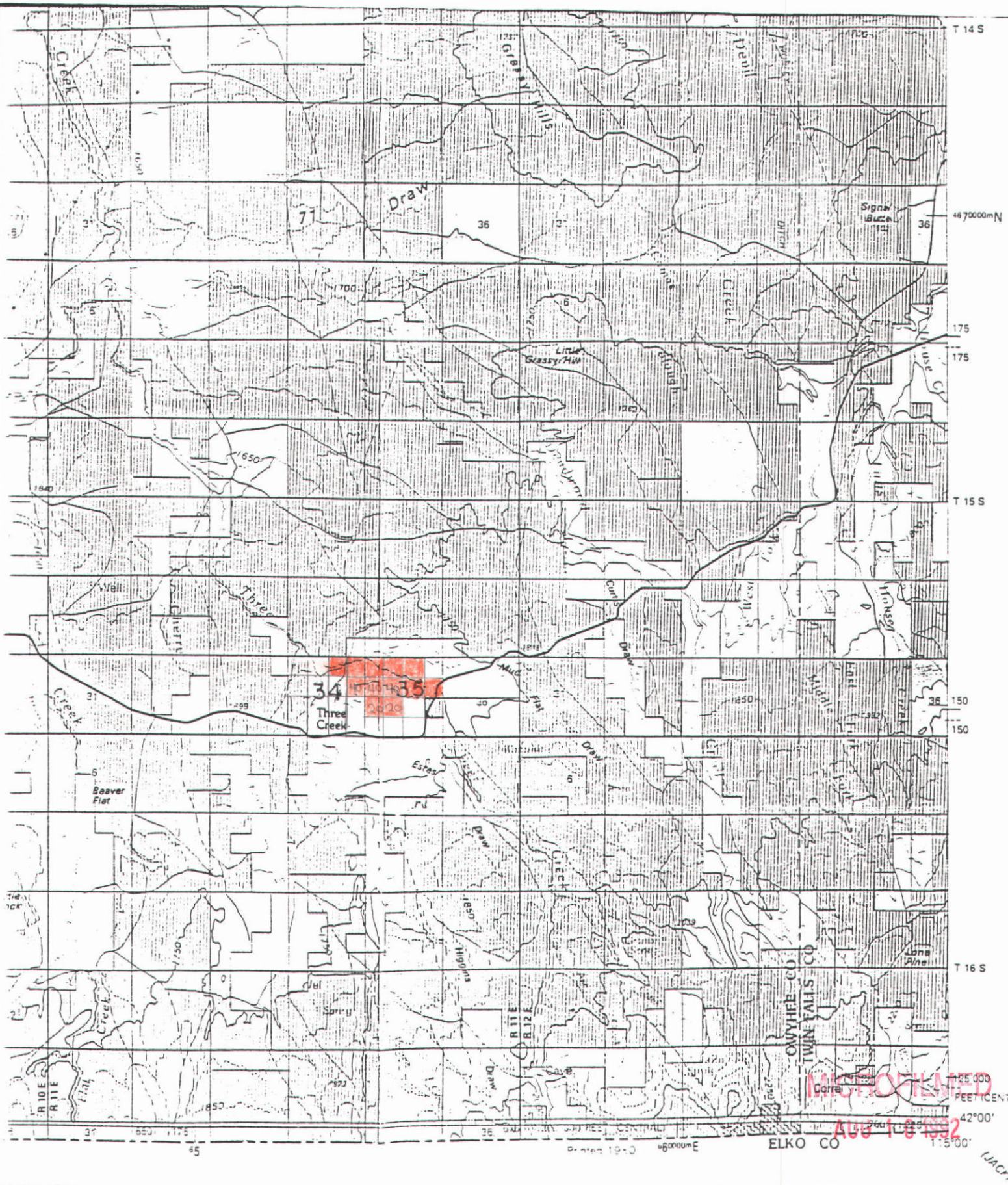


water Right A51-02026
EXDor 3 Creek Ranch #1



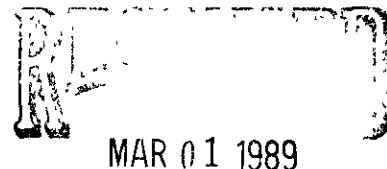
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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: A51-02026
Date Received: 3/1/89
Receipt No: 6005640
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW



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

Department of Water Resources

2. Date of Priority: NOV 28, 1915

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		SE	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	3.200		

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

A.F.A.

8. Total consumptive use is 880.0 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	34	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SE	NE		IRR	40.0

Section Acres 120.0

A51-02026

Page 1

Date: 02/24/89

MICROFILMED

AUG 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	11E	35	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	20.0
			NW	SW		IRR	20.0
						Section Acres	320.0
						Total Acres	440.0

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, 51-00125, 51-00127, 51-00127, 51-02029

14. Remarks:

ORIGINAL LICENSE COVERS 160 ACRES, ADDITIONAL ACRES ARE COVERED
UNDER WR NOS. 51-00124, 51-00125, 51-00127

15. Basis of Claim: LICENSE
Water Right Number: 9001

16. Signature(s)

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

Number of attachments: 1 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.

