

09/30/2003

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

RIGHT NUMBER: 27-2165

NAME AND ADDRESS: CONDA PARTNERSHIP
3010 CONDA RD
SODA SPRINGS ID 83276

SOURCE:

TRIBUTARY:

QUANTITY: 1.120 CFS

PRIORITY DATE: 08/22/1955

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	1.120 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T08S R44E S09	NENE	2.0	T08S R44E S09	NWNE	11.0
T08S R44E S09	SWNE	39.0	T08S R44E S09	SENE	4.0

56 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.

EXPLANATORY MATERIAL: License



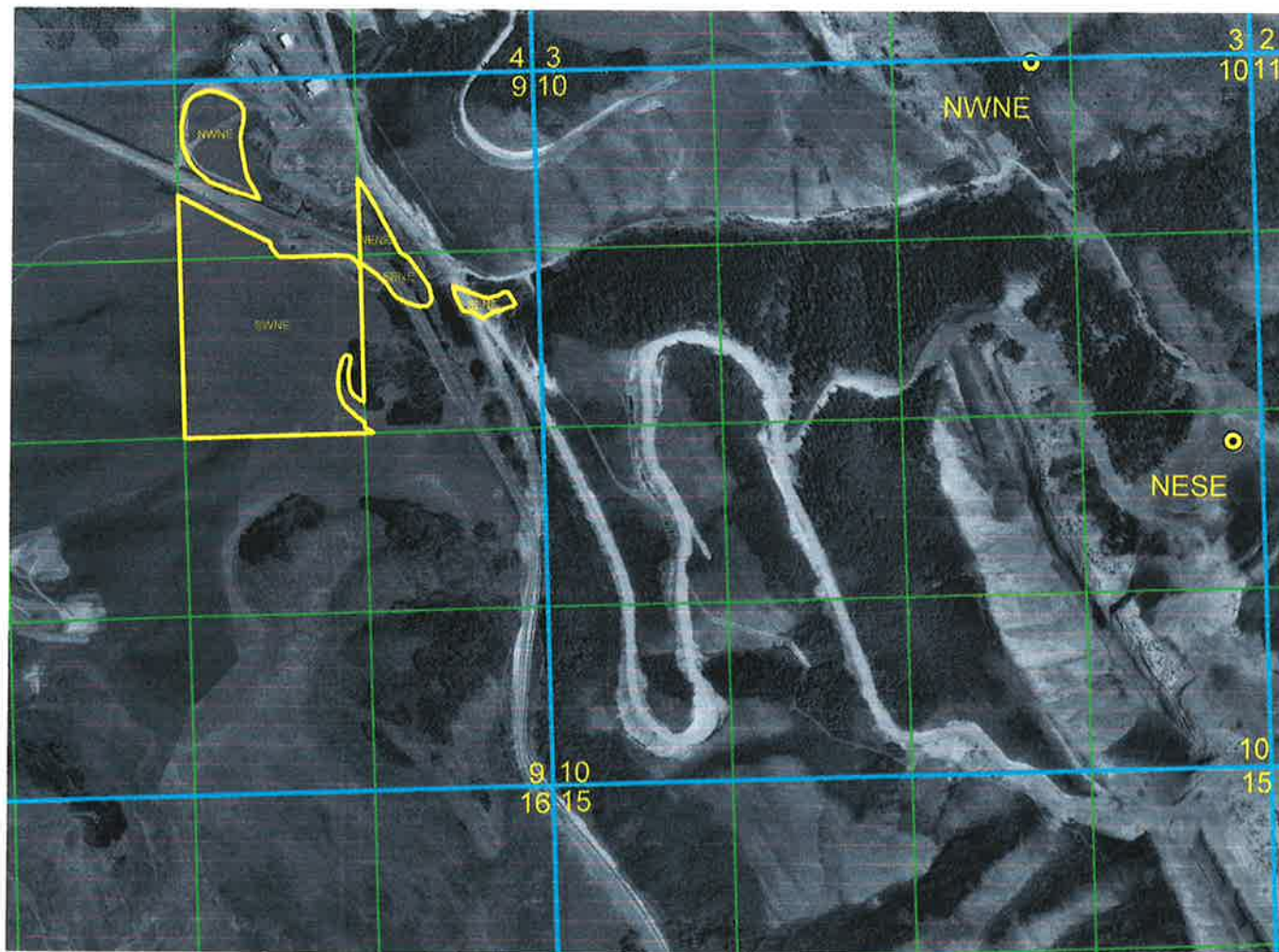
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-2165



IRRIGATED ACRES 56.0

0.07 0 0.07 0.14 Miles



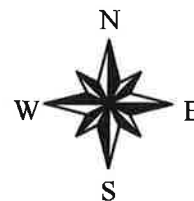
LEGEND

- Point of Diversion
- Place of Use
- Townships
- Sections
- Quarter-Quarters

SCANNED

Place of Use: T8S, R44E:
(part of) Sec. 9, NENE,
NWNE, SWNE, SENE

Point of Diversion: T8S, R44E:
Sec. 10, NENWNE, NENESE



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: September 2003

MAR 27 2006

PROFILED

10/30/2006

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

RIGHT NUMBER: 27-2165

NAME AND ADDRESS: NU-WEST MINING INC
ATTN JON GOODE
3010 CONDA RD
SODA SPRINGS ID 83276

SOURCE:

TRIBUTARY:

QUANTITY: 1.120 CFS

PRIORITY DATE: 08/22/1955

POINT OF

DIVERSION: T08S R44E S10 NENWNE Within CARIBOU County
T08S R44E S10 NENESE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/15	1.120 CFS
PLACE OF USE:	<u>IRRIGATION Within CARIBOU County</u>		
	T08S R44E S09 NENE 2.00	T08S R44E S09 NWNE	11.00
	T08S R44E S09 SWNE 39.00	T08S R44E S09 SENE	4.00

56 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED

NOV 02 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 W Center Street, Soda Springs, Idaho 83276-1575

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 19, 2007

Nu-West Mining Inc.
Attn: Jon Goode
3010 Conda Rd
Soda Springs, ID 83276

REF: SRBA Rights 27-2165

Subject: Basin 27 Objections to Irrigation Use

Dear Claimants:

This letter concerns the objection filed by the Shoshone-Bannock Tribes and/or the Bureau of Indian Affairs (collectively referred to as "the Tribal Objectors") to your water right in the Snake River Basin Adjudication (SRBA) and the concurrence of the Idaho Department of Water Resources (IDWR) in a proposed settlement agreement to resolve the objection.

It is IDWR's understanding that you have agreed to settle the volume objection made by the Tribal Objectors to your water right by including a specific total annual volume limit on your irrigation water right. Recently, the Tribal Objectors requested that IDWR concur in the settlement agreement. IDWR is reluctant to concur in such settlements because of a lack of information regarding actual diverted volumes in Basin 27. If a volume limit is to be included in a water right, IDWR wants to make sure that the volume limit is as accurate as possible. To this end, IDWR is currently in the process of implementing a study intended to provide a basis for determining diverted volumes in Basin 27. Still, IDWR realizes that that some water users might have information that would provide actual diverted volumes for their water rights, thus eliminating the need to wait for completion of the study. As such, IDWR is requesting any information you have to support historical diversion amounts for your water right. If you have any such information, please send it to the address listed above.

SCANNED

JUN 06 2007

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

Respectfully,

Cindy E. Bird
Adjudication Bureau

CC: BIA, U.S. Dept. Of Justice
Jeanette Wolfley, Shoshone-Bannock Tribes
State Of Idaho, David Barber
Garrick Baxter, Deputy Attorney General

SCANNED
JUN 06 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION
November 3, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

NU-WEST MINING INC
ATTN: ARIANNA
3010 CONDA RD
SODA SPRINGS ID 83276

RE: Notice of Change of Water Right Ownership (NCO) for 27-2165, 27-2176, 27-7059, 27-7302 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On October 16, 2006, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Conda Partnership

SCANNED

NOV 02 2006

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

)

Water Rights: 27-2165, 27-2176, 27-7059, 27-7302

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

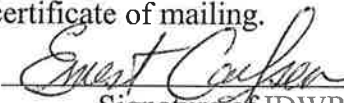
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party CONDA PARTNERSHIP – NU-WEST MINING
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Oct 31, 2006



Signature of IDWR Representative

SCANNED

NOV 02 2006

CERTIFICATE OF MAILING

I certify that on Nov 3rd, 2006, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
ATTN: JON GOODE
CONDA PARTNERSHIP
3010 CONDA RD
SODA SPRING ID 83276

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
ATTN: ARIANNA
NU-WEST MINING INC
3010 CONDA RD
SODA SPRINGS ID 83276

4. One copy to:

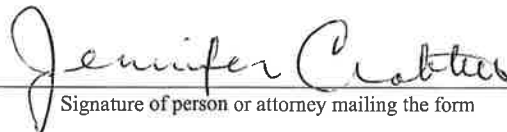
Each party in the subcase, or attorney of record
JEANETTE WOLFLEY
202 N ARTHUR
POCATELLO ID 83204

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

SCANNED

NOV 02 2006

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

RECEIVED

JUL 26 2006

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
NCAP no fee 27-7302					
NCAP no fee 27-7059					
NCAP no fee 27-2176					
NCAP no fee 27-2165					
\$25 - 27-7440					

OK
JC

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. **\$25**
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) 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(s) Conda Partnership (attn: Jon Gooda)
3010 Conda Road, Soda Springs, ID 83276
4. New Owner/Claimant(s) Nu-West Mining, Inc. Attn: Jon Gooda,
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or Dan Kline
3010 Conda Road
 New Mailing Address _____
 City, State and ZIP Code Soda Springs, ID 83276
 New Telephone Number () 208-547-4381 Attn: Ari
5. Date you acquired the property 2/21/95

RECEIVED

OCT 16 2006

Department of Water Resources
Eastern Region

SCANNED

NOV 02 2006

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Jon Goode, Controller

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee <u>\$25-</u>
Received by <u>CB</u>	Date <u>7-31-06</u>	Receipt No. <u>8000018</u>
Processed by _____	AJ Date _____	WR _____ Date _____

SCANNED
NOV 02 2006

WARRANTY DEED

FOR VALUE RECEIVED, CONDA PARTNERSHIP, an Idaho general partnership ("Grantor"), hereby grants, bargains, sells and conveys unto NU-WEST MINING, INC., a Delaware corporation ("Grantee"), whose current address is 8400 East Prentice Avenue, Suite 1320, Englewood, Colorado 80111, the following real property located in the County of Caribou, State of Idaho, to-wit:

As more fully described in Exhibit A attached hereto and incorporated herein by reference

To have and to hold the premises with their appurtenances unto said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that Grantor is the owner in fee simple of said premises, and that said premises are free from all encumbrances except general taxes and assessments for the year 1995 and subsequent years, and except as set forth on Exhibit B hereto, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed in its partnership name this 3rd day of August, 1995.

