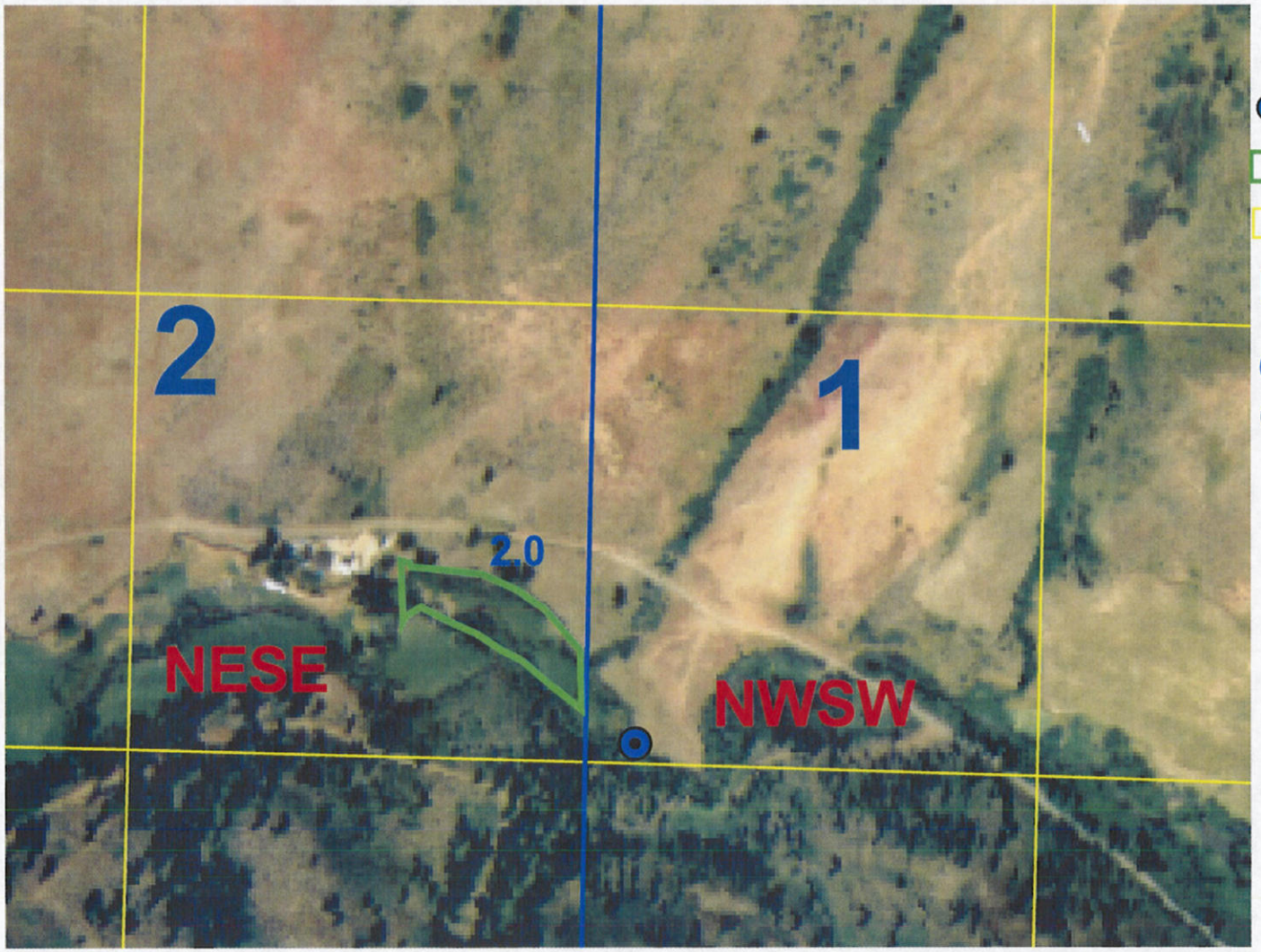
IDAHO DEPARTMENT OF WATER RESOURCES
T11N, R01E, S2



N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03089E

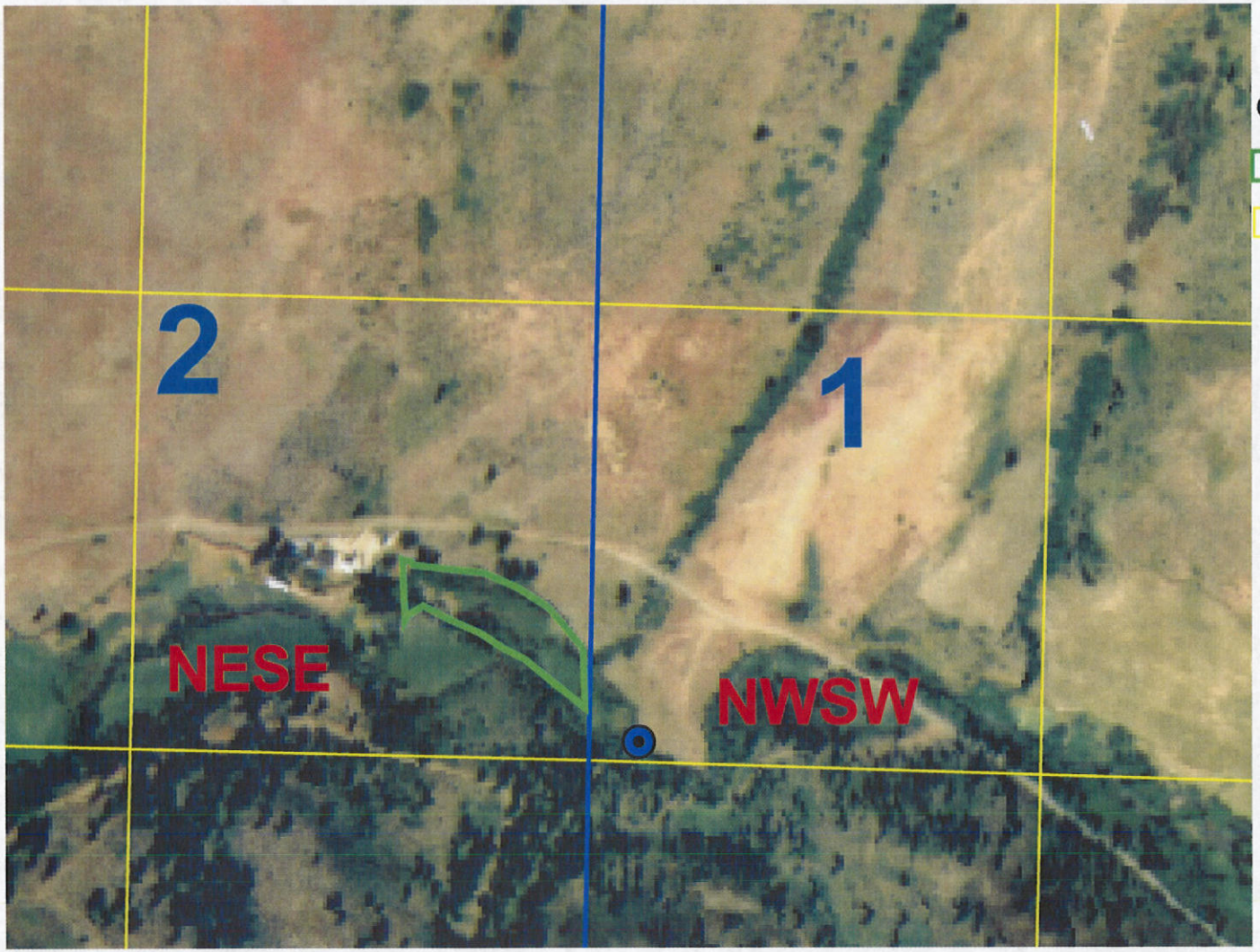
OWNER(S): STONE, JAY

Prepared by Mel Schulte

DATE: JULY 5, 2000

0 0.25 0.5 0.75 Miles

IDAHO DEPARTMENT OF WATER RESOURCES
T11N, R01E, S2



N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

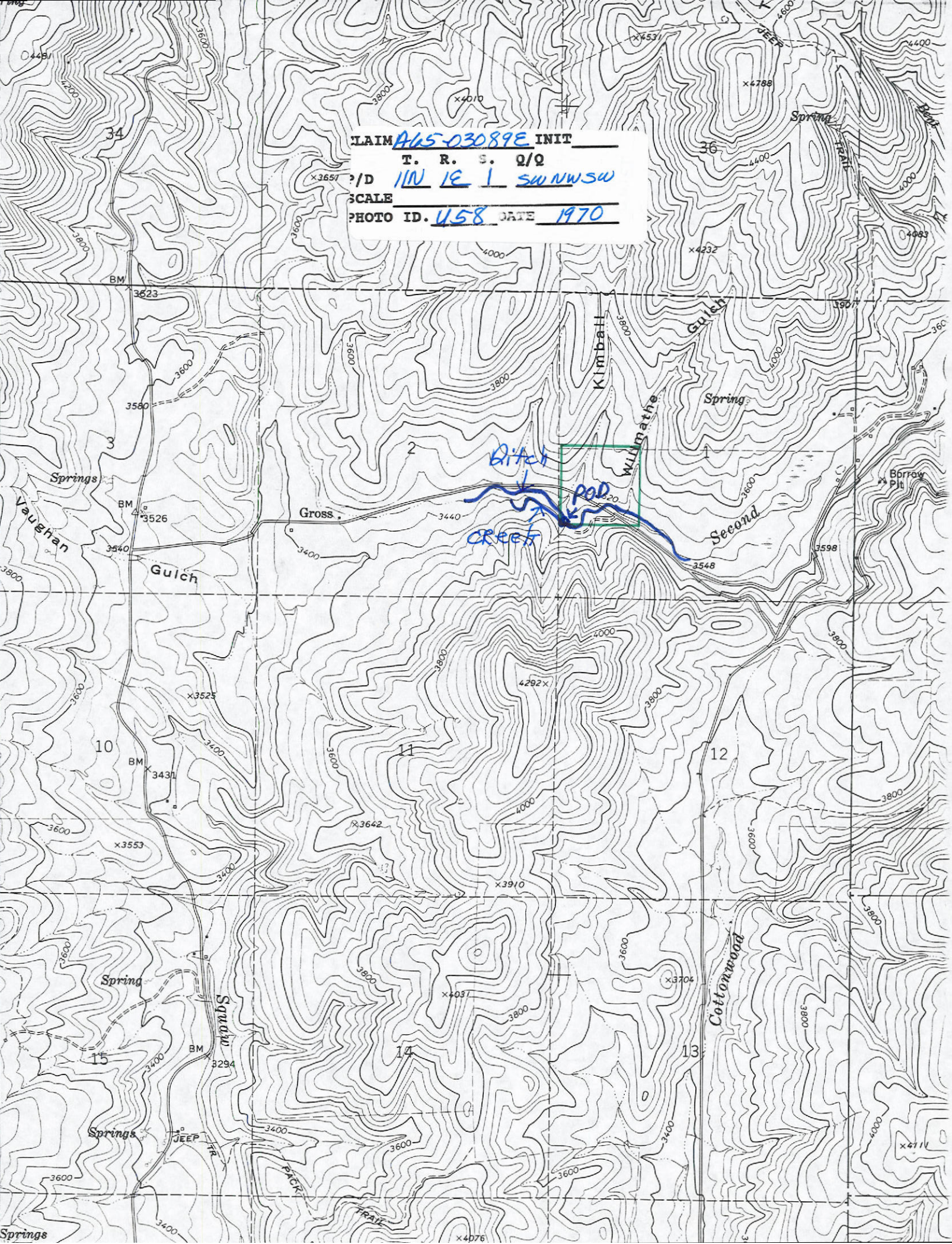
CLAIM(S): 65-03089E

OWNER(S): STONE, JAY & JUDY

Prepared by Mel Schulte

DATE: JULY 5, 2000

0 0.25 0.5 0.75 Miles


CLAIM AGS-03089E INIT
T. R. S. Q/Q
P/D 11N 1E 1 SW NW SW
SCALE
PHOTO ID. U58 DATE 1970
Ditch
POD
Creek
Gross
Vaughan
Gulch
Springs
Spring
Kimball
Gulch
Williamathe
Second
Borrow Pit
Squaw
Cottonwood
JEEP TR
PACK TRAIL
BM 3623
BM 3526
BM 3431
BM 3294
3580
3540
3440
3400
3548
3598
4292
3525
3642
3553
3910
4037
3704
4076
4411
4788
4531
4010
4232
4083
34
36
3
2
1
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11
12
15
14
13

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 65-3089E
Date Received: 2/12/90
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAY STONE Phone: (208)7226303

30250 BOULDER RD
PARMA ID USA 83660

JUDY STONE Phone: (208) 722-6303

30250 BOULDER RD
PARMA ID USA 83660

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
