POOR ORIGINAL

AGREEMENT OF MERGER

AGREEMENT OF MERGER (this "Agreement") made and entered into this 24th day of January, 1977, by and between DEL MONTE PROPERTIES COMPANY, a California corporation ("Del Monte"), and PEBBLE BEACH CORPORATION, a Delaware corporation ("Pebble Beach");

W I T N E S S E T H:

WHEREAS, Del Monte is a corporation duly organized and existing under the laws of the State of California;

WHEREAS, Pebble Beach is a corporation duly organized and existing under the laws of the State of Delaware;

WHEREAS, on the date of this Agreement, Del Monte has authority to issue 2,500,000 shares of Common Stock, $2.50 par value (the "California Common Stock"), of which 1,453,100 shares are issued and outstanding, and 500,000 shares of 4-1/2% Cumulative Convertible Series A Preferred Stock, $25 par value (the "California Preferred Stock"), of hich 216,000 shares are issued and outstanding;

WHEREAS, on the date of this Agreement, Pebble Beach has authority to issue 4,000,000 shares of Common Stock, $2.50 par value (the "Delaware Common Stock"), of which 10 shares are issued and outstanding and owned by Del

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State of DELAWARE

Office of SECRETARY OF STATE

I, Glenn C. Kenton Secretary of State of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of

Certificate of Agreement of Merger of the "DEL MONTE PROPERTIES COMPANY", a corporation organized and existing under the laws of the State of California, merging with and into the "PEBBLE BEACH CORPORATION", a corporation organized and existing under the laws of the State of Delaware, under the name of "PEBBLE BEACH CORPORATION", as received and filed in this office the thirtieth day of March, A.D. 1977, at 4 o'clock P.M.

And I do hereby further certify that the aforesaid Corporation shall be governed by the laws of the State of Delaware.

In Testimony Whereof, I have hereunto set my hand and official seal at Dover this twenty-second day of April in the year of our Lord one thousand nine hundred and seventy-seven.

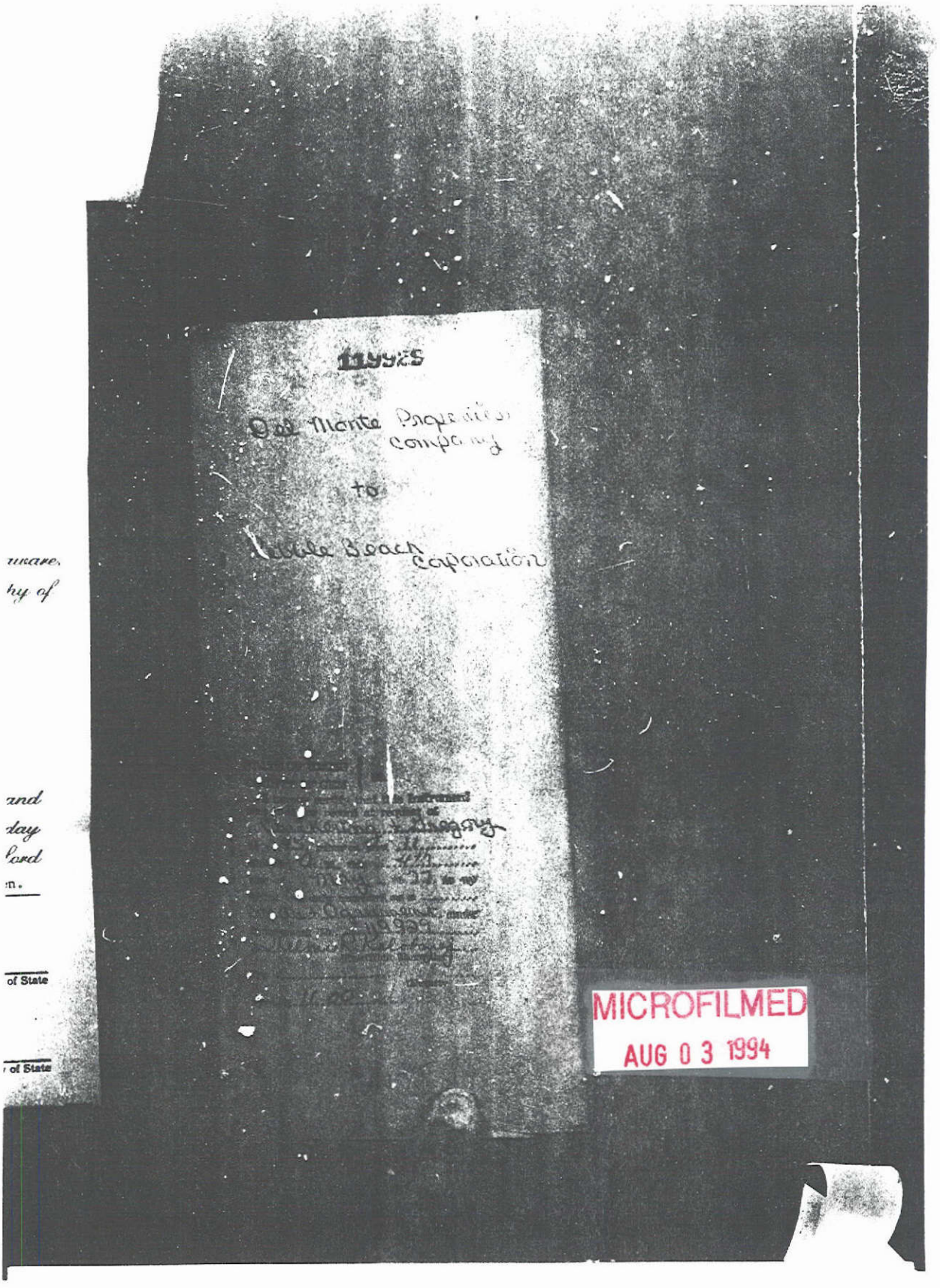
Glenn C. Kenton
Secretary of State

FORM 121

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Assistant Secretary of State

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AUG 0 3 1994

POOR ORIGINAL

CORPORATION WARRANTY DEED

Printed and for sale by Semp-Trak Company, Boise

(Optional)
Recorded
Microfilmed
Indexed

Key Punched
Name File
Abstracted

To Treasurer

WARRANTY DEED

PEBBLE BEACH CORPORATION, a dissolved Delaware corporation

grantor, hereby CONVEYS and WARRANTS TO

WESTERN OFFICE COMPANY, a Delaware corporation

grantee

for the sum of

Ten and no/100 ---------- DOLLARS,

the following described tract(s) of land in Gem County,
State of Idaho:

SEE ATTACHED EXHIBIT A.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this day of , A. D. 1979.

PEBBLE BEACH CORPORATION
(CORPORATE NAME)

By _____
PRESIDENT

_____
SECRETARY

State of Calif.
County of Monterey ss.

On the 14th day of August , A. D. 1979

personally appeared before me Harry Holmes and William J. Bessemer

who being by me duly sworn did say, each for himself, that he, the said Harry Holmes is the president, and he, the said William J. Bessemer is the secretary of PEBBLE BEACH CORPORATION, a corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Harry Holmes and William J. Bessemer each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

_____
Linda Dee Hann

Notary Public residing at Pacific Grove, CA 93950

My commission expires May 28, 1983

MAIL DEED To:
Raymond D. Givens, Atty at Law
P. O. Box 2720

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a distance of 1319.2 feet, [illegible] 1518.35 feet to the Point of Beginning.

EXCEPTING therefrom all that portion [illegible] State Highway 52.

TRACT VI

The SE¼NE¼NW¼ and the [illegible] Section 29, Township 6 North, Range 1 West, B.M., Gem County, Idaho, [illegible] otherwise known as FREEZEOUT GEM Placer [illegible] containing 30 acres.

TRACT VII

The N½NE¼, Section 29, [illegible] Range 1 West, Boise Meridian, Gem County, Idaho, [illegible] as FREEZEOUT NO. 2. Placer Mining Claim, containing [illegible] acres.

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North 63°46'[illegible] [illegible], (formerly North 63°54'00" East) a distance of [illegible] feet (formerly [illegible] feet); thence
North 13°11'42" West, (formerly North [illegible] 14°04'00" West) a distance of 249.91 feet (formerly 250.10 feet); thence
North 3°06'[illegible] [illegible], (formerly North 3°[illegible]) a distance of 121.76 feet (formerly 122.20 feet); thence
North 87°46'53" East, (formerly North 87°54'00" East) a distance of 347.90 feet; thence
South 60°05'12" East, (formerly South 60°00'00" East) a distance of 152.75 feet (formerly 175.50 feet); thence
South 0°04'25" East (formerly South 0°02'00" East) a distance of 145.22 feet; thence
North 78°01'21" East (formerly North 78°00'00" East) a distance of 87.05 feet, thence
South 64°58'39" East (formerly South 65°00'00" East) a distance of 282.53 feet; thence
North 50°01'21" East (formerly North 50°00'00" East) a distance of 270.[illegible] feet to a point on the East boundary of said NW¼NW¼; thence
South 0°01'[illegible] East, along the said East boundary a distance of 992.05 feet to the Southeast corner of said NW¼NW¼; thence
South 88°46'48" West, along the South boundary of said NW¼NW¼, a distance of 1062.96 feet; thence leaving said South boundary and running
North 0°10'12" West, parallel with the West boundary of said NW¼NW¼, a distance of 737.52 feet to the TRUE POINT OF BEGINNING.

LESS any portion lying within the County road.

TRACT V

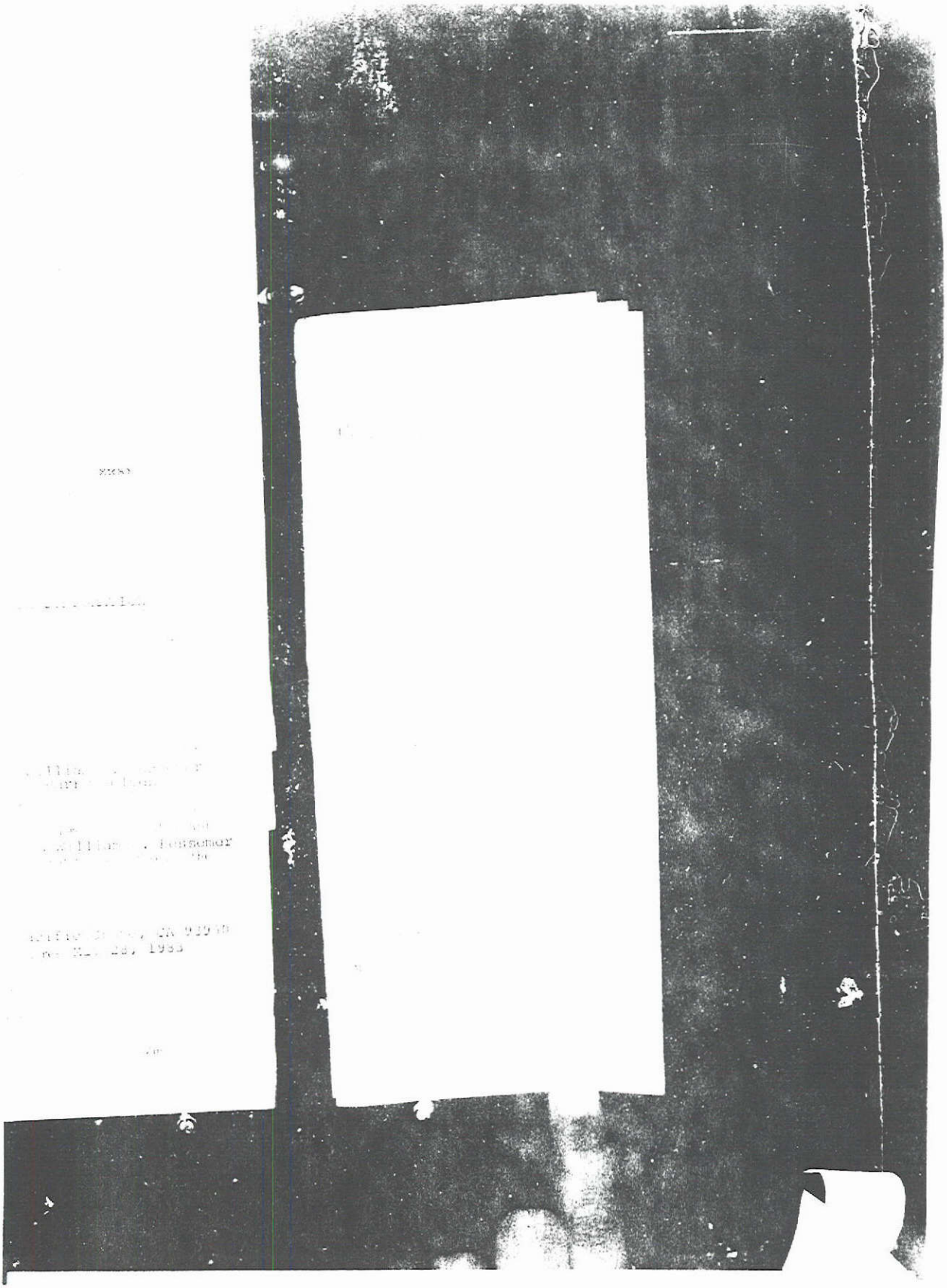
A tract of land situated in the NW¼NE¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, and is more particularly described as follows:

Beginning at the Northwest corner of said NW¼NE¼; thence
South 89°46'10" East, along the North boundary of said NW¼NE¼, (formerly North 89°57' East), a distance of 740.00 feet; thence
South 0°18'58" West, along a line parallel with the West boundary of said NW¼NE¼, a distance of 1318.06 feet (formerly South 1319.2 feet); thence
North 89°47'31" West, along the South boundary of said NW¼NE¼ (formerly South 89°59' West), a distance of 740.00 feet to a point on the said West boundary; thence
North 0°18'58" East, along said West boundary, (formerly North,

(continued)

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AUG 0 3 1994

POOR ORIGINAL

CORRECTION
CORPORATION WARRANTY DEED

WEDRON SILICA COMPANY, a Delaware corporation, Grantor, hereby conveys, grants and warrants to MARTIN MARIETTA CORPORATION, a Maryland corporation, 6801 Rockledge Drive, Bethesda, Maryland 20034, Grantee, for the sum of Ten and no/100 ($10.00) DOLLARS, the following tracts of land in Gem County, State of Idaho, as described on Exhibit A, attached hereto, all minerals and mineral rights of every kind and character, surface and subsurface, including without limitation, all oil, natural gas, hydrocarbon substances, sand, silica gravel, and all ores, metals, fossils, elements and gases, and the perpetual right of access, ingress and egress, to, through and from said minerals and mineral rights, and the right to explore for, mine, extract, develop, store, process, recover and dispose of such minerals by any reasonable means or methods, including without limitation, the right to stripmine and mine by open pit mining, and the right to construct such roads, pipelines, transmission lines, buildings, structures, or other facilities on the surface of the real property as are reasonably necessary under the circumstances at the time, to, over and upon the property on said Exhibit A.

This Correction Deed is filed for the purpose of correcting the designation of the Grantee as being in fact a Maryland corporation.

The Officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting held and attended by a quorum.

IN WITNESS WHEREOF, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officer this [illegible] day of [illegible], 1979.

ATTEST:

WEDRON SILICA COMPANY

_____
Secretary

By _____
Chairman of the Board

STATE OF CALIFORNIA,)
County of Monterey,) ss

On this [illegible] day of [illegible], 1979, before me [illegible], a Notary Public, State of Idaho, duly commissioned, and sworn, personally appeared HARRY HOLMES and WILLIAM J. BESSEMER, known to me to be the Chairman of the Board and Secretary, respectively of the corporation described in and that executed the within instrument, and also known to me to be the persons who executed the instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of Monterey, the day and year first above written.

Linda Dee Mann
Notary Public for California
Residence: 612 Soledad [illegible]
Pacific Grove, Ca.

LINDA DEE MANN
NOTARY PUBLIC – CALIFORNIA
PRINCIPAL OFFICE IN
MONTEREY COUNTY
My Commission Expires May 25, 1982

CORPORATION WARRANTY DEED

3-13234

POOR ORIGINAL

CORPORATE WARRANTY DEED

MARTIN MARIETTA CORPORATION, a corporation organized and existing under the laws of the State of Maryland, with its principal office at 6801 Rockledge Drive, Bethesda, MD 20817, Grantor, hereby CONVEYS or GRANTS and WARRANTS TO UNIMIN CORPORATION, a Delaware Corporation, whose address is 52 Elm Street, New Canaan, CT., Grantee for the sum of ONE ($1.00) DOLLAR and other good and valuable consideration, the following described tract(s) of land in Gem County, State of Idaho:

Legal description attached hereto as Exhibit "A", consisting of six (6) pages.

To have and to hold the said premises with their appurtenances unto the said Grantee, its heirs and assigns forever, and the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises, that they are free from all encumbrances except those of public record and that it will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

IN WITNESS WHEREOF, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 23rd day of September, A.D. 1983.

MICROFILMED
AUG 0 3 1984

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STATE OF IDAHO, COUNTY OF GEM

I hereby certify that this instrument was filed for record at the request of _____ at _____ minutes past _____ o'clock __.M., this ____ day of _____, A.D. 1983, in my office, and duly recorded in Book ___ of _____, at page ____.

_____
Ex-Officio Recorder

By_____
Deputy

Fees, $_____

MICROFILMED
AUG 0 3 1984

POOR ORIGINAL

EXHIBIT "A"

LEGAL DESCRIPTION

TRACT I

Township 6 North, Range 2 West, B.M.

Section 11: All of Lot 6 lying East of the West bank of Sand Hollow Ditch, and South of Railroad right of way, more particularly described as follows:

Commencing at the SE corner of said Government Lot 6; thence
North 89°47'50" West, along the South boundary of said Government Lot 6, a distance of 823.49 feet to a point on the West Bank of Sand Hollow Creek; thence
North 2°32'40" West, along the West bank of said Creek, a distance of 1358.55 feet to a point on the Southerly boundary of the Union Pacific Railroad right-of-way; thence
North 85°08'00" East, along the Southerly boundary of said Railroad right-of-way, a distance of 885.81 feet to the East boundary of said Government Lot 6; thence
South, along the East boundary of said Government Lot 6, a distance of 1419.85 feet to the POINT OF BEGINNING.

Section 14: The East 50 feet of the NE¼ of NW¼, less the South 100 feet thereof for highway, as described in Right-of-way Deeds recorded in Book 35 of Deeds, at Page 374, Instrument #67527, and in Book 35 of Deeds, at Page 397, Instrument #67606, records of Gem County, Idaho.

LESS all ditch rights of way.

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AUG 0 3 1994

In Gem County, Idaho.

TRACT II

A parcel situated in the NE¼NW¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said NE¼NW¼; thence
North 89°47'50" West along the North boundary of said NE¼NW¼, a distance of 50.00 feet to the true point of beginning; thence

(continued)

POOR ORIGINAL

[redacted]

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

South, parallel with the East boundary of said NE¼NW¼, a distance of 851.07 feet; thence
North 66°24'00" West a distance of 147.43 feet; thence
South 84°34'40" West a distance of 543.50 feet; thence
South 85°56'30" West a distance of 316.53 feet; thence
North 88°02'40" West a distance of 81.66 feet; thence
North 85°36'30" West a distance of 205.58 feet to a point on the West boundary of said NE¼NW¼; thence
North 0°00'40" East along the West boundary of said NE¼NW¼, a distance of 851.81 feet to the Northwest corner of said NE¼NW¼; thence
South 89°47'50" East along the North boundary of said NE¼NW¼, a distance of 1278.34 feet to the true point of beginning.

TRACT III

A tract of land in the SW¼SE¼ and Government Lot 7 of Section 11, Township 6 North, Range 2 West of the Boise Meridian, and is more particularly described as follows:

Beginning at the Southwest corner of said SW¼SE¼; thence
North 0°03'10" West, along the West boundary of said SW¼SE¼ and Government Lot 7, a distance of 1419.85 feet to a point on the Southerly boundary of the right of way for the Union Pacific Railroad; thence
North 86°05'20" East, along the Southerly boundary of the right of way for said Union Pacific Railroad, a distance of 860.00 feet; thence leaving the Southerly boundary of the right of way for said Union Pacific Railroad and running
South 31°34'00" West, a distance of 395.48 feet; thence
South 53°41'50" West, a distance of 326.84 feet; thence
South 33°38'20" West, a distance of 93.83 feet; thence
South 0°56'40" East, a distance of 257.73 feet; thence
South 14°14'50" West a distance of 346.76 feet; thence
South 0°34'50" East, a distance of 277.05 feet to a point on the South boundary of said SW¼SE¼; thence
North 89°47'50" West, along the South boundary of said SW¼SE¼, a distance of 256.00 feet to the Point of Beginning.

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AUG 0 3 1994

(continued)

POOR ORIGINAL

[redacted]

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

TRACT V

A tract of land situated in the NW¼NE¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, and is more particularly described as follows:

Beginning at the Northwest corner of said NW¼NE¼; thence
South 89°46'10" East, along the North boundary of said NW¼NE¼, (formerly North 89°57' East), a distance of 740.00 feet; thence
South 0°18'58" West, along a line parallel with the West boundary of said NW¼NE¼, a distance of 1318.06 feet (formerly South 1319.2 feet); thence
North 89°47'31" West, along the South boundary of said NW¼NE¼ (formerly South 89°59' West), a distance of 740.00 feet to a point on the said West boundary; thence
North 0°18'58" East, along said West boundary, (formerly North, a distance of 1319.2 feet), a distance of 1318.35 feet to the Real Point of Beginning.

EXCEPTING therefrom all that portion lying within State Highway 52.

TRACT VI

The NE¼NE¼NW¼ and the S½NE¼NW¼ of Section 29, Township 6 North Range 1 West, B.M., Gem County, Idaho, otherwise known as FREEDOM GEM Placer Mining Claim.

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AUG 0 3 1994

ALSO EXCEPT any portion lying within State Highway 16.

TRACT VII

The N½NE¼, Section 29, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, otherwise known as FREEDOM Placer Mining Claim:

(continued)

POOR ORIGINAL

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

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ALSO EXCEPT any portion lying within State Highway 16.

ALSO EXCEPT the following described property deeded to the State of Idaho in Warranty Deed, Instrument #87930, records of Gem County, Idaho:

A parcel of land being on both sides of the centerline of State Highway No. 16, Project No. S-3832(3) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the NE¼NE¼ of Section 29, Township 6 North, Range 1 West, B.M., Gem County, Idaho, described as follows, to-wit:

Commencing at the Northeast corner of Section 29, Township 6 North, Range 1 West, B.M.; thence
South 0°37'52" West along the East line of said Section 29 a distance of 537.43 feet to a point in a line parallel with and 60.0 feet Northwesterly from the centerline and opposite Station 553+30.11 of State Highway No. 16, Project No. S-3832(3) Highway Survey and the real point of beginning; thence
South 22°12'00" West along said parallel line 843.31 feet to a point in the South line of the NE¼NE¼ of said Section 29 opposite Station 544+86.80 of said Highway Survey; thence
South 89°59'14" East along said South line 129.69 feet to a point that bears South 67°48'00" East 60.00 feet from Station 545+35.74 of said Highway Survey; thence
North 48°53'12" East 155.86 feet to a point that bears South 67°48'00" East 130.0 feet from Station 546+75 of said Highway Survey; thence
North 18°57'37" East 203.96 feet to a point in the East line of said Section 29 that bears South 67°48'00" East 118.47 feet from Station 548+78.65 of said Highway Survey; thence
North 0°37'52" East along said East line 485.46 feet to the real point of beginning.

Highway Station reference: 545+11.27 to 551+78.33.

The bearings as shown in the above land description, unless otherwise noted are from the Idaho Plane Coordinate System, based on the transverse mercator projection for the West Zone of Idaho. To convert to gedetic bearings, a correction of 0°30'01" must be subtracted from all Northeast and Southwest bearings and added to all Northwest and Southeast bearings.

POOR ORIGINAL

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144909

Martin Marietta Corporation

to

Unimin Corporation

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STATE OF IDAHO
COUNTY OF GEM } ss.

I hereby certify that this Instrument was filed for record at request of Safeco Title Ins. Co.
at 38 minutes past 4
o'clock P. M., this 28th
day of September, 19 83 in my
office and duly recorded as a Deed under
Instrument No. 144909
THELMA R. KOLODZIEJ
Recorder
By Judy Agtem
Deputy
Fee $ 18.00

Mail To:
Barbara A. Weitzman
Title Insurance Corporation
Boise, Idaho

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

MEMO

To: 65-1101

From: DRT 2-28-78

On this day we received an application for permit for this right, in response to the letter attached. Among the notes on the app was a statement that the source is a pond which is fed by wastewater ditches and "groundwater where the water table is high." A telephone call to Kenneth Rolland, Mgr of the plant, revealed that the pond existed before the Del Monte Sand Co. began the appropriation. Therefore, the appropriation was from a surface water (albeit fed by groundwater) source. The source will therefore be entitled "Pond" which is not tributary to any other source.

Since a beneficial use right does exist, the app was returned.

DRT

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AUG 0 3 1994

POOR ORIGINAL

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

(Office at the corner of Franklin and Cole Roads)

(208) 384-2190

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

November 30, 1977

RE: Claim No. 65-1101

Del Monte Sand Co.
P. O. Box 651
Emmett, ID 83617

Gentlemen:

Enclosed is a copy of a Claim to a Water Right which you filed with our office sometime ago. We have noticed in a recent review that the source is groundwater, the date of first use was after March 25, 1963, and the basis of the claim is beneficial use. This means that the claim is invalid since on that date the Idaho Groundwater Statutes went into effect.

These statutes made mandatory the filing of an Application for Permit to develop a groundwater right. The only exceptions are stockwater uses and single household domestic uses. (The definition of domestic includes irrigation of up to one-half acre of land.) If the right you claim falls into neither of these two exceptions, you must file an Application for Permit to develop the right legally.

For your convenience we have enclosed the correct form, with filing instructions. Please complete the form and return it to this office along with the appropriate filing fee. The amount of this fee can be calculated from the table in the instructions.

If you have questions about how to complete this application, or the reasons for going through this procedure, please contact this office.

Sincerely,

David R. Tuthill Jr.

David R. Tuthill, Jr.
Payette Adjudication Supervisor

DRT:alw
Enc.

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

RECEIVED

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM TO A WATER RIGHT

IDENT. NO. 65-11101

MAP NO. 6

Notice is hereby given that Del Monte Sand Co. (Name of Claimant)

P. O. Box 651, Emmett, Idaho 83617 (Mailing Address) claims a right to the diversion and beneficial use of the surface or groundwater, or of tributary to the Payette River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) Nov. 1, 1967

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) groundwater from two wells into pond to waste ponds (Gem)

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Main Stem Tributary)

Use Processing industrial sand Period of Use From Jan 1 (Mo., Day) To Dec 31 (Mo., Day)
(Domestic, Irrigation, Stock, etc.)

Use _____ Period of Use From _____ To _____
(Domestic, Irrigation, Stock, etc.) (Mo., Day) (Mo., Day)

Use _____ Period of Use From _____ To _____
(Domestic, Irrigation, Stock, etc.) (Mo., Day) (Mo., Day)

(4) Quantity of water claimed: 3.35 Cubic Feet Per Second, or 2420 Acre Feet Per Annum, and/or 3500 Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source. NE ¼ of NW ¼ of SW ¼ of Sec. 11, Twp. 6N, Rge 2W, B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and flume, etc.) Give sizes and capacities: be as specific as possible.
well in Reservoir (about 1 acre) with well pump and pipeline to plant

(6) 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.

T.	R.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
														X					
6N	2W	11																	

Total No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
This water is used to wash industrial sand and in other processes in the plant to upgrade the sand so that is marketable

(7) Effluent, sewage waste, or return water from this use is discharged into waste ponds

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

(9) Remarks This water use is necessary for Del Monte Sand Co. to carry on its business Map Id #167A (Sand processing)

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite this of case
☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.: 36-6605

Be it known that the undersigned, after being duly sworn on oath, deposes(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

August 19 A70 (Date)

Individual Kenneth Rolland Manager
Signature of Claimant
Del Monte Sand Co
Organization

KEYPUNCHED 4-3-78

State of Idaho
County of Gem ss.

On this 19th day of August (Month) in the year 1970 before me, a notary public, personally appeared KENNETH ROLLAND known to me, to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they) executed the same. (Signature of Authorized Agent)

corporation, partnership or _____

Notary Public residing at Emmett

My commission expires Nov. 26, 1974

Der 2-28-78

MICROFILMED
AUG 03 1994

POOR ORIGINAL

ADJUDICATION DIVISION

REPORT OF EXAMINER

Claim No. 5-1101

1. Name of Applicant ... Del Monte ... Fruit ... Corp. ...

2. Priority ... 11-1-1967 ...

3. Source of Water ... Ground Water ...

4. Determine Purpose and Quantity of Water Found Used:

(Quantity)	(Com., Irr., Stk. water, etc.)	(Mo.-Day)	(Mo.-Day)
3.34	Use Industrial	Period of Use From 1-1	To 12-31
	Use	Period of Use From	To
	Use	Period of Use From	To

5. Location of Point of Diversion: SE SW of Section 11

Twp. 6N, Rge. 20E, County of Glenn

6. Describe Diversion Works: ... Well ... with ... pump ...

7. Describe Location of Use:

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	20W	11												X					

TWP. 6N RGE 20 (W) COUNTY Glenn SCALE: 1" = 1 MILE

8. Purpose Other Than Irrigation: Water ... used ... for ... washing ... rock ...

9. Remarks: Notice ... posted ... on ... the ... well. The location of the industrial well is on the SE end of the road. It should be noted that a domestic well is located

This examination was made on the 21 day of April, 19 74

(Signed) William E. Towns
Examiner.

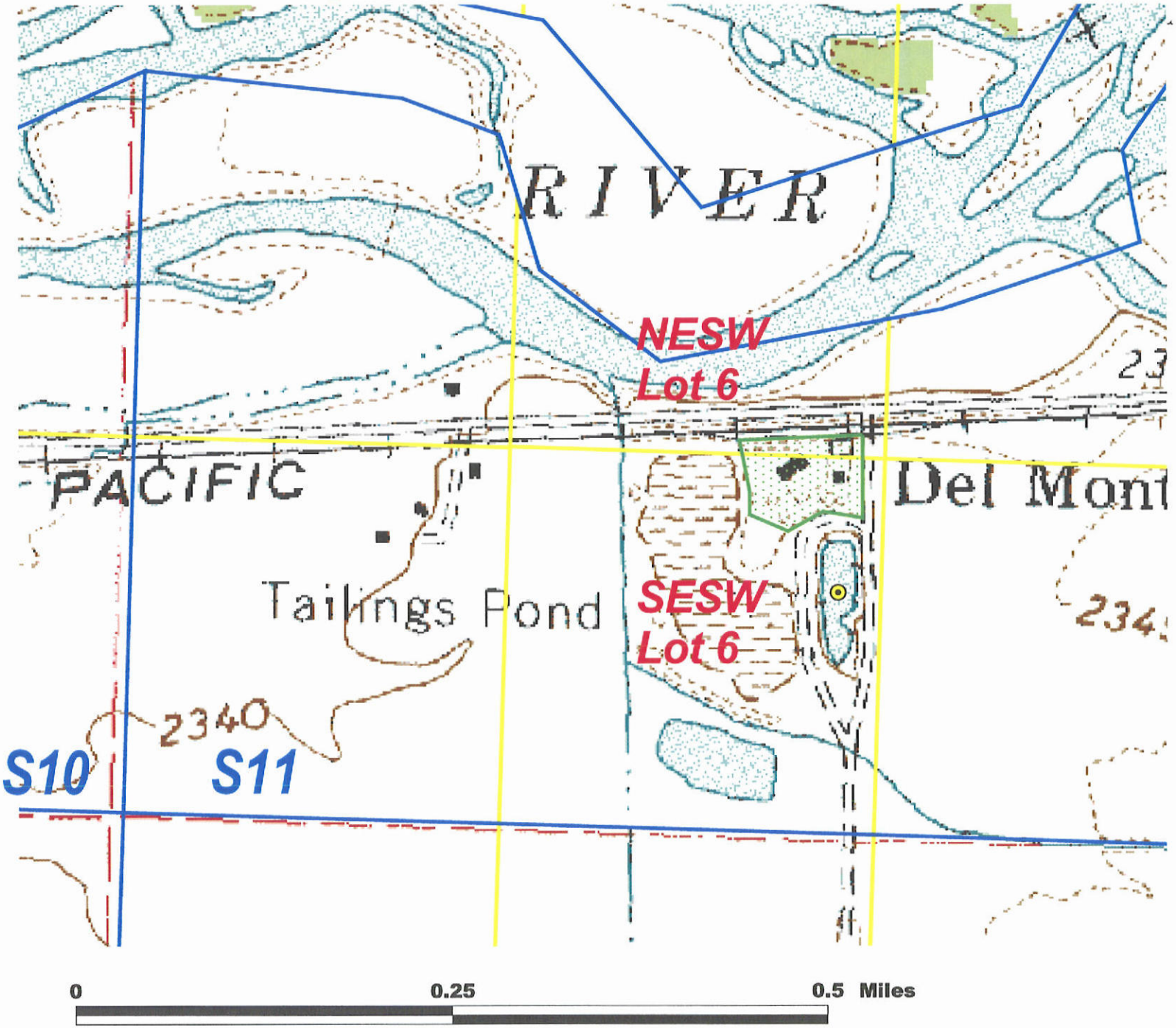
on the west side of the office building.

MICROFILMED
AUG 0 3 1994

Idaho Department of Water Resources

T06N R02W S11

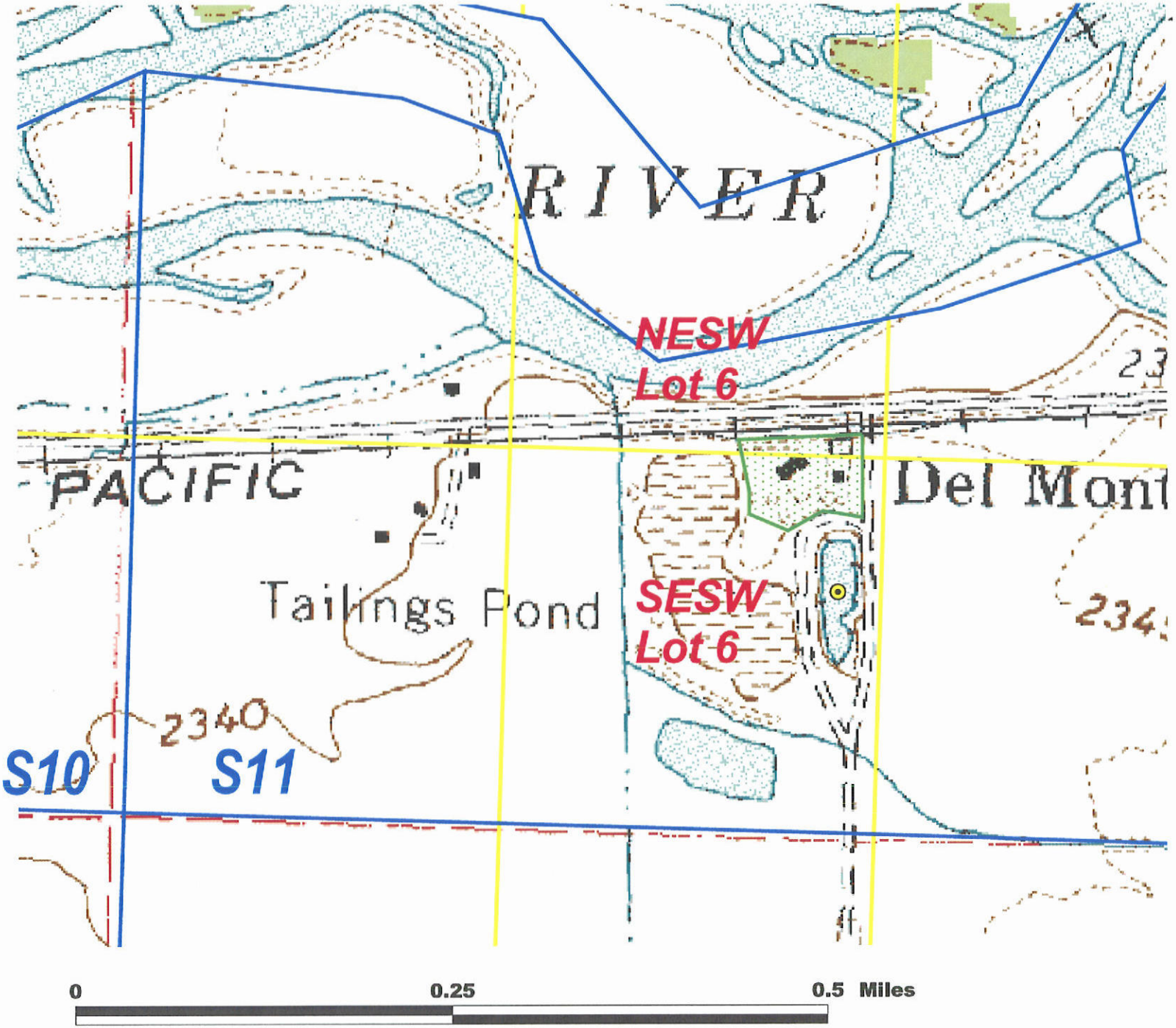
Claims: 65-01101
Prepared by:
RON HOWERTON
Date: 16 OCT 00



Idaho Department of Water Resources

T06N R02W S11

Claims: 65-01101
Prepared by:
RON HOWERTON
Date: 16 OCT 00



Place of use

POD

SECTION

1/4 1/4

W56 Topo

MEMO

To: 65-1101

FROM: DRT 2-28-78

On this day we received an application for permit for this right, in response to the letter attached. Among the notes on the app was a statement that the source is a pond which is fed by wastewater ditches and "groundwater where the water table is high." A telephone call to Kenneth Rolland, Mgr of the plant, revealed that the pond existed before the Del Monte Sand Co. began the appropriation. Therefore, the appropriation was from a surface water (albeit fed by groundwater) source. The source will therefore be entitled "Pond" which is not tributary to any other source.

Since a beneficial use right does exist, the app was returned.

DRT

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM TO A WATER RIGHT

IDENT. NO. 65-1101-G

MAP NO.

RECEIVED
AUG 19 1970
Department of Water Administration

Notice is hereby given that Del Monte Sand Co. (Name of Claimant)

P. O. Box 651, Emmett, Idaho 83617 (Mailing Address) claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the Payette River:

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) Nov. 1, 1967

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) groundwater and man made lake pond R.I.B.T.O. Boats (SEE

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: MEMO (Both Dates Inclusive)

Use ~~Processing~~ industrial ~~and from~~ (Domestic, irrigation, stock, etc.) Period of Use From Jan 1 (Mo., Day) To Dec 31 (Mo., Day)

Use ~~stock~~ (Domestic, irrigation, stock, etc.) Period of Use From (Mo., Day) To (Mo., Day) (Both Dates Inclusive)

Use (Domestic, irrigation, stock, etc.) Period of Use From (Mo., Day) To (Mo., Day) (Both Dates Inclusive)

(4) Quantity of water claimed: ~~3.35~~ 3.35 Cubic Feet Per Second, or 2420 Acre Feet Per Annum, and/or ~~3500~~ Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source SE ¼ SW ¼ Sec 11, Twp 6N, Rge 2W B.M.; additional points:

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.
well in Reservoir (about 1 acre) ~~with well pump and pipeline to plant~~

(6) 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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	2W	11												X					

Total No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
This water is used to wash industrial sand and in other processes in the plant to upgrade the sand so that is marketable

(7) Effluent, sewage waste, or return water from this use is discharged into waste ponds

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

(9) Remarks This water use is necessary for Del Monte Sand Co. to carry on its business
Map Id #167A (Sand processing)

(10) Basis of claim (Check one) ☑ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case
☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.: 65-1101

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

August 19, 1970 (Date)

Individual
Kenneth Rolland Manager (Signature of Claimant)
Del Monte Sand Co. (Signature of Spouse)
Organization KEYPUNCHED bp 4-3-78 (Signature of Authorized Agent)

State of Idaho }
County of Gem } ss. Organization Seal

On this 19th day of August, in the year 1970, before me, a notary public, personally appeared KENNETH ROLLAND known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

Notary Public residing at Boise Idaho

My commission expires May 26, 1974

DRT 2-28-78

ADJUDICATION DIVISION

REPORT OF EXAMINERS

Claim No. 65-1101

1. Name of Applicant... Del Monte Land Company .....
2. Priority... 11-1-1967 .....
3. Source of Water... Ground water .....
4. Determine Purpose and Quantity of Water Found Used:

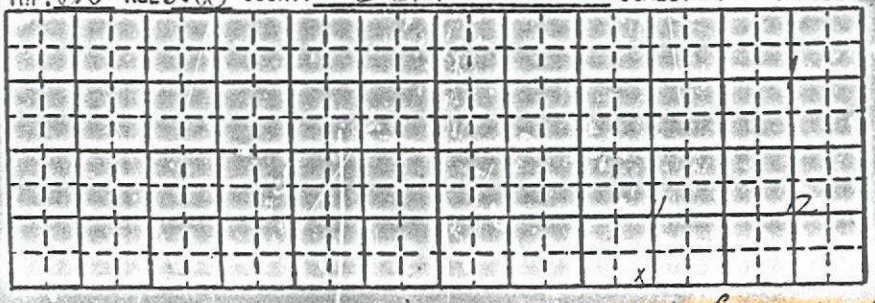
(Quantity)	(Dom., Irr., Stk. water, etc.)		(Mo.-Day)	(Mo.-Day)
3.34	Use Industrial	Period of Use From	1-1	To 12-31
	Use	Period of Use From		To
	Use	Period of Use From		To

5. Location of Point of Diversion: SE SW of Section 11
Twp. 6N, Reg. 2(1), County of Gem
6. Describe Diversion Works: Well with pump

7. Describe Location of Use:

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	2W	11												X					

TWP. 6N RGE 2(1) COUNTY Gem SCALE: 1" = 1 MILE



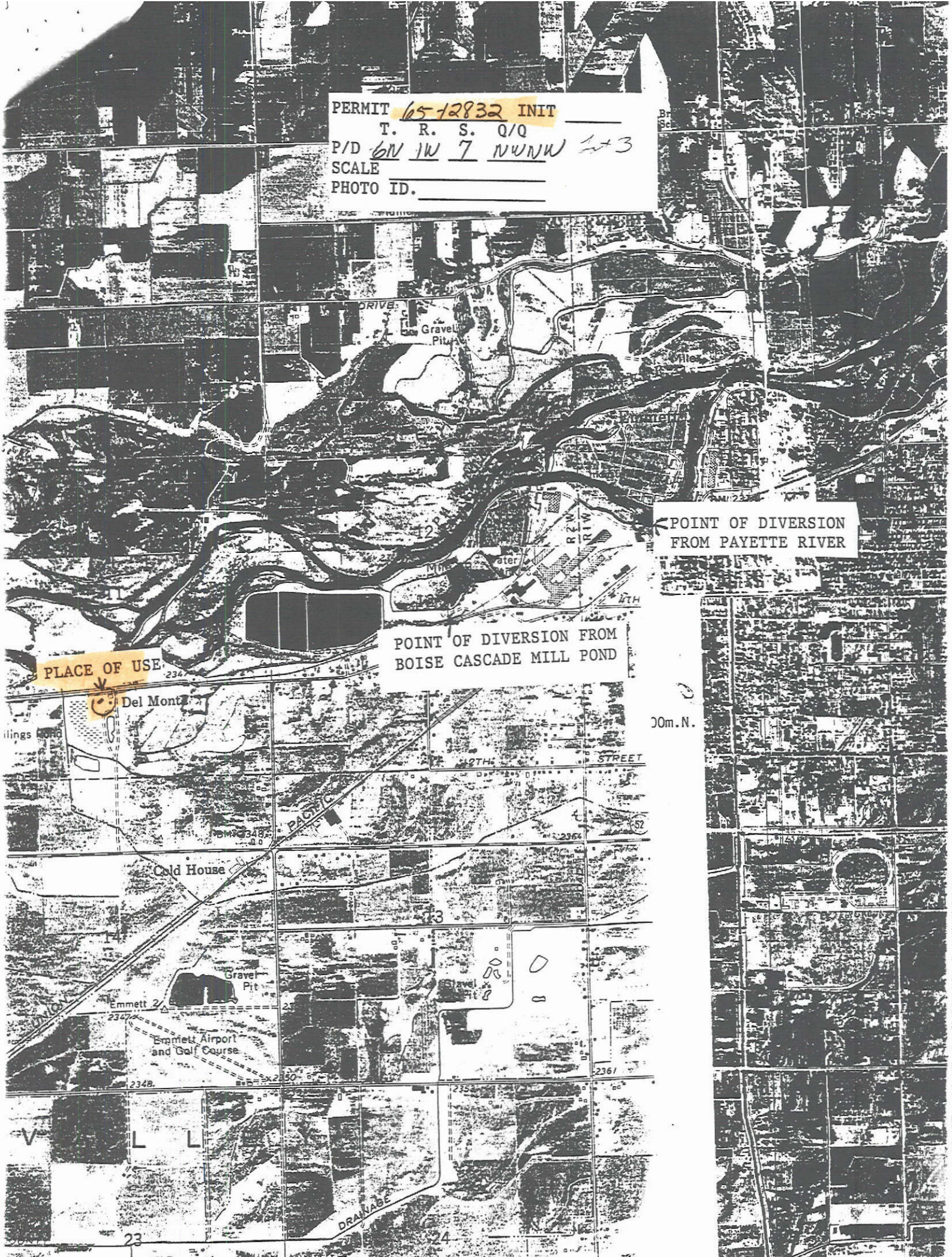
8. Purpose Other Than Irrigation: Water is used for washing rock.

9. Remarks: ~~The well is located with in the building~~ The location of the industrial well is on the SE end on the pond. It should be noted that a domestic well is located on the west side of the office building.

This examination was made on the 21 day of ~~June~~ April, 19 74.

(Signed) William E. Lawson
Examiner.


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PERMIT 65-12832 INIT
T. R. S. Q/Q
P/D 6N 1W 7 NWNW 1 of 3
SCALE
PHOTO ID.
POINT OF DIVERSION FROM PAYETTE RIVER
POINT OF DIVERSION FROM BOISE CASCADE MILL POND
PLACE OF USE
Del Monte
Cold House
Gravel Pit
Emmett
Emmett Airport and Golf Course
Gravel Pit
Miller
STREET
PACIFIC
DRAINAGE
23
24

POOR ORIGINAL

State of DELAWARE

Office of SECRETARY OF STATE

I, Glenn C. Kenton Secretary of State of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of

Certificate of Agreement of Merger of the "DEL MONTE PROPERTIES COMPANY", a corporation organized and existing under the laws of the State of California, merging with and into the "PEBBLE BEACH CORPORATION", a corporation organized and existing under the laws of the State of Delaware, under the name of "PEBBLE BEACH CORPORATION", as received and filed in this office the thirtieth day of March, A.D. 1977, at 4 o'clock P.M.

And I do hereby further certify that the aforesaid Corporation shall be governed by the laws of the State of Delaware.

In Testimony Whereof, I have hereunto set my hand and official seal at Dover this twenty-second day of April in the year of our Lord one thousand nine hundred and seventy-seven.

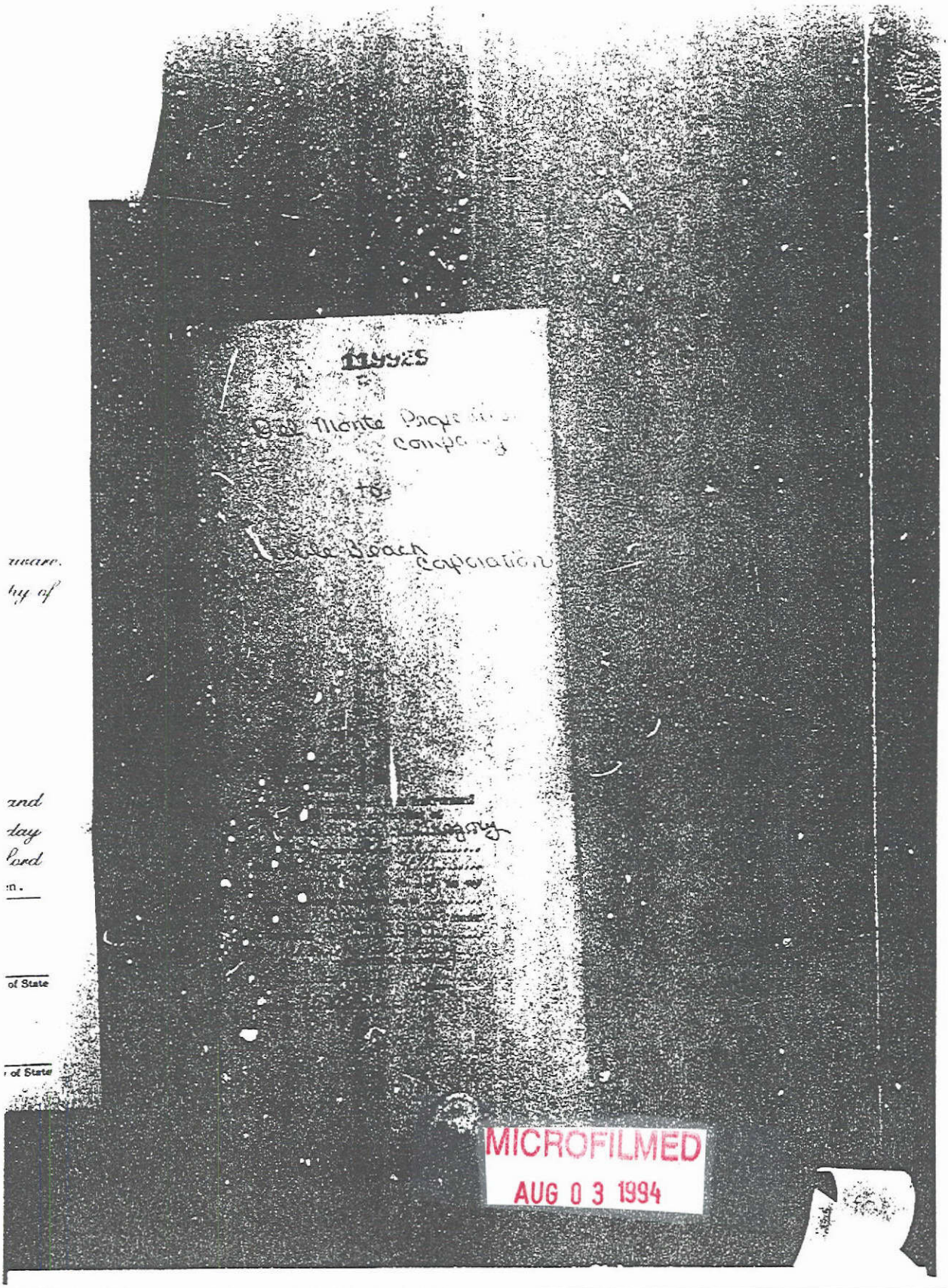
Glenn C. Kenton
Secretary of State

MICROFILMED
AUG 0 3 1994

FORM 121

Assistant Secretary of State

POOR ORIGINAL



11925

Gold Mante Properties Company

to

Lake Beach Corporation

Agency

MICROFILMED
AUG 0 3 1994

...mare.
...by of

...and
...day
...Lord
...n.

...of State

...of State

POOR ORIGINAL

for the sum of

Ten and no/100 ---------- DOLLARS,

the following described tract(s) of land in Gem County,
State of Idaho:

SEE ATTACHED EXHIBIT A.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized by a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this day of , A. D. 1979.

PEBBLE BEACH CORPORATION
(CORPORATE NAME)

PRESIDENT

SECRETARY

State of Calif.
County of Monterey

On the 14th day of August , A. D. 1979
personally appeared before me Harry Holmes and William J. Bessemer
who being by me duly sworn did say each for himself that he, the said Harry Holmes
is the president, and he, the said William J. Bessemer is the secretary
of PEBBLE BEACH CORPORATION, the corporation described in the within and
foregoing instrument, that he executed the same on behalf of said corporation by authority of a resolution of its board
of directors and said Harry Holmes and William J. Bessemer
each duly acknowledged to me that said corporation executed the same and that the seal affixed is the
seal of said corporation.

Linda Dee Bean
Notary Public
Pacific Grove, CA 93950
My commission expires May 28, 1983

MAIL DEED TO:
Raymond D. Givens, Atty at Law
P. O. Box 2720

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

STATE OF IDAHO, COUNTY OF GEM

I hereby certify that this instrument was filed for record at the request of _____ at _____ minutes past _____ o'clock __.M., this ____ day of _____, A.D. 1983, in my office, and was recorded in Book ___ of _____, at page ____.

_____
Ex-Officio Recorder

By_____
Deputy

Fees, $_____

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

EXHIBIT "A"

LEGAL DESCRIPTION

TRACT I

Township 6 North, Range 2 West, B.M.

Section 11: All of Lot 6 lying East of the West bank of Sand Hollow Ditch, and South of Railroad right of way, more particularly described as follows:

Commencing at the SE corner of said Government Lot 6; thence
North 89°47'50" West, along the South boundary of said Government Lot 6, a distance of 823.49 feet to a point on the West Bank of Sand Hollow Creek; thence
North 2°32'40" West, along the West bank of said Creek, a distance of 1358.55 feet to a point on the Southerly boundary of the Union Pacific Railroad right-of-way; thence
North 85°08'00" East, along the Southerly boundary of said Railroad right-of-way, a distance of 885.81 feet to the East boundary of said Government Lot 6; thence
South, along the East boundary of said Government Lot 6, a distance of 1419.85 feet to the POINT OF BEGINNING.

Section 14: The East 50 feet of the NE¼ of NW¼, less the South 100 feet thereof for highway, as described in Right-of-way Deeds recorded in Book 35 of Deeds, at Page 374, Instrument #67527, and in Book 35 of Deeds, at Page 397, Instrument #67606, records of Gem County, Idaho.

LESS all ditch rights of way.

MICROFILMED
AUG 0 3 1994

In Gem County, Idaho.

TRACT II

A parcel situated in the NE¼NW¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said NE¼NW¼; thence
North 89°47'50" West along the North boundary of said NE¼NW¼, a distance of 50.00 feet to the true point of beginning; thence

(continued)

POOR ORIGINAL

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

South, parallel with the East boundary of said NE¼NW¼, a distance of 851.07 feet; thence
North 66°24'00" West a distance of 147.43 feet; thence
South 84°34'40" West a distance of 543.50 feet; thence
South 85°56'30" West a distance of 316.53 feet; thence
North 88°02'40" West a distance of 81.66 feet; thence
North 85°36'30" West a distance of 205.58 feet to a point on the West boundary of said NE¼NW¼; thence
North 0°00'40" East along the West boundary of said NE¼NW¼, a distance of 851.81 feet to the Northwest corner of said NE¼NW¼; thence
South 89°47'50" East along the North boundary of said NE¼NW¼, a distance of 1278.34 feet to the true point of beginning.

TRACT III

A tract of land in the SW¼SE¼ and Government Lot 7 of Section 11, Township 6 North, Range 2 West of the Boise Meridian, and is more particularly described as follows:

Beginning at the Southwest corner of said SW¼SE¼; thence
North 0°03'10" West, along the West boundary of said SW¼SE¼ and Government Lot 7, a distance of 1419.85 feet to a point on the Southerly boundary of the right of way for the Union Pacific Railroad; thence
North 86°05'20" East, along the Southerly boundary of the right of way for said Union Pacific Railroad, a distance of 860.00 feet; thence leaving the Southerly boundary of the right of way for said Union Pacific Railroad and running
South 31°34'00" West, a distance of 395.48 feet; thence
South 53°41'50" West, a distance of 326.84 feet; thence
South 33°38'20" West, a distance of 93.83 feet; thence
South 0°56'40" East, a distance of 257.73 feet; thence
South 14°14'50" West a distance of 346.76 feet; thence
South 0°34'50" East, a distance of 277.05 feet to a point on the South boundary of said SW¼SE¼; thence
North 89°47'50" West, along the South boundary of said SW¼SE¼, a distance of 256.00 feet to the Point of Beginning.

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

TRACT V

A tract of land situated in the NW¼NE¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, and is more particularly described as follows:

Beginning at the Northwest corner of said NW¼NE¼; thence South 89°46'10" East, along the North boundary of said NW¼NE¼, (formerly North 89°57' East), a distance of 740.00 feet; thence
South 0°18'58" West, along a line parallel with the West boundary of said NW¼NE¼, a distance of 1318.06 feet (formerly South 1319.2 feet); thence
North 89°47'31" West, along the South boundary of said NW¼NE¼, (formerly South 89°59' West), a distance of 740.00 feet to a point on the said West boundary; thence
North 0°18'58" East, along said West boundary, (formerly North a distance of 1319.2 feet), a distance of 1318.35 feet to the Real Point of Beginning.

EXCEPTING therefrom all that portion lying within State Highway

TRACT VI

The NE¼NE¼NW¼ and the S½NE¼NW¼ of Section 29, Township 6 North, Range 1 West, B.M., Gem County, Idaho, otherwise known as the GEM Placer Mining Claim.

MICROFILMED

AUG 0 3 1994

ALSO EXCEPT any portion lying within State Highway

TRACT VII

The N½NE¼, Section 29, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, otherwise known as the GEM Placer Mining Claim:

POOR ORIGINAL

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

MICROFILMED
AUG 0 3 1994

ALSO EXCEPT any portion lying within State Highway 16.

