

RECEIVED

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

OCT 24 1972

Nº 1671

I, Mable F. Clark Department of Water Administration
Southern District Office
being first duly sworn upon
oath, depose and say that I am Office Mgr. of the TIMES-NEWS,
published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy
of the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for two
consecutive Thursdays, commencing with the issue dated

October 5, 19 72, and ending with the issue dated
October 12, 19 72

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the
Twin Falls News, published theretofore daily except Monday, both of which newspapers
prior to consolidation had been published under said names in said city and county con-
tinuously and uninterruptedly during a period of more than twelve consecutive months, and
said TIMES-NEWS, since such consolidation, has been published as a daily newspaper
except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each
week has been designated as the day on which legal notice by law or by order of any
court of competent jurisdiction within the state of Idaho, to be published weekly, will be
published; and that at the head of the editorial column of said combined newspapers, and
in each issue thereof, Thursday is announced as the day on which said legal notices will
be published.

Subscribed and sworn to before me on this 20th day of

October, 19 72

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

NOTICE OF CLAIM TO A WATER RIGHT NO. 47-4023

Notice is hereby given that Ready
to Pour Concrete, Box 274, Twin
Falls, Idaho has filed a claim to a
water right established by diversion
and application to beneficial use of
2000 gpm of water from waste and
seepage with point of diversion in
the SW 1/4 SE 1/4, Sec. 7, T. 10S, R. 17E,
B.M., Twin Falls County.

The water is claimed to be used
from Jan. 1 to Dec. 31 for washing
aggregate with a priority of Jan. 1,
1965 the place of use is within the
SW 1/4 SE 1/4, Sec. 7, T. 10S, R. 17E,
B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water Ad-
ministration, 1041 Blue Lakes
Boulevard North, Twin Falls, Idaho,
83301.

R. KEITH HIGGINSON

Director

Published in the Times-News,
Twin Falls, Idaho on Oct. 5 and Oct.
12, 1972.

47 4023 24

RECEIVED
AUG 14 1987

Department of Water Resources

AFFIDAVIT OF MICHAEL L. BUNN

State of Utah)
) ss.
County of Salt Lake)

Michael L. Bunn being first duly sworn, deposes and says:

1. I have personal knowledge of all facts stated herein and I am in every respect competent to make this affidavit.

2. I am Controller of Monroc, Inc., a Delaware corporation, whose address is 1730 Beck Street, Salt Lake City, Utah 84116, and as such have knowledge of the history and background of Monroc, Inc., specifically with respect to the company's name and predecessor companies.

3. The facts stated below will establish that, as a result of a series of mergers, acquisitions and corporate restructuring, Ready-to-Pour Concrete Company, an Idaho corporation was the predecessor company of Monroc, Inc., a Delaware corporation.

4. Prior to 1973, there was no entity called Monroc, Inc.

5. Prior to 1973, Ready-to-Pour Concrete Company was an Idaho corporation.

6. In 1973, Utah Sand & Gravel ~~Inc.~~ ^{Products Corp. (NB)}, a Utah corporation, merged with Ready-to-Pour Concrete Company, an Idaho corporation. The survivor company was called Monroc, Inc., a Nevada corporation.

7. In 1977, substantially all of the assets and liabilities of Monroc, Inc. were acquired by a Utah general partnership called Monroc.

8. In 1981, Monroc incorporated under Delaware law and changed its name to Monroc, Inc.

SCANNED
JAN 23 2002

10. In ~~April, 1987~~^{October 1986}, Monroc Acquisition, Inc., changed its name to Monroc, Inc.

12. The record owner of water rights, specifically Claim to Right 47-4023 in the name of Ready-to-Pour Concrete, rightfully belongs to Monroc, Inc.


Michael L. Bunn

On the 23rd day of July, 1987, personally appeared before me Michael L. Bunn, the signer of the foregoing instrument, who duly acknowledged to me that Michael L. Bunn executed the same.

Salt Lake Utah

- 2 -

Identification No. _____

Claim No. 47-4023

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Ready To Pour Concrete
post office address Box 274 Twin Falls

2. The point of diversion is in S.W. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ Section 7 Township 10 S
Range 17 E B.M. located on 0¹ Lateral
(name of source)
tributary to Weist and Seepage in Twin Falls County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Jan 1st 1965 amount: 2000 G.P.M. ~~c.f.s.~~ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 2000 G.P.M. ~~c.f.s.~~ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Washing Aggregate period of use from Jan 1st to Dec. 31st (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Rock Fill to hold down Erosion; length is 8' feet; height is 1' feet; width at bottom is 8' feet; with at top is 8' feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known. None

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____ capacity of pump is _____ g.p.m.; name and address of well driller is _____;

47 4623

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? Yes If yes, give the name of the ditch 0+ lateral. The other users and their respective interests in the ditch are (if known) Not Known. We get our water after it reaches end of ditch

6. Where water is used for stock watering, give number of each kind of stock watered N/A

7. Where water is used for domestic or municipal purposes give number of families served N/A
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities N/A

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho }
County of Bonneville } ss.

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.

READY-TO-POUR CONCRETE CO.
By Stanton E. Nelson
Claimant

Sworn to before me this 20th day of September, 1972.

M. Arine Bingham
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 6-15-74

For Department Use Only

Received by <u>aw</u> Date <u>9-25-72</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>RAA</u> Date <u>9-28-72</u>	_____	_____	_____
Fee received by <u>aw</u> Date <u>9-28-72</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>RAA</u>	_____	_____	_____
Published in <u>Times News</u> Dates <u>10-5 & 10-12-72</u>	_____	_____	_____

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: If you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount: <u>0.8</u> c.f.s. or	_____	acre feet
	<u>June 1, 1901</u>	amount: <u>0.4</u> c.f.s. or	_____	acre feet
	Total claimed:	<u>1.2</u> c.f.s. or	_____	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

Affidavit of Publication

RECEIVED

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

OCT 21 1972 No 1671

I, Robert T. Westgren being first duly sworn upon oath, depose and say that I am Editor in Charge of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive thursdays, commencing with the issue dated October 5, 1972, and ending with the issue dated October 12, 1972.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 20th day of October, 1972.

Robert T. Westgren
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho.

47 4023



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 30, 1993

MONROC INC
1730 BECK ST
SALT LAKE CITY UT 84116

RE: Water Right Nos. 47-04023 and 47-07871

Dear Sirs:

I recently received 'Assignment of Permit' forms on the above referenced licensed and/or decreed water rights.

In Idaho, decreed, licensed, and claimed water rights are considered real property; therefore, proof of owning the land is proof of owning the water rights unless specifically excluded in the sale. Water right statute does not provide a means for changing owner of record for decreed water rights; although, I have placed your correspondence in each of the files for future reference.

If you have any questions, please feel free to contact me directly at 327-7944.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Zimmerman".

CINDY ZIMMERMAN
Water Resource Agent

SCANNED

JAN 23 2002

RECEIVED

SEP 24 1993

Department of Water Resources
Southern Region Office

DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

Zions First National Bank, for itself and as agent for Chemical Bank, hereby assigns to Monroc, Inc., a Delaware corporation, with its principal place of business at 1730 Beck Street, Salt Lake City, Utah 84116, all of their right, title and interest in and to Water Right Permit #A-47-04023, to appropriate public waters of the State of Idaho.

RECEIVED

Made this 14th day of September 1993.

SEP 28 1993

ZIONS FIRST NATIONAL BANK
for itself and as agent for
CHEMICAL BANK

By Robert W. Boyd
Its Vice President

Attest:

By _____
Title _____

This Assignment is given as a reconveyance of collateral security upon satisfaction of certain obligations of Monroc to Zions First National Bank.



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

August 25, 1987

RE: Water Right No. 47-4023

Brian R. Hanson
Holland & Hart, Langroise, Sullivan
Box 2527
Boise, ID 83701

Dear Mr. Hanson:

We are in receipt of your correspondence of August 14, 1987 in reference to present ownership of the above referenced water right.

I have reviewed the correspondence and find it acceptable and have caused our computer records of this claim to be changed to shown Monroc, Inc. as the current owner of the right.

Enclosed is a copy of the claim for your records.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

HOLLAND & HART,
LANGROISE, SULLIVAN
ATTORNEYS AT LAW

DENVER
DENVER TECH CENTER
COLORADO SPRINGS
ASPEN
BILLINGS
BOISE
CHEYENNE
WASHINGTON, D.C.

SUITE 1400
IDAHO FIRST PLAZA
BOISE, IDAHO
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701

Department of Water Resources

TELEPHONE (208) 343-3676
TELECOPIER (208) 343-8869

BRIAN R. HANSON

August 14, 1987

Hand Delivered

Jim Johnson
Water Rights Supervisor
Department of Water Resources
450 West State Street
Boise, ID 83720

RE: Claim No. 47-4023

Dear Jim:

I enclose for your review and file an Affidavit of Michael L. Bunn addressing ownership of the above-referenced claim. As you will note, Mr. Bunn is a Controller of Monroc, Inc. He relates that Ready-to-Pour Concrete Company was a predecessor of Monroc, Inc. He concludes that Monroc, Inc. should be shown as the record owner of Water Right 47-4023.

If you require additional information before you can approve the assignment of claim form we submitted last May, please contact us. Otherwise, we will appreciate your approving the assignment form acknowledging change in ownership.

Thank you for your assistance with this matter.

Very truly yours,



Brian R. Hanson

for HOLLAND & HART,
LANGROISE, SULLIVAN

BRH/cd
Enclosure

October 26, 1972

Re: Claim to a Water Right No. 47-7023 - Ready to Pour Concrete

Ready to Pour Concrete
Box 274
Twin Falls, Idaho 83301

Gentlemen:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right: it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of the claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc: Copy of claim

47-7023

September 29, 1972

Re: Claim to a Water Right No. 47-4023 - Ready to Pour Concrete

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

" I hereby certify that the foregoing account is just and correct,
that the amount claimed is legally due, after allowing all just
credits, and that no part of the same has been paid. "

(signature of claimant)

Very truly yours,

Bob Haynes
District Engineer
Southern District

Bill submitted 10-25-72 by alu

BH:alw

Enc: Legal Notice

47 4023

NOTICE OF CLAIM TO A WATER RIGHT

NO. 47-4023

Notice is hereby given that Ready to Pour Concrete,
Box 274, Twin Falls, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 2000 gpm ~~XXXXXXXXXXXXXXXXXXXX~~ ~~XXXXXXXXXXXXXXXXXXXX~~
waste and seepage cubic feet per second acre feet per annum
of water from _____

with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 10S, R. 17E, B.M.,
Twin Falls County

The water is claimed to be used from Jan. 1 to Dec. 31
for washing aggregate _____

with a priority of Jan. 1, 1965;
the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 10S, R. 17E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin
Falls, Idaho, 83301.

R. KEITH HIGGINSON

Director

Published in the Times News, Twin Falls, Idaho
on Oct. 5 and Oct. 12, 1972

47 4023

September 29, 1972

Re: Claim to a Water Right No. 47-4023 - Ready to Pour Concrete

Ready to Pour Concrete
Box 274
Twin Falls, Idaho 83301

Gentlemen:

Enclosed herewith is your Receipt No. 9448 in the amount of \$10.00 for the above reference Application for Permit which was received in this office under the above date.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

47 4023
47 4023