

11/21/2002

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

RIGHT NUMBER: 29-10667

NAME AND ADDRESS: POCATELLO READY MIX INC
9659 N PHILBIN
POCATELLO ID 83201

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.240 CFS
12.600 AFY

PRIORITY DATE: 06/15/1962

POINT OF DIVERSION:

T06S R34E S17 NESENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.220 CFS 12.00 AFY
COMMERCIAL	01/01 12/31	0.020 CFS 0.60 AFY

PLACE OF USE: INDUSTRIAL Within BANNOCK County

T06S R34E S17 SENE

COMMERCIAL Within BANNOCK County

T06S R34E S17 SENE

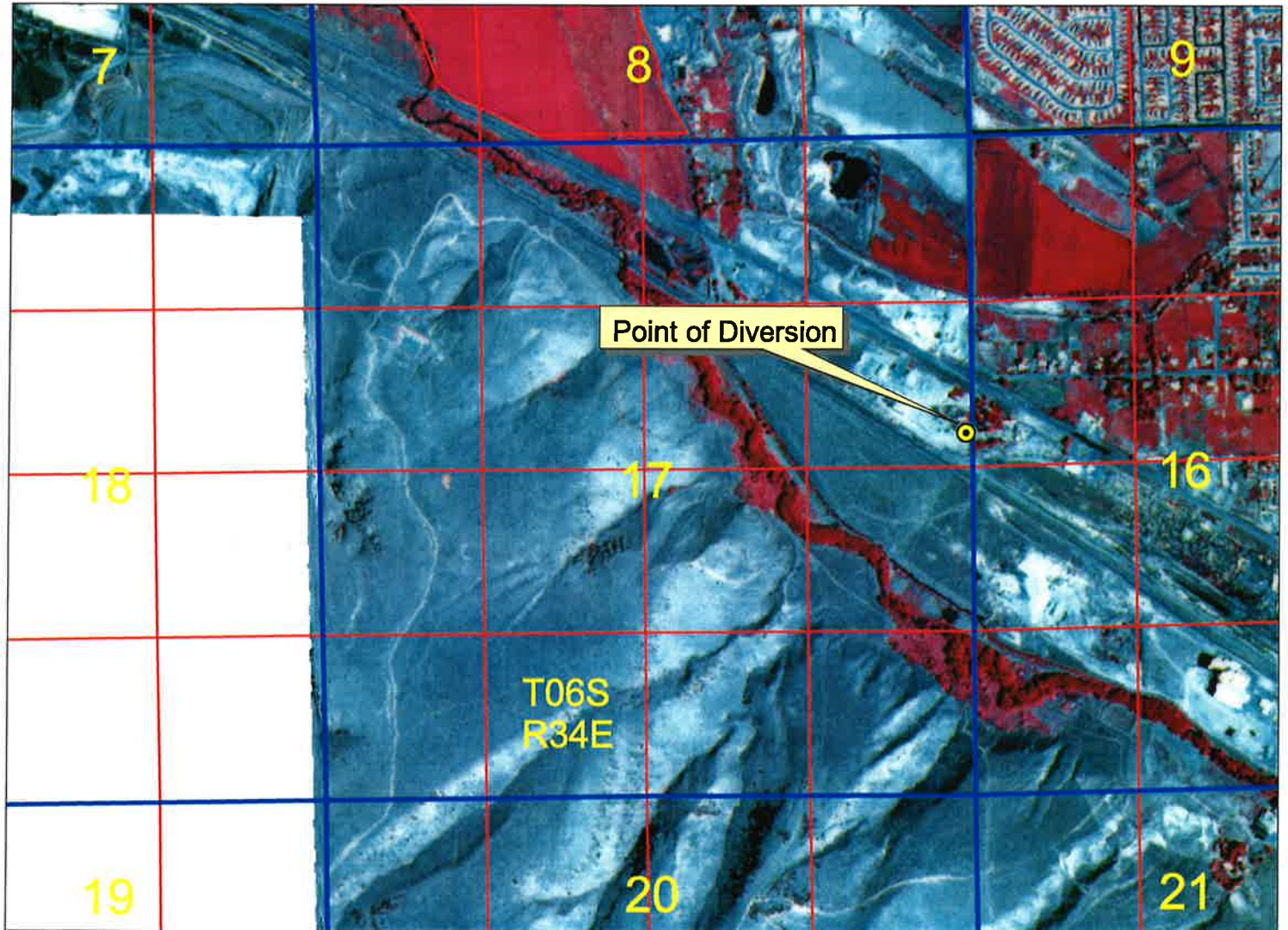
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

