

AMENDED

FORM 202 Rev. 09/16

RECEIVED

JUN 23 2020

Department of Water Resources Eastern Region

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

Ident. No. 27-12315

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

AMENDED

- 1. Name of applicant(s) P4 Production, L.L.C. Phone 208-547-1435
Mailing address P.O. Box 816 City Soda Springs
State Idaho ZIP 83276-0816 Email joe.via@bayer.com
2. Name of representative, if any T.J. Budge, Attorney Phone 208-232-6101
Mailing address P.O. Box 1391 City Pocatello
State Idaho ZIP 83204-1391 Email tj@racineolson.com
a. Send all correspondence for this application to the representative and not to the applicant OR
Send original correspondence to the applicant and copies to the representative.
b. The representative may submit information for the applicant but is not authorized to sign for the applicant OR
The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Trail Creek which is a tributary of Blackfoot River
4. Location of point(s) of diversion:

Table with 9 columns: Twp, Rge, Sec, Govt Lot, 1/4, 1/4, 1/4, County, Source, Local name or tag #. Contains two rows of diversion data for Trail Creek in Caribou County.

- 5. Water will be used for the following purposes:
Amount 2.0 cfs for Aquatic Habitat purposes from 01/01 to 12/31 (both dates inclusive)
Amount for purposes from to (both dates inclusive)
Amount for purposes from to (both dates inclusive)
Amount for purposes from to (both dates inclusive)

- 6. Total quantity to be appropriated is (a) cubic feet per second (cfs) and/or (b) acre-feet per year (af).
7. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source. Wetland habitat development in relic channel of Trail Creek
b. Height of storage dam NA feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? Yes No
c. Proposed well diameter is NA inches; proposed depth of well is feet.
d. Is ground water with a temperature of greater than 85°F being sought? Yes No
e. If well is already drilled, when? NA; drilling firm; well was drilled for (well owner); Drilling Permit No.

Received by MH Date 6/23/20 Time Preliminary check by MH
Fee \$ Received by CH Receipt No. E045790 Date 4/2/2020

27-12315

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - d. Domestic; show number of households _____
 - e. Other; describe fully. Wetland mitigation

9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | NE | | | | NW | | | | SW | | | | SE | | | | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | |
| 7S | 43E | 29 | | | | | | | | | | | A | | | | | | |
| 7S | 43E | 30 | | | | | | | | | | | | | | | | A | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres to be irrigated: NA

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None
11. a. Who owns the property at the point of diversion? Applicant
 b. Who owns the land to be irrigated or place of use? Applicant
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Wetland mitigation habitat constructed under the compensatory mitigation plan for waters of the U.S. approved by the U.S. Army Corp of Engineers for the Blackfoot Bridge project.
13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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.

Thomas J. Budge
 Signature of Applicant
 Thomas J. Budge, Attorney for Applicant
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

RECEIVED

APR 02 2020

Department of Water Resources
Eastern Region

Print Single Sided Only

FORM 202 Rev. 09/16

STATE OF IDAHO

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DEPARTMENT OF WATER RESOURCES

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3. Source of water supply Trail Creek which is a tributary of Blackfoot River

4. Location of point(s) of diversion:

| Twp | Rge | Sec | Govt Lot | 1/4 | 1/4 | 1/4 | County | Source | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|---------|-------------|---------------------|
| 7S | 43E | 30 | | | SE | SE | Caribou | Trail Creek | |
| 7S | 43E | 29 | | | SW | SW | Caribou | Trail Creek | |
| | | | | | | | | | |

5. Water will be used for the following purposes:
- Amount 2.0 cfs for aquatic habitat purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount 6.3 acre-feet for aquatic habitat storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 2.0 cubic feet per second (cfs) and/or (b) 6.3 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Excavation of existing oxbows and relic channel of Trail Creek designed to capture flood waters during high spring runoff
- b. Height of storage dam NA feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? Yes No
- c. Proposed well diameter is NA inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? Yes No
- e. If well is already drilled, when? NA; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ \$290.00 Received by C. B. H. Receipt No. E045790 Date 4/2/2020

SUPERCEDED

27-12315

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - d. Domestic; show number of households _____
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|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | |
| 7S | 43E | 29 | | | | | | | | | | | | WM | | | | | |
| 7S | 43E | 30 | | | | | | | | | | | | | | | | WM | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres to be irrigated: NA

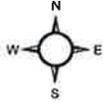
10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None
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12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Wetland mitigation ponds constructed under the compensatory mitigation plan for waters of the U.S. approved by the U.S. Army Corp of Engineers for the Blackfoot Bridge project.
13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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.

TJ Budge
 Signature of Applicant
 TJ Budge, Attorney for P4 Production, L.L.C.
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)



Legend

- POD
- POU
- TR Lines
- Section Lines
- Quarter Quarters



270.25213

Map HERE, Garmin, OpenStreetMap contributors, and the GIS user community. Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

27-12315

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

P4 Production, L.L.C., hereby appoints Randall C. Budge of the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow him to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on its behalf. Unless previously withdrawn, this Special Power of Attorney for Water Rights will expire on November 30, 2018.

DATED this 12 day of November 2013.

P4 PRODUCTION, L.L.C.

By: [Signature]
Name: Sheldon Alver
Title: Vice President Operations

STATE OF IDAHO)
)SS
County of Caribou)

On this 12th day of November 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Sheldon Alver, known or identified to me to be the Vice President Operations of P4 Production, L.L.C., who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



[Signature]
NOTARY PUBLIC FOR IDAHO
Commission expires: 7/4/14

March 30, 2020

Idaho Department of Water Resources
Easter Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: P4 Production, L.L.C. Application for Permit

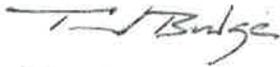
To whom it may concern:

Enclosed is an original and one copy of an Application for Permit submitted on behalf of P4 Production, L.L.C., together with a check in the amount of \$290 for the filing fee. Please file the original and conform stamp and return the copy in the enclosed return envelope.

This water is for a wetland mitigation project at the Fox Hills Ranch owned by P4 in Caribou County, Idaho. The IDWR water right database does not show a discreet beneficial use for "wetlands" or "wetland mitigation." The most similar beneficial use currently identified is "aquatic habitat," which I've used. Should the Department determine that another beneficial use is more suited for wetland mitigation ponds please let me know and we will gladly make that amendment.

Should you have any questions, please give me a call.

Sincerely,



T.J BUDGE

c: Joe Via



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

June 24, 2020

P4 PRODUCTION LLC
C/O JOE VIA
PO BOX 816
SODA SPRINGS, ID 83276-0816

RE: Application for Permit No. 27-12315

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the CARIBOU COUNTY SUN on 7/2/2020 and 7/9/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CA Henman'.

Christina Henman
Administrative Assistant

CC:
TJ BUDGE
PO BOX 1391
POCATELLO, ID 83204-1391

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 24, 2020 4:13 PM
To: CARIBOU CO. SUN (ccsun10@aol.com)
Subject: Legal Ad for Caribou County Sun
Attachments: 27-12315 Caribou County Sun.rtf

Hello,

Please see attached document regarding a legal ad for your paper.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

PLEASE NOTE: CAN CONTAIN 2 OR MORE PAGES

June 24, 2020

Legal Notice Department

Caribou County Sun
PO Box 815
Soda Springs ID 83276

RE: Application for Permit No. 27-12315

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **7/20/2020**. Your cooperation is appreciated.

Sincerely
Christina Henman
Administrative Assistant

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

**The following application(s) have been filed to appropriate the public waters of the State of Idaho:
27-12315**

P4 PRODUCTION LLC
C/O JOE VIA
PO BOX 816
SODA SPRINGS, ID 83276-0816
Point of Diversion SWSW S29 T07S R43E CARIBOU County
Source TRAIL CREEK Tributary BLACKFOOT RIVER
Point of Diversion SESE S30 T07S R43E CARIBOU County
Source TRAIL CREEK Tributary BLACKFOOT RIVER
Use: AQUATIC HABITAT
01/01 to 12/31
2 CFS
Total Diversion:
2 CFS
Date Filed: 04-02-2020
Place Of Use: AQUATIC HABITAT
T07S R43E S29
SWSW
Place Of Use: AQUATIC HABITAT
T07S R43E S30
SESE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 7/20/2020. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Published on 7/2/2020 and 7/9/2020

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 24, 2020 12:52 PM
To: Chandler, Craig
Subject: Application for Permit of 27-12315
Attachments: RecommendationForm New Appropriation9.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.