

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 24-4008  
Date Received: 12/1/1989  
Receipt No: E011232  
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: 06/17/1919

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 NW              | CARIBOU |      |

5. Description of diverting works:

INTAKE FOR STEEL PIPELINE INSTALLED IN LATE 1963 OR 1964 TO REPLACE HEADGATE  
AND DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 10/31 | 2      |            |
| STOCKWATER | 04/01 | 10/30 | 0.09   |            |

7. Total Quantity Appropriated is:  
2 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 | STOCKWATER    |    |
|     |     |    | SW | SW | IRRIGATION    | 7  |
|     |     |    |    |    | Section Acres | 7  |
| 10S | 45E | 22 | NE | NE | IRRIGATION    | 28 |
|     |     |    | SE | NE | IRRIGATION    | 6  |
|     |     |    | NE | NE | STOCKWATER    |    |
|     |     |    | SE | NE | STOCKWATER    |    |
|     |     |    |    |    | Section Acres | 34 |
| 10S | 45E | 23 | NW | NW | STOCKWATER    |    |
|     |     |    | SW | NW | STOCKWATER    |    |
|     |     |    | 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, 24-10684, 24-10685, and 24-10686.

250 pairs 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 24-4008  
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) June 17, 1919
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 NW 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 headgate and ditch.
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 2.0 cfs or \_\_\_\_\_
7. Total quantity claimed (a) 2.0 (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.

[illegible]

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, 24-10684, 24-10685, 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 24-4008  
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 )  
County of Utah ) SS.

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



Beverly A. Royer  
Notary Public  
Residing at Orem, UT  
My Commission Expires 03/31/07

Last Name Nevada Rock & Sand Co.      Ident. Number 24-4008

17. Notice of Appearance:

Notice is hereby given that I, KENT M. 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 Kent M. Foster  
Address PO BOX 50130 10000 FALLS, ID 83405  
Date 10/25/06

O:\WPDATA\KWF\10652 MARTIN, STEPHEN E\08 Nevada Rock & Sand\Amended Claims\Claim.24-4008.wpd:cdv

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 24-4008  
Date Received: 11/8/2005  
Receipt No: E031437  
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

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



2. Date of Priority: 06/06/1919

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    |    | County  | Type |
|----------|-------|---------|-----------------------|----|----|---------|------|
| 10S      | 45E   | 22      | NE                    | SW | NW | CARIBOU |      |

5. Description of diverting works:

COLLECTION BOX IN STREAM TO 12 IN PIPELINE SERVING GRAVITY PRESSURIZED  
SPRINKLER SYSTEM AND STOCK WATERING.

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 10/30 | 2      |            |
| STOCKWATER | 4/01 | 10/30 | 0.09   |            |

7. Total Quantity Appropriated is:  
2 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    | 16 7     |
|          |       |         |            |     | Section Acres | 16       |
| 10S      | 45E   | 15      | SW         | SE  | IRRIGATION    | 8.2      |
|          |       |         | SE         | SE  | IRRIGATION    | 22       |
|          |       |         |            |     | Section Acres | 30.2     |
| 10S      | 45E   | 22      | NE         | NE  | IRRIGATION    | 40 28    |
|          |       |         | NW         | NE  | IRRIGATION    | 27       |
|          |       |         | SW         | NE  | IRRIGATION    | 17       |
|          |       |         | SE         | NE  | IRRIGATION    | 28 6     |
|          |       |         | NE         | SE  | IRRIGATION    | 6.5      |
|          |       |         | NW         | SE  | IRRIGATION    | 3.7      |
|          |       |         |            |     | Section Acres | 122.2    |
| 10S      | 45E   | 23      | NW         | NW  | IRRIGATION    | 31 34    |
|          |       |         | SW         | NW  | IRRIGATION    | 4 10     |
|          |       |         |            |     | Section Acres | 35       |
|          |       |         |            |     | Total Acres   | 203.4 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:

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 A24-04008

Date Received 11-8-05

Receipt Number E031437

**AMENDED  
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 6 June 1919

3. Source of water (a) unnamed stream  
which is tributary to (b) sinks

4. a. Location of points of diversion:

| Township | Range | Section | QQQ    | Diversion Name |
|----------|-------|---------|--------|----------------|
| 10S      | 45E   | 22      | NESWNW |                |
|          |       |         |        |                |
|          |       |         |        |                |

5. Description of existing diversion works. Collection box in stream to 12" pipeline serving gravity-pressurized sprinkler system and stock watering.

6. Water is claimed for the following purposes:

| Purpose    | Start Date | End Date | cfs  | acre feet/year |
|------------|------------|----------|------|----------------|
| Irrigation | 4/1        | 10/30    | 2.00 |                |
| Stockwater | 4/1        | 10/30    | 0.09 |                |
|            |            |          |      |                |

7. Total quantity claimed (a) 2.09 (cfs) and/or (b) (acre feet per year)

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

9. Non-irrigation uses: Stockwater for 316 head of range cattle.

10. Description of place of use

A24-04008 and new claim combined place of use

| Township, Range | Section | QQ | Q  | Acres |
|-----------------|---------|----|----|-------|
| 10S45E          | 14      | SW | SW | 16    |
| Section Total   |         |    |    | 16    |
| 10S45E          | 15      | SW | SE | 8.2   |
| 10S45E          | 15      | SE | SE | 22    |
| Section Total   |         |    |    | 30.2  |
| 10S45E          | 22      | NE | NE | 40    |
| 10S45E          | 22      | NW | NE | 27    |
| 10S45E          | 22      | SW | NE | 17    |
| 10S45E          | 22      | SE | NE | 28    |
| 10S45E          | 22      | NE | SE | 6.5   |
| 10S45E          | 22      | NW | SE | 3.7   |
| Section Total   |         |    |    | 122.2 |
| 10S45E          | 23      | NW | NW | 31    |
| 10S45E          | 23      | SW | NW | 4     |
| Section Total   |         |    |    | 35    |
| Total Acres     |         |    |    | 203.4 |

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: Place of use overlaps A24-04007 on the south. Place of use is combined with place of

use of a new beneficial use claim to be filed with this claim, reflecting additional acres developed with conversion to sprinklers in the 1960s.

14. Remarks. This claim is for 160 acres of irrigation within the place of use described above.

**AJ Claim No. A24-04008**



IDWR water right number A24-04008

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 L. Stewart Date 10/24/05

PRESIDENT of  
(title)

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

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 A24-04008

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

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

**AMENDED  
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 6 June 1919

3. Source of water (a) unnamed stream  
which is tributary to (b) sinks

4. a. Location of points of diversion:

| Township | Range | Section | QQQ    | Diversion Name |
|----------|-------|---------|--------|----------------|
| 10S      | 45E   | 22      | NESWNW |                |
|          |       |         |        |                |
|          |       |         |        |                |

5. Description of existing diversion works. Collection box in stream to 12" pipeline serving gravity-pressurized sprinkler system and stock watering.

6. Water is claimed for the following purposes:

| Purpose    | Start Date | End Date | cfs  | acre feet/year |
|------------|------------|----------|------|----------------|
| Irrigation | 4/1        | 10/30    | 2.00 |                |
| Stockwater | 4/1        | 10/30    | 0.09 |                |
|            |            |          |      |                |

7. Total quantity claimed (a) 2.09 (cfs) and/or (b) (acre feet per year)

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

9. Non-irrigation uses: Stockwater for 316 head of range cattle.

10. Description of place of use

A24-04008 and new claim combined place of use

| Township, Range | Section | QQ | Q    | Acres |
|-----------------|---------|----|------|-------|
| 10S45E          | 14      | SW | SW ✓ | 16    |
| Section Total   |         |    |      | 16    |
| 10S45E          | 15      | SW | SE   | 8.2   |
| 10S45E          | 15      | SE | SE   | 22    |
| Section Total   |         |    |      | 30.2  |
| 10S45E          | 22      | NE | NE ✓ | 40    |
| 10S45E          | 22      | NW | NE ✓ | 27    |
| 10S45E          | 22      | SW | NE ✓ | 17    |
| 10S45E          | 22      | SE | NE ✓ | 28    |
| 10S45E          | 22      | NE | SE   | 6.5   |
| 10S45E          | 22      | NW | SE   | 3.7   |
| Section Total   |         |    |      | 122.2 |
| 10S45E          | 23      | NW | NW ✓ | 31    |
| 10S45E          | 23      | SW | NW ✓ | 4     |
| Section Total   |         |    |      | 35    |
| Total Acres     |         |    |      | 203.4 |

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

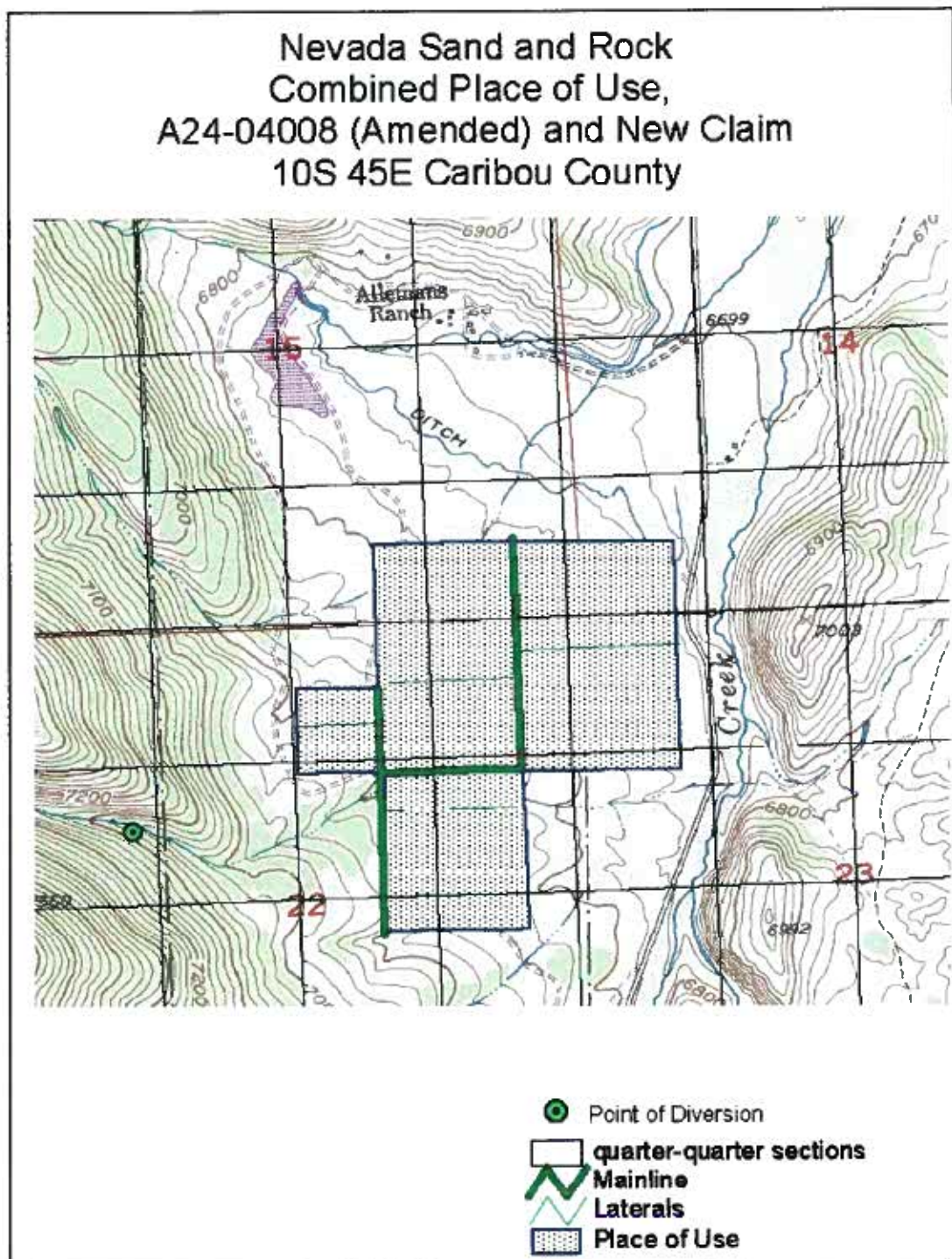
12. Do you own the property listed above as place of use? Yes

13. Describe any other water rights used at the same place and for the same purposes as described above: Place of use overlaps A24-04007 on the south. Place of use is combined with place of

use of a new beneficial use claim to be filed with this claim, reflecting additional acres developed with conversion to sprinklers in the 1960s.

14. Remarks. This claim is for 160 acres of irrigation within the place of use described above.

Map of project:



15: Basis of Claim: Beneficial Use

IDWR water right number A24-04008

16: Signatures

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

Signature of Claimant(s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
(title) of

Nevada Rock and Sand Co.

State of Idaho/or \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

SEAL

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

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

2. Date of Priority \_\_\_\_\_

3. Source of water (a) unnamed stream  
which is tributary to (b) sinks

4. a. Location of points of diversion:

| Township | Range | Section | QQQ    | Diversion Name |
|----------|-------|---------|--------|----------------|
| 10S      | 45E   | 22      | NESWNW |                |
|          |       |         |        |                |
|          |       |         |        |                |

5. Description of existing diversion works. Collection box in stream to 12" pipeline serving gravity-pressurized sprinkler system and stock watering.

