

27-02053

Nu-West Industries
Inc. &
Astaris Productions
LLC

No Layout Needed

Stockwater

04/22/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-2053

NAME AND ADDRESS: NU-WEST INDUSTRIES INC
DBA AGRIUM CONDA PHOSPHATE
3010 CONDA RD
SODA SPRINGS ID 83276

ASTARIS PRODUCTION LLC
622 EMERSON RD STE 500
ST LOUIS MO 63141

SOURCE: DRY VALLEY CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/04/1922

POINT OF DIVERSION:

T07S R44E S31 SWSWNE End of Stream Flow Within CARIBOU County
T07S R44E S31 SESWNE Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	06/01 10/01	0.020 CFS

PLACE OF USE: STOCKWATER Within BINGHAM County

T07S R44E S31 SWNE

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

THE IRRIGATION PORTION OF THIS RIGHT HAS BEEN
FORFEITED/ABANDONED: This is included for a claim based on a decree or license where the irrigation portion of this right is PROPOSED to be disallowed on the basis that the irrigation portion of the right was forfeited because abandonment of the right was confirmed.

THE IRRIGATION PORTION OF THIS RIGHT HAS BEEN
FORFEITED/ABANDONED DUE TO NON-USE FROM 1976 TO 2003.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

04/22/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-2050

NAME AND ADDRESS: NU-WEST INDUSTRIES INC
DBA AGRUM CONDA PHOSPHATE
3010 CONDA RD
SODA SPRINGS ID 83276

ASTARIS PRODUCTION LLC
622 EMERSON RD STE 500
ST LOUIS MO 63141

SOURCE: DRY VALLEY CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/12/1922

POINT OF DIVERSION:

T07S R44E S31 SWSENE End of Stream Flow Within CARIBOU County
T07S R44E S31 NENESE Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	06/01 10/01	0.020 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County

T07S R44E S31	SENE	T07S R44E S31	NESE
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

FORFEITED/ABANDONED: This is included for a claim based on a decree or license where the irrigation portion is PROPOSED to be disallowed on the basis that the irrigation portion of the right was forfeited by nonuse because abandonment of the right was confirmed.

THE IRRIGATION PORTION IS FORFEITED/ABANDONED DUE TO NON-USE
FROM 1976 TO 2003.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Nu-West Industries has 77 percent and Astaris has 23 percent.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

09/29/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-2053

NAME AND ADDRESS: NU-WEST INDUSTRIES INC
DBA AGRUM CONDA PHOSPHATE
3010 CONDA RD
SODA SPRINGS ID 83276

ASTARIS PRODUCTION LLC
10300 OLIVE BLVD
ST LOUIS MO 63166

SOURCE: DRY VALLEY CREEK TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/04/1922

POINT OF DIVERSION:

T07S R44E S31 SWSWNE End of Stream Flow Within CARIBOU County

T07S R44E S31 SESWNE Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	06/01 10/01	0.020 CFS

PLACE OF USE: STOCKWATER Within BINGHAM County

T07S R44E S31 SWNE

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

THE IRRIGATION PORTION OF THIS RIGHT HAS BEEN
FORFEITED/ABANDONED: This is included for a claim based on a decree or license where the irrigation portion of this right is PROPOSED to be disallowed on the basis that the irrigation portion of the right was forfeited because abandonment of the right was confirmed.

THE IRRIGATION PORTION OF THIS RIGHT HAS BEEN
FORFEITED/ABANDONED DUE TO NON-USE FROM 1976 TO 2003.

EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

SCANNED

JUL 1 1990

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A27-02053
Date Received: 1/22/1990
Receipt No: MC05564
Received By: g pe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLAIR L. HOLMGREN
Address: 13675 W. HWY 102
TREMONTON, UT

801-854-3954

84337

AND/OR

Name: FRED ANDERSON
Address: 13675 W. HWY 102
TREMONTON, UT

801-854-3954

84337

2. Date of Priority: SEF 04, 1922

3. Source: DRY VALLEY CREEK

Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	44E	32	SW	NW	SW		CARIBOU

5. Description of diverting works:
DITCHES WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		
STOCKWATER	05/15	11/15	0.190		

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

A.F.A.

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 400 HD. RANGE PAIF

A27-02053

Page 1

Date: 01/22/90

A2702053



MICROFILMED

NOV 12 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	44E	31	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	160.0
							Total Acres	160.0

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
DRY VALLEY CK. KNOWN LOCALLY AS MABEY CK.
SOURCES ARE DRY VALLEY CK. & UNNAMED STREAM.

15. Basis of Claim: LICENSE
Water Right Number: 11536

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Clair Halmgren Date: 4/22/90

Date: _____

State of Idaho)
County of Carbon) SS.

Subscribed and sworn (or affirmed) before me this 22 day

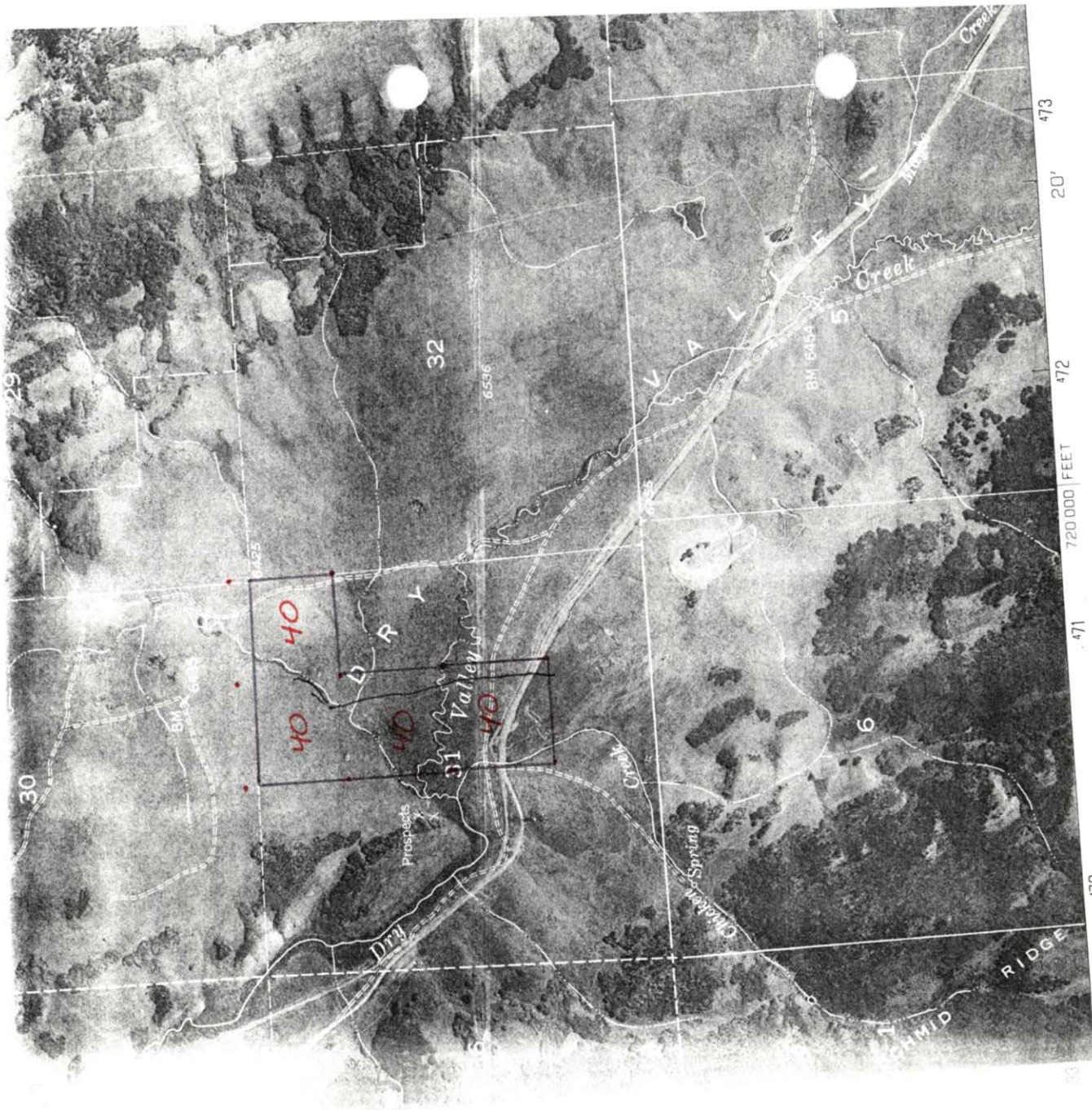
of Jan 19 90

John Sal Carter
Notary Public

Seal

Residing at Boise Id

My Commission Expires 6/3/94



Produced by the Geological Survey
in cooperation with the Forest Service

Aerial photograph prepared from 1:78 000-scale
aerial photographs taken September 1, 1976

Projection and 10,000-foot grid ticks: Idaho coordinate
system, east zone (transverse Mercator)

Projection and 10,000-foot grid ticks: Idaho coordinate
system, east zone (transverse Mercator)

MICROFILMED
NOV 12 1992

Notes

10-3-03 Received letter from Clement re current usage. BT

10-14-03 Correct address for Astaris is:
Astaris Production LLC
622 Emerson Suite 500
St. Louis, MO 63141

Notes

8/20/03 When did POD change?

8-25-03 Wrote letter re POD BP

5:03pm 9/15/03 Stephanie: Monty Johnson X263 left message!

9/16/03 11:05 Am. Monty - original did w/R's.
Hand

allan Skinner = X301 (litter probably went to)
allan Hanslem - Rasmussen ridge. 574-2420

Dry Valley - some of the w/R's were from
Holmgren & Fred Anderson.
Dec. 1998 (cords purchased)

Fred Anderson ^{was the} pasture for cattle, creek water to water.
stock.

= Scott Spreg 574-2420 Remediation
manager. (Silvium issues) This land is not in
CRP. = No irrigation

Monty will do some checking and call me
back. - Scott Spreg returned the call and he said
there is no irrigation and hasn't been as long as he knows.
~~He will send a letter to that for the file.~~

9/16/03 Recommending in-stream Stockwatering
only, irrigate has been abandoned/forfeited
Point of beginning on the QQ line between SENE & SWNE
and SWNE & SENE (exits)
Recommend both in the SWNE.

Owner Type	Full Name	Address	City	State	Zip	Phone
						547-4381

Current Owner Astaris Production, LLC 10300 Olive Blvd.
St. Louis, MO 63166 547-2700

Accompanied By: _____ Phone Number: _____

Date of Field Exam: _____ Time: _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date: _____

Priority Date Data Entry Form

Claim Number: A27-02053

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

license

Reviewer: CBDate: 8/20/03

- Should this water use have been included in a later court decree of the water rights from this source? Yes () No (☒)
If Yes, go to 2
If No, go to 4
- Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes () No ()
If Yes, go to 3a
If No, go to 4
- a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes () No ()
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes () No ()
If Yes, go to 11
If No, go to 4
- Is the basis of claim a decree or license? Yes (☒) No ()
If Yes, go to 5
If No, go to 7
- Does the decree or license have a Priority Date? Yes (☒) No ()
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
- Did the Claimant claim the decreed or licensed Priority Date? Yes (☒) No ()
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
- Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 10e
If No, go to 8
- Is the basis of claim a posted notice? Yes () No ()
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
- Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes () No ()
If Yes, go to 11
If No, go to 12
- 0e. Will the license be issued prior to filing the Director's Report? Yes () No ()
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to 15
1. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes () No ()
If Yes, go to 12
If No, disallow with condition P01.
2. Does the claim file contain sufficient evidence of Priority Date? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
3. Has additional evidence of priority date been submitted? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
4. Can any portion of the claim be recommended as a valid water right? Yes () No ()
If Yes, go to 15
If No, disallow with condition P01.
5. Is the basis of claim coded correctly? Yes (☒) No ()
If Yes, go to 16
If No, Enter the appropriate basis of claim. *verify license*
6. Is a Priority Date remark and/or condition required? Yes () No (☒)
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.

Point of Diversion and Source Data Entry Form

Claim Number: A27-02053

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T 73, R 44E, Sec. 31,____, SW, NE, County: BinghamSource: Dry Valley Ck Tributary: Blossfoot☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

In-stream stock

Transfers Changing POD _____

Reviewer: CBDate: 9/29/03

SESWNE
(Begin)
Ending
SWSWNE

Point of Diversion

Claim No. 27 - 2053

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes ☒ No ☐
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes ☐ No ☐
3. Has the License been issued?
If Yes, go to 5
If No, recommend the POD as shown on the Permit. Go to 10
Yes ☐ No ☐
4. Does the parent right have a POD?
If Yes, go to 5
If No, go to 6
Yes ☒ No ☐
5. Can the claimed POD be verified using the water right file?
If Yes, recommend the POD as shown in the water right file. Go to 10
If No, go to 6
Yes ☐ No ☒
6. Is there evidence that there has been a change in the POD?
If Yes, go to 7
If No, go to 9
Yes ☒ No ☒
7. Can the change be verified as an accomplished transfer?
If Yes, add condition C03, go to 9
If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8
Yes ☒ No ☐
8. Was a transfer filed?
If Yes, recommend the POD as shown on the approved transfer. Go to 10
If No, go to 9
Yes ☐ No ☐
9. Does the file contain all of the necessary information to verify the POD?
If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10
If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10
Yes ☒ No ☐
10. Is a POD remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. POD review is complete
If No, POD review is complete.
Yes ☐ No ☒

Source

Claim No. 27 - 2053

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the Source as shown on the Permit. Go to 11

Yes (☐) No (☐)

4. Does the parent right have a Source?

If Yes, go to 5

If No, go to 7

Yes (☒) No (☐)

5. Can the claimed Source be verified using the water right file?

If Yes, recommend the Source as shown in the water right file. Go to 11

If No, go to 7

Yes (☒) No (☐)

6. Is the basis of claim a Posted Notice?

If Yes, consult the attorney assigned to the basin. Go to 7

If No, go to 7

Yes (☐) No (☐)

7. Is there evidence that there has been a change in the Source?

If Yes, go to 8

If No, go to 10

Yes (☐) No (☐)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C02, go to 10

If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9

Yes (☐) No (☐)

9. Did the claimant file a transfer?

If Yes, recommend the Source as shown in the transfer. Go to 11

If No, go to 10

Yes (☐) No (☐)

10. Does the file contain all of the necessary information to verify the Source?

If Yes, recommend the Source as it existed on 11-19-1987. Go to 11

If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11

Yes (☐) No (☐)

11. Is a Source remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Source review is complete.

If No, Source review is complete.

Yes (☐) No (☒)

Purpose of Use Data Entry Form

Claim Number: A27-02053☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
stock				

Document how the Purpose of Use was verified:

license

Transfers Changing Purpose of Use noReviewer: CBDate: 8/20/03

Purpose of Use

Claim No. _____ - _____

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes ☒ No ☐
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes ☐ No ☐
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13
Yes ☐ No ☐
4. Does the parent right have a Purpose of Use?
If Yes, go to 5
If No, go to 6
Yes ☒ No ☐
5. Can the claimed Purpose of Use be verified using the water right file?
If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6
Yes ☒ No ☐
6. Is there evidence that there has been a change in the Purpose of Use?
If Yes, go to 7
If No, go to 11
Yes ☐ No ☐
7. Can the change be verified as an accomplished transfer?
If Yes, add condition C04, go to 11
If No, go to 8
Yes ☐ No ☐
8. Does the change include an enlargement of the Purpose of Use?
If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9
If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12
Yes ☐ No ☐
9. Was an enlargement claim filed?
If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10
Yes ☐ No ☐
10. Did the claimant file an enlargement claim?
If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13
Yes ☐ No ☐
11. Does the file contain all of the necessary information to verify the Water Use?
If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
Yes ☐ No ☐
12. Did the claimant file a transfer?
If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13
If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13
Yes ☐ No ☐
13. Is a Purpose of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.
Yes ☐ No ☒

Purpose of Use

Place Of Use Data Entry Form

Claim Number: A 27-0 2053☒ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

license adjust spatial dynamic slope to
match the license

recommending in-stream stock irrigation
was forfeited / abandoned 1976-2003

Transfers Changing POU noReviewer: CSDate: 8/20/03

Place of Use

Claim No. _____

1. Is the basis of claim a Decree or License?

If Yes, go to 2a

If No, go to 2b

Yes (☒) No (☐)

2a. Is a POU required?

If Yes, go to 5

If No, go to 14

Yes (☒) No (☒)

2b. Is a POU required?

If Yes, go to 3

If No, go to 14

Yes (☐) No (☐)

3. Is the basis of claim a Permit or Application?

If Yes, go to 4

If No, go to 7

Yes (☐) No (☐)

4. Has the License been issued?

If Yes, go to 6

If No, recommend the POU as shown on the Permit. Go to 14

Yes (☐) No (☐)

5. Does the parent right have a POU?

If Yes, go to 6

If No, go to 7

Yes (☒) No (☐)

6. Can the claimed POU be verified using the water right file?

If Yes, recommend the POU as shown in the water right file. Go to 14

If No, go to 7

Yes (☒) No (☐)

7. Is there evidence that there has been a change in the POU?

If Yes, go to 8

If No, go to 13

Yes (☐) No (☐)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C05, go to 13

If No, go to 9

Yes (☐) No (☐)

9. Does the change include an enlargement of the POU?

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10

If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

Yes (☐) No (☐)

10. Was an enlargement claim filed?

If Yes, go to 13

If No, notify claimant that an enlargement claim is necessary. Go to 11

Yes (☐) No (☐)

11. Did the claimant file an enlargement claim?

If Yes, go to 13

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

12. Was a transfer filed?

If Yes, recommend the POU as shown on the approved transfer. Go to 14

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

13. Does the file contain all of the necessary information to verify the POU?

If Yes, go to 14

If No, collect the necessary information. Conduct field exam if necessary. Go to 14

Yes (☐) No (☐)

14. Is a POU remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POU review is complete.

If No, POU review is complete.

Yes (☐) No (☒)

Place of Use

Period of Use and Quantity Data Entry Form

Claim Number: A27-02053
☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
~~Irrigation~~	~~4/15~~	~~10/31~~	~~3.20~~	
stock	6/15	10/15	0.02	

Overall Diversion Rate 3.20 0.02 Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

license. original license was for Irrigation
and domestic, domestic is 0.04 cfs changed
stock to water the license (recommended 0.02 cfs -
continuous flow)
N08 Qty remark limit to 13,000 gpd

Reviewer: CBDate: 8/20/03

Period of Use

Claim No. _____ - _____

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes ☒ No ☐
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes ☐ No ☐
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18
Yes ☐ No ☐
4. Does the parent right have a Period of Use?
If Yes, go to 5
If No, go to 6
Yes ☒ No ☐
5. Can the claimed Period of Use be verified using the water right file?
If Yes, go to 14
If No, go to 6
Yes ☒ No ☒
6. Is there evidence that there has been a change in the Period of Use?
If Yes, go to 7
If No, go to 12
Yes ☐ No ☐
7. Does the change include an enlargement in the Period of Use?
If Yes, go to 9
If No, go to 8
Yes ☐ No ☒
8. Can the change be recommended as an accomplished transfer?
If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11
Yes ☒ No ☐
9. Was an enlargement claim filed?
If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10
Yes ☐ No ☐
10. Did the claimant file an enlargement claim?
If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
Yes ☐ No ☐
11. Was a transfer filed?
If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
Yes ☐ No ☐
12. Does the file contain all of the necessary information to verify the Period of Use?
If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13
Yes ☒ No ☐
13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?
If Yes, go to 14
If No, go to 15
Yes ☒ No ☐
14. Is irrigation claimed as a purpose of use?
If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18
Yes ☒ No ☒
15. Is irrigation claimed as a purpose of use?
If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18
Yes ☐ No ☐
16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18
Yes ☐ No ☒
17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?
If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18
Yes ☐ No ☐
18. Is a Period of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.
Yes ☐ No ☒

Quantity

Claim No. 27 - 2053

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes ☒ No ☐
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes ☐ No ☐
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11
Yes ☐ No ☐
4. Does the parent right have a diversion rate and/or volume?
If Yes, go to 5
If No, go to 7
Yes ☒ No ☐
5. Can the claimed diversion rate and/or volume be verified using the water right file?
If Yes, go to 8
If No, go to 7
Yes ☒ No ☐
6. Is the basis of claim a posted notice?
If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7
Yes ☐ No ☐
7. Is a flow measurement required?
If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9
If No, describe why a flow measurement is not required. Go to 9
Yes ☐ No ☐
8. Does the parent right have an annual diversion volume limit?
If Yes, go to 10
If No, go to 9
Yes ☐ No ☒
9. Is the source Ground Water and does the purpose of use require a diversion volume limit?
If Yes, go to 10
If No, go to 11
Yes ☐ No ☒
10. Is irrigation a purpose of use?
If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
Yes ☐ No ☐
11. Has a diversion volume limit for this water use been established by a decree, license or transfer?
If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, go to 12
Yes ☐ No ☒
12. Is a Quantity remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.
Yes ☐ No ☒

Claim No. 27 - 2053

Summary

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?
If Yes, go to 2
If No, go to 3
Yes (☒) No (☐)
2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4
If No, status will be set as Active. Go to 5
Yes (☒) No (☒)
3. Is the water being used for all of the purposes claimed and to the extent claimed?
If Yes, status will be set as Active. Go to 5
If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4
Yes (☐) No (☐)
4. Is any portion of the claim being recommended?
If Yes, status will be set as Active. Go to 5
If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5
Yes (☒) No (☐)
5. Is an additional remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Go to 6
If No, go to 6
Yes (☒) No (☐)
6. Would you like to view the recommended right?
If Yes, go to 7
If No, the review is incomplete. The recommendation must be viewed to complete the review.
Yes (☒) No (☐)
7. Is this a "split" or "combined" right?
If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 8
If No, go to 8
Yes (☐) No (☒)
8. Do you have documents you would like to attach or link to the file?
If Yes, go to PowerDOCS and profile the documents. Go to 9
If No, go to 9
Yes (☒) No (☐)
9. Would you like to set the verification date?
If Yes, the review is complete.
If No, the review is incomplete. The recommendation must be verified to complete the review.
Yes (☒) No (☐)

Summary

Summary Data Entry Form

Claim No.: _____

Remarks and Conditions (Include Type, Category and Code if applicable):

C18 Gen Cond

N28 Gen Cond

N13 Qty Cond

C10 gen Cond

Split or Combined Right Analysis:

None

Attached Field Notes or Other Documents:

desk top review

Claim No.:

Reviewer

CB

Date

8/20/03

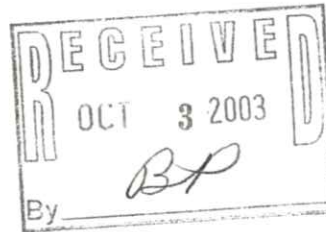


Agrium U.S. Inc.
Environment, Health and Safety
P.O. Box 284
Soda Springs, Idaho
83276

Scott B. Sprague, P.E.
Remediation Project Manager

September 29, 2003

Cindy E. Bird
Adjudication Agent
State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, ID 83276



Re: Snake River Basin Adjudication
Notice of Claim No. 27-2050
Notice of Claim No. 27-2053

Dear Ms. Bird:

This letter is a follow up to our discussion regarding the two referenced claims. As we discussed the water in Dry Valley Creek is used for stock watering. There is no evidence that this water was used to irrigate the pastures except the areas near the creek where flooding could occur and irrigation could occur near the banks. We will continue to lease this land for use by cattle ranchers and request that this water right be protected.

If you have any questions regarding this information, please contact me. I can be reached at 208-547-3210 or on my cell phone (303-883-1184).

Sincerely,
AGRIUM U.S. INC.

Scott B. Sprague, P.E.
Remediation Project Manager

SBS:sbs

cc: Matt Smith



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

25 August 2003

NuWest Industries, Inc.
DBA Agrium Conda Phosphate
3010 Conda Road
Soda Springs, ID 83276

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim No. 27-2053
Subject: Changes in the POD
Response Date: September 29, 2003

Dear Claimant(s):

Our office is reviewing your above referenced Notice of Claim and need some additional information to recommend your claim to the SRBA Court.

A water right owner who has made changes in the Point of Diversion (POD) of a water right prior to the commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of those requirements is that the change not result in injury to another water user.

The licensed POD is SWNW Section 29, T7S, R44E and the SWNE Section 5, T8S, R443. The claimed POD is SWNWSW Section 32, T7S, R44E.

Before we can recommend your claims, you must provide us with the date the change was made and some evidence tending to support the change. If the changes occurred prior to November 19, 1987, then the date must include the month, day and year the change occurred. If the change occurred after November 19, 1987, then no date or evidence is required and the claim will be recommended as it was prior to November 19, 1987.

Your response must be received by this office by the response date shown above. If no response is received then your claim not be recommended to be decreed.

If you have any questions please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Agent

Enclosures

Cc: Astaris Production LLC
10300 Olive Road
St. Louis, MO 63166

INTER-DEPARTMENT MEMO

TO: Barkner

SUBJECT: POD Change

FROM: Cindy

DATE: 8/20/03

Please send Northwest Ind. Inc DBA ~~Canada~~ Aquarium
Canada Phosphate 3010 Canada Rd. Soda Spring, IL
& Asteris Production LLC 10300 Olive Rd.
St. Louis, MO 63166 a letter requesting
evidence when the POD was changed.

Evidence of investigation; according to Scott Spurg
Monty Johnson from Aquarium there has
been no investigation for many years.

() For your information

signature Cindy

☒ Response required



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

25 August 2003

NuWest Industries, Inc.
DBA Agrium Conda Phosphate
3010 Conda Road
Soda Springs, ID 83276

allan skinner

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim No. 27-2053
Subject: Changes in the POD
Response Date: September 29, 2003

Dear Claimant(s):

Our office is reviewing your above referenced Notice of Claim and need some additional information to recommend your claim to the SRBA Court.

A water right owner who has made changes in the Point of Diversion (POD) of a water right prior to the commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of those requirements is that the change not result in injury to another water user.

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Respectfully,

Cindy E. Bird

Cindy E. Bird
Adjudication Agent

Enclosures

Cc: Astaris Production LLC
10300 Olive Road
St. Louis, MO 63166

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

04/28/2003

WATER RIGHT NO. 27-2053

Owner Type	Name and Address
Current Owner	GEORGANA R STOCKING SODA SPRINGS, ID 83276

Priority Date: 09/04/1922
Basis: License
Status: Active

Source	Tributary
DRY VALLEY CREEK	BLACKFOOT RIVER
UNNAMED STREAM	BLACKFOOT RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	/	/	3.2 CFS	
DOMESTIC	/	/		
Total Diversion			3.2 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM	SWNW	Sec. 29	Township 07S	Range 44E	CARIBOU County
DRY VALLEY CREEK	SWNE	Sec. 05	Township 08S	Range 44E	CARIBOU County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	44E	31		NENE	40		NWNE	40		SWNE	40
				NWSE	40						

Place of Use Legal Description:DOMESTIC same as IRRIGATION

Total Acres: 160

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 27 .

Remarks:

1. General DRY VALLEY CK. KNOWN LOCALLY AS MABEY CK. SOURCES ARE DRY VALLEY CK. & UNNAMED STREAM.

Dates:

Licensed Date: 08/01/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 27

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

SCANNED

JUL 10 2001

Log for claim 27-02053

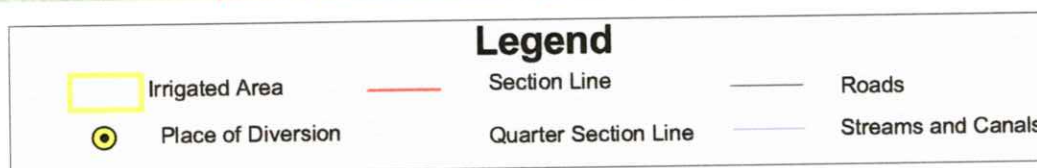
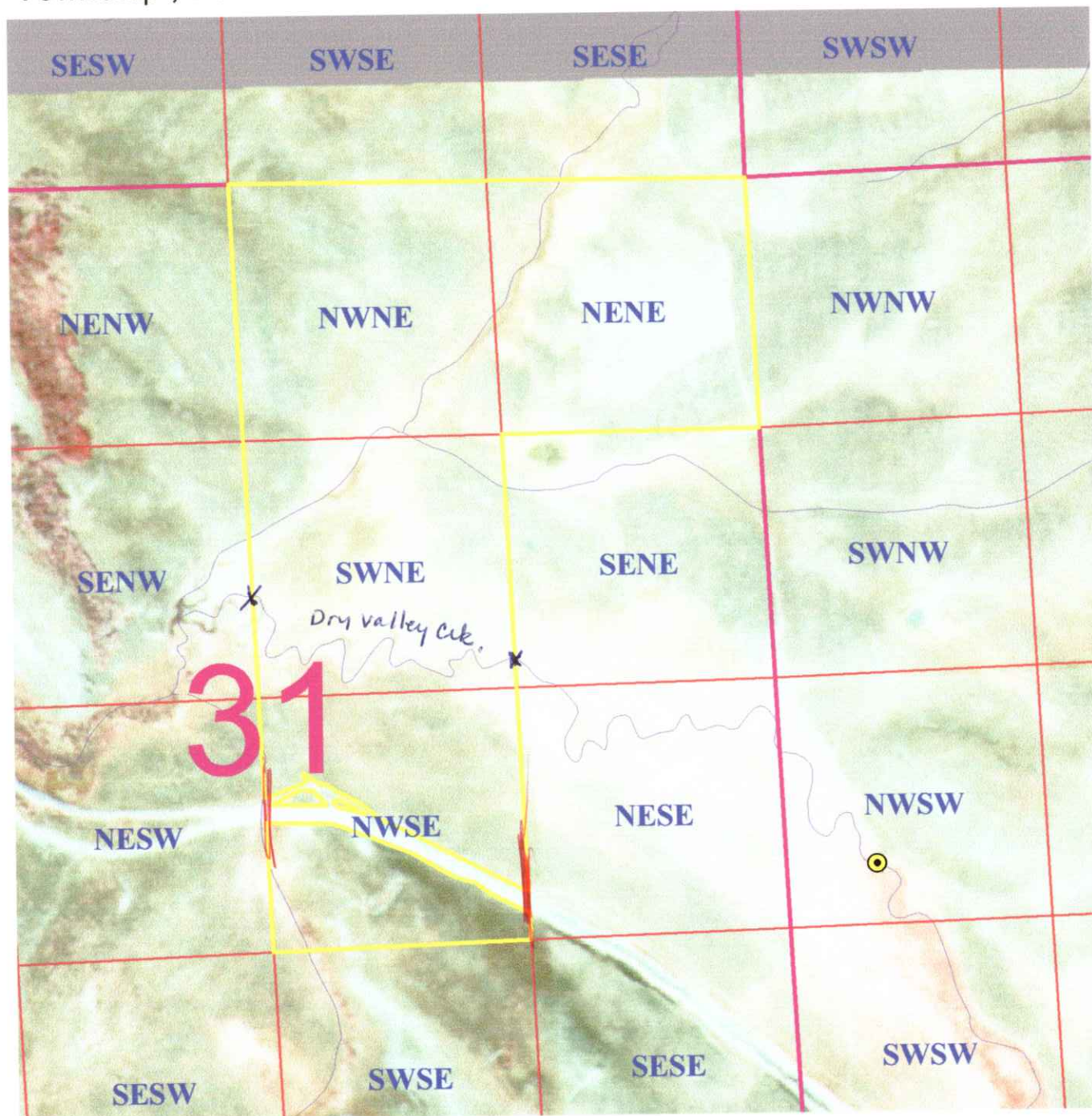
Spatial Dynamics LTD

12/1/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s44e	31	NENE	40	38	
07s44e	31	NWNE	40	38	
07s44e	31	SWNE	40	38	
07s44e	31	NWSE	40	34	
Totals:			160	148	

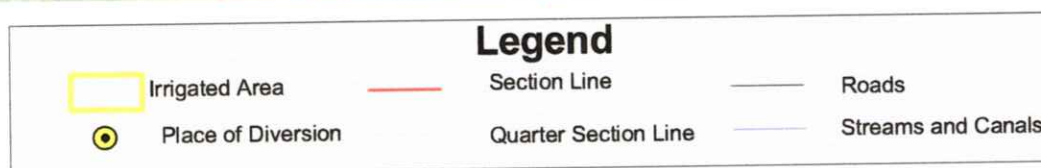
Water Right Claim Number 27-02053
Township , 7S44E

12/01/2000



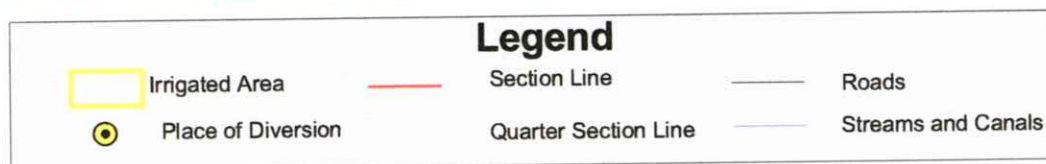
Water Right Claim Number 27-02053
Township , 7S44E

12/01/2000



Water Right Claim Number 27-02053
Township , 7S44E

12/01/2000



500 0 500 1000 Feet



AJ5809NP
No. A27-02053

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/00
PAGE: 58

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NUWEST INDUSTRIES, INC., DBA AGRUM CONDA PHOSPHATE 3010 CONDA RD SODA SPRINGS ID 83276 (208) 547-4381	09/04/1922	IRRIGATION STOCKWATER	04-01 11-01 05-15 11-15	3.200 CFS 0.190 CFS	
TOTAL DIVERSION:					3.200 CFS	
CONSUMPTIVE USE:						400.00 AFA

C ASTARIS PRODUCTION LLC
10300 OLIVE BLVD
ST LOUIS MO 63166
(208) 547-2700

Water Source: DRY VALLEY CREEK

Tributary to: BLACKFOOT RIVER

Stage: LICENSE

Point(s) of Diversion: T07S R44E S32

SWNWSW

CARIBOU County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENE		NESE		NWSE		SWSE		SESE			
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
---	---	---	:	---	---	---	---	---	:	---	---	---	---	---	:	---	---	:	---	---	---	---	:	---	---
07S	44E	31	:	40	40	40	:		:						:		:		40			:	160.0		
TOTAL ACRES																							160.0		

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CARIBOU

Non-Irrigation Uses: S/ 400 HD. RANGE PAIR

Other Rights: NONE

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 27.

Remarks: GEN DRY VALLEY CK. KNOWN LOCALLY AS MABEY CK.
SOURCES ARE DRY VALLEY CK. & UNNAMED STREAM.

*** CHANGE OF OWNERSHIP FILED 3/15/99 BY FMC CORPORATION.

PURSUANT TO DEED FILED IN CARIBOU COUNTY ON 12/2/98, FMC
CORPORATION PURCHASED AN UNDIVIDED 23% INTEREST IN THIS
WATER RIGHT. ESV 3/25/99

*** CHANGE OF OWNERSHIP FILED 3-29-99 BY NUWEST INDUSTRIES, IND.,
DBA AGRUM CONDA PHOSPHATE OPERATIONS PUSUANT TO DEED FILED
IN CARIBOU COUNTY ON 12-3-98. NUWEST PURCHASED AN
UNDIVIDED 77% INTEREST IN THIS WATER RIGHT. ESV 4/5/99.

*** ENTIRE RIGHT IS CLAIMED

*** CHANGED OWNERSHIP PER REQUEST/JC/5-11-00

AJ5809NP
No. A27-02053

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/00
PAGE: 59

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 27	Field Inspection Flag:	Presumption Flag:

DIVERSION

400.00 AFA

Stage: LICENSE

CAPITOLI County

21

0.00-0.50

Other Rights: NONE

- Watermaster of State Water District No. 27

*** CHANGED OWNERSHIP PER REQUEST/JC/5-11-00

AJ0749NP
No. A27-02053

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

DATE: 05/12/00
PAGE: 2

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 27

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. A27-02053

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		DIVERSION RATE	DIVERSION VOLUME
				FROM	TO		
C	FMC CORPORATION PO BOX 4111 POCATELLO ID 83205 (208) 236-8200	09/04/1922	IRRIGATION STOCKWATER	04-01 05-15	11-01 11-15	3.200 CFS 0.190 CFS	
TOTAL DIVERSION:						3.200 CFS	
CONSUMPTIVE USE:							400.00 AFA

C NUWEST INDUSTRIES, INC.,
DBA AGRILUM CONDA PHOSPHATE
3010 CONDA RD
SODA SPRINGS ID 83276
(208) 547-4381

C ASTARIS PRODUCTION LLC
10300 OLIVE BLVD
ST LOUIS MO 63166
(208) 547-2700

Water Source: DRY VALLEY CREEK

Tributary to: BLACKFOOT RIVER

Stage: LICENSE

Point(s) of Diversion:

TOTS R44E S32

SNMNSW

CARIBOU County

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE		
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	44E	31	:	40	:	40	:	40	:	40
		NENE		NENE		NENE		NENE		
		: Lt		: Lt		: Lt		: Lt		
		: 40		: 40		: 40		: 40		
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AJ0749NP
No. A27-02053

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

DATE: 05/02/00
PAGE: 2

Remarks:

DBA AGRILUM CONDA PHOSPHATE OPERATIONS PUSUANT TO DEED FILED
IN CARIBOU COUNTY ON 12-3-98. NUWEST PURCHASED AN
UNDIVIDED 77% INTEREST IN THIS WATER RIGHT. ESV 4/5/99.
*** ENTIRE RIGHT IS CLAIMED

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 27

Field Inspection Flag:
Presumption Flag:

DIVERSION
VOLUME

400.00 AFA

Stage: LICENSE

CARIBOU County

27

TOTAL ACRES	160.0
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*** CHANGE OF OWNERSHIP FILED 3-29-99 BY NUMEST INDUSTRIES, INC., DBA AGRILUM CONDA PHOSPHATE OPERATIONS PUSLANT TO DEED FILED IN CARIBOU COUNTY ON 12-3-98. NUMEST PURCHASED AN UNDIVIDED 77% INTEREST IN THIS WATER RIGHT. ESV 4/5/99. *** ENTIRE RIGHT IS CLAIMED

AJ5809NP
No. A27-02053

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/06/99
PAGE: 4

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 27	Field Inspection Flag:	
		Presumption Flag:	

=====

DATE: 03/26/99
PAGE: 1

DIVERSION
VOLUME

400.00 AFA

CARIBOU County

60.0

Field Inspection Flag:
Presumption Flag:

State of Idaho License and Certificate of Water Right

Water License No. 11536
Water District No. 44

Amount 3.2 sec.ft.
Priority 9-4-1922

THIS IS TO CERTIFY that Georgana R. Stocking, of Soda Springs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 10, 1915; that Permit No. 11536 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.2 second feet, was issued thereunder on October 26, 1918, showing that said works were completed on the 24th day of August, 1918; and that on the 6th day of November, 1926,

Georgana R. Stocking,

of Soda Springs, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Dry Valley, or Mabey Creek, and an unnamed stream, a tributary of no stream, for the purpose of irrigation and domestic use, under Use Permit No. 11536 of the State Engineer,

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 Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3423, on the 14th day of March, 1927;

The right hereby confirmed dates from September 4, 1922;

are
The Point of Diversion is located in SW 1/4 NW 1/4, Sec. 29, Twp. 7 S., R. 44 E.B.M., and in the SW 1/4 NE 1/4, Sec. 5, Tp. 8 S., R. 44 E., B.M. Caribou County.

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 3.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	44 E.	31	NW 1/4 SE 1/4	40	40
			NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40

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 Commissioner of Reclamation, affixed at Boise, Idaho, this 14th day of March, 1927.

GEO. N. CARTER

Commissioner of Reclamation

(SEAL)

By MYRON SWENDSEN, Assistant.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

1. Name of applicant: Georgana R. Stocking,

Postoffice address: Soda Springs

County Bannock

State: Idaho.

I. If applicant is a corporation, give

- (a) Date and place of incorporation:
- (b) The amount of capital stock:
- (c) The amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

(Point No. 1, 2 Cubic Ft. - Unnamed stream)

2. The quantity of water claimed is 6.4 (Point No. 2, 4.4 " " cubic feet per second.
(Dry Creek)

3. Source of water supply: Dry Valley, or Mabey Creek and unnamed stream.

4. Location of point of diversion: (No. 1. SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 7 S., R. 44 E.B.M.
(No. 2. SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, T. 8 S., R. 44 E.B.M.

County of Bannock.

5. To be used for: irrigation and domestic purposes.

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: 320 acres.
(b) In the following legal subdivision NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
Sec. 31, Township 7 South, Range 44 E.B.M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

(c) Is water to be returned to any stream?
point of return:

(d) If so, name stream and locate

6. Estimated cost of works: \$300.00

7. Description of works for diversion:

I. Kind of works: ditches

II. Dimensions of works:

(a) Height of dam feet, length of dam at top feet,

length of dam at bottom feet. Material used in construction:

(b) Capacity of reservoir acres feet. (c) Size of headgate, width feet,

Height feet. (d) Conduit ditches width at bottom 3 feet,

width at water line 4 feet, depth of water 1 feet; diameter of pipe

inches; average grade per mile is 7 feet. Length of conduit is (No. 1 $\frac{1}{2}$ mile
and it crosses the following quarter sections: /1 $\frac{1}{2}$

No. 1, SW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 29, SE $\frac{1}{4}$, Sec. 30, T. 7 S., No. 2, NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 5,
Township 8 South, SW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 32, NE $\frac{1}{4}$, Sec. 31, Township 7 South, Range 44 E.
B.M.

8. The time required for the completion of the construction of such work is 3 years.

9. Time required for the complete application of the water to the proposed use is 1
additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the
public waters of the State of Idaho as herein set forth.

Georgana R. Stocking
Applicant.

By Lorenzo R. Thomas. Agent.

Date of first receipt at office of State Engineer 9:00 A.M. June 30, 1915.

Returned to applicant for correction July 13, 1915.

Corrected application received Aug. 12, 1915.

APPROVAL OF STATE ENGINEER

The number of this permit is 11536
 Recorded in Book 39 Page 11536 Approved August 25, 1915.
 This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of _____ to be filed on or before _____
 Work to begin on or before October 24, 1915 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before February 25, 1917.
 The whole of said work to be completed on or before August 25, 1918

Beneficial use of water appropriated in accordance herewith, to be made on or before August 25, 1919.

Witness my hand this 25th day of August, 1915.

J. H. Smith, State Engineer.

Remarks:

Both points of diversion are on vacant, unoccupied Government land.
 The length of the ditches stated above is to the land and not necessarily the entire length of ditches to and upon the tract.

Proof of Completion of Works made August 24, 1918.
 Certificate of Completion of Works issued October 26, 1918.

PERMIT NO. 11536.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Georgana R. Stocking of Soda Springs, County of Bannock, and State of Idaho, the holder of Permit No. 11536, issued upon Application No. 16604, bearing date of priority of June 30, 1915, authorizing the diversion of 2.0 second feet of the waters of an unnamed stream and 4.4 second feet from Dry Valley, or Mabey Creek, County of Bannock, State of Idaho, for irrigation and domestic 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 3.2 second feet of the waters of said unnamed stream and Dry Valley or Mabey Creek; that the points of diversion of said waters are as follows: from unnamed stream in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T. 7 S., R. 44 E., B. M.; from Dry Valley, or Mabey Creek, in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T. 8 S., R. 44 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit; NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ & W $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, T. 7 S., R. 44 E., B. M.

Witness my hand this 26th day of October, A. D. 1918.

FRED A. WILKIE,
 State Engineer of the
 State of Idaho.

License issued for 3.2
 3423

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 11536This proof is for BEN. USEIn Water District No. 341. Name of applicant: Georgana R. Stocking2. Source of water supply: Unnamed Stream and Mabey Creek

3. Location of point of diversion: Is in the SW 1/4 NW 1/4 of Section 28
SW 1/4 NE 1/4
 T. 7 S R. 44 E
 T. 8 S R. 44 E County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same:

Ditches apparently were made about 8 ft wide, capacity est 100" flow
furrows carry water to land. Small earth dams direct water into ditches

5. Water is used for: Irrigation and domestic use6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NW 1/4 SE 1/4 Sec. 31; NE 1/4 NE 1/4 and W 1/4 NE 1/4 Sec. 31, Twp. 7 S., R. 44 E., B.M.

cannot give exact acreage, estimated on map

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Blackfoot River

Remarks: Land high, elevation about 6000 ft, mostly native meadow
sunk sage, utilized for pasture only, stock.

No one on place, apparently used in summer months only.

see also permit # 11405 as same system covers place

high water right only

This examination was made on the 15th day of Oct. 1925

11536

(Signed)

R. L. Tuttle

Examiner.

Georgana R. Stocking
Soda Springs

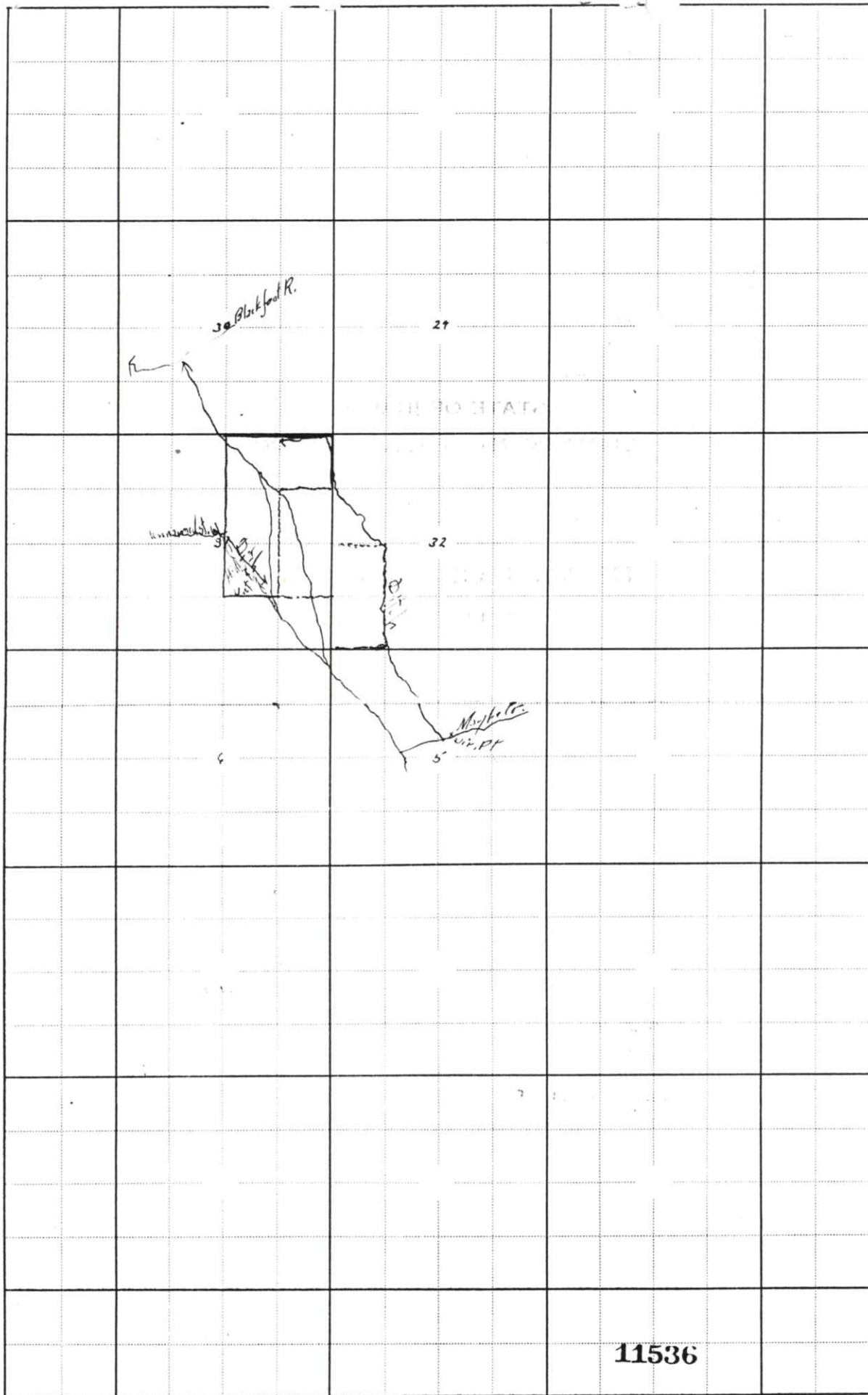
Permit No. 11536

Examination for BEN. USE

County CARIBOU

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion, and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make a plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.





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 12, 2000

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

RE: OWNERSHIP CHANGE FOR FMC-ASTARIS

Dear Ms. Jones:

Our office received your letter of May 8, 2000 and have done the following:

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

Claim A29-02255C has been processed and is in the name of Astaris Production LLC. A copy is enclosed for your files.

Your letter has been forwarded to our state office in Boise for 27-02162, 27-04063, 27-07057 and 27-07058. Please contact the Allocations Bureau of IDWR at (208)

327-7900 regarding these rights.

Sincerely,


Jennifer Crabtree
Technical Records Specialist

Enclosures

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

DELOB DC 5/10/00

RECEIVED

MAY 10 2000

Department of Water Resources
Eastern Region

HOLLAND & HART LLP
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE
CHEYENNE • JACKSON HOLE
SALT LAKE CITY

SUITE 1400
101 SOUTH CAPITOL BOULEVARD
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

LINDA B. JONES
ljones@hollandhart.com

May 8, 2000

Dave Carlson
Jennifer Crabtree
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: FMC/Astaris Water Rights Change in Ownership

Dear Dave and Jennifer:

Your letter dated May 2, 2000, indicating the changes in ownership made to the Department's records, does not reflect accurately the change in ownership reported by the Notice of Change in Ownership submitted by Astaris Production LLC. The following paragraphs describe how the water rights ownership should be reflected in the Department's and SRBA's files:

1. A27-02050 and A27-02053. You indicate that these are owned by FMC, NuWest DBA Agrium, and Astaris Production LLC. This is not correct. In 1998, FMC and NuWest purchased undivided interests in the Holmgren Anderson ranch and these water rights. FMC owned an undivided 23% interest in these rights, and Agrium owns the other 77%. A Notice of Change in Ownership was filed at that time, and we received confirmation from the Department of ownership in these percentages. Astaris Production LLC has now acquired all of FMC's interest in these water rights (i.e., FMC's undivided 23% interest) and the underlying property. Accordingly, as reflected in the Notice filed with you on April 21, 2000, and in the Special Warranty Deed submitted with the Notice, **these two water rights are owned 77% by Agrium and 23% by Astaris Production LLC.** FMC has no further interest in these water rights. Please correct your records to accurately reflect the parties' recent transaction.

2. Similarly, 27-02162 was owned 50% by FMC and 50% by Agrium. Astaris Production now has purchased FMC's 50% undivided interest. Accordingly, **this water right is now owned 50% by Agrium and 50% by Astaris Production LLC.** FMC has no further ownership interest in this water right. Please correct your records (and the records in the SRBA court and Boise office) to accurately reflect the parties' recent transaction.

Dave Carlson
Jennifer Crabtree
May 8, 2000
Page 2

3. FMC owned, and Astaris Production now owns, 100% of water right A29-02255C. Please correct your records to reflect **ownership 100% by Astaris Production LLC**. ✓

4. FMC owned, and Astaris Production now owns, 100% of 27-04063 (partially decreed) and 27-07057 and 27-07058 (licensed). You indicated that you had sent the Notice to Boise for processing. Please forward a copy of this letter to the appropriate person in Boise, so that the records for these water rights/licenses accurately reflect 100% ownership in Astaris Production LLC.

The changes made to the other four water rights, from FMC to Astaris Idaho LLC, are correct and we will add your new profiles in our files.

Please give me a call if you require further clarification.

Sincerely,

HOLLAND & HART LLP



Linda B. Jones

LBJ:cd
Enclosures
cc: Miguel Ugarte
Patrick Hyland
Gary Resh
Rob Hartman
(w/encls.)
2659386_1.DOC



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

DELOG DC
4/22/00

HOLLAND & HART^{LLP}
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE
CHEYENNE • JACKSON HOLE
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MAILING ADDRESS
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BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

LINDA B. JONES
ljones@hollandhart.com

April 18, 2000

Ms. Jennifer Crabtree
Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

Re: Change in Ownership of Water Rights

Dear Ms. Crabtree:

Enclosed on behalf of Astaris Production LLC and Astaris Idaho LLC are executed Notices of Change in Water Right Ownership forms and copies of the recorded Special Warranty Deeds conveying title to the respective companies. These transfers are part of a joint venture between FMC Corporation and Solutia, Inc., pursuant to which FMC has transferred its phosphate production assets in Southeastern Idaho to the two Astaris companies. Astaris Production LLC now owns FMC's Dry Valley Mine and Silica Mine properties, and Astaris Idaho LLC now owns FMC's Pocatello phosphate processing plant.

The Pocatello plant and Silica Mine properties are located in Power and Bannock Counties. The Silica Mine water right (A29-02255c) was recently transferred to the Silica Mine from property owned by FMC and located near the Pocatello Plant. We refer you to that recent file for more details and a map of the place of diversion and use of this water right. The Pocatello plant uses most of its water for industrial and not irrigation purposes. We attach a recent profile of these water rights. A recent survey of the Pocatello plant property is of record in Power and Bannock Counties (Instrument No. 20003575, Bannock County, and Instrument No. 174692 for Power County, seven sheets). We will send you copies of the surveys at your request.

We filed with the Department about a year ago a map of the Dry Valley Mine irrigated property (located in Caribou County) and points of diversion and use. This was in connection with the acquisition of certain property by FMC and Agrium from the Holmgren-Anderson partnership. The points of diversion and

Ms. Jennifer Crabtree
April 19, 2000
Page 2

use of those water rights remain the same. Water rights not used for irrigation or stockwater (Nos. 27-07057 and 27-07058) are used for mining purposes. A survey of the Dry Valley Mine property is of record in Caribou County (Instrument No. 161069 - 5 sheets). The map in your file showing the Holmgren/Anderson water rights provides more information about place of diversion and use of these water rights than would the survey. We will provide you with a copy of the survey at your request. We attach copies of recent profiles of these water rights.

Please let me know if you require further information in order to transfer these water rights of record with the Department and the SRBA Court.

Sincerely,

HOLLAND & HART LLP



Linda B. Jones

LBJ:cd
Enclosures

cc: Gary Resh
Rob Hartman
Cedric Jones
Mike Ugarte
Steve Drapekin
Marissa Byram
Julie Stenger
(all w/encls.)

2652569_1.DOC

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

DC 5/2000
RECEIVED
APR 21 2000
Department of Water Resources
Eastern Region

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

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

1. Water Right No(s): 27-04063, 27-07057, 27-07058, undivided 23% interest in 27-02050 and 27-02053, undivided 50% interest in 27-02162, and 29-02255c
Adjudication Claim No(s): A27-04063, A27-07057, A27-07058, A27-02050, A27-02053, A27-02162, A29-02255c
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 Production LLC
New Mailing Address 10300 Olive Blvd.
City, State and ZIP Code St. Louis, MO 63166
New Telephone Number (208) 547-2700 ext. 17 Gary Resh
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 PRODUCTION 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 161183

APR 21 2000

Department of Water Resources
Eastern Region

THIS INSTRUMENT FILED FOR RECORD
BY ALLIANCE TITLE & ESCROW CORP. AS AN
ACCOMMODATION ONLY. IT HAS NOT BEEN
EXAMINED AS TO ITS EXECUTION OR AS TO
ITS EFFECT UPON THE TITLE.

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, **FMC Corporation**, a Delaware corporation, the Grantor, does hereby grant, bargain, sell and convey unto **Astaris Production 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 in Caribou 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, without limitation, all of water right numbers 27-04063, 27-07057 and 27-07058, an undivided 23% interest in water right numbers 27-02050 and 27-02053, and an undivided 50% interest in water right number 27-02162,

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; and

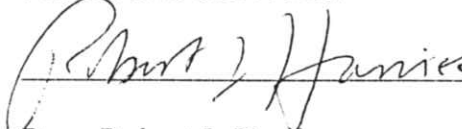
(iv) unpatented mining claims and reservations or exceptions in patents or in Acts authorizing the issuance thereof.

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.

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

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

STATE OF PENNSYLVANIA)

: ss.

County of Philadelphia)

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.



Notary Public

Residing at: _____

My Commission Expires: _____

2610623_4.DOC

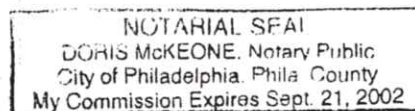


EXHIBIT A

RECEIVED

APR 21 2000

PARCEL 1

Department of Water Resources
Eastern Region

A parcel of land located in Sections 30, 31, & 32, Township 7 South, Range 44 East, Boise Meridian, Caribou County, Idaho and further described as follows:

Beginning at the Southwest corner of said Section 30 located North 00° 01' 12" East 2638.33 feet from the West quarter corner of said Section 31;
Thence North 00° 05' 11" West 1320.34 feet to the Northwest corner of Lot 4 of said Section 30;
Thence South 86° 58' 48" East 2532.39 feet to the Center South 1/16th corner of said Section 30;
Thence South 86° 58' 50" East 2603.42 feet to the South 1/16th corner on the East line of said Section 30;
Thence South 00° 03' 49" West 1326.52 feet to the Southeast corner of said Section 30;
Thence North 87° 34' 46" East 1314.07 feet to the West 1/16th corner on the North line of said Section 32;
Thence South 01° 43' 48" East 2524.61 feet to the Center West 1/16th corner of said Section 32;
Thence South 01° 43' 54" East 2523.34 feet to the West 1/16th corner on the South line of said Section 32;
Thence South 89° 48' 09" West 872.00 feet to a point on the Northeasterly right of way line of the Railroad, said point being North 89° 48' 09" East 446.49 feet from the Southwest corner of said Section 32;
Thence North 48° 45' 25" West 609.60 feet along said Northeasterly right of way line to a point on the West line of said Section 32;
Thence North 01° 41' 11" West 845.45 feet to the South 1/16th on the East line of said Section 31;
Thence North 89° 20' 53" West 1003.22 feet along the South line of the NE1/4 SE1/4 of said Section 31 to a point on said Northeasterly right of way line;
Following said right of way line the next 4 courses:
Thence Northwesterly along a spiral curve, (chord bears North 60° 05' 33" West 69.56 feet);
Thence North 60° 18' 55" West 973.17 feet to a point on a spiral curve;
Thence Northwesterly along said spiral curve to a point of curve, (chord bears North 61° 19' 10" West 151.29 feet);
Thence Northwesterly along said curve with a 1457.39 foot radius, through a central angle of 24° 35' 48", a distance of 625.65 feet to a point on the west line of the NW1/4 SE1/4 of said Section 31, (chord bears North 75° 36' 49" West 620.85 feet);
Thence North 00° 59' 36" West 3131.46 feet to the North quarter corner of said Section 31;
Thence North 86° 54' 34" West 2541.73 feet to True Point of Beginning.
Containing 516.8 acres.

STATE OF IDAHO } ss 161189
County of Caribou }

I hereby certify that this instrument was filed at the request of Alliance Title
at 11:05 o'clock A m this 13 day of
April, 2000 in my office and duly
recorded official Records

Recorder, Edie Izatt

Signature Sandra Handley

Deputy 2100

161189

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

PARCEL 2

A parcel of land located in Section 31, Township 7 South, Range 44 East, Boise Meridian, Caribou County, Idaho and further described as follows:

Beginning at the South quarter corner of said Section 31 located North 89° 28' 06" East 2644.02 feet from the Southwest corner of said Section;
Thence North 00° 59' 36" West 1287.24 feet to the center South 1/16th corner of said Section, the True Point of Beginning;
Thence North 00° 59' 36" West 604.89 feet to a point on the Southwesterly right of way line of the Railroad, said point being on a 1337.39 foot radius non-tangent curve concave to the Southwest whose center bears South 02° 21' 54" West;
Thence Southeasterly along said curve through a central angle of 24° 19' 11", a distance of 567.67 feet to a point of spiral curve, (chord bears South 75° 28' 31" East 563.42 feet);
Thence Southeasterly along said spiral curve, (chord bears South 61° 17' 53" East 145.01 feet);
Thence South 60° 18' 55" East 827.02 feet to a point on the South line of the N1/2 SE1/4;
Thence North 89° 20' 53" West 1380.69 feet to the True Point of Beginning.
Containing approximately 11.5 acres.

161189

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

PARCEL 3

A parcel of Land located in Sections 5, 6, 8, 9, 16 and 17 in Township 8 South, Range 44 East and Section 32, Township 7 South, Range 44 East, Caribou County, Idaho described as follows:

Beginning at the Northwest corner of said Section 6 located North 00° 03' 19" West 2643.23 feet from the West quarter corner of said Section 6;
Thence North 89° 28' 06" East 1647.15 feet to the Northwest corner of Lot 3 of said Section 6, the True Point of Beginning;
Thence North 89° 28' 06" East 996.87 feet to the South quarter corner of Section 31, Township 7 South, Range 44 East;
Thence North 89° 48' 49" East 2644.90 feet to the Southeast corner of said Section 31;
Thence North 01° 41' 11" West 239.70 feet along the West line of said Section 32 to a point on the Westerly right of way line of a Railroad;
Thence South 48° 45' 25" East 362.05 feet along said Westerly right of way line to the Northerly boundary line of said Section 6;
Thence South 48° 45' 25" East 461.27 feet along said Westerly right of way line;
Thence South 43° 35' 16" East 1478.23 feet to the Southeast corner of Lot 4 of said Section 5;
Thence South 00° 26' 12" West 1320.39 feet to the Center West 1/16th corner of said Section 5;
Thence South 44° 54' 58" East 1859.59 feet to the Center South 1/16th corner of said Section 5;
Thence South 26° 18' 00" East 1470.33 feet to the West East 1/64th corner on the South line of said Section 5;
Thence North 89° 44' 14" East 1980.93 feet to the Northeast corner of said Section 8;
Thence North 89° 50' 43" East 201.50 feet to a 5/8" rebar with cap set on the North line of said Section 9;
Thence South 08° 52' 14" East 1011.68 feet to a 5/8" rebar with cap;
Thence North 89° 50' 43" East 2290.00 feet to a point on the North - South Center line of said Section 9, said point being South 00° 01' 35" East 1000.00 feet from the North quarter corner of said Section 9;
Thence South 00° 01' 35" East 1643.57 feet to the Center of said Section 9;
Thence North 89° 49' 57" East 2109.83 feet to a 5/8" rebar with cap;
Thence South 26° 20' 30" East 860.26 feet to a 5/8" rebar with cap;
Thence South 89° 51' 30" West 95.81 feet to a 5/8" rebar with cap;
Thence South 00° 02' 14" East 550.79 feet to a 5/8" rebar with cap;
Thence North 89° 51' 30" East 55.00 feet to a 5/8" rebar with cap set a on 1358.81 foot radius non-tangent curve concave to the Northwest whose Center bears North 81° 12' 49" West;
Thence Southwesterly along said curve through a central angle of 06° 04' 19", a distance of 144.00 feet to the point of tangency, (chord bears South 11° 49' 20" West 143.93 feet);
Thence South 14° 51' 30" West 597.00 feet to a 5/8" rebar with cap set on a 1029.28 foot radius non-tangent curve whose Center bears South 84° 19' 48" East;
Thence Southeasterly along said curve through a central angle of 34° 56' 48" a distance of 627.79 feet to a point on the South line of said Section 9 that is South 89° 53' 03" West 252.00 feet from the Southeast corner of said Section 9, (chord bears South 11° 48' 12" East 618.11 feet);
Thence South 34° 19' 05" East 447.37 feet to a 5/8" rebar with cap on the East line of said Section 16 said point being South 00° 02' 02" East 370.00 feet from the Northeast corner of said Section 16;

Thence South 00° 02' 02" East 2267.13 feet to the East quarter corner of said Section 16;
Thence South 00° 02' 00" East 2640.74 feet to the Southeast corner of said Section 16;
Thence South 89° 47' 00" West 1321.77 feet to the East 1/16th corner of the South line of said Section 16;
Thence North 00° 02' 45" West 2642.10 feet to the Center East 1/16th corner of said Section 16;
Thence North 00° 02' 45" West 2638.05 feet to the East 1/16th corner on the North line of said Section 16;
Thence South 89° 53' 03" West 1322.87 feet to the South quarter corner of said Section 9;
Thence South 89° 53' 03" West 2640.56 feet to the Southwest corner of said Section 9;
Thence South 00° 07' 09" East 1320.40 feet to the North 1/16th corner on the East line of said Section 17;
Thence South 89° 47' 09" West 1320.81 feet to the Northeast 1/16th corner of said Section 17;
Thence North 00° 06' 07" West 1319.63 feet to the East 1/16th corner on the North line of said Section 17;
Thence South 89° 45' 09" West 1320.42 feet to the South quarter corner of said Section 8;
Thence North 00° 06' 04" West 2642.96 feet to the Center of said Section 8;
Thence North 00° 06' 04" West 1320.78 feet to the Center North 1/16th corner of said Section 8;
Thence South 89° 48' 23" West 1320.91 feet to the Northwest 1/16th corner of said Section 8;
Thence North 26° 38' 53" West 1475.78 feet to the West West 1/64th corner on the South line of said Section 5;
Thence South 89° 49' 11" West 660.16 feet to the Southwest corner of said Section 5;
Thence North 89° 51' 18" West 2640.76 feet to the South quarter corner of said Section 6;
Thence North 00° 22' 23" East 1322.93 feet to the Center South 1/16th corner of said Section 6;
Thence North 89° 48' 25" West 1322.04 feet to the Southeast corner of Lot 6 of said Section 6;
Thence North 00° 17' 48" East 1323.72 feet to the Southeast corner of Lot 5 of said Section 6;
Thence North 00° 26' 59" East 1319.07 feet to the Southwest corner of Lot 3 of said Section 6;
Thence North 00° 26' 59" East 1345.97 feet to the True Point of Beginning.
Containing 1,634.6 acres.

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

161189

PARCEL 4

Township 7 South, Range 43 East, Boise Meridian, Caribou County, Idaho
Section 19: W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

20005744

3-1

Power Bannock Counties - Wells Cargo Silica Mine

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, **FMC Corporation**, a Delaware corporation, the Grantor, does hereby grant, bargain, sell and convey unto **Astaris Production 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 number 29-02255c,

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; and

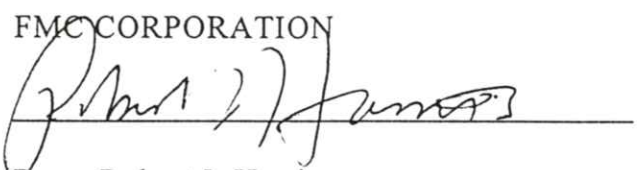
(iv) unpatented mining claims and reservations or exceptions in patents or in Acts authorizing the issuance thereof.

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.

3-2

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.

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

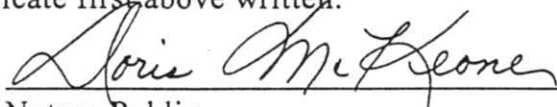
RECEIVED
APR 21 2000
Department of Water Resources
Eastern Region

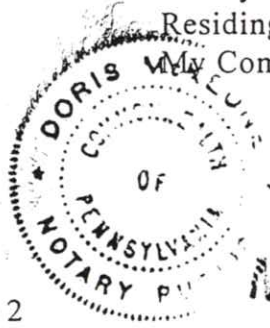
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STATE OF PENNSYLVANIA)
: ss.
County of Philadelphia)

On this 11th day of April, 2000 before me, , 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.


Notary Public
Residing at: _____
My Commission Expires: _____



NOTARIAL SEAL
DORIS McKEONE, Notary Public
City of Philadelphia, Phila. County
My Commission Expires Sept. 21, 2002

NOTARY SEAL

20005744

A parcel of land located in the SE ¼ of the SW ¼ of Section 6, and in Section 7, and in U.S. Government Lots 1, 2 and 3 in Section 18, all in T 7 S, R 34 E, Boise Meridian, Power County, Idaho; and also located in the West ½ of Section 8, T 7 S, R 34 E, Boise Meridian, Bannock County, Idaho; said parcel being more particularly described as follows:

Section 6 - SE¼ SW¼ and;

Section 7 - All of Section 7 and;

Section 8 - NW¼ SW¼ NW ¼, S½ S½ NW ¼, N½ SW¼, NW¼ SW¼ SW¼ and;

Section 18 - U.S. Government Lots 1, 2 and 3, All in T 7 S, R 34 E, Boise Meridian, Idaho.

Said parcel containing 919.14 Acres, more or less.

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

174945

INSTRUMENT #	
TIME	1:44 PM
REQ. OF	Alliance
APR 13 2000	
POWER COUNTY AMT FALLS	
CHRISTINE STEINBUCH	
BY	<i>[Signature]</i>
DEPUTY	pd #94

NO 20005744
RECORDED AT REQUEST OF
ALLIANCE TITLE & ESCROW
2000 APR 13 PM 12 04
OFFICIAL RECORD BOOK NO 757
BANNOCK COUNTY IDAHO
LARRY W GHAN RECORDER
FEE 900 DEPUTY \$



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

March 26, 1999

GARY RESH
FMC CORPORATION
PO BOX 4111
POCATELLO ID 83205

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A27-02050,
A27-02053

Dear Mr. Resh:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

cc: Fred Anderson
Clair L Holmgren

HOLLAND & HART LLP
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE
CHEYENNE • JACKSON HOLE
SALT LAKE CITY

SUITE 1400
101 SOUTH CAPITOL BOULEVARD
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

LINDA B. JONES
ljones@hollandhart.com

March 10, 1999

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

RECEIVED

MAR 29 1999

Department of Water Resources
Eastern Region

Attn: Adjudication

Re: Notice of Change in Water Rights Ownership

Dear Sirs:

Enclosed please find a Notice of Change of Water Rights Ownership signed by NuWest Industries, Inc., doing business as Agrium Conda Phosphate Operations, noticing the change in owner of the listed water rights. Also enclosed is a copy of the Deed by which NuWest/Agrium obtained title to the land and appurtenant water rights. Our Adjudication Source Summary printout indicates that these water rights are listed in the Adjudication under Clair Holmgren's name. The other undivided interest in the water rights is owned by FMC Corporation, and a Notice of Change in Ownership for that portion of the water rights was filed previously. FMC and Agrium have each purchased portions of the Holmgren-Anderson parcel shown in the enclosed map, with a proportionate undivided interest in the appurtenant water rights.

Please let me know if there is anything else required by us in order for you to process the change in ownership of record with the Department and with the SRBA Court. Following the change, please send to me a copy of your revised DWR and SRBA summary computer printouts or other documentation of the change in ownership.

Thank you for your attention to this Notice.

Sincerely,

HOLLAND & HART LLP

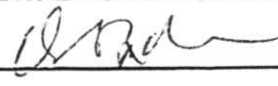

Linda B. Jones

LBJ:cd
Enclosures
Boise:0103144.01

STATE OF IDAHO
IDA. DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

DELOG EV
3-29-99
EG/oh

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

1. Water Right Number(s) 27-02050, 27-02053, 27-02162 *Blank Record*
Adjudication Claim Number(s) A27-02050, A27-02053, A27-02162
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 for parcel of ten acres or less. (These are usually on file with the county.)
OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Fred J. Anderson and Kathleen Ketterman-Anderson,
Clair L. Holmgren and Linda Holmgren, and Holmgren Enterprises, Inc.
4. New Owner/Claimant(s) NuWest Industries, Inc., doing business as
Agrium Conda Phosphate Operations
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
- New Mailing Address 3010 Conda Road
- City, State and ZIP Code Soda Springs, ID 83276
- New Telephone Number (208) 547 - 4381
5. Date you acquired the property 12/2/98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. *See Attached*
- Number of acres actually irrigated _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
- 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.
7. Signature of New Owner/Claimant(s)  Date 3/22/99
- _____ Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Appendix A

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and given this 2nd day of December, 1998 by FRED J. ANDERSON and KATHLEEN KETTERMAN-ANDERSON, husband and wife, FRED J. ANDERSON, AS SUCCESSOR TRUSTEE OF THE HARLAND ANDERSON FAMILY TRUST, dated May 21, 1975, amended November 26, 1982, sometimes referred to as "The Harland Anderson Family Trust A," all with a mailing address at 343 West 4125 North, Pleasant View, UT 84414, and CLAIR HOLMGREN and LINDA HOLMGREN, husband and wife, and HOLMGREN ENTERPRISES, LTD., a Utah limited partnership, all with a mailing address c/o Holmgren Enterprises, Ltd., 13675 West Highway 102, Penrose, UT 84337, (all collectively referred to herein as "Grantors") to NU-WEST INDUSTRIES, INC., a Delaware corporation, with a mailing address at 3010 Conda Road, Soda Springs, Idaho, 83276 ("Grantee").

Grantors, for good and valuable consideration, the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto the Grantee, and to its successors and assigns forever, the lands, water rights and other real property located in Caribou County, Idaho, and more particularly described in Exhibit A attached hereto, which is, by this reference, incorporated herein as if set forth in full, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining (the "Premises").

Grantors covenant and warrant that they have not conveyed the Premises to any other person and that the Premises are free and clear of liens, encumbrances, charges and assessments done, made or suffered by Grantors or by any person claiming by, through or under Grantors, and Grantors covenant to warrant and defend title to the Premises against persons claiming by, through, or under Grantors.

Grantors' conveyance of the Premises is subject to the easements, restrictions and exceptions described in Exhibit B attached hereto.

TO HAVE AND TO HOLD all and singular of the Premises, together with the appurtenances, unto the said Grantee and its successors and assigns forever.

158034

STATE OF IDAHO }
County of Caribou } ss

I hereby certify that this instrument was filed at the request of Caribou Title
at 4:30 o'clock P m this 3 day of
December, 1998 in my office and duly
recorded official Records _____

Recorder Edie Izatt

Signature _____

Deputy 3300

158034

IN WITNESS WHEREOF, the said Grantors have hereunto set their hand and seal the day and year first above written.

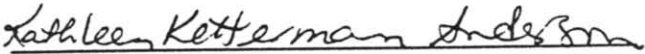
THE HARLAND ANDERSON
FAMILY TRUST, dated May 21, 1975,
amended November 26, 1982

By: 
Fred J. Anderson, As Successor Trustee

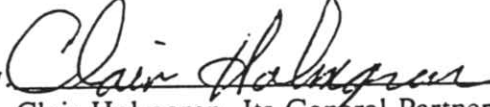
FRED J. ANDERSON



KATHLEEN KETTERMAN-ANDERSON



HOLMGREN ENTERPRISES, LTD., a Utah
limited partnership

By: 
Clair Holmgren, Its General Partner

CLAIR HOLMGREN



LINDA HOLMGREN

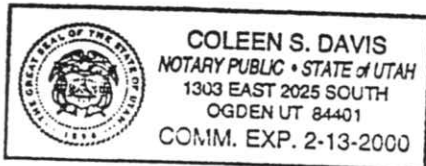


158034

STATE OF Utah)
COUNTY OF Wasatch) ss.

On this 2nd day of Dec, in the year 1998, before me,
Coleen S. Davis, a notary public, personally appeared FRED J. ANDERSON, known
or identified to me to be the SUCCESSOR TRUSTEE of THE HARLAND ANDERSON
FAMILY TRUST, and the person whose name is subscribed to the within instrument, and
acknowledged to me that he executed the same as such Successor Trustee.

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



Coleen S. Davis
Notary Public

Residing at Ogden, Ut

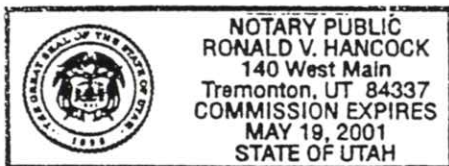
My Commission Expires 2-13-2000

STATE OF Utah)
) ss.
COUNTY OF Box Elder

158034

On this 2nd day of DECEMBER in the year 1998, before me,
RONALD V. HANCOCK, a notary public, personally appeared CLAIR HOLMGREN, known
or identified to me to be the general partner of HOLMGREN ENTERPRISES, LTD., a Utah
limited partnership, and the partner who subscribed said limited partnership name to the
foregoing instrument, and acknowledged to me that he executed the same in said limited
partnership name.

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



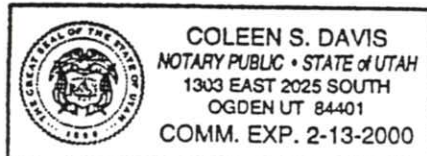
Ronald V. Hancock
Notary Public
Residing at _____

My Commission Expires _____

STATE OF Utah)
) ss.
COUNTY OF Wilkes

On this 2nd day of Dec., in the year 1998, before me, Coleen S. Davis
Katterman Anderson, a notary public, personally appeared KATHLEEN KETTERMAN-
ANDERSON, known or identified to me to be the person whose name is subscribed to the
within instrument, and acknowledged to me that she 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.



Coleen S. Davis
Notary Public
Residing at Ogden, UT

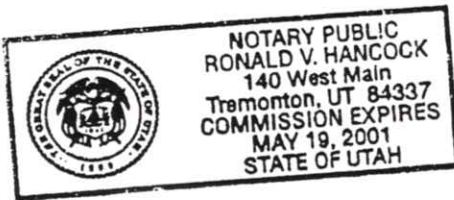
My Commission Expires 2-13-2000

158034

STATE OF UTAH)
) ss.
COUNTY OF BOX ELDER)

On this 2ND day of DECEMBER, in the year 1998, before me,
RONALD V. HANCOCK, a notary public, personally appeared CLAIR HOLMGREN, known
or identified to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that he 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.



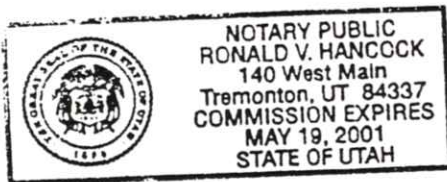
Ronald V. Hancock
Notary Public
Residing at _____

My Commission Expires _____

STATE OF UTAH)
) ss.
COUNTY OF BOX ELDER)

On this 2ND day of DECEMBER in the year 1998, before me,
RONALD V. HANCOCK, a notary public, personally appeared LINDA HOLMGREN, known
or identified to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that she 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.



Ronald V. Hancock
Notary Public
Residing at _____

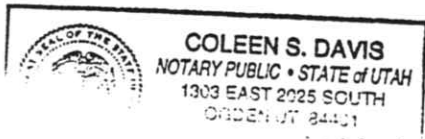
My Commission Expires _____

STATE OF Utah)
) ss.
COUNTY OF Wasatch)

158034

On this 2nd day of December, in the year 1998, before me,
Coleen S. Davis, a notary public, personally appeared FRED J. ANDERSON,
known or identified to me to be the person whose name is subscribed to the within instrument,
and acknowledged to me that he 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.



Coleen S. Davis
Notary Public
Residing at Ogden, UT

My Commission Expires 2-13-2000

EXHIBIT A

158034

To Special Warranty Deed from Holmgren Enterprises, Ltd. et al.
to Nu-West Industries, Inc.

The following described lands in Caribou County, Idaho:

Tract I:

Township 8 South, Range 44 East of the Boise Meridian:

Section 4: W $\frac{1}{2}$

Section 5: E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{2}$ of Lot 4, NE $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$; EXCEPT, the following described tracts:

1. A strip of land 120 feet wide in Section 5, the North line of which lies 25 feet North of and parallel to the following described line:
Beginning at a point in the South line of the NE $\frac{1}{4}$ of said Section 5, which point bears East a distance of 680.16 feet from the Southwest corner of the NE $\frac{1}{4}$ of said Section 5;
thence North 38°01' West a distance of 335.73 feet to the point of spiral of a spiral curve to the left;
thence along the arc of the spiral curve to the left whose total central angle is 19°47'30" and whose degree of curvature is 3°00' a distance of 809.72 feet to the point of tangency of the spiral curve;
thence North 57°48'30" West a distance of 1101.63 feet to the point of spiral of a spiral curve to the right;
thence along the spiral curve to the right whose total central angle is 9°07' and whose degree of curvature is 2°00' a distance of 545.83 feet to the point of tangency of the spiral curve;
thence North 48°41'30" West a distance of 1398.22 feet to a point on the North line of said Section 5, which point bears North 89°53' East a distance of 408.77 feet from the Southwest corner of Section 32, T. 7 S., R. 44 E., B.M.
2. A strip of land 89.5 feet in width on the West side of and a strip of land 59.5 feet in width on the East side of a right of way over and across the NW $\frac{1}{4}$ of Section 9, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, and the SE $\frac{1}{4}$ of Section 5, said right of way being on each side, as aforesaid, of the following described centerline:
Beginning at a point on the East boundary line of the NW $\frac{1}{4}$ of Section 9, aforesaid, which point is North 0°02' West 1982.3 feet from the Southeast corner of said NW $\frac{1}{4}$ of said Section 9, and running

thence North 65°35' West 1812.2 feet to a PI which has a curve of 1°30' right;

thence North 53°55' West 1228.4 feet, more or less, to an intersection with the West boundary line of said SW¼SW¼ of Section 4, aforesaid, which point of intersection is North 0°21' East 814.5 feet, more or less, from the Southwest corner of said SW¼SW¼ of said Section 4;

thence continuing North 53°55' West 1324.2 feet to a PI which has a curve of 3°30' right;

thence North 37°54' West 1314.0 feet, more or less, to an intersection with the North boundary line of said SE¼ of Section 5, aforesaid, which point of intersection is South 89°49' West 1888.6 feet, more or less, from the Northeast corner of said SE¼ of Section 5;

3. A parcel of land in the SE¼ of Section 5, described as follows:
Beginning at the Northeast corner of the above described tract, at the point of intersection of the East line of said tract, and the North line of said SE¼ of Section 5, and running
thence Easterly along the North line of said SE¼ of Section 5, a distance of 967.14 feet, to a point which is 941.61 feet Westerly from a U.S.G.L.O. Brass Cap monument in the East line of said Section 5;
thence South 51°59' West a distance of 372.23 feet;
thence along the arc of a curve to the left whose degree of curvature is 13°16' and having a radius of 433.37 feet, a distance of 443.0 feet to a point of intersection with the Northeasterly line of said tract;
thence North 37°54' West along said Northeasterly line of said tract, a distance of 850.0 feet, to the point of beginning;
4. Beginning at the South Quarter corner of Section 5, and running thence North 1320 feet, more or less, to the Northwest corner of the SW¼SW¼;
thence diagonally Southeasterly to a point on the South Section line 660 feet East of the South Quarter corner;
thence West 660 feet,
to the point of beginning;
5. A parcel of land in the NE¼ of Section 5, described as follows:
Beginning at a point which bears North 89°52' West a distance of 900.53 feet from the Southeast corner of the NE¼ of said Section 5; thence North 51°59' East a distance of 342.17 feet along a line which is parallel to and 25 feet from the centerline of a railroad wye track;
thence South 38°01' East a distance of 268.78 feet to a point on the Southerly line of the NE¼ of Section 5;

thence North 89°52' West a distance of 435.11 feet along the Southerly line of the NE¼ of Section 5,
to the point of beginning; and

6. A portion of the NE¼ of Section 5, described as follows:
Beginning at a point which bears North 89°52' West a distance of 900.53 feet from the Southeast corner of the NE¼ of Section 5;
thence North 51°59' East a distance of 342.17 feet along a line which is parallel to and 25 feet from the centerline of a railroad wye track;
thence North 38°01' West a distance of 50 feet;
thence South 51°59' West a distance of 405.8 feet to a point on the South line of the NE¼ of Section 5;
thence North 89°52' East a distance of 80.94 feet, to the point of beginning.

Township 7 South, Range 44 East of the Boise Meridian:

Section 30: Lots 1, 2 and 3, NE¼, E½NW¼, NE¼SW¼, N½SE¼.

Section 32: SE¼ and E½ SW¼, EXCEPT THEREFROM, the following tract:
A strip of land 120 feet wide in Section 32, the North line of which lies 25 feet North of and parallel to the following described line:
Beginning at a point in the South line of said Section 32, which bears North 89°53' East a distance of 408.77 feet from the Southwest corner of said Section 32;
thence North 48°41'30" West a distance of 557.87 feet to a point on the West line of said Section 32, which point bears North 368.28 feet from the Southwest corner of said Section 32.

The following Water Rights in Caribou County, Idaho:

An undivided 77% interest in Water Right No. A27-02050 (2.47 c.f.s.)

An undivided 77% interest in Water Right No. A27-02053 (2.47 c.f.s.)

An undivided 50% interest in Water Right No. A27-02162 (0.02 c.f.s.)

Together with all and singular the tenements, hereditaments and appurtenances, mineral rights and water rights (other than the remaining undivided interests in the above, expressly described Water Rights) belonging or in any way appertaining to the above-described lands.

EXHIBIT B

To Special Warranty Deed from Fred J. Anderson et al.
to Nu-West Industries, Inc.

Easements, Restrictions and Exceptions:

1. Liens for general taxes for the year 1998.

2. Reservations and exceptions in the United States Patents, and in the Act authorizing the issuance thereof, as recorded in the records of Caribou County, Idaho, as follows:

<u>Book/Page</u>	<u>Description</u>
2 Patents 51	NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29, and NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 32, T. 7 S., R. 44 E., B.M.
1 Patents 400	S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 30, T. 7 S., R. 44 E., B.M.
1 Patents 551	N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, T. 7 S., R. 44 E., B.M.
1 Patents 535	N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, T. 7 S., R. 44 E., B.M.
1 Patents 536	SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 31, W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 32, T. 7 S., R. 44 E., B.M.
1 Patents 468	E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 32, T. 7 S., R. 44 E., B.M. and Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 5, T. 8 S., R. 44 E., B.M.
1 Patents 430	NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 4, T. 8 S., R. 44 E., B.M.
2 Patents 268	W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 4, T. 8 S., R. 44 E., B.M.
2 Patents 173	SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T. 8 S., R. 44 E., B.M.
2 Patents 172	N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T. 8 S., R. 44 E., B.M.
1 Patents 431	SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, T. 8 S., R. 44 E., B.M.
1 Patents 534	Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, and Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T. 8 S., R. 44 E., B.M.
1 Patents 533	W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, and Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), SW $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 6, T. 8 S., R. 44 E., B.M.
2 Patents 172	NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T. 8 S., R. 44 E., B.M.

3. Right of Way for a Road, and all rights incidental thereto, disclosed by Deed executed by Edgar P. Morgan and Sarah C. Morgan, husband and wife, to Western Fertilizer Association, a corporation, dated November 11, 1951, recorded February 26, 1952, in

Book 37 of Deeds at page 191, under recorder's instrument No. 30426, records of Caribou County, Idaho. Said instrument affects the N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 5, T. 8 S., R. 44 E., B.M.

4. Pole Line Easement, and all rights incidental thereto, executed by Paul Allen and Noma S. Allen, husband and wife, to Utah Power & Light Company, a corporation, dated June 8, 1965, recorded August 20, 1965, under recorder's instrument No. 55113, in the microfilm records of Caribou County, Idaho. Said easement affects the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T. 8 S., R. 44 E., B.M.

5. Right of Way Easement and all rights incidental thereto, executed by Paul H. Allen and Noma Allen, husband and wife, to the Mountain States Telephone and Telegraph Company, a corporation, dated August 25, 1967, recorded September 13, 1967, under recorder's instrument No. 61518, in the microfilm records of Caribou County, Idaho. Said easement affects the SE $\frac{1}{4}$ of said Section 5, T. 8 S., R. 44 E., B.M.

6. Pole Line Easement, and all rights incidental thereto, executed by FMC Corporation, to PacifiCorp, and Oregon corporation, dated May 17, 1994, recorded July 21, 1994, under recorder's instrument No. 148380, in the microfilm records of Caribou County, Idaho. Said instrument affects the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31, T. 7 S., R. 44 E., B.M. and Lot 1 of Section 6, Lot 4 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 5, T. 8 S., R. 44 E., B.M.

7. Right, title, and interest of SMF Resources, Inc. to harvest timber, disclosed by Agreement, executed by FMC Corporation, dated December 12, 1995, recorded February 16, 1996, in the microfilm records of Caribou County, Idaho.

8. Financing Statements, Seed and Farm Laborer's Liens against crops which are filed in the office of the Secretary of State.

9. State Liens, if any, filed in the office of the Secretary of State Pursuant to Chapter 19, Title 45 of the Idaho Code.

10. Rights of the public in and to any portions of the above described premises lying within Dry Valley Road.

11. The lien for any taxes deferred by virtue of part of the land described herein as forest land as provided in Section 63-1701 et seq. of the Idaho Code.

Appendix BSPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and given this 2nd day of December, 1998 by and from FRED J. ANDERSON and KATHLEEN KETTERMAN-ANDERSON, husband and wife, and FRED J. ANDERSON, AS SUCCESSOR TRUSTEE OF THE HARLAND ANDERSON FAMILY TRUST, dated May 21, 1975, amended November 26, 1982, sometimes referred to as "The Harland Anderson Family Trust A," all with a mailing address at 343 West 4125 North, Pleasant View, UT 84414 (collectively referred to herein as "Grantors"), to NU-WEST INDUSTRIES, INC., a Delaware corporation, with a mailing address at 3010 Conda Road, Soda Springs, Idaho, 83276 ("Grantee").

Grantors, for good and valuable consideration, the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto the Grantee, and to its successors and assigns forever, the real property located in Caribou County, Idaho, and more particularly described in Exhibit A attached hereto, which is, by this reference, incorporated herein as if set forth in full, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining (the "Premises").

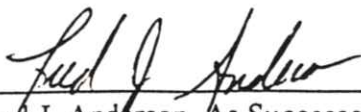
Grantors covenant and warrant that they have not conveyed the Premises to any other person and that the Premises are free and clear of liens, encumbrances, charges and assessments done, made or suffered by Grantors or by any person claiming by, through or under Grantors, and Grantors covenant to warrant and defend title to the Premises against persons claiming by, through, or under Grantors.

Grantors' conveyance of the Premises is subject to the easements, restrictions and exceptions described in Exhibit B attached hereto.

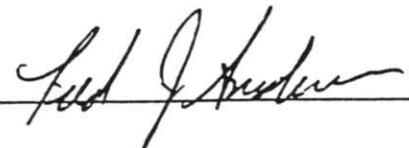
TO HAVE AND TO HOLD all and singular of the Premises, together with the appurtenances, unto the said Grantee and its successors and assigns forever.

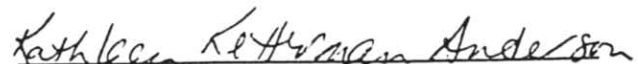
IN WITNESS WHEREOF, the said Grantors have hereunto set their hand and seal the day and year first above written.

THE HARLAND ANDERSON
FAMILY TRUST, dated May 21, 1975,
amended November 26, 1982

By: 
Fred J. Anderson, As Successor Trustee

FRED J. ANDERSON


KATHLEEN KETTERMAN-ANDERSON

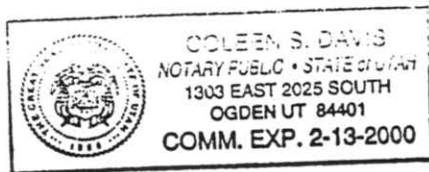


158035

STATE OF Utah)
) ss.
 COUNTY OF Wilkes)

On this 2nd day of December in the year 1998, before me, Coleen S. Davis
Fred J. Anderson
 a notary public, personally appeared FRED J. ANDERSON, known or identified to me to be the
 SUCCESSOR TRUSTEE of THE HARLAND ANDERSON FAMILY TRUST, and the person
 whose name is subscribed to the within instrument, and acknowledged to me that he executed the
 same, as such Successor Trustee.

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



Coleen S. Davis
 Notary Public
 Residing at Ogden, UT

My Commission Expires 2-13-2000

STATE OF Utah)
) ss.
 COUNTY OF Wilkes)

On this 2nd day of December in the year 1998, before me, Coleen S. Davis
Kathleen Ketterman
 a notary public, personally appeared KATHLEEN KETTERMAN-ANDERSON, known or Anderson
 identified to me to be the person whose name is subscribed to the within instrument, and
 acknowledged to me that she 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.



Coleen S. Davis
 Notary Public
 Residing at Ogden, UT

My Commission Expires 2-13-2000

STATE OF IDAHO } ss 158035
 County of Caribou }

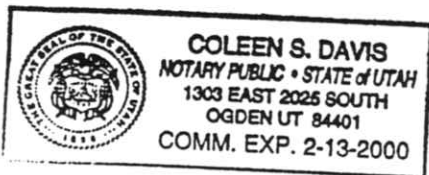
I hereby certify that this instrument was filed at the request
 of Caribou Title
 at 4:25 o'clock P m this 3 day of
December, 1998 in my office and duly
 recorded official Records
 Recorder Edie Izatt
Denise Hawley
 Signature

158035

STATE OF Utah)
COUNTY OF Wasatch) ss.

On this 2nd day of Dec., in the year 1998, before me, Coleen S. Davis
Fred J. Anderson
a notary public, personally appeared FRED J. ANDERSON, known or identified to me to be the
person whose name is subscribed to the within instrument, and acknowledged to me that he
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.



Coleen S. Davis
Notary Public
Residing at Ogden, UT

My Commission Expires 2-13-2000

EXHIBIT A

To Special Warranty Deed from Fred J. Anderson et al.
to Nu-West Industries, Inc.

The following described lands in Caribou County, Idaho:

Township 7 South, Range 44 East of the Boise Meridian:

Section 29: W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 32: W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

Comprising approximately 280 acres, more or less.

EXHIBIT B**158035**

To Special Warranty Deed from Fred J. Anderson et al.
to Nu-West Industries, Inc.

Easements, Restrictions and Exceptions:

1. Liens for general taxes for the year 1998.

2. Reservations and exceptions in the United States Patents, and in the Act authorizing the issuance thereof, as recorded in the records of Caribou County, Idaho, as follows:

<u>Book/Page</u>	<u>Description</u>
2 Patents 51	NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29, and NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 32, T. 7 S., R. 44 E., B.M.
1 Patents 400	S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 30, T. 7 S., R. 44 E., B.M.
1 Patents 551	N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, T. 7 S., R. 44 E., B.M.
1 Patents 535	N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, T. 7 S., R. 44 E., B.M.
1 Patents 536	SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 31, W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 32, T. 7 S., R. 44 E., B.M.
1 Patents 468	E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 32, T. 7 S., R. 44 E., B.M. and Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 5, T. 8 S., R. 44 E., B.M.
1 Patents 430	NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 4, T. 8 S., R. 44 E., B.M.
2 Patents 268	W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 4, T. 8 S., R. 44 E., B.M.
2 Patents 173	SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T. 8 S., R. 44 E., B.M.
2 Patents 172	N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T. 8 S., R. 44 E., B.M.
1 Patents 431	SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, T. 8 S., R. 44 E., B.M.
1 Patents 534	Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, and Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T. 8 S., R. 44 E., B.M.
1 Patents 533	W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, and Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), SW $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 6, T. 8 S., R. 44 E., B.M.
2 Patents 172	NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T. 8 S., R. 44 E., B.M.

3. Right of Way for a Road, and all rights incidental thereto, disclosed by Deed executed by Edgar P. Morgan and Sarah C. Morgan, husband and wife, to Western Fertilizer Association, a corporation, dated November 11, 1951, recorded February 26, 1952, in Book 37 of Deeds at page 191, under recorder's instrument No. 30426, records of Caribou County, Idaho. Said instrument affects the N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 5, T. 8 S., R. 44 E., B.M.

4. Pole Line Easement, and all rights incidental thereto, executed by Paul Allen and Noma S. Allen, husband and wife, to Utah Power & Light Company, a corporation, dated June 8, 1965, recorded August 20, 1965, under recorder's instrument No. 55113, in the microfilm records of Caribou County, Idaho. Said easement affects the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T. 8 S., R. 44 E., B.M.

5. Right of Way Easement and all rights incidental thereto, executed by Paul H. Allen and Noma Allen, husband and wife, to the Mountain States Telephone and Telegraph Company, a corporation, dated August 25, 1967, recorded September 13, 1967, under recorder's instrument No. 61518, in the microfilm records of Caribou County, Idaho. Said easement affects the SE $\frac{1}{4}$ of said Section 5, T. 8 S., R. 44 E., B.M.

6. Pole Line Easement, and all rights incidental thereto, executed by FMC Corporation, to PacifiCorp, and Oregon corporation, dated May 17, 1994, recorded July 21, 1994, under recorder's instrument No. 148380, in the microfilm records of Caribou County, Idaho. Said instrument affects the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31, T. 7 S., R. 44 E., B.M. and Lot 1 of Section 6, Lot 4 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 5, T. 8 S., R. 44 E., B.M.

7. Right, title, and interest of SMF Resources, Inc. to harvest timber, disclosed by Agreement, executed by FMC Corporation, dated December 12, 1995, recorded February 16, 1996, in the microfilm records of Caribou County, Idaho.

8. Financing Statements, Seed and Farm Laborer's Liens against crops which are filed in the office of the Secretary of State.

9. State Liens, if any, filed in the office of the Secretary of State Pursuant to Chapter 19, Title 45 of the Idaho Code.

10. Rights of the public in and to any portions of the above described premises lying within Dry Valley Road.

11. The lien for any taxes deferred by virtue of part of the land described herein as forest land as provided in Section 63-1701 et seq. of the Idaho Code.

An undivided 77% interest in Water Right No. A27-02050.

An undivided 77% interest in Water Right No. A27-2053.

An undivided 50% interest in Water Right No. A27-02162.

RECEIVED

MAR 15 1999

Department of Water Resources
Eastern Region

HOLLAND & HART LLP
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE
CHEYENNE • JACKSON HOLE
SALT LAKE CITY

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101 SOUTH CAPITOL BOULEVARD
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

LINDA B. JONES
ljones@hollandhart.com

March 10, 1999

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

Attn: Adjudication

Re: Notice of Change in Water Rights Ownership

Dear Sirs:

Enclosed please find a Notice of Change of Water Rights Ownership signed by Gary Resh on behalf of FMC Corporation, noticing the change in owner of the listed water rights. Also enclosed is a copy of the Deed by which FMC obtained title to the land and appurtenant water rights. Our Adjudication Source Summary printout indicates that these water rights are listed in the Adjudication under Clair Holmgren's name. The remaining undivided interest in the water rights is owned by Agrium/Nu-West, and a Notice of Change in Ownership for that portion of the water rights will be filed separately. FMC and Agrium have each purchased portions of the Holmgren-Anderson parcel shown in the enclosed map, with a proportionate undivided interest in the appurtenant water rights.

Please let me know if there is anything else required by us in order for you to process the change in ownership of record with the Department and with the SRBA Court. Following the change, please send to me a copy of your revised DWR and SRBA summary computer printouts or other documentation of the change in ownership.

Thank you for your attention to this Notice.

Sincerely,

HOLLAND & HART LLP


Linda B. Jones

LBJ:cd
Enclosures
BOISE:0102459.01

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

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

1. Water Right Number(s) 27-02050, 27-02053, 27-02162
Adjudication Claim Number(s) A27-02050, A27-02053, A27-02162
A record A record blank record
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 for parcel of ten acres or less. (These are usually on file with the county.)
OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Fred J. Anderson and Kathleen Ketterman-Anderson,
Clair L. Holmgren and Linda Holmgren, and Holmgren Enterprises, Inc
4. New Owner/Claimant(s) FMC Corporation
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 4111
City, State and ZIP Code Pocatello, ID 83205 Attn: Gary Resh,
Dry Valley Mine
New Telephone Number (208) 236 - 8200
5. Date you acquired the property 12/2/98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. See Attached
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
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.
7. Signature of New Owner/Claimant(s) Gary R. Resh Date 3/8/99
Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

When recorded, mail to:
FMC Corporation
Attn: Gary Resh
P.O. Box 4111
Pocatello, Idaho, 83205

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made the 27 day of December, 1998, between FRED J. ANDERSON, as Successor Trustee of The Harland Anderson Family Trust dated May 21, 1975, and amended November 26, 1982, sometimes referred to as "The Harland Anderson Family Trust" or "The Harland Anderson Family Trust A," FRED J. ANDERSON and KATHLEEN KETTERMAN-ANDERSON, husband and wife, whose address is 343 West 4125 North, Pleasant View, Utah 84144, CLAIR L. HOLMGREN and LINDA HOLMGREN, husband and wife, and HOLMGREN ENTERPRISES, LTD., a Utah limited partnership, with an address at 13675 West Highway 102, Penrose, Utah 84337 ("Grantors") and FMC CORPORATION, a Delaware Corporation, with a mailing address at P.O. Box 4111, Pocatello, Idaho, 83205 ("Grantee").

Grantors, for good and valuable consideration, the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto the Grantee, and to its successors and assigns forever, the real property and water rights located in Caribou County, Idaho, and more particularly described in Exhibit A attached hereto which is, by this reference, incorporated herein as if set forth in full, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining (the "Premises").

Grantors covenant and warrant that they have not conveyed the Premises to any other person and that the Premises are free and clear of liens, encumbrances, charges and assessments done, made or suffered by Grantors or by any person claiming by, through or under Grantors, and Grantors covenant to warrant and defend title to the Premises against persons claiming by, through, or under Grantors.

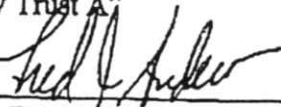
Grantors' conveyance of the Premises is subject to the easements, restrictions and exceptions described in Exhibit B attached hereto which is, by this reference, incorporated herein as if set forth in full.

TO HAVE AND TO HOLD all and singular of the Premises, together with the appurtenances, unto the said Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hand and seal the day and year first above written.

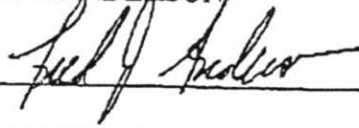
THE HARLAND ANDERSON FAMILY TRUST
dated May 21, 1975, and amended November 26,
1982, sometimes referred to as "The Harland
Anderson Family Trust" or "The Harland Anderson
Family Trust A"

By:

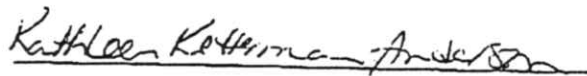


Fred J. Anderson, Successor Trustee

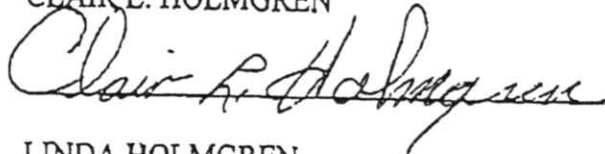
FRED J. ANDERSON



KATHLEEN KETTERMAN-ANDERSON



CLAIR L. HOLMGREN

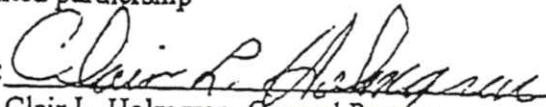


LINDA HOLMGREN



HOLMGREN ENTERPRISES, LTD., a Utah
limited partnership

By:

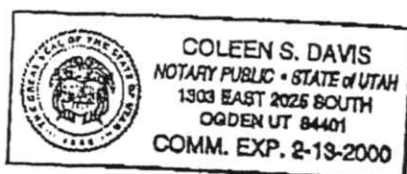


Clair L. Holmgren, General Partner

STATE OF Utah)
) ss:
County of Weber)

On this 2nd day of December, in the year 1998, before me, Coleen S. Davis, a notary public, personally appeared FRED J. ANDERSON known or identified to me to be the person whose name is subscribed to the within instrument as SUCCESSOR TRUSTEE OF THE HARLAND ANDERSON FAMILY TRUST dated May 21, 1975, and amended November 26, 1982, sometimes referred to as "The Harland Anderson Family Trust" or "The Harland Anderson Family Trust A," and acknowledged to me that he executed the same as such successor trustee.

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



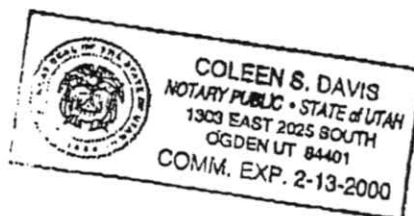
Coleen S. Davis
Notary Public for
Residing at Ogden, UT

My Commission Expires 2-13-2000

STATE OF Utah)
) ss:
County of Weber)

On this 2nd day of December, in the year 1998, before me, Coleen S. Davis, a notary public, personally appeared FRED J. ANDERSON and KATHLEEN KETTERMAN-ANDERSON, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

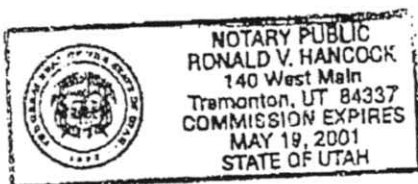


Coleen S. Davis
Notary Public for
Residing at Ogden, UT
My Commission Expires 2-13-2000

STATE OF Utah)
) ss:
County of Box Elder)

On this 2nd day of DECEMBER in the year 1998, before me, RONALD V. HANCOCK, a notary public, personally appeared CLAIR L. HOLMGREN and LINDA HOLMGREN, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

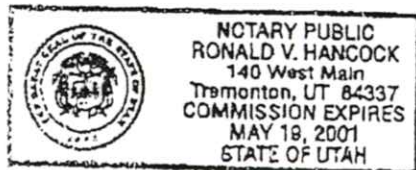


Ronald V. Hancock
Notary Public for _____
Residing at _____
My Commission Expires _____

STATE OF Utah)
) ss:
County of Box Elder)

On this 2nd day of DECEMBER in the year 1998 before me, RONALD V. HANCOCK, a notary public, personally appeared CLAIR L. HOLMGREN, known or identified to me to be the general partner of HOLMGREN ENTERPRISES, LTD., a Utah limited partnership, and the partner who subscribed said limited partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said limited partnership name.

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



My Commission Expires _____

Ronald V. Hancock
Notary Public for _____
Residing at _____

EXHIBIT A

The following described lands in Caribou County, Idaho:

Township 7 South, Range 44 East, Boise Meridian:

Section 30: Lot 4, SE1/4SW1/4, S1/2SE1/4

Section 31: NE1/4, NE1/4SE1/4

Section 32: W1/2NW1/4, W1/2SW1/4

comprising approximately 520 acres.

The following Water Rights in Caribou County, Idaho:

An undivided 23% interest (0.73 cfs) in Water Right No. A27-02050

An undivided 23% interest (0.73 cfs) in Water Right No. A27-02053

An undivided 50% interest (0.020 cfs) in Water Right No. A27-02162.

Together with all and singular the tenements, hereditaments and appurtenances, mineral rights and interests, and water rights (other than the remaining undivided interests in Water Rights Nos. A27-02050, A27-02053, and A27-02162) belonging or in anyway appertaining to the above-described lands.

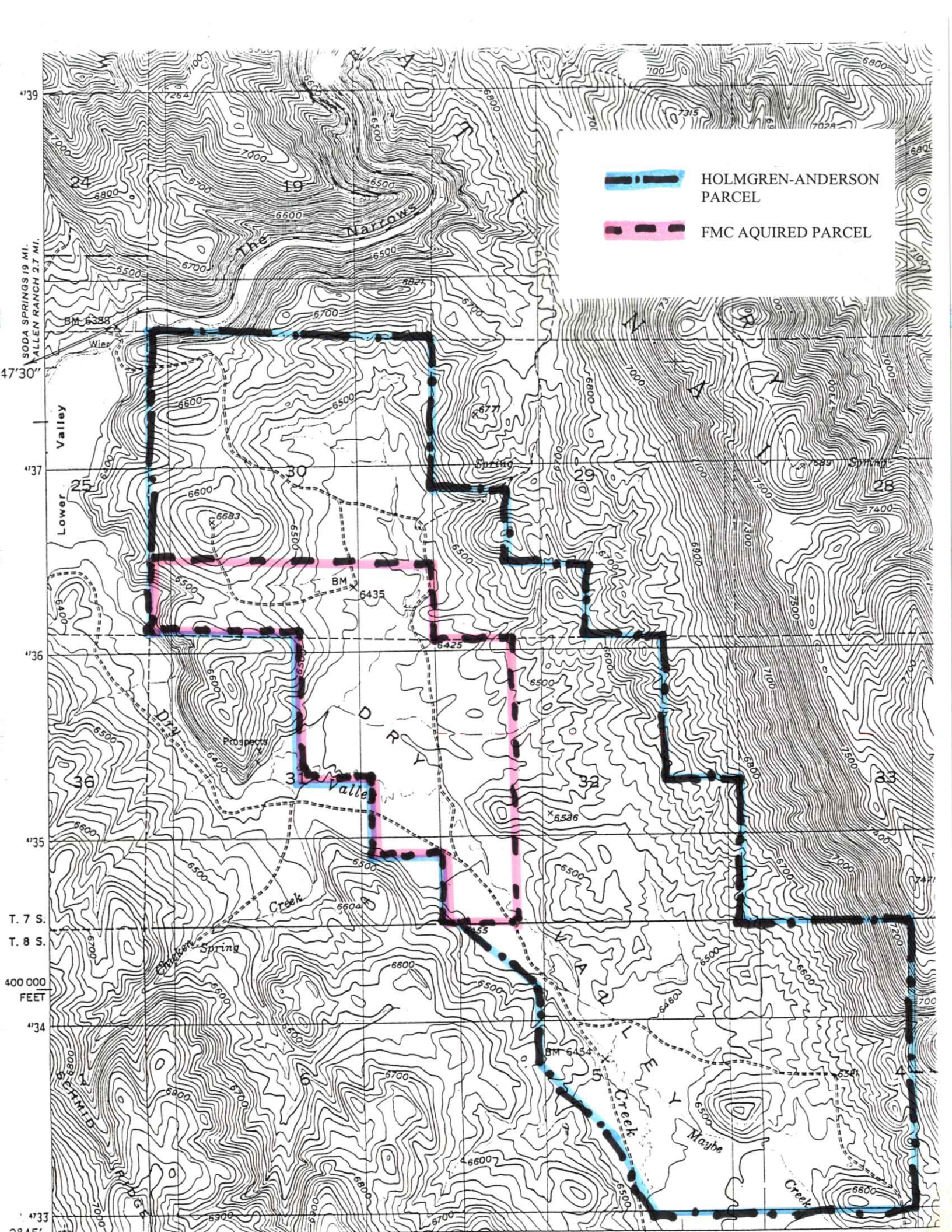
EXHIBIT B

1. General taxes for the year 1998 in the original sums of \$282.32, \$458.43, \$159.96, and \$249.28, see tax receipt No. 1532A, 1533, 1534, and 1536, are due and payable on or before December 20, 1998.
2. Reservations and exceptions in the United States Patent, and in the Act authorizing the issuance thereof, as follows:

Book/Page	Description
2 Patents 51	NW1/4SW1/4, S1/2SW1/4 Section 29, and NW1/4, W1/2NE1/4 Section 32, T. 7S., R. 44 E., B.M.
1 Patents 400	S1/2NE1/4, SE1/4NW1/4, SE1/4SW1/4, SE1/4 of Section 30, T. 7S., R. 44 E., B. M.
1 Patents 551	N1/2NE1/4, N1/2NW1/4, SW1/4NW1/4, W1/2SW1/4, NE1/4SW1/4 of Section 30, T. 7 S, R. 44 E., B.M.
1 Patents 535	N1/2NE1/4, SW1/4NE1/4, NW1/4SE1/4 of Section 31, T. 7 S., R. 44 E., B.M.
1 Patents 536	SE1/4NE1/4, NE1/4SE1/4, S1/2SE1/4 of Section 31, W1/2SW1/4 of Section 32, T. 7 S., R. 44 E., B.M.

3. Financing Statements, Seed and Farm Laborer's Liens against crops which are filed in the office of the Secretary of State.
4. State Liens, if any, filed in the office of the Secretary of State Pursuant to Chapter 19, Title 45 of the Idaho Code.
5. Rights of the public in and to any portions of the Premises lying within Dry Valley Road.
6. The lien for any taxes deferred by virtue of the designation of part of the Premises as forest lands as provided in Section 63-1701, et Seq. of the Idaho Code.

An undivided 23% interest (0.73 cfs) in Water Right No. A27-02050.
An undivided 23% interest (0.73 cfs) in Water Right No. A27-2053.
An undivided 50% interest (0.020 cfs) in Water Right No. A27-02162.



HOLMGREN-ANDERSON
PARCEL



FMC ACQUIRED PARCEL

SODA SPRINGS 19 MI.
ALLEN RANCH 2.7 MI.

Lower
Valley

"36

"35

T. 7 S.

T. 8 S.

400 000
FEET

"34

"33

2845'

Prospect

Creek

Spring

Maybe

Creek

6

4

3

32

36

25

24

19

30

29

28

33

3

6

4

32

36

25

19

30

29

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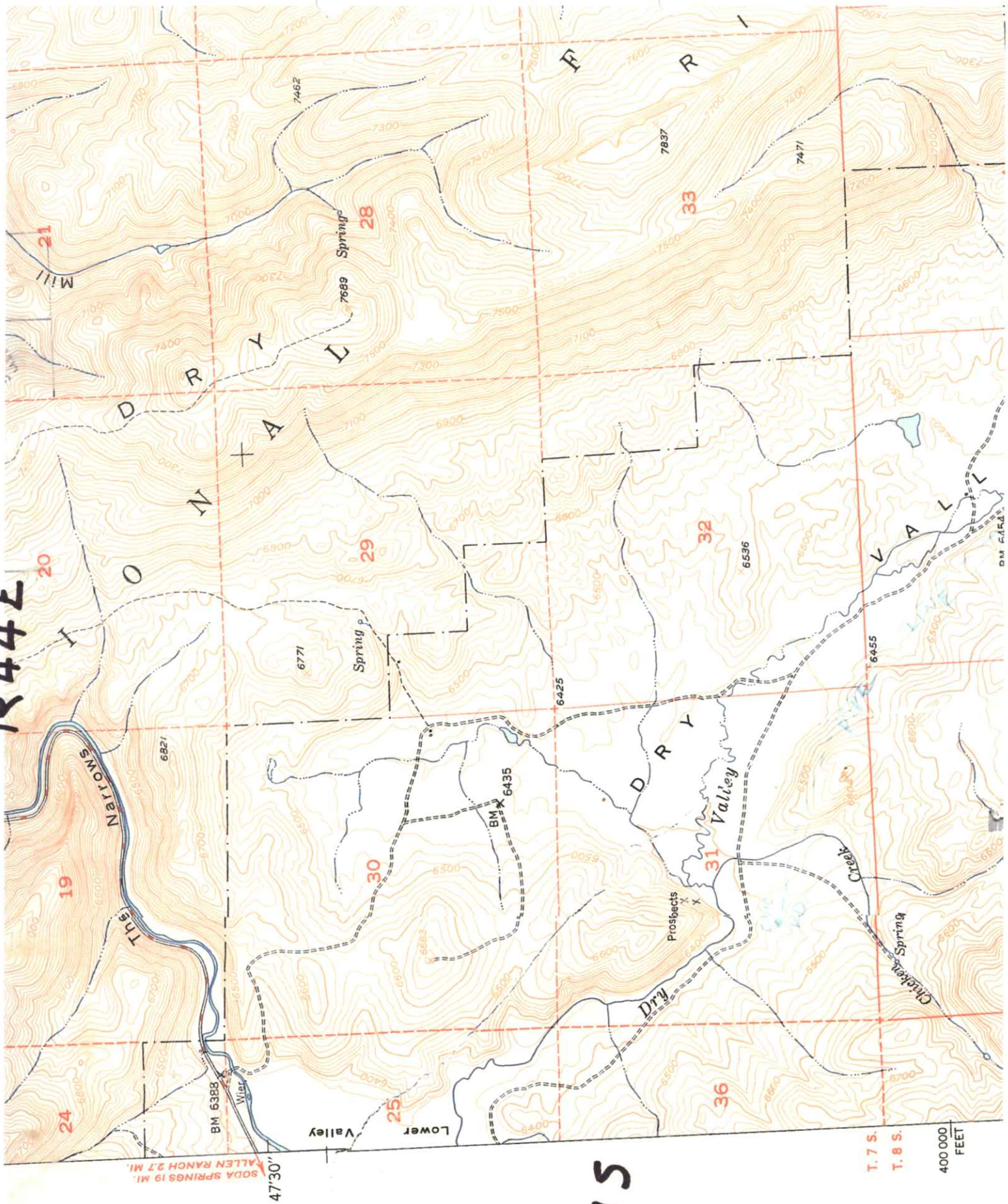
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TLS



R 44E

T 7S

