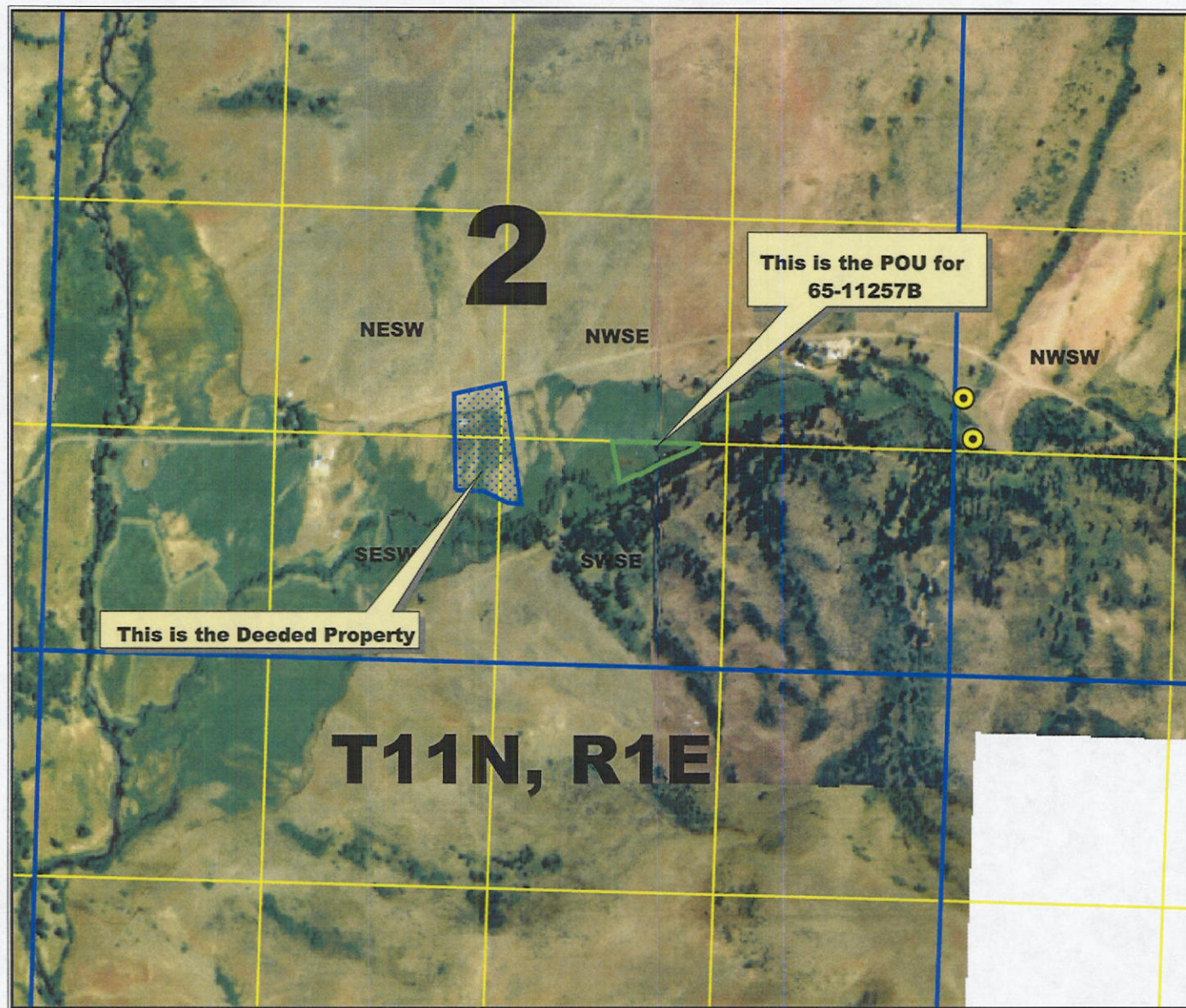




**Deed shows a different parcel than
what was recommended under 63-11257B
I would not process Change of Ownership**



1320 0 1320 2640 Feet



Point of Diversion(s)



Recommended POU



Change Of Ownership Meets and Bounds



Quarter Quarter Lines



Section Lines



**Prepared by: Craig L. Saxton
Date: December 2003**

65-11257B

2

VSW

NESW

NWSE

NESE

VSW

SESW

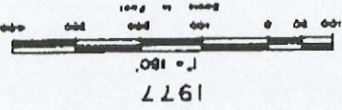
SWSE

SESE



NESBITTS' EMERALD GLE

SITUATED IN A PORTION OF
SECTION 2, T11N, R12E, B1M,
BEM COUNTY, IDAHO



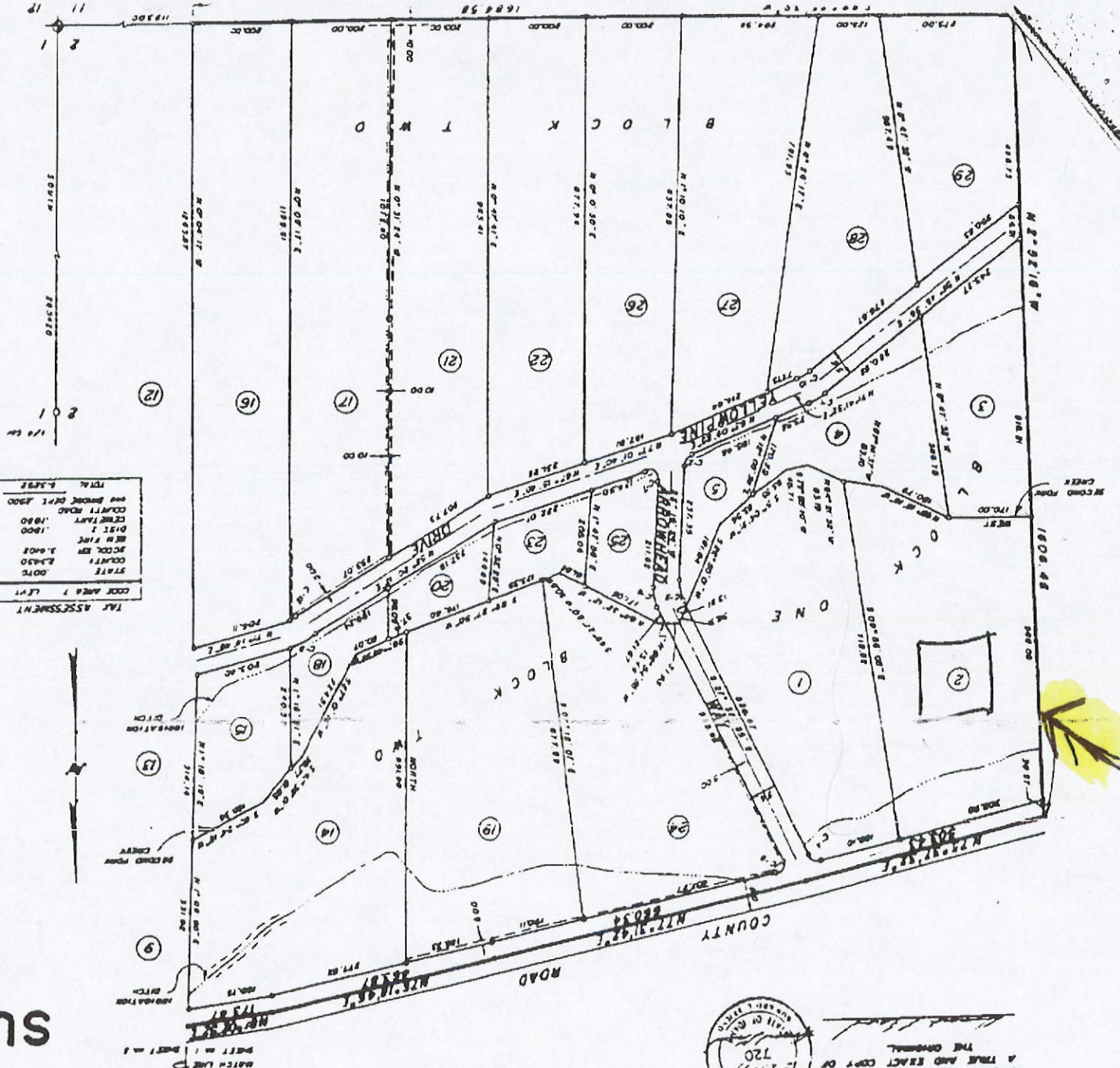
LEGEND

- o Lot Corner
- (14) Lot Number
- Section Corner

== All lines shown as Public Right-of-Ways
have a 5 foot wide permanent right-of-way,
except where otherwise shown.
10 feet wide on each side of all common interior
lot lines.
20 foot wide on each side of irrigation ditches,
except where otherwise shown.
Lots on north side of Yellow Pine Drive shall be
minimum lot size requirements will be sold together with
lots on south side (15). Lots 20 & 21 will be sold as
one lot.

