

06/21/2001

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

RIGHT NUMBER: 29-2255C

NAME AND ADDRESS: ASTARIS PRODUCTION LLC
10300 OLIVE BLVD
ST LOUIS, MO 63166

SOURCE: GROUND WATER

QUANTITY: 0.64 CFS
63 AFY

PRIORITY DATE: 05/22/1939

POINT OF DIVERSION: T07S R34E S18 LOT 2 SWNWNE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
INDUSTRIAL

PERIOD OF USE
05-01 11-01

QUANTITY
0.64 CFS
63.00 AFY

PLACE OF USE:

INDUSTRIAL Within POWER County

T07S R34E S18 LOT 1 NENE
T07S R34E S7 SESW
T07S R34E S7 NWSE
T07S R34E S7 SESE

T07S R34E S18 LOT 2 NWNE
T07S R34E S7 NESE
T07S R34E S7 SWSE

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

FMC Corporation

FMC Idaho LLC
PO Box 4111
Pocatello Idaho 83205-4111
(208) 236-8200

FMC Idaho LLC

November 21, 2005

Mr. Ernest Carlsen
Water Rights Supervisor
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402

RECEIVED

NOV 23 2005

Department of Water Resources
Eastern Region

*Re: Dry Valley Mine
Notice of change in Astaris Production LLC ownership and mailing address*

Dear Mr. Carlsen:

This provides notice for that portion of the Dry Valley Mine owned by Astaris Production LLC that the ownership of Astaris Production LLC has changed. As of November 4, 2005, FMC Corporation is now the sole member of Astaris Production LLC. Astaris Production LLC continues to be a limited liability corporation organized under the laws of Delaware, and continues to own certain portions of the Dry Valley Mine, generally including Pits A and B. There has been no property transfer to a new owner or operator.

As of November 4, 2005, the new mailing address for Astaris Production LLC is: Astaris Production LLC, Highway 30 West of Pocatello, P.O. Box 4111, Pocatello, Idaho, 83205. The new telephone number is (208) 236-8236 and fax number is (208) 236-8255.

I will be the primary contact for matters related Astaris Production LLC at Dry Valley. Please contact me at (208) 236-8216 if you have any questions regarding this information.

Sincerely,



Rob J. Hartman
Remediation Director, FMC Corp

*address change
updated
12/5/05 Kmt*

PROFILED

SCANNED
JAN 18 2006

PROFILED

SCANNED
DEC 05 2005

27-2050
27-2053
29-2255C

May 12, 2003

J P SIEVERSON
F M C CORP
PO BOX 4111
POCATELLO ID 83202

RE: Notice of Error reply for water right claim number 29-2255C.

Dear Mr. Sieverson:

Thank you for returning the notice of error for the above referenced water right. Upon it you indicated that the period of use was incorrectly recorded in transfer number 5359 and should be 4/1 to 11/1.

I have reviewed the adjudication file for this water right claim and have made a copy of the application for transfer. As a courtesy, I have enclosed a copy for your files (highlighted areas included). Upon the application for transfer number 5359, it twice specifically requested the transfer for a new period of use of 5/1 to 11/1. The transfer was evaluated on all merits of change including the applied for season of use.

If you feel that this was not your intentions and requires changed, you can file a new transfer to lengthen the season of use so that it may be evaluated on that basis.

If you have any questions regarding this matter, please feel free to call me at 525-7161.

Respectfully submitted,

W. Roger Warner
Adjudication Specialist

Enclosure: Copy of Application for transfer of water right No. 5359.
Cc: Randy Budge

PROFILED

SCANNED

JAN 18 2006

02/18/2003

NOTICE OF ERROR
REPLY

RECEIVED
APR 28 2003
Department of Water Resources
Eastern Region

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: April 21, 2003

Water right number: 29-2255C

F M C CORP
PO BOX 4111
POCATELLO ID 83202
Telephone Number: (208)236-8200

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Period of use

2. Describe the changes you wish to make in the proposed recommendation:

Period of use should be 4/12 - 11/01

3. Give a brief explanation as to why you disagree with these portions:

Start date of 5/1 is error. Believed to be IDWR typographical error when Transfer No. 5359 issued.

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

DATE: 4/17/03 SIGNATURE: *J. P. Sievers*
Please print your name: J. P. SIEVERSON

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

PROFILED

SCANNED
JAN 18 2006

02/18/2003

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

RIGHT NUMBER: 29-2255C
NAME AND ADDRESS: F M C CORP
PO BOX 4111
POCATELLO ID 83202

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.640 CFS
63.00 AFY

PRIORITY DATE: 05/22/1939

POINT OF DIVERSION:
T07S R34E S18 SWNWNE Lot 2 Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	4 - 05/01 11/01	0.640 CFS 63.00 AFY

PLACE OF USE: INDUSTRIAL Within POWER County

T07S R34E S07	SESW	T07S R34E S07	NESE
T07S R34E S07	NWSE	T07S R34E S07	SWSE
T07S R34E S07	SESE	T07S R34E S18 Lot 1	NENE
T07S R34E S18 Lot 2	NWNE		

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

JAN 18 2006

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

03/20/2003

WATER RIGHT NO. 29-2255C

Owner Type	Name and Address
Current Owner	F M C CORP PO BOX 4111 POCATELLO, ID 83202 (208)236-8200
Attorney	RACINE OLSON NYE COOPER BUDGE PO BOX 1391 POCATELLO, ID 83204-1391 (208)232-6101
Original Owner	F M C CORP PO BOX 4111 POCATELLO, ID 83202 (208)236-8200

Priority Date: 05/22/1939

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Irrigation *OC* *4/01*

Beneficial Use	From	To	Diversion Rate	Volume
INDUSTRIAL	5/01	11/01	0.638 CFS	63 AFA
Total Diversion			0.638 CFS	63 AFA

SCANNED

JAN 18 2006

Location of Point(s) of Diversion:

GROUND WATER	NWNE	Sec. 18	Township 07S	Range 34E	POWER County
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Place(s) of use:

Place of Use Legal Description: INDUSTRIAL POWER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	34E	7		SESW										
		18		NESE			NWSE			SWSE			SESE	
				NENE			NWNE							

Conditions of Approval:

1.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2.	067	The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3.	081	Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4.	T07	The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6.	T09	Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

1.	General	WATER RIGHT NO: 29-02255C, TRANSFER NO. 2818 CONFORMED ATTORNEY ADDRESS DMS Industrial use is for mining, material processing and dust abatement. CHANGED OWNERSHIP PER REQUEST/JC/5-2-00 CHANGED OWNERSHIP PER REQUEST/JC/5-11-00
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Dates:

Licensed Date: 10/07/1983

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

SCANNED

JAN 18 2006

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

SCANNED

JAN 18 2000

Memo to File
From Roger Warr

To: File No 29-2255C

Date: May 12, 1983

PMC provided a "notice-of-error" reply for the above referenced letter right. In it they expressed disagreement for reason of use. They felt a "typo" mistake caused the reason of use to turn out 5/1 to 11/1 rather than 4/1 to 11/1. I reviewed the file and found that in two (2) locations on their application, they actually put down "5/1 to 11/1." (See reply dated 5/12/03).

In an effort to minimize the work required, I conferred w/ Deputy Attorney General, Candace Mettigh via telephone. Candace indicated that since it was noted twice in the application, that she was reluctant to call it a "typo." She felt that by changing the season of use from 5/1 to 4/1 may have an effect on the ~~impact~~ of subsequent ground water uses that may merit evaluation. She also stated that if they wish to rectify they may do so through the SPSA court or may file a transfer.

WRW

JAN 18 2006

SCANNED



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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 13, 2002

LINDA B JONES
HOLLAND & HART
PO BOX 2527
BOISE ID 83701-2527

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 29-2255C, 29-
2255E, 29-2284, 29-2301, 29-11342

Dear Ms. Jones:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect FMC Idaho LLC as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

PROFILED

SCANNED

JAN 18 2006

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

OK JC 3/6/02
RECEIVED

FEB 15 2002

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
29-2255C	A29-02255C				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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) **Astaris Production LLC, a Delaware limited liability company**
10300 Olive Blvd., St. Louis, MO 83166
4. New Owner/Claimant(s) **FMC Idaho LLC, a Delaware limited liability**
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address **c/o Rob Hartman, P.O. Box 4111**
 City, State and ZIP Code **Pocatello, Idaho 83205**
 New Telephone Number **(208) 236-8200**
5. Date you acquired the property **February 1, 2002**

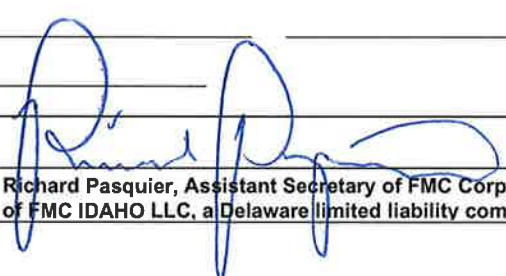
SCANNED

JAN 16 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)
- 
Richard Pasquier, Assistant Secretary of FMC Corporation, MEMBER of FMC IDAHO LLC, a Delaware limited liability company

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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED
JAN 19 2006

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, **Astaris Production LLC**, a Delaware limited liability company, the Grantor, does hereby grant, bargain, sell and convey unto **Astaris Idaho LLC**, a Delaware limited liability company, the Grantee, whose address is 1735 Market Street, Philadelphia, Pennsylvania 19103, the following described real property, to-wit:

The property described in Exhibit A attached hereto and, by this reference, incorporated herein as if set forth in full, which property is located part in Power County and part in Bannock County, State of Idaho.

TOGETHER WITH all of Grantor's right, title and interest in and to mineral and oil and gas rights thereon and thereunder.

TOGETHER WITH all water rights appurtenant thereto, including but not limited to water right number 29-02255c.

TOGETHER WITH i) all other and singular tenements, hereditaments, appurtenances and improvements thereon or thereunto belonging, ii) all reversionary, underlying or other right, title and interest of Grantor in and to the rights-of-way of all public roads, streets, or ways, and of all railroads or easements, abutting upon said premises or any part thereof, and iii) all right, title and interest of Grantor in and to any and all lands lying beneath, or constituting the bed of any waterway or body of water, abutting upon said premises or any part thereof.

