

REC-173

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: A47-00026
Date Received: 1/11/1989
Receipt No: S005870
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ASLETT RANCHES PARTNERSHIP 208-734-5533
Address: PO BOX B
TWIN FALLS ID 83303-0015
2. Date of Priority: MAY 1, 1897
3. Source: HOUSE CREEK Trib. to: CEDAR CREEK
LITTLE HOUSE CREEK HOUSE CREEK
CAUDLE SPRING CREEK HOUSE CREEK
STEELE SPRING CREEK HOUSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	12E	11	SW	NE	SE		TWIN FALLS
		12	SE	NE	SW		TWIN FALLS
			NW	SW	SE		TWIN FALLS
			SE	SW	SE		TWIN FALLS
		13	NE	NE	NW		TWIN FALLS
	13E	18	SW	NW	NW	1	TWIN FALLS
			SW	SE	NW		TWIN FALLS
			SW	NW	SE		TWIN FALLS
		19	NE	NE	NW		TWIN FALLS
			SE	NE	NW		TWIN FALLS

5. Description of diverting works:
MULTIPLE CHECK DAMS & EARTHEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.840		

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

A.F.A.

8. Total consumptive use is 1372.0 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	12E	1	SE		NW		IRR	3.0
			NE		SW		IRR	18.0
			NW		SW		IRR	8.0
			SW		SW		IRR	25.0
			SE		SW		IRR	19.0
							Section Acres	73.0
		2	SE		SE		IRR	20.0
							Section Acres	20.0
		11	NE		NE		IRR	22.0
			SE		NE		IRR	38.0
			NE		SE		IRR	34.0
							Section Acres	94.0
		12	SW		NE		IRR	13.0
			NE		NW		IRR	34.0
			NW		NW		IRR	39.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	35.0
			SE		SW		IRR	39.0
			NE		SE		IRR	1.0
			NW		SE		IRR	34.0
			SW		SE		IRR	36.0
			SE		SE		IRR	20.0
							Section Acres	371.0
		13	NE		NE		IRR	18.0
			NW		NE		IRR	2.0
			NE		NW		IRR	9.0
							Section Acres	29.0
	13E	18	SW		NE		IRR	3.0
			NW		NW	1	IRR	20.0
			SW		NW	2	IRR	17.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	13E	18	SE	NW		IRR	16.0
			NE	SW		IRR	20.0
			SE	SW		IRR	8.0
			NW	SE		IRR	5.0
						Section Acres	89.0
		19	NE	NW		IRR	4.0
						Section Acres	4.0
						Total Acres	680.0

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

A47-00040,00041,00030,00026 & 11491

14. Remarks:

1/25/2000 TF; OWNERSHIP CHANGED SWAN LAND & LIVESTOCK TO ASLETT RANCHES PARTNERSHIP PER 1409(6) AND WARRANTY DEED REC'D 12/23/1999. CLAIM ALSO AMENDED TO ACCURATELY REFLECT ACTUAL PLACE OF USE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

IRA BRACKETT ET AL
Decree Plaintiff

THE CEDAR CANAL CO. ET AL
vs Decree Defendant

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: _____

For Organizations:

I do solemnly swear or affirm that I am Partner of
Aslett Ranches, that I have signed the foregoing
Organization document in the space below as Partner of
Aslett Ranches and that the statements contained in the
Organization foregoing document are true and correct.

Steve Aslett
Signature of Authorized Agent

Partner
Title and Organization

2/9/00
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of February 20 00

Douglas Jones
Notary Public

Seal

Residing at Buhl Id
My Commission Expires 8/8/2001

RECEIVED
DEC 1 1999
Department of Water Resources

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): _____

Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant SWAN LAND & LIVESTOCK COMPANY

ROGERSON, ID 83302

4. New Owner/Claimant(s) ASLETT RANCHES PARTNERSHIP

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address P O BOX B

City, State and ZIP Code TWIN FALLS, ID 83303-0015

New Telephone Number (208) 734-5533

5. Date you acquired the property 12/3/99

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7.** If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) [Signature]

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

ACREAGE

Approximately 16,695 total deeded acres

“ 1,000 acres hay and irrigated pasture

“ 200 acres sub-irrigated meadow and creek bottom

“ 15,495 dry grazing

Bureau of Land Management 4,764 AUM's

John Biar (208) 736-2350

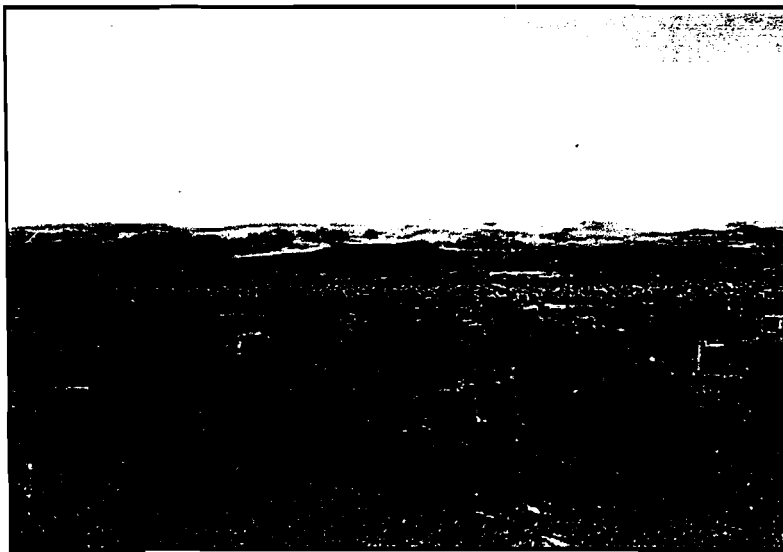
Forest Service 1,601 AUM's

Mike McNeil (208) 543-4129

Idaho State Leases 371 AUM's

Private Lease Approximately 1,000 deeded acres - 915 AUM's on BLM.

*Coordinated Resource Management Plan: Allows landowner flexibility in determining numbers and periods of usage on federal and state leases. Has been in effect since 1981. AMP renewed March of 1998 with nine years remaining. Please call for detailed explanation.



*Swan Land & Livestock
Controls the water
source*

WATER

All irrigation is via flood method. Water from House Creek and Deadwood Creek is decreed as follows:

92 miners inches 5/1/1897 A47-00026	100 miners inches 5/1/1893 A47-00038
120 miners inches 5/1/98 A47-00030	45 miners inches 5/1/1893
80 miners inches 5/1/1889 A47-00040	92 miners inches 5/1/1904
70 miners inches 5/1/1909 A47-00041	110 miners inches 5/1/1905
60 miners inches 5/1/1909 A47-00032	175 miners inches 9/1/1915 A47-11491

Stock water is plentiful in the higher forest, BLM and deeded country. It is supplied by numerous creeks, seeps and natural springs. Many springs have been improved and developed to further enhance stock water. Water to the lower BLM desert allotment is primarily provided by a pipeline owned by Swan Land & Livestock along with other area ranchers. Swan Land & Livestock owns 38% of the pipeline and controls the water source. Ownership is based on AUM's.

GENERAL PARTNERSHIP AGREEMENT

1. **Parties.** This Agreement made among the MARVIN ASLETT, LARRY ASLETT, STEVE ASLETT, and STEVE ASLETT, JR. on December 22, 1999.

2. **Name of Business.** The parties form a general partnership which shall transact business under the name of ASLETT RANCHES.

3. **Partnership Business.** The partnership shall engage in the business of cattle ranching and in such other businesses of a similar or related nature as may be determined by the partners.

4. **Place of Business.** The place of business of the partnership shall be located at Rogerson, Idaho or at such other location or locations as the partners may from time to time designate.

5. **Term.** The term of the partnership shall begin on the date of its execution and shall continue until terminated as provided in this agreement.

6. **Capital.** The partners have made unequal contributions to the capital accounts of the partnership. The interest of each member of the partnership in the total shall be controlled by that partner's capital account indicating the proportional share of his investment to the total investment in the partnership. An individual capital account shall be established for each Partner. The initial capital accounts of the Partners shall be equivalent to their respective contributions to the

capital of the partnership. If at any time the partners should unanimously determine that further capital is required in the interests of the partnership, and that the capital of the partnership should be increased, the additional capital shall be contributed by the partners in the same percentages as their then capital accounts.

7. **Salaries and Expenses.** No partner shall receive any salary for services rendered to the partnership except as may be unanimously agreed by the partners. The partners shall have such drawing and expenses accounts as may be agreed upon.

8. **Partnership Profits and Losses.** The net profits of the partnership shall be divided among the Partners, and the net losses of the partnership shall be borne by the Partners, in proportion to their respective capital contributions as set forth in Section 6 of this agreement. For income tax purposes, all gains, losses, credits, and depreciation deductions on partnership property shall be allocated among the Partners in proportion to their capital contributions as provided in Section 6 of this agreement.

9. **Fiscal Year.** The fiscal year of the partnership shall commence on January 1.

10. **Book and Records.** The partnership shall maintain full and accurate books of account, which shall be kept at the office of Circle A Construction, Inc., 240 Highland Avenue, Twin Falls, Idaho 83301. Each Partner shall have access to and the

right to inspect and copy such books and all other partnership records during normal business hours.

11. **Bank Accounts.** The partnership shall maintain such bank accounts as the partners shall determine. Checks shall be drawn for partnership purposes only, and may be signed only by the person or persons designated by the partners. All moneys received by the partnership shall be deposited in such accounts.

12. **Management Duties and Restrictions.** The partners shall have rights in the management of the partnership proportionate to their capital accounts. No partner shall be required to devote any given time to the management of the partnership affairs. of Section 15 of this agreement, to lease such property

13. **Matters Requiring Unanimity.** No partner shall, without the consent of all other partners (which consent shall not be unreasonably withheld), do any of the following:

- a. Assign the partnership property in trust for creditors or on the assignee's promise to pay the debts of the partnership.
- b. Dispose of the good will of the partnership business.
- c. Do any other act which would make it impossible to carry on the ordinary business of the partnership.
- d. Confess a judgment against the partnership.
- e. Submit a partnership claim or liability to arbitration or reference.
- f. Make, execute or deliver for the partnership any bond, mortgage, deed of trust, guarantee, indemnity bond, surety bond or accommodation paper or accommodation endorsement.

g. Borrow money in the partnership name or use partnership property as collateral.

h. Assign, transfer, pledge, compromise or release any claim of or debt owing to the partnership except upon payment in full.

i. Convey any partnership real property.

j. Pledge or transfer in any manner his or her interest in the partnership except to another partner.

k. Any other act for which unanimity is required under other Sections of this Agreement.

14. **Transferability of Partnership Interests.** Except as otherwise provided in this agreement with respect to withdrawing or decreased partners, the interest of any partner in the partnership, or in the profits, assets, property, receivables, records, files, or clientele of the partnership, should not be sold, assigned, pledged, mortgaged, or transferred in any manner by a partner unless the written consent to do so is first obtained from every other partner.

15. **Partnership Property.** Partnership property, personal and real, shall be acquired, held, and conveyed in the name of the partnership, except that upon the unanimous consent of the partners, partnership property may be acquired, held, or conveyed in the name of any partner or other person as nominee for the partnership. Property acquired, held, or conveyed by a nominee shall be recorded as partnership property in the partnership books and records.

16. **Admission of New or Substituted Partners.** A new partner may be admitted to the partnership only upon the written consent of all existing partners. A substituted partner may be

admitted to the partnership only upon the written consent of two-thirds of the existing partners and only if the substituted partner purchases the partnership interest of a deceased or withdrawing partner. Upon the admission of a new partner, the name and capital contribution of the new partner shall be added to Section 6 of this agreement.

17. **Retirement of a Partner.** Any partner shall have the right to retire from the partnership at the end of any fiscal year. Written notice of intention to retire shall be served upon the other partners at the office of the partnership at least three months before the end of the fiscal year. Thereafter the retiring partner and the surviving partners shall have the same rights and elections as are specified in paragraph 18 with respect to the "Estate" and the surviving partners respectively, in the event of the death of a partner.

18. **Death of a Partner.** Upon the death of a partner, the partnership shall continue in operation and shall be managed by the surviving partners. The operation shall continue at last until the end of the fiscal year or to such other time as is necessary for the surviving partners to wind up the affairs of the partnership.

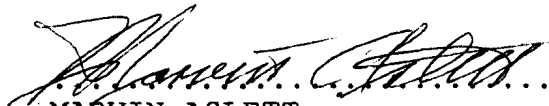
a. The surviving partners may elect to carry on the partnership business and to purchase the decedent's entire interest in the partnership. The value of the interest to be purchased will be agreed upon between the surviving partners and the personal representative of the

deceased partner. If the parties cannot agree upon a value, each shall appoint an appraiser, and the appraisers shall reach a value that will be binding upon the parties. The surviving partners shall give notice of their intent to purchase pursuant to this paragraph within six months of the death of the deceased partner and shall have three years from the date of death. in which to pay the purchase price to the personal representative of the deceased partner.

b. If the surviving partners do not elect to purchase the interest of the deceased partner, the partnership shall be terminated and its assets liquidated.

19. **Binding Effect.** This agreement shall bind the Partners, their heirs, personal representatives, and assignees.

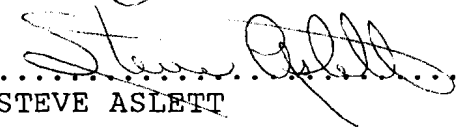
Dated December 22, 1999.


MARVIN ASLETT

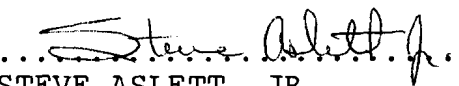
Dated December 22, 1999.


LARRY ASLETT

Dated December 22, 1999.


STEVE ASLETT

Dated December 22, 1999.


STEVE ASLETT, JR.

42118fc

TitleFact, Inc.

163 Fourth Avenue North

P.O. Box 486

Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED SWAN LAND AND LIVESTOCK COMPANY, a Utah corporation, a corporation duly organized and existing under the laws of the state of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto ASLETT RANCHES PARTNERSHIP, Grantee, whose address is: **Box B, Twin Falls, Idaho 83303**, the following described real estate, situated in Twin Falls County, Idaho, to-wit:

PARCEL NO. 1

Township 15 South, Range 12 East, Boise Meridian, Twin Falls County, Idaho

Section 1: S $\frac{1}{2}$ SW $\frac{1}{4}$; Lots 1 and 2; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 2: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 11: E $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 12: N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$; N $\frac{1}{2}$

Section 13: SW $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ W $\frac{1}{2}$; E $\frac{1}{2}$

Section 24: E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$

Section 25: E $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$

EXCEPT

A strip of land 80 feet wide, being 40 feet right and left of the following described centerline of Jarbidge Road Project No. S2701(3) Highway Survey as shown on the plans thereof now on file in the Office of the Department of Highways of the State of Idaho and lying over and across the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 15 South, Range 12 E., B.M., Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at a point on the West boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, which point is approximately Station 538+56 of said Highway Survey, which station is a point on a tangent approximately North 515 feet from the Southwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 11;

THENCE North 69°11' East for 3,690 feet, more or less, to Station 575+46.87 which station is a point of curvature;

THENCE 570.95 feet with a 7 degree curve left, said curve having a central angle of 39°58' to Station 581+17.82, which station is a point of tangent;

THENCE North 29°13' East on tangent for 212.1 feet, more or less, to approximate Station 583+30 of said Highway Survey which station is a point on the East boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1 lying North approximately 1015 feet from the Southeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1.

AND EXCEPT

A strip of land lying across the SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 15 South, Range 12 E., B.M., more particularly described as follows:

A strip of land 40 feet in width extending 40 feet right and left of the following described centerline of Jarbidge Road Project No. S-2701(3) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highway, State of Idaho;

BEGINNING at a point on the west boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ designated as approximate station 583+20 of said Highway Survey, which point lies North approximately 1015 feet from the southwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE running North 29°13' East on tangent for 100.5 feet, more or less, to Station 584+20.46, which station is a point of curvature;

THENCE describing a strip of land extending 40 feet left and 50 feet right on the following described centerline, 635.56 feet with a 6° curve right, said curve having a central angle of 38°08' to Station 590+56.02 which station is a point of tangent and also being a point of equation (590+56.02 BK. = 590+68.61 Ah);

THENCE North 67°21' East on tangent 8833 feet, more or less, on tangent to Station 599+39.3 of said Highway Survey, which station is a point on the east boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ and lying North 00°11' East approximately 566 feet of the Southeast corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$.

AND ALSO EXCEPT

A parcel of ground in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Township 15 South, Range 12 E., B.M., Twin Falls County, Idaho, and more particularly described as follows:

BEGINNING at the Southeast corner of said Section 2 and using the recorded bearing of the South line of said Section 2 of North 89°24' West as basis of bearings;

THENCE North 37°30'30" West a distance of 794.09 feet to the TRUE POINT OF BEGINNING;

THENCE from said TRUE POINT OF BEGINNING North 58°35'14" West a distance of 208.71 feet;

THENCE North 31°24'46" East a distance of 208.71 feet;

THENCE South 58°35'14" East a distance of 208.71 feet;

THENCE South 31°24'46" West a distance of 208.71 feet to the TRUE POINT OF BEGINNING.

ALSO a 30-foot-wide road right of way centered on a connecting line from said TRUE POINT OF BEGINNING South 37°30'30" East a distance of 1547.93 feet to intersection with the centerline of the Rogerson-Three Creek Road.

Township 14 South, Range 13 East, Boise Meridian, Twin Falls County, Idaho

✓Section 21: SE $\frac{1}{4}$; SW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$

✓Section 22: SW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$

Township 15 South, Range 13 East, Boise Meridian, Twin Falls County, Idaho

✓Section 5: S $\frac{1}{2}$ SW $\frac{1}{4}$

✓Section 6: SE $\frac{1}{4}$ SE $\frac{1}{4}$; Lot 7

✓Section 7: ALL

Section 8: NW $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$

✓Section 18: Lots 1, 2 and 4; E $\frac{1}{2}$ W $\frac{1}{2}$; W $\frac{1}{2}$ E $\frac{1}{2}$; E $\frac{1}{2}$ NE $\frac{1}{4}$

✓Section 19: Lots 1, 2, 3 and 4; E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ E $\frac{1}{2}$

✓Section 20: SE $\frac{1}{4}$

✓Section 21: NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; SE $\frac{1}{4}$

✓Section 22: W $\frac{1}{2}$

✓Section 27: W $\frac{1}{2}$; W $\frac{1}{2}$ SE $\frac{1}{4}$

✓Section 28: SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

✓Section 29: SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$

✓Section 30: Lots 1, 2, 3 and 4; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$

✓Section 31: ALL

✓Section 33: N $\frac{1}{2}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$

✓Section 34: NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$

Township 16 South, Range 13 East, Boise Meridian, Twin Falls County, Idaho

✓Section 3: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 4: NE $\frac{1}{4}$ NE $\frac{1}{4}$

✓Section 6: Lots 2, 3 and 4; E $\frac{1}{2}$ W $\frac{1}{2}$; E $\frac{1}{2}$

✓Section 7: Lots 1, 2, 3 and 4; E $\frac{1}{2}$ W $\frac{1}{2}$; W $\frac{1}{2}$ E $\frac{1}{2}$; E $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$

SUBJECT TO: Twin Falls County Highway Right of Way

PARCEL NO. 2

A parcel of ground in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 15 South, Range 12 E., B.M., Twin Falls County, Idaho, and more particularly described as follows:

BEGINNING at the Southeast corner of said Section 2 and using the recorded bearing of the South line of said Section 2 of North 89°24' West as basis of bearings;

THENCE North 37°30'30" West a distance of 794.09 feet to the TRUE POINT OF BEGINNING;

THENCE from said TRUE POINT OF BEGINNING North 58°35'14" West a distance of 208.71 feet;

THENCE North 31°24'46" East a distance of 208.71 feet;

THENCE South 58°35'14" East a distance of 208.71 feet;

THENCE South 31°24'46" West a distance of 208.71 feet to the TRUE POINT OF BEGINNING.

ALSO a 30-foot-wide road right of way centered on a connecting line from said TRUE POINT OF BEGINNING South 37°30'30" East a distance of 1547.93 feet to intersection with the centerline of the Rogerson-Three Creek Road.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its Secretary.

Dated: December 2, 1999

SWAN LAND AND LIVESTOCK COMPANY, a Utah corporation

By: George H. Swan
GEORGE H. SWAN, President

BY: Katherine Swan-Jones
KATHERINE SWAN-JONES, Secretary

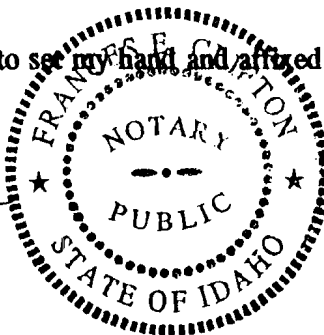
* * * * *

STATE OF IDAHO
County of Twin Falls

On this 3rd day of December, 1999, before me, the undersigned, Notary Public in and for said State, personally appeared **GEORGE H. SWAN**, known to me to be the President, and **KATHERINE SWAN-JONES**, known to be the Secretary, of the corporation that executed this 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

Francis E. Crighton
Notary Public for Idaho
Residing at: Twin Falls
My Commission expires: 01-20-2004



RERECORDED TO CORRECT LEGAL

RERECORDED TO CORRECT SCRIVENER ERROR

12/28/99

FILED - RECORDS
9 10-6 PM 3:11

230604

'42118fc

TitleFact, Inc.

163 Fourth Avenue North

P.O. Box 486

Twin Falls, Idaho 83303

OWYHEE COUNTY, IDAHO
BY Cal
12/28/99

RECEIVED

FEB 09 2000

Department of Water Resources
Southern Region

**** SPACE ABOVE FOR RECORDER ****

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED **SWAN LAND AND LIVESTOCK COMPANY**, a **Utah corporation**, a corporation duly organized and existing under the laws of the state of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto **ASLETT RANCHES PARTNERSHIP**, Grantee, whose address is: **Box B, Twin Falls, Idaho 83303**, the following described real estate, situated in Owyhee County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its Secretary.

Dated: December 3, 1999

SWAN LAND AND LIVESTOCK COMPANY, a **Utah corporation**

By: George H. Swan

GEORGE H. SWAN, President

By: Katherine Swan-Jones

KATHERINE SWAN-JONES, Secretary

* * * * *

STATE OF IDAHO
County of Twin Falls

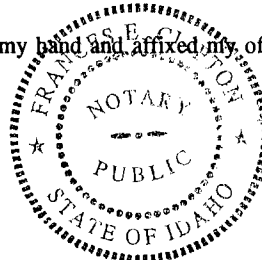
On this 3rd day of December, 1999, before me, the undersigned, Notary Public in and for said State, personally appeared **GEORGE H. SWAN**, known to me to be the President, and **KATHERINE SWAN-JONES**, known to be the Secretary of the corporation that executed this instrument, or the person who executed 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

Francis E. Clifton
Notary Public for Idaho

Residing at: Twin Falls

My Commission expires: 01-20-2004



PO2436

Exhibit "A"

In Township 13 South, Range 10 East, Boise Meridian, Owyhee County, Idaho.

Section 26: ^{W1/2} ~~W1/4~~ SE1/4 NE1/4

In Township 13 South, Range 11 East, Boise Meridian, Owyhee County, Idaho.

Section 31: Lots 1, 2 and 3, E1/2 W1/2

In Township 14 South, Range 11 East, Boise Meridian, Owyhee County, Idaho.

Section 2: S1/2

Section 3: W1/2

Section 4: All

Section 5: W1/2

Section 6: Lots 3, 5, 6 and 7, SE1/4 NW1/4, E1/2 SW1/4

Section 8: E1/2 NW1/4, SW1/4, W1/2 SE1/4

Section 10: All

Section 11: S1/2

Section 15: All

Section 17: S1/2 S1/2

Section 20: N1/2 N1/2

Section 21: N1/2

Section 22: N1/2

Section 28: N1/2

Section 29: W1/2

In Township 15 South, Range 11 East, Boise Meridian, Owyhee County, Idaho.

Section 2: N1/2 SW1/4, SE1/4 SW1/4, SW1/4 SE1/4

CORRECTION

15

In Township ~~16~~ 15 South, Range 12 East, Boise Meridian, Owyhee County, Idaho.

Section 29: W1/2 SW1/4

EXCEPTING LESS the following described parcel:

A strip of land 60 feet wide, 30 feet on either side of the center line of a center line survey, said center line being situate and running as follows:

BEGINNING at the Southwest corner of the Southwest Quarter of the Northwest Quarter, Section 29, Township 15 South, Range 12 East, Boise Meridian, Owyhee County, Idaho; thence

South 0° 04' West a distance of 281.46 feet, to a point being station 236+37.86 of said center line survey, and said point being the REAL POINT OF BEGINNING; thence

North 69° 10' East a distance of 646.17 feet to a point being station 242+84.03 of said center line survey, the point of commencement of a 14° curve having a delta angle of 57° 28' to the left; thence around said curve for a distance of 101.82 feet to a point being station 243+85.85 of said center line survey.

Section 30: SE1/4 SE1/4

Section 31: NE1/4 NE1/4

Section 32: NW1/4, E1/2 SW1/4, SW1/4 SE1/4

In Township 16 South, Range 12 East, Boise Meridian, Owyhee County, Idaho.

Section 5: N1/2 NE1/4, SE1/4 NE1/4

EXCEPTING from said property described above:

Any right, title, or interest in any minerals, minerals rights or related matters including but not limited to oil, gas, coal and other hydrocarbon, whether or not shown by the public records.

[Handwritten signature]

230909

[Handwritten signature]

FILED - RECORDED
99 DEC 28 PM 4:22

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: A47-00026
Date Received: 1/11/89
Receipt No: ~~747~~ S005870
Received By: ADM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SWAN LAND & LIVESTOCK COMPANY 208-857-2235
Address: HOUSE CREEK RANCH
ROGERSON, ID 83302

2. Date of Priority: MAY 01, 1897

3. Source: HOUSE CREEK Trib. to: CEDAR CREEK
LITTLE HOUSE CREEK HOUSE CREEK
CAUDLE SPRING CREEK HOUSE CREEK
STEELE SPRING CREEK HOUSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	12E	11	SW	NE	SE		TWIN FALLS
		12	SE	NE	SW		TWIN FALLS
			NW	SW	SE		TWIN FALLS
			SE	SW	SE		TWIN FALLS
		13	NE	NE	NW		TWIN FALLS
	13E	18	SW	NW	NW	1	TWIN FALLS
			SW	SE	NW		TWIN FALLS
			SW	NW	SE		TWIN FALLS
		19	NE	NE	NW		TWIN FALLS
			SE	NE	NW		TWIN FALLS

5. Description of diverting works:
MULTIPLE CHECK DAMS & EARTHEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.840		

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

8. Total consumptive use is 1372.0 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	12E	1	SE		NW		IRR	3.0
			NE		SW		IRR	18.0
			NW		SW		IRR	8.0
			SW		SW		IRR	25.0
			SE		SW		IRR	19.0
							Section Acres	73.0
		2	SE		SE		IRR	20.0
							Section Acres	20.0
		11	NE		NE		IRR	22.0
			SE		NE		IRR	38.0
			NE		SE		IRR	34.0
							Section Acres	94.0
		12	SW		NE		IRR	13.0
			NE		NW		IRR	34.0
			NW		NW		IRR	39.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	35.0
			SW		SW		IRR	6.0
			SE		SW		IRR	39.0
			NE		SE		IRR	1.0
			NW		SE		IRR	34.0
			SW		SE		IRR	36.0
			SE		SE		IRR	20.0
							Section Acres	377.0
		13	NE		NE		IRR	18.0
			NW		NE		IRR	2.0
			NE		NW		IRR	9.0
							Section Acres	29.0
	13E	18	SW		NE		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	13E	18	NW		NW	1	IRR	20.0
			SW		NW	2	IRR	17.0
			SE		NW		IRR	16.0
			NE		SW		IRR	20.0
			SE		SW		IRR	8.0
			NW		SE		IRR	5.0
							Section Acres	89.0
		19	NE		NW		IRR	4.0
							Section Acres	4.0
							Total Acres	686.0

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
A47-00040,00041,00030,00026 & 11491

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

IRA BRACKETT ET AL
Decree Plaintiff

vs

THE CEDAR CANAL CO. ET AL
Decree Defendant

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: _____

For Organizations:

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

SWAN LAND & LIVESTOCK CO, that I have signed the foregoing Organization

document in the space below as PRESIDENT of _____ Title

SWAN LAND & LIVESTOCK CO and that the statements contained in the Organization

foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

PR'S SWAN LAND & LIVESTOCK CO
Title and Organization

1/11/89
Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 11 day
of January 19 89

[Signature]
Notary Public

Seal

Residing at Swan Falls, Idaho

My Commission Expires 6-18-91

12/09/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-26

NAME AND ADDRESS: ASLETT RANCHES PARTNERSHIP
PO BOX B
TWIN FALLS ID 83303-0015

KKC

SOURCE: HOUSE CREEK
LITTLE HOUSE CREEK
UNNAMED STREAM

TRIBUTARY: CEDAR CREEK
TRIBUTARY: HOUSE CREEK
TRIBUTARY: HOUSE CREEK

QUANTITY: 1.840 CFS

PRIORITY DATE: 05/01/1897

POINT OF DIVERSION:

T15S R12E S11 SWNESE Within TWIN FALLS County
T15S R12E S12 NWSWSE Within TWIN FALLS County
T15S R12E S12 SESWSE Within TWIN FALLS County
T15S R12E S13 NENENW Within TWIN FALLS County
T15S R13E S18 SWNWNW Lot 1 Within TWIN FALLS County
T15S R13E S18 SWSSENW Within TWIN FALLS County
T15S R13E S18 SWSSENW Within TWIN FALLS County
T15S R13E S18 NWNWSE Within TWIN FALLS County
T15S R13E S18 SENWSE Within TWIN FALLS County
T15S R13E S19 NENENW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	1.840 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T15S R12E S01	NESW	8.00	T15S R12E S01	NWSW	2.80
T15S R12E S01	SWSW	19.00	T15S R12E S01	SESW	19.00
T15S R12E S02	SWSE	0.80	T15S R12E S02	SESE	18.00
T15S R12E S11	NENE	25.00	T15S R12E S11	SENE	38.00
T15S R12E S11	NESE	31.00	T15S R12E S12	SWNE	12.00
T15S R12E S12	NENW	32.00	T15S R12E S12	NWNW	38.00
T15S R12E S12	SWNW	40.00	T15S R12E S12	SENW	40.00
T15S R12E S12	NESW	40.00	T15S R12E S12	NWSW	38.00
T15S R12E S12	SESW	30.00	T15S R12E S12	NESE	1.90
T15S R12E S12	NWSE	36.00	T15S R12E S12	SWSE	36.00
T15S R12E S12	SESE	22.00	T15S R12E S13	NENE	20.00
T15S R12E S13	NWNE	2.10	T15S R12E S13	NENW	5.00
T15S R13E S18	SWNE	3.30	T15S R13E S18 Lot 1	NWNW	16.00
T15S R13E S18 Lot 2	SWNW	17.00	T15S R13E S18	SENW	11.00
T15S R13E S18	NESW	13.00	T15S R13E S18	SESW	8.90
T15S R13E S18	NWSE	4.40			

628.2 ACRES TOTAL

This right is limited to the irrigation of 63 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 628.2 acres in a single irrigation season. Combined Right Nos.: 47-26, 47-30, 47-40, 47-41, 47-11491, and 47-17417.

12/09/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

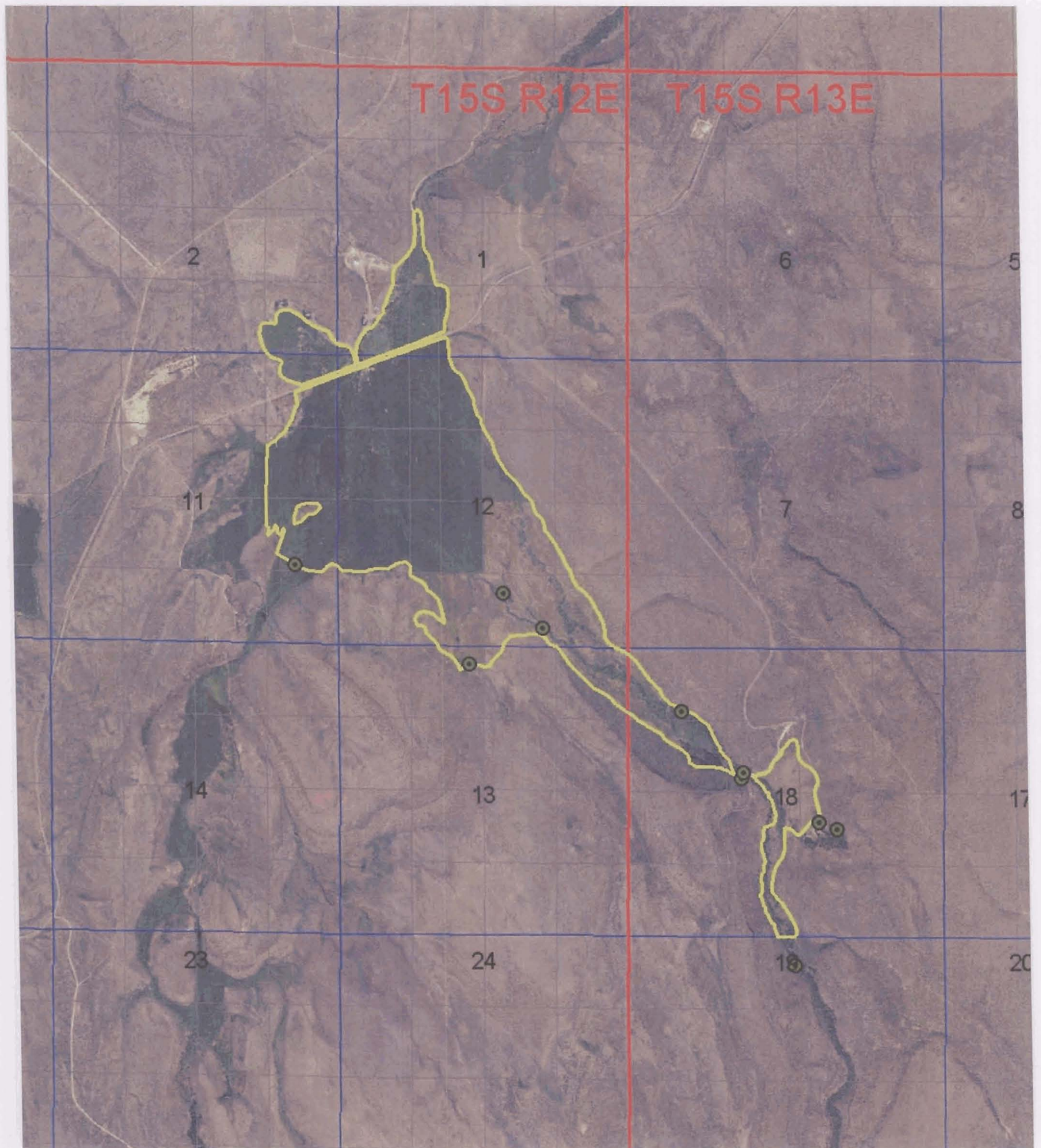
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Source for the point of diversion in Twp 15S, Rng 13E, Sec 18, SENWSE is also known as Steele Spring Creek.

Source for the point of diversion in Twp 15S, Rng 13E, Sec 18, NWNWSE is also known as Steele Spring Creek.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Claim Number: 47-26



LEGEND



POU



POD



Township Boundaries



Sections



GCDB

2640 0 2640 Feet



SCANNED

JUN 24 2008

GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 2004 NAIP
DATA ENTRY: 12/07/2006
TARA D BAKER

System 1	47-32	23.4 ac	1.20 cf
	- 38	90 ac	2.08 cf

System 2	47-26	Round A = 35 ac B = 28 ac	total	Rate
	- 30		63 ac	1.84
	- 40		124.5 ac	2.40 cf
	- 41		80 ac	1.60 cf
	- 11491		70 ac	1.40 cf
			<u>31.4 ac</u>	<u>1.63 cf</u>
		subtot	<u>368.9 ac</u>	<u>7.87 cf</u>
17417		*	<u>259.3</u>	* <u>5.19 cf</u>
	total		<u><u>628.2 ac</u></u>	<u><u>13.06 cf</u></u>

found P/u = 628.2 ac

- 368.9 ac

* 259.3 ac * .02 = * 5.19 cf

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

December 21, 2004

Regarding:

Customer:

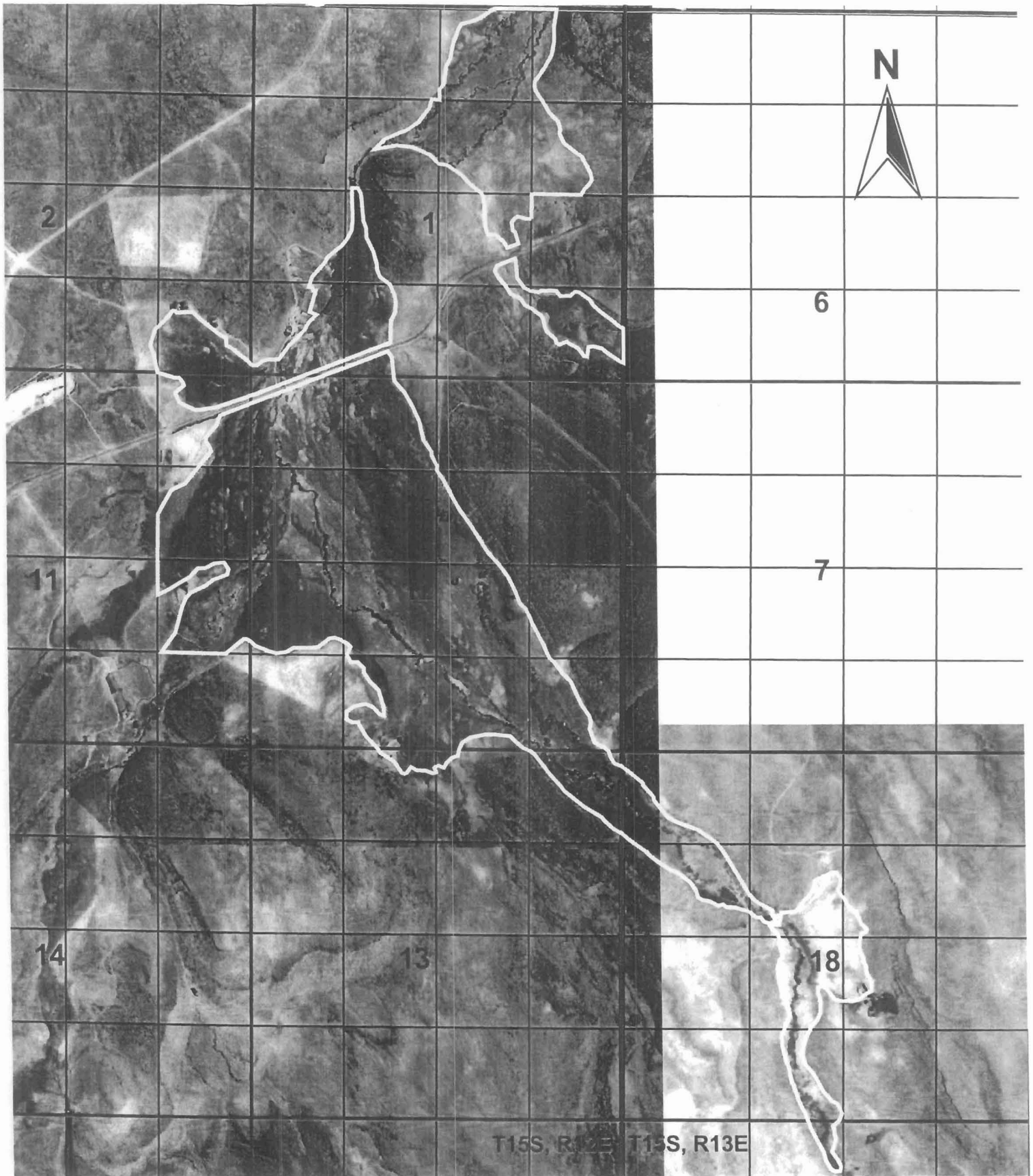
Aslett Ranches

Steve Aslett Jr. and Chuck Brockway Sr.

I met with Chuck Brockway Sr and Steve Aslett Jr. this date. Steve brought in some ASCS aerial photos from 1950 that shows the extent of irrigation on most of the lands in question. Other than that, nothing was accomplished other than we brought Brockway up to speed.

Brockway is going to scan the 1950 photos and send them to me. I have sent Brockway a shape file of my preliminary finding of irrigated acres in 1987 by email. Steve is going to contact Harlan Mink to see if he has any information about the amount of water used to irrigate the farm when Mink worked for the previous owner, Swan. Although it is clear from the 1950 photos I saw that irrigated land had been increased from 1914 to 1950 it is unclear what, if any, amount of water in excess of the amounts decreed in 1914 was used to develop the additional acres.

cebrock@mindspring.com



DRAFT
ASLETT FARMS

VHANCOCK
IDWR
12/21/04

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

November 17, 2004

Regarding:

Customer:

Claims for House Cr. Ranch

Steve Azlett and Steve Aslett Jr.

The Asletts came into the office in response to my letter of Nov 8, 2004. We discussed the following issues:

<> Acres found irrigated vs inches of water in decrees 47-32 & 47-38. Why some of the water is identified for conveyance loss. *Steve Jr said that there is more being irrigated in the W½ SE of section 1 than shows in the 1987 photo. He said that there were old ditches there that he has repaired and has been using since they purchased the ranch. He will try to get aerial photos or some other evidence that the land was developed prior to 1987 so that it can be included in a claim based upon beneficial use.*

<> Domestic use from Steele Springs: *Still used within the four houses, irrigating the yards and for stockwater. Domestic wells also serve the houses as a back-up when the springs run low.*

<> Additional acres irrigated in 1987 outside the decreed places of use. *Steve Jr is going to locate maps to show what was irrigated in the 1950s. They asked me what the earliest priority date could be claimed for the BU rights and I told them one day after the decree was signed in 1914.*

<> Claim to Little House Creek water. *I explained that any water from Little House Creek would have to have a priority date later than the decree. We discussed what I had done for Guerry upstream on his expansion of decreed acres (priority date of 1 day after the decree). I suggested that Guerry should probably have priority over any right they had to Little House Creek. Steve Jr. said he would call Mike Guerry to talk about it.*

<> Difference in claim 47-11491 and the information I found to substantiate a recommendation of substantially less acres and less water circa 1915. *Steve Jr has made some changes and increased the number of acres shown irrigated in 1987 photos. He is going to look for any historic photos to substantiate that more than 35 acres were irrigated prior to 1987 so that these acres can be included in a claim based upon beneficial use.*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 8, 2004

Steve Aslett
Aslett Ranches Partnership
PO Box B
Twin Falls, Idaho 83303

RE: Snake River Basin Adjudication (SRBA)
Claim Nos.: 47-026, 47-030, 47-032, 47-038, 47-040,
47-041 & 47-11491 - House Creek Ranch

Dear Steve,

I have completed an initial review of the above SRBA claims filed originally by Swan Land and Livestock for your ranch property along House Creek. It appears that some changes, including the filing of an additional claim, may be necessary for me to accurately recommend your water rights.

For your review, the following is a listing of the irrigation rights I found appurtenant to the ranch property; they are all from House Creek. Although your property prospectus from Swan mentioned water from Deadwood Creek, I did not find any water rights from Deadwood appurtenant to the property along House Creek.

No:	47-026	1897	1.84 cfs	92 acres
	47-030	1898	2.40 cfs	125 acres
	47-040	1889	1.60 cfs	80 acres
	47-041	1909	1.40 cfs	70 acres
	47-11491	1915	.70 cfs	35 acres
	47-32	1909	1.20 cfs	60 acres**
	47-38	1893	2.0 cfs	100 acres**

** combined limited to 129 acres

Please give me a call to set up a time when we can discuss the best way to proceed with these claims to ensure that the entire ranch is covered.

Sincerely,

Vikie Hancock

Sr. Water Resource Agent
Southern Adjudication Unit, Twin Falls
email: vikie.hancock@idwr.idaho.gov

MEMO TO FILE

From: Vikie Hancock

11/8/04

Re: Recommendation

Claim No(s): 47-026, 47-030, 47-040, 47-041 & 47-11491

Irrigation

The above rights are claimed within a PPU of 680 acres. Claims 47-026, 47-030, 47-040 & 47-041 are based upon water rights decreed in 1914. 47-11491 is a beneficial use claim based upon lapsed permit 47-2104 filed in 1915.

47-040 & 47-041 were both decreed in 1914 to a 320-acre place of use [see maps in file]. 47-040 was specifically decreed for 1.6 cfs from House Creek for 80 acres developed in 1889 within the POU and 47-041 was specifically decreed for 1.4 cfs from House Creek for an additional 70 acres developed in 1909 within the POU. As of 1987, 265 acres of the 320 acre decreed POU are being irrigated per GIS, making an increase of 115 acres since 1914.

The 320 acres referenced above were part of a 480-acre homestead by John Sparks who received his certificate in 1894. As of 1987, 371 acres of the 480-acre homestead are being irrigated per GIS. In addition, a 13-acre parcel of land immediately downstream within the N½SW S01, homesteaded by Hueter in 1919, is also being irrigated, making an increase of 234 acres post decree. 234/

Immediately upstream, **47-030** was decreed on the 160 acre Lewis Steele homestead. The awarded diversion rate was 120 inches but I found 125 acres irrigated within the decreed place of use using GIS. It appears that some additional acres have also been developed outside the decreed POU: 13 acres in the SWNE S12, 2 acres in the NESE S12 and 6 acres in the NENW S13. 21

47-026 & 47-11491 cover a segment of House Creek homesteaded by James Steele and Lee Pruitt. There is a great deal of history surrounding these rights [see claim file 47-11491]. Steele was awarded 92 inches of water under right **47-026** and in 1916 filed Transfer 191 to change the place of use. Using GIS only 73 acres are [1987] irrigated within the 1916 transferred place of use. 4 acres in the NENW S19, upstream and outside the transferred POU, are also being irrigated. The indicated 92 acres can be allowed under 47-26, if an accomplished transfer is recognized. 4

Between the two parcels owned and irrigated by Steele along House Creek, Pruitt filed permit 47-2104 in 1915. A total of 35 acres were developed on his homestead according to proof filed in 1917. Because of altercations between Steele and Pruitt, Pruitt gave up on obtaining a legal right to irrigate his land

and the license was never issued. **47-11491** is based upon Pruitt's application for permit that lists his intent to develop 175 acres and appropriate 3.5 cfs.

All of the acreage developed after the 1914 decree should be included in a claim based on beneficial use with a priority date yet to be determined.

The five SRBA claims list four separate sources for irrigation: *House Creek, Little House Creek, Caudle Spring Creek and Steele Spring Creek*. Rights 47-040 & 47-041 were decreed only to House Creek, however rights 47-030 & 47-026 were decreed to House Creek *and tributaries*, the obvious tributaries for these rights being Caudle Spring and Steele Spring. All the sources are combined into a common system of ditches.

The waters of Little House Creek were included in the 1914 decree and awarded to land located upstream of Aslett property on what is now owned by Guerry, Inc. Any water used on Aslett land from Little House Creek would be based upon beneficial use and have a priority date after the date of the decree.

Domestic

Domestic use from House Creek was included in decree **47-040** with a priority date of 1889 and claimed in the SRBA with a source of Steele Spring.

According to remarks in the claim, a pipeline was constructed in 1980 from Steele Spring in the NWSE S18 to the four households located in the SWSW S01 and SESE S02. Since domestic use from House Creek would have ceased at that time, this could be recommended in the SRBA as an accomplished transfer of source and POD for domestic use. However, domestic claims 47-14323 & 47-14322 from ground water for use at the houses located in SESE Sec 02 have been decreed in the SRBA, so the current use of Steele Springs needs to be confirmed.

Appurtenant Irrigation rights 11/8/04:

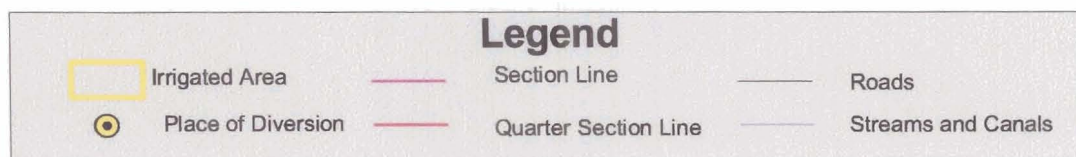
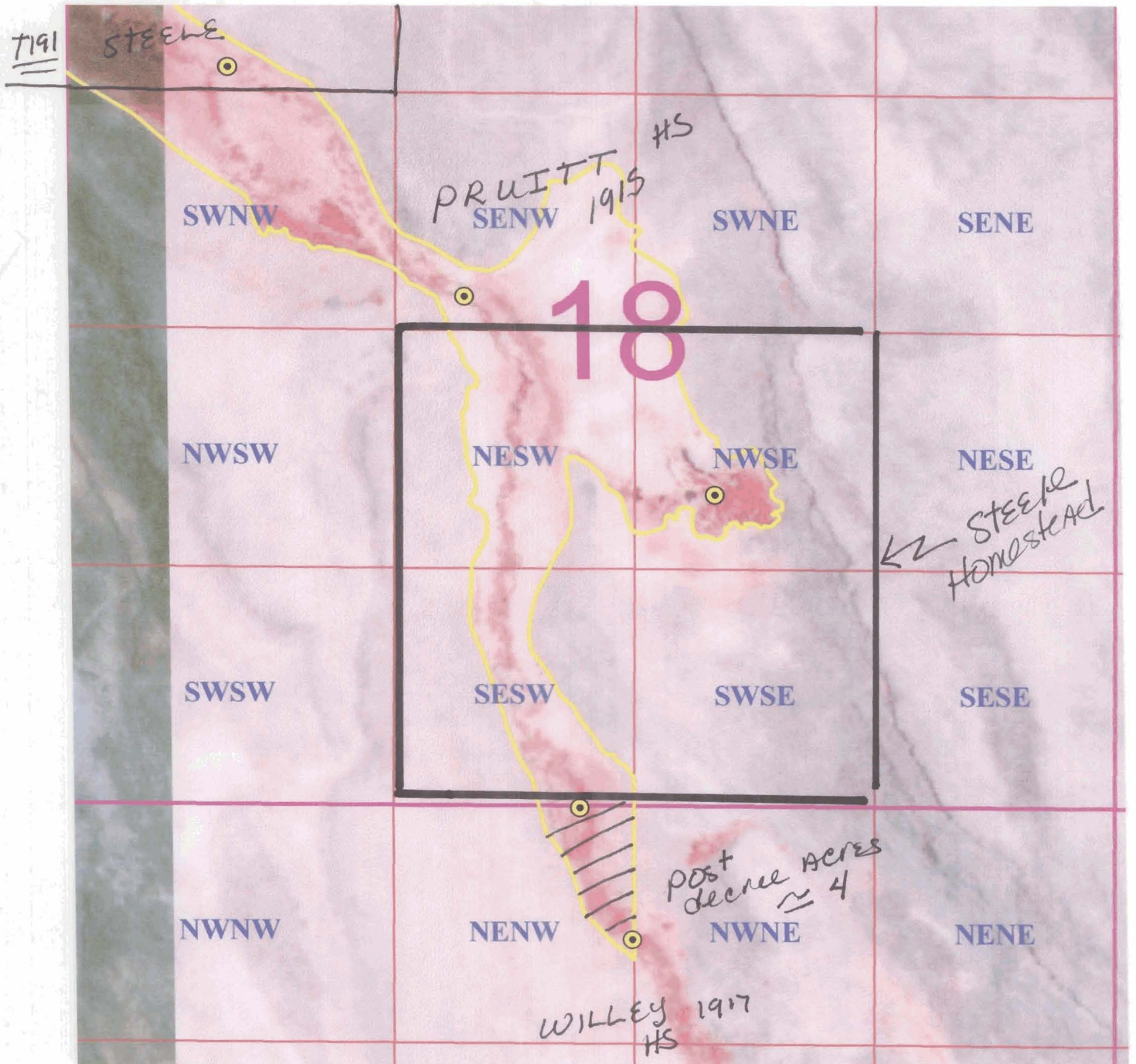
47-026	1897	1.84cfs	92ac
47-030	1898	2.4cfs	125ac
47-040	1889	1.6cfs	80 ac
47-041	1909	1.4cfs	70ac
47-11491	1915	0.7cfs	<u>35ac</u>
			402ac

7.94 cfs
347 inches

Acres decreed = 402
Acres Irrigated = 642
Beneficial Use acres = 240 4.8

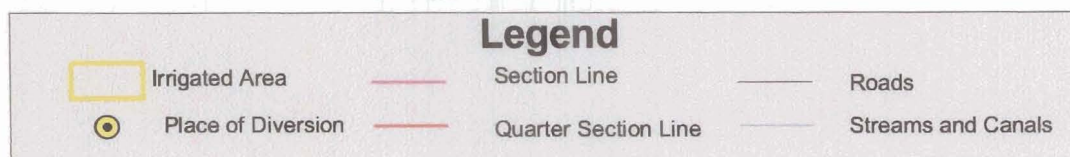
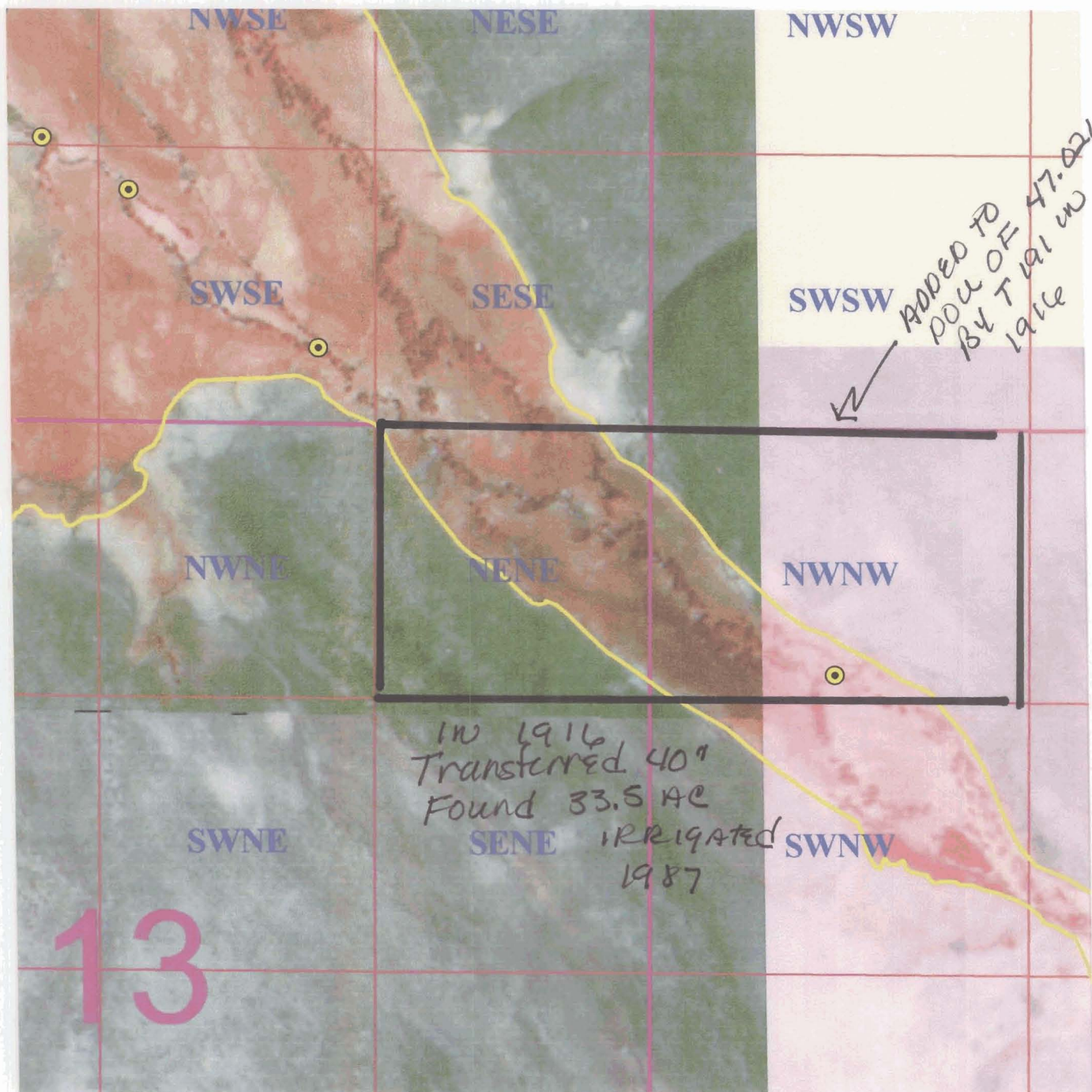
Water Right Claim Number 47-11491
Townships , 15S12E, 15S13E

03/27/2001



Water Right Claim Number 47-11491
Townships , 15S12E, 15S13E

03/27/2001



Accession/Serial #: 533004 **BLM Serial #:** IDH 0017216**Names****Patentee:** JAMES B STEELE**Survey****State:** IDAHO**Acres:** 160**Metes/Bounds:** No**Title Transfer****Issue Date:** 6/10/1916**Land Office:** Hailey**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** No**Authority:** May 20, 1862: Homestead EntryOriginal (12 Stat. 392)**Document Numbers****Document Nr.:** 017216**Misc. Doc. Nr.:** 0**Accession/Serial Nr.:** 533004**BLM Serial Nr.:** IDH 0017216

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
E½SW	18/	15-S	13-E	No	Boise	ID	Twin Falls	
W½SE	18/	15-S	13-E	No	Boise	ID	Twin Falls	

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 47-26A

WATER RIGHT NUMBER: 47-26A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES B STEELE 6250 E IONA RD IDAHO FALLS, ID 83401 (208)522-8095

Priority Date: 05/01/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HOUSE CREEK	CEDAR CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	/ to /		
IRRIGATION	/ to /	1.040 CFS	
	<u>Total Diversion:</u>	1.040 CFS	

Location of Point(s) of Diversion

HOUSE CREEK	NW1/4SE1/4	Sec. 18, Twp 15S, Rge 13E, B.M.
TWIN FALLS County		
HOUSE CREEK	SE1/4NW1/4	Sec. 18, Twp 15S, Rge 13E, B.M.
TWIN FALLS County		

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	
15S	12E	13	X																
15S	13E	18			X			X							X		X		

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

- General P. D. GIVEN IN TRANSFER #191.

*See file 47-11491
FOR Additional
info RE: T 191*

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 47-26B

WATER RIGHT NUMBER: 47-26B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES B STEELE 6250 E IONA RD IDAHO FALLS, ID 83401 (208)522-8095

Priority Date: 05/01/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HOUSE CREEK	CEDAR CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	0.800 CFS	
STOCKWATER	/ to /		
<u>Total Diversion:</u>		0.800 CFS	

Location of Point(s) of Diversion

HOUSE CREEK	NW1/4SE1/4	Sec. 18, Twp 15S, Rge 13E, B.M.
TWIN FALLS County		
HOUSE CREEK	SE1/4NW1/4	Sec. 18, Twp 15S, Rge 13E, B.M.
TWIN FALLS County		

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	
15S	12E	13	X																
15S	13E	18					X			X				X		X	X		
							L 1												

DOMESTIC same as IRRIGATION
STOCKWATER same as IRRIGATION

Conditions of Approval:Remarks:

1. General TRANS. 191

MARLIN J. SWEeley

EVERETT M. SWEeley

SWEeley & SWEeley

ATTORNEYS AT LAW

TWIN FALLS, IDAHO

Twin Falls, Idaho,
July 20, 1916.

Mr. J. H. Smith,
State Engineer,
Boise, Idaho.

Dear Sir:

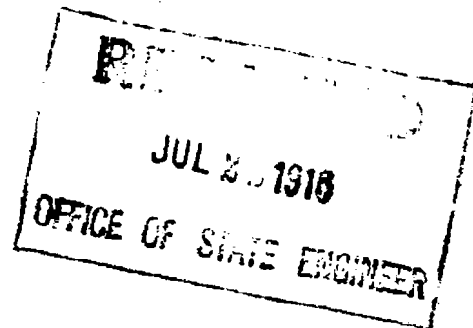
In reapplication of James B. Steel for transfer of water right, we enclose check for Two Dollars to cover certified copies as by you furnished and thank you for the same.

We were somewhat at a loss to figure out how the change could be made in view of the fact that Steel does not own certain lands to which water was decreed which seems to be a condition precedent to the change under Section 3264 of the Laws of 1915 and we note that the application for transfer and the affidavit in connection therewith are silent on this point. As a matter of fact a portion of the land from which it is sought to transfer the water, is held under homestead entry by a client of ours who has been using the water on that land until recently stopped by the injunction predicated upon the certificate alleged to have issued from your office on June 28th.

Yours truly,

SWEeley & SWEeley

By EMS.



Application for Transfer of Water Right

STATE OF IDAHO,

County of Twin Falls

} ss.

James B. Steele

, being first duly sworn, deposes and says:

That his name is James B. Steele; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Twin Falls, Idaho.

That he is the owner and using a certain water right of 92 inches of the waters of House Creek and tributaries

County of Twin Falls, State of Idaho, decreed to James B. Steele

by decree of Judge C. O. Stockslager, of the

Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls

, in the case of James B. Steele, et al.

vs. Cedar Canal Company, et al., said decree bearing date of January 3, 1914.

~~(as obtained by writ of Habeas Corpus)~~ issued by the State Engineer of the State of Idaho dated

), for the purpose of irrigating the following described lands situate, lying and being in the County of Twin Falls and

State of Idaho, to-wit: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18,

T. 15 S., R. 13 E. B. M. and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, T. 15 S., R. 12 E. B. M.

and is the person ~~(or the representative of the corporation)~~ to whom such right so issued, ~~or has become the owner thereof in the following manner, to-wit:~~

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream at

NW $\frac{1}{4}$ SE $\frac{1}{4}$ of SE $\frac{1}{4}$ NW $\frac{1}{4}$
See 18-15-13 E. B. M.

and conducted to the above described lands through ditches (Land described) as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 40 inches of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Twin Falls and State of Idaho,

to-wit: NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 18, T. 15 S., R. 13 E. B. M.

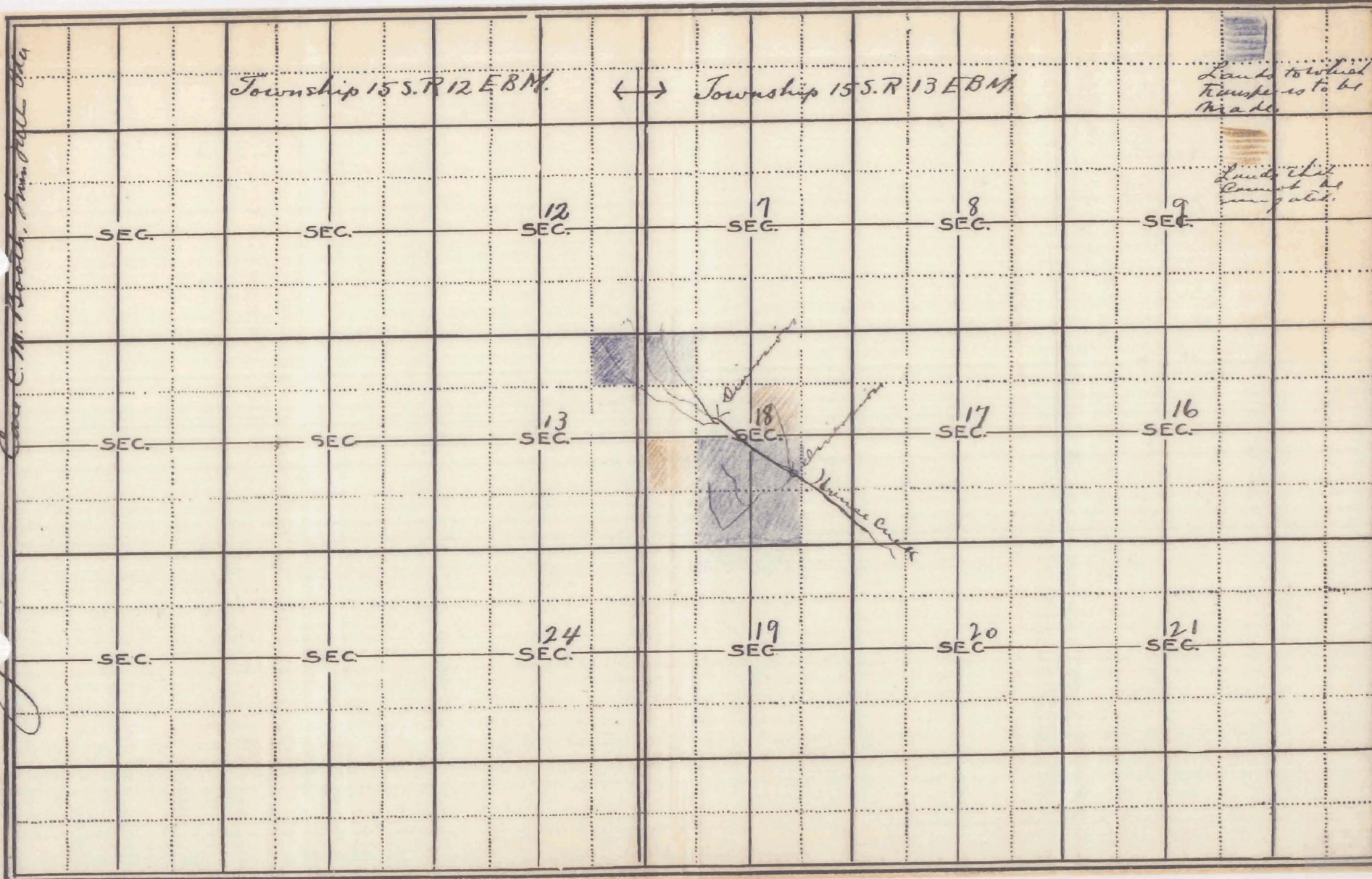
and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T. 15 S., R. 12 E. B. M.

That his reasons for desiring to make such transfer are as follows: Water was erroneously decreed to wrong land description, by reason of survey not being definitely known at time of decree. Water can only be used for irrigation purposes on the lands last described.

Name of Applicant

James B. Steele, Jr. Falls Ida

Carroll Co. Idaho, from Fall 1894



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

Printed and for sale by the Statesman Shop, Boise, Idaho.

That he intends to divert and convey said ⁴⁰~~20~~ inches of water to the tract of land last above described in the following manner, to-wit: ditches

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Commissioner of the Division, in accordance with the provisions of Section 11, House Bill No. 146, of the Laws of the Seventh Session of the Legislature of the State of Idaho.

Subscribed and sworn to before me this
A. D. 1916

James B. Steele
day of April
Chas. L. Roth
Notary Public

STATE OF IDAHO,

County of Twin Falls

} ss.

Ara Brackett and J. M. Bratten
being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Rossum Ida
that he is a user of water from Cedar Creek & its tributaries, County of Twin Falls,
State of Idaho; that he has read or heard read the foregoing affidavit and petition of James B. Steele
and is familiar with its allegations, and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this
A. D. 1916.

Ara Brackett
J. M. Bratten
day of April
Chas. L. Roth
Notary Public

STATE OF IDAHO,

County of.....

SS.

No Watermaster

I,, Watermaster of
County of, State of Idaho, whose postoffice address is.....
....., have read or heard read the foregoing affidavit and petition of
....., and, of my own knowledge, believe the same to be
true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;
and I hereby endorse my approval of said petition, and request that the State Engineer issue the certificate of
transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the
following reasons:.....
.....
.....
.....

Watermaster.

Notice having been duly published for thirty days of the intention of the above named.....
James B. Steele to apply to the State Engineer of the State of Idaho for a certificate
authorizing the transfer of water as set forth in this affidavit and petition herein, and an opportunity having
been given to any and all persons opposing said transfer to present their objections in a public hearing before
me at *Twin Falls Idaho*, on *June 5 1916* according to
the terms of said notice;

And it not appearing at said hearing that anyone would be materially injured by such transfer:

I hereby recommend that the said State Engineer of the State of Idaho issue his certificate to said appli-
cant, authorizing the transfer as prayed for in his petition; or ~~(and it appearing at said hearing that the fol-
lowing injuries would be sustained by others if such transfer is permitted)~~

I am acquainted personally with the conditions surrounding the proposed transfer and know that no person will be injured by such transfer, and that such transfer is in the interests of economic use of water

I hereby recommend that the State Engineer do not issue the certificate authorizing the transfer sought
hereinabove.

Commissioner of Water Division No.....

Notary Public
By *before whom hearing was had.*

File 47-C

47-0026

S T A T E O F I D A H O .

OFFICE OF STATE ENGINEER.

CERTIFICATE NO. 191, AUTHORIZING THE TRANSFER OF WATER RIGHT
WATER DISTRICT No. 48.

.....

Permission is hereby granted James B. Steele, of Twin Falls, County of Twin Falls, State of Idaho to transfer the use of forty (40) inches of the waters of the waters of House Creek, and tributaries, in Water District No. 48, County of Twin Falls, State of Idaho, from the lands for which it was originally decreed, i.e., the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 18, T. 15 S., R. 13 E., B.M., and the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 13, T. 15 S., R. 12 E., B.M. to the following described lands, to-wit:- NW $\frac{1}{4}$ of NW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 18, T. 15 S., R. 13 E., B.M., and the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 13, T. 15 S., R. 12 E.B.M., said water to be diverted in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 18, T. 15 S., R. 13 E.B.M.

The water right appurtenant to the above described lands was adjudged by decree dated January 3, 1914, of C. O. Stockalager, Judge of the District Court of the Fourth Judicial District of the State of Idaho, in and for the county of Twin Falls, in the case of James B. Steele, et al, plaintiffs, vs. Cedar Canal Company, et al., defendants, in the following words, to-wit:

"IT is further, ORDERED, ADJUDGED AND DECREED, that the Plaintiffs James B. Steele, have and enjoy the right to use one and forty-two fiftieths cubic feet per second of time of the flow of the waters of House Creek and its tributaries, *****"

and the priority of appropriation to date from the first day of May, 1897".

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 12th day of July, A.D. 1916.

J. H. SMITH,

State Engineer.

By Fred A. Wilkie.....Deputy.

(SEAL)

The N.W. of N.W.; S.W. of the N.W.; S.E. of the N.W.; of Section 13, Township 14 South, Range 13 E.B.M.; the N.E. of the N.E.; the N.E. of the S.E.; the S.E. of the S.E.; the S.W. of the S.E.; and the S.E. of the S.W. of Section 14, Township 14 South, Range 13 E.B.M.; comprising three hundred and twenty acres of land, and for stock and domestic purposes, and the priority of the said appropriation date from the first day of May, 1894.

✓ 47 0026
Trans
191

2. It is further ORDERED, ADJUDGED AND DECREED that the plaintiff James B. Steele have and enjoy the right to use one and forty-two fiftieths cubic feet per second of time of the flow of the waters of House Creek and its tributaries for the irrigation of the certain tracts of land situated in Twin Falls County, State of Idaho, and described as follows, to-wit:

The N.W. of the N.W.; the S.W. of the N.E.; the N.W. of the S.E.; S.W. of the S.E.; and the N.W. of the S.W. of Section 18, Township 15 South, of Range 13 East of the Boise Meridian; and, also the N.E. of the N.E. of Section 13, Township 15 South of Range 12 East of the Boise Meridian, and for stock and domestic purposes, and the priority of appropriation to date from the first day of May, 1897.

47- 0084
34 cfs
42"

That said James B. Steele have and enjoy the right to use for stock and domestic purposes, and for the irrigation of the certain tract of land situated in Twin Falls County, State of Idaho, and described as follows, to-wit: The S.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ and the S.E. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Section 23, Township 15 South, Range 12 East of the Boise Meridian, and that priority of the said last mentioned appropriation date from the first day of May, 1904, in and to the amount of forty-two fiftieths cubic feet per second of time of the flow of the waters of a certain springs situated on Little House Creek, tributary of said House Creek.

47 0027
1.8 cfs
90

3. That the plaintiff W. A. Fausett have the right to use and enjoy one and forty-fiftieths cubic feet per second of time of the flow of the waters of said ^{Little House Cr} ~~Cedar Creek~~ for stock and domestic purposes, and for the irrigation of a certain tract of land situated in Twin Falls County, State of Idaho, and described as follows, to-wit: The East half of the Southwest quarter, and the Southeast quarter of the Northwest quarter and the Southeast ^{west} quarter of the Northeast quarter of a

see correction
order dated
1-18-1917

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGH NO.
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	Steele, James B.	1.84		
191	Steele, James B.	0.80	1.04	47-0026A

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