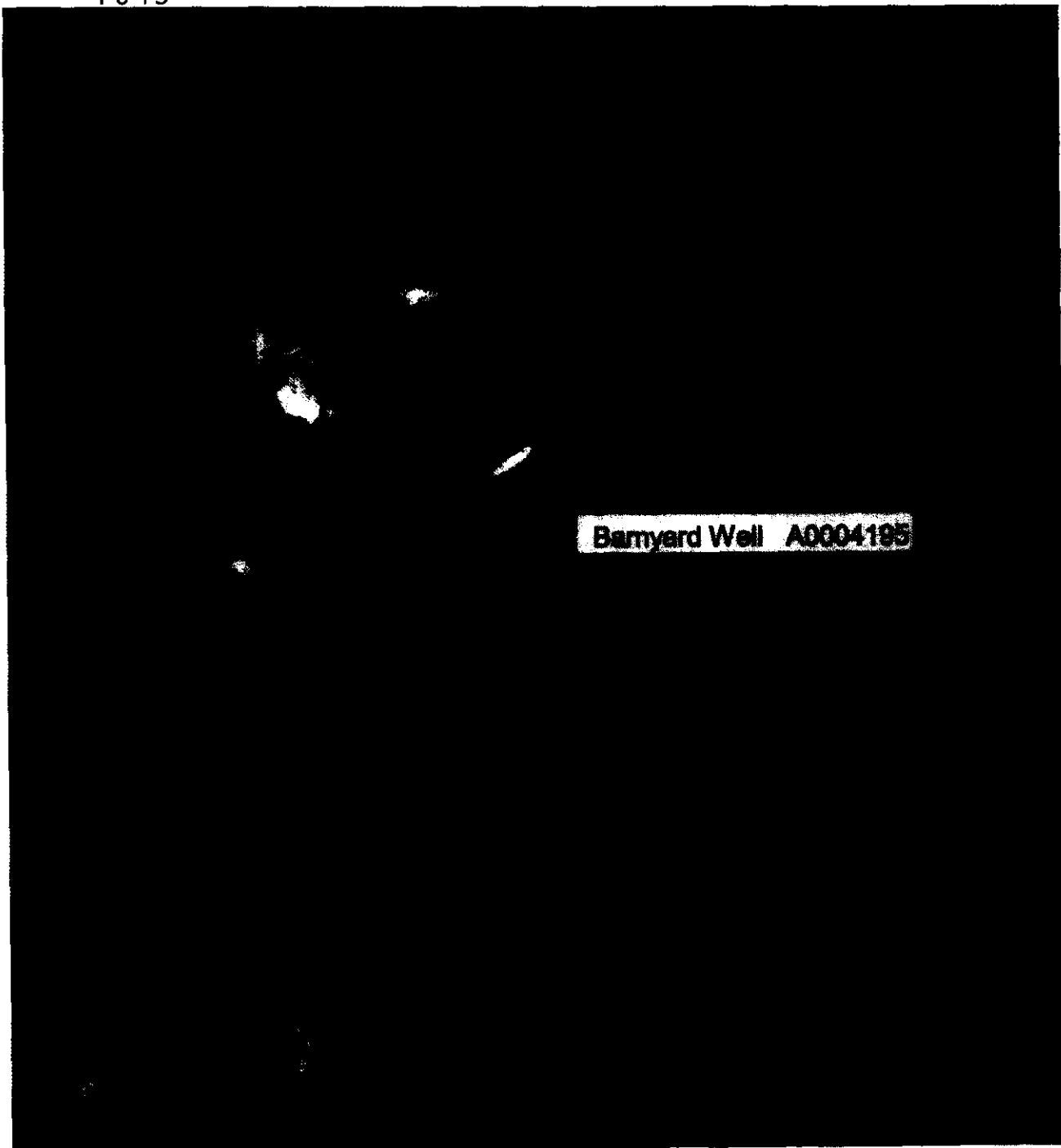
Idaho Department of Water Resource

Recommendation for 37-7942

Donald Bray

T04S

R13E



Barnyard Well A0004195

● Point of Diversion

□ Section Lines

□ Quarter-quarter lines

Place of Use

N
MICROFILMED
JUN 05 2002

Point of Diversion and Place of Use
T04S R13E S28, 29, 32, & 33
Data entry on June 29, 2001

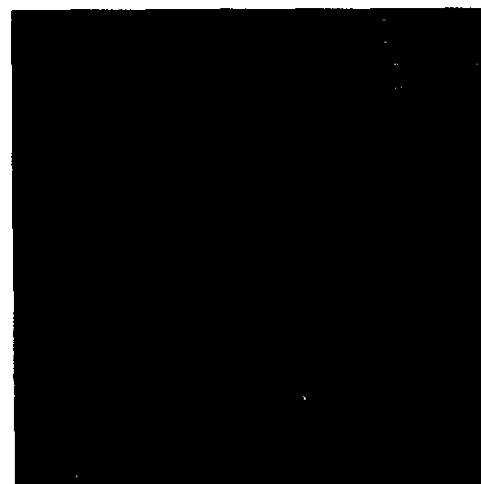
Point of Diversion Presentation
1987/1988 NAPP Photography
Data Entry By: Amanda Folsom



