

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 24-4010
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: 05/16/1912

3. Source: ALLEMAN SPRING Trib. to: CROW CREEK

4. Point of Diversion:

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

5. Description of diverting works:

HEADGATES DIKE OUTLETS AND DITCHES FROM DIKE WHICH HAS IMPOUNDED WATER FROM
ALLEMAN SPRING SINCE FALL OF 1963

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/30	3	
STOCKWATER	4/01	10/30	0.09	
DOMESTIC	4/01	10/30	0.02	

7. Total Quantity Appropriated is:
3 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
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JUN 30 2009

10S	45E	14	SW	SW	STOCKWATER	
			NW	SW	STOCKWATER	
			NW	SW	IRRIGATION	35
			SW	SW	IRRIGATION	15
					Section Acres	50
10S	45E	15	SW	NE	IRRIGATION	16
			SE	NE	IRRIGATION	8
			SE	NW	IRRIGATION	3
			NE	SW	IRRIGATION	3
			NE	SE	IRRIGATION	38
			NW	SE	IRRIGATION	14
			SE	SE	IRRIGATION	3
			SE	NE	STOCKWATER	
			SW	NE	STOCKWATER	
			NW	SE	STOCKWATER	
			NE	SE	STOCKWATER	
			SE	SE	STOCKWATER	
			SW	NE	STOCKWATER	
					Section Acres	85
					Total Acres	135

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Other water rights used at the same place and for the same purposes as described above: 24-2020 and 24-4009.

250 pair cattle, 10 bulls

15. Basis of Claim: Beneficial Use

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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 24-4010

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) May 16, 1912
3. Source of water supply (a) Alleman Spring
which is tributary to (b) Crow Creek
- 4.a. Location of existing point of diversion is:
Township 10S Range 45E. Section 15, NW 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____,
County of Caribou
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Headgates, dike outlets and ditches from dike which has impounded water from Alleman Spring
since fall of 1963.
6. Water is claimed for the following purposes: (Both dates are inclusive) (cfs) (acre feet)
For Domestic Irrigation purposes from 04/01 to 10/31 amount 3.0 cfs or _____
Stock
7. Total quantity claimed (a) 3.0 (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.) _____



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10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	45E	14										35	15						50
		15			16	8				3	3				38	14		3	85

Total number of acres irrigated 135

11. In which county(ies) are lands listed above as place of use located? Caribou

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
24-2020 and 24-4009 or None ()

14. Remarks:

15. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice ☐ Permit ☐ Decree ☐ License ☐
If applicable provide IDWR Water Right Number 24-4010
Court Case Number Decree Date
Plaintiff vs Defendant

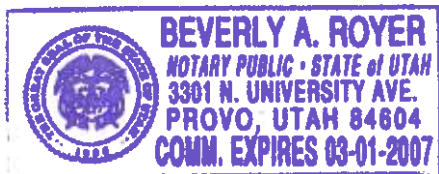
16. I do solemnly swear or affirm that I am the Corporate Secretary of Nevada Rock & Sand Co., that I have signed the foregoing document in the space below as the Corporate Secretary of Nevada Rock & Sand Co., and that the statements contained in the foregoing document is true and correct.

Signature of Authorized Agent Monte Stewart

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

State of ~~Idaho~~ Utah)
) SS.
County of Utah)

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



Beverly A. Royer

Notary Public

Residing at Orem, UT

My Commission Expires 03/01/07

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Last Name Nevada Rock & Sand Co. Ident. Number 24-4010

17. Notice of Appearance:

Notice is hereby given that I, KENT W. FOSTER will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature 
Address PO Box 50130 Idaho Falls, ID 83405
Date 10/25/06

G:\WPDATA\KWF\10652 MARTIN, STEPHEN E\08 Nevada Rock & Sand\Amended Claims\Claim.24-4010.wpd:cdv

Last Name Nevada Rock & Sand Co. Ident. Number 24-4010

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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 24-4010
Date Received: 12/1/1989
Receipt No: E011232
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NEVADA ROCK AND SAND CO

Phone:

527 REGENTS GATE DRIVE
HENDERSON NV USA 89012

2. Date of Priority: 03/27/1912

3. Source: ALLEMAN SPRING Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:

WATER FLOWS FROM UNDERGROUND SOURCE TO LAKE TO DITCH/REDIVER PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/30	3	
STOCKWATER	4/01	10/30	0.09	
DOMESTIC	4/01	10/30	0.02	

7. Total Quantity Appropriated is:
3 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	NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	30
			Section Acres			
10S	45E	15	SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	10
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	30
			SW	SE	IRRIGATION	20
			SE	SE	IRRIGATION	40
Section Acres				180		
Total Acres				250		

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

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 _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

AUG 05 2001

7300

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 0 1 1989

Ident. Number: A24-04010
Date Received: 11/07/1989
Receipt No: 601232
Received By:

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: MAR 27, 1912

3. Source: ALLEMAN SPRING Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
WATER FLOWS FROM UNDERGROUND SOURCE TO LAKE TO DITCH/REDIVER PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/30	3.000		
STOCKWATER	04/01	10/30	0.090		
DOMESTIC	04/01	10/30	0.020		

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

8. Total consumptive use is 625.0 Acre Feet Per Annum.

9. Non-irrigation uses:
316 HEAD RANGE CATTLE / ONE HOME

A24-04010

Page 1

Date: 11/07/89

A2404010



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JUN 30 2009 NOV 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	45E	14	NW	SW		IRR	40.0
			SW	SW		IRR	30.0
					Section Acres		70.0
		15	SW	NE		IRR	40.0
			SE	NE		IRR	10.0
			NE	SE		IRR	40.0
			NW	SE		IRR	30.0
			SW	SE		IRR	20.0
			SE	SE		IRR	40.0
					Section Acres		180.0
					Total Acres		250.0

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, 04008 & 04009

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.

Golden T. Stewart
Signature of Authorized Agent

Partner, STEWART BROTHERS Co
Title and Organization

Nov. 20, 1989
Date

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

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

of November 1989
NOTARY PUBLIC
STATE OF NEVADA
County of Clark
PAUL JUDD
My Appointment Expires Feb. 12, 1991

Paul Judd
Notary Public

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



Idaho Department of Water Resources

SRBA Recommendation:

24-4010

(Irrigation)

