

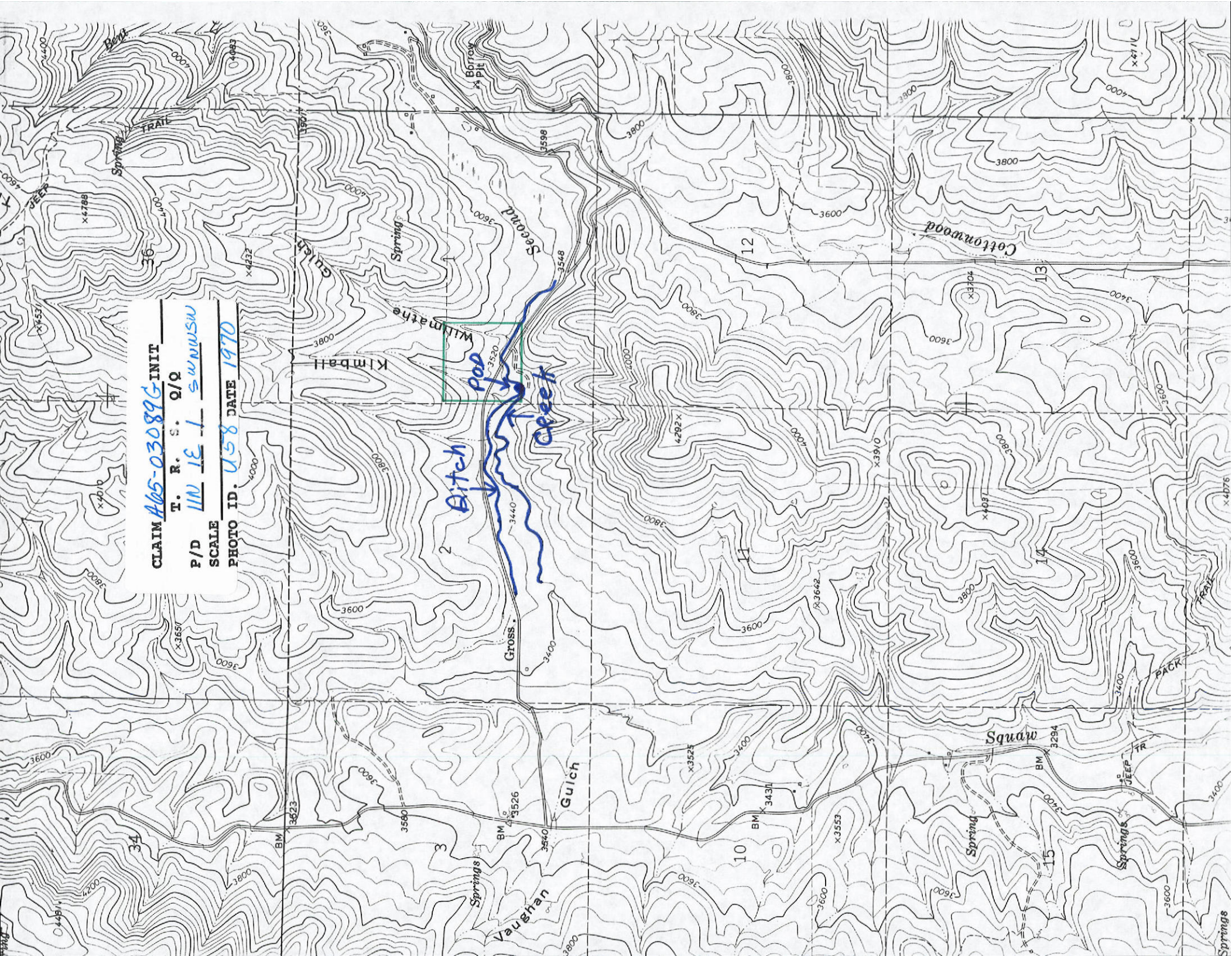
CLAIM A05-03089G INIT

T. R. S. Q/Q

P/D 11N 1E 1 SWNW

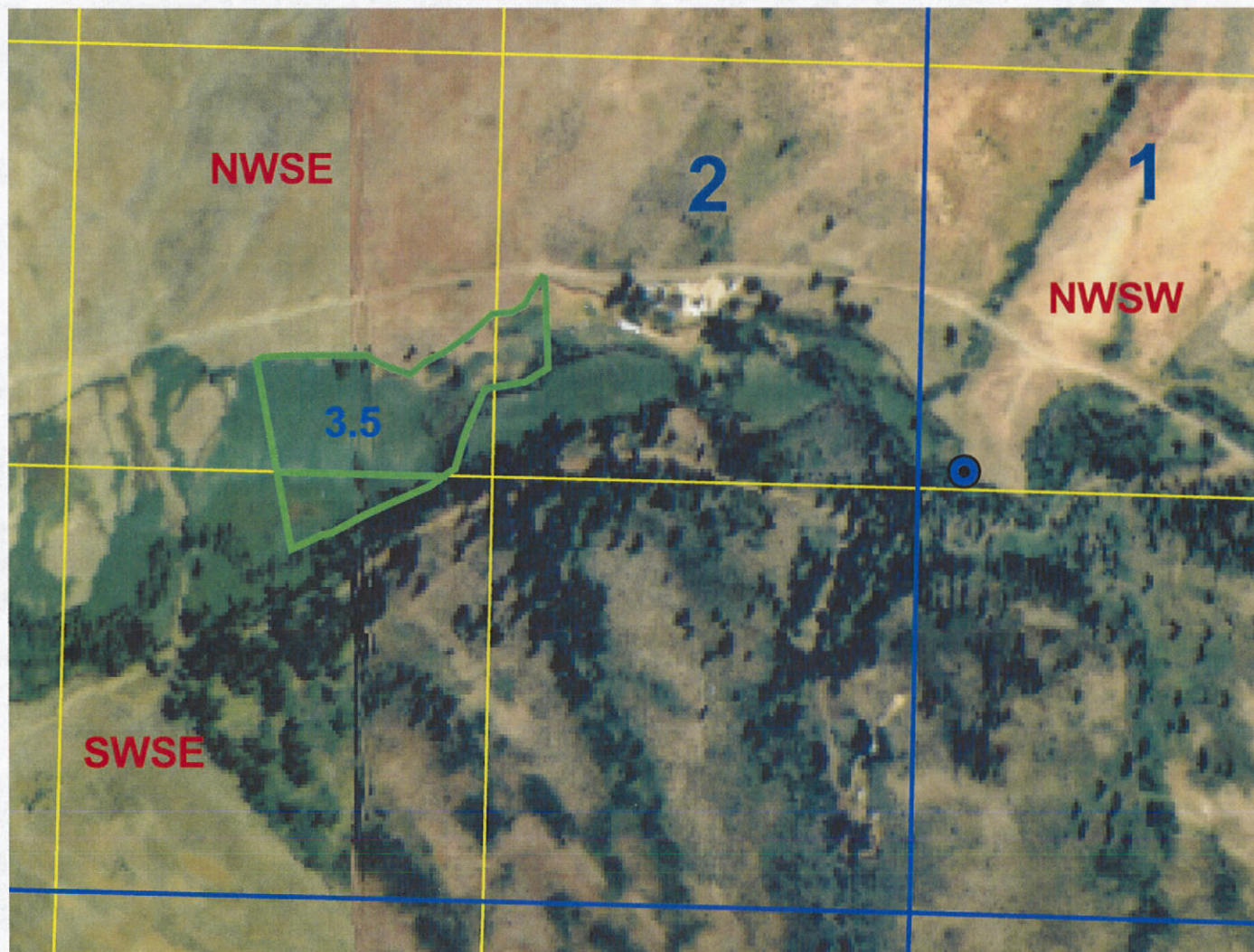
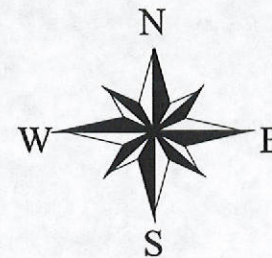
SCALE

PHOTO ID. U58 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

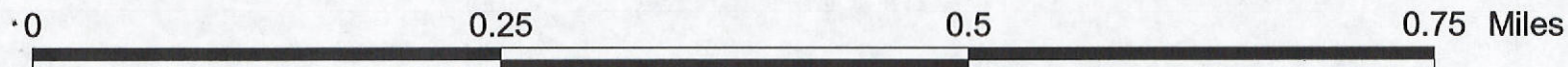
6 SECTION NUMBERS

CLAIM(S): 65-03089G

OWNER(S): NESBITT, DALE

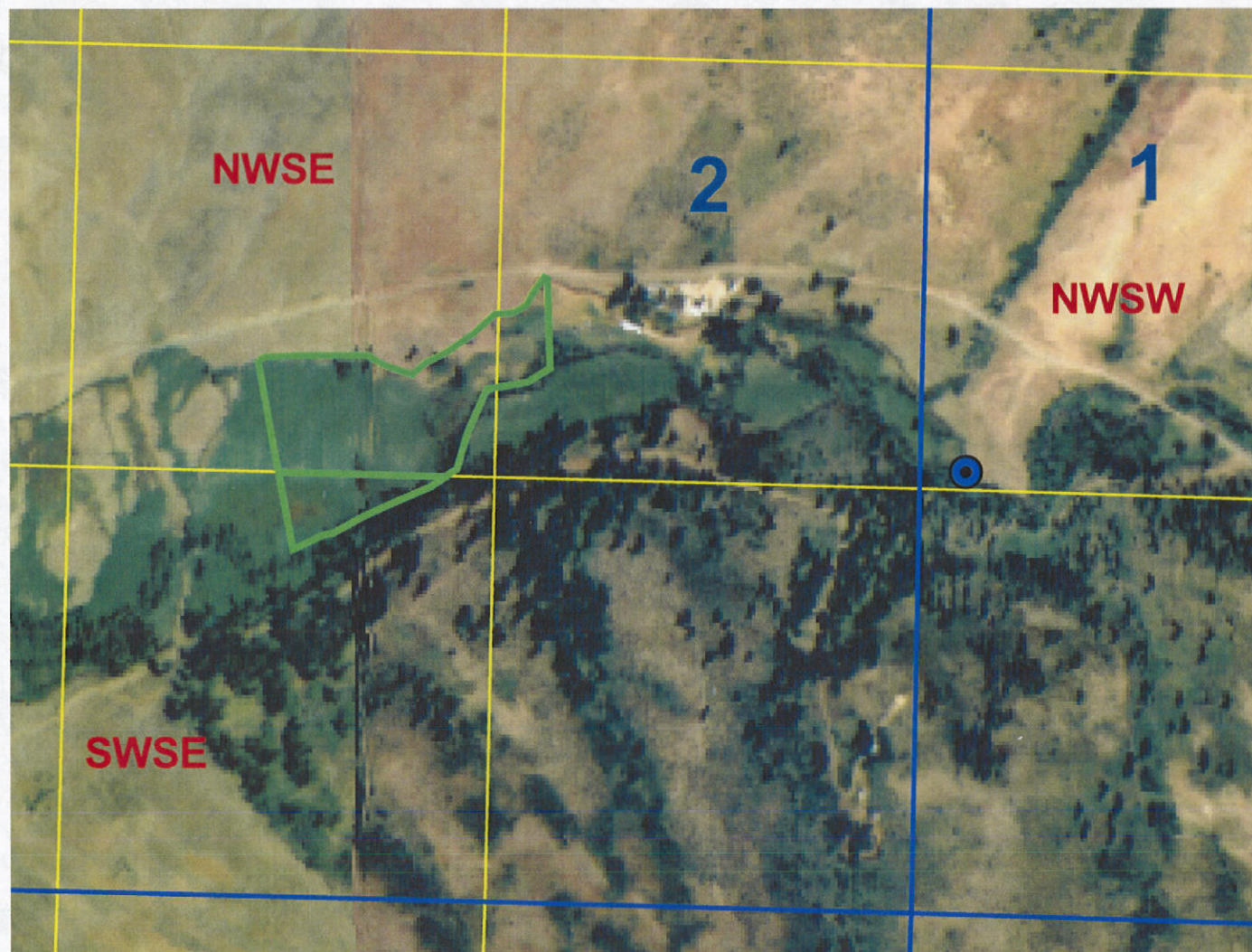
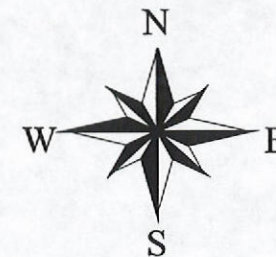
Prepared by Mel Schulte

DATE: JULY 3, 2000



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

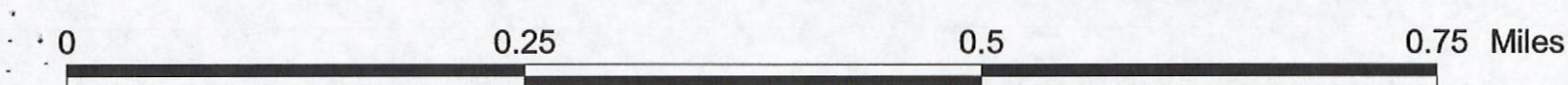
6 SECTION NUMBERS

CLAIM(S): 65-03089G

OWNER(S): NESBITT, DALE

Prepared by Mel Schulte

DATE: JULY 3, 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: A65-03089G
Date Received: 2/16/1990
Receipt No: X999999
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DALE NESBITT
Address: 1712 MARIN AVE
BERKELEY CA

94707

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, 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	0.070		

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

A.F.A.

8. Total consumptive use is 8.7 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	3.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.5
					Total Acres	3.5

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. A65-11257B - SAME DIV. PT., DIFF. ACRES.

14. Remarks:

THIS CLAIM IS A SPLIT OF THE ORIG. RIGHT A65-03089A FOR 3.5 ACRES
IN THE NWSE, SEC. 2 - NO CHANGES INVOLVED. 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

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 16 1990

postmarked 2/12/90

Department of Water Resources
Western Regional Office

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

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

1. Name: DALE NESBITT
Address: 1712 MARIN AVE.
BERKELEY, CA

94707

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, 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	0.070		

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

A.F.A.

8. Total consumptive use is 8.7 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	3.5

Section Acres 3.5

A65-03089G

Page

1

Date: 02/01/90

MICROFILMED

AUG 03 1994

10. Place of Use: Continued

Total Acres 3.5

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. A65-11257B - SAME DIV. PT., DIFF. ACRES.

14. Remarks:

THIS CLAIM IS A SPLIT OF THE ORIG. RIGHT A65-03089A FOR 3.5 ACRES
IN THE NWSE, SEC. 2 - NO CHANGES INVOLVED. JS 1-23-90

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Dale McMill Date: Febr 12, 1990

Date: _____

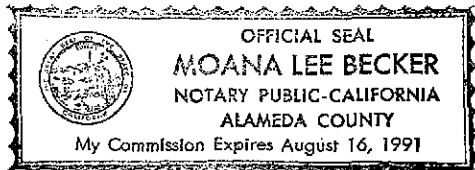
State of ~~Idaho~~ California)
County of Alameda) SS.

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

of February 19 90

Moana Lee Becker
Notary Public

Seal



Residing at Berkeley, California

My Commission Expires August 16, 1991

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 65-3089G
(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: Dale Nesbitt
Address: 1712 Marin Ave.
Berkeley, CA 94707

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.

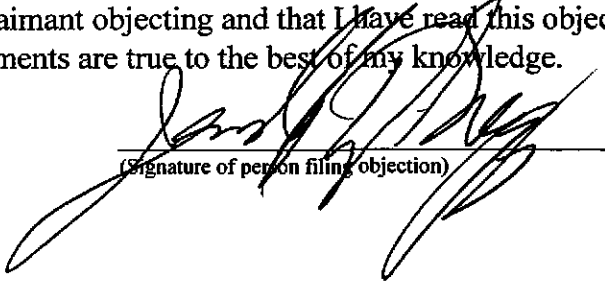
F.