Well, Booster Pump, and GPS
Tag A0004195

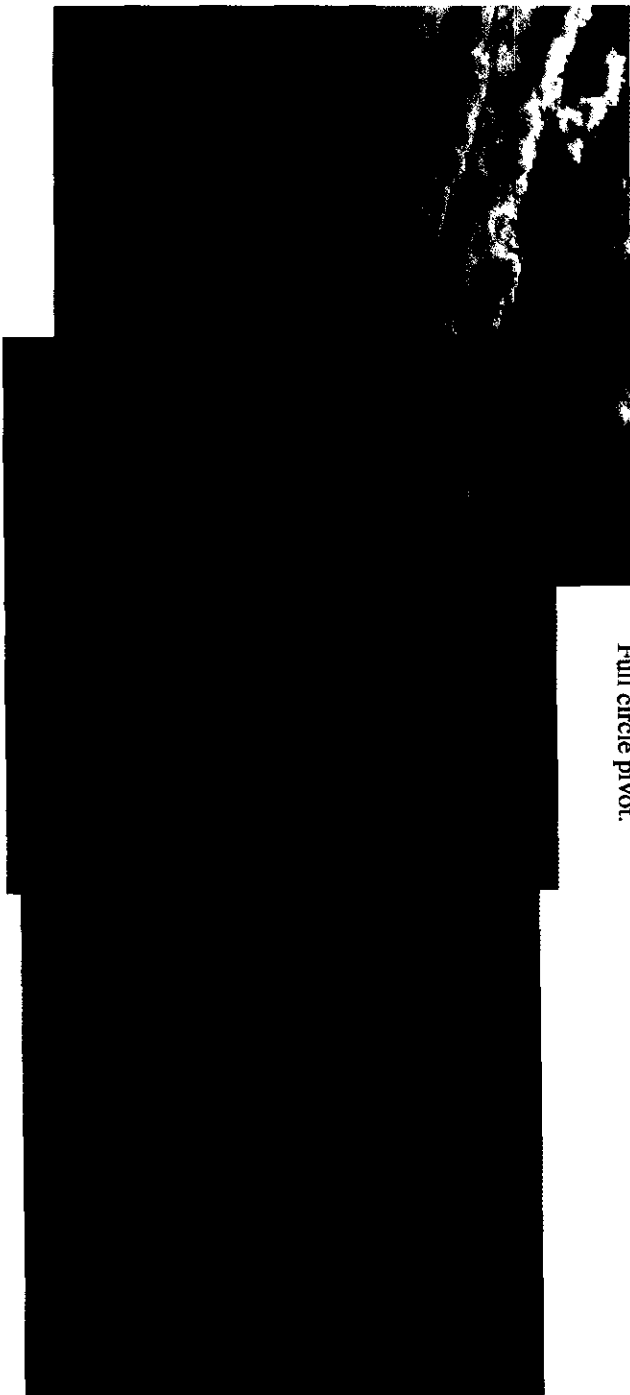


Barnyard Well and main line



McCrometer Flow Meter
8" main line, buried to pivot

Full circle pivot.



MICROFILMED
JUN 05 2002

Lye Lake Ranches
FE Amanda Folsom
June 29, 2001

37-7942

Two wheel lines



Lye Lake Ranches
FIE Amanda Folsom
June 29, 2001

37-7942

MICROFILMED
JUN 05 2002

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

11/09/05 2002

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$\frac{500 \text{ gpm}}{448.83} = 1.11 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 137.9 (3.5) = 482.65$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.11 \text{ cfs} (194) (1.9835) = 405.1$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	11/15	1.11	405.1
Stockwater	Y1	12/31	0.06	0.2
Domestic	Y1	12/31	0.02	0.6
Totals:			1.11	405.9

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Amanda Johnson Date 7/14/01

Reviewer _____ Date _____

SEAL

 MICROFILMED
 JUN 05 2002

JUN 05 2002

RECEIVED

AUG - 3 2001

Department of Water Resources

E. NARRATIVE/REMARKS/COMMENTS

PERMIT: 37-7942
FIELD EXAMINER: Amanda Folsom
DATE: June 29, 2001

I conducted the exam for Mr. Donald Bray on June 8, 2001. Scott Huxhold, who manages all the irrigation, assisted me on my exam. This permit is in the name of Lye Lake Ranches, but is owned by Donald Bray and operated by Scott Huxhold.

The permit and application indicated that there would be three points of diversion. However, there is only one well being used. The other two wells were never completed, one was not drilled and the second was abandoned. The one well that is used is located in the SENW ¼ of Sec 28, Twn 04S, Rng 13E. The well tag is A0004195 or is also known as the Barnyard well. There is a McCrometer flow meter attached to the main line of the well. Cindy Hodges from the State Office was out in 1997 to calibrate this meter. She determined that the meter was only -4.6% off, which is tolerable. The McCrometer was recording 500gpm at the time of the exam.

The Barnyard well supplies water to three different systems. A full circle pivot, a half circle pivot and a set of wheel lines. The water from this well is used supplementary for the pivots when the creek and springs, which are under water rights 37-4418, -814, and -815, are dry, such as this year. This well alone provides water to the two wheel lines north of the well. The Barnyard well also supplies water to the Huxhold home.

After speaking with Scott, and calculating the acres using Arc View, I recommend the acres being irrigated be changed to a total of 137.7 acres. I am also recommending the rate of diversion to be 1.11cfs and the annual volume to be 405.1afa.

MICROFILMED

AUG 3 2001

September 25, 1992

DONALD T. BRAY
DBA LYE LAKE RANCH
P.O. BOX 156
BLISS ID 83314

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-07942

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

OCT 26 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-07942

Reviewed by Klg

Date 9/23/92

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

irrigate - 80
yes Correct Uses?

SOURCE OF WATER

 Surface water source
✓ Ground water source

1981 NA Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
25 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due -
No. of days late =
Priority Date +
New Priority Date

DEFICIENCIES OR ACTION ITEMS

proof acceptable

needs a flow

DATA ENTRY

New Address

Proof Made 9/21/92
9/25/92 Klg

July 31, 1992

DONALD T. BRAY
DBA LYE LAKE RANCH
P.O. BOX 156
BLISS ID 83314

PROOF DUE NOTICE

RE: PERMIT NO. 37-07942

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MICROFILMED

OCT 26 1992

CERTIFIED MAIL

NO. 139244



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

January 10, 1990

RE: Permit No. 37-7942

Donald T. Bray
DBA Lye Lake Ranch
Box 156
Bliss, ID 83314

Dear Mr. Bray:

Enclosed is an order that authorizes you to continue development under Permit to Appropriate Water No. 37-7942. Please note in condition #2., page two of the order that you must develop your system and beneficially use the water prior to October 1, 1992. Failure to beneficially use the water before October 1, 1992 could result in a loss of your water right permit.

Also enclosed is a copy of the approved extension of time request. Please be advised that the department has granted this extension of time based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

Please note the conditions of approval contained in your permit and the continuation order. You must comply with the conditions to fully complete beneficial use.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

Enclosures

MICROFILMED

FEB 21 1990

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 37-7942Reviewed by NJDate 1-5-90

BASIC INFORMATION

y Date stamp received
y Extension received timely (not too early not too late)
y Fee received and receipted
y Name and signature same as permit
N Address change

BASIS FOR EXTENSION REQUEST

 Has adequate work been completed to demonstrate due diligence?
 Has the cost incurred been adequate to demonstrate an intent to complete the project?
y Has the permit been involved in litigation?
 a. Swan Falls y Dismissed from Swan Falls yes
 Other Identify
 b. Is supporting documentation needed to complete the file?
 Requested
 c. Calculate the period of delay

Date litigation completed Date litigation began Total period of delay = Present proof due date + NEW PROOF DUE DATE =

 Is delay by a government agency?
 Is supporting documentation needed to complete the file?
 Requested?

ACTION TAKEN Recommend approval based on S. F.
litigation until Oct. 1, 1992

2/16 Reinstate Date extension received =
 Proof due date =
 No. of days late =
 Priority date = +
 ADJUSTED PRIORITY DATE =

DATE ENTRY

 Change proof due date Address change
 Priority date change

MEMORANDUM

TO: FILE/PERMIT NO. 37-7942

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 12-5-89

The permit holder has returned the questionnaire and submitted an application for amendment which requests that the 720 acres authorized under the original permit be reduced to 160 acres as shown on the amendment.

The amendment does not need to be processed since only the total number of acres is being reduced. The trust water continuation order reduces the permit to 160 acres.

The department's remote sensing report for this area, based on 1986 data, shows that portions of the 160 acres were classified as irrigated. Statements and information submitted by the permit holder has generated some confusion about the number of acres irrigated under this permit or existing decreed rights and statutory claims. The decreed rights do not contain specific documentation concerning the number and location of acres irrigated.

For the purpose of processing this permit under Section 42-203D, I feel it is more appropriate to count the entire 160 acres toward the 20,000 acre/yr limitation.

RECORDED
FEB 21 1990

P. O. Box 156
Bliss, Idaho 83314
November 28, 1989

RECEIVED
DEC 5 1989

Mr. Tim Luke
Sr. Water Resource Agent
State of Idaho
Dept. of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Re: Permit No. 37-7942

Mr. Luke:

Enclosed is the filled out amendment form as you requested. The area denoted as in use has been under irrigation with creek water rights for a long time. The amount of water available in a normal year will allow one to gravity irrigate about 90 acres. In Section 32 there is also considerable ground that can be irrigated but it would require a sprinkler system so I have selected acreage more suitable for gravity irrigation.

Thank you for your help in this matter.

Donald T. Bray
Donald T. Bray

RECEIVED

FEB 21 1990

RECEIVED

DEC 5 1989

STATE OF IDAHO

Ident. No. _____

Department of Water Resources

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now DONALD T BRAY Phone 352-4274
of (address) Box 156 BLISS, IDAHO 83314, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. _____, and requests that the permit and permit map be changed as follows:

1. Point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, Township _____, Range _____, B.M.,
County of GOODING. Other points of diversion: WELL

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 15-620 for IRRIGATION purposes from 1 APR to 15 OCT (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4S	13E	28							20	30	20	20	30						
4S	13E	29																	
4S	13E	32																	
4S	13E	33					40												

Total number of acres to be irrigated = _____

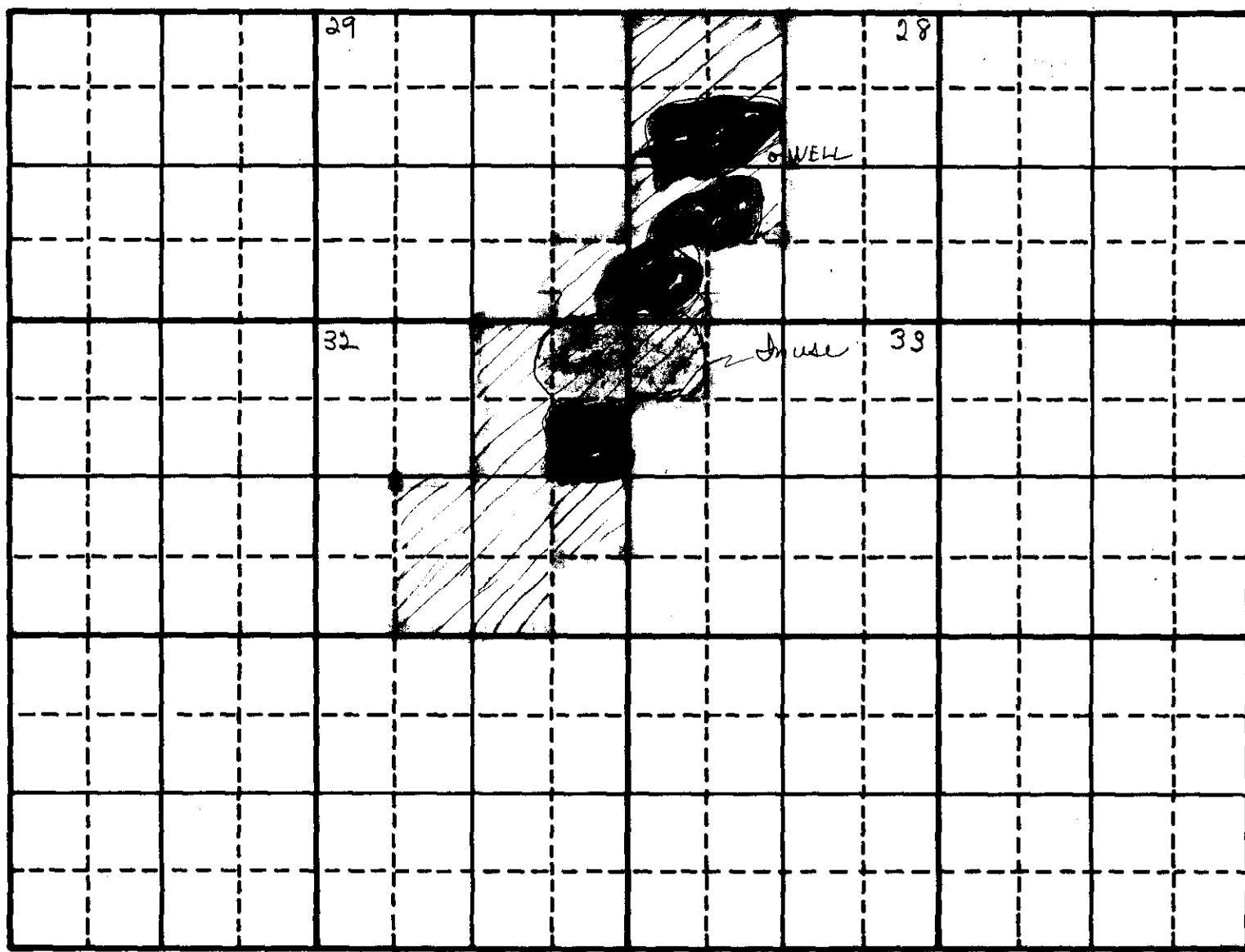
4. a. Who owns the property at the point of diversion? BRAY, DONALD T.
b. Who owns the land to be irrigated or the place of use? BRAY, DONALD T.
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

MICROFILMED

FEB 21 1990

✓ Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

✓ Signed at Escondido, Ca., this 27 day of November, 19 89.
Donald J. Bray
(Signature)

FOR DEPARTMENT USE ONLY

NA Preliminary check by _____ Fee = \$20.00 Receipted by _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19 _____.

MICROFILMED

FEB 21 1990

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE				NW				SW				SE				SUM
							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3707942																							
3700805	BRAY	D	CLOVER CREEK	04S	13E	28	X	X	X	X	:				:				:				
3700814	RADERMACHER	D	CLOVER CREEK	04S	13E	28					:	X	X	X	X	:	X	X	X	:			
3700815	RADERMACHER	D	SPRINGS	04S	13E	28					:	X	X	X	X	:	X	X	X	:			
3704058	BRAY	S	CLOVER CREEK	04S	13E	28	14	3	27	21	:				:				:				65
3704059	BRAY	S	SPRINGS	04S	13E	28	14	3	27	21	:				:				:				65
3704060	TSCHANNEN	S	CLOVER CREEK	04S	13E	28	17	8			:				:				:				25
3704331	TSCHANNEN	S	GROUNDWATER	04S	13E	28		4		2	:				:				:				6
3704340	BRAY	S	GROUNDWATER	04S	13E	28			25		:				:				:				25
3704418	BRAY	S	HONEY SPRINGS	04S	13E	28					:				:		40		:		40		80
3707613	TSCHANNEN	L	GROUNDWATER	04S	13E	28	18	3			:				:	20	20	20 (Amended) 100% on 3-7-82	:	20	20	20	21
3707942	BRAY	P	GROUNDWATER	04S	13E	28					:	40	40	40	40	:	40	40	40	:			280
3708110	BRAY	P	GROUNDWATER	04S	13E	28			25		:				:				:				25
	1986 MAPPING DATA ---	-	COUNTY 47 QUAD Z	69	04S	13E	28	40	36	29	20	:	7	4	18	24	:	13	40	24	24	:	15 2 296
3707942																							
3704418	BRAY	S	HONEY SPRINGS	04S	13E	29					:				:				:		40		40
3707942	BRAY	P	GROUNDWATER	04S	13E	29					:				:				:		40		40
	1986 MAPPING DATA ---	-	COUNTY 47 QUAD Z	69	04S	13E	29	14		7	:				:	17	13	15	8	:	20	9	15 24 142
3707942																							
3700814	RADERMACHER	D	CLOVER CREEK	04S	13E	32	X			X	:				:				:	X			
3700815	RADERMACHER	D	SPRINGS	04S	13E	32	X			X	:				:				:	X			
3702374	RADERMACHER	L	CLOVER CREEK	04S	13E	32		11	13		:				:				:				24
3704056A	FALLS	S	UNNAMED STREAM	04S	13E	32					:				:				:		40	40	80
3704056B	FALLS	S	UNNAMED STREAM	04S	13E	32					:				:		40	40	:	40	40	40	120
3704418	BRAY	S	HONEY SPRINGS	04S	13E	32	40	40	40	40	:				:	40		40	:	40	40	40	360
3707942	BRAY	P	GROUNDWATER	04S	13E	32	40	40	40	40	:				:	40		40	:	40	40	40	360
	1986 MAPPING DATA ---	-	COUNTY 47 QUAD Z	69	04S	13E	32	32	7	26	39	:	14	7	17	11	:	19	3	:	31	37	3 12 258
3707942																							
3700814	RADERMACHER	D	CLOVER CREEK	04S	13E	33					:	X			:				:				
3700815	RADERMACHER	D	SPRINGS	04S	13E	33					:	X			:				:				
3704418	BRAY	S	HONEY SPRINGS	04S	13E	33		40			:	40			:				:				80
3707942	BRAY	P	GROUNDWATER	04S	13E	33					:	40✓			:				:				40
	1986 MAPPING DATA ---	-	COUNTY 47 QUAD Z	69	04S	13E	33	1	6		:	27	4		:		3		:				41

FEB 21 1990

REPRODUCED



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

October 27, 1989

RE: Permit No. 37-7942

Donald T. Bray
Box 156
Bliss, ID 83314

Dear Mr. Bray:

The above referenced permit has been re-advertised. The protest period has passed and no protests were received by the department. The department is now in a position to issue an order which re-authorizes completion of the proposed project.

This project was originally approved for the irrigation of 720 acres. Through your completion of the trust water information questionnaire earlier this year and through some additional correspondence, you informed the department that you wished to develop the proposed groundwater source for 160 acres only. I have reviewed the copy of the permit you sent to the department in which you deleted certain 40 acre parcels. I have further looked for any water rights appurtenant to the remaining 40 acre tracts and have found that portions of those tracts are already irrigated. There is some confusion on my part concerning where the amended 160 acres are to be located, and whether or not any of the 160 acres are already irrigated with existing rights.

Before the department can proceed with issuing a continuation order, I must ask that you complete and endorse the enclosed amendment form. In particular, please be as specific as possible about the number and location of the 160 acres. I did not request this of you earlier because I felt it would be more appropriate to reduce the number of acres with the continuation order. Upon further review of department rules, however, I would prefer that you complete and return the amendment form. The location and number of acres is based on the documentation you gave me, along with other sources of aerial photography available at the department. Your endorsement of the amendment will allow the department to update the permit in accordance with your present intentions. It should also help expedite future licensing of the permit.

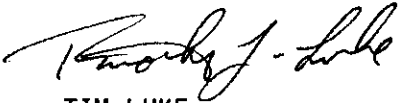
MICROFILMED

FEB 21 1990

Page 2

Since you have already paid the trust water re-advertisement fee, you need not pay an amendment fee when returning this form. The purpose of the amendment is mainly to update our records and reduce the original permitted acreage as you have requested. I apologize for any delay in completing the processing of this permit. Please contact me if you have any questions concerning this matter.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

TL:sc
Enclosure

MICROFILMED

FEB 21 1990



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

July 26, 1989

Gooding County Leader
Box 56
Gooding, ID 83330

Dear Legal Department:

Enclosed you will find a legal notice which we wish to have published on August 3 and August 10 (once a week for two consecutive weekly issues) in your newspaper. If your paper is published weekly, the notice must appear in the issue that is distributed during the weeks of July 31 and August 7. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and billing to the office below before August 25, 1989.

Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Sincerely,

HEIDI M. MIKEL
Secretary

MICROFILMED

FEB 21 1990

NOTICE OF EXISTING
WATER RIGHT PERMIT

PERMIT NO. 37-7942

Presently Recorded as Follows:

Name: DONALD T. BRAY DBA LYE LAKE RANCH
Address: P.O. BOX 156, BLISS, ID 83314
Source: GROUNDWATER
Diversion Pt.: SENE NWNW SEC. 28, NESE SEC. 32 T4S R13E,
GOODING CO.
Use: IRRIGATION (5.5 CFS)
Priority: SEPTEMBER 22, 1981
Place of Use: NW1/4 N1/2SW SWSW SEC. 28, SESE SEC. 29, NENE
S1/2NE E1/2SW N1/2SE SWSE SEC. 32 T4S R13E
Total Acres: 160

This permit was not developed by July 1, 1985, and is being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of the permit must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, ID 83720 on or before August 21, 1989.

R. Keith Higginson, Director

MICROFILMED

FEB 21 1990

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

619-489-0036

Receipt No: C007550

Date: 06/15/89

Time: 16:46:27

Received

From: BRAY, DONALD T.

Type of Payment	Program Acct Class	Amount
RE-ADVERTISEMENT FEE	0610199 1238 6490	\$20.00
	Total	\$20.00

CHECK 1413

Idaho Department of Water Resources

Region: STATE

Signature: Christa Poncia

MICROFILMED

FEB 21 1990

JUL 12 1989

Department of Water Resources

P. O. Box 156
Bliss, Idaho 83314
June 23, 1989

Mr. Tim Luke
Sr. Water Resource Agent
State of Idaho
Dept. of Water Resources
1301 N. Orchard St.
Boise, Idaho 83706

Mr. Luke:

In accordance with our telephone conversation today, I would like to reaffirm that we would like to decrease the acreage covered by our Permit No. 37-7942 from 720 acres to 160 acres.

Donald T. Bray
Donald T. Bray

*Note: Portions of the 720 acres overlap
A statutory claim &*

MICROFILMED

FEB 21 1990

P. O. Box 156
Bliss, Idaho 83314
June 12, 1989

RECEIVED

JUN 15 1989

Department of Water Resources

Mr. Tim Luke
Sr. Water Resource Agent
State of Idaho
Dept. of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Mr. Luke:

Enclosed is a copy of Permit No. 37-7942. Some of the numbers have been corrected to reflect actual volumes and land use. The well was completed in 1982 and gives about 1000 gpm (2.2 cfs) with 90 feet drawdown. The water was used in 1982. In subsequent years we have reduced the amount of land we want to irrigate for the time being and have been using only about 10% to 20% of the above capacity. We may, however, want to increase it in the future.

Due to the confusion of the Swan Falls litigation, I am not sure where we stand in regards to whether or not the project was considered completed July 1, 1985. Hence I have enclosed a check for \$20.00 just in case. We need your advice as to the next steps we need to take, if any.

Donald T. Bray
Donald T. Bray

encl

MICROFILMED

FEB 21 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Donald T. Bray dba Lye Lake Ranch Phone 352-4274

Post office address P. O. Box 156, Bliss, Idaho 83314

2. Source of water supply Ground water which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 4S

Range 13E B.M. Gooding County, additional points of diversion if any: _____

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32 T. 4S R. 13E

4. Water will be used for the following purposes: * Per conversation w/Matt Mullaney 9-24-81

*5.5
Amount 1-5 cfs for irrigation purposes from April 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

*5.5- 1.5 to 2.0

a. 1-5 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 3 wells, pumps, controls, ditch
or culvert to main canal for distribution.

b. Height of storage dam DNA feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 165 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

FEB 21 1990

Not: Top Number in parenthesis indicates # of irrigated acres
see 18th Permit Scheduling Report.

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
4S	13E	32	32 40	40	26 40	39 40					19 40			0 40	31 40	37 40	3 40		360	120
4S	13E	29																29 40	40	0
4S	13E	28					7 40	4 40	19 40	24 40	13 40	40 40	24 40						-200	-280* 40
4S	13E	33					0 40												40	0
Total number of acres to be irrigated																			-640	-720* 160

c. Describe any other water rights used for the same purposes as described above.