[Signature]
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

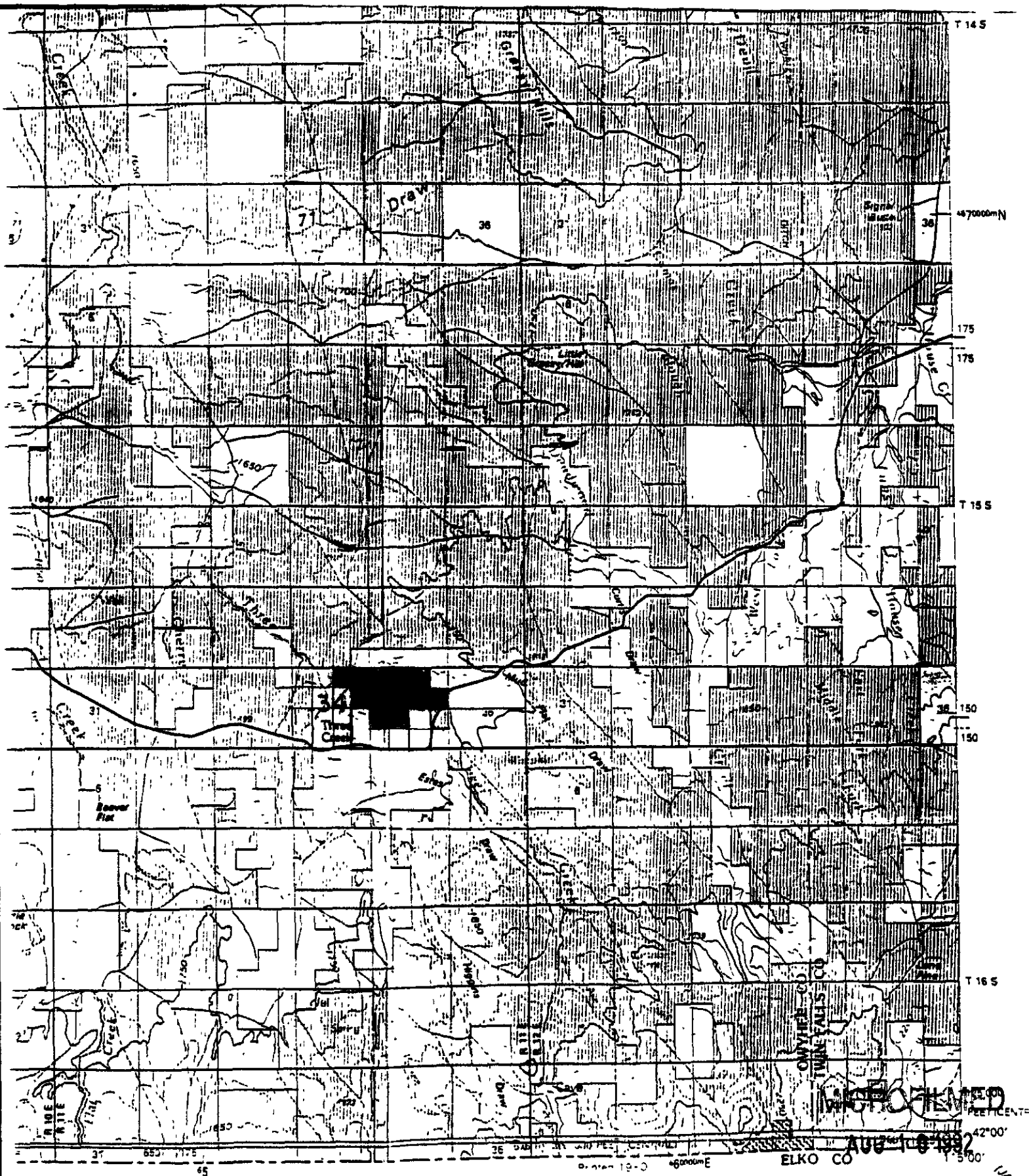
[Signature]
Notary Public

Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91

EXD-3 Creek Ranch #1



Old (D) Number - 9001

GRAY

State- ID Zip- 837070027

State- ID Zip- 83707

State- ID Zip- 83707

State- ID Zip- 83302

† " - Status
I - DISALLOWED

- - Tributary
THREE CREEK

f Diversion

(73) ONLY

- - - - - Diversion Rate - - - - - Diversion Volume

3.200

+ - Total Consumptive Use - 880.0

County	OWN
(73)	OWN
(73)	OWN
(73)	OWN
(73)	OWN
(73)	OWN

Water right number - R51-02026

Prefix Translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
15S	11E	35	SE NE		40.0	01	IRRIGATION	(73) OMYHEE
15S	11E	35	NE NW		40.0	01	IRRIGATION	(73) OMYHEE
15S	11E	35	NW NW		40.0	01	IRRIGATION	(73) OMYHEE
15S	11E	35	SW NW		40.0	01	IRRIGATION	(73) OMYHEE
15S	11E	35	SE NW		40.0	01	IRRIGATION	(73) OMYHEE
15S	11E	35	NE SW		20.0	01	IRRIGATION	(73) OMYHEE
15S	11E	35	NW SW		20.0	01	IRRIGATION	(73) OMYHEE
					Total Acres:	440.0		
+ - - Diversion Means - DAM AND DITCHES								
+ - - Non-Irrigation Use - NONE								
+ - - Other Rights for Same Use -								
+ - -								
GEN RECOMMENDED AS RIGHT NO. 51-00129.								
+ - -								
No Old Water Right Numbers Found								
+ - -								
P06 - RECOMMENDED AS RIGHT NO. 51-00129. This is included for a								
- claim that is proposed to be disallowed because the right claimed								
- is recommended pursuant to another right. The remark indicates								
- the water right number of the OTHER right that is proposed to be								
- recommended. If you are not mailed a notice of the recommendation								
- of the OTHER right, then the OTHER right is recommended in								
- another claimant's name.								
+ - -								
Decree Plaintiff - - - + - - - Decree Defendant - - - +								
+ - -								
Date: 01/28/1994 User Id: MINICUC Subject: COPIED FROM REMARKS								
ORIGINAL LICENSE COVERS 160 ACRES, ADDITIONAL ACRES ARE COVERED								
Date: 01/28/1994 User Id: MINICUC Subject: BASIS OF DISALLOW								
RANCH MANAGER (CHARLEY LIESEN) AND FRANK BACHMAN (SIMPLIOT								
THESE ACRES ARE NOT IRRIGATED FROM ANY SOURCE.								
CREEKS, AND THE IRRIGATION SYSTEM WAS PROBABLY TENUOUS AT BEST								
ORTHOPHOTO QUAD DD67 (1979) AND NAPP (1988) SHOW THESE ACRES AS								
OF SENW OF S.35, NEAR THE CREEK. REGARDLESS, THE LICENSE IS								
ADDITIONAL INFORMATION REGARDING LICENSING EXAM AND CURRENT								
+ - -								
Audit Fields - - - +								
09/18/96 MINICUC								

UNDER WR NOS. 51-00124, 51-00125, 51-00127
LIVESTOCK) BOTH INDICATED THAT THIS POD IS NOT USED AND THAT
THE LICENSED ACRES ARE ON HIGH GROUND & HILLSIDE BETWEEN DEER & 3
WHEN IT DID FUNCTION (ASSESSMENT CONFIRMED BY F. BACHMAN).
NON-IRRIGATED, WITH THE EXCEPTION OF SOME ACRES IN THE NE CORNER
SUPERCEDED BY THE DECREED RIGHT, 51-00129. SEE THAT FILE FOR
STATUS OF THESE ACRES. COMMENT UPDATED 09/18/1996 MM.

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)**

Page 3
09/18/96 15:10:02

Water right number - R51-02026

Prefix Translation: RESEARCH

[illegible]

Water Right Number - A51-02026 Prefix Translation: ADJUDICATION CLAIM Old (D) Number - 9001

+ - - - - Last Name - - - - + + - - - First Name - - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
YOUNG OR TERRY UNLING

GRAY

1 - ENV AND REGULATORY AFFAIRS
2 - J R SIMPLOT COMPANY
3 - PO BOX 27

City- BOISE State- ID Zip- 837070027
Phone - 208-389-7318

*** 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 ***
THREE CREEK RANCH COMPANY

1 - PO BOX 27

2 -

3 -

City- BOISE

Phone - 208-000-0000

State- ID Zip- 83707

CLARK

GEORGE WM

State- ID Zip- 83302

City- ROGERSON

Phone - 208-000-0000

+ - - Priority Date - - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/28/1915 14 WESTERN Z - SEE REMARKS

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

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

15S 11E 35 SE SE (73) OWNTEE

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

01 - IRRIGATION 04/01 11/01 3.200

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

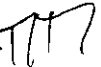
AJ0743NP
(00-124)

Prefix Translation: ADJUDICATION CLAIM

Water right number - A51-02026

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
Claim Received Date - 03/02/1989
Last Amended Date - 00/00/0000
Receipt Number - C005640
POJ Ownership Flag - Y
Name Connector - AND/OR
Temporary Right - P
Water District - 51A
Federal/State Indicator - S
Presumption Flag - C
Notice of Error Flag -

MEMORANDUM

TO: A51-02026
FROM: M. Minicucci 
DATE: Sept. 19, 1996
RE: Disallowal

This claim is recommended for disallowal because the water right is represented by decreed right no. 51-00129.

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

1. Proof of beneficial use for 51-02026 was submitted on Dec. 28, 1916. 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. 51-00129 is for essentially the same acres from the same source for the same owner as 51-02026. The priority date of the decreed right is earlier than the licensed priority, but the license file shows that the priority date of the license was advanced because proof of beneficial use was filed late. It appears that the decreed priority date may be the date development of the water right was initiated.