

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77251

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant NU-WEST INDUSTRIES, INC. Phone 208 547 3935 x23
Attn: Justin Skinner
Mailing Address 3010 Conda Road
Soda Springs, ID 83276 Email jskinner@agrium.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 Bryce A. Contor c/o Rocky Mountain Environmental Associates Inc. Phone (208) 524-2353 / Fax 524-1795
Mailing address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Email bcontor@rockymountainenvironmental.com

- ☐ 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 no 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.

 Jon W. Goode, Vice Pres. 03/07/11
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**:
Please see attachment.

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Part 1 A2

Narrative description of transfer proposal.

This transfer is proposed to accomplish two purposes:

- 1) Add places of use for dust suppression Industrial Use.
- 2) Add a point of diversion to reduce travel distances for the water truck. It will alternately fill at the original and new points of diversion.

These changes are needed because the mining operation is now working different ore deposits. The proposed new places of use will accommodate immediate and future mining plans.

No additional water is needed for this change. Dust suppression use will be offset by reduction in use for rock washing.

This transfer application accompanies an application which proposes that the new point of diversion and places of use also be authorized for use under water right 27-7540.

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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B. DESCRIPTION OF RIGHT(S) 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		1.11			
	27-7417	cfs/67.5	Industrial	1/01 12/31	Ground Water
☒ ☐		afa		to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
Total Authorized under rights		1.11	cfs and/or	67.5	ac-ft

2. Total amount of water being transferred or changed 1.11 cubic feet per second and/or 67.5 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 proposed 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 #
Exist.			SW	NW	26	07S	43E	Caribou	Ground Water	(2 POD this QQ)
Exist			SE	NW	26	07S	43E	Caribou	Ground Water	(1 POD)
Exist			NW	NE	22	07S	43E	Caribou	Ground Water	(1 POD)
Exist			SE	NE	27	07S	43E	Caribou	Ground Water	(1 POD)
New			NE	SW	15	06S	43E	Caribou	Ground Water	(1 POD)

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MAY 17 2011

Department of Water Resources
Eastern Region

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DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>		<u>Source & Tributary</u>
	All or Part					
		1.11				
	27-7417	cfs/67.5	Industrial	1/01	12/31	Ground Water
☒	☐	afa			to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
Total Authorized under rights		1.11	cfs and/or	67.5	ac-ft	

2. Total amount of water being transferred or changed 1.11 cubic feet per second and/or 67.5 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 proposed to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

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Exist.			SW	NW	26	07S	43E	Caribou	Ground Water	(2 POD this QQ)
Exist			SE	NW	26	07S	43E	Caribou	Ground Water	(1 POD)
Exist			NW	NE	22	07S	43E	Caribou	Ground Water	(1 POD)
Exist			SE	NW	27	07S	43E	Caribou	Ground Water	(1 POD)
New			NE	SW	15	06S	43E	Caribou	Ground Water	(1 POD)

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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)

Please see following pages. All QQ identified are for Industrial use.

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Legal Description	Water	Authorization	Idaho9313	SSC_7	SSC_8	Quitclaim	Wr_27-7417	Wr_27-7540
Township Range	Sec	Qq	Use	I_04375	I_07619			
065 43E		9 SWNE	I		X			
065 43E		9 SENW	I		X			
065 43E		9 NESE	I		X			
065 43E		9 NWSE	I		X			
065 43E		9 SWSE	I		X			
065 43E		9 SESE	I		X			
065 43E		10 SWSW	I		X			
065 43E		15 NENW	I		X			
065 43E		15 NWNW	I		X			
065 43E		15 SWNW	I		X			
065 43E		15 SENW	I		X			
065 43E		15 NESW	I		X			
065 43E		15 NWSW	I		X			
065 43E		15 SESW	I		X			
065 43E		15 SWSE	I		X			
065 43E		16 NENE	I		X			
065 43E		22 NENE	I		X			
065 43E		22 NWNW	I		X			
065 43E		22 SWNE	I		X			
065 43E		22 SENE	I		X			
065 43E		22 NESE	I		X			
065 43E		22 SWSE	I		X			
065 43E		22 SESE	I		X			
065 43E		23 SWNW	I		X			
065 43E		23 NESW	I		X			
065 43E		23 NWSW	I		X			
065 43E		23 SWSW	I		X			
065 43E		23 SESW	I		X			
065 43E		25 NESW	I		X			
065 43E		25 NWSW	I		X			
065 43E		25 SWSW	I		X			
065 43E		25 SESW	I		X			
065 43E		26 NENE	I		X			
065 43E		26 NWNW	I		X			
065 43E		26 SENE	I		X			
065 43E		26 NENW	I		X			

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Legal Description			Water Use	Authorization	Idaho09313	SSC_7	SSC_8	Quitclaim	Wr_27-7417	Wr_27-7540
Township Range	Sec	Qq	Use	I_04375	I_07619					
06S	43E	26 SENW	I				X			X
06S	43E	26 NESW	I				X			X
06S	43E	26 NWSW	I				X			X
06S	43E	26 SWSW	I			X	X			
06S	43E	26 SESW	I				X			X
06S	43E	26 NESE	I				X			X
06S	43E	26 NWSE	I				X			X
06S	43E	26 SWSE	I				X			X
06S	43E	27 NENE	I			X	X			
06S	43E	27 NWNE	I				X	X		
06S	43E	27 SENE	I				X	X		
06S	43E	27 NESE	I							X
06S	43E	27 SESE	I			X	X			X
06S	43E	33 NESW	I							X
06S	43E	33 SESW	I				X			X
06S	43E	33 NESE	I				X			X
06S	43E	33 NWSE	I				X			X
06S	43E	33 SWSW	I				X			X
06S	43E	34 NENE	I				X			X
06S	43E	34 NWNE	I				X			X
06S	43E	34 NENW	I				X			X
06S	43E	34 NNWV	I				X			X
06S	43E	34 SWNW	I				X			X
07S	43E	3 SWNW	I				X			
07S	43E	3 SENW	I							X
07S	43E	3 NESW	I							X
07S	43E	3 NWSW	I				X			
07S	43E	3 SWSW	I				X			
07S	43E	3 SWSE	I							X
07S	43E	10 NWNE	I				X			X
07S	43E	10 SENE	I							X
07S	43E	10 NENW	I				X			
07S	43E	10 SENW	I				X			
07S	43E	10 NESW	I				X	X		
07S	43E	10 NESE	I							X
07S	43E	10 NWSE	I				X			

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Proposed Place of Use for Transfer of 27-7417 and 27-7540

Legal Description Township Range	Sec	Qq	Water Use	Authorization		Idaho9313	SSC. 7	SSC. 8	Quitclaim	Wr. 27-7417	Wr. 27-7540
				I 04375	I 07619						
07S 43E	10	SWSE	I					X			
07S 43E	11	SWSW	I								X
07S 43E	14	NENW	I								X
07S 43E	14	NWNW	I						X		
07S 43E	14	SWNW	I					X	X		
07S 43E	14	NWSW	I					X	X		
07S 43E	14	SWSW	I					X	X		
07S 43E	15	NENE	I						X	X	
07S 43E	15	SENE	I						X		
07S 43E	15	NESE	I						X		
07S 43E	15	SESE	I						X		
07S 43E	23	NENW	I						X		
07S 43E	23	NWNW	I						X		
07S 43E	23	SWNW	I						X		
07S 43E	23	SENW	I						X		
07S 43E	23	NESE	I						X		
07S 43E	23	NWSE	I						X		
07S 43E	23	SESE	I						X		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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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:

1) The existing diversions have already been approved by IDWR.

2) The new diversion will have a lockable power shut-off. Plumbing will be configured with 20 pipe-diameters of straight pipe without bends, valves or fittings, to accept a flow meter if required.

b. Who owns the property at the point(s) of diversion? US Forest Service

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

Mining Lease and/or Special Use (please see attachment pages to)

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No ☒

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:

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 affect on the land now irrigated if the place of use is changed pursuant to this transfer:

No irrigation.

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) of use:

1) Another transfer application will propose also authorizing diversion of 27-7540 from the new Point of Diversion described in this application.

2) Right 27-7417 and 27-7506 have a combined use limitation of 67.5 acre feet annually and share points of diversion. No change is requested for 27-7506.

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:

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

Current Water Right No.: 27-7417

Current Owner: NU-WEST INDUSTRIES INC
 Priority Date: 1/7/1986
 Origin: Water Right
 Status: Active
 Basis: License

Source	Tributary
GROUND WATER	
Beneficial Use	From To
INDUSTRIAL	1/01 to 12/31
	Total Diversion
	Diversion Rate
	1.11 CFS
	1.11 CFS
	Annual Volume
	67.5 AF
	67.5 AF
Location of Point(s) of Diversion	
GROUND WATER	SW1/4NW1/4 Sec. 26, Twp 07S, Rge 43E B.M.
CARIBOU County	
GROUND WATER	SE1/4NW1/4 Sec. 26, Twp 07S, Rge 43E B.M.
CARIBOU County	
GROUND WATER	NW1/4NE1/4 Sec. 22, Twp 07S, Rge 43E B.M.
CARIBOU County	
GROUND WATER	SE1/4NE1/4 Sec. 27, Twp 07S, Rge 43E B.M.
CARIBOU County	

Place of UseINDUSTRIAL Within CARIBOU County

T07S R43E S14 SWSW

Conditions of Approval:

1. R06 When water used under this right is discharged into the natural channel, settling ponds must be maintained which are capable of reducing the silt load to such a level that the quality of water will not be impaired for other beneficial uses.
2. Two points of diversion located in SWNW, S26, T7S, R43E. Industrial use is for a phosphate rock washing plant.
3. 09E Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

Licensed Date: 7/29/1996

Total Acres (for irrigation use)

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

A. PLAT MAP (See Part 3A for 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**.
1. 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 supplemental, 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:

FOR DEPARTMENT USE ONLY

Transfer contains 13 pages and attachments.

Received by Km Date 5-11-2011 Prelim. Check by Km Date 5-11-2011

Fee Paid \$290.00 Date 5-11-2011 Receipted by Km Receipt # E036644

Add'l Fee Paid Date Receipted by Receipt #

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MAY 04 2011

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77251

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 <http://www.idwr.idaho.gov/>.

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.

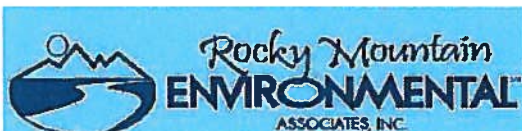
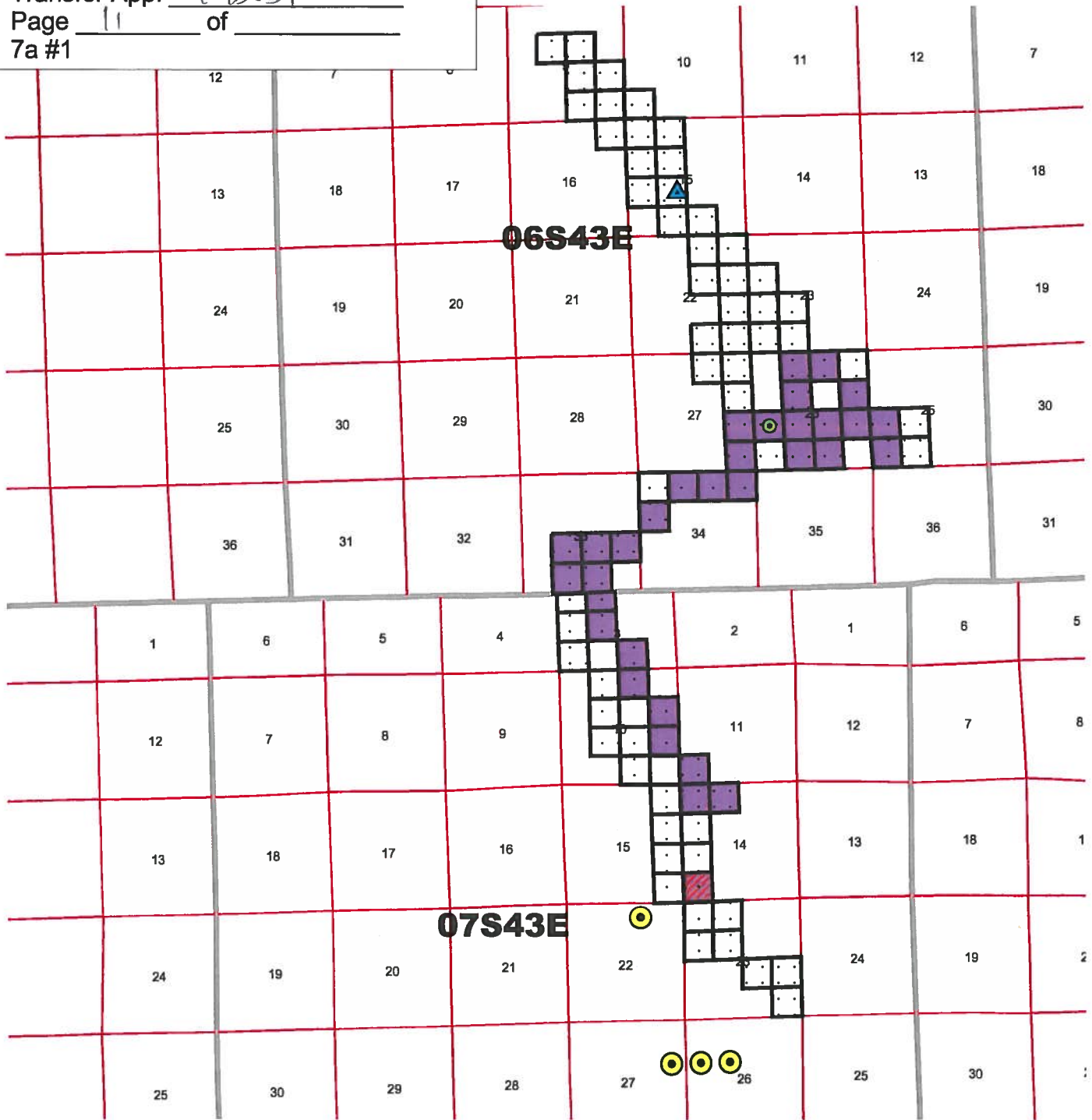
- ☒ / * Completed Application for Transfer of Water Right form, Part 1.
- ☒ / * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ / * Application for Transfer 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. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * 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.

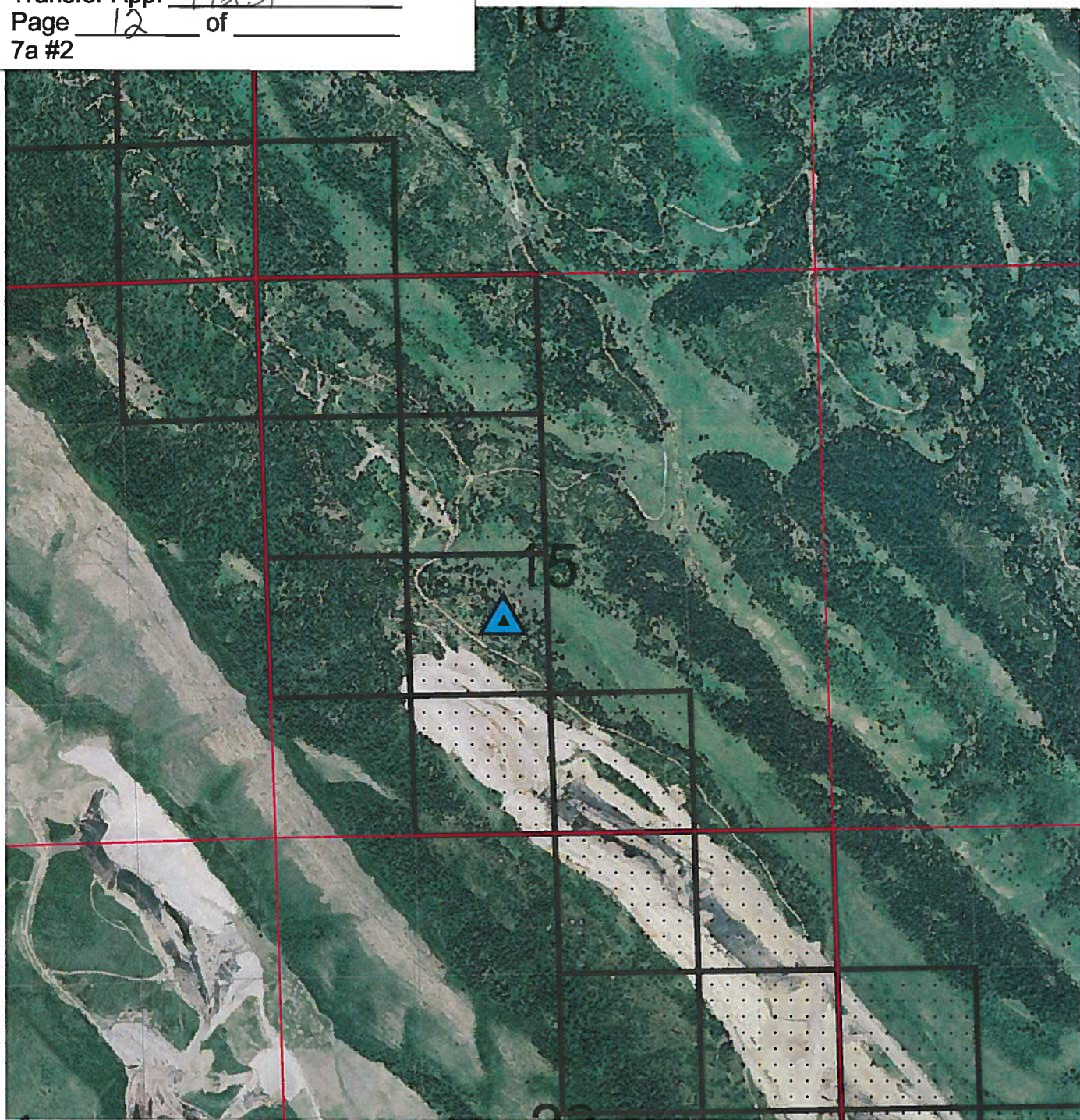
- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer 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).
- ☐ ☒ #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 http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.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.)
- ☐ ☒ #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: Leases and authorization

27-7417

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- Proposed POU
- Additional POD
- Current POD 27-7417
- Current POD 27-7540
- Current Pou 27-7417
- Current POU 27-7540
- TR
- PLSS Sections



T6S R43E



PLSS Sections



Proposed POU



Additional POD



QQ

77251

**CORPORATE WARRANTY DEED AND
QUITCLAIM DEED AS TO WATER RIGHTS**

FOR VALUE RECEIVED, Rhodia Inc., a corporation, organized and existing under the laws of the state of Delaware ("Grantor"), does hereby grant, bargain, sell and convey unto Nu-West Industries, Inc., a Delaware Colorado corporation ("Grantee"), whose address is 3010 Conda Road, Soda Springs, Idaho 83276, the real property, located in Caribou County, Idaho, described in Exhibit "D-1" attached hereto and incorporated herein by this reference, hereinafter referred to as the "Premises."

TO HAVE AND TO HOLD the Premises, with its appurtenances (except as set forth below with regard to water rights) unto Grantee, Grantee's heirs, successors and assigns forever. And Grantor does hereby covenant to and with Grantee that, on or before the date hereof, Grantor has not conveyed the Premises or any right, title or interest thereto to any other person or entity except as set forth in Exhibit "D-2" attached hereto and incorporated herein; that the Premises is free from all liens, claims and encumbrances except as set forth on Exhibit "D-2"; and that Grantor will warrant and defend the same from all other lawful claims whatsoever.

PROVIDED, HOWEVER, that with regard to any water rights of grantor that may be appurtenant to the Premises ("Water Rights"), the Grantor, does hereby convey, release, remise and forever quit claim all of its right, title and interest, if any, in all such Water Rights or entitlements to receive water, and ditch or canal company shares, which are appurtenant to or may have been placed to beneficial use on the Premises (collectively, the "Water Rights"). The Water Rights (insofar as they are specifically known to Grantor) are set forth in Exhibit "D-3". The Water Rights are transferred without any warranty or representation of any kind or nature.

IN WITNESS WHEREOF, Grantor, pursuant to a resolution of Grantor's Board of Directors, has caused Grantor's corporate name to be hereunto subscribed this 29th day of January, 1998.

RHODIA INC,
a Delaware corporation

STATE OF IDAHO } ss. **156142**
County of Caribou }

I hereby certify that this instrument was filed at the request
of Caribou Title
at 11:55 o'clock A in this 12 day of
March, 1998 In my office and duly
recorded in Microfilm Records
Recorder: Edie Izatt
Ex-Officio Recorder Deputy 3000

By: Paul S. O'Han
Its: Authorized Signatory

DOS-98407.1
January 29, 1998 1:31 pm

547 4238

77 25 1

156142

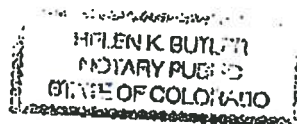
STATE OF COLORADO)
CITY AND) ss.
COUNTY OF DENVER)

On this 29th day of January 29, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Paul B. O'Hea, known or identified to me to be the Authorized Signatory of RHODIA INC. a Delaware corporation, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My commission expires: 9-30-98

Helen K. Butler
Notary Public



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EXHIBIT D-1

Property Description

Caribou County, Idaho:

Tract 1:

Township 7 South, Range 42 East of the Boise Meridian:

- Section 10: Beginning at the Northeast corner of the SW $\frac{1}{4}$ of said Section 10, said point being North 0°01'15" West (Basis of Bearings) 2624.70 feet from the South Quarter corner of Section 10, and running thence South 0°01'15" East 1500 feet along the East line of the SW $\frac{1}{4}$ of Section 10; thence North 88°47'43" West 250 feet; thence North 0°01'15" West 1500 feet to the North line of said SW $\frac{1}{4}$ of Section 10; thence South 88°47'43" East along said North line 250 feet, to the point of beginning.
- Section 14: NW $\frac{1}{4}$.
- Section 15: EX $\frac{1}{2}$, ALSO, Beginning at the Northeast corner of the NW $\frac{1}{4}$ of Section 15, said point being South 88°47'43" East (Basis of Bearings) 1300.28 feet from the North Quarter corner of Section 15, and running thence South 400 feet along the East line of the NW $\frac{1}{4}$ of Section 15; thence North 88°47'43" West 400 feet; thence North 400 feet to the North line of Section 15; thence South 88°47'43" East along said North line 400 feet, to the point of beginning.
- Section 22: All, EXCEPT THEREFROM, the following described tracts:
1. A strip of land 50 feet wide in the SW $\frac{1}{4}$ of Section 22, the centerline of which is described as follows:
Beginning at a point on the arc of a spiral curve to the left, which point is on the East line of the SW $\frac{1}{4}$ of said Section 22 and bears North a distance of 86.3 feet from the Southeast corner of the SW $\frac{1}{4}$ of said Section 22; thence along the arc of the spiral curve whose total central angle is 33°58' and whose degree of curvature of 4°00' a distance of 343.95 feet to the point of tangency; thence North 87°18' West a distance of 1720.04 feet to a point where the strip of land becomes 100 feet wide; thence North 87°18' West a distance of 203.51 feet to the point of spiral of a spiral curve to the left; thence along the arc of the spiral curve whose total central angle is 17°50' and whose degree of curvature is 5°00' a distance of 351.49 feet to a point on the West line of the SW $\frac{1}{4}$ of said Section 22, which point bears North a distance of 142.80 feet from the Southwest corner of Section 22.
 2. ALSO, except a tract lying across the SW $\frac{1}{4}$ of said Section 22, which is bounded on the North by the above described tract in the SW $\frac{1}{4}$ of Section 22 and on the South by

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the South line of the SW $\frac{1}{4}$ of Section 22.

3. A strip of land 110 feet wide in Sections 22 and 27, the centerline of which is described as follows:

Beginning at a point on the East line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 27, which point bears South a distance of 625.8 feet from the Northeast corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27; thence North 54°20' West a distance of 320 feet to a point at which the strip of land becomes 50 feet wide; thence North 54°20' West a distance of 544.79 feet to a point of spiral on a spiral curve to the left; thence along the arc of the spiral curve to the left whose total central angle is 32°58' and whose degree of curvature is 4°00' a distance of 680.21 feet to a point on the West line of the SW $\frac{1}{4}$ of the Section 22, which point bears North 86.5 feet from the Southwest corner of the SW $\frac{1}{4}$ of said Section 22.

Section 23: NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, ALSO, Beginning at the Northeast corner of the SW $\frac{1}{4}$ of Section 23, and running thence West 1650 feet; thence Southeasterly 2333.45 feet, more or less, to the point of intersection with the East line of said SW $\frac{1}{4}$ 1650 feet South from the point of beginning; thence North 1650 feet along the East line of said SW $\frac{1}{4}$, to the point of beginning.

Section 26:

Section 27:

NW $\frac{1}{4}$,
EX $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
EXCEPT THEREFROM, a strip of land 50 feet wide in Sections 26 and 27, the centerline of which is described as follows:
Beginning at a point on the East line of the NW $\frac{1}{4}$ of said Section 26, which bears North 510.03 feet from the Southeast corner of the NW $\frac{1}{4}$ of Section 26, said point also being on the arc of a spiral curve to the right whose total central angle is 8°56' and whose degree of curvature is 2°00'; thence along the arc of said spiral curve a distance of 403.84 feet to the point of tangency; thence North 70°03' West a distance of 242.16 feet to a point at which the strip of land becomes 80 feet wide; thence North 70°03' West a distance of 1650 feet to a point at which the strip of land becomes 60 feet wide; thence North 70°03' West a distance of 800 feet to a point at which the strip of land becomes 100 feet wide; thence North 70°03' West a distance of 296.55 feet to the point of spiral of a spiral curve to the right; thence along the arc of the spiral curve whose total central angle is 15°45' and whose degree of curvature is 3°00', a distance of 678 feet to the point of tangency; thence North 54°20' West a distance of 108.45 feet to a point on the West line of the EX $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 27, which point bears South a distance of 625.80 feet from the Northwest corner of the EX $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 27.

156142**ALSO EXCEPT FROM TRACT I**

That part of the N1/2 of Section 22, T7S, R43E, Caribou County, Idaho, described as follows:

BEGINNING at the northwest corner of said Section 22;

thence $S89^{\circ}47'20''E$, 2,742.60 feet, along an existing fence line to a point;

thence $S00^{\circ}32'02''W$, 2,448.04 feet, to a point on an existing fence line;

thence $N88^{\circ}34'16''W$, 2,802.55 feet, along said fence line to a point on the west line of said Section 22;

thence $N01^{\circ}57'34''E$, 2,389.56 feet along said west line to the **CORNER OF BEGINNING**;

ENCOMPASSING an area of 153.94 acres, more or less;

ALSO EXCEPT FROM TRACT I

That part of the E1/2E1/2 of Section 15 and NE1/4 of Section 22, T7S, R43E, Caribou County, Idaho, described as follows:

BEGINNING at the southwest corner of said E1/2E1/2;

thence $N00^{\circ}04'32''E$, 923.65 feet, along the west line of said E1/2E1/2 to a point;

thence $S89^{\circ}27'58''E$, 1,027.05 feet, to a point;

thence $S02^{\circ}01'47''E$, 1,003.69 feet, to a point on an east/west fence line;

thence $S89^{\circ}57'37''W$, 1,063.89 feet along said fence line to a point at the intersection of said fence line with a southerly prolongation of said west line;

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Tract II:

Township 7 South, Range 43 East of the Boise Meridian:

Section 23: SEM, EWSM, EXCEPT THEREFROM, Beginning at the Northeast corner of the SEM of Section 23, and running thence West 1650 feet; thence Southeasterly 2333.45 feet, more or less, to the point of intersection with the East line of said SEM 1650 feet South from the point of beginning; thence North 1650 feet along the East line of the SEM, to the point of beginning.

Section 26: NEM, EXCEPT THEREFROM, a small triangular tract in the extreme Southeast corner of the SEMNEM lying South and East of the County Road. ALSO, EXCEPT THEREFROM, a strip of land 70 feet wide in the NEM, the centerline of which is described as follows: Beginning at a point in the South line of the NEM of said Section 26, which point bears South 89°33' West a distance of 178.67 feet from the Southeast corner of said NEM of said Section 26; thence along the arc of a spiral curve to the left whose total central angle is 20°54' and whose degree of curvature is 4°00' a distance of 335 feet to the point of tangency of the spiral curve; thence North 78°01' West a distance of 710.93 feet to a point at which the strip of land narrows to 50 feet; thence North 79°01' West a distance of 1371.17 feet to the point of spiral of a spiral curve to the right; thence along the arc of the spiral curve to the right whose total central angle is 8°56' and whose degree of curvature is 2°00' a distance of 123.83 feet, which point bears North 510.03 feet from the Southwest corner of the NEM of said Section 26. ALSO, EXCEPT THEREFROM, all that portion of the NEM lying South of the Oregon Short Line Railroad as presently located.

156142**ALSO EXCEPT FROM TRACTS I AND II**

That part of the SE1/4 of Section 23, T7S, R43E, Caribou County, Idaho, described as follows:

BEGINNING at the northeast corner of said SE1/4;

thence S00°48'42"W, 2,673.62 feet, along the east line of said SE1/4 to the southeast corner thereof;

thence N45°12'59"W, 623.23 feet, to a point;

thence N23°06'00"W, 1,020.80 feet, to a point;

thence N10°03'57"E, 157.31 feet, to a point on the south edge of the "main haul road";

thence N79°09'02"W, 276.58 feet along said south edge to a point;

thence N62°42'16"W, 186.58 feet along said south edge to a point;

thence N70°17'56"W, 205.91 feet, along said south edge to a point;

thence S00°33'28"W, 269.68 feet, to a point;

thence S42°23'27"W, 396.50 feet, to a point;

thence N37°08'30"W, 917.40 feet, to the northwest corner of said SE1/4;

thence N89°19'38"E, 2,622.54 feet, along the north line of said SE1/4 to the **CORNER OF BEGINNING**;

ENCOMPASSING an area of 61.26 acres, more or less;

156142**EXHIBIT D-2****Permitted Exceptions**

1. General taxes for the year 1998, that are due but not yet payable as of Closing.
2. Reservations and exceptions in the United States Patent, and in the Act authorizing the issuance thereof, recorded as follows:
 - 1 Patents, page 457, instrument No. 5013, E $\frac{1}{2}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 22,
E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27
 - 1 Patents, page 542, instrument No. 8158, W $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22,
W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 27
 - 2 Patents, page 98, instrument No. 18028, SW $\frac{1}{4}$ Section 10, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 23, NW $\frac{1}{4}$
Section 26, E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27
 - 2 Patents, page 128, instrument No. 19622, W $\frac{1}{2}$ W $\frac{1}{4}$ Section 14, E $\frac{1}{2}$ E $\frac{1}{2}$ Section 15, NE $\frac{1}{4}$
Section 22, NW $\frac{1}{4}$ Section 23
 - 2 Patents, page 165, instrument No. 21240, SE $\frac{1}{4}$ Section 22
 - 5 Patents, page 233, instrument No. 37974, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 23
NE $\frac{1}{4}$ Section 26all in T. 7 S., R. 43 E., B.M.
3. Pole Line Easement, and all rights incidental thereto, granted by Nathal Lau to Utah Power & Light Company, a corporation, dated July 15, 1965, recorded August 20, 1965, under recorder's instrument No. 55107, in the microfilm records of Caribou County, Idaho. Said easement affects the N $\frac{1}{2}$ SW $\frac{1}{4}$ NB $\frac{1}{4}$ of Section 27, T. 7 S., R. 43 E., B.M.
4. Pole Line Easement, and all rights incidental thereto, granted by Robert E. Anderson and Gayla J. Anderson, his wife, to Utah Power & Light Company, a corporation, dated June 2, 1965, recorded August 20, 1965, under recorder's instrument No. 55109, records of Caribou County, Idaho. Said easement affects the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 26, and the SE $\frac{1}{4}$ NB $\frac{1}{4}$ of Section 27, T. 7 S., R. 43 E., B.M.
5. Pole Line Easement, and all rights incidental thereto, granted by George Melvin Butterfield and Flora S. Butterfield, his wife, to Utah Power & Light Company, a corporation, dated June 8, 1965, recorded August 20, 1965, under recorder's instrument No. 55110, records of Caribou County, Idaho. Said easement affects the NB $\frac{1}{4}$ of Section 26, T. 7 S., R. 43 E., B.M.
6. Any right, title and interest of George Melvin Butterfield and Flora S. Butterfield in Tract II, as described in Schedule 1.1(a)(i).
7. Right, title, and interest of L.W. Peterson and Marjorie K. Peterson, husband and wife, disclosed by Land Sale Agreement between George Melvin Butterfield and Flora S. Butterfield, husband and wife, as the "Vendors," and L.W. Peterson, as the "Purchaser," dated December 7, 1965, recorded January 19, 1967, under recorder's instrument No. 59552, in the microfilm records of Caribou County, Idaho. Said agreement affects Tract II.

DG8-91407.1
January 20, 1998 1:31 pm

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8. Right, title and interest of Tertelling Land Company, a Washington corporation, disclosed by Assignment of Land Sale Agreement executed by L.W. Peterson and Marjorie K. Peterson, husband and wife, dated December 31, 1965, recorded January 19, 1967, under recorder's instrument No. 59553. Said assignment affects Tract II.
9. Pole Line Easement, and all rights incidental thereto, granted by Roland R. Allen and Margaret V. Allen, his wife, to Utah Power & Light Company, a corporation, dated July 6, 1967, recorded January 4, 1968, under recorder's instrument No. 62470, in the microfilm records of Caribou County, Idaho. Said easement affects the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, T. 7 S., R. 43 E., B.M.
10. Pole Line Easement, and all rights incidental thereto, granted by Stauffer Chemical Company, a Delaware corporation, to Utah Power & Light Company, a corporation, dated November 22, 1967, recorded January 4, 1968, under recorder's instrument No. 62471, in the microfilm records of Caribou County, Idaho. Said easement affects the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, and the E $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, T. 7 S., R. 43 E., B.M.
11. Easement, and all rights incidental thereto, granted by Rhone-Poulenc Basic Chemicals Co. to Silver Star Telephone Co., Inc., a Wyoming corporation, dated by the acknowledgement date of April 5, 1994, recorded June 27, 1994, under recorder's instrument No. 148248, in the microfilm records of Caribou County, Idaho. Said easement affects Sections 22, 23, 25, 27, and 28 of T. 6 S., R. 43 E., B.M.
12. Rights of the public in and to the portion of the Property lying within Blackfoot River Road.
13. An oral, year-to-year lease or license with Mr. Keith Hunsaker to graze cattle on certain portions of the Property in exchange for weed control services. The current term expires in approximately May 1998.

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January 29, 1998 1:31 pm

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EXHIBIT D-3

Water Rights

**State of Idaho
Department of Water Resources
License Nos.**

27-07450
27-07499
27-0706
27-07417
27-07500
27-07505
27-07539
27-07501
27-07503
27-07504
27-07502

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January 29, 1998 1:31 pm



STATE OF IDAHO
DEPARTMENT OF LANDS
Boise, Idaho
MINERAL LEASE - PHOSPHATE

Lease No. 9313

THIS INDENTURE made this 1st day of MAY, 1998, by and between the STATE OF IDAHO, acting by and through the State Board of Land Commissioners, hereinafter called the Lessor, and NU-WEST INDUSTRIES, INC. D/B/A AGRUM CONDA PHOSPHATE OPERATIONS, 3010 Conda Road, Soda Springs, Idaho 83276, hereinafter called the Lessee, under and pursuant to Idaho Code title 47, chapter 7, as amended.

WITNESS: That for and in consideration of the rents and royalties to be paid and the conditions and covenants to be observed by the Lessee, as hereinafter set forth, the Lessor does hereby lease and demise unto the Lessee exclusive right and privilege to mine and dispose of all phosphate and phosphate rock (hereinafter referred to as "leased deposits") in, upon or under the following described tracts (hereinafter referred to as "leased land") situated in the County of CARIBOU, State of Idaho, to-wit:

TOWNSHIP 6 SOUTH, RANGE 43 EAST, BOISE MERIDIAN

Section 16: NE $\frac{1}{4}$ NE $\frac{1}{4}$, containing 40 acres, more or less, Public School lands

COUNTERSIGNED

STATE BOARD OF LAND COMMISSIONERS

Secretary of the State of Idaho

Governor of the State of Idaho and President of the State Board of Land Commissioners

Director, Department of Lands

SEE

State of Idaho)

)ss

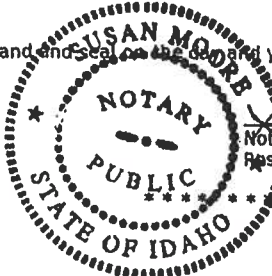
County of Ada)

On this 15th day of February, 2002, before me, a Notary Public in and for said state, personally appeared Dirk Kemphorne, known to me to be the Governor of the State of Idaho and President of the State Board of Land Commissioners, Pete T. Cenarrusa, known to me to be the Secretary of the State of Idaho and Winston A. Wiggins, known to me to be the Director of the Department of Lands of the State of Idaho that executed the said instrument, and acknowledged to me that the State Board of Land Commissioners of the State of Idaho executed the same.

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

My Commission Expires:

06-06-2007



Notary Public for Idaho

Residing at:

STATE OF Idaho)

)ss

COUNTY OF Caribou)

On this 28 day of January, 2002, before me, a notary public in and for said state, personally appeared Jon D. Goode, known to me to be the person vice president

~~whose name is subscribed to the said instrument, and acknowledged to me that he executed the same.~~

~~(PARTNERSHIP - Strike out if not applicable)~~

~~one of the partners in the partnership or partnership name, and acknowledged to me that he executed the same in said~~

~~(CORPORATION - Strike out if not applicable)~~

~~the of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.~~

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

My commission expires: 8/1/02

Notary Public for the State of: Idaho

Residing at: soda springs

INSTRUMENT OF ASSIGNMENT (I-04375)



1. NAME AND CURRENT ADDRESS OF ASSIGNEE

Nu-West Industries, Inc.
3010 Conda Road
Soda Springs, Idaho 83276

2. INTEREST HELD BY ASSIGNOR AND INTEREST TO BE ASSIGNED

Rhodia Inc. holds 100% of the lease and will transfer 100% of the lease to Nu-West Industries, Inc.

3. LEASE NUMBER AND LEGAL DESCRIPTION

I-04375

Sec. 15, N1/2SW1/4, SE1/4SW1/4, SW1/4SE1/4
Sec. 22, N1/2NE1/4, SE1/4NE1/4, NE1/4SE1/4
Sec. 23, SW1/4NW1/4, SW1/4
Sec. 25, W1/2SW1/4, SE1/4SW1/4
Sec. 26, SE1/4NE1/4, W1/2NE1/4, NE1/4NW1/4, N1/2SE1/4, SE1/4SE1/4
T.6S., R.43E., B.M.

4. PERCENTAGE OF OVERRIDING ROYALTIES RETAINED

No overriding royalty will be retained by Rhodia Inc.

By:

John P. Donahue
Secretary
Rhodia Inc.

Date: January 29, 1998

Assignment Approved Effective May 1, 1998

Jimmie Buxton
Branch Chief, Lands & Minerals

INSTRUMENT OF ASSIGNMENT (I-07619)

RECEIVED
BLM ISO MR
MAR 16 1998
9:00 A.M.

1. NAME AND CURRENT ADDRESS OF ASSIGNEE

Nu-West Industries, Inc.
3010 Conda Road
Soda Springs, Idaho 83276

2. INTEREST HELD BY ASSIGNOR AND INTEREST TO BE ASSIGNED

Rhodia Inc. holds 100% of the lease and will transfer 100% of the lease to Nu-West Industries, Inc.

3. LEASE NUMBER AND LEGAL DESCRIPTION

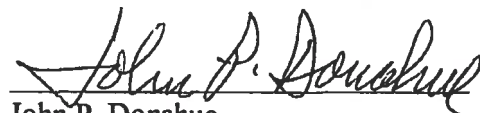
I-07619

Sec., 9, SE1/4NW1/4, SW1/4NE1/4, SE1/4
Sec. 10, SW1/4SW1/4
Sec. 15, NW1/4
T.6S., R.43E., B.M.

4. PERCENTAGE OF OVERRIDING ROYALTIES RETAINED

No overriding royalty will be retained by Rhodia Inc.

By:



John P. Donahue
Secretary
Rhodia Inc.

Date: January 29, 1998

Assignment Approved Effective May 1, 1998



Jimmie Buxton
Branch Chief, Lands & Minerals

SODA SPRING I.D. MAY 24 1999 U.S. DEPARTMENT OF AGRICULTURE Forest Service X-Action Info DEF Forester II SPECIAL USE PERMIT AUTHORITY: Federal Land Policy and Management Act October 2, 1976 as amended Fisheries Biologist Geologist Mining Engr MO SSS Resource Clerk		(5567) Holder No. 4050-01	Issue Date 5/14/99	Expir. Date 12/31/17
		Type Site(s) 531	Authority 676	Auth. Type 20
		Region Forest 04 05	District 02	State County 16 029
		Cong. Dist. 02	Latitude 42-52-03	Longitude 111-22-57

Nu-West Industries, Inc. of 8010 Conda Road Soda Springs Idaho, 83276

(hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Caribou National Forest.

This permit covers 170 acres and is described as Portions of sections 22, 25, 26, & 27 T6S, R43E, B.M. as shown on the location map and Exhibit A attached to and made a part of this permit, and is issued for the purpose of: Mining phosphate ore from federal Phosphate lease I-07619 & I-04375 which includes: storage, stockpiles, waste dumps, localized service roads, erosion control, ponds, wells, parking area and maintenance of shops and related facilities.

The above described or defined area shall be referred to herein as the "permit area".

TERMS AND CONDITIONS

I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.

E. Existing Rights. This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.

F. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

G. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

H. Assignability. This permit is not assignable or transferable. If the holder through death, voluntary sale or transfer, enforcement of contract, foreclosure, or other valid legal proceeding ceases to be the owner of the improvements, this permit shall terminate.

I. Permit Limitations. Nothing in this permit allows or implies permission to build or maintain any structure or facility, or to conduct any activity unless specifically provided for in this permit. Any use not specifically identified in this permit must be approved by the authorized officer in the form of a new permit or permit amendment.

II. TENURE AND ISSUANCE OF A NEW PERMIT

A. Expiration at the End of the Authorized Period. This permit will expire at midnight on **December 31, 2017**. Expiration shall occur by operation of law and shall not require notice, any decision document, or any environmental analysis or other documentation.

B. Construction. Any construction authorized by this permit may commence by n/a and shall be completed by n/a. If construction is not completed within the prescribed time, this permit may be revoked or suspended.

C. Minimum Use or Occupancy of the Permit Area. Use or occupancy of the permit area shall be exercised at least 365 days each year, unless otherwise authorized in writing under additional terms of this permit.

D. Notification to Authorized Officer. If the holder desires issuance of a new permit after expiration, the holder shall notify the authorized officer in writing not less than six (6) months prior to the expiration date of this permit.

E. Conditions for Issuance of a New Permit. At the expiration or termination of an existing permit, a new permit may be issued to the holder of the previous permit or to a new holder subject to the following conditions:

1. The authorized use is compatible with the land use allocation in the Forest Land and Resource Management Plan.
2. The permit area is being used for the purposes previously authorized.
3. The permit area is being operated and maintained in accordance with the provisions of the permit.

4. The holder has shown previous good faith compliance with the terms and conditions of all prior or other existing permits, and has not engaged in any activity or transaction contrary to Federal contracts, permits, laws, or regulation.

F. Discretion of Forest Service. Notwithstanding any provisions of any prior or other permit, the authorized officer may prescribe new terms, conditions, and stipulations when a new permit is issued. The decision whether to issue a new permit to a holder or successor in interest is at the absolute discretion of the Forest Service.

III. RESPONSIBILITIES OF THE HOLDER

A. Compliance with Laws, Regulations, and other Legal Requirements. The holder shall comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Control, and Liability Act, 42 U.S.C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation, and maintenance of any facility, improvement, or equipment on the property.

B. Plans. Plans for development, layout, construction, reconstruction, or alteration of improvements on the permit area, as well as revisions of such plans, must be prepared by a qualified individual acceptable to the authorized officer and shall be approved in writing prior to commencement of work. The holder may be required to furnish as-built plans, maps, or surveys, or other similar information, upon completion of construction.

C. Maintenance. The holder shall maintain the improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. If requested, the holder shall comply with inspection requirements deemed appropriate by the authorized officer.

D. Hazard Analysis. The holder has a continuing responsibility to identify all hazardous conditions on the permit area which would affect the improvements, resources, or pose a risk of injury to individuals. Any non-emergency actions to abate such hazards shall be performed after consultation with the authorized officer. In emergency situations, the holder shall notify the authorized officer of its actions as soon as possible, but not more than 48 hours, after such actions have been taken.

E. Change of Address. The holder shall immediately notify the authorized officer of a change in address.

F. Change in Ownership. This permit is not assignable and terminates upon change of ownership of the improvements or control of the business entity. The holder shall immediately notify the authorized officer when a change in ownership or control of business entity is pending. Notification by the present holder and potential owner shall be executed using Form FS-2700-3, Special Use Application and Report, or Form FS-2700-3a, Request for Termination of and Application for Special-Use Permit. Upon

receipt of the proper documentation, the authorized officer may issue a permit to the party who acquires ownership of, or a controlling interest in, the improvements or business entity.

IV. LIABILITY

For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

B. The holder shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the holder's use or occupancy of the property. The holder's indemnification of the United States shall include any loss by personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this permit. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this authorization, regardless of cause.

C. The holder has an affirmative duty to protect from damage the land, property, and interests of the United States.

D. In the event of any breach of the conditions of this authorization by the holder, the Authorized Officer may, on reasonable notice, cure the breach for the account at the expense of the holder. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional fees hereunder and shall be due from the holder to the Forest Service on the first day of the month following such election.

E. With respect to roads, the holder shall be proportionally liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided above, except that liability shall not include reasonable and ordinary wear and tear.

F. The Forest Service has no duty to inspect the permit area or to warn of hazards and, if the Forest Service does inspect the permit area, it shall incur no additional duty nor liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.

V. TERMINATION, REVOCATION, AND SUSPENSION

A. General. For purposes of this permit, "termination", "revocation", and "suspension"

refer to the cessation of uses and privileges under the permit.

"Termination" refers to the cessation of the permit under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the permit, a fixed or agreed upon condition, event, or time occurs. For example, the permit terminates at expiration. Terminations are not appealable.

"Revocation" refers to an action by the authorized officer to end the permit because of noncompliance with any of the prescribed terms, or for reasons in the public interest. Revocations are appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

B. Revocation or Suspension. The Forest Service may suspend or revoke this permit in whole or part for:

1. Noncompliance with Federal, State, or local laws and regulations.
2. Noncompliance with the terms and conditions of this permit.
3. Reasons in the public interest.
4. Abandonment or other failure of the holder to otherwise exercise the privileges granted.

C. Opportunity to Take Corrective Action. Prior to revocation or suspension for cause pursuant to Section V (B), the authorized officer shall give the holder written notice of the grounds for each action and a reasonable time, not to exceed 90 days, to complete the corrective action prescribed by the authorized officer.

D. Removal of Improvements. Prior to abandonment of the improvements or within a reasonable time following revocation or termination of this authorization, the holder shall prepare, for approval by the authorized officer, an abandonment plan for the permit area. The abandonment plan shall address removal of improvements and restoration of the permit area and prescribed time frames for these actions. If the holder fails to remove the improvements or restore the site within the prescribed time period, they become the property of the United States and may be sold, destroyed or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all cost associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VI. FEES

A. Termination for Nonpayment. This permit shall automatically terminate without the necessity of prior notice when land use rental fees are 90 calendar days from the due date in arrears.

B. The holder shall pay an annual fee of Six thousand two hundred thirty Dollars (\$6230.00) for the period from January 1 , 1998 , to December 31 , 1998 , thereafter annually on

January 1, 1999 : Provided, charges for this use shall be made or readjusted whenever necessary to place the charges on a basis commensurate with the fair market value of the authorized use.

C. **Payment Due Date.** The payment due date shall be the close of business on January 1 of each calendar year payment is due. Payments due the United States for this use shall be deposited at Unit Collection Officer, FS, Intermountain Region, File 60,000, San Francisco, CA 94160-1657 in the form of a check, draft, or money order payable to "Forest Service, USDA." Payments shall be credited on the date received by the designated Forest Service collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non workday, the charges shall not apply until the close of business on the next workday.

D. **Late Payment Interest.** Pursuant to 31 USC 3717, and regulations at 7 CFR Part 3, Subpart B, and 4 CFR Part 102, an interest charge shall be assessed on any payment or financial statement not received by the due date. Interest shall be assessed using the most current rate prescribed by the United States Department of Treasury's Financial Manual (TFM-6-8020). Interest shall accrue from the date the payment or financial statement was due. In the event that two or more billings are required for delinquent accounts, administrative costs to cover processing and handling of the delinquent debt will be assessed.

E. **Additional Penalties.** In the event of permit termination pursuant to provisions VI (A), and prior to the issuance of a new permit, a penalty of 6 percent per year shall be assessed on any fee amount overdue in excess of 90 days from the payment due date. This penalty shall accrue from the due date of the first billing or the date the fee calculation financial statement was due. The penalty is in addition to interest and any other charges specified in the above paragraph.

F. **Disputed Fees.** Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or appeal decision.

G. **Delinquent Fees.**

1. Delinquent fees and other charges shall be subject to all rights and remedies afforded the United States pursuant to Federal law and implementing regulations (31 U.S.C. 3711 et seq.).

2. The authorized officer shall require payment of fees owed the United States under any Forest Service authorization before issuance of a new permit.

VII. OTHER PROVISIONS

A. **Members of Congress.** No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

B. **Appeals and Remedies.** Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or

revisions thereto.

C. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

I. (B1): During the performance of this authorization, the holder agrees:

1. In connection with the performance of work under this authorization, including construction, maintenance, and operation of the facility, the holder shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, or disability. (Ref. Title VII of the Civil Rights Act of 1964, as amended).
2. The holder and employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, religion, sex, national origin, age, or disability, by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. (Ref. Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments, and the Age Discrimination Act of 1975).
3. The holder shall include and require compliance with the above nondiscrimination provisions in any subcontract made with respect to the operations under this authorization.
4. When furnished by the Forest Service, signs setting forth this policy of nondiscrimination will be conspicuously displayed at the public entrance to the premises, and at other exterior or interior locations as directed by the Forest Service.
5. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States of the State in which the breach or violation occurs.

II. (C3): As a further guarantee of the faithful performance of the provisions of terms and conditions of this authorization, the holder agrees to deliver and maintain a surety bond or other acceptable security in the amount of **\$88,000.00**. Should the sureties or the bonds delivered under this authorization become unsatisfactory to the Forest Service, the holder shall, within thirty (30) days of demand, furnish a new bond with surety, solvent and satisfactory to the Forest Service. In lieu of surety bond, the holder may deposit into a Federal depository, as directed by the Forest Service, and maintain therein, cash in the amounts provided for above, or negotiable securities of the United States having a market value at time of deposit of not less than the dollar amounts provided above.

The holder's surety bond shall be released, or deposits in lieu of bond, shall be returned thirty (30) days after certification by the Forest Service that priority installations under the development plan are complete, and upon furnishing by the holder of proof satisfactory to the Forest Service that all claims for labor and material on said installations have been paid or released and satisfied. The holder agrees that all moneys deposited under this authorization may, upon failure on his or her part to fulfill all and singular the requirements herein set forth or made a part hereof, be retained by the United States to be applied to satisfy obligations assumed here under, without prejudice whatever to any rights and remedies of the United States.

Prior to undertaking additional construction or alteration work not provided for in the above terms and conditions or when the improvements are to be removed and the area restored, the holder shall deliver and maintain a surety bond in an amount set by the Forest Service, which amount shall not be in excess of the estimated loss which the Government would suffer upon default in performance of this work.

III. (D4): The holder shall protect, in place, all public land survey monuments, private property corners, and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges permitted by this authorization, depending on the type of monument destroyed, the holder shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.

Further, the holder shall cause such official survey records as are affected to be amended as provided by law. Nothing in this clause shall relieve the holder's liability for the willful destruction or modification of any Government survey marker as provided at 18 U.S.C. 1858.

IV. (D5): The holder shall obtain prior written approval from the authorized officer before removing or altering vegetation or other resources. The holder shall obtain prior written approval from the authorized officer before planting trees, shrubs, or other vegetation within the authorized area.

V. (D9): The holder shall be responsible for prevention and control of soil erosion and gulying on lands covered by this authorization and adjacent thereto, resulting from construction, operation, maintenance, and termination of the authorized use. The holder shall so construct permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. The holder shall revegetate or otherwise stabilize all ground where the soil has been exposed as a result of the holder's construction, maintenance, operation, or termination of the authorized use and shall construct and maintain necessary preventive measures to supplement the vegetation.

VI. (D17): All National Forest timber cut or destroyed in the construction of the permitted improvements shall be paid for at current stumpage rates for similar timber in the National Forest. Young-growth timber below merchantable size will be paid for at current damage-appraisal value; and all slash and debris resulting from the cutting or destruction of such timber shall be disposed of as necessary or as the Forest Service may direct.

VII. (D23): Pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, trash fish, etc., without the prior written approval of the Forest Service. A request for approval of planned uses of pesticides will be submitted annually by the holder on the due date established by the authorized officer. The report will cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review will be provided in the form specified.

Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time an annual report was submitted.

Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned will be considered for use on National Forest System lands. Label instructions will be strictly followed in the application of pesticides and disposal of excess materials and containers.

VIII. (F7): The holder shall install fire extinguishers and firefighting apparatus of types, of capacities, in numbers, and at locations approved by the authorized officer. This equipment shall be in readiness at all times for immediate use, and shall be tested each year, at such times as may be required by the authorized officer.

IX. (F20): The holder shall prepare a fire plan for approval by the authorized officer which shall set forth in detail the plan for prevention, reporting, control, and extinguishing of fires on the authorized areas and within the holder's area of responsibility defined on an attached map. Such plans shall be reviewed and revised at intervals of not more than three (3) years.

X. (G1): 1. All construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations previously approved by the authorized officer.

2. Only the authorized officer may extend rights and privileges for use of the road constructed on the premises to other non-Federal users on the condition that such users shall pay a fair share of the current replacement cost less depreciation of the road and any reconstruction costs necessary to accommodate its use.

3. The Forest Service retains the right to occupy and use the right-of-way. It also may issue other uses including rights-of-way, on and through the authorized area, provided that the occupancy and use does not unreasonably interfere with the rights granted herein.

XI. (X17): The holder shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. These include, but are not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this authorization, and shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.

XII. (X18): This authorization supersedes a special-use authorization designated: RHONE - POULENC dated 10-09-90 and 11/30/92.

XIII. (X46): The holder shall furnish the authorized officer with the names and addresses of shareholders owning three (3) percent or more of the shares, and number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote. In addition, the holder shall notify the authorized officer within fifteen (15) days of the following changes:

1. Names of officers appointed or terminated.
2. Names of stockholders who acquire stock shares causing their ownership to exceed 50 percent of shares issued or who otherwise acquire controlling interest in the corporation.
3. A copy of the articles of incorporation and bylaws.

4. An authenticated copy of a resolution of the board of directors specifically authorizing a certain individual or individuals to represent the holder in dealing with the Forest Service.

5. A list of officers and directors of the corporation and their addresses.

6. Upon request, a certified list of stockholders and amount of stock owned by each.

7. The authorized officer may, when necessary, require the holder to furnish additional information as set forth in 36 CFR 251.54 (e)(1)(iv).

XIV. (X68): Notwithstanding the expiration or any renewal of this authorization or its earlier relinquishment, abandonment, or other termination, the provisions of this authorization, to the extent applicable, shall continue in effect and shall be binding on the holder, successors, or assigns, until they have fully performed their respective obligations and liabilities accruing before or on account of the expiration, or prior termination, of the authorization.

XV. (X69): The acquisition or assumption by another party under an agreement with the holder of any right or obligation of the holder under this authorization shall be ineffective as to the Forest Service unless and until approved by the authorized Forest officer. A subsequent acquisition or assumption shall not:

1. Operate to relieve the holder of the responsibilities or liabilities they have assumed hereunder, or

2. Be given unless such other party (1) is acceptable to the Forest Service as a holder, and assumes in writing all of the obligations to the Forest Service under the terms of this authorization as to the incomplete portion thereof, or (2) acquires the rights in trust as security and subject to such conditions as may be necessary for the protection of the public interests.

XVI. (X74): This authorization does not convey any legal interest in water rights as defined by applicable State law.

XVII. (X96): Appeal of any provisions of this authorization or any requirements thereof shall be subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0598-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Public reporting burden for collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB # 0596-0082), Washington, D.C. 20503.

This permit is accepted subject to the conditions set out above.

Date April 8, 1999

NU - WEST INDUSTRIES, INC.

(CORPORATE SEAL)

By Jon P. Goode
(Vice) President

ATTEST:

[Signature]
(Assistant) Secretary

The following certificate shall be executed by the Secretary or Assistant Secretary of the Corporation:

I, Dorothy E. A. Bower certify that I am the Secretary of the Corporation that executed the above permit; that Jon Goode who signed said permit on behalf of said Corporation was then Vice President of said Corporation; that I know his/her signature on said permit is genuine; and that said permit was duly signed, sealed, and attested to for and on behalf of said Corporation by authority of its governing body

[Signature]
(Assistant Secretary)

(CORPORATE SEAL)

U. S. DEPARTMENT OF AGRICULTURE
Forest Service

By James B. Ruse
(Authorized Officer Signature)

Forest Supervisor
(Title)

5/4/99
(Date)

EXHIBIT A

This permit covers 170 acres and is describes as follows:

T6S. R43E. B.M.

Section 22

SE $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	40 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	5 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	5 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Pit	2.5 acres

Section 26:

S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Roads and ponds	20.0 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	Pit	2.5 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	Wells and pipeline	2.5 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Pipeline	2.5 acres

Section 25:

SW $\frac{1}{4}$ NW $\frac{1}{4}$	Shop ponds and Dump	40 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Dump and ponds	10 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Dump and ponds	10 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Dump and ponds	10 acres

Section 27:

N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Dump	5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	Dump	2.5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	Storage tank & pipeline	2.5 acres



United States
Department of
Agriculture

Forest
Service

Caribou
National
Forest

Soda Springs Ranger District
421 West Second South
Soda Springs, ID 83276

File Code: 2720

Date: April 1, 1999

Reply Code:

Subject: Special Use Permit 4050-01, Nu-West Industries

To: Forest Supervisor

The land descriptions in Exhibit A of the Special Use Permit 4050-01 sent to Nu-West Industries in November 1998 had some errors. Please change the Special Use Permit 4050-01 to contain 170 acres described below:

T6S. R43E. B.M.

Section 22

SE $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	40 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	5 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	5 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Pit	2.5 acres

Section 26:

S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Roads and ponds	20.0 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	Pit	2.5 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	Wells and pipeline	2.5 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Pipeline	2.5 acres

Section 25:

SW $\frac{1}{4}$ NW $\frac{1}{4}$	Shop ponds and dump	40 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Dump and ponds	10 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Dump and ponds	10 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Dump and ponds	10 acres

Section 27:

N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Dump	5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	Dump	2.5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	Storage tank & pipeline	2.5 acres

The following parcels of land were removed from the original land descriptions for several reasons:

T6S. R43E. B.M.

Section 22

NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Dump 2.5 acres

This parcel was listed twice in the original descriptions.

SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Dump 2.5 acres

This parcel describes the original footprint of the north dump which has now been changed because of the new haul road location.

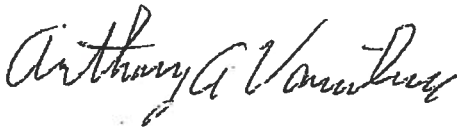
NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Dump 2.5 acres

This parcel describes land not involved with the minesite and was a mistake in the original descriptions.

Nu-West Industries, Inc. paid fees for 177.5 acres as described in the original Special Use Permit 4050-01. An adjustment will be made at a later date to reflect fees for 157.5 acres for 1998 and 170 acres for 1999. Clause VI.B. FEES in the permit will remain at \$6230 (177.5 acres) since this amount was paid.

Thank you for making these changes to the Special Use Permit. If you have any questions please contact Anita Lusty or me at the District Office.

Sincerely,



ANTHONY A. VARILONE
District Ranger

AL/tp

SODA SPRINGS R.D.

MA 024 '99

U.S. DEPARTMENT OF AGRICULTURE

FOREST SERVICE

PRIVATE ROAD SPECIAL-USE PERMIT

Act Of October 21, 1976
(PL 94-579); 36 CFR 251.50, et seq

Holder No. 5508 4050-02	Issue Date 5/14/99	Expir. Date 12/31/17
Type Site(s) 753	Authority 676	Auth. Type 20
Region/Forest/District 04 / 05 / 02		State/County 16 / 029
Cong. Dist. 02	Latitude 42-51-10	Longitude 111-25-17

Nu-West Industries, Inc of 3010 Conda Road, Soda Springs, Idaho, 83276

The lands covered by this permit are located in the County of Caribou State of Idaho and are described as follows:

This permit covers a right-of-way **7.3** miles in length, **175 (average)** feet in width, containing approximately **155** (rounded) acres, and is located upon the ground according to the survey line, figures, measurements, widths, and other references shown on the map or plat attached hereto and made a part hereof.

1. This permit is subject to all existing easements and valid rights existing on this date.
2. The Permittee in exercising the privileges granted by this permit shall comply with all applicable State and Federal laws, Executive Orders, and Federal rules and regulations, and shall comply with all State standards for public health and safety, environmental protection, and siting construction, operation, maintenance of or for rights-of-way for similar purposes if those standards are more stringent than applicable Federal standards.
3. The Permittee shall cut no timber except as authorized by construction stipulations or maintenance agreements.

4. The Permittee shall provide maintenance so that no damage occurs on adjacent National Forest land. The Permittee shall construct and maintain lead-off drainage and water barriers as necessary to prevent erosion.

5. Permittee shall pay the United States for all injury, loss, or damage, including fire suppression costs, in accordance with Federal and State laws.

6. Permittee shall indemnify the United States for any and all injury, loss, or damage, including fire suppression costs the United States may suffer as a result of claims, demands, losses, or judgments caused by the Permittee's use or occupancy under this permit.

7. Permittee shall pay annually in advance a sum determined by the Forest Service to be the fair market value of the use authorized by this permit. The initial payment is set at \$3244.00 (rounded) for the remainder of the calendar year. Payments for each subsequent calendar year shall be the amount of \$ 20.93 adjusted using the Implicit Price Deflator-Gross National Product index (IPD-GNP), or other factor selected by the Forest Service, to reflect more nearly the current fairmarket value of the use. At intervals to be determined by certain changes in the indexes used to establish the linear rights-of-way fee schedule, the fee shall be reviewed and adjusted as necessary to assure that it is commensurate with the value of the rights and privileges authorized. Failure of the Permittee to pay the annual payment, late charges, or other fees or charges shall cause the permit to terminate.

8. The Permittee shall pay an interest charge on any fee amount not paid by the payment due date.

Interest shall be assessed using the most current rate prescribed by the United States Department of Treasury Financial Manual (TFM-6-8020). Interest shall accrue from the date the fee payment was due. In addition, certain processing and handling administrative costs may be assessed in the event the account becomes delinquent and added to the amounts due.

A penalty of 6 percent per year shall be assessed on any fee amount overdue in excess of 90 days from the due date of the first billing.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date(s) for any of the above payments or fee calculation statements fall on a nonworkday, the charges shall not apply until the close of business of the next workday.

9. All construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations approved by the Forest Service prior to beginning such construction or reconstruction.

10. The Permittee shall repair fully all damage to National Forest roads and trails caused by the exercise of the privileges granted by this permit.

11. The United States may use the roads without cost for all purposes deemed necessary or desirable in connection with the protection and administration of the lands or resources of the United States, provided that it will use the road for commercial hauling purposes, other than the removal of timber cut in construction or maintenance of the road or other occasional incidental use, only after arranging to pay or perform its pro rata share of road maintenance.

12. The Forest Service alone may extend rights and privileges for use of the road constructed on the premises to other non-Federal users provided that such users shall pay a fair share of the current replacement cost less depreciation of the road to the permittee, and reconstruct the road as necessary to accommodate their use.

13. The Forest Service retains the right to occupy and use the right-of-way and to issue or grant rights-of-way for land uses, for other than road purposes, upon, over, under, and through the permit area provided that the occupancy and use do not interfere unreasonably with the rights granted herein.

14. The Forest Service shall have the right to cross and recross the premises and road at any place by any reasonable means and for any purpose in such manner as does not interfere unreasonably with use of the road.

15. The Permittee shall maintain the right-of-way clearing by means of chemicals only after the Forest Supervisor has given specific written approval. Application for such approval must be in writing and must specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.

16. Unless sooner terminated in accordance with the provisions of the permit, or revoked by the Regional Forester, this permit shall expire and terminate on **December 31, 2017**.

17. This permit may be terminated or suspended upon breach of any of the conditions herein, or revoked at the discretion of the Regional Forester.

18. Upon termination or revocation of this special-use authorization, the Permittee shall remove within a reasonable time the structures and improvements and shall restore the site to a condition satisfactory to the authorized officer, unless otherwise waived in writing or in the authorization. If the Permittee fails to remove the structures or improvements within a reasonable period, as determined by the authorized officer, they shall become the property of the United States, but this does not relieve the Permittee from liability for the removal and site restoration costs.

19. C-3.

As a further guarantee of the faithful performance of the provisions of terms and conditions of this authorization, the holder agrees to deliver and maintain a surety bond or other acceptable security in the amount of **\$279,000.00**. Should the sureties or the bonds delivered under this authorization become unsatisfactory to the Forest Service, the holder shall, within thirty (30) days of demand, furnish a new bond with surety, solvent and satisfactory to the Forest Service. In lieu of surety bond, the holder may deposit into a Federal depository, as directed by the Forest Service, and maintain therein, cash in the amounts provided for above, or negotiable securities of the United States having a market value at time of deposit of not less than the dollar amounts provided above.

The holder's surety bond shall be released, or deposits in lieu of bond, shall be returned thirty (30) days after certification by the Forest Service that priority installations under the development plan are complete, and upon furnishing by the holder of proof satisfactory to the Forest Service that all claims for labor and material on said installations have been paid or released and satisfied. The holder agrees that all moneys deposited under this authorization may, upon failure on his or her part to fulfill all and singular the requirements herein set forth or made a part hereof, be retained by the United States to be applied to satisfy obligations assumed here under, without prejudice whatever to any rights and remedies of the United States.

Prior to undertaking additional construction or alteration work not provided for in the above terms and conditions or when the improvements are to be removed and the area restored, the holder shall deliver and maintain a surety bond in an amount set by the Forest Service, which amount shall not be in excess of the estimated loss which the Government would suffer upon default in performance of this work.

20. D-9.

The holder shall be responsible for prevention and control of soil erosion and gullyng on lands covered by this authorization and adjacent thereto, resulting from construction, operation, maintenance, and termination of the authorized use. The holder shall so construct permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. The holder shall revegetate or otherwise stabilize all ground where the soil has been exposed as a result of the holder's construction, maintenance, operation, or termination of the authorized use and shall construct and maintain necessary preventive measures to supplement the vegetation.

21. X-17.

The holder shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. These include, but are not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this authorization, and shall leave such discoveries intact until

authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.

22. X-18.

This authorization supersedes a special-use authorization designated: Rhone Poulenc Inc. dated 10/9/90

23. X-46. Corporation Status Notification. The following condition shall be included in all special-use authorizations issued to corporations:

The holder shall furnish the authorized officer with the names and addresses of shareholders owning three (3) percent or more of the shares, and number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote. In addition, the holder shall notify the authorized officer within fifteen (15) days of the following changes:

1. Names of officers appointed or terminated.
2. Names of stockholders who acquire stock shares causing their ownership to exceed 50 percent of shares issued or who otherwise acquire controlling interest in the corporation.
3. A copy of the articles of incorporation and bylaws.
4. An authenticated copy of a resolution of the board of directors specifically authorizing a certain individual or individuals to represent the holder in dealing with the Forest Service.
5. A list of officers and directors of the corporation and their addresses.
6. Upon request, a certified list of stockholders and amount of stock owned by each.
7. The authorized officer may, when necessary, require the holder to furnish additional information as set forth in 36 CFR 251.54 (e)(1)(iv).

24. X-68.

Notwithstanding the expiration or any renewal of this authorization or its earlier relinquishment, abandonment, or other termination, the provisions of this authorization, to the extent applicable, shall continue in effect and shall be binding on the holder, successors, or assigns, until they have fully performed their respective obligations and liabilities accruing before or on account of the expiration, or prior termination, of the authorization.

25. X-69.

The acquisition or assumption by another party under an agreement with the holder of any right or obligation of the holder under this authorization shall be ineffective as to the Forest Service unless and until approved by the authorized Forest officer. A subsequent acquisition or assumption shall not:

1. Operate to relieve the holder of the responsibilities or liabilities they have assumed hereunder, or
2. Be given unless such other party (1) is acceptable to the Forest Service as a holder, and assumes in writing all of the obligations to the Forest Service under the terms of this authorization as to the incomplete portion thereof, or (2) acquires the rights in trust as security and subject to such conditions as may be necessary for the protection of the public interests.

26. X-96.

Appeal of any provisions of this authorization or any requirements thereof shall be subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Public reporting burden for this collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as

reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB # 0596-0082), Washington, D.C. 20503.

This permit is accepted subject to the conditions set out above.

Date April 8, 1999

NU - WEST INDUSTRIES, INC.

By Jan P. Goode
(Vice) President

(CORPORATE SEAL)

ATTEST:

[Signature]
(Assistant) Secretary

The following certificate shall be executed by the Secretary or Assistant Secretary of the Corporation:

I, Dorothy E.A. Bower certify that I am the Secretary of the Corporation that executed the above permit; that Jan Goode who signed said permit on behalf of said Corporation was then Vice President of said Corporation; that I know his/her signature on said permit is genuine; and that said permit was duly signed, sealed, and attested to for and on behalf of said Corporation by authority of its governing body

[Signature]
(Assistant Secretary)

(CORPORATE SEAL)

U. S. DEPARTMENT OF AGRICULTURE
Forest Service

By [Signature]
(Authorized Officer Signature)

Forest Supervisor
(Title)

5/14/99
(Date)



United States
Department of
Agriculture

Forest
Service

Caribou-Targhee
National
Forest

1405 Hollipark Drive
Idaho Falls, ID 83401
208-524-7500

File Code: 6270

Date: April 25, 2011

Bryce A. Contor
Hydrologist
Rocky Mountain Environmental
482 Constitution
bcontor@rockymountainenvironmental.com
Idaho Falls, ID 83402

CERTIFIED MAIL : Return Receipt Requested
7010 1060 0001 4316 5340

Dear Bryce,

This letter is in response to your Freedom of Information Act (FOIA) request, dated April 21, 2011. In your request you specifically ask for the following:

- Copies of the maps attached to permits SSC-7 (formerly SUP-4050-1) and SSC-8 (formerly SUP 4050-2).

You then clarified that a written legal description would be adequate in place of a map, if that was the exhibit attached to the special use permit

I have enclosed the documentation responsive to your request (5 pages). If you have any questions concerning this FOIA request, please contact Tina Robison at (208) 547-1102, and reference log # 11-1181-R.

Pursuant to Title 7 Code of Federal Regulations (CFR), Subtitle A, Part 1, Subpart A, Appendix A, there is no charge for the records enclosed as the amount falls below the minimum amount required for the Forest Service to collect fees.

Sincerely,

BRENT L. LARSON
Forest Supervisor

Enclosure

cc: Tina F Robison



Caring for the Land and Serving People

Printed on Recycled Paper



77251

EXHIBIT A

This permit covers 170 acres and is describes as follows:

T6S. R43E. B.M.
Section 22

SE $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	40 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	5 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	5 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Pit	2.5 acres

Section 26:

S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Roads and ponds	20.0 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	Pit	2.5 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	Wells and pipeline	2.5 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Pipeline	2.5 acres

Section 25:

SW $\frac{1}{4}$ NW $\frac{1}{4}$	Shop ponds and Dump	40 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Dump and ponds	10 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Dump and ponds	10 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Dump and ponds	10 acres

Section 27:

N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Dump	5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	Dump	2.5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	Storage tank & pipeline	2.5 acres



United States
Department of
Agriculture

Forest
Service

Caribou
National
Forest

Soda Springs Ranger District
421 West Second South
Soda Springs, ID 83276

File Code: 2720

Date: April 1, 1999

Reply Code:

Subject: Special Use Permit 4050-01, Nu-West Industries

To: Forest Supervisor

The land descriptions in Exhibit A of the Special Use Permit 4050-01 sent to Nu-West Industries in November 1998 had some errors. Please change the Special Use Permit 4050-01 to contain 170 acres described below:

T6S. R43E. B.M.

Section 22

SE $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	40 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	5 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	5 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Dump	2.5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Pit	2.5 acres

Section 26:

S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Roads and ponds	20.0 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	Pit	2.5 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	Wells and pipeline	2.5 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Pipeline	2.5 acres

Section 25:

SW $\frac{1}{4}$ NW $\frac{1}{4}$	Shop ponds and dump	40 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Dump and ponds	10 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Dump and ponds	10 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Dump and ponds	10 acres

Section 27:

N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Dump	5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	Dump	2.5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	Storage tank & pipeline	2.5 acres

The following parcels of land were removed from the original land descriptions for several reasons:

T6S. R43E. B.M.

Section 22

NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Dump 2.5 acres

This parcel was listed twice in the original descriptions.

SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Dump 2.5 acres

This parcel describes the original footprint of the north dump which has now been changed because of the new haul road location.

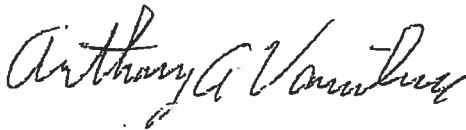
NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Dump 2.5 acres

This parcel describes land not involved with the minesite and was a mistake in the original descriptions.

Nu-West Industries, Inc. paid fees for 177.5 acres as described in the original Special Use Permit 4050-01. An adjustment will be made at a later date to reflect fees for 157.5 acres for 1998 and 170 acres for 1999. Clause VI.B. FEES in the permit will remain at \$6230 (177.5 acres) since this amount was paid.

Thank you for making these changes to the Special Use Permit. If you have any questions please contact Anita Lusty or me at the District Office.

Sincerely,



ANTHONY A. VARILONE
District Ranger

AL/tp

FMC MINERAL
HOLDINGS

negando 600'

2.41
154.2
155
down

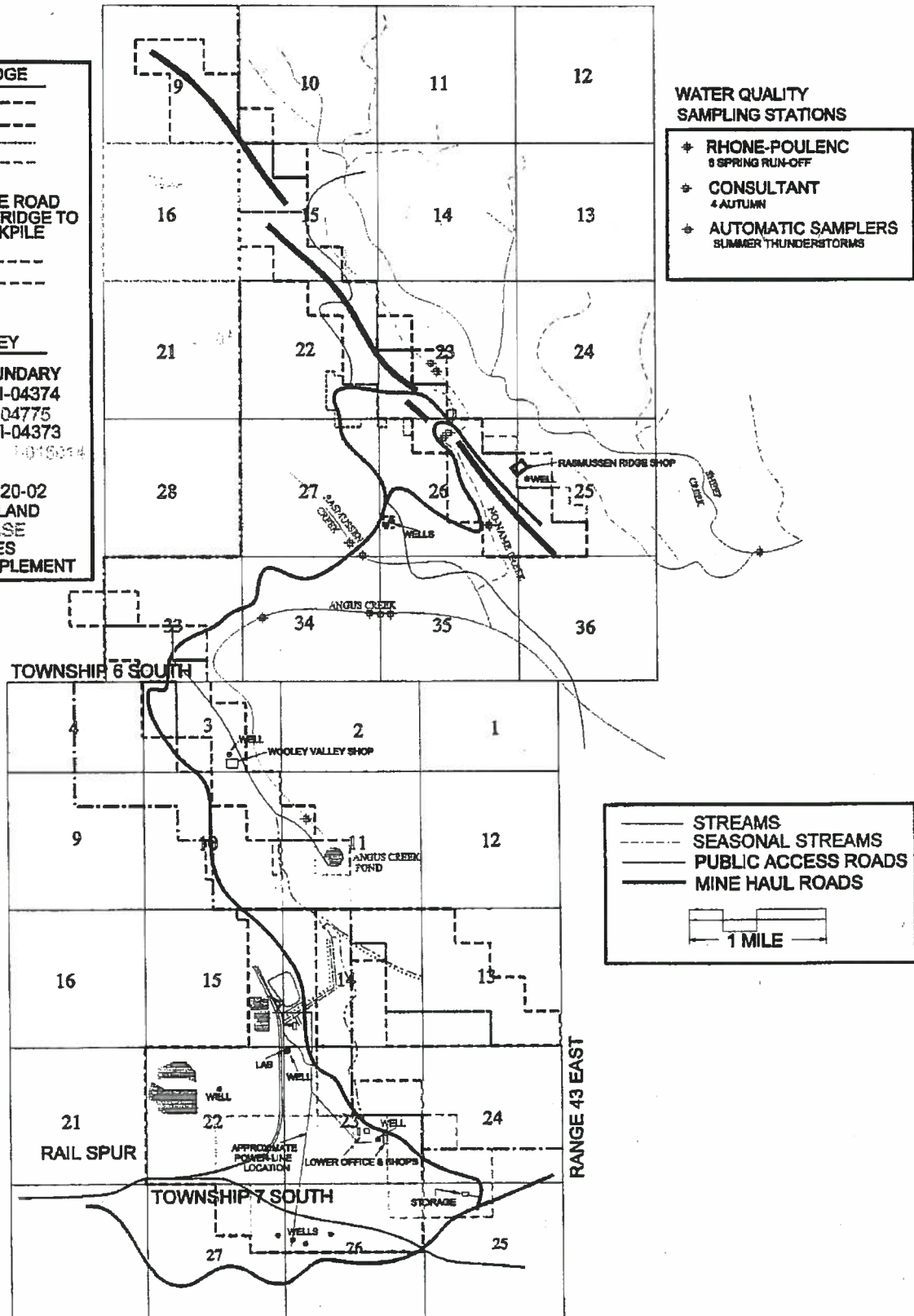


NU-WEST INDUSTRIES, INC SITE MAP

RASMUSSEN RIDGE	
I-07619	----
I-04375	----
S.U.P. I-04375	----
S.U.P. 4064-01	----
S.U.P. 4064-02	----
ORE HAULAGE ROAD RASMUSSEN RIDGE TO TIPPLE STOCKPILE	
S.U.P. 4064-03	----
LEASE MODIFICATIONS	----
WOOLEY VALLEY	
-----	USFS BOUNDARY
-----	UNIT IV I-04374
-----	UNIT I I-04775
-----	UNIT III I-04373
-----	PANEL F I-016014
-----	I-97
-----	S.U.P. 4020-02
-----	PRIVATE LAND
-----	FMC LEASE
ADDITIONAL LEASES ON BELT-LINE SUPPLEMENT	

WATER QUALITY SAMPLING STATIONS

- ✦ RHONE-POULENC
8 SPRING RUN-OFF
- ✦ CONSULTANT
4 AUTUMN
- ✦ AUTOMATIC SAMPLERS
SUMMER THUNDERSTORMS



C:\STEVE\DRAWING\78\SITE.DWG

77251



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

May 18, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

NU-WEST INDUSTRIES INC
ATT: JUSTIN SKINNER
3010 CONDA RD
SODA SPRINGS, ID 83276

RE: Transfer No. 77254 and 77251

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the CARIBOU COUNTY SUN on May 26 and June 2, 2011. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 18, 2011

IDAHO DEPT OF LANDS
3563 RIRIE HWY
IDAHO FALLS, ID 83401

US FOREST SERVICE
1405 HOLLIPARK DR
IDAHO FALLS ID 83401

RE: Application for Transfer 77254 and 77251

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, May 18, 2011 11:58 AM
To: 'Caribou County Sun (ccsun10@aol.com)'
Subject: Legal ad for your paper
Attachments: Caribou County Sun E-Mail.doc

Contacts: Caribou County Sun

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 77251

NU-WEST INDUSTRIES INC, ATT: JUSTIN SKINNER, 3010 CONDA RD, SODA SPRINGS, ID 83276 has filed Application No. 77251 for changes to the following water rights within CARIBOU County(s): Right No(s). 27-7417; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to add a point of diversion and to change the place of use. The points of diversion are in the SWNW and the SWNE Sec 26, NWNE Sec 22 and SENE Sec 27 T7S and NESW Sec 15 T6S R43E for 1.11 cfs. The place of use is within Sec 9, 10, 15, 16, 22, 23, 25, 26, 27, 33 and 34 T6Sand Sec 3, 10, 14, 15 and 23 T7S R43E for industrial use.

TRANSFER NO. 77254

NU-WEST INDUSTRIES INC, ATT: JUSTIN SKINNER, 3010 CONDA RD, SODA SPRINGS, ID 83276 has filed Application No. 77254 for changes to the following water rights within CARIBOU County(s): Right No(s). 27-7540; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to add a point of diversion and to change the place of use. The points of diversion are in the NWSW Sec 26 (existing) and in the NESW Sec 15 (new) T6S R43E for .89 cfs. The place of use is within Sec 9, 10, 15, 16, 22, 23, 25, 26, 27, 33, 34, T6S and Sec 3, 10, 11, 14, 15, 23, T7S R43E for industrial usage.

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before June 13, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on May 26 and June 2, 2011

Mathews, Kerrie

From: bcontor.rm@gmail.com on behalf of Bryce Contor
[bcontor@rockymountainenvironmental.com]
Sent: Tuesday, May 17, 2011 8:54 AM
To: Mathews, Kerrie
Cc: Skinner, Justin; Katy McKinley
Subject: Correction
Attachments: Microsoft Word - Transfer-App_27_7417_Revised_20110517_POD.pdf

Kerrie -

Attached please find a reprint of the Point of Diversion page from the transfer application for water right 27-7417, with the typographical error corrected on one of the existing Points of Diversion. Thanks for calling this to my attention.

Bryce

--

Bryce A. Contor
Hydrologist

482 Constitution, Idaho Falls, ID 83402

E-Mail: bcontor@rockymountainenvironmental.com

VOICE: 208-524-2353 ||| FAX: 208-524-1795 ||| CELL: 208-681-



9100

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to other than the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email to the sender or collect telephone call to (208) 524-2353. *Thank you.*

RECEIVED

MAY 17 2011

Department of Water Resources
Eastern Region