6. Water is claimed for the following purposes:

| Purpose    | Start Date | End Date | cfs  | acre feet/year |
|------------|------------|----------|------|----------------|
| Irrigation | 4/1        | 10/30    | 1.00 |                |
|            |            |          |      |                |
|            |            |          |      |                |

7. Total quantity claimed (a) 1.00 (cfs) and/or (b) (acre feet per year)

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

9. Non-irrigation uses: none

10. Description of place of use

A24-04008 and new claim combined place of use

| Township, Range | Section | QQ | Q  | Acres |
|-----------------|---------|----|----|-------|
| 10S45E          | 14      | SW | SW | 16    |
|                 |         |    |    |       |
| Section Total   |         |    |    | 16    |
|                 |         |    |    |       |
| 10S45E          | 15      | SW | SE | 8.2   |
| 10S45E          | 15      | SE | SE | 22    |
|                 |         |    |    |       |
| Section Total   |         |    |    | 30.2  |
|                 |         |    |    |       |
| 10S45E          | 22      | NE | NE | 40    |
| 10S45E          | 22      | NW | NE | 27    |
| 10S45E          | 22      | SW | NE | 17    |
| 10S45E          | 22      | SE | NE | 28    |
| 10S45E          | 22      | NE | SE | 6.5   |
| 10S45E          | 22      | NW | SE | 3.7   |
|                 |         |    |    |       |
| Section Total   |         |    |    | 122.2 |
|                 |         |    |    |       |
| 10S45E          | 23      | NW | NW | 31    |
| 10S45E          | 23      | SW | NW | 4     |
|                 |         |    |    |       |
| Section Total   |         |    |    | 35    |
|                 |         |    |    |       |
| Total Acres     |         |    |    | 203.4 |

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

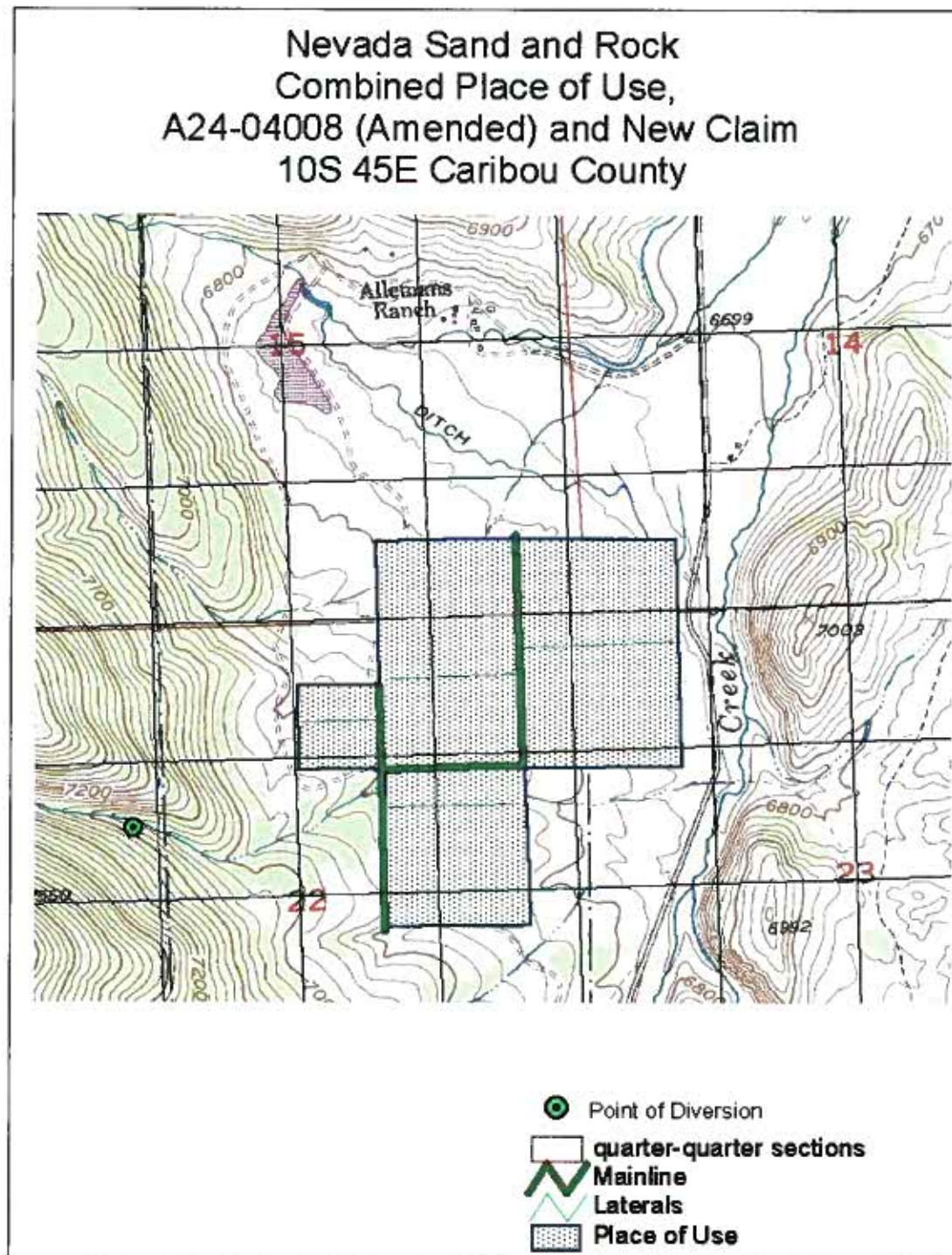
12. Do you own the property listed above as place of use? Yes

13. Describe any other water rights used at the same place and for the same purposes as described above: Place of use overlaps A24-04007 on the south. Place of use is combined with place of

use of for A24-04008. This claim represents additional acreage developed when sprinkler system was installed.

14. Remarks. This claim and A24-04008 together are for 203.4 acres of irrigation.

Map of project:



15: Basis of Claim: Beneficial Use

IDWR water right number: none

16: Signatures

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

Signature of Claimant(s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
(title) of

Nevada Rock and Sand Co.

State of Idaho/or \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

SEAL

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

**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 A24-04008

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

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

**AMENDED  
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 6 June 1919

3. Source of water (a) unnamed stream  
which is tributary to (b) sinks

4. a. Location of points of diversion:

| Township | Range | Section | QQQ    | Diversion Name |
|----------|-------|---------|--------|----------------|
| 10S      | 45E   | 22      | NESWNW |                |
|          |       |         |        |                |
|          |       |         |        |                |

5. Description of existing diversion works. Collection box in stream to 12" pipeline serving gravity-pressurized sprinkler system and stock watering.

6. Water is claimed for the following purposes:

| Purpose    | Start Date | End Date | cfs  | acre feet/year |
|------------|------------|----------|------|----------------|
| Irrigation | 4/1        | 10/30    | 2.00 |                |
| Stockwater | 4/1        | 10/30    | 0.09 |                |
|            |            |          |      |                |

7. Total quantity claimed (a) 2.09 (cfs) and/or (b) (acre feet per year)

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

9. Non-irrigation uses: Stockwater for 316 head of range cattle.

10. Description of place of use

A24-04008 and new claim combined place of use

| Township, Range | Section | QQ | Q  | Acres |
|-----------------|---------|----|----|-------|
| 10S45E          | 14      | SW | SW | 16    |
| Section Total   |         |    |    | 16    |
| 10S45E          | 15      | SW | SE | 8.2   |
| 10S45E          | 15      | SE | SE | 22    |
| Section Total   |         |    |    | 30.2  |
| 10S45E          | 22      | NE | NE | 40    |
| 10S45E          | 22      | NW | NE | 27    |
| 10S45E          | 22      | SW | NE | 17    |
| 10S45E          | 22      | SE | NE | 28    |
| 10S45E          | 22      | NE | SE | 6.5   |
| 10S45E          | 22      | NW | SE | 3.7   |
| Section Total   |         |    |    | 122.2 |
| 10S45E          | 23      | NW | NW | 31    |
| 10S45E          | 23      | SW | NW | 4     |
| Section Total   |         |    |    | 35    |
| Total Acres     |         |    |    | 203.4 |

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

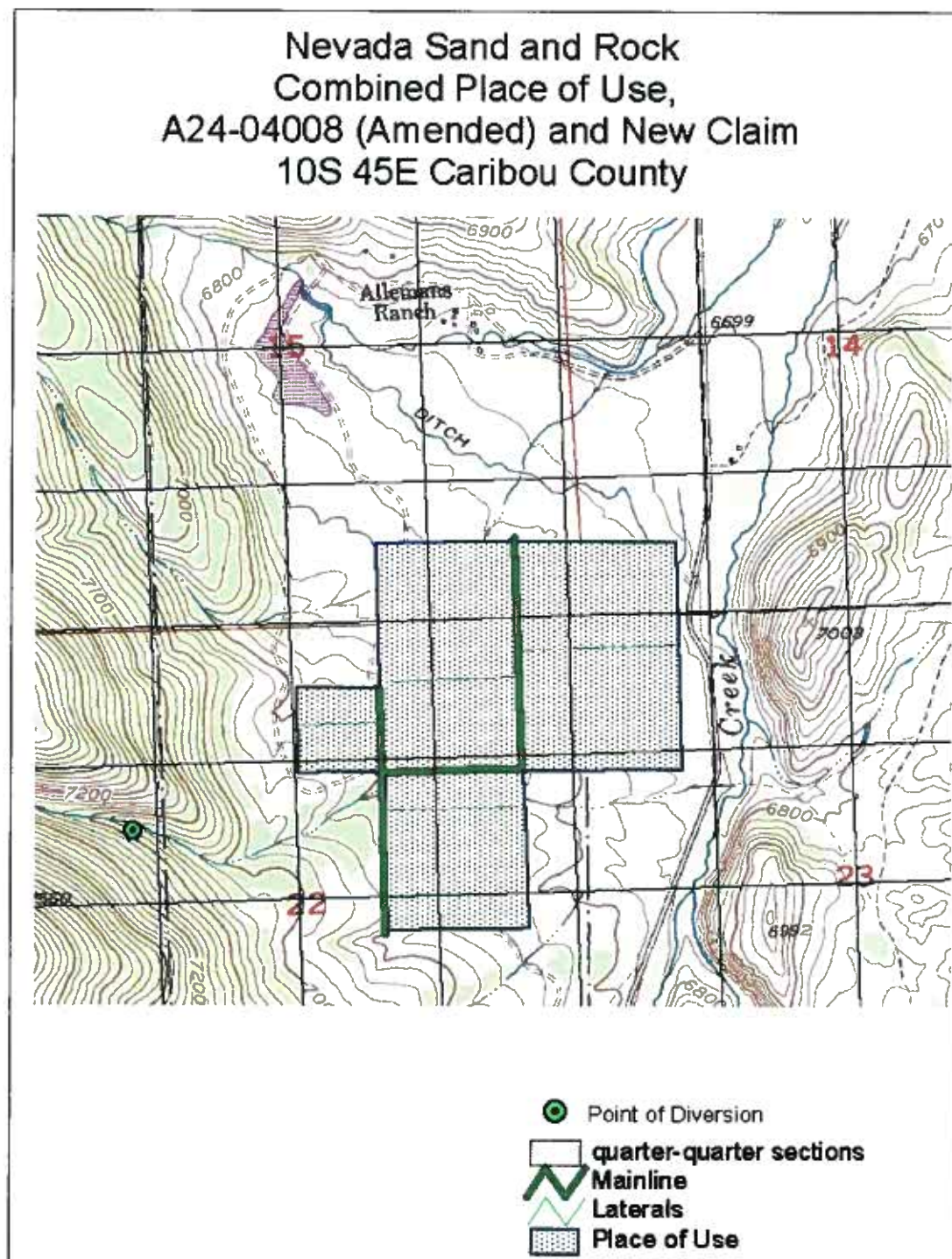
12. Do you own the property listed above as place of use? Yes

13. Describe any other water rights used at the same place and for the same purposes as described above: Place of use overlaps A24-04007 on the south. Place of use is combined with place of

use of a new beneficial use claim to be filed with this claim, reflecting additional acres developed with conversion to sprinklers in the 1960s.

14. Remarks. This claim is for 160 acres of irrigation within the place of use described above.

Map of project:



15: Basis of Claim: Beneficial Use

IDWR water right number A24-04008

16: Signatures

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

Signature of Claimant(s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
(title) of

Nevada Rock and Sand Co.

State of Idaho/or \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

SEAL

Notary Public \_\_\_\_\_

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

AUG 05 2001

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

RECEIVED  
DEC 01 1989

Ident. Number: A24-04008  
Date Received: 11/07/1989  
Receipt No: 604232  
Received By: SV

Department of Water Resources  
Eastern District Office  
**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name: STEWART BROTHERS CO. 602-583-3480  
Address: P.O. BOX 42775  
HUNTRIDGE STATION  
ATTN: PAUL JUDD  
LAS VEGAS, NV 89116

2. Date of Priority: JUN 06, 1919

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

|          |       |         |        |        |     |     |         |
|----------|-------|---------|--------|--------|-----|-----|---------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
| 10S      | 45E   | 22      | SW     | SE     | NW  |     | CARIBOU |

5. Description of diverting works:  
WATER COLLECTED INTO PIPELINE. DISTRIBUTED TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/30 | 2.000  |      |        |
| STOCKWATER | 04/01 | 10/30 | 0.090  |      |        |

7. Total Quantity Appropriated is:  
2.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCKWATER FOR 316 HEAD OF RANGE CATTLE

A24-04008

Page 1

Date: 11/07/89

A2404008



MICROFILMED  
NOV 06 1992

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|-----|----|-----|-----|-----|-------|
| 10S      | 45E   | 22      | NE  |    | NE  |     | IRR | 10.0  |
|          |       |         | SW  |    | NE  |     | IRR | 30.0  |
|          |       |         | SE  |    | NE  |     | IRR | 20.0  |
|          |       |         | NE  |    | NW  |     | IRR | 20.0  |
|          |       |         | SE  |    | NW  |     | IRR | 10.0  |
|          |       |         | NE  |    | SW  |     | IRR | 10.0  |
|          |       |         | NE  |    | SE  |     | IRR | 20.0  |
|          |       |         | NW  |    | SE  |     | IRR | 40.0  |

Section Acres 160.0

Total Acres 160.0

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:  
24-04007, 04009 & 04010

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 \_\_\_\_\_ 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 PARTNER of  
Title  
STEWART BROTHERS Co., that I have signed the foregoing  
Organization  
document in the space below as PARTNER of  
Title  
STEWART BROTHERS Co. and that the statements contained in the  
Organization  
foregoing document are true and correct.

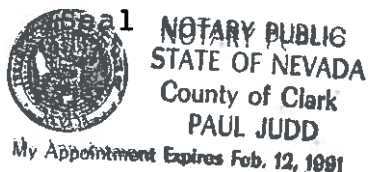
Alden L. Stewart  
Signature of Authorized Agent  
PARTNER, STEWART BROTHERS Co  
Title and Organization

Nov. 20, 1989  
Date

State of ~~Idaho~~ NEVADA )  
County of CLARK ) SS.

Subscribed and sworn (or affirmed) before me this 20 day  
of November 19 89

Paul Judd  
Notary Public



Residing at LAS VEGAS, NEV.  
My Commission Expires 2/12/91



# Idaho Department of Water Resources

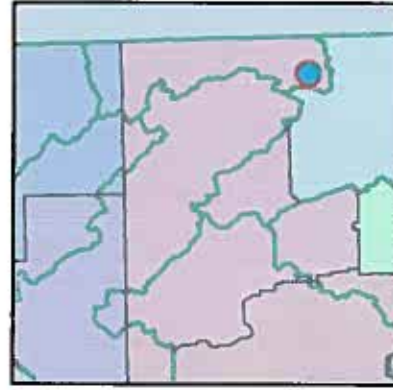
SRBA Recommendation:

**24-4008**

(Irrigation)

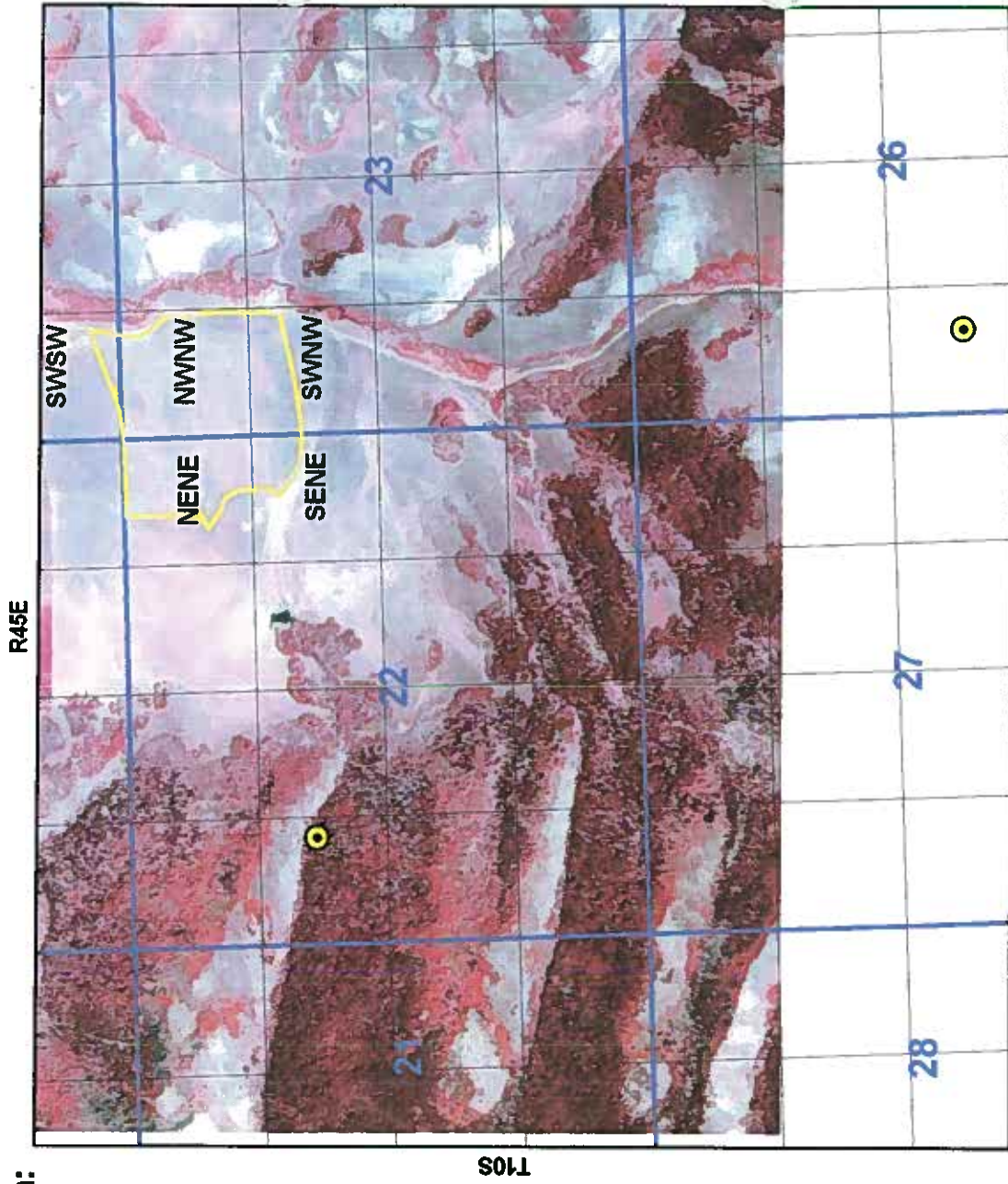
## Legend

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



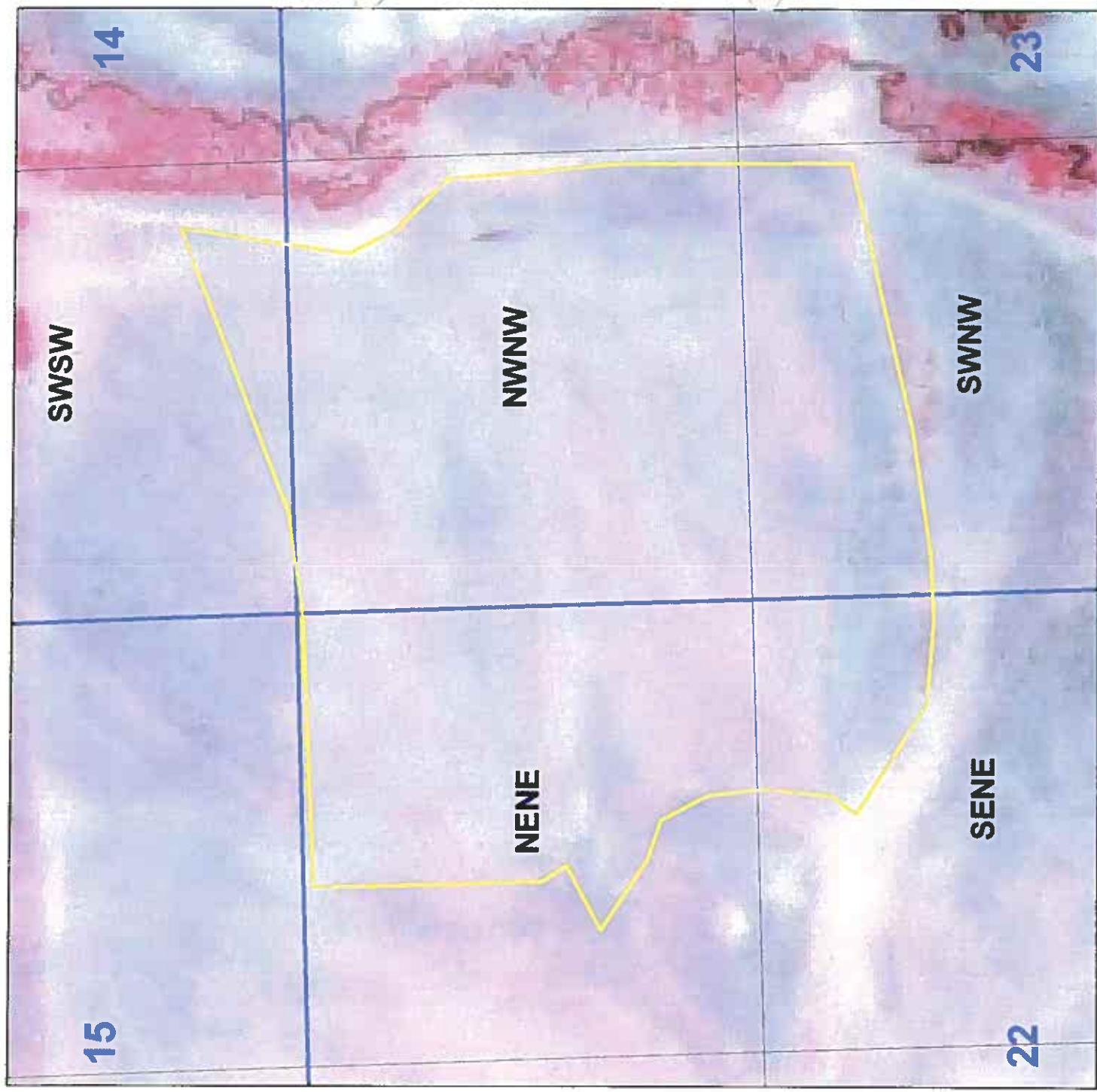
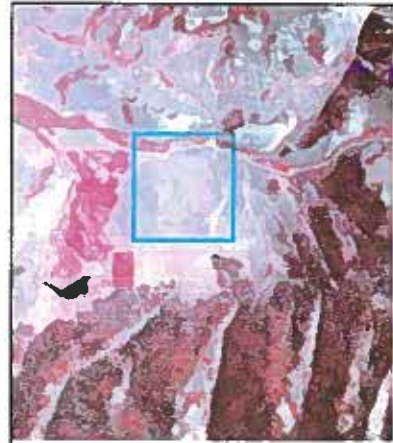
Caribou County  
IDWR Basin 24

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



0 0.8 1.6 Miles

**Z** 



S. Canyon.

### Notes

9/26/06 The statutory claim describes a collection box and sprinklers. If the mainline is the ~~same~~ same then there is no way it could of irrigated the claimed PO4. When did it change was it 1983 when the special use permit was obtained? Where was the original sprinkler line?

See attached map.

The description for the POB is pretty close

9/27/06 added acreage layout for POB's as described by 1975 Statutory Claims. CR

11/12/06 BB99 SE-1992-S

## Notes

8/18/06 put the Original affidavit from Alden Stewart. It appears to be 24-400810746.

The affidavit though appears to move the priority date to 1945. Or is it that the sprinklers were installed in 1945 but before that they flood irrigated?

GPS POD: contour gps - July 05 - corrected

8/22/06 POD is located on USFS ground  
Montpelier District, Aidi 847-8936

8/24/06 Heidi USFS said they original obtained there special use permit 10-1982.

Copy of the front page of there Special Use permit  
see 24-4007 for map and copy of S.U.P.-CB

S.U.P. puts the POD in the NWNW, but the map shows it in the SWNW of sec. 22. According to Heidi, he needs to come into their office and fix it. CB.

9/25/06 Received NOE/PDR from Kent Foster, passed to Kathy Jackson. in I.F. CB

## Notes

5-31-05 Put a copy of the plat, topo & ortho maps in the file. PB

9-12-05 Put copies of warranty deeds, land patents & other documents pertaining to ownership in file 24-4007

10-17-05 Letter from claimants atty. BP

10-17-05 " to " " re clarification. BP

11/2/05 Scott Eskelson, Martin Eskelson PLLC. called at 3:34 pm. to ask about the fees for an amended claim. 24-4008. Amended to 203.4 acres. from 150. \$54. They are also filing several new claims. Kent Foster is working on filing on the pond. CB.

11/7/05 Received 3 new claims, amended claim for 24-4008, and a check for \$220-

New claims = \$50 + \$16 (15.5 acres @ 1.00) = \$66-

\$50 + \$18 (17.9 acres @ 1.00) = \$68-

\$50 = \$50

Amendment on 24-4008 = \$36

\$220-

11-17-06 Letter from attorney & B. Contor. BP

1-20-06 Letter from " re affidavit. KB

1-20-06 Email Baire legal. BP

1-27-06 Roy Wms to send claimant letter re affidavit & pond. BP

## Notes

10-28-04 Assessor's Office: PB

Nevada Rock & Sand Co.

527 Regents Gate Drive

Henderson, NV 89012

10-28-04 Letter to claimant re ownership change + evidence of priority. BP

11-18-04 Scott Erickson 523-6644 in Utah, atty for Nevada. Needs more time. They have ordered maps & it will take 3 weeks. Love till 12-30. BP

12-20-04 Received docs from atty BP

12-28-04 Atty called. If need more call. BP

12/29/04

Called attorney and asked for ownership change. BP

1/12 or 13/05

Left message for Scott re: Deed from Stewart to Crow and copy of "original" water deed #8159 because I couldn't find anything except what was included in the abstract. BP

1/13/05

Left message with Scott's secretary re letter datd 1/10/05 to call. BP

1/14/05

Scott returned my call. He is to get a copy of the water deed and missing documentation—Stewart to Crow Creek. I told him that I would return his \$100 check. BP

1-28-05 Scott called. asked for more time, they are working with Caribou Title to get the documents and it's taking a little longer than they expected. I gave them till 2-11-05 AB

8/21/06

Nevada Rock & Sand

24-4008

ISSUES: Enlargement of irrigated acres.

Special Use permit from USFS? Oct, 1982  
change in POD. When?

24-4008. 6/6/1919 Priority. Source: Unnamed Stream

Source: Unnamed Stream.

Statutory claim Filed 11-10-1975

- irrigation 160 ACRES

POD: SENW Sec. 22, T10S, R45E.

SRBA Claim: AMENDED acres irrigated to 203.4 ac?

AFFIDAVIT: Alden Stewart sent in an affidavit that appears to go to 24-4008.

- Did they start irrigating in 1965? affidavit appears to indicate they developed the water in 1965.

POD: according to Bryce's GPS. Point The pod is located on USFS land.

Special Use permit? Oct, 1982.

- SWNW Sec. 22 T10S, R45E.

when did the POD change?

POU: POU changed from 1975 Statutory claims.

- When did the change occur?

- Claimants should have filed on water license 8/59. (24-2020).



