

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 A27-07452

Date Received

Receipt Number EDZH73Z

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

State of Idaho,
Department of Lands, by
1. Name of Claimant (s) P4 Production, L.L.C. 208 525-7167 (Dept. Lands
Phone (208) 547-4300 (P4)
Dept/Lands: Statehouse, Boise, Idaho 83720
Mailing Address 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 NE 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.

A2707452



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 0.3 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.3 (cfs) and/or (b) 16.80 (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																	
06S	43E	16	SEE ATTACHED SHEET.																

Total number of acres irrigated _____

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

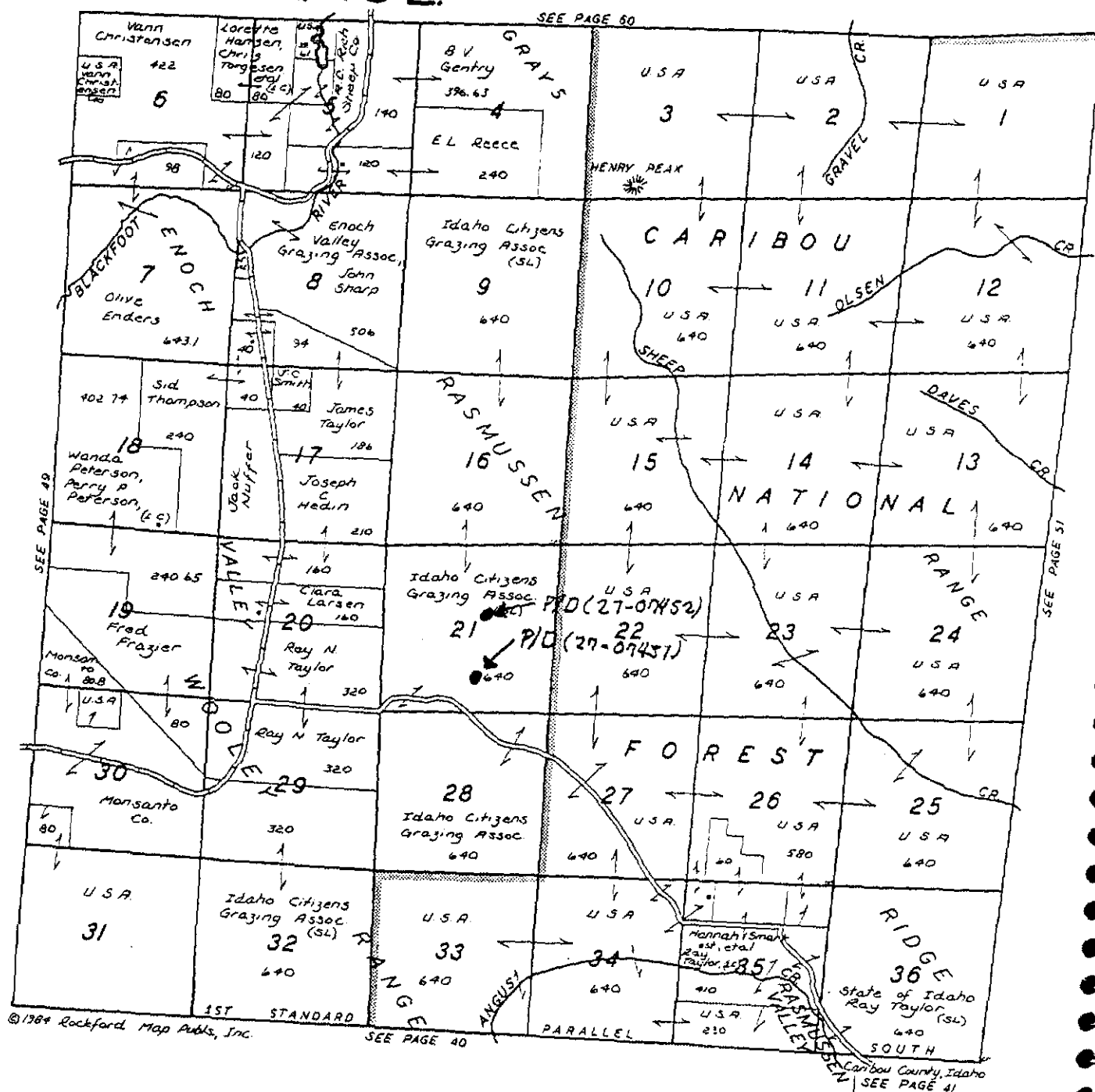
12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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. 2. 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 Proof 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 pattern is uniform across the entire grid.

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____ 27-07452

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 Superintendent, Mineral Operations

Title

of P4 Production, L.L.C.

Organization

, that I have signed the foregoing

document in the space below as Supt., Mineral Operations of P4 Production, L.L.C.

Title

Organization

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

Signature of Authorized Agent Dei D. W. Amuth

Title and Organization P4 Production, L.L.C. Date 12/10/98

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

Subscribed and sworn (or affirmed) before me this 10th day of December 1998

SEAL

Notary Public Mary P. Bewley

Residing at Soda Springs

My Commission Expires 11/04/2002

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Randall C. Budge 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 Randall C. Budge

Address P.O. Box 1391, Pocatello, Idaho 83204-1391

Date 1/6/99

Last Name _____ Ident. Number _____

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

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
*****ALSO MEMBER D.C. BAR

LAW OFFICES OF
RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FAX (208) 232-6109

ASSOCIATED WITH
McGRATH, SMITH
& ASSOCIATES
414 SHOUP
P. O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
BRYAN D. SMITH†
NEAL S. RANDALL
†ALSO ADMITTED IN CA

January 14, 1999

Harold Jones
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: *Monsanto-P4 Production, L.L.C.*

Dear Harold:

Enclosed please find our check in the amount of \$240 for the following claims:

A27-07451:	\$110
A27-07452:	<u>\$130</u>
Total:	\$240

Thank you for your assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosure

cc: P4 Production, Inc.,
Robert L. Geddes
David W. Farnsworth, Manager, Mineral Activities

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 filings 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 McNarieKEEP IDAHO GREEN
PREVENT WILDFIRE

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.

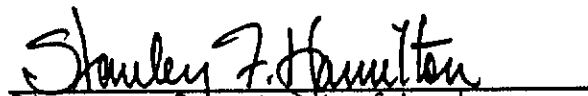
STATE BOARD OF LAND COMMISSIONERS


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

1465
H27-7451

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

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. 27-07452 Telephone No. 334-0200
2. Name(s) of Permit Holder(s): State of Idaho, Department of Lands
3. Post Office Address: Statehouse, Boise, ID 83720
4. Source of Water: Groundwater
 - a. If ground water, well driller's name: Nelson Drilling Date drilled: 5/16/90
 - b. Pump horsepower: 30 HP Pressure (psi): _____ Dynamic pumping level (ft.): 420 ft.
5. Extent of Use:

Domestic _____ (No. of households)	Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock)	Other <u>Primarily dust control and other</u>
<u>industrial uses required incidental to mining operations (Monsanto Inc. Enoch Valley Mir</u>	
6. Total rate and/or volume for which proof is submitted 0.3 cfs _____ acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device:	Required? <u>Yes</u> ☒ <u>No</u>	Installed? <u>Yes</u> ☐ <u>No</u>
	OR	
Flow Measurement Port:	Required? <u>Yes</u> ☒ <u>No</u>	Installed? <u>Yes</u> ☐ <u>No</u>
8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:

<u>David W. Farnsworth, Monsanto Chemical Co.</u>	<u>(208) 547-3391</u>
Name	Telephone No.
<u>P.O. Box 818 Soda Springs, ID 83276</u>	
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.

12/30/91
Date

Robert A. Brown
Signature (and title if on behalf of a company or organization)

Sr. Resource Mgr.-IDL

Water Right Number - 27-07452

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

STATE OF IDAHO

1 - DEPT OF LANDS

2 - STATEHOUSE

3 -

City- BOISE

State- ID Zip- 83720

Phone - 208-000-0000

*** O - ORIGINAL OWNER ***

MONSANTO CO

1 - PO BOX 816

2 -

3 -

City- SODA SPRINGS

State- ID Zip- 83276

Phone - 208-547-3391

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/06/1989 15 EASTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
06S 43E 21 SW NE (29) CARIBOU

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
13 - MINING 03/01 10/01 0.300 16.80

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.300 16.80 0.660 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
06S 43E 16 NE NE 13 MINING (29) CARIBOU
06S 43E 16 SW NE 13 MINING (29) CARIBOU
06S 43E 16 NE NW 13 MINING (29) CARIBOU
06S 43E 16 NW NW 13 MINING (29) CARIBOU
06S 43E 16 SW NW 13 MINING (29) CARIBOU
06S 43E 16 SE NW 13 MINING (29) CARIBOU
06S 43E 16 NE SW 13 MINING (29) CARIBOU
06S 43E 16 NW SW 13 MINING (29) CARIBOU
06S 43E 16 SW SW 13 MINING (29) CARIBOU
06S 43E 16 SE SW 13 MINING (29) CARIBOU
06S 43E 16 NE SE 13 MINING (29) CARIBOU
06S 43E 16 NW SE 13 MINING (29) CARIBOU
06S 43E 16 SW SE 13 MINING (29) CARIBOU
06S 43E 16 SE SE 13 MINING (29) CARIBOU
06S 43E 21 NE NE 13 MINING (29) CARIBOU