SUBJECT TO:

(i) existing building and zoning regulations, easements, rights-of-way, subdivision and deed restrictions and reservations, and all other matters of record similar to the foregoing;

(ii) matters which a survey or inspection of the premises would reveal;

(iii) the lien for local real property taxes for the current year which are not yet due and payable; and

(iv) unpatented mining claims and reservations or exceptions in patents or in Acts authorizing the issuance thereof.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto Grantee and its successors and assigns forever.

Grantor does hereby covenant that it and its successors shall and will WARRANT and DEFEND the title to said premises unto Grantee and its successors and assigns

SCANNED

JAN 18 2020

THIS INSTRUMENT FILED FOR RECORD BY ALLIANCE
TITLE AND ESCROW AS AN ACCOMMODATION ONLY IT HAS
NOT BEEN EXAMINED AS TO ITS EXECUTION OR AS TO
ITS EFFECT UPON THE TITLE.

3-2

20202288

forever against the lawful claims of all persons claiming by, through or under Grantor but none other, excepting, however, the matters above set forth.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand effective as of the 1st day of February 2002.

ASTARIS PRODUCTION LLC

Jerry C. Sibley

By (print name): Jerry C. Sibley
Title: CEO

STATE OF)
County of St. Louis) : ss.

On this 29th day of January, 2002 before me, Linda S. Nickelson, a notary public in and for said State, personally appeared Jerry C. Sibley, known or identified to me to be the CEO of Astaris Production LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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

LINDA S. NICKELSON
Notary Public - Notary Seal
STATE OF MISSOURI
ST. Louis County
My Commission Expires: Apr. 7, 2002

Linda S. Nickelson
Notary Public
Residing at: St. Louis
My Commission Expires: April 7, 2002

2898667_1.DOC

SCANNED

JAN 18 2006

EXHIBIT A

3-3

20202288

A parcel of land located in the SE ¼ of the SW ¼ of Section 6, and in Section 7, and in U.S. Government Lots 1, 2 and 3 in Section 18, all in T 7 S, R 34 E, Boise Meridian, Power County, Idaho; and also located in the West ½ of Section 8, T 7 S, R 34 E, Boise Meridian, Bannock County, Idaho; said parcel being more particularly described as follows:

Section 6 - SE¼ SW¼ and;

Section 7 - All of Section 7 and;

Section 8 - NW¼ SW¼ NW ¼, S½ S½ NW ¼, N½ SW¼, NW¼ SW¼ SW¼ and;

Section 18 - U.S. Government Lots 1, 2 and 3, All in T 7 S, R 34 E, Boise Meridian, Idaho.

Said parcel containing 919.14 Acres, more or less.

170007

INSTRUMENT #
TIME <u>1:07 PM</u>
REQ. OF <u>ALLIANCE</u>
FEB 01 2002
POWER COUNTY AM. FALLS
CHRISTINE STEINLICHT
BY <u>[Signature]</u>
DEPUTY <u>[Signature]</u>

NO 20202288
RECORDED AT REQUEST OF
ALLIANCE TITLE & ESCROW
2002 FEB 1 PM 12 03
BOOK NO 807
PAGE 907
CITY IDAHO
LIFE OF RECORDER
FEB 1 2002

SCANNED

JAN 18 2006

29-7488

29-2255C

29-2301



AMENDMENT OF REGISTRATION OF FOREIGN LIMITED LIABILITY COMPANY

(Instructions on back of application)

29-2255E
29-2284
2002 FEB 13 PM 2:15

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the foreign limited liability company prior to this amendment is: _____

Astaris Idaho LLC

2. If the foreign limited liability company was required to adopt an assumed name in order to register in Idaho, the name the foreign limited liability company used in Idaho is: _____

3. The application for registration in Idaho was filed on: March 13, 2000

4. The foreign limited liability company's registration is amended as follows:
(check one or more)



- a. The name of the limited liability company has been changed to: _____

FMC Idaho LLC

If the new name is not available or permissible in Idaho, the name to be used in Idaho is: _____



- b. Other amendment: The address of the limited liability company's principal office is:

1735 Market Street, Philadelphia, PA 19103

5. Signature of authorized person:

Signature

Typed Name Richard Pasquier

Capacity Assistant Secretary of FMC Corporation, Member

g:\corpforms\amend_reg_foreign_llc.p65
Revised 01/2001

Secretary of State use only

IDAHO SECRETARY OF STATE
02/20/2002 05:00
CK: 872 CT: 2185 BH: 447258
1 @ 30.00 = 30.00 FOR LLC AM # 2

SCANNED
JAN 18 2006

W11341

FILED/EFFECTIVE
2002 FEB 20 AM 11:08
SECRETARY OF STATE
STATE OF IDAHO

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "ASTARIS IDAHO LLC", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "FMC IDAHO LLC", THE SIXTH DAY OF FEBRUARY, A.D. 2002, AT 3:30 O'CLOCK P.M.



3186141 8320

020109286

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 1620456

SCANNED

DATE: 02-19-02

JAN 18 2006

CERTIFICATE OF AMENDMENT TO CERTIFICATE OF FORMATION
OF
ASTARIS IDAHO LLC

The undersigned, an authorized natural person, for the purpose of amending the Certificate of Formation of ASTARIS IDAHO LLC, a Delaware limited liability company (the "limited liability company"), under the provision and subject to the requirements of the State of Delaware, hereby certifies that the Certificate of Formation of the limited liability company is hereby amended as follows:

FIRST: The name of the limited liability company is FMC IDAHO LLC.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on the 6th day of February, 2002.

/s/ Richard Pasquier

Richard Pasquier, Authorized Person

2901688_1.DOC

HOLLAND & HART LLP
ATTORNEYS AT LAW

RECEIVED

FEB 27 2002

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE • CASPER
CHEYENNE • JACKSON HOLE
SALT LAKE CITY • SANTA FE
WASHINGTON, D.C.

SUITE 1400
101 SOUTH CAPITOL BOULEVARD
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

Idaho Department of Water Resources
TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

LINDA B. JONES
ljones@hollandhart.com

February 26, 2002

Ms. Kari Lynn Townsend
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Change in Name
Change in Water Rights Ownership *A29-2301*

Dear Kari Lynn:

Enclosed for your records are a copy of the final Certificate of Name Change (Delaware) and Amendment of Registration (Idaho) changing the name of Astaris Idaho LLC to FMC Idaho LLC.

Sincerely,

HOLLAND & HART LLP

Linda

Linda B. Jones

LBJ:clm
Enclosures

2910839_1.DOC/12975.0023

*3-27-02 Called-spoke w/Linda's
Secretary Connie. She'll
submit o/change form.*

*FAX'd print screens to her today.
4-1-02 Linda Jones called me.
She sent a copy o-change to
Jennifer and to Kari Lynn. ~~copy of this to both.~~*

SCANNED

JAN 18 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-2255C

WATER RIGHT NUMBER: 29-2255C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FMC CORPORATION C/O R L MILLS ENERGY MANAGER PO BOX 4111 POCATELLO, ID 83202 (208)232-6101
Attorney	RACINE OLSON NYE COOPER BUDGE PO BOX 1391 POCATELLO, ID 832041391 (208)232-6101
Current Owner	FMC IDAHO LLC C/O ROB HARTMAN PO BOX 4111 POCATELLO, ID 83205 (208) 236-8200

Priority Date: 05/22/1939

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	5/01 to 11/01	0.638 CFS	63.00 AF
	<u>Total Diversion:</u>	0.638 CFS	63.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 18, Twp 07S, Rge 34E, B.M.
POWER County		

Place of UseINDUSTRIAL Within POWER County

T07S R34E S07	SESW	T07S R34E S07	NESE
T07S R34E S07	NWSE	T07S R34E S07	SWSE
T07S R34E S07	SESE	T07S R34E S18	NENE
T07S R34E S18	NWNE		

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. 081 Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

SCANNED

JAN 18 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-2255C

5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

1. General WATER RIGHT NO: 29-02255C, TRANSFER NO. 2818 CONFORMED ATTORNEY ADDRESS
DMS Industrial use is for mining, material processing and dust abatement.

SCANNED

JAN 18 2006

COPY

29-2255C

From Allocations Transfer Files
Eastern Region IDWR

BAC 6/21/2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5359
WATER RIGHT NO. 29-02255C

This is to certify that: FMC CORPORATION
PO BOX 4111
POCATELLO ID 83202

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	05/01 to 11/01	0.64 CFS	63.0 AF

SOURCE

GROUNDWATER

Priority: 05/22/1939

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 18, Township 07S, Range 34E
POWER County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

07S 34E	7	SESW	NESE	NWSE
		SWSE	SESE	
18		NENE	NWNE	

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

From Allocations Transfer Files
Eastern Region IDWR

TRANSFER NO. 5359
WATER RIGHT NO. 29-02255C

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Industrial use is for mining, material processing and dust abatement.

Dated this 18th day of February, 1999.


Chief, Water Allocation Bureau

From Allocations Transfer Files
Eastern Region IDWR

MEMORANDUM

TO: File 29-02255C

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5359

DATE: February 17, 1999

Transfer 5359 changes the point of diversion, place, nature and season of use under Right 29-02255C. The original irrigation use will be changed to industrial use for a silica mine, for material processing and dust abatement.

The season of use was identified as a period of time within the standard irrigation season. The diversion volume calculated according to the operation time designated by the applicant; 0.64 cfs for 12 hours a day for a hundred operating days within the season of use or an annual diversion volume of 63.0 af. The net result in the change in nature of use is a reduction of diversion and consumptive use volume.

Change in Nature of Use Evaluation

	<u>Rate</u>	<u>Use</u>	<u>Acres</u>	<u>Div. Vol./C.U. Vol.</u>
Original Use	0.64 cfs	Irrigation	32 acres	128.0 afa./96.0 afa
After Transfer	0.64 cfs	Industrial	(-----)	63.0 afa/No More Than 63.0 afa

Recommended conditions include drilling permit conditions, measurement & annual reporting conditions, water quality and standard transfer conditions.

From Allocations Transfer Files
Eastern Region IDWR

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5359APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant FMC Corporation Phone 208-236-8200
Post Office address P.O. Box 4111, Pocatello, Idaho 83202

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes _____
New well to be drilled to provide industrial water for silica mine,
material processing and dust control.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|------------------|-----------------------|-------------------|---------------------------|
| <u>29-2255C</u> | <u>5/22/1939</u> | <u>0.63 cfs</u> | <u>Industrial</u> | <u>5/1</u> to <u>11/1</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 0.63 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground water tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	18	7 S	34E	Power	FMC Wells Cargo Mine

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7 S	34E	7												I	I	I	I	I	
7S	34E	18	I	I															

From Allocations Transfer Files
Eastern Region IDWR

PART 1**6. General Information:**

- a. Description of diversion system Well with centrifugal pump and electric motor.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Will be dry farmed.

- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

From Allocations Transfer Files
Eastern Region IDWR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A29-2255C on file with the Idaho Department of Water Resources.
- d. Transfer No. 2816 / 29-02255C which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Ground water tributary to _____

4. Date or priority 5/22/1939

5. Water is used for the following purpose:

amount 0.63 cfs for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.63 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	12	6S	33E	Power	Lindley Farm

8. Lands irrigated or place of use:

Twp.	Rge.	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	
6S	33E	12											32						32

From Allocations Transfer Files
Eastern Region IDWR

Total acres 32

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (omitted)

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) (omitted)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

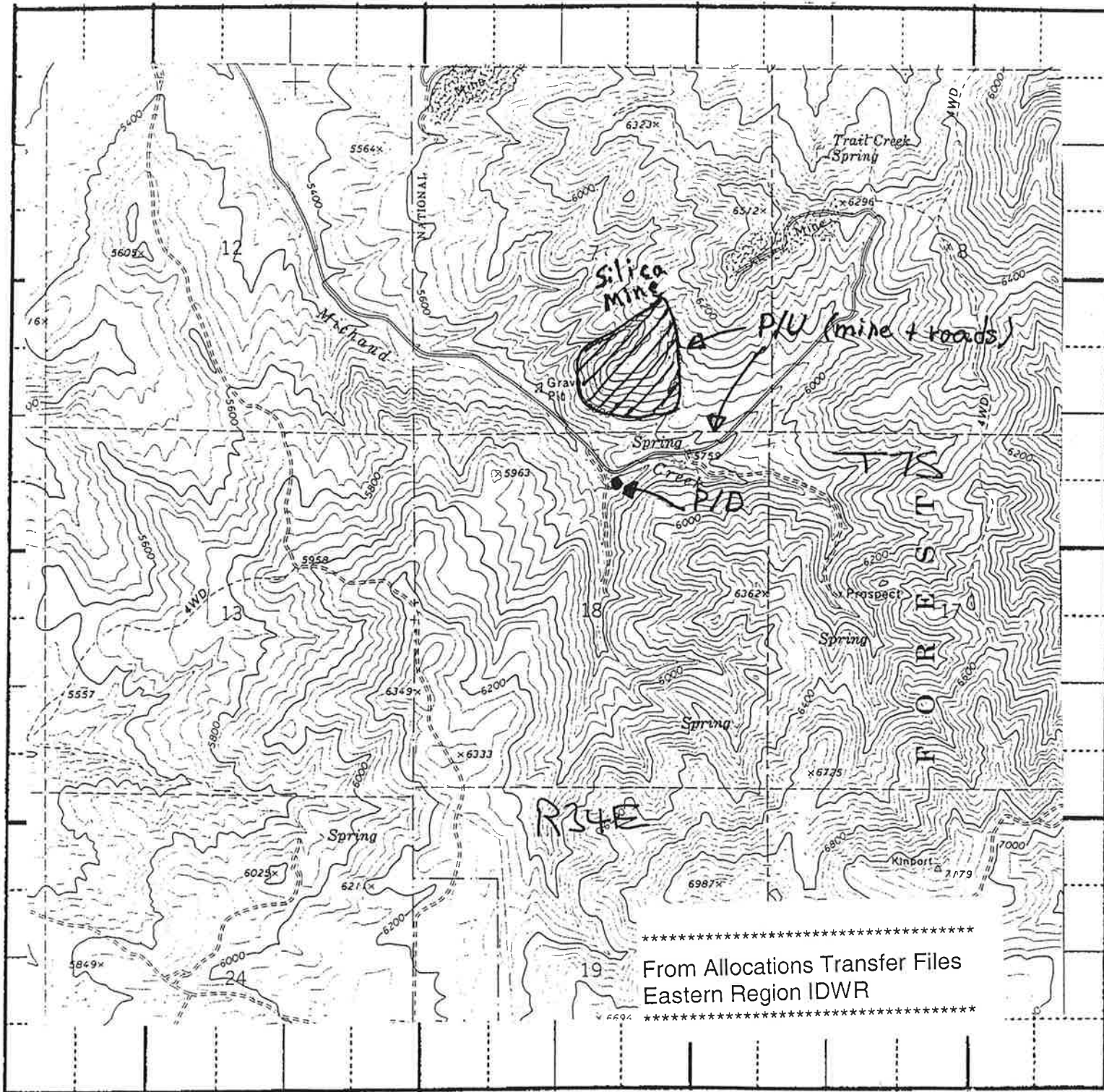
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

 From Allocations Transfer Files
 Eastern Region IDWR

Total acres _____

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number. (SEE ATTACHED MAP.)



PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Industrial Amount (cfs/ac-ft) 0.63 cfs Hours/days/year 12 hrs/day 100 days/year Period of Use 5/1 to 11/1

2. Quantity and quality of return flows and location of discharge:

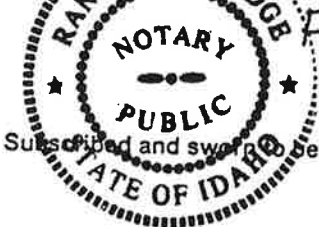
None

3. Describe effects on other water uses resulting from the proposed change:

None

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Let it stand that any willful misrepresentations made in this application may result in voiding its approval.



FMC - By: Robert E. Hart - Center Burden Business Manager

Subscribed and sworn to before me this 27th day of October, 1998.

Randall C. Budge
(Notary Public)

My commission expires 10/11/2000

FOR DEPARTMENT USE ONLY

Transfer contains pages and attachments

Received by Hart Date 11-3-1998

Prelim. check by Fee \$100

Receipted by HWT #E024601 Date 11-3-1998

Published in Power County Press

Pub. dates Dec 23 & 30, 1998

Watermaster recommendation requested on

Protest filed by

Copies of protest forwarded by

Hearing held by Date

Recommended for ☐ approval ☐ denial

by

Copy of transfer sent to lien holder

From Allocations Transfer Files
Eastern Region IDWR



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

SCANNED

MAY 10 2001

EASTERN REGION

May 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LINDA B JONES
HOLLAND & HART LLP
PO BOX 2527
BOISE ID 83701-2527

RE: OWNERSHIP CHANGE FOR FMC-ASTARIS

Dear Ms. Jones:

Our office received your letter of May 8, 2000 and have done the following:

Claims A27-02050 and A27-02053 have been processed and are in the name of NuWest DBA Agrium and Astaris Production LLC. Enclosed are copies for your files.

Claim A29-02255C has been processed and is in the name of Astaris Production LLC. A copy is enclosed for your files.

Your letter has been forwarded to our state office in Boise for 27-02162, 27-04063, 27-07057 and 27-07058. Please contact the Allocations Bureau of IDWR at (208)

327-7900 regarding these rights.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosures

cc: Gary Resh, Astaris Production LLC
Rob Hartman, Astaris Idaho LLC

DELOB DC 5/10/00

RECEIVED

MAY 10 2000

HOLLAND & HART LLP
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE
CHEYENNE • JACKSON HOLE
SALT LAKE CITY

SUITE 1400
101 SOUTH CAPITOL BOULEVARD
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

Department of Water Resources
Eastern Region
TELEPHONE (208) 342-5006
FACSIMILE (208) 343-8869

LINDA B. JONES
ljones@hollandhart.com

May 8, 2000

Dave Carlson
Jennifer Crabtree
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: FMC/Astaris Water Rights Change in Ownership

Dear Dave and Jennifer:

Your letter dated May 2, 2000, indicating the changes in ownership made to the Department's records, does not reflect accurately the change in ownership reported by the Notice of Change in Ownership submitted by Astaris Production LLC. The following paragraphs describe how the water rights ownership should be reflected in the Department's and SRBA's files:

✓ ✓
1. A27-02050 and A27-02053. You indicate that these are owned by FMC, NuWest DBA Agrium, and Astaris Production LLC. This is not correct. In 1998, FMC and NuWest purchased undivided interests in the Holmgren Anderson ranch and these water rights. FMC owned an undivided 23% interest in these rights, and Agrium owns the other 77%. A Notice of Change in Ownership was filed at that time, and we received confirmation from the Department of ownership in these percentages. Astaris Production LLC has now acquired all of FMC's interest in these water rights (i.e., FMC's undivided 23% interest) and the underlying property. Accordingly, as reflected in the Notice filed with you on April 21, 2000, and in the Special Warranty Deed submitted with the Notice, **these two water rights are owned 77% by Agrium and 23% by Astaris Production LLC.** FMC has no further interest in these water rights. Please correct your records to accurately reflect the parties' recent transaction.

pd
2. Similarly, 27-02162 was owned 50% by FMC and 50% by Agrium. Astaris Production now has purchased FMC's 50% undivided interest. Accordingly, **this water right is now owned 50% by Agrium and 50% by Astaris Production LLC.** FMC has no further ownership interest in this water right. Please correct your records (and the records in the SRBA court and Boise office) to accurately reflect the parties' recent transaction.

Dave Carlson
Jennifer Crabtree
May 8, 2000
Page 2

3. FMC owned, and Astaris Production now owns, 100% of water right A29-02255C. Please correct your records to reflect **ownership 100% by Astaris Production LLC**. ✓

4. FMC owned, and Astaris Production now owns, 100% of 27-04063 (partially decreed) and 27-07057 and 27-07058 (licensed). You indicated that you had sent the Notice to Boise for processing. Please forward a copy of this letter to the appropriate person in Boise, so that the records for these water rights/licenses accurately reflect 100% ownership in Astaris Production LLC.

The changes made to the other four water rights, from FMC to Astaris Idaho LLC, are correct and we will add your new profiles in our files.

Please give me a call if you require further clarification.

Sincerely,

HOLLAND & HART LLP



Linda B. Jones

LBJ:cd
Enclosures

cc: Miguel Ugarte
Patrick Hyland
Gary Resh
Rob Hartman
(w/encls.)

2659386_1.DOC



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 2, 2000

LINDA B JONES
HOLLAND & HART LLP
PO BOX 2527
BOISE ID 83701-2527

RE: WATER RIGHT OWNERSHIP CHANGE FOR FMC - ASTARIS

Dear Ms. Jones:

Our office received the above referenced request on April 21, 2000 and have processed it as follows:

Adjudication claims A29-02301, A29-02255E, A29-02284, and A29-11342 have been processed and are in the name of **Astaris Idaho LLC**. Enclosed are copies for your files.

Adjudication claims A27-02050 and A27-02053 have been processed and are in the name of **FMC, NuWest DBA Agrium, and Astaris Production LLC**. Enclosed are copies for your files.

Adjudication claim **A29-02255C** has been processed and is in the name of **FMC and Astaris Production LLC**. Enclosed is a copy for your files.

27-04063 and 27-02162 are domestic and stockwater rights that have been partially decreed by the Snake River Basin Adjudication court. Our state headquarters in Boise, Idaho processes these documents. I will forward a copy of your request to them.

27-07057 and 27-07058 are licensed water rights (not adjudication claims) and are also processed at our state office. Again, I will forward your request to them.

If you have questions about the domestic and stockwater rights or the licensed water rights, please contact IDWR, Allocations Bureau in Boise, at (208) 327-7900. If you have questions about the other claims, please contact Senior Water Right Agent Dave Carslon in our office at (208) 525-7161.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree
Technical Records Specialist

Enclosures

cc: Gary Resh, Astaris Production LLC
Rob Hartman, Astaris Idaho LLC

DELOG DC
4/22/00

HOLLAND & HART^{LLP}
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE
CHEYENNE • JACKSON HOLE
SALT LAKE CITY

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MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

LINDA B. JONES
ljones@hollandhart.com

April 18, 2000

Ms. Jennifer Crabtree
Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

Re: Change in Ownership of Water Rights

Dear Ms. Crabtree:

Enclosed on behalf of Astaris Production LLC and Astaris Idaho LLC are executed Notices of Change in Water Right Ownership forms and copies of the recorded Special Warranty Deeds conveying title to the respective companies. These transfers are part of a joint venture between FMC Corporation and Solutia, Inc., pursuant to which FMC has transferred its phosphate production assets in Southeastern Idaho to the two Astaris companies. Astaris Production LLC now owns FMC's Dry Valley Mine and Silica Mine properties, and Astaris Idaho LLC now owns FMC's Pocatello phosphate processing plant.

The Pocatello plant and Silica Mine properties are located in Power and Bannock Counties. The Silica Mine water right (A29-02255c) was recently transferred to the Silica Mine from property owned by FMC and located near the Pocatello Plant. We refer you to that recent file for more details and a map of the place of diversion and use of this water right. The Pocatello plant uses most of its water for industrial and not irrigation purposes. We attach a recent profile of these water rights. A recent survey of the Pocatello plant property is of record in Power and Bannock Counties (Instrument No. 20003575, Bannock County, and Instrument No. 174692 for Power County, seven sheets). We will send you copies of the surveys at your request.

We filed with the Department about a year ago a map of the Dry Valley Mine irrigated property (located in Caribou County) and points of diversion and use. This was in connection with the acquisition of certain property by FMC and Agrium from the Holmgren-Anderson partnership. The points of diversion and

Ms. Jennifer Crabtree
April 19, 2000
Page 2

use of those water rights remain the same. Water rights not used for irrigation or stockwater (Nos. 27-07057 and 27-07058) are used for mining purposes. A survey of the Dry Valley Mine property is of record in Caribou County (Instrument No. 161069 - 5 sheets). The map in your file showing the Holmgren/Anderson water rights provides more information about place of diversion and use of these water rights than would the survey. We will provide you with a copy of the survey at your request. We attach copies of recent profiles of these water rights.

Please let me know if you require further information in order to transfer these water rights of record with the Department and the SRBA Court.

Sincerely,

HOLLAND & HART LLP



Linda B. Jones

LBJ:cd

Enclosures

cc: Gary Resh
Rob Hartman
Cedric Jones
Mike Ugarte
Steve Drapekin
Marissa Byram
Julie Stenger
(all w/encls.)

2652569_1.DOC

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

RECEIVED

DC 5/2000

APR 21 2000

Department of Water Resources
Eastern Region

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 27-04063, 27-07057, 27-07058, undivided 23% interest in 27-02050 and 27-02053, undivided 50% interest in 27-02162, and 29-02255c
 Adjudication Claim No(s): A27-04063, A27-07057, A27-07058, A27-02050, A27-02053, A27-02162, A29-02255c
2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s).
(These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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 FMC Corporation
1735 Market St., Philadelphia, PA 19103

4. New Owner/Claimant(s) Astaris Production LLC
 New Mailing Address 10300 Olive Blvd.
 City, State and ZIP Code St. Louis, MO 63166
 New Telephone Number (208) 547-2700 ext. 17 Gary Resh
4-12-00

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners**. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance. See attached profiles.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) ASTARIS PRODUCTION LLC, a Delaware limited liability company
 or Claimant(s) By: [Signature]

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

RECEIVED 161189

APR 21 2000

Department of Water Resources
Eastern Region

THIS INSTRUMENT FILED FOR RECORD
BY ALLIANCE TITLE & ESCROW CORP. AS AN
ACCOMMODATION ONLY. IT HAS NOT BEEN
EXAMINED AS TO ITS EXECUTION OR AS TO
ITS EFFECT UPON THE TITLE.

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, **FMC Corporation**, a Delaware corporation, the Grantor, does hereby grant, bargain, sell and convey unto **Astaris Production LLC**, a Delaware limited liability company, the Grantee, whose address is 10300 Olive Boulevard, St. Louis, MO 63166, the following described real property, to-wit:

The property described in Exhibit A attached hereto and, by this reference, incorporated herein as if set forth in full, which property is located in Caribou County, State of Idaho,

TOGETHER WITH all of Grantor's right, title and interest in and to mineral and oil and gas rights thereon and thereunder,

TOGETHER WITH all water rights appurtenant thereto, including, without limitation, all of water right numbers 27-04063, 27-07057 and 27-07058, an undivided 23% interest in water right numbers 27-02050 and 27-02053, and an undivided 50% interest in water right number 27-02162,

TOGETHER WITH i) all other and singular tenements, hereditaments, appurtenances and improvements thereon or thereunto belonging, ii) all reversionary, underlying or other right, title and interest of Grantor in and to the rights-of-way of all public roads, streets, or ways, and of all railroads or easements, abutting upon said premises or any part thereof, and iii) all right, title and interest of Grantor in and to any and all lands lying beneath, or constituting the bed of any waterway or body of water, abutting upon said premises or any part thereof.

SUBJECT TO:

(i) existing building and zoning regulations, easements, rights-of-way, subdivision and deed restrictions and reservations, and all other matters of record similar to the foregoing;

(ii) matters which a survey or inspection of the premises would reveal;

(iii) the lien for local real property taxes for the current year which are not yet due and payable; and

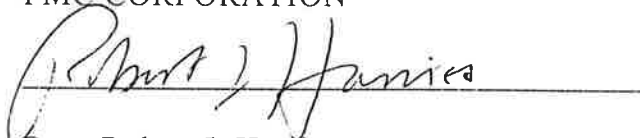
(iv) unpatented mining claims and reservations or exceptions in patents or in Acts authorizing the issuance thereof.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto Grantee and its successors and assigns forever.

Grantor does hereby covenant that it and its successors shall and will WARRANT and DEFEND the title to said premises unto Grantee and its successors and assigns forever against the lawful claims of all persons claiming by, through or under Grantor but none other, excepting, however, the matters above set forth.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand effective as of the 12th day of April, 2000.

FMC CORPORATION



By: Robert I. Harries

Title: Vice President

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

STATE OF PENNSYLVANIA)

: ss.

County of Philadelphia)

On this 11th day of April, 2000 before me, Doris McKeone, a notary public in and for said State, personally appeared Robert I. Harries, known or identified to me to be the Vice President of FMC CORPORATION, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

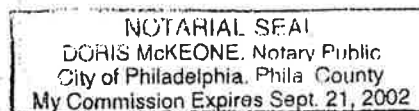
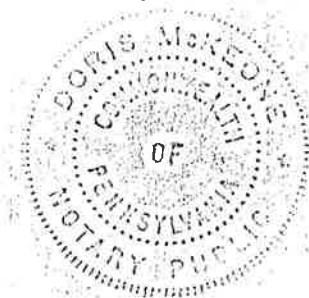


Notary Public

Residing at: _____

My Commission Expires: _____

2610623_4.DOC



APR 21 2000

Department of Water Resources
Eastern Region

PARCEL 1

A parcel of land located in Sections 30, 31, & 32, Township 7 South, Range 44 East, Boise Meridian, Caribou County, Idaho and further described as follows:

Beginning at the Southwest corner of said Section 30 located North 00° 01' 12" East 2638.33 feet from the West quarter corner of said Section 31;
 Thence North 00° 05' 11" West 1320.34 feet to the Northwest corner of Lot 4 of said Section 30;
 Thence South 86° 58' 48" East 2532.39 feet to the Center South 1/16th corner of said Section 30;
 Thence South 86° 58' 50" East 2603.42 feet to the South 1/16th corner on the East line of said Section 30;
 Thence South 00° 03' 49" West 1326.52 feet to the Southeast corner of said Section 30;
 Thence North 87° 34' 46" East 1314.07 feet to the West 1/16th corner on the North line of said Section 32;
 Thence South 01° 43' 48" East 2524.61 feet to the Center West 1/16th corner of said Section 32;
 Thence South 01° 43' 54" East 2523.34 feet to the West 1/16th corner on the South line of said Section 32;
 Thence South 89° 48' 09" West 872.00 feet to a point on the Northeasterly right of way line of the Railroad, said point being North 89° 48' 09" East 446.49 feet from the Southwest corner of said Section 32;
 Thence North 48° 45' 25" West 609.60 feet along said Northeasterly right of way line to a point on the West line of said Section 32;
 Thence North 01° 41' 11" West 845.45 feet to the South 1/16th on the East line of said Section 31;
 Thence North 89° 20' 53" West 1003.22 feet along the South line of the NE1/4 SE1/4 of said Section 31 to a point on said Northeasterly right of way line;
 Following said right of way line the next 4 courses:
 Thence Northwesterly along a spiral curve, (chord bears North 60° 05' 33" West 69.56 feet);
 Thence North 60° 18' 55" West 973.17 feet to a point on a spiral curve;
 Thence Northwesterly along said spiral curve to a point of curve, (chord bears North 61° 19' 10" West 151.29 feet);
 Thence Northwesterly along said curve with a 1457.39 foot radius, through a central angle of 24° 35' 48", a distance of 625.65 feet to a point on the west line of the NW1/4 SE1/4 of said Section 31, (chord bears North 75° 36' 49" West 620.85 feet);
 Thence North 00° 59' 36" West 3131.46 feet to the North quarter corner of said Section 31;
 Thence North 86° 54' 34" West 2541.73 feet to True Point of Beginning.
 Containing 516.8 acres.

STATE OF IDAHO } ss 161189
 County of Caribou }

I hereby certify that this instrument was filed at the request of Alliance Title

at 11:05 o'clock A m this 13 day of April, 2000 in my office and duly

recorded official Records

Recorder, Edie Izatt

Signature Edie Izatt

Deputy 2100

161189

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

PARCEL 2

A parcel of land located in Section 31, Township 7 South, Range 44 East, Boise Meridian, Caribou County, Idaho and further described as follows:

Beginning at the South quarter corner of said Section 31 located North 89° 28' 06" East 2644.02 feet from the Southwest corner of said Section;

Thence North 00° 59' 36" West 1287.24 feet to the center South 1/16th corner of said Section, the True Point of Beginning;

Thence North 00° 59' 36" West 604.89 feet to a point on the Southwesterly right of way line of the Railroad, said point being on a 1337.39 foot radius non-tangent curve concave to the Southwest whose center bears South 02° 21' 54" West;

Thence Southeasterly along said curve through a central angle of 24° 19' 11", a distance of 567.67 feet to a point of spiral curve, (chord bears South 75° 28' 31" East 563.42 feet);

Thence Southeasterly along said spiral curve, (chord bears South 61° 17' 53" East 145.01 feet);

Thence South 60° 18' 55" East 827.02 feet to a point on the South line of the N1/2 SE1/4;

Thence North 89° 20' 53" West 1380.69 feet to the True Point of Beginning.

Containing approximately 11.5 acres.

161189

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

PARCEL 3

A parcel of Land located in Sections 5, 6, 8, 9, 16 and 17 in Township 8 South, Range 44 East and Section 32, Township 7 South, Range 44 East, Caribou County, Idaho described as follows:

Beginning at the Northwest corner of said Section 6 located North 00° 03' 19" West 2643.23 feet from the West quarter corner of said Section 6;
Thence North 89° 28' 06" East 1647.15 feet to the Northwest corner of Lot 3 of said Section 6, the True Point of Beginning;
Thence North 89° 28' 06" East 996.87 feet to the South quarter corner of Section 31, Township 7 South, Range 44 East;
Thence North 89° 48' 49" East 2644.90 feet to the Southeast corner of said Section 31;
Thence North 01° 41' 11" West 239.70 feet along the West line of said Section 32 to a point on the Westerly right of way line of a Railroad;
Thence South 48° 45' 25" East 362.05 feet along said Westerly right of way line to the Northerly boundary line of said Section 6;
Thence South 48° 45' 25" East 461.27 feet along said Westerly right of way line;
Thence South 43° 35' 16" East 1478.23 feet to the Southeast corner of Lot 4 of said Section 5;
Thence South 00° 26' 12" West 1320.39 feet to the Center West 1/16th corner of said Section 5;
Thence South 44° 54' 58" East 1859.59 feet to the Center South 1/16th corner of said Section 5;
Thence South 26° 18' 00" East 1470.33 feet to the West East 1/64th corner on the South line of said Section 5;
Thence North 89° 44' 14" East 1980.93 feet to the Northeast corner of said Section 8;
Thence North 89° 50' 43" East 201.50 feet to a 5/8" rebar with cap set on the North line of said Section 9;
Thence South 08° 52' 14" East 1011.68 feet to a 5/8" rebar with cap;
Thence North 89° 50' 43" East 2290.00 feet to a point on the North - South Center line of said Section 9, said point being South 00° 01' 35" East 1000.00 feet from the North quarter corner of said Section 9;
Thence South 00° 01' 35" East 1643.57 feet to the Center of said Section 9;
Thence North 89° 49' 57" East 2109.83 feet to a 5/8" rebar with cap;
Thence South 26° 20' 30" East 860.26 feet to a 5/8" rebar with cap;
Thence South 89° 51' 30" West 95.81 feet to a 5/8" rebar with cap;
Thence South 00° 02' 14" East 550.79 feet to a 5/8" rebar with cap;
Thence North 89° 51' 30" East 55.00 feet to a 5/8" rebar with cap set on a 1358.81 foot radius non-tangent curve concave to the Northwest whose Center bears North 81° 12' 49" West;
Thence Southwesterly along said curve through a central angle of 06° 04' 19", a distance of 144.00 feet to the point of tangency, (chord bears South 11° 49' 20" West 143.93 feet);
Thence South 14° 51' 30" West 597.00 feet to a 5/8" rebar with cap set on a 1029.28 foot radius non-tangent curve whose Center bears South 84° 19' 48" East;
Thence Southeasterly along said curve through a central angle of 34° 56' 48" a distance of 627.79 feet to a point on the South line of said Section 9 that is South 89° 53' 03" West 252.00 feet from the Southeast corner of said Section 9, (chord bears South 11° 48' 12" East 618.11 feet);
Thence South 34° 19' 05" East 447.37 feet to a 5/8" rebar with cap on the East line of said Section 16 said point being South 00° 02' 02" East 370.00 feet from the Northeast corner of said Section 16;

Thence South 00° 02' 02" East 2267.13 feet to the East quarter corner of said Section 16;
Thence South 00° 02' 02" East 2640.74 feet to the Southeast corner of said Section 16;
Thence South 89° 47' 06" West 1321.77 feet to the East 1/16th corner of the South line of said Section 16;
Thence North 00° 02' 45" West 2642.10 feet to the Center East 1/16th corner of said Section 16;
Thence North 00° 02' 45" West 2638.05 feet to the East 1/16th corner on the North line of said Section 16;
Thence South 89° 53' 03" West 1322.87 feet to the South quarter corner of said Section 9;
Thence South 89° 53' 03" West 2640.56 feet to the Southwest corner of said Section 9;
Thence South 00° 07' 09" East 1320.40 feet to the North 1/16th corner on the East line of said Section 17;
Thence South 89° 47' 09" West 1320.81 feet to the Northeast 1/16th corner of said Section 17;
Thence North 00° 06' 07" West 1319.63 feet to the East 1/16th corner on the North line of said Section 17;
Thence South 89° 45' 09" West 1320.42 feet to the South quarter corner of said Section 8;
Thence North 00° 06' 04" West 2642.96 feet to the Center of said Section 8;
Thence North 00° 06' 04" West 1320.78 feet to the Center North 1/16th corner of said Section 8;
Thence South 89° 48' 23" West 1320.91 feet to the Northwest 1/16th corner of said Section 8;
Thence North 26° 38' 53" West 1475.78 feet to the West West 1/64th corner on the South line of said Section 5;
Thence South 89° 49' 11" West 660.16 feet to the Southwest corner of said Section 5;
Thence North 89° 51' 18" West 2640.76 feet to the South quarter corner of said Section 6;
Thence North 00° 22' 23" East 1322.93 feet to the Center South 1/16th corner of said Section 6;
Thence North 89° 48' 25" West 1322.04 feet to the Southeast corner of Lot 6 of said Section 6;
Thence North 00° 17' 48" East 1323.72 feet to the Southeast corner of Lot 5 of said Section 6;
Thence North 00° 26' 59" East 1319.07 feet to the Southwest corner of Lot 3 of said Section 6;
Thence North 00° 26' 59" East 1345.97 feet to the True Point of Beginning.
Containing 1,634.6 acres.

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

PARCEL 4

Township 7 South, Range 43 East, Boise Meridian, Caribou County, Idaho
Section 19: W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

20005744

3-1

Power Bannock Counties - Wells Cargo Silica Mine

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, **FMC Corporation**, a Delaware corporation, the Grantor, does hereby grant, bargain, sell and convey unto **Astaris Production LLC**, a Delaware limited liability company, the Grantee, whose address is 10300 Olive Boulevard, St. Louis, MO 63166, the following described real property, to-wit:

The property described in Exhibit A attached hereto and, by this reference, incorporated herein as if set forth in full, which property is located part in Power County and part in Bannock County, State of Idaho.

TOGETHER WITH all of Grantor's right, title and interest in and to mineral and oil and gas rights thereon and thereunder,

TOGETHER WITH all water rights appurtenant thereto, including but not limited to water right number 29-02255c,

TOGETHER WITH i) all other and singular tenements, hereditaments, appurtenances and improvements thereon or thereunto belonging, ii) all reversionary, underlying or other right, title and interest of Grantor in and to the rights-of-way of all public roads, streets, or ways, and of all railroads or easements, abutting upon said premises or any part thereof, and iii) all right, title and interest of Grantor in and to any and all lands lying beneath, or constituting the bed of any waterway or body of water, abutting upon said premises or any part thereof.

SUBJECT TO:

(i) existing building and zoning regulations, easements, rights-of-way, subdivision and deed restrictions and reservations, and all other matters of record similar to the foregoing;

(ii) matters which a survey or inspection of the premises would reveal;

(iii) the lien for local real property taxes for the current year which are not yet due and payable; and

(iv) unpatented mining claims and reservations or exceptions in patents or in Acts authorizing the issuance thereof.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto Grantee and its successors and assigns forever.

3-2

Grantor does hereby covenant that it and its successors shall and will WARRANT and DEFEND the title to said premises unto Grantee and its successors and assigns forever against the lawful claims of all persons claiming by, through or under Grantor but none other, excepting, however, the matters above set forth.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand effective as of the 12th day of April, 2000.

