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JUN 20 2002

Page 1 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGION

Transfer No. 69981

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Unimin Corporation Phone 208-365-7153
Post Office address 4601 Cascade Rd. Emmett, ID 83617

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes To bypass environmentally sensitive and expensive gravel push-up dams in the Payette River and to avoid dredging the river channel. The proposed change in the point of diversion will require the installation of a pumping station adjacent to the Payette River.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

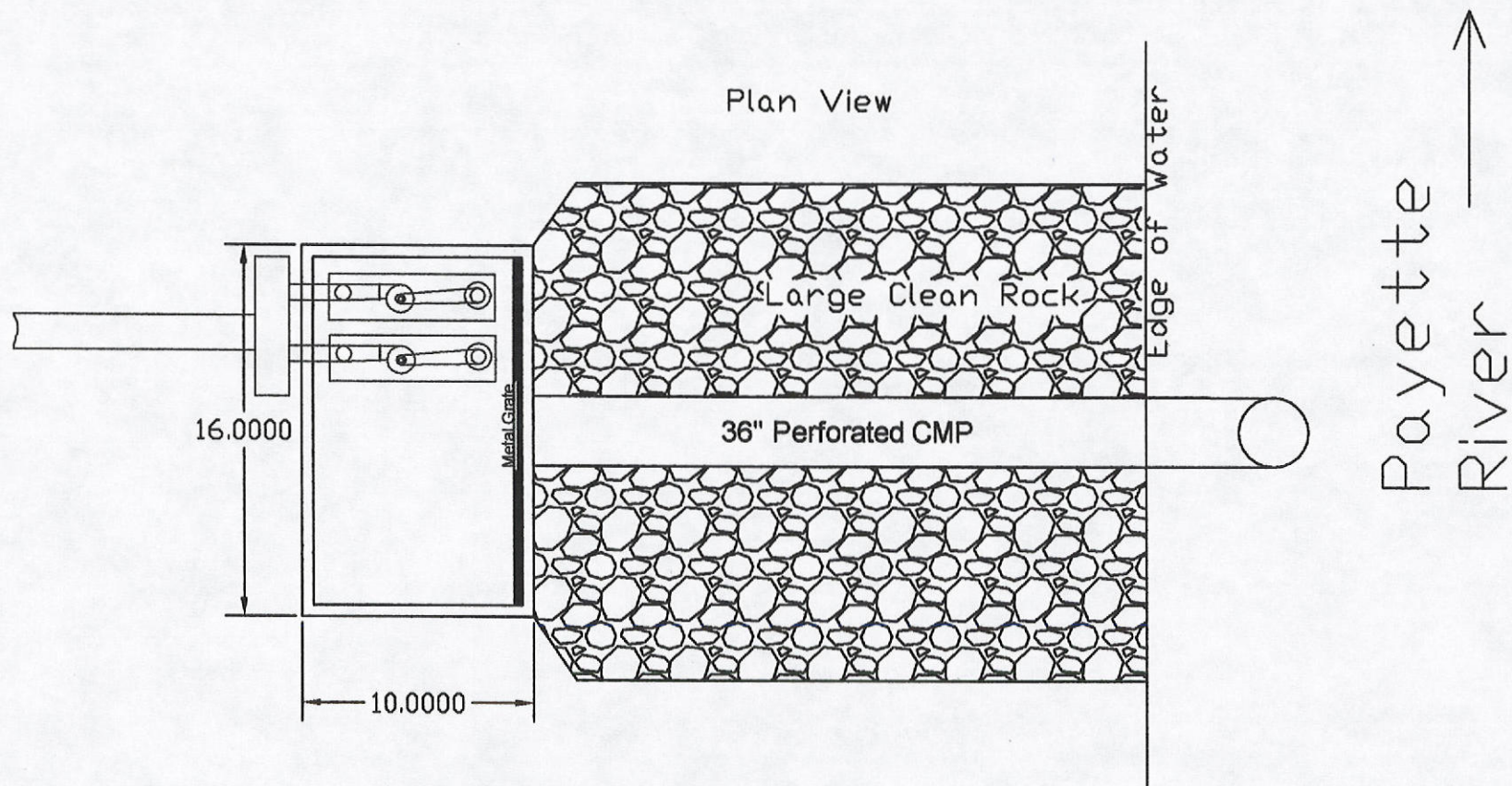
1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|-----------|------------|----------|------------|---------------|
| 65-1131 B | 1875-10-05 | 0.26 cfs | Irrigation | 3/15 to 11/15 |
| 65-1131 C | 1875-10-05 | 1.08 cfs | Irrigation | 3/15 to 11/15 |
| 65-12832 | 1988-04-04 | 5.0 cfs | Industrial | 1/1 to 12/31 |
| | | 6.34 | | 40.2 to |
2. Total amount of water being transferred 6.34 cubic feet per second and/or 40.2 acre-feet per annum.
3. Source of water Payette River tributary to Snake River
4. Point(s) of Diversion: (Proposed)

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
6		SE	NW	12	6N	2W	Gem	Smith Ditch

5. Lands irrigated or place of use:

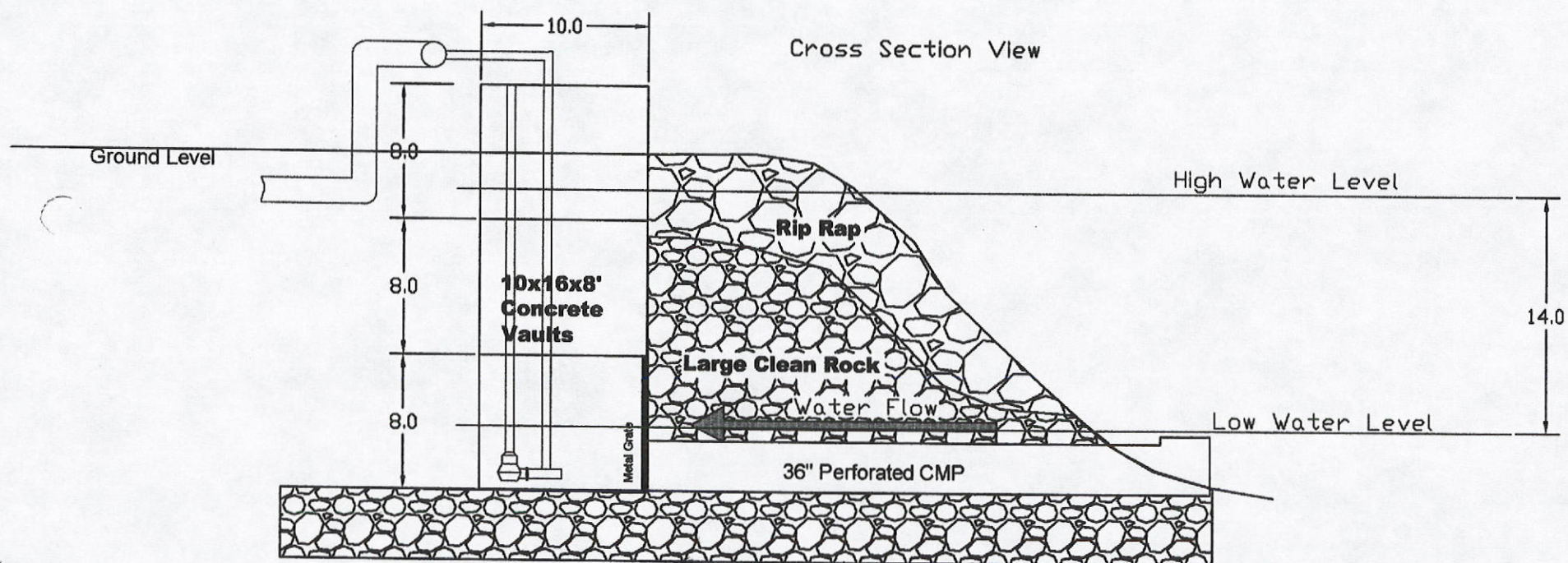
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	2W	11														2.0	11.0		13.0
6N	2W	11													1.3	1.3	27.0	24.4	54.0
6N	2W	11									I					I	I		
6N	2W	14		I			I												

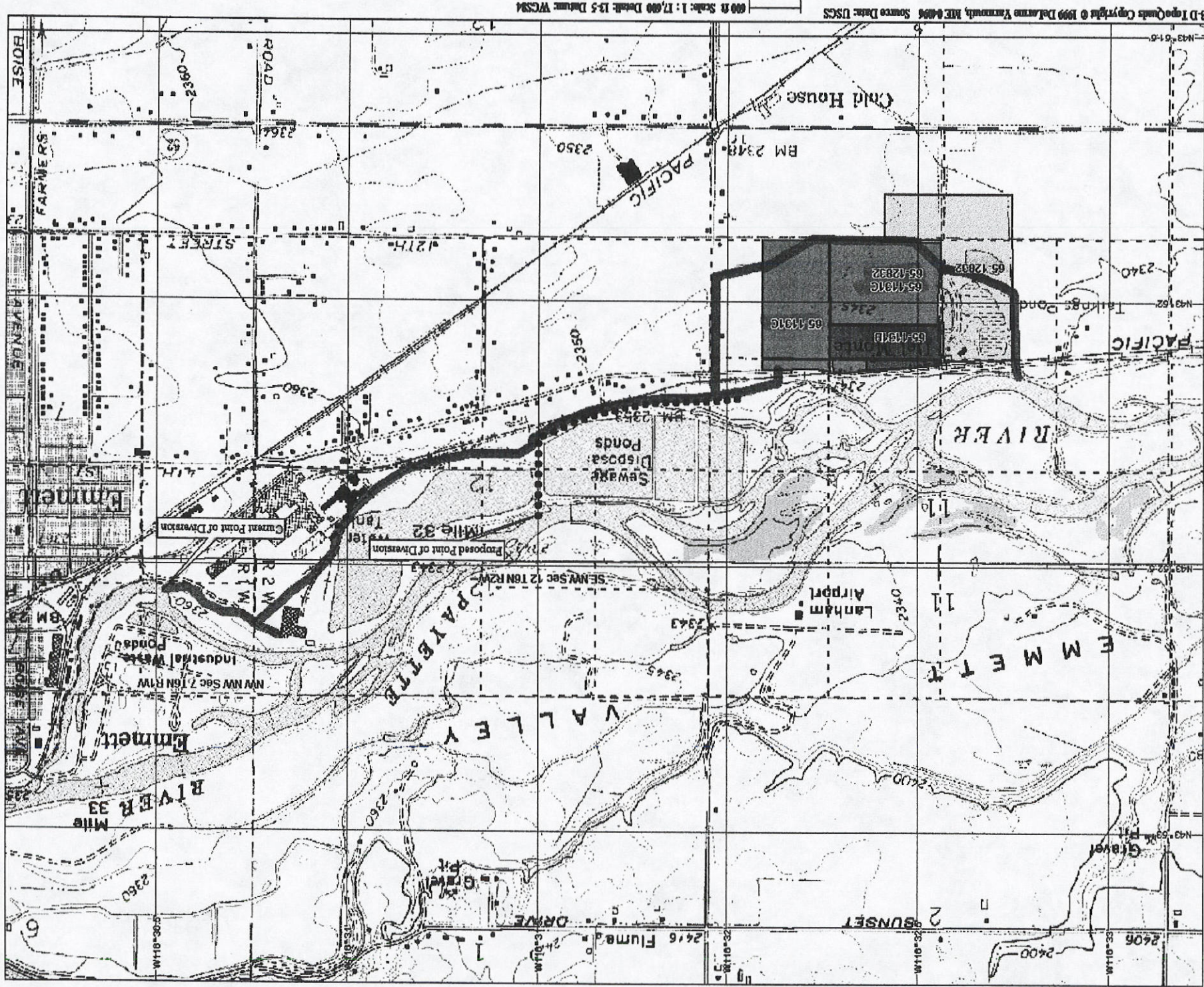
Total acres 67.0



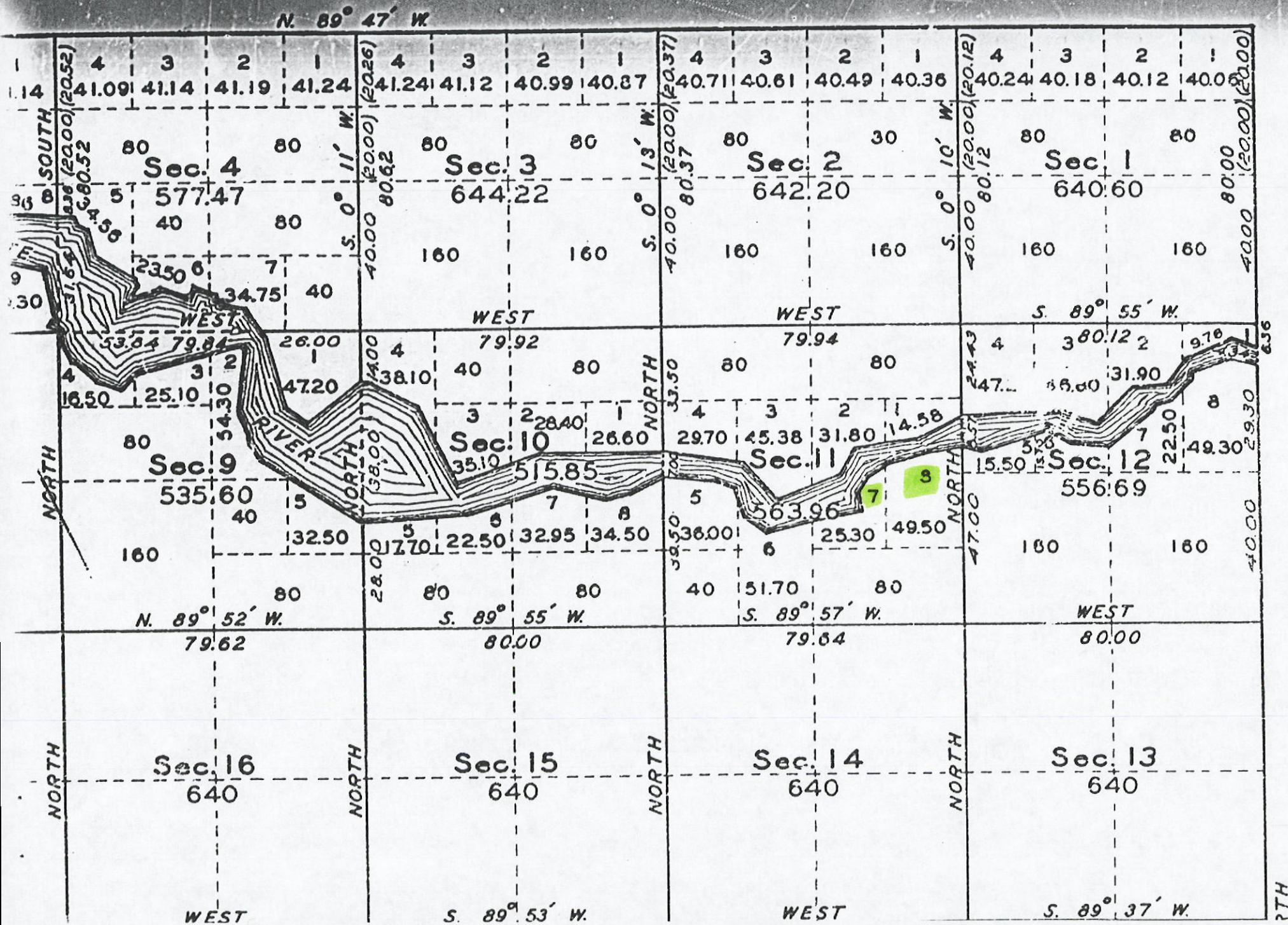
Smith Ditch Diversion Structure

Conceptual Drawing
S.Groening 5/9/02





3-D Topographic Copyright © 1999 Delorme Vantage, Inc. 4406 Source Data: USGS
600 ft Scale: 1:17,000 Date: 13-5 Datum: WGS84



