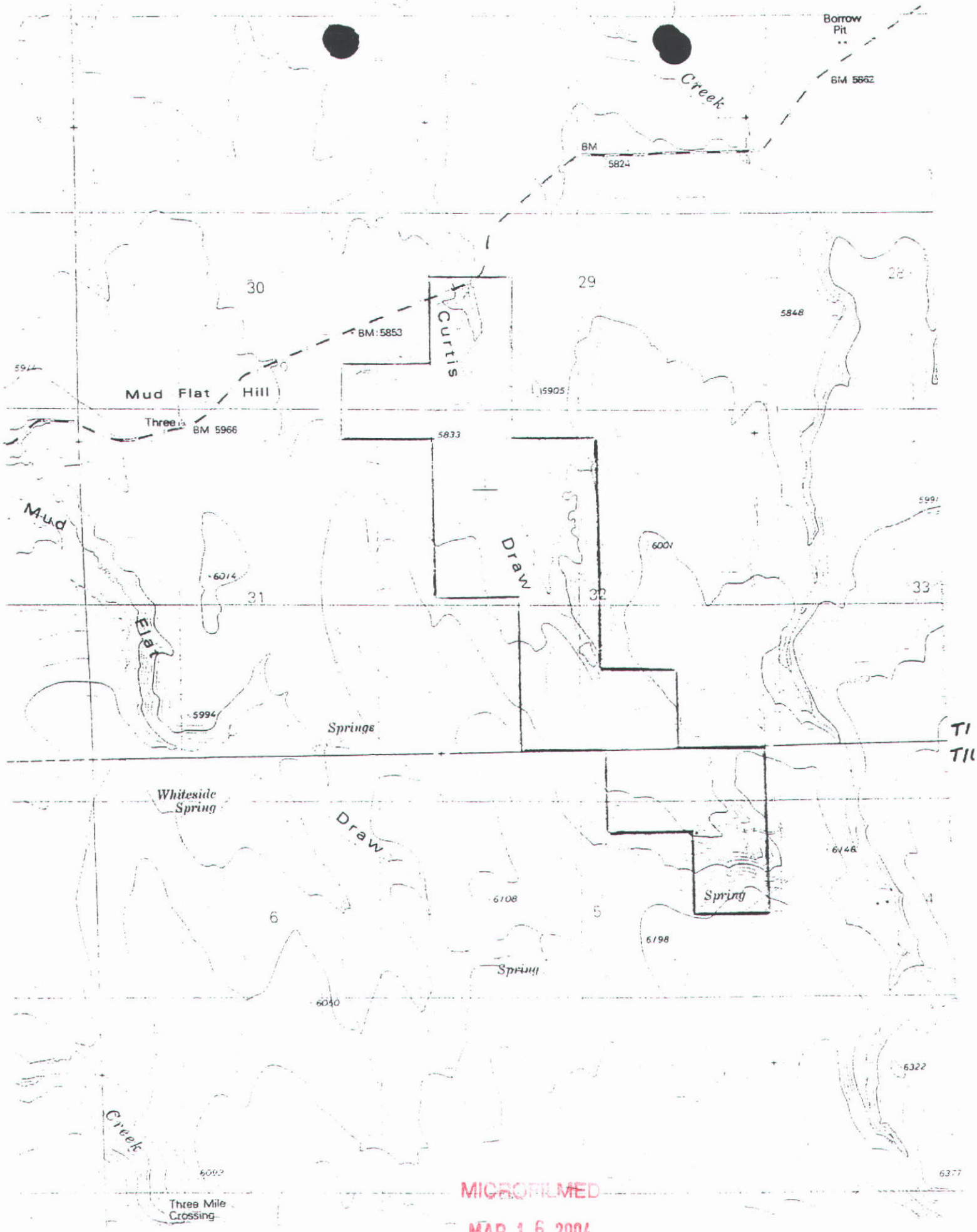


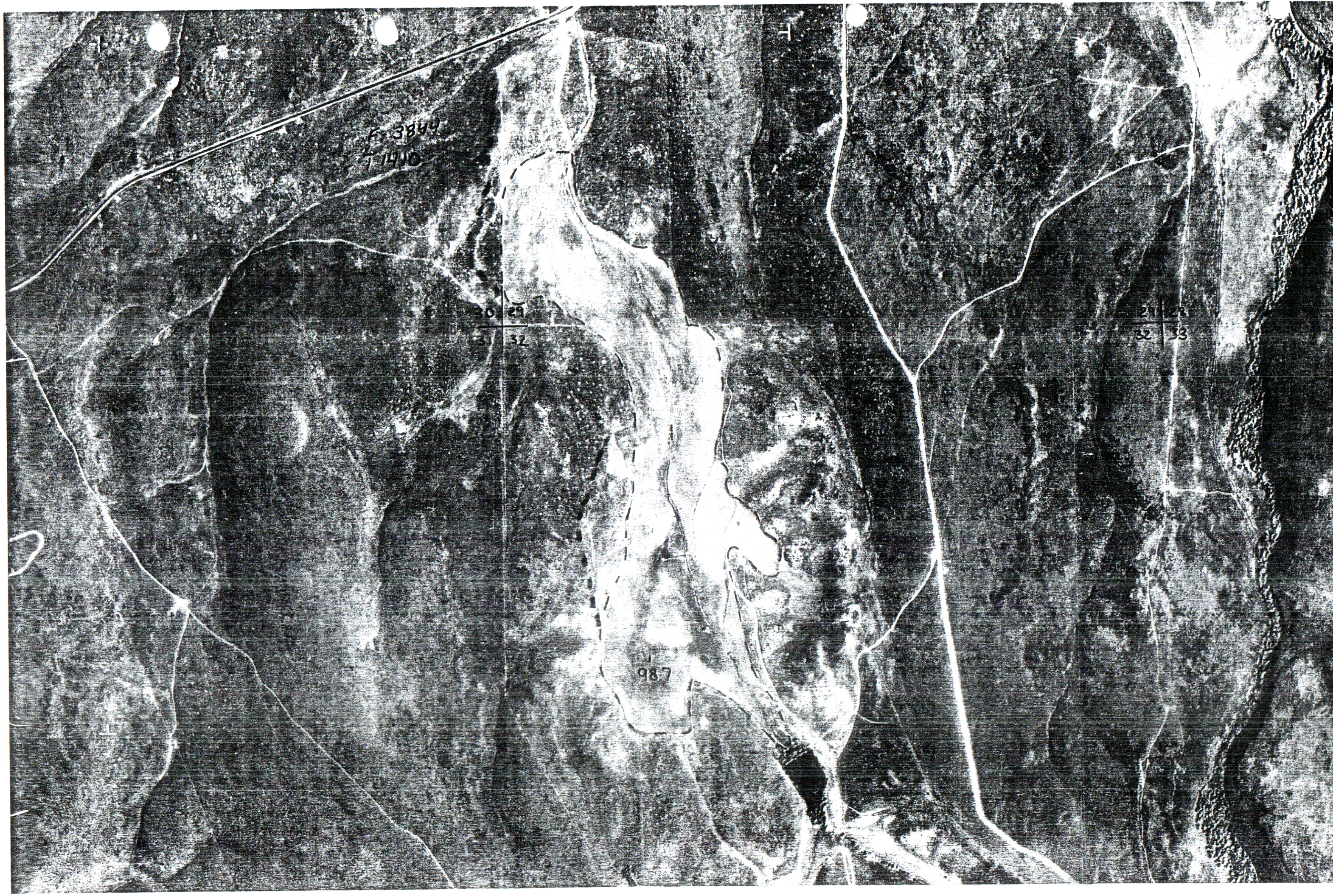
MICROFILMED
MAR 1 6 2004

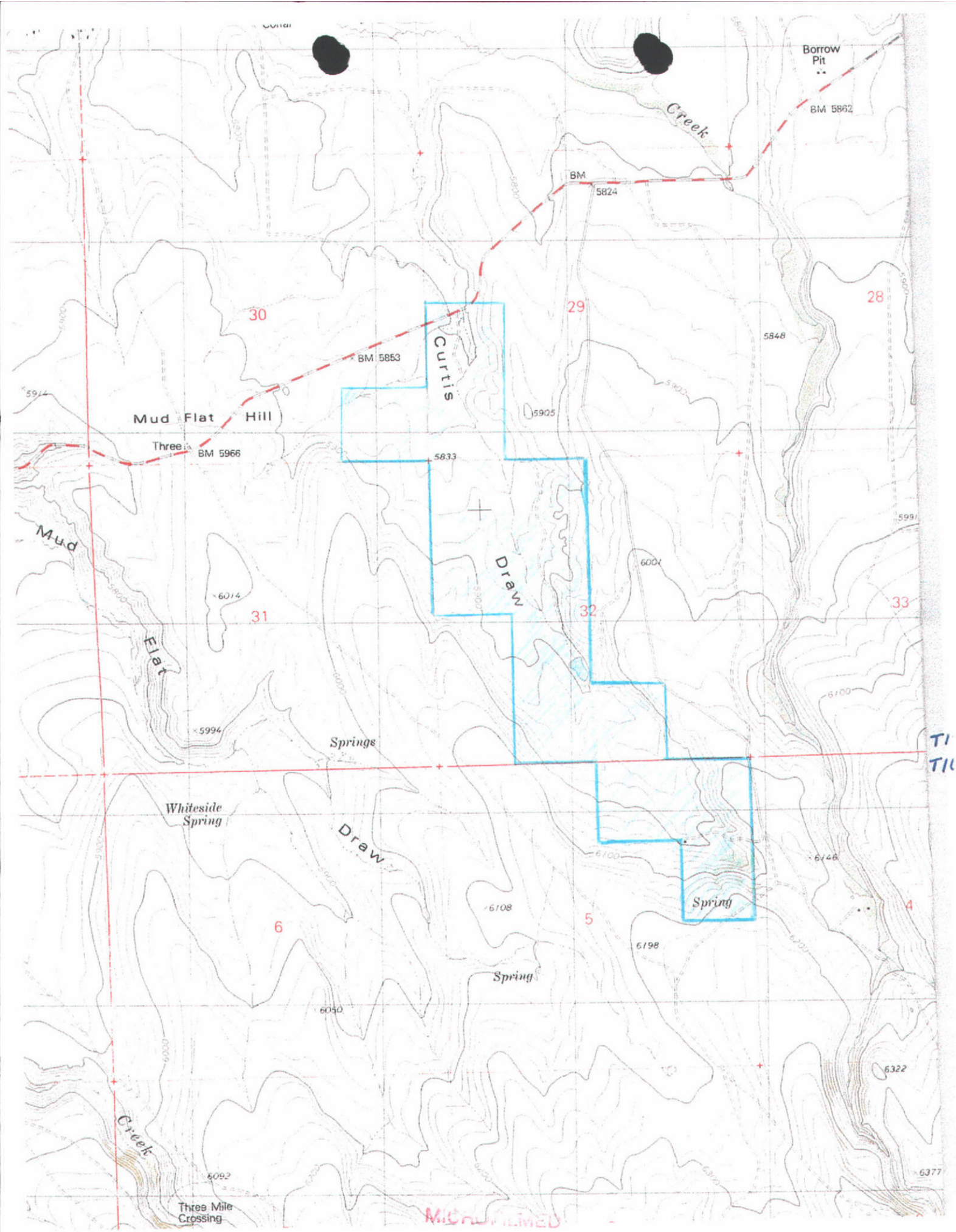
F. 3844
T 1410

31 32
6 5

32 33
5 4

79.9


F 3844
T 1410
20
29
32
21
32
33
987



MAR 16 2004

ATTACHMENT D

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED
APR 30 2001
WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

April 4 ,11, 2001

SIGNED: Joe E. Aman

STATE OF IDAHO)
COUNTY OF)
)

On this 25th day of April in the year of 2001 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

SHIRLEY MEWHINNEY NOTARY PUBLIC STATE OF IDAHO

Shirley Mewhinney
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

MICROFILMED
MAR 16 2004

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS, TRANSFER NO. 68967

ASLETT RANCHES PARTNERSHIP of PO Box B, Twin Falls ID 83303 has applied to the Department of Water Resources to change the Place of Use pursuant to I.C. § 42-222 for the following rights recorded as follows in Owyhee County:

DECREE 51-134, priority 8/25/1908, 2.3 cfs, Deadwood Creek tributary to Clover Creek diverted in the NWSESW S4 T16S then rediverted in the SENESW S32 T15S R12E and used for irrigation in S29, S32 T15S and S5 T16S R 12E, 202.8 total acres.

DECREE 51-135, same as above with the addition of .09 cfs for stockwater use, 1.9 cfs total.

PROPOSED CHANGE

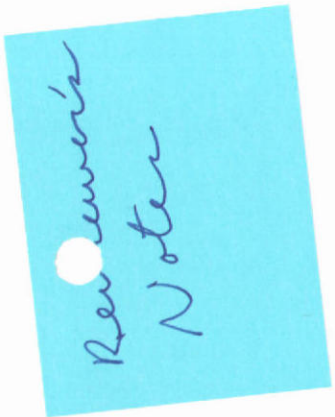
Transfer the use of water appurtenant to 1.9 acres in the SESW S29, 12.2 acres in the NWSW S32 T15S, and 2.2 acres in the NENW S5 T16S, all Federal lands, to applicants' private land in the SESE S30 T15S R 12E, to resolve Bureau of Land Management's objection in the Snake River Basin Adjudication.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705-5082, together with protest fee of $25 for each application on or before April 23, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher
Director

4/4 & 4/11/01

P/D Overlaps										
BASIN	Sequence Number	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table	Applicatio
51	130	Decreed	Active	10/10/02	0.3	DEADWOOD CREEK	IRRIGATION	MARY DROWN (Current Owner), WILLIAM DROWN (Current Owner)	wrAdjudicationRecommendation	
51	134	Decreed	Active	8/25/08	2.3	DEADWOOD CREEK	IRRIGATION	ASLETT RANCHES PARTNERSHIP (Current Owner), SCOTT L CAMPBELL (Attorney), SWAN LAND & LIVESTOCK COMPANY (Directors Report Owner)	wrAdjudicationRecommendation	
51	135	Decreed	Active	8/25/08	1.9	DEADWOOD CREEK	IRRIGATION, STOCKWATER	ASLETT RANCHES PARTNERSHIP (Current Owner), LINCOLN CURTIS (Original Owner), SCOTT L CAMPBELL (Attorney), SWAN LAND & LIVESTOCK COMPANY (Directors Report Owner)	wrAdjudicationRecommendation	



Idaho Dept. of Water Resources
Place of Use Comparison Report

P/U Ovelaps

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	51 2442	ASLETT RANCHES PARTNERSHIP,	CURTIS DRAW CREEK	15S12E30																22.1	22.1
Right	51 2442	TB FAUSETT,	UNNAMED STREAM	15S12E30																20	20

Idaho Dept. of Water Resources
Place of Use Comparison Report

P/U Overlaps

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	51 134	ASLETT RANCHES PARTNERSHIP,	DEADWOOD CREEK	15S12E32					15.4	12.1	16.6	22	11.1	12.2		19			28.3		136.7
Rec	51 135	ASLETT RANCHES PARTNERSHIP,	DEADWOOD CREEK	15S12E32					15.4	12.1	16.6	22	11.1	12.2		19			28.3		136.7
Right	51 2010	LINCOLN CURTIS, FANNIE M CURTIS,	DEADWOOD CREEK	15S12E32						10	10								35		55
Right	51 134	HARRY W NOH,		15S12E32						40	40								40		120
Right	51 141	LINCOLN CURTIS, FANNIE M CURTIS,		15S12E32						10	10								35		55
Right	51 143	GEORGE W CURTIS,		15S12E32								10	10			20					40

Idaho Dept. of Water Resources
Place of Use Comparison Report

P/U Overlaps

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	51 134	ASLETT RANCHES PARTNERSHIP,	DEADWOOD CREEK	16S12E5	8.1	18		0.1	2.2												28.4
Rec	51 135	ASLETT RANCHES PARTNERSHIP,	DEADWOOD CREEK	16S12E5	8.1	18		0.1	2.2												28.4
Right	51 2010	LINCOLN CURTIS, FANNIE M CURTIS,	DEADWOOD CREEK	16S12E5	20	20		20													60
Right	51 134	HARRY W NOH,		16S12E5	40	40		40													120
Right	51 135	LINCOLN CURTIS,		16S12E5	40	40		40													120
Right	51 141	LINCOLN CURTIS, FANNIE M CURTIS,		16S12E5	20	20		20													60

Idaho Dept. of Water Resources
Place of Use Comparison Report

P/U Overlaps

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	51 2442	ASLETT RANCHES PARTNERSHIP,	CURTIS DRAW CREEK	15S12E29										5.1	27.9						33
Rec	51 134	ASLETT RANCHES PARTNERSHIP,	DEADWOOD CREEK	15S12E29										7.9	27.9	1.9					37.7
Rec	51 135	ASLETT RANCHES PARTNERSHIP,	DEADWOOD CREEK	15S12E29										7.9	27.9	1.9					37.7
Right	51 2442	TB FAUSETT,	UNNAMED STREAM	15S12E29										5	25						30

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 68967

This is to certify that: ASLETT RANCHES PARTNERSHIP
PO BOX B
TWIN FALLS ID 83303
(208)734-5333

has requested a change to the water right(s) listed below This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
51-134	AJC/Decreed	08/25/1908	2 30 cfs		202 8	202 8	DEADWOOD CREEK
51-135	AJC/Decreed	08/25/1908	1.90 cfs		202 8	202 8	DEADWOOD CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
51-134	NO	NO	YES	NO	NO	NO
51-135	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
51-134	**51-134**	2.30 cfs	709.8 af	**202.8**	**202.8**		N/A	N/A	N/A	N/A
51-135	**51-135**	1 90 cfs	565.4 af	**160.0**	**202.8**		N/A	N/A	N/A	N/A
TOTALS		**4.06 cfs**	**715.2 af**	**202.8**	**202.8**		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of October, 2001

Acting Chief, Water Allocation Bureau

MICROFILMED
MAR 16 2004

WATER RIGHT NO. 51-134
As Modified by Transfer No. 68967

In accordance with the approval of Transfer No 68967, Water Right No. 51-134 is now described as follows.

Right Holder: ASLETT RANCHES PARTNERSHIP
PO BOX B
TWIN FALLS ID 83303

Priority Date: 08/25/1908

Source: DEADWOOD CREEK **Tributary:** BRUNEAU RIVER

BENEFICIAL USE	From	To	Diversion Rate	Volume
IRRIGATION	04/23	to 10/31	2.30 CFS	709.8 AF
			2 30 CFS	709.8 AF

LOCATION OF POINT(S) OF DIVERSION:

DEADWOOD CREEK NWSESW Sec 4 Twp 16S Rge 12E OWYHEE County

DEADWOOD CREEK (Rediversion) SENESW Sec. 32 Twp 15S Rge 12E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	12E	29										7.9	27.9						35 8
15S	12E	30																16 3	16 3
15S	12E	32					15 4	12.1	16.6	22.0	11 1			19.0		28 3			124 5
16S	12E	5	8 1	18 0		1													26 2

Total Acres 202.8

CONDITIONS OF APPROVAL

1. Rights 51-134 and 51-135 when combined shall not exceed a total diversion rate of 4.06 cfs, a total annual maximum diversion volume of 715.2 af at the field headgate, and the irrigation of 202.8 acres.

2 Rights 51-134, 51-135 and 51-2442 when combined shall not exceed the irrigation of 240 2 acres.

3 Use of water under this water right will be regulated by the watermaster of State Water District No. 47C, Cedar, Devil and Deadwood Creeks.

4 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

MICROFILMED
MAR 16 2004

WATER RIGHT NO. 51-134
As Modified by Transfer No. 68967

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above

6 All water rights within Basin 51 are from connected sources of water in the Snake River Basin and shall be administered conjunctively

7 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval

8 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources

Dated this 3rd day of October, 2001

Acting Chief, Water Allocation Bureau

MICROFILMED

MAR 16 2004

WATER RIGHT NO. 51-135
As Modified by Transfer No. 68967

In accordance with the approval of Transfer No. 68967, Water Right No. 51-135 is now described as follows

Right Holder: ASLETT RANCHES PARTNERSHIP
PO BOX B
TWIN FALLS ID 83303

Priority Date: 08/25/1908

Source: DEADWOOD CREEK **Tributary:** BRUNEAU RIVER

BENEFICIAL USE	From	To	Diversion Rate	Volume
IRRIGATION	04/23	10/31	1 90 CFS	560 0 AF
STOCKWATER	01/01	12/31	0.09 CFS	5.4 AF
			1.90 CFS	565.4 AF

LOCATION OF POINT(S) OF DIVERSION:

DEADWOOD CREEK NWSESW Sec. 4 Twp 16S Rge 12E OWYHEE County

DEADWOOD CREEK SENESW Sec. 32 Twp 15S Rge 12E OWYHEE County
(Rediversion)

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 12E 29										7.9	27 9						35 8
15S 12E 30																16 3	16 3
15S 12E 32					15 4	12.1	16.6	22.0	11.1			19.0		28 3			124 5
16S 12E 5	8 1	18 0		1													26 2

Total Acres: 202.8

CONDITIONS OF APPROVAL

1. Right 51-134 is limited to the irrigation of 160.0 acres within the place of use described above in a single irrigation season

2 Rights 51-134 and 51-135 when combined shall not exceed a total diversion rate of 4.06 cfs, a total annual maximum diversion volume of 715 2 af at the field headgate, and the irrigation of 202.8 acres.

3 Rights 51-134, 51-135 and 51-2442 when combined shall not exceed the irrigation of 240 2 acres.

4. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day

MICROFILMED

MAR 16 2004

WATER RIGHT NO. 51-135
As Modified by Transfer No. 68967

CONDITIONS OF APPROVAL

5. Use of water under this water right will be regulated by the watermaster of State Water District No 47C, Cedar, Devil and Deadwood Creeks.

6 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion

7. This right when combined with all other rights shall provide no more than 0 02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above

8 All water rights within Basin 51 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

9 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

10 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources

Dated this 3rd day of October, 2001

Acting Chief, Water Allocation Bureau

MICRO [illegible]

MAR 1 6 2004

Form 1 222
12-82 (Internet)

RECEIVED
AUG 0 6 2001
WATER RESOURCES
WESTERN REGION

Page 1 of 5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 68967
RECEIVED
AUG 2 1 2001
Department of Water Resources

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Aslett Ranches, Partnership Phone (208) 734-5533

Post Office address P O Box B, Twin Falls, ID 83303

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 _____

2. Describe the reason for the proposed changes The purpose is to remove BLM lands from the place of use description for this right, and to transfer that proportionate share of the right to the lands on the Asletts' property

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

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
51-00134	8-25-1908	2 30 cfs	Irrigation	4-23	to	10-31
51-00135	8-25-1908	1 90 cfs	Irrigation	4-23	to	10-31
		09 cfs	Stock water	1-01	to	12-31
					to	

2. Total amount of water being transferred 33 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Deadwood Creek tributary to Clover Creek

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local name for diversion
	SE	NE	SW	32	15S	12E	Owyhee	(Point of Rediversion)
	NW	SE	SW	04	16S	12E	Owyhee	

5. 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	
15S	12E	29										7 9	27 9						35 8
		30																16 3	16 3
		32					15 4	12 1	16 6	22	11 1			19			28 3		124 5
16S	12E	05	8 1	18		1													26 2

MICROFILMED
MAR 1 6 2002

68967

Total acres 202 8

PART 1

6 General Information

a. Description of diversion system Construction is made of rock and plastic dam

b Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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
The only change is that water under the Asletts' water rights will now be used to water the Asletts' private land only, and not any United States (Bureau of Land Management) land

d. Remarks:

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____.

_____

MICROFILMED
MAR 16 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Harry W Noh and Lincoln Curtis

   in case of Grandview Irrigation District vs. Bruneau-Buckaroo Co-operative Ditch Co

   dated August 25 in 1908 county of Ada

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

   c. Claim No. _____ 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 Deadwood Creek tributary to Clover Creek

4. Date of priority 8-25-1908

5. Water is used for the following purpose:

   amount 1.90 cfs for irrigation purposes from 4-01 to 10-31
   (cfs/ac-ft)
   amount .09 cfs for stockwater purposes from 1-01 to 12-31
   (cfs/ac-ft)
   amount 2.30 cfs for irrigation purposes from 4-01 to 10-31
   (cfs/ac-ft)

6. Total amount of water under right 4.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SW	32	15S	12E	Owyhee	
	NW	SE	SW	04	16S	12E	Owyhee	

8. 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	
15S	12E	29										7 9	27 9	1 9					37 7
		32					15 4	12.1	16 6	22	11 1	12 2		19			28.3		136 7
16S	12E	5	8.1	18		1	2 2												28 4

Total acres 202 8

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

MICROFILMED

MAR 1 6 2004

PART 2

Transfer No _____

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 19 cfs for irrigation purposes from 4-01 to 10-31
   amount (cfs/ac-ft) 15 cfs for irrigation purposes from 4-01 to 10-31
   amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SW	32	15S	12E	Owyhee	
	NW	SE	SW	04	16S	12E	Owyhee	

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	
15S	12E	29												1.9					1.9
15S	12E	32										12 2							12 2
16S	12E	05					2.2												2.2

Total acres 16.3

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

1. amount 2.11 cfs for irrigation purposes from 4-1 to 10-31
   amount (cfs/ac-ft) 1.75 cfs for irrigation purposes from 4-1 to 10-31
   amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

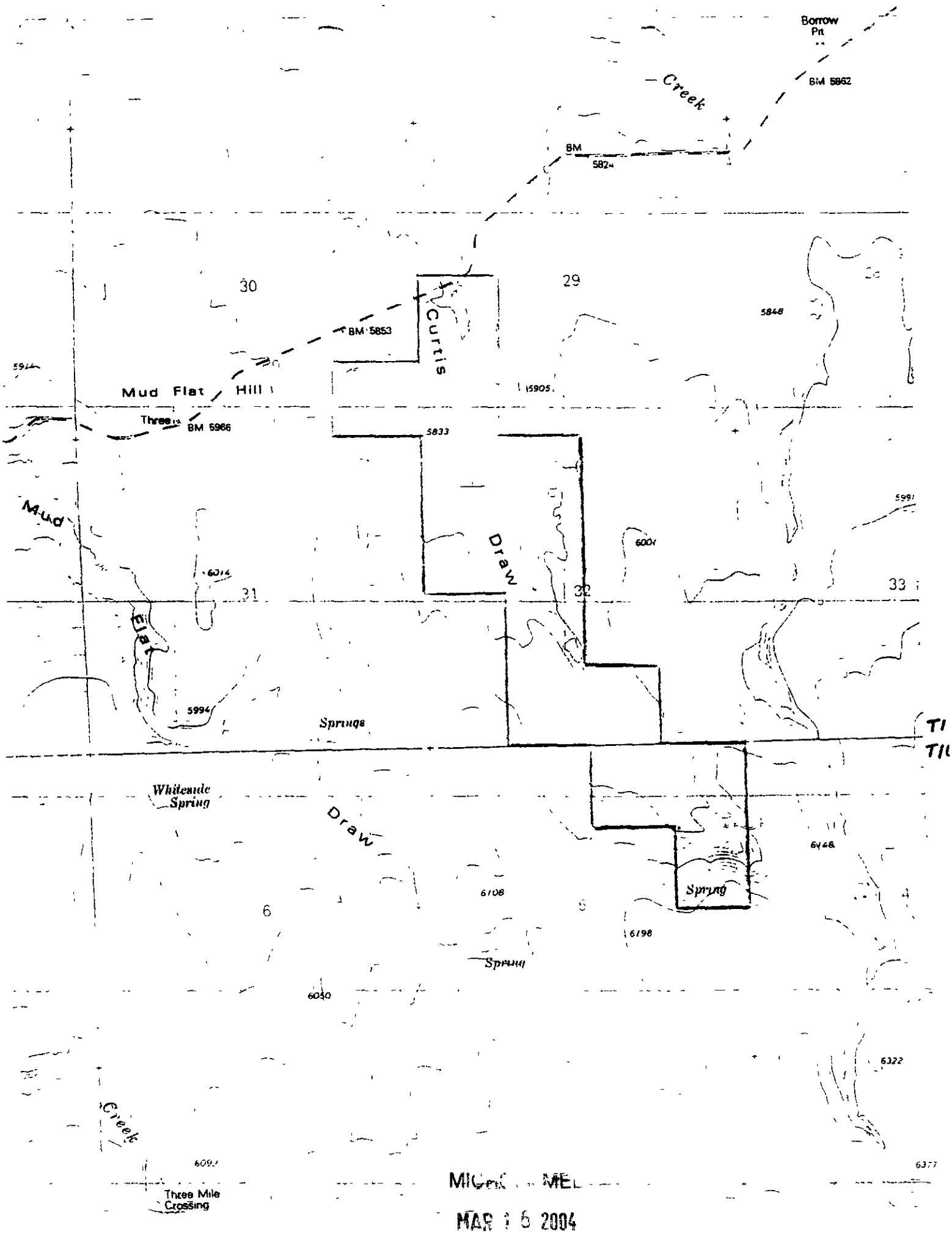
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SW	32	15S	12E	Owyhee	
	NW	SE	SW	04	16S	12E	Owyhee	

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	
15S	12E	29										7 9	27 9						35 8
		32					15 4	12 1	16 6	22	11 1			19			28 3		124 5
16S	12E	05	8.1	18		1													26 2

MICROFILM

MAR 1 6 2004



MICROFILMED
MAR 16 2004

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				____ to ____
				____ to ____

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

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

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.

BONNIE TEMPLEMAN NOTARY PUBLIC STATE OF IDAHO

(Signature of Applicant)

Subscribed and sworn to before me this 31 day of July, 19 01.

Bonnie Templeman
(Notary Public)

My commission expires 2/12/02

FOR DEPARTMENT USE ONLY

Transfer contains ____ pages and ____ attachments

Received by ____ Date ____ Protest filed by ____

Prelim. check by ____ Fee ____ ____

Receipted by ____ Date ____ ____

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 ____

MAR 16 2001

Form 1-222
12-82 (Internet)

Page 1 of 5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 68967
RECEIVED
FEB 27 2001
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Aslett Ranches, Partnership Phone (208) 734-5533

Post Office address Post Office Box B, Twin Falls, Idaho 83303

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 _____
2. Describe the reason for the proposed changes The purpose is to remove BLM lands from the place of use description for this right, and to transfer that proportionate share of the right to the lands on the Asletts' property

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

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
51-00134	8-25-1908	2 30 cfs	Irrigation	4-01	to 10-31
51-00135	8-25-1908	1 90 cfs	Irrigation	4-01	to 10-31
		09 cfs	Stock water	1-01	to 12-31
					to

2. Total amount of water being transferred 33 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Deadwood Creek tributary to Clover Creek
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local name for diversion
	SE	NE	SW	32	15S	12E	Owyhee	(Point of Rediversion)
	NW	SE	SW	04	16S	12E	Owyhee	

5. 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	
15S	12E	29										7.9	27 9						35 8
		30																16 3	16 3
		32					15 4	12.1	16 6	22	11.1			19			28 3		124 5
16S	12E	05	8 1	18		1													26 2

MAR 19 2001

Total acres 202.8

PART 1

6 General Information

a. Description of diversion system Construction is made of rock and plastic dam

b Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X _____ 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.
The only change is that water under the Asletts' water rights will now be used to water the Asletts' private land only, and not any United States (Bureau of Land Management) land

d. Remarks:

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____.

_____

MAY 15 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 Harry W Noh and Lincoln Curtis
      in case of Grandview Irrigation District vs. Bruneau-Buckaroo Co-operative Ditch Co
      dated August 25 in 1908 county of Ada
   b. License No. ____ issued by the Idaho Department of Water Resources.
   c. Claim No. ____ 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 Deadwood Creek tributary to Clover Creek
4. Date or priority 8-25-1908
5. Water is used for the following purpose:
   amount 1 90 cfs for irrigation purposes from 4-01 to 10-31
   (cfs/ac-ft) amount 09 cfs for stockwater purposes from 1-01 to 12-31
   (cfs/ac-ft) amount 2 30 cfs for irrigation purposes from 4-01 to 10-31
   (cfs/ac-ft)
6. Total amount of water under right 4 20 cubic feet per second and/or ____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SW	32	15S	12E	Owyhee	
	NW	SE	SW	04	16S	12E	Owyhee	

8. 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	
15S	12E	29										7.9	27 9	1 9					37 7
		32					15 4	12 1	16 6	22	11 1	12 2		19			28 3		136.7
165S	12E	5	8 1	18		1	2 2												28 4

MAR - 6 2006

Total acres 202 8

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

PART 2

Transfer No _____

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 (cfs/ac-ft) 19 cfs for irrigation purposes from 4-01 to 10-31
   amount (cfs/ac-ft) 15 cfs for irrigation purposes from 4-01 to 10-31
   amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local name for diversion
	SE	NE	SW	32	15S	12E	Owyhee	
	NW	SE	SW	04	16S	12E	Owyhee	

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	
15S	12E	29												1 9					1 9
15S	12E	32										12 2							12 2
16S	12E	05					2 2												2 2

Total acres 16 3

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

1. amount (cfs/ac-ft) 2 11 cfs for irrigation purposes from 4-1 to 10-31
   amount (cfs/ac-ft) 1 75 cfs for irrigation purposes from 4-1 to 10-31
   amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SW	32	15S	12E	Owyhee	
	NW	SE	SW	04	16S	12E	Owyhee	

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	
15S	12E	29										7 9	27 9						35 8
		32					15 4	12 1	16 6	22	11 1			19			28 3		124 5
16S	12E	05	8 1	18		1													26 2

Total acres 186 5

MAY - 6 2011

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

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

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

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.

BONNIE TEMPLEMAN NOTARY PUBLIC STATE OF IDAHO

Steven Pratt
(Signature of Applicant)

Subscribed and sworn to before me this 20 day of February, 19 2001.

Bonnie Templeman
(Notary Public)

My commission expires 2/12/02

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 4 attachments

Received by LM Date 2-27-01 Protest filed by _____

Prelim. check by LG Fee _____ _____

Receipted by LM Date 2-27-01 W027410

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 _____

MAR 5 2001

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

RECEIVED
APR 0 5 2001
WATER RESOURCES
WESTERN REGION

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
7250 (SRWR) (933b)

March 30, 2001

Gary Spackman, Regional Manager
Western Regional Office
Idaho Department of Water Resources
State of Idaho
2735 Airport Way
Boise, Idaho 83705

RE: Transfer #68967, Aslett Ranches Partnership
51-00134 and 51-00135

Dear Mr. Spackman:

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that Aslett Ranches Partnership wishes to transfer water under rights 51-00134 and 51-00135 from the federal public property to land which the Aslett Ranches Partnership owns as private property. The federal public property legal descriptions are as follows:

T15S R12E	S29	SESW	1.9 acres	
	S32	NWSW	12.2 acres	
T16S R12E	S05	NENW	2.2 acres	
			16.3 acres	TOTAL to be transferred off of public land.

I understand that the Idaho Dept. of Water Resources (I.D.W.R.) cannot complete such a transfer of water under a water right without the notarized consent of the landowner where the water right describes land not owned by the transfer applicant.

On behalf of the United States and the U.S.D.I., BLM, my notarized signature below provides

ATTACHMENT A1

the necessary consent to facilitate the transfer, which will result in the discontinuance of water being applied to federal public land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

If there are questions regarding any statements above, please do not hesitate to contact me at 373-3831 or at the address provided above.

Sincerely,

Gary A. Madenford
Water Rights Team Leader

cc:
Larry A. Brown, Dept. of Justice, ENRD
CACI, Boise

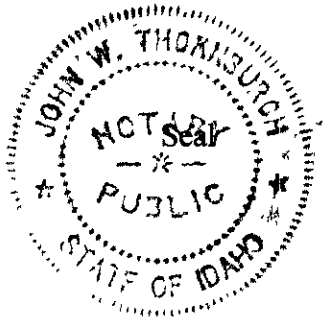
MAR 15 2004

Transfer #68967, Aslett Ranches Partnership

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

On this 30TH day of March, 2001, personally came before me, a notary public in and for said County and State, the within-named GARY A. MADENFORD, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

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



John W Thornburgh
Notary public in and for the
State of Idaho,
County of Ada
Residing at Boise
My commission expires: 5-16-2003

MAR 15 2001

Transfer #68967, Aslett Ranches Partnership

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

ANGELA D SCHAER

July 12, 2001

RECEIVED
JUL 13 2001
WATER RESOURCES
WESTERN REGION

Lori Graves
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Application for Transfer of Water Right Nos. 51-00134 and 51-00135

Dear Ms. Graves:

The purpose of this letter is to respond to your request for additional information regarding the use of the above-referenced water rights over the past five years. I apologize for the delay in providing you with this information, but our clients are currently preparing for a trial on July 24 regarding other aspects of these same water rights, and are also in the midst of the irrigation season.

Our efforts have further been hampered by the fact that, as I believe I previously indicated to you, my clients acquired the water rights and the property to which they are appurtenant only recently. In addition, their predecessor in interest has passed away, further making it difficult to completely ascertain the use of these water rights. The information which I am able to provide to you is this: First, the water rights in question were recommended by the Director of the Idaho Department of Water Resources sometime in 1998. The Director recommended that the water rights be decreed with a place of use for 202.8 acres combined. Given that the Director's report was issued just three years ago, one would certainly hope that the Department would not now reverse its position, and argue that our clients are entitled to less than the recommended 202.8 acres. Second, it is notable that no one filed an objection to the amount of acres claimed in the place of use; the only objection to the place of use was filed by the Bureau of Land Management, which objected to the specific listing of 16 acres as the place of use, but did not object to the amount of acres.

My clients have also provided me with photocopies of aerial maps which show the irrigated place of use, and a statement from Harlan Mink, Jr., who is an employee of the Asletts. It is my understanding that, as reflected in his written statement attached hereto, Mr. Mink was employed by the previous owners of the land in question. You will note that Mr. Mink's observations are that the water has been used to irrigate wild hay meadows, based on his personal

ATTACHMENT B1

knowledge, since 1979. I realize that there may be two potential problems with Mr. Mink's statement: First, it is not sworn, and second, it does not specifically state that 202.8 acres have been irrigated with the water from Deadwood Creek. However, should the Department wish to investigate this further, I can certainly provide you with that sworn statement.

If you do wish to discuss this matter, and if further proof from you is needed, please call to schedule a time for Mr. Campbell and I to come and meet with you. However, it is important to remember that the Idaho Department of Water Resources did recommend this right less than five years ago in the Snake River Basin Adjudication with the 202.8 acres as the place of use. It would certainly be quite internally inconsistent for the Department to now assert that my clients are not entitled to irrigate 202.8 acres, particularly since the statutory forfeiture period is far from over.

If you have any additional questions or concerns, please do not hesitate to contact me.

Very truly yours,

ELAM & BURKE
A Professional Association

Angela D. Schaer

ADS/ln
Enclosures

RECEIVED
JUL 13 2001
WATER RESOURCES
WESTERN REGION

To: ALL Interested Parties

From: Harlan Mink Jr

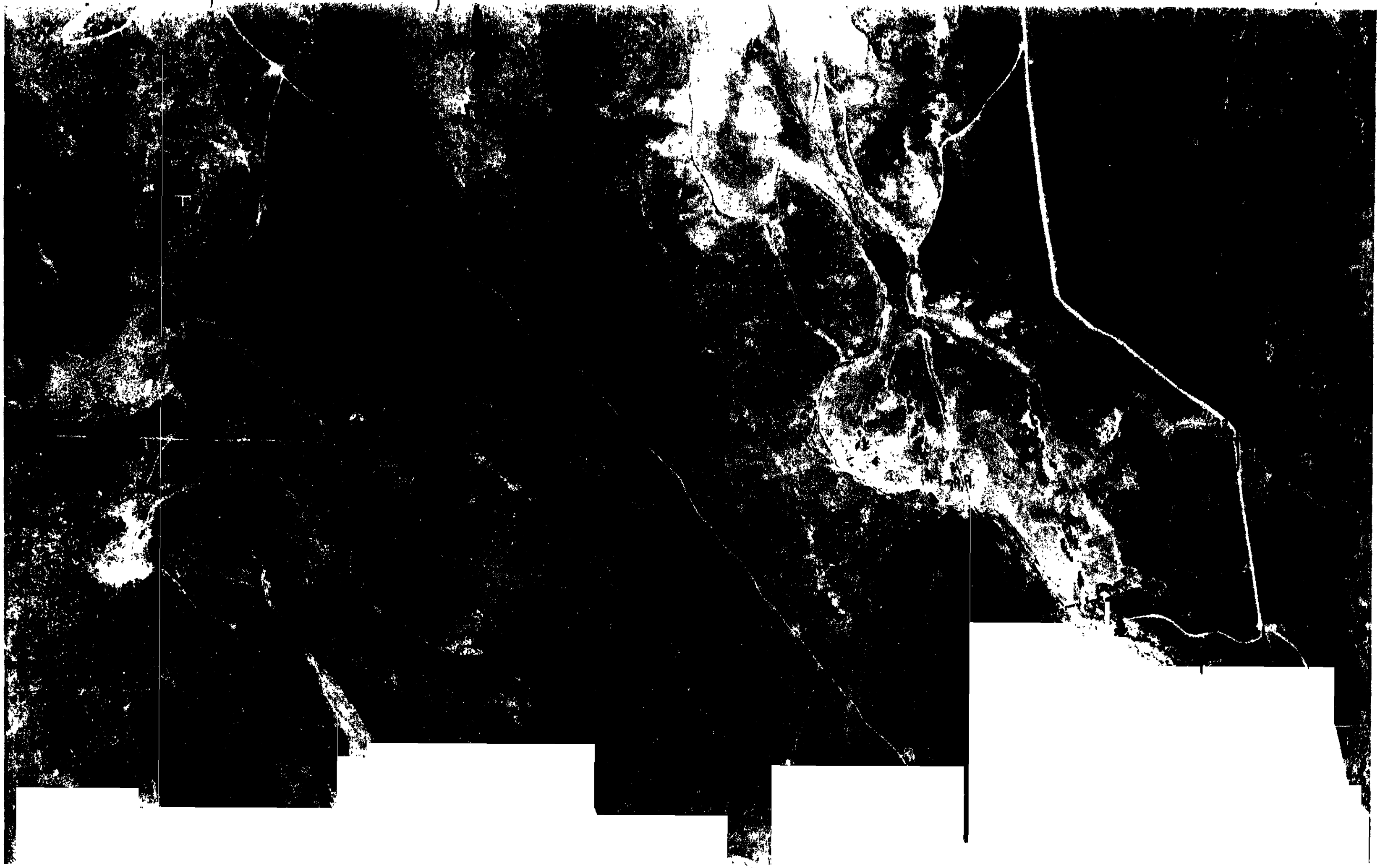
Re Water rights (Irrigation)

Location: Diverted from Deadwood Creek via open ditch to The Ranch commonly referred To as "Punkin Hollow", all located in the South ~~Eastern~~ Eastern portion of Oywhee County.

The water right has been used to Irrigate wild Hay meadows on Punkin Hollow To my sure knowledge at least since 1979 Irrigation season. I served as relief Irrigator 79 - 81, and Sole Irrigator 82 To present,

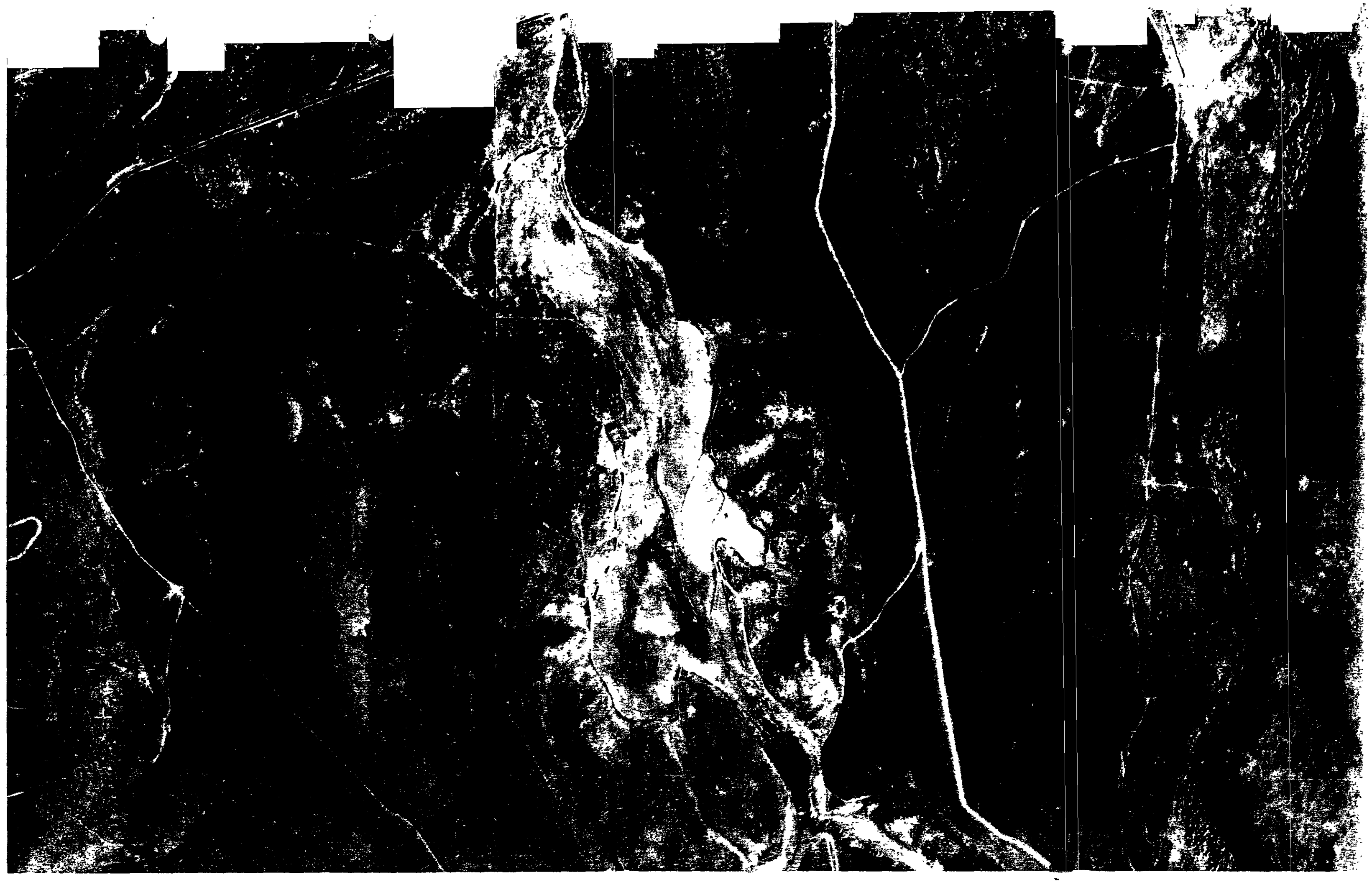
Sincerely
Harlan Mink Jr

MAR 5 2004



RECEIVED
JUL 13 2001
WATER RESOURCES
WESTERN REGION

MICROFILMED
MAR 16 2001



MICROFILMED
MAR 1 5 2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO 51-134

Owner Type	Name and Address
Current Owner	ASLETT RANCHES PARTNERSHIP PO BOX B TWIN FALLS, ID 833030015 (208)734-5533
Directors Report Owner	SWAN LAND & LIVESTOCK COMPANY HOUSE CREEK RANCH ROGERSON, ID 83302 (208)857-2235
Attorney	SCOTT L CAMPBELL ELAM & BURKE PA 702 W IDAHO PO BOX 1539 BOISE, ID 83701 (208) 343-5454

Priority Date: 08/25/1908
Basis: Decreed
Status: Active

Source	Tributary to
DEADWOOD CREEK	CLOVER CREEK

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	4/01	10/31	2.3 CFS		
Total Diversion			2 3 CFS		

Location of Point(s) of Diversion

DEADWOOD CREEK Rediversion	SENESW	Sec 32	Township 15S	Range 12E	OWYHEE County
DEADWOOD CREEK	NWSESW	Sec 04	Township 16S	Range 12E	OWYHEE County

IRRIGATION Use
Acre Limit: 202.8

Place(s) of use

Place of Use Legal Description IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15S	12E	29		NWSW	7 9		SWSW	27.9		~~SESW~~	~~1.9~~			
		32		NENW	15.4		NWNW	12.1		SWNW	16.6		SENW	22
				NESW	11 1		~~NWSW~~	~~12 2~~		SESW	19			
				SWSE	28 3									
16S		5		NENE	8.1		NWNE	18		SENE	0 1			
				~~NENW~~	~~2 2~~									

Total Acres: 202.8

16.3 acres to T15S R12E S30 SESE

Conditions of Approval

MAR

MAR 16 2004

ATTACHMENT C1

1	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2	C14	THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 51: WATER RIGHT NO SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 51 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
3.	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.

Remarks:

1	Quantity	USE OF THIS RIGHT WITH RIGHT NO 51-00135 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.06 CFS
2	Place of Use - Irrigation	USE OF THIS RIGHT WITH RIGHT NO 51-00134 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 202.8 ACRES IN A SINGLE IRRIGATION SEASON USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 240.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-00135 & 51-02442

Comments

Author	Date	Subject	Comment
KWALKER	5/28/98	COPIED FROM REMARKS	THIS CLAIM IS BASED ON A COMBINATION OF TWO DECREED RIGHTS 51-00134 & 51-00141 FROM TWO DIFFERENT DECREES. 51-00134 WAS DECREED IN GRANDVIEW IRR DIST. VS BRUNEAU BUCKAROO CO-OP DITCH CO ON 02/14/1925
AJU10-JS	7/30/98	AJU10 CONDITION UPDATE	CONDITION CODE(S) C14 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
SSHERMAN	5/15/00	OWNERSHIP CHANGE	SWAN LAND & LIVESTOCK TO ASLETT RANCHES; NCAP WAS DONE 4 19 00 NOTICE OF APPEARANCE NOA REC'D 5 11.00 FROM SCOTT CAMPBELL APPEARING FOR ASLETT RANCHES PARTNERSHIP

Dates:

Licensed Date
Claim Received Date 01/11/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date
Decreed Date. 02/14/1925
Date Filed with Court:
Objection Filed Date: 3/31/99
SF5 Filed.
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information

Receipt Number(s) S005870
State or Federal: S
Owner Name Connector
Water District Number. 51A
Generic Max Rate per Acre
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number
Decree Plantiff
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust.
Swan Falls Dismissed:
DLE Act Number

MAR 1 6 2004

C2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO 51-135

Owner Type	Name and Address
Current Owner	ASLETT RANCHES PARTNERSHIP PO BOX B TWIN FALLS, ID 833030015 (208)734-5533
Directors Report Owner	SWAN LAND & LIVESTOCK COMPANY HOUSE CREEK RANCH ROGERSON, ID 83302 (208)857-2235
Attorney	SCOTT L CAMPBELL ELAM & BURKE PA 702 W IDAHO PO BOX 1539 BOISE, ID 83701 (208) 343-5454
Original Owner	LINCOLN CURTIS XXXXX, ID

Priority Date: 08/25/1908
Basis: Decreed
Status: Active

Source	Tributary to
DEADWOOD CREEK	CLOVER CREEK

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	4/01	10/31	1 9 CFS		
STOCKWATER	1/01	12/31	0 09 CFS		
Total Diversion			1 9 CFS		

Location of Point(s) of Diversion

DEADWOOD CREEK	Rediversion	SENESW	Sec 32	Township 15S	Range 12E	OWYHEE County
DEADWOOD CREEK		NWSESW	Sec 04	Township 16S	Range 12E	OWYHEE County

IRRIGATION Use:
Acre Limit. 202 8

Place(s) of use

Place of Use Legal Description IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15S	12E	29		NWSW	7.9		SWSW	27.9		~~SESW~~	~~1.9~~			
		32		NENW	15 4		NWNW	12 1		SWNW	16 6		SENW	22
				NESW	11.1		~~NWSW~~	~~12.2~~		SESW	19			
				SWSE	28.3									
16S		5		NENE	8 1		NWNE	18		SENE	0 1			
				~~NENW~~	~~2 2~~									

Place of Use Legal Description: STOCKWATER same as IRRIGATION 16.3 acres to 15S 12E S30 SESE

MAR 16 2004

ATTACHMENT C3

Total Acres: 202 8

Conditions of Approval

1.	N05	THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2.	N08	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4	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

Remarks

1	Quantity	USE OF THIS RIGHT WITH RIGHT NO 51-00134 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4 06 CFS.
2.	Place of Use - Irrigation	USE OF THIS RIGHT WITH RIGHT NO 51-00134 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 202.8 ACRES IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 240.2 ACRES IN A SINGLE IRRIGATION SEASON COMBINED RIGHT NOS. 51-00134 & 51-02442
3.	Explanatory	STOCKWATER, 400 RANGE CATTLE

Comments.

Author	Date	Subject	Comment
AJU10-JS	7/30/98	AJU10 CONDITION UPDATE	CONDITION CODE(S) C14 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
SSHERMAN	5/15/00	OWNERSHIP CHANGE	SWAN LAND & LIVESTOCK TO ASLETT RANCHES, NCAP DON 4.19.00 NOTICE OF APPEARANCE NOA REC'D 5.11.00 FROM SCOTT CAMPBELL APPEARING FOR ASLETT RANCHES PARTNERSHIP

Dates.

Licensed Date
Claim Received Date: 09/08/1993
Enlargement Use Priority Date.
Enlargement Statute Priority Date
Decreed Date: 02/14/1925
Date Filed with Court.
Objection Filed Date: 3/31/99
SF5 Filed:
Special Master Recom Signed Date:

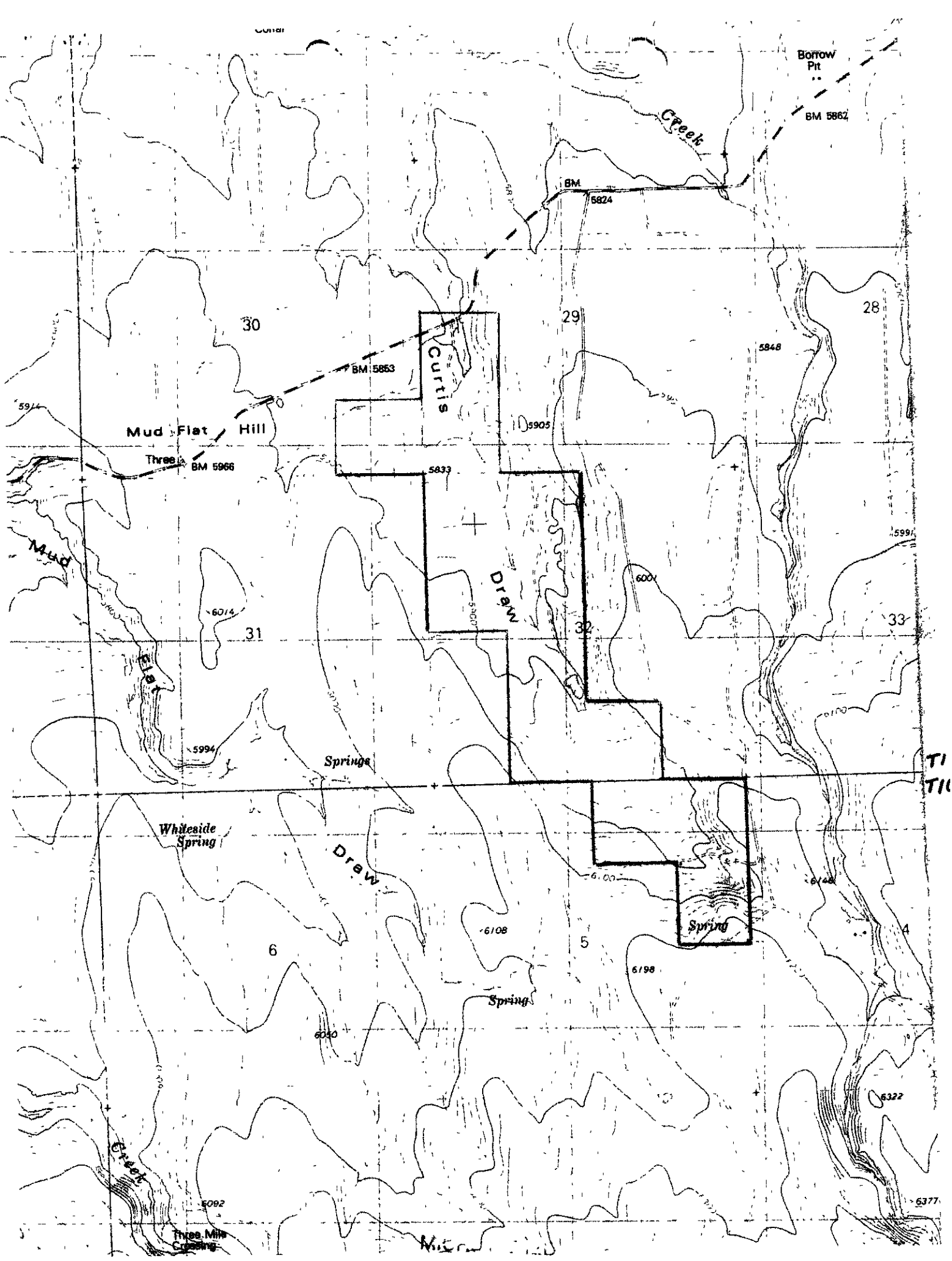
Element Reviewed/Verified Dates No dates found

Other Information:

Receipt Number(s). W016707
State or Federal: S
Owner Name Connector: AND
Water District Number: 51A
Generic Max Rate per Acre
Generic Max Volume per Acre:
Civil Case Number
Old Case Number:
Decree Plantiff:
Decree Defendant
PresumptionFlag:

MAR 16 2004

C4



MAR 16 2004

ATTACHMENT D

File 4-D

51-A

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA.

.....O.....

GRANDVIEW IRRIGATION DISTRICT,

Plaintiff,

-vs-

BRUNEAU BUCKAROO CO-OPERATIVE DITCH COMPANY, et al,

Defendants

D-E-C-R-E-E

See Amendment 51-A-1

.....O.....

This cause having come on to be heard this 14 day of February, 1925, upon the complaint of the plaintiff and the answers and cross-complaints of the appearing defendants, the default of non-appearing defendants having heretofore been entered, and upon the stipulation of all the parties appearing herein,

IT IS HEREBY ORDERED, ADJUDGED and DECREED, during the irrigation season, Dry Creek, (sometimes referred to as Jack's Creek) is an independent stream not tributary to the Bruneau River, for the reason that all the water of said Dry Creek in low water season many miles above its flood water junction with Bruneau River sinks into underground reservoirs and if permitted to run unobstructed and unappropriated, would never reach Bruneau River either on the surface or by under-

MICROFILMED
MAR 1 5 2004
JUN 1 9 1996

SAMUEL C. DUNN (Sometimes known as Crandall C. Dunn and as Crandall Dunn): S½ SE¼, Sec. 20, NW¼ NW¼, Sec. 28, NE¼ NE¼, Sec. 29, all in Township 15 South, Range 12 East, Boise Meridian, in Owyhee County, Idaho; out of the waters of Deadwood Creek, a tributary of the East Fork of the Bruneau River, a tributary of the Bruneau River; said waters to be diverted at the present point of diversion at or near the land above described:

51 01133 40 inches as of January 21, 1911.

HARRY W. NOH:- W½ NW¼, SW¼ SE¼ Sec. 32, Township 15 South, Range 12 East, Boise Meridian, E½ NE¼, NW¼ NE¼, Sec. 5, Township 16 South, Range 12 East, Boise Meridian, in Owyhee County, Idaho; out of the waters of Deadwood Creek, a tributary of the East Fork of the Bruneau River, a tributary of the Bruneau River; said waters to be diverted at the present point of diversion at or near the land above described:

51 0134 115 inches as of August 25, 1908.

LINCOLN CURTIS:- SW¼ SE¼, Sec. 32, Township 15 South, Range 12 East, Boise Meridian, and E½ NE¼, NW¼ NE¼ Sec. 5, Township 16 South, Range 12 East, Boise Meridian in Owyhee County, Idaho; out of the waters of Deadwood Creek, a tributary of the East Fork of the Bruneau River, a tributary of the Bruneau River; said waters to be diverted at the present point of diversion at or near the land above described:

51 01135 95 inches as of August 25, 1908.

W. R. WALSH:- E½ NE¼, NE¼ SE¼ of Sec. 15, Township 14 South, Range 10 East, Boise Meridian, NW¼ NW¼, SW¼ NW¼, Sec. 18, Township 14 South of Range 11 East, Boise Meridian, containing 168.75 acres in Owyhee County, Idaho, out of the waters of the East Fork of Bruneau River, a tributary of the Bruneau River; said waters to be diverted at or near the subdivision of land above described:

51 01136 2 cubic feet of water per second of time for the

MICROFILMED
JUN 1 9 1986 MAR 1 5 2004

SOLOMAN A. NEWMAN: NW¼ SE¼, NE¼ SW¼, S½ NW¼, Section 4, Township 16 South, Range 11 E. B.M. containing 160 acres out of the waters of Cherry Creek, tributary to Three Creek, tributary to Bruneau River; 83 inches as of April 1st, 1893.

Land described in the decree as S. A. Gillette: W½ NE¼, W½ SE¼, NE¼ SW¼, Section 3, Township 16 South Range 11 E. B.M. containing 200 acres out of the waters of Three Creek, tributary to to Bruneau River; 144 inches as of April 1st, 1885. Should be added to this description SE¼ NW¼. This part of the decree is amended to read;

S. A. GILLETTE: W½ NE¼, W½ SE¼, NE¼ SW¼, and the SE¼ NW¼, Section 3, Township 16 South, Range 11 E. B.M. containing 240 acres out of the waters of Three Creek, tributary to Bruneau River; 144 inches as of April 1st, 1885.

Dated this 8 day of December, 1925.

Clinton H. Hartson
Judge - - District Court

The above corrections are acceptable to the undersigned.

Oppenheim & Lampert
Attorney's for Plaintiff

Edwin Snow
Atty for Idaho Farm
Development Co.
Attorneys for Defendants.

(Endorsed)

No. 10604

DISTRICT COURT THIRD JUDICIAL DISTRICT COUNTY OF ADA, STATE OF IDAHO

Grandview Irrigation Dist.
Plaintiff

vs.

Buckaroo Co-op Ditch Co.
Defendant

AMENDMENT OF DECREE

Entered & Filed December 8, 1925.

Stephen Utter Clerk

By Otto F. Peterson
Deputy Clerk

Attorney for [illegible]

MICROFILMED
JUN 1 [illegible] 6 2004

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 3, 2001

ASLETT RANCHES PARTNERSHIP
PO BOX B
TWIN FALLS ID 83303

RE: Transfer No.:68967 - Water Rights 51-134 & 51-135 - Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED
MAR 16 2004

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Pamela S. Skaggs

for Jeff Peppersack, Manager
Water Right Permits Section

JP·klt

Enclosure(s)

cc: Scott Campbell, Moffatt Thomas

MICROFILMED
MAR 16 2004

CERTIFICATE OF MAILING

I hereby certify that on October 3, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 68967 - WATER RIGHTS 51-134 & 51-135

ASLETT RANCHES PARTNERSHIP
PO BOX B
TWIN FALLS ID 83303

SCOTT CAMPBELL
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701

Kari Lynn Townsend
Secretary

MICROFILMED
MAR 16 2004

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a **"Preliminary Order"** issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
MAR 16 2004

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
MAR 16 2004

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 3, 2001

MELVIN CROWLEY
WATERMASTER
PO BOX 732
CASTLEFORD ID 83321

RE TRANSFER OF WATER RIGHTS 51-134 & 51-135 - (Transfer 68967)

Dear Melvin.

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 68967) in the name of Aslett Ranches Partnership.

If you have any questions, please call me at 208-327-7940.

Sincerely,

Camela S. Skaggs

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
MAR 16 2004

Aslett
Ranches
P.O. Box "B"
Twin Falls, ID 83301
(208) 734-5533

ATTENTION: PAM
DEPARTMENT OF WATER RESOURCES

RE: CHANGING WATER RIGHTS, THAT IS NOW BEING APPROVED

DEAR PAM:

IN REFERENCE TO CHANGING THE WATER RIGHTS, WE HAVE ELECTED TO STAY WITH SCOTT CAMPBELL, WHO HAS MOVED FROM ELAM & BURKE TO MOFFATT THOMAS. PLEASE SEND ALL CORRESPONDENCE TO HIM.

THANK YOU,

STEVE ASLETT

MICRO[illegible]
MAR 16 2004

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 68967 DATE REVIEWED 10-01-2001 CB

SPLIT___ POD___ ADD POD___ POU ✓ PERIOD ✓ or NATURE___ of USE

ALL OF RIGHT(S) W=Water Right C=SRBA Claim (R)=SRBA Recommendation

R/ 51-134	/	/	/	/
R/ 51-135	/	/	/	/
/	/	/	/	/
/	/	/	/	/

PART OF RIGHTS(S)

		(Unchanged)	(Changed)
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/

Standard Season 4-1 to 10-31 Standard Volume 3.5 / 2.5

(1) ✓ Priority (2) ✓ Use (3) ___ Season/W61 (4) ✓ Rate (5) ___ Volume

(6) ✓ Source (7) ✓ P/D (8) ___ P/U (9) ✓ Proof/Owner SRBA per regim (10) ✓ Map

(11) 47C Water District (12) Yes Pertinent Conditions (13) No Expansion
WM/Rcvd 8-15-01 OK w/limited season

(3) Limit season to 4-23 to 10-31 per agreement w/court & WM.
(5) Standard Vol. - Combined Limit
(8) Change P/U 116.3 acres from BLM to applicant's land. BLM letter authorizing the removal of IRR acres under these rts. rcvd 4-3-01
Original Decree 51-135 identifies 400s for P/U = max acres 1160 total. ≤ 2028

51-134 2.3 cfs 202.8 acres 709.8 afa
51-135 1.9 " 160.0 " + stock 560.0 " IRR + 5.4 stock = 565.4 af
(4.06 cfs) (202.8 acres) (709.8 afa) IRR + 5.4 stock = 715.2 af
w/51-2442 limited to — (240.2 acres)

Conditions/Remarks R04, R43, R63, W35, W63, T19, T07, T08
51-135) W62 (stock) PD/U - 1160 acre limit

WRs for Update Comments 51-134 ✓, 51-135 ✓

Database Updated to Reflect Final Action 10-03-2001 CB

Attorney - Scott Campbell, Moffatt Thomas
per Steve Asbett
(See 10-3-01 FAX)

Idaho Secretary of State
Viewing Business Entity

[New Search] [Back to Summary]

ASLETT RANCHES PARTNERSHIP

PO BOX B
TWIN FALLS, ID 83303

Type of Business: ASSUMED BUSINESS NAME
Status: CURRENT 26 Nov 1999
State of Origin: IDAHO
Date of Origination/Authorization: 26 Nov 1999
File Number: D31099

Amendments:

Amendment 0 filed 26 Nov 1999 ORIGINAL FILING

View Document Online
Download (TIFF format)

MICROFILMED
MAR 16 2004

CERTIFICATE OF ASSUMED BUSINESS NAME

(Please type or print legibly)

FILED

To the SECRETARY OF STATE, STATE OF IDAHO

Pursuant to Section 53-504, Idaho Code, the undersigned gives notice of adoption of an Assumed Business Name.

1 The assumed business name which the undersigned use(s) in the transaction of business is:

Aslett Ranches Partnership

2 The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name is/are:

Name	Complete Address
Marvin Aslett	P.O. Box 8, Twin Falls, ID 83303
Steve Aslett	P.O. Box 8, Twin Falls, ID 83303
Larry Aslett	P.O. Box 8, Twin Falls, ID 83303

3. The general type of business transacted under the assumed business name is:
(mark only those that apply)

☐ Retail Trade	☐ Manufacturing	☐ Transportation and Public Utilities
☐ Wholesale Trade	☒ Agriculture	☐ Finance, Insurance, and Real Estate
☐ Services	☐ Construction	☐ Mining

4. The name and address to which future correspondence should be addressed:

Steve Aslett P.O. Box 8, Twin Falls, ID

5. Name and address for this acknowledgment copy is (if other than # 4 above):

Signature: Marvin Aslett

Printed Name: MARVIN ASLETT

Capacity: PARTNER

(see instruction # 6 on back of form)

Submit Certificate of Assumed Business Name and **$20.00** fee to:

Secretary of State
700 West Jefferson
Basement West
PO Box 83720
Boise ID 83720-0080
208 334-2301

Secretary of State use only

IDAHO SECRETARY OF STATE
11/26/1999 09:00
CK: 1855 CT: 2040 BH: 20078
1 @ 20.00 = 20.00 ASSUMED NAME # 3

D31099

MICROFILMED

MAR 16 2004

Form 222a
January 2001

RECEIVED
AUG 21 2001
Department of Water Resources

IDWR WESTERN REGION TRANSFER ANALYSIS

Applicant Corlett Ranches Transfer No. 68967

Reviewed by LG Date 3/22/01

Data entered by LG

1. Right number(s) 51-134, -135

2. Type of right ✓ Decree ___ License ___ Stat. Claim ___ BU Claim

3. Purpose of transfer ___ Change P/D ___ Add P/D ✓ Change P/U

___ Change N/U ___ Change Period ___ Split Right

___ Other: _____

4. **Check Existing Right**
✓ Source ✓ Priority ✓ Amount
✓ Purpose ✓ Period ✓ SRBA Claim
✓ Description of original point(s) of diversion
✓ Description of original place of use
✓ Overlapping rights for original P/D &/or P/U

5. **Check Proposed Right** for amount of land &/or water transferred:

a. ✓ Analysis memo – *always include unless justify why not needed*

b. ✓ All of right

c. ✓ Part of right – *Note: Part B should normally be completed only if part of right is owned by applicant*

d. ✓ Description of point(s) of diversion

e. ✓ Description of place of use

f. ✓ Map showing proposed P/D &/or P/U

g. ✓ Correct notarized signature and fee – *see Transfer Memo #23 about fees if necessary*

h. ✓ Proof of ownership of right &/or land from which water is transferred SRBA review

i. ✓ Expansion in use of right: check rate of flow, diversion volume and consumptive volume. Discuss in memo.

j. ✓ Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

T68967

call Southern for WM and address for WD 47C.

Amendment Changes season of use - making it shorter which is OK with BLM per Fred Price 8/13/01.

LG

Amendment data entered 8/17/01.

k. ✓ Overlapping rights for current & proposed scenarios

Current see memo

Proposed _____

l. ✓ SRBA Claim(s) " "

_____

m. ✓ Comment letters ___ No ✓ Yes as follows:

✓ Water District # 47C ✓ IDFG ✓ Other per attached BLM

PUBLICATION REVIEW

1. Comment Letters

Watermaster comments requested on _____, received on _____

Other comment letters received ___ Yes ___ No

2. Affidavit of publication received: ✓ Yes

3. Published correctly: ✓ Yes ___ No

If No, re-publication required: ___ Yes ___ No

4. Protests received: ___ Yes ✓ No ___ *If yes*, acknowledgement sent

RECOMMENDATIONS

1. ✓ Approve ___ See attached memo

2. ___ Deny due to _____

3. Conditions of Approval Standard x-fer conditions - see unique season of use

4. Recommended by Gary S Date 8/18/01

FORWARDING FILE TO S.O.

1. Copies made for Region file (see attached supplemental page): ___ Yes

2. File forwarded to S.O. by _____ Date _____

Form 222a/suppl
January 2001

SUPPLEMENTAL ANALYSIS SHEET FOR TRANSFER

Transfer No. 68967

Legal Notice: Word Filename bulletted ad

OR Use Workflow ad _____

COPY FOR WATER RIGHT AND ADJUDICATION FILES

Yes Legal Notice

Yes Transfer Analysis Sheet (Form 222a)

Yes Transfer Application – assume entire application with attachments to be *copied except as noted* below (*always copy ownership information*): identify by letter/number attachments that are *not* to be copied:

_____

Yes Reviewer's analysis memo: list *date of memo* 3/21/01

___ List other items to be copied:

_____

AVOID COPYING – excess computer reports, excess attachments unless show ownership or other clarifying informaiton, easements & other agreements, oversized documents and so forth.

REGIONAL COPIES TO BE MADE JUST BEFORE FORWARD FILE TO S.O.

DISCARD THIS FORM BEFORE FORWARDING THE FILE.

12/99

RECEIVED
AUG 21 2001
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 15 2001
WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 51-00134, X-FER NO. 68967

Applicant's Name: ASLETT RANCHES

Watermaster's Recommendation:

a) ____ I do not oppose approval of this application.

b) X I do not oppose approval of this application if it is conditioned as follows: If the irrigation season is changed to be April 23 through September 30 of each year

c) ____ I oppose approval of this application for the following reasons:

d) ____ Additional Comment:

Dated this 7th day of August, 2001.

Water District No: 47C

Melvin Crowley
Watermaster's Signature

Use reverse side of page if you need more space.

RECEIVED
MAR 16 2004

RECEIVED
AUG 0 6 2001
WATER RESOURCES
WESTERN REGION

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
FACSIMILE
208-384-5844

ANGELA D SCHAER

RECEIVED
AUG - 3 2001
Department of Water Resources

August 2, 2001

Ms. Lori Graves
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Re: *Amended Application for Transfer*
E&B No: *3524-9021*

Dear Lori:

I am enclosing for filing an original of the Amended Application for Transfer for Water Rights 51-00134 and 51-00135. You will recall that we have previously filed an Application for Transfer for those water rights, in order to administratively resolve Bureau of Land Management concerns regarding the place of use.

Recently in Snake River Basin Adjudication District Court proceedings, the Asletts agreed with another party to mutually change the period of use for water rights 51-00134 and 51-00135 (as well as certain other water rights held by the other party) to April 23rd to October 31st for the irrigation component of those rights. The Deputy Attorney General for the Idaho Department of Water Resources agreed to that change, and we are in the process of executing the appropriate stipulations for the court.

As a housekeeping matter, it is necessary that we amend our previously filed Application for Transfer to reflect that change in the period of use. Therefore, the only change between our original Application for Transfer and the Amended Application for Transfer is the change in the

MICROFILMED
MAR 1 6 2004

beginning date in the period of use for irrigation water rights. If you have any questions or concerns, please do not hesitate to contact Scott Campbell or me.

Very truly yours,

ELAM & BURKE
A Professional Association

Angela D. Schaer

ADS:dll
Enclosure

cc: Clients
Garrick Baxter, IDWR
Becky Harvey, IDWR
Larry Brown, Bureau of Land Management

G \Dll\WPDATA\3524 Circle A\Swan Ranch\IDWR Graves 080201 wpd

MICRO.
MAR 1 6 2004

MEMORANDUM

DATE: 3/21/01

FROM: Lori Graves

TO: Transfer File No. 68967

RE: Review

Attachments

A. BLM's Consent Letter
B. Evidence of Beneficial Use
C. SRBA Recommended Rights
D. Map

Brief

Applicants propose to transfer the use of water appurtenant to BLM lands (16.3 acres) to private land in order to resolve BLM's objection in the SRBA.

SRBA

The transfer is based on the SRBA recommended rights.

P/U Overlaps

51-2010 is from the same source but listed for a different owner and acres.
51-2442 overlaps some of the same acres, but with water from an unnamed stream.

P/D Overlaps

51-130 is listed in the same tract, from the same source, but for different owners and acres.

Note: Because basin 51 has been completed by the SRBA, recommended rights were only considered in the overlap review.

Beneficial Use

Proof that acres have been irrigated with Deadwood Creek in the last five years was requested from applicants 3/21/01. Scott Cambell, their attorney of record in the SRBA, was also sent a copy of the request letter.

MICROFILMED
MAR 16 2004

Recommendations

Approve the transfer as filed. Advertise, but do not continue processing until Attachments A and B are submitted.

MICROFILM
MAR 16 2004

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED
APR 30 2001
WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2) (consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

April 4 ,11, 2001

SIGNED: Joe E. Aman

STATE OF IDAHO)
COUNTY OF)
)

On this 25th day of April in the year of 2001 before me, a Notary Public, personally appeared JOE E. AMAN known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

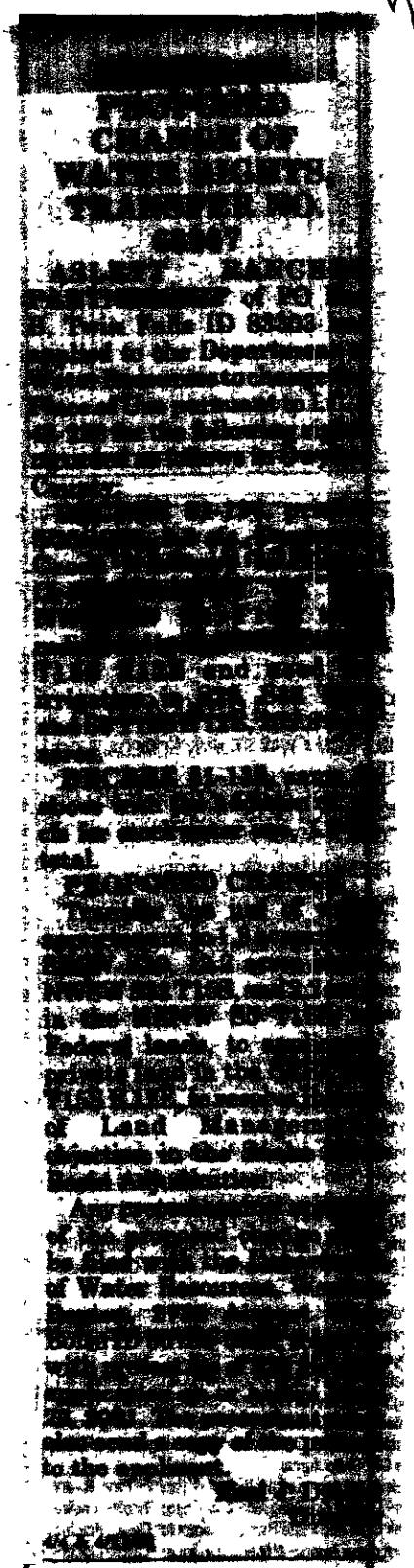
SHIRLEY MEWHINNEY NOTARY PUBLIC STATE OF IDAHO

Shirley Mewhinney
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

MICROFILMED
MAR 16 2004



ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

FACSIMILE TRANSMISSION

July 11, 2001

Please deliver the following pages to:

NAME:	Lori Graves
COMPANY:	IDAHO DEPARTMENT OF WATER RESOURCES, WESTERN REGION
FAX NO.:	334-2348
SENDER:	Angela D. Schaer
E&B File No.	3524-9021

TOTAL NUMBER OF PAGES (including this page): 2

FAXED MATERIAL DESCRIPTION OR COMMENTS:

Enclosure: Angela D. Schaer's letter of July 11, 2001.

CONFIDENTIALITY NOTICE

The information in this facsimile is confidential and intended only for the use of the addressee. The data transmitted is attorney privileged and may be exempt from disclosure. Do not copy or distribute to anyone other than the addressee. Reliance on this data by other than the intended recipient is prohibited. Please notify us immediately if you have received this communication in error. Upon notification we will arrange for return of the fax copies to Elam & Burke, P.A. Thank you for your assistance.

Original documents will:

[ ] Follow by regular mail
[ ] Follow by Federal Express
[xx] Not be sent unless required for processing

If you have any problems receiving, please call Linda Naclerio at (208) 343-5454.

Date Completed: July 11, 2001

MICROFILMED
MAR 16 2004

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
FACSIMILE
208-384-5844

ANGELA D SCHAER

July 11, 2001

VIA FACSIMILE
334-2348

Lori Graves
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Application for Transfer of Water Right Nos. 51-00134 and 51-00135

Dear Ms. Graves:

I wanted to update you on the status of your request for further information regarding the application for transfer for Water Right Nos. 51-00134 and 51-00135. I have drafted a letter in response, but it is awaiting review by Scott Campbell, who was out of the office yesterday and today. Upon his review and approval, we will send that letter to you.

Thank you very much.

Very truly yours,

ELAM & BURKE
A Professional Association

Angela D. Schaer

Angela D. Schaer

ADS/ln

MICROFILMED
MAR 16 2004

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

ANGELA D SCHAER

May 8, 2001

RECEIVED
MAY 09 2001
WATER RESOURCES
WESTERN REGION

Lori Graves
Western Region Office
IDAHO DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, Idaho 83705

Re: Transfer Application for Aslett Ranches

Dear Ms. Graves:

The purpose of this letter is to update you on the status of my clients' attempt to gather information which will be satisfactory to the Department in proving that the Asletts and their predecessors have irrigated 202.8 acres in the past five years with the water which is the subject of their current transfer application in Basin 51. As I have mentioned to you before, due to their recent purchase of the ranch and their predecessor's recent passing, it has been somewhat difficult for my clients to obtain information which might be satisfactory to the Department. However, we believe that we have obtained that information, and will attempt to provide it to you as soon as possible.

It may be that the best idea would be to set up a time for me to meet with you and go over the information. When I receive the information from my clients in the mail, I will contact you to set up a mutually satisfactory time to meet.

In the meantime, if you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

ELAM & BURKE
A Professional Association

Angela D. Schaer

Angela D. Schaer

ADS/ln
cc Clients

MICROFILMED
MAR 16 2004

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

March 30, 2001

BOB MALLIS
BLM
3948 DEVELOPMENT AVE
BOISE ID 83705

Re: Application for Transfer No. 68958 in the Name of Duane, Laura, Darwin, and /or Joan Pancheri
Application for Transfer No. 68967 in the Name of Aslett Ranches

Dear Sir:

Enclosed are copies of the above-referenced applications for transfer. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by April 23, 2000.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

Gary Spackman

GS:lm

Encl.

MICROFILMED

MAR 16 2004

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 11, 2001

WATER DISTRICT 47C
JACK EASTMAN
1333 BITTERROOT DR
TWIN FALLS ID 83301-3507

Re: Application for Transfer of No. 68967 in the Name of Aslett Ranches

Dear Watermaster:

Enclosed is a copy of the above-referenced application for transfer. Also enclosed is a form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

Gary Spackman

GS:lm

Encl: Copy of Application
Recommendation of Watermaster Form

MICROFILMED
MAR 16 2004

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 30, 2001

WATER DISTRICT 47C
JACK EASTMAN
106 DORAL DRIVE
JEROME ID 83338

Re: Application for Transfer of No. 68967 in the Name of Aslett Ranches

Dear Watermaster:

Enclosed is a copy of the above-referenced application for transfer. Also enclosed is a form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

Gary Spackman

GS:lm

Encl: Copy of Application

Microfilmed

MAR 1 6 2004

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 30, 2001

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Transfer of No. 68967 in the Name of Aslett Ranches
Application for Transfer of No. 68958 in the Name of Duane, Laura, Darwin and/or Joan Pancheri

Dear Sir:

Enclosed are copies of the above referenced applications for transfer, which may be of interest to your agency. The proposed use of these applications is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by April 23, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

Gary Spackman

GS:lm

Encl. Copy of Application

MICRO...

MAR 1 6 2004

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

March 21, 2001

Aslett Ranches, Partnership
PO Box B
Twin Falls ID 83303

RE: Application for Transfer

Dear Aslett Ranches:

Idaho Department of Water Resources (IDWR) received your transfer February 27, 2001, which you filed on rights 51-00134 and 51-00135 to resolve BLM's objections in the Snake River Basin Adjudication (SRBA). In order to continue processing the transfer, evidence that the 202.8 acres have been irrigated with water from Deadwood Creek in the last five years must be provided.

This information is necessary to assure IDWR that the transfer proposal is based on active rights, rather than something not beneficially used in the past. Aerial photos are probably the best evidence. Photos should be labeled with the year of the photo. Affidavits will work, but are probably the weakest evidence, particularly if signed by the applicant or another party seeking advantage from the transfer. However, IDWR would consider an affidavit from the federal agency filing the SRBA objection as good evidence of beneficial use.

Please submit the above requested information within 30 days from the date of this letter. If the requested information is not received within 30 days, proceedings to void the application will commence.

If you have any questions, please contact me at this office.

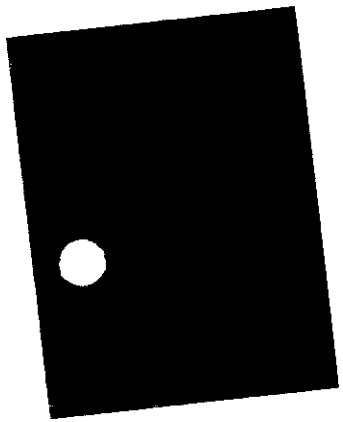
Sincerely,

Lori Graves
Sr. Water Resource Agent

Cc: Scott Cambell, Elam & Burke PA

MAR 1 6 2004

P/D Overlaps									
51	130	Decreed	Active	10/10/02	0.3	DEADWOOD CREEK	IRRIGATION	MARY DROWN (Current Owner), WILLIAM DROWN (Current Owner)	wrAdjudicationRecommendation
51	134	Decreed	Active	8/25/08	2.3	DEADWOOD CREEK	IRRIGATION	ASLETT RANCHES PARTNERSHIP (Current Owner), SCOTT L CAMPBELL (Attorney), SWAN LAND & LIVESTOCK COMPANY (Directors Report Owner)	wrAdjudicationRecommendation
51	135	Decreed	Active	8/25/08	1.9	DEADWOOD CREEK	IRRIGATION, STOCKWATER	ASLETT RANCHES PARTNERSHIP (Current Owner), LINCOLN CURTIS (Original Owner), SCOTT L CAMPBELL (Attorney), SWAN LAND & LIVESTOCK COMPANY (Directors Report Owner)	wrAdjudicationRecommendation



Idaho Dept. of Water Resources
Place of Use Comparison Report

P/U Ovelaps																					
Type	WR #	Owner	Source	TRS					SENW	NWNW	SWNW	SENW					NESE	NWSE	SWSE	SESE	

Idaho Dept. of Water Resources
Place of Use Comparison Report

P/U Overlaps

Type	WR #	Owner	Source	TRS																		

Idaho Dept. of Water Resources
Place of Use Comparison Report

P/U Overlaps																					
Type	WR #	Owner	Source	TRS					NENW	NWNW	SWNW	SENW					NESE	NWSE	SWSE	SESE	

Idaho Dept. of Water Resources
Place of Use Comparison Report

P/U Overlaps

Type	WR #	Owner	Source	TRS					NENW	NWNW	SWNW	SENW					NESE	NWSE	SWSE	SESE	

March 29, 2001

Legal Notice Department
Owyhee Avalanche
PO Box 97
Homedale ID 83628

RE: Transfer No. 68967
Water Right No(s). 51-134 51-135

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 04/23/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MAR 1 6 2004

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS, TRANSFER NO. 68967

ASLETT RANCHES PARTNERSHIP of PO Box B, Twin Falls ID 83303 has applied to the Department of Water Resources to change the Place of Use pursuant to I.C. § 42-222 for the following rights recorded as follows in Owyhee County:

DECREE 51-134, priority 8/25/1908, 2.3 cfs, Deadwood Creek tributary to Clover Creek diverted in the NWSESW S4 T16S then rediverted in the SENESW S32 T15S R12E and used for irrigation in S29, S32 T15S and S5 T16S R12E, 202.8 total acres.

DECREE 51-135, same as above with the addition of .09 cfs for stockwater use, 1.9 cfs total.

PROPOSED CHANGE

Transfer the use of water appurtenant to 1.9 acres in the SESW S29, 12.2 acres in the NWSW S32 T15S, and 2.2 acres in the NENW S5 T16S , all Federal lands, to applicants' private land in the SESE S30 T15S R12E, to resolve Bureau of Land Management's objection in the Snake River Basin Adjudication.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 for each application on or before April 23, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Owyhee Avalanche on April 4 and 11, 2001

MICROFILMED

MAR 16 2004

RECEIVED
MAR 2 6 2001
WATER RESOURCES
WESTERN REGION

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

ANGELA D SCHAER

March 23, 2001

Lori Graves
Senior Water Resource Agent
DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, Idaho 83705-5082

Re: Aslett Ranches' Application for Transfer

Dear Ms. Graves:

We received your letter dated March 21, 2001, requesting additional information from Aslett Ranches before you can continue to process the transfer. When I spoke with you on March 22nd, you did state that you would publish notice of the transfer without the additional information. If my understanding of that is incorrect, please let me know as soon as possible.

I will contact you again after further discussions with our client. I did want to make you aware of two facts which might present an impediment to providing the information within the time frame which you have set forth. First, the Asletts recently purchased the ranch. Second, the Asletts' predecessor in interest passed away on March 22, 2001.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

ELAM & BURKE
A Professional Association

Angela D. Schaer

ADS/ln
cc Steve Aslett
Steve Aslett, Jr

MAR 1 6 2004

MEMORANDUM

TO: Decree File Nos. 51-A and 51-B

FROM: TIM LUKE

DATE: April 11, 1994

RE: Duplicate Decreed Rights and IDWR Administrative Identifcation Numbers

==========

A review of the above referenced decrees indicate that several rights are listed in both decrees but have been given separate identifcation numbers by the Department.

Decree 51-B, Jerome Helsey v. William Turner et. al., 1915, includes rights 51-00139, 51-00140, 51-00141, 51-00142 and 51-00143. Rights 51-00139 through 51-00142 are also rights 51-00132, 51-00131, 51-00134 and 51-00133 respectively in Decree 51-A, Grandview Irrigation District v. Bruneau Buckaroo Ditch Co., 1925.

MICROFILMED
JUN 19 1996
MICROFILMED
MAR 16 2004