

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2305B V1

WATER RIGHT NUMBER: 29-2305B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JULIE L HOLBROOK PO BOX 127 (ORIGINAL CLAIMANT) BANCROFT, ID 83217 (208)648-7851
Current Owner	CHEMICAL LIME CO OF ARIZONA PO BOX 985004 FORT WORTH, TX 76185-5004 (817)732-8164
Original Owner	TODD C HOLBROOK PO BOX 127 (ORIGINAL CLAIMANT) BANCROFT, ID 83217 (208)648-7851
Original Owner	J W CREER
Attorney	BANCROFT, ID CHRISTOPHER H MEYER GIVENS PURSLEY & HUNTLEY LLP PO BOX 2720 277 N SIXTH ST STE 200 BOISE, ID 83701 (208)388-1236

Priority Date: 06/18/1951

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MINING	1/01 to 12/31	0.430 CFS	87.00 AF
	<u>Total Diversion:</u>	0.430 CFS	87.00 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SW1/4 Sec. 3, Twp 08S, Rge 40E, B.M.
CARIBOU County

Place of Use

MINING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	40E	34				X	X	X	X	X	X	X	X	X	X	X	X	X	X
07S	40E	35						X				X	X						

IDAHO DEPARTMENT OF WATER RESOURCES

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08S 40E 3	X	X		X	X	X	X			
08S 40E 4			X							

Conditions of Approval:

1. C18 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.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/28/2002 9:55:28 AM	rwarner			Active
Priority Date	10/28/2002 10:03:43 AM	rwarner			Active
POD	10/28/2002 10:07:10 AM	rwarner			Active
Source	10/28/2002 10:07:25 AM	rwarner			Active
POU	10/28/2002 10:44:45 AM	rwarner			Active
Use	10/28/2002 10:46:29 AM	rwarner			Active
Season	10/28/2002 10:47:24 AM	rwarner			Active
Quantity	10/28/2002 10:48:55 AM	rwarner			Active
Summary			10/28/2002	rwarner	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2305B V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Season	10/28/2002 10:47:25 AM	rwarnar	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	10/28/2002 10:48:56 AM	rwarnar	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - On transfer from original water right
Summary	10/28/2002 10:51:03 AM	rwarnar	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
POU	10/28/2002 10:30:22 AM	rwarnar	Edited shape boundary
POU	10/28/2002 10:30:42 AM	rwarnar	Edited shape boundary
POU	10/28/2002 10:44:45 AM	rwarnar	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2305B V1

Use	10/28/2002 10:46:30 AM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	10/25/2002 4:51:25 PM	rwarner	Edited point location
Contacts	10/28/2002 9:55:30 AM	rwarner	(No) 1. Do you want to schedule an appointment? Comment for 1: desktop review
Priority Date	10/28/2002 10:03:45 AM	rwarner	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	10/28/2002 10:06:37 AM	rwarner	Edited point location
POD	10/28/2002 10:07:12 AM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	10/28/2002 10:07:26 AM	rwarner	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

WR5809NP
No. 29-02305B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/23/01
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHEMSTAR LIME CO	06/18/1951	MINING	01/01 12/31	0.430 CFS	87.00 AFA
TOTAL DIVERSION:					0.430 CFS	87.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T08S R40E S03

NESW

CARIBOU County

Place of use Legal Description for: MINING

		NE				NW				SW				SE						
T	R S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac			
07S	40E 34	:				:	M	M	M	M	:	M	M	M	M	:	M	M	M	M
07S	40E 35	:				:					:					:				
08S	40E 3	:	M	M		:	M	M	M	M	:					:				
08S	40E 4	:				:					:					:				

Pou County: CARIBOU

Conditions of Approval:

- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks: GEN Approval of this transfer expires upon the expiration of the lease agreement on April 15, 1995. If the lease is extended, the transfer will remain in effect throughout the extension period. A new application for transfer must be filed before water can be returned to the original point of diversion and place of use.

Dates: App. Received: Priority Date: 06/18/1951
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/14/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 07/13/1992 User-ID: CURTIS Subject: Trans. 3959
Trans. 3959 was filed to change point of diversion, place of use, nature of use and period of use under this right.

Audit: 09/25/92 CURTIS 10/05/92 CURTIS

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-2305B

WATER RIGHT NUMBER: 29-2305B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHEMSTAR LIME CO 2800 N 44TH ST #400 PHOENIX, AZ 85008
Original Owner	J W CREER BANCROFT, ID

Priority Date: 06/18/1951

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>
MINING	1/01 to 12/31	0.430 CFS	87.00 AF
	<u>Total Diversion:</u>	0.430 CFS	87.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4	Sec. 3, Twp 08S, Rge 40E, B.M.
CARIBOU County		

Place of UseMINING Within CARIBOU County

T07S R40E S34	SENE	T07S R40E S34	NENW
T07S R40E S34	NWNW	T07S R40E S34	SWNW
T07S R40E S34	SENE	T07S R40E S34	NESW
T07S R40E S34	NWSW	T07S R40E S34	SWSW
T07S R40E S34	SESW	T07S R40E S34	NESE
T07S R40E S34	NWSE	T07S R40E S34	SWSE
T07S R40E S34	SESE	T07S R40E S35	SWNW
T07S R40E S35	NWSW	T07S R40E S35	SWSW
T08S R40E S03	NENE	T08S R40E S03	NWNE
T08S R40E S03	NENW	T08S R40E S03	NWNW
T08S R40E S03	SWNW	T08S R40E S03	SENE
T08S R40E S04	SENE		

Total Acres: 0

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-2305B

1. General Approval of this transfer expires upon the expiration of the lease agreement on April 15, 1995. If the lease is extended, the transfer will remain in effect throughout the extension period. A new application for transfer must be filed before water can be returned to the original point of diversion and place of use.^^

Comments:

1. CURTIS 7/13/1992 Trans. 3959

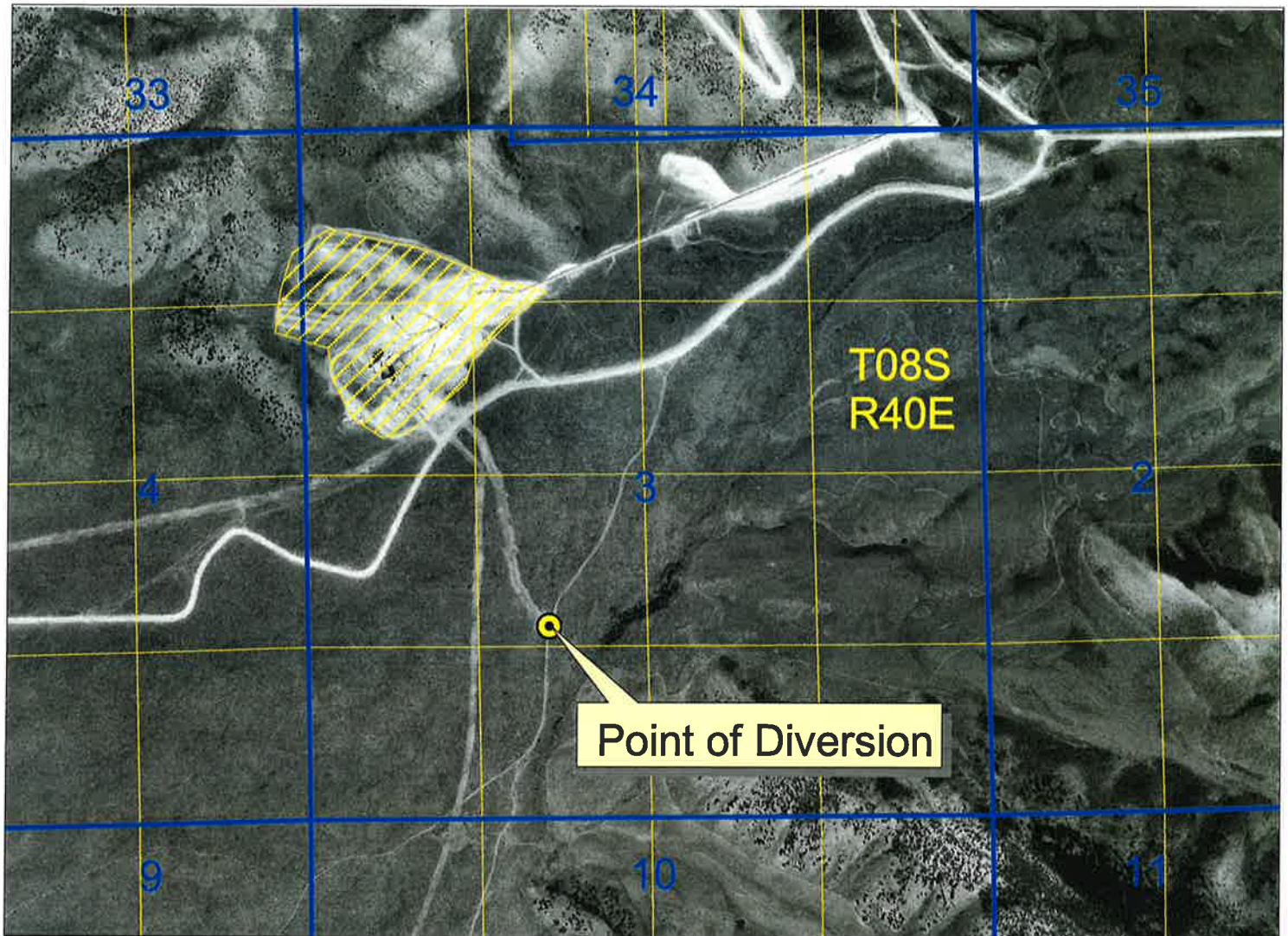
Comment: Trans. 3959 was filed to change point of diversion, place of use, nature of use and period of use under this right.

Dates and Other Information:



State of Idaho Department of Water Resources Eastern Region

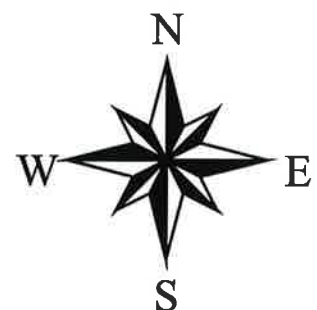
Claim No.: 29-2305B



0.3 0 0.3 0.6 Miles

Mining

SCANNED
JAN 23 2006



-  Well.shp
-  Place of use.shp
-  Sections
-  QQ

Cindy
02/21/2003

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-2305B

CHEMICAL LIME CO OF ARIZONA
PO BOX 985004
FORT WORTH TX 76185-5004
Telephone Number: (817)732-8164

RECEIVED
APR 23 2003

Department of Water Resources
Eastern District Office

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

The Applicant has not changed. However, the "Name and Address" of the Applicant should be updated to reflect recent changes in corporate name and location.

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

Applicant should be listed as:

Chemical Lime Company Telephone Number: (817)732-3048
3700 Hulen Street
Fort Worth, TX 76107

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

See #1. Also, please note the Notice of Appearance below.

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

DATE: April 21, 2003

SIGNATURE: Christopher H. Meyer

Please print your name: Christopher H. Meyer, Counsel

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

NOTICE OF APPEARANCE

To: Idaho Department of Water Resources

Please take note that Christopher H. Meyer does hereby enter an appearance on behalf of Chemical Lime Company, holder of the above named water right. All future correspondence and other documents relating to this water right should be forwarded to Christopher H. Meyer as Attorney for Chemical Lime Company at this address:

Christopher H. Meyer
Givens Pursley LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720
Telephone: 208-388-1200
Facsimile: 208-388-1300
Email: chm@givenspursley.com

Date: 4-21-2003

By: Christopher H. Meyer

Christopher H. Meyer

SCANNED
JAN 23 2006

CONFIRMATION COPY

02/21/2003

NOTICE OF ERROR
REPLY

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PO BOX 985004
FORT WORTH TX 76185-5004
Telephone Number: (817) 732-8164

APR 23 2003
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Eastern District Office

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Christopher H. Meyer

Please print your name: Christopher H. Meyer, Counsel

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

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To: Idaho Department of Water Resources

Please take note that Christopher H. Meyer does hereby enter an appearance on behalf of Chemical Lime Company, holder of the above named water right. All future correspondence and other documents relating to this water right should be forwarded to Christopher H. Meyer as Attorney for Chemical Lime Company at this address:

Christopher H. Meyer
Givens Pursley LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720
Telephone: 208-388-1200
Facsimile: 208-388-1300
Email: chm@givenspursley.com

Date: 4-21-2003

By:

Christopher H. Meyer
Christopher H. Meyer

ANNEXED
JAN 23 2006

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

CHRISTOPHER H. MEYER

DIRECT DIAL: 208 388-1236
CELL: 208 407-2792
EMAIL: chm@givenspursley.com

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Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Emily MacMaster Durkee
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Deborah K. Kristensen
Anne C. Kunkel
Deborah E. Nelson

Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Mellillo
Christopher H. Meyer
Kendall L. Miller
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
W. Hugh O'Riordan

Michael C. Orr
Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas
Conley E. Ward
Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westermeier
OF COUNSEL

John A. Miller, LL.M.
TAX CONSULTANT

*Licensed in Kentucky only

Via Facsimile & U.S. Mail

April 21, 2003

Jennifer Crabtree
Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline, Drive, Suite A
Idaho Falls, ID 83404

Re: Chemical Lime Company—Water Right No. 29-2305B
Our File No. 5699-2

Dear Ms. Crabtree:

Enclosed for filing with the Department please find a Notice of Error Reply for Chemical Lime Company's Water Right No. 29-2305B. I have also enclosed a copy of the Notice to be stamped as received by your office and returned to our office in the enclosed self-addressed, stamped envelope.

Thank you for your assistance with this matter. If you have any questions or require any additional information please call.

Sincerely,



Christopher H. Meyer

Encl: Notice of Error Reply

cc: Kenneth Curtiss, Esq.

CHM:kdt S:\CLIENTS\5699\2\CHM Ltr-0001.DOC

RECEIVED

APR 23 2003

Department of Water Resources
Eastern District Office

SCANNED

JAN 23 2006

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

DIRECT DIAL: (208) 388-1232
EMAIL: mco@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Emily MacMaster Durkee
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Roy Lewis Eiguren
Timothy P. Fearnside
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Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westermeier
OF COUNSEL

John A. Miller, LL.M. *
TAX CONSULTANT

*Licensed in Kentucky only

April 22, 2002

Ernie Carlsen
Water Rights Supervisor
Adjudication Unit
Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83404

Re: Chemical Lime Company of Arizona—Water Right No. 29-2305B
Our File No. 5699-2

Dear Mr. Carlsen:

Thank you for your e-mail confirming that the preliminary recommendation for water right no. 29-2305B will have the correct name and address for Chemical Lime Company of Arizona, per our telephone conversation this afternoon. Please find enclosed an "Amended Notice of Error Reply" that contains the same name and address. We request that you file this along with the one sent yesterday, which incorrectly listed Chemical Lime Company of Arizona simply as "Chemical Lime Company." Thank you again.

For your information, Chemical Lime Company of Arizona is a subsidiary of Chemical Lime Company. We are advised that the water right is held by the subsidiary, not the parent.

Sincerely,



Michael C. Orr

Encl: Amended Notice of Error Reply

cc: Kenneth Curtiss, Esq.
Christopher H. Meyer

MCO:krj

S:\CLIENTS\5699\2\AmendedNotice GP01.DOC

RECEIVED

APR 24 2003

Department of Water Resources
Eastern Region

SCANNED

JAN 23 2006

AMENDED
NOTICE OF ERROR
REPLY

02/21/2003

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: 29-2305B

CHEMICAL LIME CO OF ARIZONA

PO BOX 985004

FORT WORTH TX 76185-5004

Telephone Number: (817) 732-8164

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

The Applicant has not changed. However, the "Name and Address" of the Applicant should be updated to reflect recent changes in location.

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

Applicant should be listed as:

Chemical Lime Company of Arizona

Telephone Number: (817) 732-3048

3700 Hulen Street

Fort Worth, TX 76107

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

See #1. Also, please note the Notice of Appearance below.

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

DATE: April 22, 2003

SIGNATURE:

Christopher H. Meyer

Please print your name: Christopher H. Meyer, Counsel

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

To: Idaho Department of Water Resources

Please take note that Christopher H. Meyer does hereby enter an appearance on behalf of Chemical Lime Company of Arizona, holder of the above named water right. All future correspondence and other documents relating to this water right should be forwarded to Christopher H. Meyer as Attorney for Chemical Lime Company of Arizona at this address:

Christopher H. Meyer
Givens Pursley LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720
Telephone: (208) 388-1200
Facsimile: (208) 388-1300
Email: chm@givenspursley.com

RECEIVED

APR 24 2003

Department of Water Resources
Eastern Region

Date:

4/22-2003

By:

Christopher H. Meyer
Christopher H. Meyer

JAN 23 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

JUN 25 2001

June 14, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

JUL - 2 2001

CHEMICAL LIME COMPANY OF ARIZONA

PO BOX 92108-985004

AUSTIN TX 78709 Ft. Worth TX 76185-5004

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #29-2305B

Dear Water Right Holder:

Record updated 7-2-01.
-ss

Mail recently sent to you was returned to us by the Postal Service. The Caribou County Assessor's office gave us your current address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list **any other water rights you have**, and return this letter by June 25, 2001. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

(817) 732-8164
Telephone No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

Finens Pursley a Hy



08S 40E03 NESW
Carbon



NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

29-2305B

RECEIVED

MAY 18 2001

Department of Water Resources
Eastern Region

*PO Box 92108
Austin TX
78709*

CHEMICAL LIME COMPANY OF
ARIZONA
PO BOX 121874
FT WORTH TX 761211874



SCANNED
JAN 23 2006

MAY 4 2001

AFFIDAVIT OF JULIE L. HOLBROOK

STATE OF IDAHO)
) ss.
County of Caribou)

JULIE L. HOLBROOK, being first duly sworn upon oath, and based upon her own personal knowledge, deposes and says:

1. My husband, Todd C. Holbrook, and I own farm property in Caribou County, Idaho (the "Holbrook Lands").

2. The Holbrook Lands are irrigated beneficially in accordance with a licensed ground water right, with a June 18, 1951 priority date, originally known as Water Right No. G-22216 and later renumbered Water Right No. 29-02305 ("1951 Right"). My wife and I are the sole owners of the 1951 Right.

3. Included within the Holbrook Lands is a forty-acre parcel located in the NW quarter of the NW quarter of section 7, Township 8 South, Range 40 East, Boise Meridian (the "Quarter Quarter").

4. On or about July 14, 1992, we entered into a *Lease of Water Rights* (the "1992 Lease") whereby we leased to Chemical Lime Company, an Arizona Corporation ("Chemical Lime"), that portion of the 1951 Right which was then appurtenant to the Quarter Quarter.

5. The water right conveyed by the 1992 Lease was transferred to Chemical Lime by Transfer No. 3959 approved by the Idaho Department of Water Resources ("IDWR") on or about October 7, 1992 ("1992 Transfer"). The 1992 Transfer created Water Right License No. 29-02305B (which is owned by Chemical

NOV 13 1999

Lime and corresponds to that portion of the 1951 Right which previously irrigated the Quarter Quarter) and Water Right License No. 29-02305A (which corresponds to the portion of the 1951 Right not transferred to Chemical Lime).

6. On or about April 18, 1995, we entered into an *Agreement for Sale of Water Right* with Chemical Lime (the "1995 Water Sale Agreement"). On or about May 15, 1995, the IDWR confirmed and acknowledged that, pursuant to the 1995 Water Sale Agreement, the transfer previously effected by the 1992 Lease is now permanent.

7. Pursuant to the 1995 Water Sale Agreement, we conveyed to Chemical Lime by Warranty Deed that portion of the 1951 Right formerly appurtenant to the Quarter Quarter.

8. Paragraph 2 of the 1995 Water Sale Agreement states: "The 1951 Right serves as the sole source of water supply for the Holbrook Lands."

9. Under Paragraph 18 of the 1995 Water Sale Agreement and again in the Warranty Deed, we agreed to permanently dry up the Quarter Quarter.

10. It has come to my attention that a surface water right with a priority date of March 20, 1906, known as Water Right No. 29-00483 (the "1906 Right"), appears on the records of the IDWR as serving the same Quarter Quarter. According to the IDWR records, this water right is (or was) held in the name of one Stella Kynaston under a decree in the Civil Case of John & Stella Kynaston v. John A. Thorpe and A.B. Halvorsen (case number unknown).

11. I hereby state that neither I nor anyone acting on my behalf has ever exercised the 1906 Right on the Holbrook Lands (including the Quarter Quarter);

that, to the best of my knowledge, no prior owner of the Holbrook Lands has exercised the 1906 Right on any of what are now the Holbrook Lands (including the Quarter Quarter) at any time subsequent to the creation of the 1951 Right; that subsequent to the creation of the 1951 Right, water diverted under the 1951 Right has been the sole source of irrigation water for the Holbrook Lands (including the Quarter Quarter); that I make no claim of use or ownership in the 1906 Right: and that any claim or interest I may once have had in the 1906 Right has been abandoned and forfeited through non-use.

FURTHER YOUR AFFIANT SAITH NOT.

DATED this 26 day of October, 1995.

Julie Holbrook
JULIE L. HOLBROOK

SUBSCRIBED AND SWORN To before me this 26 day of October, 1995.



Judy Hopkins
Notary Public for Idaho
Residing at Soda Springs
My Commission Expires 6/07/99

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RECORDED
NOV 13 1995

AFFIDAVIT OF TODD C. HOLBROOK

STATE OF IDAHO)
) ss.
County of Caribou)

TODD C. HOLBROOK, being first duly sworn upon oath, and based upon his own personal knowledge, deposes and says:

1. My wife, Julie L. Holbrook, and I own farm property in Caribou County, Idaho (the "Holbrook Lands").

2. The Holbrook Lands are irrigated beneficially in accordance with a licensed ground water right, with a June 18, 1951 priority date, originally known as Water Right No. G-22216 and later renumbered Water Right No. 29-02305 ("1951 Right"). My wife and I are the sole owners of the 1951 Right.

3. Included within the Holbrook Lands is a forty-acre parcel located in the NW quarter of the NW quarter of section 7, Township 8 South, Range 40 East, Boise Meridian (the "Quarter Quarter").

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5. The water right conveyed by the 1992 Lease was transferred to Chemical Lime by Transfer No. 3959 approved by the Idaho Department of Water Resources ("IDWR") on or about October 7, 1992 ("1992 Transfer"). The 1992 Transfer created Water Right License No. 29-02305B (which is owned by Chemical

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11. I hereby state that neither I nor anyone acting on my behalf has ever exercised the 1906 Right on the Holbrook Lands (including the Quarter Quarter);

that, to the best of my knowledge, no prior owner of the Holbrook Lands has exercised the 1906 Right on any of what are now the Holbrook Lands (including the Quarter Quarter) at any time subsequent to the creation of the 1951 Right; that subsequent to the creation of the 1951 Right, water diverted under the 1951 Right has been the sole source of irrigation water for the Holbrook Lands (including the Quarter Quarter); that I make no claim of use or ownership in the 1906 Right: and that any claim or interest I may once have had in the 1906 Right has been abandoned and forfeited through non-use.

FURTHER YOUR AFFIANT SAITH NOT.

DATED this 26th day of October, 1995.

Todd Holbrook
TODD C. HOLBROOK

SUBSCRIBED AND SWORN To before me this 26 day of October, 1995.



Judy Hopkins
Notary Public for Idaho
Residing at Soda Springs
My Commission Expires 6/07/99

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GARY G. ALLEN
JOSEPH H. BAIRD
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
ROY L. EIGUREN
JEFFREY C. FEREDAY
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STEPHANIE C. WESTERMEIER

LAW OFFICES
GIVENS PURSLEY & HUNTLEY, LLP
A LIMITED LIABILITY PARTNERSHIP
SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

November 30, 1995

FILE
df
JAMES A. MCCLURE
JUDITH K. HOLCOMBE
OF COUNSEL

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492

CHRISTOPHER H. MEYER
DIRECT DIAL
(208) 388-1236

Mr. Don Shaff
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

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Matter: Chemical Lime — Tenmile Plant Water Right
Subject: Name Change: Water Right No. 29-02305B
Our file: 3169-1

Dear Mr. Shaff:

This is to confirm our telephone conversations of yesterday afternoon, at which time we discussed the name change from Chemstar Lime Company to Chemical Lime Company.

As you know, Water Right No. 29-02305B (Transfer 3959) was issued on October 7, 1992 in the name of Chemstar Lime Company. The Company has since changed its name to Chemical Lime Company, which name is reflected on the deed permanently conveying the water right to the company on April 18, 1995.

You advised me that the Department is satisfied with the representations supplied with respect to the name change, and does not require submission of official documentation of the corporate name change. I write simply to confirm this understanding.

Sincerely,



Christopher H. Meyer

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NOV 13 1995

Mr. Don Shaff
November 30, 1995
Page 2

cc: Patricia LaRue, Chemical Lime Company
Clyde G. Nelson, Nelson Law Office
Edwin S. Schasteen, Chemical Lime Company

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JAMES A. MCCLURE
JUDITH K. HOLCOMBE
OF COUNSEL

TELEPHONE
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FACSIMILE
(208) 343-9492

November 8, 1995

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Department of Water Resources

CHRISTOPHER H. MEYER
DIRECT DIAL
(208) 388-1236

Mr. Carter Fritschle
Water Right Agent
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Matter: Chemical Lime — Tenmile Plant Water Rights
Subject: Water Right No. 29-02305B — New Owner Notice
Our file: 3169-1

modified claim 11-29-95

Dear Mr. Fritschle:

-SCS

Enclosed please find a completed *New Property Owner Notice of Change of Water Right Ownership*, which I submit on behalf of my client, Chemical Lime Company ("Chemical Lime"). A copy of the *Water Right Warranty Deed and Assignment* serves as proof of ownership and is attached to the Notice as Exhibit A.

By three separate letters to you of this date, I do the following: (1) notice my appearance in the SRBA on behalf of Chemical Lime, (2) withdraw Chemical Lime's application for permit No. 29-08082, and (3) submit two affidavits disclaiming ownership in a prior surface water right No. 29-00483.

The enclosed Notice follows Transfer No. 3959 and corresponds to licensed water right No. 29-02305B. Transfer No. 3959 split license No. 29-02305 into two new water rights: No. 29-02305B (corresponding to the part of the original water right conveyed to Chemical Lime) and No. 29-02305A (corresponding to that part of the original water right retained by the prior owners, Todd C. Holbrook and Julie L. Holbrook, "the Holbrooks").

Handwritten notes and stamps in red ink at the bottom right of the page.

Mr. Carter Fritschle
November 8, 1995
Page 2

The Idaho Department of Water Resources (the "Department") issued license No. 29-02305B in the name of Chemstar Lime Company, an Arizona corporation, whose name has since been changed to Chemical Lime Company, an Arizona corporation.

Prior to the transfer, the Holbrooks filed a claim in the SRBA for license No. 29-02305. I understand that the Department will treat the transfer of that right as an amendment of the claim, and that there is no need for Chemical Lime to file a new *Notice of Claim to a Water Right Acquired Under State Law* in the SRBA for license No. 29-02305B.

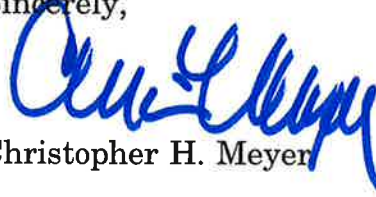
Would you please respond as to the following:

- OK 1. Please advise if the Department requires any further documentation or procedure with respect to the name change from Chemstar Lime Company to Chemical Lime Company.
- OK 2. Please confirm that the Holbrook's SRBA claim for licensed ground water right No. 29-02305 is properly and timely filed.
- OK 3. Please confirm that approved Transfer No. 3959 will serve as an amendment to that SRBA claim.
- OK 4. Please confirm that there is no need for Chemical Lime or the Holbrooks to file a new *Notice of Claim to a Water Right Acquired Under State Law* in the SRBA.
- OK 5. Please confirm that Chemical Lime is not obligated to pay any late filing fee with respect to its SRBA claim for license No. 29-02305B.
- OK 6. Please advise if the Department requires any additional filing fee in connection with Chemical Lime's SRBA claim for license No. 29-02305B. Chemical Lime notes in particular that the filing fee submitted by the Holbrooks was based on irrigation use, and that Chemical Lime's current claim is based on mining use. Chemical Lime is prepared to pay any difference in filing fee which the Department determines is required.

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Mr. Carter Fritschle
November 8, 1995
Page 3

Sincerely,



Christopher H. Meyer

Enclosures:

- (1) New Property Owner Notice of Change of Water Right Ownership
- (2) Water Right Warranty Deed and Assignment

cc: Todd C. and Julie L. Holbrook
Patricia LaRue, Chemical Lime Company
Clyde G. Nelson, Nelson Law Office
Dennis R. Nelson, Rural Economic and Community Development Service
Edwin S. Schasteen, Chemical Lime Company

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GARY G. ALLEN
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November 8, 1995

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Department of Water Resources
JAMES K. HOLCOMBE
OF COUNSEL

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492

CHRISTOPHER H. MEYER
DIRECT DIAL
(208) 388-1236

Mr. Carter Fritschle
Water Right Agent
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Matter: Chemical Lime — Tenmile Plant Water Rights
Subject: Water Right No. 29-02305B — Notice of Appearance
Our file: 3169-1

modified claim 11-29-95
- [signature]

Dear Mr. Fritschle:

In lieu of a *Notice of Claim to a Water Right Acquired Under State Law*, this notice is hereby given that I will be acting as attorney at law on behalf of claimant, Chemical Lime Company, an Arizona Corporation, which claims water in the Snake River Basin Adjudication under license No. 29-02305B (Transfer No. 3959). All notices required by law to be mailed by the Director to the claimant should be mailed to me at the address below:

Christopher H. Meyer, Esq.
Givens Pursley & Huntley, LLP
P.O. Box 2720
277 N. Sixth Street, Ste. 200
Boise, ID 83701
Office: 208-388-1236
Fax: 208-388-1201

I will file a separate notice of appearance with the court.

NOV 13 1995

Mr. Carter Fritschle
November 8, 1995
Page 2

Sincerely,


Christopher H. Meyer

cc: Todd C. and Julie L. Holbrook
Patricia LaRue, Chemical Lime Company
Clyde G. Nelson, Nelson Law Office
Dennis R. Nelson, Rural Economic and Community Development Service
Edwin S. Schasteen, Chemical Lime Company

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BOISE, IDAHO 83701

November 8, 1995

JAMES A. MCCLURE
JUDITH K. HOLCOMBE
OF COUNSEL

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Department of Water resources

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CHRISTOPHER H. MEYER
DIRECT DIAL
(208) 388-1236

Mr. Carter Fritschle
Water Right Agent
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Matter: Chemical Lime — Tenmile Plant Water Rights
Subject: Water Right No. 29-00483 — Disclaimer of Interest
Our file: 3169-1

Dear Mr. Fritschle:

Enclosed please find the affidavit of Todd C. Holbrook and the affidavit of Julie L. Holbrook, Mr. Holbrook's wife. Both are dated October 26, 1995.

Mr. and Mrs. Holbrook were the owners of licensed ground water right No. 29-02305, a part of which was conveyed to my client, Chemical Lime Company ("Chemical Lime"), as water right No. 29-02305B via Transfer No. 3959.

These affidavits disclaim any interest in an earlier priority decreed surface water right (No. 29-00483) which, on its face, purports to serve the same lands as those served by No. 29-02305B prior to its transfer to Chemical Lime. Chemical Lime has obtained these affidavits, and submits them herewith, in order to document that the water right represented by No. 29-02305B was the principal and sole source of water supply for the Holbrook lands to which it was appurtenant prior to its transfer.

Sincerely,


Christopher H. Meyer

Mr. Carter Fritschle
November 8, 1995
Page 2

Enclosures: Affidavits of Mr. and Mrs. Holbrook dated October 26, 1995

cc: Todd C. and Julie L. Holbrook
Patricia LaRue, Chemical Lime Company
Clyde G. Nelson, Nelson Law Office
Dennis R. Nelson, Rural Economic and Community Development Service
Edwin S. Schasteen, Chemical Lime Company

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NOV 13 1995



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: April 18, 1995

LEGAL DESCRIPTION OF PROPERTY: Township 8S Range 40E
Section 7, NW 1/4 of NW 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: 29-02305B (Transfer No. 3959)
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Todd C. Holbrook and Julie L. Holbrook
1477 Tenmile Pass Road
Bancroft, Idaho 83217 Tel: 208-648-7851
- ☐ New Owner/Claimant (Purchaser): Chemical Lime Company
- ☐ New Mailing Address: P.O. Box 121874
Ft. Worth, Texas 76121-1874
- ☐ New Telephone Number: (817) 732 - 8164
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Water formerly appurtenant to that 40 acre parcel located in
NW 1/4 NW 1/4 of Sec. 7, Township 8 South, Range 40 East
Boise Meridian. Transfer No. 3959.
- ☐ Attach proof of ownership, describe proof attached: Water Right Warranty Deed and Assignment
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐	Signature of New Owner/Claimant(s)	<u>Edwin S. Schasteen</u>	Date <u>10/26/95</u>
☐	Signature of Former Owner/Claimant(s):	N/A <u>Todd Holbrook</u>	Date <u>10/26/95</u>
		N/A <u>Julie Holbrook</u>	Date <u>10/26/95</u>

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry

11-29-95 Date: 11-29-95 By: [Signature]
Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

NOV 13 1995

WATER RIGHT WARRANTY DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Todd C. Holbrook and Julie L. Holbrook, husband and wife, ("Grantors") do hereby grant, bargain, sell, and convey unto Chemical Lime Company, an Arizona corporation ("Grantee"), the following described water right, to wit: that certain water right to the use of ground water, represented by Water Right License No. 29-02305B issued on or about October 7, 1992 to Grantee by the State of Idaho, Idaho Department of Water Resources, by way of Transfer No. 3959 with a priority date of or about June 18, 1951, pursuant to a lease of said water right from Grantors to Grantee. Grantors represent and warrant that there are no defects known to them in said water right and that they or their predecessors in interest have diverted and used continuously, beneficially and without waste the water associated with said water right since its inception and until the time of said lease and said Transfer No. 3959 on or about October 7, 1992. In addition, Grantors hereby convey, transfer and assign to Grantee that portion of Grantors' Notice of Claim No. A29-02305, filed in the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, Case No. 39576, which portion corresponds to said Water Right License No. 29-02305B. Grantors shall cease to use or divert the water which is the subject of this conveyance for the irrigation of that forty acre parcel located in NW¼, NW¼ of section 7, Township 8 South, Range 40 East, Boise Meridian, or for any other purpose, and shall not irrigate said parcel at all, unless it is irrigated with another water right which the Department subsequently determines Grantors may exercise without conflict with, interference with, or diminution of the water right conveyed by this deed to Grantee.

IN WITNESS WHEREOF, the undersigned have caused their names to be hereunto subscribed this 18 day of April, 1995.

GRANTORS

STATE OF IDAHO } ss. **150818**
County of Caribou }

I hereby certify that this instrument was filed at the request
of Charles Nelson
at 11:40 o'clock A m this 21st day of
September, 1995 in my office and duly

recorded in Microfilm Records
Recorder: Edie Izatt

Dennis Harshman
Deputy Recorder

Todd Holbrook
Todd C. Holbrook

Julie Holbrook
Julie L. Holbrook

EXHIBIT A
PAGE 1 OF 2

STATE OF IDAHO

150818

County of Caribou

) ss.
)

On this 18 day of April, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared Todd C. Holbrook and Julie L. Holbrook, husband and wife, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they 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.



Clyde G. Helson
Notary Public for Idaho

Residing at Soda Springs

My commission expires 9/5/98

EXHIBIT A
PAGE 2 OF 2

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant Chemstar Lime Company Phone 602-955-5711Post Office address 2800 N. 44th Street, Suite 400, Phoenix, AZ 85008

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To make water available for Chemstar Lime's mine and plant near Bancroft, Idaho.

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

1. Right Number G-22216 ^{29-2305 B *} Priority 6/18/51 Amount ~~0.12~~ cfs ^{0.43 *} Nature of Use Mining, mineral processing, Industrial, domestic, fire protection and environmental Period of Use 1/1 to 12/31
2. Total amount of water being transferred ~~0.12~~ * cubic feet per second and/or 87 acre-feet per annum.
3. Source of water groundwater ^{0.43} tributary to N/A (but within the Portneuf River Basin)
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	SW	3	~~8S~~	40E	Caribou	Tenmile Plant Well
					8S *			

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	
7S	40E	34				X	X	X	X	X	X	X	X	X	X	X	X	X	N/A
7S	40E	35							X			X	X						N/A
8S	40E	3	X	X			X	X	X+2 *	X									N/A
8S	40E	4				W													N/A

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JUL 21 1992

OCT 23 1992

NOV 13 1992

PART 1**6. General Information:**

- a. Description of diversion system Well approximately 500 feet deep with 483 feet of steel casing and a 15 horsepower pump. Water from the well is piped to the Chemstar facility.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? 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:
The 296 acres of crop land currently under irrigation will be reduced by 34.8 acres to provide the necessary 87 acre feet of water required by the Chemstar mine and plant assuming 2.5 acre feet of water is necessary per acre of irrigated crop.
- d. Remarks:

See attachment A.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-02305B

And said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

OCT 23 1992

Witness my hand this 7th day of October, 19 92.

J. Glen Saylor
CHIEF, WATER ALLOC. BUREAU

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. G-22216/29-2305 * issued by the Idaho Department of Water Resources.
- c. Claim No. _____ 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 Ground water tributary to N/A (but within the Portneuf River basin)

4. Date or priority June 18, 1951

5. Water is used for the following purpose:

amount 740 acre feet* for irrigation purposes from 4/1 to 11/1
(cfs/ac-ft) 3.44 for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 3.44 cubic feet per second and/or 740 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	SW	6	8S	40E	Caribou	

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	
8S	40E	6						40	40										80
8S	40E	7						40											40
8S	39E	1				40								40				40	120
8S	39E	12	40			40													80

Total acres 320

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

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

NO If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 87 ac-ft for irrigation purposes from 4/1 to 11/1 *
(cfs/ac-ft) amount 0.43 * for purposes from to
(cfs/ac-ft) amount for purposes from to
(cfs/ac-ft) amount for purposes from to

2. Point(s) of Diversion: PART B

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	SW	6	85	40E	Caribou	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
85	40E	7						40											40

Total acres 40

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

1. amount 3.01 * for irrigation purposes from 4/1 to 11/1
(cfs/ac-ft) amount for purposes from to
(cfs/ac-ft) amount for purposes from to
(cfs/ac-ft) amount for purposes from to

2. Point(s) of Diversion: PART A

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	SW	6	85	40E	Caribou	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
85	40E	6						40	40										80
85	39E	1				40								40			40		120
85	39E	12	40			40													80

Total acres 280

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

1. * New Nature of Use Amount * Hours/days/year * Period of Use
 mining, ~~mine processing, industrial~~ 87 ac-ft 0.43 24 hrs/day 1/1 to 12/31
~~domestic, fire protection & environmental~~ _____ to _____

See attached sheet

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

No return flow

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

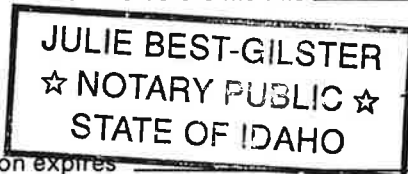
None.

* Changes made by Jim Johnson 7/13/92

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.

Subscribed and sworn to before me this 9th day of July, 1992
Geoffrey C. Fereday
 (Signature of Applicant) Applicant's Attorney-in-Fact



Julie Best-Gilster
 (Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Jim Date 7-13-92 Protest filed by _____Prelim. check by G.S. Fee 50.00 #C024930-20⁰⁰Receipted by Lyndy S. Curtis Date 7/15/92 #C024932-30⁰⁰Published in Caribou County Sun Copies of protest forwarded by _____Pub. dates 7-16 & 23-92 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____

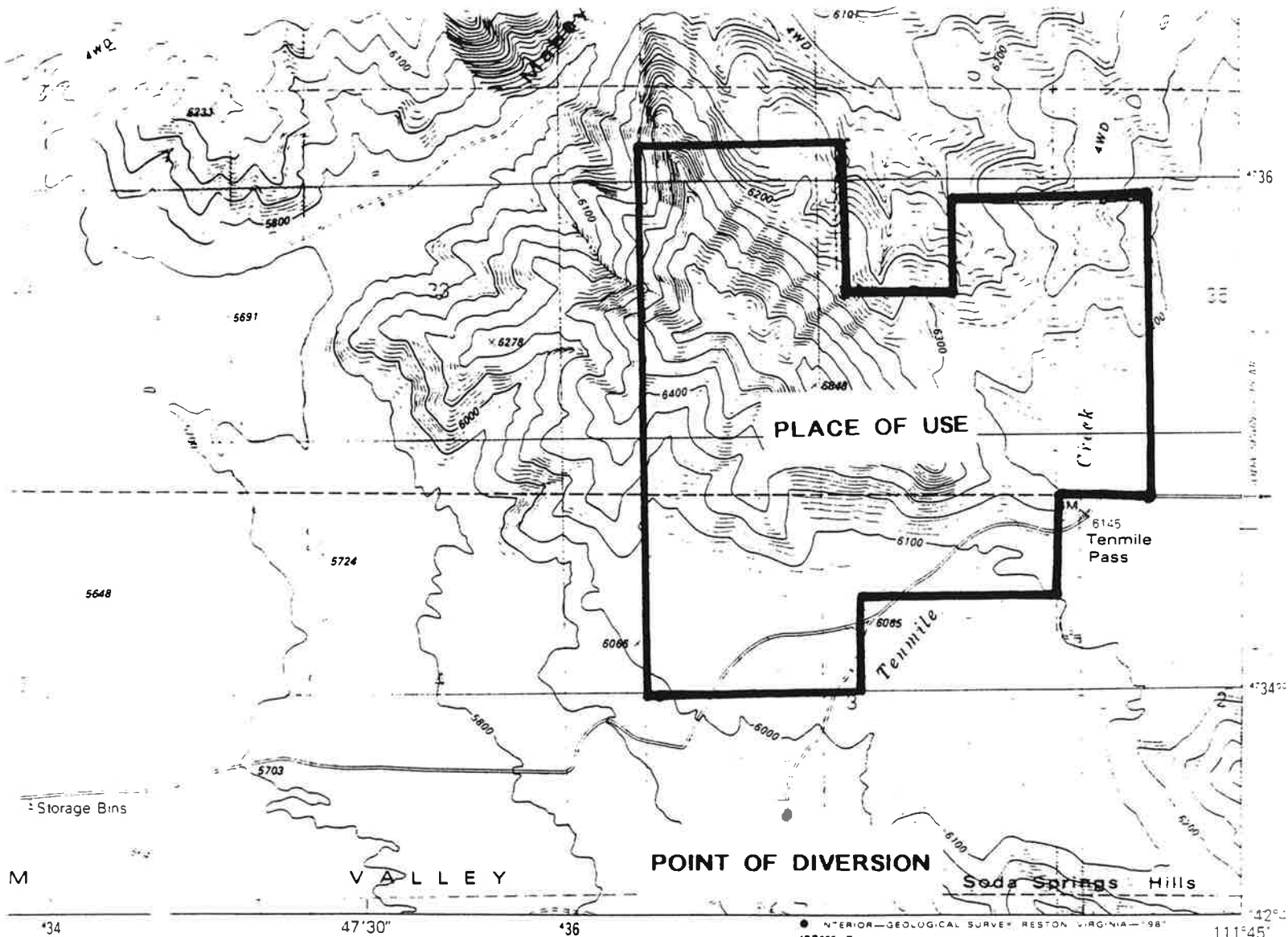
Copy of transfer sent to lien holder _____

OCT 23 1992

NOV 13 1992

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.**



Storage Bins

M

VALLEY

POINT OF DIVERSION

Soda Springs Hills

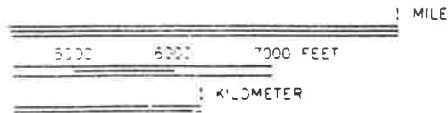
34

47°30'

36

370000E

42°



ET
 10 FEET
 1 OF 1929

OCT 23 1992
 IDAHO

QUADRANGLE LOCATION

ROAD CLASSIFICATION

Primary highway hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road
Interstate Route	U. S. Route
	State Route

HATCH, IDAHO

SE 4 PORTNEUF 13 QUADRANGLE
 N4245-W11145.7 5

1981

CONDITIONS OF APPROVAL
Transfer of Water Rights
No. 29-02305B

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. 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.
3. Approval of this transfer expires upon the expiration of the lease agreement on April 15, 1995. If the lease is extended, the transfer will remain in effect throughout the extension period. A new application for transfer must be filed before water can be returned to the original point of diversion and place of use.

Dated this 7th day of October, 1992.

J. Glen Saylor
for Chief, Water Alloc. Bureau

RECEIVED

OCT 23 1992

NOV 13 1992

ATTACHMENT A

This application proposes to dry up 34.8 acres in order to deliver 87 acre-feet of consumptive use for the Tenmile plant. This calculation assumes 2.5 acre-feet of c.u. per irrigated acre. However, as indicated in Part 2.B.3 of the application, applicant actually proposes to dry up 40 acres of land because it is infeasible to operate Holbrook's sprinklers on the remaining 5.2 acres on the tract. Thus, the actual c.u. being accounted for in this application is 100 acre-feet.

More importantly, because the 1992 irrigation season is approximately one-half gone, the applicant recognizes that irrigation already has occurred at the original place of use under the Holbrook right and that drying up 40 acres now presumably would account for only about 50 acre-feet of c.u. Accordingly, for this irrigation season only, the applicant has secured from Mr. Holbrook another portion of his water right, sufficient to irrigate another 40 acres of land, which also will not be diverted for the remainder of this irrigation season. This additional 40 acres is the SE quarter of the NE quarter of section 12, T.8S, R.39 E. Thus, the applicant has accounted for approximately 100 acre-feet of consumptive use that applicant is entitled to use by virtue of its lease arrangement with Mr. Holbrook.

For the 1993 water year and thereafter, this transfer would involve only the dry-up of the 40 acres specified in the application.

Applicant of course recognizes that this transfer involves a change in time of use—an irrigation season right is being diverted at a lower rate on a year-round basis to deliver the same (actually a smaller) amount of consumptive use. Applicant believes that this plan will have no adverse impacts on the aquifer in the Portneuf drainage, and actually may involve less of an impact than the exercise of the right before the change.

RECEIVED

NOV 13 1990

OCT 23 1992

07-09-92 02:43PM FROM GIVENS PURSLEY

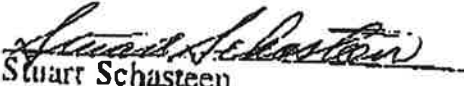
TO 16487387

P002/002

LIMITED POWER OF ATTORNEY

Chemstar Lime Company ("Chemstar"), a ^{ARIZONA} corporation, by and through Stuart Schasteen, Chemstar's duly authorized agent and manager of Chemstar's Tenmile Plant near Bancroft, Idaho, hereby designates and appoints Jeffrey C. Pereday and Christopher H. Meyer of the Boise, Idaho law firm of Givens, Pursley, Webb & Hundley as its attorneys-in-fact for the purpose of executing, on Chemstar's behalf, all documents necessary to complete and file with the Idaho Department of Water Resources any application or petition to transfer or change any water rights for use at or pertaining to the operation of the Tenmile Plant. The signature of either Mr. Pereday or Mr. Meyer for this purpose shall be deemed to be that of Chemstar itself.

Dated this 9th day of July, 1992.


Stuart Schasteen

RECEIVED

OCT 8 1992

NOV 13 1992

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOTICE is hereby given that Chemstar Lime Co. has applied to the department to change a portion of the following described water right pursuant to Section 42-222 of the Idaho Code.

WATER RIGHT AS RECORDED

Water Right No. 29-02305

Priority: 06/18/1951

Source: Groundwater

Amount of Water: 3.44 cfs

Use: Irrigation

Point of Diversion: NWSW, Sec.

6, T8S, R40E, Caribou County

Place of Use: W1/2 NW1/4, Sec.

6, NWNW, Sec. 7, T8S, R40E,

SENE, E1/2 SE1/4, Sec. 1, E1/2

NE1/4, Sec. 12, T8S, R39E

PORTION OF RIGHT TO BE CHANGED

Amount of Water: .43 cfs

Use: Mining

Point of Diversion: NESW, Sec.

3, T8S, R40E, Caribou County

Place of Use: SENE, W1/2,

SE1/4, Sec. 34, SWNW, W1/2

SW1/4, Sec. 35, T7S, R40E, N1/2

NE1/4, NW1/4, Sec. 3, SENE, Sec.

4, T8S, R40E

Any protest to the proposed change of water right application must be filed with the Idaho Department of Water Resources, Eastern Region, 150 Shoup Ave., Idaho Falls, ID 83402, on or before August 3, 1992.

(s) R. Keith Higginson
Director

Published July 16 and 23, 1992
in the Caribou County Sun.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

16th day of
July, 1992

The date of the last publication

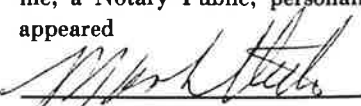
being the 23rd day of

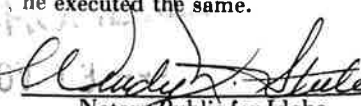
July, 1992

On this 31st day of July

in the year of 1992 before

me, a Notary Public, personally
appeared


known or identified to me to be the
person whose name subscribed to
the within instrument, and being
by me first duly sworn, declared
that the statements therein are
true, and acknowledged to me that
he executed the same.


Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 1994

3 1992

MAY 4 2001

RECEIVED

DEC 28 1995

Department of Water Resources
Eastern District Office

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: A29-02305B
Date Received: 1/16/1990
Receipt No: M005524
Received By:

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CHEMICAL LIME COMPANY ✓
Address: PO BOX 121874
FT WORTH TX

817-732-8164

76121-1874

2. Date of Priority: JUN 18, 1951 ✓

3. Source: GROUNDWATER ✓

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S ✓	40E ✓	3 ✓		NE	SW		CARIBOU

5. Description of diverting works:
WELL WITH 150 HP. MOTOR BOWLS SET AT 180' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING ✓	01/01 ✓	12/31 ✓	0.430 ✓		87.00 ✓

7. Total Quantity Appropriated is:
0.430 C.F.S. (and/or) 87.00 A.F.A.

8. Total consumptive use is 87.0 Acre Feet Per Annum.

9. Non-irrigation uses:
MINING LIME PROCESSING PLANT

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	40E	34		SE	NE	MINING	
				NE	NW	MINING	
				NW	NW	MINING	
				SW	NW	MINING	

A2902305B



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres			
07S	40E	34	SE		NW		MINING				
			NE		SW		MINING				
			NW		SW		MINING				
			SW		SW		MINING				
			SE		SW		MINING				
			NE		SE		MINING				
			NW		SE		MINING				
			SW		SE		MINING				
			SE		SE		MINING				
			SW		NW		MINING				
			NW		SW		MINING				
			SW		SW		MINING				
			08S	40E	3	NE		NE		MINING	
						NW		NE		MINING	
NE		NW					MINING				
NW		NW					MINING				
SW		NW					MINING				
SE		NW					MINING				
4	SE					NE		MINING			

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE ✓

Water Right Number: 22216

MICROFILMED
NOV 13 1990

AJ5809NP
No. A29-02305B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/28/00
PAGE: 8

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHEMICAL LIME COMPANY OF ARIZONA PO BOX 121874 FT WORTH TX 761211874 (817) 732-8164	06/18/1951	MINING	01-01 12-31	0.430 CFS	87.00 AFA
TOTAL DIVERSION:					0.430 CFS	87.00 AFA
CONSUMPTIVE USE:						87.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T08S R40E S03

NESW

CARIBOU County

Place of use Legal Description for: MINING

				NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:				
07S	40E	34	:					M	:	M	M	M	M	:	M	M	M	M	:	M	M	M	M	:
07S	40E	35	:						:			M		:		M	M			:				:
08S	40E	3	:		M		M		:	M	M	M	M	:						:				:
08S	40E	4	:					M	:					:						:				:

POU County: CARIBOU

Non-Irrigation Uses: MINING LIME PROCESSING PLANT

Other Rights: NONE

Remarks: GEN ADDED 'OF ARIZONA' TO COMPANY NAME AS DIRECTED BY THEIR ATTORNEY,
PATRICIA LA RUE IN HER 12/05/95 LETTER 02/20/96 SS.

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

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

Audit: 12/01/95 CFRITSCH 02/20/96 SSHERMAN

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant Chemstar Lime Company Phone 602-955-5711Post Office address 2800 N. 44th Street, Suite 400, Phoenix, AZ 85008

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To make water available for Chemstar Lime's mine and plant near Bancroft, Idaho.

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

1. Right Number G-22216 Priority 29-23058* Amount (cfs/ac-ft) 0.12 cfs Nature of Use Mining, mineral processing, Industrial, domestic, fire protection and environmental Period of Use 1/1 to 12/31
0.43 * _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 0.12 * cubic feet per second and/or 87 acre-feet per annum.
3. Source of water groundwater 0.43 tributary to N/A (but within the Portneuf River Basin)
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	SW	3	~~8S~~	40E	Caribou	Tenmile Plant Well
					8S*			

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	
7S	40E	34				X	X	X	X	X	X	X	X	X	X	X	X	X	N/A
7S	40E	35							X			X	X						N/A
8S	40E	3	X	X			X	X	X	X									N/A
8S	40E	4				W													N/A

RECEIVED

OCT 23 1992

JUL 21 1992

PART 1**6. General Information:**

- a. Description of diversion system Well approximately 500 feet deep with 483 feet of steel casing and a 15 horsepower pump. Water from the well is piped to the Chemstar facility.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? 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:
The 296 acres of crop land currently under irrigation will be reduced by 34.8 acres to provide the necessary 87 acres feet of water required by the Chemstar mine and plant assuming 2.5 acre feet of water is necessary per acre of irrigated crop.
- d. Remarks:

See attachment A.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-02305B

And said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

OCT 23 1992

Witness my hand this

7th

day of

October

, 19 92

J. Glen Saylor
CHIEF, WATER ALLOC. BUREAU

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. G-22216/29-2305 * issued by the Idaho Department of Water Resources.
- c. Claim No. _____ 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 Ground water tributary to N/A (but within the Portneuf River basin)

4. Date or priority June 18, 1951

5. Water is used for the following purpose:

amount 740 acre feet * for irrigation purposes from 4/1 to 11/1
(cfs/ac-ft) 3.44 / 740 AFE for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____

6. Total amount of water under right 3.44 cubic feet per second and/or 740 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	SW	6	8S	40E	Caribou	

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	
8S	40E	6						40	40										80
8S	40E	7						40											40
8S	39E	1				40								40				40	120
8S	39E	12	40			40													80

Total acres 320

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

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

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 87 ac-ft for irrigation purposes from 4/1 to 11/1 *
- (cfs/ac-ft) amount 0.43 * for _____ purposes from _____ to _____
- (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
- (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: PART B

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	SW	6	85	40E	Caribou	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
85	40E	7						40											40

Total acres 40

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

1. amount 3.01/105* for irrigation purposes from 4/1 to 11/1
- (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
- (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
- (cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: PART A

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	SW	6	85	40E	Caribou	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
85	40E	6						40	40										80
85	39E	1				40									40			40	120
85	39E	12	40			40													80

Total acres 280

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

1. New Nature of Use Amount Hours/days/year Period of Use
 * ining, mine processing, industrial 87 ac-ft 0.43 24 hrs/day 1/1 to 12/31
domestic, fire protection & environmental See attached sheet to _____

2. Quantity and quality of return flows and location of discharge:
No return flow

3. Describe effects on other water uses resulting from the proposed change:
None.

* Changes made by Jim Johnson 7/13/92

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.

Jeffrey C. Freeday
 (Signature of Applicant) Applicant's Attorney-in-Fact
 Subscribed and sworn to before me this 9th day of July, 19 92

JULIE BEST-GILSTER
 ☆ NOTARY PUBLIC ☆
 STATE OF IDAHO

My commission expires 4-20-95

(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Jim Date 7-13-92 Protest filed by _____

Prelim. check by G.S. Fee 50.00 #C024930-20⁰⁰

Receipted by Jeffrey C. Freeday Date 7/15/92 #C024932-30⁰⁰

Published in Caribou County Sun Copies of protest forwarded by _____

Pub. dates 7-16 & 23-92 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

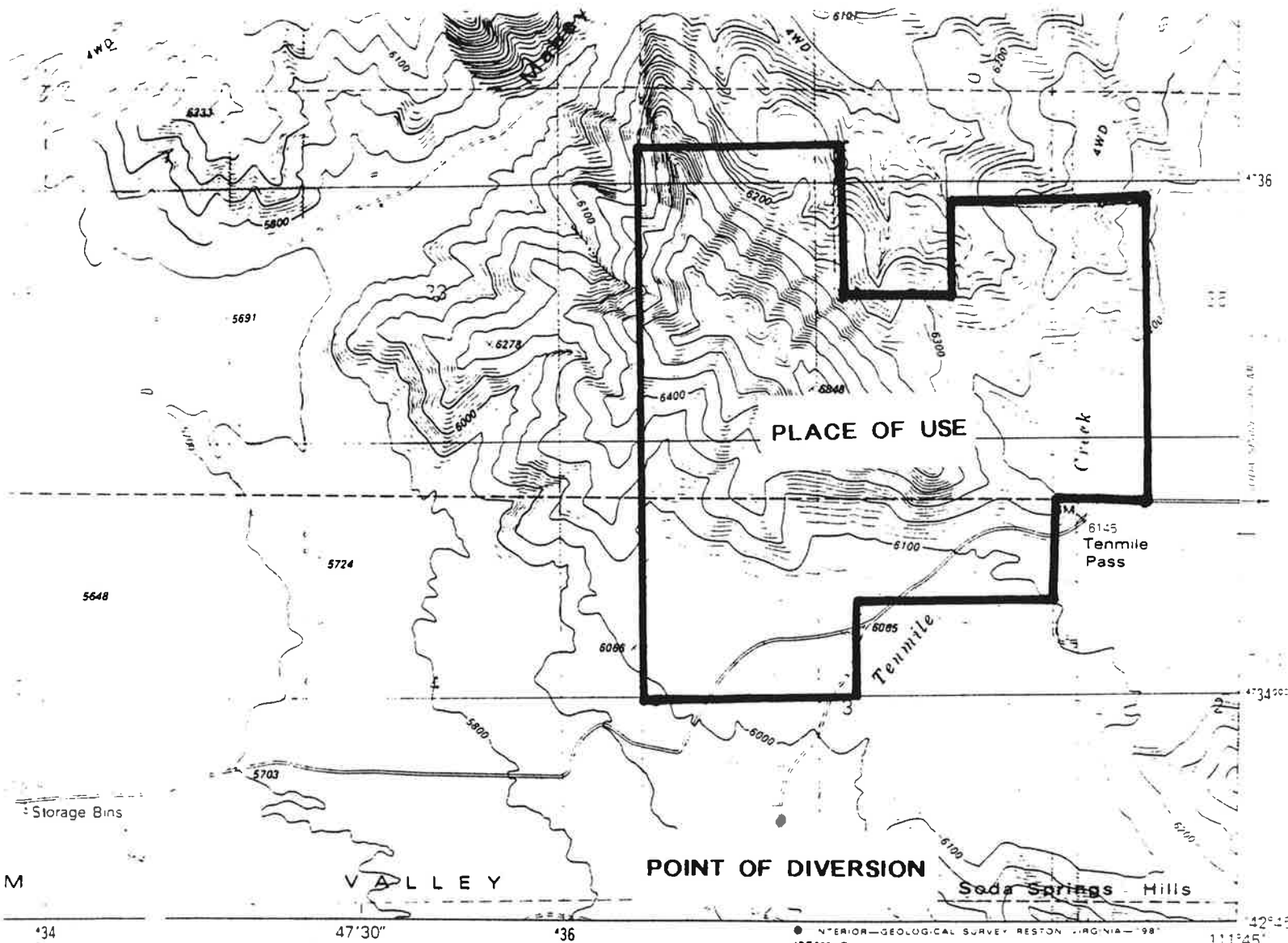
_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

OCT 23 1992

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.



ROAD CLASSIFICATION

Primary highway hard surface	Light-duty road hard or improved surface
Secondary highway hard surface	Unimproved road
Interstate Route	U S Route
	State Route



HATCH, IDAHO

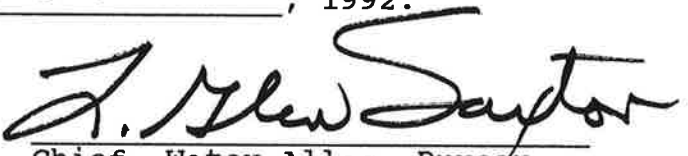
SE 4 PORTNEUF 15 QUADRANGLE
N4245-W11145.7 S

1981

CONDITIONS OF APPROVAL
Transfer of Water Rights
No. 29-02305B

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. 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.
3. Approval of this transfer expires upon the expiration of the lease agreement on April 15, 1995. If the lease is extended, the transfer will remain in effect throughout the extension period. A new application for transfer must be filed before water can be returned to the original point of diversion and place of use.

Dated this 7th day of October, 1992.


for Chief, Water Alloc. Bureau

RECEIVED
OCT 23 1992

ATTACHMENT A

This application proposes to dry up 34.8 acres in order to deliver 87 acre-feet of consumptive use for the Tenmile plant. This calculation assumes 2.5 acre-feet of c.u. per irrigated acre. However, as indicated in Part 2.B.3 of the application, applicant actually proposes to dry up 40 acres of land because it is infeasible to operate Holbrook's sprinklers on the remaining 5.2 acres on the tract. Thus, the actual c.u. being accounted for in this application is 100 acre-feet.

More importantly, because the 1992 irrigation season is approximately one-half gone, the applicant recognizes that irrigation already has occurred at the original place of use under the Holbrook right and that drying up 40 acres now presumably would account for only about 50 acre-feet of c.u. Accordingly, for this irrigation season only, the applicant has secured from Mr. Holbrook another portion of his water right, sufficient to irrigate another 40 acres of land, which also will not be diverted for the remainder of this irrigation season. This additional 40 acres is the SE quarter of the NE quarter of section 12, T.8S, R.39 E. Thus, the applicant has accounted for approximately 100 acre-feet of consumptive use that applicant is entitled to use by virtue of its lease arrangement with Mr. Holbrook.

For the 1993 water year and thereafter, this transfer would involve only the dry-up of the 40 acres specified in the application.

Applicant of course recognizes that this transfer involves a change in time of use—an irrigation season right is being diverted at a lower rate on a year-round basis to deliver the same (actually a smaller) amount of consumptive use. Applicant believes that this plan will have no adverse impacts on the aquifer in the Portneuf drainage, and actually may involve less of an impact than the exercise of the right before the change.

RECEIVED

OCT 23 1992

17-09-92 02:43PM FROM GIVENS PURSLEY

TO 16487387

P002/002

LIMITED POWER OF ATTORNEY

Chemstar Lime Company ("Chemstar"), a ^{ARIZONA} corporation, by and through Stuart Schasteen, Chemstar's duly authorized agent and manager of Chemstar's Tenmile Plant near Bancroft, Idaho, hereby designates and appoints Jeffrey C. Piereday and Christopher H. Meyer of the Boise, Idaho law firm of Givens, Pursley, Webb & Hundley as its attorneys-in-fact for the purpose of executing, on Chemstar's behalf, all documents necessary to complete and file with the Idaho Department of Water Resources any application or petition to transfer or change any water rights for use at or pertaining to the operation of the Tenmile Plant. The signature of either Mr. Piereday or Mr. Meyer for this purpose shall be deemed to be that of Chemstar itself.

Dated this 9th day of July, 1992.


Stuart Schasteen

RECEIVED
JUL 13 1992

JUL 13 1992

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. C-22216

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant J. W. Creer
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the (Lot 6) NW 1/4 SW 1/4 of Section 6
T. 8 S. R. 40 E. B.M. County of Caribou
4. Describe works as they exist, giving dimensions and capacities of same: Well drilled 205' x 10"
Static Water Level 187' - Pump: Layne & Bowler #78068 - Col. 203 x 10" - Lift 190-192 feet
Motor G.E. 2 H.T. 6.948.624 - 17150 V 440 Amp 177 RPM 1775
Meter Locked up
Sprinkler System - Main 1500' of 10", 4000' of 8", 1100' of 6" - Nozzles - drilled & worn
to 1/4" a few smaller - 4 laterals with 33 sprinklers each.
5. Water is used for: Irrigation
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):
Lots 5 and 6 of Sec. 6., Lot 1 of Sec. 7., Twp. 8 S., Rge. 40 E., B.M. and
SE 1/4 NE 1/4, NW 1/4 SE 1/4, NE 1/4 SE 1/4 of Sec. 1., NE 1/4 NE 1/4, SE 1/4 NE 1/4 of Sec. 12., Twp. 8 S., Rge. 39 E., B.M.

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

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

Remarks:

Mr. Creer was present during engineers examination

This examination was made on the 19th day of August, 1957.

(Signed)

James H. Hark

Examiner.

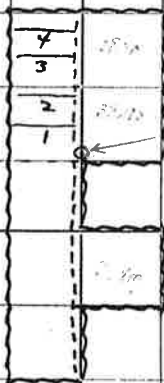
C-22216

R-39E.

R-40E.

T.
8
S.

1/2 BANKCROFT



Subdivisions = 8

Area = 320 a.

Q = 3.41 cfs.

187 ft Demand
203 Setting
190-192' Lift

Land Subdivisions 8

Irrigated Area 320 acres

Quantity of water 172 Miners inches
As calculated from nozzle pressures

Nozzles 1/2 - 3/4 line

Line Number	E. Side #10"	W. Side #10"	A.V. #10"	gpm per Nozzle	gpm per Line
1	48	34	41	12.25	404
2	45	32	38 1/2	11.90	393
3	41	30	35 1/2	11.07	365
4	41	33	37	11.70	386
at Pump			56 1/2	Total	1548 gpm

= 172 Miners inches
= 3.55 c.f.s.

$$187 = \frac{192 + (56 \times 2.31 \times 62.5)}{5.50 \times 0.70} \text{ c.f.s.}$$

$$\text{c.f.s.} = 3.6$$

22216

State of Idaho

License and Certificate of Water Right

Water License No. G-22216

Amount 3.44 c.f.s.

Water District No.

Priority June 18, 1951

THIS IS TO CERTIFY that J. W. CREER

of Bancroft, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 18, 1951; that Permit No. G-22216 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.44 second feet, was issued thereunder on January 2, 1958, showing that said works were completed on the 12th day of April, 1955; and that on the 12th day of April, 1955, J. W. CREER

of Bancroft, 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, a tributary of subterranean, for the purpose of Irrigation, under Use Permit No. G-22216 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 10 of Licenses at page 6243, on the 2nd day of January, 1958; The right hereby confirmed dates from June 18, 1951;

The Point of Diversion is located in the NW 1/4 SW 1/4, Sec. 6, Tp. 8 S., R. 40 E., B. M. County Caribou

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 3.44 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S.	40 E.	6	SW 1/4 NW 1/4	--	40
			NW 1/4 SW 1/4	--	40
			NW 1/4 NE 1/4	--	40
	39 E.	1	SE 1/4 NE 1/4	38	40
			NE 1/4 SE 1/4	37	40
		12	SE 1/4 SE 1/4	35	40
			NE 1/4 NE 1/4	30	40
			SE 1/4 NE 1/4	35	40
			Total number of acres irrigated - - - 320		

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

2nd day of January, 1958.

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement)
of Permit No. G-22216 Under the)
Provisions of Section 42-311 Idaho)
Code)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. G-22216 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: June 30, 1956; and,

WHEREAS, On the 5th day of October, 1956 notice to show cause why said permit should not be cancelled, under the provisions of Section 42-311, Idaho Code, was duly served on the holder of said permit; and,

WHEREAS, On the 23rd day of October, 1956 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 23rd day of October, 1956 depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. G-22216, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. G-22216 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 2nd day of January, 1958.

(SEAL)

/s/ Mark R. Kulp
State Reclamation Engineer

Permit No. G-22216
Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that J. W. GREER of Bancroft, County of Caribou, and State of Idaho, the holder of Permit No. G-22216, issued upon Application No. G-29944 bearing date of priority of June 18, 1951, authorizing the diversion of 5. second feet of the waters of subterranean flow from a well County of Caribou, State of Idaho, for Irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.44 second feet of the waters of subterranean flow from a well that the point of diversion of said waters NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, Township 8 South, Range 40 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 320 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, Township 8 South, Range 40 East, B.M. and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1, and E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 12, Township 8 South, Range 39 East, B.M. Proof of Completion of Works made: April 12, 1955.

Witness my hand this 2nd day of January, A.D. 1958

/s/ Mark R. Kulp
State Reclamation Engineer

Proof of Completion of Works made: April 12, 1955
Certificate of Completion of Works issued: January 2, 1958.

FILED UNDER FOR 3.44 SEC. 11.
Page 6243

APPLICATION FOR PERMIT 29-2305

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 29944
Permit No. G- 22216
District No.

1. Name of Applicant: **J. W. CREEP**
Postoffice address: **Bancroft** County: **Caribou** State: **Idaho**
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second. **5** or Idaho
Miners' inches **250** or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: **Subterranean from a well**
or Lot 6
4. Location of point of diversion or well is in the **NW** $\frac{1}{4}$ of the **SW** $\frac{1}{4}$ of Section **6**
Twp. **8 S.**, Rge. **40 E.**, B.M., County of **Caribou**
5. Water is to be used for: **Irrigation**
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: **Well, pump and motor**
8. Estimated cost of works: \$ **5,000.00**
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is **Five (5)** years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **None**
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

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

By

Agent.

Returned to applicant for correction:

Corrected application received:

The number of this permit is G-22216

Recorded in Book 79 Page 22216 Approved June 30, 1951

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before August 30, 1951

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before **December 30, 1953**

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before **June 30, 1956**

Witness my hand this 30th day of June, 1951

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho,
and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 30th
day of June, 1951

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS

By LEN JORDAN

Governor

Secretary of State.

12.

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

December 26, 1995

KARL J. DREHER
DIRECTOR

CHRISTOPHER H MEYER
GIVENS PURSLEY & HUNTLEY LTD
PO BOX 2720
BOISE ID 83701

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A29-02305B
Your File 3169-1

Dear Mr. Meyer:

I wish to apologize for the delay in responding to your letter of November 8, 1995, concerning the splitting of SRBA claim #A29-02305. Page 2 of your letter requested the Department to respond to six items related to the claim and ensuing transfer. In an effort to be concise, the answers to your questions are numbered one through six with the answer item number corresponding to the question item number in your letter.

1. The Department does not require any further documentation with respect to the name change from Chemstar Lime Company to Chemical Lime Company.
2. The Holbrook's SRBA claim for licensed ground water right #29-02305 was properly and timely filed.
3. Approved Transfer #3959 will serve as an amendment to SRBA claim #A29-02305.
4. There is no need for Chemical Lime or the Holbrooks to file a new Notice of Claim in the SRBA.
5. Chemical Lime is not obligated to pay any late filing fee for SRBA claim #A29-02305B.
6. Chemical Lime is not required to pay any additional filing fee.

RECORDED

NOV 13 1995

Christopher H. Meyer
December 26, 1995
Page Two

I have enclosed a copy of SRBA Notice of Claim #A29-02305B for Chemical Lime. Please call me if I can be of further assistance.

Sincerely,



Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

CF:ss:region
Enclosure:

Computer-generated Copy of SRBA Claim #A29-02305B

ENCLOSURE
NOV 13 1995