

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 70241APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of applicant P4 Production, L.L.C. Phone 208-547-4300  
Post Office address PO Box 816, Soda Springs, Idaho 83276

## 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 the reason for the proposed changes Water will be used for dust control on mining haul roads and drilling fluid for core drills in newly-expanded portions of the mine, and also for domestic use for mine.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority          | Amount (cfs/ac-ft) | Nature of Use   | Period of Use                   |
|-----------------|-------------------|--------------------|-----------------|---------------------------------|
| <u>27-07121</u> | <u>02/09/1978</u> | <u>.070</u>        | <u>mining</u>   | <u>Jan. 1</u> to <u>Dec. 31</u> |
|                 | <u>02/09/1978</u> | <u>.020</u>        | <u>domestic</u> | <u>Jan. 1</u> to <u>Dec. 31</u> |
|                 |                   |                    |                 | to                              |
|                 |                   |                    |                 | to                              |
2. Total amount of water being transferred .070 cubic feet per second and/or 1.20 acre-feet per annum.
3. Source of water ground water tributary to \_\_\_\_\_
4. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|---|----|----|------|------|------|---------|--------------------------|
|     |   | NW | NE | 36   | 6S   | 43E  | Caribou |                          |
|     |   |    |    |      |      |      |         |                          |
|     |   |    |    |      |      |      |         |                          |
|     |   |    |    |      |      |      |         |                          |

## 5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals         |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|----------------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |                |
| 6S   | 43E  | 21   | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | X    | <del>640</del> |
| 6S   | 43E  | 22   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | <del>640</del> |
| 6S   | 43E  | 23   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | <del>640</del> |
| 6S   | 43E  | 25   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | <del>640</del> |
| 6S   | 43E  | 26   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | <del>640</del> |
| 6S   | 44E  | 31   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | <del>640</del> |
| 6S   | 43E  | 36   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | <del>640</del> |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |                |

Total acres 4,480

**PART 1**

**6. General Information:**

a. Description of diversion system By pump and other devices to convey water into vehicular carriers to transport to place of use.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

d. Remarks:

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_  
And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

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

Current Water Right No. 27-7121

Priority Date: 02/09/1978  
Origin: Adjudication Claim  
Basis: License  
Status: Active

Source: GROUND WATER

Tributary to:

| Beneficial Use  | From | To    | Diversion Rate | Volume | Subuse Code |
|-----------------|------|-------|----------------|--------|-------------|
| DOMESTIC        | 1/01 | 12/31 | 0.02 CFS       |        |             |
| MINING          | 1/01 | 12/31 | 0.07 CFS       |        |             |
| Total Diversion |      |       | 0.07 CFS       |        |             |

Source and Point(s) of Diversion:

GROUND WATER NESENW 06S 43E 30 CARIBOU

PLACE OF USE: MINING

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06S 42E 11  |    |    |    |    |    |    | X  |    | X  | X  | X  | X  |    | X  | X  |    |        |
| 06S 42E 13  |    |    |    |    |    |    | X  |    | X  | X  | X  | X  |    |    | X  |    |        |
| 06S 42E 14  | X  | X  | X  | X  | X  | X  |    |    |    |    |    |    | X  |    |    |    |        |
| 06S 42E 24  |    | X  | X  | X  | X  | X  |    | X  |    |    |    |    | X  | X  | X  | X  |        |
| 06S 42E 25  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 06S 43E 19  |    |    |    |    |    |    |    |    |    | X  | X  | X  |    |    |    |    |        |
| 06S 43E 29  |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |
| 06S 43E 30  |    | X  | X  | X  | X  | X  | X  | X  | X  | X  | X  | X  | X  | X  | X  | X  |        |
| 06S 43E 31  | X  | X  |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 06S 43E 32  |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |    |        |

Conditions/Remarks:

1. CHANGED OWNERSHIP PER REQUEST/JH/12-22-98

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Page 2

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

Transfer No. 70241  
Receipt No. \_\_\_\_\_

Current Water Right No. 27-7121

Documentation of Ownership of the Current Place of Use NA.

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?  
NO - USES

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer  
Mining area is being changed

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?  
NO

T70241





## PART 3

## B. CHANGES IN NATURE OF USE

| 1. | <u>New Nature of Use</u> | <u>Amount</u><br>(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|------------------------------|------------------------|----------------------|
|    | _____                    | _____                        | _____                  | _____ to _____       |
|    | _____                    | _____                        | _____                  | _____ to _____       |

2. Quantity and quality of return flows and location of discharge:

\_\_\_\_\_

\_\_\_\_\_

3. Describe effects on other water uses resulting from the proposed change:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Subscribed and sworn to before me this 31<sup>st</sup> day of October, 19 2002.

Randall C. Budge - Attorney For P4 Production, LLC  
(Signature of Applicant)

Robin Roebuck  
(Notary Public)

ROBIN ROEBUCK  
NOTARY PUBLIC  
STATE OF IDAHO

My commission expires 8/18/2006

## FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 5 attachments

Received by HWT Date 11-1-02 Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee 100.00

Receipted by HWT #E028284 Date 11-1-02

Published in Caribou Co. Sun Copies of protest forwarded by \_\_\_\_\_

Pub. dates Nov 14 & 21, 2002 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

770241

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

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

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

TELEPHONE (208) 232-6101  
FACSIMILE (208) 232-6109

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

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) 395-0011  
FACSIMILE: (208) 433-0167

October 31, 2002

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

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

Dear Skip:

On behalf of P4 Production, L.L.C., I am enclosing the following:

1. Form 42-1409, New Property Owner Notice of Change of Water Right Ownership.
2. Form 1-222, Application for Transfer of Water Right.
3. Check for filing fees in the amount of \$100.

Water Right No. 27-07121 is currently in the name of Dravo-Soda Springs. Dravo is the phosphate mining contractor for Monsanto, which operates the plant for the owner, P4 Production, L.L.C. This right was used pertaining to the operation of what is commonly known as the Henry Mine. That mine is being abandoned and the water right will no longer be used there. Accordingly, the purpose is to transfer the right to a recently drilled well in what is commonly known as Rasmussen Valley, where a new mine is being developed on state land which is leased. Why the right was previously in the name of Dravo-Soda Springs is unknown. The New Property Owner Notice of Change of Water Right Ownership, together with the attached Warranty Deed, have been

RECEIVED

NOV 01 2002

Department of Water Resources  
Eastern Region

ATTACHMENT T 70241  
1 OF 5

Harold Jones  
October 31, 2002  
Page 2

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executed by Dravo-Soda Springs for the purpose of transferring this right into the name of P4 Production, L.L.C. That will then allow the transfer to proceed in the name of P4.

Please file and process these Applications at your earliest convenience. If you have any questions, contact me.

Sincerely,



RANDALL C. BUDGE

RCB:rr  
Enclosures  
cc: Bob Geddes (w/encls.)

ATTACHMENT T 70241  
2 OF 5



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

DATE OF CLOSING: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_.

If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)  
Assigned by IDWR: 27-07121

☐ Name and Address of Former Owner/Claimant(s)(Seller): Dravo-Soda Springs  
P.O. Box 975

☐ New Owner/Claimant (Purchaser): Soda Springs, Idaho 83276  
P4 Production, L.L.C.

☐ New Mailing Address: P.O. Box 816  
Highway 34 North  
Soda Springs, Idaho 83276

☐ New Telephone Number: (208) 547 - 4300

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Attach proof of ownership, describe proof attached: See attached Warranty Deed.

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) x [Signature] for P4 LLC Date 10/23/02  
Date \_\_\_\_\_

☐ Signature of Former Owner/Claimant(s) x [Signature] for Dravo-Soda Springs Date 10/28/02  
Date \_\_\_\_\_

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

Initial Review and Data-Entry  
Date: \_\_\_\_\_ By: \_\_\_\_\_

Further Action Needed:

Further Action Taken  
Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry  
Date: \_\_\_\_\_ By: \_\_\_\_\_

Claim Numbers of Split, if any:

T 70241  
ATTACHMENT 3 OF 5

Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner

## WARRANTY DEED

FOR VALUE RECEIVED, DRAVO-SODA SPRINGS, of P.O. Box 975, Soda Springs, Idaho 83276 (hereinafter "Grantor"), does hereby grant, bargain, sell and convey unto P4 PRODUCTION, L.L.C., an Idaho limited liability company, whose current address is P.O. Box 816, Soda Springs, Idaho 83276 (hereinafter "Grantees"), their successors and assigns forever, the following described premises in Caribou County, Idaho, to-wit:

Idaho Department of Water Resources, Water Right No. 27-07121 for  
0.70 cfs.

TO HAVE AND TO HOLD the said premises, with their appurtenances, including all gas, oil and mineral rights.

Grantor does hereby covenant that it is the owner in fee simple of said premises, that they are free from all encumbrances, and that it will warrant and defend the same from all lawful claims.

DATED this 22<sup>th</sup> day of October, 2002.

DRAVO-SODA SPRINGS

By: \_\_\_\_\_

Its: \_\_\_\_\_

Quality Water  
SPONSOR

ATTACHMENT T 70241  
4 OF 5

STATE OF WASHINGTON )

County of Spokane ) : ss

On this 28<sup>th</sup> day of October, 2002, before me, the undersigned Notary Public, in and for said State and County, personally appeared Neal A. Degeerstrom, known or identified to me to be the Sponsor of Dravo-Soda Springs, whose name is subscribed to the within instrument and acknowledged to me that he is authorized and instructed to execute and has executed the same on behalf of said Corporation, and further acknowledged to me that said Corporation executed the same.

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

(SEAL)

James A. Fish  
NOTARY PUBLIC FOR WASHINGTON  
Residing at: Spokane  
My Commission expires: Oct. 1, 2003



## Idaho Secretary of State Viewing Business Entity

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### **P4 PRODUCTION, L.L.C.**

800 N LINDBERGH BLVD ST  
ST LOUIS, MO 63167

**Type of Business:** LIMITED LIABILITY COMPANY

**Status:** EXISTING 19 Feb 2003

**State of Origin:** DELAWARE

**Date of** 19 Feb 2003

**Origination/Authorization:**

**Current Registered Agent:** CT CORPORATION SYSTEM  
300 N 6TH ST  
BOISE, ID 83702

**File Number:** W22836

**Date of Last Annual Report:** N/A

#### **Amendments:**

**Amendment 0 filed 19 Feb 2003** REG. OF FOREIGN

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Comments, questions or suggestions can be emailed to: [sosinfo@idsos.state.id.us](mailto:sosinfo@idsos.state.id.us)