

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 A27-07451

Date Received

Receipt Number

E074732

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly State of Idaho
Department of Lands, by 208- 525-7167 (Dept. Lands)
1. Name of Claimant (s) P4 Production, L.L.C. Phone (208) 547-4300 (P4)
Mailing Address Dept/Lands: Statehouse, Boise, Idaho 83720
P4: P.O. Box 816, Soda Springs, Idaho Zip 83276

2. Date of Priority (Only one (1) per claim) 01/06/1989

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

4. a. Location of existing point of diversion is: Township 06S Range 43E Section 21,
1/4 of SW 1/4 of SE 1/4, Govt. Lot, B.M., County of Caribou

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Well and pump.

A2707451



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Industrial purposes from 01/01 to 12/31 amount 0.08 or _____

For Domestic purposes from 01/01 to 12/31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.10 (cfs) and/or (b) 5.40 (acre feet)

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

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

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	
06S	43E	21															I, D		

Total number of acres irrigated _____

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

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

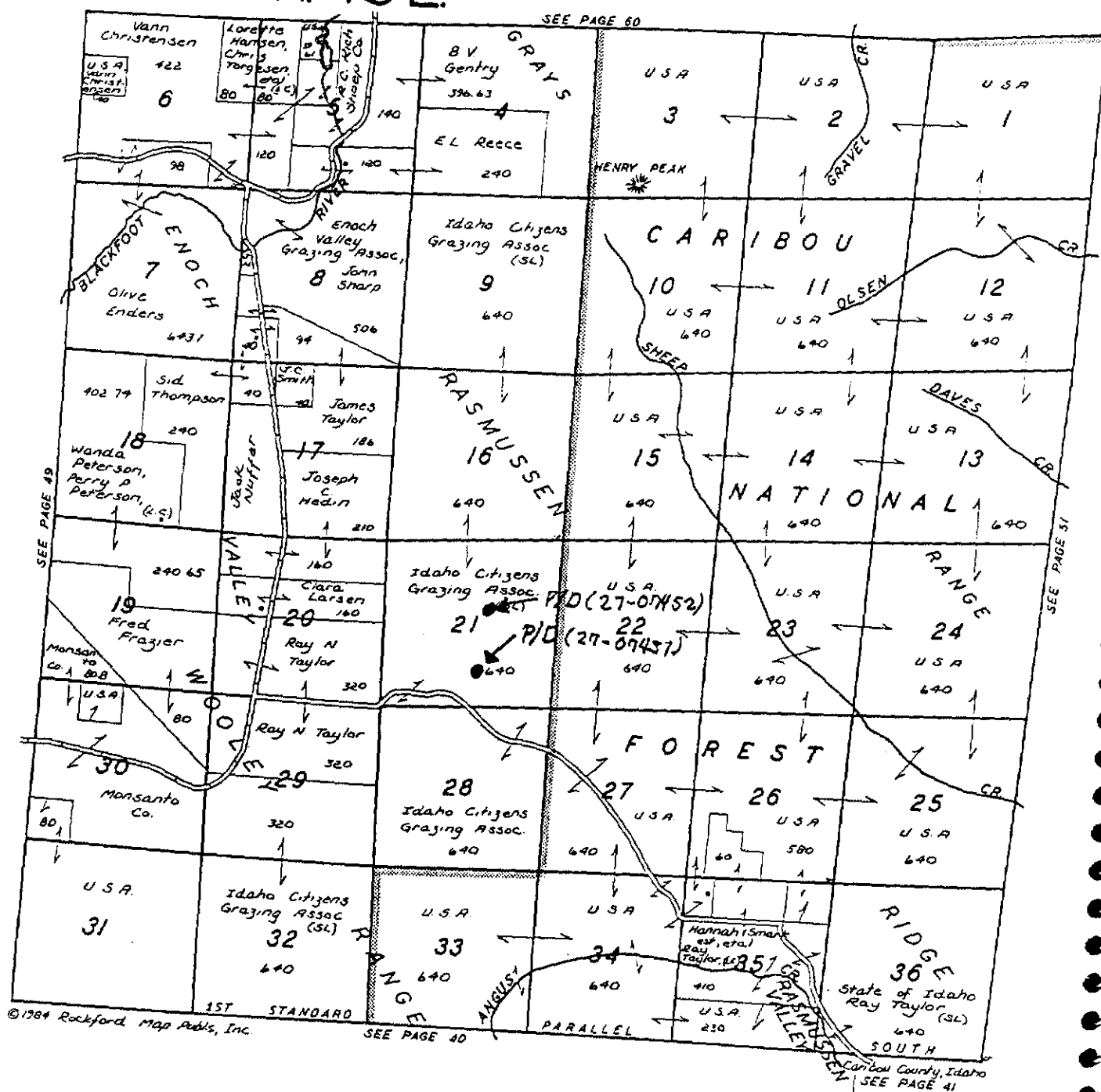
13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

Commonly known as Enoch Valley Well No. 1. State of Idaho Easement No. 5353 authorized Monsanto to drill wells in A27-07451 and A27-07452. On 9/29/8 Idaho Dept of Lands and Monsanto executed an agreement amending Easement 5353 and transferring those rights to the Idaho Dept of Lands which submitted Proc of Beneficial Use Forms on 12/31/1991. Pursuant to Id. Dept of Lands letter dated 11/18/98 (copy attached) this SRBA Claim is being submitted on behalf of Dept. of Lands by Monsanto's successor, P4 Production, LLC.

Last Name _____ Ident No. _____

T.6S.-R.43E.



License Nos 27-07451, 27-07452

State of Idaho - Dept. of Lands

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows, totaling 256 squares. The dashed lines are thin and light gray, contrasting with the white background of the squares. The overall pattern is a uniform, repeating grid of crosshairs.

Last Name _____ Ident No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 27-07451 Telephone No. 334-02002. Name(s) of Permit Holder(s): State of Idaho, Department of Lands3. Post Office Address: Statehouse Boise, ID 837204. Source of Water: Groundwatera. If ground water, well driller's name: Nelson Drilling Date drilled: 6/01/90b. Pump horsepower: 10 HP Pressure (psi): _____ Dynamic pumping level (ft.): 170 ft

5. Extent of Use:

Domestic _____ (No. of households) Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock) Other Domestic use by commercialfirm at shop and office facilities (Monsanto Corp. Enoch Valley Mine)6. Total rate and/or volume for which proof is submitted 0.1 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes ☒ No Installed? Yes ☐ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☐ No8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

David W. Farnsworth, Monsanto Chemical Co.(208) 547-3391

Name

Telephone No.

P.O. Box 818Soda Springs, ID 83276

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date

12/30/91

Signature (and title if on behalf of a company or organization)

Robert L. Brown Sr.

Resource Mgr.-IDL

NOV 20 1998

Department of Water Resources
Eastern Region

IDAHO DEPARTMENT OF LANDS

EASTERN IDAHO AREA
3563 Ririe Hwy., Idaho Falls, Idaho 83401
Phone (208) 525-7167 Fax (208) 525-7178
Text Phone (800) 377-3529STANLEY F. HAMILTON - DIRECTOR
November 18, 1998BOARD OF LAND
COMMISSIONERSPHILIP E. BATT
GovernorPETE T. CENARRUSA
Secretary of StateALAN G. LANCE
Attorney GeneralJ.D. WILLIAMS
State ControllerANNE C. FOX
Sup't of Public
InstructionHarold Jones
Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls ID 83402

RE: Water Right Draft Claims 27-07451 & 27-07452

Dear Harold:

This letter is concerning draft SRBA claims from Monsanto for water right No's 27-07451 and 27-07452. This department did not file claims for these wells under the adjudication process because it is our understanding we are not required to do so to maintain water rights to the wells.

If Monsanto believes it is in their interest to file claims for purposes of the adjudication this department would have no objections as long as the claims are filed in the name of the State of Idaho. If the claims are officially filed in the name of Monsanto, then this department would protest the filings. The protest would be based on 1) policy that requires water right filings on endowment lands to be in the name of Idaho Department of Lands and 2) a previous easement agreement between Monsanto and this agency regarding water right fillings on these specific wells.

To briefly summarize, this department authorized Monsanto to drill the wells through Idaho Easement No 5353. Water right applications for the wells were originally filed in the name of Monsanto. On September 29, 1989 this department and Monsanto executed an agreement amending Easement 5353. The amendment provided that Monsanto Water Right Applications 27-07451 and 27-07452 would be transferred to the State of Idaho. Assignments to the state for these water right applications were completed on October 31, 1989. This department submitted Proof of Beneficial Use forms for the wells on December 31, 1991.

I have enclosed 1) a copy of the Amendment to Easement 5353, 2) a copy of the letter confirming completion of assignment of the water right applications to the state, and 3) copies of the "Proof of Beneficial Use" forms filed by this department for the wells.

If you need anything additional please call me at telephone 525-7167.

Sincerely,


James B. Wood
Resource Supervisor, RangeJBW/prs
Enclosures
c: Tracy Behrens
Don McNarie

AMENDMENT TO
STATE OF IDAHO
EASEMENT NO. 5353

THIS AMENDMENT is made this 29th day of September, 1989 by and between the STATE OF IDAHO, acting by and through the State Board of Land Commissioners (hereinafter State), and MONSANTO COMPANY, a Delaware Corporation (hereinafter Monsanto),

WITNESSETH

WHEREAS, State and Monsanto entered into that certain easement (State of Idaho Easement No. 5353) dated November 10, 1987 (hereinafter Easement) for the purpose of setting forth the terms and conditions under which Monsanto can mine phosphate deposits lying in and under a parcel of public school endowment land owned by the State, and

WHEREAS, the parties desire to amend the Easement to clarify the procedures for managing water rights on the property.

NOW, THEREFORE, State and Monsanto mutually agree to add the following terms to the Easement:

1. Water Right Application Permit No. 27-07451 and 27-07452 for appropriation of water from wells on the property included in the Easement have been filed in Monsanto's name and, upon execution of this Amendment, will be transferred to the State of Idaho.
2. In consideration of the mutual covenants herein contained, the State of Idaho grants to Monsanto the exclusive right to make use of all waters appropriated under said permits during the term of the Easement.
3. All necessary water right filing fees will be paid by Monsanto, and Monsanto will maintain the permits so long as it intends to make use of the same.
4. Upon completion of use of the wells by Monsanto, all pumping and associated equipment shall be removed and the well casings shall be left in place and shall be sealed with a welded cap. The State of Idaho will be solely responsible for such permits thereafter.
5. Upon relinquishment, abandonment, or cancellation of the Easement in accordance with the terms thereof, ownership of the wells will revert to the State.

Amendment to
State of Idaho Easement No. 5353
Page 2 of 3

IN WITNESS WHEREOF, the parties hereto have executed this Amendment
the day and year first above written.

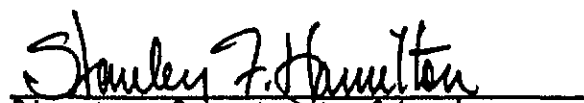
STATE BOARD OF LAND COMMISSIONERS


Governor of the State of Idaho
and President of the State Board
of Land Commissioners

Countersigned:


Secretary of State




Director, Department of Lands


Representative of Monsanto Company

 Mining Superintendent
Title



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

14685
H 27-7451

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 31, 1989

RE: Applications for Permits Nos. 27-7451 & 27-7452

David W. Farnsworth
Mining Superintendent
Monsanto Company
P.O. Box 816
Soda Springs, ID 83276

Dear Mr. Farnsworth:

This letter is to acknowledge receipt of the assignment forms assigning the above referenced applications to Idaho Department of Lands and to inform you that the protest submitted by the Idaho Department of Lands has been withdrawn. The Department has now resumed processing of the above referenced applications.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

cc: Patrick A. Brown
Resource Manager
Idaho Department of Lands

RECEIVED

NOV - 1 1989

Idaho Department of Lands
Idaho Falls, Idaho