3-WAY SPLIT TREE

CLAIM: 65-01131

AGENT: Ron Howerton

Date: 01-29-01

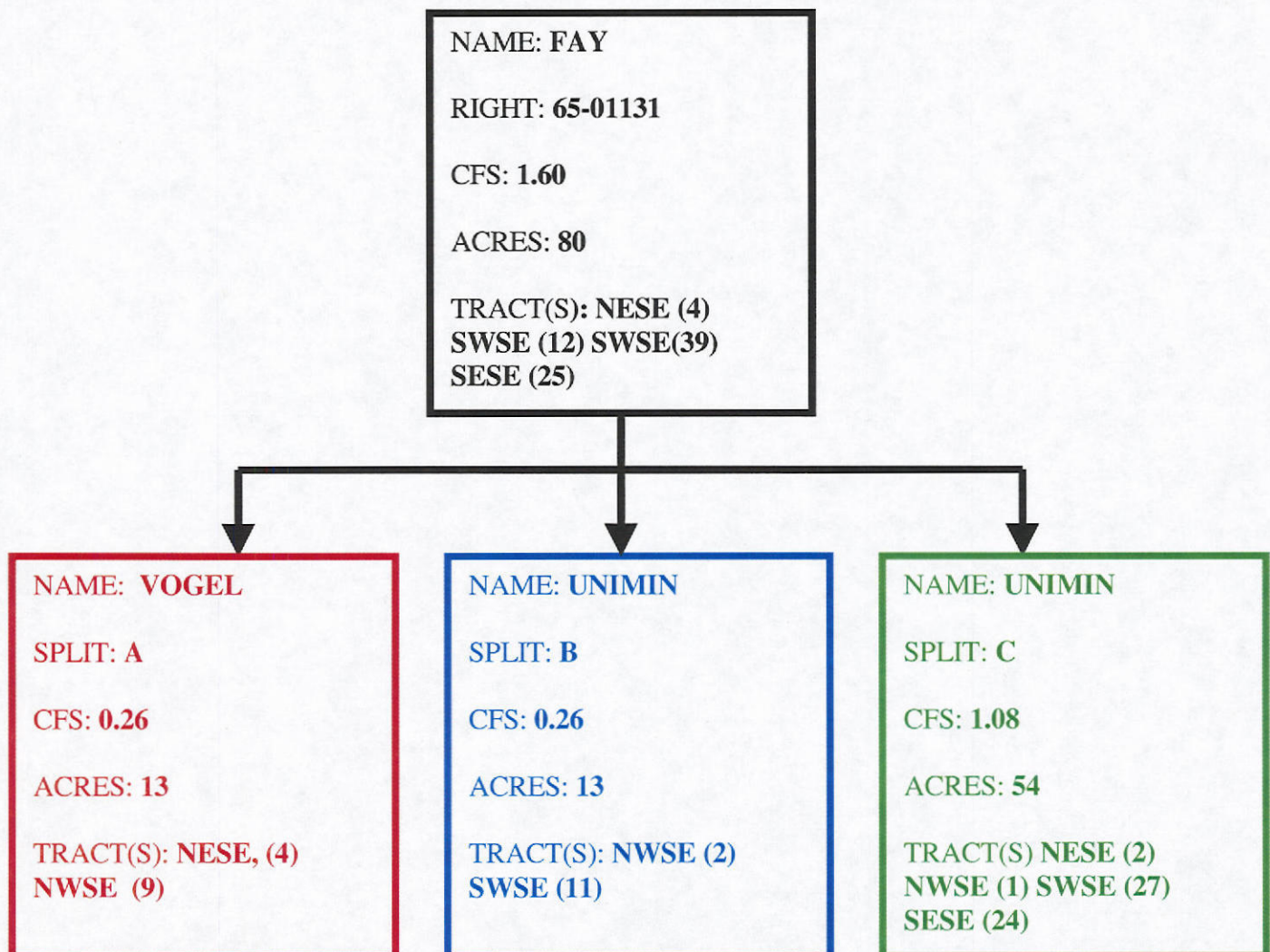
FACTOR = CFS 1.60 / ACRES 80 = 0.02 CFS

SPLIT A = **FACTOR** x **N acres (13)** = **CFS = 0.26**

SPLIT B = **FACTOR** x **N acres (13)** = **CFS = 0.26**

SPLIT C = **FACTOR** x **N acres (54)** = **CFS = 1.08**

TOTALS = (80) (1.60)



T06N R02W
S11

Idaho Department of Water Resources

Claims: 65-01131B
Prepared by:
RON HOWERTON
Date: 26 JAN 01

 Place of use

 POD

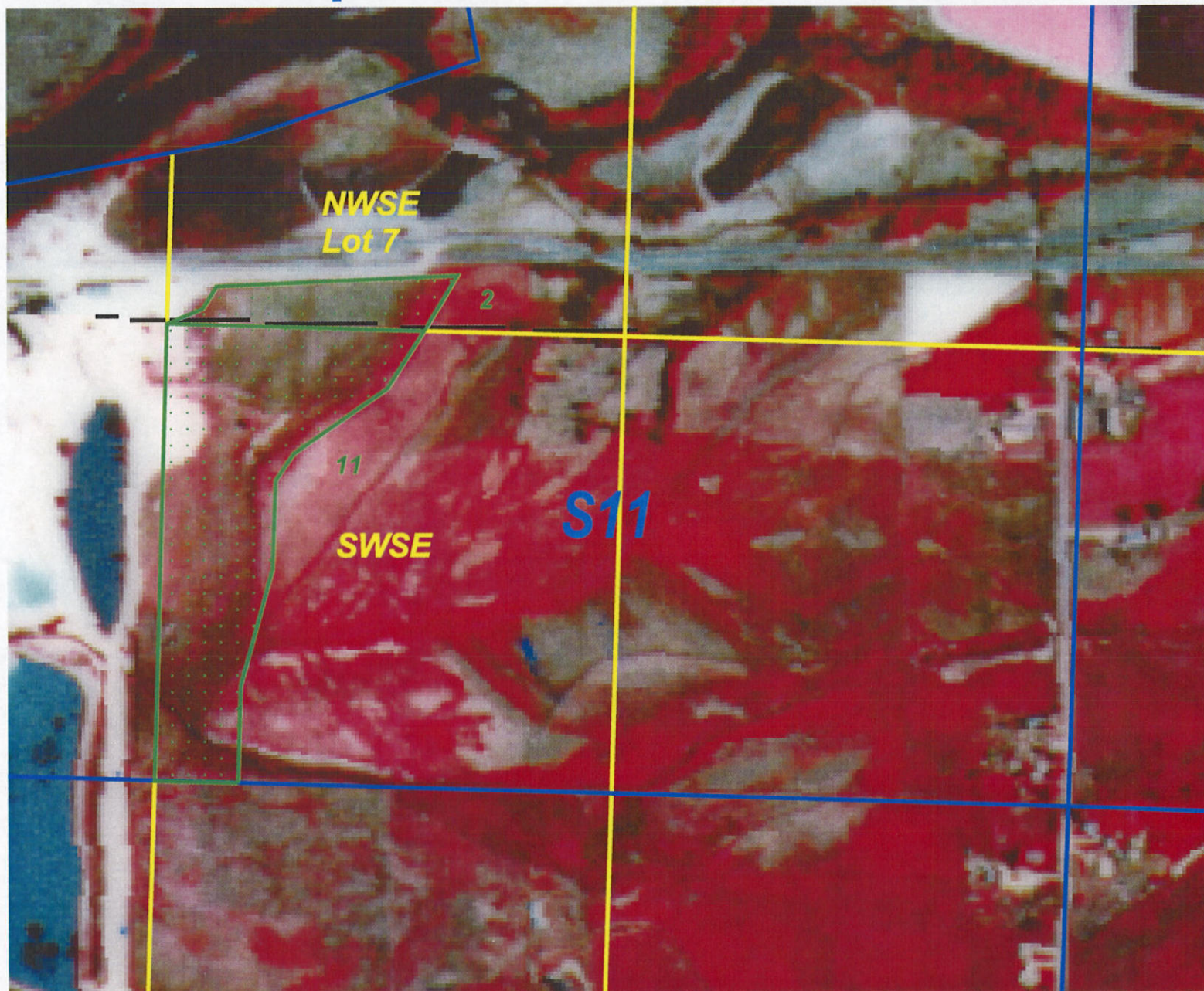
 SECTION

 1/4 1/4

13 Acres



1987 NAPP



0 0.1 0.2 0.3 0.4 0.5 Miles

T06N R02W
S11

Idaho Department of Water Resources

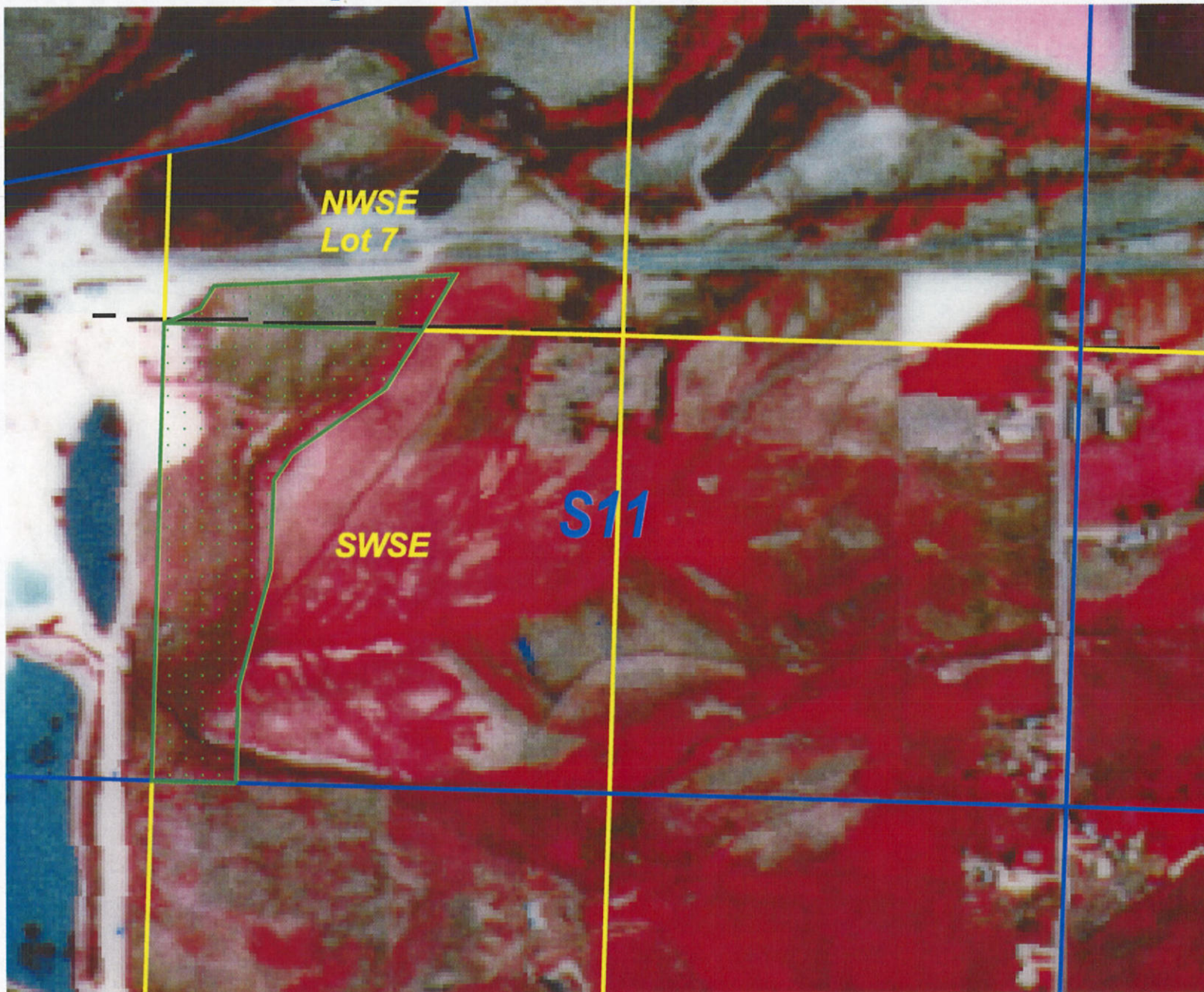
Claims: 65-01131B
Prepared by:
RON HOWERTON
Date: 26 JAN 01

 Place of use

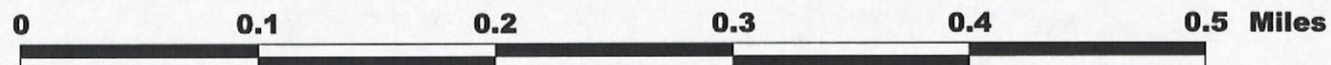
 POD

 SECTION

 1/4 1/4



1987 NAPP



PRBA BLUELINE MAP "A" T6N R2W S11

3RS, Baxter

IAM, Rex E.

SEE CASCADE CORP.

OF EMMETT

3, Earl

S, Myrtle

ERRY, Paul F.

SON, Louis;

EN, Wayne B.

John B.

AN, BILL

S, Ben

FF BOY FACTORY

LEE BOX FACTORY
HAM. F. H.

S. Wm. J.

EGATE, Lizzie

R. G. ...

5418D (84) CORNETT, Richard

5360L/5361L

710225 75-1111-1

/I83D/5577D

(89) HOLMES, D.

35E CASCADE CORP. 0585M/0586D/7094D

5081D

0949D

3283D/3284D.

F752D

5047D/6653D

5418D (8)

5360L/5961L

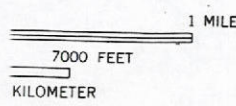
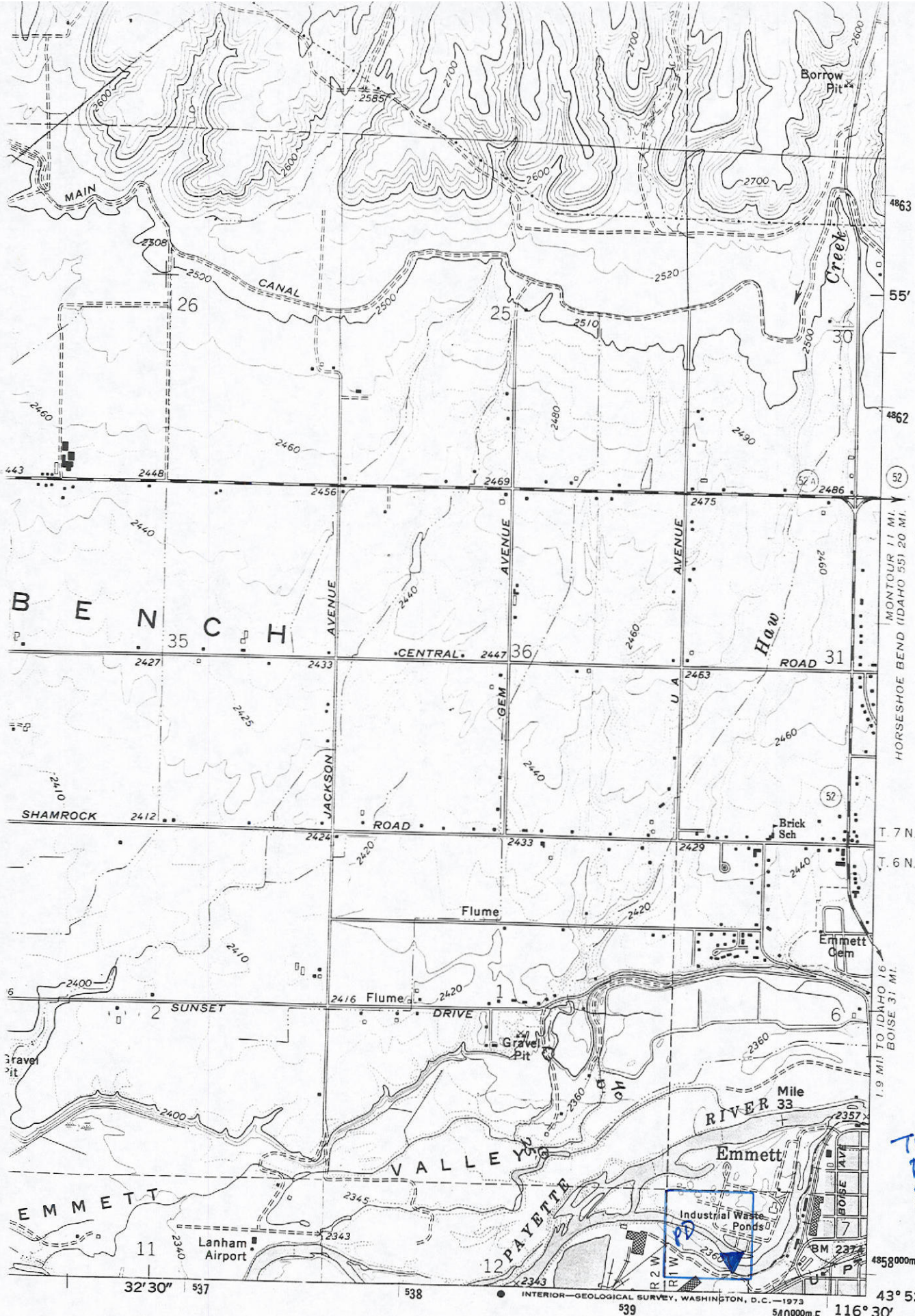
10

/i83D/5577D

3)

109. WILKERSON, O. A.
110. WILKERSON, O. A.
111. WILKERSON, O. A.
112. WILKERSON, O. A.
113. CAMPBELL, Vernon
114. UNIVERSAL LUMBER & SUPPLY
115. HEBERT, Dennis Jr.

* CAMPBELL, Della	0921D
* CHAPMAN, H. S.	0969D
* CLEMENTS, W. J.	0954E
* DEL MONTE SAND	1101N
* DULTMAN, W. E.	1244I
* GILLIHAN, J. M.	5288D
* GILL, M. D.	5076K
* HAWKES, E. M.	5404L



ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road

T6N
R1W
S7
LOT3 NW NW
W2
1971
TOPO

(MONTGOMERY 1:62,500
271 IV



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DATE: FEBRUARY 21, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

UNIMIN CORPORATION
RICHARD A CUMMINGS
PAIGE A PARKER
IMHOFF & LYNCH
PO BOX 739
BOISE, ID 83701

NOTICE OF CLAIM NO. (S)

A65-01131B

A65-01131C

Dear Gentlemen,

Enclosed is a copy(s) of the above referenced claim(s) which reflects the **CHANGE IN OWNERSHIP** of the lands and appurtenant water rights covered by this claim(s).

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

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Ron Howerton
Senior Water Agent
Adjudication Bureau

cc: File(s)
A65-01131B
A65-01131C

MICROFILMED

SEP 15 1992

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

Case No. 39576

) NOTICE OF CHANGE
) OF ADDRESS
)
)
)

AB5-01101

v - 01131B

v - 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

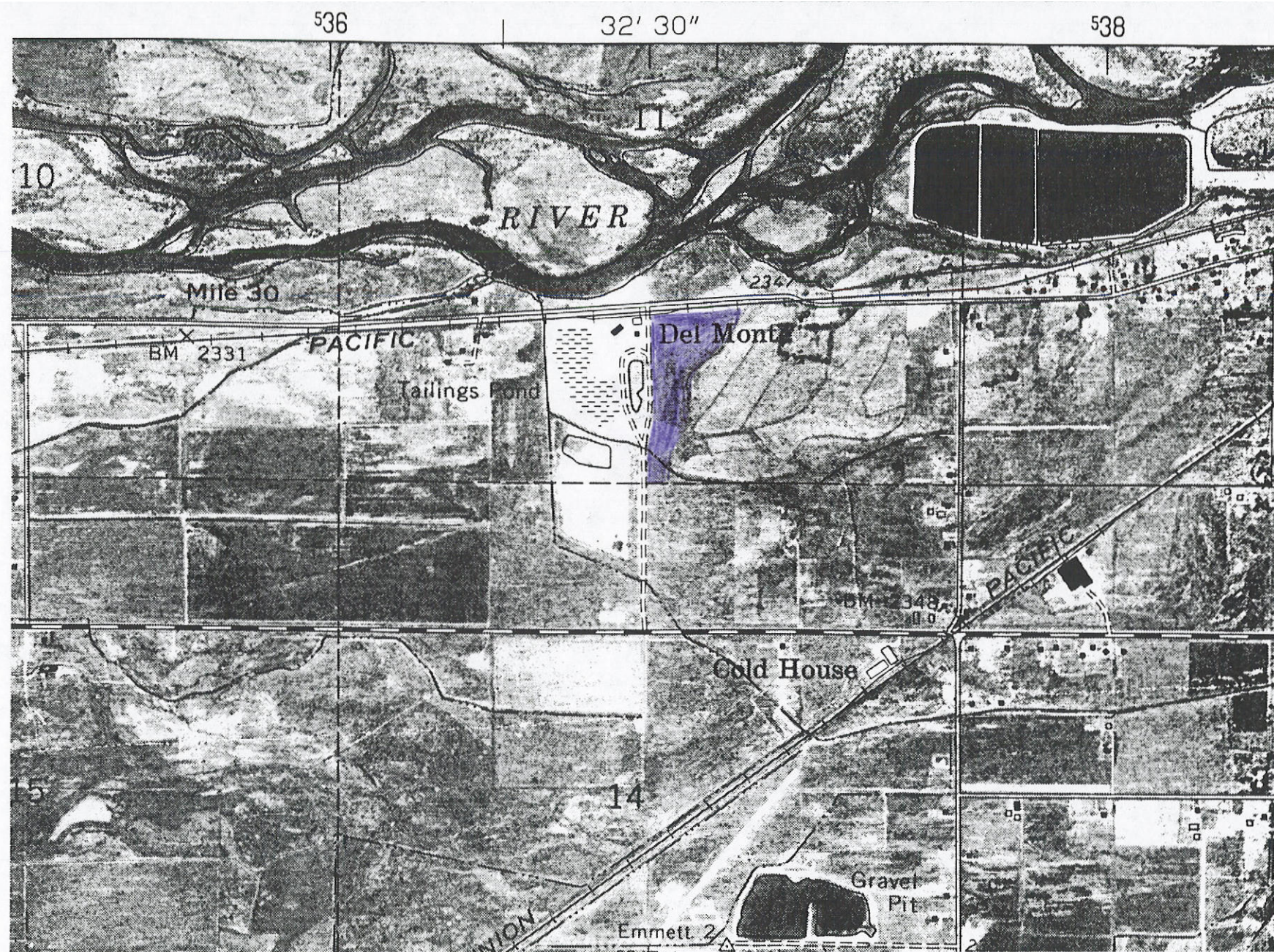
MAIL10630



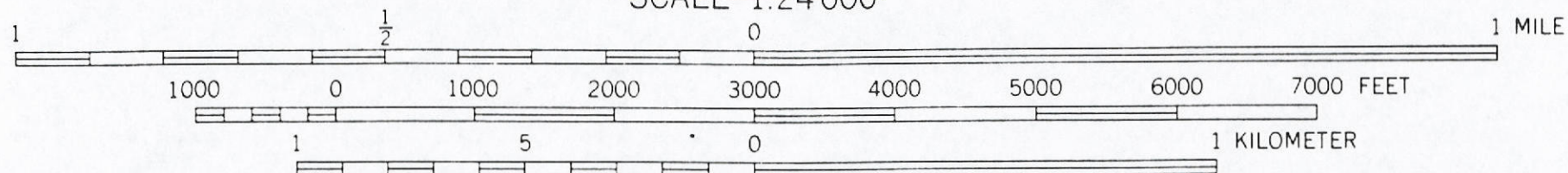
UNIMIN CORPORATION
RICHARD A CUMMINGS
IMHOFF & LYNCH
PO BOX 739
BOISE ID 83701
336-6900

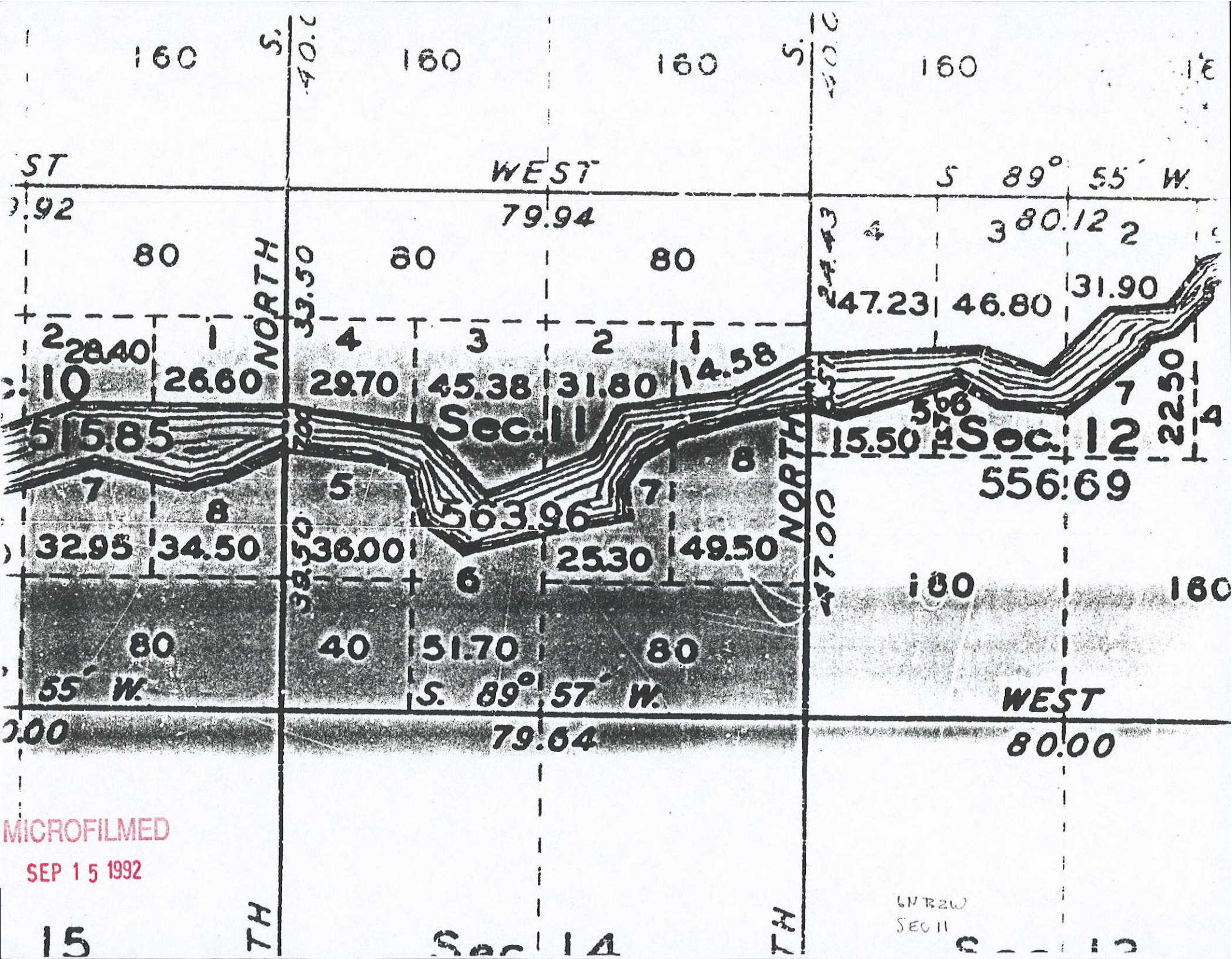
A65-01131B

TOWNSHIP 6 NORTH
RANGE 2 WEST
SECTION 11
SWSE



SCALE 1:24 000





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: A65-01131B
Date Received: 3/ 5/1990
Receipt No: X777777
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 208-336-6900
Address: RICHARD A CUMMINGS
MEULEMAN MILLER & CUMMINGS
PO BOX 955
BOISE ID 83701

2. Date of Priority: OCT 5, 1875

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	01W	7		3	GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.260		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	02W	11	SW SE	7	IRR	13.0

10. Place of Use: Continued

Section Acres 13.0

Total Acres 13.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

A65-01131C

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO 65-01131, FEE PAID UNDER RECEIPT NO. X999999, 2/21/92 RDH
ADDRESS CORRECTED 02/06/1995 BY MM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

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

RIGHT NUMBER: 65-1131B

NAME AND ADDRESS:

UNIMIN CORPORATION
4601 CASCADE RD
EMMETT ID 83617

SOURCE: PAYETTE RIVER Tributary: SNAKE RIVER

QUANTITY: 0.260 CFS 58.500 AFY 0.000 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 4.5 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

RIGHTS 65-1131B AND 65-1131C WHEN COMBINED SHALL NOT EXCEED A TOTAL IRRIGATION OF 67 ACRES.

PRIORITY DATE: 10/05/1875

POINT OF DIVERSION:

T06N R01W S7 NWNW Lot 3 Within GEM County

T06N R02W S12 SENW Lot 6 Within GEM County

RIGHTS 65-1131C AND 65-12832 ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	03/15 11/15	0.260 CFS 58.50 AFY

PLACE OF USE: IRRIGATION within GEM County

<u>T06N R02W S11 NESE Lot 8 1.3</u>	<u>T06N R02W S11 NWSE Lot 7 2.0</u>
<u>T06N R02W S11 NWSE Lot 7 3.3</u>	<u>T06N R02W S11 SWSE 11.0</u>
<u>T06N R02W S11 SWSE 38.0</u>	
<u>T06N R02W S11 SESE 24.4</u>	

67 ACRES TOTAL 13 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 13 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL OR 9/20/03.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT DOES NOT GRANT ANY RIGHT-OF-WAY OR EASEMENT ACROSS THE LAND OF ANOTHER. USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY A WATERMASTER WITH RESPONSIBILITY FOR THE DISTRIBUTION OF WATER AMONG APPROPRIATORS WITHIN A WATER DISTRICT. AT THE TIME OF THIS APPROVAL, THIS WATER RIGHT IS WITHIN STATE WATER DISTRICT NO. 65.

THE RIGHT HOLDER SHALL MAINTAIN A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THE DEPARTMENT IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.

WATER RIGHT NO. 65-1131B
As Modified by Transfer No. 69981

In accordance with the approval of Transfer No. 69981, Water Right No. 65-1131B is now described as follows.

Right Holder: UNIMIN CORP
4601 CASCADE RD
EMMETT ID 83617

Priority Date: 10/05/1875

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.26 CFS	58.5 AF
			0.26 CFS	58.5 AF

LOCATION OF POINT(S) OF DIVERSION:

PAYETTE RIVER Lot 6 SENW Sec. 12 Twp 06N Rge 02W GEM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 02W .11													1.3	3.3	38.0	24.4	67.0

Total Acres: 67

CONDITIONS OF APPROVAL

- EXP** 1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
- EXP** 2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right is limited to the irrigation of 13 acres within the place of use described above in a single irrigation season.
4. Rights 65-1131B and 65-1131C when combined shall not exceed a total irrigation of 67 acres.

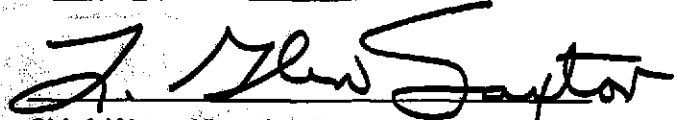
WATER RIGHT NO. 65-1131B
As Modified by Transfer No. 69981

CONDITIONS OF APPROVAL

5. Rights 65-1131C and 65-12832 are also diverted through the point of diversion described above.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. ^{EXP} Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. ^{CIT} Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- ^{EXP} 10. This right does not grant any right-of-way or easement across the land of another.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20th day of September, 2002


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69981

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SEP 23 2002

WATER RESOURCES
WESTERN REGION

This is to certify that: UNIMIN CORP
4601 CASCADE RD
EMMETT ID 83617
(208)365-7153

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
65-12832	WR/License	04/04/1988	5 cfs	1218.4 af			PAYETTE RIVER
65-1131B	AJC/Decreed	10/05/1875	0.26 cfs	N/A		13.0	PAYETTE RIVER
65-1131C	AJC/Decreed	10/05/1875	1.08 cfs	N/A	54.0	56.0	PAYETTE RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
65-12832	NO	YES	NO	NO	NO	NO
65-1131B	NO	YES	NO	NO	NO	NO
65-1131C	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
65-12832	65-12832	5.00 cfs	1218.4 af	N/A	N/A		N/A	N/A	N/A	N/A
65-1131B	65-1131B	0.26 cfs	58.5 af	13.0	67.0		N/A	N/A	N/A	N/A
65-1131C	65-1131C	1.08 cfs	243 af	54.0	67.0		N/A	N/A	N/A	N/A
TOTALS		6.34 cfs	1519.9 af	67	67		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20th day of September, 2002

J. Glen Saylor
Chief, Water Allocation Bureau

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JUN 20 2002

Page 1 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGION

Transfer No. 69981

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Unimin Corporation Phone 208-365-7153
Post Office address 4601 Cascade Rd. Emmett, ID 83617

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes To bypass environmentally sensitive and expensive gravel push-up dams in the Payette River and to avoid dredging the river channel. The proposed change in the point of diversion will require the installation of a pumping station adjacent to the Payette River.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|-----------------|-------------------|-----------------|-------------------|-----------------------------|
| <u>65-12832</u> | <u>1875-10-05</u> | <u>0.26 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| <u>65-12832</u> | <u>1875-10-05</u> | <u>1.08 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| <u>65-12832</u> | <u>1988-04-04</u> | <u>5.0 cfs</u> | <u>Industrial</u> | <u>1/1</u> to <u>12/31</u> |
| | | <u>6.34</u> | | <u>40.2</u> to _____ |
2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Payette River tributary to Snake River
4. Point(s) of Diversion: (Proposed)

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>6</u>		<u>SE</u>	<u>NW</u>	<u>12</u>	<u>6N</u>	<u>2W</u>	<u>Gem</u>	<u>Smith Ditch</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>6N</u>	<u>2W</u>	<u>11</u>														<u>2.0</u>	<u>11.0</u>		<u>13.0</u>
<u>6N</u>	<u>2W</u>	<u>11</u>													<u>1.3</u>	<u>1.3</u>	<u>27.0</u>	<u>24.4</u>	<u>54.0</u>
<u>6N</u>	<u>2W</u>	<u>11</u>								<u>I</u>			<u>I</u>		<u>I</u>	<u>I</u>			
<u>6N</u>	<u>2W</u>	<u>14</u>		<u>I</u>			<u>I</u>												

Total acres 67.0

PART 1

8. General Information:

a. Description of diversion system In-ground 10'X16' concrete sump with 36" CMP to river below low water mark. Two #16 Parma Waterlifter pumps to a header pipe and then 18" PVC pipe to existing ditch. (see attached drawings)

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

No change.

d. Remarks:

Project will prove beneficial to river water quality by eliminating push-up dam and dredging Operations. Also, will substantially reduce ditch conveyance loss issues.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-12832

WATER RIGHT NUMBER: 65-12832

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNIMIN CORP 258 ELM ST NEW CANAAN, CT 06840

Priority Date: 04/04/1988

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
PAYETTE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	5.000 CFS	1,218.40 AF
	<u>Total Diversion:</u>	5.000 CFS	1,218.40 AF

Location of Point(s) of Diversion

PAYETTE RIVER	L3 NW1/4NW1/4	Sec. 7, Twp 06N, Rge 01W, B.M.
GEM County		

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02W	11									X			X		X	X		
										L 6				L 6		L 7			
06N	02W	14		X			X												

Conditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
3. R06 When water used under this right is discharged into the natural channel, settling ponds must be maintained which are capable of reducing the silt load to such a level that the quality of water will not be impaired for other beneficial uses.
4. R08 Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.
5. R39 A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Remarks:

36 of 7

Page 2

05/28/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-12832

Comments:

Dates and Other Information:

Licensed Date: 3/30/1993
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

4 of 7

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-1131B V1

WATER RIGHT NUMBER: 65-1131B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNIMIN CORPORATION RICHARD A CUMMINGS PO BOX 1545 BOISE, ID 83701 (208)367-0722
Attorney	RICHARD A CUMMINGS PO BOX 1545 999 MAIN ST STE 911 BOISE, ID 83701 (208)367-0722
Original Owner	J G FAY C/O MRS VIRGINIA FAY PAYNTER 4303 CASCADE RD EMMETT, ID 83617

Priority Date: 10/05/1875

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PAYETTE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.260 CFS	
	<u>Total Diversion:</u>	0.260 CFS	

Location of Point(s) of Diversion

PAYETTE RIVER	L3 NW1/4NW1/4	Sec. 7, Twp 06N, Rge 01W, B.M.
GEM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02W	11														2.0	11.0		13.0
																L 7			

Total Acres: 13

Conditions of Approval:

1. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-1131C V1

WATER RIGHT NUMBER: 65-1131C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	J G FAY C/O MRS VIRGINIA FAY PAYNTER 4303 CASCADE RD EMMETT, ID 83617
Attorney	RICHARD A CUMMINGS PO BOX 1545 999 MAIN ST STE 911 BOISE, ID 83701 (208)367-0722
Current Owner	UNIMIN CORPORATION RICHARD CUMMINGS PO BOX 1545 BOISE, ID 83701 (208)367-0722

Priority Date: 10/05/1875

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PAYETTE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.080 CFS	
	<u>Total Diversion:</u>	1.080 CFS	

Location of Point(s) of Diversion

PAYETTE RIVER	L3 NW1/4NW1/4	Sec. 7, Twp 06N, Rge 01W, B.M.
GEM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02W	11													1.3	1.3	27.0	24.4	54.0
															L 8	L 7			

Total Acres: 56

Conditions of Approval:

1. C18 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.

Remarks:

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

PART 3**B. CHANGES IN NATURE OF USE**

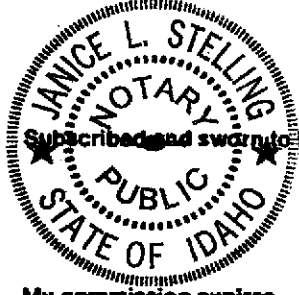
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



(Signature of Applicant)

day of

(Notary Public)

My commission expires

FOR DEPARTMENT USE ONLYTransfer contains 7 pages and 4 attachmentsReceived by Janis FontaineDate 6/20/02

Protest filed by

Prelim. check by 6

Fee

\$490.00Received by Janis Fontaine

Date

6/20/02W029348

Published in

MESSENGER INDEX

Copies of protest forwarded by

Pub. dates

7-3410-02

Hearing held by

Date

Watermaster recommendation requested on

Recommended for

☐

approval

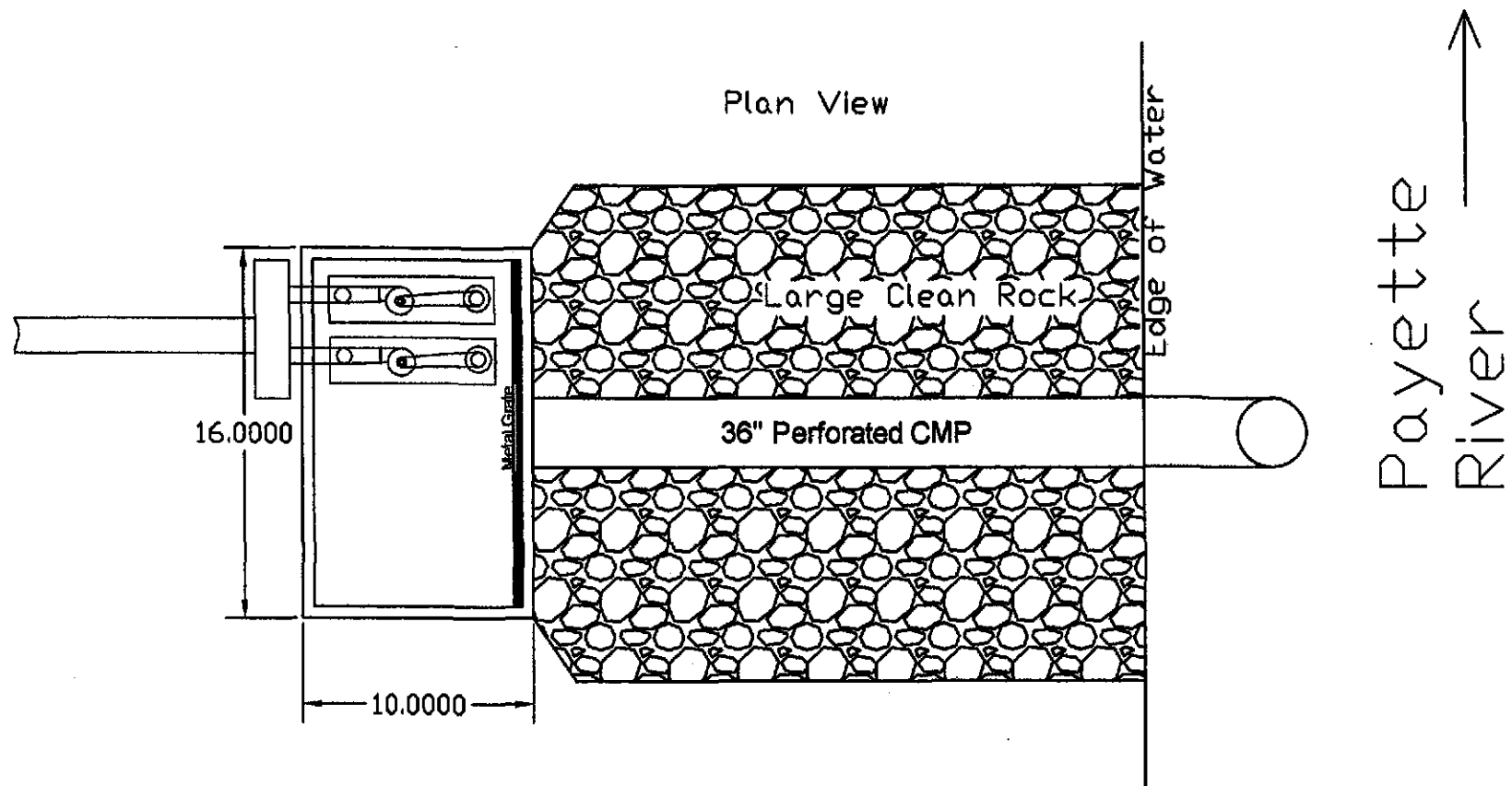
☐

denial

rec'd.

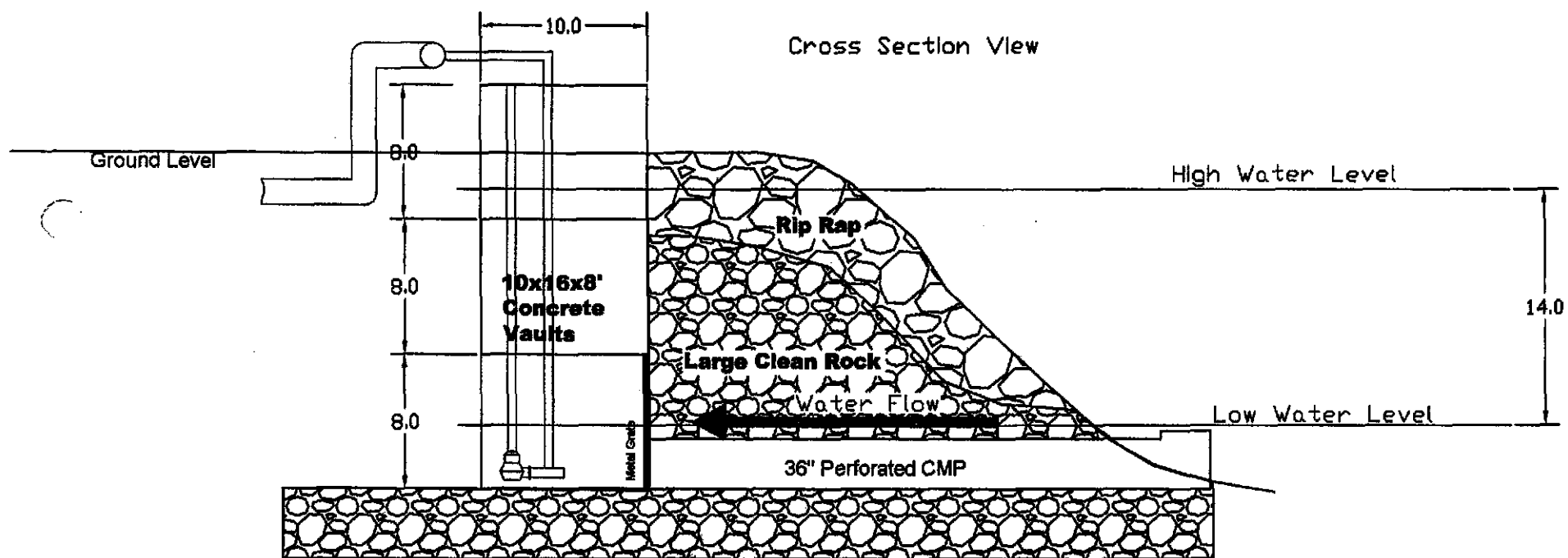
by

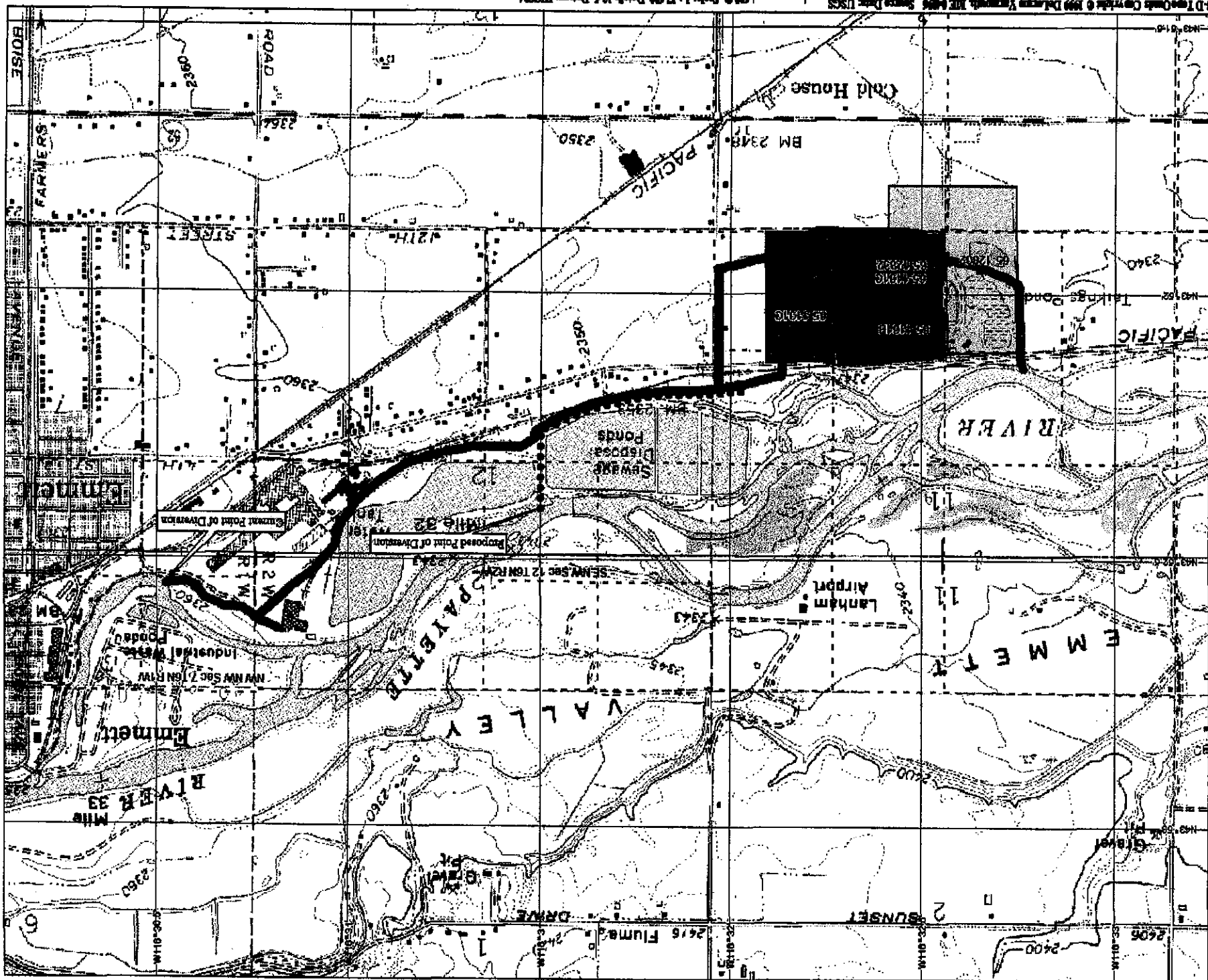
Copy of transfer sent to lien holder



Smith Ditch Diversion Structure

Conceptual Drawing
S.Groening 5/9/02





6/13/02

PMO100 - PARCEL MASTER INQUIRY

09:53:21

PARCEL: RP 00328300

A

F19=SP

LEGAL DESCRIPTION

UNIMIN CORPORATION

2300 02 02 1 23 05 003

TAX 7

SEC 11 & 14 6N 2W

258 ELM ST

CODE AREA 200

OWNER CODE

PARC TYPE

LOC CODE

NEW CANAAN CT 06840

EFFDATE 11051991

EXPDATE

PREV PARCEL

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
14	2002	34160	AC	136640				
36	2002			840260				

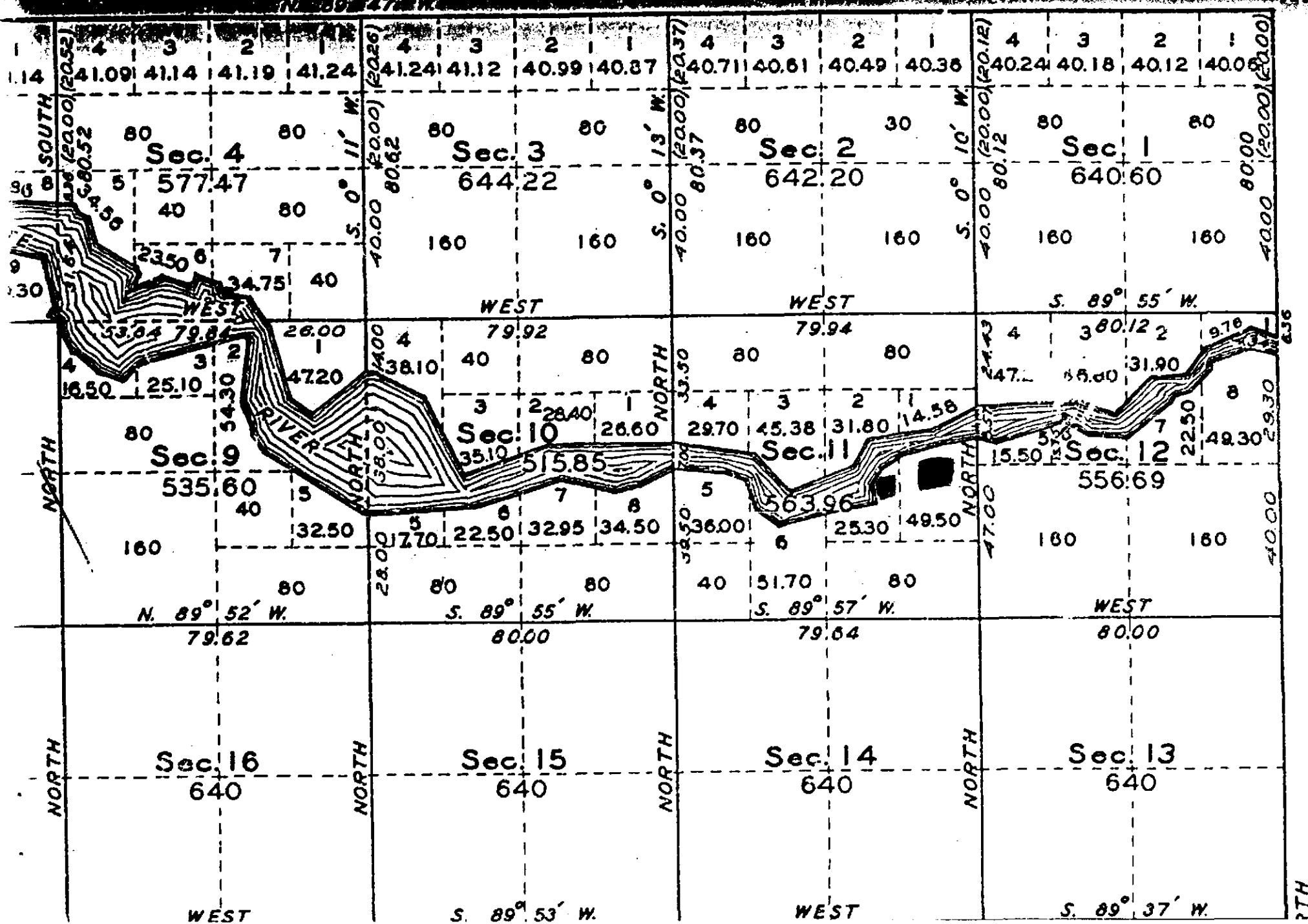
TOTALS

34160

976900

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU



01/26/2001

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

RIGHT NUMBER: 65-1131B

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

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.26 CFS

PRIORITY DATE: 10/05/1875

POINT OF DIVERSION: T06N R01W S7 LOT 3 NWNW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	0.26 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>			
T06N R02W S11	LOT 7	NWSE	2
T06N R02W S11		SWSE	11

13 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

February 6, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Boise Cascade Corp
Joe Munson
PO Box 50
Boise ID 83728

Ellis C. Vogel
Katherine S. Vogel
1033 Lilac Lane
Emmett ID 83617

Johnson E. Smith
617 Airport Road
Emmett ID 83617

Water District No. 65
Mark Limbaugh
102 North Main Street
Payette ID 83661

Robert H. Steinebach
1077 Airport Road
Emmett ID 83617

Robert D Worthington
Judith A Worthington
715 Airport Road
Emmett ID 83617

Unimin Corporation
Richard A. Cummings
PO Box 1545
Boise ID 83701

Re: Conveyance loss for Smith Ditch senior 1875 decreed irrigation rights:

A65-01131A (Vogel)
A65-01131B (Unimin)
A65-01131C (Unimin/Craig)

A65-01148A (Steinebach)
A65-01148B (Worthington)
A65-05558 (Smith)

Dear Water Users:

I am Ron Howerton, a Senior Water Right Agent with the Snake River Basin Adjudication. I have talked personally to some of you already. The Idaho Department of Water Resources will shortly be mailing out recommendations in a Preliminary Report for the above water rights. The mailing is tentatively scheduled to go out February 21, 2001. Public meetings are also tentatively scheduled for March 13th and 14th 2001. I wanted to give everyone a heads up as to how I am proceeding to recognize conveyance loss to these prior decreed rights.

Dave Tuthill, the Snake River Basin Adjudication Bureau Chief and I have discussed possibilities of how to recognize conveyance loss for these rights. In our analysis conveyance loss could not be added directly to the prior decreed rights. We did come up with a possible solution.

We contacted Joe Munson, the legal representative for Boise Cascade Corporation, and proposed that their Industrial right 65-00587 might be used to cover the conveyance loss for the above rights.

In order to cover conveyance loss for the above rights, with their right, a special quantity remark needs to be added. Joe Munson is checking his resources and will advise me if our remark proposal is acceptable to their Industrial right 65-00587.

The following proposed remark is:

65-00587 QUANTITY REMARK:

A PORTION OF THIS WATER RIGHT, IN THE AMOUNT OF 0.76 CFS, IS DESIGNATED TO PROVIDE CONVEYANCE WATER FROM THE POINT OF DIVERSION TO THE FIELD HEADGATE FOR THE FOLLOWING WATER RIGHTS:

<u>65-01131A</u>	<u>.11 CFS</u>
<u>65-01131B</u>	<u>.11 CFS</u>
<u>65-01131C</u>	<u>.44 CFS</u>
<u>65-01148A</u>	<u>.02 CFS</u>
<u>65-01148B</u>	<u>.04 CFS</u>
<u>65-05558</u>	<u>.04 CFS</u>

TOTAL .76 CFS

The conveyance loss amounts are based upon Water Master Mark Limbaugh's calculations determining the percentage of conveyance loss at 29%. A spreadsheet is attached for your reference. Formula below:

CONVEYANCE RATE =
RECOMMENDED RATE / (1.0 - PERCENT LOSS) - RECOMMENDED RATE

Corrected split right total acres and pro-rated CFS needed to be determined first before using Mark Limbaugh's 29% ditch loss estimate.

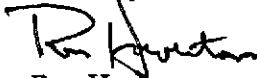
My analysis of to how many acres to recommend and CFS for these rights was determined by using Payette Basin Adjudication records. Then, for non-and split rights, tax lot information and satellite imagery was used in finalizing the correct split acre totals. Then the CFS was pro-rated based upon total acreage of the split rights.

Attached is a layout of the Smith Ditch irrigation senior 1875 rights that did not have conveyance loss included in the Payette Basin Adjudication.

Also attached is a layout of your proposed water right.

Please feel free to call me at 334-2190 for any concerns you may have here. Otherwise I look forward to seeing you at our public meetings we have tentatively scheduled in March 2000.

Sincerely,



Ron Howerton
Senior Water Right Agent

Water District No. 65

***Payette River Basin, State of Idaho
102 North Main Street
Payette, Idaho 83661***

*Watermaster
Mark Limbaugh*

*Phone (208) 642-4465
Fax (208) 642-1042
E-Mail wdist65@primenet.com*

August 16, 2000

Mr. Ron Howerton
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

AUG 16 2000

**WATER RESOURCES
WESTERN REGION**

Re: Lower Smith Ditch Water Right Claims Amendments

Dear Mr. Howerton:

The Smith Ditch water right holders in Emmett, Idaho currently hold irrigation water rights of varying priority dates from the Payette River. Some of these water rights, however, were decreed in the Payette River Adjudication without the necessary amount of carriage or conveyance water sufficient to deliver the rights to the properties served.

On July 11, 2000 I performed several measurements on the lower Smith Ditch in order to provide the water right holders on the ditch with some calculation of ditch conveyance loss. In my opinion, these amounts should be added to the diversion rates of the existing 1875 water right claims of the lower Smith Ditch water right holders before the Snake River Basin Adjudication.

The Smith Ditch flows from the river diversion west onto the Boise Cascade property, serving their fire protection equipment, log pond, and electrical co-generation plant (for which Boise Cascade holds a valid 1916 water right) before flowing into the headgate at the lower section of the Smith Ditch. The river diversion is measured using a propeller flow meter matched to an 18" culvert in the ditch, but there is no way to measure the Boise Cascade usage from the ditch. This upper section of the ditch, from the river to the lower Smith Ditch headgate, is approximately 0.7 miles long. Immediately upstream of this headgate, Boise Cascade spills a small amount of bypass water to the City of Emmett for cleaning use at their sewage treatment facility prior the lower Smith Ditch delivery downstream. I found no water right for the City of Emmett to use this spill, but it is my understanding that Boise Cascade has agreed to provide this water to the city year-round.

The lower Smith Ditch then flows west-southwest from the Boise Cascade property and bifurcates approximately 0.8 miles downstream. The west lateral flows to the Vogel property and the Craig/Unimin properties. The south lateral flows under Cascade Road to the Unimin, Smith, Worthington, Steinebach, and Unimin properties. The Unimin properties have several points of delivery from the ditch.

It was noted that a Marilyn Craig takes water from the lower Smith Ditch west lateral prior to Unimin. I did not find a water right for Marilyn Craig on the Smith Ditch. It is

my understanding that the Craig property was once part of the Unimin property, so it may be that Unimin holds the Craig water right as part of their rights.

In my analysis, I measured the water flow in the Smith Ditch at the point where the Smith Ditch flows from the Boise Cascade property (the lower Smith Ditch), which is downstream from the Boise Cascade spill to the City of Emmett. I then measured the amount delivered to Vogel and Craig/Unimin properties from the west lateral and the amount flowing in the south lateral at the Smith, Worthington/Steinebach, and the amount delivered to the Unimin properties. At the time of measurement of the instream flows, I saw no diversions from the ditch during the measurements. These measurements were taken with a Pygmy Meter and used an AquaCalc 5000 to compute measured flow volumes. Ambient air temperatures were above 90-degrees F.

Flow		
<u>Point of Measurement</u>	<u>Delivery Or Instream</u>	<u>Flow (CFS)</u>
Smith Ditch River Div. (Upper)	I	10.00
Smith Ditch Flow (Lower)	I	6.32
Vogel	D	1.88
Craig/Unimin	D	1.25
Unimin	D	0.70
Smith	I	1.84
Unimin	D	0.84
Worthington/Steinebach	D	0.58

I totaled the deliveries and subtracted them from the measured inflow to the lower Smith Ditch and found a total loss of 1.07 cfs for this 0.7-mile section of the ditch. I then assumed that the 0.8 miles of upper Smith Ditch on the Boise Cascade property lost the same amount as the 0.7 miles of the lower Smith Ditch. The total ditch loss calculated for the entire ditch for the lower Smith Ditch deliveries was 2.14 cfs. Adding 1.07 cfs to the measured lower inflow of 6.32 cfs, I assumed a river diversion of 7.39 cfs. The percentage loss for the lower Smith Ditch was calculated at 29% (2.14 loss / 7.39 diversion rate).

