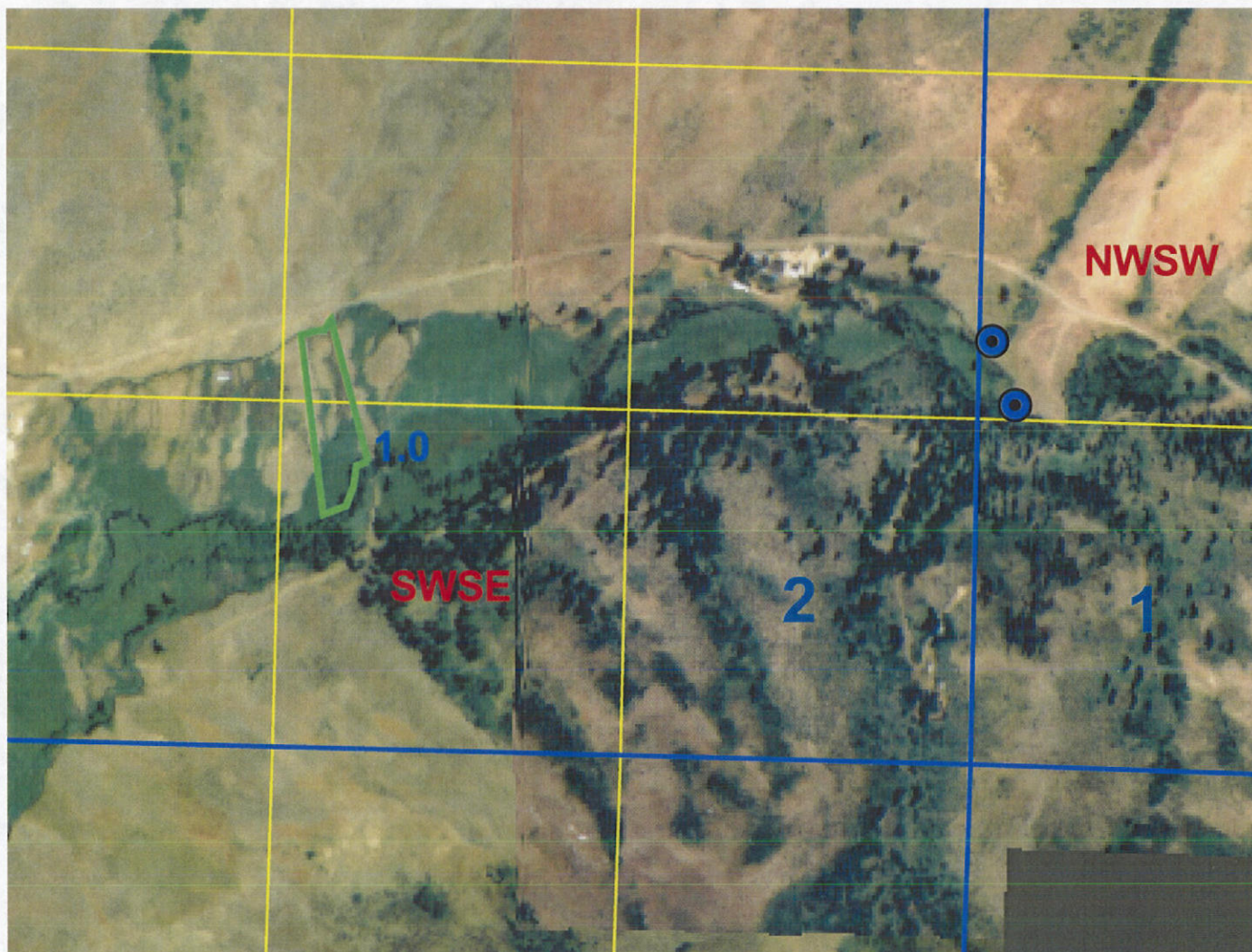
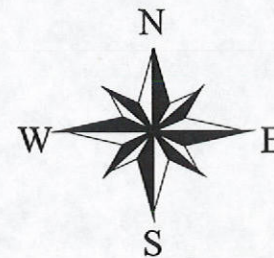


IDAHO DEPARTMENT OF WATER RESOURCES

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): 65-11257C

OWNER(S): MYERS & HOWELL

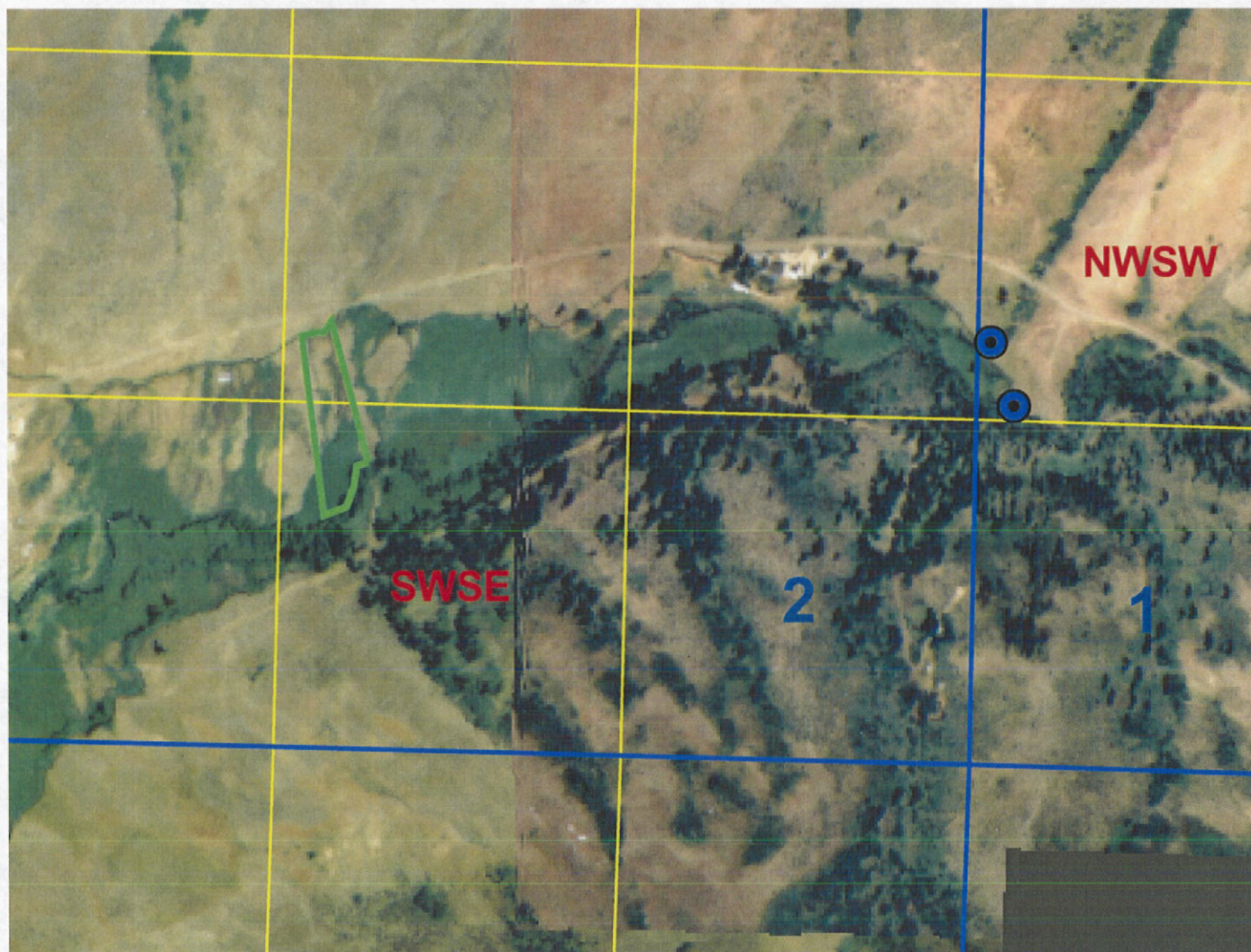
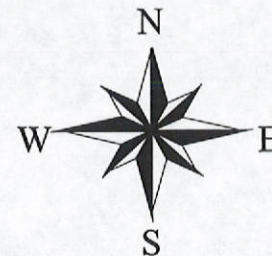
Prepared by Mel Schulte

