

IDAHO DEPARTMENT OF WATER RESOURCES 11/29/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: OPAL E NESTOR
PO BOX 182
INKOM ID 83245

DAVID M NESTOR
PO BOX 182
INKOM ID 83245

SOURCE: SPRINGS TRIBUTARY: SINKS
QUANTITY: 0.11 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER
USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1927

POINT OF DIVERSION:

T07S R36E S26 SENENW Within BANNOCK County
TWO POINTS OF DIVERSION LOCATED IN T7S, R36E, S26, SENENW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.050 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T07S R36E S26 NENW 2.5

STOCKWATER same as IRRIGATION

DOMESTIC same as IRRIGATION

2.5 ACRES TOTAL

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

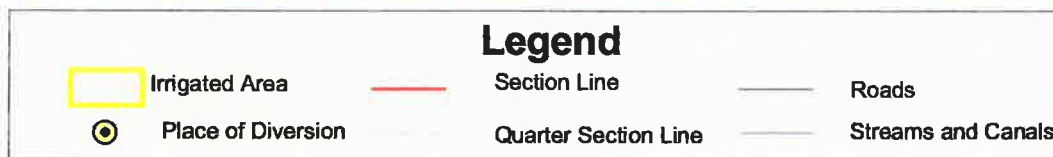
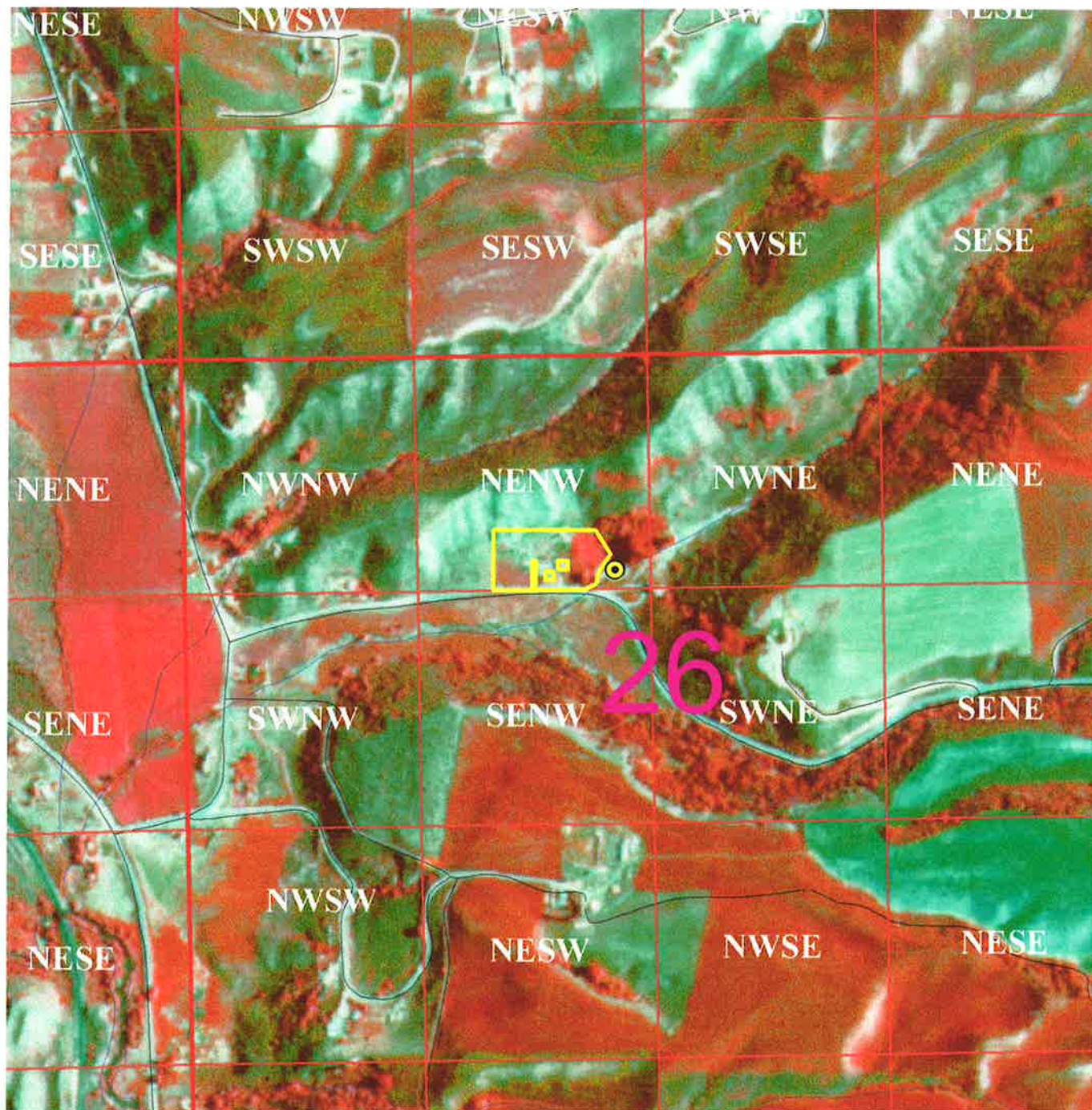
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

