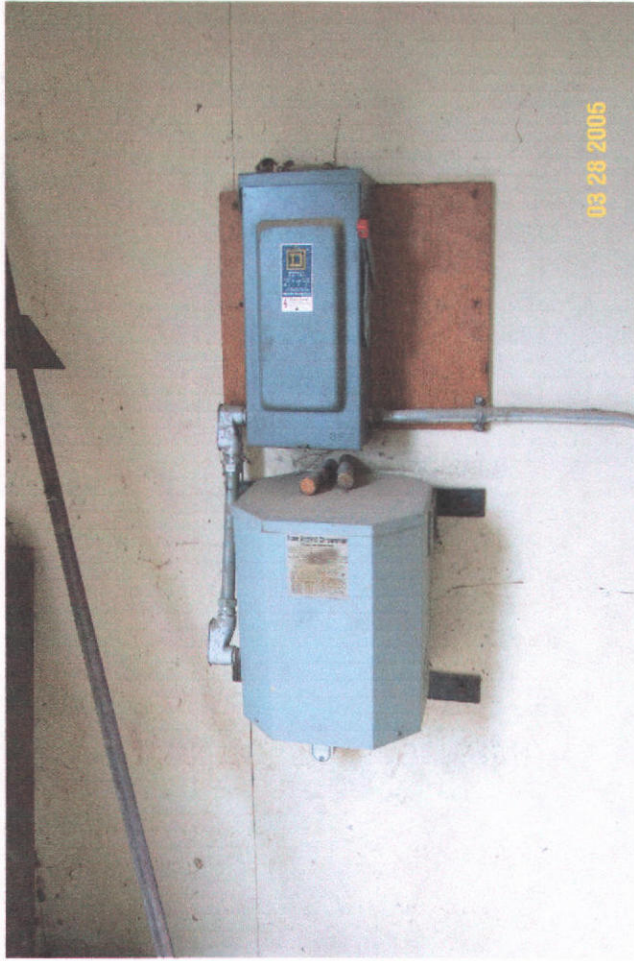
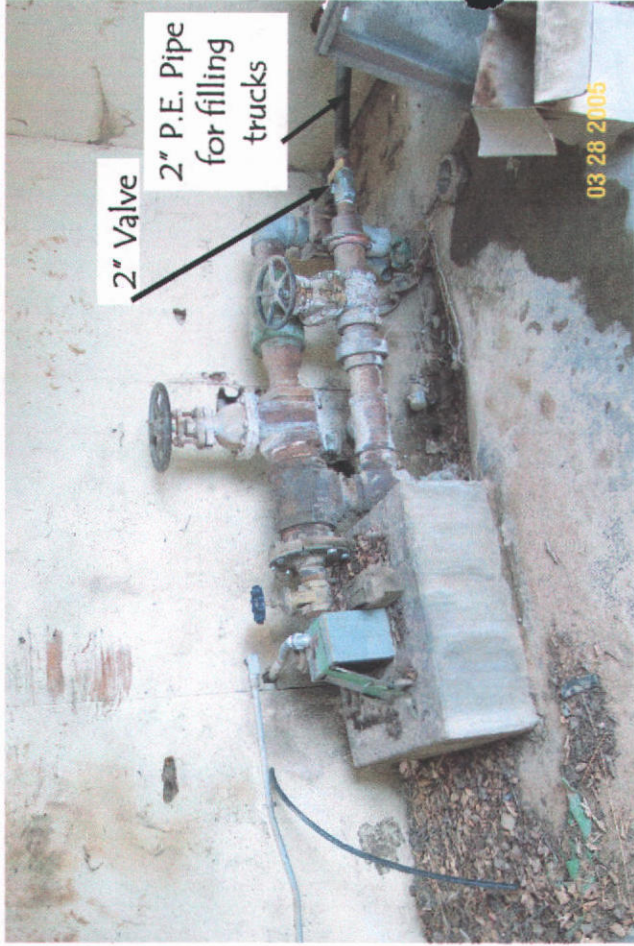




