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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

Case No. 39576

Subcase No. 27-7452

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 2-01-07
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. 27-7452

CLAIMANT/OBJECTOR:

State of Idaho
Dept. of Lands

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

OBJECTOR:

United State of America
Bureau of Land Management

Larry A. Bown 02/13/2007
Date
Larry A. Bown, USDOJ
Attorney for Objector FWP

IDWR Concurrence:

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

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

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

RIGHT NUMBER: 27-7452

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: 0.300 CFS
16.800 AFW

PRIORITY DATE: 01/06/1989

POINT OF DIVERSION:

T06S R43E S21 SWSE
Within CARIBOU County

T06S R43E S21 SWSE
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use
MINING

Period of use:

Quantity:

03/01 10/01 0.300 CFS 16.80 AFW

PLACE OF USE:

MINING
T06S R43E S16 NENE
T06S R43E S16 SWNE
T06S R43E S16 NENW
T06S R43E S16 NWNW
T06S R43E S16 SWNW
T06S R43E S16 SENW
T06S R43E S16 NESW
T06S R43E S16 NWSW
T06S R43E S16 SWSW
T06S R43E S16 SESW
T06S R43E S16 NESE
T06S R43E S16 NWSE
T06S R43E S16 SWSE
T06S R43E S16 SESE
T06S R43E S21 NENE
T06S R43E S21 NWNE
T06S R43E S21 SWNE
T06S R43E S21 SENE

within CARIBOU County

Las
EMC
FWP
LB
PUB
20/9/3

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

I06S R43E S21 NENW
I06S R43E S21 SWSW
I06S R43E S21 SESW
I06S R43E S21 NESE
I06S R43E S21 NWSE
I06S R43E S21 SWSE
I06S R43E S22 SWNW
I06S R43E S22 NESW
I06S R43E S22 NWSW
I06S R43E S22 SWSW
I06S R43E S22 SESW
I06S R43E S22 SWSE
I06S R43E S25 NWSW
I06S R43E S25 SWSW
I06S R43E S25 SESW
I06S R43E S26 NWNE
I06S R43E S26 SWNE
I06S R43E S26 SENE
I06S R43E S26 NESE
I06S R43E S26 NWSE
I06S R43E S26 SESE
I06S R43E S27 NENE
I06S R43E S27 NWNE
I06S R43E S27 SWNE
I06S R43E S27 SENE
I06S R43E S27 NENW
I06S R43E S27 NESE
I06S R43E S32 NENE
I06S R43E S32 NWNE
I06S R43E S32 SWNE
I06S R43E S32 SENE
I06S R43E S32 NENW
I06S R43E S32 NWNW
I06S R43E S32 SWNW
I06S R43E S32 SENW
I06S R43E S32 NESW
I06S R43E S32 NWSW
I06S R43E S32 SWSW
I06S R43E S32 SESW
I06S R43E S32 NESE
I06S R43E S32 NWSE
I06S R43E S32 SWSE
I06S R43E S32 SESE

ACRES TOTAL

JLZ
EMC *FWP*
JB *RUB*
DJB

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

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

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.

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 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 FWP
JB
RUB

DAK
DJB

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

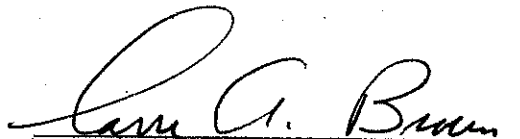
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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