ALSO EXCEPT the following described property deeded to the State of Idaho in Warranty Deed, Instrument #87930, records of Gem County, Idaho:

A parcel of land being on both sides of the centerline of State Highway No. 16, Project No. S-3832(3) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the NE¼NE¼ of Section 29, Township 6 North, Range 1 West, B.M., Gem County, Idaho, described as follows, to-wit:

Commencing at the Northeast corner of Section 29, Township 6 North, Range 1 West, B.M.; thence
South 0°37'52" West along the East line of said Section 29 a distance of 537.43 feet to a point in a line parallel with and 60.0 feet Northwesterly from the centerline and opposite Station 553+30.11 of State Highway No. 16, Project No. S-3832(3) Highway Survey and the real point of beginning; thence
South 22°12'00" West along said parallel line 843.31 feet to a point in the South line of the NE¼NE¼ of said Section 29 opposite Station 544+86.80 of said Highway Survey; thence
South 89°59'14" East along said South line 129.69 feet to a point that bears South 67°48'00" East 60.00 feet from Station 545+35.74 of said Highway Survey; thence
North 48°53'12" East 155.86 feet to a point that bears South 67°48'00" East 130.0 feet from Station 546+75 of said Highway Survey; thence
North 18°57'37" East 203.96 feet to a point in the East line of said Section 29 that bears South 67°48'00" East 118.47 feet from Station 548+78.65 of said Highway Survey; thence
North 0°37'52" East along said East line 485.46 feet to the real point of beginning.

Highway Station reference: 545+11.27 to 551+78.33.

The bearings as shown in the above land description, unless otherwise noted are from the Idaho Plane Coordinate System, based on the transverse mercator projection for the West Zone of Idaho. To convert to gedetic bearings, a correction of 0°30'01" must be subtracted from all Northeast and Southwest bearings and added to all Northwest and Southeast bearings.

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: **A65-01101**
Date Received: / /
Receipt No: X999999
Received By: _____

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: UNIMIN CORPORATION 208-342-6066
   Address: RICHARD A CUMMINGS
   MEULEMAN, MILLER, & CUMMINGS
   PO BOX 955
   BOISE ID 83701

2. Date of Priority: NOV 1, 1967

3. Source: POND Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	02W	11		SE	SW		GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	3.350		2420.00

7. Total Quantity Appropriated is:
   3.350 C.F.S. (and/or) 2420.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	02W	11	SE	SW		INDUST	

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:

14. Remarks:
SAND PROCESSING.
OWNERSHIP CHANGED BY RDH 2/12/93.
ATTORNEY ADDRESS CORRECTED 02/02/1995 MM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

Decree Plaintiff	vs	Decree Defendant
STATE OF IDAHO		A & C CORP., ET AL.

RECEIVED
JAN 27 1995
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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A65-01101**
Date Received: / /
Receipt No: _____
Received By: _____

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

1. Name: UNIMIN CORPORATION 208-336-6900
   Address: PO BOX 739
   BOISE ID 83701

2. Date of Priority: NOV 1, 1967

3. Source: POND Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	02W	11	SE SW		GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	3.350		2420.00

7. Total Quantity Appropriated is:
   3.350 C.F.S. (and/or) 2420.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	02W	11	SE SW		INDUST	

11. Place of use in counties: GEM

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

RECEIVED
JAN 26 1995

MEULEMAN, MILLER & CUMMINGS

13. Other Water Rights Used:

14. Remarks:
SAND PROCESSING.
OWNERSHIP CHANGED BY RDH 2/12/93.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

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 Organizations:

I do solemnly swear or affirm that I am Sr. Vice President/Legal and Regulatory Affairs (Title) of Unimin Corporation (Organization), that I have signed the foregoing document in the space below as Sr. Vice President/Legal and Regulatory Affairs (Title) of Unimin Corporation (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Sr. Vice President/
Legal and Regulatory Affairs
Title and Organization

January 24, 1995
Date

State of Connecticut)
) SS. New Canaan
County of Fairfield)

Subscribed and sworn (or affirmed) before me this 24th day of January 1995

Notary Public
George J. Kalapos, Jr.

Seal

Residing at 502 Allyndale Ave, Stratford, CT

My Commission Expires 2/28/95

RICHARD A. CUMMINGS
PAIGE A. PARKER
IMHOFF & LYNCH
1607 West Jefferson
Post Office Box 739
Boise, Idaho 83701
Telephone: (208) 336-6900

RECEIVED
FEB 13 1990
Department of Water Resources
Western Regional Office

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 NO. 39576
	Ident. Number: A65-01101
	Date Received: 2-13-90 See Rand's
	Receipt No.: X999999 (Ltr of
	Received By: JS 2-19-93) ?

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: Unimin Corporation
Address: Richard A. Cummings
Paige A. Parker
Imhoff & Lynch
Post Office Box 739
Boise, Idaho 83701

2. Date of Priority: November 01, 1967

3. Source: Payette River Trib. to: Snake River

4. Point of Diversion:

Township	Range	Section	Lot	County
06N	1W	7	3	Gem

5. Description of diverting works: from point of diversion water flows via unnamed ditch through use property. Diversion from unnamed ditch at T.6N, R1W, Section 7, 1/4 of SE of 1/4 SW

MICROFILMED
AUG 03 1994

Questions on
these claims
direct to Paige
Parker
336-6900

Note: Source should be a
Pond w/ P.D. as orig. claimed
in PRBA. No changes have
been made per the field
exam for new filing by
Del Monte (alias Unknown) for
this claim's claimed source P.D.

is via headgate into holding pond. Use application is via pump out of holding pond.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
Industrial	01/01	12/31	3.350		2420.00

7. Total Quantity Appropriated is:
3.350 C.F.S. (and/or) 2420.00 A.F.A.

8. Total consumptive use is 2420.00 A.F.A. Acre Feet Per Annum.

9. Non-irrigation use:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	02W	11	SE SW		INDUS	

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:

14. Remarks:
SAND PROCESSING.

15. Basis of Claim: DECREED
Case Number :
Court :
Decree Date : 1/21/86

STATE OF IDAHO vs. A & C CORP., ET AL
Decree Plaintiff Decree Defendant

16. Signature(s)

(a) By signing below, I acknowledge that I have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I do wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments: 41

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For Organizations:

I do solemnly swear or affirm that I am Charles A. Collins, Emmett, Idaho Plant Manager of Unimin Corporation, that I have signed the foregoing document in the space below as Emmett, Idaho Plant Manager of Unimin Corporation and that the statements contained in the foregoing document are true and correct.

Charles A. Collins

Charles A. Collins
Emmett, Idaho Plant Manager
Unimin Corporation

February 9, 1990
Date

STATE OF IDAHO)
)ss.
County of Gem)

SUBSCRIBED AND SWORN before me this 9 day of February, 1990.

Rosemarie Evans

Notary Public for Idaho
Residing at Emmett
My commission expires: Sept. 1991

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CHANGE IN OWNERSHIP

Water Right Number(s): A65-01101

Name and Address of Former Claimant:
Del Monte Sand Co.
P. O. Box 651
Emmett, ID 83617

New Claimant: Unimin Corporation

New Mailing Address:
Richard A. Cummings
Paige A. Parker
Imhoff & Lynch
Post Office Box 739
Boise, Idaho 83701

New Telephone Number: (208) 336-6900

Does the change in ownership result in a splitting of the water rights claimed? No.

Attach proof of ownership
Describe proof attached:

1. Agreement of Merger between Del Monte Properties Company and Pebble Beach Corporation (January 24, 1977).
2. Warranty Deed from Pebble Beach Corporation to Wedron Silica Company (August, 1979).
3. Correction Warranty Deed from Wedron Silica Company to Martin Marietta Corporation (October 24, 1979).
4. Correction Warranty Deed from Wedron Silica Company to Martin Marietta Corporation (February 27, 1980).
5. Corporation Warranty Deed from Martin Marietta Corporation to Unimin Corporation (September 23, 1983).

Signature of Claimant(s): Charles A. Collins

Charles A. Collins
Emmett, Idaho Plant Manager,
Unimin Corp.

Date: February 9, 1990

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POOR ORIGINAL

AGREEMENT OF MERGER

AGREEMENT OF MERGER (this "Agreement") made and entered into this 24th day of January, 1977, by and between DEL MONTE PROPERTIES COMPANY, a California corporation ("Del Monte"), and PEBBLE BEACH CORPORATION, a Delaware corporation ("Pebble Beach");

W I T N E S S E T H:

WHEREAS, Del Monte is a corporation duly organized and existing under the laws of the State of California;

WHEREAS, Pebble Beach is a corporation duly organized and existing under the laws of the State of Delaware;

WHEREAS, on the date of this Agreement, Del Monte has authority to issue 2,500,000 shares of Common Stock, $2.50 par value (the "California Common Stock"), of which 1,453,100 shares are issued and outstanding, and 500,000 shares of 4-1/2% Cumulative Convertible Series A Preferred Stock, $25 par value (the "California Preferred Stock"), of hich 216,000 shares are issued and outstanding;

WHEREAS, on the date of this Agreement, Pebble Beach has authority to issue 4,000,000 shares of Common Stock, $2.50 par value (the "Delaware Common Stock"), of which 10 shares are issued and outstanding and owned by Del

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POOR ORIGINAL

Monte, and 1,000,000 shares of Preferred Stock, $25 par value, of which no shares are issued and outstanding;

WHEREAS, the respective Boards of Directors of Del Monte and Pebble Beach have determined that, for the purpose of effecting the reincorporation of Del Monte in the State of Delaware it is advisable and to the advantage of said two corporations that Del Monte merge into Pebble Beach upon the terms and conditions herein provided; and

WHEREAS, the respective Boards of Directors of Del Monte and Pebble Beach have approved this Agreement and the Boards of Directors of Del Monte and Pebble Beach have directed that this Agreement be submitted to a vote of the stockholders of each of said corporations;

NOW, THEREFORE, in consideration of the mutual agreements and covenants set forth herein, Del Monte and Pebble Beach hereby agree to merge as follows:

(1) Merger. Effective upon the filing of this Agreement in the office of the Secretary of State of the State of Delaware (the "Effective Date"), Del Monte shall be merged with and into Pebble Beach, and Pebble Beach shall be the surviving corporation (hereinafter, in such capacity, the "Surviving Corporation") in the merger (the "Merger").

(2) Directors and Officers and Governing Documents. On and after the Effective Date the directors and officers

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of Pebble Beach shall be the directors and officers of the Surviving Corporation. The Certificate of Incorporation of Pebble Beach, in effect on the Effective Date, shall continue to be the Certificate of Incorporation of the Surviving Corporation without change or amendment, until further amended in accordance with the provisions thereof and applicable laws. The Bylaws of Pebble Beach, in effect on the Effective Date, shall continue to be the Bylaws of the Surviving Corporation without change or amendment until further amended in accordance with the provisions thereof and applicable laws.

(3) Succession. On the Effective Date, Pebble Beach shall succeed to Del Monte in the manner of and as more fully set forth in Section 259 of the General Corporation Law of the State of Delaware.

(4) Further Assurances. From time to time, as and when required by the Surviving Corporation or by its successors and assigns, there shall be executed and delivered on behalf of Del Monte such deeds and other instruments, and there shall be taken or caused to be taken by it such further and other action, as shall be appropriate or necessary in order to vest, perfect or confirm, of record or otherwise, in the Surviving Corporation the title to and possession of all the

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POOR ORIGINAL

property, interests, assets, rights, privileges, immunities, powers, franchises and authority of Del Monte, and otherwise to carry out the purposes of this Agreement, and the officers and directors of the Surviving Corporation are fully authorized in the name and on behalf of Del Monte or otherwise to take any and all such action and to execute and deliver any and all such deeds and other instruments.

(5) Stock of Del Monte. Upon the Effective Date, by virtue of the Merger and without any action on the part of the holder thereof, each outstanding share of the California Common Stock shall be converted into one share of Common Stock of the Surviving Corporation and each outstanding share of the California Preferred Stock shall be converted into one share of Preferred Stock of the Surviving Corporation.

(6) Common Stock of Pebble Beach. Upon the Effective Date, each outstanding share of Delaware Common Stock owned by Del Monte shall be canceled and retired and no shares of the Surviving Corporation shall be issued in respect thereof.

(7) Stock Certificates. On and after the Effective Date, all of the outstanding certificates which prior to that time represented shares of California Common Stock or California Preferred Stock shall be

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deemed for all purposes to evidence ownership of and to represent the respective shares of the Surviving Corporation into which the shares represented by such certificates have been converted as herein provided.

(8) Covenants of Pebble Beach. Pebble Beach covenants and agrees that it will, on or before the Effective Date:

(i) Qualify to do business as a foreign corporation in the State of California, and in connection therewith irrevocably appoint the California Secretary of State as agent for service of process and also qualify to do business in the States of Idaho, Illinois, South Carolina, Tennessee, and Texas.

(ii) File any and all documents with the California Franchise Tax Board necessary to the assumption by Pebble Beach of all of the franchise tax liabilities of Del Monte.

(9) Amendment. At any time before or after approval and adoption by the stockholders of Del Monte, this Agreement may be amended in any manner (except that Paragraph (5) may not be amended without the approval of the stockholders of Del Monte) as may be determined in the judgment of the respective Boards of Directors of Del Monte and Pebble Beach to be necessary,

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5.

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desirable or expedient in order to clarify the intention of the parties hereto or to effect or facilitate the purpose and intent of this Agreement.

(10) Abandonment. At any time before the Effective Date, this Agreement may be terminated and the Merger may be abandoned by the Board of Directors of either Del Monte or Pebble Beach or both, notwithstanding approval of this Agreement by the stockholders of Del Monte or the stockholders of Pebble Beach or both.

(11) Counterparts. In order to facilitate the filing and recording of this Agreement, the same may be executed in any number of counterparts, each of which shall be deemed to be an original.

IN WITNESS WHEREOF, this Agreement, having first been duly approved by resolution of the Boards of Directors of Del Monte and Pebble Beach, is hereby executed at Pebble Beach, California, on behalf of each of said two corporations by their respective officers thereunto duly authorized.

DEL MONTE PROPERTIES COMPANY,
A California corporation

By Harry Holmes
Harry Holmes, President

(Corporate Seal)

ATTEST:

William J. Bessemer
William J. Bessemer, Secretary

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PEBBLE BEACH CORPOPATION,
A Delaware corporation

By Harry Holmes
Harry Holmes, President

(Corporate Seal)

ATTEST:

William J. Bessemer
William J. Bessemer, Secretary

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The foregoing Agreement of Merger, having been duly adopted by the stockholders of Del Monte Properties Company, a California corporation, and Pebble Beach Corporation, a Delaware corporation, and the fact of such adoption having been duly certified thereon by the Secretary of each of said Constituent Corporations, said Agreement of Merger is hereby executed by each of the Constituent Corporations by its duly authorized officers, this 30th day of March, 1977.

DEL MONTE PROPERTIES COMPANY

ATTEST:

BY Harry Holmes
Harry Holmes
President

William J. Bessemer
Secretary

PEBBLE BEACH CORPORATION

ATTEST:

BY Harry Holmes
Harry Holmes
President

William J. Bessemer
Secretary

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POOR ORIGINAL

CERTIFICATE OF SECRETARY OF

PEBBLE BEACH CORPORATION

A Delaware Corporation

I, WILLIAM J. BESSEMER, Secretary of Pebble Beach Corporation, a Delaware corporation (the "Corporation"), hereby certify that the Agreement of Merger to which this certificate is attached, after having been submitted to and duly approved by the Board of Directors of the Corporation and signed by the President and Secretary of the Corporation, was approved and adopted by the unanimous consent in writing of Del Monte Properties Company, the holder of all the outstanding shares of stock of the Corporation.

WITNESS my hand the 30th day of March, 1977

William J. Bessemer
William J. Bessemer
Secretary

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POOR ORIGINAL

CERTIFICATE OF SECRETARY OF

DEL MONTE PROPERTIES COMPANY

A California Corporation

I, WILLIAM J. BESSEMER, Secretary of Del Monte Properties Company, a California corporation (the "Corporation"), hereby certify that the Agreement of Merger to which this certificate is attached, after having been submitted to and duly approved by the Board of Directors of the Corporation and signed by the President and Secretary of the Corporation, was submitted to the stockholders of the Corporation at a meeting duly called for the purpose of acting on said Agreement of Merger and at said meeting more than a majority of the outstanding shares of stock of the Corporation entitled to vote thereon were voted for the adoption of the Agreement of Merger.

WITNESS my hand this 30th day of March ,1977

William J. Bessemer
William J. Bessemer
Secretary

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POOR ORIGINAL

State of DELAWARE

Office of SECRETARY OF STATE

I, Glenn C. Kenton Secretary of State of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of

Certificate of Agreement of Merger of the "DEL MONTE PROPERTIES COMPANY", a corporation organized and existing under the laws of the State of California, merging with and into the "PEBBLE BEACH CORPORATION", a corporation organized and existing under the laws of the State of Delaware, under the name of "PEBBLE BEACH CORPORATION", as received and filed in this office the thirtieth day of March, A.D. 1977, at 4 o'clock P.M.

And I do hereby further certify that the aforesaid Corporation shall be governed by the laws of the State of Delaware.

In Testimony Whereof, I have hereunto set my hand and official seal at Dover this twenty-second day of April in the year of our Lord one thousand nine hundred and seventy-seven.

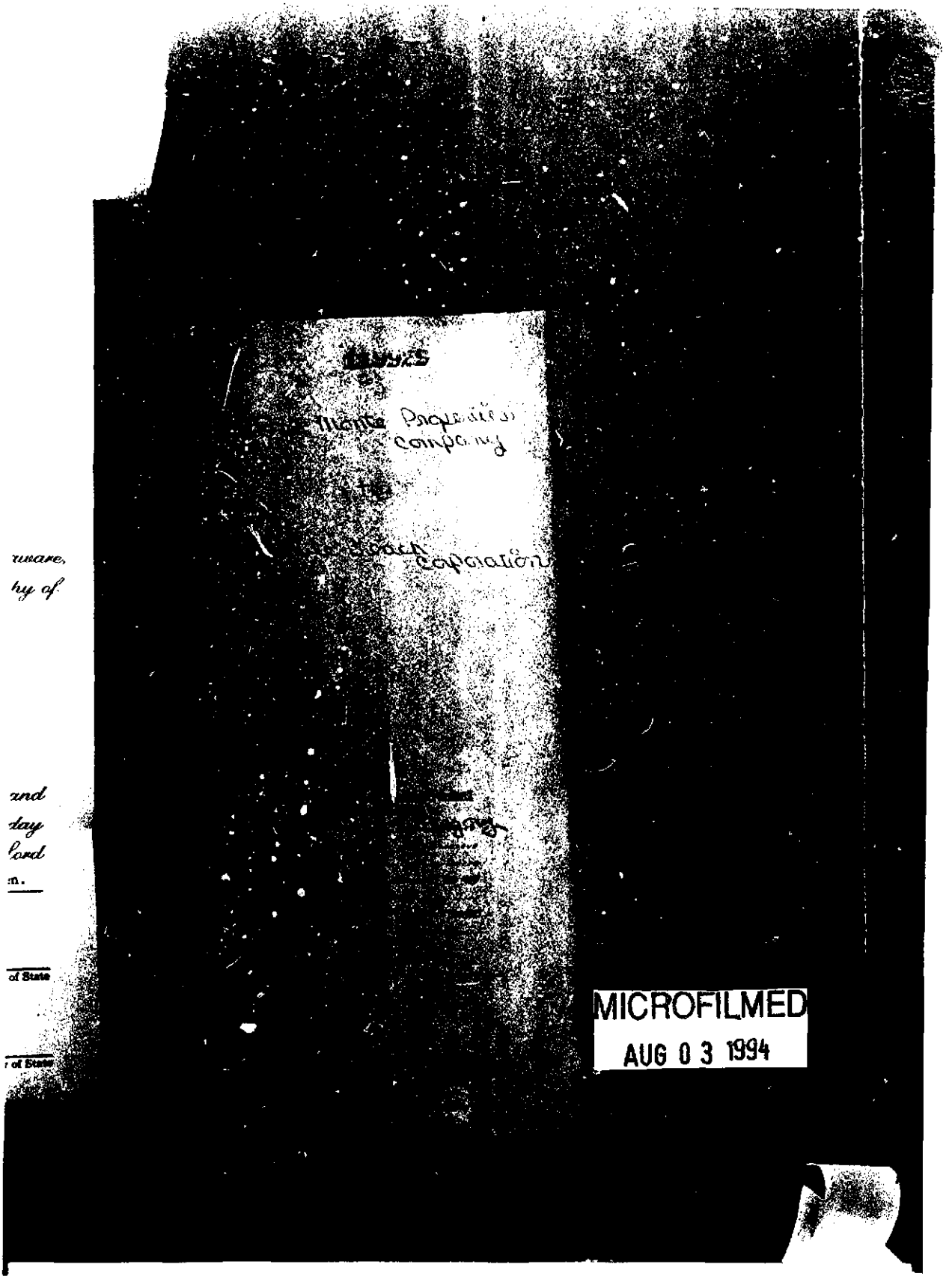
Glenn C. Kenton
Secretary of State

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Assistant Secretary of State

FORM 121

POOR ORIGINAL



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AUG 0 3 1994

POOR ORIGINAL

Ten and no/100 ---------- DOLLARS
the following described tract(s) of land in Gem County,
State of Idaho:

SEE ATTACHED EXHIBIT A.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this day of , A. D. 1979.

PEBBLE BEACH CORPORATION
(CORPORATE NAME)

By _____
PRESIDENT

_____
SECRETARY

State of Idaho Calif.
County of Monterey ss.

On the 1 h day of August , A. D. 1979
personally appeared before me Harry Holmes and William J. Bessemer
who being by me duly sworn, did say, each for himself, that he, the said Harry Holmes
is the president, and he the said William J. Bessemer is the secretary
of PEBBLE BEACH CORPORATION a corporation, and that the within and
foregoing instrument was signed on behalf of said corporation by authority of a resolution of its board
of directors and said Harry Holmes and William J. Bessemer
each duly acknowledged to me that said corporation executed the same and that the seal affixed is the
seal of said corporation

_____
Linda Dee Hamm
My residence is Pacific Grove, CA 93950
My commission expires May 28, 1983

MAIL DEED TO
Raymond D. Givens, Atty at Law
P O. Box 2720

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POOR ORIGINAL

LEGAL DESCRIPTION

TRACT I

Township 6 North, Range 2 West, B.M.

Section 11: All of Lot 6 lying East of the West bank of Sand Hollow Ditch, and South of Railroad right of way, more particularly described as follows:

Commencing at the SE corner of said Government Lot 6; thence
North 89°47'50" West, along the South boundary of said Government Lot 6, a distance of 823.49 feet to a point on the West bank of Sand Hollow Creek; thence
North 2°32'40" West, along the West bank of said Creek, a distance of 1358.55 feet to a point on the Southerly boundary of the Union Pacific Railroad right-of-way; thence
North 85°08'00" East, along the Southerly boundary of said Railroad right-of-way, a distance of 885.81 feet to the East boundary of said Government Lot 6; thence
South, along the East boundary of said Government Lot 6, a distance of 1419.85 feet to the POINT OF BEGINNING.

Section 14: The East 50 feet of the NE¼ of NW¼, less the South 100 feet thereof for highway, as described in Right-of-way Deeds recorded in Book 35 of Deeds, at Page 374, Instrument #67527, and in Book 35 of Deeds, at Page 397, Instrument #67606, records of Gem County, Idaho.

LESS all ditch rights of way.

In Gem County, Idaho.

TRACT II

A parcel situated in the NE¼NW¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said NE¼NW¼; thence
North 89°47'50" West along the North boundary of said NE¼NW¼, a distance of 50.00 feet to the true point of beginning; thence
South, parallel with the East boundary of said NE¼NW¼, a distance of 851.07 feet; thence
North 66°24'00" West a distance of 147.43 feet; thence
South 84°34'40" West a distance of 543.50 feet; thence
South 85°56'30" West a distance of 316.53 feet; thence
North 88°02'40" West a distance of 81.66 feet; thence

(continued)

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POOR ORIGINAL

LEGAL DESCRIPTION CONTINUED

North 85°36'30" West a distance of 205.58 feet to a point on the West boundary of said NE¼NW¼; thence
North 0°00'40" East along the West boundary of said NE¼NW¼, a distance of 851.81 feet to the Northwest corner of said NE¼NW¼; thence
South 89°47'50" East along the North boundary of said NE¼NW¼, a distance of 1278.34 feet to the true point of beginning.

TRACT III

A tract of land in the SW¼SE¼ and Government Lot 7 of Section 11, Township 6 North, Range 2 West of the Boise Meridian, and is more particularly described as follows:

Beginning at the Southwest corner of said SW¼SE¼; thence
North 0°03'10" West, along the West boundary of said SW¼SE¼ and Government Lot 7, a distance of 1419.85 feet to a point on the Southerly boundary of the right of way for the Union Pacific Railroad; thence
North 86°05'20" East, along the Southerly boundary of the right of way for said Union Pacific Railroad, a distance of 860.00 feet; thence leaving the Southerly boundary of the right of way for said Union Pacific Railroad and running
South 31°34'00" West, a distance of 395.48 feet; thence
South 53°41'50" West, a distance of 326.84 feet; thence
South 33°38'20" West, a distance of 93.83 feet; thence
South 0°56'40" East, a distance of 257.73 feet; thence
South 14°14'50" West a distance of 346.76 feet; thence
South 0°34'50" East, a distance of 277.05 feet to a point on the South boundary of said SW¼SE¼; thence
North 89°47'50" West, along the South boundary of said SW¼SE¼, a distance of 256.00 feet to the Point of Beginning.

TRACT IV

A tract of land in the NW¼NW¼ of Section 29, Township 6 North, Range 1 West of the Boise Meridian and more particularly described as follows:

Commencing at the Northwest corner of said NW¼NW¼; thence
South 0°10'12" East, along the West boundary of said NW¼NW¼, a distance of 232.65 feet; thence leaving said West boundary and running
South 35°27'22" East, (formerly South 35°20'00" East) a distance of 418.60 feet (formerly 419.20 feet) to the TRUE POINT OF BEGINNING; thence

(continued)

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POOR ORIGINAL

LEGAL DESCRIPTION - CONTINUED

a distance of 1319.2 feet), [illegible] of 1318.35 feet to the Point of Beginning.

EXCEPTING therefrom all that portion lying within State Highway 52.

TRACT VI

The NE¼NE¼NW¼ and the [illegible] of Section 29, Township 6 North, Range 1 West, B.M., Gem County, Idaho, otherwise known as FREEZEOUT GEM Placer Mining Claim, containing 30 acres.

TRACT VII

The N½NE¼, Section 29, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, otherwise known as FREEZEOUT NO. 2, Placer Mining Claim, containing 80 acres.

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POOR ORIGINAL

North 63°49'24" East, (formerly North 63°54'00" East) a distance of 145.33 feet (formerly 145.69 feet); thence
North 19°11'47" West, (formerly North 19°04'27" West) a distance of 249.91 feet (formerly 250.10 feet); thence
North 3°06'43" East, (formerly North 3°12'00" East) a distance of 171.76 feet (formerly 172.20 feet); thence
North 87°46'53" East, (formerly North 87°54'00" East) a distance of 347.90 feet; thence
South 60°05'12" East, (formerly South 60°00'00" East) a distance of 152.75 feet (formerly 175.50 feet); thence
South 0°04'25" East (formerly South 0°02'00" East) a distance of 145.23 feet; thence
North 78°01'21" East (formerly North 78°00'00" East) a distance of 87.05 feet; thence
South 64°58'39" East (formerly South 65°00'00" East) a distance of 282.53 feet; thence
North 50°01'21" East (formerly North 50°00'00" East) a distance of 270.19 feet to a point on the East boundary of said NW¼NW¼; thence
South 0°01'21" West, along the said East boundary a distance of 992.05 feet to the Southeast corner of said NW¼NW¼; thence
South 88°46'43" West, along the South boundary of said NW¼NW¼, a distance of 1062.96 feet; thence leaving said South boundary and running
North 0°10'12" West, parallel with the West boundary of said NW¼NW¼, a distance of 737.52 feet to the TRUE POINT OF BEGINNING.

LESS any portion lying within the County road.

