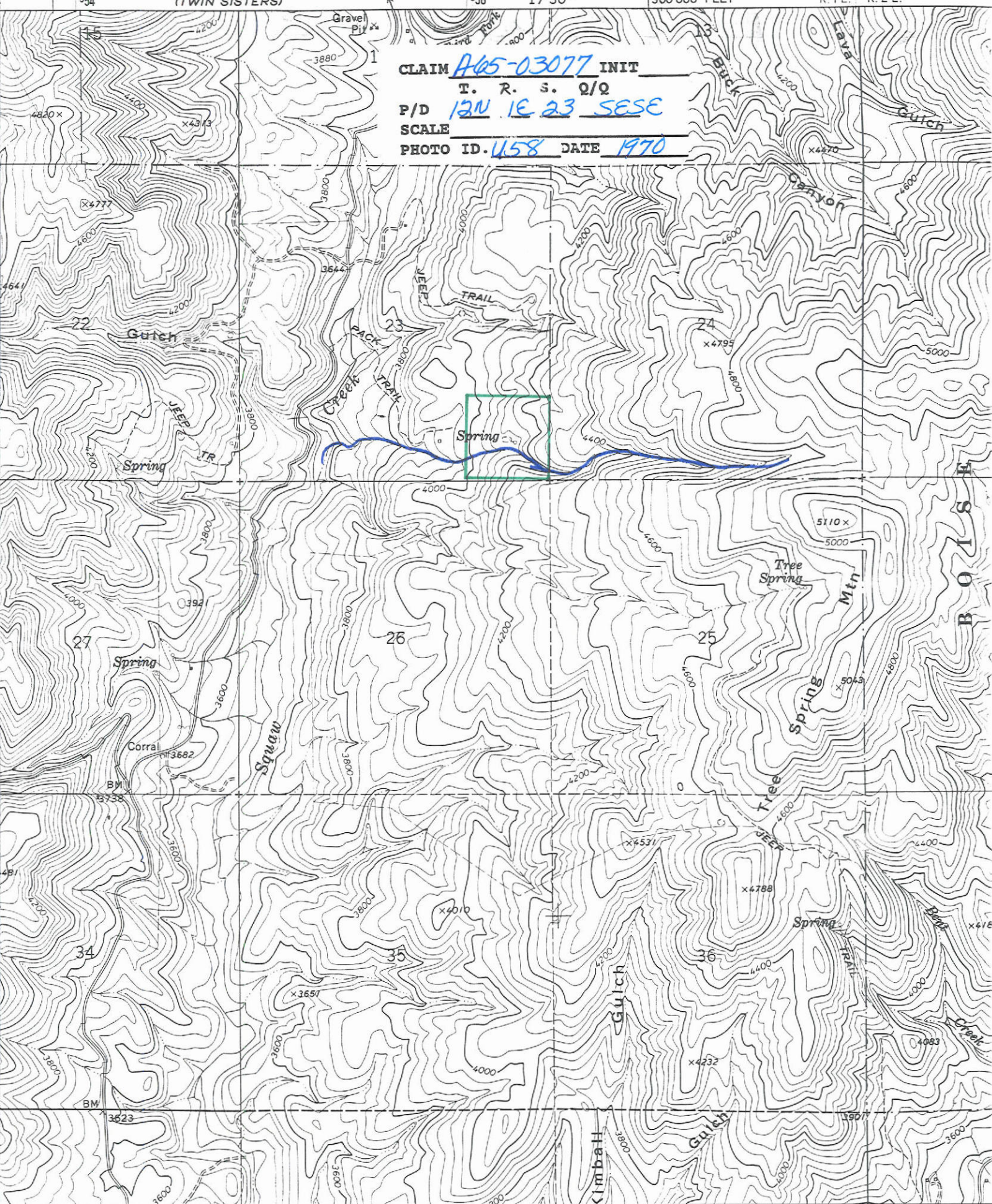
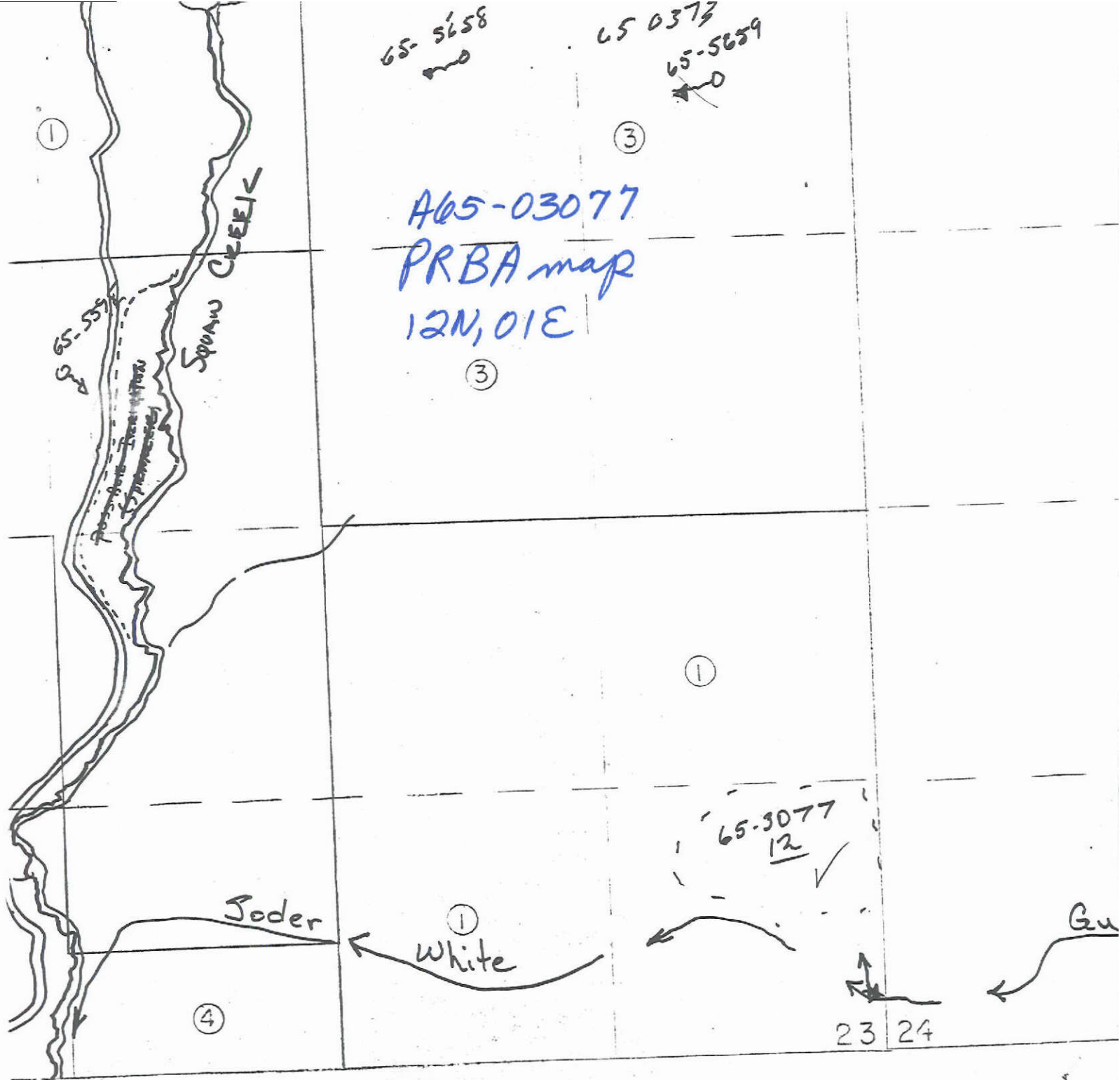


R. 1 E. R. 2 E.

PHOTO ID. U58 DATE 1970

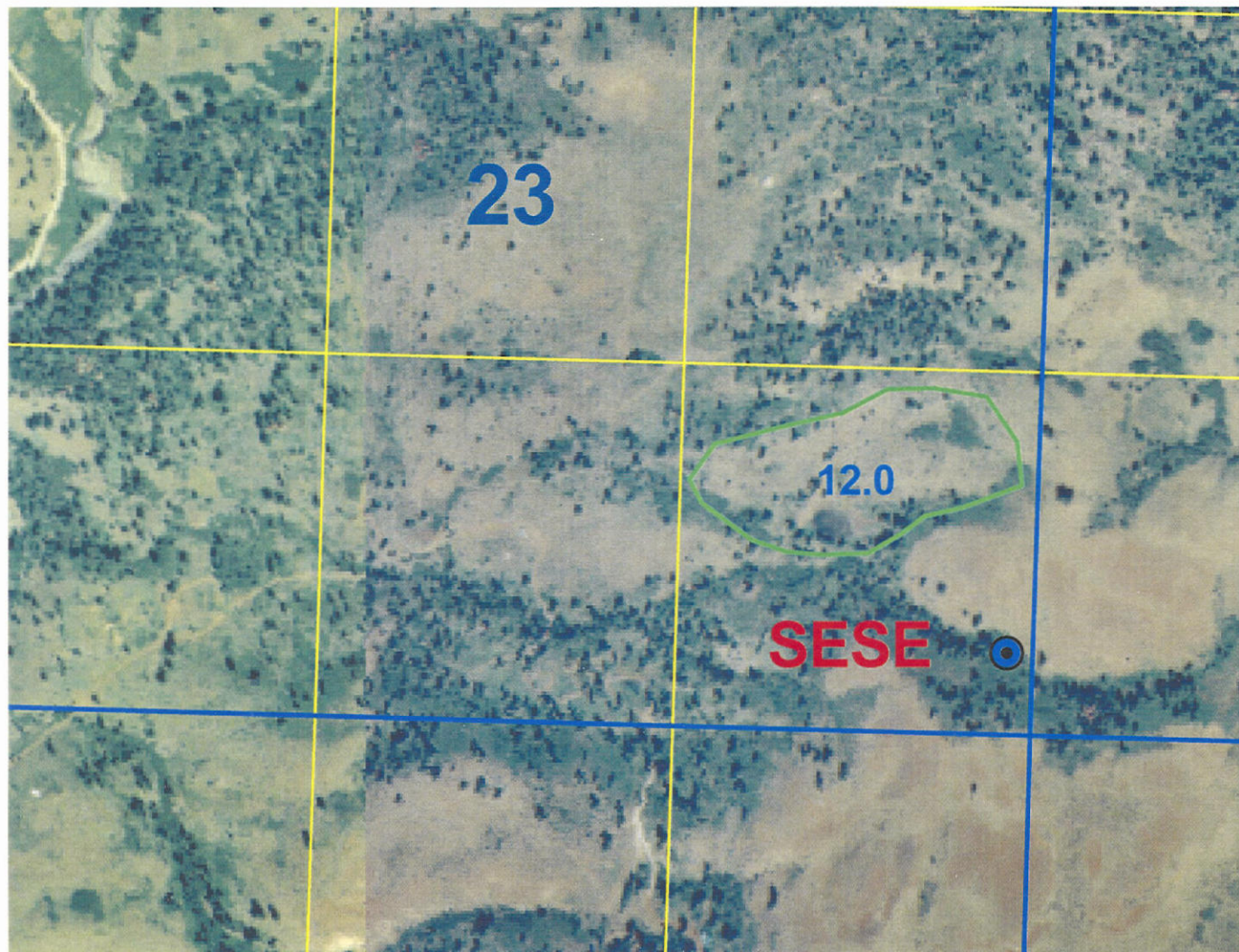




1. Homer Nesbitt
2. Doris Ollason
3. M. W. Schultz
4. Elmer H. Nesbitt

IDAHO DEPARTMENT OF WATER RESOURCES

T12N, R01E, S23



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03077

OWNER(S): NESBITT, HOMER

Prepared by Mel Schulte

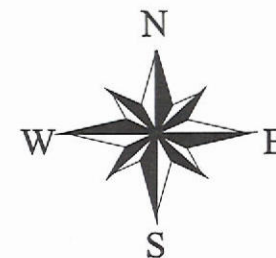
DATE: JULY 17, 2000

0 0.25 0.5 0.75 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T12N, R01E, S23



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03077

OWNER(S): NESBITT, HOMER

Prepared by Mel Schulte

DATE: JULY 17, 2000

0 0.25 0.5 0.75 Miles

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 65-3077
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: 05/01/1880

3. Source: SODER WHITE GULCH CREEK Trib. to: SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	01E	23	SE SE	GEM	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.16	

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

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	23	SE SE		IRRIGATION	12
						Section Acres 12
						Total Acres 12

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:

Name change by DB 4/4/2001

15. Basis of Claim: Decreed

I- 12N, 1E, 23



A6503077

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
<u>See attached list</u>					

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

WARRANTY DEED

* * * * *

Warranty deed made this 12th day of October, 199 9, 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

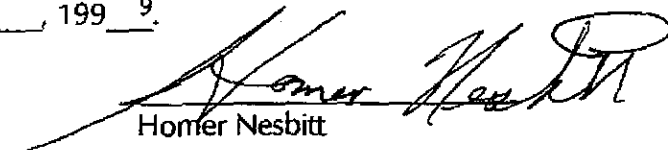
Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title, and interest in and to the property, as well in law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

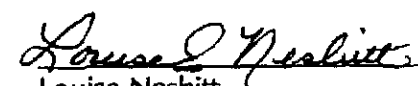
To have and to hold, all and singular the above-described premises together with the appurtenances unto grantee and its heirs and assigns forever.

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, 199 9.

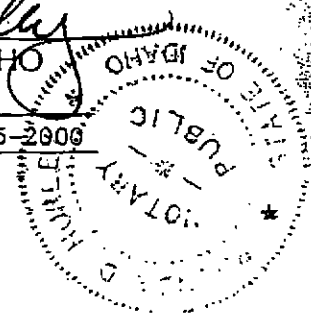

Homer Nesbitt


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, O1a, 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, O1a, 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 State of ID
CK: 1923 CT: 86640 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: A65-03077
Date Received: 1/17/1990
Receipt No: X999999
Received By: DE JN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOMER NESBITT
Address: OLA, ID

83657

2. Date of Priority: MAY 01, 1880

3. Source: SODER WHITE GULCH Trib. to: SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	01E	23	SE	SE			GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.160		

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

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	23	SE	SE		IRR	12.0

Section Acres 12.0

Total Acres 12.0

A65-03077

Page 1

Date: 04/23/90

MICROFILMED

SEP 21 1992

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:

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: A65-03077
Date Received: ~~11/13/1989~~ -17-90
Receipt No: 7988989
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: MAY 01, 1880

3. Source: SODER WHITE GULCH Trib. to: SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	01E	23	SE	SE			GEM ✓

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.160		

7. Total Quantity Appropriated is:
0.160 C.F.S. (and/or) 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	23	SE	SE		IRR	12.0 ✓
Section Acres							12.0 ✓
Total Acres							12.0

A65-03077

Page 1

Date: 11/13/89

MICROFILMED

SEP 21 1992

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:

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): Homer R. Nesbitt Date: 1-17-90

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of January 19 90
Seal Jean Shurte
Notary Public

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

Case No. 39576

A. Subcase 65-3077
(Insert water right number)

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):

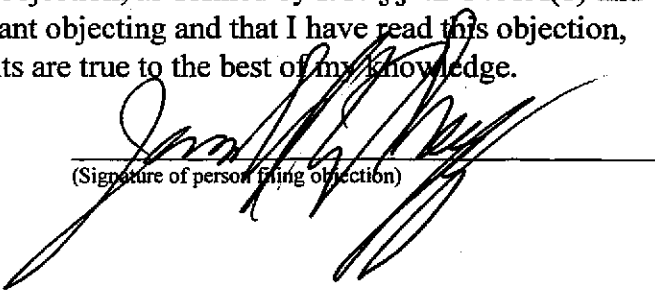
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

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)

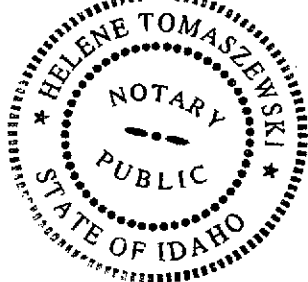
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

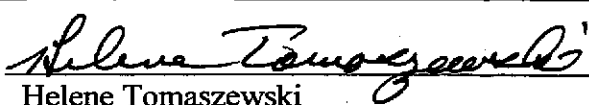

(Signature of person filing objection)

(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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

04/05/2001

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

RIGHT NUMBER: 65-3077

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

SOURCE: UNNAMED STREAM TRIBUTARY: SQUAW CREEK

QUANTITY: 0.16 CFS

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION: T12N R01E S23 SESE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	0.16 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>	
T12N R01E S23 SESE	12

12 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SOURCE IS ALSO KNOWN AS SODER WHITE GULCH.

11/15/2000

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

RIGHT NUMBER: 65-3077

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

SOURCE: UNNAMED STREAM TRIBUTARY: SQUAW CREEK

QUANTITY: 0.16 CFS

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION: T12N R01E S23 SESE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	0.16 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T12N R01E S23 SESE 12
12 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SOURCE IS ALSO KNOWN AS SODER WHITE GULCH.

DATE: 07/17/00
PAGE: 1

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 65	Field Inspection Flag: Presumption Flag:	
Audit:	04/23/90 HARRIS 03/30/95 POST-STD		

EXP-B01 = Soder White Gulch
C18

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CEY

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
PAYETTE RIVER
DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

<u>65-3077</u>	Map No.
I.D. No.	
\$	Receipt No.
Fee Paid	

Notice is hereby given that Homer Nashitt

(Name of Claimant)

07a, Idaho 83657

(Mailing Address)

(Zip Code)

Telephone No.

claims a right to the diversion and beneficial use of the surface or ground water. 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 priority date of decreed, licensed or permit right) 5-1-1930
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Soler White Gulch tributary to Snow Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|---------------------|-------------------------------------|---|
| Quantity <u>.15</u> | Use <u>Irrigation</u> | Period of Use From <u>Apr. 1</u> To <u>Nov. 1</u> |
| (CFS, GPD, AFI) | (Domestic, Irrigation, Stock, etc.) | (Mo., Day) (Both dates inclusive) |
| Quantity _____ | Use _____ | Period of Use From _____ To _____ |
| (CFS, GPD, AFI) | (Domestic, Irrigation, Stock, etc.) | (Mo., Day) (Both dates inclusive) |
| Quantity _____ | Use _____ | Period of Use From _____ To _____ |
| (CFS, GPD, AFI) | (Domestic, Irrigation, Stock, etc.) | (Mo., Day) (Both dates inclusive) |
| Quantity _____ | Use _____ | Period of Use From _____ To _____ |
| (CFS, GPD, AFI) | (Domestic, Irrigation, Stock, etc.) | (Mo., Day) (Both dates inclusive) |
- (4) .16 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AFI)

- (5) A) Point of Diversion: Give location of point where water is diverted from its source SE % SE %
Sec. 23, Twp. 12N, Rge. 1E, B.M., Com County

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. Describe any changes in the system and give the date of the change.
headgate & ditch

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

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12N	1E	23																12	12

Total no. of acres 12

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

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:
- (8) Remarks & dam on distribution of "spring" within this gulch.
- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
VS ☒ B) Right decreed by court, cite title of case.
☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give 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 this, her, their knowledge.

March 20, 1978
(Date)

Individual

(Signature of Claimant)

State of Idaho Organization

County of CEY Seal

Organization

(Signature of Subscribing Agent)

(Signature of Authorized Agent)

On this 20th day of March, in the year 1978 before me
a notary public, personally appeared
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.

My commission expires _____

Notary Public residing at

Boise, Idaho

5/22/78

465-03077

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 337

INDICATES TOTAL

SOURCE: SMITH SPRING

TRIBUTARY TO: 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
65-0207	DAVIS, ALFRED G. & DAVIS, NELLIE I. ROUTE #2 BOX 80 D, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 650206, 650210, 650209 SHALL PROVIDE NO MORE THAN .03 CFS NOR 1.4 AFA.	6/ 6/1911	STOCKWATER	1/ 1 12/31	1.40 AFA .03 CFS	NENW S22 T11N R 1E	NENW S22 T11N R 1E	BENEFICIAL USE

INDICATES TOTAL

SOURCE: SODER WHITE GULCH

TRIBUTARY TO: SQUAW CREEK

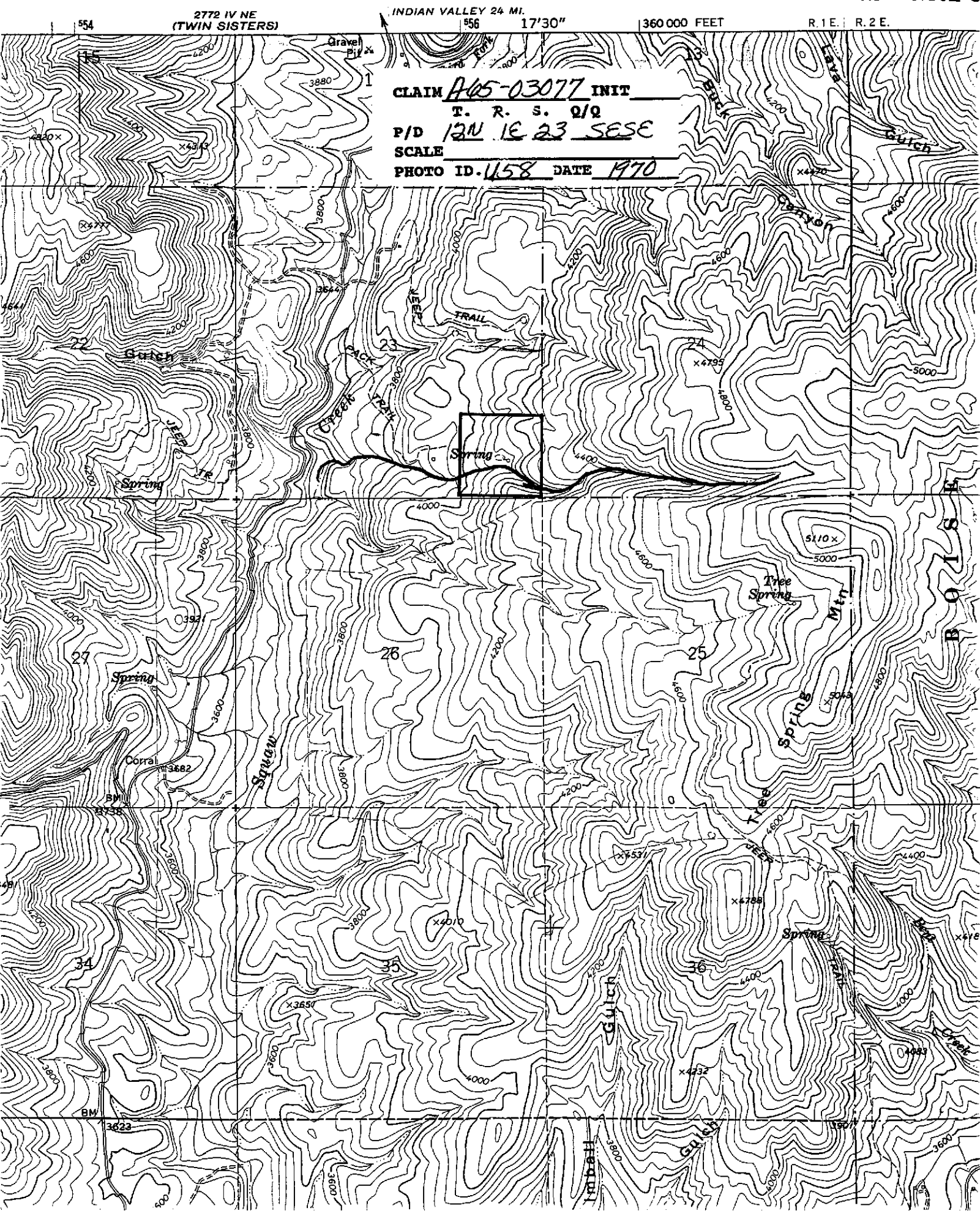
RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3077	NESBITT, HOMER OLA, IDAHO 83657	5/ 1/1880	IRRIGATION	4/ 1 11/ 1	--- AFA .16 CFS	SESE S23 T12N R 1E	SESE(12) S23 T12N R 1E #12*	DECREE
65-0291	NESBITT, HOMER OLA, IDAHO 83657	9/15/1965	STOCKWATER	1/ 1 12/31	8.10 AFA .14 CFS	SESE S23 T12N R 1E	SESE S23 T12N R 1E	BENEFICIAL USE

INDICATES TOTAL

SOURCE: SOLDIER CREEK

TRIBUTARY TO: LITTLE 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
65-3055	BEAL, HOMER C. OLA, IDAHO 83657	5/ 1/1882	IRRIGATION	4/ 1 11/ 1	--- AFA .17 CFS	SWNW S12 T 9N R 1E	SWNW(3) S12 T 9N R 1E NENE(3) SENE(2) S11 T 9N R 1E #8*	DECREE
65-3056	BEAL, HOMER C. OLA, IDAHO 83657	3/11/1910	IRRIGATION	4/ 1 11/ 1	--- AFA .21 CFS	SWSE S12 T 9N R 1E	SENW(5) NESW(2) S12 T 9N R 1E #7*	DECREE