see Remarks

9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing DNA

10. Remarks Clover Creek decree dated April 7, 1929 including

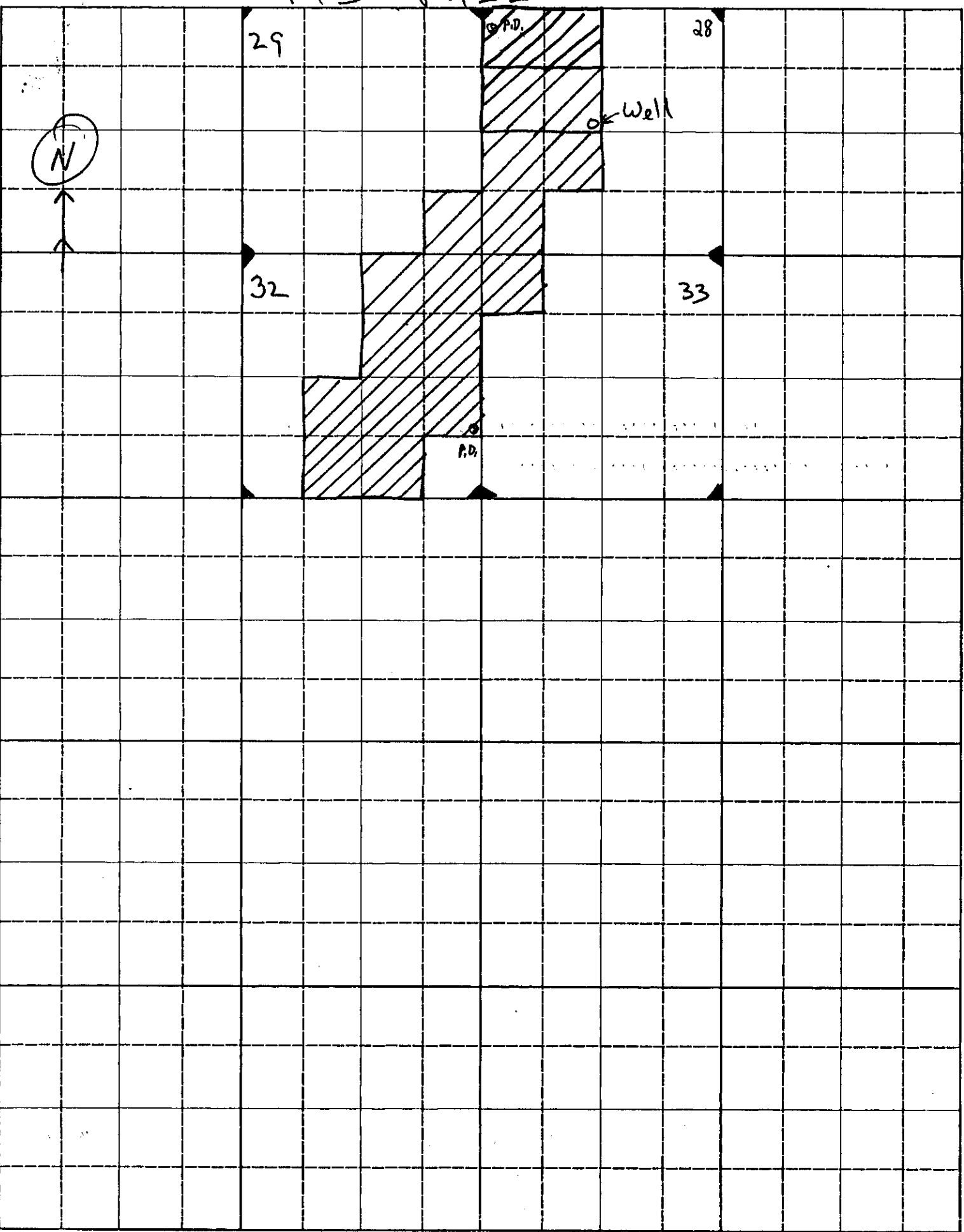
37-0814, 37-0815, 37-0823 and 37-0824; Bray Lake decree dated
January 16, 1932; Honey Springs use rights; Permit No. 37-7580
for Hot Sulphur Lake aka Lye Lake; other/ground/water/applications
for/permits/FILED/at/the/same/time/as/this/application/

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FEB 21 1990

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T4S R13E



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set

MICROFILMED

FEB 21 1990

Donald J. Bray
(Applicant)

MICROFILMED

Proposed priority 9/22/1981

Received by maya Date 9/22/81 Time 2:45 p
Preliminary check by JA Fee \$ 145⁰⁰ # 18769
Receipted by maya Date 9/22/81
Publication prepared by maya Date 9/24/81
Published in Gooding County Leader
Publication dates 9/30 + 10/7/81
Publication approved maya Date 10/1/81
Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ADM RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7942, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 17th day of November, 19 81.

D. Glen Saxton
Chief, Operations Bureau

MICROFILMED

FEB 21 1990

RECEIVED
JUN 15 1989

Department of Water Resources

INSTRUCTIONS: Please answer the following questions as thoroughly as possible and submit the \$20.00 readvertisement fee if applicable.

If yes, you are requested to submit clear evidence that shows the number and location of acres irrigated.

Aerial photographs taken prior to July 1, 1985, located in area ASCS offices, are best forms of evidence. Photos submitted to the Department must be accompanied by a signed statement from an ASCS representative which verifies the photo date and that the lands were irrigated prior to July 1, 1985. If ASCS does not have photos for the land and/or time in question, you must have the ASCS provide the Department with a statement that photos are not available and then proceed to submit other forms of suitable evidence.

2. Please state the number of acres you have irrigated under this permit since July 1, 1985. *About 160 acres - water mixed with other water*

3. If you have not irrigated lands under this permit, please state the number of acres you plan to complete.

NOTE: You must submit the \$20.00 readvertisement fee if any or all of the lands were not irrigated before July 1, 1985.

4. If the permit is a supplemental filing please identify other water rights which are used on the same land.

See copy Permit No. 37-7942

Use the reverse side of this form if you wish to add any comments.

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Permit Holder

Permit Holder Donald J. Bray

Date 12 Jun 89

MICROFILMED

FEB 21 1990

C007550
6/15/89
20.00

IDAHO DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

5. REMARKS/COMMENTS:

This well was completed in 1982 and has a capacity of about 1000 gpm (2.2 cfs) at 90 foot drawdown. The water was used for irrigation in 1982 (mixed with other waters). Subsequently we reduced the amount of acreage we wanted to put under irrigation and have been using only about 100 gpm. However, we may want to increase that in the future.

MICROFILMED

FEB 21 1990



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

May 24, 1989

RE: PERMIT NO. 37-7942

Dear PERMIT HOLDER:

Due to the Swan Falls litigation, development proposed by the enclosed permit may have been delayed. The Department is presently reviewing the permit and may authorize completion of development proposed under the permit.

The purpose of this letter is to determine: (1) the extent of development under the permit, and (2) your continued interest in developing or completing development under the permit.

Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

Please complete and return the enclosed questionnaire if you wish to continue with your plans of development or have completed all or a portion of your development before July 1, 1985.

Please complete the enclosed relinquishment form and return it to the Department if you have abandoned or have no interest in continuing with your plans for development of the project.

If the entire project was not completed prior to July 1, 1985, and you still wish to proceed with your plans of development, then you must submit a \$20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to cancel the permit.

If the incomplete portion of your project is more than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4.5 (copy enclosed).

MICROFILMED

FEB 21 1990

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke - Water Allocation/Trust Water

Please note that a copy of your permit is enclosed. The permit number is shown on the enclosed questionnaire.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Luke", written in a cursive style.

TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILMED

FEB 21 1990

Form 204-p
8/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 37-7942

Name(s) of Permit Holder(s): Donald T. Bray

Post Office Address: P.O. Box 156

BLISS, ID

☐ I hereby certify that construction of diversion for the above referenced permit began on _____ I understand that I must

(date) _____ continue to develop the water system with due diligence to maintain a valid permit.

☒ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

Idaho Power Monatorium

*Note: A financing difficulty is not an acceptable reason.

