

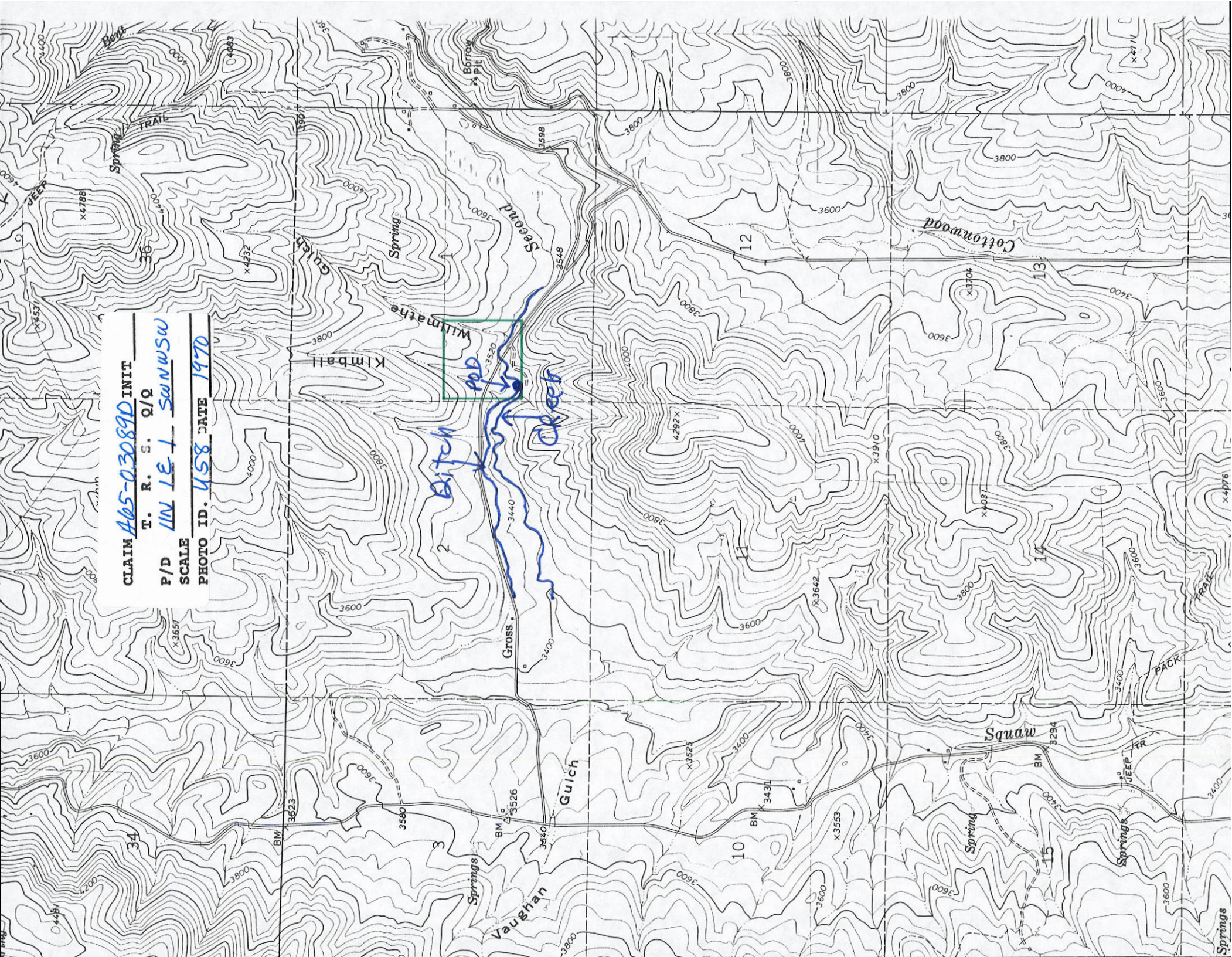
CLAIM 465-03089D INIT

T. R. S. Q/Q

P/D IN 1E-1 SWWSW

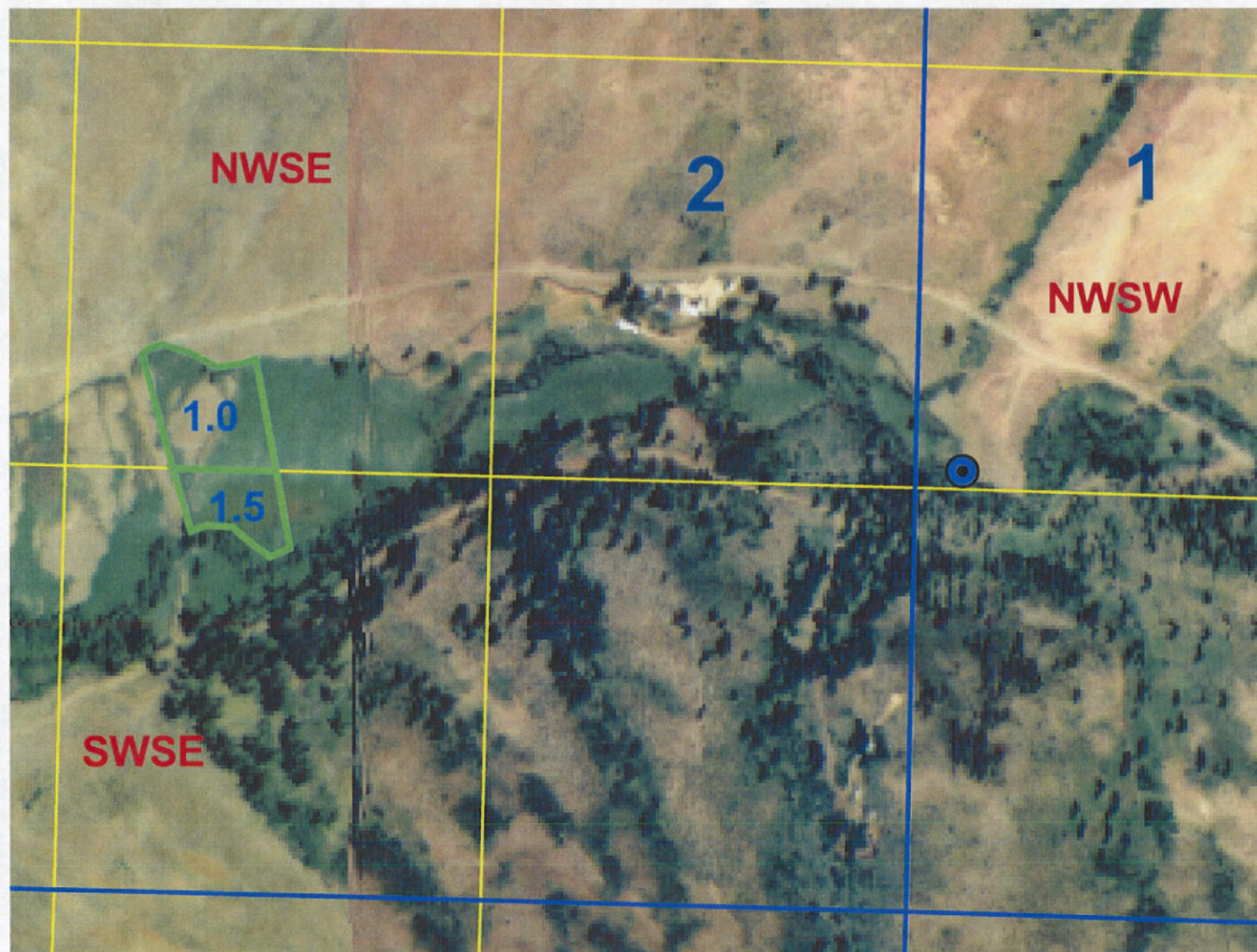
SCALE

PHOTO ID. US8 DATE 1970



IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S2



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03089D

OWNER(S): MARX

Prepared by Mel Schulte

DATE: JUNE 28, 2000



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: A65-03089D
Date Received: 1/23/1990
Receipt No: X999999
Received By: RLT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JERRY L MARX 208-343-8182
Address: 4190 TICONDEROGA
BOISE ID 83706

2. Date of Priority: MAY 1, 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:
SMALL DIV. DAM IN CK., 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	0.050		

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

8. Total consumptive use is 6.3 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	01E	2	NW	SE		IRR	2.5

MICROFILMED
OCT 18 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.5
					Total Acres	2.5

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. A65-03089E, SOUTHSIDE DITCH.

14. Remarks:

THIS CLAIM IS A SPLIT OF RIGHT NO. 65-03089A - 2.5 ACRES FROM THE NWSE, SEC. 2 FOR .04 CFS - NO OTHER CHANGES MADE. JS 1-23-90.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

Date: _____

MICROFILMED
OCT 18 1996

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
JUL 18 1995

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. No.

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

Please type or print clearly:

Name of Claimant(s) JERRY L. MARX

Mailing Address 4190 TICONDEROGA
(include Zip Code) BOISE IDAHO 83706.

Phone Number (208) 343-8182.

MICROFILMED
OCT 18 1996

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: A65-03089D
Date Received: 1/23/1990
Receipt No: x999999
Received By: hrt

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN F. NESBITT
Address: 2524 QUARTERHORSE WAY
RICHLAND WA 99352

2. Date of Priority: MAY 1, 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 of	Lot	County
11N	01E	1	SW	NW	SW		GEM

5. Description of diverting works:
SMALL DIV. DAM IN CK., 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	0.050		

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

8. Total consumptive use is 6.3 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use
11N	01E	2	NW	SE		IRR

MICROFILMED
OCT 18 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.5
					Total Acres	2.5

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. A65-03089E, SOUTHSIDE DITCH.

14. Remarks:

THIS CLAIM IS A SPLIT OF RIGHT NO. 65-03089A - 2.5 ACRES FROM THE NWSE, SEC. 2 FOR .04 CFS - NO OTHER CHANGES MADE. JS 1-23-90.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs

Decree Defendant

16. Signature(s)

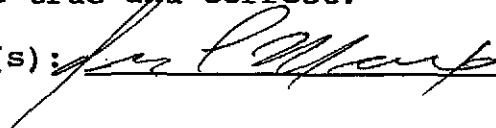
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):



Date:

3/2/95

Date:

MICROFILMED

OCT 18 1996

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of March 19 95

Fred Harris
Notary Public

Seal

Residing at Boise, Id
My Commission Expires 12-8-2000

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 65-3089D

(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: Jerry L. Marx

Address: 10825 Nesbitt Lane
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.

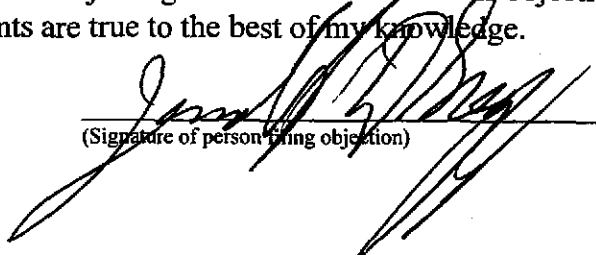
F.

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)

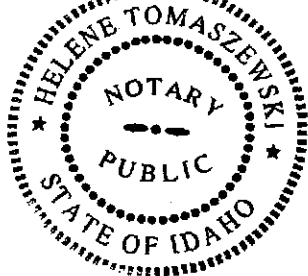
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

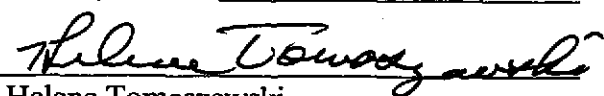

(Signature of person filing objection)

(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: Jerry L. Marx

Address: 10825 Nesbitt Lane
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

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: APRIL 13, 2001

Water right number: 65-3089D

JERRY L MARX

10825 NESBITT LANE

OLA ID 8365783706

Telephone Number: (208)584-3779

RECEIVED
APR 17 2001
**WATER RESOURCES
WESTERN REGION**

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE:

4/13/01

SIGNATURE:

Jerry L. Marx

Please print your name:

JERRY L. MARX

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

04/10/2001

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

RIGHT NUMBER: 65-3089D

NAME AND ADDRESS: JERRY L MARX
10825 NESBITT LANE
OLA, ID 8365783706

SOURCE: SECOND FORK SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 0.05 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T11N R01E S1 SWNWSW 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	0.05 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>			
T11N R01E S2	NWSE	1	T11N R01E S2 SWSE 1.5

2.5 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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM SQUAW CREEK
IRRIGATION DISTRICT.

Snake River Basin Adjudication
Change in Address of Notice of Claim

RECEIVED

APR 04 2001

Water Resources
Western Region

[] Water Right Number(s): 65-03089D

[] Old Mailing Address:

4190 TICOM DEAR 06A

DOISE IDAHO 836083706

[] New Mailing Address:

JERRY L. MARX

10825 NESBITT LAKE

OLA IDAHO 83657

Telephone Number:

208, 584-3779

[] Signature of Claimant:

[Signature]

Date:

April 3, 2001

PLEASE SEND YOUR SRBA CHANGE OF ADDRESS TO THE NEAREST
REGION OFFICE:

IDWR WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082
(208) 334-2190

IDWR SOUTHERN REGION
222 SHOSHONE ST EAST
TWIN FALLS ID 83301-6602
(208) 736-3033

IDWR EASTERN REGION
900 N SKYLINE
IDAHO FALLS ID 83402-3653
(208) 525-7161

IDWR NORTHERN REGION
1910 NORTHWEST BLVD #210
COEUR D'ALENE ID 83814-2615
(208) 756-4639

Revised 5/95

IDWR: DATA ENTRY BY _____

DATE _____

AJ5809NP
No. A65-03089D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/20/00
PAGE: 2

=====

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

C	JERRY L MARX 4190 TICONDEROGA BOISE ID 83706 (208) 343-8182	05/01/1892	IRRIGATION	04-01 11-01	0.050 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	0.050 CFS 6.30 AFA

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								
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	:	
11N	01E	2	:					:					:					:					:	2.5
																							TOTAL ACRES	2.5

POU County: GEM

Non-Irrigation Uses: NONE.

Other Rights: CLAIM NO. A65-03089E, SOUTHSIDE DITCH.

Remarks: GEN THIS CLAIM IS A SPLIT OF RIGHT NO. 65-03089A - 2.5 ACRES FROM THE
NWSE, SEC. 2 FOR .04 CFS - NO OTHER CHANGES MADE. JS 1-23-90.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Audit: 03/14/95 HTHORNT0 03/30/95 POST-STD

W19 + C18

Split Tree 65-03089A

65-03089A N/O Homer Nesbitt

DR: 1.10 cfa

POD: 11N, 01E, S1, NWSW

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

SESW-4

NESE-1 NWSE-7

S11, NWNW-3

44
8
3
55

65-03089A N/O Homer Nesbitt

DR: .94 cfa

POD: 11N, 01E, S1, SWNWSW

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

SESW-4

S11, NWNW-3

44
3
47

65-03089D N/O Jerry March

DR: .05 cfa

POD: 11N, 1E, S1, SWNWSW

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

2.5.

65-03089E N/O Elmer Nesbitt / Jay & Judy Stone

DR: .04

POD: 11N, 1E, S1, SWNWSW

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

Should this be NWSE?