TRACT V

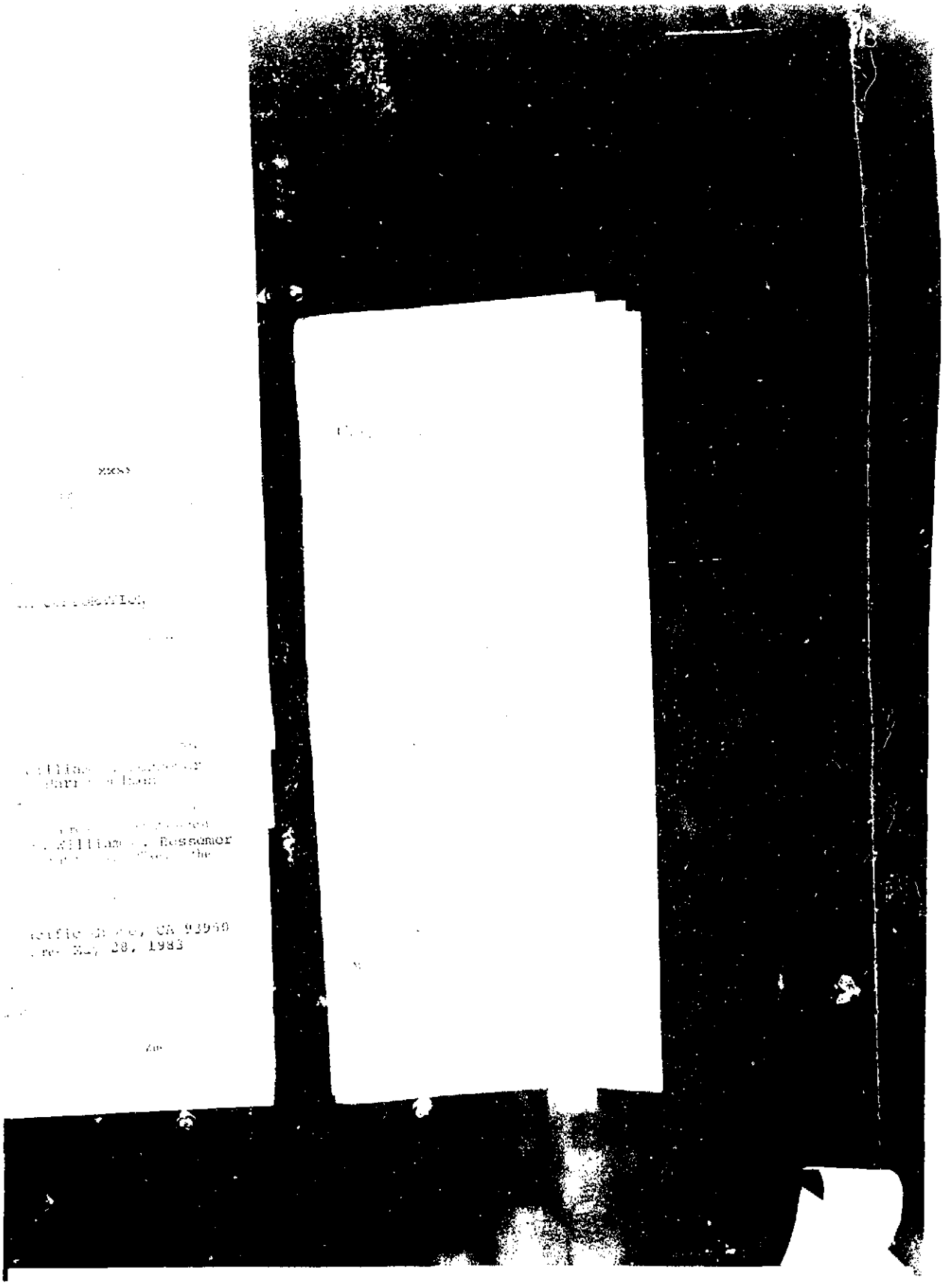
A tract of land situated in the NW¼NE¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, and is more particularly described as follows:

Beginning at the Northwest corner of said NW¼NE¼; thence
South 89°46'10" East, along the North boundary of said NW¼NE¼, (formerly North 89°57' East), a distance of 740.00 feet; thence
South 0°18'58" West, along a line parallel with the West boundary of said NW¼NE¼, a distance of 1318.06 feet (formerly South 1319.2 feet); thence
North 89°47'31" West, along the South boundary of said NW¼NE¼ (formerly South 89°59' West), a distance of 740.00 feet to a point on the said West boundary; thence
North 0°18'58" East, along said West boundary, (formerly North,

(continued)

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POOR ORIGINAL



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AUG 0 3 1994

POOR ORIGINAL

CORRECTION
CORPORATION WARRANTY DEED

WEDRON SILICA COMPANY, a Delaware corporation, Grantor, hereby conveys, grants and warrants to MARTIN MARIETTA CORPORATION, a Maryland corporation, 6801 Rockledge Drive, Bethesda, Maryland 20034, Grantee, for the sum of Ten and no/100 ($10.00) DOLLARS on the following tracts of land in Gem County, State of Idaho, as described on Exhibit A, attached hereto, all minerals and mineral rights of every kind and character, surface and subsurface, including without limitation, all oil, natural gas, hydrocarbon substances, sand, silica gravel, and all ores, metals, fossils, elements and gases, and the perpetual right of access, ingress and egress, to, through and from said minerals and mineral rights, and the right to explore for, mine, extract, develop, store, process, recover and dispose of such minerals by any reasonable means or methods, including without limitation, the right to stripmine and mine by open pit mining, and the right to construct such roads, pipelines, transmission lines, buildings, structures, or other facilities on the surface of the real property as are reasonably necessary under the circumstances at the time, to, over and upon the property on said Exhibit A.

This Correction Deed is filed for the purpose of correcting the designation of the Grantee as being in fact a Maryland corporation.

The Officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting held and attended by a quorum.

IN WITNESS WHEREOF, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officer this [illegible] day of [illegible], 1979.

ATTEST: WEDRON SILICA COMPANY

_____ By _____
Secretary Chairman of the Board

STATE OF CALIFORNIA,)
) ss
County of Monterey,)

On this [illegible] day of [illegible], 1979, before me [illegible], a Notary Public, State of Idaho, duly commissioned, and sworn, personally appeared HARRY HOLMES and WILLIAM J. BESSEMER, known to me to be the Chairman of the Board and Secretary, respectively of the corporation described in and that executed the within instrument, and also known to me to be the persons who executed the instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of Monterey, the day and year first above written.

LINDA DEE HANN
NOTARY PUBLIC — CALIFORNIA
PRINCIPAL OFFICE IN
MONTEREY COUNTY
My Commission Expires May 28, 1983

Notary Public for California.
Residence: [illegible]

CORPORATION WARRANTY DEED

POOR ORIGINAL

LEGAL DESCRIPTION

TRACT I

Township 6 North, Range 2 West, B.M.

Section 11: All of Lot 6 lying East of the West bank of Sand Hollow Ditch, and South of Railroad right of way, more particularly described as follows:

Commencing at the SE corner of said Government Lot 6; thence
North 89°47'50" West, along the South boundary of said Government Lot 6, a distance of 823.49 feet to a point on the West bank of Sand Hollow Creek; thence
North 2°32'40" West, along the West bank of said Creek, a distance of 1358.55 feet to a point on the Southerly boundary of the Union Pacific Railroad right-of-way; thence
North 85°08'00" East, along the Southerly boundary of said Railroad right-of-way, a distance of 885.81 feet to the East boundary of said Government Lot 6; thence
South, along the East boundary of said Government Lot 6, a distance of 1419.85 feet to the POINT OF BEGINNING.

Section 14: The East 50 feet of the NE¼ of NW¼, less the South 100 feet thereof for highway, as described in Right-of-way Deeds recorded in Book 35 of Deeds, at Page 374, Instrument #67527, and in Book 35 of Deeds, at Page 397, Instrument #67606, records of Gem County, Idaho.

LESS all ditch rights of way.

In Gem County, Idaho.

TRACT II

A parcel situated in the NE¼NW¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said NE¼NW¼; thence
North 89°47'50" West along the North boundary of said NE¼NW¼, a distance of 50.00 feet to the true point of beginning; thence
South, parallel with the East boundary of said NE¼NW¼, a distance of 851.07 feet; thence
North 66°24'00" West a distance of 147.43 feet; thence
South 84°34'40" West a distance of 543.50 feet; thence
South 85°56'30" West a distance of 316.53 feet; thence
North 88°02'40" West a distance of 81.66 feet; thence

(continued)

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POOR ORIGINAL

LEGAL DESCRIPTION CONTINUED

North 85°36'30" West a distance of 205.58 feet to a point on the West boundary of said NE¼NW¼; thence
North 0°00'40" East along the West boundary of said NE¼NW¼, a distance of 851.81 feet to the Northwest corner of said NE¼NW¼; thence
South 89°47'50" East along the North boundary of said NE¼NW¼, a distance of 1278.34 feet to the true point of beginning.

TRACT III

A tract of land in the SW¼SE¼ and Government Lot 7 of Section 11, Township 6 North, Range 2 West of the Boise Meridian, and is more particularly described as follows:

Beginning at the Southwest corner of said SW¼SE¼;thence
North 0°03'10" West, along the West boundary of said SW¼SE¼ and Government Lot 7, a distance of 1419.85 feet to a point on the Southerly boundary of the right of way for the Union Pacific Railroad; thence
North 86°05'20" East, along the Southerly boundary of the right of way for said Union Pacific Railroad, a distance of 860.00 feet; thence leaving the Southerly boundary of the right of way for said Union Pacific Railroad and running
South 31°34'00" West, a distance of 395.48 feet; thence
South 53°41'50" West, a distance of 326.84 feet; thence
South 33°38'20" West, a distance of 93.83 feet; thence
South 0°56'40" East, a distance of 257.73 feet; thence
South 14°14'50" West a distance of 346.76 feet; thence
South 0°34'50" East, a distance of 277.05 feet to a point on the South boundary of said SW¼SE¼; thence
North 89°47'50" West, along the South boundary of said SW¼SE¼, a distance of 256.00 feet to the Point of Beginning.

TRACT IV

A tract of land in the NW¼NW¼ of Section 29, Township 6 North, Range 1 West of the Boise Meridian and more particularly described as follows:

Commencing at the Northwest corner of said NW¼NW¼; thence
South 0°10'12" East, along the West boundary of said NW¼NW¼, a distance of 232.65 feet; thence leaving said West boundary and running
South 35°27'22" East, (formerly South 35°20'00" East) a distance of 418.60 feet (formerly 419.20 feet) to the TRUE POINT OF BEGINNING; thence

(continued)

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AUG 0 3 1994

LEGAL DESCRIPTION CONTINUED

North 63°45'23" East, (formerly North 63°54'00" East) a distance of 125.52 feet (formerly 125.60 feet); thence
North 19°11'37" West, (formerly North 19°04'00" West) a distance of 249.91 feet (formerly 250.10 feet); thence
North 3°06'03" East, (formerly North 3°12'00" East) a distance of 121.76 feet (formerly 122.20 feet); thence
North 87°46'53" East, (formerly North 87°54'00" East) a distance of 347.90 feet; thence
South 60°05'12" East, (formerly South 60°00'00" East) a distance of 152.75 feet (formerly 175.50 feet); thence
South 0°04'25" East (formerly South 0°02'00" East) a distance of 145.23 feet; thence
North 78°01'21" East (formerly North 78°00'00" East) a distance of 87.05 feet; thence
South 64°58'39" East (formerly South 65°00'00" East) a distance of 282.53 feet; thence
North 50°01'21" East (formerly North 50°00'00" East) a distance of 270.00 feet to a point on the East boundary of said NW¼NW¼; thence
South 0°01'21" West, along the said East boundary a distance of 992.05 feet to the Southeast corner of said NW¼NW¼; thence
South 88°46'43" West, along the South boundary of said NW¼NW¼, a distance of 1062.96 feet; thence leaving said South boundary and running
North 0°10'12" West, parallel with the West boundary of said NW¼NW¼, a distance of 737.52 feet to the TRUE POINT OF BEGINNING.

LESS any portion lying within the County road.

TRACT V

A tract of land situated in the NW¼NE¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, and is more particularly described as follows:

Beginning at the Northwest corner of said NW¼NE¼; thence
South 89°46'10" East, along the North boundary of said NW¼NE¼, (formerly North 89°57' East), a distance of 740.00 feet; thence
South 0°18'58" West, along a line parallel with the West boundary of said NW¼NE¼, a distance of 1318.06 feet (formerly South 1319.2 feet); thence
North 89°47'31" West, along the South boundary of said NW¼NE¼ (formerly South 89°59' West), a distance of 740.00 feet to a point on the said West boundary; thence
North 0°18'58" East, along said West boundary, (formerly North,

(continued)

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

LEGAL DESCRIPTION CONTINUED

a distance of 1319.2 feet), a distance of 1318.35 feet to the Point of Beginning.

EXCEPTING therefrom all that portion lying within State Highway 52!

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

feet to

Highway 52.

130706

Wedron Silica Company

To

Martin Marietta Corp.

STATE OF IDAHO)
COUNTY OF [illegible]) ss.

I hereby [illegible] this instrument was filed [illegible] Givens & McDevitt etc.. at 55 past 11 o'clock A [illegible] 8th day of Nov. 19 79 in my office and duly recorded at [illegible] under Instrument No. 130706 [illegible]

By Roberta Schmidt Deputy

Fee $ 10.00

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

CORRECTION
CORPORATION WARRANTY DEED

WEDRON SILICA COMPANY, a Delaware corporation, Grantor, hereby conveys, grants and warrants to MARTIN MARIETTA CORPORATION, a Maryland corporation, 6801 Rockledge Drive, Bethesda, Maryland 20034, Grantee, for the sum of Ten and no/100 ($10.00) DOLLARS, the following tracts of land in Gem County, State of Idaho, as described on Exhibit A, RESERVING THEREFROM all buildings, fixtures, equipment, and improvements.

This Correction Deed is filed for the purpose of correcting the description of the interest conveyed.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the Board of Directors of the Grantor at a lawful meeting held and attended by a quorum.

IN WITNESS WHEREOF, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 27th day of February, 1980.

WEDRON SILICA COMPANY

ATTEST.

By Harry Holmes
Chairman of the Board

William J. Bessemer
Secretary

STATE OF CALIFORNIA)
) ss
COUNTY OF MONTEREY)

On this 27th day of February, 1980, before me the undersigned, a Notary Public, State of California, duly commissioned and sworn, personally appeared Harry Holmes and William J. Bessemer, known to me to be the Chairman of the Board and the Secretary, respectively, of the corporation described in and that executed the within instrument, and also known to me to be the persons who executed the instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of Monterey the day and year first above written.

Anne M. Bell
Notary Public for California
Residence: Monterey County California

ANNE M. BELL
NOTARY PUBLIC - CALIFORNIA
My Commission Expires Jan. 13, 1984

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

LEGAL DESCRIPTION

TRACT I

Township 6 North, Range 2 West, B.M.

Section 11: All of Lot 6 lying East of the West bank of Sand Hollow Ditch, and South of Railroad right of way, more particularly described as follows:

Commencing at the SE corner of said Government Lot 6; thence
North 89°47'50" West, along the South boundary of said Government Lot 6, a distance of 823.49 feet to a point on the West bank of Sand Hollow Creek; thence
North 2°32'40" West, along the West bank of said Creek, a distance of 1358.55 feet to a point on the Southerly boundary of the Union Pacific Railroad right-of-way; thence
North 85°08'00" East, along the Southerly boundary of said Railroad right-of-way, a distance of 885.81 feet to the East boundary of said Government Lot 6; thence
South, along the East boundary of said Government Lot 6, a distance of 1419.85 feet to the POINT OF BEGINNING.

Section 14: The East 50 feet of the NE¼ of NW¼, less the South 100 feet thereof for highway, as described in Right-of-way Deeds recorded in Book 35 of Deeds, at Page 374, Instrument #67527, and in Book 35 of Deeds, at Page 397, Instrument #67606, records of Gem County, Idaho.

LESS all ditch rights of way.

In Gem County, Idaho.

TRACT II

A parcel situated in the NE¼NW¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said NE¼NW¼; thence
North 89°47'50" West along the North boundary of said NE¼NW¼, a distance of 50.00 feet to the true point of beginning; thence
South, parallel with the East boundary of said NE¼NW¼, a distance of 851.07 feet; thence
North 66°24'00" West a distance of 147.43 feet; thence
South 84°34'40" West a distance of 543.50 feet; thence
South 85°56'30" West a distance of 316.53 feet; thence
North 88°02'40" West a distance of 81.66 feet; thence

(continued)

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

LEGAL DESCRIPTION CONTINUED

North 85°36'30" West a distance of 205.58 feet to a point on the West boundary of said NE¼NW¼; thence
North 0°00'40" East along the West boundary of said NE¼NW¼, a distance of 851.81 feet to the Northwest corner of said NE¼NW¼; thence
South 89°47'50" East along the North boundary of said NE¼NW¼, a distance of 1278.34 feet to the true point of beginning.

TRACT III

A tract of land in the SW¼SE¼ and Government Lot 7 of Section 11, Township 6 North, Range 2 West of the Boise Meridian, and is more particularly described as follows:

Beginning at the Southwest corner of said SW¼SE¼; thence
North 0°03'10" West, along the West boundary of said SW¼SE¼ and Government Lot 7, a distance of 1419.85 feet to a point on the Southerly boundary of the right of way for the Union Pacific Railroad; thence
North 86°05'20" East, along the Southerly boundary of the right of way for said Union Pacific Railroad, a distance of 860.00 feet; thence leaving the Southerly boundary of the right of way for said Union Pacific Railroad and running
South 31°34'00" West, a distance of 395.48 feet; thence
South 53°41'50" West, a distance of 326.84 feet; thence
South 33°38'20" West, a distance of 93.83 feet; thence
South 0°56'40" East, a distance of 257.73 feet; thence
South 14°14'50" West a distance of 346.76 feet; thence
South 0°34'50" East, a distance of 277.05 feet to a point on the South boundary of said SW¼SE¼; thence
North 89°47'50" West, along the South boundary of said SW¼SE¼, a distance of 256.00 feet to the Point of Beginning.

TRACT IV

A tract of land in the N½NW¼ of Section 29, Township 6 North, Range 1 West of the Boise Meridian and more particularly described as follows:

Commencing at the Northwest corner of said NW¼NW¼; thence
South 0°10'12" East, along the West boundary of said NW¼NW¼, a distance of 232.65 feet; thence leaving said West boundary and running
South 35°27'22" East, (formerly South 35°20'00" East) a distance of 418.60 feet (formerly 419.20 feet) to the TRUE POINT OF BEGINNING; thence

(continued)

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

LEGAL DESCRIPTION CONTINUED

North 63°45'23" East, (formerly North 63°54'00" East) a distance of 125.52 feet (formerly 125.60 feet); thence
North 19°11'37" West, (formerly North 19°04'00" West) a distance of 249.91 feet (formerly 250.10 feet); thence
North 3°06'03" East, (formerly North 3°12'00" East) a distance of 121.76 feet (formerly 122.20 feet); thence
North 87°46'53" East, (formerly North 87°54'00" East) a distance of 347.90 feet; thence
South 60°05'12" East, (formerly South 60°00'00" East) a distance of 152.75 feet (formerly 175.50 feet); thence
South 0°04'25" East (formerly South 0°02'00" East) a distance of 145.23 feet; thence
North 78°01'21" East (formerly North 78°00'00" East) a distance of 87.05 feet; thence
South 64°58'39" East (formerly South 65°00'00" East) a distance of 282.53 feet; thence
North 50°01'21" East (formerly North 50°00'00" East) a distance of 270.00 feet to a point on the East boundary of said NW¼NW¼; thence
South 0°01'21" West, along the said East boundary a distance of 992.05 feet to the Southeast corner of said NW¼NW¼; thence
South 88°46'43" West, along the South boundary of said NW¼NW¼, a distance of 1062.96 feet; thence leaving said South boundary and running
North 0°10'12" West, parallel with the West boundary of said NW¼NW¼, a distance of 737.52 feet to the TRUE POINT OF BEGINNING.

LESS any portion lying within the County road.

TRACT V

A tract of land situated in the NW¼NE¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, and is more particularly described as follows:

Beginning at the Northwest corner of said NW¼NE¼; thence
South 89°46'10" East, along the North boundary of said NW¼NE¼, (formerly North 89°57' East), a distance of 740.00 feet; thence
South 0°18'58" West, along a line parallel with the West boundary of said NW¼NE¼, a distance of 1318.06 feet (formerly South 1319.2 feet); thence
North 89°47'31" West, along the South boundary of said NW¼NE¼ (formerly South 89°59' West), a distance of 740.00 feet to a point on the said West boundary; thence
North 0°18'58" East, along said West boundary, (formerly North,

(continued)

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

LEGAL DESCRIPTION CONTINUED

a distance of 1319.2 feet), a distance of 1318.35 feet to the Point of Beginning.

EXCEPTING therefrom all that portion lying within State Highway 52.

MICROFILMED
AUG 0 3 1994

: 1318.35 feet to

n State Highway 52.

131878

Wedron Silica Company

To

Martin Marietta Corp.

Chickering & Gregory

05 P 3rd

Mar. 80

Deed

131878

10.00

POOR ORIGINAL

MICROFILMED
AUG 0 3 1994

3-13134

POOR ORIGINAL

CORPORATE WARRANTY DEED

MARTIN MARIETTA CORPORATION, a corporation organized and existing under the laws of the State of Maryland, with its principal office at 6801 Rockledge Drive, Bethesda, MD 20817 Grantor, hereby CONVEYS or GRANTS and WARRANTS TO UNIMIN CORPORATION, a Delaware Corporation, whose address is 52 Zoo Lane, New Canaan, CT., Grantee for the sum of ONE ($1.00) DOLLAR and other good and valuable consideration, the following described tract(s) of land in Gem County, State of Idaho:

Legal description attached hereto as Exhibit "A", consisting of six (6) pages.

To have and to hold the said premises with their appurtenances unto the said Grantee, its heirs and assigns forever, and the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises, that they are free from all encumbrances except those of public record and that it will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

IN WITNESS WHEREOF, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 23rd day of September, A.D. 1983.

MICROFILMED
AUG 0 3 1984

POOR ORIGINAL

MARTIN MARIETTA CORPORATION

By _____
President

ATTEST:
Asst Secretary

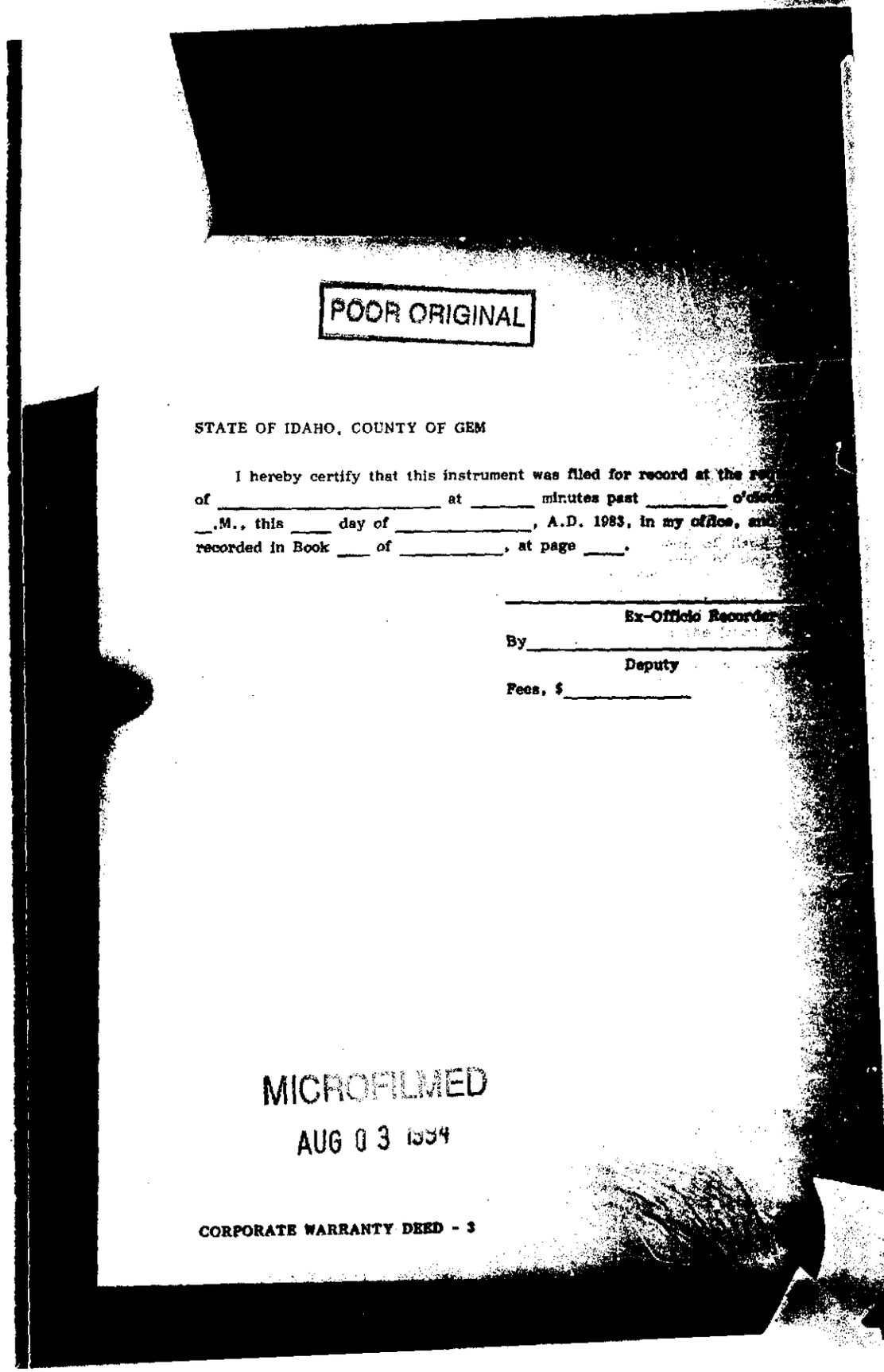
STATE OF NEW YORK)
) ss
COUNTY OF NEW YORK)

On the 23rd day of September, A.D. 1983, personally appeared before me J. Peter Dunstan and Bruce A. Dressen, who being by me duly sworn did say, each for himself, that he, the said J. Peter Dunstan is the Vice President, and he, the said Bruce A. Dressen is the Assistant Secretary of MARTIN MARIETTA CORPORATION, a corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said J. Peter Dunstan and Bruce A. Dressen each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

_____
Notary Public for New York
Residing at 6 Broadlawn, Katonah, NY 10536
My Commission expires March 30, 1985

VIRGINIA M. CONNOR
NOTARY PUBLIC, State of New York
No. 60-4613521
Qualified in Westchester County
Commission Expires March 30, 1985

MICROFILMED
AUG 03 1984



POOR ORIGINAL

STATE OF IDAHO, COUNTY OF GEM

I hereby certify that this instrument was filed for record at the re
of _____ at _____ minutes past _____ o'clo
__.M., this ____ day of _____, A.D. 1983, in my office, and
recorded in Book ___ of _____, at page ____.

_____
Ex-Officio Recorder

By_____
Deputy

Fees, $_____

MICROFILMED

AUG 0 3 1984

POOR ORIGINAL

EXHIBIT "A"

LEGAL DESCRIPTION

TRACT I

Township 6 North, Range 2 West, B.M.

Section 11: All of Lot 6 lying East of the West bank of Sand Hollow Ditch, and South of Railroad right of way, more particularly described as follows:

Commencing at the SE corner of said Government Lot 6; thence
North 89°47'50" West, along the South boundary of said Government Lot 6, a distance of 823.49 feet to a point on the West Bank of Sand Hollow Creek; thence
North 2°32'40" West, along the West bank of said Creek, a distance of 1358.55 feet to a point on the Southerly boundary of the Union Pacific Railroad right-of-way; thence
North 85°08'00" East, along the Southerly boundary of said Railroad right-of-way, a distance of 885.81 feet to the East boundary of said Government Lot 6; thence
South, along the East boundary of said Government Lot 6, a distance of 1419.85 feet to the POINT OF BEGINNING.

Section 14: The East 50 feet of the NE¼ of NW¼, less the South 100 feet thereof for highway, as described in Right-of-way Deeds recorded in Book 35 of Deeds, at Page 374, Instrument #67527, and in Book 35 of Deeds, at Page 397, Instrument #67606, records of Gem County, Idaho.

LESS all ditch rights of way.

MICROFILMED

AUG 0 3 1994

In Gem County, Idaho.

TRACT II

A parcel situated in the NE¼NW¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said NE¼NW¼; thence
North 89°47'50" West along the North boundary of said NE¼NW¼, a distance of 50.00 feet to the true point of beginning; thence

(continued)

POOR ORIGINAL

EXHIBIT "A" (CONT.)

LEGAL DESCRIPTION CONTINUED

South, parallel with the East boundary of said NE¼NW¼, a distance of 851.07 feet; thence
North 66°24'00" West a distance of 147.43 feet; thence
South 84°34'40" West a distance of 543.50 feet; thence
South 85°56'30" West a distance of 316.53 feet; thence
North 88°02'40" West a distance of 81.66 feet; thence
North 85°36'30" West a distance of 205.58 feet to a point on the West boundary of said NE¼NW¼; thence
North 0°00'40" East along the West boundary of said NE¼NW¼, a distance of 851.81 feet to the Northwest corner of said NE¼NW¼; thence
South 89°47'50" East along the North boundary of said NE¼NW¼, a distance of 1278.34 feet to the true point of beginning.

TRACT III

A tract of land in the SW¼SE¼ and Government Lot 7 of Section 11, Township 6 North, Range 2 West of the Boise Meridian, and is more particularly described as follows:

Beginning at the Southwest corner of said SW¼SE¼; thence
North 0°03'10" West, along the West boundary of said SW¼SE¼ and Government Lot 7, a distance of 1419.85 feet to a point on the Southerly boundary of the right of way for the Union Pacific Railroad; thence
North 86°05'20" East, along the Southerly boundary of the right of way for said Union Pacific Railroad, a distance of 860.00 feet; thence leaving the Southerly boundary of the right of way for said Union Pacific Railroad and running
South 31°34'00" West, a distance of 395.48 feet; thence
South 53°41'50" West, a distance of 326.84 feet; thence
South 33°38'20" West, a distance of 93.83 feet; thence
South 0°56'40" East, a distance of 257.73 feet; thence
South 14°14'50" West a distance of 346.76 feet; thence
South 0°34'50" East, a distance of 277.05 feet to a point on the South boundary of said SW¼SE¼; thence
North 89°47'50" West, along the South boundary of said SW¼SE¼, a distance of 256.00 feet to the Point of Beginning.

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AUG 0 3 1994

POOR ORIGINAL

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

TRACT IV

A tract of land in the NW¼NW¼ of Section 29, Township 6 North, Range 1 West of the Boise Meridian and more particularly described as follows:

Commencing at the Northwest corner of said NW¼NW¼; thence
South 0°10'12" East, along the West boundary of said NW¼NW¼, a distance of 232.65 feet; thence leaving said West boundary and running
South 35°27'22" East, (formerly South 35°20'00" East) a distance of 418.60 feet (formerly 419.20 feet) to the TRUE POINT OF BEGINNING; thence
North 63°45'23" East, (formerly North 63°54'00" East) a distance of 125.52 feet (formerly 125.60 feet); thence
North 19°11'37" West, (formerly North 19°04'00" West) a distance of 249.91 feet (formerly 250.10 feet); thence
North 3°06'03" East, (formerly North 3°12'00" East) a distance of 121.76 feet (formerly 122.20 feet); thence
North 87°46'53" East, (formerly North 8 °54'00" East) a distance of 347.90 feet; thence
South 60°05'12" East, (formerly South 60°00'00" East) a distance of 152.75 feet (formerly 175.50 feet); thence
South 0°04'25" East (formerly South 0°02'00" East) a distance of 145.23 feet; thence
North 78°01'21" East (formerly North 78°00'00" East) a distance of 87.05 feet; thence
South 64°58'39" East (formerly South 65°00'00" East) a distance of 282.53 feet; thence
North 50°01'21" East (formerly North 50°00'00" East) a distance of 270.00 feet to a point on the East boundary of said NW¼NW¼; thence
South 0°01'21" West, along the said East boundary a distance of 992.05 feet to the Southeast corner of said NW¼NW¼; thence
South 88°46'43" West, along the South Boundary of said NW¼NW¼, a distance of 1062.96 feet; thence leaving said South boundary and running
North 0°10'12" West, parallel with the West boundary of said NW¼NW¼, a distance of 737.52 feet to the TRUE POINT OF BEGINNING.

LESS any portion lying within the County road.

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

EXHIBIT "A" cont:

LEGAL DESCRIPTION CONTINUED

TRACT V

A tract of land situated in the NW¼NE¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, and is more particularly described as follows:

Beginning at the Northwest corner of said NW¼NE¼; thence
South 89°46'10" East, along the North boundary of said NW¼NE¼ (formerly North 89°57' East), a distance of 740.00 feet; thence
South 0°18'58" West, along a line parallel with the West boundary of said NW¼NE¼, a distance of 1318.06 feet (formerly South 1319.2 feet); thence
North 89°47'31" West, along the South boundary of said NW¼NE¼ (formerly South 89°59' West), a distance of 740.00 feet to a point on the said West boundary; thence
North 0°18'58" East, along said West boundary, (formerly North) a distance of 1319.2 feet), a distance of 1318.33 feet to the Real Point of Beginning.

EXCEPTING therefrom all that portion lying within State Highway

TRACT VI

The NE¼NE¼NW¼ and the S½NE¼NW¼ of Section 29, Township 6 North, Range 1 West, B.M., Gem County, Idaho, otherwise known as the GEM Placer Mining Claim.

MICROFILMED

AUG 0 3 1994

ALSO EXCEPT any portion lying within State Highway

TRACT VII

The N½NE¼, Section 29, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, otherwise known as the GEM Placer Mining Claim.

POOR ORIGINAL

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

MICROFILMED
AUG 0 3 1994

ALSO EXCEPT any portion lying within State Highway 16.

ALSO EXCEPT the following described property deeded to the State of Idaho in Warranty Deed, Instrument #87930, records of Gem County, Idaho:

A parcel of land being on both sides of the centerline of State Highway No. 16, Project No. S-3832(3) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the NE¼NE¼ of Section 29, Township 6 North, Range 1 West, B.M., Gem County, Idaho, described as follows, to-wit:

Commencing at the Northeast corner of Section 29, Township 6 North, Range 1 West, B.M.; thence
South 0°37'52" West along the East line of said Section 29 a distance of 537.43 feet to a point in a line parallel with and 60.0 feet Northwesterly from the centerline and opposite Station 553+30.11 of State Highway No. 16, Project No. S-3832(3) Highway Survey and the real point of beginning; thence
South 22°12'00" West along said parallel line 843.31 feet to a point in the South line of the NE¼NE¼ of said Section 29 opposite Station 544+86.80 of said Highway Survey; thence
South 89°59'14" East along said South line 129.69 feet to a point that bears South 67°48'00" East 60.00 feet from Station 545+35.74 of said Highway Survey; thence
North 48°53'12" East 155.86 feet to a point that bears South 67°48'00" East 130.0 feet from Station 546+75 of said Highway Survey; thence
North 18°57'37" East 203.96 feet to a point in the East line of said Section 29 that bears South 67°48'00" East 118.47 feet from Station 548+78.65 of said Highway Survey; thence
North 0°37'52" East along said East line 485.46 feet to the real point of beginning.

Highway Station reference: 545+11.27 to 551+78.33.

The bearings as shown in the above land description, unless otherwise noted are from the Idaho Plane Coordinate System, based on the transverse mercator projection for the West Zone of Idaho. To convert to gedetic bearings, a correction of 0°30'01" must be subtracted from all Northeast and Southwest bearings and added to all Northwest and Southeast bearings.

POOR ORIGINAL

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

TRACT VIII.

All minerals and mineral rights of every kind and character, surface and subsurface, including all oil, natural gas, hydrocarbon substances, sand, silica gravel, and all ores, metals, fossils, elements and gases as to Tracts I, II, III, Iv and V shown above.

* * * * * *

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

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character,
l gas,
all ores,
I, II, III,

144909

Martin Marietta Corporation

to

Unimin Corporation

Indexed ☐

Microfilmed ☐

STATE OF IDAHO
COUNTY OF GEM } ss.

I hereby certify that this instrument was filed for record at request of Idaho Title Ins. Co.
at 38 minutes past 4
o'clock P. M. this 28th
day of September, 19 83 in my
office and duly recorded as a Deed under
Instrument No. 144909
THELMA R. KOLODZIEJ
By Judy Lopez Deputy
Fees $ 18.00

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

MEMO

To: 65-1101

From: DRT 2-28-78

On this day we received an application for permit for this right. In response to the letter attached. Among the notes on the app was a statement that the source is a pond which is fed by wastewater ditches and "groundwater where the water table is high." A telephone call to Kenneth Pollard, Mgr of the plant, revealed that the pond existed before the Del Monte Sand Co began the appropriation. Therefore, the appropriation was from a surface water (albeit fed by groundwater) source. The source will therefore be entitled "Pond" which is not tributary to any other source.

Since a beneficial use right does exist, the app was returned.

DRT

MICROFILMED
AUG 03 1994

POOR ORIGINAL

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

(Office at the corner of Franklin and Cole Roads)

(208) 384-2190

November 30, 1977

RE: Claim No. 65-1101

Del Monte Sand Co.
P. O. Box 651
Emmett, ID 83617

Gentlemen:

Enclosed is a copy of a Claim to a Water Right which you filed with our office sometime ago. We have noticed in a recent review that the source is groundwater, the date of first use was after March 25, 1963, and the basis of the claim is beneficial use. This means that the claim is invalid since on that date the Idaho Groundwater Statutes went into effect.

These statutes made mandatory the filing of an Application for Permit to develop a groundwater right. The only exceptions are stockwater uses and single household domestic uses. (The definition of domestic includes irrigation of up to one-half acre of land.) If the right you claim falls into neither of these two exceptions, you must file an Application for Permit to develop the right legally.

For your convenience we have enclosed the correct form, with filing instructions. Please complete the form and return it to this office along with the appropriate filing fee. The amount of this fee can be calculated from the table in the instructions.

If you have questions about how to complete this application, or the reasons for going through this procedure, please contact this office.

Sincerely,

David R. Tuthill, Jr.

David R. Tuthill, Jr.
Payette Adjudication Supervisor

DRT:alw
Enc:

MICROFILMED
AUG 03 1994

POOR ORIGINAL

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

RECEIVED

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN	NOTICE OF CLAIM TO A WATER RIGHT	IDWRT NO. 65-1101	SUB NO.

Notice is hereby given that Del Monte Sand Co. (Name of Claimant)
P. O. Box 651, Emmett, Idaho 83617 (Mailing Address) claims a right to the diversion
and beneficial use of the surface or groundwater, of or tributary to the Payette River
The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) Nov. 1, 1967

(2) Describe source of water: (Name of stream, lake, spring, etc., or subirrigation) ground water by Well No. 1 and Well No. 2 (GS)

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Mining, Irrigation, Domestic, Stockwater, Power, etc.)

Use Processing industrial sand from Period of Use From Jan 1 (Dec, Day) To Dec 31 (Dec, Day)

Use _____ Period of Use From _____ (Dec, Day) To _____ (Dec, Day)

Use _____ Period of Use From _____ (Dec, Day) To _____ (Dec, Day)

(4) Quantity of water claimed: 3.35 Cubic Feet Per Second, or 2420 Acre Feet Per Annum, and/or 3500 Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source. SE ¼ NW ¼ Sec. 11, Twp 6N, Rge 2W B.M.; additional points: _____

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 well is Reservoir (about 1 acre) with well pump and pipeline to plant

(6) 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.

T.	R.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	2W	11												X					

Total No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: This water is used to wash industrial sand and in other processes in the plant to upgrade the sand so that is marketable

(7) Effluent, sewage waste, or return water from this use is discharged into waste ponds

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

(9) Remarks This water use is necessary for Del Monte Sand Co. to carry on its business (Sand processing) Map Id #167A

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case
☒ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No. 50-6605

Be it known that the undersigned, after being duly sworn on oath, deposes(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Dated August 19 A70

Individual Ernest R. Ellenwood Manager
D.M. Sand Co.
Organization KEYPUNCHED 11-3-78

State of Idaho
County of Gem

On this 19th day of August 1970 in the year before me, KENNETH ROLLAND a notary public, personally appeared _____ known or identified to me to be the person(s) whose name(s) is/are subscribed to the above instrument, and acknowledged to me that (he, she, they) executed the same.

Notary Public residing at Emmett

MICROFILMED AUG 03 1994

DPT 22-7

POOR ORIGINAL

ADJUDICATION DIVISION

REPORT OF EXAMINER

Cause No. 5-1101

1. Name of Applicant: Robert Mathis et al Cooper

2. Priority: 11-6-1967

3. Source of Water: Underground Water

4. Determine Purpose and Quantity of Water Found Used:

(Quantity)	(Com., Irr., Stk. water, etc.)	(No.-Day)	(No.-Day)
3.34	Use Industrial	Period of Use From:	To: April 10
	Use	Period of Use From:	To:
	Use	Period of Use From:	To:

5. Location of Point of Diversion: SE SW of Section 10

Twp. 6N, Rge. 20W, County of Grady

6. Describe Diversion Works: well with pump

7. Describe Location of Use:

TWP.	RGE.	SEC.	NE				NW				SW				SE				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	20W	10												X					

TWP. 6N RGE 20W COUNTY Grady SCALE: 1" = 1 MILE

8. Purpose Other Than Irrigation: Water is used for watering of cattle.

9. Remarks: Protest withdrawn. The location of the industrial well is 330 ft. East and 330 ft. South of the NW corner of the SE/4 of Section 10. The domestic well is located approximately 330 ft. East of the industrial well.

Dated this ... day of April, 19...

Gilbert E. Foster
Examiner

MICROFILMED
AUG 0 3 199

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-1101

NAME AND ADDRESS: UNIMIN CORPORATION
RICHARD A CUMMINGS
PO BOX 1545
BOISE, ID 83701

SOURCE: POND

QUANTITY: 3.35 CFS
2420 AFY

PRIORITY DATE: 11/01/1967

POINT OF DIVERSION: T06N R02W S11 LOT 6 SESW Within GEM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
INDUSTRIAL	1-01 12-31	3.35 CFS 2,420.00 AFY

INDUSTRIAL USE IS SAND PROCESSING.

PLACE OF USE:

INDUSTRIAL Within GEM County
T06N R02W S11 LOT 6 NESW T06N R02W S11 LOT 6 SESW

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	UNIMIN CORPORATION RICHARD A CUMMINGS PO BOX 1545 BOISE ID 83701 (208) 367-0722	11/01/1967	INDUSTRIAL	01-01	12-31	3.350 CFS	2420.00 AFA
			TOTAL DIVERSION:			3.350 CFS	2420.00 AFA

OK

Water Source: POND Tributary to: NA Stage: DECREED

Point(s) of Diversion: T06N R02W S11 SESW Lot #6 GEM County

Place of use Legal Description for: INDUSTRIAL

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
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	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
06N 02W 11									I			I				

Lot #6 Lot #6

POU County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
R65-01101

ADD NESW: PER GIS GCDB — SEE MAP TOPO WSG
Lot 6 is in both 1/4 1/4's ABOVE, CLARIFIES THE PLACE OF USE.

Remarks: GEN SAND PROCESSING.
OWNERSHIP CHANGED BY RDH 2/12/93.
ATTORNEY ADDRESS CORRECTED 02/02/1995 MM.
ATTORNEY ADDRESS CHANGED SS 12/19/1997.

USE
EXP
RMK
10/1

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

C 18

RECOMMEND SAME AS DECREED
SEE OVERLAP FOR 65-12832 IN this file
NOT SAME SOURCE.

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	DEL MONTE SAND CO. P.O. BOX 651 EMMETT ID 83617	11/01/1967	INDUSTRIAL	01/01	12/31	3.350 CFS	2420.00 AFA
				TOTAL DIVERSION:		3.350 CFS	2420.00 AFA

Water Source: POND Tributary to: Stage: DECREED

Point(s) of Diversion: T06N R02W S11 SESW GEM County

Place of use Legal Description for: INDUSTRIAL

			NE				NW				SW				SE			
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
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	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
06N	02W	11												I				

Pou County: GEM

Remarks: GEN SAND PROCESSING.

Dates: App. Received: Priority Date: 11/01/1967
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

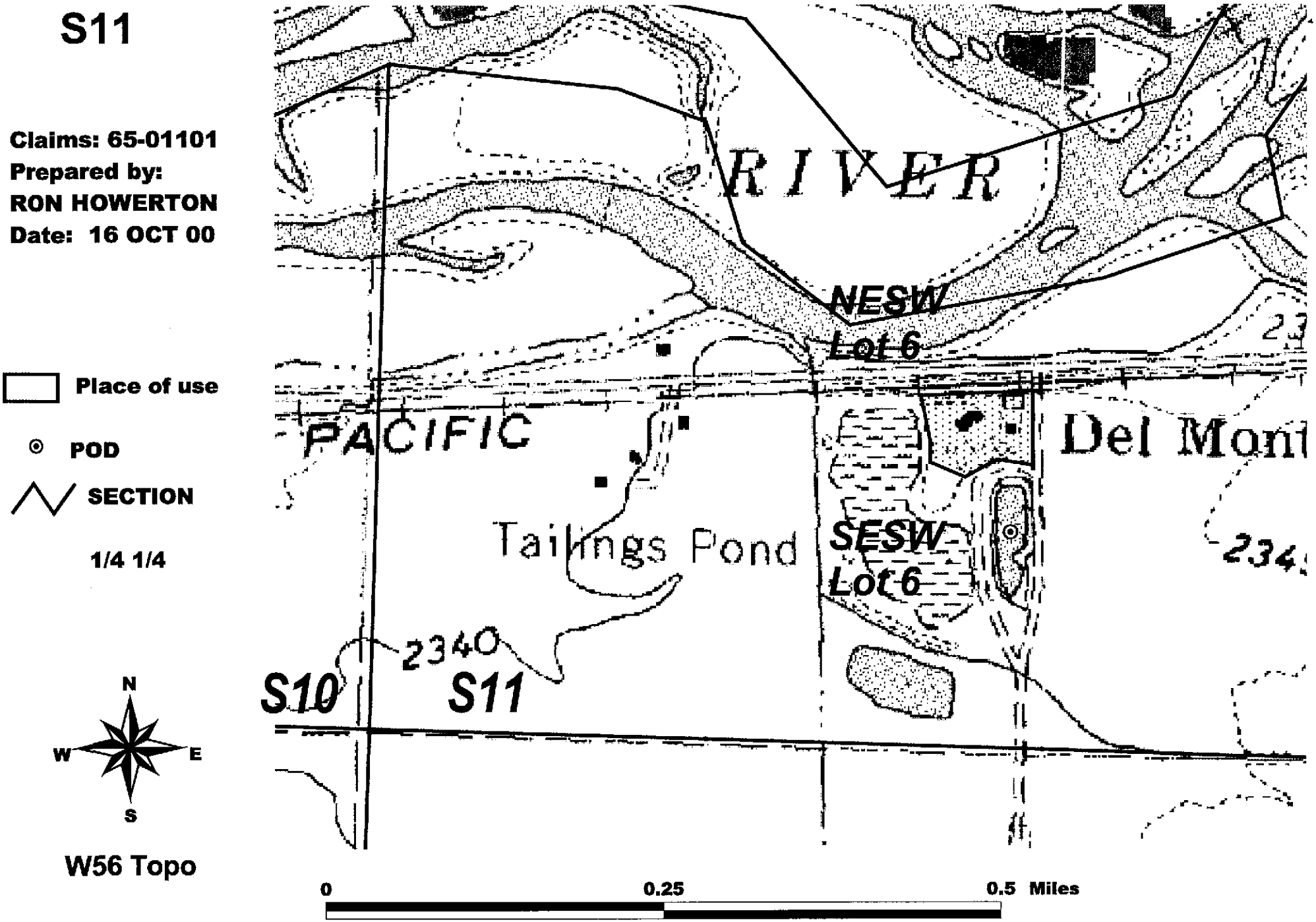
Misc: Water District Number: 65 Field Exam Fee:

Audit: 09/11/86 04/30/88 CONVERT

Idaho Department of Water Resources

T06N R02W
S11

Claims: 65-01101
Prepared by:
RON HOWERTON
Date: 16 OCT 00



Place of use

POD

SECTION

1/4 1/4

W56 Topo

Idaho Department of Water Resources

T06N R02W
S11

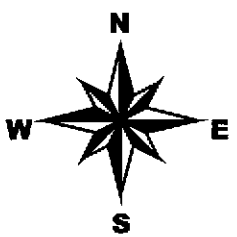
Claims: 65-01101
Prepared by:
RON HOWERTON
Date: 16 OCT 00

Place of use

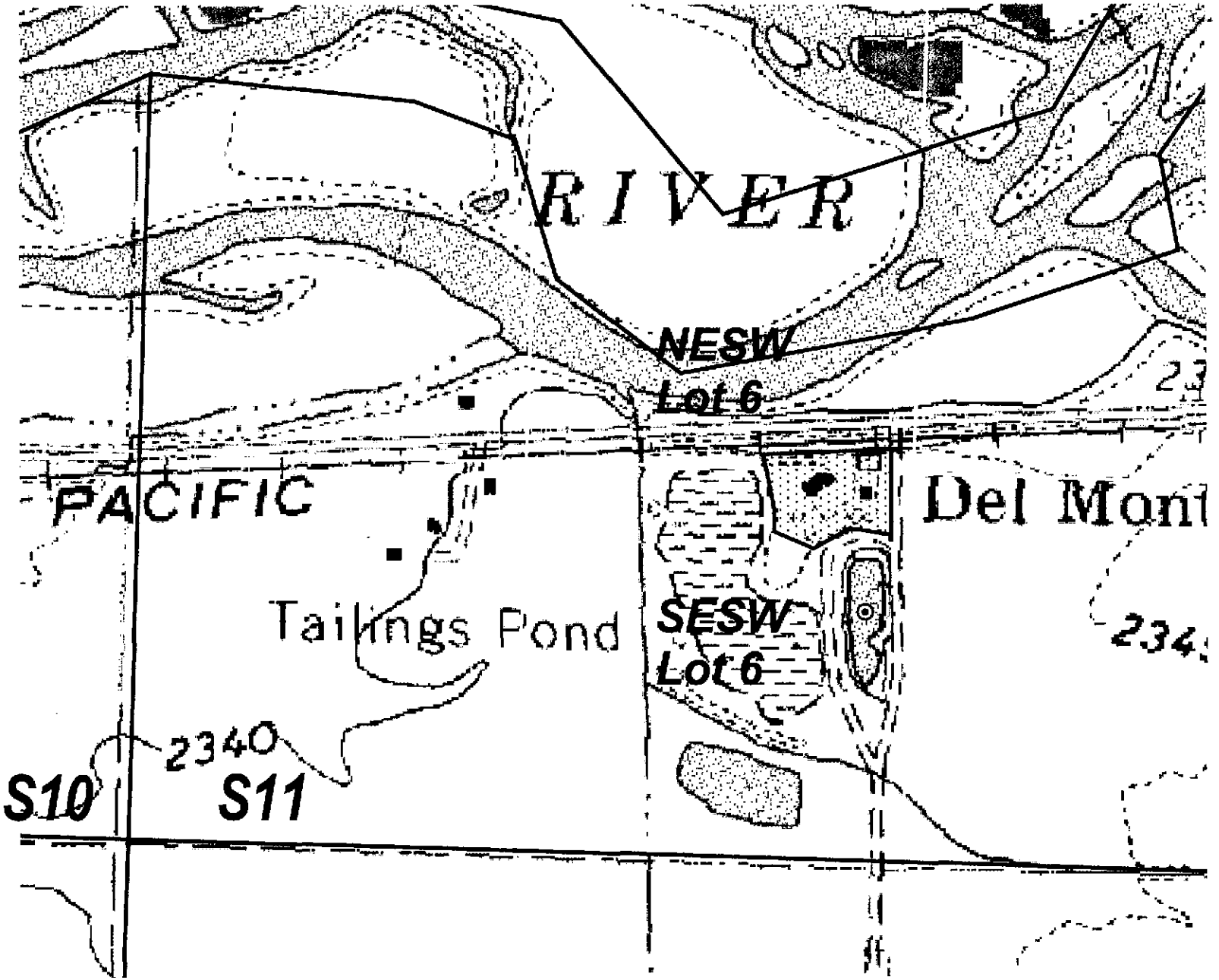
POD

SECTION

1/4 1/4



W56 Topo



MEMO

To: [illegible]

From: DFG [illegible]

On the day we received our application for permit for the right we responded to the letter attached. Among the notes on the application was a statement that the source of a pond which is fed by groundwater and groundwater also the water table might [illegible] Dayton call to Kenneth Pollard Mgr of the plant concerning that the pond existed before the Del Monte came to begin the application. Therefore, the appropriation was from surface water (albeit fed by groundwater) source. The source will [illegible] and tubing [illegible] Source [illegible] right [illegible] DFG

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

RECEIVED
DEPT. NO. 1970

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM TO WATER RIGHT 65-110

Department

Notice is hereby given that Del Monte Sand Co. (Name of Claimant)

P. O. Box 651, Emmett, Idaho 83617 (Mailing Address) claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the Payette River

(1) The extent and nature of said claim is as follows: Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) Nov. 1, 1967

(2) Describe source of water: (Name of stream, lake, spring, river, or subterranean) groundwater and man made lake pond w/ dike to Banks (SE

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Both Dates Inclusive)

Use Processing industrial sand from Period of Use From Jan 1 (Mo., Day) To Dec 31 (Mo., Day)

Use (Domestic, irrigation, stock, etc.) Period of Use From (Mo., Day) To (Mo., Day)

Use (Domestic, irrigation, stock, etc.) Period of Use From (Mo., Day) To (Mo., Day)

(4) Quantity of water claimed: 335-3135 Cubic Feet Per Second, 2420 Acre Feet Per Annum, and/or 1500 Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source SE ¼ SW ¼ Sec. 11 Twp. 6N Rge. 2W B.M.; additional points:

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 well in Reservoir (about 1 acre) with well pump and pipeline to plant

(6) 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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	2W	11												X					

Total No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: This water is used to wash industrial sand and in other processes in the plant to upgrade the sand so that is marketable

(7) Effluent, sewage waste, or return water from this use is discharged into waste ponds

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

(9) Remarks This water use is necessary for Del Monte Sand Co. to carry on its business (Sand processing) Map Id #167A

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case
☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.: 65-110

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

August 19 1970 (Date)

Individual Kenneth Rolland Manager (Signature of Claimant)

Del Monte Sand Co (Signature of Spouse)

Organization KEYPUNCHED bp 4-3-78 (Signature of Authorized Agent)

State of Idaho
County of Ada } ss. Organization Seal

On this 19th day of August, 1970, in the year KENNETH ROLLAND, before me, a notary public, personally appeared known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

Notary Public residing Boise Idaho

My commission expires May 26, 1974

DRT 2-28-78

APPLICATION DIVISION

REPORT OF EXAMINER

Claim No. S-110

1. Name of Applicant Dr. Martha Gray Surgery

2. Priority 11-1-1967

3. Source of Water Groundwater

4. Determine Purpose and Quantity of Water Found Used

(Quantity)	(Com., Irr., Stk. water, etc.)	(Mo.-Day)	(Mo.-Day)
.334	Use Industrial	Period of Use From	To 12-1
	Use	Period of Use From	To
	Use	Period of Use From	To

5. Location of Point of Diversion: SE SW of Section 11

Twp. 6N, Rge. 20W, County of Gem

6. Describe Diversion Works: Well & the pump

7. Describe Location of Use:

TWP.	RGE.	SEC	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	20W	11												X					

TWP. 6N RGE 20 COUNTY Gem SCALE: 1" = 1 MILE

8. Purpose Other Than Irrigation: Water used for washing rock.

9. Remarks: The well is located with the building. The location of the industrial well is on the SE end on the pond. It should be noted that a domestic well is located on the west side of the office building.

This examination was made on the 21st day of ~~Dec~~ April, 19 74.

(Signed) William E. Lawson
Examiner.

65-12832 NARRATIVE, OVERLAP ANALYSIS AND VOLUME CALCULATION

NARRATIVE:

Water is diverted from the Payette River into a canal at a diversion dam located in the NWNW, Sec 7, 6N 1W about two miles from the place of use. The canal flows Northwest approximately 1200' where it converts to a buried pipe. The pipe flows Southwest approximately 1500' and into the Boise Cascade lumber mill pond. At a site about 2500' Southwest from where it enters the pond, water is released at a headgate into a ditch known as the Boise Cascade ditch.

Water flows in the Boise Cascade ditch West about 3/4 of a mile where it is converted to an unnamed ditch (known locally as the Smith ditch). This delivery ditch flows South about 1800' and then turns West for about 3500' where it enters a small collection slough. This slough also receives runoff irrigation waste water and Sand Hollow ditch water. The Sand Hollow water enters in a ditch from the South. From the slough water can be diverted through a 24" corrugated pipe headgate into a 24" buried pipe to a 1.91 acre feet holding pond approximately 200' Northwest of the slough.

Water is pumped from the holding pond by 40 hp and 60 hp pumps into a buried 10" pipe to a sand cleaning plant located about 500' Northwest of the holding pond. From the plant water returns by a buried pipe to two settling ponds located about 1200' South of the plant. From the settling ponds water can be returned to the holding pond or into the Sand Hollow ditch for discharge back into the Payette River at a site about 1000' Northwest of the plant.

A pigmy meter flow measurement was taken in the unnamed delivery ditch at a site on the South border of property owned by the Unimin Corp about 1/2 mile from the plant. The site used was determined to be the only place where other irrigation water is not co-mingled with water solely for this permit.

Water for this permit is subject to release from the Boise Cascade pond under an agreement with the Boise Cascade Corp. It is also subject to the control of a volunteer water master for the unnamed (Smith) ditch. It is the owner's desire to transfer the P/D to a more efficient and convenient location but to do so would require negotiation for additional ditch easements and approval for construction under an adjacent railroad right of way.

