

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE &
BAILEY
CHARTERED**

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-8101
FACSIMILE (208) 232-6108

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 293-0011
FACSIMILE: (208) 433-0187

February 27, 2003

Harold Jones
Senior Water Rights Analyst
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Transmitted By Fax:
525-7177

Re: *P4 Production, L.L.C.*
Water Right No. 27-07121 - Application for Transfer

Dear Skip:

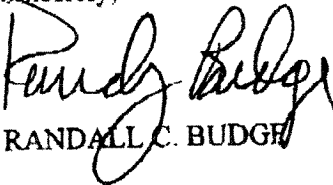
When we last discussed this matter January 21, you indicated that the advertisement had been completed, that no protests had been filed, but that approval was being delayed because P4 Production, L.L.C., was not qualified to do business in Idaho as a foreign limited liability company. I investigated this with the Secretary of State's Office and learned that P4 had qualified by filing made July 20, 1997, but was later cancelled on October 6, 2000, by reason of a failure to file the Annual Report. This was an oversight by P4 at the time.

P4 has now reapplied and registered as a foreign limited liability company with the Idaho Secretary of State's Office. I am enclosing a copy of the Application which was filed and effective February 19, 2003, as evidenced by the affixed stamp of the Secretary of State. Kindly proceed with the processing of this Transfer Application. The transfer is needed in conjunction with the development of the new South Rasmussen mine site.

If you have any questions or if further information is needed, please contact me.

Harold Jones
February 27, 2003
Page 2

Sincerely,


RANDALL C. BUDGE

RCB:rr

Attachment

cc: Monsanto:
Bob Geddes
Dave Farnsworth

253



APPLICATION FOR REGISTRATION OF FOREIGN LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED/EFFECTIVE

03 FEB 19 AM 10:37

STATE OF IDAHO

1. The name of the limited liability company is:

P4 Production LLC.

2. If the name of the limited liability company is not permissible or is not available in Idaho, the name the foreign limited liability company will use in Idaho is:

3. The jurisdiction under whose laws the limited liability company is organized is: Delaware
and the date of its formation was: 06/20/1997

4. The name and address of the registered agent in Idaho is: CT Corporation System
300 North 6th Street, Boise, Idaho 83702

5. The address of the limited liability company's office in the jurisdiction under whose laws it is organized is:

1209 Orange St., Wilmington, DE 19801

6. The address of the limited liability company's principal office, if other than the address in #5 above, is:

800 N. Lindbergh Blvd., St. Louis, MO 63167

7. The address to which correspondence should be addressed is:

800 N. Lindbergh Blvd., St. Louis, MO 63167, Attn: Law Department

8. Signature of a manager, if any, or a member
if there are no managers.

Signature Mark W. Boswell

Typed Name Mark W. Boswell

Manager ☒ Member ☐

Assistant Secretary of Monsanto Company
Manager of P4 Production LLC

Secretary of State use only

IDAHO SECRETARY OF STATE
02/19/2003 05:00
CK: 4110183025 CI: 2136 BN: 663704
1 e 100.00 = 100.00 REGFORLLC # 2

W22826



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 30, 2002

Lou Benedick
ID Dept of Lands
3563 Ririe Hwy
Idaho Falls ID 83401

RE: Application for Transfer #70241

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department.
Please review the application (s) and submit any comments you may have to our
Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

FAX

November 25 , 2002

To: Sharla Cox - IDWR - Eastern Regional Office –
Fax # (208) 525-7177

From: Lin Buck - BLM - Idaho State Office - Fax # (208) 373-3839

Re: Application for Transfer #70241, for P4 Production LLC

Hi Sharla:

Our office reviewed the above water right application for permit from the IDWR New Water Rights filing report dated November 12, 2002 (copy attached).

Our MTP (copy attached) indicates that the following may be State lands.

Original Water Right #27-07121

Place Of Use:

T06S R42E	S13	NESW	NWSW	SESW	SWNW	SWSE
	S14	NENE	NENW	NESE	NWNW	NWNW
		SENE	SWNE			
	S24	NENW	NESE	NWNE	NWSE	SENE
		SENW	SESE	SWNE	SWSE	
	S25	NENE	NWNE			
T06S R43E	S32	NWNW	SWNW			

Proposed Right #27-07121

Point(s) of Diversion:

T06S R43E S36 NWNE

Place Of Use:

T06S R43E	S21	NENE	NENW	NESE	NESW	NWNE
		NWNW	NWSE	NWSW		
	S36	NENE	NENW	NESE	NESW	NWNE
		NWNW	NWSE			

BLM does not have a problem with this transfer (the transfer did move the POUs in questions from BLM lands as we were told P4 would do). We are just providing this for your information.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
November 05, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

RE: Application for Transfer No 70241
Water Right No(s) 27-7121

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Caribou County Sun on November 14 and 21, 2002. Submittal of protests to this application will be allowed for a period ending ten days (December 2, 2002) after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 05, 2002

JEFF JONES
US DEPT OF AGRICULTURE
FOREST SERVICE
421 W 2ND S
SODA SPRINGS, ID 83276

RE: Application for Transfer 70241
Water Right Number(s) 27-7121

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 complete the processing of an unprotested application as soon as the protest period is past; therefore, your prompt response to this request is appreciated. If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be received in this office by December 2, 2002.

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

Sincerely,


Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 05, 2002

Legal Notice Department
CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS ID 83276

RE: Transfer No. 70241
Water Right No(s). 27-7121

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 2, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
11/6/02
sc*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70241

P4 PRODUCTION LLC, PO BOX 816, SODA SPRINGS ID 83276, has filed Application No. 70241 for changes to the following water rights within CARIBOU County:

Right No. 27-7121

Priority 2/9/1978

Source GROUND WATER

Use DOMESTIC 0.07 CFS
MINING (0 acres)

Total Amount 0.07 CFS

Point(s) of Diversion NESENW S30 T06S R43E

Place of Use S11 T06S R42E
S13 T06S R42E
S14 T06S R42E
S19 T06S R43E
S24 T06S R42E
S25 T06S R42E
S29 T06S R43E
S30 T06S R43E
S31 T06S R43E
S32 T06S R43E

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

The applicant is changing mining locations and will change the well site to the NWNE SEC 36 T6S R43E. Also the place of use will be in SEC 21, 22, 23, 25, 26 and 36 T6S R43E and SEC 31 T6S R44E.

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

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 December 02, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on November 14 and 21, 2002