CONDA PARTNERSHIP, an
Idaho general partnership

By its general partners:

Nu-West Industries, Inc., a
Delaware corporation

By [Signature]
Name: STEVEN W. GARDNER
Title: VICE PRESIDENT
Hereunto Duly Authorized

Nu-West Mining, Inc., a
Delaware corporation

By [Signature]
Name: STEVEN W. GARDNER
Title: VICE PRESIDENT
Hereunto Duly Authorized

STATE OF IDAHO } ss. **150511**
County of Caribou }

I hereby certify that this instrument was filed at the request
of Caribou Title
at 12:07 o'clock P m this 3rd day of
August, 1995 in my office and duly
recorded in Microfilm Records
Recorder: Edie Izatt
Denise Hawley
Ex-Officio Recorder Deputy 3900

STATE OF Colorado
 City and
 COUNTY OF Denver

)
) ss.
)

On this 3rd day of August, 1995, before me,
Stephanie Anderson, a Notary Public, personally appeared
Steven W. Gamp, known or proved to me to be the
Vice President of Nu-West Mining, Inc., a Delaware
 corporation, which corporation is a general partner of Conda
 Partnership, an Idaho general partnership, and acknowledged to me
 that he executed the foregoing instrument on behalf of Nu-West
 Mining, Inc. as a general partner of Conda Partnership.

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

Stephanie Anderson
 Notary Public
 Residing at 370 17th St Denver CO 80202
 Comm. expires 3/22/96

STATE OF Colorado
 City and
 COUNTY OF Denver

)
) ss.
)

On this 3rd day of August, 1995, before me,
Stephanie Anderson, a Notary Public, personally appeared
Steven W. Gamp, known or proved to me to be the
Vice President of Nu-West Mining, Inc., a Delaware
 corporation, a general partner of Conda Partnership, an Idaho
 general partnership, the partnership that executed the instrument
 or the person who executed the instrument on behalf of said
 partnership, and acknowledged to me that such corporation
 executed the same as general partner on behalf of said
 partnership.

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

Stephanie Anderson
 Notary Public
 Residing at 370 17th St, Denver, Co 80202
 Comm. expires 3/22/96

EXHIBIT A

(Nu-West Mining, Inc. Caribou County - Dry Valley Mine)

LEGAL DESCRIPTION

Tract VI:

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

Section 4: SE $\frac{1}{4}$.Section 9: NE $\frac{1}{4}$. ALSO, a tract of land located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, aforesaid, being more particularly described as follows:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ of said Section 9, and running
thence along the East of said Section, South 0°02' East a distance of 769.21 feet;
thence South 89°54' West a distance of 134.19 feet;
thence North 26°18' West a distance of 830.17 feet, to a point in the mid-section line of said Section 9;
thence along said mid-section line North 89°54' East a distance of 516.29 feet,
to the point of beginning.

Sections 4: ALSO, a strip of land 89.5 feet in width on the West side

(Continued)

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NOV 02 2006

5 and 9: of and a strip of land 59.5 feet in width on the East side of the centerline of a right of way over and across the NW $\frac{1}{4}$ of Section 9, 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 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 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 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 SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4;

thence continuing North 53°55' West 570.26 feet, more or less, to Rail Road Survey Station 932.97.6 feet, on mile-post 17.67, which ends the OSLRR ownership, the terminus of centerline.

Section 9: ALSO, Beginning at a point which is 769.21 feet South 0°02' East from the East quarter corner of Section 9, and running thence South 0°02' East 550.79 feet to the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9;

thence South 89°54' West 250 feet along the South line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9;

thence North 0°01' West 550.79 feet;

thence North 89°54' East 250 feet, to the point of beginning.

ALSO, Beginning at the Southeast corner of said Section 9, and running

thence Northerly along the Section line to the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9;

thence West 195 feet, to a point on a curve;

thence Southwesterly on a 4°13' curve 144 feet to a point of tangency;

thence South 15°00' West 597 feet to a point on a curve of a 5°34' curve in the Southeasterly direction;

thence 630 feet along the last named curve to a point on the South Section line of said Section 9;

thence East 252 feet, more or less, along said Section line, to the point of beginning.

Section 16: Beginning at the Northeast corner of Section 16, and running thence West 252 feet along the Section line to a point on a 5°34' curve in a Southeasterly direction;

thence 473 feet along the curve in a Southeasterly direction to a point on the East section line of said Section 16;

thence North along the section line 370 feet, more or less, to the point of beginning.

Township 10 South, Range 45 East of the Boise Meridian:

Sections 5: That part of Highland No. 5, placer mining claim, designated
and 8: by the Surveyor General as Survey No. 2778, embracing a
portion of the unsurveyed Public Domain, in Caribou County,
Idaho, bounded and described, and platted as follows:

Beginning for the description of the Highland No. 5 placer
claim at corner No. 1, identical with corner No. 3 of said
Highland No. 4 placer claim, from which said U.S. Location
Monument No. 2778 bears South 30°25' West 2169.6 feet
distant; and running

thence, first course, North 1°04' West 652.8 feet to corner
No. 2, a shale stone 24 x 12 x 6 inches, marked 2-2778;
thence, second course, North 89°49' East 536.2 feet to corner
No. 3, a limestone 24 x 12 x 10 inches, marked 3-2778;
thence, third course, North 1°32' East 1332.7 feet to corner
No. 4, a limestone 24 x 12 x 10 inches, marked 4-2778;
thence, fourth course, South 89°08' East 711.8 feet to corner
No. 5, a sandstone 24 x 12 x 8 inches, marked 5-2778;
thence, fifth course, North 8° West 1250.4 feet to corner
No. 6, a sandstone 24 x 14 x 10 inches marked 6-2778;
thence, sixth course, South 89°44' East 637.7 feet to corner
No. 7, a chert stone 24 x 12 x 8 inches, marked 7-2778;
thence, seventh course, North 3°28' West 1619.2 feet to
corner No. 8, a shale stone 24 x 12 x 6 inches, marked
8-2778;
thence, eighth course, South 82°58' East 668.3 feet to corner
No. 9, a chert stone 24 x 18 x 10 inches, marked 9-2778;
thence, ninth course, North 47' West 466.7 feet to corner
No. 10, a chert stone 24 x 14 x 6 inches, marked 10-2778;
thence, tenth course, South 88°51' East 1263.6 feet to corner
No. 11, a sandstone 24 x 8 x 6 inches, marked 11-2778;
thence, eleventh course, South 473.33 feet to corner No. 12,
a sandstone 24 x 8 x 6 inches marked 12-2778;
thence, twelfth course, North 89°25' West 597 feet to corner
No. 13, a cert stone 24 x 12 x 6 inches, marked 13-2778;
thence, thirteenth course, South 3°07' East 1301.4 feet to
corner No. 14, a sandstone, 24 x 12 x 6 inches, marked
14-2778;
thence, fourteenth course, South 89°03' West 650.8 feet to
corner No. 15, a sandstone 24 x 12 x 4 inches, marked
15-2778;
thence, fifteenth course, South 43' West 1252.1 feet to
corner No. 16, a sandstone 24 x 14 x 4 inches, marked
16-2778;
thence, sixteenth course, South 85°38' West 515 feet to
corner No. 17, a sandstone 26 x 12 x 10 inches, marked
17-2778;
thence, seventeenth course, South 6°20' East 1359.7 feet to
corner No. 18, a limestone 24 x 14 x 4 inches, marked

X

18-2778;
thence, eighteenth course, West 664.7 feet to corner No. 19,
sandstone 24 x 12 x 10 inches, marked 19-2778;
thence, nineteenth course, South 59' West 631.7 feet to
corner No. 20, identical with corner No. 4 of said
Highland No. 4 placer claim;
thence, twentieth course, North 87°14' West 1339 feet to
corner No. 1,
the place of beginning.

1. Right of Way and easement on which to construct, maintain and operate a haul road, granted by El Paso Products Company, a Texas corporation, to Mountain Fuel Supply Company, a Utah corporation, by instrument dated December 20, 1967, recorded January 3, 1968, under recorder's instrument No. 62455, in the microfilm records of Caribou County, Idaho. Said easement shall be 200 feet in width lying equally on each side of the centerline, except as necessarily limited as set forth below in the following described tract in Section 9, T. 8 S., R. 44 E., B.M., more particularly described as follows:

Beginning at Station 0+00 which is located at the center of El Paso Tipple whence the East Quarter corner of Section 9, T. 8 S., R. 44 E., of the Boise Meridian bears South 44°42' East 2418.3 feet;
 thence South 65°22' East 19.0 feet to a point of curve to the left on the existing El Paso scaper haul road, the radius of which is 333.5 feet;
 thence along the arc of said curve, through an angle of 45°55' a distance of 267.5 feet to a point of curve to the right, the radius of which is 249.11 feet;
 thence along the arc of said curve, through an angle of 74°00' a distance of 321.7 feet to Station 6+08.2;
 thence South 37°17' East 997.7 feet to Station 16+05.9 feet, the point of curve to the right the radius of which is 1273.24 feet;
 thence along the arc of said curve, through an angle of 17°03' a distance 392.2 feet to Station 19+98.1;
 thence South 19°38' East 633.3 feet to Station 26+31.4 the point of curve to the right, the radius of which is 1432.4 feet;
 thence along the arc of said curve, through an angle of 18°45' a distance of 468.8 feet to Station 31+00.2;
 thence South 0°53' East 170.1 feet to Station 32+70.3, the point of curve to the right, the radius of which is 1910.10 feet;
 thence along the arc of said curve, through an angle of 12°00' a distance of 26.0 feet to Station 32+96.3 a point on the South line of the parcel of land formerly owned by El Paso Products Company, whence the East quarter corner of said Section 9, bears North 3°24' East 768.2 feet.

EXHIBIT B

(Nu-West Mining, Inc. Caribou County - Dry Valley Mine)

EXCEPTIONS TO TITLE

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

1 Pat,pg 384 EXSWK Section 3, EKNWK Section 10, T. 8 S., R. 42 E., B.M.
 #98665 Micro WKWK Section 3, SEKSEK Section 4, T. 8 S., R. 42 E., B.M.
 1 Pat,pg 178 Lot 4, SWNWK, WSWK Section 3, T. 8 S., R. 42 E., B.M.
 SEKSEK Section 4, T. 8 S., R. 42 E., B.M.
 1 Pat,pg 178 Lot 2, SWNWK, WKSEK Section 4, T. 8 S., R. 42 E., B.M.
 1 Pat,pg 253 Lot 1, SEKNWK, NEKSEK Section 4, T. 8 S., R. 42 E., B.M.
 1 Pat,pg 545 SEK Section 9, T. 8 S., R. 42 E., B.M.
 2 Pat,pg 208 NEK Section 9, T. 8 S., R. 42 E., B.M.
 1 Pat,pg 179 SWK, WKNWK Section 10, T. 8 S., R. 42 E., B.M.
 1 Pat,pg 344 SEK Section 10, SWSWK Section 11, T. 8 S., R. 42 E., B.M.
 1 Pat,pg 282 WKWK Section 15, T. 8 S., R. 42 E., B.M.
 1 Pat,pg 430 SKNWK, SEK, EXSWK Section 4, T. 8 S., R. 44 E., B.M.
 2 Pat,pg 168 WSWK Section 4, T. 8 S., R. 44 E., B.M.
 1 Pat,pg 431 SKNWK, SEKNWK Section 5, T. 8 S., R. 44 E., B.M.
 2 Pat,pg 173 SEKSEK Section 5, T. 8 S., R. 44 E., B.M.
 2 Pat,pg 172 NKSEK, SWSEK Section 5, T. 8 S., R. 44 E., B.M.
 2 Pat,pg 170 SKSEK, NKNEK, SEKNWK, NEKSEK Section 9,
 T. 8 S., R. 44 E., B.M.
 1 Pat,pg 516 EKWK Section 16, T. 8 S., R. 44 E., B.M.
 5 Pat,pg 236 Highland No. 5, Sections 5 & 8, T. 10 S., R. 45 E., B.M.

Reservations and exceptions in the State of Idaho Deeds, and in the Act authorizing the issuance thereof, records of Caribou County, Idaho, as follows:

1 Pat,pg 125 NEKNWK Section 16, T. 8 S., R. 42 E., B.M.
 #108286 Micro NEKNWK, NWKNWK Section 16, T. 8 S., R. 42 E., B.M.

25. Mining Lease granted by Paul H. Allen and Grace Allen, husband and wife, to Kerr-McGee Oil Industries, Inc., on by instrument dated October 1, 1963, recorded September 13, 1965, under recorder's instrument No. 55272, in the microfilm records of Caribou County, Idaho, and assigned to O. A. Pover and Charlotte Pover, husband and wife, by assignment dated March 19, 1968, recorded January 13, 1970, under recorder's instrument No. 68030, in the microfilm records of Caribou County, Idaho. Said Lease was amended by Amendment to Mining Lease, executed by Paul H. Allen, a single man to FMC CORPORATION, a Delaware corporation, dated May 15, 1977, recorded June 8, 1977, under recorder's instrument No. 91872, in the microfilm records of Caribou County, Idaho. Said instrument affects the NKSEK, SEKSEK of Section 5, T. 8 S., R. 44 E., B.M. and amends the primary term to terminate on March 24, 2004.

26. Mining Lease executed by Victor Bollar and Doris Bollar, his wife, to Kerr-McGee Oil Industries, Inc., by instrument dated July 17, 1963, recorded December 6, 1965, under recorder's instrument No. 55961, records of Caribou County, Idaho. Said Lease was assigned by assignment to FMC CORPORATION, a Delaware corporation, dated December 23, 1965, recorded July 6, 1976, under recorder's instrument No. 87547, in the microfilm records of Caribou County, Idaho. Said Lease was amended by Amendment to Mining Lease, executed by Victor Bollar and Doris Bollar, husband and wife, to FMC CORPORATION, a Delaware corporation, dated March 28, 1979, recorded April 19, 1979, under recorder's instrument No. 100049, in the microfilm records of Caribou County, Idaho. Said instrument affects the ENE½ of Section 16, T. 8 S., R. 44 E., B.M., and amends the primary term to March 24, 2004.

27. Right, title and interest of Paul Allen in and to all minerals and mineral rights, in and to the SE¼ of Section 5, the SW¼, NW¼, and that portion of the NE¼ lying North of the Maybe Canyon Road in Section 9, all in T. 8 S., R. 44 E., B.M., disclosed by Quit Claim Deed executed by Reta R. Allen, a widow, to Paul Allen, by instrument dated December --, 1963, recorded December 24, 1965, under recorder's instrument No. 56168, in the microfilm records of Caribou County, Idaho. Said instrument affects the NW¼SW¼ of Section 4; the SE¼ of Section 5, SW¼ and that portion of the NE¼ of Section 9 lying North of the Maybe Canyon Road, all in T. 8 S., R. 44 E., B.M.

28. Pole Line Easement and all rights incidental thereto, granted by Richard Torgesen and Arlene Torgesen, husband and wife, to Utah Power & Light Company, a corporation, by instrument dated June 23, 1959, recorded August 5, 1959, in Book 42 of Deeds at page 289, under recorder's instrument No. 43117, records of Caribou County, Idaho. Said instrument affects the NE¼NE¼ of Section 9, T. 8 S., R. 42 E., B.M.

29. Pole Line Easement and all rights incidental thereto, granted by Walter D. Stiles, a widower, to Utah Power & Light Company, a corporation, by instrument dated June 11, 1959, in Book 42 of Deeds, at page 291, under recorder's instrument No. 43118, records of Caribou County, Idaho. Said easement affects the E¼SW¼ of Section 3, T. 8 S., R. 42 E., B.M.

30. Pole Line Easement and all rights incidental thereto, granted by El Paso Products Company, a corporation, to Utah Power & Light Company, a corporation, by instrument dated March 10, 1967, recorded July 12, 1967, under recorder's instrument No. 61031, in the microfilm records of Caribou County, Idaho. Said easement affects the SW¼NW¼ of Section 10, and the SE¼NE¼ of Section 9, T. 8 S., R. 42 E., B.M.

31. Easement for a gas pipeline and all rights incidental thereto, granted by El Paso Products Company, to Intermountain Gas Company, by instrument dated July 13, 1967, recorded October 9, 1967, under recorder's instrument No. 61694, in the microfilm records of Caribou County, Idaho. Said instrument affects the NW¼ of Section 10, and the NW¼NW¼ of Section 15, T. 8 S., R. 42 E., B.M.

32. License Agreement and all rights incidental thereto, executed by Agricultural Products Corporation, a corporation, by Doyle Stiles and Veda Stiles, husband and wife, dated July 18, 1974, recorded September 25, 1974, under recorder's instrument No. 80902, in the microfilm records of Caribou County, Idaho. Said License Agreement was assigned by Assignment of License Agreement executed by Baker Industries Corp., a Delaware corporation, to Conda Partnership, a general partnership, dated January 9, 1979, recorded January 9, 1979, under recorder's instrument No. 98947, in the microfilm records of Caribou County, Idaho. Said instrument affects the property in EKSWM of Section 3 and the EXNWM of Section 10, T. 8 S., R. 42 E., B.M.

33. Easement and all rights incidental thereto, granted by Agricultural Products Company, a corporation, to Oregon Short Line Railroad Company, disclosed by Easement Deed, dated May 15, 1972, recorded November 3, 1976, under recorder's instrument No. 88852, in the microfilm records of Caribou County, Idaho. Said easement affects the property in the WM of Section 3, T. 8 S., R. 42 E., B.M.

34. Right of Way easements for ingress and egress and for utilities and other purposes, and all rights incidental thereto, all as disclosed by Easement Agreement between Baker Industries Corp., a Delaware corporation and Conda Partnership, an Idaho partnership, dated January 9, 1979, recorded January 9, 1979, under recorder's instrument No. 98946, in the microfilm records of Caribou County, Idaho. Said instrument affects Tract IV.

35. Provisions contained in Deed executed by Baker Industries Corp., a Delaware corporation, and Western Co-Operatives Fertilizers (U.S.) Inc., a Delaware corporation, to Conda Partnership, a general partnership, dated January 9, 1979, recorded January 9, 1979, under recorder's instrument No. 98945, in the microfilm records of Caribou County, Idaho, as follows:

"SUBJECT TO the condition that Baker reserves the right to use the easement described in Exhibit E of the Easement Agreement dated as of the date hereof (the 'Easement Agreement') between Baker and the Partnership to the extent reasonable necessary in connection with Baker's operations on the property described in Exhibit A of the Easement Agreement without affecting the rights of the Partnership granted in the Easement Agreement." Said instrument affects the property in T. 8 S., R. 42 E., B.M.

36. The effect, if any of the following 4 described instruments; the first being a Quit Claim Deed executed by Pratt Holmgren, Joyce H. Dahlberg, Jerilyn H. Baty and Clair Holmgren, as Trustees to Arvilla Holmgren a widow, dated November 27, 1984, recorded January 14, 1985, under recorder's instrument No. 123208; the second being a Quit Claim Deed executed by Arvilla Holmgren, a widow, to Holmgren Enterprises, Ltd., dated November 27, 1984, recorded January 14, 1985, under recorder's instrument No. 123209; the third being a Corrected Quit Claim Deed executed by Arvilla Holmgren Enterprises, Ltd., dated November 27, 1984, recorded January 23, 1985, under recorder's instrument No. 123288; the fourth being a Corrected Quit Claim Deed executed by Pratt Holmgren, Joyce H. Dahlberg, Jerilyn H. Baty and Clair Holmgren, as Trustee, to Arvilla Holmgren, a widow, dated November 27, 1984, recorded January 24, 1985, under recorder's instrument No. 123302, all in the microfilm records of Caribou County, Idaho. Instrument No. 123302 corrects instrument No. 123208 and instrument No. 123288 corrects instrument No. 123209, and affects the SEM of Section 4, T. 8 S., R. 44 E., B.M.

37. Easement and all rights incidental thereto, executed by Nu-West, a corporation, to Utah Power & Light Company, dated June 29, 1992, recorded July 7, 1992, under recorder's instrument No. 143834, in the microfilm records of Caribou County, Idaho. Said easement affects the NW¼NE¼ of Section 9, T. 8 S., R. 42 E., B.M.

38. Right of Way for County Roads and Railroad, disclosed by various documents of record, the exact location of which are not disclosed. Affects Tract VI.

39. Overlaps and encroachments, as disclosed and shown by record of survey of A. A. Hudson and Associates, Project No. 93174, dated October, 1993. Affects Sections 3, 4, 9 and 10, T. 8 S., R. 42 E., B.M.

40. (a) Unpatented mining claims; Affects Tract VI; (b) water rights, claims or title to water, whether or not the a matter excepted under (a) and (b) are shown of public records.

45. Terms, conditions, stipulations and all provisions contained in the easements and rights of way grants described Easements Nos. 62411, 62412, 62413, of Tract IV; and Easement Nos. 62411, 62412, 62413, 63974, 62566, 62567, 62568, 61694, 62279 and 62280 of Tract VII, of Schedule A.

46. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:

- a. the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
- b. the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
- c. the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure; or
 - (i) to timely record the instrument of transfer; or
 - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

47. An easement for overhanging eaves of the silica plant building, disclosed by survey of Alexander A. Hudson, dated October 17, 1993.

48. Any lack of a right of access to and from the land. Affects the property in Section 5 and 8, T. 10 S., R 45 E., B.M. of Tract VI. (Highland No. 5, placer mining claim)

49. UCC-1 filing executed by Conda Partnership to Banque Indosuez, New York Branch, as Collateral Agent, covering fixtures and minerals located on Tract V and Tract VII of the above described property,, filed November 1, 1993, under recorder's instrument No. 146575, in the microfilm records of Caribou County, Idaho.

50. UCC-1 filing executed by Conda Partnership to Banque Indosuez, New York Branch, as Collateral Agent, covering fixtures and minerals located on Tract VI of the above described property, filed November 1, 1993, under recorder's instrument No. 146576, in the microfilm records of Caribou County, Idaho.

51. UCC-1 filing executed by Nu-West Industries, Inc., to Banque Indosuez, New York Branch, as Collateral Agent, covering fixtures and minerals located on Tract I and IV of the above described property, filed November 1, 1993, under recorder's instrument No. 146577, in the microfilm records of Caribou County, Idaho.

52. Mortgage executed by Nu-West Industries, Inc., to Banque Indosuez, New York Branch, as Collateral Agent, to secure the payment of \$50,000.00 together with interest and any other obligations secured thereby; dated as of November 2, 1993, recorded November 3, 1993, under recorder's instrument No. 146621, in the microfilm records of Caribou County, Idaho. Affects Tracts I, II, III and IV.

53. Mortgage executed by Conda Partnership to Banque Indosuez, New York Branch, as Collateral Agent, to secure the payment of \$50,000.000.00 together with interest and any other obligations secured thereby; dated as of November 2, 1993, recorded November 3, 1993, under recorder's instrument No. 146622, in the microfilm records of Caribou County, Idaho. Affects Tract V, and VII.

54. Mortgage executed by Conda Partnership, to Banque of Indosuez, New York Branch, as Collateral Agent, to secure the payment of \$50,000,000.00 together with interest and any other obligations secured thereby; dated as of November 2, 1993, recorded November 3, 1993, under recorder's instrument No. 146623, in the microfilm records of Caribou County, Idaho. Affects Tract VI.

55. Memorandum of Lease, wherein Nu-West Industries, Inc., is Lessor and NuTec Mineral & Chemical Company, is Lessee, dated November 2, 1993, recorded November 3, 1993, under recorder's instrument No. 146624; and assigned to NuTec Mineral & Chemical Company, a Colorado limited partnership, by Assignment and assumption of Conda Facility Ground Lease, dated November 1, 1993, recorded November 3, 1993, under recorder's instrument No. 146625; which lease is subordinate to Mortgage No. 146621.

by Subordination Agreement dated November 2, 1993, recorded November 3, 1993, under recorder's instrument No. 146626, all in the microfilm records of Caribou County, Idaho. Said lease affects the following described property:

Township 8 South, Range 42 East of the Boise Meridian:

Section 10: Beginning at the Southwest corner of said Section 10; thence North 39°52'11" East 1231.52 feet to the Northwest Corner of the silica plant building located in the Nu-West plant site, the TRUE POINT OF BEGINNING, AND RUNNING thence following the concrete foundation wall through the following six courses;
 North 89°29'00" East 61.12 feet;
 North 00°31'00" West 10.00 feet;
 North 89°29'00" East 25.90 feet;
 South 00°31'00" East 44.40 feet;
 South 89°29'00" West 87.02 feet;
 North 00°31'00" West 34.40 feet,
 to the point of beginning.

56. Mortgage executed by NuTec Mineral & Chemical Company, a Colorado limited Partnership, to Nu-West Industries, Inc., to secure the payment of \$20,000,000.00 together with interest and any other obligations secured thereby; dated as of November 2, 1993, recorded November 3, 1993, under recorder's instrument No. 146627; and assigned to Banque Indosuez, New York Branch, by Assignment of Leasehold Mortgage, dated October 31, 1993, recorded November 3, 1993, under recorder's instrument No. 146628, both in the microfilm records of Caribou County, Idaho. Said mortgage affects the property set forth in exception No. 54 above.

57. Deed of Trust executed by Nu-West Industries, Inc., to Caribou Land Title, Inc., as Trustee, and Kennecott Utah Copper Corporation, as Beneficiary, to secure the payment of \$4,000,000.00 together with interest and any other obligations secured thereby; dated July 28, 1994, recorded September 2, 1994, under recorder's instrument No. 148672, in the microfilm records of Caribou County, Idaho.

58. UCC-1 filing executed by Nu-West Industries, Inc., to Kennecott Utah Copper Corporation, filed September 2, 1994, under recorder's instrument No. 148673, in the microfilm records of Caribou County, Idaho.

59. UCC-1 filing executed by Nu-West Industries, Inc., to Weiss, Peck & Greer Venture Associates, L.P.; WPG Corporate Development Associates II, L.P.; and WPG Corporate Development Associates III, L.P.; filed November 21, 1990, under recorder's instrument No. 140227, in the microfilm records of Caribou County, Idaho.

60. UCC-1 filing executed by Nu-West Industries, Inc., a Delaware Corporation, to WPG Corporate Development Associates III (Overseas), Ltd., recorded April 9, 1991, under recorder's instrument No. 140986, in the microfilm records of Caribou County, Idaho.

Authorization ID: SSC21
 Contact ID: NUWEST MINING
 Expiration Date: 12/31/2023
 Use Code: 571

FS-2700-4 (8/99)
 OMB 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE
 Forest Service
 SPECIAL USE PERMIT
 AUTHORITY:
 ORGANIC ADMINISTRATION ACT June 4, 1897**

NUWEST MINING, Inc. of 3010 CONDA ROAD, SODA SPRINGS, ID 83276 - (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Caribou-Targhee National Forest or Soda Springs Ranger District unit of the National Forest System.

This permit covers 142.5 acres, and/or 0 miles and is described as:

Special Use Permit Areas for Nu-West Mining						SUP Acreage
		Township	Range	Section	Parcel	
North and South Maybe	East Mill Canyon Dump	T7S	R44E	28	N1/2NW1/4SE1/4SE1/4	5
				28	NW1/4NE1/4SE1/4SE1/4	2.5
				28	SW1/4NW1/2SE1/4SE1/4	2.5
				28	S1/2SW1/4NE1/4SE1/4	5
North and South Maybe	Waste Dump F	T7S	R44E	4	NE1/4NW1/4NE1/4	10
North and South Maybe	South Maybe Dump	T7S	R44E	11	S1/2SW1/4SW1/4	20
		T7S	R44E	11	NW1/4SW1/4SW1/4	10
		T7S	R44E	11	W1/2NE1/4SW1/4SW1/4	5
		T7S	R44E	11	SW1/4NW1/4SW1/4	10
		T7S	R44E	11	SW1/4SE1/4NW1/4SW1/4	2.5
Mtn Fuel Mine	Facilities Area, dump, railroad	T9S	R44E	13	SW1/4SW1/4NW1/4	10
				13	E1/2NW1/4NW1/4SW1/4	5
				14	S1/2SE1/4SE1/4NE1/4	5
				14	NE1/4SE1/4SE1/4NE1/4	2.5
				14	NW1/4NE1/4SE1/4	10
				14	W1/2NE1/4NE1/4SE1/4	5
				24	W1/2NE1/4SE1/4SW1/4	5
				24	NW1/4SE1/4SE1/4SW1/4	2.5
				24	W1/2SE1/4SW1/4	20
				25	NW1/4NW1/4NE1/4NW1/4	2.5
				25	SW1/4SW1/4NE1/4NW1/4	2.5
					total SUP	142.5

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This permit is issued for the purpose of reclamation, monitoring, and water management for inactive phosphate mining areas. The above described or defined area shall be referred to herein as the "permit area".

TERMS AND CONDITIONS

I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

A. **Authority.** This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. **Authorized Officer.** The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. **License.** This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

D. **Amendment.** This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.

E. **Existing Rights.** This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.

F. **Nonexclusive Use and Public Access.** Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

G. **Forest Service Right of Entry and Inspection.** The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

H. **Assignability.** This permit is not assignable or transferable. If the holder through death, voluntary sale or transfer, enforcement of contract, foreclosure, or other valid legal proceeding ceases to be the owner of the improvements, this permit shall terminate.

I. **Permit Limitations.** Nothing in this permit allows or implies permission to build or maintain any structure or facility, or to conduct any activity unless specifically provided for in this permit. Any use not specifically identified in this permit must be approved by the authorized officer in the form of a new permit or permit amendment.

II. TENURE AND ISSUANCE OF A NEW PERMIT

A. **Expiration at the End of the Authorized Period.** This permit will expire at midnight on 12/31/2023. Expiration shall occur by operation of law and shall not require notice, any decision document, or any environmental analysis or other documentation.

B. **Minimum Use or Occupancy of the Permit Area.** Use or occupancy of the permit area shall be exercised at least 365 days each year, unless otherwise authorized in writing under additional terms of this permit.

C. **Notification to Authorized Officer.** If the holder desires issuance of a new permit after expiration, the holder shall notify the authorized officer in writing not less than six (6) months prior to the expiration date of this permit.

D. Conditions for Issuance of a New Permit. At the expiration or termination of an existing permit, a new permit may be issued to the holder of the previous permit or to a new holder subject to the following conditions:

1. The authorized use is compatible with the land use allocation in the Forest Land and Resource Management Plan.
2. The permit area is being used for the purposes previously authorized.
3. The permit area is being operated and maintained in accordance with the provisions of the permit.
4. The holder has shown previous good faith compliance with the terms and conditions of all prior or other existing permits, and has not engaged in any activity or transaction contrary to Federal contracts, permits laws, or regulations.

E. Discretion of Forest Service. Notwithstanding any provisions of any prior or other permit, the authorized officer may prescribe new terms, conditions, and stipulations when a new permit is issued. The decision whether to issue a new permit to a holder or successor in interest is at the absolute discretion of the Forest Service.

F. Construction. Any construction authorized by this permit may commence by N/A and shall be completed by N/A. If construction is not completed within the prescribed time, this permit may be revoked or suspended.

III. RESPONSIBILITIES OF THE HOLDER

A. Compliance with Laws, Regulations, and other Legal Requirements. The holder shall comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Control, and Liability Act, 42 U.S.C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation, and maintenance of any facility, improvement, or equipment on the property.

B. Plans. Plans for development, layout, construction, reconstruction, or alteration of improvements on the permit area, as well as revisions of such plans, must be prepared by a qualified individual acceptable to the authorized officer and shall be approved in writing prior to commencement of work. The holder may be required to furnish as-built plans, maps, or surveys, or other similar information, upon completion of construction.

C. Maintenance. The holder shall maintain the improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. If requested, the holder shall comply with inspection requirements deemed appropriate by the authorized officer.

D. Hazard Analysis. The holder has a continuing responsibility to identify all hazardous conditions on the permit area which would affect the improvements, resources, or pose a risk of injury to individuals. Any non-emergency actions to abate such hazards shall be performed after consultation with the authorized officer. In emergency situations, the holder shall notify the authorized officer of its actions as soon as possible, but not more than 48 hours, after such actions have been taken.

E. Change of Address. The holder shall immediately notify the authorized officer of a change in address.

F. Change in Ownership. This permit is not assignable and terminates upon change of ownership of the improvements or control of the business entity. The holder shall immediately notify the authorized officer when a change in ownership or control of business entity is pending. Notification by the present holder and potential owner shall be executed using Form SF-299 Application for Transportation and Utility Systems and Facilities of Federal Lands, or Form FS-2700-3a, Holder Initiated Revocation of Existing Authorization, Request for a Special Use Permit. Upon receipt of the proper documentation, the authorized officer may issue a permit to the party who acquires ownership of, or a controlling interest in, the improvements or business entity.

IV. LIABILITY

For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

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NOV 02 2006

B. The holder shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the holder's use or occupancy of the property. The holder's indemnification of the United States shall include any loss by personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this permit. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this authorization, regardless of cause.

C. The holder has an affirmative duty to protect from damage the land, property, and interests of the United States.

D. In the event of any breach of the conditions of this authorization by the holder, the authorized officer may, on reasonable notice, cure the breach for the account at the expense of the holder. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional fees hereunder and shall be due from the holder to the Forest Service on the first day of the month following such election.

E. With respect to roads, the holder shall be proportionally liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided above, except that liability shall not include reasonable and ordinary wear and tear.

F. The Forest Service has no duty to inspect the permit area or to warn of hazards and, if the Forest Service does inspect the permit area, it shall incur no additional duty nor liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.

V. TERMINATION, REVOCATION, AND SUSPENSION

A. General. For purposes of this permit, "termination", "revocation", and "suspension" refer to the cessation of uses and privileges under the permit.

"Termination" refers to the cessation of the permit under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the permit, a fixed or agreed upon condition, event, or time occurs. For example, the permit terminates at expiration. Terminations are not appealable.

"Revocation" refers to an action by the authorized officer to end the permit because of noncompliance with any of the prescribed terms, or for reasons in the public interest. Revocations are appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

B. Revocation or Suspension. The Forest Service may suspend or revoke this permit in whole or part for:

1. Noncompliance with Federal, State, or local laws and regulations.
2. Noncompliance with the terms and conditions of this permit.
3. Reasons in the public interest.
4. Abandonment or other failure of the holder to otherwise exercise the privileges granted.

C. Opportunity to Take Corrective Action. Prior to revocation or suspension for cause pursuant to Section V (B), the authorized officer shall give the holder written notice of the grounds for each action and a reasonable time, not to exceed 90 days, to complete the corrective action prescribed by the authorized officer.

D. Removal of Improvements. Prior to abandonment of the improvements or within a reasonable time following revocation or termination of this authorization, the holder shall prepare, for approval by the authorized officer, an abandonment plan for the permit area. The abandonment plan shall address removal of improvements and restoration of the permit area and prescribed time frames for these actions. If the holder fails to remove the

improvements or restore the site within the prescribed time period, they become the property of the United States and may be sold, destroyed or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all cost associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VI. FEES

A. Termination for Nonpayment. This permit shall automatically terminate without the necessity of prior notice when land use rental fees are 90 calendar days from the due date in arrears.

B. The holder shall pay an annual fee of Five Thousand Two Hundred Fifty Dollars \$5107 for the period from January 1, 2003 to January 1, 2004 and thereafter annually on January 1 Thirty Five Dollars (\$35.84) per acre for the number of acres in use: Provided, charges for this use shall be made or readjusted whenever necessary to place the charges on a basis commensurate with the fair market value of the authorized use.

C. Payment Due Date. The payment due date shall be the close of business on January 1 of each calendar year payment is due. Payments due the United States for this use shall be deposited at USDA – FS, C/O Bank of America, File 71652, P.O. Box 60000 San Francisco, CA 94160-1657, in the form of a check, draft, or money order payable to "Forest Service, USDA." Payments shall be credited on the date received by the designated Forest Service collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

D. Late Payment Interest, Administrative Costs and Penalties Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any fee amount not paid within 30 days from the date the fee or fee calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the fee or fee calculation financial statement is due.

In the event the account becomes delinquent, administrative costs to cover processing and handling of the delinquency will be assessed.

A penalty of 6 percent per annum shall be assessed on the total amount delinquent in excess of 90 days and shall accrue from the same date on which interest charges begin to accrue.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or the appeal decision.

If the fees become delinquent, the Forest Service will:

Liquidate any security or collateral provided by the authorization.

If no security or collateral is provided, the authorization will terminate and the holder will be responsible for delinquent fees as well as any other costs of restoring the site to it's original condition including hazardous waste cleanup.

Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. Delinquencies may be subject to any or all of the following conditions:

Administrative offset of payments due the holder from the Forest Service.

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NOV 02 2006

Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, *et seq.*)

VII. OTHER PROVISIONS

A. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

B. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

C. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

I. Nondiscrimination in Employment and Services (B1). During the performance of this authorization, the holder agrees:

1. In connection with the performance of work under this authorization, including construction, maintenance, and operation of the facility, the holder shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, or disability. (Ref. Title VII of the Civil Rights Act of 1964, as amended).
2. The holder and employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, religion, sex national origin, age, or disability, by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. (Ref. Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments, and the Age Discrimination Act of 1975).
3. The holder shall include and require compliance with the above nondiscrimination provisions in any subcontract made with respect to the operations under this authorization.
4. When furnished by the Forest Service, signs setting forth this policy of nondiscrimination will be conspicuously displayed at the public entrance to the premises, and at other exterior or interior locations as directed by the Forest Service.
5. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States of the State in which the breach or violation occurs.

II. Bonding (C3). As a further guarantee of the faithful performance of the provisions of terms and conditions of this authorization, the holder agrees to deliver and maintain a surety bond or other acceptable security in the amount of \$574,608. Should the sureties or the bonds delivered under this authorization become unsatisfactory to the Forest Service, the holder shall, within thirty (30) days of demand, furnish a new bond with surety, solvent and satisfactory to the Forest Service. In lieu of surety bond, the holder may deposit into a Federal depository, as directed by the Forest Service, and maintain therein, cash in the amounts provided for above, or negotiable securities of the United States having a market value at time of deposit of not less than the dollar amounts provided above.

The holder's surety bond shall be released, or deposits in lieu of bond, shall be returned thirty (30) days after certification by the Forest Service that priority installations under the development plan are complete, and upon furnishing by the holder of proof satisfactory to the Forest Service that all claim for labor and material on said installations have been paid or released and satisfied. The holder agrees that all moneys deposited under this authorization may, upon failure on his or her part to fulfill all and singular the requirements herein set forth or made a part hereof, be retained by United States to be applied to satisfy obligations assumed here under, without prejudice whatever to any rights and remedies of the United States.

Prior to undertaking additional construction or alteration work not provided for in the terms and conditions or when the improvements are to be removed and the area restored, the holder shall deliver and maintain a surety bond in an amount set by the Forest Service, which amount shall not be in excess of the estimated loss which the Government would suffer upon default in performance of this work.

III. Surveys, Land Corners (D4). The holder shall protect, in place, all public land survey monuments, private property corners, and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges permitted by this authorization, depending on the type of monument destroyed, the holder shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.

Further, the holder shall cause such official survey records as are affected to be amended as provided by law. Nothing in this clause shall relieve the holder's liability for the willful destruction or modification of any Government survey marker as provided at 18 U.S.C. 1858.

IV. Revegetation of Ground Cover and Surface Restoration (D9). The holder shall be responsible for prevention and control of soil erosion and gully on lands covered by this authorization and adjacent thereto, resulting from construction, operation, maintenance, and termination of the authorized use. The holder shall so construct permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. The holder shall revegetate or otherwise stabilize all ground where the soil has been exposed as a result of the holder's construction, maintenance, operation, or termination of the authorized use and shall construct and maintain necessary preventive measures to supplement the vegetation.

V. Pesticide Use (D23). Pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, trash fish, etc., without the prior written approval of the Forest Service. A request for approval of planned uses of pesticides will be submitted annually by the holder on the due date established by the authorized officer. The report will cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review will be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time an annual report was submitted.

Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned will be considered for use on National Forest System lands. Label instructions will be strictly followed in the application of pesticides and disposal of excess materials and containers.

VI. Protection of Habitat of Endangered, Threatened, and Sensitive Species (X8). Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act of 1973, as amended, or as sensitive by the Regional Forester under authority of FSM 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this authorization, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the authorization holder.

If protection measures prove inadequate, if other such areas are discovered, or if new species are listed as Federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.

VII. Archaeological-Paleontological Discoveries (X17). The holder shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. These include, but are not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this authorization, and shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.

IIX. Superseded Authorization (X18). This authorization supersedes a special-use authorization designated: CAR401402.

IX. Improvement Relocation (X33). This authorization is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the authorized officer.

X. Corporation Status Notification (X46). The holder shall furnish the authorized officer with the names and addresses of shareholders owning three (3) percent or more of the shares, and number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote. In addition, the holder shall notify the authorized officer within fifteen (15) days of the following changes:

1. Names of officers appointed or terminated.
2. Names of stockholders who acquire stock shares causing their ownership to exceed 50 percent of shares issued or who otherwise acquire controlling interest in the corporation.
3. A copy of the articles of incorporation and bylaws.
4. An authenticated copy of a resolution of the board of directors specifically authorizing a certain individual or individuals to represent the holder in dealing with the Forest Service.
5. A list of officers and directors of the corporation and their addresses.
6. Upon request, a certified list of stockholders and amount of stock owned by each.
7. The authorized officer may, when necessary, require the holder to furnish additional information as set forth in 36 CFR 251.54 (e)(1)(iv).

XI. Performance by Holder, Successors, or Assigns (X68). Notwithstanding the expiration or any renewal of this authorization or its earlier relinquishment, abandonment, or other termination, the provisions of this authorization, to the extent applicable, shall continue in effect and shall be binding on the holder, successors, or assigns, until they have fully performed their respective obligations and liabilities accruing before or on account of the expiration, or prior termination, of the authorization.

XII. Performance by Other Than Holder (X69). The acquisition or assumption by another party under an agreement with the holder of any right or obligation of the holder under this authorization shall be ineffective as to the Forest Service unless and until approved by the authorized Forest officer. A subsequent acquisition or assumption shall not:

1. Operate to relieve the holder of the responsibilities or liabilities they have assumed hereunder, or
2. Be given unless such other party (1) is acceptable to the Forest Service as a holder, and assumes in writing all of the obligations to the Forest Service under the terms of this authorization as to the incomplete portion thereof, or (2) acquires the rights in trust as security and subject to such conditions as may be necessary for the protection of the public interests.

XIII. Water Rights (X74). This authorization does not convey any legal interest in water rights as defined by applicable State law.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archaeological Resources

Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service Public reporting burden for collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This permit is accepted subject to the conditions set out above.

Date _____

*CORPORATE NAME

(CORPORATE SEAL)

By: _____
(Vice) President

ATTEST: _____

(Assistant) Secretary

The following certificate shall be executed by the Secretary or Assistant Secretary of the Corporation:

I _____ certify that I am the _____
Secretary of the Corporation that executed the above permit; that _____ who
signed said permit on behalf of said Corporation was then _____ of said
Corporation; that I know his/her signature on said permit is genuine; and that said permit was duly signed, sealed,
and attested to for and on behalf of said Corporation by authority of its governing body

(CORPORATE SEAL)

(Assistant Secretary)

U. S. DEPARTMENT OF AGRICULTURE

Forest Service

By: _____
(Authorized Officer Signature)

Forest Supervisor Caribou-Targhee National Forest
(Name and Title)

(Date)

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This permit is accepted subject to the conditions set out above.

Date Oct. 31, 2003

By: Charles H. Ross
President

U. S. DEPARTMENT OF AGRICULTURE
Forest Service

By: Jay B. Rine
(Authorized Officer Signature)

Forest Supervisor Caribou-Targhee National Forest
(Name and Title)

11/12/03
(Date)

SCANNED

NOV 02 2006

ASSIGNMENT OF FEDERAL PHOSPHATE LEASE

RECEIVED
FEB 17 1995
BLM/BSO

Serial No. I-04

THIS ASSIGNMENT executed this 21st day of February, 1995, by and between CONDA PARTNERSHIP, an Idaho general partnership, hereinafter referred to as "Assignor," and NU-WEST MINING, INC., a Delaware corporation, 3010 Conda Road, Soda Springs, Idaho 83276, hereinafter referred to as "Assignee".

WITNESSETH:

WHEREAS, Assignor is the owner of 100% record title of Federal phosphate lease no. I-04 issued by the United States of America and covering the following described lands in Caribou County, Idaho:

Township 7 South, Range 44 East, B.M. Idaho
Sec. 28, SW1/4SE1/4; Sec. 33, E1/2SE1/4, NW1/4SE1/4, NE1/4; Sec. 34, W1/2SW1/4.
Township 8 South, Range 44 East, B.M. Idaho
Sec. 3, lot 4, S1/2NW1/4, SW1/4, SW1/4SE1/4; Sec. 4, lot 1, SE1/4NE1/4;
Sec. 10, NE1/4NW1/4, W1/2NE1/4, SE1/4NE1/4, SE1/4;
Sec. 14, W1/2NW1/4, SE1/4NW1/4, E1/2SW1/4, NW1/4SW1/4, W1/2SE1/4;
Sec. 15, E1/2NE1/4.
Containing 1,522.24 acres

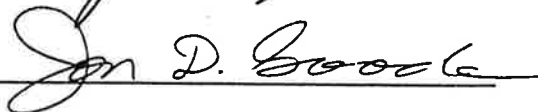
NOW, THEREFORE, for consideration received, Assignor does, by these presents sell, assign and transfer unto Assignee all (100%) of its right, title and interest in and to the above described Federal phosphate lease. Assignor retains no overriding royalties on this lease.

IN WITNESS WHEREOF, Assignor has executed this Assignment as of the day and year first above written.

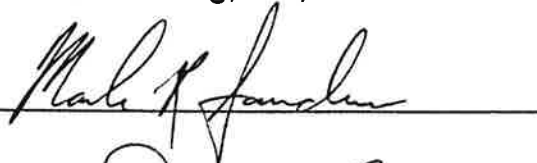
CONDA PARTNERSHIP, Assignor

By: Nu-West Industries, Inc., General Partner

By: 

Witness: 

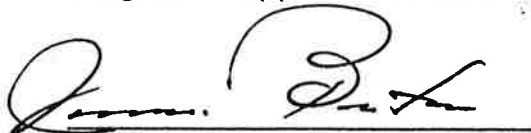
By: Nu-West Mining, Inc., General Partner

By: 

Witness: 

Assignment Approved Effective:

JUN 01 1995


Jimmie Buxton, SO Group Leader
Lands & Minerals Group

SCANNED

NOV 02 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION
August 10, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

ATTN: ARIANA
NU WEST MINING
3010 CONDA RD
SODA SPRINGS ID 83276

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR 27-2165, 27-2176, 27-7059, 27-7302, 27-7440 HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S):

☐ FEE OF \$25.00 PER WATER RIGHT per Idaho Code 42-248 and 42-1409(6)

☐ SIGNATURE

☒ COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER LEGAL DOCUMENT indicating your ownership of the property and water rights in question,

☒ LEGAL DESCRIPTION OF PROPERTY (Needs to include section 9 of Township 8 south, Range 44 east)

☐ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)

☐ USDA FARM SERVICE AGENCY (FORMERLY ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE ENTIRE PACKET TO :

Jennifer Crabtree
Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402

SCANNED

AUG 10 2006

Notes

8/21/03 Verify the irrigated acres.
Spatial found more acres. (COS?)

8/22/03 Adjust map (Spatial) to come up
with the correct number of acres.

9-18-03 No special Condition Tot lat available.
Gedbs, sections + G Ballaque. Used Quad 100.5hp
since no gedbs imagery was available
for the POD. BP

PROFILED

SCANNED
MAR 27 2006

Contacts Data Entry Form

208+547-4381

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Conda Partnership,	Box 37		Soda Springs,	ID	83276
Name connector: and	____, or	____, and/or	____			
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

desk top review

Reviewer: CBDate: 8/21/03

Claim Number: A27-02165

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:

Sense

Reviewer: CB

Date: 8/21/03

3. Should this water use have been included in a later court decree of the water rights from this source?

Yes () No (X)

If Yes, go to 2

If No, go to 4

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

5a. 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

5b. 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

6. Is the basis of claim a decree or license?

Yes (X) No ()

If Yes, go to 5

If No, go to 7

7. Does the decree or license have a Priority Date?

Yes (X) No ()

If Yes, go to 6

If No, Consult the attorney assigned to the Basin, go to 15

8. Did the Claimant claim the decreed or licensed Priority Date?

Yes (X) 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

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

Yes () No ()

If Yes, go to 10e

If No, go to 8

10. 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

11. 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

10e. 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 (X) No ()

If Yes, go to 16

If No, Enter the appropriate basis of claim.

6. Is a Priority Date remark and/or condition required?

Yes () No (X)

If Yes, Enter the appropriate basis of claim. Priority Date review is complete

If No, Priority Date review is complete.

verify license

Point of Diversion and Source Data Entry Form

Claim Number: A27-02165

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____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

☒ 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:

License

Transfers Changing POD none

Reviewer: CB

Date: 8/21/03

Point of Diversion

Claim No. _____

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

Yes ☒ No ☐

If Yes, go to 4

If No, go to 2

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

Yes ☐ No ☐

If Yes, go to 3

If No, go to 6

3. Has the License been issued?

Yes ☐ No ☐

If Yes, go to 5

If No, recommend the POD as shown on the Permit. Go to 10

4. Does the parent right have a POD?

Yes ☒ No ☐

If Yes, go to 5

If No, go to 6

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

Yes ☒ No ☐

If Yes, recommend the POD as shown in the water right file. Go to 10

If No, go to 6

6. Is there evidence that there has been a change in the POD?

Yes ☐ No ☐

If Yes, go to 7

If No, go to 9

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

Yes ☐ No ☐

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

8. Was a transfer filed?

Yes ☐ No ☐

If Yes, recommend the POD as shown on the approved transfer. Go to 10

If No, go to 9

9. Does the file contain all of the necessary information to verify the POD?

Yes ☐ No ☐

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

10. Is a POD remark and/or condition required?

Yes ☐ No ☒

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

If No, POD review is complete.

Point of Diversion

Source

Claim No. 27 - 2165

1. Is the basis of claim a Decree or License? Yes (☒) No (☐)
If Yes, go to 4
If No, go to 2
2. Is the basis of claim a Permit or Application? Yes (☐) No (☐)
If Yes, go to 3
If No, go to 6
3. Has the License been issued? Yes (☐) No (☐)
If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11
4. Does the parent right have a Source? Yes (☒) No (☐)
If Yes, go to 5
If No, go to 7
5. Can the claimed Source be verified using the water right file? Yes (☒) No (☐)
If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7
6. Is the basis of claim a Posted Notice? Yes (☐) No (☐)
If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7
7. Is there evidence that there has been a change in the Source? Yes (☐) No (☐)
If Yes, go to 8
If No, go to 10
8. Can the change be verified as an accomplished transfer? Yes (☐) No (☐)
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
9. Did the claimant file a transfer? Yes (☐) No (☐)
If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10
10. Does the file contain all of the necessary information to verify the Source? Yes (☐) No (☐)
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
11. Is a Source remark and/or condition required? Yes (☐) No (☒)
If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.

Source

Purpose of Use Data Entry FormClaim Number: A27-02165☒ 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

Document how the Purpose of Use was verified:

license

Transfers Changing Purpose of Use _____

Reviewer: CSDate: 8/21/03

Purpose of Use

Claim No. 27-2165

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: A27-02165☒ 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, verify POU.

Transfers Changing POU _____

Reviewer: CBDate: 8/21/03

Place of UseClaim No.

1. Is the basis of claim a Decree or License? Yes ☒ No ☐
If Yes, go to 2a
If No, go to 2b
- 2a. Is a POU required? Yes ☒ No ☐
If Yes, go to 5
If No, go to 14
- 2b. Is a POU required? Yes ☐ No ☐
If Yes, go to 3
If No, go to 14
3. Is the basis of claim a Permit or Application? Yes ☐ No ☐
If Yes, go to 4
If No, go to 7
4. Has the License been issued? Yes ☐ No ☐
If Yes, go to 6
If No, recommend the POU as shown on the Permit. Go to 14
5. Does the parent right have a POU? Yes ☒ No ☐
If Yes, go to 6
If No, go to 7
6. Can the claimed POU be verified using the water right file? Yes ☐ No ☐
If Yes, recommend the POU as shown in the water right file. Go to 14
If No, go to 7
7. Is there evidence that there has been a change in the POU? Yes ☐ No ☐
If Yes, go to 8
If No, go to 13
8. Can the change be verified as an accomplished transfer? Yes ☐ No ☐
If Yes, add condition C05, go to 13
If No, go to 9
9. Does the change include an enlargement of the POU? Yes ☐ No ☐
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
10. Was an enlargement claim filed? Yes ☐ No ☐
If Yes, go to 13
If No, notify claimant that an enlargement claim is necessary. Go to 11
11. Did the claimant file an enlargement claim? Yes ☐ No ☐
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
12. Was a transfer filed? Yes ☐ No ☐
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
13. Does the file contain all of the necessary information to verify the POU? Yes ☐ No ☐
If Yes, go to 14
If No, collect the necessary information. Conduct field exam if necessary. Go to 14
14. Is a POU remark and/or condition required? Yes ☐ No ☐
If Yes, enter the appropriate remark and/ or condition. POU review is complete.
If No, POU review is complete.

Place of Use

Period of Use and Quantity Data Entry Form

Claim Number: A27-02165☐ 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	10/15	1.12	

Overall Diversion Rate 1.12

Overall Diversion Volume _____

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

adm. sou applied

Reviewer: CBDate: 8/21/03

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 - 2/65

1. Is the basis of claim a Decree or License? Yes ☒ No ☐
If Yes, go to 4
If No, go to 2
2. Is the basis of claim a Permit or Application? Yes ☐ No ☐
If Yes, go to 3
If No, go to 6
3. Has the License been issued? Yes ☐ No ☐
If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11
4. Does the parent right have a diversion rate and/or volume? Yes ☒ No ☐
If Yes, go to 5
If No, go to 7
5. Can the claimed diversion rate and/or volume be verified using the water right file? Yes ☒ No ☐
If Yes, go to 8
If No, go to 7
6. Is the basis of claim a posted notice? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7
7. Is a flow measurement required? Yes ☐ No ☐
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
8. Does the parent right have an annual diversion volume limit? Yes ☐ No ☒
If Yes, go to 10
If No, go to 9
9. Is the source Ground Water and does the purpose of use require a diversion volume limit? Yes ☐ No ☒
If Yes, go to 10
If No, go to 11
10. Is irrigation a purpose of use? Yes ☐ No ☐
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
11. Has a diversion volume limit for this water use been established by a decree, license or transfer? Yes ☐ No ☒
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
12. Is a Quantity remark and/or condition required? Yes ☐ No ☒
If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.

Quantity

Summary

Claim No. 27 - 2165

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

Split or Combined Right Analysis:

None

Attached Field Notes or Other Documents:

desk top review

Claim No.:

27-2165

Reviewer

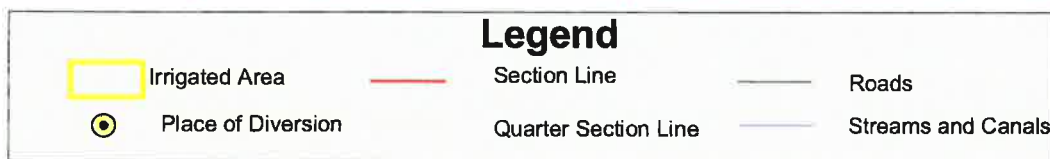
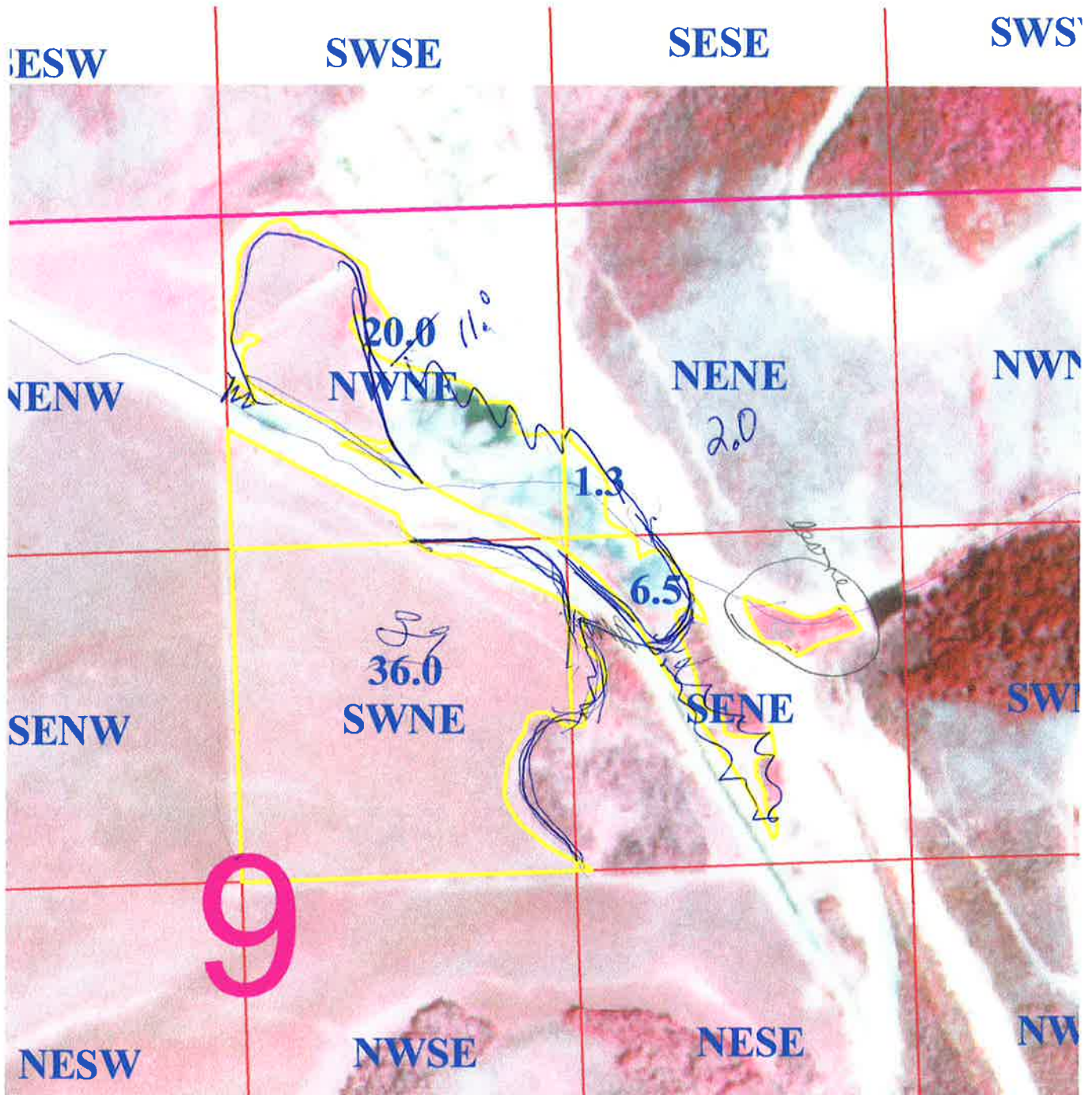
CB

Date

8/21/83

Water Right Claim Number 27-02165
Township , 8S44E

12/01/2000



JUL 16 2001

Log for claim 27-02165

Spatial Dynamics BTD

12/1/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s44e	9	NENE	2	1.3	Indiscernible
08s44e	9	NWNE	11	20	Indiscernible
08s44e	9	SWNE	39	36	
08s44e	9	SENE	4	6.5	Indiscernible
Totals:			56	63.8	



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 26, 1999

CONDA PARTNERSHIP
BOX 37
SODA SPRINGS ID 83230

RE: CHANGE OF ADDRESS FOR A27-07059, A27-07302,
A27-02165 & A27-02176

Dear Sirs:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Conda Partnership
3010 Conda Road
Soda Springs Id 83276

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Autumn Jones
Records Clerk

Enclosure(s)

COPY



CONDA PARTNERSHIP

P. O. Box 37
CONDA, IDAHO 83230



WESTERN CO-OPERATIVE
FERTILIZERS (U.S.) INC.
PARTNER

February 14, 1990

RECEIVED
FEB 16 1990

Idaho Dept. of Water REsources
State Office
1301 North Orchard
Boise, Idaho 83720

Department of Water Resources

Dear Sir:

Please find enclosed the notice of claims to water rights for the use of water from the Snake River basin water system; re: Water Rights A27-07059, A27-07302, A27-02165, and A24-02044. Also enclosed is a check in the amount of \$436.76 to cover the fees for the use of these rights.

If you have any questions, or if any additional information is required, please don't hesitate to call. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Doug Graunke".

Doug Graunke,
General Manager

DG/kk

Enclosures

Sent Certified return receipt P 919 922 604

MICROFILMED
NOV 12 1992

State of Idaho

License and Certificate of Water Right

Water License No. 25915 / 27-2165 Amount 1.12 c.f.s.

Water District No. _____ Priority August 22, 1955

THIS IS TO CERTIFY that WESTERN FERTILIZER ASS'N. - Assignee - CENTRAL FARMERS FERTILIZER COMPANY

of Montpelier, Idaho, made application for a permit to appropriate the waters of the State of Idaho, dated August 22, 1955; that Permit No. 25915 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.0 second feet, was issued thereunder on April 13, 1959, showing that said works were completed on the 18th day of March, 1959; and that on the 27th day of April, 1962,

WESTERN FERTILIZER ASS'N. - Assignee - CENTRAL FARMERS FERTILIZER COMPANY of Montpelier, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of spring & Mabie or Mabey Creek, a tributary of Dry Valley Creek, for the purpose of irrigation, under Use Permit No. 25915 of the Department of Reclamation 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 State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7776, on the 5th day of November, 1963; The right hereby confirmed dates from August 22, 1955;

The Point of Diversion is located spring NE 1/4 Sec. 10, and Mabie or Mabey Creek in the NW 1/4 NE 1/4, Sec. 10, 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 1.12 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S.	44 E.	9	NE 1/4 NE 1/4		2
			NW 1/4 NE 1/4		11
			SW 1/4 NE 1/4		39
			SE 1/4 NE 1/4		4
Total number of acres to be irrigated:					56

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 State Reclamation Engineer, affixed at Boise, Idaho, this 5th day of November, 1963.

(SEAL)

RALPH W. THOMAS
Deputy State Reclamation Engineer.

27-2165
44-2045

review of quad
set the correct spelling
is "Mabie or Mabey Creek"
"maybe Creek".

kw
1/22/85

DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
02-14-90		Water Right A27-07059 ✓	\$54.00		
		" " A27-07302 ✓	70.76		
		" " A27-02165 ✓	52.00		
		" " A24-02044	260.00		
		TOTAL	<u>\$436.76</u>		<u>\$436.76</u>
DO NOT FILM					

4. Location of point of diversion: at spring approx. 2200 ft. ^{N & 130 ft. W. of} ~~feet distant from the~~ S. E. corner of Section 10, T. 8 S., R. 44 E., B.M., ~~and is in the~~ creek bottom approx. 3550 ft. N. & 1040 ft. W. ✓ from the S. E. corner of said Sec. 10. of Section, T., R., B.M., County of *Caribore*
5. Water is to be used for Mining, Milling, culinary and irrigation
6. If for mining, milling, power or manufacturing purposes, give:
- (a) Point of use of water: feet distant from corner of Section
T., R., B.M., in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T. 8 S., R. 44 E., B.M.
- (b) Amount of power generated: H.P., under feet head.
- (c) Water is to be returned to Mabie Creek at a point feet distant from the corner of Section, T., R., B.M., in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T. 8 S., R. 44 E., B.M.
7. Estimated cost of works: \$ 18,000.00
8. Kind of works: Partially open culvert and partially pipe with diversion dam, head box, pipe line and collecting ^{works} ✓
9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam:
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom 1 feet; width at water line 2 feet; depth of water 1 feet; dimensions of flume: Diameter of pipe inches; length of conduit one (1) miles. Average grade per mile feet.
12. The time required for the completion of such work is Five (5) years.
13. The time required for the complete application of the water to the proposed use is 3 additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

16. (a) Is reservoir to be used? No If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

Western Fertilizer Assn.

Applicant.

By IRWIN CLAWSON

Agent.

Date of first receipt at Department of Reclamation:

9:00 A.M. Aug. 22, 1955

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 25915
Recorded in Book 92 Page 25915 Approved September 2, 1955
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 he 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 November 2, 1955 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 March 2, 1958
The whole of said work to be completed on or before September 2, 1960
Beneficial use of water appropriated in accordance herewith, to be made on or before September 2, 1963

WITNESS My hand this 2nd day of September, 1955

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLYE, Governor of the State of Idaho,

and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 7th

day of September, 1955

STATE OF IDAHO

Countersigned:

(SEAL)

By ROBERT E. SMYLYE

Governor.

By IRA H. MASTERS

by PAULA L. FLEENOR Secretary of State.
Deputy Secretary of State

REMARKS: This stream is on public land in a forest reserve. Applicant proposes to take all water in Mable Creek at the points indicated and all flowing into that Creek below that point, including, but no limited to, the waters of the spring at 1960' W. and 35' S. of the N.E. corner of Section 10, T. 8 S., R. 44 E., B.M., and conduct the same past the beaver ponds and places where the water is lost, to the mouth of the canyon. This application should be considered in connection with permits 21981, 23083, 23082, 23081, 24160, 24311, 24502, 25038 and is for the purpose of utilizing the increase developed by applicant (Cont. below)

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8 S	44 E.	9	X	X	X	X													110 acres
REMARKS: Con't. in the spring at the upper opening of the presently installed pipe line and head box together with whatever savings can be effected in the waters of Mable Creek by reason of conveying the water over the beaver ponds and upturned stratas between the area in the vicinity of the tunnel and the mouth of Mable Canyon nearly a mile to the westward. The water thus conveyed will be used to provide prior appropriators with the water to which they are entitled and the balance for culinary, mining, milling and irrigation purposes. This application is made without waiving applicant's rights under prior permits on the same waters.																			
NOTE: See Assignment recorded on Permit No. 21981 - September 29, 1958 to Central Farmers Fertilizer Company Box 857, Montpelier, Idaho																			
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, No. 25915																			
Comes now CENTRAL FARMERS FERTILIZER CO., Irwin Clawson, Agent, and represents to the State Reclamation Engineer of the State of Idaho:																			
That he is the agent for the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 25915.																			
That one of the points of diversion is described in said permit as being located 3550 feet North and 1040 feet West of the Southeast corner of Section 10, Township 8 South, Range 44 East, Boise Meridian.																			
That he now requests that such point of diversion be changed to a point located 2030 feet West and 1000 feet South from the Northeast corner of the same section, being in the NW 1/4 of such section.																			
That the reason for desiring to make such change is as follows: Mistake in measurements.																			
That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.																			
Signed at Salt Lake City, Utah, this 10th day of April, 1959, s/ IRWIN CLAWSON, Agent.																			

Date of Receipt at the Department of Reclamation: April 13, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 25915. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ GEO. N. CARTER
State Reclamation Engineer

Recorded: April 13, 1959

PERMIT NO. 25915
CERTIFICATE OF COMPLETION OF WORKS ✓

TO ALL WHOM IT MAY CONCERN:

This is to certify that CENTRAL FARMERS FERTILIZER COMPANY, of Montpelier, County of Caribou, and State of Idaho, the holder of Permit No. 25915, issued upon application No. 33788, bearing date of priority of August 22, 1955, authorizing the diversion of 2.0 second feet of waters of Mabie Creek, County of Caribou, State of Idaho, for irrigation mining, milling and culinary 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 2.0 second feet of the waters of Mabie Creek, a tributary of Dry Valley Creek and the Blackfoot River; that the point of diversion of said waters are NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, 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: For mining and milling in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 8 S., R. 44 E., B. M.; for irrigation 110 acres in NE $\frac{1}{4}$, Sec. 9, T. 8 S., R. 44 E., B. M.

Witness my hand this 13th day of April, A. D. 1959.

s/ GEO. N. CARTER
State Reclamation Engineer

PROOF OF COMPLETION OF WORKS MADE: March 18, 1959

ASSIGNMENT ✓

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the undersigned, WESTERN FERTILIZER ASSN., also known as WESTERN FERTILIZER ASSOCIATION, a corporation organized under the laws of the State of Utah, does hereby sell, assign, transfer, and set over to the CENTRAL FARMERS FERTILIZER COMPANY, a corporation organized under the laws of the State of Illinois, all of the undersigned's water rights and applications for the appropriation of water rights on Mabie (Mabie, Mabey) Creek, a tributary of Dry Valley Creek, and permits granted thereon by the State of Idaho, which permits include (but are not limited to) those granted under the following permit numbers:

21981	24311
G-23081	24502
23082	24886
23083	25038
24160	25915

Together with all of the undersigned's pipe and water lines and installations for diverting and conveying part and all of Mabie (Mabie, Mabey) Creek in Caribou County, Idaho.

IN WITNESS WHEREOF, the assignor has executed these presents this 30th day of June, 1958.

WESTERN FERTILIZER ASSN.

By /s/ Chas. Baker

Attest:

/s/ Frank Shelby
Secretary

STATE OF WASHINGTON)
) ss
County of Walla Walla)

On this 27th day of June, 1958, before R. F. Dickinson, a Notary Public, personally appeared CHARLES BAKER, known to me to be the President of the Corporation that executed the within instrument and acknowledged to me that such Corporation executed the same.

/s/ R. F. Dickinson
Notary Public residing
at Walla Walla

My Commission Expires:
9-24-60

(SEAL)

Received and filed for record in the
Department of Reclamation, at Boise, Idaho
September 29, 1958

LICENSE ISSUED FOR 122 SEC. 11
page 7776

A S S I G N M E N T

For valuable consideration, receipt of which is hereby acknowledged, CENTRAL FARMERS FERTILIZER COMPANY, an Illinois corporation does hereby sell, assign, transfer and set over to EL PASO NATURAL GAS PRODUCTS COMPANY, a Texas corporation, all of the undersigned's water rights, licenses, permits and applications for permits for the appropriation of water in the State of Idaho, which permits include, without limitation those granted under the following permit numbers:

Caribou County, Idaho

21981
23082
23083
24160
24311
24502
24886
25038
25915 (License & Certificate of
Water Right)

Bear Lake County

G-26003 (License & Certificate
of Water Right)
G-28802
G-30138

TOGETHER WITH all of the undersigned's pipe and water lines, pumps equipment, installation and related facilities used in diverting and utilizing the water to which said permits and licenses are applicable.

IN WITNESS WHEREOF, THE Assignor has executed this Assignment on this 24 day of July, 1964.

ATTEST

Harry Melery
Secretary

Permit Holder:

CENTRAL FARMERS FERTILIZER
COMPANY

By K.F. Lundberg
President

STATE OF ILLINOIS)
COUNTY OF COOK)

On this 24 day of July, 1964, before me, a Notary Public for the State of Illinois, personally appeared K. F. Lundberg, President of the corporation that executed the above instrument or the person who executed the instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

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

My commissions expires
October 29, 1965

s/ Mena E. Wunker
Notary Public
Residing at Chicago, Illinois

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 25915

This proof is for Beneficial Use In Water District No.

1. Name of applicant Central Farmers Fertilizer Co.,
2. Source of water supply: Stream & springs in Mable (Mabey) Creek
3. Location of point of diversion: Is in the NE¹/₄ SE¹/₄ & NW¹/₄ NE¹/₄ of Section 10
T. 8 S R. 44 E. B.M. County of Caribou
4. Describe works as they exist, giving dimensions and capacities of same:

Spring - P.D. NW¹/₄ NE¹/₄, Sec. 10: No visible works. Mr. Loenshal stated he didn't know of any spring box or pipes from this spring.

Spring - P.D. NE¹/₄ SE¹/₄, Sec. 10: 6' x 9' x 5' concrete spring box with cover. Reservoir inside. 6' x 5' x 3' with 2 1/2' concrete stand pipe over flow. 6" screw gate in bottom to drain reservoir. 2 1/2' x 5' x 5' valve compartment. 6" gate valve to 2550' x 6" buried steel pipe, to a 6" gate valve to 30' x 6" Transite pipe to 12" x 3800' buried concrete pipe.

Stream - P.D. NW¹/₄ NE¹/₄, Sec. 10: Dirt dam in channel to divert water into 6' x 4' x 3' plastered concrete block head box with trash rack to 3800' x 12" concrete pipe.

than irrigation):

POINT OF USE: SE¹/₄ NE¹/₄ Sec. 9., Twp. 8 S., Rge. 44 E.B.M.

Irrigation: NE¹/₄ Sec. 9., Twp. 8 S., Rge. 44 E.B.M.

(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: Mr. Howard Loenshal, mining Eng. along

See 24502
for report

This examination was made on the 18th day of October, 1963

(Signed)

Laurel Johnson

Examiner.

25915

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

Permit No. 25915This permit is for Beneficial Use

In Water District No. _____

1. Name of the person or company to whom the permit is issued Fertilizer Co.2. Name of the stream (Mahey) Creek

3. Description of the proposed project and the location of the project. (Describe manner and place of use if other than irrigation):

On the 1st day of May, 1963, the Engineer of the Department of Reclamation, State of Idaho, examined the project described above and found that the same is in accordance with the provisions of the Reclamation Act of 1902, as amended, and the rules and regulations of the Department of Reclamation, State of Idaho, and that the project is in the public interest and that the same should be approved.

5. Water is used for: Mining, Milling, culinary and irrigation6. 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 other than irrigation):

POINT OF USE: SE 1/4 Sec. 9., Twp. 8' S., Rge. 44' E.B.M.Irrigation: NE 1/4 Sec. 9., Twp. 8' S., Rge. 44' E.B.M.

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

8. What large stream would the water here appropriated finally reach? Blackfoot RiverRemarks: Mr. Howard Loenshal, Mining Eng, along

See 24502 for map

This examination was made on the 18th day of October, 1963

(Signed) _____

Larry Johnson

Examiner.

25915

947-019-1 Max Lattig, Chemical Engineer
Central Farmers Fertilizer
Drawer 511, Montpelier, Idaho
Permit No. 25915

White Rocking
Bays to Fred

Examination for Beneficial Use

County Garibou

Sec. 10 T8 S R. 44 E B.M.

Quantity: 2.0 cfs.

Sources: Springs & Stream in Mahoe Cr.

P.D.: NESE, Sec. 10, T. 8S, R. 44 E B.M.

Use: Mining, Milling, Culinary, & Irrigation

Filed: Aug 12, 1953

Due: Sept 2, 1963

Extension:

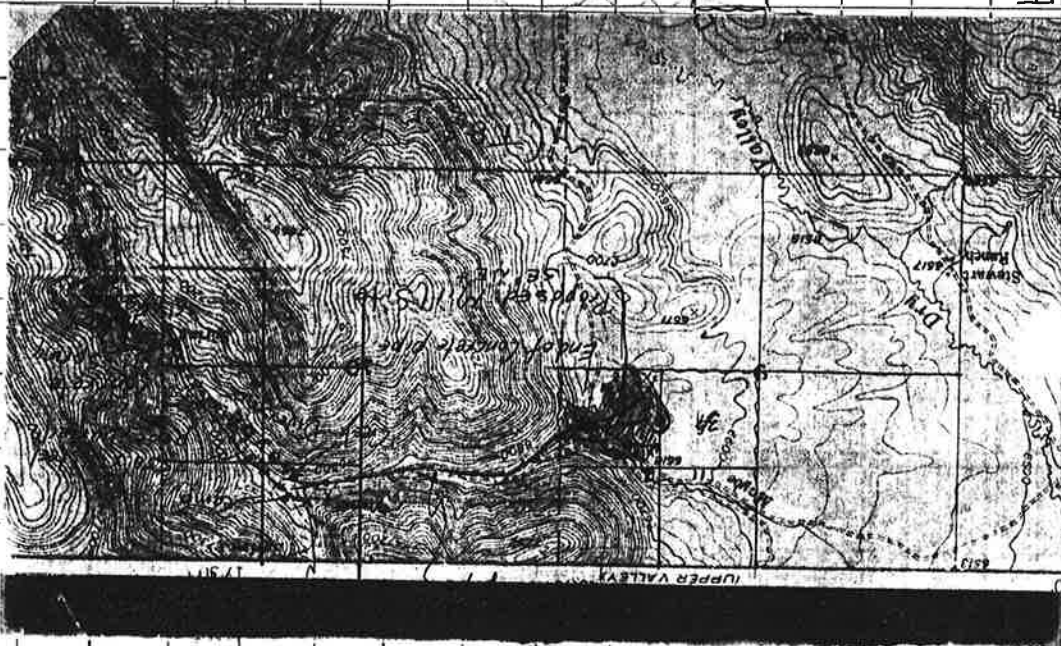
Completion of Works: 4-13-59

Other Rights: none stated
Limit 24502-24886

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 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.
6. Give general characteristics of soils, topography, and crops raised.

25915



501

6

01

7/5	7.3E				
Mar 25	Mar 25	Mar 25	Mar 25	Mar 25	Mar 25

7/15	51%	78.3%
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Subdivision

34

Area

56 ans

9	1.12.2015	
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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 25915

REPORT ON PROOF OF Beneficial Use

Max Lattig, Checmical Engineer
Central Farmers Fertilizer
Drawer "H", Montpelier, Idaho

JUL 16 2001

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: A27-02165

Date Received: 1/17/1990

Receipt No: CO14771

Received By: C. Wong

RECEIVED
FEB 16 1990

Posted 2-15-90 DMS
Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CONDA PARTNERSHIP 208-547-4381
Address: 3010 CONDA RD.
SODA SPRINGS, ID 83276

2. Date of Priority: AUG 22, 1955

3. Source: SPRING Trib. to: DRY VALLEY CREEK
MAYBE CREEK DRY VALLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	44E	10	NE	NW	NE		CARIBOU
			NE	NE	SE		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	1.120		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08S	44E	9	NE	NE		IRR	2.0

A27-02165

Page 1

Date: 01/17/90



MICROFILMED

NOV 12 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08S	44E	9	NW		NE		IRR	11.0
			SW		NE		IRR	39.0
			SE		NE		IRR	4.0
							Section Acres	56.0
							Total Acres	56.0

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:
A24-02044

14. Remarks:
SOURCES ARE SPRING & MAYBE CK.
SOURCE KNOWN LOCALLY AS MABIE OR MABEY CREEK.

15. Basis of Claim: LICENSE
Water Right Number: 25915

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am GENERAL MANAGER of CNOA PARTNERSHIP, that I have signed the foregoing document in the space below as GENERAL MANAGER of CNOA PARTNERSHIP and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Gen Mgr CNOA PARTNERSHIP
Title and Organization
2/15/90
Date

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of February 19 90.

Seal

Gayle M. Godfrey
Notary Public

Residing at Soda Springs
My Commission Expires 9-8-92