

01/16/2003

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

RIGHT NUMBER: 29-2255E

NAME AND ADDRESS: F M C CORP
PO BOX 4111
POCATELLO ID 83202

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
8.000 AFY

PRIORITY DATE: 09/16/1949

POINT OF DIVERSION:

T06S R33E S12 SESWSW Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.040 CFS
8.00 AFY

PLACE OF USE: IRRIGATION Within POWER County

T06S R33E S12 SWSW 2.0

2 ACRES TOTAL

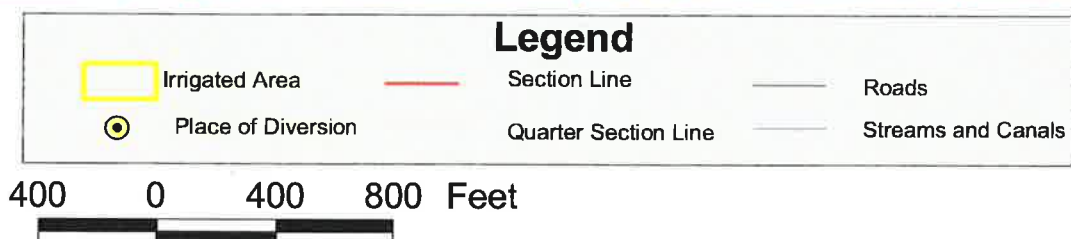
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: License

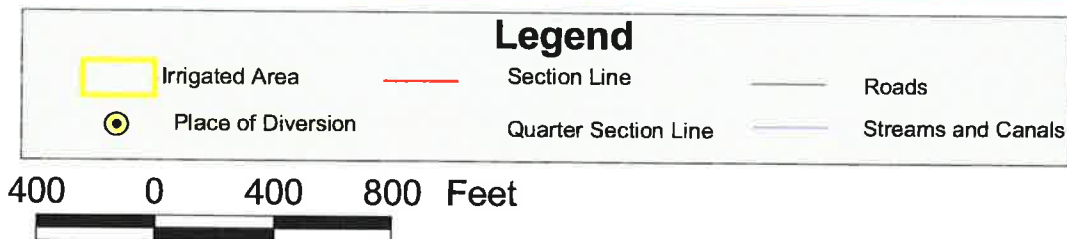
Water Right Claim Number A29-02255E
Township , 6S33E

09/19/2000



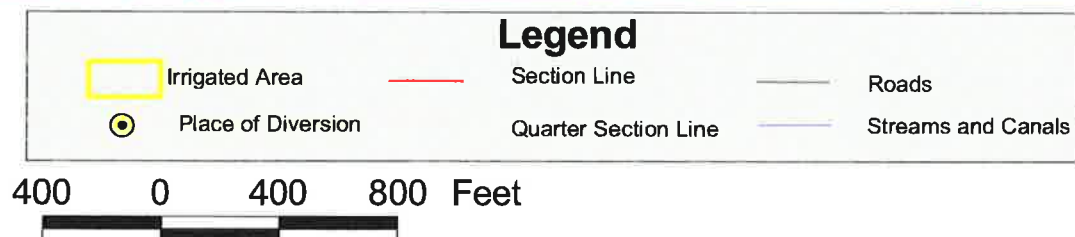
Township , 6S33E

09/19/2000



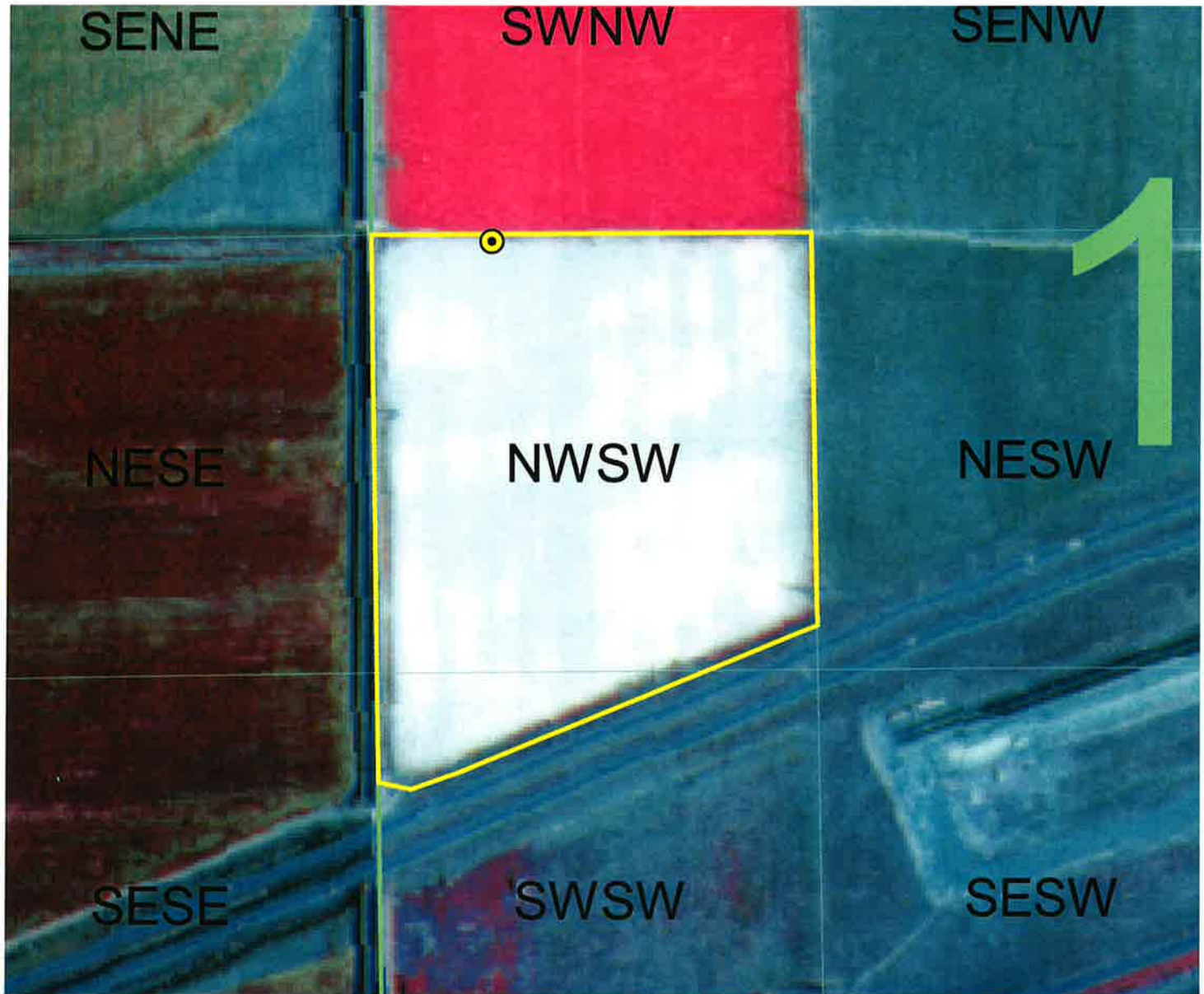
Water Right Claim Number A29-02255E
Township , 6S33E

09/19/2000



Idaho Department of Water Resources

Water Right 29-2255D, 29-2255F



500 0 500 Feet

- Point of Diversion - This Right
- Point of Diversion - Other Rights
- Place of Use - This Right
- Place of Use - Other Rights
- Township
- Section
- Quarter-quarter Section

PROTECTED

SCANNED
JAN 17 2006



Township 6S Range 33E Section 12

Prepared from 1987/1988 NAPP photography by B. Contor, 9/2001.

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: 29-2255E

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):

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

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

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

DATE:

4/17/03

SIGNATURE:

J.P. Sieversen

Please print your name:

J.P. SIEVERSEN.

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

SCANNED

JAN 17 2006

PROFILED

02/18/2003

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

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
8.00 AFY

PRIORITY DATE: 09/16/1949

POINT OF DIVERSION:
T06S R33E S12 SESWSW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.040 CFS 8.00 AFY

PLACE OF USE: IRRIGATION Within POWER County
T06S R33E S12 SWSW 2.0

2 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED

JAN 17 2006

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE &
BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

April 17, 2003

Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83707-9815

Re: FMC Idaho, L.L.C.

To Whom It May Concern:

On behalf of FMC Corporation, I am enclosing herewith a Notice of Error Reply pertaining to the following water rights:

A29-02284 (Plant Wells, No. 1 and No. 4)
A29-2301 (Plant Wells, No. 3 and No. 6)
A29-02255E (Lindley Farm)
A29-2255C (Wells Cargo Silica Mine)
A29-11342 (Pilot House)

FMC agrees with the proposed Recommendation for the first three listed rights. Right No. A29-2255C pertaining to the Wells Cargo Silica Mine is agreed with, except for the start date, which should be April 1 instead of May 1. This mistake is believed to be a typographical error when Transfer No. 5359 was approved. Right No. A29-11342 is agreed to except for the "other provisions" which indicate that this right is recommended in another claimant's name as Right No. 29-2338. Please provide a copy of that Recommendation. You will note in the Notice of Error Reply pertaining to this right, we have attached a copy of the Notice of Change of Water Right when this right was acquired by FMC from the City of Pocatello, together with the current Adjudication Claims Report, both of which support FMC as the owner.

RECEIVED
APR 28 2003
Department of Water Resources
Eastern Region

SCANNED

JAN 17 2006

If you have any questions or require additional information, please contact me.

Sincerely,


RANDALL C. BUDGE

RCB:rr

Enclosures

cc: FMC Idaho, L.L.C.

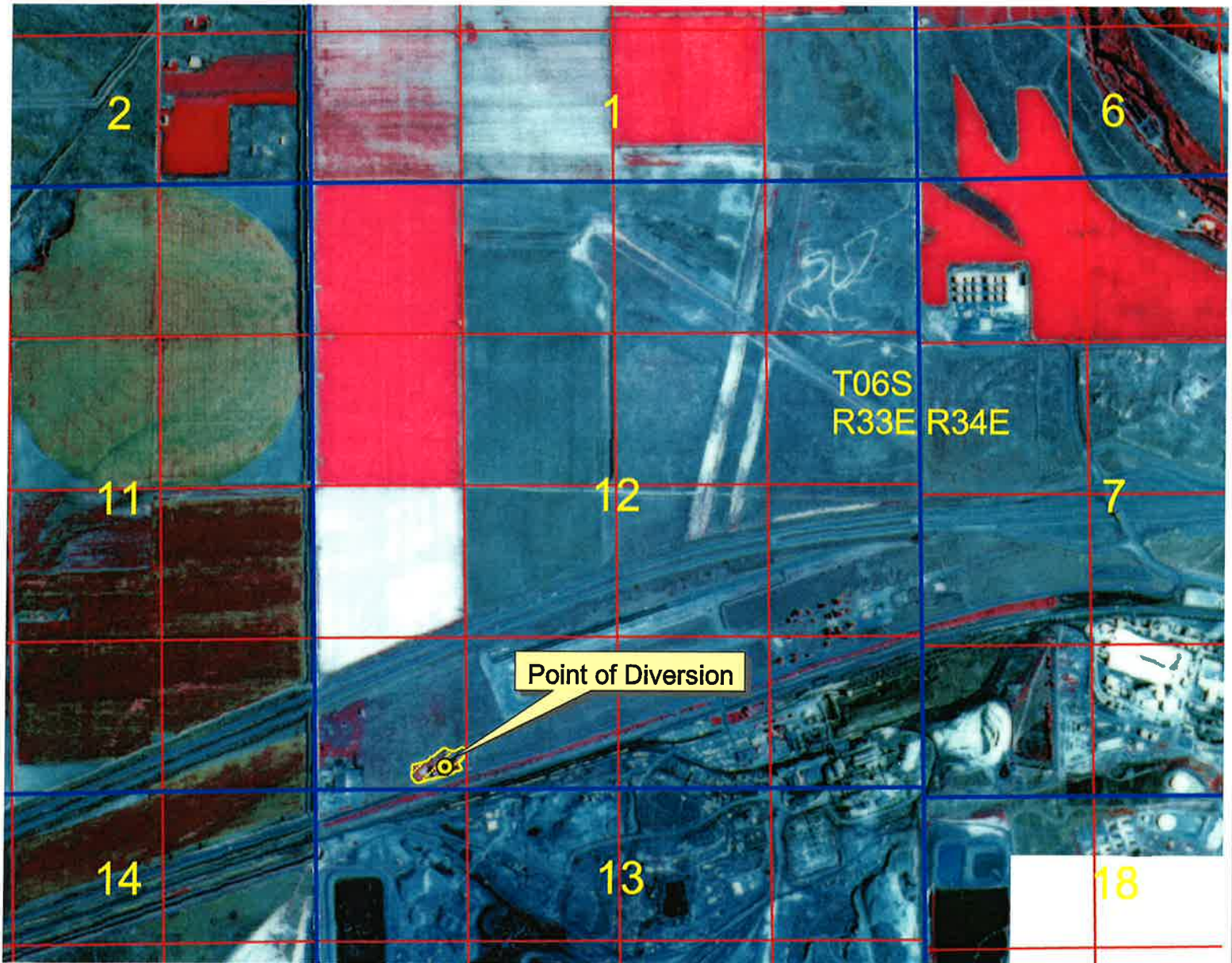
Rob J. Hartman (w/encls.)

Jim Sieverson (w/encls.)

SCANNED
JAN 17 2006



State of Idaho
Department of Water Resources
Eastern Region
Water Right 29-2255E



0.5 0 0.5 1 Miles

1:16000



- Point(s) of Diversion
- ▨ Place of Use
- ▭ Section Lines
- ▭ Quarter Quarter Lines

PROCESSED
SCANNED

JAN 17 2006

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: January 2003



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

SCANNED

JAN 17 2006

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-2255E

WATER RIGHT NUMBER: 29-2255E

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FMC CORPORATION PO BOX 4111 POCATELLO, ID 83202
Current Owner	FMC IDAHO LLC C/O ROB HARTMAN PO BOX 4111 POCATELLO, ID 83205 (208) 236-8200

Priority Date: 09/16/1949

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>
IRRIGATION	4/01 to 11/01	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SW1/4	Sec. 12, Twp 06S, Rge 33E, B.M.
POWER County		

Place of UseIRRIGATION Within POWER County

T06S R33E S12 SWSW 2.0

Total Acres: 2

SCANNED
JAN 17 2006

OK JC
3/6/02

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

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
<u>29-2301</u>	<u>A29-02301</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>29-2284</u>	<u>A29-02284</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>29-2255E</u>	<u>A29-02255E</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>29-11342</u>	<u>A29-11342</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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 Idaho LLC, a Delaware limited liability**10300 Olive Blvd., St. Louis, MO 83166**

4. New Owner/Claimant(s)

FMC Idaho LLC, a Delaware limited liabilityName Connector (Check one): ☐ and, ☐ or, ☐ and/or**c/o Rob Hartman, P.O. Box 4111**New Mailing Address**Pocatello, Idaho 83205**

City, State and ZIP Code

New Telephone Number

(208) 236-8200

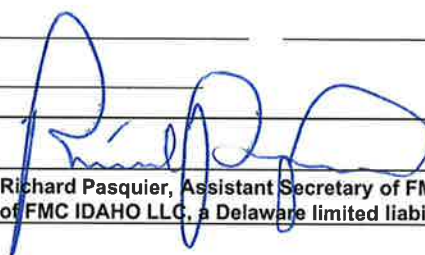
5. Date you acquired the property

February 1, 2002**Date of Name Change.****PROVIDED****SCANNED****JAN 17 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 17 2006

RECEIVED

FEB 15 2002

Department of Water Resources
Eastern Region

HOLLAND & HART^{LLP}
ATTORNEYS AT LAW

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

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

LINDA B. JONES
ljones@hollandhart.com

February 13, 2002

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

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

Re: Change in Ownership of Water Rights/Change in Name of Owner

Dear Jennifer and Kari Lynn:

Enclosed for filing on behalf of our client FMC Idaho LLC are executed Notices of Change in Water Right Ownership forms.

Astaris Idaho LLC is the current owner of record of water rights A29-2301, A29-02255e, A29-2284 and A29-11342. The Company has changed its name to FMC Idaho LLC, as indicated by the enclosed copies of the amendments to its formation documents as filed in Delaware and Idaho. The change also reflects a change in membership and ownership of the Company, whose principal address now is 1735 Market Street, Philadelphia, PA 19103. Rick Pasquier is the contact at that address. The local address is P.O. Box 4111, Pocatello, Idaho 83205. Rob Hartman is the contact at the Pocatello address.

Water right no. A29-2255c is currently held of record by Astaris Production LLC. Astaris Production LLC conveyed the land to which this water right is appurtenant to Astaris Idaho LLC, which has changed its name to FMC Idaho LLC as described above. I enclose a copy of the Special Warranty Deed. The principal address/contact and local address/contact for this water right are those listed above.

When we reviewed the computer records for the above water rights, we saw that the SRBA's records reflected changes in ownership we filed two years ago from FMC Corporation to Astaris Idaho LLC and Astaris Production LLC. The Department's computer records, however, still show the former owners and do not reflect the changes in ownership filed in 2000. Be aware in filing the current changes that the Department's records are not up to date. If you have any questions about the prior filings or changes, please give me a call.

SCANNED

JAN 17 2002

Ms. Jennifer Crabtree
February 13, 2002
Page 2

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

Sincerely,

HOLLAND & HART LLP



Linda B. Jones

LBJ:cd

Enclosures

cc: Rick Pasquier
Mike Ugarte
Gary Resh
Rob Hartman
(all wo/encls.)

2902123_1.DOC

SCANNED

JAN 17 2006

HOLLAND & HART ^{LLP}
ATTORNEYS AT LAW

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DENVER TECH CENTER
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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

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

LINDA B. JONES
ljones@hollandhart.com

February 26, 2002

RECEIVED
FEB 28 2002
Department of Water Resources
Eastern Region

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

Re: Change in Name
Change in Water Rights Ownership

Dear Jennifer:

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 B. Jones

LBJ:clm
Enclosures

2910836_1.DOC/12975.0023

SCANNED
JAN 17 2008



AMENDMENT OF REGISTRATION OF FOREIGN LIMITED LIABILITY COMPANY

(Instructions on back of application)

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: 2105 BH: 447250
1 @ 30.00 = 30.00 FOR LLC AM # 2

SCANNED W11341

JAN 17 2006

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.



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

3186141 8320

020109286

SCANNED AUTHENTICATION: 1620456

JAN 17 2006

DATE: 02-19-02

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 change forms

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

SCANNED

JAN 17 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

gcorplarmstamend reg_foreign llc ps5
Revised 01/2001

Secretary of State use only

IDAHO SECRETARY OF STATE
02/20/2002 05:00
CK: 872 CT: 2185 BH: 447250
1 @ 30.00 = 30.00 FOR LLC AM # 2

SCANNED W11341

JAN 17 2006

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

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 17 2006



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

June 22, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Gary Resh
Rob Hartman
Astaris Idaho LLC
PO Box 4111
Pocatello, Idaho 83205

Re: Adjudication Claims 29-2255E, 29-2284, 29-2301, 29-11342

Dear Water Users:

We are reviewing adjudication claims in Basin 29, in preparation for making recommendations to the court. In looking at your claims, there are some things I find I need help with, and some things you may want to be aware of.

1. Claim 29-2255E appears to be the right out of the "racetrack well." Its claimed point of diversion, however, is about a quarter mile east of where the Water Measurement District indicates the well is (see attached map). You may wish to amend this claim to show the correct location.
2. From the aerial photo, I can't tell how much irrigation was taking place from the racetrack well in 1987. If you could provide an affidavit from someone who personally observed the irrigation, describing approximately how many acres, and where, were irrigated, that would help me.
3. The Water Measurement District indicates that in 1998 you were using five wells – racetrack, Pilot House, #1, #3, and #4. Transfer 4128 (1994) appeared to authorize replacing well #5 with a new well, #6. It is not clear if this ever took place. Could you help me with a description of the wells currently used?
4. License 29-2284 and 29-2301 are the rights that describe use in the plant itself. They total 8.5 cubic feet per second (cfs). It appears that the historical capacity of wells at the plant was about 11.5 cfs, and the current capacity of wells 1, 3, and 4 is about the same. You may wish to consider filing a "beneficial use" claim for the additional capacity.
5. One of the elements of the water rights that I need to recommend is an annual volume. If you have historical data on the number of hours per day of

SCANNED

JAN 17 2006

operation of the wells, and the number of days per year of operation of the plant, that would help me a great deal. The most valuable data will be data going back before 1987, and especially before 1963.

6. Claim 29-11342 is for the "Pilot House Well," purchased from the City of Pocatello. The city had filed for municipal purposes, but it appears the well is now used for domestic water in a few homes and businesses, and for some irrigation. Could you please help me clarify the current uses? I also need an affidavit if possible describing the amount (number of acres) and location of irrigation in 1987 or earlier.

Please call me at 525-7161 if you have questions. I will be out of the office until June 27 or 28.

Sincerely,



Bryce A. Contor
Senior Water Resource Agent

enclosure

SCANNED
JAN 17 2006

MEMORANDUM

To: 29-2284
29-2255E
29-2301
29-11342
From: Bryce Center
Date: 6/22/01

Re: Location of Pools

Attached is a Tennessee photo which identifies the location of the "Race track" well from EUMD sketch, a marked-up map from EUMD files (I did the marking) and a GIS layout.

It appears that Astans is currently using six wells, "Race track well" (in location marked by EUMD), Well #1, Well #3, Well #4, Well #6, and Pilot House Well.

Claim 29-2255E appears to be diverted from Race track well, not when claimed. Claim 29-11342 appears to be diverted from Pilot House well. Claims 29-2284 and 29-2301

POD Memo 6/22/01 p2
Appear to be directed through Wells #1, 3,
4, and six. It appears that well #2
is not used.

29-2301 is the subject of Post-1987
Transits 4128, which assigns it to wells #3
and #6. This can't be changed in #6.

It appears that 29-22556 should be
amended to show the location of the
Race Trail well (consistent w/ transta 2916).

29-2284 should be amended to show
wells #1, 3, 4, 6. R

Beneficial use claim if filed should show
wells #1, 3, 4, 6.

Maps / GIS layers are filed w/ 22-2284.

Joyce A. Carter

06/22/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 29-2255E

Owner Type Name and Address
Current Owner ROY LINDLEY
 POCATELLO, ID 83201

Priority Date: 09/16/1949
Basis: License
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	0.04 CFS		
Total Diversion			0.04 CFS		

Location of Point(s) of Diversion:

GROUND WATER SWSW Sec. 12 Township 06S Range 33E POWER County

IRRIGATION Use:
Acre Limit: 2

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

<u>Townshi</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	33E	12		SWSW	2									

Total Acres: 2

Remarks:

1. General TRANS. 2816.

Dates:

Licensed Date: 10/07/1983
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date:
Protest Deadline Date:
Number of Protests:0

Other Information:

Receipt Number(s):
State or Federal:
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

MAY 10 2001
LAW OFFICES OF

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

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

*ALSO MEMBER IL & WY BARS

RECEIVED

MAY 07 1992
TELEPHONE
Department of Water Resources
Eastern District Office

FAX
208-232-6109

May 6, 1992

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.)

Log for claim A29-02255E

Spatial Dynamics BTD

9/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s33e	12	SWSW	2	26	POD placement? / Indiscernible
Totals:			2	26	

AJ5809NP
No. A29-02255E

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 41

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ASTARIS IDAHO LLC 10300 OLIVE BLVD ST LOUIS MO 63166 (208) 236-8658	09/16/1949	IRRIGATION	04-01 11-01	0.040 CFS	
TOTAL DIVERSION:					0.040 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06S R33E S12

SESWSW

POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	SUM
06S	33E	12	:									:							:					:	2.0
TOTAL ACRES																							2.0		

POU County: POWER

Non-Irrigation Uses: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02255D A29-02255F

Remarks: GEN 29-02255E, TRANSFER NO. 2818
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:

Audit: 09/15/92 THOMPSON 03/29/95 DSMITH 03/29/95 POST-STD 05/02/00 JCRABTRE



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 Carlson 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

DC 3/2000
ok

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

RECEIVED

APR 21 2000

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

Department of Water Resources
Eastern Region

1. Water Right No(s): 29-02301, 29-02255e, 29-02284, 29-11342
Adjudication Claim No(s): A29-02301, A29-02255e, A29-02284, A29-11342

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 Idaho LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 10300 Olive Blvd.
City, State and ZIP Code St. Louis, MO 63166
New Telephone Number (208) 236-8658 Rob Hartman

5. Date you acquired the property 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 IDAHO 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

APR 21 2009

Department of Water Resources
Eastern Region

20005743

Bannock Counties - Pocatello Plant /17-1

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, **FMC Corporation**, a Delaware corporation, the Grantor, does hereby grant, bargain, sell and convey unto **Astaris Idaho 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 numbers 29-02301, 29-02255e, 29-02284, 29-11342, Grantor's interest in the Fort Hall Irrigation Project (U.S. Department of Interior-Bureau of Indian Affairs Serial No. 7093.0002) and the Palisades Water Storage Project (Contr. No. 14-06-100-1836, U.S. Department of Interior-Bureau of Reclamation, Palisades Water Users, Inc. A01-10214), and excluding water rights covered by that certain Water Rights Quitclaim Deed recorded as Instrument No. 164923, Power County, Idaho

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;

11-2

(iv) rights of the State of Idaho in and to that portion of said premises, if any, lying in the bed or former bed of the Portneuf River, if it is navigable; any question of location, boundary or area related to the Portneuf River, including but not limited to, any past or future change in it; any difference in the mean high water line of the Portneuf River and the meander line as shown by government survey; right, title and interest of the public in and to those portions of the premises falling within the bounds of roads or highways, all parcels; and

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

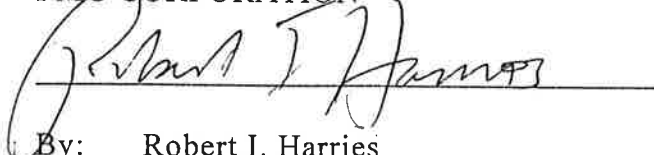
TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto Grantee and its successors and assigns forever.

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.

NOTICE: Portions of the premises conveyed by this instrument are subject to a Consent Decree dated October 16, 1998 with the United States of America, U.S. Environmental Protection Agency, in the matter *United States of America v. FMC Corporation*, CIV98-0406-E-BLW, United States District Court for the District of Idaho. The Consent Decree provides that the owner and subsequent owners of the premises are required to comply with relevant portions of the Consent Decree and to allow access to the premises for purposes set forth in the Consent Decree.

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

2630432_5.DOC

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APR 21 2000

Department of Agriculture
Eastern Region

20005743

STATE OF PENNSYLVANIA)
)
) : ss.
County of Philadelphia)

11-3

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.



Doris McKeone
Notary Public

Residing at: _____

My Commission Expires: _____

NOTARIAL SEAL
DORIS McKEONE, Notary Public
City of Philadelphia, Phila. County
My Commission Expires Sept. 21, 2002

174944

INSTRUMENT NO. _____
TIME 1:43 p.m.
REQ. OF Alliance
APR 13 2000
POWER COUNTY AM/FALLS
CRISTINE STEINLIGHT
BY Linda Limer
DEPUTY pd 333

NO 20005743
RECORDED AT REQUEST OF
ALLIANCE TITLE & ESCROW
2000 APR 13 PM 12 02
OFFICIAL RECORD BOOK NO 261
BANNOCK COUNTY IDAHO
LARRY W. GHAN RECORDER
FEE 33⁰⁰ DEPUTY \$

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APR 21 2000

Department of Water Resources
Eastern Region

11-4

20005743

EXHIBIT "A"

PARCEL 1

A parcel of land located in the SE ¼ of the SW ¼ of section 6, T6S, R34E, B.M., Bannock County, Idaho, shown as Parcel A on Record of Survey plat instrument #96010035 (sheet 1 of 2) recorded in the Bannock County Recorder's office, and being more particularly described as follows:

Commencing at the North ¼ corner of section 7, T6S, R34E, said corner being marked by a found 1922 US Reclamation Service brass cap monument;

Thence N 89°58'04" E along the line common to sections 6 and 7, 561.70 feet to a point on the Northeasterly deed line of instrument #391868, said point being marked by a found stone monument with an "x" on top and a 5/8 inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440" alongside;

Thence N 47°43'08" W along the Northeasterly deed line of said instrument #391868, 1429.15 feet to a ½-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440", said rebar marking the true point of beginning;

Thence S 42°16'35" W, 349.22 feet to a point on the Northeasterly bank of the Portneuf River, said point being marked by a ½-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence Northwestward along the Northeasterly bank of the Portneuf River the following six courses and distances:

N 22°36'25" W, 124.76 feet; N 41°08'13" W, 94.45 feet; N 49°30'08" W, 197.72 feet;

N 65°23'53" W, 181.96 feet; N 16°20'19" W, 90.15 feet; N 1°27'59" W, 203.42 feet to a point on the South 1/16 line of section 6, said point being marked by a ½-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence N 87°44'25" E along said South 1/16 line, 218.00 feet to a point on the Northeasterly deed line of instrument #391868, said point being marked by a found 1922 US Reclamation Service brass cap monument;

Thence S 47°43'25" E along the Northeasterly deed line of instrument #391868, 640.00 feet, more or less, to the true point of beginning.

Said parcel containing 5.07 acres, more or less.

PARCEL 2

A parcel of land located in the S ½ of section 6, and in the N ½ of the NE ¼ of section 7, T6S, R34E, B.M., Bannock County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of Tract 4, instrument #36893, recorded in the Bannock County Recorder's office, said corner being a pink quartzite stone marked with an "x" on top and being referenced with a 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440" set over the "x";

Thence N 47°43'25" W along the Southwesterly deed lines of Tract 3 and Tract 1 of said instrument #36893, 1268.75 feet to the Southeasterly deed corner of instrument #652968, said corner being marked by a 5/8-inch diameter rebar with a yellow plastic cap stamped "JUB ENG";

Thence N 42°14'40" E along the Easterly deed line of said instrument #652968, 234.01 feet to a found 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence continuing N 30°57'31" W along the Easterly deed line of said instrument #652968, 1461.56 feet to a point on the Northerly deed line of instrument #286160, said point being marked by a found 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";

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APR 21 2000

Department of Water Resources
Eastern Region

Thence S 63°34'35" E along the Northerly deed line of said instrument #286160, 848.81 feet to deed corner No. 1, instrument #60430, said corner being a found basalt stone in place marked with a "+" on the Westerly face and being referenced by a found 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence S 78°47'34" E along the Northerly deed line of said instrument #60430, 1146.11 feet to deed corner No. 4, instrument #60430, said corner being a found rounded basalt stone in place marked with a "+" on top and being referenced by a found 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence S 66°58'29" E along the Northerly deed line of said instrument #60430, 835.18 feet to deed corner No. 3, instrument #60430, said corner being on the North deed line of instrument #286160, and said corner being a found oval basalt stone in place marked with a "+" on top and being referenced by a found 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence S 87°55'05" E along the North deed line of instrument #286160 and along the South 1/16 line of section 6, 859.18 feet to the South 1/16 corner on the East line of section 6, said corner being marked by a 5/8-inch diameter rebar with a yellow plastic cap stamped "LS 942";

Thence S 0°01'17" E along the East line of section 6 and along the East deed lines of instrument #286160 and 476524, 1320.58 feet to the Southeast corner of section 6, said corner being marked by a 5/8-inch diameter rebar with an aluminum cap stamped "Richard Green, LS 942";

Thence S 0°56'52" E along the East line of section 7 and along the East deed line of instrument #476524, 1446.90 feet to the Southeast deed corner of instrument #476524, said corner being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "AE ENG, PE/LS 4440";

Thence N 89°32'13" W along the South deed line of instrument #476524, 417.57 feet to a found stone with an "x" on top, said stone being referenced by a found 5/8-inch diameter rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence N 47°42'18" W along the Westerly deed line of said instrument #476524, 2143.09 feet to the true point of beginning.

Said parcel containing 141.2 acres, more or less.

PARCEL 3

A parcel of land located in the SW ¼ of the NE ¼, and in the SE ¼ of the NW ¼, and in US Government Lots 5 and 8, all in section 7, T6S, R34E, B.M., Power County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of the SE ¼ NW ¼ of said section 7, said corner being marked by a found 5/8-inch diameter rebar with a 2-inch diameter aluminum cap stamped "PE/LS 4440";

Thence S 0°02'23" E along the meridional centerline of section 7, and along the West deed line of Parcel B, described in instrument #166781, 350.01 feet to the Southwest deed corner of said Parcel B, said point being marked by a found ½-inch rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence S 89°32'13" E parallel with the North 1/16 line of section 7, and along the South deed line of Parcel B, 674.35 feet to the Northeast deed corner of Parcel C, described in instrument #166780, said point being marked by a found ½-inch rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence S 24°32'00" E along the Easterly deed line of said Parcel C, 81.90 feet to the Southwest deed corner of Parcel D, described in instrument #166781, said corner being marked by a found ½-inch rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence S 71°43'51" E along the Southerly deed line of said instrument #166781, 113.39 feet to the Southeast deed corner of said Parcel D, said corner being marked by a found ½-inch rebar with a yellow plastic cap stamped "PE/LS 4440";

Thence N 21°03'32" E along the Easterly deed line of said Parcel D, and along the Westerly bank of the Portneuf River, 62.92 feet to a point on the South deed line of instrument #164682, said point being the Northeast deed corner of said Parcel D, and said point being marked by a found ½-inch rebar with a yellow plastic cap stamped "PE/LS 4440";

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APR 21 2000

Department of Water Resources
Eastern Region

11-6

Thence S 89°32'13" E along the South deed line of said instrument #164682, 82.69 feet to a point on the Easterly Bank of the Portneuf River, said point being on the Easterly deed line of instrument #164922, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence Southeasterly along the Easterly bank of the Portneuf River the following six courses and distances:

S 3°37'20" W, 359.02 feet; S 6°00'46" E, 120.27 feet; S 21°19'31" E, 48.04 feet;

S 57°01'20" E, 218.85 feet; S 44°19'16" E, 129.23 feet; S 7°50'22" E, 45.66 feet to a point on the Northerly line of the frontage road known as Batiste Lane, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence Westerly along said Northerly line of Batiste Lane the following eight courses and distances:

S 86°45'14" W, 585.53 feet to a found State of Idaho right-of-way monument;

Thence N 83°08'56" W, 150.65 feet to a found State of Idaho right-of-way monument;

Thence S 89°18'25" W, 376.93 feet to a point of tangency with a 1372.40 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;

Thence Northwesterly along a curve to the right, said curve having a central angle of 23°42'44", a radius of 1372.40 feet and a chord bearing of N 78°50'13" W, for an arc length of 567.97 feet to a point of non-tangency, said point being marked by a found State of Idaho right-of-way monument;

Thence N 73°14'35" W, 181.45 feet to a found State of Idaho right-of-way monument;

Thence N 66°58'13" W, 444.69 feet to a point of tangency with a 326.48 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;

Thence Westerly along a curve to the left, said curve having a central angle of 53°41'54", a radius of 326.48 feet and a chord bearing of S 86°10'50" W, for an arc length of 305.98 feet to a point of non-tangency, said point being marked by a found State of Idaho right-of-way monument;

Thence S 59°19'48" W, 16.83 feet to a point on the Easterly line of Tank Farm Road, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Northerly along said Easterly line of Tank Farm Road the following four courses and distances:

N 30°40'10" W, 9.42 feet to a point of tangency with a 656.20 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;

Thence Northwesterly along a curve to the right, said curve having a central angle of 31°17'50", a radius of 656.20 feet and a chord bearing of N 15°01'15" W, for an arc length of 358.44 feet to a point of non-tangency, said point being marked by a found State of Idaho right-of-way monument;

Thence N 0°38'07" E, 159.48 feet to a found State of Idaho right-of-way monument;

Thence N 1°48'24" W, 354.04 feet to a point on the Southerly line of Tank Farm Road, said point being marked by a found State of Idaho right-of-way monument;

Thence N 89°26'17" W, 88.72 feet to a point on the Westerly line of Tank Farm Road, said point being marked by a found State of Idaho right-of-way monument;

Thence Southerly along said Westerly line of Tank Farm Road the following five courses and distances:

S 2°55'58" W, 403.93 feet to a found State of Idaho right-of-way monument;

Thence S 0°26'27" E, 109.48 feet to a point of non-tangency with a 776.20 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;

Thence Southeasterly along a curve to the left, said curve having a central angle of 31°15'29", a radius of 776.20 feet and a chord bearing of S 14°45'20" E, for an arc length of 423.46 feet to a point of non-tangency, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence S 30°40'42" E, 203.18 feet to a found State of Idaho right-of-way monument;

Thence S 0°17'17" E, 66.23 feet to a point on the North line of Interstate 86 (I-86), said point being marked by a found State of Idaho right-of-way monument;

Thence Westerly along said North line of I-86, the following three courses and distances:

S 77°10'00" W, 664.78 feet to a found State of Idaho right-of-way monument;

Thence S 89°19'20" W, 312.56 feet to a point of tangency with a 11,609.10 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;

Thence Westerly along a curve to the left, said curve having a central angle of 2°27'18", a radius of 11,609.10 feet and a chord bearing of S 88°05'41" W, for an arc length of 497.42 feet to a point of non-tangency, said point being on the West line of section 7, and said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

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Salem, Oregon

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Thence N 0°16'19" E along the West line of said section 7, 60.89 feet to the West ¼ corner of section 7, said corner being marked by a found 1-inch diameter pipe buried 2.5 feet deep with no markings;

Thence continuing N 0°14'06" E along the West line of said section 7, 1327.23 feet to the North 1/16 corner on the West line of section 7, said corner being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence S 89°26'59" E along the North 1/16 line of section 7, 2803.14 feet to the true point of beginning.
Said parcel containing 92.3 acres, more or less.

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Department of Water Resources
Eastern Region

PARCEL 4

A parcel of land located in the NE ¼ of the SW ¼ of section 7, T6S, R34E, B.M., Power County, Idaho, more particularly described as follows:

Commencing at the center ¼ corner of said section 7, said corner being marked by a found 5/8-inch diameter rebar with a 2-inch aluminum cap stamped "PE/LS 4440";

Thence S 0°00'15" W along the meridional centerline of section 7, 365.08 feet to a point on the South line of Interstate 86 (I-86),

Thence S 89°18'24" W along the South line of I-86, 670.37 feet to a found State of Idaho right-of-way monument, said monument marking the true point of beginning;

Thence N 89°18'24" E along the South line of I-86, 547.28 feet to a point on the Southeasterly deed line of instrument #69480, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence S 47°54'30" W along the Southeasterly deed line of instrument #69480, 410.09 feet to a point of non-tangency with a 7425.91 foot radius curve, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Westerly along a curve to the left, said curve having a central angle of 1°26'12", a radius of 7425.91 feet and a chord bearing of N 86°19'06" W, for an arc length of 186.19 feet to a point of non-tangency with a 497.96 foot radius curve on the Easterly line of U.S. Highway 30 North, said point being marked by set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Northwesterly along a curve to the right, said curve having a central angle of 32°53'30", a radius of 497.96 feet and a chord bearing of N 47°07'02" W, for an arc length of 285.86 feet to a point of non-tangency on the South line of I-86, said point being marked by a found State of Idaho right-of-way monument;

Thence N 66°40'39" E, 162.78 feet to the true point of beginning.
Said parcel containing 2.81 acres, more or less.

PARCEL 5

A parcel of land located in the NW ¼ of the NW ¼ of section 13, and in the S ½ of section 12, T6S, R33E, B.M., and in the NE ¼ of the SW ¼ and Lot 8 of section 7, T6S, R34E, B.M., all in Power County, Idaho, said parcel being more particularly described as follows:

Beginning at the Northwest corner of said section 13; said corner being referenced by found BIA aluminum monuments Northeast and Southwest of the corner;

Thence N 0°07'17" E along the West line of said section 13, 621.11 feet to a point on the Southerly line of Interstate 86 (I-86);

Thence N 68°11'16" E along the Southerly line of I-86, 1889.90 feet to a point of tangency with a 11,309.10 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;

Thence continuing Easterly along said Southerly line of I-86 the following six courses and distances:

Northeasterly along a curve to the right, said curve having a central angle of 21°08'58", a radius of 11,309.10 feet and a chord bearing of N 78°45'45" E, for an arc length of 4174.49 feet to a point of non-tangency, said point being marked by a found State of Idaho right-of-way monument;

Thence S 80°35'46" E, 517.65 feet to a found State of Idaho right-of-way monument;

Thence S 71°39'15" E, 301.96 feet to a point of non-tangency with a 679.41 foot radius curve, said point being marked by a found State of Idaho right-of-way monument;

Thence Easterly along a curve to the left, said curve having a central angle of 29°14'16", a radius of 679.41 feet and a chord bearing of S 86°17'19" E, for an arc length of 346.70 feet to a point of non-tangency with a 298.10 foot radius reverse curve, said point being marked by a found State of Idaho right-of-way monument;

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Department of Planning & Development
Boise, Idaho

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Thence Easterly along a curve to the right, said curve having a central angle of $56^{\circ}02'59''$, a radius of 298.10 feet and a chord bearing of $S 72^{\circ}39'03'' E$, for an arc length of 291.62 feet to a point of non-tangency on the Southerly deed line of instrument #69480, said point also being 100 feet North of the Northerly line of former U.S. Highway 30 North (US 30 N), and said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Westerly along the Southerly deed line of instrument #69480, and along a line 100 feet North of the Northerly line of former US 30 N, along a curve to the left, said curve having a central angle of $15^{\circ}01'28''$, a radius of 5938.60 feet and a chord bearing of $S 84^{\circ}16'23'' W$, for an arc length of 1557.25 feet to a point of non-tangency on the Easterly deed line of instrument #90012584 (recorded in Bannock County), said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence $S 13^{\circ}14'21'' E$ on said Easterly deed line of instrument #90012584 and on a radial bearing to the previous curve, 100.00 feet to a point of non-tangency with a 5838.60 foot radius curve, said point being on the Northerly line of former US 30 N, and said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Westerly along said Northerly line of former US 30 N, and along the Southerly deed lines of instrument #90012584 and #90012583 the following seven courses and distances:

Southwesterly along a curve to the left, said curve having a central angle of $3^{\circ}57'53''$, a radius of 5838.60 feet and a chord bearing of $S 74^{\circ}46'42'' W$, for an arc length of 404.00 feet to a point of non-tangency with the West line of section 7, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence $S 0^{\circ}16'19'' W$ along the West line of section 7, 33.56 feet to a point of non-tangency, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Westerly along a curve to the left, said curve having a central angle of $0^{\circ}06'14''$, a radius of 5806.60 feet and a chord bearing of $S 72^{\circ}38'41'' W$, for an arc length of 10.51 feet to a point of tangency, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence $S 72^{\circ}35'35'' W$, 4167.23 feet to a found State of Idaho right-of-way monument with the top broken off;

Thence $S 0^{\circ}25'44'' W$, 8.40 feet to a found State of Idaho right-of-way monument with the top broken off;

Thence $S 72^{\circ}35'35'' W$, 1269.21 feet to an angle point, said angle point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence $S 72^{\circ}45'04'' W$, 130.69 feet to a point on the West line of section 7, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence $N 0^{\circ}04'57'' E$ along the West line of section 7, 221.66 feet to the true point of beginning.

Said parcel containing 124.9 acres, more or less.

PARCEL 6

A parcel of land located in the $S \frac{1}{2}$ of the $S \frac{1}{2}$ of section 12, and in the $NE \frac{1}{4}$, $SE \frac{1}{4}$, and $NW \frac{1}{4}$ of section 13, and in section 14, and in the $NE \frac{1}{4}$ of section 24, T6S, R33E, B.M., and in Lot 9 of section 7, and in Lots 1, 2, 3 and 4 of section 18, T6S, R34E, B.M., all in Power County, Idaho, said parcel being more particularly described as follows:

Beginning at the West $\frac{1}{4}$ of said section 13, said corner being marked by a found 1912 Indian Allotment brass cap monument;

Thence $S 0^{\circ}07'12'' W$ along the West line of said section 13, 617.22 feet to a found $\frac{1}{2}$ -inch diameter rebar with no markings, said rebar being the Northeast deed corner of instrument #96571;

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Idaho Department of Agriculture
Bureau of Land Management

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Thence Westerly along the Northerly deed line of said instrument #96571, the following six courses and distances:

S 43°31'41" W, 783.19 feet to a found ½-inch diameter rebar with no markings;

Thence S 85°32'37" W, 1376.05 feet to a found ½-inch diameter rebar with no markings;

Thence S 51°52'07" W, 1108.11 feet to a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence S 77°14'32" W, 868.72 feet to a found ½-inch diameter rebar with no markings;

Thence S 81°39'47" W, 691.47 feet to a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence N 72°31'23" W, 1018.82 feet to a point on the West line of section 14, said point being marked by a found ½-inch diameter rebar with no markings;

Thence N 0°08'12" E along the West line of section 14, 1969.22 feet to the West ¼ corner of said section 14, said corner being marked by a found 1912 Indian Allotment brass cap monument;

Thence continuing N 0°08'13" E along the West line of section 14, 442.12 feet to a point on the Southerly line of the Union Pacific Railroad right-of-way, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence Northeasterly along the Southerly line of the Union Pacific Railroad right-of-way, the following ten courses and distances:

N 72°35'24" E, 5538.33 feet to a point on the West line of section 13, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence N 0°04'57" E along said West line of section 13, 20.97 feet to a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence N 72°35'24" E, 2799.37 feet to a point on the meridional centerline of section 13, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence N 0°02'28" E along said meridional centerline of section 13, 31.43 feet to a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence N 72°35'24" E, 2441.07 feet to a point of tangency with a 6832.35 foot radius curve, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence Easterly along a curve to the right, said curve having a central angle of 2°48'05", a radius of 6832.35 feet and a chord bearing of N 73°59'26" E, for an arc length of 334.06 feet to a point of non-tangency on the East line of section 7, T6S, R34E, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence S 0°16'19" W along said East line of section 7, 12.62 feet to a point on the North line of Lot 9, section 7, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence S 89°32'35" E along the North line of said Lot 9, 49.82 feet to a point which is 75.00 feet Southeasterly, radial measurement, from the centerline of the Union Pacific Railroad West bound main line, said point being marked by a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence Easterly along a curve to the right, said curve having a central angle of 10°00'09", a radius of 6807.35 feet and a chord bearing of N 80°46'13" E, for an arc length of 1188.41 feet to a point of non-tangency on the East deed line of instrument #67447, said point being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence S 72°39'19" W along the Easterly deed line of said instrument #67447, 24.22 feet to a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence S 0°16'19" W along the Easterly deed line of said instrument #67447, 1516.69 feet to the Southeast deed corner of instrument #67447, said corner being on the South line of section 7 and being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence N 89°32'22" W along the South deed line of said instrument #67447 and along the South line of said section 7, 449.42 feet to the Northeast deed corner of instrument #88431, said corner being marked by a set 5/8-inch diameter rebar with an aluminum cap stamped "PLS 4440";

Thence S 0°19'16" W along the East deed line of said instrument #88431, 2640.51 feet to a found ½-inch diameter rebar with no markings;

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Department of Water Resources
Eastern Region

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Thence continuing S 0°22'23" W along the East deed line of said instrument #88431, 2638.99 feet to a found ½-inch diameter rebar with no markings;

Thence N 87°58'45" W along the South deed line of said instrument #88431, 732.09 feet to the Southwest corner of section 18, T6S, R34E, said corner being marked by a found 1978 BLM brass cap monument;

Thence S 0°08'43" W along the line between sections 19 and 24, 2535.05 feet to the East ¼ corner of section 24, T6S, R33E, said corner being marked by a found 1978 BLM brass cap monument;

Thence N 89°35'00" W along the latitudinal centerline of said section 24, 2691.27 feet to the Center ¼ corner of said section 24, said corner being marked by a found 1912 Indian Allotment brass cap;

Thence N 0°23'13" E along the meridional centerline of said section 24, 2619.70 feet to the South ¼ corner of section 13, said corner being marked by a found 1912 Indian Allotment brass cap;

Thence N 0°39'44" E along the meridional centerline of section 13, 2625.71 feet to the Center ¼ corner of said section 13, said corner being marked by a found 1912 Indian Allotment brass cap;

Thence N 88°57'33" W along the latitudinal centerline of said section 13, 2653.28 feet to the true point of beginning. Said parcel containing 1173.4 acres, more or less (after accounting for exceptions listed below).

Excepting therefrom two parcels of land more particularly described as follows:

Exception #1

Two parcels of land previously deeded to Idaho Power Company as instruments #72098 and #89548, said parcels forming one contiguous tract in the N ½ of the NE ¼ of Section 13, T6S, R33E, B.M., Power County, Idaho, and said tract being more particularly described as follows:

Commencing at the Northwest corner of section 18, T6S, R34E, said corner being marked by a found ½-inch diameter rebar with no markings;

Thence S 87°34'25" W, 917.45 feet to a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440", said rebar marking the true point of beginning;

Thence S 17°27'13" E, 494.00 feet to a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence S 72°32'47" W, 450.00 feet to a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence N 17°27'13" W, 494.00 feet to a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence N 72°32'47" E, 450.00 feet to the true point of beginning.

Exception #2

A parcel of land previously deeded to El Paso Natural Gas Company as instrument #83915, said parcel being in the NE ¼ of the SE ¼ of Section 13, T6S, R33E, B.M., Power County, Idaho, and said parcel being more particularly described as follows:

Beginning at the East ¼ corner of said section 13, said corner being marked by a found 1912 Indian Allotment brass cap;

Thence S 0°10'46" W along the East line of said section 13, 208.80 feet to a found 1-inch diameter aluminum cap marked "Northwest Pipeline";

Thence N 89°49'45" W, 208.87 feet to a found 1-inch diameter aluminum cap marked "Northwest Pipeline";

Thence N 0°11'01" E, 208.82 feet to a set 5/8-inch diameter rebar with a yellow plastic cap stamped "PLS 4440";

Thence S 89°49'22" E, 208.86 feet to the true point of beginning.

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Department of Water Resources
Eastern Region

Form No. 225A To 225B
APPROVED

APR 10 1983
Department of Water Resources
Eastern District Office

Transfer No. 2314

Water Right No. 29-2255A
29-2255B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Russell Lindley Phone 232-2719
Post Office address Star Route, Box 2, Pocatello, Idaho 83201

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)

b. License No. 29-2255A/2255B issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Groundwater tributary to _____

4. Date of priority 2255A - May 22, 1939/2255B - Sept. 16, 1949

5. Water is used for the following purposes:

-2255A amount 1.12 cfs for Irrigation purposes from 4-1 to 11-1

-2255B amount 0.44 cfs for Irrigation purposes from 4-1 to 11-1

amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 1.56 cubic feet per second
b. _____ &/or
acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12
Township 6S Range 33E, B.M., in Power County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
29-2255B	6S	33E	12									40	38						78
29-2255A	6S	33E	12									20	36						56

*See remarks

Total number of acres to be irrigated * 78

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years

From Allocations Transfer Files
Eastern Region IDWR

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.882 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12 Township 6S
Range 33E, B.M., Power County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	33E	12									40	4.1							44.1

Total number of acres to be irrigated 44.1

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted 0.882 c.f.s. &/or _____ acre feet
 - b. Description of diverting works Well, pump with mainlines to sprinkler system.
 - c. Describe the reasons for the proposed changes Applicant has sold the portion of lands where the point of diversion is, and wishes to move the point of diversion to his own land.

2. Change in point of diversion

Point of diversion NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12 Township 6S
Range 33E, B.M., Power County
Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
No Change

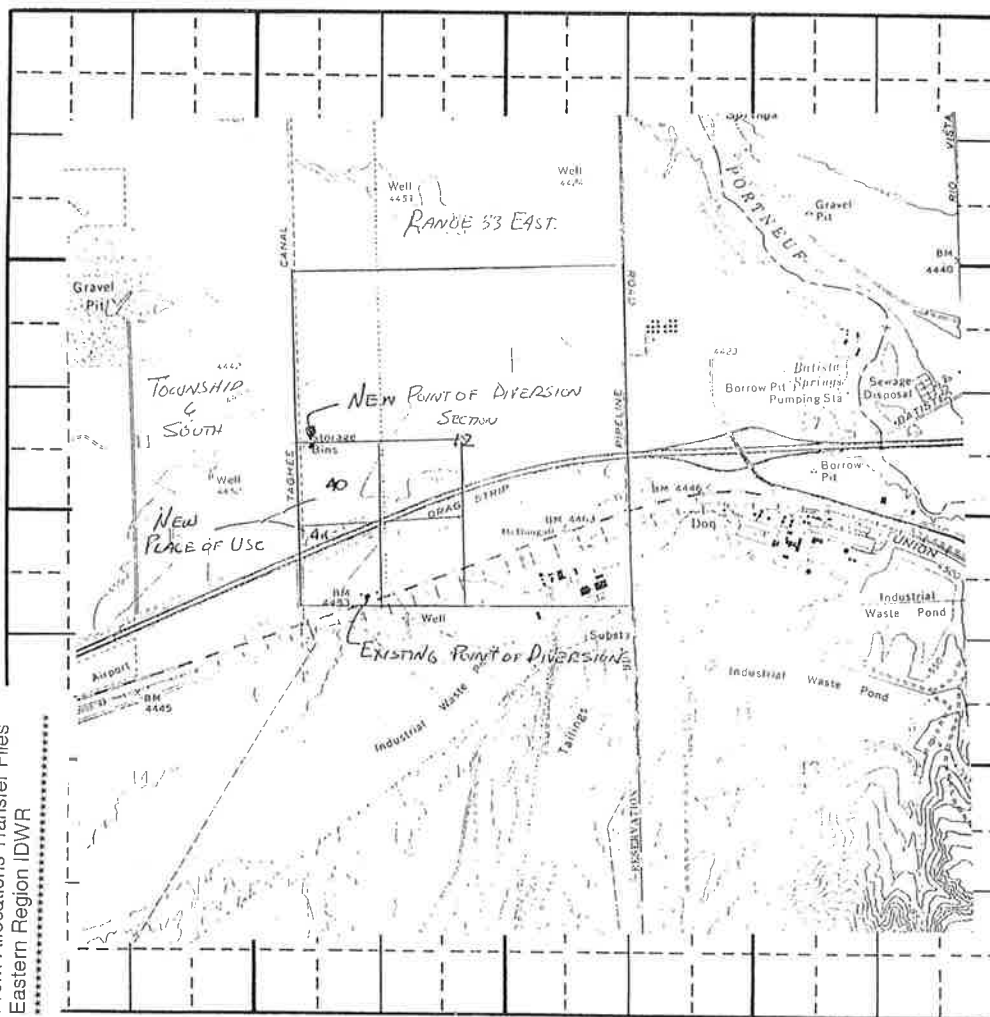
c. Describe the land place of use to which the right will be transferred:

No Change

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
6S	33E	12									40	4.1							44.1

Total number of acres to be irrigated 44.1

- Describe any other water rights used for the same purpose as described above, None
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

B. DESCRIPTION OF PORT OF RIGHT OWNED BY APPLICANT (If entire right is owned by the applicant,

D. REMARKS

Lic #29-2255A was originally for 56 acres. Lic #292255B licensed the additional 22 acres for a grand total of 78 acres at .02cfs per acre.

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 willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 28th day of September, 1983.

Russell A. Lindley
(Signature of Applicant)

William A. Gray
(Notary Public)

My commission expires 6-15-85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-2255D, 29-2255F and said application is hereby Approved, subject to the following limitations and conditions:

Witness my hand this 2 day of August, 1983.

David R. Tuttle
Acting For L. GLEN SAXTON, Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by S.M. Date 5-28-83 Protest filed by _____
Prelim. check by H.W.T. Fee \$50.00 _____
Received by P.L. Date 3-28-83 #292255 _____
Published in Power County Press Copies of protest forwarded by _____
Pub. dates 4/14 & 4/21/83 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. by EMC. Sign DPT

From Allocations Transfer Files
Eastern Region IDWR

INTER-DEPARTMENT MEMO — 1

TO: KEITH C. WILSON

DATE 28 Sept 1987

FILE 29-2255A; B / T2816

SUBJECT DISTRIBUTION OF RIGHT BY TRANSFER 2816

2255 A (1.12 cfs) 56ac $\xrightarrow{T2816}$ C (1.12 - 0.482) = 0.638 cfs
 $\searrow$ D (1.12 cfs) (24.1ac / 56ac) = 0.482 cfs

2255 B (0.44 cfs) 78ac $\xrightarrow{T2816}$ E (0.44 cfs - 0.40 cfs) = 0.04 cfs
 (actually Right only License)
 22ac/s $\searrow$ F (0.44 cfs) (20ac / 22ac) = 0.40 cfs

Keith C. Wilson
 SIGNATURE

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: A29-02255E
Date Received: 9/15/1992
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: SEP 16, 1949
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	33E	12	SE	SW	SW		POWER
5. Description of diverting works:
WELL, SMALL ELEC MOTRO, 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	0.040		
7. Total Quantity Appropriated is:
0.040 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	Lot	Use	Acres
06S	33E	12	SW	SW		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

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:

29-02255E, 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
Title

_____, that I have signed the foregoing

Organization

document in the space below as _____ of

Title

_____, and that the statements contained in the

Organization

foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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 _____

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: A29-2255E
Date Received: 9-14-92
Receipt No.: 5017859
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: 9/16/1949

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, SMALL 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:

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



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			2.0

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-E, 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 11th day of September, 1992.

Randall C. Budge

NOTARY PUBLIC FOR IDAHO,

Residing at: Pocatello, Idaho 83204

My Commission Expires: 10/11/94

(SEAL)

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

MICROFILMED
NOV 13 1992

late 50
filing 50
NOTE 2
4102

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: A29-2255E
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: 9/16/1949

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, SMALL 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	0.04		

7. Total Quantity Appropriated is:

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

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

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			2.0

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-E, 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.

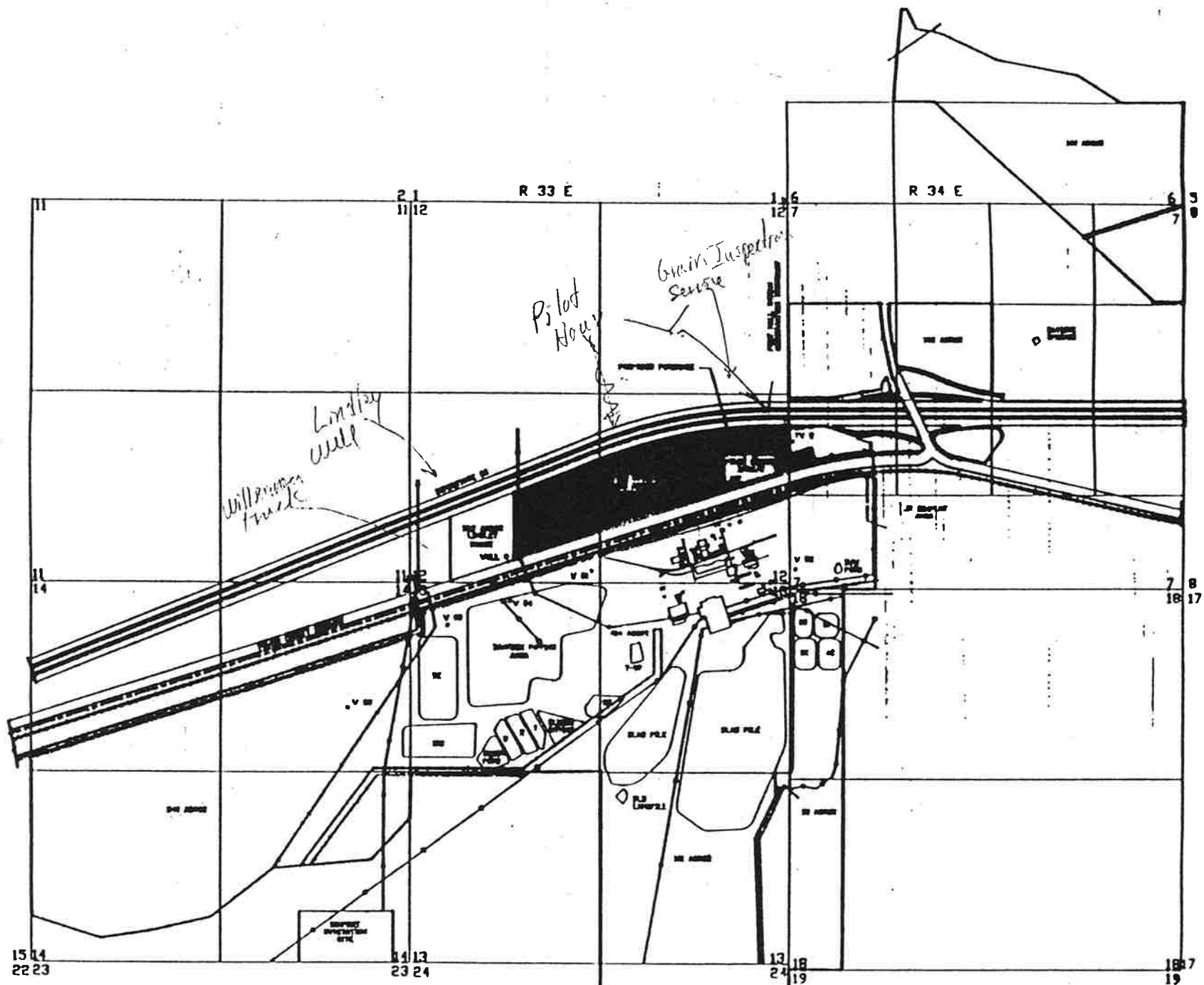
NOTARY PUBLIC FOR IDAHO,

Residing at: _____

My Commission Expires: _____

(SEAL)

T 6 S



1403 ACRES TOTAL

[illegible]

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.6S., R.13E., 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.6S., R.13E., 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 3118.56 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
I-10-15W-4(15)73, through a central angle of
18°35'52", a distance of 2470.86 feet to a point
of tangency, which point being S.21°48'34"E., a
distance of 150.00 feet from centerline station
657+85.76 of said Interstate Highway 86 survey;
thence S.68°11'24"W., along said Southerly
right-of-way line of said Interstate Highway 86,
a distance of 452.60 feet to the West 1/16 line
of said Section 12; thence S.00°03'06"W., along
said West 1/16 line 950.63 feet to a point which
is right angles Northwestwardly 78.00 feet from
said centerline of U.S. Highway 30 North, Federal
Aid project F.L.-1024(1); thence N.72°36'32"E.,
parallel with said centerline 1071.35 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 346.47
feet to THE TRUE POINT OF BEGINNING.

75 Acre parcel
w/ drag strip.
+ well

29-07437
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

Cara K. Girard

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

Notary Public
Idaho

90012583

NO.
RECORDER AT REC'D ST. 12

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

RECORDING FEE \$530
BANNOCK COUNTY, IDAHO
LARRY W. GRIFFIN - RECORDER
FEE 3.00 DEPUTY TS-CK

Furnished by the AMERICAN LAND TITLE CO. Pocatello, Idaho

Notary Seal

QUITCLAIM DEED

For Value Received, receipt of which is hereby acknowledged,

9 12584

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

XX 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.48N., R.33E., S.M., and in Lot 8 (NW1/4, SW1/4) of Section 7, T.48N., R.34E., S.M., lying south of Interstate Highway 84 and North of U.S. Highway 30 North, more particularly described as follows:

Commencing at the Northeast corner of Section 12, T.48N., R.33E., 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 3483.03 feet to THE TRUE POINT OF BEGINNING; thence S.72°34'32"W., parallel with the centerline of U.S. Highway 30 North, Federal Aid Project P.I.-1024(1), a distance of 1195.22 feet; thence S.17°23'28"E., a distance of 281.48 feet to a point which is right angles Northwesterly 78.00 feet from said centerline of U.S. Highway 30 North; thence N.72°34'32"E., parallel with said centerline 1095.44 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°05'33", a distance of 9.93 feet to the East line of said Section 12; thence N.00°15'54"E., along said section line 33.55 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 165.4 feet; thence S.72°34'32"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.48N., R.34E., S.M., THE TRUE POINT OF BEGINNING.

*75 Acre parcel
Bray Strip
30 Acre parcel
(Pilot 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 J. Girard

Notary Public
Idaho

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

90012584

NO. RECORDER AT REQUEST OF

RACINE, OLSON, NYE, COOPER & budge

90 OCT -1 AM 1:30

OFFICIAL RECORD BOOK 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

x

9-3-92

Copy of A 29-11342

sent to Randy Budge

AJ0749NP
No. A29-02255E

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	ASTARIS IDAHO LLC 10300 OLIVE BLVD ST LOUIS MO 63166 (208) 236-8658	09/16/1949	IRRIGATION	04-01 11-01	0.040 CFS	
TOTAL DIVERSION:					0.040 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06S R33E S12

SESWSW

POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06S	33E	12	:																	:	2.0
TOTAL ACRES																				2.0	

POU County: POWER

Non-Irrigation Uses: NONE

Remarks: GEN 29-02255E, TRANSFER NO. 2818
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: