

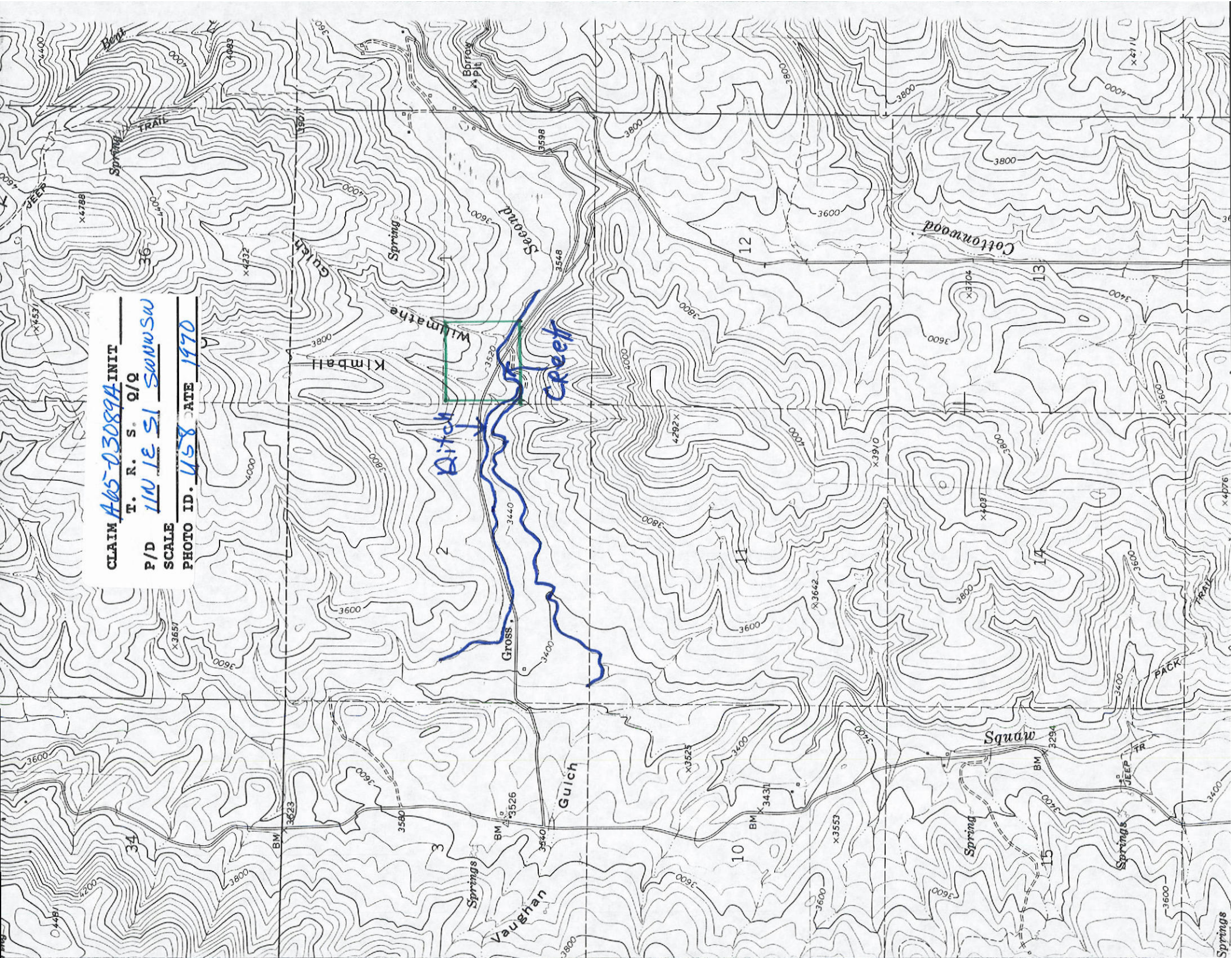
CLAIM #45-030894 INIT INIT

T. R. S. Q/Q

P/D 11W 1E S1 SANWSA

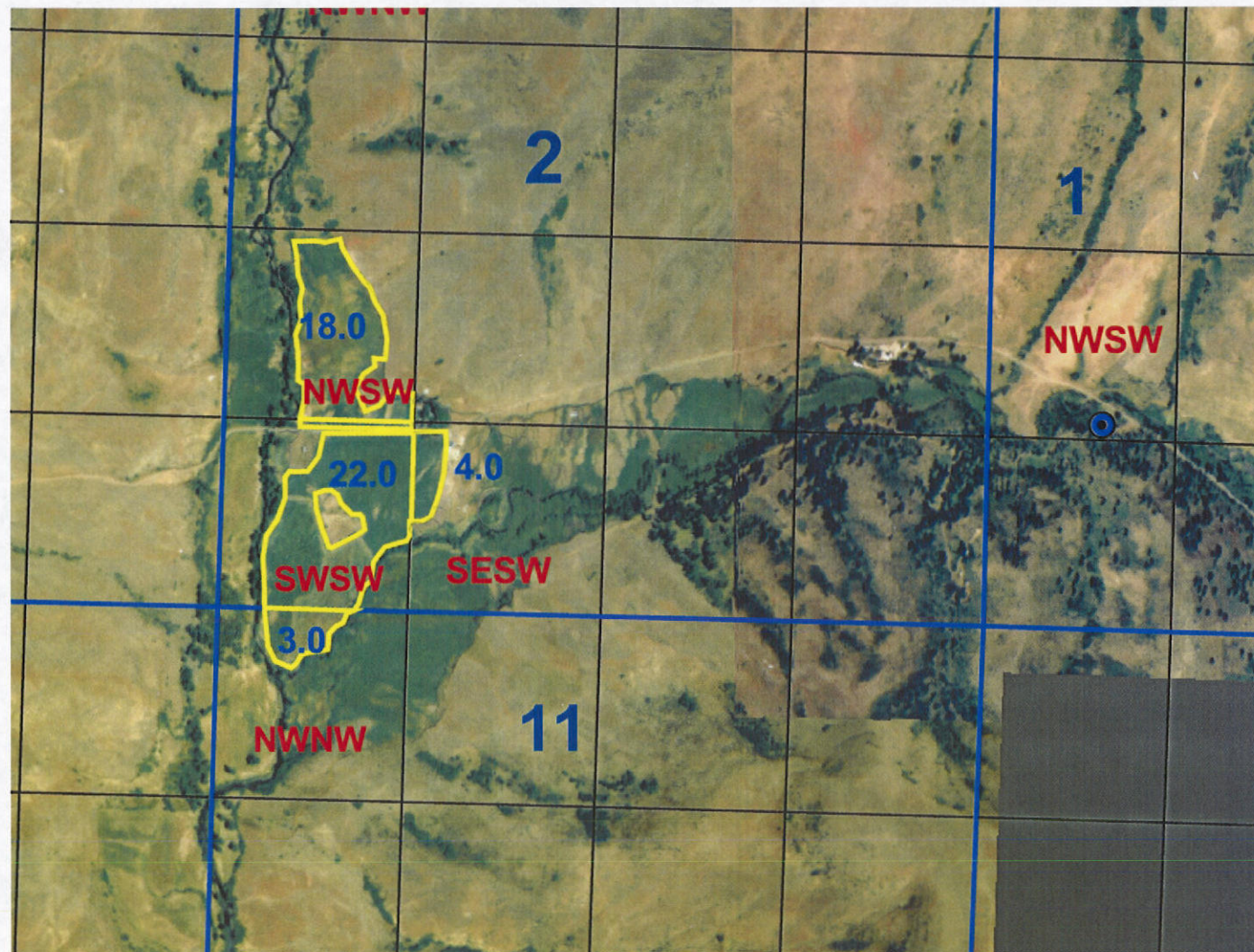
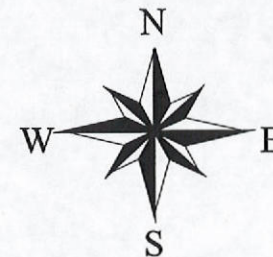
SCALE

