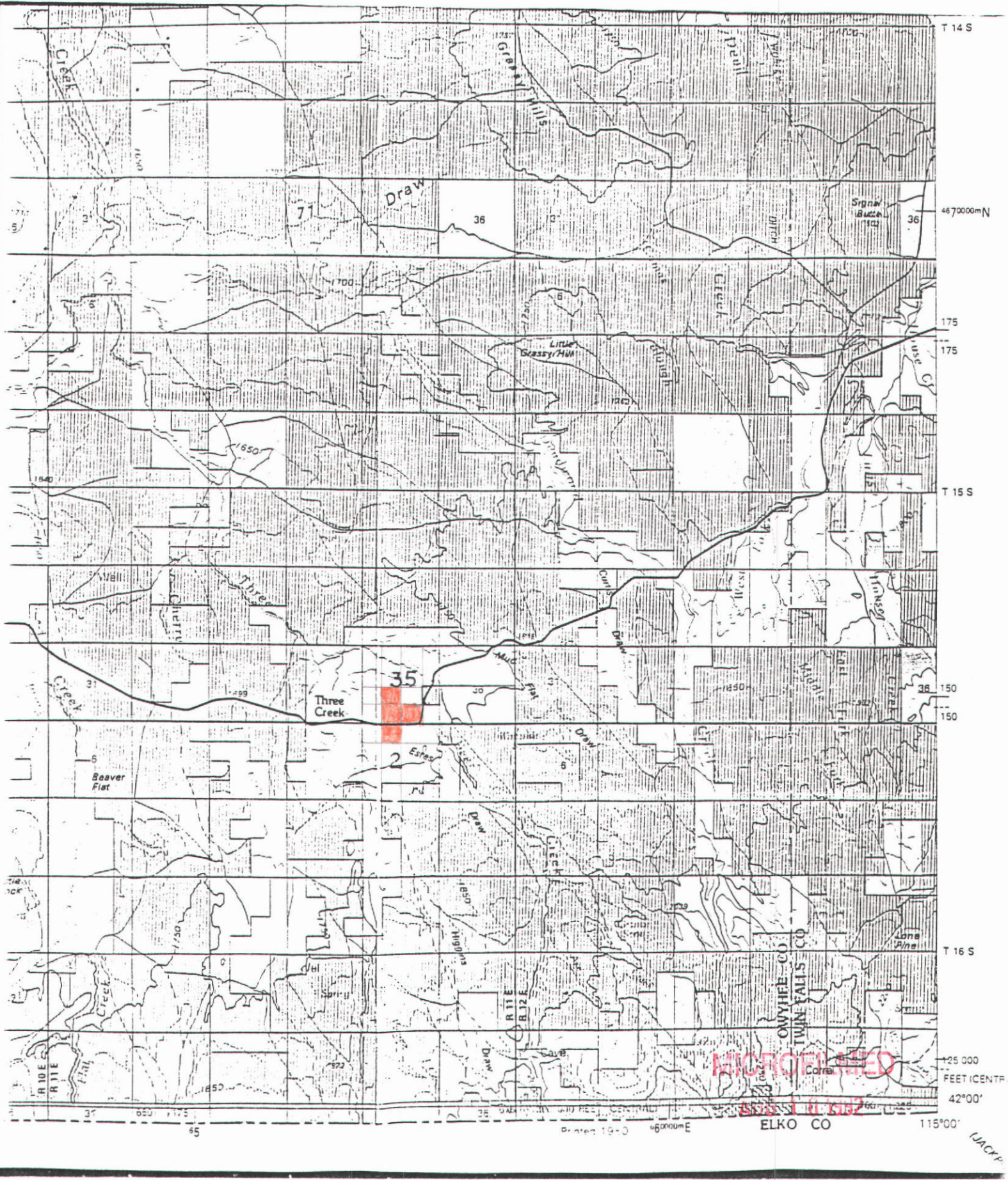


WR# A51-02028
 Exp 3 Creek Ranch #1



State of Idaho
License and Certificate of Water Right

Water License No. 9180
Water District No. 57-0

Amount 1.8,000 ft.
Priority Feb. 27, 1913.

