

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number 24-10746
Date Received: 6/29/2006
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: 05/01/1964

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:

DIKE IMPOUNDS WATER FROM SPRING IN A RESERVOIR

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	11/01 03/31	04/01 10/31
IRRIGATION STORAGE				
50				
IRRIGATION STORAGE				
50				

(or) A.F.A

7. Total Quantity Appropriated is:

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township Range Section 1/4 of 1/4 Lot Use Acres

15. Basis of Claim: Beneficial Use

Other water rights used at the same place and for the same purposes as described above: 24-2020 and 24-7010.

14. Remarks:

13. Other Water Rights Used:

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

11. Place of use in countries: CARIBOU

Total Acres 135

Section Acres
85

3 IRRIGATION STORAGE

१४

IRRIGATION STORAGE

83

IRRIGATION STORAGE

3 IRRIGATION STORAGE

3 IRRIGATION STORAGE

8 IRRIGATION STORAGE

IRRIGATION STORAGE

Section Acres
50

15

IRRIGATION STORAGE

35

IRRIGATION STORAGE

45E 14

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

CIVIL CASE NUMBER: 39576

Ident. Number 24-10746

Date Received

Receipt Number

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

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

2.

Date of Priority (Only (1) per claim) April 1, 1964

3.

Source of water supply (a) Allaman Spring

which is tributary to (b) Crow Creek

4.a.

Location of existing point of diversion is:

Township 10S Range 45E. Section 15, SW 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 impounds water from Spring in a reservoir.

6.

Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For Irrigation Storage purposes from 11/01 to 03/31 amount _____ or 50
For Irrigation Storage purposes from 04/01 to 10/31 amount _____ or 50

7.

Total quantity claimed (a) _____ (cfs) and/or (b) 0 (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:
- 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
10S	4SE	14		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NW	SW	SE	50
		15														38	14		85
																		3	

Total number of acres irrigated 135

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. 24-2020 and 24-7010, or None ()
14. Remarks:

15. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice ☐ Permit ☐ Decree ☐ License ☐
- If applicable provide IDWR Water Right Number 24-10746
- 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 *Matthew Stewart*

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

State of ~~Utah~~ 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 *Green, Utah*
My Commission Expires *3/1/07*

Last Name Nevada Rock & Sand Co. Ident. Number 24-10746

17. Notice of Appearance:
Notice is hereby given that I, KEITH 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 Keith W. Foster
Address PO Box 50150 Idaho Falls, ID 83405
Date 10/25/06

G:\WPDATA\KWP\10632 MARTIN, STEPHEN B\08 Nevada Rock & Sand\Amended Claims\Claim.24-10746.wpd:cdv

09/06/2006

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

RIGHT NUMBER: 24-10746

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

TRIBUTARY: SINKS

SOURCE: ALLEMAN SPRING

QUANTITY: 50.000 AFY

PRIORITY DATE: 05/01/1965

POINT OF DIVERSION:

T10S R45E S15 SWSWNE within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION STORAGE

IRRIGATION FROM STORAGE

PLACE OF USE: IRRIGATION FROM STORAGE within CARIBOU County

T10S R45E S14 NMSW 40.00 T10S R45E S14

T10S R45E S15 SWNE 40.00 T10S R45E S15

T10S R45E S15 NESE 40.00 T10S R45E S15

T10S R45E S15 SWSW 20.00 T10S R45E S15

250 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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number 24-10746
Date Received: 6/29/2006
Receipt No: 8000016
Received By: SC

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: 05/01/1963

3. Source: ALLEMAN SPRING Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:

Dike located on outlet channel from Alleman Springs.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE	10/30	04/01		91
IRRIGATION FROM STORAGE	04/01	10/30		91

7. Total Quantity Appropriated is:
91 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township Range		Section		1/4 of 1/4 Use		Acres	
10S	45E	14	NW	SW	SW	40	30
Section Acres 70							
10S	45E	15	SW	NE	SW	40	10
						40	10
						40	40
						30	40
						20	30
						40	20
Section Acres 180							
Total Acres 250							

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

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of _____

_____, that I have signed the foregoing _____
Organization

document in the space below as _____ of _____
Title

_____ and that the statements contained in the _____
Organization

foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
) _____
County of)

Subscribed and sworn (or affirmed) before me this _____ day

_____ of _____ 20 _____

Notary Public

Residing at _____

My commission Expires _____

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number 24-10746
Date Received: 6/29/2006
Receipt No:
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: 05/01/1963

3. Source: ALTEMAN SPRING Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:

Dike located on outlet channel from Allemen Springs.

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE	10/30 04/01		91
IRRIGATION FROM STORAGE	04/01 10/30		91

7. Total Quantity Appropriated is:
91 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:
- | Township | Range | Section | 1/4 of 1/4 | Use | Acres |
|---------------|-------|---------|------------|-------------------------|-------|
| 10S | 45E | 14 | NW | IRRIGATION FROM STORAGE | 40 |
| | | | SW | IRRIGATION STORAGE | 40 |
| Section Acres | | | | | 80 |
| Total Acres | | | | | 80 |
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: 30576
Ident. Number 24-10740
Date Received
Receipt Number

RECEIVED JUN 29 2006

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

RECEIVED APR 12 2006

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

ending point is: Township _____ Range _____ Section _____, 1/4 of 1/4 of 1/4 of 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 Storage purposes from 10/30 to 04/01 amount _____ or 91 AFA

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

7. Total quantity claimed (a) _____ (cfs) and/or (b) 91 AFA (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.) Recreation, Aesthetics

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			TL5
			NE	NW	SW	NE	NW	SW	NE	NW	SW	NE	NW	SW	SE
10S	45E	14						40		30				40	30
		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
None () or

14. Remarks:
See attached affidavits of Alden Stewart regarding construction of the dike and reservoir, and of Monte Stewart explaining history of organization entities.

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

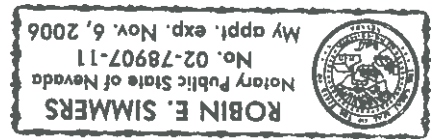
For Organizations: I do solemnly swear or affirm that I am President of Nevada Rock & Sand Company, that I have signed the foregoing document in the space below as President of Nevada Rock & Sand Company and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Dorell 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 14 day of December, 2005.



Robert 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, LEWIS L. LORTIE, 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 [Signature]
Address 1780 S 50130 Idaho Falls, ID 83405
Date 12/27/05



Last Name Nevada Rock & Sand Company Ident. Number _____