

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: A29-11342
Date Received: 4/20/1990
Receipt No: C016458
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FMC CORPORATION 208-236-8686
Address: ATTN: ENERGY MANAGER
PO BOX 411
POCATELLO ID 83205

2. Date of Priority: JUL 24, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	33E	12	NE	SE			BANNOCK

5. Description of diverting works:
1 WELL (#11), PUMPS, PIPES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	1.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/CITY OF POCATELLO

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

MICROFILMED

NOV 16 1992

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

13. Other Water Rights Used:
SEE ATTACHMENT

14. Remarks:

P/U WITHIN CITY OF POCA TELLO & VICINITY, LOCATED IN BANNOCK AND
POWER COUNTIES.

THIS WELL IS BEING CLAIMED BASED ON BENEFICIAL USE ALTHOUGH
IT IS DESCRIBED IN LICENSE 24451.

THE LICENSE ERRONEOUSLY IDENTIFIES THE PRIORITY DATE.
SEE ATTACHMENT FOR ADDITIONAL REMARKS.

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 24451

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

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

MICROFILMED

NOV 16 1992

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 _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ Print Name
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 _____

MICROFILMED

NOV 16 1992

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: A29-11342
Date Received: 3/23/1990 4/19/90
Receipt No: 016458
Received By: Red

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ~~CITY OF POCATELLO~~ FMC C/O
Address: P.O. BOX 4169
POCATELLO, ID 83205

2. Date of Priority: JUL 24, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	33E	12		NE	SE		BANNOCK

5. Description of diverting works:
1 WELL (#11), PUMPS, PIPES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	1.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/CITY OF POCATELLO

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

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

A29-11342

Page 1

Date: 04/16/90

MICROFILMED

NOV 16 1992

A2911342



13. Other Water Rights Used:
SEE ATTACHMENT

14. Remarks:

P/U WITHIN CITY OF POCA TELLO & VICINITY, LOCATED IN BANNOCK AND
POWER COUNTIES.
THIS WELL IS BEING CLAIMED BASED ON BENEFICIAL USE ALTHOUGH
IT IS DESCRIBED IN LICENSE 24451.
THE LICENSE ERRONEOUSLY IDENTIFIES THE PRIORITY DATE.
SEE ATTACHMENT FOR ADDITIONAL REMARKS.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 24451

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 MAYOR _____ of
_____ Title

CITY OF POCA TELLO
Organization, that I have signed the foregoing
document in the space below as MAYOR _____ of

CITY OF POCA TELLO
Organization and that the statements contained in the
foregoing document are true and correct.

Peter Angstadt
Signature of Authorized Agent

MAYOR / CITY OF POCA TELLO
Title and Organization

4-17-90
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of April 19 90

Donnie Lee Blackburn
Notary Public

Seal

Residing at Pocatello

A29-11342

Page

My Commission Expires 8-18-91
2 Date: 04/16/90

MICROFILMED

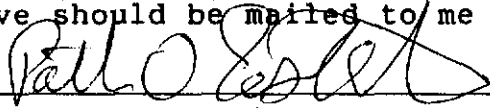
NOV 16 1992

17. Notice of Appearance:

Notice is hereby given that I, Patrick D. Costello will be
Print Name

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

775 n. 8th Boise, ID 83709

Date

4/16/90

REMARKS

The Claimant's water supply system for distribution of all of its ground water and surface water supplies includes various reservoir and tank storage facilities, which are capable of being fully recharged by the quantity of water available in a 24-hour period from all of the city's sources of water. Right to use such storage facilities is therefore claimed as a part of the surface or ground water claim asserted herein.

MICROFILMED
NOV 16 1992

AJ0749NP
No. A29-11342

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

DATE: 05/02/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ASTARIS IDAHO LLC 10300 OLIVE BLVD ST LOUIS MO 63166 (208) 236-8658	07/24/1952	MUNICIPAL	01-01 12-31	1.100 CFS	
TOTAL DIVERSION:					1.100 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R33E S12 NESE

BANNOCK County

POU County:

Non-Irrigation Uses: M/CITY OF POCA TELLO

Other Rights: SEE ATTACHMENT

Remarks: GEN P/U WITHIN CITY OF POCA TELLO & VICINITY, LOCATED IN BANNOCK AND
POWER COUNTIES.
THIS WELL IS BEING CLAIMED BASED ON BENEFICIAL USE ALTHOUGH
IT IS DESCRIBED IN LICENSE 24451.
THE LICENSE ERRONEOUSLY IDENTIFIES THE PRIORITY DATE.
SEE ATTACHMENT FOR ADDITIONAL REMARKS.
REMOVED JO BEEMAN AS ATTORNEY FOR FMC AFTER CITY OF POCA TELLO/FMC
OWNERSHIP CHANGE COMPLETED IN 1992. 05/27/1994 SAS.
CHANGED OWNERSHIP PER REQUEST/JC/5-2-00

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

NAME_1	FMC CORPORATION	ADRES_ID	134
		POD	06S 33E 12 SESW
		DIV_RATE	4.5
NAME_2	C/O KW TANDY- PURCHASING MANAGER	UNITS	CFS
		SURF_FLG	
ADDRESS_1	PO BOX 4111	CONTACT	
		COMMENTS	
ADDRESS_2			
CITY	POCATELLO		
ST	ID		
ZIP	83202	SITE_VISIT	
PHONE	2082326101	EXAMINER	
REGPOD98		5 SITE_TAGNO	
RECNO	200561		
WRNUMBER	A29-02284		

By Race Track

 Claim 29-11342
 Doc Source East Water meads
 District ~~_____~~
 Date 5/3/01 Sig. BAC
 Record 200561

WATER MEASUREMENT DISTRICT
FIELD REPORT

DISTRICT Eastern

RECORD NUMBER 200561

SITE DATA:

EXAMINER (inv_name) L. Rourke

EXAM DATE 05-13-98
(site_visit)

DIVERSION NAME West Well by road
(div_name)

GPS FILE 2051316A
(gps_filnam)

SITE TAG NUMBER A0007747
(site_tagno)

GPS OFFSET (offset) 30' SSW

TAG LOCATION (tag_locat) beam near pump

POD LEGAL (pod) T 6 N (S) R 33 E, Sec 12, SW SW SW

DISTRICT MEASUREMENT CAPABILITY (std_rcmd):

SONIC (s)

SONIC/DIG (sd)

COLLINS (c)

PYGMY (p)

MEASUREMENT RECOMMENDATIONS (c)

PCC (2)

HOUR METER

ALTERNATE (3)

OTHER FLOWM

AMEND CLAIM (A)

OPEN CHANNEL DEVICE (D)

SUITABLE FOR PCC even if other method selected (pcc_ok)

YES NO

TRACKING will be required (trkng_reqd)

YES NO

Well has ACCESS PORT for water level meas. (wl_access)

YES NO

FLOWMETER installation poss. w/o major change (qmtr_ez)

YES NO

FOLLOW-UP DATE (folup_date) 1999

OWNER/OPERATOR INFORMATION

OWNER (name) FMC 11341

PHONE _____

ADDRESS _____

CEL PHONE _____

OPERATOR (contact) _____

PHONE _____

ADDRESS _____

CEL PHONE _____

Claim 29-11342
Doc Source East Water meas
District BAC
Date 5/3/91 Sig. BAC
Record 200561
(1)

PUMPING PLANT SKETCH

VALVE

CHECK VALVE

AIR VAC

PRESS. RELIEF

INDIVE/UPDIVE

HOSE BIB

PRESS. GAGE

WELL ACCESS

= 

= 

= 

= 

= 

= 

= 

= 

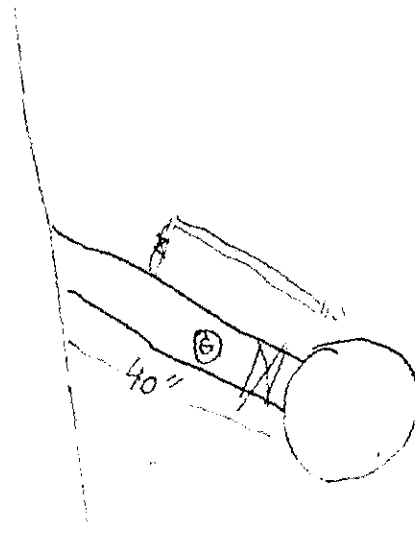
Claim 29-11342

Doc Source East Water Press

District

Date 5/3/01 Sig. BAC

Record 200561



WELL/PUMP INFORMATION:

DEPTH OF WELL: _____ DEPTH OF BOWLS: _____

WATER LEVELS:

PRE-SEASON STATIC: _____ DATE MEAS: _____
(swl_pre) (swlpredate)DURING-SEASON STATIC: _____ DATE MEAS: _____
(swl_mid) (swlmidddate)POST-SEASON STATIC: _____ DATE MEAS: _____
(swl_post) (swlpstdate)DYNAMIC WATER LEVEL: _____ DATE MEAS: _____
(pmpng_wl) (pwl_date)

DOES STATIC WATER LEVEL DROP OR RISE OVER SEASON? YES NO

DOES ANOTHER WELL SPECIFICALLY INTERFERE WITH THIS WELL? YES NO

PUMP AND MOTOR INFORMATION:

WELL MOTOR

MFG: U.S. MotorSERIAL: 1244308HP: 40

WELL PUMP

MFG: _____

SERIAL: _____

TYPE: _____ VERT T CENT SUBMER
- type) (v) (c) (s)

BOOSTER 1 MOTOR

MFG: _____

SERIAL: _____

HP: _____

BOOSTER 2 MOTOR

MFG: _____

SERIAL: _____

HP: _____

 Claim 29-11342
 Doc Source East Water Mgmt
 District _____
 Date 5/3/01 Sig. BAC
Record 200561

SUBMER

MFG: _____

SERIAL: _____

TYPE: _____ VERT T CENT SUBMER

UTILITY KWH METER INFORMATION:

UTILITY: Idaho Power
(utility)POLE #: _____
(pole_no)

MAX KW DEMAND _____

KILOWATT HRS 35639
(kwh_1)

(use date of exam for "kwh1_date")

UTILITY ACCOUNT NUMBER _____
(acct_no)KWH METER SERIAL: 92 597 310
(pwrmttr_sn)METER MFG: GE
(pwrmttr_mfg)Kh DISK CONSTANT 57.6
(kh)MULTIPLIER 1
(disk_mult)

SYSTEM DESCRIPTION/NARRATIVE COMMENTS:

SYSTEM TYPE Irrigation - hand lines
(system_type)

COMMENTS TO DATA-ENTER (exam_notes):

FILE-ONLY COMMENTS:

measurement may be taken outside of building on west side
used to measure < 15 acres and water same level
operation 90% of time on only one condition

Claim 29-11342
Doc Source East water meas
District R
Date 5/3/01 Sig. BAC
Record 200561

I certify that the above information is true and correct to the best
of my knowledge and ability and the measurements taken and recorded
are in accordance with the standards and specifications of the
equipment used.