THIS IS TO CERTIFY that LEE R. ESTES of Three Creek, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 27, 1913; that Permit No. 9180 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.2 second feet, was issued thereunder on January 17, 1917, showing that said works were completed on the 18th day of December, 1916; and that on the 15th day of March, 1919,

LEE R. ESTES, of Three Creek, State of Idaho, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the waters of Deer Creek, a tributary of ---, for the purpose of irrigation & domestic use, under Use Permit No. 9180 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the ~~State~~ Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2675, on the 7th day of October, 1920;

The right hereby confirmed dates from February 27, 1913;

The Point of Diversion is located 300' SE of the NW Corner of, and in the NE 1/4 SW 1/4, Sec. 1, Tp. 16 S., R. 11 E., B. M. County of Cwyhee.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S	11 E	35	NE 1/4 SW 1/4	40	20
			SE 1/4 SW 1/4	40	40
			SW 1/4 SE 1/4	40	20
16 S	11 E	2	NE 1/4 NW 1/4	40	10
					90

The right to the use of the water aforesaid 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 Commissioner of Reclamation, this 7th day of October, 1920.

V. O. SWENSON,
Commissioner of Reclamation
by S. T. BART, Deputy.

(SEAL)

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: A51-02028
Date Received: 3/1/89
Receipt No: 6005640
Received By: JP

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

Department of Water Resources

2. Date of Priority: FEB 27, 1913

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
16S	11E	1	NE	SW			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	1.800		

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

8. Total consumptive use is 180.0 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	35	NE	SW		IRR	20.0
			SE	SW		IRR	40.0
			SW	SE		IRR	20.0

Section Acres 80.0

A51-02028

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
16S	11E	2	NE	NW		IRR	10.0
Section Acres							10.0
Total Acres							90.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 9180

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.

Richard A. Lower
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

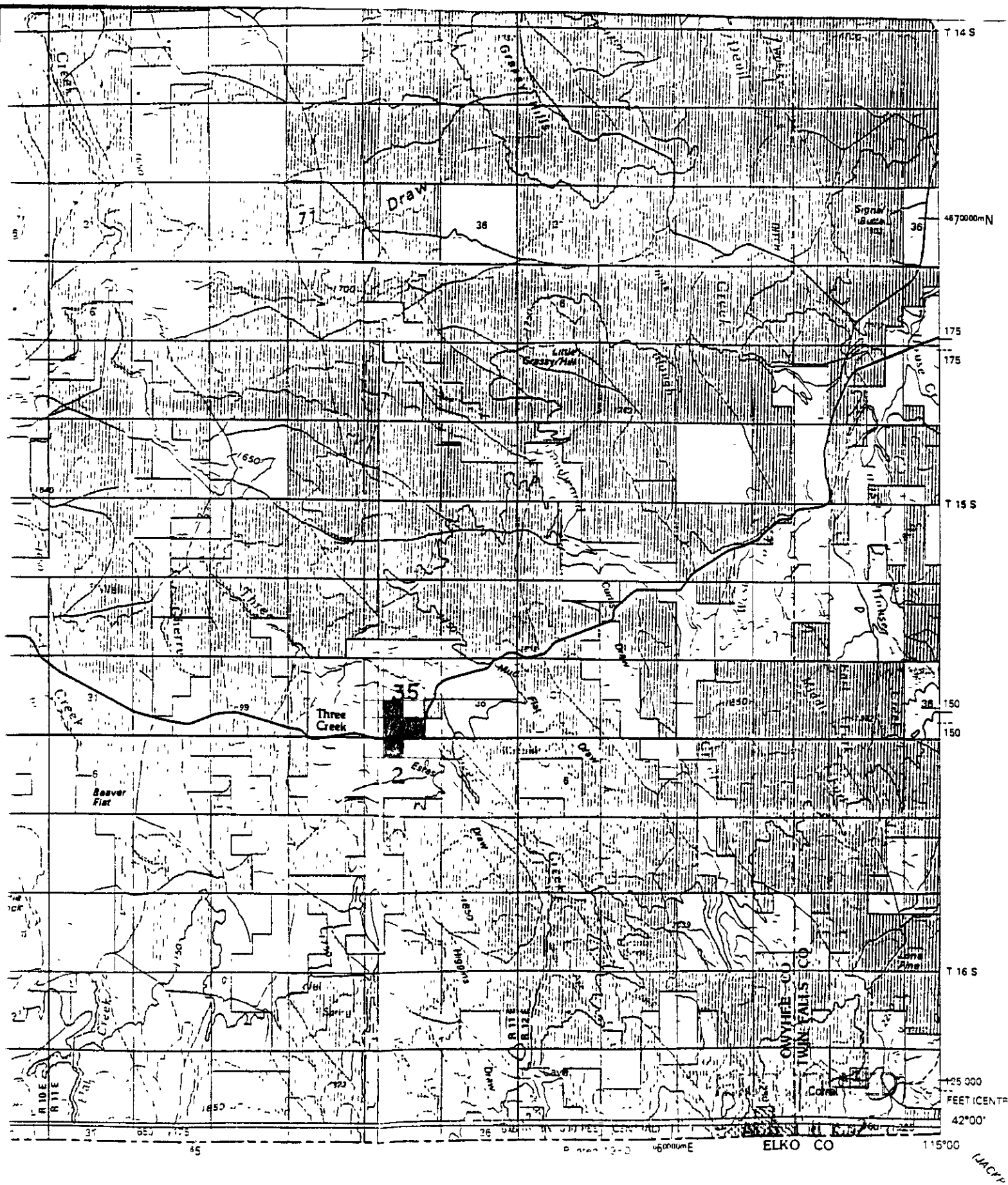
Vicki A. Lower
Notary Public

Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91

ExDc 3 Creek Ranch #1



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)09/19/96 16:07:56
Page 1

Water Right Number - R51-02028 Prefix Translation: RESEARCH Old (D) Number - 9180

+ - - - - 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 ***
THREE CREEK RANCH COMPANY1 - PO BOX 27
2 -
3 -
City- BOISE
Phone - 208-000-0000

State- ID Zip- 83707

*** K - ALSO KNOWN AS ***
SIMPLOT1 -
2 -
3 -

State- ID Zip- 83707

City- BOISE
Phone - 208-000-0000*** O - ORIGINAL OWNER ***
ESTES

LEE R

City- ROGERSON
Phone - 208-000-0000

State- ID Zip- 83302

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/27/1913 14 WESTERN I - DISALLOWED+ - - Source - - - - - + + - - Tributary - - - - - +
DEER CREEK THREE CREEK+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

16S 11E 1 NE SW (73) OMYHEE

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

01 - IRRIGATION 04/01 11/01 1.800

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.800 180.0+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County15S 11E 35 NE SW 20.0 01 IRRIGATION (73) OMYHEE
15S 11E 35 SE SW 40.0 01 IRRIGATION (73) OMYHEE
15S 11E 35 SW SE 20.0 01 IRRIGATION (73) OMYHEE
16S 11E 2 NE NW 10.0 01 IRRIGATION (73) OMYHEE

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|-------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 05/24/1996 | Civil Case Number | - |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 03/02/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - C005640 | Water District | - 51A |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

Water Right Number - A51-02028 Prefix Translation: ADJUDICATION CLAIM Old (D) Number - 9180
+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

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

*** C - CURRENT OWNER ***
RENUMBERED CLAIM

1 - ENV AND REGULATORY AFFAIRS
2 - J R SIMPLOT COMPANY
3 - PO BOX 27
City- BOISE
Phone - 208-389-7318
State- ID Zip- 837070027

*** K - ALSO KNOWN AS ***
SIMPLOT

1 -
2 -
3 -
City- 0
Phone - 208-000-0000
State- ID Zip- 0

*** D - ORIGINAL OWNER ***
THREE CREEK RANCH COMPANY

1 -
2 -
3 -
City- BOISE
Phone - 208-000-0000
State- ID Zip- 83707

ESTES

LEE R

1 - PO BOX 27
2 -
3 -
City- BOISE
Phone - 208-000-0000
State- ID Zip- 83707

1 -
2 -
3 -
City- ROGERSON
Phone - 208-000-0000
State- ID Zip- 83302

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/27/1913 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
16S 11E 1 NE SW (73) OMYHEE

+ - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 1.800

Prefix Translation: ADJUDICATION CLAIM

| | | | |
|-------------------------|---------------------------|-------------------------------|------------------|
| + - Total Div. Rate - + | + - Total Div. Volume - + | + - Total Consumptive Use - + | + - KW Usage - + |
| 1,800 | | 180.0 | |

| Twp | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|---------------|-------------|
| 15S | 11E | 35 | NE SW | | 20.0 | | 01 IRRIGATION | (73) OAKNEE |
| 15S | 11E | 35 | SE SW | | 40.0 | | 01 IRRIGATION | (73) OAKNEE |
| 15S | 11E | 35 | SW SE | | 20.0 | | 01 IRRIGATION | (73) OAKNEE |
| 16S | 11E | 2 | NE NW | | 10.0 | | 01 IRRIGATION | (73) OAKNEE |

Total Acres: 90.0

+ - - Diversion Means - DAM AND DITCHES

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

| | | |
|--|----------------|--|
| | + + + + + | |
| | - - - - - | |
| | Remarks | |
| | + + + + + | |

GEN RECOMMENDED AS RIGHT NO. 51-00128.

| | No Old Water Right Numbers Found | Old Water Right Numbers | |
|---|----------------------------------|-------------------------|---|
| + | - - - - - | - - - - - | + |

Conditions of Approval

No Conditions of Approval found.

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

+ - - - - Comments- - - - +
No Comments Found

+ - - Audit Fields - - + 00/00/00

[illegible]

MEMORANDUM

TO: A51-02028

FROM: M. Minicucci

DATE: Sept. 20, 1996

RE: Recommendation for Disallowal

This claim is recommended for disallowal because the water right is represented by decreed right no. 51-00128.

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

1. Proof of beneficial use for 51-02028 was submitted on March 15, 1919. 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. 51-02028 is for essentially the same acres from the same source as 51-00128. 51-00128 is for more acres and appears to incorporate license no. 51-02029 as well as 51-02028. The priority date of 51-00128 is the same date as 51-02028 and 51-02029.
3. The delivery system and irrigated acres are now incorporated with the acres to the west, described in license 51-02029. It appears that the entire parcel was decreed as 51-00128.

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LEE R. ESTES

...in accordance with the provisions of said law, ...
...the use of said ...
...by the ...
...with ...

of the NE Corner of, and
at 16th E. 11 N. E. N. L.
County of Cayuse.

| | Acres
in Permit | Net Acres
Actually Irrigated |
|----|--------------------|---------------------------------|
| 40 | 20 | |
| 40 | 40 | |
| 40 | 20 | |
| 40 | 10 | |

[illegible]

Commissioner of Agriculture
U. S. Department of Agriculture
Washington, D. C.

[illegible]

51-02028

REPORT OF ENGINEER

This proof is for Beneficial Use.

In Water District No. 57 D.

1. State name of applicant and number of permit: L.R. Estes, Permit # 9100.
2. State source of water supply. Deer Creek.
3. Location of point of diversion: 300 ft. S.E. of N.W. Cor. of NE₄ SW₄ Sec. 1, T. 16 S. R. 11 E. B.M.
4. Describe works as they exist, giving dimensions and capacities of same:
 Earth and rock dam, 5' H. 20' long.
 Wood H.G. 5' B. 2' D.
 Ditch, 6' B. 2' D. Cap. 10 S.F.

5. State whether or not water has been turned into works of diversion: Yes.

6. Give exact location 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): E₄ SW₄, SW₄ SE₄, Sec. 15 T. 15 S. R. 11 E. B.M. and NE₄ NW₄ Sec. 2, T. 16 S. R. 11 E. B.M.
 NE₄ SW₄, 20 A. SE₄ SW₄, 40 A. SW₄ SE₄ Sec. 15, 20 A.
 NE₄ NW₄ Sec. 2, 10 A. cult.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? Three.

9. Give names and amount of each right: L.R. Estes, 1/3
 Jane Estes, 1/3 Altie Estes, 1/3

10. What large stream would the water here appropriated finally reach? Snake River.

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: From land to Deer Creek, to East Fork Bruneau River, to Snake River.

