

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

ID No. TP-27-116 **RECEIVED**  
**MAY 08 2020**  
Department of Water Resources  
Eastern Region

## APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

For a use not intended to become an established water right and not to exceed one (1) year in duration in accordance with Idaho Code § 42-202A.

Name of applicant P4 Production, LLC (attn: Chris Leatherman) Phone (208) 547-1435

Mailing address PO Box 816 City Soda Springs

State Idaho Zip 83276 Email chris.leatherman@bayer.com

1. Source of water Well (IDWR Well ID #446039) tributary to N/A

2. Location of point(s) of diversion. If more than two, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
08S	44E	19	N/A	SW	SW	NE	Caribou	Groundwater	PW16-SPS-W6

3. Location of place of use. If more rows are needed, attach a Point of Diversion/Place of Use Supplement. ☒

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	44E	8						I											N/A
08S	44E	18						I	I			I	I						N/A

4. Proposed use of water:

a. ☐ Prevention of flood damage ☐ Ground water recharge ☐ Ground water or surface water remediation

☒ Other (Limited to a diverted volume of 5 acre-feet.) Describe: Industrial use for dust suppression.

b. Attach a detailed description of how the proposal will accomplish the intended objective, such as prevention of flood damage.

5. Amount of water. Complete all three:

a. Maximum rate of diversion: 0.5 cfs; or 250 gpm.

b. Maximum daily volume: 1.66 AF; or 540,000 gallons.

c. Maximum volume over the duration of the request: 5.0 AF; or 1,629,257 gallons.

6. Duration of diversion: from May 1 (month-day) to October 31 (month-day).

7. Describe proposed diverting works: Temporary storage tank adjacent to well will be used to fill water trucks

8. a. Who owns the property at the requested point of diversion? P4 Production, LLC

b. Who owns the facilities that will convey water to the place of use? P4 Production, LLC

c. Who owns the land to be irrigated or place of use? P4 Production, LLC & United States Bureau of Land Management

d. If any of the items above is owned by a person or entity other than the applicant, describe the arrangement allowing access and attach written evidence of the arrangement. Phosphate Mineral Leases IDI-02, IDI-014080, IDI-013738

9. Attach an 8 1/2" x 11" map identifying the water source, point(s) of diversion, place(s) of use and conveyance system.

**I hereby acknowledge that I assume all risk of the diversion and use of the water under this approval. I certify this is a temporary use and is not intended to become an established water right.**

Signature of Applicant

Title, if any

Date

Received by

Date

Time

\$50.00 fee received by

#

Date

Watermaster comments received?

Date

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources ("Department") has examined this application for temporary approval to use water under the provisions of Idaho Code § 42-202A and has determined that:

     A. The application for temporary approval should be denied because \_\_\_\_\_

- ☒ B. The application for temporary approval should be approved, since
1. The temporary approval can be properly administered.
  2. Other water sources are not readily available.
  3. The approval is in the public interest.
  4. The approval will not injure known public values associated with the water source or any known water rights.
  5. If the temporary approval is within a water district, the Department has sought and considered the recommendations of the watermaster.

This application is therefore hereby:

     A. DENIED

- ☒ B. APPROVED, subject to the following conditions:
1. Diversion and use of water under this approval is subject to all valid existing water rights.
  2. The applicant assumes all risk of the use of the water under this approval.
  3. This approval authorizes a maximum diversion volume of \_\_\_\_\_ AF and a maximum diversion rate of \_\_\_\_\_ cfs.
  4. This approval does not grant a right-of-way across the land of another.
  5. The Department may cancel or reduce the rate of flow or volume authorized by this approval. For example, the Department may cancel or reduce this approval if it concludes the water use is injuring other water rights or adversely affecting fish, wildlife or other public values.
  6. The applicant shall not divert water when downstream minimum flow water rights are not being satisfied.
  7. This approval does not create a continuing right to use water.
  8. A temporary approval for ground water recharge or prevention of flood damage shall be an opportunistic use of surplus water and shall not interfere with the filling of surface water reservoirs.
  9. For a temporary approval authorizing ground water recharge or ground water or surface water remediation, the applicant shall measure and record the weekly quantity of water diverted and report the diversion data to the Department upon request.
  10. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
  11. Other: \_\_\_\_\_
  12. This approval expires on Oct 31, 2020.

Signed this 11<sup>th</sup> day of May, 2020.

  
For the Department

May 6, 2020

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

**Re: P4 Production, L.L.C., Application for Temporary Water Right**

To whom it may concern:

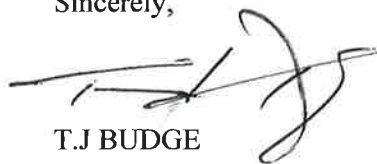
Enclosed are two copies of an Application for Temporary Water Right filed on behalf of P4 Production, LLC, together with a check in the amount of \$50.00 for the filing fee and a return envelope. Please file one copy and conform stamp and return the other.

P4 applied for and obtained a similar temporary water right last year. However, the diversion system was not operational until September which limited the amount of mine exploration work that could be performed. P4 is completing that process this summer and needs to suppress dust.

Once the exploratory phase is complete P4 will develop a water right plan for any permanent mining activities and submit applications and a mitigation plan for water uses in connection therewith.

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

Sincerely,

  
T.J BUDGE

c: Chris Leatherman  
Brody Gibson

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Monday, May 11, 2020 2:29 PM  
**To:** 'chris.leatherman@bayer.com'  
**Subject:** Application for Temporary Approval of Water Use: TP-27-116  
**Attachments:** TP-27-116.pdf

Dear Applicant(s):

Your application for temporary water appropriation has been approved and is attached. The approval authorizes the temporary use of water and does not grant trespass or other activity on public land or on private property.

Please review the conditions of approval on page 2 of the Application for Temporary Approval form to understand the limitations associated with the temporary use of water.

This temporary approval expires on October 31, 2020. The expiration date cannot be extended under this temporary approval.

If you have any questions, please feel free to contact this office, and any of our agents will be able to assist you. If you require additional information regarding this matter, please call me at (208) 497-3793 or respond to this email.

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