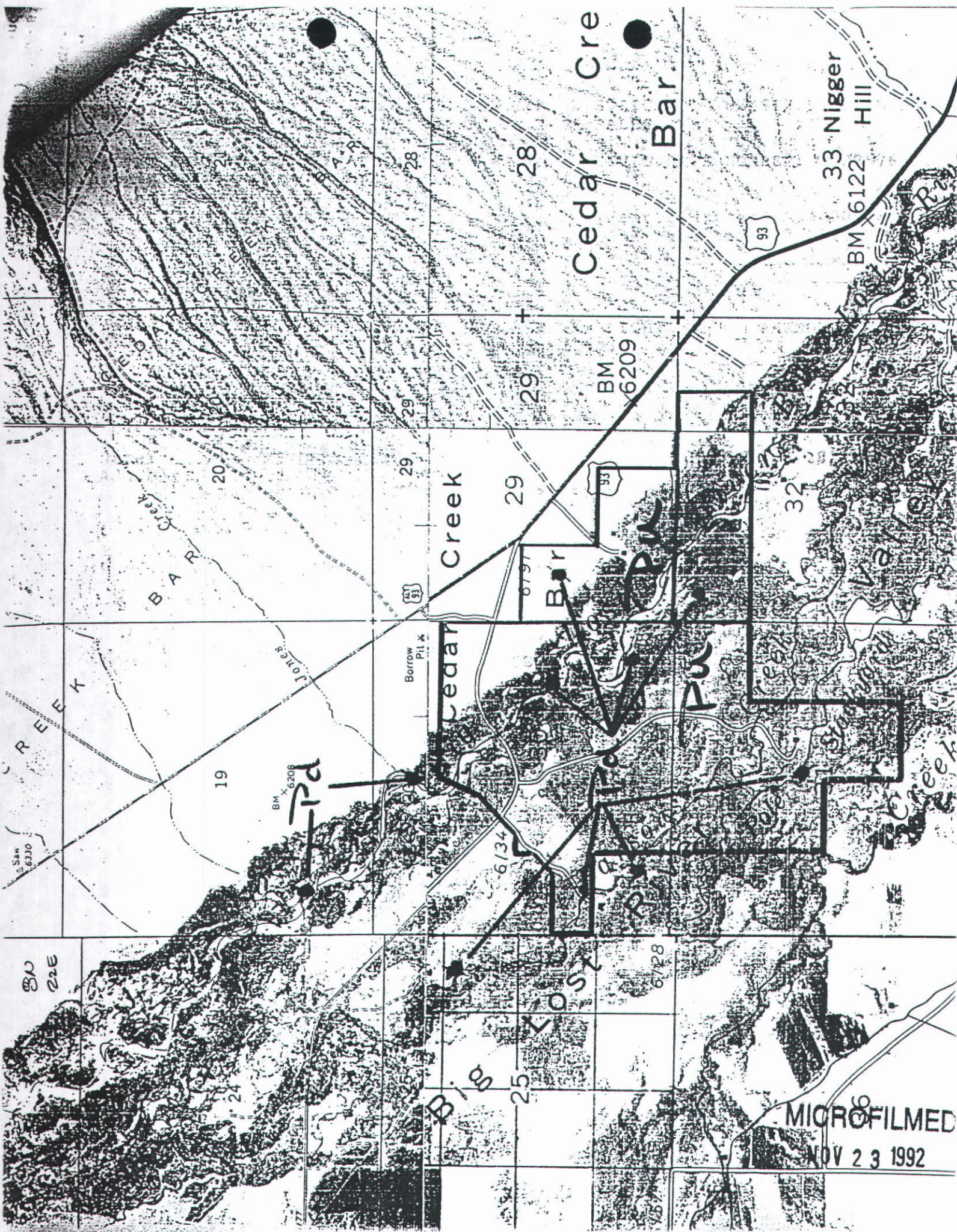


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JUL 13 2000



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IDAHO DEPARTMENT OF WATER RESOURCES  
PREFIX/SPLIT QUERY

DATE: 07/10/00

TIME: 15:19:22

PAGE: 1

| WATER RIGHT NO. | NAME               | OWNER | PRIORITY | DATE       | STG/STS | SOURCE             | USE DESC | SYSTEM |
|-----------------|--------------------|-------|----------|------------|---------|--------------------|----------|--------|
| 34-00469        | LEAVITT, GEORGE R. | C     |          | 11/01/1892 | D/      | WARM SPRINGS CREEK | IRR      | WR     |
| X34-00469       | CUSTER SPRINGS LLC | C     |          | 11/01/1892 | D/      | WARM SPRINGS CREEK | IRR      | WR     |
|                 |                    |       |          |            |         |                    | STOCK    |        |
| 34-00469        | ASLETT RANCHES     | C     |          | 11/01/1892 | D/      | WARM SPRINGS CREEK | P DECR   | AJ     |
| 34-00469A       | ZOLLINGER, BRET L  | C     |          | 11/01/1892 | /W      |                    | P DECR   | AJ     |
| A34-00469       | ASLETT RANCHES     | C     |          | 11/01/1892 | D/      | WARM SPRINGS CREEK | IRR      | AJ     |
|                 |                    |       |          |            |         | HAMILTON CREEK     | STOCK    |        |
| A34-00469A      | ZOLLINGER, BRET L. | C     |          | 11/01/1892 | /W      | WARM SPRINGS CREEK | IRR      | AJ     |
|                 |                    |       |          |            |         | WITHDRAWN          |          |        |
| R34-00469       | ASLETT RANCHES     | C     |          | 11/01/1892 | D/      | WARM SPRINGS CREEK | P DECR   | AJ     |

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JUL 14 2000

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5456  
WATER RIGHT NO(S). 34-00469/34-00471

This is to certify that: CUSTER SPRINGS LLC  
C/O JAMES R BENNETTS  
1231 MAIN ST  
CHALLIS ID 83226

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 34-00469 :  |                      |                       |                      |
| Priority: 11/01/1892  |                      |                       |                      |
| IRRIGATION            | 05/01 to 10/15       | 3.20 CFS              | 745.5 AF             |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS              | 4.7 AF               |
|                       |                      | <hr/> 3.20 CFS        | <hr/> 750.2 AF       |
| Right No. 34-00471 :  |                      |                       |                      |
| Priority: 07/12/1907  |                      |                       |                      |
| IRRIGATION            | 05/01 to 10/15       | 0.80 CFS              | 307.8 AF             |
| TOTAL:                |                      | <hr/> 4.00 CFS        | <hr/> * 750.2 AF     |

SOURCE

WARM SPRINGS CREEK

TRIBUTARY OF

BIG LOST RIVER

LOCATION OF POINT(S) OF DIVERSION:

SWNESE , Sec. 34, Township 08N, Range 22E  
CUSTER County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u>    | <u>ACRES</u>    | <u>ACRES</u>   | <u>TOTAL</u> |
|----------------------------------|------------|------------|-----------------|-----------------|----------------|--------------|
| 07N                              | 22E        | 1          | SWNE 40         |                 |                | 40           |
|                                  | 23E        | 6          | Lot 3 (NENW) 42 | Lot 4 (NWNW) 41 | Lot 5 (SNNW) 5 |              |
|                                  |            |            | SENE 5          |                 |                | 93           |
| 08N                              | 23E        | 31         | Lot 4 (SWSW) 40 | SESE 40         |                | 80           |
| Total number of acres irrigated: |            |            |                 |                 |                | * 213        |

PLACE OF USE: STOCKWATER, same as IRRIGATION use

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TRANSFER NO. 5456  
WATER RIGHT NO(S). 34-00469/34-00471CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. 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.
3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/20 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. The quantity of water decreed for Right 34-00469 for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
8. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
- \* 9. Rights 34-00469 and 34-00471 when combined shall not exceed a total annual maximum diversion volume of 750.2 af at the field headgate for the irrigation of 213.0 acres and stockwater use.
10. Approval of Transfer 5456 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
11. This approval is specifically conditioned upon the terms and limitations contained in the Stipulation, Settlement, and Joint Motion for Order filed with the Department on October 12, 1999, In the Matter of Application for Permit 34-07591, In the Name of L & S Partners, numerous other captioned matters, and the Preliminary Order of the Department issued on November 18, 1999. This approval is subject to any future modifications resulting from or required by the terms of that Stipulation, the Preliminary Order of the Department, and the actions taken pursuant thereto.

Dated this 10<sup>th</sup> day ofJuly, 2000  
Chief, Water Allocation BureauMICROFILMED  
JUL 13 2000

Page 1 of 6STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No 5456ORIGINAL APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

RECEIVED

APR 26 1999

FEB - 3 2000

Department of Water Resources  
Eastern RegionName of applicant Aslett RanchesPhone (208) 734-5535Post Office address P.O. Box B, Twin Falls, ID, 83303 c/o Scott L. Campbell, Elam & Burke, P.A.P.O. Box 1539, Boise, ID, 83701  
(208) 343-5454

## 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 Applicant desires to re-arrange the place of use.

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

| 1. Right Number | Priority          | Amount<br>(cfs/ac-ft) | Nature<br>of Use  | Period of Use                |
|-----------------|-------------------|-----------------------|-------------------|------------------------------|
| <u>34-00469</u> | <u>11/01/1892</u> | <u>3.20</u>           | <u>Irrigation</u> | <u>05/01</u> to <u>10/15</u> |
| <u>34-00471</u> | <u>07/12/1907</u> | <u>0.80</u>           | <u>Irrigation</u> | <u>05/01</u> to <u>10/15</u> |
| _____           | _____             | _____                 | _____             | _____ to _____               |
| _____           | _____             | _____                 | _____             | _____ to _____               |

2. Total amount of water being transferred 4.00 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.3. Source of water Warm Springs Creek tributary to Big Lost River

4. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|----|----|----|------|------|------|--------|--------------------------|
|     | SW | NE | SE | 34   | 8N   | 22E  | Custer |                          |
|     |    |    |    |      |      |      |        |                          |
|     |    |    |    |      |      |      |        |                          |
|     |    |    |    |      |      |      |        |                          |

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 |        |
| 7N  | 22E  | 1    |      |      | 40   |      |           |           |          |      |      |           |      |      |      |      |      |      | 40     |
| 7N  | 23E  | 6    |      |      |      |      | 42<br>L-3 | 41<br>L-4 | 5<br>L-5 | 5    |      |           |      |      |      |      |      |      | 93     |
| 8N  | 23E  | 31   |      |      |      |      |           |           |          |      |      | 40<br>L-4 | 40   |      |      |      |      |      | 80     |
|     |      |      |      |      |      |      |           |           |          |      |      |           |      |      |      |      |      |      |        |
|     |      |      |      |      |      |      |           |           |          |      |      |           |      |      |      |      |      |      |        |

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Total acres 213

T5456

**PART 1**

**6 General Information:**

a. Description of diversion system Water is diverted from Fish Hatchery Canal via pump to sprinklers.

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:  
NESW of Section 31 will not be irrigated.

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 \_\_\_\_\_.

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DEC 13 2000

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PART 2

T5456

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 34-00469

NAME & ADDRESS: ASLETT RANCHES  
PO BOX B  
TWIN FALLS ID 83303

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 3.2 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER  
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT  
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE  
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 11/01/1892

POINT OF DIVERSION: T08N R22E S34 SWNESE Within CUSTER County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|---------------|----------|
|                               | IRRIGATION     | 05-01 10-15   | 3.2 CFS  |
|                               | STOCKWATER     | 01-01 12-31   | 0.02 CFS |

PLACE OF USE: IRRIGATION Within CUSTER County  
T07N R23E S06 Lot 3 (NENW)42 Lot 4 (NNNW)41 Lot 8 (SWNW) 5 SENW 5  
T08N R23E S31 NESW 40 Lot 4 (SWSW)40 SESW 40  
213 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-00471 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 213 ACRES IN A SINGLE  
IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

MICROFILMED

APR 28 1999

4 of 6

PART 2

75456

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 34-00471

NAME & ADDRESS: ASLETT RANCHES  
PO BOX B  
TWIN FALLS ID 83303

SOURCE: WARM SPRINGS CREEK                      TRIBUTARY: BIG LOST RIVER

QUANTITY: 0.8    CFS

PRIORITY DATE: 07/12/1907

POINT OF DIVERSION: T08N R22E S34                      SWNESE                      Within CUSTER County

|                               |                |                |            |
|-------------------------------|----------------|----------------|------------|
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY   |
|                               | IRRIGATION     | 05-01    10-15 | 0.8    CFS |

|               |                        |                      |                |                |        |
|---------------|------------------------|----------------------|----------------|----------------|--------|
| PLACE OF USE: | IRRIGATION             | Within CUSTER County |                |                |        |
|               | T07N R23E S06    Lot 3 | (NENW)42             | Lot 4 (NWNW)41 | Lot 8 (SWNW) 5 | SENW 5 |
|               | T08N R23E S31          | NESW 40              | Lot 4 (SWSW)40 | SESW 40        |        |
|               | 213 ACRES TOTAL        |                      |                |                |        |

USE OF THIS RIGHT WITH RIGHT NO. 34-00469 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 213 ACRES IN A SINGLE  
IRRIGATION SEASON.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

MICROFILMED  
MAY 13 2000



## PART 3

## B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount<br>(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.

Adrian Ranches By Steve G. Hill  
(Signature of Applicant)

Subscribed and sworn to before me this 21 day of April, 19 99.

Bonnie Templeman  
(Notary Public)

My commission expires 2/12/02

## FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 6 attachments

Received by \_\_\_\_\_ Date 4-26-99

Prelim. check by \_\_\_\_\_ Fee \$100

Receipted by HLS #E024448 Date 4-26-99

Published in Challis Messenger

Pub. dates May 13 & 20, 1999

Watermaster recommendation requested on \_\_\_\_\_

Protest filed by Conens Pursley Cox Ranch

Mark T. Gates

Copies of protest forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for ☒ approval ☐ denial

by KDC

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

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Form 100-10  
(January 1964)

**The United States of America**  
To all to whom these presents shall come, Greeting:

County Rec. of  
Custer County, Idaho

3:41 P.M.

8-22-1995

Clarence Murphy  
6-2-1995

IDI-31137

**WHEREAS**

L &amp; S Partnership, an Idaho Partnership

is entitled to a land patent pursuant to Section 20b, Act of October 21, 1976 as amended (43 U.S.C. 1716) for the following described land

Boise Meridian Idaho

T 7 N. R. 22 E.  
sec 1 SE 1/4 NE 1/4

T 7 N. R. 23 E.  
sec 6 lot 8

Containing 121.71 acres

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto L & S Partnership, the land described above TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto L & S Partnership, and its successors and assigns, forever, and

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (43 U.S.C. 945).

**SUBJECT TO:**

1. Those rights for a buried telephone line granted to Mountain States T & T, its successors or assigns, by right-of-way No. IDI 21021, pursuant to the Act of October 21, 1976, as amended, (43 U.S.C. 1761) as to the SE 1/4 NE 1/4 of section 1, T. 7 N., R. 22 E., and lot 8 (formally lot 5 prior to a resurvey approved March 17, 1995) of section 6, T. 7 N., R. 23 E.
2. Those rights for an electric line granted to Lost River Electric Cooperative, its successors or assigns, by right-of-way No. IDI 20934 pursuant to the Act of October 21, 1976, as amended, (43 U.S.C. 1761) as to the SE 1/4 NE 1/4 of section 1, T. 7 N., R. 22 E., and lot 8 (formally lot 3 prior to a resurvey approved March 17, 1995) of section 6, T. 7 N., R. 23 E.
3. Those rights held by Lost River Highway District, its successors or assigns, for an existing road exercised under RS 2477 and noted under Serial No. IDI 23188.
4. The patentee agrees that it takes the real estate subject to the existing grazing use of Lost River Ranch, holder of grazing authorization No. 114360. The right of Lost River Ranch to graze domestic livestock on the real estate according to the conditions and terms of grazing authorization No. 114360 will cease on March 29, 1997. The patentee is entitled to receive annual grazing fees from Lost River Ranch in an amount not to exceed that which would be authorized under the Federal grazing fee published annually in the Federal Register.

Patent No. 114360-0001

MICROFILMED

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5. The patentee agrees that it takes the real estate subject to the existing grazing use of Terrence V. Donahue, holder of grazing authorization No. 114316. The rights of Terrence V. Donahue to graze domestic livestock on the real estate according to the conditions and terms of grazing authorization No. 114316 will cease on March 29, 1997. The patentee is entitled to receive annual grazing fees from Terrence V. Donahue in an amount not to exceed that which would be authorized under the Federal grazing fee published annually in the Federal Register.

6. The patentee agrees that it takes the real estate subject to the existing grazing use of Bar 13 LTD, holder of grazing authorization No. 114343. The rights of Bar 13 LTD to graze domestic livestock on the real estate according to the conditions and terms of grazing authorization No. 114343 will cease on March 29, 1997. The patentee is entitled to receive annual grazing fees from Bar 13 LTD in an amount not to exceed that which would be authorized under the Federal grazing fee published annually in the Federal Register.

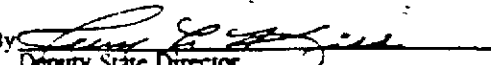
7. The patentee agrees that it takes the real estate subject to the existing grazing use of Dean T. Pence, holder of grazing authorization No. 114350. The rights of Dean T. Pence to graze domestic livestock on the real estate according to the conditions and terms of grazing authorization No. 114350 will cease on March 29, 1997. The patentee is entitled to receive annual grazing fees from Dean T. Pence in an amount not to exceed that which would be authorized under the Federal grazing fee published annually in the Federal Register.

8. The patentee agrees that it takes the real estate subject to the existing grazing use of Bret Zollinger, holder of grazing authorization No. 114375. The rights of Bret Zollinger to graze domestic livestock on the real estate according to the conditions and terms of grazing authorization No. 114375 will cease on March 29, 1997. The patentee is entitled to receive annual grazing fees from Bret Zollinger in an amount not to exceed that which would be authorized under the Federal grazing fee published annually in the Federal Register.

9. The patentee agrees that it takes the real estate subject to the existing trailing use of Scott McAfee, holder of trailing authorization No. 114347. The rights of Scott McAfee to trail domestic livestock on the real estate according to the conditions and terms of authorization No. 114347 will cease on March 29, 1997.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho, the twenty-second day of August in the year of our Lord one thousand nine hundred and NINETY-FIVE and of the Independence of the United States the two hundred and TWENTIETH.

By   
Deputy State Director,  
Operations Support Team

MICROFILMED

1995

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

|                                             |   |                          |
|---------------------------------------------|---|--------------------------|
| <b>IN THE MATTER OF APPLICATION</b>         | ) |                          |
| <b>FOR PERMIT NO. 34-07591 AND</b>          | ) |                          |
| <b>APPLICATION FOR TRANSFER NO.</b>         | ) |                          |
| <b>5400 (L&amp;S PARTNERS), APPLICATION</b> | ) | <b>PRELIMINARY ORDER</b> |
| <b>FOR TRANSFER NO. 5456 (ASLETT</b>        | ) |                          |
| <b>RANCHES) AND APPLICATIONS FOR</b>        | ) |                          |
| <b>TRANSFER NOS. 5001 AND 5004</b>          | ) |                          |
| <b>(DAVID AND MARY STOECKLEIN)</b>          | ) |                          |
| _____                                       | ) |                          |

On October 12, 1999, the Idaho Department of Water Resources (Department) received a document entitled Stipulation, Settlement, and Joint Motion for Order ("Stipulation") in the above referenced matter. A conference call between representatives of the parties and the department was held on November 15, 1999. Based upon the Stipulation and the understandings reached in the conference call, the Department enters the following Preliminary Order:

1. The protests of Mark T. Gates, Trustee; Blake Quinn, on behalf of 6X Ranch LLC; and David and Mary Stoecklein, or any partnership or entity in which David and/or Mary Stoecklein is a partner, officer, or stockholder, to Application for Transfer No. 5400 in the name of L&S Partners, are hereby deemed withdrawn with prejudice.

2. The protests of Mark T. Gates, Trustee; Blake Quinn; and David and Mary Stoecklein, or any partnership or entity in which David and/or Mary Stoecklein is a partner, officer, or stockholder, to Application for Transfer No. 5456 (formerly application for Transfer No. 4906) in the name of Aslett Ranches, are hereby deemed withdrawn with prejudice.

3. Application for Permit No. 34-07591, in the name of L&S Partners, is hereby deemed withdrawn with prejudice.

4. The protests of Aslett Ranches to Applications for Transfer Nos. 5001 and 5004 are hereby withdrawn with prejudice.

5. The remaining terms of the Stipulation are deemed accepted by the Idaho Department of Water Resources, and the parties thereto are hereby ordered to comply with the terms stated therein.

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**JUL 13 2000**

6. Doug Rosenkrance, when providing the services described in the Stipulation, is acting in a personal capacity and not as the Water District No. 34 Watermaster. The selection of Doug Rosenkrance is a mutual decision of the parties. The parties agree that the services performed are separate from the normal duties and responsibilities of the watermaster. Additionally, all costs associated with the study provided for in the Stipulation, including compensation to Mr. Rosenkrance, shall be borne by the parties to the Stipulation and shall be kept separate from the Water District No. 34 budget.

7. The parties consent to IDWR proceeding with administrative processing of water rights transfers and permits before completion of the study provided that any approvals include the following condition:

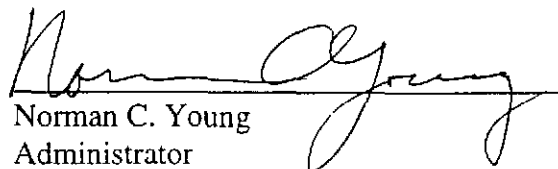
Condition No. \_\_ This approval is specifically conditioned upon the terms and limitations contained in the Stipulation, Settlement, and Joint Motion for Order filed with the Department on October 12, 1999, In the Matter of Application for Permit No. 34-07591, In the Name of L&S Partners, numerous other captioned matters, and the Preliminary Order of the Department issued on November 18, 1999. This approval is subject to any future modifications resulting from or required by the terms of that Stipulation, the Preliminary Order of the Department, and the actions taken pursuant thereto.

8. Issuance of this Preliminary Order does not commit IDWR to approval of the applications now pending. IDWR will evaluate each application in accordance with applicable law and act accordingly.

9. The Stipulation and this Preliminary Order do not prevent including procedures in the plan of study needed to determine canal losses based upon conditions as they existed prior to the changes that will occur if the pending applications are approved.

10. Nothing in the Stipulation or this Preliminary Order prevents the Department from fulfilling its statutory duties and obligations in the administration and regulation of water rights.

Dated this 18<sup>th</sup> day of November, 1999.

  
Norman C. Young  
Administrator

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR TRANSFER NO. 4906 IN THE )  
NAME OF ASLETT RANCHES )  
\_\_\_\_\_ )

ORDER DENYING MOTION TO  
DENY WITHDRAWAL OF APPLICATION

On September 16, 1997 the department scheduled a hearing in the above captioned protested matter. Prior to the start of the hearing, the applicant represented by Scott L. Campbell verbally withdrew the application for transfer and followed up the withdrawal in writing the same day. The applicant served a copy of the written notice upon all parties to the proceeding.

On September 16, 1997, protestant Dave Stoecklein, Walter Stoecklein and Bar Horseshoe Cattle & Livestock Co. (protestants) represented by James P. Speck filed with the department a motion to deny withdrawal of the application.

IDAPA Rule 37.01.01305 (Rule of Procedure 305) provides in pertinent part as follows:

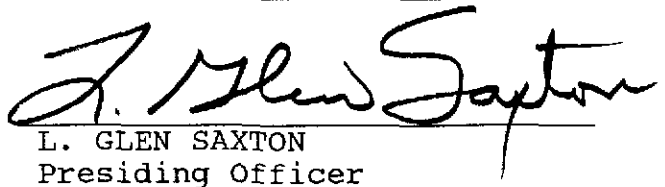
A party desiring to withdraw a pleading must file a notice of withdrawal of the pleading and serve all parties with a copy. Unless otherwise ordered by the presiding officer, the notice is effective fourteen (14) days after filing.

The presiding officer did not order that the application could not be withdrawn within fourteen (14) days of the notice of withdrawal of the application.

ORDER

IT IS THEREFORE, hereby ORDERED that the Motion to Deny Withdrawal of Application filed by the protestants is DENIED.

Signed this 10<sup>th</sup> day of October, 1997.

  
L. GLEN SAXTON  
Presiding Officer

MICROFILMED

OCT 22 1997

## Important Information About Your Water Right

June 19, 2002

Aslett Ranches  
PO Box 8  
Twin Falls, ID 83303

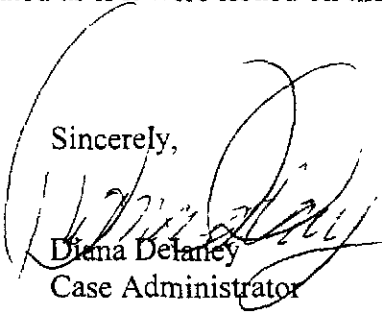
Dear Water Right Claimant(s):

Attached to this letter is a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 34-469. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources  
1301 North Orchard  
Boise, ID 83706  
800-451-4129

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist v Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decree** that was issued for this water right on March 2, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of this water right. The original of this **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued on the same date that the **Partial Decree** was originally issued.

Sincerely,



Diana Delaney  
Case Administrator

272 PM 19 PM 2:35

DISTRICT COURT-SRBA  
TWIN FALLS CO, IDAHO  
FILED

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                       |   |                                                |
|-----------------------|---|------------------------------------------------|
|                       | ) | <b>Water Right 34-469</b>                      |
| <b>In Re SRBA</b>     | ) |                                                |
|                       | ) |                                                |
|                       | ) | <b>ORDER AMENDING IRRIGATION PERIOD OF USE</b> |
|                       | ) | <b>ELEMENT IN PARTIAL DECREE and</b>           |
| <b>Case No. 39576</b> | ) | <b>INCORPORATING INTO PARTIAL DECREES AN</b>   |
|                       | ) | <b>EXPRESS STATEMENT REGARDING GENERAL</b>     |
|                       | ) | <b>PROVISIONS, NUNC PRO TUNC</b>               |

A *Partial Decree* was entered for the above-captioned irrigation water right on March 2, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE:                      05-01 to 10-15

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the ***Partial Decree*** was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the ***Partial Decree***.

#### **RULE 54(b) CERTIFICATE**

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated June 19, 2002.

  
\_\_\_\_\_  
ROGER BURDICK  
Presiding Judge  
Snake River Basin Adjudication

1998 MAR -2 AM 10: 51

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

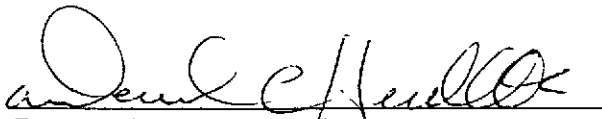
|                |   |                                 |
|----------------|---|---------------------------------|
| In Re SRBA     | ) | <b>ORDER OF PARTIAL DECREE</b>  |
|                | ) |                                 |
| Case No. 39576 | ) | <b>For Water Right 34-00469</b> |
| _____          | ) |                                 |

On January 8, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 34-00469 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 2, 1998.

  
\_\_\_\_\_  
DANIEL C. HURLBUTT, JR.  
Presiding Judge  
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 34-00469

1998 MAR -2 AM 10:51

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

NAME & ADDRESS: ASLETT RANCHES  
PO BOX B  
TWIN FALLS ID 83303

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 3.2 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER  
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT  
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED. ~~SO  
LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT  
CONSTITUTE UNREASONABLE WASTE.~~

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE  
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 11/01/1892

POINT OF DIVERSION: T08N R22E S34 SWNESE Within CUSTER County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY |
|-------------------------------|----------------|-------------------|----------|
|                               | IRRIGATION     | Irrigation Season | 3.2 CFS  |
|                               | STOCKWATER     | 01-01 12-31       | 0.02 CFS |

| PLACE OF USE: | IRRIGATION      | Within CUSTER County |                |                |  |        |
|---------------|-----------------|----------------------|----------------|----------------|--|--------|
|               | T07N R23E S06   | Lot 3 (NENW)42       | Lot 4 (NWNW)41 | Lot 8 (SWNW) 5 |  | SENW 5 |
|               | T08N R23E S31   | NESW 40              | Lot 4 (SWSW)40 | SESW 40        |  |        |
|               | 213 ACRES TOTAL |                      |                |                |  |        |

USE OF THIS RIGHT WITH RIGHT NO. 34-00471 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 213 ACRES IN A SINGLE  
IRRIGATION SEASON.

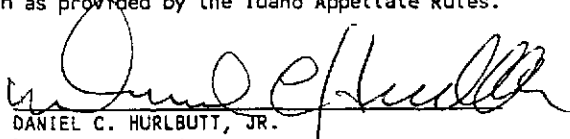
Place of use for STOCKWATER is same as IRRIGATION

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 34-00469

PAGE 1  
DEC-18-1997

1998 MAR 02 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | CERTIFICATE OF MAILING   |
|                | ) |                          |
| Case No. 39576 | ) |                          |
| _____          | ) | Water Right(s): 34-00469 |

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 34-00469 was mailed  
on March 02, 1998, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

USDI BLM  
Represented by:  
U.S. DEPT. OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724  
Phone: 208-387-0835

ASLETT RANCHES  
PO BOX B  
TWIN FALLS, ID 83301

DIANA DELANEY  
Chief Deputy Clerk

## MEMORANDUM

**DATE:** August 25, 2004  
**FROM:** JUSTIN ALDRIDGE  
**TO:** FILE 34-00469  
**RE:** Ownership Change Packet

=====

This ownership change packet contains an ownership change notice that was not processed. Instead, the ownership change occurred during a transfer. Copies of the transfer documentation are located in this file.

PATRICK D. BROWN, P.C.  
LAW OFFICES

April 3, 2000

RECEIVED

APR 4 2000

Water Resources

Ms. Sally Sherman  
IDWR  
1301 North Orchard Street  
P.O. Box 83720  
Boise, ID 83720-0098

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP  
34-00467, 34-00468, 34-00469, 34-00471, and 34-07245

Dear Ms. Sherman:

Enclosed is a copy of the Articles of Organization- Limited Liability Company for Custer Springs, LLC. As you can see, Robert A. Unger is listed as a manager for the LLC.

If you require any further information to process the ownership changes for the water rights listed above, please let me know. . Thank you for your attention to this matter.

Sincerely,



Patrick D. Brown  
Attorney at Law

pdb/tf  
enc  
cc: Robert Unger



# ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

## FILED

(Instructions on back of application)

Dec 1 3 11 PM '99

1. The name of the limited liability company is: CLUSTER SPRINGS, LLC - an Idaho  
Limited Liability Company STATE
2. The address of the initial registered office is: 1231 Main Street  
Challis, Idaho 83226 and the name of the initial registered agent at that address is: James R. Bennetts

Signature of registered agent:

3. Is management of the limited liability company vested in a manager or managers?  
☒ Yes ☐ No (check appropriate box)
4. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:

Address:

Robert A. Unger

24121 SW Newland Rd

Wilsonville OR 97070

5. Signature of at least one person listed in #4 above:

34-00467 -00971  
✓ -00468 -07245  
✓ -00469

Secretary of State use only

IDAHO SECRETARY OF STATE

12/01/1999 09:00  
CX: 4184 CI: 70535 MI: 2702121 P 100.00 = 100.00 ORGAN LLC # 2  
1 P 20.00 = 20.00 EXPEDITE C # 3

RECEIVED

APR 4 2000

Department of Water Resources

W10305



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Department of Water Resources

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

MAR 31 2000

March 16, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Patrick D. Brown  
109 S Adams St.  
Jerome, ID 83338

RE: Snake River Basin Adjudication (SRBA)  
Notice of Change of Water Right Ownership  
**Custer Springs LLC**  
**34-00467, 34-00468, 34-00469, 34-00471 & 34-07245**

Dear Mr. Brown:

I am in receipt of the ownership changes for Custer Springs, LLC. However, as Item #7 of the ownership change form requests, we do need a list of directors and/or officers demonstrating their authority to sign the form.

Please submit the list to my attention, being sure to write the water right numbers on your list.

Sincerely,

Sally Sherman  
Technical Records Specialist  
Adjudication Technical Section

SS:region

CC: Robert Unger, Custer Springs LLC

*rec'd list of  
owners 3/31/00  
-10*

For Custer Springs LLC

RECEIVED

re: # 34-00467  
34-00468  
34-00469  
34-00471  
34-07245

MAR 31 2000

Department of Water Resources

EXHIBIT B

Effective December 1, 1999  
(or concurrent with closing the purchase of Aslett Ranches,  
whichever is more appropriate)

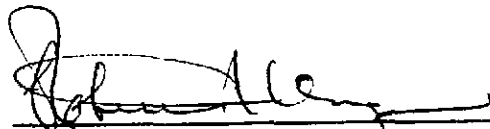
CUSTER SPRINGS, LLC

Interests of Members

| <u>Members</u>                                                                                                                                                                                                                                                                      | <u>Capital Contributions</u>                       | <u>Units</u> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--------------|
| Robert A. Unger                                                                                                                                                                                                                                                                     | Aslett Ranches property<br>612 acres, more or less | 1000         |
| Effective on date below                                                                                                                                                                                                                                                             |                                                    |              |
| Robert A. Unger                                                                                                                                                                                                                                                                     |                                                    | 960          |
| Elizabeth Ann Unger (by gift)                                                                                                                                                                                                                                                       |                                                    | 10           |
| Scott A. Unger (by gift)                                                                                                                                                                                                                                                            |                                                    | 10           |
| Scott A. Unger,<br>Trustee for Todd L. Unger, Beneficiary until such time as the<br>Beneficiary reaches 18 years of age, at which time the Trustee is<br>directed to assign all interest held for the benefit of Todd L.<br>Unger to him in his individual capacity (by gift)       |                                                    | 10           |
| Scott A. Unger,<br>Trustee for Matthew C. Unger, Beneficiary until such time as the<br>Beneficiary reaches 18 years of age, at which time the Trustee is<br>directed to assign all interest held for the benefit of Matthew C.<br>Unger to him in his individual capacity (by gift) |                                                    | 10           |

This Exhibit and the above schedule is confirmed and approved as of  
this date by the undersigned.

Dated: 11.30.99

  
Robert A. Unger, Manager

34-00467  
✓ - 00468  
✓ - 00469  
✓ - 00471  
✓ - 07245



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION  
March 15, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

**RECEIVED**

**MAR 16 2000**

Department of Water Resources

PATRICK D BROWN  
109 S ADAMS ST  
JEROME ID 83338

RE: OWNERSHIP CHANGE FOR ASLETT RANCHES – CUSTER SPRINGS  
LLC 34-00467, 34-00468, 34-00469, 34-00471, 34-07245 (split into A & B)

Dear Mr. Brown:

Our office received the above-referenced request on 3-9-00. I forwarded this request to our state office in Boise for processing. If you need to follow up on the status of this change, please contact Sally Sherman at (208) 327-7900.

Sincerely,

Jennifer Crabtree  
Technical Records Specialist

Enclosure

PATRICK D. BROWN, P.C.  
LAW OFFICES

RECEIVED

MAR 10 2000

Department of Water Resources  
Eastern Region

RECEIVED

MAR 09 2000

Department of Water Resources  
Southern Region

March 7, 2000

IDWR Southern Region  
1341 Fillmore St., Suite 200  
Twin Falls, D 83301

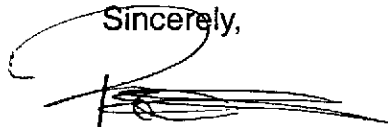
RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP  
34-00467, 34-00468, 34-00469, 34-00471, and 34-07245

Dear sir:

Enclosed for each subcase listed above is a Notice of Change of Water Right Ownership completed by Robert Unger on behalf of Custer Springs, LLC. I have also attached a copy of the Warranty Deed granting ownership of four parcels of land to Custer Springs, LLC from Aslett Ranches.

If you require further documentation or information, please let me know. Thank you for your attention to this matter.

Sincerely,



Patrick D. Brown  
Attorney at Law

pdb/tf  
enc.  
cc: Robert Unger

# STATE OF IDAHO

## IDAHO DEPARTMENT OF WATER RESOURCES

### NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

**RECEIVED**  
MAR 09 2000  
Department of Water Resources  
Snake River

MAR 16 2000

Department of Water Resources

1. Water Right No(s): \_\_\_\_\_  
Adjudication Claim No(s): 34-00469
2. The following **REQUIRED** information must be submitted with this form:
  - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
  - AND
  - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
  - OR
  - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant Aslett Ranches / L & S Partnership  
PO. Box B Twin Falls Id 83303
4. New Owner/Claimant(s) Custer Springs LLC c/o Robert Unger  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
New Mailing Address 24121 SW NEWLAND ROAD  
City, State and ZIP Code Wilsonville, OR 97070  
New Telephone Number (503) 795-6310
5. Date you acquired the property 11-23-99
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners**. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

|                                                          |                                                     |
|----------------------------------------------------------|-----------------------------------------------------|
| Number of acres you irrigate with this water right _____ | Number and type of stock _____                      |
| Diversion rate in CFS _____                              | Number of homes you acquired _____ Other uses _____ |

7. Signature of New Owner(s) or Claimant(s) [Signature] for Custer Springs LLC

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

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



## WARRANTY DEED

For Value Received ASLETT RANCHES PARTNERSHIP, AN IDAHO GENERAL PARTNERSHIP

the Grantor hereby grants, bargains, sells, conveys and warrants unto CUSTER SPRINGS LLC, AN IDAHO LIMITED LIABILITY COMPANY

the Grantee whose current address is: 24121 SW NEWLAND ROAD, WILSONVILLE, OR 97070

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

0220020

Custer County Req. of

*Jim Bennett*

Time 4:45 P.M.

12/1 1999

Ethel M Peck, Clerk

*Janet Dargis*  
Deputy

\$ 6.00

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

Dated November 23, 1999

ASLETT RANCHES PARTNERSHIP, AN  
IDAHO GENERAL PARTNERSHIP

(Partnership Name)

By *Marvin Aslett*  
MARVIN ASLETT

By *Larry Aslett*  
LARRY ASLETT

State of IDAHO

County of BLAINE

By: *Steve Aslett*  
STEVE ASLETT

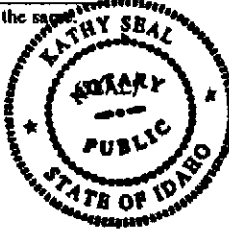
On this 20th day of November, 1999, before me, the undersigned, a Notary Public, in and for said State, personally appeared MARVIN ASLETT, LARRY ASLETT AND STEVE ASLETT

known to me, or identified to me on the basis of satisfactory evidence, to be GENERAL PARTNERS of the Partnership that executed the within instrument and acknowledged to me that such partnership executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

*Kathy Seal*

Notary Public  
Residing at: KETCHUM  
Commission Expires: July 09, 2005



BCT #99009334

**EXHIBIT A**

**PARCEL I:**

TOWNSHIP 7 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.  
SECTION 1: LOTS 1, 2, 3 AND SE1/4NW1/4

**PARCEL II:**

TOWNSHIP 7 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.  
SECTION 6 LOTS 3 AND 4

TOWNSHIP 8 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.  
SECTION 31: LOT 4 AND E1/4SW1/4.

**PARCEL III:**

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.  
SECTION 36: S1/2SE1/4 AND SE1/4SW1/4.

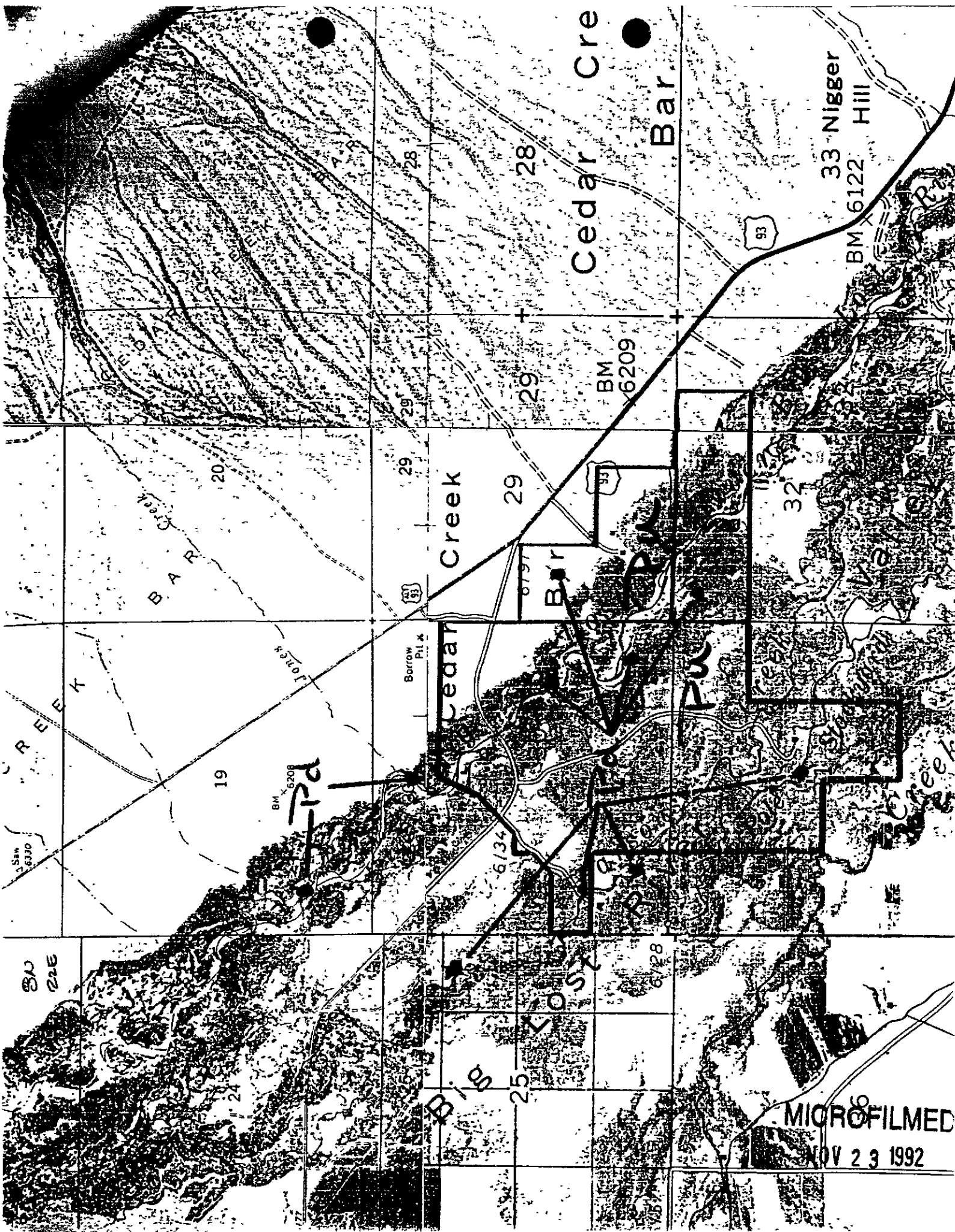
EXCEPTING THEREFROM A 1/3 INTEREST IN THE FOLLOWING TRACT OF LAND.  
TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.  
SECTION 36: A PARCEL OF LAND LOCATED IN THE SE1/4SE1/4, BEING MORE  
SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID SE1/4SE1/4;  
THENCE DUE EAST 100 FEET;  
THENCE DUE SOUTH 100 FEET;  
THENCE DUE WEST 100 FEET;  
THENCE DUE NORTH 100 FEET TO THE POINT OF BEGINNING.

**PARCEL IV:**

TOWNSHIP 7 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.  
SECTION 6: THAT PORTION OF SE1/4NW1/4 LYING ON THE NORTH SIDE OF THE  
NOW EXISTING BOUNDARY FENCE RUNNING EAST TO WEST, BETWEEN GRANTOR  
AND GRANTEE

Together, without warranty any and all appurtenant water rights.



MICROFILMED  
NOV 23 1992

292  
323



Dry  
Pasture  
20.6  
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A-41  
ASLETT RANCHES  
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