OVERLAP ANALYSIS:

65-1101: An additional source for the same P/U as this permit. Del Monte Sand Co. was purchased by Unimin Corp.

65-1131: An irrigation right owned by Unimin Corp. Waste water from this right flows into the same unnamed delivery ditch that supplies water for this permit. This is a split right-65-1131A gives .32 cfs to a Kenneth Droulard the owner of 65-12721.

65-12721: An irrigation right for property across a county road from this permit. No affect on this permit.

65-1132: A domestic and stockwater right from a groundwater source. No affect on this permit.

65-00808: A domestic source. No affect on this permit.

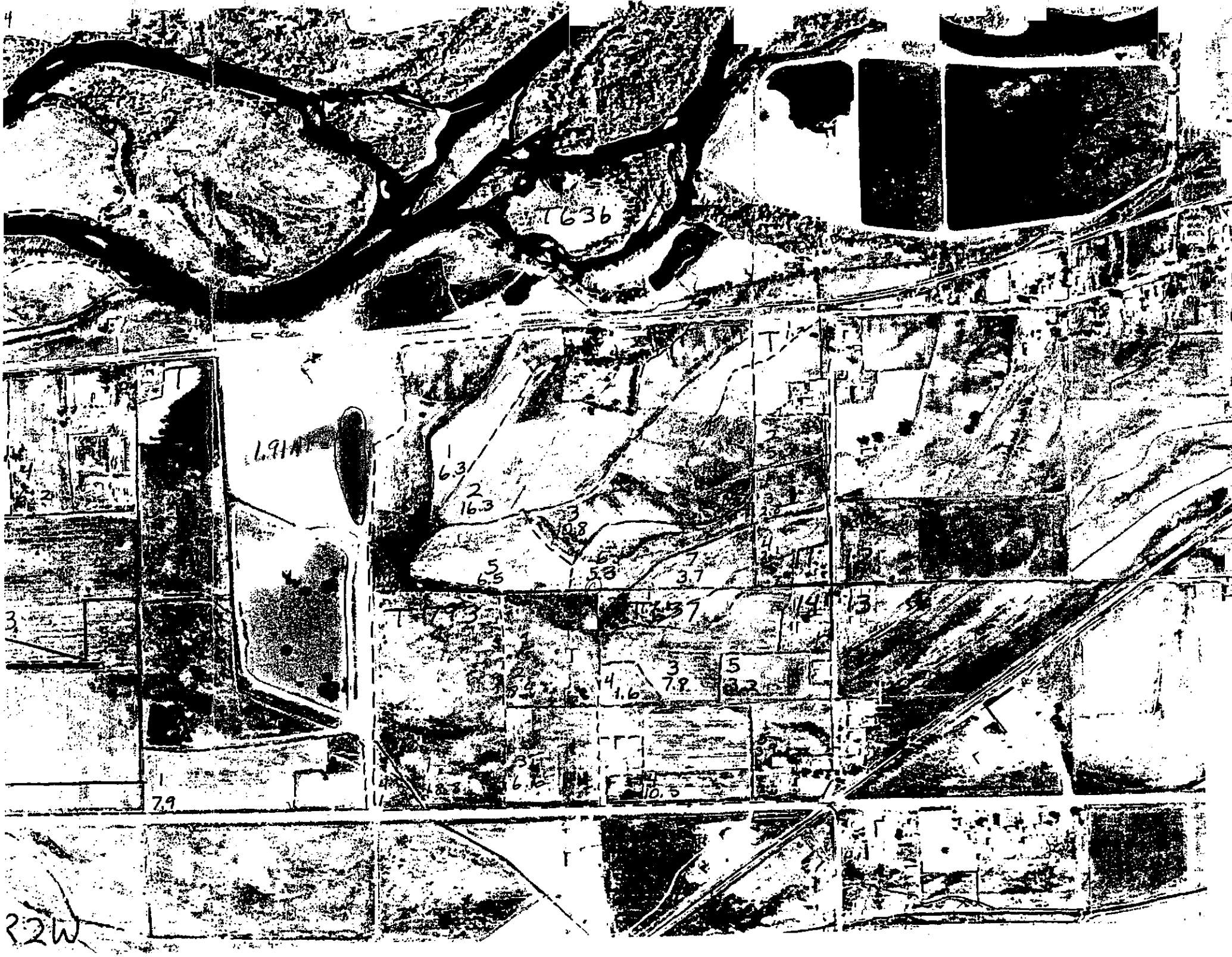
65-1133: A domestic groundwater right. No affect on this permit.

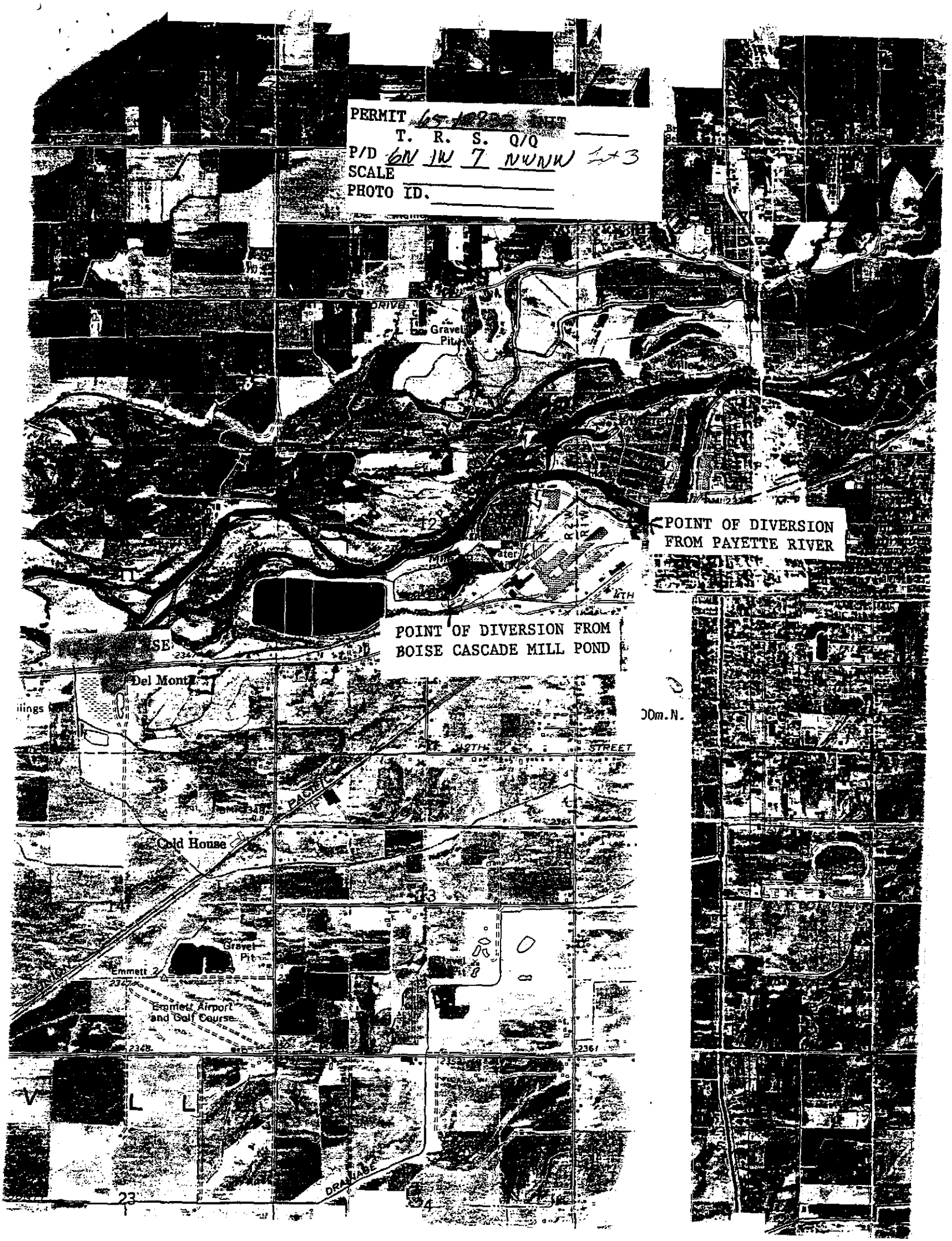
VOLUME CALCULATION:

2600gpm x 60 x 18 = 2,808,000gpd x 4.5 = 12,636,000gpw x 34 = 429,624,000 / 325,850 = 1318.5 afa

300gpm x 60 x 18 = 324,000gpd x 4.5 = 1,458,000 x 18 weeks = 26,244,000 / 325,850 = 80.5 afa

1,318.5 + 80.5 = 1,399 afa


T636
L91
6.3
16.3
10.8
6.5
5.3
3.7
T637
T638
7.9
1.6
7.8
10.5
R2W


PERMIT 63-10220 SHT
T. R. S. Q/Q
P/D 6N 1W 7 NWNW 1 of 3
SCALE
PHOTO ID.
POINT OF DIVERSION FROM PAYETTE RIVER
POINT OF DIVERSION FROM BOISE CASCADE MILL POND
Gravel Pit
Del Monte
Cold House
Gravel Pit
Emmett
Emmett Airport and Golf Course
DRAINAGE
STREET
PACIFIC
00m.N.

Richard A. Cummings
999 Main Street, Suite 911
P.O. Box 1545
Boise, ID 83701
Tel: 208-367-0722
Fax: 208-367-0892

Attorney for Unimin Corporation

RECEIVED
DEC 18 1997
Department of Water Resources
Adjudication Bureau

RECEIVED
DEC 12 1997
OFFICE OF THE
ATTORNEY GENERAL

IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT

STATE OF IDAHO, COUNTY OF TWIN FALLS

In Re SRBA	)	NOTICE OF CHANGE OF ADDRESS
	)	
Case No. 39576	)	
	)	

A65-01101
r-01131B
r-01131C
Records modified 12-19-97 /ss

TO ALL PARTIES AND/OR THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Richard A. Cummings, counsel for Unimin Corporation, formerly of Meuleman Miller & Cummings LLP, has moved and that the address for service on Unimin Corporation, through its attorney, has changed to:

Richard A. Cummings.
999 Main Street, Suite 911
P.O. Box 1545
Boise, ID 83701
Tel: 208-367-0722
Fax: 208-367-0892

DATED this 12 day of December, 1997.

/s/
Richard A. Cummings
Attorney for Plaintiff

MAIL10630



CERTIFICATE OF SERVICE

The undersigned certifies that on the ____ day of December, 1997, a true and correct copy of the within and foregoing document was served on the parties to this action in the manner set forth opposite their names:

✓ U.S. Mail
_____ By Hand Delivery
_____ By Facsimile
_____ By Overnight Courier

Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

✓ U.S. Mail
_____ By Hand Delivery
_____ By Facsimile
_____ By Overnight Courier

The U.S. Department of Justice
Environmental and Natural Resources Division
550 West Fort Street
MSC 033
Boise, ID 83724

_____
Richard A. Cummings

RECEIVED
DEC 26 1997
WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	UNIMIN CORPORATION RICHARD A CUMMINGS PO BOX 1545 BOISE ID 83701 (208) 367-0722	11/01/1967	INDUSTRIAL	01-01	12-31	3.35 CFS	2420.00 AFA
			TOTAL DIVERSION:			3.35 CFS	2420.00 AFA

Water Source: POND Tributary to: Stage: DECREED

Point(s) of Diversion: T06N R02W S11 SESW GEM County

Place of use Legal Description for: INDUSTRIAL

			NE				NW				SW				SE			
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
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	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
06N	02W	11												I				

POU County: GEM

Remarks: GEN SAND PROCESSING.
OWNERSHIP CHANGED BY RDH 2/12/93.
ATTORNEY ADDRESS CORRECTED 02/02/1995 MM.
ATTORNEY ADDRESS CHANGED SS 12/19/1997.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
PHIL BATT GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 6, 1995

KEVIN D SATERLEE
MEULEMAN MILLER & CUMMINGS
PO BOX 955
BOISE ID 83701

RE: Notices of Claim to a Water Right Nos. A65-01101
A65-01131B
A65-01131C

Your Reference No. 9230.7

Dear Mr. Satterlee:

Enclosed please find copies of claim numbers A65-01131B and A65-01131C. The address has been corrected to reflect the current address of your firm. Mr. Cummings is also recorded in our data base as the attorney for all three of the referenced claims.

Claim no. A65-01101, with the corrected address, was sent to your office on Thursday, February 2, 1995. Please contact this office if you did not receive a copy of that claim.

The "Claimant Acknowledgement of Change in Attorney In Snake River Basin Adjudication (SRBA)" form which Unimin Corp. previously submitted to this office lists the above claims as well as claim nos. A65-01131A and A65-12832. Claim no. A65-01131A was not filed by Unimin Corp., and there is no claim no. A65-12832 in our records. A search of a data base for Unimin Corp. claims revealed only the three claims referenced at the top of the page.

If you have any questions or comments, or need additional information, please do not hesitate to contact this office.

Sincerely,

Maria Minicucci
Water Agent, Adjudication Bureau

MM:m

Enc: Computer generated copies A65-01131B & A65-01131C

RECEIVED
FEB 0 3 1995
WATER RESOURCES
WESTERN REGION

LAW OFFICES
MEULEMAN, MILLER & CUMMINGS
BUSINESS LAW • REAL ESTATE LAW • CONSTRUCTION LAW

960 BROADWAY AVE., SUITE 400
POST OFFICE BOX 955
BOISE, IDAHO 83701

(208) 342-6066
FAX
(208) 336-9712

MICHAEL E. BALDNER
RICHARD A. CUMMINGS
KIMBAL L. GOWLAND
QUENTIN M. KNIPE*
GEOFFREY J. McCONNELL**
SCOTT McKAY**
WAYNE V MEULEMAN
ROBERT L. MILLER
RICHARD W. MOLLERUP
KEVIN D. SATTERLEE

* LICENSED IN IDAHO & WASHINGTON
** LICENSED IN IDAHO & CALIFORNIA

February 2, 1995

Ms. Maria Minicucci
Water Agent, Adjudication Bureau
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, ID 83705-5082

Re: Address Information for Unimin Corporation
Our Ref. No. 9230.07

Dear Ms. Minicucci:

This letter is a follow-up to our telephone conversation of February 1, 1995.

I understand that you have in your file all information needed to reflect the address for Unimin Corporation as the address of this law firm as noted above. This address should be effective for all of Unimin's claims in the Snake River Basin adjudication, namely A65-01131B, A65-01131C, and A65-01101. Please send me confirmation that addresses have been changed for each of these claims.

Very truly yours,

Kevin Satterlee

Kevin D. Satterlee

KDS/dw

RECEIVED
JAN 27 1995
WATER RESOURCES
WESTERN REGION

LAW OFFICES
MEULEMAN, MILLER & CUMMINGS
BUSINESS LAW • REAL ESTATE LAW • CONSTRUCTION LAW

MICHAEL E. BALDNER
RICHARD A. CUMMINGS
KIMBAL L. GOWLAND
QUENTIN M. KNIPE*
GEOFFREY J. McCONNELL**
SCOTT McKAY**
WAYNE V MEULEMAN
ROBERT L. MILLER
RICHARD W. MOLLERUP
KEVIN D. SATTERLEE

960 BROADWAY AVE., SUITE 400
POST OFFICE BOX 955
BOISE, IDAHO 83701

(208) 342-6066
FAX
(208) 336-9712

* LICENSED IN IDAHO & WASHINGTON
** LICENSED IN IDAHO & CALIFORNIA

January 27, 1995

Ms. Maria Minicucci
Water Agent, Adjudication Bureau
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, ID 83705-5082

VIA HAND DELIVERY

Re: Notice of Claim to a Water Right No. A65-01101
Our Ref. No. 9230.07

Dear Ms. Minicucci:

Enclosed please find the executed original of the above-mentioned Water Right Claim. Please file the same in the Snake River Adjudication on behalf of Unimin Corporation. If you have any questions or concerns regarding this or if you need anything further, please do not hesitate to contact me.

Very truly yours,

Kevin Satterlee

Kevin D. Satterlee

KDS/dw
Enclosure

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DEC 30 1994
WATER RESOURCES
WESTERN REGION

LAW OFFICES
MEULEMAN, MILLER & CUMMINGS
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MICHAEL E. BALDNER
RICHARD A. CUMMINGS
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960 BROADWAY AVE., SUITE 400
POST OFFICE BOX 955
BOISE, IDAHO 83701

(208) 342-6066
FAX
(208) 336-9712

* LICENSED IN IDAHO & WASHINGTON
** LICENSED IN IDAHO & CALIFORNIA

December 29, 1994

Ms. Maria Minicucci
Water Agent, Adjudication Bureau
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, ID 83705-5082

Re: Notice of Claim to a Water Right No. A65-01101
Our Ref. No. 9230.07

Dear Ms. Minicucci:

This letter is to confirm our telephone conversation of today's date regarding UNIMIN Corporation's filing of the above-mentioned water right claim. As I understand from our conversation, you have granted us an additional thirty (30) days to file this notice with your office. Please contact me if I am in error or if we will need to get the notice to you sooner.

Very truly yours,

Kevin Satterlee

Kevin D. Satterlee

KDS/dw

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A61-01101

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent M Minicucci Date 12/28/1994

Contact Person(s) Cummings Law Office

Nature of Contact Response date

Substance of Communication Requested 30 more days - claim has to be sent to Headquarters in Connecticut for signature. Advanced Response date to Feb. 6, 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 5, 1994

RICHARD A CUMMINGS
PAIGE A PARKER
IMHOFF & LYNCH
PO BOX 955
BOISE ID 83701

RE: Notice of Claim to a Water Right No. A65-01101

Dear Mr. Cummings and Ms. Parker:

On October 1, 1993, your office requested that the above-referenced claim be amended to reflect the water right as decreed in the Payette River Decree. This office sent that claim form to P.O. Box 955, Boise Idaho 83701. As of today, we have not received the amended claim form back in this office.

If you wish to claim this water right as decreed in the Payette River Decree, please add the appropriate notarized signature to the enclosed amended claim form. If you wish to claim the water right as changed since the Payette River Decree, you must submit the appropriate fees to this office. The fee for the above-referenced claim, as currently filed, is $385.00.

If this office does not receive either the amended claim (which reflects the right as decreed), or the required fee for the claim as currently filed ($385.00), within 30 days of the date of this letter, the claim will be rejected and will not be recommended to the court for decree.

If you have any questions or need additional information, please contact this office.

Sincerely,

Maria Minicucci
Water Agent, Adjudication Bureau

MM:m

Enc: A65-01101 (amended)

CONVERSATION MEMORANDUM

NAME OF PARTY Dick Cummings 342-6066 DATE 10/01/1993 8:35am
EMPLOYEE: M Minicucci FILE A65-01101

RE: It is Mr. Cummings' Knowledge that Payette River water has always been diverted to 1.9 AF pond. (he has not confirmed this w/plant manager)

He also has Knowledge that all ponds associated with the sand processing plant are interconnected. All water may not go directly from the 1.9 acre pond to the plant, or through the pond before it goes into the plant, but he believes that the system (water delivery) is set up to allow all water to go through the 1.9 acre pond before entering the plant. This pond is also used as a settling pond for water discharged from plant.

Mr. Cummings will get more info on the plant's water delivery systems from the plant manager.

It is his belief that the field exam for 65-12832 (B/U) measured all Payette R water used by the sand plant.

I told him we would review field exam for 65-12832 again to determine location of measurement.

10/01/1993 1:45 pm MAILED amended claim form & copies of Payette River Adjud Field Notes, memo, & letter to Mr Cummings, PO Box 955, Boise 83701

MICROFILMED
AUG 0 3 1994

RECEIVED
OCT 0 1 1993
Department of Water Resources
Western Regional Office

LAW OFFICES
MEULEMAN, MILLER & CUMMINGS
960 BROADWAY AVE., SUITE 400
POST OFFICE BOX 955
BOISE, IDAHO 83701

TELEPHONE [208] 342-6066
TELE-FAX [208] 336-9712

RICHARD A. CUMMINGS
KIMBAL L. GOWLAND
QUENTIN M. KNIPE*
GEOFFREY J. McCONNELL**
SCOTT McKAY **
WAYNE V MEULEMAN
ROBERT L. MILLER
RICHARD W. MOLLERUP
KIM J. TROUT

*LICENSED IN IDAHO AND WASHINGTON
**LICENSED IN IDAHO AND CALIFORNIA

September 30, 1993

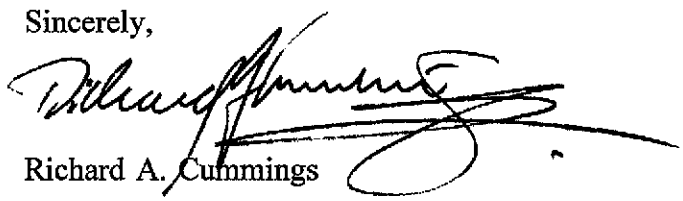
Ms. Maria Minicucci
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Unimin Corporation
SRBA Claim No. A65-01101

Dear Ms. Minicucci:

Please send me an Application to amend Unimin Corporation's Claim No. A65-01101 to reflect the rights decreed in the Payette River Basin Adjudication.

Sincerely,



Richard A. Cummings

RAC/cc

MICROFILMED
AUG 0 3 1994

CONVERSATION MEMORANDUM

NAME OF PARTY Dick Cummings
EMPLOYEE: N Minicucci

DATE 9/24/1993
FILE A65-01101

RE: I returned Mr. Cummings' call from yesterday. He is responding to Ron Howerton's letter of 2/19/1993. His company (Uwimin Corp, that he represents) filed a claim in Basin 65 based on a Payette River Decreed Right, but had claimed a different source than decreed.

After consulting with the regional adjudication staff, it was determined that an amended claim may be filed to change the source back to the decreed source, and no fee will be required (exception). I left a message w/ Mr. Cummings to that effect. I also said that he would have to request an amended claim from us for signature.

During my conversations with Mr. Cummings, he mentioned that it was his knowledge that Payette River water is a source for the pond decreed in 65-01101. The decreed right does not indicate this, but the field examiner's notes from the B/U field exam for license 65-12832 ~~also~~ seems to indicate that Payette River water contributes to this pond (via a buried pipeline).

MICROFILMED
AUG 0 3 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 19, 1993

Law Offices
Meuleman, Miller, Strother & Cummings
RICHARD A. CUMMINGS
960 Broadway Ave., Suite 400
PO Box 955
Boise, Idaho 83701

Ref: Adjudication Claim **A65-01101**

Dear Mr. Cummings,

We have found the misplaced original claim A65-01101 we acknowledged from our letter dated October 14, 1992. In review of this claim some questions have appeared that must be answered before we can process this claim.

The question is whether this right has had changes to it since it was filed in the Payette River Adjudication? Question due to filing differently in SRBA.

The difference is a inconsistency of how the claim was originally adjudicated in the Payette River Basin Decree and the way it may be recorded in the new Snake River Basin Adjudication. This will at least require the claim to have normal fees collected upon it because it is a change, where prior PRBA claims filed with no-changes did not require fees for re-filing in the SRBA if there were no-changes made to the water right since the issue of the older decree.

The following differences are listed below:

PRBA Record:

Source	Tributary	Point of Diversion
Pond	None	T6N, R2W, Section 11, SESW

SRBA Claim:

Source	Tributary	Point of Diversion
Payette River	Snake River	T6N, R1W, Section 7, Lot 3

Before we can process this claim with the changes (if in fact there has been a change) the normal fee must be collected of 385.00 dollars. See enclosed fee schedule for figuring fees.

If you determine that the claim was incorrectly filed for the differences listed above, then I can upon your request send you an amended claim for the appropriate signature(s) needed on it and process it with the no-fee required exemption, if there hasn't been any changes as mentioned above.

We have forwarded a copy of the record of attorney to our State office for permit 65-12832 as requested from your letter dated June 3, 1992. This right was referenced on our letter sent to you on 10/14/92 in which we couldn't

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AUG 0 3 1994

understand why we couldn't find an adjudication claim for it. However, it was discovered later that this right did not require an adjudication claim due to its later date of priority of 4/4/1988 past the SRBA commencement date of 11/19/1987.

Please feel free to call or write me if you have any questions concerning this letter.

Sincerely,

Ron Howerton
Senior Water Agent
Adjudication Section

Enclosure: Fee Schedule
cc: File A65-01101

MICROFILMED
AUG 0 3 1994

LAW OFFICES
MEULEMAN, MILLER & CUMMINGS
960 BROADWAY AVE., SUITE 400
POST OFFICE BOX 955
BOISE, IDAHO 83701

WAYNE V MEULEMAN
ROBERT L. MILLER
RICHARD A. CUMMINGS
KIMBAL L. GOWLAND
— • —
JANICE E. ERVIN, LL.M.*
QUENTIN M. KNIPE**

TELEPHONE [208] 342-6066
TELE-FAX [208] 336-9712

*LICENSED IN IDAHO AND MONTANA
**LICENSED IN IDAHO AND WASHINGTON

October 21, 1992

RECEIVED
OCT 22 1992
Department of Water Resources
Western Regional Office

Ron Howerton
Senior Water Agent
Adjudication Bureau
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Unimin Corporation - The General Adjudication of the Rights to Use of the Water from the Snake River Water Basin, Civil Case No. 39576 - Identification No. 65-A65-01101

Dear Mr. Howerton:

It is my understanding that you have been unable to locate Unimin Corporation's filing in the Snake River Basin Adjudication for its Claim No. A65-01101. As we discussed in our telephone conversation, its claim was filed on February 13, 1990 at the Department of Water Resources.

I have enclosed a true and correct copy of the filing which includes the change of deeds documenting the change in ownership of the right. Please note that, in accordance with the instructions in the Claimant Acknowledgement Form dated June 5, 1992, all correspondence concerning this claim should now be directed to me at the address set out on the letterhead hereof.

Sincerely,

Richard A. Cummings

RAC/cc

Enc.
cc: Unimin Corporation

MICROFILMED
AUG 0 3 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

OCTOBER 14, 1992

RICHARD A CUMMINGS
Law Offices
Meuleman, Miller, Strother & Cummings
960 Broadway Ave., Suite 400
PO Box 955
Boise, Idaho 83701

Ref: Unimin Corporation, Claimant Acknowledgment of Change in Attorney for the following claims: **A65-01131B**
A65-01131C

Dear Mr. Cummings,

We received your Claimant Acknowledgment Form June 5, 1992. We have changed the above claims as requested.

In your first letter dated February 26, 1992 you requested the change of Attorney for the above 2-claims. In my letter back to you dated April 15, 1992 I requested that for the above 2-claims we needed the confirmation from the claimant in the form of the "Acknowledgment Form" in which we are in receipt. However, you added additional claims in which we do not have any record that Unimin Corporation owns. The below claims were those you added.

I have checked the status of these additional claims with the following information, if you want to pursue these claims as belonging to Unimin Corporation:

(A65-01101) This claim has not been filed in the SRBA.

(A65-12832) This claim also has not been filed in the SRBA.

(A65-01131A) This claim belongs to Ellis C. and Kathrine S. Vogel.

The copies enclosed of claims A65-01131B & C will not show the Attorney's of record on the claim form, but it is in the computer as the Attorney's of record for future references. If you have further information on the 3 claims mentioned above, or questions relating to this letter, please do not hesitate to contact myself or this office.

Sincerely,

Ron Howerton
Senior Water Agent
Adjudication Section

Enclosures: Claim Copies for A65-01131B & C

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AUG 0 3 1994

LAW OFFICES
MEULEMAN, MILLER, STROTHER & CUMMINGS
960 BROADWAY AVE., SUITE 400
POST OFFICE BOX 955
BOISE, IDAHO 83701

WAYNE V MEULEMAN
ROBERT L. MILLER
JEFFREY A. STROTHER
RICHARD A. CUMMINGS
KIMBAL L. GOWLAND
JANICE E. ERVIN
QUENTIN M. KNIPE

BOISE, (208) 342-6066
TELE-FAX (208) 336-9712

June 3, 1992

RECEIVED
JUN - 5 1992
Department of Water Resources
Western Regional Office

Ron Howerton
Senior Water Agent
Adjudication Bureau
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Unimin Corporation
Claim Nos. 65-01101
65-01131A
65-01131B
65-01131C
65-12832

Dear Mr. Howerton:

Pursuant to your letter of April 15, 1992, I am enclosing herewith the original Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication which has been executed by my client.

