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AUG 28 2023

DEPARTMENT OF
WATER RESOURCES

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Attorney for Claimant

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FORTH THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase 86-12169

**AFFIDAVIT OF
SCOTT NUISMER IN
SUPPORT OF NOTICE
OF CLAIM FOR DEFERRED
DE MINIMIS DOMESTIC USE**

STATE OF IDAHO)
) ss.
County of Latah)

SCOTT NUISMER, being first duly sworn upon oath, deposes and states:

1. I am over the age of 18 years old. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
2. In 2009, I acquired a tenancy-in-common interest in approximately 12 acres of land situated in Latah County, Idaho (hereinafter referred to as the "Property"; see Exhibit 1), and established residency there that year.
3. Among the appurtenances acquired with the Property was a groundwater well situated thereon (T39N R3W Section 19 NENE) that had been constructed for

SCANNED

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domestic use in 1994 by Robert and Rose Parks, who established a residence on the Property that same year (*see* Exhibit 2).

4. The well has continually supplied water to the residence on the Property (originally a manufactured home that I replaced with a permanent structure), along with water for irrigation of an area (small orchard, garden, greenhouse) that does not exceed one-half acre.
5. Based on information provided by predecessors in interest and the presence of infrastructure in place when I took possession (fenced enclosure, loafing shed, feeding and watering troughs), animals were historically kept on the Property.
6. I currently keep six goats on the Property.
7. Water use on the Property does not exceed 13,000 gallons per day.
8. In 2011, I acquired sole interest in the Property by way of quit claim deed (*see* Exhibit 3).

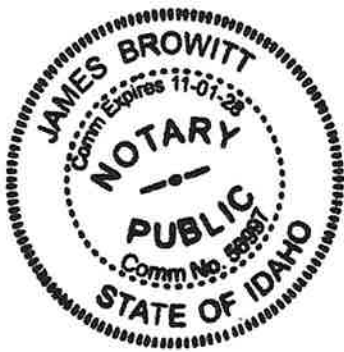
Dated this 18 day of August, 2023.

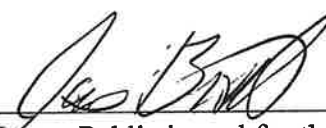

Scott Nuismer

STATE OF IDAHO)
) ss.
County of Latah)

On this 18th day of August, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared SCOTT NUISMER, known or identified to me to be the person whose name is subscribed to the foregoing affidavit and acknowledged to me that she executed the same.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.





Notary Public in and for the State of Idaho
Residing at Lewiston
My commission expires November 1, 2028

EXHIBIT 1

WARRANTY DEED

For Value Received Kelly L. Riley, a single person

the Grantors, hereby grants, bargains, sells, conveys and warrants unto

Scott Nuismer, a single man and Dana M. Johnson, a single woman

the Grantees, whose current address 1750 Hwy 99 Troy, Id. 83871

the following described premises, located in Latah County State of Idaho to wit:

A parcel of land located in the E1/2NE1/4 of Section 19, Township 39 North, Range 3 West, B.M., being more particularly described as follows:

BEGINNING at the Northeast corner of said Section 19; thence S. 00°55'20" E. 759.90 feet along the East line of said Section 19; thence leaving said East line, N. 90°00'00" W. 258 feet to the TRUE POINT OF BEGINNING; thence S. 30°08'00" E. 57.53 feet; thence S. 22°51'11" E. 414.45 feet; thence S. 49°00'00" W. 665.72 feet; thence N. 42°24'39" W. 431.81 feet; thence N. 09°25'07" W. 546.90 feet; thence N. 88°00'06" E. 291.13 feet; thence N. 90°00'00" E. 402.47 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH an easement for ingress and egress, as more fully set out in instrument recorded under Recorder's Fee No. 399554.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all water and water rights, ditch and ditch rights.

SUBJECT to reservations in United States Patent, restrictive covenants, existing and recorded rights-of-way and easements, zoning and building ordinances, and taxes and assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees successors, heirs and assigns forever. Said Grantors do hereby covenant to and with said Grantees, that Grantors are owners in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated this 22 day of May, 2009.

Kelly L. Riley
Kelly L. Riley

STATE OF IDAHO)

) ss.

COUNTY OF LATAH)

On this 22 day of May, 2009 before me, the undersigned, a Notary Public, in and for said State, personally appeared Kelly L. Riley known to me, and/or identified to me on the basis of satisfactory evidence, to be the persons whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Dave Kiblen
Notary Public: Dave Kiblen

Residing at: Moscow, Idaho

My commission expires 7/18/2012



529817
No. 529817 AT THE REQUEST OF
LATAH COUNTY TITLE CO
DATE & HOUR: 6-1-09 2:58
SUSAN PETERSEN
LATAH COUNTY RECORDER
Fee \$ 3.00 BY [Signature]

EXHIBIT 2

Use Typewriter
or
Ball Point Pen

Firm Name WITT Well Drilling Firm No. 58
Firm Official Earl L. Witt Date 7/26/94
and
Supervisor or Operator Roger Witt Date 8/8/94
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

EXHIBIT 3

QUIT CLAIM DEED

The Grantor, Dana M. Johnson,

For and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) and other valuable considerations, in hand paid, do hereby remise, release and quit claim unto Scott Nuismer, the Grantee, whose current address is:

1750 Highway 99
Troy, ID 83871

The following described real property situated in Latah County, Idaho, to-wit:

The land referred to in this Commitment is situated in the County of Latah, State of Idaho:

A parcel of land located in the E1/2NE1/4 of Section 19, Township 39 North, Range 3 West B.M., being more particularly described as follows:

BEGINNING at the Northeast corner of said Section 19; thence S. 00°55'20" E. 759.90 feet along the East line of said Section 19; thence leaving said East line, N. 90°00'00" W. 258 feet to the TRUE POINT OF BEGINNING; thence S. 30°00'00" E. 57.53 feet; thence S. 22°51'11" E. 414.45 feet; thence S. 49°00'00" W. 665.72 feet; thence N. 42°24'39" W. 431.81 feet; thence N. 09°25'07" W. 546.90 feet; thence N. 88°00'06" E. 291.13 feet; thence N. 90°00'00" E. 402.47 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH an easement for ingress and egress, as more fully set out in instrument recorded under Recorder's Fee No. 399554.

DATED this 9th day of May, 2011.


Dana M. Johnson

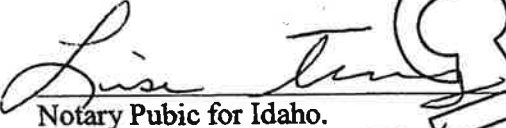
STATE OF IDAHO)

) ss.

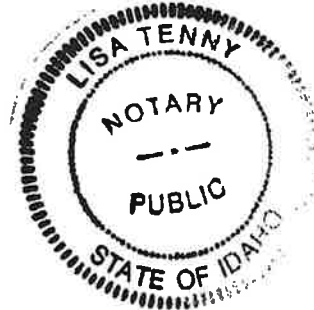
COUNTY OF NEZ PERCE)

On this 9th day of May, 2011, before me, the undersigned, a Notary Public, personally appeared Dana M. Johnson, being known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal on the date last above written.


Notary Public for Idaho.

My Commission expires: 06/30/2012



544237

No. _____ AT THE REQUEST OF:

SCOTT NILSMER
DATE & HOUR: 5.13.11 11:44

SUSAN PETERSEN
LATAH COUNTY RECORDER

Fee \$ 13.00 BY 