CA. Brgg		T. CA.		CA. Brgg	
1	100	100	100	100	100
2	100	100	100	100	100
3	100	100	100	100	100
4	100	100	100	100	100
5	100	100	100	100	100
6	100	100	100	100	100
7	100	100	100	100	100
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10	100	100	100	100	100
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14	100	100	100	100	100
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34	100	100	100	100	100
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47	100	100	100	100	100
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92	100	100	100	100	100
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95	100	100	100	100	100
96	100	100	100	100	100
97	100	100	100	100	100
98	100	100	100	100	100
99	100	100	100	100	100
100	100	100	100	100	100

STATE	1000
COUNTY	1000
LOCALITY	1000
SECTION	1000
TAX ASSESSMENT	1000
CODE AREA 7	1000
LEFT	1000
TOTAL	1000



I HEREBY CERTIFY THIS TO BE
A TRUE AND EXACT COPY OF
THE ORIGINAL.
720
JUN 7 1999
BEM COUNTY, IDAHO

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



NESBITTS' EMERALD GLEI SUBDIVISION

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

1977

1" = 180'



LEGEND

- Lot Corners
- ⑭ 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.)

Also, for lot corners falling in Second Fort Creek are in
on my part.

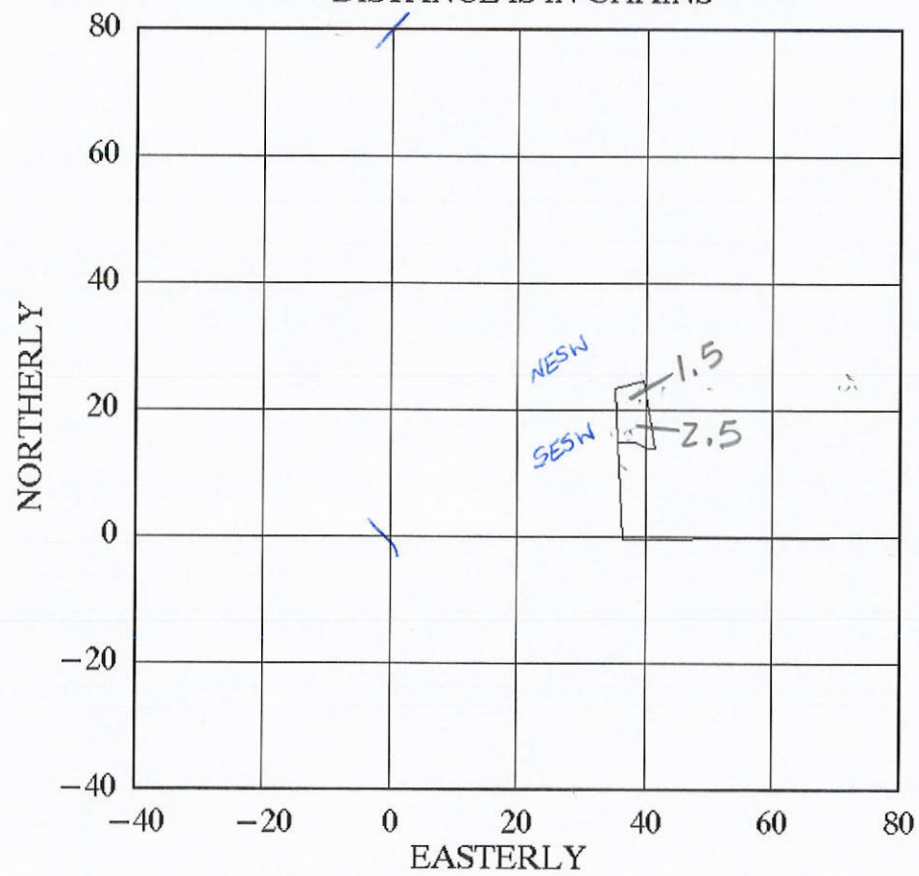
TAX ASSESSMENT		
CODE	AREA	LEVY
STATE	0.070	
COUNTY	2.3430	
SCHOOL DIST	3.6408	
NEW FIRE		
DISE 2	1.000	
CERTIFICATE		
COUNTY ROAD		
and BONDING DEPT.	2.900	
TOTAL	6.3538	

	C	R	A	L	T	CA	CA Group
1	120	100	100	100	100	100	100
2	120	100	100	100	100	100	100
3	120	100	100	100	100	100	100
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47	120	100	100	100	100	100	100
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97	120	100	100	100	100	100	100
98	120	100	100	100	100	100	100
99	120	100	100	100	100	100	100
100	120	100	100	100	100	100	100

FRIEND & PELKOLA
LAND SURVEYING & ENGINEERING
BOISE, IDAHO

11N 1E 2

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



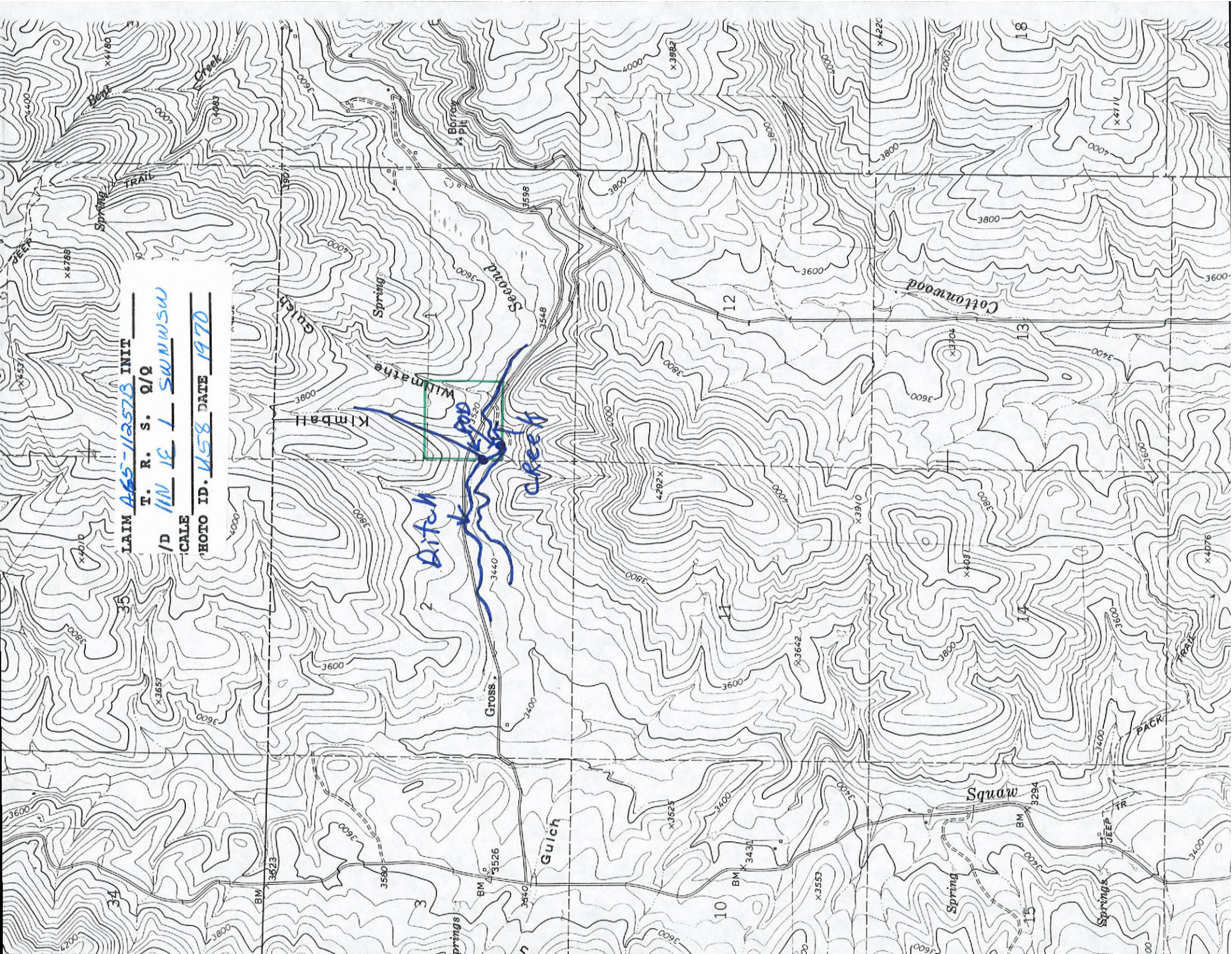
LAIM 465-112578 INIT

T. R. S. Q/Q

/D 11N 12 1 SWNWSW

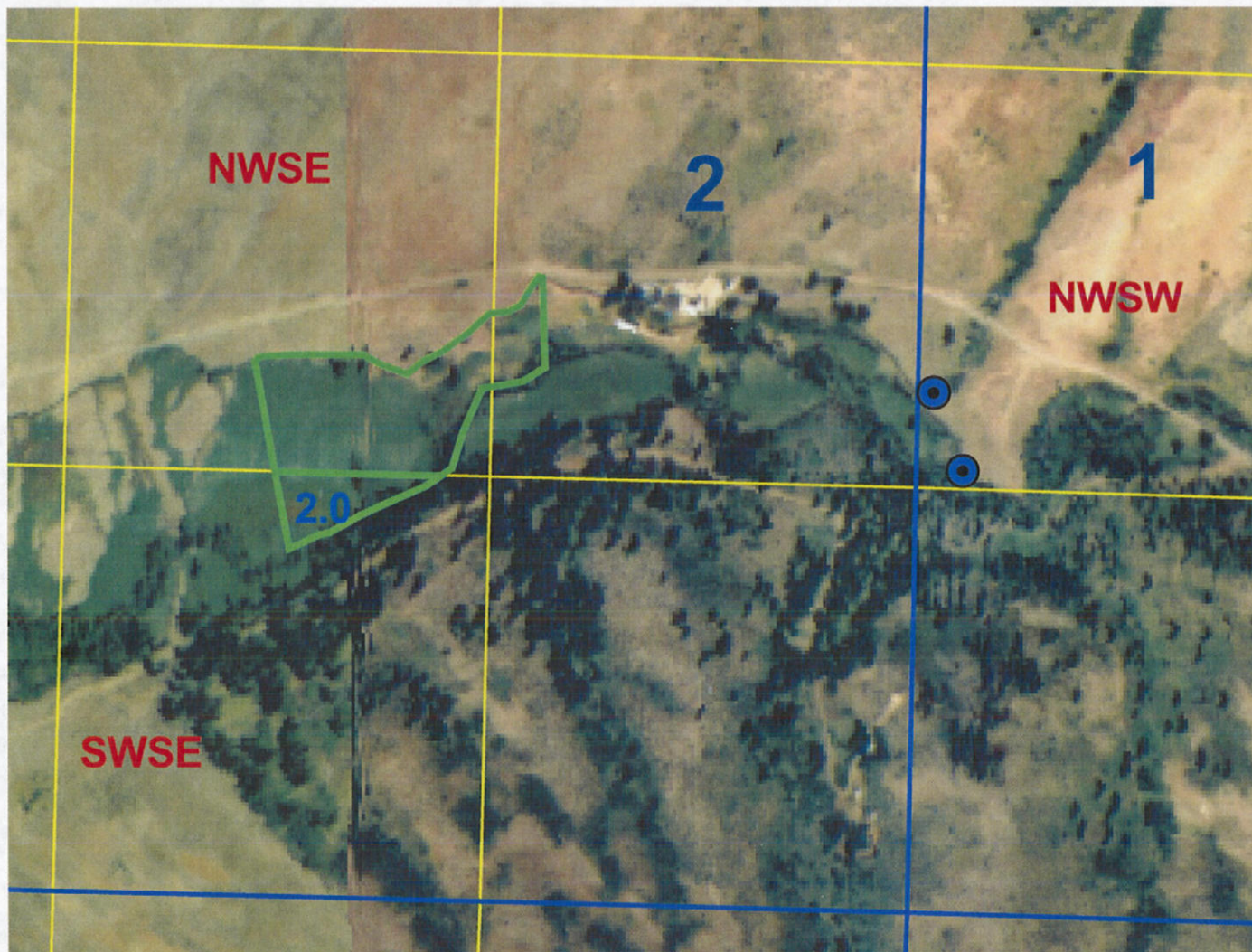
CALE

PHOTO ID. 1158 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): 65-11257B

OWNER(S): NESBITT, DALE

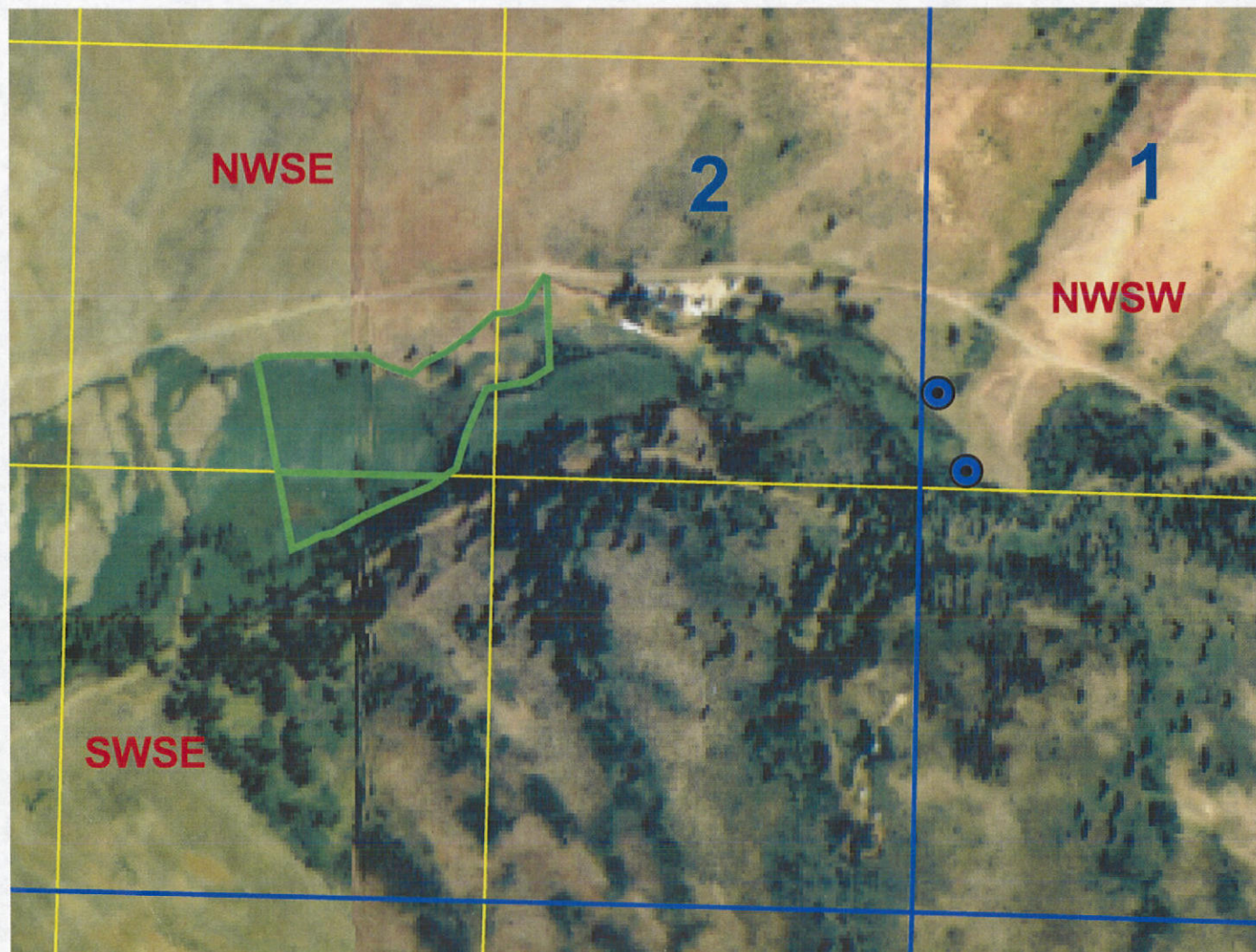
Prepared by Mel Schulte

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

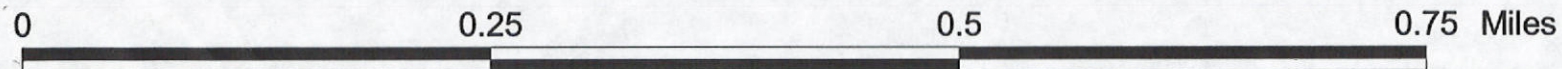
6 SECTION NUMBERS

CLAIM(S): 65-11257B

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: A65-11257B
Date Received: 2/16/1990
Receipt No: W009091
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 29, 1927
3. Source: KIMBALL GULCH Trib. to: SQUAW CREEK, SECOND FORK
SQUAW CREEK, SECOND FORK 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
		2		NE	SE		GEM
5. Description of diverting works:
SMALL DIV. DAM, DITCH, FLOOD IRRIG.
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	SW	SE		IRR	2.0

A65-11257B

Page 1

Date: 02/26/93

MICROFILMED

AUG 04 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:

CLAIM NO. A65-03089G - SAME DIV. POINT, DIFF. LANDS.

14. Remarks:

THIS CLAIM IS A SPLIT FROM WATER RIGHT NO. A65-11257. THE 2 AC. WERE TAKEN FROM THE 2 ACRES IN THE NWSE, SEC. 2, AND ARE NOW BEING USED ON THE SWSE, SEC. 2. THIS CHANGE DOES CONSTITUTE A FEE BE CHARGED FOR THIS CLAIM. 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 6, 2004

PATRICIA MALLOY
2211 3RD
NAMPA ID 83651

RE: Notice of Change of Water Right Ownership No. 65-11257B

Dear Claimant(s):

Enclosed is a copy of the Notice of Change of Water Right Ownership form that was submitted to our office. However, we complete the ownership change at this time. The property description on the deed submitted does not match the property description on the water right. The water rights found applicable to the legal description on the deed submitted are water right numbers 65-2974 & 65-2925. Enclosed is a map and profile reports for these water rights, for your reference.

In addition, it appears you *may* receive your water from an irrigation district, ditch company, municipality or community water company. If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.

Please submit any additional information you may have, and we will be able to further review this ownership change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

Adjudication Section
Western Region
(208) 334-2190

DB: db

Enclosures

SRBA

SUBCASE SUMMARY REPORT 65-11257B

[Return to SRBA Home Page](#)

SRBA
01-06-2004

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-11257B FILE#: 00891
CLAIMANT: NESBITT, DALE
1712 MARIN AVE

BERKELEY CA 94707
STATUS: ~~GENERAL~~ PROVISION SPECIAL MASTER: CUSHMAN, THOMAS R
WATER SOURCE: SECOND FORK SQUAW CREEK TRIBUTARY: SQUAW CREEK

**** PARTIES INVOLVED ****

DALE NESBITT C PRO SE
UNITED STATES OF AMERICA O ATTY: DAVID W GEHLERT

**** ROA ENTRIES ****

01-17-2002	OBJ 01 F/B UNITED STATES OF AMERICA	RB	03-22-2002 0001
02-27-2002	ORIGINAL CLAIM FILED		
11-24-2003	ORDER SETTING HEARING	HS	01-27-2004 0930
	Order to Show Cause Regarding General		

[Return to SRBA Home Page](#)

(Not decreed yet)

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 65-11257 Nesbitt →
Adjudication Claim Number(s) 65-11257-1A

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 LA.
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) ~~X~~ 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 you attorney.

Look at
GIS SHAPEFILE
FOR WR #
NOT 65-11257

Dennis,

The Rights &

Found Applicable to

in 1970

are 65-2274 / source
65-2275 / source
65-2276 / source

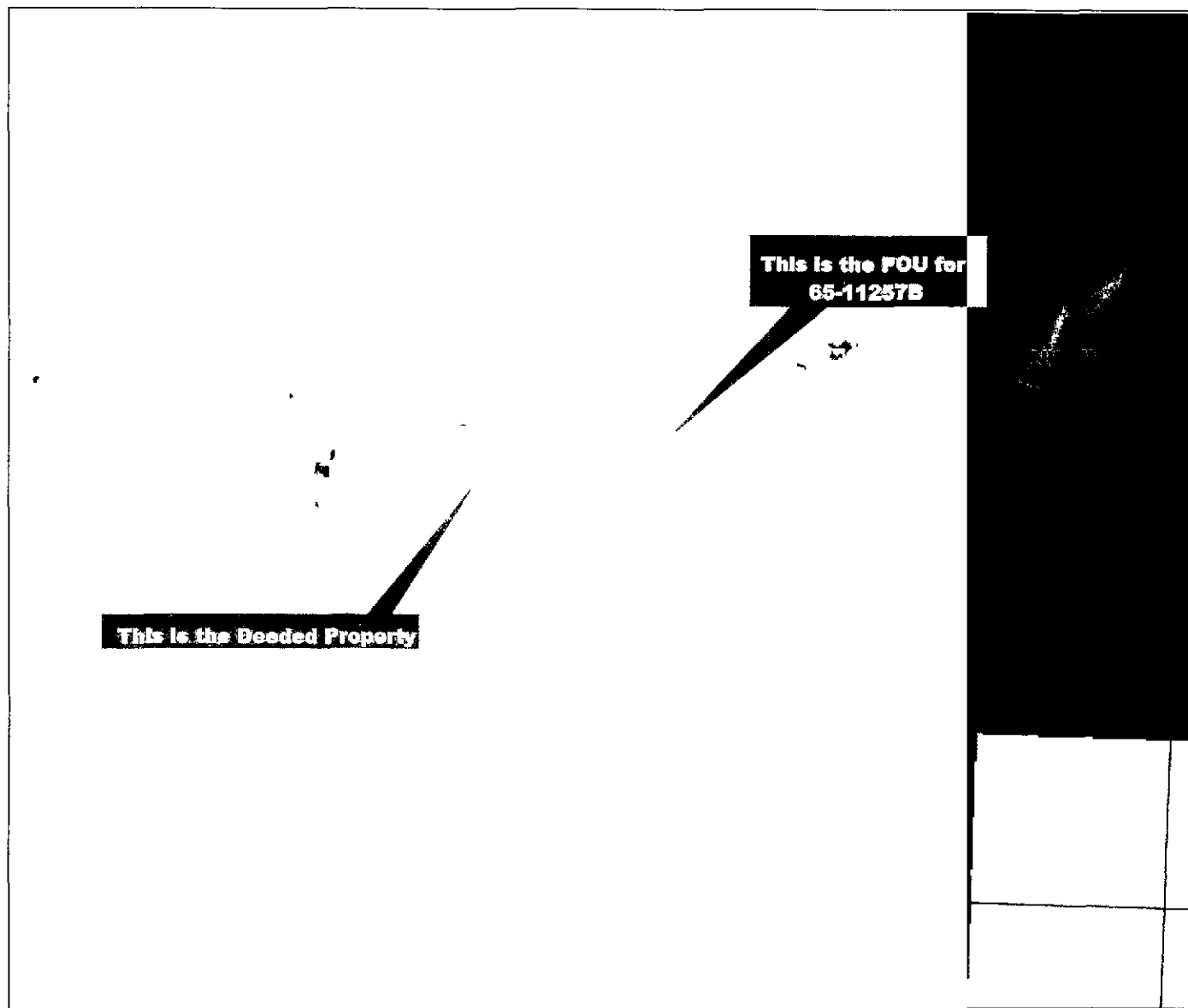
with an "original"

from "George" Purpore

of Use. I don't know
if they are Applicable



**Deed shows a different parcel than
what was recommended under 63-11257B
I would not process Change of Ownership**



This is the Deeded Property

**This is the POU for
65-11257B**

1320 0 1320 2640 Feet



Point of Diversion(s)



Recommended POU



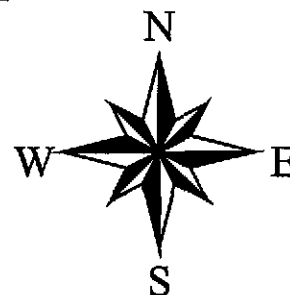
Change Of Ownership Meets and Bounds



Quarter Quarter Lines



Section Lines



**Prepared by: Craig L. Saxton
Date: December 2003**

65-11257B

2

VSW

NESW

NWSE

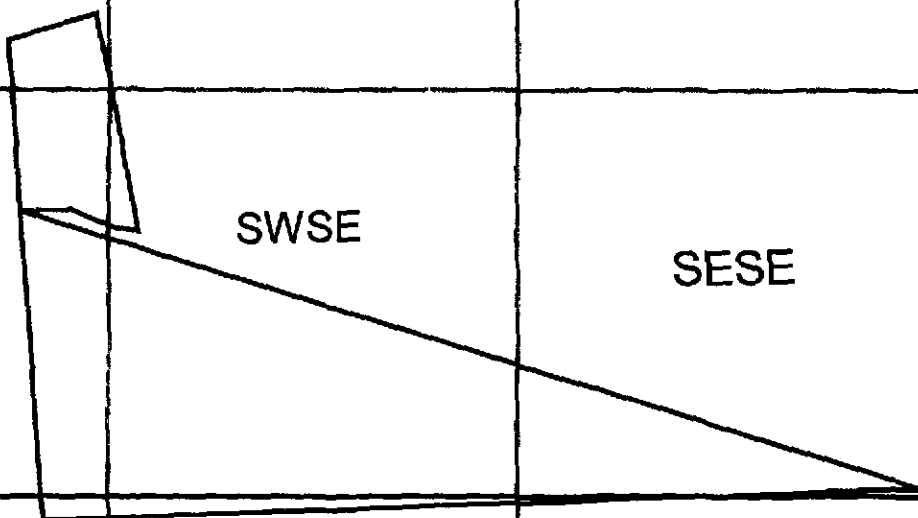
NESE

VSW

SESW

SWSE

SESE



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

TEL: 2083656172

P. 002

PC30476

INSTR. NO. 2083656172
PAGES 1 OF 1

B97M.

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.

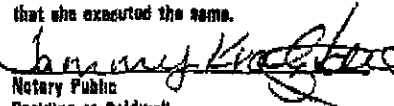
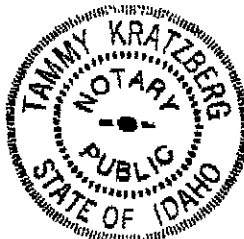
DATED: June 3, 1999


Dixie M. Noyes

STATE OF IDAHO

COUNTY OF CANYON

On this 7th 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: *Susan K. Howard*
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;

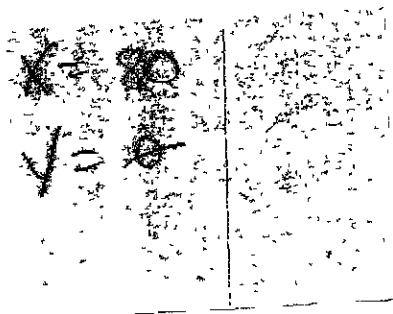
Thence South $09^{\circ}56'05''$ East, 718.52 feet to the southeast corner of said Lot 2;

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

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

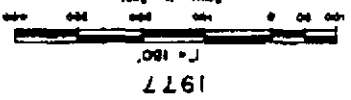
North $65^{\circ}18'16''$ West, 150.79 feet;

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



NESBITTS' EMERALD GLE

SITUATED IN A PORTION OF
SECTION 2, T11N, R1E, B1M,
BEM COUNTY, IDAHO



LEGEND

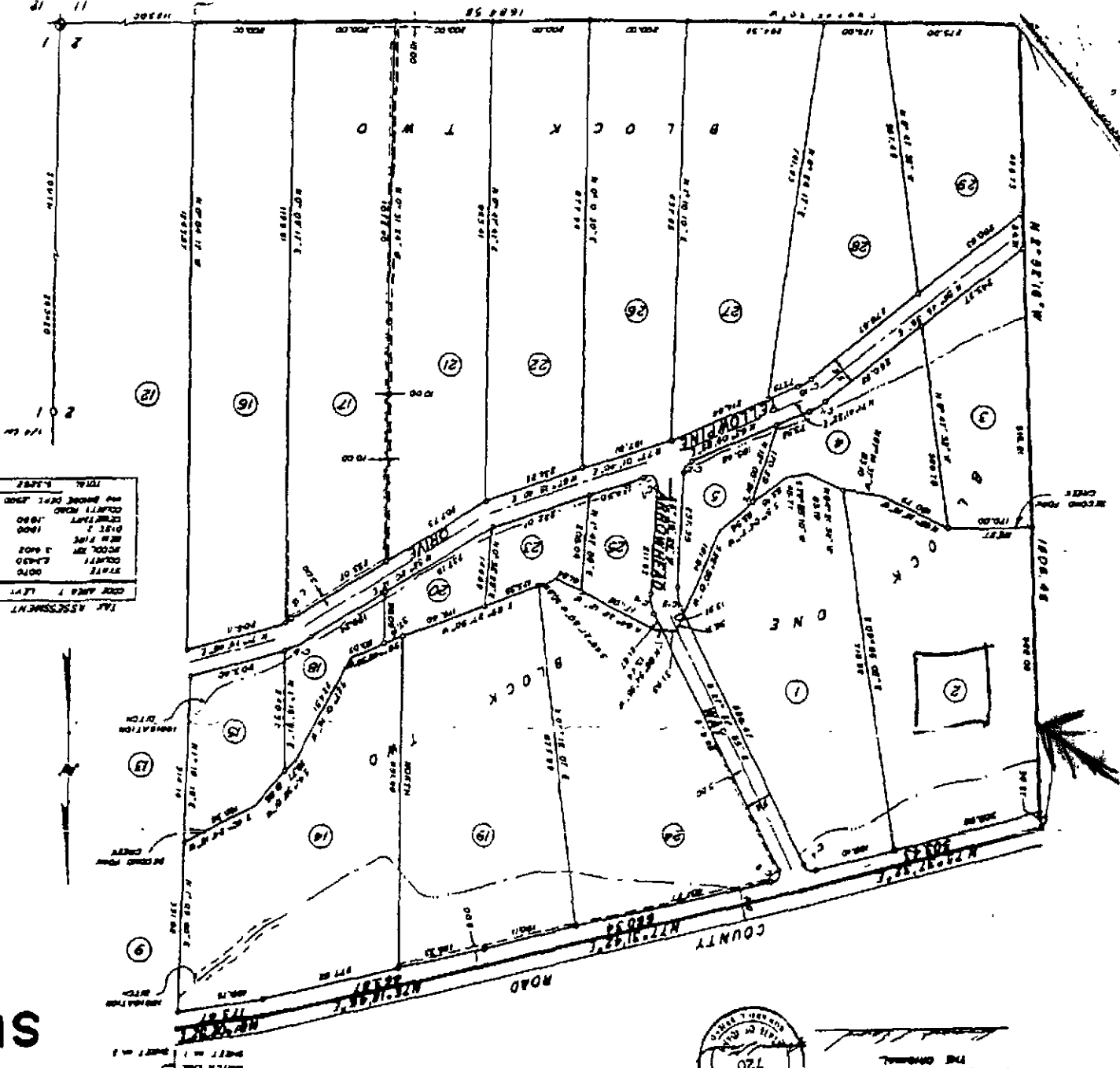
- Lot Center
- ⑭ Lot Number
- ⑤ Section Corner

All lot lines compare to Public Right-of-Way.
Have a 5 foot wide permanent Private utility.
Average 8' irrigation easement
10 feet wide on west side of all common borders.
Not less
20' Easement contained on irrigation system.
Lots on north side of Yellowknife Drive that do not have
maximum lot size requirements will be sold together with
lots on south side of it, Lots 20 & 21 will be sold as
one lot.
Only for lot corners having a Second Foot Corner are in
on the south.

AREA 1				AREA 2				AREA 3				AREA 4			
Lot	Area	Acres	Feet	Lot	Area	Acres	Feet	Lot	Area	Acres	Feet	Lot	Area	Acres	Feet
1	1.00	1.00	110.00	11	1.00	1.00	110.00	12	1.00	1.00	110.00	13	1.00	1.00	110.00
2	1.00	1.00	110.00	12	1.00	1.00	110.00	13	1.00	1.00	110.00	14	1.00	1.00	110.00
3	1.00	1.00	110.00	13	1.00	1.00	110.00	14	1.00	1.00	110.00	15	1.00	1.00	110.00
4	1.00	1.00	110.00	14	1.00	1.00	110.00	15	1.00	1.00	110.00	16	1.00	1.00	110.00
5	1.00	1.00	110.00	15	1.00	1.00	110.00	16	1.00	1.00	110.00	17	1.00	1.00	110.00
6	1.00	1.00	110.00	16	1.00	1.00	110.00	17	1.00	1.00	110.00	18	1.00	1.00	110.00
7	1.00	1.00	110.00	17	1.00	1.00	110.00	18	1.00	1.00	110.00	19	1.00	1.00	110.00
8	1.00	1.00	110.00	18	1.00	1.00	110.00	19	1.00	1.00	110.00	20	1.00	1.00	110.00
9	1.00	1.00	110.00	19	1.00	1.00	110.00	20	1.00	1.00	110.00	21	1.00	1.00	110.00
10	1.00	1.00	110.00	20	1.00	1.00	110.00	21	1.00	1.00	110.00	22	1.00	1.00	110.00

FRIEND & PELKOLA
LAND SURVEYING & ENGINEERING
BOISE, IDAHO

TAX ASSESSMENT	
STATE	0.00%
COUNTY	0.40%
SCHOOL	2.40%
TOTAL	2.80%
NET ASSESS	1000
NET BRIDGE DEPT	2500
COUNTY ROAD	1000
CRIME FUND	1000
DISC 5	1000
NET TAXES	1000



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

SD-0607-2 Prefix: A Basin: 65 Starting Water Right: 11257

STATE

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code Desc
A65-11257	SPLIT RIGHT,	C	05/29/1927	/Z	KIMBALL GULCH SQUAW CREEK, SEC SPLIT RIGHT	01 IRR
A65-11257A	WEAVER, J DENNIS	C	05/29/1927	D/	KIMBALL GULCH	01 IRR
	WEAVER, JOY	C			SQUAW CREEK, SEC	
A65-11257B	NESBITT, DALE	C	05/29/1927	D/	KIMBALL GULCH	01 IRR
					SQUAW CREEK, SEC	
A65-11257C	MYERS, DALE E	C	05/29/1927	D/	KIMBALL GULCH	01 IRR
	HOWELL, SUZANNE	C			SQUAW CREEK, SEC	
A65-11258	J R SIMPLOT COMPANY,	C	07/01/1964	J/	PAYETTE RIVER	01 IRR
A65-11259	PAYETTE LAKE CLUB GROU	C	11/01/1938	D/	BIG PAYETTE LAKE	43 DOMEST
A65-11259A	BIGGS, LEONARD D	C	11/01/1938	D/	BIG PAYETTE LAKE	43 DOMEST
	BIGGS, LEMPI S	C				
A65-11259B	FOSTER, ZEPH H	C	11/01/1938	D/	BIG PAYETTE LAKE	43 DOMEST
A65-11259C	DENNIS, HAZEL I	C	01/01/1938	D/	BIG PAYETTE LAKE	43 DOMEST
	COX, VERDEANA	C				

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

1379

NESSBITTS, EMERALD
SUBDIVISION

SECTION 2, T11N, R1E, S1M,
BEN COUNTY, IDAHO

1977
F. 100

DN 7937

- 100-107 1011205
100-107 107
100-107 107

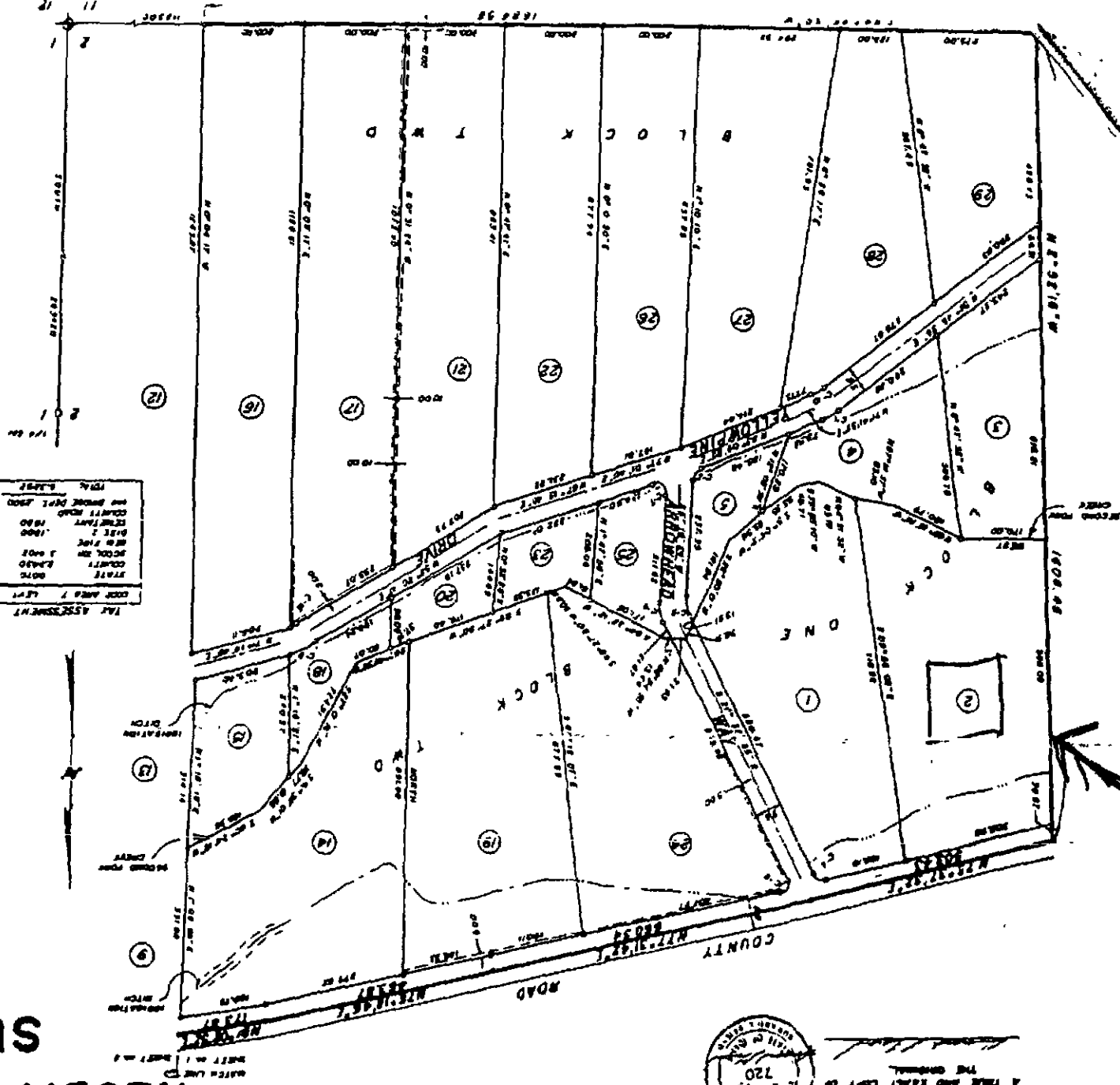
1. The first thing I noticed when I stepped out of the plane was the cold, crisp air. It felt like a fresh blanket after a long, hot journey. The sun was shining brightly, and the birds were chirping happily. I took a deep breath and felt a sense of peace wash over me.

[illegible]

FRIEND & PELKOLA
LAND SURVEYING & ENGINEERING
BOISE, IDAHO

04701, 15100

STATE
COUNTY
SCHOOL DISTRICT
CITY
STREET
CITY AND STATE

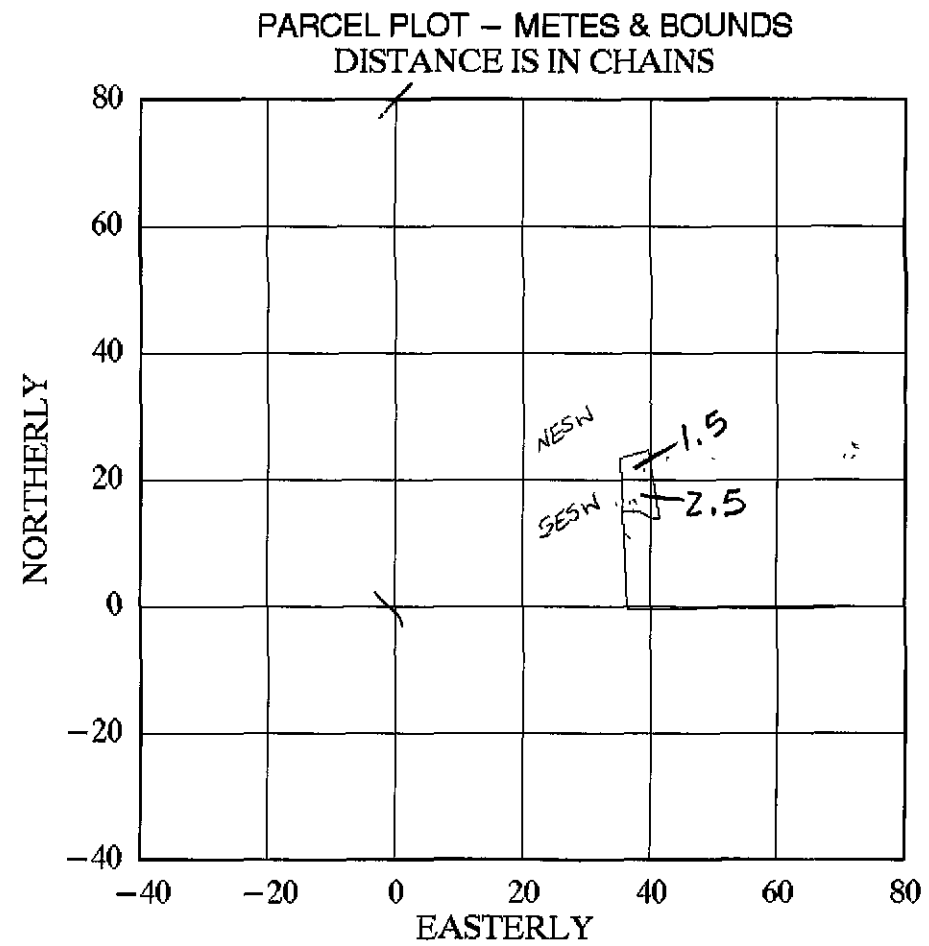


METES AND BOUNDS TABLE

PRESS ALT P TO PRINT GRAPH

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR	80 00	0 00					
(SEE SHEET)	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

11N 1E 2



SRBA

SUBCASE SUMMARY REPORT 65-11257B

[Return to SRBA Home Page](#)

SRBA
02-20-2003

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-11257B FILE#: 00891
CLAIMANT: NESBITT, DALE
1712 MARIN AVE

BERKELEY CA 94707
STATUS: AT ISSUE SPECIAL MASTER: CUSHMAN, THOMAS R
WATER SOURCE: SECOND FORK SQUAW CREEK, SQUAW CREEK

****** PARTIES INVOLVED ******

DALE NESBITT C PRO SE
UNITED STATES OF AMERICA O ATTY: DAVID W GEHLERT

****** ROA ENTRIES ******

01-17-2002 OBJ 01 F/B UNITED STATES OF AMERICA RB 03-22-2002 0001
02-27-2002 ORIGINAL CLAIM FILED

[Return to SRBA Home Page](#)

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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 65-11257B
(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):

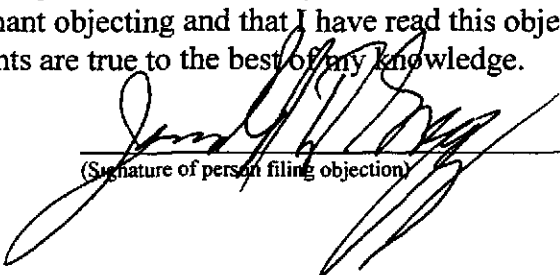
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

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)

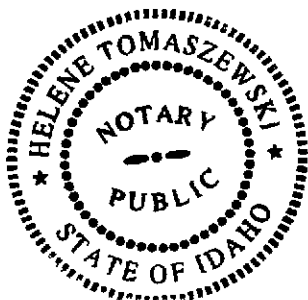
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

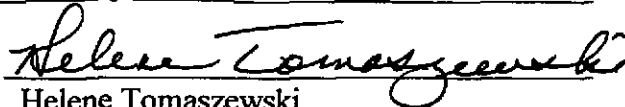

(Signature of person filing objection)

(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: 65-11257B

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

SOURCE: KIMBALL GULCH CREEK TRIBUTARY: SECOND FORK SQUAW CREEK
SECOND FORK SQUAW CREEK SQUAW CREEK

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/29/1927

POINT OF DIVERSION: T11N R01E S1 SWNWSW Within GEM County
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	0.04 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T11N R01E S2 SWSE 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

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

03/08/2001

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APR 13 2001

WATER RESOURCES
WESTERN REGION

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: 65-11257B

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:

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

DATE: 3-24-01 SIGNATURE: Dale Nesbitt

Please print your name: Dale Nesbitt

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

AJ5809NP
No. A65-11257B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/20/00
PAGE: 1

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	05/29/1927	IRRIGATION	04-01 11-01	0.040 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	0.040 CFS 5.00 AEA

Water Source: KIMBALL GULCH *Creek*
SQUAW CREEK, SECOND FORK

Tributary to: SQUAW CREEK, SECOND FORK
SQUAW CREEK

Stage: DECREED

Point(s) of Diversion:

T11N R01E S01

SWNWSW

NESE

SWNW SW

GEM County

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	:																	:	
																			02	:	2.0
																			TOTAL ACRES	:	2.0

POU County: GEM

Non-Irrigation Uses: NONE.

