

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2021

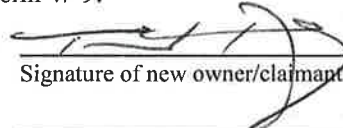
Notice of Change in Water Right Ownership

Department of Water Resources
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
27-7058 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: FMC Production LLC and Nu West Industries, Inc.
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): FMC Production LLC and P4 Production, L.L.C.
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- See Attached Exhibit A
- Mailing address _____ City _____ State _____ ZIP _____
- Telephone _____ Email _____
4. If the water rights and/or adjudication claims were split, how did the division occur?
☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: April 12, 2021
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature:  T.J. Budge, Attorney 5-3-21
 Signature of new owner/claimant Title, if applicable Date

Signature: _____ _____ _____
 Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 5/10/2021 Receipt No. E046920 Receipt Amt. \$25.-

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by JB Processed by JB Date 5/21/2021

EXHIBIT A

New Owners/Claimants:

**FMC Production LLC
PO Box 4111
Pocatello, Idaho 83205
208-236-8236**

and

**P4 Production, L.L.C.
P.O. Box 816
Soda Springs, Idaho 83276
208-547-1435
chris.leatherman@bayer.com**

E-RECORDED

simplifile

ID: 206976
County: Caribou County Idaho
Date: 4-12-2021 Time: 15:06:33pm

Recording Requested By and
When Recorded Return to:
P4 Production, LLC
1853 Highway 34
Soda Springs, Idaho 83276

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

WARRANTY DEED

THIS WARRANTY DEED, is made this 12 day of April, 2021, between Nu-West Industries, Inc., a Delaware corporation, "GRANTOR", and P4 Production, L.L.C., a Delaware limited liability company "GRANTEE", whose address is 1853 Highway 34, Soda Springs, Idaho 83276.

WITNESSETH:

FOR VALUE RECEIVED, GRANTOR has granted, conveyed, bargained and sold, and does hereby grant, bargain, sell, convey and confirm to GRANTEE and GRANTEE's successors and assigns forever, that certain real property situated in the COUNTY OF CARIBOU, STATE OF IDAHO, as more particularly described on Exhibit A attached hereto and by this reference made a part hereof).

TOGETHER with all building(s), structures, and improvements thereon, if any, water and water rights thereunto belonging or in anywise appertaining, including but not limited to State of Idaho Water Right Number 27-4063 and GRANTOR's interest in State of Idaho Water Right Number 27-7058 and the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, and the rents, issues and profits thereof (collectively the "Premises").

Subject to all 2021 and subsequent years taxes, levies and assessments, all easements of record or visible upon the Premises, all restrictions and encumbrances of record, all rights reserved in federal patents and state deeds or in acts authorizing the issuance thereof, all building and zoning regulations and ordinances of any governmental unit, any encumbrance upon the Premises caused by GRANTEE, and all encroachments, overlaps, and any other matters of record or which would be disclosed by an accurate survey or inspection of the Premises, including but not limited to those liens, encumbrances and other matters listed on Exhibit B attached hereto and by this reference made a part hereof.

Subject to those exceptions to title to which this conveyance is expressly made subject; GRANTOR covenants to GRANTEE, its successors and assigns, that GRANTOR is the owner of said Premises in fee simple and has the right and authority to convey the same to GRANTEE, and GRANTOR will warrant and defend the same from all lawful claims whatsoever.

Instrument # 206976

CARIBOU COUNTY, IDAHO

04-12-2021 15:06:33 No. of Pages: 7

Recorded for: FIRST AMERICAN TITLE CO, INC - SODA SPRINGS

Denise Horsley

Fee: \$15.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Recording Requested By and
When Recorded Return to:
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Soda Springs, Idaho 83276

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IN WITNESS WHEREOF, this WARRANTY DEED has been duly executed by GRANTOR, the day and year herein first above written.

GRANTOR:

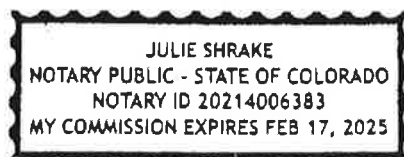
Nu-West Industries, Inc., a Delaware corporation

By: Michael Dill
Name: Michael Dillham COO
Title: VP, operations

STATE OF Colorado)
County of Larimer) ss.