July 20, 1982
Date

Donald T. Bray
Signature of Permit Holder

MICROFILMED
FEB 21 1990

88-352-4274

Lye Lake Ranch
P.O. Box 156
Bliss, ID, 83314

Wise shoppers
stretch dollars

BLISS,

NOV

29

1982

PM

Consumer
Education

USA 20c

MICROFILMED

FEB 21 1991



RECEIVED

NOV 30 1982

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 3, 1986

Donald T. Bray
dba Lye Lake Ranch
P. O. Box 156
Bliss, ID 83314

Dear Mr. Bray:

Re: Permit No. 37-7942

The department has received and reviewed the request for extension of time submitted in connection with the above referenced permit.

The department's records show that the permit has been included in the Idaho Power Company lawsuit relative to the Swan Falls matter and has not been dismissed. The permit is also subject to the public interest review requirements of Sec. 42-203D, Idaho Code. For these reasons, the department will hold the request for extension of time without action until the review under the provisions of Sec. 42-203D, Idaho Code is conducted.

Please feel free to contact the department if you have questions or wish to periodically check the status of the extension request.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Region

MICROFILMED

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 32-7942

Reviewed by [Signature]

Date 10-30-1986

BASIC INFORMATION

- y Date stamp received
y Extension received timely
 (not prior to 6 month before proof due date or after reinstatement period)
y Fee received and receipted
y Name and signature same as permit
0 Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

- y Has adequate work been completed to demonstrate due diligence?
y Has the cost incurred been adequate to demonstrate an intent to complete the project?
y Has the permit been involved in litigation?
 a. Swan Falls yes Dismissed from Swan Falls No
 Other Identify
 b. Is supporting documentation needed to complete the file? Requested
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

- 1/4 Is delay by a government agency?
 Is supporting documentation needed to complete the file? Requested

ACTION TAKEN Recommend approval based on due diligence for 3 years.

Special conditions or remarks:

app Reinstatement Date extension received _____ = _____
 Proof due date _____ = -
 No. of days late _____ = _____
 Priority date _____ = +
 ADJUSTED PRIORITY DATE _____ = _____

- 1 Prepare coding sheet
1 Change rolodex card

*no need to be filmed.
 5807*



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

EXTENSION OF TIME

October 28, 1986

Hawley Troxell Ennis & Hawley
P. O. Box 1617
Boise, ID 83701

PERMIT NO. 37-7942, Donald T. Bray, dba Lye Lake Ranch

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 39361.

Roberta Garrett
Records Supervisor

Enclosure

cc Donald T. Bray

RECEIVED

RECEIVED

OCT 27 1986

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
JOHN T. HAWLEY, P.A.
THOMAS A. MILLER
M. NEAL NEWHOUSE
CRAIG L. MEADOWS
JOSEPH D. MCCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
GARY D. BABBITT, P.A.
P. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GOODSON, P.A.
CARL W. HARDER
PHILLIP M. BARBER
DONALD E. KNICKREHM
EDWIN V. APEL, JR.
EUGENE A. RITTI
KAREN L. LANSING
RICHARD G. SMITH

JOHN F. KURTZ, JR.
ROBERT S. ERICKSON
LINDA L. HOLDEMAN
BRENT F. LLOYD
JOHN McGOWN, JR.
ALBERT P. BARKER
JOHN T. HAWLEY, JR.
DON A. OLOWINSKI
NICHOLAS G. MILLER
RONALD E. BUSH
STEVEN W. BERENTER
CATHY R. SILAK
KENNETH C. HOWELL
RITA L. BERRY
MICHAEL M. STODDARD
JOSEPH P. LANGFIELD
SUSAN D. MINER
KEVIN J. BEATON

ONE CAPITAL CENTER
SUITE 701
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

TELECOPIER
(208) 342-3829

Department of Water Resources
(198-1582)

POCATELLO OFFICE
125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205
TELEPHONE
(208) 233-0845

October 27, 1986

State of Idaho
Department of Water Resources
450 W. State - The Towers
3rd Floor
Boise, Idaho 83720

Re: Permit No. 37-7942 - Request for Extension
of Time to file proofs - Donald T. Bray,
dba Lye Lake Ranch

Gentlemen:

Enclosed herewith are original and one copy of Request
for Extension of Time, together with our firm check in the
amount of \$15.00 in payment of your filing fee.

Would you please stamp the extra copy of this request
and return it with our messenger.

Please call me if you have any questions whatsoever;
especially if you question whether this extension may be
granted.

Thank you for your usual consideration.

Yours truly,



THOMAS A. MILLER

TAM:jw
Enc.
cc Mr. Donald T. Bray

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
AUGUST 31, 1986

138242

BRAY, DONALD T.
P.O. BOX 156
BLISS, ID 83314

PROOF DUE NOTICE

RE: PERMIT NO. 37-7942

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE NOVEMBER 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH WHEN ACCOMPANIED BY THE LICENSE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.

(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

RECEIVED

July 22, 1985

Ben Cavaness
CAVANESS AND BEEBE
P. O. Box 70
American Falls, ID 83211

Dear Mr. Cavaness:

Re: Permit No. 37-7942

Enclosed is the proof of beneficial use form submitted to this office on July 1, 1985. Pursuant to your request, the Department has withdrawn the proof form. Please be advised that this permit will be reviewed under the public use criteria. Also, sixty days prior to November 1, 1986, the department will notify your client of the necessity of fulfill the requirement of beneficial use.

If you have any questions concerning your permit, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

cc: Southern Region
Tom Nelson



Cavaness and Beebe

BEN CAVANESS
MARK BEEBE

ATTORNEYS-AT-LAW
P.O. Box 70
American Falls, Idaho 83211

Telephone
(208) 226-2562

July 18, 1985

RECEIVED
JUL 22 1985

Ms. Rita Fleck
Idaho Dept. of Water Resources
450 West State Street
Boise, Idaho 83720

Department of Water Resources

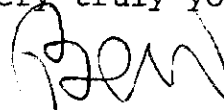
Re: Don Bray - Lye Lake Ranch Proof of Beneficial Use
Form A

Dear Ms. Fleck:

This is to confirm my earlier telephone conversation with you wherein I advised you that you that I would be withdrawing the Form A, Proof of Beneficial Use that was filed for a portion of the development of the stated application in view of the fact that very little of development occurred prior to November 19, 1982. This will mean that the applicant will be subject to the public use criteria hearing at a later date.