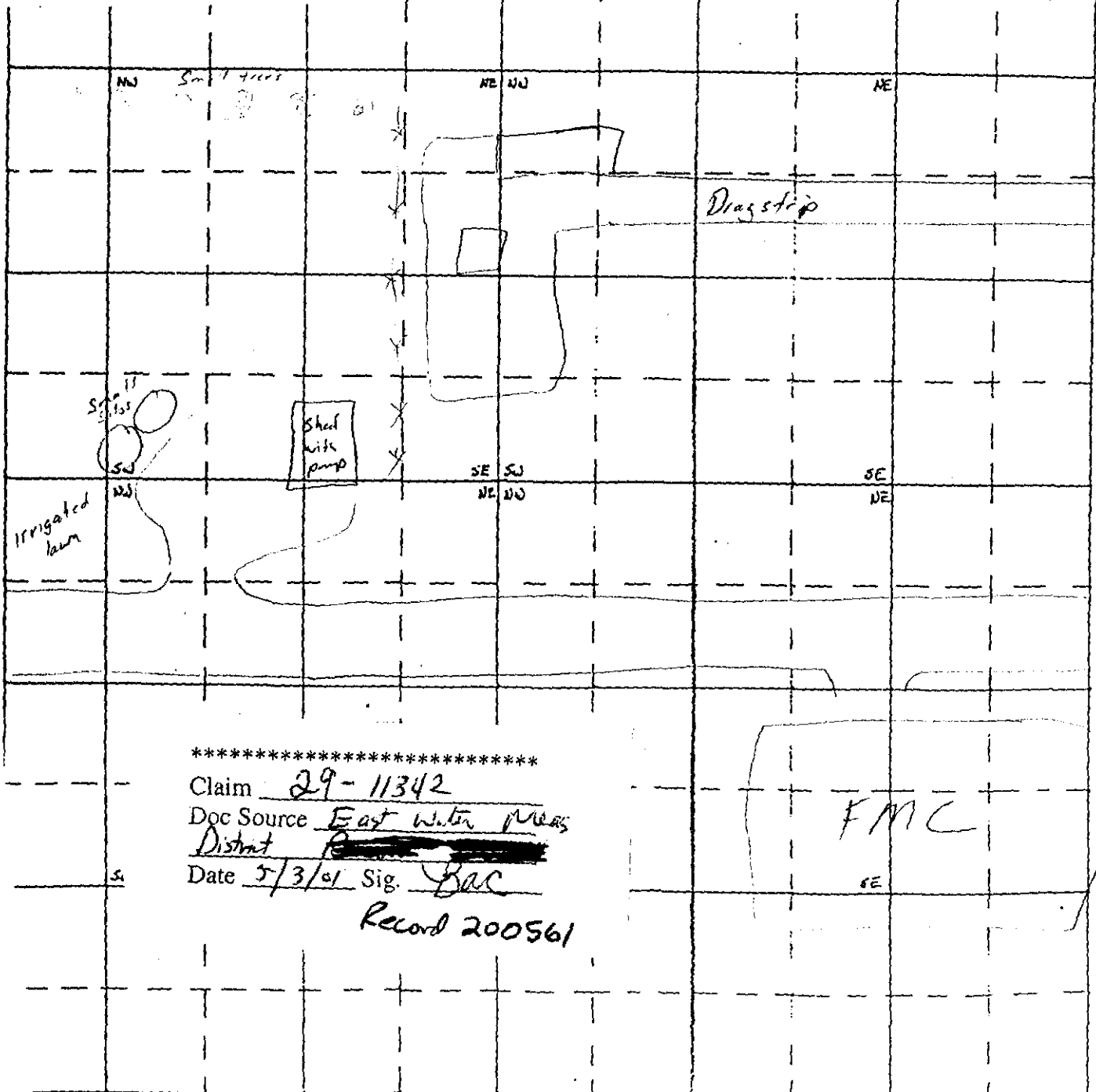
Signature _____ Date _____

EASTERN WATER MEASUREMENT DISTRICT

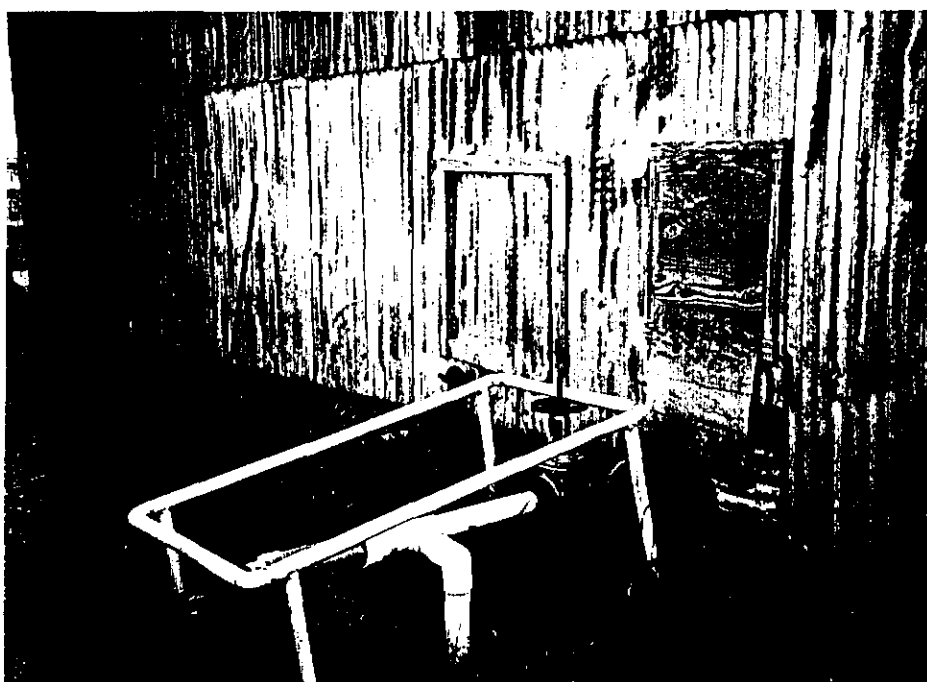
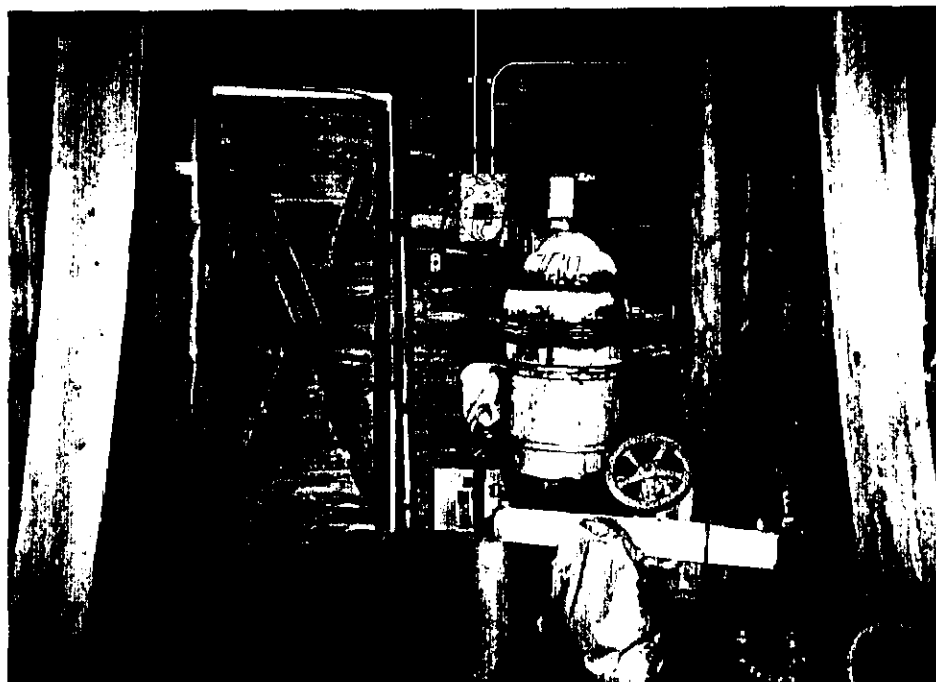
SUPPLEMENTAL DATA FORM A

SKETCH OF IRRIGATED LANDS AND MAJOR COMPONENTS OF DELIVERY SYSTEM/S

crop	acres
1	
2	
3	
4	
total	



SCALE 1" = 100'



 Claim 29-11342
 Doc Source East W. L. W. W. W.
 District East W. L. W. W. W.
 Date 5/3/61 Sig. BAC
 Record 200561

PERMIT
 NUMBER

WATER MEASUREMENT DISTRICT
FIELD REPORT

DISTRICT Eastern

RECORD NUMBER 200564

SITE DATA:

EXAMINER (inv_name) L. Rountz

EXAM DATE 05-13-98
(site_visit)

DIVERSION NAME FMC Well #1
(div_name)

GPS FILE 051317A
(gps_filnam)

SITE TAG NUMBER A0007748
(site_tagno)

GPS OFFSET (offset) 7' Above

TAG LOCATION (tag_locat) Pole in fence SE corner

POD LEGAL (pod) T 6 N (S) R 33 E, Sec 12, SE SW SW

DISTRICT MEASUREMENT CAPABILITY (std_rcmd):

SONIC (s)

SONIC/DIG (sd)

SONIC @ PVT (sp)

COLLINS (c)

PYGMY (p)

See notes

MEASUREMENT RECOMMENDATIONS (op_num):

PCC (2)

HOUR METER (7)

IRR. FLOWMETER (1)

ALTERNATE (3)

OTHER FLOWMETER (8)

CRP (9)(4)

AMEND CLAIM (A)

OPEN CHANNEL DEVICE (1)(9)

SUITABLE FOR PCC even if other method selected (pcc_ok)

YES NO

TRACKING will be required (trkng_reqd)

YES NO

Well has ACCESS PORT for water level meas. (wl_access)

YES NO

FLOWMETER installation poss. w/o major change (qmtr_ez)

YES NO

FOLLOW-UP DATE (folup_date) 1999

OWNER/OPERATOR INFORMATION

OWNER (name) FMC (34)

PHONE _____

ADDRESS _____

OPERATOR (contact) _____

ADDRESS _____

Claim 29-11342

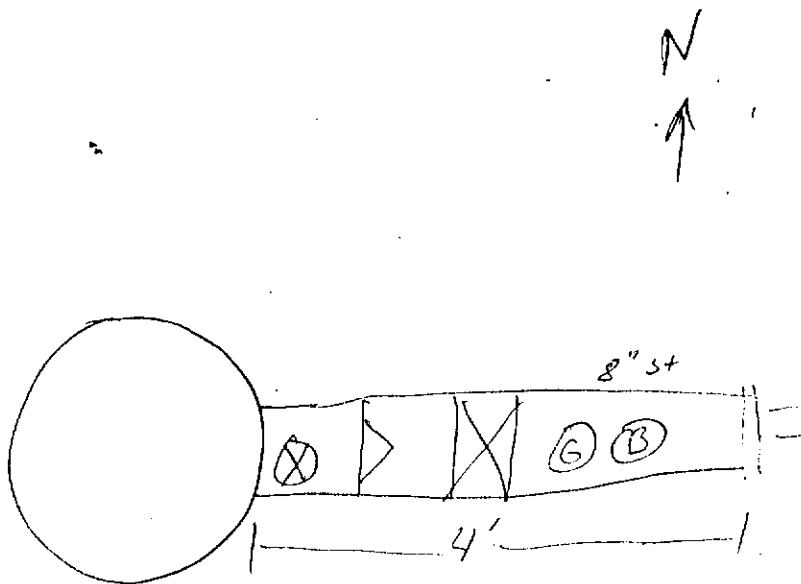
Doc Source East Water meas

District Record 200564

Date 5/3/01 Sig. BAC

PUMPING PLANT SKETCH

VALVE	=	
CHECK VALVE	=	
AIR VAC	=	
PRESS. RELIEF	=	
INDIVE/UPDIVE	=	
HOSE BIB	=	
PRESS. GAGE	=	
WELL ACCESS	=	



 Claim 29-11342
 Doc Source East water meas
 District Record 200564
 Date 5/3/01 Sig. BAC

WELL/PUMP INFORMATION:

DEPTH OF WELL: _____ DEPTH OF BOWLS: _____

WATER LEVELS:

PRE-SEASON STATIC: _____ DATE MEAS: _____
(swl_pre) (swlpredate)DURING-SEASON STATIC: _____ DATE MEAS: _____
(swl_mid) (swlmidddate)POST-SEASON STATIC: _____ DATE MEAS: _____
(swl_post) (swlpstdate)DYNAMIC WATER LEVEL: _____ DATE MEAS: _____
(pmpng_wl) (pwl_date)

DOES STATIC WATER LEVEL DROP OR RISE OVER SEASON? YES NO

DOES ANOTHER WELL SPECIFICALLY INTERFERE WITH THIS WELL? YES NO

PUMP AND MOTOR INFORMATION:

WELL MOTOR

MFG: US MotorSERIAL: 139772.5HP: 12.5

BOOSTER 1 MOTOR

MFG: _____

SERIAL: _____

HP: _____

BOOSTER 2 MOTOR

MFG: _____

SERIAL: _____

HP: _____

UTILITY KWH METER INFORMATION:

UTILITY: N/A
(utility)POLE #: _____
(pole_no)

MAX KW DEMAND _____

KILOWATT HRS _____
(kwh_1)
(use date of exam for "kwh1_date")UTILITY ACCOUNT NUMBER _____
(acct_no)

WELL PUMP

MFG: PeerlessSERIAL: N/ATYPE: VERT T CENT SUBMER
(pump_type) (v) (c) (s)

BOOSTER 1 PUMP

MFG: _____

SERIAL: _____

TYPE: VERT T CENT SUBMER

BOOSTER 2 PUMP

MFG: _____

SERIAL: _____

 Claim 29-11342
 Doc Source East Water
 District Rec'd
 Date 5/3/01 Sig. BAC
 Submer

DISK CONSTANT _____
(kh)MULTIPLIER _____
(disk_mult)

SYSTEM DESCRIPTION/NARRATIVE COMMENTS:

SYSTEM TYPE Industrial
(system_type)

COMMENTS TO DATA-ENTER (exam_notes):

FILE-ONLY COMMENTS:

pipe pressure 58 70 feetlack of straight pipe make measurement unreliable.
would require digging up road or new installation

Claim 29-11342
Doc Source East Water Mains
District Record 200564
Date 5/3/01 Sig. BAC

I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature _____ Date _____

EASTERN WATER MEASUREMENT DISTRICT

SUPPLEMENTAL DATA FORM A

SKETCH OF IRRIGATED LANDS AND MAJOR COMPONENTS OF DELIVERY SYSTEM/S

crop	acres
1	
2	
3	
4	
total	

Hand-drawn features on the grid:

- A small rectangle labeled "pump" at approximately (3.5, 5.5).
- A larger rectangle labeled "FRED" at approximately (6.5, 5.5).
- A line labeled "SE" at approximately (7.5, 8.5).

 Claim 29-11342
 Doc Source East water meas
 District Record 200564
 Date 5/3/01 Sig. BAC

SCALE 1:24,000



Claim 29-11342
Doc Source East W. Va. News
District Rec'd 200564
Date 5/3/01 Sig. BAC



PERMIT
NUMBER



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 2, 2001

Astaris Idaho LLC
10300 Olive Blvd
St. Louis, Missouri 63166

Re: Snake River Basin Adjudication Water Right Claim 29-11342

Dear Water User:

Astaris Idaho LLC is shown as the current owner of a water right claim in the Snake River Basin Adjudication, for 1.10 cubic feet per second of water from a well, for municipal purposes within the City of Pocatello, Idaho.

