

MEMORANDUM

Date: June 29, 2010
To: Transfer 76399
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the point of diversion and place of use for water right 27-7452. P4 Production LLC owns and operates the South Rasmussen phosphate mine in SE Idaho near Soda Springs. P4 is in the process of construction a water management system to intercept runoff water and address concerns about water quality raised by EPA. This ground water transfer will supplement water under right 27-07121 and use the same point of diversion and place of use. Right 27-7452 will help cover losses to the ground water system that will be captured by the water management system. The water management system consists of 1) an interception trench approximately 4 feet wide and 20 feet deep. (2) Surface water runoff from the Horseshoe Overburden Pile that will flow down gradient to a wetland area. (3) Surface water below the wetland at SR-4 impoundment. (4) Groundwater that seeps beneath the Haul Road Pond which will be collected and pumped back into pond. This water will be pumped back to a geo-synthetic lined pond (Haul Road Pond). All captured water that does not meet water quality standards will be used for dust suppression, evaporated, or otherwise managed and used on site.

Authority to File:

Applicant is the Lessee of water right 27-7452 per IDWR record. Applicant has lease agreements with the State of Idaho Department of Lands. Randy Budge who is P4 Productions attorney signed the application. The Department of Lands submitted written comment via email indicating their not opposed to the transfer.

Water Right Validity:

Decreed in 2008. Forfeiture not an issue.

Injury to Other Water Rights:

Not within a water district and outside the ESPA. POD is being moved approximately 3 miles to the SE. This POD change will help offset depletions to the GW system and help P4 come into compliance with water quality standards. No evidence of injury.

Advertise to determine protest.

Enlargement of Use:

Right 27-7452 use was for dust abatement and general mining purposes. Dust abatement is 100 percent consumptive. The new water use will remain the same.
No issues identified

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.