On this 8 day of April, 2021, before me, Julie Shrake, a Notary Public in and for said State, personally appeared Mike Dillham, known or identified to me to be the Vice President, Operations, Phosphate of Nu-West Industries, Inc., the corporation that executed the within 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.



Julie Shrake
Notary Public
Residing at Colorado
My commission expires Feb 17, 2025

EXHIBIT A

**DESCRIPTION OF REAL PROPERTY
LOCATED IN CARIBOU COUNTY, IDAHO**

A parcel of land located in Sections 8, 9, 16, and 17 of Township 8 South, Range 44 East, Boise Meridian, Caribou County, Idaho and more particularly described as follows:

Beginning at the Northwest corner of said Section 9, from which the North quarter corner of Section 9 bears North 89° 17' 40" East 2647.02 feet;

Thence along the boundary, and its extension, of the parcel of land described as Parcel 1 in Instrument # 170566 in the official records of Caribou County the following 2 courses;

Thence North 89° 17' 40" East 201.35 feet (North 89° 50' 43" East 201.50 feet by record) along the North line of said Section 9 to a found 5/8" rebar with cap labeled, "PLS 4735";

Thence South 09° 25' 29" East 1337.50 feet (South 08° 52' 14" East by record) to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 13173", set on the South line of the North half of the Northwest quarter (N1/2NW1/4) of said Section 9;

Thence North 89° 17' 18" East 2239.87 feet along the said South line of the 1 N1/2NW1/4 to a 5/8" rebar with cap set at the Southeast corner thereof

Thence South 00° 34' 25" East 1321.80 feet along the meridional centerline of said Section 9 to a found aluminum monument labeled, "PLS 4735", set at the Center of Section 9;

Thence North 89° 16' 45" East 2116.01 feet along the latitudinal centerline of said Section 9 to a 5/8" rebar with cap set on the West right of way line of Dry Valley Road, which right of way line is described in Instrument # 178619 in the official records of Caribou County;

Thence along the said West right of way line of Dry Valley Road the following 12 courses:

Thence South 29° 39' 34" East 353.68 feet to a 5/8" rebar with cap;

Thence South 29° 07' 51" East 255.46 feet to a 5/8" rebar with cap;

Thence South 25° 33' 07" East 182.94 feet to a 5/8" rebar with cap set at the beginning of a 557.29 feet radius tangent right of way curve concave to the Southwest;

Thence Southeasterly along the said right of way curve through a central angle of 31° 44' 41" a distance of 308.76 feet (chord = South 09° 40' 47" East 304.83 feet);

Thence South 06° 11' 34" West 138.62 feet to a 5/8" rebar with cap; Thence South 09° 27' 10" West 167.41 feet to a 5/8" rebar with cap set at the beginning of a 1015.00 feet radius tangent right of way curve concave to the Southeast;

Thence Southwesterly along the said right of way curve through a central angle of $03^{\circ} 57' 29''$ a distance of 70.12 feet (chord = South $07^{\circ} 28' 25''$ West 70.10 feet);

Thence South $05^{\circ} 29' 41''$ West 399.01 feet to a 5/8" rebar with cap;

Thence South $04^{\circ} 28' 46''$ West 328.29 feet to a 5/8" rebar with cap;

Thence South $01^{\circ} 54' 15''$ West 195.07 feet to a 5/8" rebar with cap set at the beginning of a 718.81 feet radius tangent right of way curve concave to the Northeast;

Thence Southeasterly along the said right of way curve through a central angle of $38^{\circ} 33' 45''$ a distance of 483.79 feet (chord = South $17^{\circ} 22' 38''$ East 474.71 feet);

Thence South $36^{\circ} 39' 31''$ East 183.87 feet to a 5/8" rebar with cap set on the East line of said Section 16;

Thence continuing along the boundary, and its extension, of said Parcel 1 described in Instrument # 170566 in the official records of Caribou County the following 17 courses:

Thence South $00^{\circ} 34' 59''$ East 2387.79 feet (South $00^{\circ} 02' 02''$ East by record) along the said East line of Section 16 to a found brass cap monument set at the East quarter corner thereof;

Thence South $00^{\circ} 34' 37''$ East 2640.38 feet (South $00^{\circ} 02' 02''$ East 2640.74 feet by record) along the said East line of Section 16 to a found 5/8" rebar with cap labeled, "PLS 13173", set at the Southeast corner thereof;

Thence South $89^{\circ} 13' 33''$ West 1321.18 feet (South $89^{\circ} 47' 07''$ West 1321.77 feet by record) along the South line of said Section 16 to a found 5/8" rebar with cap labeled, "PLS 4735", set at the East 1/16th corner on the South line thereof;

Thence North $00^{\circ} 36' 05''$ West 2641.93 feet (North $00^{\circ} 02' 45''$ West 2642.10 feet by record) to a found 5/8" rebar with cap labeled, "PLS 4735", set at the center East 1/16th corner of said Section 16;

Thence North $00^{\circ} 35' 52''$ West 2638.09 feet (North $00^{\circ} 02' 45''$ West 2638.05 feet by record) to a found 5/8" rebar with cap labeled, "PLS 4735" set at the East 1/16th corner on the North line of said Section 16;

Thence South $89^{\circ} 20' 02''$ West 1322.90 feet (South $89^{\circ} 53' 03''$ West 1322.87 feet by record) along the North line of said Section 16 to a found brass cap monument set at the North quarter corner thereof;

Thence South $89^{\circ} 19' 55''$ West 2640.70 feet (South $89^{\circ} 53' 03''$ West 2640.56 feet by record) along the said North line of Section 16 to a found brass cap monument set at the Northwest corner thereof;

Thence South 00° 41' 02" East 1320.43 feet (South 00° 07' 09" East 1320.40 feet by record) along the East line of said Section 17 to a found 5/8" rebar with cap labeled, "PLS 4735", set at the North 1/16th corner on the East line thereof;

Thence South 88° 52' 05" West 1312.84 feet (South 89° 47' 09" West 1320.81 feet by record) to a found 5/8" rebar with cap labeled, "PLS 4735", set at the Northeast 1/16th corner of said Section 17;

Thence North 01° 00' 25" West 1328.02 feet (North 00° 06' 07" West 1319.63 feet by record) to a found 5/8" rebar with cap labeled, "PLS 4735", set at the East 1/16th corner on the North line of said Section 17;

Thence South 89° 12' 33" West 1320.57 feet (South 89° 45' 09" West 1320.42 feet by record) along the said North line of Section 17 to a found brass cap monument set at the North quarter corner thereof;

Thence North 00° 39' 55" West 1321.21 feet along the North to South centerline of said Section 8 to a found aluminum monument labeled, "PLS 4735", set at the center South 1/16th corner thereof;

Thence North 00° 38' 30" West 1321.83 feet along the said North to South centerline to a found aluminum monument labeled, "PLS 4735", set at the Center of Section 8;

Thence North 00° 38' 49" West 1320.65 feet (North 00° 06' 04" West 1320.78 feet by record) along the said North to South centerline of Section 8 to a found 5/8" rebar with cap labeled, "PLS 4735", set at the center North 1/16th corner thereof;

Thence North 89° 13' 04" East 1320.92 feet (North 89° 45' 55" East 1320.39 feet by record) to a found 5/8" rebar with cap labeled, "PLS 4735", set at the Northeast 1/16th corner of said Section 8;

Thence North 00° 39' 45" West 1321.57 feet (North 00° 05' 29" West 1321.43 feet by record) to a found aluminum monument labeled, "PLS 4735", set at the East 1/16th corner on the North line of said Section 8;

Thence North 89° 11' 26" East 1320.69 feet (North 89° 44' 14" East 1320.62 feet by record) along the said North line of Section 8 to the Point of Beginning.

EXHIBIT B

DESCRIPTION OF ENCUMBRANCES

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
2. Any facts, rights, interests, or claims which are not shown by the Public Records but which could be ascertained by an inspection of said Land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the Land, and that are not shown in the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any liens, or rights to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the Public Records.
7. General taxes for the year 2021, which are liens and are not yet due and payable.
8. Reservations in United States Patent.
9. Right-of-way or easement of Dry Valley County Road.
10. Easement for a roadway granted to Western Fertilizer Association, a corporation, recorded April 1, 1952, as Instrument No. 30557.
11. Pole Line Easement granted to Utah Power & Light Company, a corporation, recorded August 20, 1965, as Instrument No. 55113.
12. Right-of-way granted to Mountain States Telephone and Telegraph Company, recorded as Instrument No. 61518.
13. Provisions in deed to FMC Corporation, a Delaware corporation, recorded May 24, 1977, as Instrument No. 91692.
14. Easement Agreement granted by Nu-West Industries, Inc., a Delaware corporation to FMC Corporation, a Delaware corporation, recorded: December 3, 1998, Instrument No. 158036.

15. Reciprocal Right of First Refusal Agreement upon the terms, conditions and provisions contained therein: Parties: Nu-West Industries, Inc., a Delaware corporation and FMC Corporation, a Delaware corporation. Recorded: December 3, 1998, Instrument No. 158038.
16. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by Record of Survey recorded March 1, 2000, as Instrument Number 161069, 161070, 161071 and 161072.
17. Waiver and Consent to Assignment and Acceptance of Agreement upon the terms, conditions and provisions contained therein: Parties: Nu-West Mining, Inc., a Delaware corporation and Nu-West Industries, Inc., a Delaware Corporation, Nu-West for the benefit of FMC Corporation, a Delaware corporation and Astaris Production LLC, a Delaware limited liability company. Recorded: March 27, 2000, Instrument No. 161092.
18. Assignment and Acceptance of Nu-West Agreement upon the terms, conditions and provisions contained therein: Parties: FMC Corporation, a Delaware corporation and Astaris Production LLC, a Delaware limited liability company. Recorded: April 13, 2000, Instrument No. 161190.
19. Covenants, conditions, restrictions and easements contained in Deed Restriction, made by Astaris Production LLC, a Delaware limited liability company recorded December 26, 2000, as Instrument No. 162725.
20. Reciprocal Access Easements, (Easement Agreement) upon the terms, conditions and provisions contained therein: Parties: Nu-West Industries, Inc., a Delaware corporation and Astaris Production LLC, a Delaware limited liability company. Recorded: March 12, 2004, Instrument No. 170577.
21. Joint Use and Grant of Easement Agreement upon the terms, conditions and provisions contained therein: Parties: Nu-West Industries, a Limited Liability Corporation and Lower Valley Energy Inc., a Cooperative Utility Corporation. Recorded: February 15, 2019, Instrument No. 202328.
22. Unrecorded leaseholds; rights of parties in possession, rights of secured parties, vendors and vendees under conditional sales contracts of personal property installed on the premises herein, and rights of tenants to remove trade fixtures.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 21, 2021

FMC PRODUCTION LLC
PO BOX 4111
POCATELLO ID 83205

P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276-0816

Re: Change in Ownership for Water Right No(s): 27-7058

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: RACINE OLSON
WATER DISTRICT 27



May 3, 2021

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402

Re: P4 Production, L.L.C., Notice of Change in Ownership of Water Right No. 27-7058

To whom it may concern:

Enclosed please find the original Notice of Change in Water Right Ownership submitted on behalf of P4 Production, L.L.C. Water right number 27-7058 has for several years been owned jointly by FMC LLC and Nu West Industries, Inc. Nu West Industries, Inc., recently sold its interest in water right no. 27-7058 to P4 Production, L.L.C, pursuant to the Warranty Deed enclosed herewith. FMC and P4 Production should continue to be listed as joint owners of this water right.

Should you have any questions please give me a call. Otherwise, please process the ownership change. A check in the amount of \$25.00 for the filing fee is enclosed herewith.

Best Regards,

A handwritten signature in dark ink, appearing to be 'T.J. Budge', written over a horizontal line.

T.J. BUDGE