

No Color
Documents
In File

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: A65-00283
Date Received: 1/17/1990
Receipt No: X999999
Received By: JE JH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOMER NESBITT
Address: OLA, ID 83657
2. Date of Priority: SEP 01, 1917
3. Source: SPRING Trib. to: SECOND FORK, SQUAW CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	01E	2	NW	SE	SW		GEM
5. Description of diverting works:
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.140		8.10
7. Total Quantity Appropriated is:
0.140 C.F.S. (and/or) 8.10 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	01E	2	SE	SW		STOCK	
11. Place of use in counties: GEM
12. Do you own the property listed above as place of use? YES

A65-00283

Page 1

Date: 04/23/90

MICROFILMED
SEP 15 1992

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0291, 65-0295, 65-0280,
65-0286, 65-0501, 65-0365, 65-0373 SHALL PROVIDE NO MORE THAN
.14 CFS NOR 8.1 AFA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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)

A. Subcase 65-283

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Nesbitt Ranch & Cattle Co. LLC
Address: 10500 Nesbitt Ln.
Ola, ID 83657

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
 11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

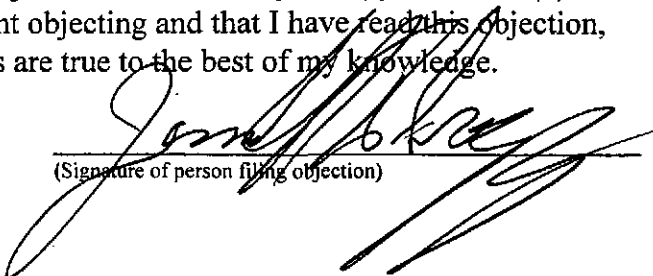
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

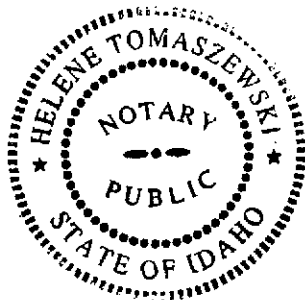
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

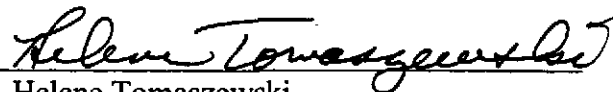

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002





Helene Tomaszewski

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Nesbitt Ranch & Cattle Co. LLC

Address: 10500 Nesbitt Ln.
Ola, ID 83657

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

04/04/2001

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

RIGHT NUMBER: 65-283

NAME AND ADDRESS: NESBITT RANCH & CATTLE CO LLC
10500 NESBITT LN
OLA, ID 83657

SOURCE: SPRING TRIBUTARY: SECOND FORK SQUAW
CREEK

QUANTITY: 0.14 CFS
8.1 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT 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 .14 CFS AND TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8.1 AF.
COMBINED RIGHT NOS.:65-291, 65-292, 65-293, 65-294, 65-295, 65-
286, 65-365, 65-372, 65-373, 65-501, 65-280, 65-285, 65-284, 65-282 & 65-
3078X.

PRIORITY DATE: 09/01/1917

POINT OF DIVERSION: T11N R01E S2 NWSESW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.14 CFS 8.10 AFY

PLACE OF USE:

STOCKWATER Within GEM County
T11N R01E S2 SESW

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

PARCEL NO. 5449.00 7

STOCKWATER, 600 RANGE CATTLE

09/05/2000

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

RIGHT NUMBER: 65-283

NAME AND ADDRESS: HOMER NESBITT
10500 NESBITT LANE
OLA, ID 83657

SOURCE: SPRING TRIBUTARY: SECOND FORK SQUAW CREEK

QUANTITY: 0.14 CFS
8.1 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT 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 .14
CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 8.1 AF. COMBINED RIGHT NOS.: 65-291, 65-292,
65-293, 65-294, 65-295, 65-286, 65-365, 65-372, 65-373, 65-501,
65-280, 65-285, 65-284, 65-282 & 65-3078X.