DATE: JUNE 28, 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

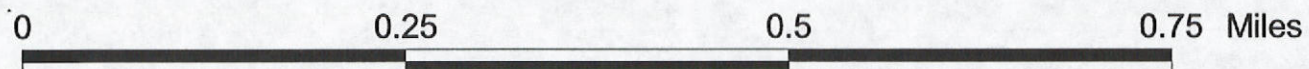
6 SECTION NUMBERS

CLAIM(S): 65-11257C

OWNER(S): MYERS & HOWELL

Prepared by Mel Schulte

DATE: JUNE 28, 2000

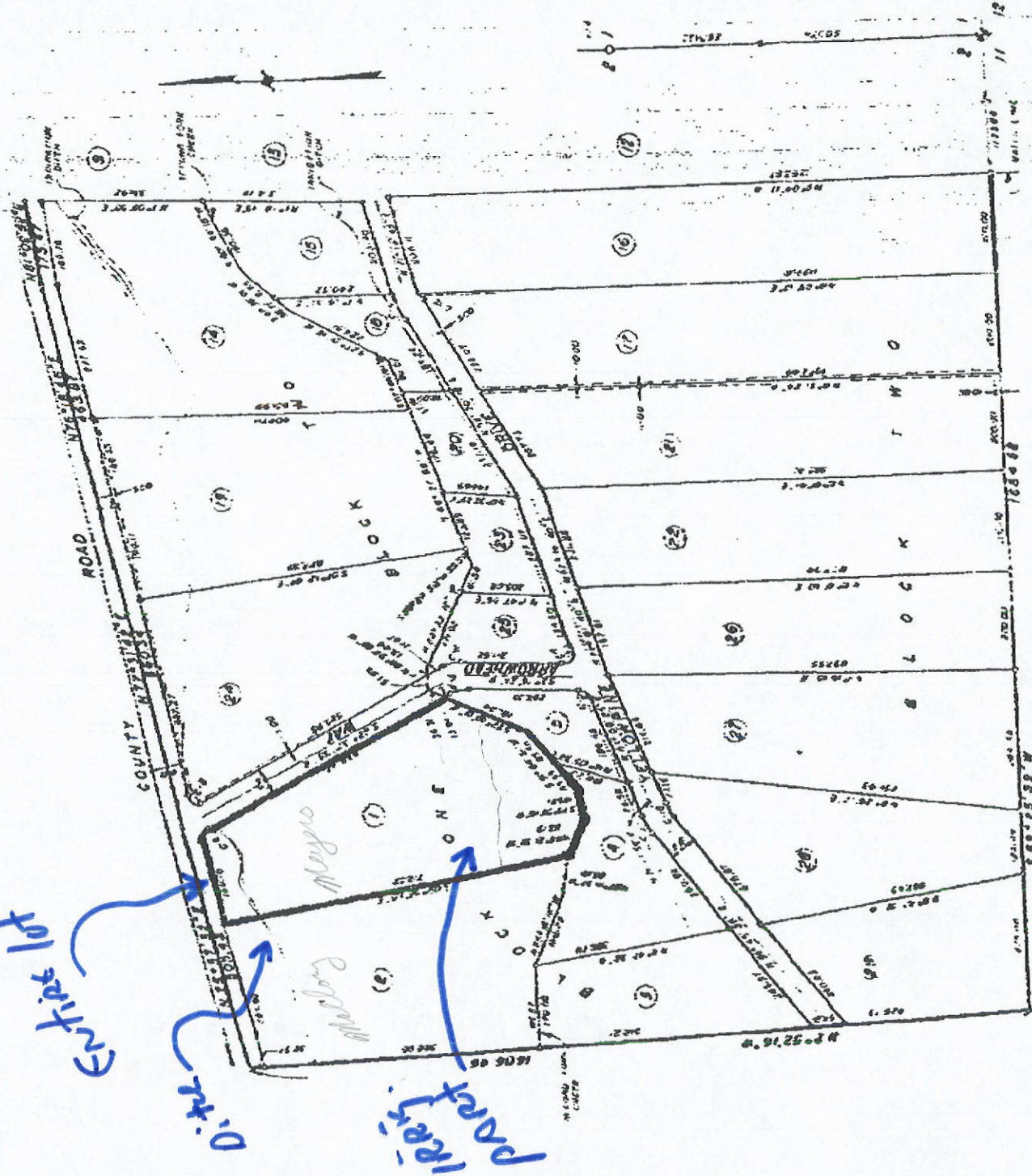


১৫

SITUATED IN A PORTION OF
SECTION 2, T.1N., R.1E., S.1M.
12M COUNTY, IDAHO

Where this copy is a photocopyable reproduction of that on file in either the Registrar's or attorney's office, the copyholder assumes no liability for circulation, if any, with another or copyholder.

A hand-drawn diagram of a rectangular plot. The plot is labeled with dimensions: 100' 0" on the left side and 100' 0" on the bottom side. The top side is labeled 100' 0" and the right side is labeled 100' 0". The plot is divided into two sections by a diagonal line. The top section is labeled (e) and the bottom section is labeled (f). The word "Cable" is written in the top section. The word "Ditch" is written in the bottom section. The word "Part" is written in the bottom right corner. The word "Entire" is written in the bottom left corner. The word "Plot" is written in the bottom right corner.



02/19/98 10:36 :04/06 NO:434

BASE map & notes from
my 1993 field work c

water dist. 65A

-pt 5/12/99

plot

Myers &
Howell

"Nesbit"
Ditch?

Nesbit Lane

Ditch

Creek

Plc
Squaw
Ck

He
Sage
Res.

Ditch? (another
Nesbit Lane?)

Ditch?

plot - yes
no Negt. or
meas.
found

Sage
Plc

1 Reg. portion re

AGS-11257C in

Swse.

11N 16

5.2

Swse

Entire lot in Swse:

Swse.

Pine Ck. Rd.

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: **A65-11257C**
Date Received: 2/12/1990
Receipt No: W008680
Received By: _____

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

1. Name: DALE E MYERS 208-322-6911
Address: 2802 ALAMO RD
BOISE ID 83704
AND/OR
Name: SUZANNE HOWELL 208-322-6911
Address: 2802 ALAMO RD
BOISE ID 83704
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 of	Lot	County
11N	01E	1	SW	NW	SW		GEM
		2		NE	SE		GEM
5. Description of diverting works:
SMALL DIV. DAM IN CK., 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	0.020		
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 2.5 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	1.0
Section Acres							1.0
Total Acres							1.0

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 CLAIM NO. A65-11257 FOR THE 1 ACRE IN THE SESW, SEC. 2 WHICH IS NOT BEING USED IN THE SWSE, SEC. 2. THIS CHANGE WILL CONSTITUTE A FEE FOR THIS CLAIM. JS 1-23-90. OWNERSHIP CHANGED BY KW 7/8/1999.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 65-11257C
(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: Suzanne Howell & Dale E. Myers
Address: 2802 Alamo Rd.
Boise, ID 83704

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.

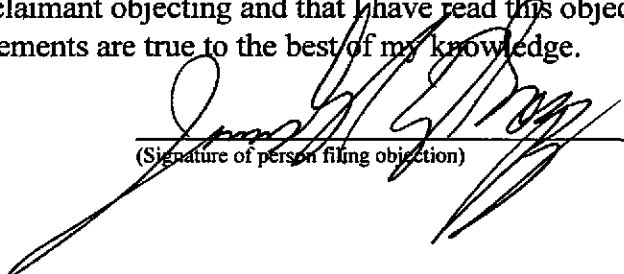
F.

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)

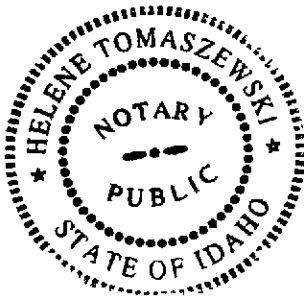
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

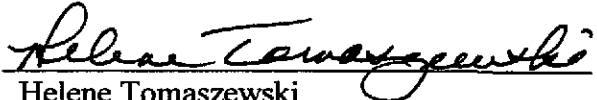

(Signature of person filing objection)

(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: Suzanne Howell & Dale E. Myers

Address: 2802 Alamo Rd.
Boise, ID 83704

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: 65-11257C

NAME AND ADDRESS: SUZANNE HOWELL
DALE E MYERS
2802 ALAMO RD
BOISE, ID 83704

SOURCE: KIMBALL GULCH CREEK
SECOND FORK SQUAW CREEK

TRIBUTARY: SECOND FORK SQUAW CREEK
SQUAW CREEK

QUANTITY: 0.02 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	0.02 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T11N R01E S2 SWSE 1
1 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.

11:52:12
06/28/00
18

CLAIM NUMBER: A65-11257C

~~POD F02 2m snow sw~~
C18 + C03 + W19

DATE: 06/27/00
PAGE: 1

AK5-11257A	.02	1cc
-11257B	.04	2cc
JAW -11257C	.02	1cc
	1.08	4cc.

03/08/2001

RECEIVED

APR 16 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: 65-11257C

SUZANNE HOWELL
2802 ALAMO RD
BOISE ID 83704
Telephone Number: (208)322-6911

DALE E MYERS
2802 ALAMO RD
BOISE ID 83704
Telephone Number: (208)322-6911

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

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

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

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

DATE:

4/12/01

SIGNATURE:

Please print your name:

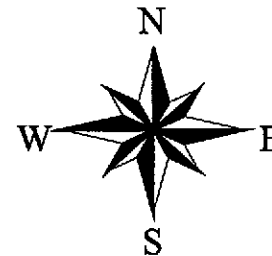
Suzanne Howell

Dale E. Myers

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

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): 65-11257C

OWNER(S): MYERS & HOWELL

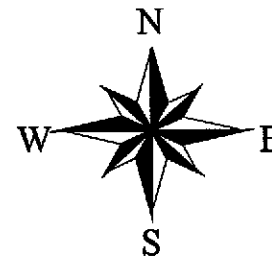
Prepared by Mel Schulte

DATE: JUNE 28, 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): 65-11257C

OWNER(S): MYERS & HOWELL

Prepared by Mel Schulte

DATE: JUNE 28, 2000





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

July 8, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Notice of Claim to a Water Right No. A65-11257C

Dale E. Myers &/or
Suzanne Howell
2802 Alamo Rd.
Boise, ID 83704

Dear Claimants:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the water right covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim, please feel free to contact me.

Sincerely,

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

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosure

Cc: Stanton Nesbitt
P.O. Box 52
Ocean Park, WA 98640

Memorandum

To: File A65-11257C

From: Kay Walker *KW*

Date: 07/08/99

Re: Ownership Change

.....

Dale Myers called the office yesterday in regard to the ownership change submitted on May 6, 1999. His neighbor has gone in and removed his dam from source and said he had no water right because he did not have anything in his name. He requested the ownership change he submitted be processed so he could have papers showing he had a water right.

In looking at the ownership change documentation, I found the first line of "Exhibit A" may be in error. Everything submitted shows this property to be located in Range 1E except the first line of exhibit. I notified the claimant that he may want to have the title company correct the exhibit.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

~~2-24-95~~

Stanton Nesbitt
~~928 SW Holden #4~~
~~Seattle WA 98106-2045~~

RE-SENT 3-29-95
TO:
PO BOX 52
OCEAN PARK, WA
98640

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

APR 10 1995

WATER RESOURCES
WESTERN REGION

Dear Claimant(s):

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

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

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

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

_____ Item No. 3 - Source of Water

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

_____ Item No. 6 - Uses of Water

_____ Item No. 9 - Non-Irrigation Uses

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

SEE PAGE #2

MICROFILMED

OCT 21 1996

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

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

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

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

✓ Other: Once this claim is notarized, we can complete processing it. The rest of the claim appears to be complete.

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

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

Sincerely,



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

MICROFILMED

OCT 21 1996

HHT:h

Enclosures

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

Feb 8, 1990

Dear Ms. Shurte,

I recieved your letter today
and I am totaly Confused.

At any rate I have 5 Acres
down there Fed from the ditch
out of 2nd fork. Due to my
hours of work and this being
a weekend I can't dig up
a notary so I'm just going
to sign the stuff and
enclose a check for 55⁰⁰
instead of 51⁰⁰. I hope I'm
doing right, I'm probably not,
but were trying.

Thank you,

Stan Nesbitt

RECEIVED

FEB 12 1990

MICROFILMED

Department of Water Resources
Western Regional Office

OCT 21 1996

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

RECEIVED**MAY 06 1999****NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP****WATER RESOURCES
WESTERN REGION**

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).: A65-11257C

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 attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant STANTON Nesbitt
PO Box 52 OCEAN PARK WA 98840

4. New Owner/Claimant(s) Dale E. Myers Suzanne Howell
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address 2802 Alamo Rd
City, State and ZIP Code Boise ID 83704
New Telephone Number (208) 322-6911

5. Date you acquired the property Jan 97

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 you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 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 or Claimant(s) x Dale E. Myers

(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 water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for 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 Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

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

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

THIS FORM FURNISHED COURTESY OF:

**ALLIANCE TITLE &
ESCROW CORP.**

READ & APPROVED BY GRANTEE(S):

[Handwritten signatures]

SPACE ABOVE THIS LINE FOR RECORDING DATA

{5498}

Order No.: 97065459 SB

WARRANTY DEED

FOR VALUE RECEIVED STANTON J. NESBITT, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto DALE E. MYERS, AN UNMARRIED MAN and SUZANNE HOWELL, AN UNMARRIED WOMAN

GRANTEE(S), whose current address is: 2802 ALAMO ROAD, BOISE, IDAHO 83704
the following described real property in GEM County, State of Idaho, more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this reference becomes a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: January 24, 1997

✓

STANTON J. NESBITT

STATE OF WASHINGTON)
COUNTY OF ✓)

On this ✓ day of January, in the year of 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared STANTON J. NESBITT

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Signature: ✓

Name: ✓

(type or print)

Residing at: ✓

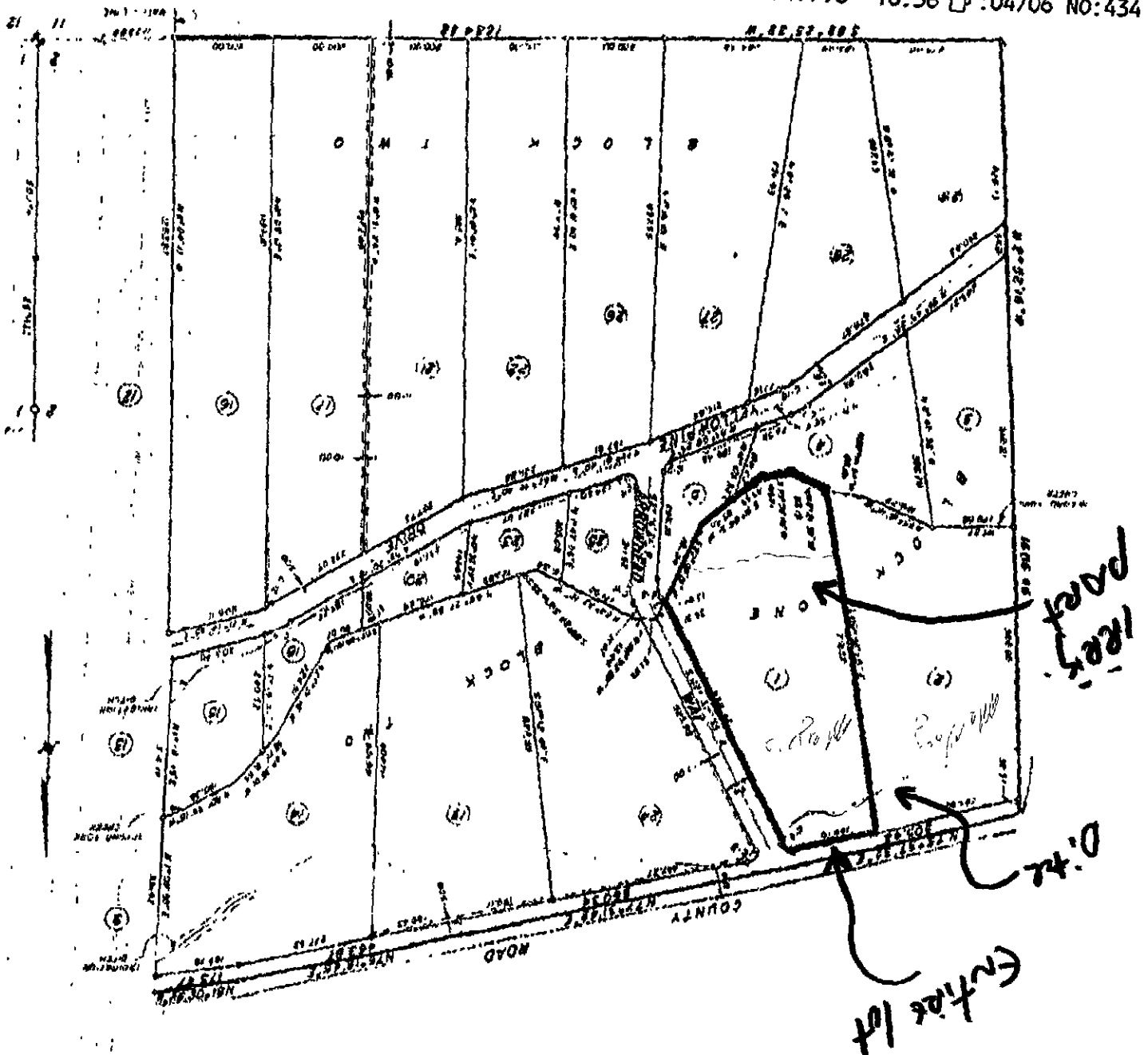
My Commission Expires: ✓

EXHIBIT A

2

that portion of Section 2, Township 11 North, Range 2 East, B.M., Gem County, Idaho, (formerly known as Lot 1, Block 1 of the now vacated Nesbitt's Emerald Glen Subdivision), described as follows:

COMMENCING at the Southeast corner of Section 2, Township 11 North, Range 1 East, B.M.; thence North 89°25'39" West, 2879.58 feet, along the South line of said Section 2, to the Southwest corner of said vacated Nesbitt's Emerald Glen Subdivision; thence North 02°52'16" West, 1009.85 feet, along the West side of said vacated Subdivision to a point on Second Fork Creek, as shown on the plat of said vacated Subdivision; thence Easterly along said Creek the following courses and distances: East, 170 feet; South 65°18'16" East, 150.79 feet; South 87°14'37" East, 83.10 feet to the REAL POINT OF BEGINNING; thence leaving said Creek North 09°56'05" West, 718.52 feet to a point on the Southerly right-of-way of the County Road; thence North 75°37'32" East, 168.10 feet, along said Southerly right-of-way, to the beginning of a tangent 20.00 foot radius curve to the right; thence Southeasterly along the arc of said curve through a central angle of 76°44'33" a distance of 26.79 feet (the long chord bears South 65°00'12" East, 24.83 feet); thence tangent to said curve South 27°37'55" East, 558.47 feet to a point on said Second Fork Creek; thence Westerly along said Creek the following courses and distances: South 22°50'01" West, 181.84 feet; South 51°04'21" West, 167.11 feet; South 79°56'10" West, 45.71 feet; North 64°21'32" West, 83.19 feet to the REAL POINT OF BEGINNING.



While this map is a photographic reproduction of the original map, it is not a survey and should not be used for any purpose other than for reference. It may, with the proper care, be used for reference only.

Safeco Title Insurance Company of Idaho
1022 S. Washington Avenue
Emmett, Idaho 83617

1977

SITUATED IN A PORTION OF
SECTION 2, T11N, R1E, S1M.
JEM COUNTY, IDAHO

NESBITTS' EMERALD GLEN SUBDIVISION

BASE map & notes

July 1993 field work

Water Dist. 65A

5/12/99

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SWSE

Pine Cr. Rd.

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: A65-11257C
Date Received: 2/12/1990
Receipt No: W008680
Received By: _____

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

1. Name: STANTON NESBITT
Address: PO BOX 52
OCEAN PARK WA 98640
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 of	Lot	County
11N	01E	1	SW	NW	SW		GEM
		2		NE	SE		GEM
5. Description of diverting works:
SMALL DIV. DAM IN CK., 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	0.020		
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 2.5 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	1.0

MICROFILMED

OCT 21 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.0
					Total Acres	1.0

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 CLAIM NO. A65-11257 FOR THE 1 ACRE IN THE SESW, SEC. 2 WHICH IS NOW BEING USED IN THE SWSE, SEC. 2. THIS CHANGE WILL CONSTITUTE A FEE 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

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A65-11257C

Date Received: 1/23/1990

Receipt No: W008680 (51 FEE)

Received By: _____

RECEIVED
FEB 12 1990

Department of Water Resources
Western Regional Office

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

RECEIVED

APR 10 1995

WATER RESOURCES
WESTERN REGION

1. Name: STANTON NESBITT
Address: 928 SW HOLDEN
APT. #1
SEATTLE, WA

98106-2045

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 IN CK., 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	0.020		

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

A.F.A.

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A65-11257C

Page 1

Date: 02/06/90

MICROFILMED
OCT 21 1996

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	01E	2	SW SE		IRR	1.0
Section Acres						1.0
Total Acres						1.0

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 CLAIM NO. A65-11257 FOR THE 1 ACRE IN THE SESW, SEC. 2 WHICH IS NOW BEING USED IN THE SWSE, SEC. 2. THIS CHANGE WILL CONSTITUTE A FEE 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Individuals:

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

Signature of Claimant(s):

Date: 2/8/90

State of Washington ~~Idaho~~

Date: 4/7/95

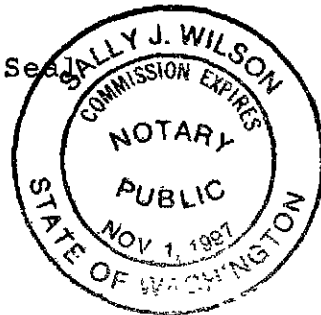
County of Pacific

)
)
) SS.

Subscribed and sworn (or affirmed) before me this 7 day

of April 1995

Sally J. Wilson
Notary Public



Residing at Nahcotta

My Commission Expires 11/1/97