

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 18 2014

Department of Water Resources
Eastern Region

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

Name of Applicant(s) P4 Production, L.L.C. Phone 547-1207

Mailing address PO Box 816, Soda Springs, ID 83276 Email jim.r.smith@Monsanto.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 Thomas J. Budge, Attorney, Racine Law Office Phone 232-6101

Mailing address PO Box 1391, Pocatello, ID 83204 Email tjb@racinelaw.net

- ☐ 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	<u>Thomas J. Budge, Attorney</u> Print Name and Title if applicable	<u>06/17/2014</u> Date
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Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
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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 Combine all water rights
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**.
Applicant intends to: (1) combine all identified water rights, as all wells but 1 are interconnected & used in combination to supply industrial water needs at the Soda Springs phosphate plant; (2) add 2 new points of diversion & 1 addl POU described in Part 1.B.3; (3) add Industrial as an authorized use (in addition to Mining) for Water Right #11-2144.

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.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐					
☒ ☐	11-2102	2.22 cfs	Industrial	1/1 to 12/31	Groundwater
☒ ☐	11-2107A	1 cfs	Industrial	1/1 to 12/31	Groundwater
☒ ☐	11-2107B	1.6 cfs	Industrial	1/1 to 12/31	Groundwater
☒ ☐	11-2141	4.35/5000	Industrial	1/1 to 12/31	Groundwater
☒ ☐	11-2144	3.68/1778	Industrial, Mining	1/1 to 12/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 12.85 cfs and/or 6778 acre-feet.

2. Total amount of water proposed to be transferred or changed 12.85 cubic feet per second and/or 6778 acre-feet per annum.

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 #
Yes-2	SE	SE;	SW	SE	19	8S	42E	Caribou	Groundwater	To be determined
No			SE	SE	30	8S	42E	Caribou	Groundwater	Well 1
No			SE	NE	31	8S	42E	Caribou	Groundwater	Well 2
No			NE	SE	31	8S	42E	Caribou	Groundwater	Well 3
No			SE	NW	25	8S	41E	Caribou	Groundwater (2 PODs)	Quarry Well

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

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	
8S	42E	31	I	I	I	I													
8S	42E	25							I,M	I,M									
8S	42E	19															I	I	

Total Acres (for irrigation use) N/A

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:

Wells with pumps and electric motors. All contain measuring devices, except for Quarry Well, Water Right No. 11-2144.

- b. Who owns the property at the point(s) of diversion? Applicant.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- 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: N/A

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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

N/A

- e. 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

- f. 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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) P4 Production, L.L.C.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- Yes** **N/A** * Means the item is always required and must be included with the application.
- ☒ * Completed Application for Transfer of Water Right form, Part 1.
 - ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
 - ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
 - ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
 - ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
 - ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) P4 Production, L.L.C. Phone 547-1207

Mailing address PO Box 816, Soda Springs, ID 83276 Email jim.r.smith@Monsanto.com

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Signature of Applicant or Authorized Representative

Thomas J. Budge, Attorney
Print Name and Title if applicable

06/17/2014
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 Combine all water rights
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Applicant intends to: (1) combine all identified water rights, as all wells but 1 are interconnected & used in combination to supply industrial water needs at the Soda Springs phosphate plant; (2) add 2 new points of diversion & 1 addl POU described in Part 1.B.3; (3) add Industrial as an authorized use (in addition to Mining) for Water Right #11-2144.

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.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐					
☒ ☐	11-2102	2.22 cfs	Industrial	1/1 to 12/31	Groundwater
☒ ☐	11-2107A	1 cfs	Industrial	1/1 to 12/31	Groundwater
☒ ☐	11-2107B	1.6 cfs	Industrial	1/1 to 12/31	Groundwater
☒ ☐	11-2141	4.35/5000	Industrial	1/1 to 12/31	Groundwater
☒ ☐	11-2144	3.68/1778	Industrial, Mining	1/1 to 12/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 12.85 cfs and/or 6778 acre-feet.

2. Total amount of water proposed to be transferred or changed 12.85 cubic feet per second and/or 6778 acre-feet per annum.

3. Point(s) of Diversion:

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- ☐ 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 #
Yes-2	SE	SE	SW	SE	19	8S	42E	Caribou	Groundwater	To be determined
No			SE	SE	30	8S	42E	Caribou	Groundwater	Well 1
No			SE	NE	31	8S	42E	Caribou	Groundwater	Well 2
No			NE	SE	31	8S	42E	Caribou	Groundwater	Well 3
No			SE	NW	25	8S	41E	Caribou	Groundwater (2 PODs)	Quarry Well

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

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	
8S	42E	31	I	I	I	I													
8S	42E	25							I.M	I.M									
8S	42E	19															I	I	
Total Acres (for irrigation use)																			N/A

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:
Wells with pumps and electric motors. All contain measuring devices, except for Quarry Well, Water Right No. 11-2144).
- b. Who owns the property at the point(s) of diversion? Applicant.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
- 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: N/A

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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
N/A
- e. 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
- f. 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:

Ident. No. _____

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

[illegible]

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.

[illegible]

Page

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid _____ Date _____ Received by _____ Receipt # _____

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

TRANSFER PART 2A: REPORTS

Attached are Transfer Part 2A Reports for Water Rights 11-2101, 11-2107A, 11-2107B, 11-2141, and 11-2144.

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/11/2013

WATER RIGHT NO. 11-2102

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONSANTO CHEMICAL CO C/O ROBERT L GEDDES PO BOX 816 SODA SPRINGS, ID 83276

Priority Date: 10/05/1951
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	1/01	12/31	2.22 CFS	
Total Diversion			2.22 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESE	Sec. 30	Township 08S	Range 42E	CARIBOU County
GROUND WATER	SENE	Sec. 31	Township 08S	Range 42E	CARIBOU County

Place(s) of use:

Place of Use Legal Description: INDUSTRIAL CARIBOU County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	42E	31		NENE			SENE							

Conditions of Approval:

1. R09 Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
2. TRANS. 3598.

Dates:

Licensed Date: 03/12/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/11/2013

WATER RIGHT NO. 11-2107A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONSANTO CHEMICAL CO PO BOX 816 1853 HWY 34 SODA SPRINGS, ID 83276 (208)574-1418

Priority Date: 10/06/1952

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	/	/	1 CFS	
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

|GROUND WATER|SENE|Sec. 31|Township 08S|Range 42E|CARIBOU County|

Place(s) of use:

Place of Use Legal Description: INDUSTRIAL CARIBOU County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	42E	31		SENE										

Dates:

Licensed Date: 12/10/1953

Water Right Report

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/11/2013

WATER RIGHT NO. 11-2107B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONSANTO CHEMICAL CO PO BOX 816 1853 HWY 34 SODA SPRINGS, ID 83276 (208)574-1418

Priority Date: 11/18/1952

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	/	/	1.6 CFS	
Total Diversion			1.6 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENE|Sec. 31|Township 08S|Range 42E|CARIBOU County|

Place(s) of use:

Place of Use Legal Description: INDUSTRIAL CARIBOU County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	42E	31		SENE										

Dates:

Licensed Date:

Water Right Report

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/11/2013

WATER RIGHT NO. 11-2141

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONSANTO CO C/O MINE SUPERINTENDENT PO BOX 816 SODA SPRINGS, ID 83276

Priority Date: 09/27/1965

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	1/01	12/31	4.35 CFS	5000 AFA
Total Diversion			4.35 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NESE|Sec. 31|Township 08S|Range 42E|CARIBOU County|

Licensed Diversion Capacity: 4.35

Place(s) of use:

Place of Use Legal Description: INDUSTRIAL CARIBOU County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	42E	31		NENE			NWNE			SWNE			SENE	

Conditions of Approval:

1. THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL NOT EXCEED 5000 AFA.
2. 016 See remarks for additional conditions of approval.

Dates:

Licensed Date: 12/02/1969

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Oil Case Number:

Gas Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False





IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/11/2013

WATER RIGHT NO. 11-2144

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONSANTO CO C/O MINE SUPERINTENDENT PO BOX 816 SODA SPRINGS, ID 83276

Priority Date: 06/10/1966

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MINING	4/01	12/01	3.68 CFS	1778 AFA
Total Diversion			3.68 CFS	

Location of Point(s) of Diversion:

|GROUND WATER|SENW|Sec. 25|Township 08S|Range 41E|CARIBOU County|

Licensed Diversion Capacity: 3.68

Place(s) of use:

Place of Use Legal Description: MINING CARIBOU County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	41E	25		SWNW			SENW							

Conditions of Approval:

|1.||2 P/D IN SENW, S25, T8S, R41E. TRANS. 3485.|

Dates:

Licensed Date: 05/01/1973

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

TRANSFER ATTACHMENT 4: POWER OF ATTORNEY

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

P4 Production, L.L.C., hereby appoints Randall C. Budge of the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow him to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on its behalf. Unless previously withdrawn, this Special Power of Attorney for Water Rights will expire on November 30, 2018.

DATED this 12 day of November 2013.

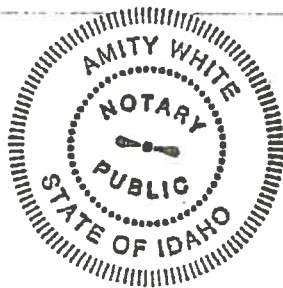
P4 PRODUCTION, L.L.C.

By: [Signature]
Name: Sheldon Alver
Title: Vice President Operations

STATE OF IDAHO)
 :SS
County of Caribou)

On this 12th day of November 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Sheldon Alver, known or identified to me to be the Vice President Operations of P4 Production, L.L.C., who executed the Instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

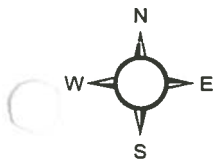
IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



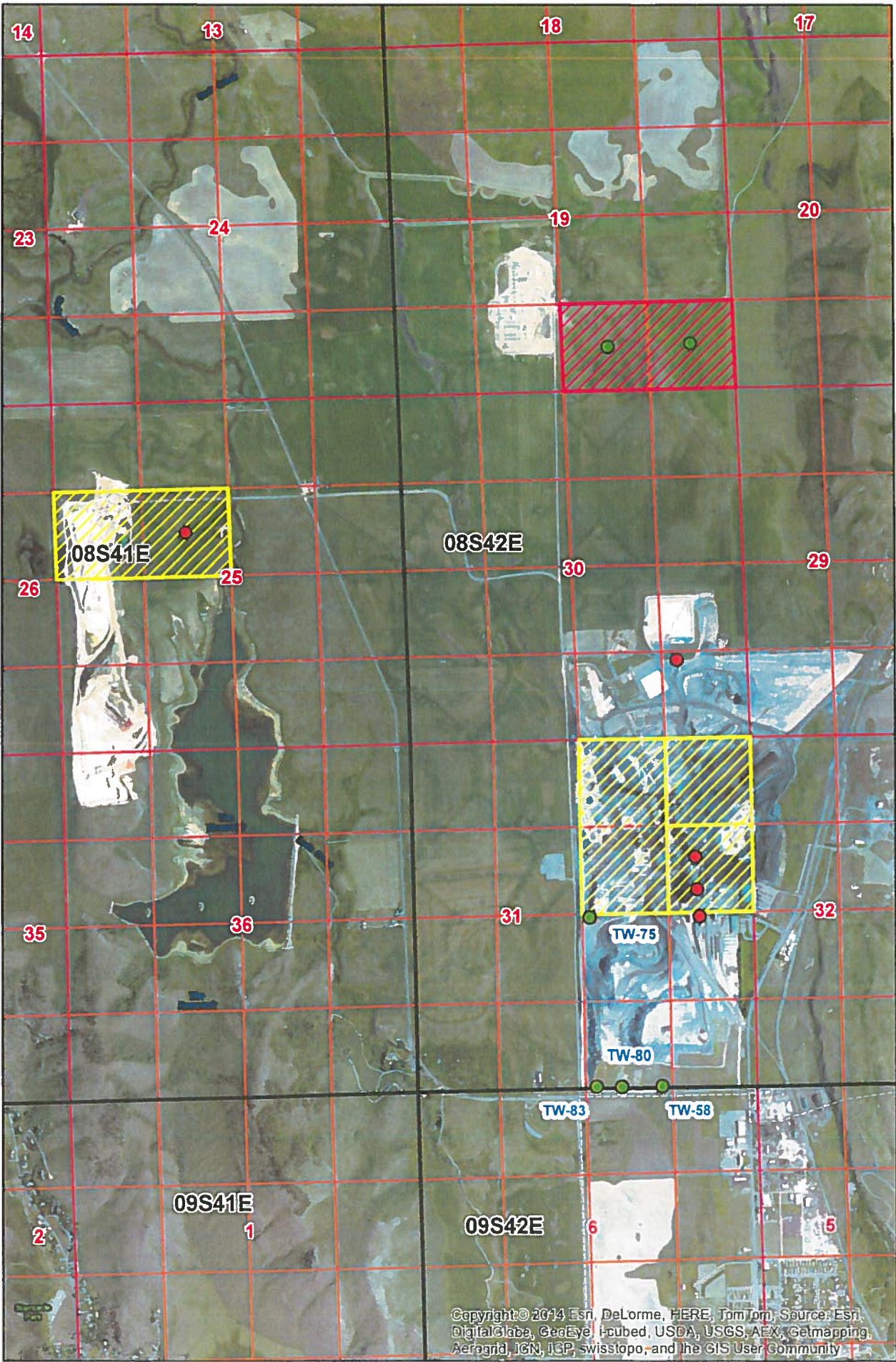
[Signature]
NOTARY PUBLIC FOR IDAHO
Commission expires: 7/14/14

TRANSFER PART 3A: PLAT MAP

Attachment 7b



- Legend**
- New POD
 - Existing POD
 - New POU
 - Existing POU
 - TR Lines
 - Section Lines
 - Quarters



TRANSFER - ATTACHMENT 8a:

The nature of use of Water Right No. 11-2144 will be changed to add "Industrial" as an additional authorized use in addition to Mining. Pursuant to the Transfer Application, this right will be combined with the other following identified water rights so they can be used in combination to supply industrial water needs at the Soda Springs phosphate plant. This well may be interconnected with the other wells at a future point in time. Upon approval of the Transfer Application, a measuring device will be installed on this well as presently exists on all other plant water rights to ensure that the total flow and volume limits are not exceeded.

TRANSFER PART 2A REPORT

Enter the water right number in the Basin (36-2130D), Sequence (36-2130D), and Suffix (36-2130D) boxes.

Press the View Report button to generate the report below.

To save or print the report, first export the report to PDF or other format using the Export button on the tool bar.

Basin 11

Sequence 2102

[View Report](#)

Suffix

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 11-2102

Current Owner: MONSANTO CHEMICAL CO

Priority Date: 10/5/1951

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	2.22 CFS	
	Total Diversion	2.22 CFS	

TRANSFER PART 2A REPORT

Enter the water right number in the Basin (36-2130D), Sequence (36-2130D), and Suffix (36-2130D) boxes.

Press the View Report button to generate the report below.

To save or print the report, first export the report to PDF or other format using the Export button on the tool bar.

Basin 11

Sequence 2141

[View Report](#)

Suffix

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 11-2141

Current Owner: MONSANTO CO

Priority Date: 9/27/1965

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	4.35 CFS	5000 AF
	Total Diversion	4.35 CFS	5000 AF

TRANSFER PART 2A REPORT

Enter the water right number in the Basin (36-2130D), Sequence (36-2130D), and Suffix (36-2130D) boxes.

Press the View Report button to generate the report below.

To save or print the report, first export the report to PDF or other format using the Export button on the tool bar.

Basin 11Sequence 2144[View Report](#)Suffix

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 11-2144

Current Owner: MONSANTO CO

Priority Date: 6/10/1986

Origin: Water Right

Status: Active

Basis: License

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MINING	4/01 to 12/01	3.68 CFS	1778 AF
	Total Diversion	3.68 CFS	1778 AF

TRANSFER PART 2A REPORT

Enter the water right number in the Basin (36-2130D), Sequence (36-2130D), and Suffix (36-2130D) boxes.

Press the View Report button to generate the report below.

To save or print the report, first export the report to PDF or other format using the Export button on the tool bar.

Basin 11

Sequence 2144

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Suffix

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 11-2144

Current Owner: MONSANTO CO

Priority Date: 6/10/1966

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MINING	4/01 to 12/01	3.68 CFS	1778 AF
	Total Diversion	3.68 CFS	1778 AF