2

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

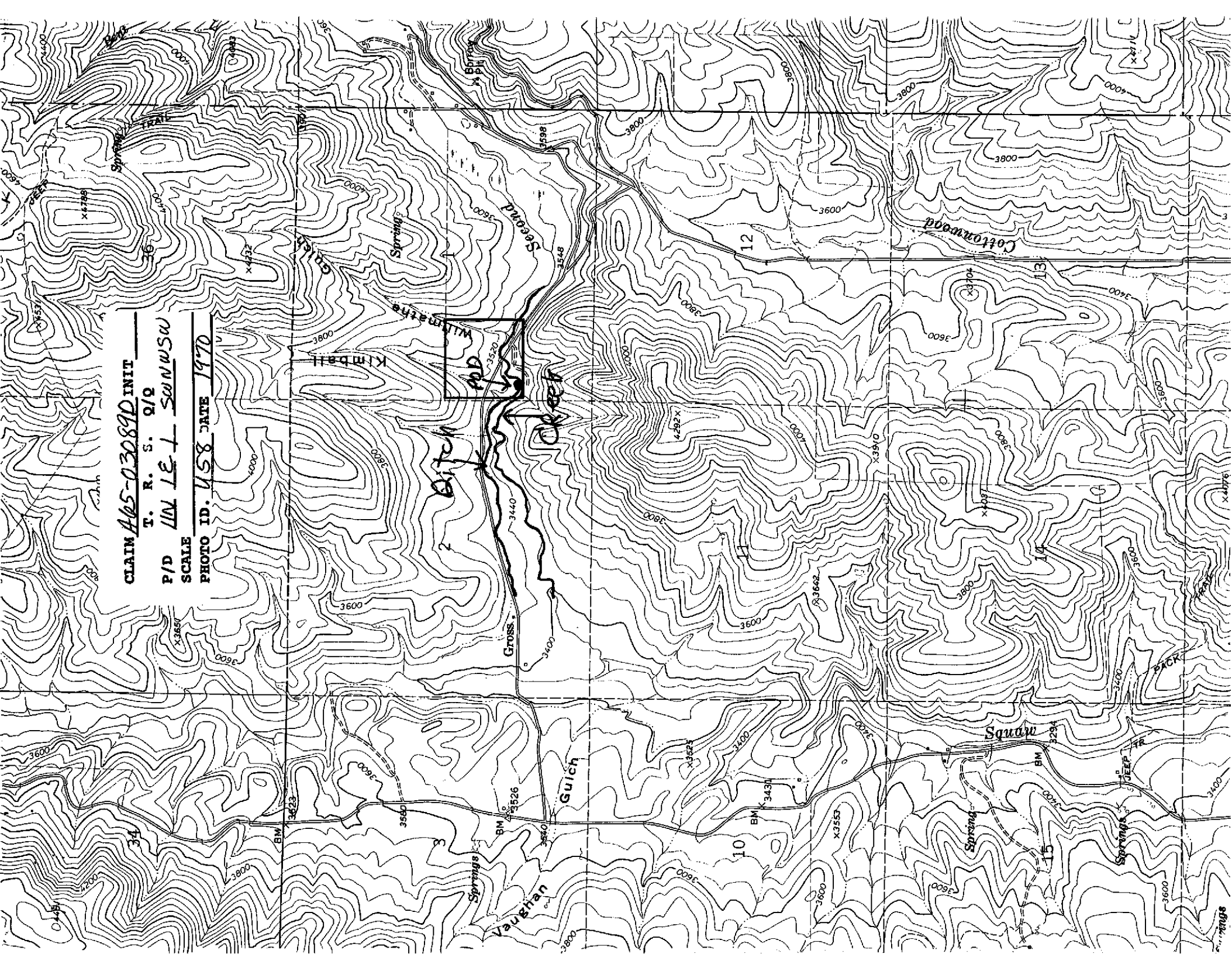
POU: 11N, 01E, S2, NESE - 1 ac

1 ac

*

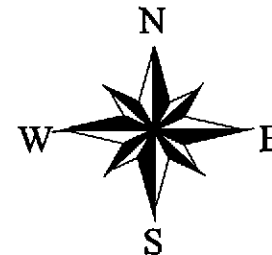
* NESE decreed one acre total

PHOTO ID. US8 DATE 1970



IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S2



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03089D

OWNER(S): MARX

Prepared by Mel Schulte

DATE: JUNE 28, 2000

0 0.25 0.5 0.75 Miles



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 8, 1995

Jerry L. Marx
4190 Ticonderoga Way
Boise, Idaho 83706

RE: Snake River Basin Adjudication

Dear Mr. Marx:

We have recently been in contact regarding an incomplete claim filed by John F. Nesbitt for property located in Township 11N, Range 1E, Sec. 1, NWSW in Gem County. Mr. Nesbitt recently notified this office that the property was purchased by you.

Enclosed is a copy of the Notice of Claim which has not yet been claimed. I have enclosed copies of the recent correspondence we sent to Mr. Nesbitt. If you wish to claim the right as shown without modification, no fees are required. If you wish to modify the form as Mr. Nesbitt had modified it, the filing fee is \$53.00. You will need to sign the form, having your signature notarized and return the form to this office along with the cover sheet changing the ownership and address.

Please do not hesitate to contact me if you have any questions or would like to discuss this matter. I have enclosed some information regarding the Snake River Basin Adjudication and would be happy to explain any of these materials if you would like. Please return any materials you wish to be filed within 30 days.

Respectfully,

Helen L. Thornton
Adjudication Staff

HHT:h
Enclosures

3/13/95

No fee due.

This claim is a split of a right
deeded for 7 acres. Therefore,
2.5 acres do not change the
deeded right. HHT

MICROFILMED
OCT 18 1996

This property has been sold to;

Jerry L Marx

4190 Ticonderoga Way

Borist, ID 83706

J. J. Thelst

RECEIVED

MAR 06 1995

WATER RESOURCES
WESTERN REGION

MICROFILMED
OCT 18 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

2-24-95

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

[John F. Nesbitt
2524 Quarterhorse Way
Richland, WA 99352]

RECEIVED

MAR 06 1995

WATER RESOURCES
WESTERN REGION

Dear Claimant(s):

This office is presently processing the Notice of Claim(s) to a Water Right you submitted during the Snake River Basin Adjudication claims filing in your area. However, due to the items checked below, we cannot continue to process this claim(s). We are returning this claim(s) to you to complete items required that were incomplete on your claim form. **ONLY THE ITEMS CHECKMARKED IN THIS LETTER NEED COMPLETION. IF AN ITEM IS NOT CHECKMARKED, IT IS NOT PERTINENT TO THIS CLAIM(S).** Also enclosed is the receipt for the filing fee previously submitted with this claim(s).

☒ Fee - No fee received or inadequate fee received, fee due is \$53.00.
(Filing fees, based on use(s) of water, were due on all claims filed)

_____ Late Notice of Claim - This claim was received on _____ which is after the deadline for filing claims in _____ County. The deadline for this County was _____, and the late fee now due is _____. The enclosed Late Fee Notice explains the late fee and how it is computed.

_____ Item No. 2 - Date of priority - month/day/year that water was first put to use, regardless of ownership. If month or day is unknown, the Dept. will recommend 12/31 of the year designated.

_____ Item No. 3 - Source of Water

_____ Item No. 4 - Point of Diversion - must be shown by quarter-quarter (40 acre tract), section, township and range. Lot and block for subdivision are not acceptable as the legal description for the point of diversion, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

_____ Item No. 6 - Uses of Water

_____ Item No. 9 - Non-Irrigation Uses

_____ Item No. 10 - Place of Use - must be listed by quarter-quarter (40 acre tract), section, township, and range. Lot and block for subdivision are not acceptable as the legal description for the place of use, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

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Item No. 12 - Ownership of place of use - It appears that the places of use filed on this claim are owned by separate individuals. This claim form can only be used when the places of use are under single ownership, even when all the uses are from one source. Enclosed are claim forms to be used to file on each separately owned place of use. The claim being returned will need to be modified to show one owner, with the changes initialed and dated. The \$25 fee for this claim has been submitted, however, the additional claims returned need to submit a \$25 fee each.

Item No. 15 - Basis of Claim - Please designate if your water right is based on beneficial use of the water - Beneficial Use, or if it is based upon a previously filed water right - Posted Notice, License, Permit or Decree.

Item No. 16 - Signature - this claim form does require your signature be affixed and notarized by a notary public. Note, the notary public signs below the signature blocks listed in this item.

MAP ENCLOSED: Please mark the location of the well(s) and the location of the place(s) of use on this map. Then return the map with your claim and the additional information requested, if any. We can then determine the quarter-quarter(1/41/4) legal description based on the locations marked on this map.

✓ Other: Filing fees were not due when decreed rights in the Payette Basin were claimed as decreed. You have modified the claim; therefore, fees are due.

Please complete the above item(s) on your claim form(s), initial and date any changes or additions, and return the claim(s), with the requested fee(if one was requested), to our office within 30 days from the date of this letter. If the claim(s), or fee requested, is not received within this 30-day period, the claim(s) will be rejected and your fee, if one was paid previously, will be refunded. Please contact our office listed in the address below, within the 30 day time period, either in writing or by phone, to let us know if there is a problem returning the claim(s), or fee, in order to keep this claim(s) valid. If the claim(s) is rejected and fee refunded, due to no response within the 30-days, the claim(s) can be resubmitted up until claims in this area are prepared for court decree. However, at that time the corrected claim(s) along with the regular filing fee that was refunded, and an additional late fee will be required. Please return your claim(s), any other claims, information or fees requested, if any, to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Helen
Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

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HHT:h

Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTY UPON WHICH THIS CLAIM WAS FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THAT THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

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 SNARE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-03089D
Date Received: 1/23/1990
Receipt No: _____
Received By: _____

RECEIVED

FEB 14 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 06 1995

WATER RESOURCES
WESTERN REGION

1. Name: JOHN F. NESBITT
Address: 2524 QUARTERHORSE WAY
RICHLAND, WA

99352

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	24	GEM

5. Description of diverting works:
SMALL DIV. DAM IN CK., 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	0.040 0.050 <i>AKN</i>	

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or)
0.050 *AKN*

A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.
6.25 *AKN*

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	01E	2	NW	SE		IRR	2.02 <i>AKN</i>
Section Acres							2.02 <i>AKN</i>

A65-03089D

Page 1

Date: 01/23/90

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10. Place of Use: Continued

Total Acres

^{JKM}
~~2.0~~ 2.5 ^{JKM} gmn

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. A65-03089E, SOUTHSIDE DITCH.

14. Remarks:

^{JKM}
THIS CLAIM IS A SPLIT OF RIGHT NO. 65-03089A - 2 ^{JKM} ACRES FROM THE
NWSE, SEC. 2 FOR ^{JKM} .04 CFS - NO OTHER CHANGES MADE. JS 1-23-90.
^{JKM}
105 gmn

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): John & Nichelle Date: 2-8-90
Gloria K. Nichelle Date: 2-8-90

State of ~~Idaho~~ Washington)
County of Franklin) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of February 19 90
Julie A. Brownell
Notary Public



Residing at Pasco
My Commission Expires 1/19/91