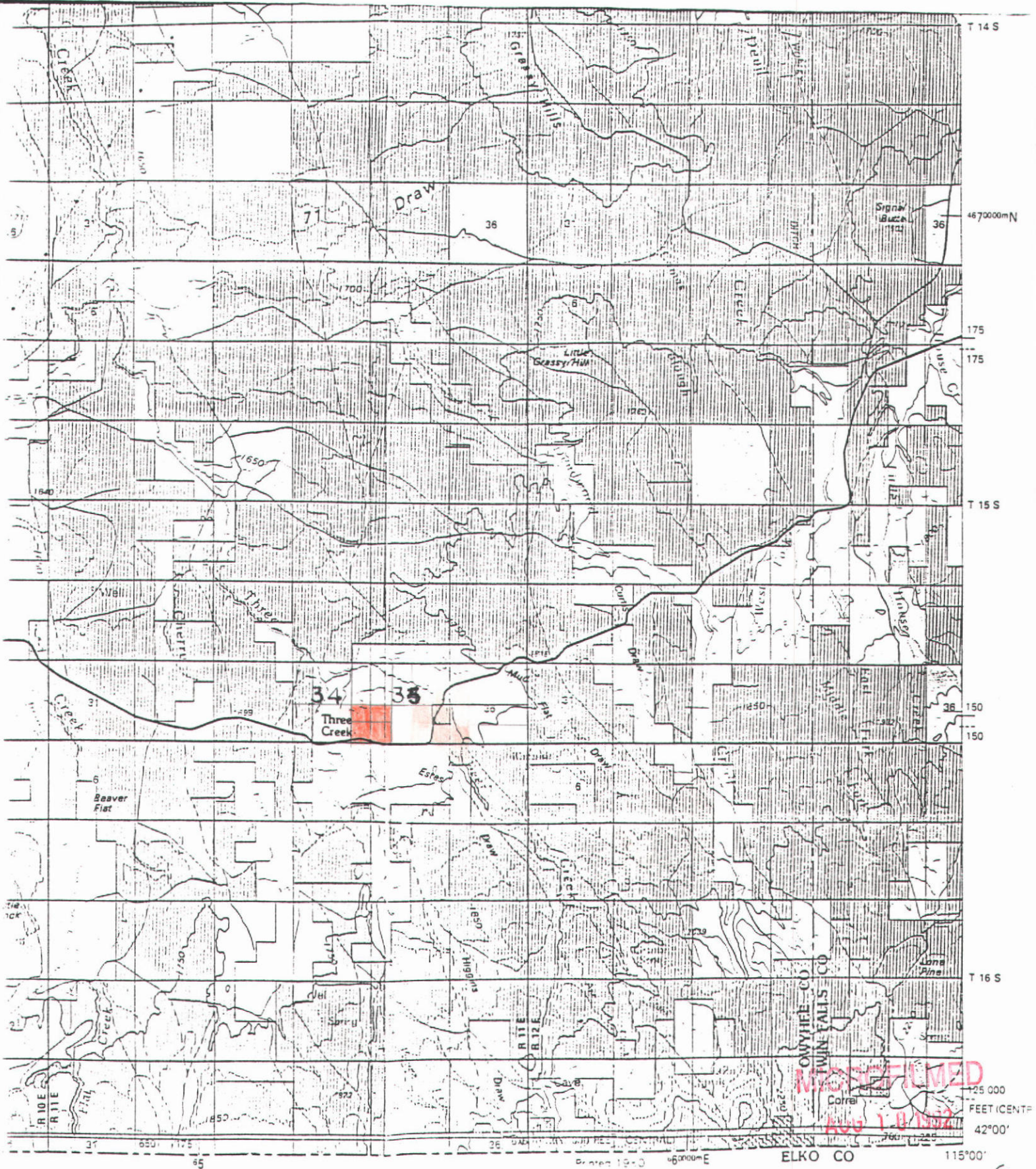
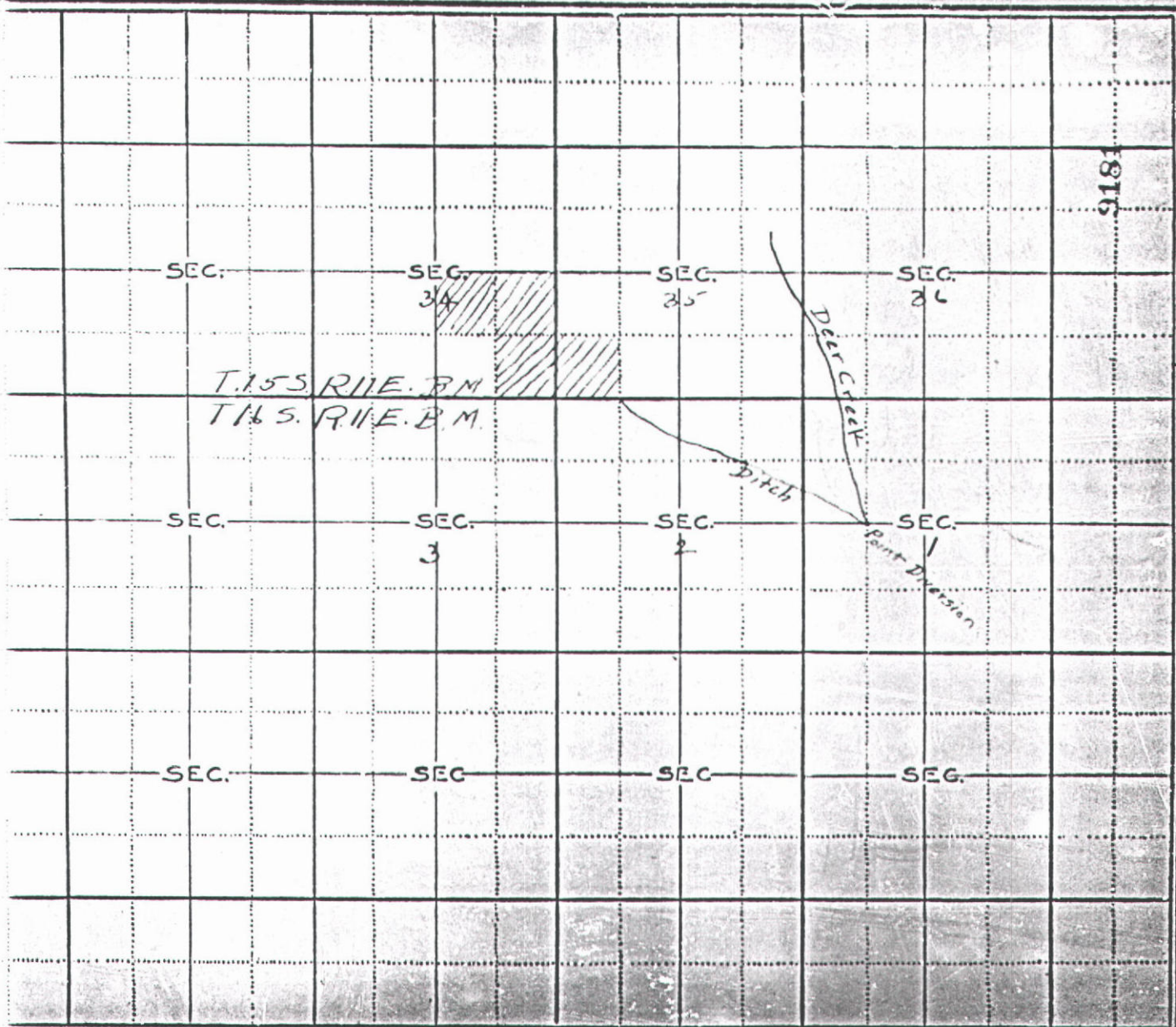


