

**Application for Transfer and  
associated documents  
have been re-numbered  
due to new Workflow Transfer  
database effective  
December 2012**

**See new transfer # 78309**

RECEIVED

FEB 02 2005

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

WITHDRAWN

Form 1-222  
12-92

(Internet)

78309

Transfer No. 75397

Page \_\_\_\_\_ of \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of applicant Brackett Ranches Limited Partnership Phone (208) 537-9928  
Post Office address 261 Devil Creek Road Castleford ID 83321

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☒ Other divide a water right & change of ownership
2. Describe the reason for the proposed changes take streamflow stock water right  
& put part of it in a pipeline

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 17501 Priority 05/01/1889 Amount (cfs/ac-ft) -020 Nature of Use stock water Period of Use 1/01 to 12/31  
17502 05/01/1889 -020 stock water 1/01 to 12/31
2. Total amount of water being transferred -020 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water House Creek tributary to Cedar Creek
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County     | Local name for diversion |
|-----|-----|-----|-----|------|------|------|------------|--------------------------|
|     |     | SW  | NE  | 19   | 15S  | 13E  | Twin Falls |                          |
|     |     |     |     |      |      |      |            |                          |
|     |     |     |     |      |      |      |            |                          |
|     |     |     |     |      |      |      |            |                          |
|     |     |     |     |      |      |      |            |                          |

## 5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 14S  | 11E  | 2    |        |        |        |        |        |        |        |        |        |        |        | 5      |        |        |        |        |        |
|      |      | 3    |        |        |        |        |        |        |        |        |        |        |        | 5      |        |        |        |        |        |
|      |      | 4    |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 5      |        |        |
|      |      | 5    |        |        |        |        |        |        |        |        |        |        |        | 5      |        |        |        |        |        |
|      |      | 10   |        |        | 5      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      | 11   |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 5      |        |        |
|      |      | 20   |        |        | 5      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      | 22   |        |        |        |        |        |        | 5      |        |        |        |        |        |        |        |        |        |        |
|      |      | 28   |        |        | 5      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

SCANNED  
FEB 14 2005app +  
attach.  
35  
pg.

**PART 1****6. General Information:**

a. Description of diversion system Diversion in creek, piped to place of use,  
water troughs at place of use

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

This transfer is part of a land transection between Aslett  
+ Brackett. The agreement is enclosed. B

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**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

### A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_

b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.

c. Claim No. 47-14320 on file with the Idaho Department of Water Resources.

d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water House Creek tributary to Cedar Creek

4. Date or priority 05/01/1889

5. Water is used for the following purpose:

amount .040 cfs for stock water purposes from 1/01 to 12/31  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right .040 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion: attached A

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

8. Lands irrigated or place of use: attached A

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

no

If yes, describe \_\_\_\_\_

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .020 cfs for stock water purposes from 1/01 to 12/31  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County     | Local name for diversion |
|-----|---|----|----|------|------|------|------------|--------------------------|
|     |   | SW | NE | 19   | 15S  | 13E  | Twin Falls |                          |
|     |   |    |    |      |      |      |            |                          |
|     |   |    |    |      |      |      |            |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 14S  | 11E  | 2    |      |      |      |      |      |      |      |      |      |      |      | 5    |      |      |      |      |        |
|      |      | 3    |      |      |      |      |      |      |      |      |      |      |      | 5    |      |      |      |      |        |
|      |      | 4    |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 5    |      |        |
|      |      | 5    |      |      |      |      |      |      |      |      |      |      |      | 5    |      |      |      |      |        |
|      |      | 10   |      |      | 5    |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      | 11   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 5    |      |        |
|      |      | 20   |      | 5    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      | 22   |      |      |      |      |      | 5    |      |      |      |      |      |      |      |      |      |      |        |
|      |      | 27   |      | 5    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      | 36   | 5    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount .020 for stock water purposes from 1/01 to 12/31  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion: attached A

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

**PART 3****B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use            | Amount<br>(cfs/ac-ft) | Hours/days/year   | Period of Use               |
|---|------------------------------|-----------------------|-------------------|-----------------------------|
|   | <u>offstream stock water</u> | <u>.020</u>           | <u>continuous</u> | <u>1/01</u> to <u>12/31</u> |
|   |                              |                       |                   | to _____                    |

2. Quantity and quality of return flows and location of discharge:

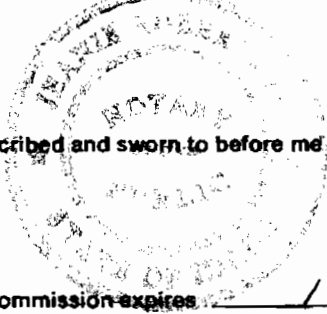
none

3. Describe effects on other water uses resulting from the proposed change:

minimal, the pipe used to divert the water is small enough  
that with the other water rights out of Steel Spring the flow  
is restricted.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Don Racheltt Panther

(Signature of Applicant)

Subscribed and sworn to before me this

2nd

day of

February2009

Jamie Robertson

(Notary Public)

My commission expires

1-12-13**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 3 attachmentsReceived by [Signature] Date 2-2-09 Protest filed by \_\_\_\_\_Prelim. check by [Signature] Fee 100.00Received by [Signature] Date 2-2-09 SD30669

Published in \_\_\_\_\_ Copies of protest forwarded by \_\_\_\_\_

Pub. dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

A

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

09/14/2006

WATER RIGHT NO. 47-14320

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                      |
|-------------------|--------------------------------------------------------------------------------------------------------------|
| Current Owner     | ASLETT RANCHES PARTNERSHIP<br>PO BOX B<br>TWIN FALLS, ID 83303-0015<br>(208)734-5333                         |
| Original Owner    | SWAN LAND & LIVESTOCK CO<br>HOUSE CREEK RANCH<br>364-B THREE CREEK RD<br>ROGERSON, ID 83302<br>(208)857-2235 |

Priority Date: 05/01/1889

Basis: Beneficial Use

Status: Active

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

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| STOCKWATER            | 01/01       | 12/31     | 0.04 CFS              |               |
| Total Diversion       |             |           | 0.04 CFS              |               |

Location of Point(s) of Diversion:

|                           |           |      |          |       |            |
|---------------------------|-----------|------|----------|-------|------------|
| HOUSE CREEK End of Stream | NENWNE Lt | Sec. | Township | Range | TWIN FALLS |
|---------------------------|-----------|------|----------|-------|------------|

|                          |           |      |          |       |            |
|--------------------------|-----------|------|----------|-------|------------|
| Flow                     | 2         | 01   | 15S      | 12E   | County     |
| HOUSE CREEK Beginning of | SWSWNW Lt | Sec. | Township | Range | TWIN FALLS |
| Stream Flow              | 2         | 07   | 16S      | 13E   | County     |

Place(s) of use:

Place of Use Legal Description: STOCKWATER TWIN FALLS County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Ac |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|----|
| 15S      | 12E   | 1       |     | NWNE  |       |     | SWNE  |       |     |       |       |     |       |    |
|          |       |         |     | SENE  |       |     |       |       |     |       |       |     |       |    |
|          |       |         |     | NESW  |       |     | NWSW  |       |     | SWSW  |       |     |       |    |
|          |       | 12      |     | NWNW  |       |     | SWNW  |       |     |       |       |     |       |    |
|          |       |         |     | NESW  |       |     | NWSW  |       |     |       |       |     |       |    |
|          |       |         |     | SWSE  |       |     | SESE  |       |     |       |       |     |       |    |
|          |       | 13      |     | NENE  |       |     |       |       |     |       |       |     |       |    |
|          | 13E   | 18      |     | NWNW  |       |     | SWNW  |       |     | SENE  |       |     |       |    |
|          |       |         |     | NESW  |       |     | SESW  |       |     |       |       |     |       |    |
|          |       | 19      |     | NWNE  |       |     | SWNE  |       |     |       |       |     |       |    |
|          |       |         |     | NENW  |       |     |       |       |     |       |       |     |       |    |
|          |       |         |     | NWSE  |       |     | SWSE  |       |     |       |       |     |       |    |
|          |       | 30      |     | NENE  |       |     | NWNE  |       |     | SWNE  |       |     | SENE  |    |
|          |       |         |     | NESE  |       |     | SESE  |       |     |       |       |     |       |    |
|          |       | 31      |     | NENE  |       |     | SENE  |       |     |       |       |     |       |    |
|          |       |         |     | NESE  |       |     | SWSE  |       |     | SESE  |       |     |       |    |
| 16S      |       | 6       |     | NWNE  |       |     | SWNE  |       |     |       |       |     |       |    |
|          |       |         |     | NESW  |       |     | NWSW  |       |     | SWSW  |       |     |       |    |
|          |       |         |     | NWSE  |       |     |       |       |     |       |       |     |       |    |
|          |       | 7       |     | NWNW  |       |     | SWNW  |       |     |       |       |     |       |    |

Conditions of Approval:

|    |     |                                                                                                                                                                                                                                                                                                                 |
|----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | C18 | 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. |
| 2. | N11 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.                                                                                                                                                                                                         |
| 3. |     | STOCKWATER 2000 RANGE CATTLE PARCEL NOS. RP 15S12E010000, RP 15S12E016000, RP 15S12E120000, RP 15S12E130000, RP 15S13E180000, RP                                                                                                                                                                                |

|                                                                                     |
|-------------------------------------------------------------------------------------|
| 15S13E190600, RP 15S13E300000, RP 15S13E310000, RP 16S13E060000, RP<br>16S13E070000 |
|-------------------------------------------------------------------------------------|

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

09/14/2006

WATER RIGHT NO. 47-14320

| Owner Type     | Name and Address                                                                                             |
|----------------|--------------------------------------------------------------------------------------------------------------|
| Current Owner  | ASLETT RANCHES PARTNERSHIP<br>PO BOX B<br>TWIN FALLS, ID 83303-0015<br>(208)734-5333                         |
| Original Owner | SWAN LAND & LIVESTOCK CO<br>HOUSE CREEK RANCH<br>364-B THREE CREEK RD<br>ROGERSON, ID 83302<br>(208)857-2235 |

Priority Date: 05/01/1889

Basis: Beneficial Use

Status: Active

| Source      | Tributary   |
|-------------|-------------|
| HOUSE CREEK | CEDAR CREEK |

| Beneficial Use  | From  | To    | Diversion Rate | Volume |
|-----------------|-------|-------|----------------|--------|
| STOCKWATER      | 01/01 | 12/31 | 0.04 CFS       |        |
| Total Diversion |       |       | 0.04 CFS       |        |

Location of Point(s) of Diversion:

|                           |           |      |          |       |            |
|---------------------------|-----------|------|----------|-------|------------|
| HOUSE CREEK End of Stream | NENWNE Lt | Sec. | Township | Range | TWIN FALLS |
|---------------------------|-----------|------|----------|-------|------------|

|                                      |           |      |          |       |            |
|--------------------------------------|-----------|------|----------|-------|------------|
| Flow                                 | 2         | 01   | 15S      | 12E   | County     |
| HOUSE CREEK Beginning of Stream Flow | SWSWNW Lt | Sec. | Township | Range | TWIN FALLS |
|                                      | 2         | 07   | 16S      | 13E   | County     |

Place(s) of use:

Place of Use Legal Description: STOCKWATER TWIN FALLS County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Ac |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|----|
| 15S      | 12E   | 1       |     | NWNE  |       |     | SWNE  |       |     |       |       |     |       |    |
|          |       |         |     | SENE  |       |     |       |       |     |       |       |     |       |    |
|          |       |         |     | NESW  |       |     | NWSW  |       |     | SWSW  |       |     |       |    |
|          |       | 12      |     | NWNW  |       |     | SWNW  |       |     |       |       |     |       |    |
|          |       |         |     | NESW  |       |     | NWSW  |       |     |       |       |     |       |    |
|          |       |         |     | SWSE  |       |     | SESE  |       |     |       |       |     |       |    |
|          |       | 13      |     | NENE  |       |     |       |       |     |       |       |     |       |    |
|          | 13E   | 18      |     | NWNW  |       |     | SWNW  |       |     | SENE  |       |     |       |    |
|          |       |         |     | NESW  |       |     | SESW  |       |     |       |       |     |       |    |
|          |       | 19      |     | NWNE  |       |     | SWNE  |       |     |       |       |     |       |    |
|          |       |         |     | NENW  |       |     |       |       |     |       |       |     |       |    |
|          |       |         |     | NWSE  |       |     | SWSE  |       |     |       |       |     |       |    |
|          |       | 30      |     | NENE  |       |     | NWNE  |       |     | SWNE  |       |     | SENE  |    |
|          |       |         |     | NESE  |       |     | SESE  |       |     |       |       |     |       |    |
|          |       | 31      |     | NENE  |       |     | SENE  |       |     |       |       |     |       |    |
|          |       |         |     | NESE  |       |     | SWSE  |       |     | SESE  |       |     |       |    |
| 16S      |       | 6       |     | NWNE  |       |     | SWNE  |       |     |       |       |     |       |    |
|          |       |         |     | NESW  |       |     | NWSW  |       |     | SWSW  |       |     |       |    |
|          |       |         |     | NWSE  |       |     |       |       |     |       |       |     |       |    |
|          |       | 7       |     | NWNW  |       |     | SWNW  |       |     |       |       |     |       |    |

Conditions of Approval:

|    |     |                                                                                                                                                                                                                                                                                                                 |
|----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | C18 | 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. |
| 2. | N11 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.                                                                                                                                                                                                         |
| 3. |     | STOCKWATER 2000 RANGE CATTLE PARCEL NOS. RP 15S12E010000, RP 15S12E016000, RP 15S12E120000, RP 15S12E130000, RP 15S13E180000, RP                                                                                                                                                                                |

|                                                                                     |
|-------------------------------------------------------------------------------------|
| 15S13E190600, RP 15S13E300000, RP 15S13E310000, RP 16S13E060000, RP<br>16S13E070000 |
|-------------------------------------------------------------------------------------|

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

PC 5788

B

Instrument # 17168

MURPHY, OWYHEE, ID.

2004-03-23 04:26:24 No. of Pages: 10

Recorded for: PIONEER TITLE COMPANY

CHARLOTTE SHERBURN

Ex-Officio Recorder Deputy

Index to AGREEMENT

Fee: 30.00

B. Evans

## OPTION TO TRANSFER STOCK WATER

THIS AGREEMENT is made and entered into effective the 2nd day of March, 2004, between **ASLETT RANCHES PARTNERSHIP**, an Idaho partnership hereinafter, referred to as "Aslett," and **BRACKETT RANCHES LIMITED PARTNERSHIP**, an Idaho limited partnership, hereinafter referred to as "Brackett."

WHEREAS, Aslett is the owner of the water of Idaho Department of Water Resources Water Right No. 47-14320, a copy of which is attached hereto as Exhibit "A" and by this reference made a part hereof. Water Right No. 47-14320 is sometimes referred to herein as "the water right;" and

WHEREAS, the water right provides for a diversion rate of .460 CFS for stock water from January 1st through December 31st of each year; and

WHEREAS, Aslett desires to grant Brackett an option to acquire and transfer ownership and beneficial use of a portion of the water right and Brackett desires to receive an option to acquire and transfer ownership and beneficial use of a portion of the water right on the terms and conditions hereinafter set forth.

NOW, THEREFORE, it is agreed as follows:

1. OPTION GRANTED. For good and valuable consideration, including Brackett's purchase of a ranch in Owyhee County, Idaho, from Aslett and including the covenants and agreements contained in this option, Aslett grants to Brackett and Brackett accepts from Aslett an absolute option to acquire and transfer the ownership and beneficial use of .060 CFS of stock water currently owned by Aslett under Water Right No. 47-14320.

2. EXERCISE OF OPTION. Brackett shall exercise its option to acquire and transfer the ownership and beneficial use of the stock water from Aslett to Brackett upon sixty (60) days prior written notice. This option to acquire and transfer the ownership and beneficial use of the

water right shall be exercised by Brackett within five (5) years from the date of this option agreement. No additional consideration shall be paid by Brackett to Aslett to exercise this option to transfer the water right for .060 CFS of stock water.

3. COST OF TRANSFER. Brackett shall take all action necessary to transfer the ownership and beneficial use of the water right at Brackett's expense after the option has been exercised. The risk of being able to transfer the water right from its present place of use to another place of use by Brackett shall be at the risk of Brackett. However, Aslett shall cooperate with any such requested transfer and shall not protest or otherwise interfere with an application by Brackett for such a transfer. Aslett shall execute any additional documents that may be required by Brackett or the Idaho Department of Water Resources to transfer the ownership and beneficial use of .060 CFS of stock water from Water Right No. 47-14320. Aslett shall cooperate with Brackett in order to successfully adjudicate the water rights in the Snake River Basin Adjudication.

4. TRIGGERING EVENTS. The option may be triggered by Brackett, in its sole discretion, upon the happening of any of the following events:

A. The ranch that Brackett is purchasing from Aslett currently receives stock water from a diversion or diversions from what is commonly known as Steel Spring. This stock water flows through a pipeline operated by an organization referred to as Devil Creek Water Association. If, for any reason, Brackett's share of stock water from this pipeline is reduced, then Brackett may give Aslett notice of its exercise of its option to acquire and transfer .060 CFS of Water Right No. 47-14320 for beneficial use as stock water for the Owyhee County ranch being purchased by Brackett from Aslett.

B. If Aslett sells or otherwise transfers its interest in the real estate holding the points of diversion for Water Right No. 47-14320, then Brackett, in its sole discretion,

may exercise its option to acquire and transfer .060 CFS of Water Right No. 47-14320 for beneficial use as stock water for the Owyhee County ranch being purchased by Brackett from Aslett. Aslett shall give Brackett sixty (60) days prior written notice of its intent to sell or otherwise transfer the real estate containing the points of diversion for Water Right No. 47-14320.

C. The parties understand that the group commonly known as Devil Creek Water Association is applying to the Idaho Department of Water Resources to, among other things, approve the stock water rights flowing through the Steel Spring pipeline for beneficial use on the various ranges owned and occupied by various members of Devil Creek Water Association. The members of Devil Creek Water Association are also submitting their pipeline agreement and stock water right claims for approval in the Snake River Basin Adjudication. Brackett may also, in its sole discretion, exercise its option to acquire and transfer .060 CFS of Water Right No. 47-14320 at any time after approval of the pipeline agreement by the Idaho Department of Water Resources.

D. Brackett may also, in its sole discretion, exercise its option to acquire and transfer .060 CFS of Water Right No. 47-14320 at any time after six (6) months from the date of this Agreement.

5. GRANT OF EASEMENT. Aslett grants to Brackett an easement for the purpose of installing a diversion and a pipeline to deliver .060 CFS of stock water from House Creek to its intended point of use. The easement shall be in the approximate vicinity of the existing Steel Spring/House Creek diversion and pipeline. With the permission of Devil Creek Water Association, and at the option of Brackett, the easement shall be the existing Steel Spring diversion and pipeline. If such permission is not given or, in any event, at the option of Brackett the easement herein granted shall be sufficient for the purpose of installing the diversion, the pipeline and for repairing and replacing the diversion and pipeline. The easement shall be for the benefit of and be appurtenant

to the ranch being purchased by Brackett from Aslett. A copy of the legal description of the ranch being purchased by Brackett from Aslett is attached hereto as Exhibit "B" and by this reference made a part hereof. If necessary, Brackett shall prepare the easement and the legal description thereof at Brackett's sole expense and Aslett agrees to execute the same in recordable form.

6. CONVEYANCE OF WATER RIGHT. Upon Brackett's exercise of this option, Aslett agrees to convey to Brackett, all of Aslett's right, title, interest and estate in and to .060 CFS of stock water currently held under Water Right No. 47-14320.

Upon exercise of the option, Aslett shall submit to the Idaho Department of Water Resources and/or the Snake River Basin Adjudication all documentation necessary or requested by the Idaho Department of Water Resources and/or the Snake River Basin Adjudication to transfer the water from Aslett to Brackett.

Until such time as the option under this agreement is exercised and the transfer of .060 CFS of stock water is complete, Seller shall do all things necessary or required to maintain Water Right No. 47-14320 in its present condition with the Idaho Department of Water Resources and with the Snake River Basin Adjudication, including, but not limited to, the prosecution of this claim to establish ownership.

7. TIME. Time is of the essence of this Agreement, but the parties may, by mutual agreement, extend any time limit specified herein.

8. COUNTERPARTS AND FACSIMILE SIGNATURES: In order to effectuate the timely close of escrow, the parties agree that this Option to Purchase Stock Water may be executed in any number of counterparts, or by different parties in different counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument, and in making proof hereof, it shall not be necessary to produce or account for more than

one such counterpart. If signed in counterparts, enough will be signed so that each party has one counterpart signed by each party. The effective date will be the last date a counterpart is signed. A genuine facsimile signature shall have the same effect as an original signature.

9. ATTORNEY'S FEES. In the event of any suit or proceeding by either party herein and against the other party, including any and all bankruptcy claims, actions and proceedings deemed necessary or desirable, or to otherwise protect the interest of a party, including the hiring of any attorney in the event of default, the non-defaulting party or the prevailing party (in the event of suit) shall be entitled to recover reasonable attorneys' fees and costs, including fees or costs that may be incurred in any appellate proceeding.

10. GIVING OF NOTICE: All notices and other communications required or permitted to be given hereunder shall be in writing. The party giving the notice shall have the option of giving notice by certified or registered mail, postage prepaid; by Federal Express, Airborne Express, or similar overnight delivery service; or by causing said notice to be personally served upon the other party. The notice shall be addressed to the respective parties at the addresses that follow. Such addresses may be changed by either party by giving the other party notice of the change of address in writing. Notice shall be deemed to have been given on the date of personal service if notice is given by personal service. Notice shall be deemed to have been given upon the date the notice is mailed or upon the date the notice is placed in the hands of the carrier if notice is given by mail or overnight delivery service. The addresses to be used until notice of a change of address has been given shall be as follows:

If to Brackett:

Brackett Ranches Limited Partnership  
c/o Noy Elbert Brackett, III  
Flat Creek Ranch  
Rogerson, ID 83302

If to Aslett:

Aslett Ranches Partnership  
P. O. Box B  
Twin Falls, Idaho 83303

With a copy to:

Russell G. Kvanvig, Esq.  
Stephan, Kvanvig, Stone & Trainor  
P. O. Box 83  
Twin Falls, ID 83303-0083

Paul M. Beeks  
Smith & Beeks  
P. O. Box 508  
Twin Falls, ID 83303-0508

11. SURVIVAL OF PROVISIONS. Each covenant, condition, warranty and representation herein made shall survive the closing.

12. BINDING EFFECT: This Agreement shall be binding upon the heirs, estates, personal representatives, successors and assigns of the parties.

13. ENTIRE AGREEMENT. This Agreement contains the entire agreement between the parties hereto. No representations or promises with respect to the sale and purchase of the property have been made by Brackett or Aslett other than expressly set forth herein.

14. PARAGRAPH HEADINGS. The titles of the articles and sections have been inserted as a matter of convenience for reference only and shall not control or affect the meaning or construction of any of the terms and provisions thereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective the day and year first above written.

ASLETT RANCHES PARTNERSHIP

*Stuart Aslett*

By *William Aslett*, General Partner

*Stuart Aslett*

By X *Stuart Aslett*, General Partner  
*William Aslett*, Witness  
"Aslett"

BRACKETT RANCHES LIMITED PARTNERSHIP

By Noy Elbert Brackett III  
NOY ELBERT BRACKETT, III, General Partner

By Paula Ann Brackett  
PAULA ANN BRACKETT, General Partner

"Brackett"

STATE OF IDAHO                     )  
                                              : ss.  
COUNTY OF TWIN FALLS         )

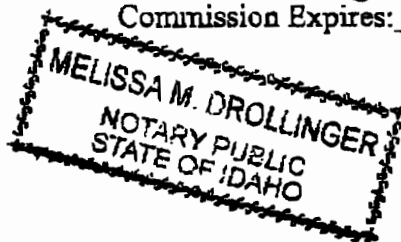
On this 22nd day of March, 2004, before me, the undersigned, a Notary Public for Idaho, personally appeared Marvin Aslett, Steve Aslett Jr, Larry Aslett, and Steve Aslett, known or identified to me to be general partners of ASLETT RANCHES PARTNERSHIP, the partnership that executed the foregoing instrument, and acknowledged to me that they executed the same on behalf of said partnership.

Melissa J. Doolittle  
MELISSA M. DOOLITTLE, Notary Public for Idaho  
NOTARY COMMISSION EXPIRES: 12-10-05  
STATE OF IDAHO

STATE OF IDAHO )  
 ) ss.  
COUNTY OF TWIN FALLS )

On this 22nd day of March, 2004, before me, the undersigned, a Notary Public for Idaho, personally appeared NOY ELBERT BRACKETT, III and PAULA ANN BRACKETT, known or identified to me to be general partners of BRACKETT RANCHES LIMITED PARTNERSHIP, the partnership that executed the foregoing instrument, and acknowledged to me that they executed the same on behalf of said partnership.

Melissa M. Drollinger  
Notary Public for Idaho  
Commission Expires: 12-10-05



## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 47-14320

WATER RIGHT NUMBER: 47-14320

|                   |                                                                                                              |
|-------------------|--------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                      |
| Original Owner    | SWAN LAND & LIVESTOCK CO<br>HOUSE CREEK RANCH<br>364-B THREE CREEK RD<br>ROGERSON, ID 83302<br>(208)857-2235 |
| Current Owner     | ASLETT RANCHES PARTNERSHIP<br>PO BOX B<br>TWIN FALLS, ID 83303-0015<br>(208)734-5333                         |

Priority Date: 05/01/1889

Basis: Beneficial Use

Status: Active

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

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| STOCKWATER            | 1/01 to 12/31           | 0.460 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.460 CFS             |                      |

Location of Point(s) of Diversion

|                   |                      |                                |
|-------------------|----------------------|--------------------------------|
| HOUSE CREEK       | SW1/4SW1/4NW1/4      | Sec. 7, Twp 16S, Rge 13E, B.M. |
| TWIN FALLS County | (Beginning of Reach) |                                |
| HOUSE CREEK       | NE1/4NW1/4NE1/4      | Sec. 1, Twp 15S, Rge 12E, B.M. |
| TWIN FALLS County | (Ending of Reach)    |                                |

Place of Use

STOCKWATER

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 15S 12E 1   |    | X  | X  |    |    |    |    | X  | X  | X  | X  |    |    |    |    |    |        |
| 15S 12E 12  |    |    |    |    | X  | X  |    |    | X  | X  |    |    |    |    | X  | X  |        |
| 15S 12E 13  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 15S 13E 18  |    |    |    |    | X  | X  | X  | X  |    |    |    | X  |    |    |    |    |        |
| 15S 13E 19  |    | X  | X  |    | X  |    |    |    |    |    |    |    |    | X  | X  |    |        |
| 15S 13E 30  | X  | X  | X  | X  |    |    |    |    |    |    |    |    | X  |    |    | X  |        |

|            |   |  |   |   |  |  |   |   |   |   |  |  |   |   |
|------------|---|--|---|---|--|--|---|---|---|---|--|--|---|---|
| 15S 13E 31 | X |  |   | X |  |  |   |   |   | X |  |  | X | X |
| 16S 13E 6  |   |  | X | X |  |  |   | X | X | X |  |  |   | X |
| 18S 13E 7  |   |  |   |   |  |  | X | X |   |   |  |  |   |   |

1. General 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 Received Date:** 1/11/1989  
**Enlargement Use Priority Date:**  
**Enlargement Statute Priority Date:**  
**State or Federal:** S  
**Owner Name Connector:**  
**Water District Number:**  
**Generic Max Rate Per Acre:**  
**Generic Max Volume Per Acre:**  
**Swan Falls Trust or Nontrust:**  
**Swan Falls Dismissed:**  
**DLE Act Number:**  
**Carey Act Number:**  
**Mitigation Plan:** False

**Combined Use Limits:**

**ADDENDUM TO OPTION TO TRANSFER STOCK WATER  
AND EXERCISE OF OPTION TO TRANSFER STOCK WATER**

THIS ADDENDUM AND EXERCISE OF OPTION is made and entered into effective the 8th day of April, 2008, between ASLETT RANCHES PARTNERSHIP, an Idaho partnership, hereinafter referred to as "Aslett", and BRACKETT RANCHES LIMITED PARTNERSHIP, an Idaho limited partnership, hereinafter referred to as "Brackett".

WHEREAS, Aslett is the owner of Idaho Department of Water Resources Water Right No. 47-14320. Water Right No. 47-14320 is sometimes referred to herein as "the water right"; and

WHEREAS, Aslett granted to Brackett an option to acquire and transfer ownership of a portion of Water Right No. 47-14320 to Brackett's beneficial use; and

WHEREAS, the Idaho Department of Water Resources has issued its Adjudication Recommended Right Report dated September 14, 2006, a copy of which is attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Adjudication Recommended Right Report is for substantially less water than was reflected in the original Idaho Department of Water Resources Water Right No. 47-14320.

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. OPTION GRANTED. The original Option to Transfer Stock Water dated March 2, 2004, contemplated .460 CFS for stock water under Water Right No. 47-14320. The Adjudication Recommended Right Report only authorizes .04 CFS for stock water. The original Option granted Brackett the right to .060 CFS of stock water from Water Right No. 47-14320. The

parties agree that the original Option is hereby amended to provide .020 CFS to be transferred from Aslett to Brackett from Water Right No. 47-14320. Aslett shall retain .020 CFS of stock water from Water Right No. 47-14320.

2.     EXERCISE OF OPTION. Brackett does hereby exercise its option to acquire and transfer the ownership and beneficial use of .020 CFS of stock water from Water Right No. 47-14320.

3.     COSTS OF TRANSFER. Brackett shall pay the cost of processing the transfer of the water right. Aslett shall cooperate with this requested transfer and shall not protest or otherwise interfere with the application by Brackett for such a transfer. Aslett shall execute any additional documents that may be required by Brackett or the Idaho Department of Water Resources to transfer the ownership and beneficial use of .020 CFS of stock water from Water Right No. 47-14320.

4.     GRANT OF EASEMENT. Aslett does hereby grant to Brackett an easement for the purpose of installing and maintaining a diversion and a pipeline to deliver .020 CFS of stock water from House Creek to its intended point of use. The easement shall be in the approximate vicinity of the existing Steel Spring/House Creek diversion and pipeline. With the permission of Devil Creek Water Association and at the option of Brackett, the easement shall be the existing Steel Spring diversion and pipeline. If such permission is not given or in any event at the option of Brackett, the easement herein granted shall be twenty-five (25) feet on each side of the centerline of the existing Steel Spring diversion and pipeline for the purpose of installing the diversion, the pipeline, and for repairing and replacing the diversion and pipeline. The easement shall be for the benefit of and appurtenant to the real estate described on Exhibit "B" attached hereto and by this reference made a part hereof. Brackett at its option may prepare a separate easement document with

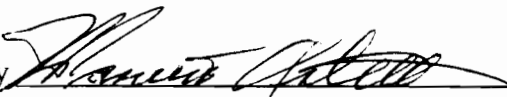
appropriate legal descriptions at Brackett's sole expense and Aslett agrees to execute the same in recordable form. The Aslett property burdened by this grant of easement is generally described on Exhibit "C" attached hereto and by this reference made a part hereof.

5. CONVEYANCE OF WATER RIGHT. Brackett by signing this document is exercising its option and Aslett agrees to convey to Brackett all of Aslett's right, title, interest and estate in and to .020 CFS of stock water currently held under Water Right No. 47-14320. Aslett shall, upon demand, submit to the Idaho Department of Water Resources and/or the Snake River Basin Adjudication all documentation necessary or requested by the Idaho Department of Water Resources and/or the Snake River Basin Adjudication to transfer the water from Aslett to Brackett.

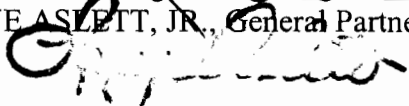
6. REFERENCE TO ORIGINAL OPTION AGREEMENT. Except as expressly modified by the terms of this Addendum, the terms and conditions of the Option to Transfer Stock Water dated March 22, 2004, and recorded as Instrument # 247168 in the records of Owyhee County, Idaho, shall remain in full force and effect.

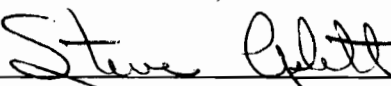
IN WITNESS WHEREOF, the parties hereto have executed this Addendum effective the day and year first above written.

ASLETT RANCHES PARTNERSHIP

By   
MARVIN ASLETT, General Partner

By   
STEVE ASLETT, JR., General Partner

By   
LARRY ASLETT, General Partner

By   
STEVE ASLETT, General Partner

"Aslett"

BRACKETT RANCHES LIMITED PARTNERSHIP

By Noy Elbert Brackett III  
NOY ELBERT BRACKETT, III, General Partner

By Paula Ann Brackett  
PAULA ANN BRACKETT, General Partner

"Brackett"

STATE OF IDAHO )  
: ss.  
COUNTY OF TWIN FALLS )

On this 8 day of April, 2008, before me, the undersigned, a Notary Public for Idaho, personally appeared MARVIN ASLETT, known or identified to me to be a general partner of ASLETT RANCHES PARTNERSHIP, the partnership that executed the foregoing instrument, and acknowledged to me that he executed the same on behalf of said partnership.

IN WITNESS WHEREOF, I have hereunder set my hand and affixed my official seal, the day and year in this certificate first above written.

Bonnie Templeman  
Notary Public for Idaho  
Commission Expires: 2-13-14

**Instrument # 264660**

MURPHY, OWYHEE, IDAHO

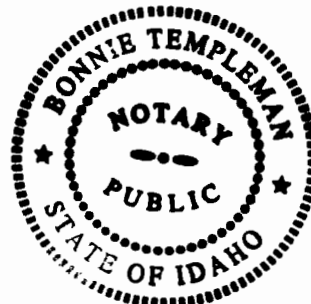
4-21-2008 10:56:44 No. of Pages: 12

Recorded for : STEPHAN KVANVIG STONE & TRAINOR

CHARLOTTE SHERBURN Fee: 36.00

Ex-Officio Recorder Deputy M Peterson

Index to: AGREEMENT



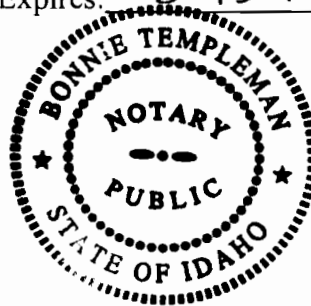
**INDEXED  
SCANNED**

STATE OF IDAHO )  
 : ss.  
COUNTY OF TWIN FALLS )

On this 8 day of April, 2008, before me, the undersigned, a Notary Public for Idaho, personally appeared STEVE ASLETT, JR., known or identified to me to be a general partner of ASLETT RANCHES PARTNERSHIP, the partnership that executed the foregoing instrument, and acknowledged to me that he executed the same on behalf of said partnership.

IN WITNESS WHEREOF, I have hereunder set my hand and affixed my official seal, the day and year in this certificate first above written.

Bonnie Templeman  
Notary Public for Idaho  
Commission Expires: 2-13-14

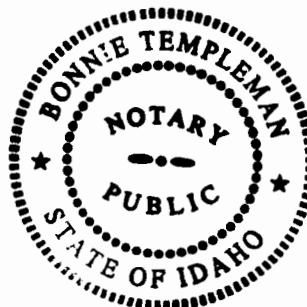


STATE OF IDAHO )  
 : ss.  
COUNTY OF TWIN FALLS )

On this 8 day of April, 2008, before me, the undersigned, a Notary Public for Idaho, personally appeared LARRY ASLETT, known or identified to me to be a general partner of ASLETT RANCHES PARTNERSHIP, the partnership that executed the foregoing instrument, and acknowledged to me that he executed the same on behalf of said partnership.

IN WITNESS WHEREOF, I have hereunder set my hand and affixed my official seal, the day and year in this certificate first above written.

Bonnie Templeman  
Notary Public for Idaho  
Commission Expires: 2-13-14

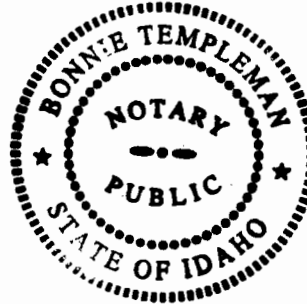


STATE OF IDAHO )  
 : ss.  
COUNTY OF TWIN FALLS )

On this 8 day of April, 2008, before me, the undersigned, a Notary Public for Idaho, personally appeared STEVE ASLETT, known or identified to me to a general partner of ASLETT RANCHES PARTNERSHIP, the partnership that executed the foregoing instrument, and acknowledged to me that he executed the same on behalf of said partnership.

IN WITNESS WHEREOF, I have hereunder set my hand and affixed my official seal, the day and year in this certificate first above written.

Bonnie Templeman  
Notary Public for Idaho  
Commission Expires: 2-12-2014

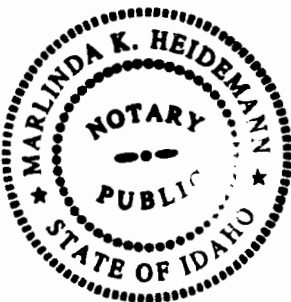


STATE OF IDAHO )  
 : ss.  
COUNTY OF TWIN FALLS )

On this 8th day of April, 2008, before me, the undersigned, a Notary Public for Idaho, personally appeared NOY ELBERT BRACKETT, III and PAULA ANN BRACKETT known or identified to me to general partners of BRACKETT RANCHES LIMITED PARTNERSHIP, the partnership that executed the foregoing instrument, and acknowledged to me that they executed the same on behalf of said partnership.

IN WITNESS WHEREOF, I have hereunder set my hand and affixed my official seal, the day and year in this certificate first above written.

Marlinda K. Heidemann  
Notary Public for Idaho  
Commission Expires: 7-9-2013



Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

09/14/2006

WATER RIGHT NO. 47-14320

| Owner Type     | Name and Address                                                                                             |
|----------------|--------------------------------------------------------------------------------------------------------------|
| Current Owner  | ASLETT RANCHES PARTNERSHIP<br>PO BOX B<br>TWIN FALLS, ID 83303-0015<br>(208)734-5333                         |
| Original Owner | SWAN LAND & LIVESTOCK CO<br>HOUSE CREEK RANCH<br>364-B THREE CREEK RD<br>ROGERSON, ID 83302<br>(208)857-2235 |

Priority Date: 05/01/1889

Basis: Beneficial Use

Status: Active

| Source      | Tributary   |
|-------------|-------------|
| HOUSE CREEK | CEDAR CREEK |

| Beneficial Use  | From  | To    | Diversion Rate | Volume |
|-----------------|-------|-------|----------------|--------|
| STOCKWATER      | 01/01 | 12/31 | 0.04 CFS       |        |
| Total Diversion |       |       | 0.04 CFS       |        |

Location of Point(s) of Diversion:

|                           |           |      |          |       |            |
|---------------------------|-----------|------|----------|-------|------------|
| HOUSE CREEK End of Stream | NENWNE Lt | Sec. | Township | Range | TWIN FALLS |
|---------------------------|-----------|------|----------|-------|------------|

EXHIBIT "A"

|                          |           |      |          |       |            |
|--------------------------|-----------|------|----------|-------|------------|
| Flow                     | 2         | 01   | 15S      | 12E   | County     |
| HOUSE CREEK Beginning of | SWSWNW Lt | Sec. | Township | Range | TWIN FALLS |
| Stream Flow              | 2         | 07   | 16S      | 13E   | County     |

Place(s) of use:

Place of Use Legal Description: STOCKWATER TWIN FALLS County

| Township | Range | Section | Lot  | Tract | Acres | Lot  | Tract | Acres | Lot  | Tract | Acres | Lot | Tract | Ac   |
|----------|-------|---------|------|-------|-------|------|-------|-------|------|-------|-------|-----|-------|------|
| 15S      | 12E   | 1       |      | NWNE  |       |      | SWNE  |       |      |       |       |     |       |      |
|          |       |         |      | SENE  |       |      |       |       |      |       |       |     |       |      |
|          |       |         |      | NESW  |       |      | NWSW  |       | SWSW |       |       |     |       |      |
|          |       | 12      |      | NWNW  |       |      | SWNW  |       |      |       |       |     |       |      |
|          |       |         |      | NESW  |       |      | NWSW  |       |      |       |       |     |       |      |
|          |       |         |      | SWSE  |       |      | SESE  |       |      |       |       |     |       |      |
|          |       | 13      |      | NENE  |       |      |       |       |      |       |       |     |       |      |
|          | 13E   | 18      |      | NWNW  |       |      | SWNW  |       |      | SENE  |       |     |       |      |
|          |       |         |      | NESW  |       |      | SESW  |       |      |       |       |     |       |      |
|          |       | 19      |      | NWNE  |       |      | SWNE  |       |      |       |       |     |       |      |
|          |       |         |      | NENW  |       |      |       |       |      |       |       |     |       |      |
|          |       | 30      |      | NWSE  |       |      | SWSE  |       |      |       |       |     |       |      |
|          |       |         |      | NENE  |       |      | NWNE  |       |      | SWNE  |       |     |       | SENE |
| 16S      | 31    |         | NESE |       |       | SESE |       |       |      |       |       |     |       |      |
|          |       |         | NENE |       |       | SENE |       |       |      |       |       |     |       |      |
|          |       |         | NESE |       |       | SWSE |       |       | SESE |       |       |     |       |      |
|          |       | 6       |      | NWNE  |       |      | SWNE  |       |      |       |       |     |       |      |
|          |       |         |      | NESW  |       |      | NWSW  |       |      | SWSW  |       |     |       |      |
|          |       | 7       |      | NWSE  |       |      |       |       |      |       |       |     |       |      |
|          |       |         | NWNW |       |       |      | SWNW  |       |      |       |       |     |       |      |

Conditions of Approval:

|    |     |                                                                                                                                                                                                                                                                                                                 |
|----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | C18 | 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. |
| 2. | N11 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.                                                                                                                                                                                                         |
| 3. |     | STOCKWATER 2000 RANGE CATTLE PARCEL NOS. RP 15S12E010000, RP 15S12E016000, RP 15S12E120000, RP 15S12E130000, RP 15S13E180000, RP                                                                                                                                                                                |

|                                                                                     |
|-------------------------------------------------------------------------------------|
| 15S13E190600, RP 15S13E300000, RP 15S13E310000, RP 16S13E060000, RP<br>16S13E070000 |
|-------------------------------------------------------------------------------------|

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

## **EXHIBIT "B"**

### **POINTS OF USE FOR STOCK WATER TANKS LOCATED AS FOLLOWS:**

- (A) Township 14 South, Range 11 East, Boise Meridian, Owyhee County, Idaho  
Section 2: SE1/4SW1/4
- (B) Township 14 South, Range 11 East, Boise Meridian, Owyhee County, Idaho  
Section 3: SE1/4SW1/4
- (C) Township 14 South, Range 11 East, Boise Meridian, Owyhee County, Idaho  
Section 4: SW1/4SE1/4
- (D) Township 14 South, Range 11 East, Boise Meridian, Owyhee County, Idaho  
Section 5: SE1/4SW1/4
- (E) Township 14 South, Range 11 East, Boise Meridian, Owyhee County, Idaho  
Section 10: SW1/4NE1/4
- (F) Township 14 South, Range 11 East, Boise Meridian, Owyhee County, Idaho  
Section 11: SW1/4SE1/4
- (G) Township 14 South, Range 11 East, Boise Meridian, Owyhee County, Idaho  
Section 20: NW1/4NE1/4
- (H) Township 14 South, Range 11 East, Boise Meridian, Owyhee County, Idaho  
Section 22: NW1/4NW1/4
- (I) Township 14 South, Range 11 East, Boise Meridian, Owyhee County, Idaho  
Section 28: NW1/4NE1/4
- (J) Township 14 South, Range 11 East, Boise Meridian, Owyhee County, Idaho  
Section 36: NE1/4NE1/4

## EXHIBIT "C"

The general description of location of Pipeline Easement between Aslett Ranches Partnership, an Idaho partnership, and Brackett Ranches Limited Partnership, an Idaho limited partnership.

The existing point of diversion and start of the pipeline is a point in House Creek located in the NE1/4 of Section 19, Township 15 South, Range 13 E.B.M. and runs in a northwesterly direction generally following the House Creek drainage across portions of the following described property:

(A) From the point of diversion in the NE1/4 of Section 19, Township 15 South, Range 13 E.B.M., thence northwesterly across a portion of the NE1/4 of Section 19, Township 15 South, Range 13 E.B.M.;

(B) Thence northwesterly across a portion of the SE1/4 of Section 18, Township 15 South, Range 13 E.B.M.;

(C) Thence northwesterly across a portion of the NW1/4 of Section 18, Township 15 South, Range 13 E.B.M.;

(D) Thence northwesterly across a portion of the SE1/4 of Section 7, Township 15 South, Range 13 E.B.M.;

(E) Thence northwesterly across a portion of the SE1/4 of Section 12, Township 15 South, Range 12 E.B.M.;

(F) Thence northwesterly across a portion of the NW1/4 of Section 12, Township 15 South, Range 12 E.B.M.;

(G) Thence northwesterly across a portion of the NE1/4 of Section 11, Township 15 South, Range 12 E.B.M.;

(H) Thence northwesterly across a portion of the SE1/4 and the SW1/4 and the NE1/4 of Section 2, Township 15 South, Range 12 E.B.M.; and exiting the Aslett Ranch also commonly known as the House Creek Ranch, all in Twin Falls County, Idaho.

(I) The pipeline then continues northwesterly to the points of use in what is known as the Grassy Hills.

(J) Attached hereto is a map depicting the general course of the pipeline from the appointed diversion to the points of use.





|                                                                                                                                                                                      |                                                                                                                                                                                                                                           |                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>No. L 2695</b><br><br>Return to:<br>SECRETARY OF STATE<br>450 NORTH FOURTH STREET<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b> | <b>Due later than February 28, 2009<br/>Annual Report Form</b><br><br>1. Mailing Address - Correct in this box, if applicable<br><br>BRACKETT RANCHES LIMITED PARTNERSHIP<br>NOY E BRACKETT III<br>FLAT CREEK RANCH<br>ROGERSON, ID 83302 | 2. Registered Agent and Office <b>NO PO BOX</b><br><br>NOY E BRACKETT III<br>FLAT CREEK RANCH<br>ROGERSON, ID 83302<br><br>3. <u>New</u> Registered Agent Signature |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|

4. Limited Partnerships: Enter Names and Business Addresses of General Partners.
 

| Office held     | Name           | Street or P.O. Address | City     | State | Zip   |
|-----------------|----------------|------------------------|----------|-------|-------|
| General Partner | Bert Brackett  | Flat Cr. Ranch         | Rogerson | Idaho | 83302 |
| General Partner | Paula Brackett | Flat Cr. Ranch         | Rogerson | Idaho | 83302 |

|                                                        |                                                                                                                                     |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| 5. Organized Under the Laws of:<br><br>IDAHO<br>L 2695 | 6. Signature <u>Bert Brackett</u> Date <u>12-15-08</u><br>Name (Typed or Printed) <u>Bert Brackett</u> Title <u>General Partner</u> |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|

Issued 12/01/2008

**Do Not Tape or Staple**

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