FMC CORPORATION



By: Robert I. Harries

Title: Vice President

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

2634430_4.DOC

STATE OF PENNSYLVANIA)

: ss.

County of Philadelphia)

On this 11th day of April, 2000 before me, Doris McKeone, a notary public in and for said State, personally appeared Robert I. Harries, known or identified to me to be the Vice President of FMC CORPORATION, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

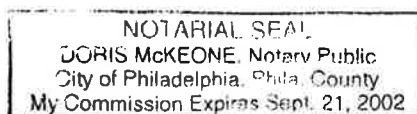
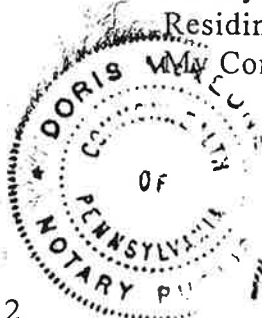
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public

Residing at: _____

My Commission Expires: _____



WARRANTY DEED - 2

NOTARY SEAL

20005744

A parcel of land located in the SE ¼ of the SW ¼ of Section 6, and in Section 7, and in U.S. Government Lots 1, 2 and 3 in Section 18, all in T 7 S, R 34 E, Boise Meridian, Power County, Idaho; and also located in the West ½ of Section 8, T 7 S, R 34 E, Boise Meridian, Bannock County, Idaho; said parcel being more particularly described as follows:

Section 6 - SE¼ SW¼ and;

Section 7 - All of Section 7 and;

Section 8 - NW¼ SW¼ NW ¼, S½ S½ NW ¼, N½ SW¼, NW¼ SW¼ SW¼ and;

Section 18 - U.S. Government Lots 1, 2 and 3, All in T 7 S, R 34 E, Boise Meridian, Idaho.

Said parcel containing 919.14 Acres, more or less.

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

174945

INSTRUMENT #	
TIME	1:44 PM
REQ. OF	Alliance
APR 13 2000	
POWER COUNTY AM FALLS	
CHRISTINE STEINLICH	
BY	<i>[Signature]</i>
DEPUTY	pd #90

NO 20005744
RECORDED AT REQUEST OF
ALLIANCE TITLE & ESCROW
2000 APR 13 PM 12 04
OFFICIAL RECORD BOOK NO 757
BANNOCK COUNTY IDAHO
LARRY W GHAN RECORDER
FEE 900 DEPUTY \$

Eastern AJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5359
WATER RIGHT NO. 29-02255C

This is to certify that: **FMC CORPORATION**
PO BOX 4111
POCATELLO ID 83202

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	05/01 to 11/01	0.64 CFS	63.0 AF

SOURCE

GROUNDWATER

Priority: 05/22/1939

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 18, Township 07S, Range 34E
POWER County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

07S 34E 7	SESW	NESE	NWSE
	SWSE	SESE	
18	NENE	NWNE	

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5359
WATER RIGHT NO. 29-02255C

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Industrial use is for mining, material processing and dust abatement.

Dated this 18th day of February, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 29-02255C

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5359

DATE: February 17, 1999

Transfer 5359 changes the point of diversion, place, nature and season of use under Right 29-02255C. The original irrigation use will be changed to industrial use for a silica mine, for material processing and dust abatement.

The season of use was identified as a period of time within the standard irrigation season. The diversion volume calculated according to the operation time designated by the applicant; 0.64 cfs for 12 hours a day for a hundred operating days within the season of use or an annual diversion volume of 63.0 af. The net result in the change in nature of use is a reduction of diversion and consumptive use volume.

Change in Nature of Use Evaluation

	<u>Rate</u>	<u>Use</u>	<u>Acres</u>	<u>Div. Vol./C.U. Vol.</u>
Original Use	0.64 cfs	Irrigation	32 acres	128.0 afa./96.0 afa
After Transfer	0.64 cfs	Industrial	(-----)	63.0 afa/No More Than 63.0 afa

Recommended conditions include drilling permit conditions, measurement & annual reporting conditions, water quality and standard transfer conditions.

(Internet)

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5359

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant FMC Corporation Phone 208-236-8200
Post Office address P.O. Box 4111, Pocatello, Idaho 83202

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes _____
New well to be drilled to provide industrial water for silica mine,
material processing and dust control.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/acre-ft)	Nature of Use	Period of Use
29-2255C	5/22/1939	0.63 cfs	Industrial	5/1 to 11/1
				to
				to
				to

2. Total amount of water being transferred 0.63 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground water tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system Well with centrifugal pump and electric motor.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Will be dry farmed.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A29-2255C on file with the Idaho Department of Water Resources.
- d. Transfer No. 2816 / 29-02255C which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Ground water tributary to _____

4. Date or priority 5/22/1939

5. Water is used for the following purpose:

amount 0.63 cfs for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.63 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	12	6S	33E	Power	Lindley Farm

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	33E	12											32						32

Total acres 32

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (omitted)

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) (omitted)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

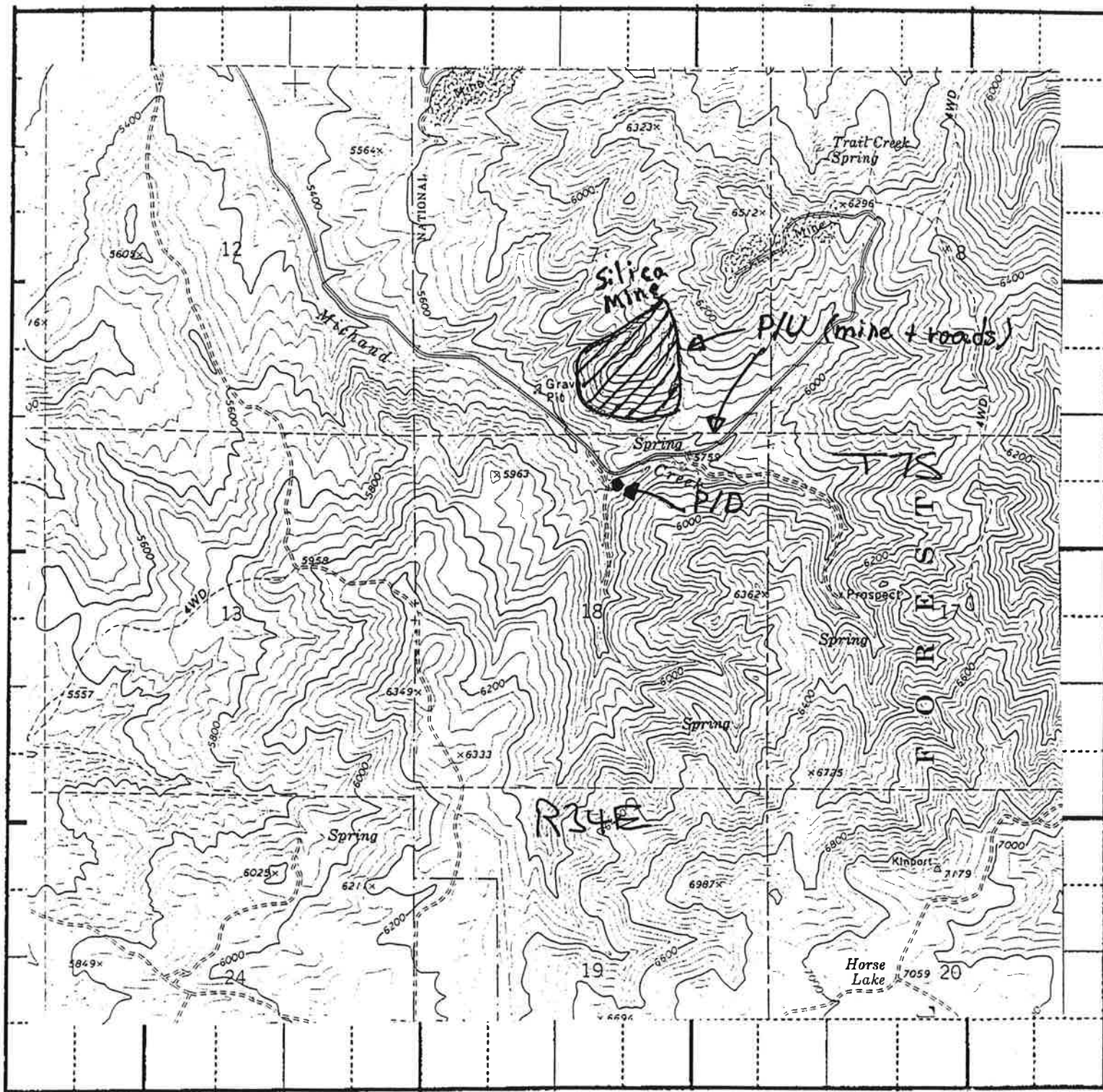
3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number. (SEE ATTACHED MAP.)



PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Industrial Amount 0.63 cfs Hours/days/year 12 hrs/day Period of Use 5/1 to 11/1
100 days/year

2. Quantity and quality of return flows and location of discharge:

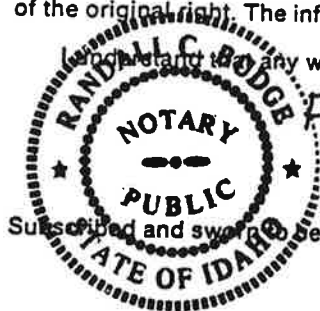
None

3. Describe effects on other water uses resulting from the proposed change:

None

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

(I understand that any willful misrepresentations made in this application may result in voiding its approval.)



FMC -

By: x

Robert E. Hart

Center Burden
Business Manager

(Signature of Applicant)

Subscribed and sworn to before me this

27th

day of October

, 19 98

Randall C. Budge

(Notary Public)

My commission expires 10/11/2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Hart Date 11-3-1998

Prelim. check by _____ Fee \$100

Received by HWT #E024601 Date 11-3-1998

Published in Power County Press

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Watermaster recommendation requested on _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

by _____

Copy of transfer sent to lien holder _____

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER

*ALSO MEMBER IL & WY BARS

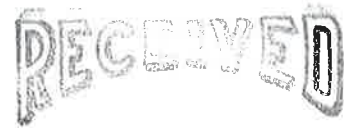
LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE
AREA CODE 208
232-6101

FAX
208-232-6109

September 17, 1992

Ernest Carlson
Idaho Department of Water Resources
150 Shoup Avenue, #15
Idaho Falls, ID 83401



SEP 18 1992

Re: Claim Nos. A29-2255E, A29-2255C

Department of Water Resources
Eastern District Office

Dear Ernest:

Reviewing my file I just noted that on the above-referenced claims which were recently filed on behalf of FMC Corporation, in the caption, we inadvertently reflected the adjudication to be in the "Bear" River Basin rather than the Snake River Basin. While I am sure that you correctly inputed these claims, I am nonetheless enclosing a copy of a correct page 1 of each claim for your file.

Sorry for the mistake. Thanks for the help.

Sincerely,
A handwritten signature in cursive script, appearing to read "Randall C. Budge".
RANDALL C. BUDGE

RCB:te
Enclosures

MICROFILMED

NOV 13 1992

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
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RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

RECEIVED

MAY 07 1992

TELEPHONE
Department of Water Resources
AREA Center Resources
Eastern District Office

FAX
208-232-6109

May 6, 1992

*ALSO MEMBER IL & WY BARS

Tony Olenichak

Department of Water Resources
Eastern Region
150 Shoup Avenue, #15
Idaho Falls, Idaho 83401

RE: FMC Corp. - SRBA Claims

Dear Tony:

Thanks for faxing me Transfer No. 2816 and your records concerning Water Right Nos. 29-02255C, D, E, and F.

FMC has acquired several properties from time to time north from the plant site which lie between Highway 30 and Interstate 86. I am enclosing a copy of a map of these properties which are located in the S1/2 of Section 12, Township 6 South, Range 33 East, Power County. I am in the process of coming up with a better map and confirming legal descriptions, but based upon information presently available, it appears there are two additional wells with respect to which FMC needs to file additional SRBA water right claims.

It appears we need to file on A29-2255C and E, and I am enclosing rough drafts of a proposed Notice of Claim for each. Because this particular water right has been divided several times, would you please carefully review these proposed claims for accuracy and advise of the amount of additional filing fees, inasmuch as we now will be subject to a late charge.

Additionally, I am enclosing Quitclaim Deeds containing the legal descriptions of two additional parcels in this same vicinity acquired from the City of Pocatello. These deeds contain a total of 105.0 acres located in the S1/2 of Section 12, Township 6 South, Range 33 East, B.M., Power County. A well and pump is located on the west-most parcel containing 75 acres. It is our understanding that the City of Pocatello may have previously filed a SRBA claim on this well. Would you please confirm this, provide me a copy of their

Tony Olenichak

Page 2

May 6, 1992

filing and transfer the same to FMC based upon the enclosed deeds. If you do not find an SRBA claim on this property, would you please research your records and provide me with a copy of whatever water rights are of record so we can evaluate the same and file a proper claim.

Finally, I am enclosing our check in the amount of \$2.25 to reimburse your costs for the previous information. Thanks for your assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: R. L. Mills, Energy Manager, FMC Corp. (w/encls.)

late 50 -
filing 50 -
acct 32
132

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 BEAR RIVER BASIN)
WATER SYSTEM)
_____)

Civil Case No. 39536
Ident. Number: A29-2255C
Date Received:
Receipt No.:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FMC CORP.
Address: P.O. Box 4111
Pocatello, Idaho 83202

2. Date of Priority: 5/22/1939

3. Source: GROUNDWATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
6 South	33 East	12	SE SW SW		Power

5. Description of diverting works: WELL, 75 HP ELECTRIC MOTOR, CENTRIFUGAL PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	4/1	^{10/31} 11/1	0.638		

7. Total Quantity Appropriated is:

0.638 C.F.S. (and/or) A.F.A.

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
6 South	33 East	12	SW SW			32

11. Place of use in counties: POWER COUNTY

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim:

Water Right Number: 29-02255-C, Transfer No. 2818

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 X 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 Energy Manager of FMC Corp., that I have signed the foregoing document in the space below as Energy Manager of FMC Corp., and that the statements contained in the foregoing document are true and correct.

R. L. MILLS, Energy Manager
FMC CORP.

STATE OF IDAHO)
 : ss
County of Bannock)

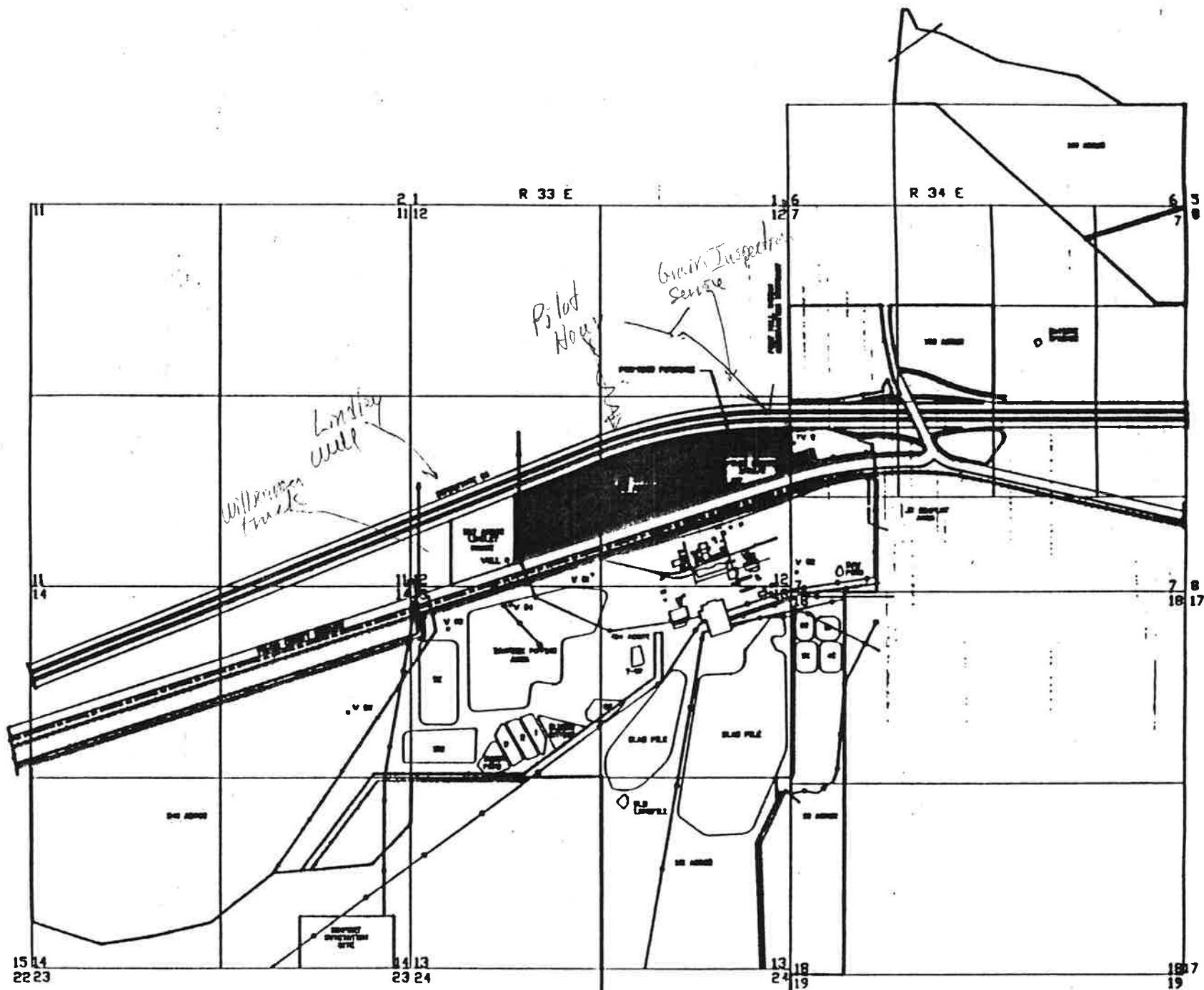
Subscribed and sworn to before me this _____ day of May, 1992.

NOTARY PUBLIC FOR IDAHO,
Residing at: _____
My Commission Expires: _____

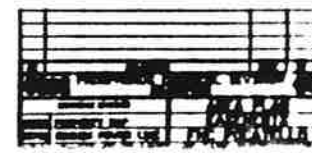
(SEAL)



T 6 S



1403 ACRES TOTAL
TOTAL EMC CORPORATION PROPERTY



QUITCLAIM DEED

For Value Received, receipt of which is hereby acknowledged,
the City of Pocatello, a municipal corporation of Idaho, does

hereby convey, release, remise and forever quit claim unto FMC Corporation

for 4111 Pocatello, ID 83202

90012583

whose current address is Pocatello, Idaho 83202

the following described premises, to-wit:

A parcel of land in the South 1/2 of Section 12,
T.4S., R.32E., S.M., lying South of Interstate
Highway 86 and North of U.S. Highway 30 North,
more particularly described as follows:

Commencing at the Northeast corner of Section 12,
T.4S., R.32E., S.M.; thence S.00°15'54"W. (basis
of bearing per Central Meridian of the East Zone
of the Idaho State Plane Coordinate System),
along the East line of said Section 12, a
distance of 3116.56 feet to a point on a 11309.16
foot radius curve whose center bears
S.03°12'44"E., which curve being the Southerly
right-of-way line of Interstate Highway 86 West
(formerly Interstate Highway 15 West) THE TRUE
POINT OF BEGINNING; thence in a Westerly and
Southwesterly direction following said curve
depicted on Federal Aid Highway project plans
1-10-15W-4(15)73, through a central angle of
18°35'52", a distance of 3670.84 feet to a point
of tangency, which point being S.21°48'36"E., a
distance of 150.00 feet from centerline station
657+85.74 of said Interstate Highway 86 survey;
thence S.88°11'24"W., along said Southerly
right-of-way line of said Interstate Highway 86,
a distance of 452.60 feet to the West 1/4 line
of said Section 12; thence S.00°03'05"W., along
said West 1/4 line 950.61 feet to a point which
is right angles Northwesterly 78.00 feet from
said centerline of U.S. Highway 30 North, Federal
Aid project F.I.-1024(1); thence N.72°36'32"E.,
parallel with said centerline 3071.35 feet;
thence N.17°23'28"W., a distance of 281.68 feet;
thence N.72°36'32"E., parallel with said
centerline of U.S. Highway 30 North 1195.22 feet
to the East line of said Section 12; thence
N.00°15'54"E., along said section line 366.47
feet to THE TRUE POINT OF BEGINNING.