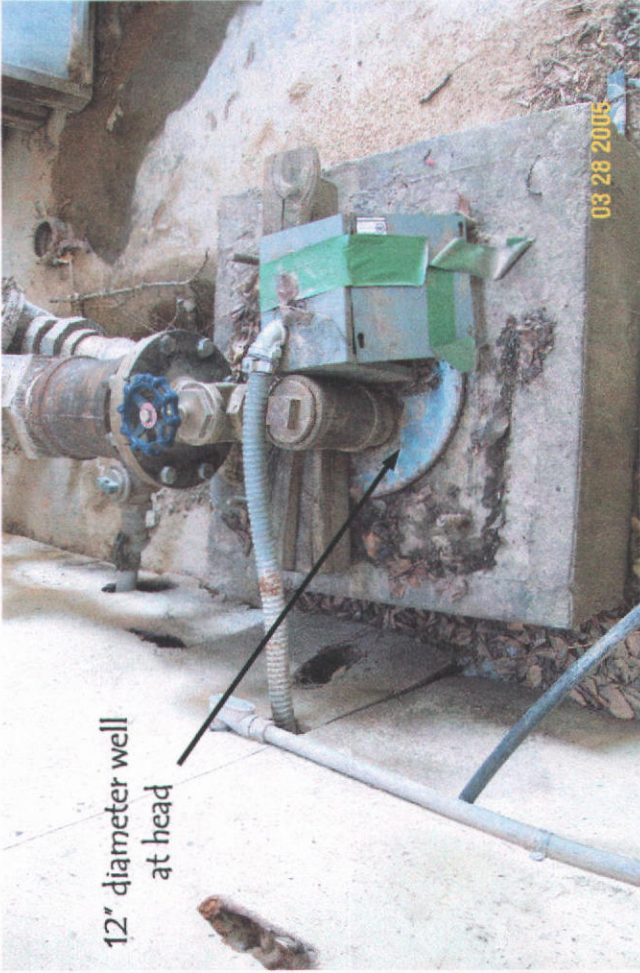


Pump Switch Box and Phase Converter

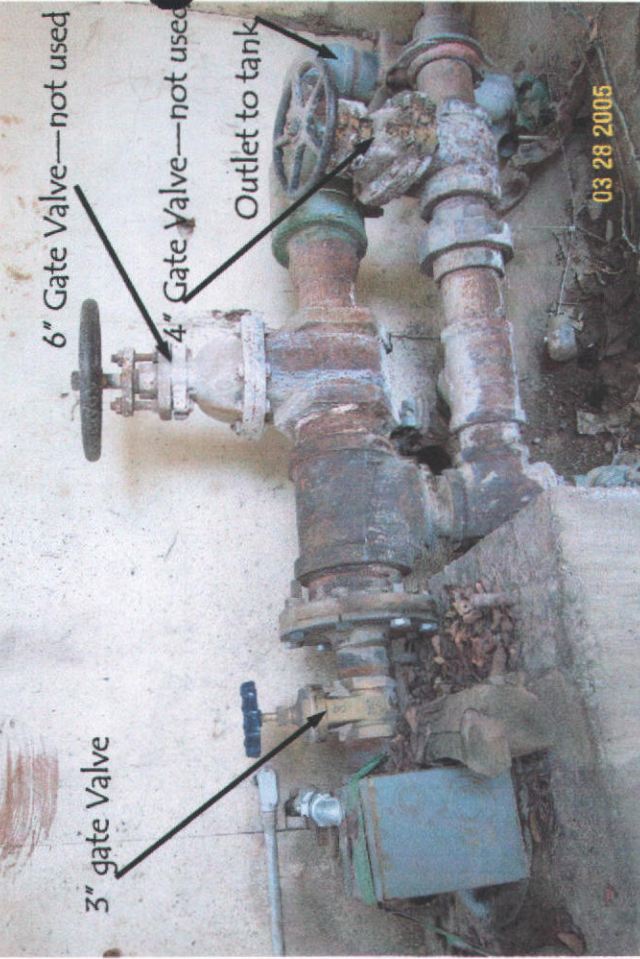


Well Head and Plumbing inside of Pump House

Nelson
63-7203

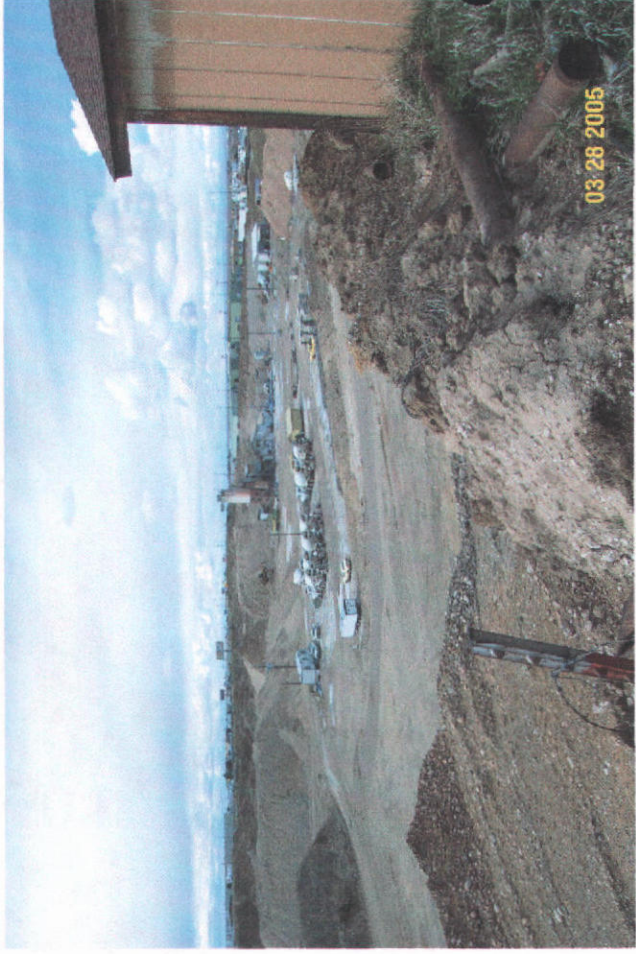


12" diameter well
at head





Pump house—looking Northwest



Pump house, Gravel Pit, Batch Plant
Looking Northwest

Nelson
63-7203

From Pump house—looking Southeast



From Pump house—looking East toward tank





Pump House—looking Southeast



Pump power meter and panel—East side of pump house

Nelson

63-7203

Old Turbine Pump replaced by a Submersible





Box for
4" inlet pipe

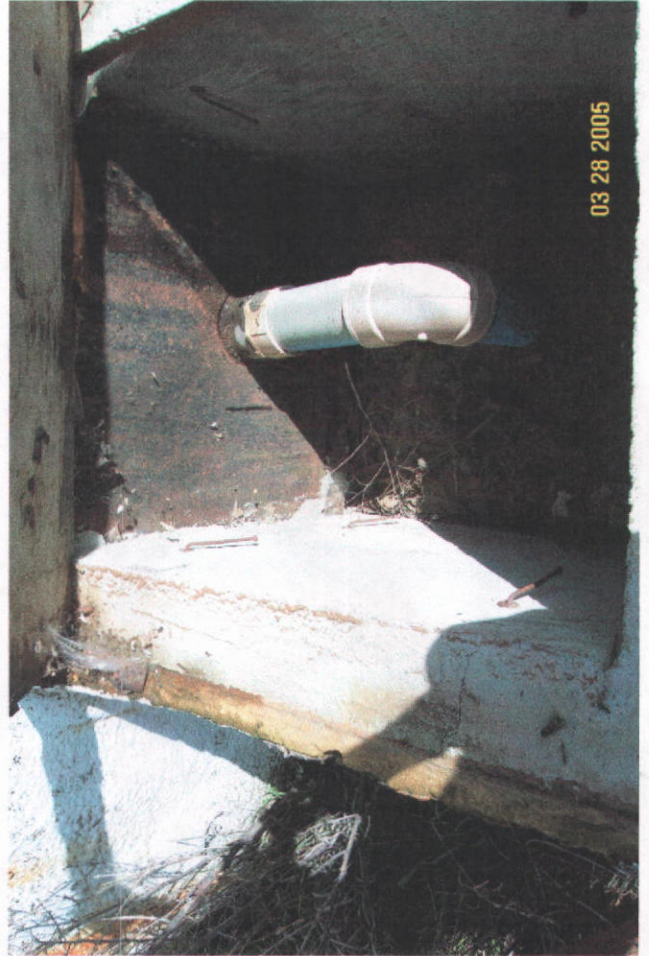
1900 Gallon Storage tank
Looking East



Top of Storage Tank

Nelson
63-7203

4" inlet pipe to tank from pump



6" Outlet Pipe from Tank

Parcel 1 Plot
Exhibit A

NENW

NWNE

T03N, R02E,
S35

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: A63-07203
Date Received: 8/10/1989
Receipt No: W004336
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: TREASURE VALLEY CONCRETE 208-343-3051
Address: PO BOX 15929
BOISE ID 83715

2. Date of Priority: MAR 7, 1969

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	35		NE	NE		ADA

5. Description of diverting works:
480' WELL, 8" CASING AND APPURTANCES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
INDUSTRIAL	01/01	12/31	0.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME, 2 OFFICES; INDUSTRIAL, CONCRETE & ASPHALT PLANT

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	26	SW	SE		DOMEST	
			SW	SE		INDUST	
			SE	SE		INDUST	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	02E	26	SE		SE		DOMEST	
		35	NE		NE		DOMEST	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:

WELL WAS ORIGINALLY USED FOR STOCKWATER, IRRIGATION AND DOMESTIC.
IT IS NOW USED FOR DOMESTIC AND INDUSTRIAL USE FOR A CONCRETE
BATCH PLANT AND AN ASPHALT PLANT. CLAIM FILED WITH AN INCREASE
IN CFS.

DATA ENTRY CORRECTION FOR PURPOSE OF USE. 9/3/97 LH

15. Basis of Claim: LICENSE

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

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OF RIGHTS TO THE USE OF WATER FROM
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0.520 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME, 2 OFFICES; INDUSTRIAL, CONCRETE & ASPHALT PLANT

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use
03N	02E	26	SW	SE		DOMEST
			SW	SE		INDUST
			SE	SE		INDUST

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	26	SE	SE		DOMEST	
		35	NE	NE		DOMEST	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:

WELL WAS ORIGINALLY USED FOR STOCKWATER, IRRIGATION AND DOMESTIC.
IT IS NOW USED FOR DOMESTIC AND INDUSTRIAL USE FOR A CONCRETE
BATCH PLANT AND AN ASPHALT PLANT. CLAIM FILED WITH AN INCREASE
IN CFS.

15. Basis of Claim: LICENSE

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: _____

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JUL 25 1994

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 _____

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JUL 25 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 ALB-7203Date Received 8-10-89Receipt Number W004336

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
AUG 10 1989

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) TREASURE VALLEY CONCRETE Phone (208) 343-3051Mailing Address PO Box 15929 Boise, ID Zip 837152. Date of Priority (Only one (1) per claim) MARCH 7, 19693. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 3N Range 2E Section 35,NE 1/4 of NE 1/4 of - 1/4, Govt. Lot, - B.M., County of ADAAdditional points of diversion if any: NONE

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

8" WELL Pump and
APPURTANCES Well 480' deep

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JUL 25 1994

T.V.C.

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DOMESTIC purposes from JAN 1 to Dec 31 amount 0.02 or _____

For INDUSTRIAL purposes from JAN 1 to Dec 31 amount 0.50 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.52 (cfs) and/or (b) — (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic / Household, 2-offices, Concrete Plant and Asphalt Plant

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	2E	35	D																0
3N	2E	26																I-D-I-D	0

Total number of acres irrigated 0

11. In which county (ies) are lands listed above as place of use located? ADA

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None X

14. Remarks: WELL WAS ORIGINALLY USED FOR STOCKWATER, IRRIGATION AND DOMESTIC. IT IS NOW USED FOR DOMESTIC AND INDUSTRIAL USE FOR A CONCRETE BATCH PLANT AND AN ASPHALT PLANT

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JUL 25 1994

Last Name TVCo Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2-inches equals 1 mile

1-3-N

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64
65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96
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1409	1410	1411	1412	1413	1414	1415	1416	1417	1418	1419	1420	1421	1422	1423	1424
1425	1426	1427	1428	1429	1430	1431	1432	1433	1434	1435	1436	1437	1438	1439	1440
1441	1442	1443	1444												

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 63-7203

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am PRESIDENT

Title

of TREASURE VALLEY CONCRETE CO, that I have signed the foregoing

Organization

document in the space below as PRESIDENT of TREASURE VALLEY CONCRETE

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization D.S. NELSON Date Aug 19, 1989

PRESIDENT - TVC Co

State of Idaho/or Idaho)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 9th day of August 19 89

SEAL

Notary Public Norothy H. Britton

Residing at Nampa, Idaho

My Commission Expires March 1, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

JUL 25 1994

Last Name TVC Ident. Number _____

Copies White-State, Yellow-Claimant

+ - - - - - Old Water Right Numbers - - - - +
No Old Water Right Numbers found.

MICROFILMED
JUL 25 1994

WATER RIGHT

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	-
Exam to S.O. Date	- 00/00/0000	Verified Date	- 04/08/1985	DLE/Carey Act	-
Original Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 09/12/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		-

MICROFILMED
JUL 25 1994

4-3-91

CLAIMANT'S NAME Treasure Valley Concrete CLAIM IDENT. NO. AL3-07203

DATE RECEIVED 8-10-89 RECEIPT # 1004336 AMOUNT \$ 150.00

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☒	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒ N/A	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☒ N/A	☐	
Is the consumptive use correct?	☒ N/A	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4	☒ N/A	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated? (See Item No.'s 16 & 17 for checking other water rights)	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒ N/A	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? (Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim)	☒ N/A	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? (If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☒ N/A	☐	
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒ N/A	☐	
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time, or was an extension granted?	☒	☐	*
22. Is the fee enclosed correct?	☒	☐	*

MICROFILMED

JUL 25 1994

Exempt

23. Should this claim be entered? YES NO ☒

Claim reviewed by: Jed Date 5-4-92

Claim data entered by: Jed Date 12-15-92

Claim is being returned to claimant: ___(Yes) ☒ (No)

Claimant is being notified of modifications: ___(Yes) ___(No)

Comments: Proof report attached. Original license claimed
irrig. & stock now being used for Domestic & Industrial
has additional places of use & CFS.

10/12/2005

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

RIGHT NUMBER: 63-7203

NAME AND ADDRESS: NELSON CONSTRUCTION CO
PO BOX 16550
4301 FEDERAL WY
BOISE ID 83715

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
22.500 AFY

PRIORITY DATE: 03/07/1969

POINT OF DIVERSION:

T03N R02E S35 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.100 CFS 22.50 AFY

PLACE OF USE: INDUSTRIAL Within ADA County

T03N R02E S35 NENE

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 - License

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Adjudication Recommendation Report 63-7203 V1

WATER RIGHT NUMBER: 63-7203 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NELSON CONSTRUCTION CO PO BOX 16550 4301 FEDERAL WY BOISE, ID 83715 (208)343-3051
Attorney	DEBORAH E NELSON GIVENS PURSLEY LLP P O BOX 2720 BOISE, ID 83701-2720 (208)388-1200
Original Owner	FRANK C SPENCER BOISE, ID
Original Owner	TREASURE VALLEY CONCRETE INC PO BOX 15929 BOISE, ID 83715 (208)345-3411
Original Owner	GLADYS M SPENCER BOISE, ID

Priority Date: 03/07/1969

Basis:	License
--------	---------

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	01/01 to 12/31	0.100 CFS	22.50 AF
	Total Diversion:	0.100 CFS	22.50 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4 Sec. 35, Twp 03N, Rge 02E, B.M.
ADA County

Place of Use

INDUSTRIAL

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-7203 V1

Conditions of Approval:

1. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
2. 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:Comments:

1. segbert 10/12/2005 Ownership
Comment: Changed ownership 10-12-05

2. segbert 10/12/2005 Uses
Comment: Per meeting with Deb Nelson the domestic use was dropped since it was no longer used. The irrigation and stockwater use on the license was changed by accomplished transfer to industrial.

3. segbert 10/12/2005 Quantity
Comment: The rate that was claimed was reduced to what was actually licensed.

4. segbert 10/12/2005 POU
Comment: The claimed place of use was changed to the place of use described in the license

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits: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>
Priority Date	1/28/2005 2:19:18 PM	segbert			Active
POD	1/28/2005 2:19:41 PM	segbert			Active
Source	1/28/2005 2:55:27 PM	segbert			Active
POU	1/28/2005 2:55:35 PM	segbert			Active
Use	1/28/2005 2:55:36 PM	segbert			Active
Season	1/28/2005 2:55:37 PM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7203 V1

Quantity	1/28/2005 2:55:38 PM	segbert	Active
Priority Date	10/12/2005 10:19:23 AM	segbert	Active
POD	10/12/2005 10:19:43 AM	segbert	Active
Source	10/12/2005 10:21:41 AM	segbert	Active
POU	10/12/2005 10:23:02 AM	segbert	Active
Use	10/12/2005 10:25:23 AM	segbert	Active
Season	10/12/2005 10:25:53 AM	segbert	Active
Quantity	10/12/2005 10:26:15 AM	segbert	Active
Summary	10/12/2005	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	10/12/2005 10:24:39 AM	segbert	Updated shape for Active POU
Quantity	10/12/2005 10:26:15 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required?
POU	10/12/2005 10:23:02 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
General	10/12/2005 10:19:24 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	10/12/2005 10:19:44 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7203 V1

POD	10/12/2005 10:21:05 AM	segbert	Updated shape
Source	10/12/2005 10:21:41 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Summary	10/12/2005 10:36:45 AM	segbert	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Source	1/28/2005 2:55:27 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	1/28/2005 2:55:35 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
Use	1/28/2005 2:55:36 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
Priority Date	1/28/2005 2:19:18 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/28/2005 2:19:41 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7203 V1