PHOTO ID. US8 ATE 1970



IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S2 & S11



1987 NAPP PHOTO

- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES

6 ACRES
6 SECTION NUMBERS

CLAIM(S): 65-03089A

OWNER(S): NESBITT, HOMER

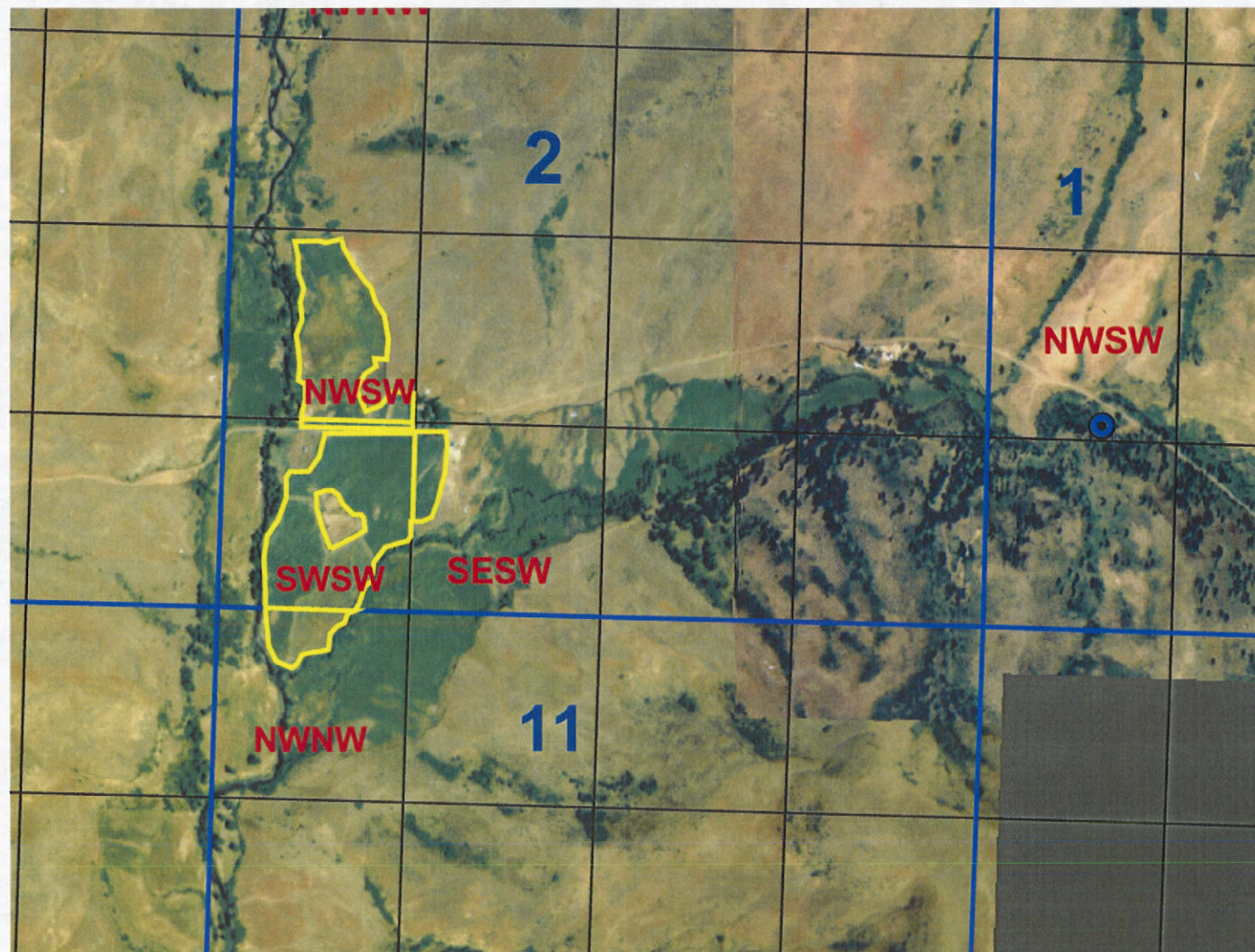
DATE: MARCH 23, 2001

By: Mel Schulte

0 0.25 0.5 0.75 1 1.25 1.5 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S2 & S11



1987 NAPP PHOTO

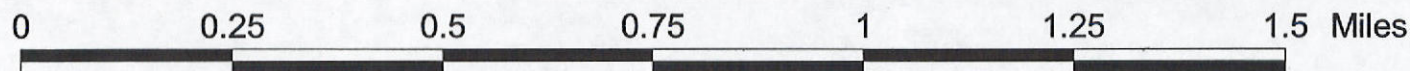
- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES
- 6 ACRES
- 6 SECTION NUMBERS

CLAIM(S): 65-03089A

OWNER(S): NESBITT, HOMER

DATE: MARCH 23, 2001

By: Mel Schulte



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 65-3089A
Date Received: 2/14/90
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: 05/01/1892

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

4. Point of Diversion:

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

5. Description of diverting works:

DIV. DAM IN CK., NORTHSIDE DITCH, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.94	

7. Total Quantity Appropriated is:
0.94 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
11N	01E	2	NW SW		IRRIGATION	18
			SW SW		IRRIGATION	22
			SE SW		IRRIGATION	4
					Section Acres	44
11N	01E	11	NW NW		IRRIGATION	3
					Section Acres	3
					Total Acres	47

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 HAS BEEN SPLIT AS FOLLOWS: - A65-03089C -*DENNIS WEAVER, 1 ACRE IN THE NESE, SEC. 2, - .02 CFS - 11-13-89; A65-03089D - JOHN NESBITT, 2.5 ACRES IN THE NWSE- .05 CFS, A65-03089E - ELMER K. NESBITT, 1 ACRE IN THE NESE, & 1 ACRE IN THE NWSE, BOTH TO BE USED IN THE NWSE, S. 2, FOR .04 CFS, A65-03089G - DALE NESBITT, 3.5 ACRES IN THE NWSE, SEC. 2 FOR .07 CFS FOR A TOTAL OF 8* ACRES AND .16* CFS LEAVING 47 ACRES AND .94 CFS TO BE FILED ON UNDER THIS CLAIM

*NOTE: A65-03089C - THIS CLAIM WAS FILED BY THE WEAVER'S TO CLAIM THE 1 ACRE IN THE NESE, SEC. 2, ALONG WITH AN ADDITIONAL 1 ACRE IN THE NESE, SEC. 2, BOTH FROM THE NORTHSIDE DITCH. THE CLAIMANT, HOMER NESBITT, STATES THAT ONLY 1 ACRE OF IRRIGATED LAND WAS PURCHASED BY MR. WEAVER AND THAT THE 1 ACRE IN THE NESE, SEC. 2 UNDER THIS CLAIM IS BEING FILED ON UNDER NO. A65-03089G, ELMER K. NESBITT - THIS EXPLAINS WHY ONLY 8 ACRES ARE CONSIDERED TAKEN FROM THIS CLAIM, RATHER THAN 9 ACRES AND .18 CFS(TOTAL OF ALL SPLITS LISTED ABOVE IS 9 ACRES AND .18 CFS). JS 2-1-90

Name change by DB 4/4/2001

15. Basis of Claim: Decreed

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

RECEIVED

MAR 22 2001

WATER RESOURCES
WESTERN REGION

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

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

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

See attached list

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

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

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

Homer Nesbitt
10500 Nesbitt Lane, 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. Cook* 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 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 I	Active	1882-01-01		UNNAMED STR	HOMER NESBITT (Current O\ wrAdjudicationRecommendation	
65	22266	Beneficial I	Active	1/1/15	0.02	UNNAMED STR	HOMER NESBITT (Current O\ wrAdjudicationRecommendation	
65	22267	Beneficial I	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

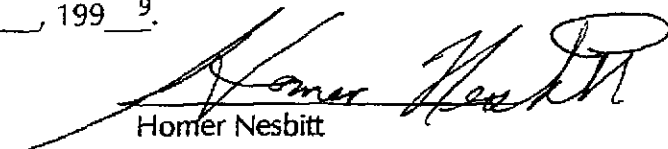
Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title, and interest in and to the property, as well in law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

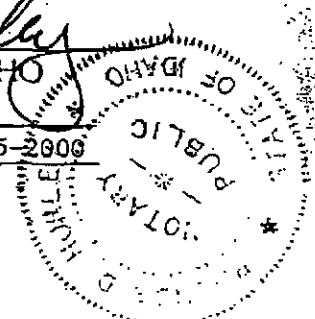
On this 12th day of October, 1999, before me, a Notary Public in and for said State, personally appeared Homer Nesbitt and Louise Nesbitt known to me to be the persons who executed the within document and acknowledged to me that they executed the same for the purposes therein stated.

Shirley D. Munley

NOTARY PUBLIC FOR IDAHO

Residence: Emmett

Commission Expires: 11-15-2000



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

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

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

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

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

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

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

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

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

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

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

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

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

208603

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

Time 3:57 PM

Date October 21, 1999

Instru. No. 208603

Recorded as a Deed

Susan K. Howard, Clerk
Ex-officio Recorder

By: Judy Bigham
Deputy

Fees \$ 12.00

STATE OF IDAHO)
County of Gem) ss.

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

DATED March 22, 2001

Susan K. Howard
Ex-officio Recorder

By: [Signature] Deputy

ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)



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

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

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

Signature of registered agent:

Homer R. Nesbitt

3. Is management of the limited liability company vested in a manager or managers?

☐ Yes

☒ No

(check appropriate box)

4. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:

Address:

Homer R. Nesbitt

10500 Nesbitt Lane, Oia, ID 83657

Kevin L. Nesbitt

1308 Little Rock Rd., Emmett, ID 83617

Stuart D. Nesbitt

1127 Olds Ferry Rd. Weiser, ID 83672

Eric H. Nesbitt

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

Quentin E. Nesbitt

7435 Moon Valley Rd., Eagle, ID 83616

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

Homer R. Nesbitt

IDAHO SECRETARY OF STATE

09/09/2009 09:00

CK: 1923 CT: 86640 BH: 35199

1 @ 100.00 = 100.00 ORGAN LLC

W 4604

* Received 2/14/1990, attached to
Appl. for Permit 65-13144. Therefore,
claim was received before deadline.
82 3/1/90

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: A65-03089A
Date Received: ~~1/23/1990~~ 2-14-90
Receipt No: 1999999 (NO FEE)
Received By: * JL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOMER NESBITT 208-584-3550
Address: HC 78, BOX 3761
OLA, ID 83657

OR

Name: LOUISE E. NESBITT 208-584-3550
Address: HC 78, BOX 3761
OLA, ID 83657

2. Date of Priority: MAY 01, 1892

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

4. Point of Diversion:

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

5. Description of diverting works:

DIV. DAM IN CK., NORTHSIDE DITCH, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.940		

7. Total Quantity Appropriated is:

0.940 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acres Feet Per Annum.

9. Non-irrigation uses:

NONE.

A65-03089A

Page

1

Date: 02/01/90

MICROFILMED

SEP 22 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	01E	2	NW	SW	IRR	18.0
			SW	SW	IRR	22.0
			SE	SW	IRR	4.0
			Section Acres			44.0
		11	NW	NW	IRR	3.0
			Section Acres			3.0
			Total Acres			47.0

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:

CLAIM NO. A65-03089B - SOUTHSIDE DITCH.

14. Remarks:

THIS RIGHT HAS BEEN SPLIT AS FOLLOWS:

- A65-03089C -*DENNIS WEAVER, 1 ACRE IN THE NESE, SEC. 2, - .02 CFS - 11-13-89; A65-03089D - JOHN NESBITT, 2.5 ACRES IN THE NWSE-.05 CFS, A65-03089E - ELMER K. NESBITT, 1 ACRE IN THE NESE, & 1 ACRE IN THE NWSE, BOTH TO BE USED IN THE NWSE, S. 2, FOR .04 CFS, A65-03089G - DALE NESBITT, 3.5 ACRES IN THE NWSE, SEC. 2 FOR .07 CFS FOR A TOTAL OF 8* ACRES AND .16* CFS LEAVING 47 ACRES AND .94 CFS TO BE FILED ON UNDER THIS CLAIM.

*NOTE: A65-03089C - THIS CLAIM WAS FILED BY THE WEAVER'S TO CLAIM THE 1 ACRE IN THE NESE, SEC. 2, ALONG WITH AN ADDITIONAL 1 ACRE IN THE NESE, SEC. 2, BOTH FROM THE NORTHSIDE DITCH. THE CLAIMANT, HOMER NESBITT, STATES THAT ONLY 1 ACRE OF IRRIGATED LAND WAS PURCHASED BY MR. WEAVER AND THAT THE 1 ACRE IN THE NESE, SEC. 2 UNDER THIS CLAIM IS BEING FILED ON UNDER NO. A65-03089G, ELMER K. NESBITT - THIS EXPLAINS WHY ONLY 8 ACRES ARE CONSIDERED TAKEN FROM THIS CLAIM, RATHER THAN 9 ACRES AND .18 CFS(TOTAL OF ALL SPLITS LISTED ABOVE IS 9 ACRES AND .18 CFS). JS 2-1-90.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

A65-03089A

Page

2

Date: 02/01/90

MICROFILMED

SEP 22 1992

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: _____

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: 2/12/90
Louise E. Nesbitt Date: 2/12/90

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

Subscribed and sworn (or affirmed) before me this 12th day

of February 19 90

Seal

Edward Hartman
Notary Public

Residing at *Emmett, Idaho*
My Commission Expires 6-5-93

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 65-3089A
(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):

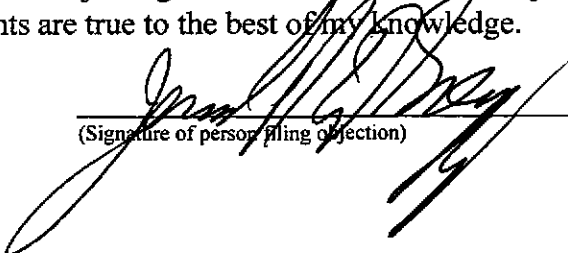
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

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)

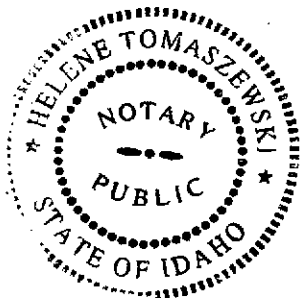
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(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: 65-3089A

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

SOURCE: SECOND FORK SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 0.94 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T11N R01E S1 SENWSW 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	0.94 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>					
T11N R01E S11	NWNW	3	T11N R01E S2	NWSW	18
T11N R01E S2	SWSW	22	T11N R01E S2	SESW	4

47 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

03/23/2001

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

RIGHT NUMBER: 65-3089A

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

SOURCE: SECOND FORK SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 0.94 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T11N R01E S1 SENWSW 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	0.94 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>				
T11N R01E S11	NWNW	3	T11N R01E S2	NWSW 18
T11N R01E S2	SWSW	22	T11N R01E S2	SESW 4

47 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

11/20/2000

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

RIGHT NUMBER: 65-3089A

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

SOURCE: SECOND FORK SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 0.94 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T11N R01E S1

SE
SWNWSW

Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 11-01

QUANTITY
0.94 CFS

PLACE OF USE:

IRRIGATION Within GEM County

T11N R01E S11	NWNW	3	T11N R01E S2	NWSW	18
T11N R01E S2	SWSW	22	T11N R01E S2	SESW	4

47 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

Updated SDE completed 3-23-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:50:44
06/27/00
18

PAGE: 18
PROFILE REPORT

CLAIM NUMBER: A65-03089A

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOMER NESBITT	05/01/1892	IRRIGATION	04-01 11-01	0.940 CFS	
C	LOUISE E NESBITT					
TOTAL DIVERSION:					0.940 CFS	
Water Source: SQUAW CREEK, SECOND FORK		Tributary to: SQUAW CREEK			Stage: DECREED	
Point(s) of Diversion: T11N R01E S01		SWNWSW			GEM County	
Place of use Legal Description for: IRRIGATION						
NE NW SW SE						
NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE : SUM						
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt						

Split Tree 65-03089A

65-03089A N/O Homer Nesbitt

DR: 1.10 cfs

POD: 11N, 01E, S1, NWSW

POU: 11N, 01E, S2, NWSW-18_{ac} SWSW-22_{ac}

SESW-4

44

NESE-1 NWSE-7

8

S11, NWNW-3

3

55

A65-03089A N/O Homer Nesbitt

DR: .94 cfs

POD: 11N, 01E, S1, SWNWSW

POU: 11N, 01E, S2, NWSW-18 SWSW-22

SESW-4

44

S11, NWNW-3

3

47

A65-03089D N/O Jerry Mard

DR: .05 cfs

POD: 11N, 1E, S1, SWNWSW

POU: 11N, 1E, S2, NWSE -2.5

2.5

A65-03089E N/O Elmer Nesbitt / Jay & Judy Stone

DR: .04

POD: 11N, 1E, S1, SWNWSW

POU: 11N, 1E, S2, NESE -2 **

2

Should this be NWSE?

P

*
**

A65-03089G N/O Dale Nesbitt

DR: .07cf

POD: 11N, 1E, S1, SWNW SW

POU: 11N, 1E, S2, NWSE - 3.5-

3.5

A65-03089C N/O Dennis Weaver

DR: .02

POD: 11N, 01E, S1, SWNW SW

POU: 11N, 01E, S2, NESE - 1ac

1ac

*

* NESE Decreed one acre total

*

A65-03089A

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 324

INDICATES TOTAL

SOURCE: SECOND FORK, SQUAW 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
65-3095A	CANADAY, MILDRED 411 MAPLE AVENUE, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-3094A SHALL PROVIDE NO MORE THAN .07 CFS NOR 4.1 AFA FOR STOCKWATER.	5/ 1/1892	IRRIGATION	4/ 1 11/ 1	--- AFA .14 CFS	LOT 6 S31 T12N R 2E	LOT 41 3) LOT 51 6) S 6 T11N R 2E *9*	DECREE
			STOCKWATER	1/ 1 12/31	4.10 AFA .07 CFS *---*AFA *.14*CFS		SAME AS OTHER USE	
65-3095X	COLL, HOWARD A. & COLE, WILMA J. STAR ROUTE, OLA, IDAHO 83657	5/ 1/1892	IRRIGATION	4/ 1 11/ 1	--- AFA .06 CFS	LOT 6 S31 T12N R 2E	LOT 31 2) LOT 21 1) S 6 T11N R 2E *3*	DECREE
65-3089A	NESBITT, HOMER OLA, IDAHO 83657	5/ 1/1892	IRRIGATION	4/ 1 11/ 1	--- AFA 1.10 CFS	NWSW S 1 T11N R 1E	NWSW(18) SWSW(22) SESW(4) NESE(1) NWSE(7) S 2 T11N R 1E NNNW(3) S11 T11N R 1E *55*	DECREE
65-3089B	NESBITT, HOMER OLA, IDAHO 83657	5/ 1/1892	IRRIGATION	4/ 1 11/ 1	--- AFA .40 CFS	NESE S 2 T11N R 1E	SESW(14) NESE(4) SWSE(2) S 2 T11N R 1E *20*	DECREE
65-3094A	CANADAY, MILDRED 411 MAPLE AVENUE, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-3095A SHALL PROVIDE NO MORE THAN .07 CFS NOR 4.1 AFA FOR STOCKWATER.	5/ 1/1893	IRRIGATION	4/ 1 11/ 1	--- AFA .48 CFS	LOT 6 S31 T12N R 2E	SESW(2) LOT 31 7) LOT 41 1) LOT 51 10) S 6 T11N R 2E *20*	DECREE
			STOCKWATER	1/ 1 12/31	4.10 AFA .07 CFS *---*AFA *.48*CFS		SAME AS OTHER USE	
65-3091A	CARLOCK, GERALD J. & CARLOCK, MILDRED STAR ROUTE, OLA, IDAHO 83657 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-3091X, 65-3092, 65-3094A & 65-3095A SHALL PROVIDE NO MORE THAN .07 CFS NOR 4.1 AFA FOR STOCKWATER.	5/ 1/1893	IRRIGATION	4/ 1 11/ 1	--- AFA .54 CFS	LOT 6 S31 T12N R 2E	NESE(2) NWSE(1) SWSE(17) SESE(4) S 1 T11N R 1E *24*	DECREE



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

Ab5-03089A
Ab5-03090

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 18, 1999

RE: Water Rights

Patricia J. Malloy
2211 3rd
Nampa, ID 83651

Dear Ms. Malloy:

Following our telephone conversation last week and additional review of our ortho-photo quad of the area of Nesbitts' Emerald Glen Subdivision, I don't believe you have any of the land that Mr. Nesbitt had irrigated under his water rights. We are, therefore, returning the Notice of Change of Water Right Ownership form and attachments to you.

If you find that your property was historically irrigated under Mr. Nesbitt's water rights and can obtain some documentation to that effect, you can resubmit the ownership change to our office. As we discussed over the phone, you can always apply for an application for permit to appropriate water when you are ready to develop your lot.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

Memorandum

To: File A65-03089A & A65-03090

From: Kay Walker 

Date: 08/12/99

Re: Ownership Change

.....

.....

I contacted Pat Malloy in regard to the ownership change she submitted for a portion of Homer Nesbitt's water rights. We cannot tell if her land was previously irrigated under Mr. Nesbitt's rights by looking at the orthophoto quad of this area. Ms. Malloy stated her lot is nothing more than lava rock and sage brush. A delivery ditch does run through the top of her property and she would like to be able to use it to get enough water to water some trees she proposes to plant. I explained that we cannot change ownership of water rights to lands that have not been previously irrigated because that would take water away from lands that have been irrigated. I also explained to Ms. Malloy that she could file an application for permit to develop a new water right when she begins to prepare her lot for her home out there. She does plan to drill a well for domestic use in her intended home and I explained that she could file for enough water to water her lawn from the well when she has it drilled.

After talking with Ms. Malloy and in looking at the orthophoto quad, I do not think this lot has been irrigated under Mr. Nesbitt's rights. I think we should reject the ownership change and advise her to file an application for permit when she is ready to develop her lot.

.....

8/99

Note →

The W.R. # A65-11257
as listed on ownership
change form doesn't apply
to this. It's been split
to A-B-C, none of which
are in name of Homer
Nesbitt or Dixie Noyes.

See attached memo +
~~letter~~ to Pat Malloy.

DB

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

RECEIVED

JUN 30 1999

WATER RESOURCES
WESTERN REGION

1. Water Right Number(s) A 105-11257
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Dixie Noyes / Homer Nesbitt
219 24th Ave. So. Nesbitt Ln.
Nampa, ID. 83651 OLA, ID. 83657
4. New Owner/Claimant(s) Patricia J. Malloy
Name connector (Check one): ☐ AND, ☒ OR, ☐ AND/OR
New Mailing Address 2211 3rd
City, State and ZIP Code Nampa, ID. 83651
New Telephone Number (208) 466-6497
5. Date you acquired the property June 8, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 4 Number and type of stock _____
Diversion rate in CFS 4 Number of homes 1 Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Patricia J. Malloy Date 6/10/99
Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

JUN. -30' 99(WED) 09:12 GEM COUNTY CLERK

TEL:2083656172

P.002

PC30476

INSTR. NO. 2083656172
PAGES 1 OF 1

89M.

WARRANTY DEED

FOR VALUE RECEIVED Dixie M. Noyes, a single woman

the Grantor, does hereby grant, bargain, sell and convey unto Patricia J. Malloy, a single woman

the Grantee, whose address is 2211 3rd St. S. Nampa ID 83651

the following described premises, to-wit:

Lot 2, Block 1, NESBITT'S EMERALD GLEN SUBDIVISION, according to the Official Plat thereof, filed in Book 2 of Plats at Page 23, Records of Gem County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1999 and subsequent years, covenants, conditions, restrictions and easements of record; and that she will warrant and defend the same from all lawful claims whatsoever.

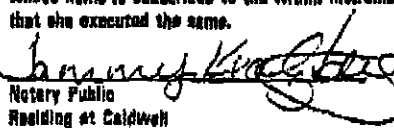
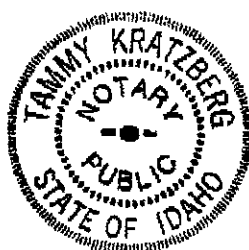
DATED: June 3, 1999


Dixie M. Noyes

STATE OF IDAHO

COUNTY OF CANYON

On this 3rd day of June in the year 1999, before me, a Notary Public, personally appeared Dixie M. Noyes known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.


Notary Public
Residing at Caldwell
My commission expires 2/3/04PIONEER TITLE COMPANY
OF CANYON COUNTY100 10TH AVE SOUTH
NAMPA, IDAHO 83651423 SOUTH KIMBALL
CALDWELL, ID 83605

JUN. -30' 99(WED) 09:13 GEM COUNTY CLERK

TEL:2083656172

P.003

206429

Gem County, Idaho) ss
Recorded at request of
Alliance Title & Escrow

Time 4:16 PM

Date June 14, 1999

Instru. No. 206429

Recorded as a Deed

Susan K. Howard, Clerk
Ex-officio Recorder

By: *Judy Adams*
Deputy

Fees \$ 3.00

Tri County Surveying, Inc.

P.O. Box 974
703 No. Washington Ave.
Emmett, ID 83617
Phone: (208) 365-7470

Job No. Nesbitt - 2-1
May 20, 1999

Legal Description
Lot 2 of Block 1
Nesbitt's Emerald Glen

That portion of Section 2, Township 11 North, Range 1 East, Boise Meridian, Gem County, Idaho described as follows:

Commencing at the southeast corner of Section 2, Township 11 North, Range 1 East, Boise Meridian, Gem County, Idaho;

Thence South $89^{\circ}25'39''$ West, 2879.58 feet, along the south line of Nesbitt's Emerald Glen Subdivision;

Thence North $02^{\circ}52'16''$ West, 1009.84 feet, along the west line of said Nesbitt's Emerald Glen Subdivision, to the **True Point of Beginning** at the southwest corner of Lot 2 of Block 1 of said Nesbitt's Emerald Glen Subdivision;

Thence continuing North $02^{\circ}52'16''$ West, 566.05 feet, along said west line, to the northwest corner of said Lot 2;

Thence North $75^{\circ}37'32''$ East, 303.90 feet to the northeast corner of said Lot 2;

Thence South $09^{\circ}56'05''$ East, 718.52 feet to the southeast corner of said Lot 2;

Thence along the south line of said Lot 2 the following courses and distances:

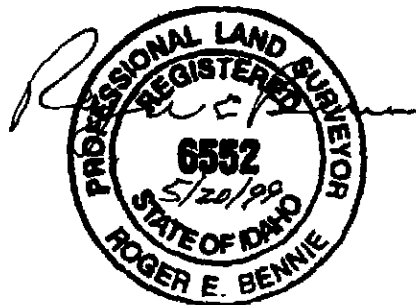
North $87^{\circ}14'37''$ West, 83.01 feet;

North $65^{\circ}18'16''$ West, 150.79 feet;

West, 170.00 feet to the **True Point of Beginning** at the southwest corner of said Lot 2.

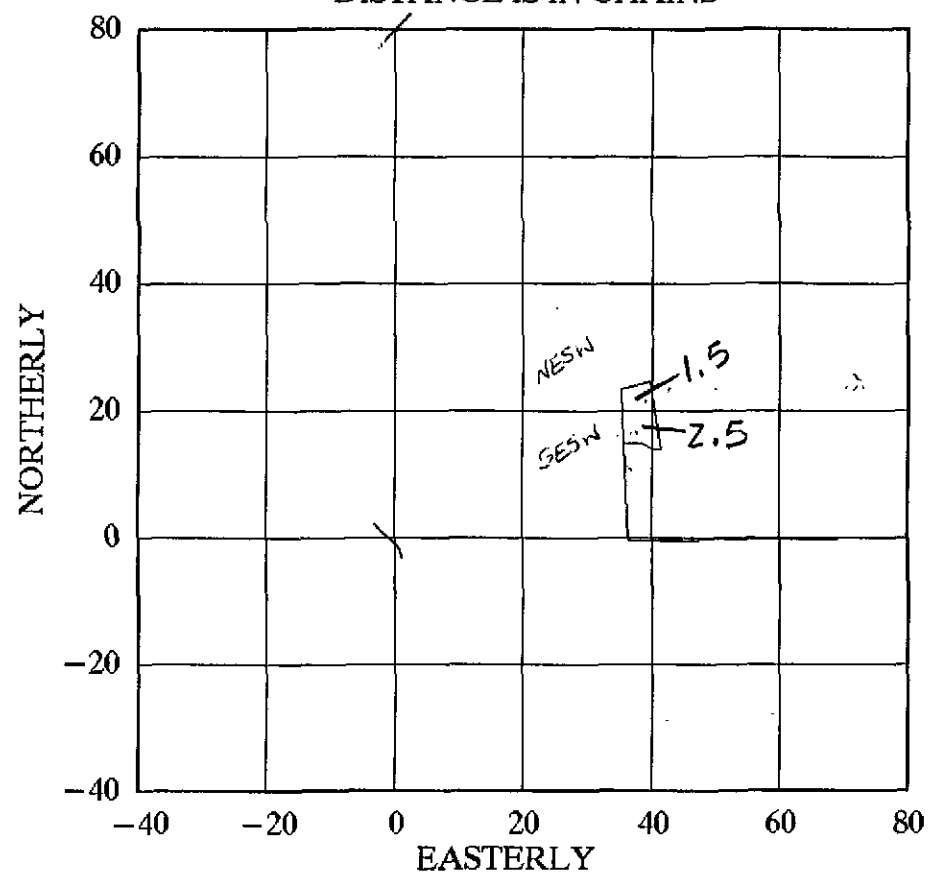
X = 80

Y = 0



11N 1E 2

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



METES AND BOUNDS TABLE

PRESS ALT P TO PRINT GRAPH

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR. (SEE SHEET)	80.00	0.00					
	36.37	-0.44	89.00	25.00	39.00	SW	2879.58
	35.61	14.85	2.00	52.00	16.00	NW	1009.84
	35.18	23.41	2.00	52.00	16.00	NW	566.05
	39.64	24.55	75.00	37.00	32.00	NE	303.90
-QUAD COEF-	41.51	13.83	9.00	56.00	5.00	SE	718.52
IF NE, X=1,Y=1	40.26	13.89	87.00	14.00	37.00	NW	83.01
IF SE, X=1,Y=-1	38.18	14.85	65.00	18.00	16.00	NW	150.79
IF SW, X=-1,Y=-1	35.61	14.85	90.00	0.00	0.00	NW	170.00

