

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-12087

NAME & ADDRESS: KOCH MATERIALS CO
4303 S GEKELER LN
BOISE ID 83716-5239

SOURCE: GROUNDWATER

QUANTITY: 0.11 CFS
149.4 AFY

PRIORITY DATE: 05/01/1962

POINT OF DIVERSION: T02N R37E S12 SWSNW Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
INDUSTRIAL	04-01 10-01	0.11 CFS
		148.8 AFY
COMMERCIAL	04-01 10-01	0.02 CFS
		0.62 AFY
FIRE PROTECTION	04-01 10-01	0.11 CFS
		148.8 AFY

WATER IS USED IN AN ASPHALT EMULSION PLANT AND 2 OFFICES.

PLACE OF USE:

INDUSTRIAL T02N R37E S12	Within BONNEVILLE County SENW
COMMERCIAL T02N R37E S12	Within BONNEVILLE County SENW
FIRE PROTECTION T02N R37E S12	Within BONNEVILLE County SENW

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

IN THE NEAR FUTURE IDWR WILL RECOMMEND A GENERAL PROVISION FOR THIS SUB-BASIN REGARDING THE INTERCONNECTION OF WATER RESOURCES WITHIN THE SNAKE RIVER BASIN. AN OPPORTUNITY WILL BE PROVIDED AT THAT TIME TO FILE AN OBJECTION WITH THE DISTRICT COURT TO THAT PROVISION. THIS WATER RIGHT WILL BE SUBJECT TO TO SUCH GENERAL PROVISIONS AS THE DISTRICT COURT DETERMINES NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF WATER RIGHTS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

PROFILED

SCANNED

SEP 30 2005

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JUL-6-1998
PAGE: A-3

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-12087 (CONT)

EXPLANATORY MATERIAL: (CONT)

PROFILED

SCANNED
SEP 30 2005

AJ0749NP
No. 35-12087

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/02/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KOCH MATERIALS CO 4303 S GEKELER LN BOISE ID 837165239 (208) 345-2538	05/01/1962	INDUSTRIAL COMMERCIAL FIRE PROTECTION	04-01 10-01 04-01 10-01 04-01 10-01	0.11 CFS 0.02 CFS 0.11 CFS	148.80 AFA 0.62 AFA 148.80 AFA
TOTAL DIVERSION:					0.11 CFS	149.40 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T02N R37E S12 SWSNW

BONNEVILLE County

Place of use Legal Description for: INDUSTRIAL

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
02N	37E	12	:													:
			:													:

Place of use Legal Description for: COMMERCIAL

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
02N	37E	12	:													:
			:													:

Place of use Legal Description for: FIRE PROTECTION

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
02N	37E	12	:													:
			:													:

POU County: BONNEVILLE

Conditions of Approval:

- A07 - IN THE NEAR FUTURE IDWR WILL RECOMMEND A GENERAL PROVISION
- FOR THIS SUB-BASIN REGARDING THE INTERCONNECTION OF WATER
- RESOURCES WITHIN THE SNAKE RIVER BASIN. AN OPPORTUNITY WILL BE
- PROVIDED AT THAT TIME TO FILE AN OBJECTION WITH THE DISTRICT
- COURT TO THAT PROVISION. THIS WATER RIGHT WILL BE SUBJECT TO
- TO SUCH GENERAL PROVISIONS AS THE DISTRICT COURT DETERMINES
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF WATER RIGHTS.

Remarks: USE WATER IS USED IN AN ASPHALT EMULSION PLANT AND 2 OFFICES.

Dates: Exam Made Date: 05/11/1993 Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:

SCANNED
SEP 30 2005

AJ0749NP
No. 35-12087

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/02/98
PAGE: 2

=====

Comments: Date: 08/12/1993 User-ID: TAYLOR Subject: COPIED FROM REMARKS
PROPERTY IS LEASED BY KOCH FUELS FORM UNION PACIFIC RAIL ROAD.
WATER IS DIVERTED FROM TWO WELLS WITH A LINE CONNECTING
THE TWO. THE SECOND WELL WAS DRILLED IN 1985 TO BACKUP
THE FIRST WELL BASED UPON CERTAIN ENGINEERING CRITERIA.
PLANT OPERATES FROM THE FIRST OF APRIL TO THE FIRST OF OCT. FOR
THE INDUSTRIAL USE.

Date: 01/30/1998 User-ID: ARUBERRY Subject: CORRECTION OF RECEIPT
RECEIPT E010250 WAS CORRECTED TO SHOW \$81.00 PAID FROM \$25.00 AS
PER DOCUMENTS WITH THE ORIGINAL CLAIM. 1/30/98,ABR.

Date: 06/15/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART
OF RECORD THRU

Date: 07/02/1998 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER.

Audit: 07/02/98 SSHERMAN

SCANNED
SEP 30 2005

PROFILE

AJ0749NP
No. R35-12087

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/30/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KOCH MATERIALS CO 2525 LINDSAY BLVD IDAHO FALLS ID 83401 (208) 524-4104	05/01/1962	INDUSTRIAL COMMERCIAL FIRE PROTECTION	04-01 10-01 04-01 10-01 04-01 10-01	0.11 CFS 0.02 CFS 0.11 CFS	148.80 AFA 0.62 AFA 148.80 AFA
TOTAL DIVERSION:					0.11 CFS	149.40 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T02N R37E S12 SWSNW

BONNEVILLE County

Place of use Legal Description for: INDUSTRIAL

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
02N	37E	12	:																
			:																

Place of use Legal Description for: COMMERCIAL

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
02N	37E	12	:																
			:																

Place of use Legal Description for: FIRE PROTECTION

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
02N	37E	12	:																
			:																

POU County: BONNEVILLE

Remarks: USE WATER IS USED IN AN ASPHALT EMULSION PLANT AND 2 OFFICES.

Dates: Exam Made Date: 05/11/1993 Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

SCANNED
SEP 30 2005

PROFILED

AJ0749NP
No. R35-12087

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/30/98
PAGE: 2

=====
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PER DOCUMENTS WITH THE ORIGINAL CLAIM. 1/30/98,ABR.

Audit: 01/30/98 ARUBERRY

SCANNED
SEP 30 2005

PROFILED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

18:33:18
05/29/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A35-12087

LAST: KOCH MATERIALS CO. FIRST:
ADDRESS: 2525 LINDSAY BULD.
CITY: IDAHO FALLS STATE: ID ZIP: 83401
PHONE NUMBER: 208-524-4104

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: PROPERTY IS LEASED BY KOCH FUELS FORM UNION PACIFIC RAIL ROAD.
WATER IS DIVERTED FROM TWO WELLS WITH A LINE CONNECTING
THE TWO. THE SECOND WELL WAS DRILLED IN 1985 TO BACKUP
THE FIRST WELL BASED UPON CERTAIN ENGINEERING CRITERIA.
PLANT OPERATES FROM THE FIRST OF APRIL TO THE FIRST OF OCT. FOR
THE INDUSTRIAL USE.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: () -

DATE OF FIELD EXAM: 5/11/93

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: "Tracy" _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

A. AJ CLAIM: # A35-12087 PRIORITY DATE: 05-01-1962 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/M)

DATABASE
Y

FIELD
EXAMINER
W

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:

REVIEWED BY

DATE

8-12-93

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A35-12087	02N	37E	12	SW	SE	NW		BONNEVILLE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	---
DUE TO SOURCE DISCREPANCY? (Y/N)	Y	---

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
------	------	------	-----	-----	-----	-----	--------

SOURCE: _____ TRIB: _____
REVIEWED BY: _____ DATE: _____

A. ROOT WATER RIGHT NUMBERS: A35-12087

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	37E	12	SE	NW		KOCH MATERIALS CO.	A35-12087	/	-	/	
02N	37E	12	SE	NW		KOCH MATERIALS CO.	A35-12087	/	-	/	
02N	37E	12	SE	NW		KOCH MATERIALS CO.	A35-12087	/	-	/	
TOTAL ACRES							A35-12087				

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

NO CHANGE PER City, - field exam and ASCE

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

8-12-93

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A35-12087 INDUSTRIAL	FROM 01-01 TO 12-31	.110 CFS
A35-12087 FIRE PROTECTION	FROM 01-01 TO 12-31	.110 CFS
A35-12087 COMMERCIAL	FROM 01-01 TO 12-31	.020 CFS
	4-1 to 10-1	
TOTAL DIVERSION RATE/VOLUME CLAIMED		.110 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
----------	-----------	--------------------

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	~~Y~~
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	~~Y~~
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	~~Y~~

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y() N()

RECOMMEND TO WR STANDARDS OR OTHER? Y() N() EXPLAIN IN REMARKS, BELOW.

REMARKS:

Recommend 4-1 to 10-1 for Period of Use on all Purposes

Tracy - said they are only open from the 1st of April to the end of September

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.110 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN REMARKS. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

Water is @ 200'

Well #1 $\frac{8.8(.70) \text{ SHP}}{200 + (2.31 \times 40 \text{ PSI})} = 0.11 \text{ g/s}$

Industrial-portion for manufacturing of Asphalt pumped to
two (2) 12,000 gallon tanks.

Fire Protection is from 2 12,000 gallon tanks when emergency

Well #2 $\frac{8.8(.70) \text{ SHP}}{200 + (2.31 \times 30 \text{ PSI})} = 0.10 \text{ g/s}$

Commercial portion is used for Boiler to heat water in one of tanks
totalizing meter shows the use to be a peak of 200 gpd.
Also used for heating of shop & office.

1.67AFA

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

ACRES _____ X 0.02 CFS/ACRE = _____ CFS
(TAKEN FROM P/U REVIEW)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ X CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ X DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

1B. CALCULATIONS

commercial $200 \text{ gpd} \times 5 \text{ days a week} \times 27 \text{ wks} \div 43560 =$
 $= 0.62 \text{ AFA}$

Industrial $(2 \text{ } 12,000 \text{ gallon tanks filled on avg. twice a day} =$
 $24,000(2)(5 \text{ days a week})(27 \text{ wks}) \div 43560 =$
 148.8 AFA

Consumptive Use would be the same as

diversion volume $\rightarrow$ no consumptive use for Fire Protection

Fire protection $\rightarrow$ 2-12,000 gallon tanks have emergency valve that can be used
if there is a fire. No C/u; Diversion Volume is covered under industrial

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
<u>Industrial</u>	<u>4-1</u> <u>10-1</u>	<u>.11</u>	<u>148.8</u>	<u>148.8</u>
<u>Fire Protection</u>	<u>4-1</u> <u>10-1</u>	<u>.11</u>	<u>148.8</u>	<u>—</u>
<u>Commercial</u>	<u>4-1</u> <u>10-1</u>	<u>.02</u>	<u>0.62</u>	<u>0.62</u>
TOTAL FOR THIS RIGHT		<u>.11</u>	<u>149.4</u>	<u>149.4</u>

REVIEWED BY: W. J. Taylor

DATE: 5-12-93

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-12087

TOTAL DIVERSION RATE OF WR SPLITS DATABASE EXAMINER CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A35-12087	0.110	-	-	-	-
TOTAL CFS		0.110				

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE FIELD
N EXAMINER
 N

REMARKS:

0.11 is okay - per pg. 6

AUTHENTICATION:

SIGNATURE: *G. J. Taylor* DATE: 5-12-93

NAME OF FIELD EXAMINER: G. J. Taylor TITLE: As water agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

18:33:18
05/29/91

PAGE: 10
QUICKLOOK INFORMATION

CLAIM NUMBER: A35-12087

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		5-11-93					
POINT OF DIV	Y							
SOURCE	Y			1	4, 6, 5			
PLACE OF USE	Y			N	5			
DIV. AMOUNT CFS/VOLUME	Y			N	5, 6, 1			
CONSUMPTIVE USE	-			N				
PURPOSES	Y							
PERIOD OF USE	Y			N	5			
BASIS OF CLAIM	Y			Y	6			
REMARKS	Y			N	6			
	Y			Y	6			

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.



