

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
FREDERICK J. HAHN, III
KARL R. DECKER
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS
DEBORAH S. O'MALLEY

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel Fred J. Hahn

**Also Licensed in Missouri & Kansas

January 19, 2006

Cindy Bird
Idaho Department of Water Resources
15 W. Center St.
Soda Springs, ID 83276

Re: Nevada Rock & Sand - Notice of Claim to a Water Right

Dear Ms. Bird:

Since our receipt of your letter dated December 30, regarding the Notice of Claim to a Water Right on behalf of Nevada Rock & Sand, we have been trying to gather additional information pursuant to your request. Apparently at some point in time, the Stewart Brothers Company was merged with Nevada Rock & Sand or reorganized as Nevada Rock & Sand and we have been trying to make contact with the individuals who can furnish the records of that. It looks like it may be some more time since some of the people who have this information have been out of town and may not return for another several days or even a couple of weeks.

In the meantime, some of your letter leaves us confused. If you think something is wrong with the affidavits that were submitted, we would suggest you ask your attorney to make contact with us and we will be happy to be instructed by him or her as to what constitutes an appropriate affidavit.

Also, the claim submitted was intended to be the claim for the storage and the pond, so as soon as we have the other information we will return that claim modified a little bit to make it more clear that the claim is for irrigation storage from the pond created by the dike located on the outlet channel from Aleman Springs.

Yours very truly,



Kent W. Foster