SD-0604-2 Township: 11N Range: 01E Section: 2				Tract:		Lot:	
S	L	STATE	NAME	O	S	Max # Records	33
E	O	Water	Name	W	T	Priority	Use
L	Tract	Right No.	Last, First	N	AC	Date	Code Desc
---	---	---	---	---	---	---	---
---	SWNW	A65-03089X	NESBITT, HOMER	C	2	D 05/01/1892	01 IRR
---	NESW	65-00366	NESBITT, HOMER	C		D 12/15/1955	43 DOMEST
---	NESW	A65-00366	NESBITT, HOMER	C		D 12/15/1955	43 DOMEST
---	NWSW	A65-03089X	NESBITT, HOMER	C	8	D 05/01/1892	01 IRR
---	NWSW	A65-03089A	NESBITT, HOMER	C	18	D 05/01/1892	01 IRR
---			NESBITT, LOUISE E	C			
---	NWSW	A65-11256	NESBITT, HOMER	C	2	D 05/29/1927	01 IRR
---	NWSW	A65-02921	NESBITT, HOMER R.	C	6	08/06/1928	03 IRR FS
---	SWSW	A65-03089X	NESBITT, HOMER	C	10	D 05/01/1892	01 IRR
---	SWSW	A65-03089A	NESBITT, HOMER	C	22	D 05/01/1892	01 IRR
---			NESBITT, LOUISE E	C			
---	SWSW	A65-00365	NESBITT, HOMER	C		D 03/01/1903	04 STOCK
---	SWSW	A65-03090	NESBITT, HOMER	C	2	D 05/01/1918	01 IRR
---	SWSW	A65-02921	NESBITT, HOMER R.	C	10	08/06/1928	03 IRR FS
---	SWSW	R65-00365	NESBITT, HOMER	C		D 03/01/1903	04 STOCK
---	SESW	~~A65-11257~~	SPLIT RIGHT	C	1	05/29/1927	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0604-2 Township: 11N			Range: 01E		Section: 2		Tract:		Lot:	
S	L		STATE		O	S	Max #	Records	33	
E	O	Water	Name		W	T	Priority	Use		
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
-	-	-	-	-	-	-	-	-	-	-
-	SESW		A65-11257	NESBITT, HOMER	O	1		05/29/1927		
-	SESW	→	A65-03089A	NESBITT, HOMER	C	4	D	05/01/1892	01	IRR
-				NESBITT, LOUISE E	C					
-	SESW		~~A65-00283~~	NESBITT, HOMER	C		D	09/01/1917	04	STOCK
-	SESW	→	A65-03090	NESBITT, HOMER	C	3	D	05/01/1918	01	IRR
-	SESW		~~A65-00283~~	NESBITT, HOMER	C		D	09/01/1917	04	STOCK
-	NESE		A65-03089E	NESBITT, ELMER K	C	2	D	05/01/1892	01	IRR
-				NESBITT, HOMER	O					
-	NESE		A65-07901	WEAVER, J DENNIS	C		L	06/16/1977	04	STOCK
-				WEAVER, JOY	C				43	DOMEST
-	NESE		A65-07901	WEAVER, J DENNIS	C		L	06/16/1977	04	STOCK
-				WEAVER, JOY	C				43	DOMEST
-	NESE		A65-11257	SPLIT RIGHT	C	1		05/29/1927	01	IRR
-				NESBITT, HOMER	O					
-	NESE		A65-03089C	NESBITT, HOMER	O	1	D	05/01/1892	01	IRR
-				WEAVER, J DENNIS	C					

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0604-2 Township: 11N Range: 01E Section: 2				Tract:		Lot:				
S	L	STATE	NAME	O	S	Max #	Records			
E	O	Water	Name	W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
---	---	---	---	---	---	---	---	---	---	---
---	SWSE		A65-11257C	NESBITT, STANTON	O	1	D	05/29/1927	01	IRR
---				MYERS, DALE E	C					
---				HOWELL, SUZANNE	C					
---	SWSE		A65-11257B	NESBITT, HOMER	O	2	D	05/29/1927	01	IRR
---				NESBITT, DALE	C					
---	SWSE	→	A65-11248	NESBITT, HOMER	C	2	D	05/29/1927	01	IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

CLAIM A65-03089A INIT

T. R. S. Q/Q

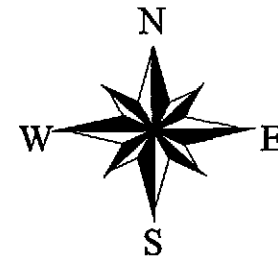
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SCALE

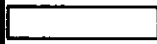
PHOTO ID. US8 DATE 1970

IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S2 & S11



1987 NAPP PHOTO

- POINT OF DIVERSION
-  PLACE OF USE
-  1/4 1/4 LINES
-  SECTION LINES

6 ACRES

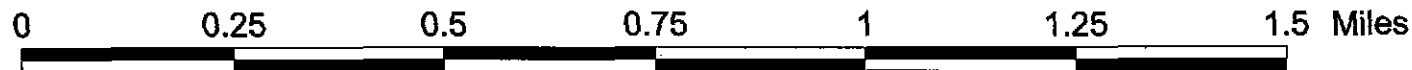
6 SECTION NUMBERS

CLAIM(S): 65-03089A

OWNER(S): NESBITT, HOMER

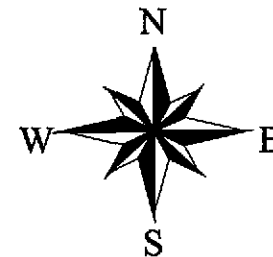
DATE: MARCH 23, 2001

By: Mel Schulte



IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S2 & S11



1987 NAPP PHOTO

- POINT OF DIVERSION
-  PLACE OF USE
-  1/4 1/4 LINES
-  SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03089A

OWNER(S): NESBITT, HOMER

DATE: MARCH 23, 2001

By: Mel Schulte