A35-12087
KOCH MATERIALS CO.
2525 LINDSAY BLVD.



IDAHO FALLS

ID 83401

2N Need E.P.

NO G85



A3512087

Photos 9-11

A35-12087

Well #1

SUBmersible

5HP. Make solution
Hot & cold

2x 15,000 gallon tanks fill once a day

May 1 - Sept. 30

Well #2

office & Boiler for whole plant
200 gpd.

SCANNED

SEP 30 2005

PROFILED

RECEIVED

JUL 31 1998

Department of Water Resources
Eastern Region

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

In Re SRBA	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	Water Right 35-12087
	)	

IDWR has completed the following Administrative Proceeding:

☒	Change of Address
☐	Substitution of Party
☐	I.C. 42-222 Transfer

CHANGE OF ADDRESS

Name of Claimant: KOCH MATERIALS CO
New Address: 4303 S GEKELER LN
BOISE ID 83716-5239
Phone: (208) 345-2538

Claimant's Water Rights: 35-12087

The Claimant has filed Objections or Responses to the following water
rights: -0-

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
7/6/1998

35-12087

PAGE 1

SCANNED

SEP 30 2005

PROFILED

CERTIFICATE OF MAILING

I certify that on 7-8-98 I mailed the original
and copies of this form to the following persons, postage prepaid
and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Each party in the subcase, or attorney of record:

KOCH MATERIALS CO
4303 S GEKELER LN
BOISE ID 83716-5239
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
4. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Sandy Egbert
Signature of person or attorney mailing the form

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
7/6/1998

35-12087

PROFILED

SCANNED
SEP 30 2005

PAGE 3



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866



PHILIP E. BAY
GOVERNOR

KARL J. DREHER
DIRECTOR

June 24, 1998

KOCH MATERIALS CO
4303 S GEKELER LN
BOISE ID 83716-5239

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim #35-12087
Change of Address

*Record Modified,
NCAP prepared.
10 07-02-98*

Dear Claimant:

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water right claims you have, and return the letter by July 7, 1998. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

S. Sherman

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures

PROFILED

The address is correct as shown above or as otherwise changed.

SCANNED

SEP 30 2005

[Signature]
Claimant's Signature

345-2538
Telephone Number

*THE PROPERTY IS IDLE & ALL MAIL WILL
BE RECEIVED AT THE BOISE PLANT UNTIL
FURTHER NOTICE.*

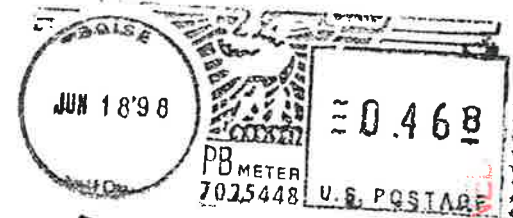
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

RETURN SERVICE REQUESTED

IMPORTANT WATER RIGHT INFORMATION

35-12087
KOCH MATERIALS CO
2525 LINDSAY BVLD
IDAHO FALLS ID 83401

PRESORTED
FIRST CLASS



RECEIVED
JUN 24 1998
Department of Water Resources

KOCH525 834023009 1498 04 06/19/98
RETURN TO SENDER
: KOCH MATERIALS CO
4303 S. GEKELER LN
BOISE ID 83716-5239
RETURN TO SENDER

834023009



SEP 30 2005
SCANLINE

PROFILED

28-Jun-1991

KOCH MATERIALS CO
2525 LINDSAY BLVD
IDAHO FALLS , ID 83401

RE: **Evidence of Priority** A35-12087

Dear Claimant:

The Notice of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or 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.

For your reference I have provided a printout of your Notice and 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 all of the 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 this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by JULY 29, 1991, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

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MEMORANDUM

To: Debbie Allen

From: David Shaw 035

September 21, 1989

Subject: Refund

Refund to: Koch Materials Company
2525 Lindsay Blvd.
Idaho Falls, ID 83401

Claim Number: A35-12087

Receipt Number: E010250

Reason: Funds not sufficient for docket sheet subscription resulting in overpayment.

Amount:	Original Claim Fee:	\$74.00
	Check Amount:	81.00
	Refund Amount:	7.00

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FROM TONY OLENICHAK

TO STATE OFFICE

SUBJECT OVERPAYMENT FOR A35-12087

DATE 9/11/89

RECEIVED

SEP 18 1989

Department of Water Resources

THE FILING FEE FOR NOTICE A35-12087 IS \$74.00.
 THE CLAIMANT ALSO INDICATED THEY WANTED THE DOCKET
 SHEET IN ITEM #16. THE TOTAL FEE WOULD BE \$81.50.
 HOWEVER, THE CHECK RECEIVED WAS ONLY FOR \$81.00.
 PLEASE REFUND THE \$7.00 OVERPAYMENT FOR THE NOTICE
 AND NOTIFY THE CLAIMANT THEY MUST RETURN ~~AN~~
 A PAYMENT OF \$7.50 IF THEY WISH TO RECEIVE THE
 DOCKET SHEET.

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SEP 30 2005

Tony Olenichak
 SIGNATURE

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FROM TONY O.

TO A35-12087 (AMENDED)

SUBJECT

DATE 9/11/89

THIS NOTICE WAS FORWARDED TO THE EASTERN REGIONAL
 OFFICE FROM THE NORTHERN REGIONAL OFFICE.
 AN ORIGINAL (PRE-AMENDED) NOTICE COULD NOT BE FOUND.

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Tony Olenichak
 SIGNATURE



GARY A. GORMAN
GENERAL COUNSEL
KOCH MATERIALS COMPANY

September 6, 1989

RECEIVED
SEP 07 1989

Department of Water Resources
Western Regional Office

Idaho Department of Water
Resources
2735 Airport Way
Boise, Idaho 83705

Attention: Robert Whitney

Re: Idaho Water Rights Adjudication Case,
Civil Case No. 39576; Notice of Claim Filed
By Koch Materials Company on Behalf of Union
Pacific Railroad Company; Identification No.
A35-12087

Gentlemen:

Enclosed please find Notice of Claim To a Water Right Acquired Under State Law, this notice being filed by Koch Materials Company on behalf of Union Pacific Railroad Company. Also enclosed is our check in amount of \$81.00 as the filing fee for filing this notice.

If there is questions or comments on this, please contact any of the following:

1. Manager, Koch Materials Company, 2525 Lindsey Blvd., Idaho Falls, Idaho;
2. Gary A. Gorman, Koch Industries, Inc., P.O. Box 2256, Wichita, Kansas, 67201, (316) 832-5289;
3. Union Pacific Railroad Company, Office of General Director of Real Estate, Room 300, 1416 Dodge Street, Omaha, Nebraska, 68179, Attention: R. F. Niehaus;

Union Pacific Railroad Company has authorized us to file this notice on behalf of the Union Pacific inasmuch as Koch Materials Company, a division of Koch Fuels, Inc., a Delaware corporation, headquartered at 4111 East 37th Street, Wichita, Kansas, is the lessee of Union Pacific Railroad Company for the site in question at Idaho Falls, Ada County, Idaho.

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Idaho Department of Water
Resources
September 6, 1989
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Thank you kindly for receiving and filing our notice.

Yours very truly,

Gary Gorman

Gary A. Gorman

GG/jc

Enclosures

cc: R. F. Niehaus
Union Pacific Railroad Company

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AFFIDAVIT

STATE OF WASHINGTON)
) ss.
County of Spokane)

JAMES NOW, Robert G. Lamon, being of lawful age and
being duly sworn, states as follows:

1. I am the former Forestry/Trip-line and Operations
Manager of Blackline Asphalt Sales, Inc. and currently reside
at North 64th Royal Chasport Lane, Spokane, Washington.
Blackline Asphalt Sales was the original operator of the
asphalt plant located at 2224 Broadway Blvd. Reno Valley,
Shoshone County, Idaho (the "Plant") and which Plant is now
owned by the Union Pacific Railroad and operated pursuant to a
lease agreement by Rock Materials Company, a division of Rock
Products, Inc., a Delaware corporation and Blackline operated the
Plant during the time period of 1961 until 1983.

