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DEPARTMENT OF
WATER RESOURCES

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

Subcase No. 27-7121

Case No. 39576

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

RESPONDENT:

P4 Production LLC

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

Randall C. Budge 1-30-07
Randall C. Budge Date
Attorney for Respondent

STANDARD FORM 5 – Water Right No. 27-7121

OBJECTOR(s):

State of Idaho
Dept. of Lands

United State of America
Bureau of Land Management

David J. Barber 2/12/2007
David J. Barber Date
Attorney of Objector

Larry A. Bown 02/12/2007
Larry A. Bown, USDOJ Date
Attorney for Objector FWP

IDWR Concurrence:

Ernest Carlsen January 18, 07
Ernest Carlsen Date
Water Resource Program Manager

Garrick L. Baxter 1/22/07
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-7121

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:

Tributary:

GROUND WATER

~~Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.~~

QUANTITY:

0.070 CFS

50.600 AFY

~~The right holder shall not divert water exceeding what is reasonably necessary for the beneficial use authorized by this right.~~

PRIORITY DATE:

02/09/1978

POINT OF DIVERSION:

T06S R43E S36 NWNE
Within CARIBOU County

~~This right does not grant any right of way or easement across the land of another.~~

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

MINING

01/01 12/31

0.070 CFS 49.40 AFY

DOMESTIC

01/01 12/31

0.020 CFS 1.20 AFY

~~Prior to diversion and use of water under this right, the right holder shall comply with all bonding requirements of appropriate governmental entities.~~

~~Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.~~

PLACE OF USE:

MINING

within CARIBOU County

T06S R43E S21 NENE

T06S R43E S21 NWNE

T06S R43E S21 SWNE

T06S R43E S21 SENE

T06S R43E S21 NENW

T06S R43E S21 NWNW

T06S R43E S21 SWNW

T06S R43E S21 SENW

T06S R43E S21 NESW

T06S R43E S21 NWSW

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

T06S R43E S21 SWSW
T06S R43E S21 SESW
T06S R43E S21 NESE
T06S R43E S21 NWSE
T06S R43E S21 SWSE
T06S R43E S21 SESE
T06S R43E S22 NENE
T06S R43E S22 NWNE
T06S R43E S22 SWNE
T06S R43E S22 SENE
T06S R43E S22 NENW
T06S R43E S22 NWNW
T06S R43E S22 SWNW
T06S R43E S22 SENW
T06S R43E S22 NESW
T06S R43E S22 NWSW
T06S R43E S22 SWSW
T06S R43E S22 SESW
T06S R43E S22 NESE
T06S R43E S22 NWSE
T06S R43E S22 SWSE
T06S R43E S22 SESE
T06S R43E S23 NENE
T06S R43E S23 NWNE
T06S R43E S23 SWNE
T06S R43E S23 SENE
T06S R43E S23 NENW
T06S R43E S23 NWNW
T06S R43E S23 SWNW
T06S R43E S23 SENW
T06S R43E S23 NESW
T06S R43E S23 NWSW
T06S R43E S23 SWSW
T06S R43E S23 SESW
T06S R43E S23 NESE
T06S R43E S23 NWSE
T06S R43E S23 SWSE
T06S R43E S23 SESE
T06S R43E S25 NENE
T06S R43E S25 NWNE
T06S R43E S25 SWNE
T06S R43E S25 SENE
T06S R43E S25 NENW
T06S R43E S25 NWNW
T06S R43E S25 SWNW
T06S R43E S25 SENW
T06S R43E S25 NESW
T06S R43E S25 NWSW
T06S R43E S25 SWSW
T06S R43E S25 SESW

LAC

EMC
FWP 2B
PUB

DJB

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

T06S R43E S25 NESE
T06S R43E S25 NWSE
T06S R43E S25 SWSE
T06S R43E S25 SESE
T06S R43E S26 NENE
T06S R43E S26 NWNE
T06S R43E S26 SWNE
T06S R43E S26 SENE
T06S R43E S26 NENW
T06S R43E S26 NWNW
T06S R43E S26 SWNW
T06S R43E S26 SENW
T06S R43E S26 NESW
T06S R43E S26 NWSW
T06S R43E S26 SWSW
T06S R43E S26 SESW
T06S R43E S26 NESE
T06S R43E S26 NWSE
T06S R43E S26 SWSE
T06S R43E S26 SESE
T06S R43E S36 NENE
T06S R43E S36 NWNE
T06S R43E S36 SWNE
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T06S R43E S36 NENW
T06S R43E S36 NWNW
T06S R43E S36 SWNW
T06S R43E S36 SENW
T06S R43E S36 NESW
T06S R43E S36 NWSW
T06S R43E S36 SWSW
T06S R43E S36 SESW
T06S R43E S36 NESE
T06S R43E S36 NWSE
T06S R43E S36 SWSE
T06S R43E S36 SESE
T06S R44E S31 NENE
T06S R44E S31 NWNE
T06S R44E S31 SWNE
T06S R44E S31 SENE
T06S R44E S31 NENW
T06S R44E S31 NWNW
T06S R44E S31 SWNW
T06S R44E S31 SENW
T06S R44E S31 NESW
T06S R44E S31 NWSW
T06S R44E S31 SWSW
T06S R44E S31 SESW
T06S R44E S31 NESE
T06S R44E S31 NWSE

[Handwritten signatures and initials]
JMS
SMC
FWP JPB
RUB
OJB

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

T06S R44E S31 SWSE
T06S R44E S31 SESE
DOMESTIC Same As MINING
ACRES TOTAL

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

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.

Domestic use is associated with a mining project.

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 right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval. Domestic use is associated with a mining project.~~

~~Mining use includes dust abatement on access roads.~~

~~Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

The right holder shall not divert water exceeding what is reasonably necessary for the beneficial use authorized by this right.

Prior to diversion and use of water under this right, the right holder shall comply with all bonding requirements of appropriate governmental entities.

This right does not grant any right-of-way or easement across the land of another.

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

FWP
EMC
JB
RUB

APB

CERTIFICATE OF MAILING

I certify that on Feb. 13, 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
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAIL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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