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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.

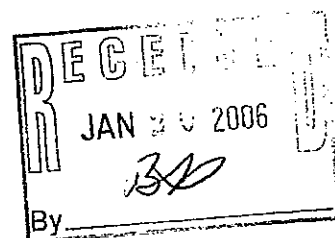
In the meantime, some of your letter leaves us confused. If you think something is wrong with the affidavits that were submitted, we would suggest you ask your attorney to make contact with us and we will be happy to be instructed by him or her as to what constitutes an appropriate affidavit.

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



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 _____
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Nevada Rock & Sand Company Phone (702) 682-8707

Mailing Address 527 Regents Gate Dr., Henderson, NV Zip 89012

2. Date of Priority (Only (1) per claim) May 1, 1963

3. Source of water supply (a) Aleman Springs outlet channel

which is tributary to (b) Sinks

4.a. Location of existing point of diversion is:
Township 10S Range 45E Section 15, 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. Dike located on outlet channel from Aleman Springs

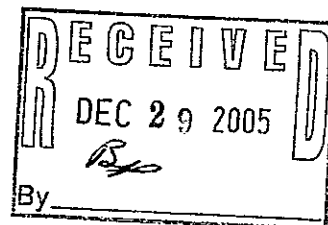
6. Water is claimed for the following purposes: (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 10/30 to 04/01 amount _____ or 91 afa

For Irrigation purposes from 04/01 to 10/30 amount _____ or 91 afa

7. Total quantity claimed (a) _____ (cfs) and/or (b) 914 afa (acre feet)

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



10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - 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										40	30						70
		15			40	10									40	30	20	40	180

Total number of acres irrigated 250

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.
24-4010, 24-10684 or
None ()

14. Remarks:

See attached affidavit of Alden Stewart regarding construction of the dike and reservoir

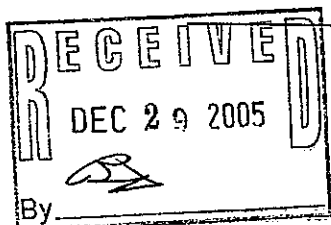
15. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice ☐ Permit ☐ Decree ☐ License ☐
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

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 _____



Last Name Nevada Rock & Sand Company Ident. Number _____

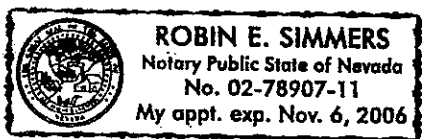
I, Donald D Stewart, President of Nevada Rock & Sand Company, do hereby certify that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Donald D Stewart

Title and Organization President, Nevada Rock & Sand Company Date 12/19/05

State of ~~Idaho~~ Nevada)
) SS.
County of Lincoln)

Subscribed and sworn (or affirmed) before me this 19 day of December, 2005.



Robin E. Simmers
Notary Public for State of Nevada
Residing at Alamo NV
My Commission Expires 11-6-06

17. Notice of Appearance:

Notice is hereby given that I, SEYMOUR 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 Seymour Foster
Address PO Box 50130 Idaho Falls, ID 83405
Date 12/27/05