65-5658
no

65 0314
65-5659
no

①

③

A65-03077
PRBA map
12N, 01E

③

65-557
no

SPAWN CREEK

①

65-3077
12 ✓

Soder

①
white

Gu

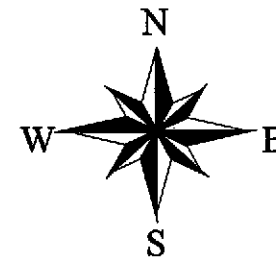
④

23 24

1. Homer Nesbitt
2. Doris Olason
3. M. W. Schultz
4. Elmer H. Nesbitt

IDAHO DEPARTMENT OF WATER RESOURCES

T12N, R01E, S23



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

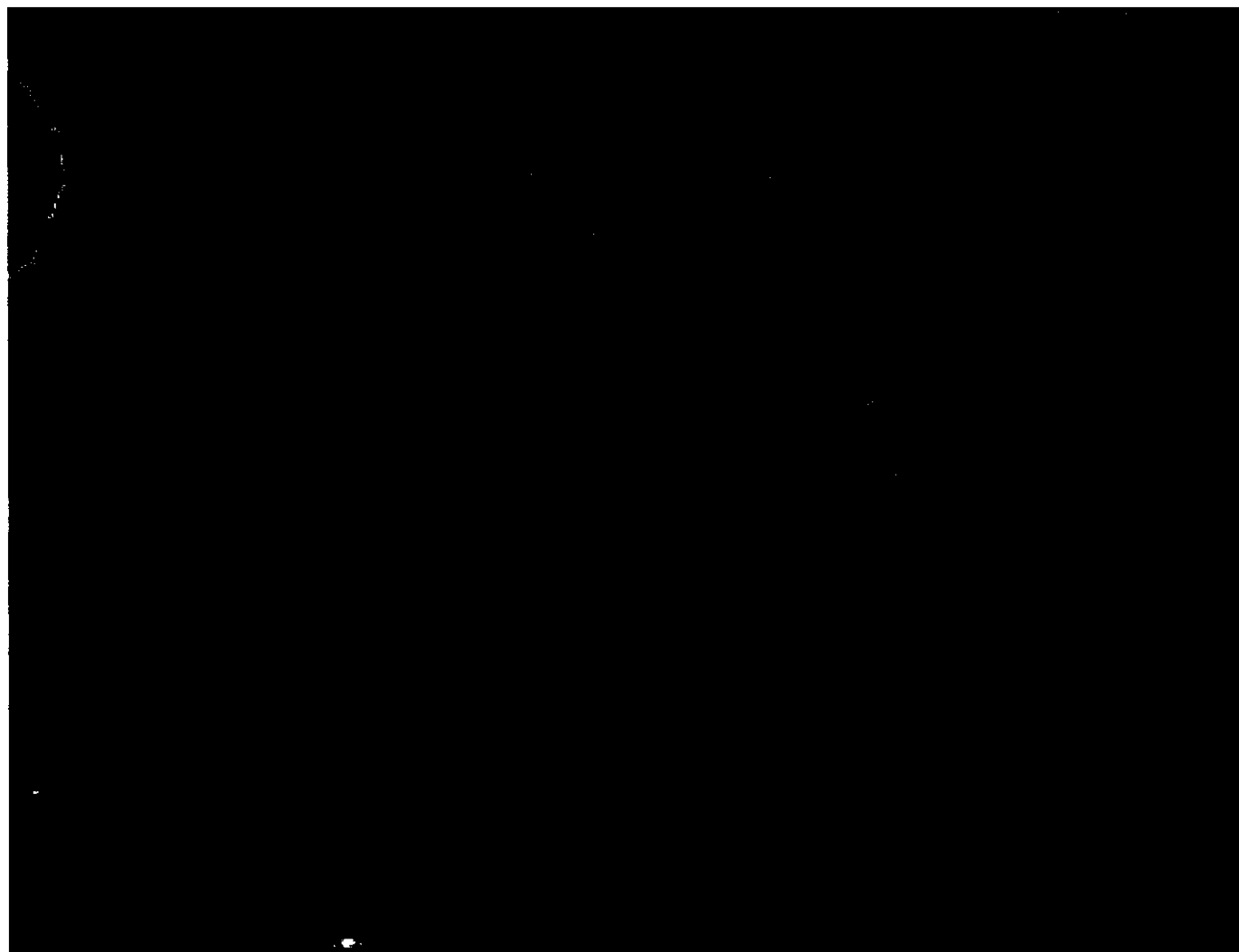
6 SECTION NUMBERS

CLAIM(S): 65-03077

