

10/03/2003

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

RIGHT NUMBER: 27-7452

NAME AND ADDRESS: P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.300 CFS
16.80 AFY

PRIORITY DATE: 01/06/1989

POINT OF DIVERSION:
T06S R43E S21 SWNE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MINING

3/01 10/01

0.300 CFS

afy ?

PLACE OF USE: MINING Within CARIBOU County

T06S R43E S16	NENE	T06S R43E S16	SWNE
T06S R43E S16	NENW	T06S R43E S16	NWNW
T06S R43E S16	SWNW	T06S R43E S16	SENW
T06S R43E S16	NESW	T06S R43E S16	NWSW
T06S R43E S16	SWSW	T06S R43E S16	SESW
T06S R43E S16	NESE	T06S R43E S16	NWSE
T06S R43E S16	SWSE	T06S R43E S16	SESE
T06S R43E S21	NENE	T06S R43E S21	NWNE
T06S R43E S21	SWNE	T06S R43E S21	SENE
T06S R43E S21	NENW	T06S R43E S21	SWSW
T06S R43E S21	SESW	T06S R43E S21	NESE
T06S R43E S21	NWSE	T06S R43E S21	SWSE
T06S R43E S22	SWNW	T06S R43E S22	NESW
T06S R43E S22	NWSW	T06S R43E S22	SWSW
T06S R43E S22	SESW	T06S R43E S22	SWSE
T06S R43E S25	NWSW	T06S R43E S25	SWSW
T06S R43E S25	SESW	T06S R43E S26	NWNE
T06S R43E S26	SWNE	T06S R43E S26	SENE
T06S R43E S26	NESE	T06S R43E S26	NWSE
T06S R43E S26	SESE	T06S R43E S27	NENE

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

T06S R43E S27	NWNE	T06S R43E S27	SWNE
T06S R43E S27	SENE	T06S R43E S27	NENW
T06S R43E S27	NESE	T06S R43E S32	NENE
T06S R43E S32	NWNE	T06S R43E S32	SWNE
T06S R43E S32	SENE	T06S R43E S32	NENW
T06S R43E S32	NWNW	T06S R43E S32	SWNW
T06S R43E S32	SENW	T06S R43E S32	NESW
T06S R43E S32	NWSW	T06S R43E S32	SWSW
T06S R43E S32	SESW	T06S R43E S32	NESE
T06S R43E S32	NWSE	T06S R43E S32	SWSE
T06S R43E S32	SESE		

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

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

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

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

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

RIGHT NUMBER: 27-7452

NAME AND ADDRESS:

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

P4-PRODUCTION-LLC
PO BOX 816
COBA SPRINGS ID 83276

SOURCE: Source:
GROUND WATER

Tributary:

QUANTITY: 0.300 CFS
16.800 AFY

PRIORITY DATE: 01/06/1989

POINT OF DIVERSION:

T06S R43E S21 SWSE
Within CARIBOU County

T06S R43E S21 SWSE
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

MINING

03/01 10/01

0.300 CFS 16.80 AFY

PLACE OF USE:

MINING

within CARIBOU County

T06S R43E S16 NENE
T06S R43E S16 SENE
T06S R43E S16 NENW
T06S R43E S16 NWNW
T06S R43E S16 SWNW
T06S R43E S16 SENW
T06S R43E S16 NESW
T06S R43E S16 NWSW
T06S R43E S16 SWSW
T06S R43E S16 SESW
T06S R43E S16 NENE
T06S R43E S16 NNEE
T06S R43E S16 NNEE
T06S R43E S16 SENE
T06S R43E S21 NENE
T06S R43E S21 NNEE
T06S R43E S21 SENE
T06S R43E S21 SENE

CLAIMANT/OBJECTOR:

State of Idaho
Dept. of Lands

OBJECTOR:

United State of America
Bureau of Land Management

David J. Barber Date
Attorney of Claimant/Objector

Larry A. Bown, USDOJ Date
Attorney for Objector

IDWR Concurrence:

Ernest Carlsen January 18, 2007

Ernest Carlsen Date
Water Resource Program Manager

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

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

1. Original to:

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

2. STATE OF IDAHO DEPT OF LANDS

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

P4 PRODUCTION LLC
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391

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

P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS, ID 83276

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

Signature of person or attorney mailing the form

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

v

RIGHT NUMBER: 27-7452

NAME AND ADDRESS:

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

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

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

0.300 CFS
16.800 AFY

PRIORITY DATE:

01/06/1989

POINT OF DIVERSION:

T06S R43E S21 SWSE
Within CARIBOU County

~~T06S R43E S21 SWNE~~
~~Within CARIBOU County~~

EMC

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

MINING

03/01 10/01

0.300 CFS 16.80 AFY

PLACE OF USE:

MINING

within CARIBOU County

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

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

V

T06S R43E S21 NENW
T06S R43E S21 SWSW
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T06S R43E S21 NESE
T06S R43E S21 NWSE
T06S R43E S21 SWSE
T06S R43E S22 SWNW
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T06S R43E S22 SESW
T06S R43E S22 SWSE
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T06S R43E S25 SESW
T06S R43E S26 NWNE
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T06S R43E S32 SWSW
T06S R43E S32 SESW
T06S R43E S32 NESE
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EMC

ACRES TOTAL

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

v

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

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

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

EMC

10/03/2003

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 27-7452

P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276
Telephone Number: (208) 547-4300

STATE OF IDAHO
DEPT OF LANDS
954 W JEFFERSON
PO BOX 83720
BOISE ID 83720-0050
Telephone Number: (208) 334-0200

RECEIVED
MAY 17 2006

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

PROFILED

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: July 18, 2005 SIGNATURE: David W. Farnsworth FOR P4 PRODUCTION L.L.C.
Please print your name: DAVID W. FARNSWORTH

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



RECEIVED
JUL 25 2005
Department of Water Resources
Eastern Region

KMS
7/12/05

10/03/2003

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 27-7452

P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276
Telephone Number: (208) 547-4300

STATE OF IDAHO
DEPT OF LANDS
954 W JEFFERSON
PO BOX 83720
BOISE ID 83720-0050
Telephone Number: (208) 334-0200

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

6/1/05

SIGNATURE:

Robert M Brammer

Please print your name:

Robert M Brammer

Area Supervisor
Eastern Idaho Area
Idaho Dept of Lands

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

KMS
6/9

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 27-07452

RECEIVED

MAR 06 1997

Department of Water Resources
Eastern Region
0.30 CFS

Priority: January 6, 1989

Maximum Diversion Rate:
Maximum Diversion Volume:

16.8 AF

This is to certify, that STATE OF IDAHO
DEPT OF LANDS
STATEHOUSE
BOISE ID 83720

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated January 5, 1989; and
has submitted Proof of Beneficial Use on January 2, 1992. An examination indicates
that the works have a diversion capacity of 0.660 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MINING	03/01 to 10/01	0.30 CFS	16.8 AF

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 21, Township 06S, Range 43E
CARIBOU County

PLACE OF USE: MINING

TWN RGE SEC

06S 43E 16

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State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 27-07452

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Mining use is for dust abatement.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 28th
day of FEBRUARY, 1997.


Acting for KARL J. DREHER, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

MARCH 3rd, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
DEPT OF LANDS
STATEHOUSE
BOISE IDAHO 83720

RECEIVED

MAR 06 1997

Department of Water Resources
Eastern Region

RE: WATER RIGHT NO. 27-07452

Dear Water Right Holders:

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have questions, please contact me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SWK:vrr

c: Eastern Region

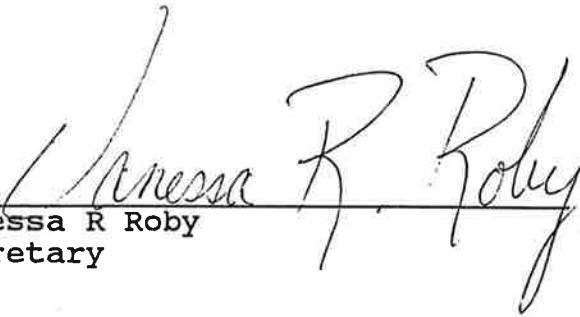
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of MARCH, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 27-07452

**STATE OF IDAHO
DEPT OF LANDS
STATEHOUSE
BOISE IDAHO 83720**



Vanessa R Roby
Secretary

SCANNED

JUL 20 1999

LAW OFFICES OF

RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER

POST OFFICE BOX 1391

POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101

FAX (208) 232-6109

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODSELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
JAMES P. PRICE***
LISA M. CHRISTON****
RICHARD A. HEARN, M.D.*****
ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
*****ALSO MEMBER D.C. BAR

ASSOCIATED WITH
McGRATH, SMITH
& ASSOCIATES

414 SHOUP
P. O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
BRYAN D. SMITH†
NEAL S. RANDALL
†ALSO ADMITTED IN CA

January 14, 1999

Harold Jones
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: *Monsanto-P4 Production, L.L.C.*

Dear Harold:

Enclosed please find our check in the amount of \$240 for the following claims:

A27-07451:	\$110
A27-07452:	<u>\$130</u>
Total:	\$240

Thank you for your assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosure

cc: P4 Production, Inc.,
Robert L. Geddes
David W. Farnsworth, Manager, Mineral Activities

NOV 20 1998

Department of Water Resources
Eastern Region

IDAHO DEPARTMENT OF LANDS

EASTERN IDAHO AREA
3563 Ririe Hwy., Idaho Falls, Idaho 83401
Phone (208) 525-7167 Fax (208) 525-7178
Text Phone (800) 377-3529STANLEY F. HAMILTON - DIRECTOR
November 18, 1998BOARD OF LAND
COMMISSIONERSPHILIP E. BATT
GovernorPETE T. CENARRUSA
Secretary of StateALAN G. LANCE
Attorney GeneralJ.D. WILLIAMS
State ControllerANNE C. FOX
Sup't of Public
InstructionHarold Jones
Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls ID 83402

RE: Water Right Draft Claims 27-07451 & 27-07452

Dear Harold:

This letter is concerning draft SRBA claims from Monsanto for water right No's 27-07451 and 27-07452. This department did not file claims for these wells under the adjudication process because it is our understanding we are not required to do so to maintain water rights to the wells.

If Monsanto believes it is in their interest to file claims for purposes of the adjudication this department would have no objections as long as the claims are filed in the name of the State of Idaho. If the claims are officially filed in the name of Monsanto, then this department would protest the filings. The protest would be based on 1) policy that requires water right filings on endowment lands to be in the name of Idaho Department of Lands and 2) a previous easement agreement between Monsanto and this agency regarding water right filings on these specific wells.

To briefly summarize, this department authorized Monsanto to drill the wells through Idaho Easement No 5353. Water right applications for the wells were originally filed in the name of Monsanto. On September 29, 1989 this department and Monsanto executed an agreement amending Easement 5353. The amendment provided that Monsanto Water Right Applications 27-07451 and 27-07452 would be transferred to the State of Idaho. Assignments to the state for these water right applications were completed on October 31, 1989. This department submitted Proof of Beneficial Use forms for the wells on December 31, 1991.

I have enclosed 1) a copy of the Amendment to Easement 5353, 2) a copy of the letter confirming completion of assignment of the water right applications to the state, and 3) copies of the "Proof of Beneficial Use" forms filed by this department for the wells.

If you need anything additional please call me at telephone 525-7167.

Sincerely,

James B. Wood
Resource Supervisor, RangeJBW/prs
Enclosures
c: Tracy Behrens
Don McNarieKEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

AMENDMENT TO
STATE OF IDAHO
EASEMENT NO. 5353

THIS AMENDMENT is made this 29th day of September, 1989 by and between the STATE OF IDAHO, acting by and through the State Board of Land Commissioners (hereinafter State), and MONSANTO COMPANY, a Delaware Corporation (hereinafter Monsanto),

WITNESSETH

WHEREAS, State and Monsanto entered into that certain easement (State of Idaho Easement No. 5353) dated November 10, 1987 (hereinafter Easement) for the purpose of setting forth the terms and conditions under which Monsanto can mine phosphate deposits lying in and under a parcel of public school endowment land owned by the State, and

WHEREAS, the parties desire to amend the Easement to clarify the procedures for managing water rights on the property.

NOW, THEREFORE, State and Monsanto mutually agree to add the following terms to the Easement:

1. Water Right Application Permit No. 27-07451 and 27-07452 for appropriation of water from wells on the property included in the Easement have been filed in Monsanto's name and, upon execution of this Amendment, will be transferred to the State of Idaho.
2. In consideration of the mutual covenants herein contained, the State of Idaho grants to Monsanto the exclusive right to make use of all waters appropriated under said permits during the term of the Easement.
3. All necessary water right filing fees will be paid by Monsanto, and Monsanto will maintain the permits so long as it intends to make use of the same.
4. Upon completion of use of the wells by Monsanto, all pumping and associated equipment shall be removed and the well casings shall be left in place and shall be sealed with a welded cap. The State of Idaho will be solely responsible for such permits thereafter.
5. Upon relinquishment, abandonment, or cancellation of the Easement in accordance with the terms thereof, ownership of the wells will revert to the State.

Amendment to
State of Idaho Easement No. 5353
Page 2 of 3

IN WITNESS WHEREOF, the parties hereto have executed this Amendment
the day and year first above written.