75 Acre parcel
w/ drag strip.
+ well

27-07437
J.R. Simplot.
Permit.

29-07770
Pocatello
Permit

together with their appurtenances.

Dated: September 21, 1990

Peter J. Angstadt

Peter J. Angstadt, Mayor

City of Pocatello, Idaho

STATE OF IDAHO, COUNTY OF Bannock
On this 21st day of Sept., 1990,
before me, a notary public, in and for said State, personally
appeared

Peter J. Angstadt,
Mayor of Pocatello

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same,
on behalf of the City of Pocatello

Lara K. Girard

Residing at Pocatello, Idaho
Comm. Expires 8/11/92

Notary Public
, Idaho

90012583

NO. RECORDER AT REQUEST

RACINE, OLSON, NYE, COOPER & budge
90 OCT -1 AM 1:30

OFFICE OF THE CLERK OF THE DISTRICT COURT
BANNOCK COUNTY, IDAHO
LARRY W. GRIFFIN, CLERK
FEE \$3.00, DEPUTY TS-ck

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

Notary Seal

QUITCLAIM DEED

90-2584

For Value Received, receipt of which is hereby acknowledged,

the City of Pocatello, a municipal corporation of Idaho, does

hereby convey, release, remise and forever quit claim unto FMC Corporation

Box 4111, Pocatello, Idaho 83202

whose current address is Pocatello, Idaho 83202

the following described premises, to-wit:

A parcel of land in the South 1/2 of Section 12, T.6S., R.33E., B.M., and in Lot 8 (NW1/4, SW1/4) of Section 7, T.6S., R.34E., B.M., lying South of Interstate Highway 86 and North of U.S. Highway 30 North, more particularly described as follows:

Commencing at the Northeast corner of Section 12, T.6S., R.33E., B.M.; thence S.00°15'54"W. (basis of bearing per Central Meridian of the East Zone of the Idaho State Plane Coordinate System), along the East line of said Section 12, a distance of 3483.03 feet to THE TRUE POINT OF BEGINNING; thence S.72°36'32"W., parallel with the centerline of U.S. Highway 30 North, Federal Aid Project F.I.-1024(1), a distance of 1195.22 feet; thence S.17°23'28"E., a distance of 281.68 feet to a point which is right angles Northwesterly 78.00 feet from said centerline of U.S. Highway 30 North; thence N.72°36'32"E., parallel with said centerline 1095.64 feet to the beginning of a 5807.58 foot radius curve concave to the south, which point is 78.00 feet left of Station 491+38.4 of said U.S. Highway 30 North Survey; thence in a Northeasterly direction along said curve parallel with said centerline of U.S. Highway 30 North, through a central angle of 0°05'53", a distance of 9.93 feet to the East line of said Section 12; thence N.00°15'54"E., along said Section line 31.86 feet to a point on a 5839.58 foot radius curve whose center bears S.17°11'38"E., which curve being parallel with and 110.00 feet (measured on the radial line of said curve), Northerly from the centerline of said U.S. Highway 30 North; thence in a Northeasterly direction following said curve, through a central angle of 3°58'21", a distance of 404.89 feet; thence N.13°13'17"W., on the radial line of said curve 100.00 feet, to a Southwesterly corner in a parcel of land conveyed to the Food Machinery and Chemical Corporation by Instrument No. 49480 of the official records of Power County; thence N.17°23'28"W., following the boundary line described in said Instrument 145.4 feet; thence S.72°36'32"W., continuing along said parcel boundary line 332.30 feet to the East line of said Section 12, also common with the West line of Section 7, T.6S., R.34E., B.M., THE TRUE POINT OF BEGINNING.

*75-acre parcel
Drain Strip
30-acre parcel
(P. lot House &
Grain Inspection
Service)*

together with their appurtenances.

Dated: September 21, 1990

Peter Angstadt

Peter J. Angstadt, Mayor

City of Pocatello, Idaho

STATE OF IDAHO, COUNTY OF *Bannock*
On this *21st* day of *Sept.*, 1990,
before me, a notary public in and for said State, personally
appeared

*Peter J. Angstadt
Mayor of Pocatello*

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that *he* executed the same,
on behalf of the City of Pocatello.

Carak. Sirant

Residing at *Pocatello, Idaho*
Comm. Expires *8/11/92*
Notary Public
Idaho

90012584

NO. RECORDER AT REQUEST OF

RACINE, OLSON, NYE, COOPER & budge

90 OCT -1 AM 1:30

JUDICIAL OFFICE OF NO 530
BANNOCK COUNTY, IDAHO
LARRY W. GHAN RECORDER
FEE 3.00 DEPUTY TS-CK

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

Notary Seal

MAY 10 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: **A29-02255C**

Date Received: 9/14/1992

Receipt No: E017859

Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: FMC CORPORATION 208-232-6101
Address: C/O R L MILLS ENERGY MANAGER
PO BOX 4111
POCATELLO ID 83202

2. Date of Priority: MAY 22, 1939

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	34E	18	NW	NE			POWER

5. Description of diverting works:
WELL, 75 HP ELECTRIC MOTOR, CENTRIFUGAL PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.638		63.00

7. Total Quantity Appropriated is:
0.638 C.F.S. (and/or) 63.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	34E	7	SE	SW		INDUST	
			NE	SE		INDUST	
			NW	SE		INDUST	
			SW	SE		INDUST	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	34E	7	SE		SE		INDUST	
		18	NE		NE		INDUST	
			NW		NE		INDUST	

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

WATER RIGHT NO: 29-02255C, TRANSFER NO. 2818
CONFORMED ATTORNEY ADDRESS DMS
Industrial use is for mining, material processing and dust
abatement.

15. Basis of Claim: LICENSE

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

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: **A29-02255C**
Date Received: 9/15/1992
Receipt No: E017859
Received By: _____

~~RECEIVED~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

~~RECEIVED~~

1. Name: FMC CORPORATION 208-232-6101
Address: C/O R L MILLS ENERGY MANAGER
PO BOX 4111
POCATELLO ID 83202

2. Date of Priority: MAY 22, 1939

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	33E	12	SE	SW	SW		POWER

5. Description of diverting works:
WELL, 75 HP ELECTRIC MOTOR, CENTRIFUGAL PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.638		

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

8. Total consumptive use is 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
06S	33E	12	SW	SW		IRR	32.0

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	32.0
					Total Acres	32.0

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

WATER RIGHT NO: 29-02255C, TRANSFER NO. 2818

15. Basis of Claim: LICENSE

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 _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name
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 _____

Address _____

Date _____

MICROFILMED
NOV 13 1992

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 No. 39536

Ident. Number: A29-2255C

Date Received: 7-14-92

Receipt No.: E017859

Received By: jo

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FMC CORP.
Address: P. O. Box 4111
Pocatello, Idaho 83202

2. Date of Priority: 5/22/1939

3. Source: GROUNDWATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
6 South	33 East	12	SE SW SW		Power

5. Description of diverting works: WELL, 75 HP ELECTRIC MOTOR, CENTRIFUGAL PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
IRRIGATION	4/1	11/1		

7. Total Quantity Appropriated is:

0.638 C.F.S. (and/or) A.F.A.

A2902255C



NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW - 1

MICROFILMED

NOV 13 1992

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
6 South	33 East	12	SW SW			32

11. Place of use in counties: POWER COUNTY

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim:

Water Right Number: 29-02255-C, Transfer No. 2818

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 X 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 Energy Manager of FMC Corp., that I have signed the foregoing document in the space below as Energy Manager of FMC Corp., and that the statements contained in the foregoing document are true and correct.

R. L. Mills

R. L. MILLS, Energy Manager
FMC CORP.

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW - 2

MICROFILMED

NOV 13 1992

STATE OF IDAHO

)

: ss

County of Bannock

)

Subscribed and sworn to before me this 11 day of September, 1992.

Randall O. Budge

NOTARY PUBLIC FOR IDAHO,

Residing at: Pocatello, Id. 83204

My Commission Expires: 10/11/94

(SEAL)

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW - 3

MICROFILMED

NOV 13 1992

AJ0749NP
No. A29-02255C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/12/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ASTARIS PRODUCTION LLC 10300 OLIVE BLVD ST LOUIS MO 63166 (208) 547-2700	05/22/1939	INDUSTRIAL	05-01 11-01	0.638 CFS	63.00 AFA
TOTAL DIVERSION:					0.638 CFS	63.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T07S R34E S18

NWNE

POWER County

Place of use Legal Description for: INDUSTRIAL

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
07S	34E	7	:					:					:					:					:
07S	34E	18	:	I		I		:					:					:	I	I	I	I	:

POU County: POWER

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 067 - The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- 081 - Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN WATER RIGHT NO: 29-02255C, TRANSFER NO. 2818
CONFORMED ATTORNEY ADDRESS DMS
Industrial use is for mining, material processing and dust abatement.
CHANGED OWNERSHIP PER REQUEST/JC/5-2-00
CHANGED OWNERSHIP PER REQUEST/JC/5-11-00

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/02/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FMC CORPORATION C/O R L MILLS ENERGY MANAGER PO BOX 4111 POCATELLO ID 83202 (208) 232-6101	05/22/1939	INDUSTRIAL	05-01 11-01	0.638 CFS	63.00 AFA
TOTAL DIVERSION:					0.638 CFS	63.00 AFA

C ASTARIS PRODUCTION LLC
10300 OLIVE BLVD
ST LOUIS MO 63166
(208) 547-2700

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R34E S18 NWNE

POWER County

Place of use Legal Description for: INDUSTRIAL

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
07S	34E	7	:					:					:					:					:
07S	34E	18	:	I		I		:					:				I	:	I	I	I	I	:

POU County: POWER

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 067 - The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- 081 - Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN WATER RIGHT NO: 29-02255C, TRANSFER NO. 2818
CONFORMED ATTORNEY ADDRESS DMS
Industrial use is for mining, material processing and dust abatement.

AJ0749NP
No. A29-02255C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/02/00
PAGE: 2

Remarks: CHANGED OWNERSHIP PER REQUEST/JC/5-2-00

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: