

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 465

RECEIVED
NOV 12 2020
DEPT OF WATER RESOURCES

This is to certify that:

P4 PRODUCTION LLC
MONSANTO CO
C/O MINE SUPERINTENDENT
PO BOX 816
SODA SPRINGS, ID 83276

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
27-7008A	7/26/1968	BLACKFOOT RIVER	1.98	11.0	-
27-7008B	7/26/1968	SPRING	1.98	11.0	-
Combined Rental Totals			3.96	11.0	-

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2021. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2020, whichever occurs last.

Annual Rental Fee:

2020 - 2021: \$220.00 annually

The full fee for the rental of the above-described right(s) is \$220.00 per year for years 2020 - 2021. The rental fee includes an administrative fee of \$22.00 per year for years 2020 - 2021.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 465

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Chris Leatherman
Signature of Renter

12 Nov 2020
Date

Chris Leatherman
Printed Name

Mine Development
manager
Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By Brian Patton
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 12-29-20

Rental approved by IDWR Lady

Date 12-29-20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 465

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER 4SWSW Sec. 19, Twp 08S, Rge 44E, CARIBOU County

BENEFICIAL USE
INDUSTRIAL

DIVERSION RATE
3.96 CFS

VOLUME
11.0 AF

SEASON OF USE

From To
7/1 10/31

RENTERS PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	43E	12												X			X	X	X
08S	43E	13		X			X												X
08S	44E	7	X		X	X					X		X L4	X		X			X
08S	44E	8						X											X
08S	44E	18						X L1	X L1, L2										X

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

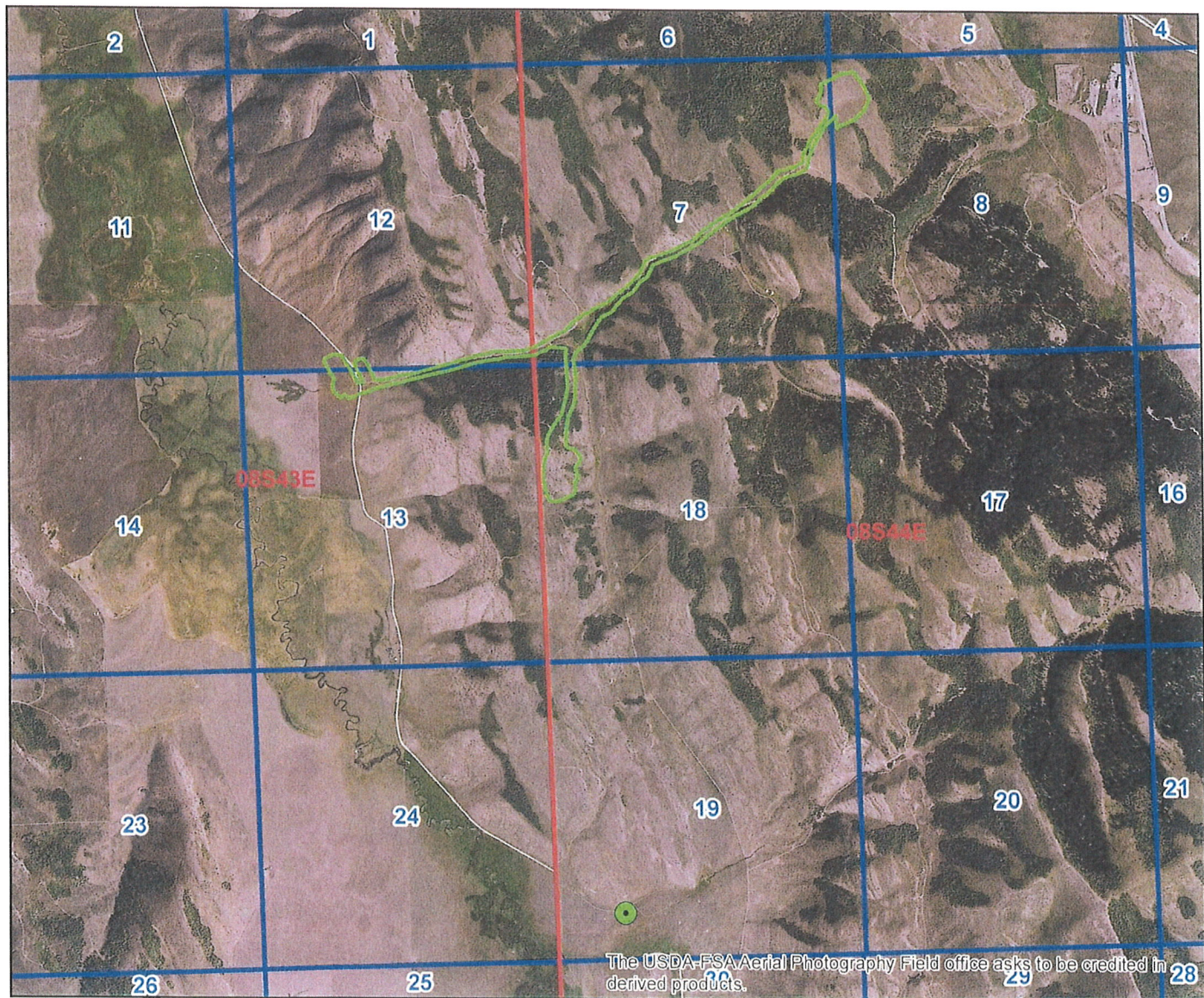
WATER SUPPLY BANK RENTAL AGREEMENT No. 465

9. Water is used for haul road dust abatement program at Wooley Valley Mine.
10. Use of water under this agreement may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 27.
11. This agreement does not grant any right-of-way or easement across the land of another.
12. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
13. The renter shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the renter uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 465

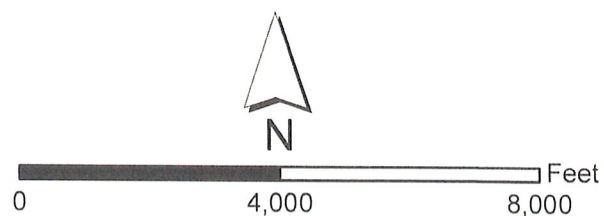
Effective until December 31, 2021

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Township/Range
- Sections



STATE OF IDAHO
WATER RESOURCE BOARD

**APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK**

RECEIVED
JUL 30 2020
DEPT OF WATER RESOURCES

Applicant Name: P4 Production, L.L.C.

Is this application being submitted with a lease application as a lease/rental package?

Yes ☐ No ☒

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- | | | |
|----|-------------------------------------|--|
| 2 | ☒ | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| 3A | ☒ | ☐ Detailed information on a proposed use of rental water |
| 3F | ☒ | ☐ Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | ☒ | ☐ Water modeling to account for the impacts of the rental request |
| 3J | ☒ | ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | ☒ | ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | ☒ | ☐ Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | ☒ | ☐ Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

27-7008A	27-4096
27-7008B	27-2124

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant P4 Production, L.L.C., c/o Chris Leatherman

Mailing Address PO Box 816 Soda Springs Idaho 83276
Street City State Zip Code

Email Address chris.leatherman@bayer.com Phone Number (208) 547-1435

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☐
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative T.J. Budge Professional Title Attorney

Organization Racine Olson Relationship to Applicant Attorney

Mailing Address P.O. Box 1391, Pocatello, Idaho 83204-1391

Email Address tj@racineolson.com Phone Number 208-232-6101

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

Industrial water use for dust suppression and other purposes at the Caldwell Canyon Mine being developed by
the Applicant.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.5 CFS	11 AF	0.1 CFS	1.0 AF	N/A AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
8/1/2020	11/1/2020	☐ 1	☒ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Groundwater will be pumped into a storage tank that will be used to fill water trucks for dust suppression at the Caldwell Canyon Mine.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
pump	groundwater	

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☒ Industrial from: 03/01 (mm/dd) to: 11/30 (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☐
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

N/A

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

None

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
27-7008A	Industrial	3.33	18.5	NA		0.5	11	NA
27-7008B	Industrial	3.33	18.5	NA				
27-4096	Irrigation	.66	NA	33				
27-2124	Irrigation	4.38	954	390				
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL			
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

N/A

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☒ No ☐

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

If irrigation rights are rented, ET Idaho Pdef data for the Soda Springs station using Grass Pasture – low management (Pdef 449 mm) requires that 7.5 acres be dried up to provide 11 AF of consumptive use.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☒ No ☐
If yes, describe:

This rental is for pre-development work at the Caldwell Canyon Mine which is in the early stages of development by P4. Once the development plan is finalized P4 will be applying for a permit or transferring water for long-term water needs at the mine.

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

DECLARATION

I hereby assert that 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 rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

Signature of Applicant

Printed Name of Applicant

Date


Signature of Representative

TJ Budge, Attorney for P4
Printed Name of Representative

07/30/2020
Date

Mail to:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

Help



Search

Map Options

Page Setup...

Print...

Save PDF...

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Directions History

Cummings Lake Dam (75-2166)

October 2014

Legend

Cumming

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance or area of a geometric shape on the ground

Perimeter: 3,132.19 Feet

Area: 8.08 Acres

☒ Mouse Navigation

Save

Clear

Cummings Lake

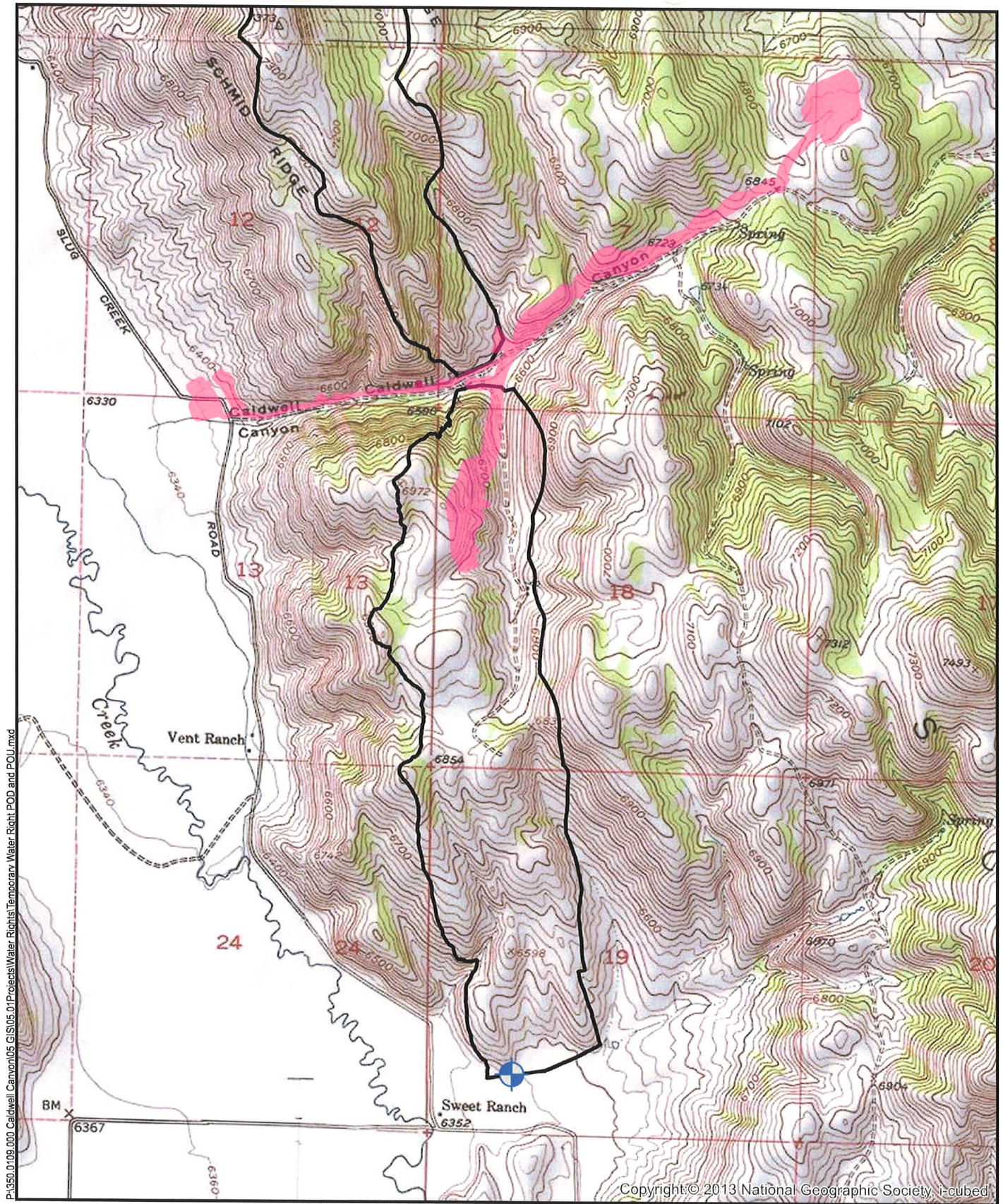
086

005

NF-448

Google Earth

1000 ft



Point of Diversion and Place of Use
Temporary Water Right
Blackfoot Bridge Mine
Caribou County, Idaho



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 29, 2020

P4 PRODUCTION LLC
MONSANTO CO
C/O MINE SUPERINTENDENT
PO BOX 816
SODA SPRINGS, ID 83276

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 27-7008A & 27-7008B, AGREEMENT 465**

Dear Renter:

Please find enclosed a receipt in the amount of \$440.00 and a copy of a fully executed Water Supply Bank Rental Agreement of 11 acre-feet of water for industrial use. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$198.00 of the rental fee will be paid to the lessor(s) and 10% or \$22.00 will be retained by the Department to offset administrative costs for rental year 2020 and 2021. .

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

Amanda Johnson Veibell

for
Water Supply Bank

Enclosures: Receipt No. C109691
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
TJ Budge

Veibell, Amanda

From: Veibell, Amanda
Sent: Tuesday, December 29, 2020 12:19 PM
To: 'TJ Budge'; Chris Leatherman
Cc: Bank; Denise Gilbert; Miller, Nick
Subject: P4 Production executed water supply bank rental
Attachments: P4 exec WSB rental.pdf

Good News,

The rental was executed this morning. Please see the attached rental agreement for your records. The original document will be mailed out tomorrow morning.

If you have any questions about the rental itself, feel free to email bank@idwr.idaho.gov and a water right agent associated with the bank will assist you further.

Have a great New Year.

Amanda Johnson-Veibell

208-287-4945

From: TJ Budge [mailto:tj@racineolson.com]
Sent: Wednesday, December 16, 2020 8:52 AM
To: Chris Leatherman <chris.leatherman@bayer.com>; Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>
Subject: RE: P4 Production Request letter

Amanda,

I'll put a check in the mail today.

T.J. Budge
RACINE OLSON
201 E. Center St. | P.O. Box 1391 | Pocatello, Idaho 83204
Office: (208) 232-6101 | Direct: (208) 478-3467 | Cell: (208) 705-0826 | www.racineolson.com

Assistant: Tessa Sparrow | Direct: (208) 478-3444 | tessa@racineolson.com

CONFIDENTIALITY NOTICE - This email and its attachments may contain information that is confidential, privileged, or otherwise protected from disclosure. If you believe this email may have been sent to you in error, please notify me immediately.

From: Chris Leatherman <chris.leatherman@bayer.com>
Sent: Wednesday, December 16, 2020 8:45 AM
To: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>
Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>
Subject: RE: P4 Production Request letter

Amanda,

TJ committed to assisting with getting the Department a replacement check. TJ and I are trying to touch base with each other on status and one of us will back with you. Thanks for your patience!

Chris

From: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>
Sent: Tuesday, December 15, 2020 2:33 PM
To: Chris Leatherman <chris.leatherman@bayer.com>
Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>
Subject: RE: P4 Production Request letter

Hi Chris.

The Department has not received the payment for the rental yet. Do you know when we could expect payment?

Thanks.

Amanda Johnson-Veibell

208-287-4945

From: Chris Leatherman [<mailto:chris.leatherman@bayer.com>]
Sent: Tuesday, December 8, 2020 11:52 AM
To: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>
Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>; Pettis, Misty <Misty.Pettis@idwr.idaho.gov>
Subject: RE: P4 Production Request letter

Amanda,

I am not sure if my response is to laugh or cry! Please send the check to 1853 Highway 34, Soda Springs, ID 83276 to my attention.

TJ – Time for Plan B. Can you assist with this rental payment as previously offered?

Chris

From: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>
Sent: Tuesday, December 08, 2020 9:54 AM
To: Chris Leatherman <chris.leatherman@bayer.com>
Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>; Pettis, Misty <Misty.Pettis@idwr.idaho.gov>
Subject: RE: P4 Production Request letter

Good Morning Chris.

I have been recently informed by staff at our Eastern Regional office that the check intended for the rental was made out to Blackfoot River Irrigation District 27 Water District 27. Water District 27 is a separate entity to the Department of

Water Resources and cannot process the check. If you could please provide us with a mailing address, we can return the check to you. Unfortunately, we will need a new check in the name of Idaho Department of Water Resources before we can execute the rental.

Thank you.

Amanda Johnson-Veibell

208-287-4945

From: Chris Leatherman [<mailto:chris.leatherman@bayer.com>]

Sent: Monday, December 7, 2020 2:03 PM

To: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>

Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>

Subject: RE: P4 Production Request letter

Great news Amanda! It would be interesting to know where the check got routed to prior to arriving . . .

Chris

From: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>

Sent: Monday, December 07, 2020 12:53 PM

To: Chris Leatherman <chris.leatherman@bayer.com>

Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>

Subject: RE: P4 Production Request letter

Good Afternoon Chris.

The payment was received today at our Eastern Regional office. I will get the agreement to the proper authority so it can be executed.

Thanks.

Amanda Johnson-Veibell

208-287-4945

From: Chris Leatherman [<mailto:chris.leatherman@bayer.com>]

Sent: Tuesday, December 1, 2020 10:20 AM

To: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>

Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>

Subject: RE: P4 Production Request letter

Thank you for your reply Amanda.

Denise – Do we have any way of tracking this payment?

Chris

From: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>

Sent: Tuesday, December 01, 2020 9:56 AM

To: Chris Leatherman <chris.leatherman@bayer.com>

Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>

Subject: RE: P4 Production Request letter

Good Morning.

As of 9:30 this morning, we have yet to receive the payment. There may have been a delay in the delivery due to the holiday last week.

I will keep my eye out on the mail and update you when it arrives.

Thanks.

Amanda Johnson-Veibell

208-287-4945

From: Chris Leatherman [<mailto:chris.leatherman@bayer.com>]

Sent: Monday, November 30, 2020 4:31 PM

To: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>

Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>

Subject: RE: P4 Production Request letter

Amanda,

Any change on the check status? I am hoping that the Department would have it by now since being mailed 10 days ago.

Chris

From: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>

Sent: Tuesday, November 24, 2020 2:50 PM

To: Chris Leatherman <chris.leatherman@bayer.com>

Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>

Subject: RE: P4 Production Request letter

Chris,

The check has not been received yet. I will keep my eye out on the mail.

Thanks.

Amanda Johnson-Veibell

208-287-4945

From: Chris Leatherman [<mailto:chris.leatherman@bayer.com>]

Sent: Tuesday, November 24, 2020 2:44 PM

To: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>

Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>
Subject: RE: P4 Production Request letter

Amanda,

Have you seen the check yet?

Chris

From: Chris Leatherman
Sent: Monday, November 23, 2020 12:19 PM
To: 'Veibell, Amanda' <Amanda.Veibell@idwr.idaho.gov>
Cc: 'TJ Budge' <tj@racineolson.com>; 'Bank' <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>
Subject: RE: P4 Production Request letter

Amanda,

Denise did some digging and learned that the check you are waiting for was mailed on November 20th. Please let us know when you have received the check.

Thank you,

Chris

From: Chris Leatherman
Sent: Friday, November 20, 2020 2:21 PM
To: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>
Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>
Subject: RE: P4 Production Request letter

Thank you Amanda. We are making alternate payment plans if the check will not be arriving soon. I appreciate your willingness to provide some more time.

Chris

From: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>
Sent: Friday, November 20, 2020 1:21 PM
To: Chris Leatherman <chris.leatherman@bayer.com>
Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>
Subject: RE: P4 Production Request letter

Chris,

With the knowledge how complicated the check process is, the Department will **not** move forward with the cancelation process. IDWR does accept credit card payments, but the payments must be made in person. We are not allowed to accept payment over the phone. I will keep an eye out on the mail for the check over the upcoming holiday week and let you know when the check is received.

Thank you.

Amanda Johnson-Veibell

208-287-4945

From: Chris Leatherman [<mailto:chris.leatherman@bayer.com>]
Sent: Friday, November 20, 2020 12:32 PM
To: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>
Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>; Denise Gilbert <denise.gilbert@bayer.com>
Subject: RE: P4 Production Request letter

Amanda,

I don't know, but will try to find out. Issuance of a check from Bayer is literally an international process, as crazy as that seems. Recently, a couple of checks for BLM involved people in Costa Rica, somewhere in Europe, and also St. Louis. Will you please confirm that IDWR does not take credit cards? If the check is not there by your deadline the best I can probably do is drive to your office on Monday and pay with cash and then seek reimbursement. When will you know on Monday if the check arrived or not?

Chris

From: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>
Sent: Friday, November 20, 2020 10:27 AM
To: Chris Leatherman <chris.leatherman@bayer.com>
Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>
Subject: RE: P4 Production Request letter

Good Morning Chris.

The Department has yet to receive the payment for Rental Agreement 465. Do you know when we can expect to receive that payment? If we do not receive payment by end of business day on Monday, November 30th, we will move forward to cancel the agreement.

If you have any questions, please feel free to reach out to the bank at bank@idwr.idaho.gov.

Thank you.

Amanda Johnson-Veibell

208-287-4945

From: Veibell, Amanda
Sent: Thursday, November 12, 2020 11:34 AM
To: 'Chris Leatherman' <chris.leatherman@bayer.com>
Cc: TJ Budge <tj@racineolson.com>; Bank <Bank@idwr.idaho.gov>
Subject: RE: P4 Production Request letter

Chris,

Thank you for the rental agreement, the electronic copy will work just fine. Once the payment is received, the Department will be able to proceed with the execution of the rental.

Thank you.

Amanda Johnson-Veibell

208-287-4945

From: Chris Leatherman [<mailto:chris.leatherman@bayer.com>]

Sent: Thursday, November 12, 2020 10:26 AM

To: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>

Cc: TJ Budge <tj@racineolson.com>

Subject: RE: P4 Production Request letter

Amanda,

P4 received your request, dated October 29th, for signed rental agreement and payment. Please find attached an electronic copy of the signed water bank rental agreement. Is this sufficient or does IDWR need a hard copy? A check is being processed and mailed to IDWR separately. I spoke with Justin this morning, trying to pay by credit card, and he said he would make a note in your system that payment, via check, is in process. Please let me know if you need any additional information.

Thank you,

Chris

From: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>

Sent: Thursday, October 29, 2020 8:41 AM

To: TJ Budge <tj@racineolson.com>

Cc: Bank <Bank@idwr.idaho.gov>

Subject: P4 Production Request letter

Good Morning.

The attached letter is being mailed to your client today.

Thank you.

Amanda Johnson-Veibell

Technical Records Specialist I

Idaho Dept Water Resources

PO Box 83720 Boise ID 83720-0098

208-287-4945



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 29, 2020

P4 PRODUCTION LLC
MONSANTO CO
C/O MINE SUPERINTENDENT
PO BOX 816
SODA SPRINGS, ID 83276

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT 465 AND PAYMENT
FOR WATER RIGHT(S) 27-7008A \$ 27-7008B**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement") for your review and signature** on October 13, 2020. The signed agreement and rental fee has not been returned to the Department.

Please sign the rental agreement and return it with the rental payment in the amount of \$220.00 within ten (10) days of this letter to complete processing. Diversion and use of the water right(s) is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right(s) made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Amanda Johnson Veibell

for

Water Supply Bank

c: T.J. Budge – Racine Olson



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 13, 2020

P4 PRODUCTION LLC
MONSANTO CO
C/O MINE SUPERINTENDENT
PO BOX 816
SODA SPRINGS, ID 83276

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 27-7008A 27-7008B AGREEMENT 465

TIME SENSITIVE RESPONSE REQUIRED

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of \$220.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 11.0 acre-feet.

Please send a check for \$220.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$198.00 of the rental fee will be paid to the lessor(s) and 10% or \$22.00 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

Amanda Johnson Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk

Memorandum

To: Water Rights 27-7008A & 27-7008B
From: Justin Ferguson
Date: August 10, 2020
Re: Water Supply Bank Rental Application

Purpose/Narrative: The Department received an application on behalf of P4 Production LLC from their representative on July 30, 2020 requesting a rental for dust abatement through the end of 2021. Provided in the application paperwork were multiple water rights suggested for use however, water rights 27-7008A & 27-7008B appear to be the most efficient as they were decreed for industrial usage.

Per the application information, the water will be pumped into a storage tank and used during the development of the mine for dust abatement. As such, a higher than normal rate will be authorized to allow to filling of the tank while limiting the total overall volume to 11 acre feet.

Authority to File: The applications were prepared and submitted by the applicant's representative at Racine Olson. Review of Caribou County records indicate DMA P4 Productions as the current land owner, no concerns at this time.

Water Right Validity/Forfeiture Evaluation: The water rights being used for this rental have been leased to the Bank and are available for rent. No concerns at this time.

Injury Evaluation: No injury is apparent as the actual water usage appears to be minimal. The higher than average rate will allow the applicant to efficiently fill a storage tank while the application of the water for dust abatement will be largely non-consumptive.

Enlargement of Use: No enlargement is evident through the rental as the beneficial use appears to be largely non-consumptive. The water rights were historically decreed for industrial usage related to mining and, will continue to be used as such. Conditions will be added to the approval document to further allow the watermaster sufficient control to prevent enlargement.

Local Public Interest: Staff are unaware of any local public interests that are averse to the rental.

Beneficial Use/Conservation of Water Resources: The beneficial use proposed by the applicant is industrial for mineral exploration. The rental appears consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: Watermaster and IDWR Western Region comments were requested on September 16, 2020, no concerns were received.

Water Supply Bank Evaluation: Bank staff recommend the approval of this application through the end of 2021.



July 30, 2020

Remington Buyer
Idaho Water Supply Bank
P.O. Box 83720
Boise, ID 83720-0098

Re: P4 Production, LLC Rental Application

RECEIVED
JUL 30 2020
DEPT OF WATER RESOURCES

Dear Remington:

Enclosed herewith is Water Right Rental Application for P4 Production, LLC. P4 is in the initial stages of developing a new mine known as Caldwell Canyon. The predevelopment activities require dust suppression. The purpose of this application is to rent 11 acre-feet for dust suppression. There appear to be several water rights available to rent in the Upper Blackfoot River Basin (Basin 27).

Thank you for your attention to this. Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Jared S. Fluckiger'.

Jared Fluckiger