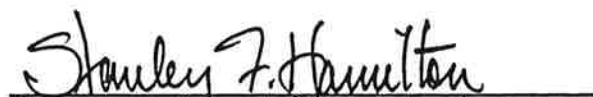
STATE BOARD OF LAND COMMISSIONERS

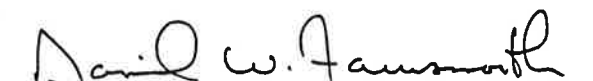

Governor of the State of Idaho
and President of the State Board
of Land Commissioners

Countersigned:


Secretary of State




Director, Department of Lands


Representative of Monsanto Company

 Mining Superintendent
Title



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

14685
H27-7451

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 31, 1989

RE: Applications for Permits Nos. 27-7451 & 27-7452

David W. Farnsworth
Mining Superintendent
Monsanto Company
P.O. Box 816
Soda Springs, ID 83276

Dear Mr. Farnsworth:

This letter is to acknowledge receipt of the assignment forms assigning the above referenced applications to Idaho Department of Lands and to inform you that the protest submitted by the Idaho Department of Lands has been withdrawn. The Department has now resumed processing of the above referenced applications.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

cc: Patrick A. Brown
Resource Manager
Idaho Department of Lands

RECEIVED

NOV - 1 1989

Idaho Department of Lands
Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 27-07452 Telephone No. 334-0200
2. Name(s) of Permit Holder(s): State of Idaho, Department of Lands
3. Post Office Address: Statehouse, Boise, ID 83720
4. Source of Water: Groundwater
 - a. If ground water, well driller's name: Nelson Drilling Date drilled: 5/16/90
 - b. Pump horsepower: 30 HP Pressure (psi): _____ Dynamic pumping level (ft.): 420 ft.
5. Extent of Use:

Domestic _____ (No. of households)	Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock)	Other <u>Primarily dust control and other</u>
<u>industrial uses required incidental to mining operations (Monsanto Inc. Enoch Valley Mir</u>	
6. Total rate and/or volume for which proof is submitted 0.3 cfs _____ acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device:	Required? <u>Yes</u> ☒ <u>No</u>	Installed? <u>Yes</u> ☐ <u>No</u>
	OR	
Flow Measurement Port:	Required? <u>Yes</u> ☒ <u>No</u>	Installed? <u>Yes</u> ☐ <u>No</u>
8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:

<u>David w. Farnsworth, Monsanto Chemical Co.</u>	<u>(208) 547-3391</u>
Name	Telephone No.
<u>P.O. Box 818 Soda Springs, ID 83276</u>	
Address	
10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

12/30/91
Date

Patricia A. Brown
Signature (and title if on behalf of a company or organization)

Sr. Resource Mgr.-IDL

JUL 20 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 A27-07452

Date Received

Receipt Number ED74732

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly State of Idaho,
Department of Lands, by 208 525-7167 (Dept. Lands
1. Name of Claimant (s) P4 Production, L.L.C. Phone (208) 547-4300 (P4)
Dept/Lands: Statehouse, Boise, Idaho 83720
Mailing Address P4: P.O. Box 816, Soda Springs, Idaho Zip 83276

2. Date of Priority (Only one (1) per claim) 01/06/1989

3. Source of water supply (a) Groundwater
which is tributary to (b)

4. a. Location of existing point of diversion is: Township 06S Range 43E Section 21,
1/4 of SW 1/4 of NE 1/4, Govt. Lot, B.M., County of Caribou

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section, 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section, 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Well and pump.

A2707452



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Industrial purposes from 01/01 to 12/31 amount 0.3 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.3 (cfs) and/or (b) 16.80 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
06S	43E	21																	
06S	43E	16	SEE ATTACHED SHEET.																

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Caribou

12. Do you own the property listed above as place of use? Yes _____ No X

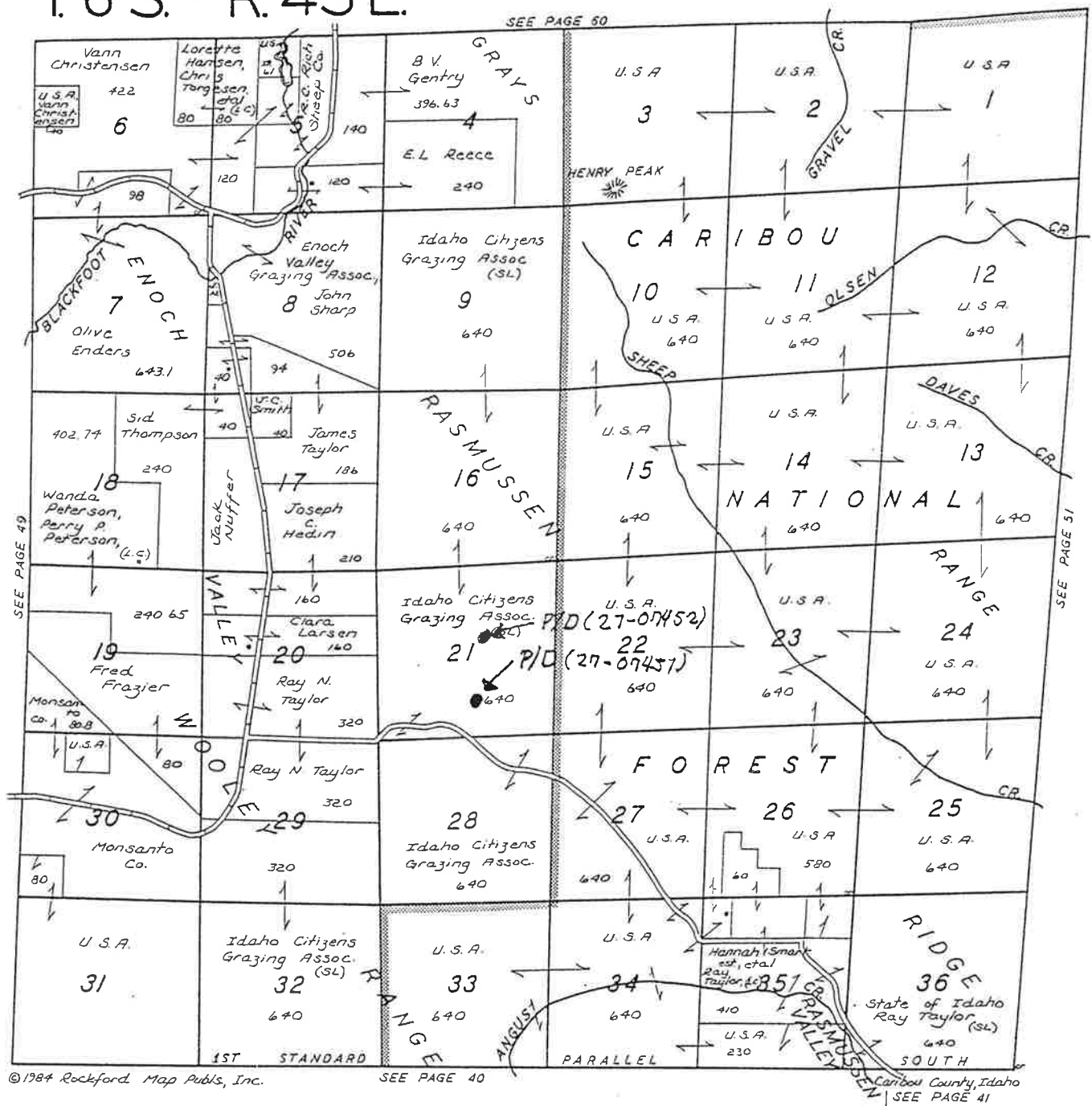
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks: Commonly known as Enoch Valley Well No. 2. State of Idaho Easement No. 5353 authorized Monsanto to drill wells in A27-07451 and A27-07452. On 9/29/8 Idaho Dept of Lands and Monsanto executed an agreement amending Easement 5353 and transferring those rights to the Idaho Dept of Lands which submitted Proof of Beneficial Use Forms on 12/31/1991. Pursuant to Id. Dept of Lands letter dated 11/18/98 (copy attached) this SRBA Claim is being submitted on behalf of Dept of Lands by Monsanto's successor, P4 Production, LLC.

Last Name _____ Ident No. _____

T.6 S. - R. 43 E.



License Nos 27-07451, 27-07452

State of Idaho - Dept. of Lands

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____ 27-07452
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am SUPERINTENDENT, MINERAL OPERATIONS
of P4 Production, L.L.C. , that I have signed the foregoing
Organization

document in the space below as SUPT., MINERAL OPERATIONS of P4 Production, L.L.C.
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent D. D. W. Jamnath

Title and Organization P4 Production, L.L.C. Date 12/10/98

State of Idaho/or Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 10th day of December 1998

SEAL

Notary Public Mary S. Bewley

Residing at Soda Springs

My Commission Expires 11/04/2002

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Randall C. Budge will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Randall C. Budge

Address P.O. Box 1391, Pocatello, Idaho 83204-1391

Date 1/6/99

Last Name _____ Ident. Number _____