Use	10/12/2005 10:25:23 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	10/12/2005 10:25:53 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Season	1/28/2005 2:55:37 PM	segbert	(Yes) 1. Is the basis of claim Decree or License?
Quantity	1/28/2005 2:55:38 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7203

WATER RIGHT NUMBER: 63-7203

Owner Type Name and Address
 Original Owner FRANK C SPENCER ✓
 BOISE, ID
 Current Owner TREASURE VALLEY CONCRETE INC
 PO BOX 15929
 BOISE, ID 83715
 (208)345-3411
 Original Owner GLADYS M SPENCER
 BOISE, ID

Priority Date: 03/07/1969 ✓

Basis: License ✓

Status: Active ✓

Source Tributary
 GROUND WATER ✓

Beneficial Use	From	To	Diversion Rate	Annual Volume
INDUSTRIAL	1/01 to 12/31		0.500 CFS	
DOMESTIC	1/01 to 12/31		0.020 CFS	
Total Diversion:			0.520 CFS ✓	22.5 AF license

license 1 cfs

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4 Sec. 35, Twp 03N, Rge 02E, B.M.
 ADA County

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	02E	26	X				
03N	02E	35					

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	02E	26					
03N	02E	35	X				

D - Home 2 offices
 Ind - concrete & asphalt plant
 Add remark from claim

put in C code:
 accomp log in notes
 of use

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-7203

Conditions of Approval:Remarks:

1. General WELL WAS ORIGINALLY USED FOR STOCKWATER, IRRIGATION AND DOMESTIC. IT IS NOW USED FOR DOMESTIC AND INDUSTRIAL USE FOR A CONCRETE BATCH PLANT AND AN ASPHALT PLANT. CLAIM FILED WITH AN INCREASE IN CFS. DATA ENTRY CORRECTION FOR PURPOSE OF USE. 9/3/97 LH

Comments:Dates and Other Information:

Claim Received Date: 8/10/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits: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>
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

APR 07 2005

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is not corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-7203	A63-7203				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify diversion of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claims(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Treasure Valley Concrete, Inc.
P.O. Box 15929, Boise, ID 83715
4. New Owner/Claimant(s) Nelson Construction Company
Name Connector (Check one): [] and, [] or, [] and/or
 New Mailing Address P.O. Box 16550
 City, State and ZIP Code Boise, ID 83715
 New Telephone Number (208) 343-3051
5. Date you acquired the property January 6, 1998

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) amount multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for the larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) Donald J. Nelson, President

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
Received by _____ Date _____ Receipt No. _____
Processed by _____ AJ Date _____ WR _____ Date _____

WHEN RECORDED RETURN TO:
LeBoeuf, Lamb, Greene & MacRae L.L.P.
1000 Kearns Building
136 South Main Street
Salt Lake City, Utah 84101
Attn: Nolan S. Taylor

QUITCLAIM DEED

FOR VALUE RECEIVED, TREASURE VALLEY CONCRETE, INC., a corporation organized and existing under the laws of the State of Idaho, with its principal office at 155 East Amity Road, Boise, Idaho, does hereby convey, release, remise and forever quitclaim unto NELSON CONSTRUCTION COMPANY, whose address is: P.O. Box 16550, Boise, Idaho 83715, the rights of Treasure Valley Concrete, Inc., in the following premises, to wit:

Township 3 North, Range 2 East, B.M., Ada County, Idaho
Section 35: $W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ excepting north 175'; $SE\frac{1}{4}NE\frac{1}{4}$ excepting $E\frac{1}{2}E\frac{1}{2}$
and excepting Tax Lots 1 and 8.

Also, EXCEPT the following described property: Beginning at a Brass Cap marking the Northeast corner of Section 35; thence south $89^{\circ}53'30''$ West 661.36 feet along the Section Line common to Section 35 and 26 to a Point; thence south $0^{\circ}05'13''$ west 175.00 feet to an Iron Pin being the Real Point of Beginning; thence continuing south $0^{\circ}05'13''$ west 300 feet to an Iron Pin; thence south $89^{\circ}53'30''$ west 200 feet to an Iron Pin; thence north $0^{\circ}05'13''$ east 300 feet to an Iron Pin; thence north $89^{\circ}53'30''$ east 200 feet to the Real Point of Beginning; containing 1.377 acres more or less.

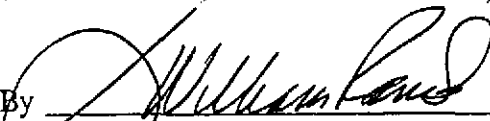
Also, EXCEPT a right-of-way easement running along the East 50 feet of the property.

Also, EXCEPT all rights to sand and gravel aggregate located in, on or within the real property conveyed hereby, as more fully set forth in that certain Sand and Gravel Lease Agreement dated January 6, 1998, by and between Nelson Construction Company and Treasure Valley Concrete, Inc.,

together with their appurtenances.

DATED the 6 day of January, 1998.

TREASURE VALLEY CONCRETE, INC.

By 
Name: L. William Rands
Title: Secretary

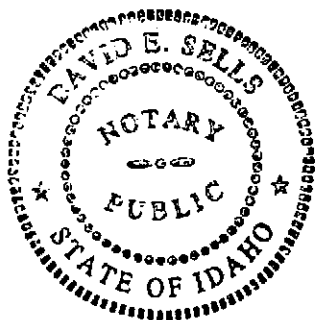
STATE OF IDAHO)

) SS.

County of Ada)

On this 6th day of January, 1998, before me, the undersigned, a notary public in and for said county and state, personally appeared L. William Rands, known or identified to me to be the Secretary of TREASURE VALLEY CONCRETE, INC., the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that said corporation executed the same.

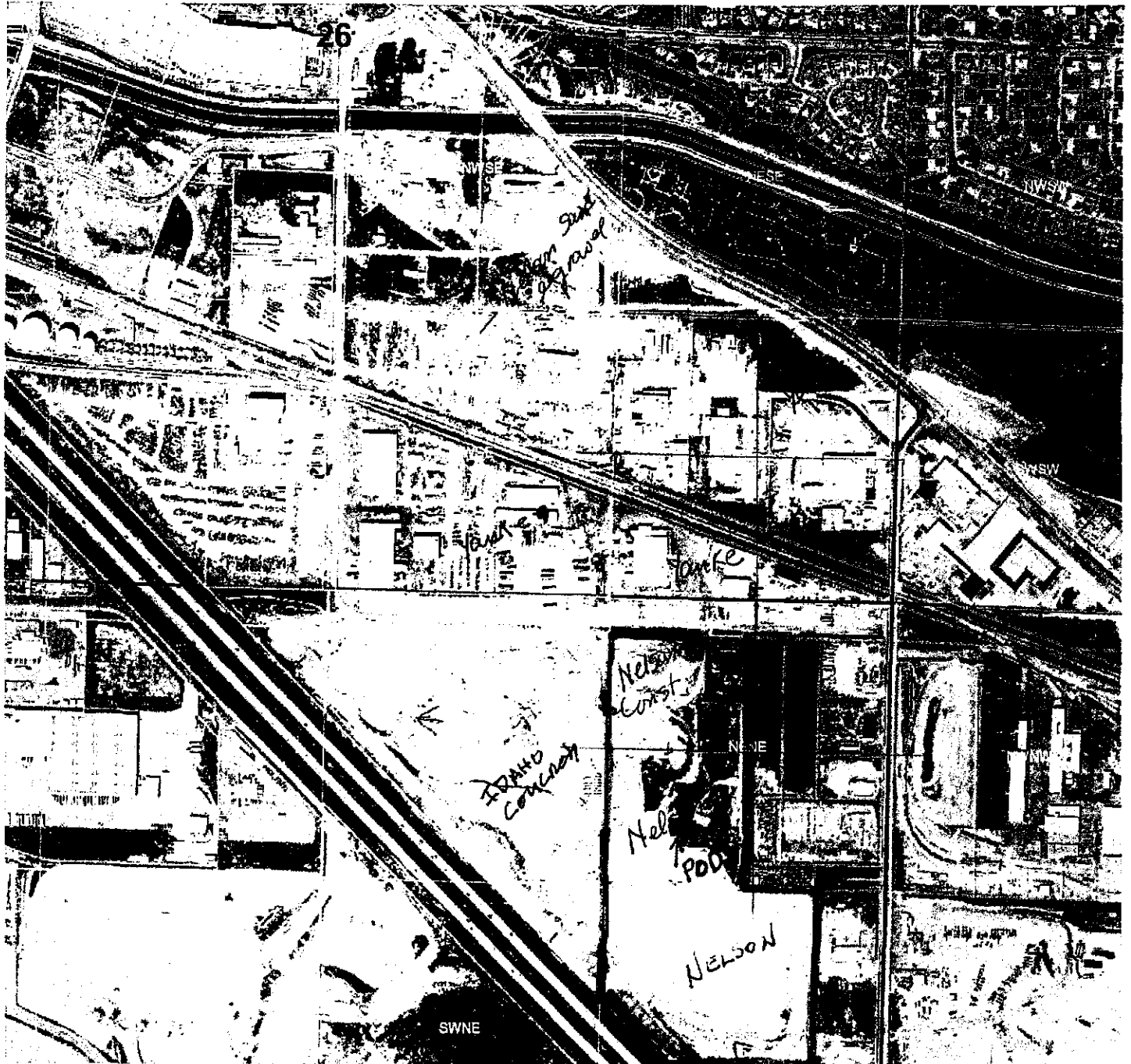
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Residing at Meridian, ID
Comm Exp 10/28/99


Notary Public for Idaho
Residing at MERIDIAN, IDAHO
Commission expires 10-28-99

26



SWNE

NE NE

NWSW

NSW

APR 07 2005

**WATER RESOURCES
WESTERN REGION**

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Deborah E. Nelson
DIRECT DIAL: 208 388-1215
EMAIL: den@givenspursley.com

Gary G. Allen
Kelly T. Barbour *
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
Franklin G. Lee

David R. Lombard
D. David Lorello, Jr.
Emily A. MacMaster
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.
Michael C. Orr

Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

Raymond D. Givens
RETIRED

James A. McClure
RETIRED

*Licensed in Texas

April 6, 2005

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Re: Notice of Change in Water Right Ownership
Our File No. 5465-21

To Whom It May Concern:

Enclosed for filing with the Department please find the original and one copy of a Notice of Change in Water Right Ownership for water right number 63-7203. Please stamp the copy as received by your office and return it to me in the enclosed self-addressed, stamped envelope. Please note that because this water right is currently pending in the Snake River Basin Adjudication the filing fee associated with the notice is waived.

Thank you for your assistance with this matter. If you have any questions or require any additional information please call.

Sincerely,



Deborah E. Nelson

Enclosures

DEN:kdt S:\CLIENTS\5465\21\DEN Ltr to IDWR re Filing Notice of Change in Ownership.DOC

GIVENS PURSLEY LLP

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

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Robert B. White

Raymond D. Givens
RETIRED

James A. McClure
RETIRED

*Licensed in Texas

RECEIVED

APR 13 2005

WATER RESOURCES
WESTERN REGION

April 12, 2005

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Re: Notice of Appearance—Water Right No. 63-7203
Our File No. 5465-21

To Whom It May Concern:

Enclosed for filing with the Department please find the original and one copy of a Notice of Appearance with regard to water right number 63-7203. Please stamp the copy as received by your office and return it to me in the enclosed self-addressed, stamped envelope. Please note that we filed a Notice of Change in Water Right Ownership on behalf of Nelson Construction Company for this water right on April 6, 2005.