This claim is for a "beneficial use" right, which means a water right perfected by simply putting water to beneficial use, some time before Idaho required a formal permit and license (March 25, 1963). This was a legal and legitimate method of perfecting a water right, but it did not result in a paper record with the department. My job is to investigate these rights and make recommendations to the court. After I make my recommendations, you will have an opportunity to review the recommendation and if appropriate object before the court. Finally, the court will issue a decree that describes and secures your water right.

There is a good deal of documentation in the file supporting the claimed use, which I will review carefully. A brief review today did not give me full understanding of Astaris' relationship with the City of Pocatello, and the use of the well and delivery of water to the city. If you could supply me with a copy of the agreement describing this arrangement, it would aid me in making a correct and accurate recommendation to the court.

In addition, I will need to make a field inspection of the well and perhaps measure the discharge. It would be very helpful to me to have a local contact person to work with. Please let me know whom I should contact, or give my name, address, and phone number to that person. I can generally be reached on Thursdays and Fridays at 208-525-7161, by e-mail at "bcontor@idwr.state.id.us" or by FAX at 208-525-7177.

Please call if you have questions regarding this claim or the adjudication process.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 2, 2000

LINDA B JONES
HOLLAND & HART LLP
PO BOX 2527
BOISE ID 83701-2527

RE: WATER RIGHT OWNERSHIP CHANGE FOR FMC - ASTARIS

Dear Ms. Jones:

Our office received the above referenced request on April 21, 2000 and have processed it as follows:

Adjudication claims A29-02301, A29-02255E, A29-02284, and A29-11342 have been processed and are in the name of **Astaris Idaho LLC**. Enclosed are copies for your files.

Adjudication claims A27-02050 and A27-02053 have been processed and are in the name of **FMC, NuWest DBA Agrium, and Astaris Production LLC**. Enclosed are copies for your files.

Adjudication claim A29-02255C has been processed and is in the name of **FMC and Astaris Production LLC**. Enclosed is a copy for your files.

27-04063 and 27-02162 are domestic and stockwater rights that have been partially decreed by the Snake River Basin Adjudication court. Our state headquarters in Boise, Idaho processes these documents. I will forward a copy of your request to them.

27-07057 and 27-07058 are licensed water rights (not adjudication claims) and are also processed at our state office. Again, I will forward your request to them.

If you have questions about the domestic and stockwater rights or the licensed water rights, please contact IDWR, Allocations Bureau in Boise, at (208) 327-7900. If you have questions about the other claims, please contact Senior Water Right Agent Dave Carlson in our office at (208) 525-7161.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree
Technical Records Specialist

Enclosures

cc: Gary Resh, Astaris Production LLC
Rob Hartman, Astaris Idaho LLC

DC 5/2000
ok

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

RECEIVED

APR 21 2000

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Department of Water Resources
Eastern Region

1. Water Right No(s): 29-02301, 29-02255e, 29-02284, 29-11342
 Adjudication Claim No(s): A29-02301, A29-02255e, A29-02284, A29-11342

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant FMC Corporation
1735 Market St., Philadelphia, PA 19103
4. New Owner/Claimant(s) Astaris Idaho LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 10300 Olive Blvd.
 City, State and ZIP Code St. Louis, MO 63166
 New Telephone Number (208) 236-8658 Rob Hartman
5. Date you acquired the property 4-12-00

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance. See attached profiles.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) ASTARIS IDAHO LLC, a Delaware limited liability company
 or Claimant(s)

BY: [Signature]

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

RECEIVED

APR 21 2003

Department of Agriculture
Bureau of Reclamation

20005743

Power Counties - Pocatello Plant 117-1

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, **FMC Corporation**, a Delaware corporation, the Grantor, does hereby grant, bargain, sell and convey unto **Astaris Idaho LLC**, a Delaware limited liability company, the Grantee, whose address is 10300 Olive Boulevard, St. Louis, MO 63166, the following described real property, to-wit:

The property described in Exhibit A attached hereto and, by this reference, incorporated herein as if set forth in full, which property is located part in Power County and part in Bannock County, State of Idaho

TOGETHER WITH all of Grantor's right, title and interest in and to mineral and oil and gas rights thereon and thereunder,

TOGETHER WITH all water rights appurtenant thereto, including but not limited to water right numbers 29-02301, 29-02255e, 29-02284, 29-11342, Grantor's interest in the Fort Hall Irrigation Project (U.S. Department of Interior-Bureau of Indian Affairs Serial No. 7093.0002) and the Palisades Water Storage Project (Contr. No. 14-06-100-1836, U.S. Department of Interior-Bureau of Reclamation, Palisades Water Users, Inc. A01-10214), and excluding water rights covered by that certain Water Rights Quitclaim Deed recorded as Instrument No. 164923, Power County, Idaho

TOGETHER WITH i) all other and singular tenements, hereditaments, appurtenances and improvements thereon or thereunto belonging, ii) all reversionary, underlying or other right, title and interest of Grantor in and to the rights-of-way of all public roads, streets, or ways, and of all railroads or easements, abutting upon said premises or any part thereof, and iii) all right, title and interest of Grantor in and to any and all lands lying beneath, or constituting the bed of any waterway or body of water, abutting upon said premises or any part thereof.

SUBJECT TO:

(i) existing building and zoning regulations, easements, rights-of-way, subdivision and deed restrictions and reservations, and all other matters of record similar to the foregoing;

(ii) matters which a survey or inspection of the premises would reveal;

(iii) the lien for local real property taxes for the current year which are not yet due and payable;

11-2

(iv) rights of the State of Idaho in and to that portion of said premises, if any, lying in the bed or former bed of the Portneuf River, if it is navigable; any question of location, boundary or area related to the Portneuf River, including but not limited to, any past or future change in it; any difference in the mean high water line of the Portneuf River and the meander line as shown by government survey; right, title and interest of the public in and to those portions of the premises falling within the bounds of roads or highways, all parcels; and

(v) unpatented mining claims and reservations or exceptions in patents or in Acts authorizing the issuance thereof.

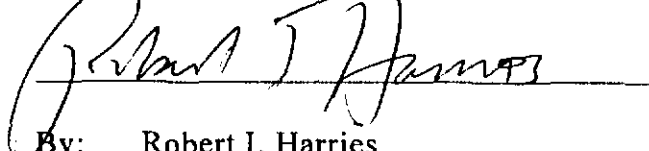
TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto Grantee and its successors and assigns forever.

Grantor does hereby covenant that it and its successors shall and will WARRANT and DEFEND the title to said premises unto Grantee and its successors and assigns forever against the lawful claims of all persons claiming by, through or under Grantor but none other, excepting, however, the matters above set forth.

NOTICE: Portions of the premises conveyed by this instrument are subject to a Consent Decree dated October 16, 1998 with the United States of America, U.S. Environmental Protection Agency, in the matter *United States of America v. FMC Corporation*, CIV98-0406-E-BLW, United States District Court for the District of Idaho. The Consent Decree provides that the owner and subsequent owners of the premises are required to comply with relevant portions of the Consent Decree and to allow access to the premises for purposes set forth in the Consent Decree.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand effective as of the 12th day of April, 2000.

FMC CORPORATION



By: Robert I. Harries
Title: Vice President

2630432_5.DOC

RECEIVED
APR 21 2000
DALLAS, TEXAS

20005743

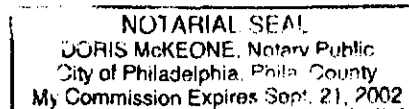
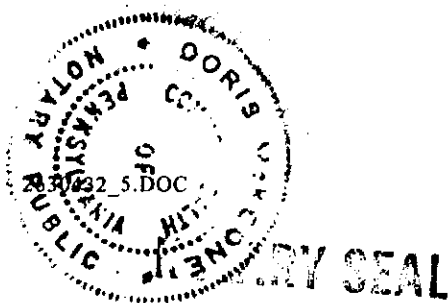
STATE OF PENNSYLVANIA)
)
 : ss.
County of Philadelphia)

11-3

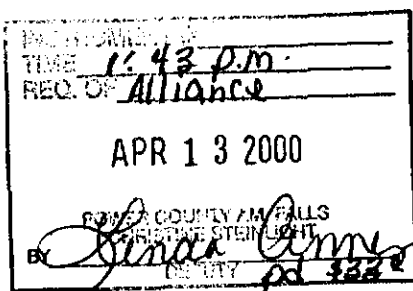
On this 11th day of April, 2000 before me, Doris McKeone, a notary public in and for said State, personally appeared Robert I. Harries, known or identified to me to be the Vice President of FMC CORPORATION, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Doris McKeone
Notary Public
Residing at: _____
My Commission Expires: _____



174944



NO 20005743
RECORDED AT REQUEST OF
ALLIANCE TITLE & ESCROW
2000 APR 13 PM 12 02
OFFICIAL RECORD BOOK NO 767
BANNOCK COUNTY IDAHO
LARRY W. CHAN RECORDER
FEE 33⁰⁰ DEPUTY #

RECEIVED

APR 21 2000

Deposition of [illegible]
Filed for [illegible]

11-4

20005743

EXHIBIT "A"

PARCEL 1

A parcel of land located in the SE ¼ of the SW ¼ of section 6, T6S, R34E, B.M., Bannock County, Idaho, shown as Parcel A on Record of Survey plat instrument #96010035 (sheet 1 of 2) recorded in the Bannock County Recorder's office, and being more particularly described as follows:

Commencing at the North ¼ corner of section 7, T6S, R34E, said corner being marked by a found 1922 US Reclamation Service brass cap monument;
Thence N 89°58'04" E along the line common to sections 6 and 7, 561.70 feet to a point on the Northeasterly deed line of instrument #391868, said point being marked by a found stone monument with an "x" on top and a 5/8 inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440" alongside;
Thence N 47°43'08" W along the Northeasterly deed line of said instrument #391868, 1429.15 feet to a ½-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440", said rebar marking the true point of beginning;
Thence S 42°16'35" W, 349.22 feet to a point on the Northeasterly bank of the Portneuf River, said point being marked by a ½-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";
Thence Northwesterly along the Northeasterly bank of the Portneuf River the following six courses and distances:
N 22°36'25" W, 124.76 feet; N 41°08'13" W, 94.45 feet; N 49°30'08" W, 197.72 feet;
N 65°23'53" W, 181.96 feet; N 16°20'19" W, 90.15 feet; N 1°27'59" W, 203.42 feet to a point on the South 1/16 line of section 6, said point being marked by a ½-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";
Thence N 87°44'25" E along said South 1/16 line, 218.00 feet to a point on the Northeasterly deed line of instrument #391868, said point being marked by a found 1922 US Reclamation Service brass cap monument;
Thence S 47°43'25" E along the Northeasterly deed line of instrument #391868, 640.00 feet, more or less, to the true point of beginning.
Said parcel containing 5.07 acres, more or less.

PARCEL 2

A parcel of land located in the S ½ of section 6, and in the N ½ of the NE ¼ of section 7, T6S, R34E, B.M., Bannock County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of Tract 4, instrument #36893, recorded in the Bannock County Recorder's office, said corner being a pink quartzite stone marked with an "x" on top and being referenced with a 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440" set over the "x";
Thence N 47°43'25" W along the Southwesterly deed lines of Tract 3 and Tract 1 of said instrument #36893, 1268.75 feet to the Southeasterly deed corner of instrument #652968, said corner being marked by a 5/8-inch diameter rebar with a yellow plastic cap stamped "JUB ENG";
Thence N 42°14'40" E along the Easterly deed line of said instrument #652968, 234.01 feet to a found 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";
Thence continuing N 30°57'31" W along the Easterly deed line of said instrument #652968, 1461.56 feet to a point on the Northerly deed line of instrument #286160, said point being marked by a found 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";

RECEIVED

1992 1 27

Department of Lands & Survey
Bannock County, Idaho

11-5

20005743

Thence S 63°34'35" E along the Northerly deed line of said instrument #286160, 848.81 feet to deed corner No. 1, instrument #60430, said corner being a found basalt stone in place marked with a "+" on the Westerly face and being referenced by a found 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence S 78°47'34" E along the Northerly deed line of said instrument #60430, 1146.11 feet to deed corner No. 4, instrument #60430, said corner being a found rounded basalt stone in place marked with a "+" on top and being referenced by a found 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence S 66°58'29" E along the Northerly deed line of said instrument #60430, 835.18 feet to deed corner No. 3, instrument #60430, said corner being on the North deed line of instrument #286160, and said corner being a found oval basalt stone in place marked with a "+" on top and being referenced by a found 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence S 87°55'05" E along the North deed line of instrument #286160 and along the South 1/16 line of section 6, 859.18 feet to the South 1/16 corner on the East line of section 6, said corner being marked by a 5/8-inch diameter rebar with a yellow plastic cap stamped "LS 942";

Thence S 0°01'17" E along the East line of section 6 and along the East deed lines of instrument #286160 and 476524, 1320.58 feet to the Southeast corner of section 6, said corner being marked by a 5/8-inch diameter rebar with an aluminum cap stamped "Richard Green, LS 942";

Thence S 0°56'52" E along the East line of section 7 and along the East deed line of instrument #476524, 1446.90 feet to the Southeast deed corner of instrument #476524, said corner being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "AE ENG, PE/LS 4440";

Thence N 89°32'13" W along the South deed line of instrument #476524, 417.57 feet to a found stone with an "x" on top, said stone being referenced by a found 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence N 47°42'18" W along the Westerly deed line of said instrument #476524, 2143.09 feet to the true point of beginning.

Said parcel containing 141.2 acres, more or less.

PARCEL 3

A parcel of land located in the SW ¼ of the NE ¼, and in the SE ¼ of the NW ¼, and in US Government Lots 5 and 8, all in section 7, T6S, R34E, B.M., Power County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of the SE ¼ NW ¼ of said section 7, said corner being marked by a found 5/8-inch diameter rebar with a 2-inch diameter aluminum cap stamped "PE/LS 4440";

Thence S 0°02'23" E along the meridional centerline of section 7, and along the West deed line of Parcel B, described in instrument #166781, 350.01 feet to the Southwest deed corner of said Parcel B, said point being marked by a found ½-inch rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence S 89°32'13" E parallel with the North 1/16 line of section 7, and along the South deed line of Parcel B, 674.35 feet to the Northeast deed corner of Parcel C, described in instrument #166780, said point being marked by a found ½-inch rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence S 24°32'00" E along the Easterly deed line of said Parcel C, 81.90 feet to the Southwest deed corner of Parcel D, described in instrument #166781, said corner being marked by a found ½-inch rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence S 71°43'51" E along the Southerly deed line of said instrument #166781, 113.39 feet to the Southeast deed corner of said Parcel D, said corner being marked by a found ½-inch rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence N 21°03'32" E along the Easterly deed line of said Parcel D, and along the Westerly bank of the Portneuf River, 62.92 feet to a point on the South deed line of instrument #164682, said point being the Northeast deed corner of said Parcel D, and said point being marked by a found ½-inch rebar with a yellow plastic cap stamped "PE/LS 4440";

RECEIVED

APR 2 1 1993

Deputy Clerk of the Board
Boise, Idaho

11-6

Thence S 89°32'13" E along the South deed line of said instrument #164682, 82.69 feet to a point on the Easterly Bank of the Portneuf River, said point being on the Easterly deed line of instrument #164922, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence Southeasterly along the Easterly bank of the Portneuf River the following six courses and distances:
 S 3°37'20" W, 359.02 feet; S 6°00'46" E, 120.27 feet; S 21°19'31" E, 48.04 feet;
 S 57°01'20" E, 218.85 feet; S 44°19'16" E, 129.23 feet; S 7°50'22" E, 45.66 feet to a point on the Northerly line of the frontage road known as Batiste Lane, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence Westerly along said Northerly line of Batiste Lane the following eight courses and distances:
 S 86°45'14" W, 585.53 feet to a found State of Idaho right-of-way monument;
 Thence N 83°08'56" W, 150.65 feet to a found State of Idaho right-of-way monument;
 Thence S 89°18'25" W, 376.93 feet to a point of tangency with a 1372.40 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;
 Thence Northwesterly along a curve to the right, said curve having a central angle of 23°42'44", a radius of 1372.40 feet and a chord bearing of N 78°50'13" W, for an arc length of 567.97 feet to a point of non-tangency, said point being marked by a found State of Idaho right-of-way monument;
 Thence N 73°14'35" W, 181.45 feet to a found State of Idaho right-of-way monument;
 Thence N 66°58'13" W, 444.69 feet to a point of tangency with a 326.48 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;
 Thence Westerly along a curve to the left, said curve having a central angle of 53°41'54", a radius of 326.48 feet and a chord bearing of S 86°10'50" W, for an arc length of 305.98 feet to a point of non-tangency, said point being marked by a found State of Idaho right-of-way monument;
 Thence S 59°19'48" W, 16.83 feet to a point on the Easterly line of Tank Farm Road, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Northerly along said Easterly line of Tank Farm Road the following four courses and distances:
 N 30°40'10" W, 9.42 feet to a point of tangency with a 656.20 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;
 Thence Northwesterly along a curve to the right, said curve having a central angle of 31°17'50", a radius of 656.20 feet and a chord bearing of N 15°01'15" W, for an arc length of 358.44 feet to a point of non-tangency, said point being marked by a found State of Idaho right-of-way monument;
 Thence N 0°38'07" E, 159.48 feet to a found State of Idaho right-of-way monument;
 Thence N 1°48'24" W, 354.04 feet to a point on the Southerly line of Tank Farm Road, said point being marked by a found State of Idaho right-of-way monument;

Thence N 89°26'17" W, 88.72 feet to a point on the Westerly line of Tank Farm Road, said point being marked by a found State of Idaho right-of-way monument;

Thence Southerly along said Westerly line of Tank Farm Road the following five courses and distances:
 S 2°55'58" W, 403.93 feet to a found State of Idaho right-of-way monument;
 Thence S 0°26'27" E, 109.48 feet to a point of non-tangency with a 776.20 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;
 Thence Southeasterly along a curve to the left, said curve having a central angle of 31°15'29", a radius of 776.20 feet and a chord bearing of S 14°45'20" E, for an arc length of 423.46 feet to a point of non-tangency, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";
 Thence S 30°40'42" E, 203.18 feet to a found State of Idaho right-of-way monument;
 Thence S 0°17'17" E, 66.23 feet to a point on the North line of Interstate 86 (I-86), said point being marked by a found State of Idaho right-of-way monument;

Thence Westerly along said North line of I-86, the following three courses and distances:
 S 77°10'00" W, 664.78 feet to a found State of Idaho right-of-way monument;
 Thence S 89°19'20" W, 312.56 feet to a point of tangency with a 11,609.10 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;
 Thence Westerly along a curve to the left, said curve having a central angle of 2°27'18", a radius of 11,609.10 feet and a chord bearing of S 88°05'41" W, for an arc length of 497.42 feet to a point of non-tangency, said point being on the West line of section 7, and said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

RECEIVED

JUN 2 1993

DEPARTMENT OF LAND MANAGEMENT
SALT LAKE CITY

20005743

1A-7

Thence N 0°16'19" E along the West line of said section 7, 60.89 feet to the West ¼ corner of section 7, said corner being marked by a found 1-inch diameter pipe buried 2.5 feet deep with no markings;

Thence continuing N 0°14'06" E along the West line of said section 7, 1327.23 feet to the North 1/16 corner on the West line of section 7, said corner being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence S 89°26'59" E along the North 1/16 line of section 7, 2803.14 feet to the true point of beginning.
Said parcel containing 92.3 acres, more or less.

RECEIVED

AUG 21 1999

Department of the Interior
Bureau of Land Management

PARCEL 4

A parcel of land located in the NE ¼ of the SW ¼ of section 7, T6S, R34E, B.M., Power County, Idaho, more particularly described as follows:

Commencing at the center ¼ corner of said section 7, said corner being marked by a found 5/8-inch diameter rebar with a 2-inch aluminum cap stamped "PE/LS 4440";

Thence S 0°00'15" W along the meridional centerline of section 7, 365.08 feet to a point on the South line of Interstate 86 (I-86),

Thence S 89°18'24" W along the South line of I-86, 670.37 feet to a found State of Idaho right-of-way monument, said monument marking the true point of beginning;

Thence N 89°18'24" E along the South line of I-86, 547.28 feet to a point on the Southeasterly deed line of instrument #69480, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence S 47°54'30" W along the Southeasterly deed line of instrument #69480, 410.09 feet to a point of non-tangency with a 7425.91 foot radius curve, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Westerly along a curve to the left, said curve having a central angle of 1°26'12", a radius of 7425.91 feet and a chord bearing of N 86°19'06" W, for an arc length of 186.19 feet to a point of non-tangency with a 497.96 foot radius curve on the Easterly line of U.S. Highway 30 North, said point being marked by set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Northwesterly along a curve to the right, said curve having a central angle of 32°53'30", a radius of 497.96 feet and a chord bearing of N 47°07'02" W, for an arc length of 285.86 feet to a point of non-tangency on the South line of I-86, said point being marked by a found State of Idaho right-of-way monument;

Thence N 66°40'39" E, 162.78 feet to the true point of beginning.

Said parcel containing 2.81 acres, more or less.

PARCEL 5

A parcel of land located in the NW ¼ of the NW ¼ of section 13, and in the S ½ of section 12, T6S, R33E, B.M., and in the NE ¼ of the SW ¼ and Lot 8 of section 7, T6S, R34E, B.M., all in Power County, Idaho, said parcel being more particularly described as follows:

Beginning at the Northwest corner of said section 13; said corner being referenced by found BIA aluminum monuments Northeast and Southwest of the corner;

Thence N 0°07'17" E along the West line of said section 13, 621.11 feet to a point on the Southerly line of Interstate 86 (I-86);

Thence N 68°11'16" E along the Southerly line of I-86, 1889.90 feet to a point of tangency with a 11,309.10 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;

Thence continuing Easterly along said Southerly line of I-86 the following six courses and distances:

Northeasterly along a curve to the right, said curve having a central angle of 21°08'58", a radius of 11,309.10 feet and a chord bearing of N 78°45'45" E, for an arc length of 4174.49 feet to a point of non-tangency, said point being marked by a found State of Idaho right-of-way monument;

Thence S 80°35'46" E, 517.65 feet to a found State of Idaho right-of-way monument;

Thence S 71°39'15" E, 301.96 feet to a point of non-tangency with a 679.41 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;

Thence Easterly along a curve to the left, said curve having a central angle of 29°14'16", a radius of 679.41 feet and a chord bearing of S 86°17'19" E, for an arc length of 346.70 feet to a point of non-tangency with a 298.10 foot radius reverse curve, said point being marked by a found State of Idaho right-of-way monument;

RECEIVED

1992 1 17

Department of Planning & Development
1000 1st St. N.
Bozeman, MT 59717

11-9

Thence Easterly along a curve to the right, said curve having a central angle of $56^{\circ}02'59''$, a radius of 298.10 feet and a chord bearing of $S 72^{\circ}39'03'' E$, for an arc length of 291.62 feet to a point of non-tangency on the Southerly deed line of instrument #69480, said point also being 100 feet North of the Northerly line of former U.S. Highway 30 North (US 30 N), and said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Westerly along the Southerly deed line of instrument #69480, and along a line 100 feet North of the Northerly line of former US 30 N, along a curve to the left, said curve having a central angle of $15^{\circ}01'28''$, a radius of 5938.60 feet and a chord bearing of $S 84^{\circ}16'23'' W$, for an arc length of 1557.25 feet to a point of non-tangency on the Easterly deed line of instrument #90012584 (recorded in Bannock County), said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence $S 13^{\circ}14'21'' E$ on said Easterly deed line of instrument #90012584 and on a radial bearing to the previous curve, 100.00 feet to a point of non-tangency with a 5838.60 foot radius curve, said point being on the Northerly line of former US 30 N, and said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Westerly along said Northerly line of former US 30 N, and along the Southerly deed lines of instrument #90012584 and #90012583 the following seven courses and distances:

Southwesterly along a curve to the left, said curve having a central angle of $3^{\circ}57'53''$, a radius of 5838.60 feet and a chord bearing of $S 74^{\circ}46'42'' W$, for an arc length of 404.00 feet to a point of non-tangency with the West line of section 7, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence $S 0^{\circ}16'19'' W$ along the West line of section 7, 33.56 feet to a point of non-tangency, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Westerly along a curve to the left, said curve having a central angle of $0^{\circ}06'14''$, a radius of 5806.60 feet and a chord bearing of $S 72^{\circ}38'41'' W$, for an arc length of 10.51 feet to a point of tangency, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence $S 72^{\circ}35'35'' W$, 4167.23 feet to a found State of Idaho right-of-way monument with the top broken off;

Thence $S 0^{\circ}25'44'' W$, 8.40 feet to a found State of Idaho right-of-way monument with the top broken off;

Thence $S 72^{\circ}35'35'' W$, 1269.21 feet to an angle point, said angle point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence $S 72^{\circ}45'04'' W$, 130.69 feet to a point on the West line of section 7, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence $N 0^{\circ}04'57'' E$ along the West line of section 7, 221.66 feet to the true point of beginning.
Said parcel containing 124.9 acres, more or less.

PARCEL 6

A parcel of land located in the $S \frac{1}{2}$ of the $S \frac{1}{2}$ of section 12, and in the $NE \frac{1}{4}$, $SE \frac{1}{4}$, and $NW \frac{1}{4}$ of section 13, and in section 14, and in the $NE \frac{1}{4}$ of section 24, T6S, R33E, B.M., and in Lot 9 of section 7, and in Lots 1, 2, 3 and 4 of section 18, T6S, R34E, B.M., all in Power County, Idaho, said parcel being more particularly described as follows:

Beginning at the West $\frac{1}{4}$ of said section 13, said corner being marked by a found 1912 Indian Allotment brass cap monument;

Thence $S 0^{\circ}07'12'' W$ along the West line of said section 13, 617.22 feet to a found $\frac{1}{2}$ -inch diameter rebar with no markings, said rebar being the Northeast deed corner of instrument #96571;

RECEIVED

APR 24 2003

Department of Agriculture
Bureau of Land Management

11-10

20005743

Thence Westerly along the Northerly deed line of said instrument #96571, the following six courses and distances:

S 43°31'41" W, 783.19 feet to a found ½-inch diameter rebar with no markings;

Thence S 85°32'37" W, 1376.05 feet to a found ½-inch diameter rebar with no markings;

Thence S 51°52'07" W, 1108.11 feet to a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence S 77°14'32" W, 868.72 feet to a found ½-inch diameter rebar with no markings;

Thence S 81°39'47" W, 691.47 feet to a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence N 72°31'23" W, 1018.82 feet to a point on the West line of section 14, said point being marked by a found ½-inch diameter rebar with no markings;

Thence N 0°08'12" E along the West line of section 14, 1969.22 feet to the West ¼ corner of said section 14, said corner being marked by a found 1912 Indian Allotment brass cap monument;

Thence continuing N 0°08'13" E along the West line of section 14, 442.12 feet to a point on the Southerly line of the Union Pacific Railroad right-of-way, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Northeasterly along the Southerly line of the Union Pacific Railroad right-of-way, the following ten courses and distances:

N 72°35'24" E, 5538.33 feet to a point on the West line of section 13, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence N 0°04'57" E along said West line of section 13, 20.97 feet to a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence N 72°35'24" E, 2799.37 feet to a point on the meridional centerline of section 13, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence N 0°02'28" E along said meridional centerline of section 13, 31.43 feet to a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence N 72°35'24" E, 2441.07 feet to a point of tangency with a 6832.35 foot radius curve, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence Easterly along a curve to the right, said curve having a central angle of 2°48'05", a radius of 6832.35 feet and a chord bearing of N 73°59'26" E, for an arc length of 334.06 feet to a point of non-tangency on the East line of section 7, T6S, R34E, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence S 0°16'19" W along said East line of section 7, 12.62 feet to a point on the North line of Lot 9, section 7, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence S 89°32'35" E along the North line of said Lot 9, 49.82 feet to a point which is 75.00 feet Southeasterly, radial measurement, from the centerline of the Union Pacific Railroad West bound main line, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence Easterly along a curve to the right, said curve having a central angle of 10°00'09", a radius of 6807.35 feet and a chord bearing of N 80°46'13" E, for an arc length of 1188.41 feet to a point of non-tangency on the East deed line of instrument #67447, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence S 72°39'19" W along the Easterly deed line of said instrument #67447, 24.22 feet to a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence S 0°16'19" W along the Easterly deed line of said instrument #67447, 1516.69 feet to the Southeast deed corner of instrument #67447, said corner being on the South line of section 7 and being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence N 89°32'22" W along the South deed line of said instrument #67447 and along the South line of said section 7, 449.42 feet to the Northeast deed corner of instrument #88431, said corner being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence S 0°19'16" W along the East deed line of said instrument #88431, 2640.51 feet to a found ½-inch diameter rebar with no markings;

RECEIVED

APR 21 2000

Department of Natural Resources
Bismarck, North Dakota

11-11

Thence continuing S 0°22'23" W along the East deed line of said instrument #88431, 2638.99 feet to a found ½-inch diameter rebar with no markings;

Thence N 87°58'45" W along the South deed line of said instrument #88431, 732.09 feet to the Southwest corner of section 18, T6S, R34E, said corner being marked by a found 1978 BLM brass cap monument;

Thence S 0°08'43" W along the line between sections 19 and 24, 2535.05 feet to the East ¼ corner of section 24, T6S, R33E, said corner being marked by a found 1978 BLM brass cap monument;

Thence N 89°35'00" W along the latitudinal centerline of said section 24, 2691.27 feet to the Center ¼ corner of said section 24, said corner being marked by a found 1912 Indian Allotment brass cap;

Thence N 0°23'13" E along the meridional centerline of said section 24, 2619.70 feet to the South ¼ corner of section 13, said corner being marked by a found 1912 Indian Allotment brass cap;

Thence N 0°39'44" E along the meridional centerline of section 13, 2625.71 feet to the Center ¼ corner of said section 13, said corner being marked by a found 1912 Indian Allotment brass cap;

Thence N 88°57'33" W along the latitudinal centerline of said section 13, 2653.28 feet to the true point of beginning. Said parcel containing 1173.4 acres, more or less (after accounting for exceptions listed below).

Excepting therefrom two parcels of land more particularly described as follows:

Exception #1

Two parcels of land previously deeded to Idaho Power Company as instruments #72098 and #89548, said parcels forming one contiguous tract in the N ½ of the NE ¼ of Section 13, T6S, R33E, B.M., Power County, Idaho, and said tract being more particularly described as follows:

Commencing at the Northwest corner of section 18, T6S, R34E, said corner being marked by a found ½-inch diameter rebar with no markings;

Thence S 87°34'25" W, 917.45 feet to a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440", said rebar marking the true point of beginning;

Thence S 17°27'13" E, 494.00 feet to a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence S 72°32'47" W, 450.00 feet to a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence N 17°27'13" W, 494.00 feet to a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence N 72°32'47" E, 450.00 feet to the true point of beginning.

Exception #2

A parcel of land previously deeded to El Paso Natural Gas Company as instrument #83915, said parcel being in the NE ¼ of the SE ¼ of Section 13, T6S, R33E, B.M., Power County, Idaho, and said parcel being more particularly described as follows:

Beginning at the East ¼ corner of said section 13, said corner being marked by a found 1912 Indian Allotment brass cap;

Thence S 0°10'46" W along the East line of said section 13, 208.80 feet to a found 1-inch diameter aluminum cap marked "Northwest Pipeline";

Thence N 89°49'45" W, 208.87 feet to a found 1-inch diameter aluminum cap marked "Northwest Pipeline";

Thence N 0°11'01" E, 208.82 feet to a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence S 89°49'22" E, 208.86 feet to the true point of beginning.

RECEIVED

FEB 21 1993

United States District Court
District of Columbia

24-11342

BEEMAN & HOFSTETTER, P.C.

Counselors and Attorneys at Law

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Josephine P. Beeman

Dana L. Hofstetter

Telephone: (208) 388-8900

Facsimile: (208) 388-8400

E-mail: beehof@micron.net

May 11, 1998

RECEIVED

MAY 15 1998

Department of Water Resources
Eastern Region

Idaho Department of Water Resources
Eastern Regional Office
Attn: Adjudication Bureau
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Designation of "service area" as place of use
All SRBA Claims for the City of Pocatello (see attached)

Dear Adjudication Agent:

We request that this letter be included in the adjudication files for the City of Pocatello regarding the designation of place of use for the City's municipal water rights. Specifically, due to statutory amendments in 1996 addressing municipal water rights, the City of Pocatello believes it would be more accurate to describe the place of use of its municipal water rights as "within the service area for the City of Pocatello." This is based upon our review of *Idaho Code* § 42-202B, which provides that the service area can be designated as a place of use for a municipal water right when the service area, although in part outside the corporate limits for the city, is within the city's established planning area and shares a common water distribution system with lands located within the corporate limits. This is true for the City of Pocatello because the areas served outside the corporate limits are within the impact area recognized in the City's comprehensive plan, the State Local Planning Act, and share a common distribution system with lands located within the corporate limits. Although the 1996 statutory change occurred after the filing of the City's municipal water rights in the Snake River Basin Adjudication, the City believes the term "service area" would more accurately define the place of use when these rights are recommended in a Director's Report to the SRBA Court.

IDWR Adjudication Bureau
Re: City of Pocatello
May 11, 1998
Page 2

The City of Pocatello believes that the SRBA is an appropriate forum to state the municipal place of use as accurately as possible. The statutes adopted in 1996 represent a codification of the common law and are not a change in the law applicable to municipal water rights existing before the statutory codification. I.C. § 42-202(11); Statement of Purpose, S.B. 1535 (Idaho 1996); Meyer, Christopher H., *Municipal Water Rights in Idaho: The Growing Communities Doctrine and Its Recent Codification*, Idaho Water Law News, Vol. 4, No. 1 Spring/Summer 1996, p. 5-6. See *Preliminary Special Master's Report for Water Right 34-10030* (City of Arco), p. 2, n.1 (dated March 18, 1997), *In Re: SRBA* (Twin Falls County Case No. 39576). Since the City's place of use for its municipal water rights has historically also included areas adjacent to the corporate limits, it is appropriate to designate its service area as the place of use in its SRBA claims.

Please call me with any questions regarding this matter.

Sincerely,

BEEMAN & HOFSTETTER, P.C.



Josephine P. Beeman

JPB:ja
Attachment
cc: Dean Tranmer (w/ attachment)
DA17762097

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

In re Water Right)
No. A29-11342)
)
)
_____)

AFFIDAVIT OF
ANNIE GALLEGOS

RECEIVED

OCT 06 1995

STATE OF IDAHO)
)
County of Bannock)

Department of Water Resources
Eastern District Office

Annie Gallegos after being duly sworn on oath, deposes and states as follows:

1. This Affidavit is based upon Affiant's personal knowledge and, if called upon to testify, Affiant could testify concerning the matters contained herein.
2. This Affidavit is being prepared pursuant to instructions from the Idaho Department of Water Resources (DWR) to FMC Corporation, Claimant in the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, to submit necessary proof in support of the priority date claimed for the water right identified by DWR as A29-11342.
3. FMC Corporation is the owner of a 105 acre parcel of land located in the South 1/2 of Section 12, Township 6 South, Range 33 East, Boise Meridian, lying south of Interstate Highway 86 and north of U.S. Highway 30 North which it purchased from the City of Pocatello in September of 1990.
4. I am the owner and manager of The Pilot House restaurant ("Pilot House"), currently located at 1625 North Arthur, Pocatello, Idaho 83204. Prior to moving to its present

location, Pilot House was located at 1203 East County Road, Pocatello, Idaho 83201 upon the land described in Paragraph 3 above.

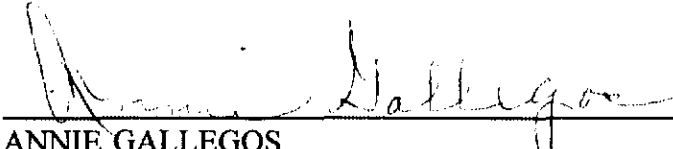
5. FMC Corporation, and its predecessor in interest the City of Pocatello, leased a portion of the land described in Paragraph 3 above to the Pilot House and Dan and Annie Gallegos. They also had a trailer home on the property. The Pilot House and the trailer home were both supplied with water from a well located in the Northeast 1/4 of the Southeast 1/4 of Section 12, Township 6 South, Range 33 East, Boise Meridian. Said well is the subject of Water Right No. A29-11342 discussed above.

6. The Pilot House and Dan and Annie Gallegos began leasing the property from the City of Pocatello in 1968 when they purchased the Pilot House from Dale and Donna Hensley. I lived on the property until October 27, 1994 and the Pilot House remained in business on the property until April 22, 1995. Water from the well described above was used continuously from 1968 through April 22, 1995 in both the Pilot House and my home for culinary purposes.

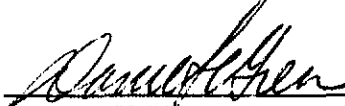
7. Prior to purchasing the Pilot House in 1968, I worked for its previous owners from 1962 through 1965. At that time the restaurant and a trailer occupied by the Hensleys' daughter were supplied with water from the well described above for culinary purposes. It is my understanding from conversations with the Hensleys and others that the use of this well dates back at least to World War II when it was first used to provide water to bunks on an Army Air Corp. base then located upon the property. I can state with certainty that water from the well was used continuously from 1962 through April 22, 1995 for culinary purposes.

FURTHER SAYETH YOUR AFFIANT NOT.

DATED this 21 day of ^{September}~~August~~, 1995.


ANNIE GALLEGOS

SUBSCRIBED AND SWORN TO before me this 21 day of ^{September}~~August~~, 1995.


NOTARY PUBLIC FOR IDAHO
Residing at: *Pocatello, Idaho*
My Commission Expires: *5/21/99*

(SEAL)

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

In re Water Right)
No. A29-11342)
_____))

**AFFIDAVIT OF
JAMES SIMPSON**

RECEIVED

STATE OF IDAHO)
 :SS
County of Bannock)

OCT 06 1995

Department of Water Resources
Eastern District Office

James Simpson after being duly sworn on oath, deposes and states as follows:

1. This Affidavit is based upon Affiant's personal knowledge and, if called upon to testify, Affiant could testify concerning the matters contained herein.

2. This Affidavit is being prepared pursuant to instructions from the Idaho Department of Water Resources (DWR) to FMC Corporation, Claimant in the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, to submit necessary proof in support of the priority date claimed for the water right identified by DWR as A29-11342.

3. FMC Corporation is the owner of a 105 acre parcel of land located in the South 1/2 of Section 12, Township 6 South, Range 33 East, Boise Meridian, lying south of Interstate Highway 86 and north of U.S. Highway 30 North which it purchased from the City of Pocatello in September of 1990.

4. I am the manager of Idaho Grain Inspection Service ("IGIS"), formerly known until 1991 as Utah-Idaho Grain Exchange. I have worked for those entities in Pocatello since

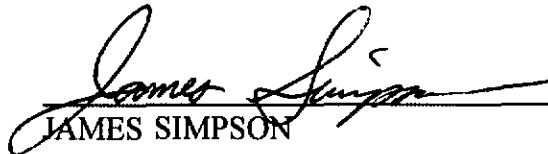
1987. Prior to 1987, I worked for Utah-Idaho Grain Exchange in Ogden, Utah, and was familiar with the business operation of the Pocatello office, including the lease and use of water specified below.

5. FMC Corporation, and its predecessor in interest the City of Pocatello, leased a portion of the land described in Paragraph 3 above to IGIS and its predecessor in interest Utah-Idaho Grain Exchange. These businesses were located at 1199 East County Road, which was supplied with water from a well located in the Northeast 1/4 of the Southeast 1/4 of Section 12, Township 6 South, Range 33 East, Boise Meridian. Said well is the subject of Water Right No. A29-11342 discussed above.

6. IGIS and its predecessor in interest began leasing the property from the City of Pocatello in 1972. IGIS continued to lease the property until July 24, 1995. Water from the well described above was used continuously from 1972 until July 24, 1995 for culinary purposes.

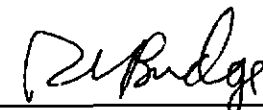
FURTHER SAYETH YOUR AFFIANT NOT.

DATED this 18th day of August, 1995.


JAMES SIMPSON

SUBSCRIBED AND SWORN TO before me this 18th day of August, 1995.

(SEAL)


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

NOV 14 1995

In re Water Right)
No. A29-11342)
)
)
_____)

RECEIVED

Department of Water Resources
Eastern District Office

Peter McDougall after being duly sworn on oath, deposes and states as follows:

- AFFIDAVIT OF PETER McDOUGALL - Page 1**

100-14235

5. From 1960 through 1968, the City leased the above-described property and water from a well to Dale and Donna Hensley who operated The Pilot House restaurant and maintained a residence upon said property. From 1968 through 1990, the City leased the same portion of land and water rights to Dan and Annie Gallegos.

6. From 1972 through 1990, the City leased another portion of said property together with water rights to the Utah-Idaho Grain Exchange.

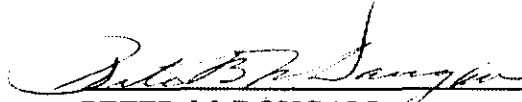
7. The Pilot House, trailer homes occupied by the Hensleys and Gallegoses, and Utah-Idaho Grain Exchange were supplied with water from a well located in the Northeast 1/4 of the Southeast 1/4 of Section 12, Township 6 South, Range 33 East, Boise Meridian. Said well is the subject of Water Right No. A29-11342 discussed above.

8. Exhibits "A" and "B" submitted herewith are true and correct copies of documents on file with the City of Pocatello. Exhibit "A" is a summary of data pertaining to City of Pocatello Well No. 11 dated December 1953. This document shows that construction of the well was started on June 16, 1952 and completed on July 24, 1952. Exhibit "B" is a packet of materials which the City received from the State of Idaho Department of Reclamation in December 1958 certifying that Well No. 11 was completed and designated for municipal and domestic purposes. Well No. 11 was one of six wells for which the City of Pocatello received a License and Certificate of Water Right establishing a priority date of September 1, 1953 under Water License No. G-24451.

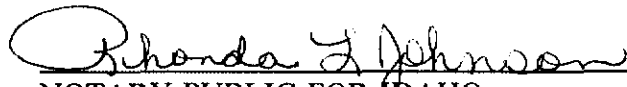
FURTHER SAYETH YOUR AFFIANT NOT.

NOV 14 1999

DATED this 29th day of August, 1995.


PETER McDOUGALL

SUBSCRIBED AND SWORN TO before me this 29th day of August, 1995.


NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello
My Commission Expires: 6-19-2001

(SEAL)

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
FRED J. LEWIS
KIRK B. HADLEY
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

October 5, 1995

RECEIVED

OCT 06 1995

Department of Water Resources
Eastern District Office

Mr. Dave Carlson
Water Right Agent, Adjudication
Department of Water Resources
900 North Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: FMC Corporation/Water Right Claim No. A29-11342

Dear Dave:

In your letter of January 3, 1995, to FMC Corporation you indicated that the captioned claim was "based on beneficial use" and requested verification of the priority date claim and beneficial use. This letter and enclosures are to respond on behalf of FMC. Thanks for your patience. As I indicated to your office previously, the delay in responding was necessary while we investigated the records of the City of Pocatello, from whom FMC acquired the property in 1992, together with the historic use.

First of all, this water right and the priority date claimed are not based upon beneficial use, but upon water License No. G-24451 issued by the State Reclamation Engineer on December 12, 1958, to the City of Pocatello with a priority date of September 1, 1953. The total quantity was for 14.76 cfs. This license included 6 wells owned by the City of Pocatello, identified as Well Nos. 1, 2, 11, 12, 13 and 15. This claim number A29-11342 relates to what the city identified as Well No. 11 in the NE1/4 SE1/4, Section 12, Township 6 South, Range 33 East, B.M.

We have secured and enclose for filing in support of this water right claim Affidavits of Peter McDougall, City Clerk for the City of Pocatello, and Annie Gallegos and James Simpson.

The Affidavit of Peter McDougall, together with the attached Exhibits "A" and "B", documents from the City records, detail the history of the well and the continuous diversion and application to beneficial use of water from the well. Exhibit "A" is a report prepared by the City in December of 1953 regarding this well, which was commonly known as the old well at the old airport known as the "Pilot House" well. The report indicates that the present well was drilled by A.J. Schoonover which was started on June 16, 1952, and completed July 24, 1952, to a depth of 113 feet. The second paragraph of the report also indicates that the well drilled in 1952 was a replacement of an original well located approximately 100 feet to the west, which was relocated because it was in the new highway right-of-way.

OCT 14 1995

Mr. Dave Carlson
Page 2
October 5, 1995

The old well site would appear to support a priority date earlier than when the second well was drilled and put to beneficial use in 1952.

The history of the initial well is interesting and discussed in the Affidavit of Annie Gallegos. The well was in use during the early 1940's when it supplied culinary water at the old Pocatello Airport to an airport administration building and also an adjacent building, which later became known as the "Pilot House". The Pilot House was a building that housed fighter pilots that were in training at the airport prior to and during World War II.

29-02338 Exhibit "B" to Mr. McDougall's Affidavit is the Department of Reclamation's Certificate of Completion of Works and the License and Certificate of Water Right issued under Permit No. G-24451. These documents evidence the diversion and application to beneficial use of the water right from the time the well was drilled until December 12, 1958, when the license was issued.

About that same time, the Pocatello Airport was relocated at the present site. From 1960 through 1968 the City leased the property and well to Dale and Donna Helmsley, who converted the Pilot House to a restaurant and maintained a residence on the property. From 1968 through 1990 the City leased the same to Dan and Annie Gallegos, who purchased the Pilot House Restaurant from the Helmsleys. During those periods, the well continued to be used to supply culinary water to the restaurant and the residence.

From 1972 through 1990, the City also leased another portion of the property to the Utah-Idaho Grain Exchange and the same well was used to supply their culinary water. That use continued by Idaho Grain Inspection Service until July 1995. These facts are detailed in the supporting Affidavits.

Based on the foregoing and the enclosed Affidavits, the claimed priority date and continuous period of beneficial use is clearly established. If you have any questions or desire any additional information, please feel free to contact me.

Sincerely,



RANDALL C. BUDGE

RCB:rr
Enclosures
cc: R.L. Mills, Energy Manager/FMC (w/encls.)

NOV 14 1995

05/31/94 07:37:06
Page 1

Old (D) Number - 24451

- Address - - - - -

State- ID Zip- 83205

State- ID Zip- 83205

+ - - - Stage - - - +
J - BENEFICIAL USE

+ - - - Status - - - - +

+ - - - - - Tributary - - - - - +

Remarks
P/U WITHIN CITY OF POCATELLO & VICINITY, LOCATED IN BANNOCK AND POWER COUNTIES. THIS WELL IS BEING CLAIMED BASED ON BENEFICIAL USE ALTHOUGH IT IS DESCRIBED IN LICENSE 24451. THE LICENSE ERRONEOUSLY IDENTIFIES THE PRIORITY DATE. SEE ATTACHMENT FOR ADDITIONAL REMARKS. REMOVED JO BEEMAN AS ATTORNEY FOR FMC AFTER CITY OF POCATELLO/FMC OWNERSHIP CHANGE COMPLETED IN 1992. 05/27/1994 SAS.

RECEIVED
JUN 2 1994
Department of Water Resources
Eastern District Office

NOV 14 1956

Water right number - A29-11342

Prefix Translation: ADJUDICATION CLAIM

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

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 04/23/90 HARRINGT 04/16/92 CAN-SHAF 09/18/92 THOMPSON 05/26/94 SSHERMAN 05/27/94 SSHERMAN

+ - - - - Comments - - - - - +
No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 04/20/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- C016458	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- N	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	-	Notice of Error Flag	-

29 11342

RECEIVED

FEB 28 1994

Department of Water Resources

LAW OFFICE

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS
CHARTERED

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
Paul S. Street
Larry C. Hunter
Glenna M. Christensen
Mark S. Prusynski
Morgan W. Richards, Jr.
Michael G. McPeck
Stephen R. Thomas
Jon S. Gorski
Gary T. Dance
Gerald T. Hush
Thomas V. Munson
Kirk R. Helvie

Thomas C. Morris
Michael E. Thomas
James C. deGlee
Christine E. Nicholas
Patricia M. Olsson
Grant T. Burgoyne
Stephen J. Olson
Patrick J. Kole
Andrew P. Doman
David S. Jensen
Ray E. Smith
Allen K. Davis
Bradley J. Williams
Mark A. Ellison
James L. Martin
Alan D. Malone
Josephine P. Beeman

FIRST SECURITY BUILDING
911 WEST IDAHO
POST OFFICE BOX 829
BOISE, IDAHO 83701

Telephone (208) 345-2000

Facsimile (208) 385-5384

February 25, 1994

Willis C. Moffatt
(1907-1980)

E. Renn Yorgason
Office Administrator

Gary T. Dance
Partner in Charge
Eastern Idaho Offices

IDAHO FALLS, IDAHO
525 Park Avenue, Suite 2D
Post Office Box 1367
83403

Telephone (208) 522-6700
Facsimile (208) 522-5111

POCATELLO, IDAHO
825 West Center, Suite C
Post Office Box 4941
83201

Telephone (208) 233-2001

Idaho WATS: 1 (800) 422-2889
ABA Net 010

Shelley Keen
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706

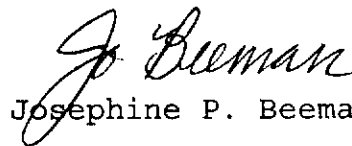
Re: City of Pocatello Reservoir List
MTBR&F File No. 15863.0000

Dear Shelley:

Enclosed is a copy of the City of Pocatello's reservoir list. Carter Fritschle reviewed the City's SRBA claims last summer and requested the reservoir list to confirm that the City's reservoir and tank storage facilities are capable of being fully recharged by the quantity of water available in a 24 hour period from all of the City's sources of water.

If you have any questions, do not hesitate to call.

Yours very truly,



Josephine P. Beeman

JPB/lis
Enclosure
cc: Dean Tranmer
Fred Ostler
Tom Dekker

MICROFILMED

APR 14 1994

RECEIVED
FEB 28 1994
Department of Water Resources

CITY OF POCA TELLO
WATER STORAGE CAPACITY

Date: 8-30-93

The following is a summary of storage reservoirs:

NO.	LOCATION	DATE	CAPACITY (GAL)	STATUS
# 1	Reservoir Yard (NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2-7S-34E)	1891	1,500,000	Abandoned
# 2	Reservoir Yard (NE $\frac{1}{4}$ NW $\frac{1}{4}$, 2-7S-34E)	1892	865,000	Abandoned
# 3	Reservoir Yard (NE $\frac{1}{4}$ NW $\frac{1}{4}$, 2-7S-34E)	1905	2,000,000	Abandoned
# 4	Reservoir Yard (NW $\frac{1}{4}$ NE $\frac{1}{4}$, 2-7S-34E)	1935	11,500,000	Abandoned
# 5	S End Valleyview (SE $\frac{1}{4}$ NE $\frac{1}{4}$, 33-6S-34E)	1950	300,000	In Use
# 6	Center & I-15 (SE $\frac{1}{4}$ SW $\frac{1}{4}$, 24-6S-34E)	1953	300,000	In Use
# 7	End E Cedar (SW $\frac{1}{4}$ NE $\frac{1}{4}$, 24-6S-34E)	1955	500,000	In Use
# 8	Reservoir Yard (SE $\frac{1}{4}$ SW $\frac{1}{4}$, 35-6S-34E)	1961	2,000,000	In Use
# 9	S End Valleyview (SE $\frac{1}{4}$ NE $\frac{1}{4}$, 33-6S-34E)	1964	20,000	In Use
#10	Satterfield & Terrace (SW $\frac{1}{4}$ SE $\frac{1}{4}$, 7-6S-35E)	1964	1,000,000	In Use
#11	Center & Apex (SW $\frac{1}{4}$ SE $\frac{1}{4}$, 19-6S-35E)	1973	2,000,000	In Use
#12	Birdie & Silverwood (SE $\frac{1}{4}$ NW $\frac{1}{4}$, 30-6S-35E)	1973	3,000,000	In Use
#13	Reservoir Yard (NE $\frac{1}{4}$ NW $\frac{1}{4}$, 2-7S-34E)	1975	5,000,000	In Use
#14	W End Juniper Hill (NW $\frac{1}{4}$ NE $\frac{1}{4}$, 13-7S-34E)	1978	500,000	In Use
#15	S End City Creek (NE $\frac{1}{4}$, 3-7S-34E)	1978	3,000,000	In Use
#16	Satterfield & Terrace (SW $\frac{1}{4}$ SE $\frac{1}{4}$, 7-6S-35E)	1985	3,000,000	In Use
#17	Airport - 10th Ave. & "B" St.	1969	150,000	In Use

MICROFILMED
APR 14 1994

0132

LAW OFFICE
MOFFATT, THOMAS, BARRETT, ROCK & FIELDS
CHARTERED

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
Paul S. Street
Larry C. Hunter
Glenna M. Christensen
Mark S. Prusynski
Morgan W. Richards, Jr.
Michael G. McPeck
Stephen R. Thomas
Jon S. Gorski
Gary T. Dance
Gerald T. Hush
Thomas V. Munson
Kirk R. Helvie

Thomas C. Morris
Michael E. Thomas
James C. deGlee
Christine E. Nicholas
Patricia M. Olsson
Grant T. Burgoyne
Stephen J. Olson
Patrick J. Kole
Andrew P. Doman
David S. Jensen
Ray E. Smith
Allen K. Davis
Bradley J. Williams
Mark A. Ellison
James L. Martin
Alan D. Malone
Josephine P. Beeman

FIRST SECURITY BUILDING
911 WEST IDAHO
POST OFFICE BOX 829
BOISE, IDAHO 83701

Telephone (208) 345-2000

Facsimile (208) 385-5384

December 21, 1993

Willis C. Moffatt
(1907-1980)

E. Renn Yorgason
Office Administrator

Gary T. Dance
Partner in Charge
Eastern Idaho Offices

IDAHO FALLS, IDAHO
525 Park Avenue, Suite 2D
Post Office Box 1367
83403

Telephone (208) 522-6700
Facsimile (208) 522-5111

POCATELLO, IDAHO
1110 Call Creek Drive
Post Office Box 4941
83201

Telephone (208) 233-2001
Idaho WATS: 1 (800) 422-2889
ABA Net 010

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Handwritten:
attached.
- as
5-31-94

Re: R. Keith Higginson v. The United States;
the State of Idaho; and all Claimants to the use
of Water from the Snake River Basin Water System

Dear Clerk:

Enclosed please find the original and one copy of a
Notice of Change of Firm and Address relative to the above-
captioned matter. Please file the original with the court and
return a conformed copy to our office in the self-addressed
stamped envelope provided for your convenience.

Thank you for your assistance.

Very truly yours,

Susan Nabors
Susan Nabors, Administrative
Assistant to Josephine P. Beeman

Enclosures
sn20443

Sal ->

*Per revised NOA memo -
please follow procedure
for pre-report NOA's in
Basins 22 & 35.*

*Ignore updates to rights
in Basins 34 & 36
since she is not represent-
ing claimants in those
numbers. Thx, Jodi*

NOV 14 1995

Josephine P. Beeman
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000

Attorneys for the City of Pocatello

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

R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

v.

The United States; the State
of Idaho; and all Claimants
to the use of Water from the
Snake River Basin Water System

Respondents.

Case No. 39576

Records changed 05-26-94
NOTICE OF CHANGE OF
FIRM AND ADDRESS

A29-00271	A29-04221
✓ - 00272	✓ - 04222
✓ - 00273	✓ - 04223
✓ - 02274A	✓ - 04224
✓ - 02274B	✓ - 04225
✓ - 02274C	✓ - 04226
✓ - 02324	✓ - 07106
✓ - 02382	✓ - 07118
✓ - 02499	✓ - 07119
✓ - 02401	✓ - 07322

DESCRIPTIVE SUMMARY

This document is a Notice of Change of Address and Firm

NOTICE OF CHANGE OF FIRM AND ADDRESS - 1

A29-07375
✓ - 07431
✓ - 07770
✓ - 11339
~~✓ - 11342~~
✓ - 11343 NOV 14 1994
✓ - 11344
✓ - 11348
✓ - 11609

for Josephine P. Beeman, Counsel for the City of Pocatello and
Basic American Foods. - *Basins 22 & 25.*

Please be notified that effective immediately, the firm
and address for Josephine P. Beeman, Counsel for the City of
Pocatello has been changed to:

Josephine P. Beeman
MOFFATT THOMAS BARRETT
ROCK & FIELDS
First Security Bank Building
911 W. Idaho
P.O. Box 829
Boise, Idaho 83701
(208) 345-2000

This Notice is applicable to Case No. 39576; and to the
following objected water rights: 34-00780C, 34-00960, 34-07073,
34-10030, 36-02465, 36-04075, 36-04080, 36-15361.

DATED this 21st day of December, 1993.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By *Josephine P. Beeman*
Josephine P. Beeman - Of the Firm

RECORDED
NOV 14 1993

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of December, 1993, I served a true and correct copy of the foregoing NOTICE OF CHANGE OF FIRM AND ADDRESS by depositing a copy thereof in the United States mail, postage prepaid, to the following:

All Parties of Record

Case No. 39576

Water Right 34-00780C J. Lynn Estes (A)

Water Right 34-00960 "

Water Right 34-07073 "

Water Right 34-10030 "A"

Water Right 36-02465 "

Water Right 36-04075 "

Water Right 36-04080 "

Water Right 36-15361 "

Josephine P. Beeman
Josephine P. Beeman

JPB19578

NOTICE OF CHANGE OF FIRM AND ADDRESS - 3

RECORDED

NOV 14 1993

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET · SUITE 700 · BOISE, IDAHO 83702
(208) 338-8200

JOSEPHINE BEEMAN
(208) 338-8233

October 20, 1993

VIA FACSIMILE
503-231-6791

ATTENTION: Mr. Robert Fenton

Mr. Lynn Collins
Intermountain Regional Solicitor
United States Department of the Interior

Re: City of Pocatello Contracts for Water From the Fort Hall
Irrigation Project

Dear Mr. Collins:

We represent the City of Pocatello in the Snake River Basin Adjudication (SRBA). Earlier this month, the City Attorney for Pocatello forwarded to us letters which describe city acreage to be deleted from the SRBA claim for the Fort Hall Irrigation Project (Project). The letters explain that non-Indian land within the Project must have been irrigated between 1983 and 1987 in order to be included in the state law portion of the Project water right. The City of Pocatello's letters list 102.97 acres currently assessed by the Project. Based on actual irrigation between 1983 and 1987, the acreage would be reduced to 47.68 acres.

As a result of receiving these letters, the City of Pocatello has asked us to determine how many acres the City has under contract with the Fort Hall Irrigation Project and whether the amount of water under those contracts might be preserved for the City's use because of the unique status of municipal water rights under Idaho law. Generally, when a city acquires a water right, it can "grow into" the full amount of the water right and the water right is not subject to forfeiture.

In our efforts to understand the nature of the water right that the City of Pocatello holds within the Project (in direct contracts or assigned contracts), we have examined City records and we have asked for help from the Project (Alan Oliver), the Bureau of Indian Affairs (Robert Fenton), and the Idaho State law library to obtain historical documents regarding Project contracts held by Pocatello. We have also talked with David Shaw at the Idaho Department of Water Resources who directed us to you.

870224W00045.LTR
Bric

Fax: (208) 338-8299

ANSWERING SERVICE - BOISE, IDAHO

Mr. Lynn Collins
October 20, 1993
Page 2

The City of Pocatello has records which indicate that some Project contracts were deeded to the City by individuals in exchange for municipal water when structural problems made Project water difficult to deliver within the City. The City has always understood that it would have a right to use the Project water, particularly since its own municipal supplies were used as a replacement for Project water.

We also have in our possession a 1936 contract between the City of Pocatello and the project engineer for the Fort Hall Irrigation Project which identifies 602.42 Project acres within the corporate limits of the City of Pocatello. The contract is a supplemental repayment contract and identifies earlier repayment contracts from 1907 and 1922 for the same land. We have obtained copies of the 1907 and 1922 Acts of Congress, but have not been able to obtain any of the rules, regulations, or contracts under those earlier Acts. The 1907 Act does state, "any town or city embraced within the project may acquire water rights sufficient for its needs on such terms and condition as the Secretary of the Interior may impose." Senator Dubois of Idaho provided a letter (to the Senate Committee on Indian Affairs) to accompany the 1907 bill which states that "the city of Pocatello, with a population now of 8,000, will be supplied with water at a price to be fixed by the Secretary of the Interior." The letter also explains that the City's price is different from the price for water to supply the agricultural lands of the Project.

We do not know if the 102.97 acres in the recent Project letters represent all of the Pocatello contracts, or whether the 1936 contract, which describes 602.42 acres may be one of a series of contracts representing assignments to the City when individual users switched from Project water to City water. Mr. Oliver is checking Project billing records to determine current Project acreage for Pocatello and to determine past assignment of contract rights to or from the City.

Pocatello would use the Project water within the city limits for existing and future needs, just as the City uses its other municipal water rights. The Project water is particularly suited for uses which do not require potable water.

I understand that you will arrive in Boise this evening for meetings Thursday and Friday related to the Fort Hall reserved right and the Fort Hall state-based water right. Due to your travel schedule, Mr. Fenton offered to deliver this ~~for~~ ^{for} you.

Mr. Lynn Collins
October 20, 1993
Page 3

The City of Pocatello would like me to discuss their contract rights with you. I would welcome the opportunity to meet with you and can meet at your convenience. My office is across the street from the Attorney General's office and I can be reached at 338-8233.

Sincerely yours,

DAVIS WRIGHT TREMAINE

Josephine Beeman
Josephine P. Beeman

JPB:ma

cc: Dean Tranmer, Esq., City Attorney for Pocatello
Jack Hockberger, Esq.
Mr. Alan Oliver
Clive Strong, Esq.
Mr. David Shaw
Mr. Jeff Peppersack
Mr. Brent Spronk

NOV 14 1993

SEPTEMBER 21, 1992

FMC CORPORATION
ATTN ENERGY MANAGER
PO BOX 4111
POCATELLO ID 83202

RE: CHANGE IN OWNERSHIP FOR A29-11342

Dear Sir:

The request for Change in Ownership concerning the Notice of Claim in the above reference has been processed and the Notice changed to show you as the current owner.

Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure: NOTICE OF CLAIM A29-11342

MICROFILMED

NOV 16 1992

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
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER

*ALSO MEMBER IL & WY BARS

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

September 17, 1992

RECEIVED

SEP 18 1992

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
Attn: Ernest Carlson
Jo Thompson
150 Shoup Avenue, #15
Idaho Falls, ID 83401

Re: FMC Claim Nos

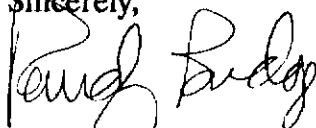
Dear Ernest and Jo:

Thanks for your letter of September 15th.

Enclosed please find a completed Form 42-1409(7) "New Property Owner Notice of Change of Water Right Ownership" together with attached Quit Claim Deed dated September 21, 1990, Bannock County Recorder's Instrument No. 90012584 evidencing the transfer of the property from the City of Pocatello to FMC Corporation. Please file the same and based thereon, change the owner of Claim No. A29-11342 from the City of Pocatello to FMC Corporation.

Also enclosed for your file is a copy of the letter pursuant to which I have mailed a copy of form to Pocatello City Attorney, Dean Tranmer. Thank you for your cooperation and assistance.

Sincerely,



RANDALL C. BUDGE

RCB:te

Enclosures

c: R.L. Mill, Energy Manager, FMC
Dean Tranmer, City Attorney

MICROFILMED
NOV 16 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 9-21-90

LEGAL DESCRIPTION OF PROPERTY: Township 6S Range 33E
Section 12, 1/4 of NE 1/4 of NE 1/4, Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A29-11342
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): City Of Pocatello
P. O. Box 4169
Pocatello, Idaho 83205
- ☐ New Owner/Claimant (Purchaser): FMC Corporation
- ☐ New Mailing Address: ATTN: Energy Manager
P. O. Box 4111
Pocatello, Idaho 83202
- ☐ New Telephone Number: (208) 236 - 8686
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes Xno
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: See attached Quit Claim Deed Dated 9/21/90, Bannock County Inst. No. 90012584

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Randall C. Budge, Racine, Olan, Nye Date 9/16/92
Cooper & Budge, Attorneys for FMC Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

NOV 16 1992

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

For Value Received, receipt of which is hereby acknowledged,

the City of Pocatello, a municipal corporation of Idaho, does
 hereby convey, release, remise and forever quit claim unto FMC Corporation

Box 4111 (Pocatello, Idaho 83202)

whose current address is Pocatello, Idaho 83202

the following described premises, to-wit:

A parcel of land in the South 1/2 of Section 12, T.4S., R.32E., S.M., and in Lot 8 (NW1/4, SW1/4) of Section 7, T.4S., R.34E., S.M., lying South of Interstate Highway 84 and North of U.S. Highway 30 North, more particularly described as follows:

Commencing at the Northeast corner of Section 12, T.4S., R.32E., S.M.; thence S.00°19'54"W. (basis of bearing per Central Meridian of the East Zone of the Idaho State Plane Coordinate System), along the East line of said Section 12, a distance of 3487.03 feet to THE TRUE POINT OF BEGINNING; thence S.77°24'32"W., parallel with the centerline of U.S. Highway 30 North, Federal Aid Project F.I.-1024(1), a distance of 1195.22 feet; thence S.17°23'28"E., a distance of 261.66 feet to a point which is right angles Northwestwardly 78.00 feet from said centerline of U.S. Highway 30 North; thence N.72°34'32"E., parallel with said centerline 1095.64 feet to the beginning of a 5807.55 foot radius curve concave to the South which point is 78.00 feet left of Station 491.36.4 of said U.S. Highway 30 North Survey; thence in a Northeasterly direction along said curve parallel with said centerline of U.S. Highway 30 North, through a central angle of 0°05'53", a distance of 9.71 feet to the East line of said Section 12; thence N.00°13'54"E., along said Section line 33.55 feet to a point on a 5839.55 foot radius curve whose center bears S.17°11'38"E., which curve being parallel with and 110.00 feet (measured on the radial line of said curve), Northerly from the centerline of said U.S. Highway 30 North; thence in a Northeasterly direction following said curve, through a central angle of 3°58'21", a distance of 494.89 feet; thence N.13°13'17"W., on the radial line of said curve 100.00 feet, to a Southwesterly corner in a parcel of land conveyed to the Food Machinery and Chemical Corporation by Instrument No. 49480 of the official records of Power County; thence N.17°23'28"W., following the boundary line described in said Instrument 145.4 feet; thence S.72°24'32"W., continuing along said parcel boundary line 332.30 feet to the East line of said Section 12, also common with the West line of Section 7, T.4S., R.34E., S.M., THE TRUE POINT OF BEGINNING.

together with their appurtenances.

Dated: September 21, 1990

Peter J. Angststadt

Peter J. Angststadt, Mayor

City of Pocatello, Idaho

STATE OF IDAHO, COUNTY OF Bannock
 On this 21st day of Sept., 1990,
 before me, a notary public in and for said State, personally
 appeared

Peter J. Angststadt
 Mayor of Pocatello

known to me to be the person whose name is
 subscribed to the within instrument, and acknowledged to
 me that he executed the same,
 on behalf of the City of Pocatello.

Cecilia S. Smith

Notary Public

Residing at Pocatello, Idaho
 Comm. Expires 8/11/92

90012584

NO. RECORDED AT REQUEST OF

RACINE, OLSON, NYE, COOPER & Budge

30 OCT -1 AM 1:30

JUDICIAL OFFICE, No. 530
 BANNOCK COUNTY, IDAHO
 LARRY W. SHAN RECORDS
 FEE \$3.00, DEPUTY TS-CK

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

Notary Seal

MICROFILMED
 NOV 16 1992

DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NAME INDEX

DATE: 08/16/88
PAGE: 1

NAME	O C	WATER RIGHT NUMBER	STG STA	PRIORITY DATE	SOURCE OF WATER	TRIBUTARY TO
CITY OF POCATELLO	C	29-00262	D/	06/03/1907	SOUTH SPRINGS	
CITY OF POCATELLO	C	29-00271	D/	02/26/1869	MINK CREEK	PORTNEUF RIVER
CITY OF POCATELLO	C	29-00272	D/	10/01/1901	MINK CREEK	PORTNEUF RIVER
CITY OF POCATELLO	C	29-00273	D/	10/01/1917	MINK CREEK	PORTNEUF RIVER
CITY OF POCATELLO	C	29-02274	L/	06/15/1948	GROUNDWATER	
CITY OF POCATELLO	C	29-02338	L/	09/01/1953	GROUNDWATER	
CITY OF POCATELLO	C	29-02401	L/	10/16/1958	GROUNDWATER	
CITY OF POCATELLO	C	29-02499	L/	12/10/1964	GROUNDWATER	
CITY OF POCATELLO	C	29-04221	S/	06/01/1943	GROUNDWATER	
CITY OF POCATELLO	C	29-04222	S/	06/16/1898	GIBSON JACK CREEK, SOUTH FORK GIBSON JACK CREEK	GIBSON JACK CREEK PORTNEUF RIVER
CITY OF POCATELLO	C	29-04223	S/	10/01/1962	GROUNDWATER	
CITY OF POCATELLO	C	29-04224	S/	09/15/1955	GROUNDWATER	
CITY OF POCATELLO	C	29-04225	S/	08/15/1956	GROUNDWATER	
CITY OF POCATELLO	C	29-04226	S/	10/01/1955	GROUNDWATER	
CITY OF POCATELLO	C	29-07106	L/	11/06/1972	GROUNDWATER	
CITY OF POCATELLO	C	29-07118	L/	04/11/1973	GROUNDWATER	
CITY OF POCATELLO	C	29-07119	L/	04/11/1973	GROUNDWATER	
CITY OF POCATELLO	C	29-07322	L/	04/25/1976	GROUNDWATER	
CITY OF POCATELLO	C	29-07375	L/	02/24/1977	GROUNDWATER	
CITY OF POCATELLO	C	29-07431	L/	12/29/1977	WASTE WATER	PORTNEUF RIVER
CITY OF POCATELLO	C	29-07450	L/	06/13/1978	GROUNDWATER	
CITY OF POCATELLO	C	29-07700	A/	04/27/1983	GROUNDWATER	
CITY OF POCATELLO	C	29-07770	A/	05/21/1984	GROUNDWATER	
CITY OF POCATELLO	C	29-07782	P/	01/18/1985	GROUNDWATER	

RECEIVED

DATE 8-18-88

SIGNED [Signature]
POCATELLO WATER DEPT.

DO NOT FILM



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

GEO. N. CARTER, STATE RECLAMATION ENGINEER

BOISE

December 12, 1958

Re: Permit No. G-24451
City of Pocatello, A Municipal Corporation

City of Pocatello
W. B. Webb, City Manager
P. O. Box 1489
Pocatello, Idaho

Dear Mr. Webb:

Enclosed is the Certificate of Completion of Works and the License
and Certificate of Water Right issued under Permit No. G-24451, also,
departmental receipt #G-3751 for fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Edna P. Rutledge
Chief Clerk

EPR:nls
Enc.

1. 3751-1489
NOV 14 1958

EXHIBIT "B"

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho, Feb 10, 1958

NO. G-3751

RECEIVED
FROM

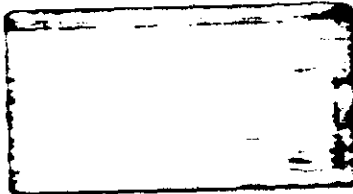
Edmund and 752 of Great Falls, 11.50
DOLLARS

FOR

Well Driller's License Fee - \$	
Application for Permit No. - \$	
Proofs <u>Id-617-24251</u> \$	<u>11.50</u>
Certified Copy - - - - \$	
Recording Assignment - - - \$	
TOTAL - - - - \$	<u>11.50</u>

Geo. M. Carter
State Reclamation Engineer

By Edmund P. Rutledge



RECEIVED

NOV 14 1958

**OLD WELL AT OLD AIRPORT
KNOWN AS PILOT HOUSE WELL**

**SUMMARY OF DATA PERTAINING TO
CITY OF POCATELLO WELL NO. 11
DECEMBER 1953**

By: James H. Scardino

INTRODUCTION

The City of Pocatello Well No. 11 located at the old municipal airport is owned and operated by the Pocatello Municipal Airport. The water is used for domestic purposes in a pressure tank system.

The original well was located approximately 100 feet westerly from the present well site. Because the old well location was in the new highway right of way it was abandoned, filled in and a new well drilled. The following data is a summary of the relocated well.

WELL DATA

Location of well: NE $\frac{1}{4}$ Sec. 12, T. 6 S., R. 33 E., E. M., Power County, near the old municipal airport administration building on U. S. Highway 30 N.

Well drilled by: A. J. Schoonover, Burley, Idaho. Well was started June 16, 1952 and completed July 24, 1952.

The well was drilled to a total depth of 113 feet and cased to a depth of 108 feet. (Note: All measurements are referenced to floor level of pump house elevation 4454.8 feet).

The casing installed from 0 feet to 108 feet was 8.625 inch O. D., 3/8 inch wall thickness standard seamless steel pipe.

The casing was perforated from 81 feet to 103 feet cutting 108 perforations 5/16" x 1 1/2" slots to a round every 6 inches.

Static level of water was recorded at 65.5' below floor level or at an elevation of 4389.3 feet July 10, 1953.

DEVELOPMENT & TEST PUMPING

The development and test pumping of the well consisted of a continuous 12 hour pumping period, a 36 hour rest period, and a second continuous 12 hour pumping period. Results were as follows:

July 22, 1953 - First continuous 12 hour test period recorded an average of 230 gpm with a 5 foot drawdown.

July 24, 1953 - Second continuous 12 hour test period recorded an average of 230 gpm with a 5 foot drawdown.

EXHIBIT "A"

NOTED
AUG 14 1953

The maximum rate of discharge recorded at 300 gpm with an unknown drawdown.
(Note: The drawdown was measured with an airline and gauge, which is an inadequate means to record water elevations. A steel tape or one of the electronic devices are more dependable and accurate.)

Test pump installation included:

1. Airline and gauge to record water levels.
2. 1 inch free flowing sharp edge orifice and tube to record rates of discharge.
3. The test pump installation was not recorded.

STRATA ENCOUNTERED

<u>FROM</u>	<u>To</u>	<u>Thickness</u>	<u>Description</u>
0'	10'	10'	tan clay
10'	15'	5'	Red clay
15'	30'	15'	Gravel, clay & boulders
30'	50'	20'	Fine gravel
50'	60'	10'	Gray clay
60'	81'	21'	Clay & gravel water tight
81'	105'	24'	Sandy gravel water bearing
105'	113'	8' plus	Gravel & clay water tight

GROUND WATER PRIORITY RIGHT

Well No. 11 has a ground water filing with State of Idaho under:

1. Application No. C-32418
2. Permit No. D-21461
3. District No. None
4. Priority Date Sept. 1, 1951
5. Proof of completion Work Done 9-17-58
for 1 cubic feet per second
6. Proof of Beneficial Use Done 9-17-58
for 1 cubic feet per second

Quantity of water claimed 1 cubic feet per second or Idaho miners inches
20 or 150 gallon per minute.

CONCLUSION

Considering the size of casing installed, plus the present developed well, it would be safe to conclude that the maximum capacity of the well is developed. Nevertheless, casing could be reduced and drilling continued to lower depths for additional water bearing horizons in the event the top horizon becomes obsolete.

RECORDED
NOV 14 1958

Permit No. G-24451

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that, CITY OF POCA TELLO, A MUNICIPAL CORPORATION
 of Pocatello, County of Bannock, and State of
Idaho, the holder of Permit No. G-24451, issued upon
 Application No. G-32248 bearing date of priority of September 1, 1953, authorizing the
 diversion of 38 second feet of waters of Deep wells in waters of
subterranean origin

County of ^{ies}Bannock & Power State of Idaho, for Municipal & domestic (City of Poc. & adjacent property)
 purposes, has fully complied with the provisions of the laws of the State of Idaho relating to
 the proof of completion of the works of diversion set out and described in said Permit; that said
 works are adequate for diverting and conveying to the place of intended use 14.76
 second feet of the waters of subterranean flow from six wells (#11-1.11 c.f.s.;
#12-6.20 c.f.s.; #13-2.22 c.f.s.; #15-1.11 c.f.s.; #1-2.20 c.f.s.; #2-1.92 c.f.s.)

that the point of diversion of said waters NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, T6S-R33E, BM; Lot 17, Blk 361
Original Pocatello Townsite; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, T7S-R34E, BM; NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, T7S-R35E, BM;
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, T6S-R33E, BM-Phillips Field; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, T6S-R33E, BM-Phillips Field.

and that the ~~lands~~ ^{is} proposed ~~to be conveyed to the~~ use of said water ~~is~~ described as follows, to-wit:
FOR DOMESTIC (Municipal) USE IN CITY OF POCA TELLO AND ADJACENT AREA

Proof of Completion of Works made: September 17, 1958

Witness my hand this 12th day of December, A. D. 19 58

Geo. A. Carter
 State Reclamation Engineer

NOV 14 1958

License and Certificate of Water Right

Water License No. G-24451 Priority September 1, 1953 Amount 14.76 c.f.s.

THIS IS TO CERTIFY THAT CITY OF POCATELLO, A MUNICIPAL CORPORATION of Pocatello, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 1, 1953; that Permit No. G-24451 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 14.76 second feet, was issued thereunder on December 12, 1958, showing that said works were completed on the 17th day of September, 1958; and that on the 17th day of September, 1958, CITY OF POCATELLO By: W. B. Webb, City Manager of Pocatello, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of six wells a tributary of subterranean for the purpose of DOMESTIC USE (Municipal), under Use Permit No. G-24451 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses, at Page 6561, on the 12th day of December, 1958; The right hereby confirmed dates from September 1, 1953;

The Point of Diversion ^{are} located (See below)

in the	"	"	Sec.	Tp.	R.	B.M.	Bannock & Power	Countries
--------	---	---	------	-----	----	------	-----------------	-----------

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 14.76 cubic feet per second. Wells #11-1 11c.f.s.; #12-6 20c.f.s.; #13 2 22c.f.s.; #15-1 11c.f.s.; #1-2 20c.f.s.

Description and location of use:

DOMESTIC USE IN CITY OF POCA TELLO AND ADJACENT AREA

TWP.	RANGE	SECTION			
6 S.	33E.	12	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Lot 17, Blk. 361	Original Pocatello Townsite Original Pocatello Townsite Golf Course	Well #11 Well #12
7 S.	34 E.	1	SE $\frac{1}{4}$ SE $\frac{1}{4}$		Well #13
7 S.	35 E.	6	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Palmer Tract	Well #15
6 S.	33 E.	15	SW $\frac{1}{4}$ NE $\frac{1}{4}$	Phillips Field	Well #1
6 S.	33 E.	10	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Phillips Field	Well #2

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho,
this 12th day of December, 1958

State Reclamation Engineer.

1007 14 1000