

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

06/07/2001

RIGHT NUMBER: 65-22499

NAME AND ADDRESS: NESBITT MC FARLAND COOPERATIVE DITCH CO
C/O LARRY P WHITE
6327 BLUFF RD
NEW PLYMOUTH, ID 83655

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.
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.
USE OF THIS RIGHT WITH RIGHT NO. 65-3 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 11.07 CFS.

PRIORITY DATE: 11/27/1889

POINT OF DIVERSION: T07N R03W S8 LOT 4 NWSW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

THIS RIGHT IS FOR THE USE OF STOCKWATER WITHIN THE
BOUNDARIES OF THE NESBITT MC FARLAND COOPERATIVE DITCH CO.

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

STOCKWATER, 400 RANGE CATTLE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(use in place of the CVR for small Domestic/Stock exams)

1. ☒ No Change NAME
NEW OWNER: _____
☐ No Change ADDRESS
NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - SOURCE
Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION
Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
Incomplete desc., complete items missing, IF KNOWN.
Additional comments in remarks.
HP of pump _____ Pump Ser. # _____ Pumping water level _____
Well depth _____ Motor Ser. # _____ Static water level _____
Casing size _____ Method of irr. _____
6. ☒ No Change - WATER USES
☒ Different uses, (list uses found).
Use _____ From _____ To _____ Amount 0.02 cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☒ No Change - TOTAL VOLUME
Incomplete on claim, the total is, -- -- _____ cfs _____ af
Change found, the new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4,

Remarks: (Comments pertinent to field examination)

BASED UPON 65-3 - COMMENTS

Stockwater, 400 RANGE CATTLE

PON ID #259473

EOL, N11, N13, N15, C18

POW REMARK KOB

LIMIT CFS to 0.02 PER CONDITION N15

DE MINIMUS IS 1000 HD OR LESS GETS

0.02 CFS

This right is for the use of Stockwater within the

ATTACHMENTS:

BOUNDARIES OF THE NESBITT MCFARLAND COOPERATIVE

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS (optional)

MAP

SYSTEM DIAGRAM

☐ Changes found during exam or additional information in the permit file, see permit file.

DATE EXAM CONDUCTED: NA 6-5-01 IN OFFICE

FIELD EXAMINER:

Signature

Ron Howerton

Water Agent

Ron Howerton

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

06/05/2001

WATER RIGHT NO. 65-3

Owner Type
Current Owner

Name and Address
NESBITT MC FARLAND COOPERATIVE DITCH CO
C/O LARRY P WHITE
6327 BLUFF RD
NEW PLYMOUTH, ID 83655
(208) 278-5493

Priority Date: 11/27/1889
Basis: Decreed
Status: Active

Source
PAYETTE RIVER

Tributary to
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	11.07 CFS		
Total Diversion			11.07 CFS		

Location of Point(s) of Diversion:

PAYETTE RIVER NWSW Lt 4 Sec. 08 Township 07N Range 03W PAYETTE County

Place(s) of use: No POUs found for this right

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Quantity A DIVERSION RATE OF .034 CFS PER ACRE AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 255.0 ACRES WITHIN THE BOUNDARIES OF THE NESBITT MC FARLAND COOPERATIVE DITCH CO. IN A SINGLE IRRIGATION SEASON.
3. Explanatory President: Doug Carnahan (208) 887-6897; Vice President: John Brown (208) 278-5861; Secretary / Treasurer: Larry P White (208) 278-5493

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
RHOWERT O	3/29/96	STIPULATION	THIS RECORD REFLECTS THE PRBA STIPULATION.
RHOWERT O	4/27/00	CONVEYANCE LOSS	2.40 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
dbuffing	4/11/01	Address info corrected	Address info corrected per notice of error reply

Dates:

Licensed Date:

Claim Received Date: 01/22/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 01/21/1986
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): X999999
State or Federal: S
Owner Name Connector:
Water District Number: 65
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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 65-22499
Date Received: 5/22/01
Receipt No: X999999
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

NESBITT MC FARLAND COOPERATIVE DITCH CO Phone: (208) 278-5493

C/O LARRY P WHITE
6327 BLUFF RD
NEW PLYMOUTH ID USA 83655

2. Date of Priority: 11/27/1889

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	03W	8	NW SW 4	PAYETTE	

5. Description of diverting works:

Concrete structure @ Payette River with adjustable gate. Downstream 1/4 to 1/2 mile is a culvert with adjustable gate.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.09	

7. Total Quantity Appropriated is:
0.09 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 301-400 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	03W	8	NW SW	4	STOCKWATER	

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

This claim is based on right no. 65-3.

15. Basis of Claim: Decreed

RECEIVED

MAY 24 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSWATER RESOURCES
VALLEY REGIONIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. AL65-22499Date Received 5-22-01Receipt Number C053886NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

MAY 22 2001

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Department of Water Resources

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Nesbitt McFarland Coop Ditch Co. Phone (208) 278-5493Mailing Address 6327 Bluff Rd. New Plymouth, Id. Zip 836552. Date of Priority (Only one per claim) 11/27/1889 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other (x) (a) Payette River
which is tributary to (b) Snake River Name or kind of source4. Location of point of diversion is: Township 7N Range 3WSection 8 1/4 of NW 1/4 of SW 1/4, Govt. Lot 4 BM.,County of PayetteAdditional points of diversion if any: N/A5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Concrete structure @ Payette River with adjustable gate.
Downstream 1/4 to 1/2 mile is a culvert with adjustable gate.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Stockwater purposes from Jan 1 Month/Day to Dec 31 Month/Day amount 0.09 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.09 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Beef Cattle 301 - 400 head.

10. Place of use is: Township: 7N Range 3W
Section 8, NW 1/4 of SW 1/4, Govt. Lot 4, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Payette

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
() None or _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 65-3

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary/Treasurer

of Nesbitt McFarland Cooperative Ditch Co., that I have signed the foregoing

document in the space below as Secretary/Treasurer of Nesbitt McFarland Ditch

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Randy P. White Date 5/22/01

Title and Organization Secretary/Treasurer Nesbitt McFarland Ditch

State of Idaho/or _____)

County of Ada) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 22nd day of May 2001

Notary Public A. Sherman

Residing at Boise ID

My Commission Expires 11-19-2004

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

Idaho Department of Water Resources Receipt

Receipt ID C053886

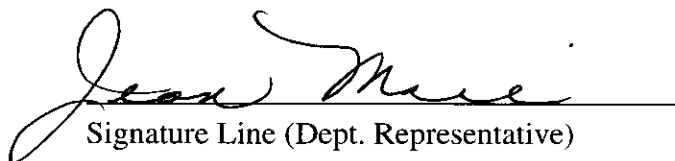
Payment Amount	\$25.00	Date Received	5/22/01 1:30:37 PM	Region	State	Status
Payment Type	Check	Check Number	647			

Payer WHITE LARRY P

Comment WATER RIGHT NO 65-3 NESBITT MCFARLAND COOPERATIVE DITCH CO

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	ADJUDICATION FILING FEE	0337	41503	1155	


Signature Line (Dept. Representative)