Accordingly, you may return the Form A to this office.

Very truly yours,



Ben Cavaness

BC:mh

RECEIVED

Cavaness and Beebe

ATTORNEYS-AT-LAW

P. O. Box 70

American Falls, Idaho 83211

Ms. Rita Fleck
Idaho Dept. of Water Resources
450 West State St.
Boise, Idaho 83720

July 22, 1985

Donald T. Bray
dba Lye Lake Ranch
P. O. Box 156
Bliss, ID 83314

Dear Mr. Bray:

Re: Permit No. 37-7942

Enclosed is the proof of beneficial use form submitted to this office on July 1, 1985. Pursuant to your request, the Department has withdrawn the proof form. Please be advised that this permit will be reviewed under the public use criteria. Also, sixty days prior to November 1, 1986, the department will notify your client of the necessity of fulfill the requirement of beneficial use.

If you have any questions concerning your permit, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

cc: Southern Region
Tom Nelson

MICROFILMED

December 16, 1981

Re: Permit No. 37-7942

Donald T. Bray dba Lye Lake Ranch
P.O. Box 156
Bliss, ID 83314

Dear Permit Holder:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install a measuring device, or an access port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the access port.

We have enclosed a form entitled "Making Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure



State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

BRAY, Donald T

INITIAL REVIEW BY: J E Stanton

APPLICATION NUMBER: d/b/a Lye Lake Ranch

CHECK:

37-7942

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____

Date: _____

Comments: _____

- ☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: JK Map No. 2-19
☒ Yes ☐ No Other rights on same place of use: 37-0814, 0815, 7580, 2374, 4056 (all surface water rights)
☐ Yes ☐ No* In form for advertising: 10/19/81
☐ Yes ☐ No Final date for protests: 10/19/81
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 10/13/81
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ Date of priority recommended: 9/22/81
☒ Special conditions of approval or cover letter. OIC

By: ADM

Date: 11/2/81

STATE OFFICE REVIEW:

return receipt w/cover letter

SLW/103

OIC

- ☐ See attached sheet for more information.

By: [Signature]

Date: 11/17/81

RECEIVED

NOV 20 1981

Department of Water Resources

INTER-DEPARTMENT MEMO — 1

FROM Loten Holmes

DATE 10/13/81

TO File 37-7942

SUBJECT Conv. w/ Sterling Bray — $\frac{1}{2}$ owner of water Right 37-0805

Mr Bray expressed concern about the possible effect of this groundwater diversion on the hot spring (he calls it a hot well) mentioned in the deeded right.

I advised him to keep records on the flow of the spring.

LH

SIGNATURE

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

37-2942-

LYE LAKE RANCH, DONALD T. BRAY

P.O. BOX 156, BLISS, ID 83314

Source: GROUNDWATER

Date Filed: 09/22/1981

Amount: 5.50 CFS

Diversion Point: SENW NWNW Sec 28 T 04S R 13E NESE Sec 32 T 04S R 13E,
GOODING Co.

IRRIGATION (5.50 CFS) from 04/01 to 10/15

Place of Use: NENE NWNE SWNE SENE NESW SESW NESE NWSE SWSE Sec 32 T 04S R 13E
SESE Sec 29 T 04S R 13E NENW NWNW SWNW SENW NESW NWSW SWSW
Sec 28 T 04S R 13E NWNW Sec 33 T 04S R 13E FOR 720 ACRES

Diversion Means: WELLS, PUMPS, CONTROLS, DITCH

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before OCTOBER 19, 1981.

A. KENNETH DUNN

Director

Published 9/30 & 10/7/81.

RECEIVED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given
that the following applica-
tion(s) have been submitted
for permit to appropriate the
public waters of the State of
Idaho:

37-7942

LYE LAKE RANCH, DON-
ALD T. BRAY
P.O. BOX 156, BLISS, ID
83314

Source: GROUNDWATER

Date Filed: 09/22/1981

Amount: 5.50 CFS

Diversion Point: SENW NW-

NW Sec 28 T 04S R 13E NESE

Sec 32 T 04S R 13E,

GOODING Co.

IRRIGATION (5.50 CFS)

from 04/01 to 10/15

Place of Use: NENE NW-

NE SWNE SENE NESW

SESW NESE NWSE SWSE

Sec 32 T 04S R 13E SESE

Sec 29 T 04S R 13E NENW

NWNW SWNW SENW NE-

SW NWSW SWSW Sec 28 T

04S R 13E NWNW Sec 33 T

04S R 13E FOR 720 ACRES

Diversion Means: WELLS,

PUMPS, CONTROLS,

DITCH

If issued, the permit(s)
will be subject to all prior
water rights. Protests
against the granting of any
permit must be filed with the
Director of the Idaho Depart-
ment of Water Resources,
1041 Blue Lakes Blvd. North,
Twin Falls, Idaho 83301 and
received on or before OC-
TOBER 19, 1981.

/s/ A. KENNETH DUNN
Director

PUB: 9-30; 10-7, 1981

*OK
margo
10/1/81*

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

SEPTEMBER 24, 1981

Gooding County Leader
P.O. Box 56
Gooding, Idaho 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before OCTOBER 19, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

RECEIVED
SEP 25 1981

MATTHEW MULLANEY, Attorney at Law

Suite 308 / The Hoff Building / 802 West Bannock Street / Boise, Idaho 83702 / 208-344-2860

September 25, 1981

RECEIVED
SEP 27 1981
Department of Water Resources
Southern District Office

Idaho Department of Water Resources
Southern District
1041 Blue Lakes Blvd. N.
Twin Falls, ID 83301

Attn: Jim Stanton

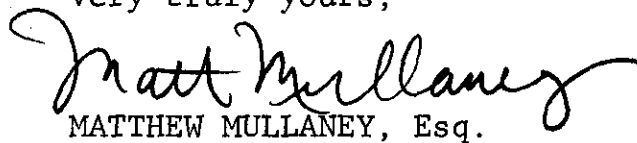
Re: Donald Bray (Wells)

Gentlemen:

Enclosed is my check in the amount of \$145 on account of Donald Bray for payment of the filing fee for the single application for four wells discussed and approved with Jim Stanton on September 24, 1981.

We will expect a reimbursement check made payable to the undersigned in the amount of \$220.

Very truly yours,


MATTHEW MULLANEY, Esq.

MM/mh
encl.

cc: Donald Bray

RECEIVED