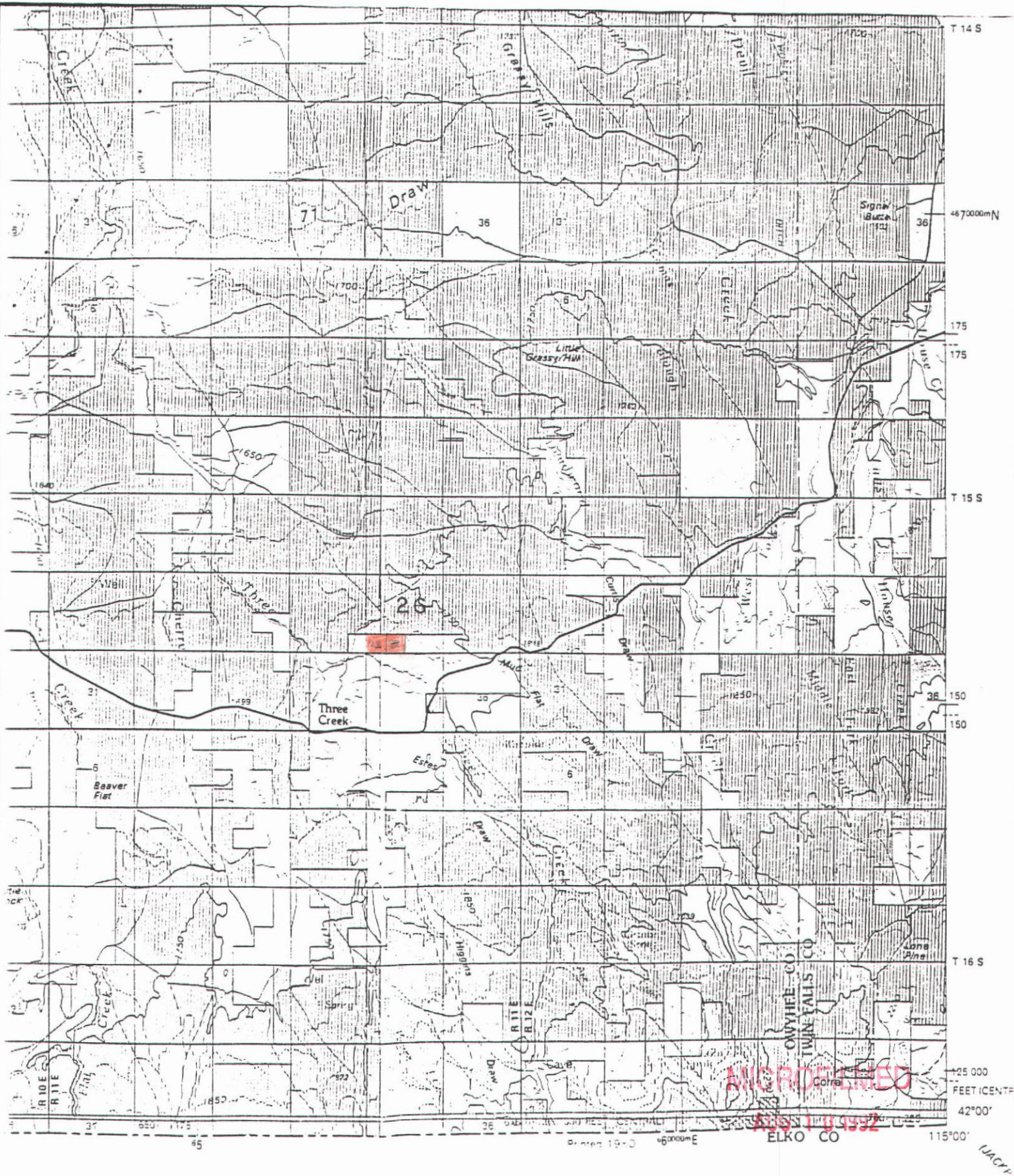


ExDex 3 creek Ranch #1



REPORT OF ENGINEER

1. State name of applicant and number of permit: Charlotte E. Clark 8113
2. State source of water supply: Dur Creek
3. Location of point of diversion: P 8 chains East of West line N 6 1/4 and 8 chains + 10 ft South of North line N 6 1/4 of NW 1/4 Sec 35 Town 15 S R 11 E B. M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: two ft
 - (b) Width at water line: three "
 - (c) Depth of water: 1 ft
 - (d) Grade per mile: about 6 ft
 - (e) Capacity of ditch: two - second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent: yes
to the full extent
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: Sec 8, S. 1/4, S. 1/4, S. 26, T. 15, S. R. 11, E. B. M.
S. E 1/4 of S. W 1/4 Sec 26 about 22 1/2 acres
S. W 1/4 of S. W 1/4 " 26 about 27 1/2 "
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: I measured around the land in each 40 acre tract I could with the above results, not being a surveyor it is some of guess, but it is close.

C. E. Estes

STATE OF IDAHO,

County of Campana

ss.

C. E. Estes

, being first duly sworn, deposes and says that the statements

contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 27th day of April 1915

My Commission Expires Sept 19-1916

E. J. Mahoney

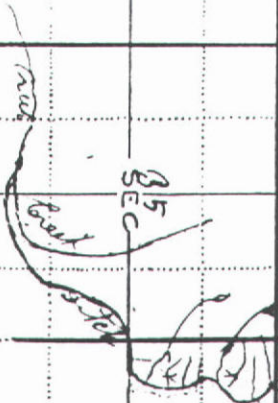
Notary Public.

8113

B72

51-02023

51-02023



land parcel
1/4 of 1/4 of 1/4 Sec 26

35 SEC
26 0.158, R. 11, S. 10, W. 1/4 Sec 26

County:
Stream: Deer Creek
Amount: 1 sec.ft.
Use: Irrigation
Priority: 2-12-1912

51-02023

STATE OF IDAHO

Water License No. 8113

WHEREAS, On the 12th day of February, A. D. 1912, Charlotte E. Clark
of Three Creek, County of Owyhee, State of Idaho, duly made application
(No. 11995) to me for a permit to use 1.6 cubic feet per second of the waters of
Deer Creek
County of Owyhee, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 13th day of April, A. D. 1912, Permit No. 8113 was issued
to said applicant for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 15th day of April, A. D. 1914, and for the application to ben-
eficial use of said water on or before the 13th day of April, A. D. 1915, and,

WHEREAS, On the 18th day of April, A. D. 1914, Charlotte E. Clark
the holder of said permit, duly made proof of the completion of adequate works for the diversion of
1.6 cubic feet per second of said waters, as evidenced by my Certificate No. 8113,
dated April 30, 1914, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use 1.6 cubic feet per second of said water
with date of priority of February 12, 1912, and

WHEREAS, On the 3rd day of April, A. D. 1915, Charlotte E. Clark
the holder of said permit, duly made proof of the application to beneficial use of one (1) cubic
feet per second of said water

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
hereby grant and confirm to

Charlotte E. Clark
of Three Creek, County of Owyhee, State of Idaho, the holder and owner
of said Permit No. 8113, a perpetual right, dating from February 12, 1912
to the use of one (1) cubic foot per second of the waters of Deer Creek

In the County of Owyhee and State of Idaho, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 25,
T. 15 S., R. 11 E.B.M.,

and conducted to and upon about 50 acres divided as follows: 22 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and
27.7 acres in SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 26, T. 15 S., R. 11 E.B.M.

for the purpose of irrigation and domestic use, subject, however, to the laws of the
State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
or community customs, rules and regulations which have been or may be adopted from time to time by
a majority of the users from a common source or supply, canal or lateral from which such water may
be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 6th day of May
A. D. nineteen hundred and fifteen.

J. H. Smith,

State Engineer

(Seal)

51-02023

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A51-02023

Date Received: 3/1/89

Receipt No: 0005640

Received By: J

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 01 1989

1. Name: THREE CREEK RANCH COMPANY
Address: P.O. BOX 27
BOISE, ID 83707

2. Date of Priority: FEB 12, 1912

Department of Water Resources

3. Source: DEER CREEK

Trib. to: THREE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	11E	35	NE	SE			OWYHEE

5. Description of diverting works:
DAM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

A.F.A.

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	11E	26	SW	SW		IRR	28.0
			SE	SW		IRR	22.0
Section Acres							50.0

A51-02023

Page 1

Date: 02/24/89

MICROFILMED

AUG 10 1992

10. Place of Use: Continued

Total Acres 50.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
51-00124

14. Remarks:
AC. IRR.=50.2.

15. Basis of Claim: LICENSE
Water Right Number: 8113

16. Signature(s)

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

Number of attachments: 1 Map

For Organizations:

I do solemnly swear or affirm that I am _____ Secretary _____ of _____ Title _____

Three Creek Ranch Company _____, that I have signed the foregoing Organization document in the space below as _____ Secretary _____ of _____ Title _____

Three Creek Ranch Company _____ and that the statements contained in the Organization foregoing document are true and correct.

James W. Brown
Signature of Authorized Agent

Secretary, Three Creek Ranch Company
Title and Organization

2-28-89

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of February 19 89

W. A. Lower
Notary Public

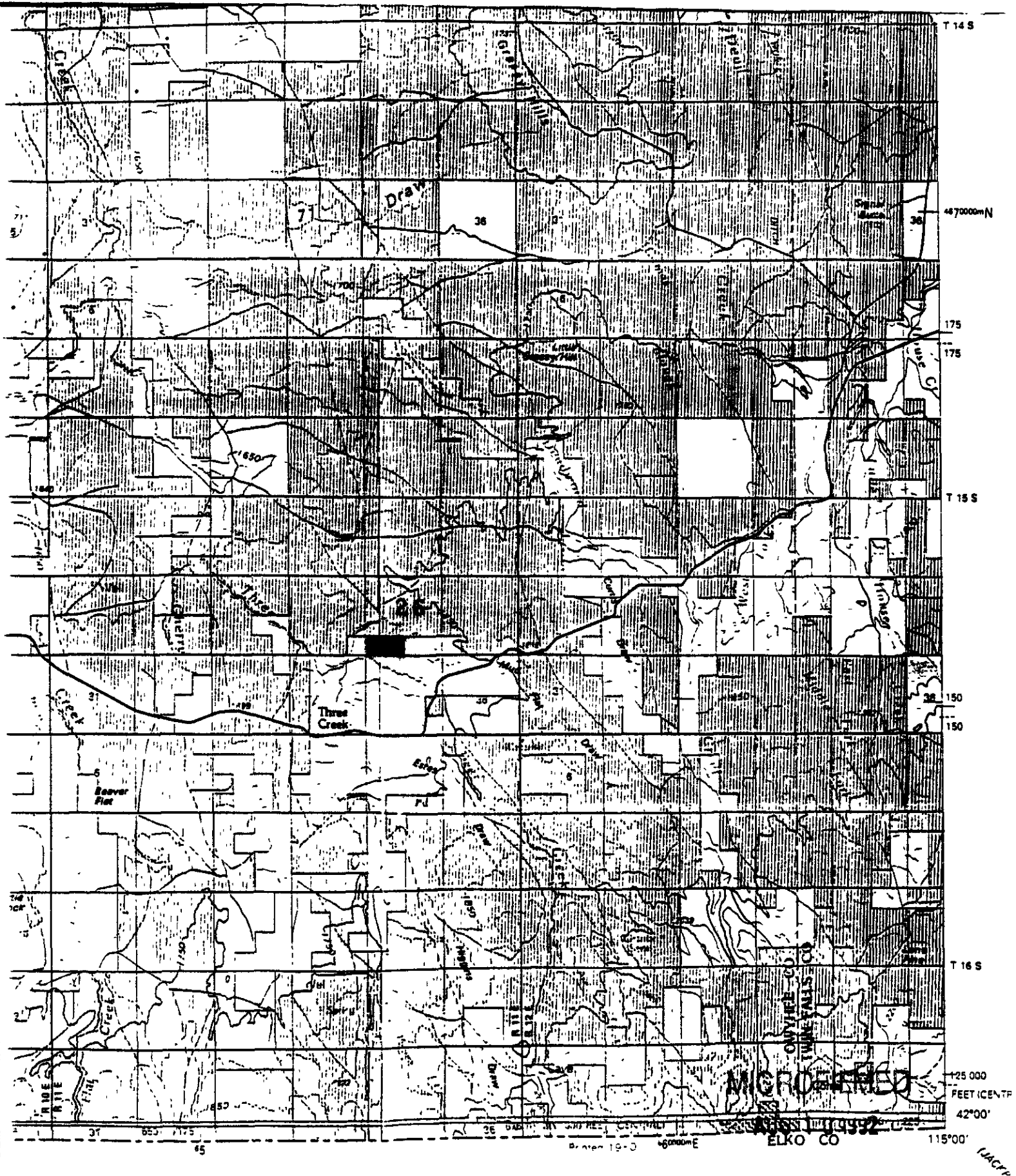
Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91

Water Right AS1-02023

Elko 3 Creek Ranch #1



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)09/20/96 11:13:22
Page 1Water Right Number - R51-02023 Prefix Translation: RESEARCH Old (D) Number - 8113
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +*** C - CURRENT OWNER ***
THREE CREEK RANCH COMPANY1 - PO BOX 27
2 -
3 -
City- BOISE
Phone - 208-857-2247
State- ID Zip- 83707*** K - ALSO KNOWN AS ***
SIMPLOT1 -
2 -
3 -

State- ID Zip- 83707

*** O - ORIGINAL OWNER ***
CLARK

CHARLOTTIE E.

City- BOISE
Phone - 208-834-2231

State- ID Zip- 83302

City- ROGERSON
Phone - 208-000-0000+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/12/1912 14 WESTERN I - DISALLOWED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
DEER CREEK THREE CREEK+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

15S 11E 35 NE SE (73) OMYHEE

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 11/01 1.000

+ - - Total Div. Rate - - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
1.000 100.0+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County15S 11E 26 SW SW 28.0 01 IRRIGATION (73) OMYHEE
15S 11E 26 SE SW 22.0 01 IRRIGATION (73) OMYHEE

Total Acres: 50.0

+ - - - - Diversion Means - DAM AND DITCHES

+ - - - - Non-Irrigation Use -

+

+
+
+
+
+
+
+
+

Decree Date - +
00/00/0000

THE PRIORITY DATE
FOR THESE ACRES
SUBJECT TO THE DECREE,
IS UPDATED

39576

Water Right Number - A51-02023 Prefix Translation: ADJUDICATION CLAIM Old (D) Number - 8113
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** A - ATTORNEY ***
YOUNG OR TERRY UHLING
GRAY
1 - ENV AND REGULATORY AFFAIRS
2 - J R SIMPLOT COMPANY
3 - PO BOX 27
City- BOISE
Phone - 208-389-7318
State- ID Zip- 837070027

*** C - CURRENT OWNER ***
RENUMBERED CLAIM
1 -
2 -
3 -
City- 0
Phone - 208-000-0000
State- ID Zip- 0

*** K - ALSO KNOWN AS ***
SIMPLOT
1 -
2 -
3 -
City- BOISE
Phone - 208-000-0000
State- ID Zip- 83707

*** O - ORIGINAL OWNER ***
CLARK
CHARLOTTIE E
1 -
2 -
3 -
City- ROGERSON
Phone - 208-000-0000
1 - PO BOX 27
2 -
3 -
City- BOISE
Phone - 208-000-0000
State- ID Zip- 83302

THREE CREEK RANCH COMPANY
1 -
2 -
3 -
City- BOISE
Phone - 208-000-0000
State- ID Zip- 83707

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/12/1912 14 WESTERN 2 - SEE REMARKS

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
DEER CREEK THREE CREEK
RENUMBERED CLAIM SEE REMARKS

+ - - - - - - - - - Point of Diversion - - - - - +
Turn Rng Sec Tract Lot RFlg County

15S 11E 35 NE SE (73) OMYHEE
Code Description Period From Period To Water Use Diversion Rate Diversion Volume
+ - - - - - - - - - +

01 - IRRIGATION 04/01 11/01 1.000

Prefix Translation: ADJUDICATION CLAIM

| | | | |
|-------------------------|---------------------------|-------------------------------|------------------|
| + - Total Div. Rate - + | + - Total Div. Volume - + | + - Total Consumptive Use - + | + - KW Usage - + |
| 1.000 | | 100.0 | |

| Town | Ring | Sec | Tract | Lot | Place of Use | Description | County |
|------|------|-----|-------|------|--------------|-------------|------------|
| 15S | 11E | 26 | SW SW | 28.0 | 01 | IRRIGATION | (73) O'NEE |
| 15S | 11E | 26 | SE SW | 22.0 | 01 | IRRIGATION | (73) O'NEE |

Total Acres: 50.0

+ - - Diversion Means - DAM AND DITCHES

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - 51-00124

.....

GEN AC. IRR.=50.2.
RECOMMENDED AS RIGHT NO. 51-00124.

[illegible]

+-----+ Conditions of Approval -----+
 +-----+ No Conditions of Approval found. -----+

| | | | | | |
|----------------------------|-------|----------------------------|-------|-----------------|-----|
| + - - - - Decree Plaintiff | - - + | + - - - - Decree Defendant | - - + | + - Decree Date | - + |
| | | | | 00/00/0000 | |

No Comments Found

+ - - Audit Fields - - +
00/00/00[illegible]

MEMORANDUM

TO: A51-02023
FROM: M. Minicucci *MM*
DATE: Sept. 20, 1996
RE: Recommendation for Disallowal

This claim is recommended for disallowal because the water right is represented by decreed right no. 51-00124.

The determination that the license was superceded by the decreed right is based on the following factors:

1. Proof of beneficial use for 51-02023 was submitted on April 7, 1915. The Complaint for the Bruneau River Decree was filed on Sept. 10, 1920. Consequently the right was established previous to the "commencement" of the decree and was subject to filing requirements for the decree.
2. Right No. 51-00124 is for essentially the same acres from the same source for the same family name as 51-02023. 51-00124 includes some acres downstream which were never licensed and includes the area near an old house site in T15S R11E, section 34, NWNENE.
3. The priority date of the decreed right is earlier than the licensed priority date. The reason for this is unclear, but it may be that since these acres are located along the creek the court found that historical irrigation had occurred earlier than the licensed date of priority.

PERMIT NO.

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. *Charlotte K. Clark 46, Hammer
address, Silver Creek, Idaho*

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

Ans. *✓*

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. *No. 8113, April 16th 1914. Priority Feb-12-1912. Mules Combs, near water*

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. *Deep Creek 150 ft west of sand bar where 600
ft south of start line of S. E. 1/4 of S. W. 1/4, Sec 26 - T. 15 S. R. 11. E. B. 2.*

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. *Law of Rock + earth, 1000 linear feet.
"known to us as Sweet Litch;"*

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. *Irrigation. S. E. 1/4 of S. W. 1/4 and S. W. 1/4 of S. W. 1/4 Sec. 26 - T. 15 S. R. 11. E. B. 2. 25 acres in each. As described above.
Cultivated. Some in grain + corn. about 10 acres in timothy + clover. Hay*

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. *✓*

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. *One inch per acre*

Ques. 9. 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

A *✓*

8113

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. In 1912 diverted about 15 acres 1913 about 50 acres
1914, 50 acres

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. In 1912 diverted about 15 acres 1913
30 acres 1914 50 acres

(Sign) Charlotte E. Clark

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 Three Creek County of

Blaine State of Idaho, on this 3d day of April

A. D. 1915

My Commission Expires
Sept. 18, 1918.

Geo F. Anthony
Notary Public

REPORT OF ENGINEER

Source of supply and number of permit 6. North B. Clark 8113
Source of water supply North Creek
Point of diversion at the line of the N. B. 14 and
line of the South of North Creek at the N. B. 14 line
about 1/2 mile N. B. 14 line
Whether or not the works of diversion are fully completed and in accordance with terms of permit Yes

- If they exist, giving dimensions of same as follows:
- a) Width of conduit at bottom two ft
 - b) Width at water line three ft
 - c) Depth of water 1 ft
 - d) Grade per mile about 6 ft
 - e) Character of ditch Open second feet

State whether or not water has been turned into works of diversion and if so, to what extent: Yes
the water is turned

Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each
acre tract 1. S. 1/4 Sec. 26, T. 15, R. 11, E. 3, N. 1/4
2. S. 1/4 Sec. 26, T. 15, R. 11, E. 3, N. 1/4
about 22 1/2 acres
3. S. 1/4 Sec. 26, T. 15, R. 11, E. 3, N. 1/4
about 2 1/2 acres

Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross
with lands to be irrigated.

Remarks: I measured around the land in each
10 ft. but I could not with the above
results, not being a surveyor it is some
of guess, but it is close.

C. B. Oster

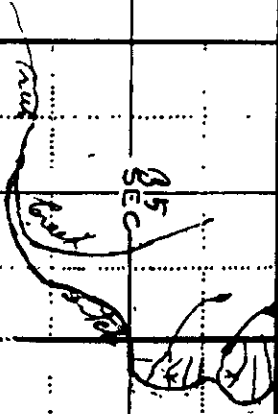
STATE OF IDAHO
County of Butte
I, C. B. Oster, being first duly sworn, deposes and says that the statements
made in the within report are correct to the best of his knowledge and belief.
Subscribed and sworn to before me this 21st day of April, 1914
E. J. Mahoney
Notary Public

8113
BTR

51-02023

51-02023

Hand Target 1/2 in 1/4 sec.



35

26 Divd. R.I. 6.8 sec

51-02023
5/1/3

County
Stream: BOON CREEK
Amount
Use:
Priority

STATE OF IDAHO

Water License No.

WHEREAS On the 11th day of March A.D. 1911, the State of Idaho, by its duly made application (No. 1191) to me for a permit to use the waters of the State of Idaho for purposes and

WHEREAS On the 11th day of March A.D. 1911, Permit No. 1113 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion in the County of Blaine, Idaho, and for the application to beneficial use of said water on or before the 1st day of April A.D. 1912 and

WHEREAS On the 11th day of March A.D. 1911, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 1.6 cubic feet per second of said waters, as evidenced by my Certificate No. 8113, dated April 30, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.6 cubic feet per second of said water with date of priority of February 12, 1912, and

WHEREAS On the 11th day of March A.D. 1911, the holder of said permit, duly made proof of the application to beneficial use of 1.6 cubic feet per second of said water

NOW THEREFORE BY virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

of said Permit No. 1113, a perpetual right, dating from February 12, 1912, to the use of 1.6 cubic feet per second of the waters of the State of Idaho

In the County of Blaine, Idaho, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the NE 1/4 of Sec. 26, T. 15 S., R. 11 E.,

and conducted to and upon the lands of the State of Idaho, to be used for the purpose of

for the purpose of irrigation and to be subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 11th day of March, A.D. nineteen hundred and eleven.

(Seal)

State Engineer

1113