

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

In Re SRBA

Case No. 39576

Subcase No. 27-7451

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

P4 Production, LLC

David W. Farnsworth 2-1-07
By: David W. Farnsworth Date
Title: Business Unit Lead,
Mineral Activities

CLAIMANT/OBJECTOR:

State of Idaho
Dept. of Lands

David J. Barber 2/12/2007
David J. Barber Date
Attorney for Claimant/Objector

STANDARD FORM 5 – Water Right No. 27-7451

IDWR Concurrence:

Ernest Carlsen January 18, 2007
Ernest Carlsen Date
Water Resource Program Manager

L. B. K. 1/22/07
Garriek L. Baxter Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-7451

NAME AND ADDRESS:

STATE OF IDAHO
DEPT OF LANDS
700 W. JEFFERSON, ROOM 210
PO BOX 44449
BOISE ID 83711-4449

P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

SOURCE: Source:
GROUND WATER

Tributary:

QUANTITY: 0.100 CFS
5.400 AFY

PRIORITY DATE: 01/06/1989

POINT OF DIVERSION:

T06S R43E S21 SWSE
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

INDUSTRIAL

1/01 12/31

0.080 CFS

DOMESTIC

1/01 12/31

0.020 CFS

PLACE OF USE:

INDUSTRIAL

within CARIBOU County

T06S R43E S21 SWSE

DOMESTIC

within CARIBOU County

T06S R43E S21 SWSE

ACRES TOTAL

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

Industrial use is for steam cleaning and washing mining equipment.
Domestic use is for an office.

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 use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

EMC
GB
DJB

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

The use of water for mining purposes is for dust abatement within the place of use described above, and for general mining purposes only within lease boundaries issued by the State of Idaho and the United States.

~~The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

P4 Production LLC is user of water right pursuant to written easement agreement with Department of Lands.

EMC
GS

DJB

CERTIFICATE OF MAILING

I certify that on February 12, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

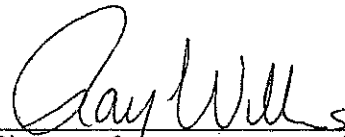
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. STATE OF IDAHO DEPT OF LANDS

Represented by:
DAVID J. BARBER
PO BOX 44449
BOISE, ID 83711-4449

P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS, ID 83276

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form