Water Right Claim Number A29-04078

08/11/2000

Township , 7S36E



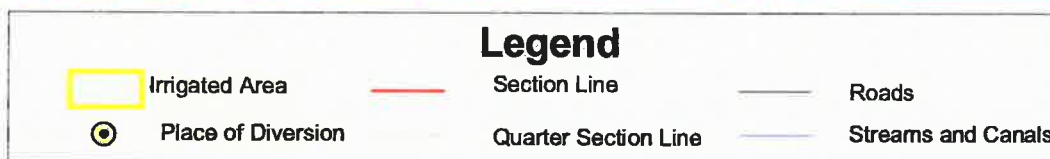
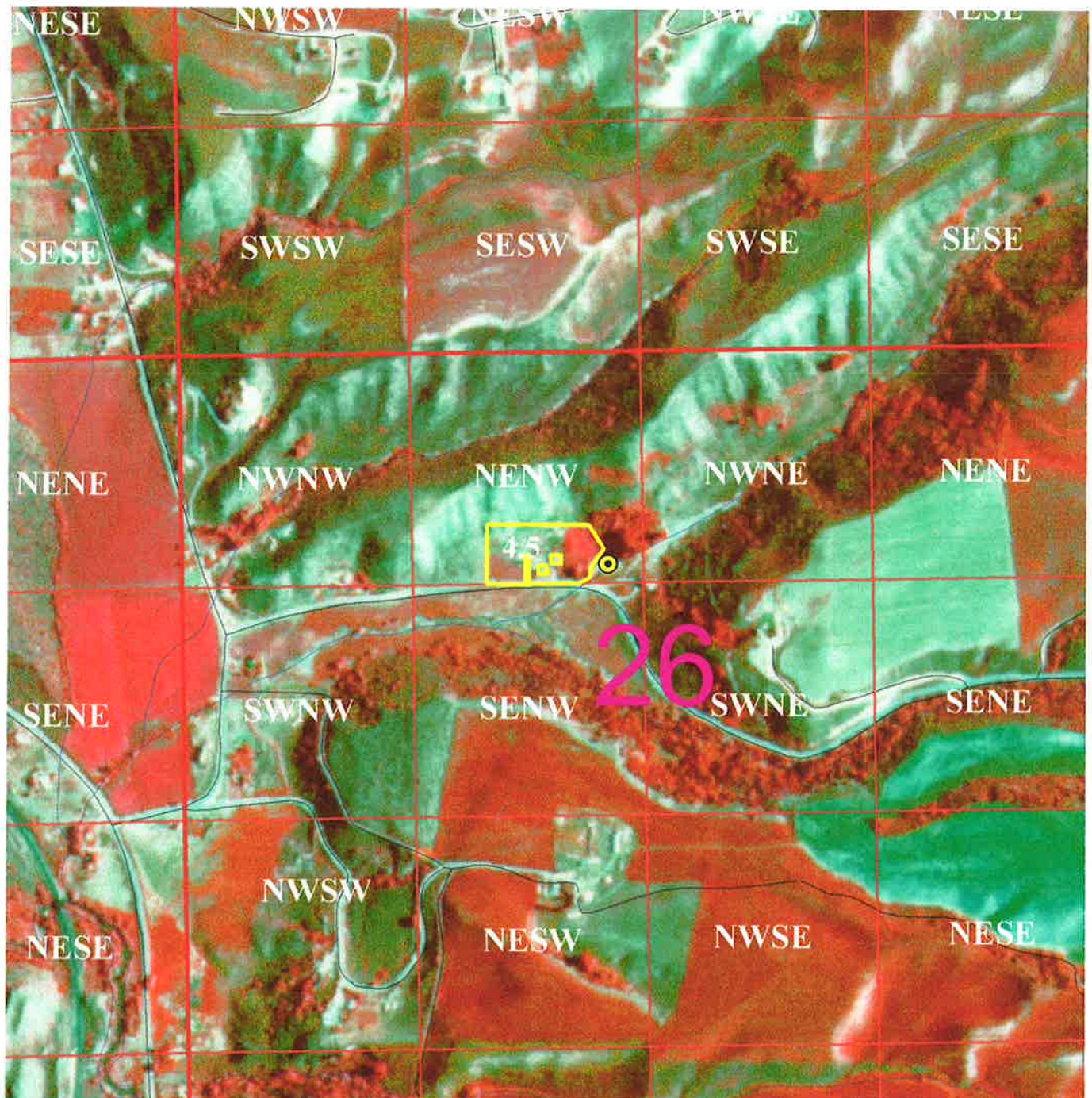
700 0 700 1400 Feet