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	0.04	

7. Total Quantity Appropriated is:
0.04 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	NE	SE		IRRIGATION	2
						Section Acres	2
						Total Acres	2

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 CLAIM IS A SPLIT OF WATER RIGHT NO. 65-03089A WITH 1 ACRE TAKEN FROM THE NESE, SEC. 2 AND ONE ACRE FROM THE NWSE, SEC. 2, WITH BOTH TO BE USED IN THE NWSE, SEC. 2. THIS DOES CONSTITUTE A CHANGE AND A FEE WILL BE REQUIRED. NOTE: SEE ALSO CLAIM NO
A65-03089C - DENNIS WEAVER WHO ALSO CLAIMED THIS SAME 1 ACRE
PER ORIGINAL CLAIMANT, HOMER NESBITT, THE WEAVER'S HAVE APPROX. 1 ACRE OF IRRIGATED GROUND, WHICH IS COVERED UNDER THEIR OTHER CLAIM NO. A65-11257A FROM THE NORTHSIDE DITCH ALSO. THE 1 ACRE UNDER THIS CLAIM FROM THE NESE, SEC. 2 FROM ORIG. RIGHT NO 65-03089A IS ALSO FROM THE NORTHSIDE DITCH AND IS APPURTENANT TO THE SAME PROPERTY NOW OWNED BY ELMER K. NESBITT. JS 2-1-90

15. Basis of Claim: Decreed

```
                        Print Key Output                                Page   1
 5763SS1 V3R2M0 960517                GEM CO              06/27/00  10:46:39

 Display Device  . . . . . :  A1
 User  . . . . . . . . . . :  GREG

 6/27/00              PMO100 - PARCEL MASTER INQUIRY              10:46:15

PARCEL: RP 00550100     A
                                    F16=XP
          NAME/ADDRESS                          LEGAL DESCRIPTION
  STONE, JAY & JUDY                      2255 15 02 1 01 02 001
                                         L 1, BLK 2, SEC 2 11N 1E
                                         EMERALD GLEN SUBD

  30250 BOULDER RD                       CODE AREA  1500   OWNER CODE
                                         PARC TYPE         LOC CODE  304
  PARMA            ID 83660              EFFDATE 11051991  EXPDATE
                                         PREV PARCEL

  CAT   RY   QUANTITY  UN     VALUE   HO MRKT   HO EXMP   CB MRKT   OTHER
   15  2000      4560  AC     14690


   TOTALS        4560         14690
                          ENTER NEXT PARCEL NUMBER   RP              A
  FKeys:  F2=TX  F3=Exit  F5=SS    F6=NM     F7=LG
          F8=CT  F13=TM   F18=HS   F20=Srch  F22=EU
```

722-6303

NESBITTS' EMERALD GLEN SUBDIVISION

SITUATED IN A PORTION OF
SECTION 2, T.11N., R.1E., B.M.
GEM COUNTY, IDAHO

1977

Scale in Feet

NOTE: See back of Sheet 1 of 2 for descriptions and acknowledgements for this survey.

LEGEND

- Lot Corners
- (4) Lot Numbers
- Section Corner

All lot lines common to Public Right-of-Ways have a 5 foot wide permanent Public utilities, drainage & irrigation easement.
10' feet wide on each side of all common interior lot lines.
20' Easement centered on irrigation ditches.

Lots on north side of Yellowpine Drive that do not meet minimum lot size requirements will be sold together with lots on south side. (i.e., Lots 20 & 21 will be sold as one lot)

TAX ASSESSMENT

CODE AREA 7	LEVY
STATE	.0070
COUNTY	2.3498
SHOOL 221	3.6102
GEM FIRE DIST. 2	.1500
CEMETARY	.1980
CO. ROAD and BRIDGE DEPT.	.2900
TOTAL	6.3252

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL.

C	R	Δ	L	T	Ch.	Ch. Brg.
14	128	18°38'14"	38.72	19.87	38.80	S 88°35'38" W
15	128	9°37'52"	20.03	10.02	20.01	N 77°08'08" W
16	72	22°48'08"	28.68	14.52	28.48	S 88°08'14" E
17	72	2°08'08"	2.70	1.35	2.70	S 73°48'38" E
18	78	44°22'46"	60.42	31.81	58.92	S 80°24'48" E
19	78	44°22'46"	60.42	31.81	58.92	S 6°02'00" E
20	22	88°48'31"	34.08	21.53	30.77	S 28°15'23" E
21	128	17°30'56"	39.13	19.72	38.97	S 7°23'37" W
22	72	24°26'56"	30.68	15.58	30.45	S 10°30'37" W
23	20	46°42'39"	16.30	8.64	15.86	S 46°24'37" W
24	50	69°45'58"	60.88	34.96	57.19	S 34°52'36" W
25	50	97°48'36"	85.27	57.23	75.31	S 46°51'29" E
26	50	105°56'09"	92.45	66.26	79.83	N 29°18'37" E
27	20	46°42'30"	16.30	8.64	15.86	N 0°17'52" W
28	128	24°26'50"	54.54	27.69	54.13	N 10°30'37" E
29	72	17°30'30"	22.01	11.09	21.92	N 7°23'37" E

FRIEND & PELKOLA
LAND SURVEYING & ENGINEERING
BOISE, IDAHO

Form 42-248/42-1409(6) March 26,1999

RECEIVED
JUL 0 3 2000
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
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.

1. Water Right No(s).: _____

   Adjudication Claim No(s).: 46S-03089E

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** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

   OR

   C. If your water right or adjudication claim is 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: Elmer K Nesbitt
   907 Wright
   Richland Wa 99352

4. New Owner/Claimant(s): Jay and Judy Stone 30250 Boulder rd
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   New Mailing Address

   City, State and ZIP Code: Parma Id 83660

   New Telephone Number: 208 722-6303

5. Date you acquired the property: May 14 - 1990 -

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7.** If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners**. If necessary, attach additional pages. 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.

   Number of acres you irrigate with this water right _____ Number and type of stock _____

   Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s): Jay I Stone
   Judy K. Stone

   Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.

3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3.**

4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4.** Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.

5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6.**

   Please provide as much detail as possible concerning your portion of the water right: include the number of homes you acquired, number of acres irrigated with your portion of the right, if it is more than 1/2 acre, type and number of stock if your portion of the right includes stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately.*

7. The new owner(s) must sign the form in the space(s) provided at **Item 7.** Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.

8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

3-15995

RECEIVED
JUL 03 2000
WATER RESOURCES
WESTERN REGION

WARRANTY DEED

For Value Received

ELMER K. NESBITT and MYRTLE L. NESBITT, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

JAY STONE and JUDY STONE, husband and wife

the grantees, whose current address is ~~Route 2, 34662 Apple Valley Rd.~~ 30250 Boulder rd., Parma, Id. 83660

the following described premises, in Gem County Idaho, to-wit:

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

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances Except 1990 taxes; Squaw Creek Irrigation District; Power Line Easement; Restrictive and Protective Covenants; Covenants and conditions on plat of Nesbitts Emerald Glen Sub. regarding public utilities; Easement between Gem Co. and United States of America regarding road and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

Elmer K. Nesbitt
ELMER K. NESBITT

Myrtle L. Nesbitt
MYRTLE L. NESBITT

STATE OF ~~IDAHO~~ Washington, COUNTY OF Benton

On this 9th day of May, 1990, before me, a notary public in and for the said State, personally appeared Elmer K. Nesbitt and Myrtle L. Nesbitt

known to me to be the person s whose name s subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public

Residing at Pasco, Idaho

Comm. Expires 5/23/93

STATE OF IDAHO, COUNTY OF GEM

I hereby certify that this instrument was filed for record at the request of Security Title Co.

at 12 minutes past 4 o'clock P. M., this 11th day of May, 19 90 in my office, and duly recorded ~~in Book~~ as a Deed ~~of Deeds at Page~~ under Instr. #166143.

Thelma R. Kolodziej
Ex-Officio Recorder

By Judy Bigham
Deputy.

Fees $ 3.00

Mail to:

INSTRUMENT No. 166143

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	ELMER K NESBITT 907 WRIGHT RICHLAND WA 99352	05/01/1892	IRRIGATION	04-01	11-01	0.040 CFS	
					TOTAL DIVERSION:	0.040 CFS	
					CONSUMPTIVE USE:		5.00 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				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
11N	01E	2													02				2.0
																	TOTAL ACRES		2.0

POU County: GEM

Non-Irrigation Uses: NONE.

Other Rights: NONE.

Remarks: GEN THIS CLAIM IS A SPLIT OF WATER RIGHT NO. 65-03089A WITH 1 ACRE TAKEN FROM THE NESE, SEC. 2 AND ONE ACRE FROM THE NWSE, SEC. 2, WITH BOTH TO BE USED IN THE NWSE, SEC. 2. THIS DOES CONSTITUTE A CHANGE AND A FEE WILL BE REQUIRED. NOTE: SEE ALSO CLAIM NO. A65-03089C - DENNIS WEAVER WHO ALSO CLAIMED THIS SAME 1 ACRE. PER ORIGINAL CLAIMANT, HOMER NESBITT, THE WEAVER'S HAVE APPROX. 1 ACRE OF IRRIGATED GROUND, WHICH IS COVERED UNDER THEIR OTHER CLAIM NO. A65-11257A FROM THE NORTHSIDE DITCH ALSO. THE 1 ACRE UNDER THIS CLAIM FROM THE NESE, SEC. 2 FROM ORIG. RIGHT NO. 65-03089A IS ALSO FROM THE NORTHSIDE DITCH AND IS APPURTENANT TO THE SAME PROPERTY NOW OWNED BY ELMER K. NESBITT. JS 2-1-90.

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

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

Audit: 02/01/90 SHURTE 02/26/93 MCCARTHY 03/30/95 POST-STD

RECEIVED
JUL 03 2000
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 THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A65-03089E**
Date Received: 2/12/1990
Receipt No: W008751
Received By: _____

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: ELMER K NESBITT
   Address: 907 WRIGHT
   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	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	0.040	

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

8. Total consumptive use is 5.0 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	NE SE		IRR	2.0

MICROFILMED
AUG 0 3 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

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:
NONE.

14. Remarks:
THIS CLAIM IS A SPLIT OF WATER RIGHT NO. 65-03089A WITH 1 ACRE TAKEN FROM THE NESE, SEC. 2 AND ONE ACRE FROM THE NWSE, SEC. 2, WITH BOTH TO BE USED IN THE NWSE, SEC. 2. THIS DOES CONSTITUTE A CHANGE AND A FEE WILL BE REQUIRED. NOTE: SEE ALSO CLAIM NO. A65-03089C - DENNIS WEAVER WHO ALSO CLAIMED THIS SAME 1 ACRE. PER ORIGINAL CLAIMANT, HOMER NESBITT, THE WEAVER'S HAVE APPROX. 1 ACRE OF IRRIGATED GROUND, WHICH IS COVERED UNDER THEIR OTHER CLAIM NO. A65-11257A FROM THE NORTHSIDE DITCH ALSO. THE 1 ACRE UNDER THIS CLAIM FROM THE NESE, SEC. 2 FROM ORIG. RIGHT NO. 65-03089A IS ALSO FROM THE NORTHSIDE DITCH AND IS APPURTENANT TO THE SAME PROPERTY NOW OWNED BY ELMER K. NESBITT. 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

MICROFILMED
AUG 0 3 1994

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

RECEIVED
FEB 12 1990
Department of Water Resources
Western Regional Office

Ident. Number: A65-03089E
Date Received: 1/23/1990
Receipt No: 4008757 ($52 FEE)
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: ELMER K. NESBITT
   Address: 907 WRIGHT
   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		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	

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

8. Total consumptive use is 5.0 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	NE SE		IRR	2.0
				Section Acres		2.0

MICROFILMED
AUG 0 3 1994

10. Place of Use: Continued

Total Acres 2.0

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:
NONE.

14. Remarks:
THIS CLAIM IS A SPLIT OF WATER RIGHT NO. 65-03089A WITH 1 ACRE TAKEN FROM THE NESE, SEC. 2 AND ONE ACRE FROM THE NWSE, SEC. 2, WITH BOTH TO BE USED IN THE NWSE, SEC. 2. THIS DOES CONSTITUTE A CHANGE AND A FEE WILL BE REQUIRED. NOTE: SEE ALSO CLAIM NO. A65-03089C - DENNIS WEAVER WHO ALSO CLAIMED THIS SAME 1 ACRE. PER ORIGINAL CLAIMANT, HOMER NESBITT, THE WEAVER'S HAVE APPROX. 1 ACRE OF IRRIGATED GROUND, WHICH IS COVERED UNDER THEIR OTHER CLAIM NO. A65-11257A FROM THE NORTHSIDE DITCH ALSO. THE 1 ACRE UNDER THIS CLAIM FROM THE NESE, SEC. 2 FROM ORIG. RIGHT NO. 65-03089A IS ALSO FROM THE NORTHSIDE DITCH AND IS APPURTENANT TO THE SAME PROPERTY NOW OWNED BY ELMER K. NESBITT. 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

MICROFILMED
AUG 0 3 1994

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: 2

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): Myrtle L. Neibitt Date: 2/8/90

Glenn K. Neibitt Date: 2/8/90

State of ~~Idaho~~ WASHINGTON)
SS.
County of Benton)

Subscribed and sworn (or affirmed) before me this 8th day of FEBRUARY 19 90

Seal

Notary Public

Residing at KENNEWICK

My Commission Expires 11-1-91

MICROFILMED
AUG 0 3 1994

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	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 65-03089E

NAME AND ADDRESS: JAY STONE
JUDY STONE
30250 BOULDER RD
PARMA, ID 83660

SOURCE: SECOND FORK SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T11N R01E S01 SWNWSW Within Gem County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 11-01	0.04 CFS

PLACE OF USE: Irrigation Within Gem County
T11N R01E S02 NESE 2.0
2.0 Acres Total

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

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code Section 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION
MAR 1 8 2004
SPECIAL MASTER

RECEIVED
JAN 2 4 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 65-3089E
(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: Judy Stone & Jay Stone
Address: 30250 Boulder Rd.
Parma, ID 83660

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 STATE OF IDAHO

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: Judy Stone & Jay Stone

Address: 30250 Boulder Rd.
Parma, ID 83660

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

Dala S. Walton
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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 4, 2001

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

11/20/2000

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

RIGHT NUMBER: 65-3089E

NAME AND ADDRESS: JAY STONE
JUDY STONE
30250 BOULDER RD
PARMA, ID 83660

SOURCE: SECOND FORK SQUAW CREEK TRIBUTARY SQUAW CREEK

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T11N R01E S1 SWNWSW Within GEM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 11-01	0.04 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T11N R01E S2 NESE 2
2 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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	ELMER K NESBITT 907 WRIGHT RICHLAND WA 99352	05/01/1892	IRRIGATION	04-01	11-01	0.040 CFS	
				TOTAL DIVERSION:		0.040 CFS	
				CONSUMPTIVE USE:			5.00 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				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
11N	01E	2													02				2.0
																	TOTAL ACRES		2.0

POU County: GEM

Non-Irrigation Uses: NONE.

Other Rights: NONE.

Remarks: GEN THIS CLAIM IS A SPLIT OF WATER RIGHT NO. 65-03089A WITH 1 ACRE TAKEN FROM THE NESE, SEC. 2 AND ONE ACRE FROM THE NWSE, SEC. 2, WITH BOTH TO BE USED IN THE NWSE, SEC. 2. THIS DOES CONSTITUTE A CHANGE AND A FEE WILL BE REQUIRED. NOTE: SEE ALSO CLAIM NO. A65-03089C - DENNIS WEAVER WHO ALSO CLAIMED THIS SAME 1 ACRE. PER ORIGINAL CLAIMANT, HOMER NESBITT, THE WEAVER'S HAVE APPROX. 1 ACRE OF IRRIGATED GROUND, WHICH IS COVERED UNDER THEIR OTHER CLAIM NO. A65-11257A FROM THE NORTHSIDE DITCH ALSO. THE 1 ACRE UNDER THIS CLAIM FROM THE NESE, SEC. 2 FROM ORIG. RIGHT NO. 65-03089A IS ALSO FROM THE NORTHSIDE DITCH AND IS APPURTENANT TO THE SAME PROPERTY NOW OWNED BY ELMER K. NESBITT. JS 2-1-90.

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

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

Audit: 02/01/90 SHURTE 02/26/93 MCCARTHY 03/30/95 POST-STD

C18

Split Tree 65-03089A

65-03089A N/O Homer Nesbitt
DR: 1.10 cfs
POD: 11N, 01E, S1, NWSW
POU: 11N, 01E, S2, NWSW-18ac SWSW-22ac
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 Nesbit / Jay & Judy Stone
? DR: .04
POD: 11N, 1E, S1, SWNWSW
* POU: 11N, 1E, S2, NESE-2 ** 2
** Should this be NWSE?

A65-03089G N/O Dale Nesbitt
DR: .07cfs
POD: 11N, 1E, S1, SWNWSW
POU: 11N, 1E, S2, NWSE - 3,5 3,5

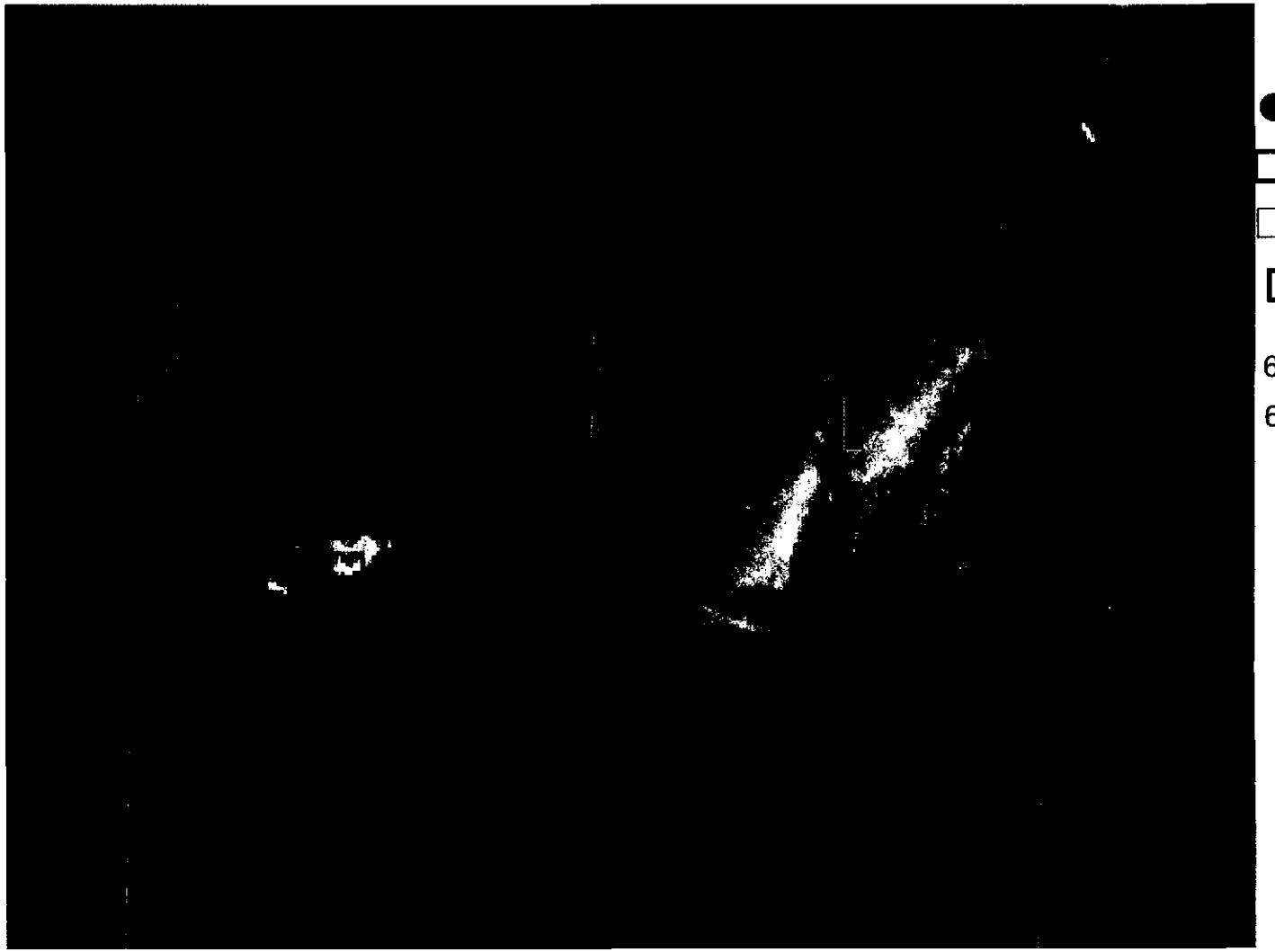
A65-03089C N/O Dennis Weaver
DR: .02
POD: 11N, 01E, S1, SWNWSW
* POU: 11N, 01E, S2, NESE - 1ac 1ac

* NESE Exceed one acre total

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 4(3) LOT 5(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	COLE, 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 3(2) LOT 2(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 NWNW(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	SENW(2) LOT 3(7) LOT 4(1) LOT 5(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

IDAHO DEPARTMENT OF WATER RESOURCES
T11N, R01E, S2



N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03089E

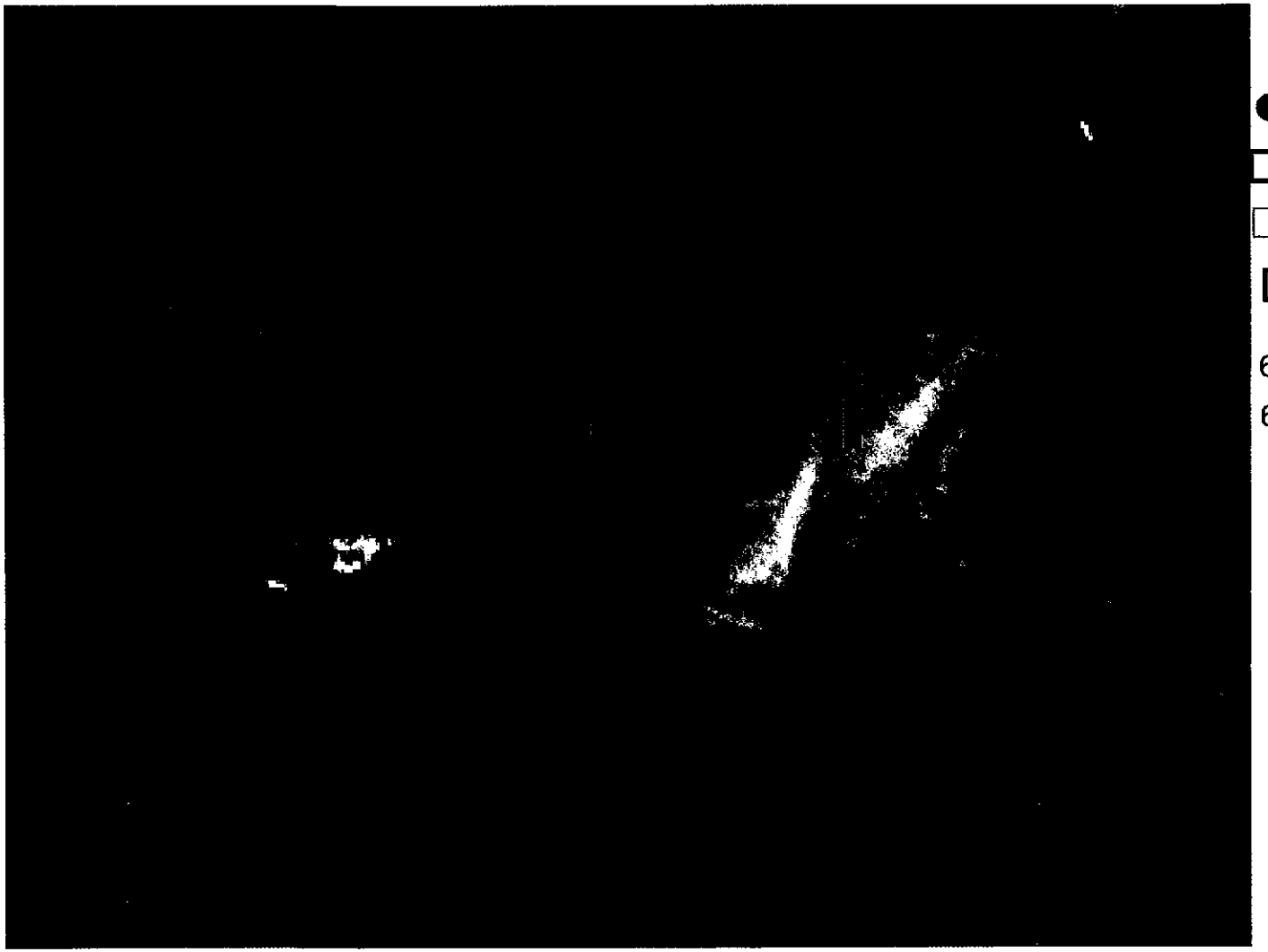
OWNER(S): STONE, JAY

Prepared by Mel Schulte

DATE: JULY 5, 2000

0 0.25 0.5 0.75 Miles

IDAHO DEPARTMENT OF WATER RESOURCES
T11N, R01E, S2



N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

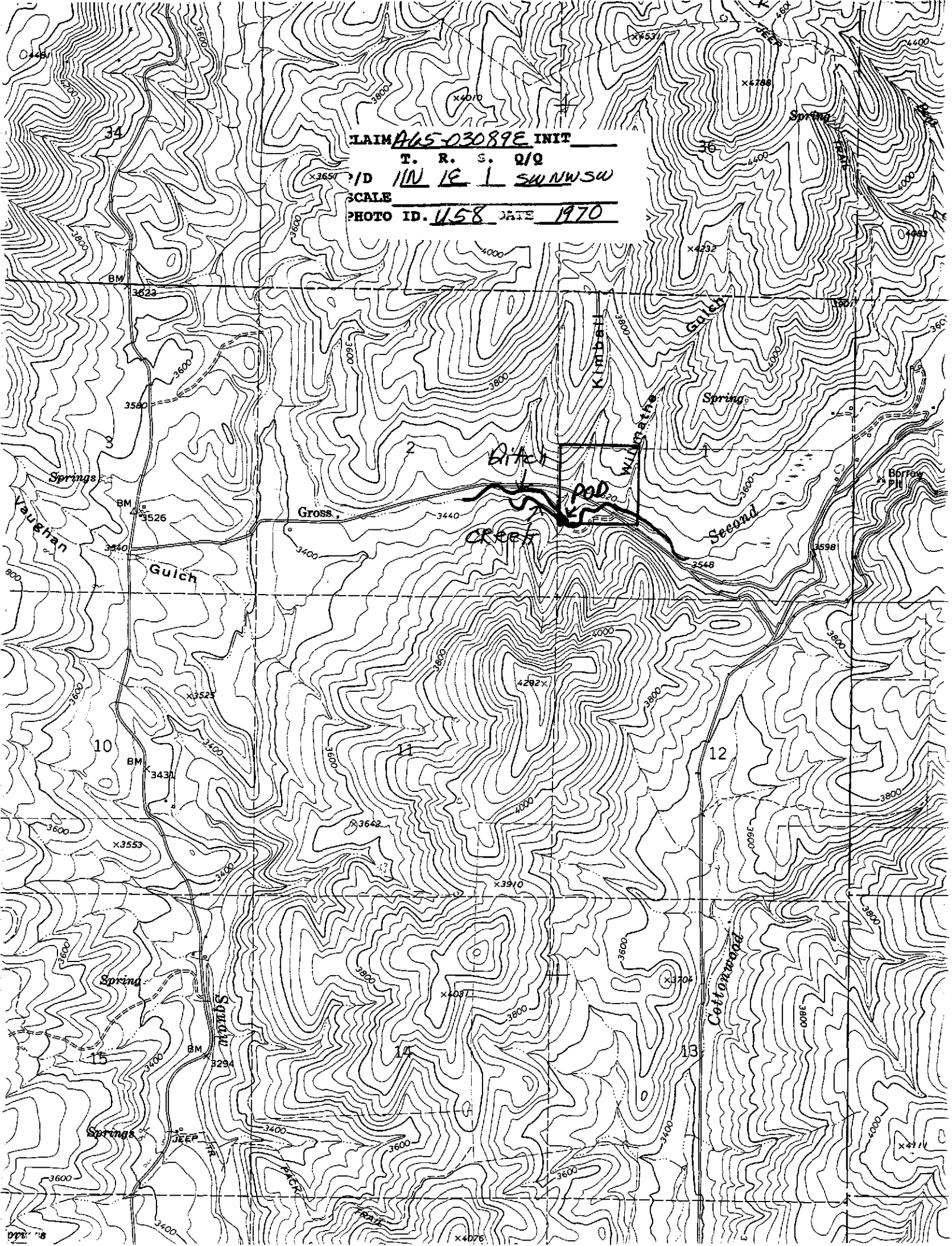
CLAIM(S): 65-03089E

OWNER(S): STONE, JAY & JUDY

Prepared by Mel Schulte

DATE: JULY 5, 2000

0 0.25 0.5 0.75 Miles


CLAIM AWS-03089E INIT
T. R. S. Q/Q
P/D 1N 1E 1 SWNWSW
SCALE
PHOTO ID. USGS DATE 1970
Ditch
POD
Kimball Gulch
Spring
Gross Creek
Second
Borrow Pit
Vaughan Gulch
Springs
BM 3526
BM 3623
BM 3431
BM 3294
Cottonwood
Spring
Springs
JEEP TR
PACK TRAIL
1
2
3
10
11
12
13
14
15
34
36