Legend

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

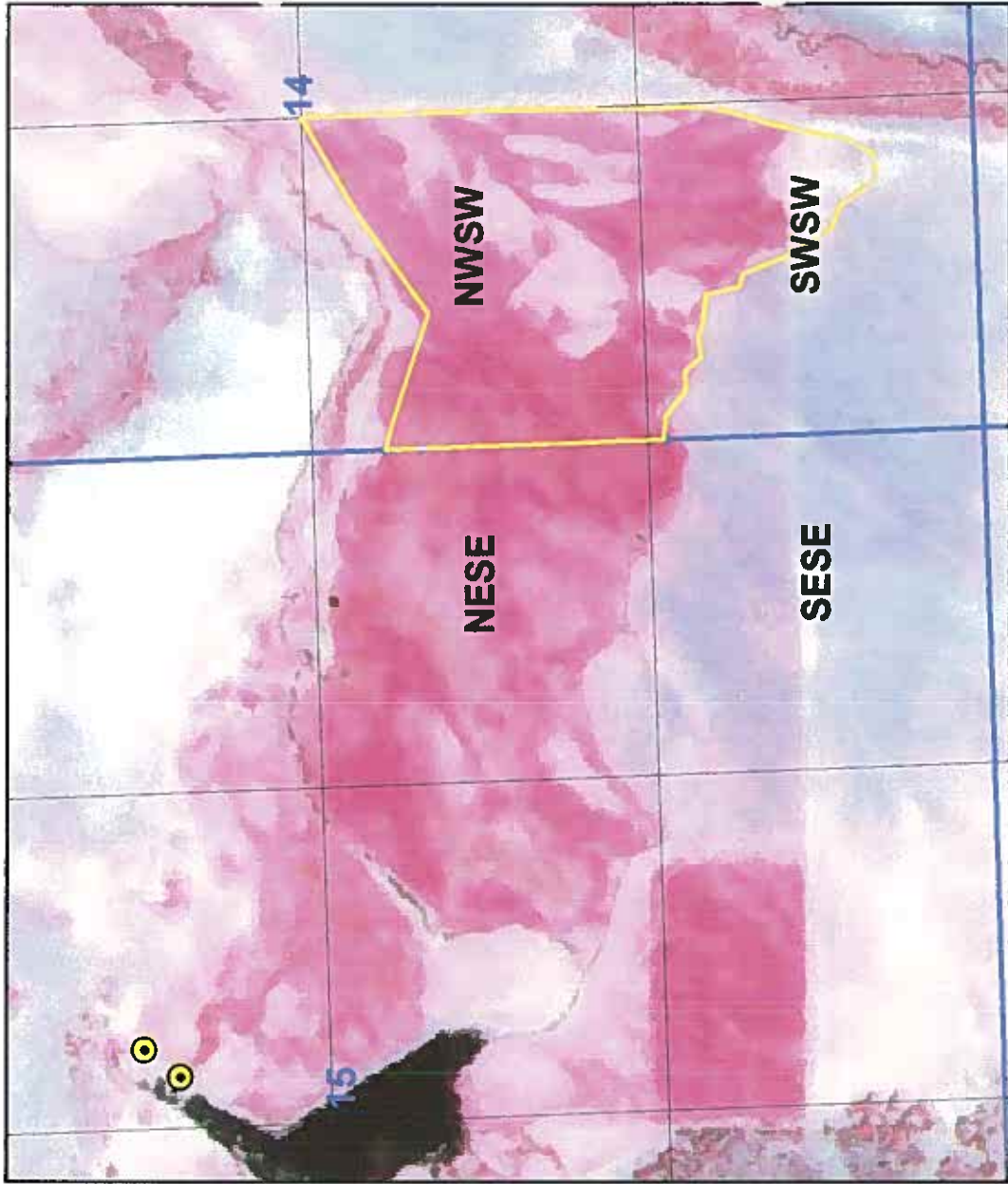


Caribou County
IDWR Basin 24

SCANNED
JUN 3

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

R45E



T10S



0.6 Miles

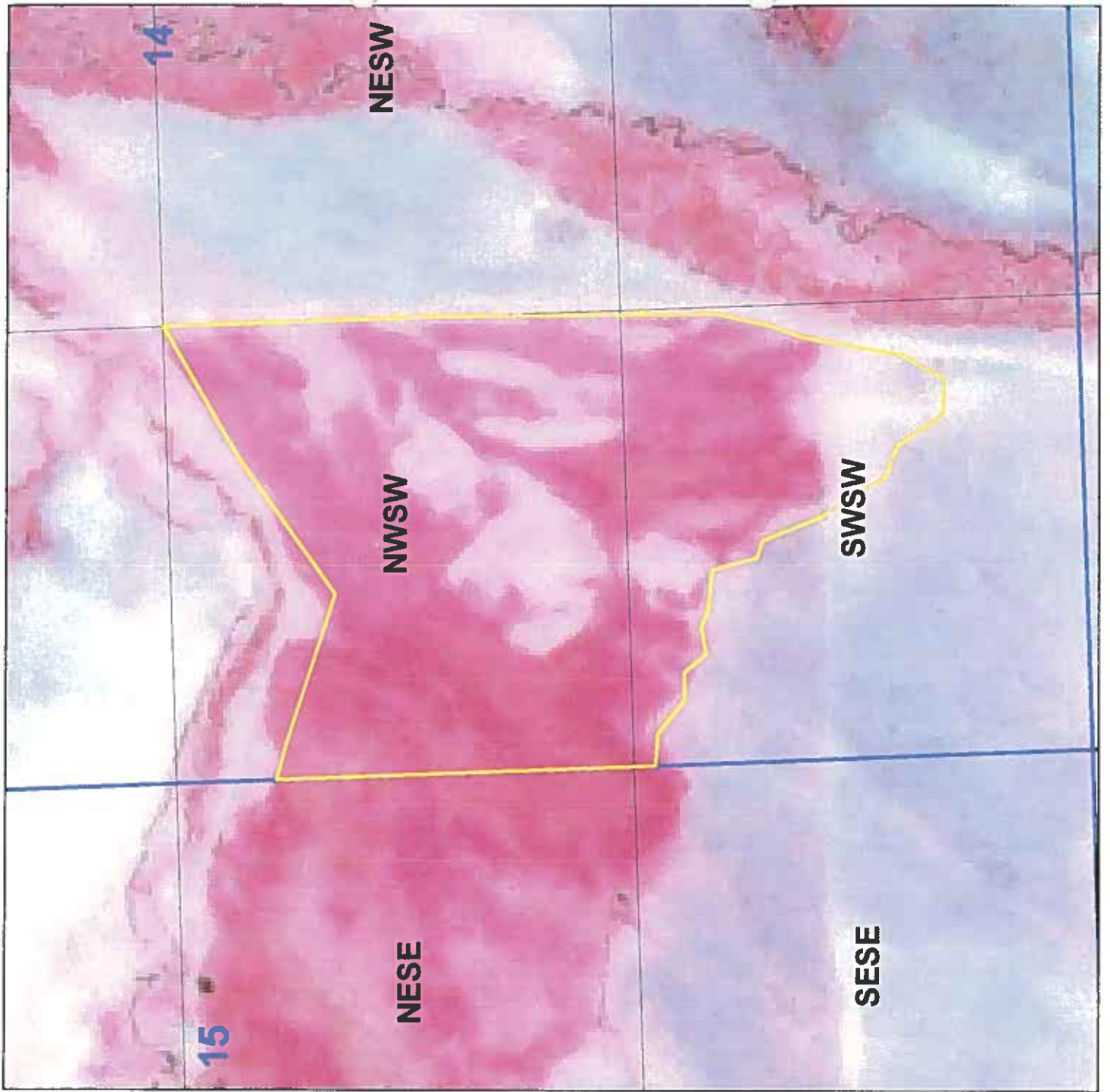
0.3

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24-4010



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Notes

9/25/06 Received WOF Reply, forwarded to Katy. CB

9/27/06 added Arcview layout for POP'S as described in 1975. CB

11/6/06 Head of the Spring USFS, land?
250 pairs, + 10 bulls
#1 home.

11/12/06 USGS TOPO Map BB99 dated 1951
Shows the ditch out of Allman Springs
down into the SWSW of Sec. 14, T10S R45E.

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Notes

- 9/7/05 no new claim yet received or on the way. CB
- 9-12-05 Put copies of warranty deeds, land patents + other documents pertaining to ownership in file
- 10-7-05 Sent letter to claimant "file new claim." BP
- 10-12-05 Letter from claimant's atty. BP
- 10-17-05 " to " " re clarification. BP
- 10-28-05 Called Mr. Scott Eskelson to give them until Nov. 14. He asked if the correspondence he sent in already addressed the question? Since he worked with Bryce on this matter. If not he will work on it some more.

