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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: A65-00293
Date Received: 1/17/1990
Receipt No: X999999
Received By: DE JAH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOMER NESBITT

Address: OLA, ID 83657

2. Date of Priority: SEP 15, 1965

3. Source: SPRING Trib. to: KIMBALL GULCH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	01E	36	NW	NW	NE		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
12N	01E	25	SW	SE		STOCK	
		36	NW	NE		STOCK	

11. Place of use in counties: GEM

A65-00293

Page 1

Date: 04/23/90

MICROFILMED

SEP 15 1992

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, 65-0292, 65-0294,
65-0295, 65-0373, 65-0372 & 65-0501 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 _____

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 65-293
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: 09/15/1965

3. Source: SPRING Trib. to: KIMBALL GULCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	01E	36	NW NW NE	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
12N	01E	25	SW SE		STOCKWATER	
12N	01E	36	NW NE		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, 65-0292, 65-0294, 65-0295, 65-0373, 65-0372 & 65-0501 SHALL PROVIDE NO MORE THAN .14 CFS NOR 8.1 AFA
Name change by DB 4/4/2001

15. Basis of Claim: Decreed

04/08/2002

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

RIGHT NUMBER: 65-293

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

SOURCE: SPRING

TRIBUTARY: KIMBALL GULCH CREEK

QUANTITY: 0.14 CFS
8.1 AFY

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, 65-294,
65-295, 65-372, 65-373, 65-286, 65-285, 65-284, 65-282, 65-283, 65-280, 65-
365, 65-3078X & 65-501.

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

PRIORITY DATE: 09/15/1965

POINT OF DIVERSION:

T12N R01E S36 NWNWNE 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	0.140 CFS 8.10 AFY

PLACE OF USE: STOCKWATER Within GEM County

T12N R01E S25	SWSE	T12N R01E S36	NWNE
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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: Decreed

PARCEL NO. 5563.00 7

STOCKWATER, 600 RANGE CATTLE

THE USE OF WATER ON T12N, R1E, SECTION 36, NWNE IS ON STATE
PUBLIC SCHOOL ENDOWMENT LAND PURSUANT TO STATE GRAZING
LEASE NO. G-5613. THE USE OF WATER ON THE STATE LANDS IS FOR
STOCK WATERING PURPOSES ONLY.

04/05/2001

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

RIGHT NUMBER: 65-293

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

SOURCE: SPRING TRIBUTARY: KIMBALL GULCH 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, 65-294, 65-295, 65-372, 65-
373, 65-286, 65-285, 65-284, 65-282, 65-283, 65-280, 65-365,
65-3078X & 65-501.

PRIORITY DATE: 09/15/1965

POINT OF DIVERSION: T12N R01E S36 NWNWNE 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:

<u>STOCKWATER Within GEM County</u>			
T12N R01E S25	SWSE	T12N R01E S36	NWNE

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

THIS AMENDED PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHT 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. 5563.00 7

STOCKWATER, 600 RANGE CATTLE

09/07/2000

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

RIGHT NUMBER: 65-293

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

SOURCE: SPRING TRIBUTARY: Kimball Gulch 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,
65-294, 65-295, 65-372, 65-373, 65-286, 65-285, 65-284, 65-282, 65-283,
65-280, 65-365, 65-3078X & 65-501.

PRIORITY DATE: 09/15/1965

POINT OF DIVERSION: T12N R01E S36 NWNWNE 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:

<u>STOCKWATER Within GEM County</u>			
T12N R01E S25	SWSE	T12N R01E S36	NWNE

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

THIS AMENDED PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHT 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. 5563.00 7