Other Rights: CLAIM NO. A65-03089G - SAME DIV. POINT, DIFF. LANDS.

Remarks: GEN THIS CLAIM IS A SPLIT FROM WATER RIGHT NO. A65-11257. THE 2 AC.
WERE TAKEN FROM THE 2 ACRES IN THE NWSE, SEC. 2, AND ARE NOW
BEING USED ON THE SWSE, SEC. 2. THIS CHANGE DOES CONSTITUTE A
FEE BE CHARGED FOR THIS CLAIM. JS 1-23-90.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

Audit: 01/23/90 SHURTE 02/26/93 MCCARTHY 03/30/95 POST-STD

C18 + W19 + C03

WR5809NP
No. 65-11257

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/27/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOMER NESBITT OLA ID 83657	05/29/1927	IRRIGATION	04/01 11/01	0.080 CFS	
TOTAL DIVERSION:					0.080 CFS	

Water Source: KIMBALL GULCH
SQUAW CREEK, SECOND FORK

Tributary to: SQUAW CREEK, SECOND FORK
SQUAW CREEK

Stage: DECREED

Point(s) of Diversion: T11N R01E S01
S02 NWSW
NESE

GEM County
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	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM															
11N	01E	2	:								:								:						:	4.0														
																								01	:	01	02	:	4.0											
																								TOTAL ACRES																4.0

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-03089A 65-03089B 65-03090 65-07901 65-11248 65-13125

65-11257A .02 1ac

Other Water Rights Listing Overlapping Place(s) of use:
65-03089A 65-03089B 65-03090 65-11248 65-13125

-11257B .04 2ac

Remarks: GEN SOURCES FOR THIS RIGHT ARE KIMBALL GULCH AND SECOND FORK, SQUAW CREEK.

-11257C .02 1ac
108 4ac.

Dates: App. Received: Priority Date: 05/29/1927
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

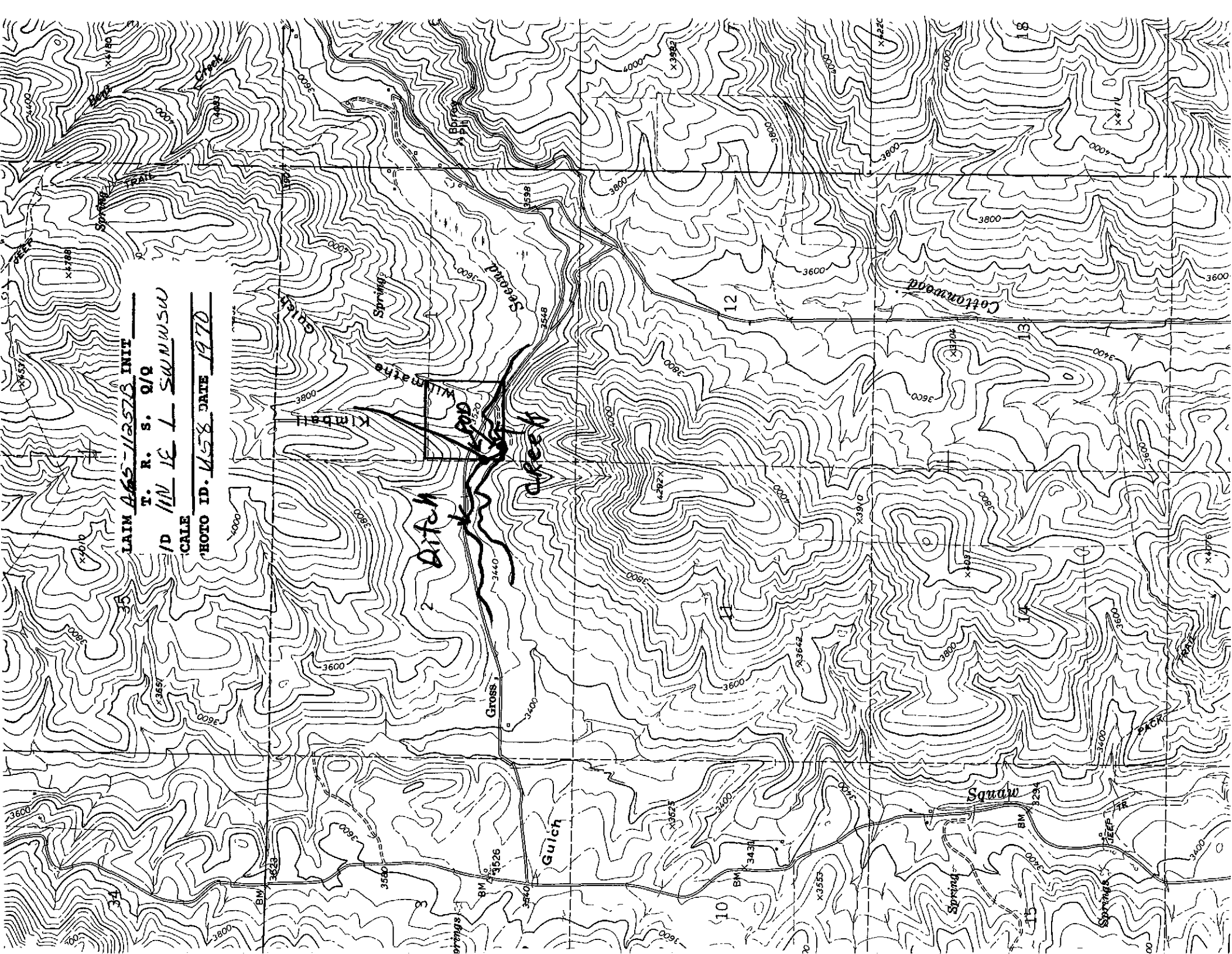
LAIN 465-112573 INIT

T. R. S. Q/Q

1D 11N 1E 1 SWNW SW

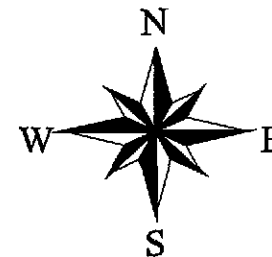
CALE

PHOTO ID. 1158 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): 65-11257B

OWNER(S): NESBITT, DALE

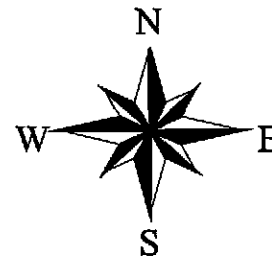
Prepared by Mel Schulte

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): 65-11257B

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

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: A65-11257B

Date Received: 1/23/1990

Receipt No: W009091 (1852)

Received By: _____

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

94707

2. Date of Priority: MAY 29, 1927

3. Source: KIMBALL GULCH
SQUAW CREEK, SECOND FORK

Trib. to: SQUAW CREEK, SECOND FORK
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
		2		NE	SE		GEM

5. Description of diverting works:
SMALL DIV. DAM, DITCH, FLOOD IRRIG.

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 of	Lot	Use	Acres
11N	01E	2	SW	SE		IRR	2.0

Section Acres 2.0

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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:

CLAIM NO. A65-03089G - SAME DIV. POINT, DIFF. LANDS.

14. Remarks:

THIS CLAIM IS A SPLIT FROM WATER RIGHT NO. A65-11257. THE 2 AC. WERE TAKEN FROM THE 2 ACRES IN THE NWSE, SEC. 2, AND ARE NOW BEING USED ON THE SWSE, SEC. 2. THIS CHANGE DOES CONSTITUTE A FEE BE CHARGED FOR THIS CLAIM. 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:

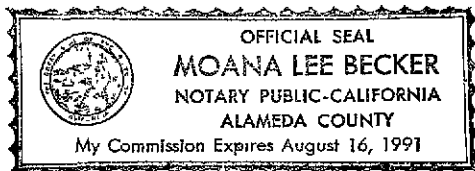
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Dale Nesbitt 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