

01/21/2003

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

RIGHT NUMBER: 29-10994
NAME AND ADDRESS: PATTON & LINTON INC
ATTN MICHAEL R WOOD
C/O BANNOCK PAVING CO
PO BOX 4002
POCATELLO ID 83202

PATTON & LINTON INC
ATTN R FAY FACER
C/O JACK B PARSON COMPANIES
PO BOX 3429
OGDEN UT 84409

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.130 CFS
42.000 AFY

PRIORITY DATE: 03/01/1956

POINT OF DIVERSION:

T06S R34E S17 NWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
INDUSTRIAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.130 CFS
42.00 AFY

PLACE OF USE: INDUSTRIAL Within BANNOCK County

T06S R34E S17 NWNE

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:

MAY 16 2001

LAW OFFICES OF

RACINE, OLSON, NYE, COOPER & BUDGE

CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER

POST OFFICE BOX 1391

POCATELLO, IDAHO 83204-1391

TELEPHONE
AREA CODE 208
232-6101

FAX
208-232-6109

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
JAMES P. PRICE***

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR

January 16, 1996

Department of Water Resources
Attn: Dave Carlson, Water Right Agent
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: Water Right No. A29-10994

JAN 18 1996

Department of Water Resources
Eastern District Office

Dear Dave:

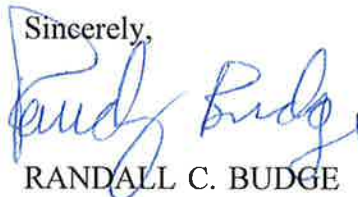
On January 4, 1996, Bannock Paving Company, Inc., acquired all stock of Patton and Linton, Inc., from the shareholders. Accordingly, Patton and Linton, Inc., will now be operated as a wholly-owned subsidiary of Bannock Paving until such time as the name is changed or it is merged.

Enclosed please find an Affidavit of N.H. Patton in support of the above-captioned claim. If you have any questions or need additional information, please contact me. Please note in your records that the mailing address for all future communications to Patton and Linton, Inc., should be sent to the following:

Patton and Linton, Inc.
Attention: R. Fay Facer
c/o Jack B. Parson Companies
P.O. Box 3429
Ogden, Utah 84409

Patton and Linton, Inc.
Attention: Michael R. Wood
c/o Bannock Paving Company
P.O. Box 4002
Pocatello, Idaho 83202

Sincerely,


RANDALL C. BUDGE

RCB:rr

Enclosures

cc: R. Fay Facer
Michael R. Wood

MICROFILMED
NOV 14 1996

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 129-1094

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 18 1990

Department of Resources
Eastern District

Please type or print clearly

1. Name of Claimant (s) Patton & Linton, Inc. Phone (208) 237-2842Mailing Address 13378 N. Philbin, Pocatello, Idaho Zip 832022. Date of Priority (Only one (1) per claim) 3/1/563. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 6S Range 34E Section 17,
_____ 1/4 of NW 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. 150' well with 6" casing, 5 h.p.
electric motor with turbine pump.

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NOV 14 1990

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 1/1 to 12/31 amount .13 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .13 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 42 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Industrial

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See 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	
6S	34E	17		I															

Total number of acres irrigated _____

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

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:

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NOV 14 1996

Last Name Patton & Linton, Inc Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 15x15 grid with handwritten notes. The notes include 'T 6', 'R 34 E', 'S', 'Point of diversion/Place of Use', and '17'. A red arrow points from the text 'Point of diversion/Place of Use' to a circled 'X' at the intersection of row 5 and column 7.

NOV 4 1995

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X 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) _____ Date _____
_____ Date _____

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

Signature of Authorized Agent N.H. Patton
Title and Organization President, Patton & Litton, Inc. Date 3/28/90

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

Subscribed and sworn (or affirmed) before me this 28th day of March 19 90
SEAL Notary Public David Robbins
Residing at Boatella, ID.
My Commission Expires 9-9-93

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 _____

Last Name Patton & Litton, Inc. Ident. Number _____

MICROFILMED
NOV 14 1990
Copies White-State, Yellow-Claimant

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 No. 30576
Ident. No. A29-10994

SUPPORTING AFFIDAVIT OF N.H. PATTON

STATE OF IDAHO)
: SS
County of Bannock)

RECEIVED
JAN 18 1996
Department of Water Resources
Eastern District Office

N.H. Patton, being first duly sworn, deposes and states as follows:

1. That I am now and was at all times mentioned herein a resident of Bannock County, Idaho; my current address is 13378 N. Philbin Road, Pocatello, Idaho 83202.
2. At all times mentioned in this affidavit up until January 4, 1996, I have been an officer, member of the board of directors, and controlling shareholder of Patton and Linton, Inc., an Idaho corporation. During this time I have been the principal manager and operator of the business owned by Patton and Linton, Inc.
3. As President of Patton and Linton, Inc., I caused to be prepared, signed on March 28, 1990, and thereafter filed with the Idaho Department of Water Resources a "Notice of Claim to a Water Right Acquired Under State Law", identified as No. A29-10994, a true and correct copy of which is attached as Exhibit "A" and incorporated by reference. This Affidavit is submitted in support of that claim.

MICROFILMED
NOV 14 1990

4. At all times identified in this affidavit, Patton and Linton, Inc., has been and remains the owner of the property located in the NW1/4 NE1/4 of Section 17, Township 6 South, Range 34 East, B.M., Bannock County, Idaho, identified as the point of diversion and place of use in said Notice of Claim.

5. I personally made arrangements for the well to be drilled. To the best of my knowledge and recollection the well was drilled in 1955 or early 1956 to a depth of approximately 150 feet and is cased with 6-inch casing. Beginning on or about March 1, 1956 and continuing on a regular basis thereafter, water has been diverted from the well by means of a 5 horsepower motor with turbine pump for industrial purposes. The water is used to wash sand and gravel and for dust control purposes. The diversion rate is .13 cfs and the total consumptive use per year is approximately 42 acre feet. Water has always been available from the well. Patton and Linton, Inc., has used the water right as needed on a year-round basis. At no time has Patton and Linton, Inc., ever abandoned or forfeited this water right.

6. All of the shareholders in Patton and Linton, Inc., sold their stock to Bannock Paving Co., Inc., on January 4, 1996. Bannock Paving Co., Inc., also leased the property from Patton and Linton, Inc., during 1995 and did pump the well utilizing the water for industrial purposes. My understanding is that Bannock Paving Co., Inc., through its wholly-owned subsidiary Patton and Linton, Inc., will continue to operate the gravel pit and use the well in the same manner as in past years.

MICROFILMED
NOV 14 1996

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 12 day of January, 1996.

N.H. Patton
N.H. PATTON

SUBSCRIBED AND SWORN TO before me this 12th day of January, 1996.

R. Budge
NOTARY PUBLIC FOR IDAHO,
Residing at Pocatello.
My Commission Expires: 10/11/2000

(SEAL)

COANNED
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: **A29-10994**
Date Received: 4/ 3/1990
Receipt No: E012743
Received By: _____

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

1. Name: PATTON AND LINTON INC
Address: ATTN R FAY FACER
C/O JACK B PARSON COMPANIES
PO BOX 3429
OGDEN UT 84409

Name: PATTON AND LINTON INC
Address: ATTN MICHAEL R WOOD
C/O BANNOCK PAVING COMPANY
PO BOX 4002
POCATELLO ID 83202

2. Date of Priority: MAR 1, 1956

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		NW	NE		BANNOCK

5. Description of diverting works:
150' DEEP, 6" CASING, 5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.130		

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

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INDUSTRIAL

MICROFILMED

10. Place of Use:

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

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 14 1996

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: **A29-10994**
Date Received: 8/11/1993
Receipt No: E012743
Received By: _____

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

1. Name: PATTON & LINTON INC 208-237-2842
Address: 13378 N PHILBIN
POCATELLO ID 83202

2. Date of Priority: MAR 1, 1956

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	NW	NE			BANNOCK

5. Description of diverting works:
150' DEEP, 6" CASING, 5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.130		

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

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INDUSTRIAL

10. Place of Use:

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

11. Place of use in counties: BANNOCK

MICROFILMED

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____ Title
Organization document in the space below as _____ of
_____ Title
Organization and that the statements contained in the
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 _____ day
of _____ 19 _____

Notary Public

Seal

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 A29-10994
Date Received
Receipt Number E0 12743 / 90

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Recd.
mailed
4-3-90

RECEIVED

MAR 30 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Patton & Linton, Inc. Phone (208) 237-2842

Mailing Address 13378 N. Philbin, Pocatello, Idaho Zip 83202

2. Date of Priority (Only one (1) per claim) 3/1/56

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

4. a. Location of existing point of diversion is: Township 6S Range 34E Section 17,
_____ 1/4 of NW 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 _____

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. 150' well with 6" casing, 5 h.p.
electric motor with turbine pump.

A2910994



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APR 14 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 1/1 to 12/31 amount .13 or _____

For _____ purposes from _____ to _____ amount _____ or _____

↑ Industrial purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .13 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 42 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Industrial

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	
6S	34E	17		I															

Total number of acres irrigated _____

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

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:

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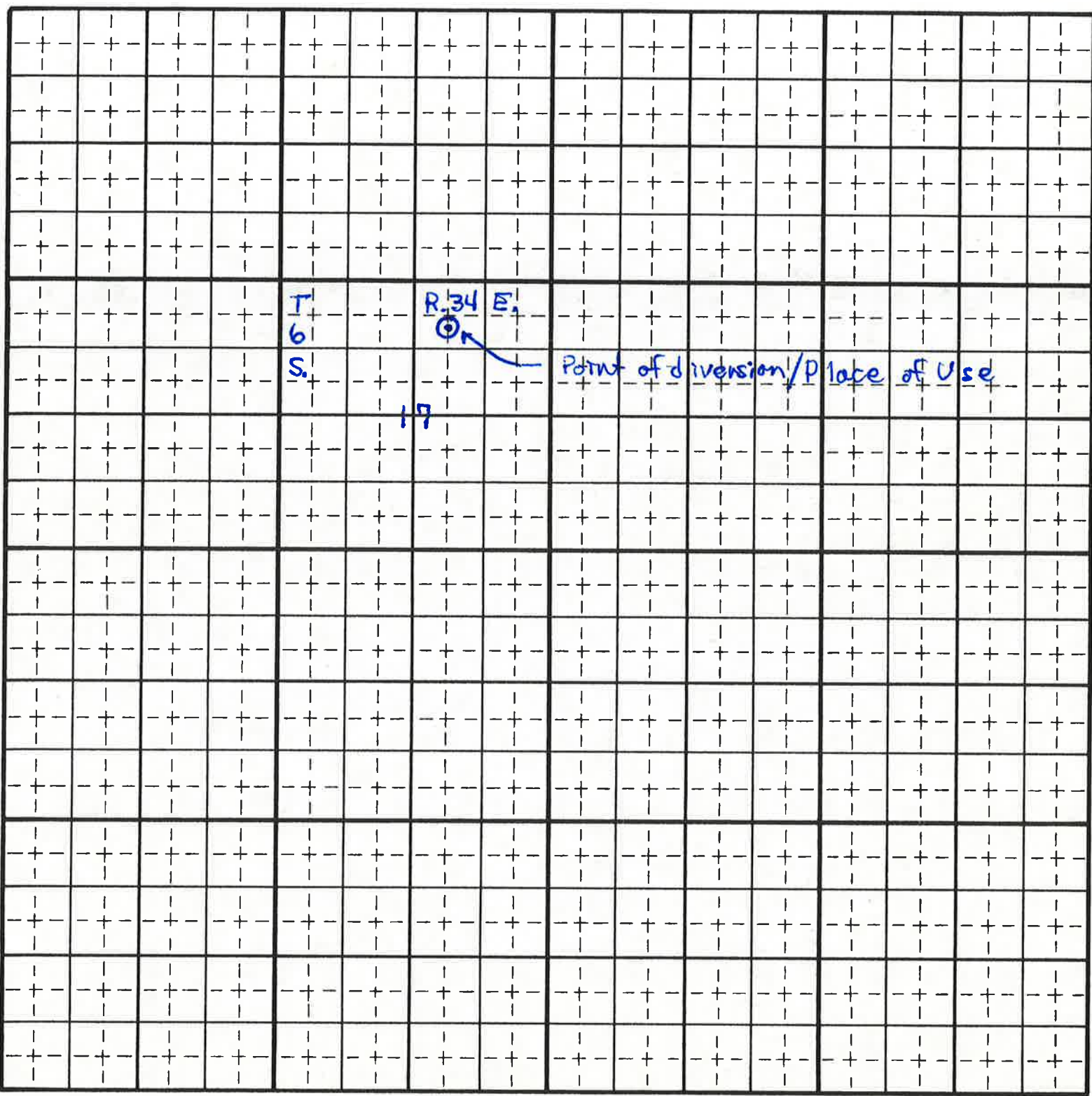
APR 14 1994

Last Name Patton & Linton, Indent No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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APR 14 1994

Last Name Patton & Linton, Inc. Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X 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) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President

Title

of Patton & Litton, Inc., that I have signed the foregoing

Organization

document in the space below as President of Patton & Litton, Inc.

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent N.H. Patton

Title and Organization President, Patton & Litton, Inc.

Date 3/28/90

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

Subscribed and sworn (or affirmed) before me this 28th day of March 19 90

SEAL

Notary Public David Robbins

Residing at Bozelle, ID.

My Commission Expires 9-9-93

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 _____

Last Name Patton & Litton, Inc. Ident. Number _____

MICROFILMED

APR 14 1994

Copies White-State, Yellow-Claimant