Water Right Claim Number A29-04078

08/11/2000

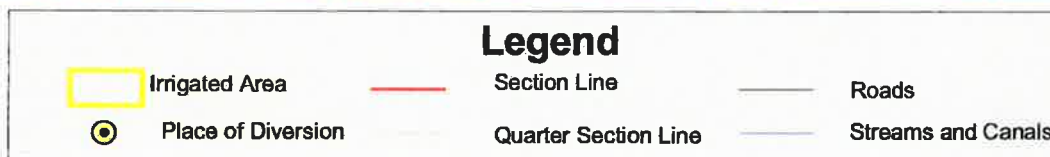
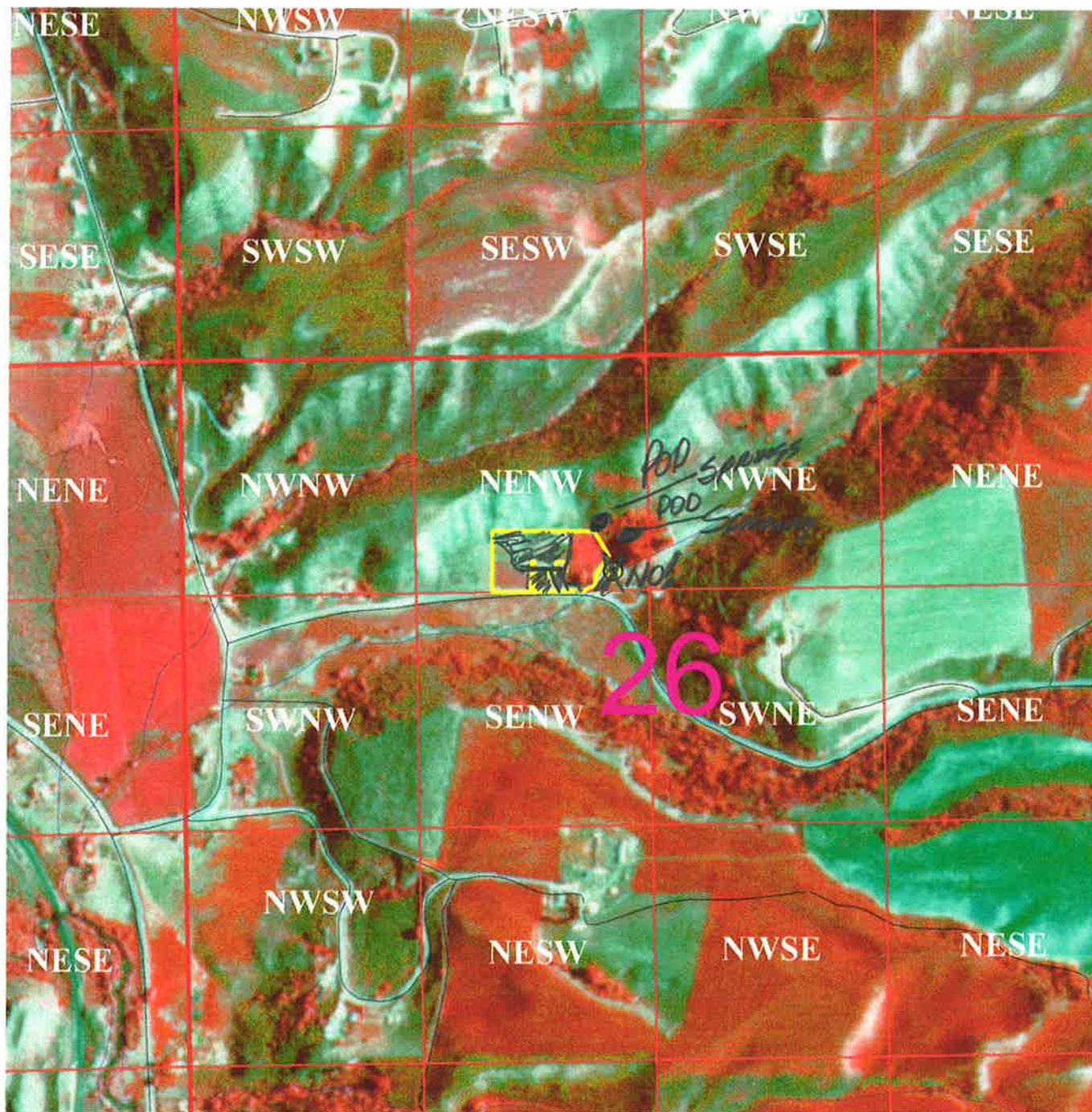
Township , 7S36E



Water Right Claim Number A29-04078

08/11/2000

Township , 7S36E



08/19/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4078

NAME AND ADDRESS: OPAL E NESTOR
372 E GREEN CANYON RD
INKOM ID 83245

DAVID M NESTOR
372 E GREEN CANYON RD
INKOM ID 83245

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.110 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1927

POINT OF
DIVERSION:

T07S R36E S26 SENENW Within BANNOCK County
T07S R36E S26 SENENW Within BANNOCK County
TWO POINTS OF DIVERSION LOCATED IN T7S, R36E, S26, SENENW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.050 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T07S R36E S26 NENW 2.5

STOCKWATER same as IRRIGATION

DOMESTIC same as IRRIGATION

2.5 ACRES TOTAL

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 22, 2003

DAVID NESTOR
372 E GREEN CANYON RD
INKOM ID 83245

RE: Notice of Change of Address for 29-4078 and Notice of
Completed Administrative Proceeding (NCAP)

Dear Mr. Nestor:

On August 19, 2003, the Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Kristen Forsgren
Office Specialist 1

Enclosure

PROFILED

SCANNED
MAR 10 2008

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

Water Rights: 29-4078

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☒ Address change
- ☐ Substitution of Party
- ☐ I.C. § 42-222 transfer
- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Aug 19, 2003

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 22, 2003, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
N/A

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
DAVID NESTOR
372 E GREEN CANYON RD
INKOM, ID 83245

4. One copy to:

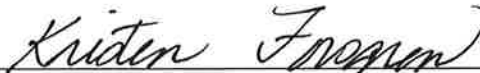
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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 21, 2003

Water right number: 29-4078

OPAL E NESTOR
PO BOX 182
INKOM ID 83245
Telephone Number: (208) 775-3755

DAVID M NESTOR
PO BOX 182
INKOM ID 83245
Telephone Number: (208) 775-3755

RECEIVED
APR 03 2003
Department of Water Resources
Eastern Region

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

- a) priority date of 1927 → *Claimed 6/1/1927 - so recommend 000**
b) period of use for irrigation 4/1-10/31 *DEPT STD (243 claim).*

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

- a) The priority date of 1927 should be changed to 1920.
b) The period of use for irrigation should be changed to 3/15-11/15. *NO! CAN'T DO THIS → DEPT. STD.*

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

- a) Bert Pidcock's affidavit stated that he knew the water from the two springs had been used since 1920.
b) Usually, we can irrigate from 3/15-11/15.

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

DATE: 3-27-2003 SIGNATURE: David M Nestor Opal E. Nestor
Please print your name: David M. Nestor Opal E. Nestor

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

* Claimed 6/1/1927, Affidavit states 1920,

April 9, 2003

Spoke to David Nestor. Discussed his concerns about his claimed priority dates. He blocks to leave at 1927 rather than around the claim. Discussed season of use - he's OK with that too.

AMK

PROFILED

SCANNED
APR 03 2003

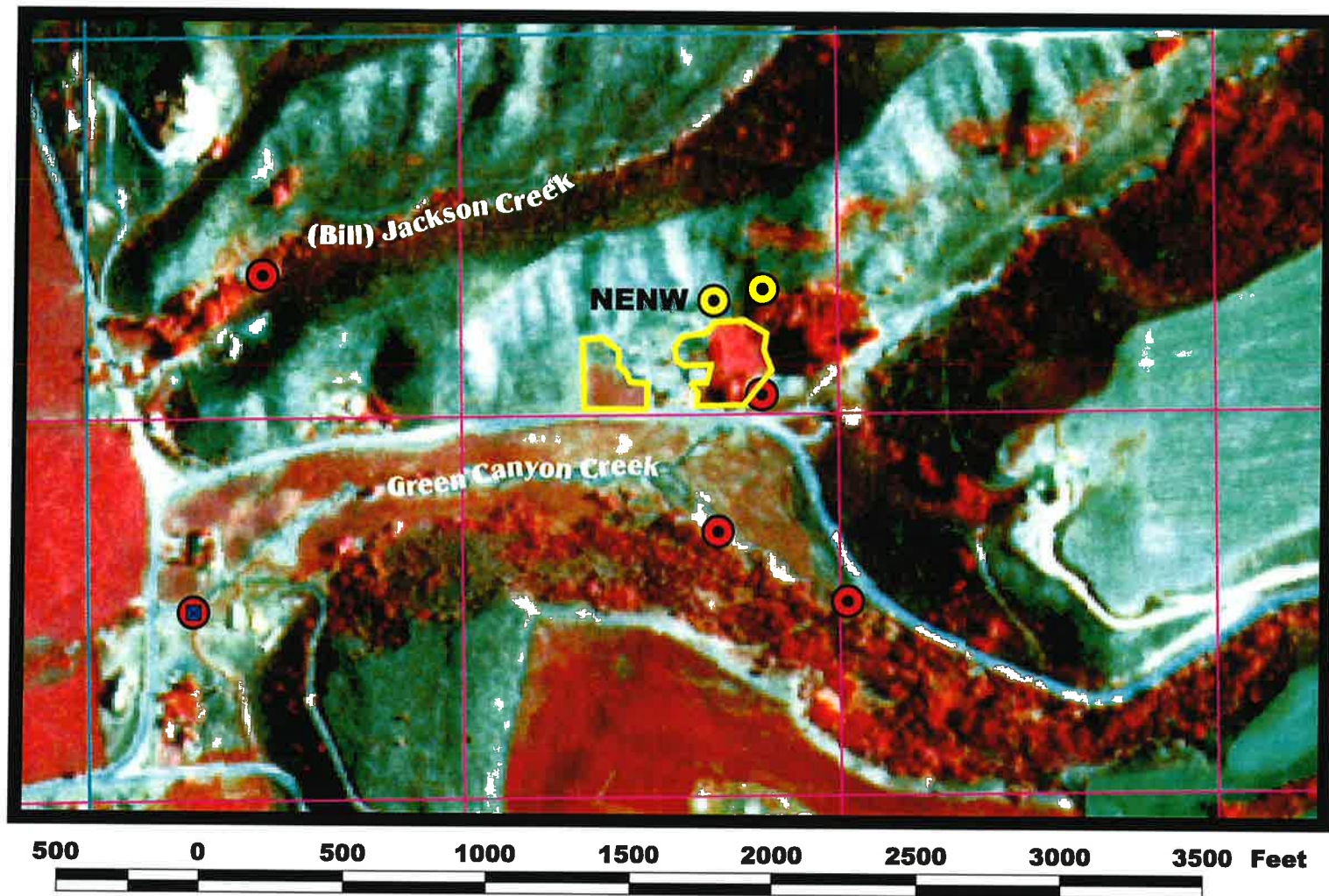


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-04078



LEGEND

- SESE Place of Use
- Section
- Quarter-Quarter
- Point of Diversion

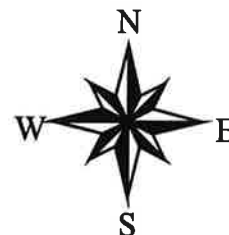
Place of Use: T7S, R36E
(parts of) Sec. 26 NENW

Point(s) of Diversion: T7S, R36E
Sec. 26 SENENW (2 PTS.)

PROFILED

SCANNED

MAR 10 2006



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: November 2001



(Bin) Jackson Creek

**NENW
2.5**

Green Canyon Creek



PROFILE

SCANNED
MAR 10 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 19, 2001

David M Nestor
P.O. Box 182
Inkom ID 83245

*See Mr. Piscocks statement
Attached at Back of File.*

RE: EVIDENCE OF PRIORITY FOR A29-04078

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary evidence to support the priority date.**

The above referenced claim to a water right claims a June 1, 1927 priority date from springs.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

PROFILE

SCANNED
MAR 10 2003

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Cheri Undermeulen

for Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice(s) of Claim A29-04078

SCAID-2008

MAR 10 2008



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID

POD ID

Quad

Claim Type

Easting

Northing

GPSID

Diversion Description

Headboxes collect water from springs for domestic/irrigation use. Unable to determine flow rate based on current information.

Assumptions

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

☐

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

☒

New Contact Comments

No new contact name available, but address is 372 E. Green Canyon.

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MAY 18 2001

Log for claim A29-04078

Spatial Dynamics AMH

8/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	26	NENW	4	4.5	
Totals:			4	4.5	

10/10/01 I. Two Pumps or Diversion (Springs - See Photos) Both DO Domestic AND Stockwater [Contractor GPS'd Tag# A0P11670]
Only ONE open sump for Storage at Stockwater - Dry
DUE TO LACK OF WATER - Spring from is down
Sump approximates 12' SQ X 4' DEEP $\Rightarrow$ NO Storage Comp.
Irrig, Stock & Domestic $\Rightarrow$ OK

II. Attached statement from BENT Picoch supports (1920) CLAIMED 1927 priority date.

III. Mr. Norton states IN THE PAST HE COULD RUN 3-4 SPRINKLERS AT SAME TIME. SINCE SPRING FROWS AND DROPS HE RUNS ONE. NO MEASUREMENT DONE UNLESS BY CONTRACTOR. System is 1 1/4" BLACK PLASTIC Tubing connecting springs to Hydrants serving various Hoses w/ sprinklers. Storage cistern NOT USED - NO WATER.

Remk/COND

F02 C18
N08
N14

Irrig. 4 (5/32 nozzles) $\approx$ 20 gpm plus.
Stock AND Dom. USE.

AJ5809NP
No. A29-04078

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 147

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID M NESTOR	06/01/1927	IRRIGATION	03-15 11-15	0.080 CFS	
C	OPAL E NESTOR		STOCKWATER	01-01 12-31	0.020 CFS	
	PO BOX 182		STOCKWATER STORAGE	01-01 12-31		10.95 AFA
	INKOM ID 83245		DOMESTIC	01-01 12-31	0.040 CFS	
	(208) 775-3755					
			TOTAL DIVERSION:		0.140 CFS	
			CONSUMPTIVE USE:			12.00 AFA

Water Source: SPRINGS

Tributary to: SINKS

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T07S R36E S26

NENW

BANNOCK 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
07S	36E	26	:								04									:	4.0
																				TOTAL ACRES	4.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: S/60 RANGE D/1 HOME.

Remarks: GEN LAND IS IRRIGATED BY GRAVITY FED PLASTIC HANDLINES.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 12/12/89 OLENICHA 07/19/94 THOMPSON 03/29/95 POST-STD

Section 42-225a, Idaho Code

(7) If you are claiming water as a member of an organization, list name of organization:

395670

MAR 14 1977

Department of _____
 Eastern District of _____
 THIS INDENTURE, made this 10th day of December, 1962,
 between Petrus W. Carlson and Anna S. Carlson, husband and wife

of Pocatello, County of Bannock, State of Idaho,
 the parties of the first part and David M. Nestor and Opal E. Nestor, husband and wife

County of Bannock, State of Idaho, the parties of the second part,
 WITNESSETH, that the said parties of the first part, for and in consideration of the sum of
 Two thousand and no/100 - - - - - Dollars

lawful money of the United States of America
 to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged,
 have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto
 the said parties of the second part, and to their heirs and assigns, forever, all the following described
 real estate, situated in _____, County of Bannock,
 State of Idaho, to-wit:

Township 7 South, Range 36 East of the Boise Meridian,
 Bannock County, Idaho.

Section 26: Beginning at a point 6 rods West of the
 Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 26 and running
 thence West on the South line thereof for a distance of
 350 feet, thence north parallel to the West line of said
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 220 feet, thence East parallel
 to the South line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 350 feet
 thence South parallel to the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for
 a distance of 220 feet to the point of beginning...

All rights belonging to the land in the East Spring.



TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belong-
 ing or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues
 and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity
 of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together
 with the appurtenances unto the parties of the second part, and to their heirs and assigns forever.
 And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable
 possession of the said parties of the second part, their heirs and assigns, against the said parties
 of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
 claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands
 and seal the day and year first above written.

Executed and Delivered in the Presence of

Petrus W. Carlson [SEAL]

Anna S. Carlson [SEAL]

[SEAL]

[SEAL]

RECORDED



REVENUE ST.

17
23

WARRANTY DEE

359738

MAR 14 1971 Value Received Norrene Johnson and Hyrum G. Johnson, her husband

Department of Water Resources
Eastern District Office

the grantors, do hereby grant, bargain, sell and convey unto David M. Nestor and Opal E. Nestor, his wife

the grantees, the following described premises, in Bannock County Idaho, to wit:

Beginning at a point 6 rods west of the Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 7 South, Range 36 East of the Boise Meridian, Bannock County, Idaho, thence running west on the south line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 74 rods to the Southwest corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North along the west line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 30 rods; thence at right angles for a distance of 80 rods to the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South along the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 10 rods; thence at right angles West for a distance of 6 rods; thence at right angles South 20 rods to the place of beginning,

EXCEPTING from the above described tract, the following described parcel: Beginning at a point 6 rods West of the Southeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26 and running thence West on the South line thereof for a distance of 350 feet, thence North parallel to the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 220 feet, thence East parallel to the South line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 350 feet, thence South parallel to the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 220 feet to the point of beginning of this Exception.