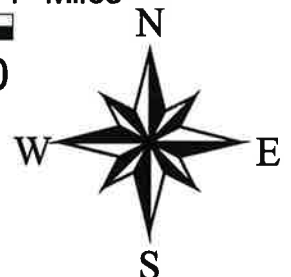
EXPLANATORY MATERIAL: Beneficial Use



State of Idaho
Department of Water Resources
Eastern Region
Water Right 29-10667



1:16000



- Point(s) of Diversion
- ▨ Place of Use
- ▭ Section Lines
- ▭ Quarter Quarter Lines

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: November 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DATE: JAN. 3, 1995

A29-10667
POCATELLO READY MIX, INC.
9659 N PHILBIN

POCATELLO ID 83201

RECEIVED

JAN 17 1995

Department of Water Resources
Eastern District Office

EVIDENCE OF PRIORITY

Dear Claimant:

The Notice of Claim identified above and or below has been filed in the Snake River Basin Adjudication (SRBA). The notice indicates a water usage of irrigation, or other commercial application that is based on **BENEFICIAL USE**. Water rights of this type are established by the historical use of water, dating back to when the water was first used for the purpose claimed. This date is 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.**

For your reference, I have provided a printout of your Notice of claim and the pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which documents will fulfill this requirement.

The IDWR can not recommend the notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by March 31, 1995, referencing the information with the corresponding Water right number. If you have any questions, please contact this office.

Dave Carlson
Water Right Agent, Adjudications

PROFILED

SCANNED

MAR 15 2005

MICROFILMED

NOV 13 1996

RECEIVED

JAN 17 1995

Department of Water Resources
Eastern District Office

January 13, 1995

To: State of Idaho Dept. of Water Resources

Re: Water use priority date on claim
AJ 5809 NP No.A29-10667

Gentlemen:

I hereby affirm that Patton & Linton, Inc. was the previous owner and operator of the Ready Mix Concrete Plant located at 9659 North Philbin Road, Pocatello, Idaho.

That I was personally involved and aware of the operations of Patton & Linton, Inc. at this site and at our previous location at 348 West Cedar (now 1030 West Cedar) Pocatello, Idaho.

That Patton & Linton, Inc. first started using water for the manufacture of concrete and for restroom facilities in 1948.

That we moved the operation to 9659 North Philbin Road location and started manufacturing concrete there in 1962.

That we operated there until November 1978 when we sold the operation to the present operator, Pocatello Ready Mix, Inc.

N. L. Patton

Subscribed and sworn to before me this 13th day of January 1995.

Jan Jackson

My commission expires 12-16-98

SCANNED
MAR 15 2005

PROFILED

MICROFILMED
NOV 13 1996

02/18/2003

Paul
Royer

NOTICE OF ERROR
REPLY

RECEIVED
APR 03 2003
Department of Water Resources
Eastern Region

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: April 21, 2003

Water right number: 29-10667

POCATELLO READY MIX INC

9659 N PHILBIN

POCATELLO ID 83201

Telephone Number: (208)233-7041

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

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

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

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

DATE: 3-27-03 SIGNATURE: Charles R. Horrocks - Pres.