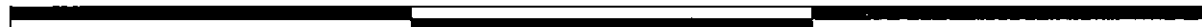
OWNER(S): NESBITT, HOMER

Prepared by Mel Schulte

DATE: JULY 17, 2000

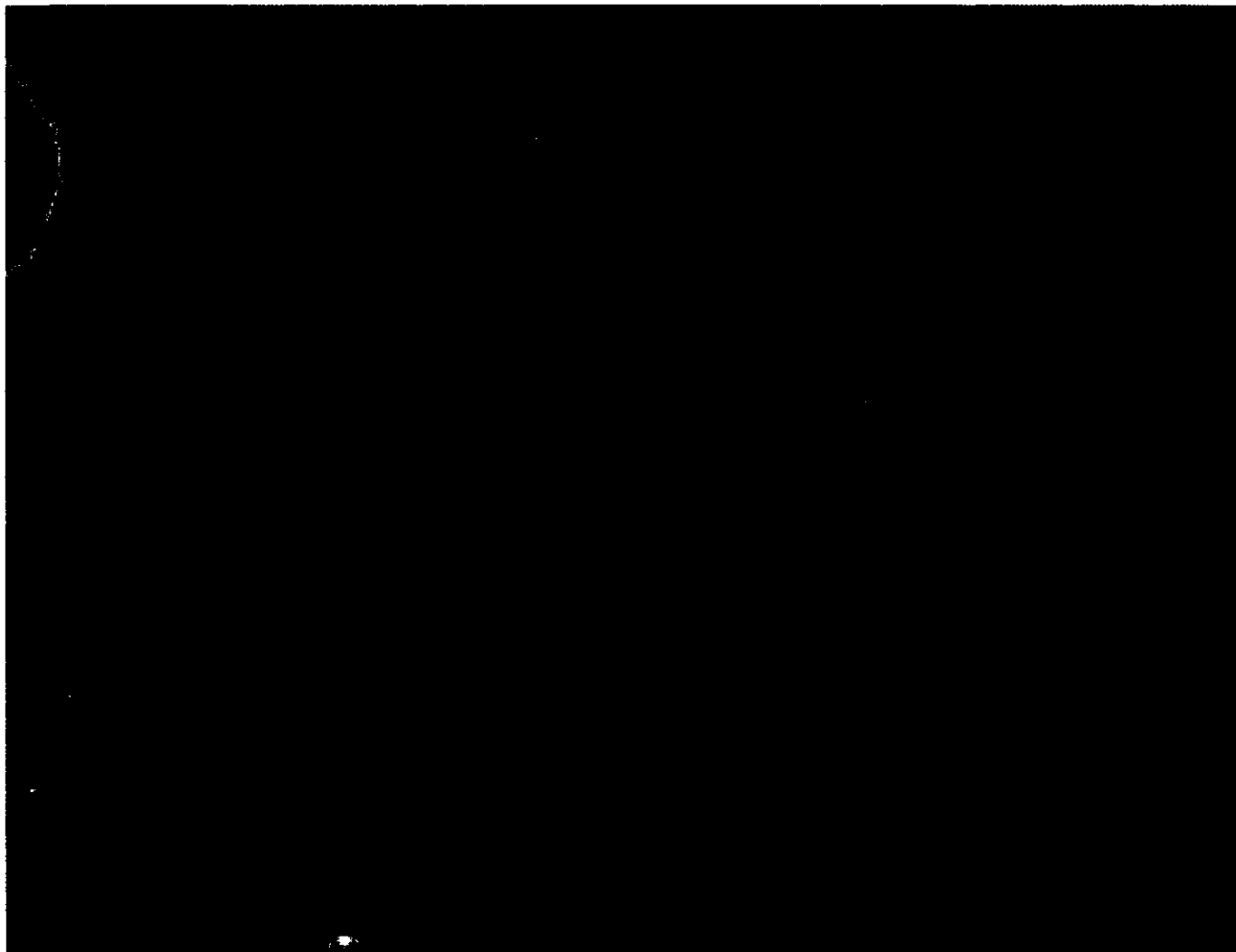
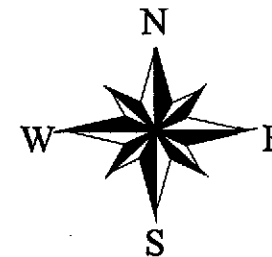


0 0.25 0.5 0.75 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T12N, R01E, S23



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03077

OWNER(S): NESBITT, HOMER

Prepared by Mel Schulte

DATE: JULY 17, 2000

0 0.25 0.5 0.75 Miles