2. As the former Operations Manager of the Plant, I have
personal knowledge that an industrial water well was drilled
on the Plant site and which is located in the boiler room and
which pumped groundwater beginning in the year 1961 for the
industrial, commercial and live protection benefit of the
Plant and to the best of my knowledge said water well has been
in use continually since that date.

FURTHER AFFIANT SAYS NOT:

Robert G. Lamon
ROBERT G. LAMON

Subscribed and sworn to before me personally

on the 10th day of July, 1991, before me personally
I know the person to be the person
and the foregoing statements, and
I believe the person to be the person

Leslie Martens
NOTARY PUBLIC

My Commission Expires: 5/30/93

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SCANNER
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A35-12087

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: A35-12087
Date Received: 6/06/1989
Receipt No: E010250
Received By: TD

SEP 07 1989

SEP 11 1989

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

AMENDED

1. Name: KOCH MATERIALS CO.** 208-524-4104
Address: 2525 LINDSAY BLVD.
IDAHO FALLS, ID 83401

2. Date of Priority: MAY 01, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	37E	12	SW	SE	NW		BONNEVILLE

5. Description of diverting works:
2 WELLS, 8" CASINGS 220' AND 240' DEEP WITH 5 HP. MOTORS EACH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.110		
FIRE PROTECTION	01/01	12/31	0.110		
COMMERCIAL	01/01	12/31	0.020		

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

8. Total consumptive use is .31 Acre Feet Per Annum.

9. Non-irrigation uses:
I/ MANUFACTURING ASPHALT EMULSION, C/ OFFICES, F/ FIRE PROTECTION

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	37E	12	SE	NW		INDUST	

A35-12087

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Date: 06/08/89

**Koch Materials Company is a division of Koch Fuels, Inc., headquartered at 4111 East 37th Street North, Wichita, KS. Koch Materials Company is the lessee of The Union Pacific Railroad Company, Omaha, Nebraska, for the site in question. Koch Materials Company is filing this Notice on behalf of The Union Pacific Railroad Company.

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	37E	12	SE	NW		COMMER	
			SE	NW		FIRE	

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

PROPERTY IS LEASED BY KOCH FUELS FORM UNION PACIFIC RAIL ROAD.
WATER IS DIVERTED FROM TWO WELLS WITH A LINE CONNECTING
THE TWO. THE SECOND WELL WAS DRILLED IN 1985 TO BACKUP
THE FIRST WELL BASED UPON CERTAIN ENGINEERING CRITERIA.
PLANT OPERATES FROM THE FIRST OF APRIL TO THE FIRST OF OCT. FOR
THE INDUSTRIAL USE.

15. Basis of Claim: BENEFICIAL USE

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SEP 30 2005

FILED

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

Number of attachments: None

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: _____

For Organizations:

I do solemnly swear or affirm that I am Vice President of _____
Title

Koch Materials Company, that I have signed the foregoing
Organization
document in the space below as Vice President of
Title

Koch Materials Company and that the statements contained in the
Organization
foregoing document are true and correct.

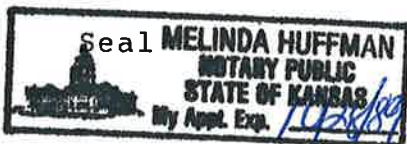
Robert E. Hoyle
Signature of Authorized Agent
Robert E. Hoyle, Vice President
Koch Materials Company
Title and Organization

September 6, 1989
Date

Kansas
State of ~~xx~~)
County of Sedgwick) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of September 19 89

Melinda Huffman
Notary Public



A35-12087

Page

Residing at Wichita, KS
My Commission Expires 10/28/89
3 Date: 06/08/89

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SEP 30 2005

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