11/30/05 After receiving Kent Foster's letter dated 11/28/05 I called and discussed its contents. He said Scott Eskelson was really Nevada Rock and Sand's attorney but he didn't know too much about water. I told him we did not have any claims filed with Alleman Springs as the source and the use for a storage reservoir. He said that he would file the claim. I suggested he attach the affidavit referred to in the letter to that claim. bjp

- 12-30-05 Letter to claimant's atty, re pond claim BP
- 12-29-05 " from " " re irrigation claim BP
- 1-20-06 Letter from claimant's atty re affidavit. BP
- 1-24-06 Email Baier legal. BP
- 1-27-06 Ray Wms to send letter to claimant re affidavit & pond. BP

8/24/06 POD is on private ground. CB

9/6/06 Claim disallowed. No evidence was submitted to support the priority date other than documents from water license 8159. (24-2020). Claimant's need to file on 24-2020. Then they need to provide evidence to support when the acreage was increased. I think it is probably tied to the development of the pond in 1965. CB

Notes

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

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Notes

10-28-04 Assessor's Office: DB
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 Eschler 523-644 in Utah, atty for
Nevada. Needs more time. They have ordered
maps & it will take 3 weeks to get it. Done
to 12-30-04

12-20-04 Received docs from atty BP

12-24-04 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 thought.
I gave them till 2-11-05 DB

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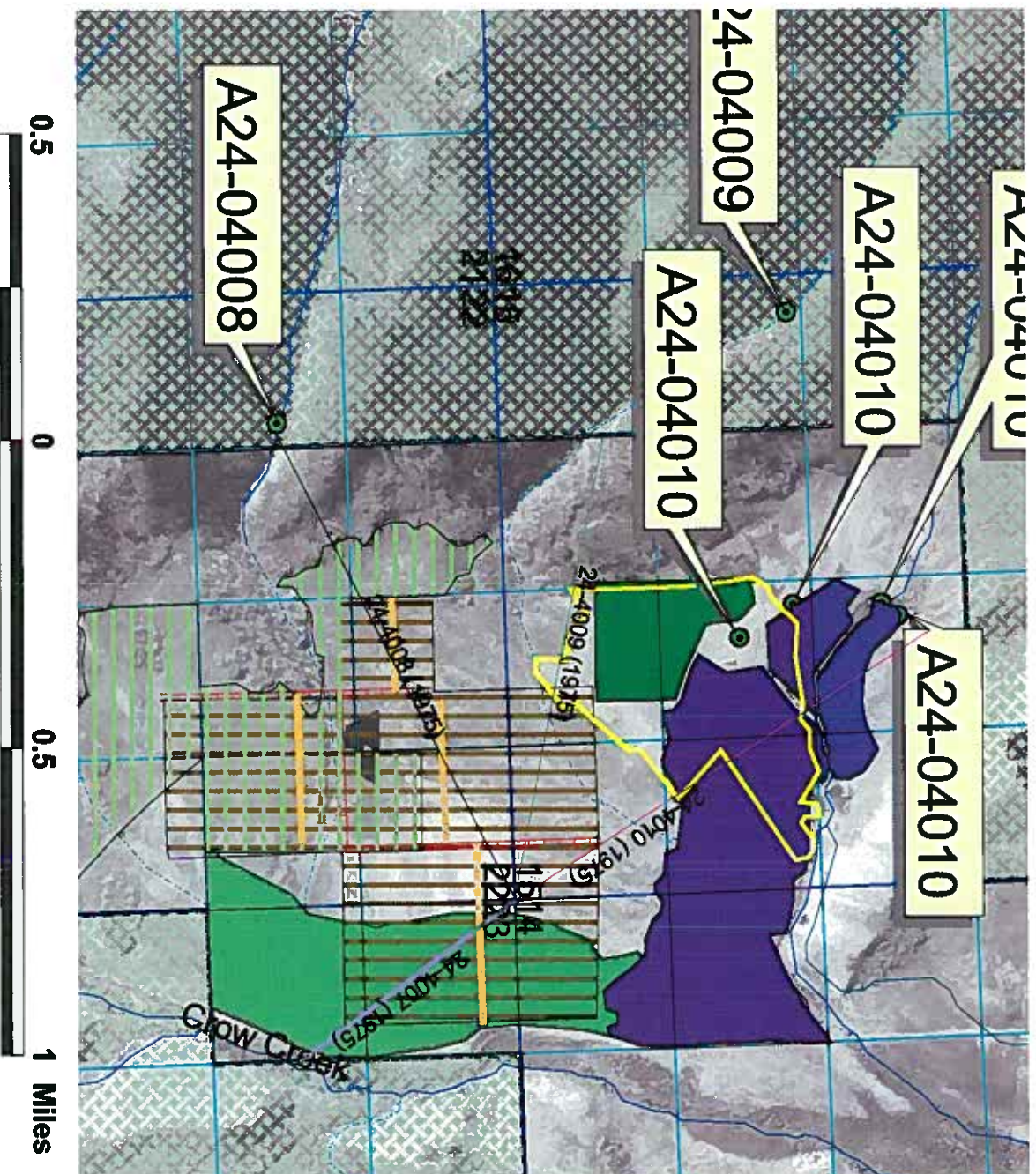
24-4007-4010 POD's (1975)



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JUN 30 2019

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

**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: 24-4010

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:

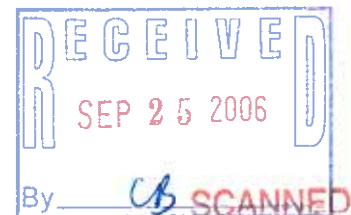
 I AGREE with this proposed recommendation: no changes need to be made.

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 24-4010.wpd.edv

FAXED
12:04pm
to I.F. CB



JUN 30 2009

Receipt Details for ID E011232

Status	Adjustment Type	Version
	Adjusted Receipt	1

24-4010
Nevada

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



Priority Date Data Entry Form

Claim Number: A24-04010

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:

Please see time line documents. See narrative and letter regarding second claim for later priority on part of pool. BAC 10 Aug 05

Reviewer: _____

Date: _____

Priority Date Data Entry Form

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JUN 30 2009

Point of Diversion and Source Data Entry Form

Claim Number: A24-04010

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
①	105	45E	15		NWSW NE	Caribou	Alleman Spring
	GPS Coordinates: _____						
②	105	45E	15		SWSW NE	Caribou	" "
	GPS Coordinates: _____						
③	105	45E	15		NW NWSE	"	" "
	GPS Coordinates: _____						
④	105	45E	15		NW NWSE	"	" "
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						

Other rights from this POD? A24-04067 from POD #2. New claim from POD #2. Other domestic (possibly) from POD #1.

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

Please see printout of GPS Waypoints.POD 1 is spring source for domestic.POD 2 is screw gate from dike serving shared ditchPOD 3 is screw gate from dikePOD 4 is main POD off south end of pond.Bac 10 Aug 05

Transfers Changing POD _____

Reviewer: _____

Date: _____

SCANNED

Purpose of Use Data Entry Form

Claim Number: A24-04010

_____ 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:

Livestock, domestic and irrigation were observed during
field exam. Bce 10 Aug 05.

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A24-04010☐ 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 attached lists of POU by QQ from GIS.
 Please see narrative in A24-04007.
 New claim: 17.9 acres. A24-04010 98.6 acres.
 Note that this is fewer acres than potentially originally
 irrigated due to accomplished change in POU of A24-04009.
 All Nevada Sand & Rock right combined irrigate 400 acres.
 Bar 10 Aug 05

Transfers Changing POU _____

Reviewer: _____

Date: _____

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Period of Use and Quantity Data Entry Form

Claim Number: A24-04010☐ 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:

See attached estimate of 3.7 cfs discharge. New
claim 17.9 acres $\times$ 0.03 cfs/acre for wild flood = 0.54 cfs.
A24-04010 98.6 acres $\times$ 0.03 cfs/acre = 2.96 cfs.
Diversion is adequate to sustain this demand.
Boe 10 Aug 05

Reviewer: _____

Date: _____

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JUN 30 2009

Claim No.: _____

[illegible]

1) Narrative 1 page 2) Flow calculation 1 page 3) New claim 4 pages
4) Acreage lists 2 pages 5) GPS list 1 page 6) photos 5 pages
Bac 10 Aug 05

Reviewer _____ Date _____

Date JUN 30 2009

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 :-}

A24-04010 Narrative 10 Aug 05

Please see A24-04007 for complete narrative, contact log, correspondence, and photos relating to the full operation.