WR# A51-02029  
ExDx 3 Creek Ranch #1



51-02029  
APPLICATION FOR PERMIT



9181

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

# Proof of Application of Water to Beneficial Use

## DEPOSITION OF HOLDER

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

Ans. Mrs. Jane Estes age 63. Then Creek Ova  
Farmer P.O. Then 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. 9181. Date March 29-1913. Priority 29-1913

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

Ans. Dec. Creek. Point of Diversion 300 ft S.E. of h.w. corner  
SE 1/4 S 4 1/4 Sec 1-T. 16-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. Span of Rock & Earth Also Ditch  
Capable of carrying  
Seven (7) feet

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  
N 1/2 SE 1/4 20.9. SE 1/4 SE 1/4 25.2 Sec 34-T. 15-S. R. 11 E  
S 1/2 S 4 1/4 25.2 Sec 35-T. 15-S. R. 11 E

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

Ans. (3.2) feet

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

Ans. Three feet (3.2) feet

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.

Ans. As Executrix of James Estes

NAME OF APPLICANT Tone Estes # 9181



51-02029

9183

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

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: A51-02029  
Date Received: 3/1/89  
Receipt No: C005640  
Received By: 92

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 | 1.700  |      |        |

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

A.F.A.

8. Total consumptive use is 170.0 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     | SE  |     | IRR | 5.0   |
|               |       |         | SE     | SE  |     | IRR | 10.0  |
| Section Acres |       |         |        |     |     |     | 15.0  |

A51-02029

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     | SW  |     | IRR           | 40.0  |
|          |       |         | SW     | SW  |     | IRR           | 30.0  |
|          |       |         |        |     |     | Section Acres | 70.0  |
|          |       |         |        |     |     | Total Acres   | 85.0  |

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:  
51-02026

14. Remarks:

15. Basis of Claim: LICENSE  
Water Right Number: 9181

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 Three Creek Ranch Company, that I have signed the foregoing document in the space below as Secretary of Three Creek Ranch Company and that the statements contained in the 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