I found that the only water rights decreed without consideration for conveyance water were the senior 1875 Smith Ditch water rights. The other rights seem to be complete with the conveyance water necessary for delivery to the beneficial use. In my opinion, the following amendments to the senior Smith Ditch water right claims are justified for conveyance losses, using the formula $\text{Diversion Rate} = \text{Delivery Rate} / 0.71$ to calculate the amended diversion rates:

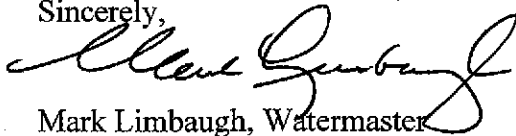
<u>Claim</u>	<u>Priority</u>	<u>Holder</u>	<u>Rate Claimed (CFS)</u>	<u>Rate as Amended (CFS)</u>
A65-01131A	10/05/1875	Vogel	0.32	0.45
A65-01131B	10/05/1875	Unimin	0.26	0.37
A65-01131C	10/05/1875	Unimin	1.12	1.58
A65-01148A	10/05/1875	Steinebach	0.06	0.09
A65-01148B	10/05/1875	Worthington	0.10	0.14
A65-05558	10/05/1875	Smith	0.12	0.17

In my opinion, all other claims filed for the Smith Ditch should remain as claimed in the SRBA. My only concern in recommending the 29% loss factor was that when I measured the Smith Ditch, the diversion rate was much higher than if only the senior 1875 water rights were being delivered. I believe, however, that any shortages of irrigation water at these lower flows could be controlled by routine channel maintenance and timely scheduled de-mossing of the lower Smith Ditch.

In order to test the accuracy of my measurements and calculations, I reviewed my measurement information with Mr. Derrick Crowther, Boise Cascade, calculating the Boise Cascade diversion by subtracting the calculated 7.39 cfs lower Smith Ditch diversion from the total 10.00 cfs Smith Ditch river diversion. This calculation showed Boise Cascade using 2.61 cfs at the time of the measurements, an amount confirmed by Mr. Crowther as reasonable under the circumstances.

If you have further questions, please contact me at (208) 642-4465. Thank you for your attention to these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Limbaugh', written over a horizontal line.

Mark Limbaugh, Watermaster

Cc: Steve Groening, Unimin Corp.
J.E. Smith
R. Worthington
R. Steinebach
Marilyn Craig
E. Vogel
Derrick Crowther, Boise Cascade Corp.
Dave Tuthill, IDWR

To: Ron Howerton

Smith Ditch Association

1996 Storage Water Use

RECEIVED

JUN 09 2000

WATER RESOURCES
WESTERN REGION

Water Rights:

Name	CFS	Priority Date	Date Cut - 1996
Fay, J.G.	1.60	10/05/1875	
Steinbach, R.H.	0.16	10/05/1875	
Smith, J.E. & L.	0.10	10/05/1875	
Boise Cascade	19.04	06/01/16	08/23/96 *
Unimin Corp.	5.00	04/04/88	07/23/96

* Water right was reinstated, then cut again as follows:

Cut	Reinstated	AF
8/23/96	8/26/96	42.00
9/1/96	9/2/97	15.00
9/5/96	9/6/96	2.00
Total		59.00

unimin

STEVE GROENING
Plant Manager

Phone: 208-365-7153
Fax: 208-365-5235

Unimin Corporation
4601 Cascade Road
Emmett, Idaho 83617

AJ5809NP
No. A65-01131B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/25/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNIMIN CORPORATION RICHARD A CUMMINGS PO BOX 1545 BOISE ID 83701 (208) 367-0722	10/05/1875	IRRIGATION	03-15 11-15	0.260 CFS	
TOTAL DIVERSION:					0.260 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T06N R01W S07 Lot03(

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
06N	02W	11	:																	:		
																			2	07-15/11	:	13.0
																			↑	TOTAL ACRES	:	13.0

POU County: GEM

Non-Irrigation Uses: NONE

Other Rights: A65-01131C

Remarks: GEN THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO 65-01131, FEE PAID UNDER RECEIPT NO. X999999, 2/21/92 RDH
ADDRESS CORRECTED 02/06/1995 BY 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:

SPLIT COMMENT:
VERIFIED SPLIT INFO
BASED UPON PRBA BLUELINE
& 1994 TAX INFO

C18

3-WAY SPLIT TREE

CLAIM: 65-01131

AGENT: Ron Howerton

Date: 01-29-01

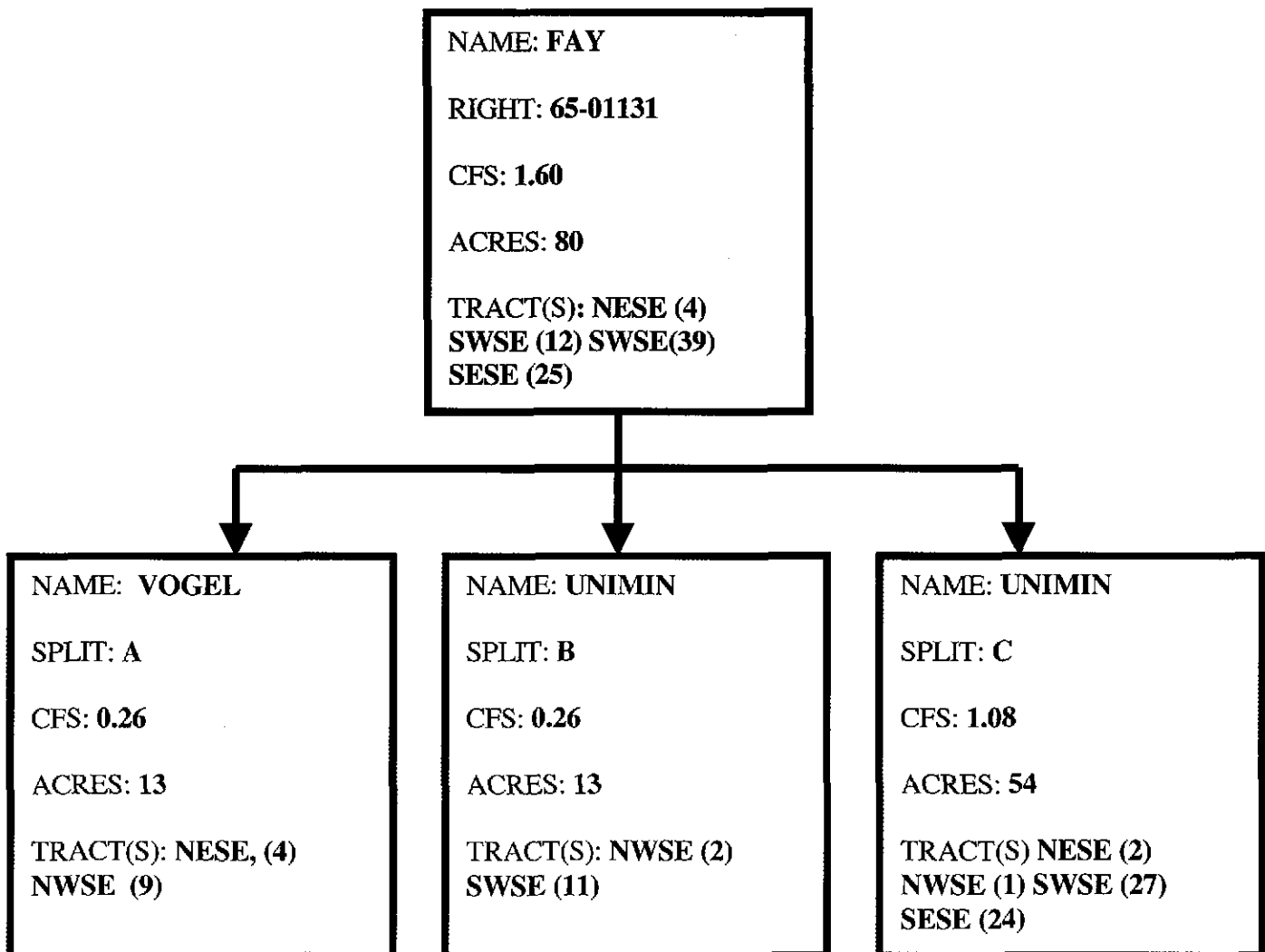
FACTOR = CFS 1.60 / ACRES 80 = 0.02 CFS

SPLIT A = FACTOR x N acres (13) = CFS = 0.26

SPLIT B = FACTOR x N acres (13) = CFS = 0.26

SPLIT C = FACTOR x N acres (54) = CFS = 1.08

TOTALS = (80) (1.60)



MEMO TO FILE

Senior Agent: Ron Howerton

Date: 01-29-01

Snake River Basin Adjudication Analysis for RECOMMENDATIONS OF:
Split Claim(s) A65-01131A, A65-01131B & A65-01131C

Payette Basin Adjudication decreed right 65-01131 was decreed as shown below:

65-01131
80 ACRES
1.6 CFS

1. The original claims splits were filed as follows:

A65-01131A:	A65-01131B	A65-01131C	CLAIM
VOGEL	UNIMIN	UNIMIN	TOTALS
16 ACRES	13 ACRES	56 ACRES	85 ACRES
0.32 CFS	0.26 CFS	1.12 CFS	1.7 CFS

2. The Snake River Basin Adjudication split recommendations are:

A65-01131A:	A65-01131B	A65-01131C	CLAIM
VOGEL	UNIMIN	UNIMIN	TOTALS
13 ACRES	13 ACRES	54 ACRES	80 ACRES
0.26 CFS	0.26 CFS	2.12 CFS	1.6 CFS

VOGEL A65-01131A RECOMMENDATION:

The Payette Basin Adjudication blueline map illustrates that 13 decreed acres were north of the railroad tracks. Tax records for 1994 verifies that the ownership of the land north of the railroad tracts is in the name of Vogel. The Payette Basin Adjudication decree listed a total of four (4)-irrigated acres in government lot 8. It listed twelve (12) acres located in government lot 7, however, three (3) of the twelve decreed acres were South of the railroad tracks, leaving nine (9) decreed acres for North of the railroad tracts. Thus, four (4) plus nine (9) = 13 total for the Vogel Split. I compared the map used in the Payette Basin Adjudication with the 1987 NAPP infrared satellite imagery to re-verify the 13 acres. *Thus, reducing the original split claim to 13 acres.*

UNIMIN A65-01131B RECOMMENDATION:

The tax records for 1994 show an outline of the 13 acres and verified ownership by Gem County Assessors office. The claimed POU was claimed as Government Lot 7 for a total of 13 acres on an ortho photo quad map. The SWSE was not claimed, however, the drawing of the map claimed, showed the actual location all acres were in also in the SWSE. *No change in recommendation, except clarification of Lot 7 & the SWSE tracts.*

UNIMIN A65-01131C RECOMMENDATION:

Both A65-01131A & "B" claims were clarified now for 13 acres each and rate of flow was prorated at an inch per acre as shown on split tree dated 1/29/01. Thus leaving the remainder of 54 acres to recommend for split "C".

The Vogel recommendation was clarified by using the Payette Basin Adjudication blue-line map and tax records and three acres were accordingly reduced.

The Unimin "C" split was claimed for 56 acres and indicated the split might be 54 acres, if there was no enlargement issues.

The Payette Basin Adjudication blue-line map showed an area within the S ½ that was labeled H for home. These outlines generally indicate that irrigation is not included in this area. Thus, I assumed that a portion in the S ½ of section 11 probably would not be digitized for irrigation around the home area.

The claim file map illustrated that another owner had land in the upper center of the north ½ just south of the railroad. It also showed an area on the east portion of the south ½ tracts south of the railroad was also someone else's property.

The process here first was to eliminate the east portion of the south ½ tracts south of the railroad. Other rights covered these lands: A65-01148A, A65-01148B & A65-05558.

Second was to look at the land in the upper center of the north ½ just south of the railroad. No additional claims were made here and the area didn't look irrigated except for a very small portion on the east border of a tract belonging to Craig. Smith ditch appears to cut across here and has a potential less than an acre of being irrigated. Since no claim was filed here and if any irrigation use was here it could be very incidental by the ditch flowing through that location.

When digitizing remaining needed 54 acres to balance the splits, I found 1.3 acres to be in addition to the original four (4) acres decreed in Lot 8. However, no enlargement was in this recommendation by recommending the 1.3 acres because the total is only 54 acres for the Unimin "C" split.

The blue-line map used in the Payette Basin Adjudication was not clear here and probably should have listed some acres south of the railroad in Lot 8. However, instead they listed 25 acres in the SESE. I only found 24 in the SESE, thus, the remaining digitized 1.3 acres could be recommended here to Lot 8. *Finally, after correcting the original split claim from 56 acres to 54 acres and then clarification was made to Lots 7 and Lot 8 and the SWSE & SESE tracts. Then all splits were matched up to the illustrated claim file map and totals completed!*

WR5809NP
No. 65-01131

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/25/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
P	J. G. FAY C/O MRS. VIRGINIA FAY PAYNTER 1024 SUMMERWIND PLACE NAMPA ID 83651	10/05/1875	IRRIGATION	03/15 11/15	1.600 CFS	
TOTAL DIVERSION:					1.600 CFS	
C	J. G. FAY C/O MRS. VIRGINIA FAY PAYNTER 4303 CASCADE ROAD EMMETT ID 83617					

Water Source: PAYETTE RIVER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T06N R01W S07 Lot 03(

سدر سدر

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM			
06N	02W	11	:																	:				
																			08-04	07-12	39	25	:	80.0
																			TOTAL ACRES				:	80.0

Pou County: GEM

Dates:	App. Received:	Priority Date:	10/05/1875
	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: 04/02/86 04/30/88 CONVERT 08/05/92 NAME-ADD

**T06N R02W
S11**

Idaho Department of Water Resources

Claims: 65-01131B

Prepared by:

RON HOWERTON

Date: 26 JAN 01

 **Place of use**

● **POD**

 **SECTION**

 **1/4 1/4**

13 Acres



1987 NAPP



**T06N R02W
S11**

Idaho Department of Water Resources

Claims: 65-01131B

Prepared by:

RON HOWERTON

Date: 26 JAN 01

 **Place of use**

 **POD**

 **SECTION**

 **1/4 1/4**



1987 NAPP





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

February 6, 1995

~~CECIL B. ANDERSON~~
PHIL BATT GVERNOR

R. KEITH HIGGINSON
DIRECTOR

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,

A handwritten signature in cursive script, appearing to read 'Maria Minicucci'.

Maria Minicucci
Water Agent, Adjudication Bureau

MM:m

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

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

by _____	Clerk
_____	Deputy Clerk

W.O.

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,

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

Vs.

The United States; the State of
Idaho; and all Claimants to the
use of water from the Snake River
Basin Water System, -

Respondents.

Civil Case No. 39576

NOTICE OF APPEARANCE

POOR ORIGINAL

A65-01131B
A65-01131C
Corrected d.e. also.

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

NOTICE OF APPEARANCE - 1

MICROFILMED

AUG 03 1994

NOTICE OF APPEARANCE (2)

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 24th day of December, 1991.

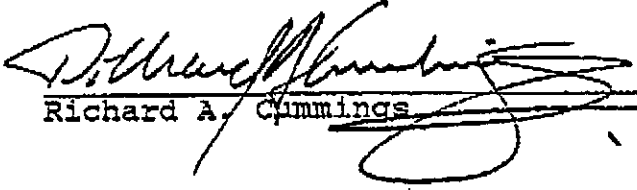
MEULEMAN, MILLER, STROTHER & CUMMINGS

By 
Richard A. Cummings
Attorneys for Unimin Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of December, 1991, I caused a true and correct copy of the foregoing NOTICE OF APPEARANCE, to be served by placing the same in the United States mail, postage prepaid, addressed as follows:

Clerk of the District Court
Snake River Basin Adjudication
Post Office Box 2727
Twin Falls, Idaho 83303-2707


Richard A. Cummings



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

OCTOBER 14, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

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

MICROFILMED

AUG 03 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

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

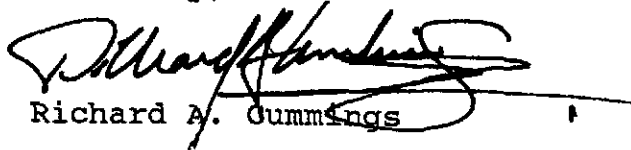
Department of Water Resources
Western Regional Office

Re: Unimin Corporation
Claim Nos. 865-01101
865-01131A
865-01131B
865-01131C
865-12832

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 03 1994

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

JUN - 5 1992

Department of Water Resources
Western Regional Office

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.

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

Richard A. CummingsMeuleman, Miller, Strother & Cummings960 Broadway, Ste. 400, P.O. Box 955Boise, Idaho 83701Attorney'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 *John A. Cummings*Title Senior Vice President/Legal and ~~Date~~ Regulatory Affairs Date: 5/18/92Organization Unimin Corporation

IDWR Use:

Date Received _____

Data Entry _____

MICROFILMED

AUG 03 1994

RECEIVED
FEB 27 1991

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

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:	)	
	)	Civil Case No. 39576
THE GENERAL ADJUDICATION	)	
OF THE RIGHTS TO USE OF	)	Ident. Number: 65-1131
WATER FROM THE SNAKE	)	Date Received:
RIVER BASIN WATER SYSTEM,	)	Receipt No.:
	)	Received By: <u>Yut</u>

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
Richard A. Cummings
Attorneys for Unimin Corporation



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 15, 1992

RICHARD A CUMMINGS

Law Offices

Meuleman, Miller, Strother & Cummings

960 Broadway Ave., Suite 400

PO Box 955

Boise, Idaho 83701

REF: SNAKE RIVER BASIN ADJUDICATION (SRBA)

Gem County, CLAIMANT NAME: Unimin Corporation

CLAIM NOS. A65-01131B

A65-01131C

Dear Mr. Cummings,

IDWR has received your letter indicating you now represent the claimant listed above in the SRBA. Before IDWR can change the name and address to which notices are sent, IDWR needs confirmation from the claimant.

A form is enclosed for this purpose, and a copy of this letter has been sent to the claimant's former attorney(s). To assure all the appropriate records are changed, please include the water right claim numbers on the form.

Thank you for taking care of this matter.

Sincerely,

Ron Howerton

Senior Water Agent

Adjudication Bureau

Enclosures:

Form 42-1409(a)

cc: Paige A. Parker

Imhoff & Lynch

MICROFILMED

SEP 15 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

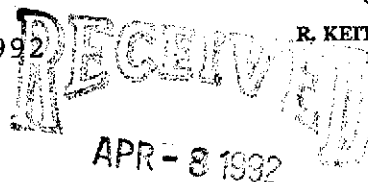
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 6, 1992



Unamin Corporation
P.O. Box 739
Boise, ID 83701

Department of Water Resources
Western Regional Office

Re: Snake River Basin Adjudication (SRBA)
Gem County - Claim Nos. A65-01131B & A65-01131C

Dear Claimant,

This Department has received correspondence from your new attorney indicating there has been a change in the person and/or firm representing your interests in the SRBA. Before IDWR can change its records, we need verification from you of the change. Please complete the enclosed form and return it to this office permitting us to make the appropriate changes.

IDWR receiving this completed form is important to assure future notices are sent to the correct person and/or firm. Until the form is received, notices will continue to go to the person and/or firm who previously represented your interests in the SRBA, and the notice will be deemed legally sufficient.

Thank you for taking care of this matter promptly.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:west

Enclosure:

Form 42-1409(a)

cc: Paige Parker
Richard A. Cummings
R. Howerton

MICROFILMED

SEP 15 1992

LAW OFFICES
MEULEMAN, MILLER, STROTHER & CUMMINGS

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

RECEIVED
FEB 27 1992

Department of Water Resources
Western Regional Office

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

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

February 26, 1992

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. A65-01131B
A65-01131C

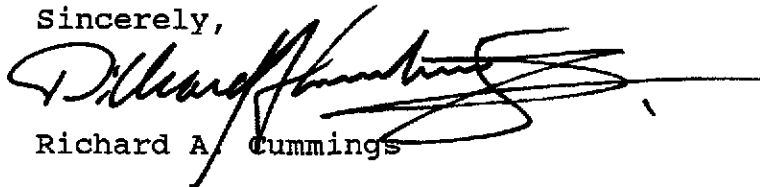
Dear Mr. Howerton:

I represent Unimin Corporation regarding the captioned claims. Please delete Paige Parker and Imhoff & Lynch from your Notice of Claims and direct any future correspondence to me as follows:

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

If you need any further information, please give me a call.

Sincerely,


Richard A. Cummings

RAC/jw

MICROFILMED

SEP 15 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DATE: FEBRUARY 21, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

UNIMIN CORPORATION
RICHARD A CUMMINGS
PAIGE A PARKER
IMHOFF & LYNCH
PO BOX 739
BOISE, ID 83701

NOTICE OF CLAIM NO. (S)

A65-01131B ,

A65-01131C

Dear Gentlemen,

Enclosed is a copy(s) of the above referenced claim(s) which reflects the **CHANGE IN OWNERSHIP** of the lands and appurtenant water rights covered by this claim(s).

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

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Ron Howerton
Senior Water Agent
Adjudication Bureau

cc: File(s)
A65-01131B
A65-01131C

MICROFILMED

SEP 15 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 1, 2002

Unimin Corporation
4601 Cascade Rd.
Emmett, ID 83617

Dear Sirs:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

Lori Harris

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

JS:lh
Enclosures

cc: Richard A. Cummings

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

In Re SRBA

Case No. 39576

Water Rights: 65-1131B, 65-1131C

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

XX Address change

☐ Substitution of Party

XX IC § 42-222 transfer

XX Point of diversion XX Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

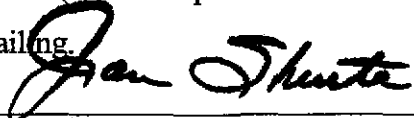
XX Other – Conditions & Remarks

☐ IC § 42-219 license

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

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

DATED: September 30, 2002



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on September 30, 2002, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Unimin Corporation
4601 Cascade Rd.
Emmett, ID 93617

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Richard A. Cummings
PO Box 1545
Boise, ID 83701

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

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

In Re SRBA

Case No. 39576

Water Rights: 65-1131B & 65-1131C

**NOTICE OF ADMINISTRATIVE
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above water right(s).

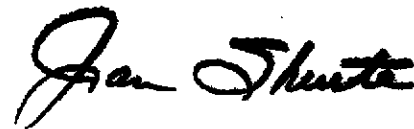
The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

- ☐ Substitution of Party (waiting for documentation)
- ☐ Substitution of Party/Split Water Right
- ☒ Amended Transfer Pending

IDWR projects the Administrative Proceeding shall be completed not later than:

June 25, 2003

Dated June 25, 2002



Signature of IDWR Representative

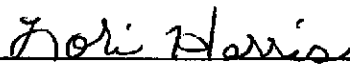
INSTRUCTIONS FOR MAILING

Mail this form to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

CERTIFICATE OF MAILING

I certify that on June 25, 2002, I mailed the original and copies of this form to the following persons, postage prepaid, and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls ID 83303-2707
2. One copy to Claimant:
Unimin Corporation
Richard A. Cummings
PO Box 1545
Boise ID 83701
3. One copy to:
Each party in the subcase, or attorney of record:
N/A



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

AJ5809NP
No. A65-01131B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/29/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNIMIN CORPORATION RICHARD A CUMMINGS PO BOX 1545 BOISE ID 83701 (208) 367-0722	10/05/1875	IRRIGATION	03-15 11-15	0.260 CFS	
TOTAL DIVERSION:					0.260 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T06N R01W S07 Lot03()

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06N	02W	11	:																	:	
																			07-13	:	13.0
																			TOTAL ACRES	:	13.0

POU County: GEM

Non-Irrigation Uses: NONE

Other Rights: A65-01131C

Remarks: GEN THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO 65-01131, FEE PAID UNDER RECEIPT NO. X999999, 2/21/92 RDH
ADDRESS CORRECTED 02/06/1995 BY 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:

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

Case No. 39576

) NOTICE OF CHANGE
) OF ADDRESS
)
)
)
)

AB5-01101

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

AJ0749NP
No. A65-01131B

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

DATE: 12/19/97
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNIMIN CORPORATION RICHARD A CUMMINGS PO BOX 1545 BOISE ID 83701 (208) 367-0722	10/05/1875	IRRIGATION	03-15 11-15	0.26 CFS	
					TOTAL DIVERSION:	0.26 CFS

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T06N R01W S07 Lot03()

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06N	02W	11	:																	:	
																			07-13	:	13.0
																			TOTAL ACRES	:	13.0

POU County: GEM

Non-Irrigation Uses: NONE

Other Rights: A65-01131C

Remarks: GEN THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO 65-01131, FEE PAID UNDER RECEIPT NO. X999999,2/21/92 RDH
ADDRESS CORRECTED 02/06/1995 BY 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:

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

JUN - 5 1992

Department of Water Resources
Western Regional Office

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.

☒ 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 *John A. Cummings*

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

Organization Unimin Corporation

IDWR Use:

Date Received _____

Data Entry _____

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AUG 03 1994

RECEIVED
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:	)	
	)	Civil Case No. 39576
THE GENERAL ADJUDICATION	)	
OF THE RIGHTS TO USE OF	)	Ident. Number: A65-01101
WATER FROM THE SNAKE	)	Date Received:
RIVER BASIN WATER SYSTEM,	)	Receipt No.:
	)	Received By: <u>JP</u>

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
Richard A. Cummings
Attorneys for Unimin Corporation

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: A65-01131B
Date Received: 3/ 5/1990
Receipt No: X777777
Received By: _____

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

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

2. Date of Priority: OCT 5, 1875

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	01W	7		3	GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.260		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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10. Place of Use: AUG 03 1994

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	02W	11	SW SE	7	IRR	13.0

Section Acres 13.0

10. Place of Use: Continued

Total Acres 13.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
A65-01131C

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO 65-01131, FEE PAID UNDER RECEIPT NO. X999999, 2/21/92 RDH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

MICROFILMED

AUG 03 1994

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

AUG 03 1994

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: A65-01131B
Date Received: 3/ 5/1990
Receipt No: X777777
Received By: _____

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

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

OR

Name: RICHARD A CUMMINGS
Address:

X ID X

OR

Name: PAIGE A PARKER
Address:

X ID X

OR

Name: IMHOFF & LYNCH
Address:

X ID X

2. Date of Priority: OCT 5, 1875

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	01W	7		3	GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.260		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	02W	11	SW SE	7	IRR	13.0
Section Acres						13.0
Total Acres						13.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
A65-01131C

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO 65-01131, FEE PAID UNDER RECEIPT NO. X999999, 2/21/92 RDH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN OWNERSHIP

Water Right Number(s): 65-1131

Name and Address of
Former Claimant:

J. G. Fay c/o Virginia Fay Paynter
4303 Cascade Road
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) 366-6900

Does the change in ownership result in a splitting of the water rights claimed? Yes.

If yes, then describe the portion of the water right that is now claimed by the new owner: Prorate share of water right held by former claimant permit No. 65-1131 = 13/80th of 1.60 cfs or .26 cfs.

Attach proof of ownership

Describe proof attached:

1. Warranty Deed from J.G. Fay and Sylvia Fay, husband and wife, to Del Monte Sand Company (January 16, 1973).
2. Agreement of Merger between Del Monte Properties company and Pebble Beach Corporation (January 24, 1977).
3. Warranty Deed from Pebble Beach Corporation to Wedron Silica Company (August, 1979).
4. Correction Warranty Deed from Wedron Silica Company to Martin Marietta Corporation (October 24, 1979).
5. Correction Warranty Deed from Wedron Silica Company to Martin Marietta Corporation (February 27, 1980).

6. 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

THIS INDENTURE, Made this 16th day of January
in the year of our Lord one thousand nine hundred and Seventy-Three (1973), between
J. G. FAY and SYLVIA FAY, husband and wife,
of Emmett, County of Gem, State of Idaho
the parties of the first part, and
DEL MONTE SAND COMPANY,
a California corporation,
of _____, County of _____, State of California,
the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
Ten and no/100 (\$10.00) and other valuable consideration -DOLLARS,
lawful money of the United States of America,

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

A tract of land in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence
North 0°03'10" West, along the West boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ and
Government Lot 7, a distance of 1419.85 feet to a point on
the Southerly boundary of the right of way for the U.P.R.R.
thence
North 86°05'20" East, along the Southerly boundary of the right
of way for said U.P.R.R. a distance of 860.00 feet; thence
leaving the Southerly boundary of the right of way for said
U.P.R.R. 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence
North 89°47'50" West, along the South boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, a
distance of 256.00 feet to the Point of Beginning.
Including all water and ditch rights appurtenant thereto or used
in connection therewith, if any. Subject to easements and rights
of way, if any.

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SEP 15 1992

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof; and all estate, right, title and interest in and to the said premises, as well
in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises
the appurtenances unto the party of the second part, and to its heirs and assigns for
And the parties of the first part, and their heirs, shall and will warrant and by their
covenants defend the premises in the quiet and peaceable possession of the party of the second
and against

106948

No.

ARRANTY DEED

J. G., et ux

(SYLVIA)

-TO-

Monte Band Company

19

STATE OF IDAHO

ally of

Gem.

whereby or by this instrument was filed

and at the time of

Monte Band Co.

500 - contains part of

Ex. M. this 30th

day

A. D. 1973

Deed

and they are recorded in book

106948

at page

Ex-Officio Recorder.

Deputy.

W. D. Brown + L. Brown

2000 Dec 9 1973

106948

Warranty
Deed
Pg. 2

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1069

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

AND DELIVERED IN THE PRESENCE OF

J. G. Fay

[Seal]

Sylvia Fay

[Seal]

[Seal]

[Seal]

STATE OF IDAHO

ss.

County of Gem.

On this

16th

day of

January

in the year 1973

, before me

the undersigned

, a Notary Public

In and for said State, personally appeared J. G. FAY and SYLVIA FAY, husband and wife,

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

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

Samuel Young

Notary Public for the State of Idaho,
Residing at Emmett, Idaho

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

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SEP 15 1992

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

Merger Agree. 2.

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SEP 15 1992

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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Merger Agree. SEP 15 1984
3.

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

Merger agree.

MICROFILM

SEP 15 1992

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.

MICROFILMED

Merger agree SEP 15 1953

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



William J. Bessemer
William J. Bessemer, Secretary

MICROFILMED

Merger Agree -

SEP 15 1992

PEBBLE BEACH CORPORATION,
A Delaware corporation

By Harry Holmes
Harry Holmes, President

(Corporate Seal)

ATTEST:

William J. Bessemer
William J. Bessemer, Secretary

Merger Agree.

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SEP 15 1992

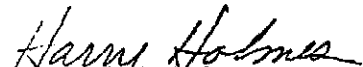
The foregoing Agreement of Merger, having been duly adopted by the stockholders of Del Monte Properties Company, a California corporation, and Pebble Beach Corporation, a Delaware corporation, and the fact of such adoption having been duly certified thereon by the Secretary of each of said Constituent 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.

ATTEST:

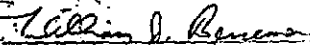

William J. Bessemer
Secretary

DEL MONTE PROPERTIES COMPANY

BY


Harry Holmes
President

ATTEST:


William J. Bessemer
Secretary

PEBBLE BEACH CORPORATION

BY


Harry Holmes
President

MICROFILM

Merger Agree SEP 15 1992

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 3rd day of *March*, 1977



William J. Bessemer
William J. Bessemer
Secretary

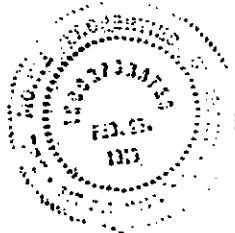
MICROFILMED

Merger Agree. SEP 15 1992

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 3rd day of March, 1977



William J. Bessemer
William J. Bessemer
Secretary

MICROFILM

Merger Agree.

SEP 15 1992



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.

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SEP 15 1992

Glenn C. Kenton

Secretary of State

G. B. Dda

Assistant Secretary of State

Merger Agree -

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11/15/25

El Monte Properties
Company

El Monte Corporation

El Monte

Merger Agreement

SEP 15 1992

and 100/100
the following described tract(s) of land in
State of Idaho:

Gen

DOLLAR
County

SEE ATTACHED EXHIBIT A.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was
duly authorized to be a resolution duly adopted by the board of directors of the grantor at a lawful meet-
ing 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 officer, this day of A. D. 1979.

PEBBLE BEACH CORPORATION

CORPORATE NAME

PRESIDENT

SECRETARY

State of ~~Idaho~~ Calif.

County of Monterey

On the 1st day of August A. D. 1979
personally appeared 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 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 Hann

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 Pg. 1 of 6
SEP 15 1992

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

MICROFILMED 19 2 of 6

SEP 15 1992

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)

MICROFILMED

SEP 15 1992

Pg. 3 of 6

LEGAL DESCRIPTION CONTINUED

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

EXCEPTING therefrom all that portion lying within State Highway 52.

TRACT VI

The NE¹/₄ and the SW¹/₄ 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 NE¹/₄, Section 29, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, otherwise known as FREEZEOUT NO. 2, Placer Mining Claim, containing 30 acres.

MICROFILMED

SEP 15 1992

Pg. 4 of 6

SECTION - CONTINUED

North 63°46'10" East, (formerly North 63°46'10" East) a distance of 1319.2 feet (formerly 1319.2 feet); thence
 North 19°11'07" West, (formerly North 19°04'17" West) a distance of 249.91 feet (formerly 110.19 feet); thence
 North 3°05'15" 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°54'13" 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 273.77 feet to a point on the East boundary of said NW¼NE¼; thence
 South 0°01'21" East, along the said East boundary a distance of 292.05 feet to the Southeast corner of said NW¼NE¼; thence
 South 88°46'43" West, along the South boundary of said NW¼NE¼, 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 NW¼NE¼, 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:

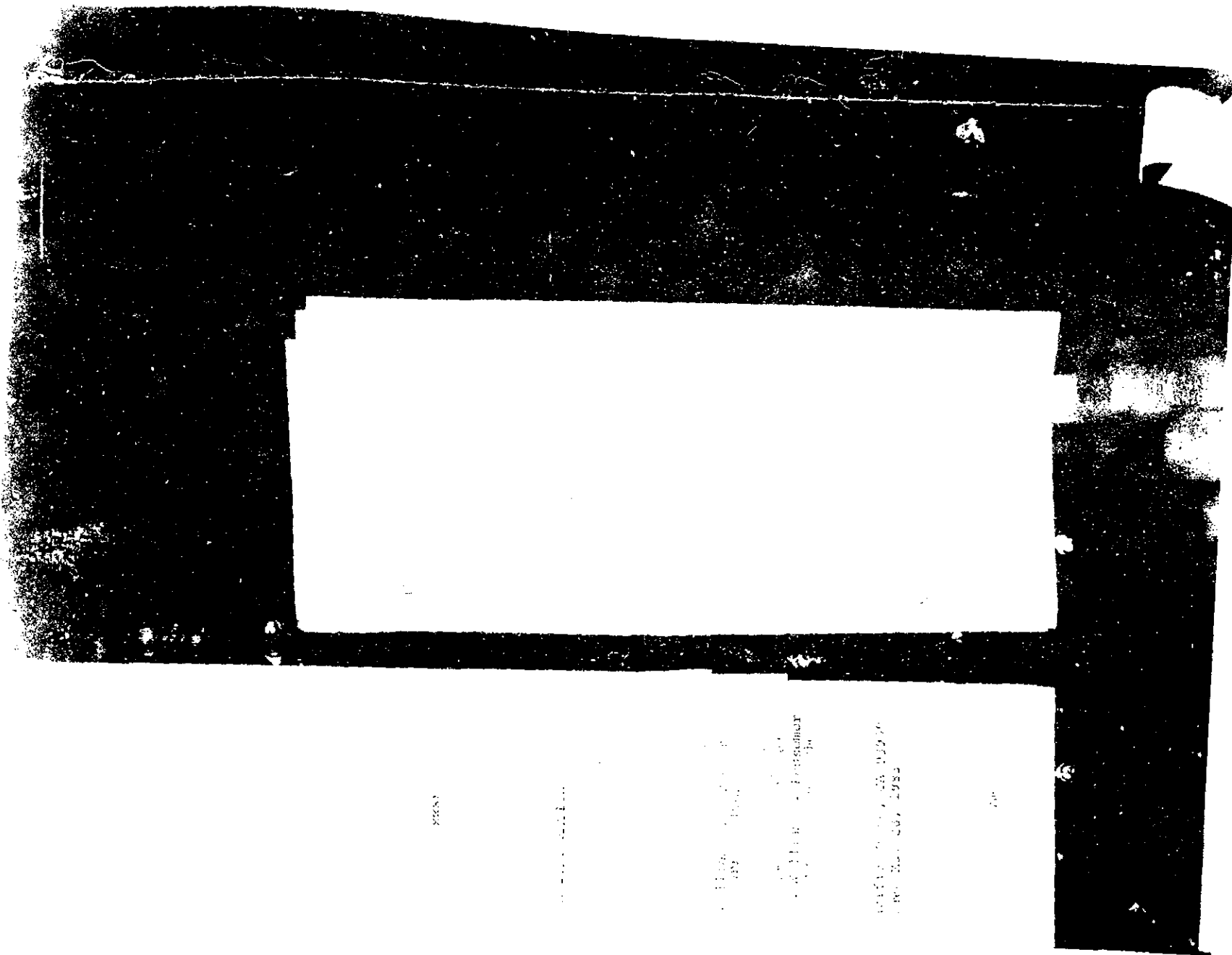
Beginning at the Northwest corner of said NW¼NE¼; thence
 South 89°46'10" East, along the North boundary of said NW¼NE¼, (formerly North 89°57' East), a distance of 740.00 feet; thence
 South 0°18'58" West, along a line parallel with the West boundary of said NW¼NE¼, a distance of 1318.06 feet (formerly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

SEP 15 1992

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MICROFILMED

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Pg. 6 of 6

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 10th day of October, 1979.

ATTEST:

WEDRON SILICA COMPANY

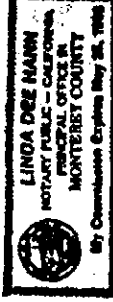
Secretary

By Chairman of the Board

STATE OF CALIFORNIA,) ss
County of Monterey,)

On this 10th day of October, 1979, before me, 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 execute 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 S. Main St.
Marina, Arizona

CORPORATION WARRANTY DEED

corr. Correction - Warranty Deed Pg 1 of 6

SEP 15 1992

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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)

EXHIBIT A

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C.W.D. Pg. 2 of 6

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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)

MICROFILMED

EXHIBIT A

Page -2-

C.W.D.

Pg. 30 SEP 5 1992

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)

EXHIBIT A

Page -3-

MICROFILMED

SEP 15 1992

C.W.D. Pg 4 of 6

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

SEP 15 1992

EXHIBIT A

Page -4-

C.W.D.

Pg. 50 of 6

feet to

Highway 52.

130706

Wedron Silica Company

To

Martin Marietta Corp.

STATE OF MISSISSIPPI
COUNTY OF CLAY

I hereby certify that the instrument
of W. J. Davis & McDevitt, etc.
at 55 day of Nov. 19 73 in my
office and duly recorded under
Instrument No. 130706
This 10.00

MICROFILME

SEP 15 1992

C.W.D. Pg. 6 of 6

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.

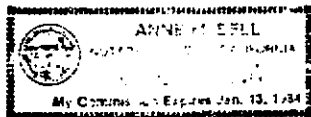
By Harry Holmes
Chairman of the Board

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

MICROFILMED

SEP 15 1992

Correction - Corp. Warranty Deed
(C.C.W.D.)

Pg. 1 of 6

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 685.81 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)

EXHIBIT A

Page -1-

MICROFILMED

SEP 15 1992

C.C.W.D

Pg. 2 of 6

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 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)

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, E.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

SEP 15 1992

C.C.W.D. Pg. 4 of 6

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

SEP 15 1992

c.c.w.d. Pg. 5 of 6

1318.35 feet to
n State Highway 52.

131878

Wedron Silica Company

To

Martin Marietta Corp.

S. 131878 2 =
P. 131878 2

Chickering & Gregory
Mar. 3rd 80
Deed 131878
10.00

MICROFILMED

SEP 15 1992

C.C.W.D. Pg. 6 of 6.

5-13134

CORPORATE WARRANTY DEED

MARTIN MARIETTA CORPORATION, a corporation organized and existing under the laws of the State of Maryland, with its principal office at 6501 Rockville Drive, Bethesda, MD 20817, Grantor, hereby CONVEYS or GRANTS and WARRANTS TO UNIMIN CORPORATION, a Delaware Corporation, whose address is 5000 N. Alameda, 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

CORPORATE WARRANTY DEED - 1

SEP 15 1992

MARTIN MARIETTA CORPORATION

By *J. Peter Dunstan* President

ATTEST *Bruce A. Deersan*
Asst Secretary

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss

On the 13th day of September, A.D. 1983, personally appeared before me
J. Peter Dunstan and *Bruce A. Deersan*, 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. Deersan 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. Deersan each duly acknowledged to me that said corporation
executed the same and that the seal affixed is the seal of said corporation.

Virginia M. Connor
Notary Public for New York
Residing at *6 Brooklands*
Greenwich, N.Y. 10707
My Commission expires *March 30, 1985*

VIRGINIA M. CONNOR
NOTARY PUBLIC, State of New York
No. 60-461527
Qualified in Westchester County
Commission Expires March 30, 1985

MICROFILMED

CORPORATE WARRANTY DEED - 3

SEP 15 1983

STATE OF IDAHO, COUNTY OF GEM

I hereby certify that this instrument was filed for record at the reg
of _____ at _____ minutes past _____ o'clock
____.M., this _____ day of _____, A.D. 1932, in my office, and
recorded in Book _____ of _____, at page _____.

Ex-Officio Recorder

By _____

Deputy

Fees, \$ _____

MICROFILMED

SEP 15 1932

CORPORATE WARRANTY DEED - 3

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 NE $\frac{1}{4}$ of NW $\frac{1}{4}$, 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.

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TRACT II

SEP 15 1932

A parcel situated in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 89°47'50" West along the North boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 50.00 feet to the true point of beginning; thence

(continued)

EXHIBIT "A"

LEGAL DESCRIPTION CONTINUED

South, parallel with the East boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence
North 0°00'40" East along the West boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 851.81 feet to the Northwest corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence
South 89°47'50" East along the North boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1278.34 feet to the true point of beginning.

TRACT III

A tract of land in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence
North 0°03'10" West, along the West boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence
North 89°47'50" West, along the South boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 256.00 feet to the Point of Beginning.

MICROFILMED

SEP 15 1982

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

SEP 15 1962

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

TRACT V

A tract of land situated in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ 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 NW $\frac{1}{4}$ NE $\frac{1}{4}$; thence South 89°46'10" East, along the North boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ (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 NW $\frac{1}{4}$ NE $\frac{1}{4}$, a distance of 1318.06 feet (formerly South 1319.2 feet); thence North 89°47'31" West, along the South boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ (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 NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the S $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 6 North, Range 1 West, B.M., Gem County, Idaho, otherwise known as the GEM Placer Mining Claim:

ALSO EXCEPT any portion lying within State Highway

TRACT VII

The N $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 6 North, Range 1 West, B.M., Meridian, Gem County, Idaho, otherwise known as the GEM Placer Mining Claim:

MICROFILM

SEP 15 199

Pg. 7 of 10

EXHIBIT "A" cont.

LEGAL DESCRIPTION CONTINUED

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 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 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.

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

SEP 15 1992

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

144909

Martin Marietta Corporation

to

Unimin Corporation

Indexed ☐

Microfilmed ☐

STATE OF IDAHO
COUNTY OF GEM

I hereby certify that this Instrument
was filed for record at request of
Baraco Title Ins. Co.
at 38 minutes past 4
o'clock P. M. this 28th
day of September 1983 in my
office and duly recorded as a
Deed under
Instrument No. 144909
TULISA R. HOLGEMAN
by Judy R. Peterson
for 18.00

Wit me:
Baraco Title Ins. Co.
Baraco Title Ins. Co.
Baraco Title Ins. Co.
Baraco Title Ins. Co.

MICROFILMED

SEP 15 1992

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

RE-NUMBERED A65-01131B

Ident. Number: 65-1131

Date Received: 2-13-90

Receipt No.: 11/A

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: October 5, 1875
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.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
Agricultural	03/15	11/15	.26		

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

8. Total consumptive use is 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	SW	SE and 7	Agri	

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:

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments: 45

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)
County of Idaho) ss.

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

Rosemarie Evans

Notary Public for Idaho

Residing at Emmett

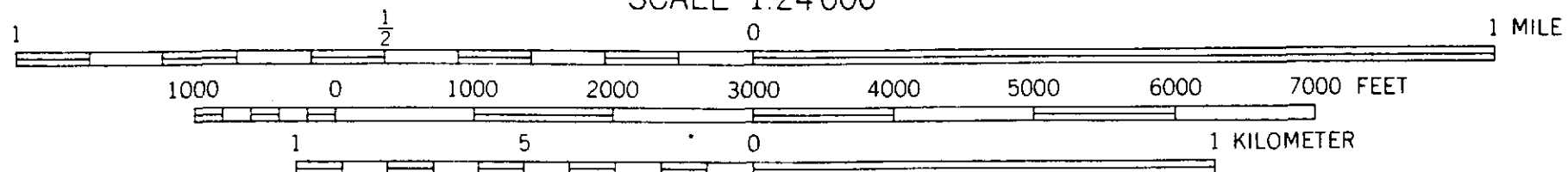
My commission expires: Sept. 1991

A65-01131B

TOWNSHIP 6 NORTH
RANGE 2 WEST
SECTION 11
SWSE



~~SCALE 1:24 000~~



Dick Cummings

367-0722

Atty 8 Record on Adj Claim

Add to Mailing list

Mail within 3 weeks