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)

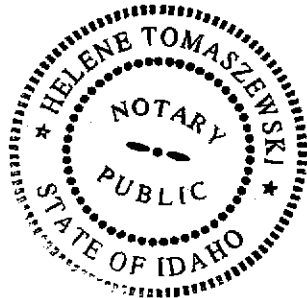
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

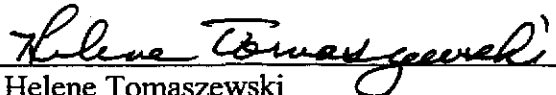

(Signature of person filing objection)

(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: Dale Nesbitt

Address: 1712 Marin Ave.
Berkeley, CA 94707

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

11/20/2000

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

RIGHT NUMBER: 65-3089G

NAME AND ADDRESS: DALE NESBITT
1712 MARIN AVE
BERKELEY, CA 94707

SOURCE: SECOND FORK SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 0.07 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	0.07 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T11N R01E S2 NWSE 3.5
3.5 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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
SQUAW CREEK IRRIGATION DISTRICT.

03/08/2001 RECEIVED

NOTICE OF ERROR
REPLY

APR 13 2001

WATER RESOURCES
WESTERN REGION

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: 65-3089G

DALE NESBITT
1712 MARIN AVE
BERKELEY CA 94707

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: 3-29-2001 SIGNATURE: Dale Nesbitt

Please print your name: _____

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

AJ5809NP
No. A65-03089G

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/20/00
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DALE NESBITT 1712 MARIN AVE BERKELEY CA 94707	05/01/1892	IRRIGATION	04-01 11-01	0.070 CFS	
TOTAL DIVERSION:					0.070 CFS	
CONSUMPTIVE USE:						8.70 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	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
11N 01E 2	:		:		:		:		:		:		:		:		3.5
TOTAL ACRES																3.5	

Handwritten: 3.5

POU County: GEM

Non-Irrigation Uses: NONE.

Other Rights: CLAIM NO. A65-11257B - SAME DIV. PT., DIFF. ACRES.

Remarks: GEN THIS CLAIM IS A SPLIT OF THE ORIG. RIGHT A65-03089A FOR 3.5 ACRES
IN THE NWSE, SEC. 2 - NO CHANGES INVOLVED. JS 1-23-90

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

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

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

C18

A65-3089G

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 324

INDICATES TOTAL

SOURCE: SECOND FORK, SQUAM CREEK

TRIBUTARY ID: SQUAM 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	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 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	SESW(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

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

NESE-1 NWSE-7

S11, NWNW-3

44
8
3
55

65-03089A N/O Homer Nesbitt

DR: .94 cfs

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 Ward

DR: .05 cfs

POD: 11N, 1E, S1, SWNWSW

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

2.5-

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

DR: .04

POD: 11N, 1E, S1, SWNWSW

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

Should this be NWSE?

2

P.

*

**

A65-03089G N/O Dale Nesbitt

DR: .07 $\frac{1}{2}$

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 - 1 ac

1 ac

* NESE decreed one acre total

T. R. S. 9/2

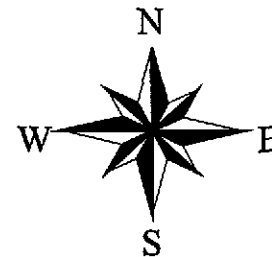
P/D 11/13/31 11/13/31

SCALE

PHOTO ID. U58 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): 65-03089G

OWNER(S): NESBITT, DALE

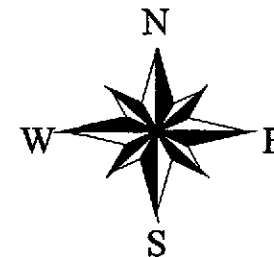
Prepared by Mel Schulte

DATE: JULY 3, 2000

0 0.25 0.5 0.75 Miles

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): 65-03089G

OWNER(S): NESBITT, DALE

Prepared by Mel Schulte

DATE: JULY 3, 2000

