

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: **A47-11491**
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: SEP 1, 1915
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	3.500		

7. Total Quantity Appropriated is:
3.500 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:
THE PRIORITY IS BASED ON PERMIT #6402 WHICH WAS NEVER BEEN
PROVED UP ON BUT THIS WATER HAS ALWAYS BEEN DIVERTED AS
HIGH WATER AND USED ALONG WITH THE DECREES.

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 REFLECT ACTUAL PLACE OF USE.

15. Basis of Claim: BENEFICIAL USE

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
Title 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 20

Douglas Fox
Notary Public

Seal

Residing at Buhl Id
My Commission Expires 3/8/2001

COPY

RECEIVED

DEC 28 1999

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
P.O. Box 1200
Boise, ID 83726

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.)

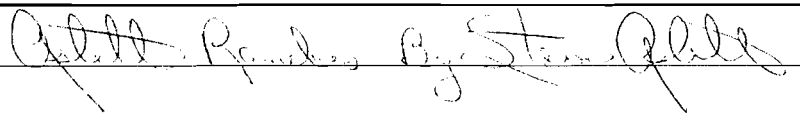
OR

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) 

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.

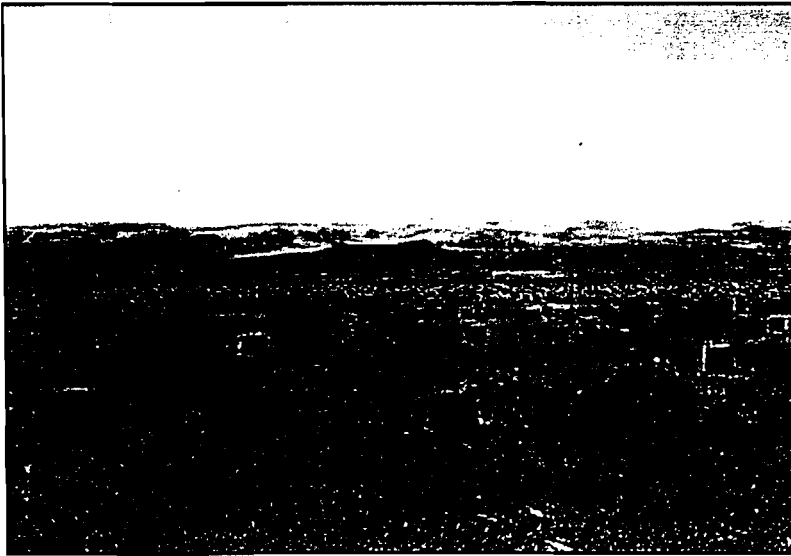
ACREAGE

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.

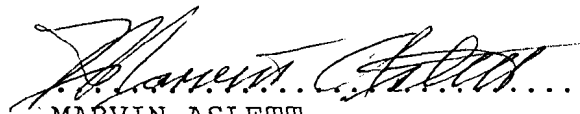
a. The surviving partners may elect to carry on the partnership business and to purchase the decedent's entire interest in the partnership. The value of the interest to be purchased will be agreed upon between the surviving partners and the personal representative of the

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

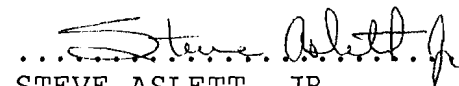
Dated December 22, 1999.


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

NY

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

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

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

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

Section 25: E $\frac{1}{4}$ 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

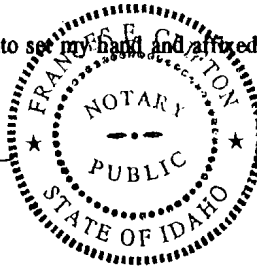
* * * * *

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



6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A47-11491 &
A47-14320 & A47-14328

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

March 13, 1995 2:16pm

NAME:
GEORGE SWAN

CAMEIN

RE:
PROOF

HE ASKED ABOUT STOCK USE CLAIM **A47-14320** FOR PROOF... TURNS OUT TO BE AN INSTREAM RIGHT WHICH IS NOT REQUIRED TO OFFER PROOF OF PRIORITY. FOUND THE SAME TO BE TRUE WITH THE CLAIM **A47-14328**, OR IT IS A SMALL D/S USE BELOW 13,000 GPD.

THE CLAIM A47-11491 IS FOR HIGH WATER AND CLAIMS A PRIORITY DATE AFTER THE DECREE DATE OF THE SAME SOURCES. LETTERS COPIED FROM HIS FILE INDICATE THE RIGHT WAS DEVELOPED IN 1915 AS CLAIMED. ACTUAL PROOF MAY HAVE BEEN DESTROYED... LETTERS REFER TO THEM AS THE SOURCE OF THE INFO IN THE LETTERS. FURTHER RESEARCH NEEDED ON THE FILING MADE W/ THE DEPT. IN 1915 FOR THIS RIGHT.

NOV 28 1996

ANDERSON, KAUFMAN AND ANDERSON
LAWYERS

EUGENE H. ANDERSON
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. RINGERT

IDAHO BUILDING
BOISE, IDAHO 83701

TELEPHONE 342-4591
POST OFFICE BOX 2773

April 12, 1965

Mr. J. W. Swan
House Creek Ranch
Rogerson, Idaho

Dear Bill:

I have your letter of April 7, 1965, inquiring of your water rights.

The decreed rights from House Creek, for the House Creek Ranch, aggregate 362 miners inches (7.24 cfs). The amounts in priorities in the adjudicated rights, are as follows:

92 inches with a priority of May 1, 1897;
120 inches with a priority of May 1, 1898;
80 inches with a priority of May 1, 1889;
70 inches with a priority of May 1, 1909:

In addition there is a late filing of 175 miners inches (3.5 cfs). This filing was made September 1, 1915, after the date of the decree on House Creek. It is a late right, comparatively. The record in the office of the State Reclamation Engineer shows that the filing was made and that proof was made of completion of the diversion works, but no proof was made of application of the waters to a beneficial use. It is my information, however, that the water was diverted, when available in the creek, and placed to use on the House Creek lands, and although final proofs were never made, the right accrued. Under the Idaho law, if diversion is actually made from the creek and the water used for irrigation, the right accrues at that time, irrespective of the filings. This right of 175 inches runs in the creek only during the high water period in the spring of the year.

May 1, 1893

NOV 28 1996

A47-11491

Mr. J. W. Swan

-2-

April 12, 1965

In your letter you state that apparently the ranch has been using a good deal more water than its decreed rights. This statement is not in accord with my information. It is my information that during the irrigation season, and after the high water run-off, the ranch only used its adjudicated rights to the extent that such rights were flowing in the creek. These rights were adequate.

I have my office file on the House Creek water rights. Much of the information in the file refers to the abstracts of title, which were taken by John P. Hawes many years ago in negotiations with a loan with Travelers Insurance Company, and were never returned. I believe the abstracts of title were lost or destroyed. Travelers Insurance Company denies having them.

However, my file contains considerable information, and for your better understanding I am enclosing herewith copy of the Decree on House Creek and Cedar Creek, copy of Memorandum from my file, and copy of my letter of February 20, 1957, to John P. Hawes.

From the content of your letter, I would say you already have a copy of my letter to John P. Hawes of February 20, 1957.

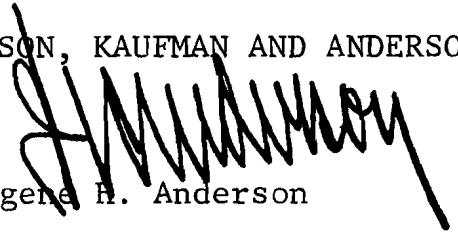
In your letter to me you ask whether you would be able to obtain additional water through past adverse use. I do not believe there has been any such past adverse use as would serve as a basis for acquiring any additional right.

If you should need to develop additional water for the ranch, in my opinion, the only practical way of doing it, would be through wells.

Yours very truly,

ANDERSON, KAUFMAN AND ANDERSON

By


Eugene H. Anderson

EHA:b
Enclosures

NOV 28 1996

February 20, 1957

Mr. John P. Hawes
356 Buchanan Street
Twin Falls, Idaho

Dear John:

I have made investigation of your water rights on the House Creek ranch as you requested. My information is from the water decrees in the case of Brackett, et al vs Cedar Creek Canal Co., et al, dated January 7, 1914, and also from opinion of title written by Darwin W. Thomas for Roland on April 6, 1945. The opinion of title contains a resume of water rights on the House Creek ranch as follows:

"By decree of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, wherein Ira Brackett, et al, are plaintiffs and The Cedar Canal Company, et al, are defendants, dated January 3, 1914, recorded January 7, 1914, in Book 3 of Judgments at pages 134 and 148 of the records of the County Recorder of Twin Falls County, Idaho, certain water rights in House Creek and its tributaries, made appurtenance to designated lands with definite priority dates, were decreed as follows:

NAME	AMOUNT	LANDS	PRIORITY	ABSTRACT NUMBER	PAGE
VINEYARD LAND AND STOCK COM- PANY	1 3/5 cu. ft.	80 acres in NW 1/4 SW 1/4, NW 1/4, Sec. 12; S 1/4 SW 1/4, Sec. 1, all in Twp. 15S, R12E. B.M.	5-1-1889	12375	8
VINEYARD LAND AND STOCK COM- PANY	1 2/5 cu. ft.	70 acres of same land	5-1-1909	12375	8
LEWIS STEELE	2 20/50 cu. ft.	S 1/4 SE 1/4, NW 1/4 SE 1/4, SW 1/4, Sec. 12, Twp. 15S., R12E. B.M.	5-1-1898	12375	4
JAMES B. STEELE	1 42/50 cu. ft.	NW 1/4 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SE 1/4, SW 1/4 SE 1/4, NW 1/4 SW 1/4, Sec. 16, Twp. 15S, R 13 E. B.M. and NW 1/4 NE 1/4, Sec. 13, Twp. 15 S, R12E. B.M.	5-1-1897	5641 4124 6402	2 2 1

SCANNED
JUN 29 2008

NOV 28 1996

February 20, 1957

By certificate of the State Engineer authorizing a transfer, Abstract No. 5641, examiner's page 2, Abstract No. 4124, examiner's page 3, and Abstract No. 6402, examiner's page 1, 40 inches of the water right of James B. Steele was transferred to the:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 18, Twp. 15 South, Range 13 E. B. M. and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Twp. 15 South, Range 12 E. B. M.

By a filing with the State Engineer, Permit No. 11645, dated October 5, 1912, and recorded in Book 4 of Miscellaneous at page 586, the State of Idaho authorized the diversion of certain waters of House Creek and its tributaries and an unnamed spring with point of diversion from the spring on the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, Twp. 15 S., Range 13, E.B.M. for use upon designated lands, with a definite priority date as follows:

LEE H. PRUITT	3.5 cu.ft.	SW $\frac{1}{4}$ NW $\frac{1}{4}$ and Lot 2, Sec. 18, Twp. 15 S., R. 13 E.B.M. and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, Twp. 15 S., R. 12 E.B.M.	9-1-1915	6402	2
------------------	---------------	--	----------	------	---

Other water rights, if any exist, which are pertinent to any of the lands herein described, are not shown in the abstract. Any such rights and the status thereof should be ascertained from other sources."

Other decreed water rights on House Creek are as follows:

NAME	AMOUNT	PRIORITY	LANDS
Mauricio Guerry	42 inches	5-1-04	SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 15 S., R. 12 E.B.M., Springs on Little House Creek (This right decreed to James B. Steele who sold the lands to Guerry)
S. C. Dunn	60 inches	5-1-09	M. E. Brooks homestead and desert entry (This right decreed to M. E. Brooks who sold the lands to S. C. Dunn)
S. C. Dunn	100 inches	5-1-93	Harry Stewart homestead (This right decreed to the Owyhee Land and Sheep Company, who sold the lands to S. C. Dunn)

SCANNED

JUN 7 2003

NOV 28 1996

February 20, 1957

The Owyhee Land and Sheep Co.	45 inches	5-1-93	John McRae homestead, Twp. 14 S., R. 13 E.B.M.
W. A. Fausett	92 inches	5/1/04	E $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, T. 15 S., R. 12 E.B.M.
Fred Healsle	110 inches	5-1-05	SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 3, Sec. 31, T. 14 S., R. 13 E., B.M.

Licenses issued by commissioner for use of waters of House Creek:

NAME	AMOUNT	PRIORITY	LANDS
John M. Bratten	160 inches	3-29-05	Lots 1, 2, Sec. 1, T. 15 S., R. 12 E.B.M.
Peter B. Davis	90 inches	12-26-05	NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 38, T. 14 S., R. 13 E.B.M.
Manuel E. Brooks	46 inches	4-4-12	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 15 S., R. 12 E.B.M.; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 15 S., R. 13 E.B.M.

By the Brackett decree, J. F. Clark was decreed 120 inches from Cedar Creek and its tributaries with a priority date of 5-1-1900 for use upon the west half of the southwest quarter of Section 13 and the northwest quarter of the northeast quarter of Section 23, Township 14 South, Range 13 East, B. M. I note that on the map these lands are now the center of Cedar Creek reservoir and this might well be the water right which J. F. Clark transferred to other lands. I have no way of knowing at the present time other water rights belonging to J. F. Clark, or for that matter whether the water right mentioned is still owned by J. F. Clark.

If you have further questions concerning this matter, please let me know.

Yours very truly,

ANDERSON, KAUFMAN AND ANDERSON

By

Richard Anderson

A fa

SCANNED

JUN 25 2008

NOV 28 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-11491
SWAN LAND & LIVESTOCK COMPANY
HOUSE CREEK RANCH
ROGERSON ID 83302

RE: Evidence of Priority

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

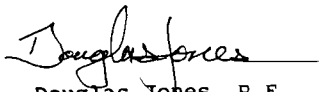
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Enc.

NOV 28 1996

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: A47-11491

Date Received: 1/11/89

Receipt No: 5005870

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: SEP 01, 1915

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	3.500		

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

A47-11491

Page 1

Date: 11/10/88

MICROFILMED
MAR 12 1993

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:
THE PRIORITY IS BASED ON PERMIT #6402 WHICH WAS NEVER BEEN
PROVED UP ON BUT THIS WATER HAS ALWAYS BEEN DIVERTED AS
HIGH WATER AND USED ALONG WITH THE DECREES.

15. Basis of Claim: BENEFICIAL USE

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

PRES. 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

Seal

[Signature]
Notary Public

Residing at Iron 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: 47-11491

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

SOURCE: HOUSE CREEK
LITTLE HOUSE CREEK
UNNAMED STREAM

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

QUANTITY: 0.630 CFS

PRIORITY DATE: 12/31/1950

POINT OF DIVERSION:

T15S R12E S11 SWNESE Within TWIN FALLS County
T15S R12E S12 NWSWE Within TWIN FALLS County
T15S R12E S12 SESWE Within TWIN FALLS County
T15S R12E S13 NENENW Within TWIN FALLS County
T15S R13E S18 SWNNWN Lot 1 Within TWIN FALLS County
T15S R13E S18 SWSNW Within TWIN FALLS County
T15S R13E S18 SWSNW Within TWIN FALLS County
T15S R13E S18 NNNWSE 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:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.630 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

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.

This right is limited to the irrigation of 31.4 acres within the place of use described above in a single irrigation season.

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.

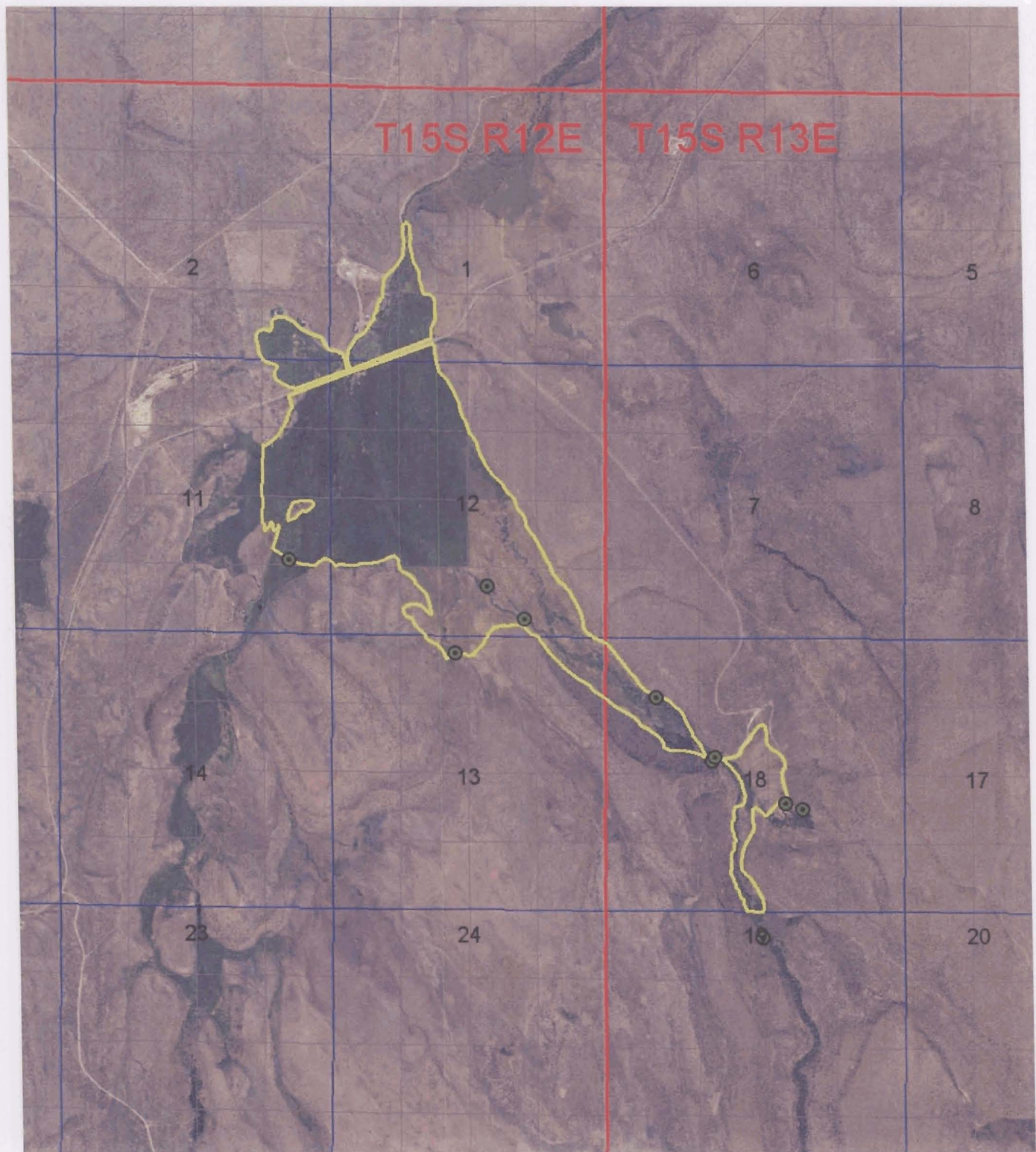
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Claim Number: 47-11491



LEGEND

-  POU
-  POD
-  Township Boundaries
-  Sections
-  GCDB

2640 0 2640 Feet



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 2004 NAIP
DATA ENTRY: 12/06/2006
TARA D BAKER

System 1	47-32	23.4 ac	1.20 cb
	- 38	90 ac	2.00 cb

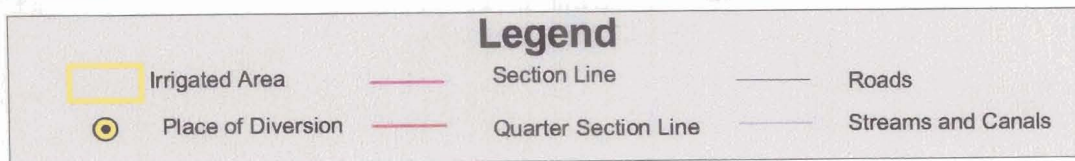
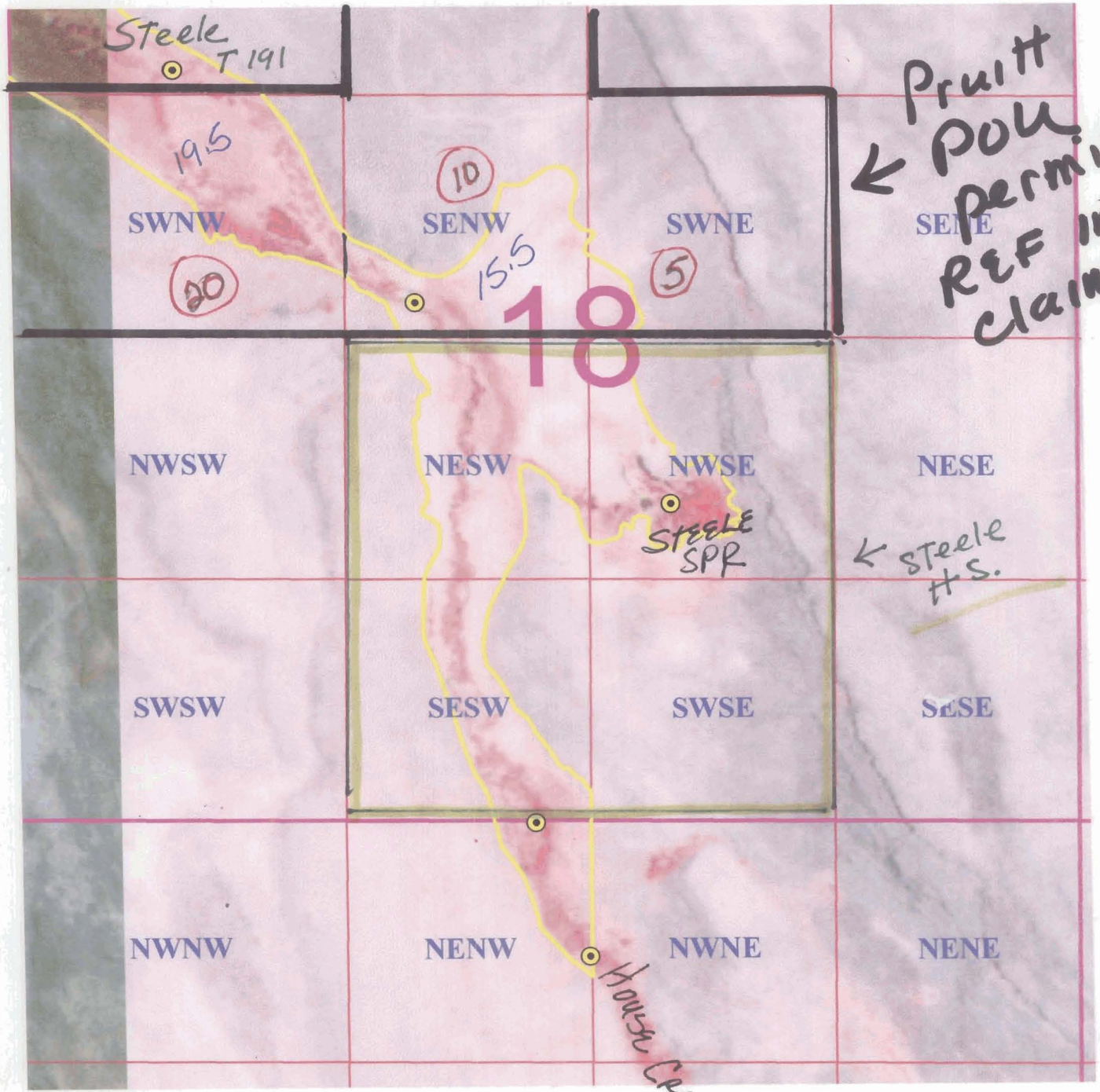
System 2	47-26	$\left(\begin{array}{l} \text{found A} = 35 \text{ ac} \\ \text{B} = 28 \text{ ac} \end{array} \right)$	total	Rate
	- 30		63 ac	1.84
	- 40		124.5 ac	2.40 cb
	- 41		80 ac	1.60 cb
	- 41		70 ac	1.40 cb
	- 11491		<u>31.4 ac</u>	<u>1.63 cb</u>
		subtot	<u>368.9 ac</u>	<u>7.87 cb</u>
	17417	*	<u>259.3</u>	<u>* 5.19 cb</u>
	total		<u><u>628.2 ac</u></u>	<u><u>13.06 cb</u></u>

found P/u = 628.2 ac

$- \frac{368.9 \text{ ac}}{* 259.3 \text{ ac} * .02 = * \underline{\underline{5.19 \text{ cb}}}}$

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

03/27/2001



600 0 600 1200 Feet

ACRES IN PROFF SUBMITTED 1917
ACRES IRRIGATED 1987 PER GIS

35 AC

SPATIAL DYNAMICS

Photo Submitted by Steve Aslett

1957 Photo



Steele Springs



19	20
18	17

18	17
----	----

PHOTO
SUBMITTED
BY
CLAIMANT

155 13E

MEMO TO FILE

From: Vikie Hancock
Re: To File
Claim No: 47-11491

11/6/04

The above SRBA beneficial use claim was filed for 3.5 cfs based on permit 11645 filed September 18, 1915, and renumbered 47-2104. This permit was cancelled in 1971 for lack of proof, due in 1918.

History

Research into IDWR records finds extensive information about this permit and it's subsequent cancellation. (See file) Based on these records is the following chronology:

James Steel settled along House Creek in Section 18 T15S, R13E. In 1914 he filed a claim in the Ira Brackett v Cedar Canal Company lawsuit and was awarded decree 47-026 for 92" from House Creek and tributaries on certain tracts of un-surveyed land.

When the area was later surveyed, Steele found that he had developed land that was not included in his 160 acre Homestead entry [see 1916 Certificate in file 47-026]. In a 1917 letter it is suggested that part of the 92 inches decreed under 47-026 was, at the time, actually appurtenant to these excess lands downstream of his homestead. Steele approached his hired man, Lee H. Pruitt, and convinced him to file on these lands, as they were already being irrigated, but not privately owned or technically covered under any water right.

Pruitt filed on four quarter/quarter tracts totaling 175 acres along House Creek that included the lands purportedly developed by Steele. Pruitt's homestead certificate was issued in 1921. In 1915 Pruitt filed permit 11645 (47-2104) for 2.5 cfs from House Creek and 1.0 cfs from a spring [Steele Spring], for the irrigation of his entire 175 acres. In 1917 he filed proof of completion of works stating that 35 of the acres listed on his permit were currently being irrigated.

In 1916 Steele filed transfer 191 to move a portion of his 92 inches to the NWNW S18 and NENE S13, and irrigate land along House Creek directly downstream of Pruitt. [Research shows that at one time these two parcels were owned by the railroad. Perhaps Steele purchased them]. Conflict of unknown origin arose between Steele and Pruitt, and as the ditches used by Pruitt passed through Steele property, fights over the water ensued. Steele dammed the ditches and filed a court injunction against Pruitt's use of the water.

An exam done in 1915 found 158 inches of water being diverted from the two sources, all used on 65 acres of land owned by Steele above and below Pruitt due to the obstruction placed in the ditch by Steele.

Proof of beneficial use was never filed by Pruitt on permit 47-2104 and no license was issued. In 1938 Pruitt assigned the permit to Koch, and in 1971 the permit was cancelled by IDWR.

Recommendation

Although SRBA claim 45-11491 claims 3.5 cfs for 175 acres, it includes only 36 acres within the land once owned by Pruitt. 1987 aerial photos show 35 acres of land that would be considered irrigated there. At one inch per acre, 47-11491 could be recommended in the SRBA for .70 cfs with a priority date of 1917 based on the Affidavit of Completion of Works in file.

2/25/05

Review of historical photos from 1950,
1957 and 1977 did not find more than
35 ACRES within the permitted pool of
Pruitt. *WAT*

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

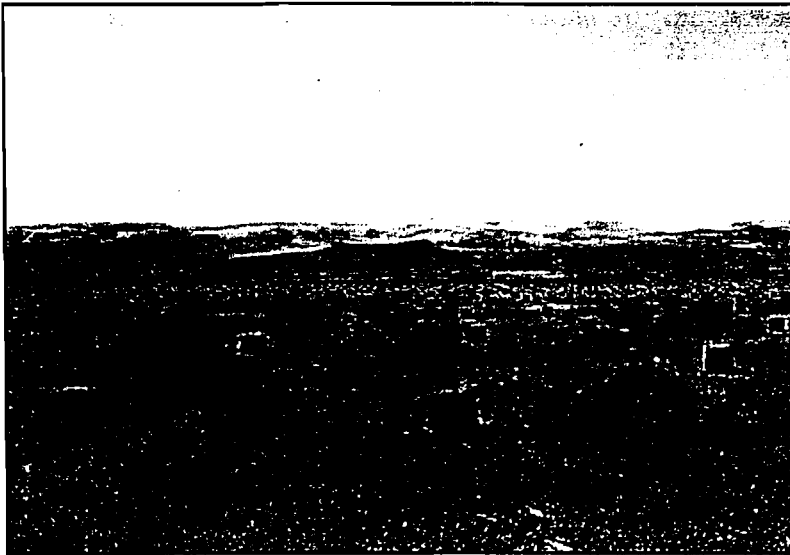
Mike McNeil (208) 543-4129

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.

COPY



Swan Land & Livestock
Controls the water
source

Notes By
IDWR
10/1

WATER

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

OK 92 miners inches 5/1/1897 A47-00026	OK 100 miners inches 5/1/1893 A47-00038
OK 120 miners inches 5/1/98 A47-00030	→ 45 miners inches 5/1/1893 Simplex 47-039 3 in
OK 80 miners inches 5/1/1889 A47-00040	→ 92 miners inches 5/1/1904 GARRA 47-027 2 in
OK 70 miners inches 5/1/1909 A47-00041	→ 110 miners inches 5/1/1905 DEER CREEK 47-033
OK 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.

Deeded 500"

February 20, 1957

By certificate of the State Engineer authorizing a transfer, Abstract No. 5641, examiner's page 2, Abstract No. 4124, examiner's page 3, and Abstract No. 6402, examiner's page 1, 40 inches of the water right of James B. Steele was transferred to the:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 18, Twp. 15 South, Range 13 E. B. M. and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Twp. 15 South, Range 12 E. B. M.

47-025
PRE T171

By a filing with the State Engineer, Permit No. 11645, dated October 5, 1912, and recorded in Book 4 of Miscellaneous at page 586, the State of Idaho authorized the diversion of certain waters of House Creek and its tributaries and an unnamed spring with point of diversion from the spring on the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, Twp. 15 S., Range 13, E.B.M. for use upon designated lands, with a definite priority date as follows:

LEE H. PRUITT	3.5 cu.ft.	E $\frac{1}{2}$ NW $\frac{1}{4}$ and Lot 2, Sec. 18, Twp. 15 S., R. 13 E.B.M. and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, Twp. 15 S., R. 12 E.B.M.	9-1-1915 6402 2
------------------	---------------	---	-----------------

47-2104
conc permit

Other water rights, if any exist, which are pertinent to any of the lands herein described, are not shown in the abstract. Any such rights and the status thereof should be ascertained from other sources."

Other decreed water rights on House Creek are as follows:

NAME	AMOUNT	PRIORITY	LANDS	
Mauricio Guerry 47-084 FROM LITTLE HOUSE CR	42 inches	5-1-04	SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 15 S., R. 12 E.B.M., Springs on Little House Creek (This right decreed to James B. Steele who sold the lands to Guerry)	guerry owns
S. C. Dunn 47-032	60 inches	5-1-09	M. E. Brooks homestead and desert entry (This right decreed to M. E. Brooks who sold the lands to S. C. Dunn)	Aslett owns
S. C. Dunn 47-038	100 inches	5-1-93	Harry Stewart homestead (This right decreed to the Owyhee Land and Sheep Company, who sold the lands to S. C. Dunn)	Aslett

COPY

John P. Hawes

-3-

February 20, 1957

Owyhee Land 45 inches 5-1-93
d Sheep Co. 47-039 From Cedar Creek

John McRae homestead, Twp. 14 S., R. 13 E.B.M. *Simplot owns*

A. Fausott 90 92 inches 5/1/04
7-027 From Little House CR

E1SW1, SW1SW1, SW1NE1, Sec. 14, T. 15 S., R. 12 E.B.M. *Guerry owns*

ed Woolzle 110 inches 5-1-03
7-83 Decreed TO P. DAVIS
Same AS License 47-2004

SW1NE1, SE1SW1, NE1SW1, Lot 3, Sec. 31, T. 14 S., R. 13 E., B.M. *Devine Creek Ranch*

Licenses issued by commissioner for use of waters of House Creek:

NAME	AMOUNT	PRIORITY	LANDS
John M. Bratten 47-2659 SUPERCEDED BY 47-038 IN 1914	160 inches	3-29-05	Lots 1, 2, Sec. 1, T. 15 S., R. 12 E.B.M.
eter B. Davis 47-2004 Superceded by 47-33 IN 1914	90 inches	12-26-05	NE1SW1, NW1SW1, SE1SW1, SW1NE1, Sec. 36, T. 14 S., R. 13 E.B.M.
manuel E. Brooks 47-2067 Superceded by 47-032 IN 1914	46 inches	4-1-12	SE1SW1, SE1SE1, Sec. 1, T. 15 S., R. 12 E.B.M.; SW1SW1, Sec. 6, and NW1SW1, Sec. 7, T. 15 S., R. 13 E.B.M.

By the Brackett decree, J. F. Clark was decreed 120 inches from Cedar Creek and its tributaries with a priority date of 5-1-1900 for use upon the west half of the southwest quarter of Section 13 and the northwest quarter of the northeast quarter of Section 23, Township 14 North, Range 13 East, B. M. I note that on the map these lands are now the center of Cedar Creek reservoir and this might well be the water right which J. F. Clark transferred to other lands. I have no way of knowing at the present time other water rights belonging to J. F. Clark, or for that matter whether the water right mentioned is still owned by J. F. Clark.

If you have further questions concerning this matter, please let me know.

Yours very truly,

ANDERSON, KAUFMAN AND ANDERSON

By

Richard Anderson

Accession/Serial #: 804595 **BLM Serial #:** IDH 0017306**Names****Patentee:** LEE H PRUITT**Survey****State:** IDAHO**Acres:** 174.82**Metes/Bounds:** No**Title Transfer****Issue Date:** 4/27/1921 ✓**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.:** 017306**Misc. Doc. Nr.:** 0**Accession/Serial Nr.:** 804595**BLM Serial Nr.:** IDH 0017306

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
E½NW	18/	15-S	13-E	No	Boise	ID	Twin Falls	
SWNE	18/	15-S	13-E	No	Boise	ID	Twin Falls	
2	18/	15-S	13-E	No	Boise	ID	Twin Falls	

Remarks: LOT 2 OR SWNW QUARTER

Accession/Serial #: 980508 **BLM Serial #:** IDBL 0037961**Names****Patentee:** LEE H PRUITT**Survey****State:** IDAHO**Acres:** 469.75**Metes/Bounds:** No**Title Transfer****Issue Date:** 6/7/1926 ✓**Land Office:** Blackfoot**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** Yes**Authority:** December 29, 1916: Homestead Entry-Stock Raising (39 Stat. 862)**Document Numbers****Document Nr.:** 037961**Misc. Doc. Nr.:** 0**Accession/Serial Nr.:** 980508**BLM Serial Nr.:** IDBL 0037961

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
SENE	13/	15-S	12-E	No	Boise	ID	Twin Falls	
E½SW	7/	15-S	13-E	No	Boise	ID	Twin Falls	
W½SE	7/	15-S	13-E	No	Boise	ID	Twin Falls	
SESE	7/	15-S	13-E	No	Boise	ID	Twin Falls	
N½NE	18/	15-S	13-E	No	Boise	ID	Twin Falls	
SENE	18/	15-S	13-E	No	Boise	ID	Twin Falls	
3	7/	15-S	13-E	No	Boise	ID	Twin Falls	

Remarks: LOT 3 OR NWSW QUARTER

4	7/	15-S	13-E	No	Boise	ID	Twin Falls
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Remarks: LOT 4 OR SWSW QUARTER

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

January 25, 1971 CERTIFIED MAIL.

Re: Permit No. 11645 (New No. 47-2104)

Arthur J. Koch
Rogerson,
Idaho 83302

Dear Mr. Koch:

It appearing to the Department of Water Administration that the terms and conditions of Permit 11645/47-2104 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on September 18, 1918, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before March 6, 1971, why said permit should not be cancelled.

Permit 11645/47-2104 claims the use of 3.5 cubic feet per second of water, the point of diversion was to be located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ & SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T. 15S, R. 13E, B.M. and the permit was approved September 18, 1915.


R. KEITH HIGGINSON
Director

11645/47-2104

May 11, 1943

Re: Permit No. 11645

Messrs. Parry & Thomas
Fidelity National Bank Bldg.
Twin Falls, Idaho

Attention- Mr. Thomas

Gentlemen:

In reply to your letter of May 10th, wish to advise that Permit No. 11645, dated September 13, 1915, was issued to L. H. Pruitt, of Rogerson, Idaho, with priority date of September 13, 1915, for 2.5 second feet of water from House Creek, and one second foot from an unnamed spring located on land belonging to James D. Steals, who had granted permission to Mr. Pruitt to file on same.

Proof of completion of works was made on September 19, 1917, and Certificate of Completion of Works issued on October 8, 1918. Proof of beneficial use was due on or before September 18, 1918, but was not made, and no license has been issued.

The records in this Department show an assignment of this permit from Lee Pruitt to Arthur J. Koch, dated July 16, 1936, and recorded in this Department on the same date.

We are not sure whether you wish a certified copy of the permit only, or also of the Certificate of Completion of Works. Upon receipt of your reply, we shall be glad to comply with your request.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer

By

Chief Clerk

11645

SCANNED

JUN 25 2008

IN THE OFFICE OF THE STATE ENGINEER
STATE OF IDAHO

OFFICE OF THE STATE ENGINEER

Permit No. 11645, L. H.)
Fruitt, Rogerson, Idaho.)

C O N T E S T

Comes now James B. Steele, holder of Permit No. 12586, approved October 14, 1916, and petitions the State Engineer of the State of Idaho to cancel Permit No. 11645, approved September 18, 1915, in the name of L. H. Pruitt, said petition being based upon the following facts, to wit:

1. That said permit holder has not performed one-fifth of the work, or any work, required of him by said Permit No. 11645.
2. That the holder of said Permit No. 11645 has no easement or right of way for the taking out of any ditches to carry the water applied for in said permit to the land described in said permit.
3. That no work of any kind whatsoever has been done in compliance with the conditions and terms of said Permit No. 11645.
4. That this petitioner is the holder of Permit No. 12586, the same being a later permit than the one above named of L. H. Pruitt.

James B. Steele

State of Idaho }
County of Twin Falls } ..ss..

James B. Steele, being first duly sworn, deposes and says: that he has read the foregoing petition and knows

11645

SCANNED

SWEeley & SWEeley
ATTORNEYS AT LAW
TRIN FALLS, IDAHO

RECEIVED
1917
OFFICE OF STATE ENGINEER

November 24. 1917

State Engineer
Boise, Idaho

Dear Sir:

In Re Permit Number 11645.

Attention Fred H. Wilke, Deputy.

Your favor of the 10th enclosing letter from Mr. Pruitt was received, and we note that you suggested that we write you the facts as we know them, and our opinion of the matter. As we understand the matter from the several hearings had and our investigations over the land the situation is about as follows:

Steele, the contestant, a good many years ago, settled upon certain lands on House Creek, which he held under a possessory claim, the lands being at the time unsurveyed. In course of time he cleared and put in a crop of meadow, portions of a number of 40 acre tracts, to which he ran ditches from House Creek and a large spring situated on the hill side above a portion of the land. This district was ultimately surveyed and it became necessary for Steele to definitely locate his holdings which he did, being forced however to abandon a large part of the land he had theretofore claimed; the abandoned part being a material factor in the proof he had offered to the court at the time the waters of House Creek were decreed. At the time Steele made his definite entry Pruitt was working for him and it was suggested by Steele that as he could no longer hold the excess lands that Pruitt had better enter them and so secure himself a homestead, there being plenty of water for both places and the ditches being already constructed.

Pruitt made an entry for 160 acre Homestead lying immediately North and down stream from the Steele holdings. This entry being made in the early spring of 1915. The water from the creek and spring during the irrigation season of 1915 were used upon the land owned by Steele and that owned by Pruitt just as had been the practice heretofore of a sort of rotation system. The ditches already on the land being used for the carrying and distribution of the water, there being no difficulty whatever and there apparently being plenty of water.

11645

VEL
2008

SWEETLEY & SWEETLEY
ATTORNEYS AT LAW
TWIN FALLS, IDAHO

State Engineer--2

In the fall of 1915 Steele informed Pruitt that some other parties were intending to file upon some land in the valley and to appropriate water from the creek and spring and advised Pruitt that he had best make a water filing of his own because of the danger that the decree the estate obtained by Steele might not protect the land Steele had abandoned and which had been entered by Pruitt. In accordance with this suggestion Pruitt made application for permit, Steele giving his written consent to the appropriation of water from the spring, which is upon certain of the land held by Steele, although Steele did not give a right-of-way through the ditches through his land either by a formal instrument or in other writing.

Later that winter some personal difference arose between Steele and Pruitt during the course of which Steele got some what muddled up and the amicable relations between the parties ended, and shortly thereafter Steele made arrangements to sell his land to one Karl Patrick, agreeing to obtain title to the land he held and of the water from the spring mentioned, title to be made and payment therefore whenever Steele obtained his titles to both the land and the water. Steele at the time and thereafter announcing his intention of either running Pruitt out of the country or breaking him. Steele being fairly well to do and Pruitt having nothing except his homestead claim; a fairly husky bod and a willingness to work.

The purchaser Patrick went upon the ranch he had agreed to purchase from Steele in the late winter of 1915 or the early spring of 1916. The relations between Patrick and Pruitt being at all times friendly and fair to each other. An arrangement was made between these two whereby Patrick was to handle the crops on Patrick's land, as well as Steele's land during the crop season of 1916, and to purchase the hay from Pruitt at an agreed price per ton of, we think, \$7.00 in the stack. As we now remember Pruitt sought and obtained employment from other persons in the spring and left the care of the crop as per their agreement. Early in June of 1916 Steele went out to the ranch, found Pruitt was not there but that the water from the spring was being run upon Pruitt's crops and without saying a word to Pruitt or consulting Patrick, dammed up the ditch leading to Pruitt's land and ordered Patrick to let no more water down to Pruitt. Upon Pruitt's return home he found the water shut off, his crops suffering for the lack of water and the water from the spring being then not necessary of the irrigation of the crops on the Steele land running to waste. Patrick informed Pruitt what Steele had done and further informed him if Pruitt would take out the dam in the ditch he would attend to the irrigation of his land, but he did not care to become involved with Steele because of their relations. Pruitt removed the dam

11645

SCANNED
JUN 7 2000

SEE 191
Steele did
S18 NW NW NW
SW NE
NW SE
SW SE
NW SW
S23 SW NE
SE NE
SW SE

SWEETLEY & SWEETLEY

ATTORNEYS AT LAW

TWIN FALLS, IDAHO

State Engineer--}

and Patrick proceeded to irrigate the crops on Pruitt's land. Steele learned of this, caused a warrant to be issued for the arrest of Pruitt for interference of an irrigation ditch and again went out and dammed up the ditch and applied for and obtained an injunction against Pruitt restraining him from the use of the ditch in any way. This was in the latter part of June, 1916. The matter came before Judge Babcock of this district. For the rest of that season of 1916, the water from this spring went either to waste in the creek or was used upon the crops on Steele's land, with the result that so much water was used that portions of the land were injured and no gain in the yield obtained.

In the year 1917, Patrick in turn contracted with one France for the sale of the Steele place; this was in the month of June or July, and France took possession of the place, found more water running from the spring than could be used on the Steele land. Patrick went to Pruitt and told him that it was a shame to have the water run to waste when Pruitt's crops needed it and gave him permission to remove the dam so that the water from the spring could run on Pruitt's land at such times and in such amounts as the proper use of the water on the Steele land would permit, and following this Pruitt did remove the dam and the water was used as France directed, with the entire satisfaction of both parties.

Steele, however, learned of this arrangement and sought to cite Pruitt for contempt of Court; which matter being presented to Judge Babcock, the Judge not only refused to hold Pruitt for contempt, but modified the orders to permit the use of the waters as it was then being used, which was in fact the same way Steele had used it for several years before. The injunction suit has not yet been tried and in the present congestion of our calendar we cannot venture any guess as to when it will be reached.

Since the beginning of the difficulty Steele has brought against Pruitt the following actions:

The criminal action mentioned which was dismissed without trial.

The injunction matter still pending, and the contest in your office also pending.

These several matters would ordinarily mean, in view of Pruitt's financial condition severe financial embarrassment because of the costs, loss of time and attorney's fees. However, this office was convinced at the outset of

11615

SCANN
JUN 7

BERNARD J. SWEeley
SWEeley & SWEeley
ATTORNEYS AT LAW
WINN FALLS, IDAHO

State Engineer--4.

the manifest injustice of the efforts against Pruitt and we have assured him that we will go through with him to the end of his troubles with Steele, and that so far as our payment is concerned that will come when his troubles are ended and as his circumstances will permit.

A month or so ago it was brought to Pruitt's attention that Steele had either obtained or intended to obtain some other land farther down House Creek and was intending to seek permit to divert the waters of the spring above mentioned on to this land. This news disturbed Pruitt because of the litigation it might mean but did not distress us because we did not see how Steele could consistently insist at one time that there was not sufficient water for land he then held and in support of his criminal and injunctive actions, at a later date that there was sufficient both for the land he formerly held and the new land also.

Our opinion is and has been that Pruitt has a double holding on his right to the use of water for his land; first, from the application made during the season 1915; second, under the permit granted by your office. Undoubtedly there are some technical questions in both matters, but it is our understanding that water rights are not determined on technical questions except where such determination is imperative, and that the actual beneficial use of the water in good faith is, as it should be, the determining factor, whether the works have been built in accordance with application for permit or in some totally different manner, so long as the desired result is achieved. We understand that your office is taking the same view in these matters and such seems to be the accepted attitude of the Courts.

Since making his entry Pruitt has built on his place a small house, well-built and sufficient for his needs, has extended and improved his ditch system and cleared up and prepared for crops such further portions of his land as he has been able to. Judging from his experience the last three years, the carving out of a homestead with out capital, and in the face of determined opposition in a country where irrigation is a necessity, lacks some elements of a snap, and he has not at all grown fat in the process.

We can set away almost any time to take a representative of your office to the land and will be glad to do so, leaving here reasonably early in the morning. We can make the trip and have several hours for examination of the place and return the same night. We would

11615

JUN 25

SWEETLEY & SWEETLEY
ATTORNEYS AT LAW
TWIN FALLS, IDAHO

State Engineer--5.

like to have as much notice as you can reasonably give us, of your plans in the premises so that we can avoid any conflict with our work here.

Yours very truly,

SWEETLEY & SWEETLEY,

By E. M. Sweetley

EMS:RB

11645

SCANNED
JUN 23

ROGERSON MERCANTILE CO.
GENERAL MERCHANDISE



ROGERSON, IDAHO

RECEIVED

OCT. 4 1917

OFFICE OF STATE ENGINEER

1917

State Engineer

Boise Ida

Dear Sir

will try to explain this situation
since my matter Permit was granted
& changed my filing so all my
homestead & in section 18. T. 15. S. R. 13. E. B. M.
So all the matters have ever used has
been on this land if you will come
out here and look the matter over think
you will see that I am on the square as
far as I have been permitted to be as
& B Steel has had me engaged now for
over a year but the judge modified the
injunction and allowed me to irrigate my
crop this year so I am putting in more
ground as fast as I can so please come
and see what I am doing

11645

Yours truly

L H Pruitt

SCA
JUN 2

SWEeley & SWEeley
ATTORNEYS AT LAW
TWIN FALLS, IDAHO

Sept. 27th, 1917.

J. W. Smith, State Engineer,
Boise, Idaho.

Dear Sir:-

In Re Permit No. 11645, L.H. Pruitt.

Mr. Pruitt has forwarded to us your letter of the 20th with reference to the above matter. Upon checking the original permit as issued from your office, which is now filed as an exhibit in the matter of Steele vs. Pruitt in the District Court of this District and not available to forward to you until we can get an order permitting us to substitute, we find that the description of lands to which the water was to be applied is as follows:

East Half of the Northwest Quarter and Lot Two of 18-15-13
and

Southeast Quarter of the Northeast Quarter of 13-15-13,
which description does not correspond to that given in your recent letter. Will you please compare again with that in your files and, if there be a variation, we will obtain the original which Mr. Pruitt had and forward the same to you for further comparison.

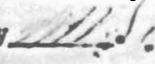
We further find that no mention is made of the land, if any, which Mr. Pruitt has irrigated on the Northeast Quarter of the Northwest Quarter of 18.

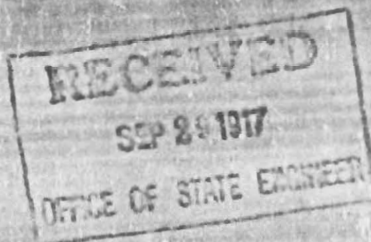
After obtaining his permit Mr. Pruitt amended his homestead filing by substituting the Southwest Quarter of the Northeast Quarter of 18 for the Southeast Quarter of the Northeast Quarter of 13. We have prepared for his signature an affidavit in supplement to the one returned by you, which will, as we understand it, make the matter clear.

Copy of the affidavit as sent to Mr. Pruitt is enclosed.

Yours truly

Sweeley & Sweeley.

By 



11645

SCANNED
JUN 25 2000

IN THE OFFICE OF THE STATE ENGINEER.

BOISE, IDAHO.

JAMES B. STEELE,

Contestant,

vs.

L. H. Pruitt, Contestee.

AFFIDAVIT OF L. H. PRUITT.

STATE OF IDAHO,

County of Twin Falls)

) SS.

L. H. Pruitt, being first duly sworn, deposes and says:

That he is the person named in the above entitled proceeding as the Contestee therein; that on or about the _____ day of _____, he made filing under the laws of the United States upon certain lands situated in Twin Falls County, Idaho, described as follows, to-wit: The South Half Northwest Quarter, The Northeast Quarter Northwest Quarter, and the Southwest Quarter Northeast Quarter of Section Eighteen (18), in Township Fifteen (15), South, Range Thirteen (13), E. B. M., and thereafter and on or about the 18th day of September, 1915, made application to the State Engineer of the State of Idaho for permission to appropriate certain of the waters of the State of Idaho for use upon said lands, which permit was by said State Engineer granted and is Numbered 11645 in his office.

That for a number of years prior to the filing so made by the contestee the contestant, James B. Steele, had held said land embraced in the contestee's said entry and had used the same, and had constructed certain ditches to convey water to and upon the same and distribute water over certain portions of said lands, and upon practically all of said lands susceptible of irrigation. That said lands lie in the valley of House creek and by reason of the confirmation of the ground only certain portions of said lands can be irrigated because of the sharpness of the slope, the rocky and broken character of the soil.

That after the contestee filed upon the said land, and during the irrigation season of 1915, the said contestant and contestee used the waters described in said permit to irrigate said contestee's land in the way the same had been theretofore used by the contestant, and in September of said year, by and with the consent of the contestant as shown upon the application filed for the permit, the contestant gave to contestee permission to file upon, and use, the waters from a certain spring situated upon land owned by the contestant for the purpose of irrigating contestee's land.

That ditches of sufficient capacity and extent already existed upon contestee's land to convey said water to, upon and over the irrigable portions thereof, and that there was required for applying to said land the water so appropriated no further construction or extension, except such as was required to keep said ditches in repair and in condition for use.

That prior to the entry upon such lands by the contestee the contestant had abandoned any claim he may have had upon said lands, and, so far as his own use was concerned, the ditches upon such lands also for conveying water to and distributing water over the said lands of contestee.

That when contestee made his application for permission to appropriate such waters he employed one C. M. Booth, an attorney at Twin Falls, Idaho, to assist him in getting his appropriation in proper form, the said Booth being the same attorney who is the attorney for the contestant herein, and

11645

SCANNED

JUN 24 2008

that said Booth inserted in said application a description of a certain dam which was, and is, unnecessary for the proper diversion of said waters for the reason that, as he so informed this affiant at said time, it would look better to the State Engineer.

That this affiant in the year 1916, proceeded to use said ditches and the water therefrom for the irrigation of his said lands until on or about the 30 day of June, 1916, when he was compelled to cease such application of the water thereto by reason of an injunction procured by the contestant herein, who thereafter appropriated all of the water diverted by said ditches, in an excessive amount and greater than he had either right to or need of, to his own lands.

That upon the lands of the affiant there was, and is, about forty acres of land covered by the ditches thereon on which was planted and, until deprived of water by the act of the contestant as aforesaid, growing crops of timothy and clover, which was the crop upon which this contestee depended for his profit from said land.

~~That the action so started by the said contestant has not been determined but is pending in the District Court of the Fourth Judicial District of the State of Idaho in and for Twin Falls County therein, and that said contestant has made no effort to have the same determined or to obtain an adjudication of the matters therein involved. That by reason of the contestant's delay in said action there has been filed and is pending in said cause a motion for the dismissal of the same, which has not been determined by the said Court.~~

That at all proper times, until stopped by the injunction as aforesaid, affiant made continuous and proper application of the water conveyed by said ditches to the crops on his said land, and thereafter did make proper application of such water except as prevented by the said injunction.

That when affiant is permitted to make use of such water, and where he has been able to make use of such water, his land produces hay in the amount of about two and one half tons per acre.

That after said water permit No. 11645 was obtained affiant changed his filing upon said land to include the said Southwest Quarter of the Northeast quarter of said section and abandoned the Southeast Quarter of the Northeast Quarter of Section 23, Twp. 15, S., R. 12 E. B.M. included in the original filing, and said abandonment made it unnecessary for him to construct a ditch, or ditches leading thereto.

L. H. Pruitt
Subscribed and sworn to before me this 17th day of April, 1917.

Ernest M. Snoddy
Notary Public.

My Public Office at Twin Falls, Idaho,
Commission expires Jan. 8th, 1920.

40 AC
1917

11645

SCANNED

JUN 25 2

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Turn Falls } SS.
L. H. Pruitt

being first duly sworn upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 11645 and that his postoffice address is Rogerson
 State of Idaho

Second: That the name of the stream from which said water is to be diverted is House Creek
and a certain spring on NW 1/4 Sec 18, Tp 15, S. R. 13, E. R. 12.

Third: That the point of diversion of said water is on SE 1/4 NW 1/4 Sec 18, Tp 15, S. R. 13, E. R. 12
and at spring on NW 1/4 Sec 14, Tp 15, S. R. 13, E. R. 12.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by September 15 1917.

Fifth: That the use for which said water is intended is Irrigation

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: diversion dams and ditches. No

construction except improving & cleaning existing ditches & erecting distributing ditches and owned.

II. Dimensions of work:

(a) Height of dam 3 feet, length of dam at top 20 feet, length of dam at bottom 18 feet. Material used in construction earth rock and gravel

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir 2 acre feet.

(c) Size of headgate: Width 2 feet, height 2 feet.

(d) Conduit ditch width at bottom 2000 feet, width at water line 2 1/2 feet, depth of water 2 1/2 feet; diameter of pipe _____ inches;

(State whether ditch, flume or pipe)

average grade per mile is about 2.5 feet. Length of conduit is 1 1/2 miles.

Seventh: That said works are capable of conducting to the place of intended use from the point of diversion, 1/2 mile deep 500 yards long, 2 1/2 ft. ditch, 1 foot on bottom

second feet of water.

Eighth: That water appropriated under said permit is available for 40 acres of land described as follows: SW 1/4 NW 1/4 about 5 acres; SE 1/4 NW 1/4 about 10 acres; SW 1/4 NW 1/4 about 20 acres, all in Sec. 18, Tp 15, S. R. 13, E. R. 12. now in crop & being irrigated. About 20 acres more can be irrigated with the water which can get it in shape.

Ninth: Remarks: That all ditches are used to a greater or less extent by other persons.

L. H. Pruitt
 (Sign here)

Subscribed and sworn to before me this 13th day of September 1917

Everett H. Brooking
 Notary Public.

My commission expires Jan 19, 1920

11645

35 AC
 NO Quant
 1917

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE
OF IDAHO.

James B. Steele,

Contestant,

vs.

Lee H. Pruitt,

Respondent.

AFFIDAVIT OF J. M. BURKETT.

RECEIVED

MAY 15 1917

State of Idaho

ss

County of Twin Falls

J. M. Burkett, being first duly sworn, deposes and says: That he is a licensed ^{surveyor} engineer of the State of Idaho, and that he has particularly devoted his time and attention to irrigation engineering with particular reference to the measurement and application of water.

That on the 24 day of July, 1916, upon the employment of the respondent above named, he went upon Section 18, Township 15 South, of Range 13 E. B. M., in Twin Falls County, Idaho, and measured the water flowing in certain ditches thereon, said ditches leading out of House Creek, and a certain spring situated in the Northwest quarter of the Southeast quarter of said section; the said ditches numbered from 1 to 6 inclusive being roughly and relatively shown by a sketch hereto attached, reference to said sketch being herein made.

That on said day the affiant found that in ditch marked #1 on said sketch there was flowing 7.75 inches; in ditch marked #2 on said sketch there was flowing 10.5 inches; that in ditch marked #3 on said sketch, being the ditch flowing southward from said spring, there was flowing 24 inches; that in ditch marked #4 on said sketch, being the ditch leading Northward

11645

JUN 25 2

from said spring, there was flowing 65 inches; that in ditch marked #5 on said sketch there was flowing 27 inches, and in ditch marked #6 on said sketch there was flowing 24 inches, and that all of said water so flowing in said ditches on said day was being applied to a portion of the land owned by the contestant above named, and that all of the land then in crop to which said water was at said time being applied for the lands of the said Steele was not to exceed the amount of 65 acres.

That the land belonging to the said contestant, as well as of the respondent herein, lies on either side of House Creek and in the valley thereof and that the sides of said valley rise steeply into rocky and rough ground, and that there is not practically available for irrigation upon the East half of the Southwest quarter and the West half of the Southeast quarter of said section much more land than was on said day in cultivation thereon.

W. M. Borchert

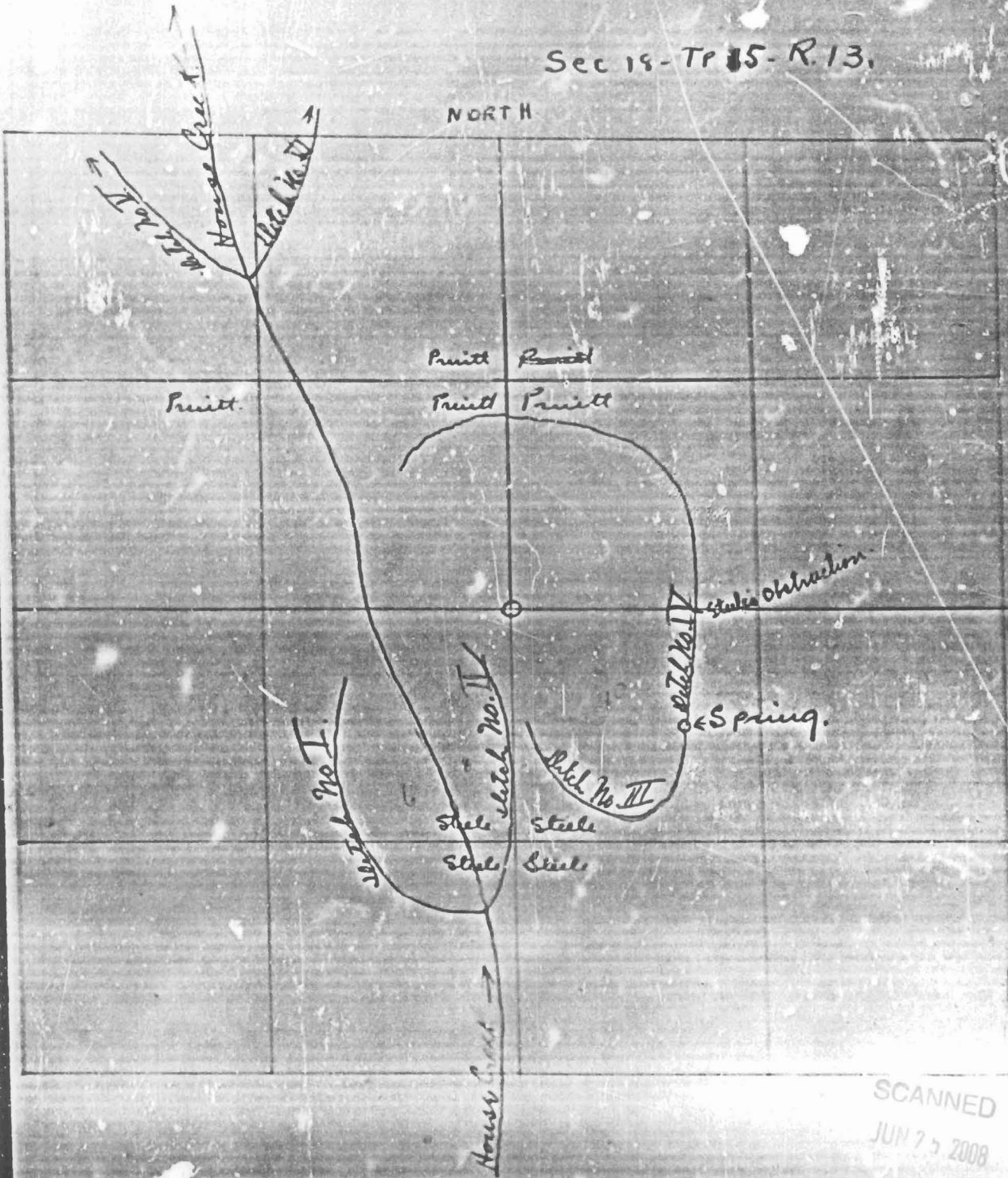
Subscribed and sworn to before me this ____ day of May, 1917.

Notary Public.

65 AC
on Steele
Land
1916

Sec 19 - Tr 35 - R. 13.

NORTH



SCANNED
JUN 25 2008

No. 16840.

47-2104

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

1. Name of applicant: L. H. Pruitt,

Postoffice address: Pomeroy

County: Twin Falls State: Idaho.

1. If applicant is a corporation, give
 a) Date and place of incorporation:
 b) The amount of capital stock:
 c) The amount paid in:
 d) Names and addresses of directors:

Cancelled

11. The financial resources of the applicant are: (a) Cash on hand:
 b) Treasury stock: (c) Bonds to be issued:
 d) Other resources:

2. The quantity of water claimed is 3.5 cubic feet per second.

3. Source of water supply: House Creek and unnamed spring 1 cu. ft. from spring and 2.5 cu. ft. from House Creek.

4. Location of point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16 T. 15 S. R. 13 E. B. M.

County of Twin Falls

5. To be used for: Irrigation and domestic purposes

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: 175 acres.
 (b) In the following legal subdivisions: SE $\frac{1}{4}$ NW $\frac{1}{4}$ and Lot 2 Sec. 16, T. 15 S. R. 13 E. B. M. and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13 T. 15 S. R. 12 E. B. M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

II. P. under ft. head

(c) Is water to be returned to any stream?
 point of return: (d. If so, name stream and locate

6. Estimated cost of works: \$400.00

7. Description of works for diversion:

I. Kind of works: Ditches and dam

II. Dimensions of works:

a) Height of dam 7 feet, length of dam at top 25 feet,
 length of dam at bottom 20 feet. Material used in construction: Earth and rock

b) Capacity of reservoir acres feet. (c) Size of headgate, width 6 feet,

Height 4 feet. (d) Conduit ditch width at bottom 2 feet,

width at water line 2 $\frac{1}{2}$ feet, depth of water 3 feet; diameter of pipeinches; average grade per mile is feet. Length of conduit is 1 $\frac{1}{2}$ miles.and it crosses the following quarter sections: SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ S. 4 Sec. 16 T. 15 S. R. 13 E. B. M. and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13 T. 15 S. R. 12 E. B. M. NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13 T. 15 S. R. 12 E. B. M.

8. The time required for the completion of the construction of such work is 7 years.

9. Time required for the complete application of the water to the proposed use is 1 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate public waters of the State of Idaho as herein set forth.

L. H. Pruitt,

Applicant.

By C. M. Booth,

Agent.

SCANNED
JUN 7 2008

Date of first receipt at office of State En. per 9.00 a.m. September 1, 1915.

Returned to applicant for correction September 3, 1915.

Corrected application received September 15, 1915.

APPROVAL OF STATE ENGINEER

The number of this permit is 11645

Recorded in Book 39 Page 11645 Approved September 18, 1915.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of _____ to be filed on or before _____
Work to begin on or before November 17, 1915 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before September 18, 1916.

The whole of said work to be completed on or before September 18, 1917.

Beneficial use of water appropriated in accordance herewith, to be made on or before September 18, 1918.

Witness my hand this 18th day of September, 1915.

J. H. Smith,
State Engineer.

Remarks:

I, James B. Steele, of Rogerson, Twin Falls County, Idaho, do hereby certify that I am the owner of the land on which the spring mentioned in the application of L. H. Pruitt, is located, to-wit: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T. 15 S. R. 13 E. B. M. and that I do hereby grant unto the said L. H. Pruitt permission to file on the said spring as set forth in the foregoing application.

James B. Steele,

STATE OF IDAHO, }
County of Twin Falls } ss

On this 11th day of September, 1915 before me, a Notary Public in and for said County, personally appeared Jas. B. Steele known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

(SEAL)

C. M. Booth,
Notary Public.

My commission expires January 12, 1916.

Proof C.W. 9-13-1917.

Permit No. 11645

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that L. H. Pruitt of Rogerson, County of Twin Falls, and State of Idaho, the holder of Permit No. 11645, issued upon Application No. 16840, bearing date of priority of September 1, 1915, authorizing the diversion of 3.5 second feet of the waters of House Creek and unnamed spring, County of Twin Falls, State of Idaho, for irrigation, and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the work of diversion set out and described in said Permit; that said works are adequate for diversion and conveying to the place of intended use 3.5 second feet of the waters of House Creek and unnamed spring; that the points of diversion of said waters are as follows:

From House creek on SE $\frac{1}{4}$ NW $\frac{1}{4}$ and from spring on NW $\frac{1}{4}$ Sec. 18, T. 15 S., R. 13 E., B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW $\frac{1}{4}$ and Lot 2, Sec. 18, T. 15 S., R. 13 E., B. M., and SE $\frac{1}{4}$ Sec. 13, T. 15 S., R. 12 E., B. M., containing 175 acres.

Witness my hand this 5th day of October, A. D. 1918.

FRED A. WILKIE

State Engineer of the State of Idaho.

SCANNED

JUN 25 2008

ASSIGNMENT

For value received, I hereby assign all my right, title and interest in and to permit to appropriate the public waters of the State of Idaho No. 11645 to ARTHUR J. KOCH.

LEE PRUITT
Assignor

STATE OF IDAHO)
County of Ada) ss.

On this 16th day of July, 1938, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared Lee Pruitt, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that he executed the same

In witness whereof, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate above written.

MILDRED C. HALLEY
Notary Public

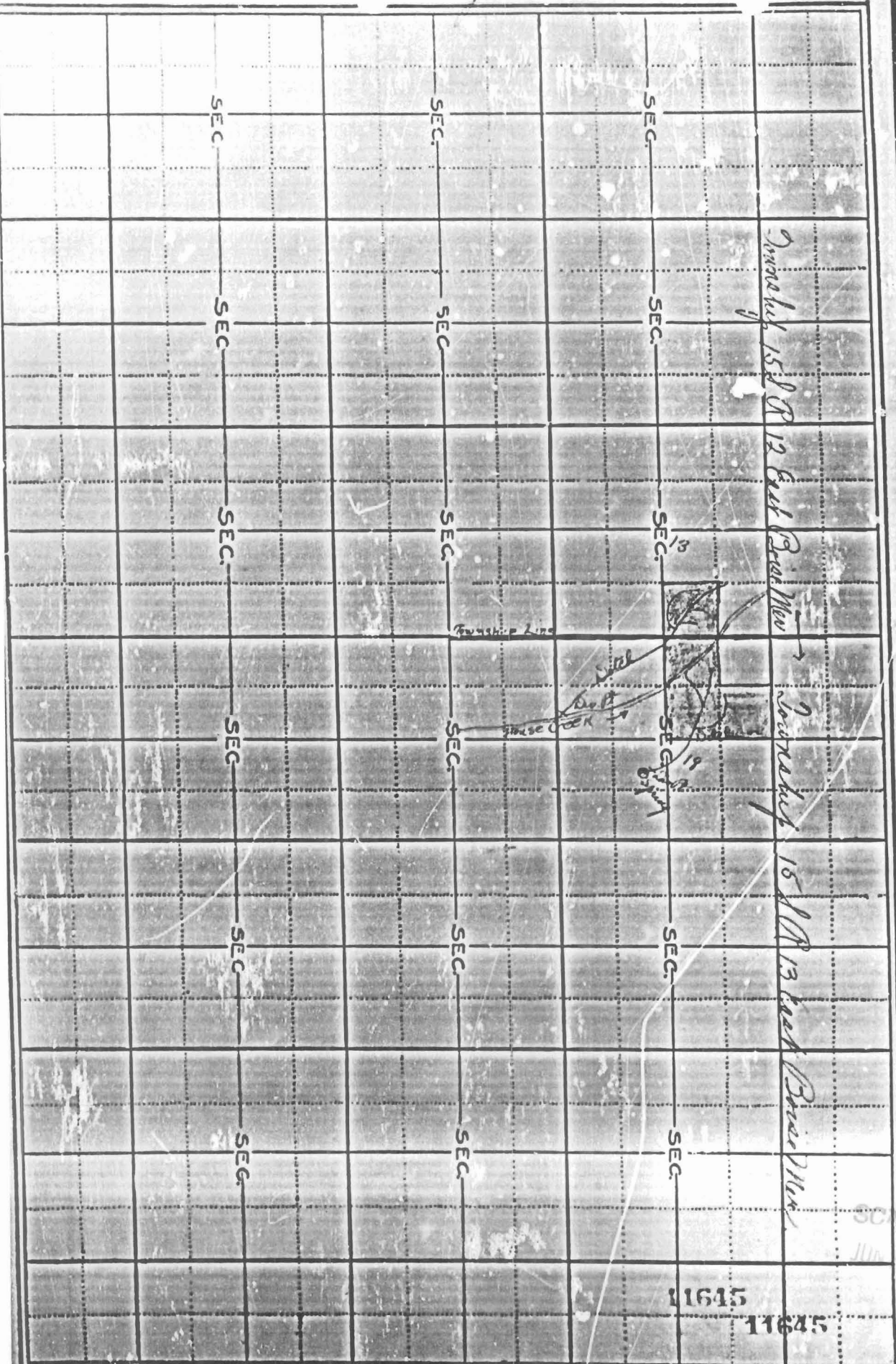
(SEAL)

My commission expires Nov. 5, 1940.

Received and filed for record in the
Department of Reclamation at Boise,
Idaho, at 12:00 M., July 16, 1938.

R. W. FARIS
Commissioner of Reclamation
By J. L.

Name of Applicant *William H. Rogers* *Idaho*



11645

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AJ5809NP
No. A47-11491

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/12/01
PAGE: 195

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ASLETT RANCHES PARTNERSHIP PO BOX B TWIN FALLS ID 833030015 (208) 734-5533	09/01/1915	IRRIGATION	04-01 11-01	3.500 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	3.500 CFS 1372.00 AFA

Water Source: HOUSE CREEK
LITTLE HOUSE CREEK
CAUDLE SPRING CREEK
STEELE SPRING CREEK

Tributary to: CEDAR CREEK
HOUSE CREEK
HOUSE CREEK
HOUSE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:	T15S R12E S11	SWNESE				TWIN FALLS County
	S12	SENESEW	NWSWE	SESWSE		TWIN FALLS County
	S13	NENENW				TWIN FALLS County
	R13E S18 Lot01(SWNWNW)	SWSENW		SWNWSE		TWIN FALLS County
	S19	NENENW	SENESEW			TWIN FALLS County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENE	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
15S 12E 1	:								03		18	08	25	19				73.0
15S 12E 2	:																20	20.0
15S 12E 11	:	22			38									34				94.0
15S 12E 12	:			13		34	39	40	40	40	35		39	01	34	36	20	371.0
15S 12E 13	:	18	02			09												29.0
15S 13E 18	:			03			01-20	02-17	16	20			08		05			89.0
15S 13E 19	:					04												4.0
																	TOTAL ACRES	680.0

POU County: TWIN FALLS

Non-Irrigation Uses: NONE

Other Rights: A47-00040,00041,00030,00026 & 11491

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A47-00026 A47-00030 A47-00032 A47-00038 A47-00040 A47-00041

Other Water Rights Listing Overlapping Place(s) of Use:
A47-00026 A47-00027 A47-00030 A47-00032 A47-00038 A47-00040 A47-00041

Remarks: GEN THE PRIORITY IS BASED ON PERMIT #6402 WHICH WAS NEVER BEEN
PROVED UP ON BUT THIS WATER HAS ALWAYS BEEN DIVERTED AS
HIGH WATER AND USED ALONG WITH THE DECREES.

1/25/2000 TF; OWNERSHIP CHANGED SWAN LAND & LIVESTOCK TO ASLETT
RANCHES PARTNERSHIP PER 1409(6) AND WARRANTY DEED REC'D

AJ5809NP
No. A47-11491

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/12/01
PAGE: 196

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Remarks: 12/23/1999. CLAIM ALSO AMENDED TO REFLECT ACTUAL PLACE OF USE.

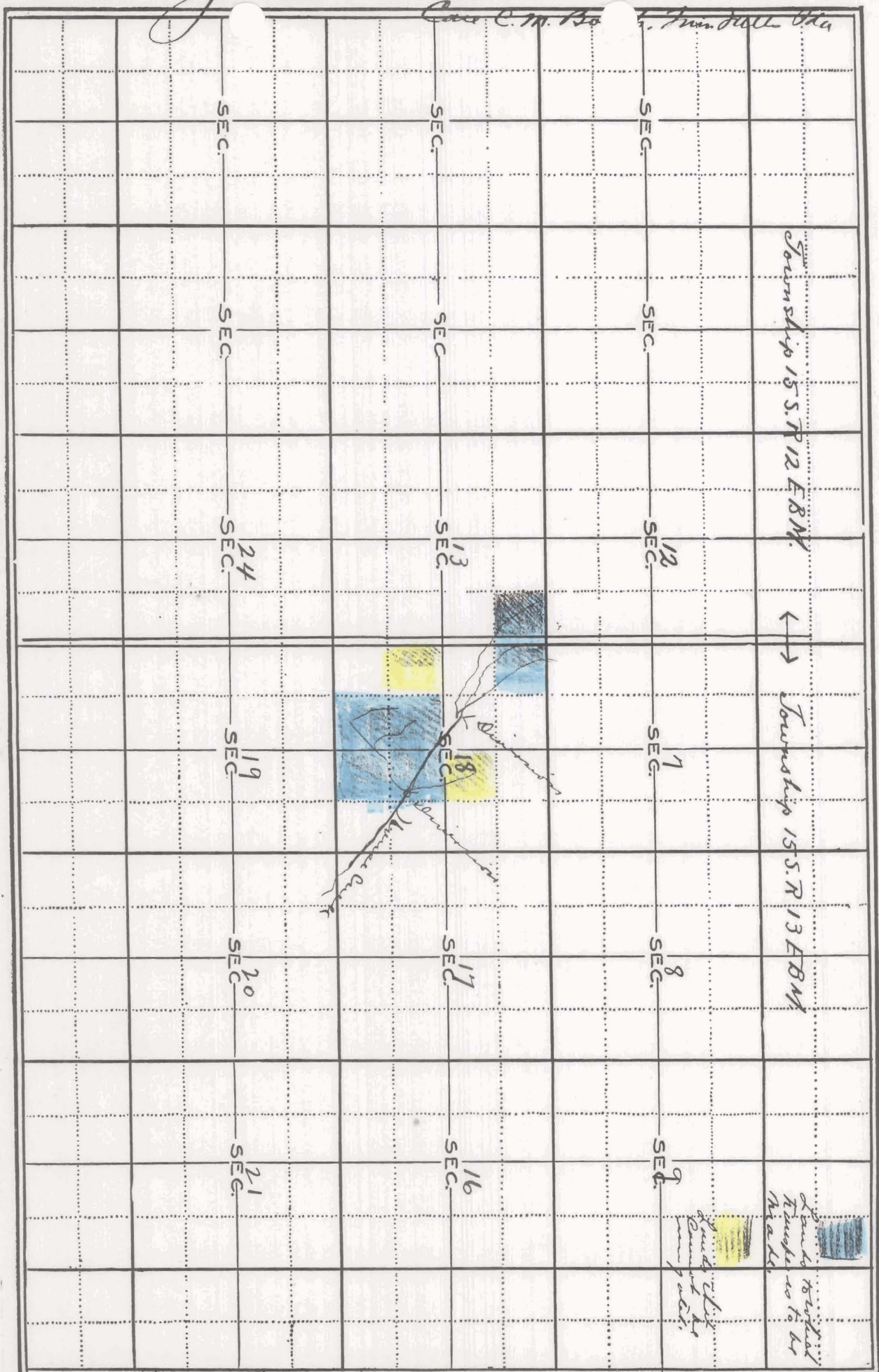
Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 47C Field Inspection Flag:
Presumption Flag:

Audit: 11/10/88 MERRITT 03/30/95 POST-STD 02/10/00 TFAWCETT

Name of Applicant

Jewell 19 Steele, Twin Falls Ida
C. M. Steele



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

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

SCANNED
11-15-2008