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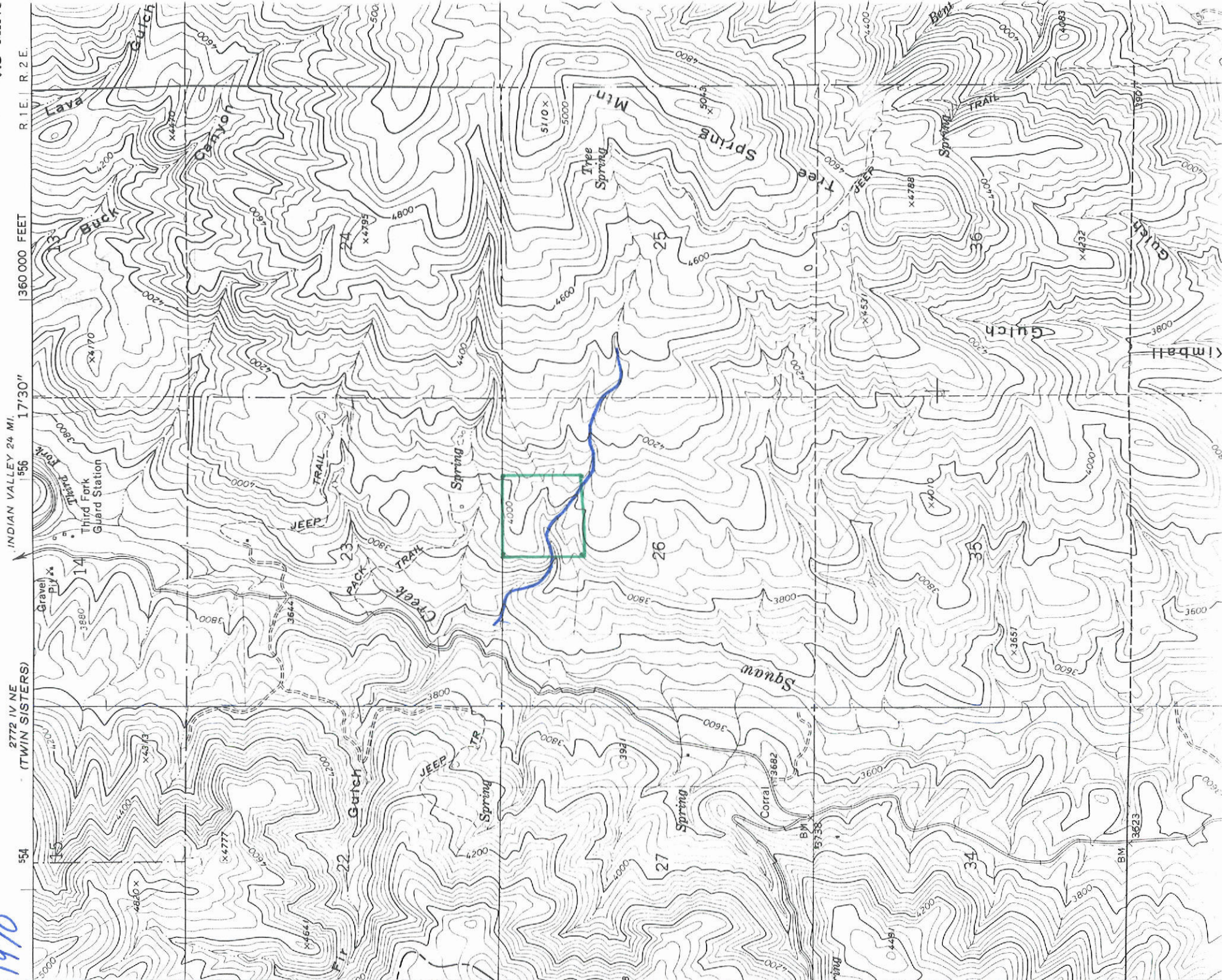
12N, 01E

A65-3078X

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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 65-3078X
Date Received: 7/18/00
Receipt No: X777777
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: TREE SPRING 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	26	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	0.07	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 600 RANGE CATTLE

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	01E	26	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:

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
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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. Park* 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

Basin Nun	Sequence	Split Basis	Status	Priority D	Diversion	Source List	Owner List	Source To Application
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, 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

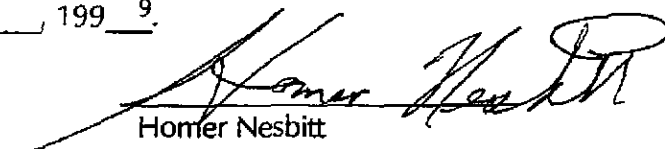
Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title, and interest in and to the property, as well in law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

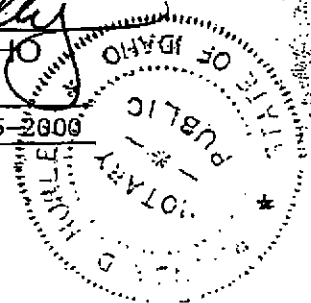

Homer Nesbitt


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 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 #2 above:

Homer R. Nesbitt

IDAHO SECRETARY OF STATE

09/08/2009 State 09/08/09
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 65-3078X
Date Received: 7/18/00
Receipt No:
Received By:

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

1. Name of Claimant(s)

Name: HOMER NESBITT Phone: 208-584-3550

Address: 10500 NESBITT LANE
OLA ID USA 83657

2. Date of Priority: 05/01/1880

3. Source: TREE SPRING CREEK Trib. to: Squaw Creek

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
12N	01E	26	NW NE	0	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	0.07	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 600 RANGE CATTLE

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	01E	26	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:

15. Basis of Claim: Decreed

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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

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 65-3078X
Date Received: 7/18/2000
Receipt No: X9999999
Received By: MTS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: HOMER NESBITT Phone: 208-584-3550
10500 NESBITT LANE
Address:
OLA ID USA 83657

2. Date of Priority: 05/01/1880

3. Source: TREE SPRING CREEK Trib. to: Squaw Creek

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
12N	01E	26	NW NE	0	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~~	0.07	0
Stockwater	1-1	12-31		

7. Total Quantity Appropriated is:
0.07 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	26	NW NE		IRRIGATION, Stockwater	11
					Section Acres	11
					Total Acres	11

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:

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): *Homer R. Hest* Date: *July 18, 2000*
 _____ Date: _____

State of Idaho)
 County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this *18th*
 of *July* 20*00*

Melvin D. Schultz

Notary Public

Residing at *Bosch, Idaho*

My commission Expires *7-24-2001*

04/08/2002

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

RIGHT NUMBER: 65-3078X

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

SOURCE: UNNAMED STREAM

TRIBUTARY: SQUAW CREEK

QUANTITY: 0.07 CFS

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.: 65-286, 65-285, 65-284, 65-282, 65-283, 65-280, 65-365, 65-372, 65-292, 65-294, 65-291, 65-293, 65-295, 65-373 & 65-501.

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

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION:

T12N R01E S26 NWNE 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	0.070 CFS

PLACE OF USE: STOCKWATER Within GEM County

T12N R01E S26 NWNE

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

STOCKWATER, 600 RANGE CATTLE

THE USE OF WATER ON T12N, R1E, SECTION 26, 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.

SOURCE IS ALSO KNOWN AS TREE SPRING CREEK.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

04/05/2001

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

RIGHT NUMBER: 65-3078X

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

SOURCE: UNNAMED STREAM TRIBUTARY: SQUAW CREEK

QUANTITY: 0.07 CFS

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.: 65-286, 65-285, 65-284, 65-282, 65-283, 65-
280, 65-365, 65-372, 65-292, 65-294, 65-291, 65-293, 65-295,
65-373 & 65-501.

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION: T12N R01E S26 NWNE 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	0.07 CFS

PLACE OF USE:

STOCKWATER Within GEM County
T12N R01E S26 NWNE

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

SOURCE IS ALSO KNOWN AS TREE SPRING CREEK.

STOCKWATER, 600 RANGE CATTLE

09/07/2000

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

RIGHT NUMBER: 65-3078X

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

SOURCE: UNNAMED STREAM TRIBUTARY: Squaw Creek

QUANTITY: 0.07 CFS

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.: 65-286, 65-285,
65-284, 65-282, 65-283, 65-280, 65-365, 65-372, 65-292, 65-294, 65-291,
65-293, 65-295, 65-373 & 65-501.

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION: T12N R01E S26 NWNE 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	0.07 CFS

PLACE OF USE:

STOCKWATER Within GEM County
T12N R01E S26 NWNE

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

SOURCE IS ALSO KNOWN AS TREE SPRING CREEK.

STOCKWATER, 600 RANGE CATTLE

AG-3078X

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 533

INDICATES TOTAL

SOURCE: TRAIL CREEK

TRIBUTARY TO: SOUTH FORK, PAYETTE RIVER

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
65-9875	U. S. DEPT. OF AGRI. FOREST SERVICE, FEDERAL BLDG., 324 25TH STREET, OGDEN, UTAH 84401 REMARKS: GRANDJEAN TRAIL HEAD.	6/ 1/1959	DOMESTIC	1/ 1 12/31	.50 AFA .02 CFS	SESW S35 T10N R1E	SESW S35 T10N R1E	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	.50 AFA .02 CFS *.50*AFA *.02*CFS		SAME AS OTHER USE	

INDICATES TOTAL

SOURCE: TRAPPER CABIN SPRING

TRIBUTARY TO: NORTH FORK, PAYETTE RIVER

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
65-10059	U. S. DEPT. OF AGRI. FOREST SERVICE, FEDERAL BLDG., 324 25TH STREET, OGDEN, UTAH 84401 REMARKS: TRAPPER CABIN.	6/ 1/1937	DOMESTIC	1/ 1 12/31	1.00 AFA .02 CFS	NWSW S 5 T21N R 4E	NWSW S 5 T21N R 4E	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	1.00 AFA .02 CFS *1.00*AFA *.02*CFS		SAME AS OTHER USE	

INDICATES TOTAL

SOURCE: TREE SPRING CREEK

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
65-3078X	RESBITT, HOMER OLA, IDAHO 83457	5/ 1/1880	IRRIGATION	4/ 1 11/ 1	--- AFA .07 CFS	NWNE S26 T12N R 1E	NWNE(11) S26 T12N R 1E *11*	DECREE

458

12N, 01E

1970

A65-3078X

DODSC

7.5 MIN

R 1 E | R 2 E

1360 000 FEET

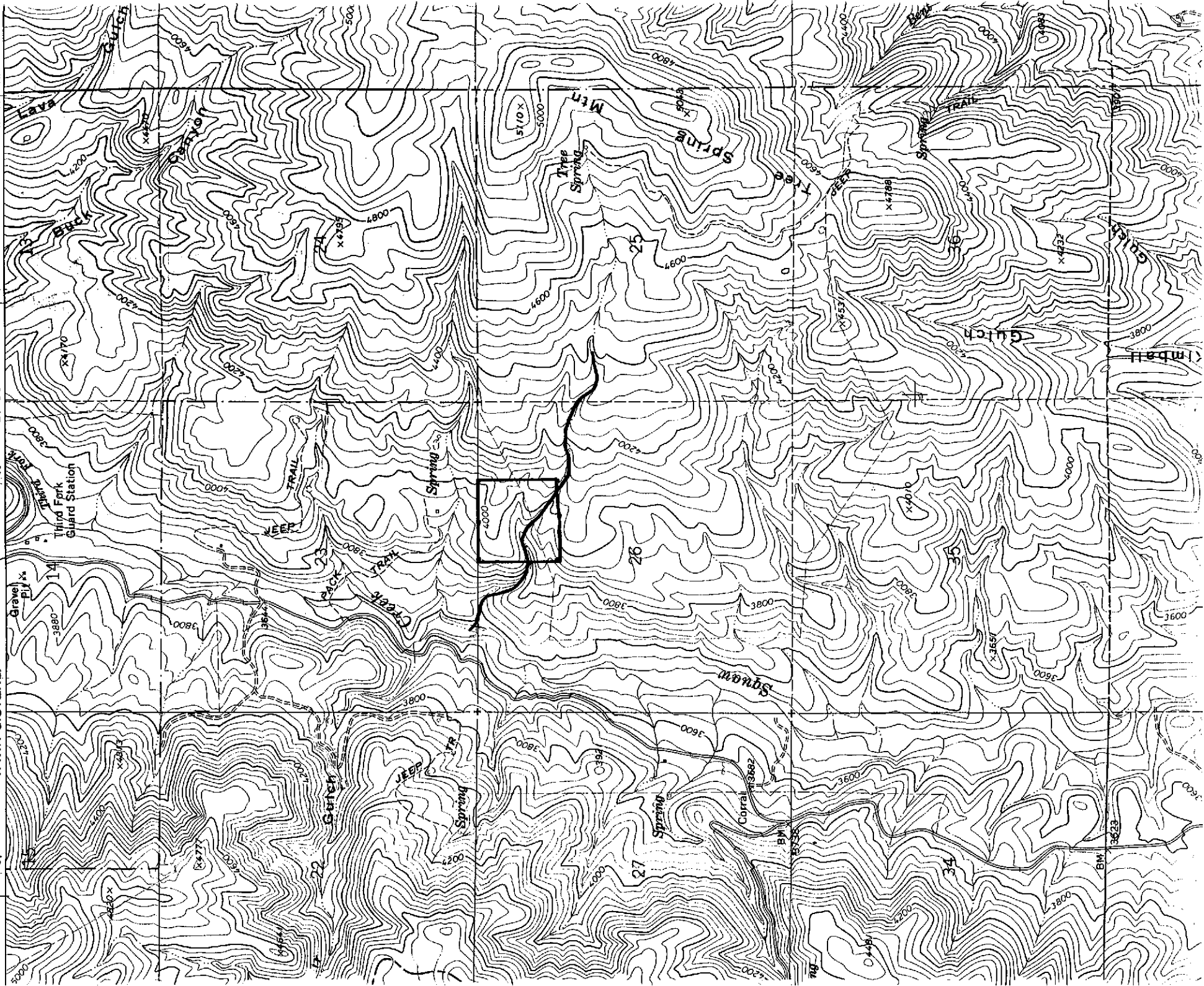
INDIAN VALLEY 24 MI.

17°30"

156

2772 IV NE
(TWIN SISTERS)

54



Water Right Number - A65-03078X

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

584-3550

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1880 14 WESTERN

~~N - NOT CLAIMED~~ Decreed

+ - - - - Source *Unnamed Stream* + - - - - Tributary - - - - +
~~FREE SPRING CREEK~~ SQUAW CREEK

+ - - - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot Rflg County Diversion Name

12N 01E 26 NW NE (45) GEM

+ - - - - Water Use - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

Stockwater

01
04/01

1231
11/01

0.070

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.070 0.0

+ - - - - Place of Use - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

12N 01E 26

NW NE

11.0

01

IRRIGATION

(45) GEM

Total Acres: 11.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - +
No Remarks found.

+ - - - - 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 - +
00/00/0000

EXP- B01

C04

N11 + N13 + C18

QNT

Prefix Translation: ADJUDICATION CLAIM

```
+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
-Comments-
+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
No Comments Found
```

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	- 11/13/1989	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	- X777777	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-

WR5809NP
No. 65-03078X

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/17/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOMER NESBITT OLA ID 83657	05/01/1880	IRRIGATION	04/01 11/01	0.070 CFS	
TOTAL DIVERSION:					0.070 CFS	

Water Source: TREE SPRING CREEK Tributary to: SQUAW CREEK Stage: DECREED
Point(s) of Diversion: T12N R01E S26 NWNE GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
12N	01E	26	:		11			:					:					:						11.0
TOTAL ACRES																							11.0	

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-12138

Dates:	App. Received:	Priority Date:	05/01/1880
	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

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

) Subcase 65-3078X
)
)
)
)
)
)
)

Case No. 39576

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 NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, 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.

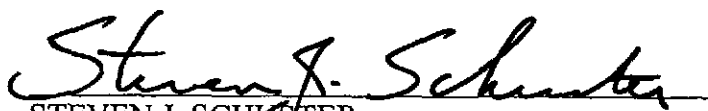
VERIFICATION

State of Idaho)
) ss.
County of Ada)

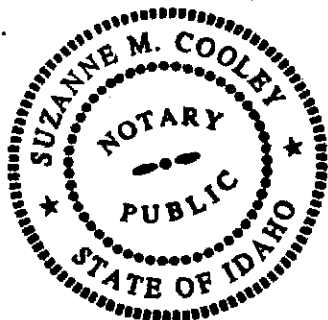
Steven J. Schuster, duly sworn, upon oath, deposes and says:

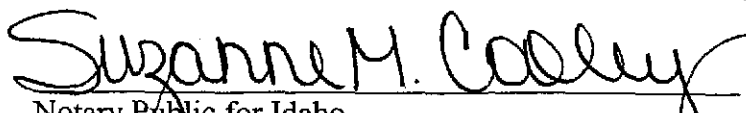
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding as defined by I.C. § 42-1401A (1) and (6), and I have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

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 65-3078X
(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):

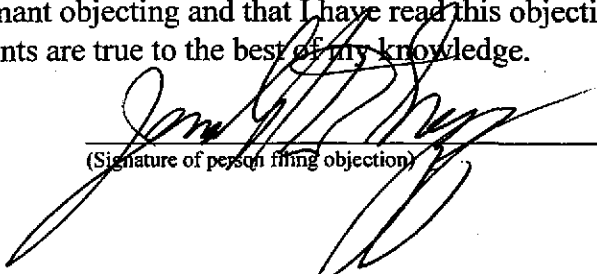
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

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)

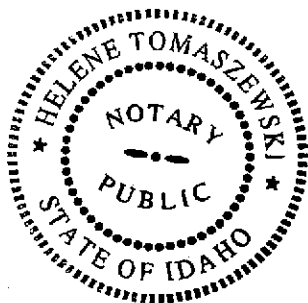
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

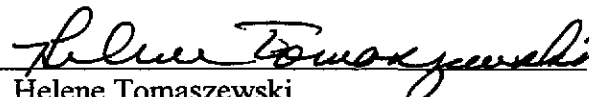

(Signature of person filing objection)

(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

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. 65-03078X

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)

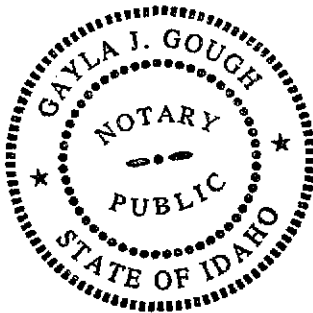
MICHAEL COLLETTE, duly sworn, upon oath, deposes and says:

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.

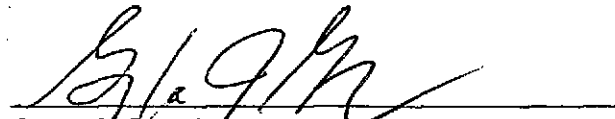

Michael Collette


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:

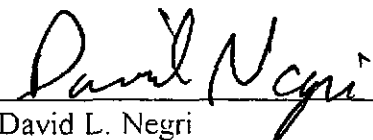
Steven J. Shuster
Deputy Attorney General
Idaho Department of Lands
954 West Jefferson Street
P.O. Box 83720
Boise, Idaho 83720-0050

4. Copies by U.S. Mail to:

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

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

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


David L. Negri