

11/13/2006

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

RIGHT NUMBER: 24-10685

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: 2.000 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/15/1964

POINT OF DIVERSION:

T10S R45E S22 NESWNW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	04/15 10/31	2.00 AFY
IRRIGATION STORAGE	01/01 12/31	2.00 AFY
STOCKWATER	04/15 10/31	2.00 AFY

PLACE OF USE: IRRIGATION FROM STORAGE in CARIBOU County

T10S R45E S14	SWSW	3.00	T10S R45E S22	NENE	23.00
T10S R45E S22	SENE	6.20	T10S R45E S23	NWNW	37.00
T10S R45E S23	SWNW	13.00			

STOCKWATER in CARIBOU County

T10S R45E S22 SWNE

82.2 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 250 range cows and 10 bulls.

Right No. 24-4008 and 24-10686 are also diverted through point of diversion described above.

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 24-10685
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	22	NE SW NE	CARIBOU	

5. Description of diverting works:

THE DIKE IMPOUNDS WATER FROM UNNAMED STREAM IN SMALL RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	11/01	03/31	5	
IRRIGATION FROM STORAGE			04/01 10/31	5

7. Total Quantity Appropriated is:
5 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	SW SW	IRRIGATION	7

					Section Acres	7
10S	45E	22	NE	NE	IRRIGATION	28
			SE	NE	IRRIGATION	6
			SW	NE	STOCKWATER	
					Section Acres	34
10S	45E	23	NW	NW	IRRIGATION	34
			SW	NW	IRRIGATION	10
					Section Acres	44
					Total Acres	85

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 10686.

250 pair cattle, 10 bulls

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 24-10685

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
- 4.a. Location of existing point of diversion is:
Township 10S Range 45E. Section 22, NE 1/4 of SW 1/4 of NE 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. The Dike impounds water from unnamed stream is small reservoir.
6. Water is claimed for the following purposes: (Both dates are inclusive) (cfs) (acre feet)
For Irrigation storage purposes from 11/01 to 3/31 amount 5 cfs or _____
For Irrigation from Storage purposes from 04/01 to 10/31 amount 5 cfs or _____
For Stockwater purposes from 04/01 to 10/31 amount 5 cfs or _____
7. Total quantity claimed (a) 5 (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										7							7
		22	28		S	6													34
		23						34	10										44

Total number of acres irrigated 85

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 and 24-4008, 24-10684, 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 24-10685
Court Case Number Decree Date
Plaintiff vs Defendant

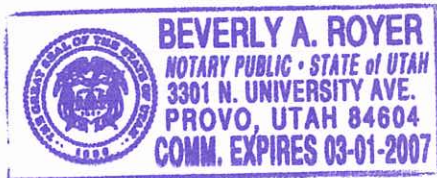
16. I do solemnly swear or affirm that I am the Corporate Secretary of Nevada Rock & Sand Co., that I have signed the foregoing document in the space below as the Corporate Secretary of Nevada Rock & Sand Co., and that the statements contained in the foregoing document is true and correct.

Signature of Authorized Agent Monte Stewart

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

State of Utah)
) SS.
County of Utah)

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



Beverly A. Royer

Notary Public

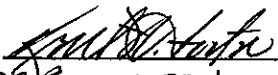
Residing at Orem, Utah

My Commission Expires 3/1/07

Last Name Nevada Rock & Sand Co. Ident. Number 24-10685

17. Notice of Appearance:

Notice is hereby given that I, KENT N. 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 170 Box 50130 HAND FALLS, ID 83405
Date 10/25/06

G:\WPDATA\KWF\10652 MARTIN, STEPHEN B\08 Nevada Rock & Sand\Amended Claims\Claim.24-10685.vpd:cdv

09/06/2006

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

RIGHT NUMBER: 24-10685

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

DISALLOWED

SOURCE: CROW CREEK

TRIBUTARY: SALT RIVER

QUANTITY: 0.480 CFS

PRIORITY DATE: 02/14/1934

POINT OF DIVERSION: T10S R45E S26 NENWSW 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	0.480 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T10S R45E S22	NWSW	4.50	T10S R45E S22	NESE	11.00
---------------	------	------	---------------	------	-------

15.5 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.

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 24-10685
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: 02/14/1934

3. Source: CROW CREEK Trib. to: SALT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	45E	26	NE NW SW	CARIBOU	

5. Description of diverting works:

DITCH DIVERTS WATER FROM CREEK TO PLACE OF USE FOR GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/30	0.48	

7. Total Quantity Appropriated is:
0.48 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	22	NE	SE	IRRIGATION	11
			NW	SW	IRRIGATION	4.5
					Section Acres	15.5
					Total Acres	15.5

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 24-10685

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 14 February 1934

3. Source of water (a) Crow Creek
which is tributary to (b) Salt River

4. a. Location of points of diversion:

Township	Range	Section	QQQ	Diversion Name
10S	45E	26	NENWSW	

5. Description of existing diversion works. Ditch diverts water from creek to place of use for gravity irrigation.

6. Water is claimed for the following purposes:

Purpose	Start Date	End Date	cfs	acre feet/year
Irrigation	4/1	10/30	0.48	

7. Total quantity claimed (a) 0.48 (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	22													
NE		NW	SW									SE			
NE NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
											11				11

Township	Range	Section													
10S	45E	23													
NE		NW	SW									SE			
NE NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
															4.5

Total number of acres irrigated 15.5

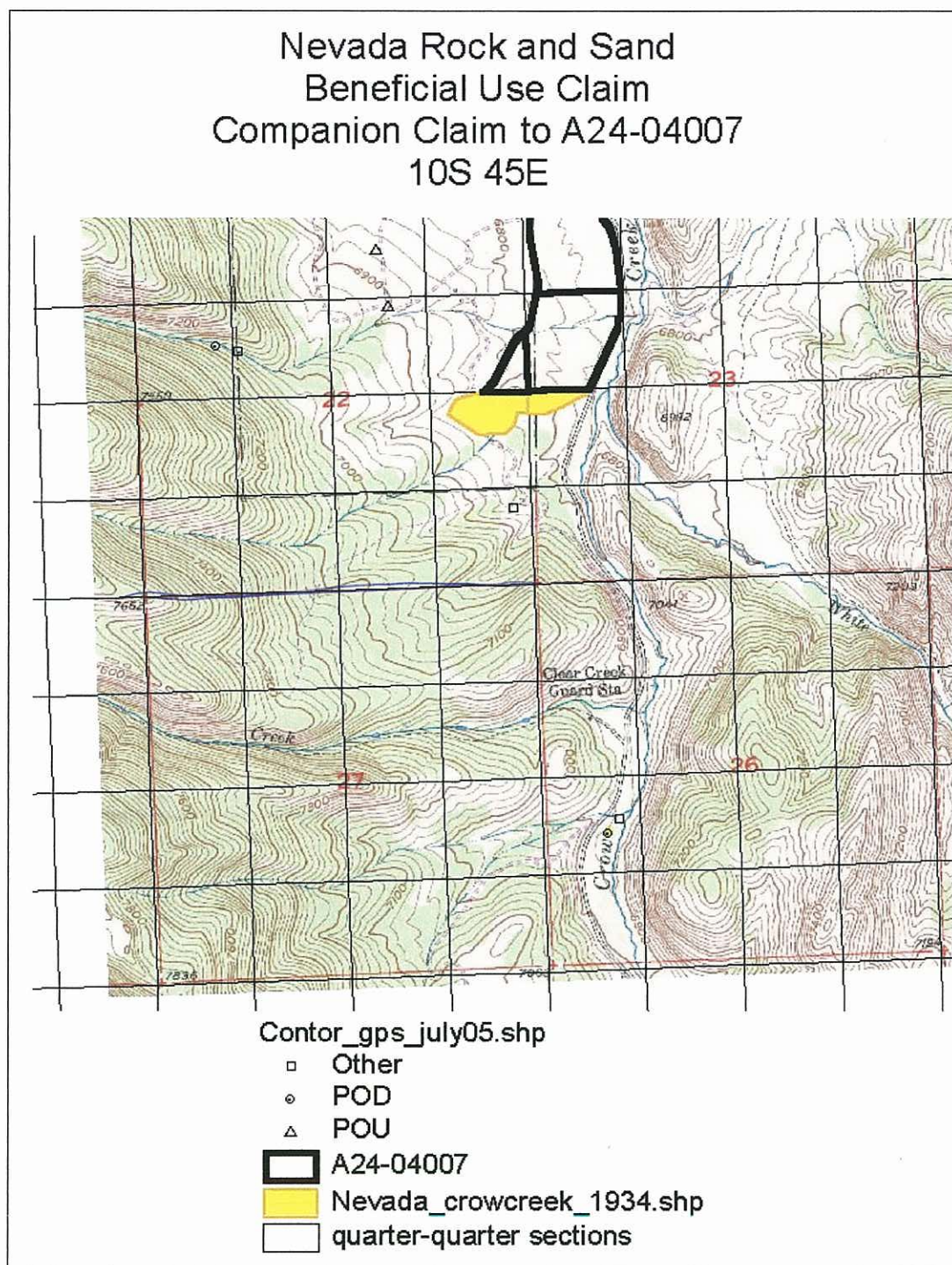
11. Irrigated lands are located in county(s) of: Caribou

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: A24-04007 is part of the same water use but on adjacent lands with an older land patent and priority date. It uses the same POD.

14. Remarks. Priority date is based on instrument #18090, USA to Matthew Alleman. See Adjudication claims files for A24-04007.

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) Orville 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 WY
My Commission Expires 6/25/06