Remarks:

This examination was made on the 22nd day of July

1920.

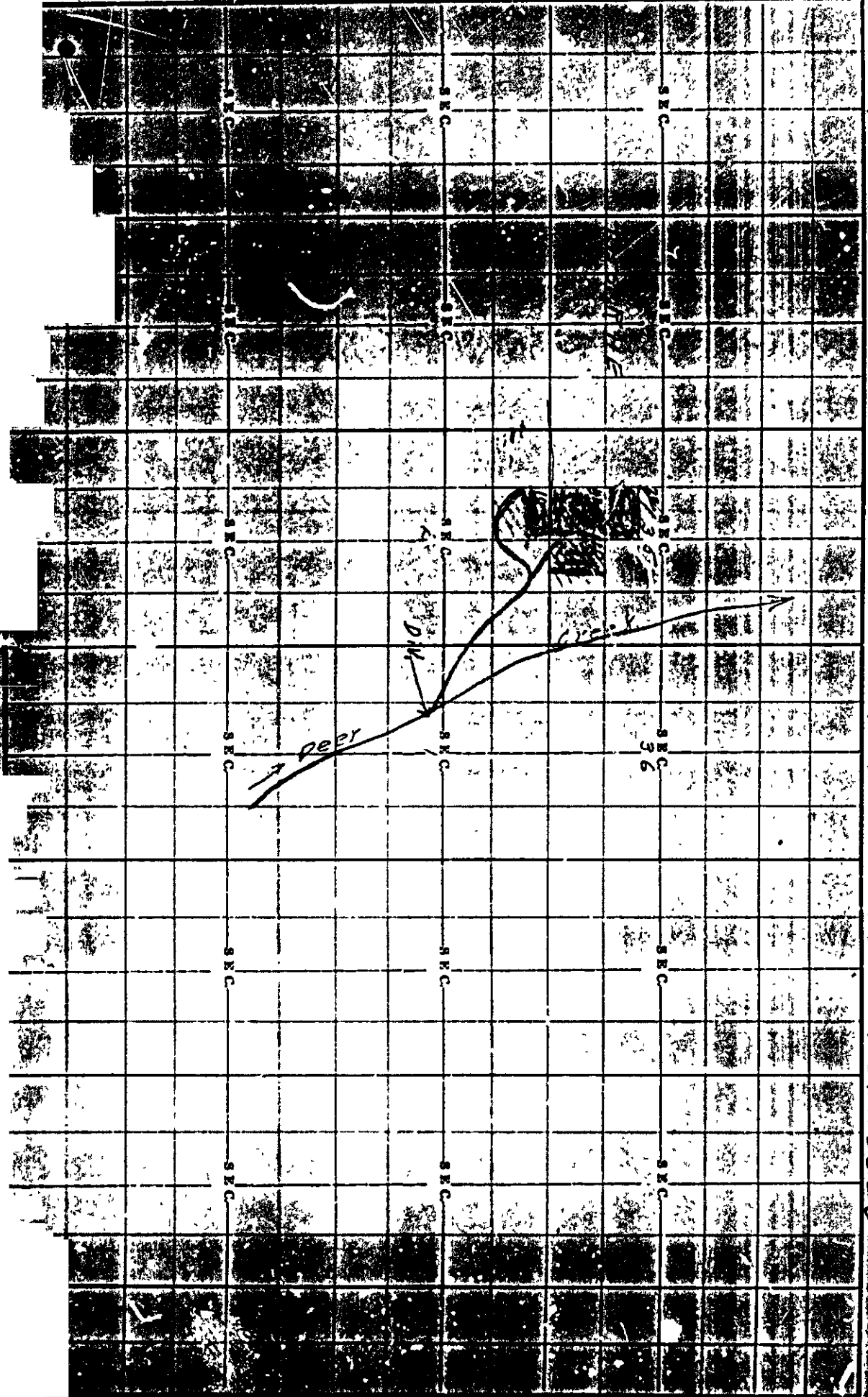
(Signed)

L.R. Annett.

Examiner.

51-00000

NAME OF APPLICANT *Let - 100 = 9168*



APPROVED FOR THE BOARD