Sincerely,

Richard A. Cummings

RAC/cc

Enc.
cc: Unimin Corporation

MICROFILMED
AUG 0 3 1994

Form 42-1409(a)

JUN - 5 1992
Department of Water Resources
Western Regional Office

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

Name(s) of Claimant (please print):

Unimin Corporation

I/we acknowledge (check one):

_____ **The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.**

x **I/we are now represented by the attorney at the address below.**

Richard A. Cummings
Meuleman, Miller, Strother & Cummings
960 Broadway, Ste. 400, P.O. Box 955
Boise, Idaho 83701

Attorney's Phone (208) 342-6066

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

865-01131A; 865-01131B; 865-01131C; 865-12832;
865-01101

For Individuals:

Authorized signature(s) Date _____

_____

_____

For Organizations:

I am Senior Vice President/ **of** Legal and Regulatory Affairs of Unimin Corporation, **and I** (Title / Organization)

have signed the foregoing document in the space below as

Senior Vice President/ **of** Legal and Regulatory Affairs of Unimin Corporation (Title / Organization)

Signature of Authorized Agent _____

Title Senior Vice President/Legal and Regulatory Affairs **Date:** 5/18/92

Organization Unimin Corporation

IDWR Use:
Date Received _____
Data Entry _____

MICROFILMED
AUG 0 3 1994

Revised Date 4-03-92

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FEB 27 1991
Department of Water Resources
Western Regional Office

Richard A. Cummings
MEULEMAN, MILLER, STROTHER & CUMMINGS
960 Broadway, Suite 400
Post Office Box 955
Boise, Idaho 83701
Telephone: (208) 342-6066

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 THE RIGHTS TO USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM,	Civil Case No. 39576 Ident. Number: A65-01101 Date Received: Receipt No.: Received By:

NOTICE OF APPEARANCE

NOTICE IS HEREBY GIVEN That Richard A. Cummings will be acting as attorney at law on behalf of the Claimant, Unimin Corporation, and that all notices required by law to be mailed to the Unimin Corporation should be mailed to me at the following address:

Richard A. Cummings, Esq.
MEULEMAN, MILLER, STROTHER & CUMMINGS
Post Office Box 955
Boise, Idaho 83701

DATED this 25 day of February, 1991.

MEULEMAN, MILLER, STROTHER & CUMMINGS

By _____
Richard A. Cummings
Attorneys for Unimin Corporation

MICROFILMED
AUG 0 3 1994

RECEIVED
OCT 2 3 1992
Department of Water Resources
Western Regional Office

COPY

RECEIVED
FEB 13 1990
Department of Water Resources
Western Regional Office

RICHARD A. CUMMINGS
PAIGE A. PARKER
IMHOFF & LYNCH
1607 West Jefferson
Post Office Box 739
Boise, Idaho 83701
Telephone: (208) 336-6900

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 NO. 39576
	Ident. Number: A65-01101 Date Received: Receipt No.: _____ Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: Unimin Corporation
   Address: Richard A. Cummings
   Paige A. Parker
   Imhoff & Lynch
   Post Office Box 739
   Boise, Idaho 83701

2. Date of Priority: November 01, 1967

3. Source: Payette River Trib. to: Snake River

4. Point of Diversion:

Township	Range	Section	Lot	County
06N	1W	7	3	Gem

5. Description of diverting works: from point of diversion water flows via unnamed ditch through use property. Diversion from unnamed ditch at T.6N, R1W, Section 7, 1/4 of SE of 1/4 SW

MICROFILMED
AUG 0 3 1994

is via headgate into holding pond. Use application is via pump out of holding pond.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
Industrial	01/01	12/31	3.350		2420.00

7. Total Quantity Appropriated is:
3.350 C.F.S. (and/or) 2420.00 A.F.A.

8. Total consumptive use is 2420.00 A.F.A. Acre Feet Per Annum.

9. Non-irrigation use:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	02W	11	SE SW		INDUS	

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:

14. Remarks:
SAND PROCESSING.

15. Basis of Claim: DECREED
Case Number :
Court :
Decree Date : 1/21/86

STATE OF IDAHO vs. A & C CORP., ET AL
Decree Plaintiff Decree Defendant

16. Signature(s)

(a) By signing below, I acknowledge that I have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I do wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments: 41

MICROFILMED
AUG 0 3 1994

For Organizations:

I do solemnly swear or affirm that I am Charles A. Collins, Emmett, Idaho Plant Manager of Unimin Corporation, that I have signed the foregoing document in the space below as Emmett, Idaho Plant Manager of Unimin Corporation and that the statements contained in the foregoing document are true and correct.

Charles A. Collins

Charles A. Collins
Emmett, Idaho Plant Manager
Unimin Corporation

February 9, 1990
Date

STATE OF IDAHO)
)ss.
County of Elmore)

SUBSCRIBED AND SWORN before me this 9 day of February, 1990.

Rosemarie Evans

Notary Public for Idaho
Residing at Emmett
My commission expires: Sept. 1991

MICROFILMED
AUG 0 3 1994

CHANGE IN OWNERSHIP

Water Right Number(s): A65-01101

Name and Address of Former Claimant:
Del Monte Sand Co.
P. O. Box 651
Emmett, ID 83617

New Claimant: Unimin Corporation

New Mailing Address:
Richard A. Cummings
Paige A. Parker
Imhoff & Lynch
Post Office Box 739
Boise, Idaho 83701

New Telephone Number: (208) 336-6900

Does the change in ownership result in a splitting of the water rights claimed? No.

Attach proof of ownership
Describe proof attached:

1. Agreement of Merger between Del Monte Properties Company and Pebble Beach Corporation (January 24, 1977).
2. Warranty Deed from Pebble Beach Corporation to Wedron Silica Company (August, 1979).
3. Correction Warranty Deed from Wedron Silica Company to Martin Marietta Corporation (October 24, 1979).
4. Correction Warranty Deed from Wedron Silica Company to Martin Marietta Corporation (February 27, 1980).
5. Corporation Warranty Deed from Martin Marietta Corporation to Unimin Corporation (September 23, 1983).

Signature of Claimant(s): Charles A. Collins

Charles A. Collins
Emmett, Idaho Plant Manager,
Unimin Corp.

Date: February 9, 1990

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

AGREEMENT OF MERGER

AGREEMENT OF MERGER (this "Agreement") made and entered into this 24th day of January, 1977, by and between DEL MONTE PROPERTIES COMPANY, a California corporation ("Del Monte"), and PEBBLE BEACH CORPORATION, a Delaware corporation ("Pebble Beach");

W I T N E S S E T H:

WHEREAS, Del Monte is a corporation duly organized and existing under the laws of the State of California;

WHEREAS, Pebble Beach is a corporation duly organized and existing under the laws of the State of Delaware;

WHEREAS, on the date of this Agreement, Del Monte has authority to issue 2,500,000 shares of Common Stock, $2.50 par value (the "California Common Stock"), of which 1,453,100 shares are issued and outstanding, and 500,000 shares of 4-1/2% Cumulative Convertible Series A Preferred Stock, $25 par value (the "California Preferred Stock"), of which 216,000 shares are issued and outstanding;

WHEREAS, on the date of this Agreement, Pebble Beach has authority to issue 4,000,000 shares of Common Stock, $2.50 par value (the "Delaware Common Stock"), of which 10 shares are issued and outstanding and owned by Del

MICROFILMED
AUG 03 1994

POOR ORIGINAL

Monte, and 1,000,000 shares of Preferred Stock, $25 par value, of which no shares are issued and outstanding;

WHEREAS, the respective Boards of Directors of Del Monte and Pebble Beach have determined that, for the purpose of effecting the reincorporation of Del Monte in the State of Delaware it is advisable and to the advantage of said two corporations that Del Monte merge into Pebble Beach upon the terms and conditions herein provided; and

WHEREAS, the respective Boards of Directors of Del Monte and Pebble Beach have approved this Agreement and the Boards of Directors of Del Monte and Pebble Beach have directed that this Agreement be submitted to a vote of the stockholders of each of said corporations;

NOW, THEREFORE, in consideration of the mutual agreements and covenants set forth herein, Del Monte and Pebble Beach hereby agree to merge as follows:

(1) Merger. Effective upon the filing of this Agreement in the office of the Secretary of State of the State of Delaware (the "Effective Date"), Del Monte shall be merged with and into Pebble Beach, and Pebble Beach shall be the surviving corporation (hereinafter, in such capacity, the "Surviving Corporation") in the merger (the "Merger").

(2) Directors and Officers and Governing Documents. On and after the Effective Date the directors and officers

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

of Pebble Beach shall be the directors and officers of the Surviving Corporation. The Certificate of Incorporation of Pebble Beach, in effect on the Effective Date, shall continue to be the Certificate of Incorporation of the Surviving Corporation without change or amendment, until further amended in accordance with the provisions thereof and applicable laws. The Bylaws of Pebble Beach, in effect on the Effective Date, shall continue to be the Bylaws of the Surviving Corporation without change or amendment until further amended in accordance with the provisions thereof and applicable laws.

(3) Succession. On the Effective Date, Pebble Beach shall succeed to Del Monte in the manner of and as more fully set forth in Section 259 of the General Corporation Law of the State of Delaware.

(4) Further Assurances. From time to time, as and when required by the Surviving Corporation or by its successors and assigns, there shall be executed and delivered on behalf of Del Monte such deeds and other instruments, and there shall be taken or caused to be taken by it such further and other action, as shall be appropriate or necessary in order to vest, perfect or confirm, of record or otherwise, in the Surviving Corporation the title to and possession of all the

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

property, interests, assets, rights, privileges, immunities, powers, franchises and authority of Del Monte, and otherwise to carry out the purposes of this Agreement, and the officers and directors of the Surviving Corporation are fully authorized in the name and on behalf of Del Monte or otherwise to take any and all such action and to execute and deliver any and all such deeds and other instruments.

(5) Stock of Del Monte. Upon the Effective Date, by virtue of the Merger and without any action on the part of the holder thereof, each outstanding share of the California Common Stock shall be converted into one share of Common Stock of the Surviving Corporation and each outstanding share of the California Preferred Stock shall be converted into one share of Preferred Stock of the Surviving Corporation.

(6) Common Stock of Pebble Beach. Upon the Effective Date, each outstanding share of Delaware Common Stock owned by Del Monte shall be canceled and retired and no shares of the Surviving Corporation shall be issued in respect thereof.

(7) Stock Certificates. On and after the Effective Date, all of the outstanding certificates which prior to that time represented shares of California Common Stock or California Preferred Stock shall be

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deemed for all purposes to evidence ownership of and to represent the respective shares of the Surviving Corporation into which the shares represented by such certificates have been converted as herein provided.

(8) Covenants of Pebble Beach. Pebble Beach covenants and agrees that it will, on or before the Effective Date:

(i) Qualify to do business as a foreign corporation in the State of California, and in connection therewith irrevocably appoint the California Secretary of State as agent for service of process and also qualify to do business in the States of Idaho, Illinois, South Carolina, Tennessee, and Texas.

(ii) File any and all documents with the California Franchise Tax Board necessary to the assumption by Pebble Beach of all of the franchise tax liabilities of Del Monte.

(9) Amendment. At any time before or after approval and adoption by the stockholders of Del Monte, this Agreement may be amended in any manner (except that Paragraph (5) may not be amended without the approval of the stockholders of Del Monte) as may be determined in the judgment of the respective Boards of Directors of Del Monte and Pebble Beach to be necessary.

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desirable or expedient in order to clarify the intention of the parties hereto or to effect or facilitate the purpose and intent of this Agreement.

(10) Abandonment. At any time before the Effective Date, this Agreement may be terminated and the Merger may be abandoned by the Board of Directors of either Del Monte or Pebble Beach or both, notwithstanding approval of this Agreement by the stockholders of Del Monte or the stockholders of Pebble Beach or both.

(11) Counterparts. In order to facilitate the filing and recording of this Agreement, the same may be executed in any number of counterparts, each of which shall be deemed to be an original.

IN WITNESS WHEREOF, this Agreement, having first been duly approved by resolution of the Boards of Directors of Del Monte and Pebble Beach, is hereby executed at Pebble Beach, California, on behalf of each of said two corporations by their respective officers thereunto duly authorized.

DEL MONTE PROPERTIES COMPANY,
A California corporation

By Harry Holmes
Harry Holmes, President

(Corporate Seal)

ATTEST:

William J. Bessemer
William J. Bessemer, Secretary

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PEBBLE BEACH CORPORATION,
A Delaware corporation

By Harry Holmes
Harry Holmes, President

(Corporate Seal)

ATTEST:

William J. Bessemer
William J. Bessemer, Secretary

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POOR ORIGINAL

The foregoing Agreement of Merger, having been duly adopted by the stockholders of Del Monte Properties Company, a California corporation, and Pebble Beach Corporation, a Delaware corporation, and the fact of such adoption having been duly certified thereon by the Secretary of each of said Constituent Corporations, said Agreement of Merger is hereby executed by each of the Constituent Corporations by its duly authorized officers, this 30th day of March, 1977.

DEL MONTE PROPERTIES COMPANY

ATTEST:

William J. Bessemer
Secretary

BY Harry Holmes
Harry Holmes
President

PEBBLE BEACH CORPORATION

ATTEST:

William J. Bessemer
Secretary

BY Harry Holmes
Harry Holmes
President

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AUG 0 3 1994

POOR ORIGINAL

CERTIFICATE OF SECRETARY OF

PEBBLE BEACH CORPORATION

A Delaware Corporation

I, WILLIAM J. BESSEMER, Secretary of Pebble Beach Corporation, a Delaware corporation (the "Corporation"), hereby certify that the Agreement of Merger to which this certificate is attached, after having been submitted to and duly approved by the Board of Directors of the Corporation and signed by the President and Secretary of the Corporation, was approved and adopted by the unanimous consent in writing of Del Monte Properties Company, the holder of all the outstanding shares of stock of the Corporation.

WITNESS my hand the 30th day of March, 1977

William J. Bessemer
William J. Bessemer
Secretary

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AUG 0 3 1994

POOR ORIGINAL

CERTIFICATE OF SECRETARY OF

DEL MONTE PROPERTIES COMPANY

A California Corporation

I, WILLIAM J. BESSEMER, Secretary of Del Monte Properties Company, a California corporation (the "Corporation"), hereby certify that the Agreement of Merger to which this certificate is attached, after having been submitted to and duly approved by the Board of Directors of the Corporation and signed by the President and Secretary of the Corporation, was submitted to the stockholders of the Corporation at a meeting duly called for the purpose of acting on said Agreement of Merger and at said meeting more than a majority of the outstanding shares of stock of the Corporation entitled to vote thereon were voted for the adoption of the Agreement of Merger.

WITNESS my hand this 30th day of March, 1977

William J. Bessemer
William J. Bessemer
Secretary

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AUG 0 3 1994

POOR ORIGINAL

State of DELAWARE

Office of SECRETARY OF STATE

I, Glenn C. Kenton *Secretary of State of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of*

Certificate of Agreement of Merger of the "DEL MONTE PROPERTIES COMPANY", a corporation organized and existing under the laws of the State of California, merging with and into the "PEBBLE BEACH CORPORATION", a corporation organized and existing under the laws of the State of Delaware, under the name of "PEBBLE BEACH CORPORATION", as received and filed in this office the thirtieth day of March, A.D. 1977, at 4 o'clock P.M.

And I do hereby further certify that the aforesaid Corporation shall be governed by the laws of the State of Delaware.

In Testimony Whereof, *I have hereunto set my hand and official seal at Dover this* twenty-second *day of* April *in the year of our Lord one thousand nine hundred and* seventy-seven.

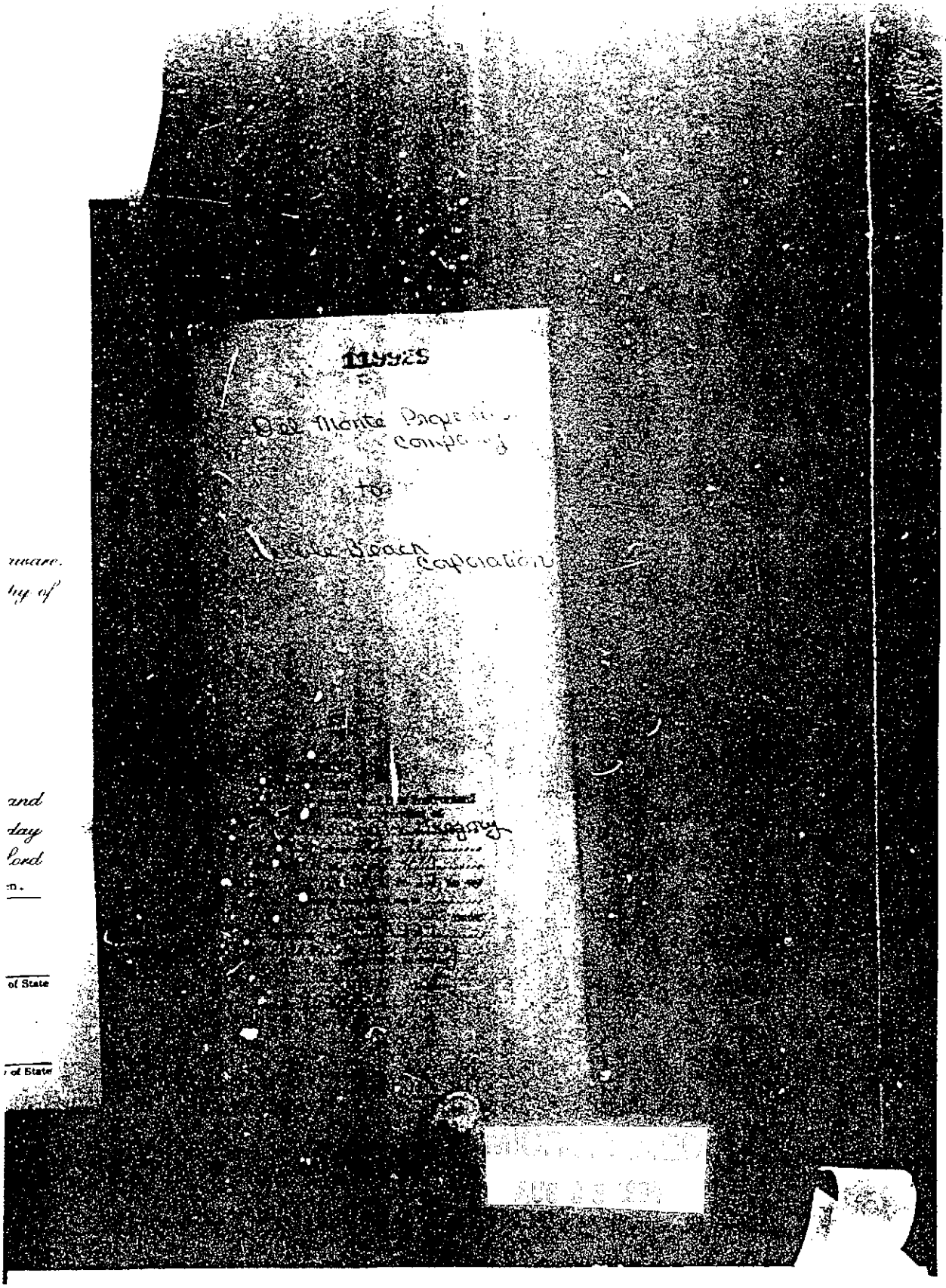
Glenn C. Kenton
Secretary of State

MICROFILMED
AUG 03 1984

Assistant Secretary of State

FORM 121

POOR ORIGINAL



POOR ORIGINAL

Ten and no/100 ---------- DOLLARS,
the following described tract(s) of land in Gem County,
State of Idaho:

SEE ATTACHED EXHIBIT A.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized by a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and at which a quorum

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this day of , A. D. 1979.

PEBBLE BEACH CORPORATION
CORPORATE NAME

PRESIDENT

SECRETARY

State of Calif.
County of Monterey

On the 14th day of August , A. D. 1979 personally appeared before me Harry Holmes and William J. Bessemer who being by me duly sworn did say, each for himself, that he, the said Harry Holmes is the president, and the said William J. Bessemer is the secretary of PEBBLE BEACH CORPORATION the corporation that executed the within and foregoing instrument, and that said instrument was signed on behalf of said corporation by authority of a resolution of its board of directors and said Harry Holmes and William J. Bessemer each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Linda Dee Bass
Notary Public Pacific Grove, CA 93950
My commission expires May 28, 1983

MAIL DEED TO:
Raymond D. Givens, Attorney at Law
P. O. Box 2720

RECEIVED
AUG 03 1979

POOR ORIGINAL

LEGAL DESCRIPTION

TRACT I

Township 6 North, Range 2 West, B.M.

Section 11: All of Lot 6 lying East of the West bank of Sand Hollow Ditch, and South of Railroad right of way, more particularly described as follows:

Commencing at the SE corner of said Government Lot 6; thence
North 89°47'50" West, along the South boundary of said Government Lot 6, a distance of 823.49 feet to a point on the West bank of Sand Hollow Creek; thence
North 2°32'40" West, along the West bank of said Creek, a distance of 1358.55 feet to a point on the Southerly boundary of the Union Pacific Railroad right-of-way; thence
North 85°08'00" East, along the Southerly boundary of said Railroad right-of-way, a distance of 885.81 feet to the East boundary of said Government Lot 6; thence
South, along the East boundary of said Government Lot 6, a distance of 1419.85 feet to the POINT OF BEGINNING.

Section 14: The East 50 feet of the NE¼ of NW¼, less the South 100 feet thereof for highway, as described in Right-of-way Deeds recorded in Book 35 of Deeds, at Page 374, Instrument #67527, and in Book 35 of Deeds, at Page 397, Instrument #67606, records of Gem County, Idaho.

LESS all ditch rights of way.

In Gem County, Idaho.

TRACT II

A parcel situated in the NE¼NW¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said NE¼NW¼; thence
North 89°47'50" West along the North boundary of said NE¼NW¼, a distance of 50.00 feet to the true point of beginning; thence
South, parallel with the East boundary of said NE¼NW¼, a distance of 851.07 feet; thence
North 66°24'00" West a distance of 147.43 feet; thence
South 84°34'40" West a distance of 543.50 feet; thence
South 85°56'30" West a distance of 316.53 feet; thence
North 88°02'40" West a distance of 81.66 feet; thence

(continued)

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POOR ORIGINAL

LEGAL DESCRIPTION CONTINUED

North 85°36'30" West a distance of 205.58 feet to a point on the West boundary of said NE¼NW¼; thence
North 0°00'40" East along the West boundary of said NE¼NW¼, a distance of 851.81 feet to the Northwest corner of said NE¼NW¼; thence
South 89°47'50" East along the North boundary of said NE¼NW¼, a distance of 1278.34 feet to the true point of beginning.

TRACT III

A tract of land in the SW¼SE¼ and Government Lot 7 of Section 11, Township 6 North, Range 2 West of the Boise Meridian, and is more particularly described as follows:

Beginning at the Southwest corner of said SW¼SE¼; thence
North 0°03'10" West, along the West boundary of said SW¼SE¼ and Government Lot 7, a distance of 1419.85 feet to a point on the Southerly boundary of the right of way for the Union Pacific Railroad; thence
North 86°05'20" East, along the Southerly boundary of the right of way for said Union Pacific Railroad, a distance of 860.00 feet; thence leaving the Southerly boundary of the right of way for said Union Pacific Railroad and running
South 31°34'00" West, a distance of 395.48 feet; thence
South 53°41'50" West, a distance of 326.84 feet; thence
South 33°38'20" West, a distance of 93.83 feet; thence
South 0°56'40" East, a distance of 257.73 feet; thence
South 14°14'50" West a distance of 346.76 feet; thence
South 0°34'50" East, a distance of 277.05 feet to a point on the South boundary of said SW¼SE¼; thence
North 89°47'50" West, along the South boundary of said SW¼SE¼, a distance of 256.00 feet to the Point of Beginning.

TRACT IV

A tract of land in the NW¼NW¼ of Section 29, Township 6 North, Range 1 West of the Boise Meridian and more particularly described as follows:

Commencing at the Northwest corner of said NW¼NW¼; thence
South 0°10'12" East, along the West boundary of said NW¼NW¼, a distance of 232.65 feet; thence leaving said West boundary and running
South 35°27'22" East, (formerly South 35°20'00" East) a distance of 418.60 feet (formerly 419.20 feet) to the TRUE POINT OF BEGINNING; thence

(continued)

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AUG 0 3 1994

POOR ORIGINAL

[illegible]

a distance of 1319.2 feet, [illegible] of 1518.35 feet to the Point of Beginning.

EXCEPTING therefrom all that portion lying within State Highway 52.

TRACT VI

The W½NE¼NW¼ and the E½NW¼NW¼ of Section 29, Township 6 North, Range 1 West, B.M., Gem County, Idaho, otherwise known as FREEZEOUT GEM Placer Mining Claim, containing 30 acres.

TRACT VII

The N½NE¼, Section 29, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, also known as FREEZEOUT NO. 2, Placer Mining Claim, containing 80 acres.

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POOR ORIGINAL

LEGAL DESCRIPTION (CONTINUED)

North 63°46'25" East, (formerly North 63°50'00" East) a distance of [illegible] feet (formerly 175.50 feet); thence
North 19°11'47" West, (formerly North 19°04'00" West) a distance of 249.91 feet (formerly 250.10 feet); thence
North 3°06'05" East, (formerly North 3°12'00" East) a distance of 121.76 feet (formerly 122.20 feet); thence
North 87°46'53" East, (formerly North 87°50'00" East) a distance of 347.90 feet; thence
South 60°05'12" East, (formerly South 60°00'00" East) a distance of 152.75 feet (formerly 175.50 feet); thence
South 0°04'25" East (formerly South 0°02'00" East) a distance of 145.23 feet; thence
North 78°01'21" East (formerly North 78°00'00" East) a distance of 87.05 feet; thence
South 64°58'39" East (formerly South 65°00'00" East) a distance of 282.53 feet; thence
North 50°01'21" East (formerly North 50°00'00" East) a distance of 270.00 feet to a point on the East boundary of said NW¼NW¼; thence
South 0°01'21" East, along the said East boundary a distance of 992.05 feet to the Southeast corner of said NW¼NW¼; thence
South 88°46'43" West, along the South boundary of said NW¼NW¼, a distance of 1062.96 feet; thence leaving said South boundary and running
North 0°10'12" West, parallel with the West boundary of said NW¼NW¼, a distance of 737.52 feet to the TRUE POINT OF BEGINNING.

LESS any portion lying within the County road.

TRACT V

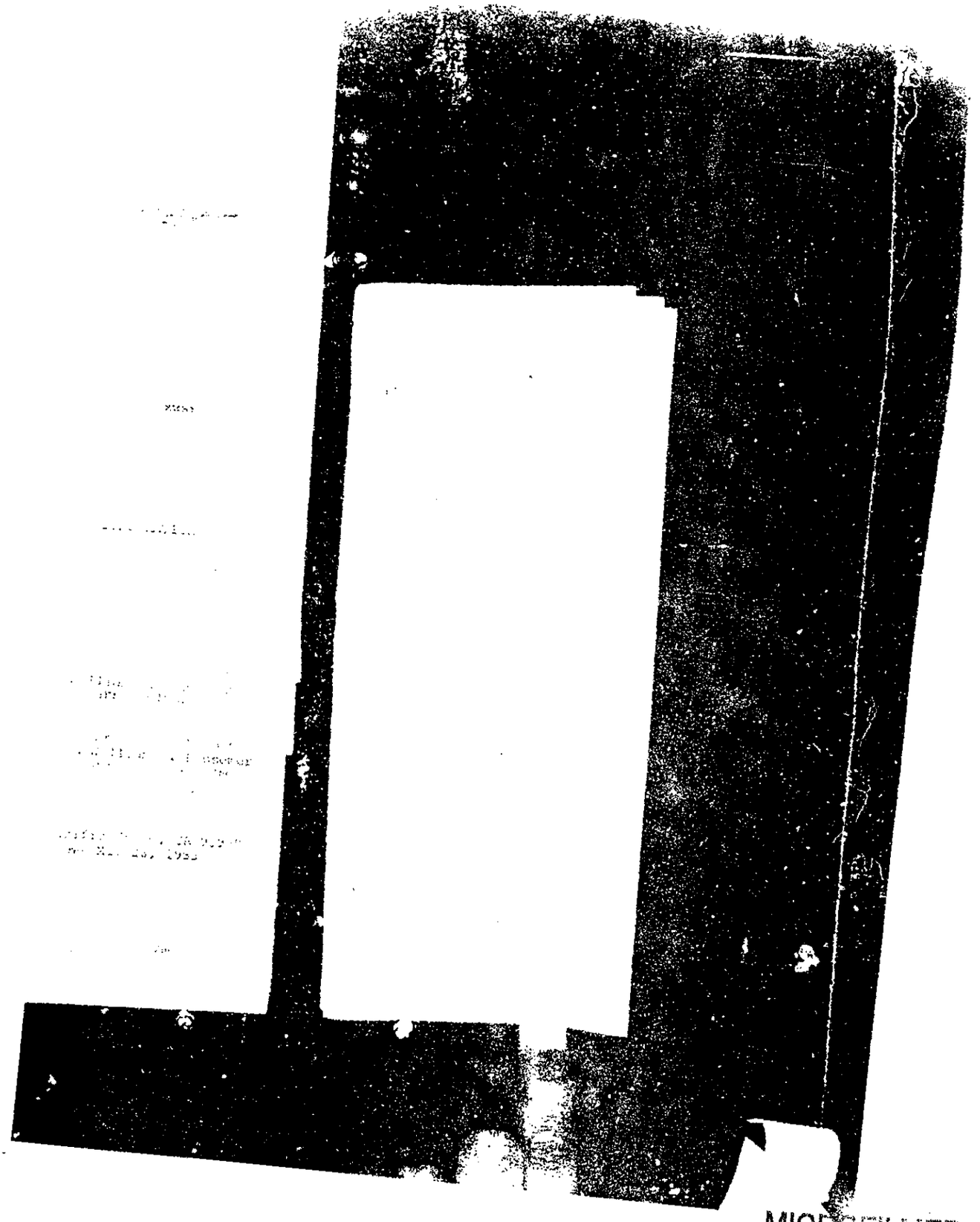
A tract of land situated in the NW¼NE¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, and is more particularly described as follows:

Beginning at the Northwest corner of said NW¼NE¼; thence
South 89°46'10" East, along the North boundary of said NW¼NE¼, (formerly North 89°57' East), a distance of 740.00 feet; thence
South 0°18'58" West, along a line parallel with the West boundary of said NW¼NE¼, a distance of 1318.06 feet (formerly South 1319.2 feet); thence
North 89°47'31" West, along the South boundary of said NW¼NE¼ (formerly South 89°59' West), a distance of 740.00 feet to a point on the said West boundary; thence
North 0°18'58" East, along said West boundary, (formerly North,

(continued)

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AUG 0 3 1994

POOR ORIGINAL



MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

MICROFILMED
AUG 0 3 1994

CORRECTION
CORPORATION WARRANTY DEED

WEDRON SILICA COMPANY, a Delaware corporation, Grantor, hereby conveys, grants and warrants to MARTIN MARIETTA CORPORATION, a Maryland corporation, 6801 Rockledge Drive, Bethesda, Maryland 20034, Grantee, for the sum of Ten and no/100 ($10.00) DOLLARS on the following tracts of land in Gem County, State of Idaho, as described on Exhibit A, attached hereto, all minerals and mineral rights of every kind and character, surface and subsurface, including without limitation, all oil, natural gas, hydrocarbon substances, sand, silica gravel, and all ores, metals, fossils, elements and gases, and the perpetual right of access, ingress and egress, to, through and from said minerals and mineral rights, and the right to explore for, mine, extract, develop, store, process, recover and dispose of such minerals by any reasonable means or methods, including without limitation, the right to stripmine and mine by open pit mining, and the right to construct such roads, pipelines, transmission lines, buildings, structures, or other facilities on the surface of the real property as are reasonably necessary under the circumstances at the time, to, over and upon the property on said Exhibit A.

This Correction Deed is filed for the purpose of correcting the designation of the Grantee as being in fact a Maryland corporation.

The Officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting held and attended by a quorum.

IN WITNESS WHEREOF, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officer this [illegible] day of [illegible], 1979.

ATTEST: WEDRON SILICA COMPANY

_____ By _____
Secretary Chairman of the Board

STATE OF CALIFORNIA,) ss
County of Monterey,)

On this [illegible] day of [illegible], 1979, before me [illegible], a Notary Public, State of Idaho, duly commissioned and sworn, personally appeared HARRY HOLMES and WILLIAM J. BESSEMER, known to me to be the Chairman of the Board and Secretary, respectively of the corporation described in and that executed the within instrument, and also known to me to be the persons who executed the instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of Monterey, the day and year first above written.

LINDA DEE HANN
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
MONTEREY COUNTY
My Commission Expires May 26, 1983

Notary Public for California
Residence: [illegible]

CORPORATION WARRANTY DEED

POOR ORIGINAL

LEGAL DESCRIPTION

TRACT I

Township 6 North, Range 2 West, B.M.

Section 11: All of Lot 6 lying East of the West bank of Sand Hollow Ditch, and South of Railroad right of way, more particularly described as follows:

Commencing at the SE corner of said Government Lot 6; thence
North 89°47'50" West, along the South boundary of said Government Lot 6, a distance of 823.49 feet to a point on the West bank of Sand Hollow Creek; thence
North 2°32'40" West, along the West bank of said Creek, a distance of 1358.55 feet to a point on the Southerly boundary of the Union Pacific Railroad right-of-way; thence
North 85°08'00" East, along the Southerly boundary of said Railroad right-of-way, a distance of 885.81 feet to the East boundary of said Government Lot 6; thence
South, along the East boundary of said Government Lot 6, a distance of 1419.85 feet to the POINT OF BEGINNING.

Section 14: The East 50 feet of the NE¼ of NW¼, less the South 100 feet thereof for highway, as described in Right-of-way Deeds recorded in Book 35 of Deeds, at Page 374, Instrument #67527, and in Book 35 of Deeds, at Page 397, Instrument #67606, records of Gem County, Idaho.

LESS all ditch rights of way.

In Gem County, Idaho.

TRACT II

A parcel situated in the NE¼NW¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

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North 89°47'50" West along the North boundary of said NE¼NW¼, a distance of 50.00 feet to the true point of beginning; thence
South, parallel with the East boundary of said NE¼NW¼, a distance of 851.07 feet; thence
North 66°24'00" West a distance of 147.43 feet; thence
South 84°34'40" West a distance of 543.50 feet; thence
South 85°56'30" West a distance of 316.53 feet; thence
North 88°02'40" West a distance of 81.66 feet; thence

(continued)

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POOR ORIGINAL

LEGAL DESCRIPTION CONTINUED

North 85°36'30" West a distance of 205.58 feet to a point on the West boundary of said NE¼NW¼; thence
North 0°00'40" East along the West boundary of said NE¼NW¼, a distance of 851.81 feet to the Northwest corner of said NE¼NW¼; thence
South 89°47'50" East along the North boundary of said NE¼NW¼, a distance of 1278.34 feet to the true point of beginning.

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Beginning at the Southwest corner of said SW¼SE¼;thence
North 0°03'10" West, along the West boundary of said SW¼SE¼ and Government Lot 7, a distance of 1419.85 feet to a point on the Southerly boundary of the right of way for the Union Pacific Railroad; thence
North 86°05'20" East, along the Southerly boundary of the right of way for said Union Pacific Railroad, a distance of 860.00 feet; thence leaving the Southerly boundary of the right of way for said Union Pacific Railroad and running
South 31°34'00" West, a distance of 395.48 feet; thence
South 53°41'50" West, a distance of 326.84 feet; thence
South 33°38'20" West, a distance of 93.83 feet; thence
South 0°56'40" East, a distance of 257.73 feet; thence
South 14°14'50" West a distance of 346.76 feet; thence
South 0°34'50" East, a distance of 277.05 feet to a point on the South boundary of said SW¼SE¼; thence
North 89°47'50" West, along the South boundary of said SW¼SE¼, a distance of 256.00 feet to the Point of Beginning.

TRACT IV

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Commencing at the Northwest corner of said NW¼NW¼; thence
South 0°10'12" East, along the West boundary of said NW¼NW¼, a distance of 232.65 feet; thence leaving said West boundary and running
South 35°27'22" East, (formerly South 35°20'00" East) a distance of 418.60 feet (formerly 419.20 feet) to the TRUE POINT OF BEGINNING; thence

(continued)

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AUG 0 3 1994

POOR ORIGINAL

LEGAL DESCRIPTION CONTINUED

North 63°45'23" East, (formerly North 63°54'00" East) a distance of 125.52 feet (formerly 125.60 feet); thence
North 19°11'37" West, (formerly North 19°04'00" West) a distance of 249.91 feet (formerly 250.10 feet); thence
North 3°06'03" East, (formerly North 3°12'00" East) a distance of 121.76 feet (formerly 122.20 feet); thence
North 87°46'53" East, (formerly North 87°54'00" East) a distance of 347.90 feet; thence
South 60°05'12" East, (formerly South 60°00'00" East) a distance of 152.75 feet (formerly 175.50 feet); thence
South 0°04'25" East (formerly South 0°02'00" East) a distance of 145.23 feet; thence
North 78°01'21" East (formerly North 78°00'00" East) a distance of 87.05 feet; thence
South 64°58'39" East (formerly South 65°00'00" East) a distance of 282.53 feet; thence
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LESS any portion lying within the County road.

TRACT V

A tract of land situated in the NW¼NE¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, and is more particularly described as follows:

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South 89°46'10" East, along the North boundary of said NW¼NE¼, (formerly North 89°57' East), a distance of 740.00 feet; thence
South 0°18'58" West, along a line parallel with the West boundary of said NW¼NE¼, a distance of 1318.06 feet (formerly South 1319.2 feet); thence
North 89°47'31" West, along the South boundary of said NW¼NE¼ (formerly South 89°59' West), a distance of 740.00 feet to a point on the said West boundary; thence
North 0°18'58" East, along said West boundary, (formerly North,

(continued)

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AUG 0 3 1994

POOR ORIGINAL

LEGAL DESCRIPTION CONTINUED

a distance of 1319.2 feet), a distance of 1318.35 feet to the Point of Beginning.

EXCEPTING therefrom all that portion lying within State Highway 52!

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AUG 0 3 1994

POOR ORIGINAL

feet to

Highway 52.

130706

Wedron Silica Company

To

Martin Marietta Corp.

STATE OF ILLINOIS)
COUNTY OF LA SALLE) ss.

I hereby certify that the within instrument was filed for record in the recorder's office in La Salle County, Illinois, on the 8th day of Nov. A.D. 19 79 at 55 minutes past 11 o'clock A. M., and duly recorded in Book of Deeds on page 130706 under instrument No. 130706

By Loretta Schumacher

Fee $ 10.00

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AUG 0 3 1994

POOR ORIGINAL

CORRECTION
CORPORATION WARRANTY DEED

WEDRON SILICA COMPANY, a Delaware corporation, Grantor, hereby conveys, grants and warrants to MARTIN MARIETTA CORPORATION, a Maryland corporation, 6801 Rockledge Drive, Bethesda, Maryland 20034, Grantee, for the sum of Ten and no/100 ($10.00) DOLLARS, the following tracts of land in Gem County, State of Idaho, as described on Exhibit A, RESERVING THEREFROM all buildings, fixtures, equipment, and improvements.

This Correction Deed is filed for the purpose of correcting the description of the interest conveyed.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the Board of Directors of the Grantor at a lawful meeting held and attended by a quorum.

IN WITNESS WHEREOF, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 27th day of February, 1980.

WEDRON SILICA COMPANY

ATTEST.

By Harry Holmes
Chairman of the Board

William J. Bessemer
Secretary

STATE OF CALIFORNIA)
) ss
COUNTY OF MONTEREY)

On this 27th day of February, 1980, before me the undersigned, a Notary Public, State of California, duly commissioned and sworn, personally appeared Harry Holmes and William J. Bessemer, known to me to be the Chairman of the Board and the Secretary, respectively, of the corporation described in and that executed the within instrument, and also known to me to be the persons who executed the instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of Monterey the day and year first above written.

Anne M. Bell
Notary Public for California
Residence: Monterey County, California

ANNE M. BELL
NOTARY PUBLIC - CALIFORNIA
My Commission Expires Jan. 13, 1984

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

LEGAL DESCRIPTION

TRACT I

Township 6 North, Range 2 West, B.M.

Section 11: All of Lot 6 lying East of the West bank of Sand Hollow Ditch, and South of Railroad right of way, more particularly described as follows:

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North 2°32'40" West, along the West bank of said Creek, a distance of 1358.55 feet to a point on the Southerly boundary of the Union Pacific Railroad right-of-way; thence
North 85°08'00" East, along the Southerly boundary of said Railroad right-of-way, a distance of 885.81 feet to the East boundary of said Government Lot 6; thence
South, along the East boundary of said Government Lot 6, a distance of 1419.85 feet to the POINT OF BEGINNING.

Section 14: The East 50 feet of the NE¼ of NW¼, less the South 100 feet thereof for highway, as described in Right-of-way Deeds recorded in Book 35 of Deeds, at Page 374, Instrument #67527, and in Book 35 of Deeds, at Page 397, Instrument #67606, records of Gem County, Idaho.

LESS all ditch rights of way.

In Gem County, Idaho.

TRACT II

A parcel situated in the NE¼NW¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said NE¼NW¼; thence
North 89°47'50" West along the North boundary of said NE¼NW¼, a distance of 50.00 feet to the true point of beginning; thence
South, parallel with the East boundary of said NE¼NW¼, a distance of 851.07 feet; thence
North 66°24'00" West a distance of 147.43 feet; thence
South 84°34'40" West a distance of 543.50 feet; thence
South 85°56'30" West a distance of 316.53 feet; thence
North 88°02'40" West a distance of 81.66 feet; thence

(continued)

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AUG 0 3 1994

POOR ORIGINAL

LEGAL DESCRIPTION CONTINUED

North 85°36'30" West a distance of 205.58 feet to a point on the West boundary of said NE¼NW¼; thence
North 0°00'40" East along the West boundary of said NE¼NW¼, a distance of 851.81 feet to the Northwest corner of said NE¼NW¼; thence
South 89°47'50" East along the North boundary of said NE¼NW¼, a distance of 1279.34 feet to the true point of beginning.

TRACT III

A tract of land in the SW¼SE¼ and Government Lot 7 of Section 11, Township 6 North, Range 2 West of the Boise Meridian, and is more particularly described as follows:

Beginning at the Southwest corner of said SW¼SE¼; thence
North 0°03'10" West, along the West boundary of said SW¼SE¼ and Government Lot 7, a distance of 1419.85 feet to a point on the Southerly boundary of the right of way for the Union Pacific Railroad; thence
North 86°05'20" East, along the Southerly boundary of the right of way for said Union Pacific Railroad, a distance of 860.00 feet; thence leaving the Southerly boundary of the right of way for said Union Pacific Railroad and running
South 31°34'00" West, a distance of 395.48 feet; thence
South 53°41'50" West, a distance of 326.84 feet; thence
South 33°38'20" West, a distance of 93.83 feet; thence
South 0°56'40" East, a distance of 257.73 feet; thence
South 14°14'50" West a distance of 346.76 feet; thence
South 0°34'50" East, a distance of 277.05 feet to a point on the South boundary of said SW¼SE¼; thence
North 89°47'50" West, along the South boundary of said SW¼SE¼, a distance of 256.00 feet to the Point of Beginning.

TRACT IV

A tract of land in the N½NW¼ of Section 29, Township 6 North, Range 1 West of the Boise Meridian and more particularly described as follows:

Commencing at the Northwest corner of said NW¼NW¼; thence
South 0°10'12" East, along the West boundary of said NW¼NW¼, a distance of 232.65 feet; thence leaving said West boundary and running
South 35°27'22" East, (formerly South 35°20'00" East) a distance of 418.60 feet (formerly 419.20 feet) to the TRUE POINT OF BEGINNING; thence

(continued)

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AUG 0 3 1994

POOR ORIGINAL

LEGAL DESCRIPTION CONTINUED

North 63°45'23" East, (formerly North 63°54'00" East) a distance of 125.52 feet (formerly 125.60 feet); thence
Nortn 19°11'37" West, (formerly North 19°04'00" West) a distance of 249.91 feet (formerly 250.10 feet); thence
North 3°06'03" East, (formerly North 3°12'00" East) a distance of 121.76 feet (formerly 122.20 feet); thence
North 87°46'53" East, (formerly North 87°54'00" East) a distance of 347.90 feet; thence
South 60°05'12" East, (formerly South 60°00'00" East) a distance of 152.75 feet (formerly 175.50 feet); thence
South 0°04'25" East (formerly South 0°02'00" East) a distance of 145.23 feet; thence
North 78°01'21" East (formerly North 78°00'00" East) a distance of 87.05 feet; thence
South 64°58'39" East (formerly South 65°00'00" East) a distance of 282.53 feet; thence
North 50°01'21" East (formerly North 50°00'00" East) a distance of 270.00 feet to a point on the East boundary of said NW¼NW¼; thence
South 0°01'21" West, along the said East boundary a distance of 992.05 feet to the Southeast corner of said NW¼NW¼; thence
South 88°46'43" West, along the South boundary of said NW¼NW¼, a distance of 1062.96 feet; thence leaving said South boundary and running
North 0°10'12" West, parallel with the West boundary of said NW¼NW¼, a distance of 737.52 feet to the TRUE POINT OF BEGINNING.

LESS any portion lying within the County road.

TRACT V

A tract of land situated in the NW¼NE¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, and is more particularly described as follows:

Beginning at the Northwest corner of said NW¼NE¼; thence
South 89°46'10" East, along the North boundary of said NW¼NE¼, (formerly North 89°57' East), a distance of 740.00 feet; thence
South 0°18'58" West, along a line parallel with the West boundary of said NW¼NE¼, a distance of 1318.06 feet (formerly South 1319.2 feet); thence
North 89°47'31" West, along the South boundary of said NW¼NE¼ (formerly South 89°59' West), a distance of 740.00 feet to a point on the said West boundary; thence
North 0°18'58" East, along said West boundary, (formerly North,

(continued)

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

LEGAL DESCRIPTION CONTINUED

a distance of 1319.2 feet), a distance of 1318.35 feet to the Point of Beginning.

EXCEPTING therefrom all that portion lying within State Highway 52.

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

1318.35 feet to

n State Highway 52.

131878

Wedron Silica Company

To

Martin Marietta Corp.

Chickering & Gregory
02 P 3rd 1
Mar. 80
Deed
131878
Rebate
10.00

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

S-13234

CORPORATE WARRANTY DEED

MARTIN MARIETTA CORPORATION, a corporation organized and existing under the laws of the State of Maryland, with its principal office at [illegible] Grantor, hereby CONVEYS or GRANTS and WARRANTS TO UNIMIN CORPORATION, a Delaware Corporation, whose address is [illegible], Grantee for the sum of ONE ($1.00) DOLLAR and other good and valuable consideration, the following described tract(s) of land in Gem County, State of Idaho:

> Legal description attached hereto as Exhibit "A", consisting of six (6) pages.

To have and to hold the said premises with their appurtenances unto the said Grantee, its heirs and assigns forever, and the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises, that they are free from all encumbrances except those of public record and that it will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

IN WITNESS WHEREOF, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 23rd day of September, A.D. 1983.

MICROFILMED
AUG 0 3 1994

POOR ORIGINAL

MARTIN MARIETTA CORPORATION

By _____
Vice President

ATTEST: _____
Asst Secretary

STATE OF NEW YORK)
) ss
COUNTY OF NEW YORK)

On the 13th day of September, A.D. 1983, personally appeared before me J. Peter Dunstan and Bruce H. Degrasse, who being by me duly sworn did say, each for himself, that he, the said J. Peter Dunstan is the Vice President, and he, the said Bruce A. Degrasse is the Assistant Secretary of MARTIN MARIETTA CORPORATION, a corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said J. Peter Dunstan and Bruce A. Degrasse each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

_____
Notary Public for New York
Residing at 6 Overlook Dr. Scarsdale, N.Y. 10583
My Commission expires March 30, 1985

VIRGINIA M. CONNOR
NOTARY PUBLIC, State of New York
No. 60-4613521
Qualified in Westchester County
Commission Expires March 30, 1985

MICROFILMED
AUG 03 1994

POOR ORIGINAL

STATE OF IDAHO, COUNTY OF GEM

I hereby certify that this instrument was filed for record at the request of _____ at _____ minutes past _____ o'clock __.M., this ____ day of _____, A.D. 1983, in my office, and duly recorded in Book ____ of _____, at page ____.

_____
Ex-Officio Recorder

By_____
Deputy

Fees, $_____

MICROFILMED
AUG 0 5 1983

POOR ORIGINAL

EXHIBIT "A"

LEGAL DESCRIPTION

TRACT I

Township 6 North, Range 2 West, B.M.

Section 11: All of Lot 6 lying East of the West bank of Sand Hollow Ditch, and South of Railroad right of way, more particularly described as follows:

Commencing at the SE corner of said Government Lot 6; thence
North 89°47'50" West, along the South boundary of said Government Lot 6, a distance of 823.49 feet to a point on the West Bank of Sand Hollow Creek; thence
North 2°32'40" West, along the West bank of said Creek, a distance of 1358.55 feet to a point on the Southerly boundary of the Union Pacific Railroad right-of-way; thence
North 85°08'00" East, along the Southerly boundary of said Railroad right-of-way, a distance of 885.81 feet to the East boundary of said Government Lot 6; thence
South, along the East boundary of said Government Lot 6, a distance of 1419.85 feet to the POINT OF BEGINNING.

Section 14: The East 50 feet of the NE¼ of NW¼, less the South 100 feet thereof for highway, as described in Right-of-way Deeds recorded in Book 35 of Deeds, at Page 374, Instrument #67527, and in Book 35 of Deeds, at Page 397, Instrument #67606, records of Gem County, Idaho.

LESS all ditch rights of way.

In Gem County, Idaho.

MICROFILMED
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TRACT II

A parcel situated in the NE¼NW¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said NE¼NW¼; thence
North 89°47'50" West along the North boundary of said NE¼NW¼, a distance of 50.00 feet to the true point of beginning; thence

(continued)

POOR ORIGINAL

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

South, parallel with the East boundary of said NE¼NW¼, a distance of 851.07 feet; thence
North 66°24'00" West a distance of 147.43 feet; thence
South 84°34'40" West a distance of 543.50 feet; thence
South 85°56'30" West a distance of 316.53 feet; thence
North 88°02'40" West a distance of 81.66 feet; thence
North 85°36'30" West a distance of 205.58 feet to a point on the West boundary of said NE¼NW¼; thence
North 0°00'40" East along the West boundary of said NE¼NW¼, a distance of 851.81 feet to the Northwest corner of said NE¼NW¼; thence
South 89°47'50" East along the North boundary of said NE¼NW¼, a distance of 1278.34 feet to the true point of beginning.

TRACT III

A tract of land in the SW¼SE¼ and Government Lot 7 of Section 11, Township 6 North, Range 2 West of the Boise Meridian, and is more particularly described as follows:

Beginning at the Southwest corner of said SW¼SE¼; thence
North 0°03'10" West, along the West boundary of said SW¼SE¼ and Government Lot 7, a distance of 1419.85 feet to a point on the Southerly boundary of the right of way for the Union Pacific Railroad; thence
North 86°05'20" East, along the Southerly boundary of the right of way for said Union Pacific Railroad, a distance of 860.00 feet; thence leaving the Southerly boundary of the right of way for said Union Pacific Railroad and running
South 31°34'00" West, a distance of 395.48 feet; thence
South 53°41'50" West, a distance of 326.84 feet; thence
South 33°38'20" West, a distance of 93.83 feet; thence
South 0°56'40" East, a distance of 257.73 feet; thence
South 14°14'50" West a distance of 346.76 feet; thence
South 0°34'50" East, a distance of 277.05 feet to a point on the South boundary of said SW¼SE¼; thence
North 89°47'50" West, along the South boundary of said SW¼SE¼, a distance of 256.00 feet to the Point of Beginning.

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AUG 2 3 1994

POOR ORIGINAL

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

TRACT IV

A tract of land in the NW¼NW¼ of Section 29, Township 6 North, Range 1 West of the Boise Meridian and more particularly described as follows:

Commencing at the Northwest corner of said NW¼NW¼; thence
South 0°10'12" East, along the West boundary of said NW¼NW¼, a distance of 232.65 feet; thence leaving said West boundary and running
South 35°27'22" East, (formerly South 35°20'00" East) a distance of 418.60 feet (formerly 419.20 feet) to the TRUE POINT OF BEGINNING; thence
North 63°45'23" East, (formerly North 63°54'00" East) a distance of 125.52 feet (formerly 125.60 feet); thence
North 19°11'37" West, (formerly North 19°04'00" West) a distance of 249.91 feet (formerly 250.10 feet); thence
North 3°06'03" East, (formerly North 3°12'00" East) a distance of 121.76 feet (formerly 122.20 feet); thence
North 87°46'53" East, (formerly North 8 °54'00" East) a distance of 347.90 feet; thence
South 60°05'12" East, (formerly South 60°00'00" East) a distance of 152.75 feet (formerly 175.50 feet); thence
South 0°04'25" East (formerly South 0°02'00" East) a distance of 145.23 feet; thence
North 78°01'21" East (formerly North 78°00'00" East) a distance of 87.05 feet; thence
South 64°58'39" East (formerly South 65°00'00" East) a distance of 282.53 feet; thence
North 50°01'21" East (formerly North 50°00'00" East) a distance of 270.00 feet to a point on the East boundary of said NW¼NW¼; thence
South 0°01'21" West, along the said East boundary a distance of 992.05 feet to the Southeast corner of said NW¼NW¼; thence
South 88°46'43" West, along the South Boundary of said NW¼NW¼, a distance of 1062.96 feet; thence leaving said South boundary and running
North 0°10'12" West, parallel with the West boundary of said NW¼NW¼, a distance of 737.52 feet to the TRUE POINT OF BEGINNING.

LESS any portion lying within the County road.

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AUG 0 3 1994

POOR ORIGINAL

[redacted]

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

TRACT V

A tract of land situated in the NW¼NE¼ of Section 14, Township 6 North, Range 2 West, B.M., Gem County, Idaho, and is more particularly described as follows:

Beginning at the Northwest corner of said NW¼NE¼; thence
South 89°46'10" East, along the North boundary of said NW¼NE¼, (formerly North 89°57' East), a distance of 740.00 feet; thence
South 0°18'58" West, along a line parallel with the West boundary of said NW¼NE¼, a distance of 1318.06 feet (formerly South 1319.2 feet); thence
North 89°47'31" West, along the South boundary of said NW¼NE¼ (formerly South 89°59' West), a distance of 740.00 feet to a point on the said West boundary; thence
North 0°18'58" East, along said West boundary, (formerly North a distance of 1319.2 feet), a distance of 1318.35 feet to the Real Point of Beginning.

EXCEPTING therefrom all that portion lying within State Highway 52.

TRACT VI

The NE¼NE¼NW¼ and the S½NE¼NW¼ of Section 29, Township 6 North, Range 1 West, B.M., Gem County, Idaho, otherwise known as the GEM Placer Mining Claim.

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ALSO EXCEPT any portion lying within State Highway 52.

TRACT VII

The N½NE¼, Section 29, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, otherwise known as the GEM Placer Mining Claim.

(Continued)

POOR ORIGINAL

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

MICROFILMED
AUG 05 1994

ALSO EXCEPT any portion lying within State Highway 16.

ALSO EXCEPT the following described property deeded to the State of Idaho in Warranty Deed, Instrument #87930, records of Gem County, Idaho:

A parcel of land being on both sides of the centerline of State Highway No. 16, Project No. S-3832(3) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the NE¼NE¼ of Section 29, Township 6 North, Range 1 West, B.M., Gem County, Idaho, described as follows, to-wit:

Commencing at the Northeast corner of Section 29, Township 6 North, Range 1 West, B.M.; thence
South 0°37'52" West along the East line of said Section 29 a distance of 537.43 feet to a point in a line parallel with and 60.0 feet Northwesterly from the centerline and opposite Station 553+30.11 of State Highway No. 16, Project No. S-3832(3) Highway Survey and the real point of beginning; thence
South 22°12'00" West along said parallel line 843.31 feet to a point in the South line of the NE¼NE¼ of said Section 29 opposite Station 544+86.80 of said Highway Survey; thence
South 89°59'14" East along said South line 129.69 feet to a point that bears South 67°48'00" East 60.00 feet from Station 545+35.74 of said Highway Survey; thence
North 48°53'12" East 155.86 feet to a point that bears South 67°48'00" East 130.0 feet from Station 546+75 of said Highway Survey; thence
North 18°57'37" East 203.96 feet to a point in the East line of said Section 29 that bears South 67°48'00" East 118.47 feet from Station 548+78.65 of said Highway Survey; thence
North 0°37'52" East along said East line 485.46 feet to the real point of beginning.

Highway Station reference: 545+11.27 to 551+78.33.

The bearings as shown in the above land description, unless otherwise noted are from the Idaho Plane Coordinate System, based on the transverse mercator projection for the West Zone of Idaho. To convert to geodetic bearings, a correction of 0°30'01" must be subtracted from all Northeast and Southwest bearings and added to all Northwest and Southeast bearings.

POOR ORIGINAL

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

TRACT VIII.

All minerals and mineral rights of every kind and character, surface and subsurface, including all oil, natural gas, hydrocarbon substances, sand, silica gravel, and all ores, metals, fossils, elements and gases as to Tracts I, II, III, Iv and V shown above.

* * * * * *

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AUG 03 1994

POOR ORIGINAL

AUG 0 3 1994

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character,
l gas,
all ores,
I, II, III,

144909

Martin Mariette Corporation

to

Dnimin Corporation

Indexed ☐

Microfilmed ☐

STATE OF IDAHO }
COUNTY OF GEM } ss.

I hereby certify that this instrument was filed for record at request of Safeco Title Ins. Co.
at 38 minutes past 4
o'clock P. M. this 28th
day of September 19 83 in my
office and duly recorded as a Deed under
Instrument No. 144909
THELMA R. HOLODZIEJ
Recorder
By Judy Boston
Deputy
Fee $ 18.00

Send To: