

01/17/2003

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

RIGHT NUMBER: 29-2301

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.000 CFS
2,895.900 AFY

PRIORITY DATE: 04/24/1951

POINT OF DIVERSION:

T06S R33E S13 NWNWNE Within POWER County

T06S R33E S13 NWNWNW Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

01/01 12/31

4.000 CFS
2,895.90 AFY

PLACE OF USE: INDUSTRIAL Within POWER County

T06S R33E S12	SWSW	T06S R33E S12	SESW
T06S R33E S12	SWSE	T06S R33E S12	SESE
T06S R33E S13	NENE	T06S R33E S13	NWNE
T06S R33E S13	SWNE	T06S R33E S13	SENE
T06S R33E S13	NENW	T06S R33E S13	NWNW
T06S R33E S13	SWNW	T06S R33E S13	SENW
T06S R33E S13	NESE	T06S R33E S13	NWSE

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

RIGHT NO. 29-2284 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED IN NENWNW, 13-06S-33E.

01/16/2003

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

RIGHT NUMBER: 29-2301

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.000 CFS

PRIORITY DATE: 04/24/1951

POINT OF DIVERSION:

T06S R33E S13 NWNWNE Within POWER County

T06S R33E S13 NWNWNW Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

01/01 12/31

4.000 CFS

PLACE OF USE: INDUSTRIAL Within POWER County

T06S R33E S12	SWSW	T06S R33E S12	SESW
T06S R33E S12	SWSE	T06S R33E S12	SESE
T06S R33E S13	NENE	T06S R33E S13	NWNE
T06S R33E S13	SWNE	T06S R33E S13	SENE
T06S R33E S13	NENW	T06S R33E S13	NWNW
T06S R33E S13	SWNW	T06S R33E S13	SENW
T06S R33E S13	NESE	T06S R33E S13	NWSE

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-2301

WATER RIGHT NUMBER: 29-2301

<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: 04/24/1951

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	4.000 CFS	
	<u>Total Diversion:</u>	4.000 CFS	

Location of Point(s) of Diversion

GROUND WATER POWER County	NW1/4NE1/4	Sec. 13, Twp 06S, Rge 33E, B.M.
GROUND WATER POWER County	NW1/4NW1/4	Sec. 13, Twp 06S, Rge 33E, B.M.

Place of UseINDUSTRIAL Within POWER County

T06S R33E S12	SWSW	T06S R33E S12	SESW
T06S R33E S12	SWSE	T06S R33E S12	SESE
T06S R33E S13	NENE	T06S R33E S13	NWNE
T06S R33E S13	SWNE	T06S R33E S13	SENE
T06S R33E S13	NENW	T06S R33E S13	NWNW
T06S R33E S13	SWNW	T06S R33E S13	SENW
T06S R33E S13	NESE	T06S R33E S13	NWSE

Paul

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: 29-2301

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:

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

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

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

PROCESSED

SCANNED

JAN 23 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

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

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JAN 23 2006

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

OK JC
3/6/02
RECEIVED

FEB 15 2002

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

Department of Water Resources
Eastern Region

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 liability
(Name change)
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address c/o Rob Hartman, P.O. Box 4111
City, State and ZIP Code Pocatello, Idaho 83205
New Telephone Number (208) 236-8200
5. Date you acquired the property February 1, 2002
Date of Name Change

PROCESSED

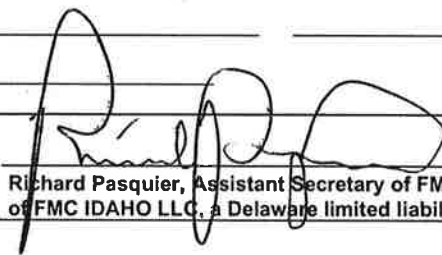
SCANNED
JAN 23 2006

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 _____

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 JAN 23 2006

RECEIVED

FEB 27 2002

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

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
02255E
2284
11342
2256C

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 w/change form.

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

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JAN 23 2006

PROTECTED



AMENDMENT OF REGISTRATION OF FOREIGN LIMITED LIABILITY COMPANY

(Instructions on back of application)

2007 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

Secretary of State use only

g:\corp\forms\amend_reg_foreign_llc.p65
Revised 01/2001

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

SCANNED
JAN 23 2006

W11341

FILED/EFFECTIVE
2007 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

AUTHENTICATION: 1620456

020109286

DATE: 02-19-02

SCANNED

JAN 23 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) 398-0011
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.

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APR 28 2003
Department of Water Resources
Eastern Region

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JAN 23 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 23 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

PROFITED

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JAN 23 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

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JAN 23 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 Eumond sketch, a marked-up map from Eumond files (I did the marking) and a GIS layout.

It appears that Astoria is currently using six wells, "Race track well" (in location marked by Eumond), 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

JAN 23 2006

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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
Transfers 4128, which assigns it to wells #3
and #6. This can't be changed in AB.

It appears that 29-2255E should be
converted to show the location of the
Race Trail well (consistent w/ transfer 2916).

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

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

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

Joyce A. Carter

SCANNED

JAN 23 2006

MEMORANDUM

To: 29-2301

29-2284

29-11342

Fr: Bryce Cordor

Date: 6/22/01

Re: Capacity of Wells

Please see attached GIS layout for EWMD-reported well locations.

Well #1

No measurement, lack of straight pipe.

Motor horsepower 125, discharge pressure 58 psi.

1952 licensing exam reports static WL = 68 ft,

draw down 2 feet. Exam reports capacity =

1500 gpm but it is unclear if this is measured

or from operator interview. "Proof of beneficial use" asserts "1800 gallons per minute, measured with Orifice (sic)." (Copy in claim file 29-2284)

$$GPM = \frac{\text{Water HP} \times 3960}{TDH} = \frac{(125)(.75)(3960)}{(68 + 2 + 10 + 58 \times 2.31)}$$

110 ft assumed friction. ^{75%} ~~75%~~ assumed pump efficiency = 1735 gpm

Memo 6/22/01 p 2

Well # 2

Apparently no longer used. Proof of beneficial use asserts 2000 gpm measured with orifice.

Well # 3

Not measured by EUMD. EUMD reports 100psi, 65 ft depth to water. This is consistent w/ data for well #1. License examiner states "Capacity is the same as well #1."

$$GPM = \frac{(150)(0.75)(3960)}{(65 + 2 + 10 + 100 \times 2.31)} = 1446 \text{ gpm}$$

Well # 4

Not measured by EUMD. Not running at time of EUMD exam, no discharge pressure recorded. Assume lower limit = same capacity as calc. for well #3 (same motor horsepower). Calculate upper limit at discharge pressure reported for well #1.

$$GPM = \frac{(150)(0.75)(3960)}{(1.5 + 2 + 10 + 58 \times 2.31)} = 2112 \text{ GPM}$$

License exam 27-2301 appears to refer to well #4. Holder asserts 1800 gpm from calibrated orifice. Examiner reports motor = 150 hp but no data.

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Well #6

Memo 6/27/01
p3

WMD has no record. Transfer 4128 assets
will be 150 horse power. Assume range of
1450 - 2100 gpm from calculations for well #3
and well #4.

Race track well

No measurement, no pressure reported. Eumod
reports 40 hp motor, < 15 acres irrigation.

$$*GPM = \frac{(40)(.75)(3960)}{(65+2+10+60 \times 2.31)} = 551 \text{ gpm}$$

$$15 \times 0.02 = 0.30 \text{ ds} \quad * \quad 0.30 \text{ ds} \times 448.8 = 135 \text{ gpm}$$

Pilot house well

No meas, no pressure. Eumod reports 30 hp motor,
< 5 acres irrigation

$$*GPM = \frac{(30)(.75)(3960)}{(65+2+60 \times 2.31)} = 276 \text{ gpm} \approx 0.6 \text{ ds}$$

$$5 \times 0.03 = 0.15 \text{ ds}$$

$$0.15 \text{ ds} \times 448.8 = 68 \text{ gpm}$$

Memo 6/22/01 4

Total Capacity

Well #1	1735 GPM
Well #3	1746 GPM
Well #4	2112 GPM
Well #6	1450-2100 GPM
Recharge Well	551 GPM
Pilot House Well	276 GPM

$1735 - 8220 \text{ GPM} = 16.9 - 18.3$
 cfs

Total Licensed

29-2301	Per T 4128	4.0 g/s
29-2284	Original license	4.5 g/s
29-2255	per T 2816	0.04 g/s
Total		8.54 g/s

(claimed 4.5 g/s)

Notes from FIRM record 200564 regarding

Marshall Flume reading of = 1200 GPM (2.7 g/s):

*All water use less evaporation flow through here in winter. During summer water is diverted before reaching flume for irrigation of country land sloping during visit approximately 65% of water being pumped was going through flume. (Lewis Bounds exam 5/13/1996)

Memo 6/22/01 5

$$\frac{1200 \text{ GPM}}{0.65} = 1850 \text{ GPM}$$

It appears not all wells were running at time of exam, or that Lewis' estimate of 65% is off. See attached e-mail.

Original Capacity from exams

License exam 22-2284, copy in AS file 29-2284

Well #1	1500 gpm (engineer)	1800 gpm (witnesses)
Well #2*	350 gpm (engineer)	
Well #3**	1500 gpm (engineer)	2000 gpm (witnesses)

License exam 22-2301, copy in AS file 29-2301

Well #4	1800 gpm (license)	1800 gpm (witnesses)
---------	--------------------	----------------------

License 29-2255 E

(remarking after xfer 29/16) 18 gpm

* See lower left corner of map page

** Affidavits call this #2 but I assume with purchase of SinyloT Well, this was renumbered #3

SCANNED

JAN 23 2006

Memo 6/22/01 p 6

Evidence of Ben Use in 29-13142

- Claim assent that is Pocotillo City well # 11, old license 24451 given cap. at 1.11 cfs

- Exhibit "A" is "Summary of John Penstun to City of Pocotillo well # 11 Dec 1953 by James N. Scardino"

- SWL 65.5 ft

- Pumping test 220 gpm 1951, July 22
- Pumping test 230 gpm July 24, 1951

- Affidavits indicate use in Pilot House Restaurant, Green Isp. Service, & other lower frequency 1960s - 1970s -

- Use "exhibit A" to evidence capacity of 230 gpm $\approx$ 0.51 cfs.

- Overlapping/competing claims review (see file 29-11342) proposes Pilot House be reexamined at 0.5 cfs

SCANNED

JAN 23 2006

Memo 6/22/01 p 7

Original
Summary of Capacity

- 29-2255E stands alone based on transfer / on the fact that it is not connected to plant. (Race track well)
- 29-13142 stands alone based on history of purchase for City of Pocatello (see file) (Pilot House well).

- Wells associated with plant as follows:

# 1	1500 - 1800	GPM
# 2	350	GPM
# 3	1500 - 2000	GPM
# 4	1800	GPM
		5150 - 5950 GPM
		11.47 - 13.26 gfs

Proposal

- Invite Astari's to file ben use claim for $11.47 - 8.54$ (see p 4) = 2.93 gfs
- Invite Astari's to amend claim 29-13142 to show Δ nature of use to current uses. Require

(Note that EUMD exams and GIS layouts are only included with copy in 29-2284)

Debra A. Carter

- Invite Aspen's to attend 29-2284 & include all current PDS.

Documentation of ingestion as GIS is inconclusive.

Nov 6/22/01
ps

Contor, Bryce

From: Contor, Bryce
Sent: Friday, June 22, 2001 8:18 AM
To: Rounds, Lewis
Subject: FMC exam, Parshall flume

In the EWMD files is a report of you inspecting a Parshall flume that handles the discharge of wells #1, #3, and #4. You reported about 1200 gpm which you said was "65% of what was being pumped."

Do you remember which of the pumps were running? The original licensing measurements were 1500 to 1800 gpm per pump, and this makes sense with a theoretical calculation. So my guess is only one pump was running? (65% of 1850 is 1200).

Also do you have any idea what annual volume would be? I've asked Terry to get me whatever is on WMIS and whatever pump card data they've returned.

Thaks.

Bryce Contor
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls, ID 83402
208 525 7161
bcontor@idwr.state.id.us

6/22/2001

SCANNED
JAN 23 2006

Contor, Bryce

From: Contor, Bryce
Sent: Friday, June 22, 2001 8:05 AM
To: Block, Darla
Subject: Map from license file 29-2301

The 1953 Report of Engineer has a notation "for map see accompanying blueprint," but there's no blueprint on the microfiche (there are a bunch of maps for a 1990's transfer application but that's not what I'm interested in).

Do you think that blueprint still exists and if so, how could I get my mitts on it?

Thanks!

Bryce Contor
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls, ID 83402
208 525 7161
bcontor@idwr.state.id.us

PROFILE

SCANNED
JAN 23 2006

6/22/2001

Contor, Bryce

From: Contor, Bryce
Sent: Friday, June 22, 2001 8:00 AM
To: McHugh, Candice
Cc: Music, Vicky
Subject: Annual volume on 29-2301

Candice, it turns out that this license is used in conjunction with 29-2284 (also GW) and I think I will invite a new beneficial use claim which will also be used in conjunction.

What do you think of leaving 29-2301 without a volume to be consistent with the xfer, calculating a reasonable volume for the three rights in combination, and adding that combined limitation to all three rights?

Priority of 2284 is 1949, priority of 2301 is 1951, priority of ben use claim will be 1953.

Thanks.

Bryce Contor
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls, ID 83402
208 525 7161
bcontor@idwr.state.id.us

PROFILED

SCANNED

JAN 23 2006

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 29-2301

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
bcontor	6/21/2001	Recommendation	Per post-1987 formal transfer 4128. No further analysis is appropriate in light of this post-AJ administrative action.
bcontor	6/21/2001	POD	GIS locations manually placed from maps in transfer file (copy in paper AJ file).
bcontor	6/21/2001	Volume	Neither license nor transfer included annual diversion volume. None recommended pending review by Deputy Attorney General per phone call today.

Dates:

Licensed Date: 08/14/1979
 Claim Received Date: 06/14/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	6/21/2001 10:24:48 AM		6/21/2001 10:24:48 AM	bcontor	Complete

Other Information:

Receipt Number(s): E009079
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	6/21/2001 10:01:33 AM	bcontor	Edited polygons
POD	6/21/2001 9:55:16 AM	bcontor	Edited PLS
POD	6/21/2001 9:54:58 AM	bcontor	Edited point location
POD	6/21/2001 9:54:02 AM	bcontor	Edited PLS
POD	6/21/2001 9:53:21 AM	bcontor	Edited point location
Summary	6/21/2001 10:24:46	bcontor	1. (NO) The basis of the claim is not beneficial use.

AM

3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.
5. (NO) General remark was not required.
6. (NO) Explanatory remark was not required.
7. (YES) Additional condition was required.
8. (YES) Wanted to view the recommended right.
9. (NO) This is not a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

COPY

SCANNED
JAN 23 2006

PROHIBITED

29-2301
***** Transfer Files *****
From Allocation IDWR
Eastern Region IDWR

JAC 6/21/2001

4128

MEMORANDUM

TO: FILE 29-02301

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: TRANSFER NO. 4128

DATE: May 23, 1994

=====

Transfer No. 4128 was filed to change the points of diversion under Right No. 29-02301, replacing one existing well and correcting the legal description of the other existing well. The place of use is also specifically identified through this transfer.

Recommended conditions include drilling permit and well abandonment requirements, multiple points of diversion limits, measuring devices and standard transfer conditions.

From Allocations Transfer Files
Eastern Region IDWR

SCANNED

JAN 23 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4128
WATER RIGHT NO. 29-02301

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

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
INDUSTRIAL	01/01 to 12/31	4.00 CFS

SOURCE

GROUNDWATER

Priority: 04/24/1951

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 13, Township 06S, Range 33E
NWNW , Sec. 13, Township 06S, Range 33E
POWER County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

06S 33E 12	SWSW ✓	SESW ✓	SWSE ✓
	SESE		
13	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SWNW	SENW	NESE
	NWSE		

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

From Allocations Transfer Files
Eastern Region IDWR

SCANNED

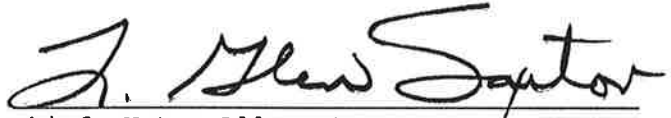
JAN 23 2000

TRANSFER NO. 4128
WATER RIGHT NO. 29-02301

CONDITIONS/REMARKS:

4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. The total instantaneous diversion of water from all points of diversion under Transfer No. 4128 shall not exceed 4.00 cfs.
7. The well previously used under Right No. 29-02301 shall be abandoned in a manner which complies with Department well abandonment rules.

Dated this 7th day of June, 1994


Chief, Water Alloc. Bureau

From Allocations Transfer Files
Eastern Region IDWR

SCANNED

JAN 23 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAmended APPLICATION FOR TRANSFER OF WATER RIGHT Amended
PART 1Name of applicant FMC CORPORATION Phone 208-236-8200
Post Office address PO Box 4111, Pocatello, Idaho 83202

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other correct pt. location for well #3
2. Describe the reason for the proposed changes Water Right No. 29-02301 (formerly 22059)
presently diverted from 2 wells identified as Well Nos. 3 and 5. Well No.
5 will be abandoned and replaced by the new well at a new point of
diversion; Well No. 3 will continue to be used at the existing point of
diversion.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|------------------|----------------|-----------------------|-------------------|----------------------------|
| <u>29-02301</u> | <u>4/24/51</u> | <u>4.0 cfs</u> | <u>Industrial</u> | <u>1/1</u> to <u>12/31</u> |
| <u>(formerly</u> | | | | |
| <u>22059)</u> | | | | |
| | | | | |
| | | | | |
2. Total amount of water being transferred 4.0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	~~NW~~	13	6S	33E	POWER	FMC PLANT #3
	NW	NE	~~NE~~	13	6S	33E	POWER	FMC-6

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	33E	12							I	I							I	I	
		13	I	I	I	I	I	I	I	I					I	I			

 From Allocations Transfer Files
 Eastern Region IDWR

IAN 23 2006
 Total acres _____

PART 1

6. General Information:

a. Description of diversion system Two wells, 150 hp electric motors, 8" pipe to
10" mainline

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A - Industrial use unchanged

d. Remarks:

Approximately one-half of water right will be diverted from existing
Well No. 3 at NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, and one-half from new well at NW $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 13, T6S, R33E. B. M. Existing well No. 5 to be abandoned.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

From Allocations Transfer Files
Eastern Region IDWR

Witness my hand this _____ day of _____, 19 _____

SCANNED
JAN 23 2006

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

PART 2 (Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 29-02301 (formerly 22059) issued by the Idaho Department of Water Resources.
- c. Claim No. A29-02301 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 4/24/51

5. Water is used for the following purpose:

amount 4.0 cfs for Industrial purposes from 1/1 to 12/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.0 cubic feet per second and/or 2800 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	13	06S	33E	Power	FMC Plant

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
06S	33E	12	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
06S	33E	13	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	

From Allocations Transfer Files
Eastern Region IDWR

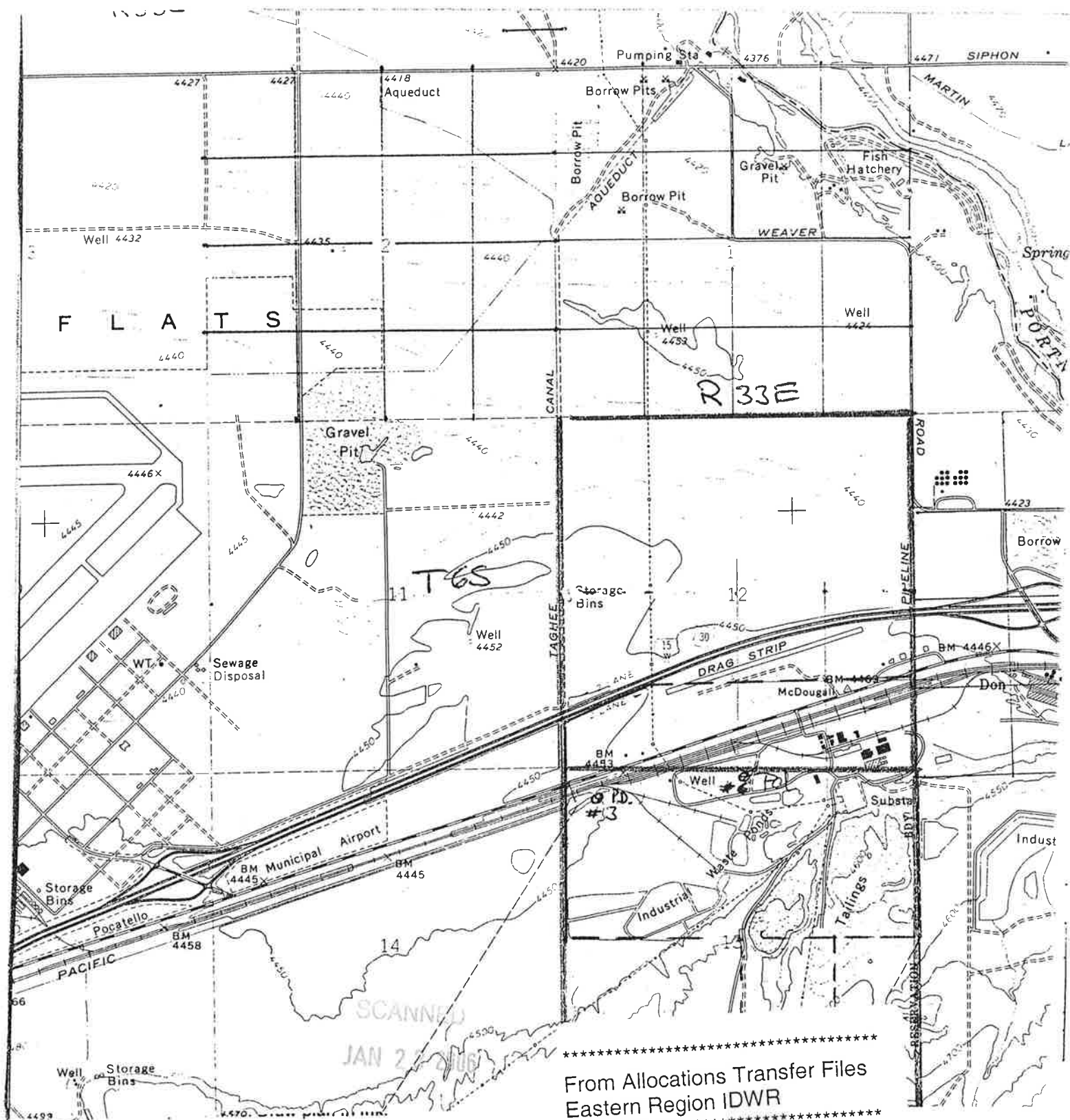
Total acres _____

9. Describe any other water rights used for the same purpose as described above 29-02284

JAN 23 2006

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

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



PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	NONE			_____ to _____
				_____ to _____

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

NONE - NO CHANGE

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

NONE - NO CHANGE

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

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

(Signature of Applicant) Title

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DMD Date 9-9-1992 Protest filed by _____

Prelim. check by _____ Fee 50.00 _____

Receipted by DMD E017837 Date 9-9-1992 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

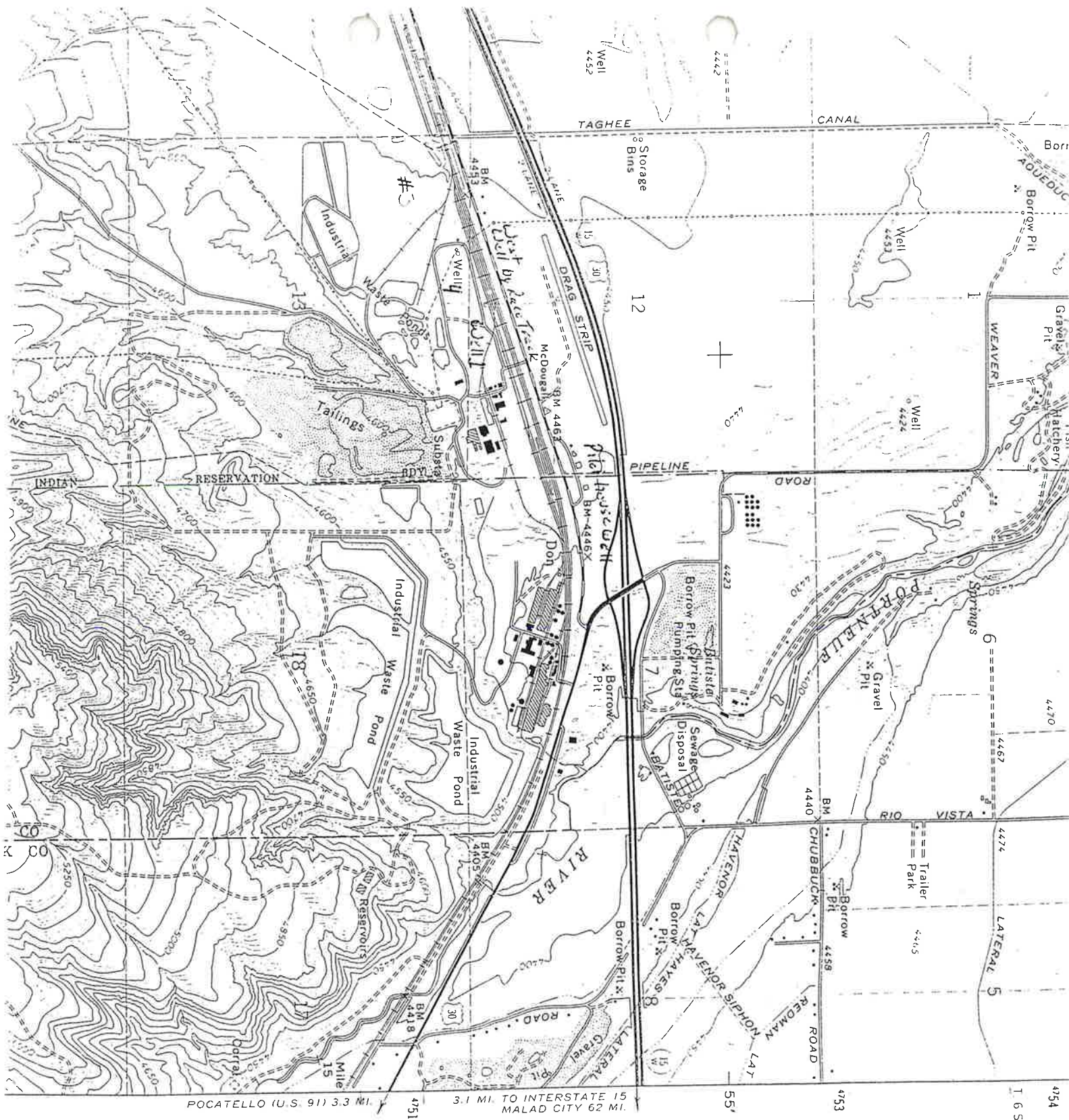
_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

From Allocations Transfer Files
Eastern Region IDWR

SCANNED

JAN 23 2006



From East Water Measurement
District Records

FMC correspondence file
6/24/01 BAC

SCANNED
JAN 23 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

SCANNED

MAY 10 2001

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 5/2000
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 2000

Department of Water Resources
Eastern Region

20005743

Bannock Counties - Pocatello Plan 117-1

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.

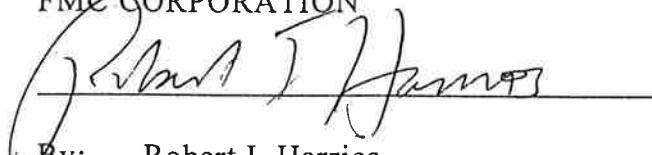
TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto Grantee and its successors and assigns forever.

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

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Department of Water Resources
Boise, Idaho

20005743

STATE OF PENNSYLVANIA)
: ss.
County of Philadelphia)

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

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



Notary Public

Residing at: _____

My Commission Expires: _____

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
CHRISTINE STEINLIGHT
BY Christine Steinlight
DEPUTY pd 3332

NO 20005743
RECORDED AT REQUEST OF
ALLIANCE TITLE & ESCROW
2000 APR 13 PM 12 02
OFFICIAL RECORD BOOK NO 267
BANNOCK COUNTY IDAHO
LARRY W. GHAN RECORDER
FEE 33.00 DEPUTY \$

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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 Northwesterly 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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Bannock County

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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Bureau of Reclamation

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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 Boise, Idaho

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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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Eastern Region

PARCEL 4

A parcel of land located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 7, T6S, R34E, B.M., Power County, Idaho, more particularly described as follows:

Commencing at the center $\frac{1}{4}$ 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 $0^{\circ}00'15''$ 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 $89^{\circ}18'24''$ 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 $89^{\circ}18'24''$ 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 $47^{\circ}54'30''$ 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 $1^{\circ}26'12''$, a radius of 7425.91 feet and a chord bearing of N $86^{\circ}19'06''$ 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 $32^{\circ}53'30''$, a radius of 497.96 feet and a chord bearing of N $47^{\circ}07'02''$ 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 $66^{\circ}40'39''$ 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 $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 13, and in the S $\frac{1}{2}$ of section 12, T6S, R33E, B.M., and in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ 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 $0^{\circ}07'17''$ 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 $68^{\circ}11'16''$ 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 $21^{\circ}08'58''$, a radius of 11,309.10 feet and a chord bearing of N $78^{\circ}45'45''$ 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 $80^{\circ}35'46''$ E, 517.65 feet to a found State of Idaho right-of-way monument;

Thence S $71^{\circ}39'15''$ 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 $29^{\circ}14'16''$, a radius of 679.41 feet and a chord bearing of S $86^{\circ}17'19''$ 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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County of Power, Idaho

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Thence Easterly along a curve to the right, said curve having a central angle of 56°02'59", a radius of 298.10 feet and a chord bearing of S 72°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°01'28", a radius of 5938.60 feet and a chord bearing of S 84°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°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°57'53", a radius of 5838.60 feet and a chord bearing of S 74°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°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°06'14", a radius of 5806.60 feet and a chord bearing of S 72°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°35'35" W, 4167.23 feet to a found State of Idaho right-of-way monument with the top broken off;

Thence S 0°25'44" W, 8.40 feet to a found State of Idaho right-of-way monument with the top broken off;

Thence S 72°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°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°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 ½ of the S ½ of section 12, and in the NE ¼, SE ¼, and NW ¼ of section 13, and in section 14, and in the NE ¼ 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 ¼ of said section 13, said corner being marked by a found 1912 Indian Allotment brass cap monument;

Thence S 0°07'12" W along the West line of said section 13, 617.22 feet to a found ½-inch diameter rebar with no markings, said rebar being the Northeast deed corner of instrument #96571;

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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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11 - 11

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.

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

4128

MEMORANDUM

TO: FILE 29-02301

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4128

DATE: May 23, 1994

=====

Transfer No. 4128 was filed to change the points of diversion under Right No. 29-02301, replacing one existing well and correcting the legal description of the other existing well. The place of use is also specifically identified through this transfer.

Recommended conditions include drilling permit and well abandonment requirements, multiple points of diversion limits, measuring devices and standard transfer conditions.

MICROFILMED

NOV 13 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4128
WATER RIGHT NO. 29-02301

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

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
INDUSTRIAL	01/01 to 12/31	4.00 CFS

SOURCE

GROUNDWATER

Priority: 04/24/1951

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 13, Township 06S, Range 33E
NWNW , Sec. 13, Township 06S, Range 33E
POWER County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

06S 33E 12	SWSW	SESW	SWSE
	SESE		
13	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SWNW	SENW	NESE
	NWSE		

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

MICROFILMED
NOV 13 1988

TRANSFER NO. 4128
WATER RIGHT NO. 29-02301

CONDITIONS/REMARKS:

4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. The total instantaneous diversion of water from all points of diversion under Transfer No. 4128 shall not exceed 4.00 cfs.
7. The well previously used under Right No. 29-02301 shall be abandoned in a manner which complies with Department well abandonment rules.

Dated this 7th day of June, 1994


Chief, Water Alloc. Bureau

MICROFILMED
NOV 13 1998

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COPY

Transfer No. _____

Amended **APPLICATION FOR TRANSFER OF WATER RIGHT** *Amended*
PART 1

Name of applicant FMC CORPORATION Phone 208-236-8200
 Post Office address PO Box 4111, Pocatello, Idaho 83202

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other correct pt. location for well #3
2. Describe the reason for the proposed changes Water Right No. 29-02301 (formerly 22059)
presently diverted from 2 wells identified as Well Nos. 3 and 5. Well No.
5 will be abandoned and replaced by the new well at a new point of
diversion; Well No. 3 will continue to be used at the existing point of
diversion.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>29-02301</u>	<u>4/24/51</u>	<u>4.0 cfs</u>	<u>Industrial</u>	<u>1/1</u> to <u>12/31</u>
<u>(formerly</u>				to
<u>22059)</u>				to
				to

2. Total amount of water being transferred 4.0 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	~~X~~	13	6S	33E	POWER	FMC PLANT #3
	NW	NE	~~X~~	13	6S	33E	POWER	FMC-6

5. Lands irrigated or place of use:

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

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system Two wells, 150 hp electric motors, 8" pipe to
10" mainline
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A - Industrial use unchanged
- d. Remarks:
Approximately one-half of water right will be diverted from existing
Well No. 3 at NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, and one-half from new well at NW $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 13, T6S, R33E. B. M. Existing well No. 5 to be abandoned.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____

MICROFILMED
NOV 13 1999

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 29-02301 (formerly 22059) issued by the Idaho Department of Water Resources.
- c. Claim No. A29-02301 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 4/24/51

5. Water is used for the following purpose:

amount 4.0 cfs for Industrial purposes from 1/1 to 12/31
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 4.0 cubic feet per second and/or 2800 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	13	06S	33E	Power	FMC Plant

8. Lands irrigated or place of use:

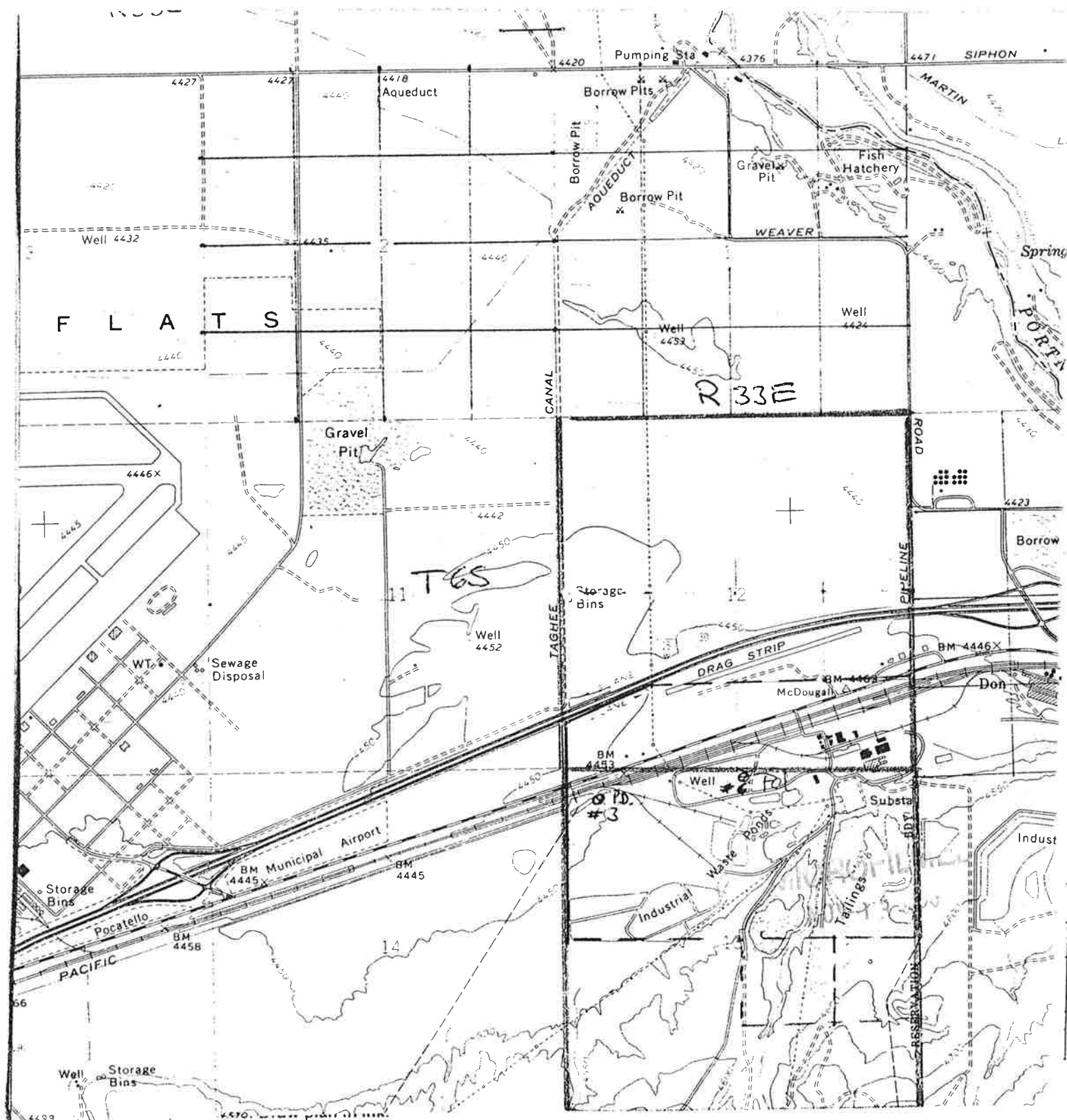
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
06S	33E	12	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
06S	33E	13	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 29-02284

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

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



PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	NONE			_____ to _____
				_____ to _____

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

NONE - NO CHANGE

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

NONE - NO CHANGE

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

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

(Signature of Applicant) Title

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DMD Date 9-9-1992 Protest filed by _____Prelim. check by _____ Fee 50.00 _____Receipted by DMD E017837 Date 9-9-1992 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

NOV 13 1992

State of Idaho License and Certificate of Water Right

Water License No. 22059

Water District No.

Amount Four second feet

Priority April 24, 1951

THIS IS TO CERTIFY that WESTVACO CHEMICAL DIVISION, FOOD MACHINERY & CHEMICAL CORPORATION of Pocatello, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 24, 1951; that Permit No. 22059 was issued under said application; that Certificate of Completion of works, with a carrying capacity of Four second feet, was issued thereunder on May 1, 1953, showing that said works were completed on the 6th day of March, 1953; and that on the 6th day of March, 1953,

WESTVACO CHEMICAL DIVISION, FOOD MACHINERY & CHEMICAL CORPORATION of Pocatello, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well ~~underground~~ (subterranean flow), for the purpose of use at manufacturing plant, under Use Permit No. 22059 of the Department of Reclamation. and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 5075, on the 1st day of May, 1953; The right hereby confirmed dates from April 24, 1953;

The Point of Diversion is located in the NE 1/4 NW 1/4 Sec. 13, Tp. 6 S., R. 33 E., B.M. Power That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed Four (4) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Plant of the Food Machinery & Chemical Corporation, Westvaco Chemical Division, in Sections 12 and 13, Twp. 6 South, Range 33 East, B.M.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 1st day of May, 1953.

(SEAL)

MARK R. KULP

State Reclamation Engineer

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WR record 29-2301
Microfilm Eastern Region
6/22/01 SAC

29 2301

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 22059

Proof of Application of Water to Beneficial Use
and Completion of Works

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Josiah Work, Resident Manager, Food Machinery and Chemical Corporation, Westvaco Chemical Division plant located near Pocatello, Idaho, P. O. Box 1603, Pocatello, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 22059 May 5, 1951. Date of Priority May 5, 1951.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Subterranean Waters (Underground) Point of diversion in NE 1/4, Section 13, Township 6 South, Range 33 E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. The Well has a Fearless type well pump and is housed in galvanized steel building. There has been erected 260,000 gallon water standpipe; 2300 feet 8 inch pipe line to standpipe; 2100 feet of 10 inch pipe line to standpipe; 2400 feet 12 inch pipe to standpipe; additional pipe to fire hydrants and numerous plant facilities; 1000 feet of 13 inch pipe line and approximately 4600 feet of open ditch to the point of discharge. The canal has no name. This well (No. 4) is 200 feet deep, with 18 inch casing and depth of water is 52 feet.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Used for industrial purposes. The plant is located upon land in Sections 12 and 13, Township 6 South, Range 33 E.B.M.

Ans. Ques. 2. Acting as Resident Manager Food Machinery and Chemical Corporation, Westvaco Chemical Division, plant located at Pocatello, Idaho, such corporation being organized in the State of Delaware and having complied with the statutory and constitutional provisions of the State of Idaho, the statutory agent being O. R. Baum, Pocatello, Idaho, and I have been authorized by the company to speak on its behalf in this matter.

22059

22059

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Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Water is used for industrial purposes and pumped out by electric pumps.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 4 cu. ft. per second as regards this well only.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Party now proving up is the party to whom permit was originally issued.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. The water as evidenced by permit No. 20969, and a well located in Lot 9 (SE 1/4 SE 1/4) Section 7, Township 6 South, Range 34 E.B.M., which well water was beginning to be used in the year 1944 of 1 cu. ft. per second.

James H. W. G. Resident Manager
Western Chemical Division
(Sign) *Earl W. W. G. + Chemical Corp.*

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in American Falls, County of Power, State of Idaho, on this 6th day of March, A. D. 1953.

My commission expires Oct. 22, 1955.

Asn. Ques. 10

The drilling of the well got underway and many months was utilized in completing it and it was ready for its first test October 27, 1952, using a Peerless electrically driven deep well turbine pump, at which time 4 cu. ft. per second of water was taken therefrom and it was sometime thereafter before all the electrical apparatus was connected before the well could be utilized by the plant, but the plant has been under further construction and water has been used and will be used in further construction and for operational purposes.

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22059

~~22059~~

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 22059

Proof of Application of Water to Beneficial Use
Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Donald R. Martin, 36, 130 N. Johnson, Pocatello, Civil Engineer

Ques. 2. Are you acquainted with Food Machinery & Chemical Corp., the holder of Permit No. 22059? How long have you known him and where does he reside?

Ans. Three years as I have been an employee of Bechtel Corporation, which corporation has been during construction work for said company at its Pocatello plant.

Ques. 3. Have you read or heard read said Permit No. 22059, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. The well has a Peerless type well pump and is housed in galvanized steel building, There has been erected 250,000 gallon water standpipe; 2300 feet 8 inch pipe line to standpipe; 2100 feet of 10 inch pipe line to standpipe; 2400 feet 12 inch pipe line to standpipe; additional pipe to fire hydrants and numerous plant facilities; 1000 feet of 13 inch pipe line and approximately 4500 feet of open ditch to the point of discharge.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 10 cu. feet per second

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 1400 gallons per minute. Measured with a calibrated orifice.

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From WR License File Microfiche

22059
22059

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Used for industrial purposes. The plant is located upon lands in Sections
12 and 13, Township 6 South, Range 33 E.B.M.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. For Industrial uses

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. _____

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I am constantly on the premises and have personal knowledge of the amount
of water used and have witnessed the operation of the pumps and the amount of
water produced thereby.

(Signed) Donald R. Martin

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in American Falls,
County of Power, State of Idaho, on this 6th day of March,
A. D. 1953

Notary Public.
Residing at American Falls, Idaho

My commission expires Oct 22, 1955

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From WR License File Microfiche

22057
5001

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 22059

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Y. N. Antaki, 33, 1072 Cherry Lane, Pocatello, Idaho, Plant Engineer

Ques. 2. Are you acquainted with Fred Machinery & Chemical Corp, Westvaco, the holder of Permit No. 22059? How long have you known him and where does he reside?

Ans. 11 years, having been associated with the Westvaco Chemical Division for that period of 1 years.

Ques. 3. Have you read or heard read said Permit No. 22059, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. The well has a Peerless type well pump and is housed in galvanized steel building. There has been erected 260,000 gallon water standpipe; 2300 feet 3 inch pipe line to standpipe; 2100 feet of 10 inch pipe line to standpipe; 2400 feet 12 inch pipe line to standpipe; additional pipe to fire hydrants and numerous plant facilities; 1000 feet of 13 inch pipe line and approximately 4600 feet of open ditch to the point of discharge.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 10 cu. feet per second

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 1300 gallons per minute. Measured with a calibrated orifice.

DO NOT MICROFILM
From WR License File Microfiche

32059
20059

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Used for industrial purposes. The plant is located upon lands in Section 12 and 13, Township 6 South, Range 33 E.B.M.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. For Industrial uses

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. _____

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None Plant Engineer for the Pocatello plant.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I am constantly on the premises and have personal knowledge of the amount of water used and have witnessed the operation of the pumps and the amount of water produced thereby.

(Signed) M Autaki

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in American Falls, County of Power, State of Idaho, on this 6th day of March, A. D. 1953.

Thompson

Notary Public.
Residing at American Falls, Idaho

My commission expires Oct. 22, 1955

DO NOT MICROFILM
From WR License File Microfiche

82059

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 22059

This proof is for Completion of works & beneficial use In Water District No.

1. Name of applicant Westvaco Chemical Division, Food Machinery & Chemical Corporation
Box 608 Pocatello, Idaho (Josiah Work, Resident Manager)2. Source of water supply: Subterranean from well3. Location of point of diversion: Is in the NE 1/4 NW 1/4 of Section 13T. 6 S. R. 33 E. County of Power

4. Describe works as they exist, giving dimensions and capacities of same: Pump house = 12' x 8' x 8'.
gal. iron on steel frame. Half of floor is concreted. Pump and motor on a conc.
base. Approx. 4' x 1' x 16" h. Delivery to E then 10 pipe into 8" pipe into closed system.
Peerless deep well turbine # 1022262. Motor = 152 h.p. 4.5 2300V. 394 amps.
1800 r.p.m.

See well log for add. information.5. Water is used for: Manufacturing and industrial purposes.6. State whether or not water has been turned into works of diversion: Yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number
of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other
than irrigation):

Place of use: Plant of the Food Machinery & Chemical Corporation, Westvaco
Chemical Division, in Sections 12 and 13, Twp. 6 South, Range 33 East, B. M.

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

8. What large stream would the water here appropriated finally reach?

Remarks:

Originally intended two wells @ 4 cfs each.
it present one is sufficient.

This examination was made on the 16 day of April, 1953(Signed) C. H. Humphrey Examiner.

22059

22059

DO NOT MICROFILM
From WR License File Microfiche

For Map see
accompanying blueprint

Q = 4 cfs

T = not taken

DO NOT MICROFILM

From WR License File Microfiche

Scale: 2 inches Equals 1 Mile. Draw Map in Ink.

32057

~~30057~~

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: **A29-02301**
Date Received: 6/14/1989
Receipt No: E009079
Received By: _____

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

1. Name: FMC CORPORATION
Address: PO BOX 4111
POCATELLO ID 83202

2. Date of Priority: APR 24, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	33E	13	NW	NE			POWER
			NW	NW			POWER

5. Description of diverting works:
TWO WELLS, 150 HP ELECTRIC MOTORS, 8" PIPE TO 10 " MAIN LINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	4.000		

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

8. Total consumptive use is 2800.0 Acre Feet Per Annum.

9. Non-irrigation uses:
I/MANUFACTURING PLANT.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	33E	12	SW	SW		INDUST	
			SE	SW		INDUST	
			SW	SE		INDUST	

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	33E	12	SE		SE		INDUST	
		13	NE		NE		INDUST	
			NW		NE		INDUST	
			SW		NE		INDUST	
			SE		NE		INDUST	
			NE		NW		INDUST	
			NW		NW		INDUST	
			SW		NW		INDUST	
			SE		NW		INDUST	
			NE		SE		INDUST	
			NW		SE		INDUST	

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
A29-02284.

14. Remarks:
TRANSFER 4128 AMENDED CLAIM

15. Basis of Claim: LICENSE

Water Right Number: 22059

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

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

MICROFILMED
NOV 13 1996

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: A29-02301
Date Received: 6/17/1988
Receipt No: E009079
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FMC CORPORATION
Address: P.O. BOX 4111
POCATELLO, ID 83202
2. Date of Priority: APR 24, 1951
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	33E	13	NE	NW			POWER

5. Description of diverting works:
TWO WELLS, 150 HP ELECTRIC MOTORS, 8" PIPE TO 10 " MAIN LINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL			4.000		

jpr

- ☒ PULL ORIGINAL ADJUDICATION CLAIM
- ☒ MAKE COPY ORIGINAL TRANSFER APPLICATION
- ☒ GET COPY OF APPROVED TRANSFER
- ☒ PROOF REPORT OF WATER RIGHT FROM "WR"
- ☐ SPLIT RIGHT (YES ___ NO ___)
- ☐ NEED CHANGE OF OWNERSHIP (YES ___ NO ___)
- ☐ GIVE TO AGENT
- ☒ CHECKED AND DATA ENTERED
- ☐ RECEIVED BACK FROM AGENT
- ☐ SEND LETTER TO CLAIMANT
- ☐ FILE IN "P" FILE

A2902301



T# 4128
29-02301

MICROFILMED
NOV 13 1996

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

13. Other Water Rights Used:
A29-02284.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 22059

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

R. L. Myall
Signature of Authorized Agent

Fmc Energy Manager
Title and Organization

June 17, 1989
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14th day

of June 19 89

Anthony S. Olmstead
Notary Public

Seal

Residing at 1400 7th

My Commission Expires 9/12/1994

AJ0749NP
No. A29-02301

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	04/24/1951	INDUSTRIAL	01-01 12-31	4.000 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					4.000 CFS	2800.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06S R33E S13

NWNE

NWNW

POWER County

Place of use Legal Description for: INDUSTRIAL

				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	:
06S	33E	12	:																			:
06S	33E	13	:	I		I		I		I		I		I				I		I		:

POU County: POWER

Non-Irrigation Uses: I/MANUFACTURING PLANT.

Other Rights: A29-02284.

Remarks: GEN TRANSFER 4128 AMENDED CLAIM
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: