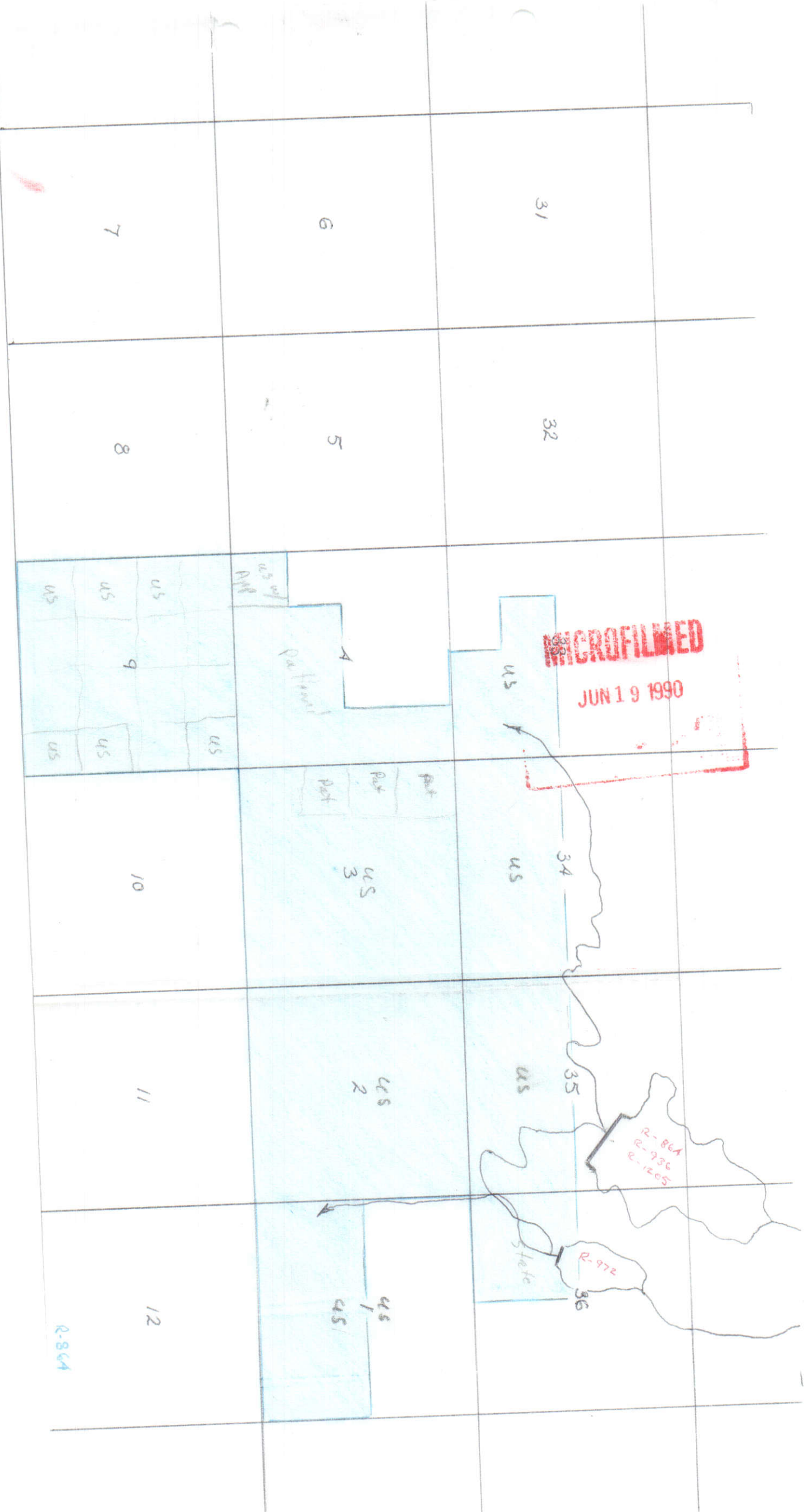




R-864

FILED BY KEONARD E. STROUT

PRIORITY 10-12-50

CUB 10-31-55

BU 10-31-61

ASSIGNED TONY, CUB, & PHILIP

PO. SWINT 35, 45, 13

DRAW CAPACITY 2500 AF

25' H
24" x 33" OUTLET

LAND AREA - 3600 ACRES

OTHER RIGHTS: CONTINUOUS 32
FROM DAY CE. PROBABLY 2-1-19

518 AF / ACNE / 42 R

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

The map grid shows a 10x10 section layout. Hand-drawn lines indicate a proposed land area and a point of diversion. Red numbers 4, 3, and 9 are written on the grid.

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 _____, this _____ day of _____, 19____.

Alex Mason
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby approve the above application for amendment for permit R-864.

Witness my hand this 2nd day of December, 19 68.

R. Keith Higgins
State Reclamation Engineer



NOTICE OF CORRECTION
OF LEGAL NOTICE
PUBLISHED UNDER THE
PROVISIONS OF SECTIONS
42-214, 42-217, IDAHO
CODE

Notice is hereby given that the legal notice printed in the Gooding Leader on February 22, 29, March 7 and 14, 1968, showing that Tony Lemos and Eva Lemos, husband and wife, and Phillip R. Lemos, Bliss, Idaho, were to make proof of application of water to beneficial use on March 15, 1968, on Permit No. R-864 was in error and the place where said water is used was given as E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sect. 3, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S., R. 13 E., B. M.; whereas the actual place of use is W $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 5 S., R. 13 E., B.M.

That any protests against the approval of the depositions made March 15, 1968, must be filed in the Department of Reclamation at 614 State Street, Boise, Idaho within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his ob-

jection to the approval of said proof of beneficial use of water.

Dated this 9th day of January, 1969.

R. Keith Higginson
State Reclamation
Engineer

1-23
JAN 1969

Affidavit of Publication

RECEIVED

APR 24 1968

State of Idaho,
County of Gooding

SS.

Department of Reclamation

Thomas D Miller

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 28

day of 28 March, 1968, and the date of the last publica-

tion was on the 4 day of April, 1968.

Thomas D Miller

Subscribed and sworn to before me this 19th
day of April, 1968
(SEAL)

J. LaRose Hendrix
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions.....

Lines at 15c.....

Lines at 10c.....

TOTAL COST

COPY OF NOTICE

(Pa. Here)

Correction copy of
Application of Water
for beneficial use

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Send affidavit
TO
State of Idaho
Dept of Reclamation
107 State House
Boise, Idaho
83701

NOTICE OF CORRECTION LEGAL NOTICE PUBLISHED UNDER THE PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

Notice is hereby given that the legal notice printed in the Gooding Leader on February 22, 29 March 7 and 14, 1968, showing that Tony Lemos and Eva Lemos, husband and wife, and Phillip R. Lemos, Bliss, Idaho, were to make proof of application of water to beneficial use on March 15, 1968, on Permit No. R-864 was in error and the place where said water is used was given as E $\frac{1}{2}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S, R. 13 E, B.M. whereas, the actual place of use is E $\frac{1}{2}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S, R. 13 E, B.M.

That any protests against the approval of the depositions made March 15, 1968, must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the pro-

(Ide
7 p
7 p
7 p
6 p
6 p
6 p

Affidavit of Publication

State of Idaho,
County of Gooding

SS.

Thomas D Miller

Department of Reclamation

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 4 consecutive issues in said newspaper proper and not in a supplement; that the date of

the first publication of said advertisement was on the 22 day of February 1968, and the date of the last publication was on the 14 day of March, 1968.

Thomas D Miller

Subscribed and sworn to before me this 18th day of March, 1968.
(SEAL)

J. La Rose Hendrix
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>74</u>		
Number of Insertions	<u>4</u>		
<u>44</u> Lines at <u>15c</u>	<u>10.36</u>	<u>10.36</u>	
<u>222</u> Lines at <u>10c</u>	<u>22.20</u>	<u>22.20</u>	
TOTAL COST	<u>32.56</u>		

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

NOTICE IS HEREBY GIVEN THAT ON THE 15th day of March, 1968 at Gooding, County of Gooding, State of Idaho before George W. Carrico, Notary Public at Gooding, Idaho proof will be submitted of the diversion of 1865 acre feet of storage, of waters of Dry Creek, and of the application to Beneficial Use of said water, in accordance with the terms and conditions of Permit No. R-864, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Tony Lemos and Eva Lemos, husband and wife, and Phillip R. Lemos, Bliss, Idaho.

2. Said works of diversion of water for storage will be fully completed on the date set for

such completion and the amount of water which said works are capable of conveying to the place of storage is 80 cubic feet per second.

3. Reservoir capacity is 2,500 acre feet.

4. The use of which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 1865 acre feet.

5. The point of diversion of said waters for beneficial use is SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 4 S. 13 E, B.M., Gooding County, and the amount which can be diverted is 80 cubic feet per second.

The place where said water is used is E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 3; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S, R. 13 E, B.M.

7. The date of priority which said user is prepared to establish is October 12, 1950 (subject to late proof).

R. Keith Higginson
State Reclamation
Engineer 2-22-4tc

All wrong

R-864

OK

2	13	W			
---	----	---	--	--	--

Permit No. R-864 37-

[illegible]

A0

67

52

72

2A2 ACES

T. 4 S. - R. 14 E.

285-acre feet is basis of old decree # 6
Established by Court in 1947.



c/w = 1865 acre feet

T. 4 S. - R. 13 E.

26

25

T. 4 S. - R. 13 E.

T. 5 S. - R. 13 E.

TO BLISS

4

3

2

9

Better ch inlet structure before
issuing c/w. certificates

AFFIDAVIT OF PUBLICATION

NOTICE FOR PUBLICATION

Notice is hereby given that at 10 a.m., on the 19th day of November, 1955, at Gooding, County of Gooding, State of Idaho, before Mike Ryan, Notary Public, proof will be submitted of the completion of works for the storage of 1,865 acre feet per annum of the waters of Dry Creek in accordance with the terms and conditions of a certain permit heretofore issued by the R-864 of the State of Idaho.

1. The name of the person or corporation holding said permit is Leonard E. Strout.

2. The postoffice address of such person or principal place of business of such corporation is Bliss, County of Gooding, State of Idaho.

3. The number of such permit is R-864, and the date set for the completion of such work is October 31, 1955.

4. Said water is to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1,865 acre feet per annum.

6. The amount of lands for which said water is available is 3,600 acres, particularly described as follows: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 33; S $\frac{1}{2}$ Section 34; S $\frac{1}{2}$ Section 35; SW $\frac{1}{4}$ Section 36; Township 4 South, Range 13 East, B.M.; S $\frac{1}{2}$ Section 1; all of Section 2; All of Section 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 4; All of Section 9, Township 5 South, Range 13 East, B.M.

MARK R. KULP, State Reclamation Engineer. 51-2

STATE OF IDAHO }
COUNTY OF GOODING } SS.

I, *Leland G. Burress*, do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was

published in said newspaper *four* consecutive weeks, the first publication having been made on the *27th* day of *Oct*,

195*5*, and the last publication having been

made on the *17th* day of *Nov*, 195*5*, that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho*, for a period of more than 78 weeks prior to the first publication of the attached notice.

Leland G. Burress

Subscribed and sworn to before me this

17th day of *November*, 195*5*.

James M. Miller

Notary Public.

R-864

72' 6"

0 5 10 15 20 25 30

50 100 150

100 200 300

400

500

600

700

800

900

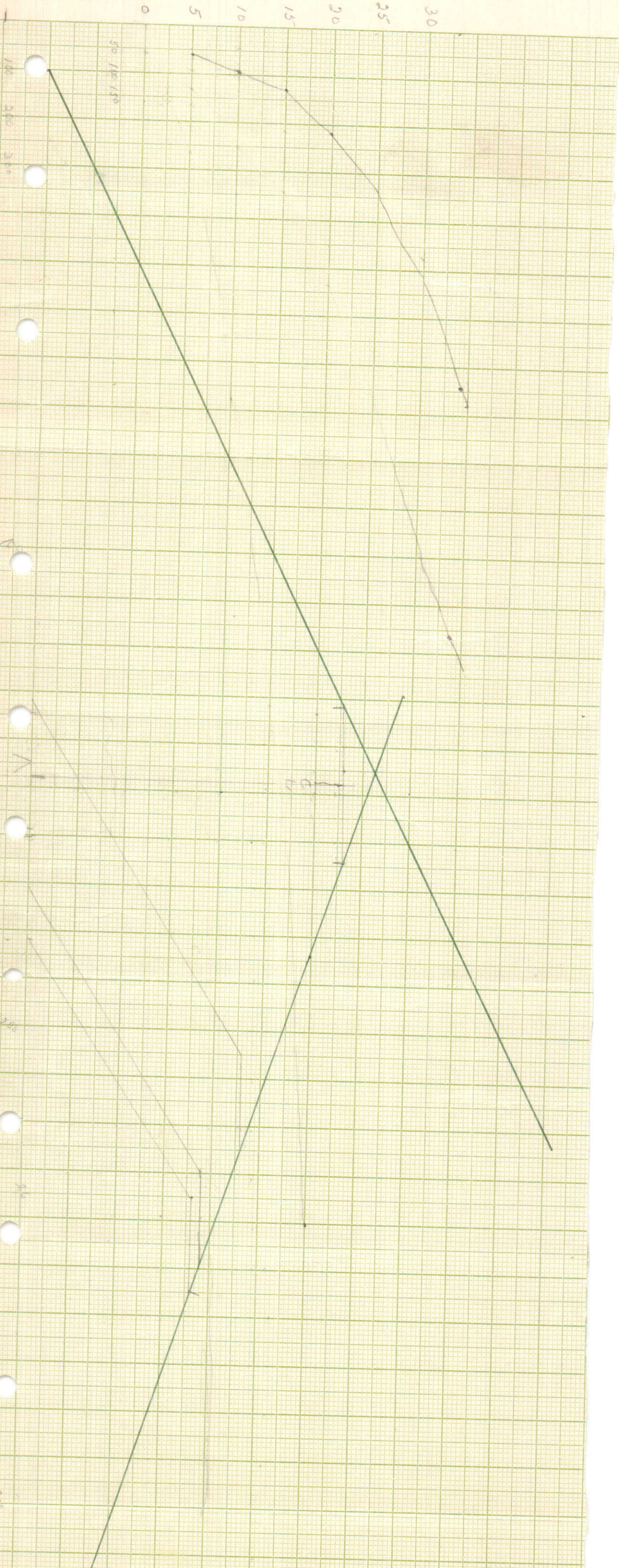
1000

1100

1200

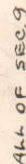
1300

1400



1907

2



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

NOTICE FOR PUBLICATION

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3. The number of such permit is R-864, and the date set for the completion of such work is October 31, 1955.

4. Said water is to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1,865 acre feet per annum.

6. The amount of lands for which said water is available is 3,600 acres, particularly described as follows: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 33; S $\frac{1}{2}$ Section 34; S $\frac{1}{2}$ Section 35; SW $\frac{1}{4}$ Section 36; Township 4 South, Range 13 East, B.M.; S $\frac{1}{2}$ Section 1; all of Section 2; All of Section 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 4; All of Section 9, Township 5 South, Range 13 East, B.M.

MARK R. KULP, State Reclamation Engineer.

11-3-55 R-864 51-2

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

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That any protests against the approval of the depositions made March 15, 1968, must be filed in the Department of Reclamation at 614 State Street, Boise, Idaho within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said proof of beneficial use of water.

Dated this 9th day of January, 1969.

R. Keith Higginson
State Reclamation
Engineer

R-864

1-23-2tc

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

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

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

Summary of Water Rights Before the Proposed Change

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

Purpose of Transfer (Changes Proposed)

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

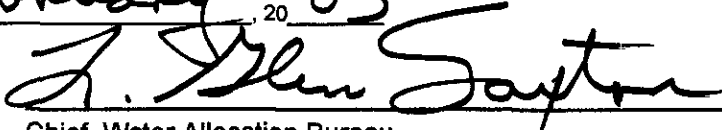
Summary of Water Rights After the Approved Change

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

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

Detailed Water Right Description(s) attached

Dated this 18th day of February, 2003


Chief, Water Allocation Bureau

MICROFILMED

MAR 17 2003

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

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

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

And/Or

HELEN DE MOSS
 PO BOX 61
 BLISS ID 83314

Priority Date: September 20, 1974

Source: GROUND WATER

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

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: STOCKWATER

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

PLACE OF USE: IRRIGATION

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

Total Acres: 808

MICROFILMED
 MAR 17 2003

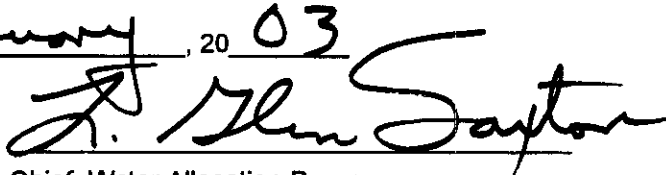
WATER RIGHT NO. 37-7385B
As Modified by Transfer No. 69896

CONDITIONS OF APPROVAL

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

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

Dated this 18 day of February, 2003


Chief, Water Allocation Bureau

MICROFILMED

MAR 17 2003

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

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

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

And/Or

GARY A DE MOSS
 PO BOX 61
 BLISS ID 83314

Priority Date: December 14, 1978

Source: DRY CREEK

Tributary: BIG WOOD RIVER

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

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION STORAGE

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

MICROFILMED
 MAR 17 2003

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

PLACE OF USE: IRRIGATION

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

Total Acres: 808

PLACE OF USE: IRRIGATION FROM STORAGE

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

Total Acres: 808

CONDITIONS OF APPROVAL

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

MICROFILMED

MAR 17 2003

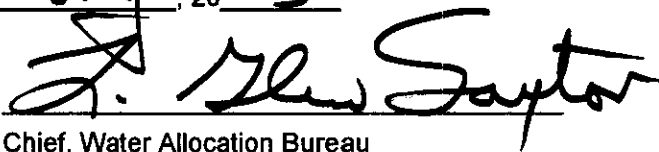
WATER RIGHT NO. 37-7754
As Modified by Transfer No. 69896

CONDITIONS OF APPROVAL

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

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

Dated this 18th day of February, 2003


Chief, Water Allocation Bureau

MICROFILMED

MAR 17 2003

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

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

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

Priority Date: April 13, 1954

Source: DRY CREEK

Tributary: BIG WOOD RIVER

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

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION STORAGE

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

PLACE OF USE: IRRIGATION FROM STORAGE

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

Total Acres: 808

MICROFILMED

MAR 17 2003

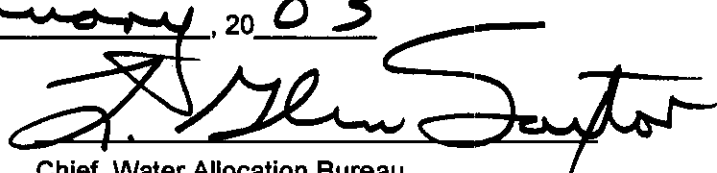
WATER RIGHT NO. 37-2780
As Modified by Transfer No. 69896

CONDITIONS OF APPROVAL

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

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

Dated this 18th day of February, 2003


Chief, Water Allocation Bureau

MICROFILMED

MAR 17 2003

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

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

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

And/Or

HELEN DE MOSS
 PO BOX 61
 BLISS ID 83314

Priority Date: February 26, 1957

Source: DRY CREEK

Tributary: BIG WOOD RIVER

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

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION STORAGE

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

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MAR 17 2003

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

PLACE OF USE: IRRIGATION FROM STORAGE

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

Total Acres: 808

PLACE OF USE: IRRIGATION

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

Total Acres: 808

CONDITIONS OF APPROVAL

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

MICROFILM

MAR 17 2003

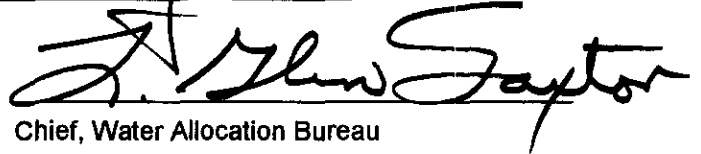
WATER RIGHT NO. 37-2778
As Modified by Transfer No. 69896

CONDITIONS OF APPROVAL

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

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

Dated this 18th day of February, 2003


Chief, Water Allocation Bureau

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MAR 17 2003

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

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

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

And/Or

GARY A DE MOSS
 PO BOX 61
 BLISS ID 83314

Priority Date: February 01, 1917

Source: DRY CREEK

Tributary: BIG WOOD RIVER

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

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION FROM STORAGE

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

Total Acres: 808

MICRO. 11/10/00

MAR 17 2003

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

PLACE OF USE: STOCKWATER FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 13E 3						X L4	X			X							
05S 13E 4	X L1	X L2	X	X					X			X	X	X	X	X	
05S 13E 9		X	X	X	X	X		X	X		X			X	X		
05S 13E 16		X			X	X	X	X									

PLACE OF USE: IRRIGATION STORAGE

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

PLACE OF USE: STOCKWATER STORAGE

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

CONDITIONS OF APPROVAL

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

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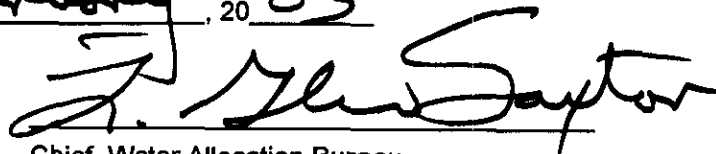
WATER RIGHT NO. 37-856
As Modified by Transfer No. 69896

CONDITIONS OF APPROVAL

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

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

Dated this 18th day of February, 2003


Chief, Water Allocation Bureau

MICRONAL

MAR 17 2003

State of Idaho
Department of Water Resources
AMENDED
WATER RIGHT LICENSE

License of Water Right No. R-864/37-2778 Priority Feb. 26, 1957 Amount 1210 acre feet

THIS IS TO CERTIFY, that ALEX MASON
of Bliss, Idaho, has complied with the terms and conditions of Permit
No. R-864/37-2778 issued pursuant to Application for Permit dated October 12, 1950,
and has submitted proof to the Department of Water Resources on March 15, 1968 (late proof),
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the **storage of** 1210 acre feet of water from Dry Creek,
tributary to the Big Wood River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Storage for: from	<u>Jan. 1</u> to <u>Dec. 31</u> at	<u>80.0</u> cfs and	<u>1210 acre feet</u>
Irrigation from	<u>April 1</u> to <u>Oct. 1</u> at	<u>4.84</u> cfs and	<u>726 acre feet or</u>
	from to at cfs and		<u>3.0 af per acre</u>
(both dates inclusive)			

Subject, however, to the condition that no more than 1210 acre feet of water be stored at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
3.0 acre feet per acre per year, said waters to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6,
Twp. 4S, Rge. 14E, B.M. and rediverted at the outlet works in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35,
Twp. 4S, Rge. 18E, B.M., in the County of Gooding.