STOCKWATER, 600 RANGE CATTLE

A65-00293

MAR 02, 1974

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 385

INDICATES TOTAL

SOURCE: SPRING

TRIBUTARY TO: JOHNSON 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
65-8123	MC CONNEL, ALVA B. MONTOUR STAR ROUTE, EMMETT, IDAHO 83617	6/ 1/1915	STOCKWATER	1/ 1 12/31	2.70 AFA .05 CFS	SWSE S32 T 7N R 1E	SWSE S32 T 7N R 1E	BENEFICIAL USE
65-0312	MCCONNEL, ALVA B. BOX 28, MONTOUR, IDAHO 83646 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 650314 SHALL PROVIDE NO MORE THAN .02 CFS NOR .7 AFA.	2/ 1/1922	STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS	NWNE S32 T 7N R 1E	NWNE S32 T 7N R 1E	BENEFICIAL USE
65-0314	MC CONNEL, ALVA B. BOX 28, MONTOUR, IDAHO 83646 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 650312 SHALL PROVIDE NO MORE THAN .02 CFS NOR .7 AFA.	4/ 1/1932	STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS	SENE S32 T 7N R 1E	SENE S32 T 7N R 1E	BENEFICIAL USE

INDICATES TOTAL

SOURCE: SPRING

TRIBUTARY TO: KIMBALL GULCH

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
65-0293	NESHITT, HOMER OLA, IDAHO 83657 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0291, 65-0292, 65-0294, 65-0295, 65-0313, 65-0312 & 65-0501 SHALL PROVIDE NO MORE THAN .14 CFS NOR 8.1 AFA.	9/15/1965	STOCKWATER	1/ 1 12/31	8.10 AFA .14 CFS	NWNE S36 T12N R 1E	NWNE S36 T12N R 1E SWSE S25 T12N R 1E	BENEFICIAL USE

INDICATES TOTAL

SOURCE: SPRING

TRIBUTARY TO: KINGMAN GULCH

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
65-0518	UPPER BENCH FARMS, INC. EMMETT, IDAHO 83617	4/ 1/1940	STOCKWATER	1/ 1 12/31	14.00 AFA .23 CFS	SENE S21 T 7N R 1W NWNW S21 T 7N R 1W NENE S21 T 7N R 1W	SENE NWNW NENE S21 T 7N R 1W	BENEFICIAL USE

AJ0749NP
No. R65-00293

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	09/15/1965	STOCKWATER	01-01 12-31	0.14 CFS	8.10 AFA
TOTAL DIVERSION:					0.14 CFS	8.10 AFA

Water Source: SPRING

Tributary to: KIMBALL GULCH

Stage: DECREED

Point(s) of Diversion:

T12N R01E S36

NWNWNE

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	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
12N	01E	25	:																					:
12N	01E	36	:			S																		:

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. 5563.00 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.: 65-00286, 65-00290, 65-00291, 65-00292, 65-00293, 65-00294,
65-00295, 65-00280, 65-00372, 65-00373, 65-00365, & 65-00501

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

*delete non-circled -
they are not part of
decreed.*

AJ5809NP
No. R65-00293

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/08/97
PAGE: 28

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

C HOMER NESBITT
OLA ID 83657 09/15/1965 STOCKWATER 01-01 12-31 0.14 CFS 8.10 AFA

TOTAL DIVERSION: 0.14 CFS 8.10 AFA

Water Source: SPRING

Tributary to: KIMBALL GULCH

Stage: BENEFICIAL USE

Point(s) of Diversion:

T12N R01E S36

NWNWNE

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	Lt	Ac	Lt	Ac	Lt	Ac
12N	01E	25	:																		
12N	01E	36	:			S														S	

POU County: GEM

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A65-00293

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. 5563.00 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 65-0291, 65-0292, 65-0294,
65-0295, 65-0373, 65-0372 & 65-0501 SHALL PROVIDE NO MORE THAN
.14 CFS NOR 8.1 AFA.

Date: 10/03/1997 User-ID: AJU5-JSH Subject: AJU5 STOCK ONLY UPDATE

AJ5809NP
No. R65-00293

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/08/97
PAGE: 29

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

WR5809NP
No. 65-00293

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/07/97
PAGE: 16

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOMER NESBITT OLA ID 83657	09/15/1965	STOCKWATER	01/01 12/31	0.140 CFS	8.10 AFA
TOTAL DIVERSION:					0.140 CFS	8.10 AFA

Water Source: SPRING

Tributary to: KIMBALL GULCH

Stage: DECREED

Point(s) of Diversion:

T12N R01E S36

NWNE

GEM County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:
12N	01E	25	:					:					:					:					:
12N	01E	36	:		S			:					:					:					:

Pou County: GEM

Remarks: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0291, 65-0292, 65-0294,
65-0295, 65-0373, 65-0372 & 65-0501 SHALL PROVIDE NO MORE THAN
.14 CFS NOR 8.1 AFA.

Dates:	App. Received:	Priority Date:	09/15/1965
	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

5-20-70

MAP NO.

65-0293

Gen
12-1-E

(Name of Claimant)

(Mailing Address)

claims a right to the diversion

The extent and nature of said claim is as follows:

- (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)

5.1

Use _____ Stock watering
(Domestic, irrigation, stock, etc.)

Period of Use From April 1 To October 31
(Mo., Day) (Mo., Day)

Use _____
(Domestic, irrigation, stock, etc.)

Period of Use From _____ To _____
(Mo., Day) (Mo., Day)

Use _____ (Domestic, irrigation, stock, etc.)

Period of Use From _____ To _____
(Mo., Day) (Mo., Day)

- (4) Quantity of water claimed: 0.14 Cubic Feet Per Second, or _____ Acre Feet Per Annum,
and/or 12000 Gals. Per Minute. day.

- (5) A) Point of Diversion: Give location of point where water is diverted from its source. NW ¼ NE ¼,
Sec. 36 Twp. 12 N Rge. 1 E, B.M.; 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. dam and pond

- (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:

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

- (9) Remarks ~~Claim #4, same stock listed under claim #1, 2, 3, & 4. filed by Homer Nesbitt-~~
(THIS CLAIM WHEN COMBINED WITH CLAIMS 65-0291, 0292, 0294, 0295, 0373,
0372, 0501 SHALL PROVIDE NO MORE THAN 0.14 CES PER 81 AEA)

- (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

15 Signature of Claimant

Organization

(Signature of Spouse)

(Signature of Authorized Agent)

State of Idaho

County of San Diego

Organization
Seat

On this 20th day of May, in the year 1970

a notary public, personally appeared Homer Nesbitt
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 at Boston, Mass.

My commission expires May 1, 1972

14-00000-76 20

WATER RIGHT NUMBER - A65-00293

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - + + - FIRST NAME - - + + - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
NESBITT

HOMER

1 -
2 -
3 -
CITY- OLA
PHONE -

STATE- ID ZIP- 83657

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
09/15/1965 ✓ 14 WESTERN D - DECREED+ - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +
SPRING KIMBALL GULCH+ - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)
12N 01E 36 NW NW NE (45) GEM+ - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME
04 - STOCKWATER ✓ 01/01 12/31 0.140 ✓ 8.10 ✓+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.140 8.10 0.0+ - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY
12N 01E 25 ✓ SW SE ✓ 04 STOCKWATER (45) GEM
12N 01E 36 ✓ NW NE ✓ 04 STOCKWATER (45) GEM+ - - DIVERSION MEANS - *Headworks*+ - - NON-IRRIGATION USE - *Stockwater*+ - - OTHER RIGHTS FOR SAME USE - *none*+ - - - - REMARKS - - - - - +
THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0291, 65-0292, 65-0294,
65-0295, 65-0373, 65-0372 & 65-0501 SHALL PROVIDE NO MORE THAN
.14 CFS NOR 8.1 AFA.+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.+ - - - - DECREE PLAINTIFF - - - - +
STATE OF IDAHO+ - - - - DECREE DEFENDANT - - - - +
A & C CORP., ET AL.+ - DECREE DATE - +
00/00/0000MICROFILMED
OCT 18 1996

PREFIX TRANSLATION: ADJUDICATION CLAIM

+-----COMMENTS-----
NO COMMENTS FOUND[illegible]

5563.00 7

DATA ENTRY
ENTERED 123-9315
CHECKED 6-25-99

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

VERIFIED
APR 16 1992

PROOF
APR 10 1992

CERTIFIED
NOV 18 1992
WATER EXAMINER

MICROFILMED
OCT 18 1996

RECEIVED

JAN 16 2002

Department of Water Resources

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

Subcase 65-293

STANDARD FORM 1
OBJECTION

RECEIVED

JAN 18 2002

WATER RESOURCES
WESTERN REGION

NAME AND ADDRESS OF PERSON OBJECTING

Name: Idaho Department of Lands
Address: 954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050

Daytime Phone: (208) 334-0200

Name & Address of Attorney, if any:

Attorney Name:	ALAN G. LANCE Attorney General CLIVE J. STRONG Deputy Attorney General Chief, Natural Resources Division STEVEN J. SCHUSTER Deputy Attorney General Idaho Department of Lands
Attorney Address:	954 West Jefferson Street PO Box 83720 Boise, Idaho 83720-0050
Attorney Phone No.	(208) 334-0200 Idaho State Bar # 3453

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Nesbitt Ranch & Cattle Company LLC
Address: 10500 Nesbitt Lane
Ola, Idaho 83657

I object to the following elements as recommended in the Director's Report.

1. ☒ **Name and Address**
Should be: Idaho Department of Lands
954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050
2. ☐ **Source**
Should be: As claimed
3. ☐ **Quantity**
Should be: As claimed
4. ☐ **Priority Date**
Should be: As claimed
5. ☐ **Point(s) of Diversion**
Should be: As claimed
6. ☐ **Instream Flow Description**
Should be: As claimed
7. ☐ **Purpose(s) of Use**
Should be: As claimed
8. ☐ **Period of Year**
Should be: As claimed
9. ☐ **Place of Use**
Should be: As claimed
10. **I object because:**
 - ☐ This water right should not exist.
 - ☒ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION(S):

The State of Idaho, through the Idaho Department of Lands, is the owner of a portion of the land upon which use is claimed. This land is State Public School endowment land. This land is more particularly described as the NW¼NE¼ of Section 36, Township 12 North, Range 1 East, Boise Meridian. The claimant does not have a valid water right for use on the endowment land because a private claim cannot be made on such lands.

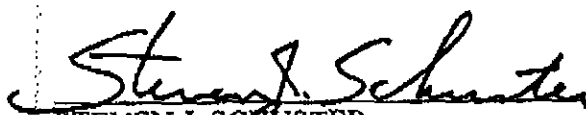
VERIFICATION

State of Idaho)
) ss.
County of Ada)

Steven J. Schuster, duly sworn, upon oath, deposes and says:

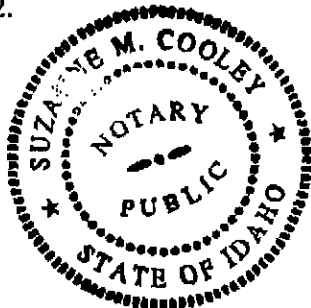
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding as defined by I.C. § 42-1401A (1) and (6), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

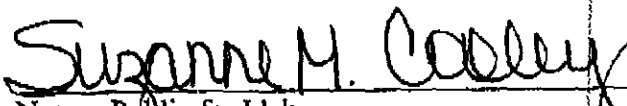
ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands



STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands

Subscribed and sworn to before me on this 15th day of January, 2002.




Notary Public for Idaho
Residing at: Boise, ID
My Commission expires: 7-22-2002

CERTIFICATE OF MAILING

I certify that on this 15th day of January, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, Idaho 83303-2707

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

Name: Nesbitt Ranch & Cattle Company LLC
Address: 10500 Nesbitt Lane
Ola, Idaho 83657

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, Idaho 83720-0098

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

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


STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands

RECEIVED

FEB 14 2002

Department of Water Resources

**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 No. 65-00293

RECEIVED

Case No. 39576)

STANDARD FORM 2

FEB 19 2002

RESPONSE TO OBJECTION

**WATER RESOURCES
WESTERN REGION**

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: United States of America, acting through the USDA Forest Service
Address: 550 W. Fort St. MSC 033
Boise, ID 83724

Name and Address of Attorney:

Attorney Name: David L. Negri
Attorney Address: United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St. MSC 033
Boise, ID 83724
Attorney Phone: (208) 331-5943

**C. NAME AND ADDRESS OF PERSON WHO FILED OBJECTION TO WHICH YOU
ARE RESPONDING:**

Name: Idaho Department of Lands
Address: 954 West Jefferson Street
P.O. Box 83720
Boise, ID 83720-0050

D. I am responding to the objection(s) to the following elements:

1. ☒ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use

11. Recommendation:

- ☐ This water right should not exist
- ☐ This water right was not recommended, but should be recommended with the elements described above.

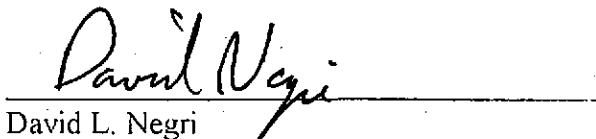
VERIFICATION

State of Idaho)
) ss.
County of Ada)

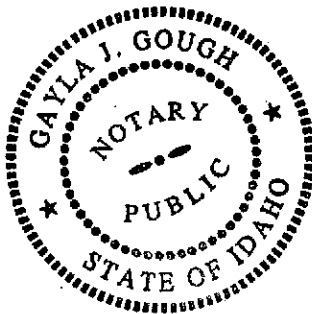
MICHAEL COLLETTE, duly sworn, upon oath, deposes and says:

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

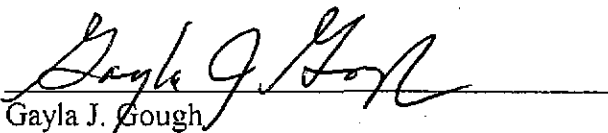

Michael Collette


David L. Negri
United States Department of Justice

Subscribed and sworn to before me on: February 12, 2001



(seal)


Gayla J. Gough
Notary Public for: Idaho
Residing at: Kuna, Idaho
My Commission Expires: 11-17-2004

CERTIFICATE OF MAILING

I certify that on February 12, 2002, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original by U.S. Mail to:

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

2. One copy by U.S. Mail to the claimant of the water right at the following address:

Nesbitt Ranch & Cattle Company LLC
10500 Nesbitt Lane
Ola, Idaho 83657

3. One copy by U.S. Mail to the party who filed the objection at the following address:

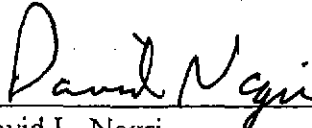
Steven J. Shuster
Deputy Attorney General
Idaho Department of Lands
954 West Jefferson Street
P.O. Box 83720
Boise, Idaho 83720-0050

4. Copies by U.S. Mail to:

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

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



David L. Negri

RECEIVED

FEB 14 2002

Department of Water Resources

**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 No. 65-00293

Case No. 39576)

STANDARD FORM 2

RESPONSE TO OBJECTION

RECEIVED

FEB 19 2002

WATER RESOURCES
WESTERN REGION

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: United States of America, acting through the USDA Forest Service

Address: 550 W. Fort St. MSC 033

Boise, ID 83724

Name and Address of Attorney:

Attorney Name: David L. Negri

Attorney Address: United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St. MSC 033
Boise, ID 83724

Attorney Phone: (208) 331-5943

**C. NAME AND ADDRESS OF PERSON WHO FILED OBJECTION TO WHICH YOU
ARE RESPONDING:**

Name: Idaho Department of Lands

Address: 954 West Jefferson Street

P.O. Box 83720

Boise, ID 83720-0050

D. I am responding to the objection(s) to the following elements:

1. ☒ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use

11. Recommendation:

- ☐ This water right should not exist
- ☐ This water right was not recommended, but should be recommended with the elements described above.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

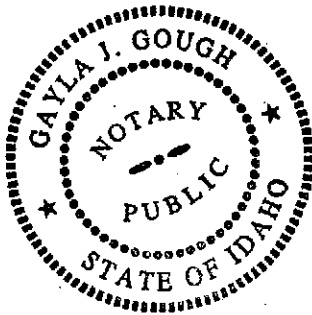
MICHAEL COLLETTE, duly sworn, upon oath, deposes and says:

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

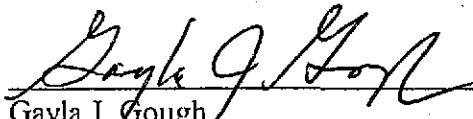

Michael Collette


David L. Negri
United States Department of Justice

Subscribed and sworn to before me on: February 12, 2001



(seal)


Gayla J. Gough
Notary Public for: Idaho
Residing at: Kuna, Idaho
My Commission Expires: 11-17-2004

CERTIFICATE OF MAILING

I certify that on February 12, 2002, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original by U.S. Mail to:

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

2. One copy by U.S. Mail to the claimant of the water right at the following address:

Nesbitt Ranch & Cattle Company LLC
10500 Nesbitt Lane
Ola, Idaho 83657

3. One copy by U.S. Mail to the party who filed the objection at the following address:

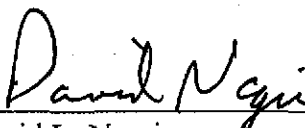
Steven J. Shuster
Deputy Attorney General
Idaho Department of Lands
954 West Jefferson Street
P.O. Box 83720
Boise, Idaho 83720-0050

4. Copies by U.S. Mail to:

IDWR Document Depository
P.O. Box 83720
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United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



David L. Negri

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, Ola, 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

Ola, 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. Nash* 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 _____
 Receipted 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</u>	<u>Basis</u>	<u>Status</u>	<u>Priority D:</u>	<u>Diversion</u>	<u>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

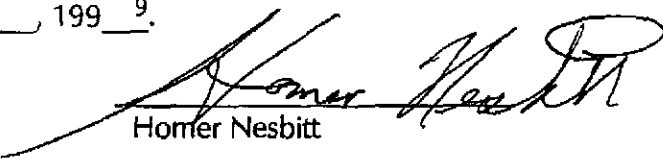
Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title, and interest in and to the property, as well in law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

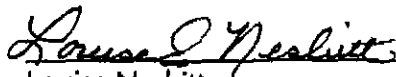
To have and to hold, all and singular the above-described premises together with the appurtenances unto grantee and its heirs and assigns forever.

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

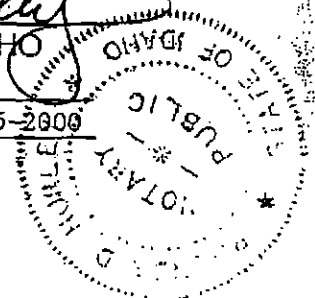
STATE OF IDAHO)
) ss.
Count of Gem)

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.

Shonda 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 Begham
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 #2 above:

Homer R. Nesbitt

IDAHO SECRETARY OF STATE

09/08/2009
CK: 1923 CT: 86648 BH: 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: A65-00293

Date Received: ~~11/13/1989~~ 1-17-90

Receipt No: X 282979

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOMER NESBITT

Address: OLA, ID 83657

2. Date of Priority: SEP 15, 1965

3. Source: SPRING Trib. to: KIMBALL GULCH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	01E	36	NW	NW	NE		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
12N	01E	25	SW	SE		STOCK	
		36	NW	NE		STOCK	

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, 65-0292, 65-0294,
65-0295, 65-0373, 65-0372 & 65-0501 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): *James R. Hunt* 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 *Jan Shurte*
Notary Public

Seal

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