

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT
TRANSFER NO. 79037

AMENDED

This is to certify that: P4 PRODUCTION LLC
PO BOX 816
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>
11-2102	WR/LICENSE	10/7/1951	2.220 cfs	N/A	N/A	N/A	GROUND WATER
11-2107A	WR/LICENSE	10/6/1952	1.000 cfs	N/A	N/A	N/A	GROUND WATER
11-2107B	WR/LICENSE	11/18/1952	1.600 cfs	N/A	N/A	N/A	GROUND WATER
11-2141	WR/LICENSE	9/27/1965	4.350 cfs	5000.0 af	N/A	N/A	GROUND WATER
11-2144	WR/LICENSE	6/11/1966	3.680 cfs	1778.0 af	N/A	N/A	GROUND WATER

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>
11-2102	NO	NO	YES	YES	NO	NO
11-2107A	NO	NO	YES	YES	NO	NO
11-2107B	NO	NO	YES	YES	NO	NO
11-2141	NO	NO	YES	YES	NO	NO
11-2144	YES	YES	YES	YES	NO	YES

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>
11-2102	11-2102	2.220 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11-2107A	11-2107A	1.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11-2107B	11-2107B	1.600 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11-2141	11-2141	4.350 cfs	5000.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11-2144	11-7820	1.680 cfs	812.0 af	N/A	N/A	11-2144	2.000 cfs	966.0 af	N/A	N/A
COMBINED TOTALS		10.850 cfs	5812.0 af	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 79037IN FILE # 11-2102

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79037

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 3rd day of September, 2015.


for Chief, Water Allocation Bureau



WATER RIGHT NO. 11-2102**As Modified by Transfer No. 79037**

In accordance with the approval of Transfer No. 79037, Water Right No. 11-2102 is now described as follows:

Right Holder: MONSANTO CO
C/O MINE SUPERINTENDENT
PO BOX 816
SODA SPRINGS, ID 83276

Priority Date: 10/7/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
INDUSTRIAL	1/01	to 12/31	2.220 cfs
			2.220 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 30 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SENE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SENE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	NESE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	NWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County

PLACE OF USE: INDUSTRIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	42E	19															X	X	
08S	42E	31	X	X	X	X													

CONDITIONS OF APPROVAL

1. Rights 11-2102, 11-2107A, 11-2107B and 11-2141 when combined shall not exceed a total annual maximum diversion volume of 5,000 acre-feet.
2. The instantaneous rate of diversion from the four ground water wells located in the NWSE and SWSE of Section 31, T08S, R42E, shall not exceed 1.80 cfs.
3. Prior to diversion and use of water under Transfer Approval 79037, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.

Transfer No. 79037

WATER RIGHT NO. 11-2102
As Modified by Transfer No. 79037

CONDITIONS OF APPROVAL

4. To mitigate for depletion to Soda Creek resulting from ground water diversion, the right holder shall continuously discharge into Soda Creek an amount of water greater than or equal to the total amount of water diverted from the authorized ground water wells located in the NWSE and SWSE of Section 31, T08S, R42E.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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.

WATER RIGHT NO. 11-2107A**As Modified by Transfer No. 79037**

In accordance with the approval of Transfer No. 79037, Water Right No. 11-2107A is now described as follows:

Right Holder: MONSANTO CO
C/O MINE SUPERINTENDENT
PO BOX 816
SODA SPRINGS, ID 83276

Priority Date: 10/6/1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
INDUSTRIAL	01/01	to 12/31	1.000 cfs
			1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 30 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SENE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SENE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	NESE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	NWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County

PLACE OF USE: INDUSTRIAL

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	42E	19															X	X	
08S	42E	31	X	X	X	X													

CONDITIONS OF APPROVAL

1. Rights 11-2102, 11-2107A, 11-2107B and 11-2141 when combined shall not exceed a total annual maximum diversion volume of 5,000 acre-feet.
2. The instantaneous rate of diversion from the four ground water wells located in the NWSE and SWSE of Section 31, T08S, R42E, shall not exceed 1.80 cfs.
3. Prior to diversion and use of water under Transfer Approval 79037, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.

Transfer No. 79037

WATER RIGHT NO. 11-2107A
As Modified by Transfer No. 79037

CONDITIONS OF APPROVAL

4. To mitigate for depletion to Soda Creek resulting from ground water diversion, the right holder shall continuously discharge into Soda Creek an amount of water greater than or equal to the total amount of water diverted from the authorized ground water wells located in the NWSE and SWSE of Section 31, T08S, R42E.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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.

WATER RIGHT NO. 11-2107B**As Modified by Transfer No. 79037**

In accordance with the approval of Transfer No. 79037, Water Right No. 11-2107B is now described as follows:

Right Holder: MONSANTO CO
C/O MINE SUPERINTENDENT
PO BOX 816
SODA SPRINGS, ID 83276

Priority Date: 11/18/1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
INDUSTRIAL	01/01	to 12/31	1 600 cfs
			1 600 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 30 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SENE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SENE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	NESE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	NWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County

PLACE OF USE: INDUSTRIAL

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	42E	19															X	X	
08S	42E	31	X	X	X	X													

CONDITIONS OF APPROVAL

1. Rights 11-2102, 11-2107A, 11-2107B and 11-2141 when combined shall not exceed a total annual maximum diversion volume of 5,000 acre-feet.
2. The instantaneous rate of diversion from the four ground water wells located in the NWSE and SWSE of Section 31, T08S, R42E, shall not exceed 1.80 cfs.
3. Prior to diversion and use of water under Transfer Approval 79037, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.

Transfer No. 79037

WATER RIGHT NO. 11-2107B
As Modified by Transfer No. 79037

CONDITIONS OF APPROVAL

4. To mitigate for depletion to Soda Creek resulting from ground water diversion, the right holder shall continuously discharge into Soda Creek an amount of water greater than or equal to the total amount of water diverted from the authorized ground water wells located in the NWSE and SWSE of Section 31, T08S, R42E.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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.

WATER RIGHT NO. 11-2141**As Modified by Transfer No. 79037**

In accordance with the approval of Transfer No. 79037, Water Right No. 11-2141 is now described as follows:

Right Holder: MONSANTO CO
C/O MINE SUPERINTENDENT
PO BOX 816
SODA SPRINGS, ID 83276

Priority Date: 9/27/1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	1/01	to 12/31	4.350 cfs	5000.0 af
			4.350 cfs	5000.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 30 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SENE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SENE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	NESE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	NWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County

PLACE OF USE: INDUSTRIAL

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	42E	19															X	X	
08S	42E	31	X	X	X	X													

CONDITIONS OF APPROVAL

1. Rights 11-2102, 11-2107A, 11-2107B and 11-2141 when combined shall not exceed a total annual maximum diversion volume of 5,000 acre-feet.
2. The instantaneous rate of diversion from the four ground water wells located in the NWSE and SWSE of Section 31, T08S, R42E, shall not exceed 1.80 cfs.
3. Prior to diversion and use of water under Transfer Approval 79037, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.

Transfer No. 79037

WATER RIGHT NO. 11-2141
As Modified by Transfer No. 79037

CONDITIONS OF APPROVAL

4. To mitigate for depletion to Soda Creek resulting from ground water diversion, the right holder shall continuously discharge into Soda Creek an amount of water greater than or equal to the total amount of water diverted from the authorized ground water wells located in the NWSE and SWSE of Section 31, T08S, R42E.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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.

WATER RIGHT NO. 11-2144
As Modified by Transfer No. 79037

In accordance with the approval of Transfer No. 79037, Water Right No. 11-2144 is now described as follows:

Right Holder: MONSANTO CO
C/O MINE SUPERINTENDENT
PO BOX 816
SODA SPRINGS, ID 83276

Priority Date: 6/11/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MINING	4 /01	to 12/01	2.000 cfs	966.0 af
			2.000 cfs	966.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENW	Sec 25 Twp 08S Rge 41E CARIBOU County
GROUND WATER	SENW	Sec 25 Twp 08S Rge 41E CARIBOU County

PLACE OF USE: MINING

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	42E	25							X	X									

CONDITIONS OF APPROVAL

1. The ground water well located in the NESENW of Section 25, T08S, R41E, commonly known as the Quarry Well, is limited to an average annual diversion rate of 2.00 cfs.
2. Prior to diversion and use of water under Transfer Approval 79037, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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.

Transfer No. 79037

WATER RIGHT NO. 11-7820**As Modified by Transfer No. 79037**

In accordance with the approval of Transfer No. 79037, Water Right No. 11-7820 is now described as follows:

Right Holder: MONSANTO CO
C/O MINE SUPERINTENDENT
PO BOX 816
SODA SPRINGS, ID 83276

Priority Date: 6/11/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	4 /01	to 12/01	1.680 cfs	812.0 af
			1.680 cfs	812.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 30 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SENE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SENE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	NESE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	NWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec 31 Twp 08S Rge 42E	CARIBOU County

PLACE OF USE: INDUSTRIAL

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	42E	19															X	X	
08S	42E	31	X	X	X	X													

CONDITIONS OF APPROVAL

1. The instantaneous rate of diversion from the four ground water wells located in the NWSE and SWSE of Section 31, T08S, R42E, shall not exceed 1.80 cfs.
2. Prior to diversion and use of water under Transfer Approval 79037, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
3. To mitigate for depletion to Soda Creek resulting from ground water diversion, the right holder shall continuously discharge into Soda Creek an amount of water greater than or equal to the total amount of water diverted from the authorized ground water wells located in the NWSE and SWSE of Section 31, T08S, R42E.

Transfer No. 79037

WATER RIGHT NO. 11-7820
As Modified by Transfer No. 79037

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