Description and location of place of use:

Twp.	Range	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 $\frac{1}{4}$	
5 S	13 E	3					22	28			2								52
		4	18			3					11		24	5	34	37	11		179
		9		8			3												11

Total number of acres irrigated 242

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7 day of

August, 19 76.

Director

WATER LICENSE

Water License No. 37-2778/R-864 Priority February 26, 1957 Amount 80 c.f.s.
(late proof)

THIS IS TO CERTIFY, that ALEX MASON
of Bliss, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated October 12, 1950; that Permit 37-2778/R-864 was issued pursuant
to said application; that the proposed works were completed on or about 1953,
with a storage/or carrying capacity of 80 c.f.s., said works consisting of dam, earth
and rock feeder canal, and reservoir; and that on March 15, 1968,
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1143
acre feet per season, with a maximum rate of diversion of 80 cubic feet per second of the waters
of Dry Creek, tributary of Big Wood River,
for the purpose of Irrigation from April 1 to October 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 4 S, R. 13 E, B.M., and
other additional points _____, in the County of
Gooding; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 1143 acre feet per year.

Description and location of place of use:

TWP.	RANGE	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 $\frac{1}{4}$	
5 S	13 E	3						22	28			2							52
		4	18		7	32					11			24	5	34	37	11	179
		9		8			3												11

Total number of acres irrigated 242

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

22nd day of July, 19 70.

Stephen Clark
Deputy State Reclamation Engineer

37-2778
R 264

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF Correcting)
License No. R-864/37-2778 in) ORDER
the name of ALEX MASON)
_____)

WHEREAS, on July 22, 1970, the Department of Water Resources (formerly the Department of Reclamation) issued the above numbered license to Alex Mason for 80.0 cubic feet of water per second from Dry Creek for the irrigation of 242 acres of land; and

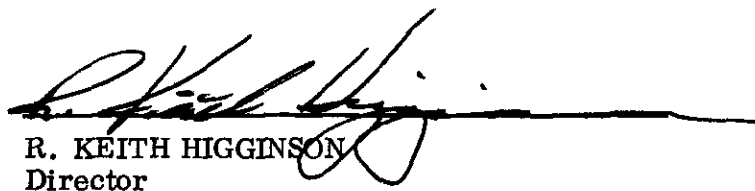
WHEREAS, it has been brought to the attention of the Director that the quantity of water as listed on the license is in error; and

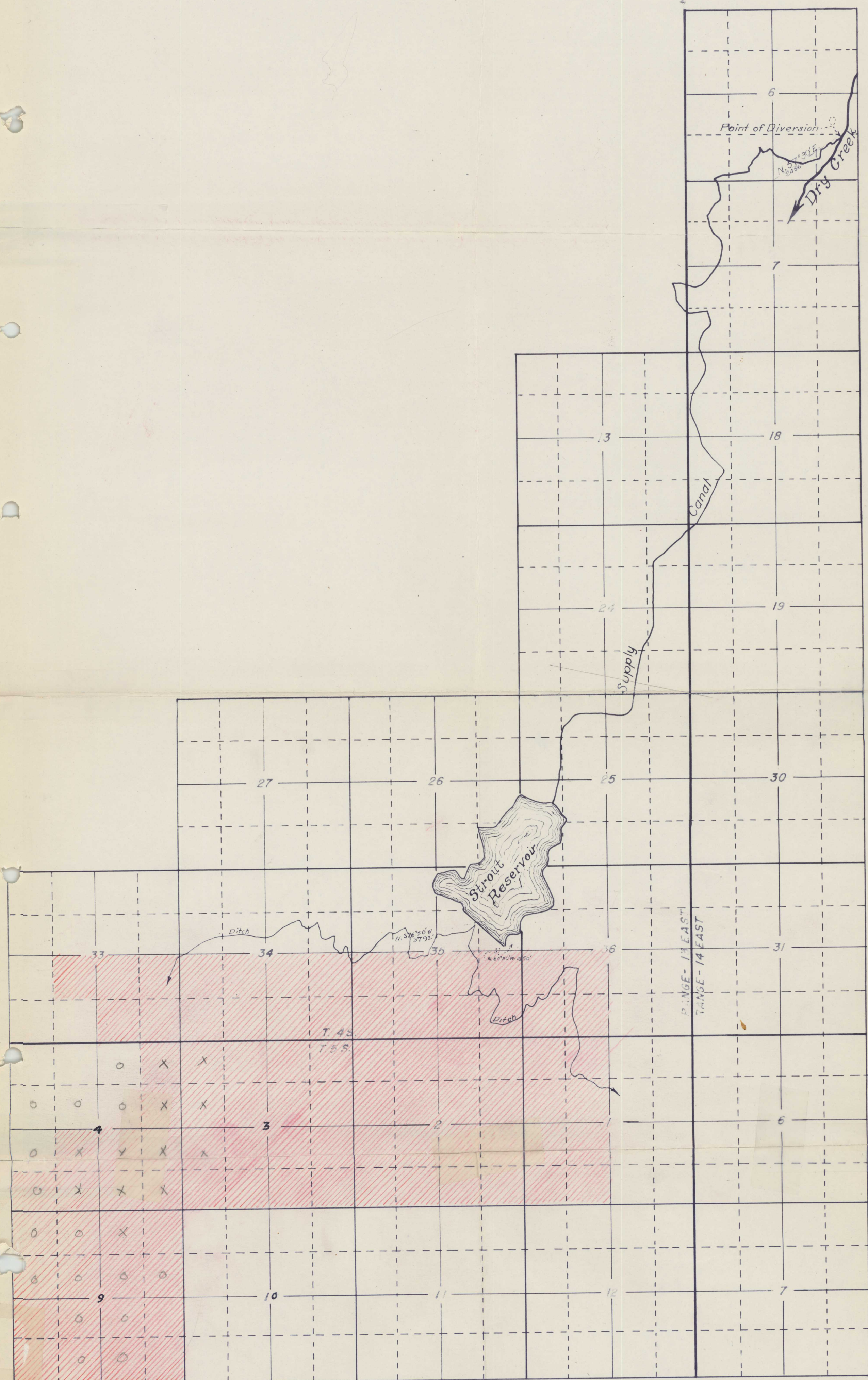
WHEREAS, it appears that the Department may have been negligent at the time the license was issued; and

WHEREAS, after having reviewed the matter, the Director of the Department of Water Resources finds that the above numbered license should be corrected to show the true quantity of water;

IT IS, THEREFORE, HEREBY ORDERED that an amended license be issued under License No. R-864/37-2778 for the storage of 1210 acre feet of water per annum and the irrigation of 242 acres of land.

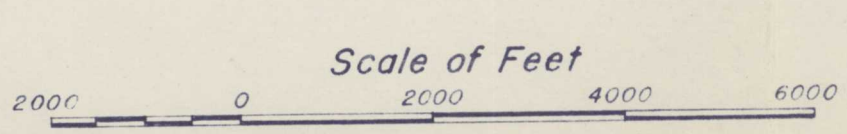
Dated this 7 day of August, 1976.


R. KEITH HIGGINSON
Director



TOWNSHIP - 5 SOUTH

**MAP OF STROUT RESERVOIR, SUPPLY CANAL & DITCHES
TO ACCOMPANY APPLICATION FOR PERMIT BY
LEONARD E. STROUT**



Permit Map No. **864**
As Approved
OCT 31 1950
MARK R. KULP
State Reclamation Engineer

R-864

APPLICATION FOR PERMIT

To Construct a Reservoir and Store and Appropriate
The Public Waters of the State of Idaho

Application No. R 29456
Permit No. R 864

Assigned to

37-2778 R-86
Assigned to *John J. and*
Bliss Idaho

1. Name of Applicant: LEONARD E. STROUT

Postoffice address: Bliss

County Gooding

State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of Capital Stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the corporation are:

(a) Cash on hand: \$

(b) Treasury Stock: \$

(c) Bonds to be issued: \$

(d) Other resources:

2. Quantity of water to be stored: 1865

acre feet per annum.

3. Source of water supply is Dry Creek (Creek) (River) (Spring), a tributary of Big Wood River.

4. The outlet of the proposed reservoir is located N. 60° 30' W. 1282 feet, distant from the E 1/4 corner of Section 35, Township 4 S., Range 13 E., B. M. and is in the SW 1/4 of NE 1/4 of Section 35, Township 4 S., Range 13 E., B. M. County of Gooding

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of

(Creek) (River).

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located N. 57° 30' E. 2455 feet distant from the S 1/4 corner of Section 6, Township 4 S., Range 14 E., B. M., and is in the NE 1/4 of SE 1/4 of Section 6, Township 4 S., Range 14 E., B. M.; width at bottom 10 feet, width at top 46

feet, depth of water 4 feet; average grade per mile 2 1/2 feet; Capacity 80 cubic feet per second.

6. (a) The area of the high water line of the reservoir is 250

acres.

(b) The reservoir capacity is 2,500

acre feet:

7. Height of reservoir dam 23 feet, length at top 1200 feet, length at bottom 20 feet, size of outlet 2 feet by 2-3/4 feet. The dam is to be constructed of materials as follows: Earth

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of

Dry Creek (Creek) (River) ? Yes

(b) Water stored in reservoir will be carried in the channel of

(Creek,) (River,) a distance

of miles to point of diversion located (bearing) feet, distant from the corner of Section Township, Range, B. M., and in the 1/4 of 1/4 of Section, Township, Range B. M.

9. Amount of water claimed from Dry Creek (Creek) (River) (Spring) in addition to that stored in reservoir 30

cubic feet per second.

10. Water is to be used for Irrigation and domestic

purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water (bearing) feet, distant from Corner of Section, Township, Range, B. M. and is in the 1/4 of 1/4 of Section, Township, Range, B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet distant from the corner of Section, Township, Range, B. M., in the 1/4 of 1/4 of Section, Township, Range, B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No.

, which is hereby referred to and made a part hereof.

13. Kind of diversion works: Canal from reservoir outlet to land
(Dam, canal, flume, pipe, etc.)
14. Height of diversion dam: feet, length at top feet, length at bottom feet. The dam is to be constructed of materials as follows:
- (If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)
15. Size of headgate: Width feet, Height feet.
16. Diversion Canal: Width at bottom 4 feet, width at water line 8 feet, depth of water 1½ feet, Dimensions of Flume
Diameter of Pipe inches; Length of Conduit 5 miles. Average grade per mile 5 feet.
17. Estimated cost of Works: Storage Works: \$ 2,000.00 Diversion Works: \$ 1,000.00
18. Time required for completion of work Five (5) years .
19. Time required for complete application of water to proposed beneficial use is Six (6) years.
20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4 S.	13 E.	33									40				40	40	40	40	200
		34									40	40	40	40	40	40	40	40	320
		35									40	40	40	40	40	40	40	40	320
		36									40	40	40	40	40	40	40	40	160
5 S.	13 E.	1									40	40	40	40	40	40	40	40	320
		2	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		3	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		4	40			40					40		40	40	40	40	40	40	360
		9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

Total Number of Acres to be Irrigated 3,600

Remarks: This application is made in renewal of Permits Nos. R-754 and R-817

21: Existing rights and/or valid permits appurtenant to lands described in Sec. 20 are: A continuous and perpetual flow of 32 cubic feet per second of time from Dry Creek, priority of Feb. 1, 1917, decreed by District Judge D. H. Sutphen, date Jan. 16, 1932.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

LEONARD E. STROUT Applicant.

By Agent.

Date of first receipt at office of Commissioner of Reclamation State Reclamation Engineer: 2:45 P. M. Oct. 12, 1950

Returned to applicant for correction

Corrected application received

STATE RECLAMATION ENGINEER

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is R 864

Recorded in book R 3 , page 864 Approved October 31, 1950

This is to certify that I have examined the within application for a permit to construct a reservoir and store and appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$, to be filed on or before

Work to begin on or before December 31, 1950 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before April 30, 1953

The whole of said work to be completed on or before October 31, 1955

Beneficial use of water stored in accordance herewith, to be made on or before October 31, 1961

Witness my hand this 31st day of October, 1950

19

MARK R. KULP

Commissioner of Reclamation

State Reclamation Engineer

R-

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 31st day of October, 1950.

(S E A L)

Countersigned:
By J. D. "CY" PRICE
Secretary of State

STATE OF IDAHO
By C. A. ROBINS
Governor

A S S I G N M E N T

For value received, I hereby assign all my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. R-864 to Bray Lake Ranch, Inc. of Bliss, Idaho.

State of Idaho)
County of Canyon) ss.

LEONARD E. STROUT
Permit Holder
OLGA STROUT
Wife of Permit Holder.

On this 13th day of November, 1956, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho, personally appeared Leonard E. Strout and Olga Strout, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written.

(SEAL)
My commission expires 8-10-57

FRANK V. KIBLER
Notary Public, residing at
Nampa, Idaho

Received and filed for record in the Department of
Reclamation, at Boise, Idaho, November 16, 1956.
MARK R. KULP
State Reclamation Engineer

A S S I G N M E N T

For value received, I hereby assign 15/100 of 1865 Acre feet right, title, and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. R864 to Miss Joanne Horton of Nampa, Idaho.

State of Idaho)
County of Canyon) ss

BRAY LAKE RANCH INC.

/s/ F. T. Horton
President

/s/ Daniel A. Horton
Secretary-Treasurer

On this 23 day of Jan, 1958, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho, personally appeared F. T. Horton & Daniel A. Horton, known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written.

(SEAL)
My commission expires 2-21-61.

/s/ Wallace A. Sorensen
Notary Public, residing at Nampa, Idaho

Received and filed for record
in the Department of Reclamation, February 17, 1958
MARK R. KULP
State Reclamation Engineer

A S S I G N M E N T

For value received, I hereby assign 36/100 of 1865 Acre feet, right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. R864 to Mrs. June Horton of Nampa, Idaho.

BRAY LAKE RANCH INC.

/s/ F. T. Horton
President

/s/ Daniel A. Horton
Sec-Treas

State of Idaho)
County of Canyon)ss

On this 23 day of Jan, 1958, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho, personally appeared F. T. Horton & Daniel A. Horton, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written.

(SEAL)

My commission expires 2-21-61.

/s/ Wallace A. Sorensen
Notary Public, residing at

Received and filed for record
in the Department of Reclamation, February 17, 1958.

MARK R. KULP
State Reclamation Engineer

PERMIT NO. R864

Certificate of Completion of Works

To All Whom It May Concern:

This is to certify that LEONARD E. STROUT of Bliss, County of Gooding and State of Idaho, the holder Assignor of Permit No. R 864, issued upon Application No. R29456, bearing date of priority of October 31, 1950 authorizing the construction of a reservoir, with the right to appropriate and store 1865 acre feet per annum of the waters of Dry Creek a tributary of Big Wood River, in the County of Gooding, State of Idaho, for Irrigation and domestic purposes, fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works set out and described in said Permit; that said works include a dam and reservoir adequate for the storage of 1865 acre feet of water per annum, with adequate diversion works and conduit to the reservoir, and a conduit capable of conducting said water to the place of intended use; that the point of outlet of said reservoir is located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 4 S., Range 13 E., and that the place of use, or the lands proposed to be irrigated by the use of said water, are described as follows, to-wit: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 33; S $\frac{1}{2}$ Sec. 34; S $\frac{1}{2}$ Sec. 35; SW $\frac{1}{4}$ Sec. 36; T4S, R13E., B.M.; S $\frac{1}{2}$ Sec. 1; All Sections 2 & 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; All Sec. 9; T5S, R13E., B.M. Proof of Completion of Works made: November 19, 1955 ASSIGNED to Bray Lake Ranch, Inc.: November 13, 1956

Witness my hand this 6th day of March, 1958

/s/ Mark R. Kulp
State Reclamation Engineer

Proof of Completion of Works made: November 19, 1955
Certificate of Completion of Works issued: March 6, 1958.

A S S I G N M E N T ✓

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 864 to Bray Lake Ranch, Inc., address: % William H. Horton, 603 Kearney, Caldwell, Idaho.

/s/ JUNE ROSE HORTON HOECHER
Permit Holder

/s/ DONALD HOECHER
Husband of Permit Holder

State of Washington)
: ss
County of King)

On this 7th day of October, 1966, before me, a Notary Public for the State of Idaho, residing at Kirkland, Washington, personally appeared June Rose Horton Hoecher and Donald Hoecher, wife and husband, known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same. In witness whereof, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

/s/ P. C. HANSEN, Notary Public for Washington
residing at Kirkland, Washington.

My commission expires: January 19, 1970.

A S S I G N M E N T ✓

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, R-864 to Bray Lake Ranch, Inc., address: % William H. Horton, 603 Kearney, Caldwell, Idaho.

/s/ JOANNE HORTON GRIM
Permit Holder

/s/ LOWELL GRIM
Wife of Permit Holder

State of Idaho)
: ss
County of Canyon)

On this 11th day of October, 1966, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho, personally appeared Joanne Horton Grim, and Lowell Grim, wife and husband, known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same.

/s/ R. H. YOUNG
Notary Public for Idaho, residing at
Nampa, Idaho

My commission expires: 4-1-69

A S S I G N M E N T ✓

For value received, the undersigned corporation hereby assigns all of its right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. R-864 to Tony Lemos and Eva Lemos, husband and wife, and Phillip Richard Lemos, a single man, as joint tenants, address: Bliss, Idaho.

/s/ BRAY LAKE RANCH, INC.

By William H. Horton
Permit Holder president

/s/ JOANNE HORTON GRIM, Secretary

State of Idaho)
: ss
County of Canyon)

On this 11th day of October, 1966, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho personally appeared William H. Horton, and Joanne Horton Grim, known to me to be the persons (president and secretary) respectively, of Bray Lake Ranch, Inc. the corporation that executed the within instrument and acknowledged to me that such corporation executed the same. In witness whereof, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

/s/ R. H. YOUNG
Notary Public residing at Nampa, Idaho

My commission expires: 4-1-69.

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, Permit R-864 to Alex Mason, Box 417, Bliss, Idaho.

/s/ Tony Lemos, Permit Holder

/s/ Eva Lemos, Wife of Permit Holder

/s/ Phillip R. Lemos, Permit Holder

State of California)
: ss
County of Contra Costa)

On this 12th day of February, 1968, before me, a Notary Public for the State of California residing at Lafayette, California, personally appeared Tony Lemos, Eva Lemos, and Phillip R. Lemos, known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same.
In witness whereof, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

/s/ MARGARET PALMER,
Notary Public residing at 3525 Plaza Way
LaFayette, California

(S E A L) My commission expires: November 16, 1970.

see amendment to Land List in folder

LICENSE ISSUED FOR 80 SEC. FL.
LICENSE PAGE NO. _____

MEMORANDUM

TO: FILE 37-2778
FROM: VAULT
RE: TRANSFER # 69896
DATE: 2-18-03

=====

Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:

FILE # 37-856

MICROFILMED
MAR 17 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 19, 1990

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

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

Dear Mr. and Mrs. DeMoss:

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

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

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

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

If you have any questions, please let us know.

Sincerely,

SHARLA CURTIS
Clerical Specialist

SC:js

MICROFILMED

JUN 19 1990

PENLAND & MUNTHNER

CHARTERED

ATTORNEYS AT LAW

JEFFERSON PLACE

350 N. 9TH STREET, SUITE 500

P. O. BOX 199

BOISE, IDAHO 83701

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

***ALSO ADMITTED IN WASHINGTON**
****ALSO ADMITTED IN OREGON**

TELEPHONE
(208) 344-4566

FACSIMILE
(208) 344-9836

June 14, 1990

RECEIVED
JUN 14 1990

HAND DELIVERED

Department of Water Resources

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

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

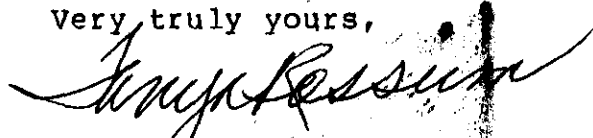
Dear Kay:

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

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

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

Very truly yours,



Tanya Rossum
Legal Assistant to
Merrily Munther

TR:cgj
Enclosures

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

MicroFILMED
JUN 19 1990

ASSIGNMENT AND ASSUMPTION AGREEMENT

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

WITNESSETH:

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

Township 5 South, Range 13 East of the Boise Meridian

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

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

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

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

RECORDED

JUN 9 1990

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

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

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

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

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

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

MICROFILMED

JUN 19 1990

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

ASSIGNOR

IDAHO STATE BANK,

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

ASSIGNEE

Gary DeMoss
GARY DEMOSS

Helen DeMoss
HELEN DEMOSS

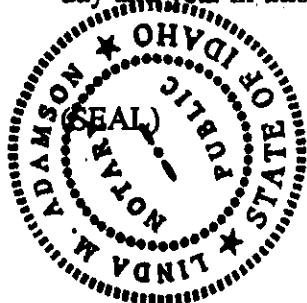
STATE OF IDAHO

County of Ada

) ss.

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

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



Linda M. Adamson
NOTARY PUBLIC FOR IDAHO

Residing at Bore

My Commission Expires 5-22-91

MICROFILMED

JUN 19 1990

STATE OF IDAHO)
County of Ada) ss.

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

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



Linda M. Adams
NOTARY PUBLIC FOR IDAHO

Residing at: Boise, Idaho

My Commission Expires: 5/22/94

MICROFILMED

JUN 19 1990

MEMORANDUM OF SALE

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

Township 5 South, Range 13 East of the Boise Meridian

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

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

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

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

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

IDAHO STATE BANK

SEE EXHIBIT "A"
ATTACHED HERETO

GD:TD JEK

By:

James E. Kevan
JAMES E. KEVAN

Gary Demoss
GARY DEMOSS

Helen Demoss
HELEN DEMOSS

MICROFILMED

JUN 19 1990

STATE OF IDAHO)

County of ADA)

ss.

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

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



Linda M. Adamson
NOTARY PUBLIC FOR IDAHO

Residing at Boise, Idaho

My Commission Expires 5/22/94

STATE OF IDAHO)

County of Ada)

ss.

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

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



Linda M. Adamson
NOTARY PUBLIC FOR IDAHO

Residing at: Boise, Idaho

My Commission Expires: 5/22/94

MICROFILMED

JUN 19 1990

EXHIBIT 'A'

INCLUDING BUT NOT LIMITED TO THE FOLLOWING WATER RIGHTS;

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

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

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

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

DOMESTIC WELLS ARE A37-11479
A37-11480

ALL ADJUDICATION FEES HAVE BEEN PAID

MICROFILMED

JUN 19 1990



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

December 17, 1982

Bureau of Land Management
Shoshone District Office
Attn: Robert B. Hellie -
EIS Team Leader
P.O. Box 2B
Shoshone, ID 83352

Dear Mr. Hellie:

Thank you for the opportunity to comment on the WSA's in the Shoshone District.

