

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04078
Date Received: 12/12/1989
Receipt No: EO/1297
Received By: 70

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID M. NESTOR 208-775-3755
Address: P.O. BOX 182
INKOM, ID 83245

AND/OR

Name: OPAL E. NESTOR 208-775-3755
Address: P.O. BOX 182
INKOM, ID 83245

2. Date of Priority: JUN 01, 1927

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	36E	26	NE	NW			BANNOCK

5. Description of diverting works:
SPRINGS CAUGHT AND STORED IN TWO 10,000 GAL. RESERVOIRS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		
STOCKWATER	01/01	12/31	0.020		
STOCKWATER STORAGE	01/01	12/31			10.95
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/60 RANGE D/1 HOME.

A29-04078

Page 1

Date: 12/12/89

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NOV 13 1992

A2904078

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	36E	26	NE	NW		IRR	4.0
Section Acres							4.0
Total Acres							4.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

LAND IS IRRIGATED BY GRAVITY FED PLASTIC HANDLINES.

15. Basis of Claim: STATUTORY CLAIM

- (8) Remarks The date of original use of these springs dates back more than 50 years by David M. Nestor or his predecessor in interest, Hyrum Johnson and the water has been used, it does not flow off the ground. It has never flowed into a creek that forms a part of the general water that goes down into the Porneuf Drainage. It is all consumed.

R 36E

* -- Spring
* Place of use

Sec. 26

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Bannock)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

David M. Nestor
(Claimant)

Sworn to before me this

23 d. 175

5-4

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NOV 13 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): A David M. Hunter Date: 12-12-89

Date: _____

State of Idaho)
County of Bernierille) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of December 19 89 Anthony J. Olmsted
Notary Public

Seal

Residing at Shobo Falls
My Commission Expires 9/12/1994

Log for claim A29-04078

Spatial Dynamics AMH

8/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	26	NENW	4	4.5	
Totals:			4	4.5	

SPLITS TO: B AND C

AJ5809NP
No. A29-04078

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 147

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID M NESTOR	06/01/1927	IRRIGATION	03-15 11-15	0.080 CFS	
C	OPAL E NESTOR		STOCKWATER	01-01 12-31	0.020 CFS	
	PO BOX 182		STOCKWATER STORAGE	01-01 12-31		10.95 AFA
	INKOM ID 83245		DOMESTIC	01-01 12-31	0.040 CFS	
	(208) 775-3755					
				TOTAL DIVERSION:	0.140 CFS	
				CONSUMPTIVE USE:		12.00 AFA

Water Source: SPRINGS

Tributary to: SINKS

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R36E S26 NENW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	36E	26	:								04									:	4.0
																				TOTAL ACRES	4.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: S/60 RANGE D/1 HOME.

Remarks: GEN LAND IS IRRIGATED BY GRAVITY FED PLASTIC HANDLINES.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 12/12/89 OLENICHA 07/19/94 THOMPSON 03/29/95 POST-STD

CLAIM TO A WATER RIGHT

Notice is hereby given that David M. Nestor

(name of claimant)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed springs
_____, tributary to, _____ sinks
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	0.08	Use	Irrigation	Period of Use:	From	Mar. 15	To	Nov. 15
Amount	0.04	Use	Domestic	Period of Use:	From	Jan. 1	To	Dec. 31
Amount	0.02	Use	Stockwater	Period of Use:	From	Jan. 1	To	Dec. 31
	(cfs, gpm or a/l)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 0.14 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) June 1, 1927
- A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26 Twp. 7S Rge. 36E B. M. County of Bannock
Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Springs are caught and stored in two 10,000 gal. reservoirs. Land is irrigated by gravity fed plastic handlines.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 4

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use for one family and stockwatering for 60 head beef cattle

- (7) If you are claiming water as a member of an organization, list name of organization: _____

**T
7
S**

Scale: 2 inches equal 1 mile.

State of Idaho)
) ss.
County of Bannock)

David M. Nestor
(Claimant)

Sworn to before me this 23 day of Feb

Notary Public
Residing at

For Department Use Only

Received by OW Date 3-14-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by MC Date 3/15/77 claimant by: _____
\$10.00 fee received by OW Date 3-14-77
Approved for publication by Mr. 4-1-77
Published in Ark. State Journal #442
Dates Mar. 24-31, 1977

395670

MAR 14 1977

Department of War and Peace
Eastern DistrictTHIS INDENTURE, made this 10th day of December, 1962,
between Petrus W. Carlson and Anna S. Carlson, husband and wifeof Pocatello, County of Bannock, State of Idaho,
the part ies of the first part and David M. Nestor and Opal E. Nestor, husband and wife

County of Bannock, State of Idaho, of the part ies of the second part,

WITNESSETH, that the said part ies of the first part, for and in consideration of the sum of
Two thousand and no/100 - - - - - Dollars

lawful money of the United States of America, to them in hand paid by the part ies of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and by these presents, do es grant, bargain, sell and convey and confirm unto the said part ies of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in , County of Bannock, State of Idaho, to-wit:

Township 7 South, Range 36 East of the Boise Meridian,
Bannock County, Idaho.Section 26: Beginning at a point 6 rods West of the Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 26 and running thence West on the South line thereof for a distance of 350 feet, thence north parallel to the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 220 feet, thence East parallel to the South line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 350 feet thence South parallel to the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 220 feet to the point of beginning...

All rights belonging to the land in the East Spring.



TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity of the said part ies of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the part ies of the second part, and to their heirs and assigns forever. And the said part ies of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part ies of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part ies of the first part have hereunto set their hands and seal the day and year first above written.

Executed and Delivered in the Presence of

Petrus W. Carlson [SEAL]

Anna S. Carlson [SEAL]

[SEAL]

[SEAL]

RECORDED



REVENUE ST.

WARRANTY DEED

359738

MAR 14 1961 Value Received Norrene Johnson and Hyrum G. Johnson, her husband

Department of Water Resources
Eastern District Office

the grantors do hereby grant, bargain, sell and convey unto David E. Nestor and Opal E. Nestor, his wife

the grantees, the following described premises, in Bannock County Idaho, to wit:
Beginning at a point 6 rods west of the Southeast corner of the NE 1/4 NW 1/4 of Section 26, Township 7 South, Range 36 East of the Boise Meridian, Bannock County, Idaho, thence running west on the south line of said NE 1/4 NW 1/4 for a distance of 74 rods to the Southwest corner of said NE 1/4 NW 1/4; thence North along the west line of said NE 1/4 NW 1/4 for a distance of 30 rods; thence at right angles for a distance of 80 rods to the East line of said NE 1/4 NW 1/4; thence South along the East line of said NE 1/4 NW 1/4 for a distance of 10 rods; thence at right angles for a distance of 6 rods; thence at right angles South 20 rods to the place of beginning,

EXCEPTING from the above described tract, the following described parcel: Beginning at a point 6 rods West of the Southeast corner of said NE 1/4 NW 1/4 of Section 26 and running thence West on the South line thereof for a distance of 350 feet, thence North parallel to the West line of said NE 1/4 NW 1/4 for a distance of 220 feet, thence East parallel to the South line of said NE 1/4 NW 1/4 for a distance of 350 feet, thence South parallel to the West line of said NE 1/4 NW 1/4 for a distance of 220 feet to the point of beginning of this Exception.

Conveying with the above described land all water from what is designated as the WEST SPRING.

And reserving unto first parties herein all water from what is designated as the EAST SPRING, together with a right of way for pipe line from said East Spring to the land of first parties herein and described as above as the EXCEPTION. Together with right of ingress and egress to repair said pipe line.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee s, that they are the owner in fee simple of said premises; that they are free from all incumbrances

and thatt hey will warrant and defend the same from all lawful claims whatsoever.

Dated: Aug. 9, 1960.

Norrene Johnson
Hyrum G. Johnson

STATE OF IDAHO, COUNTY OF
On this 9th day of August, 1960,
before me, a notary public in and for said State, personally
appeared Norrene Johnson and Hyrum G.
Johnson, her husband

known to me to be the person s whose name s are
inscribed to the within instrument, and acknowledged to
me that they executed the same.

David E. Nestor
Notary Public
Residing at Orocotello, Idaho.
Comm. Expires Sept 11, 1960

STATE OF IDAHO, COUNTY OF
359738
document was filed for record at
No. 359738
RECORDED AT REQUEST OF
B. T. Co.
day of
Recorded in Book
Aug 10 3 28 PM '60
OFFICIAL RECORD BOOK NO. 153
BANNOCK COUNTY, IDAHO
SARAH BLAIR, RECORDER
2.40
Recorder
Deputy.
Fees \$
Mail to:

RECORDED

RECEIVED

AFFIDAVIT

State of Idaho
County of Blaine

County of San Diego

deposes and says:

deposes and says: To his knowledge
that these two springs have
been used continuously since
1920. NE $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 26
TW 7S R 36E T3. M T3mmk C.

Bob L. Dierck
(Signature)

Subscribed and sworn to before me this 11th day of MARCH, 1977.

(Notary Public)

Residing at POCATELLO, IDAHO
My Commission Expires 10-29-79

REPROHIBITED