

11/12/2006

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

RIGHT NUMBER: 24-10684

NAME AND ADDRESS: NEVADA ROCK AND SAND CO  
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC  
PO BOX 50130  
IDAHO FALLS ID 83405-0130

SOURCE: UNNAMED STREAMS

TRIBUTARY: CROW CREEK

QUANTITY: 1.200 CFS

PRIORITY DATE: 04/15/1964

POINT OF DIVERSION:

T10S R45E S15 NWNWSW Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/30          | 1.200 CFS       |

PLACE OF USE: IRRIGATION in CARIBOU County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T10S R45E S15 | SWNE | 0.40  | T10S R45E S15 | SENE | 21.00 |
| T10S R45E S15 | NESW | 8.50  | T10S R45E S15 | NESE | 0.70  |
| T10S R45E S15 | SWSE | 18.00 | T10S R45E S15 | SESE | 12.00 |

60.6 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 - Beneficial Use

Right No. 24-2020 is also diverted through point of diversion described above.



# Idaho Department of Water Resources

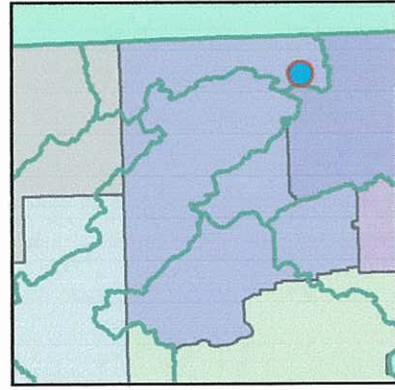
SRBA Recommendation:

**24-10684**

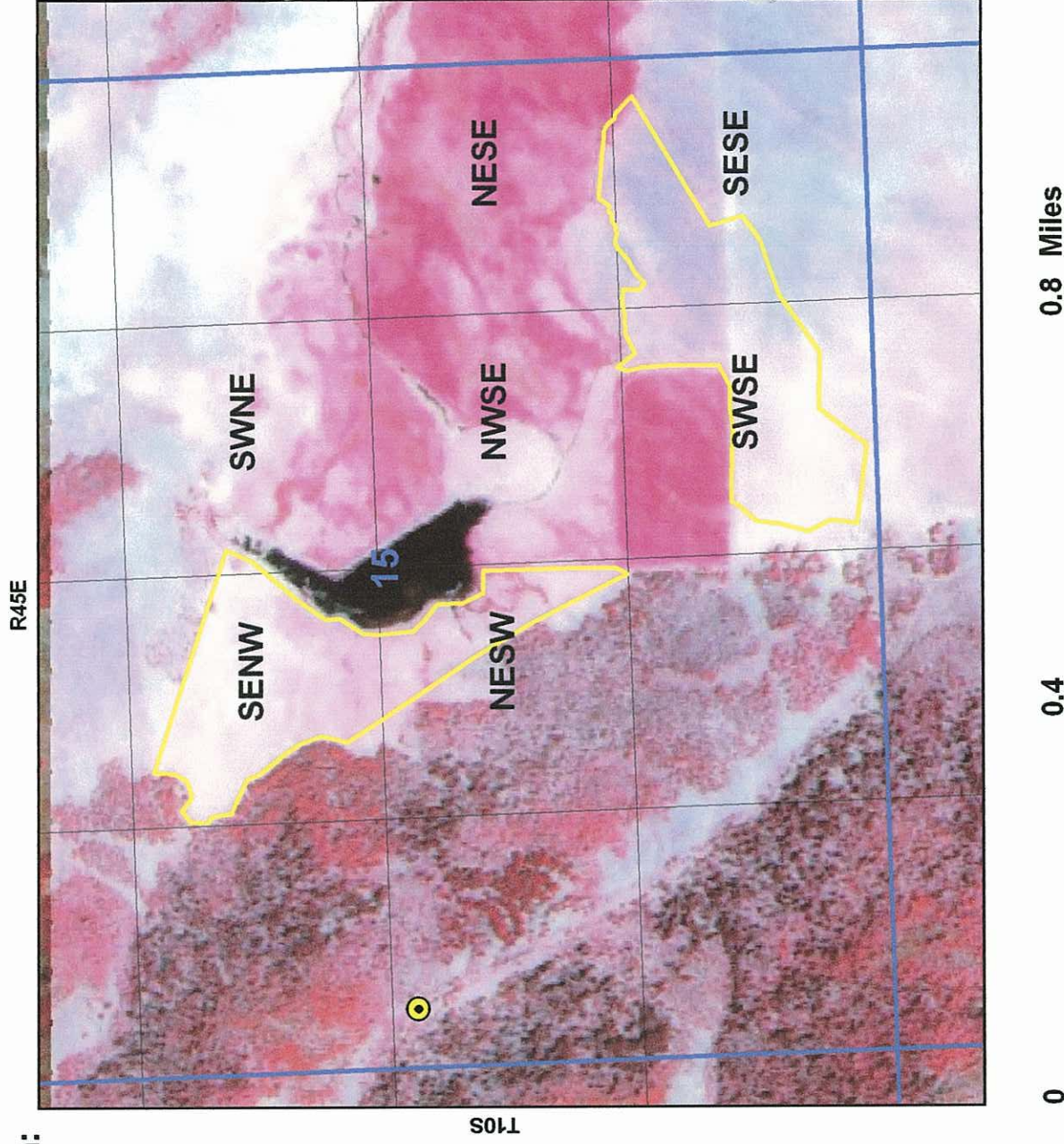
(Irrigation)

## Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Caribou County  
IDWR Basin 24



Prepared by C. Bird  
On Sunday, November 12, 2006  
1987/88 Aerial Photography

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 24-10684  
Date Received: 11/8/2005  
Receipt No:  
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NEVADA ROCK AND SAND CO Phone: (208)523-0620

C/O HOLDEN KIDWELL HAHN & CRAPO PLLC  
PO BOX 50130  
IDAHO FALLS ID USA 83405-0130

2. Date of Priority: 04/01/1964

3. Source: UNNAMED STREAM Trib. to: CROW CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 10S      | 45E   | 15      | NW NW SW              | CARIBOU |      |

5. Description of diverting works:

INTAKE FOR STEEL PIPELINE INSTALLED IN LATE 1963 OR 1964 TO REPLACE OLD  
HEADGATE AND DITCH AND TO PERMIT WATER TO BE PRESSURIZED OR GRAVITY FLOW SPRINKLING  
FOR ADDITIONAL LANDS TO THOSE PREVIOUSLY SERVED BY FLOOD IRRIGATION FROM THIS SOURCE.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 10/30 | 1.8    |            |

7. Total Quantity Appropriated is:  
1.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 10S      | 45E   | 14      | NW         | SW  | IRRIGATION    | 35    |
|          |       |         | SW         | SW  | IRRIGATION    | 15    |
|          |       |         |            |     | Section Acres | 50    |
| 10S      | 45E   | 15      | SW         | NE  | IRRIGATION    | 16    |
|          |       |         | SE         | NE  | IRRIGATION    | 8     |
|          |       |         | SE         | NW  | IRRIGATION    | 25    |
|          |       |         | NE         | SW  | IRRIGATION    | 18    |
|          |       |         | SW         | SW  | IRRIGATION    | 3     |
|          |       |         | SE         | SW  | IRRIGATION    | 3     |
|          |       |         | NE         | SE  | IRRIGATION    | 36    |
|          |       |         | NW         | SE  | IRRIGATION    | 37    |
|          |       |         | SW         | SE  | IRRIGATION    | 34    |
|          |       |         | SE         | SE  | IRRIGATION    | 6     |
|          |       |         |            |     | Section Acres | 186   |
|          |       |         |            |     | Total Acres   | 236   |

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

Other water rights used at the same place and for the same purposes as described above: 24-4007, 24-4008, 24-10685, and 24-10686.

15. Basis of Claim: Beneficial Use

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

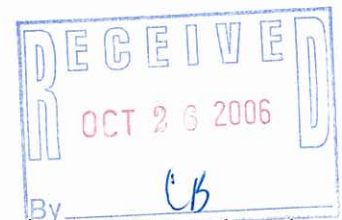
Ident. Number 24-10684

Date Received \_\_\_\_\_

Receipt Number \_\_\_\_\_

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

1. Name of Claimant(s) Nevada Rock & Sand Co. Phone (208) 523-0620  
Mailing Address C/o Holden, Kidwell, Hahn & Crapo, PLLC, PO Box 50130, Idaho Falls, ID Zip 83405-0130
2. Date of Priority (Only (1) per claim) April 1, 1964
3. Source of water supply (a) Unnamed Stream  
which is tributary to (b) Crow Creek *North Canyon*
- 4.a. Location of existing point of diversion is:  
Township 10S Range 45E Section 15, NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_,  
County of Caribou  
Additional points of diversion if any: \_\_\_\_\_  
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. Intake for steel pipeline installed in late 1963 or 1964 to replace old headgate and ditch and to  
permit water to be pressurized or gravity flow sprinkling for additional lands to those previously served by flood irrigation from  
this source.
6. Water is claimed for the following purposes: \_\_\_\_\_ (Both dates are inclusive) (cfs) (acre feet)  
For Irrigation purposes from 04/01 to 10/31 amount 1.8 cfs or \_\_\_\_\_
7. Total quantity claimed (a) 1.8 (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.) \_\_\_\_\_



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 instruction for standard symbols.

| TWP | RNG | SEC | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |                |    | SE 1/4 |    |    |    | TLS |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----------------|----|--------|----|----|----|-----|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW             | SE | NE     | NW | SW | SE |     |
| 10S | 45E | 14  |        |    |    |    |        |    |    |    |        | 35 | 15             |    |        |    |    |    | 50  |
|     |     | 15  |        |    | 16 | 8  |        |    |    | 25 | 18     |    | 3 <sup>7</sup> | 3  | 36     | 37 | 34 | 6  | 182 |
|     |     |     |        |    |    |    |        |    |    |    |        |    |                |    |        |    |    |    |     |

*golf course* Total number of acres irrigated 232

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

12. Do you own the property listed above as place of use? Yes ☒ 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.  
24-4007, 4008, 10685, 10686 or None ( )

14. Remarks:

15. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice ☐ Permit ☐ Decree ☐ License ☐  
If applicable provide IDWR Water Right Number 24-10684  
Court                      Case Number                      Decree Date                       
Plaintiff vs Defendant                     

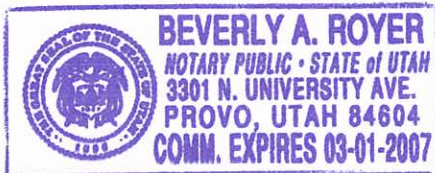
16. I do solemnly swear or affirm that I am the Corporate Secretary of Nevada Rock & Sand Co., that I have signed the foregoing document in the space below as the Corporate Secretary of Nevada Rock & Sand Co., and that the statements contained in the foregoing document is true and correct.

Signature of Authorized Agent Monte Stewart

Title and Organization Corporate Secretary, Nevada Rock & Sand Co. Date 24 Oct 06

State of ~~Idaho~~ Utah )  
 ) SS.  
County of Utah )

Subscribed and sworn (or affirmed) before me this 24<sup>th</sup> day of October, 2006.



Beverly A. Royer

Notary Public

Residing at Orem, Utah

My Commission Expires 3/1/07

Last Name Nevada Rock & Sand Co. Ident. Number 24-10684

17. Notice of Appearance:

Notice is hereby given that I, KENT W. FOSTER 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 PO Box 50130 IDAHO FALLS, ID 83405  
Date 10/25/06

G:\WPDATA\KWF\10652 MARTIN, STEPHEN B\08 Nevada Rock & Sand\Amended Claims\Claim.24-10684.wpd:cdv

09/06/2006

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

RIGHT NUMBER: 24-10684

NAME AND ADDRESS: NEVADA ROCK AND SAND CO  
527 REGENTS GATE DRIVE  
HENDERSON NV 89012

SOURCE: ALLEMAN SPRING

TRIBUTARY: CROW CREEK

QUANTITY: 0.540 CFS

PRIORITY DATE: 02/07/1919

POINT OF DIVERSION: T10S R45E S15 SWSWNE Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/30          | 0.540 CFS       |

PLACE OF USE: IRRIGATION Within CARIBOU County

|               |      |       |               |      |      |
|---------------|------|-------|---------------|------|------|
| T10S R45E S15 | SWNE | 14.00 | T10S R45E S15 | SENE | 3.90 |
|---------------|------|-------|---------------|------|------|

17.9 ACRES TOTAL

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

**No beneficial use found.**

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

**DISALLOWED**

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 24-10684  
Date Received: 11/8/2005  
Receipt No: E031437  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NEVADA ROCK AND SAND CO Phone:  
527 REGENTS GATE DRIVE  
HENDERSON NV USA 89012

2. Date of Priority: 02/07/1919

3. Source: ALLEMAN SPRING Trib. to: CROW CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    |    | County  | Type |
|----------|-------|---------|-----------------------|----|----|---------|------|
| 10S      | 45E   | 15      | SW                    | SW | NE | CARIBOU |      |

5. Description of diverting works:

HEADGATE IN POND DIKE TO DITCHES FOR IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 10/30 | 0.54   |            |

7. Total Quantity Appropriated is:  
0.54 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 10S      | 45E   | 15      | SW         | NE  | IRRIGATION    | 14    |
|          |       |         | SE         | NE  | IRRIGATION    | 3.9   |
|          |       |         |            |     | Section Acres | 17.9  |
|          |       |         |            |     | Total Acres   | 17.9  |

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

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 24-10684

Date Received 11-8-05

Receipt Number E031437

**NOTICE OF CLAIM  
TO A  
WATER RIGHT**

ACQUIRED UNDER STATE LAW

1. Claimant Nevada Rock and Sand Co.  
527 Regents Gate Drive  
Henderson NV 89012

2. Date of Priority 7 February 1919

3. Source of water (a) Alleman Spring  
which is tributary to (b) Crow Creek

4. a. Location of points of diversion:

| Township | Range | Section | QQQ    | Diversion Name |
|----------|-------|---------|--------|----------------|
| 10S      | 45E   | 15      | SWSWNE |                |
|          |       |         |        |                |
|          |       |         |        |                |

5. Description of existing diversion works. Headgate in pond dike to ditches for irrigation.

6. Water is claimed for the following purposes:

| Purpose    | Start Date | End Date | cfs  | acre feet/year |
|------------|------------|----------|------|----------------|
| Irrigation | 4/1        | 10/30    | 0.54 |                |
|            |            |          |      |                |
|            |            |          |      |                |

7. Total quantity claimed (a) 0.54 (cfs) and/or (b) (acre feet per year)

8. Total consumptive use claimed is \_\_\_\_\_-acre feet per annum.

9. Non-irrigation uses:

10. Description of place of use

|          |       |             |             |             |             |             |       |  |  |  |  |  |  |  |
|----------|-------|-------------|-------------|-------------|-------------|-------------|-------|--|--|--|--|--|--|--|
| Township | Range | Section     |             |             |             |             |       |  |  |  |  |  |  |  |
| 10S      | 45E   | 15          |             |             |             |             |       |  |  |  |  |  |  |  |
| NE       |       | NW          |             | SW          |             | SE          |       |  |  |  |  |  |  |  |
| NE NW    | SW SE | NE NW SW SE | NE NW SW SE | NE NW SW SE | NE NW SW SE | NE NW SW SE | Total |  |  |  |  |  |  |  |
| 14       | 3.9   |             |             |             |             |             | 17.9  |  |  |  |  |  |  |  |

Total number of acres irrigated 17.9

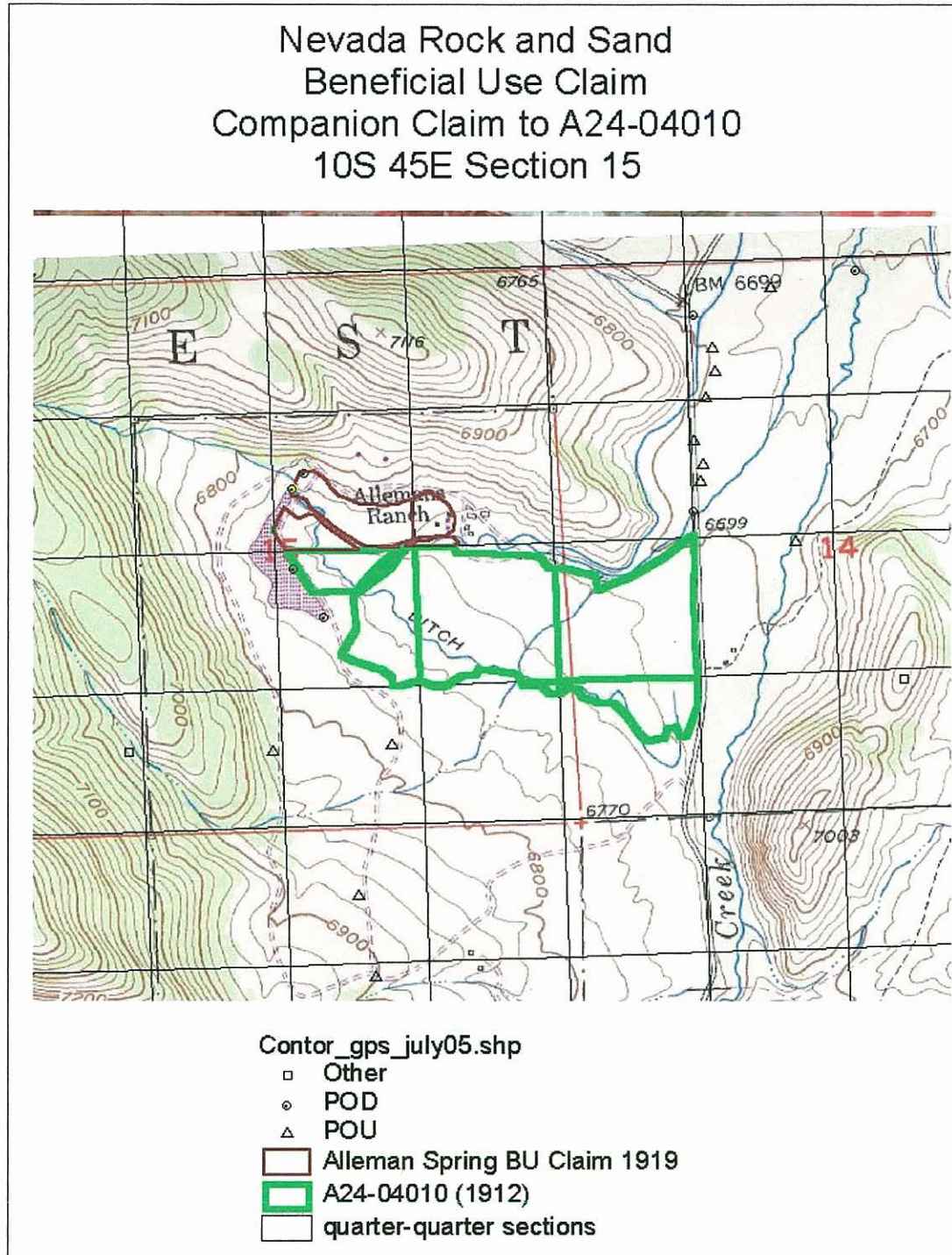
11. Irrigated lands are located in county(s) of: Caribou

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

13. Describe any other water rights used at the same place and for the same purposes as described above: A24-04010 is part of the same water use but on adjacent lands with an older land patent and priority date. It uses the same POD. A24-04067 (Nate) also uses the same POD.

14. Remarks.

Map of project:



15: Basis of Claim: Beneficial Use

IDWR water right number: None

AJ Claim No. \_\_\_\_\_ Last name: Nevada Rock and Sand Co.

16: Signatures

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

Signature of Claimant(s) Brent D. Stewart Date 10/24/05

PRESIDENT of

Nevada Rock and Sand Co.

State of Idaho/or Wyoming )  
County of Lincoln ) SS.

Subscribed and sworn (or affirmed) before me this 24th day of October 2005

SEAL



Notary Public Nancy J. Brown

Residing at Thayne Way

My Commission Expires 6/25/06