This WR has an accompanying new claim for acreage outside the original patented lands. This was done to preserve the full acreage and maintain the older priority date on the original lands.

One of the POD on this right is shared by Fred Nate, A24-04067.

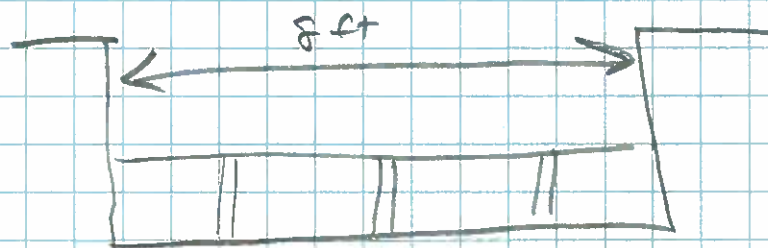
Bac

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Flow calculation for A24-04010

Discharge from main (south) POD goes through a concrete structure shown in photo #9. Dimensions and approx. velocities are given below. Velocities are estimated from roll-up on stick.



depth 0.58	depth 0.52	depth 0.48
velocity $\approx 1.3 \text{ ft/s}$	velocity $\approx 0.9 \text{ ft/s}$	velocity $\approx 0.5 \text{ ft/s}$

$$\begin{aligned}
 Q = AV &= \left(\frac{8}{3}\right)(0.58)(1.3) + \left(\frac{8}{3}\right)(0.52)(0.9) + \left(\frac{8}{3}\right)(0.48)(0.5) \\
 &\approx 2.0 + 1.25 + 0.64 \\
 &\approx 3.9 \text{ ft}^3/\text{s}
 \end{aligned}$$

Bac 10 Aug 05

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A24-04010

Township, Range	Section	QQ	Q	Acres	Acres
10S45E	14	NW	SW	32	31.765
10S45E	14	SW	SW	10	10.455
Section Total				42	
10S45E	15	NE	SE	36	36.196
10S45E	15	NW	SE	20	6.525
10S45E	15	SE	SE	0.6	13.928
					0.593
Section Total				56.6	
Total				98.6	

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JUN 30 2009

A24-04010

Township, Range	Section	QQ	Q	Acres
10S45E	14	NW	SW	32
10S45E	14	SW	SW	10
Section Total				42
10S45E	15	NE	SE	36
10S45E	15	NW	SE	20
10S45E	15	SE	SE	0.6
Section Total				56.6
Total				98.6

A24-04010 Acres per QQ

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JUN 30 2009

Nevada Rock and Sand, Alleman Spring New Claim

Township,	Section	QQ	Q	Acres
10S45E	15	SE	NE	3.9
10S45E	15	SW	NE	14

17.9 total

New Claim Acres per QQ

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JUN 30 2009

Points in Contor_GPS_July05.shp

Claim	Sitetag	Feature	Waypoint	Idtm83_e	Idtm83_n	Instrument	Collected	Date	Notes
A24-04010	none	POD	5	2731407	1265486	Garmin Geko 201	B.Contor	20050721	Alleman Spring north irr POD shared A24-04010 & A24-04067
A24-04010	none	POD	30	2731497	1265113	Garmin Geko 201	B.Contor	20050722	South (main) POD
A24-04010	none	POD	31	2731411	1265254	Garmin Geko 201	B.Contor	20050722	Middle POD
A24-04010	none	POD	32	2731440	1265530	Garmin Geko 201	B.Contor	20050722	Domestic POD about 100 ft west of this location
A24-04010	none	Other	49	2733168	1264930	Garmin Geko 201	B.Contor	20050723	Hilltop photos taken from here for multiple claims

GPS Points

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JUN 30 2009

Adjudication Claim no A24-04067 (Note), A24-4010 Field Photos
(Nevada Sand Creek)



This is the
North Pond off
of the pond at
Alleman Spring,
Serving A24-4067
and A24-4010.
Two other Pond
off of pond
serve A24-4011
but not A24-
4067.
21 July 05

①



Looking east
at discharge
from Pond
above, from
top of dike.
21 July 05

②

Bac
25 July 05

Adjudication Claim no A24-04067 (Nate), A24-04010 (Nevada Sand & Rock)

Field Photos



Two-foot
Parshall flume
on discharge
ditch from
N.M. Pond from
pond at
Allenan Spring
On this day
virtually all
the flow was
serving A24-
4067.

③



Reading on
flume was
0.60 ft.

21 July 05
Bac

← note gravel
in throat of
④ flume.



Looking NW
at discharge
ditch from
waypoint 31
POD

⑤



Looking West
at north (South
POD from pond.
Diversion flows
left from end
of fence. No
site tag. Waypo
30, 2731497E
1265113 N
DOTM83.

22 July 05

Bac

⑥



Domestic
POD. This is
looking NW at
head waters of
Spring. POD is
a pipe driven
up into the ^(right)
source at ~~left~~
of photo. No
site tag. Wayp
32 is about
100' East of POD.
Waypoint location
is 2731440 E
⑦ 1265530 N
DOM 83.
22 July 05 BAC



Additional POD
from pond,
headgate circled
This is South
of the POD
shared w/
A24-04067.
This POD marked
by Waypoint 31,
2731497 E
1265113 N DOM 8
22 July 05