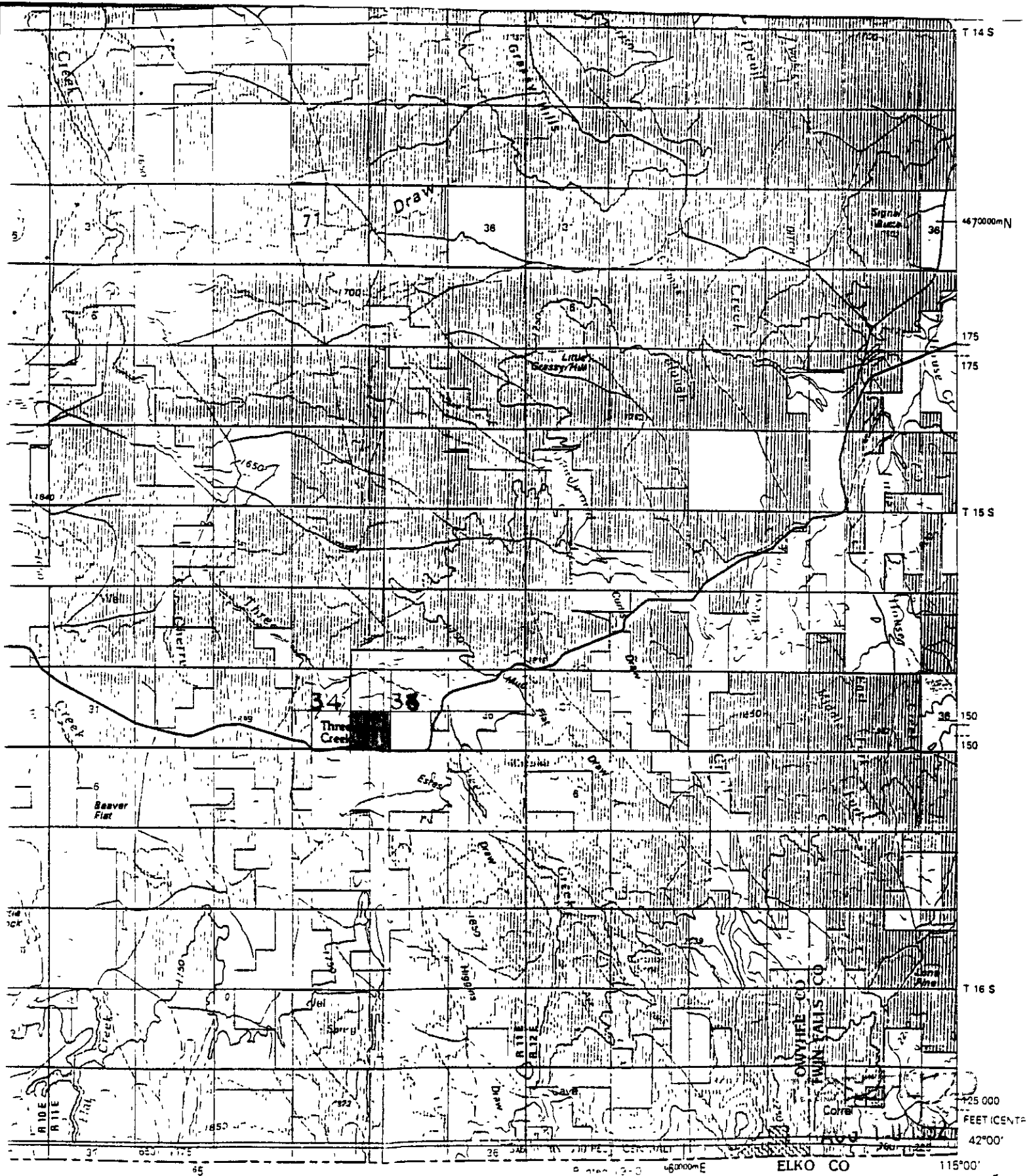
[Signature]  
Notary Public

Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91

Exhib 3 Cash Receipts



IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT  
(REGIONAL)09/20/96 09:58:12  
Page 1Water Right Number - R51-02029  
Prefix Translation: RESEARCH  
Old (D) Number - 9181  
+ - - - - 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 -  
City- BOISE  
Phone - 208-000-0000

State- ID Zip- 83707

\*\*\* O - ORIGINAL OWNER \*\*\*  
ESTES

MARCUS S

1 -  
2 -  
3 -  
City- X  
Phone - 208-000-0000

State- ID Zip- 0

ESTES

JANE

1 -  
2 -  
3 -  
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

1.700

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
1.700 170.0

Water right number - R51-02029 Prefix Translation: RESEARCH

| Trn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County      |
|-----|-----|-----|-------|-----|-------|--------------|-------------|-------------|
| 15S | 11E | 34  | NE SE |     | 5.0   | 01           | IRRIGATION  | (73) OMYHEE |
| 15S | 11E | 34  | SE SE |     | 10.0  | 01           | IRRIGATION  | (73) OMYHEE |
| 15S | 11E | 35  | NW SW |     | 40.0  | 01           | IRRIGATION  | (73) OMYHEE |
| 15S | 11E | 35  | SW SW |     | 30.0  | 01           | IRRIGATION  | (73) OMYHEE |

Total Acres: 85.0

+ - - Diversion Means - DAM AND DITCHES

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 51-02026

+ - - Remarks - - - - -

GEN RECOMMENDED AS RIGHT NO. 51-00128.

+ - - No Old Water Right Numbers Found

+ - - P06 - RECOMMENDED AS RIGHT NO. 51-00128. 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 - - - + - - Decree Date - - 00/00/0000

+ - - Date: 09/20/1996 User Id: MMINICUC Subject: REC THIS LICENSE WAS SUPERCEDED BY DECREE RIGHT NO. 51-00128. THE SOURCE AND PRIORITY DATE ARE EXACTLY THE SAME AND THE ACRES ARE SIMILAR. PROOF OF B/U WAS SUBMITTED 03/19/1919, COMMENCEMENT OF THE BRD WAS ON SPET. 10, 1920, MAKING THIS LICENSE SUBJECT TO THE DECREE. SEE A51-00128 FOR RECOMMENDATION.