Water right number - 27-07452

Prefix Translation: WATER RIGHT

+ - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	43E	21	NW NE			13	MINING	(29) CARIBOU
06S	43E	21	SW NE			13	MINING	(29) CARIBOU
06S	43E	21	SE NE			13	MINING	(29) CARIBOU
06S	43E	21	NE NW			13	MINING	(29) CARIBOU
06S	43E	21	SW SW			13	MINING	(29) CARIBOU
06S	43E	21	SE SW			13	MINING	(29) CARIBOU
06S	43E	21	NE SE			13	MINING	(29) CARIBOU
06S	43E	21	NW SE			13	MINING	(29) CARIBOU
06S	43E	21	SW SE			13	MINING	(29) CARIBOU
06S	43E	22	SW NW			13	MINING	(29) CARIBOU
06S	43E	22	NE SW			13	MINING	(29) CARIBOU
06S	43E	22	NW SW			13	MINING	(29) CARIBOU
06S	43E	22	SW SW			13	MINING	(29) CARIBOU
06S	43E	22	SE SW			13	MINING	(29) CARIBOU
06S	43E	22	SW SE			13	MINING	(29) CARIBOU
06S	43E	25	NW SW			13	MINING	(29) CARIBOU
06S	43E	25	SW SW			13	MINING	(29) CARIBOU
06S	43E	25	SE SW			13	MINING	(29) CARIBOU
06S	43E	26	NW NE			13	MINING	(29) CARIBOU
06S	43E	26	SW NE			13	MINING	(29) CARIBOU
06S	43E	26	SE NE			13	MINING	(29) CARIBOU
06S	43E	26	NE SE			13	MINING	(29) CARIBOU
06S	43E	26	NW SE			13	MINING	(29) CARIBOU
06S	43E	26	SE SE			13	MINING	(29) CARIBOU
06S	43E	27	NE NE			13	MINING	(29) CARIBOU
06S	43E	27	NW NE			13	MINING	(29) CARIBOU
06S	43E	27	SW NE			13	MINING	(29) CARIBOU
06S	43E	27	SE NE			13	MINING	(29) CARIBOU
06S	43E	27	NE NW			13	MINING	(29) CARIBOU
06S	43E	27	NE SE			13	MINING	(29) CARIBOU
06S	43E	32	NE NE			13	MINING	(29) CARIBOU
06S	43E	32	NW NE			13	MINING	(29) CARIBOU
06S	43E	32	SW NE			13	MINING	(29) CARIBOU
06S	43E	32	SE NE			13	MINING	(29) CARIBOU
06S	43E	32	NE NW			13	MINING	(29) CARIBOU
06S	43E	32	NW NW			13	MINING	(29) CARIBOU
06S	43E	32	SW NW			13	MINING	(29) CARIBOU
06S	43E	32	SE NW			13	MINING	(29) CARIBOU
06S	43E	32	NE SW			13	MINING	(29) CARIBOU
06S	43E	32	NW SW			13	MINING	(29) CARIBOU
06S	43E	32	SW SW			13	MINING	(29) CARIBOU
06S	43E	32	SE SW			13	MINING	(29) CARIBOU
06S	43E	32	NE SE			13	MINING	(29) CARIBOU
06S	43E	32	NW SE			13	MINING	(29) CARIBOU
06S	43E	32	SW SE			13	MINING	(29) CARIBOU
06S	43E	32	SE SE			13	MINING	(29) CARIBOU

+ - - Diversion Means -

Water right number - 27-07452

Prefix Translation: WATER RIGHT

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +

GEN Mining use is for dust abatement.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +

- 048 - The use of water under this right shall not give rise to any
- claim against the holder of a senior water right based upon the
- theories of forfeiture, abandonment, adverse possession, waiver,
- equitable estoppel, estoppel by laches or customary preference.
- 049 - The Director retains jurisdiction of the right to incorporate
- the use into a water district, require streamflow augmentation
- or other action needed to protect prior surface water and
- groundwater rights.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - - Comments - - - - - +

Date: 01/06/1992 User Id: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

+ - - Audit Fields - 02/06/89 BODELL 03/17/89 WRAY 10/31/89 WRAY 11/02/89 CURTIS 12/01/89 CURTIS
12/04/89 CURTIS 01/06/92 COMMENTS 01/08/92 COMMENTS 01/08/92 GUSTAFSSO 01/19/92 POST-STD
08/28/95 KWILSON 03/07/96 KWILSON 02/12/97 SCURTIS 02/21/97 SCURTIS 02/06/98 CLEARFLD

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 01/01/1992	Field Exam Made - 08/10/1995	Field Exam Fee -
Approved/Denied - 12/07/1989	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 01/02/1992	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 03/07/1996	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 02/28/1997	Appl Received - 01/05/1989	Transfer/Amended -
Presumption Flag -	Name Connector -	POU Ownership Flag-
SRBA Decreed Flag -		