Please print your name: Charles R. Horrocks

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



- ◆ 9659 N. Philbin Rd, Pocatello, Idaho 83201 • Phone: (208) 233-4134 • Fax: (208) 233-4135
- ◆ 577 Frontage Rd., Blackfoot, Idaho 83221 • Phone: (208) 785-6426 • Fax: (208) 785-6949
- ◆ 100 Whitman, American Falls, ID 83211 • Phone: (208) 226-2541

May 15, 2001

RECEIVED

MAY 16 2001

Department of Water Resources
900 N.Skyline Drive Suite A
Idaho Falls, Idaho 83402-1718

Department of Water Resources
Eastern Region

Re: Adjudication Claim 29-10667
Attn: Bryce A. Contor

Dear Sir:

Following is my affidavit of "evidence of priority" and "evidence of beneficial use" pertaining to the above claim.

In 1962 I was operating Pocatello Ready Mix Concrete at 2300 N.Main Street. Patton & Linton Concrete built a new plant at the 9659 N.Philbin Location and moved their operations from their Cedar Street Location. In 1962 I did personally observe them load ready mix concrete trucks, including the water, at the 9659 N.Philbin address.

In 1978 I purchased the Patton & Linton Plant at 9659 N. Philbin and have operated it as Pocatello Ready Mix since that time. If you need further information please let me know.

Sincerely,

Charles R. Horrocks

Charles R.Horrocks

Scott K. Horrocks

Notary Republic

SEAL

My Commission Expires: February 13th, 2004

MAY 16 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNORKARL J. DREHER
DIRECTOR*May 2*
~~April 4, 2001~~Pocatello Ready Mix, Inc.
9659 N Philbin
Pocatello, Idaho 83201

Re: Adjudication Claim 29-10667

Dear Water User:

Attached is a copy of an Adjudication Claim for a water right near American Falls or Pocatello, Idaho. This claim is based upon "beneficial use." This means that the underlying water right was perfected by the original user simply developing a diversion and using the right. This was completely legal and appropriate up until March 25, 1963, for ground water uses, or up until May 20, 1971 for surface water uses. However, this method of perfecting a water right did not result in a paper record of the water right with the department.

In order to recommend your adjudication claim to the court, I need you to supply "evidence of priority" and "evidence of beneficial use." The enclosed pamphlet describes some typical sources that may be used. If an affidavit is used, it must clearly show that the person making the affidavit personally observed the water use. The more detail the affidavit gives, indicating dates, circumstances, amounts and details of water use, the better. As I review the documentation provided, my standard will be:

The documentation should tend to indicate that diversion works were in place and had adequate capacity for the claimed use. The documentation should also tend to indicate that water was applied to the claimed beneficial use on the claimed place of use.

Please review these documents, and provide documentation of the historical use of this right. Feel free to call me if you have questions. You should be able to reach me Thursday or Friday mornings.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

REAL ESTATE AGREEMENT, ESCROW

THIS AGREEMENT MADE AND ENTERED INTO This 5th day of June 1987 between Verl B. Horrocks and Leola R. Horrocks, husband and wife of Blackfoot, Bingham County, Idaho, parties of the first part and Charles R. Horrocks and Dallas H. Horrocks, husband and wife of Blackfoot, Bingham County, Idaho, parties of the second part, hereinafter referred to as buyers.

WITNESSETH: That the said parties of the first part, hereinafter referred to as Sellers, in consideration of the covenants and agreements on the part of the Buyers hereinafter contained, agree to sell and convey unto the Buyers and Buyers agree to buy all that certain piece of parcel of land situated in Bingham County, Idaho, and more particularly described as follows, to-wit:

Part of Sec. 4 Township 3 South, Range 35 East, B. M. Bingham County, Idaho described as:
Beginning at a point that is N. 00° 04' 54" E. 390 feet along the section line from the West 1/4 corner of said section 4; and running N. 00° 04' 54" E. 922.32 feet along the section line; thence S 89° 22' 05" E. 1328.71 feet along the North 1/16 line; thence South 190.87 feet, thence West 490.36 feet; thence S. 12° 40' 04" E. 225.55 feet thence East 182.67 feet thence South 80 feet thence East 391.52 feet to Frontage Road; thence South 32° 48' 49" W. 250.20 feet along said Frontage Road; thence N. 89° 51' 39" W. 818.77 feet thence South 210 feet thence West 512 feet to point of beginning, together with tenements, hereditaments, and appurtenances belonging thereunto.
Description taken from property survey dated 12-30-83 done by Harper & Morgan & Associates of Blackfoot, Idaho. Their Job No. 83187 Tape 84-1 File 30.

The price of \$ 51,600.00 to be paid in 93 monthly installments of \$ 800.00 per month commencing June 28, 1987, and on the 28th day of each month thereafter until said price, together with interest thereon at the rate of 10% per annum on unpaid balance, shall be paid in full. Said payments to be applied first to payment of accrued interest and then to principal.

Buyers agree to pay all taxes for all years, (all school and county taxes and assessments) during the existence of this contract.

Sellers further agree to furnish Buyers good and sufficient Warranty Deed warranting good and marketable title in Sellers and free and clear of all incumbrances.

It is further agreed by and between the parties that a copy of this agreement, together with good and sufficient Warranty Deed executed by the Sellers shall be placed in escrow. Buyers to pay all escrow fees.

MICROFILMED
NOV 16 1992

MAY 16 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

Ident. Number: A29-10667
Date Received: 3/21/1990
Receipt No: M006308
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: POCATELLO READY MIX, INC. 208-233-7041
Address: 9659 N PHILBIN
POCATELLO, ID 83201

2. Date of Priority: JUN 15, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	34E	17	NE	SE	NE		BANNOCK

5. Description of diverting works:
110' DEEP, 10 HP PUMP; 2" PIPELINE TO BLD.2 HYDRANTS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.220		
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is 18.2 Acre Feet Per Annum.

9. Non-irrigation uses:
I/CONCRETE FACTORY; D/RESTROOMS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	17	SE	NE		INDUST	
			SE	NE		DOMEST	

A29-10667

Page 1

Date: 03/22/90

MICROFILMED
NOV 16 1992

A2910667



11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
NOV 16 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A29-10667

Date Received

3/21/90

Receipt Number

1006302NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) POCATELLO READY MIX, INC. Phone () 233-7041
Mailing Address 9659 N Philbin POCATELLO ID Zip 83201

2. Date of Priority (Only one (1) per claim) JUNE 15 1962

3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 6 S Range 34 E Section 17,
NE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of BANNOCK

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.

WELL 110' DEEP; WL AT 40-60'

10 hp pump; 2" PIPELINE TO BUILDINGS-

2-Hydrants

2 BUILDINGS HAVE REST ROOMS

ALL HAVE FAUCETS FOR HOSES

2" PIPE INTO SCALE FOR MIXING CEMENT

MICROFILMED

NOV 16 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.02 or _____

For Industrial purposes from 1/1 to 12/31 amount 0.22 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.24 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 18.25 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) I/ CONCRETE FACTORY; D/ RESTROOMS

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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>6S</u>	<u>34E</u>	<u>17</u>				<u>D/I</u>													

Total number of acres irrigated N/A

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

12. Do you own the property listed above as place of use? Yes X 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. _____ or None (X)

14. Remarks: EACH BATCH OF CONCRET REQUIRES 250 gallons of water.
a maximum of 100 BATCHES IS PRODUCED EACH DAY
with a consumption of approximately 0.05 Afd.

MICROFILMED
NOV 16 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

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

Signature of Claimant (s) [Signature] Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President
Title
of Pocostello Ready Mix Inc. that I have signed the foregoing
Organization
document in the space below as President of Pocostello Ready Mix Inc.
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Charles R. Horrocks
Title and Organization Pres. Pocostello Ready Mix Inc. Date 3-21-90

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 21st day of March, 1990

SEAL

Notary Public [Signature]

Residing at Anna Baumhoff, Notary Public

My Commission Expires Residing at Boise, Idaho
My Commission Expires December 7, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Date _____

MICROFILMED
NOV 16 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

