

Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that David M. Nestor

(name of claimant)

of P.O. Box 182, Inkom, IDA 83245
(mailing address)

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed springs
_____, tributary to, sinks
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>0.08</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>Mar. 15</u>	To	<u>Nov. 15</u>
Amount	<u>0.04</u>	Use	<u>Domestic</u>	Period of Use:	From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	<u>0.02</u> (cfs, gpm or a/f)	Use	<u>Stockwater</u> (dom., irri, stock, etc.)	Period of Use:	From	<u>Jan. 1</u>	To	<u>Dec. 31</u> (both dates inclusive)

- (3) Total quantity of water claimed: 0.14 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) June 1, 1927

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ NW ¼, Sec. 26 Twp. 7S Rge. 36E B. M. County of Bannock
Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Springs are caught and stored in two 10,000 gal. reservoirs. Land is irrigated by gravity fed plastic handlines.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 4

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use for one family and stockwatering for 60 head beef cattle

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

- TS

Scale: 2 inches equal 1 mile.

State of Idaho)
) ss.
County of Bannock)

David M Nestor
(Claimant)

Sworn to before me this 23 day of Feb, 1977

Notary Public
Residing at

My commission expires _____

Received by CW Date 3-14-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by MC Date 3/15/77 claimant by: _____
\$10.00 fee received by CW Date 3-14-77
Approved for publication by MC 4-7-77 _____
Published in Dakota State Journal # 6492 _____
Dates May 24 & 31, 1977 _____

395670

MAR 14 1977

Department of Water Resources
 Eastern District
 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 es 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

_____ [SEAL]
 _____ [SEAL]
 _____ [SEAL]
 _____ [SEAL]

MICROFILMED

WARRANTY DEED

359738



REVENUE ST.

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 E. 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 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 the y 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 person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

B. T. Co.
Notary Public
Residing at Pocatello, Idaho
Comm. Expires Sept. 14, 1960

COUNTY OF		ument was filed for record at
359738		
NO RECORDED AT REQUEST OF B. T. Co.	o'clock m., day of orded in Book	
AUG 10 3 28 PM '60		
OFFICIAL RECORD BK. NO. 153 BANNOCK COUNTY, IDAHO SARAH B. BARNES, RECORDER By 2.40 DEPUTY fw		Recorder:
Fees \$ Mail to:	Deputy.	

MICROFILMED

SECRET

AFFIDAVIT

State of Idaho
County of Blaine

State of Idaho
County of Bannock

County of San Diego
Bert Lindbeck being first duly sworn,
 deposes and says: To his knowledge

deposes and says:

deposes and says: To his knowledge
that these two springs have
been used continuously since
1920. N.E. 1/4 NW 1/4 SEC 26
T.W. 7S R 36E T3. M T3annock Co.

Sam Pilcock
(Signature)

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

(Notary Public)

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

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

PROFILING

PROOF OF PUBLICATION

RECEIVED

APR 7 1977

STATE OF IDAHO
County of Bannock

ss.

Department of Water Resources
Eastern District Office

Patricia Peck

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 29-4078**

Notice is hereby given that David M. Nestor, Inkom, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.14 cubic feet per second of water from unnamed springs tributary to sinks with point of diversion in the NE 1/4 NW 1/4, Sec. 26, T. 7S, R. 36E, B.M., Bannock County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and stockwatering purposes for 60 head cattle and from Mar. 15 to Nov. 15 for the irrigation of 4 acres with a priority of June 1, 1927 the place of use is within the NE 1/4 NW 1/4, Sec. 26, T. 7S, R. 36E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director
March 24, 31, 1977
Pg. 213

being first duly sworn on oath deposes and says: That *She* was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

MARCH	24	, 1977	, 19
MARCH	31	, 1977	, 19
		, 19	, 19
		, 19	, 19
		, 19	, 19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Patricia Peck

Subscribed and sworn to before me this

4th

day of *APRIL*, 1977

Dyonna Roberts

Notary Public, State of Idaho
Residence: Pocatello, Idaho

RECEIVED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

APR 7 1977

PATRICIA PECK

NOTICE OF CLAIM TO A WATER RIGHT NO. 29-4078

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_____, 19_____, 19_____
_____, 19_____, 19_____
_____, 19_____, 19_____

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Patricia Peck

Subscribed and sworn to before me this *4th* day of *APRIL*, 1977

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

April 11, 1977

RE: Claim to a Water Right No. 29-4078

Mr. David M. Nestor
P.O. Box 182
Inkom, Idaho 83245

Dear Mr. Nestor:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim

RECEIVED

March 18, 1977

RE: Claim to a Water Right No. 29-4078 NESTOR
Application for Permit No. 29-7381 GUNTER
No. 29-7382 NIELSON

Idaho State Journal
Box 431
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 4-02-77 by Cud

RDC:CW

Enc: Legal Notice (3)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 29-4078

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Inkom, Idaho

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to beneficial use of 0.14 cubic feet per second ~~XXXX Feet per second~~
of water from unnamed springs tributary to sinks
with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 7S, R. 36E, B.M.,
Bannock County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes for one family and stockwatering purposes for 60 head cattle and from
Mar. 15 to Nov. 15 for the irrigation of 4 acres
with a priority of June 1, 1927;
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Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho
on March 24 and March 31, 1977

RECORDED

Re-
L.

February 17, 1977

David M. Nestor
P.O. Box 182
Inkom, Idaho 83245

Dear Mr. Nestor:

Enclosed please find a typed claim form, a blank affidavit form and your check No. 92-315 in the amount of \$10.00. Please review the claim form and if it is correct and compatible with your needs, have your signature notarized on the back and resubmit a claim fee of \$10.00 payable to the Department of Water Resources.

Although it is not required, at this time, you may want to submit an affidavit in support of your claim. Have a person that is aware of the date the water was first used fill out and sign the affidavit. His signature must be notarized. Copies of deeds and etc. may also be helpful.

Sincerely yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK: CW

Attachment

Enclosures

MICROFILMED