Our files show the following four water right permits within the area recommended for Wilderness designation. All are located within the Gooding City of Rocks (54-8a) WSA.

T3S - R14E

Sec. 21:	37-2808	D permit	BLM
Sec. 23:	37-2941	D permit	BLM

T4S - R14E

Sec. 6:	<u>37-2778</u>	Storage Right	1210 acre-feet
	37-2780	Storage Right	905 acre-feet

I assume the Wilderness designation will not adversely affect the water rights of the BLM.

The storage water rights may present a different problem. If the Wilderness designation will cut-off access to the reservoir, periodic required maintenance at the dam would be difficult or non-existent. I assume you have taken this into account and have planned in some manner to provide access. If not, then consideration should be given to maintain or eliminate the facility.

Thank you for the opportunity to comment on the Draft EIS

REPROFILMED

JUN 19 1990

Bureau of Land Management
Page 2
December 17, 1982

If the Department can be of further assistance, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads "L. Glen Saxton". The signature is written in dark ink and is positioned above the typed name.

L. GLEN SAXTON, Chief
Operations Bureau

LGS:ldt

MICROFILMED

JUN 19 1990

August 11, 1976

Re: License No. R-864/37-2778
Permit No. R-936/37-2780

Mr. Alex Mason
P.O. Box 417
Hiss, Idaho 83314

Dear Mr. Mason:

Enclosed is a copy of your water right license R-864/37-2778 that has been corrected to describe more closely your water right.

Our records also show that you hold water right permit R-936/37-2780 for additional storage of water in the reservoir to be used for the irrigation of some 3,720 acres. However, our examiner found that you were irrigating only 160 acres and that those acres are already included under License R-864/37-2778.

Therefore, it appears that you have made no additional development of water or land under Permit R-936/37-2780 and that it should be removed from our records. Please complete and return the enclosed relinquishment form as soon as possible. Should you have questions regarding the license or permit, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

Enc: Copy of amended license w/order
Relinquishment form

MICROFILMED

JUN 19 1990

R-80A

Fuel 40 Leonard & Street

Priority

10-17-50

10-31-55

10-31-61

10-31-61

Doc

Approved

7000, 1000, 4 4400 4000

100

Source 35, 45, 150

1000 Capacity 1000 AF

US 14

20" x 35" 1000 AF

1000 Area 1000 Acres

Other 20000 100000 20000

From 1000 1000 10000 10000

3.8 AF / 1000 / 400

1000

MICROFILMED
JUN 19 1990

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R. 472

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

-- MEMORANDUM --

TO: DARLENE REICH

FROM: R. KEITH HIGGINSON, Director *RKH*

DATE: August 2, 1976

RE: 37-2778 and 37-2780

I have reviewed files 37-2778 and 37-2780. I agree with your note that license 37-2778 should be reissued for 1,210 acre-feet for the 242 acres indicated. If, as our examination in 1975 indicated that the only area being irrigated is the 160 acres and that area is covered by license 37-2778, then we have nothing that we can cover by license on 37-2780. An order should be written to the applicant to show cause why license 37-2780 should not be refused for failure to show that water has been applied to beneficial use as originally proposed on the 3,880 acres.

I may be confused on all this, but it just appears from Funderburg's field examination that all he is presently irrigating is 160 acres of the 242 acres that he was irrigating at the time we originally issued license 37-2778. If this is the case, we have nothing more to license under 37-2780.

RKH/slg

July 22, 1970

Re: Permit No. 37-2778 (R-864)

C

Mr. Alex Mason
P.O. Box 67
Bliss, Idaho 83314

Dear Mr. Mason:

Enclosed herewith is your Water License issued on the above numbered permit. Also enclosed
is departmental receipt No. 4958 in the amount of \$28.

P

Very truly yours,

Y

C. Stephen Allred,
Deputy Director

CSA:kh

Enclosures

37-2778
R-864

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

June 12, 1970

Re: Permit No. 37-2778 (R-864)

Mr. Alex Mason
P.O. Box 67
Bliss, Idaho

Dear Mr. Mason:

A representative of this department has made an examination of the works covered by your Permit 37-2778 and has found the following:

Quantity of water diverted: 80 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 80 c.f.s.

The maximum quantity diverted shall not exceed 1143 acre feet per season.

Beneficial Use: Irrigation of 242 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 3; NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 4; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, T. 5 S., R. 13 E., B.M.

The priority date established is: February 26, 1957 (late proof)

A fee totaling \$ 28.00 must be received within 30 days from the date of this letter in order that we can issue you the Water License as described above.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Donald W. McEldowney".
Donald W. McEldowney
Appropriation Supervisor

DWM:kh

37-2778
R-264

June 12, 1970

Re: Permit No. 37-2778 (R-864)

Mr. Alex Mason
P.O. Box 67
Bliss, Idaho

Dear Mr. Mason:

A representative of this department has made an examination of the works covered by your Permit 37-2778 and has found the following:

Quantity of water diverted: 80 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 80 c.f.s.

The maximum quantity diverted shall not exceed 1143 acre feet per season.

Beneficial Use: Irrigation of 242 acres within the W¹NW¹ Sec. 3; NW¹SW¹ Sec. 3; NE¹NE¹, S¹NE¹, E¹SW¹, SE¹ Sec. 4; NW¹NE¹, NE¹NW¹ Sec. 9, T. 5 S., R. 13 E., B.M.

The priority date established is: February 26, 1957 (late proof)

A fee totaling \$ 28.00 must be received within 30 days from the date of this letter in order that we can issue you the Water License as described above.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

37-2778
R-864

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Permit No. R-864

Comes now Alex Mason

of (address)_____

Box 417, Bliss, Idaho, and represents to the State Reclamation
Engineer of the State of Idaho:

No. R-864, and requests that the permit and permit map be changed as follows:

1. Point of diversion: _____ 1/4 _____ 1/4, Sec. _____, T. _____, R. _____, B.M. Other points of diversion _____

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

mo. - day

mo. - day

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

242

R. 864

[illegible]

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

Alex Mason
(signature)

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho,

hereby approve the above application for amendment for permit R-864.

R. Keith Higgins
State Reclamation Engineer

Re: R-864

Assume:

1 1/2 miles Length of canal
~~2.4 c.f.s.~~ Q max
PERVIOUS SANDY LOAM Kind of material

That water is transported BY ITSELF

U.S.B.R. design chart Loss = 12% / mile

Total Loss = 18%

Irrigation requirement 1 ac. ft. / acre / year

Total irrigation requirement 968 ac. ft. / Season

Applying seepage losses = 968 AC-FT + 18% (968 AF) = 1143 AC-FT

Check to see if it is possible to deliver this amount with rate of discharge allowed using 210 day growing season.

1143 a.f. = 112 days
9.68 a.f./day

Therefore, amount CAN FEASIBLY be delivered . NOTE: STATUTES

LIMIT BU. TO 5 AC-FT / ACRE / SEASON . BASIS OF PROOF FOR ADDITIONAL UACN HOWEVER .

Allow: Q max ~~2.4~~ c.f.s.

U max 1143 ac.ft. ~~1143~~ / YEAR

Acres 242 acres. ✓

SUBDIVISIONS 14

ALLOW 80 C.F.S. CONVEYANCE TO RESERVOIR

DR. 10-24-68

R-864

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE
PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

Notice is hereby given that the legal notice printed in the Gooding Leader on February 22, 29, March 7 and 14, 1968, showing that Tony Lemos and Eva Lemos, Husband and wife, and Phillip R. Lemos, Bliss, Idaho, were to make proof of application of water to beneficial use on March 15, 1968, on Permit No. R-864 was in error and the place where said water is used was given as E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S., R. 13 E., B. M.; whereas the actual place of use is W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 4; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 5 S., R. 13 E., B. M.

That any protests against the approval of the depositions made March 15, 1968, must be filed in the Department of Reclamation at 614 State Street, Boise, Idaho within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said proof of beneficial use of water.

Dated this 9th day of January, 1969.

R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication January 23, 1969
Date of Last Publication January 28, 1969
Last date of Protest March 8, 1969

Published in the Gooding Leader, Gooding, Idaho

2-13-69

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Gooding Leader of Gooding, Idaho; published in the county in which the works are situated.

Alley Mason
(signature)

(address)

(date)

In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer when proof is for completion of works.

I hereby certify that the facts set forth in the attached notice are true.

Engineer

P-864

January 9, 1969

Re: Permit No. R-864

Alex Mason
Box 417
Bliss, Idaho

Dear Mr. Mason:

Enclosed please find a copy of the APPROVED application for amendment for the above referenced permit and Departmental receipt no. 2379 in the amount of \$5.

We have mailed notice to the Gooding Leader, Gooding, Idaho, to be published on the 16th and 23rd of January 1969. You will be required to obtain an affidavit of publication from this newspaper and to submit it to the Department.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TG

Enc: copy of amendment
receipt no. 2379

R-864

January 9, 1969

Re: Permit No. R-864
Alex Mason

Gooding Leader
Gooding, Idaho

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by _____
Box 417, Bliss, Idaho

to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: legal notice

R-864

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R-864

November 6, 1968

Re: Permit No. R-864

Alex Mason
P. O. Box 417
Bliss, Idaho

Dear Mr. Mason:

The Department of Reclamation has recently conducted a field examination of the works and land covered by Permit No. R-864. Results of the examination indicate that the SW¹/₄NE¹/₄, Sec. 4, T. 5 S, R. 13 E, B.M. is presently being irrigated but is not included in the permit. Therefore, an amendment to the land list of the permit is necessary.

Enclosed is a partially completed application for amendment. Please complete and sign the application and return it with a \$5.00 filing fee.

Perusal of the permit file shows that the W¹/₂SW¹/₄, NW¹/₄SW¹/₄, Sec. 3; SW¹/₄NE¹/₄, Sec. 4, T. 5 S, R. 13 E, B.M. have not been advertised. Please sign the enclosed Form 11, authorization to publish a correction notice in the Gooding Leader at your expense.

Please return the signed application for amendment and Form 11, and an application fee of \$5.00 as soon as possible.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dfj
Enc: Application for Amendment
Form 11

R-864

September 25, 1968

RE: Permit R-864 and R-936

John E. Gray, Appraiser
Federal Land Bank Association
P. O. Box 548
Burley, Idaho 83318

Dear Mr. Gray:

There are only three water rights on Dry Creek that are current, all the others have been cancelled or relinquished. Mr. Mason owns the first two priority rights; one with a 1957 right, the other with approximately 1961. One right, R-864 is for 1965 Acre Feet for 400 acres of land and the other permit, R-936, is for 2500 A.F. Mr. Leonard E. Stout has filed 21 applications previously and all have been cancelled except those assigned to Mr. Mason and the one he filed July 2, 1965. If this last filing of Mr. Stout's goes like his last 20 it will be cancelled in 1970.

We cannot give an exact figure on the amount of water allowed since our field man has not examined the property. The figure will not exceed 1 inch per acre and with both permits he should have sufficient water to irrigate Mr. Mason's property.

Mr. Mason is now in our office and he has been given copies of both his water permits.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

R-864

FEDERAL LAND BANK ASSOCIATION OF BURLEY

P. O. BOX 548 1245 OVERLAND AVENUE BURLEY, IDAHO 83318



GLEN R. KUNAU, MANAGER

September 23, 1968

RECEIVED

SEP 24 1968

Department of Reclamation

Mr. M. Russell Bosch
Administrative Assistant
State Dept. of Reclamation
State House - Annex 2
Boise, Idaho 83707

Dear Mr. Bosch:

We are in receipt of your letter relative to Bray Lake in Gooding County and wish to thank you for the same. We would appreciate further clarification of Mr. Mason's permit. Would you please advise the amount of water permitted to Mr. Mason's property from Bray Lake. We would also like to determine if possible what the water rights are on Dry Creek from which Brays Lake is filled each winter. Thank you.

Very truly yours,

John E. Gray
John E. Gray,
Land Bank Appraiser

JEG/bl



"OWNED BY FARMERS : FOR FARMERS"

P. 864

Handwritten: X Murai

September 18, 1968

C
O
P
Y

Alan D. McCombs
Manager
121 Fourth Avenue West
Gooding, Idaho 83330

Dear Mr. McCombs:

The permit for Bray Lake has had final proof submitted on April 24, 1968. Mr. Mason has completed all that is required of him. Our field examiner has yet to examine the works and when this is complete a license can be issued. If it is possible we will get the examination done this Fall, otherwise it will have to be next spring. The license cannot be issued without this inspection.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Handwritten: P-864

FEDERAL LAND BANK ASSOCIATION OF GOODING

121 FOURTH AVENUE WEST GOODING, IDAHO 83330

TELEPHONE: 934-4921

September 16, 1968



RECEIVED

SEP 17 1968

ALAN D. MCCOMBS, MANAGER

State Department of Reclamation
State House
Boise, Idaho

Department of Reclamation

Dear Sir:

We are in the process of determining the loanable on the below described land in the name of Alex Mason.

	Sec.	Twp.	Rng.
W $\frac{1}{2}$ NW, NWSW	3	5S	13E
E $\frac{1}{2}$ NE, SE, E $\frac{1}{2}$ SW, Lot 2, SWNE	4		
NWNE, N $\frac{1}{2}$ NW, SENW, S $\frac{1}{2}$ NE, E $\frac{1}{2}$ SW	9		
W $\frac{1}{2}$ SE			

This parcel refers to the Bray Lake project on which supposedly a permit of 1800 AF has been issued in the reservoir. Please advise if this is a fact. If final proof has not been completed, advise what is necessary and the length of time involved to complete the final proof of said water right in this reservoir.

Your early attention on this matter will be appreciated.

Yours very truly,

A handwritten signature in cursive script that reads "Alan D. McCombs".

Alan D. McCombs
Manager

ADM:hs



SERVING GOODING, JEROME, LINCOLN, CAMAS, AND BLAINE COUNTIES

P-867

May 6, 1968

Re: Permit No. R-864
Alex Mason

Alex Mason
P. O. Box 417
Bliss, Idaho

Dear Mr. Mason:

We acknowledge receipt of the depositions and affidavit of publication in the
Gooding County Leader submitted as proof of ~~com-~~
~~pletion of work~~ and beneficial use on Permit R-864.

Before a certificate and license of water right can be issued, a field examination must be made by a representative from this department. We cannot tell just when this examination will be made, but our field examiner will try to contact you at the time he makes the examination so that you may show him the system.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

R-864
exam
typed!

NOTICE OF CORRECTION
OF LEGAL NOTICE
PUBLISHED UNDER THE
PROVISIONS OF SECTIONS
42-21, IDAHO
CODE

Notice is hereby given that the legal notice printed in the Gooding Leader on February 22, 29, March 7 and 14, 1968, showing that Tony Lemos and Eva Lemos, husband and wife, and Phillip R. Lemos, Bliss, Idaho, were to make proof of application of water to beneficial use on March 15, 1968, on Permit No. R-864 was in error and the place where said water is used was given as $E\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, Sect. 3; $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, Sec. 4; $N\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}$, Sec. 3; $E\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$, $NE\frac{1}{4}$, $W\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, Sec. 9, all in T. 5 S., R. 13 E., B. M.; whereas the actual place of use is $W\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 2; $E\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$, Sec. 4; $NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, Sec. 9, T. 5 S., R. 13 E., B.M.

That any protests against the approval of the depositions made March 15, 1968, must be filed in the Department of Reclamation at 614 State Street, Boise, Idaho within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his ob-

jection to the approval of . . .
proof . . .

Affidavit of Publication

State of Idaho, }
County of Gooding } SS.

Thomas V. Miller, 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 23 day of Jan, 1969, and the date of the last publication was on the 30 day of Jan, 1969.

Thomas V. Miller

Subscribed and sworn to before me this 3rd day of Feb, 1969.
(SEAL)

Earl O. Skidmore

NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 51
Number of Insertions 2
51 Lines at 15c 2.14
51 Lines at 10c 5.10
TOTAL COST 12.24

CO. OF NOTICE

Notice of Correction of Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

Alex
Mason
Box 417 Bliss

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956
7 pt. per line, straight 14c
7 pt. per line, tabular 20c
7 pt. per line, successive
insertions 10c
6 pt. per line, straight 15c
6 pt. per line, tabular 20c
6 pt. per line, successive
insertion 10c

Nº 355

2.864

Affidavit of Publication

APR 22 1968

State of Idaho,
County of Gooding

SS.

Department of Reclamation

Thomas D Miller, 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 28 day of March, 1968, and the date of the last publication was on the 4 day of April, 1968.

Thomas D. Miller

Subscribed and sworn to before me this 19th

day of April, 1968.
(SEAL)

J. LaRose Hendrix
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 15c

Lines at 10c

TOTAL COST

COPY OF NOTICE

(Pa. Here)

Correction copy of
Application of Water
for beneficial use

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Send affidavit to
State of Idaho
Dept of Reclamation
107 State House
Boise, Idaho
83701

(Id)

7 p

7 p

7 p

6 p

6 p

6 p

Affidavit of Publication

State of Idaho, }
County of Gooding } SS.

Thomas D. Miller, 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 pro-
vided 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 4 consecutive issues
in said newspaper proper and not in a supplement; that the date of

the first publication of said advertisement was on the 22

day of February 1968, and the date of the last publica-

tion was on the 14 day of March, 1968.

Thomas D. Miller

Subscribed and sworn to before me this 18th

day of March, 1968.
(SEAL)

J. La Rose Hendrix
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 74

Number of Insertions 4

74 Lines at 10c 10.36 10.36

222 Lines at 10c 22.20 22.20

TOTAL COST 32.56

STATE OF IDAHO DIVISION OF RECLAMATION BENEFICIAL USE

NOTICE IS HEREBY
GIVEN THAT ON THE 15th
day of March, 1968 at Good-
ing, County of Gooding, State
of Idaho before George W.
Cannon, Notary Public at
Gooding, Idaho proof will be
submitted of the diversion of
1865 acre feet of storage, of
waters of Dry Creek, and of
the application to Beneficial
Use of said water, in accord-
ance with the terms and con-
ditions of Permit No. R-864,
heretofore issued by the De-
partment of Reclamation of
the State of Idaho.

1. The name and postoffice
address of the person or corp-
oration holding said permit is
Tom Lemos and Eva Lemos,
husband and wife, and Phillip
R. Lemos, Bliss, Idaho.

2. Said works of diversion of
water for storage will be fully
completed on the date set for
such completion and the
amount of water which said
works are capable of convey-
ing to the place of storage is
80 cubic feet per second.

3. Reservoir capacity is 2-
500 acre feet.

4. The use of which said
water has been applied is
irrigation and domestic pur-
poses, and the amount applied
to beneficial use is 1865 acre
feet.

5. The point of diversion of
said waters for beneficial use
is SW 1/4 NE 1/4, Sec. 35, T. 4
S. 13 E. B.M., Gooding Coun-
ty, and the amount which can
be diverted is 80 cubic feet per
second.

The place where said wa-
ter is used is E 1/2 NW 1/4, NW 1/4-
SE 1/4, Sec. 3; N 1/2 NE 1/4, SE 1/4,
E 1/2 NW 1/4, Sec. 4; N 1/2 NW 1/4,
SE 1/4, Sec. 3; E 1/2 NE 1/4, SE 1/4,
NE 1/4, W 1/2 SE 1/4, E 1/2 SW 1/4,
Sec. 4, all in T. 5 S, R. 13 E,
B.M.

7. The date of priority which
said user is prepared to est-
ablish is October 12, 1950 (sub-
ject to late proof).

Keith Higginson
State Reclamation
Engineer 2-22-4tc

Advertisement of Publication

State of Idaho, }
County of Gooding } SS.

Thomas A. Miller

Department of Registration

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 4 consecutive issues in said newspaper proper and not in a supplement; that the date of

the first publication of said advertisement was on the 22

day of February 1968, and the date of the last publica-

tion was on the 14 day of March, 1968.

Thomas A. Miller

Subscribed and sworn to before me this 18th

day of March, 1968.
(SEAL)

J. L. Love, Notary
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 74

Number of Insertions 4

74 Lines at 10c 10.36 10.36

222 Lines at 10c 22.20 22.20

TOTAL COST 32.56

POINTS TO PONDER
Let no man deceive you with
major
Gooding, also a Architect
Beneficial Use
Permit H R-864
PLAINTIFF ATTORNEY
Don't & Co. Lemus
Philip R. Lemus
DEFENDANT

PLAINTIFF

BILL TO

Alex Mason
Box 417
Bliss, Idaho

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956)	
7 pt. per line, straight	14c
7 pt. per line, tabular	20c
7 pt. per line, successive	
insertions	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive	
insertion	10c

No 442

P. 864

STATE OF IDAHO
OFFICE OF STATE RECLAMATION ENGINEER
POWER OF ATTORNEY

The undersigned owner (s) of Permit (Application) No. R-864
of the State Reclamation Engineer of the State of Idaho hereby nominates
and appoints Alex Mason, whose address is
P.O. Box 417; Bliss, Idaho, as attorney-in-fact with full author-
ity to act for and on behalf of the undersigned in all matters pertaining
to Application or Permit. Such acts shall include, but not be limited to
the filing of applications, receiving of all notices, the signing and
filing of applications for extension of time and for amendment of said
Permit, and the submission of proofs of completion of works and beneficial
use of water.

Dated this 11 day of April, 19 68.

Tony Lemos
Edu Lemos
Phillip R. Lemos
California)
State of Idaho)
: ss
County of Contra Costa)

On this 11 day of April, 19 68,
personally appeared before me the signer (s) of the above instrument, who
duly acknowledged to me that he (she)(they) executed the same.

Margaret Palmer
Notary Public

My commission expires:

~~MARGARET PALMER~~
~~NOTARY CONTRA COSTA COUNTY~~
MY COMMISSION EXPIRES
NOV. 16, 1970



R-864

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. R-864

RECEIVED
APR 24 1965
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Work

DEPOSITION OF HOLDER

(Alex Mason)

Ques. 1. State your name, residence occupation and postoffice address: _____

Alex Mason Box 472 Bliss, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Ques. 3. State number, approval date of permit, and date of priority: _____

R-864

Ques. 4. State source of water supply: Dry Creek
Give location of point of diversion, showing subdivision, section, township and range

Location

Ques. 5. Describe your works of diversion: _____

_____ ; state amount of water they are capable of conveying from point of diversion to place of use: _____ ; Give name of canal or ditch or other works by which water is conducted to such place of use: Dry Lake Diversion Co. ; if a well, state depth of well no ; depth and size of casing _____ ; depth to water _____ ; if pump is used, state discharge of pump: _____ ; tell how it was measured or determined _____ ; if sprinkler irrigation, give number and size of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Irrigation
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water: _____

R-864

State nature of all improvements which have been made as a direct result of said use:

See schedule Attached

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: NE

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Just for Irrigation

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: APPROX. 15 years - Time used since first use:

Ques. 10. Describe all other water rights appurtenant to same place of use: NONE

(sign)

Ally Mason

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Gooding, County of Gooding

State of Idaho, on this 15th day of March, A. D. 1968.