Thank you for your assistance with this matter. If you have any questions or require any additional information, please call.

Sincerely,



Deborah E. Nelson

Enclosures

DEN:kdt S:\CLIENTS\5465\21\DEN Lit to IDWR re Notice of Appearance.DOC

Deborah E. Nelson, Idaho State Bar No. 5711
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com

Attorneys for Nelson Construction Company

RECEIVED

APR 13 2005

WATER RESOURCES
WESTERN REGION

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF
WATER RIGHT 63-7203

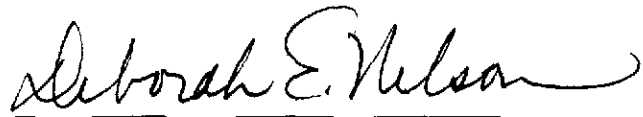
NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Deborah E. Nelson of the firm Givens Pursley LLP,
hereby enters her appearance as attorney of record on behalf of Nelson Construction Company in
connection with water right 63-7203.

Respectfully submitted and dated this 12th day of April 2005.

GIVENS PURSLEY LLP

By



Deborah E. Nelson

Attorneys for Nelson Construction Company

GIVENS PURSLEY LLP

Deborah E. Nelson
Attorney At Law

den@givenspursley.com
Phone: 208 388-1200
Direct: 208 388-1215
Fax: 208 388-1300

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of April 2005, I served a true and correct copy of the foregoing by delivering the same to the following by the method indicated below, addressed as follows:

Original to:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile


Deborah E. Nelson

Field Exam Date 3/28/05

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-7203
ATTN: CHRIS NELSON
Owner: NELSON CONSTRUCTION CO Phone No. 343-3051
Current Address: P.O. BOX 16550 BOISE ID
☐ No change NAME IS THE SAME
☒ NEW OWNER
☐ No change Address
☒ NEW ADDRESS
☐ How long owned property? _____

Accompanied by: CHRIS NELSON

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: OK 3/7/69 BASED ON FIELD EXAM 3/23/1970

(If priority date, based on your exam, seems questionable, explain below.)

Source: GROUNDWATER Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

SITE TAG A0002490

GPS = 2324158
1375263

#68

DIVERSION AND DELIVERY SYSTEM
Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
1	-	SW	NE	NE	35	3N	2E	ADA	AERIAL PHOTO (2003 NADA) + GPS

Description of diverting works WELL DEPTH ACCORDING TO FIELD EXAM 5/22/70 IS 180'
PWL SHOULD BE ABOUT 170' MAX

25 HP SUBMERSIBLE PUMP LIFTING WATER FROM AN ESTIMATED 290' MAX.
TO A 1900 GAL STORAGE TANK, THRU 4" PVC, THEN FROM THE TANK TO A CONCRETE
BATCH PLANT & SAND & GRAVEL FACILITY

OVERLAP REVIEW

Other water rights with the same point of diversion: NONE

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

☐ No change

☒ Different Uses

Use INDUSTRIAL From 1/1 To 12/31 Amount .52 CFS AFA

Use _____ From _____ To _____ Amount _____ CFS AFA

Use _____ From _____ To _____ Amount _____ CFS AFA

TOTAL VOLUME - Groundwater only $.52 \text{ CFS} = 233.39 \text{ GPM} \times 12 \text{ HR} \times 60 \times 325851.41 = .516 \text{ AF/DAY}$

☒ Incomplete on claim, the total is, Amount .52 CFS 134 AFA $\times 260 \text{ DAYS} = 134 \text{ AF}$

☒ Changes found, the new total is, Amount .52 CFS 134 AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES: INDUSTRIAL

☐ No change

☒ Changes Exam found: Domestic # of homes 0 Stock # 0

Types _____ Additional comments: _____

PLACE OF USE:

☒ No Change

☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2E	35		X	X													X	

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain: _____

Delivery System Narrative: THIS WELL AND PUMP SUPPLIES WATER TO A CONCRETE BATCH PLANT ALONG WITH FACILITIES FOR WASHING & SCREENING SAND AND GRAVEL. THE PUMP IS A 25HP SUBMERSIBLE PUMPING WATER TO A 1900+ GALLON STORAGE TANK. FROM THE TANK THE WATER IS PIPED WITH A 6" PVC PIPE TO THE BATCH PLANT & OTHER PARTS OF THE GRAVEL PIT AREAS FOR TH WASHING & SCREENING USE.

SUBMERSIBLE PUMP

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
	UNKNOWN NOT AVAILABLE	*25	N/A	N/A	

*25 HP DETERMINED FROM WATT HR METER USING DEMAND KW. SEE ATTACHED SHEET

FLOW MEASUREMENTS:

THEORETICAL

FLOW = .52 CFS OR 233 GPM

Attach appropriate documents

DETERMINED TDH TO SEE IF PUMP CAN MEET NEEDED HEAD

$$TDH = \frac{(HP)(EFF.)3960}{GPM}$$

$$= \frac{(10)(17)(3960)}{233} = 305'$$

NARRATIVE/REMARKS/COMMENTS

WELL DEPTH = 180 FT PWL ABOUT 170 MAY

ORIGINAL PERMIT WAS ISSUED ON IRRIGATION .66 CFS, STOCKWATER .02 CFS AND DOMESTIC .02 CFS. AT THE TIME OF THE FIELD EXAM, THE EXAMINER DETERMINED HE WAS PUMPING .52 CFS - FOR IRRIGATION, STOCKWATER & DOMESTIC. THE ADJUDICATION CLAIM WAS FOR INDUSTRIAL & DOMESTIC. NOW THE WELL IS USED FOR INDUSTRIAL ONLY. THE ADJUDICATION CLAIM WAS FILED BY TREASURE VALLEY CONCRETE. NOW IT IS OWNED BY NELSON CONSTRUCTION CO. WHO IS THE PARENT CO. OF TREASURE VALLEY CONCRETE. THEIR ATTORNEY, DEBORAH NELSON FROM GIVEN & PURSLEY LAW FIRM IS GETTING THE OWNERSHIP TRANSFERS TAKEN CARE OF.

THE PUMP IS CAPABLE OF PUMPING THE FLOW RATE OF .52 CFS.
(THIS FROM A THEORETICAL COMPUTATION. SEE ATTACHED SHEET.
THE NATURE OF USE IS NOW STRICTLY INDUSTRIAL. THEY ALSO HAVE
A DOMESTIC WELL FOR THE HOUSE. THE PERIOD OF USE IS NOW
YEAR LONG. THE PLACE OF USE HAS CHANGED ALSO, SEE LEGAL DESCRIPTION
OF THE PROPERTY.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 3/28/05 WRITEN 4/6/05

FIELD EXAMINER: Burke H. Scholz

CALL
CURIS ON
3/16/
FOR INFO
CLAIM

Field Exam Questions

Water Right No. 63-7203

Current Owner on Claim: Treasure Valley Concrete

NELSON CONSTRUCTION CO.
P.O. Box 16550
BOISE 83715

343-3051

- Who owns the property now? ✓
- Where is the property located? ✓
- The uses and pou have changed from the license. 1975 When did that change occur?
- What is the property being used for now? - ~~INDUSTRIAL~~ CONCRETE BATCHING
CRUSHING WASHING SCREEN
- Where is the POD located? GPS

3/28/05

IDAH0 POWER METER (GE)

$$\text{DEMAND} = \frac{21.29}{25.37} \text{ MW}$$

89-665-041

480V

$K_h = 57.6$ (NO MULT)

DATE ON PANEL (IDAH0 ELEC. INSPECT)
12/5/73

SITE TAG ON NE CORNER OF PUMP HOUSE
A0002490

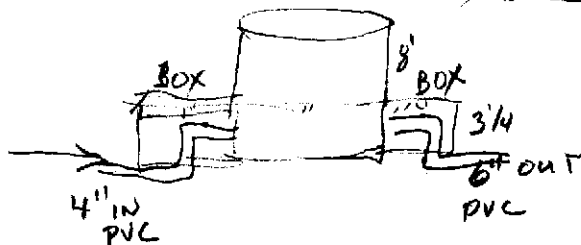
GPS 5' - SOUTH OF SERVICE POLE

#68

2324158
1375263

STORAGE TANK ABOUT 300' EAST

$$\text{DIA} = 18' \pm \quad \text{HEIGHT} = 12' \pm \frac{8'}{4''}$$



Return to Sandy Egbert

WATER RIGHT NUMBER: 63-7203

3/3/05
CALLED - NOANS.
LEFT MESSAGE
2:30pm

Status: Active

GROUND WATER

Sec. 35, Twp 03N, Rge 02E, B.M.

INDUSTRIAL

DOMESTIC

Twp	Rge	Sec		NE	NW	SW	SE	Totals
03N	02E	26		X	X	X	X	4
03N	02E	35	X					1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-7203

Conditions of Approval:Remarks:

1. General WELL WAS ORIGINALLY USED FOR STOCKWATER, IRRIGATION AND DOMESTIC. IT IS NOW USED FOR DOMESTIC AND INDUSTRIAL USE FOR A CONCRETE BATCH PLANT AND AN ASPHALT PLANT. CLAIM FILED WITH AN INCREASE IN CFS. DATA ENTRY CORRECTION FOR PURPOSE OF USE. 9/3/97 LH

Comments:Dates and Other Information:

Claim Received Date: 8/10/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

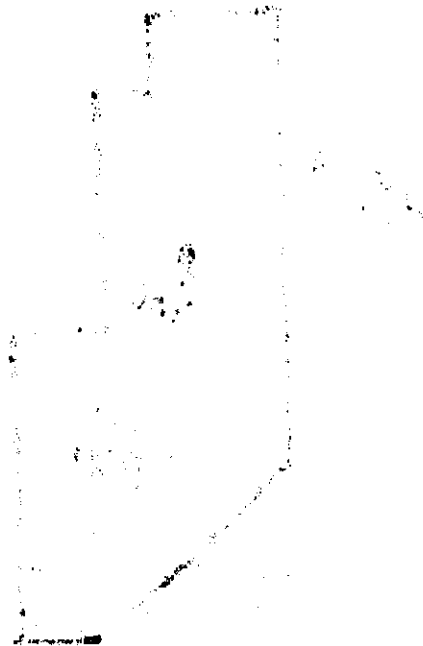
<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

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



DEBORAH NELSON
GIVENS - PURSLEY
P.O. Box 2720
Boise 83701



PUMP HORSEPOWER - ON 3/28/05 THE DEMAND OF
WATT HOUR METER WAS 21.29 KW =

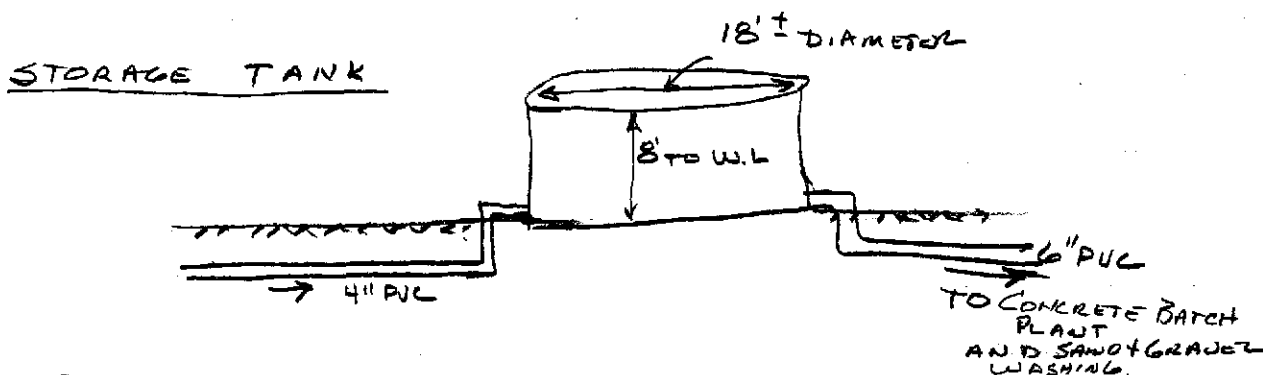
$$(21.29)(1.34) = 28.52 \text{ IHP}$$

$$(28.52 \text{ IHP})(.90 \text{ MOTOR EFF}) = 25.67 \text{ BHP}$$

USING A FLOW RATE EQUAL TO W.R. FLOW RATE OF .052 CFS
OR 233 GPM THE TOTAL DYNAMIC HEAD COULD BE =

$$\text{TDH} = \frac{\text{HP}(\text{EFF})(8960)}{233} = \underline{305'} \quad 305 - 13' = \underline{292'} \text{ LIFT}$$

THE PUMP DISCHARGES THRU 4" DIA PIPE AND RUNS TO
A TANK ABOUT 300' TO THE EAST. THE TANK IS ABOUT
8' HIGH - OFF GROUND LEVEL. ASSUMING THE GROUND IS
NEARLY LEVEL, THE DISCHARGE HEAD WOULD BE 8' + ABOUT 5'
LOSS THRU PIPING. SO $305 - 13' = 292'$ FOR LIFT. IF
ACCORDING FIELD EXAM 5/22/70 THE WELL IS 180' DEEP
BELIEVE THE PUMPING WATER LEVEL WOULD BE WELL ABOVE
THAT. BASED ON THIS THE PUMP IS PLenty ADEQUATE TO PUMP
THE WATER RIGHT FLOW RATE.



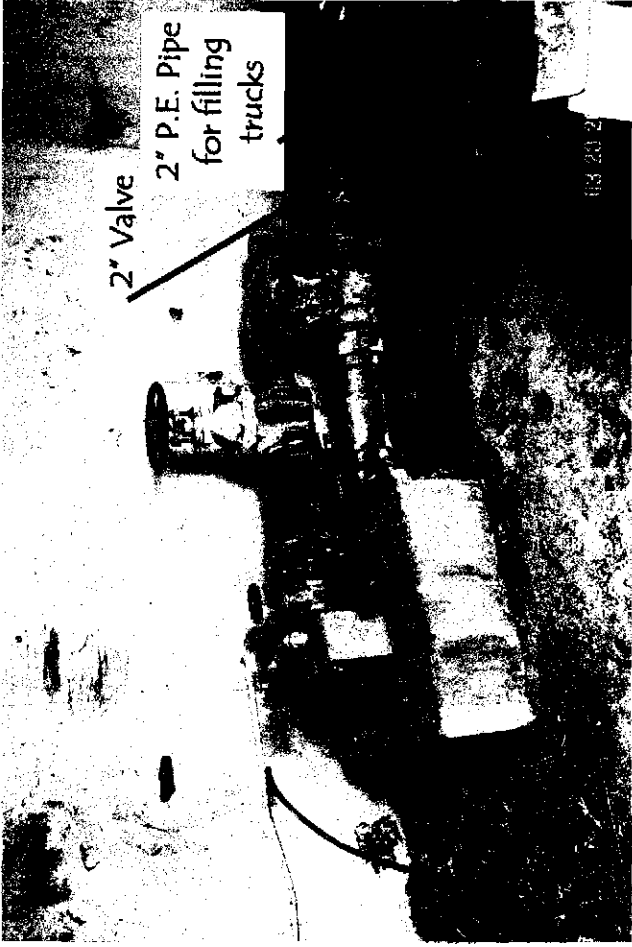
$$\begin{aligned} \text{VOLUME} &= \pi r^2 h & (\pi)(81) &= 254.5 \text{ cu. ft} = \underline{1900 \text{ GAL}} \\ r &= \frac{18}{2} = 9' \\ r^2 &= 81 \end{aligned}$$

THE CURRENT USE OF THE PUMPED WATER IS FOR
CONCRETE BATCHING AND SAND, GRAVEL + ROCK WASHING
AND SCREENING.

Don A. Schen

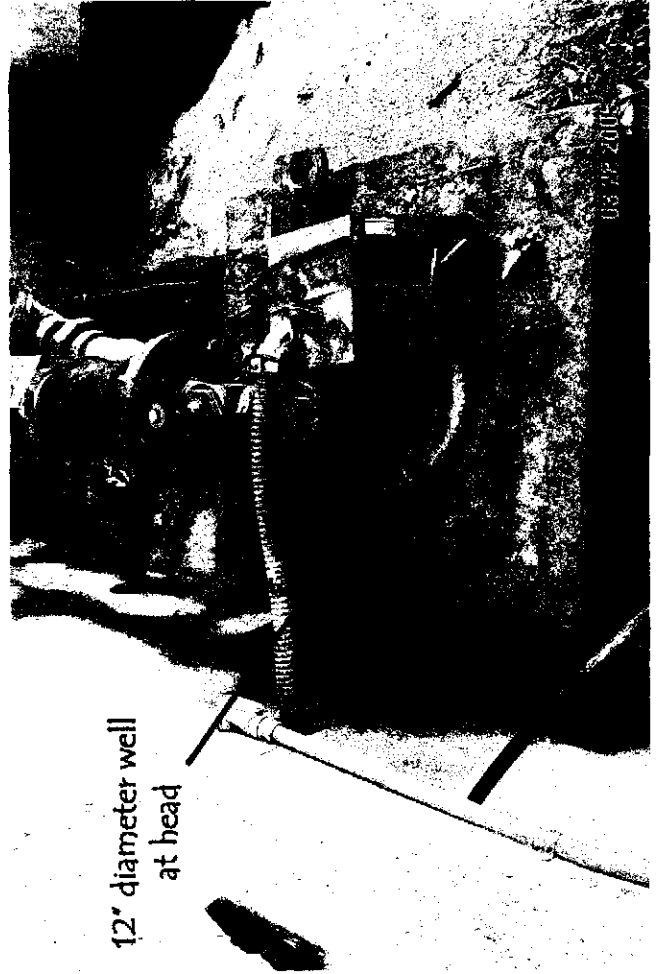


Pump Switch Box and Phase Converter

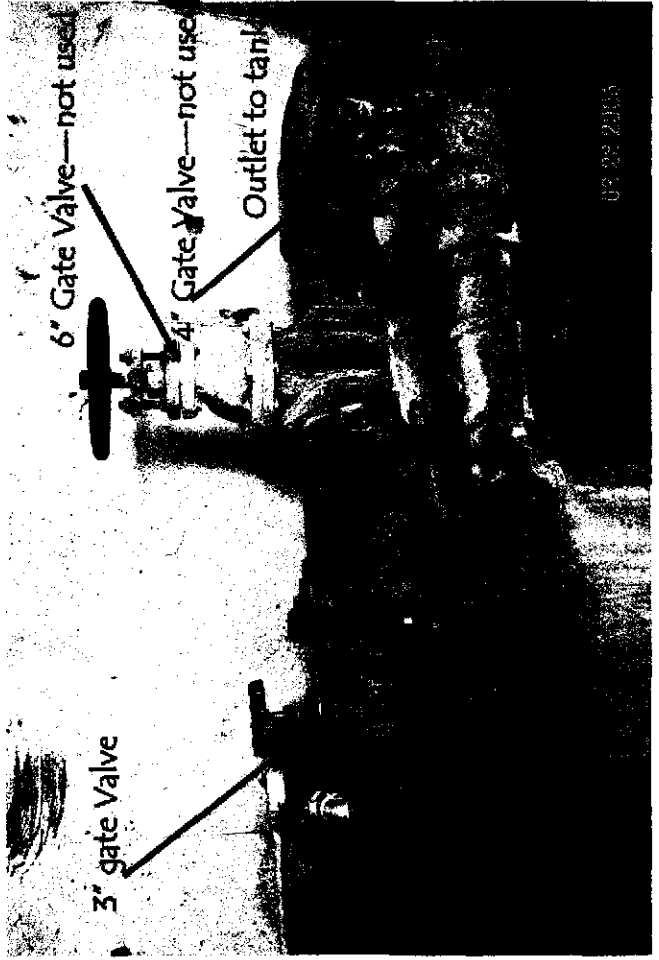


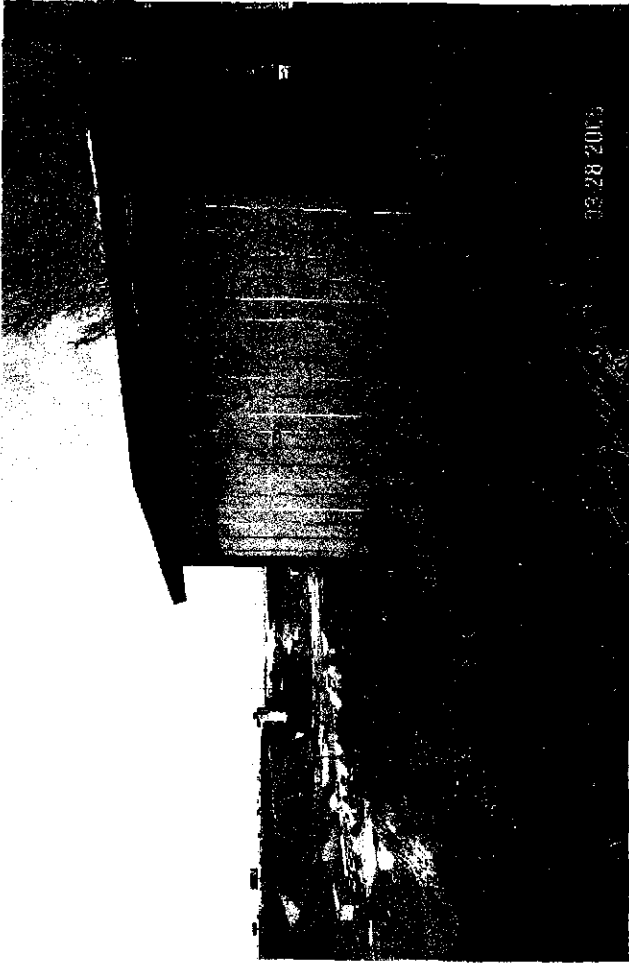
Well Head and Plumbing inside of Pump House

Nelson
63-7203



12" diameter well
at head





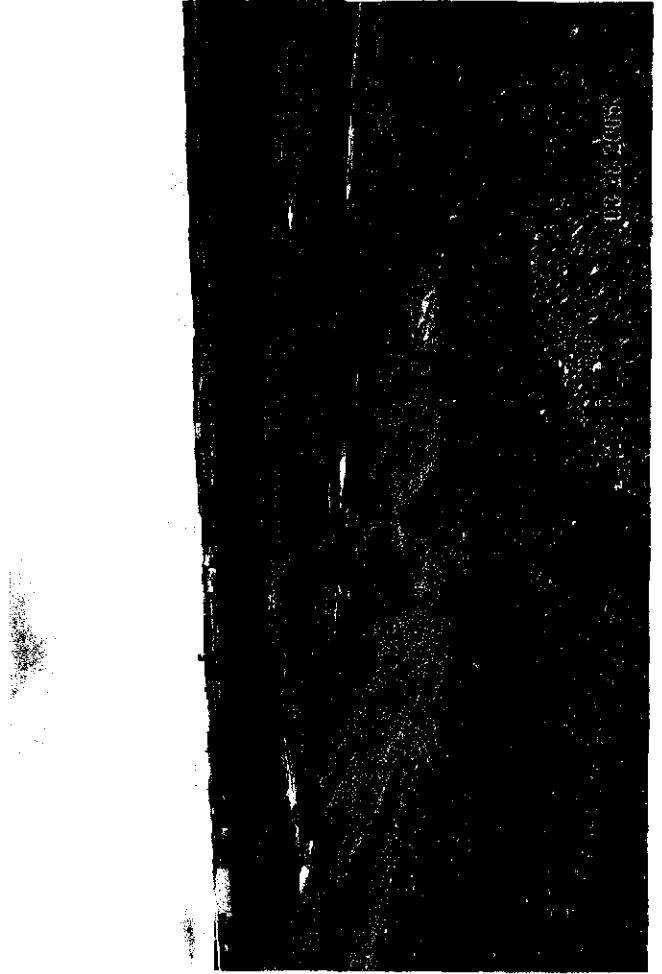
Pump house—looking Northwest



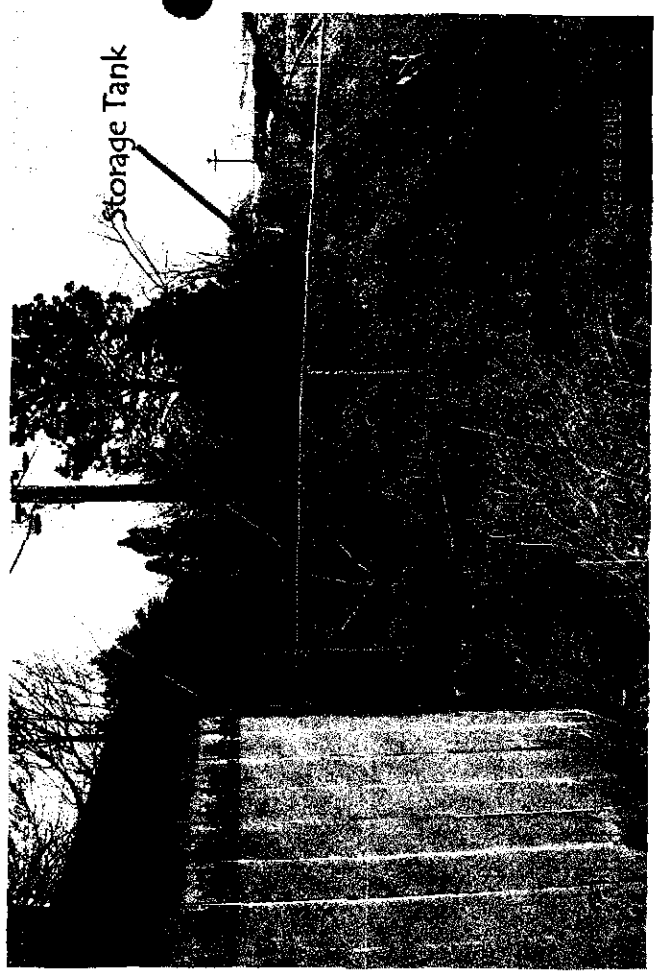
Pump house, Gravel Pit, Batch Plant
Looking Northwest

Nelson
63-7203

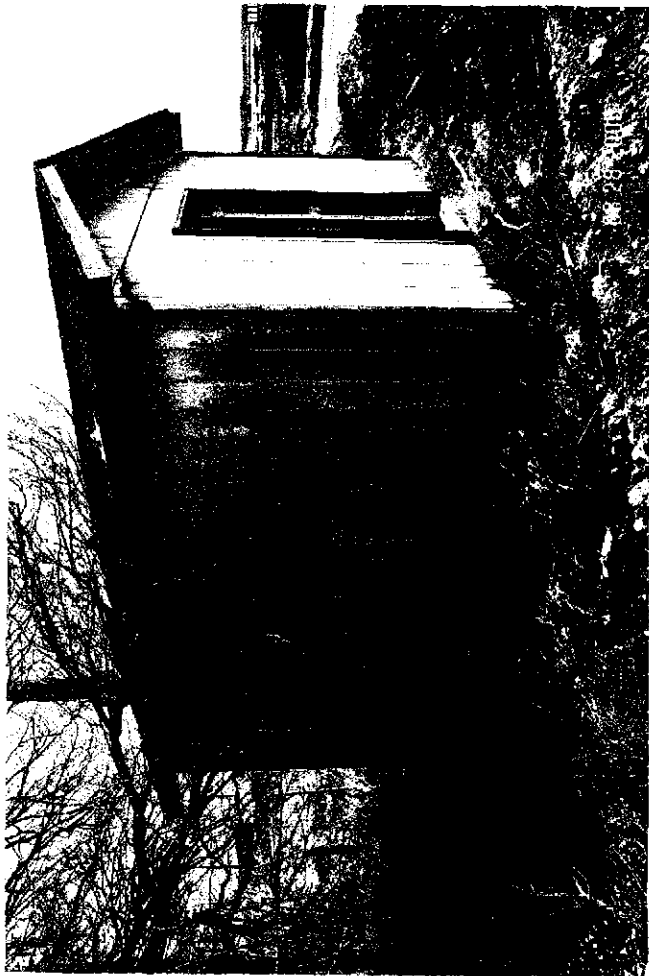
From Pump house—looking Southeast



From Pump house—looking East toward tank



Storage Tank



Pump House—looking Southeast

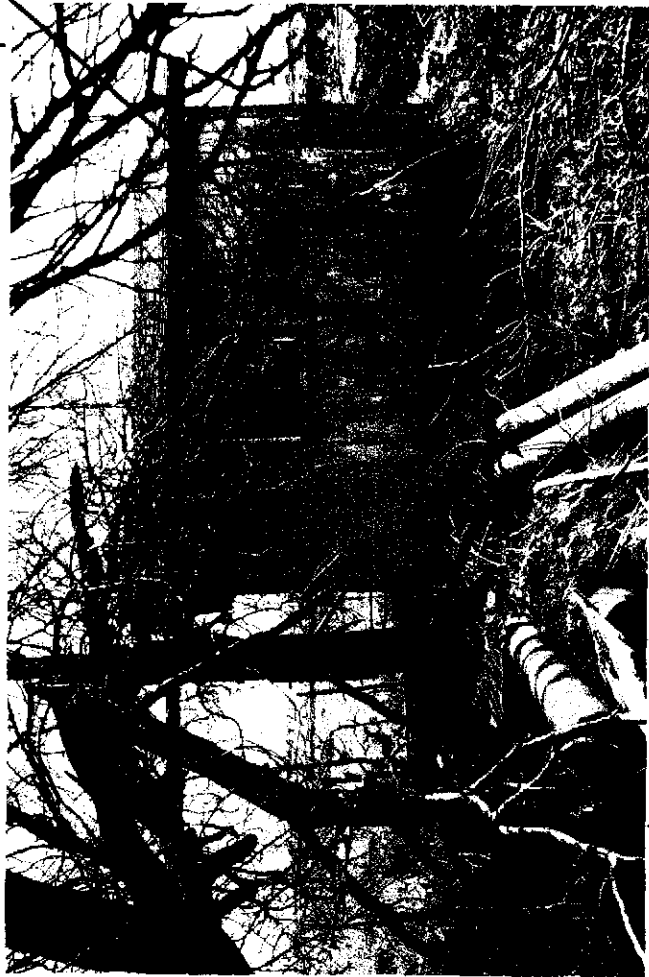
Nelson

63-7203

Pump power meter and panel—East side of pump house

03 28 2005

Old Turbine Pump replaced by a Submersible





1900 Gallon Storage tank
Looking East



Top of Storage Tank

Nelson

63-7203

4" inlet pipe to tank from pump



6" Outlet Pipe from Tank



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

April 26, 2002

OLD CASTLE MMG INC
2350 S 1900 W
OGDEN UT 84401

RE: Notice of Change of Water Right Ownership Claim No. 63-07203

Dear Property Owner(s):

This office has reviewed the Notice of Change of Water Right Ownership you have submitted (copy enclosed), however, we are unable to complete this ownership change at this time. The information on the Warranty Deed submitted does not match that of the claim listed.

According to our records, there are water rights in this Place of Use under the name of United Water Idaho and City of Boise. Therefore, it is possible that you get your water from one of these entities.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Please feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Section
Western Region

DB: db

Enclosures

cc: William C Selvage

April 1, 2002

IWDR
2735 Airport Way
Boise, Idaho 83705-5082

atten: Denise

RE: Water Rights Transfers

RECEIVED

APR 02 2002

WATER RESOURCES
WESTERN REGION

hand delivered

Dear Denise:

Pursuant to our telephone conversation of last week, please find the following attached change in ownership transfer notices / applications for Old Castle MMG, Inc:

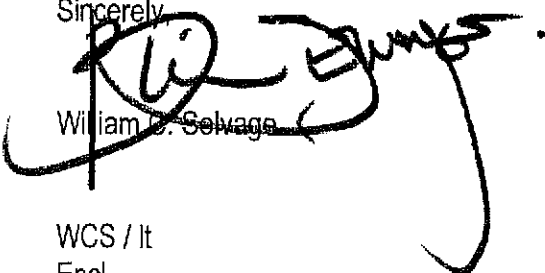
- Amity Site – Treasure Valley
 - 63-7203
 - Fee required: \$ 0.00

- Nampa Site – Treasure Valley
 - 63-30481
 - Fee required: \$ 0.00
 - 63-12435
 - Fee required: \$25.00 *} sent to Karolynn.*

- Twin Falls Site – Zions 1st National Bank (Monroc)
 - 47-07871
 - Fee required: \$ 0.00 *} sent to Southern.*

Thank you for your assistance in this matter, should you need any additional information or have any questions, do not hesitate to contact me directly.

Sincerely,


William C. Selva

WCS / lt
Encl.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
APR 02 2002
 WATER RESOURCES
 WESTERN REGION

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>63-7203</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. Ø
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Treasure Valley Concrete
P.O. Box 15929, Boise, ID 83715
4. New Owner/Claimant(s) Old Castle MMG, Inc.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2350 S. 1900 West
- City, State and ZIP Code Ogden, UT 84401
- New Telephone Number (801) 731-1111 Attn: Dave Heath
5. Date you acquired the property FEB. 05, 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

[Signature]
VP

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by SO Date 4-2-02 Fee \$0
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

This Instrument prepared by:
Susan Elliott Rich, Esq.
Baker, Donelson, Bearman & Caldwell, P.C.
1800 Republic Centre
633 Chestnut Street
Chattanooga, Tennessee 37450-1800

After Recording Return to:
Gibson, Dunn & Crutcher
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201
Attention: David L. Hebert, Esq.

SPECIAL CORPORATE WARRANTY DEED
(Amity Property - Boise, Idaho)

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00) cash in hand paid by the hereinafter named GRANTEE, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **MONROC, INC., AS SUCCESSOR TO TREASURE VALLEY CONCRETE, INC., and MONROC, INC.,** a Delaware corporation, hereinafter called "GRANTOR", has bargained and sold, and by these presents transfers, conveys and grants unto **OLDCASTLE MMG, INC.,** a Utah corporation, hereinafter called "GRANTEE", its successor and assigns, a certain tract or parcel of land in Ada County, Idaho, described as follows, to-wit (the "Property"):

(SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED
BY REFERENCE AS FULLY AS THOUGH COPIED HEREIN.)

The Property is transferred subject to the limitations, restrictions and encumbrances set forth on Exhibit "B".

TO HAVE AND TO HOLD the Property, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, its successors and assigns, forever, and GRANTOR covenants with said GRANTEE that is lawfully seized and possessed of the Property in fee simple, has a good right to convey it, and the same is free from all encumbrances made or suffered by GRANTOR, unless otherwise herein set out; and GRANTOR further covenants and binds itself, its successors, and assigns, to warrant and forever defend the title to the Property to the said GRANTEE, its successors and assigns, against the lawful claims of all persons claiming by, through or under the GRANTOR, but not further or otherwise.

Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

(Signatures on Next Page)

WITNESS as of the 4TH day of February, 2002.

MONROC, INC.

By: [Signature]

Title: [Signature]

STATE OF UTAH
COUNTY OF SALT LAKE

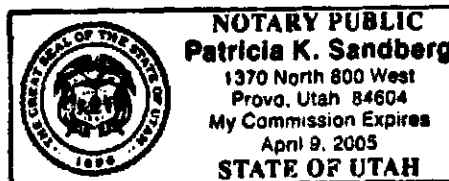
Before me, Patricia Sandberg, a Notary Public in and for the State and County aforesaid, personally appeared Stan Sprangel with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself/herself to be the Vice President of Monroc, Inc., a Delaware corporation, the within named bargainor, and that he/she as such officer, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as such officer as the free act and deed of the corporation.

WITNESS my hand and seal at office, on this the 4th day of February 2002.

Patricia K. Sandberg
Notary Public

My Commission Expires:

(Notary Seal)



Mailing Address of Grantee:
Oldcastle MMG, Inc.
c/o Oldcastle Materials, Inc.
3333 K Street, N.W. 405
Washington, D.C. 20007

EXHIBIT "A"

(Amity Property - Boise, Idaho)

PARCEL 1:

A parcel of land being a portion of the Northwest Quarter of the Northeast Quarter and a portion of the Northeast Quarter of the Northwest Quarter of Section 35, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at brass cap marking the Section corner common to Sections 26, 27, 34 and 35, Township 3 North, Range 2 East, Boise Meridian; thence along the Section line common to said Sections 26 and 35 North 89°21'13" East 2658.84 feet to a brass cap marking the Quarter corner common to said Sections 26 and 35; thence continuing along said Section line North 89°09'23" East 1322.69 feet to an aluminum cap marking the East 1/16 Section corner common to said Sections 26 and 35; thence leaving said Section line and along the East 1/16 Section line of said Section 35 South 0°36'23" East 175.00 feet to an iron pin being the REAL POINT OF BEGINNING; thence continuing along the said East 1/16 section line South 0°36'23" East 1161.52 feet to an aluminum cap marking the Northeast 1/16 Section corner of said Section 35; thence leaving said East 1/16 section line along the North 1/16 Section line of said Section 35 South 89°18'48" West 538.49 feet to an iron pin marking the intersection of said North 1/16 Section line and the Northeasterly right of way line of Interstate 84; thence leaving said North 1/16 section line and along the Northeasterly right of way line of said Interstate 84 North 46°25'11" West 1659.27 feet to an iron pin; thence leaving said Northeasterly right of way line North 89°21'13" East 405.38 feet to an iron pin on the North-South Center Quarter Section line of said Section 35; thence leaving said North-South Center Quarter Section line North 89°09'23" East 1322.93 feet to the REAL POINT OF BEGINNING.

PARCEL 2:

A portion of the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 35, Township 3 North, Range 2 East, Boise Meridian, Ada County, more particularly described as follows:

BEGINNING at the North Quarter corner of Section 35, Township 3 North, Range 2 East: Boise Meridian, which is also the REAL POINT OF BEGINNING; thence South 00°31'15" East, a distance of 123.00 feet, more or less, to a point on what will be the South right of way of Amity Road; thence North 89°56'33" East a distance of 1322.91 feet along the said South boundary of Amity Road, to a point; thence South 00°36'23" East a distance of 33.85 feet to a point thence South 89°09'23" West a distance of 1322.93 feet to a point thence South 89°21'13" West a distance of 405.38 feet to a point thence North 46°25'11" West a distance of 250.90 feet to a point; thence North 89°21'13" East a distance of 585.55 feet to the REAL POINT OF BEGINNING.

PARCEL 3 (Monroc has easement only):

An easement and non-exclusive right-of-way for ingress and egress as created by Grant of Easement recorded December 1, 2000 as Instrument No. 100097257, over and across the following:

~~Following~~ recorded December 1, 2000 as Instrument No. 100097257, over and across the A portion of the Northwest Quarter of the Northeast Quarter of Section 35, Township 3 North, Range 2 East, Boise Meridian, Ada County, more particularly described as follows: BEGINNING at the North Quarter corner of Section 35, Township 3 North, Range 2 East, Boise Meridian, which is also the REAL POINT OF BEGINNING; thence South 0°31'15" East a distance of 123.00 feet, more or less, to a point on what will be the South right of way of East Armitage Road; thence North 89°56'33" East a distance of 2617.90 feet to a point on the West right of way of Apple Street thence North 0°36'23" West a distance of 60.00 feet along the said West boundary of Apple Street I to a point thence South 89°56'33" West a distance of 2557.82 feet to a point thence North 0°31'15" West a distance of 63.62 feet to a point; thence South 89°21'13" West a distance of 60 feet, more or less, to the REAL POINT OF BEGINNING.

EXHIBIT "B"
(Amity Property - Boise, Idaho)

1.		Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
2.		(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
3.		Taxes for the year 2002 and subsequent years which are a lien, but are not yet due or payable, which GRANTEE assumes and agrees to pay.
4.		Ditch, road and public utility easements as the same may exist over said premises.
5.		Rights of way for ditches, tunnels, and telephone and transmission lines constructed by the authority of the United State, as granted to the United States under the provisions of Section 58-604 Idaho Code.
6.		EASEMENT AND CONDITIONS CONTAINED THEREIN: Grantee: Idaho Power Company Location: Exact location not disclosed. Purpose: Right of way for power lines and incidental purposes Recorded: January 2, 1970 Instrument No.: 775249, Official Records. (Affects Parcel 1)
7.		EASEMENT AND CONDITIONS CONTAINED THEREIN: Grantee: Idaho Power Company Location: Exact location not disclosed. Purpose: Right of way for power lines and incidental purposes Recorded: June 1, 1989 Instrument No.: 8924929, Official Records. (Affects Parcel 1)
8.		Agreement between Nelson Construction Company and Boise City for wet-lines, sewers recorded September 20, 1994 as Instrument No, 94084801, Official Records. (Affects Parcel 1)

9.		EASEMENT AND CONDITIONS CONTAINED THEREIN: Grantee: Idaho Power Company Location: Exact location not disclosed. Purpose: Right of way for power lines and incidental purposes Recorded: November 22, 1994 Instrument No.: 94102494, Official Records. (Affects Parcel 1)
10.		EASEMENT AND CONDITIONS CONTAINED THEREIN: Grantee: Idaho Power Company Location: Exact location not disclosed. Purpose: Right of way easement agreement and incidental purposes Recorded: February 10, 1978 Instrument No.: 7807392, Official Records. (Affects Parcels 2 and 3)
11.		Matters as disclosed by survey recorded January 15, 1998 as Instrument No. 98003423, Official Records.
12.		Terms, conditions, limitations and obligations contained in Grant of Easement recorded December 1, 2000 as Instrument No. 100097257, Official Records. (Affects Parcels 2 and 3).
13.		Reservations and Easement for power lines set forth in Warranty Deed recorded December 1, 2000 as Instrument No. 100097258, Official Records. (Affects Parcels 2 and 3).
14.		Sand and Gravel Lease Agreement dated January 6, 1998, entered into between Treasure Valley Concrete, Inc, now Monroc, Inc., and Nelson Construction Company.
15.		Aggregate Crushing Agreement dated January, 1998, entered into between Treasure Valley Concrete, Inc, now Monroc, Inc., and Nelson Construction Company.
16.		Right of access to and from land, if any is not established of record.
17.		Any claims arising from the question of gaps or gores or overlaps between the legal description of the herein described property and those of surrounding parcels.

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

02/06/2002

WATER RIGHT NO. 63-7203

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TREASURE VALLEY CONCRETE PO BOX 15929 BOISE, ID 83715 (208)343-3051
Original Owner	FRANK C SPENCER
Original Owner	GLADYS M SPENCER BOISE, ID

Priority Date: 03/07/1969

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	1/01	12/31	0.5 CFS	
DOMESTIC	1/01	12/31	0.02 CFS	
Total Diversion			0.52 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 35	Township 03N	Range 02E	ADA County
--------------	------	---------	--------------	-----------	------------

Place(s) of use:

Place of Use Legal Description: INDUSTRIAL ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract
03N	02E	26		SWSE			SESE						

Place of Use Legal Description: DOMESTIC ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract
03N	02E	26		SWSE			SESE						
		35		NENE									

Remarks:

1.	General	WELL WAS ORIGINALLY USED FOR STOCKWATER, IRRIGATION AND DOMESTIC. IT IS NOW USED FOR DOMESTIC AND INDUSTRIAL USE FOR A CONCRETE BATCH PLANT AND AN ASPHALT PLANT. CLAIM FILED WITH AN INCREASE IN CFS. DATA ENTRY CORRECTION FOR PURPOSE OF USE. 9/3/97 LH
----	---------	--

Dates:

Licensed Date: 09/12/1979

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Parcel 1 Plot
Exhibit A



ENW

03N/R0

945

EXHIBIT "A"

PARCEL 1: (PORTIONS OF NENW & NWNE OF S35
BEG AT COMMON CORN OF 26, 27, 34 & 35

N 89d 21m 13s E	2558.84	
N 89d 9m 23s E	1322.69	
S 0d 36m 23s E	175	(REAL POINT OF BEGIN)
S 0d 36m 23s E	1161.52	
S 89d 18m 48s W	538.49	UNITED WATER
N 46d 25m 11s W	1659.27	CITY OF BOISE
N 89d 21m 13s E	405.38	IN NWNE
N 89d 9m 23s E	1322.93	(REAL POB)

PARCEL 2: PORTION OF NENW & NWNE S35 T3N R2E
(DOESNT APPLY TO 63-7203)

NEITHER PARCELS APPLY TO
WR 63-7203

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 63-7203 Priority 3-7-69 Amount 0.1 c.f.s.

THIS IS TO CERTIFY, that FRANK C. and/or GLADYS M. SPENCER
of Boise, Idaho has complied with the terms and conditions of Permit
No. 63-7203 issued pursuant to Application for Permit dated 3-7-69
and has submitted proof to the Department of Water Administration on 3-6-70
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.52 c.f.s. and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground-water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.1 c.f.s. for Irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount 0.01 c.f.s. for Stock Water from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.1 c.f.s. of water be diverted at
any one time, said waters to be diverted within the _____

NE 1/4 Sec. 35, T. 3 N., R. 2 E., B.M.

in the county of Ada; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 22.5 acre feet per year or
4.5 acre feet per acre.

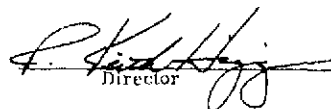
Description and location of place of use:

TWP.	RANGE	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	
3 N	2 E	35	5																5

Total number of acres irrigated 5

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 1st day of
October, 19 70.


Director

63 7203

63-7203

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 63-7203

REPORT ON PROOF OF B/U - Frank C. and/or Gladys M. Spencer

63-7203

T
3
N

E. Ave. Road

SEC. 35

1/2 mile (containing 1/2 sec)

Acres = 5 acres

Quantity Measured = .52 c.f.s

Recommended $Q = 4.6$ c.f.s irrigation

$Q = .61$ c.f.s distribution

Volume = 22.5 AF

subdivision = 1

priority march 7, 1969

Measuring device not installed
KD

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 63-7203

This proof is for b/u In Water District No.

1. Name of applicant Frank C. and/or Gladys M. Spencer, Box 4125, Boise, Idaho

2. Source of water supply: ground-water

3. Location of point of diversion: Is in the NE1/4 of Section 35

T. 3 N. R. 2 E. County of Ada

4. Describe works as they exist, giving dimensions and capacities of same: well diameter, 12", depth is 180', pump, motor, drilled well, and sprinkler

This well furnishes water for 5 acres. There is no domestic use from this well. It does furnish stockwater for 2 horses. 1 cfs for irrigation. 0.1 cfs for stockwater.

5. Water is used for: irrigation, stockwater, domestic

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE1/4, Sec. 35, T. 3 N., R. 2 E.

Mr. Spencer, at time of examination, has only 5 acres that he is irrigating. Possibly he will develop more land in future. At time of measurement he had the valve shut down.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: *(There was no measuring device installed)*

Rainbird 30SW

Average pressure 52 lbs. = 6.12 gpm

38 x 6.12 = 233 gpm

233 gpm ÷ 448.8 = 52 cfs

This examination was made on the 22 day of May, 1970

(Signed) *Fred E. Smith* Examiner

A.K.D.
7-1-71

P.L.D.
7-1-71

63-7203

There was no measuring device installed at time of exam. H.E.G.

*Rainbird 38
11/64 30SW 52lbs.*

5 Acres

*GE
Model 5K6247X H1A
40 HP Type K Code G
3 phase 60 cycles
1760 RPM
Serial: DDJ410433*

*12" intake
4" discharge
Well tested at 250-300 gal/min.
Perkins Pump 55 lbs. pressure
(no name plate) at discharge.*

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

ASCS : Boise
SCS : Meridian

Permit No. 63-7203 - Frank C. and/or Gladys M. Spencer

Examination for b/u

County Ada Sec. 35 T. 3N R. 2E

Quantity: (permit) .70 (proof) same

Source: groundwater

P.D.: NE2NE4

Use: Irrigation, stockwater, domestic

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: 3-7-69 MADE: March 23, 1970

Due: 5-1-70 PRIORITY: 3-7-69

Identification No. _____

Permit No. 637203

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Frank C Spencer
b) Post Office Address PO Box 4155 Boise 2nd
2. Permit Number 63-2203
3. Date of Priority that you are prepared to establish _____
4. a) Source from which water was appropriated Well
b) Location of the point of diversion: W2 NE 1/4 NE 1/4 Section 35
Township 3N Range 2E ✓ Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount 300 GPM for Irrigation purposes from March 1 to Dec 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount .02 for Stock Water purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount .02 for Domestic purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .70 ✓ cfs and/or acre feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Valve Rething + Horsepower
Required

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) _____

b) Describe the type and size of measuring device which you have installed at your point of diversion: _____

c) Give well drillers name and address and date the well was completed Russell Cowie
7all 1967 Boise 2nd

63-7203

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

[illegible]

10. Remarks:

Total number of acres irrigated

3-3-70
(Date)

(Signature)

State of Idaho)
County of Ada)

On this 3 day of MARCH, 1970, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at _____

My commission expires

4-11-7✓

Identification No. 63-7205
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Frank C. and/or Gladys M. Spencer
post office address Box 4125, Boise, Idaho
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35 Township 3 N
Range 2 E B.M. Ada County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .66 for irrigation purpose from April 1 to November 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for stockwater purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for domestic purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .70 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. drilled well, pump, motor, and
sprinkler

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. ~~Proposed~~ Well diameter is 12 inches; proposed depth of well is 180 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ installed in 1967
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: E $\frac{1}{2}$ ~~$\frac{1}{4}$ of xxxxxxxx~~ of Section 35 Township 3 N
Range 2 E B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 15 beef, 2 horses

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water one.
(5) If water is to be used for other purposes describe: _____

63-7203

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3 N	2 E	35	40			30													70

Total number of acres to be irrigated 70

c. Describe any other water rights used for the same purposes Use right on well to be covered by claim

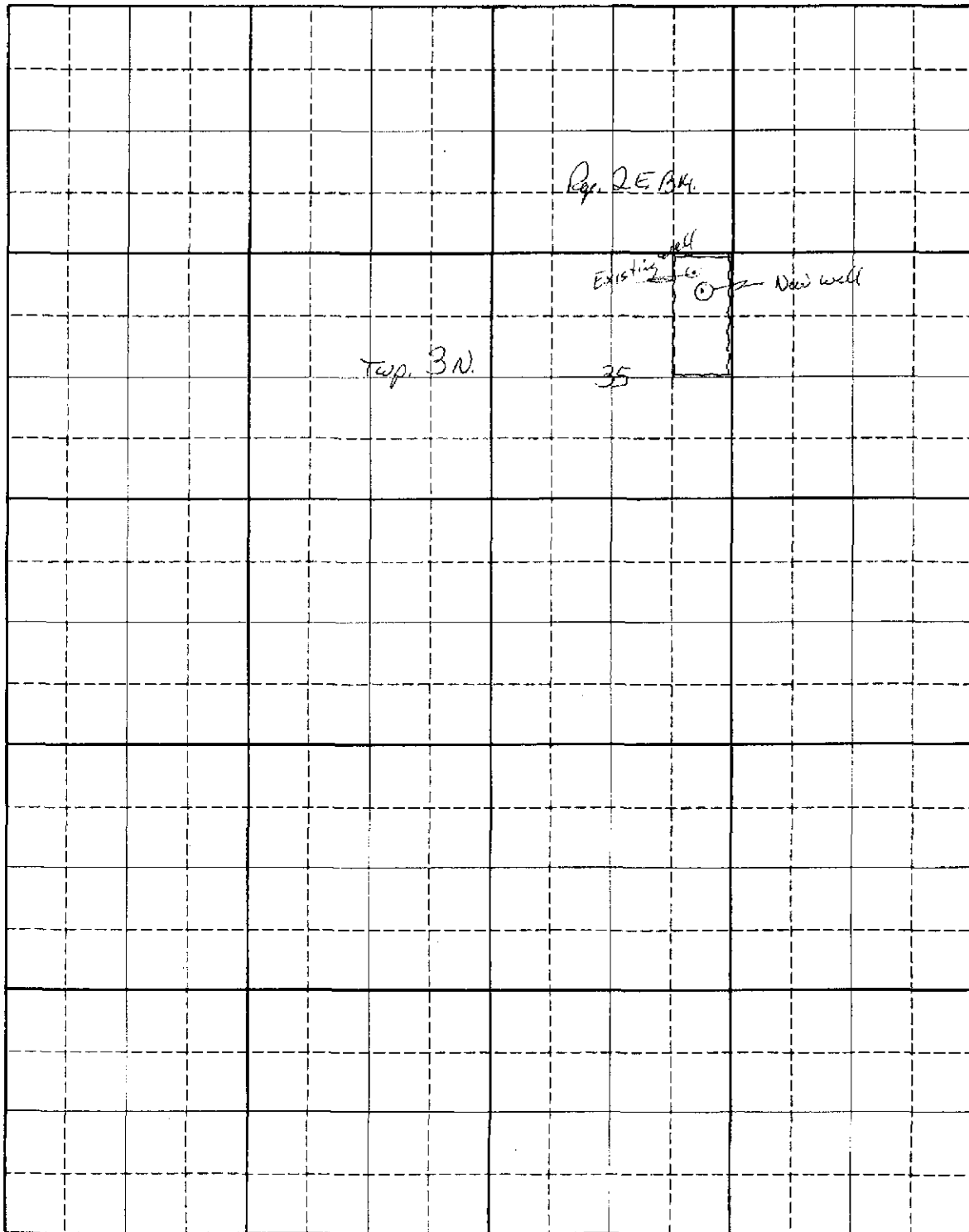
9. a. Who owns the property at the point of diversion Self

b. Who owns the land to be irrigated or place of use Self

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map of proposed project:



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

FC Jensen
(Applicant)

63-7203

Received by John Date 3-7-69 Time 10:10 AM
Preliminary check by John Fee \$ 20.00 check #2767
Receipted by ej Date 3-7-69 given
Publication prepared by W Date 3-12-69
Published in Idaho Daily Star
Publication dates 3-30 and 27-69
Publication approved W Date 10-18
Priority reduced to _____ Reason _____

Protests filed by: none 4-2-69

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by John R.H.

ACTION OF STATE RECLAMATION ENGINEER

APPROVED

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7203, and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 70.
- c. Other: The applicant shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works. This permit is supplemental to all prior rights.

2. Denial of said application is for the following reasons: _____

Witness my hand this 22nd day of April, 19 69.

L. Keith Higin
State Reclamation Engineer