## Priority Date Data Entry Form

Claim Number: A24-04008

Water Right Priority Date: \_\_\_\_\_ Water Right Basis: \_\_\_\_\_

Claimed Priority Date: \_\_\_\_\_ Claimed Basis: \_\_\_\_\_

Recommended Priority Date: \_\_\_\_\_ Recommended Basis: \_\_\_\_\_

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

For A24-04008 see timeline in files. For new  
claim see affidavits to be provided by claimant.  
At field inspection claimant stated sprinkler system  
was developed in 1960s, which seems reasonable  
from the looks of the pipe installation. Bas 10/17/05

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

Priority Date Data Entry Form

## Point of Diversion and Source Data Entry Form

Claim Number: A24-04008

Water Right Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec.\_\_\_\_, County:\_\_\_\_

Source:\_\_\_\_ Tributary:\_\_\_\_

Claimed Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec.\_\_\_\_, County:\_\_\_\_

Source:\_\_\_\_ Tributary:\_\_\_\_

Recommended Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec.\_\_\_\_, County:\_\_\_\_

Source:\_\_\_\_ Tributary:\_\_\_\_

\_\_\_\_ Use Claimed POD and Source as Recommended POD and Source

| Twp                    | Rge        | Sec       | Gov Lot | QQQ of QQ of Q  | County           | Source                |
|------------------------|------------|-----------|---------|-----------------|------------------|-----------------------|
| <u>10S</u>             | <u>45E</u> | <u>22</u> |         | <u>NESWNW</u>   | <u>Carbon</u>    | <u>Unnamed stream</u> |
| GPS Coordinates:       |            |           |         | <u>2730937E</u> | <u>1263907 N</u> | <u>IDTM 83</u>        |
| GPS Coordinates: _____ |            |           |         |                 |                  |                       |
| GPS Coordinates: _____ |            |           |         |                 |                  |                       |
| GPS Coordinates: _____ |            |           |         |                 |                  |                       |
| GPS Coordinates: _____ |            |           |         |                 |                  |                       |
| GPS Coordinates: _____ |            |           |         |                 |                  |                       |
| GPS Coordinates: _____ |            |           |         |                 |                  |                       |
| GPS Coordinates: _____ |            |           |         |                 |                  |                       |

Other rights from this POD? New claim (see narrative in A24-04007)

Document how the POD and Source were verified and/or Pump and Motor data:

GPS & field inspection. Site tag A0013648. BAC 10 Aug 05

Transfers Changing POD \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

Point of Diversion and Source Data Entry Form

## Purpose of Use Data Entry Form

Claim Number: A24-04008☐ Use Claimed Purpose of Use as Recommended Purpose of Use

## Water Right Purpose of Use

| Water Use | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|-----------|-----------------|-----------------|------------|-----------------|
|           |                 |                 |            |                 |
|           |                 |                 |            |                 |
|           |                 |                 |            |                 |

## Claimed Purpose of Use

| Water Use | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|-----------|-----------------|-----------------|------------|-----------------|
|           |                 |                 |            |                 |
|           |                 |                 |            |                 |
|           |                 |                 |            |                 |

## Recommended Purpose of Use

| Water Use | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|-----------|-----------------|-----------------|------------|-----------------|
|           |                 |                 |            |                 |
|           |                 |                 |            |                 |
|           |                 |                 |            |                 |

## Document how the Purpose of Use was verified:

See narrative & letter in A24-04007. Determination of water use will have to depend on information provided by claimant. My inspection & 1987 photo do not strongly support irrigation, though Mr. Stewart states irrigation was occurring up until a few years ago. Dac 10 Aug 05.

Transfers Changing Purpose of Use \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

Purpose of Use Data Entry Form

## Place Of Use Data Entry Form

Claim Number: A24-04008☐ Use Claimed POU as Recommended POU

## Claimed Place of Use

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|---|--------|---------|-------|----------------|
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |

Total Acres \_\_\_\_\_

## Recommended Place of Use

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|---|--------|---------|-------|----------------|
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |

Total Acres \_\_\_\_\_

## Document how the POU was verified:

Please see printout of GIS acres per QQ, for permissible place of use listing of 203.4 total acres. Based on 1956 probable place of use maps (see narrative in A24-04007) I propose A24-04008 be recommended for 40 acres within the POU and the new claim be recommended for 163.4 acres within the POU. BAC 10 Aug 05. All Nevada Rock & Sand rights combined irrigate 400 acres. BAC.

Transfers Changing POU \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

# Period of Use and Quantity Data Entry Form

Claim Number: A24-04008

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

## Water Right Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|-----------|-------|-----|------|--------|
|           |       |     |      |        |
|           |       |     |      |        |
|           |       |     |      |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

## Claimed Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|-----------|-------|-----|------|--------|
|           |       |     |      |        |
|           |       |     |      |        |
|           |       |     |      |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

## Recommended Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|-----------|-------|-----|------|--------|
|           |       |     |      |        |
|           |       |     |      |        |
|           |       |     |      |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

Document how the Period of Use and/or Diversion Rate were verified:

For A24-04008, 40 acres x 0.03 gfs/acre for wild flood = 1.20 gfs. Allowance of 0.60 gfs for ditch loss or more is probably reasonable. Current system operates 4 full-length wheel lines w/ 5/32" nozzles per Mr. Stewart.  $4 \times 32 \times 5 \text{ gpm} = 640 \text{ gpm} = 1.43 \text{ gfs}$ . I propose new claim be recommended for 1.43 gfs w/ combined limit of 1.80 to 2.0 gfs corresponding to larger wild-flood requirement.

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

12" mainline is adequate for this diversion rate. See 10 Aug 05.

Period of Use and Quantity Data Entry Form

**Claim No.:** \_\_\_\_\_

[illegible]

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1) Reference to A24-04007 1 page 2) Map 1 page 3) New claim  
amended claim 9 pages 4) PoC list 1 page 5) GPS list 1 page  
6) Photo 1 page. BAC 10 Aug 05

Claim No.: A24-04008 and  
new claim

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

A24-04008

Please see file A24-04007 for general narrative  
of field exam for all Nevada Rock and Sand  
Claims, correspondence, and full contact log.  
BAC 10 Aug 05

# Nevada Sand and Rock Sprinkler Irrigation from South Unnamed Stream (A24-04008 & 1960s New Claim)

North extent  
of west mainline  
GPS from field  
inspection

Northern extent of irrigation  
from east mainline - GPS from  
field inspection

10S45E14

10S45E23

10S45E22

Split in mainline - GPS  
from field inspection

*southern extent  
estimated based on  
aerial photo & claimants' description*

Contor\_gps\_july05.shp

- Other
- ⊙ POD
- △ POU

A24-04008\_sprink\_laterals.shp

- A24-04008\_sprinklers\_pou.shp
- PLSS Section Lines
- Gcdb\_qq.shp

 A24-04008\_approx\_mainline.shp

1987 Aerial Photography from IDWR  
Water Resources Field Services 208 681 9100

Gridh

A24-04008 and new claim combined place of use

| Township, Range | Section | QQ | Q  | Acres | Acres  | QQF | QF |   |
|-----------------|---------|----|----|-------|--------|-----|----|---|
| 10S45E          | 14      | SW | SW | 16    | 16.348 |     | 3  | 3 |
| Section Total   |         |    |    | 16    |        |     |    |   |
| 10S45E          | 15      | SW | SE | 8.2   | 8.243  |     | 3  | 4 |
| 10S45E          | 15      | SE | SE | 22    | 22.146 |     | 4  | 4 |
| Section Total   |         |    |    | 30.2  |        |     |    |   |
| 10S45E          | 22      | NE | NE | 40    | 39.948 |     | 1  | 1 |
| 10S45E          | 22      | NW | NE | 27    | 27.464 |     | 2  | 1 |
| 10S45E          | 22      | SW | NE | 17    | 16.636 |     | 3  | 1 |
| 10S45E          | 22      | SE | NE | 28    | 27.528 |     | 4  | 1 |
| 10S45E          | 22      | NE | SE | 6.5   | 6.467  |     | 1  | 4 |
| 10S45E          | 22      | NW | SE | 3.7   | 3.65   |     | 2  | 4 |
| Section Total   |         |    |    | 122.2 |        |     |    |   |
| 10S45E          | 23      | NW | NW | 31    | 31.093 |     | 2  | 2 |
| 10S45E          | 23      | SW | NW | 4     | 3.953  |     | 3  | 2 |
| Section Total   |         |    |    | 35    |        |     |    |   |
| Total Acres     |         |    |    | 203.4 |        |     |    |   |

| TRSQQ        | ID | AREA      | PERIMETER | ACRES  |
|--------------|----|-----------|-----------|--------|
| 09S46E21SWSW | 0  | 37511.626 | 1048.887  | 9.269  |
| 09S46E28NWNW | 0  | 25790.945 | 1201.803  | 6.373  |
| 09S46E21NWSW | 0  | 34333.771 | 918.951   | 8.484  |
| 09S46E29NENE | 0  | 4938.490  | 375.148   | 1.220  |
| 09S46E21SWSW | 0  | 94961.149 | 1467.574  | 23.465 |
| 09S46E20SESE | 0  | 31903.881 | 837.439   | 7.883  |
| 09S46E29NWNE | 0  | 22324.883 | 712.989   | 5.516  |
| 09S46E28NWNW | 0  | 24007.481 | 988.436   | 5.932  |
| 09S46E21NWSW | 0  | 6664.106  | 351.645   | 1.647  |
| 09S46E29NENE | 0  | 76945.290 | 1595.947  | 19.013 |

A24-04008 and new claim permissible place of use

| Township, Range | Section | QQ | Q  | Acres |
|-----------------|---------|----|----|-------|
| 10S45E          | 14      | SW | SW | 16    |
|                 |         |    |    |       |
| Section Total   |         |    |    | 16    |
|                 |         |    |    |       |
| 10S45E          | 15      | SW | SE | 8.2   |
| 10S45E          | 15      | SE | SE | 22    |
|                 |         |    |    |       |
| Section Total   |         |    |    | 30.2  |
|                 |         |    |    |       |
| 10S45E          | 22      | NE | NE | 40    |
| 10S45E          | 22      | NW | NE | 27    |
| 10S45E          | 22      | SW | NE | 17    |
| 10S45E          | 22      | SE | NE | 28    |
| 10S45E          | 22      | NE | SE | 6.5   |
| 10S45E          | 22      | NW | SE | 3.7   |
|                 |         |    |    |       |
| Section Total   |         |    |    | 122.2 |
|                 |         |    |    |       |
| 10S45E          | 23      | NW | NW | 31    |
| 10S45E          | 23      | SW | NW | 4     |
|                 |         |    |    |       |
| Section Total   |         |    |    | 35    |
|                 |         |    |    |       |
| Total Acres     |         |    |    | 203.4 |

Place of Use by QQ

Points in Contor\_GPS\_July05.shp

| Claim     | Sitetag  | Feature | Waypoint | Idm83_e | Idm83_n | Instrument      | Collected | Date     |                                                                                     |
|-----------|----------|---------|----------|---------|---------|-----------------|-----------|----------|-------------------------------------------------------------------------------------|
| A24-04008 | none     | Other   | 25       | 2731021 | 1263879 | Garmin Geko 201 | B.Contor  | 20050722 |                                                                                     |
| A24-04008 | A0013648 | POD     | 26       | 2730937 | 1263907 | Garmin Geko 201 | B.Contor  | 20050722 | Where pipeline enters property                                                      |
| A24-04008 | none     | POU     | 27       | 2731646 | 1264069 | Garmin Geko 201 | B.Contor  | 20050722 | Where mainline splits                                                               |
| A24-04008 | none     | POU     | 28       | 2731597 | 1264307 | Garmin Geko 201 | B.Contor  | 20050722 | Identified by owner as northern extent of west mainline                             |
| A24-04008 | none     | POU     | 29       | 2731693 | 1264742 | Garmin Geko 201 | B.Contor  | 20050722 | Owner states that east mainline, east of this location, would extend this far north |
| A24-04008 | none     | Other   | 49       | 2733168 | 1264930 | Garmin Geko 201 | B.Contor  | 20050723 | Hilltop, photos taken from here for multiple claims                                 |

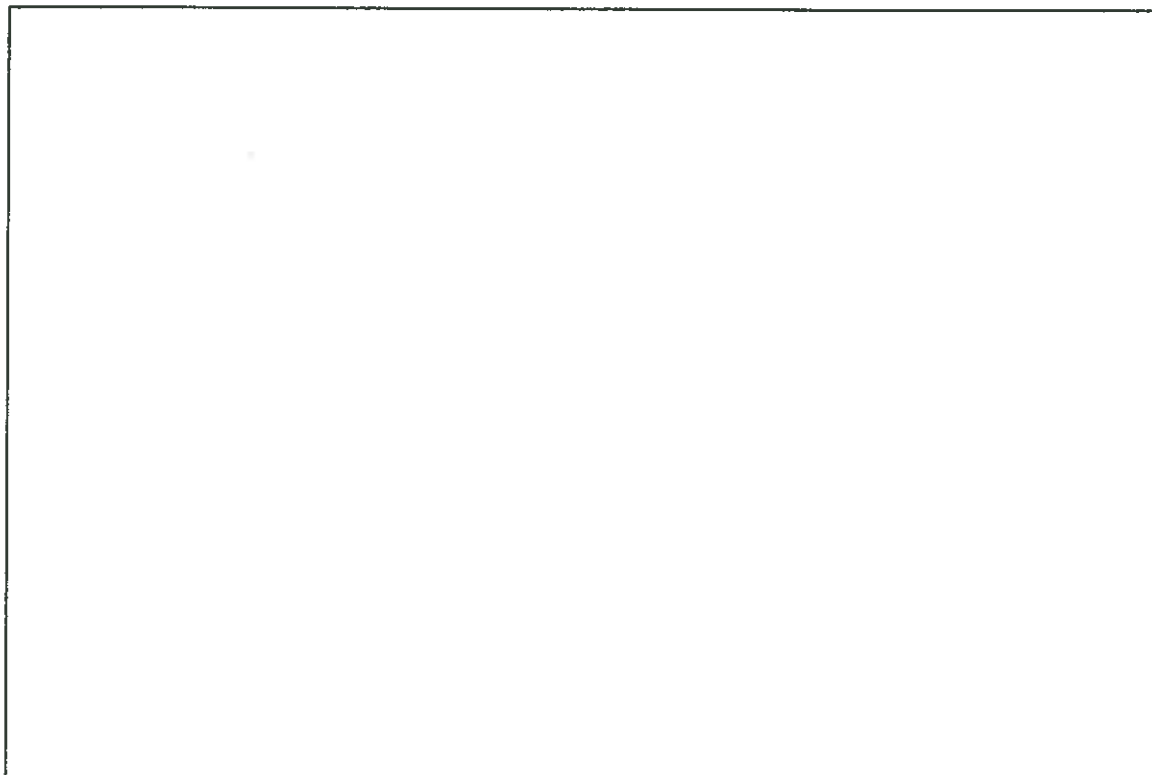
GPS points

Adjudication Claim no A24-04008

Field Photos

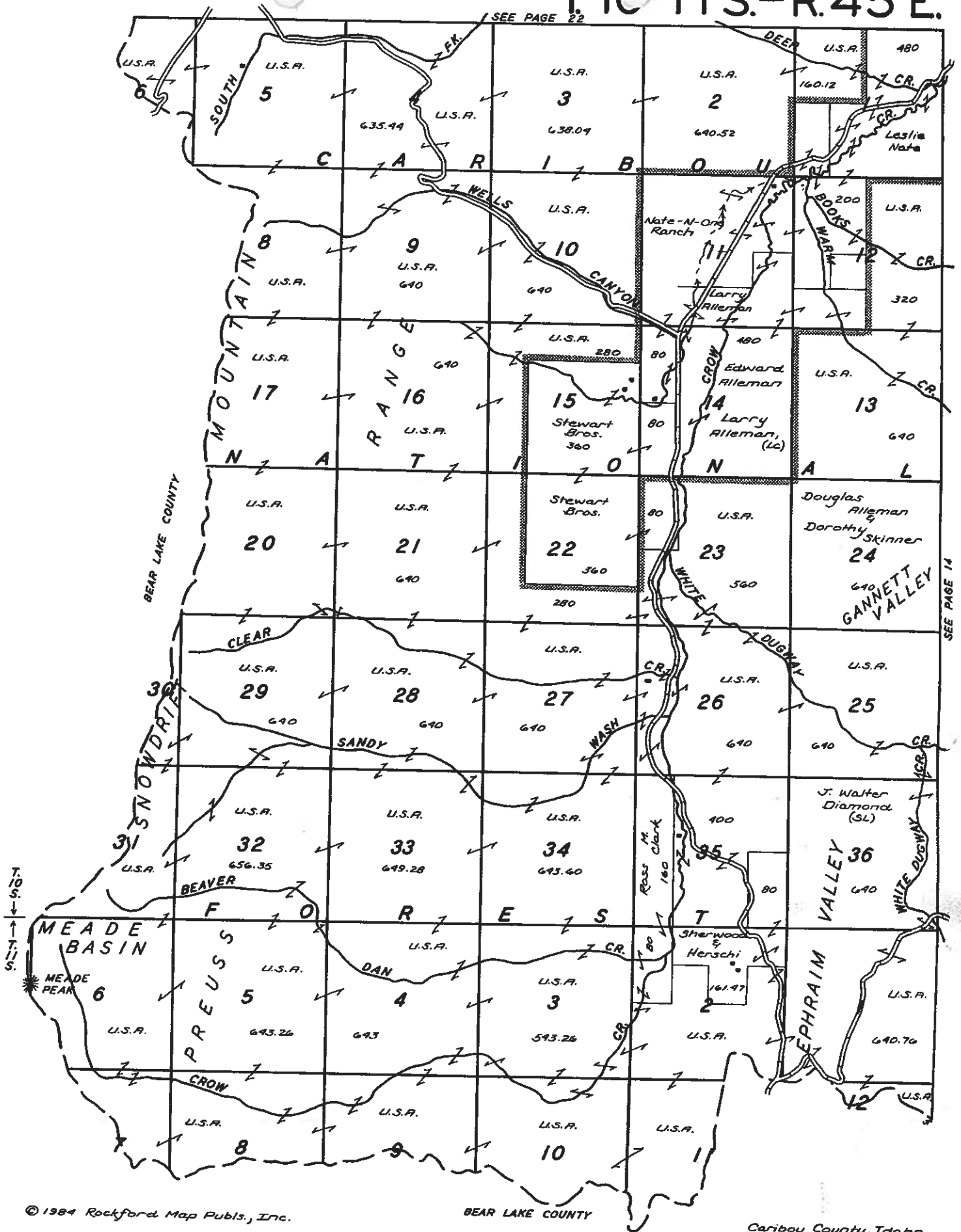


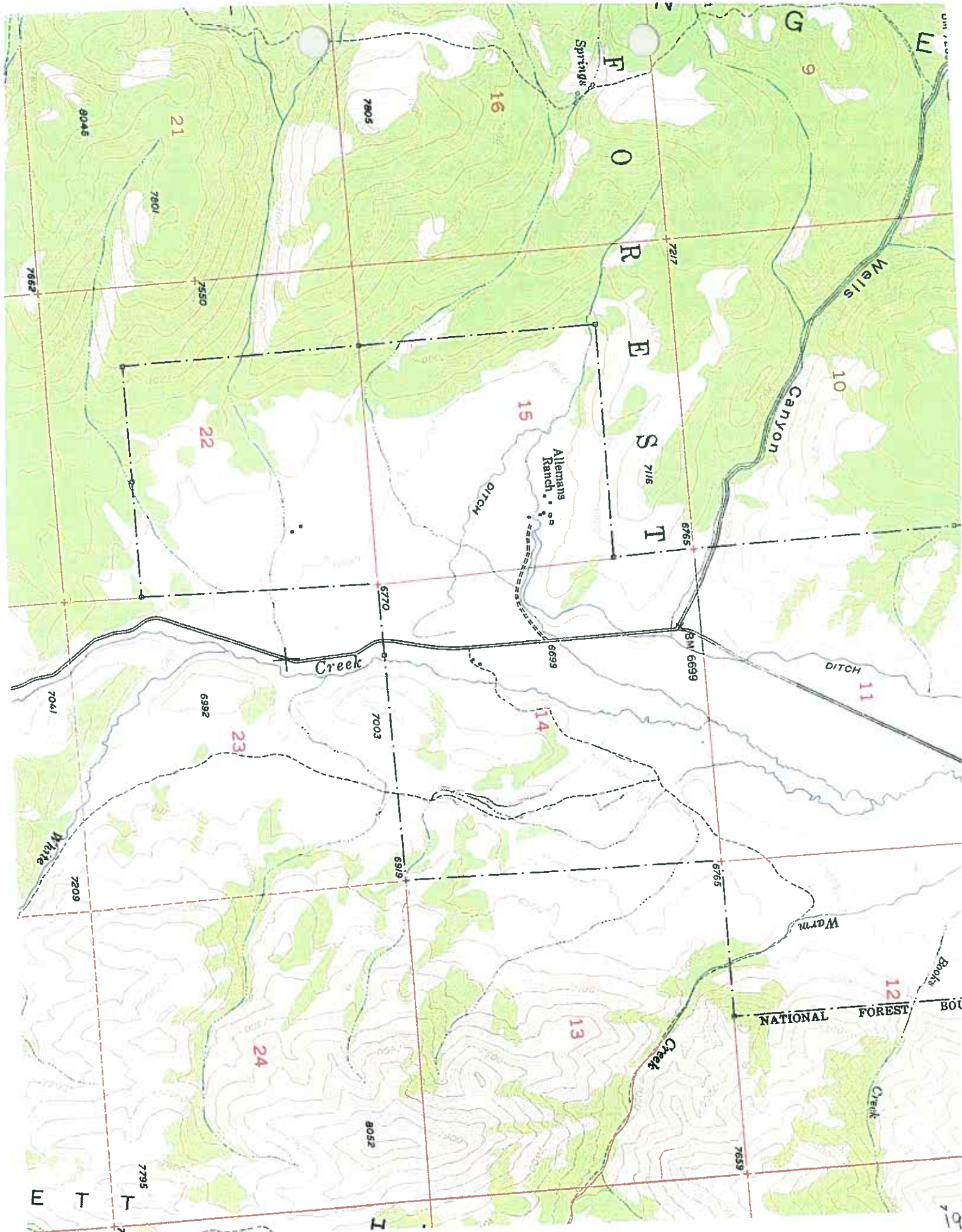
POD, looking  
down into  
inlet box for  
12" pipeline.  
Waypoint 26  
2730937E  
1263907N  
IOTM 83  
tag A0013648  
22 Feb, 05  
Bac



SEE PAGE 22

SEE PAGE 14





T10S R45E



409

32° 30'

410

411

412

413

# Parcel Numbers:

~~71690~~

~~71700~~

~~71710~~

~~71720~~

~~21460~~

~~21480~~

~~21490~~

~~21500~~

21460

0, 45, 14

W  $\frac{1}{2}$  SW,

dry grazing 33 ac  
meadow 43 ac  
waste 4 ac.

0, 45, 15

21480

SE, E  $\frac{1}{2}$  SW, S  $\frac{1}{2}$  NE, SE NW,

rural other 45 ac  
dry grazing 230 ac  
meadow 83 ac  
waste 2 ac

21490

0, 45, 22

NE, N  $\frac{1}{2}$  SE, E  $\frac{1}{2}$  NW, NE SW,

dry grazing 360 ac

21500

0, 45, 23

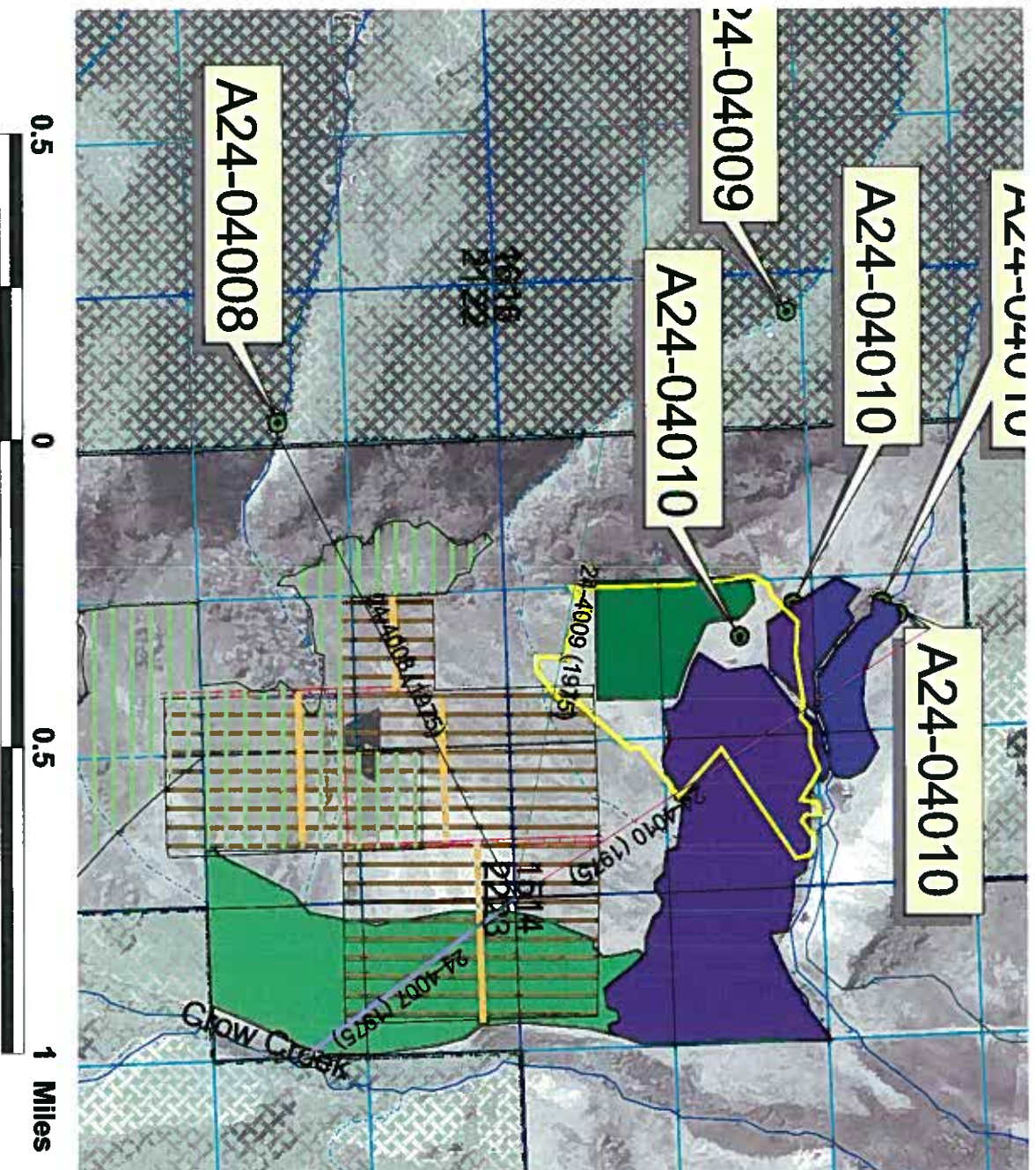
W  $\frac{1}{2}$  NE,

dry grazing 78 ac  
waste 2 ac

# 24-4007-4010 POD's (1975)



This line comes from the Statutory Claim which was filed Nov 10th, 1975. S63d00m00sW: 4521 ft from common corner of Sections 14, 15, 22 and 23.



## LEGEND

- Point of Diversion
- Quarter-Quarter Lines
- Sections
- Private
- U.S. Forest Service
- 24-2020 Place of Use

PREPARED BY: C. BIRD  
SEPT. 26, 2006  
1956 IMAGERY

## LEGEND

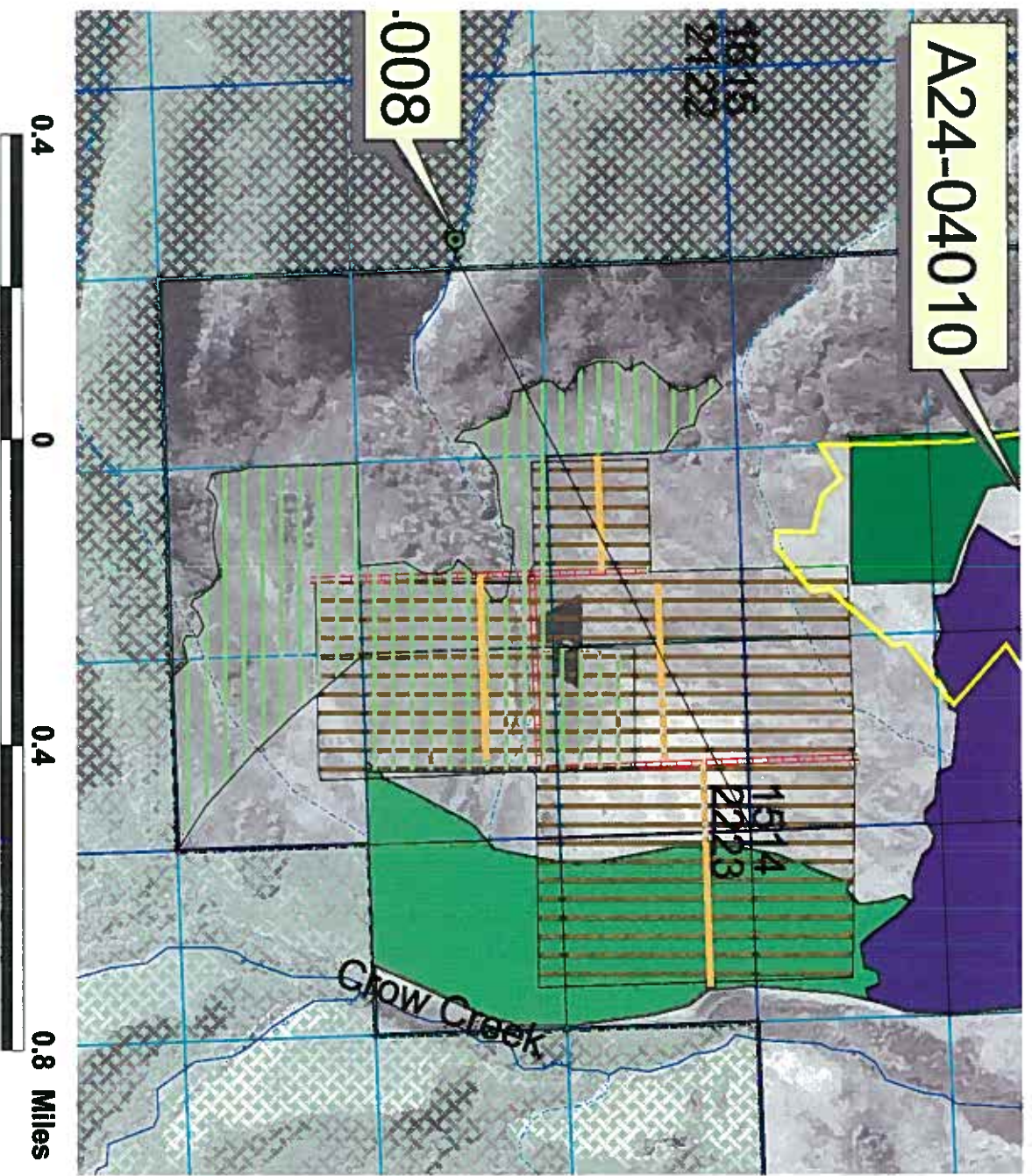
- Point of Diversion**  
**Quarter-Quarter Lines**  
**Sections**  
**Private**  
**U.S. Forest Service**  
**24-2020 Place of Use**

# 24-4008



This line comes from the Statutory Claim which was filed Nov 10th, 1975. S63d00m00sW: 4521 ft from common corner of Sections 14, 15, 22 and 23.

Source 3



- LEGEND**
- Point of Diversion
  - Quarter-Quarter Lines
  - Sections
  - Private
  - U.S. Forest Service
  - 24-2020 Place of Use

PREPARED BY: C. BIRD  
SEPT. 26, 2006  
1956 IMAGERY

**NOTICE OF ERROR  
REPLY**

-----

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:** \_\_\_\_\_

Water right number: 24-4008

Nevada Rock & Sand

527 Regence Gate Dr.

Henderson, NV 89012

Telephone Number: (208) 523-0620 - Office of Kent W. Foster - Holden Kidwell, Hahn & Crapo

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

We believe this claim or the correct portion thereof must be recommended. If there is additional information that would be helpful, we would be happy to provide it if it is available to us. Please let us know how we may be of assistance.

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagreed with these portions:

\_\_\_ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 9/21/06 SIGNATURE: *Kent W. Foster*  
Please print your name: Kent W. Foster, Attorney

IDWR Regional Office, 900 N. Skyline, Idaho Falls, ID 83402, (208) 525-7161

G:\WPDATA\KWF\10652 MARTIN, STEPHEN E\08 Nevada Rock & Sand\Notice of Error Reply 24-4008.wpd:cdv

**FAXED**  
12:04 pm  
to I.F. CB

**RECEIVED**  
SEP 25 2006  
By CB



TO: \_\_\_\_\_

FROM: \_\_\_\_\_

**CARIBOU-TARGHEE NATIONAL FOREST**

Montpelier Ranger District

Phone: 208-847-0375

322 N. 4<sup>th</sup> St.

Montpelier, ID 83254

FAX: 208-847-3426

Pages (Including this sheet): \_\_\_\_\_

Message: Stewart Bro. Special Use Permit

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Authorization ID: CMT31  
Contact ID: STEWART,BROS  
Expiration Date: 12/31/2022  
Use Code: 911

FS-2700-4 (8/99)  
OMB 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE  
Forest Service  
SPECIAL USE PERMIT  
AUTHORITY:  
FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976**

STEWART BROTHERS of C/O BRENT STEWART, 1425 VISTA DR., LAS VEGAS, NV 89102 (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the CARIBOU-TARGHEE National Forest or MONTPELIER RANGER DISTRICT.

This permit covers 1.8 acres, and/or 0 miles and is described as: Line #1- 262 feet of 12' pipe and related intake systems 36"x48"x24" in NW ¼ NW ¼ of Sec. 22, T. 10 S., R. 45 E., BM, Line #2- 2150 feet of 6' pipe and related intake system 24"x36"x20" in Sec. 15 and 16, T. 10 S., R. 45 E., BM, Line #3- 6690 feet of open ditch in W ½ of Sec. 26; Sec. 23; SE ¼, Sec. 22, T. 10 S., R. 45 E., BM, as shown on the location map attached to and made a part of this permit, and is issued for the purpose of: Transporting water across National Forest Lands for irrigation.

The above described or defined area shall be referred to herein as the "permit area".

**TERMS AND CONDITIONS**

**I. AUTHORITY AND GENERAL TERMS OF THE PERMIT**

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.

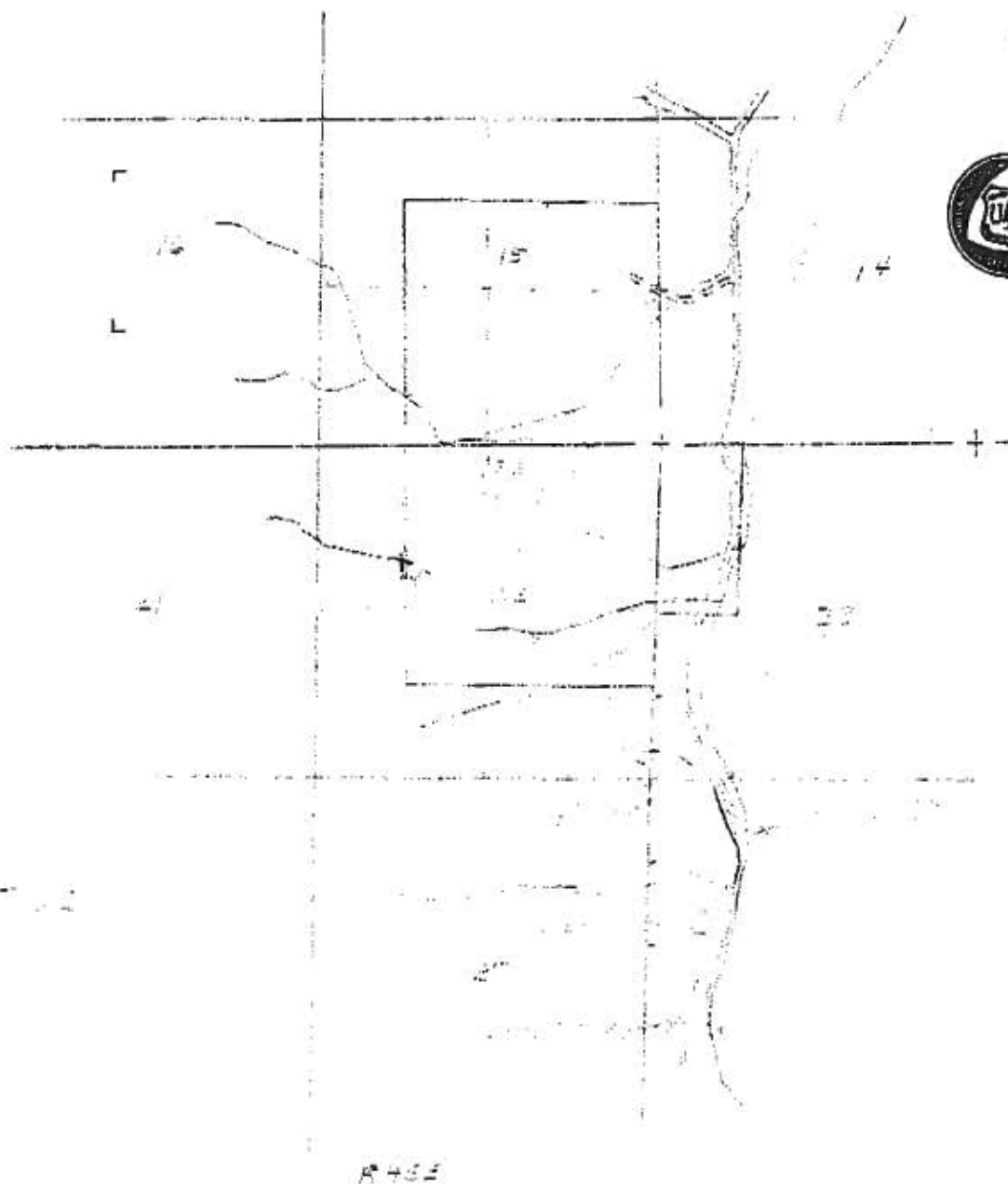
E. Existing Rights. This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.

F. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

G. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

TOTAL P.03

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE



# Receipt Details for ID E011232

24-4010

Nevada

| Status | Adjustment Type  | Version |
|--------|------------------|---------|
|        | Adjusted Receipt | 1       |

## General Information:

| Date Received              | Date Deposited | Region  | Total Amount | Payment Type |
|----------------------------|----------------|---------|--------------|--------------|
| 12/1/1989 1:59:51 PM       | 12/1/1989      | Eastern | \$910.00     | Check        |
| Payer STEWART BROTHERS CO. |                |         |              |              |

## Account Information:

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 001247               |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

Comment ADJUDICATION FEE

## Fee Detail:

| Amount   | Description      | PCA    | Fund | Fund Detail | Subsidiary | Object |
|----------|------------------|--------|------|-------------|------------|--------|
| \$910.00 | ADJUDICATION FEE | 410162 | 9337 | 00          |            | 6490   |

## Refund(s):

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

## Water Right Information:

| Basin Number | Sequence Number | Split Suffix | Amount   | Type  |
|--------------|-----------------|--------------|----------|-------|
| 24           | 4007            |              | \$200.00 | Claim |
| 24           | 4008            |              | \$210.00 | Claim |
| 24           | 4009            |              | \$200.00 | Claim |
| 24           | 4010            |              | \$300.00 | Claim |

Law Offices of  
**MARTIN & ESKELSON, PLLC**

Stephen E. Martin, Email: semartin@onewest.net  
Scott P. Eskelson, Email: seskelson@onewest.net

P.O. BOX 3189  
IDAHO FALLS, ID 83403-3189  
PHONE: (208) 523-6644  
FAX: (208) 522-0791

OFFICES:  
425 S. HOLMES  
IDAHO FALLS, ID 83401

November 3, 2005

Ms. Cindy Bird  
Idaho Water Resources Department  
15 West Center Street  
Soda Springs, ID 83276

Re: Nevada Rock & Sand Co.

Dear Ms. Bird:

Enclosed please find your letter of August 10, 2005 prepared by Bryce Contor and documents related to the same. These documents are:

1. Notice of Claim to a Water Right. ✓
2. Amended Notice of Claim to a Water Right. ✓
3. Notice of Claim to a Water Right. ✓
4. Notice of Claim to a Water Right. ✓
5. Our check in the amount of \$220.00 to cover the fees associated with these forms. ✓

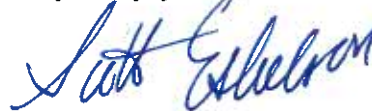
With respect to this client (Nevada Rock & Sand) I believe the only remaining item outstanding is the filing of the claim for the pond on the property. As I mentioned on the phone, we are in the process of having this prepared and will forward it by our requested response date (extended to November 15th).

RECEIVED

NOV 08 2005

Department of Water Resources  
Eastern Region

Very truly yours,



Scott P. Eskelson

Enclosures

cc: Kent Foster  
Monte Stewart  
Brent Stewart

S:\Joyce's\MyFiles\SPE-Clients\0070\05Nov03-IDDeptWater.wpd

RECEIVED  
NOV 11 2005



**Water Resources Field Services**

P.O. Box 94  
Iona, ID 83427  
208-681-9100

10 August 2005

Brent Stewart  
Nevada Rock and Sand Co.  
527 Regents Gate Drive  
Henderson NV 89012

Re: Idaho Adjudication Claims on Crow Creek Ranch

Dear Mr. Stewart:

Thank you for meeting with me in July and showing me the irrigation systems on the Crow Creek Ranch. This letter is a summary of what I found and a list of actions you might want to consider. Enclosed are some maps, new Adjudication claims, and an amended claim. I will shortly be sending the files and my report to Cindy Bird of IDWR in Soda Springs.

1. Irrigation Found: The map titled "Nevada Sand and Rock Current Combined Irrigation 2005 Field Inspection" shows the 400 acres of irrigated lands I have mapped based on the field inspection and aerial photos. ✓

The parcels marked "A" and "C" are predominantly irrigated by Alleman Spring, though the bottom (east) part of "C" can be overlapped by Crow Creek water.

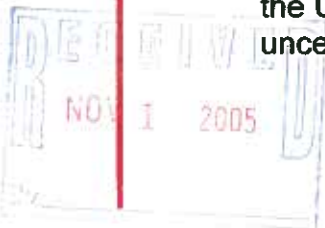
Parcel "B" is watered from the northern-most unnamed stream, using a gravity-feed sprinkler system.

Parcel "D" is not irrigated.

Parcels "E," "F" and "G" are irrigated by the pressurized sprinkler system from the south unnamed stream. The bottom (east) end of "F" can also receive Crow Creek water.

Parcel "H" is irrigated from Crow Creek.

2. Estimate of historical irrigation. The map labeled "Nevada Sand and Rock 1956 Probable Place of Use" is my estimate of the historical irrigation of the ranch, based on a 1956 aerial photograph and the lay of the land from the USGS topographic map. This totals about 300 acres but is somewhat uncertain. ✓



It appears that parcel "A" was irrigated only from Alleman Spring.

Parcel "B" could have been irrigated from the spring or from the north unnamed stream.

Parcel "C" was likely irrigated mostly from the spring, though water from all the sources could have mingled with spring water at this location.

Parcel "D" appears to have been primarily irrigated from the south unnamed stream, though it is possible that water from the north unnamed stream also was used here.

Parcel "E" is my estimate of what would have been irrigated historically from Crow Creek, with overlap from the south unnamed stream.

Parcel "F" appears to have been irrigated only from Crow Creek.

3. Possible Corrections: If you have better information on either current or historical irrigation, please contact Ms. Bird at 209 547-3993 or at

IDWR  
15 West Center Street,  
Soda Springs ID 83276.

In particular, you may have better information than I do about the location of the Crow Creek irrigation, or the southern extent of the sprinkler irrigation from the north unnamed stream. Enclosed is a pamphlet describing the kinds of documentation that Ms. Bird will be looking for to clarify what I have reported.

4. Priority Date and Place of Use. Some of the current and historical irrigated areas are on lands with patent dates later than the claimed priority dates. To avoid cutting back acreage or advancing priority dates, I have prepared new claims that you may wish to submit. One is for the northern part of the Alleman Spring place of use and one is for the southern part of the Crow Creek place of use. Sometimes we can assert that there has been an accomplished change in place of use from older-patent lands to newer-patent lands, but there doesn't appear to be enough extra irrigable early-patent lands to make that assertion for these two sources. There are enough acres that I am suggesting to Ms. Bird that A24-04009 (from the northern unnamed stream) be recommended as an accomplished change in place of use with the older patent priority date.

The sprinkler system on the south unnamed stream appears to water considerably more acreage than the original gravity irrigation. To preserve the priority date of the gravity irrigation and enjoy the additional acres of the sprinkler irrigation, you may want to submit the new claim I've prepared to accompany A24-04008. You'll need to submit affidavits and evidence of priority, and fill in an appropriate priority date on the claim. There is also an amended claim to adjust the place of use of A24-04008 to match the sprinkler system. These are prepared on a "permissible place of use" basis, so that either of the rights will be able to be used anywhere within the sprinkler system.

If you decide to submit these claims, mail them to Ms. Bird with a \$50 filing fee for each new claim. There is no fee for the amended claim. Put in a note explaining that you haven't paid for any additional acreage because the existing claims already list enough acres for the irrigation that is occurring.

5. Evidence of Irrigation in 1987. The enclosed map "Nevada Sand and Rock High-Confidence Determination of 1987 Irrigation" shows the lands that are obviously irrigated in the 1987 aerial photo. In many respects the Adjudication depends on what was happening as of November 1987. This aerial photo and my field visit both missed the Crow Creek and sprinkler irrigation, so my report is not going to be very strong evidence to support these rights. You may want to submit additional affidavits and documentation to Ms. Bird supporting the history of Crow Creek and sprinkler irrigation from the 1960s through the 1980s and up to the present.
6. Domestic Use. The claims only cover one of the homes on the ranch. Unless the other homes are covered by other water rights, you may want to contact Ms. Bird about filing claims or permit applications for the other homes. Claims can be filed for uses that started before May 1971, and permit applications can be file for uses that started later.
7. Ponds. None of the claims cover the ponds. You may wish to consider securing water rights for these uses as well, if that hasn't already been done.

Because of tight time schedules, I will be sending these files and the report on to Ms. Bird before you will have time to consider this letter and take any action you feel is appropriate. Please feel free to call me or Ms. Bird if you have questions. Please mail any additional information or documentation directly to her, and contact her if you want to file claims or applications for the homes or ponds.

Sincerely,



Bryce A. Contor

Enclosures:

Map "Nevada Sand and Rock Current Combined Irrigation 2005 Field Inspection"

Map "Nevada Sand and Rock 1956 Probable Place of Use"

Map "Nevada Sand and Rock High-confidence Determination of 1987 Irrigation"

New claim to accompany A24-04007 (Crow Creek)

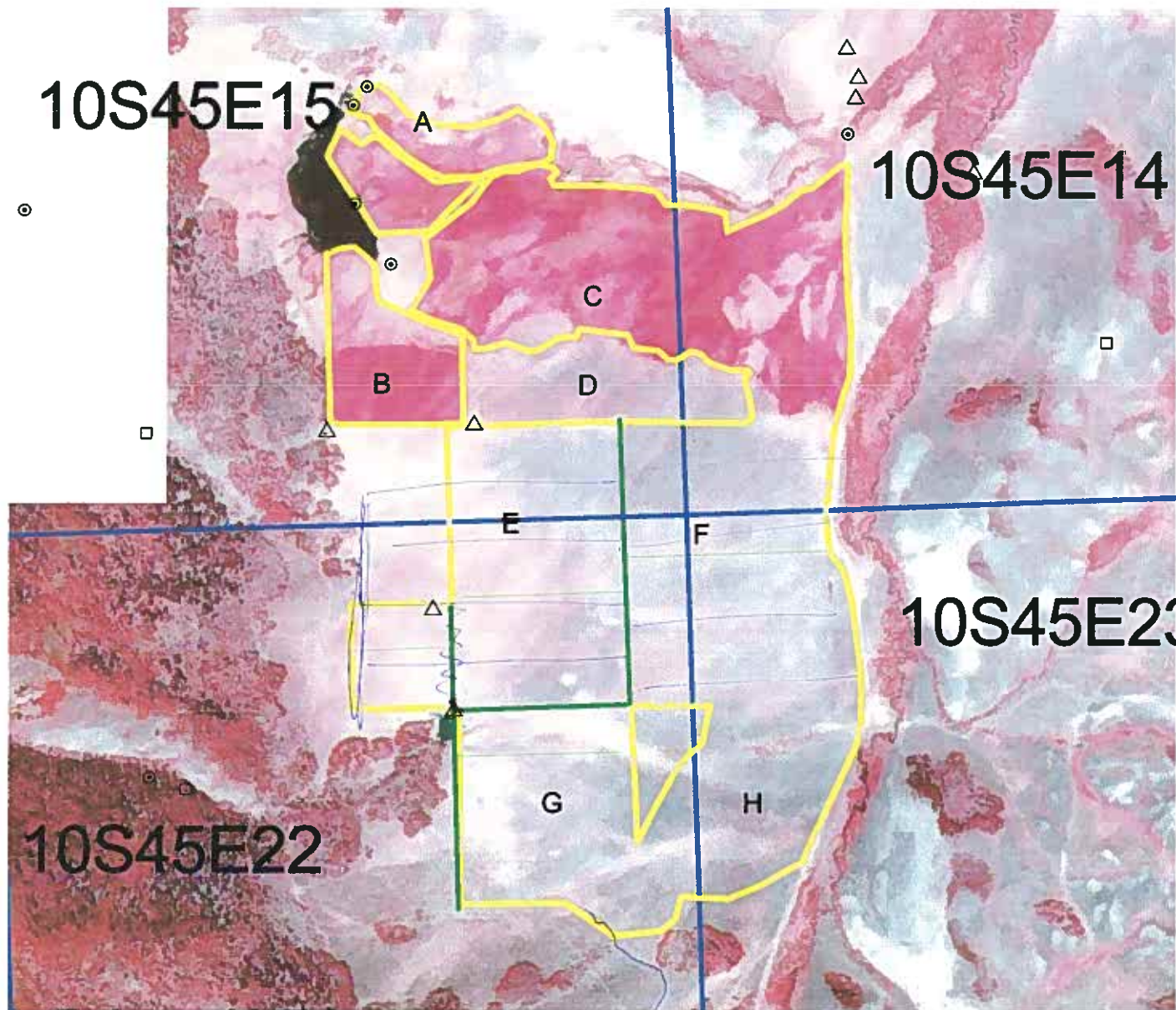
Amended claim A24-04008 (south unnamed stream)

New claim to accompany A24-04008

New claim to accompany A24-04010 (Alleman Spring)

Evidence of Priority brochure

# Nevada Sand and Rock Current Combined Irrigation 2005 Field Inspection

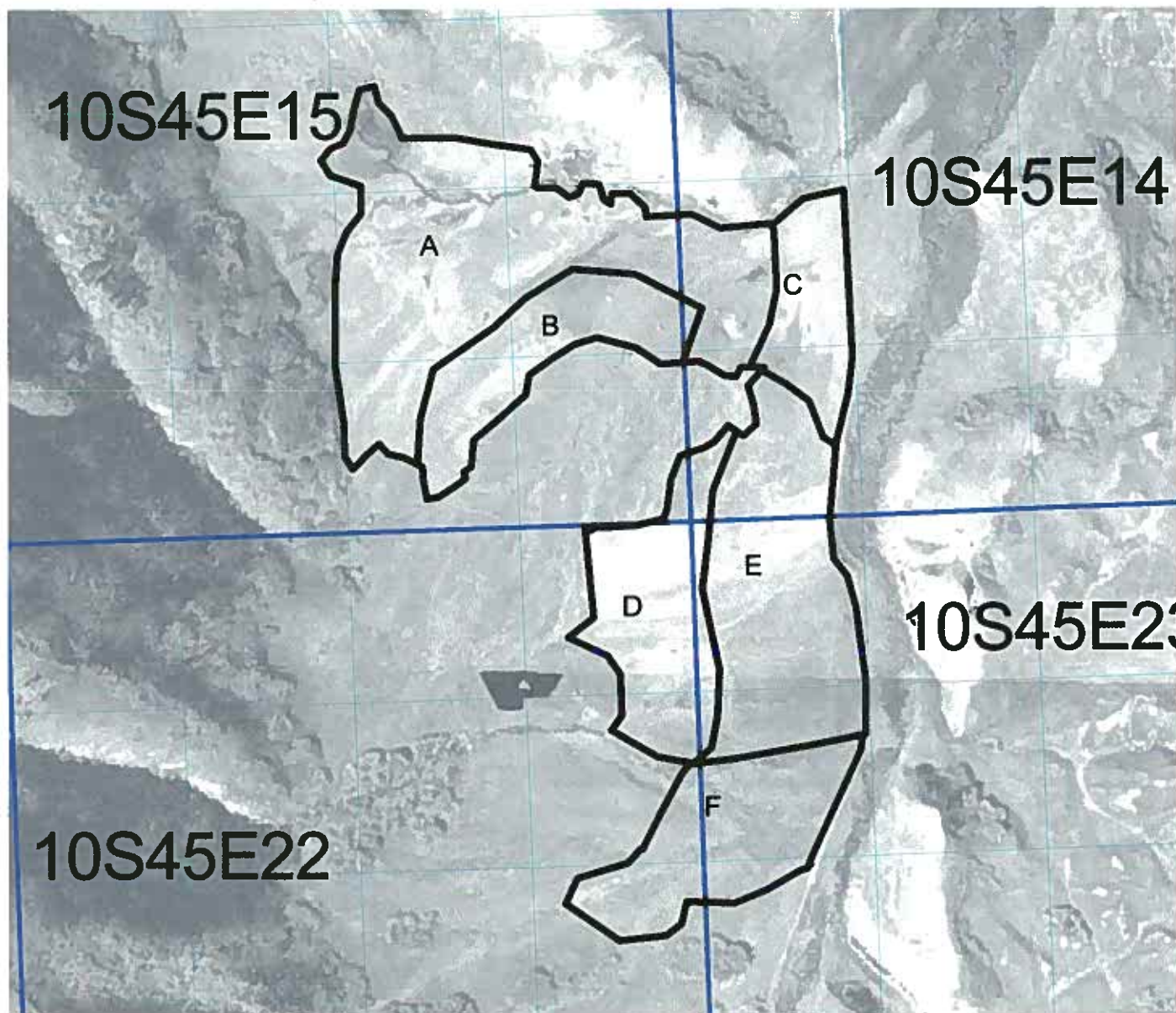


Contor\_gps\_july05.shp

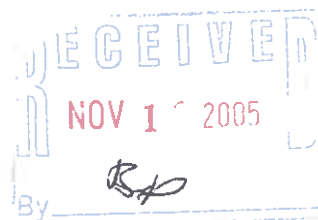
- Other
- POD
- △ POU
- A24-04008\_approx\_mainline.shp
- A24-04008\_sprink\_laterals.shp
- Nevada\_current\_combined.shp
- PLSS Section LinesGcdb\_sections.shp



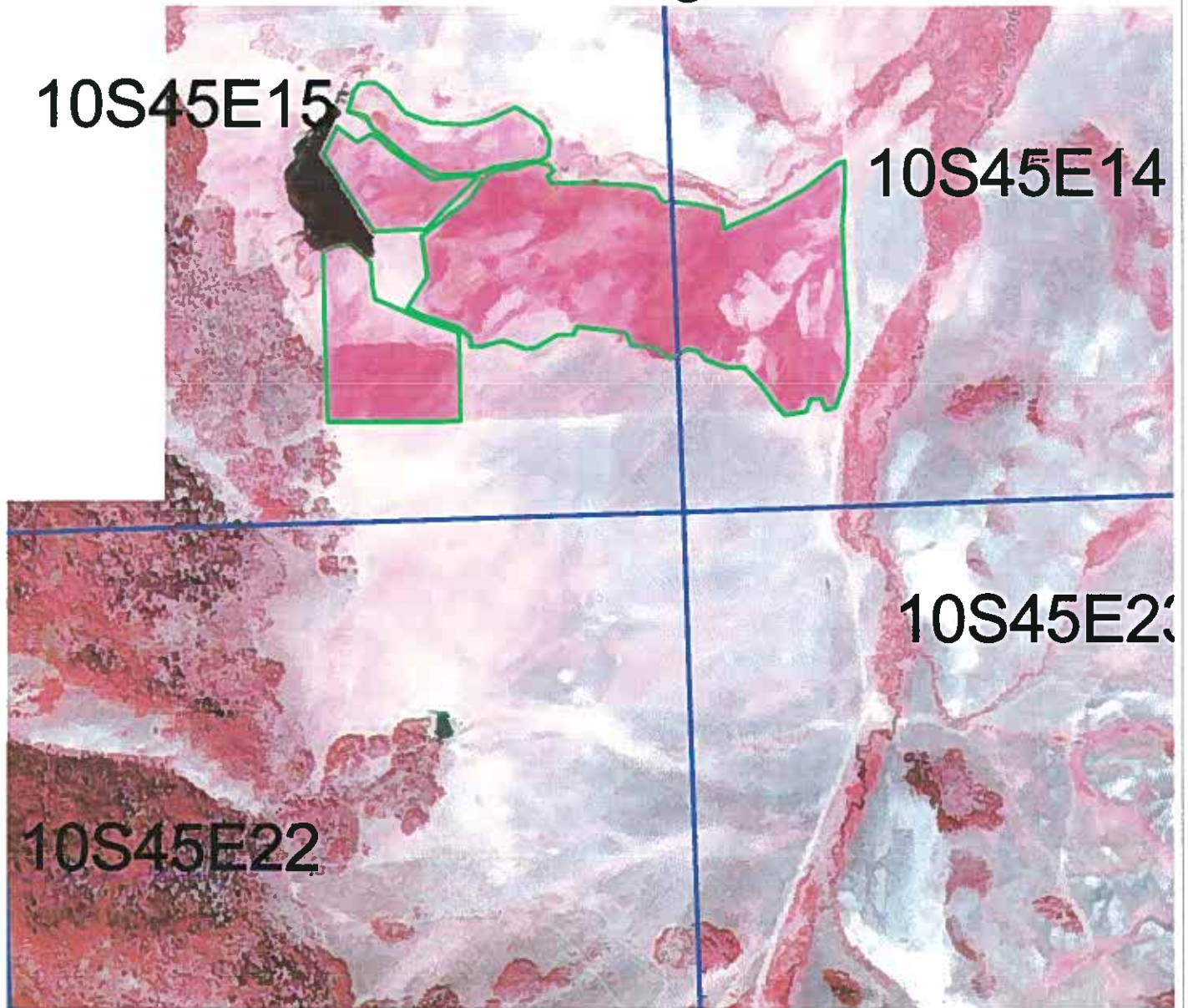
# Nevada Sand and Rock 1956 Probable Place of Use



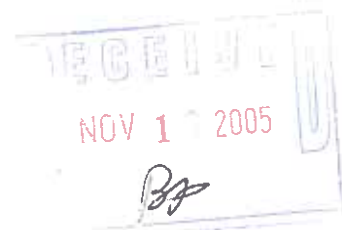
-  Nevada\_1956\_probable\_no\_overlap.shp
-  PLSS Section LinesGcdb\_sections.shp
-  Gcdb\_qq.shp



# Nevada Sand and Rock High-confidence Determination of 1987 Irrigation



-  Nevada\_1987\_highconfidence.shp
-  PLSS Section LinesGcdb\_sections.shp
-  Gcdb\_qq.shp





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

17 October 2005

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Scott Eskelson  
Martin & Eskelson, PLLC  
P. O. Box 3189  
Idaho Falls, ID 83403-3189

Re: Snake River Basin Adjudication (SRBA)  
Claims 24-4007, 24-4008, 24-4009, 24-4010

Subject: CLARIFICATION

COPY

Dear Claimant (s):

The Soda Springs office has been given the mission to verify ALL the components of your adjudication claims in this basin and to make recommendations to the SRBA Court later this year.

Bryce Contor was hired as a sub-contractor to field verify information based on pre-1987 beneficial use. He is no longer working for the Department. The recommendations to the Court will come from this office.

To expedite this process, please make sure our requests for information are handled in a timely manner.

If you have any, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird

CEB/bjp

Cc: Brent Stewart  
P. O. Box 917  
Afton, WY 83110

Law Offices of  
**MARTIN & ESKELSON, PLLC**

Stephen E. Martin, Email: semartin@onewest.net  
Scott P. Eskelson, Email: seskelson@onewest.net

P.O. BOX 3189  
IDAHO FALLS, ID 83403-3189  
PHONE: (208) 523-6644  
FAX: (208) 522-0791

OFFICES:  
425 S. HOLMES  
IDAHO FALLS, ID 83401

October 10, 2005

Brent Stewart  
P.O. Box 917  
Afton, WY 83410

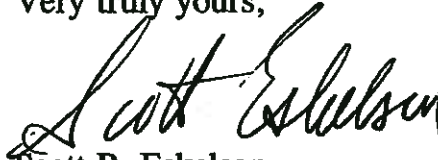
Re: Water Rights Matters

Dear Brent:

Please see the enclosed letter of August 10, 2005 from Bryce Contor and the paperwork which you prepared. I have placed small stickers thereon to indicate where you need to sign and have your signature notarized. Thereafter, would you please return these to me so that I may forward them to Cindy Bird, at IDWR, in Soda Springs.

Please call me should you have any questions. As we discussed, the recommendations of Mr. Contor appear to be correct.

Very truly yours,

  
Scott P. Eskelson

✓ Enclosures

cc: Cindy Bird, IDWR

Re: Water Right No.'s A24-04007, A24-04008, A24-04010 -  
Nevada Rock & Sand, Co.

## **Payne, Barbara**

---

**From:** Payne, Barbara  
**Sent:** Tuesday, January 24, 2006 8:30 AM  
**To:** Williams, Ray; Spencer, Nick  
**Cc:** Bird, Cindy  
**Subject:** Basin 24 Nevada Rock & Sand

Good morning,

The attached .jpg files contains correspondence between Soda and this claimant. They have 8 claims:

24-4007  
24-4008  
24-4009  
24-4010  
24-4011  
24-10684  
24-10685  
24-10686

In their latest letter they suggest we ask our attorney to make contact with their attorney and instruct them on what constitutes an appropriate affidavit. This request was as a result of our request for a clearer affidavit. They sent us two and one was evasive. I have sent all the relating correspondence. Please keep us informed as to the results. Thanks.  
Barbara :-}

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](mailto: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.

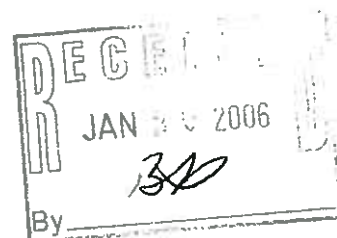
In the meantime, some of your letter leaves us confused. If you think something is wrong with the affidavits that were submitted, we would suggest you ask your attorney to make contact with us and we will be happy to be instructed by him or her as to what constitutes an appropriate affidavit.

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



**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
|                       | 24-4007                      | —     |                       |                              | —     |
|                       | 24-4008                      | —     |                       |                              | —     |
|                       | 24-4009                      | —     |                       |                              | —     |
|                       | 24-4010                      | —     |                       |                              | —     |
|                       |                              | —     |                       |                              | —     |

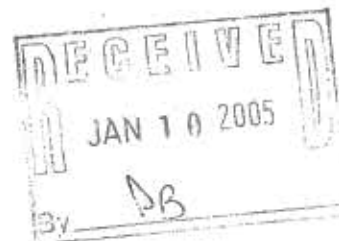
2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Stewart Brothers. Co.  
Las Vegas, NV
4. New Owner/Claimant(s) Nevada Rock & Sand Co.  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
c/o Monte Stewart  
New Mailing Address 1014 East 590 South
- City, State and ZIP Code Orem, UT 84097
- New Telephone Number (801) 221-4975
5. Date you acquired the property March 9, 1998



6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

7.

Signature of New Owner(s) or Claimant(s) BY: Monte Stewart  
(include title if applicable) Monte Stewart, Secretary

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**For Office Use Only**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

Law Offices of  
**MARTIN & ESKELSON, PLLC**

Stephen E. Martin, Email: semartin@onewest.net  
Scott P. Eskelson, Email: seskelson@onewest.net

P.O. BOX 3189  
IDAHO FALLS, ID 83403-3189  
PHONE: (208) 523-6644  
FAX: (208) 522-0791

OFFICES:  
425 S. HOLMES  
IDAHO FALLS, ID 83401

December 17, 2004

Ms. Barbara Payne  
Idaho Department of Water Resources  
15 West Center Street  
Soda Springs, ID 83276

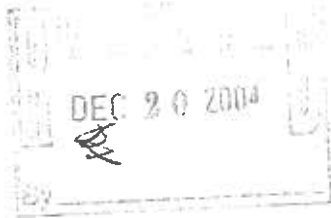
Re: Snake River Basin Adjudication: Claim No's 24-4007, 24-4008, 24-4009 and  
24-4010

Dear Ms. Payne:

In response to your letter of October 28, 2004 requesting further information enclosed please find copies of the following documents:

1. Copy of Warranty Deed to the property to confirm ownership.
2. Copy of an old plat map on which I have indicated the points of diversion for the Alleman Spring and the unnamed stream. This applies to several of the water rights. You will also see outlined thereon the land owned by our clients. I believe this should suffice for the requirement of a plat showing the point of diversion and place of use. We do have here in our file several copies of aerial photographs which we have obtained. These would show the land under cultivation and we can send them to you if you wish. They are quite large (approximately 4 feet by 4 feet in size).
3. Copies of the patents to each property. You will see that these were issued back in the 1922 era. Please remember these would have been the patents after the individuals had already gone in and homesteaded the land.
4. Finally, I will include copies of an abstract prepared by Bear River Valley Land and Abstract Co. I will include copies of pertinent portions of this abstract. I have the entire original abstract in my possession should you desire it. It is this documentation which I believe confirms the priority date of March 27, 1912 as shown in each of the claimed water rights. Please note that I have included copies of the patents (that is the page which describes the patents) as well as the page describing the Warranty Deed from

Ms. Barbara Payne  
December 17, 2004  
Page 2



John Peter Alleman and Helen Alleman to Matthew Alleman. Matthew Alleman subsequently sold the land to my clients, the Stewarts. I will refer to a copy of that deed later in this letter.

The most important pages from this abstract are those dealing with water license number 8159 issued by the State of Idaho to Abraham Alleman. Please note this is dated March 27, 1912. This is the key date. Also please see the document entitled "Certificate of Completion of Works". This is dated June 25, 1914 and refers to the prior application for diversion of water from the creek and Alleman Spring. This abstract provides the best historical evidence which we can find referring to the fact that water had been applied and used for as far back as 1912. As you would expect when the parties went in and homesteaded the land they began to put it under cultivation, divert the water and apply it.

5. I will next include a copy of an Affidavit from Douglas Alleman. Douglas Alleman is the son of Matthew Alleman. This is a just a general Affidavit which confirms that Mr. Alleman remembers that at least since about 1930 he had been on the family farm and water was being used since that date. However, the copies of the pages from the patent provide confirmation of the 1912 date. Therefore, this Affidavit is simply included for general historical purposes.

6. Finally, I will include a copy of the Deed from Matthew and Hattie Alleman to the Stewart family members. This instrument was dated August 1, 1963. The Stewart family has owned the property in question on a continuous basis since that time. The Stewart family members have placed the land in various corporate or partnership entities since that date. It is now currently shown under the name of Nevada Rock and Sand Company.

I believe with this information which we have provided this should adequately respond to your referenced above. However, if your department requires further confirmation as to the priority date or other information, please do not hesitate to contact me.

Very truly yours,

Scott P. Eskelson

Enclosures  
Monte Stewart

*Nevada River  
+ Sand*

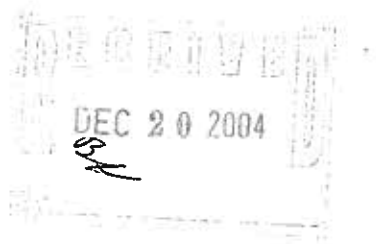
*CARIBOU LAND TITLE, INC  
241 SOUTH MAIN, P.O. BOX 608  
SODA SPRINGS, IDAHO 83276*

*208-547-4321  
208-547-2241 (FAX)*

*800-942-8440*

November 23, 2004

First American Title  
Attn: Lois  
2004 Jennie Lee Drive  
Idaho Falls, ID 83404



Dear Lois:

Enclosed please find copies of the following per your request as well as our invoice for same:

Township 10 South, Range 45 East of the Boise Meridian:

Patent, Instrument No. 4295 affecting the W $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 14; W $\frac{1}{2}$ SW $\frac{1}{4}$  Sec. 23  
Patent, Instrument No. 4297 affecting the SE $\frac{1}{4}$  of Sec. 15  
Patent, Instrument No. 18088 affecting the S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 15  
Patent, Instrument No. 4294 affecting the NE $\frac{1}{4}$  of Sec. 22

**"THANK YOU"** for the privilege of serving you. Please remember to designate **CARIBOU LAND TITLE, INC.** in your next title or escrow transaction.

If you have any questions, please don't hesitate to contact our office.

Very Truly Yours,

CARIBOU LAND TITLE, INC.

By: *Caree Hale*

enc.



State of Idaho

## DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

28 October 2004

Nevada Rock & Sand Co.  
527 Regents Gate Drive  
Henderson, NV 89012

COPY

Re: Snake River Basin Adjudication (SRBA)  
Claims 24-4007, 24-4008, 24-4009, 24-4010

Subject: OWNERSHIP CHANGE & EVIDENCE OF PRIORITY

Response Date: 28 November 2004

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 24. We have been advised that you are the current owner of the property and water right referenced above. Before we can modify our records to reflect your ownership of the property, we need Form 42-248/42-1409(6) completed, signed and returned. I have enclosed the form for your convenience.

In the adjudication review process there is no filing fee. However, we will need a copy of the plat, survey map or aerial photo with the appropriate area marked and a copy of the warranty deed.

The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The basis of the above referenced Notice of Claim is a "statutory claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion

works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

.....  
**The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.**  
.....

Please submit the documentation supporting the priority date by the above noted response date referencing **all documents with the corresponding Notice number.** If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,



Barbara Payne

Enclosure: Brochure on "Evidence of Priority"  
Notice of Change in Water Right Ownership  
Adjudication Claim Report

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern District Office  
900 N. Skyline Dr., Suite A  
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

24-4007 Caribou  
24-4008 10S 4SE 14  
24-4009 10S 4SE 15  
24-4010

RETURN  
TO SENDER  
ATTEMPT UNKNOWN

PREPAID

Nevada Sand & Gravel  
527 Regent's gate Dr  
Henderson, NV 89012

STEWART BROTHERS CO  
ATTN: PAUL JUDD  
HUNTRIDGE STATION  
PO BOX 42775  
LAS VEGAS NV 89116

RECEIVED

SEP 13 2004

Department of Water Resources  
Eastern Region

SCANNED

SEP 17 2004

83402-1718 189355