⑧ BAC

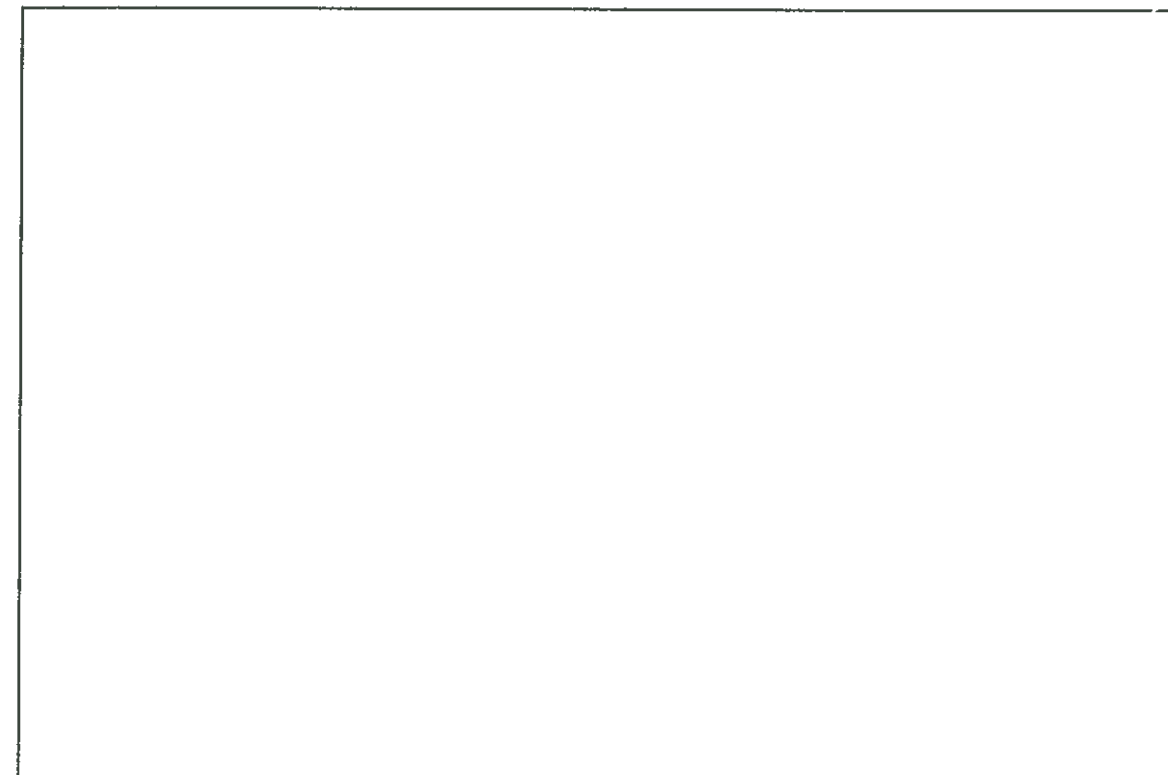
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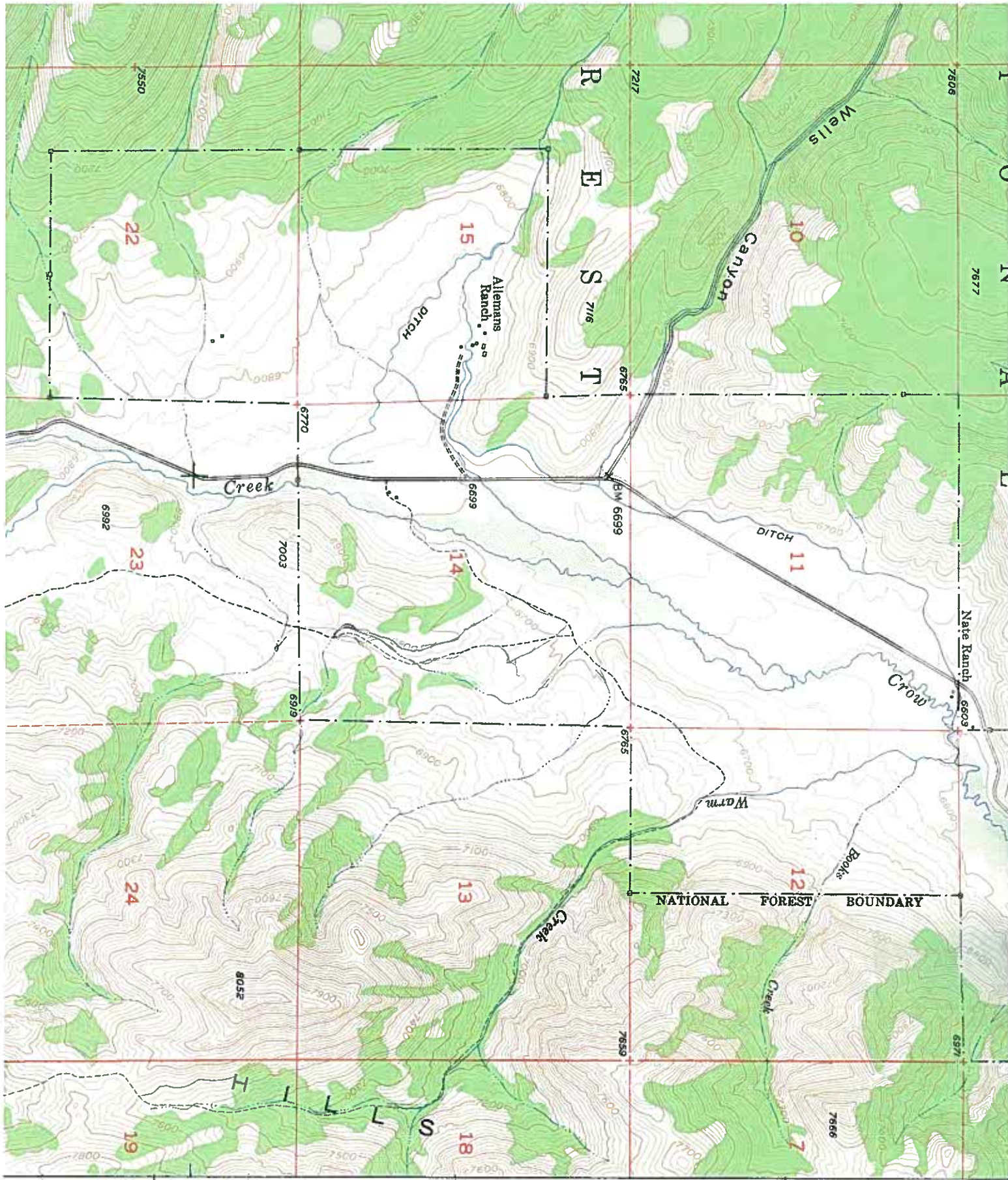
Adjudication Claim no A24-04010

Field Photos



Looking E
towards main
diversion ditch
from Waypoint
30 POD.
Throat of structure
approx. 8 ft
wide, flow
0.50 - 0.60 ft
deep, velocity
approx. 1 ft/s
from roll-up
on stick.
9/22 July 05
Bac





T10S R45E

1949
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JUN 30 2009
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JUN 30 2009



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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	24-4007	---			---
	24-4008	---			---
	24-4009	---			---
	24-4010	---			---
		---			---
		---			---

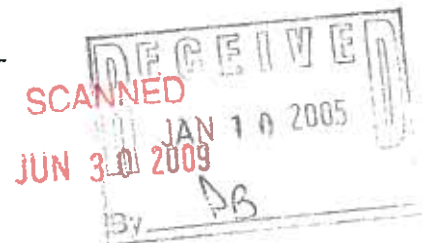
2. The following **REQUIRED** information must be submitted with this form:

- 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
(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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(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 (cubic feet per second or acre-feet per annum)	Description (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 _____

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JUN 30 2009

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

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JUN 30 2009

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

S:\Joyce'sMyFiles\SPE-Clients\0070\04Dec17-IDDeptWaterRes.wpd

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Nevada River
+ Sand

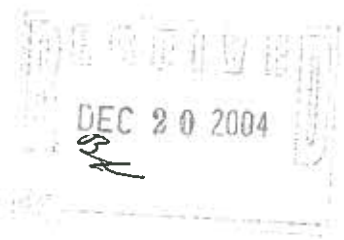
CARIBOU LAND TITLE, INC
241 SOUTH MAIN, P.O. BOX 608
SODA SPRINGS, IDAHO 83276

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: *Carla Hale*

enc.

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JUN 30 2009



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

28 October 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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

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JUN 30 2009

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

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication 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) _____
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address _____
- City, State and ZIP Code _____
- New Telephone Number () _____
5. Date you acquired the property _____

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JUN 30 2009

Parcel Numbers:

~~71690~~

~~71700~~

~~71710~~

~~71720~~

~~21460~~

~~21480~~

~~21490~~

~~21500~~

21460

0, 45, 14

W 1/2 SW,

dry grazing 33 ac
meadow 43 ac
waste 4 ac.

0, 45, 15

21480

SE, E 1/2 SW, S 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 1/2 SE, E 1/2 NW, NE SW,

dry grazing 360 ac

21500

0, 45, 23

W 1/2 NE,

dry grazing 78 ac
waste 2 ac

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JUN 30 2009

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 USE 14
24-4009 10S USE 15
24-4010

PRATT



1870
8947500-370 SEP 02 2004
MAILED FROM ZIP CODE 83402

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 1 / 2004

RETURN
TO SENDER
ATTEMPT UNKNOWN

23402-1718 1870333



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JUN 30 2009

NOTICE OF CLAIM TO A WATER RIGHT

NO. 24-4010

Notice is hereby given that Stewart Brothers Company,
Las Vegas, Nevada
have ~~has~~ filed a claim to a water right established by diversion and application
to beneficial use of 3.00 cubic feet per second ~~to be used for domestic and~~
of water from Alleman Spring
with point of diversion in the SW¹/₄, Sec. 15, T. 10S, R. 45E, B.M.,
Caribou County

The water is claimed to be used from Apr. 1 to Oct. 30 for domestic and
stockwatering purposes and for the irrigation of 250 acres
with a priority of March 27, 1912;
the place of use is within the S¹/₄, SE¹/₄, Sec. 15, W¹/₂, SW¹/₄, Sec. 14, T. 10S,
R. 45E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

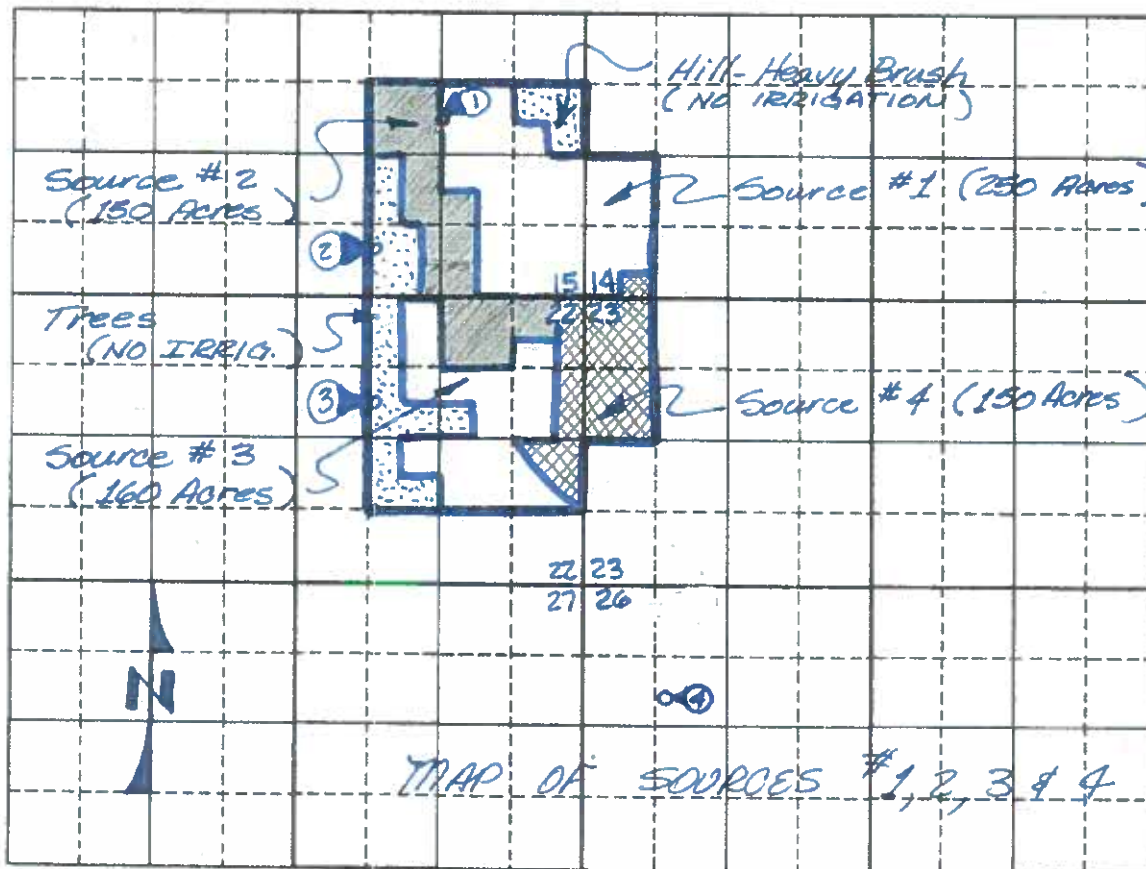
Director

Published in the Caribou County Sun, Soda Springs, Idaho
on November 27 and December 4, 1975.

*Chas. L.
Cane*

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JUN 30 2009

(8) Remarks _____



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~Idaho~~ Nevada)
) ss.
 County of CLARK)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 10 day of November, 19 75.
Harold Stewart
 (Claimant)

My commission expires 11-1-76
Dorothy Berroyer
 Notary Public
 Reading at CLARK COUNTY, NEVADA
 NOTARY PUBLIC
 State of Nevada, Clark County
 My commission expires Nov. 1, 1976

For Department Use Only

Received by <u>TMB</u>	Date <u>11-12-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>dw</u>	Date <u>11-12-75</u>		claimant by:	
\$10.00 fee received by <u>TMB</u>	Date <u>11-12-75</u>			
Approved for publication by <u>TRC</u>	Date <u>12-08-1975</u>			
Published in <u>The Paradise County Sun</u>				
Dates <u>Nov 27 - Dec 4, 1975</u>				

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JUN 30 2009

SECRET

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 18 1975
Department of Water Resources
Eastern District Office

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that STEWART BROTHERS COMPANY
(name of claimant)
of P.O. Box 2775 Huntridge Sta.
Las Vegas, NV (mailing address) 89104, claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Alleman Spring
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	} Use Use Use	<u>Irrig.</u>	Period of Use: From <u>Apr. 1</u> To <u>Oct. 30</u>
Amount 3cfs		<u>Dom.</u>	Period of Use: From <u>"</u> To <u>"</u>
Amount		<u>Stock</u>	Period of Use: From <u>"</u> To <u>"</u>
(cfs, gpm or a/l)		(dom., irri., stock, etc.)	(both dates inclusive)

- (3) Total quantity of water claimed: three cubic feet per second, or
per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) March 27, 1912

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source) POINT #1
SW ¼ NE ¼, Sec. 15 Twp. 10S Rge. 45E B. M. County of Caribou
Additional points of diversion: (Same point - further described) Bears approx.
N.33° W. 4257' from common corner of Sect. 14, 15, 22 & 23

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. This water flows from underground source into a lake and open ditches. A pump retrieves some for domestic use.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

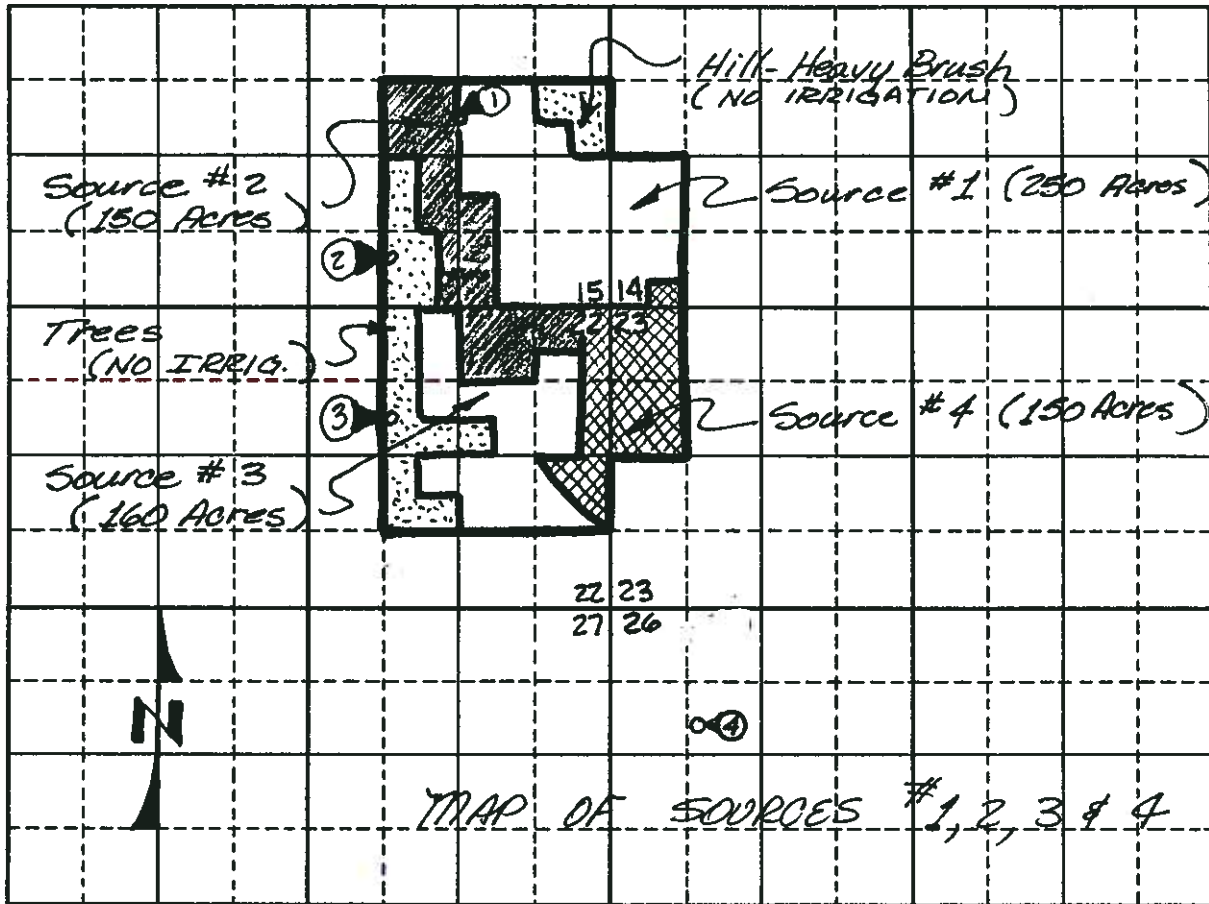
Total No. of acres ... 250

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: We use some to water stock and some for domestic use. The majority is used for flood irrigation.
- (7) If you are claiming water as a member of an organization, list name of organization: _____

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JUN 30 2009

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~Idaho~~ Nevada)
) ss.
County of CLARK)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

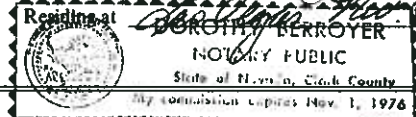
Sworn to before me this 10 day of November, 19 75.

Harold Stewart
(Claimant)

My commission expires 11-1-76

Notary Public

Residing at



For Department Use Only

Received by TKB Date 11-12-75
Prelim. check by TKB Date 11-12-75
\$10.00 fee received by TKB Date 11-12-75
Approved for publication by The 12-08-1975
Published in The (Clark County) Sun
Dates Dec. 17 + Dec. 4, 1975

Exception filed by: _____ Date _____
Forwarded to claimant by: _____

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JUN 30 2009

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AUG 05 2001

Log for claim 24-04010

Spatial Dynamics LTD

4/4/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s45e	14	NWSW	40	38	
10s45e	14	SWSW	30	28	
10s45e	15	SWNE	40	37	
10s45e	15	SENE	10	8	
10s45e	15	NESE	40	39	
10s45e	15	NWSE	30	27	
10s45e	15	SWSE	20	20	
10s45e	15	SESE	40	40	
Totals:			250	237	

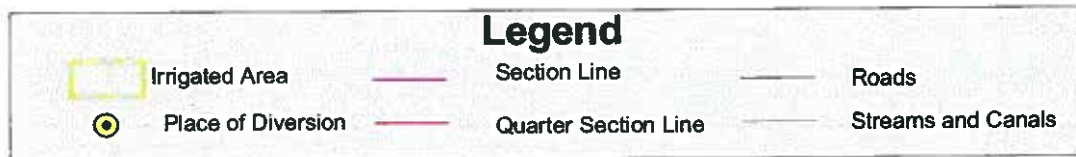
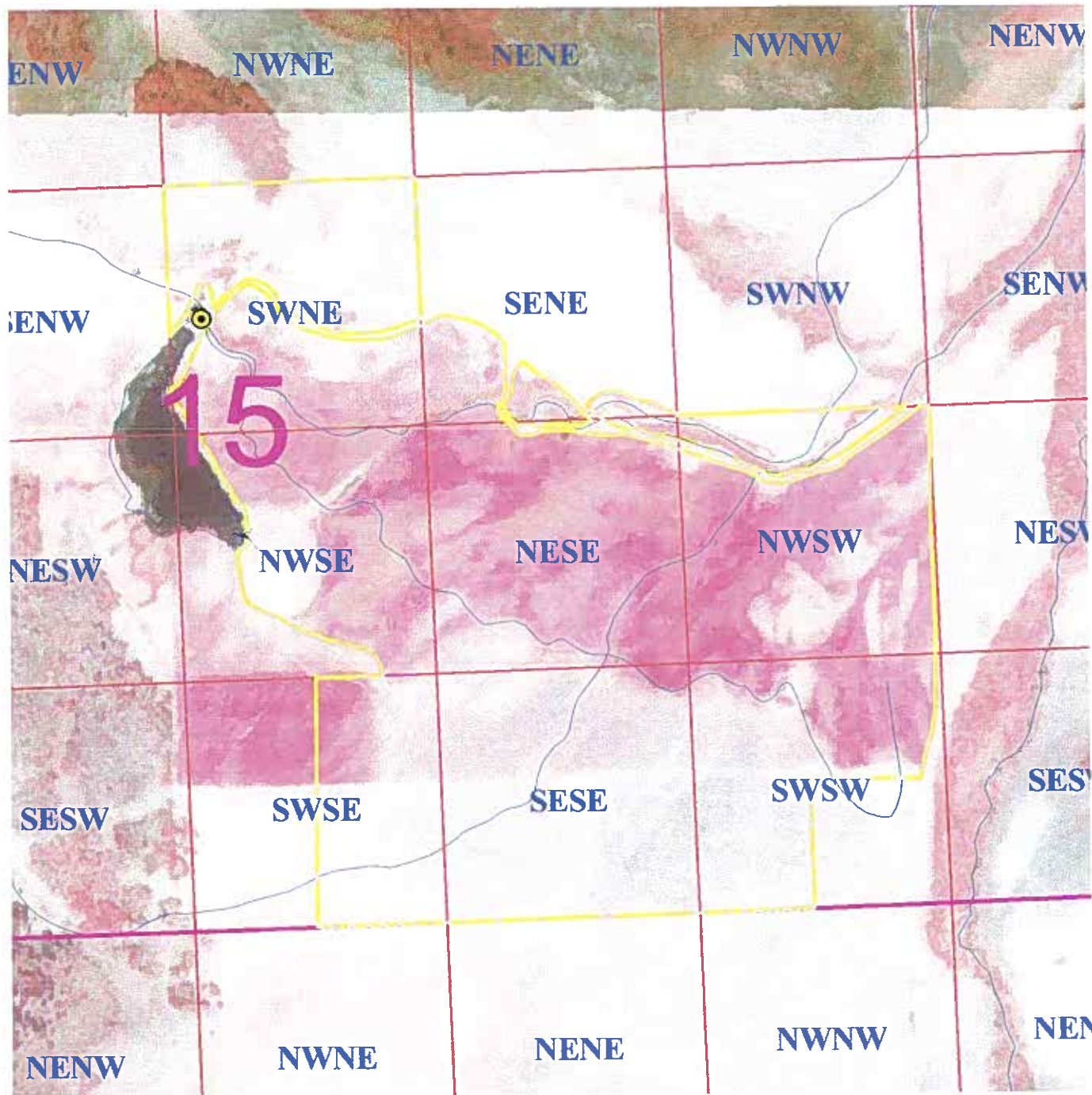
 **SPATIAL
DYNAMICS**

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JUN 30 2009

Water Right Claim Number 24-04010
Township , 10S45E

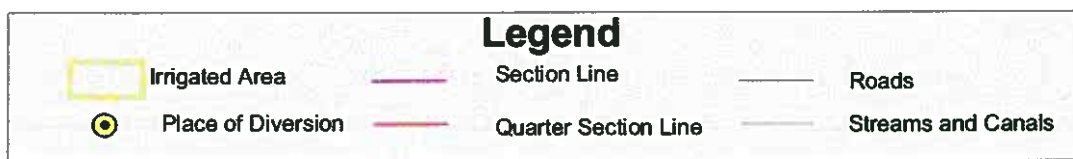
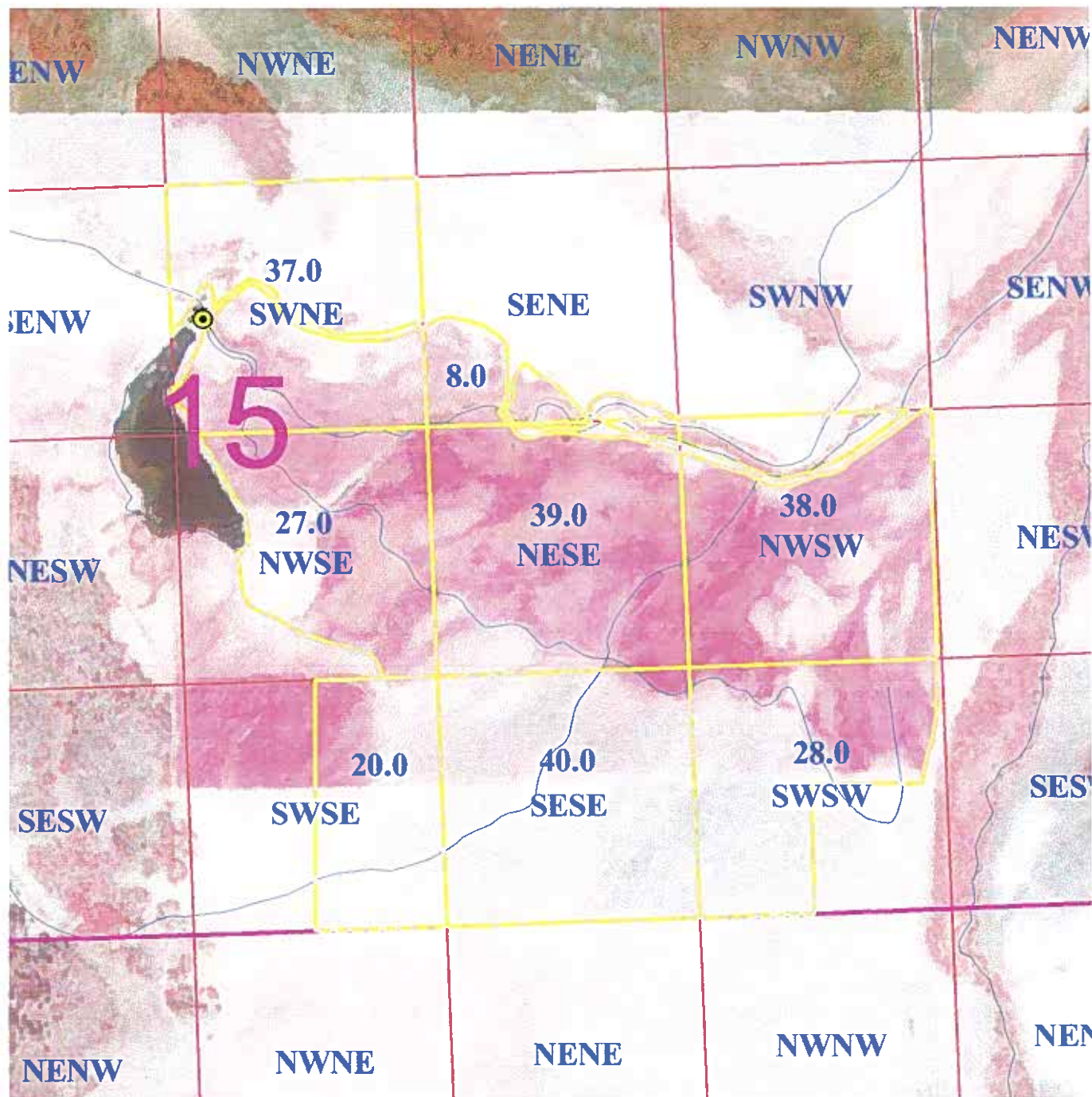
04/04/2001



SCANNED SPATIAL DYNAMICS
JUN 30 2009

Water Right Claim Number 24-04010
Township , 10S45E

04/04/2001



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JUN 30 2009

SPATIAL
DYNAMICS

PETERSEN, MOSS, OLSEN, MEACHAM & CARR

GEORGE C. PETERSEN, JR.
REED L. MOSS
GREGORY P. MEACHAM
WM. CHARLES CARR
EARL BLOWER
SCOTT P. ESKELSON
STEPHEN D. HALL
KARL R. DECKER

ATTORNEYS AT LAW
485 "E" STREET
IDAHO FALLS, IDAHO 83402
(208) 523-4650

DENNIS M. OLSEN
(1930-1985)

November 30, 1989

RECEIVED
DEC 01 1989

Department of Water Resources
Eastern District Office

Mr. Eric Verner
Department of Water Resources
State of Idaho
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

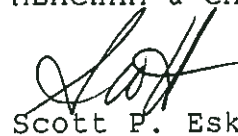
RE: A24-04009, 04010, 04008 and 04007

Dear Eric:

Please find notices of claim with respect to the above identified water rights. Also enclosed is a check for \$910.00 to cover necessary filing fees. Please return any documentation to my attention. Thank you for your help as always.

Very truly yours,

PETERSEN, MOSS, OLSEN,
MEACHAM & CARR



Scott P. Eskelson

SPE:jww

Enclosures

3822L

So ac-ft.

MICROFILMED

NOV 06 1992

SCANNED

JUN 30 2009

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(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

November 7, 2006

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

Re: Nevada Rock & Sand Amended Claim 24-4009

Dear Cindy:

Pursuant to our telephone conversation, I reviewed page 2 of the Amended Claim for the above referenced right and as we discussed, the acreages just turned out to be pretty well reversed between Sections 14 and 15, but to complicate things further, the three acre piece that shows up under Section 14 in the SWSW, besides being in Section 15, should really be the SESW so we are enclosing with this letter a xeroxed copy of the second page of that Amended Claim on which I have corrected the numbers in red and hope this will take care of this one item.

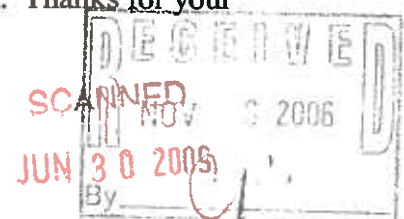
I was also able to reach Monte Stewart and he told me that there really isn't a stream running out of the canyon north and west of Alleman Spring. He says there are only quaking aspen once you get past the cultivated land. He says the spring itself is located right at the north end of the reservoir and that is the location of the intake for the domestic pipeline. Consequently, the intake for the pipeline and the line itself are on private property and not on Forest Service Land.

Monte told me he also had received the new SRBA claims for the stockwater rights and that they are on their way so I will send them to you as soon as they come.

Finally, I discussed with him a possible affidavit outlining our understanding of the priorities on the old rights and where the water could be used and as soon as I am able to rough that out, we will get his signature on it and get that back to you as well. Thanks for your continued and patient assistance.

COPY

Domestic
POD: Sec. 15 NWSWN
POH. SWNE



Cindy Bird
Idaho Department of Water Resources
November 7, 2006
Page 2 of 2

Yours very truly,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\10652 MARTIN, STEPHEN E\08 Nevada Rock & Sand\Cindy Bird ltr 110706.wpd:cdv

