

T5359 FMC CORPORATION

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5359
WATER RIGHT NO. 29-02255C

This is to certify that: **FMC CORPORATION**
PO BOX 4111
POCATELLO ID 83202

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	05/01 to 11/01	0.64 CFS	63.0 AF

SOURCE

GROUNDWATER

Priority: 05/22/1939

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 18, Township 07S, Range 34E
POWER County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

07S 34E 7	SESW	NESE	NWSE
	SWSE	SESE	
18	NENE	NWNE	

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Industrial use is for mining, material processing and dust abatement.

Dated this 18th day of February, 1999.

J. Glen Saxton
Chief, Water Allocation Bureau

MEMORANDUM

TO: File 29-02255C

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5359

DATE: February 17, 1999

Transfer 5359 changes the point of diversion, place, nature and season of use under Right 29-02255C. The original irrigation use will be changed to industrial use for a silica mine, for material processing and dust abatement.

The season of use was identified as a period of time within the standard irrigation season. The diversion volume calculated according to the operation time designated by the applicant; 0.64 cfs for 12 hours a day for a hundred operating days within the season of use or an annual diversion volume of 63.0 af. The net result in the change in nature of use is a reduction of diversion and consumptive use volume.

Change in Nature of Use Evaluation

	<u>Rate</u>	<u>Use</u>	<u>Acres</u>	<u>Div. Vol./C.U. Vol.</u>
Original Use	0.64 cfs	Irrigation	32 acres	128.0 afa./96.0 afa
After Transfer	0.64 cfs	Industrial	(-----)	63.0 afa/No More Than 63.0 afa

Recommended conditions include drilling permit conditions, measurement & annual reporting conditions, water quality and standard transfer conditions.

(Internet)

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5359

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant FMC Corporation Phone 208-236-8200
Post Office address P.O. Box 4111, Pocatello, Idaho 83202

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes _____
New well to be drilled to provide industrial water for silica mine,
material processing and dust control.

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

- | 1. Right Number | Priority | Amount
(cfs/acre-ft) | Nature
of Use | Period of Use |
|-----------------|-----------|-------------------------|------------------|---------------|
| 29-2255C | 5/22/1939 | 0.63 cfs | Industrial | 5/1 to 11/1 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 0.63 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground water tributary to _____
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1**6. General Information:**

- a. Description of diversion system Well with centrifugal pump and electric motor.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Will be dry farmed.

- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A29-2255C on file with the Idaho Department of Water Resources.
- d. Transfer No. 2816 / 29-02255C which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Ground water tributary to _____

4. Date or priority 5/22/1939

5. Water is used for the following purpose:

amount 0.63 cfs for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 0.63 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	12	6S	33E	Power	Lindley Farm

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	33E	12											32						32

Total acres 32

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (omitted)

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

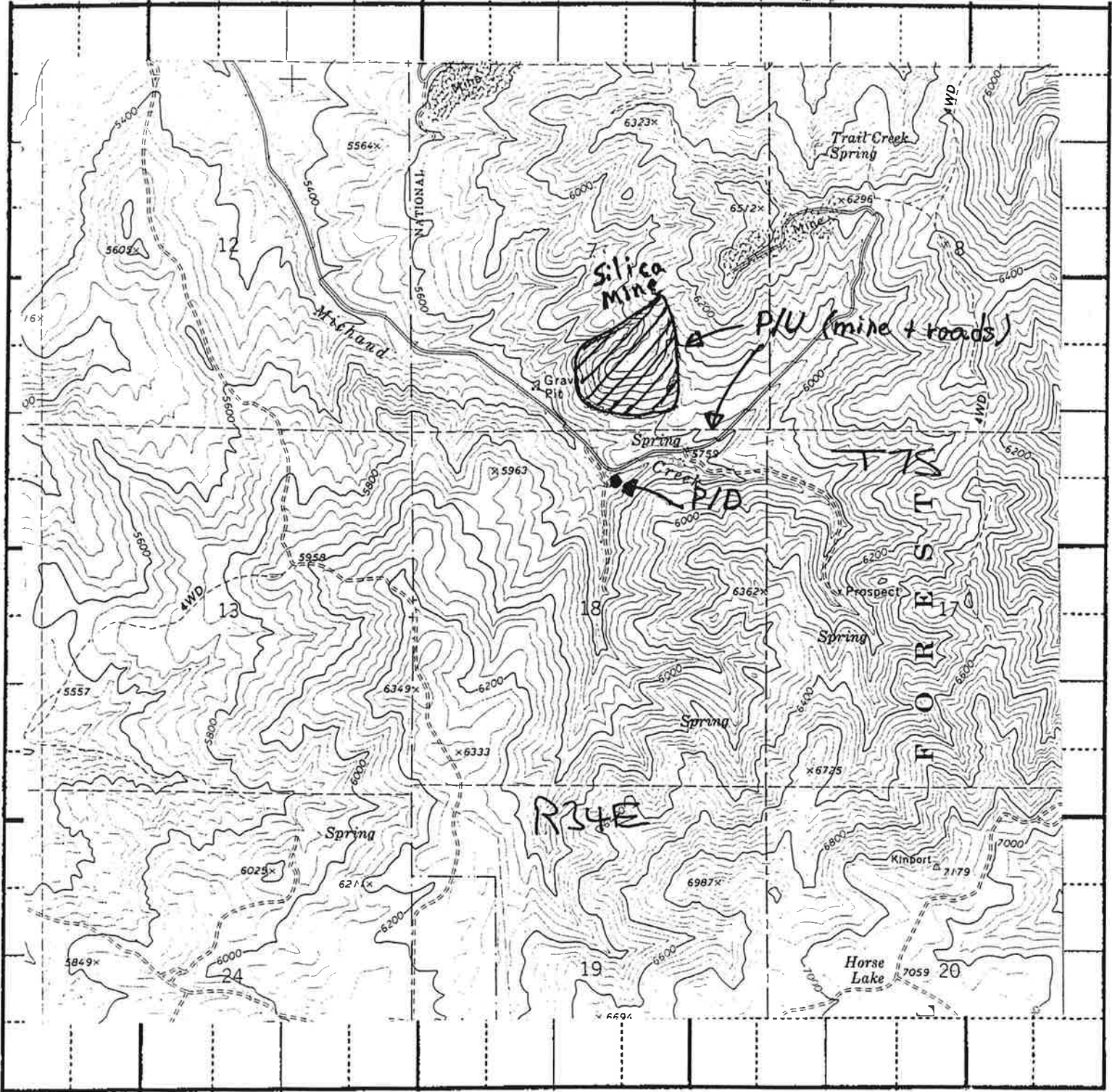
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number. (SEE ATTACHED MAP.)**



PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Industrial Amount (cfs/ac-ft) 0.63 cfs Hours/days/year 12 hrs/day 100 days/year Period of Use 5/1 to 11/1

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

None

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

None

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Landowner and I do hereby certify that any willful misrepresentations made in this application may result in voiding its approval.



FMC -

By:

Robert E. Hart

Center Burden
Business Manager

(Signature of Applicant)

Subscribed and sworn to before me this

27th

day of October

, 19 98

Randall C. Budge

(Notary Public)

My commission expires

10/11/2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Hart Date 11-3-1998

Prelim. check by _____ Fee \$100.00

Receipted by HWT #E024601 Date 11-3-1998

Published in Power County Press

Pub. dates Dec 23 & 30, 1998

Watermaster recommendation requested on _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

by _____

Copy of transfer sent to lien holder _____