

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT
TRANSFER NO. 81060

AMENDED

This is to certify that: NU-WEST INDUSTRIES INC
DBA AGRUM CPO
3010 CONDA ROAD
SODA SPRINGS, ID 83276

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
27-7302	WR/DECREED	3/4/1982	N/A	110.0 af	N/A	N/A	MABEY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
27-7302	YES	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
27-7302	27-12283	0.000 cfs	40.0 af	N/A	N/A	27-7302	0.000 cfs	110.0 af	N/A	N/A
COMBINED TOTALS		N/A	40.0 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 27th day of September, 2016.


Water Resources Program Manager

SUPPORT DATA

Transfer No. 81060IN FILE # 27-7302

WATER RIGHT NO. 27-7302**As Modified by Transfer No. 81060**

In accordance with the approval of Transfer No. 81060, Water Right No. 27-7302 is now described as follows:

Right Holder: NU WEST MINING INC

3010 CONDA RD
SODA SPRINGS, ID 83276

Priority Date: 3/4/1982

Source: MABEY CREEK

Tributary: DRY VALLEY CREEK

BENEFICIAL USE
MINING FROM STORAGE
MINING STORAGE

From 01/01 to 12/31
To 01/01 to 12/31

Diversion Rate

Diversion Volume
110.0 af
110.0 af
110.0 af

LOCATION OF POINT(S) OF DIVERSION

MABEY CREEK NESENE Sec 9 Twp 08S Rge 44E CARIBOU County

PLACE OF USE: MINING FROM STORAGE

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	44E	9	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
08S	44E	10	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

PLACE OF USE: MINING STORAGE

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	44E	9	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
08S	44E	10	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

CONDITIONS OF APPROVAL

1. The storage pond authorized by this right has a capacity of 3.6 acre-feet. This right authorizes the initial fill and multiple re-fills of the pond, not to exceed a total annual diversion volume of 110 acre-feet.
2. Water is used for dust abatement on haul roads at the Mabey Canyon Mine.
3. The haul roads of the Mabey Canyon Mine referenced above are located on and used in connection with Federal Phosphate Lease I-04 and related U.S. Forest Service Special Use Permits, which were attached to the original Permit Application for such rights and contained in IDWR's records

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WATER RIGHT NO. 27-7302
As Modified by Transfer No. 81060

CONDITIONS OF APPROVAL

4. This water right is entitled to the protections of paragraph x.d of water right 27-11375.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 27-12283**As Modified by Transfer No. 81060**

In accordance with the approval of Transfer No. 81060, Water Right No. 27-12283 is now described as follows:

Right Holder: NU-WEST INDUSTRIES INC DBA AGRUM CPO
3010 CONDA ROAD
SODA SPRINGS, ID 83276

Priority Date: 3/4/1982

Source: SURFACE RUNOFF

Tributary: ANGUS CREEK

BENEFICIAL USE
MINING STORAGE

From 01/01 **To** 12/31

Diversion Rate

Diversion Volume
40.0 af
40.0 af

LOCATION OF POINT(S) OF DIVERSION

SURFACE RUNOFF	L2 (SWNE)	Sec 6	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	L1 (SENE)	Sec 6	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NWSE	Sec 5	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NESW	Sec 5	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NESW	Sec 5	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NWNE	Sec 8	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	L4 (SWNW)	Sec 5	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	SWSE	Sec 5	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	SWSE	Sec 5	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NWSW	Sec 5	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	L2 (SWNE)	Sec 6	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NESE	Sec 6	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NWNW	Sec 9	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	SWNW	Sec 9	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NWSE	Sec 36	Twp 06S	Rge 43E	CARIBOU County
SURFACE RUNOFF	SWSE	Sec 36	Twp 06S	Rge 43E	CARIBOU County
SURFACE RUNOFF	SWSE	Sec 36	Twp 06S	Rge 43E	CARIBOU County
SURFACE RUNOFF	NWSE	Sec 5	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	SWSE	Sec 5	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NESW	Sec 5	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NWSW	Sec 5	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NENE	Sec 8	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NWNW	Sec 9	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	SWNW	Sec 9	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NESW	Sec 9	Twp 07S	Rge 44E	CARIBOU County
SURFACE RUNOFF	NESW	Sec 9	Twp 07S	Rge 44E	CARIBOU County

PLACE OF USE: MINING STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	43E	36														X	X	X	0.0
06S	44E	31											X						0.0
													L 4						
07S	44E	5							X	X	X	X		X		X	X	X	0.0
									L 4	L 3									
07S	44E	6			X	X									X				0.0
					L 2	L 1													

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WATER RIGHT NO. 27-12283
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PLACE OF USE: MINING STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	44E	8	X	X															0.0
07S	44E	9						X	X	X	X					X			0.0

CONDITIONS OF APPROVAL

1. Mining storage is for 26 retention ponds at the Rasmussen Valley Mine.
2. The 26 retention ponds established by the storage of water under this right shall not exceed a total capacity of 40 acre-feet.
3. The source of water for this right is Mabey Creek. Surface water tributary to Angus Creek captured in the retention ponds authorized by this right is diverted through exchange. 40 acre-feet of water shall remain undiverted at the original point of diversion on Mabey Creek and allowed to flow to the Upper Blackfoot River.
4. Diversion of water under this right is limited to those times when water is available for diversion under the priority of this right at the original point of diversion from Mabey Creek in the SENE of Section 9, T08S, R44E.
5. This water right is entitled to the protections of paragraph x.d of water right 27-11375.
6. This right does not grant any right-of-way or easement across the land of another.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.