

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: A29-07433
Date Received: 3/21/1990
Receipt No: ED12475
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONNA L. NESTOR 208-254-3388
Address: 1789 W. STINGER RD
MC CAMMON, ID 83250
OR
Name: DAVID E. NESTOR 208-254-3388
Address: 1789 W. STINGER RD
MC CAMMON, ID 83250

A2907433



2. Date of Priority: JAN 18, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	36E	4	NW	NW	NW	4	BANNOCK

5. Description of diverting works:
WELL, PUMP, SPRINKLERS & TROUGHS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		48.60
STOCKWATER	01/01	12/31	0.050		2.70
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) 52.50 A.F.A.

8. Total consumptive use is 72.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	36E	4	NE	NW	3	IRR	15.0
			NW	NW	4	IRR	14.0
						Section Acres	29.0
						Total Acres	29.0

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:
29-00407, 00408

14. Remarks:

15. Basis of Claim: LICENSE

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: 6

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):

David E. Nestor
Donna E. Nestor

Date: 3/21/90

Date: 3/21/90

State of Idaho

County of Bonneville

} SS.

Subscribed and sworn (or affirmed) before me this 21 day

of March 19 90

Don Carlz
Notary Public

Seal

Residing at

Heise, Id

My Commission Expires

2/26/96

04/09/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-7433

NAME AND ADDRESS: DAVID E NESTOR
DONNA L NESTOR
1789 W STINGER RD
MC CAMMON, ID 83250

SOURCE: GROUND WATER

QUANTITY: 0.1 CFS
52.5 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.75 CFS. COMBINED RIGHT NOS.: 29-00407, 29-00408, 29-07433

PRIORITY DATE: 01/18/1978

POINT OF DIVERSION: T10S R36E S4 LOT 4 NWNW Within BANNOCK County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	0.10 CFS 48.60 AFY
STOCKWATER	01-01 12-31	0.05 CFS 2.70 AFY
DOMESTIC 1 HOMES	01-01 12-31	0.04 CFS 1.20 AFY

PLACE OF USE:

IRRIGATION Within BANNOCK County
T10S R36E S4 LOT 3 NENW 15 T10S R36E S4 LOT 4 NWNW 14

STOCKWATER Use same as IRRIGATION DOMESTIC Within BANNOCK County
T10S R36E S4 LOT 4 NWNW

29 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 58 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00407, 29-00408, 29-07433

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Log for claim A29-07433

Spatial Dynamics LTD

7/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	4	NENW	15	15	
10s36e	4	NWNW	14	15	
Totals:			29	30	

DATE: 04/27/00
PAGE: 186

Audit: 03/21/90 DCARLSON 07/27/94 THOMPSON 03/29/95 POST-STD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. [REDACTED] (Late Proof)
Priority January 18, 1978 Amount 0.10 cfs

THIS IS TO CERTIFY, that David E. &/or Donna L. Nestor
of McCammon, Idaho, has complied with the terms and conditions of Permit
No. 29-7433 issued pursuant to Application for Permit dated January 9, 1978
and has submitted proof to the Department of Water Resources on March 10, 1983
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.10 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>0.10</u> cfs and	<u>48.6</u> acre feet	
Stockwater	from <u>January 1</u> to <u>December 31</u> at <u>0.05</u> cfs and	<u>2.7</u> acre feet	
Domestic (1 Unit)	from <u>January 1</u> to <u>December 31</u> at <u>0.04</u> cfs and (both dates inclusive)	<u>1.2</u> acre feet	

Subject, however, to the condition that no more than 0.10 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
52.5 acre feet per year, said waters to be diverted within the Gov. Lot 4 (NW1/4NW1/4)
Section 4, Twp 10S, Rge 36E in the County of Bannock

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	36E	4					L. 3 15	L. 4 14											29

Total number of acres irrigated 29

This right when combined with all other rights shall provide no more than .02 cfs
per acre nor more than 3.5 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29TH day of
JUNE, 19 84.

103-6-1131W

Acting for the Director

Norman C. Young

Identification No. _____
Application No. 29 7433

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT APPROVED

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Donna L. &/or David E. Nestor Phone: 234-0509
post office address 40 Oakwood Drive, Space 49, Pocatello, Idaho 83201
2. Source of water supply ground water which is a tributary of _____
(Lot 4)
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4 Township 10S
Range 36E B.M. Bannock County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.18 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
Amount 0.07 ^(cfs or acre-feet per annum) for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 0.04 ^(cfs or acre-feet per annum) for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
Amount _____ ^(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.18 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, submersible pump, sprinkler
irrigation system, and system to stockwater troughs

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 6 inches; proposed depth of well is 165 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ unknown.
8. Description of proposed uses:
a. If water is not for irrigation: NE NW
(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4 Township 10S
Range 36E B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 100 head range cattle, 400 head of
hogs (20 sows), 10 head horses, 100 chickens
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 1
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	36E	4					15	15											30

Total number of acres to be irrigated 30

c. Describe any other water rights used for the same purposes as described above None

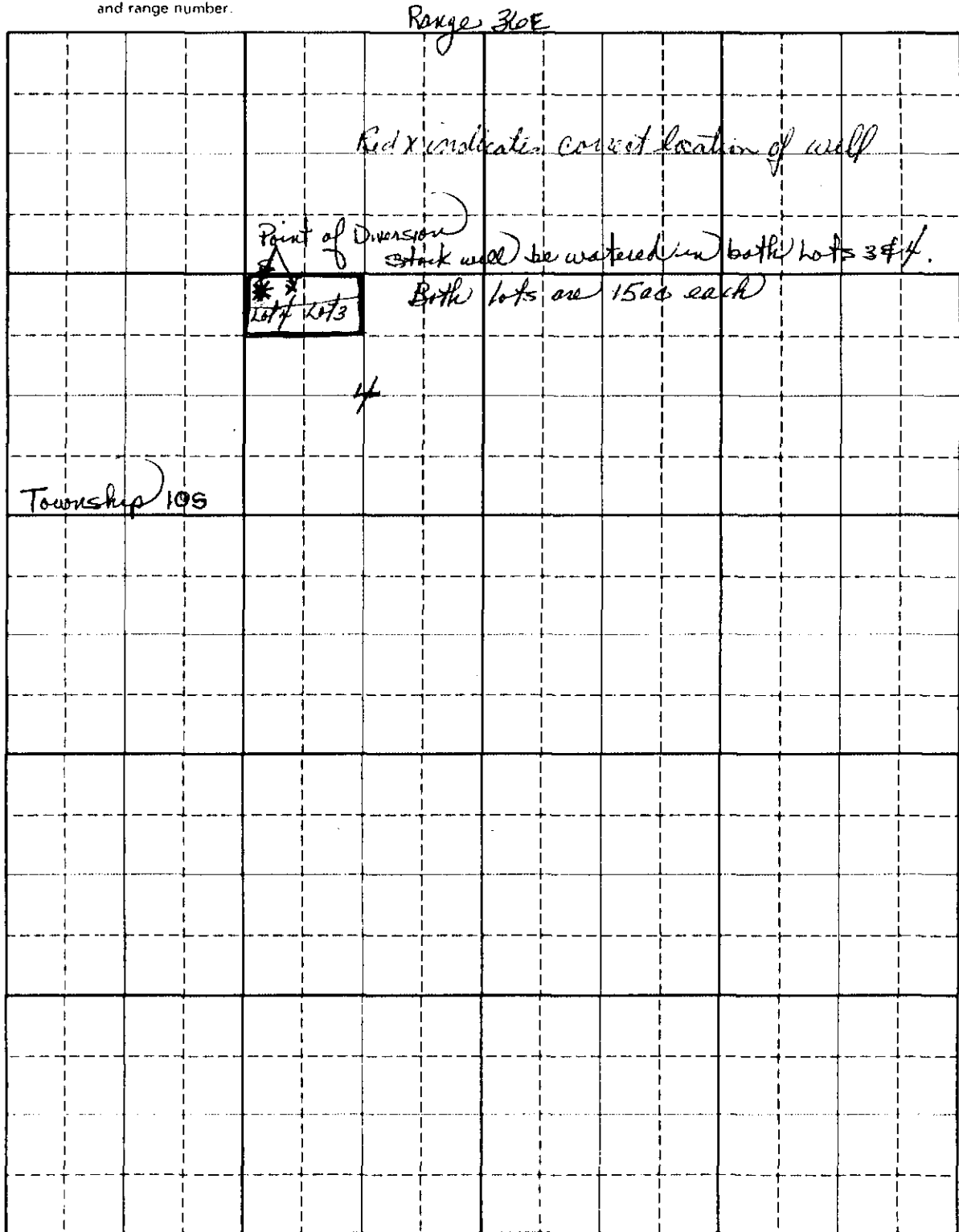
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

X Donna E. Nestor
(Applicant)
Donna E. Nestor

01/09/78
Proposed Priority _____

Received by CW Date 1-09-78 Time 11:02 A.
Preliminary check by ARK Fee \$10.00
Received by CW Date 1-09-78 # 9162
Publication prepared by CW Date 1-09-78
Published in Idaho State Journal
Publication dates Jan. 19-26-1978
Publication approved me Date Feb. 16, 1978
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RDC jo

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

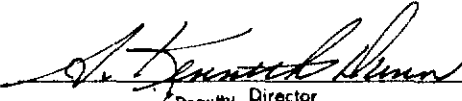
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7433, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1983.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 12 day of March, 1978.


Deputy Director

no pld overlaps per micro-fische
plu overlap - 29-2050 - use above condition.
different source.

Topographic map of the Arimo area in Idaho. The map shows Lawrence Creek, Ellis Creek, and Garden Creek. A road runs north-south through the center, and another road runs east-west across the middle. A point of diversion is marked on the road. The map also shows various landmarks such as the Robin Cemetery and the Garden. The map is titled "Arimo, Idaho" and "Idaho Department of Conservation".

(Include distance from pump to measuring device, if applicable.)

STINGER ROAD

House

well  mainline

Point(s) of diversion: T105 R36E (L-4) NW 1/4 NW 1/4 Sect. 4

Place(s) of Use ☒ less 1 acre

[illegible]☐ Change P.D. as reflected above☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above☐ Add P.U. as reflected above☐ Other

Examiner's Signature

Checked by

Approved by _____

Date 2-17-84

Date 27 Feb 84

Date 3/28/84

PERMIT NO. 29-7433

Alister
(Name)

EXAMINATION: DATE: 7-19-83

Accompanied by: David Alister

Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.
	Shp			

Measuring Device Type: _____

Meter # _____ Annubar # _____ Size # _____

Remarks: _____

Measurement calculations: 9/64N

Domestic - ok

Stock - ok
(200 hrd Max)



30psi

30psi

X ————— X
12 birls

6psi

9/64N

12psi

X ————— X
2 birls

SCHEMATIC DIAGRAM OF SYSTEM

Mainline Diameter _____

Length _____

N

House

Orwell

main line

UNCLASSIFIED

[illegible]

CSH-14

14