Conveying with the above described land all water from what is designated as the WEST SPRING.

And reserving unto first parties herein all water from what is designated as the EAST SPRING, together with a right of way for pipe line from said East Spring to the land of first parties herein and described as above as the EXCEPTION. Together with right of ingress and egress to repair said pipe line.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee s, that they are the owner in fee simple of said premises; that they are free from all incumbrances

and thatt hey will warrant and defend the same from all lawful claims whatsoever.

Dated: Aug. 9, 1960.

Norrene Johnson
Hyrum G. Johnson

STATE OF IDAHO, COUNTY OF

On this 9th day of August, 19 60, before me, a notary public in and for said State, personally appeared Norrene Johnson and Hyrum G. Johnson, her husband

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]

Notary Public
Idaho

Residing at Pocatello
Comm. Expires Sept. 14, 1960

STATE OF IDAHO, COUNTY OF

359738

RECORDED AT REQUEST OF
B. T. Co.

AUG 10 3 28 PM '60

OFFICIAL RECORD BK. NO. 153
BANNOCK COUNTY, IDAHO

SARAH CLARK RECORDER
2.40
By Deputy, fw

ument was filed for record at

o'clock m.,
day of
forded in Book

Recorder

Deputy.

Fees \$
Mail to:

RECEIVED

AFFIDAVIT

**Department of Water Resources
Eastern District Office**

County of Barnstable

deposes and says:

deposes and says: To his knowledge
that these two springs have
been used continuously since
1920. NE $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 26
TW 7S R 36E T3. M T3amuk Co.


(Signature)

Subscribed and sworn to before me this 11th day of MARCH, 1977.

(Notary Public

Residing at POGATELLO, IDAHO
My Commission Expires 10-29-79

RECORDED

MAY 18 2001

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: A29-04078
Date Received: 12/12/1989
Receipt No: EO 11297
Received By: 70

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID M. NESTOR 208-775-3755
Address: P.O. BOX 182
INKOM, ID 83245
AND/OR
Name: OPAL E. NESTOR 208-775-3755
Address: P.O. BOX 182
INKOM, ID 83245

A2904078

2. Date of Priority: JUN 01, 1927

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	36E	26		NE	NW		BANNOCK

5. Description of diverting works:
SPRINGS CAUGHT AND STORED IN TWO 10,000 GAL. RESERVOIRS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		
STOCKWATER	01/01	12/31	0.020		
STOCKWATER STORAGE	01/01	12/31			10.95
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/60 RANGE D/1 HOME.

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	36E	26	NE	NW		IRR	4.0
Section Acres							4.0
Total Acres							4.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

LAND IS IRRIGATED BY GRAVITY FED PLASTIC HANDLINES.

15. Basis of Claim: STATUTORY CLAIM

- (8) Remarks The date of original use of these springs dates back more than 50 years by David M. Nestor or his predecessor in interest, Hyrum Johnson and the water has been used, it does not flow off the ground. It has never flowed into a creek that forms a part of the general water that goes down into the Porneuf Drainage. It is all consumed.

R 36E

* -- Spring
* *Place of use*

Sec. 26

Scale: 2 inches equal 1 mlie.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Bannock)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

David M Nestor
(Claimant)

Sworn to before me this 23 day of Feb

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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): A David M. Hunter Date: 12-12-89

Date: _____

State of Idaho)
County of Barnesville) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of December 19 89

Anthony J. O'Connell
Notary Public

Seal

Residing at Shobo Falls
My Commission Expires 9/12/1994