George W. Carmo

My commission expires: 12-22-68

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. _____

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

FRANK H CUTRIGHT, Age 61, Bliss, Idaho, Farmer,
Bliss, Idaho

Ques. 2 Are you acquainted with Alex Mason, the holder of
Permit No. R864? How long have you known him and where does he reside?

Yes, 1 year, Bray Lake Ranch - Bliss, Idaho

Ques. 3. Have you read or heard said Permit No. R864 read, and are you familiar
with its provisions and conditions: Yes Yes No. _____

Ques. 4. State source of water supply: Bray Lake - Dry Creek - Foot hill Drainage

Give location of place of diversion, showing subdivision, section, township and range

Describe works for conveying water to place of use: canal

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 150 cu. Ft. per sec How much water have you seen being so
conveyed? Approximately the same

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

For Irrigation

R-864

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

For Irrigation

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Bottom Land & Rolling Hills - 3 1/2 Acre Ft per season

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? 1963

Other times you have seen such use: 1967

(Signed):

Frank H. Cietryls

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____

Gooding, County of Gooding, State of Idaho, on this 15th day of March, A. D. 1968

George W. Carno
Notary Public for the State of Idaho
Residing Gooding, Idaho

My commission expires 12-22-68

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

RECEIVED
1965
Department of Reclamation

Permit No. _____

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

WALTER Wm. Mason Sr.

Ques. 2 Are you acquainted with Alex Mason - Yes, the holder of Permit No. R-864? How long have you known him and where does he reside?

My Brother Bray Lake Ranch - Bliss, Idaho

Ques. 3. Have you read or heard said Permit No. R-864 read, and are you familiar with its provisions and conditions: Yes ✓ No. _____

Ques. 4. State source of water supply: Bray Lake, Dry Creek & Foothill Drainage

Give location of place of diversion, showing subdivision, section, township and range

Describe works for conveying water to place of use: CANALS

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 150 cu ft per sec How much water have you seen being so conveyed? Approx. Same

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

Irrigation

R-864

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

For Irrigation

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Bottom land & Rolling Hills - 3 1/2 Acre Ft per season

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? 1967

Other times you have seen such use: 1967

(Signed):

Waldon W. Marston

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Gooding

Gooding, County of Gooding, State of Idaho, on this 15th day of March, A. D. 1968

George W. Carno

Notary Public for the State of Idaho

Residing Gooding, Idaho

My commission expires 12-22-68

PULL TWO PROOFS one for
office

**NOTICE OF CORRECTION
LEGAL NOTICE PUBLISHED
UNDER THE PROVISIONS
OF SECTIONS 42-214, 42-217,
IDAHO CODE**

Notice is hereby given that the legal notice printed in the Gooding Leader on February 22, 29, March 7 and 14, 1968, showing that Tony Lemos and Eva Lemos, husband and wife, and Phillip R. Lemos, Bliss, Idaho, were to make proof of application of water to beneficial use on March 15, 1968, on Permit No. R-864 was in error and the place where said water is used was given as E $\frac{1}{2}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S, R. 13 E, B.M.; whereas, the actual place of use is E $\frac{1}{2}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ -NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, all in T. 5 S, R. 13 E, B.M.

That any protests against the approval of the depositions made March 15, 1968, must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said proof of beneficial use of water.

Dated this 21st day of March, 1968.

R. Keith Higginson
State Reclamation
Engineer

3-28-2tc

RECEIVED
MAR 28 1968
Department of Reclamation

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE
PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

Notice is hereby given that the legal notice printed in the Gooding Leader on February 22, 29, March 7 and 14, 1968, showing that Tony Lemos and Eva Lemos, husband and wife, and Phillip R. Lemos, Bliss, Idaho, were to make proof of application of water to beneficial use on March 15, 1968, on Permit No. R-864 was in error and the place where said water is used was given as E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S, R. 13 E, B.M.; whereas, the actual place of use is E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S, R. 13 E, B.M.

That any protests against the approval of the depositions made March 15, 1968, must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said proof of beneficial use of water.

Dated this 21st day of March, 1968.

R. Keith Higginson

R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication March 28, 1968

Date of Last Publication April 4, 1968

Last Date of Protest May 1, 1968

PULL TWO PROOFS one for
office
NOTICE OF CORRECTION
LEGAL NOTICE PUBLISHED
UNDER THE PROVISIONS
OF SECTIONS 42-214, 42-217,
IDAHO CODE

Notice is hereby given that the legal notice printed in the Gooding Leader on February 22, 29, March 7 and 14, 1968, showing that Tony Lemos and Eva Lemos, husband and wife, and Phillip R. Lemos, Bliss, Idaho, were to make proof of application of water to beneficial use on March 15, 1968, on Permit No. R-864 was in error and the place where said water is used was given as E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S, R. 13 E, B.M.; whereas, the actual place of use is E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S, R. 13 E, B.M.

That any protests against the approval of the depositions made March 15, 1968, must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said proof of beneficial use of water.

Dated this 21st day of March, 1968.

R. Keith Higginson
State Reclamation
Engineer

3-28-2tc

R. 864

R-864

RECEIVED

MAR 26 1968

Department of Reclamation

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE
PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

Notice is hereby given that the legal notice printed in the Gooding Leader on February 22, 29, March 7 and 14, 1968, showing that Tony Lemos and Eva Lemos, husband and wife, and Phillip R. Lemos, Bliss, Idaho, were to make proof of application of water to beneficial use on March 15, 1968, on Permit No. R-864 was in error and the place where said water is used was given as E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S, R. 13 E, B.M.; whereas, the actual place of use is E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S, R. 13 E, B.M.

That any protests against the approval of the depositions made March 15, 1968, must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said proof of beneficial use of water.

Dated this 21st day of March, 1968.



R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication March 28, 1968

Date of Last Publication April 4, 1968

Last Date of Protest May 1, 1968

R-864

March 21, 1968

Re: Permit No. R-864
Alex Mason

Gooding Leader
Gooding, Idaho

Gentlemen:

Enclosed is a legal notice which is to be published once a week for two consecutive weeks. Insert the dates of first and last publication in one copy and return to us along with a galley proof for proofing. When advertising is completed, please send an affidavit of publication to us.

The cost of the publication is to be paid by you. In our letter to you of February 12, 1968, a copy of which is enclosed, we requested a tear sheet for checking prior to the first publication. As you did not comply with this request and published the notice in error, you will be required to publish the enclosed notice at your expense.

We are returning the bill for the original advertisement of the notice on the above referenced permit which you recently submitted to the Department of Reclamation. In our letter to you of February 12, 1968, we specifically instructed that the bill be sent to Alex Mason, Box 417, Bliss, Idaho. He will pay the bill for the original advertisement, not the correction notice.

When you send the bill to Mr. Mason, we would appreciate your informing him that you have already sent the affidavit of publication to the Department of Reclamation.

If you have any questions, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: legal notice
advertising bill
copy of our letter of 2-12-68

Copy to: Alex Mason

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE
PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

Notice is hereby given that the legal notice printed in the Gooding Leader on February 22, 29, March 7 and 14, 1968, showing that Tony Lemos and Eva Lemos, husband and wife, and Phillip R. Lemos, Bliss, Idaho, were to make proof of application of water to beneficial use on March 15, 1968, on Permit No. R-864 was in error and the place where said water is used was given as E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S, R. 13 E, B.M.; whereas, the actual place of use is E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S, R. 13 E, B.M.

That any protests against the approval of the depositions made March 15, 1968, must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said proof of beneficial use of water.

Dated this 21st day of March, 1968.

R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication _____

Date of Last Publication _____

Last Date of Protest May 1, 1968

R-864

March 6, 1968

RE: Permit No. R-864 and R-936

Alex Mason
P.O. Box 417
Bliss, Idaho 83314

Dear Mr. Mason:

Enclosed herewith are copies of the assignments submitted to this office. These assignments have been recorded and the original copies filed in our records.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosures

R-864

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest
in and to Permit to Appropriate the Public Waters of the State of Idaho, Permit
No. R-864 to Alex Mason
Address: Box 417 Bliss, Idaho

* _____

Tony Lemos
Permit Holder

Eva Lemos
Wife of Permit Holder
Phillip R. Lemos

STATE OF ~~Idaho~~ California
County of Contra Costa ss

On this 12 day of February, 1968, before me, a Notary
Public for the State of California, residing at Lafayette, Calif.
personally appeared Tony Lemos, Eva Lemos & Phillip R. Lemos
known to me to be the person S whose name are ^{are} _{is} subscribed to the within
instrument and duly acknowledged to me that I he y executed the same.

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



Margaret Palmer
Notary Public
Residing at 3525 Plaza Way, Lafayette, Calif.

My commission expires: MARGARET PALMER
NOTARY CONTRA COSTA COUNTY
MY COMMISSION EXPIRES
NOV. 16, 1970

Note:

* If fractional part of permit is to be assigned, the fractional part of the land
to which the assigned fraction is appurtenant should be described by legal sub-
divisions.

R-864

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

February 2, 1968

Re: Permit No. R-864

Tony and Eva Lemos
Phillip R. Lemos
3426 Mt. Diablo Blvd.
Lafayette, California 94549

Gentlemen:

It appearing to the State Reclamation Engineer that the terms and conditions of Permit R-864 to appropriate the public waters of the State of Idaho, have not been complied with as to failure to submit proof of baneficial use of water due October 31, 1961.

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the State Reclamation Engineer on or before March 13, 1968. why said permit should not be cancelled.

Permit R-864 claims the use of 1865 acre feet per annum of water. The point of diversion was to be located SW1/4NE1/4, Sec. 35, T. 4 S. R. 13 E. B.M., Gooding County,

and the permit was approved October 31, 1950.

R. Keith Higginson

State Reclamation Engineer

RKH:dj

cc: Alex Mason, Ranch Mgr.
P. O. Box 217 (c/o Tony and
Eva Lemos & Phillip R. Lemos
Bliss, Idaho 83314

R-864

February 12, 1968

Re: Permit No. R-864
Tony and Eva Lemos
Phillip R. Lemos

Gooding Leader
Gooding, Idaho

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to March 15, 1968. The expense of the publication is to paid by Alex Mason, Box 417, Bliss, Idaho

_____ ,
to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

DWM:dj

R-864

NOTICE OF PROOF OF ~~COMPLETION~~~~OF~~~~WORKS~~
AND
APPLICATION OF WATER TO BENEFICIAL USERECEIVED
Department of Reclamation

NOTICE IS HEREBY GIVEN THAT ON THE 15 day of March, 1968
at Gooding, County of Gooding, State of Idaho
before George W. Carrico, Notary Public at (address) Gooding,
Idaho, proof will be submitted of ~~Completion~~~~of~~~~Works~~ for the
diversion of 1865 acre feet of storage, of waters of Dry Creek,
and of the application to Beneficial Use of said water, in
accordance with the terms and conditions of Permit No. R-864, heretofore
issued by the Department of Reclamation of the State of Idaho

1. The name and postoffice address of the person or corporation holding said
permit is Tony Lemos and Eva Lemos, husband & wife, and Phillip R. Lemos, Bliss, Idaho

2. Said works of diversion of water for storage will be fully completed on the
date set for such completion and the amount of water which said works are capable
of conveying to the place of storage is 80 cubic feet per second.

3. Reservoir capacity is 2,500 acre feet.

4. The use to which said water has been applied is irrigation & domestic
purposes, and the amount applied to beneficial use is 1865 acre feet.

5. The point of diversion of said waters for beneficial use is _____
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 4 S, R. 13 E, B.M., Gooding County,

_____ and the amount which can be diverted is
80 cubic feet per second.

6. The place where said water is used is E $\frac{1}{2}$ NW $\frac{1}{4}$, ~~SE $\frac{1}{4}$~~ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3;
E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, ~~SW $\frac{1}{4}$~~ W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9,
all in T. 5 S, R. 13 E, B.M.

7. The date of priority which said user is prepared to establish is _____
October 12, 1950 (subject to late proof).

R. KEITH HIGGINSON

State Reclamation Engineer

Checked with affidavit
Advised accordingly
Must be re-advised

R-864

RECEIVED
FEB 18 1964
Department of Reclamation

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Gooding Leader of Gooding, Idaho 83330; published in the county in which the works are situated.

Alex Mason
(signature)

Box 417 Bliss
(address)

Idaho
(date)

In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer when proof is for completion of works.

I hereby certify that the facts set forth in the attached notice are true.

Engineer

R. 8/64

Re: Permit No. R-864

February 12, 1968

Tony and Eva Lemos
Phillip R. Lemos
Box 417
Bliss, Idaho

Gentlemen:

This acknowledges receipt of the notice of intent to make proof of completion of works and application of water to beneficial use for permit No.

R-864.

We have mailed the notice to the Gooding Leader to be published once a week for four consecutive weeks prior to March 15, 1968, which is the hearing date when the permit holder Tony and Eva Lemos and Phillip R. Lemos and two disinterested witnesses must appear before George W. Carrico, Gooding, Idaho, notary public, to complete the enclosed depositions. The witnesses must be familiar with the works and permit.

After the hearing, the depositions and an affidavit of publication must be submitted to this office. The affidavit may be obtained from the newspaper when the advertising bill is paid by Alex Mason, Box 417, Bliss, Idaho. Be sure all the forms have the notary's seal and are signed. Please feel free to contact us if we may be of any assistance.

Very truly yours,

Donald W. McElDowney
Appropriation Examiner

DWM:dj

Enc: Depositions

cc: Notary

R-864

June
1967

N O T E

Plans, specifications, and drawings have been withdrawn from this
file and entered into the Records of Dams file.

Permit No. R 864 KS

P F II C

R - 32
12508

15 28

R-864

February 2, 1968

Re: Permit No. R-864

Tony and Eva Lemos
Phillip R. Lemos
3426 Mt. Diablo Blvd.
Lafayette, California 94549

Gentlemen:

It appearing to the State Reclamation Engineer that the terms and conditions of Permit R-864 to appropriate the public waters of the State of Idaho, have not been complied with as to failure to submit proof of beneficial use of water due October 31, 1961.

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the State Reclamation Engineer on or before March 13, 1968, why said permit should not be cancelled.

Permit R-864 claims the use of 1865 acre feet per annum of water. The point of diversion was to be located SW1/4, Sec. 35, T. 4 S, R. 13 E, B.M., Gooding County,

and the permit was approved October 31, 1950.

State Reclamation Engineer

RKH:dj

cc: Alex Mason, Ranch Mgr.
P.O. Box 217 (c/o Tony and
Eva Lemos & Phillip R. Lemos
Bliss, Idaho 83314

P-864

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 11, 1968

Re: Permits R-864, R-936,
R-1205, & R-972

Alex Mason, Ranch Manager
P. O. Box 217
Bliss, Idaho 83314

Dear Mr. Mason:

Records in our office indicate that R-864, R-936, and R-972 are presently subject to cancellation. R-1205 appears to be a duplication of R-936. R-972, filed by Richard Bostrum, duplicates the land irrigated by R-864, R-936, and R-1205.

In order to clarify our records prior to cancellation, and to allow the present holders of the above permits all possible consideration, the Department of Reclamation requests you or your representative contact our office in person on February 2, 1968, or notify the department as to an agreeable date.

Very truly yours,

A handwritten signature in cursive script that reads "C. Stephen Allred".

C. Stephen Allred
Assistant State Reclamation Engineer

CSA:DRR:dj

cc: Phillip R. Lemos
Leonard Strout
Richard Bostrum

R-864

January 11, 1968

Re: Permits R-864, R-936,
R-1205, & R-972

Alex Mason, Ranch Manager
P. O. Box 217
Bliss, Idaho 83314

Dear Mr. Mason:

Records in our office indicate that R-864, R-936, and R-972 are presently subject to cancellation. R-1205 appears to be a duplication of R-936. R-972, filed by Richard Bostrum, duplicates the land irrigated by R-864, R-936, and R-1205.

In order to clarify our records prior to cancellation, and to allow the present holders of the above permits all possible consideration, the Department of Reclamation requests you or your representative contact our office in person on February 2, 1968, or notify the department as to an agreeable date.

Very truly yours,

C. Stephen Allred
Assistant State Reclamation Engineer

CSA:DER:dj

cc: Phillip R. Lemos
Leonard Strout
Richard Bostrum

R-864

November 7, 1966

RE: Permits No. R-864 and R-936
Leonard E. Spout, original applicant

Vernon Patterson
Attorney at Law
3509 Mt. Diablo Blvd.
LaFayette, California 94549

Dear Mr. Patterson:

As requested by your letter of November 4, 1966,
please be advised the assignment enclosed has been re-
corded in this office.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRBsejw

Encl: Assignment

R-864

VERNON PATTERSON
LAWYER
3509 MT. DIABLO BLVD.
LAFAYETTE, CALIFORNIA 94549
283-2984

RECEIVED
NOV 7 1966

Department of Reclamation

November 4, 1966

Department of Reclamation, State of Idaho
State Capital
Boise, Idaho

Re: Permits No. R 864; R 936
Leonard E. Streut, original applicant

Gentlemen:

Reference is made to my letter to you of October 25, 1966, with which I enclosed six Assignments for recording in your office, for which you gave me your receipt No. 33490. I again enclose one of the Assignments which was sent with that letter which does not have the "Received" stamp which had been affixed to all of the other Assignments.

Please verify that this Assignment, as well as the others has been recorded in your office, and then return it to me.

Yours truly,

Vernon Patterson

VP:dlf
enc.

*As requested by your letter of Nov 4, 1966
please be advised the assignment has been recorded.*

V. T. J.

K-864

October 31, 1966

RE: Permits R-864 and R-936

Vernon Patterson
Attorney at Law
3509 Mt. Diablo Blvd.
LaFayette, California 94549

Dear Mr. Patterson:

Enclosed are a number of assignments which have been recorded in this office under the above numbered permits.

Departmental receipt No. 33490 in the amount of \$4.00 is enclosed. This amount covers the fee for the recording of the amendments.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Assignments (6)
Receipt

R-864

VERNON PATTERSON
LAWYER
3509 MT. DIABLO BLVD.
LAFAYETTE, CALIFORNIA 94549
283-2984

October 25, 1966

DEPARTMENT OF RECLAMATION

Department of Reclamation, State of Idaho
State Capitol
Boise, Idaho

Re: Permits No. R 864; R 936
Leonard E. Strout, original applicant

Gentlemen:

Please record the six enclosed Assignments, to-wit:

Permit No. R-936, Hoecher to Bray Lake Ranch Inc.
Permit No. R-936, Grim to Bray Lake Ranch Inc.
Permit No. R-936, Bray Lake Ranch Inc. to Lemos
Permit No. R-864, Grim to Bray Lake Ranch Inc.
Permit No. R-864, Hoecher to Bray Lake Ranch Inc.
Permit No. R-864, Bray Lake Ranch Inc. to Lemos

I enclose check made out for "not over \$10.00" with the request that you insert the exact amount of your filing fees in figures.

When recorded, please return them in care of this office.

Yours truly,

Vernon Patterson

VP:dlf
enc.

R-864

RECORDED
OCT 28 1966

Department of Reclamation

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. R-864 to Bray Lake Ranch, Inc.

Address: c/o William H. Horton, 603 Kearney, Caldwell, Idaho.

*

Joanne Horton Grim
Permit Holder

Lowell Grim
Wife of Permit Holder

STATE OF IDAHO)
 : ss
County of Canyon)

On this 11th day of October, 1966, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho personally appeared Joanne Horton Grim and Lowell Grim, wife and husband, known to me to be the persons S whose name S ^{are} ~~is~~ subscribed to the within instrument and duly acknowledged to me that the y executed the same.

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

R. N. [Signature]
Notary Public for Idaho
Residing at Nampa, Idaho

My commission expires: 4-1-69

Note:

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions.

R. 864

A S S I G N M E N T

the undersigned corporation its
For value received, I hereby assigns all of ~~my~~ right, title
and interest in ~~and to~~ Permit to appropriate the Public Waters of the State
of Idaho, No. R-864 to Tony Lemos and Eva Lemos, husband and wife,
and Phillip Richard Lemos, a single man, as joint tenants,
Address: Bliss, Idaho.

BRAY LAKE RANCH, INC.

by

Permit Holder President

Attest:

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ Secretary

STATE OF IDAHO)
) ss
County of Canyon)

On this 11th day of October, 1966, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho

personally appeared William H. Horton and Joanne Horton Grim

known to me to be the ~~xxxxxx~~^{are} subscribed to the president and secretary, respectively, of Bray Lake Ranch, Inc., the ~~xxxxxx~~ instrument and ~~only acknowledged to xxx that~~ ~~xxxxx~~ executed that ~~xxxxx~~ executed within instrument, and acknowledged to me that such corporation executed the same.

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

Notary Public for Idaho
Residing at Nampa, Idaho

My commission expires: 4-1-69

Note:

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions.

R-864

RECEIVED
OCT 28 1966

Department of Reclamation

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. R-864 to Bray Lake Ranch, Inc.
Address: c/o William H. Horton, 603 Kearney, Caldwell, Idaho.

*

June Rose Horton Hoecher
Permit Holder -

Donald Hoecher
Wife of Permit Holder
Husband

Washington)
STATE OF ~~IDAHO~~)
County of King) : ss

On this 7th day of September ~~OCT~~, 19 66, before me, a Notary Public for the State of Idaho, residing at Kirkland, Washington, personally appeared June Rose Horton Hoecher and Donald Hoecher, wife and husband known to me to be the person s whose name s ~~are~~ are subscribed to the within instrument and duly acknowledged to me that they executed the same.

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

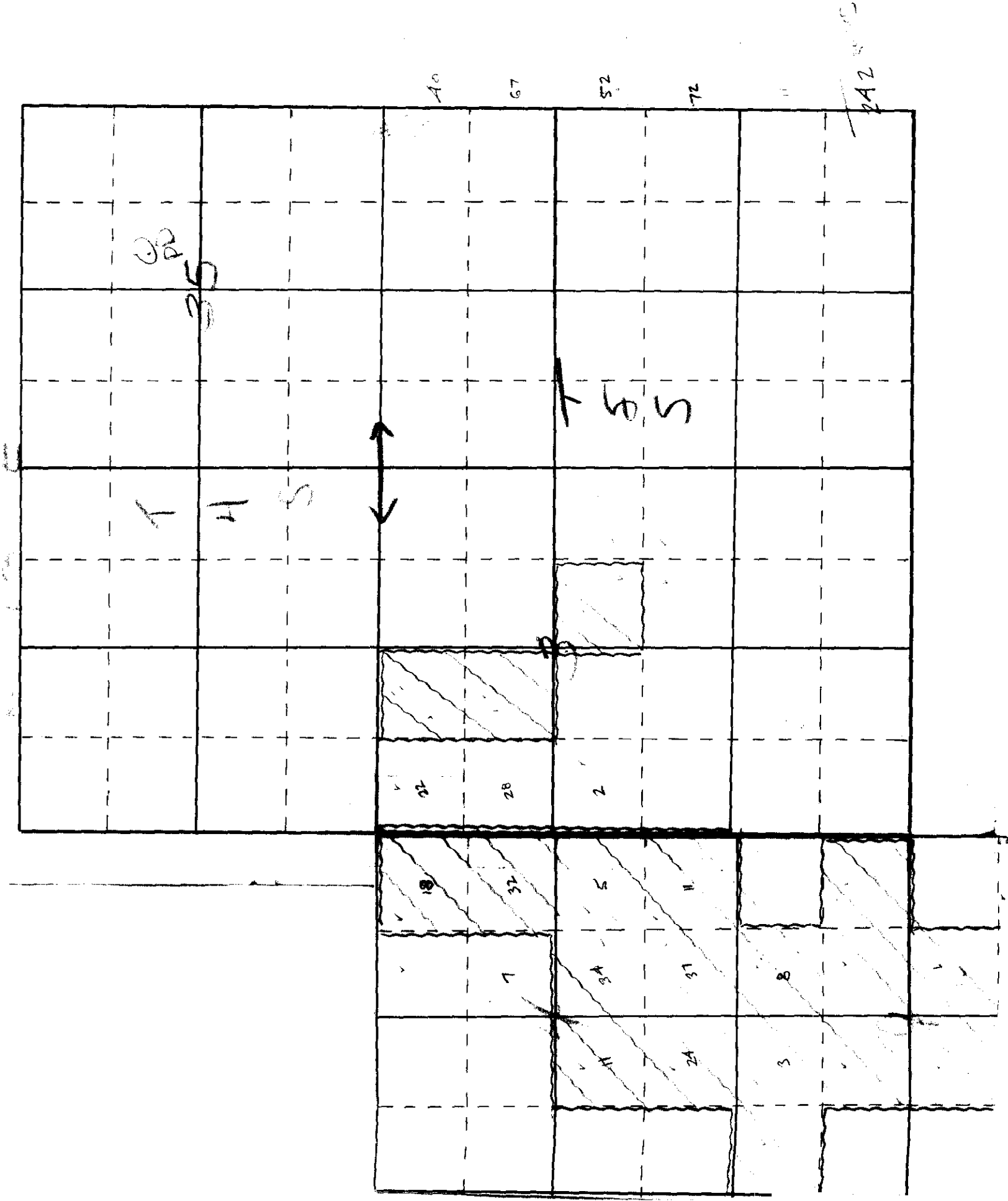
P. C. Hansen
Notary Public for Washington
Residing at Kirkland, Washington.

My commission expires: Jan. 19, 1970

Note:

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions.

R-864



Permit No. R-864 37-
Name of Applicant Tony Lemos and Eva Lemos, & Phillip R. Lemos, Bliss,
Idaho.
Source of Water Dry Creek
a tributary of Big Wood River
Location of P.D. SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 4 S., R. 13 E., B.M., Gooding
County

Water is used for Irrigation and Domestic
Quantity of water claimed: Permit 1865 acre feet Depositions No. quantity
Type of measuring device method of measurement and general description
Info. taken from Permit
of diversion works H. 23', Length at top - 1200', Length at bottom -
20', size of outlet - 2' by 2 $\frac{3}{4}$. Bray Lake Diversion Canal

Land to be irrigated or place of use:			Description	
TWP.	RGE.	SEC.		
5 S	13 E	3	E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	
		4	E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$	
		9	N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$	

Total acreage 3,600
Filed October 12, 1950 Made March 15, 1968
Due b/u October 31, 1961 Priority: First

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and
acreage covered by subdivision; also show land covered on the map.)

Source of supply DR2 CR
a tributary of _____
Location of P.D.(s) SAME SEC 35 AS 13E

Water is used for IRRIGATION
Quantity of water found 1865 AC-FT STORAGE, 80 FT TO RESERVOIR
How was the measurement made? SCS DATA
Measurement calculations _____

RESERVING A FLOW OUTLET TO RATE IF USE
AREA = 12' x 56' = 672 sq ft
PERIMETER = $\frac{1.49}{n} \times 2 \frac{2}{3} \times 56$
 $n = 0.015$ (MANNING), $R = \frac{A}{P}$, $P = b + 2h$

Division works description and diagram
GENERAL: REPAIR FEEDER CANAL
25' DRAINAGE OF WATERS FROM NOV. 7, 1963
(NOTE: CONSTRUCTION OF WATERS FROM NOV. 7, 1963)
(ALSO MEANS A SPEC WITH DAM TILT)
BASICALLY 35' HIGH, 10' WIDE AT TOP, 165' WIDE AT BOTTOM
THAT WOULD BE RISE TO 18' LEVEL
THE HIGH WATER LINE INDICATION: 1865 AC AT COMPLETED
STORAGE. NOTE: EXISTING CANAL 16' x 50' x 100' AND 5' DEEP
Indicate area irrigated in each subdivision on the map.
Total acreage irrigated 142 ACRES

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

Who represented the permit holder at the examination?
MR. WATSON

Recommended allowance for licensing 142 AC FT / 142 AC FT + STORAGE TO 80 FT
Description of required amendments. Comments. _____

THE RESERVOIR IS BEING REMODELED - TO HAVE ADDITIONAL
WATER TO 1365' LEVEL + NEW STEEL 18" CONDUIT 1
WATER GATE & CONTROL BY JAN 7, 1968 TO SOLAR
FOR LIC ALLOW
AREA = 242 ACRES
SUBD. = 14
AC-FT = 1143 / SEASON

Report checked? 10-24-68 DR
Examination date 10-24-68 DR
Signature John Reynolds
DR

r is used for purposes other than irrigation and what is done with it after the use

represented the permit holder at the examination
needed allowance for licensing
tion of required amendments. Comments.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. R-864

REPORT ON PROOF OF Completion of works

LEONARD STROUT, Bliss, Idaho

*Ch 1865 acc fast
made*

app. 1865 H.H.

R. 864

T. 4 S. - R. 14 E.

285-acre feet is basis of old decree #6
Established by Court in 1947.

T. 4 S. - R. 13 E.

C/W = 1865-acre feet

26

25

T. 4 S. - R. 13 E.

T. 5 S. - R. 13 E.

TO BLISS

33

34

35

36

4

3

2

9

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. R-864

This proof is for Completion of works

In Water District No. _____

1. Name of applicant Leonard E. Strout, Bliss, Idaho

2. Source of water supply: Dry Creek

3. Location of point of ^{outlet} diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6

T. 4 S. R. 14 E. County of Gooding

4. Describe works as they exist, giving dimensions and capacities of same: On Jan 9-57

Dam 11 = 23' Top W = 10' Top L = 1000' Slope upstream
is 34% down stream is 64%. Spillway is 16' w.
thru clay hillside - discharges well below dam
Freeboard is 5' Upstream face is heavily rip-rapped.

5. Water is used for: Irrigation and domestic purposes

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 33;

S $\frac{1}{2}$ Section 34;

S $\frac{1}{2}$ Section 35;

SW $\frac{1}{4}$ Section 36;

Twp. 4 South, Range 13 East, B. M.

S $\frac{1}{2}$ Section 1

All of Sections 2 & 3;

E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 4;

All of Section 9;

Twp. 5 South, Range 13 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks:

Dam looks okay as is - but a disturbing
fact is that he is already proceeding to raise
it to comply with Permit R-936. On R-936
I do not find any plans or specifications.
It appears that as appx 5' high to dam appx 1' high
at first and 4' at present dam height is
11' 11" = 5' 3" at age in 1927 present 14' 1"
water with the crest of 12' dam is 14' 1"

This examination was made on the 9 day of January, 1957

(Signed) E. M. Humphrey
R-864 Examiner.

16' w. Spillway with
5' freebd.

20' w. with caressed
sides. Soft bottom.

H x 20'

l = 2 mi.

Slope = 64%
34%.

W. = 10'

Good rip rap.

Control stem buried
" not complete yet.

Propose 39' x 17' w. on top

Oct 17-57. Reservoir not drained
sufficient to see gate.

Have been working on outlet
control. Have fastened control
works onto a heavy frame load
with rock.

Very heavy erosion by wave
action at a low level. 2' x 4' w.

There is a hole just north of 2

outlet pipe 10" d x 12" deep that

appears to indicate a leak in
the outlet.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make a plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.

RECEIVED
FEB 28 1958

Department of Reclamation

Leonard Strout
Bliss, Idaho

Permit No. R-864

Horton, F.D.
Examination for Completion of works

County Goshute

6-45-14E
R 1865 Acre Feet

S = Dry Creek

Tom Curtes = Eng.

Use = Irrigation & Domestic

See 2nd block in

Horton
Warehouse

Arizona

4th block - East

Priority = Oct. 12, 1950

Due = Oct. 31, 1961

16 1/2" h. in center.

32" x 28" = outlet pipe

Downstream slope = 1:1.5

Dam is sagged badly for
66 yds in center portion

also center portion is

the dimensions of the

short rip rapping on L. end
of dam.

Spillway appears to be higher
than top of dam by approx 12"

Dam looks as though water
came thru between the old
and new dams

There has been considerable
settling in the center portion
of the dam.

Does not appear dangerous
at this time

are two (2) large pot holes
down stream in pathway of
flood & no farms for 3 mi. N.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

RE: Permit No. R-864 - Bray Lake Ranch, Inc.

Date August 1, 1961

Miss Jeanne Horton
Mrs. June Horton

F. T. Horton
P. O. Box 491
Nampa, Idaho

Dear Sir:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. R-864 is due not later than 10-31-61. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a Notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

Also enclosed is Form 11, which is the authorization for us to have the Notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc. Form 10 - 11

R-864

January 1, 1960

Re: R-971-R-972-R-973
R-864 and R-936

Mr. L. E. Strout
633 4th Ave. West
Gooding, Idaho

Dear Mr. Strout:

This is in reply to your letter of December 28, 1959.

Nothing has been done in regard to R-971, R-972 and R-973 in the name of R. J. Bestrum. Completion of Works proof are not yet due on them.

Permit R-864 was assigned to Bray Lakes Ranch, Inc. Completion of Works proof was made for 1865 acre feet and certificate for same was issued on March 6, 1958.

Permit No. R-936 was assigned to Bray Lakes Ranch, Inc. It is for an amount of 2500 acre feet. Completion of Works proofs were made on December 30, 1958. Same were accepted. As soon as an inspection is made a report will be submitted and a completion of works certificate issued if the works are approved. If not approved they will be told what is necessary to make the dam acceptable.

There is no reason to believe this permit will be cancelled.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

R. N. HUMPHREY, Deputy
State Reclamation Engineer

NNH:ew

See letter R-973

p. 864

January 15, 1959

Re: Permit Numbers:

R-817, R-864, R-936
R-982, R-983

Mr. R. J. Bostrom
6816 Emerald Avenue
Chicago 21, Illinois

Dear Mr. Bostrom

While you were in our office a short time back, you requested photo-copies of Permits Number R-817, R-864, R-936, R-982 and R-983, which we have prepared and are mailing under separate cover.

Each of these copies of permit shows a detailed description of the land upon which the water is to be used. In addition to what is shown on the copies of the permits, we have prepared a table showing the applicant's name, the place of use, permit number, application number, year of filing, and the amount filed on and the total acres to be served, as follows: -

Name	Reservoir Site No.	Permit No.	Application No.	Year of Filing	Amount Filed on - Ac. Ft.	Total Acreage to be served
L. Strout	Bray Lake	R-817	R-28567	11-2-48	500 Ac. Ft.	3600
Remarks: Relinquished						
L. Strout	Bray Lake	R-864	R-29456	10-12-50	1865 Ac. Ft.	3600
Remarks: Certificate of Completion of Works Issued for 1865 Acre Feet.						
L. Strout	Bray Lake	R-936	R-32687	4-13-54	2500 Additional	3720
Remarks: Assigned to Horton Completion of Works Made: Not recorded - Waiting inspection.						

2-864

Mr. R. J. Bostrom

-2-

January 15, 1959

We have filled in your check in favor of the Department of Reclamation to the amount of \$15.00, which will cover the cost of photo-copies prepared.

We are enclosing departmental receipt No. 29452, issued in the amount of \$15.00, covering cost of the copies.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT/2m

2864

March 6, 1958

Re: Permit No. R-864
Bray Lake Ranch, Inc.
Miss Joanne Horton
Mrs. June Horton

Mr. F. T. Horton
P. O. Box 491
Nampa, Idaho
Dear Mr. Horton:

Enclosed is the Certificate of Completion of Works issued under Permit No. R-864 for the storage of 1865 acre feet per annum of the water of Dry Creek, with the point of outlet in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 4 South, Range 13 East, B.M., for irrigation in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33; S $\frac{1}{2}$ Section 34; S $\frac{1}{2}$ Section 35; SW $\frac{1}{4}$ Section 36; Township 4 South, Range 13 East, B.M., S $\frac{1}{2}$ Section 1; All of Sections 2 and 3; E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; All of Section 9; Township 5 South, Range 13 East, B.M.

Enclosed also is departmental receipt #29004 for \$5.00, issued as receipt of the fee for the Certificate of Completion of Works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPH:mls
Enc.

March 6, 1958

Re: Permit R-936 & R-864

Mr. F. T. Horton
804 Dewey Ave.,
Nampa, Idaho

Dear Mr. Horton:

If you will remember the last time that you were in our office, that we completed assignments assigning 15/100 of 1865 acre feet to Miss Johanna Horton, in connection with Permit No. R-864, also assignment to Mrs. June Rose Horton, for 36/100 of 1865 acre feet of the waters of Bray Lake.

These last assignments were to take the place of assignments to the same people recorded in this department under R-936 under date of August 13, 1956.

It is necessary that we have a re-assignment of the last above stated assignments to be assigned back to the Bray Lake Ranch, Incorporated, in order to clear our records in connection with R-936, which was recorded in error. Would you kindly have the enclosed assignments signed by Miss Johanna Horton and Mrs. June Rose Horton.

We are sorry to have to bother you again, but it is necessary that we have these assignments that are in connection with Permit No. R-936 re-assigned back to the Bray Lake Ranch Incorporated, in order to clear the records of this department.

Very truly yours,

MARK R. TOLP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw
Encls. Assignments (2)

2.864

March 3, 1958

Re: Permit No. R-864
Bray Lake Ranch, Inc.
Miss Joanne Horton
Mrs. June Horton

Mr. F. T. Horton
P. O. Box 491
Nampa, Idaho

Dear Mr. Horton:

On November 19, 1955, Leonard E. Strout, Bliss, Idaho, original owner of Permit No. R-864 made affidavit of proof of completion of works together with the affidavits of proof of two disinterested witnesses. The Certificate of Completion of Works was not issued pending inspection by the field engineer of this office. Inspection was made January 9, 1957, and our engineer's report shows the reservoir is capable of storing 1865 acre feet per annum of the waters of Dry Creek.

Upon receipt of the statutory fee of \$5.00, we will issue the Certificate of Completion of Works confirming that Mr. Strout completed the work for the storage of 1865 acre feet per annum of the water of Dry Creek, with the point of outlet in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 4 South, Range 13 East, B.M., for irrigation in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 33; S $\frac{1}{2}$ Section 34; S $\frac{1}{2}$ Section 35; SW $\frac{1}{4}$ Section 36; Township 4 South, Range 13 East, B.M., S $\frac{1}{2}$ Section 1; All of Sections 2 and 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 4; All of Section 9; Township 5 South, Range 13 East, B.M.; and, that on November 13, 1956, Permit No. R-864 was assigned to Bray Lake Ranch, Inc.

At the time proof of beneficial use is made, it will be necessary that Bray Lake Ranch, Inc., Miss Joanne Hortons' and Mrs. June Hortons' names appear on the permit, and the license will be issued jointly.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls

L-964



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO:

10:20

Index 07365

Land Office
P. O. Box 2237
Boise, Idaho

R. 864 10.15 of 1865 A.F.F.

JUL 30 1958

NOTICE OF ALLOWANCE

RECEIVED
JUL 3 1 1958
Department of Reclamation

James Earl Ray

Page 401

James, John

SNOW Machine:

Your Forest Land Entry, Serial No. Idaho 07365,
Receipt No. 373813, for ~~squat,~~ ~~squat,~~ ~~squat,~~ ~~wagon,~~
, Section 9;
Township S 8., Range T 3 E., Boise Meridian, Idaho, containing
100 acres, has this day been allowed, subject to any
valid existing rights, and your further compliance with laws and regulations
applicable thereto. In correspondence relating to this entry, always
refer to the serial number.

SECRET, Sec. 9, subject to R.I. 1001176 "K", 10-22-61.

Very respectfully,

Donald I. Bailey
Manager

cc: RM, 1-3
State Sec. Regv., Boise
LHM
B.E.

2. 869

February 21, 1958

Re: Permit No. R 864
Bray Lake Ranch, Inc.
Mrs. June Horton
Miss Joanne Horton

Mr. F. T. Horton
P. O. Box 491
Nampa, Idaho

Dear Mr. Horton:

Enclosed are the assignments of 36/100 of 1865 acre feet of Permit R 864 to Mrs. June Horton and of 15/100 of 1865 acre feet of said Permit to Miss Joanne Horton, by F. T. Horton, President, Bray Lake Ranch, Inc., and Daniel A. Horton, Secretary-Treasurer, Assignors. This was acknowledged by the State Reclamation Engineer and recorded in the Department of Reclamation in Book R 3 of Permits at Page 864.

Departmental receipt #28983 for \$2.00, was issued and handed to you when you were in the office as receipt of the fifty cent fee each for recording the assignments and one dollar for a photo-copy of each which are being sent to the U. S. Bureau of Land Management.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

2-864

February 21, 1958

Re: Permit No. R 864
Bray Lake Ranch, Inc.

U. S. Bureau of Land Management
P. O. Box 2237
Boise, Idaho

Gentlemen:

As requested by Mr. F. T. Horton, we enclose a photo-copy of each of the assignments of Permit R 864: 36/100 of 1865 acre feet to Mrs. June Horton and 15/100 of 1865 acre feet to Miss Joanne Horton, by F. T. Horton, President, Bray Lake Ranch, Inc., and Daniel A. Horton, Secretary-Treasurer; Assignors.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls

Enc.

cc: Mr. F. T. Horton
P. O. Box 491
Nampa, Idaho

P-864

1865
151

ASSIGNMENT

For value received, I hereby assign ~~all my~~ 15/100 of 1865b Acre feet
and interest in and to Permit to appropriate the Public Waters of
the State of Idaho, No. R864 to Miss Joanne Horton
of Nampa, Idaho

BRAY LAKE RANCH INC.

F. J. Horton
Permit Holder. President

Joanne F. Horton
Wife of Permit Holder.
Secretary - Treasurer

State of Idaho)
County of Canyon) : ss.

On this 23 day of Jan, 1958, before
me, a Notary Public for the State of Idaho, residing at Nampa
Idaho, personally appeared F. J. Horton & Joanne F. Horton
known to me to be the persons whose name ^{are} ~~is~~ subscribed to the within
instrument, and duly acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and af-
fixed my Notarial seal, the day and year in this certificate first
above written.

Hallam A. Foreman
Notary Public, residing at Nampa Idaho

My commission expires 2-21-61.

Received and filed for record
in the Department of Reclamation, Feb. 17, 1958
MARK R. KULP
State Reclamation Engineer

2-869

A S S I G N M E N T

-- 56/100 of 1865 Acre feet.

For value received, I hereby assign ~~all~~ my right, title,
and interest in and to Permit to appropriate the Public Waters of
the State of Idaho, No. R 864 to Mrs. June Horton
_____ of Nampa, Idaho

BRAY LAKE RANCH INC.

J. I. Horton

~~Permit Holder~~, President

Samuel A. Horton

~~Wife of Permit Holder~~,

Sec. - Treas.

State of Idaho)
County of Canyon) ss.

On this 23 day of Jan, 1958, before
me, a Notary Public for the State of Idaho, residing at Nampa
Idaho, personally appeared J. I. Horton + Samuel A. Horton
known to me to be the person whose name is subscribed to the within
instrument, and duly acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and af-
fixed my Notarial seal, the day and year in this certificate first
above written.

Hallie H. H. H.

Notary Public, residing at

My commission expires 2-21-61.

Received and filed for record
in the Department of Reclamation, Feb. 17, 1958
MARK R. KULP
State Reclamation Engineer

January 22, 1958

Re: Permit No. R-864

Mr. L. E. Strout
633 4th Ave. West
Gooding, Idaho

Dear Mr. Strout:

In reply to your letter of January 20th, in which you requested copies of the maps filed in connection with all permits filed on the waters of Dry Creek for reservoir purposes.

It so happened that Mr. Horton was in our office at the same time this letter was received, checking over the various water permits, therefore he ordered a duplicate set of sketch-maps on all the filings in connection with the Brays Lake Ranch, Inc., and also duplicate copies of maps on reservoir filings filed by Mr. R. J. Bostrom.

Mr. Horton stated that he would talk over things with you and if any additional filings were needed, he would contact you in your behalf as well as his own. Mr. Horton is going to give you a set of said sketch-maps showing the filings from Dry Creek.

We hope this will suffice for the present.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw

R-864

RECEIVED

JAN 2 11 1958

Department of Reclamation

Jan 20, 1958

Gooding, Idaho
Mr. Mack R. Culp
Sr. Res. Eng.
Besse, Idaho

I am Mr. Culp.
I would appreciate the
information I would go
to Besse to contact this
time

Get me the 16 acre feet
by the date when filed by
Richard F. Bostrom
of all the things he made
Worth and E. 27 of Besse,
How high the Levee's are
to be built etc.
Also what would it cost me
to get a duplicate of the 804

Adams will be filed on?
Also what will a duplicate
cost me for the last filing
on the Bray Lake Reservation
and map of it?

Please send me three
sets of copies on blank forms
of Receiving filing papers.
I want to make the filings
right away on my Reservation.

I am here to have a
permit from Washington
D.C. Land Office
to build a dam and
get a right away or
can I go ahead to file
and do the work necessary
prior to the water

How is the Tenny way.
I got a Reserve title
approved from Washington
D.C. on the Bray Lake
and the Small Pond to the
East.

I / Mr R. J. Bateman don't
feel I can hold title
to the Reserve Site.

I hope you understand
what I mean.

I may come to Boise later.
I will appreciate all
the information you can
give me.

Yours, J. E. Stout
633 - 4th Ave.

Gooding, Idaho

P.S.

4

I would like to know
how Mr R. J. Bestrom
can find Reservoirs
and water
living in Chicago
I mean throughout the year
or does he have a residence
here?

R-864

Jan 21-1958.

R-864.

This dam was done on time, though they nearly overlooked getting proofs made in time.

Embankment is okay.

C/W. certificate is being held up pending opportunity to inspect the outlet works.

A trip was made to the dam late in the fall of 1957 but the water had not been drawn down to expose the outlet works.

E. H. Humphrey.

R-864

*Elmer: Thought you might like
copy of this.
meader.*

R-864

Thomas P. Curtis, ASG, Twin Falls

January 23, 1937

Meader H. Wilkins, ASG, Boise, Idaho

ENGINEERING - Hwy Lake Dam

The State ASG office called me a few days ago and said we were getting an appeal soon on the Hwy Lake job. Elmer Humphrey also called and said he had suggested the dam with Mr. Norton and thought it was a pretty good job. I mention these two incidents as they did have some influence on the outcome of the discussion with Mr. Norton last Wednesday.

We agreed that the Service would prepare revised plans to show an increase in the reservoir capacity to approximately 1865 AF, which should be about where it is now - that is, the present spillway level. Mr. Norton is to bring the back slope up to required slope and do any other work required to meet these plans. When the plans are approved, we will certify his work on the job, and he can collect cost sharing for what the ASG has allowed. It will be up to Mr. Norton to make application and agree with ASG County Manager on what he is eligible for.

No more increase in height or capacity of the present structure will be allowed unless subsequent geological investigations and thorough examination of present conditions warrant. His present water right application requires about a 27 foot depth of water by 1938.

Mr. Norton wants to go ahead with geological investigations and preparation of plans for a dam to store water to a depth of about 33 feet with a total height of 33 feet above the present conduit invert.

There are several points to keep in mind when considering the design for the higher dam. The fill will probably require sanding with at least a previous downstream section similar to Type 3; the conduit will probably require lining which could be accomplished with a light 24 inch steel pipe inner form with pressure grouting between the liner and old conduit, and a portion of the old fill should be spread and recompacted which could be done without disturbing the face of the present fill.

I hope this will meet with your approval and you can get the revised plans completed soon for the present structure. It might be well to check with ASG on what can or ~~could~~ be done on cost sharing.

caut

RECEIVED
JAN 28 1937

Department of Reclamation

R-864

UNITED STATES
DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
P. O. Box 2709
Boise, Idaho

RECEIVED
APR 5 1956
Department of Reclamation

April 4, 1956

Mr. Mark Kulp
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Kulp:

A report on the Bray Lake Dam has just been received from our Area Engineer at Twin Falls. As you may recall, the Service prepared the plans and specifications for raising the dam and you approved them November 1, 1955.

The plans called for raising the top of the dam to 55.8 and constructing a spillway to crest elevation 51.8 thus providing a spillway 4 feet deep with a resultant increase in the water storage level of about 3 feet. A review of other features of the plans and specifications shows little resemblance to the job as constructed. From the report and my knowledge of the fill placement which I inspected during construction, I do not believe it safe to permit filling the reservoir.

The following is quoted from the report mentioned above:

The elevation of the top of dam is now 57.2 or about 19.5 ft. dam height. Spillway is installed further up the abutment than planned, and while the depth of spillway is 3 feet or more, the crest is not more than 1 foot below the top of the center of the dam. The spillway was excavated into a tough gravel hardpan but not to bedrock.

No change was made in the gate or conduit from the old structure. The 8-inch round gate is installed in the 30-inch square gate as shown on the plan except that no new concrete work has been done. A trash rack has been temporarily installed. A 1-inch gate stem has been attached to the 8-inch gate and is enclosed in a 2-inch pipe filled with oil. This pipe is supported by wooden pedestals. The old gear-type hand wheel gate lift has been reconditioned and is being mounted on a timber structure at the top of the dam.

1007

April 4, 1956

"Riprap has not been placed on the face of the dam, but a gravel-soil mixture has been spread over most of the face.

The owners realize that this is a temporary condition, and have expressed a desire to build a sound structure replacing the present fill, if necessary. The main reasons for pushing the dam to its present height was to satisfy the filling requirements to protect their storage right.

The purpose of our investigation was to find what discrepancies existed from the plans Mark Kulp approved and also to work out plans for the future. This letter should assist in clearing our responsibility with the State Department of Reclamation. Mr. Humphries of that Department has worked directly with Mr. Horton so they are informed of the situation.

I believe Mr. Horton is sincere in his desire to have a good structure, and he has the necessary financing to see the project through to completion. I will plan to discuss this project with Jasper Holland when he is in and with you at some later date. The owners are not shooting for construction this summer, but they do want to get their plans crystallized for another season."

Very truly yours,

Meador H. Wilkins
Meador H. Wilkins
State Conservation Engineer

p. 864

Dec 18-57

Mr. Horton & Son Dam
in office. Have copy of a
letter from Eugene S. Crisman
S.E.S. Reading

Dam H = 61.7'

Water H = 58'

Cap = 2160 acre feet.

Usable = 1700

2-2-4

Dec 18-57

Mr. Horton & Son Dam
in office. Have copy of a
letter from Eugene S. Crisman
SES Reading.

Dam H = 61.7'

Water H = 58'

Cap. = 2160 acre feet.

Usable = 1700

P-864

285 acre feet is
base for $\frac{4}{5}$ - $\frac{1}{5}$ -
division for decree.

In Court in 1947

P-864

November 16, 1956

RE: Permits Nos. R-864 and R-936

Mr. F.T. Horton
804 Dewey Avenue
Nampa, Idaho

Dear Mr. Horton:

We enclose the Assignment of Permit No. R-864 from Leonard E. Strout and wife to Bray Lake Ranch, Inc.; also, the Assignment of Permit No. R-936 from yourself to Bray Lake Ranch, Inc., which have been recorded in this Department.

These Assignments should be attached to the original Permits of which they now form a part.

We also enclose departmental receipt No. 28267 for the fifty cents fee on each Permit, or a total of \$1.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

R-864

BRAY LAKE IRRIGATION RESERVOIR
GOODING SCD, IDAHO
NARRATIVE REPORT

Bray Lake is situated eight miles north and four miles east of Bliss, Idaho in Sections 25, 26, 35 and 36, T. 4S, R. 13 E.B.M. A fault line crossed a south slope, interrupting several small water courses (see attached geology report) and created several depressions, the largest of which is called Bray Lake. A small earth fill has been built on the lifted side, creating about 750 acre-feet of useful storage. There is no emergency spillway provided in the present structure.

A diversion ditch conveys flood water from Dry Creek, a near-by stream, into the reservoir. The watershed above the point of diversion is about 21 square miles of high foothill terrain. During the irrigation season, water is released from the reservoir and conveyed by irrigation ditch a distance of two or three miles to the 200 or more acres of farm land.

An irrigation company was formed at one time, and plans were made to construct an embankment about 33 feet high. A 165-foot-long reinforced concrete conduit with end structures and some cutoff collars was constructed in 1915. It is unknown whether or not any fill material was placed by the irrigation company. The irrigation company was evidently dissolved and Mr. Leonard Strout, the present owner, became the possessor of the reservoir.

The current proposal is to increase the size of the reservoir by raising the dam about five feet. At the same time an adequate spillway is to be constructed, the conduit repaired, and a new gate installed. The reservoir storage will be increased 400 acre-feet to allow for an increase in the amount of irrigated land.

A surface geologic investigation was made by Harold Allen, whose report is attached to this plan.

A laboratory report on soils is attached. Sample number one, classified as SM, is to be used as borrow material and is found in the greatest quantities. A thin layer of sample number four, classified as CL-1, covers the foundation. The dam is considered a homogenous section on a Type A-1-a foundation.

The control section of the spillway will be at the center line of the dam and will be on bedrock. The end of the dam will require riprapping. The spillway floor will be on basalt bedrock from the dam to the old channel. Basalt bedrock is exposed continuously in the old channel bottom.

P. 2011

SPECIFICATIONS
BRAY LAKE IRRIGATION DAM
GOODING SCD, IDAHO

A. DEFINITION OF TERMS AND RELATIONSHIPS

The following terms are used in these specifications. Their meanings shall be as follows:

1. "Owner". Mr. Leonard Strout, owner of the dam, or his authorized representative.

The owner is responsible for all expenditures for construction. All items of work to be paid by the owner must have the owner's approval.

It is understood that the owner will execute the plans and specifications to the best of his ability and that any changes made as construction progresses will be made with the advice and concurrence of the SCS Engineer and approval of the State Reclamation Engineer.

2. "District". The Gooding Soil Conservation District represented by their Board of Directors or their authorized representative.

Technical assistance of the Soil Conservation Service is provided through the District.

3. "SCS Engineer". The Area Engineer of the U. S. Soil Conservation Service representing the Gooding Soil Conservation District or his authorized representative.

The SCS Engineer, acting as a technical adviser for the owner, has compiled these plans and specifications. He will provide surveys, tests, and technical direction of the work so that the job may be constructed as planned. He cannot authorize changes without the approval of the owner.

4. "Reclamation Engineer". The State Reclamation Engineer of Idaho or his authorized representative.

Under the provisions of the water laws of Idaho the Reclamation Engineer is charged with the examination and approval of sites, plans, specifications and inspection of construction to insure safety of such work with reference to possible damage to life and property.

These plans and specifications must have the written approval of the Reclamation Engineer prior to initiation of construction. It is further required that the work performed in the construction of the dam and materials that are used in construction that become a part of the completed structure shall at all times be subject to

2851

the approval of the Reclamation Engineer and that no material changes in plans or specifications made necessary during construction by unforeseen contingencies or otherwise shall be made without prior approval of the Reclamation Engineer.

5. "Plans". The official plans numbered EWP - 1 sheet 1, EWP - 2 sheet 2, and EWP - 4 sheet 3B approved by the SCS and Reclamation Engineer are part of these specifications.
6. "Specifications". The directions, provisions and requirements contained herein pertain to the method and manner of performance of the work and to the quality of material to be used.

B. SCOPE OF PLANS AND SPECIFICATIONS

1. Intent of Plans and Specifications. These plans and specifications are prepared for the purpose of controlling construction to the extent that quality structures will be built.
2. Deviation from Plans and Specifications. No deviation from the plans or specifications will be permitted without the consent of the SCS Engineer. The SCS Engineer will obtain other approvals when necessary.
3. Changes in Plans and Specifications. Where conditions arise that indicate a need for a change of the plans or specifications, these changes shall be initiated by the SCS Engineer in charge and submitted by him to the Reclamation Engineer for approval. All changes shall be authorized in writing.
4. Coordination of Plans and Specifications. In case of conflict between the requirements and provisions set forth in the plans and specifications the provision of the specification takes precedence over that of the plan.
5. Right to Discontinue Cooperation. If the owner fails to follow plans and specifications as agreed to, then the District may withdraw all technical assistance upon notification of the Reclamation Engineer of such withdrawal.

C. CONSTRUCTION SPECIFICATIONS

1.0 Excavation.

- 1.1 Borrow Pits. All materials required for construction of the embankment that are not available from required excavation, shall be taken from borrow pits. The proposed locations and extent of borrow pits are shown on the plan. The sites of the borrow pits shall be carefully stripped of all surface soil, vegetation, roots, brush, sed, and other objectionable material. This material shall not be used in any part of the fill.
- K-864

- 1.2 Embankment Foundation. The dam foundation shall be stripped or excavated to a sufficient depth to remove all surface soil, vegetation, roots, brush, sod, and other material not suitable for foundations. Before fill is placed, the foundation and abutment areas shall have their surfaces in a loose and scored condition by disking to depths of 3 - 4 inches to provide a good bond between the foundation and the embankment. Loose earth shall not be left on the foundation area to a depth in excess of 6" above approved, undisturbed foundation material. This loose bonding surface shall contain adequate moisture for proper compaction when fill material is placed on it. No foundations or abutments shall be covered by material of the dam until the SCS Engineer has inspected and approved the same.
 - 1.3 Cutoff Trench. An artificial barrier or cutoff to prevent leakage through or under the base of the dam shall be constructed. This barrier will consist of a cutoff trench backfilled with selected impervious material, properly compacted. The trench shall extend the full length of the dam. It shall be excavated to impervious material or to such depths that will prevent excessive seepage as directed by the engineer. The cutoff trench shall be located as shown on the plans and shall have a minimum bottom width of 10 feet. The side slopes of the trench shall not be steeper than 1 horizontal to 1 vertical. It shall be dewatered before any fill material is placed. No fill material shall be placed in the cutoff trench until the SCS Engineer has inspected and approved the trench. Final location and extent of the cutoff shall be determined by the SCS Engineer at such a time as the excavation can be made.
 - 1.4 Spillway. An emergency spillway channel approximately 800 feet long shall be excavated through the abutment as shown on the plans. This channel shall be excavated to the line and grade for finished section for an open grassed type spillway but shall not include the actual establishment of the vegetative cover. Material excavated from the spillway will be used in the main embankment if suitable. Any material excavated that is not suitable will be wasted. Machine excavation shall be accepted as satisfactory for the excavation of the spillway except for the spillway control structure. Overexcavations, however, will be filled and tamped to provide a degree of compaction equal to adjacent undisturbed earth.
 - 1.5 Structures. Excavation for the outlet conduit and other concrete structures shall be confined to neat lines and grades so that the bottom and the sides are suitable forms for the concrete encasement, cutoff collars, or other appurtenances. No concrete shall be poured in the outlet conduit trench until the SCS Engineer has inspected and approved it.
- p. 8101

2.0 Outlet Conduit and Other Structures.

The existing reinforced concrete conduit will be used and is satisfactory except that a long crack near the gate must be repaired and reinforced to the satisfaction of the SCS Engineer. The concrete cutoff collars shall be considered an integral part of the conduit. All parts of the structure shall be constructed as shown on the plans and in accordance with the following specifications:

2.1 Concrete. Concrete shall be mixed and placed as specified below.

2.1.1 Cement. To be Portland Cement of a standard commercial brand, free of lumps and partially set masses. In no case shall less than 5-1/2 sacks of cement be used in each cubic yard of concrete.

2.1.2 Water. Water shall be free of acid, alkali, oils, and organic matter. Simple rule--water should be suitable for drinking.

2.1.3 Aggregate. This may be of non-commercial sources, provided it has adequately graded, clean, hard, strong, durable particles, and is sufficiently free of deleterious substances when it meets the following limitations.

(1) When separated on the number four standard screen, the weight passing the sieve shall not be less than thirty percent nor more than fifty percent of the total. No rock shall exceed 1-1/2" diameter.

(2) Clay lumps do not exceed 1.5 percent.

(3) All other deleterious substances do not exceed five percent.

2.1.4 Mixing. Mixing shall be continued for at least 1-1/2 minutes after all materials, including water, are in mixer. Each batch shall be completely discharged before the mixer is recharged. No more than 6-1/2 gallons of water per sack of cement shall be used. This includes surface water in the aggregates. Excessive overmixing requiring the addition of water to preserve the required concrete consistency shall not be permitted.

Truck mixing will be allowed provided that the use of this method does not violate any applicable provisions of these specifications for concrete.

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- 2.1.5 Measurement of Materials. Equipment used for measuring quantities shall be calibrated so the correct quantity of material measured is known.
- 2.1.6 Forms. Forms shall conform to the shape, lines, and dimensions of the members as called for on the plans, and shall be substantial and sufficiently tight to prevent leakage of mortar. They shall be properly braced and tied together so as to maintain position and shape.
- 2.1.7 Placing Concrete. Forms shall be wetted or oiled and thoroughly cleaned of debris and ice. Depositing continuously at one point and letting it flow to distant points shall not be allowed since the water and fines segregate from the rest of the mass. The concrete shall be spaded next to the forms to prevent honeycombing. Increased water in the upper portions of the concrete shall be prevented. Excess water shall be worked to a low point without causing flow, and be removed.
- 2.1.8 Reinforcing Steel. Reinforcing steel shall be furnished, fabricated and placed as shown on the plans. All reinforcing bars shall be deformed bars of structural grade steel. Reinforcing steel, before being placed in the forms, shall be thoroughly cleaned of loose mill and rust scale, oil, dirt or other coatings of any character that would destroy or reduce the bond.
- 2.1.9 Construction Joints. Joints not indicated on the plans shall be so made and located as to least impair the strength of the structure. Where a joint is to be made, and surface of the concrete shall be thoroughly cleaned, and all laitance removed. In addition to the foregoing, vertical joints shall be thoroughly wetted, but not saturated, and flushed with a coat of neat cement grout immediately before the placing of new concrete.
- 2.1.10 Curing. All exposed concrete shall be moist cured for a period of 14 days or cured by a membrane seal which shall be maintained intact for a period of thirty days. When membrane seals are used they shall be applied within 30 minutes after concrete placing.

Wet curing for concrete which is to be covered by the earth embankment may be reduced from 14 days to 7 days. All concrete shall be protected from the direct rays

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of the sun for not less than 3 days. White pigmented compounds are recommended for use as a membrane seal and will give satisfactory protection from the direct rays of the sun. All concrete shall be protected against freezing for at least the period required for moist curing. When concrete is placed in freezing weather it shall be heated to maintain a temperature of not less than 70° for 72 hours or 50° for 5 days and the protection continued above freezing for the required curing period. Calcium chloride may be added or high-early-strength concretes to reduce the curing and time of protection. This time shall be not less than 1/3 the time required for standard cement.

3.0 Emergency Spillway.

This item covers construction of vegetated spillway as detailed in drawing EWP-2 sheet 2.

3.1 Excavation. Excavation shall be as described previously in items 1.4 and 1.5 to the lines and grades as indicated on the drawings.

3.2 Finishing. Excavation shall be to neat lines and grades as previously described in item 1.4. The seed bed preparation, seeding and establishing of stand shall be done by the owner in accordance with SCS-ACP specifications for grassed waterways.

4.0 Structural Backfill.

No backfill shall be placed against the structure for 7 days after the concrete has been poured.

Fill material shall be placed against the structures by hand in maximum layers of 6 inches and thoroughly compacted by hand operated tampers.

No compaction equipment such as the sheepfoot roller will be used for compacting within 18 inches of a structure.

Moisture and density shall be the same as required for the earth embankment.

Selected impervious material shall be used for all structural backfill.

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5.0 Earth Embankment.

- 5.1 Foundation Preparation. The foundation for the earth fill shall be so prepared by leveling and rolling that the surface materials of the foundation will be as compact and well bonded with the first layer of the fill as herein specified for the subsequent layers of the earth fill.
- 5.2 Quality of Materials. The earth fill portion of the dam, including the fill around the outlet conduit and in the cutoff trenches shall consist of soil materials, approved by the SCS Engineer, from borrow areas shown on the plan and from excavations required for other parts of the work. No brush, roots, sod, or other perishable or compressible debris shall be placed in the embankment. No stones having maximum dimensions of more than five inches shall be placed in the embankment; any such stones hauled onto the embankment shall be removed before rolling.
- 5.3 Placement of Materials. Fill materials will be placed in the embankment in the following manner:
- 5.3.1 The approved mixture of earth materials shall be placed in the embankment in continuous, approximately level, layers having a thickness of not more than 8 inches before compaction.
 - 5.3.2 An acceptable working range of moisture content shall be established by the engineer for each type of fill material prior to the start of construction, and no material shall be placed in the embankment which does not have a moisture content within its specified working range. (See: 5.4 Moisture Control, and 5.6, Data for Estimating.)
 - 5.3.3 The distribution of materials shall be such that the embankment will be free from lenses, pockets, streaks, or layers differing appreciably in texture from the surrounding material.
 - 5.3.4 The fill materials shall be compacted by means of a tamping roller of such size and weight that the materials will be compacted to the densities specified herein or by the engineer as construction progresses. (See: 5.5 Compaction Control, and 5.6, Data for Estimating).
 - 5.3.5 The first course of fill material shall be spread over the foundation in a thin layer such that the combined thickness of this layer and the scarified surface of the foundation shall not exceed 8 inches before compaction.

5.3.6 If the rolled surface of any lift becomes too smooth for proper bond, it shall be adequately scarified before placement of the next lift.

5.4 Moisture Control. The abutments, the surface of the fill, and the materials being placed shall be maintained at the proper moisture content during the placement operations. The moisture content shall be controlled in the following manner:

5.4.1 If the foundation and/or abutments have insufficient moisture content, water shall be added by sprinkling.

5.4.2 The application of water to the fill materials shall be accomplished by irrigation of the borrow areas.

5.4.3 Any material or surface which has dried to below the required moisture content shall be uniformly moistened, by sprinkling, before the material is compacted or before a dried surface is covered by additional fill material.

5.4.4 Material having a moisture content higher than that specified by the engineer shall be removed from the fill or allowed to dry to an acceptable condition before being compacted.

5.4.5 Adjustment of moisture content will be made on the basis of determinations of moisture content made by the engineer or inspector as construction progresses.

5.5 Compaction Control. Compaction of the fill materials shall be accomplished and controlled in the following manner:

5.5.1 The tamping roller shall be of the sheepsfoot type and shall have a minimum ballasted weight of 1250 pounds per foot of width. The projected face area of each tamping knob and the number and spacing of the knobs shall be such that the total weight of the ballasted roller, when distributed over one row of knobs, will result in a minimum contact pressure of 250 pounds per square inch.

5.5.2 Tamping rollers will be operated at a speed of approximately 3 miles per hour.

5.5.3 Each lift of fill material shall be compacted by passing the tamping roller over the entire surface of the lift the number of times required to obtain the desired density.

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5.5.4 The rate of placement of fill material will be adjusted as required on the basis of determinations of fill density, in place, made by the engineer or inspector as construction progresses.

5.6 Data for Determining Compaction. Moisture and compaction data will be furnished upon completion of laboratory analysis (Curves to be furnished).

5.6.1 Estimating Compaction and Rate of Placement. Compaction required shall not exceed 15 trips per 6" compacted layer with a roller weighing 1800 lbs. per linear foot or 20 trips with a roller weighing 1250 lbs. per linear foot.

Rate of placement corresponding to the above rollers is 50 to 35 cubic yds. per hour for each 4 foot roller unit respectively.

6.0 Dumped Riprap.

The upstream face of the dam shall be protected by riprap, ~~between the elevations of 27.00 feet and 27.50 feet.~~

The riprap shall have a minimum thickness of 12 inches and be placed on a 6 inch gravel blanket or the blanket may be eliminated by using 18 inches of rock riprap containing 30 to 35% gravel or spalls.

7.0 Metal Work.

7.1 Intake Gate. The intake gate shall be an Araco Slide Gate Model 101 or the equivalent, placed according to the manufacturer's recommendation and the plans.

7.2 Other Metal Work. Other metal work shall be procured or fabricated and installed in accordance with the plans.

8.0 Clean Up.

8.1 General Appearance. The site shall be left with a neat workmanlike appearance.

8.2 Finishing. Steep banks, borrow areas and other rough spots shall be smoothed to facilitate revegetation. Stripping and waste material, if not otherwise used, shall be spread.

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BRAY LAKE IRRIGATION RESERVOIR
GOODING SCD, IDAHO
COST ESTIMATE

<u>ITEM</u>	<u>QUANTITY</u>	<u>COST</u>
Excavation		
Core trench	370 cu.yds. @ \$ 0.15	\$ 55.00
Stripping	800 cu.yds. @ .15	120.00
Spillway	800 cu.yds. @ .15	120.00
Structural, Hand	40 cu.yds. @ 1.00	40.00
Embankment	5327 cu.yds. @ .25	1,332.00
Structural Backfill	40 cu.yds. @ .75	30.00
Riprap		
Gravel Blanket	220 cu.yds. @ .50	110.00
Dumped Rock	440 cu.yds. @ 2.00	880.00
Reinforced Concrete	7.5 cu.yds. @ 75.00	562.00
Gate, Stem, Guides, Vent, etc.	Lump	200.00
	Total	\$3,449.00

10-16-1

BRAY LAKE IRRIGATION RESERVOIR
OODINO SCD, IDAHO
CALCULATIONS

FREEBOARD

From "Low Dams"

$$H = 1.5 D^{\frac{1}{3}} \neq 2.5 - D^{\frac{1}{3}}$$

where: H = height of wave from trough to crest in feet.

D = length of reservoir or exposure in miles.

The length of this reservoir is about one mile.

$$H = 1.5 (1)^{\frac{1}{3}} \neq 2.5 - (1)^{\frac{1}{3}} = 1.5 \neq 2.5 - 1 = 3.0 \text{ ft.}$$

Use a freeboard of 3.0 ft.

SPILLWAY

Since this is essentially an off-stream reservoir, the maximum possible flood would occur when the diversion ditch from the main watershed is operating at peak capacity simultaneous to peak runoff from the small watershed directly above the reservoir.

From "zones of equal rates of runoff" (7-0-13424) the expected flow from the small waterway on which the reservoir is built is 25 cfs per square mile, or 50 cfs for the two square miles.

Estimates of capacity of the diversion ditch have been at about 15 cfs. This concurs with the rate of storage increase during periods of favorable runoff as related by the owner. However a 1000-foot section was measured and using no freeboard, the capacity was computed at 50 cfs. Although it is doubtful if this flow is possible now, or ever will be attained by enlargement, the relatively inexpensive spillway justifies the use of a combined flow of 100 cfs for design.

Critical flow formula $\frac{Q^2}{g} = \frac{A^3}{T}$

where: Q = Discharge (cfs)

g = Acceleration of gravity (32.2 ft./sec.²)

A = Cross-sectional Area

T = Top width of stream

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Assume Bottom = 30.0 ft. Side Slopes = 2:1 Depth = 0.7 ft.

$$\text{then } T = 30 + 4(0.7) = 32.8 \text{ ft.}$$

$$A = (31.4)(0.7) = 22.0 \text{ sq. ft.}$$

$$Q^2 = \frac{A^3 g}{T} = \frac{(22.0)^3 (32.2)}{32.8} = 10,460$$

$$Q = 102 \text{ cfs}$$

$$\text{Velocity} = \frac{Q}{A} = \frac{102}{22.0} = 4.64 \text{ fps}$$

$$\text{Velocity head} = \frac{V^2}{2g} = 0.33 \text{ ft.}$$

$$\text{Energy head} = 0.7 + 0.3 = 1.0 \text{ ft.}$$

Neglecting friction loss in the spillway upstream from the control section, the spillway depth would be established at 4.0 ft.

8-8-61

REPORT ON GEOLOGIC CONDITIONS AT THE BRAY LAKE DAM,

GOODING SCD, GOODING COUNTY, IDAHO

General Data

The Bray Lake Dam is located in the Gooding SCD, approximately 10 miles northwest of the town of Gooding, Idaho.

Constructed in 1915, the dam is of the compacted earth-fill type, 600 feet in length with a crest height of about nine feet.

Upstream and downstream slopes are 3:1 and 2:1 respectively. Despite the lack of a spillway, the dam reportedly has never been breached or washed out.

It has been proposed to lift the structure five feet, thus giving it a total height of 14 feet with the length being increased to 894 feet. This would provide storage for an estimated 400-450 acre-feet of water. An investigation of geologic conditions at the site was made early in May, 1955, to determine the feasibility of raising the structure.

Descriptive Geology

An interesting feature of this site is the fault which extends northwest to southeast paralleling the axis of the dam directly upstream from the face of the structure. The escarpment marking the line of the fault is well defined on aerial photos. As a result of the faulting, natural drainage to the south has been disrupted. This is evidenced by the formation of four lakes along the fault line at points where the fault traversed a natural drainage way. The upthrown side of the fault acted as a barrier to dam intermittent drainage. Of these lakes, the present Bray Lake represents the largest. The other three are small seasonal lakes, one lying to the east of the dam and the other two to the west. Bray Lake thus occupies a structural basin resulting from a down-faulted block. The dam itself has been constructed across the stream gap breaching the upthrown block.

Foundation Conditions—This site lies within the lava area formed of the Snake River basalts. Hard dense unweathered jointed basaltic lava is exposed upstream along the west half of the dam and at the down stream toe in the low point of the gap where the outlet is positioned. Blasting of rock was reportedly necessary during construction of the outlet. Hence, in all probability the outlet is founded on firm rock. Upstream and slightly east of the left abutment along the side of the reservoir, lava bedrock is absent, although this is on the same level with the bedrock upstream from the west half of the dam. The surface of the lava rock at this point must slope eastward, preventing exposure but probably lies at a shallow depth. A low wave-cut bluff bounding the reservoir at this point is formed of a moderately well consolidated relatively impervious silty sand containing some fine gravel capped by an alluvial blanket comprised of a gravelly sand-clay mixture ranging in thickness from one and one-half to two feet. This same sedimentary sequence over lava is exposed along the side of the reservoir upstream and

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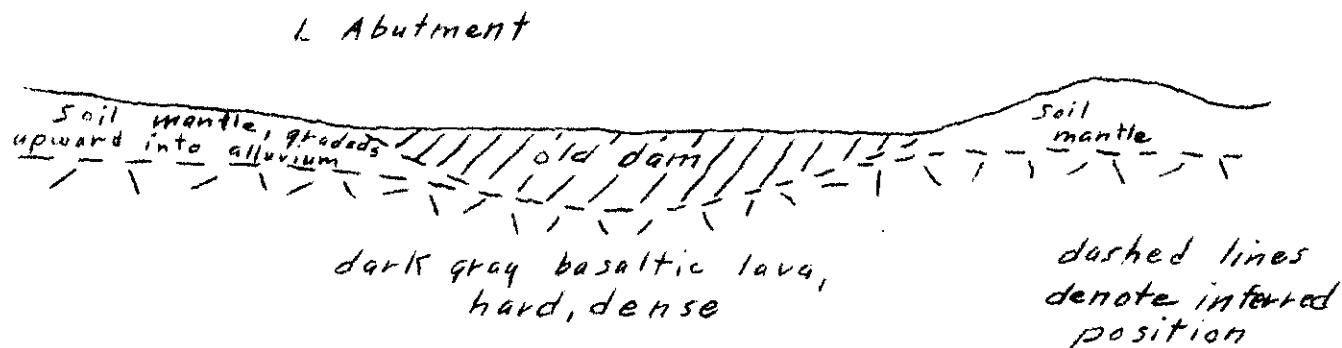
slightly west of the right abutment. It is believed that this layer thins rapidly to the south (downstream) to such an extent as to feather out beneath the abutments upon which the old embankment is founded since there is no evidence of this material overlying lava below the dam.

Surface geology at the site indicates that the dam is over most of its length founded either on solid unweathered lava rock or a shallow residual clay blanket overlying lava rock. There is little doubt but that the mid portion of the dam is on firm unweathered rock.

There is no indication whatsoever of leakage along the downstream face or toe of the dam or at the abutments. Although bedrock shows rather uniformly spaced columnar (vertical) jointing that could allow a lateral percolation of water, sufficient clayey material must be present to afford an effective seal. The embankment itself must also be highly impervious.

A topographic low west of the right abutment forms a natural site for a spillway. Since there is no indication of firm rock being present at a shallow depth here, rock rip rap or concrete lining will probably be needed for erosion control.

The following sketch along the center line of the dam illustrates probably geologic conditions at the site.



Borrow - Suitable borrow composed of a gravelly sand-clay mixture is available on the hillside adjacent to the left abutment. The suitability of this material will be further tested in the soils laboratory. Fill is also available on the hillside above the right abutment, but here a considerable amount of cobble size gravel exceeding five inches in diameter is present. Material greater than five inches in diameter should be wasted.

8-8-61

Conclusions

At the time of the investigation, placement of fill on the downstream side of the dam to raise the structure had already begun. A two foot cut-off, which reportedly extended in part into a heavy impervious clay and in part into a dense caliche hardpan, had been effected. This material undoubtedly represents the residual soil blanket which is characteristically developed over the lavas through out most of the area.

While the positioning of the cut-off on the downstream side of the old embankment is not desirable, ~~in view of~~ the apparently highly impervious nature of both the fill and foundation, this feature does not seem unduly serious or hazardous.

There is no question as to the stability of the foundation or abutments. The abutments also seem sufficiently impervious to prevent internal erosion.

The fault traversing the reservoir floor immediately upstream from the dam has no effect upon the stability of the structure and is apparently water-tight. It is possible, however, that with a marked increase in the head of water in the reservoir, serious leakage could occur along the plane of faulting.

In view of general site conditions and the stable impervious character of the old dam, it is concluded that the structure can be safely raised an additional five feet provided good moisture control is maintained during placement of the fill. The variable thickness of the plastic residual clay blanket developed over the basaltic lava will probably result in some differential settlement due to plastic flow following saturation.

The old concrete outlet conduit should be thoroughly inspected for any cracks that might allow escape of water into the fill causing serious erosion.

To guard against wave action, it will be necessary to riprap the upstream face of the embankment. A six inch layer of gravel covered with angular basalt boulders will provide adequate protection. Quantities of this material are available nearby.

/s/ Harold A. Allen
Geologist

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✓
November 23, 1955

RE: Permit No. R-864

Mr. Leonard E. Strout
Bliss
Idaho

Dear Mr. Strout:

We acknowledge receipt of the depositions of yourself and two witnesses also Affidavit of Publication in the Gooding Leader in proof of Completion of Works on Permit No. R-864.

Before final action is taken the law requires that a field examination be made by an engineer from this Department.

We cannot say just when this examination will be made, but our field engineer will contact you at the time he makes the examination in order that you may arrange to show him over the ground.

Very truly yours,

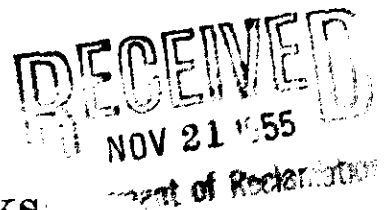
MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu

R-864

Permit No. R-864



Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Leonard E. Strout; Bliss, Idaho

Ques. 2. If acting on behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. self

Ques. 3. State number and date of permit, acre feet of water you claim for storage, and source of same.

Ans. No. 864, Oct. 31, 1950 1865; Dry Creek, in Gooding County, Idaho

Ques. 4. Under terms of permit construction was required to be completed by Oct. 31, 19⁵⁵ 19.

Ques. 5. Construction was actually completed on the date of Oct. 30, 19 55.

Ques. 6. Does the construction fully comply with the specifications? yes

Ques. 7. Of what material was the dam built? earth with rock rip-rap on face of dam

Ques. 8. State whether or not the water has been turned into your reservoir, and if so, when and to what extent.

Ans. About November 1, 1955

Ques. 9. The capacity of the reservoir is 2,500 acre feet.

Ques. 10. The area of the high water line of the reservoir is 250 acres.

Ques. 11. The height of the dam above bottom of reservoir is 25 feet, above low water is 23 feet.

Ques. 12. The dimensions of the spillway are 4 ft. by 30 ft. and the bottom of the spillway is 4 ft. feet below the top of the dam.

Ques. 13. Dimensions of the reservoir outlet are 24 in. wide and 33 in. high

Ques. 14. Describe the gate and control unit.

Ans. steel plate inch and one-fourth thick reinforced with steel; Control unit heavy steel wheel with steel screw shaft, 2 1/4 inches in diameter

Ques. 15. The reservoir outlet is made of concrete and steel (woven wire).

Ques. 16. Is the reservoir filled through a feeder canal? Yes

Ques. 17. If so, where is the point of diversion for same? N 57° 30' E. 2455 feet, distant corner

Ans. S 1/4 1/4 1/4 Section, 6 Twp. 4 S. Range 14 E.B.M. and is in the NE 1/4 of SE 1/4 of Sec. 6, Twp. 4 S. R. 14 E.B.M.

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Ques. 18. Does the feeder canal comply with the specifications in the permit? yes

Ques. 19. If not, explain _____

Ques. 20. Cost of constructing feeder canal? \$ 2,500. Cost of reservoir? \$4,700.00

Ques. 21. State whether or not the works from reservoir outlet to place of use are fully completed, and whether or not they comply with the specifications in permit. If not, explain.

Ans. Yes

Ques. 22. Water has (~~been~~) been delivered to place of intended use? Yes

Ques. 23. Give description of dam, state dimensions, and give slope of face both upstream and downstream. Also method and material for protecting against wave action.

Ans. earthen dam, reinforced on face with sand and rock; dam is 25 feet high from bottom of reservoir; and 23 feet high from low water mark, or bottom of headgate; width at top is 12 feet, approximately 1,200 long; slope of face upstream 3 ft to 1; downstream 2 to 1

Ques. 24. State the purpose for which the water is to be used and give the place of use, and if for irrigation, state the number of acres, and give the legal description of same.

Ans. domestic and irrigation; 3,600 acres described as NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Sec. 33, Twp. 4 S, R. 13 EBM equals 200 acres
SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Sec. 34, Twp. 4 S. R. 13 EBM " 320 "
All of Section 3 Twp. 5 S. R. 13 EBM 640 "
NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$; NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and all of SE $\frac{1}{4}$ of Sec. 4, Twp. 4 S. R. R. 13 360. "
All of Sec. 9 in Twp. 5 S. R. 13 E. B. M. 640 "
(Sign here) Samuel E. Strait.
The NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Sec. 1, Twp 5 S. R. 13 E.B.M. 320 "
All of Sec. 2 in Twp. 5 S. R. 13 E.B.M 640 "
The SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Sec. 35 Twp. 4 S. R. 13 E.B.M. 320 "
The SW $\frac{1}{4}$ of Sec. 36, Twp. 3 S. R. 13 E.B.M. 160 "

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Gooding, County of Gooding, State of Idaho, on this 19th day of November, A.D. 1955.

My commission expires 12-11-1955

M. F. Ryan
Notary Public
Gooding, Idaho

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. R-864

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Lester Brown, Route 2, Gooding, Idaho, Farmer

Ques. 2. Are you acquainted with Leonard E. Strout, the holder of Permit No. R-864, authorizing the storage of 1865 acre feet of the waters of Dry Creek which is tributary to Big Wood River, in the County of Gooding, State of Idaho? How long have you known him, and where does he reside?

Ans. Yes for about 15 years, on his ranch North of Bliss, Idaho

Ques. 3. Have you read or heard read said Permit R-864. Are you familiar with its terms and conditions? Yes

Ques. 4. Of what material and how has the dam been constructed?

Ans. built of earth and partially rip rapped with rock on face

Ques. 5. Is the reservoir fully constructed? yes Has water been turned into it? yes And to what extent? full capacity of Canal

Ques. 6. Where is the point of diversion of the feeder canal?

Ans. NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 4 S Range 14 E BM

Ques. 7. The outlet of the reservoir is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35 Twp. 4 S Range 13 E BM

Ques. 8. Describe the spillway.

Ans. hard formation 4 ft. by 30 ft. and approximately 4 ft. below top of dam

Ques. 9. How much below the top of the dam is the bottom of the spillway? four Ft.

Ques. 10. State the dimensions of the outlet for the reservoir. 24 inches by 33 inches

Ques. 11. Of what material is the outlet made? reinforced concrete and steel gate

Ques. 12. How is the outlet gate operated? steel wheel on steel shaft

Ques. 13. Of what material has the dam been constructed? earth

Ques. 14. Are the works from the reservoir to place of use fully completed? yes

Ques. 15. Describe these works as they now exist, and give your estimate of their capacity.

Ans. a canal 3 $\frac{1}{2}$ feet by 2 feet and approximately 3 miles long

Ques. 16. For what purpose is the water to be used?

Ans. irrigation and domestic

R-864

Ques. 17. If for irrigation purposes, are you acquainted with the land to be irrigated? Yes
How much water is required for its profitable cultivation?

Ans. 5/8 of an inch to the acre

Ques. 18. Give the legal description of the land to be irrigated, or the place of use.

Ans. Same descripton as set forth in Deposition of Holder, Leonard E. Strout and see same for description

(Sign here)

Lester Brown

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Gooding, County of Gooding, State of Idaho, on this 19th day of November, 1955.

My commission expires Dec. 11, 1955

M. F. Ryan
Notary Public
Gooding, Idaho

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. R-864

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Maynard J. Morehouse; Gooding, Idaho, Minister

Ques. 2. Are you acquainted with Leonard E. Strout, the holder of Permit No. R-864, authorizing the storage of 1865 acre feet of the waters of Dry Creek which is tributary to Big Wood River, in the County of Gooding, State of Idaho? How long have you known him, and where does he reside?

Ans. Yes; approximately 18 months; Bliss, Idaho

Ques. 3. Have you read or heard read said Permit? 864 Are you familiar with its terms and conditions? Yes

Ques. 4. Of what material and how has the dam been constructed?

Ans. Earth with some rip rap on face of dam

Ques. 5. Is the reservoir fully constructed? yes Has water been turned into it? yes And to what extent? to capacity of feeder canal

Ques. 6. Where is the point of diversion of the feeder canal?

Ans. NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 4S Range 14 EBM

Ques. 7. The outlet of the reservoir is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35 Twp. 4 S. Range 13 EBM

Ques. 8. Describe the spillway.

Ans. it is built in a hard formation and approximately 4 feet below the top of the dam and is approximately 4 feet by 30 feet

Ques. 9. How much below the top of the dam is the bottom of the spillway? 4 Ft.

Ques. 10. State the dimensions of the outlet for the reservoir 24 by 33 inches

Ques. 11. Of what material is the outlet made? reinforce concrete and steel gate

Ques. 12. How is the outlet gate operated? by a iron whell on top of a steel shaft

Ques. 13. Of what material has the dam been constructed? earth

Ques. 14. Are the works from the reservoir to place of use fully completed? yes

Ques. 15. Describe these works as they now exist, and give your estimate of their capacity.

Ans. a canal about 3 miles, or less in length and approximately 3½ feet by 2 feet

Ques. 16. For what purpose is the water to be used?

Ans. domestic and irrigation

P-864

Ques. 17. If for irrigation purposes, are you acquainted with the land to be irrigated?.....yes.....
How much water is required for its profitable cultivation?

Ans. 5/8 of an inch per acre

Ques. 18. Give the legal description of the land to be irrigated, or the place of use.

Ans. this is all described in Deposition of Holder of Permit, Leonard E. Strout and I refer to this for a description of the land

(Sign here) Maynard J. Monahan

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Gooding, County of Gooding, State of Idaho, on this 19th day of November, 1955.

My commission expires Dec. 11, 1955

MAE Ryan
Notary Public
Gooding, Idaho

[illegible]

I, *Leland G. Burress*, do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was published in said newspaper four consecutive weeks, the first publication having been made on the 27th day of Oct, 1955, and the last publication having been made on the 17th day of Nov, 1955, that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho*, for a period of more than 78 weeks prior to the first publication of the attached notice.

ed notice.

Deland J. Burson

Subscribed and sworn to before me this
17 th day of November, 1950.

Notary Public.



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

November 3, 1955

RE: Permit No. R-864

Gooding Leader
Gooding
Idaho

Gentlemen:

On October 19 we sent you notice for publication on the above numbered Permit in the name of Leonard E. Strout.

To date, we have not received an acknowledgment of this notice nor a copy of your paper containing same as requested.

Please advise if the notice is being published and if so, send us a copy.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeanne L. Anderson
Chief Clerk

A:hll

R. 864

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. R-864

Date: October 19, 1955

Gooding Leader

Gooding, Idaho
Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **November 19, 1955** the date set for proof, the expense of the publication to be paid by the applicant, **Leonard E. Strout** of **Bliss** Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

P-864

Notice for Publication

Notice is hereby given that at 10:00 A.M., on the 19th day of November, 1955, at Gooding, County of Gooding, State of Idaho, before Mike Ryan, Notary Public proof will be submitted of the completion of works for the storage of 1.865 Acre Feet Per annum ~~acre feet per annum~~ of the waters of Dry Creek in accordance with the terms and conditions of a certain permit heretofore issued by the R-864 of the State of Idaho.

1. The name of the person or corporation holding said permit is Leonard E. Strout, Strout

2. The postoffice address of such person or principal place of business of such corporation is Bliss, County of Gooding, State of Idaho.

3. The number of such permit is R-864, and the date set for the completion of such work is October 31, 1955

4. Said water is to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.865 acre feet per annum ~~acre feet per annum~~

6. The amount of lands for which said water is available is 3,600 acres, particularly described as follows: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 33; S $\frac{1}{2}$ Section 34; S $\frac{1}{2}$ Section 35; SW $\frac{1}{4}$ Section 36; Township 4 South, Range 13 East, B.M.; S $\frac{1}{2}$ Section 1; all of Section 2; All of Section 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 4; All of Section 9, Township 5 South, Range 13 East, B.M.

MARK R. KULP

~~Commissioner of Reclamation~~
State Reclamation Engineer

R-864

October 19, 1955

RE: Permit No. R-864

Mr. Leonard E. Strout
Bliss
Idaho

Dear Mr. Strout:

We are today sending to the Gooding Leader notice for proof of completion of works to be made on your Permit No. R-864 at 10:00 A.M. November 19, 1955, before Mike Ryan, Notary Public, with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set, you should appear before Mr. Ryan together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Ashll
Enc.

R-864

864

September 21, 1955

Mr. L. E. Strout
Bliss
Idaho

Dear Mr. Strout:

The first time I am in your neighborhood and have an opportunity, I will call and inspect the dam as requested in your letter of September 18.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

R-864

RECEIVED
SEP 20 1955

Department of Reclamation

Sept. 18, 1955

Blisselda

Mr Mark R Culp.

State Eng. Blisselda
Dear Sir:

Could you or Mr Thompson
come out and look
over my Res. Dam?
I had the B.M.A. build
up 3 ft I will raise it
to 6. to Prove up on the
1865 acre ft.

They said it would pass
your requirements I under-
stand you were working
together, I heard other
news and I sure want
to Prove up right away
and I / the Dam is R-864

Passing your requirements
to effect my place
listed for sale and
I hope I can get this
Dane passed as it sure
cost me \$2000 more
than I figured.

Help me out of this
as I appreciate what
help you have done
for me in the past.

Yours L.E. Trout.

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

August 1, 1955

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. Leonard E. Strout
Bliss
Idaho

Boise, Idaho,

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. R-864.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before October 31, 1955. Upon receipt of the blank properly filled out, notice of publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

P. 864

R 862

✓
June 3, 1955

Mr. R. J. Bostrom
6938 Eggleston Avenue
Chicago 21, Illinois

Dear Mr. Bostrom:

Our records show Storage Permits Nos. R-862 and R-863
assigned to you.

Mr. Strout is not at present making proofs on his storage
Permit No. R-864.

Completion of works proofs are due on all three Permits
on or before October 31, 1955.

We will be glad to confer with you at any time.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

Kshll

R-864

6938 1 Boston Ave.,
OL No 21, Ill.
May 28, 1955.

Mr. Mark R. Kulp,
State Reclamation Engineer,
State House, Boise, Idaho.

MAY 31 1955

Department of Reclamation

Dear Mr. Kulp:

During the past month information has reached me that Mr. Leonard E. Strout of Bliss, Idaho, has been in the process of raising his dam (by some twelve feet) which impounds water in Reservoir Site No. 864, otherwise known as Bray Lake. I am not informed whether he plans to do some "proving up" at this time, or if this procedure is not required until the dam is raised to a final height of some 30 ft.

Just in case the issue is before you at this time, I should like to submit a few facts concerning my interests in the Dry Creek flood waters:

1. Late in 1951 I acquired Mr. Strout's Reservoir Sites No. 862 and 863 by assignment, and the record of transfer was registered in your books shortly after we reached an agreement. I believe it was the following summer when I called at your offices and showed Mr. Roy W. Thompson the signed agreement (but not notarized) that I had from Mr. Strout at the time, according to which I was to be allowed a one-fifth right in his canal after widening the same for him, which I did.

2. Then according to the terms of another written contract between us, dated July 25, 1953, in connection with my further widening of the canal, such that its capacity was widened by about five times its original width, my interest in the canal and in the flood waters was increased to a 50-% share. This contract, too, was not notarized. However, the all-inclusive contract was left with an attorney at Gooding over a month ago for the purpose of briefing into such terms as would make it suitable for filing with your office, or on the local records if necessary. The Strouts have promised to sign this briefed instrument before a Notary as soon as it is ready, tho the attorney has not yet found time to perfect the same.

3. Sites #862 and #863 would not require 50% of the water, but there is a third site which I propose to file on this summer, and my intentions concerning the same is fairly covered in the contract and other bits of correspondence.

When speaking with one of your very able clerks last summer, she pointed out that there is not much that can be recorded until after the "proving up" is done. Apparently Strout is now about ready, but I have quite a ways to go yet, tho Site #862 was pretty well built up about two years ago.

While there is the possibility that one can not make direct water transfers until some final proofs are submitted, yet certainly Mr. Strout has waived his interests in my favor to the extent named; and has agreed to confine his water tankage to Site #864, while no such limitations were placed upon me.

There are no quarrels between us that I know of. However, if some "proofs" are in the making, and if the recording of the same would militate against my interests, I should be pleased if you would hold the matter open, giving me another two week's time for filing with you the notarized contract. As a matter of fact, I expect to be in Idaho by that time, and could call on you in person should such a step seem advisable.

Yours very truly,

A. J. Bonstrom

8-864

✓
February 2, 1955

RE: Permit No. R-864

C

Mr. Leonard E. Strout
Bliss
Idaho

O

Dear Mr. Strout:

We have your letter of February 1 and also we have your sketch of the work which you have done under the above numbered Permit.

P

Since the five years allowed by statute for completion of works will expire October 31, 1955 no extension can be allowed beyond that date.

We, therefore, hope that you will be able to complete your works sufficiently to make proof of completion of works on or before that time.

Y

Very truly yours,

MARK R. KEMP
State Reclamation Engineer
By

Chief Clerk

A:hl1

R-864

10-31-50-

RECEIVED
FEB 1 1955
Department of Reclamation

Feb. 1 1955.

Bliss Ida
Mark R. Kulp. St Eng:
Rec. Dept.

Boise Ida
Dear Mr Kulp.

I am sending you plans of the
Dam I am building up. I
will want to raise this Dam to
the specifications of Permit R. 864.
this year.

Will you extend me a year longer
to be sure ^{and} make it?

I sure want to prove up on this water.
In my working plans.

I excavated into hard formation.

The Engineer was out a few years ago
said it was O.K. I pulled up a bank
on the lower side and the bottom is
puddled in has been for years.

I figure I will build this Dam wider
then it calls for, ^{even} I am the only one
under it. I may want to go a little higher
Yours Respectfully Howard E. Stout.
over. R-864

P.S. You know the box was made
1915 was 22 x 26 or 8 inches 8 inch concrete
reinforced with heavy wire.

It goes clear through?

I want to raise this Dam any way 6 ft. this
year and then 7 ft 1956.

Six feet this year will give me enough water
for 300 acres more that I have in now.

R 864

February 18, 1954

Mr. Olay A. Boyd
Box 176
Bliss, Idaho

Dear Mr. Boyd:

We have your letter of February 17, 1954, inquiring in regard to water rights out of Dry Creek in the name of Leonard Strout.

In reply we give a list of his water permits of record in this Department.

Permit No. R-862, for 2000 acre feet of water from Dry Creek, filed October 12, 1950; Outlet in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, Twp. 4 S., R. 13 E., B. M., for irrigation and domestic use on the S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, Twp. 4 S., R. 13 E., B.M., All of Sec. 1 and the N $\frac{1}{2}$ Sec. 12, Twp. 5 S., R. 13 E., B. M. This permit was assigned November 9, 1951, to R. J. Bostrom, 7207 Princeton Ave., Chicago, Illinois, Proof of Completion of Works due on or before October 31, 1955; proof of Beneficial Use on or before October 31, 1961.

Permit No. R-863 for 2000 acre feet from Dry Creek with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, Twp. 4 S., R. 14 E., B.M., for irrigation and domestic use on the NW $\frac{1}{4}$ and S $\frac{1}{2}$ Sec. 6; and the NW $\frac{1}{4}$ Sec. 7 Twp. 5 S., R. 14 E., B. M. This permit was also assigned to R. J. Bostrom and it carries the same dates as Permit No. R-862.

Permit No. R-864 for 1865 acre feet from Dry Creek with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35, Twp. 4 S., R. 13 E., B. M., for irrigation and domestic use on the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 35; S $\frac{1}{2}$ Sec. 34; S $\frac{1}{2}$ Sec. 35; and the SW $\frac{1}{4}$ Sec. 36, Twp. 4 S., R. 13 E., B. M.; S $\frac{1}{2}$ Sec. 1, all of Sections 2 and 3, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 4 and all of sec. 9, Twp. 5 S., R. 13 E., B. M. The dates on this permit are the same as on the other two, but we have no record of assignment of this permit.

We regret that we have no information as to Mr. Strout's stock in Bray Lake or how much land is deeded to him.

R-864

Oley A. Boyd

-2-

Feb. 18, 1954

In regard to filing on state owned lands, this matter should be taken up with the State Land Department, Boise, Idaho. Mr. Arthur Wilson State Land Commissioner.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br

R-864

RECEIVED
FEB 18 1954
Department of Reclamation

February 17, 1954

Miss Jean Anderson
Bureau of Reclamation
State House
Boise, Idaho

Re: Leonard E. Strout
S $\frac{1}{2}$ SE $\frac{1}{4}$ - SE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 4 Twn. 5 R13

NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 9
Twn. 5 R 13

Dear Miss Anderson:

Upon the advisement of Mr. Branch Bird, Gooding Attorney we are writing to obtain information before entering a partnership arrangement with Mr. Leonard E. Strout of Bliss, Idaho. We would like to receive the following information.

What is his water right out of dry Creek?
Has he sold any of this right since it was first issued.
How much stock does he own in Bray Lake
How Much land is deeded to him.
Any other information pertinent to his holdings

We would also like to know the complete procedure for filing on State owned lands in the vicinity of Mr. Strout's property and all the conditions for filing on same.

We are enclosing a stamped self-addressed envelope for your convenience in replying.

Thanking you in advance for your cooperation in this matter, we remain,

Very truly yours,

Oley A. Boyd
Oley A. Boyd
Box 176
Bliss, Idaho

P-864

COMPLETION OF WORKS *R-864

Mr. Strout has disposed of his interest except 1/5 to Mr. Horton. Mr. ~~House~~ ^{Morehouse}, son-in-law of Mr. Horton is now living on the ranch and doing the farming.

~~More~~ ^{Morehouse} An inspection was made on April 5, in company with Mr. ~~House~~ ^{Morehouse}, on the dam. The following conditions are noted:

The central portion of the dam is approximately $16\frac{1}{2}'$ from the level of the ground on the downstream side. The center of the dam which has settled is at least 4' lower than either end. Top width of the dam is 11' in the narrowest place. Length of the dam is approximately 700'. The dam has settled in the central portion until it appears that the bottom of the spillway is higher than the top of the dam. Some rip-rapping has been done on the South end of the dam but winter apparently prevented the completion of the rip-rapping. General appearance is that the dam has been very wet during the late winter and early spring. It also looks as though water came through between the old and the new portion of the dam but has now settled so that it no longer does this. An inspection of the region through which the flood waters would pass in case of failure shows that the water would fill two rather large pot-holes before going on South ~~of~~ ^{the} the broken lava flows toward Bliss. The water would have to go about three or four miles before reaching any farm land and it would be forced to spread over considerable areas in the lavas in getting that far.

The outlet is to be controlled by means of a small 8" gate which is a part of the larger gate of the outlet. The smaller gate will be operated through a 1" shaft extending through a $2\frac{1}{2}"$ pipe filled with oil. The larger pipe is fastened to the large gate and is the means for opening and closing same. It does not appear to be the intention to use same. On this date this dam appears to be fairly safe except against high winds from the NE. High winds from the NE could easily overtop the dam and cause failure of same. Freeboard at present is approximately 3'.

It is recommended:

1. That for immediate protection, the spillway be lowered enough to allow a freeboard of 4' and then later for a concrete heading with flash-boards that will permit controlling the elevation when the dam has been restored to its height.
2. It will also be necessary to add a considerable amount of earth fill through the whole of the central portion of the dam and bring same up to specifications.
3. It will be necessary to complete the rip-rapping of the dam.
4. There should be some gravel checks in the spillway.

E. W. Humphrey

Apr. 6-54.

P-864

Mr Horton was in and talked with me this morning.

Permit R-864

April 6, 1953

Mr. L. E. Strout
Bliss, Idaho

Dear Mr. Strout:

Acknowledging your letter of April 4, in which you request to know if Claude Campbell of Gooding has filed on the waters of Dry Creek, and to what extent.

The records of this Department do not disclose that Claude Campbell has filed on the waters of Dry Creek, as we have no record of same.

Very truly yours, .

Roy W. Thompson
Supervisor Water Distribution

RWT/r

R-864

RECEIVED
APR 4 1953

Department of Reclamation

April 3rd 1953. Bliss Idaho
State Dept. Boise Idaho.

Dear Mr Thomas:

p. 864

I understand Claude Campbell of Gooding Idaho
filed on 800 acres of my flood waters of Dry Creek.
Can you give me all details filings talks etc.
Also has any other filings been put on that
water? I have all of it filed on and then some
I am having considerable trouble with C Campbell
bearing my spawway out or it seem to go out and he is
using it. But wishes to go on folks there. L.E. Shourt.

R-864

November 10, 1950

Mr. L. E. Strout
Bliss, Idaho

Dear Mr. Strout:

In reply to your letter relative to the subject
of storage water from Dry Creek.

We are unable to give you much help in the matter,
owing to lack of any records as to runoff of the stream. The
U. S. Geological Survey have made no measurements on this stream,
and likewise, we are unable to give any assistance regarding
surface area of tributary watershed as no topographical surveys
are at present available.

It would appear that the total Dry Creek drainage area
is roughly eighteen thousand acres above the mouth, but the
amount above your proposed diversion is an unknown area and you
are of course aware of the flashy and unpredictable nature of
the discharge of the stream.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By.

F. A. Tolman
Office Engineer

FAT:bb

R-864

State Engineer Reclamation
Boise Idaho.

RECEIVED
NOV 7 1950
Department of Reclamation

Dear sir:

I was talking to an Engineer
of the Construction of the Reservoir
and water shed.

He said to have you send one
Hydrograph for Dry Creek Run off Record
and Topographic Map.
whatever the cost is I will send
to you.

How soon will I receive my maps and
new filings? Whenever it is convenient
for you.

Yours Respectfully
J. E. Strout

November 7, 1950

Re: Permits Nos. R-862, R-863 and R-864.

Mr. Leonard E. Strout
Bliss, Idaho

Dear Mr. Strout:

We enclose Reservoir Permits Nos. R-862, R-863 and R-864, and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose two prints of the plans which you submitted in connection with Permit No. R-863.

Before construction is commenced under Permit No. R-864, it will be necessary for you to submit plans and specifications in duplicate for approval by the State Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

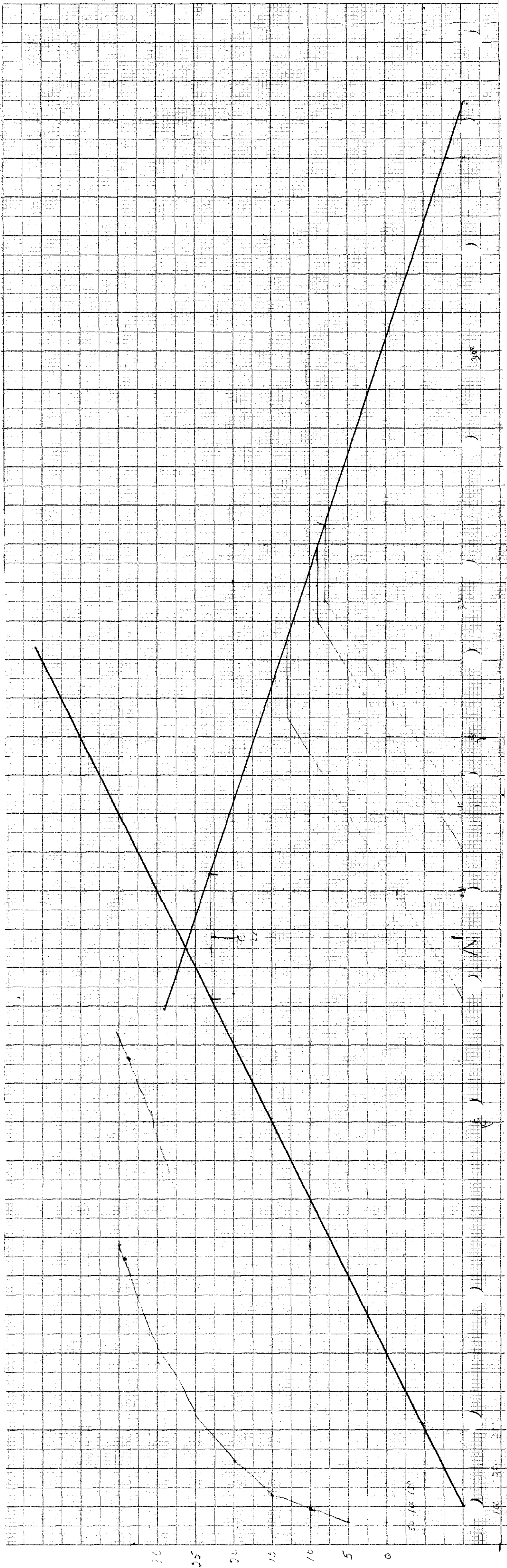
Chief Clerk

A:bh
Enc.

P.S. Since these Permits are to take the place of Permits Nos. R-752, R-753, R-754 and R-817, we enclose forms of Relinquishment of these Permits which we will ask you to sign and have witnessed and return to this Department in the enclosed envelope in order to clear our records.

P-864

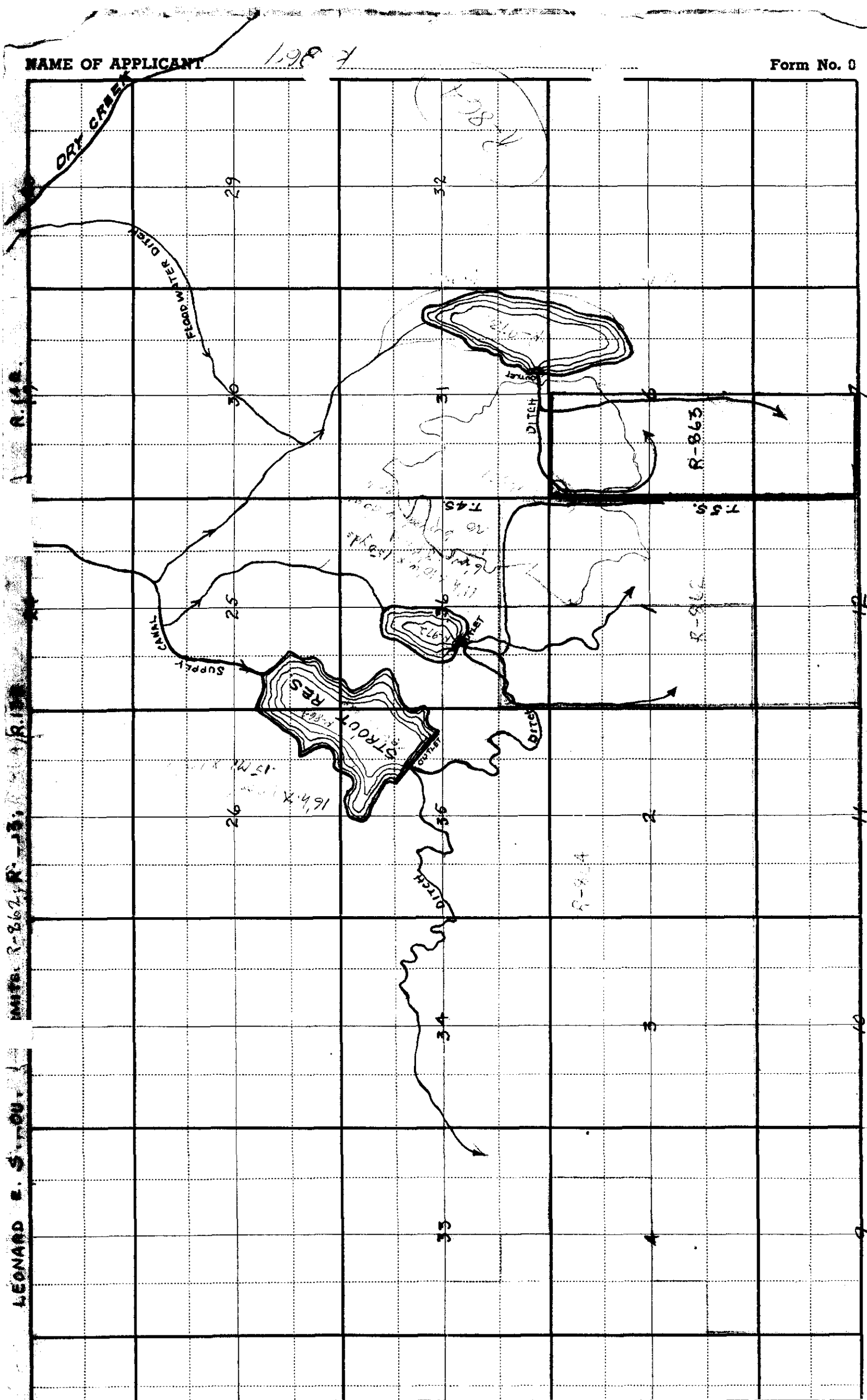
10-8-11



Map proposed by Houston
On Jan 9-57 E.H.H.

NAME OF APPLICANT

Form No. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

Strout Reservoir

Bray Lake.

NOTICE FOR PUBLICATION

Notice is hereby given that at 10 a.m., on the 19th day of November, 1955, at Gooding, County of Gooding, State of Idaho, before Mike Ryan, Notary Public, proof will be submitted of the completion of works for the storage of 1,865 acre feet per annum of the waters of Dry Creek in accordance with the terms and conditions of a certain permit heretofore issued by the R-864 of the State of Idaho.

1. The name of the person or corporation holding said permit is Leonard E. Strout.

2. The postoffice address of such person or principal place of business of such corporation is Bliss, County of Gooding, State of Idaho.

3. The number of such permit is R-864, and the date set for the completion of such work is October 31, 1955.

4. Said water is to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1,865 acre feet per annum.

6. The amount of lands for which said water is available is 3,600 acres, particularly described as follows: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 33; S $\frac{1}{2}$ Section 34; S $\frac{1}{2}$ Section 35; SW $\frac{1}{4}$ Section 36; Township 4 South, Range 13 East, B.M.; S $\frac{1}{2}$ Section 1; all of Section 2; All of Section 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 4; All of Section 9, Township 5 South, Range 13 East, B.M.

MARK R. KULP, State Reclamation Engineer.

11-3-55 R-864 51-2

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

Notice is hereby given that the legal notice printed in the Gooding Leader on February 22, 29, March 7 and 14, 1968, showing that Tony Lemos and Eva Lemos, husband and wife, and Phillip R. Lemos, Bliss, Idaho, were to make proof of application of water to beneficial use on March 15, 1968, on Permit No. R-864 was in error and the place where said water is used was given as E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, $\frac{1}{4}$, Sect. 3; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, all in T. 5 S., R. 13 E., B. M.; whereas the actual place of use is W $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 4; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, $\frac{1}{4}$, Sec. 9, T. 5 S., R. 13 E., B.M.

That any protests against the approval of the depositions made March 15, 1968, must be filed in the Department of Reclamation at 614 State Street, Boise, Idaho within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said proof of beneficial use of water.

Dated this 9th day of January, 1969.

R. Keith Higginson
State Reclamation
Engineer

R-864

1-23-2tc