

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED
MAR 16 2018
Department of Water Resources
Eastern Region

Name of Applicant(s) Itafos Conda LLC Phone 208 909 5204
Mailing address 3010 Conda Road, Soda Springs, ID 83276 Email jon.goode@itafos.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ 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.
- ☐ 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 providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.
We'd like flexibility for dust suppression at the Rasmussen Valley Mine. Finishing up reclamation operations at the North Rasmussen Mine, restoration work will continue; mining will begin @ Rasmussen Valley Mine; railroad link at Wooley Valley Tipple; desire flex. to be able to suppress dust on all roads. Also, wash trucks and other equipment.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

[illegible]

Total authorized under rights 4.00 cfs and/or 235.8 acre-feet.

2. Total amount of water proposed to be transferred or changed 4.00 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	NE	9	07S	44E	Caribou	Ground Water	
			SW	NW	26	07S	43E	Caribou	Ground Water	
			SE	NW	26	07S	43E	Caribou	Ground Water	
			SE	NE	27	07S	43E	Caribou	Ground Water	
			NE	SW	15	06S	43E	Caribou	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

See attached supplements for full Place of Use description

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☐ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes	07S	43E	22			NW	NE	Caribou	Ground Water	
☐ Yes	07S	43E	26			SW	NW	Caribou	Ground Water	
☐ Yes	06S	43E	26			NW	SW	Caribou	Ground Water	
☐ Yes	06S	43E	26			NW	SW	Caribou	Ground Water	
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- 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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	43E	9													X	X	X	X	
		10											X						
		15					X	X	X	X	X	X	X	X		X	X	X	
		16	X																
		22	X	X	X	X	X								X		X	X	
		23							X		X	X	X	X			X		
		25									X	X		X					
		26	X	X		X			X			X	X		X				
		27	X	X	X	X													
		33												X	X	X	X		
		34	X	X	X		X	X	X	X		X							
		35	X	X	X	X	X	X							X			X	
		36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page _____

82227

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

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☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- 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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	44E	31						X (1)	X (2)			X (3)	X (4)	X			X		
		32			X					X	X			X		X	X	X	
07S	44E	4			X 2	X 1			X 4	X 3	X	X	X	X	X	X	X	X	
		5			X 2	X 1			X 4	X 3	X	X	X	X	X	X	X	X	
		6			X 2	X 1			X 4	X 7 both	X				X	X	X	X	
		7		X		X	X			X	X				X	X			
		8	X	X	X	X	X				X	X			X	X			
		9		X	X		X	X	X	X	X	X				X			
07S	43E	3							X 4	X 3	X	X	X						
		10			X		X	X		X	X					X	X		
		14							X			X	X						
		15	X	X		X													

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

- b. Who owns the property at the point(s) of diversion? Ite fos Conda LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Federal Phosphate Lease I-05975

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: No

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
N/A

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
N/A

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/20/2018

2. The well previously used under Right 27-07057 shall be abandoned in a manner which complies with Department well abandonment rules.
3. Mining use is for ore processing and dust abatement for the haul road.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/20/2018

07S	43E	15	X			X									X			X	
07S	43E	23					X	X	X	X					X	X		X	

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
4. R07 Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
5. Industrial use is for a phosphate rock washing plant and dust suppression.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

3/20/2018

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ITAFOS CONDA LLC 109 N POST OAK LN STE 145 HOUSTON, TX 77024-7754 (713) 242-8444

Status: Active

Tributary

GROUND WATER	NWSW	Sec. 26, Twp 06S, Rge 43E,	CARIBOU County
GROUND WATER	NESW	Sec. 15, Twp 06S, Rge 43E,	CARIBOU County
GROUND WATER	NWSW	Sec. 26, Twp 06S, Rge 43E,	CARIBOU County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	43E	9			X					X					X	X	X	X	
06S	43E	10											X						
06S	43E	15					X	X	X	X	X	X		X			X		
06S	43E	16	X																
06S	43E	22	X	X	X	X									X		X	X	
06S	43E	23							X		X	X	X	X					
06S	43E	25									X	X	X	X					
06S	43E	26	X	X		X	X			X	X	X	X	X	X	X	X		
06S	43E	27	X	X		X									X			X	
06S	43E	33									X			X	X	X	X		
06S	43E	34	X	X			X	X	X										
07S	43E	3							X	X	X	X	X				X		
07S	43E	10		X		X	X			X	X				X	X	X		
07S	43E	11											X						
07S	43E	14					X	X	X			X	X						
07S	43E	15	X			X									X			X	
07S	43E	23					X	X	X	X					X	X		X	

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/20/2018

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
4. Industrial use is for dust abatement on mining haul roads.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Combined Use Limits

N/A

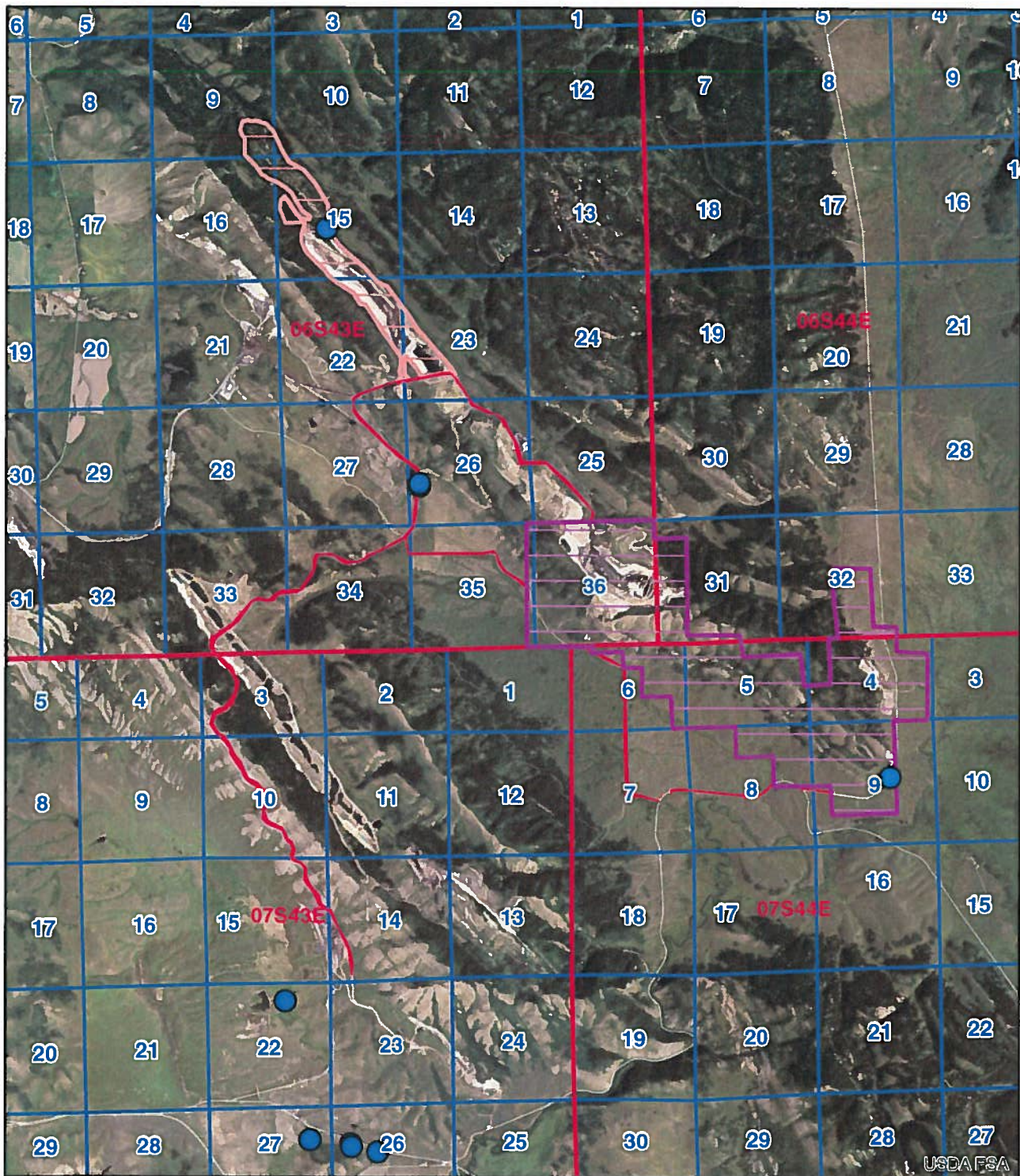
SubCase:

N/A

Water Supply Bank:

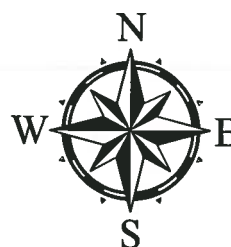
N/A

Post-Transfer Combined Place of Use and Points of Diversion



Legend

-  Post-Transfer PODs
-  Rasmussen_Valley_Mine
-  Haul_Roads
-  North_Rasmussen_Mine
-  Township/Range
-  Sections



82227

0 1 2 4 Miles