PRIORITY DATE: 09/01/1917

POINT OF DIVERSION: T11N R01E S2 NWSESW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.14 CFS 8.1 AFY

PLACE OF USE:

STOCKWATER Within GEM County
T11N R01E S2 SESW

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

PARCEL NO. 5449.00 7

STOCKWATER, 600 RANGE CATTLE

AJ0749NP
No. R65-00283

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/08/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOMER NESBITT HC 78 BOX 3761 OLA ID 83657	09/01/1917	STOCKWATER	01-01 12-31	0.14 CFS	8.10 AFA
TOTAL DIVERSION:					0.14 CFS	8.10 AFA

Water Source: SPRING

Tributary to: SECOND FORK, SQUAW CREEK

Stage: DECREED

Point(s) of Diversion:

T11N R01E S02

NWSESW *ok AT*

GEM County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
11N	01E	2	:	:	:	:	:	:	:	:	:	:	:	:	:

POU County: GEM

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP

PARCEL NO. 5449.00 7
STOCKWATER, 600 RANGE CATTLE
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .14 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 8.1 AF. COMBINED RIGHT
NOS.: ~~65-00291~~, 65-00292, 65-00293, 65-00294, ~~65-00295~~, ~~65-00299~~,
~~65-00286~~, ~~65-00365~~, ~~65-00372~~, ~~65-00373~~, ~~65-00501~~ & ~~65-00280~~

*285, 284, 282,
3078X*

Dates: Exam Made Date: Verified Date: 01/08/1998 Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Comments: Date: 10/03/1997 User-ID: AJU5-JSH Subject: AJU5 STOCK ONLY UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 01/08/98 SBOCK

*N11 + N13 + C18
QNT -*

AJ5809NP
No. R65-00283

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/08/97
PAGE: 15

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME

C HOMER NESBITT
OLA ID 83657 09/01/1917 STOCKWATER 01-01 12-31 0.14 CFS 8.10 AFA

TOTAL DIVERSION: 0.14 CFS 8.10 AFA

Water Source: SPRING

Tributary to: SECOND FORK, SQUAW CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T11N R01E S02

NWSESW

GEM County

Place of use Legal Description for: STOCKWATER

NE NW SW SE
NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :
11N 01E 2 : : : : S :

POU County: GEM

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A65-00283

Other Water Rights Listing Overlapping Place(s) of Use:
A65-03089A A65-03090 A65-11257

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP PARCEL NO. 5449.00 7
STOCKWATER, UNSPECIFIED

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Comments: Date: 12/03/1993 User-ID: DUNN1 Subject: COPIED FROM REMARKS
THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0297, 65-0295, 65-0280,
65-0286, 65-0501, 65-0365, 65-0373 SHALL PROVIDE NO MORE THAN

292, 293, 294
281, 282, 283, 284
285,

AJ5809NP
No. R65-00283

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/08/97
PAGE: 16

=====

Comments: Date: 12/03/1993 User-ID: DUNN1 Subject: COPIED FROM REMARKS
.14 CFS NOR 8.1 AFA.

Date: 10/03/1997 User-ID: AJU5-JSH Subject: AJU5 STOCK ONLY UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLN/USFS, DELETED L12.

Audit: 12/03/93 DUNN1 03/30/95 POST-STD 10/03/97 AJU5-JSH

WR5809NP
No. 65-00283

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/07/97
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOMER NESBITT OLA ID 83657	09/01/1917	STOCKWATER	01/01 12/31	0.140 CFS	8.10 AFA
TOTAL DIVERSION:					0.140 CFS	8.10 AFA

Water Source: SPRING

Tributary to: SECOND FORK, SQUAW CREEK

Stage: DECREED

Point(s) of Diversion:

T11N R01E S02

SESW

GEM County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE							
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
---	---	---	:	---	:	---	---	---	:	---	---	---	---	:	---	---	---	---	:
11N	01E	2	:	---	:	---	---	---	:	---	---	---	S	:	---	---	---	---	:

Pou County: GEM

Other Water Rights Listing Overlapping Place(s) of use:

65-03089A 65-03089B 65-03090 65-11257

Remarks: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0291, 65-0295, 65-0280,
65-0286, 65-0501, 65-0365, 65-0373 SHALL PROVIDE NO MORE THAN
.14 CFS NOR 8.1 AFA.

Dates:	App. Received:	Priority Date:	09/01/1917
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

CV 5-40-20

**NOTICE OF CLAIM
TO A
WATER RIGHT**

IDENT. NO.

MAP NO.

65-0283

11-1-A

Notice is hereby given that ROMER MESBURY

Ola. Idaho

Department of Registration

and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) September 1, 1917

- (2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) - spring ✓

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
(Both Dates Inclusive)

8.1 AF v_{20} 0.14

~~stock water~~

Period of Use From January 1 To December 31

Use _____ Period of Use From _____ To _____
(Domestic, foreign, stock, etc.) (Mo., day) (Mo., day)

Use _____ Period of Use From _____ To _____

- (4) Quantity of water claimed: _____ Cubic Feet Per Second, or _____ Acre Feet Per Annum,

- (5) A) Point of Diversion: Give location of point where water is diverted from its source. SE 1/4 SW 1/4, Sec. 2, Twp. 11 N, Rge. 1 E, B.N.; additional points:

- 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. cement stock tank

- (6) 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

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
watering of 600 head of stock

- (7) Effluent, sewage waste, or return water from this use is discharged into... 1-2-15-77

- (8) If you are claiming water as a member of an organization, list name of organization. CA 3103

- (19) Remarks — Claim #8, same stock as in claims #1 through 8 — THIS CLAIM WHEN
COMBINED WITH CLAIMS 050240-0245, 0280-0286, 0301, 0265, 0273 SHALL
PROVIDE NO MORE THAN 0.14 CS/ MW. 21AFA.

- (10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case _____
☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.: _____

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

May 20, 1970 (Date)

(Signature of Claimant)

Organization

(Signature of Spragg)

State of Indiana

Organization

County of York

IDENTIFIERS OF AUTHORIZED AGENTS

On this 10th day of May, in the year 1970, before me,
a notary public, personally appeared Blowers, Ned Pitt

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

Notary Public residing

My commission expires _____

2 May 1970

11-26-70. Ed.

OLD (D) NUMBER -

STATE- 10 ZIP- 83657

MICROFILMED
OCT 18 1996

WATER RIGHT NUMBER - A65-00283

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - AUDIT FIELDS - 04/23/90 HARRIS

+ - - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 01/17/1990	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	- 65
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- X999999	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	PDU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-	NOTICE OF ERROR FLAG	-

5449.00 7

DATA ENTRY

ENTERED 123-9368

CHECKED 60-25-947

"Verified By"
Topo Map/Ortho-PQ
ASOS Map
Watermaster Records
NAPE Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
APR 16 1992

PROOF
APR 10 1992

CERTIFIED
NOV 19 1992
WATER EXAMINER

MICROFILMED
OCT 18 1996

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 423

INDICATES TOTAL

SOURCE: SPRING

TRIBUTARY TO: SECOND FORK, SQUAW CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0370	CANADAY, MILDRED 411 MAPLE AVE., EMMETT, IDAHO 83617	4/ 1/1901	DOMESTIC	1/ 1 12/31	.70 AFA .02 CFS	SENW S 6 T11N R 2E	SENW S 6 T11N R 2E	BENEFICIAL USE
65-0277	CARLUCK, GERALD J. OLA, IDAHO 83657	12/15/1915	DOMESTIC	1/ 1 12/31	.70 AFA .02 CFS	SENE S 1 T11N R 1E	SENE S 1 T11N R 1E	BENEFICIAL USE
65-0283	NESBITT, HUMER OLA, IDAHO 83657 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0291, 65-0295, 65-0280, 65-0286, 65-0501, 65-0365, 65-0373 SHALL PROVIDE NO MORE THAN .14 CFS NOR 8.1 AFA.	9/ 1/1917	STOCKWATER	1/ 1 12/31	8.10 AFA .14 CFS	SESW S 2 T11N R 1E	SESW S 2 T11N R 1E	BENEFICIAL USE
65-0374	CANADAY, MILDRED 411 MAPLE AVE., EMMETT, IDAHO 83617	1/ 1/1920	STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS	SWSW S31 T12N R 2E	SWSW S31 T12N R 2E	BENEFICIAL USE
65-0376	CANADAY, MILDRED 411 MAPLE AVE., EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 650375 SHALL PROVIDE NO MORE THAN .05 CFS NOR 2.7 AFA.	4/ 1/1922	STOCKWATER	1/ 1 12/31	2.70 AFA .05 CFS	SWNE S 6 T11N R 2E	SWNE S 6 T11N R 2E	BENEFICIAL USE
65-0197	CARLUCK, CARROLL BOX 62, OLA, IDAHO 83657	7/ 1/1953	DOMESTIC	1/ 1 12/31	.70 AFA .02 CFS	SWNE S 6 T11N R 2E	SENW S 6 T11N R 2E	BENEFICIAL USE
65-0368	COLE, HOWARD A. & COLE, WILMA J. STAR ROUTE, OLA, IDAHO 83657 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-3094X SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	8/15/1960	STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS	LOT 2 S 6 T11N R 2E	SAME AS OTHER USE	BENEFICIAL USE
			IRRIGATION	4/1 11/1	--- AFA .02 CFS *---*AFA *.02*CFS		LOT 2(1) S 6 T11N R 2E *1*	
65-0369	COLE, HOWARD A. & COLE, WILMA J. STAR ROUTE, OLA, IDAHO 83657	8/15/1960	DOMESTIC	1/ 1 12/31	.70 AFA .02 CFS	LOT 3 S 6 T11N R 2E	LCT3 S 6 T11N R 2E	BENEFICIAL USE

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 65-283
Date Received: 1/17/90
Receipt No: X999999
Received By:

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

1. Name of Claimant(s): NESBITT RANCH & CATTLE CO LLC Phone: (208) 584-3550
10500 NESBITT LN
OLA ID USA 83657

2. Date of Priority: 09/01/1917

3. Source: SPRING Trib. to: SQUAW CREEK SECOND FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	01E	2	NW SE SW	GEM	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.14	8.1

7. Total Quantity Appropriated is:
0.14 C.F.S. and/or 8.1 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	01E	2	SE SW		STOCKWATER	

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0291, 65-0295, 65-0280, 65-0286, 65-0501, 65-0365, 65-0373 SHALL PROVIDE NO MORE THAN .14 CFS NOR 8.1 AFA
Name change by DB 4/4/2001

15. Basis of Claim: Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

MAR 22 2001

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
-----------------------	------------------------------	-------	-----------------------	------------------------------	-------

See attached list

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. N/A
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are 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(s)

Homer Nesbitt
10500 Nesbitt Lane, Oia, ID

4. New Owner/Claimant(s)

Nesbitt Ranch & Cattle Co. LLC.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

10500 Nesbitt Lane

City, State and ZIP Code

Oia, ID 83657.

New Telephone Number

208-584-3550

5. Date you acquired the property

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) X *James J. Smith* President
(include title if applicable)

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Attachment To Notice of Ownership dated 3-22-01

<u>Basin Num</u>	<u>Sequence</u>	<u>Split Basis</u>	<u>Status</u>	<u>Priority D</u>	<u>Diversion Source List</u>	<u>Owner List</u>	<u>Source To Application</u>
65	280	Decreed	Active	10/1/65	0.14 SPRINGS	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	282	Decreed	Active	4/1/42	0.14 SPRING	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	283	Decreed	Active	9/1/17	0.14 SPRING	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	284	Decreed	Active	4/1/46	0.14 SPRINGS	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	285	Decreed	Active	4/1/36	0.14 SPRING	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	286	Decreed	Active	10/1/65	0.14 SPRING , UNN/	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	291	Decreed	Active	9/15/65	0.14 UNNAMED STR	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	292	Decreed	Active	4/1/40	0.14 SPRING	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	293	Decreed	Active	9/15/65	0.14 SPRING	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	294	Decreed	Active	9/1/51	0.14 SPRING	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	295	Decreed	Active	4/1/52	0.14 SPRINGS	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	365	Decreed	Active	3/1/03	0.14 SPRING	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	372	Decreed	Active	4/1/56	0.14 SPRINGS	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	373	Decreed	Active	6/1/46	0.14 SPRINGS	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	501	Decreed	Active	6/1/28	0.14 TREE SPRING	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	3077	Decreed	Active	1880-05-0'	0.16 UNNAMED STR	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	3078 A	Decreed	Active	1880-05-0'	0.01 SPRINGS	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	3078 X	Decreed	Active	1880-05-0'	0.07 UNNAMED STR	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	3089 A	Decreed	Active	1892-05-0'	0.94 SECOND FORK	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	3089 X	Decreed	Active	1892-05-0'	0.7 SQUAW CREEK	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	3090	Decreed	Active	5/1/18	0.24 SECOND FORK	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	11248	Decreed	Active	5/29/27	0.14 SECOND FORK	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	11256	Decreed	Active	5/29/27	0.26 SQUAW CREEK	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	22265	Beneficial	Active	1882-01-01	UNNAMED STR	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	22266	Beneficial	Active	1/1/15	0.02 UNNAMED STR	HOMER NESBITT	(Current OwrAdjudicationRecommendation
65	22267	Beneficial	Active	1/1/03	0.02 UNNAMED STR	HOMER NESBITT	(Current OwrAdjudicationRecommendation

WARRANTY DEED

* * * * *

Warranty deed made this 12th day of October, 1999, between HOMER NESBITT and LOUISE NESBITT, husband and wife, of 10500 Nesbitt Lane, Community of Ola, County of Gem, State of Idaho, herein referred to as Grantor, and the NESBITT RANCH AND CATTLE CO., L.L.C., 10500 Nesbitt Lane, Community of Ola, County of Gem, State of Idaho, herein referred to as Grantee, witnesseth;

That Grantor, for and in consideration of the sum of one Dollar (\$1.00), the receipt whereof is hereby acknowledged and other valuable considerations including but not limited to mutual covenants, has granted, bargained, and sold, and does, by these presents, grant, bargain, sell, convey, and confirm unto Grantee and their heirs and assigns forever, all the following described real estate situated in the County of Gem, State of Idaho:

See attached Exhibit A

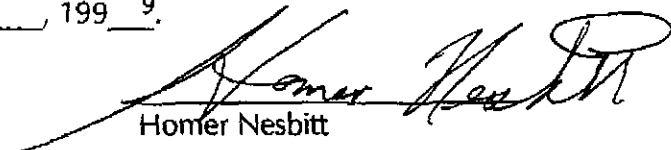
Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title, and interest in and to the property, as well in law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

To have and to hold, all and singular the above-described premises together with the appurtenances unto grantee and its heirs and assigns forever.

And Grantor and their heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, its heirs, and assigns against Grantor and their heirs and against all and every person and persons whomsoever, lawfully claiming the same.

In witness whereof, Grantor has hereunto set their hands on the day and year first above written.

DATED this 12th day of October, 1999.


Homer Nesbitt


Louise Nesbitt

STATE OF IDAHO)
) ss.
Count of Gem)

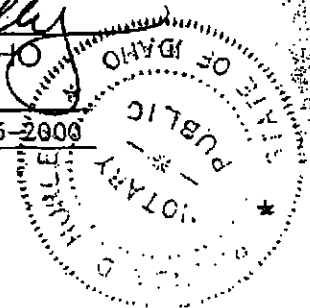
On this 12th day of October, 1999, before me, a Notary Public in and for said State, personally appeared Homer Nesbitt and Louise Nesbitt known to me to be the persons who executed the within document and acknowledged to me that they executed the same for the purposes therein stated.

Shirley D. Munley

NOTARY PUBLIC FOR IDAHO

Residence: Emmett

Commission Expires: 11-15-2000



The Southwest Quarter of the Northeast Quarter; the South Half of the Northwest Quarter, Lots 1, 2, 3 and 4, in Section 1, Township 11 North; Range 1, East of the Boise Meridian;

The South Half of the Northeast Quarter; the Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; the South Half of the Southwest Quarter; the Southeast Quarter; the Northwest Quarter of the Southwest Quarter; Lots 1, 2 and 3 of Section 2, Township 11 North, Range 1, East of the Boise Meridian;

The Southeast Quarter of the Northeast Quarter of Section 10, Township 11 North, Range 1, East of the Boise Meridian;

The North Half of the Northwest Quarter; of the Northeast Quarter; the South Half of the Northwest Quarter; the North Half of the Southeast Quarter; the Southwest Quarter of the Southeast Quarter; the East Half of the Southwest Quarter; of Section 11, Township 11 North, Range 1, East of the Boise Meridian;

The Northwest Quarter of the Northeast Quarter; the Northeast Quarter of the Northwest Quarter of Section 14, Township 11 North, Range 1, East of the Boise Meridian;

The North Half of the Northwest Quarter; the North Half of the Northeast Quarter; the Southeast Quarter of the Northeast Quarter; the Southeast Quarter; the North half of the Southwest Quarter; the Southeast Quarter of the Southwest Quarter; of Section 25, Township 12 North, Range 1, East of the Boise Meridian;

The Southeast Quarter of the Northeast Quarter; the Southeast Quarter; the Southeast Quarter of the Northwest Quarter; the East Half of the Southwest Quarter; of Section 35, Township 12, North, Range 1, East of the Boise Meridian;

The Southeast Quarter of Section 23, Township 12 North, Range 1, East of the Boise Meridian;

The Southwest Quarter of the Southwest Quarter; the South half of the Southeast Quarter of the Southwest Quarter of Section 23, and the North half of the Northwest Quarter; and the North Half of the Southwest Quarter of Section 26, all in Township 12, Range 1, East of Boise Meridian, consisting of a total of 2604 acres, more or less.

Together with any and all water rights appurtenant thereto, including what is known as the Bathtub Reservoir.

The South One Half of the Northwest One Quarter of the Southwest One Quarter and the South One Half of the Southwest One Quarter of Section 14, Township 12 North, Range 1, East of Boise Meridian;

North One Half of the North One Half of the Northwest One Quarter and the North One Half of the South One Half of the North One Half of the Northwest One Quarter of Section 23, Township 11 North, Range 1, East of Boise Meridian, consisting of a total of 160 acres, more or less.

Lots 3, 4, and 5 of Block One and Lots 10, 11, 12, 13, 15, 16, 17, 18, 20, 23, 25, 27, 28 and 29 of Block Two, Nesbitt's Emerald Glen Subdivision, Ola, Idaho, according to the official plat thereof, filed and recorded in Book Two of Subdivision plats, page 23, in the official land records of Gem County, Idaho.

208603

Gem County, Idaho) ss
Recorded at request of
Homer R. Nesbitt

Time 3:57 PM

Date October 21, 1999

Instru. No. 208603

Recorded as a Deed

Susan K. Howard, Clerk
Ex-officio Recorder

By: Judy Bigham
Deputy

Fees \$ 12.00

STATE OF IDAHO)
County of Gem) ss.

I certify that the foregoing is a true
and correct copy of the instrument of
record as Instrument No. 208603.

DATED March 22, 2001

Susan K. Howard
Ex-officio Recorder

By: [Signature] Deputy

ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)



1. The name of the limited liability company is: NESBITT RANCH AND CATTLE CO., L.L.C.

2. The address of the initial registered office is: 10500 Nesbitt Lane, Oia, ID 83657
(not a PO Box)

and the name of the initial registered agent at that address is: HOMER R. NESBITT

Signature of registered agent :

Homer R. Nesbitt

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:

Homer R. Nesbitt

10500 Nesbitt Lane, Oia, ID 83657

Kevin L. Nesbitt

1308 Little Rock Rd., Emmett, ID 83617

Stuart D. Nesbitt

1127 Olds Ferry Rd. Weiser, ID 83672

Eric H. Nesbitt

22306 N.E. 14th Dr., Redmond, WA 98053

Quentin E. Nesbitt

7435 Moon Valley Rd., Eagle, ID 83616

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

Homer R. Nesbitt

IDAHO SECRETARY OF STATE

09/08/2009 09:00
CK: 1923 CT: 86648 DH: 35199

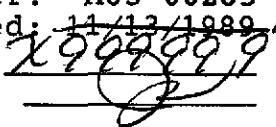
1 @ 100.00 = 100.00 ORGAN LLC

W 4604

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: A65-00283
Date Received: 11/13/1989 / -7-90
Receipt No: 2999999
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOMER NESBITT

Address: OLA, ID 83657

2. Date of Priority: SEP 01, 1917

3. Source: SPRING Trib. to: SECOND FORK, SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
11N	01E	2	NW SE SW		GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.140		8.10

7. Total Quantity Appropriated is:
0.140 C.F.S. (and/or) 8.10 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	01E	2	SE SW		STOCK	

11. Place of use in counties: GEM

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

A65-00283

Page 1

Date: 11/13/89

MICROFILMED

SEP 15 1992

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0291, 65-0295, 65-0280,
65-0286, 65-0501, 65-0365, 65-0373 SHALL PROVIDE NO MORE THAN
.14 CFS NOR 8.1 AFA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): *James R. Hest* Date: 1-17-90

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of Jan. 19 90

Jean Shurte
Notary Public

Seal

JAN SHURTE
Residing at RESIDING AT MERIDIAN, IDAHO
My Commission Expires MY COMMISSION EXPIRES SEPT. 14, 1994