



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 12, 2009

David J. Barber
Deputy Attorney General
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Sent via Statehouse Mail

RE: Subcase No. 27-7451(P4 Production/Dept. of Lands)

Dear David:

I am enclosing an SF5 for the above-referenced subcase. Please review the SF5, and if it is acceptable to you, please sign on the indicated signature line, initial the recommendation and return the original SF5 to me. I will obtain the remaining signatures and file the SF5 with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

**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. 27-7451
	)	
Case No. 39576	)	AMENDED
	)	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

CLAIMANT/OBJECTOR:
State of Idaho
Dept. of Lands

Randall C. Budge 2/9/09
Randall C. Budge Date
Attorney for Claimant

David J. Barber Date
Attorney for Claimant/Objector

IDWR Concurrence:

Ernest Carlsen Date
Water Resource Program Manager

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-7451
NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST
PO BOX 83720
BOISE ID 83720-0050

~~P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
5.40 AFY

PRIORITY DATE: 01/06/1989

POINT OF
DIVERSION:

T06S R43E S21 SWSE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	1/01 12/31	0.080 CFS
DOMESTIC	1/01 12/31	0.020 CFS

PLACE OF USE: INDUSTRIAL in CARIBOU County

T06S R43E S21 SWSE

DOMESTIC in CARIBOU County

T06S R43E S21 SWSE

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

~~Industrial use is for steam cleaning and washing mining equipment.~~

The use of water for industrial purposes is for shop use, steam cleaning, and equipment washing within the place of use described above and is governed by leases issued by the State of Idaho.

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.~~

~~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.~~

2/9/09
RUB

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

2/9/09
PUB

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

CERTIFICATE OF MAILING

I certify that on _____, 2009, 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. Copies to:

STATE OF IDAHO DEPT OF LANDS
Represented by:
DAVID J. BARBER
DEPUTY ATTORNEY GENERAL
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

STATE OF IDAHO
DEPT OF LANDS
954 W JEFFERSON
PO BOX 83720
BOISE, ID 83720-0050

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

Signature of person or attorney mailing the form