+ - - Audit Fields - - + 09/20/96 MMINICUC

+ - - Adjudication Rights Dates and Flags Area - - - - -

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 09/20/1996 | Old Judicial District   | - P     |
| Claim Received Date  | - 03/02/1989 | Last Amended Date     | - 00/00/0000 | Temporary Right         | -       |
|                      |              | Receipt Number        | - C005640    | Water District          | - 51A   |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - AND/OR     | Presumption Flag        | - C     |

Water Right Number - A51-02029      Prefix Translation:      ADJUDICATION CLAIM      Old (D) Number - 9181  
+ - - - - 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  
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 \*\*\*  
ESTES

MARCUS S

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

THREE CREEK RANCH COMPANY

ESTES

JANE

1 -  
2 -  
3 -  
City- BOISE  
Phone - 208-000-0000  
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 right number - A51-02029

Prefix Translation: ADJUDICATION CLAIM

+ - - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume - - - - - +  
Code 01 - IRRIGATION 04/01 11/01 1.700  
+ - - Total Div. Rate - - + - - Total Div. Volume - - + - - Total Consumptive Use - - + - - KU Usage - - +  
1.700 1.700 170.0

+ - - - - - Tract Sec Rng Acres Place of Use Code Description County  
15S 11E 34 NE SE 5.0 01 IRRIGATION (73) OMWHEE  
15S 11E 34 SE SE 10.0 01 IRRIGATION (73) OMWHEE  
15S 11E 35 NW SW 40.0 01 IRRIGATION (73) OMWHEE  
15S 11E 35 SW SW 30.0 01 IRRIGATION (73) OMWHEE

Total Acres: 85.0

+ - - - - - Diversion Means - DAM AND DITCHES

+ - - - - - Non-Irrigation Use - NONE

+ - - - - - Other Rights for Same Use - 51-02026

+ - - - - - Remarks - - - - - +

GEN RECOMMENDED AS RIGHT NO. 51-00128.

+ - - - - - No Old Water Right Numbers Found - - - - - Old Water Right Numbers - - - - - +  
+ - - - - - Conditions of Approval - - - - - Conditions of Approval found. - - - - - +  
+ - - - - - Decree Plaintiff - - - + - - - - - Decree Defendant - - - + - - - Decree Date - - +  
00/00/0000 00/00/0000

+ - - - - - Audit Fields - - - + - - - - - Comments - - - - - No Comments Found - - - - - +  
00/00/00 00/00/00

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +  
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576  
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 - C  
Notice of Error flag -

MEMORANDUM

TO: A51-02029

FROM: M. Minicucci

DATE: Sept. 20, 1996

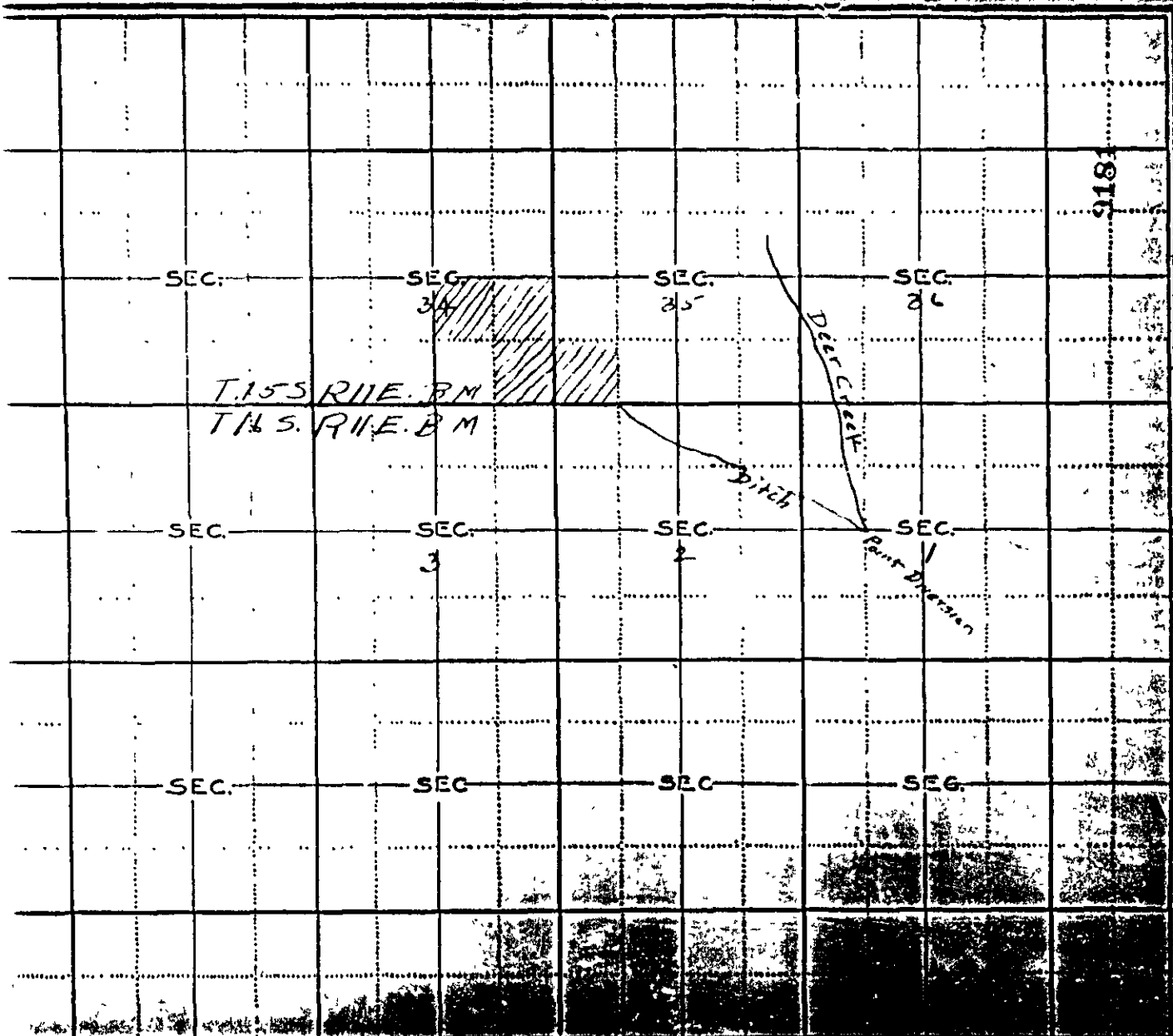
RE: Recommendation for Disallowal

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 51-02029 was submitted on March 19, 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. 51-02029 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. 51-02028 as well as 51-02029. The priority date of 51-00128 is the same date as 51-02028 and 51-02029.
3. The location of the ditch as shown on the field exam for 51-02029 does not make sense, as the water would have to run up hill to irrigate the place of use. The ditch location shown on the application for permit looks much more realistic in terms of topography and what was found during the SRBA field exams. The delivery system and irrigated acres are now incorporated with the acres to the east, described in license 51-02028. It appears that the entire parcel was decreed as 51-00128.

51-02029  
APPLICATION FOR PERMIT



9181

FILED IN PLAN IN 1911

# Proof of Application of Water to Beneficial Use

## DEPOSITION OF HOLDER

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

Ans. Wm. J. Carter Age 63 Thru Creek, Ida.  
Idaho

Ques. 2. If you are 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 and your authority for appearing on its behalf.

Ans.

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

Ans. No. 5181 Idaho March 29-1913 Priority Feb 29-1913

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

Ans. See Call of R. 1-7 300 ft S.E. of R. 1-7  
Sec 1-7, S.E. 1/4, T. 16-S. R. 11-E. B. 7

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. See R. 1-7 with also Ditch  
Call of Carrying  
(?) feet

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  
1/2 S.E. 1/4 20.9, S.E. 1/4 S.E. 1/4 25-a Sec 34-T. 15-S. R. 11-E.  
S. 1/4 S. 1/4 25-a Sec 33-T. 15-S. R. 11-E.

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. Thru 7/8 (3.2) feet

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.

Ans. As Estate of Wm. J. Carter

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

Ans. March 29-1917 To full extent  
3.2 on the land described

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. No other water available for use

(Sign) James L. Hester

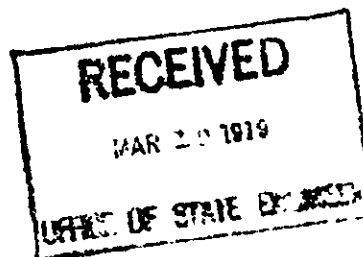
I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Thermon County of

Owyhee State of Idaho, on this 15 day of March

A. D. 1917

James A. Mc Coy  
Notary Public

9181



57-02-21

# REPORT OF ENGINEER

This proof is for Beneficial Use.

In Water District No. 57 D.

1. State name of applicant and number of permit Jane Estes. Permit # 9191.  
Executrix of Estate of Marcus Estes.
2. State source of water supply: Deer Creek.
3. Location of point of diversion: 300 ft. S.E. of N.W. cor. of NE<sub>4</sub> SW<sub>4</sub> 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, 6' H. 50' long.  
Wood H.G. 6' 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) N<sub>2</sub> SE<sub>4</sub> and SE<sub>4</sub> SE<sub>4</sub> Sec. 34, and SW<sub>4</sub> SW<sub>4</sub> Sec. 35, T. 15 S. R. 11 E  
NW<sub>4</sub> SE<sub>4</sub>, 20 A. cult. NE<sub>4</sub> SE<sub>4</sub>, 25 A. cult. SE<sub>4</sub> SE<sub>4</sub>, 10 A. (Sec. 34)  
SW<sub>4</sub> SW<sub>4</sub> Sec. 35, 30 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: Jane Estes, 1/3  
L.R. 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 2<sup>nd</sup>

of July

19 20.

(Signed)

*L.R. Annett.*  
L.R. Annett.

9181

Examiner.

NAME OF APPLICANT

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

TLS. PILE

CREEK

DEER

36

35

34

0316

51-02029

SCALE 1 INCHES = 1 MILE DRAW PLAN IN INK