

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76703

This is to certify that: USA FERTILIZER INC
 86 N 550 W
 BLACKFOOT ID 83221
 (208)785-6100

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
29-7634	WR/Decreed	03/24/1982	0.24 cfs	16.2 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

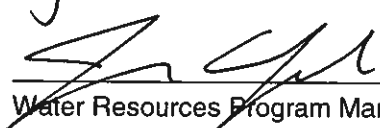
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
29-7634	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
29-7634	35-14042	0.18 cfs	13.2 af	N/A	N/A	29-13959	0.06 cfs	3.0 af	N/A	N/A
COMBINED TOTALS		0.18 cfs	13.2 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24th day of August, 2010


 Water Resources Program Manager

SUPPORT DATA

IN FILE # 29-7634

WATER RIGHT NO. 29-13959
As Modified by Transfer No. 76703

In accordance with the approval of Transfer No. 76703, Water Right No. 29-13959 is now described as follows.

Right Holder: USA FERTILIZER INC
 86 N 550 W
 BLACKFOOT ID 83221

Priority Date: March 24, 1982

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Volume
INDUSTRIAL	01/01	to 12/31	0.06 CFS	3.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 21 Twp 07S Rge 31E POWER County

PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	31E	21																	X

CONDITIONS OF APPROVAL

- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24th day of August, 20 10



Water Resources Program Manager

Right Holder: USA FERTILIZER INC
86 N 550 W
BLACKFOOT ID 83221

Source: GROUND WATER

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER NENW Sec. 31 Twp 02S Rge 35E BINGHAM County

[illegible]

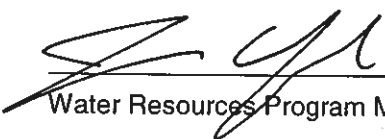
WATER RIGHT NO. 35-14042
As Modified by Transfer No. 76703

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Prior to diversion and use of water under Transfer approval 76703, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. Industrial use is for a fertilizer production facility.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
7. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24th day of August, 20 10


Water Resources Program Manager